



Planning Commission Staff Report Rezone

Hearing Date: April 10, 2019

***ITEM #4** Justin Earl requests a Zone Change from ITOD to Mill Race at Provo Station PRO Zone, located on approximately four acres from 500 S to 600 S and from 100 W to University Ave. Downtown neighborhood. Aaron Ardmore (801) 852-6404 PLRZ20190047

Applicant: Justin Earl

Staff Coordinator: Aaron Ardmore

Property Owner: J&J York Enterprises LLC; York Family Investments, LC; Red Rider Properties, LLC; Redevelopment Agency of Provo City Corporation

Parcel ID#: 04:001:0001; 04:001:0005; 04:001:0003; 04:001:0002

Current Zone: ITOD

Proposed Zone: Mill Race PRO zone

General Plan Des.: TOD

Acreage: 3.7 acres

Number of Properties: 4

Number of Lots: 1

Total Building Sq. Ft.: 2,260 (commercial)

Development Agreement Proffered: No

***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 April 24, 2019, 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.*

Current Legal Use: The site currently contains vacant commercial buildings and an advertising agency office.

Relevant History: This block has gone through a number of commercial uses in the past. The applicant acquired purchase and sale agreements for the entire block in anticipation of building a mixed-use project and has met with members of the City Administration and City Council to discuss his plans.

Neighborhood Issues: The Downtown Neighborhood chair chose not to hold a meeting on this item.

Summary of Key Issues:

- Mill Race PRO zone needs to be adopted.
- The proposed zone would allow a higher building height compared to the ITOD zone, and allow the specific project to build as planned with additional regulations.
- Project proposed consists of 84,742 square feet of office space, 438 residential units, and 907 parking stalls.

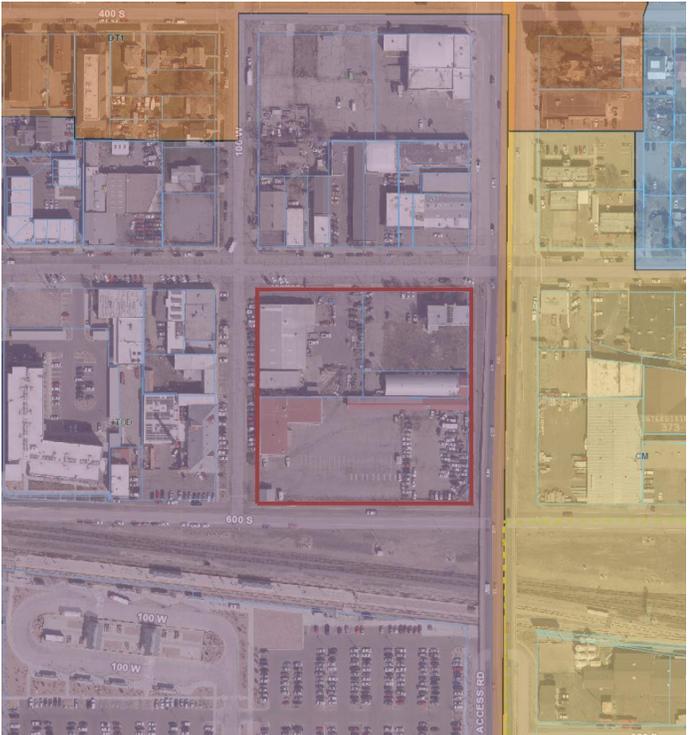
Staff Recommendation: That the Planning Commission recommend approval of the proposed zone change from ITOD to the Mill Race PRO zone.

OVERVIEW

Justin Earl is requesting approval of zone change, along with the adoption of a new PRO zone for the block between 500 South and 600 South, and 100 West and University Avenue. The City Council would need to adopt the proposed Mill Race PRO zone to allow this development to occur.

The applicant would need to have a Project Plan approved by the DRC and Planning Commission after a decision is made on the PRO zone text amendment and zone map amendment for the property. The project consists of a parking podium on the east half of the block, with an eight-story office building at the southeast corner, along 600 south and University Avenue; and a condo building on the northeast corner. The rest of the project will consist of two different five-story residential buildings with amenity space and open spaces in between. The zone will allow for buildings up to 195 feet.

The table below shows current zoning and General Plan designations for the area.

Current Zoning Map	Current General Plan Map
	

FINDINGS OF FACT

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: (responses in bold)

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

The zone change would serve the public by providing additional housing choices in the area, and by providing more tax base for the City. It would also help to provide needed pedestrian connections over the railways.

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

The zone change would allow this proposed project to move forward to create the additional housing, tax base, and pedestrian connections for Provo City.

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

The proposed zone does meet the General Plan designation for this area, as it is still based on the ITOD zone and meets the General Plan policies found in chapters 2, 3, and 7. Specifically, this proposal is consistent with Goals 2.4.1.2, to provide direct routes from key locations in the City by promoting the use of alternative methods of transportation; 3.4.4.3, to encourage development patterns that reduce land and development costs; and 7.4.14, to require high-quality commercial development.

- (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 issues with timing and sequencing with the proposal.

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

The zone change will help to meet several General Plan goals, and should not hinder or obstruct attainment of the policies of the General Plan.

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

Adverse impacts on the adjacent properties could include increased traffic and loss of view corridors. Staff feels that the positive impacts on adjacent land owners with increased connections and improved property will outweigh any adverse impacts associated with this project.

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

The zoning and General Plan for the area are 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.*

No conflict exists.

STAFF ANALYSIS

Staff has worked with the applicant to refine the concept plan and zone language, which has allowed the applicant to create a plan that can meet City standards and provide for a variety of housing types in a single block. The project will also provide additional office space and amenities for the downtown residents. The proposal would meet the goals of the General Plan.

CONCLUSIONS

The proposed zone change will enable the applicant to provide additional housing choices within downtown Provo and next to the commuter rail station. The plan also would provide important connections to the commuter station and University Avenue bridge, allowing all Provo residents and visitors access across the train tracks. The commercial spaces will help to bring additional tax base to Provo City.

STAFF RECOMMENDATION

That the Planning Commission recommend approval of the proposed zone change from ITOD to the Mill Race PRO zone.