

**APPROVED**  
**BRIGHAM CITY PLANNING COMMISSION**  
**BRIGHAM CITY COUNCIL CHAMBERS**  
**October 4, 2011**

PRESENT:            Barbara Poelman    Chairperson  
                     Lynda Berry        Commissioner  
                     Eve Jones          Commissioner  
                     Lynn Duce         Alternate Commissioner

ALSO PRESENT:    Mark Bradley        City Planner  
                     Julie Jeppsen      Administrative Assistant

EXCUSED:           Larry Jensen        Vice Chair  
                     Joan Peterson     Commissioner  
                     Rob Munns         Commissioner

**AGENDA**

Work Session

Pledge of Allegiance

Approval of Minutes

Public Comment<sup>1</sup> *(Per Utah Code, will receive input only, no decision can be made) for items not listed on the agenda.\**

Application # 3337 / Conditional Use Permit / Monument Sales with Outside Display of Product / 528 South Main / Bott & Sons

Discussion:

1. Application # 3332 / Regulations and Standards for Towing Services, Impound Lots, Junk Yards, and Self Storage Facilities

**REGULAR MEETING**

Regular session opened at 6:31 PM by Barbara Poelman and Lynn Duce led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**Motion:** A motion was made by Lynn Duce to accept the **September 20, 2011** Regular Meeting minutes as written. The motion was seconded by Eve Jones and passed unanimously.

**PUBLIC COMMENT**        There was no public comment.

**Application # 3337 / Conditional Use Permit / Monument Sales with Outside Display of Product / 528 South Main / Bott & Sons**

Mark Bradley provided a presentation regarding the application by Bott & Sons introducing the Bott Brothers as being present and inviting them to participate in the presentation. Clarification of the governing ordinance was provided - Amendment to the use category for Retail Monument Sales was previously addressed and allows for outside display of the product as long as the retail portion is fifty percent or more. This is a general commercial site. The property is an L-shaped property. Bott & Sons will be utilizing the entire commercial property. The lot is .28 of one acre. The use satisfies the 50 percent requirement. It was noted that Bott & Sons will clean up the property significantly with these improvements. The business would like to be in and operating by winter.

Specific discussion regarding parking clarified that there are 7 stalls across the back which in conjunction with 3 stalls per the drawing puts them at the required minimum of 10. (A portion of their parking will be accomplished through an agreement with the adjoining property owner/landlord to utilize parking stalls as drawn.)

The home is not part of this application and for clarification purposes, will be rented out. There is space for the rental property to have 2 regular parking stalls and additionally 2 recreational vehicle type parking stalls.

There was discussion about the metal exterior proposed. If there is a requirement for another exterior – other than the metal depicted on the drawing – Bott & Sons are open to anything but stucco. The Commission will not require stucco. Most likely there will be light weight mock style stone on the building.

Clarification was given regarding signage. There is an existing sign. They will be required to get a sign permit. The bottom of the sign will have stone to match the building.

The commissioners and the Bott brothers were provided with an email from a third party, Gerald Thompson representing an adjoining property owner Jerry and Jean Pett. The email voices concern over some drainage issues. Bott & Sons are willing to work with the adjoining property owner to resolve any drainage issue. Mark Bradley stated that since they are requesting a Conditional Use they are subject to the requirements of that approval and would most likely be required to provide some onsite retention. They asked for clarification regarding this requirement since there has been an existing business use there on an ongoing basis.

Commissioner Berry requested information regarding the noise level. DJ Bott explained that the sound is virtually undetectable from the outside.

The restroom facilities are located in the office area. They will use existing plumbing and build a new restroom that is handicap accessible.

In the Staff review there was a question raised regarding the emergency and/or fire truck accessibility. The EMS Director did not feel there was a concern.

Regarding a requirement for increased water usage. Their consumption is less than

normal residential. They will not require an additional commercial use water permit.

Commissioner Berry asked for clarification regarding trash removal requirements etc. There is not a lot of additional usage. A waste management receptacle was not included in the most current drawing. Another option that they are leaning towards would be the commercial type rolling waste cans - they are a little easier on the eye and would not require the enclosure. Mr. Bradley mentioned that commercial businesses required a trash enclosure. He will check the ordinance regarding commercial type rolling waste cans. Either one would be fine with the Commission as long as it is within the requirements of the City Ordinance.

**MOTION:** Motion was made by Lynn Duce that on Application No. 3337 the Planning Commission acting as a land use authority approve the application with the following conditions.

1. That the applicant correct the drainage issue that impacts the property directly behind the rear of the property to the satisfaction of that property owner.
2. That the off-site parking be included and documented as part of the approval.
3. If there is to be use of a large trash container that there be proper enclosure for such. Trash containers to be in compliance with the waste ordinance of the city.

With the following findings of fact, that the ordinance was recently amended to allow Monument Sales and Outside Display of Product as a Conditional Use Permit in the General Commercial Zoning District and 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 the applicable standards. 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.

With following stipulations:

4. That a building permit be obtained and that applicant comply with staff comments as determined by the discussion here as per the Planning Commission
5. That it looked as though none of those staff comments had a negative impact to the applicant.
6. With the Staff Recommendations that the exterior finish include a different exterior element other than metal sheeting as provided in the exhibits.
7. That the outdoor display only be allowed in shown area on the site plan.
8. If you would like to expand or relocate the display area, it should be upon plan review and approval of the Planning Commission.

Motion was made and seconded by Eve Jones and unanimously approved.

## DISCUSSION

### **Application #3332 – Regulations and Standards for Towing Services, Impound Lots, Junk Yards, and Self Storage Facilities**

Mark Bradley went through the document from top down and clarified items and categories.

Specifically, in the title he will go with Junk Yards and incorporate portions of the definition of vehicle recycling.

In definitions, he will combine them to eliminate redundancy, including a reference to vehicle recycling. He will finalize an outside storage facility definition. The commission would like to see some limitation to outside self-storage within the definitions. Certain uses including those that are listed as prohibited are subject to a Conditional Use Permit. He will use a height limit for certain non-motorized items. "Automobile Sales and Service" will be removed from Towing and Impound Yards. In terms of clarification, Towing and Impound Yards can sell vehicles according to what is allowed by state law.

Mr. Bradley will keep the matrix at this point in the ordinance. Specific examples of titles were provided with clarification regarding screening for outside storage and or combination inside/outside storage facilities.

Surfacing will have specific regulations pertaining to each use. The surface area between the drive approach at the street and the storage facility or the required parking area shall be paved with a concrete or asphalt surface etc. Letter E will have the four use categories where any special regulations or requirements for individual uses can be added.

Regarding Towing - a time limitation or vehicle retention will reflect 90 days unless the state authorizes or requires a longer period of time. Mr. Bradley will call the state and get clarification of this prior to the next meeting and the Commission can then strike or leave the timeframe.

The item will be scheduled for public hearing on November 1<sup>st</sup>.

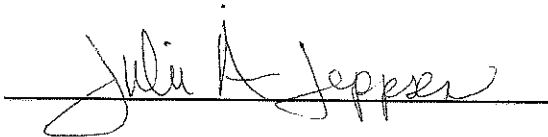
Commissioner Berry requested clarification regarding the necessity of having public hearings. Mr. Bradley will look at the code and provide clarification to the Commission prior to the next meeting.

## MOTION TO ADJOURN

**Motion:** A motion was made by Eve Jones to adjourn. The motion was seconded by Lynda Berry and the meeting was adjourned at 7:44PM.

*This certifies that the regular meeting minutes of October 4, 2011 are a true and  
accurate copy*

*as approved by the Planning Commission on October 18, 2011.*

Signed: 

*Julie A. Jeppsen, Administrative Assistant*