

Provo City Planning Commission

Report of Action

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) 8526417 nrobison@provo.org PLRZ20230227

The following action was taken by the Planning Commission on the above described item at its regular meeting of March 13, 2024:

RECOMMENDED APPROVAL WITH CONDITIONS

On a vote of 7:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Conditions: Address all CRC Comments, install needed infrastructure for the subdivision.

Motion By: Robert Knudsen

Second By: Jonathon Hill

Votes in Favor of Motion: Melissa Kendall, Jonathon Hill, Lisa Jensen, Daniel Gonzales, Andrew South, Robert Knudsen, Jeff Whitlock

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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the R1.6 Zone is described in the attached Exhibit A.

APPROVED/RECOMMENDED OCCUPANCY

38 Single Family lots Total Units.

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. The developer must agree to install all needed infrastructure for the subdivision.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 10/12/2023.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or did not address the Planning Commission during the hearing.

CONCERNS RAISED BY PUBLIC

- Linda Voight, a Provo resident made a comment about water levels in the area and a concern regarding flooding if the homes were built with basements.

APPLICANT RESPONSE

The applicant agrees that they would be responsible for installing all the related infrastructure necessary for the subdivision.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following: Lisa Jensen questioned whether this would follow the General Plan goals related to preserving agricultural. Jonathan suggested that meant Provo city wouldn't force someone to rezone agricultural land, but that if the property owner wanted to, they would be allowed.

There was a comment that because of the different lot sizes a variety of homes would be available to build. Another comment about it not being the most desirable location because of the Front Runner and train tracks to the east of the subdivision.

Another concern was whether the planning commission was setting a precedent for developers to ask for a little more than 3 lots per gross acre. (This rezone is calculated as 3.12 lots per gross acre). Others felt that there was wiggle room on this goal and because of the proximity of the railroad tracks, that wiggle room should be applied here.

Planning Commission Chair

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 Development Services, 445 W Center St, Provo, Utah, **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

Parcel # 19-048-0031

SEC/TWN/RNG/MER:SEC 34 TWN 06S RNG 02E COM N 921.06 FT & E 925.31 FT FR S1/4 COR SEC 34, T6S, R2E, SLM; N 14'38"E 72.33 FT; S 89-44'06"E 192.12 FT; N 15'54"E 100

Parcel # 19-048-0030

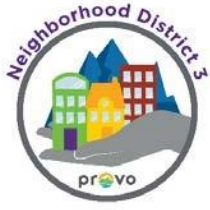
SEC/TWN/RNG/MER:SEC 34 TWN 06S RNG 02E COM N 921.06 FT & E 925.31 FT FR S1/4 COR SEC 34, T6S, R2E, SLM; N 14'38"E 72.33 FT; N 89 DEG 44'06"W 80.07 FT; S 52 DEG

Parcel # 19-048-0026

SEC/TWN/RNG/MER:SEC 34 TWN 06S RNG 02E COM. 9.28 CHS S & 13.65 CHS E & 2.39 CHS N 40 15' W FROM NW COR OF S 1/2 OF SE 1/4 OF SEC 34, T6S, R2E, SLB&M; E 8.02 CHS; N

Parcel # 19-048-0039

SEC/TWN/RNG/MER:SEC 34 TWN 06S RNG 02E COM E ALONG SEC LINE 862.27 FT & N 796.64 FT FR S 1/4 COR SEC 34, T6S, R2E, SLM; N 41 04'W 67.50 FT; E 164.65 FT; S 75 58'W



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.

1. **Department Topic:** Connecting 2470 West to Lakeshore Drive (Vern Keeslar, Provo City Traffic Manager)

Keeslar spoke about the connection of this road in the 2012 Citywide Transportation Master Plan that was adopted in 2020 and was originally planned to be completed with future development. Because of the creation of the new Regional Sports Park, the city is now completing this road connection. There will be two traffic signals, one at Lakeview Parkway & 2470 West and one at Lakeview Parkway & 2770 West. Both traffic lights are under construction right now and should be done by the first quarter of 2024. 2470 West will be connected in Spring 2024 with a 3-legged roundabout (the fourth leg will be constructed with future development).

