

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
ELECTRONIC MEETING
Tuesday, July 21, 2020 6:00 p.m.**

PRESENT:	Dean Lester	Commissioner- Chair
	Steve Barsuhn	Commissioner- Vice Chair
	Scott Mildenhall	Commissioner
	Curtis Hoehn	Commissioner
	Holly Bell	Commissioner
	Cindy McConkie	Commissioner
	Reed Hancey	Commissioner

ABSENT:

ALSO PRESENT:	Mark Bradley	City Planner
	Tony Ekins	Associate Planner
	Sarah-Jane Martin	Administrative Assistant
	Bruce Parker	Consultant
	Molly Gaughran	Consultant
	Ben Steele	Applicant
	Parker McGarvey	Applicant
	Gene Stephens	Applicant
	Jim Flint	Applicant
	Bonnie Robinson	Applicant
Bret & Marianne Craynor	Applicant	

AGENDA

Pledge of Allegiance

Approval of Minutes

Application #20-053 / Conditional Use Permit ¹ / Agricultural, Including Grazing and Pasturing of Animals / Approx. 3110 W. Forest (Parcel No. 03-110-0040) / Bret and Marianne Craynor

Application / Amend Preliminary Subdivision Plat #19-077 / Glen Hollow Subdivision / 600 South and 800 West / Gene Stephens

Application #20-055 / Amend Conditional Use Permit ¹ #19-078 / Multiple Family Residential Development – Glen Hollow / 600 N and 800 West / Gene Stephens

Continuation / Application #20-048 / Amend General Plan Land Use Map / Change Neighborhood Commercial to Medium Density Residential / Northwest corner of 900 North and Main Street Intersection / Visionary Homes

Continuation / Application #20-035 / Rezone from R-1-8 (Residential District) to R-M-7 (Multiple Residential) on 34.26 acres / 909 N. Main (old golf course property) / Visionary Homes

Continuation / Application #20-041 / Planned Unit Development / North Point Subdivision / 909 N. Main Street (old golf course property) / Visionary Homes

Continuation / Application #20-042 / Conditional Use Permit ¹ - PUD Application / North Point PUD / 909 N. Main Street (old golf course property) / Visionary Homes

Application #20-049 / Amendment to Brigham City Planning Commission By-Laws / Brigham City Corporation

Discussion Items:

- A. Application #20-056 / Subdivision Concept Plan / 2503 W. Forest / Bonnie Robinson
- B. ADU Accessory Dwelling Units

REGULAR MEETING

Regular session opened at 6:04 p.m. by Commissioner Lester and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES

Commissioner Barsuhn made a motion to approve the minutes with corrections as noted for July 7, 2020 meeting. The motion was seconded by Commissioner Bell and passed unanimously.

Application #20-053 / Conditional Use Permit ¹ / Agricultural, Including Grazing and Pasturing of Animals / Approx 3110 W. Forest (Parcel No. 03-110-0040)

Mr. Ekins gave a brief overview of the application.

In 2018, Bret and Marianne Craynor annexed 3.74 acres of property located at approximately 3110 W Forest Street into Brigham City Corporate Limits as an RR-1 Rural Residential Zone. The property is now for sale and future buyers would like to have horses and cows on the property to pasture and graze. Currently within the RR-1 zone, grazing and pasturing of animals require a conditional use permit. This may change when the zoning update is complete and change to a permitted use application. The applicants are requesting the approval that will be assigned to the property parcel that will allow the property to pasture and graze animals for future buyers. Neighbor notices were sent out, but no comments were received. City Staff supports the application.

There were no comments or concerns from the commissioners.

Motion: Acting as the Planning Commission who is the recommending body for this Land Use application, Commissioner Hancey recommends approval of application #20-053 subject to Findings of Fact and stipulations as recorded. It was seconded by Commissioner Mildenhall and passed unanimously.

Application #20-054 / Amend Preliminary Subdivision Plat #19-077 / Glen Hollow Subdivision / 600 South and 800 West

Mr. Bradley gave a brief introduction. The original application #19-077 has already been approved and is under construction. The applicants acquired the Tom Edwards property including the four lots Mr. Edwards was going to retain for himself and family west of 1100 West Street. There is an increase in the overall units/lots from 70 to a new total of 89 townhome units. The design for this area evolved from a cul-de-sac to a loop private drive after concept plan discussion with the Planning Commission. Since that time, the applicant has amended the General Plan Land Use Map and rezoned the portion of property between the sewer line and railroad. The entire development site consisting of two parcels is now all R-M-7 zoning district. Construction plans have been submitted for review along with the preliminary plat, which includes an overall revised phasing plan. Notices were sent out to neighbors but no comments were received.

The location of guest parking in Phase 4 was discussed and it was decided that the current guest parking located on the west side of phase 4 was consistent with the rest of the development. As per Community Development Staff comment # 2, the number of parking stalls on the west side of the private drive will be reduced. Additionally, phase 4 properties have longer driveways of 26 feet. The CCRs of the HOA will enforce homeowners from parking in the designated guest parking areas. Commissioners felt comfortable with this point of the site plan. This approval is inconsistent with a portion of Community Development Staff comment # 2.

The number of guest parking stalls seems excessive along the west private drive. Recommend guest stalls spread throughout with some on the west side as shown on the east side of the west private drive and some between units. This would require an adjustment with some of the units. Could have some between 69 and 79 and between 85 and 86.

The private drive that loops around phase 4 is a two-way street that is 26 feet wide. There will be no on-street parking allowed along the loop. The HOA will enforce rule compliance with violation of parking along the loop.

Motion: Commissioner Barsuhn made a motion to recommend approval to the City Council application #20-054 subject to Staff comments, except Community Development Staff Recommendation comment # 2, stipulations, recommendation, and Findings of Fact. The motion was seconded by Commissioner McConkie and passed unanimously.

Application #20-055 / Amend Conditional Use Permit 1 #19-078 / Multiple Family Residential Development – Glen Hollow / 600 N and 800 West

This application is tied to application #20-054. This application applies to the design elements of the development.

One concern is the backside elevation. Currently, the backside of the units, which open onto a community common area, will be constructed out of one material. It was decided that continuing the wainscot from the front and side of the house to the back would break up the back façade creating more visual interest and enhance the development.

Another concern is in regard to fencing off the west side of Phase 4 which runs along the railroad track. It was decided that a fence will be constructed on the west side of phase 4 and across the north and south side connecting to neighboring developments walls/fencing.

Motion: Commissioner Bell made a motion to approve application #20-055 in accordance with the staff evaluation, subject to the noted stipulations, recommendation, and Findings of Fact, and the following alterations to the Staff Comments as noted:

1. Community Development Staff comment #3 with regard to guest parking. Excessive parking on the west side of the private drive will be reduced. Additional parking will not be spread throughout the phase and units will not be moved.
2. Community Development Staff comment # 5 with regard to screening. Fencing will be placed along the west side of the property as well as the north and south side connecting to neighboring developments wall/fencing.

The motion was seconded by Commissioner Hancey and passed unanimously.

Applications #20-048, #20-035, # 20-041, #20-042 were discussed together.

Mr. Bradley gave a brief explanation of all applications.

Application #20-048 asks to amend the general plan for the northwest corner of 900 N and Main Street from Neighborhood Commercial to Medium Density Residential. The public hearing on this application was open and closed at the last Planning Commission meeting held on July 7, 2020. This area is not ideal for Neighborhood Commercial due to the UDOT roadways with restricted access. There was support for this amendment in previous discussions.

Application #20-035 is a rezone application from R-1-8 to R-M-7 at 909 N Main Street. This is the old golf course property. The public hearing was open and closed on June 16, 2020. There was general support for the application. However, due to the nature of these applications, it was decided to create a development agreement to provide insurance that area would be developed as a mixed housing project with both single-family dwellings in combination with multi-family units. This would guarantee that if Visionary Homes decides not to develop the land, another developer could not purchase the land and build only multi-family units. The rezone could not be approved without the approval of application #20-048.

Key Points of the Development Agreement.

