

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

PRESENT:	Eve Jones	Chairperson
	Larry Jensen	Commissioner
	Reed Hancey	Commissioner
	Bill Frye	Commissioner
	Dean Lester	Commissioner
	Steven Barsuhn	Alternate Commissioner

ALSO PRESENT:	Mark Bradley	City Planner
	Tony Ekins	Assistant City Planner
	Christina Boss	Administrative Assistant
	Brett Curtis	Applicant
	Vince Crane	Applicant's neighbor
	Johnny Hulse	Applicant
	Nefi Garcia	Applicant
	Coury Morris	Applicant's Representative
	Brandon Howard	Applicant's Representative

EXCUSED:	Debbie Manning	Vice-Chair
	Scott Mildenhall	Commissioner

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 #3726 / Conditional Use Permit – Use of Accessory Building for Home Occupation Business / Sculpture and Knife Making / 695 North 800 West / Brett Curtis

Application #3727 / Amend Hulse Commercial PUD / 810 N. Main / Johnny Hulse

Application #3729 / Conditional Use Permit - Cell Tower at Pioneer Park / 720 W. Forest Street / Nefi Garcia with Technology Associates for Verizon Wireless

Application #3730 / Permitted Use Permit – Water Bottling Plant / Approximately 2600 W. Hwy 13 / Great Basin Engineering

Discussion

REGULAR MEETING

Regular session opened at 6:00 p.m. by Eve Jones and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Commissioner Frye made a motion to approve the minutes from the August 2, 2016 meeting as written. The motion was seconded by Commissioner Hancey and passed unanimously.

PUBLIC COMMENT There was no public comment.

Application #3726 / Conditional Use Permit – Use of Accessory Building for Home Occupation Business / Sculpture and Knife Making / 695 North 800 West / Brett Curtis

Mr. Ekins presented the application and stated that there is an existing accessory building in the rear of the property which is in compliance with zoning regulations. Mr. Curtis makes and engraves knives and works with clay. Notices were sent to the neighbors and no comments were received. Mr. Ekins stated that the accessory building is in compliance with City ordinances and Staff supports the application. Commissioner Lester asked if Mr. Curtis uses a grinder. Mr. Ekins stated that there is a grinder in the shop and that he uses a hand held tool to engrave knives. Commissioner Lester asked if Mr. Curtis uses a chemical etch process to engrave.

At this point Brett Curtis came to the table and stated that he does not use a forge or a power hammer. The noise is minimal as he uses the type of grinder that one would use to sharpen a blade. The engraving is done by hand with a small micro chisel. He does not use chemicals.

Vince Crane came to the podium and stated that Mr. Curtis is his neighbor. He supports Mr. Curtis' business and his application. He has not noticed any noise or issues.

Motion: Commissioner Jensen made a motion that the Planning Commission, acting as the land use authority, approve Application #3726 - regarding the Home Occupation Ordinance Section 29.30.030 - as long as it is in compliance with Staff recommendations and subject to the stipulations and Findings of Fact that: 1) The use of an accessory structure 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; 2) 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); 3) 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
4) Any additional findings as determined by the Planning Commission.

The motion was seconded by Commissioner Hancey and approved unanimously.

Application #3727 / Amend Hulse Commercial PUD / 810 N. Main / Johnny Hulse

Mr. Bradley introduced the application stating that 810 North Main is the first phase of an existing four-unit retail/office space. Mr. Bradley displayed the site on the screen and stated that Phase 2 is a three unit building. The applicant is requesting a subdivision amendment modification to allow for a two unit building with a bay for each office space unit that will have the same look and building materials as Phase 1; however, the bays will not have a gable over the garage doors. Mr. Bradley displayed the plat with the current landscape and parking, and the proposed amended plat showing office spaces in the middle and the garage bays on the end. The parking lot will be changed and expanded further to the North and will provide vehicle access to the garage doors for loading and unloading. With the elimination of a unit and based on the way the code is written, the required number of parking stalls is rounded down to ten. The existing home will be demolished.

Commissioner Jensen questioned the landscape material and Mr. Bradley stated that it is the same rock scape as Phase 1. There will be greenery with shrubs in the front and gravel between the building and property line in the rear. The detention basin is along Main Street and will be expanded. Staff comments pertain to what needs to be done with the plat before it is recorded. Staff also recommends changing proposed units to 105 and 106, and disconnecting and capping utilities not being used. The Fire Department is requesting that the dumpster be placed a minimum of five feet from the building; however, they will determine if the current small and narrow dumpster meets the requirement. Overall, Staff supports the changes. Mr. Bradley stated that this item will go before City Council if the Planning Commission makes a recommendation for approval. Notices were sent out to the utility providers and no comments were received.

Commissioner Jensen questioned the distance between the existing building and the building behind the property. Mr. Bradley stated that the townhomes are a planned unit development developed by Mr. Hulse. The distance from the rear of the townhome to the property line is 14 feet. The distance from the property line to the existing commercial building is 15 feet. Commissioner Jones questioned why comments were made by Box Elder County. Mr. Bradley explained that the County reviews the plats for information along with the City.

Mr. Hulse approached the table and stated that there is a demand for office space with garage bays. He will use the same building material as the existing building which is Hardie board with treated stone and some siding. The timeline for demolition of the existing house is September 7th through September 21st. The asbestos has already been removed and Questar will be disconnecting the gas. Mr. Hulse stated that he will look into

putting a gable over the garage for consistency with the other units, but that it may be a hindrance. Mr. Hulse agrees with Staff comments.

Motion: Commissioner Hancey made a motion to forward Application #3727 to the City Council with a recommendation for approval with the contingency that all Staff comments are followed, and with the Findings of Fact that: 1) The applicant finds the modification to the units meets a demand and market for a commercial service unit and would not impact his existing units; 2) The architectural style remains the same with the exception of the incorporation of garage bay doors; 3) There should be minimal impact on existing public utility easements by the proposed amended plat. All common area is public utility easement; 4) The Home Owners Association is the applicant. The first phase units are still owned by the applicant. The units are leased out; and 5) Such amendment 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 Commissioner Barsuhn and approved unanimously.

Application #3729 / Conditional Use Permit - Cell Tower at Pioneer Park / 720 W. Forest Street / Nefi Garcia with Technology Associates for Verizon Wireless

Mr. Bradley presented the application stating that a code amendment came before the Planning Commission earlier in the year to allow cell towers on City properties zoned residential. The proposed location for this cell tower is Pioneer Park, along the westerly property line between the storage bins and the fence. The site is 22 feet x 40 feet and will be enclosed with a fence. The tower will be 80 feet to the top of the antennas and another 6 feet to the top of the lightning rod. Mr. Bradley displayed the site on the screen and pointed out the two access locations for service to the tower. If the application is approved by the Planning Commission, the lease agreement must be approved by the City Council. Mr. Bradley stated that part of the utility will need to be bored under the ball field, but will have no impact on the field. There is a discrepancy with the fence between the railroad property and City property. Verizon requires clear access to the City property. Those details will be included in the lease agreement. The lease agreement would also include the expansion of the pickle ball field and the modified access route to the tower. One of the Staff comments states that the applicant is required to provide evidence of the minimum height required for the services provided. The applicant has stated that the minimum height would be 60 feet. The maximum height would be 80 feet and would provide a co-location. The applicant has the option to build the tower at 60 feet now with an understanding that they will build to 80 feet in the future or build to 80 feet now. The height and co-location is a priority of the City in the wireless facilities code section and must be stipulated in the agreement. Part of the agreement will include using the towers for cameras and other purposes for the Park. The applicant is aware that certain FAA requirements need to be met.

Commissioner Jensen asked about the height of the lights on the field. Mr. Bradley estimated their height at 65-70 feet. The Commissioners agreed that the location is ideal and there was discussion of the towers on Reservoir Hill. Mr. Bradley stated that those towers range from 100-102 feet including the antenna, to 100 feet at mid-point of the antenna. Commissioner Jensen asked about the closest natural gas location. Mr. Bradley stated it is on America Way (900 West). Commissioner Jensen would rather see the applicant using natural gas than diesel gas for their generator relating to a possible tank leak and clean-up. Commissioner Barsuhn agreed that diesel and gasoline storage can be difficult. He stated that in the event of an earthquake, natural gas would not be available and suggested propane.

Nefi Garcia came to the table and stated that Verizon currently has a tower on Reservoir Hill. This additional site is needed for capacity. Mr. Garcia asked the Commissioners if they would rather that the tower be built at 80 feet now or 60 feet now with the agreement that Verizon will go to 80 feet for a future co-location. He stated that the lease agreement will specify that the City has the right to put their equipment on the tower. In reference to the fence, Mr. Garcia stated that Verizon prefers standard galvanized but will go to black vinyl coated if required. Regarding the height of the fence, Mr. Garcia stated that a 6-foot fence with barbed wire is standard but they will go to 8 feet with barbed wire if that is required. Commissioner Jensen suggested that the fencing match the existing fence in the ball field. Mr. Garcia stated he will put a 4" conduit in the plan as requested by the Power Department. Mr. Bradley asked if Utopia would go into same trench. Mr. Garcia stated that it will go in the same trench but in a separate conduit. Verizon will include spare conduit for fiber optics at the City's request.

The Commissioners discussed the height of the tower. Mr. Bradley stated that the Planning Commission could include language in their motion stating that if the tower was built to 60 feet and the City had a need for a service to be installed at a greater height, Verizon would add the 20 feet at that time. Mr. Bradley does not know if the City has a need to put a service on the tower right now. Mr. Garcia commented that in the City's conditions for approval, it should be noted that tower is designed to hold Verizon plus two.

Commissioner Jensen prompted a discussion on the generator fuel. Mr. Garcia stated that Verizon's standard has been to use diesel gas to run the generator. It is designed for an earthquake with a double wall in the tank and containment for spillage. Verizon has used other fuels, the driver being an environmental study stating that no diesel is allowed in the location. Mr. Garcia stated that a propane tank would increase the size of the footprint and the design would have to be modified. He does not know what size the tank would be. Commissioner Lester asked how often the generator is run. Mr. Garcia stated that it is rarely run. The battery has a 6-hour life and once the battery is drained the generator will kick on. Commissioner Lester agreed with Commissioner Jensen stating that due to the air quality in the valley, propane would be a cleaner fuel than diesel. Commissioner Barsuhn agreed stating that propane has a longer storage life. He stated that the generators need to be run once a week for testing but questioned the Planning Commission's involvement in specifying what fuel should be used.

Mr. Garcia stated that Verizon's timeline is late 2016 or early 2017.

Motion: Commissioner Jensen made a motion that the Planning Commission, acting as the land use authority, approve Application #3729 subject to the Staff comments in the Planning Evaluation document and the discussions in this meeting; specifically, that the fence will be 8 feet, have barbed wire on the top and match the existing fencing at the ball park, the generator will run on propane gas, the tower will be designed for Verizon plus two with an initial height of approximately 60 feet unless the City determines a different height through lease negotiations, subject to the lease agreement being approved by the City Council and subject to the Findings of Fact that: 1) The application is consistent with the placement priority of communication facilities on public property per City Code Section 29.32.060 Priorities; 2) The location of the tower provides a service to Brigham City residents and businesses; 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 #3730 / Permitted Use Permit – Water Bottling Plant / Approximately 2600 W. Hwy 13 / Great Basin Engineering

Mr. Bradley presented the application and displayed the site on the screen stating that the property is on SR 13 and 2600 West on the west side of I-15. The property was annexed into Brigham City a few years ago and was approved for a recent rezone to M-G. There is a lot alteration application already in progress for an adjustment of boundary lines. After the adjustment, there will be a remnant piece of property for which there are no plans at this time. The existing house would be removed as part of the development. Mr. Bradley stated that 2600 West will be shifted to go on the east side of the canal. Currently 2600 West is between the canal and the slough. Mr. Bradley stated that he is not sure of the details but thought the City would oversee and coordinate with the Reeder's on the road development. 2600 West is an established right-of-use road. Before this property was annexed, the County received road funds to maintain it. As the property is developed, the developer is required to dedicate and improve the road.

Mr. Bradley continued stating that the silo height is 65 feet 9 inches. One side of the parapet is 49 feet and the other side is 42 feet 8 inches. The panel height in the center of

the building is 35 feet 10 inches. The maximum building height is 75 feet for this zoning district.

Staff comments include a requirement that access points into the facility maintain a 90-degree design and that the applicant provide information on the maximum number of employees so parking details can be addressed.

