



**Planning Commission Staff Report  
Ordinance Amendment  
Hearing Date: August 22, 1018**

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**ITEM #2\*** The Community Development Department requests a Code Amendment to Chapter 14.20 (SC3 Zone) to establish an open space requirement for the residential portion of mixed-use developments within this zone. City Wide impact. Aaron Ardmore (801) 852-6404 PLOTA20180113

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<p><b>Applicant:</b> Provo City Community Development Department</p> <p><b>Staff Coordinator:</b> Aaron Ardmore</p> <p><b>Parcel ID#:</b> Citywide</p> <p><b>Affected Zone:</b> SC3</p> <p><b>*Council Action Required:</b> Yes</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <p>1. <b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is September 12th, at 5:00 p.m.</i></p> <p>2. <b>Recommend Denial</b> 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><b>Relevant History:</b> In January 2017, the City Council approved a residential mixed-use element to the SC3 zone. The amenity space typically required for residential projects was not included. Staff has brought this amendment forward to ensure that quality amenity space is provided for residential projects within the SC3 zone.</p> <p><b>Neighborhood Issues:</b> There have been no issues reported to staff at the time of this report.</p> <p><b>Summary of Key Issues:</b></p> <ul style="list-style-type: none"><li>• The January 2017 SC3 ordinance amendment allowed for residential use, but did not account for amenity space for the residential units.</li><li>• The standards proposed in the amendment match those in the MDR zone for Provo City.</li><li>• A location regulation was added to make sure the amenity space would be convenient to the residential tenants of a mixed-use development</li></ul> <p><b>Staff Recommendation:</b> Staff recommends that the Planning Commission recommend approval of the proposed ordinance to the Municipal Council.</p>
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## **OVERVIEW**

The Provo City Community Development Department requests an amendment to the Regional Shopping Center (SC3) zone to define amenity space for the residential units within a mixed-use development. The current code section was adopted in January 2017, and does not address amenity space.

The proposed ordinance is similar to the amenity standard for residential projects in the Medium Residential (MDR) zone, and would require an area equivalent to 10% of the residential gross floor area to be developed into amenity space, for any project consisting of twenty or more units. A subsection (c) was added to guarantee a convenient location for the residential units, so that the amenity space requirement would serve the residential use of a mixed-use project.

## **STAFF ANALYSIS**

In all higher density developments in Provo, the quality of life for the residents within the development has been a priority. Without an open space or amenity requirement for residential development within the SC3 zones, a developer could obtain the benefits of higher housing densities while being tone-deaf to quality of life or livability.

Some projects that have been built meeting an amenity requirement of 10% of the gross floor area include 63 East, Liberty Station and 200 City View. Other projects that have been approved and will soon be under construction that meet this ratio include Blue Sky Apartments and Highline Square.

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: (responses in bold)*

- (a) *Public purpose for the amendment in question.*

**Residential projects with open space or interior amenities improve quality of life within the development which will encourage longer-**

**term occupancy. By defining requirements for amenity space, the development will be more attractive and livable for the residents.**

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

**The amendment provides a minimum of usable space for residents to enjoy, which provides a better standard of living for the public. Several housing projects have already been built with the same open space/amenity requirement. This would indicate that the requirement is financially feasible.**

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

**Numerous policies are furthered including, but not limited to, a desire to promote safety through urban design (obj. 1.3.2 and 1.3.3) and a desire to provide various housing types spread throughout the city (13.4.2).**

- (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 and sequencing provisions related to this change.**

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

**The proposed amendment should not hinder or obstruct any of the General Plan's policies.**

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

**Adjacent land owners should not see any adverse impacts by providing amenity space for the tenants of SC3 residential projects. By its nature, development within SC3 zones is commercial in nature and high intensity.**

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

**The zoning and General Plan for the area is correct.**

- (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 conflict exists.**

### **CONCLUSIONS**

The proposed amenity requirement for the SC3 zone is consistent with other high-density housing developments in the City. Staff supports the standards proposed with this ordinance amendment, which should encourage positive residential development within the SC3 zone.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of the proposed ordinance to the Municipal Council.

## **ATTACHMENTS**

### 1. Proposed Amendment

#### **Chapter 14.20 SC3 - Regional Shopping Center Zone**

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#### **14.20.160. Other Requirements.**

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(7) Residential Uses. When incorporated as part of a mixed-use development, residential uses and the necessary appurtenances (e.g., parking, landscape, etc.) are permitted provided they: do not comprise more than twenty percent (20%) of the overall project site area and that they comply with the design standards outlined in Section 14.34.287, Provo City Code.

(a) In any new project consisting of twenty (20) or more residential units, an area equivalent to ten percent (10%) of the residential gross floor area developed as residential amenities, such as a common clubhouse, gym, pool, rooftop garden, or other amenity.

(b) In any new project consisting of twenty (20) or more residential units, the open space must be massed or accumulated to be functional as a recreational amenity or gathering space. Landscaping within the required setbacks shall not be calculated towards meeting this provision.

(c) Any amenity required under this Section must be contained within, or immediately adjacent to, the residential portion of the development.