



Provo City Planning Commission

# Report of Action

December 9, 2015

ITEM 4\* Provo City Community Development Department requests an amendment to Section 14.34.290 to amend the South State Street Design Corridor. *Spring Creek and Provost South Neighborhoods*. 15-0019OA, Austin Corry, 801-852-6413

The following action was taken by the Planning Commission on the above described item at its regular meeting of December 9, 2015:

## RECOMMEND APPROVAL

On a vote of 5:0, 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: Ed Jones, Deborah Jensen, Jamin Rowan, Maria Winden, Ross Flom

*Ross Flom 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.

### **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:

- Amendment clarifies expectation of quality standard for landscaping.
- Amendment adds the allowance for green roof technology.
- Amendment strikes redundant language.

### **NEIGHBORHOOD MEETING DATE**

- The Neighborhood Chair determined that a neighborhood meeting would not be required.

### **NEIGHBORHOOD AND PUBLIC COMMENT**

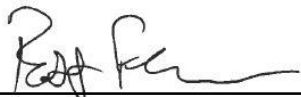
- Both Neighborhood Chairs were present and addressed the Planning Commission during the public hearing. Both Chairs noted their support for the amendment as written.

### **CONCERNS RAISED BY PUBLIC**

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission.

**PLANNING COMMISSION DISCUSSION**

The Planning Commission had no further discussion following the staff presentation.



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Planning Commission Chair



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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 – Proposed Amendment Text

### 14.34.290 Design Corridors.

#### (4) South State Street Design Corridor and Guidelines.

(a) Purpose and Intent. The Provo City General Plan promotes architectural and design excellence. Many properties fronting south State Street are vacant or under developed. There is substantial development potential and an opportunity to substantially improve the image of this major gateway into Provo City. Design guidelines are essential to assure that new development and property improvements enhance the character and make a positive visual and physical contribution to the State Street corridor and surrounding neighborhoods. Design guidelines will accomplish the following:

- Promote attractive development.
- Enhance the image of this gateway into the City and the City in general.
- Enhance property values.
- Attract customers to businesses.
- Facilitate a more walkable and healthier atmosphere that integrates the needs of the pedestrian with those of drivers.
- Streamline the development approval process.

Well-designed buildings will also enhance the general quality of life and create a "sense of place" along this southern gateway into Provo City that will benefit property owners and residents in the surrounding neighborhoods and the entire City.

(b) Boundaries. State Street Design Guidelines encompass all properties fronting State Street between the 900 East intersection and 1860 South.

(c) Applicability. The South State Street Design Guidelines will serve as a supplement to the Zoning Ordinance. New construction, additions and exterior alterations to all principal buildings and accessory buildings that are located within 100 feet of South State Street and any public street that intersects with South State Street for 100 feet from South State Street shall be subject to these Design Guidelines.

(d) Approval Authority. The Provo City Design Review Committee (DRC) shall have the authority to approve the design of property development and improvements in the South State Street corridor. The DRC may waive individual guidelines for specific projects if it finds that the waiver achieves a better design solution than strict application of the guidelines. The DRC, however, must adopt a finding of overall consistency with the guidelines before approving an application for design review.

(e) Building Location.

- (i) Buildings shall be located a minimum of 10 feet but no more than 20 feet from the front or street side yard property lines. All areas between the front or street side yard property lines and any principal building shall be landscaped: **as follows:**

34 (A) One tree shall be provided for every 50 feet building of frontage. Trees may be grouped or  
35 spaced evenly.

36 (B) Foundation plantings shall be used to achieve a minimum fifty percent (50%) coverage at  
37 maturity. Layered planting is encouraged.

38 (C) Landscape should be used to highlight primary entryways.

39 (ii) Paving in the front or street side yards shall be limited to driveways that lead directly to interior  
40 side yard or rear yard parking. All front and street side yard areas that are not used as a driveway  
41 shall be landscaped at the same depth as the front or street side yard located between the principal  
42 building(s) and the public street.

43 (iii) All structures shall have at least one primary entry that faces State Street.

44 (iv) Entryways shall be highlighted (focal point) with design elements and variations that give  
45 orientation, transition, and aesthetically pleasing character to the building. Each principal building on  
46 site should have clearly defined, highly visible customer entrances. In all cases, entryways should  
47 provide protection from the weather by projecting away from the main facade and by utilizing one or  
48 more of the following design elements listed below:

49 (A) Awnings.

50 (B) Canopies, arcades, or porticos.

51 (C) Alcoves.

52 (D) Overhangs/Eaves.

53 (E) Recesses/projections.

54 (F) Raised corniced parapets over the door.

55 (G) Peaked roof forms.

56 (H) Arches.

57 (I) Pillar posts or pilasters.

58 (f) Roofs.

59 (i) Variations in rooflines shall be used to add interest to, and reduce the massive scale of, large  
60 buildings. Roof features should ~~complement~~ **complement** the character of adjoining neighborhoods,  
61 where applicable.

62 (ii) Roof styles are not limited; however, flat roofs shall **incorporate green roof technology or** be  
63 concealed by a parapet.

64 (iii) Mechanical equipment located on the roof shall be concealed from public view.

65 (g) Building Materials.

66 (i) Masonry, stucco, wood, or fiber-cement (or similar product) shall be used as primary building  
67 materials.

68 (A) Vinyl and metal siding shall be limited to use as a secondary material for trim, soffits, eaves,  
69 etc. and shall not be a dominant building material.

70 (ii) Pitched roofs that are visible from the public street shall consist of wood, slate, tiles, and high-  
71 quality composition shingles and shakes.

72 (A) Corrugated metal shall not be permitted as roofing material.

73 (iii) Alteration of exterior materials on an existing, residential structure shall not be subject to the  
74 above building materials requirements.

75 (h) Driveways and Parking.

76 (i) Parking shall not be located in front of any building facade adjacent to a public street.

77 (ii) Parking lots should be pedestrian designed by keeping parking areas separated from primary  
78 structures using landscaping and sidewalks.

79 (iii) Parking shall not be located between any principle building and the front or street side yard  
80 property lines.

81 (i) Signage.

82 (i) Signage is limited to wall signs and freestanding ground level monument style signage as  
83 permitted by the underlying zoning and as defined in Section 14.38, Provo City Code.

84 (ii) Freestanding signs greater than five feet in height (i.e. pole signs) shall not be permitted.

85 (iii) All freestanding signs must be constructed of materials and have an architectural style that is  
86 complimentary to the principle structure.

87 (j) Landscaping of Planting Strip.

88 (i) All additional landscaping required under this chapter shall be in addition to the requirements of  
89 Chapter 15.20 of the Provo City Code.

90 (i) Property located within a public right of way between the curb and sidewalk shall be landscaped  
91 with turf, trees and shrubs as follows. At least one (1) deciduous tree, two (2) inch caliper in size,  
92 and one (1) shrub (five (5) gallon minimum size) shall be planted per thirty (30) feet of street  
93 frontage, subject to approval by UDOT. Tree selection shall be coordinated with the Provo City  
94 Urban Forester. Plantings shall be located in a manner that will minimize vision clearance problems  
95 at driveway and street intersections as the vegetation matures. The landscaping required by this  
96 Subsection shall be in addition to landscaping required in other Sections of the Provo City Code.

97 (ii) Alternative Materials. In areas where general planting will not prosper, such as narrow planting  
98 strips three (3) feet or less in width, other materials such as wood, brick, stone, gravel or cobbles  
99 may be used. Soil sterilization or use of a weed block shall be required when such materials are  
100 used. Carefully selected plants shall be combined with such materials where possible.

101 ~~(iii) Protection of Existing and New Landscaping Features. Existing mature trees and vegetation~~  
102 ~~shall be preserved and incorporated into site landscaping plans unless such preservation is deemed~~  
103 ~~unwise by the Provo City Urban Forester (or a certified botanist or arborist in the absence of a~~  
104 ~~recommendation from the Provo City Urban Forester). Plant materials shall be protected from~~  
105 ~~damage by use of curbs, tree guards or other devices. Plant materials that are damaged shall be~~  
106 ~~replaced as soon as possible, given availability of the plant materials and season of the year, but in~~  
107 ~~no case longer than one (1) year after such damage occurs.~~

108 (iv) Irrigation. All areas required by this Subsection to be landscaped shall be irrigated. The irrigation  
109 system shall be designed, to the extent possible, to minimize water use.



**Planning Commission  
Staff Report  
Ordinance Amendment  
Hearing Date: December 9, 2015**

**ITEM 4\*** Provo City Community Development Department requests an amendment to Section 14.34.290(4) to amend the South State Street Design Corridor. *Spring Creek and Provost South Neighborhoods*. 15-00190A, Austin Corry, 801-852-6413

**Applicant:** Provo City Community Development

**Staff Coordinator:** Austin Corry

**Council Action Required:** Yes

**POSSIBLE ACTIONS**

1. **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*

2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is January 13, 2016 at 5:30 p.m.*

3. **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 Southeast Neighborhood Plan, though not yet completed, has identified an immediate need to offer some clarifying expectations along South State Street.

