



**Planning Commission
Staff Report
Rezone
Hearing Date: November 8, 2017**

ITEM 3* Kameron Spencer requests a Zone Change for 23.8 acres located on both sides of Lakeshore Drive between approximately 120 North to 400 North, from A1.10 Agricultural to R1.10PD Residential. **Fort Utah Neighborhood.** 17-0006R, Brian Maxfield, 801-852-6429

Applicant: Kameron Spencer representing Century Communities

Staff Coordinator: Brian Maxfield

Property Owner: Douglas and Bert Halladay; Kyle H & V Ju Swensen

Parcel ID#: 21:022:0176; 21:022:0168; 21:029:0067; 21:029:0063; 21:029:0078.

Current Zone: A1.10

Proposed Zone: R1.10PD

General Plan Designation: Residential - however, the property is also included within Appendix C-3 "Residential Agricultural Specific Development Plan" of the General Plan.

Acreage: 23.8

Related Items: 17-0003GPA; 17-0012PPA

Council Action Required: Yes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is December 13, 2017, 5:30 p.m.*
2. **Recommend Approval** of the proposed rezoning from A1.10 to R1.10PD. *This action would not be consistent with the staff recommendation and the Planning Commission should state new findings.*

Current Legal Use: Agricultural

Relevant History:

- December 2006 - Adoption of the Residential Agricultural Specific Development Plan
- A neighborhood meeting was held on May 4, 2017 where the initial proposal for an LDR Zone was presented which included townhomes on the western portion of the property.
- A second neighborhood meeting is being held on Thursday, November 2, 2017 to present the current proposal for R1.10PD zoning and development.

Neighborhood Issues:

Density and resulting traffic

Summary of Key Issues:

- Appropriateness of Requested Zone
- Appropriateness of PD Overlay Zone

Staff Recommendation:

The Planning Commission recommend to the Municipal Council, **denial** of the proposed rezoning of approximately 23.8 acres from the A1.10 and A1.5 to the R1.10PD zone with the following findings:

1. The proposed development plan and proposed R1.10PD Zone are not in compliance with the General Plan.
2. The required and concurrent Concept Plan Approval for a Performance Development Overlay zone is insufficient and not compatible with this site.

OVERVIEW

This item is the rezoning of approximately 23.8 acres from the A1.10 Agricultural (10 acre minimum lot size), to the R1.10PD Residential, Performance Development Zone (density based on standard 10,000 square-foot lot subdivision). The rezoning would facilitate the development of 101 single-family detached lots.

The site straddles Lakeshore Drive between approximately 120 North to 400 North. The area directly east of the site is zoned R1.10 and has a developed subdivision (Lakeside Village). To the south, the project borders the Pelican Creek Subdivision which is included within the SDP-3 Zone. The SDP-3 Zone is a Specific Development Plan Zone which specifies ½ acre lots or larger and includes animal rights. To the west of the subject property is the proposed Lakeview Parkway and the Provo River. On the north of the western portion of the proposed rezoning, is a proposed parking area and possible visitor center for the Provo River Delta Restoration project. The northern side of the eastern portion of the proposed rezoning also adjoins the Provo River.

Performance Development (PD) Overlay Zones are to be approved and utilized in combination with existing conventional zones. PD Zones are also only adopted in conjunction with an approved concept plan for the site. A review and recommendation regarding the associated concept plan is presented with Item #3, the Staff Report regarding the Project Plan (File #17-0012PPA).

GENERAL PLAN POLICIES

The staff recommendation regarding the concurrent Agenda Item #1 (File #17-0003GPA) is for denial of the proposed General Plan amendment. Therefore, the following analyzes the proposed rezoning in accordance with the existing General Plan text.

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.

To permit the residential development of an area designated as “Residential” on the General Plan Land Use Map.

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

While the R1.10 zone is consistent with the adjoining zone directly to the east, it would be in conflict with the purpose and intent of the Residential Agricultural Specific Development Plan referred to in Appendix C-3 and made part of the Neighborhood's key goals and policies.

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

The proposed rezoning to R1.10PD would not be compatible with the goals and policies relating to Residential Agricultural Specific Development Plan as contained in Appendix C-3 of the General Plan.

(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 rezoning and development would follow the General Plan's timing and sequencing by developing where streets and utility services currently exist.

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

Development of the property under the proposed zoning amendment would hinder the attainment of the General Plan's articulated policies as contained in Appendix C-3 Residential Agricultural Specific Development Plan.

(f) Adverse impacts on adjacent land owners.

With the proper development of the site under either under the proposed zone or else the existing Pelican Creek Plan, 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 current zoning would need to be amended to allow for either the proposed development or that proposed by the Pelican Creek 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.

