



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Agenda Item:	ZMA 2023-05. A public hearing to consider a proposal to rezone 2.7 acres from AV-3 and CV-2 to the Form Based (FB) zone, property located at 5461 E 2300 N, Eden.
Application Type:	Legislative
Agenda Date:	Tuesday, February 28, 2023
Applicant:	ZW Investments and ZBF Investments
File Number:	ZMA 2023-05

Property Information

Approximate Address:	5461 E 2300 N, Eden
Zoning:	AV-3, CV-2
Existing Land Use:	Vacant
Proposed Land Use:	Form Based
Parcel Number:	22-047-0001, 22-051-0047, 22-316-0002, 22-316-0003

Adjacent Land Use

North:	Residential	South:	Commercial, Residential
East:	Commercial	West:	Agricultural

Adjacent Land Use

Report Presenter:	Steve Burton sburton@webercountyutah.gov 801-399-8766
Report Reviewer:	CE

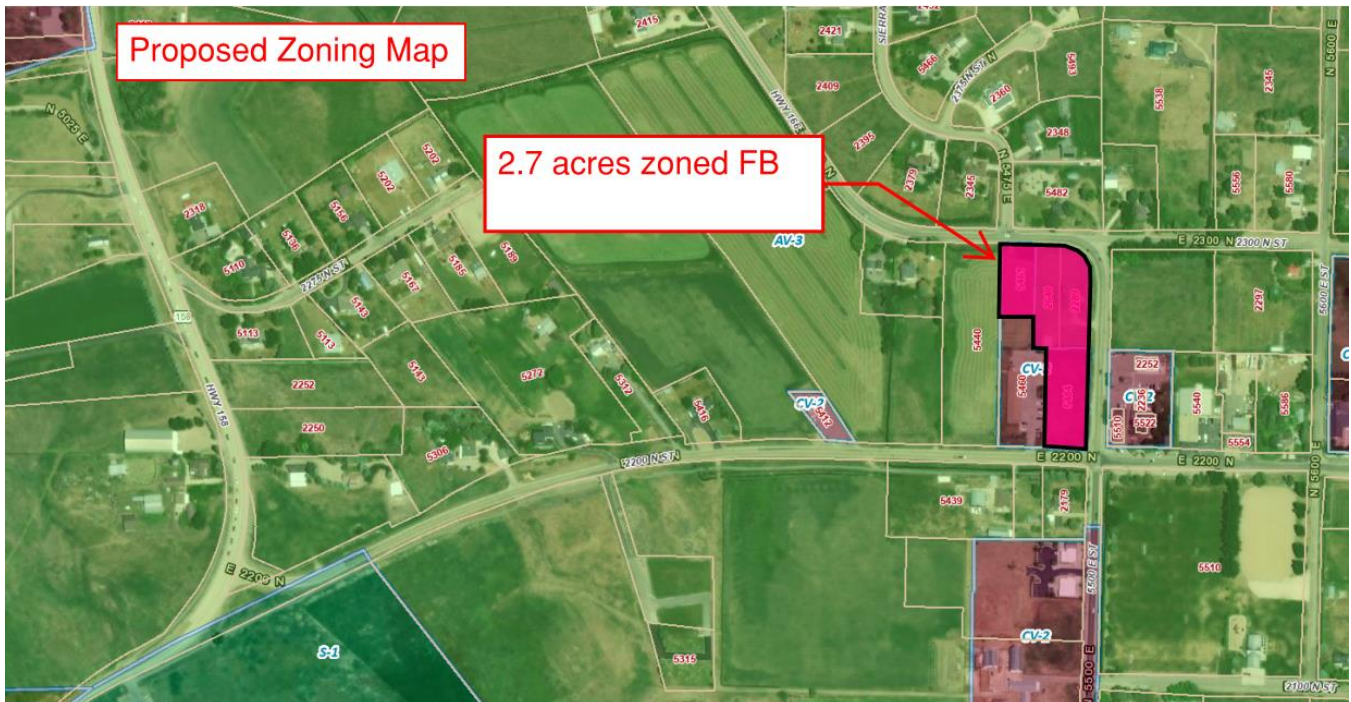
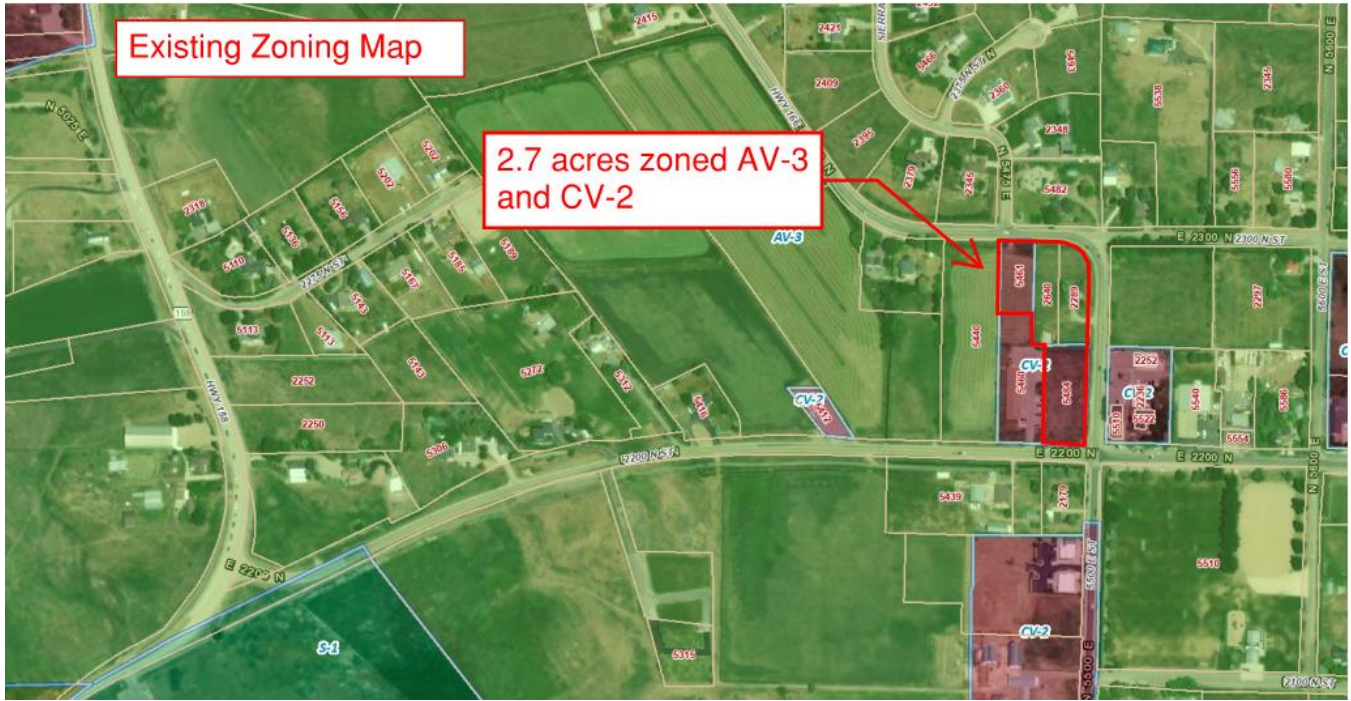
Summary

On February 3, 2023 the applicant submitted a request to rezone 2.7 acres from the AV-3 and CV-2 zone to the FB (Form Based) Zone. The property is located in an area of Eden that is included in the Street Regulating plan for the Old Town Eden Area found in the Form Based zoning ordinance. The street regulating plan shows this property with a potential of mixed-use commercial and multi-family residential on the property.

The applicant's request is to rezone to the FB zone, so that the street regulating plan will apply, and allow them to build mixed-use commercial buildings with streetfront commercial retail on the first floor, and a variety of uses, including residential apartments above and behind. Out of the 2.7 acres, there are two parcels in the AV-3 zone that each contain one grandfathered development right, for a total of two existing development rights on the project as a whole. The applicant is proposing to transfer development rights from the AV-3 zone on the valley floor to the 2.7 acres before constructing more than two apartments above the commercial streetfront floor of the first building.

Analysis

The following images show the subject property on the existing zoning map and on the proposed zoning map.

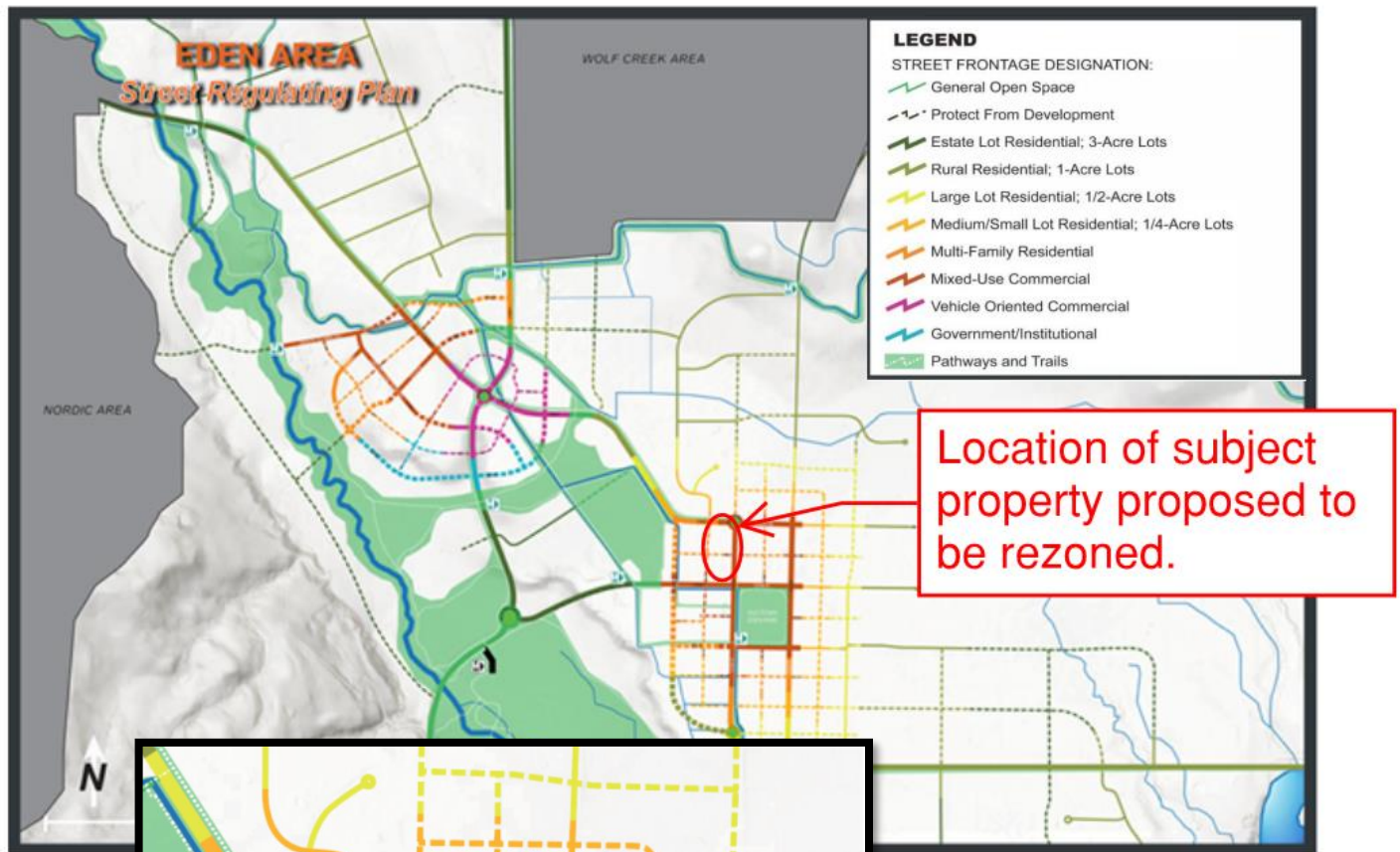


General Plan: The Ogden Valley General Plan states that small area plans should be created near the nodes shown as villages on the Commercial Locations and Village Areas map. These small area plans “Should identify defining attributes and appropriate design standards, identify future potential adjacent expansion areas, and plan for multi-modal and active transportation to and within each area” (2016 Ogden Valley General Plan, Commercial Development Implementation 1.1.1, pg. 33) In January of 2022 the Form Based zoning ordinance was adopted by the County Commission.

