



Provo City Planning Commission

Report of Action

October 11, 2017

ITEM 1* Provo City Economic Development Department requests amendments to the General Plan text for the Spring Creek Neighborhood to allow for SLU#6614 Contract Construction Services and Heavy Manufacturing (M-2) Zoning, located at approximately 4000 South 2300 East. Current zoning is Planned Industrial Commercial (PIC). *Spring Creek Neighborhood*. 17-0004GPA, Austin Corry, 801-852-6413

The following action was taken by the Planning Commission on the above described item at its regular meeting of October 11, 2017:

RECOMMEND APPROVAL

On a vote of 4:1, the Planning Commission recommended that the Municipal Council approve the above noted application.

Conditions of Approval:

1. That the text “within a park-like atmosphere” remain in the language.
2. That the proposed new text be modified to apply only the southern portion of the Mountain Vista Business Park.

Motion By: Dave Anderson

Second By: Brian Smith

Votes in Favor of Motion: Dave Anderson, Deon Turley, Brian Smith, Shannon Ellsworth

Votes Opposed: Deborah Jensen

Deborah Jensen was present as Chair. Andrew Howard abstained.

- 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.

RELATED ACTIONS

Item 2 and 3 of the same 11 October 2017 Planning Commission agenda relates. See 17-0013R and 17-0019PPA.

DEVELOPMENT AGREEMENT

- May apply with future approvals if the Council determines it is necessary.

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 MEETING DATE

- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present /addressed the Planning Commission during the public hearing.
- This item was City-wide or affected multiple neighborhoods.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Mary Millar, Spring Creek Neighborhood Chair raised a concern that the proposed text amendment did not serve the public purpose. She favored the development if the M2 zone being requested could be modified to better align with the General Plan for creating a park-like atmosphere.
- Jamie Evans contested that regardless of the applicant's claims, concrete crushing creates a large amount of dust that would become a nuisance to surrounding properties. He noted that if the City's new vision for the area was to have heavy industrial which permits concrete crushing, he would be looking to expand his operation. He asked that the City consider the existing users and original intent of the business park and maintain that path.
- Steve Hall, representing Vanderhall properties, objected to the application because dust and emissions from this proposed use would inhibit his project which is just preparing to break ground. He contested that the proposed amendment, and corresponding project, is contradicting the premise under which they purchased property in the park.
- Steve Turley stated there is no better use and no better business that could go in this location. His position is that any development helps to encourage additional investment in adjacent properties.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

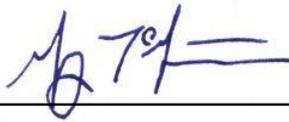
- Dixon Holmes, Economic Development Director, presented an extensive history of the cleanup efforts that have taken place on the property to make it possible for sale.
- The Planning Commission asked various questions regarding the potential for other uses that would be more applicable to the existing General Plan such as light industrial or office. Mr. Holmes stated that there is no other interest in this property and that this proposal is to allow a 20-30 year operation until the land value is such that something with a higher and better use can take its place.
- Paul Washburn, applicant, explained the safety measures that would be put in place as part of the operation including additional acceleration and deceleration lanes on SR 75. He also stated that sound and dust mitigation that would be built around the crushing operation.
- Mr. Washburn stated that the concrete crushing would be on a very limited basis, perhaps a few times a year, but that if he isn't permitted to do it, the project is a bust. He noted that they are proposing a four foot berm and six foot wall to screen the property from adjacent uses.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Shannon Ellsworth noted that the Spring Creek area, specifically this southern portion, holds a great potential as the gateway to the City. Ms. Ellsworth raised the concern that the proposed General Plan amendment seemed contradictory to the real vision. She questioned staff as to what the vision for the area is. Mr. Corry responded that the current vision is the existing General Plan and Southeast Neighborhoods Plan, but that this larger policy question is being asked for reconsideration by the Council. The Council's decision in this matter could largely affect the future effectiveness of the plans as they stand.
- Dave Anderson acknowledged that few parties would consider this to be an acceptable use to have "next door," but that it is still important for the City to consider where appropriate places for these are. Mr. Anderson asked staff if any other sites would be more suitable. Mr. Corry responded that staff is unaware of any other sites that would be any less controversial than the one being proposed.
- Deon Turley shared the concerns stated by Ms. Millar that the proposal is not following existing plans. Ms. Turley stated that the proposed language is written too vague and undermines the existing plans.

