

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
Tuesday, February 16, 2016 6:00 p.m.**

PRESENT:	Eve Jones	Chairperson
	Scott Mildenhall	Commissioner
	Reed Hancey	Commissioner
	Larry Jensen	Commissioner
	Bill Frye	Commissioner
	Dean Lester	Commissioner
EXCUSED:	Debbie Manning	Commissioner
ALSO PRESENT:	Christina Boss	Administrative Assistant
	Mark Bradley	City Planner
	Hali Larsen	Applicant
	Jesseca Peterson	Applicant
	Casey Shaw	Applicant
	Jake Tate	Applicant's Representative
	Byron Hansen	Property Owner
	John Hansen	Property Owner's Representative

AGENDA

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 #3684 / Conditional Use Permit / Smarty Pants Preschool / 657 South Main / Hali Larsen and Jesseca Peterson

Application #3682 / Permitted Use Permit – Design Review / America First Credit Union / 1124 South 450 West / Jake Tate, Anderson Wahlen & Associates

Discussion: Sidewalk Master Plan

REGULAR MEETING

Regular session opened at 6:00 p.m. and the Pledge of Allegiance was recited. Scott Mildenhall was introduced as a new Commission member.

APPROVAL OF MINUTES

The January 5, 2016 minutes will be presented for approval at the March 15, 2016 meeting.

PUBLIC COMMENT There was no public comment.

Application #3684 / Conditional Use Permit / Smarty Pants Preschool / 657 South Main / Hali Larsen and Jesseca Peterson

Mr. Bradley came forward and presented the application for the use of the Guymon Cottage Reception Center as the location for the Smarty Pants Preschool. The preschool will use the reception center, parking lot and grass area. The applicants have provided a packet with the business plan including hours of operation, student/teacher ratio and process for student drop off/pick up. The main area of concern is the student drop off/pick up area. The sidewalk used for drop off and pick up is located at the southeast corner of the house. Teachers and help will park in the back area of the parking lot. The applicant will use a portion of the Cottage sign and will obtain a sign permit. Staff comments support the application. Notices have been sent to adjacent property owners and no concerns have been received. An affidavit has been signed by the property owner. Video clips of a vehicle demonstrating proposed drop off/pick up procedures were shown including wider turning movements and a car parked in the lot. The owner has assured that no receptions will be held during preschool hours.

Applicants Jesseca Peterson and Hali Larsen came forward and Ms. Larsen reviewed the business plan, going over the preschool program and student/teacher ratio. Ms. Larsen has four other preschools in the Pleasant View, Morgan and Mountain Green areas.

Commissioner Hancey confirmed that there will be two adult teachers for each class and questioned how the staggered drop off/pick up would be controlled. Ms. Larsen explained that parents are issued drop off/pick up times in 2-3 minute increments and if they are not timely, they lose their slot and will be last in line to pick up their child. Commissioner Hancey verified that all doors, except the front door, are locked from the outside.

Commissioner Lester questioned how children will get into the building. Ms. Larsen, referring to the picture provided, explained that there is a door at the back of the building exiting to the parking lot. A teacher will remain on the sidewalk and the children will be brought to that teacher. This will be the only door used for the school. The main entrance door to the building will not be used for preschool. Commissioner Lester questioned the safe havens and assembly points which were not included in the emergency plan. Ms. Larsen stated that the emergency plan was adopted from her Morgan school. The Introduction and Scope are tailored to the Brigham City school. She has secured safe havens at three other properties surrounding the school which are owned by Kevin Guymon. She has also spoken to the dealership next door and stated that the preschool can use it as a safe haven.

Commissioner Jensen questioned the use of playground equipment. Ms. Larsen confirmed that there will not be any equipment on the property and that children are accompanied by a teacher when they go outside for teacher guided play. The owner is providing storage for toys.

Commissioner Jones confirmed that Ms. Larsen reviewed Staff Comments and is aware that she needs to obtain a sign permit. Commissioner Jones questioned whether the outside play area was fenced. Ms. Larsen explained that the grassy area where the children will play is fenced.

Commissioner Lester asked Ms. Larsen if she has any issue in complying with Staff comments. Ms. Larsen indicated that she does not by shaking her head no.

Motion: Commissioner Jensen made a motion that the Planning Commission, acting as the Land Use Authority on Application #3684 approve the application subject to stipulations and Staff comments as noted with the Findings of Fact that: 1) The General Commercial zoning district allows for preschools through a conditional use permit; 2) The applicants have provided a plan to address safety concerns; 3) 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 applicable standards.” Section 10-9a-507 (2) (a); 4) 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; and 5) Any additional/applicable findings as determined by the Planning Commission.

