



Planning Commission Hearing Staff Report

Hearing Date: November 13, 2024

***ITEM #2** Tyson Reynolds requests a Zone Map Amendment from the R1.8 (One Family Residential) Zone to the MDR (Medium Density Residential) Zone in order to construct a 100-unit apartment building, located at 2000 N Canyon Road. Pleasant View Neighborhood. Nancy Robison (801) 852-6417 nrobison@provo.org PLRZ20240174

Applicant: REYNOLDS ASSET MANAGEMENT LLC

Staff Coordinator: Nancy Robison

Property Owner: REYNOLDS ASSET MANAGEMENT LLC

Parcel ID#: 20:068:0074, 20:068:0072, 20:068:0062, 20:068:0021, 20:050:0032

Acreage: 3.86

Number of Properties: 5

Number of Units: 100

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is December 11th, 2024 5:00 P.M.*
2. **Deny** the requested variance. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Current Legal Use: Single-family homes in R1.8 zone.

Relevant History:

- There are two lots each with a single-family home. One was built in 1927, the second home built in 1948.
- The Planning Commission approved grading on slopes over 30% in a meeting on March 27th, 2024.

Neighborhood Issues: There was a neighborhood meeting held on December 7th, 2023. But the applications were different than what is being presented here. At that time the neighborhood discussed a rezone to CMU with a building height of 75 feet, and a 101-unit apartment building.

Summary of Key Issues:

- The current use is single-family homes on lots containing 8,000 square feet.
- Requested is to rezone to Medium Density Residential (MDR Zone). This would allow up to 116 units
- The Developer proposes 100 units
- The majority of the surrounding properties are in the Medium Density Residential (MDR Zone).
- The maximum building height would be forty-five feet.

Staff Recommendation: See the conclusion to this staff report on page 6.

OVERVIEW

Mr. Reynolds is seeking a zone change from R1.8 (Single-Family Residential) to Medium Density Residential (MDR) to allow for a 100-unit residential development. To the east there are single-family homes zoned R1.8. The Planning Commission approved the developer's proposal to grade the slope along this boundary, on March 27th, 2024, which will facilitate the transition between the single-family and medium-density zones. It also allows a much bigger buildable area on this lot. With the current topography there are challenges for Provo City Utilities and the Provo Fire Department. To the north and south the properties are zoned for Medium Density Residential, which aligns with the proposed zone change. To the west, there is a combination of Medium Density Residential and Single-Family Residential zoning.

The developer has proffered a development agreement that would run with the land, committing to improvements in the local sewer system to be worked out with Provo City Public Works as currently there is insufficient sewer capacity. This upgrade is intended to accommodate the increased demand from the proposed development and improve system reliability for the surrounding area.

The requested MDR zone is consistent with apartment buildings along Canyon Road, adjacent to the subject property in terms of building height and density. To the north is an R.2PD townhome development that is a lower housing density than 30 units per acre.

FINDINGS OF FACT

1. The current zone for the properties is R1.8 (Single-family residential).
2. The proposed zone for the properties is Medium Density Residential (MDR).
3. The General Plan for the properties is Residential – MDR.
4. The proposed density for the properties is thirty (30) units/acre.
5. The property is 3.86 acres with 100 total units for 26 units/acre.
6. Development Agreement proposed by developer includes improvements to be made to the sewer system.

STAFF ANALYSIS

In analyzing any rezone request for housing, staff is encouraged to reference the questions asked in on page 45 of the General Plan (Chapter 4 – Housing). Those questions are as follows: (**staff response in bold**)

- Would the rezone promote one of the top 3 housing strategies (promote a mix of home types, sizes, and price points; support zoning to promote ADUs and infill development; recognize the value of single-family neighborhoods)? **Yes, the rezone would support**

one of the top three housing strategies by promoting infill development. Currently, the property is limited to only two single-family homes, but the rezone would allow for additional home sizes, creating more housing options in the area. By enabling this development, the city can make better use of the space, enhancing the utility infrastructure for surrounding properties as well. This approach aligns with the goal of encouraging a mix of home types and sizes and supports efficient use of land, which are key elements of infill development strategy.

- Are utilities and streets currently within 300 feet of the property proposed for rezone? **Yes, access and utilities would come from Canyon Rd.**
- Would the rezone exclude land that is currently being used for agricultural use? **The land is currently zoned R1.8.**
- Does the rezone facilitate housing that has reasonable proximity (1/2 mile) to public transit stops or stations **There is a bus stop approximately 1/4 mile away which is considered within walking distance.**
- Does the rezone encourage development of environmentally or geologically sensitive, or fire or flood prone, lands? **No, the land does not contain any hazards, but it does include slopes of 30% or greater which are typically considered sensitive land.**
- Would the proposed rezone facilitate the increase of on-street parking within 500 feet of the subject property? **No, the proposal has sufficient off-street parking for the number of proposed units to meet code and keep vehicles off the streets.**
- Would the rezone facilitate a housing development where most of the housing units are owner-occupied? Is that applicant willing to guarantee such? **The developer has talked about the possibility of making some of the units for sale but this has not been definitive.**
- Would the proposed rezone facilitate a housing development where at least 10% of the housing units are attainable to those making 50-79% AMI? **The applicant hasn't proposed affordable units.**

Section 14.020.020(2) establishes criteria for the amendments to the zoning title as follows: **(Staff response in bold type)**

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

- (a) Public purpose for the amendment in question.

Staff response: The public purpose for the request is to provide additional residential units near Brigham Young University.

(b) Confirmation that the public purpose is best served by the amendment in question.

Staff response: Staff believes that the proposed zone change, and related concept plan do help to meet the stated purposes above.

(c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

Staff response: Chapter Four identifies goals for housing related to the proposal, including “allow for different types of housing in neighborhoods and allow for a mix of home sizes at different price points.” Although there may not be a great mix of unit sizes, the fact that it would develop and infill an area that currently is problematic to Provo Fire Department and Provo City Utilities is compatible with General Plan goals.

(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.

Staff response: There are no timing and sequencing provisions articulated for this property.

(e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies.

Staff response: The proposed zone change will not hinder or obstruct attainment of the General Plan policies.

(f) Adverse impacts on adjacent landowners.

Staff response: The only impact associated with this request to the surrounding properties would be an increase in traffic in the area.

(g) Verification of correctness in the original zoning or General Plan for the area in question.

Staff response: Staff has verified the correctness of the General Plan and zoning for this area.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff response: Staff has found no such conflict.

CONCLUSIONS

The proposal aligns with adjacent land uses. For sale housing is a stated priority of the Municipal Council and whether there is to be for-sale units, and to what degree, remain unanswered.

