

**BRIGHAM CITY PLANNING COMMISSION
BRIGHAM CITY COUNCIL CHAMBERS
Tuesday, October 4, 2016 6:00 p.m.**

PRESENT: Eve Jones Chairperson
 Debbie Manning Vice-Chair
 Reed Hancey Commissioner
 Bill Frye Commissioner
 Scott Mildenhall Commissioner
 Dean Lester Commissioner
 Steven Barsuhn Alternate Commissioner

ALSO PRESENT: Mark Bradley City Planner
 Tony Ekins Assistant City Planner
 Christina Boss Administrative Assistant
 John Janson Brigham City Consultant, Civil Solutions Group
 Coury Morris Applicant's Representative

AGENDA

Approval of Minutes

Public Comment (*Per Utah Code, will receive input only, no decision can be made*) for items not listed on the agenda.

Continuation / Public Hearing² / Application # 3735 / Update to the Brigham City General Plan / Brigham City Corporation

Public Hearing² / Application # 3717 / Amend Title 29 Zoning, Chapter 29.26 Off-Street Parking Requirements, Section 29.26.190 Use of Required Parking Spaces / Standards and regulations governing the use of parking areas for Mobile Food Vendors to be regulated by City Code Section 14.09 Mobile Food Vendors, a section of Title 14 Business Regulations and Licenses / Fraternal Order of Eagles

Public Hearing² / Application # 3739 / Amend Title 29 Zoning, Chapter 29.02 Definitions / Update "Family" and "Dwelling Unit" definitions / Brigham City Corporation

Application # 3741 / Permitted Use Permit - Water Bottling Plant / Approximately 1200 West and Forest Street / Great Basin Engineering

Discussion

REGULAR MEETING

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

APPROVAL OF MINUTES

Commissioner Hancey made a motion to approve the minutes from the September 20, 2016 meeting as written. The motion was seconded by Commissioner Barsuhn and passed unanimously.

PUBLIC COMMENT There was no public comment.

Continuation / Public Hearing² / Application # 3735 / Update to the Brigham City General Plan / Brigham City Corporation

Mr. Bradley stated that the Box Elder News Journal headlined a story on the update to the General Plan with the Land Use Map on the second page. He read comments made in response to the Facebook posting:

- 1) "Some of these changes sound so great! But I think it's a terrible idea to lower the speed limit on Main Street, And re-routing semi-truck traffic to 1st East or 1st West because it's too loud for Main Street?!? That's ridiculous!" - Kelsie Arbon
- 2) Comment to Comment: "LOL. Hey, Semis are too loud for Main Street where it is commercial but not too loud for residential areas where people sleep and go to relax..." - Chris N Jolene Smuin
- 3) "Such big, great things coming to Brigham City! I'm excited." - Kamron Nelson
- 4) "Nice! How do I go about getting signs and or speed bumps or patrol cars on Grandview?" - Debbie Powell Bodell
- 5) "Can we please get a bridge over the train on Forest Street?" - Heather Crockett

Mr. Bradley stated that the Brigham City employee responsible for responding to postings encouraged these people to provide written comment or come to the meeting.

John Janson from Civil Solutions Group came to the podium and reviewed what was presented at the last meeting and went over additional highlights of the draft Update to the General Plan.

Commissioner Jones asked Mr. Janson if he read the Staff comments. Mr. Janson agrees with the comments and will make the changes after the Public Hearing.

Commissioner Jones invited the public to make comment.

Lehi Jenks came to the podium and stated that he lives in Perry but works in Brigham City. He suggested that in certain areas there be more options for mixed use. He also said the Plan should concentrate more on sidewalks concerning pedestrian safety and less on adjusting speed limits. He feels that bulb outs are cut short by cars and pedestrian islands trap pedestrians. He stated that the Forest Street east section seems to duplicate the Forest Street west section.

Motion: Commissioner Manning made a motion to close the public hearing on Application #3735. The motion was seconded by Commissioner Lester and passed unanimously.

Discussion:

Commissioner Lester stated that it is important to have a hearing if the City considers the re-routing of Main Street traffic to 1st West and 1st East. He feels that it would require a lot more public input. Commissioner Jones stated that the Planning Commission is uncomfortable with re-routing Main Street traffic.

Commissioner Hancey commented that he would like to see the City focus on the trail system and start laying out a financial plan. Commissioner Jones asked Mr. Bradley if a trail planning group has been set up. Mr. Bradley stated that no formal planning group has been set up but that they have presented ideas to the City Council.

