

Provo City Planning Commission

Report of Action

April 22, 2015

ITEM 4* Scott Bunker, of the Provo City Energy Department, requests a zone change of City owned property, from R1.6A (One-Family Residential) to the PF (Public Facilities) Zone, located across the street and to the west from the existing Energy Department property, at approximately 723 North 300 West to 321 West 800 North, Provo, UT, in the R1.6A (One-Family Residential) Zone. *North Park Neighborhood*, 15-0008R, Sean Allen, 801-852-6407

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 22, 2015:

RECOMMEND APPROVAL

On a vote of 7:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Conditions of Approval:

- 1. That the subject properties be reserved for a pocket park, and that the park/trail extend to the Provo Recreation Center property.**

Motion By: Kermit McKinney

Second By: Brian Smith

Votes in Favor of Motion: Ed Jones, Brian Smith, Kermit McKinney, Ross Flom, Jamin Rowan and Fred Bandley
Diane Christensen was 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.

RELATED ACTIONS:

**General Plan Amendment, recommended for approval to change the subject properties from Residential to a Public Facilities land use designation; file #15-0001GPA, on April 22, 2015.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED:

The property to be rezoned to the PF [Public Facilities] Zone is described in the attached Exhibit "A."
Proposed Park Plan is attached as Exhibit "B."

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:

SUMMARY OF KEY ISSUES:

1. The City now owns the residential lots;
2. The City would like to convert the residential properties into an open space park as part of the Provo Energy Campus.
3. Park property already exists just south of the subject properties.

FINDINGS OF FACT:

1. The subject parcels make up three, single-family residential lots and one open space/park on the west side of 300 West;
2. The three northern lots currently have the General Plan designation of “Residential” and have been used as single-family homes until recently. The homes were demolished last fall. The larger lot on the south has been used as open space; and
3. Provo City now owns all the subject property proposed for the zone change;

GENERAL PLAN POLICIES:

The General Plan policies for the area are shared between the Central and North Park Neighborhoods. They are extensive, but in short, City staff finds that the intent of the Energy Department to convert these properties to the PF Zone and creating a park do not conflict with General Plan goals or policies for the area. The following is a list of the goals and policies for the North Park Neighborhood. Those with bold lettering relate to the intended use of the properties to be rezoned.

Vision, Challenges and Goals of the Neighborhood (North Park)¹:

1. Increase the number of owner-occupants to stabilize and strengthen the neighborhood.
2. Improve and support the availability of off-street parking and enforce current requirements.
3. Improve the pedestrian-friendly and safety aspects of the neighborhood.
4. Reduce crime and implement programs to have a drug-free neighborhood.
5. Preserve and maintain the family-oriented public recreational facilities in the neighborhood, including, Exchange Park, North Park, Paul Ream Wilderness Park, and Riverside Park.
6. Maintain the architectural heritage on University Avenue that is a unique part of Provo’s heritage.

¹ Provo City General Plan, page 6-34.

STAFF ANALYSIS:

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.*

Publicly-owned properties are intended to be zoned Public Facilities. The proposed zone change will consolidate the Energy Department properties which will facilitate redevelopment of the Energy Department complex that is now seriously outdated and inadequate for their needs. The

zone change will also facilitate the expansion of the existing open space park area located to the south of the subject properties.

- (b) *Confirmation that the public purpose is best served by the amendment in question.*
Expanding the park into these newly acquired properties will increase the overall landscape buffer adjacent to the remaining single-family homes.
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives.*
The City's plan for expanding a landscape park buffer provides an appropriate transitional buffer to the remaining adjacent single-family homes, and increases open space amenities to the neighborhood. The proposed zone change is not in conflict with General Plan goals or policies.
- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.*
There is no conflict with "timing and sequencing" provisions of the General Plan.
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.*
The proposed zone change will not hinder or obstruct any of the stated policies of the General Plan.
- (f) *Adverse impacts on adjacent land owners.*
There are no adverse impacts related to this zone change application. One purpose of the zone change is to improve open space and livability of the neighborhood.
- (g) *Verification of correctness in the original zoning or General Plan for the area in question.*
The original zoning was appropriate when the subject properties were used as single-family homes. Now that they will be incorporated into the Energy Department complex, the zone change to Public Facilities is appropriate and necessary.
- (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 conflict exists.

