

PROVO CITY CORPORATION

DEVELOPMENT SERVICES DEPARTMENT Planning Commission Agenda August 13, 2025

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING COMMISSION

The Provo City Planning Commission will hold a public hearing on August 13, 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.

NOTICE OF PUBLIC MEETING BEFORE PROVO MUNICIPAL COUNCIL

On Tuesday, **September 9, 2025**, at 5:30 PM. the Provo Municipal Council will consider the items noted below with a star (*). Items noted on the agendas with a star require legislative action by the Municipal Council. Council agendas can be viewed at the Provo City Council web site on the Thursday prior to the Council meeting at http://agendas.provo.gov. For more information, call (801) 852-6120.

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

Study Session

1. Planning Commissioner Orientation and Review

Public Hearings

- Item 1 Phil Warner requests Project Plan approval for a commercial remodel and residential addition in the DT1 (General Downtown) Zone, located at 71 East Center Street.

 Downtown Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLPPA20240026
- Item 2 Brigham Young University requests a Conditional Use Permit for a change of use from elementary educational use to temporary office space for property in the PF (Public Facilities) Zone, located at 1080 N 900 E. Foothills Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLCUP20250058
- *Item 3 Steven Davis requests a Zone Map Amendment from the R1.8 (One Family Residential) Zone to the A1.1 (Agricultural) Zone for 0.71 acres of land in order to process a two-lot subdivision, located at 2525 West 620 North. Lakeview South Neighborhood. Nancy Robison (801) 852-6417 nrobison@provo.gov PLRZ20250348
- *Item 4 Kendall Seymour requests a Zone Map Amendment from the R1.6 (One-Family Residential) Zone to the VLDR (Very Low Density Residential) Zone in order to create a flag lot subdivision, located at 1050 West 100 North. Dixon Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLRZ20250332
- *Item 5 Christina Gibson requests an Ordinance Text Amendment to Provo City Code 14.30.020 in order to allow an Accessory Dwelling Unit on property in the R1.10 (One Family Residential) Zone, located at 3080 N Bannock Drive. Indian Hills Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLOTA20250238

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>. Please submit public comment emails before 3:00 PM the day of the hearing. Additional information can be found at provo.gov/publiccomments.



PROVO CITY CORPORATION

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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 Hearing Staff Report

Hearing Date: August 13, 2025

Item 1 Phil Warner requests Project Plan approval for a commercial remodel and residential addition in the DT1 (General Downtown) Zone, located at 71 East Center Street. Downtown Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLPPA20240026

Applicant: Phil Warner

Staff Coordinator: Dustin Wright

Property Owner: PEJ HOLDINGS LLC

Parcel ID: 05:028:0002

Acreage: Approximately 0.11 acres

Number of Properties: 1

Current Zone: DT1 (General Downtown)

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 August 27, 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:

Permitted uses listed in the DT1 zone.

Relevant History:

This site is the former Los Hermanos restaurant that had a fire in February 2019. The structure has been removed, but the historic façade has been preserved.

The property is in the Provo Downtown Historic District.

In March 2024, the applicant received a Certificate of Appropriateness (PLLDR20240027) from the Landmarks Commission for the proposed project.

Neighborhood Issues:

No comments have been received.

Summary of Key Issues:

- The applicant has worked to preserve the historic structure and received Landmarks Commission approval for the proposed expansion.
- A condition from the Landmarks
 Commission is that the new addition
 above the two-story historic façade will be
 stepped back 20' to help preserve the
 historic building massing and scale at
 street level.
- A parking allocation for the new residential units will be leased from the Redevelopment Agency's spaces located in the existing Wells Fargo parking garage behind the property.
- The project plan has been approved by the Coordinators Review Committee (CRC).

Staff Recommendation:

Approval of the requested Project Plan for a commercial remodel and 20-unit apartment building.

BACKGROUND

The applicant is proposing to do a major remodel of the old Los Hermanos building at 71 E Center St. that was damaged by fire in 2019. This property is in the Provo Downtown Historic District and there has been an ongoing effort to find a way to preserve the historic character and allow a way to offset any preservation costs.

The existing historic façade has been preserved, while the interior was demolished. The applicant obtained a Certificate of Appropriateness from the Landmarks Commission to preserve this historic façade of the building and to seek Project Plan Approval for new construction above the historic two-story building. The condition from the Landmarks Commission was that the new construction would need to be stepped back twenty feet from the existing façade at the second level as opposed to the third level required in the zone (14.21A.110). The applicant has complied with this condition in this project plan.

FINDINGS OF FACT

- 1. Residential apartments and commercial uses are permitted uses in the DT1 zone 14.21A.030(5).
- 2. This project is for family occupancy, not baching-singles.
- 3. The maximum building height is 100 feet in the DT1 zone.
- 4. The proposed building height is 60 feet.
- 5. Unit size requirements are being met with no units under 500 square feet and the average unit size above 600 square feet. 14.21A.090(2)
- 6. The DT1 zone allows for parking reduction of 25% and does not require new parking for existing structures. There was no off-street parking for the site.
- 7. One-bedroom units require 1.5 parking stalls, with the reduction it is 1.125 stalls per unit. Two-bedroom units require 2.25 parking stalls, with the reduction it is 1.687 stalls per unit; there are 16 one-bedroom units and 4 two-bedroom units being proposed.
- 8. The parking requirement with the 25% reduction is 25 stalls; the project will provide 25 parking stalls from a lease agreement from the adjacent parking garage.
- 9. Amenity space has been provided to meet the 10% requirement.
- 10. Downtown Streetscape Standards apply to this property and are being met.

STAFF ANALYSIS

This project will be a five-story, mixed-use commercial with twenty residential units. There will be sixteen studio/ one-bedrooms and four units with two-bedrooms for family occupancy. The building height will not exceed what is permitted in the zone. The step-back requirements are being met starting above the existing second story to comply with the conditional of approval from the Landmarks Commission.

The property is surrounded by DT1 and has Public Facility (PF) zoned property across the street. New streetscape elements will be installed to meet with the Downtown Streetscape Standards including sidewalk, pavers, trees and tree grates.

There will be rooftop amenities to meet the ten percent requirement for residents to be able to use.

The project plan has been approved by the Coordinators Review Committee (CRC).

The existing commercial space did not have any associated parking and is not required to add any. The residential units, however, are new and so they will have to meet the parking requirement of 25 parking stalls. The project will be using parking stalls that will be allocated from surplus in the Wells Fargo garage that have been set aside for future uses like this one.

CONCLUSION

Staff and the Landmarks Commission are happy to see this historic structure, that was damaged by fire many years ago, being preserved and take on new life with an expansion that is sensitive to the historic scale of the district.

STAFF RECOMMENDATION

Approval of the requested Project Plan for a commercial remodel and 20-unit apartment building.

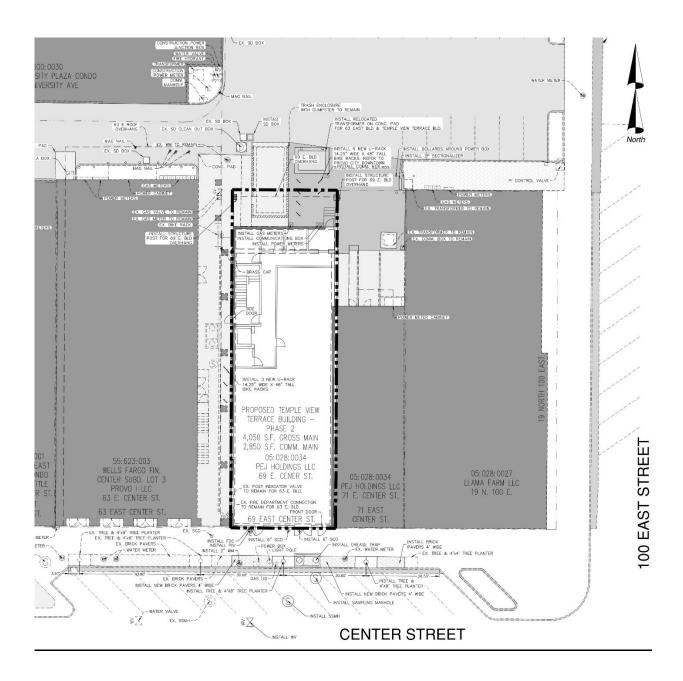
ATTACHMENTS

- 1. Aerial of Site
- 2. Site Plan
- 3. Renderings/Elevations
- 4. Floor Plans

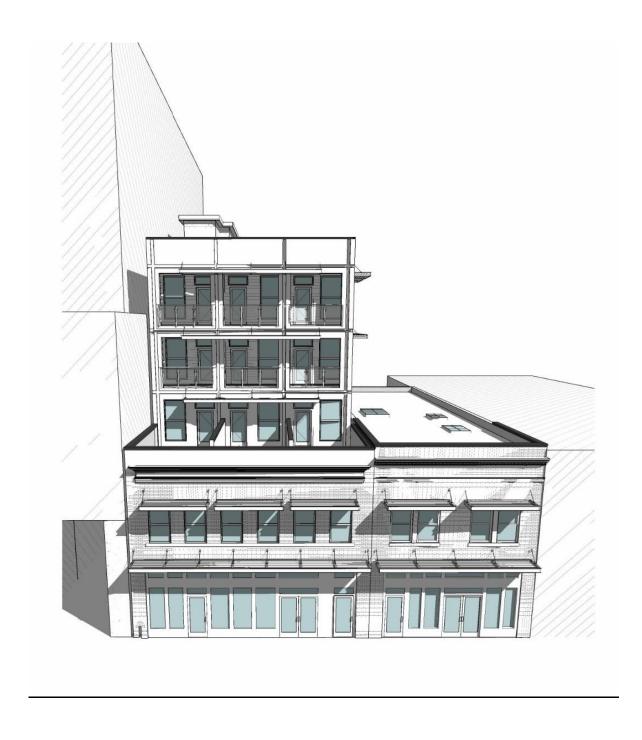
ATTACHMENT 1 – AERIAL OF SITE



ATTACHMENT 2 - SITE PLAN



ATTACHMENT 3 – RENDERING/ ELEVATIONS

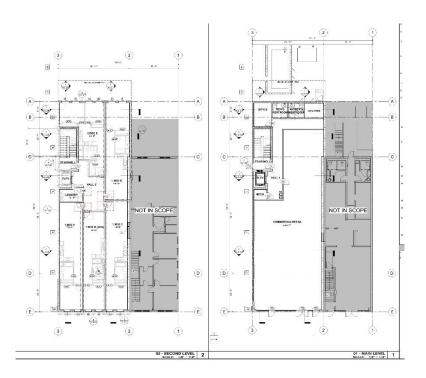


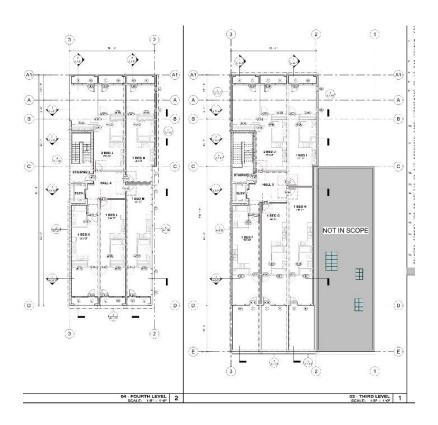


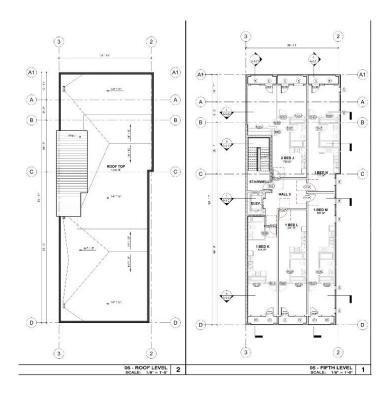




ATTACHMENT 4 – FLOOR PLANS









Planning Commission Hearing Staff Report Hearing Date: August 13, 2025

ITEM 2 Brigham Young University requests a Conditional Use Permit for a change of use from elementary educational use to temporary office space for property in the PF (Public Facilities) Zone, located at 1080 N 900 E. Foothills Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLCUP20250058

Applicant: Brigham Young

University

Staff Coordinator: Dustin Wright

Property Owner: BYU

Parcel ID: 20:076:0017

20:076:0043

Alternative Actions:

- Continue to a future date to obtain additional information or to further consider information presented. The next available meeting date is August 27, 2025, at 6:00 P.M.
- 2. Deny the requested conditional use permit. This action would not be consistent with the recommendations of the Staff Report. The Board of Adjustment should state new findings.

Current Legal Use:

The nonconforming use of the property as a school has been discontinued. 14.36.130(4)

A conditional use permit is required before an existing public facility use changes to another use. 14.17.170

Relevant History:

The school sold the property to BYU, and they plan to use it for 3-4 years while a new administration building is constructed.

Neighborhood Issues:

No comments have been received.

Summary of Key Issues:

- Properties in the Public Facilities Zone are required to obtain a Conditional Use Permit (CUP) for a change of use.
- Impacts caused by the new use have been identified and can be mitigated through conditions.
- A TDM and plans to purchase additional property for parking are being proposed to address additional parking demand for the new use.
- A parking lot is not a permitted principal use, so it will need to be combined into the other lot with a plat application.

Staff Recommendation:

Approval of the requested Conditional Use Permit and proposed TDM with the following conditions:

- 1. A plat application is approved and recorded that combines the adjacent parking lot with this site;
- 2. An approved TDM is recorded;
- That this conditional use permit for a temporary office space shall expire six (6) months after the new BYU administration building has received a Certificate of Occupancy; and
- 4. Impact fees have been transferred with the school. If after three (3) years the existing offsite campus buildings are not demolished, 100% impact fees will be required. When permanent buildings are constructed, there will be no grandfathered impact fees.

BACKGROUND

The applicant is requesting a Conditional Use Permit (CUP) to change the use in the Public Facilities (PF) zone as required by code. The plan is to use the old Wasatch Elementary and Oakridge Learning Center buildings as offices for the next few years while a new administration building is constructed on BYU campus. After that building is completed, they can move people into that new building and demolish the elementary schools.

The new uses of the buildings have a higher parking demand than the previous use. A new site plan has been developed to add new parking areas and will be landscaped to meet code standards. Additional parking will be required beyond what they have been able to accommodate onsite. They have been working to purchase an existing parking lot on the adjacent city park property. They have also provided a Transportation Demand Management (TDM) program to help address the remaining 25 parking stall discrepancy.

FINDINGS OF FACT

- 1. The property is in a Public Facilities (PF) zone.
- 2. A CUP is required for use changes in the PF in the zone (14.17.170).
- 3. The nonconforming use of the property as a school has been discontinued. 14.36.130(4)
- 4. Parking lots are not a permitted principal use (14.17.020)
- 5. The parking requirement is one stall per 250 GFA.
- 6. There is approximately 91,000 GFA combined for both buildings.
- 7. The parking requirement is 364 stalls.
- 8. There are 339 parking stalls including the parking on the adjacent property that will need to be combined into this parcel, leaving a shortage of 25 stalls.
- 9. The Planning Commission may grant a parking reduction of the 25 stalls based on a TDM program (see attachment 4) (14.37.050).

STAFF ANALYSIS

Staff have reviewed the plans for the updated site and change of use for this property. Based on that review, staff have provided a list of conditions for approval of this CUP. There is a parking deficiency of 25 stalls but have provided a TDM that allows the Planning Commission to approve a reduction for these. The TDM points out the following elements for consideration of a parking reduction. The site is close to public transit, there is more campus parking nearby, the site will have a lower trip generation, and they are providing 21 motorcycle stalls in addition to the short and long-term bicycle parking they are already going to provide to meet the bike parking requirements. Staff are supportive of the proposed parking reduction.

APPLICABLE CODE REFERENCES

Compliance with 14.02.040. The ordinance, in part, is as follows:

(1) The Planning Commission may, subject to the procedures and standards set forth in this Chapter, grant, conditionally grant, or deny an application for a Conditional Use Permit for uses allowed by the chapter for the applicable zone. The purpose of a Conditional Use Permit is to allow proper integration of uses into the community which may only be suitable in

specific locations and may have potentially detrimental characteristics if not properly designed, located, and conditioned.

- (2) The following standards shall apply to any request for a Conditional Use Permit:
 - (a) A proposed conditional use shall be granted unless the subject use will be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity.
 - (b) A proposed conditional use shall be detrimental to the health, safety, or general welfare of persons residing in the vicinity or injurious to property in the vicinity: (Staff responses in bold)
 - (i) if the proposed use will cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes:

Staff response: The applicant has provided a traffic study that has been reviewed and approved by the City Traffic Coordinator. The traffic study contains requirements that will need to be followed to insure safe ingress and egress of the site with the new traffic patterns.

(ii) if the proposed use will unreasonably interfere with the lawful use of surrounding property;

Staff response: Surrounding properties should not be impacted unreasonably.

(iii) if the proposed use will create a need for essential municipal services which cannot be reasonably met;

Staff response: Staff do not anticipate any need for additional municipal services with the proposed CUP. Impact fees will be required if the use is extended beyond three years.

(iv) if the proposed use will in any other way be detrimental to the health, safety or general welfare of persons residing in the vicinity or injurious to property in the vicinity.

Staff response: Staff has provided a list of conditions that are recommended to mitigate any concerns with the new use at this location.

- (c) A change in the market value of real estate shall not be a basis for the denial of a proposed conditional use.
- (d) If a part of a proposed conditional use is found to be contrary to the standards described in this section, the applicant may propose or consent to curative measures which will make the proposed use not contrary to the standards described in this section.

The applicant has provided responses to following code items (see attachment 4).

14.17.170 Re-Use of Public Facilities

(1) Before any existing public facility use may be changed to another use a conditional use permit shall be obtained from the Planning Commission, subject to the standards set

forth in Section 14.02.040, Provo City Code. Any such change in use shall be a permitted or conditional use allowed in the PF zone.

- (2) Any change of use that creates more intense impacts may be denied if the Planning Commission finds that such impacts cannot be mitigated by the imposition of conditions. Land use impacts that may need to be mitigated include the following:
 - (a) An increase in daily or peak hour traffic;
 - (b) A change in circulation patterns on or around the property;
 - (c) A significant increase in the demand for parking;
 - (d) A change in the density of people on site;
 - (e) Expansion of the hours of operation; and
 - (f) Any increased environmental impact, such as noise or air pollution; offensive odors; excessive illumination or glare, etc.

CONCLUSIONS

With the list of conditions that staff have provided, this CUP may be approved. The Planning Commission would need to also approve a reduction in parking with the proposed TDM that has been provided.

STAFF RECOMMENDATION

Approval of the requested Conditional Use Permit and proposed TDM with the following conditions:

- 1. A plat application is approved and recorded that combines the adjacent parking lot with this site;
- 2. An approved TDM is recorded;
- 3. That this conditional use permit for a temporary office space shall expire six (6) months after the new BYU administration building has received a Certificate of Occupancy; and
- 4. Impact fees have been transferred with the school. If after three (3) years the existing offsite campus buildings are not demolished, 100% impact fees will be required. When permanent buildings are constructed, there will be no grandfathered impact fees.

