

Provo City Planning Commission

# Report of Action

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

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The following action was taken by the Planning Commission on the above described item at its regular meeting of November 13, 2024:

## RECOMMENDED APPROVAL WITH CONDITIONS

On a vote of 7:1, the Planning Commission recommended that the Municipal Council approve the above noted application

### Recommended Conditions of Approval:

1. A Development Agreement is required before the project can proceed.
2. The Development agreement should acknowledge that currently there is insufficient sewer capacity for the proposed project, and improvements need to be made.
3. There is an agreement on having for sale units.

Motion By: Melissa Kendall

Second By: Barbara DeSoto

Votes in Favor of Motion: Adam Shin, Melissa Kendall, Daniel Gonzales, Lisa Jensen, Jeff Whitlock, Jonathon Hill, Barbara DeSoto.

Votes Not in Favor of Motion: Andrew South

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 a Concept Plan PLCP20240215 on November 13th, 2024

### **APPROVED/RECOMMENDED OCCUPANCY**

93 Total Units

Type of occupancy approved: Family

Standard Land Use Code 1150

### **APPROVED/RECOMMENDED PARKING**

201 Total parking stalls required

240 Total parking stalls provided

Required parking stalls per unit twelve- one bedroom units x 1.5 = 18

Required parking stalls per unit eighty-one two plus units x 2.25 = 183

### **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.

### **CITY DEPARTMENTAL ISSUES**

- There are remaining issues from the Coordinator Review Committee (CRC) review that need to be resolved.

### **NEIGHBORHOOD MEETING DATE**

- A neighborhood meeting was held on 12/7/2023 and 7/17/2024.

### **NEIGHBORHOOD AND PUBLIC COMMENT**

- The Neighborhood District Chair was present /addressed the Planning Commission during the public hearing.
- Neighbors or other interested parties were present and addressed the Planning Commission.

### **CONCERNS RAISED BY PUBLIC**

Concerns were raised by the public regarding:

- The existence of a canal running through the property and wanting to make sure that was properly addressed with engineering.
- The building height and whether there would need to be a retaining wall behind the building.
- The suggestion was made that if there were any parking costs those should be included in the rent and not an extra fee.
- There should be some kind of bond for landscaping so that the property is not left as a graded hill if they decide to not move forward on the project plan.
- What the grading of the slope would be.
- Two members of the public had a handout for the planning commission. Those are attached as item 1 & 2 below.

### **APPLICANT RESPONSE**

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

- The slope would be 2:1 which was more than sufficient after testing the soil.
- The canal system will be addressed and moved properly if necessary and during an off season.
- The applicant is willing to provide a bond for landscaping the property if the project does not move forward after grading.
- The applicant asked what number or percentage or for sale units would be appropriate. The planning commission did not have an answer but advised the developer to run the numbers to see what would be feasible.

### **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- The project gets rid of problematic terrain.
- It is a good location for MDR on a collector road.
- The proposed shape and interior parking makes it a nice looking building.
- Having three-bedroom units for single families does address a need that is lacking in current housing options in Provo.

- They feel like the developer is listening to the neighbors' concerns and addressing the issues of the canal and height, as well as landscaping.
- The question was raised on how feasible it would be to have both rental and for sale units in the same building.
- By having stacked units available for families that relieves some of the stress on the need for single-family lots.
- They would like to make sure there is a development agreement that runs with the land.



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Planning Commission Chair



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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

Parcel 20:068:0074

COM E 261.51 FT & N 4.79 FT FR NW COR. SEC. 31, T6S, R3E, SLB&M.; N 87 DEG 49' 0" E 138 FT; S 83 DEG 29' 1" E 64.5 FT; N 88 DEG 57' 0" E 21.44 FT; S 85 DEG 38' 31" E 13.23 FT; N 87 DEG 13' 23" E 17.17 FT; N 84 DEG 43' 58" E 6.23 FT; S 5 DEG 6' 0" E 239.85 FT; N 85 DEG 4' 0" W 81.74 FT; N 72 DEG 28' 0" W 65.9 FT; N 43 DEG 21' 4" W 65.81 FT; N 33 DEG 21' 2" W 72.65 FT; S 0 DEG 19' 0" W 20.62 FT; S 89 DEG 19' 58" W 53.07 FT; N 0 DEG 35' 0" E 126 FT TO BEG. AREA 1.184 AC.

