

**APPROVED
BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
September 6, 2011**

PRESENT: Barbara Poelman Chairperson
 Larry Jensen Vice Chair
 Joan Peterson Commissioner
 Lynda Berry Commissioner
 Rob Munns Commissioner
 Eve Jones Commissioner
 Lynn Duce Alternate Commissioner

ALSO PRESENT: Mark Bradley City Planner
 Julie Jeppsen Administrative Assistant

EXCUSED: Deon Dunn Commissioner

AGENDA

Work Session

Pledge of Allegiance

Approval of Minutes

Public Comment¹ (*Per Utah Code, will receive input only, no decision can be made*) for items not listed on the agenda.*

Application # 3324 / Submission of Development Plan Per Utah Code 10-9a-305 / Box Elder Middle School Gymnasium / 18 South 500 East / Jim Christensen

Application # 3335 / Condominium Plat / Davis and Bott Professional Plaza / 50 West Forest / Bruce Vellinga

Application # 3323 / Clarification on Amendment to Chapter 29.13.020 (3) Dwellings and Other Living Quarters use category Dwellings / Brigham City Corporation

Application # 3336 / Amendment to Brigham City Planning Commission By-Laws / Brigham City Corporation

Discussion:

1. Application # 3334 / Sketch Plan / 40' x 80' Office Structure / 1075 North 1000 West / Don Robinson
2. Application # 3332 / Regulations and Standards for Towing Services, Impound Lots, Junk Yards, and Self Storage Facilities

REGULAR MEETING

Regular session opened at 6:32 PM by Barbara Poelman and Lynn Duce led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion: A motion was made by Larry Jensen to accept the **August 16, 2011** Regular Meeting minutes with corrections as noted. The motion was seconded by Joan Peterson and passed unanimously.

Motion: A motion was made by Eve Jones to accept the **January 5, 2010** Work Session Meeting minutes as stated. The motion was seconded by Lynda Berry and passed unanimously.

Motion: A motion was made by Joan Peterson to accept the **January 19, 2010** Work Session minutes as stated. The motion was seconded by Larry Jensen and passed unanimously.

Motion: A motion was made by Larry Jensen to accept the **February 16, 2010** Work Session minutes as stated. The motion was seconded by Lynda Berry and passed unanimously.

Motion: A motion was made by Lynn Duce to accept the **March 2, 2010** Work Session minutes as stated. The motion was seconded by Joan Peterson and passed unanimously.

Motion: A motion was made by Larry Jensen to accept the **May 4, 2010** Regular Meeting minutes with corrections as noted. The motion was seconded by Lynn Duce and passed unanimously.

Motion: A motion was made by Lynn Duce to accept the **May 18, 2010** Work Session minutes as stated. The motion was seconded by Eve Jones and passed unanimously.

Motion: A motion was made by Eve Jones to accept the **June 15, 2010** Work Session minutes as stated. The motion was seconded by Larry Jensen and passed unanimously.

Motion: A motion was made by Joan Peterson to accept the **June 15, 2010** Regular Meeting minutes as stated. The motion was seconded by Lynda Berry and passed unanimously.

PUBLIC COMMENT There was no public comment.

Application 3324 – Submission of Development Plan per Utah Code 10-9a-305 – Box Elder Middle School Gymnasium – 18 S 500 E – Jim Christensen, Box Elder School District Facility Director

The State Code requires the School District to coordinate with the city. The site plan for the new Middle School Gymnasium was presented by Mark Bradley with input from Jim Christensen. The timeline of the project is to target for a finish date before next fall. The facility is 5000 sq. ft. larger than the existing building and will include three Basket Ball courts. Bleachers will retract when all three courts are in use. Curtains will enable three separate games to go on simultaneously. There will be no pool. The Plaza would be paved and conducive to a wonderful study and eating area during student lunches. Some of the accesses have been re-engineered to assist with traffic flow of buses and students. The City will be relocating the Water Main that currently runs between the gym and school and serves the site and the School District has worked very cooperatively with the City Power and Public Works Departments to insure the facility is appropriately equipped and that the impact on the surrounding neighborhood is positive.

Barbara Poelman asked about the seating capacity and function.

Eve Jones commented that the facility would be larger than the previous building.

Larry Jensen brought attention to the safety issues as they relate to students attending school during construction.

Larry Jensen brought the recommendations from Staff to the attention of the Commission and asked if The School District had any issues with them.

Jim Christensen stated that The School District has mitigated most of the Staff requirements and do not anticipate an issue with the balance. He further stated how much he has enjoyed working cooperatively with the Planning, Power and Public Works Departments.

Barbara Poelman stated that the improvements will be positive and thanked Jim Christensen for the time he spent presenting the project to the Commission.

Application 3335 – Condominium Plat – Davis and Bott Professional Plaza – 50 West Forest – Bruce Vellinga

Presentation was made by Mark Bradley and Bruce Vellinga of Davis and Bott. Property will be partially condominiumized for the share of common space. Three spaces will be created for ownership as outlined on the plan. Edward Jones Investments will be going into number 105 on the North side of building. There will be areas that could be leased. This project has been coordinated with the building department. The City has an easement for lights and power which are reflected on the

plat. Some explanation was offered regarding the desire of tenants to purchase condominium space as opposed to leasing.

Barbara Poelman stated that Davis and Bott are to be complimented on bringing such a beautiful building to the area.

Larry Jensen confirmed with Bruce Vellinga that Davis and Bott were in agreement with Staff recommendations.

Bruce Vellinga indicated that he needs to clarify a few items however, for the majority they are in agreement and have no objection to Staff recommendations.

MOTION: A Motion was made by Larry Jensen that the planning commission recommend approval of Application 3335 and forward this recommendation to the City Council with a stipulation that the applicant comply with Staff comments, establish an association to address the common area and general ownership information and subject to compliance with the Building Code with findings of fact that such land use transaction with the noted conditions 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. Motion was seconded by Robb Munns and passed unanimously.

Application 3323 – Clarification on Amendment to Chapter 29.13.020 (3) Dwellings and Other Living Quarters use category Dwellings – Brigham City Corporation

Councilman Marbella has requested clarification from the Commission with regard to the change in use category from Commercial to Residential where existing buildings face either 100 E or 100 W.

Eve Jones does not have an issue with the concept. When half a street is residential and half is commercial it would seem beneficial to have more residential use in that neighborhood. Usually those neighborhoods are 75 percent residential. There are other areas in the City where commercial uses are more appropriate.

Barbara Poelman stated that it can be beneficial to take away an existing commercial building that is in disrepair and replace it with either a new residential or commercial building.

Rob Munns would like to see the Central Business District expanded a block or two each way if the Commission is going to recommend replacing commercial use with residential. Specifically, he does not have a problem with a change from commercial to residential on 100 E or 100 W, but, would like to see more commercial development in the downtown area.

Lynda Berry feels that the Commercial District is too large going North and overreaches. She feels that this is what is creating the concern. It will be a long time before we get development that far North (900 North). She would like to see that reviewed when the

Commission reviews the Master Plan. Should we retain commercial uses or change the status as part of that plan? She is in support of changing use from commercial to residential except in the Central Business District.

Mark Bradley explained that an example could be a use similar to Kent's where the business has the expanse of the full block. Conversely, a question would come in when a commercial use is split off and away from other commercial business and is surrounded by residential use. The highest and best use of a property will usually drive the ultimate decision to change uses. On those properties facing 100 E and 100 W it really is not an issue to change the use from commercial to residential. Technically there does not need to be any specific language added for clarification if the Commission were to recommend a change from commercial to residential use on a specific property. If the Commission were to recommend the opposite then language to clarify would be required.

Lynn Duce concurred and stated that the current clause additionally allows for the reconstruction of residential use if desired which is a positive thing.

MOTION: Motion was made by Lynn Duce to return the application 3323 to the City Council with approval of wording as currently stipulated. Motion was seconded by Eve Jones and unanimously approved.

Application 3336 – Amendment to Brigham City Planning Commission By-Laws – Brigham City Corporation

Mark Bradley presented options to the Commission of combining Training and Work Session type meetings with the regular meeting and moving the start time from 6:30 to 6:00 for Regular Meetings.

The Commissioners concurred with the changes and asked for some further clarification regarding some specific language contained in the By-Laws. After discussion they agreed to four changes.

1. Wording for the appointment of a Liaison will be changed to "may appoint"
2. The definition of training required by Commissioners will be changed to "Commissioners shall attend appropriate training"
3. Wording regarding meeting times will be changed to "Regular Session Meetings will begin at 6:00 PM, Special Meetings may be held at other times as warranted"
4. Regarding Commissioner's attendance, the word attendance will be replaced with excessive unexcused "absence".

MOTION: Motion was made by Eve Jones to amend Application 3336 to incorporate the four changes discussed earlier in the meeting and that in 14 days will be available to the public and to the Commission to vote on. The motion was seconded by Larry Jensen and approved unanimously.

DISCUSSION

Application #3334 – Sketch Plan – 40' x 80' Office Structure – 1075 North 1000 West – Don Robinson

Mark Bradley gave background information and explained that the property was annexed and officially recognized by the state office in early 2010. Mr. Robinson understood at that time that annexation of the property would be accepted without requiring him to bring it up to current standards with the understanding that any future new construction would require improvements to the site. With this in mind, Staff has made several suggestions and requirements for the new building, just as they would for improvement of any raw piece of land. There are comments from the City Engineer and Public Works regarding connecting a second water meter for the building. In terms of access, 1000 West was not annexed and is owned by the County. The City maintains the road. The County would most likely gift the road to the City for improvements. The City has a policy that half roads are discouraged. Staff would rather see Mr. Robinson enter into an agreement to improve his half of the road when the other side is developed. UDOT would need to be involved with improvements along Hwy 13. Where this building is back behind, they would rather not go that route at this point, but, rather allow the access as it exists now. There was also some concern regarding some maintenance issues currently on the site and Staff would like to see that addressed in terms of what the use of the new building would be.

Don Robinson explained that he currently rents about 15,000 sq. ft. to a tenant that distributes trampolines to local stores such as Walmart, Cosco etc. They have expanded their business and are currently located in a scattered fashion throughout the property. He has encouraged them to clean up the areas they are using on his property. The request to add this building improvement is an attempt to consolidate this tenant's space by offering them this new facility for an office building and provide some fencing between existing buildings where they can organize their merchandise returns. Mr. Robinson was quite concerned that the improvements suggested by Staff are too extensive. He is not in a position to make the improvements that Staff has requested and will not at this time. Regarding the water meter, Mr. Robinson is not clear as to why they will be requiring the separate meter. In terms of the storm retention the site is currently gravel and pervious. If it is paved then there will be a problem. Some interior paving is possible. This might be something that could be addressed down the road with a Master Plan for future development. He is more than willing to work with the City and feels that it would be best if he were to meet with the individual staff members and resolve some of the specific issues he and the staff have regarding this project. Again, he is very willing to do what is reasonable as long as it makes business sense.

The Commission discussed the current fencing and paving. There were concerns raised about storm retention. The Commission was pleased that Mr. Robinson was willing to make improvements contingent on future development as discussed. The Planning Commission and Staff are willing to work with Mr. Robinson and encouraged him to have discussion with Staff and determine if he would like to submit his plans in a formal application to build the building.

Mark Bradley explained the position of the Staff in trying to maintain standards and compliance with existing ordinance and suggested that Mr. Robinson be invited to the

next Staff Meeting and encouraged to meet individually with Staff as he felt necessary.

Application #3332 – Regulations and Standards for Towing Services, Impound Lots, Junk Yards, and Self Storage Facilities

Presentation was made by Mark Bradley regarding the matrix prepared and specifics of what will be included in the ordinance. He expressed concern over using just the matrix and suggested that it might be helpful to come up with a combination of some sort.

Screening needs to be addressed and taken into consideration for these uses.

It was determined by the Commissioners that there were some discrepancies and that they need to be clarified specifically. The Commissioners will use a matrix similar to what Mark Bradley prepared, however, Mark will add specific wording for uses outlining unique definitions, licensing, standards and regulation. There could also be a comment that the use is not allowed or NA input on the matrix. The contradictions and redundancy need to be eliminated. Definitions should be complimentary to the matrix so that they are consistent with the headings on the matrix. The Commission offered examples of how the definitions and other requirements could be incorporated into the matrix. An example of this is - no business will be allowed to be conducted in a Storage Facility.

Mark Bradley clarified Industrial Districts and Commercial Zones and the current uses allowed in these areas. He further explained that Grandfathered operations are allowed to continue their operations as is, however, they are not permitted to expand without making new application. It was pointed out that Towing Services, Impound Lots, Junk Yards, and Self Storage Facilities are conditional uses and subject to approval by the Commission on an individual basis.

The Commissioner's should go over the content of the Ordinance and get changes to Mark Bradley for compilation. He will take those things out of the ordinance that the commission does not want and organize the content for further discussion. Examples were given of changes which the individual commissioners want incorporated into the ordinance. The Commission would like to move in the direction of the matrix complimented by definitions specific to uses reflecting Licensing, Standards and Regulations etc.

MOTION TO ADJOURN

Motion: A motion was made by Joan Peterson to adjourn. The motion was seconded by Lynn Duce and the meeting was adjourned at 8:50 PM.

This certifies that the regular meeting minutes of September 6, 2011 are a true and accurate copy

as approved by the Planning Commission on September 20, 2011.

Signed: Julie A. Jeppsen

Julie A. Jeppsen, Administrative Assistant