# Planning Commission Staff Report
## Conditional Use Permit Administrative Hearing Date: June 17, 2015

**Item 2**  
Michael Lamont, an agent for University Parking Enforcement, requests approval for a Conditional Use Permit for an impound yard, located at 1530 Riverside Avenue in the Heavy Commercial (CM) zone. *Carterville Neighborhood*. 15-0001CUP

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**Applicant:** Michael Lamont  
**Staff Coordinator:** Aaron Ardmore  
**Property Owner:** Fox Den Properties, LC  
**Parcel ID#:** 19:067:0013  
**Current Zone:** CM  
**General Plan Designation:** Mixed Use  
**Acreage:** .73  
**Number of Properties:** 1  
**Number of Lots:** 1  
**Total Building Square Feet:** 6,761

**Alternative Actions:**  
1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is July 1, 5:00 P.M.*  
2. **Deny** the requested Conditional Use Permit. *This action would not be consistent with the recommendations of the Staff Report.*

**Current Legal Use:** Auto Repair  
**Relevant History:** Applicant applied to move his tow yard business, University Parking Enforcement, from 1649 N Riverside to 1530 N Riverside in January 2015. His proposed use for the new address was a conditional use, but it was not located on an arterial or collector street as regulated by 14.34.350, Provo City Code, at the time. An ordinance amendment to remove that requirement was applied for and approved by the Council in order for the applicant to do business at the new 1530 N Riverside location.

**Neighborhood Issues:** No issues have been reported to staff at the time of this report.

**Summary of Key Issues:**  
- Applicant has moved his business from 1649 N Riverside to 1530 N Riverside.  
- The new location was previously an auto repair lot with car storage.  
- An ordinance amendment was passed by the Council to enable this location (and others) for tow yard businesses.

**Staff Recommendation:**  
Staff recommends that the Administrative Hearing Officer approve the Conditional Use Permit with the following conditions:  
1. That the applicant completes all technical requirements of the Coordinator Review Committee.  
2. That the property maintains the river trail access east of the rear fence of the property.  
3. That the applicant complies with Section 14.34.350.
OVERVIEW

The applicant, Michael Lamont, has operated University Parking Enforcement from 1649 N Riverside for the past several years. He has moved his business to 1530 N Riverside and is awaiting the approval of a conditional use permit to obtain his business license.

The applicant, upon applying for the conditional use permit, found that the code that regulates tow yards (14.34.350) would prevent him from doing business at his new location. The applicant successfully pursued an ordinance amendment to remove the condition of locating a tow yard on an arterial or collector street.

The property at 1530 N Riverside was previously an auto repair lot, Riverside Collision, which stored vehicles on the property. Though the site is nonconforming in regards to parking and landscaping, it does not fall under the requirement to bring those things into conformity per Section 14.36.070, Provo City Code. The application is currently being reviewed by the Coordinator Review Committee.

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:
         (responses in bold)
         (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; (the proposed use should not cause unreasonable risks to persons or property due to traffic, parking, or other causes since it is a similar use to the previous on the property)
(ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property; (the proposed use should not interfere with the neighboring commercial businesses)

(iii) if the proposed use will create a need for essential municipal services which cannot be reasonably met; (the proposed use will not create a need for any new municipal services to the property)

(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. (the proposed use will not be detrimental to the health, safety, or general welfare of persons 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.

CONCLUSIONS

The proposal should be able to meet the relevant sections of Provo City Code.

RECOMMENDATION

Staff recommends that the Administrative Hearing Officer approve the Conditional Use Permit with the following conditions:

CONDITIONS OF APPROVAL

1. That the applicant completes all technical requirements of the Coordinator Review Committee.

2. That the property maintains the river trail access east of the rear fence of the property.

3. That the applicant complies with Section 14.34.350.

ATTACHMENTS

1. Applicant Proposal

2. Site Plan
ATTACHMENT 1 – APPLICANT PROPOSAL

1530 Riverside Avenue, Provo, UT 84604

Total Building Sq. Footage: Approx. 6,761
Lot Size: .73
Use of existing structures: Office space, vehicle storage
Use of Lot: State Impound Yard

Parking Plan:
Location of parking spaces: Indicated on photo.
Parking Space Count: 5 in front of building and open parking
Employee parking: Inside shop area

Landscaping Plan:
Grass and flower beds existing in front of building

Business Description:
University Parking Enforcement (UPE) is a private property parking enforcement agency. UPE provides private property booting and towing services, Utah state impounding, and Provo city and Utah County Sheriff accident towing.

Building and lot have been used as an impound yard and vehicle storage and repair lot for 20+ years. New location is located half a block from previous impound yard location.
ATTACHMENT 2 – SITE PLAN