- Deborah Jensen stated that she believed the existing planning documents to be correct and that the proposed use and corresponding changes are short-sighted.
- The Planning Commission discussed the importance of looking at the context of the area.
- The Commission questioned Mr. Holmes about the potential he saw for the property to become something better.
- Brian Smith noted that the specific project request seemed appropriate and for that reason he would be willing to support it, but shared the sentiment that the language should specify that this is really only an allowance for this one project and the remaining area should move forward as previously envisioned.



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
General Plan Amendment
Hearing Date: October 11, 2017**

ITEM 1* Provo City Economic Development Department requests amendments to the General Plan text for the Spring Creek Neighborhood to allow for SLU#6614 Contract Construction Services and Heavy Manufacturing (M-2) Zoning, located at approximately 4000 South 2300 East. Current zoning is Planned Industrial Commercial (PIC). **Spring Creek Neighborhood.** 17-0004GPA, Austin Corry, 801-852-6413

Applicant: Provo City Economic Development
Staff Coordinator: Austin Corry

Property Owner: Redevelopment Agency of Provo

Parcel ID#: 230210048, 230210015, 230010166

Current General Plan Designation: Industrial (I)

Proposed General Plan Designation: Industrial

Current Zone: Planned Industrial Commercial

(related casefile 17-0013R request for Heavy Industrial M2)

Acreage: 62.63

Number of Properties: 1

***Council Action Required:** Yes

Related Application(s): 17-0013R, 17-0019PPA

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is October 25, 2017, 5:30 p.m.*

2. **Recommend Denial** of the proposed General Plan Map and text amendments. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Current Legal Use: Vacant – zoned for Planned Industrial Commercial

Relevant History: The property was originally the site of the Columbia Steel Mill which has been abandoned for decades. Provo City Economic Development has been in the process of remediating the site for future development. More detailed history is provided in the attached applicant response.

Neighborhood Issues: No concerns have been raised to staff prior to this report. No response to this request has been received from the neighborhood chair.

Summary of Key Issues:

- The subject property is under consideration for a zone change from Planned Industrial Commercial to Heavy Industrial.
- The proposed zone change is in conflict with written policies found in the General Plan and Southeast Neighborhoods Plan.

Staff Recommendation:

That the Planning Commission **Recommend Approval** of the proposed General Plan text amendments, as presented in the Staff Report or with changes.

This action would be consistent with the recommendation of the Staff Report. Any changes should be stated with the motion.

OVERVIEW

The applicant has provided a detailed history in the attached applicant language. In summary, Provo City Economic Development has been tasked to remediate a hazardous industrial site and eventually sell the property for tax-producing industrial property.

The Mountain Vista Business Park is currently zoned Planned Industrial Commercial and the existing General Plan language speaks to developing this land as an “up-scale business park” with robust landscape standards and master-planned development patterns. Presently, Sunroc Corporation has been in negotiation with Provo City to purchase and use the southern-most portion of this business park for a storage and transfer facility for gravel and recycled concrete.

The land use associated with this proposal is in conflict with language found in both the General Plan and the Southeast Neighborhoods Plan. As such, Provo City Economic Development proposes the following text changes as shown in ATTACHMENT #1.

FINDINGS OF FACT

1. The subject property is zoned Planned Industrial Commercial.
2. The subject property is currently owned by the Redevelopment Agency of Provo City.
3. The Sunroc Corporation would like to purchase the subject property if they can use it as a storage facility for gravel and recycled concrete.
4. A heavy industrial use such as that requested is not consistent with certain goals and policies of the General Plan, therefore, amendments to the General Plan text are necessary.

STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of general plan 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.*

Response: The proposed text amendment would establish policies that would facilitate easier zone map amendment processes for heavy industrial uses.

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

Response: The proposed use would bring the existing underutilized property into a tax producing property which would provide jobs and add to the City tax base.

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

Response: The proposed amendment does not suggest altering the language much beyond the existing policies, but rather adds some leniency to suggest the policy may not be a hard line. The City should consider the existing language to determine whether it establishes the current vision of the Mountain Vista Business Park as well as the ability for the Planned Industrial Commercial zone in implementing that vision.

