



Provo City Planning Commission

Report of Action

July 26, 2017

ITEM 2* McKay Christensen requests an Amendment to Section 14.21A.110 to eliminate the facade stepback for buildings in the General Downtown (DT1) Zone. ***Downtown Neighborhood***. 17-00110A, Dustin Wright, 801-852-6414

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 26, 2017:

RECOMMENDATION TO APPROVE

On a vote of 4:1, the Planning Commission recommended that the Municipal Council approve an amendment to Section 14.21A.110 reducing the step-back requirement for a building façade between 100 East and 200 East from 20 feet to 1 foot.

Motion By: Shannon Ellsworth

Second By: Maria Winden

Votes in Favor of Motion: Shannon Ellsworth, Maria Winden, Deborah Jensen, Ed Jones

Votes in Against of Motion: David Anderson

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.

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

14.21A.110. Facade Step-back.

(1) Except as provided in Subsection (2) of this Section, the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street between 500 West and 1200 East. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

(2) Between ~~University Avenue and~~ 100 East and 200 East the fourth through sixth stories shall step-back ~~twenty (20) feet~~ one (1) foot from the first story building facade elevation adjacent to Center Street. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

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 applicant's request would be for the step-back requirement to not be required between 100 East and 200 East where he has a proposed mixed-use project.
- Staff feels that the step-back requirement could be removed for all of the DT-1 zone and not just the 100 East to 200 East block.
- Removing the step-back requirement will help development in the downtown to be maximized to help bring more residents into the downtown area to help support the economic development of the area.
- The step-back makes it more difficult and costly to develop.
- Protection of the Historic District is an important goal. Protecting existing historic structures will still be accomplished through existing design standards and Title 16, Landmarks Preservation.

NEIGHBORHOOD MEETING DATE

- No information was received from the Neighborhood Chair.
- City-wide application; all Neighborhood Chairs received notification.

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.

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:

- No comments were made.

APPLICANT RESPONSE

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

- The scale on the proposed block is different in relation to the rest of the historic downtown in that the County Offices across the street are setback much farther and not built to the property line like most of the other historic buildings.
- The architecture on the site doesn't currently contribute to the downtown.
- Redsky is not a remodel of an existing historic building and so there is no former historic scale or historic architecture to maintain as part of the historic streetscape.

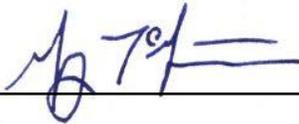
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The original purpose for having the step-back in the code was to help protect the historic form in the downtown. Originally, the code required 60 foot step-backs in the downtown, which has been reduced down to 20 feet currently.
- With taller buildings, there is concern with blocking natural light. Center Street is a very wide corridor at 135 feet and the DT1 zone has a building height limit of 100 feet.
- The setback in the DT1 zone is zero to ten feet.
- The impetus for this code change is to allow the applicant to pursue development on Center Street between 100 and 200 East.
- Existing design standards are in place in the code to help promote and maintain an enjoyable downtown.
- Having an architectural expression line such as a cornice at the third story help to maintain the historic building height in the downtown.
- Having the historic district protected from becoming all six stories would still be a very likely outcome due to the fact that there are many buildings protected by the landmarks preservation title.
- The Commission discussed the proposed development on 100 East.
- More housing in downtown is highly desired by many.
- Transitioning into adjacent properties to the east was discussed. The city code does have transitional requirements for properties that are on the edge of one zone that would need scale back as they transition into less intense zone adjacent to them.



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



**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: July 26, 2017**

ITEM 2* McKay Christensen requests an Amendment to Section 14.21A.110 to eliminate the facade stepback for buildings in the General Downtown (DT1) Zone. **Downtown Neighborhood.** 17-0011OA, Dustin Wright, 801-852-6414

<p>Applicant: McKay Christensen Staff Coordinator: Dustin Wright</p> <p>Current Zone: General Downtown (DT1) Number of Properties: City Wide</p> <p>*Council Action Required: Yes</p> <p>Related Application(s):17-0016PPA</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 August 9, 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; the Planning Commission should state new findings.</u></i></p>	<p><u>Current Legal Use:</u> N/A</p> <p><u>Relevant History:</u> In 2012 the step-back requirement in the DT-1 zone was reduced from 60 feet to 25 feet. In 2013 it was reduced from 25 to 20.</p> <p><u>Neighborhood Issues:</u> No issues have been made know to staff at this time.</p> <p><u>Summary of Key Issues:</u></p> <ul style="list-style-type: none">• Applying the reduction to all of the property on Center Street or just limit to the block face on Center between 100 East and 200 East. <p><u>Staff Recommendation:</u> Staff recommends the Planning Commission forward a recommendation to remove the facade step-back requirement in the DT-1 Zone (14.21A.110).</p>
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OVERVIEW

