ITEM 1  Provo City Public Works Department requests a Conditional Use Permit for a water storage tank (SLU 4834) at 1224 West Columbia Lane in the Residential Conservation (RC) Zone. *Grandview North Neighborhood*, 15-0026CUP, Robert Mills 801-852-6407

The following action was taken on the above described item by an Administrative Hearing Officer, acting in behalf of the Provo City Planning Commission, on February 3, 2016:

**APPROVED**

Administrative Hearing Officer: Bill Peperone

Includes facts of the case, analysis, and conclusions outlined in the Staff Report, with any changes noted. Administrative Hearing Officer’s determination is consistent with the Staff analysis and determination.

**Conditions of Approval:**
1. All remaining technical requirements of the Coordinator Review Committee shall be resolved and applicable permits obtained prior to construction.

**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.

**NEIGHBORHOOD AND PUBLIC COMMENT**
The Neighborhood Chair was present during the hearing. He explained that the applicant had attended a neighborhood meeting on Thursday, January 28, 2016, and had presented the project and answered questions. The neighborhood was generally supportive of the proposal. They have some concerns regarding the road in the vicinity being under construction to accommodate the new waterlines for the water tank. The applicant explained the current situation with one of the contractors and various actions that have been taken to improve the situation.

Two property owners that live in the neighborhood attended the meeting. They asked whether the project includes improving the east side of Columbia Lane with sidewalks. The applicant explained that there are no current plans to do that given budget constraints. One neighbor also asked what would be done with the hillside to the north. The applicant explained that the City hopes to recoup some of the development cost by selling that property to a developer to develop the land. A final comment made by the neighbors was regarding the barbed-wire fence which runs along the north west of the property and was installed by the previous owners to deter motorcyclists and bicyclists from crossing the property. The applicant confirmed that it is in the City’s interest to not have people on the property and that if a portion of the fence is removed during construction, it will be replaced.

There was no further public testimony.

Administrative Hearing Officer

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report for further detailed information. The Staff Report is a part of the record of the decision of this item.

Administrative decisions 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 Hearing Officer’s decision (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS (IF APPLICABLE) MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS.
**ITEM 2** Provo City Public Works Department requests a Conditional Use Permit for a water storage tank (SLU 4834) at 1224 West Columbia Lane in the Residential Conservation (RC) Zone. *Grandview North Neighborhood.* 15-0026CUP, Robert Mills, 801-852-6407

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Provo City Public Works Department</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff Coordinator:</strong></td>
<td>Robert Mills</td>
</tr>
<tr>
<td><strong>Property Owner:</strong></td>
<td>Provo City Corporation</td>
</tr>
<tr>
<td><strong>Parcel ID#:</strong></td>
<td>19:024:0005</td>
</tr>
<tr>
<td><strong>Current Zone:</strong></td>
<td>RC</td>
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<tr>
<td><strong>Proposed Zone:</strong></td>
<td>N/A</td>
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<tr>
<td><strong>General Plan Designation:</strong></td>
<td>Residential</td>
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<tr>
<td><strong>Acreage:</strong></td>
<td>2.07 acres</td>
</tr>
<tr>
<td><strong>Number of Lots:</strong></td>
<td>1</td>
</tr>
<tr>
<td><strong>Council Action Required:</strong></td>
<td>No</td>
</tr>
</tbody>
</table>
| **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 17, 2016 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:** Vacant Land

**Relevant History:**
The property was originally part of the City of Orem, but was annexed into the City of Provo by approval of Resolution No. 1991-58 on December 3, 1991 by the Municipal Council of Provo City.

The property was owned by Robert and Wyla Rollins, (subsequently, the Rollins Family Trust) until 2015 when ownership transferred to Provo City.

**Neighborhood Issues:**
No issues have been reported to Staff concerning this application.

**Summary of Key Items:**
- Property is currently vacant.
- Provo Public Works Department will construct a six (6) million gallon water storage tank.
- Water tank will ensure service capacity for existing and future Provo residents.

