

## Ewert, Charles

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**From:** Ewert, Charles  
**Sent:** Friday, June 15, 2018 4:49 PM  
**To:** 'leslie.mascaro@maverik.com'  
**Subject:** Maverick General Plan Amendment and Rezone.

Leslie,

I have not had the pleasure of meeting with you yet. I am Weber County's long range planner. I am processing the Maverick rezone application and general plan amendment. I understand that you've been told that if you submitted these applications staff will likely recommend denial based on the proposed site plan. Even though the current building is old, and in need of repair/upgrade, the visual aesthetic of a replacement building following the traditional corner c-store site configuration does not offer the community the desired pedestrian-oriented cluster village their general plan specifies.

I am of the same opinion. But I want to convey that we are not unwilling to work with Maverick to find mutual gain solutions if they can handle bringing the building up to the street, or providing some other significant contribution to the implementation of the general plan.

No matter the recommendation, I am happy to assist you through the process courteously and professionally. If you would like to meet to discuss please let me know. Here is a link to the adopted general plan to assist you as you read the comments below:

<http://www.webercountyutah.gov/planning/documents/Ogden%20Valley%20General%20Plan%202016%20reduced%20size.pdf>

### **6/15/18 Maverick General Plan Amendment and Rezone Review:**

By way of introduction and orientation to the process, the applications that you have submitted require a legislative decision. A legislative decision has very broad discretion. Usually, a legislative decision on zoning ordinances creates a permission, restriction, or prohibition of a property right. You have submitted this application in order to gain approval of a new property right on land where it does not currently exist. As such, planning staff, the Planning Commission, and the County Commission will evaluate these applications based on the effect of the requested change and its implications on the ability for the area to evolve into the future the community is contemplating (as carefully documented in the adopted general plan).

With that in mind, the detailed list below covers both ordinance requirements and general plan goals, policies, and implementation strategies, along with my editorial comments regarding the application's compliance. I also may offer some guidance in these annotations to help make these applications successful.

The first meeting that will be held for this application is on June 27, starting at 4:00. This will be a work session only item. The Planning Commission will help you get a sense of whether this application will get a positive recommendation from them based on what has been submitted.

When the application is ready for final Planning Commission review (at public hearing), Planning staff will offer a recommendation on this application to the Planning Commission, then the Planning Commission will offer a recommendation to the County Commission for final decision. Before I send the application to the Planning Commission with my formal recommendation you will be given the chance to update it with new information.

### **General Plan Amendment Application.**

The County code explains that a rezone should comply with the County's general plan (§102-5-2). It is my understanding that the application you submitted to amend the general plan is intended to change it so your rezone request might be more successful. It seems based on this you are aware that the rezone request does not comply with the general plan. The general plan was years in the making with much public involvement. I suspect an amendment to the general plan will not be received favorably unless it offers the community a benefit that does not already exist. I strongly advise that you amend the rezone application in a manner that does not require a general plan amendment. If you still desire to amend the general plan, then I need you to update the application to explain how you want the plan amended. I need your desired new language and graphics, as may be applicable. A review of my comments on the rezone might be of assistance to help you understand what parts of the plan you might consider trying to amend.

**Rezone Application.**

1. I am in possession of your concept development plan, but it is incomplete according §102-5-5 of the Weber County Code (making the application incomplete on not ready for substantive review by the Planning Commission).

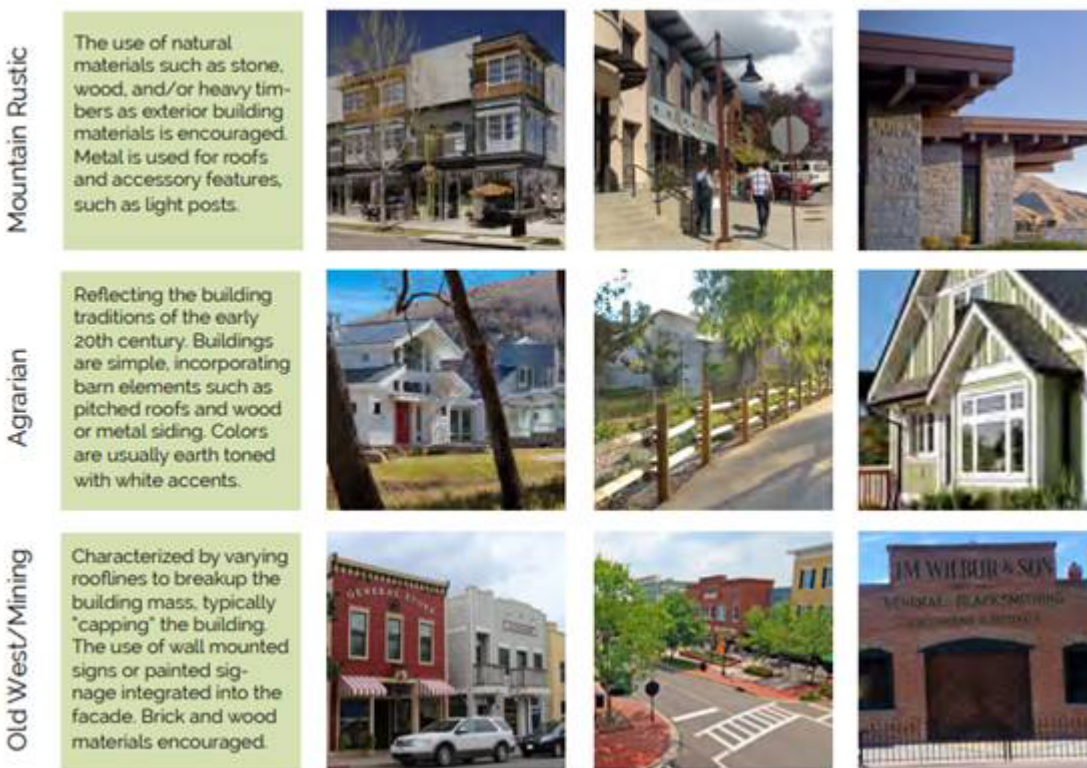
Specifically, the plan is missing the following:

