

APPROVED
BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
March 20, 2012

PRESENT: Barbara Poelman Chairperson
 Larry Jensen Vice Chair
 Eve Jones Commissioner
 Lynda Berry Commissioner
 Rob Munns Commissioner
 Reed Hancey Alternate Commissioner

ALSO PRESENT: Mark Bradley City Planner
 Julie Jeppsen Administrative Assistant
 Jared Johnson Community Development Manager

EXCUSED: Michael Bott Alternate Commissioner
 Joan Peterson Commissioner
 Lynn Duce Commissioner

AGENDA

Pledge of Allegiance

Approval of Minutes

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

Public Hearing / Application # 3373 / Change of Zone from A-5 (Agricultural) to M-G (General Industrial) on 10.08 acres / Parcel located north of Brigham City Waste Water Treatment Facility at approximately 800 North Watery Lane (1200 West) / Brigham City Corporation

Application # 3374 / Conditional Use Permit / New Location for Brigham City Green Waste Facility and Recycling Center / Parcel located north of Brigham City Waste Water Treatment Facility at approximately 800 North Watery Lane (1200 West) / Brigham City Corporation

Application # 3376 / Conditional Use Permit / Home Occupation Fitness Training / 1218 Sheri Circle / Jesse Roberts

Application # 3377 / Conditional Use Permit / Apartments, Office, and Parking Requirement within the Historical Brigham City Downtown / 40 North 100 East / Matt Kartchner

Application # 3375 / Modify Deferring Public Improvement Agreement (Sidewalk Deferral) / 1161 South Main / Brian Rose

Discussion:

REGULAR MEETING

Regular session opened at 6:00 PM by Barbara Poelman and Rob Munns led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion: A motion was made by Larry Jensen to accept the Regular Meeting minutes of March 6 with the correction noted. The motion was seconded by Reed Hancey and passed unanimously.

PUBLIC COMMENT There was no public comment.

Public Hearing² / Application # 3373 / Change of Zone from A-5 (Agricultural) to M-G (General Industrial) on 10.08 acres / Parcel located north of Brigham City Waste Water Treatment Facility at approximately 800 North Watery Lane (1200 West) / Brigham City Corporation

Mark Bradley presented information regarding rezone of the property north of the Waste Water Treatment Facility as noted. There was an overhead projection of the site and layout including details of the rezone request.

There was discussion regarding the size of the facility etc. Mr. Bradley explained that the facility will be larger than the existing site however he does not have specifics. No letters of opposition have been received.

Motion: A motion was made by Larry Jensen to open the Public Hearing. The motion was seconded by Eve Jones and passed unanimously.

The Public Hearing was opened.

Motion: A motion was made by Reed Hancey to close the Public Hearing. The motion was seconded by Lynda Berry and passed unanimously.

There was general discussion regarding the zone change and the commissioners expressed their support of the proposal.

Motion: A motion was made by Eve Jones to forward Application 3373 to the City Council with recommendation to approve with the findings of fact that the request is in harmony with the General Plan and that the zone change request is consistent with the north and south adjacent property zoning districts and that 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 Reed Hancey. The motion passed unanimously.

Application # 3374 / Conditional Use Permit / New Location for Brigham City Green Waste Facility and Recycling Center / Parcel located north of Brigham City

Waste Water Treatment Facility at approximately 800 North Watery Lane (1200 West) / Brigham City Corporation

Mr. Bradley presented information regarding relocation of the Green Waste Facility and Recycling Center. The presentation included an overhead projection of the facility, its layout and functionality.

Larry Jensen noted some concerns regarding the width of the road and traffic flow, specifically turn in and out. Eve Jones also expressed concern over the speed limit and road width. Mr. Bradley clarified that there would be curb and gutter which would widen the road.

Mike Hall, Nucor Building Systems came forward and expressed two issues that they feel need to be addressed.

First – They spend \$20,000 per year on Dust Mitigation. They would request that a Dust Mitigation procedure be put in place.

Second – Drainage Issues need to be specifically addressed in the northwest corner of this site. The retention basin should solve this issue.

Dave Oakden came forward. The state has issued them a Title 5 Permit which regulates the emissions they are allowed. Specifically they are required to keep dust levels down. The State of Utah also comes once a year to inspect.

