

Provo City Planning Commission

# Report of Action

March 25, 2009

REQUEST FOR COUNCIL ACTION

Type of Action Requested: X

Resolution X

Ordinance \_\_\_\_\_

Formal Action/Motion \_\_\_\_\_

Review at Study Session \_\_\_\_\_

Administrative; No Action \_\_\_\_\_

ITEM 3\* Ray Morley requests an amendment to the General Plan Policies creating policies for the South State Street Corridor, addressing mix use developments and design standards from approximately 900 South to SR 75 (Springville City limits). *Spring Creek and Provost South Neighborhoods* 08-0006GPA

The following action was taken by the Planning Commission on the above described item at its regular meeting of March 25, 2009:

## RECOMMENDATION TO APPROVE

On a vote of 4:0, the Planning Commission recommended that the Municipal Council approve the above noted application

Motion By: Jeff Ringer

Second By: Ron Madsen

Votes in Favor of Motion: Jeff Ringer, Ron Madsen, Leonard McKay, Brian Bird

Votes Opposed to Motion: None

*Marian Monnahan was present as Chair. Roy Peterman, Pam Boshard and Coy Porter were excused from the meeting.*

- 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:

The proposed plan addresses issues regarding a need to establish a special assessment area and/or a special improvement district and public way street designs including signs, lighting, landscaping, street improvements, etc. The applicant emphasizes the need to adopt design and improvement standards for the entire length of the corridor, both for the public way and private development. Because he does not control all of the properties in question, he cannot dictate how the properties will develop in the future, but feels that the General Plan Policies should be modified to address issues that relate to all properties located within this corridor.

The intent of the proposed policy is to create a mixed use corridor with uniform design and development standards that are conducive to both adjacent neighborhoods and the creation of public way design polices that will enhance the development of South State Street. The proposed policy includes all properties located between the existing railroad tracks west of State Street and all properties adjacent to State Street on the east side from 900 South to SR 75 (Springville City limits).

### NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on February 25, 2009.

## **NEIGHBORHOOD AND PUBLIC COMMENT**

- This item was City-wide or affected multiple neighborhoods.
- Multiple Neighborhood Chair(s) were present or addressed the Planning Commission.
- Neighbors or other interested parties were present or 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:

- Tim Brough, Springcreek Neighborhood Chairman was present and spoke in favor of the new policy. He stated that it was the best thing he has seen and noted that the three neighborhood chairs were behind the request.
- Robin Roberts, Provost Neighborhood Chairman was present. He stated that this is a vision of what is to happen and what can happen. He noted that with independent development different standards are imposed and if this is adopted we will have uniform development. State Street is unsafe.
- Nick Mason, Provost South Neighborhood Chairman, senses that this area of town has been neglected and the vision provides a sense to move forward. He supports the proposed policy.
- Cline Houston, resident along State Street, does not support the policy because it may harm his property regarding future required improvements. His property has a 10% slope below State Street, and it is difficult to get out of his property as is and if additional improvements are required, he would not be able to use his property.
- Steve Cox - owner of the old Pioneer Drive-In theater property, stated that he has the most frontage on State Street. His concern is that if State Street is to be improved, that the brunt of the cost will go to the property owner. He wants a vote of the property owners to see if there is support. He wants the area to be cleaned up first. (The voting he referred to is a suggested Assessment Area, which has not been created as of this date.)
- Leo Pack works for Pro Steel making safes. He is against the possibility of turning the area into a retail/residential development. He wants assurance that they can still operate there.
- Bruce Olsen, resident from the area, was concerned about the increase in air pollution and future density. He was concerned about the large number of Railroad engines that run with their engines idling. The highway is difficult to get on to and sidewalks are needed. Mr. Morley is too extravagant. He filled his property to get retail and now needs population to get the retail.

## **STAFF'S RESPONSE**

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

- Staff clarified that all properties may continue to operate as they do now and that no improvements will be required until they elect to develop their property.
- Staff noted that there was no Special Assessment Area established at this time and if one was to be considered, they will have the opportunity to vote in the future.
- Staff clarified that the applicant is proposing policies only at this time, which will assist in setting guidelines for future developments.

## **PLANNING COMMISSION DISCUSSION**

Key points discussed by the Planning Commission included the following:

- Jeff Ringer wanted to know if the policy locks in property, and staff stated that the policy guide development and new ordinances would need to be adopted that would further dictate how property is to be developed.
- Leonard MaKay stated that we are not changing State Street at this time.
- Ron Madsen stated that this policy is a good idea for concept, and we are able to work together. General guidelines are needed.
- Brian Bird stated that he likes the look, idea and its important to have the neighbors vote and be involved in the process.
- Jeff Ringer stated that he was satisfied with the proposed policies.



