

**\*ITEM # 4** Dave Morton requests Zone Changes from A1.10 to M1 (Light Manufacturing), R1.8PD (Performance Development), and RA (Residential Agricultural) for approximately 54 acres of property, located at approximately 3450 W Center Street. Provo Bay and Fort Utah neighborhoods. Brandon Larsen (801) 852-6408 blarsen@provo.org PLRZ20180197

**Applicant:** Dave Morton, Anderson Development

**Staff Coordinator:** Brandon Larsen

**Property Owner:** Halladay Land LLC; Kris and Stacy Halladay; and Thomas and Christine Halladay

**Parcel ID#:** 21:029:0043, et al.

**General Plan Designation:** Residential (north of Center Street) and Airport Related Activities (south of Center Street)

**Southwest Area Future Land Use:** Residential (north of Center Street) and Airport Compatible Industrial/Commercial (south of Center Street)

**Current Zoning:** A1.10 (Agricultural, 10 acre)

**Proposed Zoning:** M1 (Light Manufacturing), R1.8PD (R1.8, Performance Development), and RA (Residential Agricultural)

**Acreage:** approx. 54 acres

**Number of Properties:** 5

**ALTERNATIVE ACTIONS**

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is April 14, 2021, 6:00 P.M.*
2. **Recommend Denial** of the proposed zone 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:** Agricultural and residential use.

**Relevant History:**

The subject parcels have been used for agricultural use for many years. There are two (2) dwellings on the property. According to Utah County records, the dwelling at 3480 West Center Street was constructed in 1987 and the dwelling at 3460 West Center Street was constructed in 1980. It appears the parcels upon which the dwellings lie where created by unapproved divisions of land. This proposal may ultimately help to facilitate the resolution of these unapproved divisions of land.

**Neighborhood Issues:**

A neighborhood meeting was held on September 11, 2018, at which this proposal was presented to the Fort Utah and Provo Bay neighborhoods. It appears the proposal received positive support at the meeting. The neighborhoods appreciated the idea of a plan that facilitates larger homes and increased housing inventory.

**Summary of Key Issues:**

- All land proposed to be rezoned lies in the A1.10 (Agricultural) Zone.
- The residential rezone area (R1.8PD and RA Zones) comprise an area of 25 acres. Whereas the light industrial (M-1 Zone) area comprises approximately 30 acres of rezone area.
- The proposed light industrial zoning area would lie on two (2) non-contiguous parcels (they are separated by a 14 +/- acre parcel).

**Staff Recommendation:**

Staff recommends that the Planning Commission forward a positive recommendation to the Municipal Council for a zone change from the A1.10 Zone to M1, R1.8PD, and RA zones.

## **BACKGROUND**

The subject property lies on west Center Street and comprises five (5) parcels. Three (3) of these parcels are contiguous and lie north of Center Street. There are two (2) dwelling sites on this land; however, the majority of the land north of Center Street appears to currently be utilized for agricultural purposes. Two (2) additional, noncontiguous parcels lie south of Center Street. Currently, all this land appears to be used for agricultural endeavors.

The proposed residential development is bounded on the north and west by the Provo River and on the south by Center Street. One of the two (2) proposed industrial areas lies immediately to the south and across Center Street. Agricultural land lies to the west of the residential area. The land north and west of the proposed residential area, and across the Provo River, lies in unincorporated Utah County.

The proposed eastern industrial area, which lies south of the proposed residential area, is surrounded by agricultural land. Center Street lies immediately to the north. The proposed western industrial area lies south of Center Street and the Lakeside Campground. It lies east of the Lakeside Storage facility. The Provo Airport lies immediately to the south of the western industrial area. 3800 West and agricultural land lies to the east of this western industrial area. An agricultural parcel (14+/- acres) lies between the two (2) proposed industrial areas. Both proposed industrial areas lie in an airport protection area or overlay, as shown on the Southwest Area Future Land Use map. City staff is working to develop proposed requirements for this area or overlay.

The subject land lies in a high-water table area and future development would be subject to high-water table requirements of Section 15.05.170 of the Provo City Code. A very small portion of the extreme northern residential area lies in the one-hundred-year flood plain and would be subject to applicable flood plain requirements.

All the proposed development area is subject to the West Center Street Design Corridor. This Design Corridor has a set of development standards to, among other things, "preserve and enhance the character and value of the West Center Street."

