



Provo City Planning Commission

Report of Action

August 9, 2017

ITEM 3* LaVorn Sparks requests an Ordinance Amendment to Section 14.17.020 to add to Conditional Uses SLU #4603 Longterm Vehicle Storage including autos, trucks, and boats (on unimproved lots when non-contiguous to residential zones) within Public Facilities Zones. **City-Wide Impact.** 17-0012OA, Brian Maxfield, 801-852-6429

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 9, 2017:

POSITIVE RECOMMENDATION

On a vote of 7:0, the Planning Commission recommended the Municipal Council approve the above noted application.

Motion By: Ed Jones

Second By: David Anderson

Votes in Favor of Motion: Ed Jones; David Anderson; Shannon Ellsworth; Brian Smith; Deborah Jensen; Andrew Howard; Jamin Rowan.

Jamin Rowan was present as Chair.

The motion 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.

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit "A".

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:

- Background on PF zones within the City and location of applicant's property.
- How the amendment would possibly affect other PF sites.
- If approved, the use would be a Conditional Use.

CITY DEPARTMENTAL ISSUES

None

NEIGHBORHOOD MEETING DATE

City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

No neighborhood nor public comment was received by staff nor presented at the Planning Commission meeting.

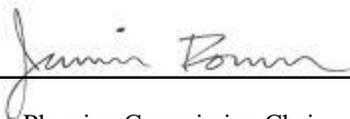
APPLICANT RESPONSE

The applicant's daughter Tiffany Burbidge, addressed the property at issue and stated the landscaping would be similar to their property across the street.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Several commissioners spoke of the need for appropriate screening, possibly including berming or similar treatment along Center Street.



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
Ordinance Amendment
Hearing Date: August 9, 2017**

ITEM 3* LaVorn Sparks requests an Ordinance Amendment to Section 14.17.020 to add to Conditional Uses SLU #4603 Longterm Vehicle Storage including autos, trucks, and boats (on unimproved lots when non-contiguous to residential zones) within Public Facilities Zones. **City-Wide Impact.** 17-0012OA, Brian Maxfield, 801-852-6429

<p>Applicant: LaVorn Sparks Staff Coordinator: Brian Maxfield</p> <p>Property Owner: Lakeside Storage LLC Parcel ID#: 21:026:0024 Current General Plan Designation: Public Facilities Current Zone: PF Public Facilities Acreage: 3.08 acres Number of Properties: One</p> <p>*Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Recommend Denial of the proposed ordinance amendment. <i>This would be <u>a change from the Staff recommendation</u>; the Planning Commission should <u>state new findings</u>.</i></p> <p>2. Continue to a future meeting to allow additional input to be considered. <i>This next available meeting date would be <u>August 23, 2017</u>.</i></p>	<p><u>Current Legal Use:</u> Uses as allowed in the current PF Public Facilities Zone.</p> <p><u>Relevant History:</u> It is uncommon to have privately owned land within the Public Facilities Zone. For years Mr. Sparks has looked for ways to obtain enough economic benefit from this property to at least pay the property taxes.</p> <p><u>Neighborhood Issues:</u> City-wide application although there are limited parcels in private ownership in the PF Zones.</p> <p><u>Summary of Key Issues:</u> It is not typical for the City to allow parking on unimproved lots. However, due to the location and surrounding uses, staff is comfortable with this lot being unimproved.</p> <p><u>Staff Recommendation:</u> Staff recommends the Planning Commission forward a positive recommendation to the Municipal Council regarding the proposed text amendment to Section 14.17.020, to add to Conditional Uses SLU #4603 Longterm Vehicle Storage including autos, trucks, and boats (on unimproved lots when non-contiguous to residential zones) within Public Facilities Zones.</p> <p><i>This action <u>would be consistent with the recommendation of the Staff Report</u>.</i></p>
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OVERVIEW

This application is for a text amendment to the PF Public Facilities Zone. The applicant's desire is to add Standard Land Use (SLU) #4603 as a conditional use. The resulting ordinance amendment proposal would be:

- 4600 Automobile parking (~~except 4603~~)
4603 Long-term, unimproved parking lots allowed for vehicle storage including autos, trucks, and boats (when noncontiguous to a residential zone).

