

Provo City Planning Commission

Report of Action

December 9, 2015

ITEM 3* Provo City Economic Development Department requests an amendment to Section 14.29.150(3) Uses Conducted Within Buildings in the Planned Industrial Commercial (PIC) Zone. *City Wide*. 15-00130A, Austin Corry, 801-852-6413

The following action was taken by the Planning Commission on the above described item at its regular meeting of December 9, 2015:

RECOMMEND APPROVAL WITH CONDITIONS

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 word "raw" be removed from the language of sub-paragraph (b)(i).
2. That sub-paragraph (b)(iii) be amended to include "and maintenance requirements as specified in 15.20.070."

Motion By: Maria Winden

Second By: Ed Jones

Votes in Favor of Motion: Ed Jones, Ross Flom, Jamin Rowan, Maria Winden

Votes contrary to the Motion: Deborah Jensen

Ross Flom 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 changes have been noted in blue in the attached 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:

- Current Economic Development efforts have identified a market demand for businesses wanting to be in the Mountain Vista Business Park which have a need for outside storage.
- The PIC zone does not currently allow outside storage.
- The proposed amendment adds an allowance for outside storage with increased landscape standards.
- Stakeholders in other PIC zones have asked that the restriction for outside storage remain in place for their areas, specifically the East Bay area, but showed no concern for the Mountain Vista area.
- The City should consider the future vision for the Mountain Vista Business Park.

NEIGHBORHOOD MEETING DATE

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

NEIGHBORHOOD AND PUBLIC COMMENT

- Multiple Neighborhood Chair(s) 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:

- Mrs. Millar, Spring Creek Neighborhood Chair, stated that the amendment does not address existing businesses that are already storing items outside. She also raised a concern that no requirement was included in the amendment that would require on-going maintenance.
- Mr. Moss, Provost South Neighborhood Chair, noted that he also had the same concerns about on-going maintenance that were raised by Mrs. Millar.

APPLICANT RESPONSE

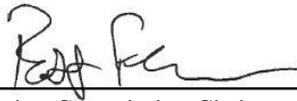
Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Environmental restrictions in the area limit the kind of uses that can be conducted on the site. The interested businesses they have found thus far are manufacturing in nature.
- Requiring these businesses to store materials inside would increase their costs of construction.
- Other sections of the ordinance already include requirements to maintain landscaping.

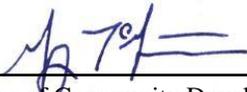
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Ross Flom stated that the term "raw materials" is difficult to identify. Simply noting that materials used for manufacturing seems more appropriate.
- Ed Jones questioned why a reference to already existing ordinance was even necessary.
- Deborah Jensen asked why the City would consider amending the PIC zone in a way that seemed contradictory to the purpose and intent statement of the zone. She noted that amending the zone to appease manufacturing uses could be selling the City short of the opportunity to create a nice gateway into the City.



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

Exhibit A – Proposed Amendment Text

1 14.29.150 Other Requirements

2
3 (3) Uses Conducted Within Buildings.

4 (a) All uses located in the PIC zone, ~~except those in areas designated on the preliminary project~~
5 ~~plan for manufacturing land uses~~, shall be conducted entirely within a fully enclosed building.
6 This requirement shall not apply to those uses that customarily provide outside customer services
7 which do not include repair, fabrication or materials storage i.e., gasoline service stations and
8 plant nurseries.

9 (b) Notwithstanding subsection (a) above, outdoor storage shall be allowed as an accessory use
10 in the Mountain Vista Business Park if such storage is a customary accessory use to the principal
11 use and meets the following requirements:

12 (i) Outdoor storage is limited to finished manufactured product or raw materials used in
13 the manufacturing process;

14 (ii) Outdoor storage shall only be allowed in the rear yard or side yard and shall be
15 subject to building setbacks;

16 (iii) The entire perimeter of the area used for outdoor storage shall be adequately
17 screened by a landscape buffer which meets the requirements of 15.20.110(3) and
18 maintenance requirements as specified in 15.20.070;

19 (iv) Fencing not less than six (6) feet or more than ten (10) feet in height shall be
20 provided by a solid wall, chain-link fence with site-obscuring slats, or comparable site-
21 obscuring material; and

22 (v) Outdoor storage and any associated screening shall not encroach into any sight
23 distance triangle.

24 (c) For purposes of this section, the Mountain Vista Business Park is defined as the area
25 beginning at the southern-most section of State Street within the City, commencing north along
26 State Street to Ironton Boulevard, thence westerly to include all parcels with frontage along
27 Ironton Boulevard to Tracy Hall Parkway, then Southerly along the railroad tracks to the
28 southern limits of the City, then east following the southern boundary of the City returning to the
29 original point of beginning.



**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: December 9, 2015**

ITEM 3* Provo City Economic Development Department requests an amendment to Section 14.29.150(3) Uses Conducted Within Buildings in the Planned Industrial Commercial (PIC) Zone. *City Wide.* 15-00130A, Austin Corry, 801-852-6413

Applicant: Provo City Economic Development

Staff Coordinator: Austin Corry

Council Action Required: Yes

POSSIBLE ACTIONS

1. **Recommend Approval** of the proposed ordinance amendment. *This would be consistent with the recommendation of the Staff Report. Any additional changes should be stated with the motion*
2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is January 13, 2016, at 5:30 p.m.*
3. **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the recommendation of the Staff Report; the Planning Commission should state new findings.*

Relevant History:

There is no history relevant to this application.

Neighborhood Issues:

- The East Bay Owners Association has asked that the areas zoned PIC under their association be excluded from this amendment as they wish to continue prohibiting outside storage.
- The Spring Creek neighborhood chair has provided feedback that the balance of the proposed ordinance seems appropriate.

Summary of Key Issues:

- The PIC zone does not currently allow outside storage.
- The proposed amendment adds an allowance for outside storage with increased landscape standards.
- The City should consider the future vision for the Mountain Vista Business Park.

Staff Recommended Motion:

Forward a recommendation to the Municipal Council to approve the proposed ordinance amendment to section 14.29.150(3) of the Provo City Code.

OVERVIEW

As stated in Provo City ordinance, the Planned Industrial Commercial (PIC) zone is “intended to provide an exclusive environment for the establishment of quality research laboratories (nonpolluting light manufacturing uses), commercial uses, and professional office uses in a park-type setting. The zone is more restrictive than the conventional manufacturing zone in order to provide buildings which have architectural excellence, grounds which have an abundance of landscaping and trees, and land uses which do not create air or noise pollution.”

There are currently four large tracts of land zoned for Planned Industrial Commercial (PIC). These are found adjacent to the airport, two tracts in the East Bay area, and the fourth in the Mountain Vista Business Park (formerly referred to as Ironton) on the southeast border of the City. The Provo City Economic Development department is currently working to sell portions of land in the Mountain Vista Business Park since the completion of environmental mitigation that was undertaken by the City over the years.

In an attempt to accommodate the businesses that have shown interest in the Mountain Vista area, the Economic Development department has proposed an amendment to the PIC zone to eliminate the current restrictions on storage of materials. Presently the ordinance requires that all uses are conducted within an enclosed building. The proposal from the Economic Development department strikes this restriction for the Mountain Vista Business Park and adds language to address aesthetic concerns that may arise with the allowance of outside storage.

Planning staff has had discussions with stakeholders in other PIC zones and those stakeholders have requested that this allowance be limited to the Mountain Vista Business Park only.

FINDINGS OF FACT

1. The Planned Industrial Commercial (PIC) zone is intended to encourage development in a “park-like” appearance.
2. The current PIC zone requires all uses to be conducted within a building except those that are related to non-polluting customer services.
3. The proposed ordinance increases landscape standards when allowances are granted for outdoor storage of finished or raw manufacturing materials.

STAFF ANALYSIS

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments (**Staff analysis has been provided in bold**):

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 proposed ordinance would reduce the requirements placed on businesses in the PIC zone to allow businesses with outdoor storage to exist in the Mountain Vista Business Park.

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

The amendment will facilitate current economic development efforts, bringing employment opportunities to the area.

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

Economic Development policies outlined in the General Plan direct the department to “pursue the redevelopment of this former industrial complex into a new, state-of-the-art, mixed-use business and technology park.” The proposed amendment addresses industrial business needs for outdoor storage of materials in the Mountain Vista Business Park while at the same time creating additional landscaping to enhance the aesthetic character of the area.

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

There are no timing or sequencing provisions in conflict as a result of the proposed amendment.

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

The proposed amendment has not been identified to directly obstruct the attainment of any articulated policies of the General Plan.

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

The Mountain Vista Business Park has a limited number of adjacent land owners with development potential. Existing transitional development standards found in 14.34.300 are considered adequate to address the instances where residential uses abut the zone.

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

PIC zoning is consistent with the articulated policies of the General Plan.

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

No conflicts exist.

CONCLUSIONS

The proposed amendment achieves two main purposes: (1) to facilitate current Economic Development efforts, and (2) increased landscape standards for the PIC zone in cases where outdoor storage could otherwise become unsightly and uncharacteristic to the stated purposes of the zone. In addition to considering the ordinance amendment, the Planning Commission and Municipal Council should consider whether the stated goals and policies of the General Plan are still appropriate.

STAFF RECOMMENDED MOTION

Forward a recommendation to the Municipal Council to approve the proposed ordinance amendment to section 14.29.150(3) of the Provo City Code.