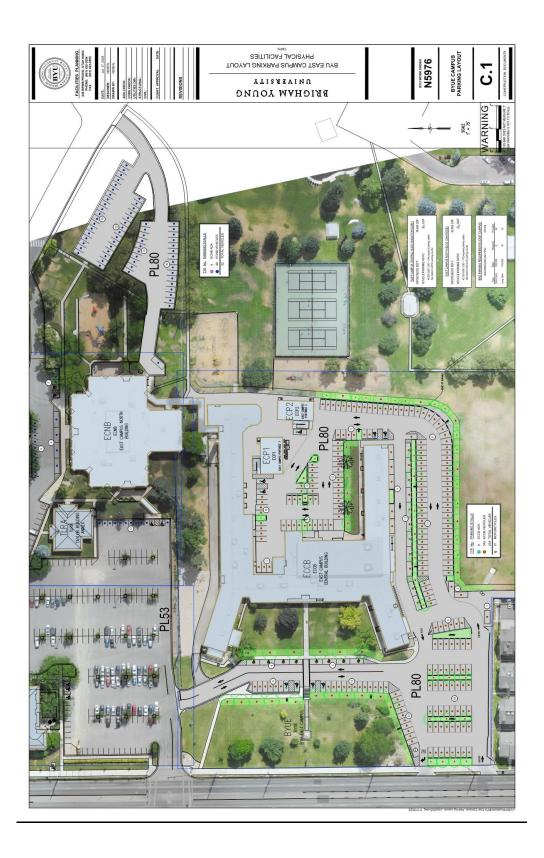
ATTACHMENTS

- 1. Aerial of Site
- 2. Site Plan
- 3. Landscape Plan
- 4. Applicant's Documents

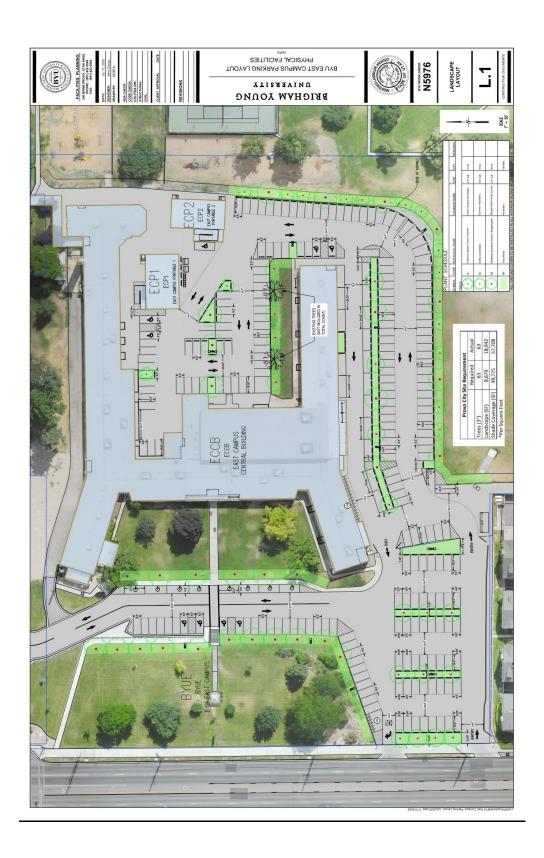
ATTACHMENT 1 – AERIAL OF SITE



ATTACHMENT 2 - SITE PLAN



ATTACHMENT 3 – LANDSCAPE PLAN



ATTACHMENT 4 – APPLICANT'S DOCUMENTS

PHYSICAL FACILITIES DIVISION
FACILITIES PLANNING & DESIGN—
CAMPUS PROJECTS



6. Please provide information related to listed items in 14.17.170(2)

14.17.170(2) states that

Any change of use that creates more intense impacts may be denied if the Planning Commission finds that such impacts cannot be mitigated by the imposition of conditions. Land use impacts that may need to be mitigated include the following:

- a) An increase in daily or peak hour traffic;
- b) A change in circulation patterns on or around the property;
- c) A significant increase in the demand for parking;
- d) A change in the density of people on site;
- e) Expansion of the hours of operation; and
- f) Any increased environmental impact, such as noise or air pollution; offensive odors; excessive illumination or glare, etc.

RESPONSE:

- a) The use of the building for university department staff is such that the traffic flow in and out of the site should not exceed that of the start and stop times of the elementary school, including parent and bus drop-off/pickup times. The occupancy of the building is also estimated to be less than the elementary school campus was.
- b) Traffic patterns will not be adjusted (see site plan) from where site entry and exit locations already exist.
- Daily parking totals will be increased based on temporary use of the department by university staff, students, and public (see site plan).
- d) People density on site should have a net overall decrease from the it was when the elementary school was in operation.
- e) Typical hours of operation will be from 8am 5pm Monday through Friday. It is not
 anticipated that after hours activities will be a significant decrease from what typically
 occurs under an elementary school function.
- f) As the temporary use will be an office function during normal operating hours, it is anticipated that noise, air, and odor impacts will be less than previous site/building use.



MEMORANDUM

Date: July 17, 2025

To: Provo City

From: Hales Engineering

Subject: BYU East Campus TDM Study



UT25-3038

Introduction

This memorandum discusses the travel demand management completed for the proposed BYU East Campus temporary offices located in Provo, Utah. The proposed short-term office space is located at 1006 N Locust Lane in Provo, Utah at the previous Wasatch Elementary School location. A vicinity map of the project site is shown in Figure 1.



Figure 1: Site vicinity map of the project in Provo, Utah



Transportation Demand Management

Section 14.37.050 of the Provo City code states that the Provo City General Plan encourages the application of transportation demand management strategies to decrease traffic congestion and to lessen the amount of land that must be assigned to parking. Transportation demand management strategies reduce traffic and parking demand, and allow flexibility in off-street parking requirements for commercial, industrial, public facility, or multifamily residential land uses.

The following sections outline TDM strategies that are or may be implemented for the Provo East Campus development, which can reduce the parking demand at this site:

Proximity to public transit: The project site is located within 1,750 feet of walking distance from the existing UVX South Campus bus station. Two local bus service routes (822 and 831) also have similar walking distances. Currently, there is an additional UVX station under construction that is expected to finish construction in Fall of 2025. This station will be on 900 East on either side of 1100 North and adjacent to the East Campus building. Proximity to public transit can be an effective measure to reduce the parking demand for a site.

Availability of parking: The site has a combined total of 346 parking stalls, between the proposed East Campus North and Central buildings. For approximately 250 administrative workers intended for the school facility use, this is ample parking for their needs.

Trip generation results: A trip generation comparative analysis was conducted which identified that the proposed office use will lead to less daily and morning trips than the current elementary school, as shown in Table 1.

Trip Generation Provo - BYU East Campus New Trips Trip Generation Unit Land Use Units Туре % Out Total % In Out Total In Weekday Daily Elementary School (520) 582 Students 1,322 50% 50% 661 661 1,322 General Office Building (710) 95.2 KSF 1,112 50% 50% 556 556 1,112 AM Peak Hour Elementary School (520) 582 Students 432 54% 46% 233 199 432 General Office Building (710) 95.2 KSF 162 88% 12% 143 19 162 M Peak Hour 54% Elementary School (520) 582 Students 94 46% 43 51 94 General Office Building (710) 95.2 KSF 160 17% 83% 133 160 SOURCE: Hales Engineering, June 2025

Table 1: Trip Generation - BYU East Campus

The expected reduction in trips would also lead to a reduction in the amount of parking needed on site.



Shared Parking: To meet campus needs, BYU provides on-campus parking that extends beyond the 346 spaces available at the immediate site. A key example is the ASB northeast parking lot. Due to the ASB demolition and the relocation of its staff to the BYU East Campus Buildings (Old Wasatch and Oakridge Building), this lot is now exclusively reserved for staff. Should there be any need for more parking than the existing supply from the site, this parking lot can provide adequate parking supply for staff, by providing an overflow solution should the primary on-site parking prove insufficient.

The designation of the ASB northeast parking lot for staff use will likely cause a natural realignment of where staff choose to park across campus. This anticipated shift means that some parking spaces, potentially more convenient than the ASB northeast lot, will become available for staff at the BYU East Campus buildings. The parking lot northeast of the ASB has a stall count of 132 stalls. The ASB northwest lot will no longer be available because it will be used as a lay-down yard contractor of the new ASB building.

Bicycle and motorcycle amenities. BYU plans to include additional bicycle and motorcycle amenities such as bike racks and motorcycle parking as seen in Appendix A. The East Campus Central Building is planned to have 21 motorcycle parking spaces. In addition, the site contains six different bicycle parking locations which can hold 42 bicycles. In addition to the outdoor bicycle parking options, the East Campus Buildings have a dedicated Bike Room with which it can hold more than 10 bicycles. These amenities will reduce the patrons' need to drive a car to the site and reduce the overall on-site car parking demand.

Conclusions

The following are the key findings and recommendations for this transportation demand management (TDM) study for the proposed Provo East Campus development:

- The current site consists of four buildings with 346 total existing parking stalls being temporarily repurposed for approximately 250 BYU employees
- The following TDM strategies are applicable or may be implemented at the proposed project site with minor impacts on parking demand:
 - Proximity to public transit services
 - Availability of parking nearby
 - Lower trip generation
 - Shared parking opportunities
 - Bicycle and motorcycle amenities, including outdoor and indoor bicycle parking
- It is anticipated that the current 346 parking stalls for the site will be sufficient but can be aided by the TDM strategies available to this property.

If you have any questions regarding this memorandum, please contact us at 801.766.4343.



Planning Commission Hearing Staff Report Hearing Date: August 13, 2025

*ITEM 3 Steven Davis requests a Zone Map Amendment from the R1.8 (One Family Residential) Zone to the A1.1 (Agricultural) Zone for 0.71 acres of land in order to process a two-lot subdivision, located at 2525 West 620 North. Lakeview South Neighborhood. Nancy Robison (801) 852-6417 nrobison@provo.gov PLRZ20250348

Applicant: DAVIS, STEVEN ALAN (ET

AL)Steven Davis

Staff Coordinator: Nancy Robison

Property Owner: DAVIS, STEVEN

ALAN (ET AL)

Parcel ID#: 21:024:0160

Acreage:0.71

Number of Properties: 2

Number of Lots: 2

ALTERNATIVE ACTIONS

- 1. <u>Continue</u> to a future date to obtain additional information or to further consider information presented. The next available meeting date is August 27th, 2025 at 6:00 P.M.
- 2. Recommend Denial the requested Zone Map Amendment. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Current Legal Use: The property is zoned both R1.8 (One-Family Residential) and A1.1 (Agricultural)

Relevant History: The home on the property was

built in 1940

Neighborhood Issues: No known neighborhood issues at the time of this report.

Summary of Key Issues:

- This parcel is a total of 9.61 acres.
- It will be split into two parcels, one 3.72-acre lot and one 5.890-acre parcel.
- There is .71 acre of that property that needs to change to A1.1 (Agricultural) so that it matches the zone of the rest of the existing property.

Staff Recommendation: Staff recommend that the planning Commission recommend approval of the zone map amendment to the City Council

OVERVIEW

Steven Davis will be creating a two-lot subdivision from a parcel that is 9.61 acres in total. The first lot will be 3.72 acres. This lot is where his current home is located. His home is in the A1.1 (Agricultural zone). He would like to make sure that the whole lot that will be created will be in the same zone, not two different ones. For this reason, he is asking for a rezone of only .71 acres of a larger parcel. The remaining 5.89-acre parcel will remain in the existing R1.8 Zone.

STAFF ANALYSIS

In analyzing any rezone request for housing, staff are encouraged to reference the questions asked in on page 45 of the General Plan (Chapter 4 – Housing). Those questions are as follows: (staff response in bold)

Would the rezone promote one of the top 3 housing strategies (promote a mix of home types, sizes, and price points; support zoning to promote ADUs and infill development; recognize the value of single-family neighborhoods)?

