

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
Tuesday, 12/7/2021 6:00 p.m.**

PRESENT:	Steve Barsuhn	Commissioner- Chair
	Scott Mildenhall	Commissioner- Vice Chair
	Dean Lester	Commissioner
	Jason Coppieters	Commissioner
	Holly Bell	Commissioner
	Cindy McConkie	Commissioner
	Roger Manning	Commissioner
	Mandi Richens	Commissioner

ALSO PRESENT:	Mark Bradley	City Planner
	Sarah-Jane Martin	Administrative Assistant
	David Pitcher	Applicant
	Rick Grover	Applicant
	Andy Cockell	Applicant

AGENDA

Pledge of Allegiance

Approval of Minutes

Continued / Application #21-104 / Amend Brigham City Code Title 29 Zoning, Chapter 29.12 Residential and Multiple Residential Districts to include and establish R-1-6 Standards and Regulations / Brigham City Corporation

Continued / Application #21-101 / Rezone properties (Parcel No. 03-114-0018 and 03-114-0020) of land located south of 400 South Street and east of 1200 West Street from A-5 (Agricultural District) to R-1-6 (Residential District) on approximately 36 acres / David Pitcher

Continued / Application #21-107 / Preliminary Plat / Spring Creek Subdivision / 1200 West and approximately 475 South / David Pitcher

Public Hearing ¹ / Application #21-106 / Amend Brigham City Code Title 29 Zoning / Allow for Detached Accessory Dwelling Units and establish standards and regulations / Rick Grover

Revised / Application #21-075 / Conditional Use Permit ¹ / Cell Tower / 912 N. Main / Andy Cockell, Maverick Towers LLC and AT&T

REGULAR MEETING

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

APPROVAL OF MINUTES

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

Continued / Application #21-104 / Amend Brigham City Code Title 29 Zoning, Chapter 29.12 Residential and Multiple Residential Districts to include and establish R-1-6 Standards and Regulations / Brigham City Corporation

This item was continued from the last meeting on November 16, 2021, to allow staff to provide the Planning Commission with additional illustrations on lot width (60' and 65') and side yard setbacks (6'/12' and 6'/16') options. Tony Ekins created two separate sheets to illustrate a 60 ft wide lot with the two side yard setback options and a 65 ft wide lot with the two side yard setback options.

The 6 ft side yard setback reference would be the minimum side yard on one side of the lot. The 12 or 16 ft option would be the total of the two side yards. The 12 ft would allow 6 ft on both sides and the 16 ft combination provides three options: 6 and 10 ft, 7 and 9 ft, and 8 and 8 ft. These are minimum numbers.

Main Concerns:

- Lot width (ability for wider house plan)
- Lot depth (ability for deeper house plan)
- Separation between homes – Space (visual, comfort, etc.)

The City Building Official mentioned the building code requires a minimum of 10 feet between the roof eave and not the building wall, unless 4 inches each, which is highly untypical.

If Planning Commission would like a wider lot of 65 feet but are concerned with depth of a minimum lot, one of two options could be considered:

1. Require a minimum lot depth of 100 feet. This would require a minimum lot size of 6,500 sq. ft. instead of 6,000 sq. ft., OR
2. Allow a reduced front or rear yard setback. Example 20 foot front yard and 25 rear yard or 20 and 20. There is a different feel of 20 feet versus 25 feet.

Questions and comments from the Planning Commission:

1. The majority were in favor of a 25' front yard setback, 60' lot width, 70' lot width for corner lots, 6/16' side yard setbacks with 40% lot coverage.

Motion: Commissioner Lester made a motion that the Planning Commission recommend approval of application #21-104 with minimum standards as follows:

Interior Lots:

- 60' frontage
- 25' front and rear yard setbacks
- 6/16 side yard setbacks
- 40% maximum lot coverage
- Remaining standards will follow R-1-8 standards
- Bed and Breakfast will be a Conditional Use Permit

Corner Lots:

- 70' frontage
- 20' front yard setback
- 20' side yard setback
- 6' corner side yard setback
- 6' rear yard setback
- 40% maximum lot coverage
- Remaining standards will follow R-1-8 standards
- Bed and Breakfast will be a Conditional Use Permit

It was seconded by Commissioner Coppieters and passed unanimously.

Continued / Application #21-101 / Rezone properties (Parcel No. 03-114-0018 and 03-114-0020) of land located south of 400 South Street and east of 1200 West Street from A-5 (Agricultural District) to R-1-6 (Residential District) on approximately 36 acres / David Pitcher

This item was continued from the last meeting on November 16, 2021, due to the continuation of Application #21-104 Amend Title 29 Zoning, Chapter 29.12 Residential and Multiple Residential to include and establish R-1-6 standards and regulations.

The applicant desires to rezone property for development and has worked with the adjacent property owner (Beeton) to include their property to have a more uniform zone change as discussed through the concept subdivision plan with staff and Planning Commission. The rezone request is consistent with the General Plan Land Use Map designation of Medium Density Residential.

Motion: Commissioner Coppieters made a motion that the Planning Commission recommend approval of application #21-101 subject to Staff comments, Findings of Fact, and stipulations as noted. It was seconded by Commissioner Bell and passed unanimously.

Continued / Application #21-107 / Preliminary Plat / Spring Creek Subdivision / 1200 West and approximately 475 South / David Pitcher

This application was continued from the last meeting on November 16, 2021, due to the continuation of Application #21-104 Amend Title 29 Zoning, Chapter 29.12 Residential and Multiple Residential to include and establish R-1-6 standards and regulations and Application #21-101 Rezone from A-5 to R-1-6.

The applicant is under contract to purchase the property and desires to develop a single-family residential subdivision under the R-1-6 standards and regulations. There are three applications associated with this project:

1. City Code amendment, Application #21-104, to establish R-1-6 zoning district standards and regulations,
2. rezone Application #21-101, and
3. subdivision Application #21-107

The applicant went through a concept subdivision plan process back in August - September 2021.

Questions and comments from the Planning Commission:

1. Why isn't there an access street in the middle of the development connecting to the city street on the south side?

Response from City Planner: That city road is not a public road. The purpose of the road is for city workers to manage the park and to be able to lock it up.

2. The Planning Commission discussed foot traffic to the park and the possibility of having a walking path to the park. The applicant is willing to put an easement between lot 38-39 or 40-41 for a walking path to the park.

Motion: Commissioner Lester made a motion that the Planning Commission recommend approval of application #21-107 subject to Staff comments, Findings of Fact, and stipulations as noted with the following addition:

- A concrete fence between the development and city park property. If that is not possible because of wetlands, then City Staff will work out the fencing material.
- A walking easement between lots 38-39 or lots 40-41.
- The Planning Commission would like the City Council to reevaluate the private road within the park and see if it would be better utilized as a public road for additional connectivity within Brigham City.

It was seconded by Commissioner Bell and passed unanimously.

Public Hearing ¹ / Application #21-106 / Amend Brigham City Code Title 29 Zoning / Allow for Detached Accessory Dwelling Units and establish standards and regulations / Rick Grover

The applicant, a resident of Brigham City, has filed a City Code Amendment Application to allow for Detached Accessory Dwelling Units. The proposed amendment is described in the Narrative on the attached application. The applicant has also provided draft language to the ordinance document used for the Internal Accessory Dwelling Units and other sections of Title 29 Zoning (sections 29.05.080, 29.05.270, and 29.12.120), a reference to Ogden City Code, and pictures of a detached garage.

The applicant has a detached garage with a bonus room above the garage and would like to convert the space into a dwelling unit. For the most part, the applicant recommends following similar provisions to those adopted for the Internal Accessory Dwelling Units, except that the unit would be detached from the dwelling. The petitioned code amendment would allow for a second story on an accessory building (i.e., detached garage or similar type as noted above) and allow existing detached structures less than 5 feet from the property line to qualify for the accessory dwelling unit. Other essential items to work through include:

- Addressing
- Utilities
- Placement and setbacks
- Existing v. new structures
- Minimum and maximum square footage
- Same design and exterior material as the primary dwelling unit

Public Hearing:

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

There was no public comment.

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

Questions and comments from the Planning Commission:

1. How are the rights of the adjacent property owner being met with a two-story detached accessory dwelling next door?

Response from applicant: The ordinance could state that no windows are allowed on the second story in areas that overlooks a neighbors property.

2. Will these units be a permanent structure?

Response from City Staff: Yes, because of utility connections

3. Would an internal and external dwelling structure be allowed on a single lot?
Response from City Staff: Suggested that only one additional dwelling unit be allowed for a single lot, not both.
4. There was concern about using the same design and exterior material as the primary dwelling unit in older homes where the materials are no longer available or desirable.

Motion: Commissioner Lester made a motion that the Planning Commission continue application #21-106 until the January 18, 2022 meeting to allow for more commissioners to be present for the discussion. It was seconded by Commissioner Bell and passed unanimously.

Revised / Application #21-075 / Conditional Use Permit ¹ / Cell Tower / 912 N. Main / Andy Cockell, Maverick Towers LLC and AT&T

This is a revised application to include a carrier (AT&T). The City Code requires the applicant to demonstrate that they are either an FCC licensed telecommunications provider or have agreements with an FCC licensed telecommunication provider for use or lease of the support structure. The initial application was submitted in July 2021 and scheduled for the August 3, 2021 Planning Commission meeting. The applicant removed the application when they understood the requirement.

The application is to construct a new 80-foot-tall cell tower (initial height designed with the potential for multiple carriers and pole extension to 100 feet) at 912 N. Main Street. This property belongs to The Fraternal Order of Eagle Lodge. The site's purpose is to improve service and capacity demand in this area. The zoning district is GC General Commercial, a third priority area. The Planning Commission is the Land Use Authority.

Questions and comments from the Planning Commission:

1. There was concern about the type of soil at the site and whether that was considered when the tower was engineered?
Response from applicant: Soil testing and engineering was done at this site, so the tower was engineered for the location.
2. Will there be a generator and fuel at the site?
Response from applicant: Yes, there will be a generator at the site. The fuel tank is contained inside the generator. The tower has backup batteries that will run the tower if the power goes down. If the power is down for more than a couple of days, then the generator will turn on.

Motion: Commissioner McConkie made a motion that the Planning Commission, acting as the Land Use Authority, approve application 21-075 subject to Staff comments, Findings of Fact, and stipulations as noted. It was seconded by Commissioner Manning and passed unanimously.

Motion to adjourn

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

The motion passed unanimously and the meeting was adjourned at 9:08 pm.

This certifies that the regular meeting minutes of December 7, 2021 , is a true and accurate copy as approved by the Planning Commission on January 18, 2022

Signed: _____

Sarah-Jane Martin, Administrative Assistant