ATTACHMENT 1 – Proposed Amendment

14.29.150 Other Requirements

(3) Uses Conducted Within Buildings.

(a) All uses located in the PIC zone, ~~except those in areas designated on the preliminary project plan for manufacturing land uses,~~ shall be conducted entirely within a fully enclosed building. This requirement shall not apply to those uses that customarily provide outside customer services which do not include repair, fabrication or materials storage i.e., gasoline service stations and plant nurseries.

(b) Notwithstanding subsection (a) above, outdoor storage shall be allowed as an accessory use in the Mountain Vista Business Park if such storage is a customary accessory use to the principal use and meets the following requirements:

(i) Outdoor storage is limited to finished manufactured product or raw materials used in the manufacturing process;

(ii) Outdoor storage shall only be allowed in the rear yard or side yard and shall be subject to building setbacks;

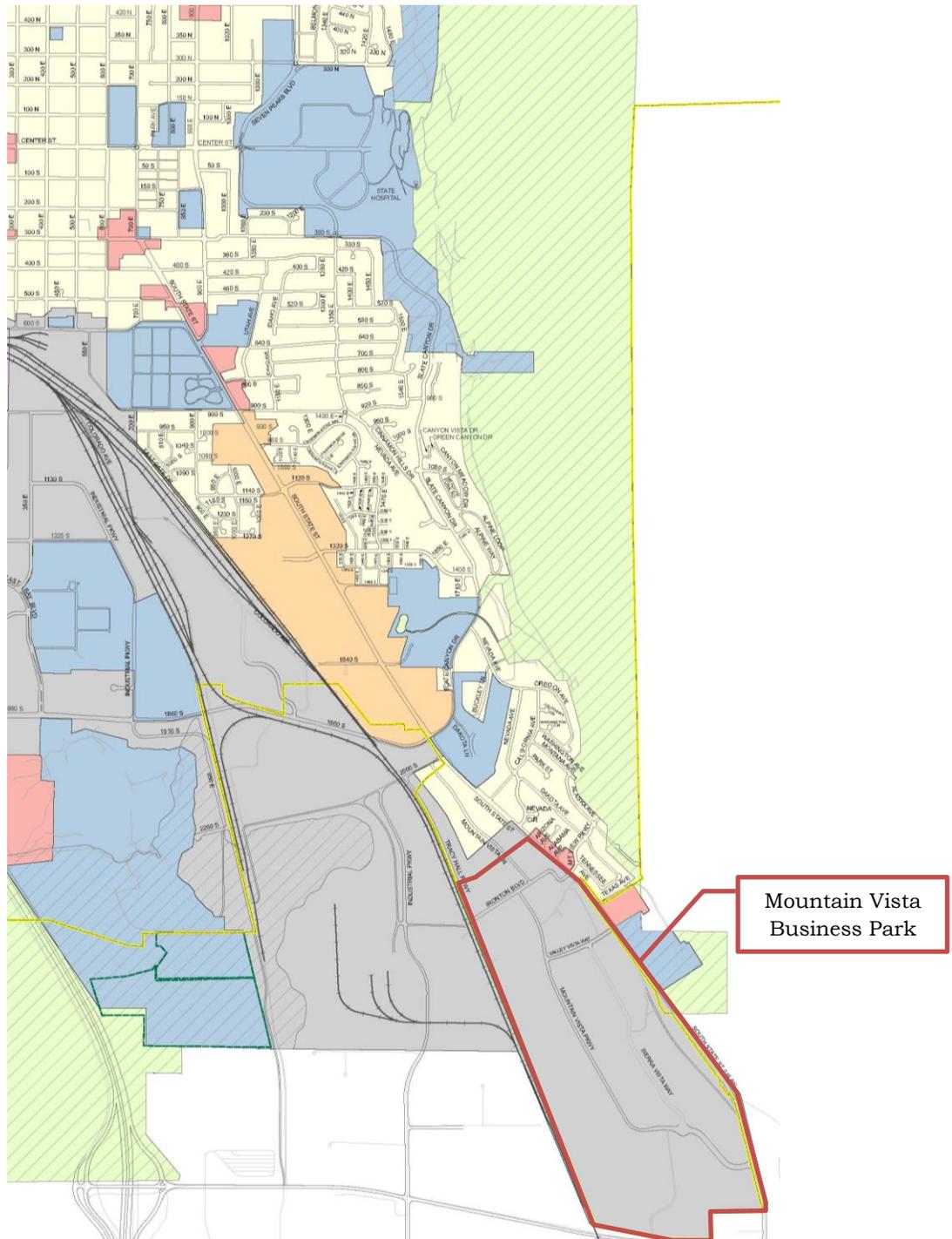
(iii) The entire perimeter of the area used for outdoor storage shall be adequately screened by a landscape buffer which meets the requirements of 15.20.110(3);

