

Provo City Planning Commission
Report of Action

April 8, 2015

ITEM 5* Michael Lamont requests an Ordinance Amendment to Provo City Code Section 14.34.350 (Recreational Vehicle Storage and Towing Impound Yards), in order to strike language requiring such use to be located on an arterial or collector street. *City Wide Impact*, 15-00050A, Aaron Ardmore, 801-852-6404

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 8, 2015:

POSITIVE RECOMMENDATION

On a vote of 3:2, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Brian Smith

Second By: Ross Flom

Votes in Favor of Motion: Brian Smith, Ross Flom, Jamin Rowan

Votes Against the Motion: Diane Christensen, Ed Jones

Diane Christensen was present as Chair.

- 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

14.34.350. Recreational Vehicle Storage (Includes Boats, Trailers, and Recreational Vehicles) and Towing Impound Yards.

Subject to the standards set forth in Subsections (1) through (9) of this Section and the standards for a conditional use permit set forth in Section 14.02.040, Provo City Code, storage of recreational vehicles shall be allowed as a conditional use in A1 zones and towing impound yards shall be allowed as a conditional use in CM, M1, M2 and PIC zones. The Planning Commission shall consider the circumstances of existing surrounding land uses and existing improvements when applying these standards. Where circumstances warrant it, the Commission may apply the most restrictive standards, subject to making findings justifying such application.

~~(1) Recreational vehicle storage areas and towing impound yards shall have vehicular access to an arterial or collector street.~~

~~(2)~~(1) Every recreational vehicle storage area and towing impound yard shall be screened on one (1) or more sides (as determined by the Planning Commission) by an opaque wall or fence. Fence height shall be at least eight (8) feet for recreational vehicle storage areas and at least six (6) feet for towing impound yards. Fence height may be shorter than if built upon a permanent landscaped berm, and the combined height of the berm and fence meets the requirements of this Subsection.

(a) Fencing appropriate to the area shall be utilized. This may include "Beauty Link" chain link, wood, decorative block, or brick.

(b) An appropriate hedge row capable of growing to a height of at least five (5) feet at maturity may be required along one (1) or more sides of the fence, as deemed necessary by the Planning Commission.

- ~~(4)~~(2) The front yard setback shall be landscaped with some combination of trees, shrubs, hedgerows, and turf. Preference shall be given to drought resistant native species. Landscaping shall be irrigated and permanently maintained.
- ~~(5)~~(3) When adjoining a residential zone boundary, a minimum ten (10) foot landscaped setback may be required from the residential zone boundary. The landscaped yard shall be located between the property or zone boundary line and the fence.
- ~~(6)~~(4) All parking areas shall be graded, drained, and improved with gravel road base material, concrete, or asphaltic cement. The driveway from the street shall be paved with asphaltic cement or concrete. Gravel parking areas shall be maintained in a weed-free condition.
- ~~(7)~~(5) One (1) on-premise sign shall be permitted per street frontage in the front or side yard setback. Said sign shall be no higher than five (5) feet, and no more than thirty-two (32) square feet in area.
- ~~(8)~~(6) All lighting shall meet the requirements of Chapter 15.21, Provo City Code.
- ~~(9)~~(7) Sites adjoining existing residential development may not be appropriate for the land uses permitted by this Section. The Commission shall consider the circumstances of surrounding land uses, and area circulation in making a decision regarding a conditional use permit. It shall be the intent of these standards to discourage recreational vehicle storage areas and towing impound yards from drawing undue attention through signage, lighting, etc.
- ~~(10)~~(8) Upon review by the Planning Commission, the Commission may allow up to thirty percent (30%) of a developed project to be fully enclosed or partially enclosed storage structures for the purpose of storing recreational vehicles. (Enacted 1991-72, Am 1995-05, 2001-48)

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:

- There are two separate pending tow yards in the City that are being held up by this ordinance.
- Zoning allowances will be restrictive enough on tow yards to avoid any issues.

NEIGHBORHOOD MEETING DATE

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

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods, there were no public comments.

PLANNING COMMISSION DISCUSSION

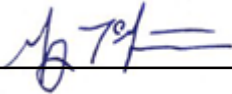
Key points discussed by the Planning Commission included the following:

- Diane Christensen stated that it appears the applicant is already operating his business at the new Riverside Avenue location, based on her observation when making a site visit, and she didn't like that the applicant is apparently running the business without a license, prior to this decision about an ordinance amendment.
- Jamin Rowan asked if this ordinance change would open up more areas for tow yards that could create problems.
- Jamin Rowan stated that the zoning allowances matter more than the street designation. The zoning designations and applicable ordinances will sufficiently control the location of impound yards.
- Diane Christensen stated a concern about the applicant's location being so close to housing complexes in the area and believes that the reason for the ordinance that tow yards be located on arterial or collector roads is sound.
- Ed Jones stated he has concerns about a city-wide change to resolve one applicant's location, and that the applicant could have found a different solution.
- Ed Jones asked if future zone changes could allow tow trucks to impact residential neighborhoods. Staff responded that zone changes that would allow tow trucks would also allow for other types of heavy trucks. As part of the analysis for any zone change, the worst-case scenarios would be examined.

- Brian Smith stated though he is not in favor of more tow lots in the City, there is no real reason for concern with the ordinance change and believes that it shouldn't create any conflicts.



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