

**Provo City Planning Commission Staff Report**  
**Rezone**  
**Hearing Date: March 25, 2009**

**Agenda Item:** 2\*

**Applicant:** George Bills

**Staff Coordinator:** Jim Bryan

**Property Owner:** Jack Marvell,  
Bryan Adams

**Parcel ID#:** 460360032, 460360031,  
460360029

**Current Zone:** CG, R1.8

**Proposed Zone:** CG, R1.6

**General Plan Des.:** R/C

**Acreage:** .61 total

**Number of Properties:** 3

**Number of Lots:** 3

**Development Agreement Proffered:**

Referred to Municipal Council

Attorney

\***Council Action Required:** Yes

**REQUEST**

Gardner and Associates, agent for Marvellous Catering, request rezoning of approximately .34 acres of property located 1370 North 800 West from R1.8 (One Family Residential) to CG (General Commercial) and approximately .27 acres from R1.8 to R1.6 (One Family Residential). ***Rivergrove Neighborhood*** 09-0004R

**CURRENT LEGAL USE**

The property in question has an older vacant home on it and will be removed at a future date.

**RELEVANT HISTORY**

The applicant purchased this property to expand his required parking lot to accommodate his expansion of his business.

**NEIGHBORHOOD ISSUES**

A neighborhood meeting was held on February 7, 2009. The neighborhood is concerned about traffic going through the neighborhood by exiting out onto 800 West.

**STAFF REPORT SUMMARY OF KEY ISSUES**

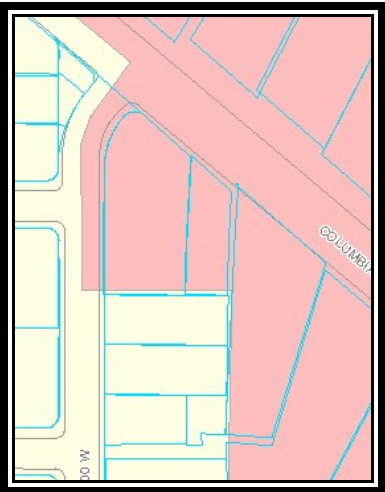
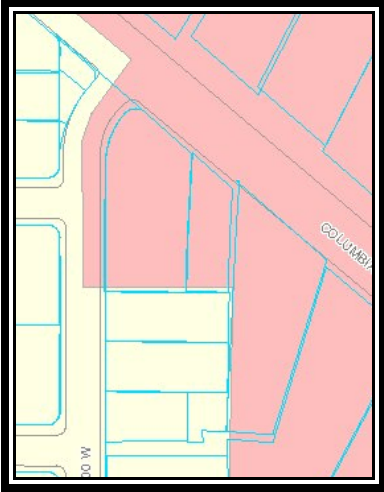
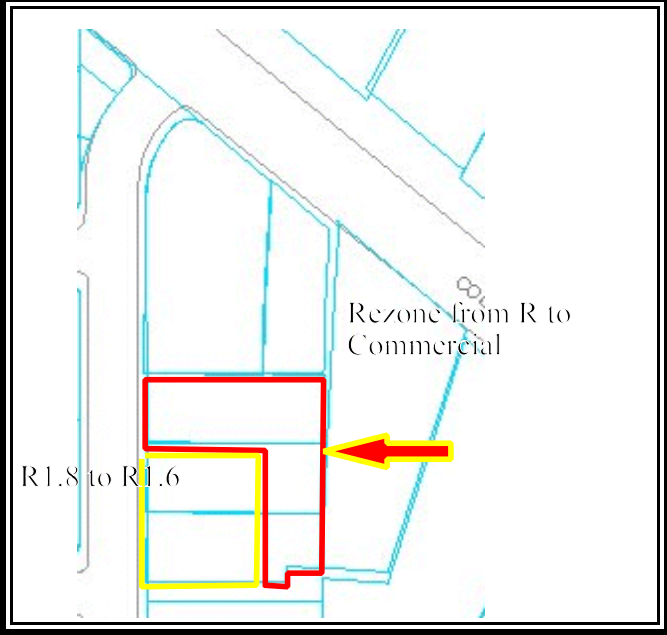
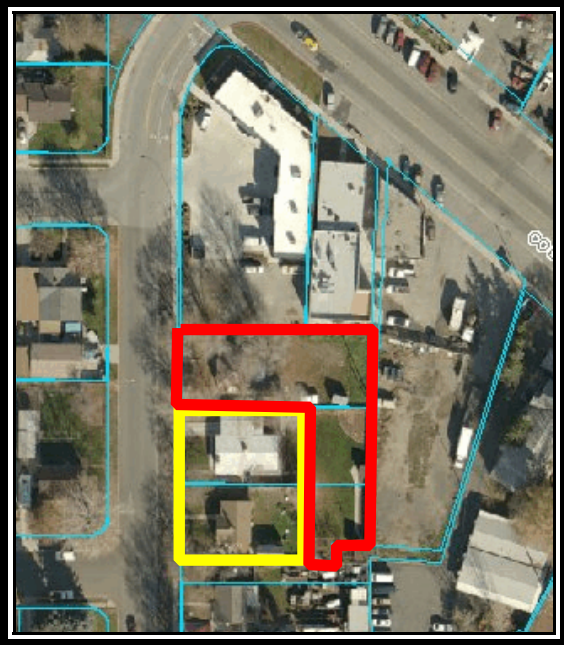
1. The location of the parking lot should have a minimal impact on the neighborhood.
2. One way access to the proposed parking lot is from 800 West and will exit to Columbia Lane, minimizing the impact upon the neighborhood.