(iv) Fencing not less than six (6) feet or more than ten (10) feet in height shall be provided by a solid wall, chain-link fence with site-obscuring slats, or comparable site-obscuring material; and

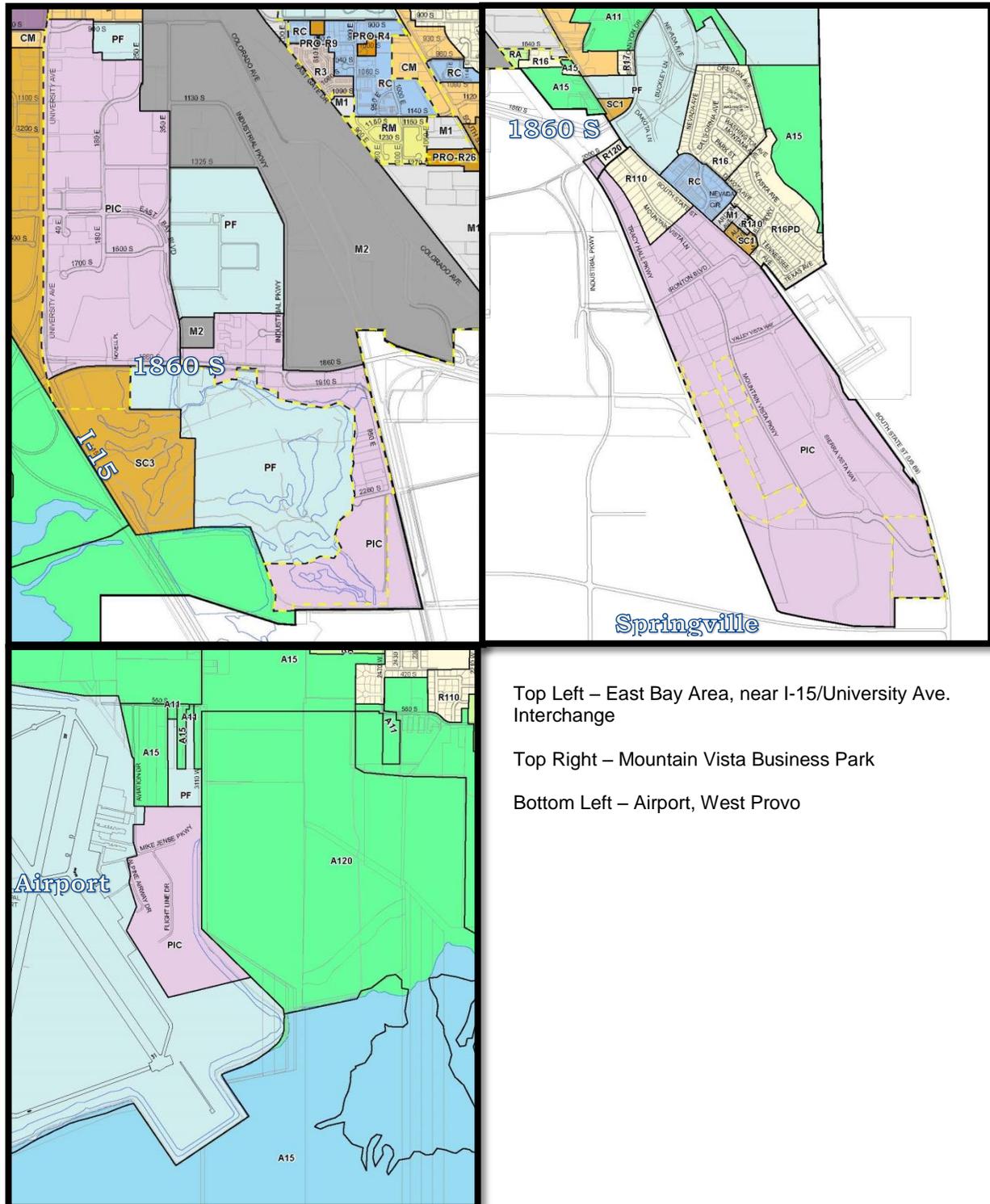
(v) Outdoor storage and any associated screening shall not encroach into any sight distance triangle.

(c) For purposes of this section, the Mountain Vista Business Park is defined as the area beginning at the southern most section of State Street within the City, commencing north along State Street to Ironton Boulevard, thence westerly to include all parcels with frontage along Ironton Boulevard to Tracy Hall Parkway, then Southerly along the railroad tracks to the southern limits of the City, then east following the southern boundary of the City returning to the original point of beginning.

ATTACHMENT 2 – General Plan Map of Mountain Vista Business Park



ATTACHMENT 3 – Exhibit of existing PIC zones



Top Left – East Bay Area, near I-15/University Ave. Interchange

Top Right – Mountain Vista Business Park

Bottom Left – Airport, West Provo