



**Planning Commission
Staff Report
Conditional Use Permit
Administrative Hearing Date:
June 18, 2014**

ITEM 1 Raya Leavitt requests approval of a Major Home Occupation (Conditional Use) Permit in order to run a preschool for up to eight students in her home located at 382 East 3060 North in the R1.10 (One-Family Residential) zone. **Edgemont Neighborhood** 14-0012CUP

Applicant: Raya Leavitt
Staff Coordinator: Aaron Ardmore
Property Owner: Raya Leavitt
Parcel ID#: 52:016:0003
Current Zone: R1.10
Proposed Zone: R1.10
General Plan Designation: Residential
Acreage: 0.22
Number of Properties: 1
Number of Lots: 1
Total Building Square Feet: 1546

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 July 16, 2014, 5:00 P.M.*
2. **Deny** the requested Conditional Use Permit. *This action would not be consistent with the recommendations of the Staff Report.*

Current Legal Use: Single Family Residence

Relevant History: The applicant previously had a license for this use at 2522 N 820 E; and has moved to a new residence at 382 E 3060 N. Provo zoning enforcement received a complaint of a daycare in April and issued a notice to get a Conditional Use Permit and limit the amount of employees to one.

Neighborhood Issues: The neighborhood chair did not hold a meeting, but expressed a desire to not see traffic issues arise due to the school. This process did start by a neighbor complaint, so there may be some concern in the neighborhood.

Summary of Key Issues:

- Applicant held a license for a Minor Home Occupation for this use at a different address.
- Applicant moved to new address, and a complaint was sent to zoning enforcement.
- Applicant was directed to apply for a Major Home Occupation CUP due to having an outside employee in the home.

STAFF RECOMMENDATION:
Staff recommends approval, with the stated conditions:
1. That there is only one outside employee in the home at a time;
2. That the pick-up and drop-off be done on 3060 North, not Canyon Road;
3. That the use complies with Section(s) 14.34.270 and 14.41.060, Provo City Code.

OVERVIEW

Raya Leavitt (the applicant) is requesting a conditional use permit to run a preschool, including music lessons, in her home at 382 East 3060 North. The applicant had a minor home occupation permit business license to run a similar school at her previous home at 2522 North 820 East.

A complaint was received by Provo City zoning enforcement in April of 2014. After investigation, zoning staff discovered that there was no license for the business at this address and that it would need a Conditional Use Permit for a Major Home Occupation, as there were outside employees working in the home.

The applicant applied for this Conditional Use Permit after receiving the notice and described her business as a preschool with music lessons that has scheduled 3-5 hour blocks of up to 8 children that receive schooling and piano lessons Monday-Friday. She has also applied for her business license and it is pending this conditional use permit approval.

PLANNING REVIEW

1. Compliance with 14.02.040

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. (Responses in bold)

(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.

(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;

Staff believes that the amount of traffic will not cause unreasonable safety risks due to traffic or parking; and has added a condition to mitigate issues from increased drop-off traffic.

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

The proposed use will not unreasonably interfere with the lawful use of surrounding property.

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

The proposed use will not create any new or increased municipal services which cannot be reasonably met.

(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.

There are no additional issues that arise from this use that will be detrimental to the health, safety, or general welfare of persons in the vicinity.

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

(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.

CONCLUSIONS

Due to its location with ample street parking on both sides of the street in front of the house in addition to the four legal spaces on the property, the resulting traffic and parking impacts will be minimal.

A Major Home Occupation of this sort of preschool with a maximum of one outside teacher at a time and 8 students should not have any negative effects on the neighborhood that cannot be resolved by the listed conditions of the conditional use permit.

RECOMMENDATION

Staff recommends approval, with the following conditions:

CONDITIONS OF APPROVAL

1. That there is only one outside employee in the home at a time;
2. That the pick-up and drop-off be done on 3060 North, not Canyon Road;
3. That the use complies with Section(s) 14.34.270 and 14.41.060, Provo City Code.

ATTACHMENTS

1. Property Aerial Image
2. Applicant Statement



Raya Grace LLC
Business Description

Written for Provo City Community Development Department

We teach preschool, children's music classes, and private music lessons.

I have owned and operated this home business in Provo since 2005, but the name and type of business was changed in 2010. The previous name was Leavitt Music Studios, which was a DBA.

Raya, the owner of the home and the business, teaches Sound Beginnings and Let's Play Music classes on Tuesday mornings and on Mondays, Tuesdays, and Wednesdays after school until about 7:00pm. We have one preschool teacher who is here Monday through Thursday afternoons from 12:30-4:00pm. We have one private piano teacher who is here Thursdays from 4:00-9:00pm. We may have her come another evening as well this fall. The current maximum class size for all classes is 8 students. Sometimes parents attend the music classes with their children. There is ample parking on both sides of the street and there are no houses across the street from our home.

The Fall 2014 class schedule is attached and can also be found online at <http://www.rayagrace.com/schedule>.

Raya Grace LLC

2522 N 820 E, Provo, UT 84604
801-356-0789 raya@rayagrace.com
rayagrace.com