

Provo City Planning Commission Administrative Hearing

# Report of Action

May 7, 2014

ITEM 3      Jeff Peterson requests Conditional Use Permit approval to occupy an existing building and site, to function as a used car lot; located at 313 South 500 West, Provo, UT, in the CG (General Commercial) Zone. *Franklin Neighborhood* 14-0006CUP

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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 May 7, 2014:

## **CONDITIONALLY APPROVED**

Administrative Hearing Officer: Brian Maxfield

The report includes facts of the case, analysis, and conclusions outlined in the Staff Report, with any changes noted. Administrative Hearing Officer's determination is consistent with the Staff analysis and determination.

### **Conditions of Approval:**

- 1. All CRC comments are to be addressed, specifically trash collection and comments from the Public Works Project Coordinator. Access control concerns with ingress and egress for the site are to be given final approval by the City Traffic Engineer;**
- 2. All connections to public utilities and floor drains must be identified, if the applicant chooses to perform vehicle maintenance on the property;**
- 3. Any deviation of this conditional use permit approval may result in the City holding another conditional use permit hearing to modify or revoke the said permit;**
- 4. Applicant is to be aware of the easement on the east side of the property;**
- 5. Sufficient access and parking for the Vapor Pit is to be shown on plan and lease.**

### **STAFF PRESENTATION:**

#### **OVERVIEW:**

The applicant approached Community Development with the request to locate their used car sales business in 1,000 square feet of the existing building on the said property. They want to occupy the building space to sell cars only, providing no exterior renovations or improvements to the site, and just a few minor improvements to the interior.

#### **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.*

*(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.*

*(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.*

2. Project Plan Approval

-has not been granted yet due to the need to address some review comments.

3. Landscaping

-N/A

4. Trash Container Enclosure

-The use of any dumpster or trash container needs to be screened from public view when not set out for pick-up.

5. Fencing

-None proposed.

6. Parking

-Limited to the site only. Staff has requested a revised drawing showing the on-site parking layout.

7. Signage

-New signage shall require a separate building permit submittal and approval.

8. Transitional Development Standards

-N/A

9. Design Corridor

-N/A

10. Other Concerns

- Having proper room for ingress and egress in and out of the site.

OTHER CITY DEPARTMENTS:

(Public Works) – The Engineering Coordinator has provided the following list of concerns that need to be addressed prior to approval:

1. There is a public safety concern, because of the lack of access control from the streets 500 West and 300 South fronting this lot. Recommend, eliminate and block off the drive access from 300 South, closest to the intersection of 500 West street, where existing parking lot lamp is located. Recommend, defining a single entrance or egress point off of 500 West, south of the intersection, for a pedestrian “area of safety,” from vehicles accessing this site. For further discussion to help define street access locations or setbacks from this intersection please, contact Scot Allen (852-6721).
2. Pending how Engineering access control concerns are addressed, additional discussions regarding site and street drainage may be needed.
3. If there is any vehicle maintenance performed inside building, all floor drains and connections to public utilities are to be identified.

BONDING:

Not currently required.

CONCLUSIONS:

Current zoning allows used car sales, but with conditional approval. Staff believes the use is appropriate for the site, but the applicant must address the concerns from the development review team (CRC).

