DEVELOPMENT SERVICES

Planning Commission Hearing Staff Report
Hearing Date: March 13, 2024

ITEM 2 David Pitcher requests a Zone Map Amendment from the A1.5 (Agricultural) Zone to the R1.6 (One Family Residential) Zone in order to create 38 new residential lots, located approximately at 1098 N Geneva Road. Lakeview North Neighborhood. Nancy Robison (801) 852-6417 nrobison@provo.org PLRZ20230227

Applicant: David L Pitcher

Staff Coordinator: Nancy Robison

Property Owners: COLLEDGE, ANN N (ET AL) BEUKERS, DAVID & KATHERINE, and VANWAGENEN, MARK S.

Parcel ID#: 19:048:0026, 19:048:0031, 19:048:0039

Acreage: 12.17

Number of Properties: 3

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is March 27, 2024 at 6:00 P.M.*

2. **Deny** the requested variance. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Current Legal Use: The current legal use is a single-family home.

Relevant History: The current zone for these properties is Agricultural (A1.5) Daivd Pitcher is working with the property owners to create a plan for a neighborhood with 38 single family lots. Staff and the applicant have worked through a number of revisions between October 2023-February 2024. The applicant has come up with a concept plan to create these additional lots with the rezone request to the R1.6 zone.

Neighborhood Issues: A Neighborhood meeting was held on October 12th, 2023. The residents did have some concerns about this growth in the area (Neighborhood meeting minutes attached)

Summary of Key Issues:

- The current zone only allows one single family home on each of the lots.
- One lot is landlocked and does not have access to Geneva Road.
- The general plan suggests the residential density for the west side of Provo at three lots per acre.
- With 12.17 acres, this concept plan is currently at 3.12 lots per acre.
- The neighborhood directly to the north is zoned R2PD, with twin homes.

Staff Recommendation: Staff recommends that the Planning Commission recommend approval of the zone map amendment to the City Council.

OVERVIEW

David Pitcher is requesting approval of a concept plan to create a 38-lot subdivision adjacent to Geneva Rd at approximately 1098 north. The current zone is Agricultural (A1.5). There is a single-family home at 1138 N Geneva Rd, in addition to a barn and a couple of sheds. There is an additional single-family home at 1098 N Geneva Rd with a detached garage. The third property is landlocked and does not have access to Geneva Road and there are no structures on this property.

The neighborhood would have one access point on Geneva Road. Additionally, they would connect to the neighborhood on the north at 2430 West and Reese Drive. The property to the north is zoned R2PD with twin homes and a Performance Development Overlay. The property to the south is A1.5, to the east is Freeway Industrial (FI) and to the west there are A1.1 and R1.8 zones.

There was a neighborhood meeting held and the residents were concerned about access onto Geneva Road, including increased traffic. They asked if there will be traffic signals, what kind of sewer and storm drain improvements would be made, and what would be the future of the canal to the west of the property. There were also questions about the project having road access to lead to future development to the south, and if the rezone should be RA (Residential Agricultural) for property owners to maintain agricultural rights.

The General Plan suggests that the residential density for the west side of Provo be held at three (3) units per acre. The area of this proposed development is 12.17, equating to 3.12 units per acre.

STAFF ANALYSIS

In analyzing any rezone request for housing, staff is encouraged to reference the questions asked in on page 45 of the General Plan (Chapter 4 – Housing). Those questions are as follows: (**staff response in bold**)

- Would the rezone promote one of the top 3 housing strategies (promote a mix of home types, sizes, and price points; support zoning to promote ADUs and infill development; recognize the value of single-family neighborhoods)? **Single family homes in this neighborhood can be a mix of types. Because of the size of the lots, the homes would be smaller but could still accommodate ADU's. The plan does not address infill development since it is a rezone of agricultural property. The third strategy is met by the proposal as the plan exists with only single-family homes.**

- Are utilities and streets currently within 300 feet of the property proposed for rezone? **Yes, access and utilities would come from Geneva Road, 2430 West and Reese Dr.**

