



**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: November 8, 2017**

ITEM 1* Provo City Community Development Department requests an amendment to Sections 15.03.300; 15.03.310; and 15.04.130 of the Provo City Land Use and Development Ordinances, to clarify minimum required submittals for Project Plan Reviews. **City-Wide Impact.** 17-0018OA, Austin Corry, 801-852-6413

Applicant: Provo City Comm. Dev. Department

Staff Coordinator: Austin Corry

***Council Action Required:** Yes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is December 13, 2017, at 5:30 p.m.*
2. **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Relevant History: The Municipal Council has established a Development Approval Process Review Committee (DAPR) to identify ways that the approval process could be refined to be more efficient for applicants and staff. One of the considerations of this committee is the amount of information required by each application, especially those requiring Council action. The DAPR Committee has provided the following recommendation to the Code to eliminate confusion as to the amount of information required for Council consideration.

Neighborhood Issues: No feedback has been received from any of the neighborhood chairs regarding this application.

Summary of Key Issues:

- Current ordinance has an extensive list of items that “may” be required
- Confusion as to required vs. potential items could result in applicants spending more time and money than necessary preparing submittals.

Staff Recommendation:

That Planning Commission **Recommend Approval** of the proposed ordinance amendment.

This action would be consistent with the recommendation of the Staff Report. Any additional changes should be stated with the motion

OVERVIEW

The Municipal Council has created the Development Approval Process Review Committee (DAPR) to consider ways that the current review and approval process for land use applications can be expedited and more efficient. In the recent past, the DAPR Committee has discussed the sections of Provo City Code which are under consideration with this proposed amendment.

Section 15.03.300, 15.03.310, and 15.04.130 of the Provo City Code identify a checklist of items that apply to applications, specifically, Concept Plan Approval, Final Plan Approval, and Preliminary Subdivision Approval applications, respectively.

Each of these sections includes two paragraphs. The first paragraph identifies items that are required in all instances for an application to be considered. The second paragraph includes a list of items that the City may request/require if it is determined that such information is necessary for the City to make a determination on the application. These lists, in all instances, include language to suggest it is not comprehensive and does not preclude the City for asking for something that is not on the list. Section 15.03.140, Final Subdivision Approval, is not included in this amendment because existing language in that section already reflects the same result the proposed amendment is intending to achieve.

In the past, many applicants and City staff have misunderstood the distinction between these two paragraphs and the result has been a tendency for staff to request information or for an applicant to feel inclined to provide information from the second paragraph, regardless of whether the information is pertinent to the application. The result can have significant time and financial hardships on applicants that are not imperative for the Council to make the applicable decision or staff to appropriately make a determination that the project complies with ordinances and adopted standards.

In reviewing this code language, the DAPR Committee has determined that this confusion could be reduced by removing the lengthy list of “may be required” items and providing a simple statement that notes if something additional is necessary, the City may request it. This language removes significant amounts of code text without altering the current process or regulation in any way and without precluding the City from requesting anything that has previously been on the list.

FINDINGS OF FACT

1. The Development Approval Process Review Committee was established to analyze existing review processes.
2. The Development Approval Process Review Committee intends to clarify expectations for applicants.
3. The proposed amendment removes language that has been determined unnecessary to the review process.
4. The proposed amendment does not preclude the City from requesting any information necessary to verify an applications conformance with City policies, ordinances, or standards.

STAFF ANALYSIS

1. Provo City Public Works has noted that they have major concerns with the amendment as proposed through the CRC process. Those concerns are shown in attachment #2 of this report.
2. 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 amendment would clarify expected submittal requirements as part of Concept Plan, Final Plan, and Preliminary Subdivision applications.

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

Response: The proposed amendment would reduce the time and financial impact on an applicant while still providing the necessary

information for the Municipal Council to make applicable decisions related to land use applications.

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

Response: The DAPR Committee Mission Statement establishes the following goal to “create standards for desired outcomes and service levels...The resulting standards should also yield a process that quickly yet robustly evaluates the quality of a proposal and how it fits into Provo’s vision.” The proposed amendment is intended to clarify expectations and eliminate production of unnecessary information while still achieving the same level of service.

- 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: Timing and sequencing provisions are not related to the context of this proposed ordinance amendment.

