



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

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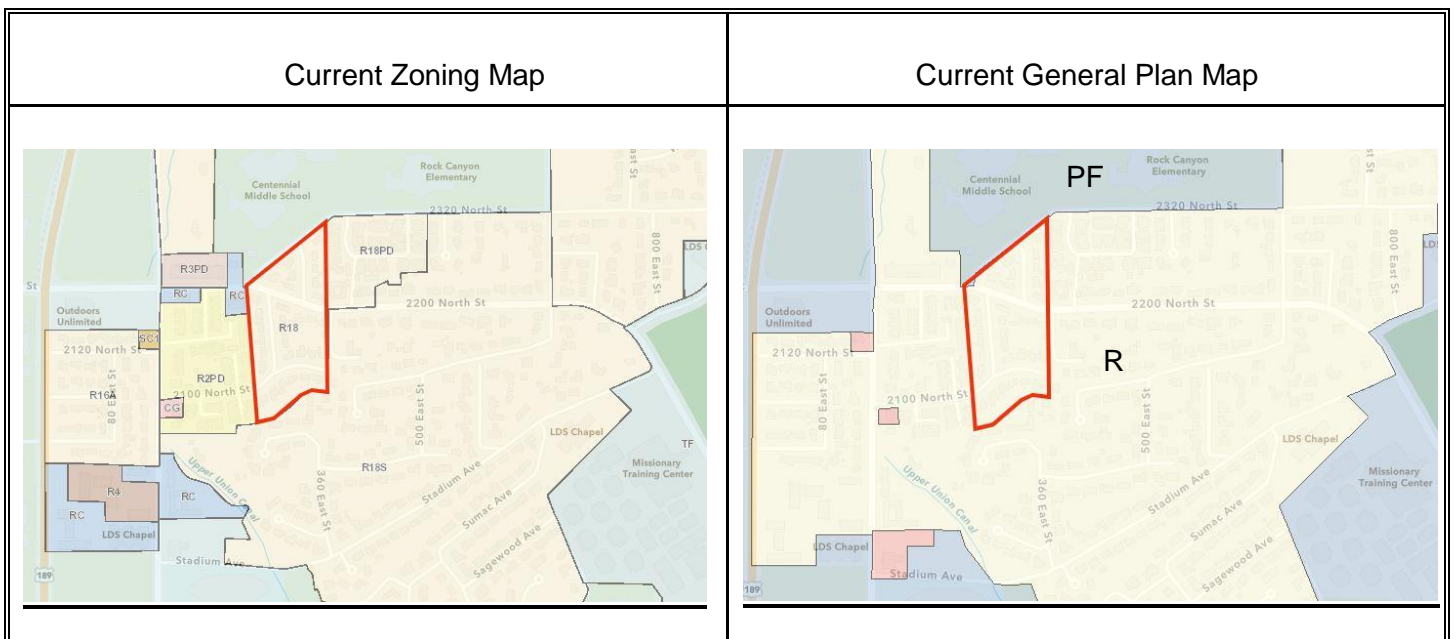
**\*Item 3 Kyle Wright requests the adoption of a S Overlay Zone in a R1.8 Zone located at approximately 244 E 2100 N. Pleasant View neighborhood. PLRZ20190094**

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<p>Applicant: Kyle R Wright</p> <p>Staff Coordinator: Dustin Wright</p> <p>Property Owner: Various</p> <p>Parcel ID#: 490580019, 490580020, 490580021, 490580022, 490580023, 490580024, 490580025, 490580026, 490580027, 490580028, 490580029, 490580030, 490580031, 490580032, 490580033, 490580018, 490580017, 490580016, 490580015, 490580014, 490580012, 490580013, 490580010, 490580011, 490580009, 490580008, 490580007, 490580006, 490580005, 490580004, 490580002, 490580001</p> <p>Number of Properties: 32</p> <p>Number of Lots: 32</p> <p>Council Action Required?: Yes</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <p>1. Recommend <b><u>denial</u></b> to the Municipal Council. <i>This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.</i></p> <p>2. <b><u>Continue</u></b> 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><b><u>Current Legal Use:</u></b> 32 residential single-family homes.</p> <p><b><u>Relevant History:</u></b></p> <p><b><u>Neighborhood Issues:</u></b> A neighborhood meeting was held on April 18, 2019 and discussed concerns about parking in the area, could increase the cost of homes, and enforcement issues.</p> <p><b><u>Summary of Key Issues:</u></b></p> <ul style="list-style-type: none"><li>• Area boundary to apply S Overlay and surrounding zones.</li><li>• Support received from the majority of the homeowners in the proposed rezone area.</li><li>• Pleasant View Neighborhood General Plan Policies.</li></ul> <p><b><u>Staff Recommendation:</u></b> That the Planning Commission recommend approval to the Municipal Council for the requested adoption of the S Overlay Zone for 32 parcels located at approximately 244 E 2100 N.</p>
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## **OVERVIEW**

The applicant is requesting the adoption of the Supplementary Residential Overlay to the existing R1.8 zone. The S Overlay would allow accessory apartments if the home is owner occupied. The applicant has received support from the majority of the residents in the proposed rezone area. The majority of homes in the Pleasant View neighborhood already have an “S” or “A” Overlay applied to them.



## **GENERAL PLAN POLICIES**

### 1.2.9 Key Land Use Policies (by Area and Neighborhood) – Pleasant View Neighborhood

#### 1. *Single-Family Homes*

... Promote owner occupancy throughout the single-family home areas of the neighborhood. Restrict the Supplementary Residential and Accessory overlay zones from expanding beyond the current boundaries. Continue enforcement of zoning laws to ensure public safety and the quality of residential properties...

Part of the stated policy is to promote owner occupancy while the other part is to restrict the Supplementary Residential and Accessory overlay zones from expanding beyond the current

boundaries. The Overlay zone would help to increase owner occupancy because that is the requirement to have the accessory apartment.

Should the City Council approve the requested overlay zone, staff would suggest that the second sentence, "Restrict the Supplementary Residential and Accessory overlay zones from expanding beyond the current boundaries" should be deleted from the General Plan.

### **FINDINGS OF FACT**

1. All 32 properties are currently zoned R1.8;
2. The area is designated as Residential on the General Plan Map;
3. A neighborhood meeting was held on April 18, 2019 to discuss this item;
4. Current amendments are being made to the Supplementary Overlay Zone;
5. The applicant has received some signatures from homeowners to support the Overlay for their properties.

### **ANALYSIS**

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: **(Staff responses in bolded)***

- (a) *Public purpose for the amendment in question. **The amendment in zoning would allow this area of the Pleasant View Neighborhood to be compatible with the majority of the neighborhood and help increase owner occupancy in the area.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **The applicant has stated that this will help simplify the boundary lines of the zones, encourage owner occupied dwellings, help young professionals overcome the high barriers to home ownership, and help provide options to solve the housing needs in Provo.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The stated policy in the General Plan under 1.2.9 would be in***

**conflict with the proposed amendment as it states that the Overlay zones should not be expanded in the neighborhood.**

- (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. **The General Plan specifies that the Overlay zone should not be expanded, but it would help in attaining an increase in owner occupancy.***
- (f) *Adverse impacts on adjacent land owners. **The proposed change would allow for an increase in individuals that could reside on a parcel of land. This would have increased traffic to the area.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **The zoning is correct.***
- (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 between the Map and Policies.***

## **CONCLUSIONS**

Staff finds that this proposal has support from many of the residents in the area and the Neighborhood Chair. The City may feel that an exception would be appropriate to the stated General Plan Policy to restrict future expansion of the Overlay zones in the neighborhood based on support received by neighbors and to help increase owner occupancy in the Pleasant View Neighborhood.

## **STAFF RECOMMENDATION**

Recommend approval to the Municipal Council for the requested adoption of the S Overlay Zone for 32 parcels located at approximately 244 E 2100 N.

## **ATTACHMENTS**

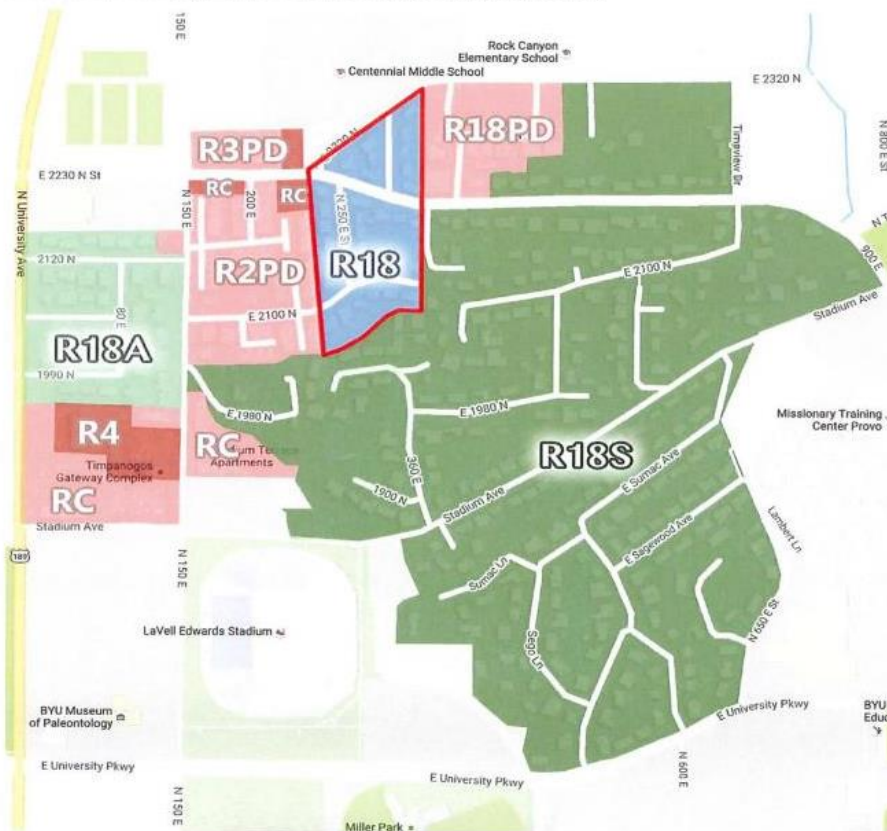
1. Applicant's Supporting Documents

I, Kyle Wright, along with 53% of the home owners in the R18 zone present to you a signed petition sheet desiring to have our R18 zone adopt the neighboring R18S "S overlay" allowing for accessory apartments. I expect additional homeowners that are currently renting their homes will also join in this effort as I continue to gather more support. As a part of the Pleasant View Neighborhood our R18 zone, consisting of 32 homes, is an island in a complex sea of zoning classifications that include apartment buildings, condos, townhomes and homes. Speaking on behalf of the majority of the R18 zone homeowners, we feel that our property values have been throttled. We also believe that by having the R18 zone adopt the neighboring "S overlay" it will,

- Simplify boundary lines
- Encourage owner occupied dwellings
- Help young professionals overcome the high barriers to home ownership
- Will also help with the massive need for housing in Provo.

### Boundary Lines

In the Pleasant View Neighborhood the R18 zone is surrounded by zones R18S, R18PD, RC and R2PD. Due to the complexity of the zones surrounding us, the boundary lines are confusing and have been an issue to prospective homeowners. By adopting the "S overlay" into the R18 zone, these confusing boundary lines will no longer divide the Pleasant View Neighborhood into small confusing zones.



### **Owner Occupied**

In the R18 zone, renters occupy approximately 50% of the households. Studies have shown that areas with a high percentage of non-owner occupied properties, the property values are lower and the area is not as stable in comparison to areas where the majority of homes are owner occupied. By adopting the neighboring "S overlay", owners would be encouraged to live in the home and offset some of the cost by renting an accessory apartment or to take advantage of the increased value and sell the home to someone who would be willing to occupy the home and rent an accessory apartment. Another benefit to having owners living in the zone is that the homeowner typically will maintain the property better than a renter, therefore increasing the property values and helping to keep Provo a truly beautiful city.

### **Overcoming High Barriers to Homeownership**

Along with the growth in the student body of the local universities, more out of state students are coming to live in Provo and Orem. Many of these students fall in love with this area and will stay and raise their families here. Young professionals are looking to move their small families out of apartments and into homes. By allowing the R18 zone to adopt the "S overlay", these professionals are more likely to overcome the difficulties of buying a home because they can offset the debt service by having an accessory apartment, therefore allowing them to plant roots in Provo and revitalize some of the older areas of Provo.

### **Need For Housing in Provo**

There is an increasing need for more housing in Provo. Provo residents continue to grow every year and the housing market will have to grow with it. Our single family R18 zone can be part of the solution by providing additional housing capacity.

Currently, I have contacted and secured the support of the majority of the zone, and they strongly support this change. I am confident that many of the owners I have not been able to contact will also support this change.

I respectfully request that you review this proposal and consider the advantages. I would gladly walk you through the area, introduce you to my neighbors and provide you with firsthand insights about how this change will strengthen my neighborhood.

### Pleasant Village Subdivision

32 homes are zoned single family residential use with minimum 8000 sq. ft. lots (R18)

Properties marked in yellow are NOT owner occupied (18 out of 32 homes)

See map below for map number locations

Version January 31, 2019

Map	Address	Owner	Last owner	Occupants/Notes
1	319 E 2200 NORTH	Mildred Roberta Ledford Deceased 2008	1981	Richard Ledford
2	2240 N 300 EAST	Shizuko N. Arizumi e/o JOSHUA ARIIZUMI 1428 CREEKSIDE CT NEWBERG, OR 97132	1999	
3	2256 N 300 EAST	Krista Thornock	2012	Lives in China
4	2270 N 300 EAST	Merice May Larsen	1993	
5	348 E 2320 NORTH	Sadikin Budiman PO BOX 67189 SCOTTS VALLEY, CA 95067	2013	
6	290 E 2320 NORTH	Thomas E. and Kathleen B. Carter 1496 CARLOS WAY UPLAND, CA 91786- 2464	2002	
7	2243 N 300 EAST	Sharon Jean Black	1983	
8	285 E 2200 NORTH	Norman M. and Hinemoa Soakai	1999	
9	245 E 2200 NORTH	Chew Lian and Jane C. Liao	2013	
10	244 E 2200 NORTH	Richard and Marilyn Brinton 536 11TH AV SALT LAKE CITY, UT 84103	2003	Michael
11	2175 N 250 EAST	Kerry L. Bock 1251 E ENCANTO ST MESA, AZ 85203- 5705	2006	
12	2159 N 250 EAST	Wilma P. Christensen Deceased 2011	1986	Paul and Doralice Christensen Family (Paul is son of Wilma) Kacey and Kimberly Larsen Curtis and Kathy Adams (Kathy is daughter of Wilma)
13	2143 N 250 EAST	Joseph M. and Amy B. Pyrah	2005	
14	2139 N 250 EAST	Duran A. and Elizabeth H. Lucas 68 HILLSIDE AV SALT LAKE CITY, UT 84103-4610	2001	
15	2127 N 250 EAST	MRB Provo LLC e/o DEBORAH LAVIN, 7896 SITIO MIRTO CARLSBAD, CA 92009	2012	2016 Notice of violation
16	226 E 2100 NORTH	C. Marcel and Monika S. Bowman	2016	
17	244 E 2100 NORTH	Kyle and Elizabeth Wright	1998	
18	260 E 2100 NORTH	Joseph Grant and Marilyn K. Stevenson	1999	
19	278 E 2100 NORTH	Mountainside Legacy Properties LLC 1575 ALDERWOOD CIR CORONA, CA 92881	2016	Chad Willardson purchased the property in 2014 and quit claimed the property to Mountainside Legacy Properties LLC in 2016. This kind of transaction (quit claim) is interpreted as Chad moving the property from his name to an LLC; Chad is most likely the owner of the LLC. The registered agent for the LLC is United States Corporation Agents with an address of 299 S MAIN ST STE 1300, Salt Lake City, UT 84111. The local address of the LLC is listed as 983 W 1055 N #801 Orem, UT 84057
20	296 E 2100 NORTH	Florence J. Hall, TEE	1985	
21	320 E 2100 NORTH	Mark M. and Deborah M. Andrus 450 E 1980 N PROVO, UT	2004	Shari
22	325 E 2100 NORTH	Jacques C. and Julie E. Du Plessis 5642 N ARGYLE AV GLENDALE, WI 53209	1995	
23	305 E 2100 NORTH	David B. and Jeanne L. Burnett	1999	
24	285 E 2100 NORTH	Larsens	1987	
25	269 E 2100 NORTH	Lynn Alder	1985	

26	2150 N 250 EAST	Benjamin Joseph Jensen and Natasha Martin	2016	
27	2160 N 250 EAST	Katia and Edgar Duarte	2010	
28	2174 N 250 EAST	Clifton P. and Elaine J. Conner	2016	Seth and Libby Bybee
29	280 E 2200 NORTH	Spencer Smith	2001	
30	306 E 2200 NORTH	Douglas K. and LaVon R. Nuttal, TEE	1982	
31	310 E 2200 NORTH	Michael D. and Rebekah Sellers	2002	
32	330 E 2200 NORTH	Spencer N. and Rachel Elizabeth Twelmyer	2016	

