

Provo City Planning Commission

Report of Action

April 10, 2024

***ITEM 1** David Bragonje requests a Zone Map Amendment from the A1.5 (Agricultural) Zone to the PRO-A10 (Arbors on the Avenue) Zone in order to construct a new 66-unit condo building, located approximately at 5610 N University Ave. North Timpview Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20230325

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 10, 2024:

RECOMMENDED DENIAL

On a vote of 8:0, the Planning Commission recommended that the Municipal Council deny the above noted application.

Motion By: Melissa Kendall

Second By: Jeff Whitlock

Votes in Favor of Motion: Melissa Kendall, Jeff Whitlock, Barbara DeSoto, Andrew South, Lisa Jensen, Daniel Gonzales, Robert Knudsen, Jonathon Hill

Daniel Gonzales 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 PRO-A10 Zone is described in the attached Exhibit A.

RELATED ACTIONS

The Planning Commission approved the related Concept Plan application (PLCP20230326) at the April 10, 2024 hearing.

PROPOSED OCCUPANCY

*66 Total Units

*Type of occupancy: Family

*Standard Land Use Code 1151

PROPOSED PARKING

*140 Total parking stalls required

*140 Total parking stalls provided

*2.12 parking stalls per unit

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 answered questions from the Planning Commission regarding the General Plan for the property, other properties that are zoned for projects that would feed into the Freedom sewer trunkline, and what options the developer would have knowing the current constraints of the sewer trunkline.

- David Day answered questions from the Planning Commission about the specific sewer infrastructure improvements that would be needed to allow the proposed 66-unit project. He also spoke about budgeting for improvements throughout the city and answered additional questions from the Planning Commission about the specific risks in approving more units than the sewer lines could handle.

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 01/24/2024.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was present /addressed the Planning Commission during the public 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:

- A written comment from Will Taylor stated opposition due to traffic and access concerns with the project.
- Sharon Memmott (District 1) gave an overview and additional detail about the January Neighborhood Meeting. She stated the desire for agricultural and open spaces and shared concern regarding the height of the building and stated that there is no high-density currently designated in the area.
- Steve Turley stated that he owns property to the east of the proposal and would encourage the city to come up with resolutions for the sewer constraints in the area. He also would like more detail on stacking and access to the area.

APPLICANT RESPONSE

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

- David Bragonje presented the history of work he has done to this point on the proposal, details of the project, and coordinating with Provo Power, UDOT, and other city staff. Mr. Bragonje detailed the benefits of his project to the city that have come and would come with his development, including better access and utility infrastructure in the area. **He also proffered to commit to owner-occupancy for at least fifty percent of the condo units.**
- Mr. Bragonje answered questions from the Planning Commission regarding financial ability to build a smaller, less dense project on the site, pricing of the units, parking for the project, and site constraints for building. When asked additional questions regarding guaranteeing owner-occupancy in the project for the long-term, the applicant stated that he could do the work to make sure that occurs.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission stated support for the plan itself and appreciated the trail connections and design of the building into the hillside. The proposed use is a needed product type in the city, but the sewer issue unfortunately pushes the decision to be negative.
- The unit types, owner-occupancy, and location all help to pull support for the proposal; a single-family subdivision or agricultural use at the location do not seem to fit.
- There was some discussion about the sewer constraints and needed infrastructure projects to make this proposal work. There was a desire from the Planning Commission to have more specific and detailed information on what the costs would be to get this project to work.
- This would be a change from the General Plan, but the location seems to call for a project similar to what is being sought.
- The Commission discussed their desire to look deeper into the sewer costs, the traffic study, and any issues with access to the site with future UDOT projects.

- The Commission confirmed with staff that approval of a concept plan is still dependent on the zone change and would simply indicate support for the proposal for the future. They also wanted some clarity on the project area as it relates to units per acre (density) and hoped that could be made clearer for future meetings.
- **A straw poll was completed to indicate that despite the General Plan designation of the property, the proposed zone change for the 2.74-acre project area would be supported by the Planning Commission: supported 8:0.**
- **A second straw poll was completed to indicate that with the guarantee of owner-occupancy that the sewer capacity is the only obstacle to the Planning Commission recommending approval of the zone change: supported 6:2 (Commissioners Jensen and South indicating that access to the site was an additional concern).**

Bill Peperone

Planning Commission Chair

Bill Peperone

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 St, 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
LOT 2 PARCEL CIRQUE CONDOS LLC
PROVO, UTAH**

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 6 SOUTH, RANGE 3 EAST, S.L.B.&M., PROVO, UTAH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7, THENCE N.00°53'07"W. A DISTANCE OF 1101.15 FEET; THENCE EAST A DISTANCE OF 891.97 FEET TO A POINT ON THE EAST RIGHT OF WAY OF HIGHWAY 189 (UNIVERSITY AVENUE), SAID POINT BEING A POINT OF CURVATURE OF A 5358.71-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID POINT ALSO BEING THE REAL POINT OF BEGINNING.

THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND RIGHT OF WAY A DISTANCE OF 454.75 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 04°51'44" AND A CHORD THAT BEARS N.04°17'05"W. A DISTANCE OF 454.62 FEET; THENCE N.80°37'00"E. A DISTANCE OF 277.70 FEET; THENCE S01°01'44"E. A DISTANCE OF 408.46 FEET; THENCE S.64°36'14"W. A DISTANCE OF 12.06 FEET; THENCE S.28°26'35"W. A DISTANCE OF 54.48 FEET; THENCE WEST A DISTANCE OF 32.98 FEET; S.09°43'00"W. A DISTANCE OF 37.69 FEET; THENCE WEST A DISTANCE OF 171.17 FEET; TO THE POINT OF BEGINNING.

CONTAINING 119,528 SQ.FT. OR 2.74 ACRES.

BASIS OF BEARING IS THE UTAH STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE.