



Provo City Planning Commission

# Report of Action

September 27, 2017

ITEM 1\* Gardner and Associates request a Zone Change from Residential Conservation (RC) to Low Density Residential (LDR) for 0.642 acres of property located at 925 East 1140 South. *Spring Creek Neighborhood*. 17-0012R, Brian Maxfield, 801-852-6429

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 27, 2017:

## RECOMMENDATION FOR APPROVAL

On a vote of 6:0, the Planning Commission recommended the Municipal Council approve the above noted application.

Motion By: Brian Smith

Second By: David Anderson

Votes in Favor of Motion: Brian Smith; David Anderson; Maria Winden; Ed Jones; Andrew Howard; Jamin Rowan.

*Jamin Rowan was present as Chair.*

*An election for Chair and Vice-Chair was held before the conclusion of the hearing. Effective at the next meeting, Deborah Jensen will begin her term as Chair, with Dave Anderson as Vice-Chair.*

The motion 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 LDR Zone is described in the attached Exhibit A.

### **RELATED ACTIONS**

Approval of project plan (17-0018PPA)

### **APPROVED/RECOMMENDED OCCUPANCY**

Total number of units is 9

Type of occupancy approved is Single-family or three unrelated individuals

### **APPROVED/RECOMMENDED PARKING**

Total number of parking stalls is 39

Number of parking stalls per unit is 4.33

### **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:

- General Plan land use designation
- Southeast Area Neighborhood Plan land use designation
- Surrounding land uses and current zoning.

## CITY DEPARTMENTAL ISSUES

None

## NEIGHBORHOOD MEETING DATE

A neighborhood meeting was held on Wednesday, September 6, 2017.

## NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair and other parties were present and addressed the Planning Commission during the public hearing, but questions were in relation to the associated project plan (Item #2 – 17-0018PPA).

## 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:

- No issues directly related to the rezoning were raised. Issues were parking related and in conjunction with associated project plan (Item #2 – 17-0018PPA).

## APPLICANT PRESENTATION AND RESPONSE

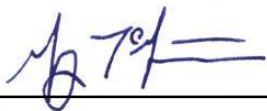
Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The applicant's presentation and response were directed to the project plan and not the appropriateness of the rezoning (Item #2 – 17-0018PPA).

## PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission discussion was directed to the project plan and not the appropriateness of the rezoning (Item #2 – 17-0018PPA).



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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"

### Rose Court Rezoning RC to LDR

#### BOUNDARY DESCRIPTION

Beginning at the north line of 1140 South Street, Provo, Utah, which point is S.89°19'10"W. along the section line 1421.420 feet and North 410.485 feet from the Southeast corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base & Meridian;

Thence West along the North line of said street 237.71 feet; thence continuing along said street line northwesterly 23.46 feet along a curve to the right, having a radius of 15.00 feet and a chord bearing N.45°11'48"W. 21.14 feet to the East line of 900 East Street; thence N.00°23'35"W. along said street line 83.12 feet; thence S.89°47'45"E. 253.77 feet; thence S.00°17'20"W. 97.11 feet to the point of beginning.



## **OVERVIEW**

This item is the rezoning of approximately 0.64 acres from the RC Residential Conservation Zone, to the LDR Low Density Residential Zone. The rezoning would facilitate the development of 9 Townhome units on the site. The site is one of the few remaining undeveloped properties in the immediate neighborhood.

Immediately south of the site, across 1140 South Street, is the South Willow Mobile Home Park, while directly to the west, across 900 South, is an industrial building located within an M-1 Manufacturing district. The Copenhagen Court Townhomes are located directly north of the site, and the Scandia Village Townhomes are located to the east. The street to the east (950 East), is a private street included within the Scandia development. The subject property was originally included as part of the concept plan for the Scandia II (Copenhagen Court) development, but was not included with the final plan approval (93-0094PPA).

## **GENERAL PLAN POLICIES**

The Southeast Area Guiding Principles, Policies and Goals include:

2. Maintain the Residential (R) General Plan designation with one-family residential development, except where specified.

The townhome development anticipated with the proposed rezoning is considered a one-family residential land use.

The recently adopted Southeast Area Neighborhood Plan includes the following under its Section on Goals and Objectives:

1. Utilize current General Plan policies to encourage preferred future land uses
  - a. Update the General Plan map and text to reflect the goals and objectives outlined in the Southeast Neighborhoods Plan.
2. Require that all future development complies with the proposed land use map and existing ordinances, such as the South State Street Design Corridor.
  - a. Determine which zones are inconsistent the proposed land use map
  - b. Amend the zoning map to be consistent with the proposed land use map
  - c. Provide appropriate buffers between commercial and residential uses, per Provo City Code 14.34.300.

## **FINDINGS OF FACT**

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.

Allows for the orderly development of the City in conjunction with the General Land Use Plan

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

The site is designated as Low Density Residential on the recently adopted Southeast Area Neighborhood Plan.

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

The proposed rezoning to LDR follows the recently adopted Land Use Plan for the Southeast Area, and would successfully address 2a and 2b of the Plan's Goals and Objectives as detailed below:

2. Require that all future development complies with the proposed land use map and existing ordinances, such as the South State Street Design Corridor.
  - a. Determine which zones are inconsistent the proposed land use map
  - b. Amend the zoning map to be consistent with the proposed land use map

(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 addresses an infill area and would follow the General Plan's timing and sequencing by developing those areas where streets and utility services already exist.

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

There is no potential hindrance or obstruction of the General Plan's articulated policies with the proposed amendment.

(f) Adverse impacts on adjacent land owners.

No adverse impacts on adjacent land owners are expected.

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

The proposed zoning (Low Density Residential) matches the land use designation of the recently adopted Southeast Area Neighborhood Plan.

(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 has found no conflict between the General Plan Map and General Plan Policies.

**STAFF ANALYSIS and CONCLUSION**

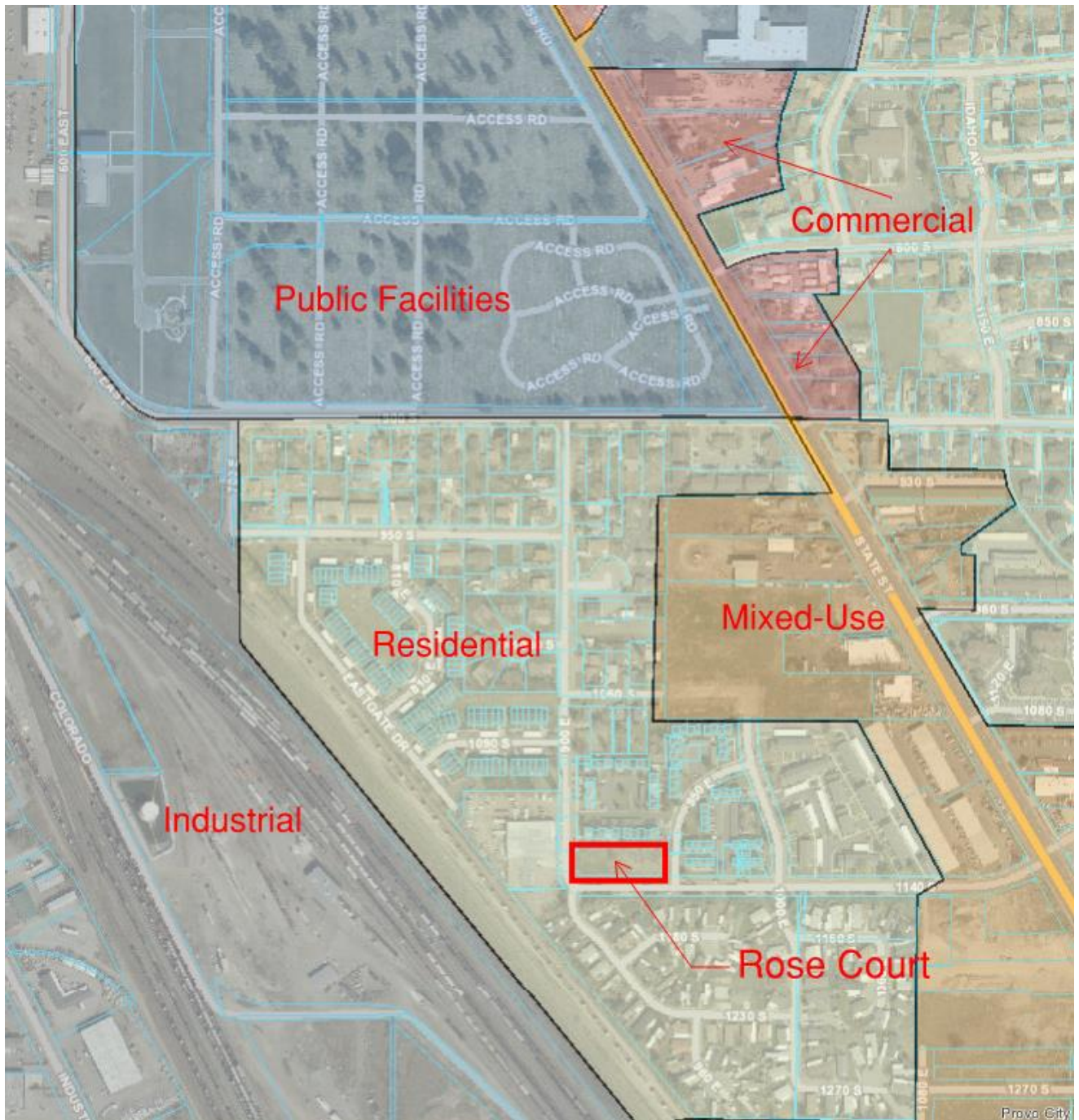
Staff finds that the proposed rezoning is in compliance with the General Plan and follows the recommended land use as detailed in the recently adopted Southeast Area Neighborhood Plan.

