

Provo City Planning Commission

Report of Action

March 22, 2023

*ITEM 6 Janet Dolan requests approval of a Zone Map Amendment from the CM (Heavy Commercial) zone to the R1.8 (One Family Residential) zone for a portion of residential property in order to complete a lot line adjustment, located at 737 S State Street. Provost neighborhood. Aaron Ardmore (801) 852-6404
aardmore@provo.org PLRZ20230019

The following action was taken by the Planning Commission on the above described item at its regular meeting of March 22, 2023:

RECOMMENDED APPROVAL

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

Motion By: Robert Knudsen

Second By: Melissa Kendall

Votes in Favor of Motion: Robert Knudsen, Melissa Kendall, Lisa Jensen, Raleen Wahlin, Jeff Whitlock

Lisa 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 R1.8 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.

CITY DEPARTMENTAL ISSUES

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

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 02/09/2023.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the 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:

- Katherine Hall stated support from the neighborhood district via an email.
- Jenny Peterson stated her support for the request.

APPLICANT RESPONSE

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

- Janet Dolen gave an overview of the history for the properties and the reasons for the request.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Commission confirmed with staff that the residential lot would not be able to be subdivided due to lot standards; they also confirmed that the setbacks would not cause any issues.
- The Commission appreciated the request and noted that it will set clear boundaries between the residential and commercial areas.



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 Development Services, 445 W Center Street, 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

BOUNDARY DESCRIPTION

A PARCEL OF LAND THAT LIES FULLY WITHIN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 7 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN. SUBJECT PARCEL CONTAINS 0.50 OF AN ACRE OF LOT 4 OF THE CHAPEL DOWNS PLAT "A" AS FOUND IN THE UTAH COUNTY RECORDER'S OFFICE MAP NO. 569 AND A PORTION OF THE WARRANTY DEEDS AS FOUND IN SAID OFFICE ENTRY NO'S. 38497:2021 AND 104557:2021. BASIS OF BEARING FOR SUBJECT PARCEL IS NORTH AS DETERMINED BY GPS OR S 89° 09' 39" W 2662.41 FEET BETWEEN THE EAST QUARTER CORNER AND THE CENTER CORNER OF SAID SECTION 7. SUBJECT PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF LOT 4 OF THE CHAPEL DOWNS PLAT "A" AS FOUND IN THE UTAH COUNTY RECORDER'S OFFICE MAP NO. 569, SAID CORNER LIES 949.77 FEET S 89° 09' 39" W ALONG THE SECTION LINE AND 129.36 FEET SOUTH FROM THE EAST QUARTER CORNER OF SECTION 7, TOWNSHIP 7 SOUTH, RANGE 3 EAST, SALT LAKE BASE AND MERIDIAN; RUNNING THENCE ALONG SAID SUBDIVISION THE FOLLOWING (4) FOUR COURSES: (1) SOUTHERLY 94.23 FEET ALONG THE ARC OF A 270 FOOT RADIUS CURVE TO THE LEFT THROUGH A DELTA ANGLE OF 19° 59' 48" (NOTE: CHORD BEARS S 03° 51' 09" E 93.75 FEET (S 2° 57' E 93.76 FEET BY REOCR)), (2) S 78° 53' 48" W 106.70 FEET (N 79° 49' E BY RECORD), (3) S 15° 49' 12" E 38.60 FEET (S 14° 54' E BY RECORD), (4) S 73° 28' 48" W 69.01 FEET (S 74° 24' W BY RECORD) TO AN AGREED UPON BOUNDARY LINE; THENCE N 20° 35' 39" W 155.89 FEET TO AN OLD ESTABLISHED FENCE LINE AS CALLED OUT IN RECORD DESCRIPTION WARRANTY DEED ENTRY NO 38497:2021 AS FOUND IN THE UTAH COUNTY RECORDER'S OFFICE, THENCE ALONG SAID OLD ESTABLISHED FENCE LINE THE FOLLOWING (3) THREE COURSES, (1) N 69° 34' 38" E 35.72 FEET, (2) S 16° 07' 22" E 26.81 FEET, (3) N 77° 10' 48" E 61.25 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE N 77° 10' 48" E 111.00 FEET (N 78° 06' E BY RECORD) ALONG SAID LOT 4 TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 20,920 SQUARE FEET OR 0.480 ACRES.