

**ALPINE CITY PLANNING COMMISSION MEETING at
Alpine City Hall, 20 North Main, Alpine, Utah
Dec 03, 2013**

I. GENERAL BUSINESS

A. Welcome and Roll Call: The meeting was called to order at 7:00pm by Chairman Jannicke Brewer. The following commission members were present and constituted a quorum.

Chairman: Jannicke Brewer

Commission Members: Bryce Higbee, Steve Cospers, Jannicke Brewer, Chuck Castleton, Steve Swanson

Commission Members Not Present: Jason Thelin, Todd Barney

Staff: Jason Bond

Others: Nathan Terry, Leonard Wendel, Hunter Barney, David Ballif, Kori Walkenhorst, Nicholas Conklin, Bob Fawson, Michael Anderson, Will Jones

B. Prayer/Opening Comments: Bryce Higbee

II. PUBLIC COMMENT

No Comment

Jannicke Brewer asked Jason Bond to give a report on Eagle Point. Jason Bond said last week at City Council a motion was made to uphold the same decision that was made by the Planning Commission. Jannicke Brewer said the developers are back at square one now and we don't know what they are going to do. She said the City Council said if there are no plans in the future to put a subdivision to the north of this property, then it makes no sense to put in a stub street. Our ordinance states that the purpose of a stub street is for the circulation of the city and not to go into other cities.

III. AGENDA ITEMS

A. Auto Repair Shops

The City Council made a motion on November 26, 2013 recommending that the Planning Commission review a potential amendment to the Business/Commercial zone that would list automotive repair shops as a conditional use within the zone with a condition attached that would require that a shop could only have street frontage on Main Street, 200 North (East of Main Street only), Canyon Crest Road, and Alpine Highway.

Jason Bond said we need to discuss how we want to regulate this zone just like we have done with restaurants and other businesses. Jannicke Brewer said we need to come up with requirements that should be added to the Business Commercial zone for an auto repair shop. Steve Swanson said he did some research on this and he came up with a checklist for repair shops. He said he thought this would be good as far as how these shops would be inspected or approved. The Fire Marshall would have to be involved to take a look at where solvents and other materials are kept. He would have to look at welding materials and see if they are allowed at all. A big problem is storage of hazmat material which can include tires, car batteries, paints and thinners. The State of Utah has specific regulations about disposing of oil and we would need to look at that when we write the code.

Jannicke Brewer asked James Lawrence what type of license he needed to run an auto repair shop. James Lawrence said that the information Steve Swanson brought in was out of date. He said tires are not hazardous. We shred them up and put them on our playgrounds for our kids to play on. As far as batteries go, I have to turn in the old battery every time I buy a new one. You can store oil in safety containers, but you have to have some sort of absorbent nearby in case some gets spilled. For disposal of anti freeze and oil you have to have a licensed person come and pick it up to dispose of it. They usually resell it as fuel in the wintertime.

James Lawrence said as far as being licensed, it is just like any other business. If he wanted to start up a business, he could. Jannicke Brewer said she spoke with someone at Orem City and they said you have to have 7 different licenses to run an auto repair shop. James Lawrence said the only license he is required to have is the R134 for the

refrigerant. Steve Swanson said that tires are an issue when a person is only allowed to dispose of 4 tires at one time to the landfill. He said he just wants to be clear on the regulations on how these auto repair shops will be run in our city. He doesn't want someone to come in and abuse the situation and stack tires up to the ceiling and spill oil down the drain. Others may not have the ethics and the quality control that you have. We don't know who will come in and these regulations need to be in place.

Jason Bond said you are exactly right and we have to look at the big picture because a Jiffy Lube or a Pep Boys may want to move in. Steve Swanson said instead of listing out every little thing we could say that the environmental codes must be adhered to. We could also have a basic sheet listing things such as fire hazards, and disposal requirements. Chuck Castleton said there is no reason for us to repeat what is already in the State Code.

Steve Swanson asked if we need to require that only certified mechanics can work in these shops. James Lawrence said that would be hard because there are different certificates for every make and model of car. You can also go online and print these certificates, so there isn't really a true way to govern it.

