

## ***Payson City Planning Commission Staff Report, October 11, 2017***

### ***Request for Recommendation of Approval for a Conditional Use Permit to Allow an Auto Body Shop in the GC-1, General Commercial Zone***

#### ***Approval Process:***

<b>Development Review Committee:</b>	Technical and Administrative Review
<b>Planning Commission:</b>	Recommendation to City Council
<b>City Council:</b>	Approval or Denial (Legislative Action)

#### **Background**

The applicant, Cameron Johnson, is requesting a recommendation of approval from the Planning Commission and approval from City Council to operate an auto body shop in the GC-1 zone on Utah County parcel #080570012 at 438 S 100 W. The parcel is owned by Brad Bushman and leased by the applicant. The applicant currently operates an automobile sales business at the location. The applicant intends to both repair and sell cars at the location as part of the same business, called Payson Autobody and Glass.

As indicated in Appendix A of the Zoning Ordinance, automobile sales is a permitted use in the GC-1 zone, while auto body and vehicle repair are conditional uses. Approval of the conditional use permit for the auto body and repair portion of the business shall be granted by City Council provided that any negative impacts of the proposed use can be mitigated by the conditions of the permit. Accordingly, City Council may impose reasonable conditions to mitigate negative impacts beyond those inherent in the permitted uses in the zone.

Prior to relocating to this location, the applicant had operated his business for the past three years without incident at 100 N 94 W, where he had a conditional use permit to operate the same business in the CC-1 zone.

Prior to forwarding a recommendation to the City Council, the Planning Commission is required to hold a public hearing in order to obtain input from the community. Property owners within five hundred (500) feet of the business have been notified, the notice has been posted in appropriate locations, and the public hearing was advertised in the newspaper for a minimum of fourteen (14) days.

#### **Analysis**

The Conditional Use Permit procedure in Payson City Code 19.13 allows City Council to approve, deny, or conditionally approve any request for a conditional use permit based on a series of criteria. The City Council will need to weigh and consider the following criteria set forth in Payson City Code 19.13.6:

1. Harmony of the request with the general objectives of the General Plan, Zoning Ordinance, Subdivision Ordinance, any other City Ordinance and the particular zone in which the request is located.
2. Harmony of the request with the existing uses in the neighborhood.
3. Development or lack of development adjacent to the site.
4. Whether or not the request may be injurious to potential development in the vicinity.
5. Present and future requirements for transportation, traffic, water, sewer, and other utilities.
6. Suitability of the specific property for the proposed use.
7. Number of other similar conditional uses in the area and the public need for the conditional use.

8. Economic impact on the neighborhood.
9. Aesthetic impact on the neighborhood.
10. Safeguards to prevent noxious or offensive omissions such as noise, glare, dust, pollutants, and odor.
11. Attempts by the applicant to minimize other adverse effects on people and property in the area.
12. Impact of the proposed use on the health, safety, and welfare of the city, the area, and persons owning or leasing property in the area.

In consideration of the factors listed above, as set forth in Payson City Code 19.13.6, Staff suggests the following conditions of approval:

1. The property is surrounded by single family residences. An auto body shop often produces more noise, dust, water and fluids, and visual blight than other permitted uses in the zone. Accordingly, staff suggests the following measures to mitigate the additional impact:
  - a.) An opaque screening fence to screen the business from neighboring residential properties. This could be done through perimeter fencing or fencing around all areas used for staging of damaged vehicles. Under Payson City Code, chain link fencing cannot be used to screen outdoor storage.
  - b.) Hours of operation shall be restricted to reduce noise in evenings and early mornings. The hours of operation shall be restricted to 7 am to 8 pm.
  - c.) All restoration and repair work must be conducted within an enclosed structure
  - d.) All vehicles for sale must be parked in a legal off-street parking space on premise and not on a public street. Doing to the nature of 100 W, staff recommends prohibiting on-street parking.
2. The applicant is requesting a paint booth. Staff requests all rooftop and exterior equipment installed be screened from view.
3. The applicant is requesting a conditional use permit for automobile repair and auto body work. Heavy machinery, farm equipment, unused and discarded equipment should not be permitted on the site. The restoration and sales work shall be limited to automobiles and passenger trucks. Dismantling of wrecked or decommissioned vehicles for usable parts, scrap metal, or metal recycling is not permitted (i.e. no wrecking or salvage yard).
4. Because of the many chemicals and solvents used in auto body restoration, the applicant will need to provide a list of chemicals (MSDS list) that will be stored or used on the site. Pre-treatments of wastewater or containment of materials may be required depending on the type of product used.
5. Site and security lighting must be designed to provide adequate lighting while minimizing light pollution onto surrounding properties. Lighting shall be screened and directed downward.

## **Recommendation**

The Planning Commission will need to determine if the proposed conditional use is an appropriate use in this location and consistent with the development goals of the City. Following review of the site plan, application materials, and the contents of the staff report, the Planning Commission may:

1. Remand the request of the applicant back to staff for further review. The Planning Commission should select this option if it is determined that the applicant has not provided enough information for the Planning Commission to formulate and forward a well-informed recommendation to the City Council.
2. Recommend approval of the request without conditions. If the Planning Commission chooses to recommend approval of the conditional use without conditions, the opportunity to mitigate any potential adverse impacts is missed.
3. Recommend approval of the request with the conditions proposed by staff or more or fewer conditions. The conditions adopted should be appropriate to mitigate any additional adverse impact.

4. Recommend denial of the request. The Planning Commission should select this option if it is determined that the adverse impacts cannot be reasonably mitigated through conditions.

Each recommendation of the Planning Commission should include findings that indicate reasonable conclusions for their recommendation.