



Planning Commission Hearing Staff Report Hearing Date: July 11, 2017

ITEM #1* Premier Reality Investments LLC requests a General Plan Amendment from Mixed Use to Industrial for 14.17 acres, located at 1400 S. State Street. Spring Creek neighborhood. Austin Corry (801) 852-6413 PLGPA20180128

<p>Applicant: Premier Realty Investments, LLC c/o Steve Turley</p> <p>Staff Coordinator: Austin Corry</p> <p>Property Owner: PROVO SOUTH PARTNERS LLC Parcel ID#:22:051:0069 Acreage:14.17 Number of Properties: 1 Number of Lots: 2 (proposed)</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. <u>Recommend Approval</u> of the proposed General Plan Map and text amendments, as presented in the Staff Report or with changes. <i>This action <u>would not be consistent</u> with the findings and analysis of the Staff Report.</i></p> <p>2. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is July 25th at 6:00 P.M.</i></p>	<p>Current Legal Use: The subject property is excess land associated with Pro Steel, which is a nonconforming, manufacturing use in a residential zone.</p> <p>Relevant History: The subject property was rezoned from Light Industrial (M1) to R1.10 shortly after the adoption of the SE Neighborhood Plan by the Municipal Council.</p> <p>Neighborhood Issues: The desire of the neighborhood to limit additional industrial uses, especially storage units, was a motivation to rezone this area of South State Street from M1 to R1.10.</p> <p>Summary of Key Issues: Has the applicant provided sufficient reasons to deviate from a recently adopted Neighborhood Plan?</p> <p>Staff Recommendation: That the Planning Commission <u>Recommend Denial</u> to the Municipal Council of the General Plan Amendment from Mixed Use to Industrial for 14.17 acres of property located at 1400 S State Street. This action would be consistent with the findings and analysis of the Staff Report.</p>
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OVERVIEW

The subject property is owned by Provo South Partners, LLC and is the site of Pro Steel which is a safe manufacturing company. The applicant wishes to purchase approximately half of the 14.17 acres for future development. The applicant has described the future land use as "light industrial including but not limited to manufacturing, storage units, construction yard." With a General Plan amendment to

Industrial, the Light Industrial (M1), Heavy Industrial (M2) and Planned Industrial Commercial (PIC) zones would be possible. Of course, a separate legislative act would be required to assign an industrial zone to the property.

RELEVANT HISTORY

The subject property includes just over 14 acres with approximately 165 feet of frontage on South State Street, located at 1400 South. To the north of the subject property is the Provo School District bus storage yard, to the west are railroad tracks, to the south is vacant land and to the east is State Street.

The General Plan designation of Mixed Use has been on this area of South State Street since at least the 2010 update to the General Plan. The following language describes the nature of Mixed Use development:

Mix of residential and commercial development to be centered around future determined neighborhood centers. Emphasis on enhancing the pedestrian scale and relationship to the planned environment through form and design standards. Enhancing alternative transit modes such as local bus service, pedestrian, bicycle and bike and car-sharing facilities.

In March of 2017, the Municipal Council adopted the Southeast Neighborhood Plan. The future land use for this area of South State Street is Medium Density Residential and includes the possibility of batching overlay zoning. In other words, it may be permissible to receive project approval that would allow four to six unrelated individuals to live together.

At the time the Southeast Neighborhood Plan was written, a problem the City was experiencing was that although the Land Use Map of the General Plan called for Mixed Use, this area of South State Street remained zoned as Light Industrial, therefore, project plan applications for industrial uses had to be approved. This discrepancy between General Plan designation and existing Zoning became a frustration in the neighborhood as the number of storage unit projects along South State Street increased despite the desire for different uses. In order to prevent additional industrial uses from being established, the Municipal Council zoned this area of South State Street as R1.10. The R1.10 zone was also intended as a holding zone until specific projects were proposed that would fulfill the goals and objectives of Medium Density Residential housing.

FINDINGS OF FACT

1. The subject property includes 14.17 acres.
2. The subject property is located at 1400 S State Street.
3. The subject property has a General Plan Designation of Mixed Use.
4. The subject property is within the Southeast Neighborhood Plan.
5. The Southeast Neighborhood Plan was adopted by the Municipal Council on March 7, 2017.
6. The Southeast Neighborhood Plan calls for this area of South State Street to eventually be zoned as Medium Density Residential with the potential for Baching Overlay zoning.
7. The subject property is zoned Residential R1.10.
8. The R1.10 zone was intended by the Municipal Council to be used as a holding zone that would prevent additional industrial uses.
9. The current zoning does not permit industrial uses.

STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of general plan amendments:

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.*

Response: The proposed amendment is to provide additional industrial uses to the city which may contribute to the employment base.

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

Response: Staff contests that the public purpose is best served by the existing General Plan policies, including the Southeast Neighborhoods Plan. This vision has been established since 2010, and reconfirmed in 2017. The applicant has been unable to provide any statements as to why this amendment would be in the best interest of the City.

- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives.*
Response: The proposed amendment conflicts with the stated objectives to encourage redevelopment of this area into a mixed use site intended to serve missing housing needs of the city.
- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.*
Response: No specifying timing or sequencing conflicts are identified. However, it is anticipated that new industrial uses would significantly delay attainment of remaining policies to provide for the housing need discussed earlier.
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.*
Response: Continued construction of additional industrial uses would suggest the entire area plan should be reconsidered. Current uses are aging, and could be anticipated to redevelop within a reasonable amount of time. New industrial uses would inhibit this redevelopment toward the Mixed Use policies, especially considering this site would bisect the larger area into two smaller areas.
- (f) *Adverse impacts on adjacent land owners.*
Response: It is not anticipated that new industrial uses would create adverse impacts on adjacent land owners considering they are industrial or vacant properties.
- (g) *Verification of correctness in the original zoning or General Plan for the area in question.*
Response: The General Plan established a mixed use designation in 2010 and this was reinforced in the adoption of the Southeast Neighborhoods Plan in 2017 which reviewed and confirmed these policies. The current R1.10 zoning reflects a holding zone to prevent industrial uses.
- (h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.*
Response: No conflicts have been identified.

STAFF RECOMMENDATION

That the Planning Commission Recommend Denial to the Municipal Council of the General Plan Amendment from Mixed Use to Industrial for 14.17 acres of property located at 1400 S State Street.

ATTACHMENTS

1. Applicant written request
2. Land Use Inventory

ATTACHMENT #1 – Applicant Written Request

PREMIER REALTY INVESTMENTS
1480 SOUTH STATE STREET
PROVO, UTAH 84606

May 1, 2018

Provo City Community Development

RE: General Plan map amendment @ 1400 South State Street

Description of the proposed amendment request

Amendment to General Plan map to designate the subject property to permit Light Industrial uses as previously allowed.

Written statement specifying the potential use of property within the area of the proposed amendment.

Light Industrial uses. Including, but not limited to manufacturing, storage units, construction yard.

Written statement explaining why the existing General Plan Designation for the area is no longer appropriate or feasible.

The requested change is for the subject property to be returned to the former Light Industrial uses. The recent change to Mixed Use Development does not allow the preferred uses.

Analysis of the potential impacts of the proposed amendment on existing infrastructure and public services (traffic, streets, intersections, water, sewer, storm drains, electrical power, fire and police protection, garbage collections, etc.)

Same impact that previously existed before 2017 General Plan change. No new use inconsistent with previous uses that were zoning compliant.

ATTACHMENT #2 – Existing Land Use Inventory

