

Provo City Planning Commission

Report of Action

November 13, 2024

ITEM 1* Development Services requests a General Plan Amendment to adopt the Northeast Neighborhoods Plan as an appendix to the Provo City General Plan. Riverbottoms, North Timpview, and Sherwood Hills Neighborhoods. Jessica Dahneke (801) 852-6413 jdahneke@provo.org PLGPA20240278

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

RECOMMENDED DENIAL

On a vote of 4:4, the Planning Commission recommended that the Municipal Council deny the above noted application. The Planning Commission motion was for denial and tied votes proceed forward as a negative recommendation to the Municipal Council.

Conditions of Approval:

Motion By: Dan Gonzales

Second By: Barbara DeSoto

Votes in Favor of the Motion: Dan Gonzales, Lisa Jensen, Adam Shin, and Barbara DeSoto

Votes against the Motion: Melissa Kendall, Jeff Whitlock, Jonathon Hill, Andrew South

Jeff Whitlock was present as Chair.

- New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is not generally consistent with the Staff analysis and determination.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit A.

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 summarized the objectives of the plan.
- Staff highlighted how this plan has been asked for by the residents of the neighborhoods and is in line with the goals of the General Plan.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

No Neighborhood meeting was held regarding this item due to the district meeting schedules.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair, Sharon Memmott, addressed the Planning Commission during the public hearing. She stated that she appreciated the work that went into the plan and mentioned the concerns in the letter she sent.
- 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:

- An anonymous comment in favor of the plan
- R. Paul Evans had concerns regarding who was on the technical advisory committee and if other staff were involved in writing the document and pointing out typos in the document. Additionally, he raised concerns regarding the ability to enforce owner occupancy of accessory dwelling units. He also raised concerns about language addressing that design corridor changes would only apply when a property was redeveloped and not to existing properties.
- An email from Sharon Memmott stated several concerns including various typos, the technical advisory committee, and different streets referenced in the plan. She had questions about the designation of Canyon Road and the improvements that will be made to the road, and she added ideas to include in the proposed design corridor requirements. Her preference is that 3700 N not be included as part of the gateways plan. In the development difficulties chapter, she asks to see the elevations where water pressure becomes insufficient.
- A resident of the Edgemont neighborhood expressed his concern about the traffic signal UDOT is putting in at 5600 North and University Avenue.
- A resident of the North Timpview neighborhood expressed that he would like a way to easily access the Provo River Trail from the east side of Canyon Road. He advocated for preserving access to the trails in the canyon and foothills areas and more public transportation available in the area, specifically mentioning that it would be an opportunity for Timpview Highschool students.

APPLICANT RESPONSE

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

- To address the concerns presented during the public comment about the traffic signal going in at 5600 North and University Avenue, staff explained that this light was part of a UDOT long-range plan that predates the Northeast Neighborhoods Plan.
- In response to Commissioner South's question regarding proposing more areas for higher density zoning along University Avenue, staff explained that there are already areas that allow for higher density. They aren't included in the future land use map because they are existing.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Shin stated that he liked how this plan highlights preservation of trails and open spaces in the area as that is a beloved feature of the neighborhoods. He had questions regarding where the future growth would go. He expressed concerns that the plan did not propose enough opportunities for infill development, which could lead to future traffic congestion especially for those who work at the Riverwoods Business Park. Not allowing small infill development would create a demand for large scale development.
- Commissioner DeSoto agreed with those thoughts and stated that there is always a high demand for housing around amenities like the Shops at the Riverwoods and the Riverwoods Business Park. She added that she would like to see more detail about infill development that could fit in these neighborhoods and mentioned that human scale development regarding density and street sizes is shown to increase safety. She also stated that there is an attitude of protectionism that neighbors have that can push new development elsewhere. Incremental and broad density would fit into the area better than large projects on the fringes of the neighborhoods.

- Commissioner Jensen stated the things she likes about the plan include the development difficulties chapter, addressing the preservation of open spaces, and highlighting safety improvements and wayfinding signage along trails. Her concerns were the limited areas of LDR, MDR, and HDR zoning in the future land use map despite there being a large arterial running through the project area. She also stated that she felt this plan did not balance preserving the neighborhood values with meeting the General Plan goals regarding land use as well as other neighborhood plans have. More public transportation would not be feasible if there is not an increase in density along Canyon Road.
- Commissioner South asked if there was more opportunity along University Avenue to propose higher density.
- Commissioner South stated that more language in favor of infill development should be included in the General Plan and other planning documents, and that the Northeast Neighborhoods plan is not out of line with the General Plan.
- Commissioner DeSoto agreed and stated it should be reflected in code changes as well.
- Commissioners Shin, Gonzales, Jensen, and DeSoto agreed that the language of the plan only promoted the third strategy in the housing chapter of the General Plan, “Recognize the value of single-family neighborhoods” while ignoring the other two.
- Commissioner Kendall stated that it was ok to let certain areas maintain a legacy single family neighborhood status. She asked the commissioners when to stand up for single-family neighborhoods and not just push for infill development.
- Commissioner DeSoto reiterated that infill development alleviates pressure for development of large apartment complexes.
- Commissioner Jensen also restated that she felt this plan keeps the burden of increasing housing density to other neighborhoods and isn’t as balanced as other neighborhood plans have been. She asked if sending a positive recommendation with conditions or a negative recommendation would carry more weight with the Council, to show that she feels that this is a good plan but not yet perfect.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:

- Commissioner Gonzales made a motion to send a negative recommendation to the City Council on the basis that the plan does not propose enough of a variety of housing densities, and therefore, does not meet the strategies of the General Plan.



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

Attachments

Exhibit A

A link to the text of the Northeast Neighborhoods Plan:

<https://www.provo.org/home/showpublisheddocument/25067/638658871256050975>

Exhibit B

Comments posted on Open City Hall

R Paul Evans inside City Boundary (registered)

October 30, 2024, 3:56 PM

Page 16 A proposed map of future land use is identified as the collaborative effort of City staff and the “resident-led Technical Advisory Committee.”

1. Is the Advisory Committee listed at the beginning of the Northeast Neighborhoods Plan document the same as the “resident-led Technical Advisory Committee”? If not, who are the members of the “resident-led Technical Advisory Committee”?

2. Four City staff are listed at the beginning of the Northeast Neighborhoods Plan - Bill Peperone; Aaron Aardmore; Jessica Dahneke; and Mary Barnes. Were any other City staff involved in the effort to create the proposed map of future land use?

Page 18 Reference is made to RA land use identified as a light green color in Figure 3.1. There is no light green areas in Figure 3.1. Perhaps Figure 3.3 is the targeted figure?

“The areas shown in yellow on the map are proposed to be R1 or detached single-family residential.” I believe Figure 3.3 is the map and should be directly referenced.

“ADUs can help to add housing supply and density into the area while still preserving the detached single-family zoning. All ADUs must be in conjunction with an owner-occupied, single-family home.” Owner occupancy is an admirable goal for homes in which an ADU is established. Until Provo City Code Enforcement can demonstrate the ability to ensure owner occupancy and limit over occupancy in existing areas where ADU’s are permitted, the Northeast Neighborhoods should not entertain the establishment of hodge-podge located ADU homes. Demonstration of code enforcement ability should be clear about the minimum and maximum timeline to achieve compliance. In addition, code enforcement ability should show the number of complaints associated with homes with ADU’s and the resolutions achieved.

Page 28 “Requiring a park strip: Some areas along 3700 North have a park strip, and others do not. Requiring a park strip for all properties along 3700 North will create a cohesive corridor and add to the greenspace.” The properties at 242 W 3700 N, 150 W 3700 N, 124 W 3700 N, and, 3724 N 300 W do not have any ability to accommodate a park strip, and, maintain the minimum required distance between sidewalks, front doors and/or home structure. This difficulty was created when 3700 N was widened. The south side of 3700 N between Provo River and University Avenue has a park strip. The north side of 3700 N between Provo River and University Avenue has a park strip only in the latest subdivision created from vacant land and a church property that is between 500 W and 450 W. Developable property on the north side of 3700 N can be required to establish a park strip, but, the existing homes on the north side must be definitively exempted from a requirement to establish a parking strip when a home remodel building permit is requested. If the entire home is to be razed and a new home raised, then, a requirement for parking strip on properties on the north side of 3700 N would be reasonable.

Name not available (unclaimed)

October 30, 2024, 3:00 PM

This is well crafted and extensive. I am encouraged by the level of contextualization of the plan and its goals.

Exhibit C

District Chair comments emailed to the planning commission.

p.11 Arterial Streets

The north end of Canyon Road as listed as an arterial street is incorrect as defined by 'generally 3-7 lanes wide'. Fully half of the area shown on the map is no more than 2 lanes wide. It is 3 lanes wide at 3700 N but actually narrows significantly about 4800 N – just past Canyon Crest Elementary. This street should be maintained as a Collector Road as it mainly passes through low density residential areas similarly to Timpview Drive and is in fact more narrow physically than Timpview Drive parallel to this area.

p.12

Figure 2.4 shows a section of Canyon Rd in yellow marked as 'Phase 2' but it actually is already wider and more improved than the area north of it on the map – can you explain what some of the possible improvements are that are being considered please?

p.13

Referencing Figure 2.5 – which should be a full page – there is too much being reference here for such a small illustration: Where is the Bonneville Shoreline Trail on this map?

Why are private trails listed here? If they are inaccessible to the public then they shouldn't really be called out as an asset to the area unless there is a goal to acquire them for future use.

Also on p.13 is the mention of a public transportation route (the only one for the area) I would like to see a mention of a goal to get a bus line back up on Canyon Road as the topography can make it difficult for residents with limited mobility to access the bus line down on University especially if it is going to maintain it's status as a collector road.

p.14

Under Surrounding Environment; Physical Features; Provo River. "The Parks and Recreation Department and other private land owners **have has** made improvements (strike one of the two words please *emphasis added* – both are not needed and don't make sense)

p.15

Under Hazardous Parcels near the end of the paragraph you reference figure 2.1 for parcels shown in red – I believe it should be 2.2 as there is no red on 2.1.

p.17

The last bullet point near the end, just before "B. Residential" mentions connecting a future roadway to the IRT access road" (could IRT be written out as 'Indian Road Trailhead' as I believe this is the first place it is referenced in the document. Unless it stands for something else in which case it should also be spelled out.

p.18

Under Residential Agricultural (RA)

Your first sentence references a zone illustrated as light green on figure 3.1 no matter how large I zoom this on my computer I cannot find any green on this map. Should this be referencing another map?

Under Single Family Residential (R1)

Your first sentence refers to "areas shown in yellow on the map" – which map are we referring to now? There is also no yellow in figure 3.1 if I was intended to stay on the same map. Possibly you meant Figure 3.3 (p22) for both of these paragraphs?

p. 25

Who is on the TAC? Is this the people you mention in the first paragraph of the document or are they only city staff? Should we add TAC to that paragraph somewhere to be more clear?

Also on p.28 and another place you mention 3700 N as a proposed design corridor. However it is currently mostly developed with a proposed future park (not mentioned anywhere) on that street with the rest already mostly residential. If as in the bullet points you plan future development I believe you should also include requirements for increasing set backs as there may come a need to widen the street. Because of the current residential feel and the difficulty of widening the road I would prefer to see 3700 N removed from the list as a 'Gateway'

The first bullet point under 3700 N. mentions "requiring a park strip for all properties along 3700 N' will create a cohesive corridor and add to the greenspace. Could something be added about 'as redeveloped' since most of these places are already built out and requiring this immediately would actually affect the setback of some of the current homes?

p.32

Development Difficulties

In the second paragraph I suggest that the reference to Figure 2.1 (which shows annexation) should be changed to 2.2 which is the current land use map or possibly another map?

p.33

Alluvial Fans

The second sentence says: “Several alluvial fans alluvial fans” – while fun to say it is unnecessary to repeat together in the same sentence.

Under Transferable Development Rights

The second paragraph refers to them as **TRD – S** and then as **TRD- R** – is that correct? It latter refers to them as **TDR** in the same paragraph. Which is correct?

p.34

Culinary Water Pressure

The end of the first paragraph mentions unacceptable water pressure at ‘certain elevations’. If we know those elevations can we list them here please or show them on a map?

Thank you and the committee for all of your time and energy spent on this project!

Exhibit D



**Planning Commission Hearing
Staff Report
Hearing Date: November 13, 2024**

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Applicant: Development Services

Staff Coordinator: Jessica Dahneke

Citywide Application

Council Action Required: Yes

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 11, 2024, 6:00 P.M.*
2. **Recommend Denial** of the requested General Plan Amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: Citizens in these neighborhoods have been asking for a long-range plan for this area. Staff worked with a resident-led Technical Advisory Committee (TAC) starting in February 2024 to address neighborhood concerns and apply goals of the General Plan to the project area. During this time staff held eleven meetings with the TAC to educate and discuss important issues for this area of the city, sending out sections of the plan for review as they were drafted. Staff also met several times with other City Departments to gather relevant information. A complete draft plan was first sent to the TAC in September for review, which has been edited and revised since that time to provide this final draft.

Neighborhood Issues: Notice was provided at the October 2nd District 1 meeting regarding the upcoming plan. The plan was posted on Open City Hall and shared to the District 1 social media page on October 30th. As of this staff report, staff has addressed all communicated resident concerns.

Summary of Key Issues: The Northeast Neighborhoods Plan addresses the current conditions, future land use, physical environment, and development difficulties of the Riverbottoms, North Timpview, and Sherwood Hills neighborhoods.

Staff Recommendation: Staff recommends the Planning Commission recommend approval of the proposed Northeast Neighborhoods Plan to the City Council.

OVERVIEW

The Northeast Neighborhoods Plan was created to address the unique challenges and opportunities within the Riverbottoms, North Timpview, and Sherwood Hills neighborhoods within the northeast area of Provo City. This is the first neighborhood plan completed since the adoption of the General Plan in 2023, and it focuses on how this area can help Provo City meet the broader goals of the General Plan. This plan emerged in response to community advocacy for a detailed and long-range framework to address neighborhood priorities and establish clear parameters for future development activities.

While District 1 data was available due to the General Plan development process, the Northeast Neighborhoods planning process started with a community engagement session in February 2024. This kick-off meeting included a survey designed to capture neighborhood-specific insights from residents of the three distinct areas. Subsequently, a resident-led Technical Advisory Committee (TAC) was established to provide insight and feedback. Through regular meetings with the TAC, from March to October, a final draft was created. This draft has been reviewed by the TAC and City staff. Major considerations that were involved in the development of this Plan include:

- Addressing the development needs of the project area and the city as a whole.
- Identifying and explaining development difficulties due to topography and infrastructure constraints.
- Updating the annexation map (as shown in the General Plan) to reflect the City's ability to provide infrastructure, and gathering responses from relevant property owners regarding future plans to annex into the City.
- Safety and access to open space and recreation areas.
- Addressing possible design standards for additional design corridors as proposed in the General Plan.
- Creating an implementation plan to provide a suggested timetable for proposed improvements.

The TAC has reviewed this plan, and it was posted on Open City Hall and the District 1 page to allow for additional public feedback. It has also been reviewed internally by additional Development Services staff, and staff from the Parks and Recreation and Public Works Departments.