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

Response: Staff has not identified any articulated policies that would be hindered by the proposed amendment.

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

Response: Not Applicable.

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

Response: 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.*

Response: Not Applicable.

CONCLUSIONS

All departments within the Coordinator Review Committee have reviewed the proposed language which was developed by the DAPR Committee. Staff, with the exception of Public Works, has found the proposed amendment to be consistent with the established policies and believes the proposed amendment helps to clarify the application process without hindering the ability for staff to effectively and efficiently review applications for compliance. The noted concerns from Public Works have been included for the Planning Commission and Municipal Council's consideration of this item.

STAFF RECOMMENDATION

That Planning Commission **recommend approval** of the proposed ordinance amendment.

ATTACHMENT #1 – PROPOSED AMENDMENT LANGUAGE

1 **15.03.300. Concept Plan Submittal Requirements.**

2 (1) Concurrent with any request to rezone or annex property, a concept plan application shall be
3 submitted to the Community Development Department.

4 (a) Any development plan that includes a subdivision shall comply with this Section and
5 Chapter 15.04, Provo City Code.

6 (2) A concept plan application shall vest, for purposes of Section 14.02.130, Provo City Code, when:

7 (a) The developer has signed an application form and submitted it to the City;

8 (b) The developer has paid all application fees as evidenced by a receipt from the City; and

9 (c) The developer has submitted to the City a plan in an approved electronic format showing the
10 proposed development layout, drawn to scale, and the following information:

11 (i) A tabulation of the total acreage of the site and the percentages thereof to be designated
12 for various uses, i.e., parking, residential units, open space, public streets, private streets,
13 landscaping, etc.

14 (ii) Proposed circulation pattern including private driveways, public and private streets,
15 pedestrian paths, location of parking spaces and ingress or egress.

16 (iii) ~~Parks, common open spaces, playgrounds, school sites, and other public or private~~
17 ~~recreation facilities and improvements proposed within the proposed development.~~
18 **A conceptual integrated development plan meeting the requirements of Provo City Code Section**
19 **15.04.030.**

20 (iv) General location of all dwellings and other structures in the proposed development, and
21 an indication of proposed population densities and building densities (units per net acre).

22 (v) Preliminary elevations or perspectives of all building types proposed within the
23 development including floor plans.

24 (vi) An ~~workable~~ infrastructure plan for providing necessary streets, water, sewer, storm
25 drainage, and electrical distribution for the entire tract including the point from which said
26 services are to be extended.

27 (3) Based on the size, scope or complexity of the development proposal, staff may **require any other**
28 **information necessary to ensure that the proposed project complies with applicable requirements of the**
29 **Provo City Code and standards and specifications adopted by the City.** ~~any or all of the following~~
30 ~~additional information in order to obtain concept plan approval:~~

31 ~~(a) A complete and accurate legal description of the property;~~

32 ~~(b) A preliminary title search showing legal ownership of the property. If the applicant is not the~~
33 ~~property owner, the applicant shall also provide written proof that the applicant has sufficient legal~~
34 ~~claim on the property, and each parcel therein, to proceed with development plans;~~

35 ~~(c) A grading plan of the entire site with contour intervals no greater than two (2) feet, and~~
36 ~~identifying natural slopes of thirty percent (30%) or greater;~~

37 ~~(d) A preliminary subdivision plat, if required by the City Engineer, meeting the requirements of~~
38 ~~Section 15.04.130, Provo City Code;~~

39 ~~(e) Landscaping plans showing the types and sizes of plants and materials to be used;~~

40 ~~(f) A draft of the covenants, conditions and restrictions;~~

41 ~~(g) A phasing plan with a construction timetable for all phases;~~

42 ~~(h) A preliminary traffic study as directed by the City Engineer;~~

43 ~~(i) Any other information that is deemed pertinent to the project.~~

44 ...

45 **15.03.310. Final Project Plan Submittal Requirements.**

46 (1) No building or structure shall be erected or substantially altered and no nonstructural improvements
47 shall be made to open land unless a final project plan is approved by the Coordinator Review Committee.

