

Provo City Planning Commission

Report of Action

July 27, 2022

*ITEM #4 Austin Taylor requests approval of a Zone Map Amendment from the Residential Conservation (RC) zone to the Low Density Residential (LDR) zone in order to build a new one-family dwelling with an accessory apartment, located at 769 W 200 N. Dixon Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20210338

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 27, 2022:

RECOMMENDED APPROVAL WITH CONDITIONS

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application, with the following conditions:

Conditions of Approval:

1. That a development agreement is signed to ensure that no more than one (1) additional single-family home with an accessory dwelling unit is permitted on the property.

Motion By: Raleen Whalin

Second By: Miles Miller

Votes in Favor of Motion: Raleen Whalin, Miles Miller, Daniel Gonzales, Melissa Kendall, Robert Knudsen, Jeff Whitlock
Daniel Gonzales was acting 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 LDR Zone is described in the attached Exhibit A.

RELATED ACTIONS

PLCP20210339, item #3 on the July 27th, 2022 Planning Commission agenda was approved with conditions.

APPROVED/RECOMMENDED OCCUPANCY

*2 Total Units (with possible accessory dwelling units)

*Type of occupancy approved: Family Occupancy

*Standard Land Use Code 1111

APPROVED/RECOMMENDED PARKING

*8 Total parking stalls required

*8 Total parking stalls provided

*4 Required parking stalls per unit

DEVELOPMENT AGREEMENT

- Applies - referred applicant to Council Attorney.

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

- There are remaining issues from the Coordinator Review Committee (CRC) review that need to be resolved with a future Project Plan application.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 02/03/2022.
- No information was received from the Neighborhood Chair.

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:

- Michael Bradley raised concerns about a loss of open view in his rear yard that is adjacent to the subject property.

APPLICANT RESPONSE

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

- Mr. Taylor gave a presentation on his plans for the property. He also noted that a flag lot setup would not be possible with the lot size and access regulations. He mentioned that since it was just him and the neighborhood chair at the meeting, that he went to his adjacent neighbors and shared his plans.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission verified that that proposed plan would meet the standards of the LDR zone.
- Melissa Kendall discussed other options with staff for the property staying in the RC zone.
- The use of accessory apartment and owner-occupancy rules were discussed as it relates to the concept and how those homes would have their own parcels for sale with common area for the rest of the site.
- The Commission discussed the size of the proposed home and how access and parking would occur. They also noted the size of the lot and how it would compare to other lots that have done similar buildings.
- Miles Miller noted that the proposal is better than other options because it provides new affordable opportunities to buy a home in the area.
- Daniel Gonzales appreciated how the existing home stays on the property and the new home respects the architecture of the original building, also noting that the applicant is willing to guarantee it would be built this way by way of a development agreement.
- Jeff Whitlock noted that the plan seems to be in line with the goals of the General Plan.



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

COM. 3 RODS W OF NE COR OF LOT 5, BLK 81, PLAT A, PROVO CITY SURVEY; S 12 RODS; W 3 RODS; N 12 RODS; E 3 RODS TO BEG.