



Planning Commission Hearing Staff Report Hearing Date: May 8, 2019

***ITEM 7 Steve Turley requests a zone change from R1.10 to Light Manufacturing (M1) for approximately 7.7 acres of land located at approximately 1060 E 1320 S. Spring Creek neighborhood. PLRZ20190117**

<p>Applicant: Steven Turley</p> <p>Staff Coordinator: Dustin Wright</p> <p>Property Owner: PROVO SOUTH PARTNERS LLC Parcel ID#:22:051:0076 Acreage:7.71 Number of Properties: 1 Number of Lots: 1</p> <p>Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Recommend <u>Approve</u> of the requested rezone. <i>This action <u>would not be consistent</u> with the recommendations of the Staff Report. The Planning Commission should state new findings.</i></p> <p>2. <u>Continue</u> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is May 22, 2019 6:00 P.M.</i></p>	<p><u>Current Legal Use:</u> The property is vacant and a residential single-family would be the permitted use for development.</p> <p><u>Relevant History:</u> In 2017 the property was rezoned from Light Manufacturing (M-1) to Single-family Residential (R1.10) In 2019 the property was subdivided (PLFSUB20180165) from the Pro Steel parcel.</p> <p><u>Neighborhood Issues:</u> A neighborhood meeting was held. The Neighborhood Chair informed staff that the proposed rezone does not follow the Southeast Neighborhood Plan future land use map recommendation.</p> <p><u>Summary of Key Issues:</u></p> <ul style="list-style-type: none">• Proposed rezone is not consistent with the Neighborhood future land use map.• Future development of this area will require public streets to be installed to meet street frontage requirements of the zone. <p><u>Staff Recommendation:</u> A recommendation to the Municipal Council to deny the requested rezone as it is not consistent with the Southeast Neighborhood Plan.</p>
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OVERVIEW

The applicant is requesting a zone change from R1.10 to the M1 at approximately 1060 E 1320 S. In 2017 the Southeast Neighborhood Plan was adopted by the City. The future land use map in the plan calls for this area to be Low Density Residential (LDR) and Medium Density Residential (MDR). In the interim time the property was rezoned from the M1 zone to the R1.10 zone.

In 2019 there was a subdivision of the Pro Steel property and this parcel was created. They are now requesting to rezone it back to M1 for this new parcel, but not the Pro Steel parcel.

Current Zoning Map	Current General Plan Map
	

GENERAL PLAN POLICIES

The proposed rezone would not be consistent with the policies of the Southeast Neighborhood Plan was adopted in 2017 that identifies this area as LDR and MDR.

FINDINGS OF FACT

1. The property is zoned R1.10.
2. The Southeast Neighborhood Plan designates the subject property and surrounding area as Low Density Residential and Medium Density Residential on the Future Land Use Map.

3. The subject property has no access to a public street.

ANALYSIS

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 responses in bolded)***

- (a) *Public purpose for the amendment in question. **It has been identified that residential land uses are needed in this area. Rezoning to M1 would not be consistent with the recently adopted Southeast Neighborhood Plan.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **The proposed rezone would not help further the Southeast Neighborhood Plan.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **This rezone is not compatible with the future land use map in the Southeast Neighborhood Plan.***
- (d) *Consistency of the proposed amendment with the General Plan's [t]iming and sequencing provisions on changes of use, insofar as they are articulated. **There are no existing public streets providing access to this parcel. Development would not be able to occur until public access is provided.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **The Southeast Neighborhood Plan land use plan would be hindered if this rezone is approved. The anticipated residential use would be thwarted and the potential conflicts between residential and industrial uses would be likely.***
- (f) *Adverse impacts on adjacent land owners. **The surrounding properties on the north and south are zoned for single-family residential.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **The most recent rezone has been updated on the zoning map.***

- (h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.*

CONCLUSIONS

Staff finds that this proposal to rezone to the M1 zone would not be consistent with the Southeast Neighborhood Plan that shows this area to become LDR and MDR. Rezoning to M1 would be a deviation from the direction that the City has been headed for this area of the City. No compelling reason has been provided to deviate from the future land uses anticipated by the Neighborhood Plan. It is recommended that the land uses in Southeast Neighborhood Plan be followed.

STAFF RECOMMENDATION

A recommendation to the Municipal Council to deny the requested rezone as it is not consistent with the Southeast Neighborhood Plan.