



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for a conditional use permit request for “Motorcycle and motor scooters sales and service” and “Snowmobile, ATV sales and repair” to be located at 4930 East 2550 North, Suite 6 Eden, UT

Agenda Date: Tuesday, December 01, 2015

Type of Decision: Administrative

Applicant: Dog and Bone, LLC

Authorized Agent: Kenny Watkins

File Number: CUP# 2015-21

Property Information

Approximate Address: 4930 East 2550 North Eden, UT

Project Area: 0.98 Acres

Zoning: Commercial Valley-2 (CV-2)

Existing Land Use: Commercial Development

Proposed Land Use: Commercial Development

Parcel ID: 22-158-0006 & 22-158-0007

Township, Range, Section: Township 7 North, Range 1 East, Section 34



Adjacent Land Use

North: Commercial	South: Commercial
East: Commercial	West: Commercial

Staff Information

Report Presenter: **Ronda Kippen**
 rkippen@co.weber.ut.us
 801-399-8768

Report Reviewer: SM

Applicable Ordinances

- Title 104, Chapter 21 Commercial Valley Zones (CV-2)
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 7 Supplementary and Qualifying Regulations
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and access Regulations
- Title 108, Chapter 16 Ogden Valley Lighting
- Title 110, Chapter 2 Ogden Valley Signs

Summary and Background

The Planning Division is recommending approval of the applicant’s request for a conditional use permit to allow for repairs and/or restoration services for small engine vehicles such as motorcycles, scooters, ATV’s, snowmobiles and other small engines in the new commercial building located in “Unit 6” at 4930 East 2550 North Eden, UT. The proposed site received approval of the required design review and a conditional use permit for auto repairs and service on February 24, 2015 and is quickly approaching final occupancy. The site is in the Commercial Valley-2 (CV-2) Zone and the proposed use is allowed only when authorized by a conditional use permit. The purpose of the CV-2 Zone is to provide suitable areas for the location of various types of commercial activity needed to serve the people and commerce of the Ogden Valley and has been established to provide a broad range of commercial services and goods to serve the Ogden Valley. The property is surrounded by a variety of commercial uses; making this an ideal location for the proposed conditional use which will be beneficial by providing small engine service to the residents of the Ogden Valley.

Conditional use permits shall be approved as long as any harmful impact is mitigated by imposing reasonable conditions. The Uniform Land Use Code of Weber County, Utah (LUC) has specified certain standards necessary for mitigation of harmful impact to which the proposal must adhere. The proposed application meets these standards. The following is staff's evaluation of the request.

Analysis

General Plan: The Ogden Valley General Plan identifies the need to encourage commercial development in the Ogden Valley by balancing commercial development and residential growth and that such development occur in a manner that does not detract from the area's character. (see the 1998 Ogden Valley General Plan § 5 Commercial Development).

The proposed use conforms to the Ogden Valley General Plan by encouraging commercial development within established commercial areas and enforcing the adopted "quality development standards" to ensure compatibility with the Valley's character.

Zoning: The Commercial Valley Zones provide for suitable areas to locate various types of commercial activities needed to serve the people of the Ogden Valley. The CV-2 Zone has been established for "General Commercial" and can be further described per LUC §104-21-1(c) as follows:

The CV-2 Zone (General Commercial) has been established for the purpose of providing a broad range of commercial services and goods to serve a larger region of the county like the Ogden Valley. Areas with CV-2 zoning have a principal patronage which originates throughout the Ogden Valley or is due to recreation in the Ogden Valley. CV-2 areas are to be a commercial hub or node of activity. These areas, as outlined in the General Plan, are to be near the traditional town centers of the Ogden Valley and not to be strung out along the highways. Uses in the CV-2 Zone may provide goods and services not typically found amongst commercial areas within resorts including automobile sales and service, sporting goods, service stations, hotels, and professional offices.

The proposed uses are being reviewed as "Motorcycle and motor scooters sales and service" and "Snowmobile, ATV sales and repair" and are considered conditionally permitted per the CV-2 Zone use table found in the LUC §104-21-5.

