

Provo City Planning Commission

# Report of Action

November 08, 2023

\*ITEM #6 Tate Murphey requests approval of a Zone Map Amendment from the R1.6 (One Family Residential) zone to the LDR (Low Density Residential) zone in order to build two new detached homes with accessory apartments, located at 963 West 500 North. Dixon Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20220319

The following action was taken by the Planning Commission on the above described item at its regular meeting of November 08, 2023:

## RECOMMENDED DENIAL

On a vote of 3:3, the Planning Commission recommended that the Municipal Council deny the above noted application.

Motion By: Andrew South (**to Recommend Approval**)

Second By: Daniel Gonzales

Votes in Favor of Motion: Andrew South, Daniel Gonzales, Barbara DeSoto

Votes Against the Motion: Jonathon Hill, Lisa Jensen, Robert Knudsen

Daniel Gonzales was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.
- New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is not generally consistent with the Staff analysis and determination.

### **LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED**

The property to be rezoned to the LDR Zone is described in the attached Exhibit A.

### **RELATED ACTIONS**

The Planning Commission also failed to approve the related Concept Plan at the November 8, 2023 meeting (Item #5, PLCP20230003)

### **PROPOSED OCCUPANCY**

\*3 Total Units

\*Type of occupancy approved: Family

\*Standard Land Use Code 1111

### **PROPOSED PARKING**

\*12 Total parking stalls required

\*12 Total parking stalls provided

\*4 Required parking stalls per unit

### **DEVELOPMENT AGREEMENT**

- Applies - referred applicant to Council Attorney.

**STAFF PRESENTATION**

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

**CITY DEPARTMENTAL ISSUES**

- There are remaining issues from the Coordinator Review Committee (CRC) review that need to be resolved.

**NEIGHBORHOOD MEETING DATE**

- A neighborhood meeting was held on 2/23/2023.

**NEIGHBORHOOD AND PUBLIC COMMENT**

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

**CONCERNS RAISED BY PUBLIC**

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- Concerns from Dave Knecht and Sara Payton were sent to the Planning Commission prior to the hearing and included concerns with density, traffic, and parking.
- An additional comment was made at the hearing with concerns about parking, traffic, and privacy.

**APPLICANT RESPONSE**

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Tate Murphey responded to questions from the Commission regarding affordability of the new units, parking design, and unit sizes. He also presented that homes would be stepped back from adjacent homes to the east and west, that a driveway would provide necessary access in and out of the homes, and that doing just one more home with amount of driveway and utilities would make it very expensive.

**PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- The Planning Commission discussed affordability of units, parking design, how many units would fit, and overall positives and negatives of the proposal.
- A formal vote for concern on parking was supported by four (4) of the commissioners.
- Additional concerns with layout and HOA fees were shared, but the Commission recognized the need for affordable housing and appreciated the amount of open space provided.

**FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION**

The Planning Commission identified the following findings as the basis of this decision or recommendation:

- The vote to recommend approval failed by a tie vote of 3:3, with the dissenting votes giving reason of parking design and availability on the site.

*DOAQ*

\_\_\_\_\_  
Planning Commission Chair

*Bill Peperone*

\_\_\_\_\_  
Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (\*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Development Services Department, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

**EXHIBIT A**

A PARCEL OF LAND BEING PARTIALLY LOCATED WITHIN THE NORTHWEST QUARTER OF SECTION 1, AND ALSO BEING PARTIALLY LOCATED WITHIN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS LOCATED AT THE INTERSECTION OF A LINE WHICH FOLLOWS ALONG THE EASTERLY EDGE OF AN EXISTING BLOCK WALL AND THE SOUTH LINE OF 500 NORTH STREET, PROVO CITY, UTAH, SAID POINT BEING 0.32 FEET N89°38'20"W FROM THE NORTHEAST CORNER OF LOT 6, BLOCK 120, PLAT "A", PROVO CITY SURVEY OF BUILDING LOTS, SAID POINT ALSO BEING 2144.05 FEET S0°46'31"E ALONG THE SECTION LINE AND 60.09 FEET S89°38'20"E FROM A FOUND BRASS CAP MONUMENT MARKING THE NORTHWEST CORNER OF SAID SECTION 1, SAID POINT BEING THE REAL POINT OF BEGINNING; THENCE S0°46'00"W 199.70 FEET ALONG SAID EXISTING BLOCK WALL AND AN EXISTING FENCE LINE; THENCE N89°38'20"W 105.82 FEET ALONG AN EXISTING FENCE LINE TO A POINT ON THE EAST LINE OF PLAT "B", MAPLE VILLAGE SUBDIVISION, A RECORDED SUBDIVISION; THENCE N00°25'40"E 99.70 FEET ALONG SAID EAST LINE OF PLAT "B", MAPLE VILLAGE SUBDIVISION; THENCE S89°38'20"E 12.00 FEET ALONG AN EXISTING FENCE LINE; THENCE N0°25'40"E 100.00 FEET ALONG AN EXISTING FENCE LINE; THENCE S89°38'20"E 95.00 FEET ALONG SAID SOUTH LINE OF 500 NORTH STREET TO THE POINT OF BEGINNING. CONTAINING 0.460 ACRES OF LAND (20,050 SQ. FT.).

BASIS OF BEARINGS: S0°46'31"E ALONG THE SECTION LINE FROM THE NORTHWEST CORNER TO THE WEST ONE—QUARTER CORNER OF SAID SECTION 1, UTAH STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE.