



**Planning Commission
Staff Report
Rezone
Hearing Date: September 13, 2017**

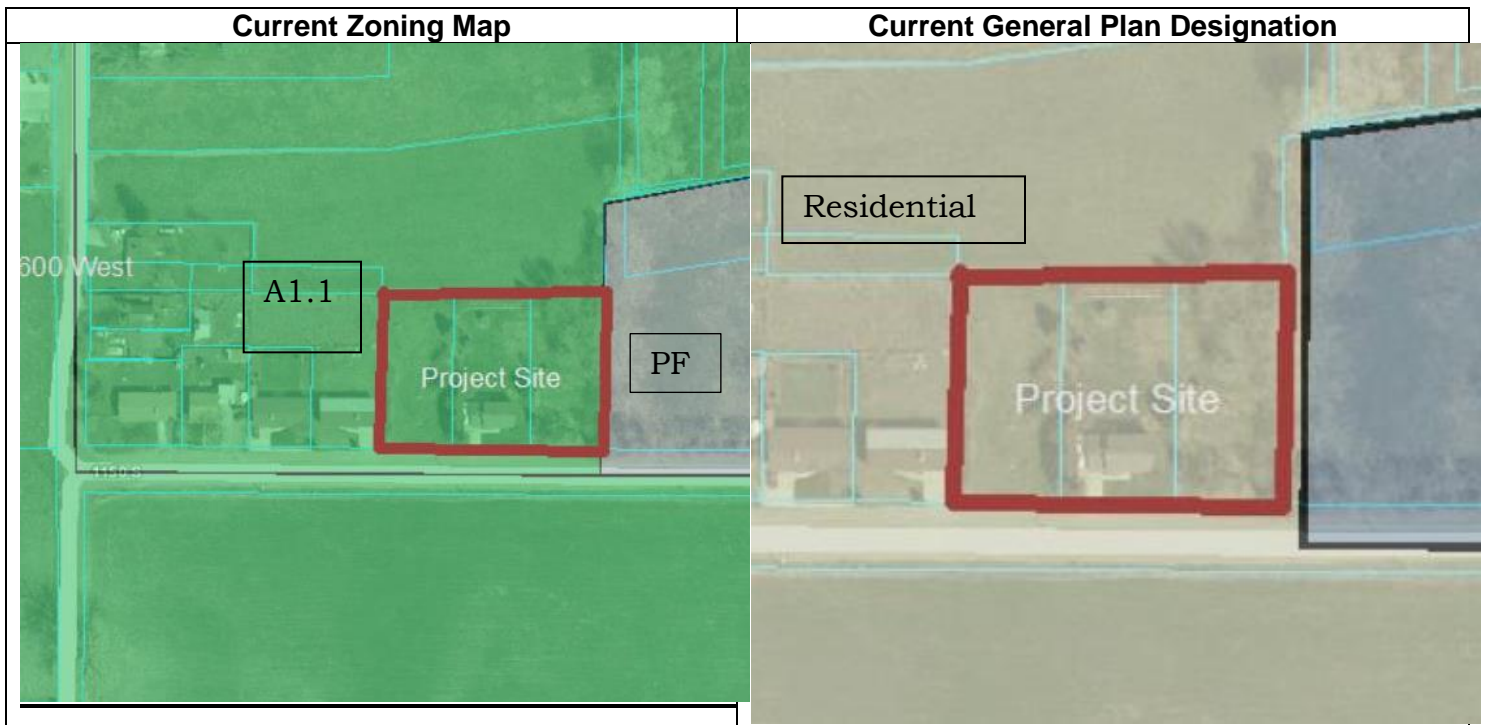
ITEM 5* Matt Evans requests a Zone Change from Agricultural A1.1 to Residential R1.10 for approximately 1.30 acres located at 1520 West 1150 South to facilitate a three-lot subdivision. **Sunset Neighborhood.** 17-0015R, Robert Mills, 801-852-6407

<p>Applicant: Matt Evans Staff Coordinator: Robert Mills Property Owner: Nova Zembla, LLC Parcel ID#: 210400100; 210400103; 210400102 Current Zone: A1.1 (1 acre minimum) Proposed Zone: R1.10 General Plan Des.: Residential Acreage: 1.3 acres Number of Properties: 3 Number of Lots: 3 Development Agreement Proffered: Not at this time. Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is September 27, 2017, 5:30 p.m.</i></p> <p>2. Recommend Denial of the proposed rezoning. <i>This would be <u>a change from the Staff recommendation</u>; the Planning Commission should <u>state new findings</u></i></p>	<p>Current Legal Use: The lots are currently nonconforming because of lot area. The rezone request will make the zoning designation consistent with the lot size.</p> <p>Relevant History: At some point in the past the properties were divided into to three lots. Those lots are currently nonconforming to lot area requirements of the current zone.</p> <p>Neighborhood Issues: A neighborhood meeting will be held on September 14, 2017. As of the time of writing the staff report, no issues had been made known to staff.</p> <p>Summary of Key Issues:</p> <ol style="list-style-type: none">1. The three properties were divided at some point in the past.2. The three properties are currently nonconforming as to lot area for the underlying zone.3. The rezone request will bring the existing lots into conformity and will allow for a proper subdivision.4. The rezone request is consistent with the general plan and will not increase the density of the existing neighborhood. <p>Staff Recommendation: Based on the evidence that the proposed rezone will allow the three existing properties to come into conformity with the zoning district, Staff recommends that the Planning Commission forward a positive recommendation to the Municipal Council for approval of the request.</p>
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OVERVIEW

In order to facilitate a formal subdivision of his properties, the applicant is requesting a rezone of three existing parcels in the A1.1 Zone to the R1.10 Zone. The existing properties are each approximately 0.4 acres in lot area and are nonconforming lots because the lot area requirement for the A1.1 Zone is one acre. The applicant is seeking a rezone to R1.10 to bring the properties into conformity so a formal 3-lot subdivision can be approved and recorded.

There is one existing house on Parcel No. 210400103 that was approved by Building Permit No. 5500 in March of 1980 for a single-family residence. The other two parcels to the east and west of the existing dwelling are vacant.



GENERAL PLAN POLICIES

General Plan Policies pertinent to this request primarily center on policies related to Southwest Area Neighborhoods, specifically the Sunset Neighborhood, and the Westside Development Policies recommended by the Westside Planning Committee.

The requested rezone seems to be consistent with the related policies because it is a request to bring three, small existing lots into conformity. The intention of these parcels has been for development of three single family homes and the proposed rezone would allow that. The low density allowance of the R1.10 Zone is consistent with the intent of the Westside Development Policies for the area and is consistent with the intention of Residential designation on the General Plan Map.

FINDINGS OF FACT

1. 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) *Public purpose for the amendment in question.*

The public purpose for the amendment is to bring into conformity three parcels intended for single-family development to allow a formal subdivision and recordation of the lots.

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

The public purpose is served by the request because it provides for increased conformity with the intention of the General Plan Policies for the area to allow low-density residential housing development.

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

The proposed rezone request is compatible with the General Plan policies, goals, and objectives outlined in the Southwest Area

Neighborhoods described in Chapter 6 of the General Plan. Furthermore, the proposed rezone request is compatible with the recommended Westside Development Policies developed by the Westside Planning Committee.

- (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 only related timing and sequencing provision related to this request is in regards to infrastructure. The properties are located along 1150 South with adequate access to existing utilities. The Public Works Department has had the opportunity to review the rezone request and has not identified any concerns with available infrastructure which would prevent the applicant from moving forward.

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

After reviewing the proposed rezone request, Staff is reasonably confident the request will in no way hinder or obstruct attainment of the General Plan's articulated policies.

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

No adverse impacts are anticipated at this time.

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

The original General Plan and zoning is consistent with all other policies. The proposed amendment is also consistent with the policies, insofar as they have been articulated.

- (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 have been identified.

STAFF ANALYSIS AND CONCLUSIONS

Staff has reviewed the proposed rezone request against applicable General Plan and other pertinent policies. The request appears with the documents and policies. Staff feels the request will allow for more compatibility with applicable zoning and the infill of existing residential development.

STAFF RECOMMENDATION

Staff recommends the Planning Commission forward a positive recommendation of the proposed rezone request to the Municipal Council for approval.

ATTACHMENT NO. 1 PROPOSED SUBDIVISION

