



Provo City Planning Commission

Report of Action

April 26, 2017

ITEM 5* Solstice Homes LLC requests the Rezoning of five properties totaling approximately 22 acres, from the RA (Residential Agricultural) and A1.5 (Agricultural 5-acre minimum) zones to the R1.8 (Single-Family Residential) zone, located approximately 831 and 1041 West 1560 South. The rezoning would facilitate the development of a residential subdivision with an 8,000 square foot lot size minimum. **Lakewood Neighborhood.** 16-0012R, Austin Corry, 801-852-6413

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 26, 2017:

RECOMMEND DENIAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council deny the above noted application.

Motion By: Ross Flom

Second By: Ed Jones

Votes in Favor of Motion: Dave Anderson, Ross Flom, Deborah Jensen, Ed Jones, Kermit McKinney
Deborah Jensen was acting 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.

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:

- The General Plan and draft Westside Planning Committee policies identify this area as one that could be served by residential development, however, infrastructure and sequencing is a critical factor.
- Provo City Code requires rezone requests to be accompanied by a preliminary subdivision demonstrating code compliance, including equitable development potential for remnant parcels or adjacent properties.
- Applicant's preliminary subdivision has failed to meet numerous code requirements in Title 14 and Title 15.
- Concerns raised by the neighborhood and staff have been unresolved by the applicant.
- Staff has provided some possible solutions to the applicant, but it would reduce the overall lot count.
- The applicant has requested to pursue Planning Commission and Council approval, regardless of staff's negative recommendations.

CITY DEPARTMENTAL ISSUES

- Traffic study required and reviewed at this stage of project review or approval.
- Preliminary traffic study has not been submitted.
- Street connectivity standards not being met.
- Utility infrastructure issues remain unresolved through the CRC.
- Important issues raised by other departments – addressed in Staff Report to Planning Commission.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 29 September 2016.
- Concerns raised at that meeting include: traffic, sewer capacity, and storm water issues.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present /addressed the Planning Commission during the public hearing.
- Neighbors or other interested parties were present or 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:

- Terry Herbert, Neighborhood Chair, reiterated the concern about storm water and flooding in the area. Mr. Herbert noted that the development needs to show how this is handled before it moves forward.
- Duane Smith, Teri Jerman, Jolene Kogaines, property owners, all stated that the property cannot be used for agriculture anymore and should be allowed to develop a residential subdivision.
- Drew Armstrong, realtor selling the property, stated the City is being unfair and that the odd shape of the property was imposed upon the owners because of the development of the Lakeview Parkway.
- Danielle Smith pointed out the struggling mall site and claimed that the addition of residential dwellings in this location would help to boost the economy for these retail sites.
- Pam Argyle, neighboring resident, raised the concern that the proposed subdivision isn't proposing any open space.

APPLICANT RESPONSE

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

- Sean Hansen noted that in order for the project to be profitable, a 60% lot yield would be necessary.
- The applicant handed out additional conceptual layouts to the Commission, stating they have possible solutions to meet City ordinances.
- Mr. Hansen stated that cul-de-sacs provide higher lot yields and he did not understand the City's concern with allowing them. He also pointed out neighboring developments that were permitted to develop with cul-de-sacs.
- Mr. Hansen stated that he wanted to work with the City to come up with a solution.
- Mr. Hansen claims they have engineering solutions to the utility issues, but that they need a decision from the City to move forward with designing.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Kermit McKinney asked Rebecca Andrus, Provo City Public Works, to further explain the utility concerns. Ms. Andrus highlighted the key sewer and storm water issues that staff feels are necessary to be resolved prior to moving forward with granting zone entitlements. She reiterated Mr. Corry's initial presentation points that the concerns are not about stopping development, but rather, getting the appropriate concerns resolved early.
- Ed Jones noted that the application coming to Planning Commission was premature and that the details being discussed in the meeting were more appropriate for the applicant to work with staff than in the public hearing.
- The Planning Commission encouraged the applicant to follow the typical process to work with staff to resolve concerns and issues prior to moving through the hearing process.
- Dave Anderson asked if it was more appropriate to continue the item to give the applicant the ability to work with staff and bring revisions back to the Planning Commission.
- Deborah Jensen stated that cul-de-sacs are an old practice that should be avoided. She reinforced the City's position that efforts should be made to avoid or mitigate them wherever possible.