The FB zoning ordinance implements most of the small area planning that was anticipated by the general plan in three areas of the Ogden Valley. Currently the FB zoning ordinance includes a street regulating plan for Old Town Eden, New Town Eden, and the Nordic Valley village areas. A rezone to the FB zone complies with the Ogden Valley General Plan. Residential uses in the FB Zone require development rights to be transferred from undeveloped or underdeveloped property on the valley floor.

Form Based Zone

The subject property is located in the Eden area and is shown as having a potential of mixed-use commercial and multi-family residential on the FB zone’s street regulating plan, as shown on the following image.



Section 104-22-1 states the following regarding the FB Zone:

The purpose and intent of the Form-Based Zone is to provide a form-based regulatory tool that focuses on the public street design and the buildings that frame the public street. This deemphasizes separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design.

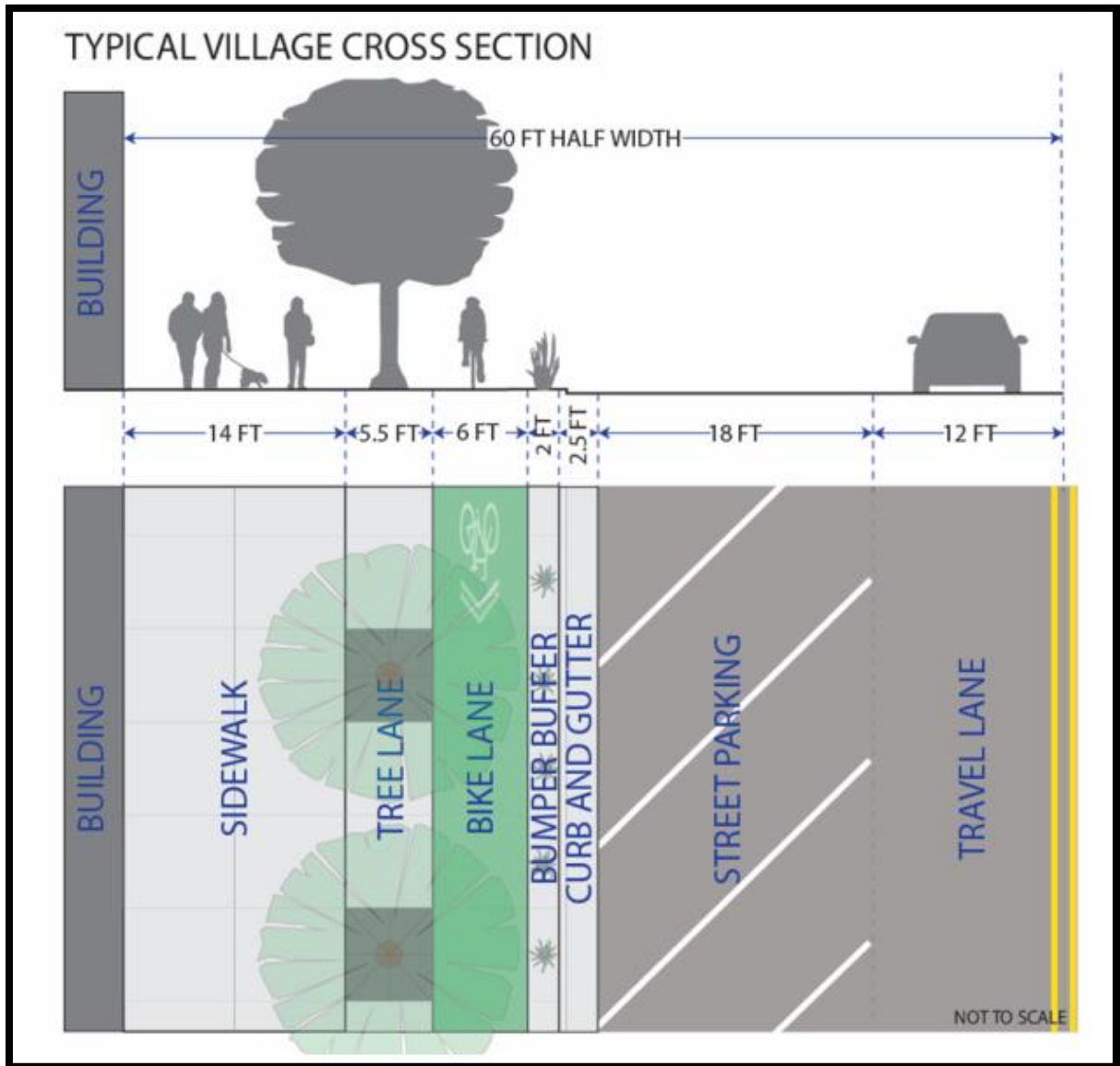
This proposal is to establish the FB zone so that the applicant can develop a mixed-use commercial project, with a possibility of doing multifamily residential on the second floor of the mixed-use commercial structures.

