

developed as he believes that a development agreement can accomplish the same things that would be accomplished by the TDR ordinance.

Chair Lewis called for a motion.

Commissioner Shuman stated he is inclined to make a motion to recommend approval, but he is concerned that the project boundary is not clearly enough defined.

Commissioner Shuman moved to table ZMA 2021-05, rezone request from F-40 to FR-3 on 37 acres of property located at approximately 5793 North Powder Mountain Road, Eden, until the project boundary can be clearly identified.

Chair Lewis offered a friendly amendment for the motion; he stated that he thinks it is a good idea to give the applicant as much direction as possible regarding the items the Commission would like to see before considering approval; he heard concerns about the lack of a will serve letter for the project, concerns about building heights, traffic issues, and the TDR action.

Commissioner Shuman amended his motion to table ZMA 2021-05, rezone request from F-40 to FR-3 on 37 acres of property located at approximately 5793 North Powder Mountain Road, Eden, until the following are addressed:

- Revised site plan identifying the total project area and project boundary;
- Clarified building heights;
- Will-serve letter for water and sewer for the project;

Commissioner Torman seconded the motion. Commissioners Lewis, Francis, Howell, Shuman, and Torman all voted aye. (Motion carried 5-0).

### **3.2 ZMA 2021-07 - Public Hearing to consider and take action on a rezone request from AV-3 to CV-2 on 5 acres, property located at approx. 4708 E 2650 N, Eden, UT. Presenter Steve Burton.**

A staff memo from Planner Burton explained this is a legislative matter. When the Planning Commission is acting on a legislative matter, it is acting to make a recommendation to the Board of County Commissioners. There is wide discretion in making legislative decisions. Criteria for recommendations on a legislative matter suggest compatibility with the general plan, existing ordinances, and best practices. Examples of legislative actions are general plan, zoning map, and land use code amendments. This item is an applicant-driven request to amend the zoning map from AV-3 to CV-2. This purpose of this application is to extend the CV-2 zoning to the eastern edge of parcel 22-040-0030 and to extend the CV-2 zoning slightly north on the same parcel. Parcel 22-040-0030 received a rezoning approval from AV-3 to CV-2 on September 22, 2020. The purpose is also to amend the site plan and architectural standards required by the development agreement. This proposal also includes a request to amend the development agreement that was approved as part of the rezone in September of 2020. The proposed changes to the development agreement include removing the requirement for a dumpster, eliminating the provision for roofs to develop a natural patina over time, and allowing the sheer wall massing to be 100 feet instead of 25 feet. The proposal also eliminates page 20 of the development agreement, which specifies design and materials palette. The developer is also proposing to eliminate the requirement to use "five inch reclaimed solid wood wall paneling" on page 21 of the development agreement. The staff memo included a rendering of the developer's desired architectural requirements, proposing to allow metal siding instead of wood. The developer is also proposing to eliminate the "fair share intersection improvements" section and to add language that requires the developer to pay the roadway impact fee as development occurs. Lastly, the proposed amendment includes a revised conceptual site plan, showing 188 total units compared to the original site plan that allowed for 100 units. The architectural standards that were written into the original development agreement were meant to provide an aesthetic to the surrounding area that masked the industrial nature and architecture of storage units. The building massing requirements and barn architecture with wood materials fits into the Eden Village described in the Ogden Valley General Plan. Planning staff recommends that all of the architectural requirements of the development agreement remain in place. Regarding the proposal to expand the zoning to the property boundary and amend the site plan, staff feels that these proposed changes should be approved, as long as the architectural requirements of the development agreement remain in place. Regarding the proposal to eliminate the "Fair Share of Intersection Improvements" section, it should be noted that the storage units may have a significant impact on this specific intersection, and that roadway impact fees apply to entire street systems, not necessarily this specific intersection. Staff feels that the "Fair Share of Intersection Improvements" should remain in the development agreement.