

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
Tuesday, July 16, 2019 6:00 p.m.**

PRESENT:	Dean Lester Stephen Barsuhn Reed Hancey Zachary Roberts Holly Bell	Chair Vice-Chair Commissioner 1 st Alternate 2 nd Alternate
ALSO PRESENT:	Mark Bradley Christina Boss Gene Stephens Mike Jensen Jim Flint Matt Teuscher	City Planner Administrative Assistant Applicant Applicant's Representative Applicant's Representative Applicant
EXCUSED:	Cindy McConkie Scott Mildenhall Bill Frye	Commissioner Commissioner Commissioner

AGENDA

Approval of Minutes

Continuation of Public Hearing 3 / Application #19-049 / Amend City Code, Title 29 Zoning, Chapter 29.26, Section 29.26.070 / Allow off-street parking for townhomes to back directly onto a public street and not from a private driveway
Gene Stephens, American Legacy Homes

Public Hearing 3 / Application #19-057 / Rezone of Property from A-5 (Agricultural) And R-1-8 (Residential) to all R-1-8 (Residential) on approximately 0.763 acres / Parcel of land associated with subdivision plat amendment (application #19-056) / 982 West 950 South (Parker Lane) / Monty Elgan

Application #19-056 / Amend Subdivision Plat / Parker Estates Subdivision Second Amendment / 982 West 950 South (Parker Lane) / Monty Elgan

Application #19-055 / Conditional Use Permit / Preschool and After School Program / 693 South 400 East / Matthew and Johana Teuscher

REGULAR MEETING

APPROVAL OF MINUTES

Commissioner Bell made a motion to approve the minutes from the June 18, 2019 meeting. The motion was seconded by Commissioner Barsuhn and passed unanimously.

Commissioner Barsuhn made a motion to approve the minutes from the July 2, 2019 meeting. The motion was seconded by Commissioner Bell and passed unanimously.

PUBLIC COMMENT There was no public comment.

Continuation of Public Hearing 3 / Application #19-049 / Amend City Code, Title 29 Zoning, Chapter 29.26, Section 29.26.070 / Allow off-street parking for townhomes to back directly onto a public street and not from a private driveway / Gene Stephens, American Legacy Homes

Motion: Commissioner Barsuhn made a motion to close the Public Hearing. The motion was seconded by Commissioner Bell and passed unanimously.

Mr. Bradley approached the table and reviewed current and proposed Code language. He displayed and reviewed the Design Standard Scenario Diagram with Shared and Single Access.

Commissioner Lester invited the Applicant and his representatives to the table. Mr. Stephens accepted the proposed Code changes for his project.

Commissioner Hancey questioned the omission of language specifying spacing between units for on-street parking. The group discussed additional language requiring a certain number of on-street or off-street parking spaces. Because this ordinance deals with off-street parking, Mr. Bradley can add language for location of guest parking spaces and not specify on or off street. The group decided on language consistent with temporary guest parking.

Commissioner Lester stated that letter c. should not specify the right of way width because certain City streets, that are neither collector nor arterial, are much wider than 60 feet.

Motion: Commissioner Hancey made a motion that the Planning Commission acting as the recommending body to the City Council forward Application #19-049 with a recommendation for approval subject to the addition of language for consideration of guest parking and subject to striking “right of way width of sixty (60) feet” from A.2.c. and with the Staff comments and the Findings of Fact that: 1) The petition is to allow a townhome development to have direct access from and onto the public street, which in essence allows the residents to back out from their garage/driveway directly onto the street; 2) The amended language has specific considerations and criteria for the City Engineer and City Public Works Director to consider for the approval; 3) The established considerations and criteria should continue to maintain access management, street functionality, and safety; 4) The amendment potentially allows better use of property and less impervious surface by requiring an additional private

driveway; and 5) The legislative body may not make any amendment authorized by this subsection (Utah Code, Section 10-9a-503) unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation.

The motion was seconded by Commissioner Roberts and passed unanimously.

Mr. Bradley asked if the motion was supposed to include the word temporary with the addition of guest parking. Commissioner Hancey opted to keep the motion wording as stated.

Public Hearing ³ / Application #19-057 / Rezone of Property from A-5 (Agricultural) and R-1-8 (Residential) to all R-1-8 (Residential) on approximately 0.763 acres / Parcel of land associated with subdivision plat amendment (application #19-056) / 982 West 950 South (Parker Lane) / Monty Elgan

Mr. Bradley introduced the item stating Applicant has requested to extend his property line 10 feet to the north so that he can have a more effective driveway. The 10-foot strip is zoned A-5 and needs to be rezoned to R-1-8 so that it is consistent with the rest of the Applicant's parcel. The rezone is in harmony with the General Plan and Staff supports the application.

Motion: Commissioner Bell made a motion to open the Public Hearing. The motion was seconded by Commissioner Barsuhn and passed unanimously.

There was no public comment.

Motion: Commissioner Hancey made a motion to close the Public Hearing. The motion was seconded by Commissioner Bell and passed unanimously.

Motion: Commissioner Barsuhn made a motion that the Planning Commission, acting as the recommending body to the City Council, forward Application #19-057 with a recommendation for approval subject to Staff Comments and with the Findings of Fact that: 1) The proposed R-1-8 (Residential) district for the entire parcel is consistent with the General Plan Land Use designation of Low Density Residential; 2) The rezone petition is associated with a plat amendment and cleans up the zoning for the proposed amended lot; 3) Notice procedures were followed per Utah Code and City Policy; and 4) The legislative body may not make any amendment authorized by this subsection (Utah Code, Section 10-9a-503) unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation.

The motion was seconded by Commissioner Roberts and passed unanimously.

Application #19-056 / Amend Subdivision Plat / Parker Estates Subdivision Second Amendment / 982 West 950 South (Parker Lane) / Monty Elgan

Mr. Bradley came to the table and displayed the site on the screen. With the subdivision amendment, Lots 3 and 4 will be renumbered to Lots 5 and 6. Staff recommends approval.

Motion: Commissioner Hancey made a motion that the Planning Commission, acting as the recommending body to the City Council, forward Application #19-056 with a recommendation for approval subject to the Staff Recommendations and Findings of Fact that: 1) The amendment is petitioned by the applicant; 2) The applicant has acquired additional lot area for vehicular circulation around his dwelling; 3) There are no existing public utilities or easements affected by this application. There is no easement along the current north property line; and 4) Such amendment should not under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

The motion was seconded by Commissioner Roberts and passed unanimously.

Application #19-055 / Conditional Use Permit / Preschool and After School Program / 693 South 400 East / Matthew and Johana Teuscher

Mr. Teuscher came to the table and Mr. Bradley displayed the Staff Evaluation on the screen. The site was previously a group home. The Applicant proposes programs for children aged 2-12 years old for preschool and after school sessions. Mr. Bradley explained that preschools are permitted in residential zones under the category of private education. The Applicant currently has a home occupation license for a childcare facility. Staff emphasized that the facility cannot function as a day care.

Mr. Teuscher feels that it would be safer to have parents park on 700 South and walk their child into the school as opposed to pulling into the parking lot. However, if the parking lot was needed it could be used.

Mr. Teuscher explained that there has been a push for preschools to accept 2-2 ½ year olds. He wants to incorporate the Montessori method. One of his teachers has Montessori experience and that teacher would teach the rest of his Staff Montessori methods. He described the Montessori philosophy as child led learning through play and stated that the kids teach themselves. He said that it would not be a day care. The programs offered would be 2 day, 3 day and 5 day. There would be two classes from 9:00 am - 11:00 am and two classes from 11:30 am - 1:30

pm. They would also offer an after school session from 3:00 pm - 5:00 pm for elementary school age children. The curriculum for the after school care would be focused on completing homework. Once homework has been completed, the group would play games to work on learning deficiencies. Other areas of focus would be life skills, exercise, nutrition and cooking.

The ratio of preschool students to teacher is regulated by the State and would be 16 students to one teacher. Mr. Teuscher stated that there would also be an aide.

Currently the building has two bathrooms located downstairs. There are no bathrooms upstairs. Future plans are to add restrooms upstairs. Mr. Teuscher stated that the State requires one toilet or urinal for every 15 children.

Mr. Teuscher reiterated that the after school children and the preschool children would not be together.

The Commissioners expressed concerns over putting 2 year olds in the same classroom as 3, 4 and 5 year olds. Mr. Teuscher explained that the 2 year olds would be evaluated before being accepted.

Commissioner Lester asked how the school could be labeled Montessori with no certification. Mr. Teuscher stated that he would get his certification, as would the teachers.

Mr. Teuscher would like to remove part of the fence and make covered parking for the school van.

Mr. Teuscher hopes to have a year round preschool program. If he does not have the attendance, he would not run a program over the summer. Similarly, the after school program would include activities during the summer if there is a need. He further stated that preschool and elementary aged children would remain separated.

Mr. Bradley stated that Notices were sent out to the neighbors and only the owner of proposed property sent in a letter supporting the Applicant.

The Planning Commission was agreeable to Mr. Teuscher's request that he be allowed to adjust the times of his preschool sessions based on elementary school traffic.

Motion: Commissioner Bell made a motion that the Planning Commission, acting as the land use authority, approve Application #19-055 subject to the following conditions in response to Community & Economic Development Department Staff Comment number 2.a.-f.: the age range of preschool children will be 3-5 years old; curriculum plans will be as owners have designated; there will be two classes during each preschool session; the student/teacher ratios will be equal to or less than state and national guidelines;

preschool classes will take place downstairs and after school classes for children ages 6-12 will be upstairs; sessions for preschool aged children will be separated from after school aged children; the program will run year round Monday through Friday; and subject to the Staff recommendations, Stipulations and Findings of Fact that: 1) The property is zoned R-1-8. The use category "private education institution having a curriculum similar to that ordinarily given in public schools" is a conditional use permit in the R-1-8 Residential District. Said use category is what has been applied to preschools and considered the most similar type of use category; 2) The private preschool is similar to the use category of Private Education Institution Having a Curriculum Similar to that Ordinarily Given in Public Schools; 3) An after school program for school age children would be a similar concept to the operation of the Boys & Girls club which has historically been housed in residential districts; (4) The preschool days of operation would follow a similar time frame as the Box Elder School District calendar with similar hours Monday – Friday, but would be offset to address the traffic in the area; (5) A courtesy notice was sent to adjacent property owners; 6) Per Utah Code, "a conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." Section 10-9a-507(2)(a); and 7) Such use with the noted conditions and stipulations should not under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property or improvements in the vicinity.

The motion was seconded by Commissioner Hancey and passed unanimously.

Mr. Bradley asked if the motion should specify preschool upstairs and afterschool downstairs in case the Building Official had any Building Code issues. The Commissioners discussed the location of the sessions.

Commissioner Bell amended the motion so that it does not specify the upstairs or downstairs location of each group. Commissioner Hancey agreed to the amendment and the motion passed unanimously.

Mr. Bradley briefed the Commissioners on the upcoming SDAT meetings.

MOTION TO ADJOURN

Motion: A motion was made by Commissioner Bell to adjourn, seconded by Commissioner Barsuhn and unanimously carried.

The meeting was adjourned at 7:58 pm.

This certifies that the regular meeting minutes of July 16, 2019 are a true and accurate copy as approved by the Planning Commission on August 6, 2019.

Signed: _____

Christina Boss, Administrative Assistant