



Provo City Planning Commission

Report of Action

September 25, 2019

*Item 2 - Dudley and Associates request a Zone Change from Residential Conservation (RC) to General Commercial (CG) for property located at approximately 1009 W 2000 N. Carterville neighborhood. PLRZ20190192

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 25, 2019:

RECOMMENDATION FOR DENIAL

On a vote of 7:0, the Planning Commission recommended that the Municipal Council deny the above noted application.

Motion By: Maria Winden

Second By: Robert Knudsen

Votes in Favor of Motion: Maria Winden, Robert Knudsen, Dave Anderson, Deborah Jensen, Russ Philips, Shannon Ellsworth, Laureen Urquiaga,

Deborah Jensen was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.
- New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council: There was not a compelling reason to amend the General Plan from Residential to Commercial to allow for the proposed rezone.

RELATED ACTIONS

Planning Commission September 25, 2019:

Item 1 - PLGPA20190191 General Plan Amendment - Recommended denial to City Council.

Item 3 - PLCP20190193 Concept Plan - Denied.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following: The applicant has requested an amendment to the Zoning Map to change Residential Conservation (RC) zone on this property to the General Commercial (CG) zone. The applicant developed the property to the south, Grandview Medical, and this rezone would facilitate phase 2 of that project if approved. Many neighbors surrounding this property have expressed the desire to keep the property as residential and not to allow it to become a commercial use.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 09/4/2019.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present /addressed the Planning Commission during the public hearing.
- Multiple Neighborhood Chair(s) were present or addressed the Planning Commission.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised regarding this item and the items related to this request, in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- The neighborhood is quiet and isolated and there is good quality of life and a three story office building would have significant impact on the residential neighborhood.
- The existing zoning has encouraged the residents to invest in the neighborhood.
- There is a desire to have a neighborhood plan completed.
- 2000 North is narrow and construction vehicles would be too much.
- Property values would be negatively impacted.
- The City does not value this neighborhood.
- Provo already has a surplus of office space available.
- The type of medical uses that would be allowed.
- Buffering requirements such as trees, fence and setbacks.
- Parking lot lights directed into the neighborhood.
- Property owner has not listed to neighbors' concerns.
- This is not the only use that will work on this property. Other uses would be more compatible that the one being proposed.
- Allowing commercial will then promote more commercial to creep into the neighborhood.
- Medical use will not bring in a good tax base for the City.
- The property is currently a mess and invites nuisance activity.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The main question is related to land use and whether it should be commercial or residential. The technical issues with the site and building can be worked out with the project plan.
- The neighborhood meeting was well attended and they were able to hear the concerns raised by neighbors. The property would be fenced and the access on the north would be closed with a gate that would only allow emergency access through that location.
- To develop the property as residential would be challenging. The existing access would have to be widened and a home would probably have to be removed.
- Lighting can be directional to avoid light pollution onto residential uses around the property.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The buffering between the property and the residential zone would be ten feet of setback and a solid wall.
- The type of medical use that is being proposed would be daytime use clinic hours for a specialty practice like family medicine.
- The building to the south has no vacancy at this time.
- Changing the land use is a big undertaking. There is not a compelling reason to do so other than having it close to the other medical building.
- A three story building that is only ten feet away from a residential use doesn't seem appropriate in regards to buffering and setbacks. Having a commercial zone that doesn't have a height limit adjacent to residential is concerning.

- Grade change in the drive access will be very steep. It would be challenging to get large construction equipment through that drive access. Therefore, 2000 North would have to be used for all development.
- There is a parcel of land that has not been obtained on the north of the property that would be needed for emergency access at that location. If it cannot be obtained, the adjacent home could provide an access easement.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

- The Planning Commission identified the following findings as the basis of this decision or recommendation:
- There was not a compelling reason to amend the General Plan from a Residential to a Commercial designation. Without that change, a rezoning to a commercial zone would not follow the existing general plan designation of Residential.
- The proximity to the residential and lack of adequate buffering causes concern to allow commercial zoning.
- The proposed development is not very compatible with the residential uses.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS