

PROVO CITY CORPORATION

DEVELOPMENT SERVICES DEPARTMENT Planning Commission Agenda June 25, 2025

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION

The Provo City Planning Commission will hold a public hearing on June 25, 2025 at 6:00 PM. Located at: Council Chambers 445 West Center Street. The items listed below will be discussed, and anyone interested is invited to participate and provide comment. Hearings can be viewed live and on-demand at: YouTube youtube.com/user/ProvoChannel17 and on Facebook facebook.com/provochannel17.

Items are administrative and require the approval only of the Planning Commission. Decisions on the items may be appealed to the Board of Adjustment by making application by 6:00 PM. within 14 days of the Planning Commission decision.

Public Hearings

- Item 1 Louise McKeown requests a Variance from Provo City Code 15.05.160 (Hillside Development Standards) to build a new home within slopes greater than 30% grade in the R1.10 (One Family Residential) Zone, located at 2857 N Iroquois Drive. Rock Canyon Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLVAR20250256
- Item 2 Matt Christensen requests Project Plan approval for a 32-unit townhome development in the MDR (Medium Density Residential) Zone, located at 1122 South 900 East. Spring Creek Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLPPA20250074
- Item 3 Reid Wintersteen requests Project Plan approval for two new warehouse buildings and site improvements in the AI (Airport Industrial) Zone, located at 3410 West Center Street. Fort Utah Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLPPA20250129

Preceding the public hearing, there will be a Study Session at 5:00 PM. at the Provo Peak Conference Room, 445 W Center Street. The Study Session is open to the public; however, formal presentation of items, public comment and actions will be reserved for the public hearing at 6:00 PM.

To send public comments to Planning Commission members, email them at <u>dspublichearings@provo.gov</u>. Additional information can be found at provo.gov/publiccomments.

Copies of the agenda materials, public hearing procedure, and staff recommendations are available the week of the hearing at a reasonable cost at 445 W Center Street, Suite 200, Provo between the hours of 7:00 AM. and 6:00 PM., Monday through Thursday. Agendas and staff recommendations are also generally available on the Provo City Development Services web site the week of the meeting at provo.gov/planningcommission.

Provo City will make reasonable accommodations for all citizens interested in participating in this meeting. If assistance is needed to allow participation at this meeting, please call the Development Services Department at (801) 852-6400 before 12:00 PM. the day before the meeting to make arrangements.

By order of the Provo City Planning Commission Planning Secretary, (801) 852-6424





Planning Commission Appeal Staff Report Hearing Date: June 25, 2025

ITEM 1 Louise McKeown requests a Variance from Provo City Code 15.05.160 (Hillside Development Standards) to build a new home within slopes greater than 30% grade in the R1.10 (One Family Residential) Zone, located at 2857 N Iroquois Drive. Rock Canyon Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLVAR20250256

Applicant: Louise McKeown

Staff Coordinator: Jessica Dahneke

Property Owner: MCKEOWN, SPENCER J & LOUISE A (ET AL),

Address:3702 N 920 E

Parcel ID#: 42:028:0006

Current Zone: R1.10

Acreage: 0.96

Number of Properties: 1

Number of Lots: 1

ALTERNATIVE ACTIONS

- Approve the requested Variance.
 This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.
- Continue to a future date to obtain additional information or to further consider the information presented. The next available meeting date is July 9, 2025.

Current Legal Use: Single-Family Dwelling in the R1.10 zone.

Relevant History: In April 2024, a subdivision application was submitted for the property at 2857 North Iroquois Drive. The application included documentation demonstrating that the subdivision would allow a home to be constructed on the new lot without encroaching on the 30 percent slope that exists at the property.

To allow for more distance between the existing home and a future single-family dwelling, the applicant is seeking a variance to allow for building on a 30 percent slope.

Neighborhood Issues: No neighborhood issues have been raised.

Summary of Key Issues:

- The subdivision of the property has been approved.
- A single-family dwelling can be built on the new lot without building in the area with 30% slope.
- The applicant is requesting approval to build on part of the 30 percent slope area to increase the distance between the existing and proposed homes while also creating more space for vehicles to turn around in the driveway, to prevent the need to back directly onto Foothill Drive.

Staff Recommendation: Staff recommends that the Planning Commission **Deny** the requested variance.

OVERVIEW

A subdivision application was submitted in April 2024 for the property at 2857 North Iroquois Drive. Under Title 15 of Provo City Code, developable land is defined as "land under 30 percent slope which is capable of being improved..." Given that portions of the lot exceeded 30 percent slope, the applicant was required to submit documentation demonstrating that a home could be constructed without encroaching on these steep areas.

The city conducted a review of all submitted materials, including the proposed location of the future single-family dwelling, to verify that the second lot would comply with the requirements outlined in Titles 14 and 15 of Provo City Code and constitute a buildable parcel. Based on the review and the supporting documentation, the subdivision was approved.

The applicant is now seeking a variance to allow construction within the 30 percent slope area.

FINDINGS OF FACT

- The property is in the R1.10 zone.
- The property applied to be subdivided into two lots, the subdivision was approved.
- 15.05.160(1)(b) prohibits building on a 30 percent slope.
- A new home can be built on the second lot without encroaching on the 30 percent slope.

APPLICABLE ZONING CODES

15.03.010(2):

""Developable land" means land under thirty percent (30%) slope which is capable of being improved, subject to the Sensitive Lands Ordinance and other requirements within this Title, with landscaping, buildings, or parking. Land designated as sensitive lands or primary conservation areas shall not be considered developable land."

15.05.160(1)(b):

"Any land or parcel having a slope of greater than ten percent (10%) shall be deemed to be land having a "steep slope" within the meaning of this Chapter. No person shall be permitted to grade, cut, excavate, fill, or to erect any structure on undisturbed hillside areas that exceed a slope greater than thirty percent (30%). Any person proposing to grade, cut, excavate, fill or to erect any structure on any slope or hillside with a slope between ten percent (10%) and thirty percent (30%) shall be required to submit a geologic report which meets the standards and requirements of this Chapter. A geologic report may not be required if a geologic report relating to the subject property has, at an earlier date, been accepted and approved by the City Engineer. An applicant may appeal the decision of the City Engineer through a request for administrative review."

STAFF ANALYSIS

Section 14.05.030(9) describes the criteria for which a Variance may be granted:

1. Any person or entity desiring a waiver or modification of the requirements of this Title as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial

interest may apply to the Board of Adjustment for a variance from the terms of this title. Staff and applicant responses will both be represented under their respective title.

2. The Board of Adjustment may grant a variance only if:

(i) Literal enforcement of this Title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this Title;

Applicant: We have received approval to subdivide the land from Provo city, but after reviewing the plans, and realizing that the new home would only have a 10 ft set back from the existing home, it felt like the new home was far too close and the shared driveway does not have sufficient turning space to safely exit and enter the properties from Foothill Drive because of the blind hill 125 ft away. We want to provide enough space so that no one ever has to back out onto Foothill Drive and will always have space to safely turn their vehicle within the shared driveway space.

We attempted to reduce the width of the rooms, to keep within the building area, we sat with the Architect and looked into different options, all of which seemed to create other issues. Reducing the width of the home created a slope/ pitch on the roof that was too excessive and each option we tried, left us with further challenges. The main level is 1475 sq ft, which provides a Kitchen/ mud room and living area for our family of 8.

Staff: The property is in an R1.10 zone which means that the allowed density is one single-family dwelling per lot. Based on the documentation uploaded with the subdivision application, a single-family dwelling that meets the requirements of the R1 zone can be built on the second lot without needing to encroach into areas of 30 percent slope. Staff is unaware of any unreasonable hardship created by the literal enforcement of the title.

(ii) There are special circumstances attached to the property that do not generally apply to other properties in the same district;

Applicant: We would love to move the proposed home by 25-30 ft, but we are requesting the minimum amount that would create a safe and respectful distance between the homes. All of the homes in the area seem to benefit from a good distance between them. The lot's constraints, including its terrain and layout, do not generally apply to other properties on the street.

Staff: Both the existing lot and the newly created lot comply with all R1.10 zoning requirements. Although the second lot contains areas of 30 percent slope, sufficient buildable area remains available for development. Staff is unaware of unique circumstances affecting this property that would distinguish it from other properties within the same zoning district.

(iii) Granting the variance is essential to the enjoyment of a substantial property right possessed by other properties in the same district;

Applicant: The applicant did not upload language regarding a specific substantial property right that is being denied.

Staff: The creation of a second lot was based on CRC approval which verified the lot could comply with all the requirements of Provo City Code. During that reviewal process, none of the departmental reviews shared any concerns regarding the creation of the lot or the placement of the single-family dwelling as it was shown in the application. Since the subdivided lot can

support a single-family dwelling without encroaching on areas of 30 percent slope staff does not believe granting a variance is essential to the enjoyment of a substantial property right.

(iv) The variance will not substantially affect the general plan and will not be contrary to the public interest; and

Applicant: Our request is in harmony with the intent of the zoning ordinance.

Staff: Granting the variance does not substantially affect the goals of the general plan.

(v) The spirit of this Title is observed and substantial justice is done.

Applicant: The new location protects neighbor privacy and preserves the open and private feel of the neighborhood. The proposed placement is more respectful of adjacent homes and makes the property (fire) and drivers safer. It also brings a neglected portion of land to use.

Staff: The presence of a 30 percent slope on the lot does not create a hardship that would prevent the property's development or use. Denying the variance would not constitute an injustice, as the new lot has enough developable area to accommodate a single-family dwelling that is in compliance with code requirements.

CONCLUSIONS

The property at 2857 N Iroquois has completed the subdivision process and received approval for division into two separate lots. The proposed home on the second lot can be built without requiring any encroachment on the property's 30 percent slope areas. Staff believe that this application does not satisfy all five criteria necessary for variance approval. Therefore, staff recommends that the Planning Commission deny the requested variance to allow construction in areas with slopes of 30 percent or greater.

JUDICIAL APPEAL OF BOARD OF ADJUSTMENT ACTION

Chapter 14.05 provides a process for appeal of a determination by the Board of Adjustment (quoted in part):

14.05.050. Judicial Appeal.

(i) Any person aggrieved by or affected by any decision of the Board of Adjustment may have and maintain a plenary action for relief from the District Court of competent jurisdiction, provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the Board of Adjustment or with the City Recorder.

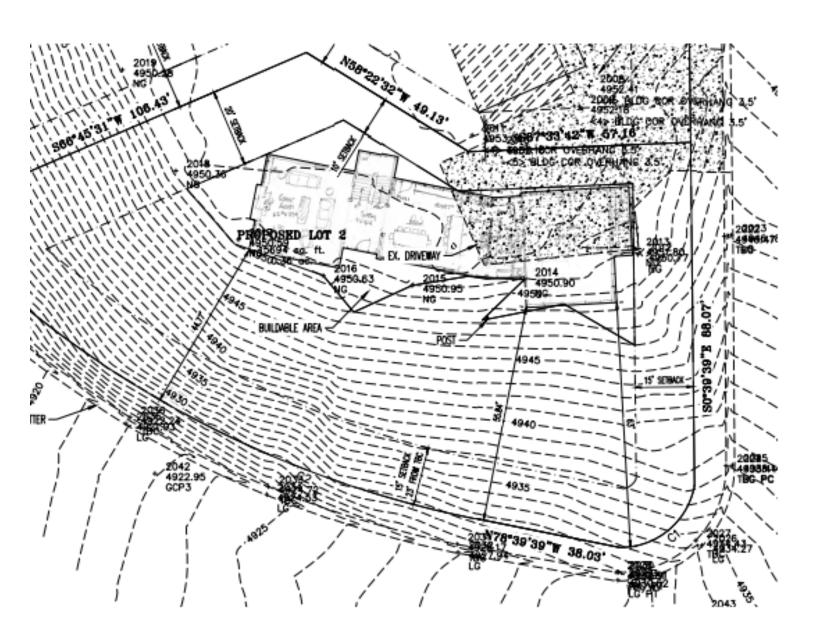
ATTACHMENTS

- 1. Property Map
- 2. Floor Plan Uploaded with the Subdivision Application.
- 3. Geotechnical Report

ATTACHMENT 1 – PROPERTY MAP



ATTACHMENT 2 - FLOOR PLAN UPLOADED WITH THE SUBDIVISION APPLICATION



ATTACHMENT 3 – GEOTECHNICAL REPORT



MEMORANDUM

To: Louise McKeown

Attention: Louise McKeown Lot 1, 2857 North Iroquois Drive

Provo, Utah 84604

From: J. Scott Seal, P.E.

