

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
Tuesday, June 18, 2019 6:00 p.m.**

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

AGENDA

Approval of Minutes

Application #19-046 / Conditional Use Permit / Change of Use and Site Improvements / Art and Antiques Store / 430 East 1000 South / Brek Anderson

Application #19-047 / Submission of Development Plan Per Utah Code 10-9a-305 / Box Elder High School Tennis Courts and Restroom / 400 South and west of 800 West / Box Elder School District

Application #19-048 / Amendment to Brigham City Planning Commission By-Laws / Brigham City Corporation

Discussion Item:

- A. Application #19-044 / Subdivision Sketch Plan / Glen Hollow Subdivision / 600 South and 800 West / Gene Stephens, American Legacy Homes

REGULAR MEETING

APPROVAL OF MINUTES

Commissioner Hancey made a motion to approve the minutes from the June 4, 2019 meeting. The motion was seconded by Commissioner Bell and passed unanimously.

PUBLIC COMMENT There was no public comment.

Application #19-046 / Conditional Use Permit / Change of Use and Site Improvements / Art and Antiques Store / 430 East 1000 South / Brek Anderson

Mr. Bradley approached the table and stated that the proposed store building is commonly referred to as the old firehouse in the Indian School area. The site will also consist of storage buildings and some unused buildings.

The Applicant is requesting a new drive approach off 1000 South. The existing approach is on the west side of the property. There is also an existing drive approach in front of the building with the bay doors that will not be used by the public. Public Works and the City Engineer are supportive of a modification request for the additional approach off 1000 South based on traffic in the area.

Staff comments call for more landscaping between the drive approaches and City Code calls for a landscape strip adjacent to the right of way. The Applicant will install sidewalk and landscape. The fence around the storage buildings and buildings on the west side will remain.

Mr. Anderson and Mr. Flint came to the table. Mr. Anderson stated that they are nearly finished with the inside of the building.

Commissioner McConkie joined the meeting at 6:12 pm.

Mr. Flint pointed out future landscape pockets on the property. There was discussion about the property layout. Mr. Bradley suggested that the main drive approach could come in to the storage area instead of installing a second drive approach on 1000 South. Mr. Anderson is concerned with losing parking stalls.

Commissioner Bell inquired about the yellow fire hydrant behind the building. She suggested that City Staff check to see if it is active.

Mr. Flint and Mr. Anderson asked for latitude regarding frontage landscaping. Mr. Bradley explained that Staff comments are based on City Code. Mr. Bradley went over several more options the Applicant could consider.

Motion: Commissioner Hancey made a motion that the Planning Commission, acting as the land use authority, approve Application #19-046 subject to the Staff Comments and Stipulations and subject to the understanding that landscaping will be installed on the east side of the new drive approach and down the west side of the parking lot from the sidewalk to the shed and from the shed to the other drive approach, and subject to a determination on the status of the yellow hydrant behind the building, and with the Findings of Fact that: 1) The property is zoned P-M-D. Uses listed in the M-D zoning district are allowed through a conditional use permit in the P District (P-M-D); 2) The submitted plan is a change of use of the building and requires certain site and off-site improvements as noted in staff

review comments; 3) 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 4) 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 Bell and passed unanimously.

Application #19-047 / Submission of Development Plan Per Utah Code 10-9a-305 / Box Elder High School Tennis Courts and Restroom / 400 South and west of 800 West / Box Elder School District

Mr. Bradley introduced the item stating that the project area will have restroom facilities, a practice field and six tennis courts with a parking lot on the west side. Improvements will be extended along 400 South with curb, gutter and sidewalk. In 2012, when Phase 1 of the practice fields was initially approved there was a note placed on the plans that acknowledged the City’s Master Plan which showed a future road tying in to 200 South. The road would be west of the tennis courts.

Mr. Thompson came to the table and responded to Commissioner Bell’s comment on the distance between the school and the tennis courts. Mr. Thompson explained that alternative options displaced other activities. In addition, the School Board does not want to eliminate areas for future school expansion.

The tennis courts may possibly be open to the public by reservation. There may be future court lighting but it is not currently needed. Mr. Thompson feels that future development west of the tennis courts is unlikely.

Motion: Commissioner Barsuhn made a motion that the Planning Commission, acting as land use authority, accept Application #19-047 subject to the Staff Comments and Stipulations and with the 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 Roberts and passed unanimously.

Application #19-048 / Amendment to Brigham City Planning Commission By-Laws / Brigham City Corporation

Mr. Bradley displayed the amended By-Laws on the screen concerning the elimination of the public comment period on the Planning Commission agenda. Mr. Bradley stated that the City Attorney advised leaving the minutes motion language as it is in reference to who can make the motion. If a Commissioner was not present at a previous meeting, the Commissioner cannot make the motion for approval or second the motion.

Motion: Commissioner Hancey made a motion that the Planning Commission, acting as the recommending body to the City Council, forward Application #19-048 to the City Council for review and consideration.

The motion was seconded by Commissioner Frye. Commissioner Barsuhn asked if the recommendation was for adoption.

Commissioner Hancey added that the Application is being forwarded to the City Council with a recommendation for adoption.

Commissioner Frye agreed to the change. The motion passed unanimously.

Discussion Item:

Application #19-044 / Subdivision Sketch Plan / Glen Hollow Subdivision / 600 South and 800 West / Gene Stephens, American Legacy Homes

Commissioner Lester invited the Applicant to the table. Mr. Bradley displayed the site on the screen and explained that with the development of the site, there will be connectivity with the surrounding areas. The Applicant is proposing a townhome project between 800 and 1100 West. There would be 20 feet of green space

between the buildings and the buildings would be set back 25 feet from street.

There are four single-family lots west of 1100 West. The detention basin would be in that same area and would be maintained by an HOA or a property manager. 625 South would be offset from 600 South due to utilities. A play area and overflow parking is proposed at 900 West and 625 South.

Mr. Bradley displayed the conceptual idea on the screen. City Code states that except for single and two-family dwellings, access to off street parking must be from a private driveway. The Applicant has filed to amend the City Code to allow access to off street parking from a public street in specific places not including arterial or collector streets.

Mr. Stephens explained that the area behind the units is common space. Maintenance would be the responsibility of the HOA or a managed property group. Landscaping trees would be per City Code and requirements. The two bedroom units would be 1400 square feet and the three bedroom units would be 1500 square feet.

There was discussion about additional parking and the tot lot. Parking spaces would not be long term and would have HOA rules. The utility easement would be in the front of the lots instead of the rear. The group also discussed the possibility of a storage lot on Lot 4. Mr. Bradley will look into the zoning on a storage lot. Commissioner Roberts recommended minimizing lawn space and maximizing water wise planting.

MOTION TO ADJOURN

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

The meeting was adjourned at 7:58 pm.

This certifies that the regular meeting minutes of June 18, 2019 are a true and accurate copy as approved by the Planning Commission on July 16, 2019.

Signed: _____

Christina Boss, Administrative Assistant