



**Planning Commission
Staff Report
Rezone
Hearing Date: April 22, 2015**

ITEM 3* Stan Ricks requests a zone change from A1.5 (Agricultural) to R1.10 (Residential) of approximately 0.70 acres, located at 583 E. Foothill Drive, Provo, UT. North Timpview Neighborhood, 15-0005R, Brian Maxfield, 801-852-6407

Applicant: Stan Ricks

Staff Coordinator: Brian Maxfield

Property Owner: Michael Nixon

Parcel ID#:

Current Zone: RA

Proposed Zone: R1.10

General Plan Des.: Residential

Acreage:

Number of Properties: One

Number of Lots: Two Proposed

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 May 13, 2015, 5:00 p.m.*
2. **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:

Residential / Agricultural (minimum lot size of ½ acre)

Relevant History:

The subject property has been used for one, single-family dwelling.

Neighborhood Issues:

The North Timpview Neighborhood determined that no neighborhood meeting was necessary regarding this item.

Summary of Key Issues:

Appropriateness of Zoning

Appropriateness of proposed development

Staff Recommendation:

Staff recommends the Planning Commission forward a positive recommendation to the Municipal Council regarding the Stan Ricks rezoning of the property 0.7 acre property located at approximately 583 E Foothill Drive, from the RA Residential Agricultural zone to the R1.10 Residential zone, 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.*

OVERVIEW

Stan Ricks is requesting the rezoning of approximately 0.70 acres from the RA Residential Agricultural zone to the R1.10 Residential zone, to facilitate the subdivision of the lot and the construction of a new single-family residence. The property is located at approximately 583 E. Foothill Drive, on the northwest corner of the intersection of Foothill Drive with Timpview Drive and the private East Lawn Roads. The current General Plan land use designation for the property is Residential.

GENERAL PLAN POLICIES

Northeast Area Guiding Principles, Policies and Goals

1. Protect viable, significant areas of one-family structures in areas designated as Residential (R) on the General Plan Map.
2. Maintain the Residential (R) General Plan designation with one-family residential development.

Key land use policies for the North Timpview Neighborhood (Related to application)

2. Prohibit new Agricultural (A) designations, within the City limits, which grant animal rights,..

FINDINGS OF FACT

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.

To develop the property in accordance with the General Plan designation of “R – Residential.”

- (b) Confirmation that the public purpose is best served by the amendment in question.
The proposed rezoning and development of the property support the orderly development of the city.
- (c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.
The request is in accordance with the Northeast Neighborhood Guiding Principles, Goals and Policies support the rezoning.
- (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 development of the property can be serviced through existing and convenient utility lines.
- (e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.
No hindrance or obstruction has been identified. The proposal supports the articulated policies of the General Plan.
- (f) Adverse impacts on adjacent land owners.
None identified or anticipated
- (g) Verification of correctness in the original zoning or General Plan for the area in question.
The current zoning allowing for agricultural uses is in conflict with the adopted key land use policies for the North Timpview Neighborhood.
- (h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.
There is no conflict.

STAFF ANALYSIS & CONCLUSIONS

Staff believes the proposed rezoning of the property to R1.10 and the subsequent development of the property as single-family residential is entirely in accordance with the general plan and will create no adverse impact on the neighborhood.

STAFF RECOMMENDATION

Staff recommends the Planning Commission forward a positive recommendation to the Municipal Council regarding the Stan Ricks rezoning of the property 0.7 acre property located at approximately 583 E Foothill Drive, from the RA Residential Agricultural zone to the R1.10 Residential zone.





