



**Planning Commission
Staff Report
Conditional Use Permit
Hearing Date:
February 13, 2019**

ITEM# 6 Michael Wade requests Conditional Use approval for a reduction in required parking for a nonconforming commercial building, located at 485 E 600 N in the Residential Conservation (RC) Zone. Joaquin neighborhood. Austin Taylor (801) 852-6423PLCUP20190032

Applicant: Mike Wade
Staff Coordinator: Austin Taylor
Property Owner: The Hut, LLC
Parcel ID#: 050770003
Current Zone: Residential Conservation (RC)
General Plan Designation: Residential
Acreage: 0.22 acres
Number of Properties: 1
Number of Lots: 1
Total Building Square Feet: approx. 3,411
Council Action Required: No

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 27, 2019.*

2. Deny the requested Conditional Use Permit. *This action would be inconsistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Current Legal Use: Mixed-use commercial and residential

Relevant History: The mixed-use property has been home to The Wash Hut, a laundromat that caters to residents in the Joaquin neighborhood. Attached to it are two small apartments. Recently, the Municipal Council approved an amendment to the Residential Conservation zone that allowed this building to be used as a restaurant.

Neighborhood Issues: Overuse of on-street parking in the Joaquin neighborhood, especially North Joaquin, is well known and documented. The Joaquin Neighborhood held a special meeting at the site of this development. Residents asked the developer several questions about the building design, logistics of garbage pickup and food deliveries. The developer was very willing to adjust his plans to please the neighbors.

Summary of Key Issues:

- Current city code would require 52 parking stalls for this development. The most Mike can fit on this site is 13 while conserving the existing building and future site operations.

Staff Recommendation: Staff recommends the item be approved subject to the following conditions:

1. That a minimum of ten (10) covered, bicycle parking spaces be provided;
2. That the cost of parking and rent/lease for residential and commercial tenants be unbundled as a separate fee or charge; and
3. That employees of the commercial space may not park on-site; and
4. That all CRC comments related to the Conditional Use Permit and the building permit must be complied with prior to occupancy of the building.

OVERVIEW

The applicant is requesting a Conditional Use Permit (CUP) to allow a reduction in required off-street parking for a mixed-use development consisting of a mini food court and small duplex in the Joaquin Neighborhood (Section 14.37.050).

Current city code requires that the property have 52 off-street parking spaces. A study from Hales Engineering suggests that due to the dense, walkable nature of the area, the proximity (one block) from a fixed UVX stop, and student clientele and employees, the project would function fine with just 13 off-street parking spaces. Planning staff also recommends two parking management strategies that will reduce parking demand from tenants, employees, and customers.

FINDING OF FACTS

1. A reduction of parking based on a study provided by a transportation engineer is permitted by Section 14.37.050 of the Provo City Code.
2. There are already existing restaurants in the area that operate with little to no parking, including SLAB Pizza, CupBop, J-Dawgs, (formerly) The Mighty Baker, Thai Ruby, and Sodalicious at The Village.
3. The property has been used as a mixed-use development for decades already, as a laundromat and duplex.
4. The applicant gave a site tour during a special neighborhood meeting for the project. The neighborhood recommended proceeding with the plan as currently designed. They look forward to the added social and economic value this project will bring to their area.
5. Food delivery trucks would use the driveway for unloading and make the majority of deliveries off-peak, early-morning hours.
6. Current garbage pickup would be more frequent and done during off-peak, morning hours.
7. Peak parking demand for residential units is typically later in the day than peak demand for restaurants.
8. A forthcoming Joaquin area permit parking program will limit on-street parking spillover.

STAFF ANALYSIS

Conditional Use Permits are subject to compliance with 14.02.040. Responses are in **bold**.

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.

Neither a duplex nor a restaurant will have detrimental effects on the area. The surrounding area already has both restaurants and multi-family housing and does just fine.

(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;

This property does have the potential to draw vehicle traffic and many people. However, expected clientele for a restaurant should not post any threat, nor should minor increased traffic on a slow-speed neighborhood street.

(ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property;

The project design contains property use within its boundaries.

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

Applicable city departments have reviewed the project and have raised no concerns about it.

(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.

Restaurant and residential functions will be kept within the boundaries of the property. There will be no detrimental effects on surrounding people.

(c) A change in the market value of real estate shall not be a basis for the denial of a proposed conditional use.

The proposed use will raise the property value of the site and potentially have no effect on surrounding sites.

(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 use is not contrary to the standards described herein.

Although the proposed new project does not meet the minimum parking requirements under current city code, the dense nature of this area—including existing popular restaurants with little to no parking—supports the claim that the project will function without the required number of spaces.

The two methods of parking demand management recommended under this conditional use permit have been proven to reduce parking demand in other cities.

This project will bring an increase in vibrancy and is a perfect fit for the north Joaquin neighborhood, with its high student population.

RECOMMENDATION

Based on the foregoing Findings of Facts and Staff Analysis, staff recommends approval of the requested Conditional Use Permit with the following conditions:

1. That a minimum of ten (10) covered, bicycle parking spaces be provided;
2. That the cost of parking and rent/lease for residential and commercial tenants is unbundled as a separate fee or charge; and
3. That employees of the commercial space may not park on-site.
4. That all CRC comments related to the Conditional Use Permit and the building permit must be complied with prior to occupancy of the building.

APPLICANT AGREEMENT TO CONDITIONS

Pursuant to Section 14.04.050 of the Provo City Code, relating to Staff Action on Planning Commission Matters, by signing below, the applicant agrees to the recommended conditions. If the applicant does not agree to the recommended conditions, the applicant may request to have the item heard by the Planning Commission.

(x) _____ Date _____

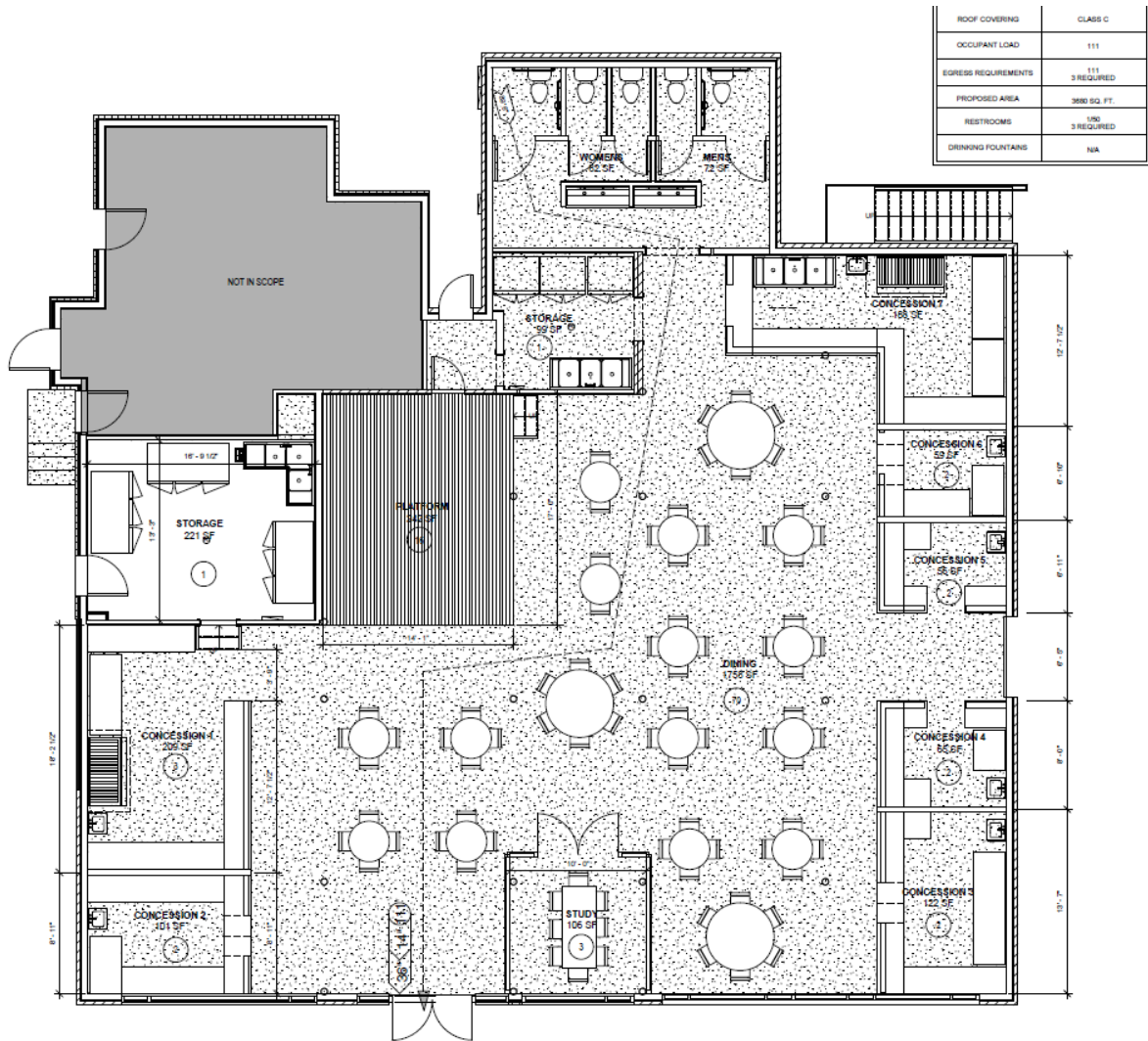
Attachment 1 – Location Map



Attachment 2 – Site Renderings



Attachment 3 – Floor Plan



Attachment 4 – Parking Study



MEMORANDUM

Date: January 22, 2019
To: Mike Wade
From: Hales Engineering



Subject: Provo – The Hut Parking Study

UT19-1381

This memorandum discusses the parking study completed for the proposed food hall called The Hut located in Provo, Utah. The study will identify the Provo City parking rates, and the anticipated parking demand based on the unique characteristics of the location and potential clientele.

Project Description

The proposed The Hut project is located on the northwest corner of the 600 North / 500 East intersection in Provo, Utah. A vicinity map of the project site is shown in Figure 1, and a full site plan is found in Appendix A. The proposed project would convert the existing Wash Hut building (previously a laundromat) into a food hall. A food hall has several different restaurants housed within the building that a patron can choose from, and then sit in a shared dining area. The proposed project will primarily serve University students living south of Brigham Young University (BYU). The tentative tenants for the food hall include Seven Brothers Hawaiian, Bento Box, Protein Foundry, Summit Inn Pizza, and Howdy Ice Cream.

The proposed project was originally approved by Provo City with 3,411 square feet of floor space for the proposed redevelopment. As part of that approval, Provo City recognized 13 legal, nonconforming parking stalls on the property, 3 of which are for the existing duplex located behind The Hut. The applicant is proposing to update their concept by adding a rooftop deck of 1,500 square feet that will accommodate additional seating. Therefore, this analysis will evaluate the change in parking demand as a result of the proposed rooftop seating.



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Figure 1: Site vicinity map of the project in Provo, Utah

Provo City Parking Code

The Provo City code specifies parking rates for various land use types. According to section 14-37-060 of the code, the city requires 1 parking stalls per 100 square feet for restaurants. Based on this parking rate and the originally proposed 3,411 square feet of space, the city code requires the project to have at least 34 parking stalls on site, plus an additional 3 for the existing duplex.

With the proposed addition of 1,500 square feet for a rooftop deck with additional seating, that requirement would be increased by an additional 15 parking stalls. Therefore, according to city code, the proposed project would require 34 + 15 stalls (restaurants) + 3 (duplex) for a total of 52 parking stalls. However, as noted previously, the city has already approved the original proposal with 13 parking stalls (10 for the restaurants and 3 for the duplex). The proposed rooftop seating results in a 15 stall increase according to city code.