- 1. All Parties agree that the definition of "multiple family" as used within this Agreement shall also include townhome dwelling units in combinations of three (3) units or more and such townhome units shall be permitted.*
- 2. All Parties agree that the subject property may consist of a combination of single family lots and townhomes up to at least two hundred and twenty-six (226) total dwelling units but no more than one hundred and eighty-eight (188) townhome units, provided that there is an appropriate ratio of single family lots and townhomes to maintain the mixed housing development concept and that said single family lots or an equivalent open space buffer are to be placed adjacent to the existing and future single family properties, which includes the Brigham Willows Subdivision, 500 West Street, and the north property line.*
- 3. Developer agrees to install the large central common open space and amenities area once half (1/2) of the number of lots/units have been constructed.*

Application #20-041 and #20-042 which are a Planned Unit Development and Conditional Use Permit applications. Visionary Homes made the following modifications to their applications from the previous meeting.

1. Removed 30 townhomes units and created more space between units.
2. Redistributed the guest parking for better access to all units.
3. Phasing and timing for completion of the large common space.
4. Fencing along Main Street and SR-13.
5. The phasing of the development was adjusted.

The following questions were asked from the planning commission:

1. Why is there a large range in lot sizes?
 - Mr. McGarvey stated they range from 6000 sq. feet to 11000 sq. feet. This is largely due to the curvature of the road and the required depth of the lots.
2. Will there be pathways leading to the front door of each townhome?
 - Mr. McGarvey explained there will be pathways leading from the front door of the townhomes connecting to either city sidewalk or to a common walkway.
3. Will there only be two-story townhomes in this development?
 - Mr. McGarvey answered this development, unlike the development in Ogden, will only have two-story townhomes.
4. With regard to the Development Agreement, who decides what the appropriate ratio is?
 - Mr. Bradley stated the ratio would be worked out between the Planning Commission and the applicant.
5. What is the status of the Wetland Study?
 - Mr. McGarvey explained consultants have been out to the project and have given an initial assessment identifying areas of concern. However, there is a new EPA ruling and there is no precedence on how or if there will be any changes. They believe that once completed their project will be developed as planned.
6. Will unpurchased units become rental properties?
 - Mr. McGarvey stated all townhomes have to be platted, which ensures that they will be owner-occupied. It is not in Visionary Home's business model to build units and hold onto them for rental purposes.
7. Will there be a place for kids to play outside their front doors, or will they have to go to the common green space?
 - Mr. McGarvey responded the majority of units will front onto large lineal green spaces.

Commission Lester verified that Mr. McGarvey had read all stipulations, comments, and Findings of Fact. Mr. McGarvey has read them and does not have concerns or objections.

Continuation / Application #20-048 / Amend General Plan Land Use Map / Change Neighborhood Commercial to Medium Density Residential / Northwest corner of 900 North and Main Street Intersection / Visionary Homes

Motion: A motion to recommend approval to City Council on application #20-048 subject to stipulations, recommendations, Staff comments, and Findings of Fact. Also, a

recommendation to City Council to consider this application in conjunction with the three related applications with consideration of the development agreement was made by Commissioner Hancey. The motion was seconded by Commissioner Mildenhall and passed unanimously.

Continuation / Application #20-035 / Rezone from R-1-8 (Residential District) to R-M-7 (Multiple Residential) on 34.26 acres / 909 N. Main (old golf course property) / Visionary Homes

Motion: A motion to recommend approval to City Council on application #20-035 subject to stipulations, recommendations, Staff comments, and Findings of Fact. Also, that the appendage of land surrounded by the adjoining subdivision not be part of the rezone but remain R-1-8 was made by Commissioner Barsuhn. The motion was seconded by Commissioner Bell and passed unanimously.

Continuation / Application #20-041 / Planned Unit Development / North Point Subdivision / 909 N. Main Street (old golf course property) / Visionary Homes

Motion: A motion to recommend approval to City Council on application #20-041 along with the development agreement subject to Staff comments, stipulations, recommendation, and Findings of Fact was made by Commissioner Barsuhn. The motion was seconded by Commissioner Bell and passed unanimously.

