



Provo City Planning Commission

# Report of Action

May 10, 2017

ITEM 5\* Kristen Lesa requests a Zone Change from Residential Conservation (RC) to a PRO Zone to allow 10 residential apartments on 0.19 acres located at 691 East 600 North. *Joaquin Neighborhood*. 17-0004R, Dustin Wright, 801-852-6414. *This item was continued from the April 26, 2017 Planning Commission Hearing.*

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 10, 2017:

## RECOMMEND APPROVAL

On a vote of 4:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Brian Smith

Second By: Deborah Jensen

Votes in Favor of Motion: Brian Smith, David Anderson, Deborah Jensen, Jamin Rowan

*Jamin Rowan was present as Chair and Ed Jones recused himself.*

- 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 Lesa PRO Zone is described in the attached Exhibit A.

### **RELATED ACTIONS**

- 17-0001OA – May 10, 2017 Planning Commission
- 17-0007PPA – May 10, 2017 Planning Commission

### **DEVELOPMENT AGREEMENT**

- Does not apply at this stage of review or approval.

### **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 current zone doesn't allow for new development other than one, single-family unit.
- The Joaquin Neighborhood Plan calls for higher density development in this area.
- The property is surrounded by other residential dwellings leaving this parcel to be developed separately.
- The Campus Mixed Use (CMU) zone allows for batching singles and this is not something that the applicant would like to pursue, they would like to provide one bedroom units that would attract married students.
- The proposed project for this site would require a rezone.
- A PRO Zone has been drafted to accommodate the development of this property.

**CITY DEPARTMENTAL ISSUES**

- The Coordinator Review Committee approved the rezone.

**NEIGHBORHOOD MEETING**

- The applicant met with representatives of the neighborhood.

**NEIGHBORHOOD AND PUBLIC COMMENT**

- The Neighborhood Chair was not present or did not address the Planning Commission during the 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:

- The front façade doesn't conform to the character of the neighborhood and that it seems like too many units are trying to fit on this site.
- That there could be a shortage of parking if every unit had more than an average of 1.5 vehicles.

**APPLICANT RESPONSE**


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

- The units will be one bedroom and they plan to have couples rent the units.
- Changes have been made to the front façade to help provide the human scale and other Design Review Committee (DRC) comments are being addressed.

**PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- If the location of the trash containers would be an issue with collection. There will be individual cans that will be brought to the curb.
- If the neighborhood chair had seen the project. The applicant met with the neighborhood and discussed the project.

  
 \_\_\_\_\_  
 Planning Commission Chair

  
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 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**

## Exhibit A

COM 14 CHS N OF SE COR NW 1/4 SEC 6, T7S, R3E, SLM; S 89 DEG E .61 CH; N 1 DEG E 5.68 RDS; S 89 DEG E 1.00 FT; N 1 DEG E 22.85 FT; N 89 DEG W 72.62 FT; S 16'56"E 116.57 FT; S 89 DEG E 29.83 FT TO BEG. AREA .19 AC.



**Planning Commission  
Staff Report  
Rezone  
Hearing Date: May 10, 2017**

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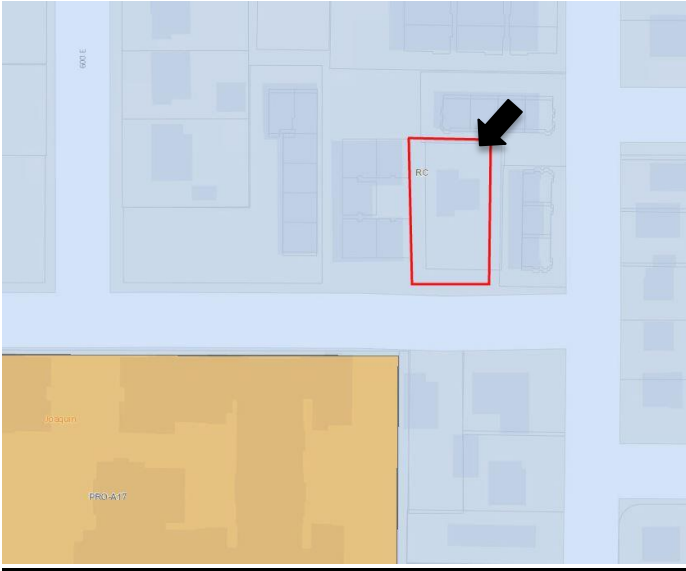
<p>Applicant: Kristen Lesa Staff Coordinator: Dustin Wright</p> <p>Property Owner: Kristen &amp; Teiano Lesa Parcel ID#: 220130003 Current Zone: Residential Conservation (RC) Proposed Zone: Lesa PRO General Plan Des.: Residential/Campus Mixed Use (CMU) Acreage: 0.19 Number of Properties: 1 Number of Lots: 1</p> <p>Council Action Required: YES</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <p>1. <b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is May 24, 2017, 5:30 p.m.</i></p> <p>2. <b>Deny</b> the requested Project Plan. <i>This action <u>would not be consistent</u> with the recommendations of the Staff Report. The Planning Commission should <u>state new findings</u>.</i></p>	<p><b><u>Current Legal Use:</u></b> Vacant lot in the RC zone.</p> <p><b><u>Relevant History:</u></b> There is a proposed project at this site that would require a rezone. A PRO zone is being proposed for this project. The future land use map in the adopted neighborhood plan shows CMU with batching overlay. The applicant wants to provide family housing and not batching.</p> <p><b><u>Neighborhood Issues:</u></b> The neighborhood leadership has expressed a preference for married housing rather than additional housing for batching singles. This PRO zone is a mechanism to achieve that preference.</p> <p>Staff has received a few calls asking for more information about the project and rezone.</p> <p><b><u>Summary of Key Issues:</u></b></p> <p>1. The PRO zone will provide a way to develop the infill property without needing to amend an existing zone.</p> <p><b><u>Staff Recommendation:</u></b> Staff recommends that the Planning Commission forward a recommendation to approve the rezone for the Lesa PRO zone to the Municipal Council.</p>
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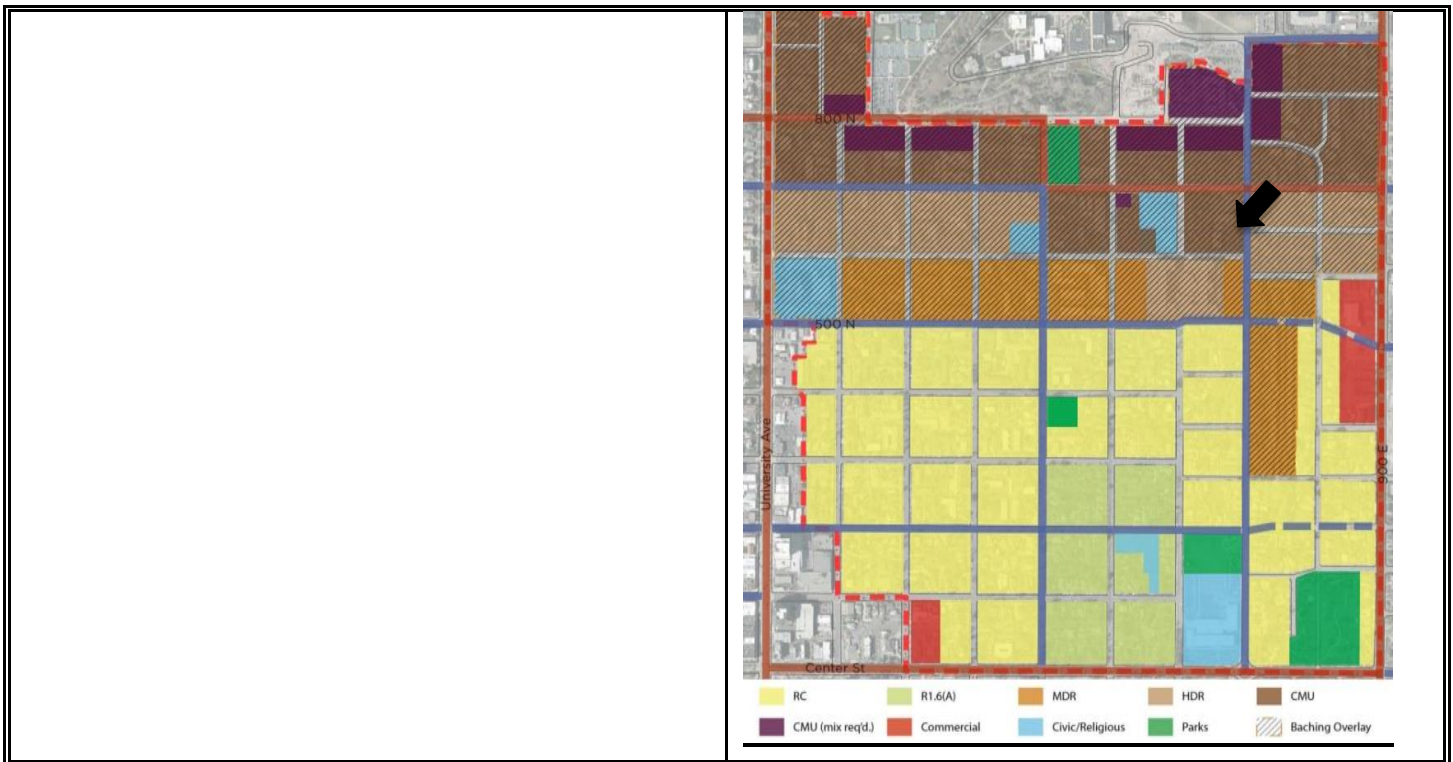
**OVERVIEW**

