

APPROVED

BRIGHAM CITY PLANNING COMMISSION BRIGHAM CITY COUNCIL CHAMBERS

April 3, 2012

PRESENT:	Barbara Poelman	Chairperson
	Eve Jones	Commissioner
	Joan Peterson	Commissioner
	Rob Munns	Commissioner
	Lynn Duce	Commissioner
ALSO PRESENT:	Mark Bradley	City Planner
	Kristy Law	Recreation Director
	Tyler Pugsley	Public Works Director
EXCUSED:	Larry Jensen	Vice Chair
	Lynda Berry	Commissioner
	Reed Hancey	Alternate Commissioner
	Michael Bott	Alternate 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.*

Application # 3378 / Modify Conditional Use Permit #2383 / 1047 West 600 North / Cory Wilkes

Application # 3379 / Permitted Use Permit / Design Review for Brigham City Sports Complex / Approximately 570 South 1200 West / Brigham City Corporation

Discussion:

Home Occupation Ordinance

REGULAR MEETING

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

APPROVAL OF MINUTES

Motion: A motion was made by Eve Jones to accept the March 20, 2012 Regular Meeting minutes with corrections noted. The motion was seconded by Rob Munns and passed unanimously.

PUBLIC COMMENT There was no public comment.

Application # 3378 / Modify Conditional Use Permit #2383 / 1047 West 600 North / Cory Wilkes

Mark Bradley presented details of the application to modify an existing conditional use permit. Mr. Wilkes recently sold a portion of his property which has necessitated him moving some of his inventory and operations to this site. A current site plan, proposed site plan and use were discussed. Mr. Wilkes would like to include placement of a temporary building for inventory storage and facilitate future batch plant (Pour-A-Yard) operations. Property owners within 300 feet were notified.

Cory Wilkes came forward and explained that he would like to move across the street from where he is currently located and operating. He would like to build a temporary building to house equipment and other property that need to be housed indoors. The building is 30 x 100 feet. The building is manufactured to last up to 10 years. He does not anticipate needing it longer than 1 to 5 years. He would like to build a permanent structure eventually.

There was discussion regarding his need to sell his inventory and his general business plan. Their operations are evolving into more of an installation business. He has sold his manufacturing equipment and will be focusing on landscaping waterfall features etc.

Joan Peterson asked for clarification regarding staff notes related to the power source for the new batch plant location in the future. They are currently looking for a used transformer to make it possible to eventually move the batch plant. Additionally, the material that is currently for sale and on display on the old property will be moved as a result of the sale. He is planning on making the display look very nice. His plan is to landscape and move some of his displays to show off his waterfalls and landscaping materials.

Joyce Wiley came forward. She and her husband own the property to the west and the south. She would like to note that the previous approval of the batch plant was only for operation related to his own construction and was never intended for large trucks or industrial use. She would like clarification of allowance of the batch plant in the Industrial Zone as it is proposed as she doesn't believe it should not be allowed. Regarding the pour-a-yard that is proposed – that might be allowed.

Eve Jones clarified that terms of the original conditional use permit stated that one large concrete truck was approved for the applicant's own building construction. This would mean that there was at least one large truck allowed.

Mr. Wilkes verified that there would be no large cement trucks on site. He stated that there would be an occasional dump truck with sand or rock. This is limited to deliveries that facilitate the pour-a-yard operation.

Ms. Wiley expressed concern that a batch plant is not an approved use. Her opinion is that it cannot be approved even on a conditional basis in this zone. Further the original conditional use was only approved for construction of a block building and was never approved for use by the public.

Rob Munns read the approval to Ms. Wiley which was in conflict with her statements.

Mr. Bradley clarified the M-D Zoning classification and that the use was permitted on a conditional basis at the original location – subject to several items. He explained that Mr. Wilkes is here to make application to modify his conditional use to facilitate a change in his location as described. According to staff recommendations Mr. Wilkes would need to run power and water to the new facility before he could operate the batch plant. Any additional stipulations addressed by the planning commission to and including those of the original conditional use permit would apply.

Eve Jones requested clarification regarding the process of approval at this new location and whether or not a batch plant can be approved on a conditional basis in this zone.

Rob Munns explained again the function of the planning commission in approving conditional use permits.

Ms. Wiley expressed her opinion that a batch plant was not an allowed use under any circumstances because of the way she interprets the zoning ordinance. She is very concerned that a large cement plant could be located near her home. She expressed specific concern over the dust.

Eve Jones clarified that the planning commission must have approved the use at some point.

Mr. Bradley read the original approval and explained that clearly a batch plant had been approved on the other location. There was additionally a pour-a-yard approved on the north.

Eve Jones expressed that she feels the commission should approve building of the temporary building and continue the balance to obtain legal advice regarding any relocation of the batch plant operations.

Lynn Duce clarified the timeframe for the temporary building - a maximum of five years.

Mr. Bradley explained the process of continuing a portion of the application.

Ms. Wiley came forward again and expressed her opinion in support of approval of the temporary building excluding the batch plant.

Rob Munns expressed his opinion that he does not see the need to continue the batch plant portion of the application as it has previously been an approved conditional use in the same area etc.

Motion: A motion was made by Eve Jones to approve the modification of Conditional Use Permit 2383 which is now Application 3378 noting that the Planning Commission is the land use authority for this application with the stipulations that the applicant complies with staff comments and applicable conditions of approval associated with Application 2383 and that the temporary structure may remain for up to five years and that the City attorney provide legal advice regarding the feasibility of the pour-a-yard batch plant facility. With the findings of fact that per Utah Code a Conditional Use Permit shall be approved if reasonable conditions are proposed or can be proposed 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 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 Lynn Duce and passed unanimously.

Application # 3379 / Permitted Use Permit / Design Review for Brigham City Sports Complex / Approximately 570 South 1200 West / Brigham City Corporation

Tyler Pugsley and Kristy Law came forward.

Mark Bradley provided an overhead projection of the access and proposed site plan. There was discussion regarding road configuration and the transportation plan.

Tyler Pugsley and Kristy Law presented information regarding this project that began with a land purchase in 2002. The initial water infrastructure and utility improvements have been made. The initial phases of the project were discussed - construct a roadway and installation of two soccer fields on the east end of property. They would also like to install some piezometer's to measure water levels throughout the area. There was discussion regarding the water table testing that has been done up to this point. There was discussion about parking, future playgrounds and other facilities.

Barbara Poelman asked if there was opposition to the project. The comments have been to move forward as quickly as possible.

Kristy Law presented information regarding the need for a full size soccer facility in the city and the lack of available land at other locations. The only facility that is regulation size is the high school football field. The Pioneer Park facility is about 15 yards short. The city has lost patronage because of a reduction in facilities. The recreation department is forced to cap tournaments due to limited facilities. It would be a great benefit to the economy and community if the city was in a position to host more events. The recreation department has also had talks with area high schools. They now have a cap on travel of 150 miles. The Richardson Memorial is a good economic showcase of what can happen when the City and the School District combine efforts. This is a multi-option venue and they are excited about the possibilities that a facility like this can bring to the community.

Barbara Poelman asked if this would eliminate use of schools for soccer games.

Kristy Law explained the current process of AYSO and UYSA leasing of facilities from the City and that it would reduce the need for use of school facilities once the Sports Complex is up and running.

Lynn Duce clarified history related to AYSO usage of soccer fields in Brigham City. There was discussion related to Pioneer Park usage and development of the soccer fields and baseball diamonds there. Other locations in Brigham City were also discussed.

Kristy Law clarified that parking on the grass at Pioneer Park will not be allowed this year.

Tyler Pugsley clarified issues related to potential RV parking at the Sports Complex as it relates to the water table and adjoining properties.

Kristy Law and Tyler Pugsley discussed the parking configuration. There will be over 1000 stalls once the complex is complete.

Eve Jones voiced her support of the project and encouraged ADA considerations as they develop this project.

Barbara Poelman asked if there was any Federal Funding available for the project. Kristy Law clarified that Paul Larsen is looking into Land and Water Conservation Funds Grants. She briefly explained that if those funds are utilized the use must remain the same forever. If there is a violation, the City would have to replace the facility elsewhere. Because of this they are being very cautious regarding funding etc.

Tyler Pugsley clarified that while there is no current funding for soccer fields in the area north of Pioneer Park, should there be an effort by AYSO and UYSA to develop the soccer fields there is always potential for funds to become available.

Eve Jones gave Tyler Pugsley and Kristy Law information on a grant that is available. They will follow-up with her at a later date to get appropriate information.

Lynn Duce requested clarification regarding the future of the fields once baseball facilities are developed. Kristy Law explained that the fields will remain in use and that the goal is to have multi-use fields.

There was discussion related to dust control on the new road. Tyler Pugsley explained that the road will be treated with a dust guard annually along with the other dirt lanes.

There was discussion and clarification regarding lighting options that will accommodate the specific sports.

Tyler Pugsley explained that there will be culinary water at the facility.

There was discussion regarding the positives of the economic development aspect of the project. Robb Munns asked what the negative issues were currently.

Ruth Jensen addressed funding issues and the possibility of bonding for the costs of the project. She expressed that she feels it is better to move forward with the funding available now rather than risk being shut down by putting the item out for a vote.

Rob Munns asked if there had been efforts made to survey the community to determine what the support level is. He expressed that he is in support of the project and that the economic positives far outweigh any drawbacks.

There was discussion related to the high school facilities and the extensive costs that were involved. Public opinion was negative.

Lynn Duce requested clarification of the zoning. Mr. Bradley explained the Permitted Use Permit – Design Review process etc.

Motion: A motion was made by Joan Peterson to approve Application 3379 with the findings of fact that such use would 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. That such use is in compliance with the Brigham City General Plan. The motion was seconded by Eve Jones.

Lynn Duce requested that a requirement for dust control, portable toilets and culinary water supply be included in the motion. The requirement was agreed to by Joan Peterson and Eve Jones.

The motion passed unanimously.

DISCUSSION

Mark Bradley presented some information regarding the Home Occupations Ordinance. He asked for input from the commissioners regarding their interpretation of the ordinance. The following items were discussed.

- General review of the ordinance
- Long term home occupations v. entrepreneur start up home occupation businesses
- Time frame for certain home occupations
- Property rights on both sides of the fence
- Potential impacts on a residential neighborhood
- Parking (Difference between home occupation v. park, school, church)
- Scale of businesses
- Number of visiting clientele

There was specific discussion related to commission approval of a Weight Lifting business at the last meeting. There was additionally discussion regarding Lynn Duce's neighbor who runs a Day Care. It has not been problematic in their neighborhood. His

concern is that there might be neighbors in support of a particular operation presently but down the road that support might not be there.

Rob Munns stated that he is and will be very supportive of any start-up business. He feels that these businesses should be supported.

Overall the time frame needs to be reviewed, each site needs to be reviewed on a case by case basis and there needs to be limitations placed on each specific business. There needs to be a balance between these business owners and the surrounding property owners.

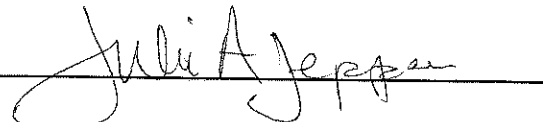
There was discussion related to the removal of trees along Main Street.

MOTION TO ADJOURN

Motion: A motion was made by Lynn Duce to adjourn. The motion was seconded by Eve Jones and the meeting was adjourned at 7:55 p.m.

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

as approved by the Planning Commission on April 17, 2012.

Signed: 

Julie A. Jeppsen, Administrative Assistant