

Provo City Planning Commission Administrative Hearing Report of Action

ITEM #1 Elliott Smith requests a Conditional Use Permit for a gas station (SLU Code #5530) within the SC-2 Zone, on a site located at approximately 2299 N University Parkway, within the Parkway Village Shopping Center. Carterville Neighborhood. Brian Maxfield (801) 852-6429 bmaxfield@provo.org. PLCUP20190400

The following action was taken on the above described item by an Administrative Hearing Officer, acting in behalf of the Provo City Planning Commission, on December 18, 2019:

APPROVED

Administrative Hearing Officer: Bill Peperone

This action includes the facts of the case, analysis, and conclusions outlined in the Staff Report, with any changes noted.

STAFF PRESENTATION

Staff gave background information from the last meeting and staff's efforts to address neighborhood concerns voiced at the previous meeting. An emphasis of staff was the requirement of Section 14.19.160(5)(b), for a masonry wall on the property boundary between the commercial and residential zones.

NEIGHBORHOOD AND PUBLIC COMMENT

Mark Wait, a bordering neighbor to the west stated he wanted to work with the other neighbors and 7-Eleven to have at least one gate put into the wall, to facilitate the resident's pedestrian access to the commercial area. Although they understand they can agree to an alternative fencing type, he believes a concrete wall will better address their concerns with fires in their backyards being started through the discard of a burning cigarette.

APPLICANT PRESENTATION AND RESPONSE

Key points addressed in the applicant's presentation to the Administrative Hearing Officer included the following:

- He believes they are on the same page as the residential owners regarding the surveyed property line;
- They will adjust their landscaping plan to not include anything within the UDOT right-of-way;
- They will meet the code regarding the fencing.

FINDINGS / BASIS OF ADMINISTRATIVE HEARING OFFICER DETERMINATION

The Administrative Hearing Officer approved this item with the condition that the applicant comply with Section 14.19.160(5)(b) regarding the installation of a masonry wall with the provision another type of fencing is allowed upon a written agreement with the neighboring property owners.



Administrative Hearing Officer

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

Administrative decisions **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 Hearing Officer's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

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 _____