



Provo City Planning Commission

Report of Action

April 12, 2017

ITEM 5* David Gardner requests an Ordinance Amendment to add SLU #1113 for accessory dwelling units to an industrial use in the Manufacturing Park (MP) Zone. *Rivergrove Neighborhood*. 17-0002OA, Austin Corry, 801-852-6413

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

CONTINUED

On a vote of 5:0, the Planning Commission continued the above noted application to have the proposed amendment revised to include additional buffering protections along residential zone boundaries.

Motion By: Brian Smith

Second By: Ed Jones

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

Jamin Rowan was present as Chair.

- Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted;
- New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is not generally consistent with the Staff analysis and determination.

RELATED ACTIONS

N/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:

- The proposed ordinance amendment would allow live/work units to be built in the MP zone.
- No existing zones accommodate live/work units
- The proposed ordinance amendment would not affect any of the building allowances such as lot coverage, etc.
- Certain restrictive caveats are applied to the land use number to prevent the MP zone from becoming a multi-family residential zone.

NEIGHBORHOOD MEETING DATE

- The Neighborhood Chair determined that a neighborhood meeting would not be required.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- This item was City-wide or affected multiple neighborhoods.
- Neighbors or other interested parties were present or 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:

- Staff noted that one neighbor called with a concern that the added land use would allow boarding homes. Staff noted that a boarding home is a separate land use number and would not be permitted by this amendment.
- A resident from the Castlebrook condominiums indicated a concern about new rental units being added to existing buildings that would bring poor quality tenants.
- Camille Chipman, who owns residential rental property nearby a MP zone, asked if the amendment would allow existing landscaping on the adjacent property to be removed.

APPLICANT RESPONSE

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

- Mr. Gardner stated that there is a demand for this type of housing accommodation for small business owners that cannot operate as a home-based business for various reasons.
- Mr. Gardner noted that most of the businesses in this area don't do manufacturing, but rather there are a lot of internet-based businesses.

PLANNING COMMISSION DISCUSSION

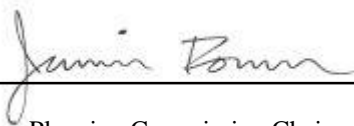
Key points discussed by the Planning Commission included the following:

- Various members of the Planning Commission discussed whether it would be more appropriate to create a new zone to accommodate live/work units for the applicant's project rather than affecting the existing MP zone.
- Ed Jones recommended that the ratio of residential allowance to other uses be more restrictive than currently proposed to further prevent residential becoming a prominent use for the area.
- Brian Smith noted that the ability to actually add dwelling units, even with the ordinance allowance, is fairly limited without extensive work, but even so, a few added protections to prevent unforeseen issues would be helpful.

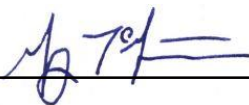
FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:

- In addition to the findings provided in the staff report, additional restrictions should be placed in the residential allowance to further protect adjacent residential zones.



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

OVERVIEW

Per Provo City Code 14.26.010, the Manufacturing Park (MP) Zone is “established to provide an environment conducive to the establishment of quality laboratory, processing, and light manufacturing uses in a park-like atmosphere.”

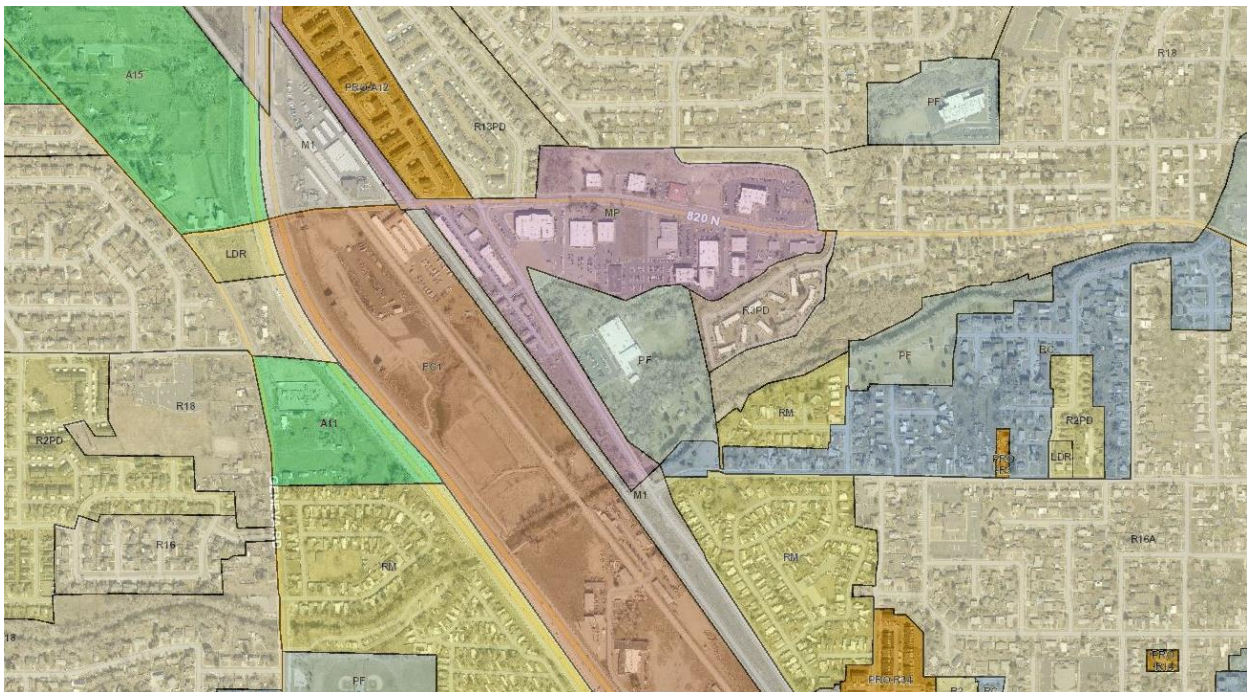
The proposed ordinance amendment seeks to add dwelling units as an ancillary use to the list of permitted uses if three conditions can be met:

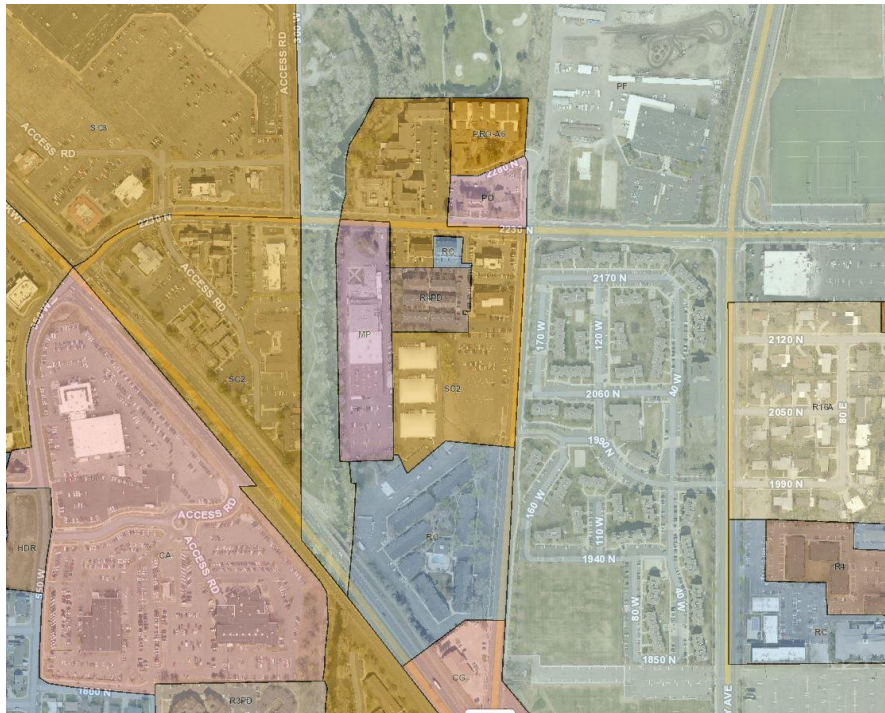
1. Any new dwelling units could only be established if another permitted commercial or industrial use exists on the site
2. Dwelling units are restricted in size to be less than or equal to the square footage of the permitted primary use.
3. Dwelling units would be required to be above the primary commercial or industrial use.

Dwelling units proposed which do not meet all of the three above conditions would not be permitted.

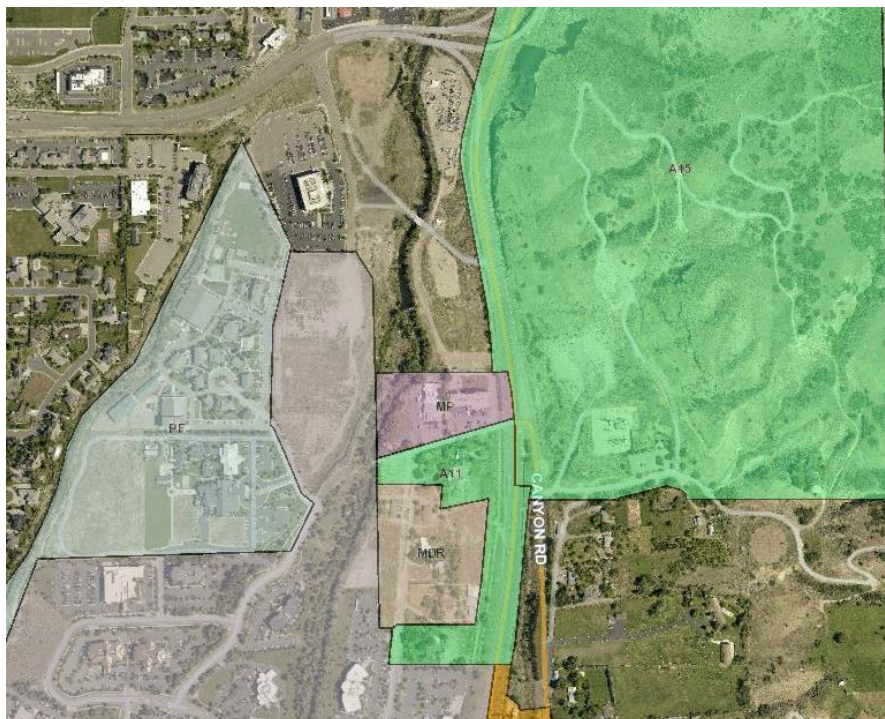
The proposed ordinance amendment would affect three areas of the city as follows:

820 North – adjacent to I-15 and the railroad tracks, bound on the east by residential.





2230 North – a small pocket exists adjacent to the Provo River and 2230 North. This area is surrounded by Commercial Shopping center and Multi-family residential units.



North University Ave. – Two buildings between University Avenue and the Provo River exist on the immediate city border prior to the mouth of the Canyon.

FINDINGS OF FACT

1. The proposed ordinance amendment aids in efficient use of land.
2. The proposed ordinance amendment clearly indicates the restrictions on new dwelling units to ensure they remain ancillary in nature.
3. No other changes to the Manufacturing Park zone are proposed outside of adding the proposed land use number and associated conditions.
4. The proposed ordinance amendment is acceptable to all existing MP zones.

STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

- (a) *Public purpose for the amendment in question.*

Response: The proposed amendment serves to address housing needs and reduce transportation demands.

- (b) *Confirmation that the public purpose is best served by the amendment in question.*

Response: The proposed amendment increases the flexibility of the MP zone to allow possibility of meeting certain housing needs in close proximity to the a residents place of employment, thus eliminating unnecessary commuting traffic.

- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives.*

Response: Chapter 6 of the General Plan specifically notes to “support policies and ordinances that attract a mix of family types, including retirees and singles...”

- (d) *Consistency of the proposed amendment with the General Plan's timing and sequencing provisions on changes of use, insofar as they are articulated.*

Response: No timing or sequencing exists in this regard.

- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.*

Response: No hindrances have been identified.

- (f) *Adverse impacts on adjacent land owners.*

Response: By adding dwelling units to the MP zone, activity associated with the land uses would occur at a broader range of time periods than a traditional work schedule. This could, however, also contribute to lower crime rates by reducing inactive places where criminal activity could otherwise occur.

- (g) *Verification of correctness in the original zoning or General Plan for the area in question.*

Response: The original zoning is appropriate for existing and anticipated uses, as well as existing General Plan policies.

- (h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.*

Response: No conflicts have been identified.

CONCLUSIONS

The proposed amendment provides flexibility to the MP zone which could be a beneficial way of enhancing the permitted land uses. By placing specific conditions on the way a dwelling unit could be established, it is clear that this added land use is as an ancillary function only.

STAFF RECOMMENDED MOTION

Staff recommends that the Planning Commission move to **Recommend Approval** of the proposed ordinance amendment to the Municipal Council.

ATTACHMENT #1 – APPLICANT LETTER

March 15, 2017

Provo City Planning Commission
330 West 100 South
Provo, UT 84601

Dear Commissioners

I am requesting a code amendment for the MP zone, to allow a residential accessory dwelling on a parcel that also has a warehouse/manufactory unit and an office unit. The accessory dwelling would be smaller in square footage than either the warehouse or office space.

The land use category would be 1113 which is listed as an ancillary residential use attached to a non-residential use i.e., commercial or industrial. Only one residential unit would be allowed for each parcel, and 1.5 parking spaces would be provided for the residential unit.

This request will allow a small start-up company to have a residential living unit as well as the business facilities to operate the company. This would be a true live/work project in Provo.

Sincerely,



David Gardner

ATTACHMENT #2 – PROPOSED ORDINANCE AMENDMENT

1 **14.26.020. Permitted Uses.**
.....

2 ...

3 (4) Permitted Principal Uses. The following principal uses and structures, and no others, are permitted in the
4 MP zone:

Use No. Use Classification

1113 Single family dwelling, attached to a commercial, industrial or other non-residential use. (Dwelling unit shall be above non-residential use in the structure and shall have less square footage than the primary non-residential use.)

5 ...