

Provo City Planning Commission

Report of Action

September 28, 2022

*ITEM #2 Jon Jensen requests approval of General Plan Amendments to Section 1.2.9 (Lakeview North Neighborhood) and appendix C5 (Lakeview Fields SDP) as part of rezone requests from the R1.20 zone to the VLDR (Very Low Density Residential) zone for property at 1878 N and 1804 N Geneva Road. Lakeview North Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org
PLGPA20220182

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 28, 2022:

RECOMMENDED DENIAL

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

Motion By: Robert Knudsen

Second By: Melissa Kendall

Votes in Favor of Motion: Robert Knudsen, Melissa Kendall, Lisa Jensen, Andrew South, Raleen Whalin
(Jeff Whitlock abstained)

Lisa Jensen 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.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

MAP AMENDMENT

The proposed map amendment is attached as Exhibit B.

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.

- David Day (City Engineering) confirmed that there are infrastructure constraints on the westside and increased density alone would not help pay for additional services.

CITY DEPARTMENTAL ISSUES

- There are remaining issues from the Coordinator Review Committee (CRC) review that need to be resolved.
- Important issues raised by other departments – addressed in Staff Report to Planning Commission

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.
- 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:

- Becky Bogdin stated that neighbors support the current standards and are against the proposed amendments.
- Dan Bahr stated that he is not in support of the requested changes to the General Plan.
- Erin May stated she is against the plan and that areas for higher density are already addressed in the area plan.
- Lynn Dalton was hopeful that his property could develop at higher density and supportive of the changes.
- Lee Sands stated he supported the changes for reasons of property rights.

APPLICANT RESPONSE

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

- Jon Jensen shared his experience of trying to bring this proposal forward for several years and believes things have changed since 2020 that should open up the area for higher density.
- Jay Henrie gave an overview of the concept that would be brought forward for the property on 1804 N Geneva if the proposed General Plan amendments were approved. He detailed the proposed sewer connections, use, and application of “grey-water” systems to help mitigate the concerns on infrastructure limits. He reiterated his belief that the proposal would not put a strain on wastewater or water capacity. He believes he needs the higher density to make the project attractive and financially sound.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Raleen Whalin inquired about the needs and reasons for the higher density request and asked the applicant about unit prices in his concept plans.
- Lisa Jensen noted that while the system mitigation efforts were helpful for applicants’ specific project, the entire westside of the City would be allowed to increase density with the proposal which could have infrastructure and financial implications for the City.
- Jeff Whitlock stated that there was not a lot of information and data to back up the claims of the applicant, and that the property could also be sold to someone who doesn’t apply mitigating measures.
- The Commission agreed that the main concerns stated in the staff report have not been addressed and that the City should not vary from the adopted plans for the westside that have taken a lot of time and study to establish. The proposed changes would undermine previous planning efforts.



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

Appendix C5, Section 1.2.9

<https://provo.municipal.codes/GenPlan/1.2.9>

Specifically, in subsection 8 of the “Southwest Area Neighborhoods” of 1.2.9.

Fort Utah

Lakewood

Lakeview North

Provo Bay

Lakeview South

Sunset

The Southwest Area Neighborhood Council consists of six neighborhoods: Fort Utah, Lakeview North, Lakeview South, Lakewood, Provo Bay, and Sunset. Key policies for the Southwest Area Neighborhood Council are listed below by neighborhood. Key policies for the Southwest Area Council are listed below, with policies to address issues shared, to some degree, within all Southwest Area neighborhoods, followed by policies of specific importance, by neighborhood.

Southwest Area Guiding Principles, Policies and Goals

Purpose

The purpose of these policies is to guide development in southwest Provo in order to promote a smart, sustainable, vibrant community that offers a high quality of life for current and future residents while respecting Provo’s agricultural heritage.

Policies

1. Preserve Provo’s agricultural heritage and support agriculture for as long as farmers choose to farm:
 - a. Approve the creation of a Provo Agricultural Commission to support local commercial and noncommercial agriculture.
 - b. Request that the Provo Agricultural Commission identify obstacles to the success of current and prospective farmers, including nontraditional farmers, and recommend ways to remove these obstacles.

c. Request that the Provo Agricultural Commission explore tools for agricultural preservation. These tools may include: conservation easements, transfers of development rights, community land trusts, a privately funded farmland trust fund, and Utah's "Agricultural Protection" Program.

d. Encourage the Provo Agricultural Commission to improve the productive use of agricultural land.

e. Encourage Development-Supported Agriculture and Agritourism to help preserve Provo's agricultural heritage.

f. Encourage our state lawmakers to increase funding for the LeRay McAllister Fund.

g. Protect agricultural operations from the impact of residential encroachment.

h. Identify agricultural land owners, have their properties listed on developmental maps to better avoid encroachment onto agricultural lands.

2. Preserve and Create Quality Usable Open Space

a. Update and utilize the Parks and Recreation Master Plan to provide developed parks and open space that satisfy a range of leisure and recreational needs.

b. Preserve and develop natural amenities for sustained enjoyment by the community. Examples include the Provo River and banks, the Provo River Delta, Utah Lake shoreline, and wetlands.

c. Provide parks and trails of different uses and sizes.

d. Encourage agritourism as a means to provide agriculturally themed open space.

e. Useable neighborhood open space should be an integral part of neighborhood design or combined to serve larger areas than the immediate development.

3. Encourage Sustainable Residential Development Patterns

a. Establish ordinances to require a mix of housing types, lot sizes, and designs to accommodate various stages of life.

b. Detached single-family homes should be the predominant housing type and the use of other types should augment and not detract from the single-family feel of the area.

c. Housing types should be mixed without barriers separating types or densities.

d. The scale and style of residences should enhance the surrounding area, regardless of housing type.

e. Create design standards for important road corridors in southwest Provo.

f. The overall density of the area should average four [to seven](#) units to the acre.

