

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
Tuesday, September 18, 2018 6:00 p.m.**

PRESENT:	Reed Hancey	Chair
	Dean Lester	Vice-Chair
	Stephen Barsuhn	Commissioner
	Cindy McConkie	Commissioner
	Bill Frye	Commissioner
	Scott Mildenhall	Commissioner

ALSO PRESENT:	Mark Bradley	City Planner
	Tony Ekins	Associate Planner
	Michael Christiansen	City Attorney
	Christina Boss	Administrative Assistant
	Andrea Winkler	Applicant
	Jim Flint	Applicant's representative
	Doug Brown	Neighboring resident
	Christian Wilson	Applicant's architect

EXCUSED:	Brian Owens	Commissioner
	Bonnie Mortensen	1 st Alternate
	Zachary Roberts	2 nd Alternate

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

Public Hearing ³ / Application #18-079 / Amend General Plan Land Use Map and Land Use Definitions / Change Land Use Designation from Neighborhood Commercial to Office/Mixed-Use/Service for general area south of 900 North Street between Main and 100 East Streets and address definitions / IMT Companies

Public Hearing ³ / Application #18-080 / Amend City Code, Title 29 Zoning, Chapter 29.15 Planned District P, Section 29.15.020(A) / Modify the minimum acreage area of contiguous land required for a Planned District from five (5) acres down to two (2) acres / IMT Companies

Public Hearing ³ / Application #18-081 / Rezone properties from GC (General Commercial) to P-GC (Planned – General Commercial) to allow for certain uses and establish a zoning district to address this area of the community / 816 and 852 North Main Street (PN 03-083-0008 and 03-083-0007) / IMT Companies

Application #18-075 / Lot Alteration Application / Adjust the boundary line between two parcels of land / 816 and 852 North Main Street (PN 03-083-0008 and 03-083-0078) / IMT Companies

Continuation / Application #18-060 / Permitted Use Permit / New IMT Office Building and Site Improvements / 816 and 852 North Main Street / IMT Companies

REGULAR MEETING

APPROVAL OF MINUTES

Commissioner Barsuhn made a motion to approve the minutes from the August 21, 2018 meeting. The motion was seconded by Commissioner Frye and passed unanimously.

PUBLIC COMMENT There was no public comment.

Public Hearing³ / Application #18-079 / Amend General Plan Land Use Map and Land Use Definitions / Change Land Use Designation from Neighborhood Commercial to Office/Mixed-Use/Service for general area south of 900 North Street between Main and 100 East Streets and address definitions / IMT Companies

Mr. Bradley displayed the General Plan map on the screen. The Applicants would like to extend the office/mixed use up to 900 North and add a service definition to the use. The proposed changes to the definitions for *Offices* and *Main Street Mixed-use commercial nodes* were discussed. Staff commented that the language is not typical of the broad language in the General Plan and that it appears to be industrial driven. There was discussion on alternative language for *Services*.

Mr. Bradley stated that there are some clean up items for the medium and high density residential definitions in the number of units per acre which can be added to the motion.

Motion: Commissioner Lester made a motion to open the Public Hearing. The motion was seconded by Commissioner Mildenhall and passed unanimously.

Jim Flint came to the table and stated that he supports the definitions that were proposed by the Applicant. The Commissioners explained to the Applicant that manufacturing, fabrication and storage can be explained in the application for the planned district. The General Plan pertains to the entire district, not just the Applicant's site.

Motion: Commissioner Barsuhn made a motion to close the Public Hearing. The motion was seconded by Commissioner Lester and passed unanimously.

Andrea Winkler came to the table.

