

Provo City Planning Commission

Report of Action

November 10, 2021

ITEM #3 Tim Metler requests Concept Plan approval for a 65-unit apartment complex in a proposed Campus Mixed Use (CMU) zone, located from 46 W to 90 W 800 N. North Park Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLCP20210113

The following action was taken by the Planning Commission on the above described item at its regular meeting of November 10, 2021:

CONTINUED

On a vote of 6:0, the Planning Commission continued the above noted application.

Motion By: Dave Anderson

Second By: Lisa Jensen

Votes in Favor of Motion: Dave Anderson, Lisa Jensen, Ally Jones, Laurie Urquiaga, Brian Henrie, Robert Knudsen
Laurie Urquiaga was present as Chair.

- New findings stated as basis of action taken by the Planning Commission. Commission determination is not generally consistent with the Staff analysis and determination.

RELATED ACTIONS

The Planning Commission also continued the related rezone request (Item #4) at the November 10 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. Staff made note of the additional concerns noted in the Public Works memo, stated that approval of a TDM is needed, and recommended that a Development Agreement may be needed with the zone change request.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.
- Traffic study may be required with future stages of approval.
- Important issues raised by other departments – addressed in Staff Report to Planning Commission

NEIGHBORHOOD MEETING DATE

- The Neighborhood Chair determined that a neighborhood meeting would not be required. However, feedback from the neighborhood Facebook page and Open City Hall is included in the Staff Report.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present and addressed the Planning Commission during the public hearing.
- Neighbors or other interested parties 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:

- Eric Chase stated support for the zone change, but preferred earlier concept plans without the expansion of 800 North. Mr. Chase has concerns about the I-15 corridor study and widening of 800 North.
- Terry Cirac stated concerns for his adjacent building during excavation for the proposed concept. Mr. Cirac also noted that there is no concept for the existing Foxwood Apartments, but that it is part of the requested zone change. He also is concerned about parking and congestion issues that could come with the proposal.

APPLICANT RESPONSE

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

- Mr. Metler responded to concerns about parking counts with information about his other apartment complex working with a 1:1 ratio for parking stalls and managing that with permits. He also stated that he will be sure caution is used during future excavations to not disturb surrounding properties, and that no changes to the Foxwood apartments are projected.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:


- The Commission discussed details of the 800 North expansion with David Day (Public Works Engineer) in regard to timing, need, and financial responsibility. Mr. Day noted that the 800 North expansion would be a system improvement, and therefore would not be paid for by developers. Mr. Day also responded to Planning Commission concerns, stating that there is still room for more traffic in 800 North, but that study has called for a future five-lane street. It was also stated that there are not other limiting factors with other utilities in this area.
- Setbacks and amenity space were discussed, it was noted that the amenity space had been altered from the previous design, but the concept still met zone standards. The five-foot to ten-foot front setback would come only after the 800 North expansion and could be approved by the Department Director.
- Dave Anderson shared his concern for reduced parking and thought that the developer should share in costs for the 800 North expansion. He noted his frustration with the change in amenity space and the proposed number of units; questioning whether the CMU zone fits.
- Brian Henrie noted that 800 North does not seem very busy and probably has room for more traffic. Mr. Henrie did note his concern about parking and hoped staff could provide additional detail on student parking habits. He was supportive of keeping the street trees during construction.
- Lisa Jensen thought that the permits mentioned in the TDM would be a helpful way to control parking, but that careful attention to the architecture would be important with the minimal front setback. Ms. Jensen did not feel comfortable using the CMU zone in the way proposed by the applicant, including the existing Foxwood apartments to meet density regulations. She suggested that the proposal could lose units and/or find a different zone.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation: Though the Planning Commission was generally supportive of the proposal, they were concerned that the CMU zone regulations did not necessarily match the concept without the inclusion of the adjacent apartment complex. The reason for continuance is to allow the applicant and staff to examine other zoning alternatives that would be more fitting for just the development site (the south parcel) and to get more detail on student parking demand.



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