BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, MARCH 18, 2008 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS

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

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)*

PUBLIC HEARING / APPLICATION #2788 / PRELIMINARY PLAT – BD SUBDIVISION / 31, 37 & 41 SOUTH 600 WEST / KEB INVESTMENTS INC.

APPLICATION #3008 / CONDITIONAL USE PERMIT – GROUPS OF DWELLINGS UNDER ONE OWNERSHIP ON A SINGLE LOT/ 488 SOUTH 400 WEST / CHAD THOMPSON

DISCUSSION:

REGULAR MEETING:
Chairperson Peterson opened the regular meeting at 6:30 p.m. Commissioner Poelman led the Pledge of Allegiance.

APPROVAL OF WORK SESSION MINUTES AND REGULAR MEETING MINUTES:

> **MOTION**: A motion was made by Commissioner Poelman to approve the work session minutes of February 05, 2008. The motion was approved by Commissioner Handy and passed unanimously.

In the February 05, 2008 regular meeting minutes, line 198, 'this situation is trying to be rectified' should be changed to 'we are trying to rectify this situation'. On line 354, 'story' should be changed to 'stories'. On line 438, 'as' should be changed to 'than'.

> **MOTION**: A motion was made by Commissioner Handy to approve the regular meeting minutes of February 05, 2008 as amended. The motion was seconded by Paul Fowler.

In regards to the topic in the last paragraph of the February 05, 2008 regular meeting minutes, Commissioner Poelman inquired about the progress of the issue of sales tax, generated from the Young car dealership which had not been going to Brigham City. Mr. Leishman replied that to the best of his knowledge, Dennis Sheffield had not followed up on that. The intent is if a vehicle is going to be sold in Brigham City then Brigham City should reap the tax benefit. Commissioner Poelman asked Councilmember Jensen if she knew. She replied that she did not have that information but could get it.

> **MOTION**: A motion was made by Commissioner Poelman to approve the work session minutes of February 19, 2008. The motion was approved by Paul Fowler and passed unanimously.

In the February 19, 2008 regular meeting minutes, Commissioner Handy would like to have reflected in the minutes his question to Dr. Shaw, asking where the kids walk when it snows and Dr. Shaw's answer that they walk in the street, be added to the minutes. Commissioner Poelman asked if the Shaw's had moved out of that house and if they were out of the house the night of the meeting because that is how the minutes read. It was answered that the Shaw's are out of the house and were out of the house at the time of the meeting.

> **MOTION**: A motion was made by Commissioner Handy to approve the regular meeting minutes of February 19, 2008 as amended. The motion was seconded by Commissioner Berry and passed unanimously.

Chairperson Peterson invited those who would like to make comment to the Planning Commission or about application #3008, as it was not a public hearing, to come forward.

PUBLIC COMMENT:

Thomas Taylor came forward to comment on application #3008. He said he listened to a comment during the work session that was made about 500 South not being a busy street. He commented that it was a through street that the high school kids use. It is busy in the morning, at lunch time and when they go home. He said he would like them to relook at that and he would hold his other comments until later.

Darlene Wyatt came forward to comment on application #3008. As residents in the area of 488 South and 400 West they are aware of the property in question and are concerned about the application for groups of dwellings under one ownership on a single lot. They realize this area of the city is zoned R-M-15 and they do understand that the current owners would like to develop it to make it as profitable as possible for them. They also understand there is a formula to increase the

number from 15. They would like the Commissioners to understand that by moving 20 houses in there that there is a possibility of 20 families moving into that area. There are only 18 families living on the rest of the block, so on a quarter of the block, the block would be increased by more than what is right there. They realize this property has been before the Planning Commission before. One of the proposals was to have eight single family retirement dwellings. This seemed excessive when they came to the meetings for that. They were asked to reduce them down to seven and then nothing became of it. She said the neighborhood was willing to accept that because they felt that it would not detract from what the neighborhood is like. It is a residential single family dwelling area; they do have duplexes on that block also. They felt that single family dwellings are more in keeping with what is going on in the neighborhood.

Ms. Wyatt continued and stated that as it is proposed, they would like to register concerns for that property. The vacant house that is there is going to be kept and they would like to know if the lot size could be readjusted and have it still meet all the clearances. They could not tell from the drawing where the garbage pick-up was and that would be a concern as they do not want to have garbage flying all over their area. They are concerned with the narrowness of the driveway in regards to getting in and out of it. With that many cars coming and going they felt that it would be necessary to have a wider driveway to cut down on safety issues for those people going to and from that complex. They would like to address the traffic issue that was presented before. That is a very busy street in the morning and in the afternoon. She goes walking in the morning and has had to basically run for her life to keep from getting hit by some of the teenage drivers. Ms. Wyatt said she has teenage drivers and she knows they are in a hurry to get to high school. It concerns her that there is the possibility of a lot of children coming into that complex and to have the added children as well as the added traffic would be a safety concern. They are also concerned about the proposed 3-foot fence on the west side of the property. There is a grassy area just in front of that 3-foot fence and the concern is the possibility of something going over that fence and onto 500 West and causing an accident.

Ms. Wyatt said they are not against developing that area. They would like to see it developed but they think that 20 families moving into that corner of the area is too many and would like that to be considered.

Dave Marshall came forward and stated that he lives south of the project. He said that apartments are not what their neighborhood needs, especially 20 households jammed up in a little space. Renters don't care about neighbors, the property and it also brings in people that are into drugs, crack heads and so forth. He asked to for one positive thing apartments would do for the neighborhood, families and property values other than put money in the investors pocket and building permits for the City. He commented to the Commissioners that if one of them had this going in next to their homes, they would feel the same way as he and his neighbors feel. He said he hoped the Commissioners would listen to this and do the right thing.

W. Lynn Hankins came forward and stated that he lives on 500 West across the street from the property. He asked what it would do to their property values and what kind of clientele is expected to come into that area. He commented that if 20 families move into the area, a minimum of 40 automobiles can be figured on coming with them and asked where they would park. He said it is too congested right now. Mr. Hankins stated that when they had their improvement district, they were told 500 West was not a thoroughfare and he said that it certainly is and 500 South going into it will make it even worse. He said every year there are a number of accidents at 500 South and 500 West, in particular in the winter when it is icy and snowing and he commented that should be looked at. There is only one entrance and exit which is too small, as stated previously. He asked how the address of south on 400 West was given as the property mostly faces on 500 West and 500 South. He commented that from an aesthetic point of view it would destroy the neighborhood and the mountains won't be seen. He commented that the area is too concentrated for 20 families

and he would like to know what kind of people plan to come in there. This is a one owner 20-housing area development rental property with people coming and going which he said is not the way they like to run their neighborhood. On the drawing, on 500 West where it shows the existing curb and gutter on the east side of 500 West having a little cut out going in; he said that does not exist. That cut out is on the west side of 500 West. A small detail like that being missed makes him wonder about the rest of the engineering.

Carla McArthur came forward and stated that she lives in the home that is right next to this development and their property is the one that has the most common boundary on that. They have a lot of concerns. Property values of the homes were mentioned and the developers need to be able to make money, which is understood. She said they are not against some type of development being made. She stated that she had talked to a real estate agent and was told it would decrease the value of their property. Her home has been there for 15-years. She had a real estate agent come look in her home and she said it would decrease the value of her home. Ms. McArthur said she understood that someone needs to make money on this and that it is zoned R-M-15. She said she would like the Commission to take into consideration that if they make too much money by having that much housing, hers will go down. It looks like they agreed to do a retaining wall and asked if they would possibly consider a cinder block wall instead of having a vinyl fence across the back and the side where the parking lot is. Because these apartments are taller, she would like them to consider doing an 8-foot cinder block fence rather than a 6-foot fence to prevent things from going over the fence into her yard and the need for people climbing the fence into her yard to retrieve them. All the parking spots face into her property and will be looking into her yard and she would like more privacy, safety and noise reduction there.

Ms. McArthur stated that there is a lot of irrigation water. They flood irrigate and she did not know if that had been addressed. She said she needs to know if they have to retain all of their water ~~of~~ or if they allowed for drainage. The previous developers talked to them in length about the possibility of using the water that the Yaggis had and she did not know if these developers are able to buy the water. She said that a lot of the apartments in town are close to or next to commercial and this one is not, which is a concern. She said being the property owners that they are, they do not like the idea of the fifth apartment looking into her back yard; no matter how high the fence is going to be. She commented that it is 6-feet from her property line which means the apartment is a stone's throw away from her backyard and that makes her nervous. She would rather see them do two 6-plexes and two 4-plexes and do away with the one on the back. She does not like the idea of an apartment looking into her back yard. She commented that the type of housing would make a difference to the type of residents and they would like to know whether it will be subsidized or not.

Someone commented from the audience that each family has at least two cars and with 20 families that would mean there would be 40 to 60 automobiles in a very small place.

Brent Wyatt came forward and stated he is one of the residents that border the property. He said they are concerned about so many residents living in that small area which has residential single family dwellings. He said he hoped that the Planning Commission would keep that in mind when they consider the proposal as part of their responsibility is to plan for what their community is going to be, how the residents live there and how the environment is and so forth. The proposal will really change that part of town. Mr. Wyatt stated he is not opposed to the project as far as development, but the amount of people proposed to live there is excessive and he would like the Commission to consider talking to the developer to try to reduce the number of people that would live there. He stated that when the property was surveyed, a corner marker was placed at the northeast boundary and recently that marker was moved about 10-feet further to the north and he was concerned as to why the marker had been moved. He said he had signatures from over 40 people in that neighborhood that are opposed to the property.

PUBLIC HEARING / APPLICATION #2788 / PRELIMINARY PLAT – BD SUBDIVISION / 31, 37 & 41 SOUTH 600 WEST / KEB INVESTMENTS INC.

This subdivision came before the Planning Commission two years ago as the BD LTTL Subdivision. At that time, it was very similar to what it is now. It never proceeded to City Council because the senior member of that family passed away. In the Ordinance there are no longer LTTL subdivisions. This is a 3-lot subdivision on 600 West and about 200 to 300-feet south of Forest Street. The subdivision plat will be recorded. This is the old mosquito abatement property and is adjacent to and just south of Kirk Nelsen Sheet Metal. The zoning district is GC, General Commercial, so a commercial type structure could be seen there. Also within a GC district there is the possibility of residential housing which would be regulated as R-M-30, 30-units per acre, which is the highest density within the city. This is the same situation as is on Main Street, which is the General Commercial district and homes of which are mostly single family.

> **MOTION**: A motion was made by Commissioner Handy to open the public hearing for application #2788. The motion was seconded by Commissioner Poelman and passed unanimously.

There was no public comment.

> **MOTION**: A motion was made by Commissioner Handy to close the public hearing for application #2788. The motion was seconded by Commissioner Berry and passed unanimously.

Paul Fowler asked for clarification as to why this did not pass previously. Mr. Leishman stated that it passed at the Planning Commission and was forwarded to City Council but the applicant asked for it to be withdrawn due to family matters. Mr. Leishman commented that there were several items that were identified within the Staff evaluation and wanted to make sure the applicant did not have any concerns and agreed with the Staff evaluation.

Brent Dickamore, applicant, came forward. Commissioner Poelman asked Mr. Dickamore if there had been any decision as to what use he would have for those three lots. He replied the use may possibly be residential. He reviewed the Staff comments and there is a comment in there to design what the parkway is going to be. Until they know for sure if it will be commercial or residential he is not sure how the landscaping will go. The parkway could be grass and possibly a tree; they can work with the Parks Division to put in the appropriate vegetation. At this point, he said there was a discrepancy in the Staff comments stating sewer and water needs to be put in when it is already existing. They do need a fire hydrant. In his review, Mr. Dickamore stated that he is 99-percent in agreement with what is in the Staff evaluation. He said he would try to work the issues out with Staff.

> **MOTION**: A motion was made by Commissioner Handy to forward application #2788, with recommendation for approval, to the acting City Planner who is acting as the Land Use Authority with the stipulation that development must comply with Chapter 25 of the Subdivision Ordinance, must comply with Chapter 29 of the Zoning Ordinance and must comply with the Staff comments that were discussed; with the findings of fact that the applicant will comply with Chapter 29 and Chapter 25 and that such use will 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 and that such use is in compliance with the General Plan. The motion was seconded by Commissioner Poelman and passed unanimously.

