



Provo City Planning Commission

Report of Action

May 10, 2017

ITEM 8* Provo City Community Development Department requests a Zone Change for approximately 58.6 acres of property located at approximately 1500 South State Street from Light Manufacturing (M-1) Zone to Low Density Residential (LDR) Zone. *Spring Creek Neighborhood*. 17-0007R, Austin Corry, 801-852-6413. *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 WITH CHANGES

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application with the following noted changes:

1. That the new zone be **R1.10 instead of LDR** to discourage LDR projects from being proposed when the neighborhood plan intends MDR development; and
2. That the properties owned by Russ Jacobson (parcel ID #220510061, 220510056, 220470020, 220470228) be excluded from the rezone boundary.

Motion By: Dave Anderson

Second By: Deborah Jensen

Votes in Favor of Motion: Dave Anderson, Deborah Jensen, Jamin Rowan, Ed Jones, Brian Smith

Jamin Rowan was present as Chair.

- Additional Report of Action for item previously continued after a public hearing: 26 April 2017.
- 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 R1.10 Zone is described in the attached staff report.

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 Southeast Neighborhoods Plan identifies this area, currently zoned M1, as an important location which could adequately serve a missing housing need for the area.
- After adoption of the Southeast Neighborhoods Plan, the neighborhood has requested action be taken to prevent new manufacturing uses from being developed, thus inhibiting the attainment of the plan.
- Historically, Provo City has been hesitant to zone property without a development application. The proposed LDR zone would prohibit new manufacturing uses, but still require developers to apply for zone changes if they seek to pursue the medium density residential zoning suggested by the Southeast Neighborhoods Plan.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 26 April 2017.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present /addressed the Planning Commission during the public hearing.
- This item was City-wide or affected multiple neighborhoods.
- 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:

- Russ Jacobson gave a detailed history of his property, including his conclusions as to why the property had not already been developed as light manufacturing. Mr. Jacobson requested that he be excluded from the rezoning so that he could develop plans for a flex space warehouse at an undetermined date in the future.

APPLICANT RESPONSE

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

- Mr. Corry reported that excluding the Russ Jacobson properties from the request would not cause any more of an incompatibility potential than already exists with current businesses.
- Mr. Corry highlighted the surrounding uses adjacent to the rezoning, and also noted that the neighborhood plan still encouraged commercial development along State Street, though the focus is for more retail than manufacturing.

PLANNING COMMISSION DISCUSSION

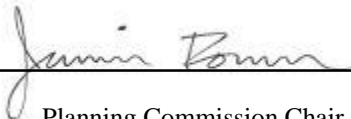
Key points discussed by the Planning Commission included the following:

- Mr. Anderson stated that the change in zoning makes sense from the standpoint of working to achieve other goals of existing planning documents. However, he noted some hesitancy with creating potential incompatible neighboring uses as well as getting rid of light manufacturing possibilities which still serve a purpose.
- A few Commissioners asked staff what the zone change would do for existing businesses. Mr. Corry explained that by changing the zone, existing established uses would become legally non-conforming. As such, they would be allowed to continue operating, however, it would limit their ability to expand the business if they desired to do so in the future.
- Mr. Smith stated that he would be interested in seeing what the map would look like if all existing M1 uses were excluded, though he felt comfortable that they would still maintain non-conforming rights.
- Mr. Anderson expressed a concern that the LDR zone would allow enough entitlement that developers wouldn't be encouraged to pursue the Medium Density Residential identified as the City's desire through the neighborhood plan. He asked staff if there were a different zone that wouldn't provide allowance for 15 units to the acre. Staff suggested that a single-family zoning of R1.10 would most likely achieve what Mr. Anderson was suggesting.
- Mr. Jones asked the Commissioners if they felt that the R1.10 zone would discourage developers too much by suggesting the City was not interested in higher-density development in this area. The discussion following concluded that the neighborhood plan offered enough incentive to keep a developers interest in pursuing MDR.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings, in addition to the findings included in the staff report, as the basis of this decision or recommendation:

1. That the R1.10 zone would prevent new manufacturing uses as previously intended, while at the same time, better serving to encourage developers to make a rezone request for higher density at a later time.



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