



Provo City Planning Commission

Report of Action

April 22, 2020

- *Item 6 The Community and Neighborhood Services Department requests an Ordinance Text Amendment to Provo City Code, Sections 14.27.020 and 14.27.080, relating to permitted uses and yard requirements of the M1 Light Manufacturing Zone, respectively. The request is to add the sale of combustible petroleum products as permitted uses and to add the sale of flammable petroleum products as a conditional use in the M1 Zone; as well as, allowing the Development Services Director to modify yard requirements in the M1 Zone. Citywide application. Robert Mills (801) 852-6407 rmills@provo.org PLOTA20200117
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The following action was taken by the Planning Commission on the above described item at its regular meeting of April 22, 2020:

Recommend Approval

On a vote of 7:0, the Planning Commission recommended that the Municipal Council approve the above noted application with the stipulation that a neighborhood meeting for the Maeser Neighborhood be held prior final action being taken by the Municipal Council.

Motion By: Andrew Howard

Second By: David Anderson

Votes in Favor of Motion: David Anderson, Andrew Howard, Deborah Jensen, Lisa Jensen, Robert Knudsen, Laurie Urquiaga, and Maria Winden

Deborah Jensen was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

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. Key points addressed in the Staff's presentation to the Planning Commission included the following:

Staff explained that the purpose of the zone was related to combustible and flammable product distribution within the M1 Zone.

Staff explained that, while the text amendment was a citywide amendment, the primary site affected by the proposed change is the Christensen Oil site on 600 South. The bulk of the conversation centered around the Christensen Oil site.

Staff repeatedly and emphatically stated that they are very aware that the situation at the Christensen Oil site with the surrounding neighbors is far less than ideal. The preferable situation would be that the Christensen Oil site would be separated from the residential dwellings; however, the operation was allowed to be established in 1935 and has been in continuous operation on that site since that time and there are no plans to discontinue operating. Given that situation, Staff has worked with representatives from Christensen Oil, the Fire Department, and a neighborhood working group to come up with the "best worst" solution.

The proposed amendment provides a way for Christensen Oil to expand the vertical tanks and reduce the number of portable totes on the site, provides increased regulation of the flammable materials, eliminates the storage and distribution of natural gas as a principle use in the zone, and, in the opinion of staff and the Fire Department, actually makes the site and the neighborhood safer.

CITY DEPARTMENTAL ISSUES

- The proposed amendment has the full support of the Fire Department. All other City Departments have reviewed the amendment have no issues.

NEIGHBORHOOD MEETING DATE

- Because the application was an amendment to the M1 Zone, it has citywide application; and so, no full neighborhood meeting was held.
- A working group made up of staff from Planning and the Fire Department, Christensen Oil, and selected neighbors was formed to evaluate options and determine a path forward.

NEIGHBORHOOD AND PUBLIC COMMENT

- Neighborhood input was received via electronic means, including phone calls during the meeting, messages posted to YouTube during the meeting, and emails prior to the hearing. Most of the public comments raised concerns about the expansion of the site, onsite storage, and safety.

PLANNING COMMISSION DISCUSSION

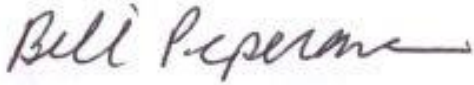
Key points discussed by the Planning Commission included the following:

Commissioners were sympathetic to the concerns that had been expressed by residents and felt that it would be best to ask the council to wait on final action until a Maeser Neighborhood Meeting could be held.

Commissioners also felt that the proposed amendment was helping to make a situation that was less than ideal better.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community and Neighborhood Services Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS