

Provo City Planning Commission

Report of Action

April 12, 2023

*ITEM #5 Steven Turley requests a Zone Change from the R1.8 (One Family Residential) zone to the MU (Mixed Use) zone for approximately two acres of land, located at 2075 W Center Street. Provo Bay Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20210271

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 12, 2023:

RECOMMENDED DENIAL

On a vote of 3:3, the Planning Commission failed to recommend that the Municipal Council approve the above noted application.

Motion By: Daniel Gonzales (to recommend approval to the City Council)

Second By: Jeff Whitlock

Votes in Favor of Motion: Daniel Gonzales, Jeff Whitlock, Andrew South

Votes Against the Motion: Melissa Kendall, Robert Knudsen, Lisa Jensen

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 MU Zone is described in the attached Exhibit A.

RELATED ACTIONS

The related concept plan request was also voted on at the April 12th Planning Commission hearing and was denied due to a 3:3 split vote (PLCP20210398).

DEVELOPMENT AGREEMENT

- May apply with future approvals.

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. Planning staff gave an overview of the changes from the last time the item was before the Planning Commission and noted that the specific criteria asked for by the Commission had been addressed. Staff reiterated that there is only support for the north building.

CITY DEPARTMENTAL ISSUES

- There are remaining issues from the Coordinator Review Committee (CRC) review that need to be resolved.
- Important issues raised by other departments – addressed in Staff Report to Planning Commission

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 12/02/2021.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present 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:

- Brian Taylor sent a message that he is in support of staff recommendations on this project.
- Rick Cox spoke in favor of the project as proposed as a way to attract more commercial services.
- Dave Lewis spoke in favor of the project for the full two acres.
- Frank Gilbert spoke in favor of the project to bring business to the west side.
- Vicki Gilbert spoke in favor of the project.
- Becky Bogdin agreed with the staff recommendation and wants to stick to the area plan.
- Michael Mitchell spoke in favor of the proposal and stated there would be no issues with traffic.

APPLICANT RESPONSE

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

- Steve Turley went into detail on how he has addressed each of the six criteria that the Planning Commission had asked about at the previous hearing.
- Mr. Turley also expressed his opinion on how the plan would meet the General Plan for this property and confirmed with Public Works that the sewer demand would not be an issue if the project were approved.
- Mr. Turley stated that he is not interested in doing only the north building and that parking would not work for the site due to the minimum 10,000 square feet of commercial space and the parking for that use.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Commission confirmed that there are 24 units proposed on the north, with 36 in the south building.
- Lisa Jensen indicated that the scale of the buildings is fine, but the density limits of the General Plan should be followed.
- Some of the commissioners discussed the southwest plan and noted that there are areas specified for higher density that should be respected, while some others thought that those areas could be adjusted to make the project work.
- Commissioners Jensen and Kendall were expecting a decrease in density after the continuance and thought the project could still be revised to work on the north one acre.
- Commissioners Whitlock and South noted that the project seems to fit and would be a positive for the area.
- The Commission confirmed with David Day that the proposed project would not pose any issues with the sewer 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 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

