



Provo City Planning Commission

Report of Action

April 24, 2019

Item *2 Tim Soffe requests a Zone Change from General Commercial (CG) to High Density Residential (HDR) for 1.92 acres of land located at 442 & 490 South State Street. Maeser Neighborhood. 17-0010R

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 24, 2019:

RECOMMENDED APPROVAL WITH CONDITIONS

On a vote of 6:1, the Planning Commission recommended that the Municipal Council approve the above noted application with the following conditions:

Conditions of Approval:

1. That building height be limited for the north building to three stories and the east building to four stories, with a maximum building height of 44' and the south building to two stories;
2. That the total number of dwelling units be limited to 60; and
3. That the existing lots are combined into one lot.

Motion By: Andrew Howard

Second By: Robert Knudsen

Votes in Favor of Motion: Andrew Howard, Robert Knudsen, Debora Jensen, Russ Philips, Shannon Ellsworth, Jamin Rowan.

Votes not in Favor: Dave Anderson

Debora 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the High Density Residential Zone is described in the attached Exhibit A.

RELATED ACTIONS

- Report of Action from Planning Commission Hearing on January 24, 2019 Item 2.

DEVELOPMENT AGREEMENT

- The applicant has expressed has offered to enter into a development agreement to memorialize the limitations he has placed on his development. The conditions of approval accurately reflect those proffers and limitations.

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.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 05/16/2017.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present /addressed the Planning Commission during the public 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:

- A desire was stated to also limit the building for the building closest to State Street to three stories.
- It is estimated at 750 average daily trips will be generated from this project and slowing traffic down to increase safety would be desirable.
- There could be a need for additional parking so that there is not a parking issue.
- There is an existing issue along the streets in this area with parking. Adding this development will make it a bigger issue.
- Limit the development to three stories to help maintain a smaller scale residential feel in the neighborhood.

APPLICANT RESPONSE

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

- There has been a lot of working with the neighbors to address the concerns. Not all concerns can be practically met, but there have been a lot of changes to help address as many as possible.
- The density is just over the Medium Density Residential limit of 30 units per acre.
- The maximum building height of 44' meets the requirement for the MDR zone.
- Worked with UDOT to get permission to have an entrance on State Street.
- Adjustments will be made to the intersection on 500 South and State to meet the request for Provo Public Works to improve the road alignment.
- Expressed willingness to do a development agreement limiting the site to the items listed in the staff report and have the project plan be incorporated into the development agreement.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The number of units has decreased by four since this item was last heard by the Planning Commission.
- The intersection at 500 South and State is less pedestrian friendly since the last time that the Planning Commission saw this item.
- The buffering and fencing will play an important role in limiting impacts on adjacent residential.
- The townhomes on 500 South will be for rent, but could be for sale.
- The parking requirement is 101 and the proposed site will meet that requirement.
- There have been a lot of positive changes since the Planning Commission saw the first proposal.
- Provo has a lot of apartments and other housing options should be considered.



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

Exhibit A

Parcel 1:

Beginning at a point, being South 5°28'30" West 1608.27 feet and South 89°59'12" West 2300.84 feet from the Witness Corner for Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, said Witness Corner being South 87°34'20" East 258.29 feet from the Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, and running:

thence South 29°41'16" East 229.08 feet along the West line of State Street; thence North 89°29'37" West 394.51 feet along the North line of 500 South Street; thence North 1°49'05" East 198.05 feet; thence South 89°29'37" East 274.76 feet to point of beginning.

Parcel 1 Contains 66,258 sq. ft or 1.52 acres

Parcel 2:

Beginning at a point, being South 5°28'30" West 1608.27 feet and South 89°59'12" West 2300.84 feet from the Witness Corner for Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, said Witness Corner being South 87°34'20" East 258.29 feet from the Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, and running:

thence North 89°29'37" West 254.33 feet; thence North 0°09'52" East 71.43 feet; thence North 89°43'14" East 211053 feet to the West line of State Street; thence South 29°41'16" East 86.00 feet along the West line of State Street and the point of beginning.

Parcel 2 Contains 17,007 sq. ft. or 0.39 acres