48 (2) A final project plan application shall vest, for purposes of Section 14.02.130, Provo City Code, when:

49 (a) The developer has signed an application form and submitted it to the City;

50 (b) The developer has paid all application fees as evidenced by a receipt from the City; and

51 (c) The developer has submitted to the City a final project plan in an approved electronic format
52 including the following information:

53 (i) Detailed site plan, including:

54 (A) Dimensions of existing and proposed property lines;

55 (B) Distance from buildings to property lines;

56 (C) Square footage of existing and proposed structures;

57 (D) Use of existing and proposed structures;

58 (E) Trash storage container location, size, and how enclosed;

59 (F) Designations of common open spaces and special use areas;

60 (G) Proposed street, sidewalk and driveway layout;

61 (H) A tabulation of the total acreage of the site and the percentages thereof to be
62 designated for various uses (e.g., parking, buildings, open space, streets, etc.);

63 (I) Any dimensions or notations necessary to exhibit compliance with applicable
64 ordinances.

65 (ii) Parking plan information, including:

- 66 (A) Parking space analysis (proposed and required);
- 67 (B) Parking space dimensions, including back up area;
- 68 (C) Ingress and egress;
- 69 (D) Parking for persons with disabilities; and
- 70 (E) Location of supporting columns in structured parking;
- 71 (iii) Building design plan information, including:
- 72 (A) Exterior elevations of proposed buildings, indicating roofing materials, type of
- 73 construction, exterior materials and colors;
- 74 (B) Conceptual sign plans;
- 75 (C) Total square footage for all floors, including rough floor plans; and
- 76 (D) Note all existing buildings proposed for use or for demolition.
- 77 (iv) Detailed landscaping plans meeting the requirements of Section 15.20.050, Provo City
- 78 Code.
- 79 (v) Utility plan, including location and size of existing and proposed main lines and services.
- 80 (3) Based on the size, scope or complexity of the development staff may require any other information
- 81 required to ensure that the proposed project complies with applicable requirements of the Provo City
- 82 Code and standards and specifications adopted by the City. the following additional information:
- 83 ~~(a) A certified survey of the property showing any survey conflicts with adjoining properties, any~~
- 84 ~~discrepancies between the survey descriptions and existing fence lines, and any overlaps with~~
- 85 ~~adjoining property descriptions;~~
- 86 ~~(b) Location of all fire hydrants within five hundred (500) feet or fire suppression methods;~~

- 87 ~~(c) Locations of existing and proposed easements or rights-of-way;~~
- 88 ~~(d) Location of power, telephone and cable facilities;~~
- 89 ~~(e) Proposed density for each phase;~~
- 90 ~~(f) An existing features site analysis plan including steep slopes, wetlands, watercourses, drainage~~
91 ~~channels, one hundred (100) year floodplains, potential landslide areas, fault lines, rock fall areas,~~
92 ~~woodlands, tree lines, open fields or meadows, scenic views, outcrops, roads, power lines and~~
93 ~~trails;~~
- 94 ~~(g) Utility plan, including location and size of existing and proposed main lines and services;~~
- 95 ~~(h) Fully executed declaration of covenants, conditions, and restrictions, together with open space~~
96 ~~easements and other bonds, guarantees, or agreements as required herein or as deemed~~
97 ~~necessary by the Planning Commission and/or the City Attorney to meet the objectives of this~~
98 ~~Chapter;~~
- 99 ~~(i) Subdivision plat, if required by the City Engineer, including all necessary information;~~
- 100 ~~(j) Traffic study;~~
- 101 ~~(k) Drainage plans and a storm water pollution prevention plan (SWPPP);~~
- 102 ~~(l) A grading plan of the entire site with contour intervals no greater than one (1) foot, and~~
103 ~~identifying natural slopes of thirty percent (30%) or greater, and identifying quantities of borrowed or~~
104 ~~excess material;~~
- 105 ~~(m) Proof of single ownership or control of the subject property by title report, deeds, etc.;~~
- 106 ~~(n) Market study or cost/benefit study;~~
- 107 ~~(o) Phasing plan and/or schedule for the completion of landscaping, parking, street improvements,~~
108 ~~and other improvements and amenities that are guaranteed by bonds or other securities; and~~

109 ~~(p) Any other information required to ensure that the proposed project complies with applicable~~
110 ~~requirements of the Provo City Code and standards and specifications adopted by the City.~~

111 ...

