

**PAYSON CITY PLANNING COMMISSION
MEETING MINUTES
March 12, 2014**

REGULAR SESSION – CITY COUNCIL CHAMBERS

CALL TO ORDER: 7:00 p.m.

ROLL CALL: Acting Chairman Blair Warner, Commissioners Ted Fitzgerald, Rob Baird, George Van Nosedol; City Councilmen Kim Hancock, Mike Hardy; Planner Jill Spencer; and Zoning Administrator Jon Lundell. Commissioners John Cowan, Todd Cannon, and Harold Nichols excused.

INVOCATION: Commissioner Van Nosedol

PUBLIC FORUM

Commissioner Fitzgerald stated his concern about parking of the vehicles at Mr. Automotive and how they are protruding over the sidewalk.

Staff will look into the situation to see if the activities have resulted in a violation of city ordinance.

CONSENT AGENDA

- Approval of minutes for the regular meeting of February 26, 2014

*Motion by Commissioner Fitzgerald to approve the minutes from February 26, 2014 with noted changes.
Seconded by Commissioner Baird.
Motion carried.*

REVIEW ITEMS

REVIEW AND RECOMMENDATION REGARDING A REQUEST BY BILL BEIFUSS FOR APPROVAL OF A CONDITIONAL USE PERMIT TO OPERATE AN AUTOBODY RESTORATION BUSINESS IN THE EXISTING BUILDING LOCATED AT 94 WEST 100 NORTH IN THE CC-1 CENTRAL COMMERCIAL ZONE.

Planner Spencer presented information from the following staff report.

Background

The applicant, Bill Beifuss is seeking a recommendation of approval from the Planning Commission and approval from the City Council to operate an auto body shop on Utah County parcel #08-038-0004 located at 94 West 100 North in the CC-1, Central Commercial Zone. The parcel is currently owned by L & C Holdings LC and the applicant has entered into a contract with the owner to purchase the property. The existing building on the site was constructed and used as a car wash, but has been vacant for many years. Due to years of neglect, the site has deteriorated to a point that improvements are necessary to ensure the building is safe and the site is properly maintained.

The applicant is proposing to rebuild damaged vehicles purchased from insurance companies and sell the refurbished vehicles on the site. The building will be renovated to accommodate the auto body and restoration activities within the building and the asphalt area in front (south) of the building will be improved to accommodate the display of the refurbished vehicles as well as employee and patron parking. Outdoor storage of the damaged vehicles will occur behind (north) the building and screened from public view by a sight-obscuring fence. It should be noted that residential use (single family dwelling) is located immediately north of the project site.

As indicated in Appendix A of the Zoning Ordinance, *automobile and passenger truck sales* are classified as a permitted use and *auto body work and restoration* is a conditional use in the CC-1 Zone. In accordance with Chapter 19.8 of the Zoning Ordinance, the Site Plan for the automobile sales business may be reviewed and approved by staff, provided the

applicable regulations of the development ordinances are satisfied. However, approval of a Conditional Use Permit must be granted by the City Council to operate the auto body shop. As with any conditional use, it is the applicant's responsibility to demonstrate to the City Council that any potential negative impacts of the proposed use can be mitigated. Moreover, the City Council may impose reasonable conditions to ensure negative impacts are eliminated or mitigated to the extent possible.

In order to obtain a Conditional Use Permit, the applicant will need to appear before both the Planning Commission and the City Council to discuss the proposed Conditional Use Permit. Although the Planning Commission is not required to hold a public hearing, a recommendation from the Planning Commission is required before the City Council makes a final decision on the request. A public hearing will be conducted prior to the final decision of the City Council. Proper notice of the hearing will be provided before the public hearing, including courtesy notice mailings to the surrounding property owners.

Analysis

Uses designated as conditional uses require special consideration from the Planning Commission and City Council. These uses may or may not be appropriate in particular locations or without the applicant mitigating potential negative impacts. The Planning Commission and the City Council must evaluate the appropriateness of designated conditional uses on a case by case basis. The Conditional Use Permit procedure allows the City Council to approve, deny, or conditionally approve any request for a Conditional Use Permit based on the criteria found in Chapter 19.13 of the Zoning Ordinance.

The City Council will need to review the proposed conditional use considering the criteria and factors set forth in Chapter 19.13.6. The validity of the permit will be conditioned upon strict compliance with applicable City ordinances, the approved project plan, and any additional conditions or requirements imposed by the City Council. The City Council shall be the final authority for all applications for Conditional Use Permits. The following factors shall be weighed and considered when determining whether a Conditional Use Permit application should be approved, approved with conditions or denied:

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 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.

Following review of the application for consistency with the development ordinances of Payson City and in consideration of the criteria and factors set forth in Chapter 19.13.6, staff would suggest that the following conditions of approval be considered by the Planning Commission and City Council.

