

Provo City Planning Commission Administrative Hearing

Report of Action

April 16, 2014

ITEM 1 Mykel Davis, agent for Brigham Young University, requests Minor Project Plan Approval for locating of 5 temporary trailers in conjunction with The National Center for Health Statistics, Centers for Disease Control and prevention, and United State Department of Health and Human Services study on the property located at 2221 North Canyon Road in the PF (Public Facility) zone. *Pleasant View Neighborhood* 14-0004MPPA

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 April 16, 2014:

APPROVED WITH CONDITIONS

Administrative Hearing Officer: Brian Maxfield

Includes facts of the case, analysis, and conclusions outlined in the Staff Report, with any changes noted. Administrative Hearing Officer determination is consistent with the Staff analysis and determination.

Conditions of Approval:

1. That all technical requirements of the Coordinators Review committee be resolved prior to issuance of a building permit.
2. That a bond in the amount of \$2,500.00 per trailer be posted to ensure that the property is returned to its original state.

RELATED ACTIONS

The Conditional Use Permit for this project was approved on March 19, 2014 under file #14.0004CUP.

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.

NEIGHBORHOOD AND PUBLIC COMMENT

The Neighborhood Chair was not present at the Administrative Hearing. Neighbors or other interested parties were present and addressed the Administrative Hearing Officer. Comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised during the public hearing included the following:

1. Tanner Konold inquired as to what kinds of testing would be done.

APPLICANT RESPONSE

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

1. In response to Tanner Konold's question, the applicant responded that the testing would be health based for different types of conditions, such as cholesterol, as well as continuing testing that had begun approximately 10 years ago.



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.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



**Planning Commission
Staff Report
Project Plan Approval
Administrative Hearing Date:
April 16, 2014**

ITEM 1 Mykel Davis, agent for Brigham Young University, requests Minor Project Plan Approval for locating of 5 temporary trailers in conjunction with The National Center for Health Statistics, Centers for Disease Control and prevention, and United State Department of Health and Human Services study on the property located at 2221 North Canyon Road in the PF (Public Facility) zone. ***Pleasant View Neighborhood*** 14-0004MPPA

<p>Applicant: Mykel Davis - BYU</p> <p>Staff Coordinator: Carrie Walls</p> <p>Property Owner: Brigham Young University Parcel ID#: 20:050:0003 Current Zone: PF Proposed Zone: N/A General Plan Designation: PF Acreage: 3.17 Number of Properties: 1 Number of Lots: 2 Total Building Square Feet: N/A</p> <p>Development Agreement Proffered: No</p> <p>Council Action Required: No</p> <p>Alternative Actions: 2. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is May, 7, 2014, 5:00 p.m.</i></p> <p>3. Deny the requested Project Plan. <i>This action would be not consistent with the recommendations of the Staff Report. The Administrative Hearing Officer should <u>state new findings.</u></i></p>	<p>Current Legal Use: The site has a commercial building located on it that is used for rentals of outdoor equipment through Brigham Young University.</p> <p>Relevant History: A Conditional Use Permit in order to permit the temporary trailers to be located at the site for approximately 3 months was approved on March 19, 2014.</p> <p>Neighborhood Issues: No issues or concerns have been received from the neighborhood.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none">• The request is for site plan approval for the installation of 5 temporary trailers to be used for a medical survey.• The trailers will be located on the site for approximately 3 months (April – June 2014).• The trailers will be located on the eastern side of the parking lot of the existing Outdoors Unlimited building. <p>Staff Recommendation: Approve the requested Project Plan, with the following conditions:</p> <ol style="list-style-type: none">1. That all technical requirements of the Coordinators Review Committee be resolved prior to issuance of a building
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permit.

2. That a bond in the amount of \$2,500.00 per trailer be posted to ensure that the property is returned to its original state

OVERVIEW

The applicant is requesting site plan approval to install five temporary trailers in the eastern part of the parking lot of the existing Outdoors Unlimited building. The trailers will be in place for approximately 3 months (April – June 2014) and a Conditional Use Permit was approved on March 19, 2014 in preparation for the project.

The trailers will be used as a site to conduct medical testing as part of a national health survey in conjunction with the National Center for Health Statistics, Centers for Disease Control and Prevention, and the U.S. Department of Health and Human Services.

GENERAL PLAN POLICIES

There are no General Plan Policies, either in the Southeast Neighborhood or specifically in the Pleasant View Neighborhood policies, in regard to temporary uses.

FINDINGS OF FACT

1. The site is currently occupied by Outdoors Unlimited, a business that rents outdoor equipment. Their building is located on the western portion of the site with approximately 172 parking stalls on the remainder of the site.
2. The five, proposed, temporary trailers will be located on the eastern portion of the site and will have approximately 28 parking stalls allotted to it.
3. The trailers will be in place for approximately 3 months from April to June and will be utilized for medical testing in conjunction with a national health survey.
4. The Coordinators Review Committee has reviewed the project. There are still some minor issues from Public Works to resolve.
5. A bond in the amount of \$2,500.00 per trailer will be required to be posted prior to the issuance of the building permits for said trailers that will help to ensure that the site is left as it was prior to the installation of the trailers.

STAFF ANALYSIS AND CONCLUSIONS

Generally, temporary uses are dealt with under a Temporary Use Permit. However, a TUP only allows a temporary use for 30 days maximum. Medical uses are a conditional

use in the PF zone and it was determined that a Conditional Use Permit for the use and the three month time period was appropriate.

The site plan has been well thought out and the applicant has been working with CRC to resolve any other concerns.

STAFF RECOMMENDATION

Staff recommends that the Administrative Hearing Officer approved the project plan with the following conditions.

RECOMMENDED CONDITIONS OF APPROVAL

1. That all technical requirements of the Coordinators Review Committee be resolved prior to issuance of a building permit.
2. That a bond in the amount of \$2,500.00 per trailer be posted to ensure that the property is returned to its original state.

ATTACHMENTS

1. Site plan
2. CRC Analysis



FACILITIES PLANNING
240 BRWY PROVO, UTAH 84602
PHONE: (801) 422-2666
FAX: (801) 422-2668

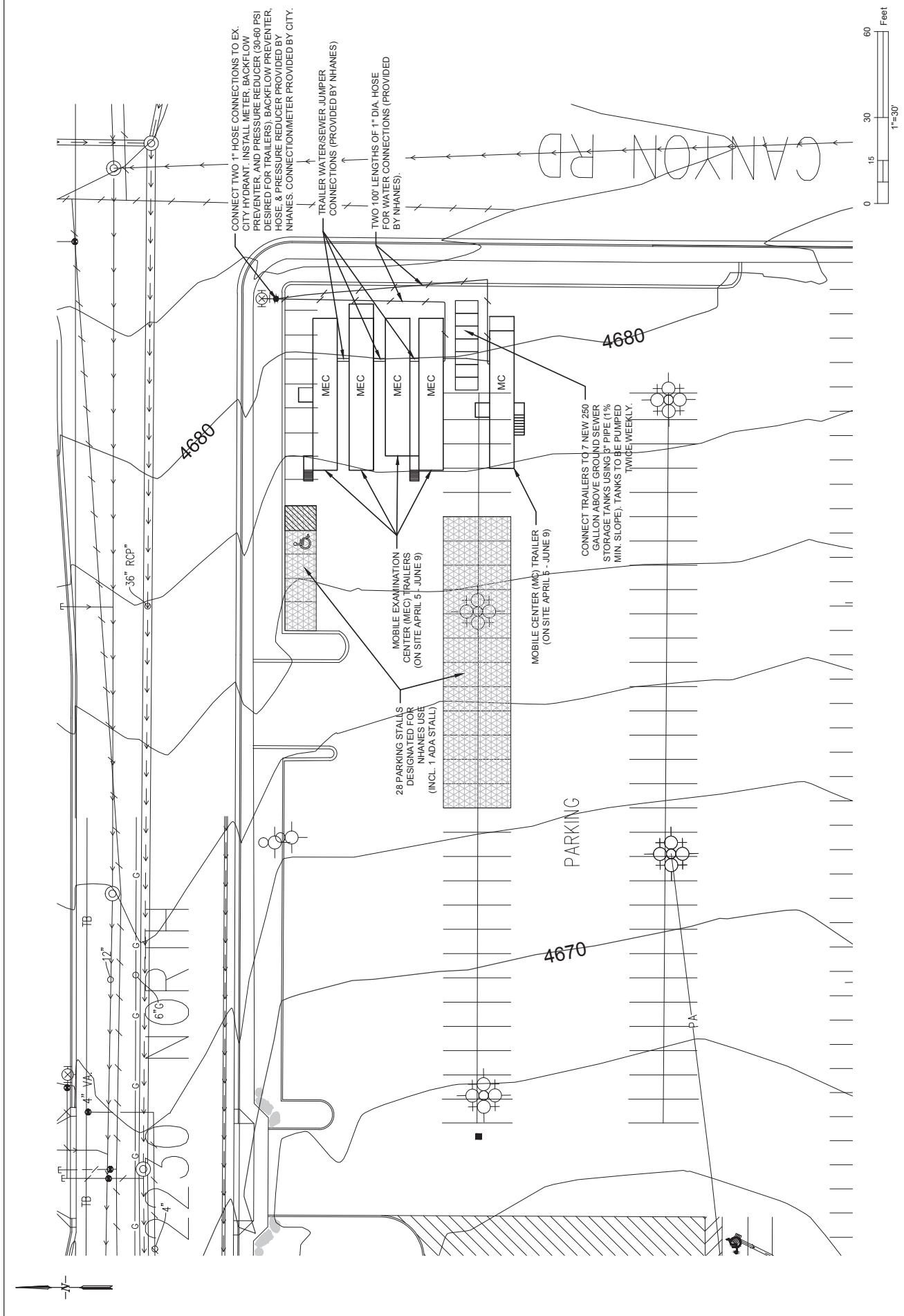
DATE: February 2, 2014
DRAWN BY: [REDACTED]
CHECKED BY: [REDACTED]
APPROVED BY: [REDACTED]

