



Provo City Planning Commission

Report of Action

October 24, 2018

Item 1 George Bills requests a Zone Change from Public Facilities (PF) to Residential Agricultural (RA) for 5.89 acres located at 1437 E 2300 N. Rock Canyon neighborhood. Aaron Ardmore (801) 852-6404 PLRZ20180239

The following action was taken by the Planning Commission on the above described item at its regular meeting of October 24, 2018:

POSITIVE RECOMMENDATION WITH CONDITIONS

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application, with the following conditions:

Conditions of Approval:

1. That the zone change is connected to a development agreement that waives all animal rights associated with the RA Residential Agricultural Zone but to maintain any and all animal rights associated with R1 single-family zoning.

Motion By: Andrew Howard

Second By: Robert Knudsen

Votes in Favor of Motion: Andrew Howard, Robert Knudsen, Shannon Ellsworth, Deborah Jensen, Jamin Rowan
Deborah Jensen was present as Chair.

- Additional Report of Action for item previously continued after a public hearing or other discussion: September 12, 2018.
- 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 RA Zone is described in the attached Exhibit A.

DEVELOPMENT AGREEMENT

- Applies – a copy is attached.

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: An overview of the request for the RA zone and limits proffered by the applicant.

NEIGHBORHOOD MEETING DATE

- The Neighborhood Chair sent an email that stated the proposed zone change and development agreement satisfied the concerns of the neighborhood, attached as Exhibit B.

NEIGHBORHOOD AND PUBLIC COMMENT

- Neighbors or other interested parties were present or addressed the Planning Commission with the following questions and concerns:
 - Inquired about the difference between a RA zone and a R1 zone.
 - That a R1 zone would be preferred.
 - Concerns about the possibility of additional lots.
 - Worries about the height and size of accessory buildings.
 - Understanding of what agricultural rights still remained.

APPLICANT RESPONSE

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

- Stated that the owners wanted the option to build an accessory structure in the future that could possibly house recreational vehicles, but did not have details of the desired building(s) at this time.
- That any development that occurs on the three lots would not be unsightly.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Followed up on the geological issues of the property, which would limit development.
- Addressed the restrictions of the proposed Development Agreement, and that it would restrict animal rights and future subdivisions.
- Confirmed the building height restriction in the RA zone is 35 feet. This is the same building height limitation for all R1 zones.



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

EXHIBIT A

Beginning at a point located North $00^{\circ}40'48''$ West along section line 1331.76 feet and East 990.58 feet from the Southwest corner of Section 29, Township 6 South, Range 3 East, Salt Lake Base and Meridian; thence North $00^{\circ}40'48''$ West 419.03 feet; thence North $89^{\circ}19'12''$ East 385.00 feet; thence South $60^{\circ}00'00''$ East 259.91 feet to a point on the westerly right-of-way line of a future extension of Foothill Drive; thence along the arc of a 333.00 foot radius curve to the left; 203.61 feet through a central angle of $35^{\circ}01'57''$ (chord bears South $28^{\circ}21'18''$ East for 200.45 feet); thence along the arc of a 227.00 foot radius curve to the right, 126.43 feet through a central angle of $31^{\circ}54'37''$ (chord bears South $29^{\circ}54'57''$ East for 124.80 feet) to the northerly right-of-way line of 2300 North Street; thence South $89^{\circ}19'12''$ West along said northerly right-of-way line, 762.58 feet to the point of beginning.

Area = 5.9815 acres (260,552 sq. ft.)

