

Provo City Planning Commission

Report of Action

September 14, 2022

*ITEM #5 Dudley & Associates requests a General Plan Map Amendment from a Commercial designation to a Residential designation as part of an overall plan to develop a multi-family residential district, located approximately at 5544 River Run Drive. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLGPA20220007

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 14, 2022:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Raleen Whalin

Second By: Robert Knudsen

Votes in Favor of Motion: Daniel Gonzales, Robert Knudsen, Raleen Whalin, Melissa Kendall, Andrew South

Daniel Gonzales 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 AMENDED

The property to be amended to the Residential designation is described in the attached Exhibit A.

RELATED ACTIONS

A related rezone (PLRZ20220008) and concept plan (PLCP20220014) were also heard at the September 14, 2022 Planning Commission hearing.

DEVELOPMENT AGREEMENT

- Does not apply at this stage of review or approval.
- May apply with future approvals.

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. Staff responded to Planning Commission questions regarding use, density, and design of the site.

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 02/03/2022.

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:

- Lynn Martin expressed concerns about access to the river and rental property on the site and hoped to address concerns for her fathers' land near the site.
- Kevin Curtis expressed concerns with increased traffic and impacts on the adjacent specialty schools to the west.
- Karen Harris stated concerns with traffic for the area.
- Ronald Wooley shared concerns with the site fly ash underground from a past coal plant, as well as traffic, trash pickup and parking.
- Jeff Jermaine shared concerns about the fly ash in the ground and has concerns with increased traffic and safety.

APPLICANT RESPONSE

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

- Jason White represented the applicant and illustrated the background, research, and goals that brought this proposal forward. He noted the need for this type of housing in Provo.
- Jim Ivory confirmed that the development will tie to Provo water and will not be a threat to adjacent property water rights.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Melissa Kendall confirmed with staff that the townhomes being rented by one owner would be a benefit for the development and confirmed occupancy for the proposed development.
- Daniel Gonzales inquired what density would currently be allowed in the MDR zoned property against University Avenue compared to what is able to be built on this proposed residential land. He also wanted to confirm that the trail network on the site was going to continue.
- The commission confirmed with staff that the proposal doesn't sit in the flood plain zone.
- Andrew South asked about walkable commercial opportunities, to which the applicant said that future plans will address that need.
- Daniel Gonzales shared that the concerns mentioned will be worked out as the applicant moves through the Project Plan and provides the studies necessary with that review. He is happy to see a concept plan that has a lot of open space along the river.
- The Planning Commission felt confident that the issues will be addressed by the City as the plans move forward. The proposed development agreement locking the developer into the proposed concept density helps the commission feel comfortable moving these applications forward.



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

Commencing at a point located North 00°53'00" West along the Section line 354.20 feet and West 249.91 feet from the Southeast corner of Section 12, Township 6 South, Range 2 East, Salt Lake Base and Meridian: thence North 60°09'16" West for a distance of 178.48 feet to North River Run Drive; thence along North River Run Drive as follows: North 27°21'29" East 148.02 feet to the beginning of a curve, said curve turning to the right through 26°53'31", having a radius of 50.00 feet, and whose long chord bears North 40°48'49" East 23.27 feet to the beginning of a non-tangential curve, said curve turning to the left through 134°58'49", having a radius of 60.00 feet, and whose long chord bears North 13°13'50" West for a distance of 110.85 feet to the beginning of a non-tangential curve, said curve turning to the right through 49°38'46", having a radius of 50.00 feet, and whose long chord bears North 55°53'51" West 41.98 feet to the beginning of a non-tangential curve, said curve turning to the right through an angle of 08°02'10", having a radius of 100.00 feet, and whose long chord bears North 27°03'23" West 14.01 feet, thence North 23°02'18" West 342.70 feet to the beginning of a curve, said curve turning to the left through an angle of 21°55'00", having a radius of 156.00 feet, and whose long chord bears North 33°59'51" West 59.31 feet to a point of intersection with a non-tangential line; thence North 14°29'10" East 18.51 feet; thence North 00°00'00" East 435.12 feet; thence North 13°24'09" East 402.81 feet to the Provo City boundary line as follows: South 89°58'59" East 333.39 feet, South 32°40'33" East 164.1826 feet, South 01°17'21" East 477.7975 feet, thence South 01°17'41" East 137.0172 feet; thence South 01°12'57" East 136.80 feet; thence South 17°27'13" West 187.99 feet; thence South 13°35'43" West 264.65 feet; thence South 21°53'12" West 155.38 feet; thence South 24°26'55" West 132.6600 feet to the point of beginning.

Area = 14.45 Acres