Steve Swanson said another concern is oil spills and you have to have a hazmat plan. What are the cleanup procedures, how are you going to dispose of it, who are you going to call. The last thing we want is an oil spill and someone just throws dirt on top of it and leaves it. Jannicke Brewer asked James Lawrence what he does with an oil spill. Mr. Lawrence said he uses compressed paper that looks like cat litter. He spreads it on the oil and lets it soak up and then scoops it into a barrel and has it picked up with his old oil. Steve Swanson said this works for spills on a hard surface. It's a different story when the spill is in the dirt. You have to dig down with a shovel or a back hoe to remove the oil. James Lawrence said he remembered Jannicke Brewer saying that the work had to be done in an enclosed building with a hard surface.

Leonard Wendel said when you are talking about hard surfaces for a garage; oil eats up asphalt so it would have to be a concrete floor. He said the illegal auto repair business adjacent to his property has spilled oil out in the yard and it has killed his pine trees.

Nathan Terry said this is a good start for auto mechanical repair, but no-one has touched upon auto body repair. Things you need to be concerned about are donor cars in the back of the shop, extra parts stacked up, paint booth with paints and solvents, ventilation and a lot of hammering and noise. What are the work hours going to be? Jannicke Brewer said so far, we are only talking about auto repair shops and not auto body shops. In our ordinance it talks about noise and noxious chemicals, vibrations, smoke and odors. She said we can choose to not add auto body or collision as a conditional use.

Mr. Terry said you can't just use the broad term auto repair because there are so many specific types of auto repair. That could mean mechanical, electrical, body work, diesel, etc. You have to be more specific and say exactly what you will allow like mechanical auto repair. James Lawrence said you could put a limit on donor cars and they have been registered within 90 days. You could make a condition that you can't store any extra parts outside. They have to be stored in your shop or in a shed. He said he believes in this 100% and you can drive by his shop right now and see that his place is clean and well maintained. If you have rules in place then everyone would understand the standard.

Jannicke Brewer said this would be an amendment to the ordinance even though we are not adding a new zone. She said we have to come up with language for the amendment which would require a hearing and then be sent to City Council. Steve Cospier asked if the City Council was against creating a Service commercial zone. Will Jones said they were not against it, they just thought the better way to handle it would be to have auto repair in the Business Commercial zone as a conditional use. It would be exactly the same, but the Service Commercial zone would go away and you would accomplish the same thing in the Business Commercial zone.

Jason Bond explained that in the different zones you have permitted uses and conditional uses. Permitted uses are known in that zone and you don't have to come in to Planning Commission and get permission. You still have to get the necessary permits to move forward. Conditional uses are those that the City needs to look at and regulate that use to mitigate potential impact. The City also can't automatically deny a conditional use. There has to be a good reason for saying no and the City has to back up that reason.

The Planning Commission discussed the differences between creating a special Service Commercial zone and the Business Commercial zone. Jannicke Brewer said we can accomplish the same thing in the Business Commercial zone by having conditional uses. If we make a Service Commercial zone, we will have to make changes to the General Plan and have two or three more hearings. Jason Bond said whatever we decide to do, we need to take our time and make sure we do it right the first time.

Will Jones said the City Council would like to see what kind of restrictions are going to be put in place, how's it going to be handled, who is going to regulate it; will it be by State Law? The City Council also wants to know what the building is going to look like, what kind of materials will it be made out of. Steve Swanson said we regulate how a snow shack looks, so we should be able to regulate how this building should look. Will Jones asked if a fence would be required and if so, would it be solid, block, etc. How many cars are going to be allowed to be parked in the parking lot? Which way is the garage door going to face, toward Main Street or on the side of the building? These are critical questions that we need answers to. Steve Cospers said we can go off the State list and then go from there.

Jannicke Brewer said we already have regulations in our ordinance about how the building should look. Will Jones asked if the Planning Commission was going to change that. Jannicke Brewer said she didn't think so because these buildings should look attractive just like any other business. She also said we have Historic Gateway Ordinance that tells about pitch of roof, windows, landscaping, and other regulations. Jannicke Brewer said more than anything, we need the auto repair shop to have a hazmat plan for cleanup and storage.

Steve Cospers asked if we should have legal advice or some hazmat expertise to help us make a checklist. Will Jones said to ask David Church to give input and also other professional people if we need to so we can move forward with this. Steve Cospers said that he thinks Jason Bond should take all of this information and boil it down into an intelligent ordinance. He said this is a staff issue and until we can get it narrowed down we can't vote on it. He wanted to know if Jason Bond could take the items that James Lawrence brought in, the list that Steve Swanson brought in and combine them with our current ordinance and come up with something the Planning Commission could look at. Jason Bond said he could bring in a draft ordinance.

Steve Swanson asked about an operational bonding. Jannicke Brewer said we require it only if the State or some other agency requires it. James Lawrence said if you require auto repair to have bonding, then you would have to look back at a lot of other businesses in the city and require them to have it as well. There are other businesses that have more hazmat material than cars.

Steve Swanson said we are talking about auto repair, but does that mean diesel or big trucks? We have to be careful with this because it could quickly escalate into something we didn't intend. Chuck Castleton asked if we required all work to be done in an enclosed building, then wouldn't that solve most of those problems. Jannicke Brewer asked James Lawrence if he can get a fire truck in his shop to work on it. Mr. Lawrence said there is no way he could get a fire truck in his shop. He said that would be a mobile repair on site. He also said that big semi trucks are not considered automotive repair, they are considered heavy equipment. In the ordinance you would put no heavy equipment such as tractors, back hoes, front end loaders.

Jannicke Brewer said when an applicant comes to the City to get approved; they can't make changes to the approval. If they are approved for four bays, they can't later put in eight bays. Any changes that are made would have to be approved by the Planning Commission.

Mr. Terry said there is a lot of information online from different States and Governments. He said you could take the information from those sites so you don't have to reinvent the wheel. James Lawrence asked if there was any way to put a time frame on getting this done. He said we were told in June that in ninety days this would be resolved and now here we are seven months later still juggling the balls. Jannicke Brewer said we can't do that because it is very hard with government to put a time frame on issues.

Bryce Higbee said this has to be carefully done and we will take our time doing it. The other option is to not do it at all. Mr. Higbee said unless we can meet the stringent requirements and we really feel like it can be regulated, then he said he didn't think it was worth it. He said it would benefit Mr. Lawrence if the Planning Commission took their time and did it that way. James said he was told he had to move and there are only a few lots that would work. He

said he can't tie up a lot and wait for three years while the City makes a decision. Jannicke Brewer said the Planning Commission would do their very best and then it will be up to the City Council.

B. Pine Valley Realty Office Renderings – Will Jones

The proposed Pine Valley Realty Commercial Site Plan is located at approximately 36 west Canyon Crest road. The property is in the Business Commercial zone. On November 5, 2013, the Planning Commission approved the proposed site plan subject to some conditions. One of those conditions was to submit some color renderings of the proposed office so that the Planning Commission could review the design of the proposed building.

On November 19, 2013, the Planning Commission reviewed some colored renderings submitted by the applicant and made a motion to disapprove the design of the proposed Pine Valley Realty office building until the Planning Commission could see a better rendering.

Will Jones brought in a colored rendering for his new Pine Valley Realty office building. Jannicke Brewer asked the Planning Commission if they felt like this design would be a good fit for the location at the entrance of the city. Steve Cosper said it would give variety and he said it had a Park City look. Bryce Higbee said it look like a ski lodge. The Planning Commission talked about the trim around the doors and windows and also about the exposed steel beams. Steve Cosper said he wasn't crazy about the roof. Will Jones showed pictures of how it would oxidize over the years and look in the future. He said they can control how the oxidation will look by not putting an acid wash on it because the acid speeds up the oxidation process.

MOTION: Bryce Higbee moved to approve the design as proposed for the Pine Valley Realty office building.

Steve Cosper seconded the motion. The motion passed unanimously with 5 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jannicke Brewer, Chuck Castleton and Steve Swanson all voted Aye.

IV. COMMUNICATIONS

Jannicke Brewer mentioned that we have two spots opening up in the New Year for the Planning Commission and there will also be an opening in the City Council.

Will Jones said it might be a good idea to have one member of the City Council come to the Planning Commission and report back so the Council knows more about the issues. He said the first we hear about the issues is when we vote on them.

V. APPROVAL OF PLANNING COMMISSION MINUTES OF: Nov 19, 2013

MOTION: Steve Cosper moved to approve the Planning Commission Meeting Minutes with revisions for Nov 19, 2013.

Chuck Castleton seconded the motion. The motion passed unanimously with 5 Ayes and 0 Nays. Bryce Higbee, Steve Cosper, Jannicke Brewer, Chuck Castleton, and Steve Swanson all voted Aye.

Jannicke Brewer stated that the Planning Commission had covered all of the items on the agenda and adjourned the meeting at 8:40pm.