Date: February 12, 2025

Subject: McKeown Residence – Additional Slope Stability Analysis

Lot 2, 2843 North Iroquois Drive

Provo, Utah 84604

GeoStrata Project No. 1939-001

Mrs. McKeown

Based on our understanding, Provo City has requested additional information concerning the updated proposed site plans titled "McKeown Property" prepared by Brown Engineering, INC, dated January 2, 2025 (Please see Plate A-1 in Appendix A). As shown on plate A-2 in Appendix A, the updated site plan has the placement of the proposed residential structure to range from approximately 5 feet to 25 feet into the greater than 30% slopes of the south portion of the lot. GeoStrata has prepared this memorandum to provide a summary of our investigations into the suitability of the updated site plan, including an assessment of the soil stability for the construction of the footings within the areas with greater than 30% slopes.

GeoStrata previously completed a geotechnical investigation for the subject McKeown Residence residential development, the results of which are provided in a report titled "Geotechnical Investigation, McKeown Residence, Lot 2, 2843 North Iroquois Drive, Provo, Utah" dated December 6, 2024 (GeoStrata Project No. 1939-001). As part of our 2024 investigation, shallow explorations were advanced at the top and the foot of the slope within the site of lot 2 in order to assess the slope stability of the proposed structure. The site plan used for said geotechnical investigation and slope stability analysis has been updated since the time of the report. As such GeoStrata has completed a slope stability analysis for lot 2 using the updated site plan provided by the client.

Parcel and Proposed Development Geometry

Lot 2 exists as a moderately steep hillside property in its south portion, with slopes on the order of 1H:1V to 3.7H:1V grading downwards toward the south and southwest. The proposed residence is to be located approximately 75 feet northwest of the intersection of Iroquois Drive and Apache Lane, with access to the property granted through Iroquois Drive. The site plan used for said geotechnical investigation and slope stability analysis has been updated since the time of the report. Based on our review of the updated proposed site plan, we understand that it is currently planned to establish the proposed residential structure 15 feet further south from the 10-foot setback of the existing residential

2/12/2025

J. SCOTT

structure, as shown on plate A-2 in Appendix A. This updated placement of the proposed structure will have it crossing into the south portion of the lot that has areas with greater than 30% slopes.

Slope Stability Analysis

As discussed previously, GeoStrata has completed a slope stability analysis for the subject lot while considering the presence of the proposed residence and areas with greater than 30% slopes. The specifics behind the selection of the input parameters utilized in that analysis are provided in our 2024 report. The results of our updated slope stability analysis incorporating the updated site plan are as follows;

Cross Section A-A' Factor of Safety				
Profile	Profile Failure Type		Pseudo Static	
A-A'	Circular	2.36	1.24	

Based on the results of our slope stability analysis described above, the site meets the industry standard of care recommended factors of safety of 1.5 and 1.0 for static and pseudo-static conditions, respectively. As a result, it is anticipated that the site is suitable for the proposed development as illustrated in the January 2, 2025 site plan.

<u>Discussion – Updated Site Plan and Slope Stability Assessment</u>

The results of our slope stability analysis suggest that the relatively steep slope located to the south and southwest of the proposed residence will remain stable during a design level seismic event. As a result, it is anticipated that the proposed residence may be established as illustrated on the January 2, 2025, site plan (Please see Plate A-1 in Appendix A). The footings for the proposed structure should be established in accordance with the recommendations outlined in IBC 1808.7.1.

Closure

The conclusions and recommendations contained in this memorandum which include professional opinions and judgments, are based on the information available to us at the time of our evaluation, the results of our field observations, our limited subsurface exploration and our understanding of the proposed site development. This memorandum was prepared in accordance with the generally accepted standard of practice at the time the report was written. No other warranty, expressed or implied, is made. Development of property in the immediate vicinity of active faults, steep slopes and landslide deposits involves a certain level of inherent risk.

This memorandum was written for the exclusive use of Louise McKeown and only for the proposed project described herein. No other person or entity is entitled to rely on GeoStrata's services or use the information contained in this memorandum without the express written consent of GeoStrata. The above addressee is not entitled to transfer their rights to use this memorandum to any other person or entity without the express written consent of GeoStrata. It is the Client's responsibility to see that all parties to the project including the Designer, Contractor, Subcontractors, etc. are made aware of this report in its entirety. We are not responsible for the technical interpretations by others of the information described or documented in this report. The use of information contained in this report for bidding purposes should be done at the Contractor's option and risk.



- 3) BUILDING ON LOT 2 SHALL NOT DISTURB THE EXISTING SCIPERCENT SLOPES.









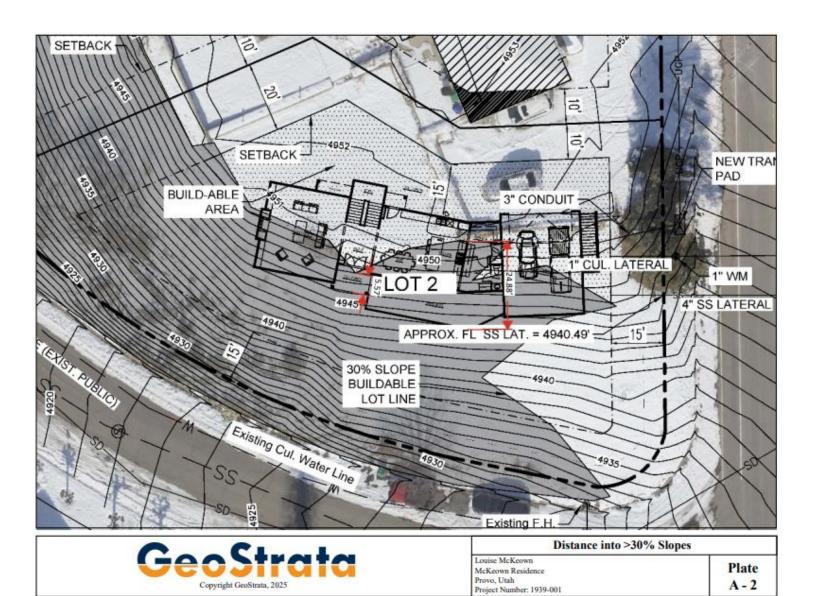
MCKEOWN PROPERTY PROVO, UTAH UTILITY PLAN SHEET



Updated Site Plan

Louise McKeown McKeown Residence Provo, Utah Project Number: 1939-001

Plate A-1





Planning Commission Hearing Staff Report

Hearing Date: June 25, 2025

ITEM 2 Matt Christensen requests Project Plan approval for a 32-unit townhome development in the MDR (Medium Density Residential) Zone, located at 1122 South 900 East. Spring Creek Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLPPA20250074

Applicant: Matt Christensen

Staff Coordinator: Dustin Wright

Property Owner: SCANDIA

RESIDENTIAL REAL PROPERTY I

LLC

Parcel ID: 22:033:0019 and

22:033:0072

Acreage: Approximately 1.62 acres

Number of Properties: 2

Current Zone: MDR - Medium Density

Residential

Council Action Required: No

ALTERNATIVE ACTIONS

- 1. **Continue** to a future date to obtain additional information or to further consider the information presented. The next available meeting date is July 9, 2025, at 6:00 p.m.
- 2. **Deny** the requested Project Plan Application. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Current Legal Use:

Currently general warehousing and storage SLU #6370.