Street type, description, and purpose

The FB zone states the following regarding the street configuration of a mixed-use commercial street.

A mixed-use commercial street has street-front buildings that are oriented toward pedestrian traffic. At the street-level, these buildings shall be exclusively used or reserved for commercial operations. Commercial and Multi-family residential uses are allowed above or behind first-floor street-level commercial space.

If the property is rezoned to the FB zone, the developer will be required to work with the county to implement the street cross section shown below, as well as other street improvements required by the FB zone:



Lot development standards

The FB zone lists the following lot development standards for the mixed-use commercial and multi-family areas.

- No minimum lot area
- 12 feet minimum lot width
- No minimum yard minimum setback for first floor street level façade.
- 5 ft maximum yard setback from front property line.
 - 40 ft minimum for other building facades.
- No minimum side setback, no maximum.
- No minimum rear setback.
- No maximum lot coverage by buildings.
- 50 ft maximum building height.

Transfer of Density

The FB zone does not create any new density in the Ogden Valley. The applicant has two development rights on the existing 2.70 acres in the AV-3 zone. The applicant will transfer development rights from the valley floor, as allowed by the FB zone, to this project in order to construct more than two second floor apartment buildings. The transfer of density will need to be documented and recorded with the county before the owner can begin platting the second floor apartments.

Workforce Housing

The FB zone requires the applicant to participate in providing for workforce housing in the area. The applicant has chosen the following method of providing workforce housing within the 2.7 acre project.

Sec. 104-22-12 (c)(1). Building and reservation of dwelling units. Dwelling units, in an amount that is equal to or greater than five percent of the non-workforce housing units being developed, shall be constructed and deed restricted for workforce housing;

The applicant has proposed to build and deed restrict the number of units that is equal to or greater than five percent of the non-workforce housing units being developed.

County Rezoning Procedure

Staff has not requested a concept plan or a narrative from the owner, as the FB zone, particularly in the mixed-use commercial areas of the street regulating plan, already specifies how buildings and street design will look. A letter of acknowledgement from the culinary water provider, Eden Water Works, is included as Exhibit A. The subject property is not located in an existing or proposed service area for sewer service.

Summary of Planning Commission Considerations

In reviewing a proposed rezone, the Planning Commission and County Commission may consider, but shall not be limited to considering, the following:

- a. Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.
- b. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property.
- c. The extent to which the proposed amendment may adversely affect adjacent property.
- d. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, wastewater, and refuse collection.
- e. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.
- f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding ZMA 2023-05. The recommendation is based on the following findings:

1. The proposal implements a meaningful element or goal of the 2016 Ogden Valley General Plan
2. The proposal is in compliance with the FB Zone.
3. The proposal is not adverse to the public's general health, safety, and welfare.