\_\_\_\_\_  
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 RECOMMENDED TEXT AMENDMENT**

### **Proposed Policies:**

1 **South State Street Corridor Development Policies**

2 South State Street is the main entrance into southeast Provo City and traverses from the intersection of State Road (SR)  
3 75 (Springville City Limits) to 300 South. From approximately 900 South to the city limits, State Street divides the  
4 Provost South and Spring Creek Neighborhoods from each other.

5  
6 The intent of this policy is to create a mixed use corridor with uniform public and private property design and  
7 development standards that are conducive to both of the adjacent neighborhoods and that will enhance the character of  
8 South State Street. The policy encompasses all properties located between the existing railroad tracks west of State  
9 Street and all properties adjacent to State Street on the east side.

10  
11 Due to the length and character of South State Street, the corridor is divided into two large areas for discussion of land  
12 use policy. These areas are described as Area A (North of 1860 South) and Area B (South of 1860 South). The Public  
13 Way Design Standards are for the entire length of South State Street.

14  
15 **Public Way Policies**

16 Policies should address uniform public way improvements for the entire corridor including the following:

- 1 1. All new and existing utilities should be placed underground when development occurs where feasible.
- 2 2. The street design (acceptable to UDOT and Provo City by mutual agreement) should include, but not be limited
- 3 to: uniform curb, gutter, sidewalks, street width, street lighting, landscaping, street signage, etc. and provide
- 4 for efficient movement of traffic and pedestrians.

#### 6 **Private Property Policies**

7 Prior to considering the adoption of a PRO Zone or similar zoning regulation for South State Street, the South State Street  
8 Design Corridor (SSSDC)(Chapter 14.34.290) should be amended to reflect appropriate guidelines for the development  
9 of private properties. The amended SSSDC should address the following:

- 10 1. Development design elements to assure that all future development in the SSSDC will adhere to a consistent
- 11 design theme. The design theme should address both site and building design and should focus on a Village
- 12 type concept rather than the conventional “strip mall” layout.
- 13 2. Inter connectivity between the various phases of development, rather than isolated development pods.
- 14 3. Appropriate land use types and mixed use requirements;
- 15 4. Appropriate lot area, yard area and building height standards;
- 16 5. Appropriate buffering requirements adjacent to the railroad right-of-way;
- 17 6. A circulation system within new projects that will link the various villages into a continuous, harmonious
- 18 neighborhood, without being dependent on State Street for access.
- 19 7. Building materials that will help assure a high standard of quality.
- 20 8. Signage
- 21 9. Area A should consist of a mix of uses, including residential, retail and offices, with a focus on residential.
- 22 Area B should be developed with a mix of light industrial and limited residential uses with a master
- 23 development plan. This area includes the Mountain Vista Business Park development.

#### ***Provost South Neighborhood***

21. See policies under the guiding principles for the SE Area. **For all properties located adjacent to South State Street, see the guiding principles for the South State Street Corridor Development Policies.**
22. The property east of the existing and proposed developments located east of Slate Canyon Drive, to be included within the Provo City General Plan Map designation of Developmentally Sensitive (DS), will be subject to studies of potential geologic hazards, geotechnical constraints, slopes or other conditions, as required by the City Engineer or State Geologist to ensure that sensitive lands are appropriately developed or, where necessary to protect people, property or significant natural features, withheld from development.
23. Except for the Bicentennial Park and the power substation, change all City-owned property along Slate Canyon Drive and Nevada Avenue from Public Facilities (PF) to the Residential (R) designation.
24. New, quality, one-family homes should be developed to provide adequate living space for growing families that wish to relocate to or remain within the Provost South neighborhood, including detached homes. Focus for new development for mixed housing types suitable for owner-occupancy should develop using the Project Redevelopment Option and provide adequate open space, family-oriented amenities, buffering from non-residential uses, and such architectural styles and orientation as to not give the appearance of multiple-family housing.
25. Strategies to encourage and maintain owner-occupancy of homes should be implemented, with particular focus in the Bay Harbor and Jodel areas, the area bounded by South Nevada, South California, State Street and Dakota Avenue, and within the residential development locating on or near the former Pioneer Drive-in Theater property. Strategies may include changes to zoning and occupancy and continued enforcement of zoning and occupancy, as well as other appropriate strategies.
26. Continue to evaluate the designation of roads within the South Provost neighborhood in relation to impacts to existing residents, taking into consideration neighborhood concerns voiced over collector designations. Continue to evaluate the impacts of new development and on-street parking in constrained areas such as the east bench and implement traffic calming measures and parking restrictions as determined appropriate.
27. Provide and upgrade infrastructure to improve services for existing residents and new development, including appropriately designed and located, family-oriented public recreational space.
28. Continue to implement the South State Street Design Corridor from the south City limits to 300 South for new development and redevelopment. Educate owners of existing buildings about the goals and standards of the Design

