

ITEM # 5* Jodi Hoffman requests a zone change from the Agricultural (A1.5) and One-Family Residential (R1.6) Zones to Community Shopping Center (SC2) Zone, located at 1724 S State Street to allow the charter school to be used as a preschool and a recreational use. Spring Creek Neighborhood. Brandon Larsen (801) 852-6408 jblarsen@provo.org PLRZ20190426

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| <p>Applicant: Jodi Hoffman</p> <p>Staff Coordinator: Brandon Larsen</p> <p>Property Owner: Zions M-13 Development, LLC</p> <p>Parcel ID#: 22:046:0170 & 22:046:0176</p> <p>General Plan Designation: Mixed Use Development</p> <p><i>Southeast Neighborhoods Plan – Recommended Future Land Use:</i> MDR (Medium Density Residential Zone)</p> <p>Current Zoning: A1.5 (Agricultural Zone) & R1.6 (One-Family Zone)</p> <p>Proposed Zoning: SC2 (Community Shopping Center Zone)</p> <p>Acreage: 5.33 acres</p> <p>Number of Properties: 2</p> <p><u>ALTERNATIVE ACTIONS</u></p> <ol style="list-style-type: none"> 1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is October 28, 2020, 6:00 P.M.</i> 2. Recommend Denial of the proposed zone map amendment. <i>This action <u>would not be consistent</u> with the recommendations of the Staff Report. The Planning Commission should <u>state new findings</u>.</i> <p>Current Legal Use: A charter school lies on the subject property.</p> | <p>Relevant History: The subject property has been used as a charter school since 2017.</p> <p>Neighborhood Issues: Staff has not received comments from the neighborhood on this item. The leasee expressed concerns about the proposal at a neighborhood meeting on October 3, 2020. These concerns appear to be civil matters between the leasee and the landlord.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none"> • The applicant is proposing to rezone 5.33 acres from the A1.5 and R1.6 zones to the SC2 Zone. • The property owner desires the rezone to potentially establish a day care and/or recreational uses on the subject property • There is no concept plan associated with this application • No new development is proposed • The property has a total of 70 parking spaces on the property. <p>Staff Recommendation: Staff recommends that the Planning Commission forward a positive recommendation to the Municipal Council for a zone change from the A1.5 and the R1.6 to SC2 Zone.</p> |
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BACKGROUND

The subject property lies on South State, just north of the intersection of State Street and Lakeview Parkway (1860 South). It is bordered on the north and east by vacant land that is the subject of a sizeable medium density residential project (204 units). A railway lies to the west of the property. The *Provo City Transportation Master Plan 2020, Major and Local Street Plan* calls for a future collector to run parallel with, and east of, the railway. The land west of the subject property lies in unincorporated Utah County and has an industrial zoning designation. Some of the land to the south also lies in unincorporated Utah County and has an agricultural/residential designation. A portion of the land to the south lies within the city boundaries and has an A1.5 zoning designation.

The subject land is in a high-water table area and the National Wetlands Inventory Mapper shows potential wetlands on the property.

Portions of the subject property (new construction, etc., which are located within one hundred [100] feet of South State Street) lies in the South State Street Design Corridor. This Design Corridor has a set of design standards to, among other things, “promote attractive development” and “attract customers to businesses.”

The property is comprised of two (2) parcels (3.18 and 2.15 acres) that total 5.33 acres. The Treeside Charter School lies on both parcels. The school has two (2) buildings, including a large gymnasium on the smaller parcel. The school has 70 parking spaces lying on the larger parcel. This larger parcel fronts onto State Street (approximately 65 feet).

The applicant has submitted the following statement regarding the purpose for the proposal: *“The owner ... is seeking a rezone [to the SC2 Zone] to allow preschool and recreational uses as permitted uses on the property.*

The SC2 does allow for day care centers, as well as a number of recreational/amusement type uses, including athletic clubs (excludes gymnasiums). There is no associated concept plan for this proposal.