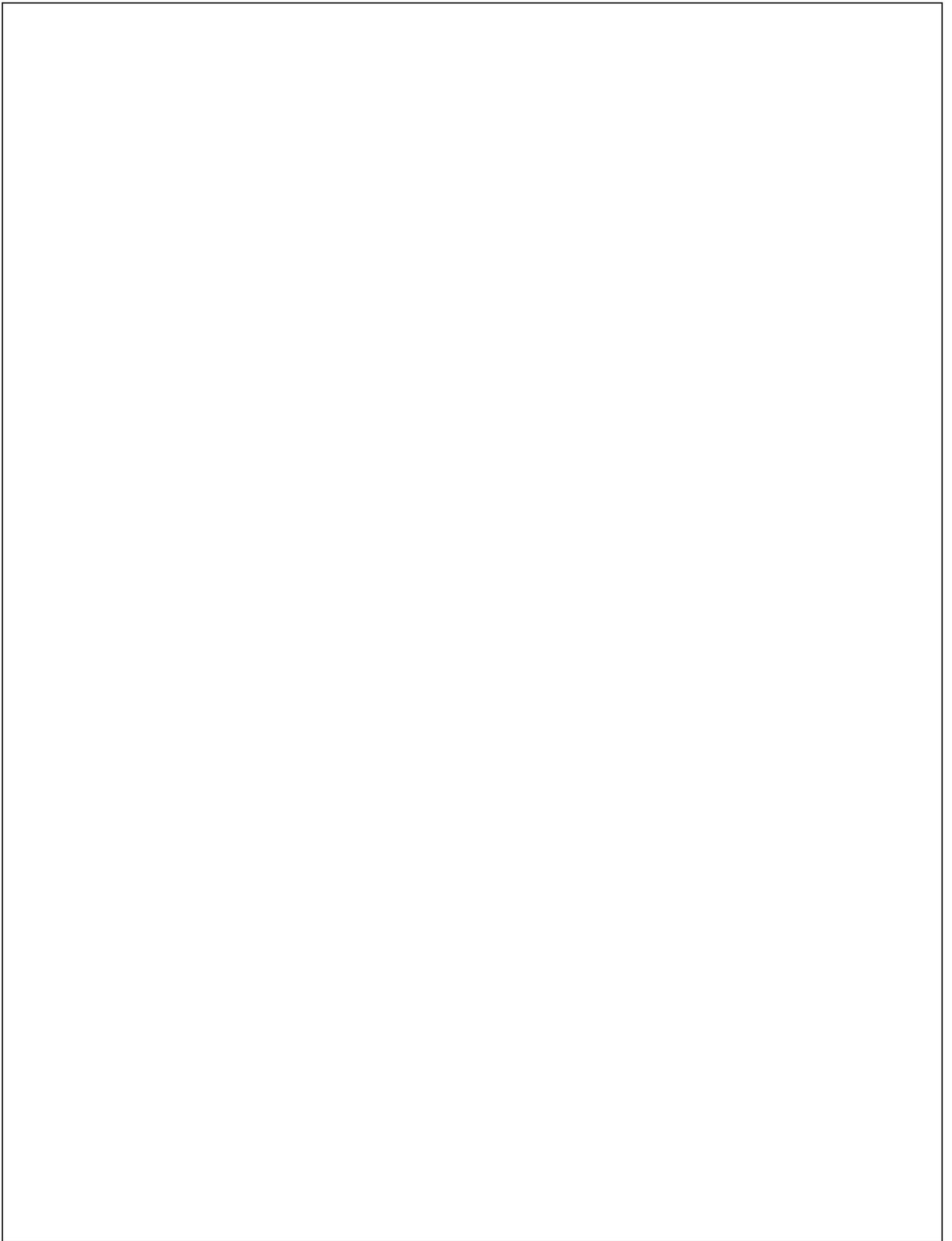


EXHIBIT B

To the Planning Commission:

Upon being elected as neighborhood chair last month, I was apprised at the September 25th, 2018 City Council Meeting that there was an intent to have horses on the property located at 1437 E 2300 N. I was asked to get feedback on how the neighborhood would feel about such a proposal. On October 9th, I reported that there was a history of horses being directly across the street and the neighborhood requested that they be removed at that time. I have heard back from 26 neighbors now, many who border this property, that they do not want any horses or agricultural animal rights on these lots. 14 neighbors further away from the parcel were in favor of a neighborhood farm.

Reasons cited for not wanting animals of such nature included health concerns, namely asthma and allergies, dust from lack of vegetation, smells, ground water contamination as these lots sit on a mountainside, and bugs. Some stated concerns about impacts to the park and trailhead. I have been told that a development agreement will be attached to this new zone request for Residential Agricultural that will restrict animal rights to what you would find in a R1-10 zone. I have not seen this development agreement yet. With the understanding that agricultural livestock will not be permitted in this area, the neighborhood supports this zone change.

Many thanks,

Rachel Luke

Rock Canyon Neighborhood Chair