



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action for a conditional use amendment for a temporary park and ride lot in Eden to provide free shuttle service to Powder Mountain Ski Resort

Type of Decision: Administrative

Agenda Date: Tuesday, October 23, 2018

Applicant: Terry Phillips Properties, LLC

Authorized Representative: Anne Winston (SMGH, LLC)

File Number: CUP2016-02

Property Information

Approximate Address: 2628 North Highway 162

Project Area: 100,000 square feet

Zoning: CV-2

Existing Land Use: Temporary Park and Ride Lot

Proposed Land Use: Temporary Park and Ride Lot

Parcel ID: 22-154-0002

Township, Range, Section: T7N, R1E, NW ¼ Section 34

Adjacent Land Use

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

Staff Information

Report Presenter: Ronda Kippen
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Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 21 Commercial Zones (CV-2)
- Title 108, Chapter 1 Design Review
- Title 108, Chapter 2 Ogden Valley Architectural, Landscape and Screening Design Standards
- Title 108, Chapter 4 Conditional Uses
- Title 108, Chapter 5 Planned Residential Unit Development
- Title 108, Chapter 8 Parking and Loading Space, Vehicle Traffic and Access Regulations

Development History

- The subject property was purchased by the original petitioner in November 1995.
- Weber County Planning Division received a request to rezone the subject property on August 1, 1996 from Agricultural A-1 Zone to Commercial (C-2) Zone.
- The rezone petition was forwarded to the Planning Commission on August 27, 1996 with a positive recommendation from Staff.
- The rezone petition was forwarded to the Board of County Commissioners with a unanimously positive recommendation from the Planning Commission on October 9, 1996.
- Zoning Development Agreement Ordinance# 96-33 was recorded on January 13, 1997 successfully rezoning the property from Agricultural (A-1) to Commercial (C-2) Zone.
- The subject property was subdivided into three lots known as the "Little Bear Subdivision" July 21, 1999.
- Property purchased by Terry Phillips Property, LLC on May 12, 2005.
- A conditional use permit request was received by the Weber Planning Division on October 3, 2008.
- The conditional use permit #01-11 was approved by the Ogden Valley Planning Commission for the temporary parking use of the park and ride lot on January 25, 2011.

- The Ogden Valley Planning Commission held a public hearing and forwarded a positive recommendation on August 28, 2018 and forwarded a positive recommendation to the County Commission for approval of the Zoning Development Agreement (ZDA).
- The Weber County Commission held a public hearing and approved the ZDA 2018-05 on October 9, 2018.

Summary and Background

The Planning Division recommends approval of the request for a conditional use amendment for a temporary park and ride lot in Eden to provide free parking for up to 100 cars and free shuttle service to Powder Mountain Ski Resort. The proposed park and ride lot will be located on Lot 2 in Little Bear Subdivision which is located directly south of the Elk Run commercial project and directly north of the firehouse preschool building.

The Uniform Land Use Code of Weber County, Utah (LUC) does allow a parking lot as a conditional use in the CV-2 Zone. The proposed park and ride lot will use the existing access from Highway 162 and eight new evergreen, drought resistant trees along the frontage of Lot 2 of the Little Bear Subdivision to buffer the parking lot by softening the frontage of the lot to travelers along Hwy 162. The following is staff's review 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.

Zoning: The LUC §104-21-1 has identified the need to provide suitable areas for the location of various types of commercial activity 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 the 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 CV-2 Zone has specific standards identified in the LUC §104-21-2 that shall be met as part of the development process; however, these standards are not applicable at this point. Those standards are as follows:

- Minimum lot area: None
- Minimum lot width: None

Minimum yard setbacks:

- Front: 20' unless the requirements listed in §104-21-4(c) Special Regulations are met
- Side: None, except 10' where a building is adjacent to a forest, agricultural, or residential zone boundary
- Rear: None, except 10' where a building is adjacent to a forest, agricultural, or residential zone boundary

Building height:

- Minimum: 1 story
- Maximum: 35'

The current configuration of the property is on record with the Weber County Recorder's Office as all of Lot 2 in the Little Bear Subdivision (see Exhibit A). The Lot 2 is approximately 0.92 acres and the proposed area of disturbance is approximately 100,000 square feet. A condition of approval to ensure that the proposed site plan meets the required site as well as the required site development standards for the CV-2 zone regarding minimum lot area, lot width, building height and lot coverage.

Conditional Use Review: The proposed use is conditionally allowed in the CV-2 Zone. 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 has provided the required material to facilitate a thorough review of the proposed project. The items that are applicable for this review are also the same items that are in the Design Review and the Ogden Valley Architectural Standards. For the analysis, I will be only addressing the applicable standards.

Design Review: The commercial zone and the proposed conditional use amendment, mandates a design review as outlined in the LUC §108-1 to ensure that the general design, layout and appearance of building remains orderly and harmonious with the surrounding neighborhood. The applicant has petitioned the County to reinstate the Zoning Development Agreement for this property to allow for temporary use. The design review is based on the a revised plan and to ensure that the proposal is in conformance with the final approved Zoning Development Agreement.

- Considerations relating to traffic safety and traffic congestion. As part of this consideration, the applicant has provided a detailed site plan with the parking lot layout (see Exhibit B). The applicant has provided 100+ parking spaces on the site. The parking lot will consist of 5 inches of 3 inch minus gravel which will be topped with road base and compacted. The LUC generally requires that parking lots be paved with concrete or asphalt, but an exception is provided for “seasonal transient amusements such as but not limited to, a corn maze, fair, festival, etc.” per LUC §108-8-7 which states:

*“Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface. Exceptions to this requirement will be made for seasonal, temporary, or transient uses, including, but not limited to, a fair, festival, short-term vendor, **park and ride lots**, and legitimate agricultural uses and agriculturally related uses, including, but not limited to, a petting farm, corn maze, green house, garden plant sales, and/or approved agri-tourism operations”.*

Staff’s interpretation is that a park and ride lot for winter skiing is a seasonal amusement which meets the intent of the exception. If the park and ride lot was to be used year round it would require hard surface paving, landscaping, etc. Powder Mountain is currently working on a lease on the park and ride area for the 2018-2019 and 2019-2020 ski seasons.

A copy of the final lease must be provided to the County prior to the issuance of the CUP. If this use is to be continued in future years the conditional use will be revisited by the Planning Commission every five years. **If the Planning Commission is not comfortable with revisiting this CUP every five years, a revised condition of approval will need to be made.**

- Considerations relating to landscaping. The applicant has been able to adequately address the minimum landscaping requirements of the Design Review as outlined in LUC §108-1-4(3) and the Ogden Valley Architectural, Landscape and Screening Design Standards as outlined in LUC §108-2-5 and §108-2-9 by utilizing the existing trees that are currently on site and additional drought resistant trees will be added by June 30, 2019 or this CUP will be considered in default.
- Considerations relating to buildings and site layout. The park and ride lot will be open daily from 7:30 AM to 9:30 PM and a parking lot attendant will be on site from 7:00 AM to 3:00 PM daily. There will be no structures or lighting associated with the lot but two temporary signs, which are in compliance with the Ogden Valley Sign Ordinance, will be placed on the lot. One sign is a 2 foot wide by 3 foot tall timber informational sign which lists the shuttle times. The other sign is a 6 foot wide by 4 foot tall timber monument sign which identifies the entrance to the lot. Both signs will be removed after April 15th. The proposed CUP amendment is in conformance with the existing CUP and the Zoning Development Agreement Master Plan as well as the applicable requirements in the LUC. At this time the applicant is not asking for any lighting on the site.
- Considerations relating to utility easements, drainage, and other engineering questions. The applicant will need to adhere to all conditions of the Engineering Division pertaining to storm water and surface water drainage, retention facilities, and for utilities to and through the property.
- Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval. As stated earlier in the review, the applicant has petitioned the County to amend the conceptual development plan that was made part of the approved Zoning Development Agreement. The revised conceptual development plan and uses is essential to facilitate the proposed conditional use. The issuance of a conditional use permit amendment can now take place based on the ZDA being approved recently.

Staff Recommendation

Staff recommends approval of the request for a conditional use amendment for a temporary park and ride lot in Eden to provide free parking for up to 100 cars and free shuttle service to Powder Mountain Ski Resort. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. Prior to June 30, 2019, eight drought resistant evergreen trees will be planted along the frontage of Hwy 162.
2. The temporary use permit will be renewed every five years.

3. A copy of the executed lease agreement between Terry Phillips Properties, LLC and SMHG, LLC must be provided prior to the CUP being issued.

And based on the following findings:

1. The proposed use conforms to the Ogden Valley General Plan.
2. The proposed amendment complies with the applicable County ordinances.
3. The building uses, locations, lot area, width, yard, height and coverage regulations proposed are acceptable as shown on the amended conceptual drawings.
4. The proposed master planned development amendment is in conformance with the approved Zoning Development Master Planned.
5. The proposed development will not be detrimental to the public health, safety, or welfare.
6. The proposed development will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

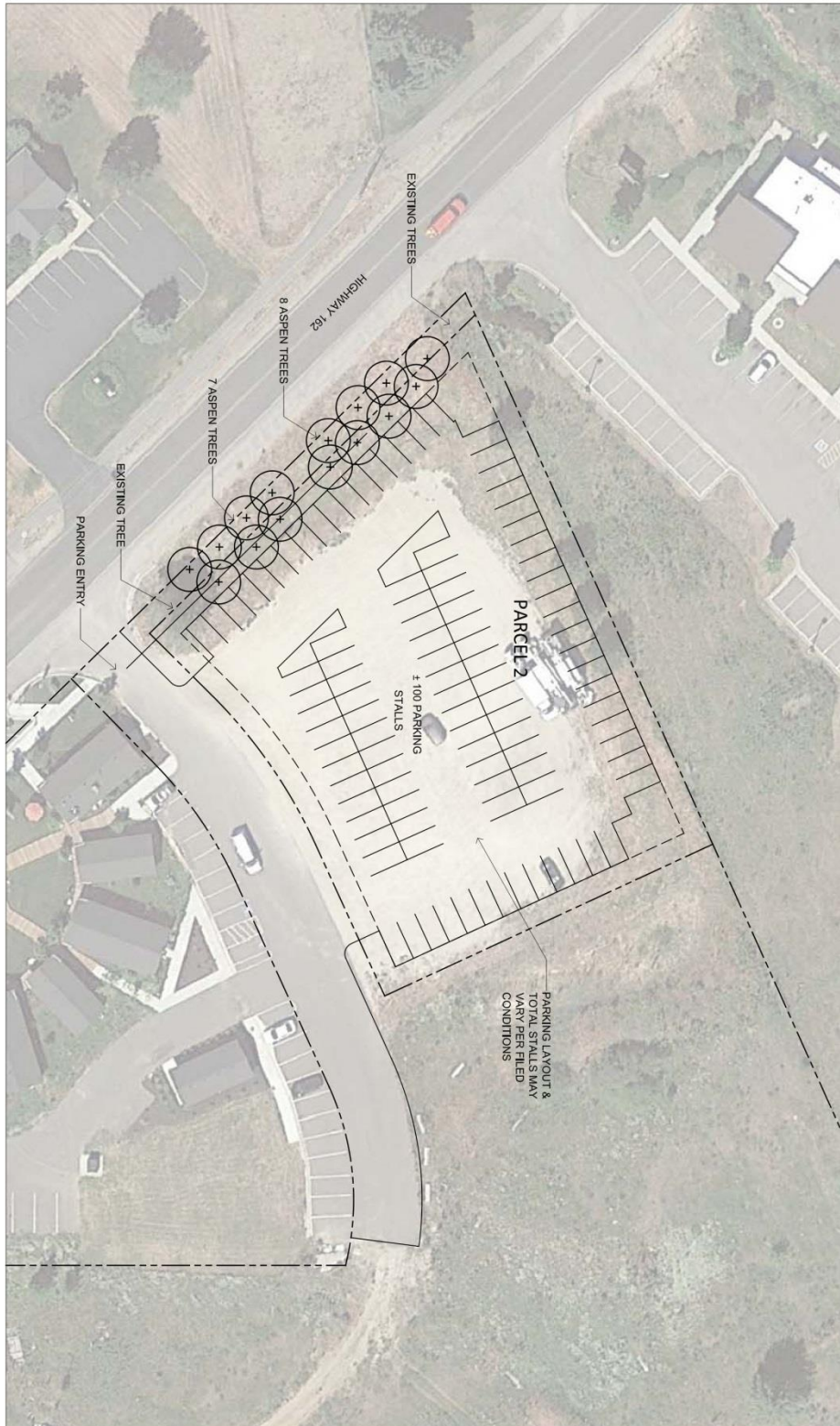
Exhibits

- A. Subdivision Plat
- B. Site Plan

Location Map







SUMMIT POWDER MOUNTAIN
PARK AND RIDE SITE PLAN
EXHIBIT A