



Provo City Planning Commission

# Report of Action

May 08, 2019

\*Item 3 Kyle Wright requests the adoption of a S Overlay Zone in a R1.8 Zone located at approximately 244 E 2100 N. Pleasant View neighborhood. PLRZ20190094

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The following action was taken by the Planning Commission on the above described item at its regular meeting of May 08, 2019:

## RECOMMEND APPROVAL

On a vote of 4:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Andrew Howard

Second By: Russ Philips

Votes in Favor of Motion: Andrew Howard, Russ Philips, Debora Jensen, 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 R1.8S Overlay Zone is described in the attached Exhibit A.

### **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 04/18/2019.
- No information was received from the Neighborhood Chair.

### **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:

- The neighborhood chair described that the General Plan had a limit on expanding the area of the S and A Overlay within the neighborhood due to the area in the neighborhood that is zoned R110 in the northeast corner of the neighborhood. That area will not be affected by this proposed change. This area that is proposed to change has higher density zoning all around it.
- There is not a need to delete the text from the General Plan, just to allow a general exception in this case.
- BYU housing does not allow singles to live in residential homes.
- This provides an opportunity for alternative housing options.
- Some residents went door-to-door to gather signatures and found a lot of support for the rezone.
- In the past there have been issues with these becoming duplexes as new owners take over.
- There are a lot of smaller homes on smaller lots where it would be impossible to provide the requisite parking.
- This can become an enforcement issue and enforcement would need to increase.
- 2200 N is congested, especially on BYU football game days.
- This creates a burden on neighbors.
- Smaller homes will not promote long-term residency for home owner's family to grow.
- This can become a burden on schools, because the renters are not paying additional property tax.
- There is not a congestion issue in the area at this point.
- Out of the 32 homes, not all will even be able to qualify for the accessory apartment.
- Not BYU approved, so there will be more young couples moving into the area.

### **APPLICANT RESPONSE**

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

- The proposed change will help clean up the boundary line of various zones in the area.
- It will help college students have more affordable options to live in.
- It will improve the amount of owner-occupied homes in this area.
- Home owners will be able to cover the debt service more easily with the ability to charge rent.

### **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- This would help bring consistency to this portion of the neighborhood with the rest of the neighborhood that already allows it.
- The City is working revamp regulations and enforcement, so the issues related to enforcements should see improvements soon.
- To get a permit for an apartment, you need to have sufficient off-street parking to meet the requirements.
- The cost to convert an existing home to have an apartment can be somewhat costly and would prevent many property owners from converting for an apartment.
- No need to amend the plan because the comments from the neighborhood chair.



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Planning Commission Chair



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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**

