

Provo City Planning Commission
Report of Action

January 14, 2015

ITEM 5* Gardner and Associates requests approval for a zone change of 0.945 acres generally located at 653 West 600 South from RC (Residential Conservation) zone to MDR (Medium Density Residential) Zone, in order to facilitate a multi-family project on the site. *Franklin South Neighborhood* 13-0004R

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 14, 2015:

RECOMMENDED APPROVAL

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

Conditions of Recommendation: None

Motion By: Jamin Rowan

Second By: Ross Flom

Votes in Favor of Motion: Jamin Rowan, Ross Flom, Fred Bandlely, Randy Christiansen, and Ed Jones.

Votes Against the Motion: None.

Diane Christensen was not present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is consistent with the Staff analysis and determination.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the MDR (Medium Density Residential) Zone is described in the attached Exhibit A.

RELATED ACTIONS

*January 14, 2015 the Planning Commission forwarded a positive recommendation to approve the proposed Preliminary project plan as a supporting document to the rezone. File #13-0006PPA.

APPROVED/RECOMMENDED OCCUPANCY:

*Total number of units - 16

*Type of occupancy approved - Single-family (2-3 bedrooms)

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:

- Zone change request complies with the General Plan Map indicating residential development.
- Project plan supporting the rezone request is compatible with surrounding residential uses and densities.
- Applicant has obtained written permission for use of the private road for access and utilities.

CITY DEPARTMENTAL ISSUES:

- Preliminary traffic study submitted.
- Important issues raised by other departments – addressed in Staff Report to Planning Commission.

NEIGHBORHOOD MEETING DATE:

- The Neighborhood Chair determined that a neighborhood meeting would not be required.

NEIGHBORHOOD AND PUBLIC COMMENT:

- The Neighborhood Chair was present and addressed the Planning Commission during the public hearing.
- Neighbors or other interested parties were present and 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:

- (Darrin Murray) – Concerned about additional traffic on a narrow road without a sidewalk or signage.
- (Mike Merz/Neighborhood Chair) – Supports proposed density, and feels the project is better than the original proposal. Concerned about more low-income housing, but happy the applicant is doing family housing.

APPLICANT RESPONSE:

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

- (Dave Gardner) – Will not be doing a low-income or tax credit housing project. A question was asked about buffering from the adjacent railroad tracks. Mr. Gardner stated that when HUD financing is used to purchase units, there are requirements for sound attenuation. Because none of these units will be sold, there will be no HUD financing. They are matching the current right of way improvements for 600 South, so there is no sidewalk included.

PLANNING COMMISSION DISCUSSION:

Key points discussed by the Planning Commission included the following:

- **Randy Christiansen:** Will there be additional fencing? What is the applicant's intent for future improvements along the street? Is there CDBG funding that could be used to install sidewalk off-site, to the west?
- **Jamin Rowan:** Not very happy to see so much unused parking within the Boulders Development. Mr. Rowan was happy with the project, and only suggests trying to see if the turnaround area can be reduced and used as more of a green area.
- **Fred Bandy:** Are there any surrounding single-family homes? This plan seems to be the best suited for the area.
- **Ross Flom:** No comment.
- **Ed Jones:** No comment.



Planning Commission Chair



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



**Planning Commission
Staff Report
Rezone
Hearing Date: January 14, 2015**

ITEM 5* Gardner and Associates requests approval for a zone change of 0.945 acres, located at approximately 653 West 600 South from RC (Residential Conservation) zone to MDR (Medium Density Residential) Zone, to facilitate a 16 unit multi-family apartment project on the site. **Franklin South Neighborhood** 13-0004R

Applicant: Gardner and Associates

Staff Coordinator: Sean Allen

Property Owner: M & M LLC

Parcel ID#: 21:048:0046

Current Zone: RC

Proposed Zone: MDR (Medium Density)

