



Provo City Planning Commission

Report of Action

April 12, 2017

ITEM 8* Elliott Smith requests a Zone Change from A1.5 to Specialty Support Commercial (SSC), Professional Office (PO), and LDR Low Density Residential with a Specific Development Plan (SDP) Overlay for four acres of land located at the northeast corner of 3700 North University Avenue. **Riverbottoms Neighborhood.** 17-0003R, 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 with the direction the proposed SDP text allow a maximum height of up to 45 feet to the peak of the roof for the townhome development.

Motion By: Brian Smith

Second By: Dave Anderson

Votes in Favor of Motion: Brian Smith, Dave Anderson, Ed Jones, Deborah Jensen, 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 FOR SDP ZONE

The proposed text recommended by the Planning Commission for the Olde Ivy SDP Zone 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:

- Overview of proposed zoning districts.
- Proposed variations which would be allowed through the text associated with the SDP Overlay Zone.

CITY DEPARTMENTAL ISSUES

- None

NEIGHBORHOOD MEETING DATE

- Several neighborhood meetings have been held regarding this proposal and the development of this site.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present and addressed the Planning Commission during the public hearing. He stated the proposed zoning designations are important as they limit the uses allowed on the site, especially other automotive uses, such as tire stores and repair shops, which would have a greater impact.
- Multiple Neighborhood Chair(s) were present and addressed the Planning Commission. Mike Roan of the Riverside Neighborhood stated that in the earlier versions of development proposed for the site, there were numerous concerns voiced. However, for the last three meetings regarding this site, there has not been one response on any serious issue. He believes greater traffic impact on the 3700 North/University Avenue will result from additional development farther east on 3700 North than from this project. Sharon Memmot, vice-chair of the Edgmont Neighborhood, expressed concern with the right-in/right-out on University Avenue, but agreed with the impact at the intersection resulting from additional traffic farther east on 3700 North.
- Neighbors or other interested parties were present and 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:

- Nature of the proposed use on the commercial site, and its general appearance.
- Density of proposed housing (24 units on 2.42 acres)
- General traffic concerns including traffic into adjoining residential neighborhood.
- Dr. Dobson of Riverwoods Pet Hospital was concerned that proper access from 3800 North to her business be provided as has been previously agreed.

APPLICANT PRESENTATION AND RESPONSE

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

- Explanation of rationale for JiffyLube as the selected commercial use and its more limited traffic impact in comparison to several other types of commercial uses.
- Need for a variation from the setback from University Avenue otherwise required by the University Avenue Riverbottoms Design Corridor, in that the standard 50 foot setback, with a property depth of less than 100 feet, would drastically affect the layout options for the commercial portion of the project, resulting in a much less desirable look to the site.

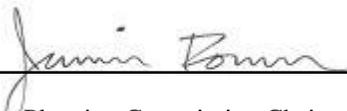
STAFF RESPONSE

- David Day, representing Provo Public Works, answered questions relating to traffic and access issues, with the limitations imposed by UDOT on University Avenue, and possible further improvements on 3700 North which could, in the future, include a traffic signal at 100 East.

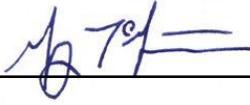
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- A clarification regarding the SDP Overlay being site specific.
- The residential zoning meeting the desire for a variety of housing types in the area and being a plus for the area.
- Desirability and allowance for a variation through the SDP text of the maximum height requirement of the LDR zone.
- Several Planning Commissioners expressed they initially felt the JiffyLube, as the proposed use, was strange, but in the end made sense in relation to its traffic generation as well as its fitting a "Form Base Zoning" argument, and that it actually would seem to be appropriate for the site.



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"
Adoption of SDP Text

Chapter 14.49F

SDP-6 – Olde Ivy Specific Development Plan Overlay Zone.

- 14.49F.010. Purpose and Objectives.
- 14.49F.020. Compliance with Underlying Zones.
- 14.49F.030. Underlying Zone Boundaries.
- 14.49F.040. Variations to Underlying Zones.
- 14.49F.050. Project Design and Development Standards

14.49F.010. Purpose and Objectives

The purpose of the Olde Ivy Specific Development Plan Overlay Zone is to provide site and development standards relating specifically to the northeast corner of 3700 North and University Avenue, as a means to better coordinate and unify the various land uses permitted by the underlying zones. These mixed land uses include provisions for retail development at the corner, an office building further north along the University Avenue frontage, and 24 residential townhomes on the eastern and northeastern portions of the site. The included land uses, and the required site design and development standards are based on the following principal objectives:

- (1) Provide for a mix of appropriate land uses which will be complimentary to the nature of the surrounding area while also providing an appropriate transition to the adjoining residential neighborhood.
 - (a) The inclusion of well-designed and well-built townhomes as a desirable and a viable alternative housing option;
 - (b) The inclusion of limited retail development with a restriction on those land uses which might generate excessive light and noise, or which might have high traffic generation and customer turnover such as might occur with a fast food restaurant; and
 - (c) The inclusion of professional and business offices which can provide local services and nearby employment opportunity for residents in the area.
- (2) Require architectural and design elements which will tie each portion of the project (townhomes; office; and retail) to the overall development, in a unifying fashion. This includes the use of building materials which are similar or complimentary in nature and which may include thematic design elements, as well as common streetscape and landscaping features.
- (3) Require landscaping standards which will enhance the development and the neighborhood.

14.49F.020. Use in Combination with Underlying Zones.

As called out in Section 14.49.020. of this Ordinance, an SDP Overlay Zone is to be used in combination with conventional zoning districts. The underlying, conventional zoning districts for the Olde Ivy SDP Overlay Zone include the SSC-1 (Specialty Support Commercial) Zone; the PO (Professional Office) Zone; and, the LDR (Low Density Residential) Zone.

14.49F.030. Underlying Zone Boundaries.

In order to allow design flexibility through the actual approval of the project plan(s), zone borders may be adjusted so long as allowable minimum and maximum areas of the underlying zones are met.

14.49F.040. Variations to Underlying Zones.

As allowed by Section 14.49.030. of this Ordinance, variations to the development standards of the underlying zones are permitted through the adoption of an SDP Zone, with any adopted variation to be listed within the text related to the

particular SDP Zone. When no variation is listed, or where no specific Architectural or Site Design standards are called out within this Chapter, the land uses, setbacks, parking requirements, and architectural and site design standards shall adhere to the requirements of the underlying zoning district. In cases of conflicting requirements with the standards of the underlying zone, the standards of the SDP Overlay Zone shall apply.

(1) SSC Specialty Support Commercial Zone.

