

**BRIGHAM CITY PLANNING COMMISSION MEETING
TUESDAY, MAY 17, 2011 – 6:30 PM
BRIGHAM CITY COUNCIL CHAMBERS**

PRESENT: Barbara Poelman Chairperson
Larry Jensen Vice Chair
Deon Dunn Commissioner
Joan Peterson Commissioner

ALSO PRESENT: Mark Bradley City Planner
Eliza McGaha Administrative Assistant

EXCUSED: Lynda Berry Commissioner
Eve Jones Commissioner
Rob Munns Commissioner
Lynn Duce Alternate Commissioner

AGENDA:

Work Session

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*) for items not listed on the agenda.

Public Hearing² / Application # 3302 / Amend Chapter 29.13 Commercial Districts, Section 29.13.020 (6) Sales and Related Services use category "Monument Sales" / Bott & Sons LLC

Application # 3304 / Amend Conditional Use Permit / Conversion of Senior Housing to Regular Apartments and Expansion of Multiple Residential Project / 304 East 800 South / Cody Reeder

Application # 3307 / Conditional Use Permit / Towing Service / 105 South 950 West / AMS Towing

Application # 3310 / Planned Unit Development Subdivision / Dickamore Townhome P.R.U.D. / 37 South 600 West / Justin Dickamore

Discussion:

1. General Commercial District between 900 North and 700 South
2. Zoning

Regular Meeting:

Barbara Poelman opened the regular meeting at 6:30 p.m. and Deon Dunn led the Pledge of Allegiance.

Approval of Work Session Minutes and Regular Meeting Minutes:

Motion: A motion was made by Larry Jensen to approve the meeting minutes as listed for May 03, 2011. The motion was seconded by Joan Peterson and passed unanimously.

Public Comment (*Per Utah Code, will receive input only, no decision can be made*):
There was no public comment.

Public Hearing^{2/} Application # 3302 / Amend Chapter 29.13 Commercial Districts, Section 29.13.020 (6) Sales and Related Services use category "Monument Sales" / Bott & Sons LLC:

Mr. Bradley presented the application. DJ Bott came forward to represent the application. He would like to locate the engraving and retail portion of his monument business in the General Commercial district on Main Street.

Motion: A motion was made by Joan Peterson to open the public hearing on application #3302. The motion was seconded by Larry Jensen and passed unanimously.

Paul Fowler came forward and offered supportive suggestions to the proposed additional wording to the proposed amendment. He suggested limiting businesses such as this as has been done with the payday lending businesses. He said he thought it could be done with caution, select verbiage and limitations.

DJ Bott came forward and voiced his agreement with Mr. Fowler's comments.

Motion: A motion was made by Larry Jensen to close the public hearing on application #3302. The motion was seconded by Deon Dunn and passed unanimously.

Mike Bott came forward and explained the office space would be decorated in a comforting home-type fashion for the benefit of customers and that the office will first be located in one of the bays and located in the house sometime in the future. The Bott's intend to own the entire property in the future.

DJ Bott explained that having a cement trailer brought in once a week is more advantageous for their business and neighbors rather than making the cement onsite because there is no storage of the cement making products or associated mess (dust and noise) from manufacturing the cement themselves.

Motion: A motion was made by Larry Jensen to recommend to the City Council that application #3302 be approved with the items discussed that monument sales outside display of product be a conditional use in the general commercial; that the wording say generally that monument sales outside display of product is primarily retail use that includes incidental activities relating to engraving of natural stone, cultured stone, glass and wood, casing of concrete memorial foundations; that all work and equipment must be enclosed in a building; that the staff recommendations are considered as this is done; with the findings of fact that the additional use would be incidental to the retail business with this amendment; that noise and display would not be more obtrusive than other allowed uses within the general commercial district; that such use, with the stipulations, 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; the recommended amendment follows the legal process as outline 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 first submitted to the planning commission for its recommendation”, Utah Code Section 10-9a-503, paragraph (2). The motion was seconded by Joan Peterson.

Discussion: Ms. Peterson pointed out that Mr. Jensen said ‘casing’ of concrete and it should be ‘casting’; Mr. Jensen agreed with that. Mr. Jensen added that the retail use must be at least 50% of the property as determined by staff. Ms. Peterson was in agreement.

The motion passed unanimously.

