

Provo City Planning Commission

Report of Action

November 13, 2024

ITEM 5 Jaxon Allred requests Concept Plan approval to add two additional townhomes to the back of an existing single-family lot in a proposed LDR (Low Density Residential) Zone, located at 577 East 400 South. Maeser Neighborhood. Mary Barnes (801) 852-6408 mabarnes@provo.org PLCP20240241

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

APPROVED

On a vote of 8:0, the Planning Commission approved the above noted application, with the following conditions:

Conditions of Approval:

1. NO CONDITIONS.

Motion By: Andrew South

Second By: Barbara DeSoto

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

Jeff Whitlock was present as Chair.

Votes against the Motion: None

- 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.

RELATED ACTIONS

PLRZ20240234 – Rezone for 577 E 400 S, which was recommended for approval by the Planning Commission on November 13, 2024.

APPROVED/RECOMMENDED OCCUPANCY

*3 Total Units

*Type of occupancy approved: Family

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.

NEIGHBORHOOD MEETING DATE

- This application was presented at the District 5 neighborhood meeting on September 4th. Neighbors were generally in support but were concerned about the property having enough open space and landscaping for the new units.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or did not address the Planning Commission during the hearing.

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:

- Neighbor letters were sent before the meeting to the planning commission from Tom Spencer (Joaquin), Laurell Jackson (Maeser), and Denny Rucker (Maeser). These letters are attached as exhibit B.
- *Mikkel Davis, Maeser Neighborhood*. This project should increase homeownership, preserve the existing trees on the property, and replace the current gravel landscaping with green space. Either subdivide the townhomes and sell them, or build an ADU. In favor of infill, but not in favor of increasing traffic in the alley. That alley is used by bicyclists, kids, and for shortcuts.

APPLICANT RESPONSE

The applicant is Jaxon Allred, who is the engineer on the project. The property owner, Daniel Franco, was present at the meeting and answered questions. Key points addressed in the applicant's presentation to the Planning Commission included the following:

- The reason behind deciding on two townhomes was to gain more usage of the space available.
- Right now, the plan is that these townhomes will not be for sale, they will be for rent. However, they will be subdivided into two separate units with the potential to sell in the future. Mr. Franco would prefer to keep the townhomes and detached single-family home in the family so that his kids can live in them someday.
- Mr. Franco is not opposed to the idea of a detached ADU, but he would prefer two units.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

After staff presentation:

- Commissioner Jensen asked why the applicant couldn't have simply subdivided the backyard of the property, for a total of two single-family lots. With the required setbacks and lot widths for the R1.6 zone, subdividing the backyard into another property would not be permitted.
 - Commissioner Jensen also asked why the access is in the alley, and not from 400 S. Having the access from 400 S would require paving almost the entire backyard.
- Commissioner Shin asked for clarification on backing out of the proposed parking spaces into the alley.
- Commissioner Hill brought up ADUs in this area and asked why a detached ADU is not being considered for this property.
 - Commissioners DeSoto and Jensen asked for clarification on the parking requirements for an ADU vs. a townhome. Technically, a town home is required to have 3 parking spaces. An ADU requires at least 1 more parking space (for a total of 4 parking spaces for a detached single-family home and ADU).
- Commissioner Whitlock asked who owns the alley access. Currently, there is no owner on record, but there is a historical prescriptive access easement on the alley.

After public comment:

- Commissioner Jensen stated that there are issues with the alley. It is not maintained, and it won't work well. While infill is a great thing, the trips should go out to 400 S. An ADU would avoid the zone change and increase owner occupancy. We are looking for the kind of infill that will bring people into the neighborhood and will help them invest in the neighborhood. The fire lane and alley access are not good enough, they will not be maintained properly.
- Commissioner Hill has similar concerns, there is a lot being crammed into this property. A single unit, perhaps an ADU, would be a far better option.
- Commissioners DeSoto and Whitlock agreed that the parking discrepancy between townhomes and ADUs should be addressed in the code. With 3 parking stalls required per townhome, the concept plan design is a little awkward. It would be better if only 2 parking stalls were required per townhome.

- Commissioner South mentioned that the cost of building a detached ADU is very high as well. Making the cost to build a detached ADU a little more achievable might encourage more of those in neighborhoods. But this type of infill is close to major roads and commercial, this is the type of infill that should be encouraged.
- Commissioner Jensen stated that this is a good idea, but there are issues with the concept plan. Approving an alley access may not be a long-term solution.
- Commissioner Shin stated that if the Fire Department was okay with the project, he would be okay with the project.
 - Commissioner Jensen agreed. The neighborhood is conducive to this type of density, and it is right next to the commercial.
 - Commissioner DeSoto stated that part of infill is mixing uses. As this area does get redeveloped, hopefully great people will move in and uplift the neighborhood.



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

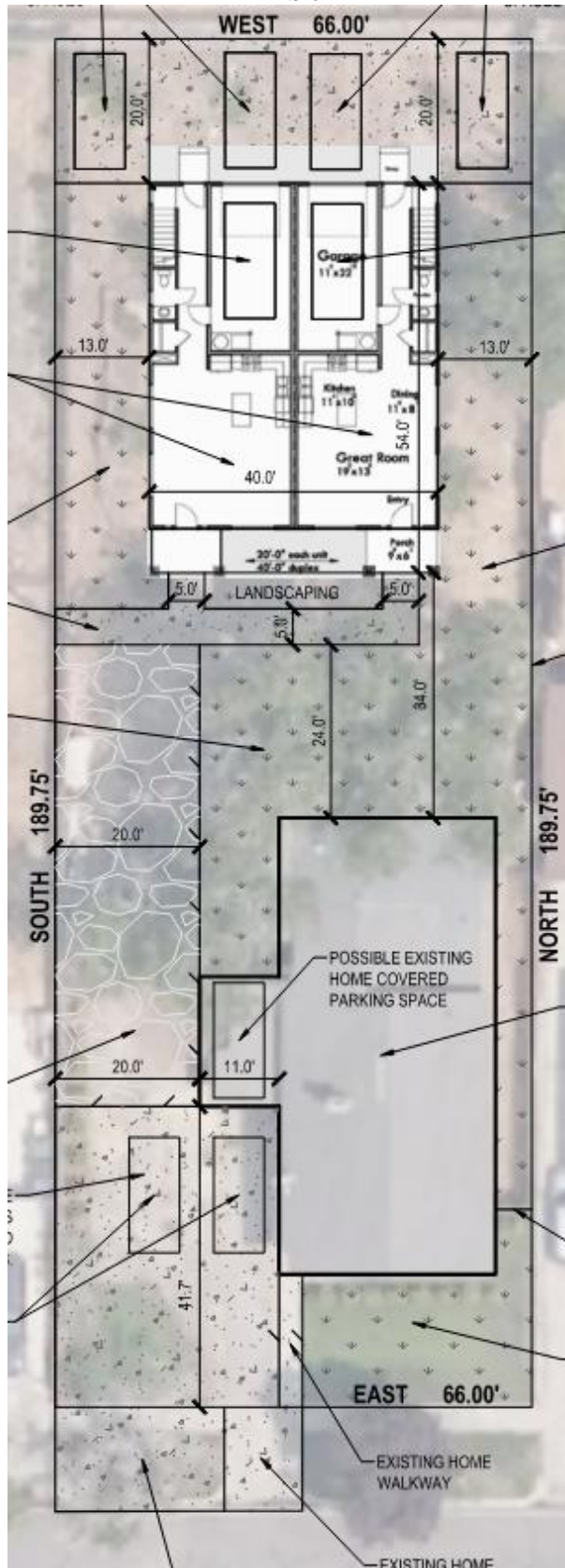


Exhibit B

Tom Spencer, Joaquin Neighborhood.

Hello, Mary. I did not make it to the last neighborhood district meeting for district 5, but I did watch it afterward. I have some comments that I would like to have passed along to the planning commission and whomever else makes a decision on this matter. (If you want me to do that, just let me know whom I should send it to.)

I am concerned that tripling the number of dwelling units on the property (from one to three, if I'm not mistaken) will leave little room for anything but cars. Two new units could mean six more cars (probably 4-5 on average), and they have to go somewhere. This kind of parking demand generally means a significant aesthetic loss and changes the feel of the street and the block. Specifically, it is not likely that there will be any room for trees; everything will be too tight. I do not think that developments that crowd out room for trees are ever a good idea. I do not think that neighbors on any side of the property should ever feel like they live next to a parking lot.

I've driven this street several times, and I think it has a charming, family-home kind of vibe. Putting in extra rental units in the backyards changes the feel irrevocably. I'm aware that the property behind this one put in a couple other units, but that property is wider and could handle it a little better. And just because one property goes LDR doesn't mean that the others around it should. Maeser generally looks better than Joaquin (where I live), and I think that should be protected.

Also, the moment you put in extra units behind the house, you eliminate owner-occupancy on this property forever. Is that what Maeser wants? Since I don't live in that neighborhood, maybe I should leave that an open question. I know that eliminating owner-occupant-friendly properties is NOT what we need in Joaquin. The net gain in housing from this proposed development is very small, and the change is irreversible. I hope that you will make an effort to solicit input from the people on the street and the block, particularly those who are owner-occupants.

I'm not exactly giving a "thumbs down" to the project, but it would be more palatable to me if it were one extra unit on the property, not two. And it would be even better if that second dwelling were an accessory dwelling, encouraging owner occupancy.

Best, Tom Spencer

Tom Spencer, Joaquin Neighborhood:

Mary, you can perhaps pass along to the city council, as an addendum to my initial feedback, that I was under the impression that the property was not being divided into three. You told me that the three homes (the existing one and the two proposed townhomes) could be sold to different people, creating an opportunity for *increased* home ownership rather than an increase in rental-only units. If that is correct, I probably don't object to this development, especially since there is going to be more landscaping space than I expected.

Best, Tom

Laurell Jackson, Maeser Neighborhood:

Dear Mary Barnes,

I am concerned about item 4 and item 5 on the planning commission hearing for Wednesday Nov. 13. With the changing of the zoning and the building of low density homes behind the existing building requested by Jaxon Allred. I live right behind the proposed zone at 572 east 300 south in provo separated by the utility road.

This proposal brings up several concerns for my family:

- 1) I am concerned about the safety of my children and their well being.
- 2) The access to the utility road is narrow and already too busy.
- 3) Assuming these structures are multilevel, this will block the natural light to my home that helps reduce my utility bills.

I am concerned about the safety of my children. I am a mother of three school age children. We are constantly using our gate to access the utility road to get to and from the school bus, to access the businesses located on 600 East and for convenience to quickly get to different locations in the neighborhood. I feel like it is safer than traveling around the block along 300 south. The construction of new buildings would cause quite a disturbance on our block. I would worry more about my children's safety and trying to keep them out of harms way during construction and after the build is finished from drivers not paying attention as they leave and enter there parking spots.

Currently, if the zoning map got changed. They would start building the two town homes. The current design shows 4 new parking spaces that only uses the ally way to gain access to those new buildings.

That will cause quite a mess, especially for the neighbors to the east of us that live in the duplex and park their two vehicles right there adjacent to the utility road. During this construction process and afterwards.

That would make the utility road inaccessible to homeowners and harder for utility vehicles to access, especially during construction. The utility road is used multiple times a day by homeowners driving and individuals walking through the utility road. Construction would disrupt this, and when completed would increase the traffic behind my house.

Some of the homes use the utility road as their only access to get to a main road and access their parking space.

The utility road makes it easier to get around 300 south because of all the cement barriers. You have to get to 400 east and 300 south is the easiest way to head west or north in a vehicle.

Utility vehicles access the main power pole on the corner of our lot which is right across from the middle of where the proposed entrance would be for the building. This pole is maintained several times a year for power, internet, and other networks.

Lastly buildings built to the north of me would block my natural light for my home which helps reduce my utility bills year round. My home was purposely built to be a cost-efficient home. It has strategically positioning windows to maximize sunlight exposure during winter months. My house was designed to use the local climate and sun path to optimize energy savings.

I am concerned about my four south side windows being blocked by buildings or partially blocked and not being able to fully capture the winter sunlight to help with heating my house.

These are my concerns. I am concerned about the safety of my children and there well being. The access to the utility road. Blocking my natural light for my home that helps reduce my utility bills.

I wish I could be present for this public hearing. But unfortunately will be unavailable.

Thank you for letting me address some of my concerns. Sincerely, Laurell Jackson

Denny Rucker, Maeser Neighborhood.

FROM: Denny Rucker owner of property at 535 East 400 South

TO: REVIEW BOARD

SUBJECT: ISSUES related to expansion of zone at 577 East 400 S.

OVERVIEW, Why am I concerned:

1. I'm the 3rd generation property owner just 2 doors away. And I am passing my property on to my children in my will.

So that is a multifamily investment in the neighborhood since the 1930s.

2. I'm a retired ENGINEER that worked at UVU for 25 years with OVER A BILLION dollars of remodeling and construction under my belt.

With significant experience from Traverse Mountain to Capital Reef. I have done many of these types of constructions/remodels and larger multi million dollar new buildings.

PROBLEMS:

1. This neighborhood is being slummed and Swiss cheesed with small tight multiplex developments. Home flipping and 2 yr purchases and move in and out homes. Several within a block swap owners every 1-2-3 years. Meaning no investment other than a **couple year lease** and move.

2. This amount of density (3 units) on a 60 ft wide property brings up many issues some too long to go into here but:

A . Parking at the alley access way is NOT maintained for SNOW REMOVAL OR STORM DRAINAGE. This pushes people during major snow storms to park on the streets. Sheet ICE. Any new ground cover roofing etc. will cause MID BLOCK DRAINAGE ISSUES caused issues by the new homes, or covered garages. Permeable pavement and French capture drains should be required!! As there appear to be no adjacent storm drains. On my property with similar parking we had to address the issue with large sump/drain areas.

B. This neighborhood has benefited for years by GREEN SPACE around homes which this high density cannot do. PLEASE NOTE: The current owner when they purchased this property June 2023, replaced the nicely maintained yards with gray gravel that spreads on sidewalks and adjacent properties. He has a new home tax mail address in Spanish Fork and does not live at this address. DOES HE HAVE CITY LICENCE TO RENT? Who is the occupant/manager of this property?

C. Children often do not have enough room to provide for their growth and wander around the neighborhood hunting play areas. The nearest park is small and several blocks away.

D. The homes are eligible for pets and chickens in limited numbers. THIS PLACES SMELLS, barking dogs and noises, flies etc. within 20 or so feet of several homes that do BBQ's, have open windows etc.

E. Derelict vehicles. As this is not a Provo city patrolled street it often collects and stores abandoned garbage, lost trailers etc.

E. No matter how the new homes are situated: The adjacent homes will lose SUNLIGHT and ability to have small gardens and reasonable air flows into and about their yards. THIS DECREASES THE WORTH of adjacent properties.

F. Night time LIGHT INFILTRATION! Any porch, unfiltered window, security, exterior lighting can only "Spill" into the neighboring properties.

G. Night time pedestrian safety. The alley proposed parking is dark and often gang tagged. People do not use it at night. Additional Provo city lighting is recommended for this and the entire length of the 3+ blocks of this type of alleyway. BUT that would then over illuminate the surrounding area.

It would be easy to extend this list.

Bottom line: I CANNOT SUPPORT AS A NEIGHBOR OR ENGINEER ONE MORE NEW UNIT ON THIS SMALL PLOT for a total of two. AS THAT WOULD NOT BE IN THE BEST "LONG TERM" interests of a residential neighborhood. It is simply an over DENSE use of the residential property.