Parcel 20:068:0072

COM N 88 DEG 58' 39" E 320.79 FT & S 161.66 FT FR NW COR. SEC. 31, T6S, R3E, SLB&M.; N 25 DEG 56' 15" W 17.28 FT; N 0 DEG 19' 1" E 40.44 FT; S 33 DEG 21' 2" E 72.65 FT; S 43 DEG 21' 3" E 65.81 FT; S 72 DEG 28' 1" E 65.9 FT; S 85 DEG 4' 0" E 81.74 FT; N 5 DEG 6' 0" W 240.12 FT; N 88 DEG 56' 35" E 6.93 FT; N 85 DEG 24' 36" E 98.9 FT; N 58 DEG 23' 36" E 82.64 FT; S 4 DEG 30' 24" E 53.72 FT; S 4 DEG 56' 23" E 84.54 FT; S 5 DEG 23' 25" E 90.48 FT; S 0 DEG 0' 23" E 31.95 FT; N 89 DEG 59' 35" E 26.49 FT; S 19 DEG 21' 31" E 57.02 FT; S 6 DEG 9' 24" E 183.31 FT; S 27 DEG 58' 47" W 17.81 FT; S 21 DEG 25' 28" W 58.92 FT; N 0 DEG 44' 18" W 52.25 FT; S 89 DEG 16' 23" W 91.15 FT; N 46 DEG 40' 11" W 192.95 FT; N 63 DEG 51' 34" W 17.23 FT; N 74 DEG 14' 57" W 116.63 FT; N 55 DEG 28' 50" W 40 FT; N 39 DEG 55' 28" W 17.82 FT; N 27 DEG 41' 37" W 6.93 FT; N 19 DEG 26' 51" W 11.56 FT; N 31 DEG 0' 17" W 38.26 FT; N 0 DEG 51' 56" W 46.42 FT TO BEG. AREA 2.564 AC.

Parcel 20:050:0032

COM S 89 DEG 59' 36" E 258.1 FT FR SW COR. SEC. 30, T6S, R3E, SLB&M.; N 0 DEG 0' 24" E 25.16 FT; S 89 DEG 10' 35" E 176.52 FT; S 44 DEG 29' 35" E 26.24 FT; N 83 DEG 28' 36" W 53.92 FT; S 87 DEG 49' 24" W 138 FT; S 35 DEG 27' 0" W 5.88 FT TO BEG. AREA 0.070 AC.

Parcel 20:068:0021

COM 254.1 FT E & S 01 DEG W 126 FT & E 25 FT FR NW COR OF SEC 31, T6S, R3E, SLB&M; THENCE E 36 FT; S 30 FT; W 62 FT; N 5 FT; E 26 FT; N 25 FT TO BEG. AREA .03 ACRES.

Parcel 20:068:0062

COM E 254.1 FT & S 1 DEG 0' 0" W 121.24 FT & E 8.26 FT FR NW COR. SEC. 31, T6S, R3E, SLB&M.; N 89 DEG 19' 55" E 53.05 FT; S 0 DEG 19' 1" W 19.82 FT; S 25 DEG 48' 3" E 17.29 FT; S 89 DEG 59' 56" W 7.81 FT; N 0 DEG 0' 1" E 29.99 FT; S 89 DEG 59' 56" W 35.99 FT; S 0 DEG 0' 1" W 24.99 FT; S 89 DEG 59' 56" W 17.72 FT; N 2 DEG 1' 32" E 29.79 FT TO BEG. AREA 0.018 AC.

Handout #1

Statement by Dee V. Jacobs, Garden Villa Condo neighbor  
Before the Provo Planning Commission Hearing November 13, 2024

The “Elephant in the Room” has finally been recognized by dedicated neighborhood opponents to Reynold’s first and third large apartment house proposals, thanks to Paul Evans and homebuilder Boyd Nuttall.

It is the 23-mile-long Upper East Union Canal Pipeline which runs from Provo Canyon to Spanish Fork almost entirely through a steel pipe 7 to 12 feet in diameter on a restricted right of way. It carries 400 million gallons of water a season. Reynolds can no longer act like it doesn’t exist, because it significantly impacts their proposal. The canal is there. Homes and apartments cannot be built on top of it. It cannot be left dangling in the air. This means that Reynolds could only excavate the hill down to the pipeline, which is some 60 feet east of Canyon Road and approximately 7 feet higher in altitude.

Ignoring this, Reynold’s latest proposal would have the pipeline running through apartments. Driveways for 240 cars also have to be changed.

Why has Reynolds presented the City and us neighbors with an inadequate, time wasting proposal?

*Dee V. Jacobs*

*2006 E 2190 No*

*Garden Villa Condo*

*Family owned since 1959*

## Concept Plan and Rezone – 2000 N Canyon Road

### 1. Concept Plan

- A. Upper East Union Canal – building is sited above canal right-of-way
- B. Excavation of hill – eastern property line slope and two-story high retaining wall
- C. Building Height – 30 feet/three story

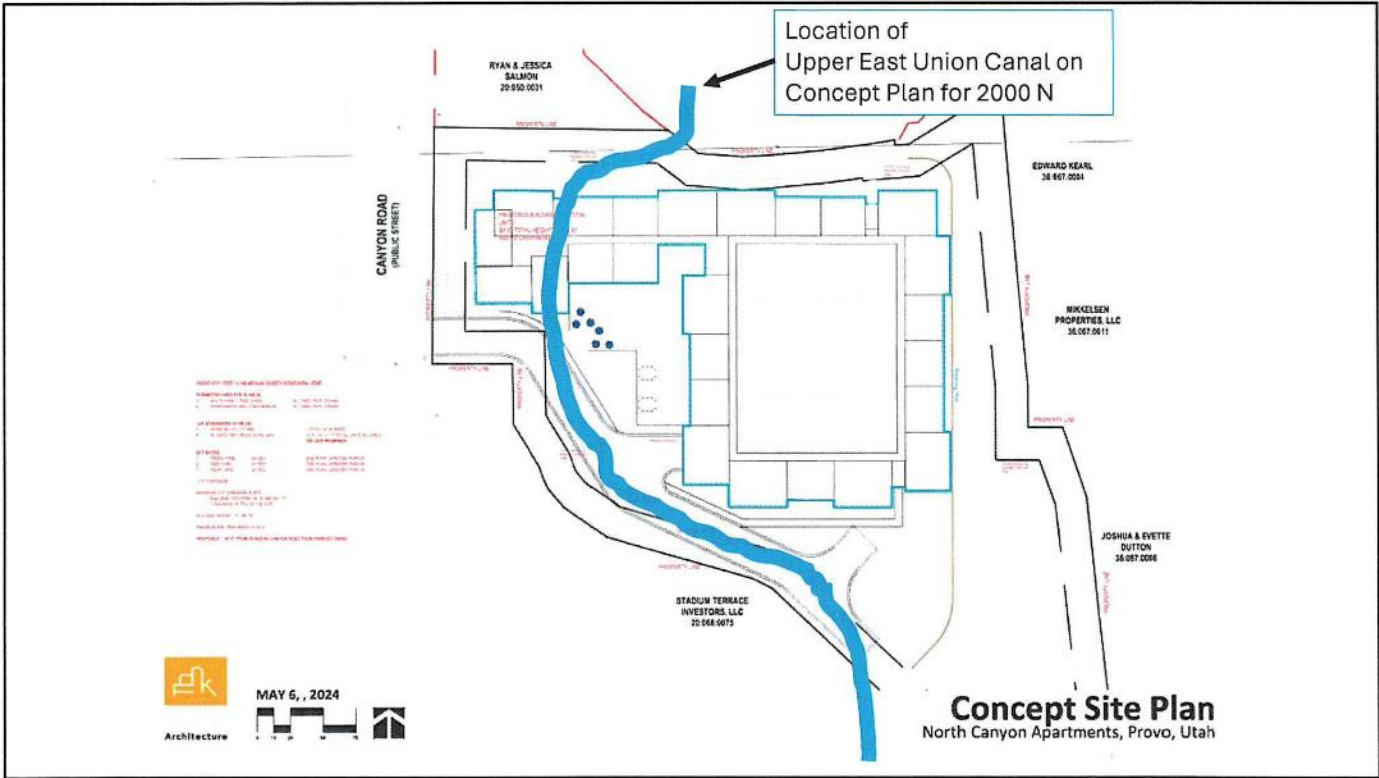
### 2. Rezone from single family residential to medium density residential

- A. Guarantee that the site does not become an abandoned gravel pit
- B. Guarantee maximum height and number of units
- C. Guarantee ownership of units
- D. Guarantee sewer improvements

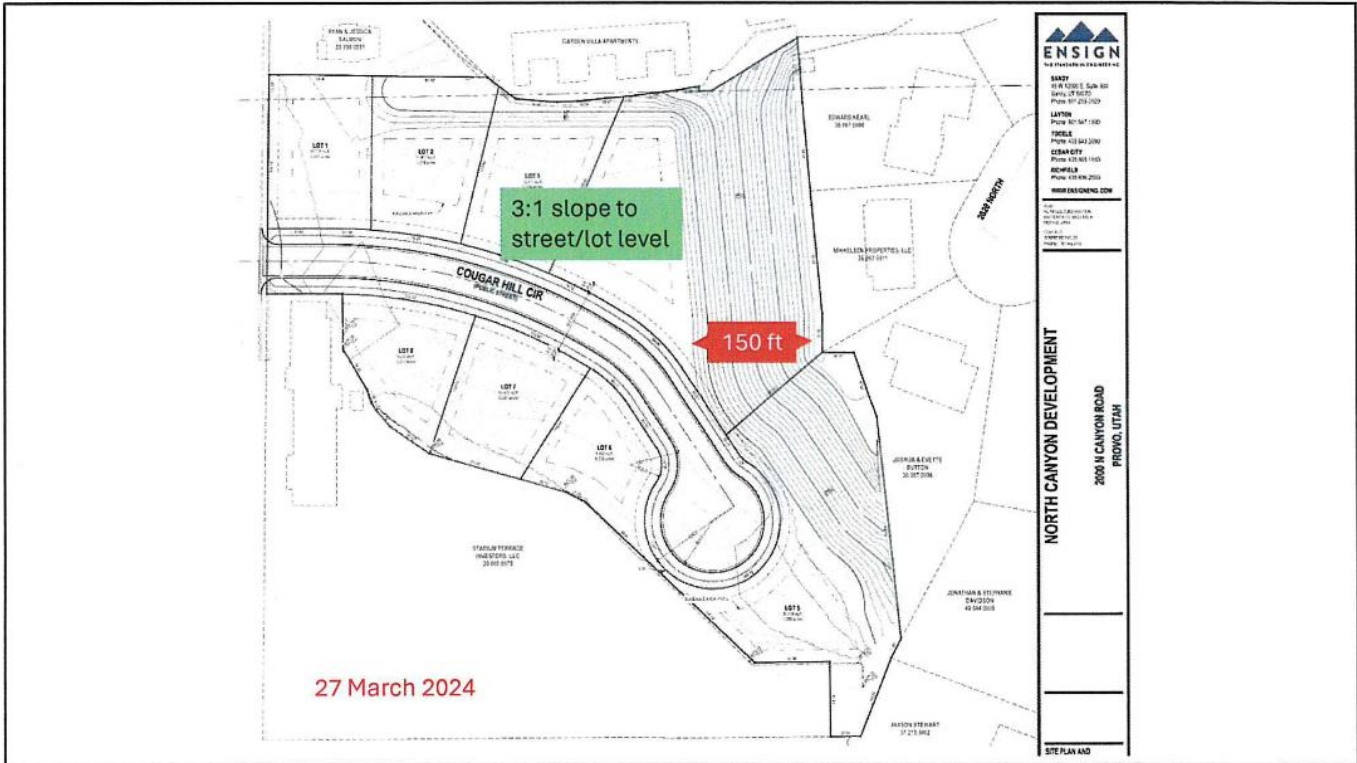
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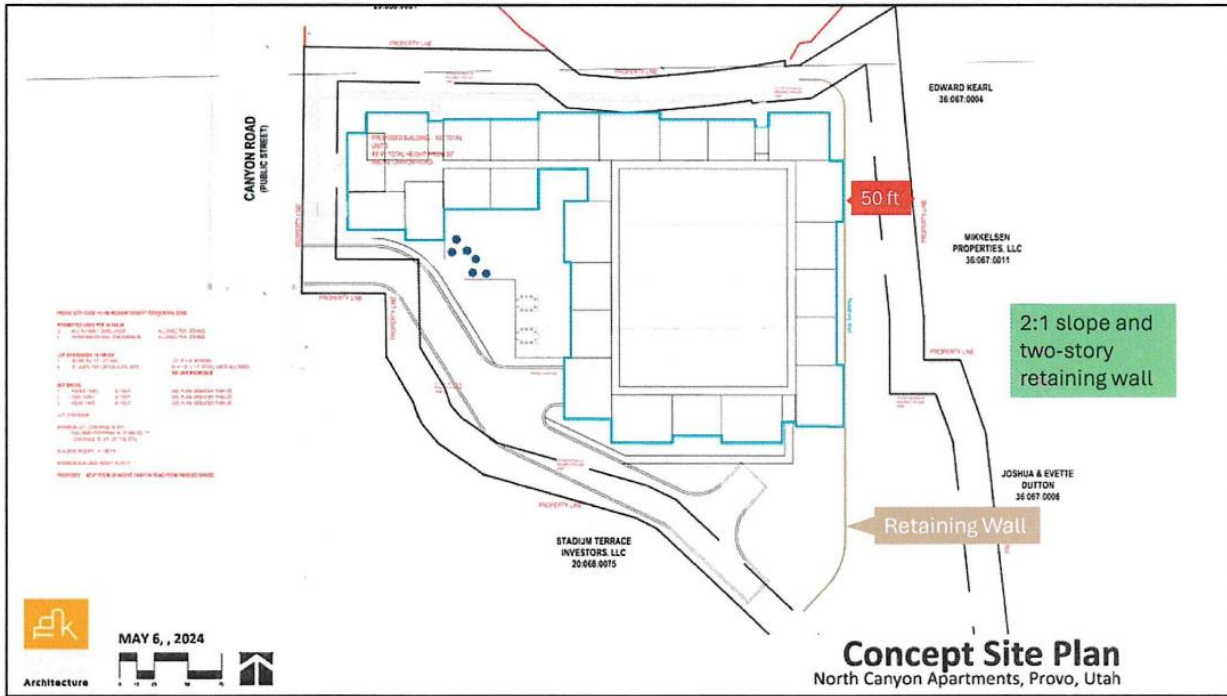
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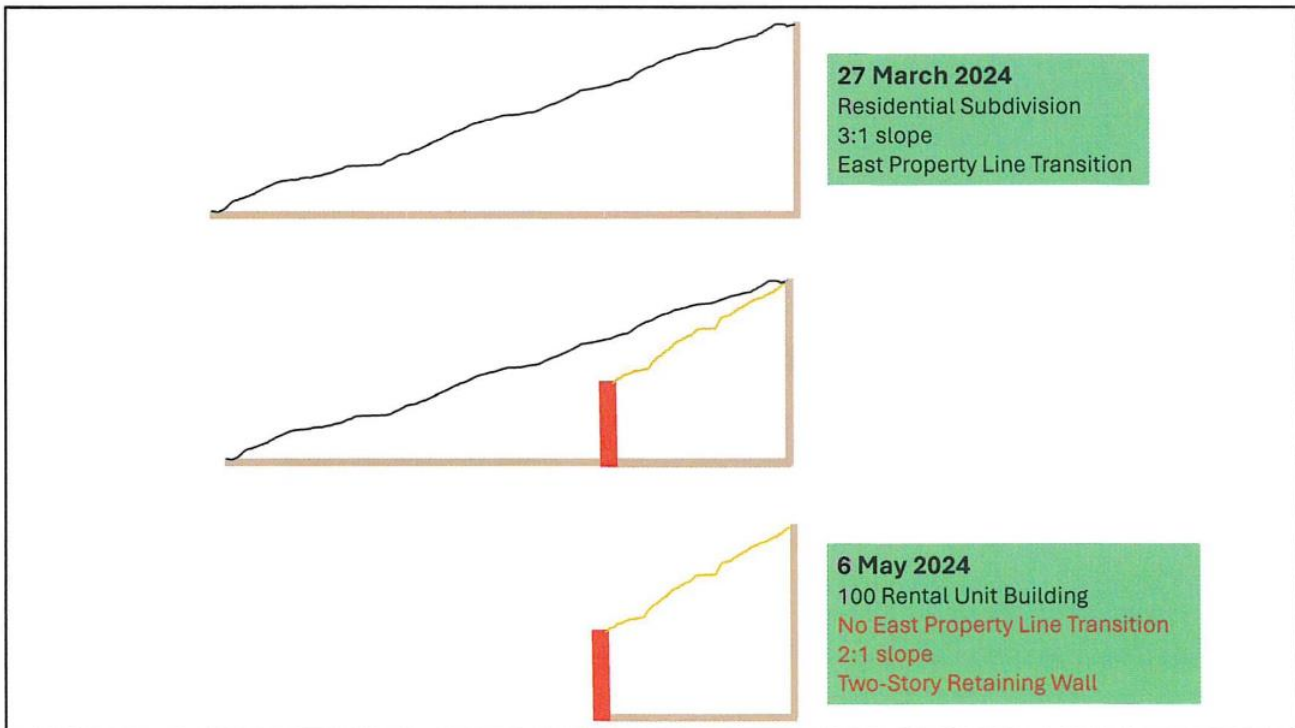
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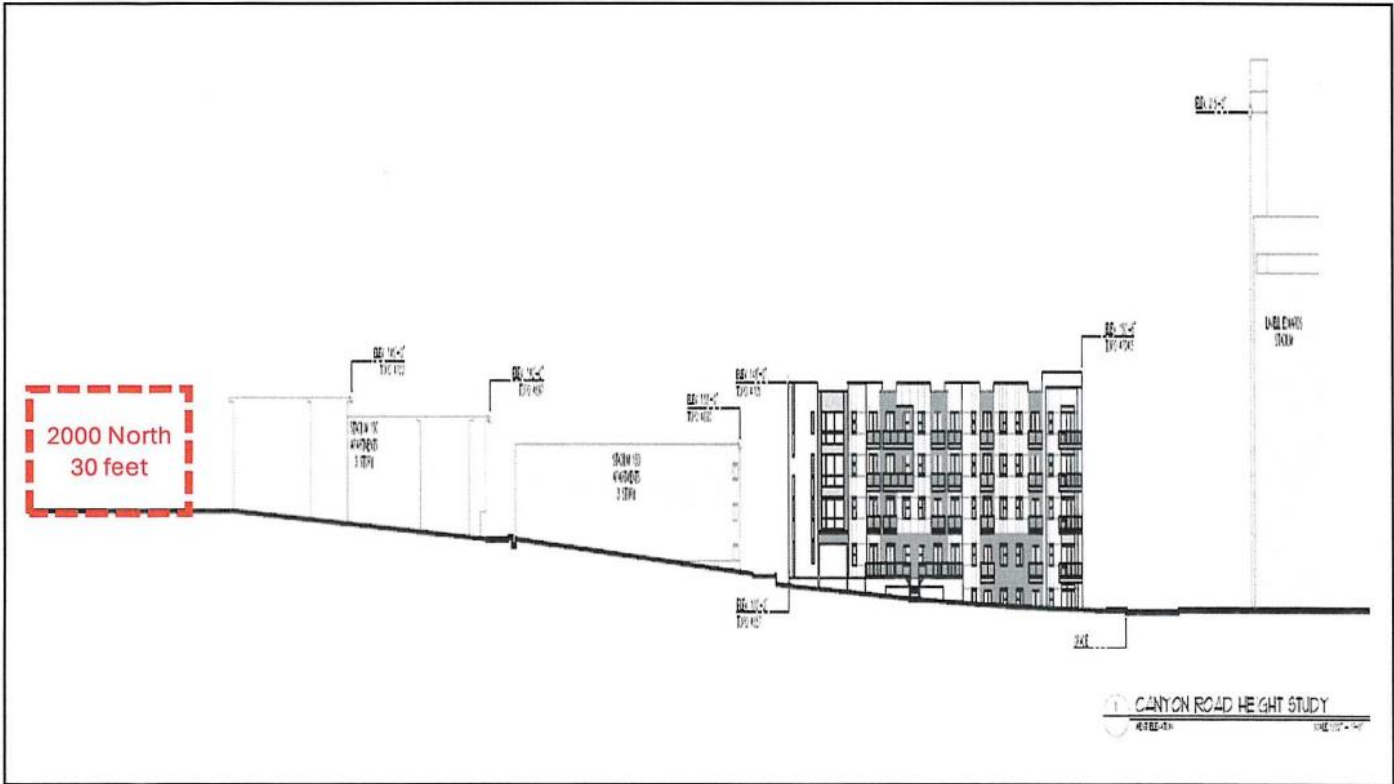


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