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The applicant commits to "operating a clean, orderly and professional shop" with normal hours of operation (see Exhibit A). Waste and recycling containers have been proposed and will be required to handle the disposal of all oil and coolant waste. An exhaust system has also been proposed to enable the engines to be operated inside the building, which will provide adequate mitigation measures to reduce possible outdoor noise and environmental pollution. The applicant has provided adequate details regarding the proposed use and based on the review of the proposal, it is anticipated that there will not be substantial detriment effects. A condition has been made part of the Planning Division's recommendations to ensure that the applicant adheres to the approved proposal and conducts all small engine testing, maintenance, repairs and services inside the commercial building with the exception of loading and unloading the small engines during delivery and pick up.

Design Review: The commercial zone and the proposed conditional use, mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. The commercial building and site improvements have already been approved through an earlier required design review process. Prior to the issuance of the requested conditional use permit, final occupancy will need to be obtained by the property owner. A condition has been made part of the Planning Division's recommendations to ensure that all site improvements adhere to the previous approvals.

Certain areas of the design review are only applicable to the current application for the "Motorcycle and motor scooters sales and service" and "Snowmobile, ATV sales and repair", such as parking and signage. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

- *Considerations relating to traffic safety and traffic congestion.* As part of the original consideration, the property owner proposed and received approval for a "Complete Street" design that included parking and drive approaches to the building. A loading and delivery area has been identified along the rear of the building including additional parking to ensure continued traffic flow along 2550 North (see Exhibit B). The property owner has provided 29 parking spaces on the site plan and has committed one parking space per employee plus five parking spaces for client use for the conditionally approved "Auto Repair Shop" that will be located in Units 1 and 2 of the commercial building. The current proposal has been reviewed as a "Service repair shop (general)" for the parking standards as outlined in LUC §108-8-4 which requires at least four client spaces. One parking space per employee should also be allotted for the proposal to ensure adequate parking. A condition has been made part of the Planning Division's

recommendations to ensure adequate parking at a minimum of four client parking spaces and one parking space per employee will be allocated to the proposed business.

- *Considerations relating to outdoor advertising.* The applicant has provided architectural renderings for the permitted wall sign in the CV-2 Zone that include the location, color, lighting and sizing of the proposed signage for the conditionally allowed “Motorcycle and motor scooters sales and service” and “Snowmobile, ATV sales and repair” (see Exhibit C). The proposed lighting associated with the sign areas provides a full cut-off illumination to ensure that no light is emitted above the horizontal plane of the shade which is in conformance with the standards of LUC §108-16 pertaining to the Ogden Valley Lighting. The proposed sign is 26.5 square feet which is 5% of the 520 square foot store front (after excluding the false front parapet) which meets the standard as allowed in LUC §110-2-5.
- *Considerations relating to utility easements, drainage, and other engineering questions.* The proposal has been reviewed by the Weber County Engineering Department and has been approved with no additional concerns regarding the project.

Review Agencies: Prior to the commencement of any business operations, the applicant will need to receive the approval from all applicable agencies for the proposed repairs and/or restoration services for small engine vehicles such as motorcycles, scooters, ATV’s, snowmobiles and other small engines. A condition has been made part of the Planning Division’s recommendations to ensure that all conditions of the review agencies will be met.

Summary of Planning Commission Considerations

In order for a conditional use to be approved it must meet the requirements of applicable ordinances listed in this staff report, which include the “Decision requirements” listed in LUC §108-4-4 which states:

- (a) *A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this chapter, or relevant standards or requirements of any other chapter of this Land Use Code. When considering any of the standards, the land use authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.*
- (b) *If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.*

The Planning Commission will need to determine if the proposal for the conditional use for “Motorcycle and motor scooters sales and service” and “Snowmobile, ATV sales and repair” meet the requirements of the applicable Uniform Land Use Code of Weber County. The Planning Commission may impose additional conditions in order to ensure full compliance with the required standards. In making a decision, the Planning Commission should consider the following questions:

- Does the submittal meet the Uniform Land Use Code of Weber County? If no, then what conditions could be added in order to comply?
- Have the “Decision Requirements” and other applicable ordinances been met?

