

Provo City Planning Commission

Report of Action

January 08, 2025

*ITEM 3 Chase Freebairn requests a Zone Map Amendment from the M1 (Light Manufacturing) Zone to the MDR (Medium Density Residential) Zone in order to construct and sell 32 townhome units, located 1122 South 900 East. Spring Creek Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLRZ20240193

The following action was taken by the Planning Commission on the above-described item at its regular meeting of January 08, 2025:

RECOMMENDED APPROVAL

On a vote of 7:2, the Planning Commission recommended that the Municipal Council approve the above noted application and authorize the mayor to sign the development agreement.

Motion By: Andrew South

Second By: Anne Black

Votes in Favor of Motion: Andrew South, Anne Black, Barbara DeSoto, Jonathon Hill, Melissa Kendall, Adam Shin, Jeff Whitlock

Votes Opposed to the Motion: Daniel Gonzales, Lisa Jensen

Jeff Whitlock was present as Chair.

- 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 MDR Zone is described in the attached Exhibit A.

RELATED ACTIONS

Item 4, Planning Commission January 8th, 2025, PLCP20240192

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

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 07/31/2024.

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:

- A neighbor was in support of this project.

APPLICANT RESPONSE

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

- The applicant discussed the proposed development agreement and that they have recently revised it from 50 percent to 35 percent of units being allowed to be rented within the development with a deed restriction.
- The proposed development would be closer to the LDR zone than the MDR zone. The development agreement would limit the density to 20 units per acre. This is more than the 12 allowed in the LDR but is less than the 30 allowed in the MDR.
- The applicant tried to find out what staff needed to see for how many units should be for sale. Staff directed to ask the Planning Commission and City Council because a number has not been established, but that it is a goal of the city.

PLANNING COMMISSION DISCUSSION

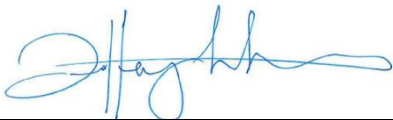
Key points discussed by the Planning Commission included the following:

- It is nice to see a developer come with an offer to deed restrict some of the units from being rented.
- Being next to the railroad is not the best location but would possibly keep units more affordable.
- The current renter/owner split is 60/40. To reach the city's goal of 50/50, new developments are going to need to be less than 50% renter occupied.
- The deed restriction and the HOA would be the tools used restrict the number of units being rented at any one time.
- The Planning Commission discussed what the right percentage would be. It is challenging and may need to be evaluated each time, but two-thirds seemed like a reasonable number.
- Commissioner Gonzales felt that there needed to be more time (3-5 years) before a buyer could rent their unit. If it is a short period of time, then they may just simply wait until that time is over and then rent it out.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

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

- The applicant is proffering a development agreement that would limit the density and would deed restrict the number of units within the project that could be rented at any given time to 35% and that this would help towards meeting the goal of more 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

Legal Description:

Serial Number: 22:033:0019

COM N 47'13"W 357.50 FT & W 1710.66 FT FR SE COR SEC 7, T7S, R3E, SLM; S 88 DEG 26'22"W 157.26 FT; N 38 DEG 59'52"W 247.41 FT; N 41 DEG 04'E 35.45 FT; N 00 DEG 57'W 68.23 FT; N 89 DEG 44'35"E 275.99 FT; S 25'03"E 251.01 FT; 36.40 FT ALONG ARC OF 50 FT RAD CUR L (CHD S 21 DEG 16'15"E 35.60 FT) TO BEG. AREA 1.58 ACRES.

Serial Number: 22:033:0072

COM N 576.34 FT & E 622.66 FT FR S 1/4 COR. SEC. 7, T7S, R3E, SLB&M.; N 38 DEG 53' 0" W 35.82 FT; N 29 DEG 51' 45" E 14.3 FT; N 54 DEG 41' 22" E 47.22 FT; S 0 DEG 57' 0" E 40.24 FT; S 41 DEG 5' 0" W 36.27 FT TO BEG. AREA 0.039 AC.

