



**Planning Commission Hearing
Staff Report
Hearing Date: November 13, 2019**

***ITEM # 3 Derrick Tornow requests a Zone Change from Residential Conservation (RC) to High Density Residential (HDR) for approximately .4 acres of property, located at 688 N 100 W. and Medium Density Residential (MDR) at 650 N 100 W and 69 W 700 N. North Park neighborhood. PLRZ20190173**

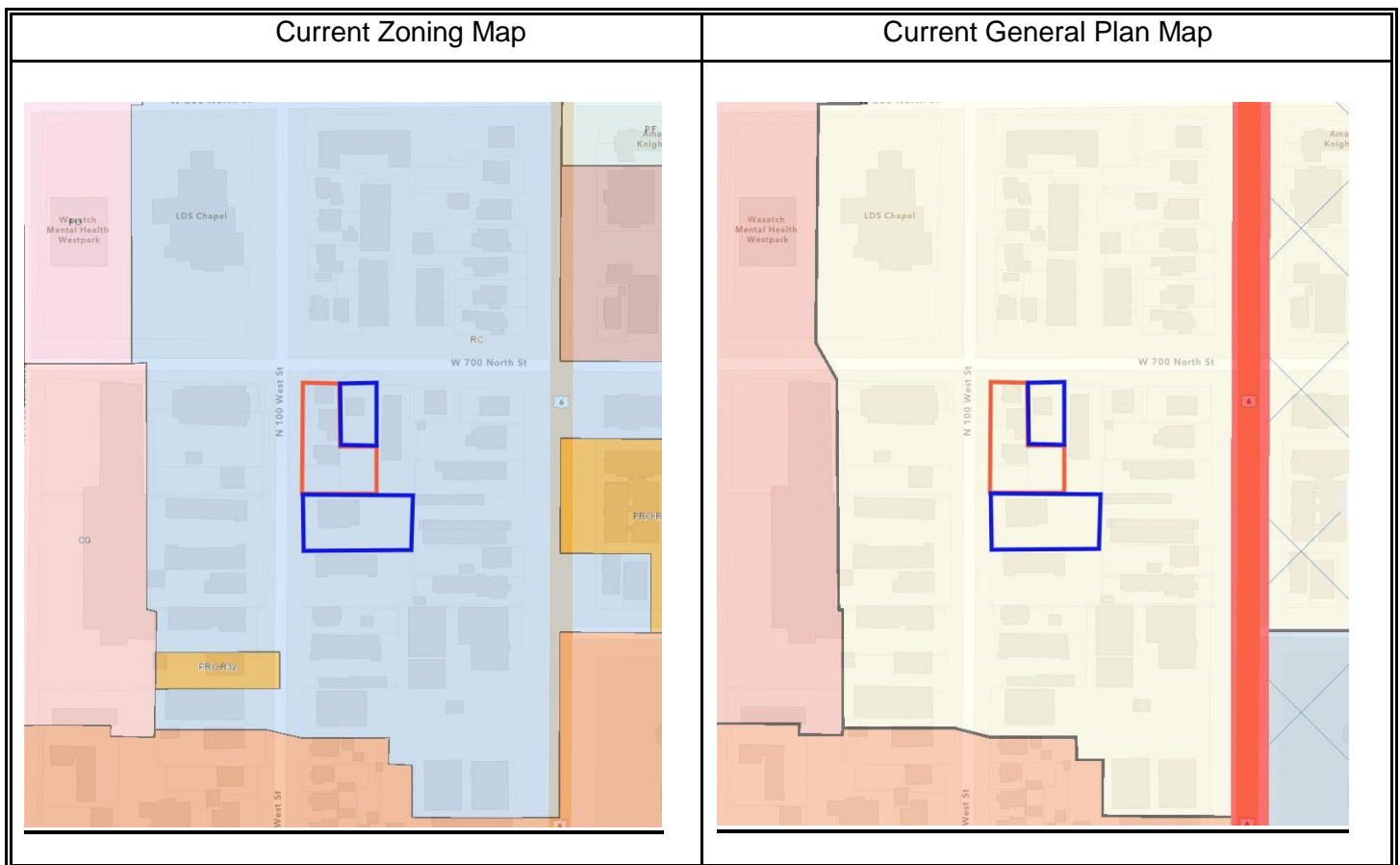
<p>Applicant: Derrick Tornow Staff Coordinator: Dustin Wright</p> <p>Property Owner: SS PROPS 7 LLC SS PROPS 6 LLC SS PROPS 8 LLC, SCOTT & SHONNIE TORNOW , 69 WEST LLC, SANDRA WALTERS (ET AL) Parcel ID#: 21:010:0033, 21:010:0048, 21:010:0066, 21:010:0067, 21:010:0068, 21:010:0037, 21:010:0079 Acreage: 0.45 Number of Properties: 7 Number of Lots: 7</p> <p>Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is December 4, 2019 6:00P.M.</i></p> <p>2. Recommend denial of the requested rezone. <i>This action <u>would not be consistent with the recommendations of the Staff Report.</u> The Planning Commission should <u>state new findings.</u></i></p>	<p>Current Legal Use: The properties are currently zoned RC and have residential homes and apartments.</p> <p>Relevant History: In 2002 these properties were placed in the RC zone. There is a concept plan PLCP20190158</p> <p>Neighborhood Issues: A neighborhood meeting was held. The neighborhood chair was supportive of higher density in this area.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none"> • Concept plan for the new HDR zoned parcels. • Existing structures on adjacent properties to remain, but be rezoned to MDR. <p>Staff Recommendation: Recommend approval of the proposed rezone from RC to HDR to the Municipal Council. <i>This action <u>would be consistent with the recommendations of the Staff Report.</u></i></p>
---	---

