

APPROVED
BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
June 5, 2012

PRESENT: Barbara Poelman Chairperson
 Lynda Berry Commissioner
 Joan Peterson Commissioner
 Rob Munns Commissioner
 Lynn Duce Commissioner
 Reed Hancey Alternate Commissioner

ALSO PRESENT: Mark Bradley City Planner
 Julie Jeppsen Administrative Assistant

EXCUSED: Eve Jones Commissioner
 Larry Jensen Vice Chair
 Michael Bott Alternate Commissioner

AGENDA

Pledge of Allegiance

Approval of Minutes

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

Public Hearing / Application # 3395 / Preliminary Plat / Huot Subdivision / Approximately 450 West Hwy 13 / Brigham City Corporation and Art Huot

Continuation of Application # 3394 / Conditional Use Permit / Storage Units - Addition / 91 South 950 West / Scott Bessinger

Application # 3400 / Conditional Use Permit / Home Occupation - Build and Sell via the Internet Aluminum Clad Vents for Attics and Crawl Spaces / 95 South 600 East / Andre Pommier

Discussion:

REGULAR MEETING

Regular session opened at 6:00 p.m. by Barbara Poelman and Rob Munns led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion: A motion was made by a Joan Peterson to accept the May 15, 2012 Regular Meeting minutes with corrections as noted. The motion was seconded by Lynn Duce and passed unanimously.

CHANGE IN AGENDA

Motion: A motion was made by Lynda Berry to change the agenda order to allow Application #3394 to be heard first, followed by the Public Hearing for Application #3395 and then Application #3400. The motion was seconded by Reed Hancey and passed unanimously.

Continuation of Application # 3394 / Conditional Use Permit / Storage Units - Addition / 91 South 950 West / Scott Bessinger

Mr. Bradley presented the application and stated that staff has met with Mr. Bessinger onsite to address questions regarding the distance between the proposed buildings for fire access and the location of the power pole for servicing. A fire truck was brought in to determine if there was enough clearance on the site. The EMS Director was very supportive as long as there is a 20' clearance. The minimum access (15 foot wide between new units, 7 ½' from each side of the pole) for a power truck was discussed. The Public Power Director was in support of the application with the appropriate clearance near the Power Pole. Revised plans to accommodate these requirements were submitted and discussed.

Specifics of the landscaping plan were discussed. Barbara Poelman requested clarification regarding the location and type of landscaping. Crab Apple trees were proposed by the applicant.

Scott Bessinger came forward and explained his suggestions for landscaping including the neighboring property landscaping. He stated that there is no access to water for landscaping purposes consequently he proposes use of wood chips. Mr. Bessinger stated that he would refurbish them each year.

Lynda Berry asked the applicant about the gravel drive. The applicant explained that there is a ground water issue where there is pavement and the gravel resolves that issue.

Lynn Duce requested clarification regarding the landscaping on the curve of the property.

There was further discussion regarding the trees. Mr. Bradley stated that the City Forester should be consulted regarding the type, size, location and number of trees.

Barbara Poelman asked if the applicant would be willing to use 2" trees. Mr. Bessinger stated he would prefer to use 1" trees. Mr. Bradley read the industrial requirements for improvements and landscaping aloud. The size of tree could be determined by the Planning Commission in this case.

Joan Peterson stated that the application seemed reasonable.

Lynn Duce stated that it would be nice to see grass on the site however the plan seems adequate as presented.

Lynn Duce asked for input related to a sidewalk.

Mr. Bradley stated that in his opinion in this instance a sidewalk deferral is not required. He clarified that because the applicant is not subdividing there is no trigger for the requirement.

Motion: A motion was made by Joan Peterson that the Planning Commission acting as the Land Use Authority approve the application with the stipulation, that the applicant comply with all staff comments, recognizing that sidewalk is not required for this application and 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. With the stipulation that applicant will work with the City Forester to provide appropriate landscaping and trees for this area. The motion was seconded by Reed Hancey and passed unanimously.

Public Hearing / Application # 3395 / Preliminary Plat / Huot Subdivision / Approximately 450 West Hwy 13 / Brigham City Corporation and Art Huot

Mr. Bradley presented the application. There will be 3 parcels and a road connecting 450 W. to S.R. 13. Project is a benefit to the City and the area.

Art Huot came forward.

Lynn Duce asked the applicant if any of the lots had been sold. The applicant stated that they would be in the future but were not at the present time. Zoning of R-1-8 was clarified as Residential - Single Family.

Motion: A motion was made by Lynn Duce to open the Public Hearing. The motion was seconded by Lynda Berry and passed unanimously.

There was no public comment.

Motion: A motion was made by Joan Peterson to close the Public Hearing. The motion was seconded by Lynda Berry and passed unanimously.

Lynn Duce asked if there was discussion related to the sidewalk. Reed Hancey asked if sidewalk issues would be addressed with this application. Mr. Bradley clarified information in the packets provided to the Planning Commission and stated it is his understanding that the sidewalk would be installed as part of development at this time. Art Huot concurred.

Motion: A motion was made by Lynn Duce that the application be forwarded to the Land Use Authority, which in this case will be the Community and Economic Development Director with approval subject to the stipulation that the applicant comply with staff comments. With the 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 property or improvements in the vicinity of the proposed division of land. That the parcels configuration, lot frontages, lot width and lot areas complies with the minimum standards of the zoning district. The motion was seconded by Reed Hancey and passed unanimously.

