



**Planning Commission Hearing  
Staff Report  
Hearing Date: October 9, 2019**

**ITEM 7\*** McClean Properties LLC requests a zone change for approximately one acre of property located at the 385 N 500 W from Residential Conservation to a Project Redevelopment Option Zone to allow for six additional dwelling units. Dixon neighborhood. Brian Maxfield (801) 852-6429 PLRZ20180293

Applicant:

Gordon McClean on behalf of McClean Properties, LLC

Staff Coordinator: Brian Maxfield

Property Owner:

McClean Properties LLC

Parcel ID#: 04:099:0007; & 0023.

Acreage: 0.91 acres

Number of Properties: 2

Current General Plan Designation:

Commercial (C)

Current Zoning:

RC Residential Conservation

Proposed Zoning:

500 West Medium Density Mixed-Use PRO Zone.

\*Council Action Required: Yes

**ALTERNATIVE ACTIONS**

1. **Continue** to a future date to obtain and consider additional information. *The next available meeting date is October 23, 2019.*

3. **Recommend Denial** of the requested rezoning. *This action would be consistent with a recommendation to deny the related text amendment.*

Current Legal Use: Uses allowed in the RC Residential Conservation Zone, as well as existing uses that were previously approved on the property and consisting of: A Duplex; a six-Unit Apartment Building; and a Medical Office Building with five Residential Units.

Related Items:

Item #6: The proposed adoption of the 500 West Medium-Density Mixed-Use PRO Zone (PLOT20180292);

Item #8: A proposed concept plan for the further development of the site (PLCP20180294).

Relevant History: The duplex was built in 1942; the medical office building with five residential units in 1996; and the six-unit apartment building in 1999. Although the Planning Commission did not allow an overlap in the parking between the two uses, an appeal of their decision to the Board of Adjustment resulted in an allowance of seven parking spaces to be jointly counted.

Neighborhood Issues: This item was discussed at least two neighborhood meetings in 2018. At the first, the discussion centered on wanting to preserve the duplex along 400 North as it would maintain the desired look and feel of the neighborhood. Some concerns were also expressed with how to site the new building to have the least amount of impact on adjoining properties.

Staff Recommendation: The Planning Commission recommend to the Municipal Council, approval of the proposed rezoning of the subject properties located at approximately 385 N 500 West, to the 500 West Medium-Density Mixed-Use Project Redevelopment Option Zone, subject to approval of the related PRO zone, and based on the analysis contained in this staff report.

## **OVERVIEW AND BACKGROUND**

This item is the requested rezoning of approximately 0.91 acres (1/4 of the block) from the RC to the 500 West Medium-Density Mixed-Use PRO Zone. The creation of that PRO zone is being presented in a preceding item.

The property is currently zoned RC Residential Conservation. The Timpanogos Elementary School is located directly to the north of the McClean properties. To the east, across 500 West, is an RC Zone, mostly consisting of residential uses. Directly to the south the property is zone PO Professional Office, and is developed with an office building. To the southwest are the Dixon Place townhomes that are within an MDR Medium Density Residential zone. And, to the west the property borders an R1.6A area, with the closest dwelling being a duplex fronting on 400 North. In the R1.6A area, only one other dwelling is as close as 50 feet to the McClean property, with the others being over 100 feet away.

The existing uses on the properties to be rezoned include a duplex, a six-unit apartment building, and a medical clinic. The medical clinic also includes five legal residential units in its basement. The intent of the proposed rezoning would be to allow an additional six-unit apartment building on the site. As with the existing six-unit apartment building, the new building would include six, two-bedroom units. The listed purpose and intent of the R4 High Multiple Zone is stated as:

... to provide an area of suitable environment for single and family living in an area characterized by high density apartments and professional office uses. In general, this zone will be situated in or near the central area of the City and in areas where there is a substantial demand for multiple dwelling units as indicated in the General Plan. Said zone should be established in areas where street and utility systems are adequate to accommodate the permitted density. Representative of the uses of this zone are one-family dwellings; duplexes; rooming houses; apartments; batching apartments; offices for doctors, dentists, accountants, and other similar professions; parks; playgrounds; and compatible institutional uses.

The listed purpose and intent of the proposed PRO Zone is stated as:

### **14.50( ).010 Purpose and Intent**

The 500 West Medium Density Mixed-Use Project Redevelopment Option (PRO) zone is a residential/ professional office mixed-use development zone. The standards set forth herein are intended to encourage desirable infill development on certain portions of land along 500 West. It is intended to provide for sites with existing development to be enhanced through the allowance for additional, appropriate, and compatible development to occur without requiring the complete redevelopment of a site.

Further details of the proposed PRO zone are contained in the Staff Report for that item (PLOTA20180292). Details of the proposed development that would be facilitated by this rezoning are contained in the Staff Report for the Concept Plan (PLCP20180294).

## **FINDINGS OF FACT**

- The included properties are currently zoned RC Residential Conservation.
- The properties were developed under the provisions and density allowances of the R4 zone.

- The subject property borders a mixture of multi-unit, professional office, and public facility uses.

## **ANALYSIS**

Section 14.02.020(1) of the Provo City Code states the following regarding amendments to the Planning and Zoning Title and to the General Plan:

*“Amendments shall not be made . . . except to promote more fully the objectives and purposes of this Title and the Provo City General Plan or to correct manifest errors.”*

Additionally, guidelines for consideration of an amendment are set forth in Section 14.02.020(2) of the Code and are listed below. Staff analysis is provided after the individual guidelines in **bold**.

(a) Public purpose for the amendment in question.

**To allow additional residential infill, consistent with current uses and the intended future development of the area.**

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

**The rezoning would address the existing uses on the property, while facilitating the addition of six additional affordable housing units, without creating a land use anomaly or excessive impact to the neighboring area.**

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

**The rezoning would be compatible with the housing goals and objectives of the General Plan.**

(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.

**The rezoning would facilitate an infill development and not require the extension of new utilities or roadways. Therefore, the proposed amendment would be consistent any “timing and sequencing” provisions of the General Plan.**

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

**The proposed zoning would not hinder nor obstruct attainment of the articulated policies of the General Plan.**

(f) Adverse impacts on adjacent land owners.

**The proposed use is consistent with other uses in the area and because of deep lots in the lower density residential uses to the west, staff does not believe the proposed rezoning and development will cause any adverse impact to adjacent land owners.**

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

The RC Zone was created in this area as a “holding zone” until the City felt comfortable with a different zoning designation and adequate design controls. The proposed zoning is consistent the intent to allow higher density, and well as mixed-uses in proper locations. This portion of the Dixon neighborhood as it fronts along 500 West has been identified as one of those proper locations.

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

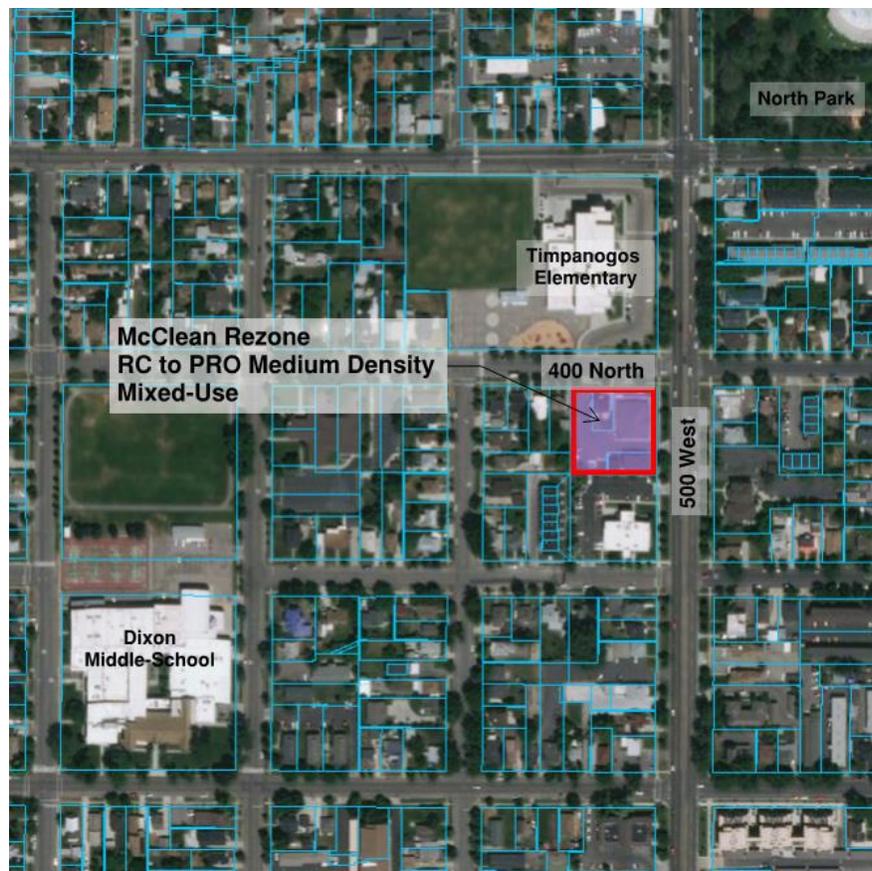
**No conflict is anticipated.**

### **CONCLUSION**

Staff believes the rezoning of the subject properties to the 500 West Medium-Density Mixed-Use PRO Zone is appropriate for this locate as it would meet the intent for development along this street corridor, without adversely impacting the neighboring lower density areas.

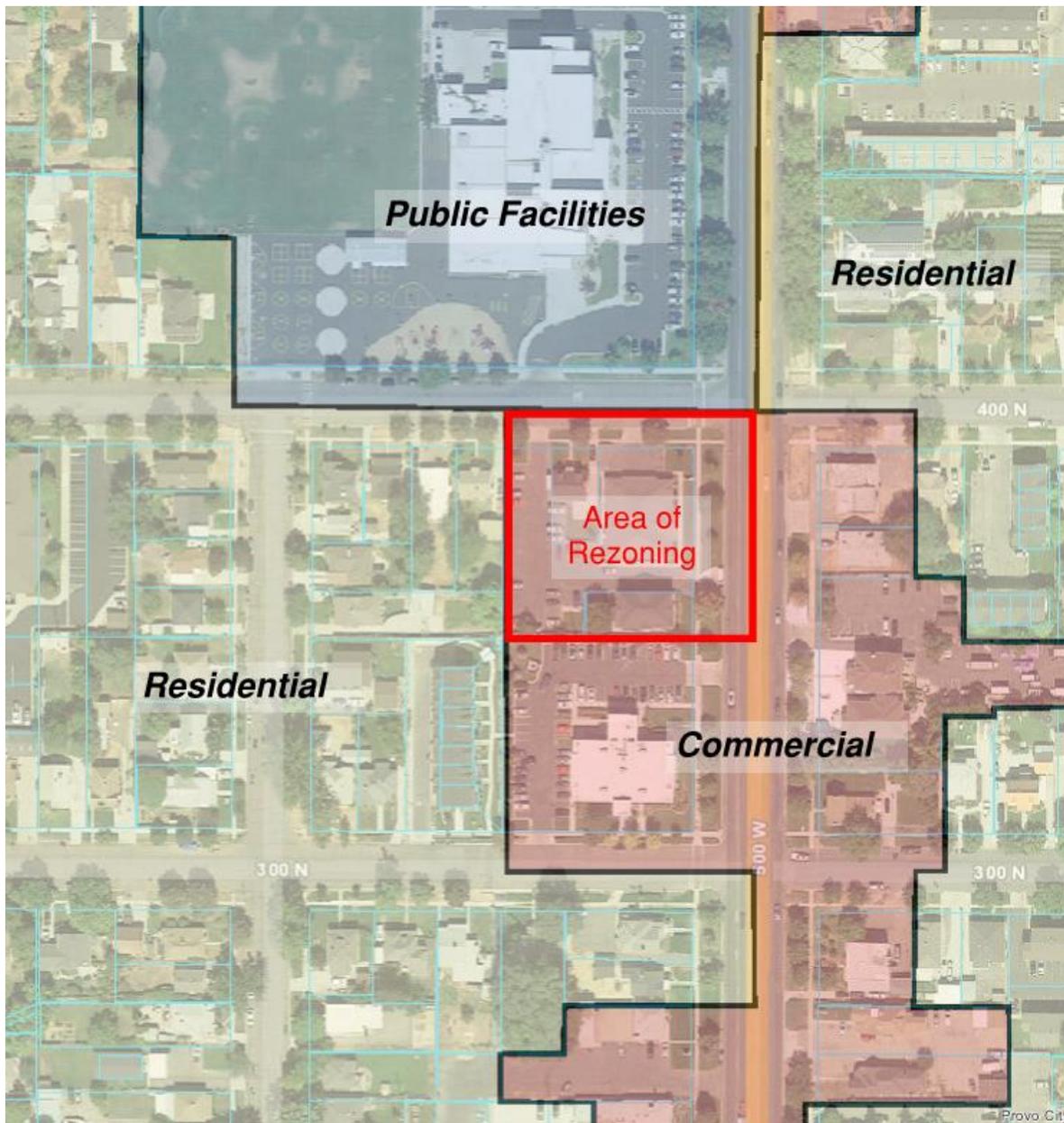
### **STAFF RECOMMENDATION**

The Planning Commission recommend to the Municipal Council, approval of the proposed rezoning of the subject properties located at approximately 385 N 500 West, to the 500 West Medium-Density Mixed-Use Project Redevelopment Option Zone, subject to approval of the related PRO zone, and based on the analysis contained in this staff report.





Current Zoning Map



**General Plan Land Use Map**