Commissioner Lester asked where the water will be coming from. Mr. Bradley stated that the water will be provided by Brigham City. City administration and the Public Works Director have been meeting with the applicant to make sure that the water needed for this facility can be provided and still maintain service to residents and other businesses. The Commissioners discussed concern about water resources and possible drought and if limitations would be placed on the applicant. Mr. Bradley assured the Commissioners that all of these issues are being addressed in ongoing meetings between the applicant and the City. Mr. Bradley stated that the Public Works Director could be invited to a meeting to discuss any concerns the Planning Commission has. Commissioner Jensen would like to know how much water this facility would use compared to Proctor & Gamble. Commissioner Barsuhn would like to know what the job creation ratio is compared to how much water the applicant will be taking. Commissioner Hancey asked if the Planning Commission should approve the application with a stipulation that the water concerns would be addressed. Mr. Bradley reiterated that this application would not have come before the Planning Commission if these questions had not been addressed with City administrators. Commissioner Lester stated that as Planning Commission they have a duty to pay attention to water resources in industrial park locations as they relate to zoning changes and the General Plan. He asked Mr. Bradley to note that the Planning Commission would like a discussion on resources in relationship to the General Plan and upcoming zoning modifications.

Commissioner Jensen asked if notices were sent to neighbors. Mr. Bradley explained that this is a permitted use permit so there is no requirement to send notices. The McCrea's have a shared homestead across from the Reeder property. On the north side there are homes next to SR 13. Commissioner Jensen would like to know what percentage of trucks will go to Forest Street via 2600 West as opposed to using SR 13 and if there have been any traffic or impact studies. Commissioner Jones pointed out the acute angle of 2600 West going right on to SR 13. There is nothing in the plans showing a road adjustment to allow the trucks turning width. Commissioner Lester pointed out the lack of turning lanes on the applicant's plan. Commissioner Hancey would like to know how many trucks will be entering and leaving the facility per hour and as well as how many employees there will be at any given time. Commissioner Jones asked if UDOT has been contacted regarding expansion of 2600 West.

Coury Morris came to the table and stated that he is the consultant for the owner of the project. The project owner will start with Phase 1 which will be one production line. The potential number of employees for Phase 1 will be up to 45 employees working 10-12 hour shifts leaving 30 employees on site at one time. When they expand to a second production line, Phase 2, there will be up to 70 employees with 60 people at the facility during shift changes. Mr. Morris stated that this is not a high density employee facility because production is automated.

Commissioner Jones asked Mr. Morris to go over the water bottling process. Mr. Morris explained that plastic is brought into the facility in pellets and stored in the resin silo. The plastic is blow molded and injected to create the bottles. The water is drawn in, stored in the silo and processed internally. The bottles are then filled, packaged and shipped. Mr. Morris stated that there will be no railroad spur used for shipping. There is a maximum delivery the municipal water system can provide. Their process, at times, can demand more than the maximum delivery so the water is stored. The wet and dry wells shown on the drawings are for discharge from the processed water. That "wastewater" is pumped out of the facility and into the municipal wastewater system.

Mr. Morris explained that the trailer storage is on the north and south sides of the building. Secured access shipping docks will be located on the south side of the facility. The building will be built exactly as shown on the plan with no phasing or expansion. Employee parking will be on the west side of the building adjacent to the office. Mr. Morris stated that shipping docks are not numbered on the plan but the information will be added to the site data table. Parking includes 30 truck spaces on north side of the facility, 40 on the south side, 35 docking stations and 77 parking stalls. Mr. Morris can provide a more formal parking breakdown to Staff. The building material is concrete tilt up panel. The colors will be what is shown on the plan.

The number of trucks going in and out of the facility will depend on orders. Mr. Morris does not know how many bottles of water the facility can produce per day. He stated that there will be 17 to 18 pallets per truck. Mr. Howard later told Mr. Morris that there would be 50 trucks in and out of the facility every day running twenty-four hours per day.

Commissioner Hancey asked Mr. Morris if he had information about the trail system going in on the west side of the interstate. The application does not show a trail from Forest Street to SR 13. Mr. Morris is not familiar with a trail but will include one if it is required.

