

Provo City Planning Commission

Report of Action

January 11, 2023

*ITEM #1 Steven Turley requests a Zone Change from the R1.8 (One Family Residential) zone to the MU (Mixed Use) zone for approximately two acres of land, located at 2075 W Center Street. Provo Bay Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20210271

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 11, 2023:

CONTINUED

On a vote of 7:0, the Planning Commission continued the above noted application.

Motion By: Daniel Gonzales

Second By: Andrew South

Votes in Favor of Motion: Daniel Gonzales, Andrew South, Lisa Jensen, Raleen Wahlin, Melissa Kendall, Robert Knudsen, Jeff Whitlock

Lisa Jensen 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.

RELATED ACTIONS

The Planning Commission also continued the related concept plan at this hearing (PLCP20210398, Item #2 on the January 11th, Planning Commission agenda).

DEVELOPMENT AGREEMENT

- 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. Other Provo City Staff member made the following comments:

- Keith Morey gave additional background on current zoning and General Plan regulations in relation to the area, stating that there should be a compelling reason to alter from the adopted regulations. He also noted that commercial in the area needs more rooftops and a higher average income, which generally comes from single family dwellings.
- Bill Peperone pointed out that the current zoning is the law and trumps what the General Plan would propose. He also provided information to the Planning Commission about the city's experience with traffic studies not showing to be true once the project is built, and that spill-over parking is a big issue in these cases. Mr. Peperone also told the commission that Provo is getting more out of balance with more multi-family units being approved than single-family units.

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

- A neighborhood meeting was held on 12/02/2021.

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:

- Becky Bogdin stated that the numbers in the Southwest Future Land Use Map and General Plan are fixed and should not be deviated from. She believes that the proposal is not functional due to the density and parking being proposed and is against it. She stated her goal for more owner-occupied units.
- Samuel Lyons shared concerns about traffic and safety and is in opposition to the proposal.
- Frank Gilbert would like more commercial in the area and is supportive of the proposal.
- Becky Gilbert wants redevelopment on the west-side and thinks the proposal is a great idea.
- Dave Lewis liked the elevations and believes the applicant has a good plan.
- Andrew Lewis thinks commercial is needed and that the request is justified by the General Plan.
- Michael Mitchell believes that the plans are too ambiguous to support, thinks parking is a big issue, but would like more commercial in the area.

APPLICANT RESPONSE

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

- Steve Turley gave an overview and analysis of his request and what he believes the General Plan would support. He clarified that the request would be for 60 units but could alter the elevations as needed. He mentioned that the pitch roofs in the elevations are actually screen walls that would still allow the rooftop amenity space.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission discussed the proposal and what the ideal uses would be for the property, comparing the mixed-used proposal with a standard single-family subdivision.
- Daniel Gonzales asked staff to bring forward parking numbers for the recent multi-family units built on south state street in a future study session to better understand what the parking reductions have brought.
- Robert Knudsen expressed his desire for the single-family units on the south part of the property and the mixed-use building on the north corner, while Raleen Wahlin didn't believe single-family homes along 2050 West are a good idea.
- Melissa Kendall stated that the mixed-use should stay to the north acre and the rest should be single-family homes like the surrounding area.
- Jeff Whitlock verified with David Day (City Engineer) what the utility issues are at this location. He agrees that parking would be an issue with the proposal, but that he supports bringing mixed-use into the property and that extending past the one acre would be justified. He also believes that rental units wouldn't necessarily rule out higher incomes.
- There was discussion regarding access into the lot, and what would be ideal location for roads or driveways.
- Daniel Gonzales thinks that the General Plan bubbles are able to move a bit as it makes sense but wants to address concerns with parking and rooftop amenities shown. He would hope for a Development Agreement to solidify those details before recommending approval on the items.

- Andrew South stated his support for sticking to the area plan for commercial at the corner and thinks that creating a transition in intensity needs to be addressed through the concept. Parking is a big concern. Mr. South wants more detail and work on the concept.
- The commission stated a feeling of the design not being worked out enough at this point, supports commercial at the corner, and even could support extending the mixed-use zone moving south of the one-acre bubble; but that there should be some transition in intensity or use moving south. A parking reduction should not be part of the project and if density needs to come down, then that should be done to make it work.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation: That the proposal is not ready to be supported as presented and that the applicant should come back with the following issues addressed:

1. Provide a draft development agreement detailing the amenity space.
2. Have the number of units solidified.
3. Redistribute the number of units (or decrease the number) in the proposal to transition to the south.
4. Provide a plan with no parking reduction request.
5. Put the highest use and most intensity on the north corner.
6. Have verification from Provo City Engineering on preferred access points.



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, 445 West Center Street, 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