The Land Use Map of the General Plan indicates "Residential" which conflicts with the Plan Policies as contained in Appendix C-3 Residential Agricultural Specific Development Plan. As noted, precedence is given to the Plan Policies.

STAFF ANALYSIS and CONCLUSION

Unlike a proposed rezoning to a standard R1.10 Zone, the PD Overlay requires much more analysis as to the resulting residential housing mix and design. Therefore, the analysis of this

proposed rezoning is actually contained within the associated Item #3, which presents the concept plan (File #17-0012PPA) to be associated with the PD Overlay Zone.

14.31.130. Concept Plan Approval.

Concurrent with any request to rezone property to the Performance Development Overlay Zone, and prior to final plan approval, a concept plan which meets the requirements of Section 15.03.300, Provo City Code, shall be submitted to the Provo City Planning Commission.

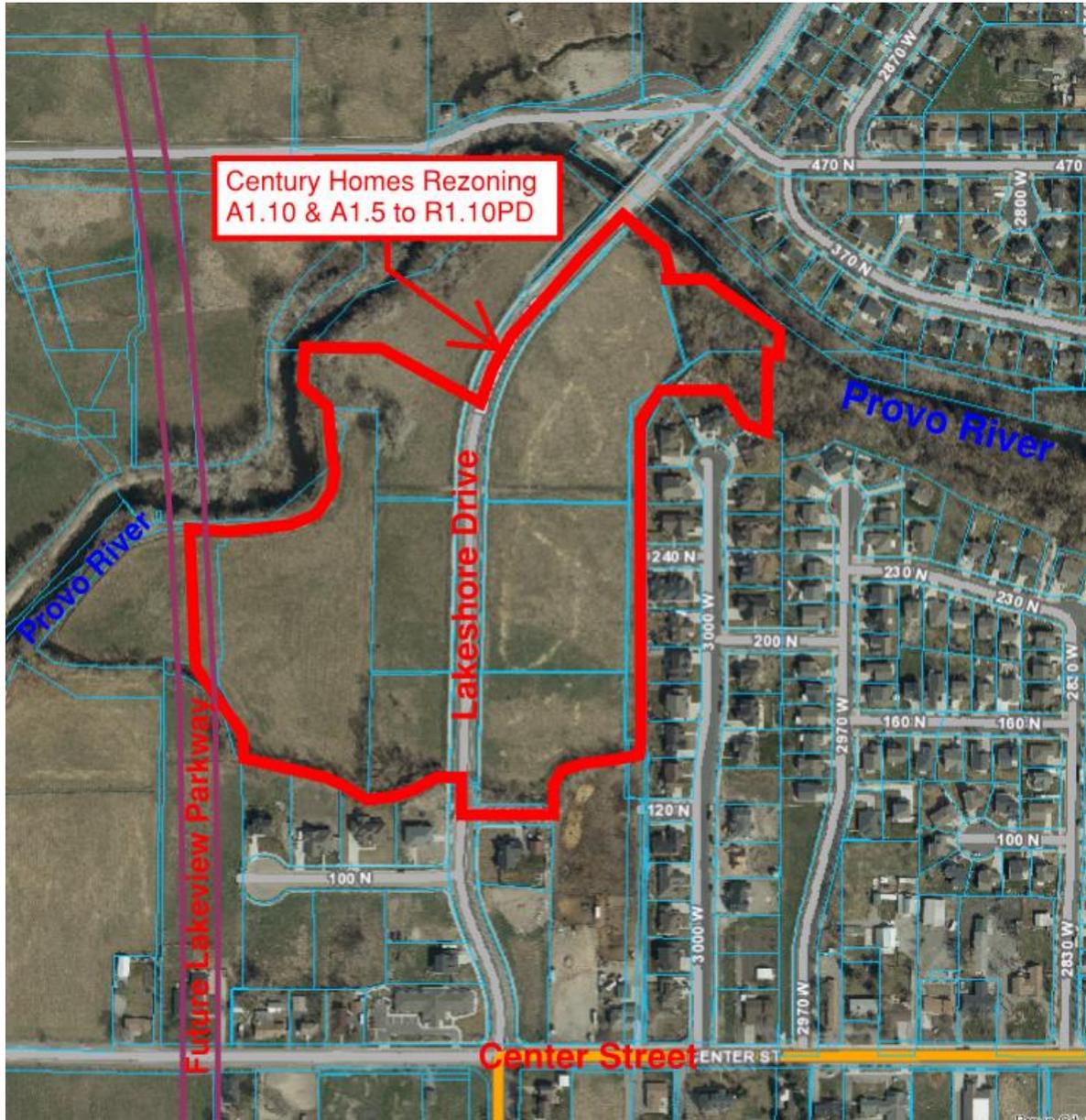
The conclusion of staff (as contained in the concurrent Item #3) is the proposed project plan does not satisfactorily meet the Purpose and Objectives of the PD Overlay Zone. The proposed plan does not provide an imaginative and efficient utilization of land, develop a sense of community, nor insure compatibility with the surrounding neighborhoods and environment. There is no true consolidation of open spaces, and the clustering of dwelling units. Although the proposed project includes a diversity of lot sizes in certain portions of the development, staff believes the development proposal has not shown that it incorporates an identifiable development theme with the elements of usable open spaces, diversity of residential use, site amenities, and attractive entrances as part of the design. As stated within the Purpose and Objectives: "The incorporation of one (1) or two (2) of these elements into a development does not make a PD. The combination of all these elements is necessary for the development of a PD."

STAFF RECOMMENDATION

That the Planning Commission recommend to the Municipal Council, **denial** of the proposed rezoning of approximately 23.8 acres from the A1.10 and A1.5 to the R1.10PD zone with the following findings

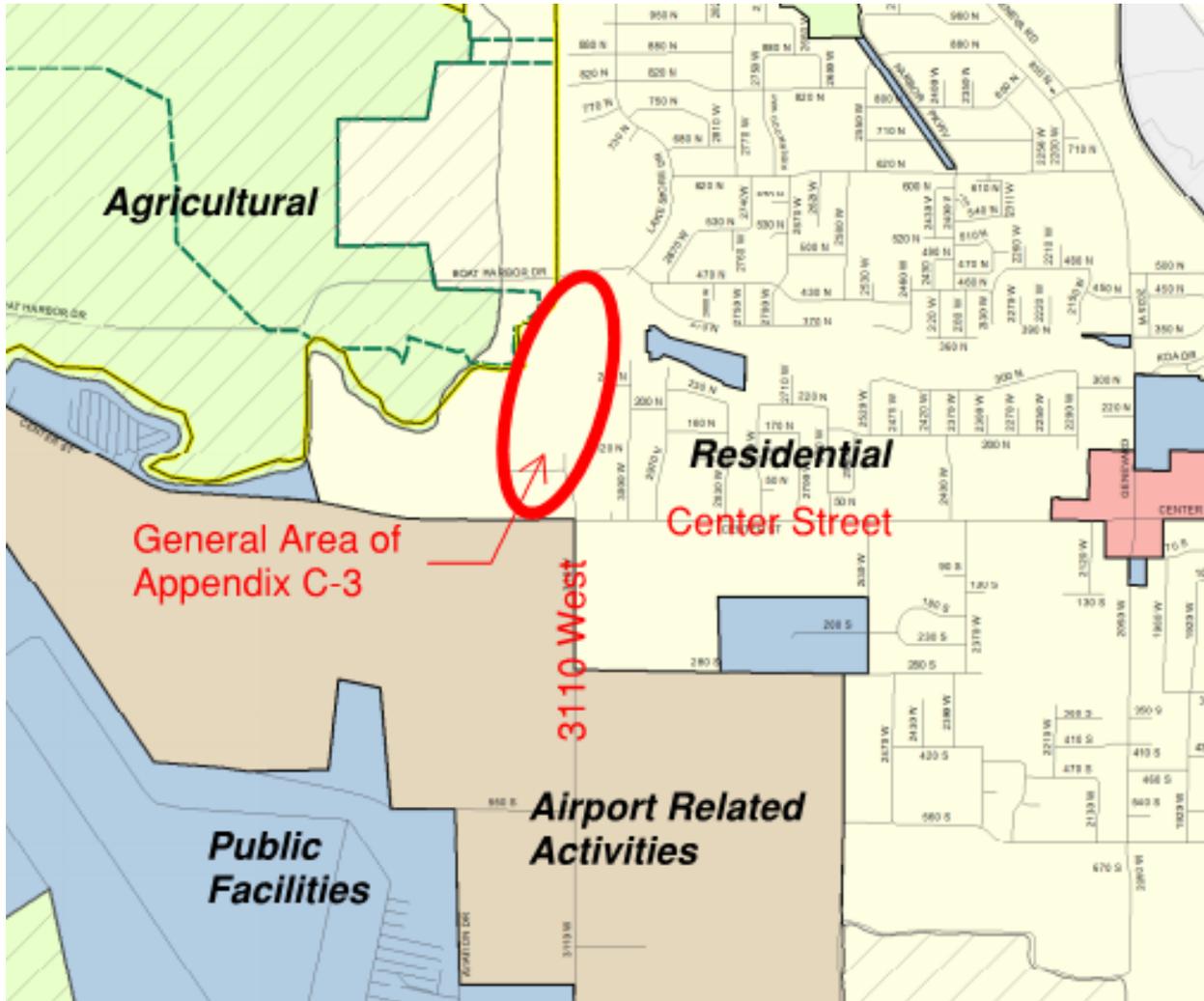
1. The proposed development plan and proposed R1.10PD Zone are not in compliance with the General Plan.
2. The required and concurrent Concept Plan Approval for a Performance Development Overlay zone is insufficient and not compatible with this site.

This action would be consistent with the recommendation of the Staff Report. Any changes should be stated with the motion.

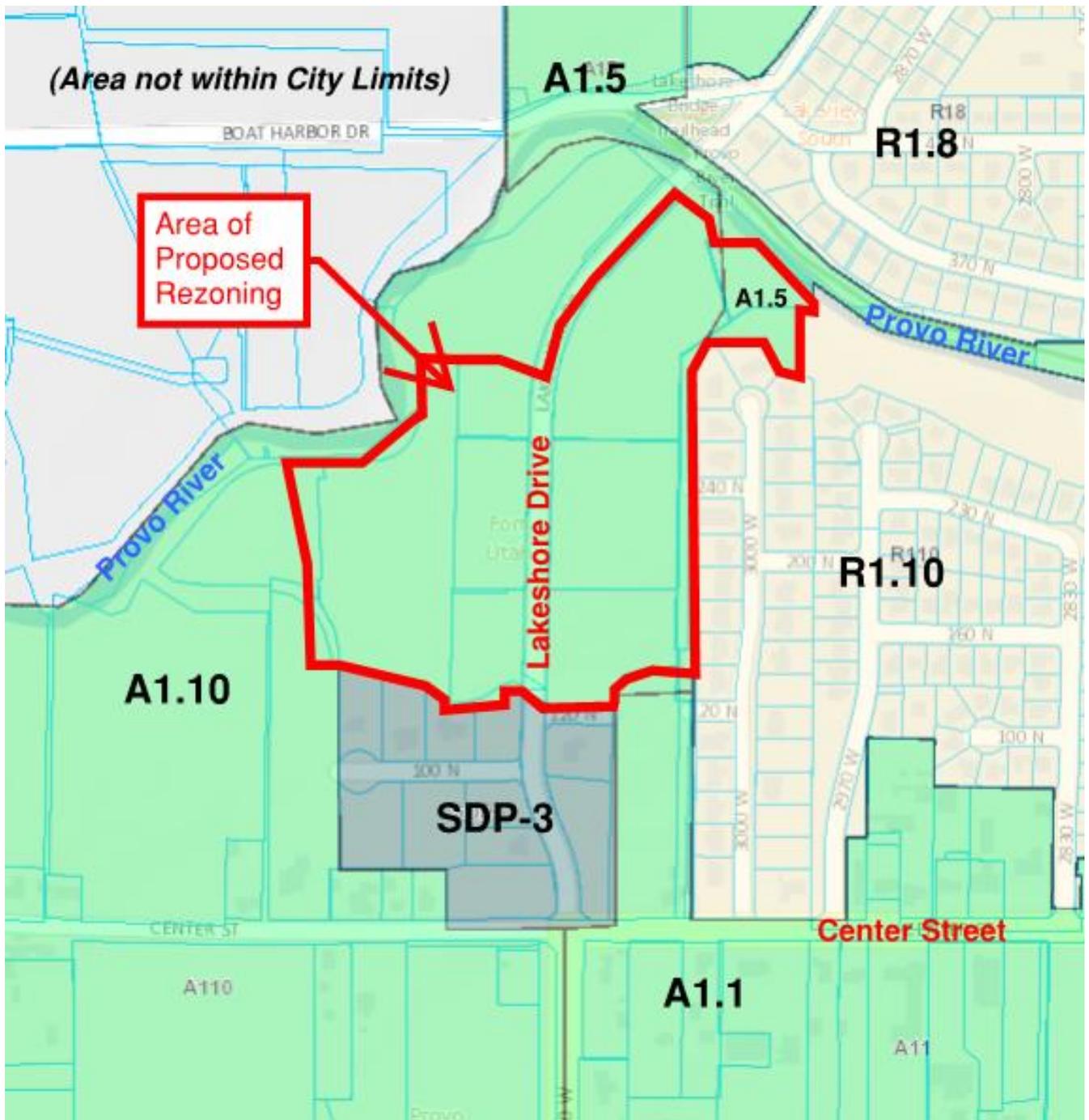


Location Map

River Glen Rezoning – A1.10 & A1.5 to R1.10PD



General Plan – Land Use Map



Current Zoning