



Provo City Planning Commission

Report of Action

August 28, 2024

***ITEM #5** Jamie Chapman requests a Zone Map Amendment from the OSPR (Open Space, Preservation, and Recreation) Zone to the MDR (Medium Density Residential) Zone in order to build 24 new townhomes, located approximately at 5544 N River Run Drive. Riverbottoms Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLRZ20230328

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 28, 2024

RECOMMENDED APPROVAL WITH CONDITIONS

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

Recommended Condition of Approval:

1. That the developer includes commitment to build and provide public access on the pedestrian path along the river, as shown in the plans.

Motion By: Barbara DeSoto

Second By: Melissa Kendall

Votes in Favor of Motion: Barbara DeSoto, Melissa Kendall, Jeff Whitlock, Jonathon Hill, Andrew South, Lisa Jensen, Adam Shin

Jeff Whitlock 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 MDR Zone is described in the attached Exhibit A.

RELATED ACTIONS

Planning Commission approved the related Project Plan (PLPPA20230330, Item #6, August 28th, 2024 agenda).

APPROVED/RECOMMENDED OCCUPANCY

*24 Total Units

*Type of occupancy approved: Family

APPROVED/RECOMMENDED PARKING

*60 Total parking stalls required

*73 Total parking stalls provided

*3 Required parking stalls per unit

DEVELOPMENT AGREEMENT

- Applies - referred applicant to Council Attorney.

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. Staff also responded to Planning Commission questions regarding the Provo River access, ownership, and General Plan designation.

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 02/03/2022.

NEIGHBORHOOD AND PUBLIC COMMENT

- 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:

- Robert Hammond sent an email to staff and the Planning Commission encouraging commitment to the pedestrian trail along the Provo River.
- Sharon Memmott expressed concerns regarding the final product matching what is shown in the plans, and hoped commitments would be made with the zone change as it reaches the City Council.

APPLICANT RESPONSE

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

- Jim Ivory summarized the history of the project and the current requests and answered Planning Commission questions regarding access to/through the site, open space, and potential of floods.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Planning Commission discussed the details of the plans and verified with staff that the project meets the code requirements of the MDR Zone.
- Commissioner Whitlock verified that the concerns brought up by the public will be addressed in a future development agreement. The Commission also confirmed that the site improvements and amenities will be completed prior to the final certificate of occupancy.
- The Commission felt comfortable with the proposal as it is finishing up a project that is already being constructed, but mentioned the need to include the trail as a guarantee and expressed disappointment that no units will be for sale.



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 Development Services Department, 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

Part of Lot 1, Plat "C", CANYON RIVER SUBDIVISION, according to the official plat thereof on file in the office of the Utah County Recorder, State of Utah.

Less and excepting those portions lying within the bounds of the Provo River

OTHERWISE DESCRIBED AS:

PART LOT 1, PLAT C, CANYON RIVER SUB DESCRIBED AS FOLLOWS; COM N 1807.225 FT & W 40.775 FT FR SE COR. SEC. 12, T6S, R2E, SLB&M.; S 32 DEG 40' 33" E .12 FT; N 89 DEG 40' 11" E 12.8 FT; N 0 DEG 53' 1" W 98.97 FT; ALONG A CURVE TO R (CHORD BEARS: N 6 DEG 36' 59" E 43.86 FT, RADIUS = 168 FT); N 14 DEG 6' 59" E 70.36 FT; S 88 DEG 1' 2" E 137.82 FT; S 19 DEG 1' 4" W 66.95 FT; S 0 DEG 50' 26" W 29.08 FT; S 79 DEG 13' 57" E 64.05 FT; ALONG A CURVE TO L (CHORD BEARS: S 1 DEG 37' 8" W 98.66 FT, RADIUS = 327.56 FT); ALONG A CURVE TO L (CHORD BEARS: S 19 DEG 50' 55" E 93.46 FT, RADIUS = 203 FT); S 55 DEG 8' 59" W 78.42 FT; S 9 DEG 47' 30" E 54.68 FT; S 21 DEG 5' 43" E 193.59 FT; S 8 DEG 44' 33" W 61.1 FT; S 23 DEG 15' 14" W 54.29 FT; S 22 DEG 55' 34" W .05 FT; S 89 DEG 6' 57" W 214.06 FT; N 1 DEG 17' 24" W 477.95 FT TO BEG. AREA 3.151 AC.