

***ITEM 1** Justin Zsiros requests approval of a Zone Map Amendment from the RC (Residential Conservation) Zone to the CG (General Commercial) Zone in order to allow short-term rental at the property located at 210 South 500 West. Franklin Neighborhood. Mary Barnes (801) 852-6408 mabarnes@provo.org PLRZ20240163

<p>Applicant: Justin Zsiros</p> <p>Staff Coordinator: Mary Barnes</p> <p>Property Owner: Justin Zsiros</p> <p>Parcel ID#: 04:036:0011</p> <p>Acreage: .20 acres</p> <p>Number of Lots: 1</p> <p>Current Zone: Residential Conservation (RC)</p> <p>Proposed Zone: General Commercial (CG)</p> <p><u>ALTERNATIVE ACTIONS</u></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 10, 6:00 P.M.</i> Recommend Approval of the requested ordinance text amendment. <i>This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should <u>state new findings</u>.</i> 	<p>Current Legal Use: Single-family home</p> <p>Relevant History: Short-term rentals are not permitted in the RC zone. At the end of 2023, the property owner was taken to court for an illegal short-term rental. At that time, the issue was resolved. In April, a new code enforcement case was begun due to the continued existence of a short-term rental. The property owner wants to rezone this property to CG, which allows short-term rentals as a conditional use. The property owner is currently attending grad school in Salt Lake County.</p> <p>Neighborhood Issues: This application was submitted a few days before the District 5 neighborhood meeting, therefore it was not on the agenda. It was briefly brought up by Council staff, and residents raised concerns about the impact of short-term rentals.</p> <p>Summary of Key Issues: This is connected to an open code enforcement case. Short-term rentals are not permitted in the RC zone. The future land use maps in the Franklin neighborhood plan and the general plan show this property's future land use as residential.</p> <p>Staff Recommendation: That the Planning Commission recommend denial of the zone map amendment to the Provo City Council.</p>
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OVERVIEW

The applicant has requested a zone map amendment for a single-family home located at 210 S 500 W, from Residential Conservation (RC) to General Commercial (CG). Short-term rentals are not a permitted use in the RC zone, but they are a conditional use in the CG zone. The applicant has stated that a short-term rental is necessary to preserve the historic value of the property, and it has been a great community resource. Therefore, the applicant has requested this rezone to be able to legally have a short-term rental within the home.

This zone map amendment is the result of an ongoing code enforcement case against the applicant due to an existing short-term rental within the home.

The General Plan Future Land Use Map designates this area as residential, and the Franklin Neighborhood Plan Future Land Use Map does the same, as seen in Figure 1 & 2 below. Preserving the character of the neighborhood is another reason why Provo does not currently allow short-term rentals in residential areas.



Figure 2: General Plan Future Land Use Map

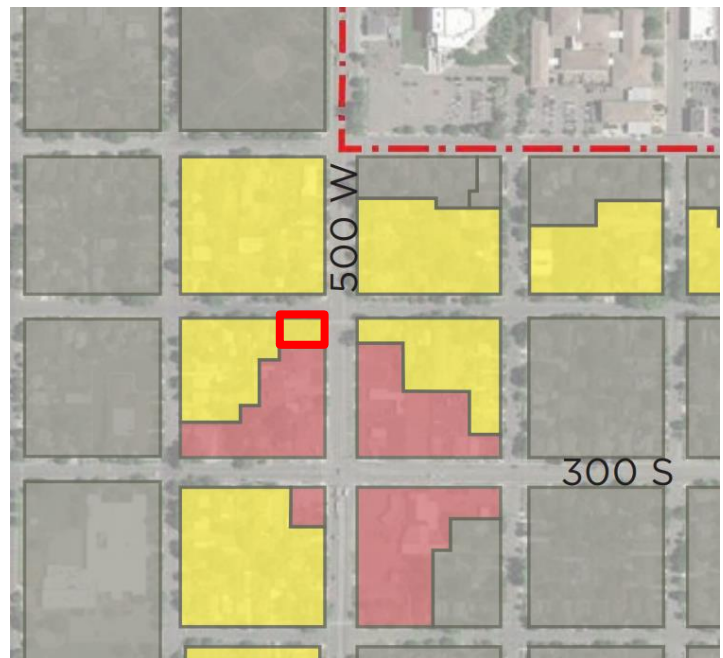


Figure 1: Franklin Neighborhood Plan Future Land Use Map



Surrounding zones

North: Single-family home and four-plex, Residential Conservation (RC)
South: Arco Lock and Security, Residential Conservation (RC)
East: 500 W and single-family home, Residential Conservation (RC)
West: Single-family home, Residential Conservation (RC)

FINDINGS OF FACT

1. The current zoning on the parcel is RC (Chapter 14.32)
2. The proposed zoning is CG (Chapter 14.22)
3. The general plan designation is Residential.
4. The proposed use is as a short-term rental. If approved, the applicant will have to apply for a conditional use permit.
5. This home is not on the Provo Landmarks Register. It was featured in the 2016 Historic Homes tour, which is put together by the Landmarks Commission every year.

STAFF ANALYSIS

This property and most of the surrounding area is zoned RC, or the Residential Conservation zone. This zone was created to encourage the conservation of existing housing by limiting the use of a given lot or parcel to the use that existed in April 2002. These existing uses are able to continue. However, when the use is changed to something more intense, such as a short-term rental, a rezone is needed. New short-term rentals are not permitted in the RC zone, or any single-family residential zones, such as the R1 zones.

Code Enforcement History

Below is a timeline of city staff's dealings with this property.

- November 2023, the applicant is sent a code enforcement letter regarding an illegal short-term rental. The complaint came from a neighbor in the area.
- January 24th, the applicant appears at an administrative court hearing regarding his case. In this hearing, the code enforcement officer provided documentation proving that the house is being used as a short-term rental and has been used as such since 2015. The applicant is presented with the option of either turning this into a legal long-term rental of 30 days or longer or applying for a rezone.
- February 4th, the applicant decides to go the long-term rental route. This case is closed.
- April 9th, the Provo Fire Department was called to the house due to a gas leak. While there, they discover numbered doors, two occupants in the home, and one occupant in a building in the backyard. It is clearly still a short-term rental.
- April 10th, a new code enforcement case is opened due to the presence of an illegal short-term rental.
- May 31st, the applicant applied for a rezone to CG to make a short-term rental a conditional use.

General Plan

Provo City Code Title 14.02.020(2) sets forth the following guidelines for consideration of amendments:

1. 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: According to the applicant, the public purpose of this amendment is that this property will provide temporary housing for locals that are in need of short-term accommodation. Also, a short-term rental will allow the applicant to be able to pay for needed repairs of this older home. Staff disagrees, there is no public purpose for this amendment. This amendment will benefit only the applicant.

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

Staff response: Community support services are available with the Provo Housing Authority and the Community Action Services and Food Bank. It would be difficult to monitor how much community support a private homeowner provides in a private short-term rental. There are opportunities for grants for historical homes with the Landmarks Commission or CDBG program.

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

Staff response: The proposed zone map amendment is not consistent with the General Plan goals. In fact, this rezone would further reduce the current residential neighborhood. The General Plan goals generally aim to increase the amount of available housing within the residential neighborhoods through infill developments.

- 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: This rezone is not compatible with any General Plan goals, therefore there are no timing and sequencing provisions.

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

Staff response: Staff believes that this proposal does have the potential to hinder or obstruct General Plan policies.

- f) Adverse impacts on adjacent landowners.

Staff response: The original code enforcement case was submitted by a neighbor in the area. At the neighborhood meeting, a neighbor stated that they were worried about short-term rentals in the Franklin neighborhood. Common adverse impacts of short-term rentals include noise and traffic.

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

Staff response: The original zoning (RC) matches the general plan designation (Residential).

- 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: There is a conflict between the General Plan Map and Policies. In this case, the Plan Policies do not warrant this zone map amendment.

CONCLUSIONS

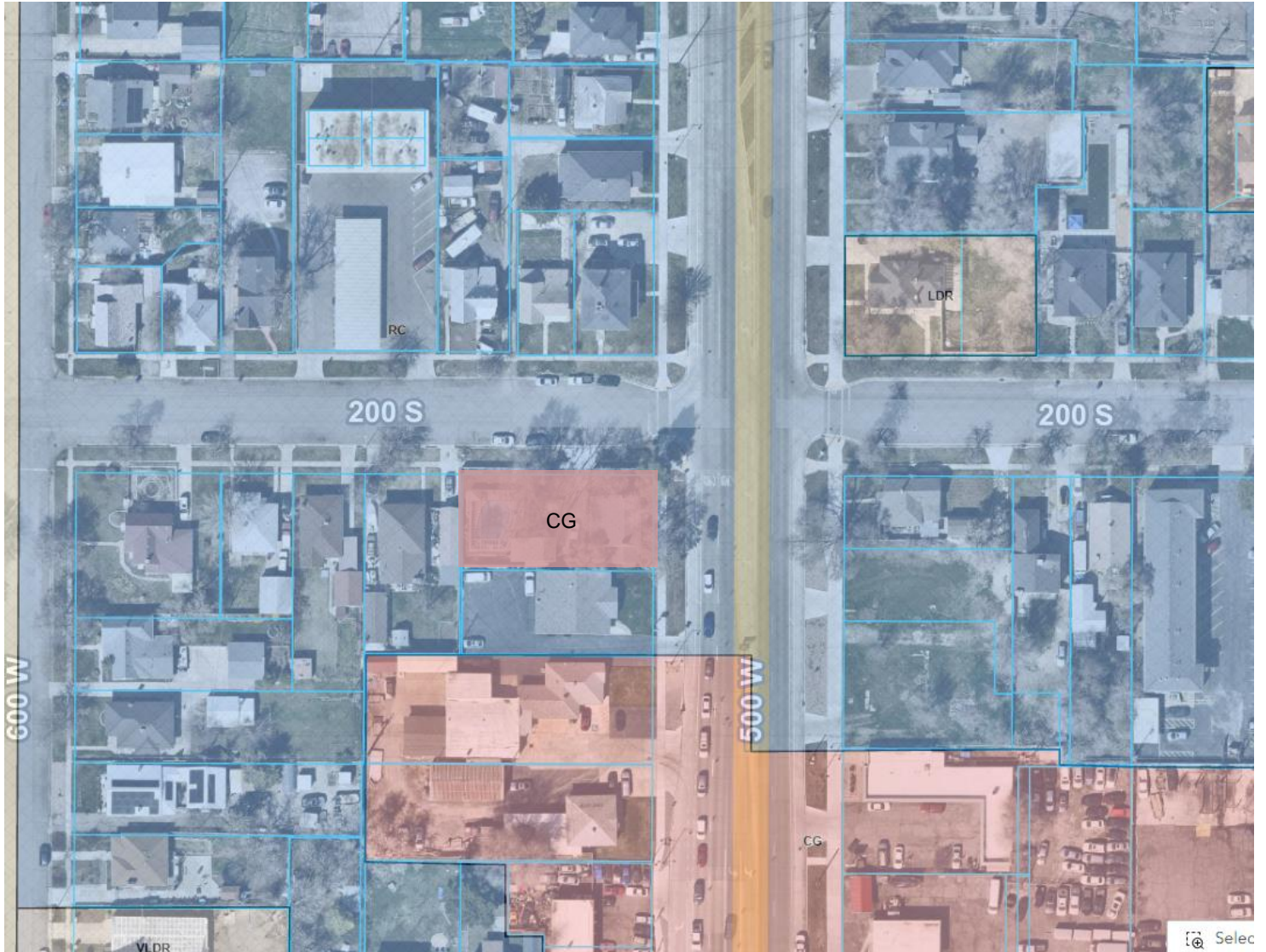
In conclusion, staff recommends that the Planning Commission recommend denial for this zone map amendment. The applicant has stated that a legal short-term rental at this location would increase the number of tourists in the downtown area, provide temporary housing for locals in need, and help to fund the preservation of the home. The applicant also stated that 500 W is a busy street that is not well-suited for families.

Franklin Neighborhood has seen a lot of development pressure due to its proximity to downtown. There are other options available to the applicant to fund the preservation of the home, and other options for locals in need. Tourists are welcome to stay in short-term rentals or hotels within the appropriate zones that surround the downtown area, such as DT-1 and DT-2. With the mounting pressure on cities to provide viable housing options, rezoning a home within a largely residential neighborhood specifically for a short-term rental is counter intuitive. Staff recommends denial to help preserve the neighborhood.

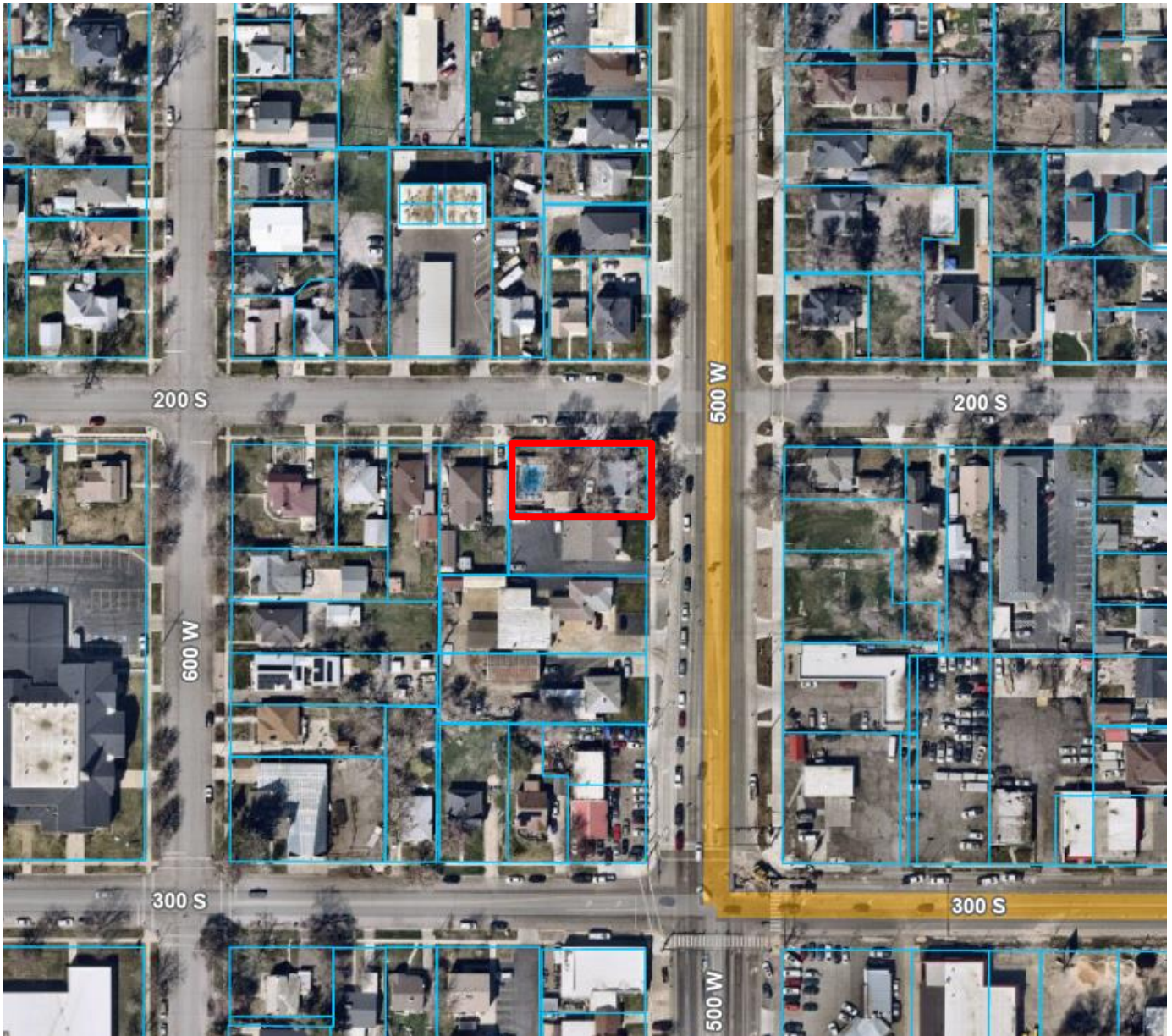
ATTACHMENTS

1. Proposed Zone Map Amendment
2. Area Map
3. Applicant's Letter – Intended Use of the Property
4. Applicant's Letter – Rezone

ATTACHMENT 1: PROPOSED ZONE MAP AMENDMENT



ATTACHMENT 2: AREA MAP



ATTACHMENT 3: APPLICANTS LETTER – INTENDED USE OF PROPERTY

Intended Use of Property Statement

Property Location: 210 South 500 West, Provo, UT

Current Zoning: RC LDR (Residential Conservation Low-Density Residential)

Proposed Zoning: CG (General Commercial)

Intended Use:

The proposed zone amendment for the property at 210 South 500 West is aimed at converting the existing residential home into a mixed-use commercial space. This change is essential to preserve the historic value of the property while ensuring its financial sustainability. The primary goals are to maintain the residence, allow for short-term rentals, and continue to provide a community resource.

Key Components of the Intended Use:

1. Short-Term Rental Accommodations:

- The property will offer short-term rental units, attracting tourists and business travelers. Guests will appreciate the unique, historically charming environment and the proximity to downtown shopping, the City Center Temple, and other local attractions.
- The revenue generated from these rentals will cover the high maintenance costs of the historic home, including necessary repairs and restorations using materials and techniques akin to those used in significant projects like the Salt Lake Temple, and Provo Tabernacle renovation.

2. Owner Occupancy:

- A portion of the property will remain as the owner's residence, ensuring the property is well-maintained and managed with a personal touch. This aspect will help preserve the property's historic appeal and ensure continuity in its upkeep.

3. Community Support Services:

- The property will provide temporary housing for locals facing life challenges such as unemployment, family bereavements, divorce, or other emergencies. This service supports the community by offering an affordable, home-like environment for those in need of short-term accommodation.

4. Historic Preservation and Enhancement:

- The historic character of the home will be preserved and enhanced. Restoration efforts will focus on maintaining the property's private, treed, and beautifully maintained appearance, contributing to the cultural and architectural heritage of the area.
- The house, which has been part of the historic homes tour, requires substantial investment to repair its 150-year-old adobe structure. Converting to a commercial zone is necessary to fund these preservation efforts adequately.

Compliance and Community Benefits:

Rezoning the property to a commercial use will ensure compliance with city zoning regulations and support the property's intended mixed-use functions. This conversion will bring several benefits to the community:

- Increased economic activity by attracting visitors who will patronize local businesses, enhancing the vibrancy of the commercial district.
- Continued provision of essential temporary housing services for local residents in need, fulfilling a critical community function.
- Preservation of a historically significant property, which contributes to the neighborhood's aesthetic and cultural value.

Conclusion:

The intended use of the property at 210 South 500 West reflects a thoughtful integration of commercial potential with community-oriented services and historic preservation. The project seeks to balance economic viability with the preservation of a historically significant property, ensuring the home remains a valuable asset to the community. By aligning the property's zoning with the surrounding commercial area and the Provo City General Plan, the proposed amendment supports the growth of mixed-use development and the conservation of the neighborhood's historical assets. This change will allow the property to continue serving as a residence while also providing temporary accommodations, thereby meeting both residential and commercial needs within the community.

ATTACHMENT 4: APPLICANTS LETTER – REZONE

Justin Zsiros
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801-494-3956
May 31, 2024

City of Provo Planning and Development Department
Provo, UT

To whom it may concern,

I am writing to request a zone amendment for my property located at 210 South 500 West, Provo. The current zone designation is RC LDR (Residential Conservation Low-Density Residential), and I propose to change it to CG (General Commercial).

Reason and Justification for the Zone Amendment:

The historic nature of my home has been recognized by the community, as evidenced by its inclusion in the historic homes tour in 2015. However, maintaining such a historic property is financially challenging. For instance, this week alone, I am faced with a \$6,000-\$8,000 repair bill to address crumbling adobe that is over 150 years old. We are using the same materials as those used in the renovation of the Salt Lake Temple to ensure the preservation of its historic character. This level of maintenance is not feasible for a single-family residence.

Additionally, the location on a busy thoroughfare and state highway makes it less desirable for a family residence, particularly for those with young children or those seeking a quiet neighborhood. The property is better suited for a different function that can both sustain its maintenance and align with the city's development plans.

Promotion of Zoning Title and General Plan Objectives:

The proposed zone amendment aligns with the Provo City General Plan and Policies by supporting mixed-use development in this area. The intended use of the property will maintain its residential character while allowing for short-term stays, thereby supporting the city's vision of integrating residential and commercial uses.

The goals of this conversion are:

1. To maintain and enhance the historic value of the home.
2. To provide short-term rental accommodations, attracting visitors and supporting local businesses.

3. To continue offering temporary housing for locals facing life challenges, thus supporting the community.

The amendment will also bring the property into compliance with city zoning ordinances, allowing me to legally continue offering short-term rentals and maintain my residence within the property.

Community and Economic Benefits:

Rezoning to CG will allow me to generate the necessary funds for ongoing maintenance and restoration of this historic property. This conversion is not intended to be a lucrative business venture; rather, it aims to cover costs and preserve the home's historic beauty. By charging \$35-50 per night for a room, I can cover maintenance expenses and provide part-time jobs, and temporary places to stay for local community members, as I have been doing. In fact, several of my guests are local residents who for one reason or another need a pleasant, affordable home for a short term (divorce or family problems, temporary unemployment, hospital stays, or temporary homelessness, etc.).

Preservation Commitment:

My goal is not to demolish the historic home and replace it with a commercial building. Instead, I intend to preserve and enhance its historic character. The residential function of the property will continue, offering temporary stays for visitors and locals in need. This approach ensures the property remains a valuable part of the community while complying with city ordinances.

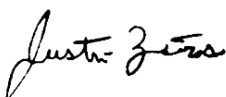
The proposed amendment supports the intent of the general plan by maintaining the residential structure and function. If the city prefers, changing the general plan to commercial for this property would also align it with the property's immediate neighbor to the south (locksmith, plumber, etc). This alignment between the zone and general plan is not always required, as seen with properties along 500 West, such as the H&R Block office.

Conclusion:

The requested zone amendment for 210 South 500 West is essential for preserving its historic value, supporting the local community, and aligning with Provo City's development goals. This conversion represents the best way to maintain the building and its function, ensuring it remains an integral part of the neighborhood.

I appreciate your consideration of this application and look forward to your support in preserving this historic property.

Sincerely,



Justin Zsiros