



**Administrative Hearing
Staff Report
Conditional Use Permit
Hearing Date:
February 6, 2019**

ITEM# 1 JoD Jones requests a Conditional Use Permit for a Major Home Occupation for a swim school, located at 1145 N Geneva Road in the R1.8 zone. Lakeview North neighborhood. Robert Mills (801) 852-6407 PLCUP20190003

Applicant: JoD Jones
Staff Coordinator: Robert Mills
Property Owner: Alliesha O'Neal
Parcel ID#: 190480141
Current Zone: R1.8)
General Plan Designation: Residential
Acreage: 0.78 Number of Properties: 1
Number of Lots: 1

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 20,, 5:00 p.m.*

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: The property contains one single-family residential unit and an in-ground swimming pool.

Relevant History: The property has been used as a residential dwelling for many years. The current occupants installed an in-ground pool approximately 12 months ago and have been providing swimming and lifesaving lessons from the property since that time.

Neighborhood Issues: A neighborhood meeting was held on January 23, 2019 at Provo High. Several neighbors attended the meeting and all present expressed support of the proposed application.

Summary of Key Issues:

- The proposed use is permitted as a Major Home Occupation with an approved Conditional Use Permit in residential zones.
- The site is a large lot in a primarily agricultural area and will likely have little impact on surrounding uses.
- There are more than six (6) available off-street parking spaces for the use of the swim school. These spaces are in addition to the dedicated spaces for the residence.

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

1. All CRC comments be adequately resolved prior to business license approval.
2. The provisions of Section 14.41.060 of the Provo City Code, relating to Major Home Occupations are incorporated herein as conditions of approval; including operating hours, the number of customers allowed per hour, the number of outside employees allowed, and promotional meetings.
3. Because the site fronts Geneva Road, the applicant shall recommend that customers enter and exit the site using right turn movements.

OVERVIEW

The applicant is requesting a Conditional Use Permit (CUP) to allow a major home occupation, a swim school, on the site. The applicant's operation will work with clients to teach swimming and life safety for children in a one-on-one setting. The operation will consist of the following:

1. Personal trainers will work with individual clients to help them learn swim safety and teach proper swim technique ;
2. The facility will be open from 8:00 am to 7:00 pm on weekdays;
3. The facility will have several trainers, but most are family members who reside onsite. Only a few outside employees will work at the site and only in shifts; and,
4. The operation is primarily focused on infant and toddler swim safety, but during summer months will offer swim training for older children who are preparing for competition swimming.

FINDING OF FACTS

1. 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.

The proposed swim school operation will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity. The site provides plenty of off-street parking and is far from any other surrounding uses. Additionally, the purpose of the operation is to teach proper swim safety and technique.

(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;

The proposed operation will not cause unreasonable risk to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes. The schedule of the facility is such that no more than the maximum number of customers can be onsite at the same time.

Additionally, there is ample parking to accommodate customers onsite which will help prevent congestion and traffic cueing on Geneva Road.

(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. The applicant's property is sufficient for the operation and adequate off-street parking is provided.

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

The proposed use will not create a need for essential municipal services which cannot be reasonably met. The applicable City departments have reviewed the application and have not indicated any concerns with municipal service need.

(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.

The proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity. The operation will be kept within the pool area.

(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 not likely affect the market value of real estate in the vicinity.

(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.

2. The property consists of 0.78 acres which includes the existing home, an in-ground pool with cover, accessory structures, and a parking area. .

STAFF ANALYSIS

The proposed operation of a swim school as a major home occupation is consistent with the surrounding uses in the neighborhood. The location of the site on Geneva Road allows for easy access and the large lot provides ample off-street parking for any customers coming to the site, as well as the residents and employees. The swim school has become a significant neighborhood benefit that provides a much needed service close to the other homes in the neighborhood, while not becoming burdensome on the neighboring properties.

A neighborhood meeting was held on January 23, 2019 and all attendees supported the use. Many explained that their children would not have the same opportunities to learn proper swimming safety if the facility did not exist in their neighborhood. The facility has actually been in operation for some time and has functioned very well with no concerns.

RECOMMENDATION

Based on the foregoing Findings of Facts and Staff Analysis, staff recommends approval of the requested Conditional Use Permit for a major home occupation for a swim school with the following conditions:

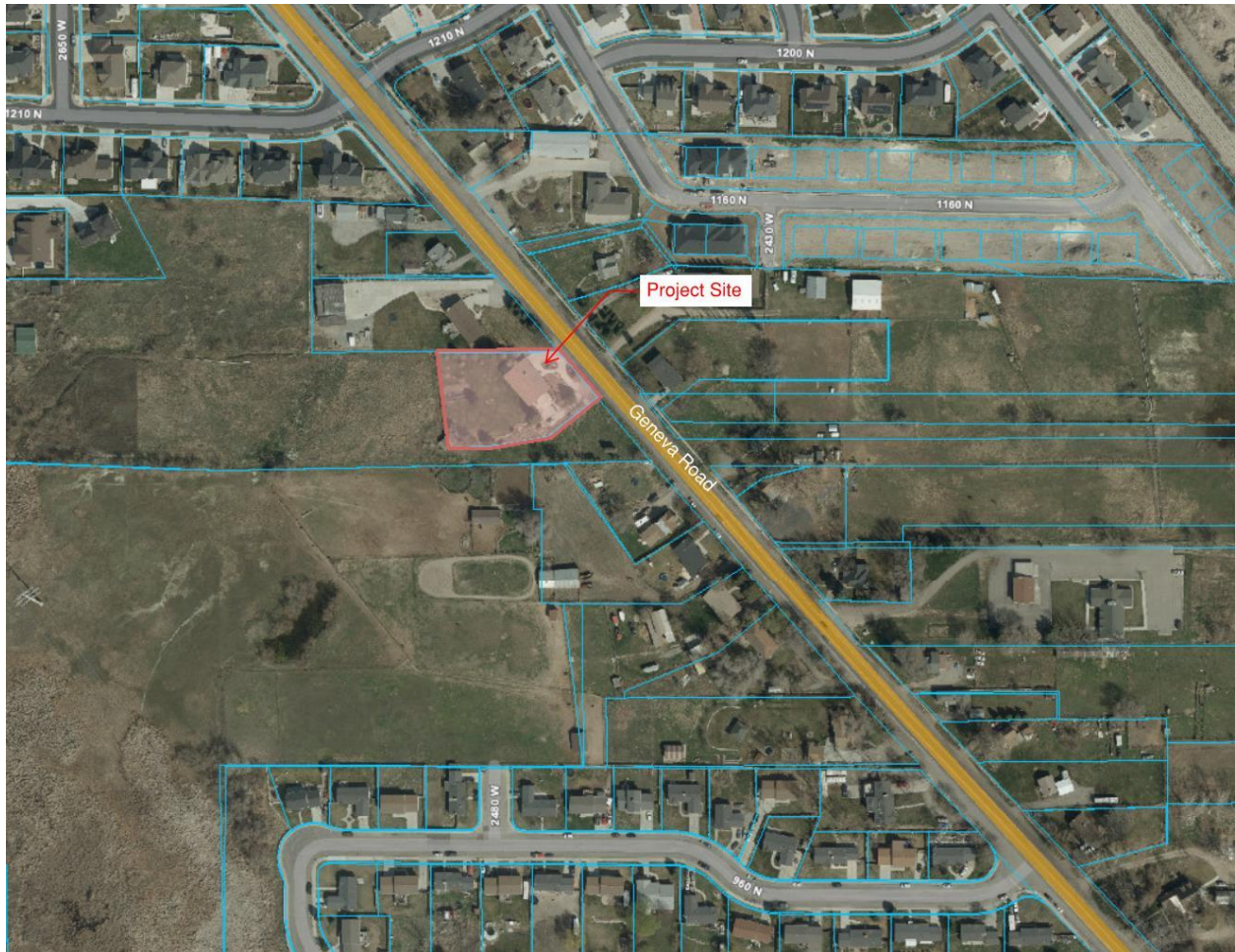
1. All CRC comments be adequately resolved prior to business license approval.
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APPLICANT AGREEMENT TO CONDITIONS


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 Plan



Future parking for clients.

1145 North 2050
W Geneva Road

Geneva Rd

W 2050 W Geneva

Google

Imagery ©2019 State of Utah, Map data ©2019 Google, United States, 3D Earth view is not available, Terms, Send feedback, 30 ft

Show All

- (A) Near future paved driveway connecting to Geneva Rd. wide enough for 2 cars coming and out.
- (B) Instructor parking
- (C) Parking for clients on my property till Matt Baker completes road then its moving to the west side of my property.
- (D) Pool
- (E) Pool pump w/ backwash going on my grass not sewer.
- (F) Future parking for friends + clients

Attachment 3 – Schedule

Instructor schedules
children living w/ me
Chelsea
Adrienne (step)
Ethan
Emilee (married daughter)

Parents can choose between 20min lessons, 30min
& 40 min lessons. So it varies from 2-6/hr.

Typical day

<u>8-12 pm</u>	<u>12-4 pm</u>	<u>4-7 pm</u>
JoD	Adrienne	Chelsea
Chelsea	Emilee	Madi
Adrienne	Abby	Ethan

Subs: Jami & Tana
in training: Ethan