The motion was seconded by Commissioner Hancey and passed unanimously.

Application #3682 / Permitted Use Permit – Design Review / America First Credit Union / 1124 South 450 West / Jake Tate, Anderson Wahlen & Associates

Mr. Bradley presented the application and stated there were previous concerns with the nature of the cross access agreement and how it would be noted on the plat. America First Credit Union (AFCU) decided to proceed with site plan approval to address a location for the drive approach. AFCU was initially going to use the drive approach that would align with the existing approach across the street on 450 W. After review, AFCU desired to move the approach further south from 1100 S. This approach would also serve as the primary entrance to the development. Staff supports going further south from 1100 S but is concerned with the offset in the drive approaches with Mr. Robinson’s property. Staff supports the two approaches lining up. The application went before the Joint Advisory Board and the Board’s recommendation in order of preference is: 1) align drive approaches between both properties (Hansen & Robinson); 2) use existing drive approach closer to 1100 S; and 3) have primary access further South on 450 W to align with 1175 S. The applicant’s suggestion is to allow for the offset to work until it fails, and then put in a median. Staff does not support a median due to the restriction of free access to existing businesses.

Mr. Bradley presented slides and stated that the proposed building would be similar to the Herriman facility. Several different sign options were included in the slides and Mr. Bradley stated that the applicant needs to obtain a sign permit. Development of the site would be in 2017.

Commissioner Mildenhall questioned who would be responsible for changing the access to the property. Commissioner Jensen stated that negotiation would be between AFCU and Byron Hansen.

Applicant Casey Shaw, Jake Tate, representing AFCU, and John Hansen representing Byron Hansen came forward. Mr. Tate explained the reason for not using the existing curb cut is so that people entering the complex would not have conflicts with the drive

thru. The proposed access further South on 450 W would be smoother access to the development and conflicts would be minimal with the offset drive. Mr. Tate has offered to do a traffic study if necessary.

John Hansen stated after reviewing the current access into the property with the owner, Byron Hansen, they determined the access will not work because it would be the main access into the development. John Hansen explained that Mr. Robinson, owner of the property to the east, has made it clear he will consider moving his drive approach but will not contribute any money towards the new entrance. John Hansen explained that there is a 10% grade at the entrance and the retention basin and inlet box, as well as the lights, will have to be moved. Mr. Tate confirmed the inlet could be moved and could provide the same amount of volume as it currently provides. John Hansen feels that moving Mr. Robinson's drive is not practical because the drive would be too close to the building. The Robinson property's current drive approach is approximately 40 feet wide with approximately 25 feet between parking stalls. John Hansen believes that Mr. Robinson does not comprehend the effect moving the approach will have. John Hansen stated AFCU will not pay to align the drive approaches as they are buying an improved property.

Commissioner Lester asked to be educated on why the City is concerned about offsets. Mr. Bradley confirmed that offsets increase the conflict in movement of vehicles and accident ability. The City needs to look to the future and to the fact that there will be more traffic as property is developed. Mr. Tate stated a traffic study would look at projected growth rates and apply that to the road to see the effect. Commissioner Jensen asked if a traffic study has been completed and Mr. Tate stated that the City Engineer was not in favor of a traffic study because of the number of assumptions and data manipulations that are factored in. Commissioner Jensen stated that there are areas in Brigham City that have intersection and traffic problems due to past Planning Commissions not considering future growth. He also stated that in the past offset entrances have been shown to be problematic.

Byron Hansen came forward and stated he has paid for one-half of the road on 450 W, one-half of the road on 1200 S and almost half of the road on Commerce Way. He stated that his dealership has nicer landscaping than any other business on 1100 S. He feels that AFCU is a good fit for this parcel and that they will bring business to community. The existing approach location is due to Utah Department of Transportation (UDOT) requesting that the entrance be pushed back as far as possible from 1100 S. Byron Hansen feels that the entrance needs to be further south for future development of the site. Mr. Hansen feels that businesses on Mr. Robinson's property will never have the volume of traffic that his 13 acre development will have. He stated that traffic flow for Mr. Robinson's property will not be heavier than it is right now. Mr. Hansen stated he brings in sales tax revenue to Brigham City with his car business. Commissioner Jensen clarified that the Planning Commission can foresee problems and wants to figure out how to mitigate them. The group discussed the effects of a median. Mr. Tate stated it would have a greater impact on Mr. Robinson because AFCU customers exiting the property could turn right and go around to Wal Mart. The impact to Mr. Robinson would be no access to his property from 1100 S; AFCU would have direct rights off 1100 S. Mr. Tate stated that if UDOT dictates the location of driveways, it would fall on UDOT to direct that a threshold has been reached justifying a median.

