



Provo City Planning Commission

Report of Action

May 22, 2024

*ITEM 2 Development Services requests approval for Zone Map Amendments to place the TDR-S (Transfer of Development Rights - Sending Sites) Overlay Zone on 66 properties with known hazards in east Provo. Oak Hills, Indian Hills, and Sherwood Hills Neighborhoods. Aaron Ardmore (801) 852-6404
aardmore@provo.org PLRZ20240127

The following action was taken by the Planning Commission on the above-described item at its regular meeting of May 22, 2024:

RECOMMENDED APPROVAL

On a vote of 7:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Melissa Kendall

Second By: Robert Knudsen

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

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 properties to be rezoned with the TDR-S Overlay Zone are 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

- City-wide application; all Neighborhood District Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.
- There was no public comment on this item.

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: None.

APPLICANT RESPONSE

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

- Staff responded to questions from the PC regarding plans to present the idea to all the Neighborhood Districts and what property owners have been notified of or discussed the zone change with staff. The TDR-S will be shared with Districts at upcoming meetings and staff have had contact with some of the sending site owners.
- Staff clarified the number of dwelling units available for transfer and that the property owners still have choice to try to build on their lots after the TDR-S Overlay is placed on their lot.
- Staff responded to questions about maintenance and ownership of lots after the development rights have been transferred off them.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Jeff Whitlock shared his experience of being in contract on one of these lots and indicated that this change will be helpful to notify the public of the risks and that he believes it is a good idea.
- Lisa Jensen stated that she likes the idea but is concerned that there are occupied homes within the proposed zone map amendment, other commissioners indicated that those owners still have the same rights and haven't called in opposition to the change, and that if they aren't included, they can be stuck in dangerous situation.
- The Commission discussed the history of these lots and the options it gives to these owners, believe it does not do harm, but only gives the owners another option.



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, 445 West 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

Parcels for TDR-S Overlay to be placed:

35:079:0001; 35:079:0002; 35:079:0003; 35:079:0004; 35:079:0005; 35:079:0006; 35:079:0007; 35:079:0008;
35:079:0009; 35:079:0010; 35:079:0011; 35:079:0012; 35:081:0001; 35:081:0002; 35:081:0003; 35:081:0004;
35:081:0005; 48:048:0044; 48:048:0045; 48:048:0046; 48:048:0047; 48:048:0048; 48:048:0049; 48:048:0050;
48:048:0051; 48:060:0016; 48:060:0017; 52:117:0087; 52:117:0114; 52:117:0120; 52:131:0006; 52:131:0007;
52:131:0033; 52:131:0040; 52:131:0065; 52:131:0092; 52:131:0102; 52:131:0103; 52:135:0004; 52:166:0004;
52:166:0007; 52:166:0008; 52:166:0011; 52:166:0012; 52:166:0013; 52:166:0014; 52:166:0015; 52:166:0016;
52:166:0017; 52:166:0021; 52:166:0046; 52:166:0055; 52:166:0056; 52:166:0057; 52:166:0058; 52:166:0059;
52:166:0060; 52:166:0072; 52:166:0073; 52:166:0074; 52:166:0075; 52:166:0076; 52:166:0077; 52:166:0094;
53:014:0009; 53:014:0011

Maps of properties:



