

**R Paul Evans | November 13, 2024**

***Building Heights along Canyon Road in the Vicinity of 2000 N Canyon Road***

**Building Heights Along Canyon Road**

The Provo City Pleasant View neighborhood has eight multi-family/multi-unit residential developments that have the density, parking, height, front and side yard setbacks, and lot coverage that are consistent with the medium density residential (MDR) zone, but, are only three stories in height. The neighborhood adjacent BYU Wyview Apartments (west side of University Avenue in the University Neighborhood) are three stories and the North Canyon Condominiums (north side of 2200 North in the Rock Canyon Neighborhood) is four stories.

Five years ago, the Timpanogos Towers development was proposed and is now constructed at the intersection of Stadium Avenue and Canyon Road immediately north of the BYU Lavell Edwards Stadium in the University Neighborhood. In comparison to the Lavell Edwards Stadium, all nearby structures are minuscule. The Timpanogos Towers developer argued that a six story building adjacent to the Lavell Edwards Stadium would be insignificant in regards to building height. The Provo City Pleasant View Neighborhood argued that a six story building would establish a new precedent for building height standards along Canyon Road. Any building height increase over three stories along Canyon Road north of the BYU campus would result in height pollution impacts on Garden Villa Condominiums and the west adjacent single family home Allred Bliss subdivision (See Figure 1) both of which provide unique subsets of owneroccupied

housing opportunities in Provo City.

The solution established by the Provo City Planning Commission and Provo City Council involved direct acknowledgment of the unique elevation change that occurs on Canyon Road between Stadium Avenue and 2100 North. Heading north on Canyon Road from Stadium Avenue, Canyon Road rises 23 feet in elevation to 2100 North. As shown in Figure 2, the development agreement negotiated height of Timpanogos Towers is at the same absolute height as the Stadium 150 Apartments. Stadium 150 Apartments are 3 stories in height. This agreement reinforces the residential character of the neighborhood because as one leaves the BYU campus heading north on Canyon Road, passing the Lavell Edwards Stadium and Timpanogos Towers, the seeming height of buildings decreases down to three stories as one goes up the hill.

This year, the development agreement for the property on the corner of 2100 N and Canyon Road was renegotiated to allow 14 owner-occupied units in a building 30 feet high. The property is zoned medium density residential, but, due to the local situation, the maximum height is restricted to 30 ft. 30 ft height maintains the height look and feel along Canyon Road initially established with the Timpanogos Towers project.

An R1.8 zone allows homes built to a height of 35 feet. A home 35 feet in height is not the same visual impact as a 35 ft high, 200 feet long wall of apartments. The low density residential (LDR) zone has a height limitation of 30 ft recognizing that the visual impact of multi-unit dwelling footprints and structures is greater than one single family home.

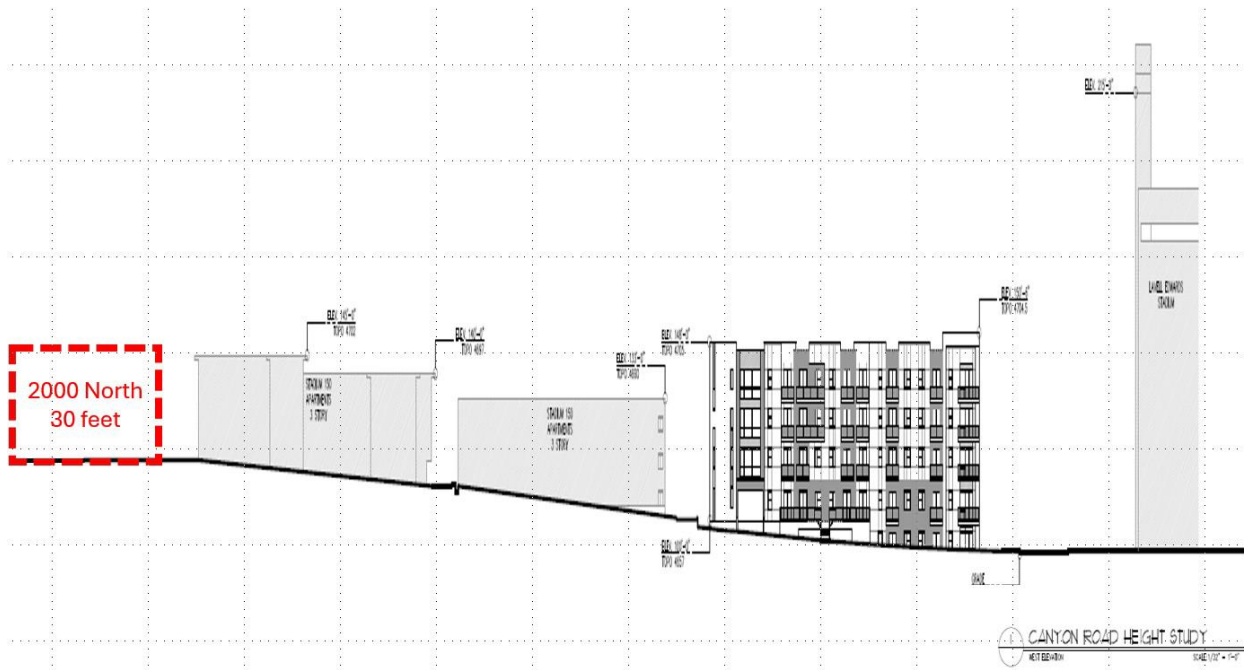
An apartment building at 2000 N Canyon Road at the maximum permitted height in a medium density residential zone of 45 feet will permanently and negatively alter the development direction of properties along Canyon Road. Timpanogos Towers at six stories was worrisome in the setting of precedence. The height of the building at 2000 N should be limited to 30 feet in

direct keeping with the height of the immediately north Salmon property and the height of the immediately south property, Stadium 150 Apartments. Perhaps Reynolds could consider an alternative concept plan that steps the height of the building with the lowest height nearest Canyon Road with another story higher farthest from Canyon Road against the hillside. Neither the Planning Commission nor Provo City Staff nor the Council can require or even suggest that a Development Agreement with certain provisions would be necessary to gain approval. The developer already has stated intent to proffer a development agreement that formalizes direct participation and payment of sewer improvements. As an individual citizen, I openly suggest that Reynolds include a 30 foot height maximum instead of the possible 45 foot high restriction of the medium density residential zone in the development agreement yet to be seen.

Figure 1. Residential areas at the same elevation and proximal to 2000 N Canyon Rd



Figure 2. Building Heights in the proximity of 2000 N Canyon Road



**R Paul Evans | November 13, 2024**

***Grading a Hillside with Greater Than 30% Slope and a Proposed Concept Plan at 2000 N Canyon Rd***

Removal and Grading of the Hill at 2000 N Canyon Road:  
Residential Subdivision Concept Plan vs. 100 Rental Unit  
Building Concept Plan

The Provo City Planning Commission considered a proposal by Reynolds in the 27 March 2024 meeting for the removal of the hill at 2000 N Canyon Road and a subdivision with eight (8) one-family home lots. After deliberating, the Provo City Planning Commission approved the removal of the hill with a greater than 30% slope based on a grading plan which would create a sloped decline over at least 140 feet. The Reynolds proposed site plan and final grading elevations for the subdivision are shown in Figure 1.

The approval for a subdivision should not be considered a blanket approval for any hill removal or grading as intimated by the Provo City Staff report for items 2 and 3 in the 13 November 2024 Provo City Planning Commission agenda. Staff prepared Relevant History for both reports states: “The Planning Commission approved grading on slopes over 30% in a meeting on March 27th, 2024.”

The approval was not for any zone, but, as stated in the Report of Action, “Preliminary subdivision approval for a new 8 lot single family subdivision including grading slopes of over 30% in the R1.8 (One Family Residential) Zone, located at 2000 North Canyon Road.” The grading approval is for grading a slope over 30%, but, only in the R1.8 zone located at 2000 North Canyon Road, and only associated with the construction of one family homes..

The Planning Commission discussion in the Report of Action considered a scenario in which Reynolds was given permission for the subdivision Concept Plan hill removal but in the future, changed again, the proposed land use. The report of action states:

“There was a question on what would happen if the applicant was given permission to grade the slope and then they decided that with their business model they needed to put in

higher density. Would this allow them to? The applicant would have to present the different plans before they would be given a grading permit.” ROA 27 March 2024 p. 2

Now, eight months later, Reynolds presents a different concept plan involving the removal of the hill and a subsequent grading outcome.

At the District 1 Neighborhood Meeting on 17 July 2024, Reynolds presented a concept plan dated 6 May 2024 for a different business model - 100 rental units in a medium density zone. He stated that there would be at least a 100 foot distance between the east property line abutting existing homes and the apartment building. Since the hill is about 50 feet high, excavating the hill to a 2:1 run to rise slope would result in a 100 foot base on a right triangle with a 50 foot height. None of the concept maps or floor plans or massing plans show a 100 foot distance between the such a setback. All of the plans show a ~50 feet distance between the apartment building and the east property line. Such a design would require a retaining wall (shown in the concept plans) that is 20 feet high or greater in order to maintain a 2:1 slope. There is no allowance in the plans for a buffer of horizontal grade at the top of the grade – the slope begins immediately at property line. (See Figure 2).

In contrast to the grading slope concept of the approved residential subdivision in which the hill substantially removed, but, the resultant hill slope is 3:1, Reynolds now requests the Provo City Planning Commission to approve a grading plan in which the hill is removed and a 20 foot or higher retaining wall is erected 50 feet from the east property line with a 2:1 slope and no transition at the eastern property line (See Figure 3). This proposed concept plan removes the maximum amount of fill from the property and does not restore a sloped hillside but carves out a 20 foot (at least) permanent vertical cut in a 30% slope or greater hillside. Suggested Action by Provo City Planning Commission: The Provo City Planning Commission can approve concept plans where grading on slopes greater than 30% is proposed. After reviewing a 27 March 2024 concept plan for this property envisioning 8 single-family home lots, hill removal, and a final 3:1 slope over a distance of 150 feet from the eastern property line, the Planning Commission approved the concept. The concept plan before the Planning Commission today, dated 6 May 2024, does not show the same grading plan. There is no transition provided at the eastern property line with existing homes. The resultant slope after hill removal is a 2:1 slope over 50 feet and a two-story retaining wall is proposed. The intensity of this now proposed grading and the resultant slope and required structural modifications to the hill are not consistent with the intent or specifics of Provo City Code. The building design requires an extensive cut in the slope. The applicant is encouraged to modify this concept plan to incorporate grading actions envisioned in the 27 March 2024 concept plan and bring a modified concept plan again to the Planning Commission. I motion that the Provo City Planning Commission continue action on this concept plan and requested grading of a hillside with slope over 30% until \_\_\_\_\_, a future scheduled Provo City Planning Commission meeting.

Figure 1. 27 March 2024 Concept Plan - Grading and Elevations are shown

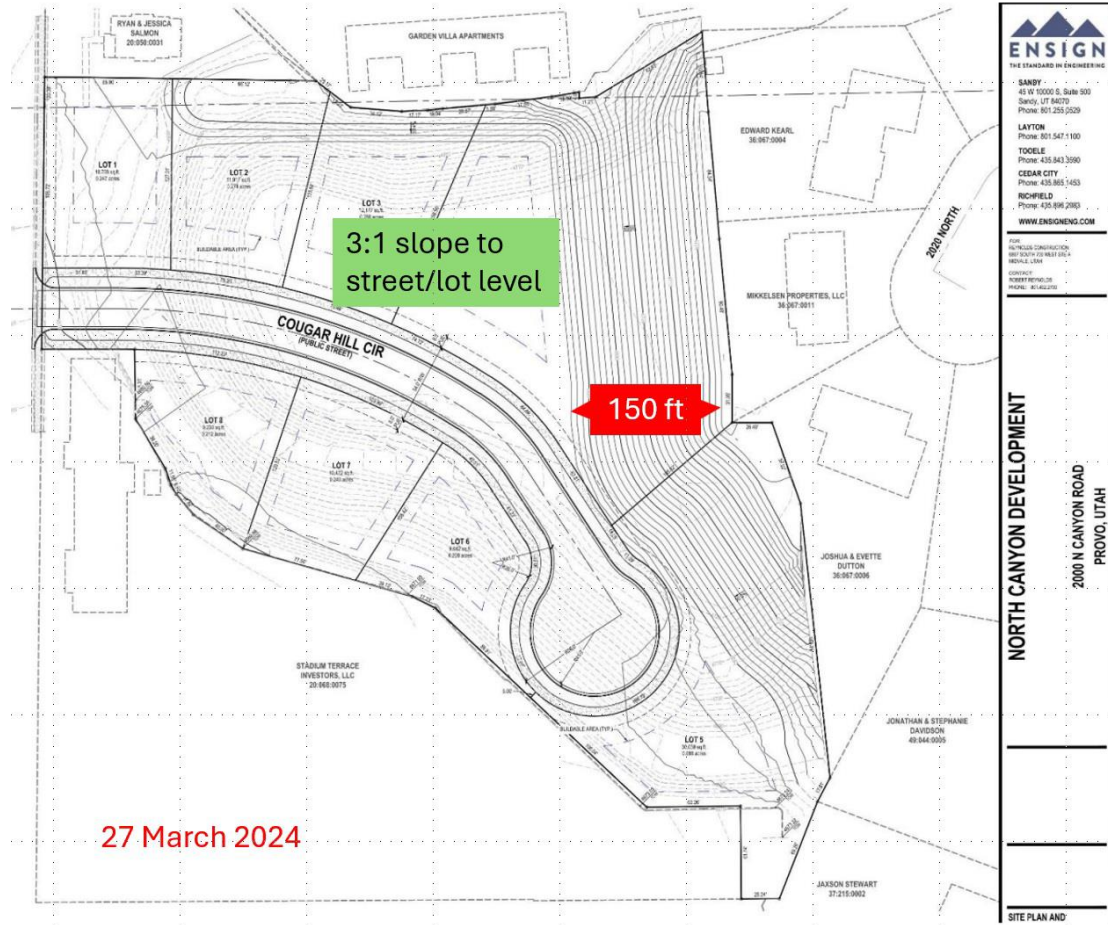


Figure 2. 6 May 2024 (plan date) Concept Plan - No Grading and Elevations are shown

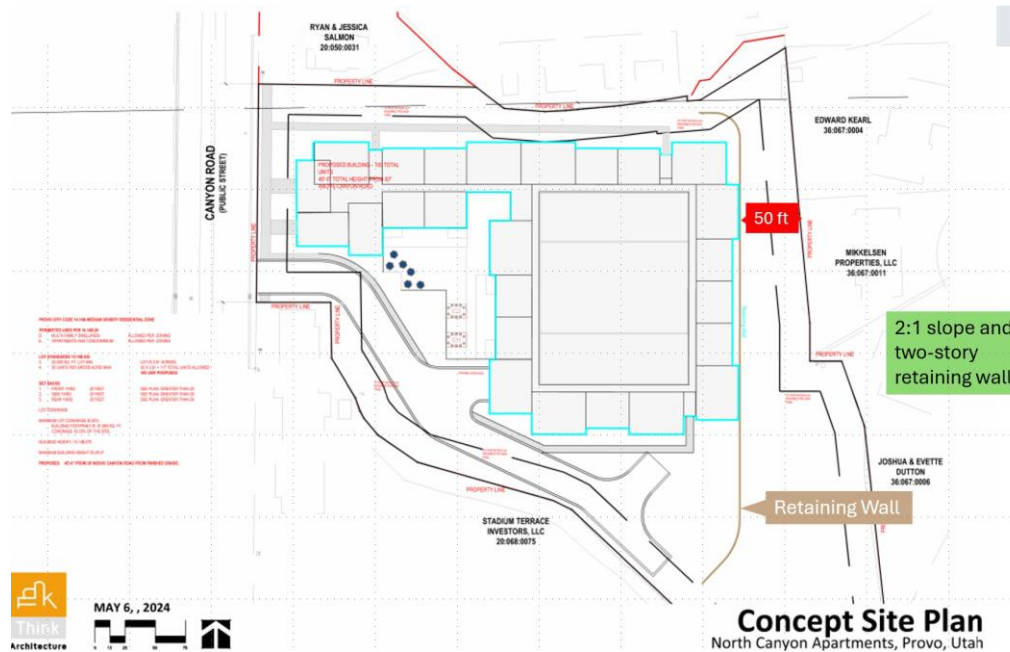
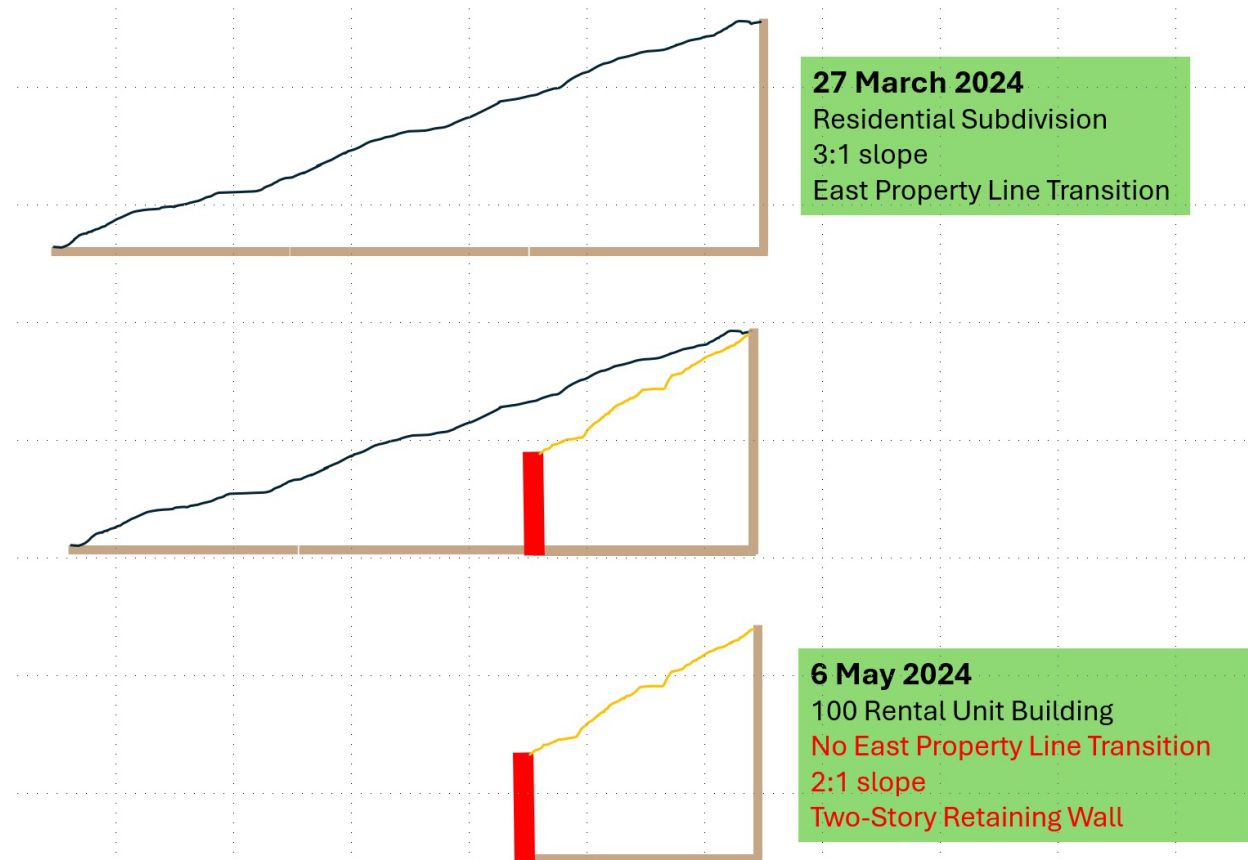


Figure 3. Grading Concept Comparison - 27 March 2024 and 6 May 2024 plans



**R Paul Evans | November 13, 2024**

***Newly proposed grading of the hill at 2000 N Canyon Road***

The Provo City Planning Commission acted on 27 March 2024 to approve a concept plan including the grading of the hill on properties generally at 2000 N Canyon Rd. The concept plan was for eight single family lots, the removal of the hill to the Canyon Road elevation, and, the creation of a 33% (3:1) slope on the remaining hill retained on the eastern property edge adjacent to multiple residential properties at the unexcavated, higher, elevation. The approved concept plan has the 33% slope extending over 150 feet from the eastern property line.

The Planning Commission will consider a different concept plan for the properties at the 13 November 2024 meeting. This concept plan created on 6 May 2024 envisions the erection of a 100 rental unit building after the removal of the hill for use as fill in a southwest Provo project. The grading of the hill in this 6 May 2024 concept plan will require a 50% (2:1) slope on the eastern property line that extends 50 feet, and, a two-story retaining wall. These grading actions and resultant outcomes are directly in conflict with the intent of the hillside protection ordinances. The attached PDF provided details on these issues. The concept plan needs direct editing and reenvisionment.

Cheers,

R. Paul Evans

**D. Lynn Sorenson | November 11, 2024**

***Reynolds zoning request for destruction of Canyon Rd. hill plus***

Hello,

I am Lynn Sorenson. the Pleasant View representative to the District 1 Board. I--and many of my PV constituents are extremely concerned about these proposals.

First, the destruction of the hill, and second the rezoning proposal to accommodate the medium-density project (of 100 units) to be erected there.

HILL. It is assuredly a HUGE, noisy, messy project to destroy that hill. We are very concerned about the ongoing, months-long disruption this will cause in the neighborhood. Even more concerning is how the removal of the hill will affect the surrounding areas geologically and engineering-wise We fear numerous unintended consequences, not only during the destruction of the hill, but also subsequent to it--perhaps even years afterward.

BUILDING PROJECT. In a neighborhood already over-run with parking and traffic problems related to apartment buildings, another HUGE apartment building is a "fool's errand"! Its only "virtue" is profit for the developer on the "backs" of neighbors bearing the brunt of this ill-advised project.

We, in the PV neighborhood, were more amenable to Reynold's single-family home subdivision proposed in March of this year, while still having reservations about the hill removal. But now he has reverted to an application similar to his Dec. '23 proposal of 100 units which the neighborhood strenuously opposed at that time.

Representing PV neighbors, I encourage the Planning Commission to deny this request for a zoning change.

Thank you for your consideration.

Sincerely,

D. Lynn Sorenson



**R. Paul Evans | November 11, 2024**

***Upper East Union Canal and Proposed Concept Plan at 2000 N Canyon Rd***

Attached as PDF is commentary on the proposed Concept Plan for the 100 rental unit building that the Provo City Planning Commission will hear on 13 November 2024.

The conceptualized location and size of the building at 2000 N Canyon Road does not account for the presence of the piped, underground, Upper East Union canal that is 60 feet inside the west property line along Canyon Road. This canal was piped in using funds from the June Sucker Recovery Program allowing for the retention of additional water lost to evaporation and leaching to

be used in the maintenance of Provo River flows year-round. The canal starts generally at the mouth of the Provo Canyon and heads south along the bench immediately east of University Avenue. You may recall that when the ditch was piped in, Cottonwood trees and other vegetation along the canal easement deceased. A spur of the canal is used by BYU to provide water (during water season) to the stream along the very nice walkway on the side of Maeser Hill.

The proposed concept plan does not include the presence of the canal and the right-of-way/easements. Without the planning around the required easements for the canal, the proposed concept plan is fatally flawed as the proposed placement of the building is over the canal impacting at least 20% of the proposed structure. Permanent buildings are not permitted on canal easements. The concept plan needs direct editing and reenvisionment.

Cheers,

R. Paul Evans