Staff Response: The rezone affects .71 acres of R1.8 (One-family Residential) zone and changes it to A1.1. Because the remaining 5.89 acres are still zoned R1.8 there is a possibility of a single-family subdivision that could consist of a mix of home types, sizes and price points. This is also in an ADU overlay zone

Are utilities and streets currently within 300 feet of the property proposed for rezone?

Staff Response: Yes, access and utilities are located on the lot coming from 620 North

Would the rezone exclude land that is currently being used for agricultural use?

Staff Response: The rezone request is to add to the existing A1.1 land

Does the rezone facilitate housing that has reasonable proximity (1/2 mile) to public transit stops or stations?

Staff Response: There is a new service in this area called UTA On Demand.

Does the rezone encourage development of environmentally or geologically sensitive, or fire or flood prone, lands?

Staff Response: No, the land does not contain any hazards.

Would the proposed rezone facilitate the increase of on-street parking within 500 feet of the subject property?

Staff Response: No, the proposal has sufficient off-street parking.

Would the rezone facilitate a housing development where most of the housing units are owner-occupied? Is that applicant willing to guarantee such?

Staff Response: Yes, the proposed development is a single-family home

Would the proposed rezone facilitate a housing development where at least 10% of the housing units are attainable to those making 50-79% AMI?

Staff Response: The applicant hasn't proposed any type of affordable units.

Section 14.020.020(2) establishes criteria for the amendments to the zoning title as follows: **(Staff response in bold type)**

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

(a) Public purpose for the amendment in question.

Staff response: The public purpose for the request is to clean up zoning on a single residential lot on the west side of Provo.

(b) Confirmation that the public purpose is best served by the amendment in question.

Staff response: Staff believes that the proposed zone change does help to meet the stated purposes above.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

Staff response: Because this leaves 5.89 acres of R1.8 zone there is the potential for a new subdivision with multiple single-family lots, which is compatible with the General Plan policies, goals and objectives.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

Staff response: There are no timing and sequencing provisions articulated for this property.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

Staff response: The proposed zone change will not hinder or obstruct attainment of the General Plan policies.

(f) Adverse impacts on adjacent landowners.

Staff response: There would not be any adverse impact on adjacent landowners.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Staff response: Staff have verified the correctness of the General Plan and zoning for this area.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff response: Staff has found no such conflict.

FINDINGS OF FACT

- The existing parcel 21:024:0160 is a total of 9.61 acres.
- This parcel is zoned A1.1 (Agricultural) and R1.8 (One family residential).
- There is an application for a two-lot subdivision into 3.72 acres and 5.89 acres.
- The request is for .71 acres to be changed to A1.1 so that the new parcels exist within the same zone.

CONCLUSIONS

Staff are supportive of the requested zone change so that there is consistency between property lines and zone boundary lines. Staff suggests that the Planning Commission recommend to the Municipal Council approval of the zone map amendment from R1.0 to A1.1.

ATTACHMENTS

- 1. Parcel Map
- 2. Zone Map
- 3. Proposed Subdivision

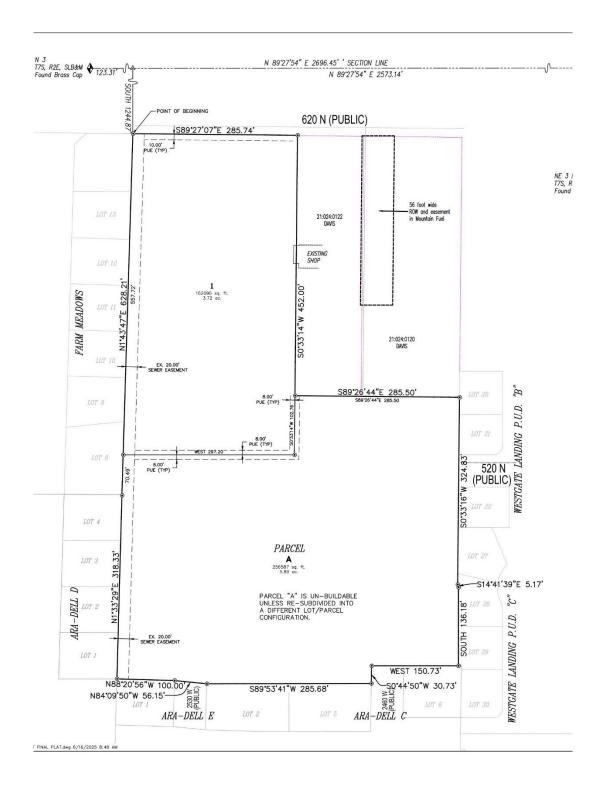
ATTACHMENT 1 – PARCEL MAP



ATTACHMENT 2 – ZONE MAP



ATTCHMENT 3 – PROPOSED SUBDIVISION





Planning Commission Hearing Staff Report

Hearing Date: August 13, 2025

*ITEM 4 Kendall Seymour requests a Zone Map Amendment from the R1.6 (One-Family Residential) Zone to the VLDR (Very Low Density Residential) Zone in order to create a flag lot subdivision, located at 1050 West 100 North. Dixon Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLRZ20250332

Applicant: SHELLEY, HEATHER (ET

AL)Kendall Seymour

Staff Coordinator: Jessica Dahneke

Property Owner: SHELLEY,

HEATHER (ET AL) Parcel ID#:04:073:0019

Acreage:0.30

Number of Properties: 1

Number of Lots: 1

ALTERNATIVE ACTIONS

- 1. <u>Approve</u> the requested appeal.

 This action <u>would not be consistent</u>
 with the recommendations of the
 Staff Report. The Planning
 Commission should <u>state new</u>
 findings.
- 2. **Continue** to a future date to obtain additional information or to further consider information presented. The next available meeting date is August 27, 2025 at 6:00 P.M.

Current Legal Use: Single-family home, R.1.6 zone

Relevant History: A single-family home was constructed at 1050 W 100 N in 1908 leaving a large portion of the lot to function as the rear yard. In April of 2025 the applicant started the process to subdivide the property creating a flag lot in the rear yard which would allow for a new single-family dwelling. An evaluation of the subdivision application showed that the property does not have the ability to meet the requirements of the R1.6 Zone if subdivided. While the current zoning does allow for accessory dwelling units, the applicant is seeking to rezone the property to Very Low Density Residential (VLDR) in order to subdivide the lot.

Neighborhood Issues: No neighborhood issues have been raised.

Summary of Key Issues:

- The property cannot subdivide and meet the requirements of the R1.6 Zone.
- The current zoning allows for accessory apartments. Which would allow the same increase in density without requiring a rezone.
- Rezoning to VLDR would only allow one additional single-family dwelling.

Staff Recommendation:

<u>Deny</u> the requested variance. This action <u>would</u> <u>be consistent</u> with the recommendations of the Staff Report.

OVERVIEW

The property at 1050 W 100 N is currently located in the R1.6 Zone with a single-family home located on the front portion of the lot. The layout of the existing lot creates a very large rear yard that is beyond the needs of the current property owner. Since the property cannot be subdivided and continue to meet the lot width requirement of the R1.6 Zone, the applicant is seeking to rezone from R1.6 to the Very Low-Density Residential Zone. Rezoning this property allows the applicant the opportunity to subdivide the property and create an additional single-family dwelling in the neighborhood.

This property is currently surrounded by R1.6 on the north, east, and west sides with West Gateway to the south. There is no current neighborhood plan for the area, but the General Plan's Future Land Use Map designates that this area maintain its residential use.

STAFF ANALYSIS

The code analysis below shows that this proposed zone map amendment aligns with the goals of the general plan to expand the number of available housing units across different price points; however, the property is able to achieve the same level of density increase by establishing an accessory apartment at the property. This alternative approach would provide the same net housing benefit—adding one additional residential unit to the community's housing stock—while maintaining the established zoning framework and neighborhood character. Since the property allows the additional dwelling unit in the form of an ADU staff feels that in this instance, a zone change is not required to continue to help the city reach the goals of the general plan.

The submitted plat map included as one of the attachments shows a proposed flag lot configuration. It should be noted that flag lots are not allowed in the VLDR zone; however, a condominium plat would be allowed in this zone. A condominium plat structure would designate the drive access and landscaped areas as shared common space serving both residential units, while maintaining individual private ownership of each dwelling. In the event that the rezoning request receives approval, the subdivision plat map must be revised to reflect a condominium plat arrangement rather than the currently proposed flag lot design.

CODE ANALYSIS

Provo City Code Title 14.02.020(2) sets for the following guidelines for consideration of amendments:

- 1. Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public and is consistent with the goals and policies of the Provo City General Plan, the following guidelines shall be used to determine consistency with the General Plan:
- (a) Public purpose for the amendment in question.

Staff response: To create a new lot that will allow for an additional single-family dwelling.

(b) Confirmation that the public purpose is best served by the amendment in question.

Staff response: This zone map amendment allows for a small infill project to add a housing unit to the neighborhood.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

Staff response: Goal 1a in the Land Use chapter of the General Plan states, "Encourage the development of additional single-family home developments in key areas to address housing shortages and facilitate additional economic growth and economic opportunities."

Goal 1c in the Land Use chapter states, "Promote neighborhood scale development in residential areas, including a mix of density such as pocket neighborhoods, missing middle housing, and small lot single-family."

Goal 1a of the Housing chapter of the General Plan states, "Encourage opportunities for small scale, infill housing development."

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

Staff response: There are no "timing and sequencing" issues with this request.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

Staff response: Staff does not believe that this proposal will hinder or obstruct General Plan policies.

(f) Adverse impacts on adjacent landowners.

Staff response: The proposed map amendment would allow for the creation of a single-family dwelling. Staff does not believe that this will have any adverse impacts on adjacent landowners.

(g) Verification of correctness in the original zoning or General Plan for the area in question

Staff response: The General Plan shows this area as "Residential". The proposed zone map amendment maintains this area as residential.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies

Staff response: There is no conflict between the General Plan Map and Policies.

FINDINGS OF FACT

- 1. The subject parcel is 0.30 acres or 13,068 square feet.
- 2. The subject parcel is zoned R1.6.

- 3. The required lot width of the R1.6 zone is 60 feet.
- 4. A required drive access for a flat lot is 15 feet.
- 5. The lot width at 1050 W 100 N is 65 feet.
- 6. Rezoning to VLDR would allow for the creation of one additional dwelling
- 7. The zoning currently allows for accessory apartments.
- 8. Establishing an accessory apartment would also increase the housing units in the area by one.

CONCLUSIONS

Staff is in favor of opportunities to provide more housing options for the citizens of Provo City. In this specific situation, the property owner can create an accessory dwelling unit at the property which achieves the same increase in dwelling units as rezoning from R1.6 to VLDR. Since the property owner has the opportunity to create an additional dwelling unit without needing to rezone staff recommends the planning commission recommend denial to the municipal council.

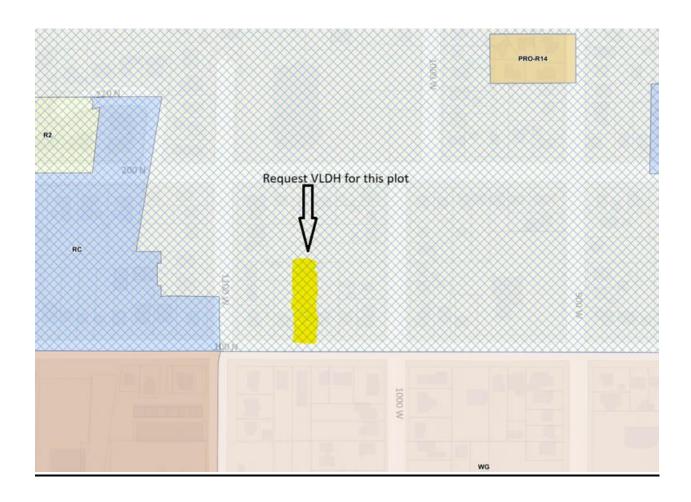
ATTACHMENTS

- 1. Aerial Photo
- 2. Area Requested to be Rezoned
- 3. Plat Map

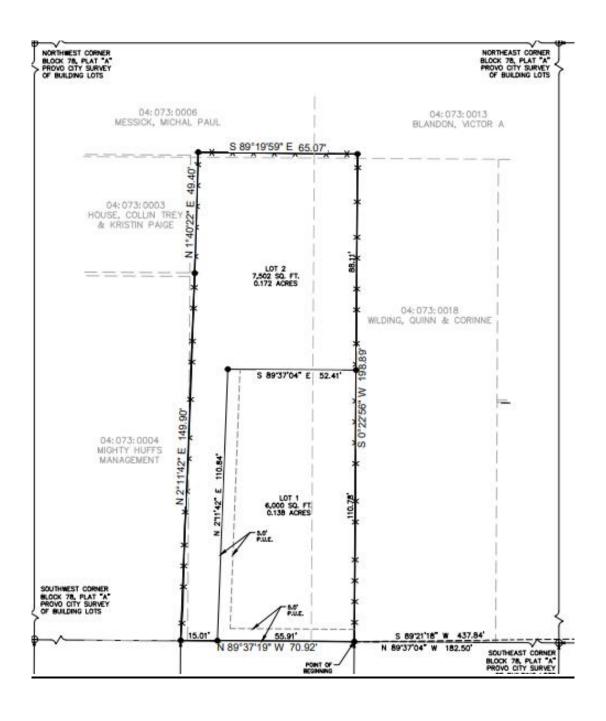
ATTACHMENT 1 – AERIAL PHOTO



ATTACHMENT 2 – AREA REQUESTED TO BE REZONED



ATTACHMENT 3 - PLAT MAP





Planning Commission Hearing Staff Report

Hearing Date: August 13, 2025

*ITEM 5 Christina Gibson requests an Ordinance Text Amendment to Provo City Code 14.30.020 in order to allow an Accessory Dwelling Unit on property in the R1.10 (One Family Residential) Zone, located at 3080 N Bannock Drive. Indian Hills Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLOTA20250238

Applicant: Christina Gibson

Staff Coordinator: Jessica Dahneke

Property Owner: Christina Gibson

Parcel ID #: 42:007:0012

Acreage:0.28

Number of Properties: 1

Number of Lots:1

ALTERNATIVE ACTIONS

- Approve the requested ordinance text amendment. This action would not be consistent with the recommendations of the Staff Report.
- 2. **Continue** to a future date to obtain additional information or to further consider information presented. The next available meeting date is August 27, 2025 at 6:00 P.M.

Current Legal Use: Single-family dwelling in the R1.10 zone

Relevant History: Christina and William Gibson purchased the property at 3080 N Bannock Drive in early 2025 with the intent to establish an accessory dwelling unit. Since accessory dwelling units are not permitted in this area, the owners are pursuing an ordinance text amendment to have the property at 3080 N Bannock included as part of the area that allows for an ADU.

During the application review for code compliance, staff found that while Christina meets the owner occupant requirements under 14.06.020, William does not.

Neighborhood Issues: Staff has not been made aware of any neighborhood issues.

Summary of Key Issues:

- The property cannot establish an accessory dwelling unit without the ordinance text amendment.
- The applicant obtained signatures from surrounding neighbors stating they had no objections to an accessory dwelling unit at the property.
- 14.30.030(4) requires owner occupancy to establish an accessory dwelling unit.
- 14.06.020 defines owner occupant and specifies that all owners on title must live at the property as their primary residence.

Staff Recommendation:

Recommend Denial of the requested ordinance text amendment. *This action would be consistent with the recommendations of the Staff Report.*

OVERVIEW

Christina Gibson is seeking to establish an accessory dwelling unit at 3080 North Bannock Drive. The R1.10 zone does not allow accessory dwelling units, as such an ordinance text amendment to 14.30.020 of Provo City Code to include 3080 North Bannock Drive in the area where accessory dwelling units are allowed is necessary.

14.30.040 of Provo City Code explains that if a property is not in an area that allows for accessory dwelling units a property owner has the option to apply for an ordinance text amendment to alter the area where ADUs are allowed so the specific property is permitted to have an ADU. In following this process, Christina submitted the application and included the signatures of 66% of the surrounding neighbors stating they are in support of an ADU at the property.

STAFF ANALYSIS

Provo City Code 14.30.030(4)(a) requires properties with accessory dwelling units to be occupied by an owner occupant, as defined in section 14.06.020. The owner occupant definition in 14.06.020 is a very nuanced definition to address the different entities that can own a property. Under subsection (a) of the owner occupant definition, an owner occupant is a person who holds 50% or more ownership and lives at the property as their primary residence. Christina meets this requirement, but she is not the only owner on the title. Her father, William, is listed as co-owner.

Subsection (d) of the owner occupant definition states that if a person meets the requirements of the previous subsections but is not the only owner on title then they cannot be considered an owner occupant. The applicant is continuing to pursue an ordinance text amendment based on additional language in the second subsection of (d) which states:

- (d)(ii) Any person who claims to be an owner of the dwelling unit, but who does not occupy it, shall provide documentation to the Development Services Department which shows such person:
 - (A) has not claimed any income, tax deduction, or depreciation for the property on the person's tax returns for the previous year;
 - (B) is not listed as an owner on any rental document or agreement with any tenant who occupies the dwelling unit, including any accessory apartment; and
 - (C) is not listed as an owner on any insurance, utility, appraisal, or an agreement related to the property.

Staff's analysis identifies two issues with applying this section of code. First, there is no language in subsection (d)(ii) or anywhere else in the definition of owner occupant that states (d)(ii) functions as an exception to the previously stated requirement in (d) that all owners on title must live at the property. Second, even if (d)(ii) is considered an exception, the applicant cannot provide the required tax documentation since they have not owned the property long

enough for William to include any documentation showing he has claimed no income, deduction, or depreciation for the property.

The code analysis of 14.02.020 below highlights how ADUs aligns with the goals of the General Plan; however, ownership of this specific property does not meet code requirements. Therefore, staff recommends that the Planning Commission recommend denial to the Municipal Council.

CODE ANALYSIS

14.02.020, Provo City Code below: (staff responses in bold)

(a) Public purpose for the amendment in question

Staff Response: The purpose for the amendment is to include the property at 3080 N Bannock Drive as part of area permitting ADUs.

(b) Confirmation that the public purpose is best served by the amendment in question

Staff Response: The text amendment creates an additional dwelling unit in the area providing an additional housing option in the neighborhood.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

Staff Response: This amendment aligns with the following General Plan Goal:

- 4.1 Allow for different types of housing in neighborhoods and allow for a mix of home sizes at different price points including ADUs.
- (d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

Staff Response: There are no conflicts with the General Plan's "timing and sequencing".

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.

Staff Response: Staff does not see any conflicts from the proposed amendment with the General Plan policies.

(f) Adverse impacts on adjacent landowners.

Staff Response: The code requires that the property be owner occupied and provide offstreet parking for the ADU there should not be any adverse impact on the surrounding landowners.

(g) Verification of the correctness in the original zoning or General Plan for the area in question.

Staff response: The General Plan shows this area as "Residential". The proposed ordinance text amendment maintains this area as residential.

(h) In cases where a conflict arises between the General Plan Map and the General Plan Policies, precedence shall be given to the Plan Policies.

Staff Response: There is no conflict between the General Plan Map and the General Plan Policies.

FINDINGS OF FACT

- 1. The applicant submitted a complete application for an ordinance text amendment as required in 14.30.040.
- 2. 14.30.030 of Provo City Code requires the property to be owner occupied in order to establish an accessory apartment.
- 3. The City Code definition of owner occupant states that all owners on title must occupy the property.
- 4. The applicant cannot provide all the documentation listed in (d)(ii) of the definition of owner occupant.

APPLICABLE ZONING CODES

14.06.020 - Definitions

"Owner occupant" means, except as set forth in Subsection (d) of this definition:

- (a) an individual who:
- (i) possesses, as shown by a recorded deed, fifty (50) percent or more ownership in a dwelling unit; and
- (ii) occupies the dwelling unit with a bonafide intent to make it his or her primary residence; or
- (b) an individual who:
- (i) is a trustor of a family trust which:
- (A) possesses fee title ownership to a dwelling unit;
- (B) was created for estate planning purposes by one (1) or more trustors of the trust; and
- (ii) occupies the dwelling unit owned by the family trust with a bonafide intent to make it his or her primary residence. Each living trustor of the trust must so occupy the dwelling unit except for a trustor who temporarily resides elsewhere due to a disability or infirmity. In such event, the dwelling unit must nevertheless be the domicile of the trustor during the trustor's temporary absence.
- (c) an LLC which:
- (i) is currently registered with the state; and
- (ii) each member of the LLC occupies the dwelling unit with a bonafide intent to make it his or her primary residence.

