

***Item # 2** Dan Vowles requests a General Plan Map Amendment within the Joaquin Neighborhood Plan (Appendix H1) to change the Future Land Use Map (Figure 3.3) from the RC designation to the HDR designation, in order to then rezone and build an apartment building located at 313 East 200 North. Currently in the RC (Residential Conservation) zone. Joaquin Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org
PLGPA20220315

Applicant: Dan Vowles
Staff Coordinator: Dustin Wright

Property Owner: S & R 313 LLC
Parcel ID#: 05:033:0008 & 05:033:0009
Number of Properties: 2
Acreage: 0.45

Current Zone: RC
Current Designation: RC
Proposed Designation: HDR (High Density Residential)

Council Action Required: Yes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider the information presented. *The next available meeting date is January 14, 2023 at 6:00 p.m.*
2. **Recommend approval** of the requested General Plan Map Amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Current Legal Use:

The properties are zoned RC and one has a tri-plex and the other has a single-family home.

Relevant History:

The applicant is looking to develop this property with an apartment building. He has submitted a rezone application and a concept plan application. Staff informed him that the General Plan did not support this type of development. This application is for amending the General Plan Map for this area so they can then move forward with the Rezone and Concept Plan applications.

Neighborhood Issues:

A neighborhood meeting was held for the rezone application on May 26, 2022, and multiple comments have also been posted to Open City Hall. Some comments support this type of development in this location, while others are opposed to it and reference the efforts in the Joaquin Neighborhood Plan to protect the single-family designation in this area.

Summary of Key Issues:

The applicant desires to increase density on a property, but the General Plan does not support this increase. They would like to have it amended so the proposed density increase may be approved. The neighborhood has areas where this type of development would be supported north of 500 N., but at this location the goal is to maintain the existing densities and single-family homes.

Staff Recommendation:

That the Planning Commission recommend denial to the Municipal Council for the proposed General Plan Map Amendment from RC to HDR located at 313 E. 200 N.

BACKGROUND

The applicant is requesting a General Plan Map amendment to support a proposed zone change to allow for a new apartment building to be constructed. The Future Land Use Map, in the Joaquin Neighborhood Plan, has this area designated as Residential Conservation (RC).

The purpose of the Future Land Use Map is to help guide land-use decisions to achieve a larger purpose in the neighborhood. The larger neighborhood goal is to allow for higher-density housing to be located closer to the University campus in the northern portion of the neighborhood and to protect the historic character of single-family housing below 500 North.

The surrounding properties are zoned RC on the zoning map and designated as RC on the Future Land Use Map in the neighborhood plan just like the subject property is. There is a range of housing types in the general vicinity ranging from single-family to apartments.

ANALYSIS

Based on the Joaquin Neighborhood Plan the city pre-zoned approximately 70 acres for Campus Mixed-use (CMU). The Neighborhood Plan also calls for approximately 35 acres of High Density Residential (HDR) and approximately 35 acres of Medium Density Residential (MDR). Because the Joaquin neighborhood was very generous in allowing for higher densities north of 500 North, it was agreed that south of 500 North should be protected from high-density zone changes. This agreement is represented by the housing designations illustrated on the Future Land Use Map.

Based on this, the staff believes the Neighborhood Plan is justified, sensible and should be followed. Staff would agree that if the only factor considered was surrounding land uses, there is some justification for the requested General Plan Map amendment being requested, but the neighborhood planning process took many other factors into consideration.

Sec. 14.02.020(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 public purpose is to establish and maintain the proper land uses in a coordinated manner within the neighborhood.

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

Staff response: The proposed amendment to the Future Land Use map would not be consistent with the general plan to focus higher density development near the University and protect the remaining single-family and lower density housing south of 500 N.

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

Staff response: The location of the proposed amendment is several blocks away from the transition area of higher density to lower density. In section 3 of the plan, it states that “The goal of the future land use map is to create a smooth transition from the student housing near BYU to the single-family homes on Center Street. This transition should create a healthy diversity of housing types and uses within the neighborhood, and create a desirable place to live.” The transition is 500 N. and the location of the proposed amendment should be a single-family type density.

(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: Public Works’ review comments from this application indicated that allowing HDR in this area would create future problems with the utilities in the area even with upsizing mains on 200 N. and 300 E.

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

Staff response: The goals and policies in the Neighborhood Plan will be impacted with major changes to the Future Land Use Map. The map helps guide development of land to provide specific outcomes.

(f) Adverse impacts on adjacent landowners.

Staff response: If the designation is changed, then it will lead to high density apartments which will bring an increase in traffic and taller buildings than what exists now.

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

Staff response: Staff has verified that the existing map in the Neighborhood Plan would need to be amended for the applicant proposed land use to match.

(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: The proposal is to amend the map.

CONCLUSION

Based on the information provided in this staff report, staff believes that the requested General Plan Map amendment is not justified and that the Planning Commission should recommend to the Municipal Council denial of the request.

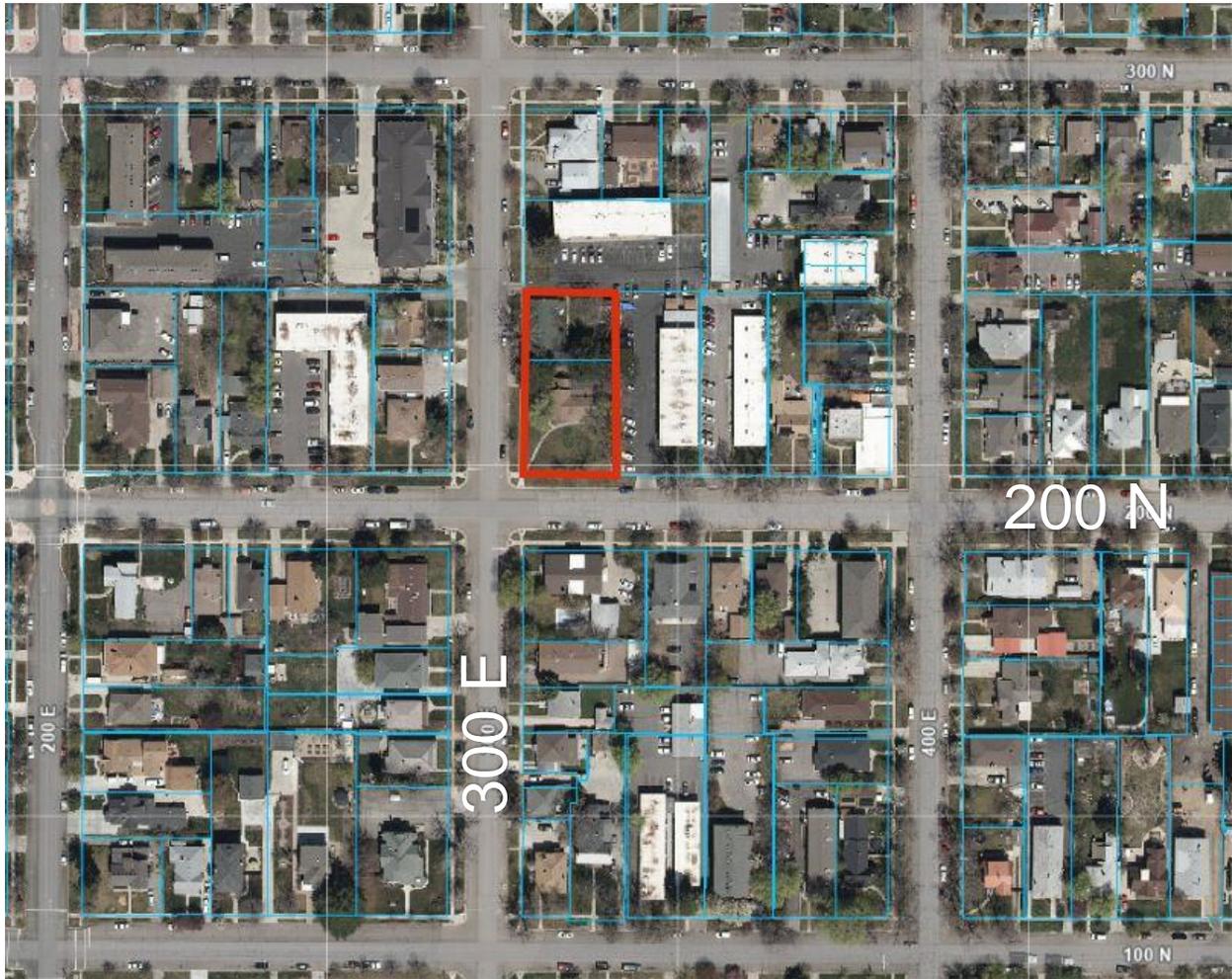
STAFF RECOMMENDATION

That the Planning Commission recommend denial to the Municipal Council for the proposed General Plan Map Amendment from RC to HDR located at 313 E. 200 N.

ATTACHMENTS

1. Aerial of Site
2. Current Zone Map
3. General Plan Map
4. Public Works Staff Report

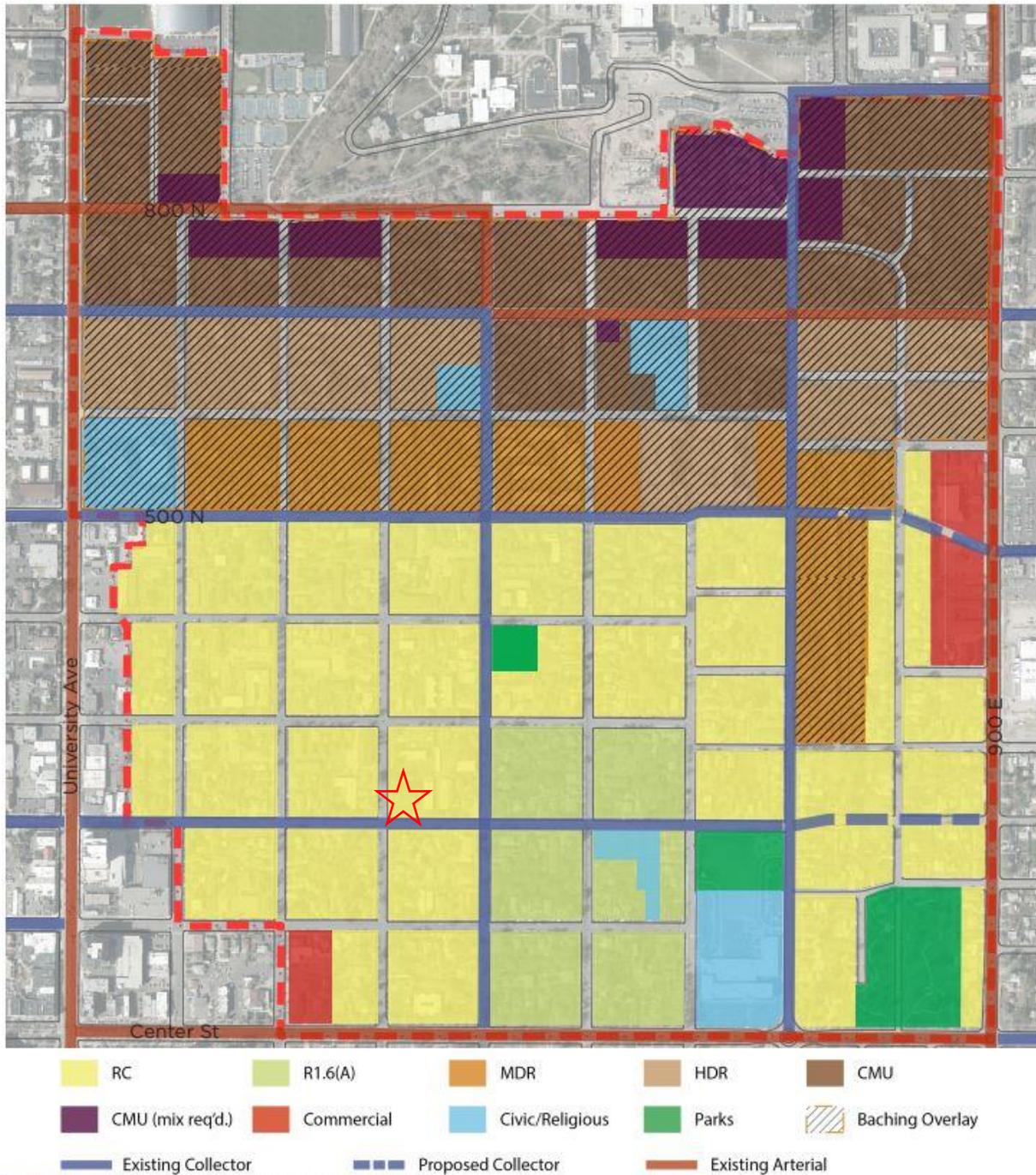
Attachment 1 – Aerial of Site



Attachment 2 – Current Zone Map



Attachment 3 – General Plan Map



Attachment 4 – Public Works Staff Report



PUBLIC WORKS
TEL 801 852 6780
1377 S 350 E
PROVO, UT 84606

Public Works Staff Report

Hearing Date: 12/7/2022

General Plan Map Amendment within the Joaquin Neighborhood from the RC designation to the HDR.

Item #2 Summary:

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Staff Recommendation:

Public Works staff has major utility capacity concerns with the requested action.

Dave Decker, Public Works Director
David Day, Development Engineering Coordinator