



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Public hearing to discuss and take comment on a proposal to amend the zoning map from AV-3 to CV-2 for 0.103 acre (4,486 square feet) located adjacent to the rear parcel line of the parcel located on the south west corner of the HWY 162 and HWY 158 (Wolf Creek Drive) intersection (the Maverik parcel). The purpose of the rezone is to expand and update the Maverik site with new facilities.

**Agenda Date:** Tuesday, July 17, 2018  
**Staff Report Date:** Tuesday, July 11, 2018  
**Applicant:** Weber County Planning Division  
**File Number:** ZMA 2018-04

### Staff Information

**Report Presenter:** Charlie Ewert  
cewert@co.weber.ut.us  
(801) 399-8763

**Report Reviewer:** RG

## Applicable Ordinances

§102-5: Rezoning Procedures

§104-5: Agricultural A-1 Zone

§104-21: Commercial Valley Zones (CV-1 and CV-2)

## Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

## Summary and Background

On May 4, 2018, Maverik submitted a design review application to tear down and rebuild the store in the same location. Their plan also included upgrading the entire site with an expanded gas canopy and another new canopy. During the design review process staff learned that a sizeable portion of their current landscaping along the frontage is not on their property, but rather in the public right-of-way. This landscaping cannot be counted toward their site's code-required street-front landscaping. This landscaping will be removed when the Eden four-way intersection is redesigned/rebuilt in the future and should not be counted toward their required landscaping.

Given the current landscape buffer required for buildings that do not directly front on the street, Maverik has determined that they do not have sufficient parcel width to accommodate their desired configuration. On June 14, 2018, Maverik submitted a rezone application seeking additional commercial space on the west side of the parcel on which to expand their site. If successful, they will place a new building further west to free up more site for new gas canopies and required landscaping.

Even though the area requested to be rezoned is small, the county code still anticipates the need for legislative decisions to generally comply with the general plan. Typically, commercial buildings have an average lifespan of 30 years. Maverik has suggested that their proposed building's lifespan is probably closer to 20 years. Through the legislative action of a rezone, the County has an opportunity to see this site configured in a manner that helps implement the goals and principles of the general plan.

On June 27, 2018, the planning commission discussed the rezone request with Maverik and staff in a work session

setting. At the time the planning commission was hesitant to commit to offering a positive recommendation based on the specific proposal. On July 10, 2018, Maverik submitted revised building designs (in Exhibit C) and provided an illustration of the site with the landscaping (in Exhibit D).

## Analysis

As with any legislative action, the planning commission has an opportunity to ask the developer to assist with the implementation of the general plan in exchange for the granting of additional development rights. The planning commission has discretion to determine to what level of investment the developer should assist with the implementation of the plan, and ultimately, the county commission will receive the planning commission's recommendation and make a decision that they feel appropriately balances the related interests.

In an attempt to assist Maverik to offer optimal site and building design that compliments and advances the objectives of the general plan, staff have offered Maverik the review and analysis found in Exhibit E on June 15<sup>th</sup> and 20<sup>th</sup>.

In response to the staff-review memo and the direction offered by the Planning Commission in the June 27<sup>th</sup> work session, Maverik revised their building elevation and gas canopy concept, as can be seen below:

**Figure 1 – Original Building Design:**



**Figure 2 – Newly Proposed Building Design:**



**Figure 3 – Site/Landscape Plan:**



From a general plan point-of-view, Maverik’s proposal accommodates a few general plan concerns including the following:

- Better building materials than found on a typical Maverik
  - All brick veneer.
  - Think timbered-lattice gables.
  - Mansard-style roofed gas canopies.
  - Sloped canopies to be a similar green as can be found on surrounding rooftops (this color does not show well on in the above images, but has been assured by Maverik:



- A 10 wide pathway across both frontages, completing missing infrastructure.

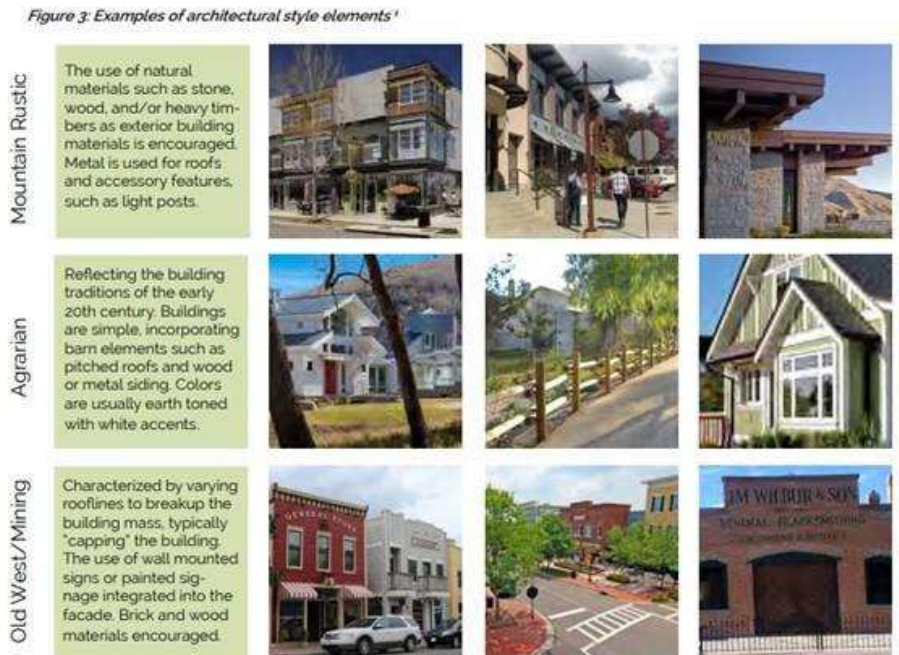
An element still lacking is that the proposal still generates new investment into “strip-commercial” style development patterns rather than offering the community the street-oriented village that the general plan contemplates. The Planning Commission must determine whether Maverik’s proposal offers adequate and acceptable implementation of the general plan within the context of the lifespan of the new investment (approximately 20-30 years), the effort that can be reasonably expected of them under existing conditions, and the future unknowns of the area (for example, the streetscape of Highways 158 and 162 have yet to be designed, adopted, or agreed upon by UDOT).

To help the Planning Commission determine that the proposal is sufficient for the time and context, Maverik’s site plan also offers a 2-3 foot tall landscaped berm along the frontage of the property with a series of trees. This will help facilitate a more attractive site until such later time when another use or design is employed on the property.

### Conformance to the General Plan

The general plan offers significant direction on how to design a structure in compliance with desired architectural standards. General plan implementation 1.1.3 suggests that all new commercial buildings be architecturally and visually compatible with neighboring historic properties. The following figure is offered on page 26 of the plan:

**Figure 4 – Examples of Architectural Style Elements from General Plan**



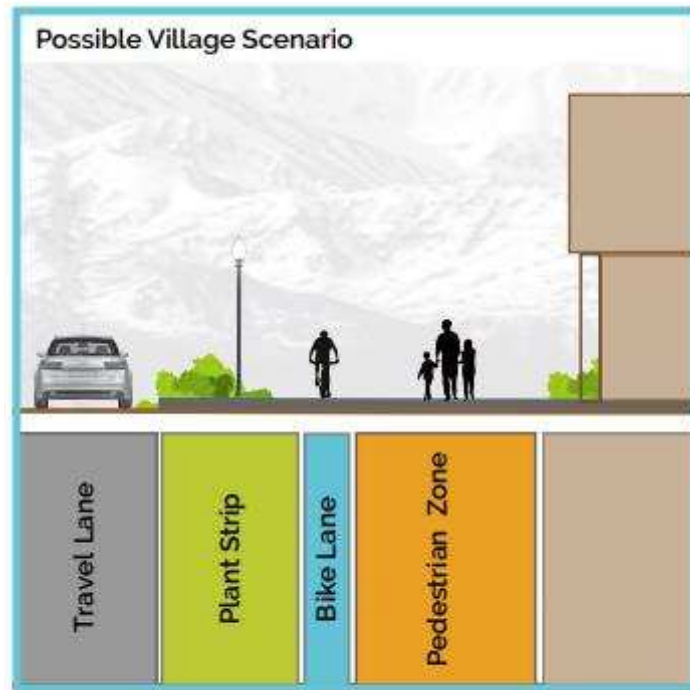
<sup>1</sup> Images are for reference only. Architecture styles should follow goals and principles in this General Plan.

