ITEM 2  Carlos Torres requests a Conditional Use Permit for a used car dealership located at 811 West Columbia Lane in the General Commercial Zone.  

**Neighborhood:** Rivergrove 16-0016CUP, Aaron Ardmore, 801-852-6404

<table>
<thead>
<tr>
<th>Applicant: Carlos Torres, Torres Automotive Group LLC</th>
<th><strong>Current Legal Use:</strong> Parking and storage area for the Mormon Art building at 811 W Columbia Lane.</th>
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<tbody>
<tr>
<td><strong>Staff Coordinator:</strong> Aaron Ardmore</td>
<td><strong>Relevant History:</strong> This property has a long history of proposed used car dealerships dating back to 1983. A more in-depth history is found below in the “overview” section of this report.</td>
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<td><strong>Property Owner:</strong> Steven L &amp; Patricia Glenn</td>
<td><strong>Neighborhood Issues:</strong> The neighborhood chair spoke with staff on November 14th, 2016 and listed the following concerns:</td>
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   - Number of vehicles parked on the site |
| **Current Zone:** CG                                 | **Summary of Key Issues:** |
| **Proposed Zone:** CG                                |   - Staff review is ongoing and is reflected in proposed conditions |
| **General Plan Designation:** Residential             |   - Applicant has shown a willingness to meet all requirements of the City to obtain permit |
| **Acreage:** 0.11                                     |   - There is a long history of attempted used car sales at this location, with repeated issues. |
| **Number of Properties:** 1                          | **Staff Recommendation:** That the conditional use permit for a used car dealership be approved, with the following conditions:
| **Number of Lots:** 4                                |   1. That all remaining CRC comments be addressed and approved by the CRC prior to obtaining a business license and operating. |
| **Total Building Square Feet:** 315 sq. ft.          |   2. That all site improvements shown on the final approved plans, including landscaping and striping, be installed no later than May 1\textsuperscript{st}, 2017, or the permit be revoked. |
| **Development Agreement Proffered:** No              |   3. That the clear vision triangle remains clear at all times or the permit be revoked. |
| **Council Action Required:** No                       | **Alternative Actions:** |
| **Alternative Actions:**                               |  1. Continue to a future date to obtain additional information or to further consider information presented. *The next available meeting date is February 1, 2017, 5:00 P.M.* |
| 1. Continue to a future date to obtain additional information or to further consider information presented. *The next available meeting date is February 1, 2017, 5:00 P.M.* | 2. Deny the requested Conditional Use Permit. *This action would not be consistent with the recommendations of the Staff Report.* |
| 2. Deny the requested Conditional Use Permit. *This action would not be consistent with the recommendations of the Staff Report.* |
OVERVIEW

Carlos Torres, of Torres Automotive Group LLC, is requesting a conditional use permit for a used car dealership at 811 W Columbia Lane. This property is in the General Commercial (CG) zone and currently owned by Steven and Patricia Glenn.

Mr. Torres, as the applicant, proposes to use 315 square feet of the existing Mormon Art building at 811 W Columbia Lane for the office space for his business, and 4,890 square feet of the paved area to the south of the building for parking and the display of vehicles for sale. In order to use this space, there are several improvements that Mr. Torres will need to make to the property, including striping the lot and installing new landscape islands. Mr. and Mrs. Glenn, the owners, have provided a letter of permission for Mr. Torres to use this space as shown in his site plan (attachment #1).

There is a long history of proposed used car sales dating back to 1983 on this site, which have brought forward the requirements and conditions placed upon Mr. Torres to operate a dealership. In 1983, there was a project plan approval given to the current owners, Mr. and Mrs. Glenn. It is in this approval that the conditions of a landscape planter at the southeast corner and improved off-street parking were to be provided, as shown in the approved plans (attachment #2). The Glenn’s then applied for a conditional use permit in 1986 for used car sales. This permit was approved with conditions on August 4, 1986 (attachment #3). These conditions were not met in a follow up of the permit in May of 1989 due to parking violations on the site. Again, in 1989 a conditional use permit was granted for used car sales on the property. Then, in 1994, that permit was revoked (attachment #4). Since that time, there have been three zoning enforcement files and two denied conditional use permits for car sales at 811 W Columbia Lane.

The current applicant, Mr. Torres, has shown a willingness to improve the lot to the standards requested by the City and required by Provo City Code. He has already installed a barrier with bollards and chains to secure the parking lot and increase safety. Staff is confident that allowing this permit to move forward with strict conditions will finally solve the ongoing issues that have plagued this property for the previous thirty years.

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. (Responses in bold).

(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. Staff believes that the proposed conditions will limit any detriment to health, safety, or general welfare to persons or 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; No unreasonable risks due to traffic or parking will be caused by the conditional approval of this proposal. Traffic flow will be made clear and parking limited to that shown in the site plan.
      (ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property: The surrounding property will not be interfered with due to this permit, the property owner owns the adjacent business and has given approval for this business proposal.
      (iii) if the proposed use will create a need for essential municipal services which cannot be reasonably met: The proposed use will not create additional need for municipal services that are not already or 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. Staff sees no other way, with the proposed conditions, that this use would be detrimental to the health, safety, or general welfare or persons or property in the area. It will in fact be made to be safer that the current condition.
   (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. Landscaping – The site plan proposes improved landscaping on the site, mostly a new planter installed on the southeast corner to disallow any parking of vehicles in the clear vision triangle of the property.

3. Parking – Parking will be shared between the two uses at 811 W Columbia Lane, and is providing a total of eight parking stalls.

4. Other Concerns – The Coordinator Review Committee is still working through concerns with the garbage pickup and clear vision corner.
CONCLUSIONS

Staff believes that the history of problems associated with this site and illegal car sales can be reversed with the approval of the current application. The applicant continues to make effort to answer all of the concerns of the City, and with the proposed conditions, will ensure an improvement and better use for this property for the future.

RECOMMENDATION

That the conditional use permit for a used car dealership be approved, with the following conditions:

CONDITIONS OF APPROVAL

1. That all remaining CRC comments be addressed and approved by the CRC prior to obtaining a business license and operating.

2. That all site improvements shown on the final approved plans, including landscaping and striping, be installed no later than May 1st, 2017, or the permit be revoked.

3. That the clear vision triangle remains clear at all times or the permit be revoked.

ATTACHMENTS

1. Owner’s Letter of Permission
2. 1983 Approved Project Site Plan
3. 1986 Conditional Use Permit
4. 1994 Permit Revocation Letter
5. Proposed Site Plan
ATTACHMENT 1 – Owner’s Letter of Permission

MUTUAL PARKING AGREEMENT

Carlos Torres-Mata, representing Torres Automotive Group and Steven Glenn, representing Mormon Art, knowing an willingly enter this parking agreement that states all 8 parking spots shown on the attached site plan, will be multi-use, shared parking between the two businesses. The parking spots will be for customers of both businesses to park their vehicles as well as for displaying vehicles for sale. A total of 8 parking spots for both businesses to use, meets city requirements for the square footage on this building.

Carlos Torres-Mata

Steven Glenn
ATTACHMENT 2 – 1983 Approved Site Plan
ATTACHMENT 3 – 1986 Conditional Use Permit

Mr. Steven Glenn
C/o Glenn's Budget Auto
815 West Columbia Lane
Provo UT 84601

LETTER OF DECISION

On August 4, 1986, a public hearing was held to consider a request for a Conditional Use Permit to establish new and used car sales (SLU 5511) at 815 West Columbia Lane in the C-G (General Commercial) zone.

As a result of testimony taken at the hearing, independent research, and a recommendation received from the Provo City Planning staff, a Conditional Use Permit for this request is hereby approved, subject to the following conditions:

1. That four parking spaces be provided on site and designated for employees.
2. That a maximum of 11 cars for sale or repair be permitted in the area designated on the plot plan at any one time.
3. That the clear vision area surrounding the intersection of Columbia Lane and 800 West be maintained.
4. That the landscaping be installed prior to September 4, 1986, as indicated on the plot plan.
5. That no junk, trash, or debris be allowed to accumulate at the site.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

James D. Bryan
Zoning Administrator

JDB/jh
cc: Mayor Jenkins
Chet Waggener
Raylene Ireland
Celand Gamette
Neil Lindberg
Sally Harding

ATTEN:

Jean Eklund
City Recorder

Dated this 7 day of August 1986.
ATTACHMENT 4 – 1994 Permit Revocation Letter

July 26, 1994

Bill Herford and Steve Glen
Glen’s Budget Auto
815 West Columbia Lane
Provo, Ut 84604

Dear Gentlemen:

This is a follow up letter to previous correspondence sent to you by Jim Bryan, Provo City Zoning Administrator. In reviewing this matter again, we have determined that the Conditional Use Permit for the sales of new and used vehicles is null and void.

The Provo City Zoning Ordinance states the following:

14.02.050  CONDITIONAL USE PERMIT EXPIRATION.
Unless otherwise specified in the action granting a Conditional Use Permit, a permit which has not been utilized within twelve (12) months from the effective date shall become null and void. Once any portion of the Conditional Use Permit is utilized, the other portions and conditions related thereto become immediately operative and must be strictly complied with. Utilization shall be construed to mean pouring of concrete, or commencement of framing, or commencement of construction, or commencement of the use or uses for which the permit was granted.

When the Conditional Use Permit was originally applied for in 1990, there were five (5) specific requirements that needed to be complied with for the permit to be considered "commenced". To this date, none of the requirements have been completed, and our staff feels that more than ample time has been given for these matters to be addressed. Based on the above paragraph, the application for a Conditional Use Permit has become null and void.

The previous letter which Mr. Bryan sent regarding a revocation of the Conditional Use Permit to the Planning Commission is no longer an issue. If the Conditional Use Permit was never legally commenced, then there is no need to take this item to the Planning Commission. If you do decide that you would like to operate the automobile sales on this lot, you will be required to start the process again by appearing before the Planning Commission to make your request.
Letter to Bill Herford and Steve Glen
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The vehicles parked on the property in question are still in violation and must be removed by August 15, 1994. If the property is not cleared of the vehicles, parts and junk by the aforementioned date, this matter will be given to the Provo City Attorney's office for consideration by its staff as to appropriate legal action.

Please consider this matter as serious and one that needs to be resolved in a timely manner. We are today sending a letter to Mr. and Mrs. Wignall who, according to Utah County tax records, appear to be the current property owners, as well as providing them with a copy of this letter. We ask that all parties involved with this piece of property assist in cleaning it up.

For further assistance or information, please call me at our Office at 379-6406.

Sincerely,

COMMUNITY DEVELOPMENT DEPARTMENT

Dixon Holmes, Management Analyst

cc: Mr. and Mrs. Wignall