Mr. Bradley said that he is not aware if the City is subject to Title 5 however they would have to maintain dust control similarly to other operations.

They do not have any problem with the City moving to the area. They just want to make sure these issues are addressed.

Jerry Wild landowner to the east of the property came forward. He expressed concern that the ditch will remain clear so that he can water his cattle. He stated that the City has been an excellent neighbor in the past.

Mr. Bradley clarified that there are no plans to enclose or cut the ditch off.

Reed Hancey asked if there be an afterhours access if there was any monetary value to the city.

Jared Johnson clarified that the new location will operate with the same service hours as the current facility. Additionally, there is some monetary benefit to the city as there are companies that purchase the commodities collected from the city.

Glass and curb recycling were discussed. Specifically, the City has looked at options of curb recycling. It is very much an ongoing discussion.

Lynda Berry asked for clarification of the timeline. Jared Johnson explained that all phases looks like a 2 – 3 year process.

Conditions of approval were discussed and will include traffic, ditch and dust mitigation.

Motion: A motion was made by Larry Jensen that the Planning Commission acting as land use authority on Application 3374 approve the Conditional Use Permit subject to the staff comments as well as reflecting the need to adequately address drainage issues to not affect the adjacent property owners, to manage dust as to not provide negative implications to adjacent property owners, that the City address the traffic flow on Watery Lane by providing right and left turn lanes allowing users of this facility to not be in the traffic lanes when making left and right turns, that the speed limit be reviewed and that the waterways adjacent to the property be maintained and not be blocked. With the finding of fact that per the Utah Code a Conditional Use Permit 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. 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 or working in the vicinity or injurious to property or improvements in the vicinity. The motion was seconded by Rob Munns. The motion passed unanimously.

Application # 3376 / Conditional Use Permit / Home Occupation Fitness Training / 1218 Sheri Circle / Jesse Roberts

Mr. Bradley presented the proposal of the applicant to operate a fitness business in the garage area of his home. Parking issues were presented and addressed along with information regarding the neighbor feedback in support and in opposition of the request.

Clarification was provided regarding replacement of parking spaces displaced as a result of the home occupancy business in the garage – in this case 2 stalls would need to be provided. The noise ordinance was also discussed.

Larry Jensen requested information regarding the frontage of the lot. It was not clear from the images available what the exact frontage of the property was.

Eve Jones requested clarification regarding the parking allowed for home occupation businesses. Mr. Bradley explained on and off street options.

Lynda Berry voiced concern over the deference given to people with a home business as opposed to the uneven consideration given to neighbors where sports fields, schools etc. are concerned in terms of on street parking.

Mr. Bradley reviewed the ordinance related to on street parking.

Larry Jensen asked if there were other businesses in the neighborhood. He also asked if there were large numbers of children in the area.

Jesse Roberts came forward. He addressed the parking issues. He is willing to pour a cement pad to accommodate the displaced parking and locations for other parking. He has support from many neighbors. He would like to be able to bring in some

supplemental income in to help support his family. He gave clarification related to the third party involved in a police report that was submitted in opposition to the operation. Regarding children – the neighbor has two daughters, another neighbor has a 6th grader and he has a 24 month old. Mr. Roberts explained that he had attempted to open a business in an off-site location however there were issues with the building and it was not financially possible. His goal is to do that eventually when it becomes feasible. Operational hours would be after school until 9 at night. Days of operation would be Monday through Friday and Saturday morning.

Brian Walker came forward - 1219 Cheri Circle. He owns a couple of houses in the neighborhood. He also explained the history related to other home businesses in the neighborhood. The businesses were a day care and a music instruction business that operated for 15 years with no problems. It is a matter of educating clients. He did not write a letter however he does support the proposed business. Parking for family events is accommodated in the neighborhood and is much heavier than the proposed business. Family party basketball in his yard has been louder than this operation would ever approach being.

Ian Harding came forward. He is the neighbor directly to the east. He has no issues as to the business itself. His concerns are for the location of the business in the home. Their interest is in preserving the value of their home and integrity of their privacy etc. He brought attention to #3 on the staff notes regarding noise. He is concerned with the numbers of people that are in and out. Noise has been an issue in the past. Also there are times when participants run in and out and around the neighborhood. He supports the City Plan, the codes that are in place and he supports the recommendations. He has had issues with parking in front of his home and the noise in the morning hours. He recommends that the Conditional Use Permit not be approved.

Eve Jones asked Jesse Roberts how many people he plans on having at one time. Jesse Roberts indicated that there would be 4 plus Jesse - that would be 5. He has purchased equipment for noise control and is contemplating building platforms that are designed to reduce any noise from the weights hitting the ground. The window is kept closed. There is insulation in the walls - but not in the doors etc. Jesse explained the work out process and included details regarding running around the neighborhood as part of the work out.

Possible Insulation was discussed and something called Sound Soak for the walls to help absorb the sound of the weights hitting the ground was suggested by Lynda Berry.

The noise ordinance covers the hours between 10 p.m. and 6 a.m. As far as jogging or running on the streets - it is an acceptable activity.

Eve Jones feels that this is a perfectly reasonable use of a residence for a home business. Rob Munns agreed. Larry Jensen addressed the total number of individuals and cars. There was clarification of number of cars etc.

Mr. Bradley asked for clarification regarding the general topic of noise and the traffic flow of patrons.

Reed Hancey stated that there are 5 neighbors in support and 1 against. Lynda Berry clarified that the neighbor who is complaining is the closest. Rob expressed his approval of the manner in which Jesse Roberts has tried to address the issues. In particular his attempt to move the operation off site etc.

Larry Jensen suggested allowing 3 cars and a maximum of 4 people not including Jesse, with hours of 4 – 8 p.m. and Saturday 8 – 12 a.m.

Lynda Berry suggested no parking in front of the neighbor to the east.

Eve Jones suggested that the garage door be kept closed during weight lifting

Reed Hancey feels that the guidelines should be flexible enough to work with. Lynda Berry clarified that the people have a right to park on the city streets.

Jesse Roberts stated that he is selective as to who his clientele are. He hates to see the restriction of keeping the door closed at all times especially when there is nice weather.. There are many activities that have absolutely no noise associated with them. He would like to see some flexibility there.

Motion: A motion was made by Eve Jones to approve Application 3376. Noting that the Planning Commission is the land use authority for this application. With the recommendations that the applicant provide parking for 2 cars that are being displaced by the garage business with a cement slab, that no more than 4 people use the business at any one time, that the hours of operation be between 4 and 8 p.m. on weekdays and 8 a.m. to noon on Saturday mornings and the same in the summer, that if weights are being used that the garage door be kept closed. With the findings of fact that the use of attached garage for a home occupation may be considered as a conditional use only under the following conditions as outlined under Section 29.30.030 and that per Utah Code a Conditional Use Permit 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 the applicable standards and that such use with the noted conditions and stipulations should not be 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 Rob Munns.

Discussion: There was discussion by the commission regarding the number of patrons, vehicles and clarification of the definition of summer.

Amendment to Motion: Eve Jones made a motion to amend the motion to define summer as June July and August, that the maximum of 6 people be allowed with no restriction to the number of cars and that approval be subject to a nonbinding recommendation that the applicant insulate the garage. Rob Munns seconded the amended motion.

The motion as amended passed unanimously

Application # 3377 / Conditional Use Permit / Apartments, Office, and Parking Requirement within the Historical Brigham City Downtown / 40 North 100 East / Matt Kartchner

Mark Bradley presented application details related to parking requirements for the Old Cooley Hospital. Changes in the use were discussed. The building is in the Central Business district.

There are offices on the lower level of the addition area and two apartments on the upper level. It was pointed out by applicants that the driveway approach is broken where the property line is located.

Parking requirements were discussed. Parking Plan was discussed. Existing businesses and related parking were discussed. Traffic flow between buildings was discussed. Flow through of traffic was discussed.

The commissioners discussed that parking is at a premium and is a major concern in this area of the city.

Matt Kartchner and Dave Mickelsen came forward and passed out information related to their project. The exterior and protective coating were discussed as they relate to future improvement of the building. The Historical Guidelines of the City were discussed.

Parking was discussed. 4 residential and 27 commercial spaces would be needed. Mr. Bradley clarified the required size for parking stalls and numbers. Lynda Berry asked if there were plans to mitigate the problem areas of the parking and if they have talked about leasing space or trading back and forth with the neighbors. Matt Kartchner discussed the possibility of parking trades with neighbors. Eve Jones stated that there would need to be a written agreement.