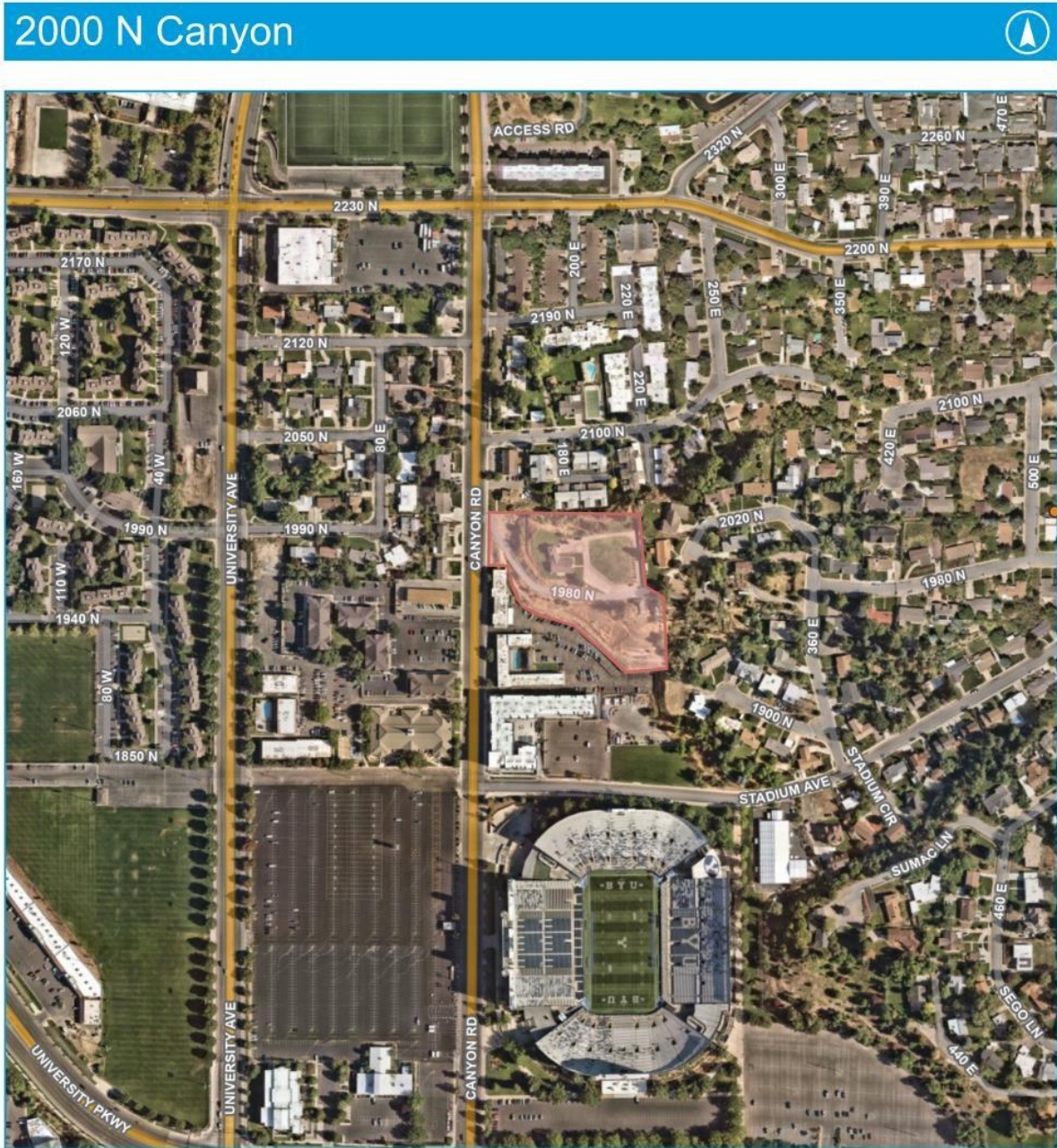
The commitment to sewer system improvements and the approved grading along the eastern boundary will help mitigate impacts on neighboring single-family residences and support long-term infrastructure needs.

Staff are comfortable with the zone change from R1.8 to MDR in terms of scale and housing density. However, with for-sale housing being a stated goal of the Municipal Council and this issue being unresolved, staff has hesitancy with a recommendation for approval. Additionally, any approval should be subject to a development agreement that memorializes the proffers made by the applicant and that acknowledges that currently there is insufficient sewer capacity for the proposed project.

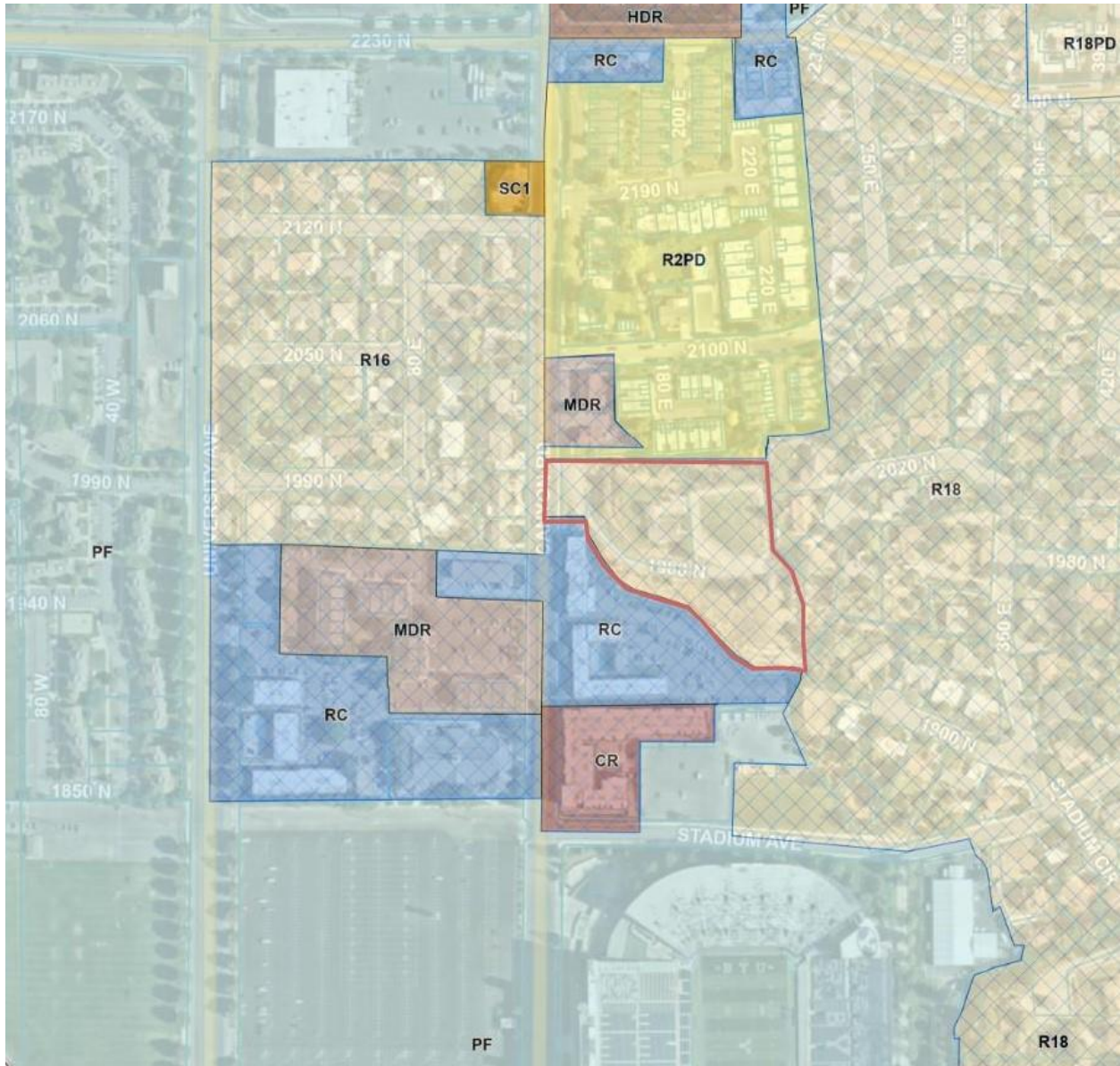
ATTACHMENTS

1. Site Map
2. Current Zone Map
3. General Plan Map
4. Property Photos
5. District 1 neighborhood meeting minutes
6. District 1 neighborhood Zoom Chat

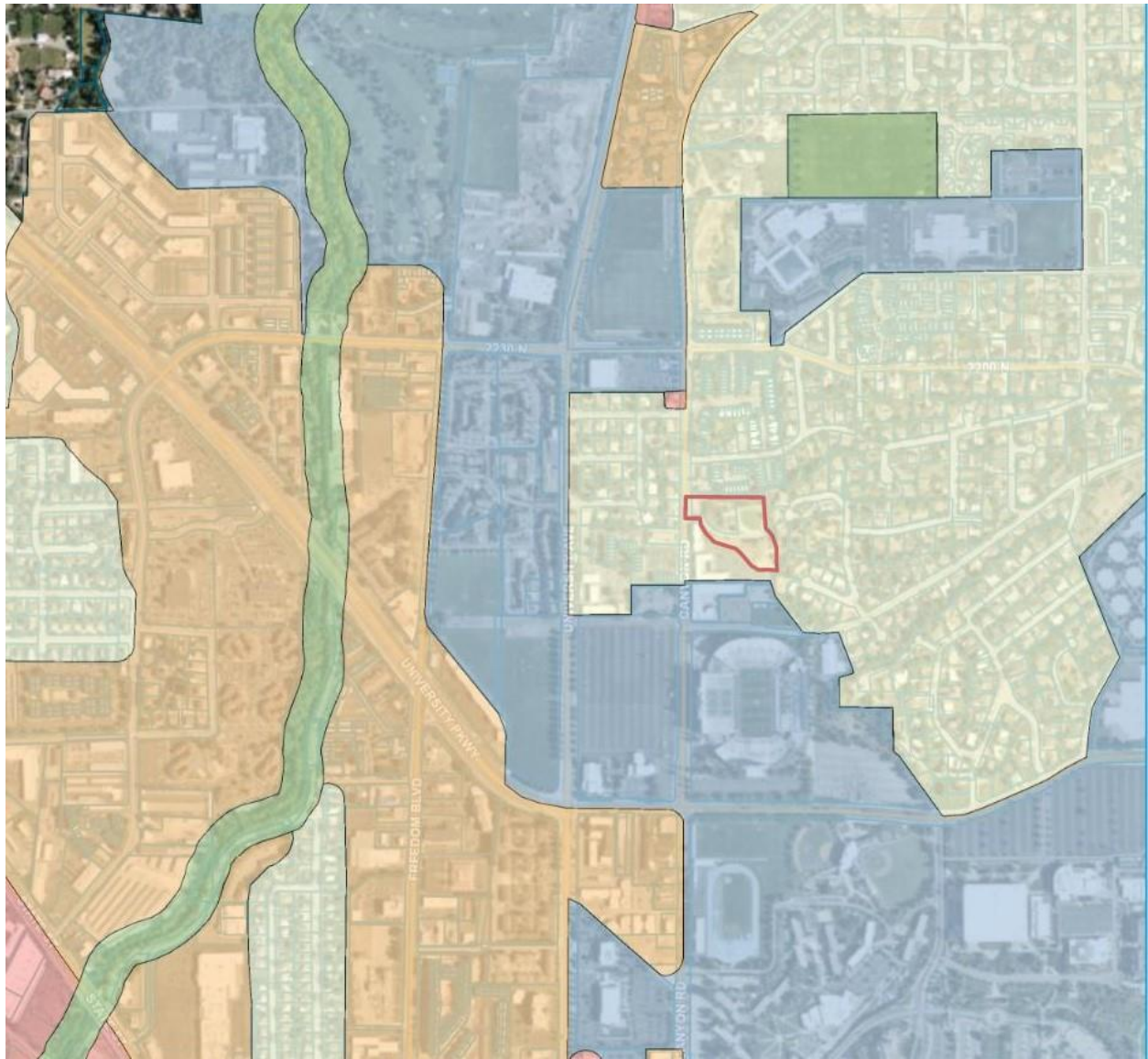
ATTACHMENT 1 - SITE MAP



ATTACHMENT 2 - CURRENT ZONE MAP



ATTACHMENT 3 – GENERAL PLAN MAP



ATTACHMENT 4 - PROPERTY PHOTOS





ATTACHMENT 5 – DISTRICT 1 NEIGHBORHOOD MEETING MINUTES

District Board Members in Attendance:

Sharon Memmott, Kent Johnson, Marion Monnahan, Lynn Sorenson, Becca Kearl, Paul Wamer, Laura Middleton, Robert Hammond, Richard Pratt, Bonnie Morrow

Absent:

Stan Jensen

Attendance:

Zoom: 25

In-person: 41

[Link to Slides Presented](#)

[Link to Zoom Recording](#)

1. Prayer & Pledge of Allegiance (6:00-6:05 PM)

2. Department Topic (6:05-6:15 PM)

Update on Blue Rock Medical Sign

From the City: Blue Rock Medical sought a temporary injunction preventing the City from enforcing against the size of the sign or the fact that it is electronic. The court agreed and issued that order. Blue Rock then filed a motion for summary judgment asking to make that order permanent. The City filed an opposition. The court has not yet set a date for a hearing. If you feel that the light is too bright or the turn speed is too fast, you can submit a complaint to Code Enforcement through 311, but they cannot enforce against the size of the sign or that it's electronic at this time.

3. Planning Item (6:15-7:15 PM)

*Tyson Reynolds requests a Zone Map Amendment from the R1.8 (One Family Residential) Zone to the MDR (Medium Density Residential) Zone to construct a 100-unit apartment building at 2000 N Canyon Road in the Pleasant View Neighborhood.

City Planner: Nancy Robison (801) 852-6417 nrobison@provo.org

Application Number: PLRZ20240174

Comments / Questions / Thoughts

- Question - How deep will the hillside be taken down?
- Comment - This plan looks much better than previous plans.
- Question - Are these owner-occupied or rentals? Commenter recommended a mix of rental and owner-occupied.

- Question - What is the height from ground level and how does it compare to Stadium Terrace?
- Question - How does this match up with Provo's Master Plan? Does this request fit into the plan?
- Comment - Concerns were expressed about plans being approved by the Planning Committee and then the developer changing them.
- Question - Are parking spots tied to the units? How will it be enforced?
- Question - Does the diagram show the building coming right up to Canyon Road? Will there be space between the building and the road/sidewalk?
- Question - Is the Developer aware of a canal that is buried and runs nearby? What are the plans to avoid this canal?
- Question - How many feet are you away from the private property line on the east?
- Comments were made on Zoom about Flood irrigation being on the properties to the east & concerns that the diagram doesn't show 100 feet of distance.
- Question - Are these student or general population apartments? Can students move into them?
- Question - Are there open / play areas suitable for children and families? Will there be amenities for pets?
- Question - How will the residents access the parking garage?
- Concern - A concern was noted about removing the hill and the safety of the home left on the hill.
- Question - What is the actual setback distance? Is the project plan accurate?
- Question - What is the specific number of bedrooms that will be part of the development?
- Question - How is the building accessed from Canyon Road? Is a single access point on Canyon Road up to code?
- Question – Will this development impact power, cable, and fiber to the Mikkelsen properties and will these utilities need to be re-routed?
- Concern - A concern was noted on Zoom about the potential liquefaction of the property based on development.
- Question from Zoom - Where does the grade change start relative to the existing slope? Where does the slope start?
- Comment - Encouraging the developer not to underestimate the # of parking spots that will be needed.
- Question How long will it take for the dirt to be removed?
- Question – Will bike parking & storage be included?
- Question - what is the access for large vehicles - i.e. fire engines, UPS, etc. Where will physical facilities be?

- Question - Will there be a traffic signal installed on Canyon Road to mitigate a flood of cars exiting/entering.
- Comment - A comment was read opposing the newest iteration of the development. A petition was filed by 73 Garden Villa residents/owners, which the City has on hand. Concerns were primarily around traffic congestion, noise, and a decrease in safety for residents.
- Question - If the zone change was granted, what is the maximum total # of apartments that could be built based on the acreage?
- Question - Is there a geological study required and has it been completed?
- Question - does it meet Provo City Code for required green space?
- Question - Are there any other easements on the property?
- Question - Re: the SAlmon property zone change recently approved – Is this proposed to be changed to the same zone designation?
- Question - What happened to the 8 single-family residential plan?

Summary

- Concerns around sufficient parking related to the # of bedrooms
- Concerns around green space sufficient to the project so it's nice and families want to be there
- Concerns around one exit/entrance & increase in traffic
- Concerns about the steepness of the slop against current land owners' property
- Concerns around the constant change of development plans

An informal straw-poll was taken for/against support:

- In favor of the change to MDR zone = 7 out of 50 attendees
- Opposed to change to MDR zone = 14 out of 50 attendees
- In favor of smaller density (LDR) = 13 out of 50 attendees
- In favor of no change to zoning: 10 out of 50 attendees
- In favor of MDR change with more green space: 2 out of 50 attendees

4. Additional Topics (7:15-7:30 PM)

A. Update on Mohawk Water Line

Update from the City: The city's plan is to continue to monitor the road condition and make sure that it remains functional and safe. There is currently no funding for the replacement of the water line in Mohawk. The city will evaluate our funding priorities every few years to set up new projects. Mohawk is on the list for consideration.

B. 2320 North 750 East Traffic Study

- Zero crashes reported in the past three years
- Overall average speed 23 mph

- Overall 85% speed 27 mph
- Overall total vehicles were 2,750, which averages 38 vehicles per hour or 912 vehicles daily

Possible Solutions

- Provide speed information to Provo City Police Department for traffic enforcement
- Determine if 750 East and 800 East need "Yield" signs
- Questions? Contact Vern Keeslar, AICP, Traffic Manager o Phone: 801-852-6783 Email: vkeeslar@provo.org

C. Update on Quick Quack Car Wash

- **Rezone** – *City Planner Nancy Robison is waiting for revisions to the Concept Plan before she assigns this to Planning Commission and City Council meetings.*
- **Conditional Use Permit** – *Nancy is waiting for revisions to the Concept Plan before she assigns this to Planning Commission and City Council meetings.*
- **Concept Plan** – *Nancy is waiting for revisions to their plans to show they follow all the standards set in Provo City Code 14.34.290(2) North University Avenue Riverbottoms Design Corridor Criteria.*

D. Update on 4878 North University Ave Apartment Project

The developer is proposing an Ordinance Text Amendment to the High-Density Residential Zone to increase maximum density and increase building height from 55 feet to 75 feet to then request a Zone Change and General Plan Amendment from SC1 (Neighborhood Shopping Center) to the new HDR (High-Density Residential) for a 6-story, 262-unit apartment building. The Neighborhood Advisory Committee has discussed putting HDR on the site in the upcoming Northeast Neighborhood Plan. Planning Staff has told the developer that they need to reduce the project to align with the current HDR criteria and either revise their plans or withdraw the application.

5. Public Comment (7:30-7:45 PM)

Melia Dayley (Council Office) asked residents about cars parking in front of free standing mailboxes and gather feedback on possible solutions.

Please provide feedback to the City Council (council@provo.org). They are attempting to get an ordinance in place before school starts.

6. Adjournment (7:45 PM)

**On December 7, 2023, this developer presented a proposed 101-unit apartment building at 2000 N Canyon Road to Pleasant View Neighborhood and surrounding area residents. Those in attendance had concerns about removing the hillside affecting the structural integrity of nearby homes, noise and inconvenience of moving that much dirt through their community, the height of the building, increased density and traffic, the need for single-family homes, and inadequate parking. An opinion poll was held with 55 residents opposed to the zone change and 2 residents in favor of the zone change. In March 2024, the developer withdrew the application for the apartment building and instead proposed building 8 single-family homes with no zone change at this location. On March 27, 2024, the Planning Commission approved the 8 single-family homes. Now the developer is again asking for a zone change to build a 100-unit apartment building on this property. The developer will do a brief presentation on this proposed project and then answer residents' questions. This has not been scheduled for Planning Commission or City Council hearings yet. If you have questions about this specific project, please contact City Planner Nancy Robison at the phone number and email above.*

ATTACHMENT 6 – DISTRICT 1 NEIGHBORHOOD ZOOM CHAT

Neighborhood District 1 Meeting Zoom Chat – July 17, 2024

- 18:29:30 From Mike Mikkelsen : Timp towers did not build to the limit of its zone.
- 18:35:42 From Mike Mikkelsen : There is flood irrigation on the adjacent properties on the east.
- 18:38:11 From Mike Mikkelsen : That diagram doesn't show anywhere near 100ft setback
- 18:42:23 From Mike Mikkelsen : Great point! There is a serious lack of green / park space in this part of the neighborhood.
- 18:43:59 From Mike Mikkelsen : Just for reference, the linear length of the Mikkelsen property line is 132ft. The diagram on the screen shows about a 60ft setback from the property, so a 2:1 grade would not successfully drop 50ft.
- 18:45:44 From Mike Mikkelsen : Another concern: Power, telephone, cable, and fiber for our property and the Duttons come from Canyon Rd. These utilities will need to be re-routed.
- 18:47:41 From Mike Mikkelsen : Because of the flood irrigation on the Mikkelsen and Kearn properties, soil liquefaction is a serious concern in a worst-case flooding condition. Any soil / geological survey would need to take this higher-than-otherwise water table into account.
- 18:49:01 From bonnie morrow : Dog park area ?
- 18:52:49 From Mike Mikkelsen : We understand he's looking for a zone change... but a zone change doesn't make any sense if the project is non-feasible for unforeseen reasons.
- 18:53:01 From Bill Mikkelsen : Where does the grade change start relative to the new slope??
- 18:59:23 From Mike Mikkelsen : This would require a retaining wall, unless the setback from the property line were significantly increased.
- 19:03:10 From bonnie morrow : They will all have pets. Will there be a secure place for pet relief ?
- 19:10:00 From Mike Mikkelsen : If the setback line on the site plan is 20 feet, then the true building setback would need to be more than double what is shown to achieve the desired 2:1 grade without a retaining wall. This concept cannot be built as Mr Reynolds has described.
- 19:13:37 From Bill Mikkelsen : How do fire trucks access the property without adequate thruway roads or turning around streets?
- 19:26:57 From Council Office : Please put in the group chat your top concerns and whether you like or don't like the project as shown tonight.
- 19:27:16 From bonnie morrow : Not enough parking for bedrooms

- 19:30:08 From Mike Mikkelsen : Our main concern is the stability of the hill if it is cut away. Who pays if our shed slides down the hill in 5 years? There's also a severe flood / erosion risk due to the flood irrigation.
- 19:30:42 From Council Office : If you're in favor of the zone change, type "YES." If you're not in favor of the zone change, type "NO."
- 19:30:43 From Rebecca Shoemake : I am against the zone change
- 19:31:01 From Mike Mikkelsen : NO. Opposed pending resolution of concerns
- 19:31:45 From Council Office : If you're in favor of a low density residential project, please type "LOW."
- 19:31:48 From Cara's iPhone : Yes
- 19:32:21 From bonnie morrow : Love the R18 as approved by planning commission
- 19:32:35 From Bill Mikkelsen : NO!! Against the entire project.
- 19:32:40 From Big Z : Yes
- 19:32:59 From Rebecca Shoemake : I would possibly consider lower density
- 19:33:42 From Lana Mikkelsen : Not in favor of zone change - concern about stability of hill if removed, traffic in and out of proposed facility concentrated at one entrance/exit
- 19:34:46 From Shoemake to Council Office(direct message) : I'm against the zone change. Don't change anything!
- 19:35:59 From Council Office to Shoemake(direct message) : Thank you. We counted your vote.
- 19:55:51 From David Preece : As residents along 2320 N, our greatest concern is that there are many children walking to and from Rock Canyon and Centennial schools, and playing along the streets in the summer. Even traffic speeds a few mph above the limit create safety problems. We request both the yield signs and periodic radar patrols as speed motivators. Thanks!
- 19:57:28 From bonnie morrow : Specific areas in certain neighborhoods for mail box no parking 10 feet during specific hours
- 19:57:52 From Mike Mikkelsen : It would be best to address the parking and mailbox problem in a targeted, precise way on an as-needed basis.