The applicant is requesting a rezone from the RC zone to a new PRO Zone to facilitate the development of property located at 691 East 600 North. Because this property is in the RC zone, which doesn't allow for new developments other than detached single family homes, this project requires a zone change. The Joaquin Neighborhood Plan recommends CMU and allows batching overlay which would permit up to six singles per apartment.

Under the CMU zone this site could have eight units totaling 48 tenants. Rather than perusing the CMU zone the applicant is proposing to have 10, one-bedroom units for family occupancy and do a Development Agreement to limit occupancy to one family or 2 singles per unit as part of a new PRO zone.

The PRO zone would allow for family housing on smaller lots that are surrounded by higher density. The zone permits 5 to 10 apartments on 8,000 square foot lots.

Current Zoning Map	Current General Plan Map
	



### FINDINGS OF FACT

1. This property is below 40,000 square feet.
2. This property is currently located in the RC zone.
3. The RC zone allows for detached one-family dwellings.
4. The future land use map in the Joaquin Neighborhood Plan labels this property CMU with a batching overlay.
5. The property to the west has 15 units, to the east there are six units, and to the north there are eight units.

### STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments: **(Staff responses bolded.)**

*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) *Public purpose for the amendment in question. **The amendment would allow for infill development of a parcel that doesn't have potential to consolidate with adjacent parcels.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **This PRO zone helps limit demand to modify an existing zone to accommodate smaller developments.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The General Plan calls for residential use and the Joaquin Neighborhood Plan calls for high density in this area.***
- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **The proposed amendment is consistent with timing and sequencing.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **Policies of the Plan should not be negatively affected by this amendment.***
- (f) *Adverse impacts on adjacent land owners. **The amendment would allow for development of the property at a higher density than is currently permitted by zone.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **No issues with the zoning as currently established.***
- (h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies. **No conflicts.***

## **CONCLUSIONS**



This rezone conforms to the policies in the general plan and would allow the property owner to develop the property in a manner that would be consistent with unit density in the area but have a lower impact on traffic due to a reduced amount of tenants.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission forwards a recommendation to approve the rezone for the Lesa PRO zone to the Municipal Council.

**ATTACHMENTS**

1. Parcel to be rezoned

**ATTACHMENT 1- Parcel to be rezoned**