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

Response: The proposed amendment facilitates improvements to the Mountain Vista Business Park now rather than waiting for another offer to be made. No specific policies have been established to indicate a timeline for the existing policies to be achieved.

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

Response: The proposed amendment could set precedence for deviating from the established policies for the Mountain Vista Business Park to be a master-planned, well landscaped, industrial

park. If this is the deviation desired, the City should consider evaluating the future and vision for the remainder of Business Park.

(f) *Adverse impacts on adjacent land owners.*

Response: There will likely be some adverse impacts to adjacent properties as a heavy industrial use such as the one proposed will produce heavy truck traffic and dust.

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

Response: In the case of the Sunroc property, the original zoning does not permit the heavy industrial uses being proposed. As such, a rezone proposal is being included in a concurrent request. The city should consider the PIC zoning for the Mountain Vista Business Park as a whole. Either 1) the PIC zoning should be amended since it lacks the regulation of achieving the vision established in the General Plan as noted in the Southeast Neighborhoods Plan, or 2) the General Plan and Southeast Neighborhoods Plan should be amended to acknowledge a less robust, more typical industrial park development, such as is common with light manufacturing (M1) zoning.

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

Response: No conflicts exist, although the text calls for much higher landscape and development standards than the more simplified map designation suggests. If the proposed text is adopted, the Southeast Neighborhoods Plan Future Land Use Map should be amended to reflect the proposed zoning of this site.

CONCLUSIONS

The proposed changes to the General Plan text would establish policies that support a rezone from Planned Industrial Commercial (PIC) to Heavy Industrial (M2). The city should consider the established vision of the Mountain Vista Business Park and determine the long-range intent for the area. Future, more robust amendments to the General Plan and Southeast Neighborhoods Plan would be anticipated in order to reflect this alternative direction.

STAFF RECOMMENDATION

That the Planning Commission **Recommend Approval** of the proposed General Plan text amendments, as presented in the Staff Report or with changes.

ATTACHMENT #1 – Proposed General Plan Text Amendment

Provo City General Plan, Chapter 6, Key Land Use Policies

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Southeast Area Guiding Principles, Policies and Goals

Private Property Policies

...

9. Area A should consist of a mix of uses, including residential, retail and offices, with a focus on residential. Area B should be developed with a mix of light industrial, **limited locations of heavier industrial or transportation related business uses along major traffic corridors, such as S. R. 75** and limited residential uses with a master development plan. This area includes the Mountain Vista Business Park development.

...

Spring Creek Neighborhood

...

3. Ironton should be developed as an ~~n-upscale~~ business park, with industrial and commercial uses. ~~within a park-like atmosphere. The City should look for an anchor project, which may include a significant civic or recreational facility, to establish an identity for the planned commercial/industrial park.~~ Ironton Boulevard should be connected to Larsen Parkway, and a traffic control signal should be placed at **Valley Vista**, Ironton Boulevard or Mountain **Vista View** Parkway and South State Street, for the benefit of both the Spring Creek and Provost South businesses and residents. **On a limited basis it may be acceptable to allow for more intense industrial or transportation related businesses along major traffic corridors, such as S.R. 75.**

Excerpt from page 18, Land Use Section of the Adopted Southeast Neighborhoods Plan

INDUSTRIAL/MANUFACTURING PLANNED INDUSTRIAL COMMERCIAL (PIC) The Mountain Vista Industrial Park has gone through extensive cleanup efforts by the City to create a place ready for development. The area is poised well for revitalization and should place a high priority on the perception the zone provides to those viewing the area from State Street. Open space and landscaping requirements for this zone should be modified to align better with the original intent of the zone. Although new applications of this zone are not recommended as part of this plan, the areas currently zoned for this type of development should be considered when

analyzing the effectiveness of the zoning ordinance. Recommendations to improve the current zoning regulation include increased landscape requirements, enhanced architectural guidelines, and incentives to encourage greenroof construction or screening when viewed from State Street. Although the uses in this area are industrial, the aesthetics of the area can create an inviting atmosphere for those who pass by. Attractive buildings and landscaping can encourage a positive work environment as well which can help to increase the quality of life for the new workforce that could be drawn to this area. **On a limited basis it may be acceptable to allow for more intense industrial or transportation related businesses along major traffic corridors, such as S.R. 75.**

ATTACHMENT #2 – Applicant Request for General Plan Text Amendment

Brief History –

Provo City acquired a 57 acre parcel of ground in 1983 from the WESTDEUTSCHE LANDESBANK GIROZENTRALE NY BRANCH for the original purpose of potentially building an electrical power generation facility for Provo City power needs. In 1998 the parcel was transferred to the Provo Redevelopment Agency. There are two additional smaller parcels of ground that bring the total site in question to about 63 acres. This parcel is part of a larger area consisting of 300 acre bounded by the Union Pacific rail road tracks on the west, South State Street on the east, State Road 75 (also known as 1400 North Street Springville) on the south and 1860 South to the north.

