

Provo City Planning Commission

Report of Action

December 11, 2024

ITEM 6*	David Bragonje requests a Zone Map Amendment from the A1.5 (Agricultural) Zone to the MDR (Medium Residential) Zone in order to build 16 townhome units, located approximately at 5568 North Canyon Road. North Timpview Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20240266
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The following action was taken by the Planning Commission on the above described item at its regular meeting of December 11, 2024:

RECOMMENDED APPROVAL

On a vote of 6:1, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Daniel Gonzales

Second By: Andrew South

Votes in Favor of Motion: Andrew South, Melissa Kendall, Jeff Whitlock, Daniel Gonzales, Barbara DeSoto, Adam Shin

Votes Against the Motion: Anne Allen (was not comfortable with the MDR with development agreement approach).

Jeff Whitlock 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 MDR Zone is described in the attached Exhibit A.

RELATED ACTIONS

Planning Commission approved the related Concept Plan (Item 7, 12/11/24 Planning Commission agenda, PLCP20240265)

APPROVED/RECOMMENDED OCCUPANCY

- 16 Total Units
- Type of occupancy approved: Family

APPROVED/RECOMMENDED PARKING

- 48 Total parking stalls required
- 58 Total parking stalls provided
- 3 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. Staff responded to Planning Commission questions regarding sewer availability, zone standards for MDR and LDR Zones, and details of the draft development agreement.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.
- Important issues raised by other departments – addressed in Staff Report to Planning Commission

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 10/10/2024.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District 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:

- Sharon Memmott gave an overview of the neighborhood meeting and expressed concern over doing a MDR Zone with development agreement and stated she would be more supportive of a LDR Zone with adjustments to the height regulations.
- Marian Monaghan stated she likes the project but is not in favor of the zone proposed and doesn't believe the development agreement would hold.

APPLICANT RESPONSE

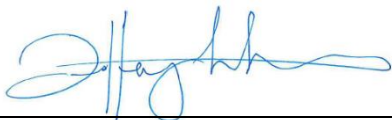
Key points addressed in the applicant's presentation to the Planning Commission included the following:

- David Bragonje spoke of the several soil studies that have been done on and near the site to confirm it would be a buildable area. He also pointed out that the current zone is not useful and that his proposal will be a good fit.
- Mr. Bragonje also responded to Planning Commission questions regarding access, traffic, and development of the site.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission spoke about past concerns with grading and access to the site, and past support to MDR with 66 units.
- The Commission discussed the possibility of a much denser development coming to the site but based on sewer constraints and the development agreement, they did not share that concern.
- The Commission noted that the plan fits with the future land use map of the proposed Northeast Neighborhoods Plan.
- They shared that there was more comfort in the MDR than trying to make a LDR Zone work with text amendments or variances, and that additional delays would not be fair to the applicant.
- The motion referenced the conclusion of the staff report (Item #6, pg. 5) as being a part of the recommendation for approval, addressing needed infrastructure and owner-occupancy.



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 the Development Services Department, 445 W Center Street, 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

Serial Number: 20:014:0109

Taxing Description: COM N 0 DEG 53' 7" W 747.8 FT & E 1084.18 FT FR SW COR. SEC. 7, T6S, R3E, SLB&M.; S 84 DEG 59' 0" W 214.47 FT; N 8 DEG 34' 0" W 188.79 FT; E 26.71 FT; ALONG A CURVE TO L (CHORD BEARS: N 0 DEG 37' 51" W 184.02 FT, RADIUS = 5358.71 FT); E 190.79 FT; S 4 DEG 16' 27" E 352.92 FT TO BEG. AREA 1.733 AC.

Serial Number: 20:014:0110

Taxing Description: COM N 1216.175 FT & E 1324.257 FT FR SW COR. SEC. 7, T6S, R3E, SLB&M.; S 85 DEG 17' 39" W 181.29 FT; S 64 DEG 36' 13" W 35.57 FT; S 28 DEG 26' 35" W 54.48 FT; W 32.98 FT; S 9 DEG 43' 0" W 39.04 FT; W 162.8 FT; N 16 DEG 21' 16" W 1.33 FT; N 16 DEG 21' 16" W 229.05 FT; N 16 DEG 21' 16" W .05 FT; E 7.73 FT; N 8 DEG 54' 12" W 89.93 FT; N 80 DEG 37' 1" E 9.79 FT; N 6 DEG 31' 33" W 22.98 FT; N 80 DEG 36' 56" E 14.19 FT; N 7 DEG 2' 26" W 22.44 FT; N 2 DEG 41' 31" E 94.78 FT; N 80 DEG 37' 0" E 284.01 FT; S 30 DEG 53' 56" E 123.73 FT; N 80 DEG 37' 0" E 65.81 FT; S 15 DEG 40' 13" E 299.11 FT TO BEG. AREA 4.170 AC.