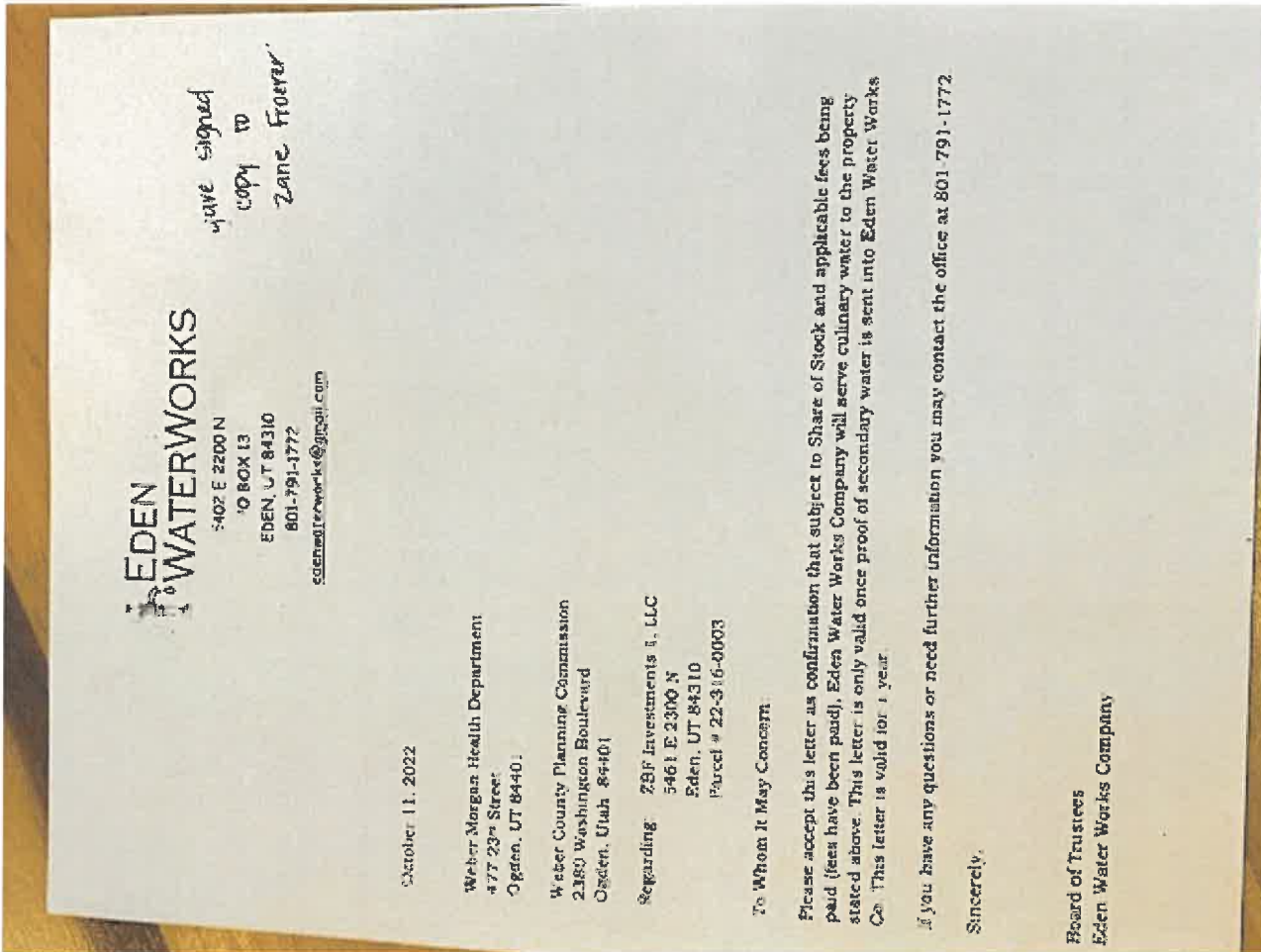
Exhibits

Exhibit A –Water Service Acknowledgement

Burton, Steven

From: Lance Froerer <lance@froerer.net>
Sent: Tuesday, February 21, 2023 12:10 PM
To: Burton, Steven
Subject: [EXTERNAL] Water letter

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