Continuation / Application #20-042 / Conditional Use Permit 1 - PUD Application / North Point PUD / 909 N. Main Street (old golf course property) / Visionary Homes

Motion: Commissioner Hancey acknowledging the Planning Commission as the Land Use Authority for application #20-042, made a motion for approval subject to Staff comments, stipulations, recommendation, and Findings of Fact. . The motion was seconded by Commissioner Barsuhn and passed unanimously.

Motion: A motion was made by Commissioner Bell that all referenced applications #20-048, #20-035, #20-041, and #20-042 for approval are subject to the City Councils approval. The motion was seconded by Commissioner McConkie and passed unanimously.

Application #20-049 / Amendment to Brigham City Planning Commission By-Laws / Brigham City Corporation

Mr. Bradley gave a brief explanation. The amendment is to incorporate electronic meetings authorization and requirements and a word change reference from “shall” to “should” regarding how by-laws are to be directed and guided with reference to Robert’s Rules of Order. The amendment gives flexibility when unforeseen circumstances prevent commissioners from attending, but can reasonably still participate. Concerning voting, the Chair will only vote when needed to break a tie vote. Also, there is a proposed change to the wording in Section H. Voting, paragraph 1 from “present” to say “participating/attending”.

Motion: A motion to recommend approval to City Council on application #20-049 was made by Commissioner Bell. It was seconded by Commissioner Hancey and passed unanimously.

DISCUSSION ITEM

A. Application #20-056 / Subdivision Concept Plan / 2503 W. Forest / Bonnie Robinson

Mr. Bradley gave a brief explanation of the discussion item. The applicant would like to subdivide a portion of the property for her children and retain access from Forest Street to the remaining acreage. One lot would require a rezone to A-1 or RR-1 where it would be less than 5 acres in size. This property is located west of and adjacent to the Bird Refuge Visitor Center property.

The applicant had three concerns:

1. The cost of putting in curb and gutters.
2. Cost of putting in septic tanks now and later being forced to join the Brigham City sewer system.
3. Rezoning a portion of the property that is less than 5 acres.

The Planning Commission had the following questions:

1. In this area would the zone change to RR-1 be a spot zone or are there other RR-1 in the area?
 - There is a mix of A-5 and RR-5 along Forest Street, but not A-1 or RR-1
2. Would the rezone be consistent with the general plan?
 - More information and discussion were needed to answer this question.
3. How should the night sky ordinances near the Bird Refuge be handled?
 - This was brought up for future thought as more homes and developments are considered for this area.

Two options from the Planning Commission were given to the applicant to look into:

1. Creating a P- district in the area.
2. Creating a Cluster Subdivision.

B. ADU Accessory Dwelling Units

Mr. Parker wanted to address if now is the right time to add Accessory Dwelling units to the zoning ordinance update that is being drafted, or should it wait until another update in the future. Five points in favor of adding Accessory Dwelling Units to the update were mentioned:

1. Addressing housing affordability
2. Creating new housing units among existing housing stock, while preserving neighborhood integrity and character.
3. Providing more housing options to residents who are aging, students, or otherwise looking to downsize or looking for alternative housing options.
4. Using existing housing stock and infrastructure more efficiently.
5. Providing a process for existing ADUs to become legal.

Key points of discussion were as follows:

- Don't include in the current update.
- Tiny homes and detached dwellings are less appealing than basement/mother-in-law apartments.
- Good to legalize and regulate the safety of pre-existing accessory dwellings.
- Clearly defined provisions.
- Would address the housing crisis and affordability issues in Brigham City.

Mr. Parker will address the following items in the revision for discussion at the next meeting.

- Legalizing current Accessory Dwellings so they can be regulated and deemed safe for people to live in.
- Creation of new Accessory Dwellings to address housing affordability concerns.

Motion to adjourn

Motion: A motion was made by Commissioner Bell to adjourn. The motion was seconded by Commissioner Mildenhall and passed unanimously.

The motion passed unanimously and the meeting was adjourned at 9:04 p.m.

This certifies that the regular meeting minutes of July 21, 2020, is a true and accurate copy as approved by the Planning Commission on August 4, 2020.

Signed: _____

Sarah-Jane Martin, Administrative Assistant