

**\*ITEM # 5** Jeffrey Rands requests a Zone Change from R1.6A to Low Density Residential (LDR) to allow for subdivision of the property into two, single-family lots located at 734 W 300 S. Franklin Neighborhood. PLRZ20210059

**Applicant:** Jeffrey R. Rands

**Staff Coordinator:** Dustin Wright

**Property Owner:** Rands, Jeffrey & Lynnett

**Parcel ID#:** 04:034:0002

**Acreage:** 0.23

**Number of Properties:** 1

**Number of Lots:** 1

**Current Zone:** R1.6A

**Council Action:** Yes

**ALTERNATIVE ACTIONS**

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 12, 2021 at 6:00 p.m.*
2. **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 is currently used as a single-family home.

**Neighborhood Issues:**

The Neighborhood Chair did not hold a neighborhood meeting but had the proposed plan on the neighborhood Facebook page. No issues were reported to staff from the Neighborhood Chair.

**Summary of Key Issues:**

- No more than one single family home would be allowed on each lot in the LDR zone and would be consistent with the surrounding area.
- The existing garage will need to be moved so that it complies with the setback requirements.

**Staff Recommendation:**

Forward a recommendation for approval of the requested zone change from R1.6A to LDR. *This action would be consistent with the recommendations of the Staff Report.*

## **BACKGROUND**

The applicant is requesting to rezone his property from R1.6A to accommodate a subdivision of the property located at 734 W 300 S into two lots. The proposed lots would be smaller than the minimum lot size requirement of the existing zone so the rezone to LDR is needed to accommodate for the smaller lots. The existing single-family home would remain on one of the lots and the other lot would accommodate a new single-family home to be built.

## **ANALYSIS**

Sec. 14.020.020(2) establishes criteria for the amendments to the zoning title as follows:  
**(Staff response in bold type)**

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:

(a) Public purpose for the amendment in question.

**Staff response: The proposed amendment to the zoning map would accommodate additional single-family housing options without affecting existing housing.**

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

**Staff response: A new single-family lot will be created in an existing neighborhood. This purpose is supported by goals and policies in the General Plan.**

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

**Staff response: This property is in the “Central Area Neighborhoods” which has goals and polices that would be supported by this proposal. Section 1.2.9.1.b aims to establish one-family dwellings in this area. 1.2.9.5 promotes owner occupancy and compatible architecture and use with the surrounding area. The Franklin Neighborhood Plan focused proposed changes in zoning to areas under the Residential Conservation (RC) zone. Since this area in not currently zoned RC, the Future Land Use Map does not show any proposed changes to this area. It probably wouldn’t make sense to rezone an entire block from R1.6A to LDR in the neighborhood without amending the document, but a small infill parcel like this wouldn’t be necessary.**

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

articulated.

**Staff response: No issues with the articulated timing and sequencing of the General Plan.**

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

**Staff response: The proposed amendment would be a small change from the existing conditions. The land use is not changing, only a small increase in the density. Sometimes the question comes up with a rezone request of whether this would create a precedent for more properties to seek a change as well. The likelihood that this would happen is very low. This neighborhood is built-out and unique characteristics of this lot are the real reason a rezone works well for this specific property. Most lots are built to the minimum side yard and would not be able to accommodate a lot split.**

(f) Adverse impacts on adjacent land owners.

**Staff response: The proposed amendment would allow for an additional single-family home to be built on the block. This new home would generate a relatively small amount of added vehicular traffic and impact of a new structure adjacent to adjoining properties. Under the existing zoning the property owner could build an addition to the existing home that could be ten feet away from the property line. Under the proposed LDR zone, this building setback is eight feet. That impact is minimal.**

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

**Staff response: The original zoning and General Plan 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.

**Staff response: No conflicts exist between the map and plan in relation to the proposed amendment.**

### **FINDINGS OF FACT**

1. One-family dwellings are permitted uses in the LDR zone. 14.14A.020
2. Proposed lot sizes would not accommodate uses other than a detached single-family dwelling. 14.14A.030(1)
3. The proposed land use designation matches the General Plan designation for residential.
4. The proposed lots comply with the minimum lot area of 4,000 sq. ft. 14.14A.030(1)
5. The existing home complies with minimum lot standards in 14.14A.050.

6. The existing accessory structure on the proposed new lot does not comply with the setback requirements in 14.14A.050 and will need to be removed or relocated to comply with the code.

### **STAFF ANALYSIS**

Staff finds that the proposed change in zone would accommodate the creation of a new detached single-family residential lot that would be permitted in the proposed LDR zone. There is an existing accessory structure on the new lot that would need to be removed or relocated to comply with the setback requirements.

The size of the lots would not allow for anything other than a detached single-family home and there would be no need for a development agreement to limit future development to what is being proposed by the applicant.

The General Plan Map designates residential use at this location. The proposed use is residential and would comply with the General Plan. The Franklin Neighborhood Plan is an appendix in the General Plan and has a future land use map that does not propose a change in this area. One of the focus points in that map was to show how property that is currently zoned RC would redevelop over time. Since this property was not zoned RC, there was not proposed change.

The unique characteristics of this lot having a large side yard on one side and enough area to accommodate a new lot without having to demolish an existing home set it apart from other properties in the area. The other properties do not typically share these same characteristics and therefore would not set some precedent for them to request a similar amendment.

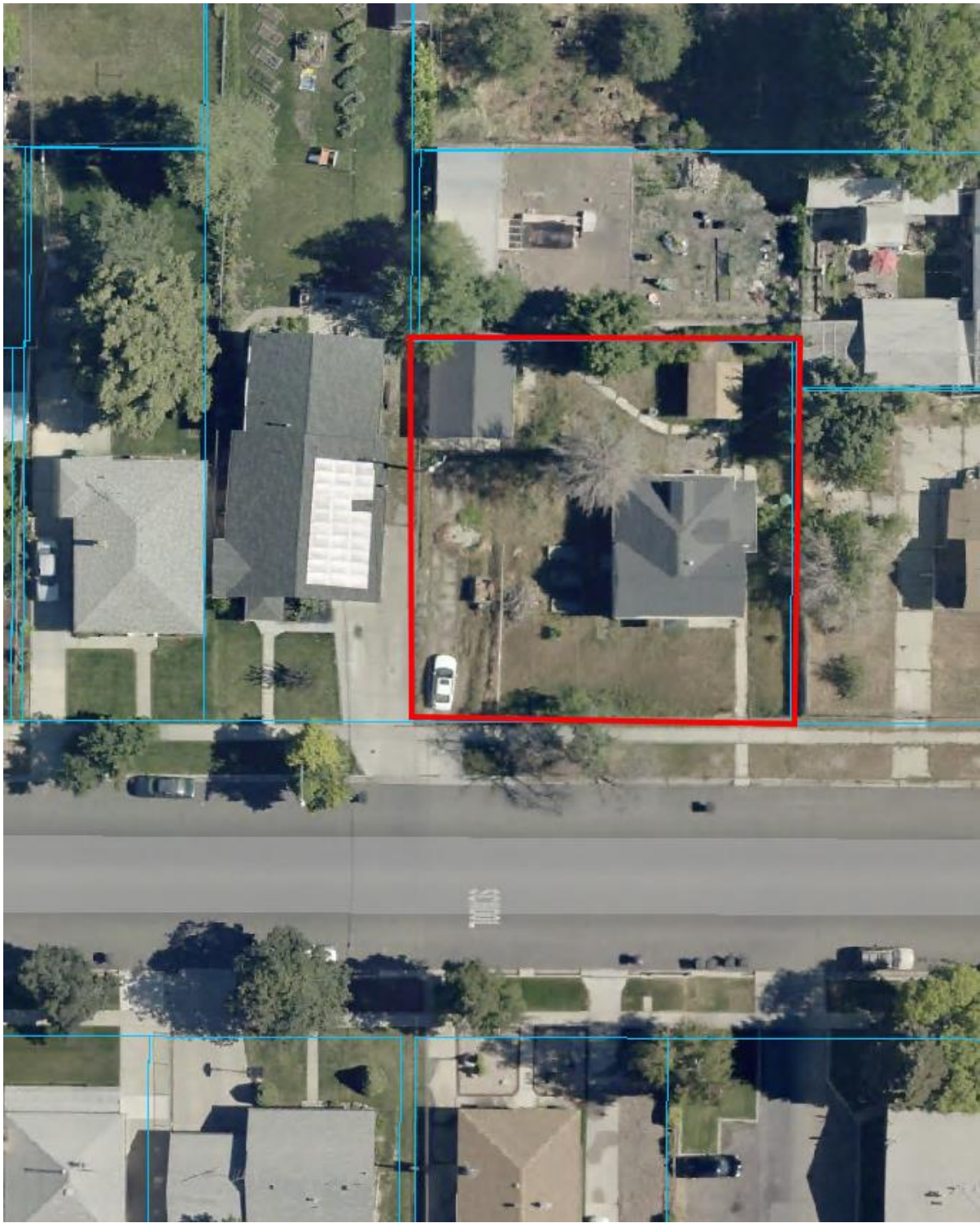
### **STAFF RECOMMENDATION**

Forward a recommendation for approval of the requested zone change from R1.6A to LDR. *This action would be consistent with the recommendations of the Staff Report.*