(a) Permitted Uses. Variations to the land uses listed within Chapter 14.47 Specialty Support Commercial (SSC) Zone, are as follows:

(i) Excluded Land Uses. The following uses are excluded and not permitted:

- 4923 Travel Agencies
- 6111 Banking Services
- 6141 Insurance Carriers
- 6211 Laundries
- 6213 Dry Cleaning
- 6230 Beauty and barber shops, reducing salons
- 6254 Shoe Repair
- 6334 Duplicating, quick print services
- 6395 Photo finishing services
- 6511 Physicians office
- 6512 Dental office
- 6591 Accounting, auditing, bookkeeping, income tax preparation, etc.
- 6730 Postal services
- 6815 Day nurseries and child care services
- 6834 Music schools (only in conjunction with a music store)
- 6839 Other Special Training, includes karate, judo, kung fu schools
- 7398 Video rental

(ii) Included Land Uses. The following use is included as a permitted use:

- 6419 Automotive Tune-up and Lube Centers (not including automotive repair or towing services).

(b) No Conditional Uses listed within Chapter 14.47 Special Support Commercial Zone are allowed within the Olde Ivy SDP Overlay Zone.

(c) Yard Requirements.

(i) Setback from University Avenue. As permitted by Section 14.34.290., the Planning Commission may approve a project plan with modifications to the standards listed within that Section. Modifications to the listed standards for the North University Avenue Riverbottoms Design Corridor include the following minimum standards (except where otherwise noted, measurements are from the project's property line):

(A) Nonresidential Buffer Yard may be reduced to a minimum of five (5) feet: Five (5) feet. Such area shall be landscaped with turf, trees, and shrubs as approved with the project landscape plan. Space between the roadway and the project's property line shall also be landscaped as approved with the project plan, and with permission from the Utah Department of Transportation. (see 14.34.290.(2)(b)(iii) North University Avenue Riverbottoms Design Corridor Criteria – Screening and Landscaping Standards)

(B) Building Setbacks (see Section 14.34.290(2)(c)(v) North University Avenue Riverbottoms Design Corridor Criteria – Building Appearance and Setbacks): Five (5) feet.

(ii) Setback from 3700 North: Twenty (20) feet for any building, drive aisle, or parking area. Such yard area, as well as the area extending to the street curb-line shall be landscaped.

(iii) Setbacks next to the LDR zone:

(A) Thirty (30) feet from any residential dwelling or residential yard area.

(B) Ten (10) feet from any public roadway interior to the site.

(iv) Setbacks next to the PO Zone.

(A) For any structure or building: Fifteen (15) feet.

(B) For any drive aisle and parking areas: Ten (10) feet.

(2) PO Professional Office Zone.

(a) Permitted Uses. Variations to the land uses listed within Chapter 14.16 Professional Office (PO) Zone, are as follows:

(i) Excluded Land Uses. The following use is excluded and not permitted:

7398 Video Rental Shops

(ii) Included Land Uses. No additional land uses are included as a permitted use.

(b) No Conditional Uses listed within Chapter 14.16 Professional Office Zone are allowed within the Olde Ivy SDP Overlay Zone.

(c) Yard Requirements.

(i) Setback from University Avenue. As permitted by Section 14.34.290., the Planning Commission may approve a project plan with modifications to the standards listed within that Section. Modifications to the listed standards for the North University Avenue Riverbottoms Design Corridor include the following minimum standards (measured from the project's property line):

(A) Nonresidential Buffer Yard (see 14.34.290.(2)(b)(iii)): Five (5). Such area shall be landscaped with turf, trees, and shrubs as approved with the project landscape plan. Space between the roadway and the property line shall also be landscaped as approved with the project plan, and with permission from the Utah Department of Transportation.

(B) Building Setbacks (see 14.34.290.(2)(c)(v)): Five (5) feet.

(ii) Setback from 3800 North:

(A) For any structure or building: Fifteen (15) feet.

(B) For any drive aisle or parking area: Ten (10) feet. Such yard area, as well as the area extending to the street curb-line shall be landscaped.

(iii) Setbacks next to the LDR zone:

(A) Thirty (30) feet from any residential dwelling or residential yard area.

(B) Ten (10) feet from any public roadway interior to the site, other than 3800 North.

(iv) Setbacks next to the SSC Zone.

(A) For any structure or building: Fifteen (15) feet.

(B) For drive aisle and parking areas: Ten (10) feet.

(3) LDR Low-Density Residential Area.

(a) Permitted Uses. Variations to the land uses listed within Chapter 14.14A Low Density Residential (LDR) Zone, are as follows:

(i) Excluded Land Uses. The following use is excluded and not permitted:

(A) Two-family dwellings;

(B) Police protection and related services, branch (office only)

(ii) Included Land Uses. No additional land uses are included as a permitted use.

(b) Density: Variations to the maximum density allowed by Chapter 14.14A Low Density Residential Zone, includes a maximum total of 24 townhome units for the entire area designated as LDR (approximately 2.4 acres).

(c) Yard Requirements. Variations to the minimum yard requirements within Chapter 14.14.A Low Density Residential Zone, include the following:

(i) Perimeter Yards. Minimum yards between the perimeter boundary of the project and a residential unit within the project are as follows:

(A) Building's Side Yard: 10 feet

(B) Building's Rear Yard: 15 feet

(ii) Interior Yards. Minimum yards within the areas of the project not affected by the perimeter setbacks are as follows:

(A) Front Yard: 20 feet

(B) Side Yard, Corner Lots: 8 feet

(C) Rear Yard: 15 feet

(D) Between building groups: As required by the International Residential Code

(d) Maximum Building Height. Forty-five (45) feet as measured to the peak of the roof.

(e) Parking, Loading and Access:

(i) Each townhome shall include a two-car garage with a minimum interior width and length of twenty (20) feet.

(ii) Visitor parking shall be provided at one space per unit. Driveways having a depth of at least 20 feet, will count for the required visitor space for that unit, however, no other visitor parking may be located in the front yard area of any townhome unit.

(iii) No visitor parking areas shall be located closer than 10 feet to the perimeter of the project.

(iv) No townhome may have direct driveway access to a public street.

(v) No recreational vehicles shall be stored on-site, unless a specific parking area for recreational vehicles is approved as part of the site plan. Any such area shall be appropriately screened and landscaped as determined by the Planning Commission through site plan review.

14.49F.050. Project Design and Development Standards

The design and development standards contained in this Section are intended to provide a fully unified development which will enhance the development and the neighborhood. If any conflict exists between the requirements of the overlay zone with the underlying zone, the requirements of the overlay zone shall apply.

(1) Building Architecture and Materials. In addition to the requirements contained within the various underlying zones as well as within the Zoning Ordinance, the following requirements shall apply within the Olde Ivy SPD Overlay Zone:

(a) All residential, retail and office buildings within the project shall contain common design elements.

(b) Exterior materials may consist only of stucco, stone, brick, Hardiboard siding, wood trim, composition roofing, and other design features which are part of an element of the overall design approved by the Design Review Committee.

(c) No vinyl or aluminum siding may be used, except for soffits, gutters, and window trim unless the Design Review Committee approves other design features as part of an element of the overall design.

(2) Landscaping. In addition to the requirements contained within the various underlying zones as well as within the Zoning Ordinance, the following requirements shall apply within the Olde Ivy SPD Overlay Zone:

(a) A landscaping plan for the entire project area shall be required as part of the approval of the project plan.

Where a specific building design and layout is not yet being considered, such as in the case of the office building, general elements should be called out. However, details may be submitted with the specific project plan for that site.

(b) Landscaping shall be consistent in terms of design and general planting materials throughout the entire project.

(3) Fencing and Walls. In addition to the requirements contained within the various underlying zones as well as within the Zoning Ordinance, the following requirements shall apply within the Olde Ivy SPD Overlay Zone:

(a) All fencing and wall design and materials shall be approved by the Design Review Committee.

(b) The type of fencing shall be consistent throughout the project. The color used throughout the community shall be consistent and determined at the time of final plat approval by the Design Review Committee and the Planning Commission.

(c) No fence or wall shall create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City Traffic Engineer.

(4) Residential Entryways. Entryway features to the residential portion of the development may be included with the following allowances or restrictions:

(a) Any entryway feature shall be consistent with or complimentary to the fencing and wall design for the project.

(b) Entryway features may exceed six (6) feet in height so long as the height transitions to no more than six (6) feet, within fifteen (15) feet of any adjoining property outside of the development project boundaries.

(c) All entryway features shall be constructed of decorative iron, brick, stone, decorative masonry, or combinations thereof.

14.49F.060. Other Requirements.

(1) Home Owners Association - Guarantees and Covenants.

(a) Adequate guarantees and covenants shall be provided for permanent retention and maintenance of all parks, open space, trails, and other amenities owned in common within the Olde Ivy development. No final plat may be approved until restrictive covenants have been submitted to and approved by the Community Development Department. Said guarantees shall include the following:

(b) A homeowner's association for the entire development shall be created for the common maintenance of all street frontage areas.

(c) A separate homeowner's association for the residential development shall be created for the residential portion of the property.

(i) The care and maintenance of the area within any open space reservation shall be insured by the developer by establishing a private association or corporation responsible for such maintenance which shall levy the cost thereof as an assessment on the property owners within the Olde Ivy development. Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the City and made a part of the conditions of the final plan approval.

(ii) Maintenance of open space reservations shall be managed by a person, partnership, or corporate entity which has adequate expertise and experience in property management to assure that maintenance is accomplished efficiently and at a high standard of quality.

(d) Parking and occupancy requirements, association funds, and establishment of maintenance estimates and funds shall be disclosed prior to any purchase of property within the development.

(e) Ongoing maintenance fees that will be assessed prior to the purchase or lease of property shall be disclosed.

END



**Planning Commission
Staff Report
Rezone
Hearing Date: April 12, 2017**

ITEM 8* Elliott Smith requests a Zone Change from A1.5 to Specialty Support Commercial (SSC), Professional Office (PO), and Low Density Residential (LDR) with a Specific Development Plan (SDP) Overlay for four acres of land located at the northeast corner of 3700 North University Avenue. **Riverbottoms Neighborhood**. 17-0003R, Brian Maxfield, 801-852-6429

<p><u>Applicant:</u> Elliott Smith</p> <p><u>Staff Coordinator:</u> Brian Maxfield</p> <p><u>Property Owners:</u> Nick Faulkner; Bill Faulkner</p> <p><u>Parcel ID#:</u> 18:065:0154; 18:065:0155; 18:065:0132; 18:065:0150</p> <p><u>Current Zone:</u> A1.5 (Agricultural – 5 acre minimum)</p> <p><u>Proposed Zone:</u> A combination of the SSC; PO; and LDR Zones, with an SPD Overlay Zone.</p> <p><u>General Plan Designation:</u> Commercial</p> <p><u>Acreage:</u> approx. 3.25 acres</p> <p><u>Number of Properties:</u> Four</p> <p><u>Council Action Required:</u> Yes</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, 5:30 p.m.</i></p> <p>2. Recommend Denial of the proposed rezoning. <i>This would be a change from the Staff recommendation; the Planning Commission should state new findings</i></p>	<p><u>Current Legal Use:</u> Those uses allowed under the A1.5 Zone.</p> <p><u>Relevant History:</u></p> <ul style="list-style-type: none">• The General Plan’s commercial designation for the site was adopted in December 2012 (Resolution 2012-69).• The current wording for Key Policy items #10 and #11 (Riverbottoms Neighborhood), was adopted in January 2013 (Resolution 2013-05). <p><u>Neighborhood Issues:</u> This item has been to several neighborhood meetings since last Fall. Principal items discussed and commented on have included.</p> <ul style="list-style-type: none">• Appropriate land uses.• Increased traffic resulting from the development of the site.• Appropriate traffic management relating to the increase in traffic. <p><u>Summary of Key Issues:</u></p> <ul style="list-style-type: none">• Appropriateness of each zoning designation.• Variations to be allowed/required with SDP Overlay Zone.• Issues which can be addressed through approval of the Project Plan. <p><u>Staff Recommendation:</u> That the Planning Commission forward to the Municipal Council a recommendation for approval of the suggested zoning designations subject to execution of a Development Agreement to guarantee representations made by the applicant for development of the property.</p>
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OVERVIEW

This request involves the rezoning property at the northeast corner of 3700 North and University Avenue to the SSC (Specialty Support Commercial), PO (Professional Office), and LDR (Low Density Residential) Zones. It also includes adopting an SDP Specific Development Plan Overlay Zone over the three areas. The included site has a developable area of approximately 4.1 acres, and consists of four main properties plus small associated out parcels. With the half-street areas of 3700 North and University Avenue included, the area would total approximately 5.1 acres.

The proper land use(s) for this area of the City has been contemplated for many years, even before the land was annexed into the City in the late 1980's. During those years, the City's General Plan has denoted the land use on the site as commercial, residential, and now, since 2013, as commercial again.

The proposed zoning designations include:

1. SSC Specialty Support Commercial Zone (approximately 0.5 acres)
The SSC zone is generally regarded as the most restrictive commercial zone within the City in terms of allowable land uses. Additional use modifications and siting variations to this zone would be allowed through the use of the SDP Overlay Zone. The proposed SDP Overlay would reduce the number of allowed uses, and eliminate the listed conditional uses. For the most part, the uses proposed to be eliminated are: Those which have a drive-thru window; those which produce a relatively high vehicle trip generation such as might be found with a fast-food restaurant; and those which generally duplicate the allowances of the neighboring PO Zone.
2. PO Professional Office Zone (approximately 0.8 acres)
The PO zone principally allows general business uses as well as medical offices. The text of the SDP Overlay would eliminate one listed use in the PO zone: Video Rentals. Because the PO zone would only border public streets and the SSC Zone, some modification to the required setbacks are also included in the SDP Overlay.
3. LDR Low Density Residential Zone (approximately 2.42 acres)
The LDR zone principally allows residential uses including single-family detached (minimum 5,000 square foot lots), single-family attached (twin homes and townhomes), and two-family dwellings (duplexes) along with the standard uses allowed in all residential zones. Restrictions through the SDP Overlay Zone would exclude the allowance for two-family dwellings, and limit the total number of townhomes to a maximum total of 24 units. Variations to certain site and interior setbacks and to the building height for this zone are included within the SDP overlay.

4. SDP Specific Development Overlay Zone

As an overlay zone, the SDP would cover the entire area of the rezoning. Although, as an overlay zone, the SDP utilizes the allowances, requirements and restrictions of the underlying zones. However, it can also make further restrictions in permitted uses and allow for desirable modifications to the standards of the underlying zones. Therefore, the intended purpose of the SDP Overlay is to: Restrict several land uses which would otherwise be allowed with the underlying zones; create a better unity in both architectural and landscape design than might otherwise occur through development within the individual zones; and allow for modifications or variations in the site plans which will result in better traffic management options as well as an adequate and proper use transition to the adjoining properties.

GENERAL PLAN POLICIES

The key policies adopted for the Riverbottoms neighborhood, and listed within the City's General Plan, includes the following directed specifically to this site:

10. *Commercial zoning for 3.25 acres of land located at the northeast corner of 3700 North and University Ave. should not be granted until two access points for the property are approved by the appropriate agencies and included on a preliminary plan. One access point should be from University Ave. and one access point should be from 3700 North Street. The future 3900 North Street should not be used as the University Avenue access.*

11. *Development at the northeast corner of 3700 North and University should include professional/corporate office and business-related warehousing and/or substantially similar spaces as the primary land uses with an art gallery and museum as ancillary land uses.*

Policy #10 has been realized through a road dedication for 40 East and 3800 North Streets recorded in December 2015. The associated General Plan text amendment includes the following changes to Policy #11:

11. Commercial Development and on the approximately 1.15 acre property at the northeast corner of 3700 North and University should include professional/corporate office and business-related warehousing and/or substantially similar spaces as the primary land uses with an art gallery and museum as ancillary land uses at the intersection, may include one or two small scale retail uses, but not include fast-food restaurants or other uses with a drive-thru, or other retail uses with high volume and/or high evening hour traffic generation similar to that of fast-food restaurants.

FINDINGS OF FACT

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of zoning map amendments:

Upon receipt of a petition by the Planning Commission, the Commission shall hold a public hearing in accordance with the provisions of Section 14.02.010 of this Title and may approve, conditionally approve, or deny the preliminary project plan. 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.*

The orderly development of the City in accordance with the General Plan Land Use Map, and with the Goals and Policies of the General Plan.

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

Confirmation would be assumed through the adoption of the associated text amendment to the General Plan.

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

With adoption of the associated amendment to the General Plan text relating to the development policies for this property, staff believes the rezonings would be compatible with the General Plan's policies, goals, and objectives.

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

There is no conflict in the General Plan's timing and sequencing provisions.

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

Staff believes the proposed rezonings would work to attain and fulfill the General Plan's articulated policies.

(f) Adverse impacts on adjacent land owners.

As there will be additional impacts on adjoining neighbors through any development of the site, focus should be on a comparison of additional traffic impacts resulting from various land uses which might occur on the property and those which might not be able to be properly mitigated. These are discussed more directly under Staff Analysis.

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

Verification would be assumed through the adoption of the associated text amendment to the General Plan.

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

With adoption of the associated amendment to the General Plan text relating to the development policies for this property, there would be no conflict between the General Plan Map the General Plan Policies.

STAFF ANALYSIS

Discussions regarding various development proposals for this site have principally centered on two main issues: Land use compatibility; and, automobile traffic. The following is a summary analysis of these issues.

Land Use Compatibility

As stated previously, this site has gone back and forth for consideration as either residential or commercial. Staff believes that if there were 20 vacant acres existent at this site, the present consideration would most likely be for the development of a commercial shopping center. But, as it is, the remaining undeveloped area greatly restricts the land use considerations as well as certain traffic mitigations. Past and current neighborhood discussions have resulted in the desire to limit commercial land uses, excluding those which would have drive-thru services and others such as fast food restaurants which would generate excessive in and out traffic. The inclusion of the SDP Overlay Zone will eliminate several land uses which might be consideration to be less compatible due to their traffic generation. Additionally, the current proposal considerably reduces the amount of land to be commercially developed to approximately a total of 1.15 developable acres. The remaining development would consist of townhome residential units which, although higher in density than the neighboring residential uses, staff believes provides a very compatible transition to the commercial and the high

volume University Avenue and its intersection with 3700 North. Although a modification to the townhome setbacks is requested through the SDP Overlay (15 feet instead of 20 feet), the eastern portion occurs in an area which would be against a future roadway area (RayNola Subdivision). Discussion regarding the setback northern portion should consider the future

Traffic

There will be traffic impacts occurring from the development of this property. These impacts include both the total volume as well as the peak traffic hours. From the traffic impact study, and from estimates made using the City's Transportation Master Plan (TMP), the overall traffic overall generated by the site is similar to what would be expected with reasonable alternatives.

Traffic Generation – Current Proposal. With the current residential proposal, and based on the City's TMP, a straight comparison of the traffic generation for single-family detached housing and that for the proposed attached units (townhomes) gives the following results: The detached units have a daily rate of 17.67 (9.57 ITE), while the attached units have a daily rate of 11.77 (5.86). That equates to the 24 townhome units having a daily rate comparable to 16 single-family detached units, or around 283 total trips (141 ITE). Given the 2.42 acres contained in the residential area, to have 16 detached units would require minimum lot sizes of 5,000 square feet. With an 8,000 square foot minimum, there would only be 10 lots, resulting in a daily rate of 177 trips, or about 63% of the rate for the townhomes or the smaller lot sizes.

