



Provo City Planning Commission

Report of Action

February 13, 2019

ITEM 4* Irv Eastham requests a Zone Change from Public Facilities (PF) to Low Density Residential (LDR) to allow six (6) townhomes in a proposed LDR zone. The subject property is located at 862 E Quail Valley Drive and includes 0.78 acres. Edgemont Neighborhood. Robert Mills (801) 852-6407 PLRZ20180430

The following action was taken by the Planning Commission on the above described item at its regular meeting of February 13, 2019:

RECOMMEND APPROVAL

On a vote of 6:1, the Planning Commission recommended the Municipal Council approve the proposed Zone Change from Public Facilities (PF) to Low Density Residential (LDR) to allow a six-unit townhome development in a proposed LDR zone with the following recommended conditions:

1. That all CRC comments are adequately resolved prior to building permit approval of any proposed development;
2. The applicant shall demonstrate, graphically and empirically, that the proposed map amendment and subsequent development of the property will not create a negative cumulative effect on the already burdened neighborhood; and,
3. If development permits for the proposed site are not approved within three (3) years from the date of the approval, the General Plan Map Designation for the subject property will revert to the current PF designation. If it can be shown that development permits are actively being pursued, a time extension may be granted by the Community Development Director commensurate with the anticipated time needed to secure such approvals. .

Motion By: Shannon Ellsworth

Second By: Jamin Rowan

Votes in Favor of Motion: David Anderson, Shannon Ellsworth, Deborah Jensen, Robert Knudsen, Russell Phillips, and, Jamin Rowan

Votes opposed: Andrew Howard

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.

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:

- Staff gave a history of the site based on the available information.
- Staff explained that the neighborhood had been burdened by the surrounding land uses for a number of years.
- Staff explained that the proposed rezone request met the criteria enumerated in the code to justify the change; however staff felt the applicant needed to show that the proposed project would not negatively affect surrounding properties.

APPLICANT RESPONSE

- The applicant further explained the current use of the office building site as an incubator space for entrepreneurial students attending Brigham Young University.
- The applicant explained that when he purchased the property, he was not made aware of the restrictive covenants associated with the office building parcel because they had been recorded against a property nowhere near the site.
- The applicant explained that he wanted to work with the neighbors and understood their frustrations.
- The apartments will be owned by the applicant as a source of income to offset the costs of the building.

CITY DEPARTMENTAL ISSUES

The project will continue through the CRC process of Project Plan Approval if the General Plan Amendment and Rezone are approved.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on January 15, 2019. A staff summary of the meeting can be found in the staff report and a summary report provided by the neighborhood vice chair is attached to this Report of Action.

NEIGHBORHOOD AND PUBLIC COMMENT

- Neighborhood Chairs from the Edgemont and North Timpview neighborhoods addressed the Planning Commission. Both neighborhood chairs expressed that the proposed townhome project was not a desired use in the neighborhoods and the residents were concerned with the impacts the proposed use would bring. .

CONCERNS RAISED BY PUBLIC

- Four (4) members of the public spoke in opposition to the proposal. One (1) member of the public spoke in favor of the proposal. Concerns primarily centered on the introduction of a residential use other than single-family detached housing. Those who spoke in opposition mainly opposed the townhome concept, but would accept R1.10 Residential Zoning.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

Ms. Ellsworth noted that the site, including the adjacent office building, is out of place in the neighborhood; however, the proposed development seems like a good use for the property while minimizing potential impacts.

Mr. Rowan expressed frustration at the idea that housing densities should not be allowed in existing neighborhoods such as this and was unsympathetic toward the notion of a townhouse development like this would degrade the economic value of the surrounding properties.

Mr. Howard expressed that he did not feel the proposed development and associated General Plan Amendment and rezone were in the best interest of the neighborhood.

Ms. Jensen stated that it is unlikely the proposed development would significantly affect traffic patterns in the area; rather, more effective traffic calming would come from a street redesign to make it safer. .



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.).