

APPROVED
BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
May 1, 2012

PRESENT: Barbara Poelman Chairperson
 Larry Jensen Vice Chair
 Lynda Berry Commissioner
 Joan Peterson Commissioner
 Lynn Duce Commissioner
 Reed Hancey Alternate Commissioner

ALSO PRESENT: Mark Bradley City Planner

EXCUSED: Rob Munns Commissioner
 Eve Jones 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.

Continuation of Application # 3382 / Permitted Use Permit / Design Review for Fencing / 1100 South Main / R.C. Brothers

Public Hearing / Application # 3392 / Preliminary and Final Plat / Simmons Subdivision / 510 South 800 West / Roger and Lynda Simmons

Public Hearing / Application # 3391 / Recodification of City Code / Title 25 Subdivisions and Title 29 Zoning / Brigham City Corporation

Discussion

Storage Units in General Commercial Districts / Tony Morgan

REGULAR MEETING

Regular session was opened at 6:00 PM by Barbara Poelman and Lynda Berry led the Pledge of Allegiance.

APPROVAL OF MINUTES

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

PUBLIC COMMENT There was no public comment.

Continuation of Application # 3382 / Permitted Use Permit / Design Review for Fencing / 1100 South Main / R.C. Brothers

Mr. Bradley stated that he had received a request to continue the item to the May 15, 2012 meeting pending a meeting between the Applicant and the State. The applicant plans to provide additional information prior to that meeting.

Motion: A motion was made by Lynn Duce to continue the application until the May 15, 2012 meeting. The motion was seconded by Reed Hancey and passed unanimously.

Public Hearing / Application # 3392 / Preliminary and Final Plat / Simmons Subdivision / 510 South 800 West / Roger and Lynda Simmons

Mark Bradley presented the application for a two lot subdivision as described. There is a 1 foot protection strip along 500 South between 500 South and the subject property. There is a request for a sidewalk deferral. Details of both the protection strip and the deferral were discussed. Staff comments were discussed. Images and details of the existing sidewalk were reviewed.

Roger and Linda Simmons came forward. Roger Simmons explained that the two neighbors to the south do not presently have a sidewalk. They do not feel that they should be forced to improve the sidewalk without participation by the neighbors.

Barbara Poelman explained that this request places them in a different situation than the neighbors to the south. Because they are improving the property they are being required to complete the sidewalk.

Linda Simmons explained that they are not actually changing the property on 800 West and 500 South. They are building on the property behind. There is a sidewalk running in front of that property.

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

The Public Hearing was opened.

There was no comment.

Motion: A motion was made by Larry Jensen to close the Public Hearing. The motion was seconded by Lynn Duce and passed unanimously.

The Public Hearing was closed.

Lynda Berry stated that she does not feel the Cottonwood Grove development should be the driver for everything in that area. The rating scale falls into the medium low

category and is not high enough to require the sidewalk to be built. She recommends deferral.

Reed Hancey related some details regarding the sidewalks in the neighborhood surrounding the Discovery School. He expressed that a good opportunity to make these improvements is when development occurs or a Special Improvement district is created. He related this opinion to his own experience when land is purchased and the sidewalk is not required at the time of development.

Joan Peterson stated that it is much better when sidewalks can be contiguous. When they are broken-up they can create poor aesthetics and a dangerous situation for pedestrians. She is in support of deferral until an Improvement District is created.

Larry Jensen and others discussed the standard that has been set with regard to the requirement for having sidewalks installed at the time improvements are made and the difficulties that arise when deferrals are granted.

Mr. Simmons clarified the location of the subject property and the surrounding sidewalks.

There was discussion regarding potential use of a sidewalk at this location.

Linda Simmons stated that their house on 800 West is not part of a development. It has been there for 45 years. They are not redeveloping. The place where they are planning on building has a sidewalk in front of it.

Reed Hancey and Larry Jensen clarified that both pieces of property are impacted by the way it is being divided.

Mr. Bradley clarified the allowed depth of the house facing north. Additionally, the City has been working with Christensen's (who are on the other corner) to install sidewalk.

Larry Jensen stated that he appreciates what the Simmons' are doing and he hopes they are successful. Unfortunately he is not in favor of a sidewalk deferral. He feels there is enough sidewalk being installed in the area to justify enforcing the requirement for improvement at this time. Additionally, it is consistent with what the planning commission has required of others.