FINDINGS OF FACT

- The first TAC meeting for the Northeast Neighborhoods Plan was held in February 2024.
- Staff met with the TAC 11 times between March and October.
- The Northeast Neighborhood Plan was reviewed by Development Services, Parks, and Public Works during the drafting phase.
- A fully formatted draft was given to the TAC on September 23, 2024.
- The plan was presented to the Planning Commission at the Study Session on October 23, 2024.
- A formatted version of the draft was posted on Open City Hall to gather comments from other residents in the neighborhood on October 30th.
- Housing density has been proposed in limited areas along University Avenue. Please see Figure 3.3 in the Northeast Neighborhoods Plan for more information.

GENERAL PLAN POLICIES

The Northeast Neighborhoods Plan applies the following goals of the General Plan:

Land Use

- 1a. Encourage the development of additional single-family home developments in key areas to address housing shortages and facilitate additional economic growth and economic opportunities.
- 1c. Promote neighborhood scale development in residential areas, including a mix of density such as pocket neighborhoods, missing middle housing, and small lot single-family.
- 1e. Update neighborhood and area plans to align with the goals of the General Plan.
- 2a. Encourage development in areas that are less prone to natural hazards.
- 4a. Evaluate existing design standards to ensure they are sufficiently facilitating an attractive, efficient built environment and promoting the health and safety of its residents.
- 4b. Expand the list of arterials with design corridor standards.

Housing

- 1a. Encourage opportunities for small scale, infill housing development.
- 3a. Include an evaluation tool in each neighborhood plan to help the legislative body in their decision-making process with rezone applications.

Transportation

- 1c. Plan future transportation networks to accommodate future growth and avoid congestion.
- 2e. Continue to evaluate future roadway capacity improvements to reduce congestion as growth-related transportation demands increase.

Public Safety

- 4c. Make lighting and pedestrian crossings a key safety consideration when designing, constructing, and maintaining public facilities and amenities.

Open Space and Recreation

- 1a. Increase opportunities for recreation through development of passive spaces, active design, and educational opportunities.
- 4a. Improve biking and walking connections to parks, trails, and open space.
- 4b. Increase open space amenities such as benches, walks, and lighting.
- 4e. Improve safety at parks, trails, trail crossings, and greenways through signage, lighting, and increased visibility.

STAFF ANALYSIS

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of general plan amendments:

1. 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: **(responses in bold)**

(a) Public purpose for the amendment in question.

The Northeast Neighborhoods Plan was created as an appendix to the General Plan to help guide future development in ways that align with the goals of the General Plan.

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

The plan was drafted and reviewed by a citizen led technical advisory committee to address opportunities and concerns in the project area. The plan addresses those concerns and provides implementation goals to remedy issues.

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

The proposed plan was developed to meet the goals of the General Plan. Please see the General Plan Policies section of this staff report to read through the fifteen goals that this plan helps to fulfill.

(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 are not aware of any timing and sequencing issues with this proposal.

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

Staff does not see any potential hinderances or obstructions. Though this plan does not call for as much density or variety of land uses as other area plans have, due to development constraints and a mostly built-out environment, staff feel that the policies of the General Plan have been applied.

(f) Adverse impacts on adjacent landowners.

Staff are not aware of any adverse impacts on adjacent landowners. Again, this plan should be used to guide future development. Staff, along with the TAC, have been careful to ensure that it does not promote anything that would create adverse impacts on the existing neighborhoods.

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

The proposed Future Land Use Map in this plan is consistent with the General Plan designations for the project area. The plan does, however, propose revisions to the future annexation map.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies,

precedence shall be given to the Plan Policies.

There is no conflict between the General Plan Map and Policies.

CONCLUSIONS

The Northeast Neighborhoods Plan was created by referencing the many other master plans connected to this area and working with the residents on the TAC. The Plan meets the goals of the General Plan and addresses the concerns of the neighborhoods' residents. The proposed goals in the implementation table will help these three neighborhoods continue to grow and meet the General Plan goals, while preserving the values and character that the neighborhood residents cherish.

ATTACHMENTS

1. Northeast Neighborhood Plan

Full text to the Northeast Neighborhoods Plan can be found at the following link.

<https://www.provo.org/home/showpublisheddocument/25067/638658871256050975>