



Provo City Planning Commission

Report of Action

February 14, 2018

16-00230A N. Gregory Soter requests an amendment to Section 14.21A.160 to increase number of residential units needed for recreational amenities from five to twenty in the General Downtown (DT1) Zone. Downtown Neighborhood. 16-00230A, Dustin Wright, 801-852-6414

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 24, 2018:

RECOMMENDATION TO APPROVE

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Jamin Rowan

Second By: Ed Jones

Votes in Favor of Motion: Jamin Rowan, Ed Jones, Shannon Ellsworth, Andrew Howard, Brain Smith, Dave Anderson.
Dave Anderson was acting 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.

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.

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- 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:

- Correspondence from Sarah Asay, Carterville Neighborhood Chair, was distributed to the Planning Commission. It expressed desire to have the ordinance changed 5 to 10 units for the amenity space.

APPLICANT RESPONSE

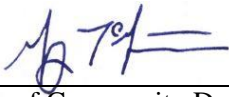
Key points addressed in the applicant's presentation to the Planning Commission included the following:

- To properly maintain amenity space, more units in a development would be needed to support that ongoing cost.
- The applicant has property to develop that has close proximity to the Provo Recreation Center.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Other zones in Provo that require amenity space are for developments that are 20 units or more were written after the Downtown zones.
- Amenity spaces within a development are typically maintained the landlord management or a Home Owners Association (HOA).



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: February 14, 2018**

ITEM 1* Greg Soter requests an amendment to Section 14.21A.160 to increase number of residential units needed for recreational amenities from five to twenty in the General Downtown (DT1) Zone. **Downtown Neighborhood.** 16-0023OA, Dustin Wright, 801-852-6414

<p>Applicant: Greg Soter Staff Coordinator: Dustin Wright Property Owner: City Wide Parcel ID#: City Wide Current Zone: General Downtown (DT1) General Plan Des.: Downtown (D) Acreage: N/A Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u> 1. Continue to a future date to obtain additional information or to further consider information presented. The next available meeting date is February 28, 6:00 p.m. 2. Deny the requested Project Plan. This action <u>would not be consistent</u> with the recommendations of the Staff Report. The Planning Commission should <u>state new findings</u>.</p>	<p>Current Legal Use: N/A</p> <p>Relevant History: N/A</p> <p>Neighborhood Issues: No issues have been made known to staff.</p> <p>Summary of Key Issues: <ul style="list-style-type: none"> Consistency with other zones that require amenity space. </p> <p>Staff Recommendation: Move to recommend approval to the Municipal Council for the proposed ordinance amendment in Attachment 1.</p>
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OVERVIEW

The applicant is requesting to change the ordinance in 14.21A.160 that currently requires new developments that have more than 5 units to provide ten percent of the gross floor area (GFA) as amenity space. The applicant has a project plan that has 14 proposed units. Other zones that require a percentage of GFA to be used as amenity space have a minimum requirement of 20 units for this requirement to apply.

FINDINGS OF FACT

- The LDR, MDR, HDR, and CMU zones require projects with 20 units to provide amenity space.
- The DT1 and DT2 zones require projects with 5 units to provide amenity space.

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. **Allowing this change could help increase infill development feasibility in the Downtown on smaller lots and provide more residential units to help support Downtown growth. This is a goal in the Downtown Planning area.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **The amendment would still require larger developments to provide amenity space, while providing more flexibility for smaller developments to be financially feasible.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **Goals in the General Plan for the Downtown include promoting residential development and redevelopment.***
- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **No issues with timing and sequencing.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **No potential issues are seen that would hinder articulated policies.***
- (f) *Adverse impacts on adjacent land owners. **There are no foreseen impacts by this amendment.***

- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **N/A***
- (h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies. **No conflicts.***

CONCLUSIONS

Staff finds that the proposed amendment would allow for greater flexibility for infill development in the Downtown. Smaller sites that are not providing a large number of units (over 20) see less of a need or demand to provide an amenity space that would see as much use as developments that have over 20 units. Other residential zones that require amenity space, only require it for developments that have 20 or more units.

STAFF RECOMMENDATION

Move to **recommend approval** to the Municipal Council for the proposed ordinance amendment in Attachment 1.

ATTACHMENTS

1. Proposed Ordinance Amendment

Attachment 1 – Proposed Ordinance Amendment

14.21A.160. Landscaping and Recreational Amenities.

(1) Landscaping meeting the guidelines of Ch. 15.20 – Landscaping shall be required for all yards and open areas not used for vehicular parking or access.

(2) In any new project consisting of ~~five~~ **twenty (20)** or more residential units, an area equivalent to ten per cent (10%) of the residential gross floor area shall be developed in recreational amenities, such as a common clubhouse, gym, pool, roof-top garden, or other amenity. Landscaping in front and street side yards, the 15 foot minimum facade set back, and other required areas (such as distance provisions required by the International Building Code) shall not be calculated towards meeting this provision. Only 50% of the required recreational amenity space may be located outdoors at the ground floor level.