



Provo City Planning Commission Administrative Hearing Report of Action

ITEM #1 Elliott Smith requests a Conditional Use Permit for a gas station (SLU Code #5530) within the SC-2 Zone, on a site located at approximately 2299 N University Parkway, within the Parkway Village Shopping Center. Carterville Neighborhood. Brian Maxfield (801) 852-6429 bmaxfield@provo.org. PLCUP20190400

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 December 11, 2019:

CONTINUED to December 18, 2019

Administrative Hearing Officer: Bill Peperone

This action includes the facts of the case, analysis, and conclusions outlined in the Staff Report, with any changes noted.

STAFF PRESENTATION

Staff gave background information on the request along with its analysis as contained in the staff report.

NEIGHBORHOOD AND PUBLIC COMMENT

Although stating support for the intended use on the site, four of the neighbors directly uphill from the project (Warne, Berntson, Wait, and Rivera) spoke of their concerns for their backyard areas adjacent to the proposed development. Their concerns included the location of the property line for the development; people that cut through the area and trespass on their property; loiterers leaving trash in the yards; and an increased risk of fire on the hillside from a cigarette that could be discarded into the grass, leaves and trees that are on the hillside. If possible, they would also like to have gates in the fencing, so that they can better access the commercial businesses. Karen Chadburn, a neighbor across Carterville Road from the hillside neighbors also expressed her concern with the environmental impact resulting from the vapors released from the gasoline.

APPLICANT PRESENTATION AND RESPONSE

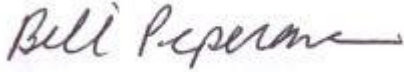
Key points addressed in the applicant's presentation to the Administrative Hearing Officer included the following:

- The applicant will meet all City requirements regarding development of the site;
- the project will provide more illumination along the bottom of the hill than is currently provided;
- the project will have several cameras that will aid in monitoring the property;
- the project will remove leaves and other debris that could fuel a fire in the back yards of the adjoining residents;
- the developer is willing to work with the adjacent property owners on the fencing where he is required to install such.

FINDINGS / BASIS OF ADMINISTRATIVE HEARING OFFICER DETERMINATION

The Administrative Hearing Officer identified the following information he would like addressed prior to taking final action on this item:

- Having the property line staked by the applicant's surveyor so that it can be examined by the neighbors;
- having the City Fire Marshal examine the debris at the bottom of the hill and make recommendation regarding it as a fire hazard; and
- receiving information regarding UDOT's installed and intended improvements to the University Parkway right-of-way area, specifically addressing sound walls and the clump of vegetation at the northwest corner of the subject property.



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.).