



Provo City Planning Commission

# Report of Action

January 26, 2022

\*ITEM #5 Tim Metler requests a Zone Change from the Residential Conservation (RC) zone to the Campus Mixed Use (CMU) zone, located from 46 W to 90 W 800 N, to allow for a 62-unit apartment complex. North Park Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20210112

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The following action was taken by the Planning Commission on the above described item at its regular meeting of January 26, 2022:

## RECOMMENDED DENIAL

On a vote of 5:2, the Planning Commission recommended that the Municipal Council deny the above noted application.

Motion By: Lisa Jensen

Second By: Ally Jones

Votes in Favor of Motion: Lisa Jensen, Ally Jones, Dave Anderson, Brian Henrie, Daniel Gonzales

Votes Against the Motion: Miles Miller, Laurie Urquiaga

Laurie Urquiaga 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 CMU Zone is described in the attached Exhibit A.

### **RELATED ACTIONS**

The Planning Commission denied the related Concept Plan with this request (Item #4).

### **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.
- Important issues raised by other departments – addressed in Staff Report to Planning Commission

### **NEIGHBORHOOD AND PUBLIC COMMENT**

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

### **CONCERNS RAISED BY PUBLIC**

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

- Terry Cirac shared his concerns with the amount of parking proposed in the concept plan.

### **APPLICANT RESPONSE**

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

- Tim Metler gave an overview of the project detailing the amenity spaces and TDM. He also responded to questions regarding his proposal and phasing timelines from the Planning Commission.

### **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- Lisa Jensen shared concerns about using the CMU zone, parking counts, setback reductions, and the overall density for the project. She asked staff about the ability to meet code requirements of the CMU zone and stated she likes the proximity to transit and the amenities shown on the project.
- Dave Anderson stated he is not comfortable with using the CMU zone for all 1.39 acres with an unknown phase two timeline, and shared his belief that it would create nonconformity issues on the property.
- Brian Henrie thought this would be a good location for a project like the one shown and offered that a parking reduction could help people to use more alternative transportation options.
- Miles Miller asked about design standards for the CMU zone and the projects ability to meet those standards.
- Laurie Urquiaga asked about guest parking and stated that the TDM was not a concern of hers.
- Ally Jones stated that walking and biking are realistic options for a location and project like this and believed the TDM would work.

### **FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION**

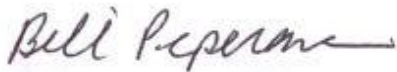
The Planning Commission identified the following findings as the basis of this decision or recommendation:

- The Planning Commission has concerns with the use of the CMU zone for the entire 1.39 acres, that there is no commercial aspect in the two phases, and still have reservations over the parking reduction.



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Planning Commission Chair



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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

The area to be rezoned is described as follows:

Beginning at the intersection of the North Right-of-Way line of 800 North and the East Right-of-Way line of 100 West streets, said point being South 89°17'31" West 1031.24 feet and South 709.47 feet from the Northeast Corner of Section 1, Township 7 South, Range 2 East, Salt Lake Base and Meridian;

Thence North 0°17'27" East 272.75 feet along said East Right-of-Way line;

Thence South 89°28'06" East 200.24 feet;

Thence South 0°38'34" West 135.30 feet;

Thence North 89°46'09" East 0.68 feet;

Thence South 89°42'47" East 50.02 feet;

Thence South 0°17'13" West 132.49 feet to said North Right-of-Way line;

Thence South 89°20'40" West 250.15 feet along said North Right-of-Way line to the Point of Beginning

Contains 1.395 Acres or 60,772 Square Feet, more or less