Motion: Commissioner Lester made a motion to forward Application #3735 to the City Council with a recommendation for acceptance of the General Plan with the Staff comments, Stipulations and Findings of Fact that: 1) Per Utah Code, each municipality shall prepare and adopt a comprehensive, long-range general plan for present and future needs of the municipality and growth and development of all or any part of the land within the municipality; 2) From time to time there is a need to update the adopted City General Plan to best reflect present and future needs and re-evaluate the vision of the community; 3) The update (amendment) to the General Plan Map 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; and 4) The planning Commission shall make a recommendation to the legislative body for amendments to the general plan (Utah Code, Section 10-9a-302(1)).

The motion was seconded by Commissioner Manning and passed unanimously.

Public Hearing² / Application # 3717 / Amend Title 29 Zoning, Chapter 29.26 Off-Street Parking Requirements, Section 29.26.190 Use of Required Parking Spaces / Standards and regulations governing the use of parking areas for Mobile Food Vendors to be regulated by City Code Section 14.09 Mobile Food Vendors, a section of Title 14 Business Regulations and Licenses / Fraternal Order of Eagles

Mr. Bradley stated that the Fraternal Order of Eagles has submitted an application requesting that the City Code for food vendors be amended. The majority of the amendment would be in Title 14, Business Licensing, which would go to City Council. The amendment of Title 29, Chapter 29.26, Off Street Parking Requirements, is the Planning Commission's responsibility. The proposed language would change the regulation of the use of parking areas for mobile food vendors to City Code Chapter 14.09, Mobile Food Vendors. The language under C.1. Long-Term Vendors Located in Parking Lots would eliminate ice cream sales and seasonal food sales.

Mr. Bradley stated that the proposal to City Council includes a new definition for mobile food cart vendor as there is a difference between that and a mobile food vendor. The carts are allowed in the public right of way. He stated that Brigham City has not seen a demand for food carts and that they are usually brought in as part of a special event. Mr. Bradley read the mobile food vendor definition and noted that there are regulations for private and public property. He stated that City staff met with other cities to review language in their ordinances. City Staff also met with several food vendors to obtain their input. Mr. Bradley reviewed the standards with the Commissioners. The mobile vendors would like an additional separate sign to place on the ground close to the unit; however, most cities limit the signs to those mounted on the vehicle. Commissioner Barsuhn supports the additional sign and feels that it would speed things up and keep lines short. Copies of the amendment were provided to the applicant and other food vendors for feedback.

The Commissioners discussed the necessity of a generator including the noise and air quality. Mr. Bradley said clarification language regarding generator use could be added.

Commissioner Hancey asked if the City intends to allow truck vendors on a continual basis or just on private property. Mr. Bradley stated that the effort is to allow both. As of right now they have to come in as part of a special event. Commissioner Jones asked about the difference between vendor and cart. Mr. Bradley stated that food carts have food that is ready to eat and the carts are usually on the sidewalk. Commissioner Jones asked about the insurance for carts and Mr. Bradley stated that a policy is required.

Motion: Commissioner Lester made a motion to open the public hearing on Application #3717. The motion was seconded by Commissioner Hancey and passed unanimously.

Commissioner Jones invited the public to make comment.

Julie Gailey from the Box Elder Eagles approached the podium and stated her food vendors would be in a private parking lot, not on a sidewalk. She stated that it is unfair to only allow food vendors for City events. Mr. Bradley clarified that special events are not all City sponsored but they are usually held on City property.

Diane Gauthoer came to the podium and said she thinks the detached sign helps lines move faster and that generators are necessary for lighting.

Mr. Bradley let the Commission know that in the past there was a concern that mobile food vendors would take business away from local establishments. Those concerns have changed along with the interests of residents. He stated that cities are finding out that there can be a good balance between the two.

Motion: Commissioner Hancey made a motion to close the public hearing on Application #3717. The motion was seconded by Commissioner Manning and passed unanimously.

Motion: Commissioner Lester made a motion that the Planning Commission forward Application #3717 to the City Council with a

recommendation for approval of Title 29 Zoning, Chapter 29.26, Off-Street Parking Requirements, Section 29.26.190 Use of Required Parking Spaces, with the Staff comments and Findings of Fact that: 1) The amendment allows parking lot regulations for mobile food vendors to be regulated by Title 14 Business Regulations and Licenses where specific standards and regulations would govern the use; 2) The amendments allow for the operations of mobile food vendors beyond community events and when a business/company allows vendors to provide a food service strictly to its employees; 3) The amendment is desirable and in the best interest of the community; 4) The amendment to the City Code with specific standards and regulations should not be detrimental to the health, safety, or general welfare of persons residing or working in Brigham City; and 5) The recommended amendment follows the legal process as outlined by The Utah Municipal Code, which states, “[t]he legislative body may not make any amendment authorized by this subsection unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation. (Utah Code, Section 10-9a-503(2)).

The motion was seconded by Commissioner Frye and passed unanimously.

Discussion:

Commissioner Hancey suggested that the recommendation include a comment that the City Council exercise leniency in regards to signs and generators. Commissioners Lester and Frye agreed that the comment should be added to the motion.

Public Hearing² / Application # 3739 / Amend Title 29 Zoning, Chapter 29.02 Definitions / Update “Family” and “Dwelling Unit” definitions / Brigham City Corporation

Mr. Ekins stated that the reason for the update of the two definitions is due to inconsistent interpretation. The definitions need to be updated with common standards and meet the needs of the community. Mr. Ekins stated that City Staff looked at other cities along Wasatch front for language pertaining to these definitions.

Mr. Ekins displayed the Dwelling Unit verbiage on the screen and explained that not more than one kitchen or set of fixed cooking facilities was deleted. Also, shared access to common living facilities was added for functionality and the hotel/motel language was removed due to it being located elsewhere in the Code.

Mr. Ekins stated that the new Family definition will be broken down into three tiers: two or more persons related by blood including two additional unrelated persons; a group of not more than 4 persons; and two unrelated persons and any children related to them.

The Commissioners discussed the number of unrelated people living in a dwelling unit and parking challenges. Mr. Bradley let the Commission know that they can make the recommendation with a change to more than four unrelated people as long as they include supporting reasons. Commissioner Lester feels that the number of unrelated persons should be six. Commissioner Hancey feels that the only time this issue would be a problem would be with a nuisance complaint. The Commissioners discussed the USU campus and the fact that most students will not be living on campus, they will be commuting from home.

Commissioner Jones suggested that guardianship be added to the motion in reference to unrelated persons.

Motion: Commissioner Frye made a motion to open the public hearing on Application #3739. The motion was seconded by Commissioner Mildenhall and passed unanimously.

Commissioner Jones invited the public to make comment.

Diane Gauthoer came to the podium and stated that she feels it is possible for more than four young adults to live together.

Kristopher Ward came to the podium and stated that the language in the definition of a dwelling unit excludes studio apartments or one bedroom apartments which may not have doors and hallways. Commissioner Lester stated that the proposed language says one or more rooms which would include a studio apartment.

Lehi Jenks came to the podium and stated that the code needs to include a dwelling unit for family as well as something other than family. If the unrelated person's number is raised to six, families with an unrelated number other than two should be considered.

Motion: Commissioner Manning made a motion to close the public hearing on Application #3739. The motion was seconded by Commissioner Mildenhall and passed unanimously.

Discussion: Commissioner Jones polled the Commission on the number of unrelated persons. Commissioner Mildenhall favors four.

Commissioner Barsuhn suggested that the language, "which doors and hallways provide shared access to common living facilities," be removed from the dwelling unit definition. The Commissioners discussed the dwelling unit definition.

Motion: Commissioner Hancey made a motion that the Planning Commission forward Application #3739 to the City Council, who is the land use authority, with a recommendation that the definition of Dwelling Unit be approved as, "One or more rooms in a dwelling with shared access to common living facilities which include the provisions for sleeping, eating, cooking and sanitation for not more than one (1) family," and the definition of Family be approved with

the words, “or legal guardianship” added after “... blood marriage, or adoption,” with the Staff Recommendations, Stipulations and Findings of Facts that: 1) The current definitions were outdated and difficult to interpret consistently; 2) Proposed definitions are in more harmony with legal aspects and desired regulations for dwellings; 3) The amendment to the definitions under the circumstances of the particular case, should not be detrimental to the health, safety, or general welfare of persons residing in Brigham City; 4) Consider whether or not this amendment is desirable and in the best interest of the community and its residences; and 5) The recommended amendment follows the legal process as outlined by The Utah Municipal Code, which states, “[t]he legislative body may not make any amendment authorized by this subsection unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation. (Utah Code, Section 10-9a-503(2)).

The motion was seconded by Commissioner Manning.

Discussion:

Commissioner Lester stated that he will not vote for the change in the family definition with four unrelated persons, he would like it to read six unrelated persons. Commissioner Manning asked Mr. Ekins if four was a common number among other municipalities. Mr. Ekins stated that three and four unrelated persons were common. Mr. Bradley agreed and stated that they did not find six unrelated persons. Commissioner Lester agreed to four unrelated persons.

The motion passed unanimously.

Application # 3741 / Permitted Use Permit - Water Bottling Plant / Approximately 1200 West and Forest Street / Great Basin Engineering

Mr. Bradley stated that this Application was previously before the Planning Commission on a different site. He displayed the aerial photo on the screen and presented the Forest Street site showing 1200 West as the north/south arterial roadway. Access would be off Industrial Way which is a public street and leads to the back side of Autoliv. The docks and trucking storage area will be on the north side. There will be a large detention area on the southwest corner of the site with heavy landscape. Landscape will also be included along Forest Street. There will be an 8-foot black vinyl coated chain link fence set back 10 feet off of the property line. The building material will be concrete tilt up blocks. Commissioner Lester asked if the design meets the West Forest Street requirements for building surfaces. Mr. Bradley stated the building material meets the West Forest Street corridor overlay. He stated that the Planning Commission could discuss breaking up the color of the building.

Coury Morris came to table and stated that attention was paid to the West Forest Street overlay in the design, specifically in regards to moving the truck docks to the north side of the property and enhancing the landscape.

Commissioner Lester asked Mr. Morris if he had reviewed Staff comments. Mr. Morris stated that they have reviewed them and have addressed 75% of the comments. They agree with everything.

Commissioner Mildenhall asked specifics about the detention basin and if fencing should go around the basin as well. Mr. Morris stated that the pond will hold 3 ½ feet of water with a 100 year storm event but the water will drain out within a 24 hour period.

Commissioner Hancey asked if the Applicant will widen Industrial Way. Mr. Morris stated that they will tear the road out and start over with positive drainage. They will build to the full 60 foot right of way. He stated that some of the costs will be split between the developer and the RDA.

Commissioner Jones asked if Industrial Way is Autoliv's main entrance. Mr. Morris stated while under construction, Autoliv will have to use 1200 West.

Commissioner Hancey asked about improvements to 1200 West. Mr. Bradley stated that the City is working on acquiring additional right of way for the corridor from SR 13 to the Regional Park and eventually continue down to 1100 South. The developer and the City would each have certain responsibilities with the improvements of 1200 West. Per the Memorandum from Paul Larsen, Community & Economic Development Director, Project Straw has agreed to deed forty feet of right-of-way for this corridor. Commissioner Jones asked if Industrial Way will be continued north. Mr. Bradley stated that Autoliv's property runs from 900 West to 1200 West and the area behind Autoliv is for wetland mitigation. The Applicant would improve Industrial Way from Forest Street to the end of their property and then the road would transition back to the existing road.

Commissioner Manning suggested the south side of the building be similar to the west side of the building with the change in color.

Commissioner Jones asked if the 70 parking stalls included trucks. Mr. Bradley stated that there are 73 parking stalls not counting the ADA stalls.

Motion: Commissioner Manning made a motion that the Planning Commission approve Application #3741 acting as the land use authority with the Stipulations, Staff comments and Findings of Fact that: 1) 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; 2) Such use is in harmony with the West Forest Street Corridor Overlay Brigham City General Plan.

The motion was seconded by Commissioner Lester.

Discussion:

Commissioner Jones asked Commissioner Manning to include in her motion that the Applicant make the south side of the building more interesting.

Commissioner Manning added to the Motion that the Applicant include variation in color of paint or materials. Commissioner Lester agreed.

The motion passed unanimously.

Diane Gauthoer spoke out stating that she used to rent the property for pasture and when Autoliv was built, the stream water was cut by over half. Mr. Morris stated that 50% will be left in place so the water will continue through.

MOTION TO ADJOURN

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

The motion was seconded by Commissioner Manning.

The motion passed unanimously and the meeting was adjourned at 8:02 p.m.

This certifies that the regular meeting minutes of October 4, 2016 are a true and accurate copy as approved by the Planning Commission on November 1, 2016.

Signed: _____

Christina Boss, Administrative Assistant