ITEM 5 Bryan Solis request Conditional Use Permit approval to operate a used car lot on property located at 369 East 3200 North, in the CG (General Commercial) Zone. Edgemont Neighborhood. 15-0005CUP

Applicant: Bryan Solis
Staff Coordinator: Sean Allen
Property Owner: Rick Svendsen
Parcel ID#: 200300054
Current Zone: CG (General Commercial)
Acreage: 0.39
Number of Properties: 1
Number of Lots: 1
Total Building Square Feet: 3,200
Development Agreement Proffered: No
Council Action Required: No

Alternative Actions:
2. Continue to a future date to obtain additional information or to further consider information presented. The next available meeting date is April 1, 2015, 5:00 P.M.
3. Deny the request. This action is not consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Current Legal Use: Commercial CG Zone uses.

Relevant History:
- June 6, 1995, property owner obtained project plan approval to build a smaller metal building, facing 3200 North, with several conditions. 95-0034PPA.

Neighborhood Issues:
- On March 12, 2015 a Neighborhood meeting was held. The Neighborhood Chair (Marian Monnahan) prefers not to have auto sales in the neighborhood.

Summary of Key Issues:
1. New and used auto sales are allowed in the CG zone with conditional approval;
2. The property borders a single-family residential zone on the north and west;
3. The applicant intends to occupy the north half of the west building (1,600 sq. feet);
4. Items from the last project plan approval have not been completed.

Staff Recommendation:
1. Approve the requested Conditional Use Permit, with conditions. Staff has provided recommended conditions of approval in the event that the Hearing Officer approves the CUP.

OVERVIEW:
The applicant (Bryan Solis) has submitted a request to operate an auto sales business, called Bros and Sons, out of the north half of the building located on the west side of the property. The applicant has complied with the application and Conditional Use Permit process.
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.

(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.

(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;
   (ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property;
   (iii) if the proposed use will create a need for essential municipal services which 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.

(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. Project Plan Approval

- The improvement required today’s current site review, is to stripe the parking spaces on the interior of the site. There are; however, improvements that were required with the 1995 project plan approval referenced on the first page, which allowed for the construction of the smaller metal building, that seem to not have been addressed. They were as follows:

  - Provide 8 parking stalls with 24 feet of clear back up space;
  - Provide landscaping in front of new building (smaller metal building);
  - Screen and enclose dumpsters;
  - Clean site…remove pallets and any outside storage or debris
3. Design Review  
   - N/A

4. Landscaping  
   - As indicated above, the 1995 approval required some landscaping in front of the new metal building. On the day this report was written, there was no landscaping that could be seen in front of this building. The applicant may choose to appeal to the Planning Commission to seek a waiver of this requirement.

5. Trash Container Enclosure  
   - As indicated above, screening and/or enclosing the dumpster has been required since the 1995 project plan approval. This is required per Section 14.34.080-Item (4) of the municipal code. On the day this report was written, a dumpster was clearly in view from the public street upon inspection of the site.

6. Fencing  
   - An alternative to the masonry wall for the north and west boundaries may be accepted with the written and notarized letter from the adjacent property owners.

7. Parking  
   - Combined, the finished building spaces total 4,000 square feet. At the highest-most intense commercial use, 20 parking stalls would be required. The remaining property for parking is limited, thus limiting the potential tenancy to less intensive uses. The 1995 site plan was approved with 11 stalls, but only 10 of which are actually legal, because the one closest to the road, falls within the required 10 foot setback. The proposed use requires only two (2) stalls. The owner (Mr. Svendsen) has indicated he will allow the applicant to use five (5) stalls, leaving five for the other building spaces.

8. Signage  
   - None included;

9. Transitional Development Standards  
   - Due to the single-family residential zoning (R1.10) to the north and west, these standards apply. This would require screening on the west boundary, where the proposed use might have an impact. This would be in the form of a 6’ masonry wall, but another fencing material may be agreed to, with the written and notarized approval from that west neighbor.
10. Other Concerns
   - It should be noted by the owner, that if there are any further building additions, or new construction, pursued for this site, the entire site will need to come into compliance with today's zoning and development standards. One such item that is out of compliance is the missing ten (10) feet of landscape yard area along the back of the sidewalk.

OTHER CITY DEPARTMENTS:

Nothing reported.

CONCLUSIONS:

New and used auto sales are allowed with conditional approval for the CG zone. Upon considering the appropriateness of introducing auto sales to this particular site, staff has discovered the site is deficient in providing the required parking for the highest –most intense uses allowed in the CG zone, leaving City staff concerned that there will be a parking struggle, having multiple tenants, unless properly managed. Also, City staff is concerned that there are improvements that were required from the 1995 site approval, that were not completed, and currently remain unaddressed.

