

Minutes of the Ogden Valley Planning Commission Regular meeting July 17, 2018, at the Eden Park Bowery located at 5510 E 2100 N, Eden UT in the Weber County Commission Chambers, commencing at 5:00 p.m.

**Present:** Jami Taylor, Chair; John Howell, Shanna Francis, Robert Wood, Chris Hogge  
**Absent/Excused:** John Lewis, Steve Waldrip

**Staff Present:** Rick Grover, Director, Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

***Pledge of Allegiance***  
***Roll Call***

Chair Taylor said we are losing a Planning Commissioner, Laura Warburton. Director Grover did a presentation to Laura Warburton and gave her a gift for her time and service as a Planning Commissioner.

Chair Taylor said this is a public hearing to discuss and take comments from the public.

**1. Petitions, Applications and Public Hearings**

**1.1. Legislative Items**

**a. New Business**

**1. ZMA 2018-04: 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.**

Director Grover said this is a public hearing so we need to make sure that we open for public hearing. We will need to make a recommendation to the County Commission, and after you make your recommendation, you will be forwarding that recommendation to the County Commission. I will be doing a short presentation, then the applicant Leslie Mascaro will be giving her proposal, and then I will be back on how this does or does not meet the code.

Director Grover said in looking at the site, this is the existing zone in that area. The area in red is the existing zoning here, the area in red is CV-2 which is Commercial Valley. The area in green is AV-3 which is agriculture, and it does allow for a single family residential. The request before you are looking at the existing Maverik site, at the four-way stop, and they are looking picking up additional property zoned AV-3, so the request is to look at this area this area as CV-2.

Leslie Mascaro, Maverik Representative, and she introduced Natasha Marcum, Store Director for seven years, and Nate Reese, Resource Associate, has helped with over 150 projects. We appreciate being here and we have taken your comments and feedback, and we have incorporated that feedback in our recent proposal which is what you see there. The first plan is the comprehensive plan, and even though that is an advisory document, it is very important to Ogden Valley residents. We have combed through that plan and we feel that we are in conformance with every requirement, strategy and goal, that we have the ability to comply with. The other thing I would like for you to notice as we are going through this presentation; we are above and beyond all of these standards with respect to open space, landscaping, architecture requirements that are associated with the CV-2 Zone. This is our existing Maverik site, but the site was constructed about 20 years ago. We actually have equipment on top of the roof and very limited landscaping. There is some turf and one tree building and there isn't any pedestrian connectivity.

Leslie Mascaro indicated that they have incorporated some of the elements they received from the community and Planning Commission so that it meets the night sky ordinance and the comprehensive plan. They also reached out to UDOT, and we recently received some information from UDOT. She asked Director Grover to read the letter, in which he did. Ms. Mascaro said UDOT asked us to protect the intersection by placing the infrastructure, building any type of equipment away from the intersection for when the future additional right-of-ways is necessary; for future intersection improvements that is minimal for property owners. In our conversations with UDOT we have heard this constantly. The second reason why we can't reconfigure in looking at the spacing requirements of the setbacks; with

everything that we need to conform to Federal, State, and Weber County regulations, it makes it almost impossible to be able to comply with that. One of the items that we review is we create a turning template; so that we can identify if our semi tanks can get into this site, make the turning width and then come out, and that has been impossible for us to also meet.

Natasha Marcum, Store Director at Eden Maverik, said this is my favorite store. We have clientele that you don't get anywhere else. It is my personal mission to ensure that the customers receive the best service and quality that they deserve. Our customer base is growing weekly and we want to give them a store that can keep up with that growth. Last week we did a running poll; we had 260 Eden residents sign the poll, 110 of them were residents living in Huntsville, Liberty, and we have 180 residents that were from other places. People like the idea of the trails that leads to the Maverik. People like the idea of ethanol free gas, there are two registers, and there is always a line and we do our best to keep up during rush hour. We have many customers who are residents of Eden, and we need to provide our customers in Eden an adventure that it is always stocked for our customers.

Nate Reese, Resource Associate said I have an opportunity to work with Maverik in lots of different locations in different states. One of the best things working with Maverik, is their trial vehicle that runs through the site is a Ford F150, and the test vehicle for the upper valley is larger than an F150, so it's an onsite circulation that is the key. This site plan and we went back through and looked at 13 revisions that is internally with Maverik to get to where we are. The key there is how to get on and off the dispensers. The safety of someone coming out of the store, though the parking stalls to the dispensers. How quickly off the site and how quickly we can get 100-foot fuel truck off the site and onto the roadway, and there's a lot that goes into it. We have coordinating and working with UDOT on this site for almost two years, worked UDOT almost 2 years; and one of their key criteria from the to us, is what was passed out. We realize and analyzed the Powder Mountain Traffic Study, the growth of the upper valley, we realize that four-way intersection, it's okay in the level of service but it needs to be upgraded. We are trying to take the largest over the road vehicle and navigate it through our site, but it is one of the most challenging this to try and do that. That is the most challenging for us and the key to us. Right now UDOT is thinking about signal light with that intersection with the county or a roundabout; and the roundabout is the preferred option with UDOT.

Commissioner Wood asked I wasn't here at your last presentation; did you mention that you plan to close down and tear down, and how long will it be closed. Ms. Mascaro replied time our timeline for this project is the 2018 Budget, so we have to get it constructed this year. We will actually keep this store open, until we get the other one constructed.

Director Grover said this application was submitted on June 24<sup>th</sup>, and we had a work session on June 27<sup>th</sup>, and at that time you were somewhat hesitant about this application. As you look at the rezone, there are some things that you need to look at. All of that has to do with compliance with the General Plan. There are some things that were specific and had to do with the village area. Staff would recommend that you look at it as a whole because it's going to function whole through there. The General Plan specifically talks about avoided scattered strip commercial so we don't have that strip commercial type of development. It also talked about avoiding rezoning new property to commercial unit until such times that the community supports it. Another part of the General Plan is the streetscapes. The General Plan also talks about architectural style and how that is going to be integrated. In the packet we've indicated three options to consider:

1. If it does not meet with the General Plan, to recommend a negative.
2. To recommend approval to the County Commission that abiding that the building is sufficient enough to comply with the General Plan. We recommended to the applicant that it complies with the General Plan, and we suggested options to the applicant so that it meets with the General Plan.
3. Approve the same way how the applicant has proposed.

Director Grover said we also included in the packet if you decided to go with any of these options, you need to include the findings in order to approve that. We have also received comments from the public and add it to the record. This has to do with the Maverik one planning commissioner Mr. Steve Waldrip. Director Grover read the letter for the record.

Commissioner Howell suggested old time western architecture, to extend the roofline out and the roof material would be heavy shake. Have either a boardwalk or a cement walkway. To have the façade to be more western looking. To have walkway and have more a porch area that would be more beneficial for the customers.

Chair Taylor asked is the request that was discovered when they were looking for a design review in proportion to the landscaping; is not their property but a public right-of-way. Director Grover replied as far as the property lines, there is some setback requirements; and on the site plan that they are proposing all along this property and the setback meets the requirements for the zone. The trail itself is in the public right-of-way, and typically that typically is what we require that the sidewalks and trails be in a public right-of-way.

Commissioner Wood asked what do you interpret what faux windows to be? Director Grover replied to get an idea of what faux windows are; if you go to Iggy's at the junction, the windows that are along Washington and 23<sup>rd</sup> Street, those are faux windows. So they look like regular windows, but you look inside there is a film on it so you can't see on the inside.

Commissioner Francis said my concern is the façade; why couldn't they do something like the Old Blacksmith Shop where they have the façade that goes up the windows are arched on top; or maybe some of that rustic type incorporated with wood. I think they could go a lot further making it fit esthetically to what we're looking for in the vision of Ogden Valley. Director Grover replied in reference to Commissioner Waldrip's letter, those were some of the comments that he made.

Director Grover said as you make your decision when you deliberate on this; you're looking at the rezone because it does talk about those specific requirements. As far as street commercial and things like that, when you make your motion, you need to make sure if you go off the first alternative, you need to make sure you make those specific findings because that's the whole rezone purpose is based on the General Plan.

Chair Taylor opened up for public comment.

Richard Menzies, 3807 N Elkridge Trail, asked so is the requirements for extra space; is it being driven purely by the extra gas pumps.

DJ Manaster, resides in Eden, asked you said you are in compliant with Dark Skies; is that commercial dark sky rules or housing dark sky rules? My other question is about the lighting?

Van Adams, resides in Eden, asked how are you going to handle the garbage, because right now there's that chain link fence right there?

Miranda Menzies, resides in Eden, said there is another option that wasn't listed. To take comments and the applicant to retreat and consider the options that were made and reexamine at the next meeting. Essentially what we're doing here is realizing form base code and she listed several detailed concerns for the applicant to consider.

Kim Wheatley, resides in Huntsville, said that we should only rezone if it substantially advances the principles and goals of the plan. Overall I think that does, and I came to that decision since I challenged you on it; and believe this would justify the rezoning. With the respect to the criteria with the commercial strip zoning; the commercial strips that we didn't want to see, is the kind of thing that is going on around Chris's. This is a concentrated thing and it is not really rezoning new property concept there; this is more of expansion of an existing commercial and I don't see this as bringing new business to it. We need to consider that intersection; and I agree with Ms. Menzies and how can we make this work with traffic like we're going to see there.

Chair Taylor closed for public comments.

Leslie Mascaro responded to the questions made by the public and the suggestions from the Planning Commission.

The Planning Commissioners had some concerns with this project and still had some issues with façade, architectural design, and the windows for this project. Director Grover suggested if the commission required more architectural requirements that we actually table that, and have the applicant come back and address some of those site specifics, so that could be fully addressed. It needs to be part of the development agreement, if you are going with options 2 or 3, and we need to have those guidelines indicating the development agreement. If you can give us those comments, we can have those go before the County Commission in the form of a development agreement. If you table this, you need to indicate what you liked to address, and ask the applicant to address those things, and then have that come back.

**MOTION:** Commissioner Howell moved to table ZMA 2018-04 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 purposed rezoning is to expand and update the Maverik site with new facilities. Request this be tabled at this time to get more input and architectural drawings on the proposed façade of this building (not the building itself). Commissioner Wood seconded.

**DISCUSSION:** There was a discussion among the Planning Commission on what their individual issues were with this project. The consensus was that at this point it is premature moving this forward based on public comments, and to have this architecturally that everyone would agree with, and be provided with the required information from the applicant.

**VOTE:** A vote was taken with Commissioners Howell, Francis, Wood, Hogge, and Chair Taylor voting aye to table this application until next week. Motion Carried (5-0)

Chair Taylor said this totally lacks as it stands right now, I was prepared to give a negative recommendation. I will give a negative recommendation next time you come back; if there is not enough of a reason for me to be able to pass along that this positively impacting general plan. I would agree with the Planning Commission, that we just need to see architecturally something that is western old time Eden; we are looking at the historical buildings that impacts the General Plan.

- 2. **Remarks from Planning Commissioners:** None
- 3. **Planning Director Report:** Director Grover said he need to leave to attend the Open House.
- 4. **Remarks from Legal Counsel:** None
- 5. **Adjourn to the Public Open House for the Morgan County-Ogden Valley Rural Planning Organization at the Huntsville Library**
- 6. **Adjournment:** The meeting was adjourned at 6:00 p.m.

**Respectfully Submitted,**

**Kary Serrano, Secretary;  
Weber County Planning Commission**