



Planning Commission Hearing Staff Report Hearing Date: April 24, 2019

***ITEM # 2 Tim Soffe requests a Zone Change from General Commercial (CG) to High Density Residential (HDR) for 1.92 acres of land located at 442 & 490 South State Street. Maeser Neighborhood. 17-0010R**

Applicant: Tim Soffe
Staff Coordinator: Dustin Wright
Property Owner: Bart Coon
Parcel ID#: 220290005, 220290026
Current Zone: General Commercial (CG)
Proposed Zone: High Density Res. (HDR)
General Plan Des.: Residential
Acreage: 1.92
Number of Properties: 2
Number of Lots: 2
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 May 8, 2019, 6:00 p.m.*
2. Recommend **denial** the requested Rezone. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings for denial.*

Current Legal Use:

Commercial uses listed in 14.22.020 of the Provo City Code.

Relevant History:

In January 2018 the Planning Commission approved the PPA with the conditions and recommended approval to the City Council of the zone change request.
The City Council continued the zone change and requested that the applicant work with the neighbors to come up with a project that would reduce the building height.

Neighborhood Issues:

A neighborhood meeting on May 16, 2017. Neighbors expressed issues with:

- HDR zone is excessive for neighborhood
- Excessive building height (four stories)
- Vehicular access onto 500 S. and added traffic.
- Too many one-bedroom units.

The applicant has met with neighbors following their last City Council hearing and made changes to the proposed project to address some of the concerns.

Summary of Key Issues:

- City Council directed the applicant to work with the neighborhood and then incorporate that feedback into the project.
- A development agreement would be able to address concerns raised for the HDR zone that would allow for more development than desired on the site once rezoned.

Staff Recommendation:

Staff recommends the following conditions:

1. That a Development Agreement limit building height

	for the north building to three stories and the east building to four stories, with a maximum building height of 44' and the south building to two stories; 2. That the total number of dwelling units be limited to 60; and 3. That the existing lots are combined into one lot.
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OVERVIEW

The applicant is requesting a zone change from General Commercial (CG) to High Density Residential (HDR) at this location to allow for a four-story, 32-unit apartment, a three-story, 24-unit apartment and a two-story, 4-unit townhomes on the corner of 500 South and State Street. These proposed sixty units would be on commercial property that is to be rezoned to High Density Residential (HDR).

The HDR zone would allow for more units and additional building height than is being requested, therefore, a development agreement would be advisable to ensure that only what has been proposed would be developed.

The City Council continued the zone change request and instructed the applicant to go back and work with the neighborhood and address their concerns. The applicant has now done that and made changes to their original proposal of 64 units in 2 four-story buildings.

FINDINGS OF FACT

1. A neighborhood meeting was held on May 16, 2017.
2. Plans have been changed to address concerns expressed by the neighborhood.
3. The proposed project plan would meet the requirements for a development in the HDR zone.
4. HDR zone allows up to 50 dwelling units per acre.
5. The proposed plan includes only 32 dwellings per acre.
6. HDR zone allows for a building height of 55 feet.
7. The proposed plan is four stories but limits the building height to 44 feet.
8. The General Plan designation is for Residential.
9. The current zoning is General Commercial.

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. **The amendment would allow the property to transition from commercial to residential and match the existing General Plan designation for residential instead of existing commercial.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **A development agreement limiting some of elements in the HDR zone such as height and number of units per acre will help address some of concerns that neighbors expressed.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The General Plan policies and goals for the Maeser Neighborhood allow for development along State Street to be considered for development other than one-family residential.***
- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **No issues with timing and sequencing.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **Policies in the Plan aim to "protect viable, significant areas of one-family structures". The site has been adjusted to better transition into the surrounding neighborhood and is limited to this site. The project is adjacent to areas of one-family structures, but will not expand into them.***
- (f) *Adverse impacts on adjacent land owners. **The proposed development would generate an increase in traffic and taller structures than what exists now. Existing commercial zoning would also allow for taller structures and could have a greater traffic impact if fully developed as a commercial site.***

- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **Zoning and General Plan designation are correct. The General Plan Map has been updated.***
- (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 conflicts have been identified.***

STAFF ANALYSIS

Staff has reviewed the revised project plan and found that it conforms with the development requirements of the HDR zone. The two lots would need to be combined into one lot as part of a separate application with the City.

The reason that the applicant is seeking High Density Residential (HDR) and not Medium Density Residential (MDR) density is that the proposed density is 32 dwelling units per acre and the MDR zone only allows up to 30. The setbacks are less in the HDR which also allows the building to address the State Street more appropriately.

If the City desires to rezone the property to HDR, a development agreement would be beneficial to ensure that project doesn't increase in density or height from what has been proposed.

CONCLUSIONS

The multi-family housing would be a good alternative to the commercial zoning that is in place now. The changes that have been made will help the site transition better into the surrounding single-family neighborhood.

The General Plan goals and policies relating to this area of the City aim to "maintain all existing one-family residential areas" while noting that exceptions should apply to development along State Street. The applicant is seeking to amend the zoning map to allow for a higher density development. The rezone will not extend into areas of existing one-family residential.

STAFF RECOMMENDATION

Staff recommends the following conditions:

1. Development Agreement for building height limiting the north building to three stories and the east building to four stories and the south building to two stories and to limit the number of units to sixty as part of the Rezone.
2. The existing lots are combined into one lot as part of a separate application.

ATTACHMENTS

1. Site Location
2. Zoning Map

ATTACHMENT 1 - SITE LOCATION



ATTACHMENT 2 – Zoning Map