Commissioner Jones stated she prefers Option 1 and asked Mr. Shaw if either of the other two options were viable. Mr. Shaw and Mr. Tate stated Options 2 and 3 would kill the deal. Byron Hansen agreed Option 2 is a deal killer for him as well.

Commissioner Mildenhall stated that due to the grade, if Mr. Robinson's drive approach was moved further south, traffic would be driving up a hill and cresting in the pedestrian zone.

Mr. Bradley stated that Staff prefers Options 1 and 2 and that the City Engineer and the Public Works Director should be involved in other considerations. Mr. Bradley told Byron Hansen that the City respects his business and appreciates the fact that it is in Brigham City. He stated this is not personal against Mr. Hansen and the Planning Commission and the City need to address the possibility of traffic conflicts from the proposed offset.

Commissioner Mildenhall stated that the main reason for lining up the drive approaches is for left hand turns and traffic issues. He feels that moving the drive approach 30 feet does not alleviate the left hand turn issues. Commissioner Jones stated that if the drives line up, there can be contact with the other driver across the street. Commissioner Hancey stated that moving the drive approach on the Robinson property is putting pedestrians in danger.

Commissioner Frye suggested widening the road to put another lane in. Mr. Tate stated that the City's report states it is possible to widen the west side of 450 W. He is not sure if that would alleviate the problems but a traffic study would help.

Commissioner Lester stated that the City Engineer and the Developer should discuss all of the options and that the Planning Commission is not willing to overrule the City Engineer. Byron Hansen stated that he has not talked to Mr. Bradley or the City Engineer. Mr. Bradley stated that Mr. Hansen has been away and that he is hopeful that there will be meetings. Commissioner Jones agreed that this item should be continued until such time as the Applicant and the City Engineer have discussed the issues. Commissioner Jones stated that the Commission appreciates the business Mr. Hansen has brought to, and continues to bring to, Brigham City.

Motion: Commissioner Lester made a motion on Application #3682 to continue the discussion resolving issues concerning the entrance to property. Commissioner Hancey clarified that the motion be continued until the City Engineer and the Applicant have had further discussion and arrive at a plan. Commissioner Lester agreed.

The motion was seconded by Commissioner Frye and passed unanimously.

Mr. Bradley addressed the Commission to clarify their position on Application #3682. The Commission would like the issue resolved before the item is put back on the agenda. Commissioner Jones would like a plan. Mr. Tate asked that the Planning Commission request a traffic study. Mr. Bradley explained to Mr. Tate

that there is a valid reason the City Engineer is concerned with the manipulation of data in a traffic study. Mr. Bradley stated he would work on getting a meeting scheduled.

Discussion

Mark Bradley brought up discussion on the Sidewalk Master Plan. He stated that the expectations are not being achieved. Several Commissioners feel that this is due to City Council granting deferrals. Commissioner Jensen suggested a joint meeting with City Council.

Commissioner Jones suggested making sidewalks in developments a requirement with no possibility of deferrals. The Commission is in agreement that in older neighborhoods with no sidewalks, it does not make sense to require sidewalks. Mr. Bradley stated Staff would rather have a sidewalk right up against the curb than no sidewalk. Mr. Bradley supports a joint meeting between City Council and the Planning Commission. He stated the Planning Commission has Councilman Peterson's support.

Commissioner Jensen suggested sidewalks be required in developments like the old golf course area and Kotter Canyon. He suggested sidewalks in other areas could be completed thru special assessments, perhaps completing one district per year over the next 10 years, similar to curb and gutter. The exception would be when sidewalks are already on one side or both sides of the street, they must be continued when developing even just one site. Commissioner Hancey suggested trails be worked in with the sidewalk plans. Mr. Bradley will consult with City Administrator, Jason Roberts and schedule a joint meeting with the Planning Commission and City Council.

MOTION TO ADJOURN

Motion: A motion was made by Commissioner Lester to adjourn the meeting. The motion was seconded by Commissioner Frye.

The motion passed unanimously.

This certifies that the regular meeting minutes of February 16, 2016 are a true and accurate copy as approved by the Planning Commission on March 15, 2016.

Signed: _____
Christina Boss, Administrative Assistant