



Provo City Planning Commission

Report of Action

December 13, 2017

ITEM 3 Nate Chappell requests Final Subdivision Approval, subject to approval of a Zone Change, for 2.32 acres of property located at approximately 1282 North Geneva Road. *Lakeview North Neighborhood*. 17-0009SF, Austin Corry, 801-852-6413

The following action was taken by the Planning Commission on the above described item at its regular meeting of December 13, 2017:

DENIED

On a vote of 9:0, the Planning Commission denied the above noted application.

Motion By: Maria Winden

Second By: Dave Anderson

Votes in Favor of Motion: Dave Anderson, Maria Winden, Jamin Rowan, Deon Turley, Brian Smith, Deborah Jensen, Ed Jones, Andrew Howard, Shannon Ellsworth

Deborah 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.

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

- City staff has indicated a variety of items that have not been submitted that would be necessary in order to verify ability to comply with City ordinances or standards. Applicant has failed to provide or address these concerns.

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:

- Beth Alligood, Lakewood Neighborhood Chair, noted that the neighborhood is tired of repeatedly having the same issues with no resolution. The neighborhood is comfortable with Community Development Staff's recommendations and they will rely on city staff to come to a reasonable conclusion.

APPLICANT RESPONSE

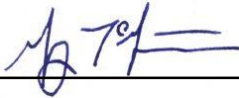
Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Mr. Chappell represented that everything has been submitted to the CRC.
- Mr. Chappell stated that zoning the property R1.10 would mean he would have to change his subdivision and he didn't know what the city would expect him to do in order to keep the same number of lots.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission asked staff if there was a way to provide something in writing that details everything the applicant would need that is still missing. Staff noted that a CRC report was provided in May outlining this. The next applicant submittal to attempt to address these was on 27 November 2017. Another CRC review occurred where staff again repeated that the previous comments were not being addressed.
- Ed Jones suggested that it seemed to be a communication issue that expectation was not clear. Bill Peperone, Community Development Assistant Director, noted that the communication was clear, but that the applicant is simply refusing to comply with ordinance requirements.



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
Final Plat Approval
Hearing Date:
December 13, 2017**

ITEM 3 Nate Chappell requests Final Subdivision Approval, subject to approval of a Zone Change, for 2.32 acres of property located at approximately 1282 North Geneva Road. **Lakeview North Neighborhood.** 17-0009SF, Austin Corry, 801-852-6413

<p>Applicant: Nathan Chappell</p> <p>Staff Coordinator: Austin Corry</p> <p>Property Owner(s): Aspen Construction & Development, Nila Chappell, Michael Elms, and John Meredith</p> <p>Parcel ID#: 65254002, 65254003, 65254006, 65254007, 65254008</p> <p>Current Zone: A1.5</p> <p>Proposed Zone: R1.10</p> <p>General Plan Des.: Residential</p> <p>Acreage: 2.29</p> <p>Number of Lots Proposed: 7</p> <p>Council Action Required: No</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is January 10, 2018.</i></p> <p>2. Approve the requested Plat.</p>	<p>Current Legal Use: Two existing one-family residential homes</p> <p>Relevant History:</p> <ul style="list-style-type: none">Detailed history has been provided in the associated rezone application 17-0009R, which is item #2 of this Planning Commission hearing. <p>Summary of Key Issues:</p> <ul style="list-style-type: none">The applicant has failed to provide all information required/requested through the CRC process.The proposed lot 1 and lot 7 fail to meet Provo City Code requirements for lot width and depth. <p>Staff Recommended Motion: That the Planning Commission Deny the proposed subdivision of seven lots on approximately 2.29 acres located at approximately 1282 North Geneva Road.</p>
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OVERVIEW

Further detail and history of the project has been provided in the associated rezone application 17-0009R, which is item #2 of this Planning Commission hearing.

The CRC completed the initial review of this subdivision on 16 May 2017 and identified a number of submittal items which were missing, incomplete, or failed to meet Provo City Code requirements. A report of that review was provided to the applicant at that time, and additional copies have been provided throughout the last few months as reminders to the applicant, Mr. Chappell.

Mr. Chappell resubmitted to address this report on 27 November 2017. The resubmittal simply provided all the same documentation with two differences:

1. Original UDOT approval of the permitted drive access for lot 2 of the Chappell Circle subdivision. This item was not requested by the CRC and does not satisfy CRC's requirement for UDOT approval of the proposed road access for a seven-lot subdivision.
2. A small change to the lot line of the proposed lot 7 which does not satisfy the deficiency in meeting Provo City code requirements for lot depth. (red line in the image below shows the original proposed lot line, the black line is the newly proposed adjustment)



FINDINGS OF FACT

1. The proposed subdivision fails to meet Provo City Code requirements
2. The proposed subdivision application is incomplete in proving all documentation required in Chapter 15.04.130.

RECOMMENDED MOTION

That the Planning Commission **Deny** the proposed subdivision of seven lots on approximately 2.29 acres located at approximately 1282 North Geneva Road.

ATTACHMENT #1 – Proposed Subdivision

