



Provo City Planning Commission

Report of Action

November 28, 2018

*Item 3 Ridgepoint Management Groups requests an Ordinance Text Amendment to adopt a new zone, the Spring Creek High Occupancy Performance Redevelopment Option zone 14.50(36) for a proposed sixty-two (62) unit townhome project, located at 1606 S State Street. Spring Creek Neighborhood. Javin Weaver (801)852-6413 PLOTA20180365

The following action was taken by the Planning Commission on the above described item at its regular meeting of November 28, 2018:

POSITIVE RECOMMENDATION

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application

Motion By: Jamin Rowin

Second By: Shannon Ellsworth

Votes in Favor of Motion: Dave Anderson, Shannon Ellsworth, Deborah Jensen, Russ Phillips, and Jamin Rowan

Deborah Jensen 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.

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

The text of the proposed zone is attached as Exhibit A.

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: An overview of the request for the Spring Creek High Occupancy PRO zone and limits proffered by the applicant.

- The proposed Spring Creek High Occupancy PRO zone will hopefully be utilized again by future developers within the Spring Creek neighborhood
- The proposed Spring Creek High Occupancy PRO zone aligns with the Southeast Neighborhood Plan.

NEIGHBORHOOD AND PUBLIC COMMENT

- Mary Miller, the Spring Creek Neighborhood chair was present and expressed support for the ordinance text amendment. Riley Sorensen of Bear River Storage expressed concern that the proposed ordinance text does not require the applicant to install a fence on northern portion of the subject property.

APPLICANT RESPONSE

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

- Heath Johnston of Ridgepoint Management Group stated that by drafting the proposed Spring Creek High Occupancy PRO zone allowed them to create a product that is unique, marketable and appeals to a certain demographic all while aligning with the goals of the City.
- Johnston sees this proposed zone to be a catalyst for future developments of similar nature within the Spring Creek Neighborhood..

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Jamin Rowin said that there shall be a 10% open space requirement from the building square footage for the Spring Creek High Occupancy PRO zone. The open space shall be massed or accumulated so that it may function as a recreational amenity or gathering space.



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

Chapter 14.50(36) Spring Creek High Occupancy Project Redevelopment Option Zone.

- 14.50(36).010. Purpose and Intent.
- 14.50(36).020. Compliance with Titles 14 and 15 Required.
- 14.50(36).030. Permitted Uses.
- 14.50(36).040. Single Ownership and Control.
- 14.50(36).050. Occupancy Restrictions.
- 14.50(36).060. Project Area.
- 14.50(36).070. Minimum Finished Floor Area.
- 14.50(36).080. Minimum Unit Size.
- 14.50(36).090. Building Pad Width and Depth Requirements.
- 14.50(36).100. Project Frontage.
- 14.50(36).110. Residential Density.
- 14.50(36).120. Yard Requirements.
- 14.50(36).130. Projections into Yards.
- 14.50(36).140. Garbage Collection.
- 14.50(36).150. Trash Storage.
- 14.50(36).160. Building Height.
- 14.50(36).170. Distance Between Buildings.
- 14.50(36).180. Permissible Site Coverage.
- 14.50(36).190. Parking, Loading, and Access.
- 14.50(36).200. Access to Enclosed Parking.
- 14.50(36).210. Project Plan Approval/Design.
- 14.50(36).220. Fencing Standards.
- 14.50(36).230. Notice of Parking and Occupancy Restrictions.
- 14.50(36).240. Landscape Plan.
- 14.50(36).250. Building Plans.

14.50(36).010. Purpose and Intent.

The purpose to the Spring Creek High Occupancy (PRO-A-36) zone is established to allow redevelopment of an otherwise blighted area of the South State Street Neighborhood of Provo and to provide Townhouse ownership opportunities of attached dwelling units for young professionals. This zone is intended to provide a style and type of housing that will foster a sustainable sense of community for the young professionals with a townhouse-style for the housing. Housing in this zone shall include unique roof deck open space, adequate safe parking, friendly, neighborly interaction, and foster a sense of community by providing an open space with a pavilion for a gathering place and pickle ball courts for recreational purposes for the young professionals.

14.50(36).020. Compliance with Titles 14 and 15 Required.

Development in the Spring High Occupancy PRO zone shall comply with the development requirements in Titles 14 and 15, Provo City Code, unless alternative standards are specifically set forth within this Chapter.

14.50(36).030. Permitted Uses.

