



Provo City Planning Commission

Report of Action

January 24, 2018

ITEM 2* Tim Soffe requests a Zone Change from General Commercial (CG) to High Density Residential (HDR) for 1.92 acres of land located at 422-490 South State Street. *Maeser Neighborhood*. 17-0010R, 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. A development agreement to restrict building height to 3 stories.
2. Lots are combined into one lot as part of a separate application.

Motion By: Brian Smith

Second By: Andrew Howard

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

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 REZONED

The property to be rezoned to the HDR Zone is described in the attached Exhibit A.

RELATED ACTIONS

Other related items heard on January 24, 2018 at the Planning Commission Public Hearing: General Plan Amendment 17-0002GPA and Project Plan 17-0013PPA

DEVELOPMENT AGREEMENT

Planning Commission recommends that the Municipal Council require a Development Agreement to limit building height to 3 stories.

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

Parcel 1:

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

Parcel 2:

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 North 89°29'37" West 254.33 feet; thence North 0°09'52" East 71.43 feet; thence North 89°43'14" East 211053 feet to the West line of State Street; thence South 29°41'16" East 86.00 feet along the West line of State Street and the point of beginning.

Parcel 2 Contains 17,007 sq. ft. or 0.39 acres



**Planning Commission
Staff Report
Rezone
Hearing Date: January 24, 2018**

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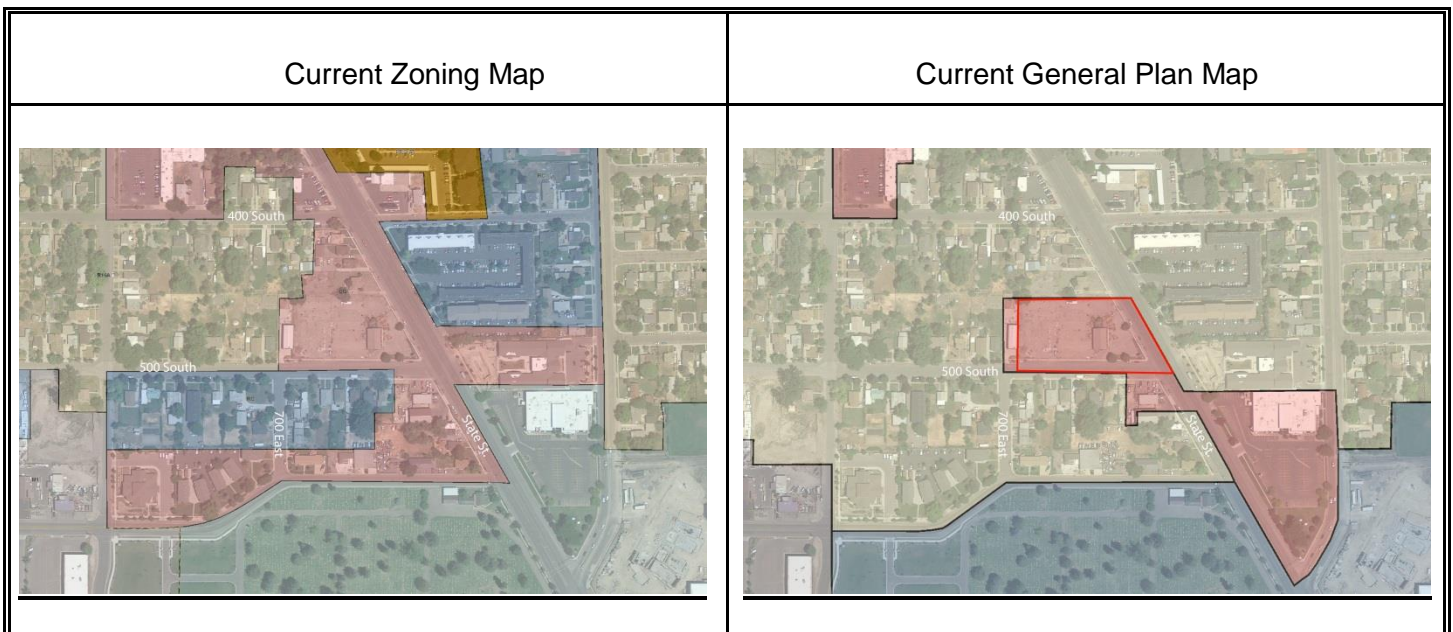
<p>Applicant: Tim Soffe Staff Coordinator: Dustin Wright</p> <p>Property Owner: Kimball Stratton Parcel ID#: 220290005, 220290026 Current Zone: General Commercial (CG) Proposed Zone: High Density Res. (HDR) General Plan Des.: Commercial Acreage: 1.92 Number of Properties: 2 Number of Lots: 2 Council 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 Zone Change. <i>This action <u>would not be consistent with the recommendations of the Staff Report.</u> 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">• General Plan designation change• Neighborhood concerns with proposed project plan associated with this application. <p>Staff Recommendation: Staff recommends the following conditions:</p> <ol style="list-style-type: none">1. A development agreement to restrict building height to 3 stories.2. 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 Zoning Map from General Commercial (CG) to High Density Residential (HDR) for this location. The HDR would allow the applicant to develop the proposed 64-unit apartment complex on the property. The HDR zone would allow for more units and additional building height than is being requested and therefore a development agreement would be advisable to ensure that only what has been proposed would be developed.

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. The concerns with the proposed development were related to the building height, excessive traffic, parking concerns and the disproportionate number of one-bedroom units.

While multi-family housing would be a good alternative to the commercial zoning that is in place now, what is being proposed doesn't transition well into the surrounding single-family neighborhood. Reducing the proposed 4-story building height to a 3-story structure would be more appropriate.



FINDINGS OF FACT

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 transition from commercial to residential.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **While a transition to residential could be good, the proposed zone proves to be more intense than desired by the neighborhood.***
- (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 that may not be compatible with articulated policies.***
- (f) *Adverse impacts on adjacent land owners. **The proposed development would generate an increase in traffic and taller structures than what exists 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.***

STAFF ANALYSIS

Staff finds that multi-family on this corner would be appropriate. However, the neighboring residents have expressed concerns with multiple aspects of the proposed zone and what it would allow. These issues have not been addressed by the applicant nor has there been any compromise to mitigate the negative impacts that rezoning the property would bring.

The reason that the applicant is seeking High Density Residential (HDR) and not Medium Density Residential (MDR) density is that the proposed density is 34 dwelling units per acre and the MDR zone only allows up to 30. The setbacks are less in the HDR which also allows the building to address the State Street better.

If the City desires to rezone the property to HDR, a development agreement would be beneficial to ensure that project doesn't increase in density or height from what has been proposed. A development agreement could also be used to reduce some of the impacts neighbors are concerned about by limiting building height or reducing the number of units.

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 zoning map 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 the following conditions:

1. A development agreement to restrict building height to 3 stories.
2. Lots are combined into one lot as part of a separate application.

ATTACHMENTS

1. Zoning Map

