

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
ELECTRONIC MEETING
Tuesday, April 6, 2021 6:00 p.m.**

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

ALSO PRESENT:	Mark Bradley	City Planner
	Tony Ekins	Associate Planner
	Sarah-Jane Martin	Administrative Assistant
	Steve Bond	Applicant
	Mandi Richens	Applicant
	Lee Richens	Applicant
	Jeff Randall	Applicant
	Byron Hansen	Applicant
	Genneva Blanchard	Applicant
Bruce Parker	Consultant	

AGENDA

Pledge of Allegiance

Approval of Minutes

Public Hearing ¹ / Application #21-026 / Rezone property (Parcel No. 03-076-0010) of land located at approximately 720 North and 900 West from M-D (Manufacturing-Distribution District) to A-5 (Agricultural District) on approximately 7 acres / Steve Bond

Application #21-035 / Conditional Use Permit 1 / Residential Onsite Caretaker / 1250 N. Main / Mandi Richens, North Forty Storage LLC

Application #21-037 / Permitted Use Permit / Multiple Tenant Commercial Building – Eagle Landing Phase 3 / 1100 South and 450 West / John Hansen

Application #21-038 / No-Dedication Combined Preliminary/Final Subdivision Plat / Eagle Landing Phase 3 / 1100 South and 450 West / John Hansen

Discussion Item:

Title 29 Zoning Update – Accessory Dwelling Units

REGULAR MEETING

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

APPROVAL OF MINUTES

Commissioner Bell made a motion to approve the minutes with corrections as noted for March 16, 2021 meeting. The motion was seconded by Commissioner Lester passed unanimously.

Public Hearing ¹ / Application #21-026 / Rezone property (Parcel No. 03-076-0010) of land located at approximately 720 North and 900 West from M-D (Manufacturing-Distribution District) to A-5 (Agricultural District) on approximately 7 acres / Steve Bond

This property was rezoned several years ago to M-D when the area was originally designated for industrial use on the City General Plan. The General Plan Land Use Map was modified in 2017 with the update of the City General Plan and the land use designation for this property changed from Industrial to Agricultural. The rezone request is consistent with the General Plan land use designation “Agricultural”.

The property is part of the old Five Acre Plat, is currently vacant, and historically had a home on-site. The owner desires to build a home and use the property for agricultural purposes. There is a payback (pioneering) agreement tied to this property for culinary water, in which Mr. Bond will need to pay \$8,688.14 toward the cost of the line, which was paid by the Baileys.

Questions and comments from the Planning Commission:

1. The purpose of rezoning the property is to build a home?
Response from Mark Bradley: Yes.
2. Was the Culinary Water Pioneering Agreement paid for by a neighbor?
Response from applicant: Yes.

Public Hearing:

Motion: Commissioner Lester made a motion to open the public hearing. It was seconded by Commissioner Mildenhall and passed unanimously.

Kimber Larsen, a neighbor, wanted to give her support for this application.

Motion: Commissioner Mildenhall made a motion to close the public hearing. It was seconded by Commissioner McConkie and passed unanimously.

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

Motion: Commissioner Lester made a motion that the Planning Commission recommend approval of application #21-026 subject to Staff comments, Findings of Fact, and stipulations as recorded. It was seconded by Commissioner Hoehn and passed unanimously.

Application #21-035 / Conditional Use Permit ¹ / Residential Onsite Caretaker / 1250 N. Main/ Mandi Richens, North Forty Storage LLC

North Forty Storage, LLC recently purchased 3 property parcels: 03-080-0012, 03-080-0015, and 03-080-0016 in the M-D zone. Under the new ownership, the applicant (owner) desires to remodel one of the existing structures located at 1250 North Main Street into an onsite caretaker residence with office space and install additional fencing and gates on the southerly portion of 2 property parcels. The applicant's goal for this application, fencing, and onsite caretaker is to provide residency for surveillance and security for all 3 property parcels.

The City's current zoning ordinance 29.14.020.2a will allow residential use for an onsite manager, caretaker, or worker's dwelling for operational or security purposes as a conditional use.

Comments from Mandi and Lee Richens:

Questions and comments from the Planning Commission:

1. Will there be a need to utilize the neighbors parking?
Response from applicant: No, both properties share the easement.
2. There was concern about the placement of the fence and access for neighboring storage units that are not owned by the applicant.

Response from applicant: The whole property, including the neighboring storage units not owned by the applicant, will be enclosed with fencing and both owners will share the same easement into the property.

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

Motion: Commissioner Mildenhall made a motion that the Planning Commission, acting as the Land Use Authority, approve application #21-035 subject to Staff comments, Findings of Fact, and stipulations as recorded. It was seconded by Commissioner Lester and passed unanimously.

Application #21-037 / Permitted Use Permit / Multiple Tenant Commercial Building – Eagle Landing Phase 3 / 1100 South and 450 West / John Hansen

The applicant has submitted plans for Eagle Landing Phase 3. This will be a multitenant commercial building with a design for a two-lane double drive-through. The building elevations will have similar architecture as phase 2 and the landscape will be consistent with phase 2 of the Eagle Landing development. A one lot subdivision plat has been submitted for this phase (see application #21-038).

Questions and comments from the Planning Commission:

1. Where is the (retention basin) located?

Response from applicant: When the Café Rio building was constructed there was an overall detention basin for all three phases constructed on the west side adjacent to the car dealership.

2. What is the plan to prevent car accidents in the double drive-through?

Response from applicant: There will be cross-hatching painted on the asphalt and signage to keep the area clear of cars. There will also be striping and signage as you enter the double drive-through for ease of use.

3. How many two-lane drive-throughs have been utilized and successful in other developments?

Applicant response: This will be the third development where this design has been used and the success comes from signage and proper stripping of the asphalt.

Motion: Commissioner Lester made a motion that the Planning Commission, acting as the Land Use Authority, approve application #21-037 subject to Staff comments, Findings of Fact, and stipulations as recorded. It was seconded by Commissioner McConkie and passed unanimously.

Application #21-038 / No-Dedication Combined Preliminary/Final Subdivision Plat / Eagle Landing Phase 3 / 1100 South and 450 West / John Hansen

The owners are ready to move forward with another phase of the Eagle Landing development. This is Eagle Landing Phase 3, which will consist of a multi-tenant commercial building (see application #21-037). The plat will contain utility and cross-access easements similar to phase 2.

Questions and comments from the Planning Commission:

Motion: Commissioner Lester made a motion that the Planning Commission, acting as the recommending body to the Land Use Authority, recommend approval of application #21-038 subject to Staff comments, Findings of Fact, and stipulations as recorded. It was seconded by Commissioner Hoehn and passed unanimously.

Discussion Item:

Title 29 Zoning Update – Accessory Dwelling Units

During the State Legislation Session, Internal Accessory Dwelling Units became mandated at the local community level and takes effect October 1, 2021. The bill outlines specific requirements each community must abide by to allow for internal accessory dwelling units and provides for some local policy decisions. The goal of this discussion is to update the Planning Commission on what is mandated by law and receive input and direction from the Commission on what policies they recommend be implemented in a draft amendment to the City Code.

Key points from Section 4:

1. Prohibit the installation of a separate utility meter for an Internal Accessory Dwelling Unit.
Planning Commission response: In favor.
2. Require that an Internal Accessory Dwelling Unit be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling.
Planning Commission response: In favor.
3. Require a primary dwelling:
 - a. To include one (1) additional on-site parking space for an Internal Accessory Dwelling Unit, regardless of whether the primary dwelling is existing or new construction; and
Planning Commission response: Change language to “dedicated parking space outside of the front yard setback”.

- b. Replace any parking spaces contained within a garage or carport if an Internal Accessory Dwelling Unit is created within the garage or carport.
Planning Commission response: In favor of 3b, but change wording to match section 3a.
- 4. Prohibit the creation of an Internal Accessory Dwelling Unit within a mobile home as defined in Section 57-16-3, Utah Code.
Planning Commission response: In favor.
- 5. Require the owner of a primary dwelling to obtain a permit or license for renting an Internal Accessory Dwelling Unit.
Planning Commission response: In favor.
- 6. Prohibit the creation of an Internal Accessory Dwelling Unit within a zoning district covering an area that is equivalent to:
 - a. 25% or less of the total area in the municipality that is zoned primarily for residential
Planning Commission response: Not in favor.
- 7. Prohibit the creation of an Internal Accessory Dwelling Unit if the primary dwelling is served by a failing septic tank.
Planning Commission response: In favor.
- 8. Prohibit the creation of an Internal Accessory Dwelling Unit if the lot containing the primary dwelling is 6,000 square feet or less in size.
Planning Commission response: allow any size as long as they can meet the requirements
- 9. Prohibit the rental or offering the rental of an Internal Accessory Dwelling Unit for a period of less than 30 consecutive days.
Planning Commission response: In favor.
- 10. Prohibit the rental of an Internal Accessory Dwelling Unit if the Internal Accessory Dwelling Unit is located in a dwelling that is not occupied as the owner's primary residence.
Planning Commission response: In favor, but change language to reflect the property owner must reside in one of the dwelling units.
- 11. Hold a lien against a property that contains an Internal Accessory Dwelling Unit, if certain standards are met, and record a notice for an Internal Accessory Dwelling Unit in accordance with Section 5. (The idea of a Lien is for enforcement purposes).
Planning Commission response: Not in favor.

Motion to adjourn

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

The motion passed unanimously and the meeting was adjourned at 8:06.

This certifies that the regular meeting minutes of April 6, 2021, is a true and accurate copy as approved by the Planning Commission on April 20, 2021.

Signed: _____

Sarah-Jane Martin, Administrative Assistant