APPLICATION #3008 / CONDITIONAL USE PERMIT – GROUPS OF DWELLINGS UNDER ONE OWNERSHIP ON A SINGLE LOT/ 488 SOUTH 400 WEST / CHAD THOMPSON

Mr. Leishman rotated projected copies of the site plan and building elevation for the discussion. This application is categorized as groups of dwellings under one ownership on a single lot. That is an important distinction. Upon that one lot, as presented, are five 4-plexes and one single family home with the ability to rent the units individually with no sale of individual units or individual 4-plexes. This is an R-M-15 zoning district (Residential – Multifamily – 15 units per acre). The parcel area is calculated as 65,094 square feet; one acre is 43,560 square feet, which makes this considerably more than one acre. The zoning district would allow 15 units on one acre. Mr. Leishman explained that just because 15 units per acre is allowed, that does not mean that 30 units would be allowed on two acres. There is a need for the building footprint, parking, landscaping and other components. The configuration of the property does not always mean a developer would get 15 units per acre. Based on the definitions Staff has reviewed, 15 units per acre will fit on this lot by designation and calculation.

Mr. Leishman continued that this is a conditional use permit and based on that there are standards and criteria that need to be addressed. Findings of fact need to be created for approval or denial. He brought their attention to 29.06.070 Standards and Criteria for Conditional Uses which states:

A. The Planning Commission shall review a conditional use request with the following general standards and criteria.

1. The use applied for at the location proposed is necessary or desirable to provide a service or facility that will contribute to the general well being of the area and the city.

2. Compatibility of the proposed use with the intent, function and policies established in the Brigham City General Plan.

3. Compatibility of the proposed use with the character of the site, adjacent properties and other existing and proposed development.

4. The availability of or ability to provide adequate services, drainage, parking, loading space, fire protection and safe transportation access and vehicular circulation.

5. Such use will 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.

6. If the Planning Commission determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the Planning Commission may deny the request for a conditional use permit.

B. In approving a conditional use permit the Planning Commission may impose such reasonable conditions with respect to location, construction, maintenance, operation, site planning, traffic control, flood control, time limits and other items for the conditional use permit as deemed necessary for the protection of adjacent properties and the public interest. The Planning Commission may require guarantees or other evidence that such conditions will be met and complied with.

Mr. Leishman explained that those standards will be used to develop a finding of fact, in support of or not in support of, as the application is reviewed. He cautioned the Planning Commission that these are the criteria under which this case should be evaluated.

Chad Thompson, developer, and Marti Watterson, engineer, came forward. Mr. Thompson stated that he understood the concerns of the neighbors and he is going to do the best job and the best development he can. This development is going to be his retirement and he will be watching after it. He will be more concerned than the neighbors with who is renting the apartments. He has done developments in the past. He brought pictures of a development in Smithfield that he did six years ago with two townhouses in the same type of situation. It met the zoning and was in a mostly residential community. There were people who were concerned with what was going on and what would happen. There was a lady that was against the project to begin with and afterward she said

she enjoyed it because it brought younger people into that area which turned out to be beneficial for her.

Commissioner Poelman asked how his construction would differ on the outside from the photos of the Smithfield project. Mr. Thompson replied that it would be similar. He was thinking about doing a rock veneer, putting rock on the columns, the front and around the two sides. Commissioner Poelman asked if he had a concern about the density; she mentioned the entrance is 25-feet and her driveway is 28-feet. Mr. Thompson replied that he understood the concern and the concern about traffic. In regards to 500 West, people only have to go half a block to turn into the parking lot. He said they could look at the possibility of widening the egress as there is room to widen it. He said widening it to 28 or 30-feet would not be a major issue.

Commissioner Berry asked if widening the egress would reduce the parking. Ms. Watterson replied that the parking would have to be decreased to do that. The current width of the driveway allows for more parking stalls. They would lose parking stalls if the driveway was widened. At this point, the project has the minimum required parking stalls unless the number of buildings is reduced, which would drop the number of required parking stalls. Commissioner Poelman asked if there was anything they would consider in eliminating one of the buildings. Mr. Thompson replied that he is meeting the density requirements. There are two parking stalls for each individual unit.

Chairperson Peterson asked the audience to refrain from calling out in the meeting.

