



Provo City Planning Commission

Report of Action

September 14, 2016

ITEM 2 Nathan Orme requests approval of a Conditional Use Permit for an outpatient program under Land Use #6515 Behavior, Drug & Alcohol Treatment, located at 890 East Quail Valley Drive, in the PO Professional Office Zone. *Sherwood Hills Neighborhood*. 16-0012CUP, Robert Mills, 801-852-6407

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 14, 2016:

DENIED

On a vote of 5:0, the Planning Commission denied the above noted application.

Motion By: Kermit McKinney

Second By: Maria Winden

Votes in Favor of Motion: Deborah Jensen, Kermit McKinney, Jamin Rowan, Maria Winden, and Ross Flom. (Ed Jones and Brian Smith were absent.)

Jamin Rowan was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- Staff explained that the existing building was approved in the late 1970s as a racquetball club. Then in 1980, a zone change to the Professional Office (PO) Zone was approved that allowed the conversion of the building into an executive office. With the zone change, a restrictive covenant was signed and recorded prohibiting any current or future use of the building for anything other than "executive office."
- Staff explained that the operations being performed in the existing building include: administration, billing, and general office functions for a facility in Cache Valley, Utah. These functions are consistent with the "executive office" use described in the restrictive covenant, which is identified as Standard Land Use (SLU) Code No. 6710 in the Provo City Code. With the introduction of clients to the site, the use changes to SLU Code No. 6515 "Behavior drug and alcohol treatment centers (no lodging)," which is not consistent with the restrictive covenant. Staff clarified that the recommendation to deny was not based on the proposed use as a drug and alcohol outpatient facility, but rather the introduction of clients coming to the site which changed its use from "executive office." Similarly, if a physician had proposed to open a practice at the location, the recommendation of the staff to deny the application would have been the same because the constant flow of clients exceeds the intent of the "executive office" use.

CITY DEPARTMENTAL ISSUES

- No known issues.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on September 1, 2016.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair from the Edgemont, North Timp, Indian Hills, and the Northeast Area Representative were present and addressed the Planning Commission during the public hearing.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Several residents wrote emails or called with concerns regarding the proposed addiction recovery center. All expressed opposition to the center being established next to the high school.
- One member of the public spoke in support of the proposed addiction recovery center. He operates Cirque Lodge in Sundance and is a recovering alcoholic. He explained the need and benefits of this type of facility.

APPLICANT RESPONSE

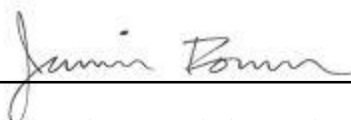
Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The applicant explained the need and benefit the facility will provide to the community.
- The applicant also made the suggestion that the proposed addiction recovery center is more an executive office use.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Prior to opening the public hearing portion of the meeting on this item, the Chair called for clarification on the issue of the restrictive covenant. Staff explained the requirements of the covenant and that allowing the addiction recovery center would essentially be illegal.
- Mr. Flom clarified that this is a land use issue in that the restrictive covenant specifically disallows any other land uses except the "executive office" use.
- All the Planning Commission members were in agreement that they would not be able to approve the Conditional Use Permit in light of the restrictive covenant.



Planning Commission Chair



Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item.

Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



**Planning Commission
Staff Report
Conditional Use Permit
Hearing Date: September 14, 2016**

ITEM 2 Nathan Orme requests approval of a Conditional Use Permit for an outpatient program under Land Use #6515 Behavior, Drug & Alcohol Treatment, located at 890 East Quail Valley Drive, in the PO Professional Office Zone. **Sherwood Hills Neighborhood.** 16-0012CUP, Robert Mills, 801-852-6407

Applicant: Nathan Orme
Staff Coordinator: Robert Mills
Property Owner: Quail Valley Holdings LLC
Parcel ID#: 200340026
Current Zone: Professional Office (PO)
Proposed Zone: N/A
General Plan Des.: Commercial
Acreage: 0.83 (36,154.8 sq. ft.)
Number of Properties: 1
Number of Lots: 1
Total Building Sq. Ft.: 15,862 sq. ft.
Council Action Required: No.

