



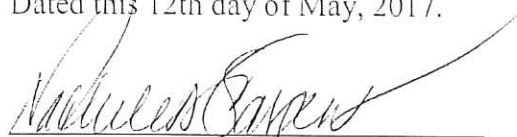
COALVILLE CITY PLANNING COMMISSION MEETING NOTICE AND AGENDA

Notice is hereby given that the Coalville City Planning Commission will hold its regular Meeting on Monday, May 15, 2017 at the Coalville City Hall located at 10 North Main Street, Coalville Utah. This meeting will begin at 6:00 P.M. The agenda will be as follows:

1. Roll Call
2. Pledge Of Allegiance
3. **Public Hearing:** Zone Amendment To Change The Language For A Permitted Use In The Commercial Zone To Allow A Car Wash Next To A Residential Property Line
4. Community Development Updates
5. Review and Possible Approval of Minutes
6. Adjournment

** Coalville City reserves the right to Change the order of the meeting agenda as needed.*

Dated this 12th day of May, 2017.


Nachele D. Sargent

******In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the City Hall (435-336-5981) at least three days prior the meeting.

Posted: May 12, 2017 City Hall, Utah State Posting Website

Mayor
Trever Johnson

Council
Adrienne Anson
Cody Blonquist
Arlin Judd
Rodney Robbins
Tyler Rowser

PO Box 188
10 North Main Street
Coalville, UT 84017

P: 435.336.5981
F: 435.336.2062
cityhall@coalvillecity.org
www.coalvillecity.org

Coalville City Planning Commission
Regular Meeting
HELD ON
May 15, 2017
IN THE
CITY HALL

Planning Chair Dusty France called the meeting to order at 6:04 P.M.

Planning Commission Members Present: Planning Chair: Dusty France
Vice Chair: Walter Yates
Commissioners: Linda Vernon,
Brice Lucas
Nathanael Davenport (excused)
Jason Moore (excused)

City Staff Present:

Shane McFarland, Community Director
Zane DeWeese, Public Works Director
Nachele Sargent, City Recorder

Public In Attendance:

David Vernon, Darrin Judd, Eliseo A
Martinez, Todd Judd, Jana Dalby,
Stephen Dalby, Ed Keyes, Norm
Ingram

Item 1 – Roll Call:

A quorum was present.

Item 2 – Pledge Of Allegiance:

Chair Dusty France led the Commissioner's, Staff and Public in the Pledge Of Allegiance.

Item 3 – Public Hearing: Zone Amendment To Change The Language For A Permitted Use In The Commercial Zone To Allow A Car Wash Next To A Residential Property Line:

Shane McFarland reference the Staff report (Exhibit A) and explained the Permitted Uses in a Commercial Zone. He stated there had been a proposal for an automated car wash for the property at 90 South Main and this was the reason this had come up for review. Shane stated the Code change was not specific to that property. It needed to be considered as a whole for the entire Code. He stated the Council had decided to have the Planning Commission review this item to see if a change was needed and if it

was something they wanted to recommend to the Council. Shane stated it had been questioned why it was written this way, but there wasn't a clear answer. He stated some thought it was a carryover from when the other car wash was developed and others thought it was copied and pasted from another Code. Shane stated the decision tonight was to recommend changing the Code text in Title 10-15-020 to remove the portion about "not adjacent to a residential property line" or leaving it the way it was. Shane stated tonight was not a night to make comments directly for the property at 90 South Main. Chair Dusty France stated he felt it would play a part as it would allow a car wash to be built there.

Chair Dusty France opened the public hearing at 6:23 P.M.

Norm Ingram – Renter Of Adjacent Property

Norm Ingram stated he was in the process of purchasing the property adjacent to 90 South Main. He stated he was not in favor of having a car wash there and didn't think it was a good idea to have one as people pulled in to town. He stated he didn't think a car wash would help the City and personally didn't think it was a good idea.

Todd Judd – Family Representative

Todd Judd stated he was representing his father, Arlin Judd, who owned the property at 90 South Main. He stated one thing that struck a note with him tonight was everyone had just recited the Pledge Of Allegiance that stated "justice for all" and didn't understand how one piece of property would have restrictions that wouldn't allow a car wash to be built on it, but you could build a 24 hour restaurant there. He stated he thought the "justice for all" thing needed to be looked at in this situation and as a whole for the community to allow some growth.

David Vernon – City Resident

David Vernon stated while he agreed with Todd Judd, it was only up to a point as there also needed to be justice for whoever ended up living next to something that may be undesirable to live next door to, a car wash or something else that may be an undesirable enterprise. He stated as far as looking at why it was listed in the Code like this, he stated he didn't know for sure, but at one time the City allowed a car wash to be built next door to a residence and they received a lot of flak from it and that may be when the wording was put in. David Vernon stated he realized this didn't apply to just the one piece of property, but that couldn't be ignored either. He stated this was something that no one would want to live next door to. He stated if they did choose to

change the language in the Code, a car wash should be listed as a Conditional Use and not a Permitted Use even within the Commercial Zone. David Vernon stated that would allow the City to have some stipulations over the different activities there like the hours of operation, etc. This would help mitigate the negative factors for the closest neighbors. He stated as far as why it was in there, it was there before he was on the City Council and had been there a long time. He stated he understood there were a limited number of parcels in the Commercial Zone for development, but he wouldn't want to live next door to a car wash. He stated he hoped they would consider all the different aspects when making their decision.

Darren Judd – City Resident

Darren Judd stated there wasn't a parcel in Coalville that wasn't next to a residence and businesses were still built there. He stated personally he would welcome living next to a car wash compared with what he lives next to right now. He stated with what he had to deal with on a daily basis from one of the businesses next to him, he would gladly welcome a car wash in his neighborhood. Commissioner Linda Vernon questioned what business he lived next too. Darren Judd replied he lived next to Big Country Auto.

Todd Judd – Family Representative second comment

Todd Judd questioned what else was restricted in the Code that couldn't be put on this parcel. Shane McFarland stated nothing else was restricted, just this particular use. Todd Judd stated so there was no clear definition of why a car wash was restricted. Shane McFarland stated he could make assumptions and it would be in line with what was already stated earlier and felt it was very much in line with the other car wash being built next to a residence. He stated if an applicant wanted they could put in an automobile fuel or service station, parts business, assisted living facility, bed and breakfast, hotel, restaurant, etc. The car wash use was the only thing that had this restriction. Todd Judd stated he found that to be discriminatory. He stated if someone wanted to build a gas station, it would already be done by now. He stated this discussion would not be taking place. Shane agreed and stated that was correct. Todd Judd stated there was residential all along the Commercial district and there were businesses built all along there, Denise's, Subway, the Laundromat, Napa, etc. He encouraged the Commissioner's to change the Code so it wasn't discriminatory. Chair Dusty France clarified this wasn't the only type of business that was restricted, but it was the only one in the Permitted Uses with a restriction. He stated there were other types of businesses that weren't allowed or were Conditional Uses. Todd Judd

stated but it was the only one of the Permitted Uses that was restricted and if it was taken literally, there wouldn't be a place that a car wash could be built.

Chair Dusty France closed the public hearing at 6:34 P.M.

Commissioner Walter Yates questioned if this item was referring to the Highway Commercial Zone or just the Commercial Zone. Shane stated it was in the Commercial Zone, but either way it was listed the same. The Commissioner's reviewed the Zoning Map. Commissioner Brice Lucas verified if they were to change it to a Conditional Use if the language would be changed. Shane stated regardless if it was a Conditional Use or a Permitted Use, the language should be changed to remove the "next to a residential property line" restriction. He stated making it a Conditional Use would allow the City to put some stipulations on the business like installing a privacy fence or hours of operation, etc. Shane stated the City didn't like having Conditional Uses, but it would give a little more benefit for the adjacent property. Chair Dusty France stated there was a lot that went on at car washes in general, manned or unmanned. He stated the utility use, treatment of the waste water, the time of operation, noise issues, etc. He stated he knew the mist of chemicals that sprayed across the property on to other people gardens had been an issue and a problem for yards. He stated he was not comfortable removing the wording and leaving it as a Permitted Use. Chair Dusty France stated he would be more in favor and would strongly suggest if they wanted to remove the wording to have it as a Conditional Use. Chair Dusty France stated he thought the wording was to try and accommodate the Conditional Use option. The intent wasn't to never allow a car wash. He stated they would be able to mitigate the issues of having to live next to one. He stated he also felt they would need to address the safety of pedestrians with the traffic flow. Chair France stated a car wash use was also known for being a collection spot for less desirable activities. Commissioner Brice Lucas referred to the Code under section A in the Commercial Zone where it stated "this Zone was designed to provide a focal point for the community and to provide convenient pedestrian and vehicle access without hazards and conflicts in residential neighborhoods" and stated he felt that may be the reason the wording was listed the way it was. Shane McFarland stated that was correct, but to remember it was a Commercial Zone. Commissioner Lucas questioned if they could change the car wash to be Permitted in the Highway Commercial Zone instead of just the Commercial Zone. Commissioner Linda Vernon stated it would just have the same issues of being next to a residence. Chair Dusty France stated it was allowed in the Industrial Zone as a Permitted Use without the additional residential language. He stated he wasn't against commercial growth, but at what and who's expense still needed to be considered. Commissioner Linda Vernon stated she felt the language was probably in there because of the issues from the past car wash being built next to

a home and for some reason a car wash attracted undesirable behavior. She stated she spoke with someone from the Utah League of Cities and Towns and his lawyer had expressed the same thing that historically a car wash was considered a nuisance business because of the noise, garbage, spray, unattended, and no way to restrict it at night as it could be a 24 hour business and residents were severally impacted by that and that was why historically it was a restricted or conditional use next to residential property. She stated she didn't think it was unusual for it to be listed the way it was. She stated she felt it was there to protect the residents. Chair Dusty France agreed and stated it may be listed this way to encourage them to go in the Industrial Zone. The Commissioner's discussed the options of having it as a Conditional Use, leaving it the way it currently was or allowing it as a Permitted Use.

A motion was made by Commissioner Linda Vernon to leave the Zoning language as is and to not change the Code with regards to the section for a Car Wash automatic or manual. Commissioner Brice Lucas seconded the motion. The Ayes won the vote. Motion Carried.

**Commissioner Dusty France – Aye
Commissioner Brice Lucas – Aye
Commissioner Walter Yates – Abstain
Commissioner Linda Vernon – Aye**

Shane McFarland stated the Council would receive the Planning recommendation and would hold a public hearing for the same issue at their meeting on June 12, 2017.

Item 4 – Community Development Updates:

Shane McFarland stated the City Council agreed with the Planning recommendation for the Zone change, but modified it slightly by approving the Zone change to R-2 only for CT-317-X and left CT-317-A and Deer View Subdivision Amended as R-1. He stated there were some concerns for the Deer View Subdivision Amended that changing the Zone would take away their animal rights and they had purchased the property specifically for that. There was also the concern that people in the Deer View Subdivision Amended that owned one acre lots may want to subdivide them again and even though that wasn't allowed it was a concern that was discussed. Shane stated the 21 acre piece was approved for R-2 and their Engineer had already contacted him to meet. He stated he would go through a technical review with them and then it would be brought to Planning for approval. Shane stated the Developer was open to trails and a pocket park, but he wouldn't know for sure until they brought in their plans. Commissioner Walter Yates verified there was nothing in the Code that

required them to put those items in. Shane McFarland agreed and stated it was not currently a requirement. Commissioner Linda Vernon stated she felt as a Commission they needed to address these items now. It would be a benefit to the community to have the trail systems and the requirements needed to be added to the Code now before everyone started developing their land. She stated right now the Commission didn't have any say to require them to add that to their development. Commissioner Vernon stated the County was considering a walk-way along Chalk Creek with their Fairgrounds development and it would be nice to be able to continue with that. Shane McFarland stated the General Plan was written to encourage that type of feel and they could require the development to meet the purpose of the Plan. Commissioner Linda Vernon read from the General Plan Parks, Open Space and Environment Goal #3 where it stated "Multiple-use trail and sidewalk systems should be expanded...particularly along Chalk Creek Corridor...and within new developments. The Commissioner's discussed their options and what they felt needed to be required for developments to preserve open space and keep the rural feel. Shane stated they could review and update the Trails Master Plan. He stated the Council had the final say, but it was the Commission's responsibility to make the call on the parks and trails. Commissioner Walter Yates stated he would like to review that plan at the next Planning meeting with the option of updating it and adding it to the requirements for any subdivision built. Shane McFarland stated there would be other items that would be coming before them for review and they would be reviewing the Code in sections to have a complete and updated Code.

Shane McFarland stated the City contracted with JUB Engineers Inc. to provide planning service for the City and they recently hired someone, Derrick Moss, which was a licensed planner that would be helping. Shane stated he was a licensed Engineer and this wasn't his area of expertise and Derrick would have the experience and knowledge to guide some of the decisions that would be coming before the Commission.

The Commissioner's discussed what would be allowed for and the procedure for the subdivision. Shane informed them the subdivision would come before the Planning Commission with a public hearing for their preliminary and final plan for approval. He stated it would also go before the Council with a public hearing for the preliminary and final plan. Shane stated the Developer would need to decide how to extend 50 North and would be required to stub for access for adjoining properties. The Commissioner's discussed the street options.

Commissioner Walter Yates stated he would like to review the permitted uses in the Commercial Zone at the next Planning meeting.

Item 5 – Review Of Minutes:

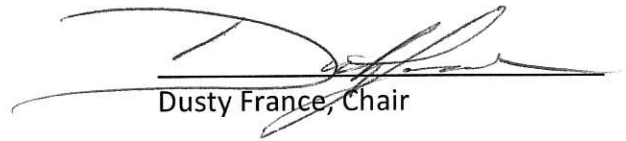
The Commissioners reviewed the minutes of the April 17, 2017 meeting.

A motion was made by Commissioner Brice Lucas to approve the minutes of April 17, 2017 as amended. Commissioner Linda Vernon seconded the motion. All Ayes. Motion Carried.

Item 6 – Adjournment:

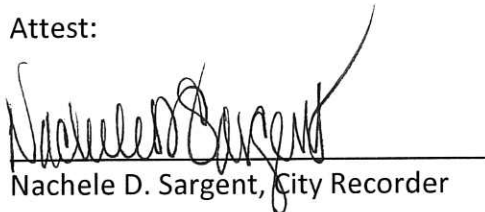
A motion was made by Vice Chair Walter Yates to adjourn the meeting. Chair Dusty France seconded the motion. All Ayes. Motion Carried.

The meeting adjourned at 7:48 P.M.



Dusty France, Chair

Attest:



Nachele D. Sargent, City Recorder



J·U·B ENGINEERS, INC.

"Exhibit A"
5/15/17 Planning
JUB COMPANIES



THE
LANGDON
GROUP



GATEWAY
MAPPING
INC.

DATE: May 12, 2017
TO: Coalville Planning Commission
CC: Mayor Trever Johnson; Zane DeWeese, Public Works Director;
Sheldon Smith, City Attorney;
FROM: Shane McFarland P.E., City Engineer
SUBJECT: Code Amendment (5517002)

Application Information: Title 10-15-020 lists all permitted and conditional uses. Under item 3 it states that a Car wash, automatic or manual is a permitted use "provided property is not adjacent to a residential property line."

Applicable Ordinances: Title 10-3-080 & Title 10-15-020

Decision to be Made: The decision to consider is changing the zoning text related to automatic or manual car washes and to allow a car wash to be built adjacent to a residential property line.

The planning commission is not charged with making the decision for approval of the proposed text amendment. The City Council acting as the Legislative Body is to make the final approval. The planning commission is charged with the decision to either recommend approval, recommend approval with modifications or denial of the proposed text amendment. This recommendation is then submitted to the city council.

Refer to section 10-3-080 E for factors to consider while making the decision.

Background: In recent months an application to build an automatic car wash on property located at 100 south main street has been submitted. Due to the current zoning text the application was denied due to the property being adjacent to a residential property line. During a recent public council meeting a commitment was made to review the code text and make a decision on the need to change the text or keep it as currently approved.

Staff Comments: This zoning text amendment is not necessarily for the above mentioned property only. This amendment is to consider the entire commercial zone. There is no clear reason as to why the current text is written as it is. A car wash is the only permitted used that has a stipulation that is can't be adjacent to a residential property line.

