

Provo City Planning Commission
Report of Action

January 8, 2014

ITEM 2 White Ogden Investments, LLC requests Project Plan approval for a student housing proposal called Pacific Heights Apartments, comprising a 71 units with 316 beds, with open space amenities and an off-street parking garage; located at 743 North 900 East, Provo, Utah; in the CHDR (Campus High-Density Residential) zone. *Joaquin Neighborhood* 13-0024PPA

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 8, 2014:

APPROVED WITH CONDITIONS

On a vote of 6:1, the Planning Commission approved the above noted application, with the following conditions:

Conditions of Approval:

1. Meet the conditions recommended by the DRC group;
2. Complete the CRC development review process, meeting all final plan review requirements, prior to the issuance of a building permit; and
3. Staff is to revisit the traffic study to consider implementing restrictions for having right-out only turns from the project.

Motion By: Jamin Rowan

Second By: Arturo Soza

Votes in favor of motion: Jamin Rowan, Arturo Soza, Fred Bandley, Randy Christiansen, Brian Smith, Ross Flom

Votes not in favor of motion: Diane Christensen

Not present: Kermit McKinney

Brian Smith 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 consistent with the Staff analysis and determination.

RELATED ACTIONS:

- **1-09/2013** – Planning Commission forwarded a recommendation to approve the zone change request, including the preliminary project plan;
- **4/09/2013** – Council approved a zone change to the CHDR (Campus High-Density Residential) Zone;
- **11/14/2013** – DRC recommended approval of the project designs with conditions.
- **12/19/2013** – Variance granted for the west side-yard setback at a Board of Adjustment hearing.

APPROVED/RECOMMENDED OCCUPANCY:

*71 units/316 beds

*Baching singles/Co-ed student housing.

APPROVED/RECOMMENDED PARKING:

*Total number of parking stalls - 236

*Number of parking stalls per unit – 3.32

DEVELOPMENT AGREEMENT:

- N/A

STAFF PRESENTATION:

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

OVERVIEW:

The applicant is seeking to redevelop the subject area into a co-ed student housing project. The CHDR (Campus High Density Residential) Zone was adopted for the subject properties earlier this year, in keeping with the subject area being within close proximity to the BYU campus, and within the *South Campus Planning Area*, as defined in the City's General Plan. The project is nearing final phases of approval with the development review team (CRC); therefore the applicant wishes to move forward with obtaining entitlement.

FINDINGS OF FACT:

1. The proposed project is in compliance with the General Plan. The General Plan and Map were updated and new policies adopted, by the City Council, in 2009. There was significant study that went into the future development, or redevelopment, of the area south of the BYU campus. This area is defined on the General Plan Land Use map from 800 North to 500 North and from 900 East to University Avenue. This area is referred to as the *South Campus Planning Area*. This policy was adopted into the General Plan for the purpose of redeveloping the area into high-density student housing and amenities for those students;
2. The proposed project is in compliance with the CHDR Zone designation. On April 9, 2013, the City Council adopted the CHDR (Campus High-Density Residential) Zone for re-development of the proposed area. The following is a summary of the basic CHDR zone requirements:
 - Minimum Lot Area = 40,000 square feet
 - Maximum Density = 80 units/acre
 - Maximum Building Height = 75 feet
 - Open Space/Amenities required = If 20 or more units
 - Parking = 0.7 stalls per bed
3. Since the approval of the preliminary plan, the City increased the required 900 East right-of-way, requiring a fifteen foot (15') sidewalk/park-strip combination, instead of an eleven foot (11') combination, to accommodate both pedestrians and bicyclists. This additional four feet cuts into the proposed structure, unless the structure moved west or was re-designed;
4. The proposed project meets all setback requirements. The standard side-yard setback for the CHDR Zone is a minimum ten feet (10'). On December 19, 2013 the Board of Adjustment (BOA) granted a variance for the structure to move west, and encroach up to as much as six feet (6') along the west property line;
5. The applicant still needs to complete the CRC development review process, and record the new plat.

STAFF ANALYSIS:

A breakdown summary of the project proposal is as follows:

- Combined Lot Area = 56,628 square feet
- Number of units = 71 co-ed units
- Total beds = 316 beds
- Density = 55 units/acre
- Building Height = 70 feet south end/60 feet north end
- Open Space/amenities = Courtyards, Gym, Clubhouse, Volleyball court
- Proposed parking = 236 parking stalls provided (222 required)

The proposed development meets all of the requirements of the CHDR Zone. The overall density (55 units per acre) is closer to the High Density Residential Zone (50 units per acre), than to the CHDR Zone's maximum density of 70 units per acre. This seems appropriate, with the project being on the east boundary of the South Campus Planning Area, because it will act as more of a transition from the higher densities to lower densities that would be outside the South Campus Planning Area. The applicant is also proposing over 22,400 square feet of open space amenities, which is almost double the amount required for this project.

- Traffic Study – a traffic study was performed by Public Works, and a summary was provided by Shane Winters, the Engineer assigned to the project review. He stated that no mitigating measures were required from the conclusions of the study. The traffic study summary was read to the Commission.

Staff will work closely with the applicant to finalize the remaining minor comments from the technical review.

CONCLUSIONS:

The project proposal has been presented at several public hearings, and has under-gone several plan reviews by City staff. The project is in compliance with the City's General Plan goals and policies for the area, and with the new CHDR Zone. For these reasons, and that the project is at the low end of the high-density housing definition (80 units per/acre), staff supports the proposal. Any unresolved agreements between property owners are a private matter that cannot be resolved by the City.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission APPROVE the proposed co-ed student housing project for the BYU south campus area, as presented, and with the following conditions:

1. That the applicant complies with staff in meeting the recommendations of the Design Review Committee; and
2. The applicant complies with meeting all final plat and project plan requirements, prior to the issuance of a building permit.

ATTACHEMENTS:

- Location Map
- Aerial Map
- General Plan Map
- Site Plans
- Landscape Plan
- Elevations

CITY DEPARTMENTAL ISSUES:

- To complete the development review process prior to issuance of a building permit;

NEIGHBORHOOD MEETING DATE:

- The Neighborhood Chair determined that a neighborhood meeting would not be required.
- No information was received from the Neighborhood Chair.

NEIGHBORHOOD AND PUBLIC COMMENT:

- The Neighborhood Chair was not present, and did not address the Planning Commission during the hearing.
- 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:

Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

1. Wayne Beasley (west neighbor) concerned about existing garages being affected or damaged by their close proximity to the new project. Also, he is concerned with additional traffic going up his driveway.
2. Jack Delastacious (condo owner) requested right turn egress only from both project accesses. Said it was promised from the rezone hearing. Also, he is concerned with safety and the small amount of landscaping.
3. Craig Channing(?), surprised that a zone change was approved. He wants to be able to increase his occupancy of the Promenade units, because the CHDR was approved. So, he is in favor of the zone change, but wants to share in the increase of density.
4. Mr. and Mrs. Eugene Shy (north neighbor), wants a 1:1 parking ratio, and sees many safety problems for the pedestrians. They want to the project to be denied.
5. Tim Letner – is concerned about the agreements to owner (Camblin) made to the Promenade HOA (10-parking stalls, movement of a power line, re-paving and striping the parking lot) in return for giving up the access easement through the Camblin property. Not happy with the lack of landscaping on the north side of the project.
6. Clay Remold(?) – Promenade neighbor, concerned with safety, congestion, and parking.

APPLICANT RESPONSE:

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

1. Project Architect (Curtis Miner) explained how the additional right of way will now provide a wider sidewalk for pedestrians. Also explained the layout of the building, and that the two parking levels are not inter-connected.
2. Applicants (Marty White/John Ogden) explained that their construction will not affect the existing garages on the west side, and that there will not be any kind of access along that west side for people to cut through. There will also be railings around the project area. They also indicated they were not aware of any of the agreements the neighbors claim to have with the owner (Camblin).

PLANNING COMMISSION DISCUSSION:

Key points discussed by the Planning Commission included the following:

- Diane Christensen – Shares Fred's concerns regarding project egress. Concerned that another neighborhood meeting was not held. Wishes there could be more landscaping.
- Randy Christiansen – Asked if the DRC had any conditions with their approval.
- Arturo Soza – Likes the project, but believes there could be further discussion.
- Brian Smith – Asked if there will be a left turn lane on 900 East.

- Jamin Rowan – Really likes the project, and doesn't understand all the negativity. Defended students and that they will not vandalize or degrade the properties. Project is well done and believes this proposal is in the right place.
- Fred Bandlely – Asked if there will be a left turn into the project from 700 North. Believes staff needs to consider the right turn egress only for both drive accesses. Believes that the issues with the agreements cannot be resolved by the City and is a private matter.
- Ross Flom – Even if right-turn only signs were in place, people will still turn left. Likes the proposal.



Planning Commission Chair



Director of Community Development

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 Development 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



**Planning Commission
Staff Report
Project Plan Approval
Hearing Date: January 8, 2014**

ITEM 2 White Ogden Investments, LLC requests Project Plan approval for a (BYU approved) student housing proposal called Pacific Heights Apartments, comprising a 71-unit/316 bed facility, with open space amenities and an off-street parking garage; located at 743 North 900 East, Provo, Utah; in the CHDR (Campus High-Density Residential) zone. **Joaquin Neighborhood** 13-0024PPA

<p>Applicant: White-Ogden Investments LLC</p> <p>Staff Coordinator: Sean Allen</p> <p>Property Owner: Mark Camblin Parcel ID#: 53:035:0001; 53:035:0003; 53:035:0005; 53:035:0002; 53:035:0004; 53:035:0006</p> <p>Number of properties: 6 Number of proposed lots: 1 Project acreage: 1.30</p> <p>Current Zone: CHDR (Campus High-Density Residential).</p> <p>General Plan Designation: Residential/South Campus Planning Area</p> <p>Council Action Required: No</p> <p>Alternative Actions: 2. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is February 12, 2014, 5:00 p.m.</i> 3. Deny the requested Project Plan. <i>This action is not consistent with the recommendations of the Staff Report.</i></p>	<p>Current Legal Use: Multi-family residential.</p> <p>Relevant History: The following actions have been taken:</p> <ul style="list-style-type: none">• 1-09/2013 – Planning Commission forwarded a recommendation to approve the zone change request, including the preliminary project plan;• 4/09/2013 – Council approved a zone change to the CHDR (Campus High-Density Residential) Zone;• 11/14/2013 – DRC recommended approval of the project designs with conditions.• 12/19/2013 – Variance granted for the west side-yard setback at a Board of Adjustment hearing. <p>Neighborhood Issues:</p> <ul style="list-style-type: none">• Most concerns have been regarding ensuring the safety of pedestrians in the area, due to the increased traffic from the project;• The neighbor directly west, is concerned about the water that drains off his existing garages, onto the applicant's property. <p>Summary of Key Issues:</p> <ol style="list-style-type: none">1. The applicant proposes a BYU approved, co-ed student housing facility;2. Additional right-of-way is being required along 900 East to accommodate a widened pedestrian and bicycle path. As a result, the applicant needed to obtain a variance to the west side-yard setback. This variance was granted. All other zoning regulations, including density, are in compliance;3. The property is part of an overall area that the City Council has designated for high-density student housing. <p>STAFF RECOMMENDATION:</p> <ol style="list-style-type: none">1. Approve the project plan proposal, with the following conditions:<ol style="list-style-type: none">1. Meet the conditions recommended by the DRC group; and2. Applicant must complete the CRC development review process, meeting all final plan review requirements, prior to the issuance of a building permit. <p><i>Staff has provided recommended conditions of approval in the event that the Planning Commission approves the PPA; In the event this action changes, the Planning Commission should state new findings.</i></p>
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OVERVIEW:

The applicant is seeking to redevelop the subject area into a co-ed student housing project. The CHDR (Campus High Density Residential) Zone has already been adopted for the subject properties earlier this year, due to the subject area being within close proximity to the BYU campus, and within the *South Campus Planning Area*, as defined in the City's General Plan. The project is nearing final phases of approval with the development review team (CRC); therefore the applicant wishes to move forward with obtaining entitlement.

FINDINGS OF FACT:

1. The General Plan and Map was updated and new policies adopted, by the City Council, in 2009. There was significant study that went into the future development, or redevelopment, of the area south of the BYU campus. This area is defined on the General Plan Land Use map from 800 North to 500 North and from 900 East to University Avenue. This area is referred to as the *South Campus Planning Area*. This policy was adopted into the General Plan for the purpose of redeveloping the area into high-density student housing and amenities for those students;
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4. The side-yard setback for the CHDR Zone is a minimum ten feet (10'). On December 19, 2013 the Board of Adjustment (BOA) granted a variance for the structure to move west, and encroach up to as much as six feet (6') along the west property line;
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Staff will work closely with the applicant to finalize the remaining minor comments from the technical review.