The applicant is requesting to amend the step-back requirement in the DT-1 zone from 20 feet to zero for buildings on Center Street between 100 East and 200 East. The applicant has submitted a project plan to develop a residential/commercial mixed-use project in this area. This amendment would be needed for the applicant to proceed with the proposed project as currently designed.

In the existing code, Subsections (1) and (2) give the step-back requirement and where it applies. It might be noted that because the area included in Subsection (2) is actually a subset of Subsection (1) and states the same requirement, Subsection (2) is actually not needed. The code currently reads:

14.21A.110. Facade Step-back.

(1) Except as provided in Subsection (2) of this Section, the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street between 500 West and 200 East. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

(2) Between University Avenue and 100 East the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

The Downtown area has existing design standards that are sufficient to regulate the design of new development in such a way as to ensure the compatibility, suitability, and quality of development within the DT-1 zone. Eliminating the step-back requirement will allow greater flexibility in downtown development.

FINDINGS OF FACT

1. The DT-1 zone requires that the Design Standards in 14.34.295 are met for developments in the zone.

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. **The amendment would provide greater flexibility for redevelopment of parcels in the DT-1 that are not currently contributing to the historic character by maximizing the usable area. More space would be available for residential housing on the upper floors by removing the step-back requirement.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **The step-back requirement limits the development potential and doesn't help make best use of scarce real estate in the urban core.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives.*

Goals of the Downtown Planning Area include the following.

The residential standards in the Downtown Planning Area should promote residential development with mixed uses such as retail and office.

Residential uses are recognized as being essential to providing 24-hour use of the downtown and for providing a strong residential base to support businesses within a walkable community.

The Downtown Planning Area should be compact, pedestrian-oriented and mixed-use.

- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **This is not affected.***

- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **The proposed amendment will help facilitate new residential opportunities in downtown.***
- (f) *Adverse impacts on adjacent land owners. **No adverse impacts are anticipated for adjacent land owners.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **Not Applicable***
- (h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies. **Not Applicable***

CONCLUSIONS

More and more people want to live downtown and be close to work and other activities that take place there. While we want to protect the historic character, we also want to provide a means for new residential development by maximizing the limited space in the downtown.

Urban infill generally costs more to develop than developing in the suburbs because of higher land, construction, and parking costs. Restrictions, such as step-backs, limit the amount of developable area making things less financial feasible.

The design standards that regulate new development in Downtown are sufficient to regulate the design of new development and protect the historic character of downtown.

STAFF RECOMMENDATION

Staff recommends the Planning Commission forward a positive recommendation to entirely delete Section 14.21A.110, which requires a façade step-back in the DT-1 Zone.

ATTACHMENTS

- 1. Applicant's Proposed Amendment.**
- 2. Applicant's Justification for Amendment.**

Attachment 1 – Applicant's Proposed Amendment

14.21A.110. Facade Step-back.

(1) Except as provided in Subsection (2) of this Section, the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street between 500 West and 1200 East. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line. There shall be no required step-back in the building façade elevation between 100 East and 200 East.

(2) Between University Avenue and 100 East the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

Attachment 2 – Applicant’s Justification for Amendment

We are requesting that the design development standards in 14.21A.110(1) be amended to eliminate the 20-foot step-back along Center Street from 100 E to 200 East for the following reasons:

Scale:

The scale of the buildings (creating the streetscape) on Center Street East of 100 East is not consistent with the rest of Center Street. The County offices are set back off of Center Street creating a more open streetscape.

Due to the fact the County offices are set back so far off Center Street, RedSky, which is located on the north side of the block, will not create a scale that is unnatural if it does not step-back.

Architecture:

The architecture of the Utah County offices and other properties East of 100 E is not consistent with Historic Center Street architecture west of 100 East.

There are examples, like the NUSKIN building, which are exceptions to the Center Street streetscape and architecture.

History:

RedSky is the repurposing property on Center Street that was once a service station. RedSky is not a remodel of an existing historic building so there is no former “historic scale” or “historic building” to maintain as a part of the historic streetscape.