Planning Commission Chair



Director of Community Development

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 Development 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



**Planning Commission
Staff Report
Rezoning
Hearing Date: April 26, 2017**

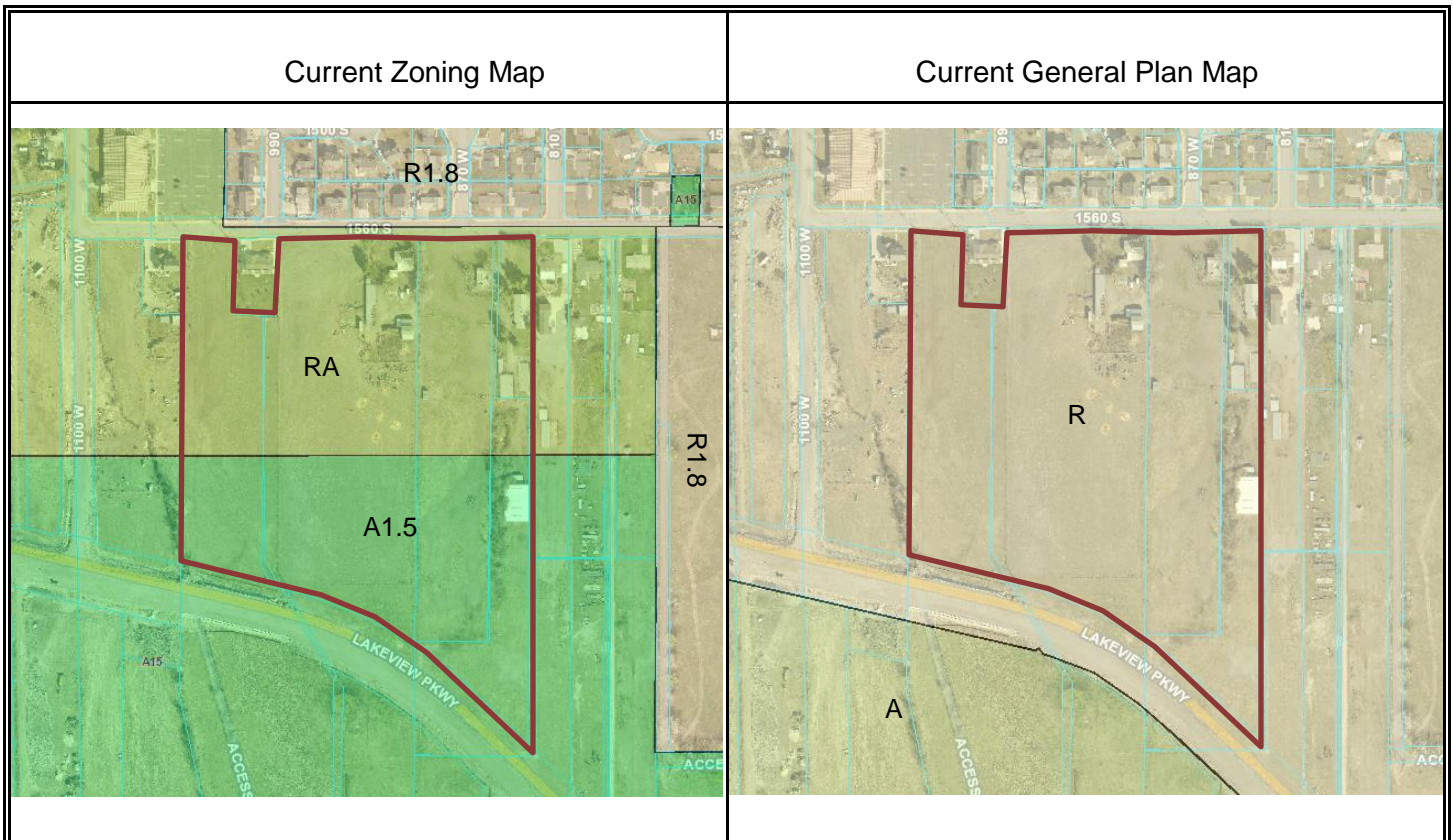
ITEM 5* Solstice Homes LLC requests the Rezoning of 5 properties totaling approximately 22 acres, from the RA (Residential Agricultural) and A1.5 (Agricultural 5-acre minimum) zones to the R1.8 (Single-Family Residential) zone, located approximately 831 and 1041 West 1560 South. The rezoning would facilitate the development of a residential subdivision with an 8,000 square foot lot size minimum. **Lakewood Neighborhood.** 16-0012R, Austin Corry, 801-852-6413