**STAFF RECOMMENDATION**

Motion to **recommend Approval** of the proposed rezoning at approximately 925 East 1140 South, from RC to LDR, as presented in the Staff Report. *This action would be consistent with the recommendation of the Staff Report. Any changes should be stated with the motion.*





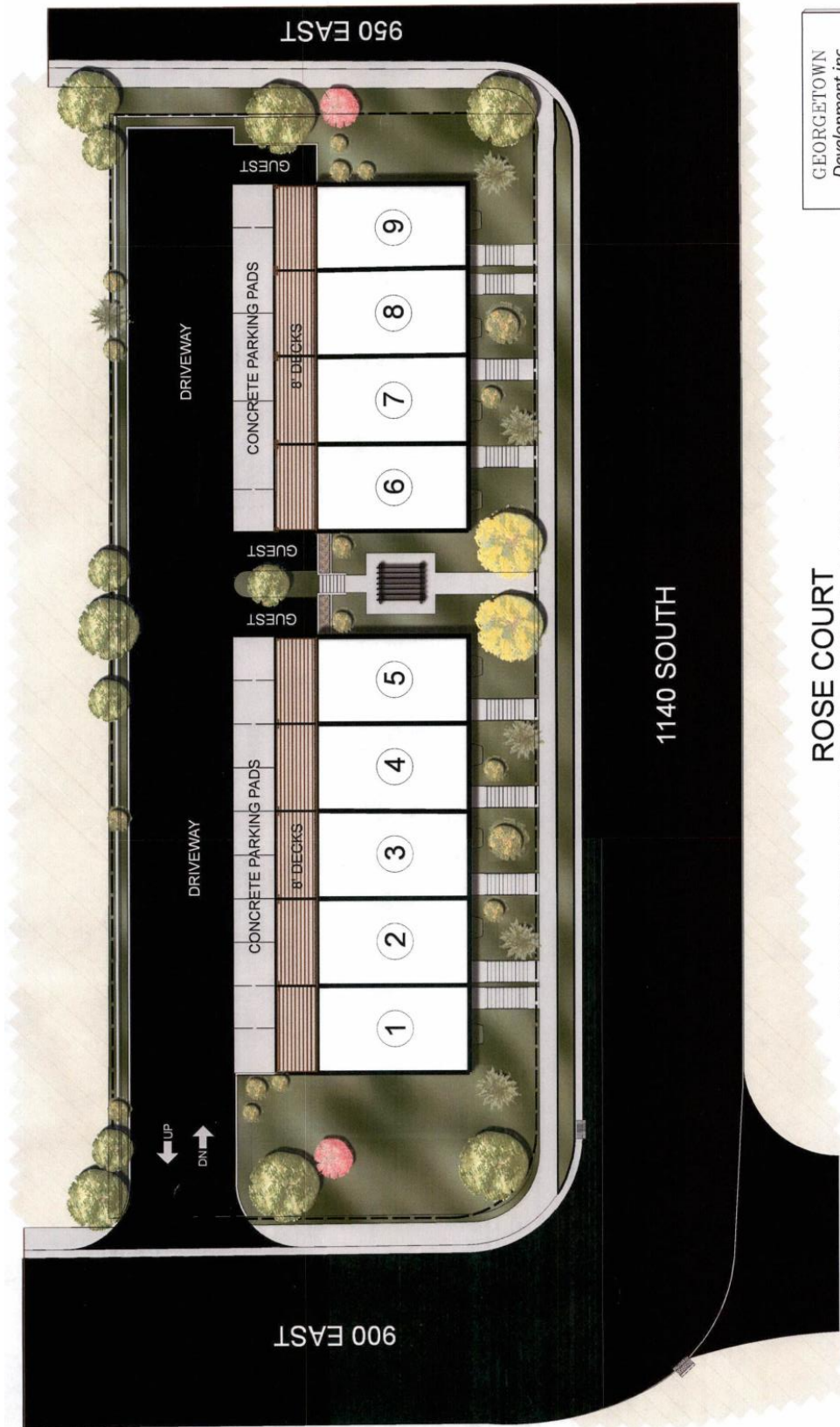


**General Plan – Land Use**



**Southeast Neighborhood Area Plan – Land Use**





GEORGETOWN  
*Development inc*  
2200 N UNIVERSITY PARK, SUITE 76  
PROVO, UT 84601  
PHONE 374-0776 FAX 375-0502  
www.georgetowndevelopment.com

ROSE COURT  
PROPOSED SITE PLAN - 925 E. 1140 S. PROVO UT.  
SCALE: 1"=20'  
DATE: 07-13-2017