



Provo City Planning Commission

Report of Action

October 14, 2020

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

The following action was taken by the Planning Commission on the above described item at its regular meeting of October 14, 2020:

RECOMMENDATION OF DENIAL

On a vote of 7:1, the Planning Commission recommended denial of the above noted application.

Motion By: Deborah Jensen
Second By: Laurie Urquiaga

Votes in Favor of Motion: Deborah Jensen, Ally Jones, Laurie Urquiaga, Lisa Jensen, Brian Henrie, Dave Anderson, and Robert Knudsen

Votes against Motion: Daniel Gonzales

Dave Anderson was present as Chair.

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED

The property proposed to be rezoned to the Community Shopping Center (SC2) Zone is described in the attached Exhibit "A."

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 Staff's presentation to the Planning Commission included the following: Staff gave an overview of the proposal and staff recommendation as read in the Staff Report.

NEIGHBORHOOD MEETING

- The Spring Creek Neighborhood meet on Saturday, October 3, 2020. Much of the conversation at the meeting about this item appeared to be regarding civil issues between by the property owner (landlord) and lessee (Treeside Charter School or TCS). TCS is concerned about student safety and believes a rezone of the property to allow additional uses may jeopardize student safety. They also question if this request is premature; they assert the school is in good position to continue operations into the future. Again, these issues appear to be civil matters between the property owner and lessee.

NEIGHBORHOOD AND PUBLIC COMMENT

- An attorney and an employee of TCS expressed concerns at the meeting, which were similar in nature to those referenced in the previous section.

APPLICANT RESPONSE

The following are key points the applicant made during the meeting:

- The property owner is looking for land uses he can switch into if the current tenant leaves.
- Considering the existing facilities on the property, preschools and athletic clubs are the two (2) uses the property owner is most interested in.
- The SC2 Zone is requested because both preschools and athletic clubs are permitted uses in this zone.
- The proposal is in-line with the general plan and the neighborhood plan.
- The proposed zone would be a good change for the neighborhood and community.
- Available parking spaces will limit the uses on the property.
- The proposal—with its potential for community shopping center (SC2 Zone) uses--could offer a broader public benefit to the community than the school is currently providing.
- The civil issues addressed in the *Neighborhood Meeting* section of this report were addressed.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Dave Anderson believes the request is premature. He would not feel comfortable moving forward on this request without knowing more about the development proposals for adjacent properties. There is no urgent need to act on the proposal.
- Laurie Urquiaga also stated there is no urgency to move on this application.
- Lisa Jensen expressed concern with the proposal because there is no concept plan or imminent land use change.
- Deborah Jensen acknowledged the existence of a development proposal for land adjacent to the subject property. The Planning Commission has not had the opportunity to review this proposal. She noted that it appears the Planning Commission is not on-board with the subject proposal.
- Brian Henrie believes the rezone request is premature. There is not enough information to act on this request.



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 (*) and 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 Development 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

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED

A Parcel of land being located in the Southwest Quarter of Section 17, Township 7 South, Range 3 East, Salt Lake Base and Meridian, being further described as follows:

Beginning at a point being North 89°09'59" East 723.57 feet along the Section Line and South 158.19 feet from the West Quarter Corner of said Section 17;

Thence North 58°17'11" East 227.21 feet;

Thence North 69°52'45" East 22.08 feet;

Thence South 27°25'20" East 108.93 feet;

Thence South 85°38'40" East 106.78 feet;

Thence North 58°38'05" East 296.21 feet to the Westerly Right-of-Way line of State Street;

Thence South 33°06'00" East 68.52 feet along the said Right-of-Way line;

Thence South 58°16'01" West 171.68 feet;

Thence South 33°21'15" East 318.81 feet;

Thence North 87°40'00" West 120.63 feet;

Thence South 2°20'00" West 262.49 feet;

Thence South 89°02'00" West 155.43 feet;

Thence North 39°03'00" West 640.71 feet to the Point of Beginning.

Contains 5.33 Acres or 232,173 square feet, more or less