BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, APRIL 01, 2008 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS

PRESENT:	Barbara Poelman	Vice Chairperson
	Lynda Berry	Commissioner
	Reese Nielsen	Commissioner
	Deon Dunn	Alternate (Acting as Commissioner)
	Paul Fowler	Alternate (Acting as Commissioner)
ALSO PRESENT:	Ruth Jensen	City Council Liaison
	Paul Larsen	Economic Development Director (Acting as City Planner)
	Jared Johnson	Community Development Manager
	Jeff Leishman	Associate Planner
	Eliza McGaha	Secretary
EXCUSED:	Joan Peterson	Chairperson
	Roger Handy	Commissioner

AGENDA:

WORK SESSION – AGENDA REVIEW

REGULAR MEETING

PLEDGE OF ALLEGIANCE

~~APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES~~

PUBLIC COMMENT *(Per Utah Code, will receive input only, no decision can be made)*

~~APPLICATION #3011 / PERMITTED USE APPLICATION – RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY / 360 WEST 900 NORTH / NEIGHBORHOOD NONPROFIT HOUSING CORPORATION~~

~~APPLICATION #3012 / PERMITTED USE APPLICATION – RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY / 472 WEST 900 NORTH / NEIGHBORHOOD NONPROFIT HOUSING CORPORATION~~

DISCUSSION:

- SKETCH PLAN – APPLICATION #3013 / SUBDIVISION / 488 SOUTH 400 WEST / CHAD THOMPSON

REGULAR MEETING:
Ms. Poelman opened the regular meeting at 6:30 p.m. Ms. Dunn led the Pledge of Allegiance.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES:
There were no minutes available for approval.

Ms. Poelman explained that applications 3011 and 3012 have been continued, at the request of the applicant, until the April 15, 2008 meeting. The applicant will be at that meeting and able to address any questions those interested in that application may have. She explained that anyone in attendance that may have come to address those applications may do so during the public comment period. There was some confusion about public comment versus a public hearing.

> **MOTION**: A motion was made by Reese Nielsen to amend the agenda to remove the approval of work session and regular meeting minutes until they are available and to remove applications #3011 and #3012 from this meeting inasmuch as the applicant has requested they be continued to the next meeting. The motion was seconded by Paul Fowler.
>
> Discussion: Paul Larsen clarified the difference between a public hearing and public comment. On the agenda there is an item for public comment. Under the public comment period, anyone in the audience that has anything they want to address before the Planning Commission may do so, which is the proper way to deal with it. Public hearings have to have particular notice. There are things that public hearing can and cannot be held for. He said it should not be implied that there is a public hearing on any particular item on the agenda. The public comment period is the time when individuals in the audience can address the Planning Commission.
>
> The motion passed unanimously.

Mr. Nielsen commented that the public comment period is the time they can receive input from the public but no action can be taken; with respect to those comments, they are noted and kept in place for when a particular item does come before the Commission.

PUBLIC COMMENT *(Per Utah Code, will receive input only, no decision can be made)*:
Valene Krone came forward to comment on the applications that were removed from the agenda. She stated that she will not be here for the next meeting. She said she understands that the Federal Government has mandated that certain things have to be done. As a community, she wanted to state that she feels really bad that a nice neighborhood, with young families that bought there thinking all they were going to have was a park, will no longer have that; in fact, they will have a lot of traffic. She is not interested in talking to the applicant or listening to what they have to say because the building is a building and does not really relate to the traffic that is going to come in there. She said she understands there is a possibility that some conditions could be put on it. She said there are a lot of young children in that neighborhood and she hopes that they will reduce the speed limit and take into consideration that it is one of the few neighborhoods that is left without a lot of traffic. She stated that she knew the Commission would do their best.

Art Huot came forward and stated that he wanted to know what was exactly said when 'residential facility for persons' was said; he thought 'youth persons' was said. He asked if he heard that wrong. Ms. Poelman replied that she read it as 'residential facility for persons with a disability'. He said they will hear from him on the 15th as it would not do him any good to talk now.

MOTION: A motion was made by Paul Fowler to close the public comment period. The motion was seconded by Reese Nielsen and passed unanimously.

~~**APPLICATION #3011 / PERMITTED USE APPLICATION – RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY / 360 WEST 900 NORTH / NEIGHBORHOOD NONPROFIT HOUSING CORPORATION**~~

~~**APPLICATION #3012 / PERMITTED USE APPLICATION – RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY / 472 WEST 900 NORTH / NEIGHBORHOOD NONPROFIT HOUSING CORPORATION**~~

DISCUSSION:

- **SKETCH PLAN – APPLICATION #3013 / SUBDIVISION / 488 SOUTH 400 WEST / CHAD THOMPSON**

This is a two lot subdivision request. There is one 8,000 square foot lot, which is the minimum for that single family dwelling. Lot two is 1.325 acres which is the location of the five buildings, four units in each one for a total of 20 units. They have submitted the application to subdivide. We are in the sketch plan phase at this time where the Commission has before them the Staff comments that came through with the subdivision. The Commissioners will make comment and take comment; those comments will be integrated into the preliminary plat which will be seen at the next meeting.