STAFF ANALYSIS

General Plan Policies. The subject property has a Mixed-Use land use designation. The policies of the General Plan appear to value “reductions in parking and automobile facilities” for development on land with a Mixed-Use designation. The subject property is already developed and is home to a public school. However, if uses are to change, or the property is to redevelop in the future, “reductions in parking and automobile facilities,” as well as the incorporation of alternative transit options, should be incorporated or provided for.

The “Increasing the Tax Base through Commercial Development” paragraph of Section 1.2.8 of the General Plan states the following: *“Provo City should be a ‘full service’ community, providing consumer choices and convenient shopping opportunities.”* This area appears to be underserved by commercial uses.

A portion of the Spring Creek section of Section 1.2.9 of the General Plan states the following: *“Mixed-use development should be considered for the property along the west side of South State Street (US 89), between 900 South and 1860 South, after an area master plan has been completed. Multi-family housing may be developed within this area with or without the commercial elements....”*

The *Southeast Neighborhoods Plan* was prepared a few years ago and addresses the recommended future land use of the subject property. As noted earlier, the recommended future land uses for the subject land are those consistent with the Medium Density Residential Zone. A proposed Neighborhood Commercial (SC1) Zone lies very near and to the south of the subject property. The Southeast Neighborhood plan appears to consider the possibility of smaller-scale neighborhood shopping being increased to community-scale services—at 1860 South State—if densities are sufficient. A portion of the *Neighborhood Shopping Center* paragraph of the *Southeast Neighborhoods Plan* reads, as follows:

“Although zoning can reflect the desire for community scale conveniences at these locations, it is also important to understand that the viability of these nodes will rely heavily on sufficient housing densities to support these uses.”

Again, staff notes the close proximity of the subject property to the proposed SC1 Zone. Taking into account both the General Plan land use designation and the recommended land use of this property, staff believes the proposed request is acceptable. A large multi-family housing development is proposed adjacent to this proposal. Having commercial zoned property proximate to this development, and near other recently approved residential developments, seems acceptable considering the Mixed-Use designation and the above-noted policies of the General Plan and the *Southeast Neighborhoods Plan*. There may be some synergistic opportunities related to having commercial and residential zones next to each other, including commercial opportunities for residents and clients/customers for businesses (i.e., preschool and multi-family development)

Findings of Fact. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of zoning map amendments:

Upon receipt of a petition by the Planning Commission, the Commission shall hold a public hearing in accordance with the provisions of Section 14.02.010 of this Title and may approve, conditionally approve, or deny the preliminary project plan. Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan: (responses in bold)

(a) Public purpose for the amendment in question.

The public purpose is to establish commercial opportunities (not heavy commercial) for the subject property. The applicant has specifically identified preschools and recreational uses (athletic clubs) as potentially desirable for this property.

(b) Confirmation that the public purpose is best served by the amendment in question.

It appears there is a lack of commercial (not heavy commercial) opportunities for southeast residents. The subject property currently has a lack of parking to facilitate some of the uses permitted or conditionally permitted in the proposed zone. This issue should be considered in evaluating the final decision for this request.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

This proposal appears to be acceptable considering the policies of the General Plan and the *Southeast Neighborhoods Plan*.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

Staff is not aware of any timing or sequencing issues with this request.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

It does not appear that this proposal will hinder or obstruct attainment of the General Plan's articulated policies.

(f) Adverse impacts on adjacent landowners.

Staff is not aware of potential adverse impacts to adjacent landowners. This proposal has the potential to be a great benefit to adjacent landowners, namely providing commercial opportunities to residents.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

The General Plan and zoning have been verified for correctness.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

The General Plan Map and policies appear to support this proposal.

Conclusion. The proposed zone map amendment appears to be acceptable for the area and would help facilitate commercial opportunities for area residents. This area of Provo City appears to be under-served, as it relates to commercial development. The subject property currently has a lack of parking to facilitate some of the uses permitted or conditionally permitted in the proposed SC2 Zone. This issue should be considered in evaluating the final decision for this request.

ATTACHMENTS

1. Current Zoning
2. Proposed Zoning
3. Potential Use of Property Statement
4. Rezone Written Description

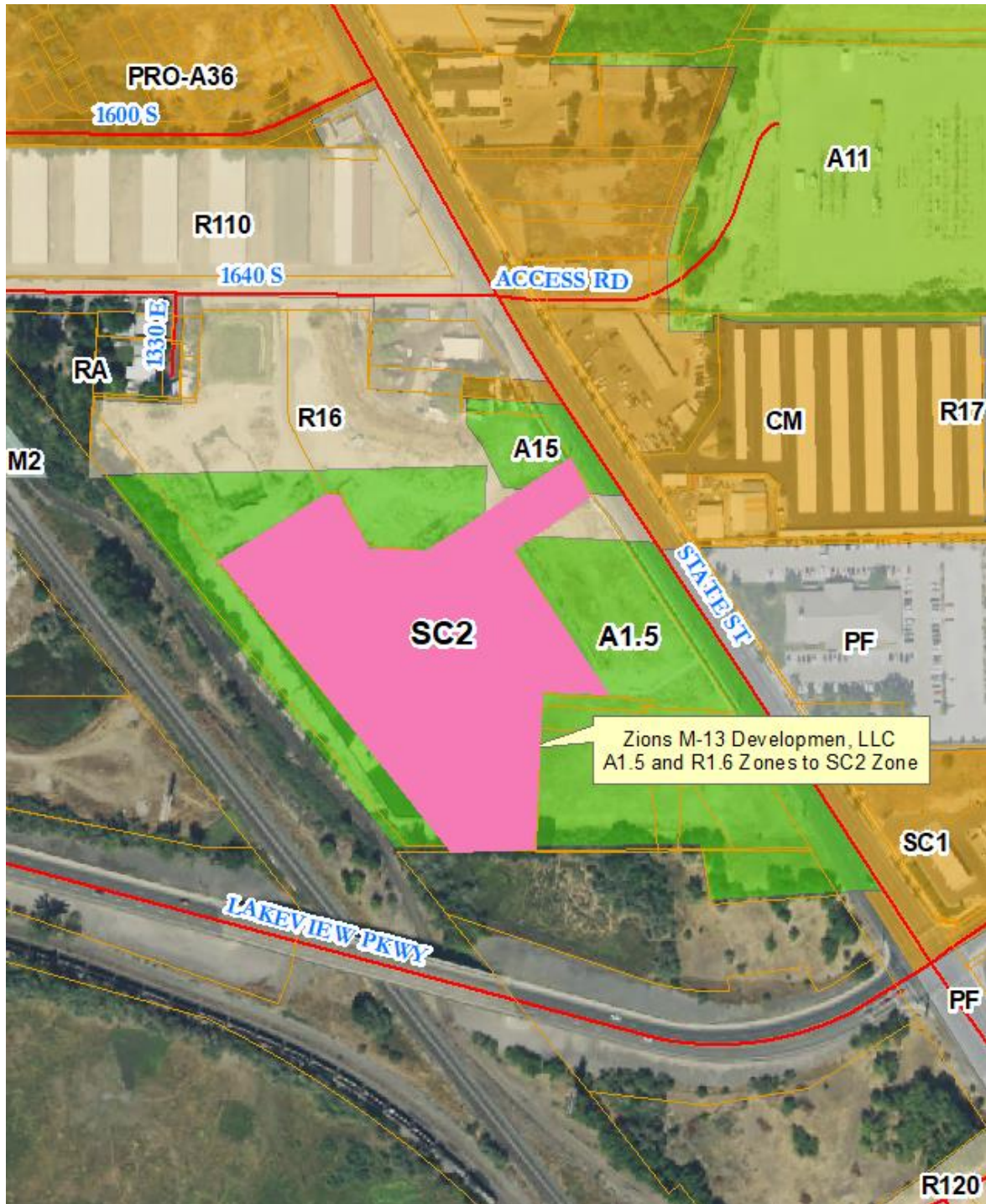
ATTACHMENT – Current Zoning

Current Zoning: A1.5 & R1.6 (Agricultural & One-Family Residential)



