

Provo City Planning Commission

Report of Action

October 25, 2023

*ITEM 3 Garrett Seely requests a Zone Map Amendment for a PD (Performance Development Overlay) Zone to be applied to 16.9 acres of land in the R1.8 (One Family Residential) Zone in order to create a 58-unit single family and twin home development, located approximately at 1069 N Geneva Road. Lakeview North Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20230104

The following action was taken by the Planning Commission on the above described item at its regular meeting of October 25, 2023:

RECOMMENDED APPROVAL

On a vote of 4:2, the Planning Commission recommended that the Municipal Council approve the above noted application and authorize the Mayor to sign the development agreement.

Motion By: Lisa Jensen

Second By: Barbara DeSoto

Votes in Favor of Motion: Lisa Jensen, Barbara DeSoto, Daniel Gonzales, Robert Knudsen

Votes Against the Motion: Andrew South, Jonathon Hill

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 R1.8PD Zone is described in the attached Exhibit A.

RELATED ACTIONS

The Planning Commission also approved the related concept preliminary subdivision at the October 25th hearing (PLPSUB20230147, Item #2)

APPROVED/RECOMMENDED OCCUPANCY

*58 Total Units

*Type of occupancy approved: Family

*Standard Land Use Code 1112, 1111

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. Staff noted changes from the staff report on the concept plan for 58 total units on 16.9 acres of land.

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 07/20/2023.

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:

- Deann Torsak emailed concerns with the site being dirty during construction, increased traffic as a result of the development, and the compatibility of twin homes in the neighborhood.
- Shantel Bjornn emailed concerns about the population growth, ability for the schools to handle additional students, increased density in the neighborhood, and the safety of surrounding streets. She also wondered if someone could come back later and add additional units.
- Jesse Ryan McAdam sent an email stating concerns about increased traffic, access to amenities, and impact on property values. He also shared his concerns for losing scenic open lands in his comments during the hearing.
- Joel Williams shared his concern about the groundwater on the site and increased traffic, and feared losing open natural lands and the wildlife they bring.
- Karen Weight (the current property owner) stated that growth happens, and she had the same concerns for development over the last forty years on the westside, but knows it is inevitable and wants to make sure it develops in a positive way.
- Tiffany Williams loves the concept, stating that it is a happy medium; but still has some concerns about traffic.
- Jon Senior hoped that the city could buy the open space in the plan.

APPLICANT RESPONSE

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

- Garrett Seely added that he hoped to be creative in developing the property but not overly densify in the neighborhood. He also responded to questions about the natural spring and confirmed that engineering would take necessary actions to ensure it does not affect the homes.
- Andy Flamm responded to questions about plans for owner-occupancy, that he did not have plans since he isn't the builder. He also stated that UDOT will control access to Geneva Road, but that their layout has provided the best scenario for a future connection.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Jensen asked about what guarantees the city has for the HOA to continue maintenance of the open areas over the years. *Staff responded that it is also in a Development Agreement proffered by the applicant.* She also confirmed that the plan complies with the General Plan and Southwest Neighborhoods Plan.
- The Commission discussed the powerline corridor and flood risks associated with the property and surrounding area. They also asked the applicant what maintenance would be done in the wetland areas. *Mr. Seely stated he would make sure that the growth is kept down for view corridors and safety.*
- The Commission confirmed with staff that the open areas will stay open and that no additional units would be able to be built there in the future. They also asked about the ability to work with the property to the north.
- There was some discussion about the natural spring in the middle of the development, how active it has been in recent years, and what dangers it could pose to the surrounding homes.
- During discussion on the road network and ability to connect to Geneva Road the commission showed support for the connection that the applicant has provided space for, and that it would require UDOT consultation.
- The commission appreciated the design, ability to keep open areas, and provide a different housing type.
- There was a lot of concern for this development becoming a rental community, **the commission voted 6:0 to forward a concern on owner-occupancy to the City Council with the rezone application.**
- **The commission also voted 6:0 to forward a concern to the City Council to address the natural spring.**

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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 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 Number 19-045-0080 (Weight Property)

COM AT S 1/4 COR. SEC. 34, T6S, R2E, SLB&M.; S 1 DEG 15' 46" E 1.98 FT; S 89 DEG 35' 4" W 364.16 FT; N 0 DEG 24' 56" W 179.99 FT; N 52 DEG 54' 56" W 170 FT; S 89 DEG 35' 4" W 120.66 FT; N 1 DEG 15' 20" W 13.42 FT; N 7 DEG 14' 10" E 217.25 FT; N 19 DEG 30' 3" E 66.81 FT; N 32 DEG 27' 15" E 91.14 FT; N 0 DEG 15' 17" E 213.3 FT; S 87 DEG 52' 49" E 449.26 FT; S 88 DEG 47' 18" E 80.33 FT; N 88 DEG 47' 59" E 511.78 FT; S 1 DEG 42' 35" E 75.68 FT; N 87 DEG 48' 15" E 13.59 FT; S 0 DEG 23' 3" W 161.76 FT; S 88 DEG 17' 15" E 37.44 FT; S 7 DEG 12' 54" E 150.56 FT; S 6 DEG 27' 19" E 124.74 FT; N 89 DEG 40' 50" W 432.87 FT; S 89 DEG 52' 2" W 178 FT; S 1 DEG 15' 46" E 342.3 FT TO BEG. AREA 16.428 AC.

