



Provo City Planning Commission

Report of Action

April 12, 2017

ITEM 6* The Provo City Community Development Department requests an Ordinance Amendment to Section 14.49.020(3) to allow the Low Density Residential (LDR), Medium Density Residential (MDR), and High Density Residential (HDR) Zones to be permitted for the Special Development Plan Overlay Zone. *City-Wide Impact.* 17-0003OA, 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.

Motion By: Deborah Jensen

Second By: Brian Smith

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

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

The proposed text recommended by the Planning Commission is attached as 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:

- Adoption of the SDP Overlay Zone in the year 2000
- Adoption of the LDR, MDR, and HDR Zones in the years 2012 and 2013.

CITY DEPARTMENTAL ISSUES

None

NEIGHBORHOOD MEETING DATE

City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- Multiple Neighborhood Chair(s) were present but did not address the Planning Commission.
- No one from the general public addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

- None have been received by staff nor were presented to the Planning Commission.

PLANNING COMMISSION DISCUSSION

There was no further discussion by the Planning Commission



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
Ordinance Amendment
Hearing Date: April 12, 2017**

ITEM 6 The Provo City Community Development Department requests an Ordinance Amendment to Section 14.49.020(2) to allow the Low Density Residential (LDR), Medium Density Residential (MDR), and High Density Residential (HDR) Zones to be permitted for the Specific Development Plan Overlay Zone. **City-Wide Impact.** 17-0003OA, Brian Maxfield, 801-852-6429

<p>Applicant: Provo City Community Development Staff Coordinator: Brian Maxfield</p> <p>Property Owner: N/A Parcel ID#: City-Wide</p> <p>*Council Action Required:</p> <p>Related Application(s):</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, at 5:30 p.m.</i></p> <p>2. Recommend Denial of the proposed ordinance amendment. <i>This would be <u>a change from the Staff recommendation</u>; the Planning Commission should <u>state new findings</u>.</i></p>	<p><u>Relevant History:</u> Original adoption of Chapter 14.49 occurred in the year 2000. Adoption of the LDR, MDR and HDR zones occurred in the years 2012 and 2013.</p> <p><u>Neighborhood Issues:</u> To date, no comments from neighborhood chairs have been received.</p> <p><u>Summary of Key Issues:</u> To date, no issues have been found or are anticipated.</p> <p><u>Staff Recommendation:</u> Recommend Approval of the proposed ordinance amendment. <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

The adoption of Chapter 14.49 SDP – Specific Development Plan Overlay Requirements occurred in the winter of the year 2000. The purpose of the overlay zone was to allow a unified development of various underlying zones. Included with the underlying zones which may be contained within an SDP Overlay, are the R2, R3, R4 and R5 Zones. In 2012 and 2013, the City adopted the Low Density Residential (LDR),

the Medium Density Residential (MDR) and High Density Residential (HDR) zones. Because those newer zones were principally meant to eventually replace the R2, R3, R4 and R5 zones, their inclusion as allowable underlying zones would seem to be merely an overlooked update to the SDP Overlay Zone.

FINDINGS OF FACT

- Chapter 14.49 SPD Specific Development Plan Overlay was enacted in October 2000.
- The LDR Low Density Residential Zone was adopted October 2012.
- The MDR Medium Density Residential Zone was adopted January 2013.
- The HDR High Density Residential Zone was adopted December 2013.

STAFF ANALYSIS

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.
Update to the Code to incorporate newer zoning designations within the allowed underlying zoning districts for the SDP Overlay Zone.
- (b) Confirmation that the public purpose is best served by the amendment in question.
The purpose of the SDP Overlay Zone is to allow for a mixture of uses utilizing the underlying zoning. The current SDP text allows the R2, R3, R4, and R5 zones as underlying zones. The LDR, MDR, and HDR Zones were created to eventually replace those zoning designations.
- (c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

The proposed amendment would support the goals, and objectives in providing additional options for areas conducive to a compatible combination of uses.

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

The General Plan's "timing and sequencing" provisions are not affected by this proposed amendment.

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

There is no anticipated hindrance or obstruction to the attainment of the General Plan's articulated policies.

- (f) Adverse impacts on adjacent land owners.

N/A

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

N/A

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

N/A

CONCLUSIONS

The proposed amendment serves as a useful update to an existing section of the City's Zoning Ordinance.

STAFF RECOMMENDATION

Recommend Approval of the proposed ordinance amendment as contained in the attached Exhibit "A."

EXHIBIT "A"

14.49.020. Use in Combination.

(2) The SDP Overlay zone may be combined with the following zones: RA, R1, R2, R3, R4, R5, LDR, MDR, HDR, PO, SC1, SC2, SC3, CBD, CG, MP, M1, M2, PIC, R&BP, and SSC. (Enacted 2000-42)