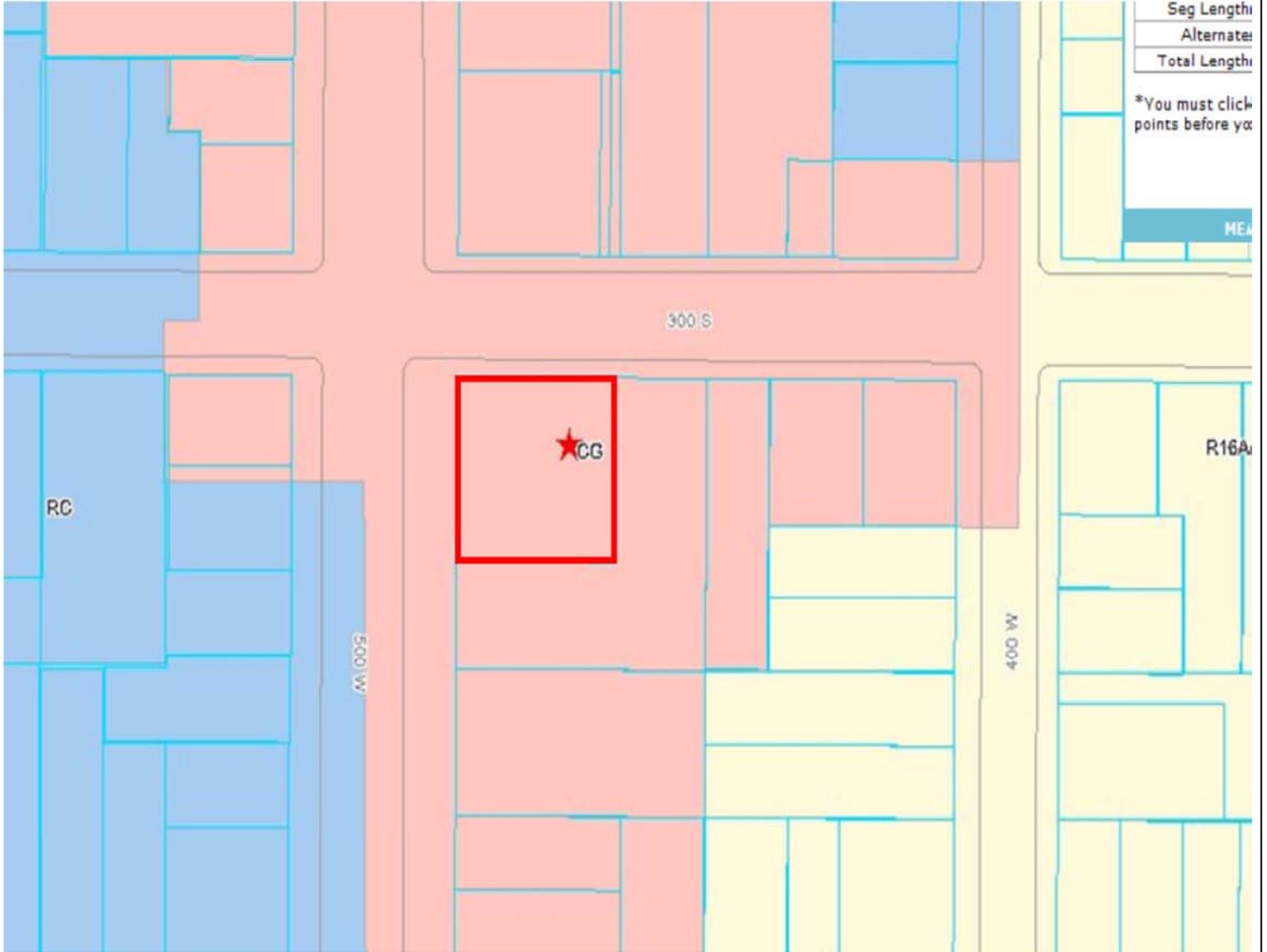
RECOMMENDATION:

Staff recommends the Hearing Officer APPROVE the Conditional Use Permit request, allowing the operation of used car sales, with the following conditions:

1. All CRC comments are to be addressed, specifically trash collection and comments from the Public Works Project Coordinator. Access control concerns with ingress and egress for the site are to be given final approval by the City Traffic Engineer.
2. All connections to public utilities and floor drains must be identified, if the applicant chooses to perform vehicle maintenance on the property.
3. Any deviation of this conditional use permit approval may result in the City holding another conditional use permit hearing to modify or revoke the said permit.

ATTACHMENTS:

- Zoning Map
- Aerial Location Map
- Aerial Site Plan
- Site Plan

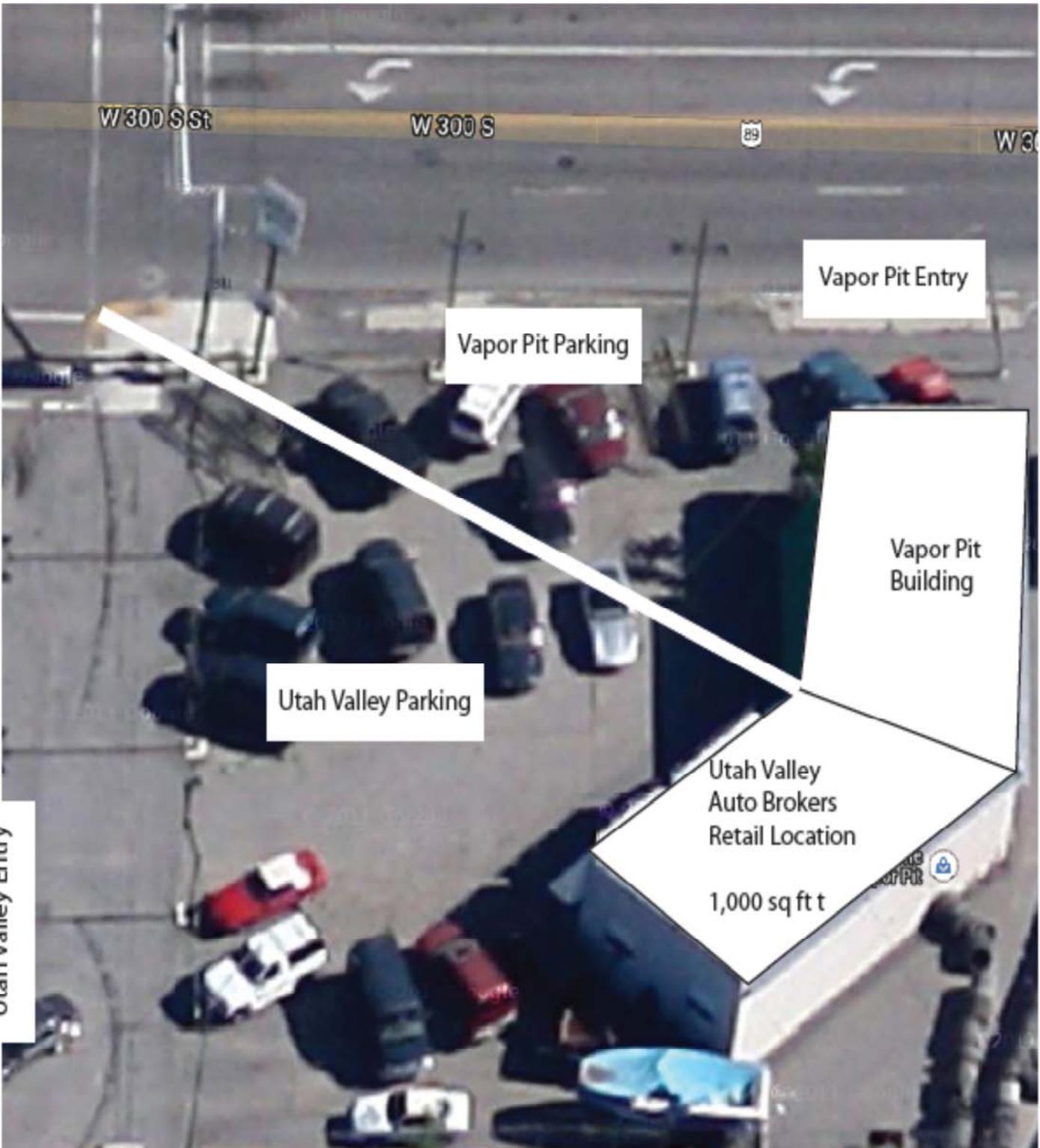


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Vapor Pit Entry

Vapor Pit Parking

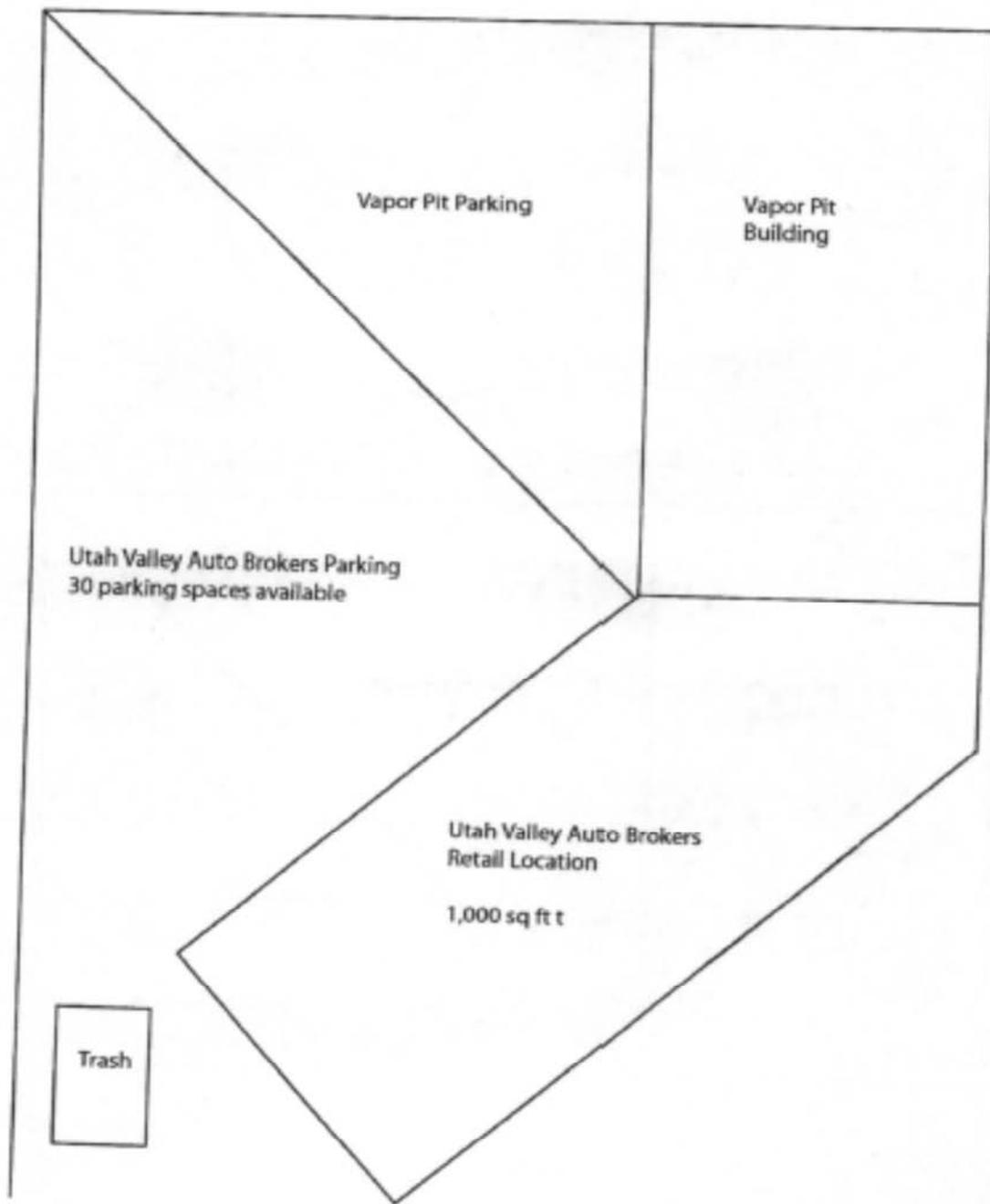
Vapor Pit Building

Utah Valley Parking

Utah Valley Auto Brokers Retail Location

1,000 sq ft

Utah Valley Entry



**NEIGHBORHOOD AND PUBLIC COMMENT:**

The Neighborhood Chair was not present or did not address the Administrative Hearing Officer during the hearing. Neighbors or other interested parties were present or addressed the Administrative Hearing Officer. Key issues raised during the public hearing included the following:

1. Can the applicant restore the sidewalk that has been paved over?
2. Will they be doing any business related activities in the rear along the east boundary? There is an easement there to be aware of.

**APPLICANT RESPONSE**

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

1. N/A



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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  
Conditional Use Permit  
Administrative Hearing Date:  
May 7, 2014**

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<p><b>Applicant:</b> Jeff Peterson</p> <p><b>Staff Coordinator:</b> Sean Allen</p> <p><b>Property Owner:</b> Barakat, Sarkis <b>Parcel ID#:</b> 40260006 <b>Current Zone:</b> CG (General Commercial) <b>Acreage:</b> 0.36 <b>Number of Properties:</b> 1 <b>Square Feet:</b> 1,000</p> <p><b>Council Action Required:</b> No</p> <p><b>Alternative Actions:</b></p> <p><b>2. Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is June 4, 2014, 5:00 P.M.</i></p> <p><b>3. Deny</b> the requested Conditional Use Permit. <i>This action <u>would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.</u></i></p>	<p><b>Current Legal Use:</b> Commercial/Retail and various uses permitted in the C-G Zone.</p> <p><b>Relevant History:</b> Site has been used for auto sales before.</p> <p><b>Neighborhood Issues:</b> None reported.</p> <p><b>Summary of Key Issues:</b></p> <p><b>1.</b> New/used auto sales is designated as a conditional use under SLU #5511, and allowed with Conditional Use Permit approval.</p> <p><b>2.</b> The development review team (CRC) has reviewed the proposal and has listed some concerns that need to be resolved or addressed.</p> <p><b>Staff Recommendation:</b></p> <p><b>1. Approve</b> the requested Conditional Use Permit, <b>with conditions.</b> <i>Staff has provided <u>recommended conditions of approval</u> in the event that the Hearing Officer approves the CUP.</i></p>
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**OVERVIEW:**

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