Provo City Planning Commission

Report of Action

July 14, 2021

*ITEM 2 Scott Bowles requests a Zone Change from Regional Commercial (SC3) to Interim Transit Oriented Development (ITOD) for approximately 21 acres located at 1200 S Towne Center Blvd. East Bay Neighborhood. Brandon Larsen (801) 852-6408 jblarsen@provo.org PLRZ20210075

The following action was taken by the Planning Commission on the above-described item at its regular meeting of July 14, 2021:

CONTINUED

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

Motion By: Laurie Urquiaga
Second By: Robert Knudsen
Votes in Favor of Motion: Brian Henrie, Laurie Urquiaga, Dave Anderson, Daniel Gonzales, Lisa Jensen, and Robert Knudsen

Dave Anderson 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 proposed to be rezoned to the Interim Transit Oriented Development Zone (ITOD) is described in the attached Exhibit A.

RELATED ACTIONS
The Planning Commission also continued the related Concept Plan, Item 1, at the July 14, 2021 hearing.

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
- Staff gave a favorable review for this rezone application.

NEIGHBORHOOD MEETING DATE
- A neighborhood meeting was held on April 1, 2021.

NEIGHBORHOOD AND PUBLIC COMMENT
- The East Bay Neighborhood Chair was not present for the meeting.
- Staff noted that most submitted comments were favorable toward the proposed rezone. They summarized comments from the Public, as follows:

- Generally supportive comments:
  - There is a shortage of housing (especially on the more affordable end of the spectrum). This proposal could help with the shortage.
  - The proposed development could provide housing for medical students from the Noorda Medical College.
  - The proposed project is close to public transit options.
  - Transit oriented development is more friendly (than many other types of development) to the issue of traffic congestion and air quality.
- Comments from those opposed to the proposal:
  - The City is approving too much high-density housing.
  - Why are we approving more large developments in the middle of a drought.
  - The developer is proposing to add more housing units to over-taxed utility systems.
  - We need more stores at the mall, not dwelling units.

APPLICANT RESPONSE

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

- Mr. Scott Bowles explained the constraints Provo Town Centre Mall has in working through a rezone and concept plan process.
- He explained the Mall has multiple interested parties and their own set of guiding documents to navigate through in working with us.
- The applicant wants to work with the City to pin-down the zoning for the subject property. After the zoning is in place, they will submit a project plan application with all required details, plans, etc. Buildings would be sited to not negatively impact utilities lines.
- After explaining parking arrangements with tenants at the mall, he emphatically stated that the only location that will work for a housing development at the mall is the subject property.
- He explained some lessons he learned from observing apartment development near a mall in a neighboring city. One apartment complex he is aware of—although near restaurants and shops—is surrounded by pavement. Having a development that is cohesive with the mall is important.
- Staff asked for guarantees that there would be a solid connection between the mall and the proposed development, or no sectioning-off of the development, and that a safe route for pedestrians to the UVX be identified and guaranteed. The applicant expressed uncertainty on what guarantees they can provide at this stage of the development.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- There was a lack of consensus on whether the ITOD Zone is appropriate for the subject property.
- The Planning Commission voted to continue this item. The motion passed, 6-0. They want to discuss this proposal more at a work-session meeting—to give the applicant more guiding feedback to help facilitate further development of the concept plan application. After the applicant revises the concept plan—having received feedback from the Planning Commission—the proposed rezone and concept plan will be brough back to a regular Planning Commission meeting for consideration.

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 and Neighborhood Services 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

EXHIBIT A

Complete/Accurate Legal Description of area
A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 2 EAST, BEING A PORTION OF COLLINS PLAT 'A' AND COLLINS PHASE I, II, AND III. A TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 13, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN (BASIS OF BEARING IS NORTH QUARTER CORNER OF
SECTION 13 TO THE NORTHEAST CORNER OF SECTION 13, N89°46'54"E, 2652.02 FEET); THENCE EAST, 72.28 FEET TO A POINT; THENCE N00°44'16"E, 309.33 FEET TO THE POINT OF BEGINNING SAID POINT ALSO BEING LOCATED ON THE WESTERLY PROPERTY LINE; THENCE ALONG SAID PROPERTY LINE N00°44'16"E, 214.52 FEET; THENCE N00°00'14"W, 387.14 FEET; THENCE S89°20'55"E, 318.08 FEET; THENCE N87°48'14"E, 81.92 FEET; THENCE S87°04'03"E, 68.53 FEET; THENCE S89°41'04"E, 148.03 FEET; THENCE S01°33'56"E, 107.69 FEET; THENCE S89°34'01"E, 357.18 FEET; THENCE N00°15'48"W, 155.24 FEET; THENCE S89°34'01"E, 222.84 FEET; THENCE S00°04'43"W, 6.21 FEET; THENCE S89°03'09"E, 254.20 FEET; THENCE S00°10'03' W, 150.86 FEET; THENCE S88°44'33"E, 25.21 FEET; THENCE S00°41'33"W, 152.27 FEET; THENCE N89°18'37"W, 39.99 FEET; THENCE S00°17'37"W, 181.68 FEET; THENCE S89°18'37"E, 104.40 FEET; THENCE S00°16'00"W, 243.77 FEET; THENCE N89°20'00"W, 244.82 FEET; THENCE SOUTHWESTERLY ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 198.00 FEET, THROUGH A CENTRAL ANGLE OF 0°04'59" A DISTANCE OF 0.29 FEET TO A POINT OF TANGENCY, SAID CURVE HAVING A CHORD BEARING S43°42'46"W, A DISTANCE OF 0.29 FEET; THENCE S43"36'47"W, 45.03 FEET; THENCE WEST, 411.42 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY EDGE OF AN EXISTING SANITARY SEWER & WATERLINE EASEMENT; THENCE CONTINUING ALONG SAID EASEMENT N37°14'09"W, 163.57 FEET; THENCE, LEAVING SAID EASEMENT, WEST, 754.31 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 948,999 SQUARE FEET (21.786 ACRES), MORE OR LESS.