Staff Recommendation

The Planning Division recommends approval of file# CUP 2015-21, a conditional use permit for “Motorcycle and motor scooters sales and service” and “Snowmobile, ATV sales and repair” located at 4930 East 2550 North, Unit 6 Eden, UT. This recommendation for approval is subject to all review agency requirements and with the following conditions:

1. Prior to the issuance of the requested conditional use permit, final occupancy will need to be obtained by the property owner in order to ensure that all site improvements from the previous approvals are adhered to.
2. All business operations will be in strict compliance with the applicant’s approved proposal which includes the applicant’s commitment for waste and recycling containers for the disposal of all oil and coolant waste; and an indoor exhaust system to allow for the small engines to be operated inside the building to mitigate possible outdoor noise and environmental pollution.
3. All small engine testing, maintenance, repairs and services will be conducted inside the commercial building with the exception of loading and unloading the small engines during delivery and pick up in order to mitigate the potential harmful impact that the noise may create for the adjacent businesses and property owners.
4. Adequate parking will be allocated for the business at a minimum of four client parking spaces and one parking space per employee.
5. Requirements of the Weber County Building Inspection Division.
6. Requirements and recommendations of the Weber Fire District.

7. Requirements of the Weber County Engineering Division.
8. Requirements of the Weber County Health Department.

This recommendation is based on the following findings:

1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed use conform will not alter the previously approved commercial building and site plan that was reviewed against the Weber County Design Review Standards and the Ogden Valley Architectural, Landscape and Screening Design Standards.
3. The proposed use will provide a necessary service to the citizens of the Ogden Valley.
4. The proposed use, if conditions are imposed, will not be detrimental to the public health, safety, or welfare.
5. The proposed use, if conditions are imposed, will comply with applicable County ordinances.

Exhibits

- A. Application
- B. Approved Site Plan
- C. Signage

Map 1



Weber County Conditional Use Permit Application			
Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401			
Date Submitted / Completed	Fees (Office Use)	Receipt Number (Office Use)	File Number (Office Use)
1/9/2015			
Property Owner Contact Information			
Name of Property Owner(s) DOG AND BONE, LLC		Mailing Address of Property Owner(s) 326 N WILKIE ST KAYSVILLE, UT 84037	
Phone (801) 698-1185	Fax		
Email Address (required) PAMCOLLARD@COMCAST.NET		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Authorized Representative Contact Information			
Name of Person Authorized to Represent the Property Owner(s) KENNY WATKINS		Mailing Address of Authorized Person 4780 WILLOWBROOK LANE EDEN, UT 84310	
Phone (801) 675-9601	Fax		
Email Address KENNY@INSIDELINEMX.COM		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name DOG NEW		Total Acreage 1	Current Zoning CV-2
Approximate Address 4930 E 2550 N EDEN, UT 84310		Land Serial Number(s)	
Proposed Use Full service motorcycle, ATV, SMB shop - Inside Line MX			
Project Narrative Inside Line MX The nature of our business is to provide repair and or restoration services for small engine vehicles such as motorcycles, scooters, ATV's, Snowmobiles and other small engines. We plan on operating during normal business hours. We will operate a clean, orderly and professional shop providing an outstanding small engine service to the residents of the Ogden Valley.			

Exhibit A-Application

Basis for Issuance of Conditional Use Permit

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

Inside Line MX will be a full service motorcycle/small engine repair shop. The repairs performed will be on small gas engines. Inherently internal combustion engines do make a certain amount of noise, consume gasoline and oil and some use coolant (anti-freeze). Inside Line MX will be a clean and professionally ran shop. Inside Line MX will have waste/recycling fixtures in place to handle all oil and coolant as well as an exhaust system so the units can be ran indoors to cut noise. Inside Line MX does not anticipate any activities or impacts that will be outside of the parameters the County has set for a commercially zoned building.

That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

Motorcycle/small engine repair shop is a conditional use in CV-2 as per Weber County zoning. Inside Line MX will comply with all Weber County ordinances.

Exhibit A-Application

Property Owner Affidavit

I (We), DOG AND BONE, LLC, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Pamela Callard, Manager
(Property Owner)

(Property Owner)

Subscribed and sworn to me this 22 day of OCTOBER, 20 15.



[Signature]

(Notary)

Authorized Representative Affidavit

I (We), DOG AND BONE, LLC, the owner(s) of the real property described in the attached application, do authorized as my (our) representative(s), KENNY WATKINS, to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Pamela Callard, Manager
(Property Owner)

(Property Owner)

Dated this 22 day of OCTOBER, 20 15, personally appeared before me PAMELA COOPER, the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



[Signature]

(Notary)

Exhibit C- Proposed Signage