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.” An example of this is offered in Figure 5

**Figure 5 – Example of Desirable Streetscape**



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. Maverik will provide the code-required landscape strip to buffer the right of way from the hard-surface area.

### **Noticing Compliance**

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

### **Staff Recommendation**

Planning staff are offering the planning commission with three alternative recommendations, in no particular order of preference.

#### **Alternative one:**

If the planning commission determines that it is unacceptable to wait 20-30 years for this particular strip-development design to be retired in favor of street-oriented commercial, then the planning commission should offer the county commission a negative recommendation for the rezone. A rejected rezone does not necessarily mean that Maverik cannot reinvest and reconfigure the site, but rather it makes that reinvestment more challenging for their desired product under the CV-2 and design review regulations.

A recommendation of this nature could be made with the following findings:

1. The proposal perpetuates strip commercial development, which is not supported by the general plan.
2. The proposed commercial development does not have sufficient community support, as required by the general plan.
3. The proposal does not support a street-oriented pedestrian-centric village center experience, as is desired by the community.
4. The proposal runs contrary to the goals, principles, and implementation strategies of the general plan.

#### **Alternative two:**

If the planning commission determines that the building and site designs offer sufficient investment into significant enough general plan elements, and the parts that do not comply can be appropriately overcome in time, then the planning commission should offer the county commission a positive recommendation for the proposal. That recommendation should come with the following requirements and findings:

Requirements:

1. That a development agreement is adopted to run with the entire site as a part of the rezone.
2. That the development agreement obligates the following:
  - The building materials and design shall comply with building renderings included in the exhibits of this staff report.
  - The site shall comply with the landscaping and pathway design shown on the site/landscaping plan included in the exhibits of this staff report.
  - The ten trees shown lining the pathway on the site/landscape plan included in the exhibits of this staff report shall be of sufficient caliper and species to provide a drip-line that overlaps the pathway within the next three years in a manner that offers mid-day shade.
  - The south side of the building shall offer similar windows as the front. The windows may be faux but shall offer the same outside appearance as the front windows.
  - Any wall or fence on the property intended to obscure a view, such as the wall for the dumpster enclosure and the wall surrounding the rear appliances and roof access shall be constructed of the same brick as the building, or of a timber construction that matches the timber thickness and design of the building's top gable.
  - The pathway along the frontage shall offer ADA accessible ramp/connection to Highway 158 and 162 intersection, and that a continental, zebra, or ladder-striped crosswalk shall be provided at both the western and north crossings of the intersection to connect pedestrians from the pathway to existing pathways on the opposite (diagonal) side of the intersection, in a manner acceptable to the County Engineer.

Findings:

1. That the voluntarily enhanced design of the building, canopies, and site/landscaping are sufficient enough to assist with advancing several important parts of the general plan, such as quality building designs and pedestrian oriented facilities.
2. That as the County continues to implement parts of the general plan, the strip-commercial development style of the proposal is not likely to remain in perpetuity, as future development regulations are likely to be adopted to require the site's conversion when the functional lifespan of the proposal expires.
3. That the additional requirements of this recommendation will assist the community in acquiring additional community-betterments to offset the strip-commercial for the time being.
4. That this decision is a compromise based on the timing of this proposal and the current state of execution of the general plan. Despite the partial compliance with the plan, the compromise still offers positive net

benefit to the community and is not detrimental to the integrity of the longstanding effects or desires of the general plan.

5. That the proposal does not harm the health, safety, and general welfare of the public.

### **Alternative three:**

If the planning commission determines that the building and site designs offer sufficient investment into significant enough general plan elements, and the parts that do not comply can be appropriately overcome in time, then the planning commission should offer the county commission a positive recommendation for the proposal. That recommendation should come with the following requirements and findings:

#### Requirements:

1. That a development agreement is adopted to run with the entire site as a part of the rezone to obligate the offerings shown in the proposed building elevations and the illustrated site/landscaping layout.

