

Provo City Planning Commission
Report of Action

July 23, 2014

ITEM 2 Gardner and Associates requests Preliminary Subdivision Plat approval, to accompany a zone change proposal for a 117-lot single-family development, comprising 33 acres; located at approximately 680 West 1560 South, currently in the A1.5 (Agricultural) Zone. *Lakewood Neighborhood* 14-0001SP

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 23, 2014:

CONTINUED TO A DATE CERTAIN

On a vote of 6:0, the Planning Commission continued the above noted application to the 2nd Planning Commission meeting date in October of this year (October 22, 2014).

Motion By: Kermit McKinney

Second By: Fred Bandlely

Votes in Favor of Motion: Kermit McKinney, Fred Bandlely, Diane Christensen, Brian Smith, Jamin Rowan, and Ed Jones.

Votes against: None

Diane Christensen 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 [R1.8] Zone is described below:

Osprey Point Legal Description

Beginning at a point located North 89°46'32" East along section line 856.94 feet and South 1575.50 feet from the Northwest Corner of Section 13, Township 7 South, Range 2 East, Salt Lake Base and Meridian; thence East 1096.27 feet; thence South 1°00'00" West 102.23 feet; thence along the westerly boundary of Circle C Subdivision Plats "A" and "C" as recorded in the office of the Utah County Recorder the following two courses and distances: 1) South 0°14'53" West 93.30 feet, and 2) South 0°42'19" West 1189.69 feet; thence South 89°23'52" West 1085.32 feet, thence along an old fence line mentioned in a boundary line agreement recorded as Entry 2860:1972 in the office of the Utah County Recorder the following five courses and distances: 1) North 0°09'26" East 131.71 feet, 2) North 00°43'28" East 297.67 feet, 3) North 0°17'53" West 299.89 feet, 4) North 0°25'37" East 317.55 feet, and 5) North 0°08'40" East 349.73 feet to the point of beginning.

Area = 34.8106 Acres

RELATED ACTIONS:

*None

STAFF PRESENTATION:

The Staff Report to the Planning Commission provided details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

1. The City has set up a steering committee, and is currently undergoing an extensive review of the southwest Provo area, where this property is within, with the intent to formulate a new neighborhood plan for the four neighborhoods this area makes up (Lakewood, Sunset, Provo Bay, and Fort Utah). This new neighborhood plan could lead to a recommendation to amend the City's General Plan for the area.
2. Since the City has not had a chance to complete this southwest area plan, and obtained a recommendation from the four Neighborhoods mentioned above, staff is recommending a postponement of this rezone and preliminary subdivision request.

CITY DEPARTMENTAL ISSUES:

- Preliminary traffic study submitted.
- Traffic study may be required with future stages of approval.
- Important issues raised by other departments – addressed in Staff Report to Planning Commission.

NEIGHBORHOOD MEETING DATE:

- A neighborhood meeting was held on May 15, 2014. The Neighborhood did not support the proposal.

NEIGHBORHOOD AND PUBLIC COMMENT:

- The Neighborhood Chair was not present, but did provide feedback for staff to report at the hearing.
- Neighbors or other interested parties were present and 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:

1. (Pam Argyle) – Is not against having development, but is concerned with the number of homes, and where all the traffic would flow;
2. (Art Phillips) – Is concerned about a second access to help alleviate traffic through the surrounding neighborhoods. Does not like the density of the current proposal, and concerned they would become rentals;
3. (M. Eaton) – Moved to the area specifically to enjoy rural residential living. Does not support any further development, but if it happened would like it to remain very low in density. Believes increased traffic to 500 West will be too great.
4. (Calvin Herring) – Has lived in the Lakewood Neighborhood for 30 years. During that time, he has seen little improvements done by the City to the area. If development were to occur, he would like to see those improvements begin to be put in. Concerned that single-family housing will be maintained for the area.

APPLICANT RESPONSE:

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

1. (Dave Gardner) – Believes restricting a developer to a zone that does not allow lots less than 15,000 square feet in size, would be a waste of resources. Believes the property is isolated due to the dike. Understand that traffic is an issue, and always will be with a project of this size. Does not believe property values will be negatively impacted. Mr. Gardner indicated that their option to buy the property runs out at the end of the year.