**Neighborhood Issues:**

- No neighborhood issues have been reported to staff regarding this application.

**Summary of Key Issues:**

- Expectations of required landscape is ambiguous in current guidelines.
- Text which is redundant from other sections of the ordinance are proposed to be removed.

**Staff Recommendation:**

Forward a recommendation to the Municipal Council to approve the ordinance amendment to section 14.34.290(4) of the Provo City Code as proposed.

## **OVERVIEW**

Throughout the planning process for the Southeast Neighborhoods Plan, discussions about the South State Street Design Corridor have identified some minor clarification that could improve the expected outcome of projects along the design corridor. Such clarification can aid in the development review process by identifying clear expectations for the landscape along the State Street frontage.

Additionally, the planning staff has elected to propose the removal of redundant language to further clean up and simplify the ordinance where possible. Since language at the end of this design corridor is repetitive of text found in section 15.20 of the Provo City Code, it is determined to be unnecessary.

## **FINDINGS OF FACT**

1. The South State Street Design Corridor dictates landscape requirements to improve the aesthetic of the corridor.
2. The South State Street Design Corridor is intended to promote attractive development at the southern gateway to the City.
3. The South State Street Design Corridor contains verbatim text that is also found in section 15.20 of the Provo City Code.

## **STAFF ANALYSIS**

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments (**Staff analysis has been provided in bold**):

*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 offer clarity for those developing along the South State Street Design Corridor.**



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

**The amendment identifies the specific landscape requirements which are acceptable for meeting the intent of the Design Corridor.**

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

**The General Plan identifies South State Street as a key gateway to the city that should have emphasis placed on maintaining a high-quality, attractive development pattern.**

- (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 are no timing or sequencing provisions in conflict with the proposed amendment.**

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

**There are no foreseen obstructions to the General Plan policies by the amendment as proposed.**

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

**No adverse impacts are anticipated by the amendment.**

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

**The amendment in question is not related to any specific land use regulation, but rather is intended to offer clarity to a design corridor which has been identified as playing an important role to this gateway.**

- (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 have been identified.**

## **CONCLUSIONS**

The proposed amendment, though minor, is important to manage expectations for the City and a proposed development. The text, as proposed, offers the clarity necessary to make a legal finding when determining if a development meets the landscape requirements of the design corridor.

## **STAFF RECOMMENDATION**

Forward a recommendation to the Municipal Council to approve the ordinance amendment to section 14.34.290(4) of the Provo City Code as proposed.

## **ATTACHMENT 1 – PROPOSED AMENDMENT**

### **14.34.290 Design Corridors**

#### (4) South State Street Design Corridor and Guidelines.

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(e) Building Location.

(i) Buildings shall be located a minimum of 10 feet but no more than 20 feet from the front or street side yard property lines and shall adhere to the clear vision requirements defined in Section 14.34.100, Provo City Code. All areas between the front or street side yard property lines and any principal building shall be landscaped- as follows:

(A) One tree shall be provided for every 50 feet building of frontage. Trees may be grouped or spaced evenly.

(B) Foundation plantings shall be used to achieve a minimum fifty percent (50%) coverage at maturity. Layered planting is encouraged.

(C) Landscape should be used to highlight primary entryways.

(ii) Paving in the front or street side yards shall be limited to driveways that lead directly to interior side yard or rear yard parking. All front and street side yard areas that are not used as a driveway shall be landscaped at the same depth as the front or street side yard located between the principal building(s) and the public street.

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(ii) Roof styles are not limited; however, flat roofs shall **incorporate green roof technology and/or** be concealed by a parapet.

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~~(iii) Protection of Existing and New Landscaping Features. Existing mature trees and vegetation shall be preserved and incorporated into site landscaping plans unless such preservation is deemed unwise by the Provo City Urban Forester (or a certified botanist or arborist in the absence of a recommendation from the Provo City Urban Forester). Plant materials shall be protected from damage by use of curbs, tree guards or other devices. Plant materials that are damaged shall be replaced as soon as possible, given availability of the plant materials and season of the year, but in no case longer than one (1) year after such damage occurs.~~

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