- Would the rezone exclude land that is currently being used for agricultural use? **The land is currently zoned Agriculture 1.5**

- Does the rezone facilitate housing that has reasonable proximity (1/2 mile) to public transit stops or stations **There is a bus stop just over ½ mile away.**

- Does the rezone encourage development of environmentally or geologically sensitive, or fire or flood prone, lands? **No, the land does not contain any hazards.**

- Would the proposed rezone facilitate the increase of on-street parking within 500 feet of the subject property? **No, the proposal has sufficient off-street parking for the number of proposed units to meet code and keep vehicles off the streets.**

- Would the rezone facilitate a housing development where most of the housing units are owner-occupied? Is that applicant willing to guarantee such? **Yes, the proposed development would be single family homes.**

- Would the proposed rezone facilitate a housing development where at least 10% of the housing units are attainable to those making 50-79% AMI? **Potentially, because of the option of ADU's. The applicant hasn't proposed any type of affordable units.**

Section 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 public purpose for the request is to provide additional residential lots on the west side of Provo.

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

Staff response: Staff believes that the proposed zone change, and related concept plan do help to meet the stated purposes above.

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

Staff response: Chapter Four identifies goals for housing related to the proposal, including "allow for different types of housing in neighborhoods and allow for a mix of home sizes at different price points." Although there may not be a great mix of home sizes, the fact that the lots are smaller would allow a lower price point for single family homes in the Provo area.

> (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: There are no timing and sequencing provisions articulated for this property.

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

Staff response: The proposed zone change will not hinder or obstruct attainment of the General Plan policies.

(f) Adverse impacts on adjacent landowners.

Staff response: The only impact associated with this request to the surrounding properties would be an increase in traffic in the area.

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

Staff response: Staff has verified the correctness of the General Plan and zoning for this area.

(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: Staff has found no such conflict.

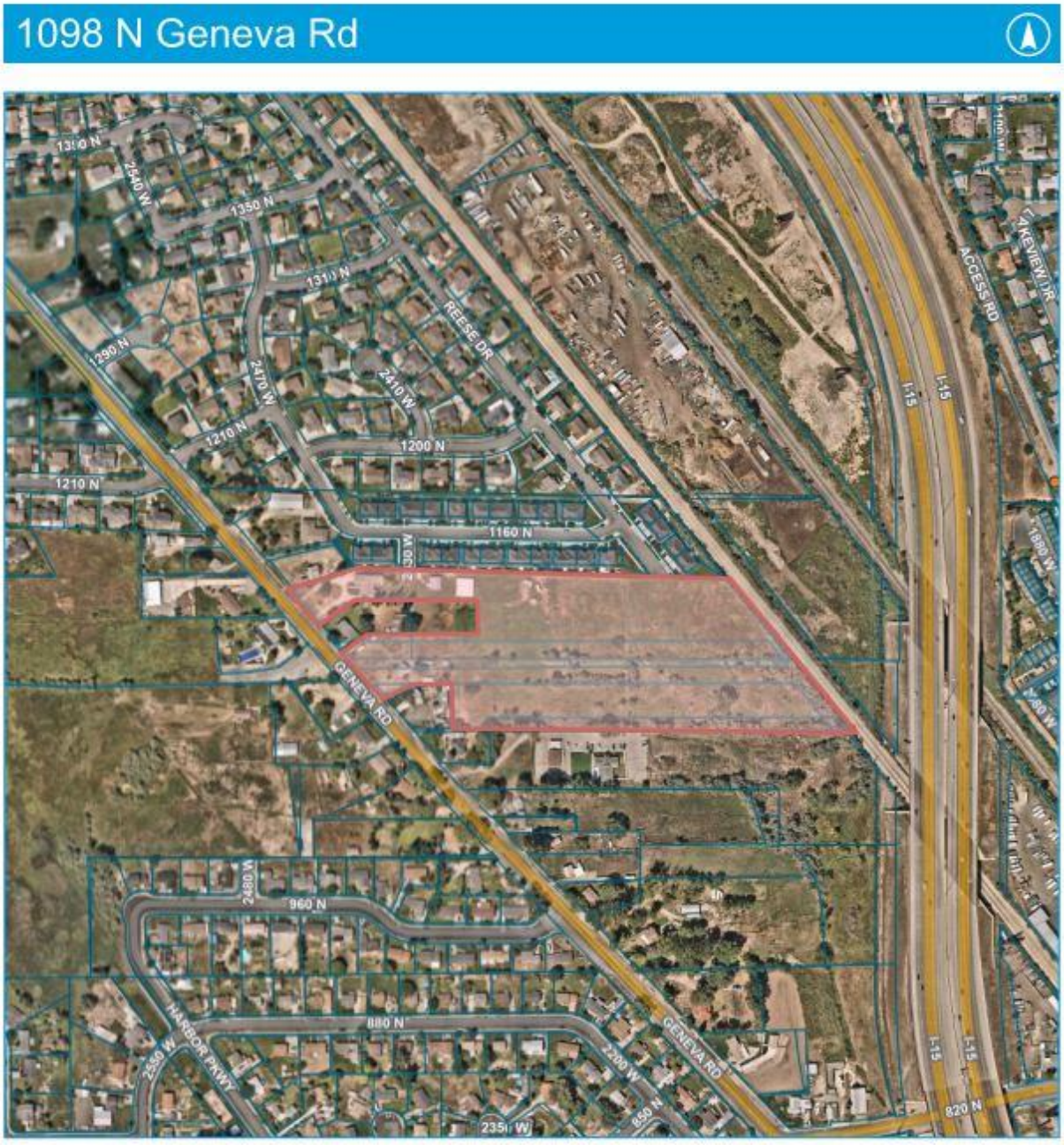
CONCLUSIONS

The proposals for these properties have been continually revised to get to a point where the developer can now provide additional housing and value for the land and the city can get more owner-occupied units. While there may be concerns about growth, and future development for surrounding properties, staff believes the applicant will be providing a well thought out plan to encourage residential properties in this area of Provo.

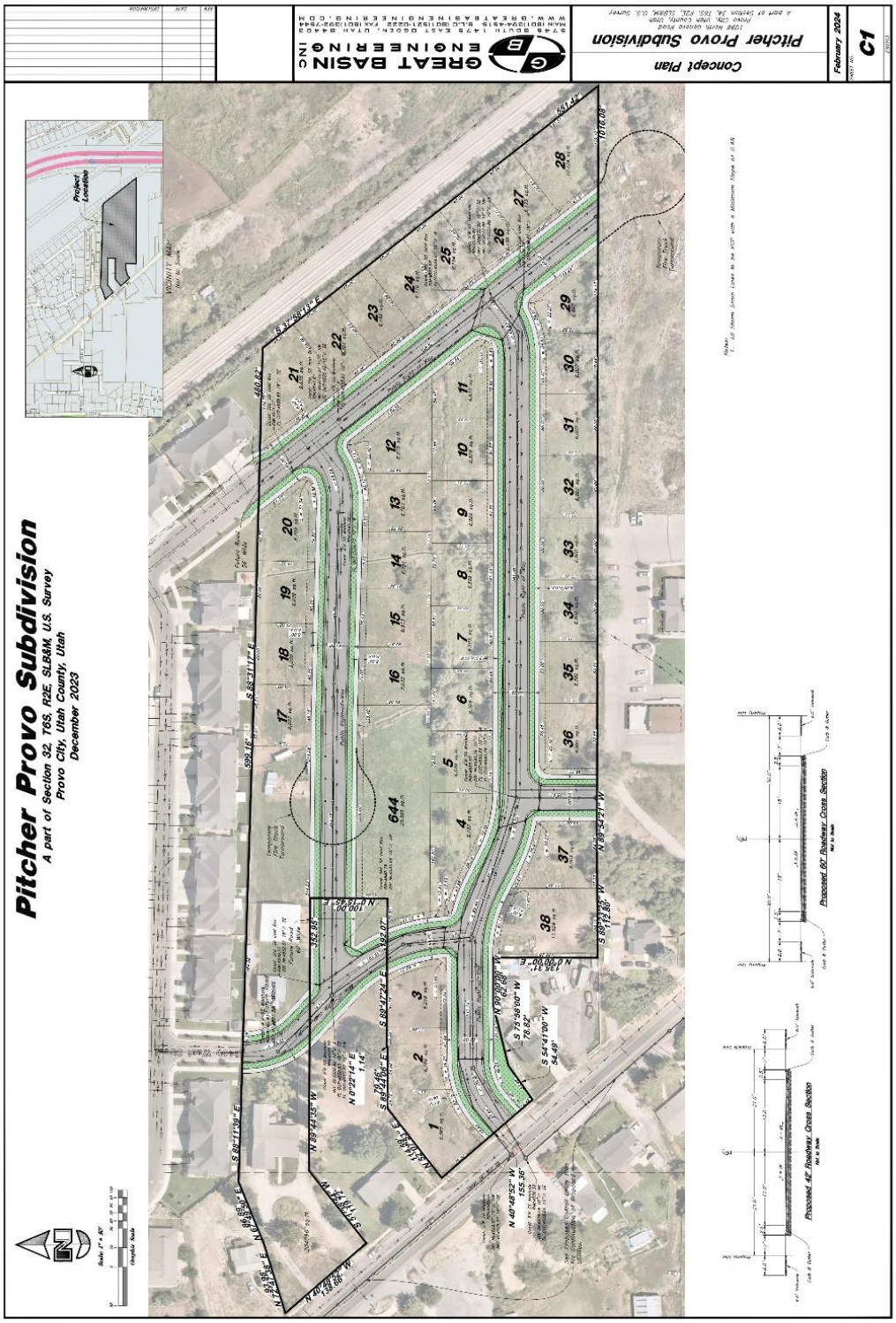
ATTACHMENTS

1. Area Map
2. Subdivision Concept Plan
3. General Plan Future Land Use
4. Property Photos
5. Applicant's Statement
6. Neighborhood meeting report.

