



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and action on a Conditional Use Permit for a night watchman's dwelling in the High Altitude Fitness building
<b>Agenda Date:</b>	Tuesday, January 25, 2011
<b>Applicant:</b>	Michael Greenwood
<b>File Number:</b>	CUP 2010-25

### Property Information

<b>Approximate Address:</b>	4776 East 2600 North
<b>Project Area:</b>	1.97 acres
<b>Zoning:</b>	Ogden Valley Manufacturing Zone (MV-1)
<b>Existing Land Use:</b>	High Altitude Fitness building
<b>Proposed Land Use:</b>	Night watchman's dwelling in High Altitude Fitness building
<b>Parcel ID:</b>	22-159-0004
<b>Township, Range, Section:</b>	T7N, R1E, Section 34

### Adjacent Land Use

<b>North:</b>	Commercial/Industrial	<b>South:</b>	Agriculture
<b>East:</b>	Commercial/Industrial	<b>West:</b>	Agriculture

### Staff Information

<b>Report Presenter:</b>	Sean Wilkinson swilkinson@co.weber.ut.us 801-399-8765
<b>Report Reviewer:</b>	JG

## Applicable Ordinances

- Weber County Zoning Ordinance Chapter 21B (MV-1 Zone)
- Weber County Zoning Ordinance Chapter 22C (Conditional Uses)

## Background

The applicant is requesting approval of a conditional use permit to allow a night watchman's dwelling in the High Altitude Fitness building. The MV-1 Zone allows a "dwelling unit for proprietor or employee who also serves as night watchman and his/her immediate family," as a conditional use. The owner of High Altitude Fitness and his family will occupy the second floor of the existing building. A building permit is required for any remodeling that is done for the living area.

This building was previously owned by In Hot Water Heating and Power and the associated site and landscaping plans were previously approved. However, the MV-1 Zone requires an additional 3,000 square feet of "landscaped area" for the residential use. The western portion of this lot already has existing natural landscaping which easily meets and exceeds the 3,000 square foot requirement (see Map 1). With the addition of the natural landscaping to the site plan, the requirements of the MV-1 Zone have been met. The Weber County Engineering Division is requiring the restoration of the existing detention/retention pond to its original condition.

## Summary of Planning Commission Considerations

- Does the proposed use meet the requirements of applicable County Ordinances?
- Are there any potentially detrimental effects that need be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under "Criteria for Issuance of Conditional Use Permit." The Planning Commission needs to determine if the proposed night watchman's dwelling meets these requirements. The applicant has provided a response to the criteria below which is attached as Exhibit B.

#### **22C-4. Criteria for Issuance of Conditional Use Permit**

Conditional uses shall be approved on a case-by-case basis. The Planning Commission shall not authorize a Conditional Use Permit unless evidence is presented to establish:

1. 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.
2. That the proposed use will comply with the regulations and conditions specified in the Zoning Ordinance and other applicable agency standards for such use.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. The addition of a family living in the High Altitude Fitness building for night security purposes does not require the imposition of any conditions to mitigate potential detrimental effects. There will not be a noticeable increase in traffic or any negative impacts from light, noise, dust, etc.
2. The MV-1 Zone allows a night watchman's dwelling as a conditional use. The site has natural landscaping to meet the requirement for 3,000 square feet of additional landscaping for the residential use. There are no exterior changes to the building or modifications to the landscaping or site plans. The criteria for this use have been met.

#### **Conformance to the General Plan**

The goals and policies of the Ogden Valley General Plan discuss the establishment of commercial businesses in appropriate areas, but not the addition of night watchman dwellings in commercial businesses. This use does not negatively impact any of the goals and policies of the General Plan.

#### **Conditions of Approval**

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- Requirements of the Weber County Building Inspection Department
- Requirements of the Weber Fire District
- At least 3,000 square feet of natural landscaping is retained for the residential use

#### **Staff Recommendation**

Staff recommends approval of a night watchman's dwelling for High Altitude Fitness, subject to review agency requirements, based on the following:

- The proposed use is allowed in the MV-1 Zone
- The requirements of the MV-1 Zone have been met
- The criteria for issuance of a Conditional Use Permit have been met

#### **Exhibits**

- A. Applicant's response to criteria
- B. Applicant's proposal regarding additional landscaping
- C. Review agency responses
- D. Site plan
- E. Architectural drawing for second floor residence

Map 1



Map 2