Project Site Characteristics

Typically, a parking study would compare parking demand counts from a national database, such as the Institute of Transportation Engineers (ITE), and/or collect parking data from a similar use nearby, however, this is a unique land use. Through discussions with the applicant, city staff, and Hales Engineering, no one was aware of a comparable food hall that could be counted to provide



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comparable parking data. Therefore, this analysis will focus on the unique characteristics of the project and how they relate to parking demand. Each of these are discussed separately as follows:

1. Clientele

The proposed food hall will primarily serve students that live south of campus. Many students do not have personal vehicles and must primarily walk or use transit to travel. Due to the close proximity of the project to the students, a majority of students will walk to the project site.

2. Location

The proposed food hall is located two blocks south of BYU campus in the middle of a high population of students. The close proximity to campus, apartments, students in general, make this a prime destination for pedestrians. Students that live and study nearby will walk to project instead of drive. Most students that live south of campus walk to school, and similarly will walk to this location to eat. Additionally, this location is close enough to campus that students can easily walk here for lunch, and be back on campus in time for their next class.

3. Neighborhood Density

The proposed project is located in a high density neighborhood, primarily serving students. The Village, Liberty Square, The Isles, and College Place are all very large, high density student housing within a 4-block radius of the proposed project, with numerous smaller apartment buildings surrounding the project. This provides a high population of potential customers that are highly likely to walk to the site.

4. Transit

The proposed project is located one block south of the new bus rapid transit line called the Utah Valley Express (UVX). This transit line is currently free for all riders (and all BYU and UVU students are provided a transit pass through the university). The close proximity and free cost for all riders make UVX an attractive alternative for people to get to the site without a vehicle.

5. Student Employees

The proposed food hall will be staffed primarily by students that live nearby. Therefore, it is anticipated that nearly all employees will walk to work, thereby removing the need to provide parking stalls for employees.

All of these unique characteristics work together to form a site that will have little to no parking demand. The site will primarily serve patrons and employees that will walk or ride transit to the location.



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Hales Engineering also discussed the project with Austin Taylor, Provo's Parking and Sustainability Coordinator. He related his experience at the Provo Bicycle Collective, located just a few blocks away from the proposed project. The Provo Bicycle Collective had no on-site parking, and relied on employees and customers walking, bicycling, or riding transit to come to the site. He indicated that parking was never an issue for them. It is anticipated that The Hut will function similarly with little to no parking demand for the site. As noted previously, the site will provide 10 parking stalls for the restaurant space, as well as 3 additional stalls for the existing duplex.

Conclusions and Recommendations

Hales Engineering makes the following conclusions and recommendations for the proposed parking at the proposed food hall in Provo, Utah:

- The proposed project would convert the existing Wash Hut building (previously a laundromat) into a food hall. The proposed project will primarily serve University students living south of BYU.
- The proposed project was originally approved by Provo City with 3,411 square feet of floor space for the proposed redevelopment. As part of that approval, Provo City recognized 13 legal, nonconforming parking stalls on the property, 3 of which are for the existing duplex located behind The Hut.
 - The applicant is proposing to update their concept by adding a rooftop deck of 1,500 square feet that will accommodate additional seating.
- Based on parking rates from Provo City code and the originally proposed 3,411 square feet of space, the project would be required to have 34 parking stalls on site, plus an additional 3 for the existing duplex.
 - The proposed rooftop deck would require an additional 15 parking stalls according to Provo City code.
- It is recommended that the Provo Planning Commission and City Council consider a reduction in parking requirements for the proposed project for the following reasons:
 - Clientele – the site will serve students that primarily walk
 - Location – the site is close to campus and student housing
 - Neighborhood Density – the immediate vicinity has numerous high density student apartment complexes within easy walking distance
 - Transit – UVX is located 1 block north providing free transit to the site
 - Student Employees - the project will have be staffed by students that will walk to work
- Based on the unique characteristics of the project described above, the parking demand at the project is anticipated to be minimal. Therefore, the proposed 10 parking spaces (+ 3 for the existing duplex) are anticipated to be adequate for the proposed project.



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APPENDIX A

Site Plan