The applicant is requesting zoning for the subject property, as follows:

- R1.8PD (One-family Residential, Performance Development) zoning for 24 +/- acres north of Center Street at approximately 3550 West
- RA (Residential Agricultural) zoning for 1 +/- acres north of Center Street at approximately 3450 West
- M1 (Light Industrial) zoning for 9 +/- acres south of Center Street at approximately 3550 West
- M1 (Light Industrial) zoning for 23 +/- acres south of Center Street at approximately 4000 West

The zoning of the land surrounding the proposed development lands is mostly A1.10 (Agricultural). PF (Public Facilities) zoning lies south and north of the proposed western industrial land. County RA-5 (Residential Agricultural, 5-acre) zoning lies north and west of the proposed residential development land.

As noted above, the applicant proposes that the majority of the residential development be zoned R1.8PD. The PD portion of the zoning designation stands for performance development. The concept

plan calls for a fairly straight-forward one-family development. However, a performance development would allow flexibility in the lot sizes in return for open space and amenities.

Sewer infrastructure, and the lack thereof, has hindered development on Provo's westside. The City has a limited number of sewer connections to facilitate some development in the area. According to the provisions of Section 15.03.105 of the City Code, these connections will be distributed 40 connections at a time for those developments who meet certain requirements, including having the necessary zoning to construct the development. Provisions in Section 15.03.105 do provide for additional phases of a development to receive additional connections. Provo City Public Works has a plan that may open up additional connections in approximately two (2) years.

The associated concept plan calls for 74 one-family lots and multiple industrial buildings with over 300,000 SF of gross floor area. Just over 110,000 SF of this industrial area would be flex space (storefront with warehousing). The remainder of the industrial area would be for other types of light industrial buildings and outdoor storage.

### **STAFF ANALYSIS**

**General Plan Policies.** The subject property north of Center Street has a *Residential* land use designation on the General Plan Map, whereas the subject land south of Center Street has an *Airport Related Activities* land use designation.

The subject property lies in southwest area of the City. One of the guiding policies for the Southwest Area Neighborhoods is set forth in Policy 3b of Section 1.2.9 of the General Plan: “[d]etached single-family homes should be the predominant housing type.” This proposed rezone would facilitate the establishment of a medium size, one-family residential development. The addition of another medium size one-family development would be a benefit to the City considering the current demand for one-family dwellings.

Policy 3f of Section 1.2.9 of the General Plan reads, as follows: “*The overall density of the area (Southwest Area Neighborhoods) should average four units to the acre.*” The *Southwest Area Future Land Use Map* helps to clarify that density should average four units to the *net* acre. This application has been in process since the summer of 2018 and the policy of calculating the average units per acre on the net was adopted by the City (November 13, 2018) after this application was submitted. The proposed net density for the residential area of this proposal is 4.8 units per acre. Considering when this application was submitted, staff believes it may be appropriate to withhold evaluating this proposal, and the associated concept plan, against the net density policy. The gross density for this portion of the project appears to be 3.11 units per acre.

Another guiding principle of the Southwest Area Neighborhoods is found in Policy 1 of Section 1.2.9 of the General Plan. This policy states: “*Preserve Provo's agricultural heritage and support agriculture for as long as farmers choose to farm.*” This land is proposed for development because the farmers are choosing to sell their land for development, rather than to continue to use it for agricultural use. The farmers expressed the idea that it is becoming difficult to continue to farm the land.

Staff notes that Policy 6c of Section 1.2.9 of the General Plan “[d]iscourage[s] [the] rezoning of land that is surrounded by agricultural zoning.” A good portion of the subject land is surrounded by land that has

agricultural zoning. However, staff notes this is an area in transition. The airport is expanding, and additional land is needed for airport supportive uses. Additionally, residential development has expanded and is on the westside of Lakeshore Drive. There is a great need for one-family dwelling sites in the City and this development helps to meet that need.

**Southwest Area Future Land Use.** The land proposed for residential development has an R1 *Residential* land use designation as per the Southwest Area Future Land Use map. The proposed residential development appears to be in harmony with the aforementioned map, except for the net density policy of 4 units per acre, which issue was addressed above.

The proposed light industrial lands south of Center Street have an *Airport Compatible Industrial/Commercial* land use designation. This portion of the proposal also appears to be in harmony with Southwest Area Future Land Use map. If approved, the light industrially zoned land could be the site of airport supportive businesses and uses.

