



**Planning Commission Staff Report
Rezone**

Hearing Date: November 13, 2019

***ITEM #1 Daniel LaFontaine requests a Zone Change from R1.10 to Low Density Residential for 1.07 acres for a townhome development, located at 50 E 3900 N. Riverbottoms neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20190265**

<p>Applicant: Daniel LaFontaine</p> <p>Staff Coordinator: Aaron Ardmore</p> <p>Property Owner: Daniel LaFontaine</p> <p>Parcel ID#: 18:065:0152</p> <p>Current Zone: R1.10</p> <p>Proposed Zone: LDR</p> <p>General Plan Des.: Residential</p> <p>Acreage: 1.07</p> <p>Number of Properties: 1</p> <p>Number of Lots: 1</p> <p>Development Agreement Proffered: No</p> <p>Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. <u>Recommend Approval</u> of the proposed rezoning, as presented in the Staff Report or with changes. <i>This action would not be consistent with the recommendation of the Staff Report. Any changes should be stated with the motion.</i></p> <p>2. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is December 4th, 2019, 6:00 p.m.</i></p>	<p>Current Legal Use: The property currently has one detached single family home.</p> <p>Relevant History: The single-family home was historically accessed from the Canyon Cove neighborhood to the east, along 100 East. The Orchard Estates development to the north brought in a new access, 3900 North, from University Avenue. As part of that development the adjacent residents fought for single family homes along the new 3900 North, so that multi-family development would not be included or routed through Canyon Cove. Since that time there has been a new single-family subdivision on 70 East, and a new townhome development to the south; though the later does not include any access into the Canyon Cove Subdivision.</p> <p>Neighborhood Issues: The Canyon Cove portion of the Riverbottoms neighborhood has a long standing strategy of keeping commercial and multi-family development and traffic out of their neighborhood streets. The Chair has expressed concerns with now allowing a LDR zone into that neighborhood.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none"> • The request would allow 15 units per acre, compared to the current 4 per acre. • The neighborhood has opposed such development and opposes this zone change. • Staff does not feel that the zone is appropriate. <p>Staff Recommendation: That the Planning Commission recommend to the Municipal Council denial of the zone change request from R1.10 to LDR.</p>
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OVERVIEW

Daniel LaFontaine is requesting a zone change from the R1.10 (One-Family Residential) zone to the LDR (Low Density Residential) zone for his property at 50 East 3900 North. The proposal conceives of demolishing the existing home and building twelve townhomes on the site. The current zoning would allow the applicant four units by code, while approval of an LDR zone would allow for fifteen units.

The single family home that is currently on the property is accessed from 3900 North, a residential street that leads to the Raynola and Canyon Cove subdivisions. Both of these existing subdivisions are detached, single-family developments in the R1.10 zone. There have been two recent examples of how the residents of this area have been able to maintain this type of neighborhood. First, when the Orchard Estates project was built to the north and installed the 3900 North street, the neighborhood made sure to work with the developer and buffer Orchard Estates with a row of detached, single-family homes along 3900 North. Second, when the Olde Ivy development came in on the south, work was done to limit access to 3700 North and University Avenue; once again protecting the Canyon Cove neighborhood from increased traffic.

The General Plan designation of residential would seem to fit the proposed zone change. However, when looking closer at the General Plan Goals and Policies, staff finds that allowing this zone change would not sustain the neighborhoods distinct character nor encourage long-term residency in an established neighborhood.

GENERAL PLAN POLICIES

Chapter 3.3 – Vision:

2. Create and sustain neighborhoods of distinct character and a sense of place where families and individuals feel safe and want to and can remain.

Goal 3.4.2:

Protect existing owner-occupied housing and neighborhoods and encourage an increased percentage of owner-occupied or long-term residency housing in Provo neighborhoods.

FINDINGS OF FACT

1. The property is currently zoned R1.10.
2. The General Plan designates this property as Residential.

3. The zone change to the LDR zone includes a concept plan for 12 townhome units.

STAFF 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: (responses in bold)

- (a) *Public purpose for the amendment in question.*

Applicant may argue that the public purpose is to provide more affordable housing in this part of the City.

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

Staff feels that this zone is not appropriate at this location, and though a goal of providing more housing types throughout the City has value, alternative housing types have been provided in the immediate vicinity and in the larger area.

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

As stated above, staff feels that the proposed amendment does not fulfill the established goals to protect quality existing neighborhoods distinct character.

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

There is no such timing or sequencing provision that would apply to this proposal.

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

The proposed amendment could undo years of hard work to maintain the character and safety of the neighborhood while still allowing for development of neighboring properties, and may hinder goals of long-term residency.

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

Adverse impacts on the approval of this zone change would include increased traffic, decreased safety, and increased neighborhood transiency.

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

The General Plan and zoning have been verified for correctness.

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

There is no conflict.

CONCLUSIONS

Staff has reviewed this zone map amendment in relation to the area and the General Plan; and feels that due to previous commitments made by the neighborhood and by the city, multi-family development is not appropriate if accessed off of 3900 North Street. Staff would support a subdivision in the current R1.10 zone.

STAFF RECOMMENDATION

That the Planning Commission recommend to the Municipal Council denial of the zone change request from R1.10 to LDR.