Traffic Generation – Alternative Land Uses. Using the current General Plan designation of the property as commercial, and excluding the 1.15 acre area already proposed for commercial development, the additional 2.42 acres would yield about 25-28,000 square feet of commercial space. The Provo Specific Data use in the City's TMP, gives a daily rate of 11.7 (11.01 ITE) for office use and 74.29 (42.92 ITE) for retail use, for each thousand square of building area. Therefore, 25,000 square feet of commercial use on the 2.42 acres would result in a daily rate of 293 trips for an office use, and 1,857 trips for a retail use. Therefore, further office development of the site would be very slightly higher, but retail type uses would be considerably higher.

Traffic Mitigation

This issues involves the additional traffic generation and its effect on the 3700 North/University Avenue intersection, as well as the any traffic which might transition through adjoining neighborhoods. But, because it is more of a true design issue, the traffic mitigation is more properly addressed in detail through review of the associated project plan. In relation to the rezoning, staff believes that with the unified zoning and the resulting cohesive development of this property, more opportunities exist to effectively reduce the impacts.

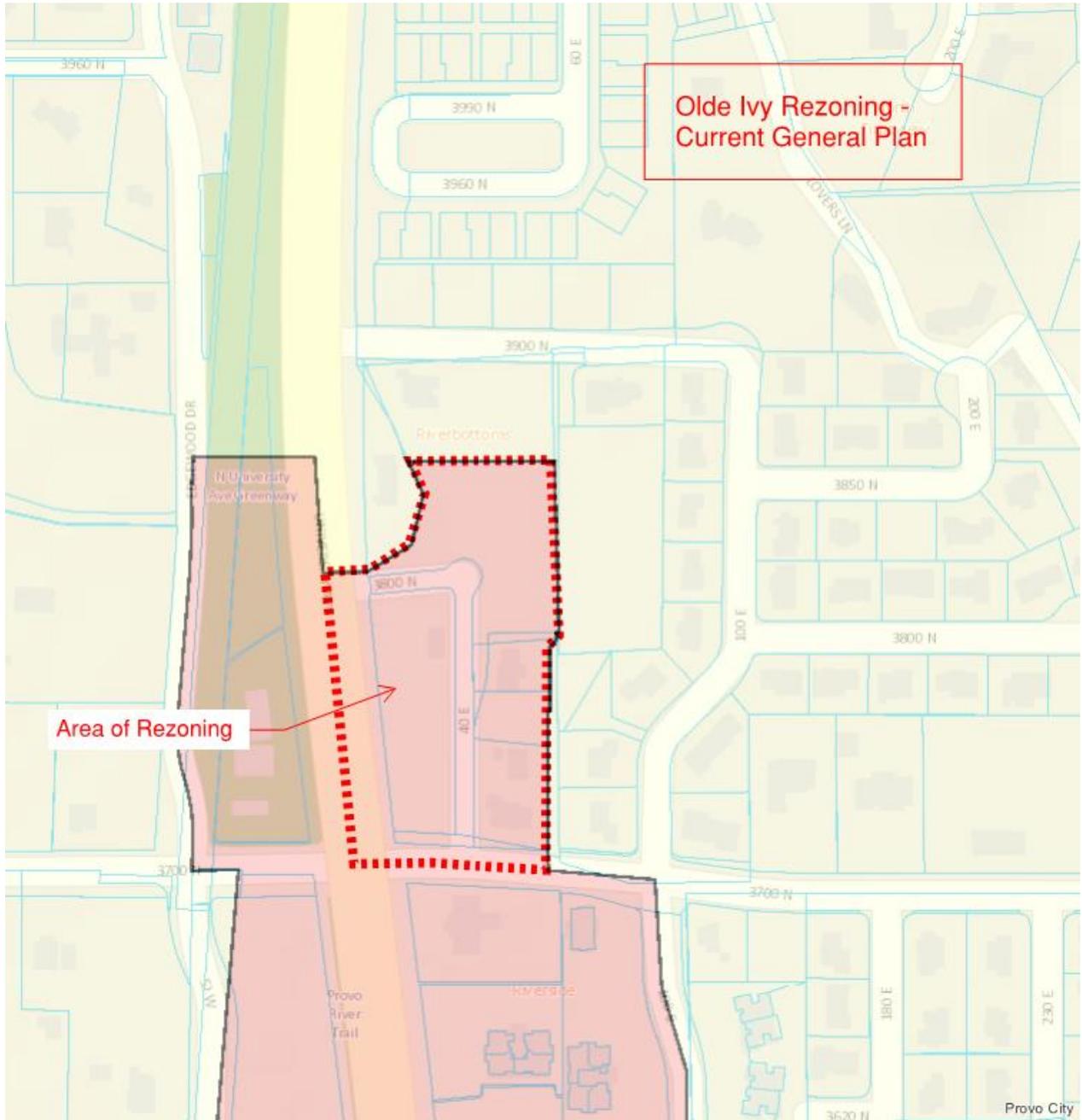
CONCLUSIONS

Through the multitude of discussions and proposals for development of this site, staff believes the requested zoning for the properties involved, can provide a reasonable and desirable development for this area of the city. However, and in the event the Municipal Council adopts the requested zoning, staff believes that besides the SDP Overlay, a Development Agreement should be considered by the Municipal Council in order to better memorialize the proposed project plan as well as the architectural and site design items presented or proffered with the project plan accompanying this rezoning request.