CONCLUSIONS:

The project proposal has been presented at several public hearings, and has undergone several plan reviews by City staff. The project is in compliance with the City's General Plan goals and policies for the area, and with the new CHDR Zone. For these reasons, and that the project meets more of a medium density definition than a high-density housing definition, staff supports the proposal.

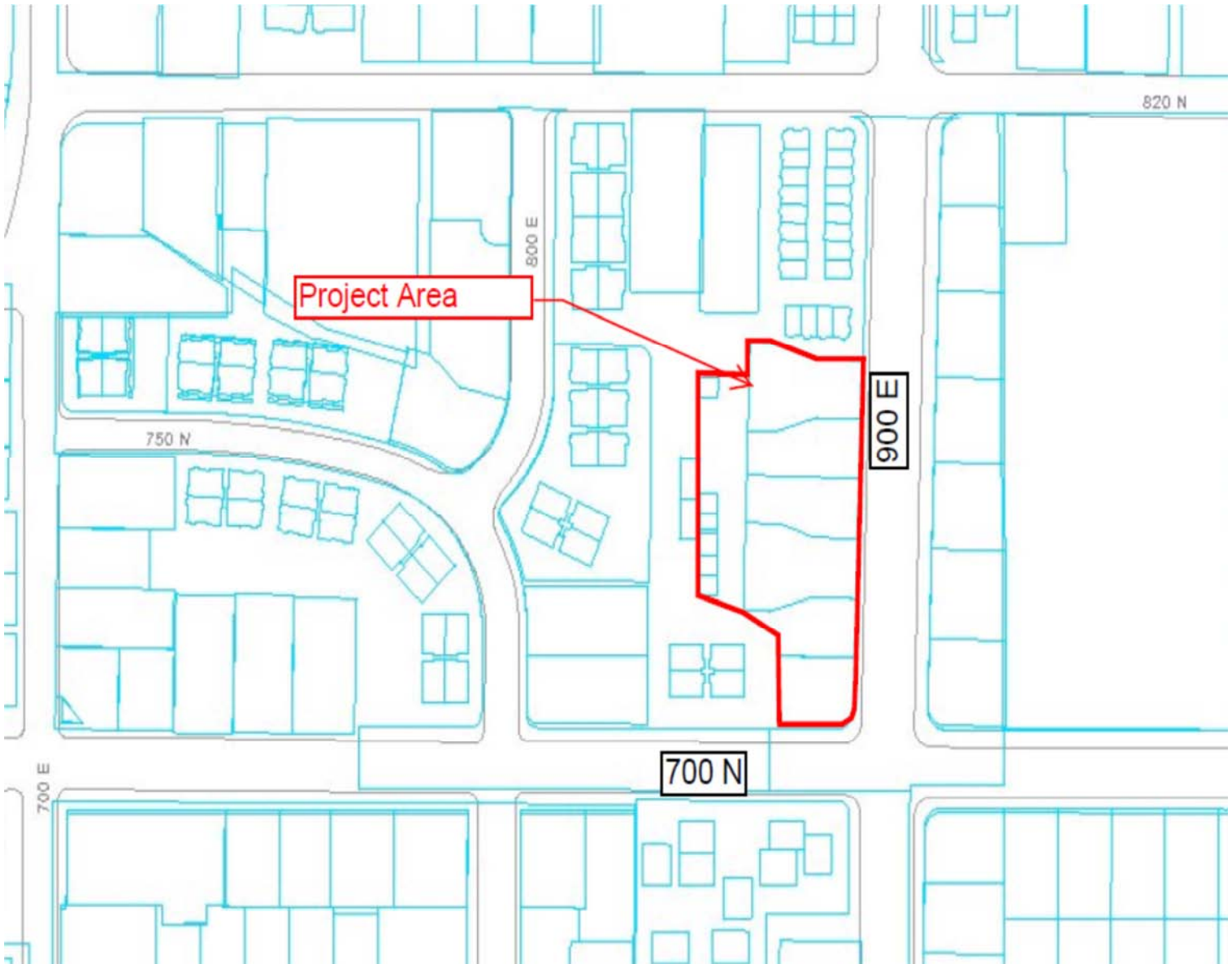
STAFF RECOMMENDATION:

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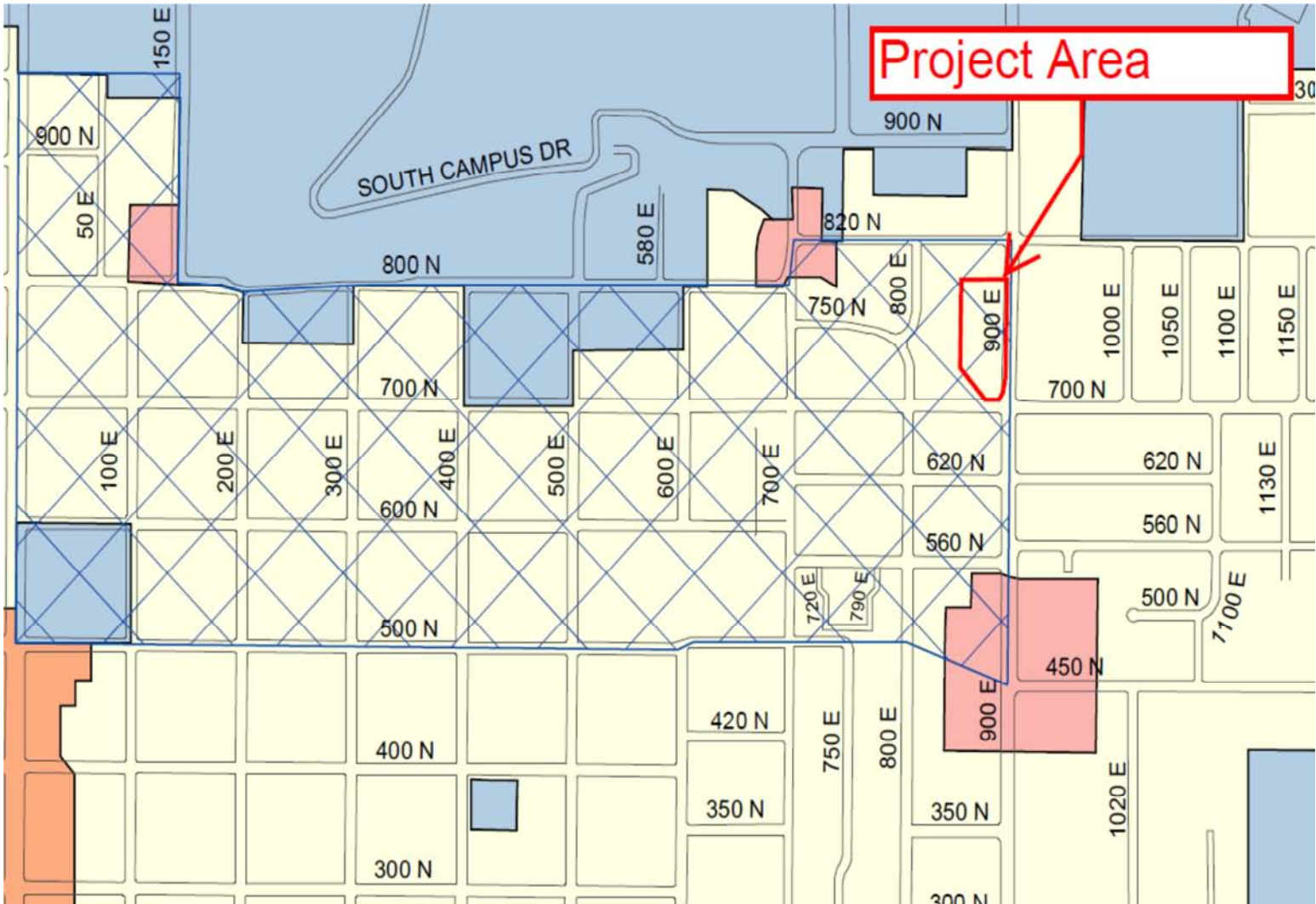
1. **That the applicant complies with staff in meeting the recommendations of the Design Review Committee; and**
2. **The applicant complies with meeting all final plat and project plan requirements, prior to the issuance of a building permit.**

ATTACHEMENTS:

- **Location Map**
- **Aerial Map**
- **General Plan Map**
- **Site Plans**
- **Landscape Plan**
- **Elevations**



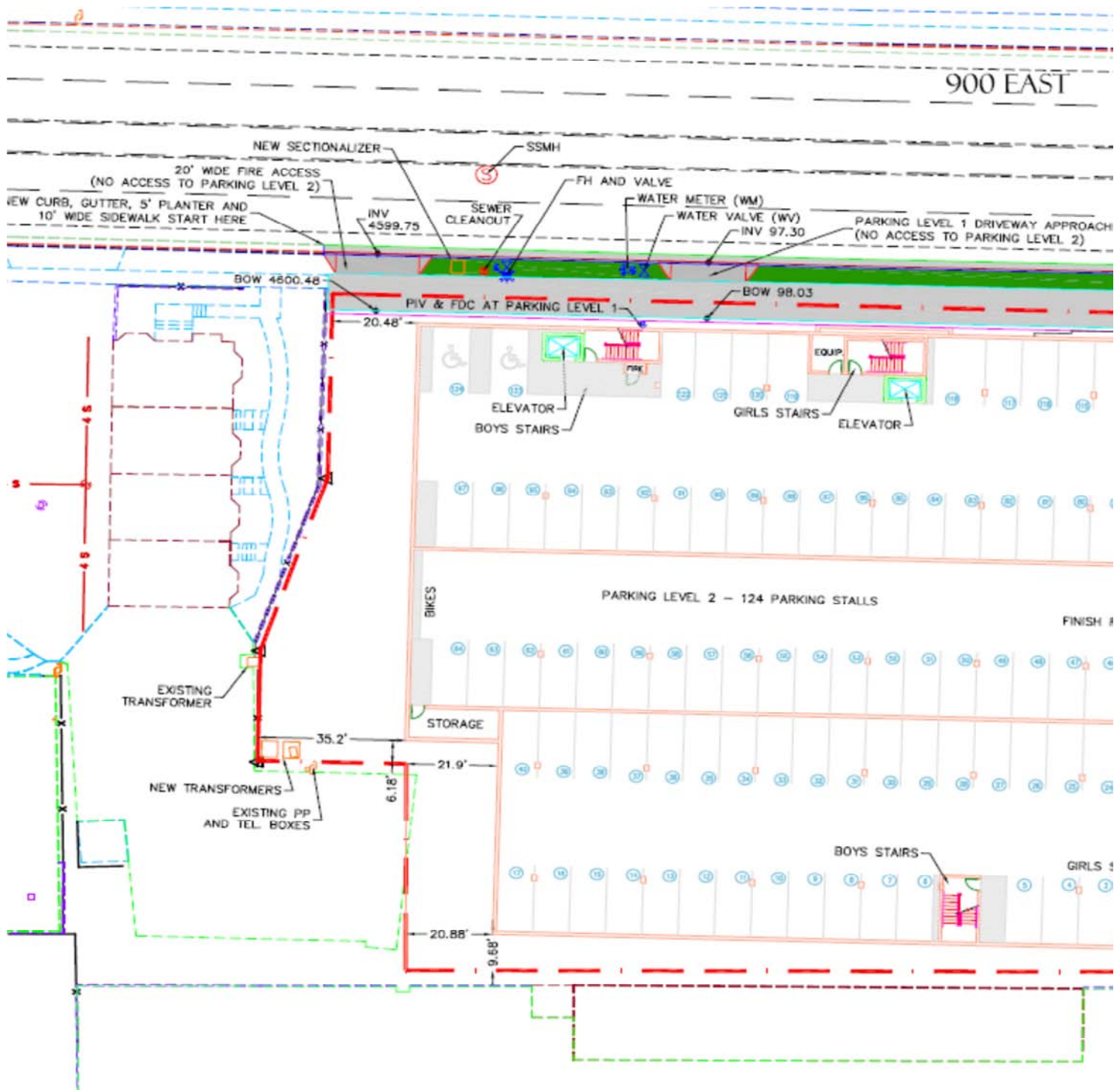




South Campus Planning Area

An area south of the Brigham Young University campus anticipated to be redeveloped for student-oriented housing and amenities.

North half of Proposed Site:



South half of Proposed Site:

