

Provo City Planning Commission

Report of Action

June 9, 2021

*ITEM 6 Jason Bennett requests a Zone Change from A1.10 and A1.5 to R1.8 for 68 single-family lots, and from A1.5 and A1.10 to the RA Zone for 1 lot, located at approximately 200 N Lakeshore Drive. Fort Utah Neighborhood. Brandon Larsen (801) 852-6408 jblarsen@provo.org PLRZ20210049

The following action was taken by the Planning Commission on the above-described item at its regular meeting of June 9, 2021:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Lisa Jensen

Second By: Robert Knudsen

Votes in Favor of Motion: Laurie Urquiaga, Dave Anderson, Daniel Gonzales, Lisa Jensen, and Robert Knudsen

Dave Anderson 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 R1.8 Zone (One-Family Residential) and RA Zone (Residential Agricultural) is described in the attached Exhibit A.

RELATED ACTIONS

The Planning Commission also approved the related Concept Plan, Item 5, at the June 9, 2021 hearing.

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

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- Two (2) neighborhood meetings were held (one on May 6, 2021, and the other March 25, 2021).

NEIGHBORHOOD AND PUBLIC COMMENT

- Jonathon Hill, Fort Utah Neighborhood Chair, noted that his neighborhood was polled twice concerning the proposal and the neighborhood was overwhelmingly in favor of it.
- He noted the following reasons for neighborhood support of the proposal:
 - Adheres to the Southwest Plan
 - Proposal improves the housing mix in Provo
 - Preserves open feel of the area near proposal
 - Minimizes impacts on Center Street traffic and local schools
- Staff read or summarized comments from the following members of the Public:
 - Dean Griffin: He is opposed to the proposed R1.8 rezone because of the potential of smaller lots, as opposed to the R1.10 lots in the area. Dean expressed concerns about the affect a new development (built with an R1.8 zoning designation) would have on the property values. An R1.10 zoning designation is more preferably to Mr. Griffin, but he would rather not see any development take place on the subject property.
 - Kristen Zimmerman: Expressed support for the proposal.
 - Sara Hill: Sara noted the lack of westside infrastructure for development and Center Street being near capacity. She would like new homes to fit in with existing homes and enhance the natural beauty of the area. We need more single-family homes to give people the option to stay in Provo when they want to purchase a new home. The proposal fits well with the Southwest area map.
 - Rick Smith: Mr. Smith appreciated the developer being attentive to the neighborhood's desires. He noted the larger size of lots in the vicinity of subject property. Proposed lots fit well with nearby neighborhoods.
 - Christian Vom Lehn: He is supportive of high or mixed density housing, but feels the City has not given a clear vision for how this should look. The City has an existing vision for this area and the proposal is consistent with that vision. He supports the proposal.

APPLICANT RESPONSE

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

- Mr. Jason Bennett clarified that his proposal includes dedication of access trails to the adjacent walking trail near the river. They will bring fill onto the site to facilitate sewer service. Tony Trane, the project engineer, stated a willingness to coordinate with the City on trail issues.

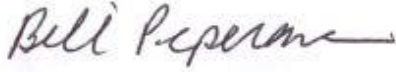
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission was supportive of the proposal. Commissioner Anderson said it was easy to support this proposal from every perspective.
- Commissioner Lisa Jensen does not believe the R1.8 and R1.10 zones are incompatible next to each other.
- Commissioner Lisa Jensen made the following motion: Recommend approval of the proposed zone map amendment. The motion passed, 5-0.



Planning Commission Chair



Director of Development Services

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 and Neighborhood Services 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

Property to be rezoned to R1.8 Zone (One-Family Residential):

BOUNDARY DESCRIPTION AREA 1 (WEST SIDE)

Beginning at a point which is South 00°13'50" East 80.44 feet along the section line and East 97.06 feet from the West Quarter Corner of Section 3, Township 7 South, Range 2 East, Salt Lake Base and Meridian: thence along a Quit Claim Deed Entry No. 57196:1996 the following two courses 1) Southwesterly 207.82 feet along the arc of a 666.00 foot radius curve to the left, through a central angle of 17°52'42", the chord of which bears South 10°23'18" West 206.97 feet; 2) South 01°26'57" West 758.03 feet; thence along the northerly boundary of Pelican Creek Plat "A" the following ten courses 1) North 72°21'33" West 26.17 feet 2) South 77°16'25" West 25.60 feet; 3) South 57°16'21" West 72.08 feet; 4) South 74°59'10" West 52.80 feet; 5) North 87°03'40" West 46.19 feet; 6) North 67°59'42" West 29.30 feet; 7) North 49°43'16" West 54.09 feet; 8) North 74°13'09" West 40.09 feet; 9) North 81°56'44" West 55.83 feet; 10) North 74°49'19" West 140.78 feet; thence along a Warranty Deed Entry No. 59745:2017 the following nine courses 1) North 00°13'15" West 37.46 feet; 2) North 11°13'15" West 63.00 feet; 3) North 28°10'18" West 84.85 feet; 4) North 48°23'50" West 4.41 feet; 5) North 00°57'26" West 59.74 feet; 6) North 88°45'27" East 10.00 feet; 7) North 02°33'55" West 278.42; 8) North 86°15'37" East 20.00 feet; 9) North 03°44'23" West 34.58 feet; thence along a Special Warranty Deed Entry No. 118586:2016 the following four courses 1) South 87°15'09" East 13.07 feet; 2) North 84°10'43" East 133.52 feet; 3) Northeasterly 199.76 feet along the arc of a 130.00 foot radius curve to the left, through a central angle of 88°02'30", the chord of which bears North 40°09'32" East 180.68 feet; 4) North 03°51'39" West 148.83 feet; thence North 46°00'32" West 90.66 feet; thence North 06°59'28" East 56.00 feet; thence South 89°10'05" East 194.86 feet; thence Southeasterly 84.99 feet along the arc of a 275.00 foot radius curve to the right, through a central angle of 17°42'27", the chord of which bears South 80°20'22" East 84.65 feet; thence South 71°29'08" East 138.75 feet to the point of beginning.

10.871 acres more or less.

Basis of bearing: The line between the West Quarter Corner and the Southwest Corner of Section 3, Township 7 South, Range 2 East, Salt Lake Base and meridian which bears South 00°13'50" East as per Utah County Resurvey Plat NAD 83.

BOUNDARY DESCRIPTION AREA 2 (EAST SIDE)

Beginning at a point which is South 00°13'50" East 1092.92 feet along the section line and East 101.23 feet from the West Quarter Corner of Section 3, Township 7 South, Range 2 East, Salt Lake Base and Meridian: thence along a Quit Claim Deed Entry No. 57196:1996 the following two courses 1) North 01°26'57" East 807.48 feet 2) Northeasterly 403.12 feet along the arc of a 600.00 foot radius curve to the right, through a central angle of 38°29'43", the chord of which bears North 20°41'49" East 395.58 feet; thence South 50°03'20" East 8.00 feet; Northeasterly 36.40 feet along the arc of a 592.00 foot radius curve to the right, through a central angle of 03°31'22", the chord of which bears North 41°42'22" East 36.39 feet; thence North 43°28'02" East 277.29 feet; thence South 49°00'32" East 82.67 feet; thence South 16°40'32" East 79.26 feet; thence South 89°59'28" West 19.93 feet; thence South 16°30'32" East 227.70 feet; thence South 56°29'24" West 42.24 feet; thence South 54°44'25" West 44.84 feet; thence North 89°59'28" East 33.90 feet; thence along Lakeside Village "A" the following four courses 1) South 39°32'58" West 45.70 feet; 2) South 27°23'47" West 73.46 feet; 3) South 00°06'55" West 746.12 feet; 4) South 08°25'31" East 35.75 feet; thence along a Boundary Line Agreement Entry No. 1082:2008 the following six courses 1) South 68°01'16" West 55.22 feet; 2) South 85°34'12" West 98.20 feet; 3) South 72°21'36" West 55.23 feet; 4) South 31°26'53" West 36.19 feet; 5) South 18°12'17" West 23.61 feet; 6) South 01°20'31" West 32.45 feet; thence along the northerly boundary of Pelican Creek Plat "A" the following two courses 1) North 89°23'20" West 167.32 feet; 2) Northwesterly 20.33 feet along the arc of a 25.00 foot radius curve to the right, through a central angle of 46°35'50", the chord of which bears North 66°05'25" West 19.78 feet to the point of beginning.

11.145 acres more or less.

Basis of bearing: The line between the West Quarter Corner and the Southwest Corner of Section 3, Township 7 South, Range 2 East, Salt Lake Base and meridian which bears South 00°13'50" East as per Utah County Resurvey Plat NAD 83.

EXHIBIT A, continued

Property to be rezoned to RA Zone (One-Family Residential):

BEGINNING AT A POINT WHICH IS SOUTH 40.92 FEET AND EAST 616.87 FEET FROM THE WEST QUARTER CORNER OF SECTION 3, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE NORTH 16°30'00" WEST 227.70 FEET; THENCE EAST 111.39 FEET; THENCE SOUTH 55°00'00" EAST 219.25 FEET; THENCE SOUTH 01°00'00" WEST 52.77 FEET; THENCE WEST 28.45 FEET; THENCE SOUTH 01°00'00" WEST 189.82 FEET; THENCE NORTH 75°30'00" WEST 56.09 FEET; THENCE NORTH 32°00'00" WEST 102.30 FEET; THENCE NORTH 59°58'40" WEST 98.32 FEET TO THE POINT OF BEGINNING.