<p>Applicant: Chris Ensign, Solstice Homes</p> <p>Staff Coordinator: Austin Corry</p> <p>Property Owners: Teri Jerman, Jolene Kogaines, Duane Smith</p> <p>Parcel ID#: 210560072, 2105100036, 210520063, 210520010, 210510031</p> <p>Current Zone: RA and A1.5</p> <p>Proposed Zone: R1.8</p> <p>General Plan Des.: R</p> <p>Acreage: 22</p> <p>Number of Properties: 5</p> <p>Number of Lots: 73 (proposed)</p> <p>Development Agreement Proffered: No</p> <p>*Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Recommend Approval of the proposed rezoning, as presented in the Staff Report or with changes. <i>This would be <u>a change from the Staff recommendation; the Planning Commission should state new findings.</u></i></p> <p>2. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is May 10, 2017, 5:30 p.m.</i></p>	<p>Current Legal Use: Agriculture</p> <p>Relevant History: The properties are currently under option to purchase by the applicant.</p> <p>Neighborhood Issues: At a neighborhood meeting held on 29 September 2016 the residents in attendance raised the following concerns:</p> <ul style="list-style-type: none">• Increased traffic volume• Demand on existing sewer infrastructure• Storm water drainage <p>Summary of Key Issues:</p> <ul style="list-style-type: none">• Applicant’s preliminary subdivision has failed to meet various aspects of the zoning ordinance.• No proposal has been made for how to address neighborhood concerns – applicant indicated to the neighborhood that plans were uncertain.• Remnant parcels are not being addressed.• Proposed density is undetermined at this time due to lacking information on the plans. <p>Staff Recommendation: That the Planning Commission <u>Recommend Denial</u> of the proposed rezoning to be considered by the Municipal Council.</p> <p><i>This action <u>would be consistent with the recommendation of the Staff Report.</u> Any changes should be stated with the motion.</i></p>
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OVERVIEW

The applicant is requesting a zone map amendment in order to facilitate a residential subdivision to be called Heron's Landing. The subject properties are located adjacent to the new Lakeview Parkway and a few hundred feet to the west of the recent Osprey Point subdivision, extending west to 1100 West.

The Coordinator Review Committee (CRC) has reviewed the initial application and found a number of areas where zoning ordinance is not being adhered to. Staff has also identified conflicts with the General Plan as well as the most recent Westside Development Committee draft policies. These deficiencies have been reported to the applicant and the applicant has requested that the Planning Commission make a recommendation and the Municipal Council make a decision on the zone map amendment regardless of the concerns. If the zone map amendment were to be granted, the preliminary subdivision and subsequent final subdivisions would still be subject to meeting all applicable zoning ordinances.



FINDINGS OF FACT

1. The accompanying preliminary subdivision fails to meet various ordinance requirements of Provo City Code Title 14 and Title 15.
2. Provo City Code Chapter 14.10 would apply if an R1 zone were granted per the applicant's request.
3. Articulated Vision, General Plan, and draft Westside Planning policies do not promote the approval of the zone map amendment as requested.
4. 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:

- (a) (a) *Public purpose for the amendment in question.*

Staff Response: The proposed zoning adds additional housing for the increasing population.

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

Staff Response: Although housing needs are important for the city, that housing must be designed with appropriate infrastructure which includes connected street networks, adequate and maintainable utility infrastructure, and equal protections for adjacent properties.

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

Staff Response: The General Plan currently identifies this area for housing at a density not to exceed four units to the acre. The applicant has not demonstrated that this is being met as there are discrepancies within the various aspects of the application. Staff's requests for this information have been unanswered.

- (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 Response: General Plan policies for the Lakewood neighborhood specify a need to "provide adequate storm drainage [and] street connections..." which are not yet being addressed by the applicant. Approval of the rezone would be premature to this being resolved and impede the goal of "orderly growth" of the City.

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

Staff Response: Vision 2030, the General Plan, and the Westside draft policies promote ideas of interconnected streets and walkability. The accompanying preliminary subdivision plat fails to not only meet these goals, but also falls short of meeting the street standards of Provo City Code Title 15.