Relevant History:

The property was rezoned from M1 to MDR (PLRZ20240193) in February of this year. A development agreement recorded that 65% of the units are owner occupied and no more than 20 units per acre.

Neighborhood Issues:

No issues have been made known to staff.

Summary of Key Issues:

- The development has been reviewed by staff to meet the MDR zoning requirements if the property is rezoned.
- The concept plan was approved by the Planning Commission during the rezoning process.
- The Project Plan has been reviewed and approved by the CRC.

Staff Recommendation:

Approval of the proposed Project Plan with the condition that:

 A final plat application is approved and recorded along with CC&R's and deed restrictions as indicated in the development agreement.

BACKGROUND

The applicant is requesting approval for a project plan to allow 32 townhomes to be built in the Medium Density Residential (MDR) zone. The townhomes will be three levels with private garage parking on the main for each unit. There will be a private drive circulating the site that provides access to the garages and nine guest parking stalls. There is outdoor amenity space to be used by the residents.

When the property was rezoned, a development agreement was recorded that limits the overall density of the project to 20 units per acre. It also requires that a deed restriction is recorded that will require 65% must be owner occupied while 35% may be rented.

To the west of the property is the railroad that is zoned M2. The property has townhomes to the north and the east in the LDR and RC zones. There is a mobile home park in the RM zone to the south of this property.

FINDINGS OF FACT

- 1. Residential attached units are permitted in the MDR zone (14.14B.020(1).
- 2. The project plan meets the lot standards and yard requirements of the MDR zone.
- 3. MDR zone allows 30 units per acre. The project is restricted to 20 units per acre which is reflected in the development agreement.
- 4. This project is for family occupancy, not backing singles.
- 5. A preliminary plat has been reviewed by CRC.
- 6. A final subdivision plat will be required to combine the parcels into one.
- 7. The max building height is 45 feet in the MDR zone.
- 8. The proposed building height is 32 feet.
- 9. There are three-bedroom units which require 2.25 parking stalls each.
- 10. The parking requirement is 72 stalls.
- 11. The project will provide 64 garage stalls and 9 guest parking stalls, totaling 73.

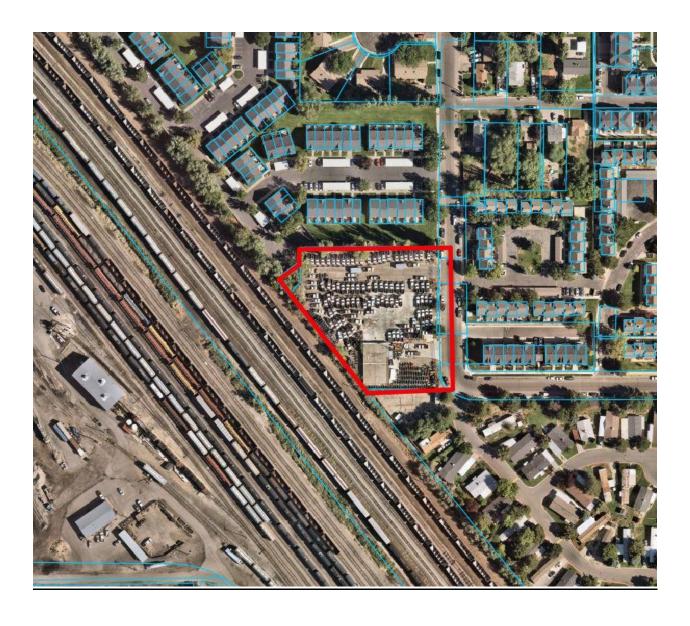
STAFF ANALYSIS

Staff have reviewed the proposed project plan, and it meets the requirements of the MDR zone. The residential use is more compatible with surrounding housing than the current industrial use and is more aligned with the General Plan Map designation. There will be sufficient parking to meet the parking requirements. The height complies with the MDR zone.

ATTACHMENTS

- 1. Aerial of Site
- 2. Site Plan
- 3. Landscape Plan
- 4. Renderings and Elevations
- 5. Floor Plans

ATTACHMENT 1 - AERIAL OF SITE



ATTACHMENT 2 - SITE PLAN



ATTACHMENT 3 – LANDSCAPE PLAN

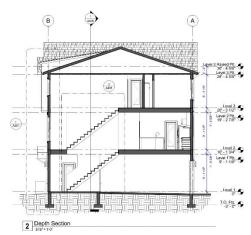


ATTACHMENT 4 – RENDERINGS AND ELEVATIONS

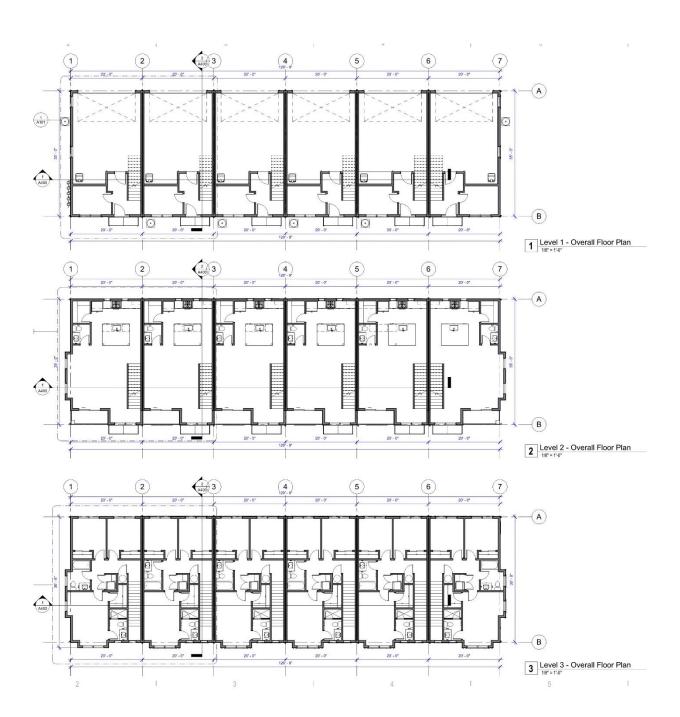








ATTACHMENT 5 – FLOOR PLANS





Planning Commission Hearing Staff Report

Hearing Date: June 25, 2025

ITEM 3 Reid Wintersteen requests Project Plan approval for two new warehouse buildings and site improvements in the AI (Airport Industrial) Zone, located at 3410 West Center Street. Fort Utah Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLPPA20250129