**Staff Recommendation**
Staff recommends approval of the Conditional Use Permit and associated ancillary improvements with the following conditions:

1. All remaining technical requirements of the Coordinator Review Committee shall be resolved and applicable permits obtained prior to construction.
OVERVIEW

The Provo Public Works Department seeks to construct a six (6) million gallon water tank to provide water service to existing and future Provo residents. The proposed water tank is approximately 90 feet wide, 330 feet long, and approximately 30 feet in height. To reduce the visual impact, the water tank will be bermed with earth around all sides and fully landscaped.

PLANNING REVIEW (Staff Response in Bold)

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.

   The installation of the proposed water tank will further enhance the health, safety, and welfare of the general citizenry of the City of Provo. Specifically, the water tank will help to provide an uninterrupted essential City service to thousands of residents. The water tank will also increase the City’s resiliency by providing an additional holding area to support the existing water services.

   (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;

   The proposed use does not cause unreasonable risks to the safety of persons or property. The site has adequate area for construction and staging during construction. After construction, the proposed water tank will be serviced by limited number Public Works Department personnel who will not have a negative impact on area traffic. The proposed tank is not a place of public gathering and will not be open to the general public.
(ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property;
The proposed use does not 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;
The proposed use and site improvements do not increase any municipal service needs, but rather the proposed water tank will increase the capacity of the City to meet existing and future water needs.

(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 and site improvements do not appear to be detrimental in any other way to the general welfare of persons residing nearby. Adequate measures will be taken during construction to minimize impacts to surrounding uses. The completed water tank site will be completely fenced and covered and will be continually monitored to ensure continued safety of the facility and to surrounding property owners.

(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. The proposed conditional use is consistent with the standards described herein. The proposed use will also be subject to the comments and concerns of the CRC report which has been recommended as a condition of approval.

2. Project Plan Approval
   No additional project plan is required beyond the requirements of this Conditional Use Permit application.

3. Design Review
   Not required.

4. Landscaping
   The Applicant has submitted a landscape plan and which will be reviewed pursuant to the requirements of Chapter 15.20 of the Provo City Code to
ensure adequate screening of the water tank and buffering between adjacent uses. Further comments will be made in the CRC Report. As noted above, the satisfactory compliance with the recommendations of the CRC Report is recommended as a condition of approval.

5. Trash Container Enclosure

Trash facilities are not shown on the current proposed site plan; however, trash container enclosures will be required to comply with Section 14.34.080, if provided on site.

6. Fencing

The proposal includes provisions for fencing and gates; however, additional detail has not yet been provided. Fencing must comply with the provisions of Section 14.34.500. Additional comments regarding fencing will be provided in the CRC Report. Compliance with the CRC Report will be recommended as a condition of approval.

7. Parking

Pursuant to Section 14.37.070 of the Provo City Code, the Community Development Director may establish parking requirements for uses which are not specified. In this case, the proposed water tank use is not specified. The water tank will not have any onsite personnel, but will only be visited occasionally for monitoring. As such, the circular driveway area will be adequate for temporary parking. If future use requires more frequent visitation or if negative impacts to the community arise, the Community Development Director may revise the Conditional Use Permit to require permanent parking spaces to be constructed on the site.

8. Signage

No signage plan was submitted in conjunction with the application. Any proposed signage will be subject to Section 14.32.140(1) of the Provo City Code, relating to signs in the RC Zone.

9. Transitional Development Standards

Not applicable.

10. Design Corridor

Not applicable.
11. Other Concerns
    No other concerns.

OTHER CITY DEPARTMENTS
The proposal has been reviewed thoroughly by all relevant City departments. Though a few technical requirements still exist, no substantial changes are expected to occur as these are resolved with the applicable Department.

BONDING
All bonding requirements will be handled through the Public Works permit process.

CONCLUSIONS
The installation of the proposed water tank is a permitted conditional use in the RC Zone. The proposed use meets the requirements of the Provo City ordinance and is not anticipated to have any considerable impact on the surrounding properties.

RECOMMENDATION
Staff recommends approval of the Conditional Use Permit with the following conditions:

1. All remaining technical requirements of the Coordinator Review Committee shall be resolved and applicable permits obtained prior to construction.
ATTACHMENT 2 – Proposed Site Plan
ATTACHMENT 3 – Storm Drainage and Utility Plan
Attachment 5 – Landscape Plan
Landscape Plan Continued
Attachment 7 – Renderings
Attachment 8 – Photographs