- 29 Corridor and encourage them to comply with the design corridor standards to the extent possible, given the limitations  
30 of building location and configuration. Require compliance with Design Corridor standards for expansion and exterior  
31 remodeling of existing businesses to the extent possible, given the limitations of building location.
32. Properties along the South State Street corridor should develop for quality businesses that are compatible with adjoining  
33 and nearby residential development, with focus on retail commercial and shopping center uses within a planned, well-  
34 designed configuration with quality architectural and landscaping details to enhance this redevelopment corridor and  
35 gateway to the city. New heavy commercial uses should be discouraged along the State Street frontage, and existing  
36 heavy commercial uses should be evaluated for appropriate zoning and upgrades consistent with the desired character  
37 of this gateway corridor.
38. The Slate Canyon Specific Area Plan has been adopted as Key Land Use Policy for the area of the Provost  
39 South Neighborhood encompassed by the Plan. The Slate Canyon Specific Area Plan is included in Appendix  
40 C of the General Plan.

### ***Spring Creek Neighborhood***

21. See policies under the guiding principles for the SE Area.. **For all properties located adjacent to South State Street, see the guiding principles for the South State Street Corridor Development Policies.**
22. Restrict development of wetlands, flood plains, and accretion lands controlled by the State of Utah and/or the Army  
23 Corps of Engineers which have a Provo City General Plan Map designation of Developmentally Sensitive (DS). Any  
24 new development within the Provo City General Plan Map designation of Developmentally Sensitive (DS) will be  
25 subject to studies of potential wetlands, flood plains or other conditions, as required by the City Engineer or by any State  
26 or Federal regulatory agency with jurisdiction to ensure that sensitive lands are appropriately developed or, where  
27 necessary to protect people, property or significant natural features, withheld from development.
28. Ironton should be developed as an upscale business park, with industrial and commercial uses within a park-like  
29 atmosphere. The City should look for an anchor project, which may include a significant civic or recreational facility,  
30 to establish an identity for the planned commercial/industrial park. Ironton Boulevard should be connected to Larsen  
31 Parkway, and a traffic control signal should be placed at Ironton Boulevard/Mountain View Parkway and South State  
32 Street, for the benefit of both the Spring Creek and Provost South businesses and residents.
33. Mixed-use development should be considered for the property along the west side of South State Street (US 89),  
34 between 1140 South and 1860 South, with commercial uses on the ground floor and residential uses above, or with  
35 commercial uses along street frontages and residential uses to the rear.
- 36 a) Flexibility in interpretation of these use boundaries and careful planning in establishing uses within the corridor,  
37 based on need and the desire to “soften” the frontage with limited areas of residential, is encouraged.
- 38 b) This policy will guide the location and development of appropriate residential uses within the Commercial land  
39 use designation of the General Plan Map for these properties.
- 40 c) Exceptions to this policy should be made for existing businesses, developed within the M-1 zone, that have  
made significant investment in the area and have upgraded their properties to more closely comply with the  
expectations of the adopted design corridor through enhanced landscaping, architectural improvements, and  
other standards.
41. Continue to implement the South State Street Design Corridor from the south City limits to 300 South for new  
42 development and redevelopment. Educate owners of existing buildings about the goals and standards of the Design  
43 Corridor and encourage them to comply with the design corridor standards to the extent possible, given the limitations  
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49 gateway to the city. New heavy commercial uses should be discouraged along the State Street frontage, and existing  
50 heavy commercial uses should be evaluated for appropriate zoning and upgrades consistent with the desired character  
51 of this gateway corridor.
52. Provide family-oriented public recreational space, possibly at the neighborhood park level as defined by the Parks and  
53 Recreation element of the General Plan, to service the residents of this neighborhood.