1. The proposed conditional use is located in a commercial zone, but immediately adjacent to residential uses. Therefore, a primary concern for the Planning Commission will likely be the protection of the residential units in the surrounding area. Staff would suggest the following conditions be imposed to protect adjacent residential uses:
 - a. Auto body businesses are typically noisy, and often create significant dust. The applicant has indicated the hours of operation will be 7:00 a.m. to 7:00 p.m. Staff is suggesting that the Conditional Use Permit indicate that auto body restoration activities are restricted to these hours to limit the potential negative impacts on adjacent residential uses.
 - b. Projects with boundaries that adjoin residential uses are subject to use transition regulations. Information will need to be provided that indicates the measures that will be taken to minimize potential impacts on surrounding residential uses. If it is determined that a fence higher than six (6) feet could be beneficial in

- mitigating potential impacts, a height extension could be granted concurrently with the request for approval of a Conditional Use Permit.
- c. Except for vehicle sales display, all business operations, including restoration and repair work must be conducted within an enclosed structure.
 - d. Staging areas for damaged vehicles must be permanently screened from public view. The applicant is proposing a six (6) foot chain link fence with vinyl slats; however, City ordinance indicates that chain link fencing cannot be used to screen outdoor storage. The fence will need to be constructed of materials used to construct the primary building.
 - e. Any use determined by the City Council to create a nuisance as defined in the Zoning Ordinance, such as noise, dust, odor, or debris will not be allowed in conjunction with the Conditional Use Permit.
2. The restoration and sales business is limited to automobile and passenger trucks. Farm equipment, heavy machinery, unused and discarded equipment, etc. is not allowed on the site. Furthermore, the dismantling of wrecked or decommissioned vehicles for usable parts, scrap metal, or metal recycling is not allowed (i.e. wrecking yard, salvage yard).
 3. The applicant is proposing a paint booth within the building. Information will need to be provided on the location and type of venting and filtering system that will be installed. Any rooftop equipment will need to be properly screened from public view.
 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-treatment of wastewater or containment of materials may be required depending on the type of products used.
 5. Site and security lighting must be designed to provide adequate lighting while minimizing light pollution onto surrounding properties, particularly residential areas.
 6. The building is located in the Historic Downtown area and the City Council has imposed certain design criteria for buildings in this district. At a minimum, a prominent entrance feature will need to be provided through the use of dormers, porch ways, colors, textures, and other features intended to identify the entrance. Furthermore, all utility equipment and mechanical appurtenances will need to be concealed from public view.
 7. A majority of the site contains impervious cover (i.e. building and asphalt) with limited areas for project landscaping. Staff would suggest the existing landscaping areas remain intact and be protected from removal to accommodate future overflow parking or storage areas. Providing additional impervious cover will require modifications to the on-site storm water system.
 8. The building plans for the proposed building renovation will need to be reviewed by the Building Inspector and the Fire Chief to ensure that the requirements of the adopted building and fire codes are satisfied. The applicant will need to coordinate with the appropriate officials to complete the proper inspections and submit payment for any required review fees.
 9. Review and approval of the conditional use permit should not be construed as approval of project signage. A separate application (sign permit) must be submitted and all project signage will need to satisfy the regulations of Chapter 19.15 of the Payson City Zoning Ordinance.
 10. The storage of inoperable vehicles can result in the collection of debris, rodent infestation and other impacts that could affect surrounding properties. The applicant will need to provide information about the amount of time a vehicle will be retained on site and any measures intended to reduce the impact on surrounding properties.

Site Plan Review

In accordance with Chapter 19.8 of the Payson City Zoning Ordinance, permitted uses in the commercial and industrial zones may be approved administratively by staff, provided the applicable regulations of the development ordinances are satisfied. Staff has completed a review of the Site Plan for the Beifuss Auto Sales and Auto Body business and has notified the applicant of any required changes to ensure compliance with City ordinances. Staff will continue to work with the applicant to address the conditions of Site Plan approval. The applicant will be required to improve the site in accordance with the approved site plan including all project landscaping. All improvements, including project landscaping will need to be installed by the applicant, and inspected and approved by Payson City prior to the issuance of an occupancy permit.

These items represent the issues staff has identified following a review of the applicable ordinances and resolutions of Payson City and the Conditional Use Criteria established in Chapter 19.13 of the Zoning Ordinance. If the items above are satisfied, staff would suggest that the site will be improved in a manner consistent with the regulations of Payson City.

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 a review of the site plan, application materials, and the contents of this staff report, the Planning Commission may:

1. Remand the request back to staff for further review. This action should be taken by the Planning Commission if it is determined that there is not enough information provided by the applicant in order for the Planning Commission to make a well-informed decision.
2. Recommend approval of the request as proposed. If the Planning Commission chooses to recommend approval of the conditional use as proposed staff would suggest that an opportunity to require the applicant to satisfy the requirements of the development ordinances of Payson City and mitigate any potential adverse impacts will be missed.
3. Recommend approval of a Conditional Use Permit with the conditions proposed by staff or more or fewer conditions. Staff would suggest that if with satisfaction of appropriate conditions, the requirements of the development ordinances of Payson City can be satisfied and proper development of the property will occur.
4. Recommend denial the request. This action should be taken if the Planning Commission determines that the adverse impacts of the proposed conditional use cannot be mitigated by the applicant.

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

Commissioner Fitzgerald asked if the use is allowed.

Planner Spencer stated that automobile and passenger truck sales are permitted in the zone, but a conditional use permit is required for the auto body activities.

Chairman Warner asked if a chain link fence is acceptable to screen the outdoor storage.

Commissioner Fitzgerald asked if the fence needed to be substantial or attractive because a chain link fence would be more substantial than a vinyl.

Planner Spencer stated that the current ordinance requires the fence to be constructed of material similar to the primary structure.

The applicant stated that the fence would be for security reasons as well. He stated that the fence would be chain link with slats and barb wire and the fences would be new.

Commissioner Van Nosedol noted that there is another business in the area that has a similar fence.

Planner Spencer stated the fence may have been constructed prior to the adoption of the current ordinance.

Commissioner Fitzgerald asked what was being considered outdoor storage.

The Applicant stated that it would be for staging of vehicles waiting for repair.

Planner Spencer clarified that the reason for all of the requirements is to ensure that the property will be maintained to the conditions agreed to even after the property changes owners.

Applicant gave clarification that wrecked cars are typically damaged in front or side, typically have a 3 week time frame for storage and repair.

Acting Chairman Warner asked for clarification on the disposal of solid waste.

Applicant stated that most waste will be collected in two large bins and then recycled. Other items, mostly paper, will be contained in two rollaway containers.

Commissioner Fitzgerald asked what the extent of the damage is to the vehicles.

Applicant stated most would be lightly damaged and most would be running and driving.

Commissioner Van Nosedol inquired about the applicant's plans for the existing sign.

Applicant stated he would like to use the existing sign and only the face of the sign would be changed.

Acting Chairman Warner asked how many vehicles would be on site for selling.

Applicant stated that the maximum would be 12 vehicles

Commissioner Fitzgerald asked why the use requires a conditional use permit.

Planner Spencer stated that conditional uses may necessitate additional requirements to mitigate potential negative impacts. This process allows the Planning Commission and City Council an opportunity to evaluate the proposed use with the surrounding uses and determine if there are any other conditions that would need to be imposed to ensure that the uses can coexist.

Applicant stated concern over the type of fence that he would be required to put in. He is concerned that he wouldn't be able to afford placing a block fence.

Planner Spencer stated that the fence could be a part of the conditional use permit requirements.

Commissioner Fitzgerald stated that he is comfortable with a chain link fence with the slats in this area and for the use.

Commissioner Van Nosedol stated that he is concerned that a chain link fence with slats would not hold up to the wind in the area.

Commissioner Baird stated that he would like to hear any concerns of the neighbors'.

Planner Spencer stated that a public hearing will be conducted at the City Council meeting. Notices will be distributed regarding this conditional use permit at that time.

Commissioner Baird asked the applicant if there were any other requirements being asked by city staff that is burdensome to the applicant.

Applicant stated that he was concerned with the requirement that the water line would need to be replaced. He stated that there would only be a toilet and a sink.

Planner Spencer stated that the water department completed an inspection of the existing water service and found that water line needed to be replaced. She is unaware if there is flexibility in the requirement.

Commissioner Fitzgerald stated that for the conditional use permit to be approved a solution would need to be found for the fence and the water line.

Councilmember Hancock stated that the water line would need to be addressed in the recommendation and stated concern about a chain link fence with slats may fail to hold up to the elements

Applicant stated that he would ensure that the fence would be maintained

Acting Chairman Warner stated the fence manufacturer may have some reinforcement or use a different type of post material.

Planner Spencer stated the applicant would need work with the fire department to ensure public safety requirements for the site are met as well.

Councilmember Hardy asked about hazardous waste disposal.

Applicant stated that the fire department has requirements that he is going to meet. Waste paint and solvents is disposed of by the vendor and only a limited amount is on hand for specific repairs.

Acting Chairman Warner stated that the applicant is making a good faith effort and he was concerned with the screening of the storage area. He would be comfortable with the project moving forward if the applicant and city staff will work together to identify options for fencing.

Commissioner Fitzgerald stated an auto body shop would be better use than what is currently there.

Motion by Commissioner Fitzgerald to recommend to city council approve the conditional use request contingent upon the satisfaction of staff conditions and that solutions are found for the remaining issues.

Seconded by Commissioner Baird.

Motion carried.

Motion by Commissioner Baird to adjourn.

Meeting adjourned 7:55pm