112 **15.04.130. Preliminary Subdivision Plan.**

113 (1) A preliminary subdivision plan shall be furnished for all proposed developments consisting of three (3)
114 acres or greater or ten (10) lots or greater.

115 (2) A preliminary subdivision plan application shall vest, for purposes of Section 14.02.130, Provo City
116 Code, when:

117 (a) The developer has signed an application form and submitted it to the City;

118 (b) The developer has paid all application fees as evidenced by a receipt from the City; and

119 (c) The developer has submitted to the City a plan, in an approved electronic format, showing the
120 proposed development layout, drawn to scale, and the following information:

121 (i) ~~North point, scale and date;~~ A complete and accurate legal description;

122 (ii) The names and addresses of the property owner, developer, the engineer, and/or surveyor
123 of the development, and the owners of the land immediately adjoining the land to be
124 subdivided;

125 (iii) Proposed name of the development;

126 (iv) The location of the development as forming a part of the larger tract or parcel where the
127 plan submitted covers only a part of the developer's tract;

128 (v) A conceptual integrated development plan meeting the requirements of Section 15.04.030,
129 Provo City Code;

130 (vi) A ~~preliminary~~ preliminary infrastructure plan for providing necessary streets, water, sewer, storm
131 drainage, and electrical distribution for the entire tract including the point from which said
132 services are to be extended;

133 (vii) A summary indicating the total area within the development, total area and dimensions of
134 each lot, and proposed net density of the development.

135 (3) Based on the size, scope or complexity of the development proposal, staff may require any other
136 information required to ensure that the proposed project complies with applicable requirements of the
137 Provo City Code and standards and specifications adopted by the City. ~~or all of the following additional~~
138 ~~information in order to obtain preliminary subdivision plan approval:~~

139 ~~(a) The legal description, and information sufficient to accurately locate property shown on the plan,~~
140 ~~with reference to survey markers, monuments, or section corners;~~

141 ~~(b) The location, width and other dimensions of existing and/or proposed streets, lots, buildings,~~
142 ~~alleys, easements, parks and other open spaces (primary and secondary conservation areas) with~~
143 ~~proper labeling of spaces to be dedicated to the public;~~

144 ~~(c) All wetlands and/or subsurface drainage systems;~~

145 ~~(d) Preliminary grading plans showing areas of proposed cut and fill including:~~

146 ~~(i) Existing and proposed contours;~~

147 ~~(ii) Identify natural slopes of thirty percent (30%) or greater;~~

148 ~~(iii) Quantities of borrowed or excess material;~~

149 ~~(e) A vegetation plan showing existing vegetation to remain and the size, type and location of~~
150 ~~vegetation to be replaced;~~

151 ~~(f) A storm water pollution prevention plan;~~

152 ~~(g) Letter of agreement from the owner of any irrigation ditch, canal or other such waterway passing~~
153 ~~through the proposed development;~~

154 ~~(h) Estimated total peak water demand on the City water system expressed in gallons per day and~~
155 ~~estimated peak hourly demand with fire flow requirements shown in gallons per minute;~~

- 156 ~~(i) Estimated total peak sewer flow to be treated by the City treatment facilities expressed in gallons~~
157 ~~per day;~~
- 158 ~~(j) Estimated maximum flow (one hundred (100) year storm) through any natural courses lying~~
159 ~~within the area to be developed;~~
- 160 ~~(k) A utility maintenance agreement for all private utility systems; and~~
- 161 ~~(l) Any other information that is deemed pertinent to the project.~~
- 162 ...

ATTACHMENT #2 – PUBLIC WORKS CRC COMMENTS

Engineering: Shane Winters / Engineer eMail: swinters@provo.utah.gov Phone: 801-852-6742

Major Concerns:

10/10/2017 - Shane Winters:

1. From our understanding changes were to be mostly limited to and address 15.03.300 Concept Plan Submittal Requirements. We have some concerns to the changes to the Final Project Plan Submittal and Preliminary Plan Subdivision Plan. It appears a majority of the proposed changes eliminate much of the public works requirements. Why?
2. The city council has recently adopted Provo City Public Works Department Development Guidelines. The changes proposed are not consistent with this document. I would recommend that either the code changes reference the adopted Public Works Department Development Guidelines for Concept Plan, Preliminary Plan, and Final Project Plan submittals or should include and be consistent with the Public Works requirements from this document.