Provo City Planning Commission

Report of Action

May 22, 2024

ITEM 4	Development Services request approval of a Concept Plan for a 110-lot residential subdivision in a proposed R1.8(PD) (One Family Residential - Performance Development Overlay) Zone, located approximately at 1630 S Nevada Ave. Provost South Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLCP20240048

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

APPROVED WITH CONDITIONS

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

Conditions:
1. Maintain lighting on site to protect dark skies.
2. Look for trail connection for a north-south trail through the property.

Motion By: Jeff Whitlock
Second By: Andrew South
Votes in Favor of Motion: Lisa Jensen, Barbie DeSoto, Robert Knudsen, Danial Gonzales, Jeff Whitlock, Melissa Kendall, Andrew South
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 R1.8(PD) Zone is described in the attached Exhibit A.

RELATED ACTIONS

The Planning Commission recommended approval of the related Rezone on May 22, 2024 (PLRZ20240127, Item 3)

APPROVED/RECOMMENDED OCCUPANCY

*110 Total Units
*Type of occupancy approved: Family
*Standard Land Use Code 1111

APPROVED/RECOMMENDED PARKING

*330 Total parking stalls required
*440 Total parking stalls provided
*3 Required 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.

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.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 05/01/2024.

NEIGHBORHOOD AND PUBLIC COMMENT

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

- Prior to the hearing, emails were received from several members of the public and were distributed to the Planning Commission. Those emails were from Brooke Gardner, Dave Knecht, Pace Killian, Kristina Davis, Bryan Hopkins, Ashley Rayback, and Annette Newren. Concerns raised by these citizens included safety, traffic, density, environmental hazards, parking, and loss of existing features of the property.
- Ashley Rayback summarized the neighborhood meeting from May 1. She also indicated that there are concerns with pedestrian and traffic safety, and the risk of a transient community and its' effect on the school.
- Kristina Davis expressed concern that the garages aren't large enough for two cars and it will lead to parking issues in the neighborhood.
- Adriana Romney noted that the lime kilns (ovens), trails, and access should be protected.
- Pace Killian reiterated his concerns from the email he had sent and still has concerns about how close the homes are to each other.
- Mike Cashrider shared his comments that debris flow should not be a concern but was concerned about the homes being so close together.
- Dave Knecht echoed his comments from the emails he had sent to the Planning Commission and stated concern about the setbacks for the homes and ability to park within the neighborhood.
- Nat Green expressed her desire to keep the CH Overlay Zone, increase side setbacks, and expand the garage dimensions.
- Bradley Romney didn't want a "test" in his neighborhood of the first CH Zone development.
- Tilia Bowe shared concerns about encroaching on natural habitats.
- Scott Elder commented on the increase of vehicles in the area, concerns on traffic.
- Vicki Knecht stated that she didn't want a "shanty town" put in her part of the city.
- Rosie Mijares wants bigger houses developed since the proposal isn't truly affordable.
- Cesar Mijares shared concerns about turnover, home values, and setbacks.

APPLICANT RESPONSE

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

- Staff addressed questions from the Planning Commission regarding the General Plan, zoning, future plans for the area, property history, and site plan details.

- Staff confirmed that ADUs (accessory dwelling units) would not be permitted in this proposal due to the PD Overlay and indicated that the developer will provide parking for the units and that the parking will be contained within the subdivision.
- Staff indicated that the site plan shown could not be added to due to the zoning restrictions and Development Agreement that will guarantee it be built as shown.
- David Day (City Engineer) confirmed that there are no immediate concerns with the traffic associated with the proposal and that the safe route to the elementary school will be evaluated by the school and engineering staff. Mr. Day also confirmed that the drainage issues and debris flow are being designed to meet the safety requirements that are reviewed by Public Works.
- Dave Morton (Developer – Anderson Development) gave a more detailed overview of the proposed project. He indicated that his team has done a geotechnical study, a fault study, and a hydrology study to ensure that they build a safe community. Mr. Morton confirmed that the lower of the old kiln building would be removed, but that the higher structures (ovens) are not on the land and would not be affected. Mr. Morton also indicated that he would do what he can to keep parking within his development.
- Keith Morey (Economic Development) shared his comments on economic development, rooftops, and the proposed site design. He believes it is what the market demands at this time and that the State is asking cities to bring in this type of development.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- There was discussion around keeping, removing, or altering the Critical Hillside (CH) Overlay Zone for this development. Staff indicated they were open to amending the CH Overlay Zone in the future to allow exceptions for properties that do not have large slopes or other environmental hazards.
- The Planning Commission noted that there are other city-owned parcels to the north of the proposed development that could be included in the concept plan and zone map amendment.
- There was some discussion about the wildland urban interface and fire risk, staff stated that there are codes for that which the Fire Marshall will review against the plan.
- Jeff Whitlock indicated his desire for protection of dark skies and careful selection of lighting features. He also hopes that the adjacent city-owned properties can be incorporated into this proposed rezone and development.
- Commissioners discussed affordability of the homes and how lot sizes, setbacks, and building square footage would affect the prices of the homes.
- Lisa Jensen expressed concern that the proposed development could bring the same complaints and issues of housing further north on Slate Canyon Drive.
- Barbie DeSoto expressed her support for the development and that home size and reduced setbacks are giving people different options, while keeping a lot of the hillside preserved. She also shared her opinion that home types do not equate to transitory housing, that the proposed size of homes can keep families.
- Melissa Kendall confirmed site details with Mr. Morton and that the HOA would install and maintain front yards throughout the development.
- The Commission discussed home design, finished areas, and basements; and how changes would impact the affordability of the project.
- Discussion on multiple trails on the existing land led the Commission to take note of the proposed trails and connections offered by the applicant.
- There was additional discussion on lessons learned from past developments, commitments from the applicant to hold owner-occupancy of the new units for the first year, and installation of traffic calming measures near the elementary school to the south and to the park to the west.
- The point was made that Provo needs more single-family detached homes to meet the needs of the population.
- Lisa Jensen noted that she likes the trail connection, open space, parking, home plans, and ability to meet General Plan goals. She is concerned about the rear of the lots, the removal of the CH overlay, the traffic, and the small side setbacks.

- There was additional discussion regarding the CH Overlay Zone, and staff offered an amendment to give an exception to properties without certain hazards. The Commission debated whether they keep or remove the CH Overlay in their recommendation to the City Council.
- There was additional discussion on the concept plans regarding the setbacks and clustering of the homes and creating a barrier to vehicles accessing the debris flow.
- **The Commission took the following straw polls to gauge support (votes included):**
    - **The developer should negotiate additional space in the side yard setback (Yes-3: No-4)**

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