



**Planning Commission  
Staff Report  
Conditional Use Permit  
Administrative Hearing Date:  
November 21, 2018**

**ITEM# 1** Paul Finch request a Conditional Use Permit to operate a towing impound yard, located at 1305 West Center Street in the Freeway Commercial One (FC1) Zone. Franklin neighborhood Javin Weaver (801) 852-6413 PLCUP20180345

<p>Applicant: Paul Finch Staff Coordinator: Javin Weaver Property Owner: Allen Cox Excavation, James Cox Parcel ID#: 21:018:0010 Current Zone: Freeway Commercial Zone (FC1) General Plan Designation: Commercial Acreage: 1.86 acres (81,021.6 sq. ft.) Number of Properties: 1 Number of Lots: 1 Total Building Square Feet: approx. 0 sq. ft. Council Action Required: No.</p> <p><b><u>Alternative Actions:</u></b></p> <p><b>1. Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is December 5, 2018, 5:00 p.m.</i></p> <p><b>2. Deny</b> the requested Conditional Use Permit. <i>This action would be inconsistent with the recommendations of the Staff Report. The Planning Commission should state new findings.</i></p>	<p>Current Legal Use: Industrial building among other similar industrial/office buildings in the area.</p> <p>Relevant History: The property was developed in the mid 1970's as an industrial building in the M2 zone.</p> <p>Neighborhood Issues: No neighborhood concerns have been identified as of the time of staff drafting this report.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none"> <li>• The proposed use is permitted with an approved Conditional Use Permit in the FC1 zone.</li> <li>• The Conditional Use will expire December 21, 2021</li> </ul> <p>Staff Recommendation: Staff recommends the item be approved subject to the following conditions.</p> <ol style="list-style-type: none"> <li>1. All items from the CRC report are met and satisfied.</li> </ol>
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## **OVERVIEW**

The applicant is requesting a Conditional Use Permit (CUP) for a towing impound yard (SLU #6400) in a leased portion of a 10,890 (1/4 acre) portion of the site. The applicant's business will operate twenty-four hours a day; however, the site will not be staffed. As patrons of the business need assistance, they will have to contact the business by phone and wait for assistance to arrive. The applicant has another towing impound yard in Orem, less than ten miles away. By state law, the applicant can operate another like business and operate it as such.

The property is bounded on both the north and south industrial uses, and the east boundary by the rail road. The west boundary is Industrial Parkway. The nearest adjacent building is over 75 feet from the applicant's leased space.

## **FINDING OF FACTS**

1. The subject property is zoned Freeway Commercial Zone (FC1).
2. The FC1 Zone permits towing impound yards as a Conditional Use with an expiration of December 31, 2021.
3. The applicant has state approval for an impound yard.
4. The leased tenant space is 10,890 square feet, but part of a larger 1.86-acre development.

## **STAFF ANALYSIS**

1. Conditional Use Permits are subject to compliance with 14.02.040. Responses are in **bold**.

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.*

**As evidenced below, the proposed towing impound yard business operation will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity as it is located in an industrial zone.**

*(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;*

**The proposed operation will not cause unreasonable risk to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes due to its location in an industrial zone and located between the I-15 Freeway to the west and railroad tracks to the east.**

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

**The proposed use will not unreasonably interfere with the lawful use of surrounding property. The applicant's leased space will be sufficient for the operation.**

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

**The proposed use will not create a need for essential municipal services which cannot be reasonably met. The applicable City departments have reviewed the application and have not indicated any concerns with municipal service need.**

*(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 proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity. The operation will be kept within the fenced section of the property.**

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

**The proposed use will not likely affect the market value of real estate in the vicinity.**

*(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 use is not contrary to the standards described herein.**

The proposed towing impound yard use is consistent with the surrounding uses in the area. The use will not be detrimental to the health safety or general welfare to people in the vicinity of the proposed use as noted above. No new structures are associated with this request.

Parking is not being required for this proposed towing impound yard as there is no need for it. When an individual needs to go to the business, it will be either to get a vehicle released or while being dropped off at the business when their vehicle has been impounded. The length of time spent at the business will be minimal. The towing impound yard will be accessed from a paved approach from the street.

## **RECOMMENDATION**

Based on the foregoing Findings of Facts and Staff Analysis, staff recommends approval of the requested Conditional Use Permit for equipment rental business with the following conditions:

1. All items from the CRC report

**APPLICANT AGREEMENT TO CONDITIONS**

Pursuant to Section 14.04.050 of the Provo City Code, relating to Staff Action on Planning Commission Matters, by signing below, the applicant agrees to the recommended conditions. If the applicant does not agree to the recommended conditions, the applicant may request to have the item heard by the Planning Commission.

(x) \_\_\_\_\_ Date \_\_\_\_\_

**Attachment 1 – Location Map**



**Attachment 2 – Site Plan**