Eve Jones asked how much leeway the commission will have with regard to parking in the historical areas. Mr. Bradley clarified the parking study shows deficits of parking space as this area builds out over time. Mr. Bradley explained that Public Works has expressed concern over the potential overnight street parking. There was discussion regarding the history of parking issues in the area.

Larry Jensen requested clarification of the entrances and exits to the building. There was clarification and discussion related to the inadequacy of entrances and exits. Concern was expressed regarding tenants actually utilizing provided parking in the rear of the building when access to their residence is in the front of the building.

Matt Kartchner stated that tenants would be Class A office space – mortgage – real estate - dentist – legal etc. Parking detail would be covered extensively in the lease agreement with any potential tenants.

Larry Jensen stated that there needs to be clarification of sharing of parking, traffic flow and easements. He would like to see Entrances to residences addressed. Legal documents need to be provided that will be recorded regarding parking agreements and

a detailed parking diagram. Larry Jensen stated that he remains concerned with the parking deficit and would like to see input from the City staff.

Eve suggested that an additional entrance be built to address location of parking. Matt Kartchner stated that this could be considered.

Ryan Lamborne came forward. He is the property owner to the north. They have discussed options of sharing parking but there is nothing firm. Mr. Lamborne discussed the possibility of selling his property to create more parking. He has lived here since 2003 and parking has always been an issue.

Reed Hancey asked for clarification of required spaces for residential and commercial space. Mr. Bradley explained the requirements.

Matt Kartchner discussed the options of commercial vs. residential parking requirements. They bought the property under the assumption that the use would be residential however they have been encouraged to convert to commercial by discussions with the city.

Larry Jensen explained the need for more clarification with regard to the items previously discussed.

Mr. Bradley clarified that the City needs to maintain the Library and City Hall parking exclusively for that purpose. There is no overnight parking allowed in that lot. Mr. Bradley further clarified that the City Hall parking lot is different from the public parking lot purchase by the RDA across the street for the Davis and Bott building.

Eve Jones requested clarification regarding on street parking both on the same side of the street and across the street and if said parking can be considered in their determination. Mark Bradley said that both could be considered by the Planning Commission.

Motion: A motion was made by Larry Jensen that the Planning Commission continue Application 3377 to a future meeting as decided upon by the applicant and City staff to reflect this discussion. The motion was seconded by Eve Jones and passed unanimously

Application # 3375 / Modify Deferring Public Improvement Agreement (Sidewalk Deferral) / 1161 South Main / Brian Rose

Mr. Bradley presented information regarding the applicants request to modify the Public Improvement Agreement to facilitate new ownership of the building as indicated.

There was discussion regarding past meetings and decisions.

Brian Rose came forward and discussed his options. He is under contract to purchase the building and will be making decisions about whether or not to move forward. At this point it is really a financial decision and he feels he cannot move forward with the project unless the sidewalk deferral is approved. He has been in business in the area

for over ten years and does not want to move out of the city. The costs to improve the building are extensive. There was additional discussion regarding his business and future development etc. He is very willing to put the sidewalks in as a joint venture when someone develops the property to the east.

The following options were discussed along with retention walls and utility easements etc.

Option A – Within sixty (60) days of the time when the easterly adjacent parcel, Lot No. 2 of the Skyline Commercial Subdivision begins development/improvements.

Option B – Within sixty (60) days of the request from the Brigham City Public Works Director, as authorized by the Brigham City Council.

Option C – Within two (2) years of the approval of this deferral; whichever comes first.

The City staff is recommending options A and B.

Motion: A motion was made by Larry Jensen that Application 3375 be forwarded to the City Council with recommendation for approval in accordance with City Staff recommendations that Options A and B be forwarded not including Option C with the findings of fact that such agreements 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. Lynda Berry seconded the motion. The motion passed unanimously.

DISCUSSION

There was general discussion regarding business development in Brigham City.

There was clarification discussion regarding Roberts Rules.

MOTION TO ADJOURN

Motion: A motion was made by Eve Jones to adjourn. The motion was seconded by Lynda Berry and the meeting was adjourned at 8:25 PM.

This certifies that the regular meeting minutes of are a true and accurate copy

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

Signed: _____

Julie A. Jeppesen

Julie A. Jeppsen, Administrative Assistant