In the Zoning Ordinance, the stated purpose of the Public Facilities Zone is to "provide areas for the location and establishment of facilities which, under public franchise, ownership, or private enterprises operating for the public convenience and necessity, provide public services such as electricity, gas, communication, transportation, water, sewage treatment, education, religious activities and other public assembly, cultural facilities, parks, recreation etc. and which utilize relatively large areas of land."

It is generally uncommon to have privately owned properties within a Public Facilities zone. Besides the subject property, staff has found only five additional privately-owned properties within existing Public Facilities zones. The largest two are the Riverside Country Club and the Seven Peaks Resort. The remaining three include: Lakeside Campground directly to the east; the radio station at about 260 S 1600 West; and, the Kenny Seng construction company located just north of the main entrance to the Airport.

ANALYSIS

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

(a) Public purpose for the amendment in question.

The applicant's belief that the current ordinance is too restrictive while the proposed use would be appropriate within the zone and allow a viable economic return on the property.

(b) Confirmation that the public purpose is best served by the amendment in question.

The general plan designation for the property is Public Facility. As a property under an individual, private ownership, a reasonable use of the land should be allowed through the permitted uses.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

The amendment would likely not cause an incompatibility with the General Plan policies, goals, and objectives.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

Does not apply. The proposed amendment would have no effect on the "timing and sequencing" provisions.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

The proposed amendment would not hinder or obstruct attainment of the General Plan's articulated policies.

(f) Adverse impacts on adjacent land owners.

Although the amendment is not site specific, any adverse impact and the appropriate mitigation could seemingly be established in conjunction with the review process.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Does not apply. The text amendment is not site specific.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Does not apply. The text amendment is not site specific.

CONCLUSIONS

It is uncommon to have privately owned land within the Public Facilities Zone, and many of the uses called out as either permitted or conditional are more related to government or institutional ownership. As it is, there are only a limited number of privately owned properties and sites which might be included in a PF Zone and even fewer which might be developed for the use proposed in the amendment. Therefore, the consideration of appropriateness easily becomes site specific rather than a broader analysis for all of the properties within a PF zone. For years Mr. Sparks has looked for ways to obtain enough economic benefit from this property to at least pay the property taxes. Staff believes the additional land use allowance through the amendment, will not be burdensome on the City nor adjacent property owners and could be considered appropriate.

STAFF RECOMMENDATION

Staff recommends the Planning Commission forward a positive recommendation to the Municipal Council regarding the proposed text amendment to Section 14.17.020, to add to Conditional Uses SLU #4603 Long-term Vehicle Storage including autos, trucks, and boats (on unimproved lots when non-contiguous to residential zones) within Public Facilities Zones.

Applicant's Letter of Support

*Designation of the Title amendment desired: 14.17.4600

*Reason and justification for the amendment, and a statement explaining how the amendment will promote the objectives and purposes of the Provo City Code and General Plan.

Whereas Provo City has an ordinance prohibiting long term parking on the streets of the City and whereas the existing PF zone ordinance is so restrictive and cost prohibitive in undeveloped areas, we propose that a slight text amendment allowing for very low City impact parking be added to the existing ordinance. By simply adding compacted road base gravel with controlled entry and exit for off street parking, a suitable inexpensive solution can be made available on properties that meet the requirements and will not have negative impact on neighbors. Simply providing maintained and controlled road base or roto milled asphalt will not impact water runoff nor Storm Drain requirements over existing land uses on vacant land. Where curb and gutter and storm drains are not existent they will not be required nor of benefit as they increase expenses and impact.

*Proposed ordinance amendment how text should be modified:

Conditional Use

SLU # 4603 Long term unimproved parking lot allowed for vehicle storage including autos, trucks and boats (when noncontiguous to a residential zone)