



# Planning Commission Hearing Staff Report Hearing Date: January 9, 2019

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**\*ITEM #2** The Provo City Economic Development Dept. requests a Zone Change from the Regional Shopping Center (SC3) Zone to the Interim Transit Oriented Development (ITOD) Zone for approximately 14 acres, located at 2300 N University Parkway. Carterville neighborhood. Aaron Ardmore (801) 852-6404 PLRZ20180406

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**Applicant:** Dixon Holmes - Provo City Economic Development

**Staff Coordinator:** Aaron Ardmore

**Property Owner:** PLUM TREE PROPERTY LLC

**Parcel ID#:** 46:992:0001

**Acreage:** 14

**Number of Properties:** 1

**Number of Lots:** 6

### **ALTERNATIVE ACTIONS**

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is January 23, 5:00 P.M.*

3. **Recommend Denial** of the requested zone change. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

**Current Legal Use:** The property contained in this zone change request is currently vacant commercial property in the SC3 zone.

**Relevant History:** The owners of the property have been through a redesign of a large commercial center, called The Mix. The owners have an approved plan to build new commercial and residential units at this property, but have now decided to change the plan with this rezone to allow ITOD residential development along the north and east sections.

**Neighborhood Issues:** There have not been any reported issues to staff at the time of this report.

### **Summary of Key Issues:**

- The prior approved plan had a mix of commercial, office, and residential uses within the SC3 zone.
- The developers have now abandoned portions of that plan and desire ITOD zone on 14 acres for residential development.
- This proposed zone change would need to be accompanied by a development agreement to ensure proper phasing and development occurs.

**Staff Recommendation:** That the Planning Commission recommend to the Municipal Council approval of a zone change of 14 acres from SC3 to the ITOD with the following conditions:

1. That a Development Agreement is signed and recorded prior to establishment of the zone change.

## **OVERVIEW**

The applicant, Provo City Economic Development, is requesting a zone change on behalf of the owner and developer of “the Mix” property, located at 2300 N University Pkwy. The request is to amend the zone map from the SC3 to the ITOD zone for 14 acres along the north and east ends of the property (see attachment #1).

The owners of the property have an approved plan for this property under SC3 zoning with commercial, office, and residential development. However, due to changing markets and a revised plan from the developers, they now are requesting an amendment to the zoning, which will be followed by an amendment to their development plan.

The zone change will enable the developers to move forward with building on “The Mix” site. Staff has recommended, at the property owner’s representative has agreed, that a Development Agreement should be recorded in the office of the Utah County Recorder prior to any actual change in zoning that would include at least the following restrictions:

1. That the remaining SC3 zone will not include any residential uses;
2. That in the ITOD zone 10% of the residential units must be income restricted at 60% Average Median Income, or that a cash-in-lieu is proffered for 10% of the units, and;
3. That the attached zoning map be included in the Development Agreement which will dictate zone boundaries and road locations.

## **FINDINGS OF FACT**

1. 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.*

**Since the SC3 zone was established in this location in the late 1980s Bus Rapid Transit has been added to University Parkway and a bus station is convenient to the subject property. This change in transportation infrastructure has made the subject property appropriate for Transit Oriented development. The proposed zone change will allow significant residential development (400-500 units) as part of a mixed-use development, helping to provide affordable housing that will support new commercial businesses in Provo.**

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

**Amending 14 acres of the SC3 zone to ITOD will encourage that quality residential development will be built as part of the mixed-use project.**

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

**The zone change helps to meet the following goals of the General Plan: Goal 1.4.3 to increase dispersal of affordable housing in Provo.**

**Goal 1.4.8 may be achieved by encouraging long-term residency and balanced neighborhoods.**

**Goal 3.4.5 is to encourage various types of housing and sufficient accommodations for people to work and live in Provo.**

- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.*

**This proposal is set to be developed in phases, with the commercial being established first, and then the residential. This will help to provide a desirable place for people to live in the new units that are built.**

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

**The proposed amendment should not have hindrance or obstruction to obtaining the goals of the General Plan.**

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

**Adverse impacts on adjacent land owners are mitigated by this proposal, since the neighboring property to the north will have less intense development with the ITOD zone than it could have had with the SC3 zone. There will be an increase of traffic to adjacent land owners, but this should also be mitigated by a planned out traffic flow and control plan.**

- (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 and do not need to be amended.**

- (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**

The proposal has benefits to Provo City, in that this zone change will first allow new development to start at "The Mix", and second, that the residential component of the development will be combined and well-regulated with the ITOD zone.

Phasing the plan with SC3 and ITOD development will allow the developer and City Staff to ensure that quality development occurs at this site, and the zone change to ITOD will also help to provide new areas for affordable housing to be built.

### **CONCLUSIONS**

The proposed zone change along with the Development Agreement will provide a way for the developer to move forward with "The Mix" and give assurances to the city that the right kind of mixed-use development occurs at this gateway site in the city.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of a zone change of 14 acres to the ITOD zone, with the following conditions:

1. That a signed Development Agreement with the conditions listed in this staff report shall be recorded in the office of the Utah County Recorder prior to any actual change in zoning.

**ATTACHMENTS**

- Proposed Zone Map Amendment

**ATTACHMENT 1 – PROPOSED ZONE MAP AMENDMENT**