**ALTERNATIVE ACTIONS**

1. **Recommend Approval** of the proposed rezoning, as presented in the Staff Report or with changes. *This action would be consistent with the recommendation of the Staff Report. Any changes should be stated with the motion.*
2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is April 8, 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**

The applicant is requesting to rezone one lot where an older home is to be removed and the rear portions of two other lots in order to expand his business located on Columbia Lane. He intends to remodel his commercial building to permit corporate groups to dine and hold functions at the facility. In order to expand his business, he must provide additional parking as required by ordinance. He has acquired .327 acres located southwest of his business as illustrated below. In the future, he wants to construct another building for wedding receptions and other similar accessory uses on the remaining portion of his property. The reception center will be constructed in a future phase.

<p style="text-align: center;">Current Zoning Map</p> 	<p style="text-align: center;">Current General Plan Map</p> 
<p style="text-align: center;">Proposed Rezoning</p>  <p style="text-align: center;">Rezoned from R to Commercial</p> <p>R1.8 to R1.6</p>	<p style="text-align: center;">Aerial Photograph</p> 

**FINDINGS OF FACT**

1. The applicant purchased the home located at 1370 North 800 West to expand his parking lot to the west. This lot will be used mainly for his employees and overflow parking if needed. The older home will be removed from the property where the future parking lot will be constructed. The proposed project plan is attached for the Planning Commission’s review. (See Figure 5)
2. The existing area used for parking is in need of repair and the applicant will be required to pave this and the new lot plus install landscaping that is not present at this time as part of the expansion of his business.
3. This proposed parking lot will be located just south of the Reeds Cabinets’ parking lot which lots fronts on 800 West. This proposed lot will appear as a natural expansion of the commercial area. Vehicles may enter the site from Columbia Lane and on 800 West and exit only on Columbia Lane. The remainder of the property will be developed as a future phase with a proposed reception center. (See Figure 5)

## GENERAL PLAN POLICIES

1. The General Plan Policies are as follows:

### **Northwest Area Guiding Principles, Policies and Goals**

The following policies and goals are considered to be shared, to some degree, by all of the Northwest Area neighborhoods and apply in addition to the policies listed individually for each neighborhood:

1. *Protect viable, significant areas of one-family structures within 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 **Rivergrove Neighborhood** within the Northwest Area Neighborhood Council are listed, below:

1. *See policies under the guiding principles for the NW Area.*
  2. *Provide alternative land use designations for the mobile home park at Columbia Lane and Grandview Lane as Commercial (C) or Residential (R). Either of these two designations could be appropriate at that location, and would facilitate the redevelopment of that parcel. Whatever is approved on this site should have landscaping along the street frontage consistent with the residential developments on the northeast and southwest corners, and commercial buildings should be designed to fit in with the residential character.*
  3. ***Encourage the commercial redevelopment of Columbia Lane from State Street to the residential development just south of Grandview Lane. Sidewalk, curb, and gutter should be installed for safety and to prohibit parking backing out onto Columbia Lane. Land uses should be better screened in the future or promote retail rather than automotive related uses. The Council may consider a design corridor for this area.***
  4. *Undeveloped property northwest of 820 North and Independence Avenue may develop at higher residential densities provided that the product type remains one-family dwellings, attached or detached, or one-family semi-detached (twin homes). Efforts should be made to unify new development with the existing Park Ridge Performance Development to the east by incorporating architectural themes, well-planned open space, and a diversity of floor plans and sizes. Consideration should be given to a community focal point which brings the two developments together, such as a commons, monument, landscaping features or other design elements. Appropriate project design measures should be taken to help mitigate sound disturbances for residents from adjacent Interstate 15 and rail lines.*
2. Staff has reviewed Chapter 14.02.020(2) for compliance and finds the following:
    - (a) *Public purpose for the amendment in question.* The public purpose is to permit the expansion of a thriving business, improve vacant property and Columbia Lane.
    - (b) *Confirmation that the public purpose is best served by the amendment in question.* The amendment complies with number 3 of the Rivergrove Policies above.
    - (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives.* This request is in compliance with the Rivergrove 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 are no timing and sequencing issues.
    - (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.* This amendment will not hinder or obstruct the attainment of the General Plan articulated policies.
    - (f) *Adverse impacts on adjacent land owners.* Casey Serr, Traffic Engineer, reviewed the request and the intersection of 800 West and Columbia and agreed that the revised plan would greatly reduce any impact to adjacent land owners if traffic entered from Columbia Lane and 800 West and exited to Columbia Lane from the project
    - (g) *Verification of correctness in the original zoning or General Plan for the area in question.* The original zoning is 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.* There is a conflict with the General Plan Map. Therefore, the applicant has requested the map to reflect his request to allow the expansion.

### **NEIGHBORHOOD MEETING:**

Kristi Jensen, Rivergrove Neighborhood Chair provided the following minutes:

*We had only a handful of people show. Gardner & Associates presented. They did a very nice job. The residents that attended were mainly concerned with traffic on 800 West and the intersection to Columbia Lane.*

*The developer talked about having the flow of the parking lot go in the other direction, which some felt would help the traffic flow into the neighborhood on 800 West. Also the intersection of 800 West and Columbia Lane is a concern to all because it is often difficult to get onto Columbia Lane from 800 West because of the amount of traffic on Columbia Lane.*

*The developer also talked about a reception center being built in the future. There were concerns raised about that because that corner is not well suited to handle an increase in the flow of traffic and they really don't want the traffic in the neighborhood especially clogging up that already difficult intersection.*

*The residents expressed frustration because of previous developments in the neighborhood (Grandview Gateway Condos and the Grandview Lane up the hill) where the residents were promised things that the developer and the city did not keep and they feel betrayed by that. There were also concerns about that house that if it is not razed, appears to be a health hazard.*

*The results of the vote: 6 approve, 1 disapproved, and 1 did not vote. There were some additional comments as follows:*

- 1. Concerned with the increase in traffic onto 800 West.*
- 2. Not clear as to what will happen [to the house] if it doesn't go through.*
- 3. I think it will be a good addition.*
- 4. Need to watch the traffic flow onto 800 West. especially at 5:00 p.m.*

### **STAFF ANALYSIS**

1. Typically, removing a home that is zoned residential to expand a commercial use under normal circumstances is not good planning. However, in this older neighborhood, the home to be removed is in a dilapidated condition adjacent to commercial uses and should be removed.
2. A parking lot for employees that is properly screened is less intrusive than a commercial building constructed adjacent to a residential unit.
3. By approving the rezoning, a thriving business will be able to expand to serve the needs of its customers, the property overall will be brought up to current ordinance standards and will be improved with landscaping that will function as a buffer.
4. The location of the lot near the intersection will have little effect on the neighborhood because the developer proposes that traffic enter into the property from either Columbia Lane or 800 West and exit the property only on Columbia Lane. This will discourage traffic from traversing through the neighborhood. The site plan has been modified to reflect this. Casey Serr, Traffic Engineer, reviewed the request and the intersection of 800 West and Columbia and agreed that the revised plan would greatly reduce any impact to adjacent land owners if traffic entered from Columbia Lane and 800 West and exited to Columbia Lane from the project.