- Architectural rendering of proposed buildings, structures, facilities and open space within the project.
- Written explanation and visual illustration showing project density and mass/scale in comparison to the existing developed area adjacent to the proposed rezone.

Regarding the architectural rendering, the general plan offers significant direction on how to design a structure in compliance with desired architectural standards. Specifically:

- General plan implementation 1.1.3 suggests that all new commercial buildings be architecturally and visually compatible with neighboring historic properties. Please supply building renderings that considers similar architectural styling as other historic buildings in the area. The following figure is offered on page 26 of the plan:

*Figure 3: Examples of architectural style elements<sup>1</sup>*



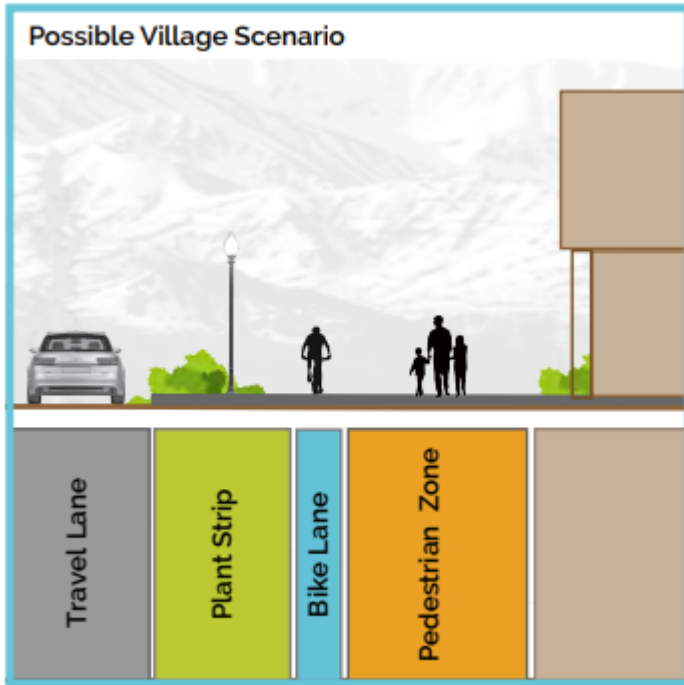
<sup>1</sup> Images are for reference only. Architecture styles should follow goals and principles in this General Plan.

Please note that "Mountain Rustic" would not be appropriate for this site. I think the style that will get you the most traction on a rezone is to commit to a type of old west mine or similar, as can be found down the road surround the Eden Park. The better it celebrates historic buildings the more likely the rezone will be.

See also

2. Regarding the new proposed building location:

- Commercial Development Principle 1.1 of the general plan says to “**avoid scattered and strip commercial** and retail development patterns in the Valley.”
- Commercial Development Implementation 1.1.2 further explains that we should “**avoid rezoning new property to commercial or manufacturing until such time that the community supports it.** Future commercial or mixed-use rezoning should only be considered adjacent to existing commercial or mixed-use zoning in a manner that creates village clusters and **avoids strip commercial along highway corridors.**
- Streetscape Design Implementation 1.1.1 says to “develop and adopt multimodal streetscape cross sections for villages based on the small area plans referenced in Commercial Development Goal 1. The plan also includes a cross section example:



Even though specific small area/village planning is still in progress, including street cross sections, the general plan offers sufficient information on how to get there in its absence. As the center of the future Eden Village, this is an important corner. Any modifications to the site (that is not otherwise entitled by existing law) should be configured to enhance the small-village future specified in the general plan.

The current layout of this site is considered strip-style development, with the building pushed to the back of the lot and parking/hardsurface in the front. The proposed layout is similar. This development pattern does not create the desired Village effect the plan anticipates.

A more appropriate design for this site would be to bring the proposed building (with all architectural considerations previously specified) up to the street frontage, with street-facing retail windows and entrance. We would not discourage another entrance or exit on a non-street side that fronts a gas canopy. In bringing the building up to the street it should be positioned such that other buildings with street-facing retail windows and a zero setback from this building could be established at some point in the future. The street frontage should be improved with curb, gutter, and street trees, along with a sidewalk of sufficient width to safely accommodate future village patrons. If you desire support from staff for this rezone, please reconfigure the site to accommodate this general-plan direction.

I understand the reason you desire to push the building back is due to site area given existing development regulations. Bringing it to the front lot line would offer the same effect on site area. Also, we are more than happy to discuss altering other more strenuous requirements if you choose to negotiate the location of the building with us, provided the overall effect is supported by the general plan.

**CHARLIE EWERT, AICP**

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