Mr. Nielsen commented that he was not at that previous meeting and with respect to this particular application where the applicant simply wants to take a parcel and subdivide it into two; it would seem the request meets all the legal requirements for a subdivision. As the applicant is not here, it could be recommended that he proceed along with any Staff comments or any other comments we have. At the time the application comes formally to the Planning Commission for a recommendation to go forward to the City Planner, there may be additional comments with respect to what the intent is for lot two and whether or not this particular configuration is the optimum configuration to be subdivided.

Mr. Thompson, applicant, joined the meeting and came forward. He stated that at the next meeting he would like to do what he proposed and do the two lot subdivision with the house on one lot and have the other five buildings on a separate lot.

Mr. Fowler commented about having an updated drawing and asked if they would receive a copy of that as there are changes that were probably influenced to Mr. Thompsons favor. Mr. Thompson replied that his engineer thought that, as this was a sketch plan, he would not need that. The engineer said it was taken care of. There was a garbage dumpster issue and some other things that were addressed. Mr. Fowler commented that it looked like Mr. Thompson was doing everything he could to cooperate. Mr. Fowler said that, in looking on the surface, he agreed with Mr. Nielsen that lot one looked great but there are questions that need to be answered for lot two of the project so he can clearly agree to go forward with it.

Mr. Thompson commented that from his understanding a lot of the issues have been taken care of. With the dumpster, they still have the required parking stalls and he thought there was an additional parking stall. Mr. Fowler asked if Mr. Thompson had met with any of the neighbors and what issues had been addressed, if any. Mr. Thompson said he met with one of them. The one right by him was worried that there was only 6-feet but in actuality there is 17-feet between his property line and hers; she had been looking on the wrong side. She did have a question about the fence and if they could build a higher fence in that area; he said it was something they could look at. He was planning a 6-foot vinyl fence and she wondered if there was a way to make that higher or tier it up in some manner. Mr. Thompson said he could possibly do a higher fence through the area where she is at and use something such as cinder blocks to do something a little higher so she can get more privacy.

Mr. Johnson said Staff reviewed the application, as far as what had been submitted, and it complies with the ordinances.

Ms. Berry asked Mr. Thompson if he had considered making an opening along 500 West to put in steps or something to go up the hill. Mr. Thompson said he had gone to the Street Division to see what the best way to retain that hill would be and they did not want a foundation wall; they wanted something broken up as not to be a flat chalkboard type wall. He said he was going to do a nice planter on the corner, which he thought would add a lot more. The wall will be back on his property line and the sidewalk will be past the retaining wall. The sidewalk will make things more accessible for the public where there has not been one in the past. There will not be a brush hill; it will be a retaining wall. Ms. Berry asked if he had considered putting steps up into the subdivision from down there. Mr. Thompson said he had not really thought about what that would accomplish. Ms. Berry commented that as the parking is so limited, even the tenants could park along the street and access their apartments easier that way. Mr. Thompson said that may be more of an issue with that being a busy road and commented they might not want people parking there but said he had not thought about that part of it. He asked if there was room to park there. Mr. Larsen commented that 500 West was pretty wide. Mr. Thompson said that could be an option to look at for people visiting; they could take steps and go up there. He said he had a 3-foot vinyl fence going around there for safety issues.

Mr. Fowler asked about a second entrance into the development. Mr. Thompson said they looked at that and, the way the lot is shaped, an entrance from 500 West would be more problematic in terms of the busy intersection and the slope of the hill. Mr. Thompson did not really know how an entrance from 400 West would work with the shape of the lot. Mr. Fowler said that as the lot is presently constituted there is frontage and if it is subdivided off, there will not be any. He asked Mr. Thompson to share his thoughts on that. Mr. Thompson replied that he thought the one driveway will be adequate. The parking lot has been stretched out which will give people more room to get by each other and two cars could operate in it. Mr. Thompson commented that twenty-five feet is enough for two cars to get around each other. Mr. Fowler commented the he liked the increase in parking space. Mr. Thompson said he had to move the power easement forward and he is going to put a 3-foot fence around the front of the drainage area which will not be very deep; it will have a gradual slope and have some green area around it. The fence will provide safety on the 500 West side. Mr. Fowler commented that he appreciated that and wanted to make sure they were addressing the public safety concerns. Mr. Thompson said the gazebo will be in between the two back buildings. He said it may seem a little cramped but he has looked at some planned unit developments that have buildings within 8-feet of each other and these have some pretty good spaces in between them; comparatively speaking.

Mr. Fowler expressed a desire to see the new drawing and commended Mr. Thompson for his efforts and said he could see that he is doing everything in his power to make this work. Mr. Thompson said he wanted to make the best project he can as it is something he wants to keep, maintain and have in good shape for years to come as it will be his livelihood.

Mr. Nielsen commented that it would be advisable to have the other documents, and the other things that were discussed, before them when this comes to the Commission formally for a recommendation. He suggested to Mr. Thompson to get the information to Staff as soon as possible so those items can be put into the packets that are sent out for the Commissioners to review, prior to the next meeting.

Mr. Fowler said he would like to make a motion to have Staff come up with recommended criteria for approving things such as this particular project including things such as recommended percentages of trees per acre, green space and such.

MOTION: A motion was made by Paul Fowler to recommend that Staff supply the Planning Commission with landscaping standards. The motion was seconded by Lynda Berry.

Discussion: Mr. Nielsen asked if there was anything currently in the City statutes relating to landscaping requirements with respect to any of the commercial or residential development requirements. Mr. Thompson said he had his engineer working on a landscaping plan. Mr. Larsen indicated there are a number of places where there is language related to landscaping. The West Forest Street Overlay Zone has some landscaping; on top of that there is the West Forest Street Design Guidelines that were adopted as well as the 1100 South Design Guidelines, which do have some language regarding landscaping. Mr. Fowler said he is looking for some minimum standards they can use for when these types of projects come up. He said he is not looking for anything extraordinary; just minimal standards to use as a basis. Mr. Leishman said there is a percentage standard in the commons area; in the cooperative agreement with Perry and Brigham City. There is a comment in the West Forest Street Overlay but Mr. Leishman said he did not recall a percentage in that. The difficulty, when developers come in, is the question of what the landscaping percentage is. Mr. Leishman said he gives them examples of what the Planning Commission has said they do not want to see again. He said he tells developers that if it feels good to the Planning Commission they will approve it; if it does not, they will ask for more. That frustrates developers as they like to work with percentages and know what the minimum is, but there is no minimum. They are told the intent of landscaping is to soften a parking lot and to add visual appeal to a structure. Mr. Leishman continued by saying this subject has been debated, at least twice, over the last few years. Staff presented some guidelines but they were never adopted. Mr. Nielsen stated that if a minimum requirement is established, that is what people will do. They will come in and do the absolute minimum they have to, which in many cases will not satisfy the real needs for a project or if the threshold is raised too high, then the developer is being overburdened. It is a difficult challenge to come up with guidelines to enforce or put in statute. Mr. Nielsen said he thought the Planning Commission ought to have the judgment but it would be nice for developers to know that there is something they have to do which may not be the minimum. Mr. Larsen said there is an ordinance repository. The State maintains a website where one can go and get examples of ordinances that a lot of different jurisdictions have. A lot of places have dealt with this question and it may be one to get examples of how they have been dealt with. Mr. Larsen continued by saying some of them that he is familiar with use a combination of things, there is a bare minimum such as in the West Forest Street Overlay it says a minimum five percent of the area has to be in landscaping. The Design Guidelines go further into giving additional things to consider. Some places have a minimal percentage and as the process continues may decide that areas of the site, that are not either in buildings or parking or reasonably set aside for future phases of a development, have to be landscaped even though it may put it over the five percent minimum. There are examples out there that

could be looked at that give the flexibility that Mr. Nielsen talked about but also give notice as to what to expect. The Design Guidelines are an example of a document that has a lot of detail but also with a lot of flexibility. Mr. Johnson suggested they go forward with and create a guideline, instead of an ordinance, that will give the Planning Commission flexibility. Mr. Nielsen commented that an appropriate thing to do would be to choose some representative guidelines from other municipalities that are similar to Brigham and put something together for the next meeting to review. He said it ought not to be something they codify but rather some sort of guideline to give the developer. Mr. Fowler commented that a guideline would help to take some of the emotion out of the decision and allow them to say they would like the developer to meet or exceed the guideline. He also said one of the reasons he would like to have some type of guideline is that he has seen too much development, such as new homes and commercial, that have not done any landscaping and there should be a guideline that should raise the standards. Mr. Nielsen commented that what they may want to look at would be more along the lines of multifamily housing and commercial. Currently, Brigham City is blessed with a lot of water. There may come a time when that is not the case and we do not want to have guidelines in place that force people to use a lot of water. Mr. Fowler said that there are some types of trees and plants that conserve water. Mr. Larsen said the water conservancy in West Jordan has a demonstration garden of beautiful landscapes that use very little water, which is a combination of the plant materials, the way the irrigation is done, soil preparation and other factors. Mr. Nielsen asked Staff if they were comfortable with what they have asked for and if they could come back with something. Staff said they were.

The motion passed unanimously.

MOTION: A motion was made by Reese Nielsen to adjourn. The motion was seconded by Paul Fowler and passed unanimously.

The meeting adjourned at 7:07 p.m.

This certifies that the regular meeting minutes of April 01, 2008 are a true and accurate copy as approved by the Planning Commission on April 15, 2008.

Signed: _____

Jeffery R. Leishman, Secretary