

ITEM # 6* Jason Bennett requests a Zone Change from A1.10 and A1.5 to R1.8 for 68 single-family lots, and from A1.5 and A1.10 to the RA Zone for 1 lot, located at approximately 200 N Lakeshore Drive. Fort Utah Neighborhood. Brandon Larsen (801) 852-6408 jblarsen@provo.org PLRZ20210049

<p>Applicant: Jason Bennett</p> <p>Staff Coordinator: Brandon Larsen</p> <p>Property Owner: Forward Development Group, LLC, et al.</p> <p>Parcel ID#: 21:0290063, 210290078, 210290063, 210290080, 210220176, 210220182, 210220168, 210220154, and 210220155</p> <p>General Plan Designation & Southwest Area Future Land Use Designation: Residential</p> <p>Current Zoning: A1.10 and A1.5 (Agricultural Zones)</p> <p>Proposed Zoning: R1.8 (Single-Family Residential Zone for 68 lots) and RA (Residential Agricultural for one lot)</p> <p>Acreage: Approximately 23.5</p> <p>Number of Properties: 10</p> <p>ALTERNATIVE ACTIONS</p> <ol style="list-style-type: none"> Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is June 23, 2021, 6:00 P.M.</i> Recommend Denial of the proposed zone map amendment. <i>This action <u>would not be consistent with the recommendations in the Staff Report.</u> The Planning Commission should <u>state new findings</u>, if they act to recommend denial.</i> 	<p>Current Legal Use: Agricultural land</p> <p>Relevant History: The historic use of the subject property is agriculture. The property has been sold for development purposes.</p> <p>Neighborhood Issues: Two (2) neighborhood (Fort Utah) meetings were held (one on May 6, 2021, and the other March 25, 2021). Strong neighborhood support for the proposed rezone and originally proposed development, consisting exclusively of single-family lots, were expressed at both meetings. At the May 6, 2021, neighborhood meeting, the developer presented two (2) additional development concept plans. One of the additional plans called for a mix of single-family lots and townhomes. The other additional plan was mainly single-family lots with a small number of multiple-family mansion homes interspersed through the development.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none"> The proposal could facilitate the development of many detached, single-family dwellings on the westside of the City. The proposal is in harmony with the General Plan Map and Southwest Future Land Use Map land use designations. It closely aligns with the Westside Development Policies. <p>Staff Recommendation: Staff recommends that the Planning Commission forward a positive recommendation to the Municipal Council for a zone change from the A1.5 and A1.10 Zones to the R1.8 Zone for 68-single-family lots, and the RA Zone for one (1) single-family lot.</p>
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OVERVIEW

The applicant proposes R1.8 zoning for the 23+ acre subject property to develop 69 single-family lots (one lot is proposed to be zoned RA or Residential Agricultural) near 200 N and Lakeshore Drive. The subject land has historically been used for agricultural use. The subject property is bounded on the north by the Provo River and on the south and east by residential development. Agricultural land and the Provo River lie to the west of the property. A park is proposed for land north of the development and west of Lakeshore Dr. West, beyond the Provo River, the land lies in unincorporated Utah County.

Land lying west and south of the proposed rezone area has agricultural and residential agricultural zoning. The vast majority of land lying east and northeast of the subject land has single-family residential zoning (R1.8 and R1.10). The land lying directly north of the property has agricultural zoning.

The subject property lies in a highwater table area, and a small portion of the land (lying near the Provo River) appears to lie in the one-hundred-year floodplain.

The application would like to establish 69 single-family dwelling sites on the land. These lots range in size from approximately 8300 SF to an acre.

GENERAL PLAN POLICIES

The subject property has a Residential land use designation both on the General Plan Map and the Southwest Area Future Land Use Map. The General Plan Map does not prescribe a specific type of residential use, nor does it prescribe a certain density. The Southwest Area Future Land Use Map appears to call for R1 zoning developed on a net density basis. Policy 3f of the Southwest Area Guiding Principles, Policies and Goals states: "The overall density of the area should average four units to the acre." Taking this General Plan policy in concert with the previously mentioned Southwest Area Future Land Use policy, it appears development on the property should occur at a net density of four (4) units per acre.

Again, the applicant is asking for the R1.8 Zone to develop 68 single-family lots and the RA Zone for one (1) lot. The net density of his conceptual development is 3.72 lots per acre. The applicant's zoning request appears to be in harmony with the policies and land use designations noted above.

Staff also notes Policy 6a of the General Plan, which states: "The full block should be considered when rezoning away from agricultural uses." This proposal calls for rezoning this property from agricultural use to single-family use. The associated concept plan appears to consider all of the land along Lakeshore Drive, except the proposed park—from Provo River on the north to the adjacent subdivision on the south—and all the land from Provo River (and the future section of Lakeview Parkway) on the west to the single-family development to the east. So, it appears this rezoning would be in harmony with the policy to consider the whole block with agricultural rezones.

Westside Development Policies were recommended by the Westside Planning Committee in February 2017. These policies have been adopted by the City Council and included in Section 1.2.9 of the General Plan. The purpose of these policies is to "promote a smart, sustainable, vibrant community...while respecting Provo's agricultural heritage." Staff would like to briefly highlight a few of these policies and consider them in relation to the proposal.

- Policy 1: *“Preserve Provo’s agricultural heritage and support agriculture for as long as farmers choose to farm.”*
 - The former property owner(s) appeared to hold the land for decades utilizing it for agricultural use. However, it was recently sold for development purposes.
- Sub-policy 2b: *“Preserve and develop natural amenities for sustained enjoyment by the community. Examples include the Provo River and banks, the Provo River Delta, Utah Lake shoreline, and wetlands.”*
 - The applicant has submitted a conceptual development proposal in connection with his rezone application. This conceptual development does appear to include a couple of connections through the development to Provo River, but no trail dedication appears to be proposed. The Provo Parks and Recreation Department (P&R) recently expressed a desire for a trail dedication to not be required, by the City, for a property, along the Provo River, and about 800 feet southwest of the subject property. P&R raised entanglements with the Provo River Delta restoration project, and questions about the governmental entity responsible for trail maintenance along certain portions of the Provo River Trail, as reasons for encouraging the City to not accept a recent proposed trail dedication.
- Sub-policy 3a: *“Establish ordinances to require a mix of housing types, lot sizes, and designs to accommodate various stages of life.”*
 - The associated concept plan includes a mix of lot sizes. No lot is smaller than approximately 8300 SF. Also, the conceptual single-family development does not propose a mix of housing types. Staff notes this sub-policy does not state that every development should have a mix of housing type; the policy is quiet on an area of application for this policy, other than it being applicable to the Southwest Area Neighborhoods. Fort Utah Neighborhood Chair, Jonathon Hill, has explained in public meetings that his neighborhood is planned to have a mix of housing types and uses. Staff notes the existing and proposed MDR zoning and mixed uses proposed near the I-15 and the intersection of Geneva Road and Center Street. Further, the Fort Utah Neighborhood has been very vocal about their desire for a single-family development on the subject property.
- Sub-policy 3b: *“Detached single-family homes should be the predominant housing type and the use of other types should augment and not detract from the single-family feel of the area.”*
 - The proposed concept plan includes detached single-family homes exclusively. The applicant did prepare an alternative plan that included a small number of mansion home (multi-family dwelling units) interspersed through the conceptual development. The neighborhood was not supportive, but it offered a mix of housing, while seemingly not detracting from the single-family feel of the area. This alternative may be worth more consideration, but, again, staff does not see a policy that requires separate developments to contain mixed housing types.
- Sub-policy 6d: *“Development may be limited or deferred depending on the availability of adequate municipal infrastructure (such as sewer, storm drainage, water, etc.).”*
 - Sewer infrastructure is limited in this area of the City. The applicant’s conceptual development includes a phasing plan, which divides the development into three (3) phases. The phases appear to be in-line with the provision in Subsection 15.03.105(1)(d), Provo City Code, that restricts sewer connections to no more than

40 for new developments west of 1-15, and other certain areas of the City (phased developments may be allocated additional connections).

Staff believes the proposed rezone is in harmony with the General Plan Map and Southwest Future Land Use Map land use designations. Landowners that conducted agricultural uses on the subject property have chosen to no longer engage in those uses and sell the land. The associated concept plan proposes a detached, single-family development and no other housing types. Again, the policy calls for a mix of housing types, but it is silent on the area where the mix should occur. We do know the policy is applicable to the southwest neighborhoods. An alternative plan exists that may more closely line-up with the Westside Development Policies, but this plan is not supported by the neighborhood. The neighborhood desires a detached, single-family development for the subject property.

Concept plans are conceptual and can change at the development application stage. Zone designations are only changed by the City Council. Staff believes careful consideration should be given to the question: Does the proposed zone designation make sense for the subject property and is the designation in harmony with adopted policies of the City?

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.

The public purpose is providing additional zoning to facilitate additional detached, single-family dwellings.

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

Provo City has approved hundreds of apartments and townhomes, but the number of detached, single-family developments have been small in comparison. There is a great need for additional detached, single-family homes.

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

This proposed zoning designation is in harmony with the General Plan Map and the Southwest Future Land Use Map. The Westside Development Policies call for a mix of housing types, but the document does not establish the area that must have a mix. Further,

there is no ordinance that requires a mix of housing types. The associated concept plan does not include a mix of housing types.

(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 is not aware of a timing and sequencing issue with the proposed zone amendment. Availability of sewer will impact future development on this property.

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

This proposal appears to be in harmony with the General Plan Map and the Southwest Future Land Use Map. While not providing a mix of housing types, it closely aligns with the Westside Development Policies.

(f) Adverse impacts on adjacent landowners.

This proposal will contribute to the further decline of agricultural production in the area.

(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.

The General Plan Map and policies appear to substantially support this proposal.

STAFF ANALYSIS and CONCLUSION

The proposed rezone is in harmony with the General Plan Map and Southwest Future Land Use Map land use designations. It closely aligns with the Westside Development Policies. The proposal will help facilitate the construction of a housing type that has seen limited growth in the City for many years. There is a great demand for detached, one-family dwellings.

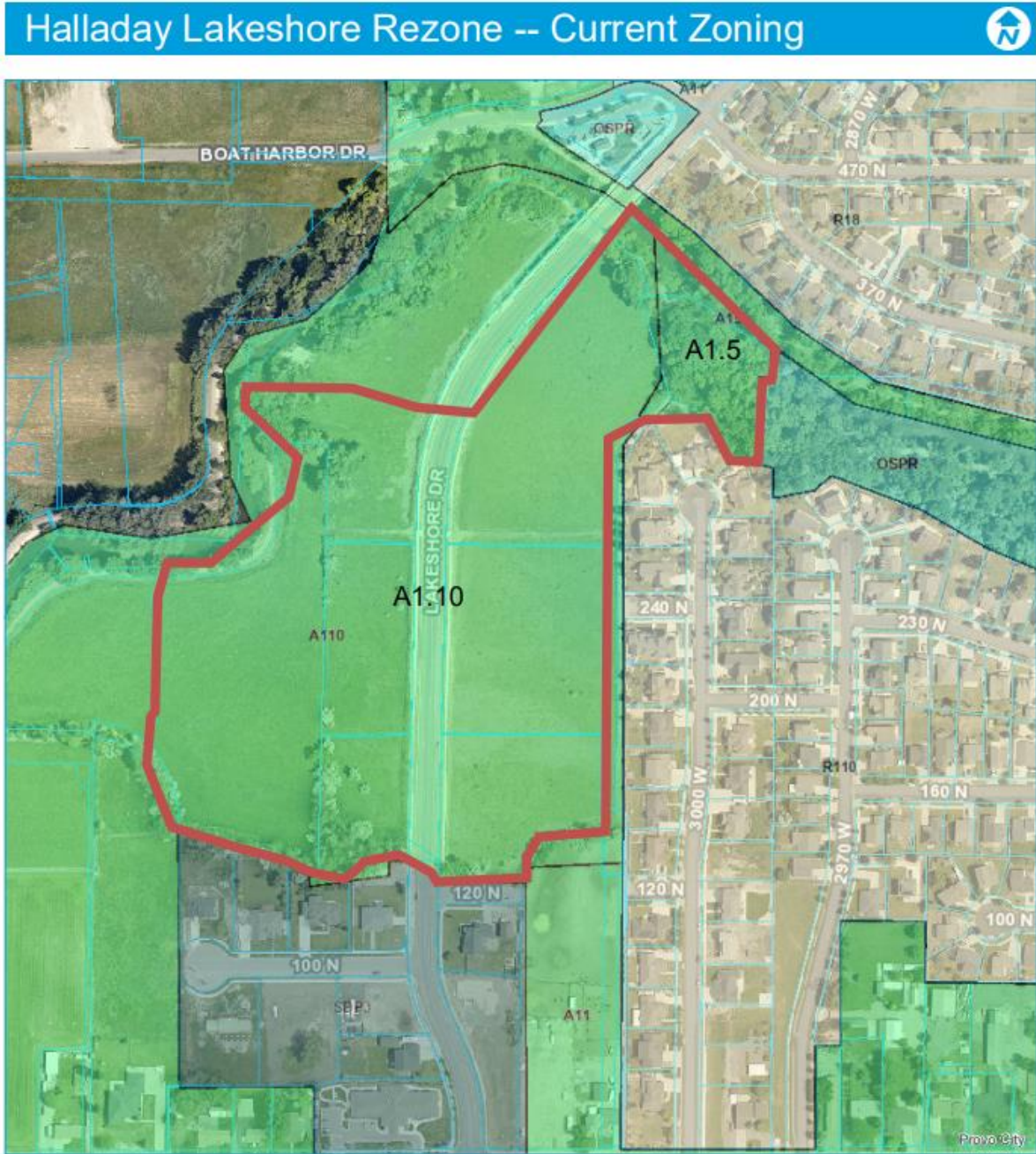
STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation to the Municipal Council for a zone change from the A1.5 and A1.10 Zones to the R1.8 Zone for 68-single-family lots, and the RA Zone for one (1) single-family lot.

ATTACHMENTS

1. Current Zoning
2. Proposed Zoning
3. Concept Plan

ATTACHMENT – Current Zoning



ATTACHMENT – Proposed Zoning