**Findings of Fact.** 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 proposal would provide additional housing opportunities in the southwest area of the City and light industrial space near the airport.**

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

**The City is in need of additional one-family lots and additional light industrial land could support an expanding airport.**

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

**This proposal is in substantial harmony with the *Southwest Area Future Land Use map* and the *General Plan*. As noted earlier, the net density of the residential component of this proposal exceeds the density called for on the *Southwest Area Future Land Use map*; however, this proposal was initiated prior to the establishment of the density policy.**

(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 any timing or sequencing issues with this request.**

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

**Staff believes the proposal is substantially in harmony with the General Plan. Any deviations from the policies appear to be of benefit to the residents of the City.**

(f) Adverse impacts on adjacent landowners.

**The addition of residences and light industrial development may impact existing agricultural uses. Staff notes this is an area of transition and the proposal appears to helpful in meeting the residential needs of the City and may play a role in providing land for airport supportive industry.**

(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.**

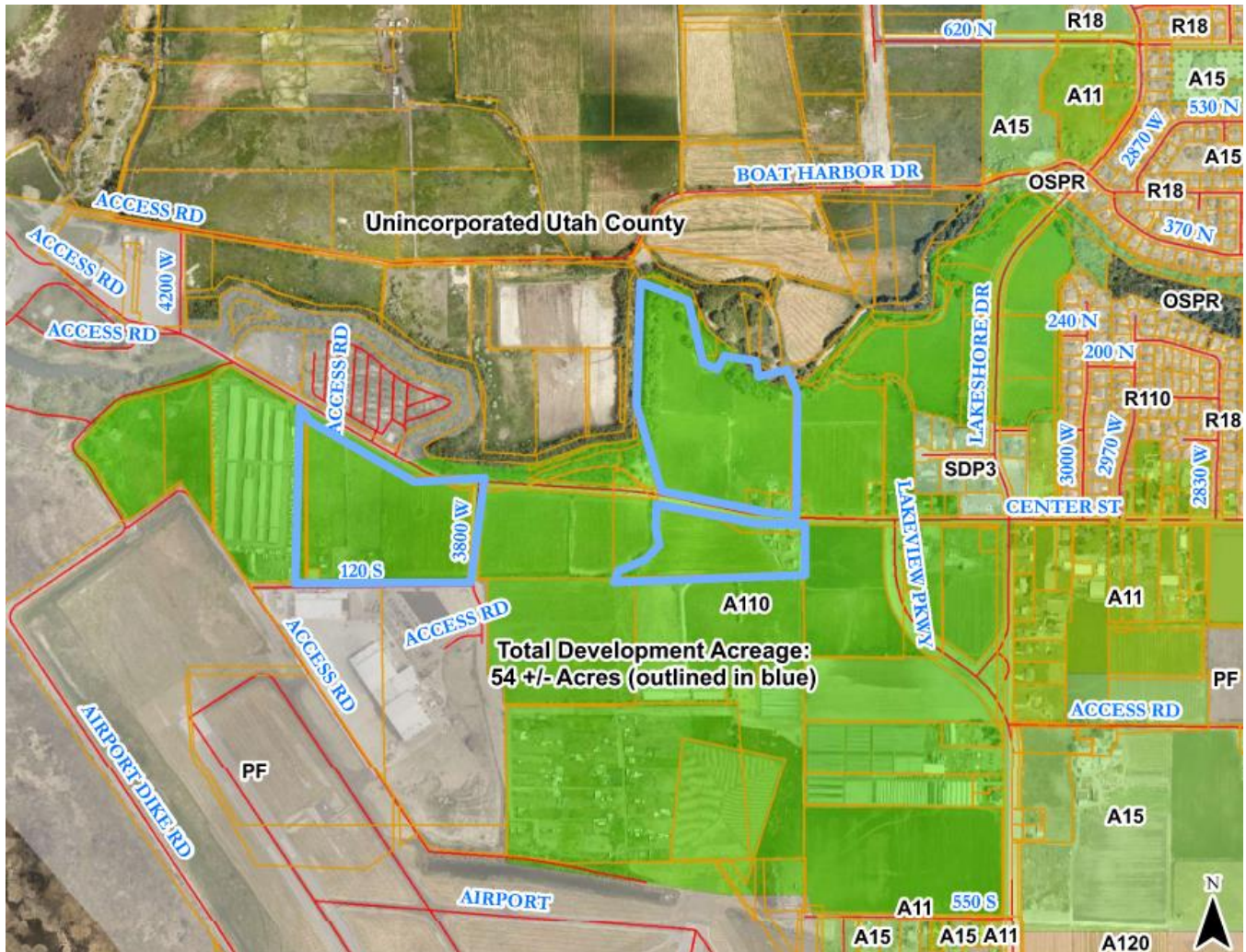
**Conclusion.** The proposed zone map amendment appears to be a benefit to the City. It would help to facilitate the establishment of additional one-family dwellings and may provide airport supportive industry. The zoning proposed appears to be in-line with the *Southwest Area Future Land Use map*. A deviation from the residential net density policy on the aforementioned map has been addressed above.

## **ATTACHMENTS**

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

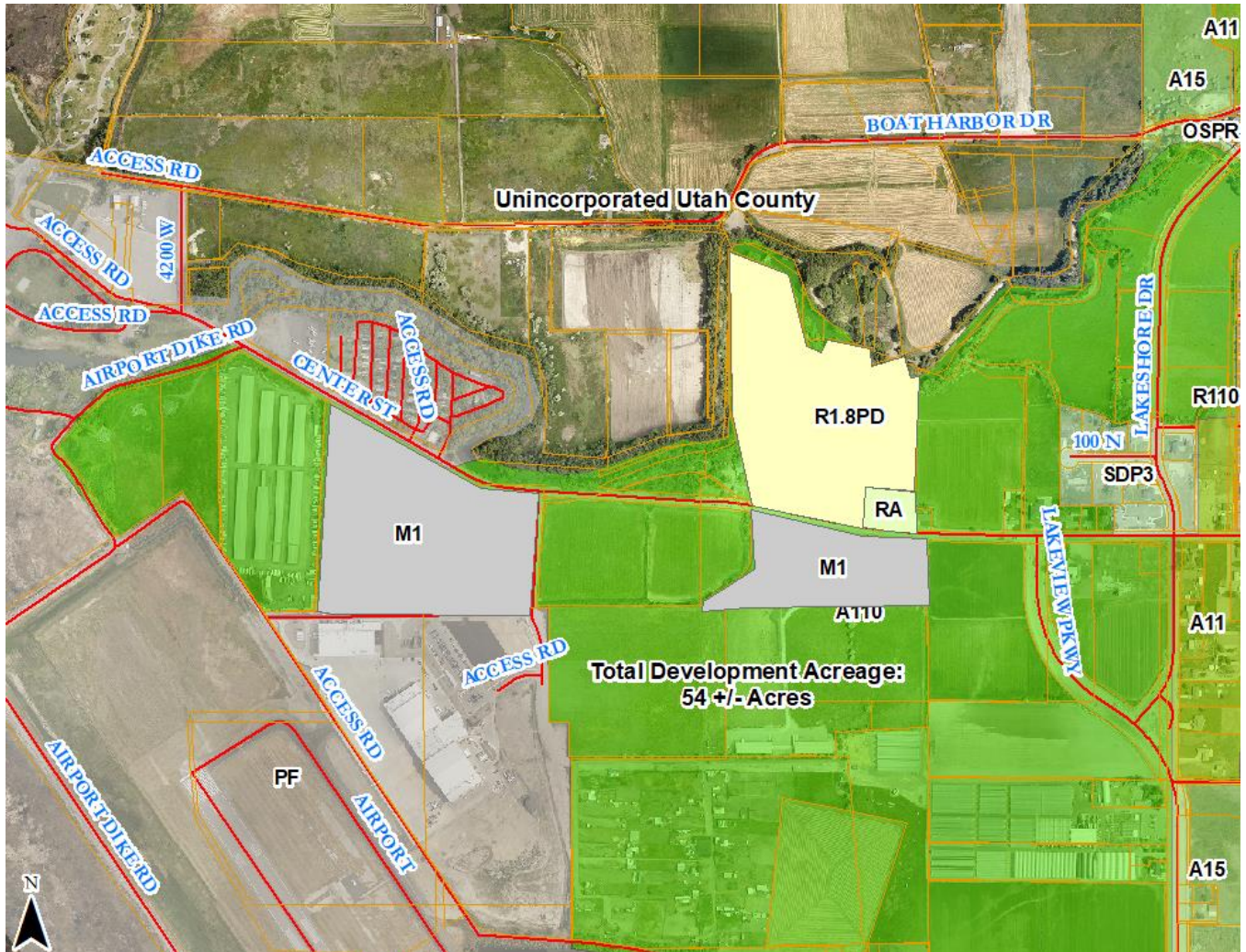
ATTACHMENT 1 – Current Zoning

**Current Zoning: A1.10 Zone**



ATTACHMENT 2 – Proposed Zoning

**Proposed Zoning: R1.8PD, M1, and RA**



ATTACHMENT 3 – Concept Plan