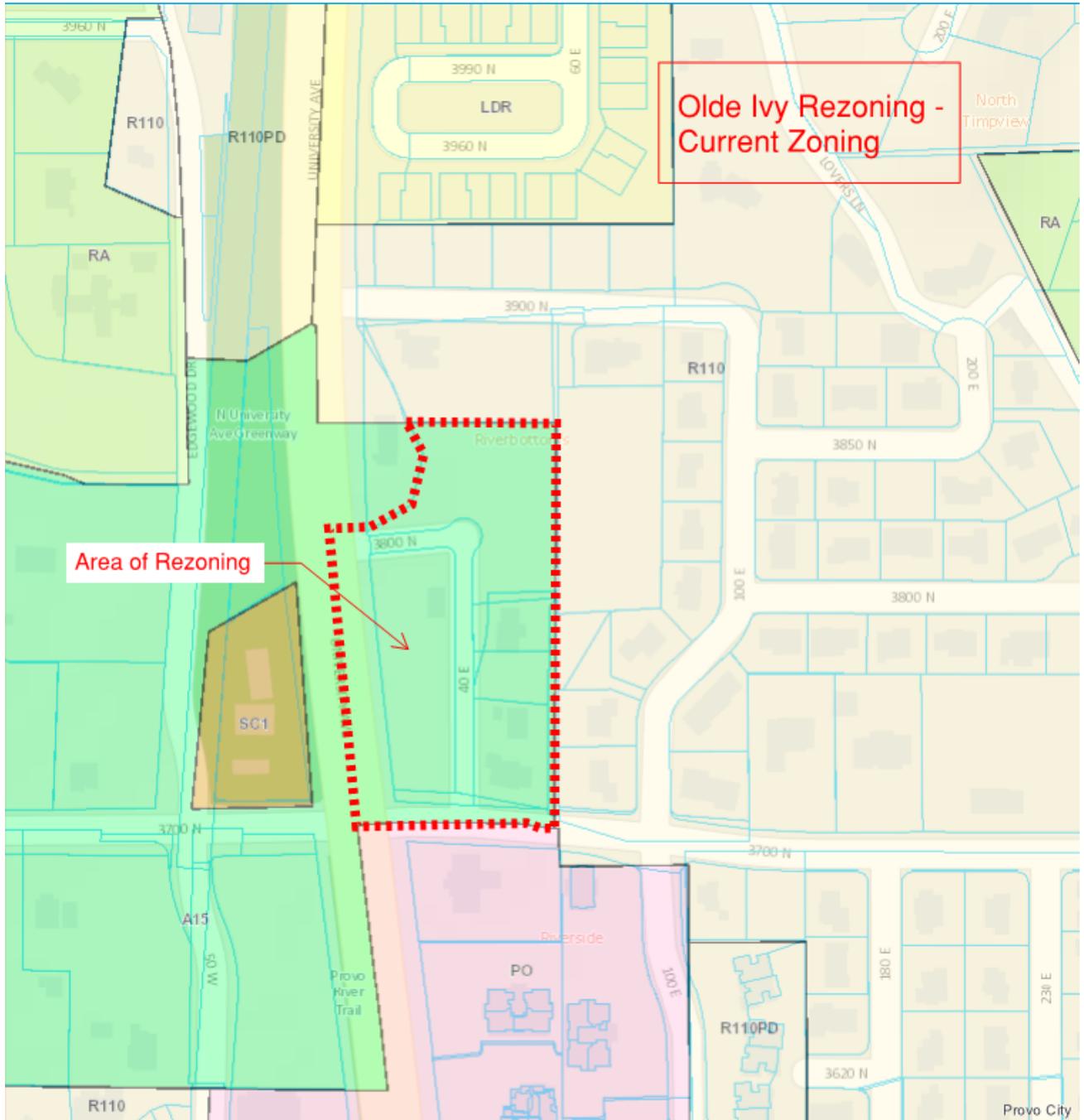
STAFF RECOMMENDATION

That the Planning Commission forward to the Municipal Council a recommendation for approval of the suggested zoning designations subject to execution of a Development Agreement to guarantee representations made by the applicant for development of the property.

General Land Use Plan Map



Map Showing Current Zoning



Map Showing Proposed Zoning

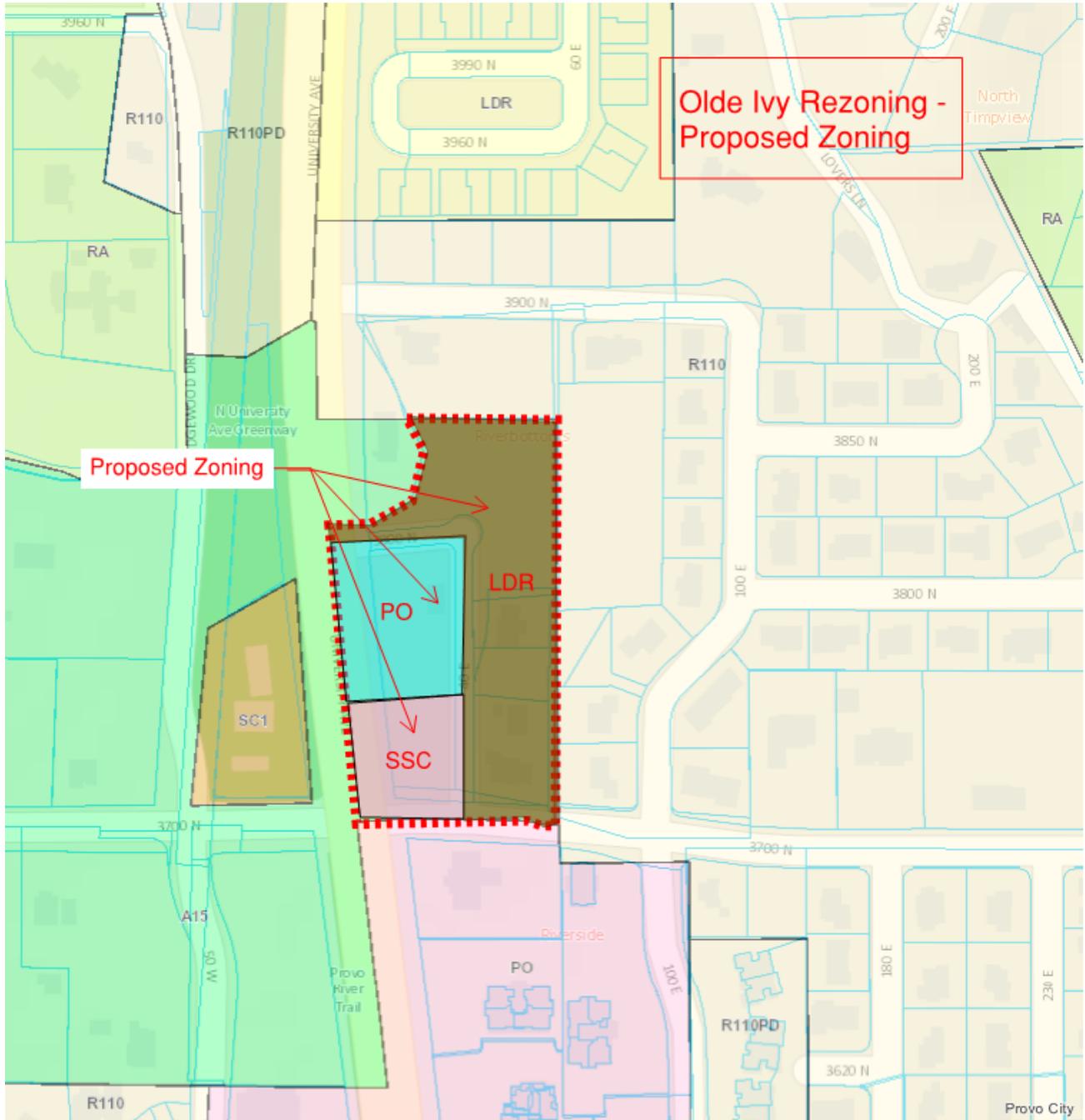


EXHIBIT "A" **Adoption of SDP Text**

Chapter 14.49F

SDP-6 – Olde Ivy Specific Development Plan Overlay Zone.