Hilton asked if there was any reimbursement agreement with neighboring adjacent landowners.

Keeslar didn't know the answer since he has only been in this position 6 months (he replaced Rob Hunter).

Rob Hunter said the answer is no. The city gets reimbursements when tying into utilities, but not with roadways. Sometimes developers build half a road, but the city needs the whole roadway.

Keeslar said we're building up the entire road on 2470 West, but just part of 2770 West. Keeslar said that neighboring property owners have not expressed desire to develop their properties at this time. If they develop, they will do the other leg of the roundabout (right now it's private property).

Keeslar said there's no access between 2470 West and 2770 West (what looks like an access point is a parking lot).

Hunter said 2470 West was always shown on the transportation map and 2770 West is also the exit from the airport, which is being expanded right now.

Keeslar explained that UDOT owns Geneva Road to Center Street, but south of Center Street that street is owned by Provo City and they have no plans to widen that section of Geneva Road, but they're working on it.

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

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)

3. Additional Topics

A. Report – Lakeview Parkway clean up event.

Rachel Breen and Becky Bogdin reported on a resident complaint of weeds and trash along Lakeview Parkway by Provo High School. With permission from Provo School District and Provo High, BYU Community Clean-Up had about 30 students come out to help, along with 3 residents, to clean up the area in under two hours. Arien Adams has a list of workers and hours that can go towards matching grant funds. Will need to verify if weed piles are still in the area.

B. District volunteer project? – Removal of puncture weeds/goat heads.

Teri McCabe spoke about goat heads by Sunset Elementary in the park strip along 1600 West that need to be cleaned up. Sometimes the city (Parks) cleans it up, but sometimes they don't. It causes flat tires for kids riding their bikes to school. Rob Hunter said he would check on it. Bogdin said that Mike Hoffman said that Parks does have areas we can clean up along Lakeview Parkway between the trail and the fence along the freeway (check with Mike Hoffman for ideas).

C. Discussion – What do to about graffiti on bridges and underpasses near Lakeview Parkway.

Monica Broadbent submitted photos to Provo City showing graffiti along Lakeview Parkway. Kids slough school and hang out in this area (dead ends). The city cleaned up some graffiti, but new graffiti was added. Broadbent is asking about trail cameras. Barnes asked what Officer Waters said about the graffiti. Broadbent said Officer Waters sent her an email. Barnes said she would speak with Officer Waters about additional patrols and asked if the cameras would be put up by the School District. Broadbent says she has access to trail cams that can be put up but would need permission. Barnes said she would speak with Officer Waters about putting up trail cams.

4. Public Comment

Beth said that painted murals can slow down the rate of graffiti – maybe do a service or community project.

McCabe said they need input from the public about continuing Camp Big Springs. Please email McCabe or other School Board Members with your feedback.

Barnes asked McCabe about a crosswalk at 1400 West & 600 South. McCabe said to talk to Keeslar. The principal talked to Keeslar about the crosswalk. Hunter said the city has money from UDOT but it's not going to cover full curb, gutter, sidewalk. They will make an asphalt trail as a temporary hard surface for kids to ride their bikes until they get money to fix the area. McCabe said some neighbors don't want sidewalks. Barnes asked if they don't want sidewalks because residents will have to pay for the sidewalks. Hunter said there's no plans for a crosswalk because it will require another crossing guard, which they don't have.

McCabe said Shoreline Middle School will open in the Fall of 2024 and traffic patterns may change. Bogdin said the Community Council creates a safe route to school and meets with the city to meet regulations. What Keeslar is finding is that what's posted as the "safe routes" is not actually a safe route. Education needs to happen to tell people what the safe routes are.

5. Adjournment

Next Neighborhood District 3 Meeting is scheduled for Thursday, November 30, 2023 at 6:30 PM in the City Hall Community Room.