Application # 3304 / Amend Conditional Use Permit / Conversion of Senior Housing to Regular Apartments and Expansion of Multiple Residential Project / 304 East 800 South / Cody Reeder:

Mr. Bradley introduced the application. When the applicant purchased the property it had been converted from senior housing to regular apartments; he was unaware it had previously been approved for senior housing through a conditional use permit when he purchased the property. The request is to amend the conditional use for senior housing to allow for regular apartment housing which will bring it into compliance, and get approval for the diagonal building on the corner of 800 South 200 East to be used for multifamily housing which will include an office. A proposed plat amendment is going before the City Council for approval. There will be single family dwelling lots on the east side of the property. The applicant would also like a reduction in parking.

Cody Reeder came forward to represent his application and was joined by Steven Earl, architect, and Randy Gnehm, contractor for the project.

Motion: A motion was made by Joan Peterson to approve application #3304 with the following recommendations: subject to staff comments; subject to approval of the amended plat combining lot 28 and lot 29; accept the reduced parking provided by the owners; comply with Chapter 29.06 Uses; comply with all staff comments; subject to City Council approval of amendment Plat A lot 28 and lot 29; subject to the setback requirements for the single family lots; with the findings of fact that a multiple family dwelling project is allowed in the R-M-15 through a conditional use permit; the Planning Commission can approve reduced parking based on the parking schedule in Section 29.26.040 Off Street Parking Schedule; 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 or working in the vicinity or injurious to property or improvements in the vicinity. The motion was seconded by Larry Jensen and passed unanimously.

Application # 3307 / Conditional Use Permit / Towing Service / 105 South 950 West / AMS Towing:

Mr. Bradley introduced the application. The applicant would like to store business equipment in an existing storage unit site for the first phase, and the second phase would be to get on the local police rotation for bringing in vehicles to the impound yard. This would be a satellite site as there is no office at this location. For an office to be at this location certain site improvements would be required. Staff received a letter in response to the neighbor notifications that were sent out which was copied and given to the commissioners prior to the meeting (the original letter is filed with the application in the Community & Economic Development Department office).

Steve Gary, CEO for AMS Towing, came forward to represent the application. His headquarters is in Ogden with satellite locations in various places. In addition to storage needs for equipment in servicing the local area, Mr. Gary explained in order for his business to get on the local police agencies rotation lists he would need to have an impound yard in Brigham City/Box Elder County; such an impound yard would have to meet certain requirements and also be approved by the Utah State Tax Commission. A satellite yard also needs state approval. Mr. Gary explained the nature of his towing business and why this location meets the needs for his storage requirements.

Brett Reeder came forward. Mr. Reeder said he had to go through the same process as the applicant and could not have an impound yard without an office; he said he saw no reason for an exception to be made in this case and voiced his concerns regarding the application.

Mr. Gary responded to the comments and asked the Commissioners to take into consideration the motivation behind them versus that of the public.

Mark Reimer came forward. His comment was that he thought the application was a ploy to get a business license without having to make improvements for a proper facility.

David Phippen came forward. He said he is Duane Phippen's son and manager of the storage bays. Mr. Phippen explained the layout of the storage site and the reason for considering the applicant's use of the facility.

Motion: A motion was made by Larry Jensen to continue application #3307 to the next meeting to give the City staff time to discuss this application with the City Attorney and clarify the Planning Commission's options when requiring different items for approval for this application. The motion was seconded by Joan Peterson and passed unanimously.

Application # 3310 / Planned Unit Development Subdivision / Dickamore Townhome P.R.U.D. / 37 South 600 West / Justin Dickamore:

Mr. Bradley introduced the application and explained the key issues. Justin Dickamore and Brent Dickamore came forward to represent the application. Mr. Dickamore said he did not agree with the issue on the water meters but said he had no problem with working through the water and sewer issues with the City.

Motion: A motion was made by Larry Jensen to provide a recommendation to the City Council that application #3310 be approved subject to the applicant complying with the staff comments on this document; subject to the City Council approval of vacating lot 2 BD Subdivision; with findings of fact that such land use transaction 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 or working in the vicinity or injurious to the property or improvements in the vicinity. The motion was seconded by Joan Peterson and the motion passed unanimously.

Discussion:

General Commercial District between 900 North and 700 South/ Zoning:

Staff recommends there be some language to allow some residential in this area in the center of the blocks for lots facing 100 West and 100 East. Mark Reimer and Brett Reeder came forward; both own property in the area and participated in the discussion.

Motion: A motion was made by Joan Peterson to adjourn. The motion was seconded by Deon Dunn and passed unanimously.

The meeting was adjourned at 9:20 p.m.

This certifies that the regular meeting minutes of May 17, 2011 are a true and accurate copy as approved by the Planning Commission on June 07, 2011.

Signed: _____

Eliza McGaha, Administrative Assistant