Motion: Commissioner Lester made a motion that the Planning Commission, acting as the recommending body to the City Council, recommend approval of Application #18-079 with the following changes to the General Plan: 1) south of 900 North Street between Main and 100 East Streets, change the General Plan map from Neighborhood Commercial to Office/Mixed-Use/Service; 2) Under Land Use Definitions, Offices, strike the word *only*; under *Main Street Mixed-use commercial nodes* add *Additionally 900 North Main anticipated to include opportunities that foster job creation and services*; add *Service – Uses which activity is generally the provision of service, as opposed to products to individuals, businesses, industry, government, and other enterprises*; 3) Under *Medium Density Residential, range of units per acre*, strike 18 and add 7, and under *High Density Residential, range of units per acre* strike 18 and add 8; subject to the Staff comments and the Findings of Fact that: 1) The applicants have filed an application to amend the General Plan Land Use Map and Land Use definitions to address this area of the community and compliance of its uses and business operations; 2) The proposed amendment will address this area and how it has evolved over the years; 3) Consideration of the proposed amendment to the General Plan will guide and direct development proposals for this area of the community; 4) The City General Plan adopted in 2017 identifies 900 North Main Street as a Main Street Mixed-use commercial node. The definition of which is being modified with this amendment to further define and shape the nature of this area; 5) The 900 North Main area has historically been the edge of the community and considered the end or beginning of the Main Street corridor. It is somewhat of a transitional area between typical commercial uses, residential neighborhoods, an elementary school, and an older industrial district; and 6) Per Utah Municipal Code (10-9a-404):

- A. The Planning Commission shall schedule and hold a public hearing on the proposed amendment.
- B. After the public hearing, the Planning Commission may modify the proposed amendment.
- C. The Planning Commission shall forward the proposed amendment to the legislative body (City Council).
- D. The City Council may make any revisions to the proposed amendment that it considers appropriate.
- E. The City Council may adopt or reject the proposed amendment either as proposed by the Planning Commission or after making any revision that the Council considers appropriate.

The motion was seconded by Commissioner Mildenhall and passed unanimously.

Mr. Bradley asked the Planning Commission about the wording of the Service definition as the Motion was not what was previously discussed.

Commissioner Lester amended the motion changing *the provision of service* to *providing service*.

The amended motion was seconded by Commissioner Mildenhall and passed unanimously.

Public Hearing³ / Application #18-080 / Amend City Code, Title 29 Zoning, Chapter 29.15 Planned District P, Section 29.15.020(A) / Modify the minimum acreage area of contiguous land required for a Planned District from five (5) acres down to two (2) acres / IMT Companies

Mr. Bradley displayed the Applicant's proposed language amending Chapter 29.15.020 A. on the screen. He also introduced proposed language from Community & Economic Development Director, Paul Larsen.

The Commissioners discussed the language and felt that the proposed language opens the door for someone to create a planned district no matter the size of the parcel. They discussed other criteria being in place to disallow this type of thing from happening.

Commissioner Mildenhall left the meeting at 6:40 p.m.

Motion: Commissioner Barsuhn made a motion to open the Public Hearing. The motion was seconded by Commissioner Frye and passed unanimously.

Mr. Flint supports either proposal. He stated that the word contiguous implies multiple parcels.

Motion: Commissioner Lester made a motion to close the Public Hearing. The motion was seconded by Commissioner Barsuhn and passed unanimously.

Motion: Commissioner Frye made a motion that the Planning Commission, acting as the recommending body to the City Council, recommend approval of Application #18-080 with changes to Chapter 29.150.020 A. to read as follows: *A. P Districts may be established on one or more contiguous parcels of land which are suitable for, and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this Chapter as determined by the Planning Commission*, subject to the Staff Comments and the Findings of Fact that: 1) The proposed amendment would allow for areas of less than five (5) acres of contiguous land to be zoned as a Planned District; 2) The contiguous land component is felt more critical than a subjective number of acres; and 3) The legislative body may not make any amendment authorized by this subsection (Utah Code, Section 10-9a-503) unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation.

The motion was seconded by Commissioner Barsuhn and passed unanimously.

Public Hearing³ / Application #18-081 / Rezone properties from GC (General Commercial) to P-GC (Planned – General Commercial) to allow for certain uses and establish a zoning district to address this area of the community / 816 and 852 North Main Street (PN 03-083-0008 and 03-083-0007) / IMT Companies

Mr. Bradley stated that notices were sent to adjacent properties. He explained that on the zoning map the P District would be identified by a dotted area and labeled P-GC. The Applicant provided the list of uses on letterhead as previously requested.

Mr. Bradley reviewed Paul Larsen's comments on the Applicant's Draft #1 changes to the code. Mr. Bradley briefly reviewed Draft #2 sent in by the Applicant stating that the permitted uses will need more discussion.

Commissioner Lester asked that anhydrous ammonia and neat ammonium nitrate be excluded in the storage of landscape materials due to the close proximity of the elementary school. Ms. Winkler stated that she does not use those fertilizers.

The Planning Commission and Ms. Winkler drafted a working document so as to revise the language and better define the permitted uses.

Motion: Commissioner Lester made a motion to open the Public Hearing.
The motion was seconded by Commissioner Frye and passed unanimously.

Mr. Doug Brown came to the podium and expressed his concern with wind and airborne material. He would like to see the materials contained. Ms. Winkler stated that she is going to install concrete bins for containment of all materials.

Mr. Bradley reviewed Staff Comments to Draft #2. Commissioner Hancey suggested that the Staff Comments Draft #2 be combined with the permitted uses working document to create the new composite draft for Chapter 29.23.

Mr. Bradley displayed some common types of screening materials for the chain link fence. Ms. Winkler stated that she is not opposed to using wide slats but has not obtained pricing for screening as yet so no decision has been made. Mr. Bradley stated that a decision will be required with the site plan approval.

There was discussion on 29.23.030 E. and it was decided that the appeal can be made to the Appeal Authority. Mr. Bradley stated that Chapter 29.04.020 deals with appeals and the language does not necessarily need to be in this Chapter.

Motion: Commissioner Barsuhn made a motion to close the Public Hearing.
The motion was seconded by Commissioner McConkie and passed unanimously

Motion: Commissioner Lester made a motion that the Planning Commission, acting as the recommending body to the City Council, recommend approval of Application #18-081, using the Staff's composite draft for sections 29.23.010, 29.23.020 and use the Applicant and Planning Commission's working document for number 2. Permitted uses, and strike E. under 29.23.030 as the appeal authority is defined in other locations, and add an exhibit A with the legal description and site map, and with the Staff Comments, recommendations and the Findings of Fact that: 1) The P District is an allowed zoning district to consider subject to an amendment of Chapter 29.15 Planned District P to allow areas of less than five (5) acres of contiguous land to be zoned as a Planned District; 2) Purposes of the P District are: A. To encourage and provide a means for effectuating desirable development through the use of variations in siting, mixed land uses, and/or varied dwelling or other buildings; B. To preserve the amenities and compatibility of P Districts by adoption of a general development plan, showing proper orientation, desirable design character, and compatible land uses; C. To provide for the orderly pre-planning and long-term development for a variety of uses of large tracts of land which are under unified ownership or development control, so as to ensure that the entire tract will provide an environment of stable and desirable character; D. To give the developer reasonable assurance that sectional development plans prepared in accordance with an approved general development plan will be acceptable to the local jurisdiction. Sectional development plans shall include subdivision plans and/or planned unit development plans as provided for in this Chapter; E. To enable the adoption of measures providing for development of the surrounding area in character compatible with the Planned District; and 3) The legislative body may not make any amendment authorized by this subsection (Utah Code, Section 10-9a-503) unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation.

The motion was seconded by Commissioner Barsuhn and passed unanimously.

Application #18-075 / Lot Alteration Application / Adjust the boundary line between two parcels of land / 816 and 852 North Main Street (PN 03-083-0008 and 03-083-0078) / IMT Companies

Mr. Bradley displayed the Lot Line Amendment and the site plan on the screen and stated that the proposed new parcel will be the site for the new office building. Parking requirements will be met with the proposed plan. The Applicant will need to provide a cross access agreement that will be recorded with the metes and bounds. An easement has been granted for the sewer line and there will be a 15 foot easement for the overhead power line. There will be a 10 foot public utility easement along 900 North and 100 East. Mr. Bradley stated that consent from the beneficiary is required to reconfigure the property. The Applicant may come back with a two lot subdivision plat to show all of the easements on the document at a later date but the Planning Commission can move

forward with their consideration for approval at this time. The Applicant stated that she agrees to all of the Staff comments.

Motion: Commissioner Barsuhn made a motion that the Planning Commission, acting as the land use authority, approve Application #18-075 subject to the Staff Comments and Stipulations and the Findings of Fact that: 1) The Lot Alteration application is a process established by Brigham City to review and approval boundary line adjustments between properties; 2) This Lot Alteration application has a direct connection to the land use applications referenced in the Staff Recommendation and Stipulations noted above; 3) The proposed Lot Alteration application would comply with the proposed zoning for the properties in reference to area, access, and easements for existing and future utility services; and 4) Such land use transaction 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.

The motion was seconded by Commissioner Frye and passed unanimously.

Mr. Bradley noted that the approval for this Application is subject to the City Council approving the other applications.

Continuation / Application #18-060 / Permitted Use Permit / New IMT Office Building and Site Improvements / 816 and 852 North Main Street / IMT Companies

Mr. Bradley displayed the revised site plan. UDOT requires only one entrance on Main Street which will be the shared access entrance. On 900 North there will be two approaches. On 100 East there is an existing cut which has not been used for years. The Applicant is proposing to widen that drive approach.

The City Forester is in support of the landscape plan. Additional landscaping is provided in the southwest corner of the new office building site. If the parking area is increased, the landscape will need to be extended. A 1 foot landscape area is required between the sidewalk and the fence. A 10 foot landscape area is required along the 900 North side of the new parking lot behind the sidewalk.

At a minimum, Staff recommends screening along 900 North and 100 East. It is desired that the screening also be installed behind the townhomes. One of the residents of the townhomes previously commented to Mr. Bradley that he would like privacy slats in the chain link and was concerned with the existing barbed wire. That resident also expressed concern with the drive approach on 100 East and the general appearance of the property.

Mr. Bradley explained that the Applicant needs to label their buildings and operations for their site to represent the actual plan, present and future. This site plan is the guiding document for their planned district.

The Planning Commissioners discussed the site plan and determined that items specifically stated are allowed as well as anything else allowed in General Commercial district. The Applicant needs to label firewood and ice operations and the shop with a note that says all areas can be modified within allowances of the General Commercial district as long as they remain General Commercial compliant. They can move the operations around as needed as long as they remain inside of the buildings. The trash location needs to be labeled. Mr. Bradley suggested that the location of the dumpster could be part of the cross access language.

Mr. Bradley explained that Staff is concerned with the 100 East entrance and the elementary school. The Applicant stated that only the ice truck will be using that driveway. They have one ice truck and it is a small box truck. She later stated that there is a chance the driveway may be used by one or two other trucks on occasion. The Planning Commissioners discussed school activity and hours. Ms. Winkler explained that the gate will be automatic only opening when a truck approaches and will automatically close after the truck pulls in. It was decided that the 100 East drive approach would not be used during the school's high traffic times.

Christian Wilson, the Applicant's architect, spoke out and stated that there are not a large number of trucks expected to use this entrance and he feels there is a greater risk of a parent not paying attention than one of their truck drivers.

Mr. Bradley suggested that the 100 East drive approach be called a secondary access with limited use.

The Applicant will fill the 1 foot area between the sidewalk and the fence with concrete and will not use any loose material.

Motion: Commissioner Lester made a motion that the Planning Commission, acting as the land use authority, approve Application #18-060 subject to: 1) the updated site plan for the P-GC and GC allowed activities 2) the 100 East entrance is secondary and will have a gate that will remain closed and shall not be used during the school's high traffic times 3) the 1 foot space between the sidewalk and fence shall not contain loose material or weeds, and subject to the Staff Comments with the exception of Police Department comment #3, and with the Stipulations and the Findings of Fact that: 1) The filing of a land use application causes certain improvements to the site per adopted City Code; and 2) 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.

The motion was seconded by Commissioner Barsuhn.

Mr. Bradley asked if the motion was intended to include screening.

Commissioner Lester amended his motion to include 4) screening is required on the fence at 900 North and on 100 East and on the south side section of fence by the townhomes.

The amended motion was seconded by Commissioner Barsuhn and passed unanimously.

MOTION TO ADJOURN

Motion: A motion was made by Commissioner Barsuhn to adjourn, seconded by Commissioner McConkie and unanimously carried.

The meeting was adjourned at 9:11 p.m.

This certifies that the regular meeting minutes of September 18, 2018 are a true and accurate copy as approved by the Planning Commission on October 2, 2018.

Signed: _____

Christina Boss, Administrative Assistant