- 14.49F.010. Purpose and Objectives.
- 14.49F.020. Compliance with Underlying Zones.
- 14.49F.030. Underlying Zone Boundaries.
- 14.49F.040. Variations to Underlying Zones.
- 14.49F.050. Project Design and Development Standards

14.49F.010. Purpose and Objectives

The purpose of the Olde Ivy Specific Development Plan Overlay Zone is to provide site and development standards relating specifically to the northeast corner of 3700 North and University Avenue, as a means to better coordinate and unify the various land uses permitted by the underlying zones. These mixed land uses include provisions for retail development at the corner, an office building further north along the University Avenue frontage, and 24 residential townhomes on the eastern and northeastern portions of the site. The included land uses, and the required site design and development standards are based on the following principal objectives:

- (1) Provide for a mix of appropriate land uses which will be complimentary to the nature of the surrounding area while also providing an appropriate transition to the adjoining residential neighborhood.
 - (a) The inclusion of well-designed and well-built townhomes as a desirable and a viable alternative housing option;
 - (b) The inclusion of limited retail development with a restriction on those land uses which might generate excessive light and noise, or which might have high traffic generation and customer turnover such as might occur with a fast food restaurant; and
 - (c) The inclusion of professional and business offices which can provide local services and nearby employment opportunity for residents in the area.
- (2) Require architectural and design elements which will tie each portion of the project (townhomes; office; and retail) to the overall development, in a unifying fashion. This includes the use of building materials which are similar or complimentary in nature and which may include thematic design elements, as well as common streetscape and landscaping features.
- (3) Require landscaping standards which will enhance the development and the neighborhood.

14.49F.020. Use in Combination with Underlying Zones.

As called out in Section 14.49.020. of this Ordinance, an SDP Overlay Zone is to be used in combination with conventional zoning districts. The underlying, conventional zoning districts for the Olde Ivy SDP Overlay Zone include the SSC-1 (Specialty Support Commercial) Zone; the PO (Professional Office) Zone; and, the LDR (Low Density Residential) Zone.

14.49F.030. Underlying Zone Boundaries.

In order to allow design flexibility through the actual approval of the project plan(s), zone borders may be adjusted so long as allowable minimum and maximum areas of the underlying zones are met.

14.49F.040. Variations to Underlying Zones.

As allowed by Section 14.49.030. of this Ordinance, variations to the development standards of the underlying zones are permitted through the adoption of an SDP Zone, with any adopted variation to be listed within the text related to the particular SDP Zone. When no variation is listed, or where no specific Architectural or Site Design standards are called out within this Chapter, the land uses, setbacks, parking requirements, and architectural and site design standards shall adhere to the requirements of the underlying zoning district. In cases of conflicting requirements with the standards of the underlying zone, the standards of the SDP Overlay Zone shall apply.

(1) SSC Specialty Support Commercial Zone.

(a) Permitted Uses. Variations to the land uses listed within Chapter 14.47 Specialty Support Commercial (SSC) Zone, are as follows:

(i) Excluded Land Uses. The following uses are excluded and not permitted:

- 4923 Travel Agencies
- 6111 Banking Services
- 6141 Insurance Carriers
- 6211 Laundries
- 6213 Dry Cleaning
- 6230 Beauty and barber shops, reducing salons
- 6254 Shoe Repair
- 6334 Duplicating, quick print services
- 6395 Photo finishing services
- 6511 Physicians office
- 6512 Dental office
- 6591 Accounting, auditing, bookkeeping, income tax preparation, etc.
- 6730 Postal services
- 6815 Day nurseries and child care services
- 6834 Music schools (only in conjunction with a music store)
- 6839 Other Special Training, includes karate, judo, kung fu schools
- 7398 Video rental

(ii) Included Land Uses. The following use is included as a permitted use:

- 6419 Automotive Tune-up and Lube Centers (not including automotive repair or towing services).

(b) No Conditional Uses listed within Chapter 14.47 Special Support Commercial Zone are allowed within the Olde Ivy SDP Overlay Zone.

(c) Yard Requirements.

(i) Setback from University Avenue. As permitted by Section 14.34.290., the Planning Commission may approve a project plan with modifications to the standards listed within that Section. Modifications to the listed standards for the North University Avenue Riverbottoms Design Corridor include the following minimum standards (except where otherwise noted, measurements are from the project's property line):

(A) Nonresidential Buffer Yard may be reduced to a minimum of five (5) feet: Five (5) feet. Such area shall be landscaped with turf, trees, and shrubs as approved with the project landscape plan. Space between the roadway and the project's property line shall also be landscaped as approved with the project plan, and with permission from the Utah Department of Transportation. (see 14.34.290.(2)(b)(iii) North University Avenue Riverbottoms Design Corridor Criteria – Screening and Landscaping Standards)

(B) Building Setbacks (see Section 14.34.290(2)(c)(v) North University Avenue Riverbottoms Design Corridor Criteria – Building Appearance and Setbacks): Five (5) feet.

(ii) Setback from 3700 North: Twenty (20) feet for any building, drive aisle, or parking area. Such yard area, as well as the area extending to the street curb-line shall be landscaped.

(iii) Setbacks next to the LDR zone:

(A) Thirty (30) feet from any residential dwelling or residential yard area.

(B) Ten (10) feet from any public roadway interior to the site.

(iv) Setbacks next to the PO Zone.

(A) For any structure or building: Fifteen (15) feet.

(B) For any drive aisle and parking areas: Ten (10) feet.

(2) PO Professional Office Zone.

(a) Permitted Uses. Variations to the land uses listed within Chapter 14.16 Professional Office (PO) Zone, are as follows:

(i) Excluded Land Uses. The following use is excluded and not permitted:

7398 Video Rental Shops

(ii) Included Land Uses. No additional land uses are included as a permitted use.

(b) No Conditional Uses listed within Chapter 14.16 Professional Office Zone are allowed within the Olde Ivy SDP Overlay Zone.

(c) Yard Requirements.