Application # 3400 / Conditional Use Permit / Home Occupation - Build and Sell via the Internet Aluminum Clad Vents for Attics and Crawl Spaces / 95 South 600 East / Andre Pommier

Mr. Bradley presented the application. Mr. Bradley explained the necessity of bringing this application to the Planning Commission as opposed to having it handled administratively. He explained that the business will be conducted in an accessory building that has a unique location. A site plan was displayed. There was discussion regarding the purpose, intent and uses that are allowed to utilize yard space according to the Home Occupation Ordinance. This application would seem to be in harmony with a Home Occupation Business.

Mr. Bradley stated that staff requested that there be a timeframe that the business might be allowed to remain at the location or qualification regarding the size of the business.

Reed Hancey requested clarification regarding the configuration and history of the accessory building.

Andre Pommier came forward and introduced his business and gave a history of the site. The adjacent dwelling is located between Mr. Pommier's home and his workshop/accessory building. The neighbor has a right of use access across his property to access their home.

Mr. Pommier had the noise levels measured. The highest rating was 72 and when a car went by the range was 69. Safe guideline is 85. Aluminum, wood and a little bit of screen are used in his product. He showed an example of his work.

He explained that this is an internet business. The customers are from all over the world. He is targeting the custom market. There will be no public traffic. Shipping is done through Fed Ex drop ship and not out of his shop.

Lynda Berry asked if there was any welding and Mr. Pommier clarified that there was none.

Lynn Duce requested information regarding the neighbors and if they had been notified.

Denna Howard owns the house next door. Mr. Bradley stated that he staked the site and notified the neighbors within 300 feet by letter.

Mr. Pommier explained that he has had comment from one neighbor (southeast) who did request that he put up a fence to limit through traffic.

Mr. Pommier stated that he would like to have enough business to be out of the shop and in a commercial location within 6 months.

Barbara Poelman asked if there were any employees and Mr. Pommier stated he had none.

Lynn Duce asked for clarification regarding what would be the determining factor to him moving. Mr. Pommier explained that it would be related to not being able to keep up with the demand.

Mr. Bradley stated that the business would be allowed to have one employee per the home occupation ordinance. The Planning Commission could put a stipulation that if more than one employee the business would have to move. Additionally, if there was an employee, parking needs to be addressed.

Mr. Pommier stated that he would like to extend the hours to 7 am – 6 p.m.

Lynn Duce stated that there were three items to address in the staff notes. Those items were reviewed and there were no issues with any of the items.

Reed Hancey asked Mr. Bradley what the rights the neighbors would have if the noise level were to get too high. Mr. Bradley stated the terms of the motion need to be specific primarily because of the residential neighborhood.

Reed Hancey stated that the motion should mention noise mitigation if it becomes necessary.

The hours of operation were discussed.

Motion: A motion was made by Rob Munns that the application be approved subject to the following conditions:

1. The applicant may have up to one employee.
2. The hours of operation will be between 7 a.m. – 6 p.m.
3. The applicant will install noise mitigation, if it becomes necessary.

With findings of fact that the use of an accessory building or detached garage for a home occupation (Title 29.30 Home Occupations) may be considered as a conditional use only under the following conditions as outlined in Section 29.30.030. 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). 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.

The motion was seconded by Joan Peterson.

Lynn Duce added Stipulation #2, if the property is either subdivided or the detached workshop becomes part of another parcel through a lot alteration process, the conditional use permit would terminate based on its direct tie to the 95 South 600 East address. Additionally, the business should be relocated at an industrial site if facilities cannot keep up with sales and demand based more particularly based on the allowed hours of operation and the limitation of one employee.

Rob Munns and Joan Peterson agreed to the changes.

The motion was approved unanimously.

PUBLIC COMMENT There was no public comment.

DISCUSSION

The sidewalk deferral regarding the Simmons subdivision was discussed. The deferral was granted by the City Council because the applicants would have to move power poles among other issues. Mr. Bradley provided some clarification.

Mr. Bradley discussed the pour yard regarding the Cory Wilkes issue related to the M-D Industrial Zone. He pointed out the original use was approved on a Conditional Use Permit. There are two references that could possibly apply. Mr. Bradley related those entries. One refers to cement or mortar the other the manufacture of concrete.

The City Attorney suggested amending the ordinance to clarify the uses allowed.

Rob Munns stated that there is a difference between cement and concrete. He further explained that difference. He pointed out that insertion of a comma between cement and mortar would clarify the issue. Additionally, a concrete batch plant in this case has peripheral operations that would include mixing operations. He feels it is an appropriate use for the site under the ordinance.

Mr. Bradley read the motion by Eve Jones from the minutes of the previous meeting and there was discussion of the Planning Commission interpretation of the motion which was that the use would be allowed unless the City Attorney determined otherwise.

Reed Hancey stated that the ordinance should be clarified. The other commissioners agreed.

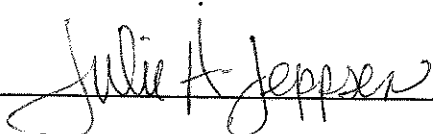
There was additional discussion related to new businesses that are looking at locating in Brigham City.

The Recreation Department will be providing a presentation to the Commission the last meeting of July or first meeting of August.

MOTION TO ADJOURN

Motion: A motion was made by Rob Munns to adjourn. The motion was seconded by Joan Peterson and the meeting was adjourned at 7:35 p.m.

This certifies that the regular meeting minutes of June 5, 2012 are a true and accurate copy as approved by the Planning Commission on July 3, 2012.

Signed:  _____

Julie A. Jeppsen, Administrative Assistant