- (d) A person who meets the requirements of Subsections (a), (b), or (c) of this definition may not be deemed an owner occupant if the property on which the dwelling unit is located has more than one (1) owner and all owners of the property do not occupy the dwelling unit with a bona fide intent to make the dwelling unit their primary residence.
- (i) A claim that a person is not an owner occupant may be rebutted only by documentation, submitted to the Development Services Department, showing that the person who occupies the dwelling unit has a bona fide intent to make the dwelling unit one's primary residence as indicated by the following documents which show such person:
- (A) is listed as a primary borrower on documents for any loan presently applicable to the property where the dwelling unit is located;
- (B) has claimed all income, deductions, and depreciation from the property on one's tax returns for the previous year;
- (C) is the owner listed on all rental documents and agreements with tenants who occupy the dwelling unit, including any accessory apartment;
- (D) is the owner listed on all insurance, utility, appraisal, or other contractual documents related to the property; and
- (E) is a full-time resident of Utah for Utah State income tax purposes.
- (ii) Any person who claims to be an owner of the dwelling unit, but who does not occupy it, shall provide documentation to the Development Services Department which shows such person:
- (A) has not claimed any income, tax deduction, or depreciation for the property on the person's tax returns for the previous year;
- (B) is not listed as an owner on any rental document or agreement with any tenant who occupies the dwelling unit, including any accessory apartment; and
- (C) is not listed as an owner on any insurance, utility, appraisal, or an agreement related to the property.
- (iii) Any person, or group of persons, who fails, upon request of the Development Services Department, to provide any of the documents set forth in Subsections (c)(i) or (c)(ii) of this definition or who provides a document showing that ownership of a dwelling unit is shared among persons who do not all occupy the dwelling unit shall mean for the purpose of this Title that such person or persons shall not be deemed an "owner occupant" of the dwelling unit in question.
- (e) The provisions of Subsection (d) of this definition shall apply to any person who began a period of owner occupancy after March 1, 2009, regardless of when the person purchased the property where such person resides.

14.30.030 - Accessory Dwelling Unit (ADU) Development Standards

ADUs shall be subject to the following development standards:

. . .

- (4) Occupancy. A one (1) family dwelling with an ADU, which is authorized by and conforms to the requirements set forth in this Section, shall, for purposes of this Subsection, consist of two (2) component parts: the main dwelling unit and the ADU. Those two (2) parts shall be occupied as follows:
- (a) Except as otherwise provided in Subsection (4)(d) of this Section, either the main dwelling unit or the ADU must be occupied by an owner occupant as that term is defined in Section 14.06.020, Provo City Code. If this requirement is not met, no ADU shall be permitted.
- (b) The occupancy of the main dwelling unit shall be limited to one (1) "family" as that term is defined in Chapter 14.06, Provo City Code, except that if the ADU is also occupied, the occupancy of the main dwelling unit may not include the two (2) additional related or unrelated individuals described in Subsection (b)(i)(B) of the "family" definition in Section 14.06.020, Provo City Code.
- (c) The ADU shall not be occupied by more than three (3) related or unrelated adults, together with any minor children of those adults.
- (d) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning of the temporary absence and meets the following criteria:
- (i) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, military service, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
- (ii) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
- (iii) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.

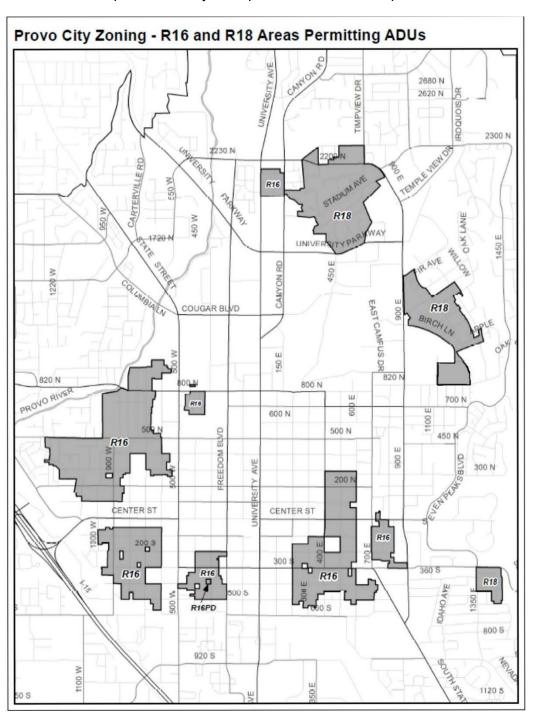
. . .

14.30.020 – Permitted Used of Accessory Dwelling Units.

- (1) Notwithstanding the regulation of permitted uses in other chapters of this Title, the regulation of the permitted use of accessory dwelling units is governed by this Section.
- (2) Notwithstanding Section 14.30.010, Provo City Code, Utah Code Annotated Section 10-9a-530 allows the prohibition of accessory dwelling units in some areas zoned primarily for

residential use. Accordingly, accessory dwelling units are prohibited in the following areas zoned primarily for residential use:

- (a) All Project Redevelopment Option (PRO) zones;
- (b) R2 zones with a Performance Development Overlay (R2PD);
- (c) Areas designated RM, R16, R17, R18, R19, or R110, including such areas with the Performance Development Overlay, except as shown in the map below:



(3) Notwithstanding Subsection (2) of this Section, the use of an accessory dwelling unit in areas zoned primarily for residential use is a permitted use in all areas west of Interstate Highway 15, except the Specific Development Plan Overlay zone 5 (SDP-5) and R2 zones with a Performance Development Overlay (R2PD).

14.30.040 Special Use Permit for Accessory Dwelling Unit.

A property owner, or the owners of multiple contiguous properties, seeking to allow an accessory dwelling unit on a parcel, or parcels, in an area where such units are otherwise prohibited by Chapter 14.30 (Accessory Dwelling Units), Provo City Code, may submit a text amendment application to the Development Services Department seeking to amend this Chapter in order to designate accessory dwelling units as a permitted use for all the applying properties. The application must comply with Section 14.02.020, Provo City Code, except that:

- (1) The specific filing fee for this type of application, as listed on the Consolidated Fee Schedule, is required instead of the standard amendment fee; and
- (2) The application does not need to comply with Section 14.02.020(1), Provo City Code, but instead must include the following:
- (a) A list of addresses including the applying property, or properties, and all immediately adjacent residential properties. For purposes of this Section, "immediately adjacent residential property" means any property:
- (i) For which residential use is a permitted use; and
- (ii) That shares a common boundary with, is directly across from, is diagonally adjacent to, or is within the same cul-de-sac as an applying property, including any property separated from an applying property only by a local street, canal, right-of-way, or similar feature.
- (b) The names, addresses, and signatures of the owners of at least sixty-six percent (66%) of the properties described in Subsection (2)(a)(ii) of this Section, indicating that they are in support of the amendment; and
- (c) A completed rental dwelling license application that meets the requirements of Chapter 6.26 (Rental Dwellings), Provo City Code, for each applying property.
- (3) Submission of the signatures required by Subsection (2)(b) of this Section does not guarantee approval of the application. They serve to demonstrate a degree of neighborhood support to the Council and are required in place of the standard text amendment fee in order to have the application considered. If an applicant wishes to apply without the required signatures, the application must meet all requirements of Section 14.02.020(1), Provo City Code, including payment of the standard amendment application fee and submission of a written petition to the Planning Commission meeting all the requirements in that Section. Final approval or denial of both types of application is at the sole discretion of the Provo City Municipal Council.

CONCLUSIONS

Staff generally support accessory dwelling units since they align with General Plan Goals and Policies. While the applicant satisfies the primary residence requirement in this case, the presence of an additional owner on the title prevents the property from meeting the owner occupancy standards outlined in 14.06.020. Since owner occupancy is mandatory for accessory dwelling unit approval, Staff recommends that the Planning Commission recommend to the Municipal Council denial of the text amendment to include this property as part of the area where accessory dwelling units are permitted.

<u>ATTACHMENTS</u>

- 1. Aerial Photo
- 2. Surrounding Property Support Signatures

ATTACHMENT 1 – AERIAL PHOTO



<u>ATTACHMENT 2 – SURROUNDING PROPERTY SUPPORT SIGNATURES</u>



DEVELOPMENT SERVICES

TEL (801) 852-6400 445 W Center St. PROVO, UT 84601

Accessory Dwelling Unit Special Use Permit
Dear Neighbor,
The purpose of this letter is to seek your input regarding a request for a Special Use Permit. If granted, this permit would allow an Accessory Dwelling Unit (ADU) on the property located at
In applying for a Special Use Permit, the applicant must provide the name, address, and signature of the owners of at least 66% of the properties considered to be an immediately adjacent residential property indicating their support of the Accessory Dwelling Unit. Your property is an immediately adjacent residential property to that of the applicant, and thus your input is requested.
Requirements for which a property/owner must meet to establish and operate an ADU can be found at the following link: $\underline{\text{https://provo.municipal.codes/Code/14.30}}$
If you have any questions or concerns regarding this request, you may call the Provo City Zoning Division at $801-852-6427$ or visit us at 445 W Center, Suite 200 . (Mon-Thurs 7 AM $-$ 6 PM).
To indicate your support of this request, please mark the appropriate box below, fill in your address, print, sign, and date this form. When completed, please return this form to the applicant.
✓ I am in support of this Special Use Permit request.
\square I am $\underline{\mathrm{NOT}}$ in support of this Special Use Permit request.
I am the owner of the property located at 3100 Bannock
Printed: Britany Thorley Signed: B-2 Date: 3-20-25



DEVELOPMENT SERVICES

TEL (801) 852-6400 445 W Center St. PROVO, UT 84601

Accessory Dwelling Unit Special Use Permit

Dear Neighbor,

The purpose of this letter is to seek your input regarding a request for a Special Use Permit. If granted, this permit would allow an Accessory Dwelling Unit (ADU) on the property located at 3080 Bannock, owned by Chistia Gibson. This request is being made pursuant to Provo City Code Section 14.30.040.

In applying for a Special Use Permit, the applicant must provide the name, address, and signature of the owners of at least 66% of the properties considered to be an immediately adjacent residential property indicating their support of the Accessory Dwelling Unit. Your property is an immediately adjacent residential property to that of the applicant, and thus your input is requested.