APPROVALS
INITIALS DATE

NATIONAL HEALTH AND NUTRITION EXAMINATION SURVEY (NHANES)
SITE PREPARATION

BRIGHAM YOUNG
UNIVERSITY

Administrative Hearing Staff Report
April 16, 2014
Item 1
Attachment 1



Provo City Coordinator Application Review

Opened: 2/11/2014

Report Date: 3/19/2014

Project Name: BYU Temporary Trailers

Address: 2221 N. Canyon Road

Casefile: 14-0004MPPA

Application Type: Minor Project Plan

Submission Deadline: In order to have a submission placed on the next available review agenda, all documents must be submitted to the Planning Coordinator by **5pm on Monday..**

Coordinator Summary*

Energy: Final Approval

Engineering: <No Selection>

Fire: Final Approval

Parks: Final Approval

Planning: Final Approval

Sanitation: Changes Required

Storm Water: Changes Required

Water: Changes Required

Bldg Insp: Final Approval

*Plan Status**:*

*If no status is shown, please contact the applicable coordinator to discuss the project.

**Indicates overall review status of the application.

Overall Review Status of Application:

Applicaton Expiration:

This application will expire on February 11, 2015. For exceptions to this rule see Section 15.01.040 Provo City Code.

Project Review

Building Inspection: Skip Tandy / Commercial Plan Examiner eMail: standy@provo.utah.gov Phone: 801-852-6411

Final Approval:

2/12/2014 - Skip Tandy:

> A building permit will be required, these trailers will have to properly secured to the ground, must be ADA Accessible, and have adequate restroom failites.

Energy: Randy Barney / Utility Planner Supervisor eMail: rbarney@provo.utah.gov Phone: 801-852-6831

Final Approval:

2/13/2014 - Randy Barney:

No concerns at this time.

2/13/2014 - Randy Barney:

>

Fire Department: Lynn Schofield / Fire Marshal eMail: lschofield@provo.utah.gov Phone: 801-852-6339

Final Approval:

3/12/2014 - Lynn Schofield:

All concerns have been addressed.

Parks & Recreation: Dean Hutchison / Project Manager eMail: dhutchison@provo.utah.gov Phone: 801-852-6643

Final Approval:

Planning: Carrie Walls / Planner eMail: cwalls@provo.utah.gov Phone: 801-852-6413

Final Approval:

3/13/2014 - Carrie Walls:

Planning has no other concerns with this project. An Administrative Hearing is scheduled for the CUP portion of the project for Wednesday, March 19, 2014 at 5:00 p.m. in the Community Development Department's Conference room.

Engineering:

3/18/2014

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<No Selection>:

Sanitation: Scot Allen / Civil Engineer Technician eMail: sallen@provo.utah.gov Phone: 801-852-6721
Changes Required:

3/18/2014 - Scot Allen:

1. Please, address the previous comment by showing how waste and garbage removal from this site will be handled.
2. Provide a revised site plans showing how listed comments were addressed at site. Mostly a revision or addition to some of general notes would suffice.

Storm Water: Scot Allen / Civil Engineer Technician eMail: sallen@provo.utah.gov Phone: 801-852-6721

Changes Required:

3/18/2014 - Scot Allen:

>After further review of the 3/6/2014 BYU's response to City comments and phone conversations the following items need to be addressed.

1. Provide a revised site plans showing how listed comments were addressed at site. Mostly a revision or addition to some of general notes would suffice.
2. Show how waste and garbage removal from this site be addressed.
3. Provide an acknowledgement agreement and/or documentation from your appropriate administrators stating that they understand and accept the risk that may occur during an emergency, fire event or other service that requires the use of the fire hydrant and an interruption or loss of service may occur until it is determined that service can be restored.

Water Resources: Scot Allen / Civil Engineer Technician eMail: sallen@provo.utah.gov Phone: 801-852-6721

Changes Required:

3/18/2014 - Scot Allen:

>> After further review of the 3/6/2014 BYU's response and phone conversations with Brandon Bitter the use of a fire hydrant was decided for a temporary connection for culinary water usage. A water meter will need to be obtained from the Water Resources department as well as installation of a back flow prevention valve is required.

1. Provide an acknowledgement agreement and/or documentation from your appropriate administrators stating that they understand and accept the risk that may occur during an emergency, fire event or other service that requires the use of the fire hydrant and an interruption or loss of service may occur until it is determined that service can be restored.

End of Review