#### Findings:

1. That the voluntarily enhanced design of the building, canopies, and site/landscaping are sufficient enough to assist with advancing several important parts of the general plan, such as quality building designs and pedestrian oriented facilities.
2. That as the County continues to implement parts of the general plan, the strip-commercial development style of the proposal is not likely to remain in perpetuity, as future development regulations are likely to be adopted to require the site's conversion when the functional lifespan of the proposal expires.
3. That this decision is a compromise based on the timing of this proposal and the current state of execution of the general plan. Despite the partial compliance with the plan, the compromise still offers positive net benefit to the community and is not detrimental to the integrity of the longstanding effects or desires of the general plan.
4. That the proposal does not harm the health, safety, and general welfare of the public.

## **Exhibits**

- A. Existing Zoning
- B. Proposed Zoning
- C. Proposed Building Elevations
- D. Proposed Illustrated Site/Landscaping Layout
- E. Initial Staff Review – Memo to Applicant



AV-3

CV-2

AV-3

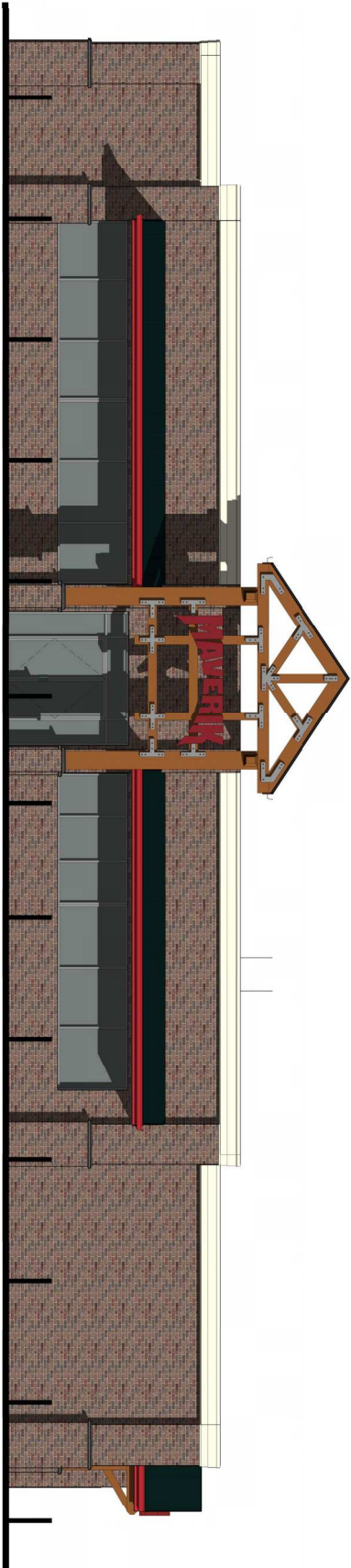
AV-3





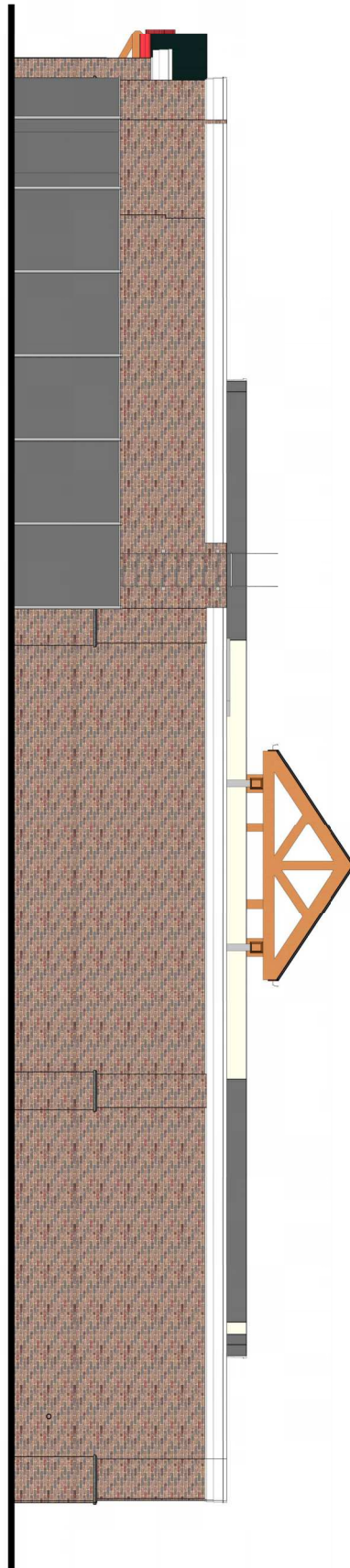


1  
FRONT  
PERSPECTIVE

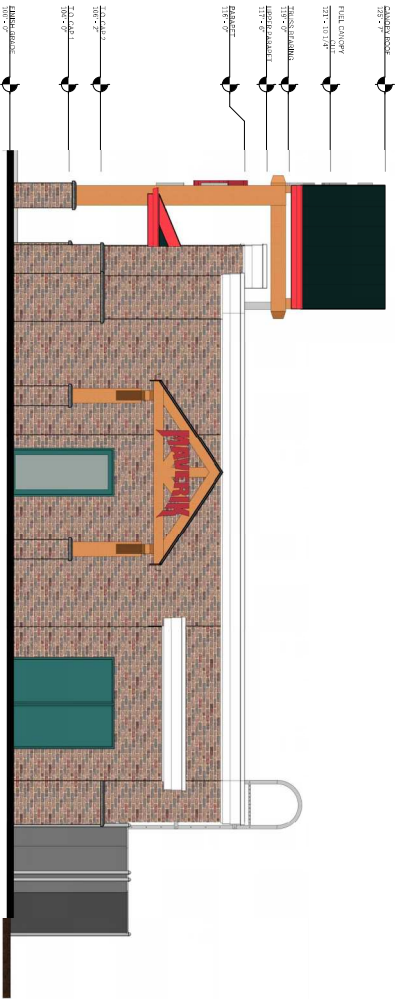


2  
FRONT  
FRONT ELEVATION  
1/4" = 1'-0"

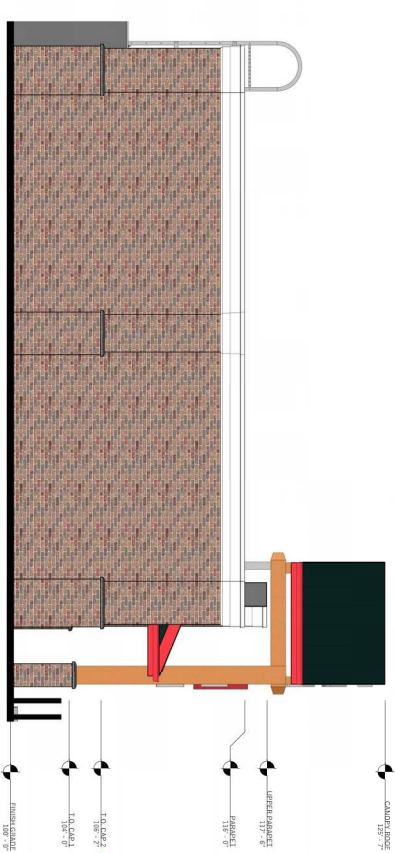
1  
PR1.1 RENDERED REAR ELEVATION  
1/4" = 1'-0"



2  
PR1.1 RENDERED LEFT SIDE ELEVATION  
1/4" = 1'-0"



3  
PR1.1 RENDERED RIGHT SIDE ELEVATION  
1/4" = 1'-0"



WWW.JZMA.COM 138 EAST CENTER STREET, NORTH SALT LAKE, UTAH 84004 PHONE: (801) 339-3443





## 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).

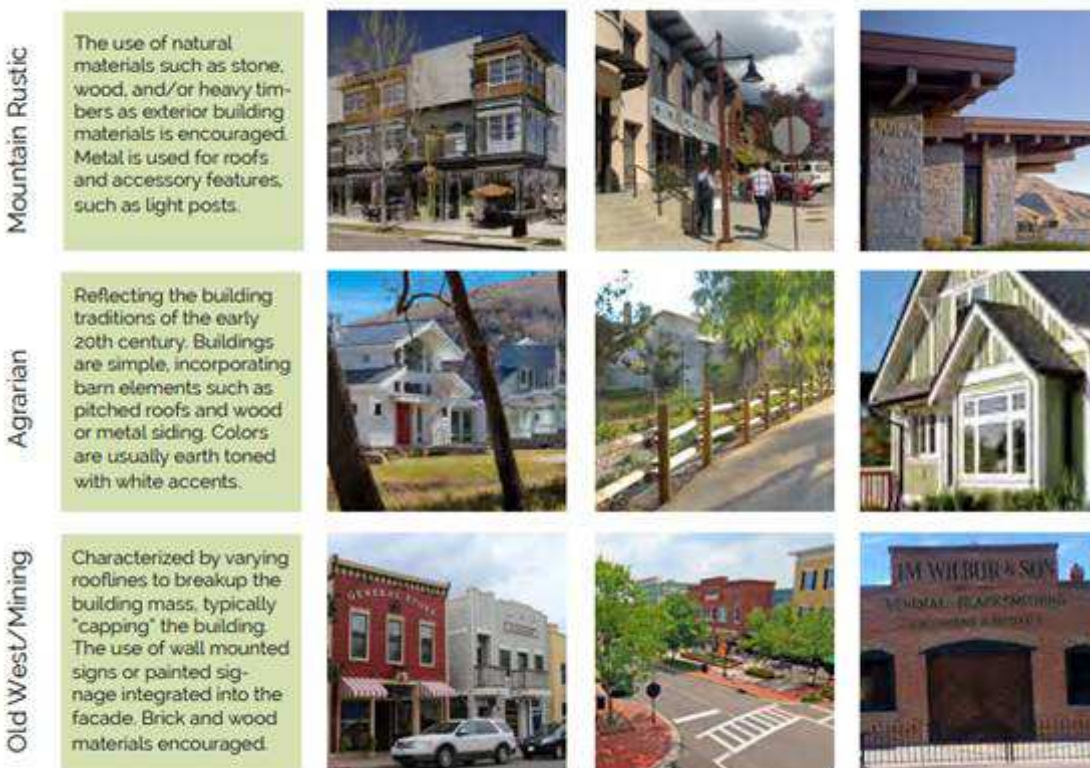
Specifically, the plan is missing the following:

- 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>*



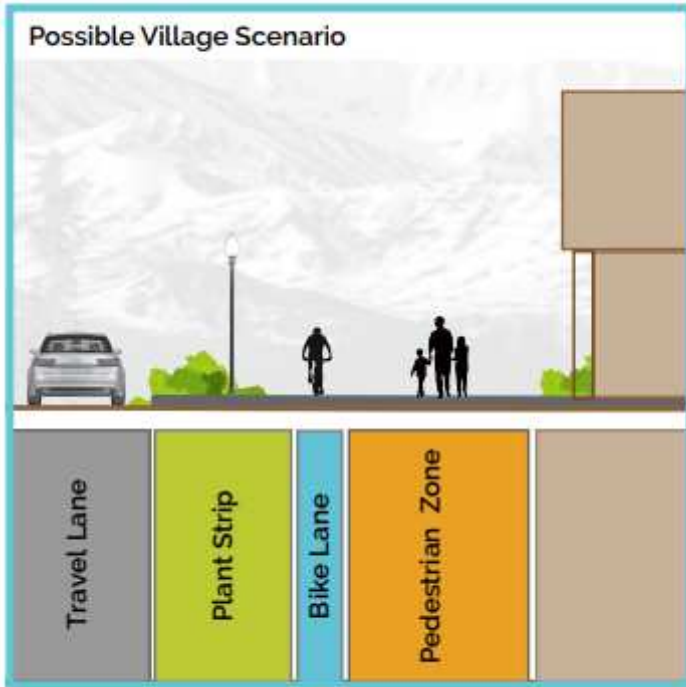
<sup>1</sup> Images are for reference only. Architecture styles should follow goals and principles in this General Plan.

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**

PRINCIPAL PLANNER  
**WEBER COUNTY PLANNING DIVISION**  
 2380 WASHINGTON BLVD, SUITE 240  
 OGDEN, UTAH, 84401-1473  
 801-399-8763 (OFFICE)



## Ewert, Charles

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**From:** Ewert, Charles  
**Sent:** Wednesday, June 20, 2018 2:15 PM  
**To:** 'Leslie Mascaro'  
**Subject:** RE: Maverik Eden Rebuild - Design Review - email 1 of 2  
**Attachments:** Design Review Application 4\_18\_2018.pdf; Property Affidavit\_EdenUT.PDF; Eden Maverik Elevations.pdf; EDEN MODULAR E-1.2 Photometric Plan.pdf; Maverik Sign Packet\_EdenUT.PDF

Hi Leslie,

I received the files you attached. I omitted the Design Review application and the property affidavit, as they are not associated with this rezone. The elevation drawings, the lighting plan, and the signage plan have been uploaded to your file in Miradi. Below are a few quick notes to help you revise this application for a higher likelihood of approval. I did not receive an email asking for a specific conference call time yesterday so I assumed you are still digesting the information I sent in the last email. Please let me know if there is anything else with which I can assist.

### Elevation plan:

- Help me understand how the architectural theming of this building supports or complies with the architectural theming of the general plan? I think the design would get more support if it followed an old-west mine town motif. An agricultural/farm motif may also be acceptable if it fits the general character of agricultural structures in the area.
- What are the building materials?
- Given that this building is exposed to view on all sides I think a little more architectural detail and fenestration on the sides and rear would be appropriate to break up shear wall massing.

### Lighting plan:

- The lighting plan does not comply with our Ogden Valley Outdoor Lighting ordinance. We do not necessarily need a lighting plan for this type of approval, unless you are seeking approval of an innovative design that is not otherwise contemplated by our current ordinance. If this lighting plan remains part of the submittal the application cannot be approved.

### Signage packet:

- Like the lighting plan, this is not necessary at this time unless you are seeking special concessions or innovative design that the code does not already contemplate. If a site redesign that brings the building(s) closer to the street renders a need for adopted sign standards relief, please let me know so we can directly address that concern.

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**From:** Leslie Mascaro [mailto:Leslie.Mascaro@maverik.com]  
**Sent:** Monday, June 18, 2018 4:49 PM  
**To:** Ewert, Charles <cewert@co.weber.ut.us>  
**Subject:** Maverik Eden Rebuild - Design Review - email 1 of 2

Please see the attached elevations for the rezone application.

Thank you,

Leslie

**Leslie M. Mascaro**  
Entitlements Manager  
O: 801.683.3594  
185 S State St, Suite 800  
SLC UT 84111



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**From:** Elizabeth Sorenson  
**Sent:** Monday, June 18, 2018 10:49 AM  
**To:** Leslie Mascaro <[Leslie.Mascaro@maverik.com](mailto:Leslie.Mascaro@maverik.com)>  
**Subject:** FW: Maverik Eden Rebuild - Design Review - email 1 of 2

Elizabeth Sorenson  
Permitting Project Manager  
O: 801.683.3690 C: 801.554.8428  
185 S State St, Suite 800  
SLC UT 84111



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**From:** Elizabeth Sorenson  
**Sent:** Tuesday, May 01, 2018 10:12 AM  
**To:** Burton,Steven <[sburton@co.weber.ut.us](mailto:sburton@co.weber.ut.us)>  
**Subject:** Maverik Eden Rebuild - Design Review - email 1 of 2

Oh my gosh, yes I forgot to add that into the total! I will get that added. Can I pay the fee by credit card or do I need to send a check? Yes the landscaping plan are part of our civil drawings.

Due to the size of the attachments I will be sending the files in two emails  
Attached are the following:

- Design Review Application (email 1 of 2)
- Property Owner Affidavit (email 1 of 2)
- Elevations (email 1 of 2)
- Sign Package (email 1 of 2)
- Lighting Plan (email 1 of 2)
- Civil Drawings (email 2 of 2)
- Landscape Plan (email 2 of 2)

Thanks,