Requirements for which a property/owner must meet to establish and operate an ADU can be found at the following link: https://provo.municipal.codes/Code/14.30

If you have any questions or concerns regarding this request, you may call the Provo City Zoning Division at 801-852-6427 or visit us at 445 W Center, Suite 200. (Mon-Thurs 7 AM – 6 PM).

To indicate your support of this request, please mark the appropriate box below, fill in your address, print, sign, and date this form. When completed, please return this form to the applicant.

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☐ I am in supp	ort of this Spe	cial Use Permit r	equest.		
□ I am <u>NOT</u> in	support of this	Special Use Per	mit request.	Λ	20
I am the owner	of the property	located at	301		iche Ln
Printed:		Signed:	M	Date	2025
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DEVELOPMENT SERVICES

TEL (801) 852-6400 445 W Center St. PROVO, UT 84601

Accessory Dwelling Unit Special Use Permit

Dear Neighbor,

The purpose of this letter is to seek your input regarding a request for a Special Use Permit. If granted, this permit would allow an Accessory Dwelling Unit (ADU) on the property located at 3080 Bannock, owned by Chashas Cabasa. This request is being made pursuant to Provo City Code Section 14.30.040.

In applying for a Special Use Permit, the applicant must provide the name, address, and signature of the owners of at least 66% of the properties considered to be an immediately adjacent residential property indicating their support of the Accessory Dwelling Unit. Your property is an immediately adjacent residential property to that of the applicant, and thus your input is requested.

Requirements for which a property/owner must meet to establish and operate an ADU can be found at the following link: https://provo.municipal.codes/Code/14.30

If you have any questions or concerns regarding this request, you may call the Provo City Zoning Division at 801-852-6427 or visit us at 445 W Center, Suite 200. (Mon-Thurs 7 AM -6 PM).

To indicate your support of this request, please mark the appropriate box below, fill in your address, print, sign, and date this form. When completed, please return this form to the applicant.

🗹 I am in support of this Special Use Permit request.
\square I am $\underline{\mathrm{NOT}}$ in support of this Special Use Permit request.
I am the owner of the property located at 3050 Bannock Dr.
Printed: Michael Marton Signed: Mal Mat Date: 03/31/25



DEVELOPMENT SERVICES TEL (801) 852-6400 445 W Center St.

Accessory Dwelling Unit Special Use Permit

Dear Neighbor,

The purpose of this letter is to seek your input regarding a request for a Special Use Permit. If granted, this permit would allow an Accessory Dwelling Unit (ADU) on the property located at 3030 Region . This request is being made pursuant to Provo City Code Section 14.30.040.

In applying for a Special Use Permit, the applicant must provide the name, address, and signature of the owners of at least 66% of the properties considered to be an immediately adjacent residential property indicating their support of the Accessory Dwelling Unit. Your property is an immediately adjacent residential property to that of the applicant, and thus your input is requested.

Requirements for which a property/owner must meet to establish and operate an ADU can be found at the following link: $\frac{https://provo.municipal.codes/Code/14.30}{https://provo.municipal.codes/Code/14.30}$

If you have any questions or concerns regarding this request, you may call the Provo City Zoning Division at 801-852-6427 or visit us at 445 W Center, Suite 200. (Mon-Thurs 7 AM - 6 PM).

To indicate your support of this request, please mark the appropriate box below, fill in your address, print, sign, and date this form. When completed, please return this form to the applicant.

☐ I am in support of this Special Use Per	mit request.	
☐ I am NOT in support of this Special Us	e Permit request.	
I am the owner of the property located at	3089 Bannick N.	_
Printed: Shellie Raine Signe	d: Shalie Raine	_ Date: _ 7 - 30 - 2025

Provo City Planning Commission

Report of Action

August 13, 2025

ITEM 1 Phil Warner requests Project Plan approval for a commercial remodel and residential addition in the DT1 (General Downtown) Zone, located at 71 East Center Street. Downtown Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.org PLPPA20240026

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 13, 2025:

APPROVED

On a vote of 6:0, the Planning Commission approved the above noted application.

Motion By: Barbara DeSoto Second By: Lisa Jensen

Votes in Favor of Motion: Barbara DeSoto, Lisa Jensen, Melissa Kendall, Matt Wheelwright, Jonathon Hill, Joel Temple *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

- 20 Total Units
- Type of occupancy approved: Family

APPROVED/RECOMMENDED PARKING

- 25 Total parking stalls required
- 25 Total parking stalls provided (in adjacent Wells Fargo Parking Garage RDA approved)

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

• The Neighborhood District Chair determined that a neighborhood meeting would not be required.

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:

• Phil Warner addressed questions from the Planning Commission, indicating that all the units would be for sale without limitations, that short-term rentals are permitted, and that he does not yet have a user for the ground floor commercial space.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission indicated support for the project and parking solution and verified with staff and the applicant that the property could allow short-term rentals.
- The Commission also confirmed with staff that the windows on the east and west facades could potentially be covered by neighboring developments but each residential unit has windows on the north or south façade if that occurs.

Planning Commission Chair

Biel Reperace

Director of Development Services

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 BEGINS

Provo City Planning Commission

Report of Action

August 13, 2025

Brigham Young University requests a Conditional Use Permit for a change of use from elementary educational use to temporary office space for property in the PF (Public Facilities) Zone, located at 1080 N 900 E. Foothills Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLCUP20250058

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 13, 2025:

APPROVED WITH CONDITIONS

On a vote of 6:1, the Planning Commission approved the above noted application.

Motion By: Lisa Jensen Second By: Barbara DeSoto

Votes in Favor of Motion: Lisa Jensen, Barbara DeSoto, Melissa Kendall, Matt Wheelwright, Jonathon Hill, Joel Temple,

Votes Not in Favor of Motion: Daniel Gonzales.

Jonathon Hill was present as Chair.

Conditions of Approval:

- 1. A plat application is approved and recorded that combines the adjacent parking lot with this site;
- 2. An approved TDM is recorded;
- 3. That this conditional use permit for temporary office space shall expire six (6) months after the new BYU administration building has received a Certificate of Occupancy; and
- 4. Impact fees have been transferred with the school. If after three (3) years the existing offsite campus buildings are not demolished, 100% impact fees will be required. When permanent buildings are constructed, there will be no grandfathered impact fees.
- 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 OCCUPANCY

• Type of occupancy approved: Office

APPROVED/RECOMMENDED PARKING

- 364 Total parking stalls required
- 339 Total parking stalls provided
- 25 Total parking stall reduction with approved TDM

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

• The Neighborhood District Chair determined that a neighborhood meeting would not be required.

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:

- The applicant explained that the plan is to temporally move offices from the existing campus administration building into this site while a new building is constructed. Once the new building is finished, they will move into that and vacate the building.
- No plans have been made for the future use of this site after the temporary use is completed.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission inquired about an estimate of how many motorcycles and bicycles are currently parked near the administration building (ASB) now. The applicant explained that there are a handful of employees that park bikes there, and that many take them inside.
- The ASB north parking lot does not seem to be full, and there are 250 employees that use the ASB.
- The elementary school may have had approximately the same trip-generation, but the parking demand would have been less than how many will be with the new use.
- The number of required parking spaces exceeds the 250 proposed employees that will occupy the building. With the TDM, there should not be an issue with parking.

Planning Commission Chair

Bill Reperane

Director of Development Services

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

Provo City Planning Commission

Report of Action

August 13, 2025

*ITEM 3 Steven Davis requests a Zone Map Amendment from the R1.8 (One Family Residential) Zone to the A1.1 (Agricultural) Zone for 0.71 acres of land in order to process a two-lot subdivision, located at 2525 West 620 North. Lakeview South Neighborhood. Nancy Robison (801) 852-6417 nrobison@provo.gov PLRZ20250348

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 13, 2025:

RECOMMENDED APPROVAL

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

Motion By: Matt Wheelwright Second By: Barbara DeSoto

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

Wheelwright, Joel Temple

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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the A1.1 Zone is described in the attached Exhibit A.

APPROVED/RECOMMENDED OCCUPANCY

1 Total Units

Type of occupancy approved: Family

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 is being held on 08/20/2025.

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

No comments or concerns were raised by the public

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following: Steve Davis reiterated the same things that were written in the staff report

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following: They felt it was a good rezone. This is something that changes residential back to agricultural.

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.

<u>Administrative decisions</u> 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

Beginning at a point that is N 89° 27' 54" E along the Section Line 123.31 feet, SOUTH 1244.87 feet, S 89° 27' 07" E along the south line of 620 North Street 285.74 feet, and S 00° 33' 14" W 452.00 feet from the North Quarter Corner of section 3, Township 7 South, Range 2 East, Salt Lake Base and Meridian; thence N 89° 26' 44" W 295.01 feet, thence S 01° 43' 47" W along Farm Meadows Subdivision, Plat "A" 95.27 feet; thence S 89° 27' 07" E 296.97 feet; thence N 00° 33' 14" E 95.22 feet to the point of beginning.

Containing 28,189 sq ft or 0.65 acres

Provo City Planning Commission

Report of Action

August 13, 2025

*ITEM 4

Kendall Seymour requests a Zone Map Amendment from the R1.6 (One-Family Residential) Zone to the VLDR (Very Low Density Residential) Zone in order to create a flag lot subdivision, located at 1050 West 100 North. Dixon Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLRZ20250332

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 13, 2025:

RECOMMENDED DENIAL

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

Motion By: Lisa Jensen Second By: Melissa Kendall

Votes in Favor of Motion: Daniel Gonzales, Melissa Kendall, Matt Wheelwright, Jonhathan Hill, Lisa Jensen, Barbara DeSoto, Joel Temple

Johathan 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

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

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.
- There are concerns from the Coordinator Review Committee (CRC) that will be resolved with a building permit if the rezone gets approved.

NEIGHBORHOOD MEETING DATE

• A neighborhood meeting is scheduled for 9/17/2025.