Commissioner Berry commented that the parking did not allow for visitor parking and asked if that would create any conflict. Mr. Thompson said that most people in his other units have less than two cars. Each renter gets two marked stalls per unit.

Paul Fowler commented that the plan looked really congested to him and even though it meets the technicalities, he said he had a hard time seeing 42 cars and their visitors going in and out of there. The number of vehicles people have varies and so does their amount of visitors. He said he was looking for another way out or a wider driveway. Mr. Thompson said that was a concern but from what he has seen in the past, not everyone leaves at one time. He has other units and there is a demand for this type of housing and most people can remember when they lived in an apartment at one time. Brigham City is growing and he felt like he was meeting a demand for young families. The group he is going for is young married people that are getting started in life that need a place for two or three years until they can get a house. These are staying under one ownership. In Logan, in one area, there are 68 4-plex buildings with different owners. If these were sold off individually, there would be 20 different owners. He restated that this is his project and he is going to have a lot invested in it and will take a lot of stock in what is going on there and who will be renting. The rent will be up which will attract young married people that are looking to get a start. He said he is going to try to do the best project he can and has always tried to do that in every job he has done.

Commissioner Poelman asked if there was a reason that he is not choosing to have an entrance off of 400 West to have two entrances which would eliminate some of the congestion. Mr. Thompson replied that in regards to the house, that was supposed to be a two lot subdivision. The apartments were supposed to be in one subdivision and the house in another. There was a mix-up with the engineers on that. They still meet the criteria of 8,000 square feet for selling that house off. Commissioner Poelman asked about using it for another entrance into the property. Mr. Thompson replied that as far as he knew, one entrance was acceptable and asked if there was anything requiring him to have two different entrances.

Commissioner Handy commented that this was a conditional use permit and they could set conditions that make them feel comfortable with the overall development and there may have to be

some give and take. Mr. Thompson said he understood that. He said he worked with the City and talked to the different divisions and asked them what they would like to see. In regards to the retaining wall, Mr. Thompson said Mr. Leishman suggested he talk to the Street Division to see what their concerns are and what they would like to see. Mr. Thompson said the Street Division did not want to see a flat cement retaining wall; they would rather see it broken up so he decided to use the stacked pavers to give a more aesthetic appearance. For privacy, Mr. Thompson has proposed to put up a nice 6-foot vinyl fence. Another concern he said he was trying to go the extra mile for is placing a nice gazebo in the common area. That is something that is not required to be put in but shows his intent of making the property more attractive and appealing.

Commissioner Berry asked rather than having a gazebo if he could move one of the buildings further to the west to allow for more space between this project and the neighbor. Mr. Thompson replied that one of the neighbors thought it was 6-feet but there is actually 17 ¾-feet. The 6-feet is the sideyard and 17-feet between his property and the neighboring property. Ms. Watterson said that according to the Staff comments there is a 2 ½ -foot difference that needs to be moved. Mr. Thompson explained that the draft before the Planning Commission at this meeting is one of the first conceptions. He said one of the concerns was with the parking so he went to Hansen's to see if it could be addressed. They have addressed it and widened it making it a lot more accessible for cars to turn around. Mr. Thompson presented an updated version of the plan.

Commissioner Poelman asked Mr. Thompson to explain the picnic area. Mr. Thompson said he was thinking about putting something nice there such as a grass area, patio pavers, cement for lawn chairs or a table. That was also the idea for doing a gazebo because if would be nice to sit out there when visitors come. Mr. Thompson commented that he was aware there were a lot of concerns and wanted to reassure everyone that he is trying to do the best job he can.

Chairperson Peterson asked about access for emergency vehicles. Mr. Thompson replied that was one thing they addressed and the change that was made will help. Commissioner Poelman asked about the garbage cans. There will be 20 individual garbage cans which will be placed on each patio. Everyone will have to take their garbage can to the street for pick up. Commissioner Poelman asked if it was a possible to place a dumpster somewhere. Mr. Thompson replied that, at this moment, there was not. Mr. Leishman stated that within the Ordinance there is a waste collection provision. Brigham City collects from the small cans and does not collect the large dumpsters; generally, dumpsters are for commercial areas. The City does not have the ability to collect from a large dumpster container. The Ordinance is very specific in that residential areas have to have cans and cannot have dumpsters, which is regulated in the Ordinance. Commissioner Poelman asked if there was a large cluster of units, such as these, in the city where garbage had to be picked up like that, to know how feasible it would be. Mr. Leishman replied that he was not aware of one and commented that there was a development at the mouth of the canyon with 3 or 4 4-plexes where they had a similar situation. They were going to have about 16 cans on 200 South. Chairperson Peterson said it was her understanding they did some adjusting in the parking area and changed that to have a dumpster. Mr. Fowler commented that a dumpster seemed more logical in this instance. Mr. Leishman said the difficulty would be where to put a dumpster as to not conflict with the in and out traffic. He said he would go get the Ordinance so they could look at it and see what would need to be done as it was not addressed by the Division responsible for that.

