

APPROVED

BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
Tuesday, December 6, 2011 6:00 p.m.

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

ALSO PRESENT: Mark Bradley City Planner
Julie Jeppsen Administrative Assistant

EXCUSED: Reed Hancey Alternate Commissioner

AGENDA

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.*

6:15 p.m. Continuation of Application # 3344 / Conditional Use Permit / Addition to Rehabilitation/Treatment Facility / 970 South 1025 West / Catalyst RTC, LLC

Discussion:

REGULAR MEETING

Regular session opened at 6:02 PM by Barbara Poelman and Joan Peterson led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion: A motion was made by Joan Peterson to accept the **November 15, 2011** Regular Meeting minutes as written. The motion was seconded by Eve Jones and passed unanimously.

PUBLIC COMMENT There was no public comment.

**Continuation of Application # 3344 / Conditional Use Permit / Addition to
Rehabilitation/Treatment Facility / 970 South 1025 West / Catalyst
RTC, LLC**

Mark Bradley presented the updated Development Agreement. He stated that since the last meeting he has had an opportunity to meet with staff and the parties to the agreement including Catalysts attorney.

Kreg Edgmon and Adam Poll came forward.

Mr. Bradley read aloud paragraph 3 of the updated agreement. Eve Jones and Larry Jensen discussed the desire for limitations to future development in the area until such time as the roads are improved and appropriate services can be provided.

Kreg Edgmon of Catalyst asked for clarification regarding Catalyst's desire to build a shed or classroom in the future. He explained that their site plan included an accessory building at submission. The proposed location of the building on the site plan was reviewed.

Larry Jensen clarified that the intent of the agreement is to protect the parties and make certain that any future development is adequately serviced in terms of fire, utility etc. The agreement is not intended to prohibit Catalyst from building an accessory building. It is to insure that Catalyst or future owners do not purchase additional property and come back requesting additional development. Eve Jones agreed.

Mr. Bradley continued to review the document item by item.

Lynn Duce asked Kreg Edgmon and Adam Paul if Catalyst was in agreement with all of the requirements included in the Development Agreement - specifically moving the fence from one side of the road to the other and their specific related costs. Kreg Edgmon stated that Catalyst is willing to absorb the cost solely for the requirements and does not anticipate any participation by the neighbors.

Additionally, Mark Bradley stated that the 30 foot width of road in front of the Catalyst property needs to be maintained as far as general weed control, snow removal etc. Kreg Edgmon stated that Catalyst would provide required weed control, maintenance etc. of the 30 foot width of road.

Mr. Bradley suggested that these agreements be clarified in the Development Agreement.

It was discussed that this Development Agreement will supercede the previous agreement in terms of Catalyst's use of the 20 foot road (private drive) only and will otherwise remain in force.

Lynda Berry asked how Catalyst will eliminate use of the private drive (20 foot road). There was discussion about the possibility of placing a gate on one end of the drive.

Adam Poll acknowledged that there have been issues in the past with customers locating the drive etc. However they feel the new access will be easier to locate and should in and of itself help resolve the existing problems.

Mr. Bradley stated that the Development Agreement will also need to make reference to the City Master Plan in terms of the possibility of a new road traversing the Catalyst property and include language disclosing that the City is looking for the best route to connect 1200 West and the 1100 West crossing of the tracks.

Barbara Poelman commented that as presented this draft will require both Nelsens and Parkers to sign.

Kirk Nelsen and Tim Parker came forward.

Kirk Nelsen stated that he is not willing to sign something that could potentially enable the City to put 1100 W directly through his property. He stated that if the City would like to do that they will need to acquire his property through eminent domain. He feels that this document has absolutely no value to him. Kirk has no problem with the Temporary access. He does not want to hinder Catalyst at all. His concern is any reference to 1100 W etc.

Pg 3, Number 3 of the updated agreement was read to all present. Clarification was made by Mr. Bradley regarding the intent of the paragraph. It basically is designed to prohibit Catalyst, the Parkers and the Nelsens from developing or subdividing any further property that would contemplate use of either temporary access.

Michael Bott pointed out that any future development applications would have to come to the Planning Commission for approval.

There was discussion regarding the necessity of Kirk Nelsen's signature on the document. The overall opinion was that it is not necessary as the agreement affects only the Parker's Property and the Catalyst property.

Larry Jensen asked if the owners of lot 2 would be allowed to build a single family dwelling. Mr. Bradley clarified that yes, under the current circumstances of the recorded plat they would be allowed to do that. The current zoning is A5. It is an unimproved Lot with no services.

Tim Parker and Kirk Nelsen both stated that there should be a gate limiting use of the north access road. It could be designed so that it could be opened in the case of an emergency. It could be placed at either end of the road. Mr. Bradley said that this was something that would have to be approved by the City.

There was discussion regarding the new easement agreement between the parties. The Easement Agreement has already been signed by all appropriate parties. An easement document would need to be prepared and have a legal description reference.

Mr. Bradley clarified that the Development Agreement and the Easement Agreement would be recorded one following the other.

Eve Jones said that she feels the agreement is a good thing. She clarified that the agreement applies to this subdivision only and not any future subdivisions etc. surrounding the subject. The control over future development comes from the fact that any future applications must come before the Planning Commission.

Lynn Duce expressed concern that the agreement be acknowledged by Kirk Nelsen as it makes reference to a fence that affects the Nelsen property.

Eve Jones felt his signature was unnecessary.

There was discussion regarding the progress of the 1100 W project. Tim Parker made it very clear that it is his understanding that the temporary easement will go away when 1100 W or an East/West street is finished. Linda Berry indicated the easement agreement she saw did not include it and thought it needed to be added. Tim Parker and Kirk Nelsen both indicated that they are not interested in donating any property to the City for development of 1100 W.

Mr. Bradley asked if Catalyst was in agreement with each of the Staff recommendations. Catalyst requested that they be read - which was done - line by line. It was pointed out that some staff comments would not be applicable with the use of the Development Agreement. Kreg Edgmon acknowledged that Catalyst understood and agreed to comply with all of the recommendations.

Mr. Bradley clarified the options available to the Planning Commission in moving the item forward.

Motion: A motion was made by Larry Jensen that the Planning Commission acting as the land use authority grant and approve the Conditional Use Permit on Application # 3344 subject to compliance with existing and future Staff concerns and comments and subject to the Development Agreement being reviewed by the Staff and City Attorney with changes to the Development Agreement eliminating references and need for Mr. Nelsen to sign the agreement. Also included in the Development Agreement a reference to the road Master Plan and also recommending that the Development Agreement, once complete, reviewed by staff and signed by the appropriate parties be forwarded to the City Council for approval and that the Easement Agreement reference dissolution of the easement once the future roads are in place. The motion was seconded by Rob Munns and passed unanimously.

DISCUSSION

Michael Bott suggested that if a gate is placed on the road as discussed earlier that a lock not be used.

Mr. Bradley suggested that the commission cancel the meeting on the 20th if no items are presented by the deadline of noon tomorrow. Notice will be sent if the meeting is cancelled.

Eve Jones and Lynn Duce will not be in attendance at the January 3, 2012 meeting.

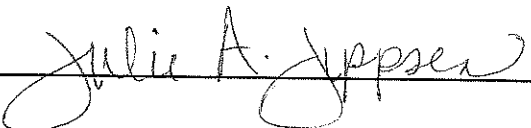
Lynda Berry would like to request future review of the sign ordinance to make it friendlier to future businesses. She has received some input from business owners and they would like to have the option of placing signage on the side of buildings to further identify their businesses. There was discussion about current businesses and signage.

MOTION TO ADJOURN

Motion: A motion was made by Eve Jones to adjourn. The motion was seconded by Lynn Duce and the meeting was adjourned at 7:10 PM.

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

as approved by the Planning Commission on January 3, 2012.

Signed: 

Julie A. Jeppsen, Administrative Assistant