NEIGHBORHOOD AND PUBLIC COMMENT

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

APPLICANT RESPONSE

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

- The property has been remodeled and was put on the market, and even with lowering the asking price it wasn't getting any offers.
- The financial costs of building either an attached ADU or detached ADU given the current interest rates would not be recovered through renting out an ADU.
- Building a detached single-family home that could be sold could lead to having two owner occupied units in the neighborhood.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Wheelwright asked questions about the impact of the frontage requirement and the lot width and how it impacts the neighborhood. Staff explained that it changes the feel and the allowed density of the neighborhood as the higher the requirement the fewer lots that could be in a given area.
- Commissioner DeSoto highlighted there are small differences in the density between the ADU and allowing a detached single-family dwelling. She pointed out there are some contradictions because this idea is in line with the goals of the General Plan, but staff recommendation is to recommend denial.
- Commissioner Hill stated that density isn't as much of a concern for him on this issue, he is more concerned about the common space of a condominium plat not getting taken care of. He also stated that the point applicants made about the financial burden of construction costs are a limiting factor for creating ADUs.
- Commissioner Gonzales agrees and stated if there was a guarantee that both units would be owner occupied he would be more comfortable approving the item.
- Commissioner Jensen highlighted that this application isn't against the general plan, but since there is already a solution on the ground in the form building an ADU at the property which also helps the city meet the goals of the General Plan. She stated she didn't like that this would just be rezoning one property.
- Commission Kendall also stated concerns about rezoning one property and setting a precedent for other owners to come in and ask for the same situation, changing the feel of the neighborhood. She would be more in favor of a larger area to be rezoned allowing a new subdivision of a few single-family dwellings would feel less like spot zoning and would keep the neighborhood character alive.
- Commissioner Wheelwright pointed out that long lots like this can often create areas that become unmaintained or start to collect junk. He stated that the concern regarding landscaping maintenance of common area with a condominium plat can be resolved through a condominium agreement. His larger concern is that spot zoning one area when there are more surrounding properties that have long lots. He felt that owners working together could allow for more homes without creating a spot zone.
- Commissioner Jensen highlighted the main concerns from the discussion: spot zoning, maintenance with a condominium plat, encouraging owner occupancy, and finding a better method for infill.
- Commissioner Temple stated that based on the lot he felt if owners worked together there was room for an infill that wouldn't require rezoning but could still create more single family dwellings which would revitalize the area.
- Commissioner Hill conducted a straw poll vote on each of the issues, five commissioners considered spot zoning one property to be a major concern. Four commissioners felt the lack of owner occupancy was a major concern, four commissioners felt that maintenance of common area on a condominium plat was a major concern, and six commissioners felt that there was a better approach to infill.
- Commissioner Jensen made a motion to recommend denial based on the fact that Planning Commission did not feel comfortable with spot zoning or the maintenance of common area in a condominium plat, they would like to see a guarantee of owner occupancy for both units, and felt there was a more complete approach to infill in this area if property owners worked together.

Planning Commission Chair

Director of Development Services

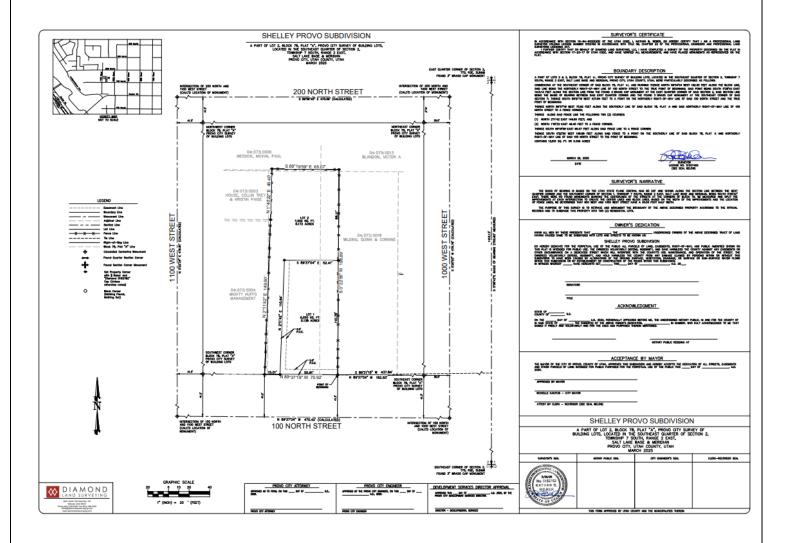
Bill Reperane

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.

A desinistrative decisions of the Planning Commission (items not marked with an estarials) may be appealed by submitting	~
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.).	S S
BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS	
Page 3 of 4	

EXHIBIT A



Provo City Planning Commission

Report of Action

August 13, 2025

*ITEM 5 Christina Gibson requests an Ordinance Text Amendment to Provo City Code 14.30.020 in order to allow an Accessory Dwelling Unit on property in the R1.10 (One Family Residential) Zone, located at 3080 N Bannock Drive. Indian Hills Neighborhood. Jessica Dahneke (801) 852-6413 jdahneke@provo.gov PLOTA20250238

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 13, 2025:

RECOMMENDED APPROVAL

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

Motion By: Lisa Jensen Second By: Joel Temple

Votes in Favor of Motion: Melissa Kendall, Matt Wheelwright, Joel Temple, Lisa Jensen, Daniel Gonzales, Barbara

DeSoto, Jonathan Hill

Johnathan Hill 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.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

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 07/16/2025.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was present /addressed the Planning Commission during the public hearing.
- Rhoda Gaufin mentioned that this item went to a neighborhood meeting and the vote was 24 in favor 5 against. She also stated that she is aware of other properties doing this illegally. She stated that if she had tried to buy the home she is in now 30 years ago she could not have afforded it. She was aware that there are many properties doing this illegally and it didn't feel right to punish the applicant for taking the legal route

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:

- Lee Farnsworth stated that the area was built as a single-family dwelling, and he was concerned that allowing an ADU would change the neighborhood from a single-family neighborhood.
- Pam Jones was concerned that Bannock Drive is not a good street for an increase in parking. She supports the

- idea of an ADU, but she does not feel that Bannock Drive is the best place for it.
- Brittany Thorley said that she is a neighbor of the property and signed in support of the ADU. She agreed with some concerns regarding parking and encouraged the city to evaluate the situation along the whole road. She also stated the signature form should be evaluated as it seemed like she was just signing to agree for the current property owner, not all future property owners.
- Jennifer Napp stated that she was in a similar situation years ago and that she would not have been able to afford the whole home but renting out an ADU allowed her to be in the home and her family to grow. She is in support of an ADU at the location.
- Adam Shin stated that this is a good example of what an ADU should be meant to enable allowing a young family to grow into a home and creating an additional avenue for people to get into home ownership.

APPLICANT RESPONSE

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

- The applicant stated that the purchase of the home is a long-term investment.
- The applicant mentioned that the zoning laws changed as they were in escrow from an administrative process to the legislative process.
- The applicant pointed out that they provided all the other required documents just not tax information.
- When asked by Commissioner Hill why not wait to bring this forward when you could wait to bring it forward until all the requirements of owner occupancy could be met. The response was to be in compliance with the code and give the opportunity to grow in the house.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Kendall asked for clarification if this would allow all future property owners to have an accessory dwelling unit at the property. Staff explained that it makes it possible for any future property owners to apply for an accessory dwelling unit at the property, but each future owner would have to show they meet the rest of the code requirements for 14.30 before an accessory apartment would be approved.
- Commissioner Jensen asked how the city measures a Bonafide intent. Staff stated that by requiring documentation at a later date we can see if the property owner has made the property their primary residence
- Commissioner DeSoto asked for clarification regarding the previous process for establishing an ADU. Staff explained that previously there was an administrative process, but as the code has changed the two options for establishing an ADU outside of the areas shown in 14.30.020 is to do an ordinance text amendment or rezone the area. Commissioner DeSoto expressed that the current process should be evaluated to create a process that is simpler for owners to accomplish.
- Commissioner Wheelwright pointed out that the property owners have could upload tax documents showing they did not make any claims regarding income or depreciation because they have not owned the property long enough to submit taxes including this property. Doing that would meet the requirement.
- Commissioner Temple pointed out that there is a difference between the ordinance text amendment and establishing an ADU. He and commissioner Kendall asked if there are two different processes why is the City recommending denial at this point. Staff stated that the goal was to avoid creating a precedent for approving an ordinance text amendment for a property that does not meet the requirements of the code.
- Commissioner DeSoto stated that she supports making sure that sham transactions are hindered, but this situation seems like there is a strong intent to be owner occupied and stay that way. She feels that this is a bigger issue than just this item that will go to council. She also feels that the process for getting an ADU approved needs to be evaluated to create a process that is more attainable
- Commissioner Kendall asked if the property could meet the parking requirements and if code now allows them to live in the basement unit instead of the main unit. She also asked if there was a process that approves on the condition of uploading additional documents at a later point.
- Commissioner Gonzales asked how staff feels about if there was a way to say enough of the documents have been uploaded that it can be passed forward. Director Peperone explained that citizens, as well as City Council, have expressed ongoing concerns about non-owner occupied ADUs. As such, thoroughly documenting owner occupancy requirements is staff's main priority when it comes to establishing new ADUS.

- Commissioner Jensen pointed out that many people have mentioned they are aware of illegal ADUs in the area and if the process is so difficult that people are just doing it illegally Planning Commission should look at and interpret the intent of the ordinance not just the language of the ordinance.
- Commissioner Temple asked questions regarding the process for renewing the ADU and if they have to upload documents every year at renewal. Staff explained that they do not ask for documents unless staff has been made aware of a possible violation.
- Commissioner Gonzales stated that the process needs to be evaluated since so many people are aware of property owners doing it illegally.
- Commission Kendall stated that she would like to see a process that allows a temporary approval so the property owners have the opportunity to show they will meet all the requirements, but something that can be revoked if after a certain amount of time the property is still not in compliance.
- Commissioner Wheelwright stated that if there are more illegal ADUs that legal ones it means the process for ADUs needs to be evaluated, but feels that the loophole of the applicant's tax documents not showing and deductions regarding the property means that they meet the requirement of the code. He thinks even if they can't currently meet the requirement for the license, recommending approval for the ordinance text amendment so they can establish an accessory apartment as soon as possible after meeting the code requirements.
- Commissioner Jensen stated that if the Planning Commission is going to recommend something different than the staff report they need new findings but thinks that the loophole pointed out by Commissioner Wheelwright can work as the new findings.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

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

The Planning Commission made a recommendation for approval of the ordinance text amendment provided there is follow up in one year to evaluate if the applicant still meets the owner occupancy requirements. This finding is based on their interpretation of the owner occupant definition found in 14.06.020 stating that the second owner on title cannot provide tax documentation showing that he has not taken any deductions since they have not owned the property long enough for it to be included on any tax documentation.

Planning Commission Chair

Bill Reperane

Director of Development Services

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 BEGINS

EXHIBIT A

An amendment to the map of areas permitting ADUs as found in 14.30.020 to be expanded to include the property at 3080 N Bannock Dr.

