

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
ELECTRONIC MEETING
Tuesday, October 20, 2020 6:00 p.m.**

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

ABSENT:

ALSO PRESENT:	Mark Bradley	City Planner
	Sarah-Jane Martin	Administrative Assistant
	Nathan Hyde	Applicant
	Codey Illum	Applicant
	Stephen Hadfield	Applicant

AGENDA

Pledge of Allegiance

Approval of Minutes

Public Hearing ¹ / Application #20-078 / Rezone City Block from R-1-8 (Residential District) to R-M-7 (Multiple Residential District) on 6 acres / Area between 400 and 500 South Streets AND 500 and 600 West Streets / Nathan Hyde

Application #20-081 / Conditional Use Permit ¹ / Multiple Family Dwelling - Triplex / 443 South 600 West / Nathan Hyde

Application #20-082 / Permitted Use Permit – Change of Use / Box Elder County Children's Justice Center / 420 South 100 East / Codey Illum, Box Elder County

REGULAR MEETING

Regular session opened at 6:00 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 October 6, 2020 meeting. The motion was seconded by Commissioner McConkie passed unanimously.

Public Hearing 1 / Application #20-078 / Rezone City Block from R-1-8 (Residential District) to R-M-7 (Multiple Residential District) on 6 acres / Area between 400 and 500 South Streets AND 500 and 600 West Streets / Nathan Hyde

The applicant owns a duplex at 443 South 600 West and would like to convert it into a legal triplex (see Application #20-081). The land use designation of this block was changed from Low-Density Residential to Medium Density Residential with the 2017 General Plan Update. Zoning districts identified as Medium Density Residential are R-1-6 and R-M-7.

The applicant filed an application in December 2013 to rezone his property and the two lots east of his property from R-1-8 to R-M-7. The Planning Commission held a public hearing January 7, 2014, and recommended to the City Council denial of the zone change application. On February 6, 2014, the City Council tabled the application to receive legal counsel regarding questions with the application's consistency with the General Plan. On February 20, 2014, Nathan Hyde withdrew his application. The City Council could not legally approve the application.

The land use designation of this block and several to the east 100 to 600 West Streets between 400 and 500 South Streets were changed from Low-Density Residential to Medium Density Residential with the 2017 General Plan Update. 19 of the 22 landowners on the block have signed the application in favor of rezoning. Staff feels this application is consistent with the general plan and feels that it is a transition from the R-M-15 to the R-M-7. Staff is in support of the entire block being rezoned.

Mr. Hyde was asked to explain why three of the landowners did not sign the application for rezone.

1. Kirk Nielsen was concerned about the impact on his property taxes. Mr. Hyde contacted the Box Elder County Assessor and the assessor did not think there would be an impact on property taxes with a rezone.
2. Dan Nisonger and his wife Karen signed the original petition seven years ago and then changed their mind. Mr. Hyde reached out and told them he was petitioning for a zone change. They said they would discuss it, however, they did not reach out to either Mr. Bradley or Mr. Hyde.
3. Jan Compton could not be reached.

Open Public Hearing Motion: Commissioner Mildenhall made a motion to open the public hearing on application #20-078. It was seconded by Commissioner Hancey and passed unanimously.

There was no comment.

Close Public Hearing Motion: Commissioner Hancey made a motion to close the public hearing on application #20-078. It was seconded by Commissioner Mildenhall and passed unanimously.

The Planning Commission had the following questions:

1. Will there be large scale construction?
 - Mr. Hyde didn't consider any of the construction as large construction. However, there will be a six-foot privacy fence put up, and the creation of a parking lot.
2. How many square feet is the Hyde property?
 - 20,872.5 square feet. This meets the size requirement for a triplex.

Motion: Commissioner Hancey made a motion to recommend approval of application #20-078 subject to Staff comments, Findings of Fact, and stipulations as recorded. It was seconded by Commissioner Mildenhall and passed unanimously.

Application #20-081 / Conditional Use Permit 1 / Multiple Family Dwelling - Triplex / 443 South 600 West / Nathan Hyde

The applicant would like to convert the existing dwelling structure into a three-family dwelling. Each unit will have separate heating and air. Six total parking spaces are required, two spaces per unit. The applicant has provided two parking options to consider. The City Code requires certain site improvements as measures to protect adjacent single-family uses, such as a six-foot solid fence along the adjoining property lines, side yard buffers with the planting of trees per City Code Section 29.12.120

Parking options were discussed but no additional parking ideas were feasible due to the elevations of the structure and the existing garden and fruit trees. The Planning Commission agreed that parking option two was their preferred option.

The applicant has read and is compliant with all Staff comments and stipulations. However, he did ask if he could keep the four-foot chain link fence that already surrounds the majority of the property rather than replacing it with a six-foot fence. This request was denied. The Planning Commission stated that the request goes against city building standards.

Motion: Commissioner Hancey made a motion to recommend approval of application #20-081 subject to Staff comments, Findings of Fact, and stipulations as recorded with additional stipulations as stated:

1. Option two parking.

2. Contingent on approval of application #20-078.

It was seconded by Commissioner McConkie and passed unanimously.

Application #20-082 / Permitted Use Permit – Change of Use / Box Elder County Children’s Justice Center / 420 South 100 East / Codey Illum, Box Elder County

Box Elder County is acquiring property located in the General Commercial District which is currently a residential dwelling to function as a Children’s Justice Center. Child victims of abuse will be interviewed at this facility, which will be maintained as a home appearance to help make children feel comfortable. The County is proposing to add an office addition at the back and a parking lot.

The Planning Commission had the following questions:

1. What are the hours of operations?
 - It will be open Monday through Friday during general working hours with occasional emergency situations where it will be used at night.
2. How will water and snow be handled in the parking lot?
 - A small drain will be placed in the back corner of the parking lot. Snow will be pushed into the seventh parking stall.
3. Will the house be ADA compliant?
 - The house will be remodeled to meet code requirements for ADA compliance.
4. Will the internal layout of the home be altered?
 - The footprint of the house will remain the same. The bedrooms will be set up as offices and interview rooms.

The applicant has read and is compliant with all Staff comments and stipulations.

Motion: Commissioner Barsuhn made a motion acting as the Land Use Authority to recommend approval of application #20-082 subject to Staff comments, Findings of Fact, and stipulations as recorded. It was seconded by Commissioner Bell and passed unanimously.

Motion to adjourn

Motion: A motion was made by Commissioner Hoehn to adjourn. The motion was seconded by Commissioner Mildenhall.

The motion passed unanimously and the meeting was adjourned at 7:32.

This certifies that the regular meeting minutes of October 20, 2020, is a true and accurate copy as approved by the Planning Commission on November 3, 2020.

Signed: _____

Sarah-Jane Martin, Administrative Assistant