



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 an “Automobile, new or used sales/service” to be located at 4930 East 2550 North, Suites 3-5, Eden, UT

Agenda Date: Tuesday, December 01, 2015

Type of Decision: Administrative

Applicant: Dog and Bone, LLC

Authorized Agent: Shawn Tuttle

File Number: CUP# 2015-22

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 a classic/vintage automobile showroom and dealership known as “Blacksmith Garage” in the new commercial building located in Units 3, 4 and 5 at 4930 East 2550 North Eden, UT. The proposed 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 site received approval of the required design review on February 24, 2015 and is quickly approaching final occupancy. The proposed use will provide a secondary location along with the additional display and storage area needed for the recently approved “Blacksmith Garage” located in the Blacksmith Village adjacent to the historic Blacksmith shop.

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 use has been reviewed as "Automobile, new or used sales/service" and is 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 would like to have a secondary location for the classic/vintage vehicles in conjunction with the previously approved "Blacksmith Garage" located at the Blacksmith Village in Eden. The vehicles will be stored inside the building; however the applicant has proposed the desire to display some of the vehicles outdoors on special occasions and only during regular business hours. All vehicles that will be displayed outdoors will be returned to the inside of the building nightly (see Exhibit A). 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.

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 "Automobile, new or used sales/service", 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 proposal for a "Motorcycle and motor scooters sales and service" and "Snowmobile, ATV sales and repair" was 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 and a condition of approval was added for a minimum of one parking space per employee.

Adequate parking is available based on the proposal for an "Automobile, new or used sales/service" and has been reviewed as a "Used car lot" per the LUC §108-8-4 which requires one parking space per employee plus four parking spaces for client use. However, due to the proposed specialty use and with nature of the business being a secondary location, the applicant has requested the parking requirement be lowered from one space per employee

and four spaces for clientele to one space per employee and once space for clientele. According to LUC §108-8-5 the Planning Commission may adjust the required number of spaces if it is determined that unique circumstances relating to the operational characteristic of the use exist in a manner or to such a degree that such adjustment is equitable and warranted. Staff feels that the requested parking of one parking space per employee and one parking space for clientele is reasonable and acceptable. A condition of approval has been made part of the Planning Division's recommendations to ensure that the approved parking will be implemented. *If the Planning Commission feels that additional parking is warranted, the Planning Division's condition of approval will need to be modified.*

- *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 "Automobile, new or used sales/service" (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 1.6% of the 1,560 square foot store front allocated for the Blacksmith Garage (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 for a classic/vintage car dealership has not been reviewed by the Weber County Engineering Department; however, it is anticipated that there will not be any additional concerns based on the previous reviews of the site and the proposed projects. A specific condition of approval has been made part of the Planning Division's recommendations to ensure that all conditions of the Weber County Engineering Department will be met.

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 classic/vintage car dealership. 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 an "Automobile, new or used sales/service" 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 2015-22, a conditional use permit for an "Automobile, new or used sales/service" located at 4930 East 2550 North, Units 3, 4 & 5, 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 including all vehicles being stored indoors with the exception of outdoor displays on special occasions and only during regular business hours. All vehicles that will be displayed outdoors stored inside nightly.

3. The required parking for the classic/vintage car dealership will be a minimum of one space per employee and one space for clientele.
4. Requirements of the Weber County Building Inspection Division.
5. Requirements and recommendations of the Weber Fire District.
6. Requirements of the Weber County Engineering Division.
7. 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 will not be detrimental to the public health, safety, or welfare.
3. The proposed use complies with applicable County ordinances.
4. The proposed use 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.
5. The proposed use will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.
6. The proposed use will not generate additional parking needs and can be modified by the Planning Commission for unique circumstances.

Exhibits

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

Map 1



Exhibit A-Application

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)
Property Owner Contact Information			
Name of Property Owner(s) DOG AND BONE, LLC		Mailing Address of Property Owner(s)	
Phone (801) 698-1185	Fax	326 N WILKIE STREET KAYSVILLE, UT 84037	
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) SHAWN TUTTLE		Mailing Address of Authorized Person	
Phone (801) 675-7611	Fax	PO BOX 961 EDEN, UT 84310	
Email Address ST1TUTTLE@GMAIL.COM		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	
Property Information			
Project Name BLACKSMITH GARAGE		Total Acreage	Current Zoning CV-2
Approximate Address 4930 E. 2550 N. EDEN, UT 84310		Land Serial Number(s) 22-158-0006 22-158-0007	
Proposed Use CLASSIC / VINTAGE CAR DEALERSHIP			
Project Narrative Blacksmith Garage will use this space to operate a secondary location to its already established primary showroom and dealership located at 2131 N. 5500 E. Eden, UT 84310. Architecture and design have already been completed on this site. Blacksmith Garage will occupy units 3, 4 and 5 of the building. There will be an addition of a sign above the front door advertising that the space is occupied by Blacksmith Garage. Signage will compliment the building and development as well as mirror existing signage in size and material. Automobile New or Used Sales is already listed as a conditional use for the CV-2 zone in 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.

All cars will be stored and displayed inside the building and may temporarily be displayed outside on occasion during business hours. Cars will be moved back indoors at night if displayed. As this will be a secondary location there will not be a full time employee at the site. Because of this as well as the nature of the business as a specialty use we are requesting a lower parking requirement of 2 spaces as it will not require the use of 5 spaces.

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

The proposed use is allowed per the Zoning and Development Agreement and will compliment the development.

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 16 day of November, 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), SHAWN TUTTLE, 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 16 day of November, 20 15, personally appeared before me PAMELA COLLARD (MANAGER), the signer(s) of the Representative Authorization Affidavit who duly acknowledged to me that they executed the same.



[Signature]

(Notary)

Exhibit A-Application





Exhibit C- Proposed Signage