ALTERNATIVE ACTIONS

1. **Approve** the requested Conditional Use Permit, **with conditions.** *Staff has provided recommended conditions of approval in the event that the Planning Commission approves the CUP; the applicant's agreement to these conditions does not, however, change Staff's recommendation for Denial of the CUP. The Planning Commission should state new findings.*
2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is September 28, 2016, 5:30 P.M.*
3. **Deny** the requested Conditional Use Permit. *This action would be consistent with*

Current Legal Use: Professional office building.

Relevant History:

- 1977 – A Racquetball Club was approved for the site (77-0624CUP).
- 1980 – Site was rezoned from R1.8 PD to PO (80-0114R). A restrictive covenant was recorded that prohibited any other current or future use permitted in the PO Zone other than “executive office” (Document No. 20212).
- 1980 – Approval by Planning Commission to allow the conversion of the Racquetball Club to an office building. (80-0159PPA).
- 1986 – Approved a satellite to be installed and reduced the parking requirement to 28 stalls (86-0159PPA).
- 1996 – Business License was approved that also allowed on-street vehicle parking approved by City Engineer (96-0135M).
- 2004 – Application was submitted to rezone the property to PF and establish a junior high school. Applications were withdrawn (04-0012PPA; 04-0003R).
- 2006 – Application to renovate exterior and expand parking area. Project went through CRC and received comments, but was closed in 2008 because there had been no action and the application expired (06-0048PPA).
- 2016 – Business License approved to allow corporate office for an alcohol and drug rehabilitation center located in Northern Utah (BL #56291).

<p><i>the recommendations of the Staff Report.</i></p>	<p>Neighborhood Issues: A neighborhood meeting was held on Thursday, September 1, 2016 at Timpview High School for all the Northeast Neighborhoods (Edgemont, North Timpview, Indian Hills, Sherwood Hills, Riverside, Rock Canyon, and Riverbottoms). Most neighbors in attendance did not support the request to grant a conditional use permit for the addiction recovery facility.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none">- Neighborhood concerns were related to compatibility of such a use in close proximity to a high school and a seminary building.- When the zone change was approved in 1980 to rezone the property to PO, a restrictive covenant was signed by the landowner prohibiting any current or future use other than “executive office.” <p>Staff Recommendation: Because of the recorded restricted covenant prohibiting any current or future use other than “executive office” use, staff believes allowing the proposed addiction recovery center, which is considered “behavior, alcohol and drug treatment” use, per the Provo City Code, would not be legal. Therefore, staff recommends the Planning Commission deny the requested Conditional Use Permit application.</p>
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OVERVIEW

The applicant is requesting a Conditional Use Permit to establish an addiction recovery center in an existing office building at 890 E Quail Valley Drive, which is in the Professional Office (PO) Zone. The proposed addiction recovery center would provide outpatient counseling, therapy, group support and recreational opportunities to clients who have completed drug and alcohol treatment programs and need ongoing support. No residential treatment would be offered in conjunction with the proposed facility. No prescription medications would be dispensed from the facility.

It is important to note that on June 18, 1980, in conjunction with a zone change for the subject property that was approved on June 5, 1980, a restrictive covenant was

recorded that prohibits the use of the property for anything other than “executive office” use. (See Attachment 2.) The restrictive goes on to bind any successive property owner to only use the property for “executive office” use, “even though an alternate use might be allowed by applicable zoning at some future date.”

The applicant is currently using the property as a corporate office for accounting, billing, human resources, and management services for an alcohol and drug rehabilitation facility in Northern Utah, according to Business License No. 56291. This use is consistent with “executive office” use allowed by the restrictive covenant. However, the proposed use is defined in the current Provo City Code as “behavior, alcohol and drug treatment,” which is allowed as a conditional use in the PO zone, but is prohibited by the restrictive covenant.

The following sections of this report analyze the consistency of the proposed use with the standards and regulations of the Provo City Code relating to conditional uses. While an analysis is provided, it becomes moot due to the fact that the granting of a conditional use permit is illegal based on the provisions of the restrictive covenant which prohibit a use other than “executive office.”

PLANNING REVIEW

1. Compliance with 14.02.040

The ordinance, in part, is as follows:

(1) The Planning Commission may, subject to the procedures and standards set forth in this Chapter, grant, conditionally grant, or deny an application for a Conditional Use Permit for uses allowed by the chapter for the applicable zone. The purpose of a Conditional Use Permit is to allow proper integration of uses into the community which may only be suitable in specific locations and may have potentially detrimental characteristics if not properly designed, located, and conditioned.

(2) The following standards shall apply to any request for a Conditional Use Permit:

(a) A proposed conditional use shall be granted unless the subject use will be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

Although there is no perceived detrimental impact to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity, the application cannot be granted because a restrictive covenant was voluntarily signed and recorded by a previous owner of the

property which prohibits the use of the property from any current or future uses other than “executive office.”

(b) A proposed conditional use shall be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity:

(i) if the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;

(ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property;

(iii) if the proposed use will create a need for essential municipal services which cannot be reasonably met;

(iv) if the proposed use will in any other way be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

The existing facility provides 28 standard parking spaces. The total floor area of the building is approximately 15,900 square feet. The parking requirement for office use is 1 stall per 250 square feet of floor area which would require 64 standard parking stalls. A previous approval for the facility only required 28 stalls for the office building and therefore, the 28 stalls can be considered legally nonconforming; however, as noted above, this is a moot point because the proposed use as an addiction recovery center is prohibited by a recorded restrictive covenant.

(c) A change in the market value of real estate shall not be a basis for the denial of a proposed conditional use.

(d) If a part of a proposed conditional use is found to be contrary to the standards described in this section, the applicant may propose or consent to curative measures which will make the proposed use not contrary to the standards described in this section.

The proposed conditional use is not contrary to the standards described, but again, this is moot because the proposed use is prohibited by the restrictive covenant.

2. Project Plan Approval
 - **Only minor interior refurbishing is associated with the proposed use, therefore a project plan approval would not be required; but the proposed use is prohibited by the restrictive covenant.**
3. Design Review
 - **N/A**
4. Landscaping
 - **Landscaping improvements along Quail Valley Drive are consistent with current requirements and the existing parking are is legally nonconforming.**
5. Trash Container Enclosure
 - **The existing trash container should be enclosed pursuant to Section 14.34.080 of the Provo City Code.**
6. Fencing
 - **N/A**
7. Parking
 - **As noted above, the existing facility provides 28 standard parking spaces. The total floor area of the building is approximately 15,900 square feet. The parking requirement for office use is 1 stall per 250 square feet of floor area which would require 64 standard parking stalls. A previous approval for the facility only required 28 stalls for the office building and therefore, the 28 stalls can be considered legally nonconforming; however, as noted above, this is a moot point because the proposed use as an addiction recovery center is prohibited by a recorded restrictive covenant.**

8. Signage
 - **An existing business identification sign is located on the property, but no signage details were submitted with the application documents. Signage shall conform to the provisions of the PO Zone.**
9. Transitional Development Standards
 - **Compliant.**
10. Design Corridor
 - **N/A**
11. Other Concerns
 - As noted above, the proposed use is usually permitted as a conditional use in the PO Zone; however, a restrictive covenant was recorded in conjunction with a rezone approval in 1980 that prohibits any current or future use other than “executive office.” The proposed use is not considered “executive office” use, and therefore, it would be illegal to grant approval of this application.

RECOMMENDATION

Because staff believes granting a Conditional Use Permit for the proposed addiction recovery center would not be legal, pursuant to the provisions of the recorded restrictive covenant for the property, staff recommends denial of this Conditional Use Permit.

ATTACHMENTS

1. *Location Map*
2. *Restrictive Covenant (Document No. 20212)*
3. *Zoning Approval (80-0114R)*
4. *Neighborhood Meeting Notes*

ATTACHMENT 1 – LOCATION MAP



ATTACHMENT 2 – RESTRICTIVE COVENANT

20212
 RECEIVED AT THE OFFICE OF
 PLANNING COMMISSION
 090 JUN 16 AM 09:00
 UTAH COUNTY CLERK
 DEPT. 1000
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 20212
 RESTRICTIVE COVENANT
 Paul Cook
 Carl King
 Earl Cook
 Steven
 Daniel

RESTRICTIVE COVENANT

The undersigned, CARL R. KING and EARL COOK, as the owners of certain property hereinafter more particularly described, and for the purpose of voluntarily restricting the use of the described property which is located in a zone which will be classified under the zoning of Provo City as a P-O Professional Office Zone hereby place upon the said property the following restrictions which shall go with the title to the property and be effective upon and restrict the use of the land for all subsequent purchasers thereof:

1. The property concerned is located in Utah County at 890 East 3650 North in Provo, Utah and is more particularly described as:

Commencing East 1230 feet more or less and South 715 feet more or less from the Southeast quarter corner of Section 19, Township 6 South, Range 3 East, Salt Lake Base and Meridian; thence North 13°02'30" West 352.62 feet to the South edge of 3650 North Street; thence North 89°57'50" East 180 feet more or less; thence along the arc of a 344.79 foot radius curve to the left 229.12 feet (chord North 70°55'27" East 224.96 feet); thence South 31°51'34" West 485.62 feet to the point of beginning. Area 1.47 acres more or less.

2. The following restrictions shall apply to the above described property and may be invoked by either the City of Provo or by any effected neighbor:

(a) The anticipated use will be for executive offices with the maintenance of a minor portion of the space for handball courts restricted to the use of employees on the premises and their guests.

(b) That the undersigned or their successors in interest will forego any other use than that set forth above even though an alternate use might be allowed by applicable zoning at some future date.

BOOK 1340 PAGE 323

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(c) Should any future owner attempt to utilize the premises for anything other than the described uses, that such shall be treated as a violation of these covenants and restrictions and the City or any other person who owns property within the immediate vicinity will be entitled to petition for a rezoning of the property and for public hearings to determine an appropriate use of the property which will not be inconsistent with the surrounding zoning and said property may thereafter be rezoned to be consistent with the surrounding property uses in the neighborhood.

(d) That these restrictions and covenants may be canceled by the City Commission of Provo City only after a public hearing with notice to the neighborhood and all interested parties.

3. Should any property owner or the City feel that these covenants have been violated, they shall be entitled to seek and obtain an injunction against violation of these covenants and/or they shall be hereby authorized to rezone the property to be consistent with the adjoining property uses in a manner calculated to prohibit any future violations of these restrictions and covenants.

DATED at Provo, Utah, this 10th day of June, 1980.


CARL R. KING


EARL COOK

STATE OF UTAH,)
) SS.
COUNTY OF UTAH.)

On this 10th day of June, 1980, personally

BOOK 1840 PAGE 330

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1 appeared before me CARL R. KING and EARL COOK, the signers of
2 the foregoing instrument, who duly acknowledged to me that they
3 executed the same.
4

5
6 Thomas Mendenhall
NOTARY PUBLIC

Residing at: Sum, Utah

7 Commission Expires:
8 6-23



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20212

BOOK 1840 PAGE 334

ATTACHMENT 3 – ZONE CHANGE (80-0114R)

Telum Resping

MINUTES OF THE MEETING OF THE PROVO CITY COMMISSION, MAY 22, 1980

The Provo City Commission met in regular session in the City Commission Chambers, City Center, on Thursday, May 22, 1980, at 10:00 a.m.

The Honorable James E. Ferguson, Mayor, presided. The Prayer was offered by Greg Beckstrom. Those present were:

James E. Ferguson, Mayor
Anagene D. Meecham, Commissioner
A. John Clarke, Commissioner (excused)

Also present:

Jean Eklund, City Recorder

APPEARANCE: Barbara Miller, appeared to request the Commission sign an agreement for Outside Event. This would be for a parking lot dance at the Elms Apartments, on Saturday, May 24, 1980 from 8:30 p.m. to 11:30 p.m. and will be for the BYU 101st Ward.

ORAL MOTION: Commissioner Anagene D. Meecham made the oral motion that the Mayor be authorized to sign an Agreement for Outside Event between Provo City Corporation and Barbara Miller, 29 East 700 North W-15, for the BYU 101st Ward to hold a parking lot dance at the Elms Apartments on May 24, 1980. Upon roll call vote the motion passed unanimously.

MOTION NO. 175: That the final payment of \$36,852.50 be paid to Fairbanks Morse. The electrical prints have been received and accepted. This completes the installation of the dual fuel engines in the Power Plant. (Copied into the minute book)

PUBLIC HEARING (CONT.) The Mayor declared the continued public hearing open to discuss the request by Gardner and Associates, agent for Telum, Inc., for the rezoning of property located at 890 East 3650 North from the R-1-8(Pb) zone to the P-0 zone.

The Mayor explained the Commission's discussion with the City Attorney and that he had advised the City to contract with Telum and this contract would govern Telum as well as others who may occupy the building. Further, this contract would definitely restrict Telum from selling to anyone who might cause a greater intensity in this area. This contract would have to be a voluntary agreement by Telum.

It was noted that if the adjoining property comes in for a zone change they will have to abide by the same conditions.

Dave Gardner stated that some of the conditions they will be happy to meet are as follows:

1. Remove the signs
2. Remove the stripe
3. Tone down the building
4. Expand the parking
5. Landscape
6. To come before the Commission for any changes in the use of the land
7. That the intensity not be increased

ORAL MOTION: Mayor James E. Ferguson made the oral motion that the City Commission approve the request by Telum as recommended by the Planning Commission with all the conditions outlined and any others needed, to be defined to the satisfaction of the applicant and the City. Upon roll call vote the motion passed unanimously.

PUBLIC HEARING (CONT.) The Mayor declared the public hearing open as advertised and continued from the meeting of May 20, 1980, to discuss the proposed adoption of a minimum landscaping requirement in the multiple residential zones of Provo City.

Greg Beckstrom informed the Commission that the study that had been made showed that the R-3, R-4 and R-5 zones were woefully short in this area. He stated that the Planning Commission had recommended approval of the Landscaping Sections of the R-3, R-4 and R-5 zones as follows:

- R-3 24.24.150 R(3). Notwithstanding any other requirements, 30 percent of the land area of any development in the R-3 zone shall be devoted to landscaping.
- R-4 24.26.150 R(3). Notwithstanding any other requirement, 25 percent of the land area of any development in the R-4 zone shall be devoted to landscaping.
- R-5 24.28.150 R(3). Notwithstanding any other requirement, 20 percent

*Telum
Rezoning*

MINUTES OF COMMISSION MEETING - MAY 20, 1980 - PAGE 3:

Carl Pope, Edgemont Neighborhood Chairman, pointed out that this lot was comparable to other lots in the area and could contain two lots of approximately 98 feet by 260 feet. He also was concerned with the possibility of a commercial strip along Canyon Road similar to 900 East.

★ ORAL MOTION: Mayor James E. Ferguson made the oral motion that the request by Jeril Wilson be denied as recommended by the Planning Commission. Upon roll call vote the motion passed unanimously.

✓ PUBLIC HEARING: The Mayor declared the public hearing open as advertised to discuss the request by Gardner and Associates, agent for Telum, Inc. for the rezoning of property located at 890 East 3650 North from the R-1-8(PD) zone to the P-0 zone.

Greg Beckstrom informed the City Commission that the Planning Commission had recommended that this request be approved.

Dave Gardner stated that they had hoped to work out something other than a zone change and Telum had offered to sign any needed contracts to keep from going to the P-0 zone. They will be willing to work in any way to accommodate the neighborhood. He stated they will remove the signs and take off the red line around the building and they will expand the parking to the south to meet the zoning requirements.

Kenneth Clark was supportive of this building being used by Telum, but felt it should be under a conditional use rather than a rezoning. He stated it was his understanding that this building never should have been allowed in this area.

The Mayor stated that it would not be legal to allow a conditional use for this building.

Mr. Clark felt there should be a way to get Telum into the building without going to a P-0 zone.

Dr. Keith Hooker, stated he felt OK about Telum, and informed the Commission that he had submitted a petition to the Planning Commission to this effect.

Leonard Mackay felt Provo should be allowed to grow, and Telum came in and wanted to cooperate with the neighbors. The neighborhood does not want a commercial venture in but they do not want the building left vacant. They felt that to zone the area P-0 would set a dangerous precedent for the whole city. Mr. Mackay pointed out some of the problems for students and the schools that occur when commercial enterprises surround schools. He wondered why Telum couldn't have their District Office in this building under the existing permitted use? He stated that the neighborhood had opposed the racquetball courts from the beginning and this was a commercial use. He suggested that because the original use was supposed to be a country club atmosphere but this was never complied with, that since Telum will still retain two of the racquetball courts that possibly the use can continue along the lines established by the Bud Leach Racquetball Club.

The Commission felt they should discuss this request by Telum with the City Attorney.

★ ORAL MOTION: Mayor James E. Ferguson made the oral motion that this request by Telum be continued to Thursday at 10:00 a.m. to give time for consultation with counsel. Upon roll call vote the motion passed unanimously.

✓ PUBLIC HEARING: Gardner and Associates, agent for Dillman Family Investments, requested the rezoning of property located at approximately 2175 North 180 East from the present R-A zone to a P-0 zone.

Greg Beckstrom informed the Commission that this request had been disapproved by the Planning Commission for two reasons: 1. that this would not be a logical extension of the zone. 2. that there would be a problem with the intersection at 150 East and Canyon Road.

Dave Gardner stated that the ideal situation would be for the entire area to sold in one piece, but this would hold Mrs. Dillman up in the development of her property. He stated that the plan presented is the best they can have now with the access as it is.

Mrs. Dillman was present and informed the Commission that she has a 16 foot access off University Avenue.

Mrs. Stanley Roberts was present and stated that she was opposed to the rezoning.

The Commission felt the access would be their main concern and felt this matter should be reconsidered by the Planning Commission with the new information on the 16 foot access from University Avenue.

★ ORAL MOTION: Mayor James E. Ferguson made the oral motion that the request for rezoning by the Dillman Family be remanded back to the Planning Commission

ROLL CALL —

PROVO, UTAH

VOTING	YES	NO
JAMES E. FERGUSON Mayor	✓	
ANAGENE D. MEECHAM Commissioner	✓	
A. JOHN CLARKE Commissioner	✓	
RESULTS:	3	0

I move that this ORDINANCE be accepted.

Anagene D. Meecham
Commissioner

I Second the foregoing motion.

A. John Clarke
Commissioner

ORDINANCE NO. 779

AN ORDINANCE AMENDING CHAPTER 24 OF THE REVISED ORDINANCES OF PROVO CITY, UTAH 1964 AS AMENDED FOR THE PURPOSE OF RECLASSIFYING AND REZONING THE PROPERTY OF TELUM INC. AT 890 EAST 3650 NORTH FROM R-1-8 (PD) TO P-O ZONE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF PROVO CITY, UTAH:

SECTION I:

Title 24 of the Revised Ordinances of Provo City, Utah, 1964 as amended, and more particularly the zoning map of Provo City, be and the same are hereby modified and amended to include, provide and show that the following described property of Telum Inc. located at 890 East 3650 North in Provo City be and the same is hereby changed and modified from R-1-8(PD), Single Family Residential Planned Development Zone, to P-O, Professional Office Zone. The property is located in Utah County and more particularly described as:


Commencing at a point which is East 1230 feet more or less and South 715 feet more or less from the East Quarter corner of Section 19, Township 6 South, Range 3 East, Salt Lake Base and Meridian; thence North 13°2'30" West 352.62 feet to the South Right of Way of 3650 North Street; thence North 89°57'50" East along said right-of-way 180 feet more or less; thence also along said right of way through the arc of a 344.79 foot radius curve to the left 229.12 feet (chord bearing North 70°55'27" East 224.96 feet) thence South 31°51'34" West 485.62 feet more or less to the point of beginning. Containing 1.47 acres.

SECTION II:

This Ordinance shall take effect 30 days after it is passed or 20 days after it is published, whichever date is later.


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PASSED AND ORDERED PUBLISHED BY THE BOARD OF
COMMISSIONERS OF PROVO CITY, UTAH, THIS 5 DAY OF JUNE,
1980.



JAMES E. FERGUSON, Mayor

ATTEST:



JEAN EKLUND, City Recorder

Published: Daily Herald

July 10, 1980

ATTACHMENT 4 – NEIGHBORHOOD MEETING NOTES

Meeting Notes

Addiction Recovery Center (ARC) Proposal

Sept 1, 2016

Timpview HS, 7-8:30 pm

Conducting – Mike Roan, NE Are Rep, Riverside Chair

Attendees:

Neighborhood Chairs – Mike Roan - Riverside, Bonnie Morrow – N TimpView, Marian Monnahan - Edgemont, Nancy Wilson – Indian Hills

Neighborhood Vice Chairs – Sharon Memmott, Pam Jones both Edgemont

City Council Members – David Sewell, Gary Winterton, George Stewart

Community Development – Bill Pepperoni, Robert Mills

ARC Staff – Richard Knapp, Steve Acevedo, Nathan Orme, Avis Richard, Dannan ???, Michelle Knapp, Joyce Hooker

Neighborhood Residents (other than listed above) –

- Edgemont - 4
- North Timp View - 3
- Indian Hills -
- Sherwood Hills -
- River bottoms -
- Riverside –
- Unidentified – 3

See the attached **agenda** for the general outline of the meeting –

Notes from Sponsor's presentation:

- Utah has a very high incidence of addiction in it's general population
- Utah ranks #3 in the nation in addicted people
- Addiction affects people from all walks of life and all demographic groups
- Highest reason for addiction in the Utah population is from prescribed medications
- ARC is OUTPATIENT only
- 28 parking stalls are currently available
- Patients will come 3x/week for 3 hour sessions
- 2 sessions – one day time and one evening
- ARC will be open M-F 8-8 and half day on Saturday
- The program will be educational, counseling and group sessions
- NO drugs on premises
- Attendees will be tested for drugs
 - ONE drug offense and are removed from program
- Patients will have completed inpatient treatments elsewhere
- Mr. Knapp is the investor for the start up
 - He is leasing the space they are using for offices and plan to use for the ARC
- Ongoing economic support is planned to come from medical insurance payments

Notes from Questions:

- Mr. Knapp was asked about his involvement with the Sherwood Treatment facility in Logan area that was recently raided and closed by several government agencies, including the DEA
 - See attached article

- Facility closed and licenses revoked
- He was an investor
- He took control about one year prior
- Many/most of the issues had been addressed prior to the raid
- One issue he cited was failure to timely dispose of a bottle of drug with a person's name who'd left the program 90 days prior.
- The Sherwood team is counter suing the government
- Many of the ARC team worked there previously to this venture
- The taxes on the land are not current.
 - The current outstanding balance is \$14,420.06
 - Mr. Knapp sold the property about 1 year previously to Quail Ridge Properties LLC.
 - QRP LLC is a holding company, with agent Becky L. Curtis in Alpine .
 - The underlying owner is Brandon 'Ted' Hansen
 - Mr. Knapp is in the process of trying to regain title of (foreclose on) the property
 - *(my research on Mr. Hansen has uncovered a number of concerning real estate activities in the past, which cause me great concern. But, Mr. Peperone and Mr. Mills were unaware of the name and referred us to the county prosecuting attorney for more information.)*
- The number of patients was discussed
 - Apparently ARC felt the maximum number of 'comprehensive outpatient patients' would likely be about 60 based on their 2 session model.
 - They were asked if they'd be willing to stipulate this in the conditional use permit itself
 - When pressed, ARC also discussed the possibility of having a less intensive outpatient program, but could not determine if this would happen or any number of potential patients.
 - There was discussion about the timing of the 3 hour sessions vs. school hours and after school events
 - All of ARC's patients would be over age 18.
 - ARC mentioned they had a lounge/game room/recreational facility which might be a place for patients to congregate, visit and relax for periods after their sessions ended.
- Location (easy access) and transportation were discussed –
 - For people who are not able to drive, concerns were expressed about accessibility.
 - UTA has bus service on University ave with a stop at 3300 N
 - ARC has a van to pick people up and bring them back to the bus stop
 - Parking did not seem adequate for group and other sessions when ARC reaches its objective number of clients.
 - AREC said it might have access to the vacant land just west of its property.
- The timing and process for this request were also questioned
 - According to Mr. Pepperone, this conditional use permit request will be decided by the zoning commission and will not go before the city council
 - It is scheduled to be presented to the zoning commission on September 14th.
 - Any use beyond what is specifically permitted would be subject to enforcement and this permitted use is very narrow and did NOT include a number of other discussed possibilities.

Comments

(The comments portion of the meeting, asked attendees to indicate whether they would make the same/similar comments (by show of hands) so time would not be wasted hearing the same comments multiple times.)

- WE are concerned that if a conditional use permit is granted for this specific use that for any number of reasons it may morph into far more unforeseen uses. (this was discussed at great length)
 - 13 people shared this concern,
 - 2 did not

- We like the idea of the ARC is doing and think its very important for our community but do NOT think this is the right place for this service
 - 14 people shared this concern
 - 5 did not
- If instead of ARC's proposed use, if psychologists, social workers and/or similar therapists, who may service a far wider range of maladies, wanted to use this space would that be acceptable and appropriate use for this space
 - 12 people agreed
 - 0 people disagreed with this sentiment
- When groups of people spend lots of time together, a 'group mentality' seems to take over and control individual thought. Often this 'group mentality' is Not healthy and leads to actions which are negative, destructive, etc.
 - 5 people shared this concern
 - 5 people were not concerned about this
- Givens such a high percentage of the general population who are, were or are likely to be addicts, is it better to have a facility like ARC which treats recovering addicts, who have been through the worst (hardest) part of recovery or to have a more traditional tenant (professional services – businesses, attorneys, entrepreneurs, etc.) who are likely to have addiction issues and NOT be aware of them? (the devil one knows vs. the devil one does not know)
 - 7 people shared this concern
 - 9 did not.

Balloting on ARC's general request for a Conditional Use Permit –

- North Timpview
 - Opposed -5
 - In favor –0
 - Comments - this is the wrong place for this!
- Sherwood Hills
 - Opposed -1
 - In favor –2
 - Comments - acceptable use go forward
- Edgemont
 - Opposed -4
 - In favor –0
 - Comments - Organization and experience are shaky. I don't have confidence that the business will do what they propose.
- NO Neighborhood was indicated (several may be ARC employees)
 - Opposed - 2
 - In favor –3
- Comments - 1st This property costs less to run because it's out of the way and in the middle of a neighborhood the same reason it's not a good place for ARC – not good for patients or the neighborhood. 2nd - Great work

Submitted by Mike Roan, Sept 5, 2016