

Provo City Planning Commission

Report of Action

September 09, 2020

*ITEM #5 The Development Services Dept. requests a Zone Change from Neighborhood Shopping Center (SC2) to Medium Density Residential for approximately 11 acres, located at 1920 W Center Street. Fort Utah Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20200282

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 09, 2020:

CONTINUED

On a vote of 8:0, the Planning Commission continued the above noted application.

Motion By: Brian Henrie

Second By: Daniel Gonzales

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

Dave Anderson 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the MDR 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 the Staff's presentation to the Planning Commission included the following: Staff gave an overview of the request, the history of the site, and the reasons for proposing the zone change. Staff also updated the Planning Commission on meeting with the property owner and requesting a continuance on the proposal.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 09/03/2020.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair addressed the Planning Commission during the public hearing.
- Neighbors or other interested parties addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Jonathon Hill reported on the neighborhood meeting, stating that those in attendance were split on supporting a zone change on the property. Some of the concerns were not getting a grocery store, issues with apartments on the property, and needing more information on what the zone change would mean for the area. He also wondered if additional incentives would help to bring in a grocery store on the site.
- Rick Cox described frustration with the process for rezoning his property. He has a lease with Smiths for eight and half more years and cannot commit to a grocery store because Smith's may renew the lease. He wants a continuance to review his options with his family and to reach out to Smith's.
- Mary Ann Perkins, a co-owner in the property, echoed Mr. Cox's comments regarding a continuance and concerns.

APPLICANT RESPONSE

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

- Staff agreed with the Planning Commission that the subject site would be best for a grocery store, but due to the lack of desire of Smiths to build there and the chilling effect it is having for other possibilities, the City needs to try something else to encourage a grocery store in west Provo.
- Staff responded to questions of eminent domain and other possible locations for a grocery store on the west side of Provo and gave a comparison of the SC2 zone and the MDR zone.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Dave Anderson wondered if any other location was viable for a grocery store on the west side of Provo and reviewed things that grocers look for including traffic, access, visibility, and receipt totals. He stated he would hate to give up this potential site. He also noted that in today's market a MDR zone could be more value than a SC2 zone.
- Deborah Jensen thought if the current owners are not doing anything, maybe a zone change is appropriate.
- Laurie Urquiaga asked the staff if eminent domain had been considered or if the Cox family could develop on their own. She stated she would support a zone change here if there was another site ready for a store.
- Ally Jones noted that it makes sense for Smiths not to build a grocery store at this location.
- Lisa Jensen asked what initiates a taking with zone changes, it would have to lose all economic value. She also asked what mixed-use zones would be available to use instead. Thinks that more study is needed before deciding.
- The Planning Commission discussed options at length and were not confident that this would be the best option for the property, stating that more study and background would be helpful to justify the zone change.



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 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