The conceptual plan for the park shows the subject properties incorporated into a park from 800 to 700 North. It includes a trail from 800 North that would eventually connect to the Provo Recreation Center. Large, deciduous trees are proposed to be planted along the west property line, 30 feet on center, to increase the screening and foliage from the park to the adjacent single-family properties.

CONCLUSIONS:

City staff has found no conflicts with the General Plan policies. The intention of the Energy Department, to create a well-designed park with a trail connection usable to the public, provides an appropriate transition and buffer and has the least impact potential to the remaining single-family residents to the west.

EXHIBIT "A"

Rezone Property to PF Description

Not Intended for Title Purposes

Commencing at the northwest corner of Lot 4 of the Provo Energy Plat "A" Subdivision, said point being South 89°17'04" West along the section line 2234.40 feet and South 985.85 feet from the Northeast Corner of Section 1, Township 7 South, Range 2 East, Salt Lake Base and Meridian; thence North 00°29'02" East along the westerly property line of Lots 12, 11 and 10 of Block 8, North Park Subdivision 246.01 feet to the center of 800 North Street; thence South 89°30'58" East along the center line of 800 North Street 150.02 feet to the intersection of 800 North and 300 West; thence along the center line of 300 West Street the following three (3) calls: thence South 00°29'02" West 233.52 feet, thence North 89°30'58" West 6.50 feet, thence South 00°29'02" West 226.34 feet to the intersecting 300 West and 700 North; thence North 89°37'18" West along the center line of 700 North 147.04 feet; thence North 01°46'32" East 30.76 to the southwest corner of Lot 4 of the Provo Energy Plat "A" Subdivision; thence North 01°22'02" East along the westerly property line of said lot 4 183.405 feet to the point of beginning.

Area= 67,891.86 sq.ft. / 1.559 acres

The basis of bearing is South 89°17'04" West along the section line from the Northeast Corner to the North Quarter Corner of Section 1, Township 7 South, Range 2 East, Salt Lake Base and Meridian

6

NORTH QUARTER CORNER
OF SECTION 1,
TOWNSHIP 7 SOUTH,
RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN
(FOUND MONUMENT)

SOUTH
965.85'

2234.40'

800 NORTH

S89°30'58"E 150.02'

North Park
Subdivision
Block 8, Lot 10

North Park
Subdivision
Block 8, Lot 9

281 W. 800 N.

LOT 3
7,714.16 sq.ft.
0.177 acres

North Park
Subdivision
Block 8, Lot 8

North Park
Subdivision
Block 8, Lot 11

S00°29'02"W 233.52'

778 N.

North Park
Subdivision
Block 8, Lot 7

North Park
Subdivision
Block 8, Lot 12

North Park
Subdivision
Block 8, Lot 6

N89°30'58"W
6.50'

744 N. 300 W.

LOT 1
19,513.10 sq.ft.
0.448 acres

POINT OF BEGINNING

North Park
Subdivision
Block 8, Lot 5

300 WEST

N01°22'02"E 183.40'

LOT 4
20,004.76 sq.ft.
0.459 acres

723 N. 300 W.

S00°29'02"W 226.34'

North Park
Subdivision
Block 8, Lot 4

North Park
Subdivision
Block 8, Lot 3

N01°46'32"E
30.76'

322 W. 700 N.

N89°37'18"W 147.04'

700 NORTH

CITY DEPARTMENTAL ISSUES:

- None

NEIGHBORHOOD MEETING DATE:

- The Neighborhood Chair determined that a neighborhood meeting would not be required.
- No information was received from the Neighborhood Chair.

NEIGHBORHOOD AND PUBLIC COMMENT:

- The Neighborhood Chair was not present and did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were not present and did not address the Planning Commission.

CONCERNS RAISED BY PUBLIC:

- None

APPLICANT RESPONSE

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

- Very excited to move forward with the future plans of the Energy campus.

PLANNING COMMISSION DISCUSSION:

Key points discussed by the Planning Commission included the following:

Kermit McKinney:

-None

Diane Christensen:

-Felt the same as Fred that it was good to see additional park/open proposed for the subject properties.

Ed Jones:

-None

Brian Smith:

-Asked if the existing park across the street from the Energy Department will remain? Will the one 700 South public access from 300 West remain? Recommended the park to have one continual park from 800 North to the Provo Rec Center.

Jamin Rowan:

-None

Fred Bandley:

-Complimented the Energy Department on their plan to include an expanded park and trail with their overall campus improvement plan.

Ross Flom:

-None



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