PLANNING COMMISSION DISCUSSION:

Key points discussed by the Planning Commission included the following:

Kermit McKinney:

- Supports the need for staff to have more time to formulate a new southwest plan recommendation, but does not agree with continuing the proposal indefinitely. Mr. McKinney would like to continue the item to a date certain before the end of the year.

Diane Christensen:

- Expressed that there may be a need for a change in the General Plan which indicates Very Low Density for this field. Mrs. Christensen would like the Commissioners to see at least the first draft of the new Neighborhood plan before this is discussed again on October 22.



Planning Commission Chair



Director of Community Development

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 Community Development Department, 330 West 100 South, 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



**Planning Commission
Staff Report
Preliminary Subdivision
Hearing Date: July 23, 2014**

ITEM 2 Gardner and Associates requests Preliminary Subdivision Plat approval, to accompany a zone change proposal for a 117-lot single-family development, comprising 35 acres; located at approximately 680 West 1560 South, currently in the A1.5 (Agricultural) Zone.
Lakewood Neighborhood 14-0001SP

<p>Applicant: Gardner and Associates</p> <p>Staff Coordinator: Sean Allen</p> <p>Property Owner: The Great Stock Company of Vast International</p> <p>Parcel ID#: 210510018, 210520047, 210520060, 210510015.</p> <p>Current Zone: A1.5 (Agricultural)</p> <p>Proposed Zone: R1.8 (One-family Residential)</p> <p>General Plan Des.: Residential</p> <p>Acreage: 34.8</p> <p>Number of Properties: 4</p> <p>Number of Lots: 0</p> <p>Development Agreement Proffered: No</p> <p>Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS:</u></p> <p>2. Recommend DENIAL of the proposed zone change. <i>This action <u>is not consistent</u> with the recommendation of the Staff Report. Changes should be stated with the motion.</i></p> <p>3. Recommend Approval of the proposed rezoning or approve with changes. This is a change from the City staff recommendation. <u>The Commission should state new findings.</u></p>	<p>Current Legal Use: Vacant/Agricultural</p> <p>Relevant History: Agricultural</p> <p>Neighborhood Issues: On May 15, 2014 a Lakewood Neighborhood meeting was held. The Neighborhood Chair, Terry Herbert, reported that they did not like the project and were concerned with the following:</p> <ul style="list-style-type: none">• Traffic; sewer; too many homes; lack of sidewalks. <p>Summary of Key Issues:</p> <ol style="list-style-type: none">1. The applicant is requesting a zone change to R1.8.2. The current General Plan designation calls for residential type zoning.3. City staff is currently undergoing an extensive review of the southwest Provo region, with the intent to formulate a new Neighborhood Plan for the four neighborhoods that represent this area of study (Lakewood, Sunset, Provo Bay, and Fort Utah Neighborhoods).4. A steering committee has been set up to address the issues of this study area, and help formulate this new Neighborhood Plan, which may lead to updating the General Plan for the area.5. Due to this new area plan not being complete, City staff and the area's steering committee, requests a postponement or denial of any land development approvals, including zone changes, prior to completing and adopting this new Neighborhood Plan. <p>Staff Recommendation:</p> <ol style="list-style-type: none">1. CONTINUE INDEFINITLY, to allow for the City's southwest area study to be completed or to further consider information presented.
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OVERVIEW:

Gardner and Associates wishes to development the subject area into a standard single-family subdivision development, with lots at a minimum 8,000 square feet in size. City staff explained to the applicant, that further master planning of the area was taking place, and that staff would have to recommend against the proposal going forward until new policies were adopted. The applicant has chosen to go forward and be heard.

STAFF ANALYSIS:

City staff and the Neighborhoods have come together with the charge to re-evaluate the neighborhood plans and overall master plan for the southwest side of Provo, in order to achieve greater connectivity, than what Cities get with random sprawl. This study area starts west of the I-15 corridor, and goes from the lake to the river. A map has been attached for your reference.

The proposed rezone area, falls within this area of study. While residential development is, and will remain the predominant use recommended for the area, there are other aspects to development to consider, that could play a pivotal role in the establishing a better more cohesive community, that would affect the zoning and development for the vicinity. City staff and the Neighborhoods wish to complete this study, and then prepare a recommendation to go before the City Council. This recommendation in general, would address parks, open space, and overall connectivity of the future community of the west side. This is a great opportunity to enhance future development on the west side, and improve the City overall.

CONCLUSIONS:

The West Provo Steering Committee and the Neighborhoods are at about a half-way point in developing strategies and goals for the southwest study area. If the proposed development were allowed to go forward at this juncture, it could frustrate those future plans for the vicinity, once they are in place. The future plan could impact the site, and what might be adjacent to it. What could be adjacent has not yet been determined. Due to the impact the future policy changes could have on the vicinity and the area proposed for development, it is in the Neighborhood's and City's best interests to curb development until those new policies are in place.

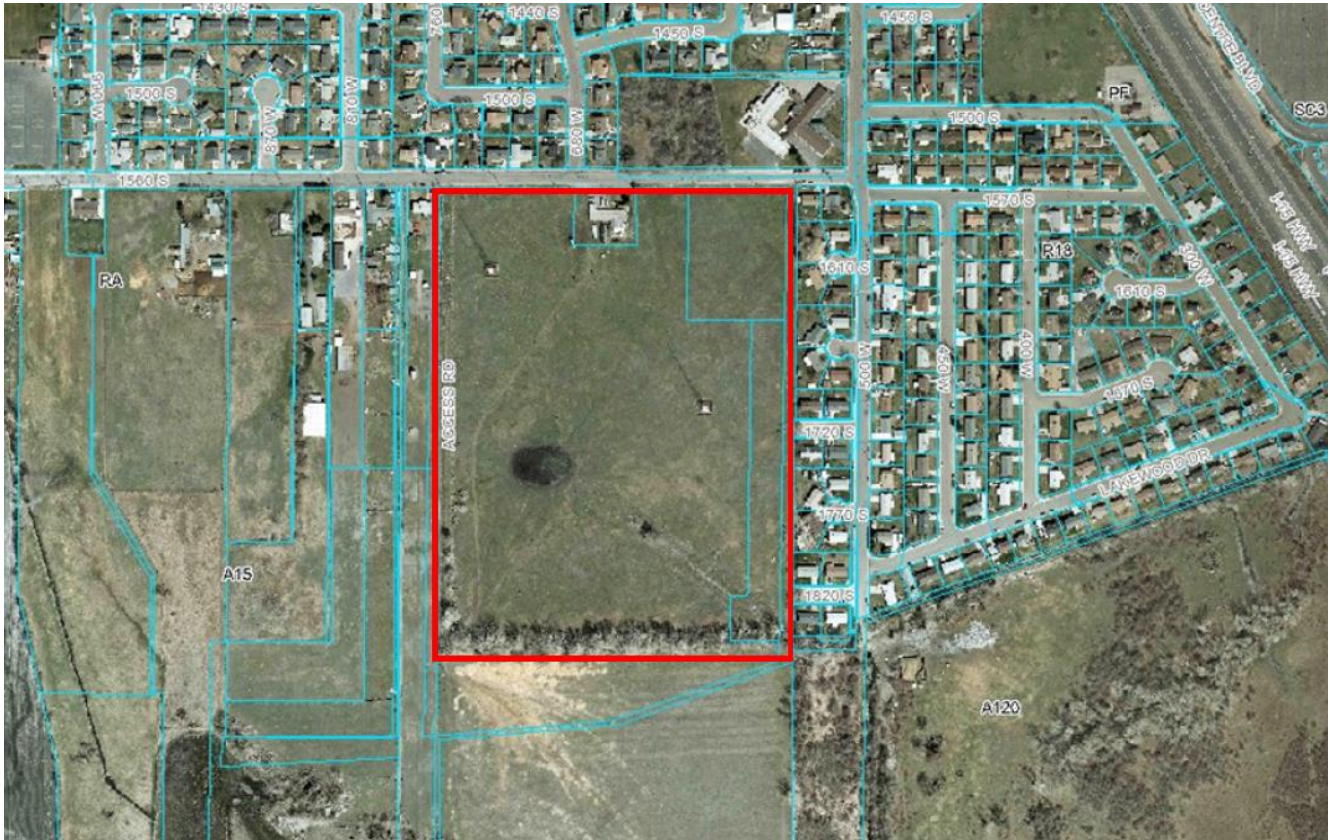
STAFF RECOMMENDATION:

Staff recommends the Commission forward a recommendation, to the City Council, to post-pone the zone change and subdivision plan review indefinitely, until such time the City has updated their master plan for the southwest side of Provo, as defined by the west Provo study area map.

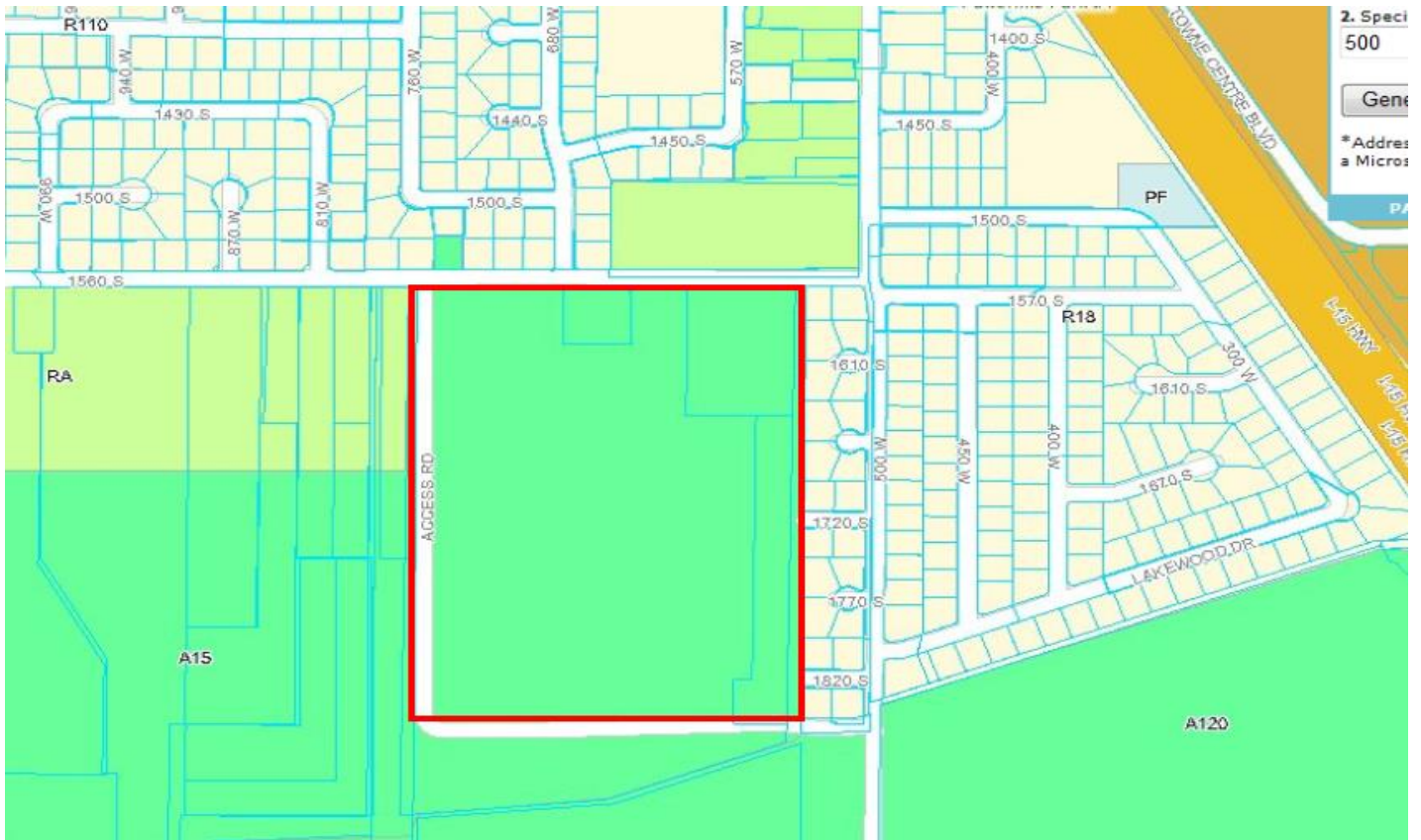
ATTACHMENTS:

- Aerial Location Map
- Zoning Location Map
- Proposed Development
- Southwest Study Area Map

Attachment 1 – Aerial Location Map



Attachment 2 – Zoning Location Map

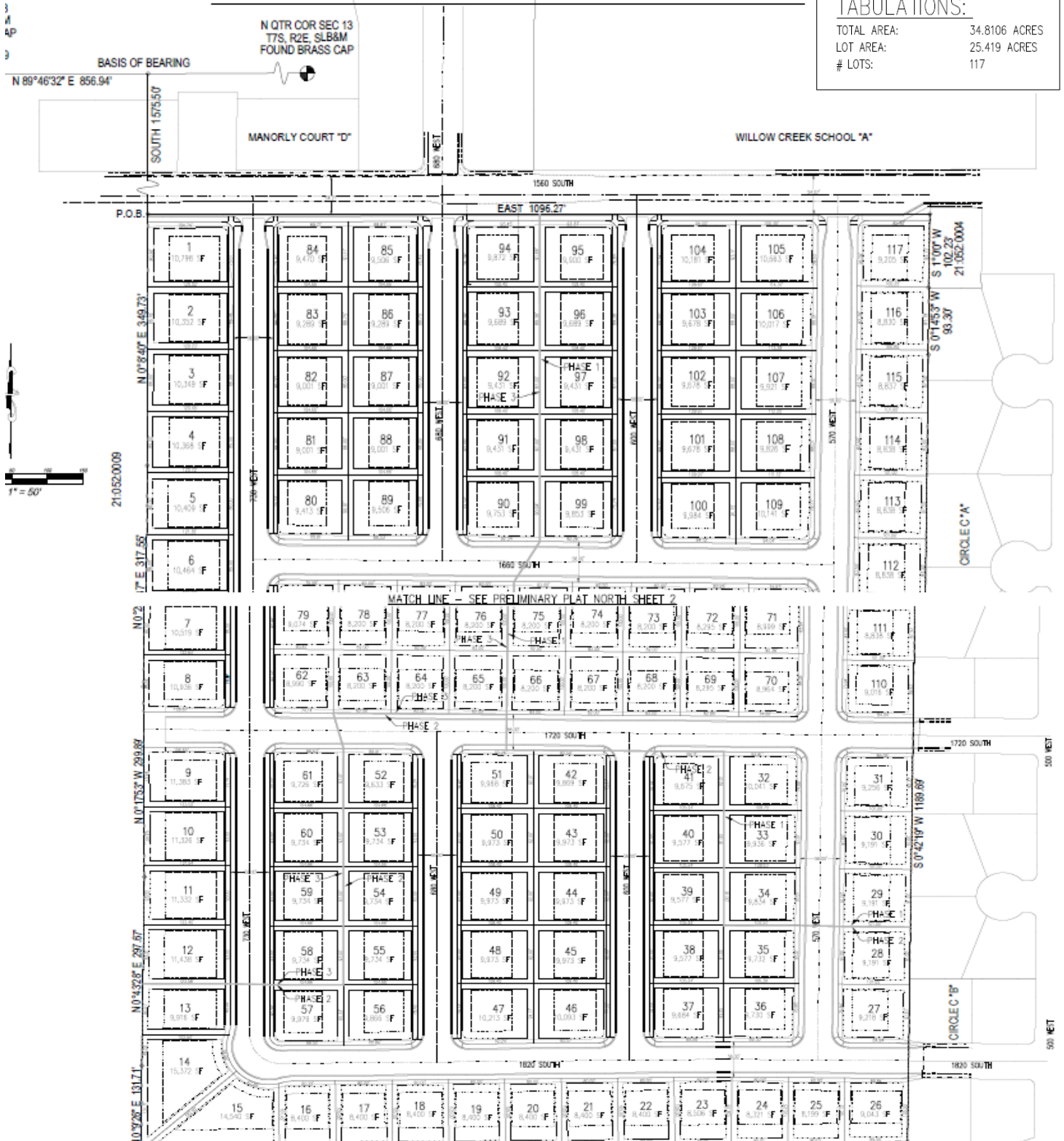


Attachment 3 – Proposed Development

OSPREY POINT

TABULATIONS:

TOTAL AREA:	34.8106 ACRES
LOT AREA:	25.419 ACRES
# LOTS:	117



Attachment 4 – Southwest Study Area Map