Joan Peterson clarified that sidewalk improvement has been required of large developments. With regard to single lots it has been deferred when there is another sidewalk on the street.

Barbara Poelman agreed.

Reed Hancey stated that there are a lot of things that they would like to have in the City that cannot be enforced across the board. There are ordinances and laws that require upgrades such as sidewalk. Even if it seems they are done in bits and pieces – it is the process that will eventually provide for the improvement of the area.

Linda Simmons stated that while this is called a subdivision, it really isn't a subdivision it is one lot. She asked if it would help to take the word subdivision out of the title of the application. Various commissioners replied no.

Motion: A motion was made by Reed Hancey that the Planning Commission as the recommending body for this application deny the request for deferral and recommend that the Plat be forwarded to the City Council as Land Use Authority with denial of the deferral of the sidewalk. The motion was seconded by Larry Jensen.

Canvassing of the Commissioners was performed.

Lynda Berry	Nay
Lynn Duce	Aye
Larry Jensen	Aye
Joan Peterson	Nay
Reed Hancey	Aye

The motion carried with a vote in favor of three to two.

**Public Hearing / Application # 3391 / Recodification of City Code / Title 25
Subdivisions and Title 29 Zoning / Brigham City Corporation**

Mark Bradley presented details of the application for changes as described. A summary was provided. The items were reviewed line by line.

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

The Public Hearing was opened.

There was no comment.

Motion: A motion was made by Larry Jensen to close the Public Hearing. The motion was seconded by Lynn Duce and passed unanimously.

The Public Hearing was closed.

Lynn Duce asked Mark Bradley if there was anything within the revisions that changes the current business practice. Mr. Bradley stated that the biggest change was regarding designation of the City Planner as Director of the Department and/or Designee.

Larry Jensen and others stated that they do not have any problems with the revisions.

There was clarification of several line items.

Motion: A motion was made by Larry Jensen to forward the application to the City Council with a recommendation for approval. With the findings of fact that the Recodification of City Code / Title 25 and Title 29 is necessary to update and

better reflect the current references of city staff, boards and authorities etc. The appropriate reference to Sections, Chapters, Titles and Utah Code provides minor clarifications. The Recodification of Title 25 and 29 under the circumstances of the particular case should not be detrimental to the health safety and general welfare of persons residing or conducting business in Brigham City. The recommended recodification which is basically an amendment to the said titles follows legal processes followed by the Utah Municipal Code which states the legislative body may not make any amendment authorized by this subsection 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 Lynn Duce and passed unanimously.

DISCUSSION

There was a brief update by Mark Bradley regarding the Taco Time opening, other businesses in the City, miscellaneous items of interest and prior items which were carried forward from past meetings.

There was specific discussion regarding future plans for Pioneer Park. It was suggested that Kristy Law be invited to address the Commission related to this subject.

Mr. Bradley discussed the large sea/land containers that people are buying to use as storage on their property. It was suggested that there be some specific guidelines established regarding these containers.

Mr. Bradley would like to see some general standards and guidelines for dumpster enclosures used by developments and businesses. The commission agreed.

Mr. Bradley discussed some calls he has received regarding front yard gardens. Larry Jensen suggested that the focus should be on yards that are not kept watered and weeded or if the clear view is blocked. There was also discussion regarding cement or rock being placed in the park strip area. It was agreed that there should be guidelines regarding this issue.

Storage Units in General Commercial Districts / Tony Morgan

Mr. Bradley briefly discussed the item. The commission expressed a desire to continue the uses as they currently exist. Tony Morgan did not appear.

There was discussion regarding the traffic flow situation on 200 South and Main in particular as it relates to heavy truck traffic that is cutting across the corner. Options were discussed.

Barbara Poelman expressed concern over the Vesco fence that has been requested. She would like to see something required that is very decorative. Larry Jensen is suggesting a tan 6 foot Vinyl fence with open slats that runs the entire length of the

property leaving no gaps so that it encloses their property. Barbara Poelman suggests landscaping. Other specific requirements for the fence were discussed. Mr. Bradley expressed concern and his preference that this item be discussed when the applicants are present.

MOTION TO ADJOURN

Motion: A motion was made by Larry Jensen to adjourn. The motion was seconded by Joan Peterson and the meeting was adjourned.

This certifies that the regular meeting minutes of May 1, 2012 are a true and accurate copy as approved by the Planning Commission on May 15, 2012.

Signed: Julie A. Jeppsen

Julie A. Jeppsen, Administrative Assistant