

**Provo City Planning Commission Staff Report**  
**Rezone**  
**Hearing Date: January 14, 2009**

**Agenda Item:** 2\*

**Applicant:** Provo City

**Staff Coordinator:** Nathan Murray

**Property Owner:** Provo City

**Parcel ID#:** 19:045:0092;

51:296:0051

**Current Zone:** A1.5 & R1.8

**Proposed Zone:** PF

**General Plan Des.:** PF

**Acreage:** 8.5 (Approximately)

**Number of Properties:** 2

**Number of Lots:** 2

**Development Agreement Proffered:**

No

\***Council Action Required:** Yes

**REQUEST**

Provo City requests a Zoning Map Amendment of 8.5 acres of property generally located at 2850 West 1390 North, from A1.5 (Agricultural) to PF (Public Facilities) for development of the Lakeview Park, a public recreation facility. *Lakeview North Neighborhood* 08-0011R

**CURRENT LEGAL USE**

Vacant agricultural land.

**RELEVANT HISTORY**

Provo Lakeview Elementary School was recently constructed to the west of the above noted site.

**NEIGHBORHOOD ISSUES**

The neighborhood overwhelmingly supports development of a city park at this location.

**STAFF REPORT SUMMARY OF KEY ISSUES**

The request complies with the General Plan goals for the Lakeview North Neighborhood and will best serve the public purpose.

**RECOMMENDED ACTION**

1. **Recommend Approval** of the proposed rezoning, 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.*

**ALTERNATIVE ACTIONS**

2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is January 28, 2009, 5:00 p.m.*

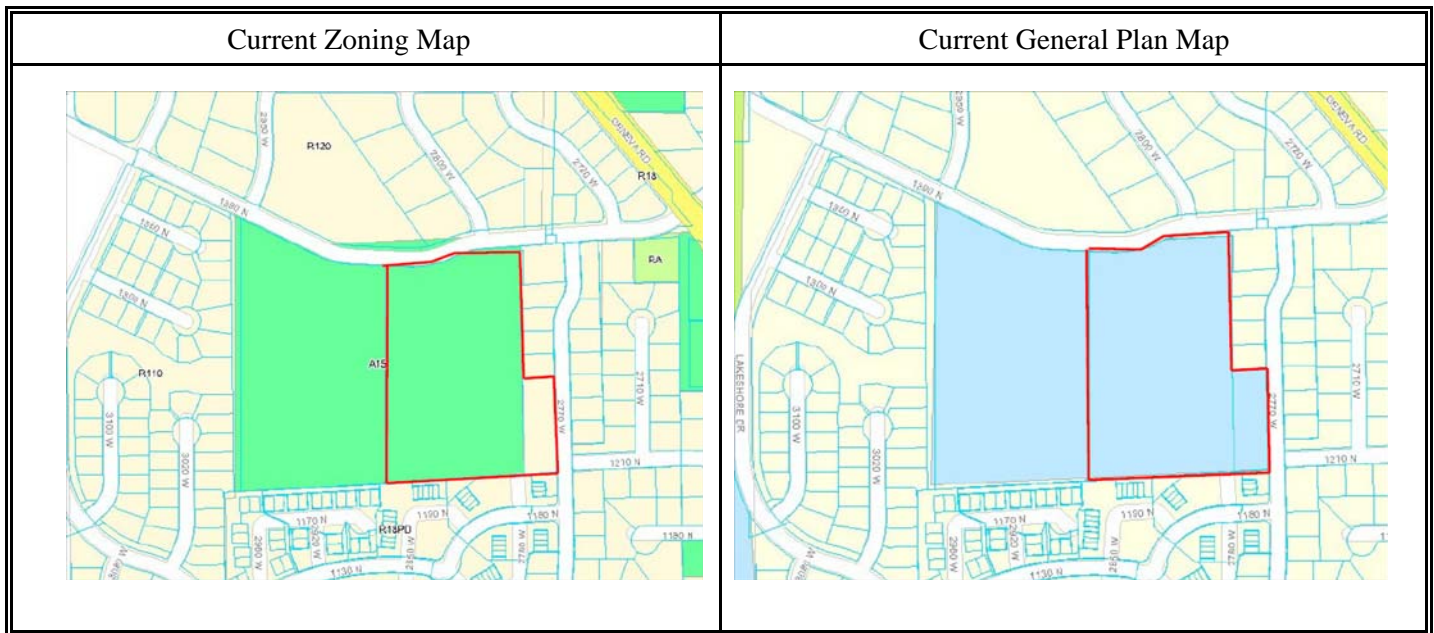
3. **Recommend Denial** of the proposed rezoning. *This would be a change from the Staff recommendation; the Planning Commission should state new findings*

**OVERVIEW**

In July 2008, the Planning Commission recommended that the Municipal Council amend the A1 zone and remove all uses that were not residential or agricultural from the list of Permitted and Conditional Uses. The land-use code for Parks (7600) was one of the uses that was proposed to be removed. That item is now pending legislation before the Municipal Council. In order for the city to develop Lakeview Park, the property must be rezoned to a zone that permits parks. Parks are a permitted use in the PF (Public Facility) zone.

**GENERAL PLAN POLICIES**

The property proposed to be rezoned is designated on the General Plan Map as PF (Public Facilities). The property is under the General Plan Policy guidelines for the Northwest Area and Lakeview North Neighborhood Policies. The request to rezone the properties is in compliance with the general plan map designation. There are no general plan policies that prohibit a park at this location.



**FINDINGS OF FACT & ANALYSIS**

1. The current zoning designation of the property is A1.5 (Agricultural). A 0.88 acre portion of the property is zoned R1.8 (Residential). This portion of the property was donated to the city as part of a previous development to be used as the parking lot for the park. The current General Plan Designation for the property is PF (Public Facility). These designations are shown in the figure above.

2. 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: (\*\*Staff findings have been noted under each subsection\*\*)*

(a) *Public purpose for the amendment in question.*

The purpose of the map amendment is to facilitate development of the proposed Lakeview Park. The park is presently under site plan review as Casefile #08-0044PPA (see Attachment 1).

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

The Lakeview Neighborhood has long anticipated development of a park at approximately 2850 West 1390 North, and the public purpose is best served by amending the zoning to permit a park.

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

A park is consistent with the general plan map designation and there are no general plan policies that prohibit a park at this location.

(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 are no “timing and sequencing” provisions that prohibit the proposed rezone.

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

Development of a park at this site will not hinder the general plan polices for the area.

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

The proposed park is compatible next to a school and will have no adverse impacts on adjacent land owners. In the event that the city surpluses this land in the future, it would benefit the city to have a development agreement in place that if the land is no longer being used as a public park, the zoning should revert back to residential one-family.

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

The General Plan Map is correct per the 2004 General Plan update.

(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 are no conflicts between the general plan map and the stated general plan policies.

### **CONCLUSIONS**

Based on the findings and analysis noted in this report, Staff concludes that rezoning the property outlined in the Figure above, to the PF (Public Facility) zone, would be consistent with the General Plan map and policies for the Lakeview North Neighborhood and that the proposal best serves the public purpose.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend to the Municipal Council to approve the request as submitted. A development agreement should be required in the event that the city surpluses this land in the future. The agreement should revert the land back to R1 zoning in the event of a sale.

### **ATTACHMENTS**

1. Proposed Lakeview Park Site Plan