OVERVIEW

The applicant has requested to rezone some properties from Residential Conservation (RC) to High Density Residential (HDR) for new development and to rezone the adjacent parcels from RC to Medium Density Residential (MDR).

The proposed MDR properties are already developed. The reason that they are being included with this request is to provide a transitional zoning buffer between the proposed HDR zone and surrounding RC zoning so that a ten foot wide landscape buffer is not required. The majority of the block consists of apartment complexes with student housing but is all zoned RC.

The applicant feels that the highest and best use for his property would be multi-family housing due to the similarities of surrounding development and proximity to schools, work, public transportation and grocery stores. The applicant has met with the neighborhood about the proposed rezone and development.



GENERAL PLAN POLICIES

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 bold)***

- (a) *Public purpose for the amendment in question. **The proposed rezone will help provide new housing options close to BYU and downtown.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **There is a need to provided housing options for a growing population and student housing near campus.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The proposed rezone is consistent with the General Plan Map designation for Residential use. The rezone is in line with goal 3.4.5 in the General Plan to “encourage the development of various types of housing inventory to increase the health of existing neighborhoods while providing sufficient accommodations for people who want to work and live in Provo.” It will also help “reduce the exponential growth of automobile traffic” by providing infill development in close proximity to transit, schools, and jobs.***
- (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 request would be constant with timing and sequencing.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies. **Staff does not see that this would hinder or obstruct General Plan policies.***
- (f) *Adverse impacts on adjacent land owners. **There would be new residential units on the property that do not exist currently, so there would be an increase in traffic, but nothing substantial in new impacts to adjacent land owners.***

- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **The zoning and General Plan Map are 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 conflicts have been found.***

FINDINGS OF FACT

1. The existing zoning on all the parcels in this request is Residential Conservation.
2. Adjacent property owners have provided letters indicating their approval to have their property rezoned to a higher density zone.
3. The General Plan Map shows this area as a Residential designation.
4. The HDR and MDR zones are both residential zones and would comply with the General Plan designation.
5. The General Plan would not need to be amended as part of this rezone request.

STAFF ANALYSIS

This proposed rezone request would be compatible with the General Plan. Staff finds that there is general support from the neighborhood to allow higher density zoning on this block as there is currently multi-family housing on the majority of the block.

Rezoning the adjacent properties to MDR would be a more appropriate zone for those parcels and would make it so that there is not a need to have transitional setback requirements apply on the development in the proposed HDR.

CONCLUSIONS

Staff finds that the rezoning of the requested properties would help in achieving some of the goals in the General Plan as outlined in the staff report and is in an appropriate location for this type of land use.

STAFF RECOMMENDATION

Recommend approval of the proposed rezone to the City Council. *This action would be consistent with the recommendations of the Staff Report.*