

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
Tuesday, July 2, 2019 6:00 p.m.**

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

AGENDA

Approval of Minutes

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

Application #19-050 / Preliminary Subdivision Plat / Busch Madsen Subdivision / 3008 W. Forest Street / Jon Madsen

Application #19-051 / Submission of Development Plan Per Utah Code 10-9a-305 / New alternative community high school (Sunrise High School) / 230 West 200 South / Box Elder School District

REGULAR MEETING

APPROVAL OF MINUTES

The minutes from the June 18, 2019 meeting were not included in the packets.

PUBLIC COMMENT There was no public comment.

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

Mr. Bradley approached the table and reviewed the proposed Ordinance changes along with the City Attorney's comments.

Commissioner Lester joined the meeting at 6:10 p.m.

Public Works prefers to have the on street parking areas extend into the property line allowing the sidewalks to be unobstructed. Staff recommends parking stalls be a minimum of 21 feet deep and a foot behind the sidewalk.

Gene Stephens and Mike Jensen came to the table and stated that they agree with the suggested changes for on street parking. There was discussion about the green space between driveways. Mr. Stephens proposed consistent spacing between units could be accomplished by putting all of the porches on the same side of the units. Mr. Stephens mentioned that the driveways and green space are sloped at 3%. He is considering staggering building frontages by 5 feet for more curb appeal.

The Planning Commissioners would like to see the ordinance language include a maximum number of units allowed per building, minimum spacing requirements between driveways, requirements for number of on street parking spaces and spacing specifications for garbage and recycling carts.

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

There were no comments.

Motion: Commissioner Hancey made a motion to close the Public Hearing and then withdrew the motion. Commissioner Hancey made a motion to continue the Public Hearing until the next scheduled meeting. The motion was seconded by Commissioner Lester and passed unanimously.

**Application #19-050 / Preliminary Subdivision Plat / Busch Madsen
Subdivision / 3008 W. Forest Street / Jon Madsen**

Jonathan Madsen and Junette Madsen came to the table. Mr. Bradley introduced the item from the podium and stated that in order to get a water connection, the Applicants need to be annexed into Brigham City. Subdivision applications trigger site improvement and utility extension requirements as well as the necessity for development agreements.

Lot 1 will be a one acre parcel. Lot 2 is the existing home. The Applicants will dedicate 16 ½ feet for 3000 West. When the property to the east is developed, 16 ½ feet will be dedicated for 3000 West.

The City Attorney's comments include concern for a surety. Mr. Bradley reviewed

the Agreement which allows for deferral of improvements until such time as utilities are within 100 feet, or when the property to the east is ready to develop, or improvements are requested by the City. Improvements would need to be made within one year from the time the City provides written notification. Normally a developer has a two year deadline to complete improvements in a subdivision. Mr. Bradley explained that with this Application, the City does not know when the road and utilities will be brought to the area.

The group discussed the timing of utility improvements. Currently, the City allows a customer to stay on septic until it fails. At that time, the customer must connect to sewer. The Applicants will be required to install a fire hydrant with construction of the home. The Agreement does not have any language to address timing of improvements. Mr. Bradley stated that Mr. Madsen may be required to extend the utilities with partial improvements. Mr. Bradley will check with Public Works on the plans for secondary water in that area.

Mr. Bradley explained that if there is a recommendation for approval by the Planning Commission, the City Council will have to work through the Development Agreement language on the timing of improvements. They will also have to decide if they are willing to support the Agreement with no escrow or surety.

Motion: Commissioner Hancey made a motion that the Planning Commission, acting as the recommending body to the City Council, forward Application #19-050 with a recommendation for approval subject to approval of the Development Agreement with modifications to the language to clarify the phasing or timing of full or partial utility installation and development of language for the guarantee agreement, and with the Staff Comments and Stipulations and the Findings of Fact that: 1) The property lots sizes comply with the R-R-1 zoning district; 2) Subdivision improvements are deferred with the development agreement which outlines what is required and the timing for said improvements; 3) The lack of utilities in the area and 3000 West Street being a County roadway justifies the consideration for entering into a development agreement; 4) The Planning Commission is a recommending body to the City Council on both the subdivision plat and development agreement; and 5) Such land use transaction 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 or working in the vicinity, or injurious to property or improvements in the vicinity.

The motion was seconded by Commissioner Lester and passed unanimously.

Application #19-051 / Submission of Development Plan Per Utah Code 10-9a-305 / New alternative community high school (Sunrise High School) / 230 West 200 South / Box Elder School District

Mr. Bradley and Mr. Thompson came to the table. Mr. Bradley displayed the site on the screen and the proposed elevation and site plan. Mr. Thompson confirmed that the park strips and basin area will be grass. The school's main access will be off 200 South.

Mr. Thompson explained some of the features of the site and elevations as well as the first and second floor plans. Mr. Thompson stated that the School Board is willing to work with the City on the retention of the trees and agrees with comments by Staff.

The School Board sold 15 feet of property to 4-plex to the north so that they had a driveway. The School District is aware of the need for clear view along the north property line.

Motion: Commissioner Bell made a motion that the Planning Commission, acting as the land use authority, accept Application #19-051 with the Staff recommendations, Stipulations and Findings of Fact that: 1) Box Elder School District by Utah Code is required to coordinate with the local municipality and submit a development plan and schedule of their project per Utah Municipal Code, Section 10-9a-305(8)(a); 2) The land use authority shall respond to the submission under Subsection (8)(a) with reasonable promptness in order to allow the agency to consider information the municipality provides in the process of preparing the budget for the development. Utah Municipal Code, Section 10-9a-305(8)(b); 3) Box Elder School District shall conform to any applicable land use ordinance of any municipality when installing, constructing, operating, or otherwise using any area, land, or building situation within that municipality per Utah Code, subsection 10-9a-305 (1)(a); 4) Box Elder School District is subject to a municipality's land use ordinances, except as provided in Subsection (3). Utah Municipal Code, Section 10-9a-305(2)(a); 5) Box Elder School District by Utah Code is exempt from the local municipality imposing requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, additional building inspections, municipal building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property per Utah Code, subsection 10-9a-305 (3)(a); and 6) A municipality may impose regulations upon the location of property that are necessary to avoid unreasonable risks to health or safety per Utah Code, subsection 10-9a-305(2)(b)(i)(B).

The motion was seconded by Commissioner Lester. The motion passed unanimously.

MOTION TO ADJOURN

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

The meeting was adjourned at 7:42 pm.

This certifies that the regular meeting minutes of July 2, 2019 are a true and accurate copy as approved by the Planning Commission on July 16, 2019.

Signed: _____

Christina Boss, Administrative Assistant