RECOMMENDATION:

Staff recommends the Hearing Officer approve the Conditional Use Permit to allow an auto-sales business office, with a few parking stalls, and meeting the conditions below:

Conditions of Approval:

1. Re-stripe the available parking and provide a parking plan that provides the minimum # of stalls for each possible tenant.
2. Keep the trash dumpster out of view from the public street by either storing it within the metal building, or by building a dumpster enclosure, as regulated in 14.34.080 of the municipal code, alongside the east wall of the smaller metal building.
3. Provide landscaping in front of the smaller metal building as was required in the 1995 approval.
ATTACHMENTS:

- Aerial Location Map
- Zoning Map
- Proposed Site
- Business description
- Street views (2)
- 1995 approval
Zoning Location Map
Site Plan

- 1600 sq ft of office space
- Trash storage located on the north east side of the property (Aprox 55"x75")

Parking Plan

- 18ftx80ft of parking space
- a total of 9 potential parking spaces
- Business Description

Bros & Sons Auto

We are planning to open up a used car lot in 3227 north Canyon Rd. Provo, Utah. Our plan is to have a small lot with 6-8 cars and have this location as our primary office. We will be renting out a separate lot for other cars depending on how business goes. We will be doing most of our sells online and that is the reason why we do not need a big lot. The size of the lot that we currently are after is perfect for what we are trying to achieve.
Application Number 95-034 PPA
Zone C-G
Date 6/6/95

Applicant's Name
RICK SVENDESEN

Street Address of Property
3223 NORTH CANYON ROAD

Description of Application
PPA FOR 20X40 METAL BUILDING

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A Recommendation for Project Plan Approval is granted with the following conditions: THESE CONDITIONS MUST BE ADDRESSED ON THE PLANS SUBMITTED TO THE BUILDING INSPECTION DIVISION, WHEN APPLICATION IS MADE FOR A BUILDING PERMIT. The plans must be sufficiently detailed and noted to reflect compliance with all applicable City Codes, prior to building permit issuance. The Codes include the Building and Fire Codes. Zoning approval for this project will be given only after the authorized agent or property owner signs below acknowledging conditions of approval and the appeal process. A certified survey will be required prior to building permit issuance. Current property corner markers may be required, prior to the placing of concrete for footings. Project Plan Approval is valid for one (1) year from the date of this report.

CONDITIONS FOR APPROVAL:

1. Provide and maintain a pedestrian walkway during all phases of construction, as required by the Uniform Building Code and the Provo City Ordinance.

2. With regard to electrical service for the proposed project, the owner must take the following steps:
   (a) Submit a utility site plan for layout and design of new electrical facilities (including load information and size of service required);
   (b) Make application for new or additional electrical service; and
   @ Execute and return to the Community Development Department a fully executed and signed Letter of Agreement/Understanding before the Energy Department will approve the issuance of a building permit.

3. Provide 8 parking stalls. These must be 8.5 x 18 with 24 feet of clear back up space.

4. Provide landscaping in front of the new building

5. Screen and enclose dumpsters
6. Clean up site, remove pallets and other debris.

7. Provide a letter from north neighbor indicating the waiver of the masonry wall requirement.

8. Protect the irrigation ditch along the frontage property.

9. East wall shall be a one hour wall (two layers of 5/8 type X sheet rock).

10. Walls within 20 feet of property line shall be one hour fire resistive construction.

NOTES:

(a) All construction must be in compliance with all Fire and Building Codes (1991) adopted by Provo City and all State and Federal Regulations.

(b) Prior to placing any construction trailer on a site, a certificate must be obtained. A $250 cash bond will be required for each certificate, and the bond will be refunded when the trailer is removed from the site.

(c) Storage of equipment, soils, and construction materials on public rights-of-way or easement is expressly prohibited.

(d) The above items must be NOTED ON THE PLANS SUBMITTED OR OTHERWISE COMPLETED prior to permit issuance.

Please sign and return this document within fifteen (15) days of the above date. If this document is not signed within fifteen (15) days of the above date, this approval will no longer be valid and a resubmittal with new fees will be required.

[Signature]
Owner/Developer

Date 6-6-95

I do not accept the conditions set by the Project Plan Coordinator and request that this item be placed on the next Planning Commission Agenda.

[Signature]
Owner/Developer

Date

An applicant for authorization to develop property may consent in writing to the staff recommendation and waive further action by the Planning Commission. If the applicant waives further action by the Planning Commission, the staff recommendation shall be considered approved by the Planning Commission and appropriate authorization and permits may be issued. The applicant may refer the decision of the Project Plan Coordinator by submitting a written document to the Community Development Department within ten (10) days of the recommendation.

CONSTRUCTION PLANS MUST BE PROVIDED AND APPROVED. THEN BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.