



Provo City Planning Commission

Report of Action

April 12, 2017

ITEM 10 Elliott Smith requests a Street Vacation for 40 East from 3700 North to 3800 North. **Riverbottoms Neighborhood**. 17-0001SV, Brian Maxfield, 801-852-6429

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 12, 2017:

RECOMMEND APPROVAL

On a vote of 5:0, the Planning Commission recommended the Municipal Council approve the above noted application, with the description to be prepared upon final approval of the associated project plan.

Motion By: Ed Jones

Second By: Dave Anderson

Votes in Favor of Motion: Ed Jones, Dave Anderson, Deborah Jensen, Brian Smith, Jamin Rowan.

Jamin Rowan was present as Chair.

The motion 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

Proposed rezoning (17-0003R) of the associated site, and the associated project plan approval (17-0006PPA).

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

- The street vacation would be needed with the relocation of the intersection of 40 East Street with 3700 North Street.
- The street vacation cannot be properly described until approval of the final project plan.
- The street vacation will not be forwarded to the Municipal Council until such time as the final project plan is approved.

NEIGHBORHOOD MEETING DATE

- Several neighborhood meetings have been held regarding the development of the associated site.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present and addressed the Planning Commission during the public hearing. He stated there was generally no opposition to this request.
- Multiple Neighborhood Chair(s) were present and addressed the Planning Commission. However, their comments were more directed toward the associated rezoning and site plan and not this particular item.
- Neighbors or other interested parties were present and addressed the Planning Commission. However, their comments were more directed toward the associated rezoning and site plan and not this particular item.

CONCERNS RAISED BY PUBLIC

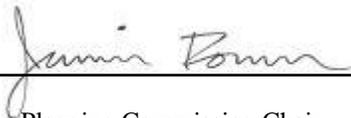
Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- There were no concerns expressed by the public regarding this particular item.

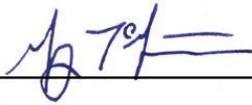
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Other than questions regarding the form of the motion to be made, there was no further discussion regarding this particular item.



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.).



**Planning Commission
Staff Report
Street Vacation
Hearing Date: April 12, 2017**

ITEM 10 Elliott Smith requests a Street Vacation for 40 East from 3700 North to 3800 North. **Riverbottoms Neighborhood.** 17-0001SV, Brian Maxfield, 801-852-6429

<p><u>Applicant:</u> Elliott Smith Staff Coordinator: Brian Maxfield</p> <p><u>Property Owner:</u> Provo City</p> <p><u>Council Action Required:</u> Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is April 26, 2017, 5:30 p.m.</i></p> <p>2. Recommend Denial of the proposed Street Vacation. <i>This would be a change from the Staff recommendation; the Planning Commission should <u>state new findings</u>.</i></p>	<p><u>Associated Applications:</u> This application is associated with the Rezoning (17-0003R) and Project Plan Approval (17-0006PPA) for the Olde Ivy development proposal.</p> <p><u>Relevant History:</u> The roadway was dedicated in December 2015.</p> <p><u>Neighborhood Issues:</u> To date, no comments have been received by staff.</p> <p><u>Summary of Key Issues:</u> Final description of area to be vacated in conjunction with Final Project Plan Approval for the Olde Ivy Development.</p> <p><u>Staff Recommendation:</u> Recommend Approval of the proposed Street Vacation, in conjunction with Final Project Plan Approval. <i>This action <u>would be consistent with the recommendation of the Staff Report</u>. Any additional changes should be stated with the motion.</i></p>
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OVERVIEW

This item is associated with the Rezoning (17-0003R) and Project Plan Approval (17-0006PPA) for the Olde Ivy development proposal. It involves a vacation of portions of 3800 North and/or 40 East which were dedicated to the City in December 2015.

GENERAL PLAN POLICIES

The key policies adopted for the Riverbottoms neighborhood, and listed within the City's General Plan, includes the following directed specifically to this site:

10. *Commercial zoning for 3.25 acres of land located at the northeast corner of 3700 North and University Ave. should not be granted until two access points for the property are approved by the appropriate agencies and included on a preliminary plan. One access point should be from University Ave. and one access point should be from 3700 North Street. The future 3900 North Street should not be used as the University Avenue access.*

FINDINGS OF FACT

- The roadway was dedicated in December 2015.
- The roadway corresponds to Key Policy #10 for the Riverbottoms Neighborhood, as listed in the City's General Plan.
- The roadway alignment was considered temporary, until a site plan for the adjoining property can be approved which would incorporate any realignment or other changes.
- No vacation or change in the entry from University Avenue is included in the consideration.

STAFF ANALYSIS

In order to create and adopt the most efficient and desired site plan for this site, allowances to the realignment of the dedicated roadway may be necessary in accordance with the approved project plan.

CONCLUSIONS

Staff believes that even though the resulting realignment cannot be finalized until the Project Plan nears final approval, it would be proper for the Planning Commission to review and make a general recommendation to the Municipal Council. If the associated rezoning is approved, that recommendation will be forward to Council for a Public Hearing at a later date.

STAFF RECOMMENDATION

With an approval of the associated rezoning and project plan, staff believes the vacation can be executed without any adverse impact on adjoining properties. Because the final description of area to be vacated will be determined with the final Project Plan Approval for the Site, the recommendation of the Planning Commission will not be forwarded until a final description can be prepared in conjunction with Final Project Plan Approval for the development of the property.

STAFF RECOMMENDATION

Recommend Approval of the proposed Street Vacation, in conjunction with Final Project Plan Approval.

