



Provo City Planning Commission

Report of Action

January 09, 2019

*ITEM 2 The Provo City Economic Development Dept requests a Zone Change from the Regional Shopping Center (SC3) Zone to the Interim Transit Oriented Development (ITOD) Zone for approximately 14 acres, located at 2300 N University Parkway. Carterville neighborhood. Aaron Ardmore (801) 852-6404 PLRZ20180406

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 09, 2019:

POSITIVE RECOMMENDATION WITH CONDITIONS

On a vote of 5:0, the Planning Commission [recommended that the Municipal Council approve the above noted application and authorize the Mayor to sign the development agreement, with the following conditions:

Conditions of Approval:

1. That a Development Agreement is signed prior to adoption of the ITOD zone that would include the following:
2. That the remaining SC3 zone will not permit any residential uses;
3. That 10% of the residential units in the ITOD zone must be income restricted at 60% Average Median Income or that cash-in-lieu is proffered for 10% of the units;
4. That the attached zoning map be included in the Development Agreement which will dictate zone boundaries and road locations.
5. That it is understood by all parties that future development of the subject property may necessitate significant improvements to city sewer facilities and that the cost of any such improvements will be the responsibility of the developer.

Motion By: Andrew Howard

Second By: Jamin Rowan

Votes in Favor of Motion: Andrew Howard, Jamin Rowan, Robert Knudson, Deborah Jensen, Shannon Ellsworth

Deborah Jensen 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 ITOD Zone is described in the attached 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. Key points addressed in the Staff's presentation to the Planning Commission

included the following: That discussions that Planning Commission has had on the subject property prompted this staff-initiated application. Staff had conversations with the property owner and the City Council to determine if a city-initiated application for a zone change to ITOD would seem feasible. David Day addressed the need to review sewer demands before the upcoming project plan is approved, but that the zone change is supported by Public Works staff.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held with Economic Development on January 2nd.

NEIGHBORHOOD AND PUBLIC COMMENT

- Neighbors or other interested parties were present and addressed the Planning Commission with the following concerns:
 - Dave Iman from the adjacent BYU Motion Picture Studio stated concerns with security, noise, light, and other issues that residential neighbors could bring. He also does not want to pay for utility improvements associated with the area.
 - Carl Bacon, a neighboring resident, had concerns about the quality of the buildings that will be built at the site.
 - Russell Lorne stated that he hopes that the development will be aesthetically pleasing, but noted that more medium and high density residential product is needed in the City.
 - Paul Riddle stated concerns with the intensity of the proposal without design being shown.
 - Erik Davis asked staff what the differences are between the SC3 zone and ITOD zone.
 - Brent Henry wondered why only a portion of the project was changing to ITOD zoning.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following: Staff addressed the concerns by stating that design will be reviewed in the future Project Plan and will be seen at Planning Commission. The ITOD zone will allow an additional 25 feet in height over the SC3 zone and is primarily residential.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The design regulations of the ITOD zone, the need for affordable housing in the project, sewer capacity issues that will need to be addressed, advantages to the ITOD zone over the SC3 zone, benefits of the zone change, and ability to create a better place.



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

EXHIBIT A