The larger 300 acre area was originally owned and operated from the early 1930's until the mid 1960's by the United States Steel Corporation (USX). The facility was known as Ironton. Ironton was primarily engaged in the production of pig iron and coke to be shipped off site to the Geneva works in Vineyard, Utah for steel production. This specific area of land was used as a slag pile and other raw material bi-products waste. (It was also to be the location of a minor league baseball stadium in the mid 2000's.) The large pile of material was eventually removed and used as sub-base for the construction of Interstate 15.

This parcel of ground is in the southern most area of Provo City limits. It is essentially a "dog leg" parcel surrounded by Springville City and Utah County on three sides. The Ironton works were discontinued in the 60's, and through a series of property transactions, the land was transferred from USX, to Brigham Young University, the estate of John Hansen/Winnebago Corp., Lewis K. Billings and ultimately to Provo City Corp/Provo Redevelopment agency and other private property owners. It was in the mid to late 1980's that Provo began to take an interest in the balance of the property.

Prior to the City redeveloping the land and selling off subdivided parcels, the City owned about 210 acres of land. Approximately 100 acres has been sold to, and developed by the private sector. The original intent of Provo City taking an interest in this area was to put it back to a productive use – generating capital investment, jobs and property tax revenue. When the area was abandoned by USX it sat vacant for nearly 40 years. Because of the previous use and abandoned status, the land sat undeveloped as a brownfield – land with a real or perceived environmental question mark. Provo City worked with the Governors' Office, Utah Department of Environmental Quality(UDEQ), US EPA and USX to eventually characterize the site, determine the nature and extent of the environmental questions, develop a cleanup and remediation plan, clean up the property to industrial standards and ultimately put the property back to a productive use.

After the cleanup was complete and receiving a certificate of completion from UDEQ, Provo City commenced the process of securing federal grants and loans to construct utilities and infrastructure in anticipation of developing a light industrial business park. In 2007 the first development commenced with the construction of Action Target. Since that time, six additional businesses have added several hundred thousand square of light industrial building space with several hundred thousand feet more of building space now in the development review process.

This 63 acre parcel of ground has historically served as the deposition location for much of dirt that has been processed through the cleanup and remediation actions. Due to the nature of the contamination and as part of the UDEQ risked based assessment cleanup process, the dirt and material that are presently on the site cannot leave unless approved by UDEQ and taken to a specially approved environmental hazardous waste land fill. Part of remedy or solution to the pre-determined risk based cleanup of the overall property is the physical development of the ground, that is, covering the ground with buildings, parking lots, landscaping, roads and sidewalks.

This is a challenged piece of ground. It has stock piles of dirt, relocated here from other parts of the site. This dirt was not suitable for construction purposes to be located under buildings. There are also other piles of soil with slightly elevated levels of contaminate, but still comply with cleanup goals established by UDEQ and suitable for industrial uses. Servicing this parcel of ground for gravity flow utilities – storm water and sanitary sewer is possible but costly and circuitous. A cross section view of the property from north to south and from east to west reveals that the perimeter edges of the property are the high spots and the native or natural elevation in the middle, before the two dirt piles were imported, is the low spot. As the Economic Development staff has looked at this parcel it appears to be better suited for open surface uses rather than a significant amount of buildings. Thus, when a potential buyer

approached Provo City to purchase and use the ground for a proposed truck and gravel transfer yard, it seemed like a suitable solution to a challenging parcel.