Applicant: Reid Wintersteen

Staff Coordinator: Aaron Ardmore

Property Owners: HALLADAY
APARTMENTS LLC; KIRKLAND
FAMILY INVESTMENT LLC (ET AL);
HALLADAY, THOMAS K &
CHRISTINE (ET AL); HALLADAY,
THOMAS K & CHRISTINE L;
HALLADAY, KRIS ALBERT & STACY
KIM

Parcel IDs#: 21:029:0015; 21:029:0030; 21:029:0042; 21:029:0043; 21:029:0100; 21:029:0077

Acreage: 38.00

POSSIBLE ACTIONS

- 1. **Approve** the requested project plan with the proposed parking reduction.
- Continue to a future date to obtain additional information or to further consider information presented. The next available meeting date is July 9th, 2025, at 6:00 P.M.
- 3. **Deny** the requested project plan. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Current Legal Use: There are currently six properties included in this proposal (proposed to become three lots, two are part of this phase). The current uses are three single-family homes, agricultural uses, and vacant land; all of which are legal, nonconforming uses.

Relevant History: The most recent relevant history for this project is the zone change from the A1.10 Zone to the Al Zone, completed in May 2025.

Neighborhood Issues: Concerns from the neighborhood from the February 2025 meeting for the rezone included proximity to the river, the change of use, and loss of open lands.

Summary of Key Issues:

- The proposal aligns with the General Plan and Zoning for the property.
- This phase of the project provides two flex warehouse buildings totaling nearly 396,000 square feet.
- The landscaping and amenities meet the zone codes and guarantees of the Development Agreement.
- The variable that the Planning Commission needs to decide upon is a reduced parking request for the project.

Staff Recommendation: Staff supports the Planning Commission decision on this project as it depends on their discretion with the parking reduction request. However, if the Commission does not support that reduction, staff would recommend a continuance to allow the applicant to adjust.

OVERVIEW

Reid Wintersteen is representing a group proposing the development of 38 acres of land into two large warehouse/flex buildings at 3410 W Center Street. These buildings and site improvements were approved conceptually by the Planning Commission on March 12, 2025, in recommending approval of the zone change to AI. Planning Commission recommendations to move the development further from the river from that hearing were carried out and tied to a development agreement at the Council hearing on April 8th, committing the developer to maintain a 50-foot buffer from the bank of the river.

The layout of the site has a 297,920 square foot building located centrally, and a 97,720 square foot building on the east, adjacent to Lakeview Parkway. Surrounded by parking, loading bays, and landscaping; the site plan also provides open space amenities with four benches, four trash cans, two picnic tables, an outdoor workout set, and 570 trees.

This project area is within the West Center Street Design Corridor (Provo City Code 14.34.290(3)), which requires enhanced landscaping and berming adjacent to Center Street. The applicant has met all the requirements of the zone and design corridor with this proposal, except for the amount of parking required by code.

The required parking for this proposal based on proposed uses is 764 stalls (found on page 4 of the attached parking study), while the proposed parking for this project is 343 stalls. This reduction request amounts to a 44% reduction, or a reduction of 421 stalls. The justifications for this request are attached in the parking study from AE Urbia at the end of this report.

Additionally, there are currently remaining CRC (Coordinator Review Committee) corrections that are being verified by staff to make sure they are addressed. These revised plans are due for comment by the CRC by June 26th and it appears that the applicant will be able to address all the outstanding review comments. However, if the Commission moves to approve this project plan, staff asks that a condition to complete CRC approval is added to the motion. A second condition that a final subdivision is approved and recorded should also be added to any motion of approval. That application is currently under review and the proposal is attached, for context.

FINDINGS OF FACT

- 1. The properties are in the Al Zone (Provo City Code 14.17D).
- 2. The proposed uses (office, warehousing, and manufacturing) are permitted in the zone.
- 3. The proposed parking for this phase is 343 stalls.
- 4. The required parking for this phase is 764 stalls.
- 5. The elements of the Development Agreement (attached) are met with this proposal.

APPLICABLE ZONING CODES

- 1. Al Zone (Provo City Code 14.17D)
- 2. West Center Street Design Corridor (Provo City Code 14.34.290(3)).
- 3. Reduction in Off-street Parking Requirements (Provo City Code 14.37.050)

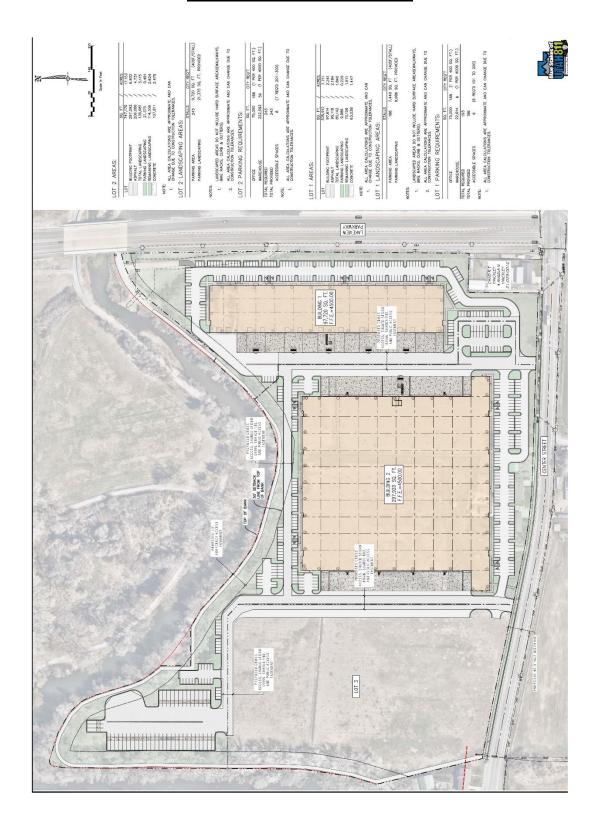
CONCLUSIONS

The proposed project is representative of the Al zone and consistent with what was shown at the concept plan stage. The applicant has met the commitments of the Development Agreement and the majority of the zone standards (except parking). While staff recognize that the current parking ratios in code may be dated and, in some cases, too high, staff defer to the Planning Commission to determine exactly what would be permissible in this case.

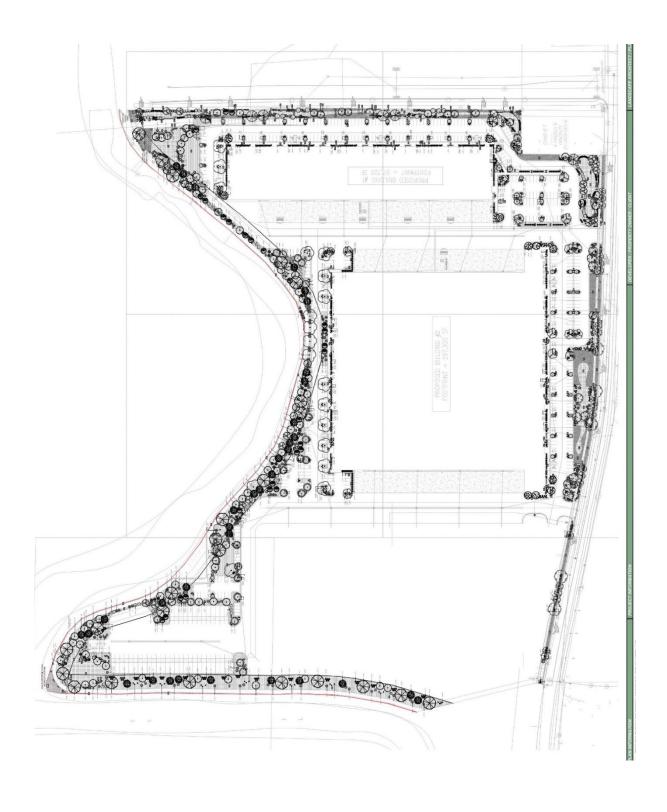
ATTACHMENTS

- 1. Site Plan
- 2. Landscape Plan
- 3. Elevations
- 4. Parking Study
- 5. Development Agreement Obligations
- 6. Proposed Subdivision

<u>ATTACHMENT 1 – SITE PLAN</u>



ATTACHMENT 2 – LANDSCAPE PLAN



ATTACHMENT 3 – ELEVATIONS

BUILDING 1



BUILDING 2



ATTACHMENT 4 - PARKING STUDY





Parking study

Provo Airpark Building 1 & 2

Written by
Robert A. Arrington, RA - AIA
May 8, 2025

Job #: AE2022.162

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Proposal summary

The parking required by Provo City for Office, Manufacturing and Warehouse is in our estimation is too high for the specific uses proposed. We propose that the parking requirement for the building being proposed along Center Street Industrial be reduced. In this report we will demonstrate the current densities of parking being used right now and estimate future parking uses. We will also show estimated parking requirements and uses in other cities.

Report findings

Parking spaces required by Provo City

Provo city municipal ordinance section 14.37.060 states the following:

OFFICE only no customers or services	One (1) space per two hundred fifty (250) square feet of gross floor area. (4/1000)
MANUFACTURING	One (1) space per four hundred (400) square feet of gross floor area plus required parking for office and accessory uses. (2.5/1000)
WAREHOUSING	One (1) space per six hundred (600) square feet of gross floor area. (1.67/1000)

Parking Spaces Required by Other Cities

As a frame of reference for our suggestions, we have below are examples of similar requirements provided by other cities in Utah.

City	Office	Manufacturing	Warehouse
Salt Lake City	Main level: 1/333 sf Upper level:1/800 sf	1 per 1,000	No Minimum
Lehi City	1/300 sf	1 per employee plus 1 per company vehicle	1 per employee plus 1 per company vehicle
American Fork City	1/200 sf	1/1000 sf	1/1000 sf
Draper City	1/250 sf	1/1000 sf	1/2000 sf
Spanish Fork	1/300 sf	1 per employee on the highest shift	1 per employee on the highest shift

Proposed Parking Requirements

Estimated Development Plan Requirements

The development plan for the building is more difficult to estimate. The amount of office we are showing may be actually high for a facility. Most of the office space would end up as separate tenants. The parking ratio for this would be more in line with the lab as listed below. The table below is the estimated parking requirement.

<u>Use</u>	Area	City Parking Requirement	Proposed Parking Requirements
Building 1			
Office	14,200 S.F.	57 (1/250)	48 (1/300)
Manufacturing	20,880 S.F.	52 (2.5/1000)	21 (1/1000)
Warehouse	62,640 S.F.	105 (1.67/1000)	32 (1/2000)
Total	97,720 S.F.	161 Stalls	101 Stalls
Building 2			
Office	20,407 S.F.	82 (1/250)	68 (1/300)
Manufacturing	69,636 S.F.	174 (2.5/1000)	70 (1/1000)
Warehouse	207,876 S.F.	347 (1.67/1000)	104 (1/2000)
Total	297,919 S.F.	603 Stalls	242 Stalls

The provided parking for the Master plan is 429 stalls for lots 1 and 2. There will be a cross-access agreement between Lots 1, 2 and future lot 3 for access and shared parking. We feel that the eventual need will actually be more or less than this but would prefer to handle this on a tenant-by-tenant basis as we start to see actual tenant needs.

Parking Strategies

Bicycle Accommodations

The Proposed floor plan for the development will include bicycle parking. Bicycle storage is being provided in the form of bicycle racks located in the Manufacturing/Warehouse area that will have locking capability. The potential space dedicated to this would be in excess of 40 stalls. Additional storage rooms could be dedicated for this purpose if the need arises.

Conclusion

We hope that the information found in this study will help you understand that the current Provo City Parking ratios for Manufacturing and Warehouse are extreme and don't represent the ratios that would actually be needed. We feel that the parking we have provided is adequate for the needs of the business.

If there are any questions or concerns about the information that this report presents. Please don't hesitate to contact me or my associates.

