



**Planning Commission Hearing  
Staff Report  
Hearing Date: September 11, 2019**

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**\*ITEM #1** Silverado Management (Dave Hunter) requests a General Plan amendment from Commercial (C) to Residential (R) for property located at 1900 N Canyon Road to facilitate a 120-unit apartment building for married, student housing. Pleasant View neighborhood. Robert Mills (801) 852-6407 PLGPA20190251

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<p>Applicant: Silverado Management (Dave Hunter)</p> <p>Staff Coordinator: Robert Mills</p> <p>Property Owner: Utah Community Credit Union</p> <p>Parcel ID#: 200680005, 200680068, and 200680067</p> <p>Acreage: 1.34 acres</p> <p>Number of Properties: 3</p> <p>Number of Lots: 3</p> <p>Current General Plan Designation: Commercial (C)</p> <p>Proposed General Plan Designation: Residential (R)</p> <p>*Council Action Required: Yes</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <p>1. <b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is September 25, 2019.</i></p> <p>3. <b>Deny</b> the requested Project Plan. <i>This action <u>would not be consistent with the recommendations of the Staff Report. The Planning Commission should <u>state new findings.</u></u></i></p>	<p>Current Legal Use: Existing UCCU Building and parking area.</p> <p>Relevant History: The site has been the campus branch of the Utah Community Credit Union (UCCU) building for several decades; however, UCCU purchased another site on north Freedom Boulevard for a new building. The new building is nearing completion and will be relocating soon.</p> <p>Neighborhood Issues: A neighborhood meeting was held on August 20, 2019 at Rock Canyon Elementary School. The meeting was well attended by members of the surrounding neighborhoods.</p> <p>The project was not well received by the majority of those in attendance, although some felt the proposed project would provide needed housing in the area. A full report of the meeting proceedings provided by the neighborhood chair is included in the Attachment 7 of this report.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none"> <li>• The site is developed with an aging bank building and associated parking lot.</li> <li>• The proposed map amendment will allow for the development of multi-family, stacked residential units on the site.</li> </ul> <p>Staff Recommendation: Staff recommends forwarding a positive recommendation of the requested General Plan Map Amendment to the Municipal Council with the following recommended condition:</p> <ol style="list-style-type: none"> <li>1. If development permits for the proposed site are not approved within three (3) years from the date of the approval, the General Plan Map Designation for the subject property will revert to the current C designation. If it can be shown that development permits are actively being pursued, a time extension may be granted by the Development Services Director commensurate with the anticipated time needed to secure such approvals.</li> </ol>
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## **OVERVIEW**

The subject property is developed with the existing UCCU building and a parking area. The current General Plan Land Use Map designation for the site is Commercial, but the applicant desires to develop a multi-family residential project on the subject site which requires a change in the designation from Commercial to Residential.

Surrounding property General Plan Land Use Map designations include Public Facilities at the Brigham Young University Stadium site and parking areas. The remaining properties in the vicinity are designated as Residential.

Key Policies from the General Plan relating to the Pleasant View Neighborhood are found in Section 1.2.9 and include the following:

### *2. Condominiums, Apartments, and Performance Developments*

*The higher-density residential housing, such as condominiums, apartments, and performance developments, in the neighborhood provide a mix of housing opportunities. This housing is located in existing R2, RC, R3 and R4 zones. The expansion of these types of higher-density housing may occur into adjacent properties zoned General Commercial (GC) or Public Facility (PF) but not into property with a single-family (R1) use.*

## **FINDINGS OF FACT**

1. The subject property is currently developed as a commercial bank building and is designated as C on the General Plan Land Use Map.
2. Surrounding General Plan Map designations include: PF and R.
3. The subject property is in the Pleasant View Neighborhood and key policies have been adopted in the General Plan for the neighborhood.
4. Goal 1.4.3 listed in the General Plan calls for dispersing the increasing demand for affordable housing throughout the City and the County.

## **Analysis**

Section 14.02.020(1) of the Provo City Code states the following regarding amendments to the Planning and Zoning Title and to the General Plan:

*“Amendments shall not be made . . . except to promote more fully the objectives and purposes of this Title and the Provo City General Plan or to correct manifest errors.”*

Additionally, guidelines for consideration of an amendment are set forth in Section 14.02.020(2) of the Code and are listed below. Staff analysis is provided after the individual guidelines in **bold**.

### *(a) Public purpose for the amendment in question.*

**To allow residential development of the subject lot located between the**

**existing residential uses and the football stadium.**

**(b) Confirmation that the public purpose is best served by the amendment in question.**

**The public purpose is served by the proposed map amendment because it will facilitate the addition of needed housing units into the City. It is possible that the project could change to something other than that proposed by the applicant, but the overall goal of increasing housing options in the area will be met and then regulated by the requirements and limitations of the applicable zone.**

**(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.**

**As noted above, the proposed map amendment does help to implement the overall housing goal of the General Plan. Additional General Plan items specific to the Pleasant View Neighborhood to consider include the following:**

- 1. The higher-density residential housing, such as condominiums, apartments, and performance developments, in the neighborhood provide a mix of housing opportunities. This housing is located in existing R2, RC, R3 and R4 zones. The expansion of these types of higher-density housing may occur into adjacent properties zoned General Commercial (GC) or Public Facility (PF) but not into property with a single-family (R1) use.*

**The proposed map amendment is specifically aligned with the intent to only allow the expansion of higher density housing into the existing commercial or public facilities designated areas. The addition of housing units at the specific area seems much more plausible than creating an island of commercial development as the current map would suggest.**

**(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.**

**The proposed amendment relates to the map designation of a previously developed parcel in an established neighborhood. The proposed amendment should not negatively affect the "timing and sequencing" of any General Plan provision.**

**(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.**

**It seems unlikely that the proposed amendment would hinder or obstruct attainment of the articulated policies because it ultimately provides the potential for similar, multi-family development and reduces the possibility of the expansion of the commercial use on the site.**

**(f) Adverse impacts on adjacent land owners.**

**Land owners on all the adjacent sides would not be impacted because of the similar uses and the nature of the multi-family or institutional uses.**

**Some residents in the single-family areas to the east, however, have expressed their concerns at the potential increase in traffic, congestion, and loss of available public on-street parking. A neighborhood meeting was held on August 20, 2019 in the Rock Canyon Elementary Faculty Room. Residents expressed several concerns that have been documented by the neighborhood report attached to this report. Staff observed that concerns primarily centered around the height of the proposed residential building and the presumed increase in traffic along Stadium Avenue.**

**Additionally, several residents expressed concern regarding the precedent that could be set by amending the General Plan and, subsequently, granting a zone change. They felt the pressure to change the zoning of the single-family areas would increase with the approval of the subject proposed project.**

**Staff acknowledges the concerns of the neighborhood regarding parking, safety, and congestion. Any land use change from a use that is familiar to something new can be daunting; however, the proposal clearly follows the General Plan intent for the specific properties. It is also important to note that if redevelopment of the subject parcels were to strictly follow the General Plan designation could easily result in a more intense commercial use than what is currently being proposed. With the current General Plan proposal, the residential nature of the neighborhood will continue, although it will be different from the single-family nature of the core neighborhood area, but will match well with the surrounding uses.**

**(g) Verification of correctness in the original zoning or General Plan for the area in question.**

**The zoning designation for the subject parcels is interesting because it is currently zoned PF, but has operated as a commercial business for a number of decades. However, its proximity to other institutional uses validates the current zoning. The General Plan designation obviously follows the existing use and the intention is to either continue a commercial use or to allow higher-density residential use.**

**(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.**

**No such conflict is anticipated as a result of the proposed map amendment.**

## **RECOMMENDATION**

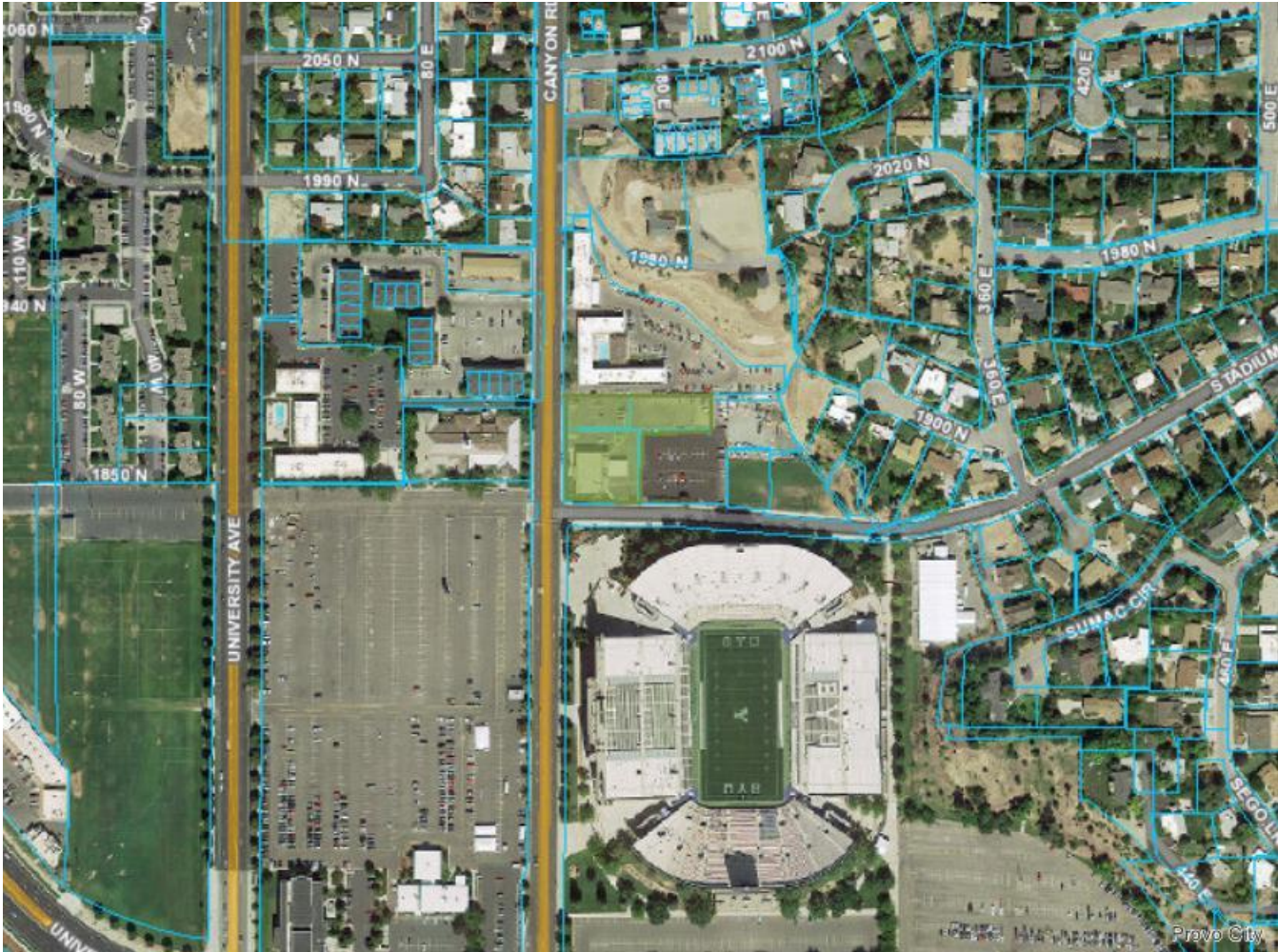
Based on the Findings of Fact and Analysis, staff recommends the Planning Commission approve the requested General Plan Land Use Map amendment with the following condition:

1. If development permits for the proposed site are not approved within three (3) years from the date of the approval, the General Plan Map Designation for the subject property will revert to the current C designation. If it can be shown that development permits are actively being pursued, a time extension may be granted by the Development Services Director commensurate with the anticipated time needed to secure such approvals.

## **ATTACHMENTS**

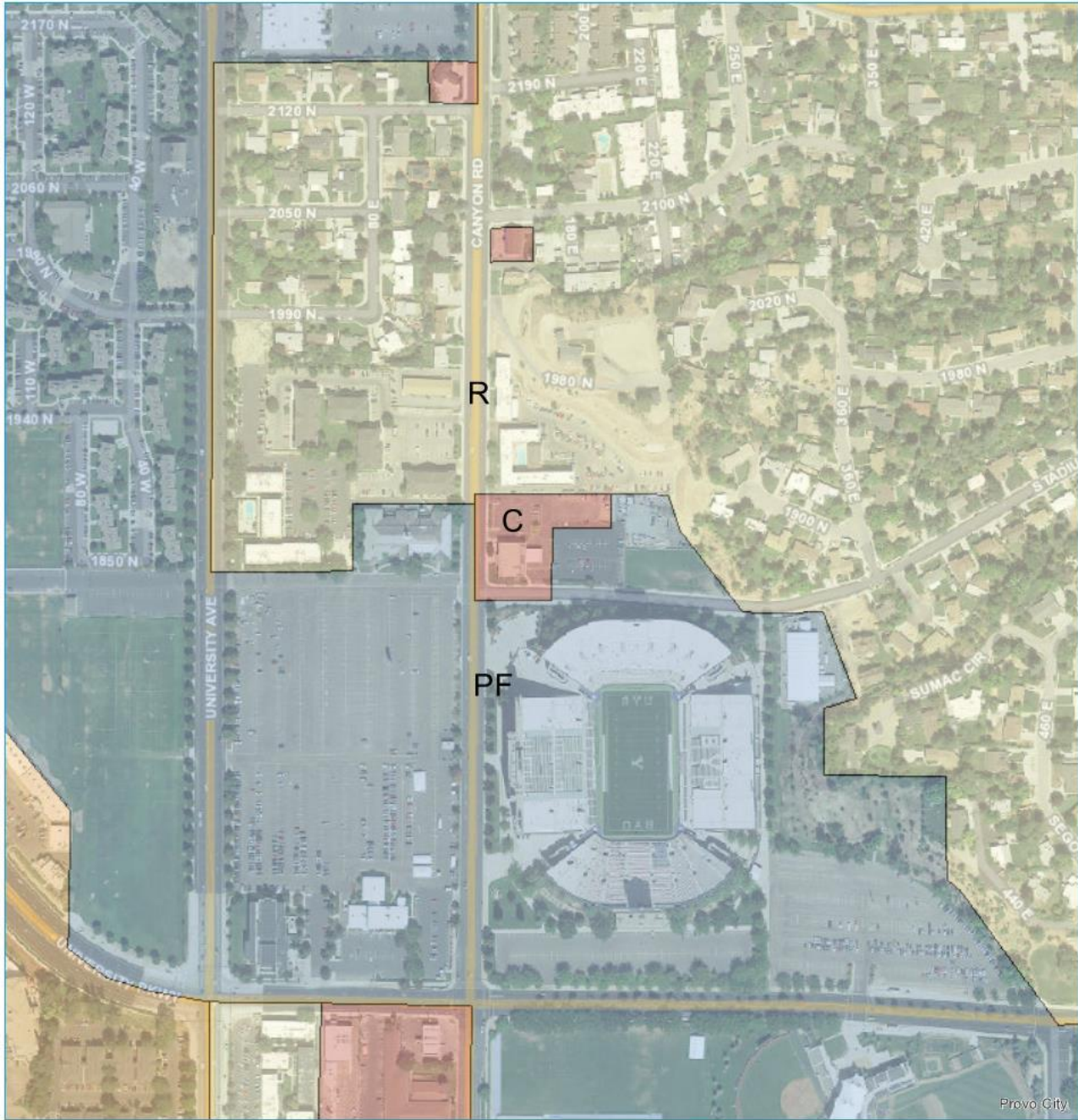
1. Location Map
2. Current General Plan Map
3. Proposed General Plan Map with Amendment
4. Current Zoning Map
5. Proposed Zoning Map
6. Site Plan
7. Neighborhood Meeting Report

Attachment 1 – Location Map



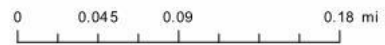
Attachment 2 – Current General Plan Map

Provo Map 



Provo City

-  Conservation Easements
-  South Campus Planning Area



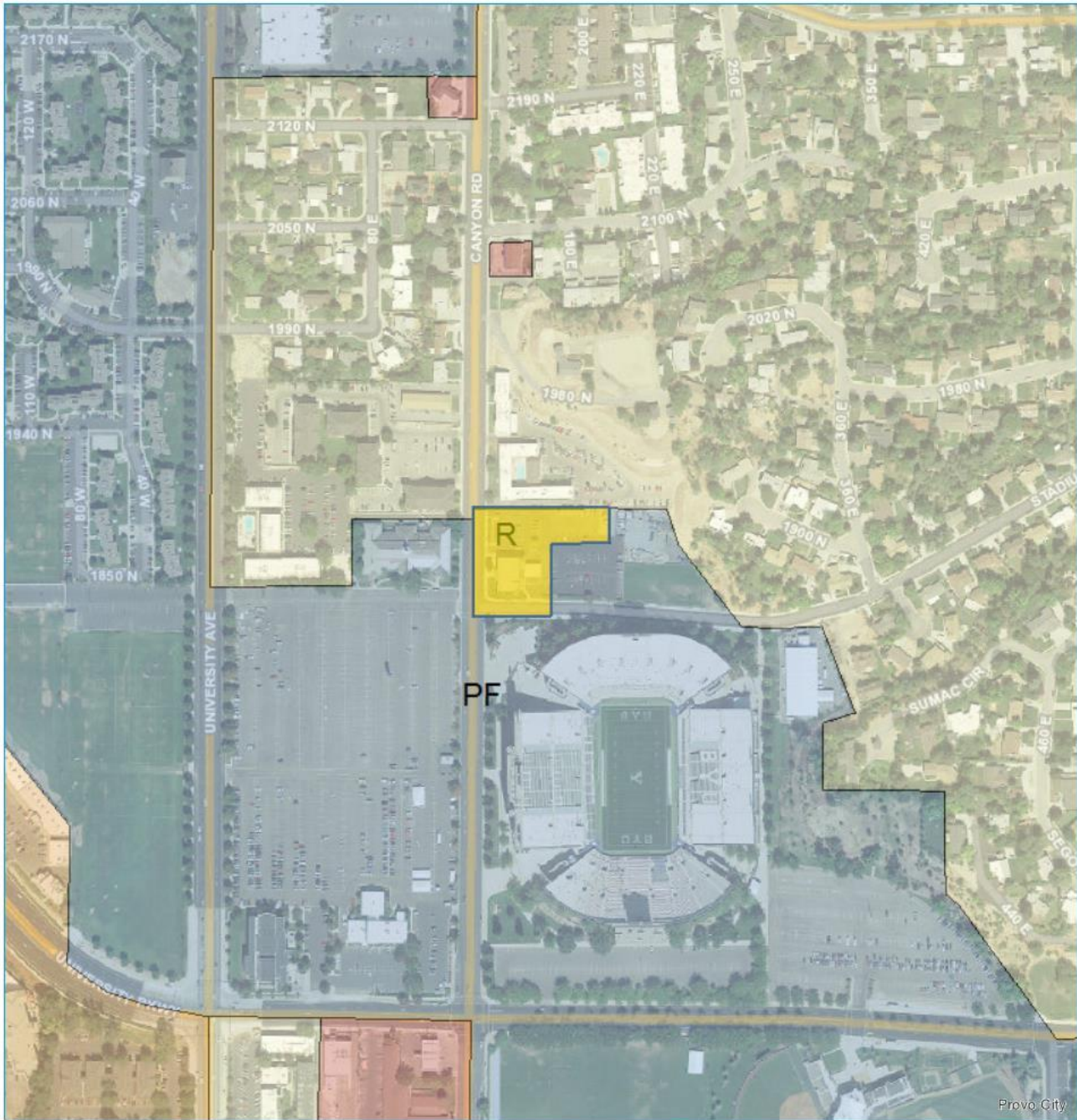
Author: Provo City




Date: 9/4/2019


This map is for graphical representation only and not for construction or defining feature locations.

Attachment 3 – Proposed General Plan Map with Amendment

# Provo Map



- Areas**
-  Override 1
  -  Conservation Easements
  -  South Campus Planning Area



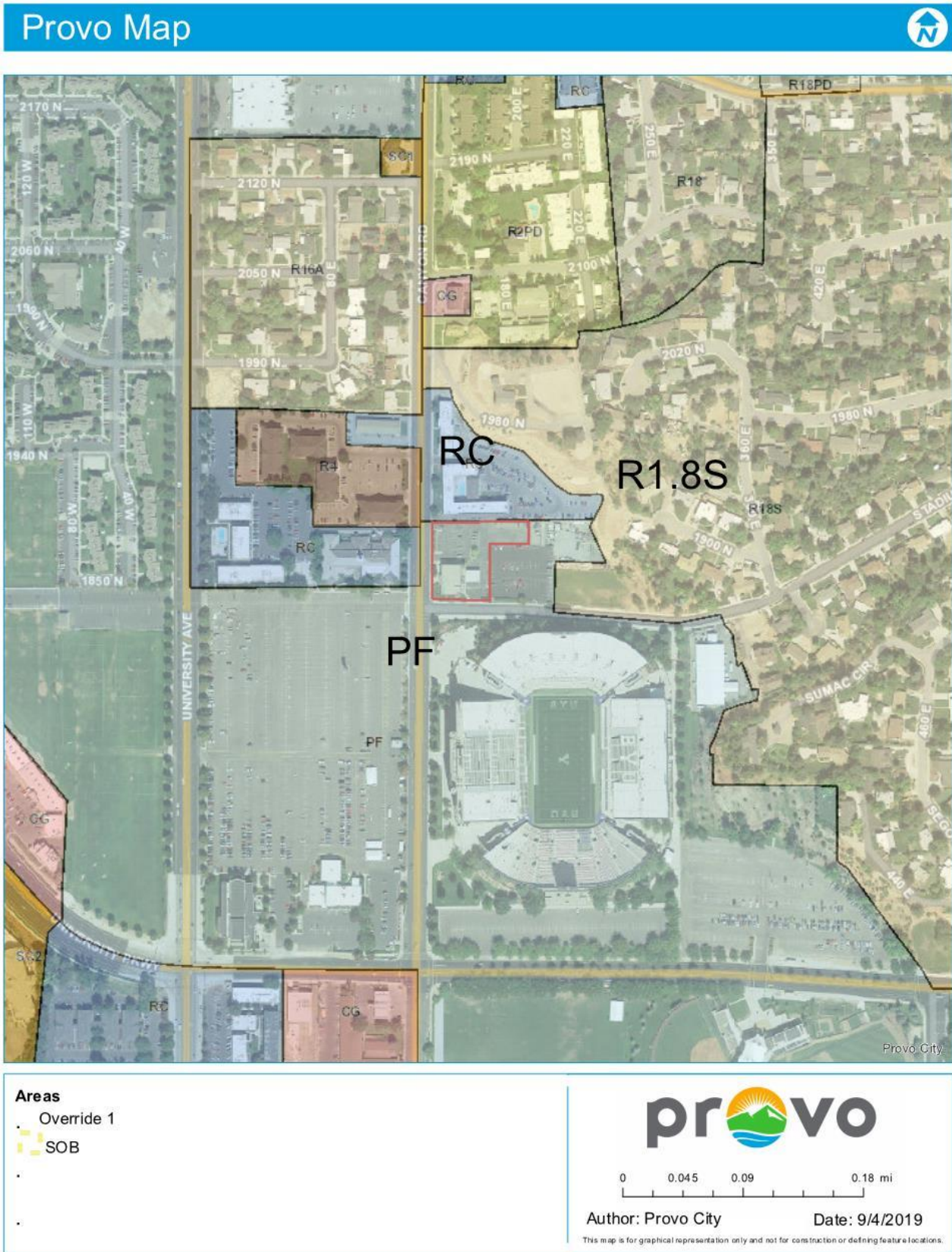
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Author: Provo City Date: 9/4/2019

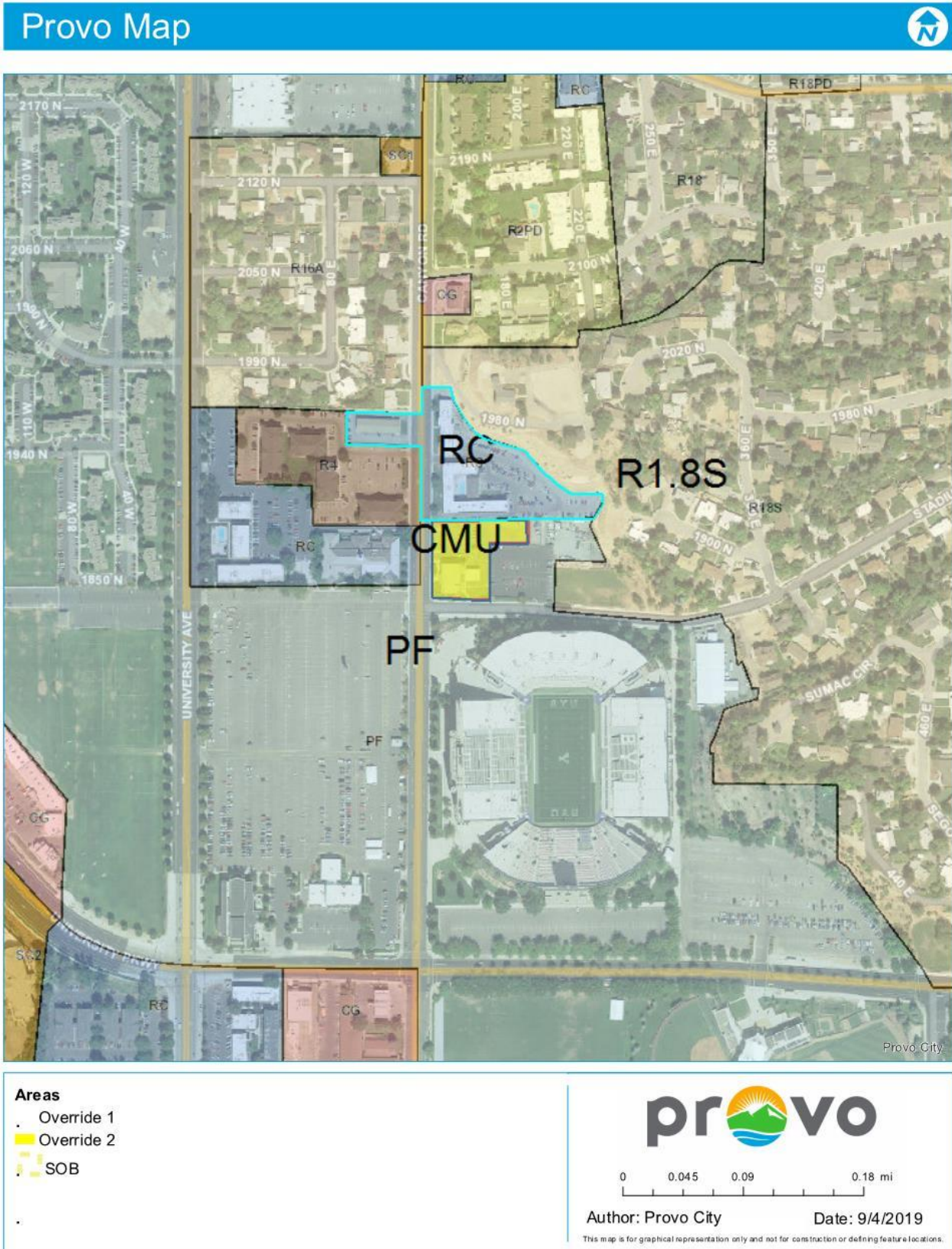
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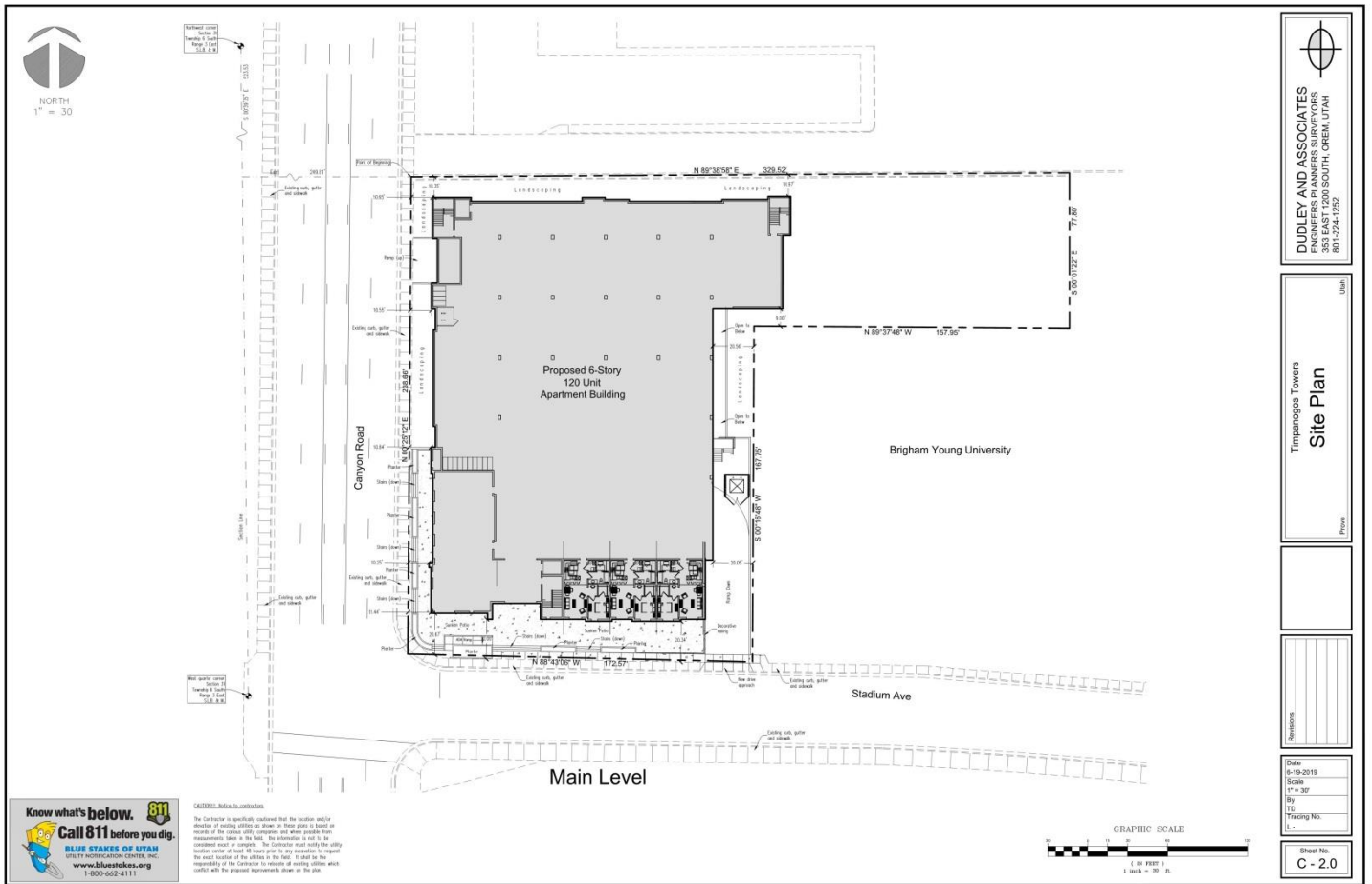
Attachment 4: Current Zoning Map



Attachment 5: Proposed Zoning Map



Attachment 6: Site Plan



  
**DUDLEY AND ASSOCIATES**  
 ARCHITECTURAL PLANNERS/SURVEYORS  
 350 EAST 2200 SOUTH, ORENH, UTAH  
 801-224-1252

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Transpogon Towers  
**Site Plan**

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Date: 8-19-2019  
 Scale: 1" = 30'  
 By: [Signature]  
 Title: [Title]  
 Drawing No.: [Number]

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Sheet No.  
**C - 2.0**

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**CAUTION: Refer to construction**  
 The Contractor is specifically notified that the location and/or direction of existing utilities or lines on these plans is based on records of the various utility companies and where possible from measurements taken in the field. The contractor is not to be held responsible for any damage to or disruption of any utility lines or lines of any other nature. It shall be the responsibility of the Contractor to locate all existing utilities which conflict with the proposed improvements shown on the plan.



Attachment 7: Neighborhood Report



Provo City Pleasant View Neighborhood

REPORT: Timpanogos Towers Neighborhood Meeting  
20 August 2019  
Rock Canyon Elementary School

Attended by 77 Provo City residents

Silverado Management LLC (David Hunter and Joseph Brown, Managers) requests that the Provo City Municipal Council amend the General Plan and change the zone for property at 1902 North Canyon Road, a 1.34 acre parcel currently owned and occupied by the Utah Community Credit Union. Silverado requests that the Provo City Planning Commission approve a Project Plan for a 120 unit apartment complex on the property. The name of the project is Timpanogos Towers.

These requests are filed in the Provo City CityView system ([cvportal.provo.org](http://cvportal.provo.org))

PLGPA20190251 - Request for General Plan Amendment (from commercial to residential)  
PLRZ20190227 - Request for Zone change (from Public Facilities (PF) to Campus Mixed Use(CMU))  
PLPPA20190228 - Request for Project Plan Approval

The Provo City Planning Commission Meeting scheduled for 11 September 2019 to hear these requests is premature for reasons noted below.

With consultation and full participation with Silverado, a neighborhood meeting was scheduled and held on 20 August 2019 at Rock Canyon Elementary School. Residents of the Pleasant View Neighborhood were notified and reminded by email and by flyers distributed by Silverado. 77 residents attended the meeting conducted by R. Paul Evans, Chair, with Silverado and architects as presenters. Silverado presented their project and then the remaining hour was open to resident comments and questions. Evans served as moderator with one participation by every resident who wished to comment/question. Comments/Questions categories were recorded by Evans on a whiteboard. Written comments at the meeting or email comments were collected from residents. Four residents spoke in favor of the proposed project. All other comments and questions were in opposition to the project ranging from possible support with modifications to total rejection. All written and emailed Comments/Questions are compiled below.

**What do you like about the Timpanogos Towers proposal (be as specific as possible)**

Married housing is good.

Colors are pretty.

I like the courtyard.

Nothing.

I am glad for advocating walkable/bikeable/transit-friendly neighborhoods.

I am glad you are not building right next to the sidewalk. I hate the "urban canyon" effect of the 800 N 900 East development.

Residential use may be better than commercial use.

Nothing.

Nothing.

Nothing.

It is possible to have less parking.

Parking for bikes.

Modern design.

Nothing.

Architecture and other than that absolutely nothing.

I have not heard a single thing.

A good use of the location.

Housing is better than a used car sales lot.

Nothing.

It's for married students rather than single.

I love the idea of more married student housing. I think this project should go. The old people will die off in the next 10 years - so I support this!

Not one thing!!

Mistake!

Married housing close to campus.

Nothing.

I do not believe it fits within an established residential neighborhood.

I like the emphasis on foot and bike use; nice design.

Walk ability and biking.

Not much.

**What concerns do you have about the Timpanogos Towers proposal (be as specific as possible)**

Too large.  
Height.  
Parking.  
Not in keeping with the style and character of the neighborhood.  
6 stories high.  
Parking.  
Too tall.  
Too many people and traffic.  
Stadium Avenue traffic.  
I oppose an outlet onto Stadium Avenue resulting in increased traffic and congestion.  
The height of the buildings which are definitely too tall to blend in and harmonize with the neighborhood.  
Precedent this development would set.  
Urbanization encroaching on Pleasant View neighborhood.  
It does not fit the neighborhood.  
It is too tall.  
Increased traffic and parking.  
Too large, big, and tall.  
Not enough parking.  
Too big.  
Too much traffic on neighborhood streets.  
Not enough parking for the number of residents and visitors.  
Zoning creep (i.e., additional, adjacent, high density development)  
We have lived in this neighborhood for over 40 years and we are still here because we like it the way it is. No more high density housing wanted.  
6 story building is way too tall.  
120 units (Silverado web site says 125) means increase of traffic in the neighborhood especially on Stadium  
Decreased market value of nearby homes.  
6 story, high density building (69 feet).  
Too many people packed into a small living area.  
Extra traffic  
It is way too tall.  
Six stories is two too many. Four should be the maximum. That is what most other such buildings are.  
What about parking for residents and their guests?

Needs three floor. 6 too high.  
Needs more parking.  
Needs more landscaping.  
Housing too dense.  
Mixed use is bad - I don't want multiple businesses and apartments.  
Building is way too high.  
Looks like a big ugly monolith!  
It is too tall and density is too high.  
I am concerned about CMU zoning instead of high density housing.  
6 stories may be high but zoning is more of an issue.  
Too high.  
Not enough parking; traffic concerns.  
What about water of all these people? Utah needs to be smarter instead of money.  
Parking and traffic flow.  
Height.  
Traffic increase in neighborhood.  
Landscaping.  
No high density project in our neighborhood.  
Too tall.  
Not enough parking.  
Increased neighborhood congestion.  
Parking. 150 spaces for 120 apartments is likely not enough.  
The building will be too high and the density too large.  
Traffic and added noise - over time renters have no interest in keeping property nice.  
Height.  
Lack of green space.  
Does not fit into neighborhood.  
A vocal group is opposed to the higher density units.  
I am not. Higher density housing is a solution to traffic, urban sprawl and utilities infrastructure.  
Too tall; not enough parking.  
Height of building.  
It is too tall.

## **What must be changed to the Timpanogos Towers proposal before you would support it?**

Smaller

3 stories, maybe 4

I will not support it unless it is moved elsewhere

I think I am mostly OK with it.

I surely could not support this development unless it is toned down to two or perhaps three stories.

More parking.

No more than 3 stories.

Fewer stories high/fewer cars.

Smaller project 3 stories.

At most 80 units and at most 4 stories.

Smaller in general. Classic example of benefitting a few to the detriment of many.

I will fight all new high density housing!! Too much already.

2 story (maximum) building with 80 units (maximum)

Pay for and install speed bumps along Stadium Avenue

Being built in another place in Provo - south of Provo on State Street is a great place!

Reduce the height from six stories to three or four.

Assure that there will be enough parking spaces for residents and visitors.

3 floors, not 6.

Landscaping frontage.

More set back away from street.

More parking. If you do not give people parking on site, they will park on the streets in the neighborhood

Relocate the project where you have enough room to be attractive.

3-4 stories would be better.

Zoning

3 stories.

Not 100%

Go away. We do not need more apartments. There is not 1 apartment complex that is full in Provo.

Flower gardens.

Additional parking available on premises!

Move it to another location.

Height.

Traffic control.

Promise that it will always remain married housing.

Lower to 4 stories.

Provide trees and bushes.

Shorter 3-4 floors.

Parking at 1.75 stalls per unit

**What information or history should be included in deliberations on the Timpanogos Towers proposal?**

People who think they can keep the neighborhood the way it is are fooling themselves.

Some of us think we should be thinking of the future needs not just keeping the status quo. Work with us.

Let the development totally revamp to not reinterpret our neighborhood.

Property value of residential homes - will it go up or down?

We already have enough apartments in the area.

Young married couples often have more than one car because they both work. You cannot ride bikes in bad weather. They have errands to run that cannot be done on a bus.

Cambridge Court

What response do they have to residents who decided to purchase in the area for the nature or the area when this would fundamentally change the area?

The character of the neighborhood should rule.

People in this area have fought projects like this before.

Unrealistic ideas about the market and growth projections and transit.

Show renderings of the project and the hill and the stadium for perspective.



## Emailed responses

I should have said this last night, but it was difficult to get a word in with a few very vocal people dominating the conversation. I've been uncomfortable since the meeting that these very vocal people did not speak for everyone and not for me. The issue I had with the general opinion being expressed was that nobody seems aware of the costs associated with maintaining the status quo of no high-density housing. Maintaining that status quo will result in more BYU students living further from campus and spending more time commuting. In the long run, that will result in further suburban sprawl, more congestion on our roads, expanding road, and high taxes in order to pay for those infrastructure projects. So maintaining the status quo results in fewer costs for us right now, but it will ultimately result in higher costs for more people in the long run. Trying to keep our community "the way it is" is shortsighted, it defers costs to other people and later generations. Allowing higher density housing near to close to where people want to get on a daily basis is a clear solution to this long-term problem. But if everyone says "not in my backyard," then the solution never happens. And as to the statement that they chose this neighborhood precisely because it was single-housing, and therefore that should not change is rather silly. People chose to move into a neighborhood within a half mile of a university of 30,000 student. It would not have taken a great act of fortune telling to foresee the need for higher density housing this close to campus. They should not blame the city or the contractor for their lack of seeing this as a need. In conclusion, I think it is a productive conversation to discuss how dense the higher density housing should be (3, or 4, or 5, or 6 floors), but prohibiting any higher density housing in our neighborhood entirely is shortsighted and frankly a little selfish. I ask that as our neighborhood chair you do not think that there is nobody in favor of this plan. You could have easily concluded that from last night's meeting, but it is not the opinion of everyone in the neighborhood. Like I said, I should have said this last night, but it was my first meeting, it was hard to get a word in, and quite frankly it was a little scary to say anything in favor of the building project given the tone of the discussion.

I am currently out of town, but I'd like my input on this matter to be known. I believe the city has become an overbearing HOA, and I support any development at any density. If they wanted to make it 100 stories tall I'd still support it.

I think a unit of that size should have on-site parking for 1.5 cars per unit at the least (180 spots) since there will probably be more than one person per unit, and every person will probably have a car, plus there will be visitors also.

There is nothing I like about this proposal. 200 more cars in my neighborhood? There is no need for a six story building in a residential area. This is wrong, wrong, wrong!!! I will not support it in any way! High density housing should be kept closer to public transport. City council officials who support will be actively campaigned against at next election and zoning should be kept the same. Also on public records uccu still owns this property so developer is out nothing but his time.

Representatives of the Provo City Pleasant View Neighborhood R. Paul Evans, chair; Ryan Biddulph, co-chair; Lynn Sorenson, co-chair; Richard Zeigler, co-chair) met with Silverado the next day on Wednesday 21 August 2019. Three major concerns from the neighborhood were discussed.

1. **The magnitude and density of Timpanogos Towers is not consistent with the existent and planned growth in the Pleasant View neighborhood.** Growth in the Pleasant View neighborhood has provided high density residential housing for over 40 years. Three apartment complexes (Alta Apartments, Stadium Terrace Apartments, Stadium Garden Apartments), three condominium complexes (Timpanogos Gateway Condominiums, Temple Lane Townhomes Condominiums, Rock Canyon Condominiums), and a planned high density residential community (Garden Villa) are all located generally along Canyon Road or University Avenue south of 2200 North and north of the BYU LaVell Edwards Stadium west parking lot. These existing high density residential developments, maximally three floors in height, bracket the Allred Subdivision (15 acres) of 38 one family homes/parcels. Timpanogos Towers is proposed to be built at a height of 69 feet (six stories) with a density of 92 units per acre. The magnitude and density of Timpanogos Towers will serve as precedent for all future development and redevelopment in the neighborhood along Canyon Road and University Avenue with particular unplanned impact on the stability of the Allred Subdivision and the future plans and investments of the 38 home owners.

Silverado offered to create 3D views of the project at 3, 4, 5 and 6 stories in height. The 3 and 4 story versions may require the use of the northeast corner of the project for housing in addition to parking and Silverado indicated that alternate heights were in design. A day of actual height representations using balloons to provide a direct visualization of the proposed project magnitude was agreed. An opportunity for the neighborhood to consider changes in the project before the Planning Commission meeting would allow for the neighborhood and the developer to identify a common ground. The proposed plans for Timpanogos Towers as of 20 August 2019 is opposed by 95% of neighbors (77 respondents).

2. **The landscaping plan for Timpanogos Towers is incomplete and is not consistent with existent and planned developments in the neighborhood.** A landscaping plan was not available in the material submitted to Provo City or for neighborhood review as of 20 August 2019. The site plan for Timpanogos Towers has some landscaping components. The setback between sidewalk and building in developments (one family homes/apartment complexes/condominiums) in the neighborhood have at least 15 feet of landscape. It appears that the setbacks and landscaping for the project are inconsistent with the look and feel of the neighborhood. Silverado will provide a landscaping plan for neighborhood review. The proposed plans for Timpanogos Towers as of 20 August 2019 is opposed by 95% of neighbors (77 respondents).
3. **The parking and traffic plan for Timpanogos Towers is not consistent with the experience of Pleasant View neighbors with accessory dwelling units and is not supported by data.** Silverado proposes to provide 150 parking stalls in Timpanogos Towers. 120 of the stalls will be assigned to each of the one bedroom apartments. The 30 remaining stalls will be assigned to residents by lottery. A walking, biking, and public transportation focused development is a valued. The actual experience with one bedroom accessory dwelling units in the neighborhood is not consistent with one car per couple. BYU Heritage Halls housing was built with the intent to limit student vehicles. Nonetheless, students bring vehicles to school and parking is now provided in the Marriott Center parking lot. BYU Wymount housing for student families provides more than one parking stall for each apartment. Less than 10% of residents of Timpanogos Towers adjacent Timpanogos

Condominiums, Stadium Terrace Apartments, and Stadium Garden Apartments are seen using the UVX BYU Stadium Station for public transportation other than UVU or BYU destinations. The distance from BYU Wymount Apartments to the UVX BYU North Station and the distance from Timpanogos Towers to the UVX BYU Stadium Station is the same - 1400 feet. Less than 10% of residents of BYU Wymount Apartments are seen using the UVX BYU Stadium Station for public transportation. Silverado has not provided a traffic study that would allow the neighborhood or Provo City to understand the potential impact on Stadium Avenue and Canyon Road. The proposed plans for Timpanogos Towers as of 20 August 2019 is opposed by 95% of neighbors (77 respondents).

At the 21 August 2019 meeting, Silverado stated that they were either working on or would start working on the concerns and get back with the neighborhood. An optimum outcome in this development process would have the developer and the neighborhood coming to the Planning Commission and Municipal Council with a united vision. Since the 21 August 2019 meeting, there has been no further communication from Silverado. Items 1, 2, and 3 (Silverado proposed change in General Plan and Zoning, and Project Plan approval by Planning Commission) on the 11 September 2019 Planning Commission Meeting are premature for a hearing.

## **Neighborhood Chair Comments (1-3):**

### **1. The Silverado proposal to amend the General Plan is not complete.**

Proposed amendments to the General Plan SHALL [emphasis added] include:

- |                                    |   |
|------------------------------------|---|
| Provo City Code 15.17.040 (5)(vi)  | Written statement explaining why the existing general plan designation for the area is no longer appropriate or feasible.   |
| Provo City Code 15.17.040 (5)(vii) | Analysis of the potential impacts of the proposed amendment on existing infrastructure and public services (traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, etc.). |

Without the statement by the developer explaining why the existing general plan is no longer appropriate or feasible, the neighbors have no independent way of determining what the developer is thinking. No doubt, we can all infer possibilities that seem reasonable and that process of inference is a useful exercise. However, the ordinance is clear in requiring a written statement from the developer.

Without the analysis of the potential impacts by the developer, again, we all are left to infer. The ordinance is clear that it is the developer that is to make a determination of impact. Community Development, citizens, Planning Commission, and Municipal Council may agree or disagree with the analyses of the developer, but, it is the developer who is to make the case for change.

As neighborhood chair, it is my impression that neighbors will support the General Plan amendment for the property changing from commercial use to for residential use. The neighborhood made a formal request to Provo City Community Development to review the above General Plan amendment required items but it appears that the information has not yet been provided by Silverado.

### **2. If a zone change is to occur, why is Campus Mixed Use Zone the land use consistent with the Pleasant View neighborhood existing structure and future growth needs of the neighborhood and Provo City?**

To date, there has been no clear enunciation by Silverado or Provo City why the Campus Mixed Use zone is the appropriate zone for this development. The stated purpose of the Campus Mixed Use zone is:

14.14E.010. The Campus Mixed-Use (CMU) zone is established to provide high density housing and a mix of residential and commercial uses near Brigham Young University. The densities permitted by the zone are intended to encourage redevelopment of land for residential uses where property values are high and demolition is necessary. The uses typically permitted in this zone are apartments, baching apartments, condominiums and commercial services for the convenience of those living in the area (neighborhood commercial).

The Timpanogos Towers project envisions absolutely no mixed use of residential and commercial, and, the project does not serve as a convenience for those living in the area except for the tenants. The CMU zone has never been discussed in its formulation or subsequent potential applications as a land use for parcels other than south of BYU. For planning purposes, now and into the future, a discussion of which zones might be best for this parcel is needed.

The issue is not whether CMU could fit but rather, which is the best zone for this parcel and why were other options eliminated?

R4 is across the street associated with the Timpanogos Gateway Condominiums.

14.13.010 The High Multiple Residential Zone (R4) is established to provide an area of suitable environment for single and family living in an area characterized by high density apartments and professional office uses. In general, this zone will be situated in or near the central area of the City and in areas where there is a substantial demand for multiple dwelling units as indicated in the General Plan. Said zone should be established in areas where street and utility systems are adequate to accommodate the permitted density. Representative of the uses of this zone are one-family dwellings; duplexes; rooming houses; apartments; batching apartments; offices for doctors, dentists, accountants, and other similar professions; parks; playgrounds; and compatible institutional uses.

Campus High Density Residential is another zone created for housing near BYU.

14.14D.010 The Campus High Density Residential (CHDR) zone is established to provide a high density multiple residential character near Brigham Young University. The densities permitted in this zone are intended to encourage redevelopment of land for residential uses where property values are high and demolition is necessary. The uses typically permitted in this zone are apartments, batching apartments and condominiums.

High Density Residential is another zone for housing near BYU.

14.14C.010 The High Density Residential zone (HDR) is established to provide a high density, multiple residential character in areas located in downtown, near Brigham Young University and other selected high density areas. The densities permitted by this zone are intended to encourage redevelopment of land for residential uses where property values are high and demolition may be necessary. The uses typically permitted in this zone are apartments and condominiums.

R5-Very High Density Residential is another zone for housing near BYU.

14.14.010 The Very High Multiple Residential Zone (R5) is established to provide a high density multiple residential character located near Brigham Young University and other selected high density areas as designated in the General Plan of the Community. The densities permitted by this zone are intended to encourage redevelopment of land for residential uses where property values are high and demolition may be necessary. The uses typically permitted in this zone are apartments, batching apartments, and professional office complexes.

A comparison of these five different “high density” residential zones is shown below:

	Campus Mixed Use (CMU)	Campus High Density Residential (CHDR)	High Density Residential (HDR)	R5 - Very High Multiple Residential (R5)	R4 - High Multiple Residential (R4)
Density	no limit	80 units/acre	50 units/acre	44 units/acre	26 units/acre
Front yard setback	10 feet min. 20 feet max.	10 feet	10 feet	20 feet	20 feet
Side yard setback	10 feet min. 20 feet max.	10 feet	10 feet	10 feet	10 feet
Parking - Family one bedroom	1.5 stalls/unit	1.5 stalls/unit	1.5 stalls/unit	1.5 stalls/unit	1.5 stalls/unit
Maximum Height	75 feet	75 feet	55 feet	55 feet	55 feet
Lot coverage	≤75%	≤75%	≤75%	≤50%	≤50%

The Provo City Pleasant View neighborhood has seven high density residential developments that have the density, parking, height, front and side yard setbacks, and lot coverage that are consistent with the R4 standards, but, only three stories in height. The adjacent BYU Wyview Apartments (west side of University Avenue in the University Neighborhood) are three stories and the North Canyon Condominiums (north side of 2200 North in the Rock Canyon Neighborhood) is four stories and consistent with all other R4 standards.

These comparisons of existing high density residential housing in the Pleasant View neighborhood and the proposed Campus Mixed Use zone identify the significant density, height, and lot coverage changes to the existing norms - changes that will permanently alter the character of the neighborhood and increase the risk for losing the 38-one family homes in the Allred Subdivision. Please note that these comparisons are based only on the 20 August 2019 plans and do not reflect any modifications discussed with Silverado (see notes of 21 August 2019 meeting) and perhaps still pending.

- The Timpanogos Towers proposal is 92 units/acre, 160% greater than the density and character of existing developments in the neighborhood. The CMU allowed density is not consistent with the neighborhood and instead of integrating into the neighborhood, Timpanogos Towers redefines the neighborhood.
- The Timpanogos Towers proposal is 69 feet in height, 120% taller than the character of existing developments in the neighborhood. The CMU allowed height is not consistent with the neighborhood and instead of integrating into the neighborhood, Timpanogos Towers redefines the neighborhood.
- The Timpanogos Towers proposal covers 50% more of a parcel than any other developments in the neighborhood. The CMU allowed lot coverage is not consistent with the neighborhood and instead of integrating into the neighborhood, Timpanogos Towers redefines the neighborhood.
- The Timpanogos Towers proposal provides at least 20% less parking for residents than required under CMU and makes no provision for guest parking. There is no parking on Stadium Avenue or Canyon Road within 200 yards of the development. Spill over parking will end up on BYU parking lots which are private property. The Timpanogos Towers proposal is not consistent with the neighborhood and instead of integrating into the neighborhood, Timpanogos Towers redefines the neighborhood.

The intent of these comments is to quantify the reasons behind a 95% opposition voiced by neighbors participating in the discussion (N=77).

### **3. Before approval of a Project Plan, does Provo City Planning Commission first approve a Concept Plan?**

The agenda for the 11 September 2019 Provo City Planning Commission lists item 3 as a request by Silverado for approval of a Project Plan. It appears to me that Provo City Code (15.03.300 Concept Plan Submittal Requirements) states that first a Concept Plan is submitted to Provo City Community Development and is approved by Provo City Planning Commission. The requirements for a Concept Plan are much less than the specifications required for a Project Plan. Is it the intent of the developer and Provo City to bypass the concept plan and proceed directly to approval of the Project Plan?