The need for a request for a General Plan text amendment –

The map portion of the General Plan for this area is an Industrial (I) designation. The property is currently zoned Planned Industrial Commercial (PIC). The proposed use by a new user, Sunroc, is not consistent with the current zoning of PIC but rather a Heavy Industrial (M-2) designation. The M-2 zoning designation is consistent with the Industrial General Plan land use designation. However, the text portion of the General Plan in the Spring Creek Neighbor needs to be changed to allow for the heavier industrial/transportation use. Sunroc is proposing to use the property as a trucking and gravel/aggregate materials transfer yard, similar to their existing operation in south Spanish Fork. Before Sunroc buys the property from the Provo Redevelopment Agency, they are requiring the property be zoned to a designation consistent with their proposed use.

The physical activities that will take place on this property are as follows: two buildings, one for welding and maintenance of semi-trucks, the other for office uses such as estimating, billing, accounting, etc, semi-truck parking, fueling, washing, weight scales and the storage and transfer of gravel/aggregate products. In the process of servicing Utah County and surrounding areas with gravel and aggregate products, oftentimes a full load of rock products are not needed at a job site and rather than go to the expense of hauling the material all the way back to the gravel pit of origination, this centrally located site is the preferred location to bring the material. This will not be a mining and gravel pit operation – transfer only. When there is a sufficient quantity of like material stockpiled it will be transferred to a job site. Many local, state and federal construction jobs now require a certain amount of construction demolition material to be recycled. As such, demolished construction concrete will also be stockpiled at this location in limited quantities to be crushed on site several times a year. Again, this will not be a primary concrete crushing operation.

Prior to the use and development of the existing site, the dirt piles will be leveled, low spots filled and the overall site will be covered with a minimum of two feet of clean fill material. This is in accordance with the UDEQ approved site management plan and as a part of the ongoing management of the former iron and coke making facility.

The Mountain Vista Business Center was and has been developed as light industrial/manufacturing business park. The change in the text for the General Plan for this area was not originally contemplated. As the area has developed, this parcel has become somewhat of a quandary as to how to properly develop in light of the large piles of residual material, and solving the challenge for imported fill and utilities.

This proposed use by Sunroc solves this challenge in the short and long term. Because of the small amount of actual building and larger amount of open yard space, the utilities, low lying property and residual soils are not as significant an issue as if it were built out as a business park to the north. It is anticipated that a longer term use of this property will be for a higher and better commercial use based on property values and scarcity of land. This use should be considered transitional with a 20 to 30 year horizon, but be prepared for it to be longer as market demands dictate. It should also be noted that as the Sunroc proposed use is currently designed, there will be no north connection of the facility into the Mountain Vista Business Center. The only public access point to this property will be onto S.R. 75 to the south. If at such time the property were to redevelop to a use more similar to the business park to the north, a future road align is presently preserved for such a route.

Analysis of potential impacts –

As previously mentioned, as currently contemplated and proposed, as a truck and gravel transfer yard, there will be no access to the north into the business park. In the future, if Sunroc were to propose a use more similar to the business park, then a direct access and road alignment is in place and ready for a connection. As this property is currently sitting vacant, there is no traffic generated. Once the property develops as Sunroc desires there will be an increase in traffic on State Road 75, which is already a high volume corridor. Sunroc will work with UDOT on access to this State Road. Staff is not aware whether a signal will be required or not.

Utilities services are available, but due to the relative surface elevation, length from existing utilities services, the laterals and pipes will be extremely flat and shallow. As also previously mentioned this is low lying ground and significant amount of fill will be required to level and cover the existing residual piles of previously processed dirt.

This area has been vacant for many years, it is relatively remote and it has become somewhat of a trash dumping grounds for those that have no civic pride or shame. There are large quantities of house hold debris, tires, televisions, mattresses, couches and concrete that has been illegally dumped on the property – in spite of posted signs to the contrary. It is anticipated that the illegal dumping will diminish once construction and the use is underway.

At one time a significant amount of this ground was designated jurisdictional wetlands by the US Army Corps. of Engineers. Through active management of the site and numerous site visits and consultation with the Corps of Engineers, most of the previous delineated wetlands were determined to isolated and not jurisdictional. In the southwest corner of the property, Spring Creek does pass through and out to Utah Lake. This area is part of the land transaction but not slated for development, but will left as is.

As part of further mitigation from any potential impact from surrounding property owners or land uses, Sunroc will install a four foot earth berm with a six foot high concrete fence along the top to provide a visual barrier to adjacent land. Heavy landscaping will be planted on the south side of the parcel, providing a green visual barrier to S.R. 75.