4. Promote Development of Commercial Amenities and Employment Opportunities in Appropriate Locations

- a. Regional commercial uses may be located adjacent to I-15 or within the Airport Related Activities district.
- b. Neighborhood and Community Shopping zones may be located at or adjacent to arterial or collector streets.
- c. Design, scale and intensity of commercial zones or properties should transition to adjacent residential uses to minimize impact on the residential use.

5. Create a Robust Transportation Network

- a. Update the Transportation Master Plan to accommodate the changing needs of southwest Provo.
- b. The planned collector road network should be built as development occurs. No development should interrupt the collector road network.
- c. Update the Provo City Major and Local Street Plan to include a network of proposed local streets to ensure connectivity in the land between collector and arterial roads.
- d. Utilize Complete Streets Policies to ensure all modes of transportation are considered.
- e. Utilize the Transportation Master Plan to identify corridors that should have sufficient right-of-way to accommodate public transit.
- f. Lakeview Parkway is to be maintained as an arterial roadway with limited access.

6. Require Proper Integration and Sequencing of Development

- a. The full block should be considered when rezoning away from agricultural uses.
- b. Conceptual Integrated Development Plan for the entire block should be required for zone change applications.
- c. Discourage rezoning of land that is surrounded by agricultural zoning.
- d. Development may be limited or deferred depending on the availability of adequate municipal infrastructure (such as sewer, storm drainage, water, etc.).

7. Restrict Development in Wetlands and Other Environmentally Sensitive Areas

- a. Land south and west of the Lakeview Parkway up to Center Street (excepting the airport protection area) should be preserved for open space and agricultural uses.
- b. No development should occur in flood-prone areas unless the risks can be mitigated. Plans for mitigation should be reviewed for adequacy by the Provo City Engineer and any State or Federal regulatory agency with jurisdiction to ensure that sensitive lands are

appropriately developed to protect people, property or significant natural features. Mitigation plans should not adversely affect adjacent properties.

8. Future Land Uses Intent Statement

a. The Municipal Council of the City of Provo reaffirms our commitment to the Southwest Area Guiding Principles, Policies and Goals (General Plan 1.2.9) and the Southwest Area Future Land Use Map (General Plan, Appendix J) and adopts this statement to provide additional clarity regarding density and mixed lot sizes. This statement is intended to clarify the existing policies, set common expectations for the development community, staff, and City officials, and maximize the development potential of west Provo. A significant factor in the Council's consideration of a rezone proposal in this area will be how the proposal meets the policies below.

b. Sewer capacity limits the west side to three to seven units per acre gross in Residential areas (previously written as four units per acre and interpreted as net, see the Southwest Area Future Land Use Map). Given this constraint and the need for diverse housing options, Provo City encourages developers to submit ambitious, creative plans that provide a variety of lot and housing sizes to meet the varied needs of Provo residents, present and future.

c. Varied Lot Sizes Policies

i Recommendations for varied lot sizes

a Definitions of lot sizes

Small Lot	Medium Lot	Large Lot
< ~~4,000~~ <u>8,000</u> sq ft	8,000-12,000 sq ft	> 12,000 sq ft

Lot sizes are subject to the minimum requirements for the zone.

b Table of ratios of lot sizes scaled for different developments

Acres in the development	Max Units (~~7~~ <u>3</u> units/acre gross)	Small Lots	Medium Lots	Large Lots

≤10	70350	N/A	N/A	N/A
11-19	77-13333-57	25-75%*	25-75%*	25-75%*
20+	60-147140-343	25-40%	25-40%	remainder

*Choose EITHER small and medium lots OR medium and large lots (choosing small and large is not desired)

Lakeview North Neighborhood

1. The property west and parallel of Geneva Road from Lakeshore Drive to 2000 North should be developed for uses compatible with the Residential (R) land use designation.
2. Property within and to the west of land located within the "AE" flood zone of the FEMA Flood Insurance Rate Map (FIRM) should receive the Provo City General Plan Map designation of Developmentally Sensitive (DS) and be subject to the same provisions as defined under the guiding principles for the SW Area.
3. Infrastructure needs should continue to be evaluated in order to resolve issues for existing and future residents, particularly where road conditions may be hazardous.
4. Continue to review for appropriately siting the airport access road and consider potential impacts to current residents along Lakeshore Drive.
5. The area between 1680 North and 2000 North, and between Geneva Road and I-15, which is zoned R1-20, should be developed as the current zoning allows or as a Specific Development Plan [or Very Low Density Residential](#) comprised primarily of single-family residential dwellings with a mix of housing types not to exceed the allowed density for the Southwest Area. No commercial uses should be permitted between Geneva Road and the Frontrunner Railroad Line.

EXHIBIT B

The map shows a residential development site bounded by 2000 North Street (proposed) to the north, a freeway interchange to the east, and various streets to the south and west. The site is divided into numerous lots, many of which are numbered. Key features include:

- Streets:** 2000 NORTH STREET (PROV'D), FREEWAY INTERCHANGE, T. HEATON, PROPOSED RIGHT-IN/RIGHT-OUT, T. ROBERT CORDER, ERVEN E. BARR, PARLEY G. HELLWELL, EARL D. CROPPER, EARL CROPPER, JAMES MAY, L.S. CHURCH, WREN A, and FINE R. SCOTT.
- Lots:** Lots are numbered throughout the site, including 37, 36, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200.

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