

**BRIGHAM CITY PLANNING COMMISSION  
BRIGHAM CITY COUNCIL CHAMBERS  
Tuesday, February 7, 2017 6:00 p.m.**

PRESENT:	Reed Hancey	Chair
	Eve Jones	Vice-Chair
	Bill Frye	Commissioner
	Steven Barsuhn	Commissioner
	Scott Mildenhall	Commissioner
	Dean Lester	Commissioner
	Brian Owens	Alternate Commissioner
	Cindy McConkie	Alternate Commissioner

ALSO PRESENT:	Mark Bradley	City Planner
	Tony Ekins	Assistant Planner
	Christina Boss	Administrative Assistant
	Jeff Beckstead	Applicant
	Glade Boldt	Adjacent property owner
	Alicia Boldt	Adjacent property owner

**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.

Public Hearing<sup>2</sup> / Application # 17-005 / Amend Title 29 Zoning, Chapter 29.13 Commercial Districts / Modify the restriction for a Car Wash adjacent to a residential dwelling property line in the GC General Commercial District / Jeff Beckstead

Public Hearing<sup>2</sup> / Application # 17-006 / Zone Change on two sections of land associated with the South Bench Subdivision and 600 South Street re-alignment / R-1-8 (Residential) to R-M-7 (Multiple Residential) on approximately 498 sq. ft. (0.01) acre and R-M-7 (Multiple Residential) to R-1-8 (Residential) on approximately 6,956 sq. ft. (0.16) acre / Located at approximately 600 South and 900 East / Crossman, Ferguson, and Brigham City Corp

Discussion

**REGULAR MEETING**

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

**APPROVAL OF MINUTES**

Commissioner Jones made a motion to approve the minutes from the January 17, 2017 meeting as written. The motion was seconded by Commissioner Lester and passed unanimously.

**PUBLIC COMMENT**        There was no public comment.

**Public Hearing<sup>2</sup> / Application # 17-005 / Amend Title 29 Zoning, Chapter 29.13 Commercial Districts / Modify the restriction for a Car Wash adjacent to a Residential dwelling property line in the GC General Commercial District / Jeff Beckstead**

Mr. Ekins came to the table and explained that the code currently states car washes are not permitted in the General Commercial District when they are adjacent to residential dwellings. In 2003, the car wash code was changed to conditional use to mitigate intrusive noise concerns from residents adjacent to car wash businesses in the General Commercial and Central Business District zones. Mr. Bradley came to the table and stated conditional uses are now considered a permitted use unless there is a particular condition that cannot be mitigated. In 2009, there were several code changes to make conditional uses permitted uses with conditions listed. Car washes were included in that change and they were permitted unless they were adjacent to a residential property. Mr. Ekins displayed the code on the screen and pointed out that currently in the Central Business District car washes are not permitted at all. He displayed the Applicant's draft language to amend the code and stated option one is site specific and would not apply to the entire General Commercial zone. Option two would require the City to regulate and enforce what decibel level hits a property line. Mr. Ekins displayed the site which is next to Big O and pointed out the residential dwellings behind the property. The Applicant is proposing a tunnel conveyer type of car wash which will reduce the blower and vacuum noise; however, there will still be noise. Notices were sent to all adjacent property owners. One property owner called in and stated that they would send a representative to speak on their behalf.

**Motion:** Commissioner Frye made a motion to open the Public Hearing. The motion was seconded by Commissioner Lester and passed unanimously.

Mr. Boldt came to the table and stated that his property abuts the proposed car wash site. He is concerned about the noise level, traffic, loud music, and hours of operation.

Ms. Boldt came to the table and stated her concern is the traffic and noise in the early morning and late night hours. Their house is two stories and she is concerned that the sound will travel up. She is also concerned about headlights shining into their windows. The two commercial businesses behind their property are Big O and South Fork Hardware. Big O's noise is minimal with some noise in summer months when the garage doors are open. She stated that the South Fork Hardware building blocks street noise. She feels that it would be helpful if the car wash would have regular business hours.

**Motion:** Commissioner Jones made a motion to close the Public Hearing. The motion was seconded by Commissioner Lester and passed unanimously.

Mr. Beckstead came to the table and stated that the car wash he is proposing is not a 24-hour business. Operating hours would possibly be from 8 a.m. to 8 p.m. and could be negotiated. The car wash would have an attendant running the car thru on a conveyor. The attendant would be on site during hours of operation and the entire property would be gated. All functioning equipment would be inside the building which would mitigate the sound. Mr. Beckstead stated that high speed roll up doors could also be installed. There would be a barrier wall where the cars enter and exit which would be a minimum of six feet tall and would be unit masonry or concrete. The barrier walls would transition to the building. The elevation was shown on the screen with the entry and exit on the north and south sides of the property. Parking would be in the front of the property with the nozzles for the central vacuum. Mr. Beckstead feels that the current ordinance does not protect the residential properties. He explained that option one of his draft ordinance change would mediate sound. He stated that the decibel level in option two would be engineered at the time of installation. He feels that in the General Commercial zone there are not a lot of options for this type of business.

Commissioner Lester stated that the proposed ordinance change is not specific for the Applicant's car wash. He also stated that any decibel level for a continuous period of time would be annoying for a resident whose property abuts the car wash. He is hesitant to make a recommendation to change the ordinance with the draft language. Mr. Beckstead stated that he was directed to present a draft that worked for the whole City and not just his site.

Commissioner Jones stated that the draft language does not address lighting and that the sound barrier at six feet would not be effective for a two-story house abutting the car wash property. She stated that the ordinance has to be written in such a way that it can be applied to all car washes. She feels that the Commission could work with the language if it were to include more specifics; for example, a fully enclosed facility and specified hours of operation.

Commissioner Barsuhn is concerned that the height of the barrier wall would be ineffective. The decibel rating is subject to atmospheric conditions and will vary depending on the weather. Mr. Beckstead stated that the decibel level referred to in the draft is the noise created from one type of blower at the end of the car wash, not at the property line. Mr. Beckstead stated that the six-foot wall is primarily for engine noise.

Commissioner Owens feels that going to a similar car wash would be helpful to see and hear what the Applicant is proposing. Mr. Beckstead stated that Tommy Wash on Harrison Blvd. and Highway 89 is the most similar car wash to what they are proposing; however, it has external vacuums and does not have high speed roll up doors.

When Mr. Bradley visited the Green Gorilla in North Logan, he noticed the vacuums ran constantly and the blowers at the exit are inside but are elevated and can be heard at the street. Mr. Bradley stated that Staff recommends that the Planning Commission go look

at car washes similar to what the Applicant is proposing. He stated that the Planning Commission can list very specific details with a permitted use. Mr. Bradley also mentioned that the City does have areas such as 1100 South where car washes are permitted. He stated that City Code requires a solid privacy wall where commercial property abuts residential property.

Commissioner Hancey would like to know what the decibel level would be at the street. He would also like to know what the recourse would be if limits were established and there was a violation. Mr. Ekins stated that the City has a noise ordinance from 6 a.m. to 10 p.m. There is an ordinance dealing with decibel levels; however, the City does not regulate and enforce decibel levels. Hours of operation can be enforced with the revocation of a business license.

Commissioner Lester suggested that the Commissioners let the Applicant know if they would support changing the ordinance. There was a majority of support for the change.

**Motion:** Commissioner Jones made a motion to continue Application #17-005 to a future date until such time as there is sufficient language for a new ordinance.

The motion was seconded by Commissioner Mildenhall. The motion passed by a majority as follows: Commissioner Hancey, aye; Commissioner Jones, aye; Commissioner Frye, aye; Commissioner Mildenhall, aye, Commissioner Barsuhn, aye; Commissioner Owens, aye; Commissioner McConkie, aye; Commissioner Lester; nay.

Commissioner Hancey suggested that the Applicant come back with a plan to contain the noise. Commissioner Jones suggested that the Commissioners draft language they are comfortable with.

**Public Hearing<sup>2</sup> / Application # 17-006 / Zone Change on two sections of land associated with the South Bench Subdivision and 600 South Street re-alignment / R-1-8 (Residential) to R-M-7 (Multiple Residential) on approximately 498 sq. ft. (0.01) acre and R-M-7 (Multiple Residential) to R-1-8 (Residential) on approximately 6,956 sq. ft. (0.16) acre / Located at approximately 600 South and 900 East / Crossman, Ferguson, and Brigham City Corp**

Mr. Bradley came to the table and stated that this is the clean-up zone change item as part of the South Bench Subdivision project. He displayed the zone map on the screen and reminded the Commission that the South Bench Subdivision is zoned R-1-8 and Dr. Ferguson's property is zoned R-M-7. The remnant piece of future Lot 1 needs to be rezoned from R-M-7 to R-1-8 and the small triangle to the north of future Lot 1 will be rezoned from R-1-8 to R-M-7.

**Motion:** Commissioner Frye made a motion to open the Public Hearing. The motion was seconded by Commissioner Jones and passed unanimously.

**Motion:** Commissioner Jones made a motion to close the Public Hearing. The motion was seconded by Commissioner Lester and passed unanimously.

**Motion:** Commissioner Jones made a motion to forward Application #17-006 to the City Council with a recommendation for approval with the Findings of Fact that: 1) The change for the street alignment to be consistent with the Transportation Element of the General Plan caused the need to rezone properties; 2) The rezoning of the properties is a clean-up effort in order for parcels to have the same zoning district; 3) The zone change request is consistent with the City General Plan; and 4) The legislative body may not make any amendment authorized by this subsection (Utah Code, Section 10-9a-503) unless the amendment was proposed by the planning commission or was first submitted to the planning commission for its recommendation.

The motion was seconded by Commissioner Lester and passed unanimously.

## **DISCUSSION:**

Mr. Bradley let the Commissioners know that the American Planning Association's Spring Conference is being held on April 20-21. Planners Day is Friday, April 21<sup>st</sup>. He invited the Commissioners to check their availability so that they can be registered. The conference will be held at the Academy Center.

Mr. Bradley stated that Debbie Manning has resigned. The City Council will appoint the 1<sup>st</sup> Alternate, Brian Owens, as a regular member and the 2<sup>nd</sup> Alternate, Cindy McConkie, will move into 1<sup>st</sup> Alternate. The Commission will then consider other names for a 2<sup>nd</sup> Alternate.

Commissioner Hancey asked the new Commissioners to introduce themselves. Each Commissioners then stated their name and background.

The City Council has not yet accepted the General Plan.

## **MOTION TO ADJOURN**

**Motion:** A motion was made by Commissioner Lester to adjourn.

The motion was seconded by Commissioner Jones.

The motion passed unanimously and the meeting was adjourned at 7:28 p.m.

*This certifies that the regular meeting minutes of February 7, 2017 are a true and accurate copy as approved by the Planning Commission on February 21, 2017.*

Signed: \_\_\_\_\_

*Christina Boss, Administrative Assistant*