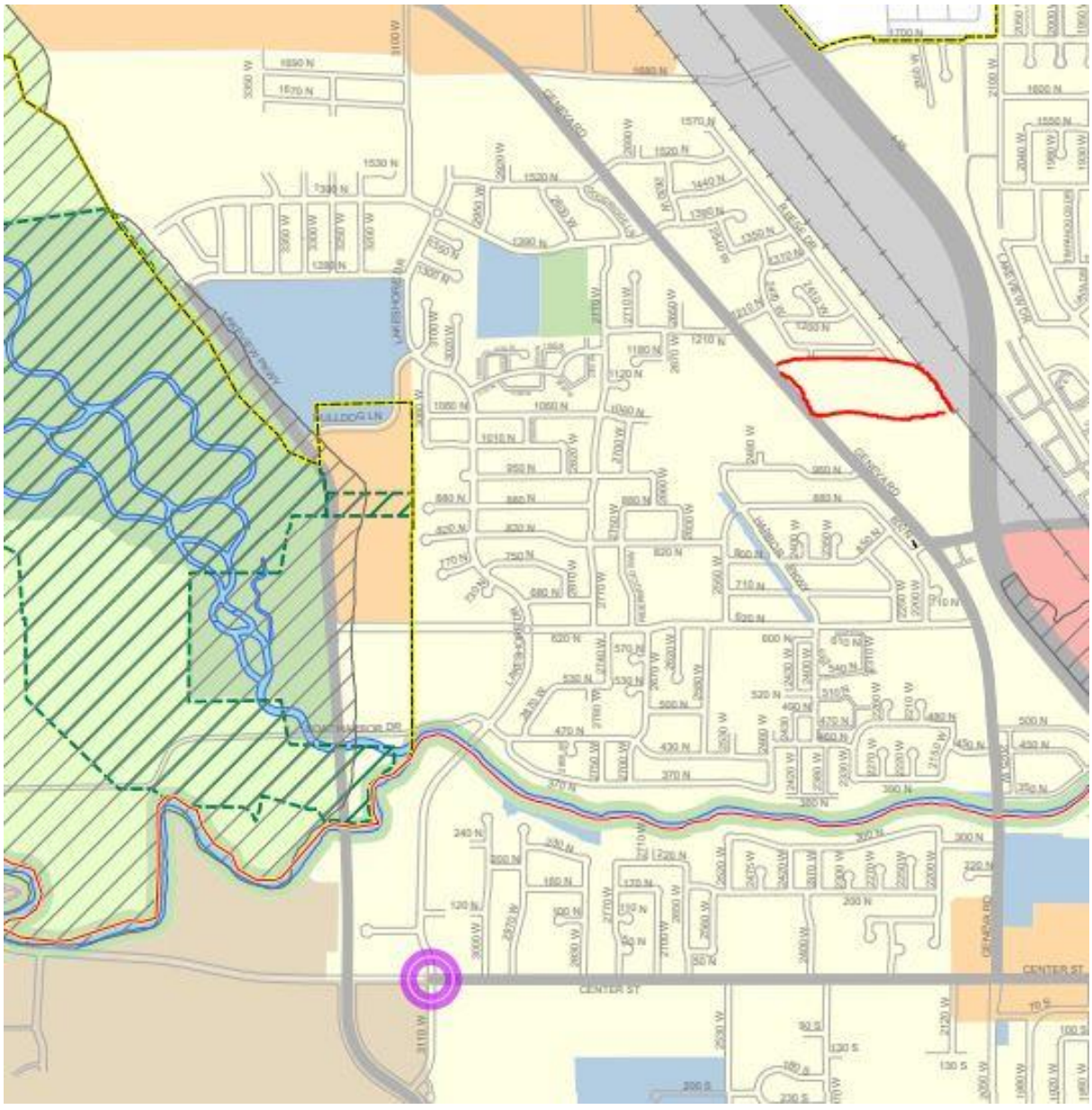
ATTACHEMENT 1 – AREA MAP



ATTACHMENT 2 – SUBDIVISION CONCEPT PLAN



ATTACHMENT 3 – GENERAL PLAN FUTURE LAND USE



ATTACHMENT 4 – PROPERTY PHOTOS

ATTACHMENT 5 – APPLICANT'S STATEMENT

September 14, 2023

Applicant desires to rezone the property to Single Family zoning for the purpose of developing the lots for semi-custom homes.

Applicant is aware of the need in Provo for single family lots. Applicant believes that due to the property location in close proximity to I-15, adjacent to the Rail Road tracks and abutting Genega Rd. a higher density is warranted. Applicant desires a R-1-6 Zoning.

The requested zoning is proportionate in size to the R2PD zoning (6,000 sqft) directly North of this parcel yet fulfills the need for single family lots, and the R18 lots in the vicinity.

ATTACHMENT 6 – NEIGHBORHOOD MEETING REPORT

Neighborhood District 3 Meeting Minutes

(Lakeview North, Lakeview South, Fort Utah, Provo Bay, Sunset, Lakewood) Thursday, October 12, 2023; 6:30-8:00 PM

City Hall Council Chambers, 445 W Center St, Provo

Attendance

District 3 Board Members: Shaun Hilton, Vice Chair (Sunset); Brooke Barnes, Vice Chair (Lakewood).

In-Person: Vern Keeslar, Katy Beuker, Mark Van Wagner, David Lewis, Michael Smyer, Monica Broadbent, Becky Bogdin, Beth, Rob Hunter, David Pitcher, Teri McCabe, Nancy Robison (and others who didn't sign in).

Zoom: Todd, Cindy B, Tyler Young (Monica Broadbent), Brian Voight, Victor & Lynda Sorensen, Rick Smith.

Conducting: Shaun Hilton, Vice Chair.