### **CONCLUSIONS**

The applicant has requested that the General Plan map be amended as described in Item 1 of this agenda. If the Planning Commission agrees to forward that request onto the Municipal Council with a positive recommendation, then the rezoning request would be appropriate and should be approved. The neighborhood seems supportive if traffic does not traverse through the neighborhood or exit from the project onto 800 West.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend that the Municipal Council approve the request as presented, subject to the approval of the General Plan Map amendment.

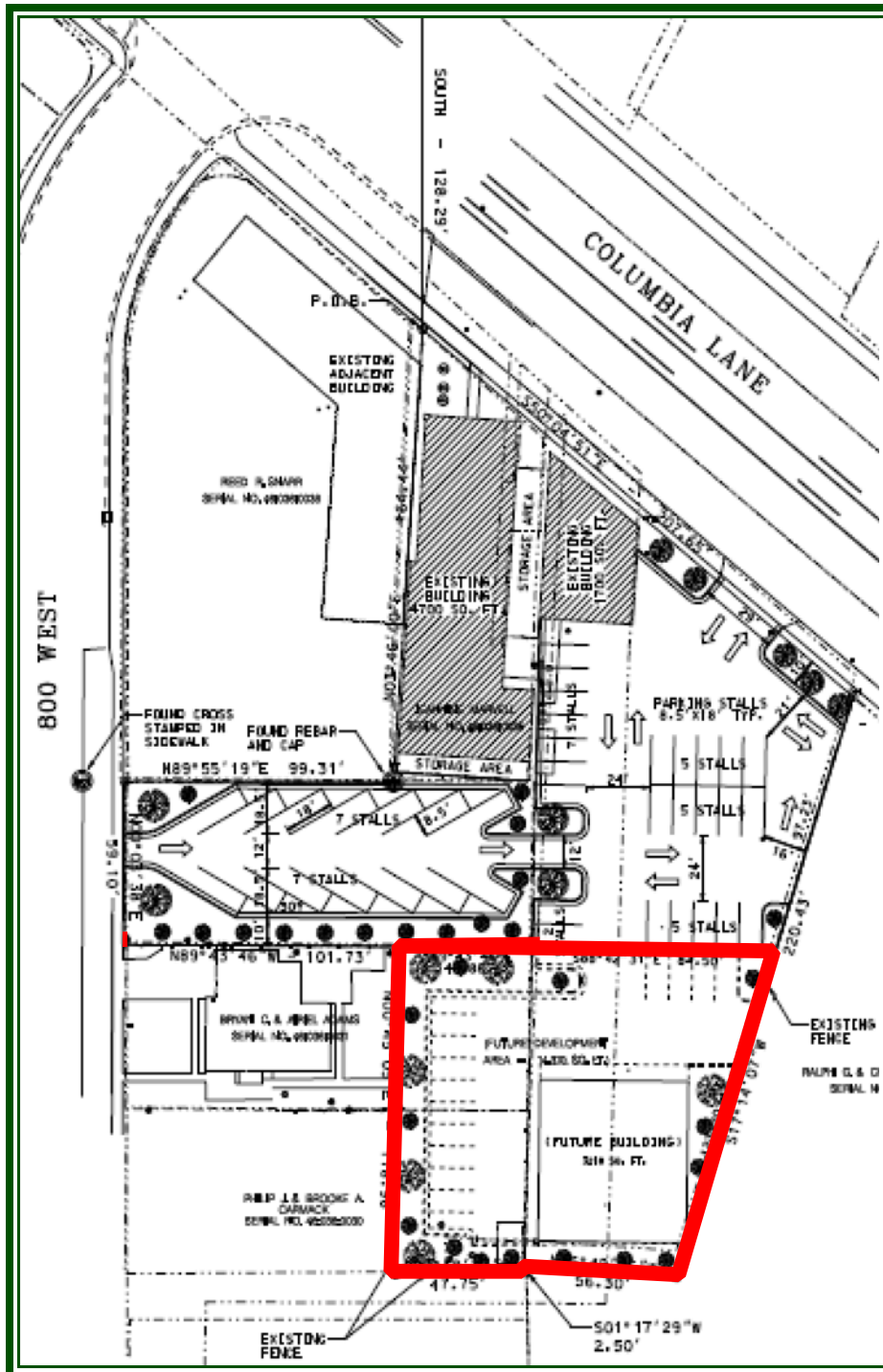


Figure 5 Project Plan Phasing Plan (Area outlined in Red is Phase II)