General Plan: Residential

Acreage: 0.945

Number of Properties: 1

Number of Lots: 0

Development Agreement Proffered: No

Council Action Required: Yes

ALTERNATIVE ACTIONS:

2. Continue to a future date to obtain additional information or to further consider information presented. *The next available meeting date is February 11, 2015, 5:00 p.m.*

3. Recommend Denial of the proposed rezoning. *This would be a change from the Staff recommendation; the Planning Commission should state new findings*

Current Legal Use: Vacant

Relevant History:

- 2006, June – Applicant proposes to the Planning Commission a 37 unit multi-family project called *The Depot.*, under the PRO ordinance rezone option. City Staff recommended denial based on the proposed density being too high, and the inability to meet the required parking. The item was Continued to August of that same year to have the applicant provide a traffic study, and to further address staff's concerns.
- 2006, August – Applicant withdrew application.

Neighborhood Issues: Past concerns were related to traffic and parking due to the proposed high density (41 u/acre). The current, more scaled down proposal, received a favorable report from the Neighborhood Chair, Michael Merz. He determined a neighborhood meeting would not be necessary.

Summary of Key Issues:

1. Zone change request complies with the General Plan Map indicating residential development.
2. Project plan supporting the rezone request is compatible with surrounding residential uses and densities.
3. Applicant has obtained written permission for use of the private road for access and utilities.

Staff Recommendation:

- **Recommends Approval** of the zone change, as presented in the Staff Report with conditions.

Action/Motion:

- **Move to APPROVE**, as presented by City staff. *This action is consistent with the recommendation of the Staff Report. Any changes or additional conditions should be stated with the motion.*

OVERVIEW:

The applicant's initiated the process, in pursuing a zoning change for this property, in March of 2013. The applicant ended up needing some additional time to address the road access and density issues. The Community Development granted an extension of their application, and staff resumed the technical review of the project in June of 2014. Staff believes the plan is now sufficiently complete for its consideration with the rezoning request.

GENERAL PLAN POLICIES:

The General Plan designation for the property is *Residential*.

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.*

-Provide additional affordable housing for families.

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

-Changing the zone to medium density residential will allow for development similar to that of surrounding properties.

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

-The proposed amendment complies with 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.*

-No concerns.

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

-N/A

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

-Proposed development plan is compatible with surrounding properties and no nuisance impacts are foreseen.

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

-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.*

-N/A

FINDINGS OF FACT:

1. The subject property is vacant and undeveloped.
2. The General Plan land use designation for this subject property is Residential.
3. The subject property is surrounded by residential zoning, RC to the west and R3-PD zoning to the east and south. The railroad is to the north.
4. The subject property is surrounded by properties that were developed into multi-family apartment housing.
5. The property is accessed by a private drive (Meadow Drive).

STAFF ANALYSIS:

The rezoning of this property is pretty straight-forward. The General Plan suggests a residential zone, which the applicant has complied with. Staff has reviewed the surrounding properties and their residential densities, and found that the area is predominantly comprised of apartments that fall into what the City defines as “medium density,” which is up to 30 units per acre. The larger apartment development surrounding the subject property, The Boulders, has a density of 15.2 units per acre with 265 units. The proposed development plan has a density of about 17 units per acre, comprising 16 units on 0.95 acres. So, the applicant’s request for the MDR (Medium Density Residential) Zone, is compatible and appropriate to the area. A more detailed summary of the development plan can be found in the project plan staff report.

CONCLUSIONS:

The zone change request does not deviate from the General Plan land use policies for the area, and the applicant has a good development plan that is compatible with the development of neighboring properties. In addition to having City Staff support for this proposal, the Neighborhood Chair has also documented his support.

STAFF RECOMMENDATION:

City staff recommends that the Planning Commission forward a positive recommendation, to the City Council, to **APPROVE** a zone change, for the subject property, as presented.

ATTACHMENTS:

- General Plan Land Use Map
- Zoning Location Map
- Aerial-Density Location Map