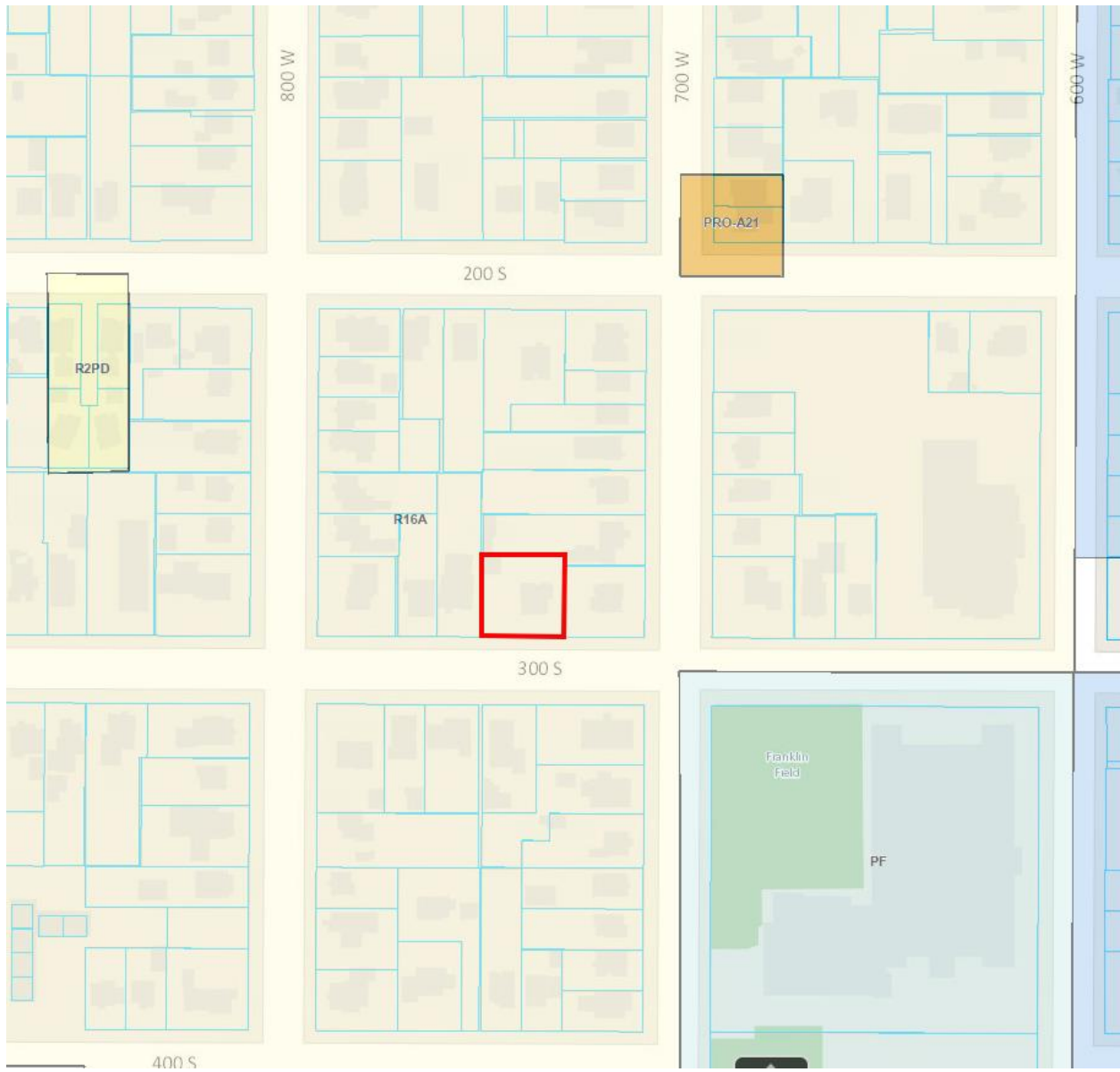
### **ATTACHMENTS**

1. **Aerial of Site**
2. **Current Zone Map**
3. **General Plan Map**

Attachment 1 – Aerial of Site



Attachment 2 – Current Zone Map



Attachment 3 – General Plan Map

