

Provo City Planning Commission

Report of Action

March 25, 2020

*ITEM 6 Daniel LaFontaine requests a Zone Change from R1.10 to Low Density Residential for 1.07 acres for a townhome development, located at 50 E 3900 N. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20190265

The following action was taken by the Planning Commission on the above described item at its regular meeting of March 25, 2020:

CONTINUED

On a vote of 6:0, the Planning Commission continued the above noted application to a date uncertain.

Motion By: Dave Anderson

Second By: Maria Winden

Votes in Favor of Motion: Dave Anderson, Maria Winden, Lisa Jensen, Laurie Urquiaga, Deborah Jensen, Russ Phillips
Deborah Jensen was present as Chair.

- New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is not generally consistent with the Staff analysis and determination.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

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

RELATED ACTIONS

The Planning Commission also continued the related concept plan at this hearing, file #PLCP20190266.

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. Key points addressed in the Staff's presentation to the Planning Commission included the following: Staff gave an overview of the zone request and concept plan, illustrating specific design and code issues that staff had concerns with.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 02/25/2020.

NEIGHBORHOOD AND PUBLIC COMMENT

- Neighbors or other interested parties were present or addressed the Planning Commission.
- Staff received 48 emails for this item, with 46 of the emails stating opposition to the proposal for the following reasons:

- the plan is not in line with Provo City General Plan
- the concept is different than what exists in the neighborhood
- there are already townhomes nearby
- the plan does not provide enough open space
- the applicant will not listen or compromise with the neighbors
- traffic and parking issues will spill into the neighborhood
- too much on a small site
- dumpster placement on/off the site

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: Staff forwarded the 48 emails referenced above to the Planning Commission prior to the hearing, which were read and referred to in the hearing.

APPLICANT RESPONSE

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

- The applicant stated he was not aware of all the concerns before the meeting, and feels like most of them can be addressed in the final project plan process.
- Mr. LaFontaine stated that the neighborhood meeting didn't work and that the neighbors don't want to work out issues with the plans.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Lisa Jensen stated that the project should be a lower density and serve as a buffer in to the neighborhood.
- Dave Anderson and Deborah Jensen had questions answered regarding the size of the lot (1.07 acres) and whether it falls into the North University Design Corridor (it does not).
- Maria confirmed with the applicant that it was his choice not to have access onto 70 East.
- Dave Anderson offered his views on difficulty the applicant has had, but is not impressed with updated elevations.
- Deborah Jensen observed that both streets are dead zones with the designs shown, and that the applicant should work with staff to address elevations at the street.
- Lisa Jensen stated density was too high, open space could be improved, and that the neighbor concerns are validated with what was shown.
- Laurie Urquiaga feels that there is not much safety with south units facing a wall, the zone may work, but that design needs to fit the neighborhood better.
- Planning Commission had issues with design and was not ready to hear from public until the applicant revised his plans and came back.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation: The Planning Commission feels that the LDR may work for the site, but the applicant needs to work with staff on design to meet code and satisfy concerns.



Planning Commission Chair



Director of Development Services

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, 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