

Minutes of the Ogden Valley Planning Commission Regular/Work Session Meeting October 03, 2017, located in the Eden Park, 5510 E 2100 N, in Eden UT commencing from 5:00 p.m. – 8:00 p.m.

Present: Jamie Taylor, Chair; John Lewis; Robert Wood; Chris Hogge; Stephen Waldrip, John Howell

Absent/Excused: Laura Warburton

Staff Present: Rick Grover, Planning Director; Scott Mendoza, Assist Planning Director, Charles Ewert, Principal Planner; Ronda Kippen, Principal Planner; Courtlan Erickson, Legal Counsel; Kary Serrano, Secretary

Pledge of Allegiance

Roll Call

Chair Taylor asked if there were any ex parte communication or conflict of interest to declare. There were none.

1. Petitions, Applications and Public Hearings

1.1. Legislative Item

a. New Business

1. ZDA 2017-02: Consideration and action on a request to amend Eden's Blacksmith Village zoning development agreement that was originally approved as part of Ordinance 2008-17 and amended as part of Contracts C2010-100, C2011-38, and C2013-197. The requested amendment involves changes to the conceptual plan, a time extension, and the removal of previously imposed limitations and restrictions. The site is located at approximately 2145 North and 5500 East in Eden. (Pamela Collard, Applicant; Shawn Clegg, Agent)

Director Grover said this is a legislative item and we'll have Mr. Mendoza do a brief presentation; then we'll have Shawn Clegg, Agent will explain the project. Before we take public comment, it would be nice to take a field trip and go over and look at the site, then come back and deliberate, then take action on it.

Asst. Director Mendoza said this item is about the Zoning Development Agreement associated with the Blacksmith Village just across the street. This development agreement request has to do with the site plan, amending the project completion date, and amending a section within the existing development agreement that has to do with restrictions and limitations, and reviewed the staff report. He gave a brief history of the Blacksmith Shop and the applicant's request for this project. In staff's recommendations the suggestion from staff is to allow the uses which are pretty consistent with all the commercial areas around here, eliminating the loud ones for example automobile repair or some of the more impactful uses. I will let Mr. Clegg talk more about the building itself that is worth hearing about.

Shawn Clegg, Agent, resides in Liberty, said what we've done and what we proposed to do with the Blacksmith Village project started from a dream to save the Blacksmith Shop. The structure of the Blacksmith Shop, the chimney's had already collapsed, the trusses had already collapsed, and the foundation was coming in on its own, and the brick walls were about to collapse. It was evident that if nothing was done with the Blacksmith Shop, that piece of history was going to be lost. As a management team and owner of the property, we wanted to preserve that for the community. So we restored the foundation and kept identical to what it was when it was built in 1895 and made it just more structurally sound. As part of that we were able to get on the National Historic Register which is the only property in the valley that is historically registered. We were able to obtain salvaged bricks in Ogden from a building that was being torn down and applied those bricks to the theme of the whole project as an older them, a vintage feel to be a walkable destination. We had the opportunity with the with Old West Point Canary building that was going to be demolished. We received a call from an individual that received the bid to demolish that building and gave us the opportunity to take down building brick by brick, piece by piece, and clean it and preserve it. What we propose is rebuild the exact building located on our site in the back behind. With moderate engineering, we will probably have to update certain things; like the design of the building, the footprint of the building will remain the same size. We will use the exact brick and lumber as we can in that project. That is our way of trying to save a piece of history in Utah that was located in West Point and preserve it here locally. It is an opportunity to save something that would have been lost; and it will continue to add to the walkable destination. This creates a walkable destination area in the commercial area here and around the park. We would like for you to come over and see the site; we were able to find a Blacksmith that wanted to work in it and as he is over there pounding away at the iron and doing his work, so instead of just being a museum, it's a workable museum.

The Planning Commissioners, staff, and members of the audience left to visit the Blacksmith site.

Chair Taylor informed that there was a double booking for this building tonight; the 4-H Club will start at 6:30 p.m. We will be mindful of that and do our best to get everything.

Chair Taylor asked how they would like to proceed. Asst. Director Mendoza said that he could present staff's recommendations, then open it up for public comment, and address any issues the public may have.

Asst. Director Mendoza reviewed staff's recommendations to the Planning Commission and as far as Planning Division recommendation this is for approval of the request based on the fact that it conforms to the new General Plan and more specifically with the items listed in the staff report. Staff is comfortable if you would prefer what has been requested as an extension of five years with the agreement of 2023. If this commission chooses to take action, they will be making a recommendation to the County Commission

Commissioner Howell asked on #4, when we had restrictions on the cars of six cars outside be on a limited time and limited hours. Now we want to put 15 outside and create a huge car lot. Asst. Director Mendoza replied that the development agreement allowed for 15 cars. We need clarification that it is for outdoor display, not indoor, because there may be a time that this building may have more than 15 cars. It is self-limiting so that site won't be able to develop any car lot area because it's going to be all building and all parking and landscaping. If there is outdoor display of classic cars that are for sale, and they won't be able to display that many vehicles because of the parking generated by the uses on the site.

Commissioner Waldrip asked on Page 14 of 14, it talks about close of business all cars will be stored in the showroom, but it doesn't specify indoor or outdoor. Asst. Director Mendoza replied that is what staff is suggesting that we clarify.

Commissioner Lewis asked if there was a minimum landscaping requirement in the CV-2. Asst. Director Mendoza replied there is, and this is a conceptual level of approval and you do have wide discretion when you give the recommendation or when the County Commission approves this. At the site plan we will be looking at the codes and the applicant at that time will need to prepare a site plan that shows they have a minimum of 20% of the site plan scape. They have to demonstrate that they have the necessary parking for whatever uses in the building. They also have to show that they meet the sign code, night sky lighting codes, and those types of things.

Chair Taylor opened up for public comment.

Steve Robins, who resides in Eden, said staff's recommendation on #6, on Exhibit B, for the record for not approving the following: Brewer, Bowling Alley, Car Rental Agency, Car Wash, Diaper Service, Dry Cleaning, Electrical and Heating Appliances, Employment Agency, Farm Implement Sales, Feed and Seed Store, Furniture, Fur apparel, Government Buildings, Grocery Store, Hotel, House Cleaning, Laundromat, Liquor Store, Meat Custom Cutting, Wrapping, and Processing, Miniature Golf, Mortuary, Motel, Motorcycle, Parking Lot, Pest Control, Private Liquor Club, Radio/Television Service, RV Storage, Rental Equipment, Restaurant, Drive-in, Restaurant, Drive-through, Self Storage Unit, Tavern Beer Pub, Tobacco Shop, Trade or Industrial School

Ron Gleason, resides in Huntsville, said concept of the project is great. Just a couple of comments on the Lighting Ordinance 108-16-7, says that if 25% or more of the site is improved, that all non-conforming lights will be brought up to standard at that point, and the new lighting will need to meet the current standard. You asked about the height of the tower, and after reading the FAA Codes, and it's very convoluted but there are specifics for heights in there, when you have flashing lights, markers, and covers in there. So I would like to understand that more before you determine what the height is because there is a lot they would have to comply with.

Kim Wheatley, resides in Huntsville, said he likes the project but what this is telling me that we need to get these community definition groups together, which is the highest priority because there was going to be a group of citizens in Eden, and in this case and determine what they want this to look like. This is a perfect time and it's great to do like Wolf Creek did, get people from around the area, find that community concept including the kinds of uses that they want to see in the community. It really needs to be the people living around here; and I just want to encourage you to do what we said

we were going to do in the General Plan and put those groups together and help define this. Otherwise, we are defaulting to the first developer who wants to do things, and maybe this ought to be the first one to put together a status.

Gale Sayer, resides in Liberty, said for a long time he has concerned about commercial development and things like that. When they talk about the community feel and I like what they've done over there, and propose they have kind of a model for future development in the valley. Don't want to see Wal-Mart or things like that but the growth is coming. I don't personally oppose growth, it's good and good for all of us to have areas that we can go to locally. I really that it has that family feel about it, and the attraction that it brings to our family.

Sharon Holmstrom, resides in Eden, said this is the finest restoration project that I have seen and it is fabulous. That is what our community should look like. I do think that Mr. Robins has some good points in sifting through those uses and taking out a bunch more because many of those are the guiding principle, is it nuisances, is it traffic, and that would be my recommendation.

Sandra Jenkins, resides in Eden, said I would agree, I would like to see some sifting on some of those things that seem like it would not be a good fit on the next door neighbor down the street. Also traffic is going to be a concern with increased traffic. I have concern about the park and the younger children. There are too many distractions with the foot traffic going on in there. I think they are doing great, but think there should be some research on what is going on in there.

Kirk Langford, resides in Eden, said it's an awesome looking project and congratulations and I agree with you that it's a nice architectural footprint that we could emulate in other areas in the valley. This is now the time to just go through these four, perhaps the developer could go and scratch a bunch too that Mr. Robins mentioned. There are more than 40 that need to be taken out of there. I think for those of you who have been on the Planning Commission for a long time, we all agree that we need to do clean up. I think it's a good time to look at those uses and make a determination and there is a lot that goes on in restoring cars. That is a pretty tall structure and people have a right to light their own property but they don't have a right to light my property.

Chair Taylor closed it for public comment.

Chair Taylor asked there were some good comments made in regards to this zone; what should be allowed and what shouldn't be allowed. Is this the time that we make that decision, is this the best time to do that, and if it is how do we do that in the next five minutes. Asst. Director Mendoza replied if you don't feel comfortable to proceed right now, you will put it on the agenda for next meeting. You will have all these weeks to give that some thought, we will send something out again with a list of uses that you can go through and come prepared next time to talk about the uses and everything that was suggested here.

Commissioner Wood asked did you get the recommended uses and the guiding principles that they talked about. Chair Taylor replied that was her question to Asst. Director Mendoza, how do we seriously really look at this zone and the recommended uses in the next five minutes. One of the possible motions could be to table this to our next meeting. Asst. Director Mendoza added I would be happy to add Mr. Robin's suggestions so you can have those things.

Commissioner Lewis asked Mr. Pack; you mentioned a dozen or so valid concerns, and we could go back and work on do we need to change this whole thing and go throughout the whole process, but we need to anyway. In terms of making it shorter line of success for you; did you have any particular problems with the number of intentions, and eliminating those make any difference to you. But if it didn't make any difference to it, why not just cross it off and be done with it. Mr. Pack replied those didn't make any difference to us. Commissioner Lewis said my recommendation is if it isn't a big deal to them, why not consider to make a motion with those crossed off, everybody's happy and move on. Not that we shouldn't double back and consider this CV-2 restrictions, but for tonight's purpose do that.

Commissioner Waldrip asked typically we're looking at a development agreement, modifications to the valley agreement and you've done as well as you can, given that we have a document and we're trying to take pieces of the document. What would be the process for the construction of the development agreement? Would that come back before us or is it usual for a development agreement to be drafted; with petitioners, staff, and then we look at the specifics of the development agreement so that we don't have this timing wise. I want to be sensitive to the timing but I also want to be sensitive to

some of the comments. Maybe it would make sense to convene a neighborhood meeting, and I don't think there are a lot of neighbors that wouldn't want to have some input into this. What would be the process or the wisdom of doing a draft development agreement for the Planning Commission to review? Asst. Director Mendoza replied in the past what we've usually done is take the recommendation of the Planning Commission and incorporated those things into the agreement and forwarded that to legal staff where it will then taken that back to the County Commission.

Justin Pack, Contractor, resides in Eden, said we would be fine just wiping the excess CV-2 Zone off, and just stick with the building, because it sounds like this commission wants to go through those more so we would be fine not having that and just move on with the building. Just drop one of the three conditions going forward in the CV-2. We are fine if you want to go through those and address that later. Just keep the uses that we had before and have you go through them and work on them in the future and just do the zoning agreement.

Chair Taylor asked if we were to go ahead and go forward with a motion, and it wasn't to table, to keep that out and not specifically off of a motion. Asst. Director Mendoza said cross off #6 in the recommendation and replace it with just stay with the existing uses as they are.

MOTION: Commissioner Lewis moved for recommendation for approval to the County Commission of petition ZDA 2017-02 consideration and action on a request to amend Eden's Blacksmith Village zoning development agreement that was originally approved as part of Ordinance 2008-17 and amended as part of Contracts C2010-100, C2011-38, and C2013-197. The requested amendment involves changes to the conceptual plan, a time extension, and the site is also located at approximately 2145 North and 5500 East in Eden. This is subject to recommendations 1, 2, 3, 4, 5, and 7; as well as findings and conditions found in the staff report. Commissioner Wood seconded.

DISCUSSION: Commissioner Lewis said we are changing everything except #6 the uses. Commissioner Waldrip asked what would be the impact to limit the proposed water tank to a specific height as determined by the Planning Commission, is that a future discussion? Asst. Director Mendoza replied we would want that now. Commissioner Waldrip said we would want it a specific height implementation right now. So we need to amend your motion to create a specific height. Asst. Director Mendoza said the county code does provide exceptions to towers in height limitations so you would need to address that now. Director Grover said you could look at the possibility of putting a height limit on there so that we address at the FAA regulations and requirements.

FRIENDLY AMENDMENT: Commissioner Waldrip moved to amend that we restrict the height of the water tank to 40 feet with the condition that it only be approved if there is no requirement for lighting the tower. Should there be a condition that the tower be lit, then that height restriction would need to be reviewed by this body. Commissioner Hogge seconded.

DISCUSSION: Chair Taylor said I like that we moved forward on this. It's great for the business, and this business would do a good job. It also opens up conversation that we need to have about villages, community input, and have it that could really help today to have a community village committee or something along those lines. Commissioner Waldrip asked to clarify the uses clause in here, how we address that, how does that become addressed in the development agreement. Is it eliminated, not considered, or do the uses stay the same? Director Grover replied it would stay the same per your motion. Commissioner Waldrip said so there would be no changes with the uses and I am comfortable with that.

VOTE: A vote was taken the Commissioners Howell, Lewis, Waldrip, Wood, Hogge, and Chair Taylor voting aye. Motion Carried (6-0)

2. **Remarks from Planning Commissioners:** None.
3. **Planning Director Report:** None.
4. **Remarks from Legal Counsel:** None.

5. **Adjourn Public Meeting to Convene to a Work Session**

WS1. DISCUSSION: Regarding adding "conference/education center" to the list of allowed uses in the Shoreline (S-1) Zone and/or to agri-tourism farms designated as "small farms" (10-<20 acres)

Assist. Director Mendoza said this is the agri-tourism chapter regarding conference/education center, those are things that the county has listed in the uses. How would you all feel by simply adding conference/education centers as a use to the Shoreline Zone on parcels that are 14 acres or greater and that's idea #1. Idea #2 where today the shoreline doesn't allow for conference center, there is a definition for this and what it allows for is called overnight lodging and it's not specific how long that would be. Idea #2 is to amend the shoreline zone by adding agri-tourism to the list of uses and amending the agri-tourism code by putting conference/education centers on the farm size that is a 10 to 20 acre farm and that would be a small farm. Those are just ideas and what staff would like to get your ideas and see which one you prefer. In the shoreline zone, it's got a general description with some characteristics of the zone. The shoreline zone has been established as a district in which the primary use is for farming and for recreational purposes. This area covers the portion of the unincorporated area in the county which is occupied by the reservoir and shores adjacent there; there is also a shoreline way out west by the Great Salt Lake. It's characterized by farms, pasture lands, shoreline, Pineview Reservoir, some dwellings, recreation camps and recreational facilities. The objectives of the zone, *"to promote the use of the land for agriculture and for fish, wildlife, and recreational purposes,"* so this keeps going back to recreational purposes both public and private. It also, *"facilitates conservation of water, natural resources to reduce hazards, refluxing fire, scenic attraction, and natural vegetation and other natural features to ensure provisions for water supply, domestic sewage, disposal, and sanitation,"* and that is kind of the purpose and intent, general description, objectives, and characteristic.

There was a discussion between staff and the Planning Commissioner's and the commissioner's liked the idea of #2 to amend the shoreline zone by adding agri-tourism because it had more conditions and there would be more control. The commission felt they needed to be careful being not specific to a particular parcel. It was suggested not to have it in smaller acreage for more control. There were discussion on noise, parking, and traffic.

6. Adjournment: The meeting was adjourned at 8:35 p.m.

Respectfully Submitted,



Kary Serrano, Secretary
Weber County Planning Commission