

BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
Tuesday, May 21, 2019 6:00 p.m.

PRESENT:	Dean Lester	Chair
	Stephen Barsuhn	Vice-Chair
	Cindy McConkie	Commissioner
	Bill Frye	Commissioner
	Scott Mildenhall	Commissioner
	Holly Bell	2 nd Alternate
ALSO PRESENT:	Mark Bradley	City Planner
	Christina Boss	Administrative Assistant
	Gonzolo Calquin	Applicant's Representative
	Kurt Robinette	Applicant's Representative
	Dale Hill	Applicant's Representative
	Mike Jensen	Applicant's Representative
	Oraldo Lopes	Applicant
	Brek Anderson	Applicant
	Jim Flint	Applicant's Representative
EXCUSED:	Reed Hancey	Commissioner
	Bonnie Mortensen	Commissioner
	Zachary Roberts	1 st Alternate

AGENDA

Approval of Minutes

Continuation / Public Hearing ³ / Application #18-111 / Amend Tannevista Planned District / Modify and clarify the amount of designated building area is allowed within Lot 4 of the Tannevista Subdivision / 1025 South 1250 East / Cody Veibell

Application #19-033 / Conditional Use Permit / Addition to Manufacturing Building / 1050 N. Watery Lane / Nucor Building Systems Utah LLC

Application #19-034 / Preliminary and Final Subdivision Plat / Haws Subdivision / 140 East 1000 South / Dr. Jayson and Melissa Haws

Application #19-035 / Condominium Subdivision Plat / Haws Condominiums / 140 East 1000 South / Dr. Jayson and Melissa Haws

Application #19-038 / Permitted Use Permit / Conversion of Store to Restaurant and Site Improvements / 265 N. Main / Oraldo Lopes, El Templo

Discussion Item:

A. Application #19-037 / Subdivision Sketch Plan / Brigham Vista / East of Skyline and Michelle Drive / Brek Anderson

REGULAR MEETING

APPROVAL OF MINUTES

Commissioner Bell made a motion to approve the minutes from the May 7, 2019 meeting. The motion was seconded by Commissioner McConkie and passed unanimously.

PUBLIC COMMENT There was no public comment.

Continuation / Public Hearing ³ / Application #18-111 / Amend Tannevista Planned District / Modify and clarify the amount of designated building area is allowed within Lot 4 of the Tannevista Subdivision / 1025 South 1250 East / Cody Veibell

Mr. Bradley approached the table and reminded the Planning Commissioners that the reason for the continuation was due to the Fire Marshall's concerns with the limited service ability to the area. There was also an issue with the number and size of the buildings. The Hold Harmless Agreement was updated and executed regarding Fire Code safety and will be recorded with each parcel.

Mr. Bradley displayed the plat and the proposed footprint on the screen. He reviewed the new proposed Code language and the exhibits for the Tannevista Planned District. The new language states that there can be a maximum of four accessory buildings with a combined area not exceed 12,000 square feet.

Commissioner Lester continued the Public Hearing.

There was no public comment.

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

Commissioner Lester invited the Applicant to the table. Gonzolo Calquin has no issues with the Staff Comments.

Motion: Commissioner Barsuhn made a motion that the Planning Commission, acting as the recommending body to the City Council, forward Application #18-111 with a recommendation for approval acknowledging all of the attachments included in the packet and subject to the Staff Comments and Stipulations and Findings of Fact that: 1) The amendment helps establish an actual square footage of accessory buildings within the designated building area rather than a percentage of area which is difficult to interpret; 2) Accessory buildings remain within the planned designated building area as originally planned; 3) The Tannevista P District is formatted and drafted to be incorporated in Title 29 Zoning as Chapter 29.17. Tannevista Planned District. It becomes a more useable document

rather than remaining in the City archives with other ordinance records; 4) The proposed amendment to Ordinance 97-22 Tannevista P District is in harmony with the purpose and intent of Chapter 29.15 Planned District P; 5) The proposed amendment is in harmony with the establishment and nature the original Tannevista Planned District; and 6) 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 Mildenhall and passed unanimously.

Application #19-033 / Conditional Use Permit / Addition to Manufacturing Building / 1050 N. Watery Lane / Nucor Building Systems Utah LLC

Mr. Bradley displayed an aerial view of the property on the screen and outlined the addition to the existing building. He explained that the fire hydrant line would have to be re-routed, which will require vacating a public utility easement. That item will go to the City Council for approval.

Nucor will remove one of the retention ponds but will retain the ponds to the north and to the west. The City Engineer is currently reviewing the storm water study.

Kurt Robinette and Dale Hill came to the table. The reason for the addition is so that an existing line can be relocated to an area where it can be better accessed to deal with the effects of seismic activity. They have read and agree with Staff Comments.

Motion: Commissioner Frye made a motion that the Planning Commission, acting as land use authority, approve Application #19-033 with the Staff Comments and Stipulations and Findings of Fact that: 1) This is an addition to the original conditional use permit application (#2851) approved in 2007; 2) The use is an expansion of the original approved land use category Manufacturing, Compounding, Assembling and Treatment of metals that have been previously prepared; 3) The property can accommodate additions; 4) Brigham City supports economic development with the growth and expansion of industrial facilities; 5) The approval is subject to relocation of the existing fire hydrant water line, which includes vacating a portion of the noted 20 foot wide public utility easement on the recorded Nucor Subdivision plat. The public hearing for the City Council to consider vacating the portion of easement is scheduled for June 6, 2019; and 6) Per Utah Code, "a conditional use 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).

The motion was seconded by Commissioner Bell and passed unanimously.

Application #19-034 / Preliminary and Final Subdivision Plat / Haws Subdivision / 140 East 1000 South / Dr. Jayson and Melissa Haws

Mr. Bradley presented the application stating Dr. Haws would like to create a four-lot condominium subdivision. There will be a cross access agreement, and when the lots are developed, utilities will be installed.

Mike Jensen with Hansen & Associates came to the table and stated they have no concerns with Staff Comments and have already made the changes.

Motion: Commissioner Mildenhall made a motion that the Planning Commission, acting as the recommending body to the City Council, forward Application #19-034 with a recommendation for approval and with the Staff Comments and Stipulations and Findings of Fact that: 1) The property is zoned P-GC Planned General Commercial and allows for the creation of a commercial subdivision; 2) The purpose of the subdivision is to allow the existing building and space to be platted as a condominium subdivision plat. The applicant has decided to create multiple lots with the division of land; 3) The lot sizes are based upon design review which considers drive access and parking spaces. The proposed division of land identifies a typical building space that would fit the parcel and how the overall parking and circulation would function; and 4) 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.

The motion was seconded by Commissioner McConkie and passed unanimously.

Application #19-035 / Condominium Subdivision Plat / Haws Condominiums / 140 East 1000 South / Dr. Jayson and Melissa Haws

Mr. Bradley displayed the plat on the screen. The driveway and the utility room will be common areas. The Applicant is establishing agreements, covenants and restrictions regarding the use and maintenance of areas that are common.

Mr. Jensen stated that the boundary figures have been corrected. Mr. Bradley confirmed that there is ample parking for each of the upper and lower units. Mr. Jensen explained that the parking to the south is common area parking. Areas on

the upper level are for upper units and areas on lower level are for lower units. Mr. Jensen agrees with all of the Staff Comments.

Motion: Commissioner Bell made a motion that the Planning Commission, acting as the recommending body to the City Council forward Application #19-035 with a recommendation for approval subject to the Staff Comments and Stipulations and Findings of Fact that: 1) The property is zoned P-GC Planned General Commercial and allows for the creation of a condominium subdivision plat to allow building space ownership; 2) The applicants/owners is establishing covenants and restrictions for the common area use and maintenance. The document will be recorded with the plat; and 3) 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.

The motion was seconded by Commissioner Frye and passed unanimously.

Application #19-038 / Permitted Use Permit / Conversion of Store to Restaurant and Site Improvements / 265 N. Main / Oraldo Lopes, El Templo

Mr. Bradley introduced the item stating that Lupitas store will be converted into a restaurant. The Applicant is proposing an addition to accommodate restrooms and refrigerated storage. Outdoor dining will be on the south side and the parking stalls will be increased. There will be a retention basin in the rear. Mr. Bradley explained that Lupitas and Tesoro have a shared access drive from Main Street. The Applicant included a plan for a future cross access with the property owner to the south. A fence will be installed along the south property line and at the west property line. Lot line adjustments will be necessary. Mr. Bradley explained that the landscape requirements at the parking areas were adjusted due to the width of the parcel. The triangle area at the entrance is required to beautify the entrance and will compensate for the adjustments at the parking areas.

Oraldo Lopes was invited to the table. The fencing material has not been determined but Mr. Lopes planned to install chain link on the south property line. Mr. Bradley stated that Staff recommends the landscape be presented to City Forrester for approval.

Commissioner Mildenhall was excused from the meeting at 6:59 pm.

Mr. Lopes will not have wait staff. The patio will be open during the spring, summer and fall. He explained that the reason for the addition is to meet ADA requirements. Mr. Lopes asked if the landscape could be reduced to 6 feet at the triangle area if additional landscape is installed along the south edge of the patio.

Mr. Bradley stated that with the adjustment that was already made at the parking area, having 10 feet of landscape at the triangle area is critical.

Mr. Lopes has reviewed and agrees with the Staff Comments.

Motion: Commissioner Barsuhn made a motion that the Planning Commission, acting as the land use authority, approve Application #19-038 subject to the Staff Comments and Stipulations and Findings of Fact that: 1) A restaurant is a permitted use in the GC General Commercial zoning district; 2) Permitted uses are subject to design review, standards and regulations as outline in City Code and Public Works Standards; and 3) 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 Bell and passed unanimously.

Discussion Item:

- A. Application #19-037 / Subdivision Sketch Plan / Brigham Vista / East of Skyline and Michelle Drive / Brek Anderson

Brek Anderson and Mike Jensen were invited to the table. Mr. Anderson explained that the property has been landlocked for about 40 years. He recently acquired an entrance through the vacant lot on Michelle Drive. Phase 1 would include lots up to Lot 5 and 14. No turn around would be required due to the intersection of 400 East Street. Phase 2 would require a turn-around at proposed Lot 9 or 10.

Commissioner Bell was excused from the meeting at 7:19 pm

Mr. Bradley pointed out the curvature of the entrance road off Michelle Drive. The Applicant's representative explained that the curve was created to bring the lots away from 1100 South. Mr. Bradley stated that the canal would need to be piped and that the builder would typically pipe the canal so that there are no future flooding issues. Mr. Anderson stated that the canal is not on his property.

Jim Flint came to the table and stated that they can work on straightening the entrance road. Commissioner Lester stressed the Planning Commission's appreciation for having connectivity with other roads in the area.

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 7:36 pm.

This certifies that the regular meeting minutes of May 21, 2019 are a true and accurate copy as approved by the Planning Commission on June 4, 2019.

Signed: _____

Christina Boss, Administrative Assistant