2. Planning Item: David Pitcher requests a Zone Map Amendment from the A1.5 (Agricultural) Zone to the R1.6 (One Family Residential) Zone to create 41 new residential lots, located approximately at 1098 N Geneva Road. Lakeview North neighborhood. Nancy Robison (801) 852-6417 nrobison@provo.org PLRZ20230227

Pitcher said there were boundary issues and overlap that took time to get worked out. He feels that the 6,000 square foot single lots are a good fit for the area. The surrounding lots are R2PD (twin homes) and single-family lots. The railroad tracks are directly east. City staff said there's a lot of multi-family lots in the city, so they chose to go with the single-family lots, which may be more easily approved. There are already two houses on the lot. For the northern property, they're purchasing only the eastern 2/3 of the parcel – the owners will retain ownership of lot 1 to keep their barns and animals. The other older home will be removed.

Pitcher said they are being required by the city to run a sewer line and storm drain (main line / trunk line / capital improvement) from Geneva Road down to the intersection.

Victor Sorensen asked what other access is on Geneva Road, saying there is no other access between 820 North and 1210 North on Geneva Road to this date. What will your brand-new access be like?

Pitcher showed the proposed road below lot 2, off Geneva Road. He has a future stub on the east to connect to the existing neighborhood in the northeast and stub it to the southeast for future expansion (property owned by the Tongan Church – not interested in selling at this time).

A District 3 resident asked if from 820 North to their new access, are they tied into the public sewer system or are they septic? Do they need to tie into the new sewer system?

Pitcher stated he didn't know, but a member of the community said they are on septic. The applicant said there may be a smaller line and the community member said that some are, and some aren't. The applicant is assuming he will need to put in stubs since it's a major line and said it might be an extension of an existing line that stops further northwest.

Beth asked about talking to the Canal District about the open canal and piping the canal in that area.

Pitcher said he will double check but was under the impression that the canal runs along the north part of the property and then comes out through the property – but either way they would have to pipe that, and the engineers will determine what size that pipe is. If there's a canal there that has servicing properties other than ours, they always must be piped because they have a grandfather easement, or a right-of-way and they'll work with the canal company if that's the case.

Beth asked about the storm drain system – are you piping under Geneva to go into the open field or are you piping into a network of pipes that isn't going to be just raw dumped into a field across Geneva?

Pitcher said they're running a storm drain that goes into another storm drain system and that the state doesn't allow you to just run it into fields anymore. There's a difference between retention and detention.

Beth wanted clarification on "anymore" and what's existing now.

Pitcher said they will retain most of the storm water (about 80%) on their property and if there's a 100-year- flood then it's essentially a retention pond with a spillway. It will all be part of engineering and design, but not that far along with soil studies.

Beth asked if could be rezoned to an RA.6 instead of an R1.6 to allow people to do agriculture on a smaller scale. City planner Nancy Robison said they could investigate that, but right now the applicant is requesting R1.6.

Beth asked about access to other properties between here and 1210 North, and if other properties can be developed and have access to Geneva Road, cutting other people off from developing their property.

Robison said that may be in the General Plan and right now it's just a concept plan asking for the zone change. Hilton asked about Geneva Road being a state road and limiting access.

Pitcher said that state roads sometimes limit access to driveways. He's rezoning the entire area to residential, not just the area they're developing and the homeowner in the northwest corner is in favor of the zone change. He cannot speak for the other property owners because they do not want to rezone at this time. There is room for a cul de sac on lot 1.

The owner of the entire property asked about two access points to develop her property in the future. Robison said they would investigate these concerns.

Pitcher said this is just a rough concept, right now they're asking for the zone change – they haven't submitted a plat yet. They are working with the seller on what they want to build.

Beth reiterated her concern that other property owners are not landlocked.

Pitcher said that he's not seeing that they are locking any other properties. They are just asking for the zone change within the property outline.

Hilton said there are other factors to consider when they get further in the process. Pitcher said the top left corner is up to the property owner.

Brian Voight asked about traffic and traffic signals.

Robison said it's too early to say what the demand will be.

Voight said it would be good to know these things before a zone change is approved.

Robison said that city staff can calculate and project what is going to be needed. There will be discussion between the developer and city staff.

(Other questions were asked by District 3 residents, but audio was not picked up by the recording)