ATTACHMENT – Proposed Zoning

Proposed Zoning: SC2 (Community Shopping Center)



ATTACHMENT – Potential Use of Property Statement



Provo Planning Department
Attn: Brandon Larsen
jblarsen@provo.org

August 19, 2020
Via Online Portal

RE: Re-zone request for 1724 S. State Street Provo, Utah

Dear Mr. Larsen:

The owner and developer of 1724 S. State Street is seeking a rezone of the subject property from A15 to SC-2, in order to allow preschool and athletic club uses as permitted uses on the property. Currently, the property is being used by a charter school for elementary education and childhood physical development. If the existing charter school tenant departs, the owner foresees the immediate need for additional permitted uses to efficiently use the built environment. The owner anticipates that following the departure of the current tenant, the larger building would most effectively be used as an indoor athletic club, with perhaps supporting and related wellness uses, and the smaller school building would most effectively be used as a preschool. The SC-2 zone allows preschool and athletic club uses as permitted principal uses.

Sincerely,

A handwritten signature in black ink, appearing to read "Jodi S. Hoffman".

Hoffman Law
Jodi S. Hoffman

ATTACHMENT – Rezone Written Description



Provo Planning Department
Attn: Brandon Larsen
jblarsen@provo.org

August 19, 2020
Via Online Portal

RE: Re-zone request for 1724 S. State Street Provo, Utah

Dear Mr. Larsen:

Zions M-13 Development, LLC, the owner of two parcels located at 1724 S. State Street, requests a zone change from the A15 zone to the SC-2 zone. The property is currently home to a charter school that occupies two newly constructed (2017) buildings. A rezone is required to continue beneficial use of the property should the existing charter school tenant cease operations. We have received notice that the charter school will cease operations in the near future and there are no new charter school tenants on the horizon.

The current A15 zoning designation does not align with Provo City's General Plan, SE Neighborhood Plan, the desired future use of the property, nor the proposed use of the adjacent property currently pending a rezone request for MDR zoning. A rezone of the property from A15 to SC-2 would align with the City's vision for mixed-use development for this area and would also fit well with the SE Neighborhood Plan by tying into SC-1 zoning that is immediately south of the property.

Both the General Plan and the SE Neighborhood Plan Future designate this property for mixed-use development. See Provo General Plan Map; see also Provo SE Neighborhood Plan at 23. The General Plan seeks to encourage neighborhood inter-connectivity (Goal 1.4.1) and neighborhood amenities, such as neighborhood commercial uses (Goal 1.4.12). The SE Neighborhood Plan specifically notes the City's desire to incentivize neighborhood commercial uses in the area and reduce car reliance and congestion on South State Street.

This zone change envisions repurposing two existing charter school structures into similar office or neighborhood commercial uses—whether they be another school use, pre-school, athletic club, or other uses that support the surrounding residential community.

By providing local conveniences within walking distance of residential neighborhoods, the requested zone change would facilitate at least two of the City's stated goals from the SE Neighborhood Plan and is in line with the General Plan Map. A preschool and an indoor athletic club are commercial uses that are central to the everyday life of many families and are magnetic amenities for any community. The property owner's desired uses and proposed rezone fit well into the City's land use vision for this area.

ATTACHMENT – Rezone Written Description, cont.

Brandon Larsen
August 19, 2020
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Thank you for the time and guidance you have provided our firm in preparing this request. Please let us know how we can help facilitate this application.

Sincerely,



Hoffman Law
Jodi S. Hoffman