



Provo City Planning Commission

Report of Action

January 24, 2018

ITEM 1* Tim Soffe requests a General Plan Map Amendment from Commercial to Residential for 1.52 acres of land located at 490 South State Street. *Maeser Neighborhood*. 17-0002GPA, Dustin Wright, 801-852-6414

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 24, 2018:

RECOMMENDATION FOR APPROVAL

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

Conditions of Approval:

1. Lots are combined into one lot as part of a separate application.

Motion By: Brian Smith

Second By: Ed Jones

Votes in Favor of Motion: Brian Smith, Ed Jones, Shannon Ellsworth, Dave Anderson, Andrew Howard

Dave Anderson was acting as Chair.

- 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 AMENDED

The property to be changed on the General Plan Map to a Residential designation is described in the attached Exhibit A.

RELATED ACTIONS

Other related items heard on January 24, 2018 at the Planning Commission Public Hearing: Rezone 17-0010R and Project Plan 17-0013PPA

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 attached Staff Report.

CITY DEPARTMENTAL ISSUES

- Approval received from Coordinator's Review Committee.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on May 16, 2017.
- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present /addressed the Planning Commission during the public 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 existing parking issues on 500 S. from developments on the east side of State St. parking in this area of the neighborhood.
- Privacy concerns with a tall structure allowing new residents to view rear yards.
- Increased traffic in single-family neighborhood.
- Potential for auto and pedestrian accidents.
- Existing issues with speeding in the area could be increased.
- Proposed setbacks not leaving enough space for State St. to be widened in the future.
- The proposed project will not fit in aesthetically to the neighborhood because the height is too much.
- Potential for financial impacts on surrounding property.
- Timing of traffic study and if school was in at the time.

APPLICANT RESPONSE

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

- UDOT wants to reduce the number of access points on State Street.
- The site will have enough parking to meet the parking requirements of the proposed zone.
- There will be a realignment of 500 S. that will accommodate on-street parking and improve the angle that it intersects with State St.
- The market study shows a need for young married couples and this would be the target for the project.
- Views will not be blocked more than trees at full maturity would.
- A vast planting of new trees in the parkstrip and in the landscaped areas surrounding the parking lot will help buffer the new development from neighbors.
- There will be an on-call management company for the site.
- The traffic study concludes that the level of service will change from an "A" to a "B" at one intersection.
- Reducing the proposed height could jeopardize the ability to build on the site.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Considering Medium Density Residential (MDR) instead of High Density Residential (HDR).
- Results of the market study for the area.
- Feasibility of three-story instead of four-story structures or one building being three and the other four.
- Routes that people would take to BYU.
- Existing zoning compared to the proposed zoning and related impacts.
- Traffic study results and traffic concerns in the area.



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

Beginning at a point, being South 5°28'30" West 1608.27 feet and South 89°59'12" West 2300.84 feet from the Witness Corner for Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, said Witness Corner being South 87°34'20" East 258.29 feet from the Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, and running:

thence South 29°41'16" East 229.08 feet along the West line of State Street; thence North 89°29'37" West 394.51 feet along the North line of 500 South Street; thence North 1°49'05" East 198.05 feet; thence South 89°29'37" East 274.76 feet to point of beginning.

Parcel 1 Contains 66,258 sq. ft or 1.52 acres



**Planning Commission
Staff Report
General Plan Amendment
Hearing Date: January 24, 2018**

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<p>Applicant: Tim Soffe Staff Coordinator: Dustin Wright</p> <p>Property Owner: Kimball Stratton Parcel ID#: 220290005, 220290026 Current Zone: General Commercial (CG) Proposed Zone: High Density Res. (HDR) General Plan Des.: Commercial Proposed General Plan Des.: Residential Acreage: 1.92 Number of Properties: 2 Number of Lots: 2 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 February 14, 2018, 5:30 p.m.</i></p> <p>2. Deny the requested General Plan Amendment. <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>Current Legal Use: Commercial uses listed in 14.22.020 of the Provo City Code.</p> <p>Relevant History: The property has been used in the past as a garden center and been vacant for a number of years.</p> <p>Neighborhood Issues: A neighborhood meeting was held on May 16, 2017. Neighbors have expressed issues with:</p> <ul style="list-style-type: none">• HDR zone is excessive for neighborhood.• Four stories being too tall.• Access on 500 S. and added traffic.• Too many one-bedroom units. <p>Summary of Key Issues:</p> <ul style="list-style-type: none">• Rezone and project plan associated with this application. <p>Staff Recommendation: Staff recommends amending the General Plan to Residential for the area outlined in Attachment 1 if the City intends to rezone the property to a residential zone like HDR with the following condition:</p> <ol style="list-style-type: none">1. Lots are combined into one lot as part of a separate application.
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OVERVIEW

The applicant is requesting approval to change the existing General Plan designation for this location from Commercial to Residential. This change is needed to allow for the applicant to rezone the property to High Density Residential (HDR) to allow for a 64-unit apartment complex on the property. The applicant has also submitted applications to change the zoning from CG to HDR and a project plan for the development.

The applicant presented the proposed project to the Maeser Neighborhood in May of 2017. There wasn't much opposition to having a residential use on the property as long as it fit well in the neighborhood.

FINDINGS OF FACT

1. A neighborhood meeting was held on May 16, 2017.
2. Amending the General Plan designation is needed to have the property rezoned to a residential zone.
3. The General Plan designation is for Commercial.
4. The current zoning is General Commercial.

STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of general plan amendments:

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 the property to be rezoned from a commercial use to residential which would be compatible with the surrounding zone.**
- (b) **Confirmation that the public purpose is best served by the amendment in question. Residential use has been desired in the neighborhood. The amendment would promote change from commercial to residential.**
- (c) **Compatibility of the proposed amendment with General Plan policies, goals, and objectives. The General Plan policies and goals for the**

Maeser Neighborhood allow for development along State Street to be considered for development other than one-family residential.

- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **No issues with timing and sequencing.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **Policies in the Plan aim to "protect viable, significant areas of one-family structures". Higher density development is being proposed.***
- (f) *Adverse impacts on adjacent land owners. **The proposed development would generate an increase in traffic and taller structures than what exist now.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **Zoning and General Plan designation are correct.***
- (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.***

CONCLUSIONS

The General Plan goals and policies relating to this area of the City aim to "maintain all existing one-family residential areas" while noting that exceptions should apply to development along State Street. The applicant is seeking to amend the Plan to allow for a higher density development. If the City is going to rezone the property to a residential zone, the General Plan should be amended so that the designation is also residential.

STAFF RECOMMENDATION

Staff recommends amending the General Plan to Residential for the area outlined in Attachment 1 if the City intends to rezone the property to a residential zone like HDR with the following condition:

1. Lots are combined into one lot as part of a separate application.

ATTACHMENTS

1. General Plan Map