The proposed 2600 West has an 80 foot right of way with north and south bound travel lanes, a center-turn median, a landscape strip and a sidewalk. Commissioner Jones feels that the 80 foot right of way is not wide enough for trucks and passing. Mr. Morris feels that single lane traffic is appropriate for this facility. Mr. Morris stated that Jones & Associates has specified the roadway access, width and configuration of the travel lanes and sidewalk and park strips. Regarding the 2600 West alignment and how it ties into SR 13, they have been working with the City Engineer. Mr. Morris feels that dealing with UDOT will be a concerted effort for his office and the City Engineer. Commissioner Jones asked Mr. Morris if he had reviewed Staff comments. He stated that he has reviewed the comments but many of them deal with development which involves the Reeders. Commissioner Jones asked who is responsible for developing the road. Mr. Morris does not know who is paying for that. His guess is that the Reeders are developing the road. Commissioner Jensen suggested that the developer put a plan together of what 2600 West will look like between Forest Street and SR 13 once the property is fully developed. Mr. Morris stated that there has been conversation to push the Reeders to master plan the area and it has fallen on deaf ears. Commissioner Jensen stated that he thinks the trucks will go south to Forest Street and does not feel that 2600 West can accommodate that type of traffic. Mr. Morris suspects that 2600 West will be developed only down to the end of his property.

Commissioner Barsuhn asked about the non-irrigated seed mix. Mr. Morris stated that it is a xeriscape seed mix that, once established, does not require water. The 2600 West right of way will have a few trees and there will be landscape planters in the employee parking lot and the office portion of the building. Commissioner Jensen asked about runoff. Mr. Morris explained that there is a wholly contained detention pond for the site located in area A. He stated snow would either be pushed off around the perimeter or vacant trailer parking stalls would be used to push off the snow at edge of the curb.

The 12" water main to Proctor and Gamble runs along the east side of the property. Mr. Morris stated that the plan is to loop that line for fire suppression and water storage tanks. The sewer line will exit the southeast side of the facility and drain to regional lift station that will be developed for this area. The applicant has a will serve letter from Questar Gas. Mr. Morris stated that the power will come from a transformer at the northwest corner of the site. Mr. Bradley stated that there is a proposed substation that will service the site.

Commissioner Jensen stated that he would approve the application subject to the applicant coming back with a traffic study of patterns and estimated loads. Commissioner Jones stated that there is not enough information to approve the application unless the motion includes stipulations.

Motion: Commissioner Hancey made a motion that the Planning Commission continue Application #3730 until the next meeting when there is more input from the City and the Developer; namely, expected traffic flow, master plan for the roads in the development including access to the freeway and utilities, an understanding of how the road will be completed, who will pay for the road and an understanding of the water resource availability and impact.

The Motion was seconded by Commissioner Frye with the contingency that the water be taken out of the Motion as a separate issue.

DISCUSSION:

The Commissioners want more information on traffic flow, how the roads will accommodate this operation and who will pay or commit to pay for the development of the road. Commissioner Lester stated that the Commission could approve the application with a contingency.

Commissioner Hancey withdrew his Motion. Commissioner Frye approved.

Motion: Commissioner Lester made a motion that the Planning Commission, acting as land use authority, approve Application #3730 with the contingency that additional information be provided on traffic flow and the traffic master plan, including who will develop and pay for the road and that the master plan be acceptable to the Planning Commission, subject to the Staff comments and recommendations, stipulations and Findings of Fact that: 1) Such use with noted conditions

and compliance 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; 2) The land use is a permitted use in the M-G zoning district; and such use is in harmony with the Brigham City General Plan.

The Motion was seconded by Commissioner Barsuhn and passed unanimously.

DISCUSSION

Mr. Bradley asked Commissioner Jones what expectations the Planning Commission has with the motion. Commissioner Jones stated that the Planning Commission would like to hear from the Public Works Director as to where the water is coming from and how it is run through the entire City. They would like the information on the road brought back to them as an item to show what has been resolved to address their concerns.

MOTION TO ADJOURN

Motion: A motion was made by Commissioner Hancey to adjourn.

The motion was seconded by Commissioner Lester.

The motion passed unanimously and the meeting was adjourned at 8:37 p.m.

This certifies that the regular meeting minutes of August 16, 2016 are a true and accurate copy as approved by the Planning Commission on September 6, 2016.

Signed: _____

Christina Boss, Administrative Assistant