- (f) *Adverse impacts on adjacent land owners.*

Staff Response: Additional housing is certain to increase traffic in the area, though this alone should not be a reason for denial unless the road network is insufficient to handle the added capacity. Staff has requested a traffic impact study from the applicant which has not yet been provided.

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

Staff Response: The General Plan designation for residential use is currently being studied by the Westside Planning Committee established under the Municipal Council. A draft version of guiding policies has been analyzed below as to how it relates to existing zoning and future anticipated zones.

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

Staff Response: No conflicts have been identified which would relate to the proposed subdivision.

STAFF ANALYSIS

The CRC has identified several deficiencies in the proposed subdivision that raise a number of concerns, including conflicts with the Westside Planning Committee's draft policies which are under consideration. Until these concerns are resolved, or more certain policy direction received, a rezoning of this nature is premature. A summary of staff noted concerns are as follows:

- The rezone boundary request includes existing homes to be included within new lot boundaries. Information has not been provided to verify that the existing homes would still meet the new zone requirements.
- Provo City Code requires a conceptual integrated street network plan to ensure, among other things, that potential development of adjacent parcels is not hindered and a thoughtful local road network can be established. The provided plan suggests a large number of cul-de-sacs, consistently offset intersections, and long block lengths. Both Public Works and Community Development have flagged this as a major concern with the project.
- Provo City Code prohibits cul-de-sacs unless the applicant can demonstrate that development is otherwise infeasible due to "physical conditions or land ownership configurations." The applicant response thus far has been that they desire to keep the cul-de-sacs in order to increase lot count. Staff finds that this is insufficient for meeting the ordinance requirement found in Provo City Code 15.03.200(2).
- A handful of lots within the proposed subdivision do not meet the standards for the zone being requested such as lot depth, width, and/or size.
- Net developable acreage has not been supplied to determine compatibility with General Plan policies.
- Public Works has been unable to review utility infrastructure feasibility due to the other major concerns that will likely shift lots and roads.

Staff's review of the draft policies being recommended by the Westside Planning Committee has identified the following specifics to be highlighted:

- Policy 1g identifies a need to "protect agricultural operations from the impact of residential encroachment." The proposed zone change would leave slivers of agricultural zoned properties surrounded by otherwise residential. This is further reiterated in Policy 6c.
- Policy 2e states that "usable neighborhood open space should be an integral part of neighborhood design or combined to serve larger areas than the immediate development." The only open space provided by this development would serve as a detention basin.

- The proposed subdivision does further Policy 3b to provide single-family homes as the predominant housing type.
- Policy 5 calls for a “Robust Transportation Network.” While the proposed subdivision does not interrupt the collector road network (5b) it fails to meet best practices, including City ordinances, for local connectivity (5c).
- Policy 6 identifies a need to “require proper integration and sequencing of development.” The previous analysis above regarding the Conceptual Integrated Street Plan and other connectivity standards have identified that this proposed subdivision fails to meet this policy which is found in numerous other City documents and ordinances.

Staff has provided the applicant with a number of recommendations which would improve the connectivity of the proposed subdivision and surrounding area, facilitate integration of adjacent land at such time as it develops, as well as meeting ordinance requirements where the applicant is currently deficient. However, staff’s recommendations would cause the applicant to lose a one to three lots as well as require the applicant to coordinate with adjacent landowners to improve efficiency. The applicant has indicated a preference to pursue the originally proposed subdivision regardless of staff’s findings and recommendation.

CONCLUSIONS

While the supplied staff analysis is not all-inclusive of the concerns raised by the CRC, it serves to support that a rezoning of the subject property is premature until larger issues are resolved, ensuring the City can adequately service the properties and that the development would best serve the residents.

Given the number of outstanding issues that remain unresolved, and a failure to meet the General Plan policies as noted above, staff does not support the requested zone map amendment.

STAFF RECOMMENDATION

That the Planning Commission **Recommend Denial** of the proposed rezoning to be considered by the Municipal Council.

ATTACHMENTS

1. Proposed Subdivision Plat
2. Applicant’s Conceptual Integrated Street Layout

ATTACHMENT #1 – Proposed Subdivision Plat



ATTACHMENT #2 – Conceptual Integrated Street Layout