(i) Setback from University Avenue. As permitted by Section 14.34.290., the Planning Commission may approve a project plan with modifications to the standards listed within that Section. Modifications to the listed standards for the North University Avenue Riverbottoms Design Corridor include the following minimum standards (measured from the project's property line):

(A) Nonresidential Buffer Yard (see 14.34.290.(2)(b)(iii)): Five (5). Such area shall be landscaped with turf, trees, and shrubs as approved with the project landscape plan. Space between the roadway and the property line shall also be landscaped as approved with the project plan, and with permission from the Utah Department of Transportation.

- (B) Building Setbacks (see 14.34.290.(2)(c)(v)): Five (5) feet.
 - (ii) Setback from 3800 North:
 - (A) For any structure or building: Fifteen (15) feet.
 - (B) For any drive aisle or parking area: Ten (10) feet. Such yard area, as well as the area extending to the street curb-line shall be landscaped.
 - (iii) Setbacks next to the LDR zone:
 - (A) Thirty (30) feet from any residential dwelling or residential yard area.
 - (B) Ten (10) feet from any public roadway interior to the site, other than 3800 North.
 - (iv) Setbacks next to the SSC Zone.
 - (A) For any structure or building: Fifteen (15) feet.
 - (B) For drive aisle and parking areas: Ten (10) feet.
- (3) LDR Low-Density Residential Area.
- (a) Permitted Uses. Variations to the land uses listed within Chapter 14.14A Low Density Residential (LDR) Zone, are as follows:
 - (i) Excluded Land Uses. The following use is excluded and not permitted:
 - (A) Two-family dwellings;
 - (B) Police protection and related services, branch (office only)
 - (ii) Included Land Uses. No additional land uses are included as a permitted use.
 - (b) Density: Variations to the maximum density allowed by Chapter 14.14A Low Density Residential Zone, includes a maximum total of 24 townhome units for the entire area designated as LDR (approximately 2.4 acres).
 - (c) Yard Requirements. Variations to the minimum yard requirements within Chapter 14.14.A Low Density Residential Zone, include the following:
 - (i) Perimeter Yards. Minimum yards between the perimeter boundary of the project and a residential unit within the project are as follows:
 - (A) Building's Side Yard: 10 feet
 - (B) Building's Rear Yard: 15 feet
 - (ii) Interior Yards. Minimum yards within the areas of the project not affected by the perimeter setbacks are as follows:
 - (A) Front Yard: 20 feet
 - (B) Side Yard, Corner Lots: 8 feet
 - (C) Rear Yard: 15 feet
 - (D) Between building groups: As required by the International Residential Code
 - (d) Maximum Building Height. Thirty-five (35) feet as measured to the mid-point of the roof pitch.
 - (e) Parking, Loading and Access:
 - (i) Each townhome shall include a two-car garage with a minimum interior width and length of twenty (20) feet.

(ii) Visitor parking shall be provided at one space per unit. Driveways having a depth of at least 20 feet, will count for the required visitor space for that unit, however, no other visitor parking may be located in the front yard area of any townhome unit.

(iii) No visitor parking areas shall be located closer than 10 feet to the perimeter of the project.

(iv) No townhome may have direct driveway access to a public street.

(v) No recreational vehicles shall be stored on-site, unless a specific parking area for recreational vehicles is approved as part of the site plan. Any such area shall be appropriately screened and landscaped as determined by the Planning Commission through site plan review.

14.49F.050. Project Design and Development Standards

The design and development standards contained in this Section are intended to provide a fully unified development which will enhance the development and the neighborhood. If any conflict exists between the requirements of the overlay zone with the underlying zone, the requirements of the overlay zone shall apply.

(1) Building Architecture and Materials. In addition to the requirements contained within the various underlying zones as well as within the Zoning Ordinance, the following requirements shall apply within the Olde Ivy SPD Overlay Zone:

(a) All residential, retail and office buildings within the project shall contain common design elements.

(b) Exterior materials may consist only of stucco, stone, brick, Hardiboard siding, wood trim, composition roofing, and other design features which are part of an element of the overall design approved by the Design Review Committee.

(c) No vinyl or aluminum siding may be used, except for soffits, gutters, and window trim unless the Design Review Committee approves other design features as part of an element of the overall design.

(2) Landscaping. In addition to the requirements contained within the various underlying zones as well as within the Zoning Ordinance, the following requirements shall apply within the Olde Ivy SPD Overlay Zone:

(a) A landscaping plan for the entire project area shall be required as part of the approval of the project plan. Where a specific building design and layout is not yet being considered, such as in the case of the office building, general elements should be called out. However, details may be submitted with the specific project plan for that site.

(b) Landscaping shall be consistent in terms of design and general planting materials throughout the entire project.

(3) Fencing and Walls. In addition to the requirements contained within the various underlying zones as well as within the Zoning Ordinance, the following requirements shall apply within the Olde Ivy SPD Overlay Zone:

(a) All fencing and wall design and materials shall be approved by the Design Review Committee.

(b) The type of fencing shall be consistent throughout the project. The color used throughout the community shall be consistent and determined at the time of final plat approval by the Design Review Committee and the Planning Commission.

(c) No fence or wall shall create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City Traffic Engineer.

(4) Residential Entryways. Entryway features to the residential portion of the development may be included with the following allowances or restrictions:

(a) Any entryway feature shall be consistent with or complimentary to the fencing and wall design for the project.

(b) Entryway features may exceed six (6) feet in height so long as the height transitions to no more than six (6) feet, within fifteen (15) feet of any adjoining property outside of the development project boundaries.

(c) All entryway features shall be constructed of decorative iron, brick, stone, decorative masonry, or combinations thereof.

14.49F.060. Other Requirements.

(1) Home Owners Association - Guarantees and Covenants.

(a) Adequate guarantees and covenants shall be provided for permanent retention and maintenance of all parks, open space, trails, and other amenities owned in common within the Olde Ivy development. No final plat may be approved until restrictive covenants have been submitted to and approved by the Community Development Department. Said guarantees shall include the following:

(b) A homeowner's association for the entire development shall be created for the common maintenance of all street frontage areas.

(c) A separate homeowner's association for the residential development shall be created for the residential portion of the property.

(i) The care and maintenance of the area within any open space reservation shall be insured by the developer by establishing a private association or corporation responsible for such maintenance which shall levy the cost thereof as an assessment on the property owners within the Olde Ivy development. Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the City and made a part of the conditions of the final plan approval.

(ii) Maintenance of open space reservations shall be managed by a person, partnership, or corporate entity which has adequate expertise and experience in property management to assure that maintenance is accomplished efficiently and at a high standard of quality.

(d) Parking and occupancy requirements, association funds, and establishment of maintenance estimates and funds shall be disclosed prior to any purchase of property within the development.

(e) Ongoing maintenance fees that will be assessed prior to the purchase or lease of property shall be disclosed.

END