Commissioner Handy commented that it was his understanding that this application would be continued because there was a change with the house. Mr. Thompson said there was a mix up on that and he had taken care of it and would file it tomorrow as a two-lot subdivision. He said nothing they see at this time will change other than it will be a two-lot subdivision. Commissioner Handy stated that he thought they all would like more information before they act on this application. He said he did not think there had been any public clamor at this meeting in terms of what the law

states but rather concerned citizens that brought up good points. He said he would like to have some time to evaluate a proposal in relation to the points that have been brought up.

Mr. Fowler asked Mr. Thompson if he had another property in Brigham. Mr. Thompson replied that he had one located at 38 South 200 West which is 10-years-old.

Chairperson Peterson asked if Mr. Thompson had considered the question about irrigation water. Mr. Thompson replied that when he closed on this property with the title company, they did not know if the water shares actually transfer over to his name with the purchase of the property. They were not aware of exactly how that would take place. He said he could research that more. He said the City wanted him to use the irrigation water so they would not use the chlorinated water as much to water the lawns. Chairperson Peterson said that was an item they need more information on. She asked Mr. Thompson if he would consider a taller fence at the back end of the property. Mr. Thompson replied that he might be willing to consider a taller fence. He said he would need to see exactly what would be involved and what the Commission wants to see done. He said he is open to suggestions as he wants to work with them. Paul Fowler restated that two of the concerns regarding the fence were safety and privacy. Mr. Thompson said he would retain a lot of the hillside and a lot will be excavated out as he needs to take quite a lot of dirt out and grade it down to put in the sidewalk around the properties. The lot will be retained with the wall.

Commissioner Poelman asked about low income housing. Mr. Thompson said these units would not be low income housing. He is looking to rent the three bedroom units for about $800 per month and the two bedroom units for close to $650 per month. In regards to square footage on the three bedroom units they are 19' x 32' and the two bedroom units will be 17' x 32'. Mr. Thompson had pictures of another development he did about five years ago in Smithfield. Those neighbors had similar concerns with putting apartments in a residential area and it turned out nice. He is interested in this area because of what it is zoned. There was also a concern about decreasing property values. Mr. Thompson stated he would not pay as much for this property if it was zoned for single family homes. The zoning actually does up the value of the property. Mr. Fowler commented that he could see how it was great for the apartments but the neighbors concerns were in regards to the value of their homes after the apartments are built. Mr. Thompson stated that he respected the concerns of the neighbors. He said he is trying to comply with the zoning and to do the best project he can. He is a single owner and is taking stake in this property to try to do the best job he can and to appease everyone.

Commissioner Poelman commented that he didn't have a picture of his other apartments in town but to her recollection it is well kept. Mr. Thompson said that apartment is a 6-plex; four two bedroom units with two three bedroom units attached to it. Commissioner Berry asked Mr. Thompson if he had thought about how high the two-story townhouses would be sitting on the hill. Mr. Thompson replied that he thought it would look good and not be a distraction. He is trying to do what the zoning will allow. If the property was zoned differently, he would not be here; he would be looking for a place that is zoned R-M-15.

Commissioner Handy commented that Mr. Thompson may not want to respond to his question and asked him if it would take five units for him to make money on this project. Mr. Thompson replied the more units he could do the better off it will do. That was a problem with the other developer, it did not work. He said cutting back one house did not work for them. Mr. Thompson stated that the density is acceptable and he is trying to comply with what he is allowed to do. Commissioner Handy said Mr. Thompson didn't answer his question but then commented that maybe he did. Mr. Thompson said he could still make a go of it but it would be a lot tougher.

Chairperson Peterson said she thought they could not act on this application at this time because the lots need to be divided at another meeting and would entertain a motion to continue the application.

> **MOTION**: A motion was made by Commissioner Poelman to continue application #3008. She asked what date would be appropriate to continue the application to.

Mr. Leishman said that assuming everything is addressed, April 15th would be appropriate. Ms. Watterson commented that they would be able to have the final plat prepared if they could combine the two and asked if that would be an option. Mr. Leishman explained the new subdivision process with the sketch plan being discussed at Planning Commission, without any decisions being made, to glean information. The application is brought back as a public hearing for preliminary plat. Subdivisions that are less than ten lots are forwarded, with a recommendation, to the City Planner who then makes a decision. Mr. Thompson said he plans on doing the best job he can and he is taking stake in it and will keep it up to make it look as presentable as possible to everyone.

Mr. Thompson said he knew and understood the concerns. He is keeping this for his retirement and will have a lot invested in this and will care who goes in there and what happens. These could be townhouses with different owners renting to whomever versus one owner for all. Deon Dunn asked Mr. Thompson if he had considered taking some of the jogs out of the back off the property where the house is and squaring it off a little so there is more parking and a wider entrance. Mr. Thompson replied that to leave one lot there it needs to be 8,000 square feet and he is meeting that at this time. To cut the back yard, as suggested, would not allow that to be a lot. Ms. Dunn clarified that if the entrance was wider it would cut down the parking so there would not be two parking stalls per unit and she asked Mr. Thompson if he had a solution for that. Mr. Thompson replied that he did not have a solution for that. He said 25-feet is bigger than it seems and a parking stall for a car is 9-feet. There is room on either side and he did not think it was too intrusive. Ms. Watterson stated that it does meet the requirement for the drive width. Mr. Thompson said that if losing parking spaces was not an issue than widening would not be a big deal. Mr. Thompson said 25-feet was good.

Commissioner Poelman commented that her driveway is wider and is a 40-year-old home and they have wider driveways than that now. Mr. Thompson said wider or skinnier driveways could probably be found anywhere. It is a concern and he is willing to listen to comments about it. He wants to work with the Commission not against them. He felt like he has gone the extra mile as in the instance of talking to the Street Division and getting their input. When he was thinking of a retaining wall, they said they would like to see it broken up. They do not want to see a chalkboard or something flat. Mr. Thompson said he understood that and it is actually more money to do that. He restated that he is trying to go the extra mile. The gazebo is another thing that he thinks will add to the complex. He is doing rock and stucco on the buildings, not siding; the cost of rock and stucco is quite a bit more. Mr. Thompson said if he was trying to go off the bottom dollar, he would put vinyl siding everywhere.

> **MOTION**: A motion was made by Commissioner Poelman to continue application #3008 until the April 15, 2008 meeting. The motion seconded by Commissioner Handy.
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> Discussion: Mr. Leishman commented that it would probably be appropriate to state 'at the applicant's request' so that is very clear, if this is ever looked at in the future, that the Planning Commission is continuing this at the applicant's request. Commissioner Poelman and Commissioner Handy both agreed to the inclusion.

The motion passed unanimously.

Chairperson Peterson invited more public comment.

Darlene Wyatt came forward. She stated that she would like to have a copy of the conditions and rules that were read to the Planning Commission. Ms. Wyatt read from her notes some of the rules and conditions pertaining to the application such as it had to contribute to the well-being of the city, safety issues and not be injurious to the property in the area and something about protection to adjacent properties. She wanted to reiterate that they are concerned about those things. One of the biggest things is the safety issue. If 20 garbage cans are being hauled out to the hillside, she said she believed that to be a safety issue. She said they look great on paper but the concentration of the amount is a concern. There are conflicts with having that many people in a small area and they are concerned about that as well. Another concern is the number of children and where they are going to play. Part of Ms. Wyatt's concern is that she has a playground for her family and her children and would not like anyone to come to her yard as a park area. She would like to know that her property is protected from that in some way. The other safety issue is with vinyl fencing. She gave an example of an accident in another city where a vehicle drove through a vinyl fence and with all the parking there, she does not want that to happen to her children or grandchildren. Ms. Wyatt asked that those concerns be addressed.

Karla McArthur came forward. She stated that on the garbage issue, that side of 500 South is where the extra flow of irrigation water runs and the runoff of the snow melt. More than six months of the year there is water flowing along there and it will spill the garbage cans. Ms. McArthur said they used to do the irrigation for the Jaggis and they had over eight hours of water. She stated another concern with the driveway; children that are going to school in that area are bussed to Foothill and a lot of mothers are unhappy with that and choose to drive their children. She said her whole neighborhood and the block to the north of them all drive their children to school so if the residents have school children than they will be leaving at the same time. Ms. McArthur also commented that in regards to the narrow driveway, when cars back out of the five parking stalls on each side, they back into the driveway and will block the driveway. She also said that according to the math figures she did, if the home is sold it will leave the property just shy of the amount that is needed to do 20 units and will only allow 19. Mr. Leishman asked Ms. McArthur to call him and they could discuss that further. Ms. McArthur said according to the drawing it looked as if a vinyl fence will be placed in front of their retaining wall which would give them no weed control there. She said they would rather remove the retaining wall and see if Mr. Thompson would do a cement wall with some vinyl in front of it and that may be something they could discuss. She said they do not want it the way they think it looks like on the drawing.

Chris Thompson, brother of the developer, came forward and stated that he wanted to give a voice for young renters. He said that every term had been used, short of low-lifes, in regards to the type of people that are going to rent the units. He said he thinks that is dangerous to paint people with one broad stroke. He said he represents that community. Getting into a house is the goal but people who are trying to get their feet on the ground are forced to rent and there are nice, new, great-looking apartments that are affordable for people in that category. Mr. Thompson said they are not trying to cram everything in that lot. On some of the requirements they are close to the minimum but on some of the others they are well above; going the extra mile. The setbacks are well above the minimum so there is a lot of room for kids to play. There is a nice common area between them that is almost 50-feet. He restated that he wanted to be the voice to represent the young renting community looking for a great place to rent and a nice affordable place to live.

Kent McArthur came forward and stated that he wanted to respond to Mr. Thompson's comments about them not understanding the young married rental market. He said that he and his wife and the Wyatt's both have married children and that is something they understand. He commented that

the back part of their property listed on the map shows a building which is in fact a volleyball field with a concrete border around the sandpit.

Brent Wyatt came forward and stated, in regards to Mr. Thompson's comment about this project being for his retirement, that people are retiring at different ages and he may only want to keep this property for a few years and asked what will happen when Mr. Thompson decides he is ready for retirement and someone else purchases this property from him. There is no guarantee that he will keep this property forever and asked if the other property owners will still have to meet the same requirements and if they would treat the property the same as Mr. Thompson will. This is a long-term project and should be very well considered. He said they appreciated all the time spent at the meeting and all the comments of those in attendance.

DISCUSSION:
Commissioner Poelman asked for an update on UTOPIA. Councilmember Ruth Jensen replied that we are only 20 percent penetrated in Brigham City which means we do not have enough home owners in the area to make if feasible for them to make money to keep going at this point. The do not have enough here yet. UTOPIA is bringing a new plan that is pretty thorough. She said they could discuss this at a later time. There is going to be a discussion on it in May. Their funding has stopped and they have no money at this point. They got a government loan to go to the rural area of Tremonton where they are 90 percent built but there is no money and they cannot finish it. They are trying to bring a new system plan, called the ring. They had been going on each street trying to get to each house and there was not enough money to do that in the area we are in. Now they are going to build a ring and people around that ring will get service and people in certain areas that want that service will get it and then they will move on to another area. It is a big process they are trying to push right now. They need to have more people on the line to make money and they are currently dead in the water. They have not been able to survey areas yet. They will be bringing it to a hearing at City Council. It has stopped everywhere, not just Brigham City.

> **MOTION:** A motion was made by Commissioner Handy to adjourn. The motion was seconded by Commissioner Berry and passed unanimously.

The meeting adjourned at 8:07 p.m.

This certifies that the regular meeting minutes of March 18, 2008 are a true and accurate copy as approved by the Planning Commission on April 15, 2008.

Signed: _____

Jeffery R. Leishman, Secretary