Sincerely,

Robert A. Arrington, RA - AlA AE Urbia James Williams
PRESIDENT/ARCHITECT, LEED AP, SE, PE, CE

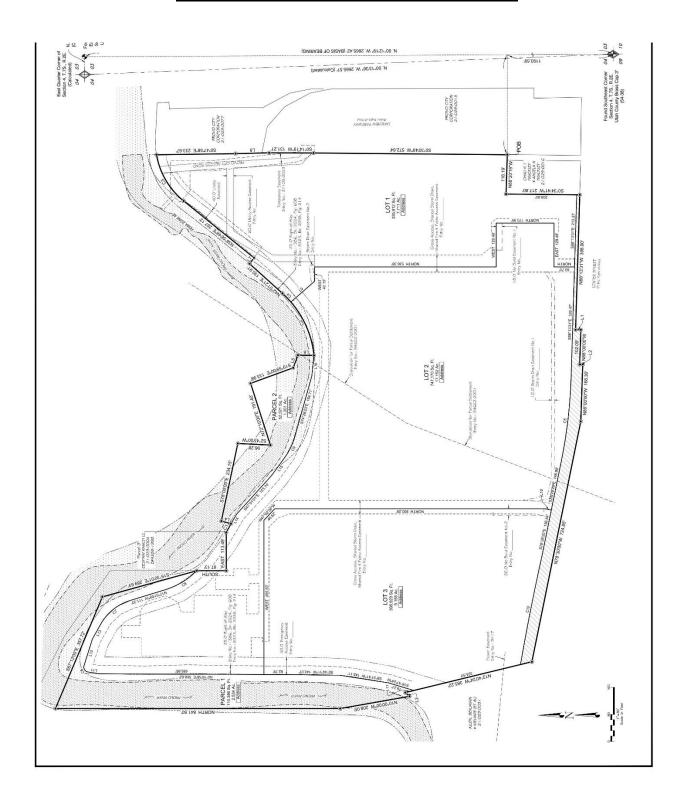
ATTACHMENT 5 - DEVELOPMENT AGREEMENT OBLIGATIONS

ENT 32971:2025 PG 3 of 15

b. Obligations along Provo River

- Developer must improve open space and trail area to a 10' wide trail with amenities as shown in Exhibit B.
- Developer must provide a minimum of two (2) trail accesses (southwest corner and northeast corner) that will be located and identified on the final plat(s).
- Developer agrees that any fencing along the river must be at least 50% open, non-sight-obscuring fencing.
- Developer must provide access to property to the west (parcel 21:029:0043) through the two interior parking access lanes shown on concept plan.
- 5. Developer must allow public access to the trails, outlook area, workout area, and picnic areas identified on the site plan in Exhibit B, shown through a public access easement on the final plat. Developer must maintain the public access easement to the extent necessary to prevent unreasonable interference with the enjoyment of the easement.
- Developer agrees to keep a fifty foot (50') wide open area along the entire river frontage, measured from top bank of river, free of any structures or parking spaces.
- 5. <u>Construction Standards and Requirements</u>. All construction on the Property at the direction of the Developer shall be conducted and completed in accordance with the City Ordinances, including, but not limited to setback requirements, building height requirements, lot coverage requirements and all off-street parking requirements.
 - Vested Rights and Reserved Legislative Powers.
 - a. <u>Vested Rights</u>. As of the Effective Date, Developer shall have the vested right to develop and construct the Project in accordance with the uses, maximum permissible densities, intensities, and general configuration of development established in the Concept Plan, as supplemented by the Vesting Ordinance and this Agreement (and all Exhibits), subject to compliance with the City Ordinances in existence on the Effective Date. The Parties intend that the rights granted to Developer under this Agreement are contractual and also those rights that exist under statute, common law and at equity. The Parties specifically intend that this Agreement grants to Developer "vested rights" as that term is construed in Utah's common law and pursuant to Utah Code Ann., §10-9a-509.
 - Examples of Exceptions to Vested Rights. The Parties understand and agree that the Project will be required to comply with future changes to

ATTACHMENT 6 - PROPOSED SUBDIVISION



Lucymae Video | June 18, 2025 *Re 2857 Iroquois drive*.

Notice to build home / variance application.

Yes! Build a new home. Elevate this neighborhood. That hillside has been a fire hazard and eye sore for decades. Yes literally decades!!

Thanks. Lucymae.

Provo City Planning Commission

Report of Action

June 25, 2025

ITEM 1 Louise McKeown requests a Variance from Provo City Code 15.05.160 (Hillside Development Standards) to build a new home within slopes greater than 30% grade in the R1.10 (One Family Residential) Zone, located at 2857 N Iroquois Drive. Rock Canyon Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLVAR20250256

The following action was taken on the above described item by the Planning Commission at its regular meeting on June 25, 2025:

DENIED

On a vote of 5:0, the Board of Adjustment denied the above noted application

Motion By: Daniel Gonzales Second By: Barbara DeSoto

Votes in Favor of Motion: Daniel Gonzales, Barbara DeSoto, Melissa Kendall, Lisa Jensen, and Jonathan Hill

Jonathan Hill was present as chair.

• Includes facts of the case, analysis, conclusions, and recommendations outlined in the Staff Report with any changes noted. The Board of Adjustment determination is generally consistent with the Staff analysis and determination.

STAFF PRESENTATION

The Staff Report to the Board of Adjustment 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 AND PUBLIC COMMENT

• The Neighborhood District Chair was not present or did not address the Board of Adjustment during the hearing.

CONCERNS RAISED BY PUBLIC

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

- Rondal Woolley was concerned that the slope is a construction hazard and stated the neighbors would be more in support of seeing terracing of the slope instead of a home there.
- Hans Kelling stated he had no objection to the variance, but would like to see the hill clear of weeds and maintained.
- Colleen Thorstenson expressed concern that the hill is very steep and does not have stable soil. She did not feel the home could be safely constructed.
- Susanna Reeves expressed concerns that it would decrease the visibility on the road and make it less safe.
- Lynn Sherman expressed his concerns about a sliding house if the variance was approved and the home was built on the 30 percent slope.

APPLICANT RESPONSE

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

- The variance would allow them to have a larger distance between the two homes, making it safer if there was a fire in one of the homes.
- The property is situated at the top of a hill that creates a blind spot for drivers, having the additional 15 feet would create space for cars to turn around and pull into the road forward facing instead of backing into the road.
- Moving the house back will help with the landscaping and beautification of the lot.
- Other layouts for the home have been evaluated but moving the home provides the best option.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Kendall asked for the square footage of the existing home and proposed home on the second lot.
- Commissioner Gozales asked questions about the placement of the driveway and received clarification on how the drive access was placed on Iroquois Dr.
- Commissioner DeSoto asked if the applicant had considered moving the location of the garage instead of pushing the house into the 30 percent slope.
- Commissioner Gonzales stated he was sympathetic to the concerns regarding the visibility on Iroquois drive but doesn't feel that moving the home addresses the safety concerns.
- Commissioner DeSoto stated that she believes there are ways to make this lot work without needing the variance to build in the 30 percent slope.
- Commissioner Jensen and Kendall both expressed their concerns about building on a slope and highlighted that there are options for a home to fit on the lot without needing the variance meaning they do not have an unreasonable hardship.
- Commissioner Hill and Gonzales stated that they both do not feel that the property meets all 5 of the criteria for granting a variance.
- Commissioner Gonzales made a motion to deny the request.

Planning Commission Chair

Development Services Director

Bill Reperane

See <u>Key Land Use Policies of the Provo City General Plan</u>, applicable <u>Titles of the Provo City Code</u>, and the <u>Staff Report to the Planning Commission</u> 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.

<u>Legislative items</u> 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 BEGIN

Provo City Planning Commission

Report of Action

June 25, 2025

ITEM 2 Matt Christensen requests Project Plan approval for a 32-unit townhome development in the MDR (Medium Density Residential) Zone, located at 1122 South 900 East. Spring Creek Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLPPA20250074

The following action was taken by the Planning Commission on the above described item at its regular meeting of June 25, 2025:

APPROVED WITH CONDITIONS

On a vote of 5:0, the Planning Commission approved the above noted application, with the following conditions:

Conditions of Approval:

1. A final plat will need to be approved and recorded with CC&R's and a deed restriction as outlined in the Development Agreement.

Motion By: Lisa Jensen Second By: Melissa Kendall

Votes in Favor of Motion: Lisa Jensen, Melissa Kendall, Barbara DeSoto, Daniel Gonzales, Jonathon Hill *Jonathon Hill 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.

APPROVED/RECOMMENDED OCCUPANCY

- *32 three-bedroom Units
- *Type of occupancy approved: Family
- *Standard Land Use Code 1112
- *20 units per acre by Development Agreement

APPROVED/RECOMMENDED PARKING

- *72 Total parking stalls required
- *73 Total parking stalls provided
- *2.25 Required parking stalls per unit (all 3 bedroom units)

DEVELOPMENT AGREEMENT

There is a recorded development agreement from the rezone of the property (PLRZ20240193)

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

• This item was not required to go to a neighborhood meeting.

NEIGHBORHOOD AND PUBLIC COMMENT

• 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:

• There was a neighbor that expressed concern about the existing parking problem in the area and that adding more units in the area would add to the problem.

APPLICANT RESPONSE

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

- There will be two picnic areas and one playground area for the tenants to use as the amenity space.
- The parking requirement has been met.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The units can be used for a family or three singles.
- An HOA is required to oversee the percentage of rentals within the development and will not allow more than 35 percent of the units to be rented at any given time in perpetuity. This is part of the development agreement and will be recorded in a deed restriction when the plat is recorded.
- Parking in the area is an existing issue, and it does not seem fair to have this development try and solve the problem. They are providing the required amount of parking. Development Services will be able to send parking enforcement staff to the area to ensure that the on-street parking regulations are followed.

Planning Commission Chair

Director of Development Services

Bill Reperane

See <u>Key Land Use Policies of the Provo City General Plan</u>, applicable <u>Titles of the Provo City Code</u>, and the <u>Staff Report to the Planning Commission</u> 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.

<u>Legislative items</u> 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 BEGIN

Provo City Planning Commission

Report of Action

June 25, 2025

ITEM 3 Reid Wintersteen requests Project Plan approval for two new warehouse buildings and site improvements in the AI (Airport Industrial) Zone, located at 3410 West Center Street. Fort Utah Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLPPA20250129

The following action was taken by the Planning Commission on the above described item at its regular meeting of June 25, 2025:

APPROVED WITH CONDITIONS

On a vote of 5:0, the Planning Commission approved the above noted application, with the following conditions:

Conditions of Approval:

- 1. That the applicant completes the CRC approval.
- 2. That a final subdivision is approved and recorded

Motion By: Lisa Jensen Second By: Melissa Kendall

Votes in Favor of Motion: Lisa Jensen, Melissa Kendall, Jonathon Hill, Barbara DeSoto, Daniel Gonzales

Jonathon Hill 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.

APPROVED/RECOMMENDED PARKING

*764 Total parking stalls required per code

*459 Total parking stalls provided (approved per Provo City Code 14.37.050)

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 setback from the river, building footprints, and parking requirements.

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 in February 2025.

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

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: None.

APPLICANT RESPONSE

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

- Eric Yergensen spoke about the experience of AE Urbia (who did the parking study) and noted previous warehouse buildings in southeast Provo that received similar parking reductions based on studies by AE Urbia.
- Mr. Yergensen also gave an update on the parking spaces provided in the plan, and that it differed from what was shown in the staff report.
- Mr. Yergensen provided information on the potential tenants of the buildings and how they would be used, the number of employees they expect, and plans for future expansion into lot 3.
- Mr. Yergensen responded to questions about the public access for the pedestrian path and was open to the idea of public parking on the property but would have to wait and see how it works.
- Scott Willis (engineer on the project) noted that there are some parking stalls within the public access area that could be used.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission noted that the nearby access to walking/bicycle infrastructure helps to justify the decreased parking count with increased bicycle parking provided on site.
- There was significant discussion related to parking counts for the proposal, compared to other cities in Utah and other relatable projects within Provo. Overall, they feel that the site plan has enough parking provided.
- The Commission discussed the northwest corner that is shown as trailer parking and not counted towards the overall off-street parking count, noting that area could be used in the future if there was a shortage of parking experienced on the site.
- The Commission noted that the current parking standards are too high and gave individual opinions on what numbers should work for the project.
- Commissioner Gonzales recommended that city staff study parking needs for warehouse and adjust the standards.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

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

• The staff report and parking study help justify the parking reduction and there is room for additional parking spaces in the trailer parking and in lot 3.

Planning Commission Chair

Director of Development Services

Bill Reperane

See <u>Key Land Use Policies of the Provo City General Plan</u>, applicable <u>Titles of the Provo City Code</u>, and the <u>Staff Report to the Planning Commission</u> 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.

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BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS