

**ITEM # 1** Rachel Dressel requests a Conditional Use Permit for lots not meeting the minimum lot standards per 14.21D.030 to build new town homes in the West Gateway (WG) zone, located at 1010 West Center St. Dixon Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLCUP20230236

<p><b>Applicant:</b> Rachel Dressel</p> <p><b>Staff Coordinator:</b> Dustin Wright</p> <p><b>Property Owner:</b> MKR PROPERTIES LLC</p> <p><b>Parcel ID#:</b> 04:072:0006</p> <p><b>Acreage:</b> 0.20</p> <p><b>Number of Properties:</b> 1</p> <p><b>Number of Lots:</b> 4</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <ol style="list-style-type: none"> <li><b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is August 28, 2024, 6:00 p.m.</i></li> <li><b>Deny</b> the requested Conditional Use Permit. <i>This action <u>would not be consistent</u> with the recommendations of the Staff Report. The Planning Commission should <u>state new findings</u>.</i></li> </ol>	<p><b>Current Legal Use:</b></p> <p>Vacant property in the West Gateway zone.</p> <p><b>Relevant History:</b></p> <p>The applicant has submitted a project plan that has been reviewed and approved by CRC subject to CUP approval and subdivision plat approval.</p> <p><b>Neighborhood Issues:</b></p> <p>No issues have been presented to staff.</p> <p><b>Summary of Key Issues:</b></p> <ul style="list-style-type: none"> <li>Existing lots or parcels of land that do not meet the minimum lot standards in the West Gateway zone may not obtain a building permit without approval of a conditional use permit. A conditional use permit may only be issued if the proposed project meets the conditions outlined in Section 14.02.040(2) and 14.21D.030.</li> <li>The width of the property does not meet the minimum requirements and so a Conditional Use Permit is required.</li> </ul> <p><b>Staff Recommendation:</b></p> <p><b>Approve</b> the requested Conditional Use Permit with the following conditions:</p> <p>That the property is developed according to an approved project plan.</p>
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## **BACKGROUND**

Lots in the West Gateway (WG) zone that do not meet the minimum lot standards need to obtain a Conditional Use Permit (CUP) before being able to obtain a building permit. The applicant is looking to develop the property located at 1010 West Center Street in the WG zone. This property has approximately 17 feet less width than the minimum requirement and therefore, needs to obtain the CUP before moving forward with developing the vacant parcel.

## **FINDINGS OF FACT**

1. The property is in the West Gateway (WG) zone.
2. A CUP is required for properties that do not meet the minimum lot standards in the WG zone. (14.21D.030)
3. The property is approximately 73 feet wide.
4. The minimum lot standard width in the WG zone is 90 feet. (14.21D.040(2))

## **STAFF ANALYSIS**

Compliance with 14.21D.030. The ordinance, in part, is as follows: (**Staff responses in bold**)

(1) *The applicant has demonstrated that consolidation of property to meet the minimum lot requirement is not feasible due to surrounding projects, developments or buildings; **Staff response: The property owner has tried to acquire the property next to this property unsuccessfully.***

(2) *Requiring a development that meets the minimum lot requirements would result in a project that would be inconsistent with the characteristics of the surrounding area or with the established pattern of existing buildings; **Staff response: The applicant has shown that site can be developed in a way that would be consistent with the zoning characteristics.***

and

(3) *The applicant has demonstrated that the property can be developed to comply with the purpose and requirements of this Title without further need of variances or exceptions. **Staff response: The applicant has been able to show, through the project plan application, that this property can be developed according to code requirements without the need for any reductions or variances from the code requirements.***

Compliance with 14.02.040. The ordinance, in part, is as follows:

*(1) The Planning Commission may, subject to the procedures and standards set forth in this Chapter, grant, conditionally grant, or deny an application for a Conditional Use Permit for uses allowed by the chapter for the applicable zone. The purpose of a Conditional Use Permit is to allow proper integration of uses into the community which may only be suitable in specific locations and may have potentially detrimental characteristics if not properly designed, located, and conditioned.*

*(2) The following standards shall apply to any request for a Conditional Use Permit:*

*(a) A proposed conditional use shall be granted unless the subject use will be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity.*

*(b) A proposed conditional use shall be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity: **(Staff responses in bold)***

*(i) if the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;*

**Staff response: The applicant has shown development of the site will be consistent with the surrounding uses and those allowed in the zone. It would not be generating greater traffic or impact than other similar uses that are permitted in the zone.**

*(ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property;*

**Staff response: Surrounding properties should not be impacted by the proposed development for this site.**

*(iii) if the proposed use will create a need for essential municipal services which cannot be reasonably met;*

**Staff response: Staff does not anticipate any needs for additional municipal services with the proposed CUP.**

*(iv) if the proposed use will in any other way be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity.*

**Staff response: The use is permitted in the zone because it has been determined that it is compatible with other surrounding uses and will**

***not be detrimental to others. The lot with will not have greater impacts than if it met the minimum requirements of the zone.***

*(c) A change in the market value of real estate shall not be a basis for the denial of a proposed conditional use.*

*(d) If a part of a proposed conditional use is found to be contrary to the standards described in this section, the applicant may propose or consent to curative measures which will make the proposed use not contrary to the standards described in this section.*

## **CONCLUSION**

Staff finds that site will be able to be developed in a way that will meet all the other requirements of the zone and have any need for variances from the code requirements. Even with the narrower lot size, there is still sufficient space to build housing and provide for the needed parking and access as required by the code. The owner tried to combine this parcel with others, but ultimately that didn't work out.

## **STAFF RECOMMENDATION**

**Approve** the requested Conditional Use Permit with the following conditions:

1. That the property is developed according to an approved project plan.

## **ATTACHMENTS**

1. Aerial of Property
2. Proposed Site Development

**ATTACHMENT 1 - AERIAL OF PROPERTY**



**ATTACHMENT 2 – PROPOSED SITE DEVELOPMENT**