(1) Those uses or categories of uses as listed herein are permitted in the Spring Creek High Occupancy PRO zone.

(2) All uses listed herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or grouping of such uses permitted in the zone are identified by a four (4) digit number in which the last one or two digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code shall be permitted in the Spring Creek High Occupancy PRO zone, subject to the limitations set forth in this Chapter. No commercial use is permitted in the residential townhome buildings except as allowed and duly approved as minor home occupations.

(4) *Permitted Principal Uses.* The following principal uses and structures are permitted in the Spring Creek High Occupancy PRO zone:

Use No.	Use Classification
1112	Single family dwelling, attached (to one or more single family dwellings, but no more than six), with a two-car garage for each unit
4811	Electronic transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way activity)
4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way activity)
4824	Gas pressure control station
4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way activity)
4840	Sewage pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way activity)
4844	Sewage pumping station
4864	Combination utilities right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way activity)
4873	Storm drain or right-of-way (predominately covered pipes and boxes)
4874	Spreading ground (area for percolating water into underground)

(5) *Conditional Uses.* No conditional uses shall be permitted in the Spring Creek High Occupancy PRO zone.

14.50(36).040. Single Ownership and Control.

Land in the Spring Creek High Occupancy PRO zone shall be in single ownership or control prior to unit occupancy to insure conformance with these provisions and all conditions imposed upon preliminary and final development plans. A

completed dwelling unit may be owned by an individual, partnership, corporation, a group of individuals, or other legally recognized entity. Common open space and areas shall be managed by a homeowner's association created in conformance with Utah State law.

14.50(36).050 Occupancy Restrictions

(1) Dwelling unit occupancy in the Spring Creek High Occupancy PRO zone shall be limited to Family occupancy or Batching Singles limited to four (4) singles as defined by Section 14.06, Provo City Code.

(2) No accessory apartment or second kitchen shall be permitted in any dwelling unit.

(3) Prior to the issuance of a Certificate of Occupancy for a dwelling unit, a permanent notice shall be placed on the electrical box within the unit indicating maximum allowable occupancy of the unit based on the approved occupancy consistent with a recorded parking and occupancy agreement. This notice shall be located on a six (6) inch by six (6) inch metal or plastic plate permanently attached to the electrical box with minimum one-half (1/2) inch engraved letters.

14.50(36).060. Project Area.

The minimum area for a project in the Spring Creek High Occupancy PRO zone shall be 6.21 acres. Individual phases or portions of the overall project may be platted separately but shall conform to an approved overall project plan. The zone or project area may be expanded with the addition of an amended and approved project plan. If approved by the Municipal Council, the text of this Chapter may be amended for an expanded project plan.

14.50(36).070. Minimum Finished Floor Area.

The minimum finished floor area of each dwelling unit in the Spring Creek High Occupancy PRO zone shall be 1,600 square feet, not including a garage.

14.50(36).080. Minimum Unit Size

Each unit shall have four (4) bedrooms. The minimum bedroom size in the Spring Creek High Occupancy PRO zone shall be no less than 100 feet. There shall be no less than four (4) full bathrooms per unit.

14.50(36).090. Building Pad Width and Depth Requirements.

Each building pad for an individual townhome dwelling unit constructed in the Spring Creek High Occupancy PRO zone shall have a minimum width of twenty (20) feet and a minimum depth of thirty-five (35) feet.

14.50(36).100. Project Frontage.

Each parcel in the Spring Creek High Occupancy PRO zone shall have a minimum frontage on a public street of eighty (80) feet. This does not mean that each separate plat must have said frontage, but each plat shall comply with an approved overall project plan.

14.50(36).110. Residential Density.

Residential density in the Spring Creek High Occupancy PRO zone shall not exceed ten (10) dwelling units per acre.

14.50(36).120. Yard Requirements.

The following minimum building setback requirements shall apply in the Spring Creek High Occupancy PRO zone:

(1) Front yard. Each front yard shall be as shown on an approved project plan, but in no case shall an individual building setback from the front property line be less than five (5) feet unless superseded by more restrictive design corridor standards. Each lot or building fronting a public street shall be deemed to have a front yard.

(2) Side yard. 10' minimum side yard street; 10' minimum distance between buildings on same parcel

(3) Rear yard. Rear property line no less than ten (10) feet.

(4) Setbacks for buildings with driveways. 9' minimum setback on building corner if building side is not parallel to property line and diverges from property line.

(5) Double Fronted lots. Lots that are double fronted by roadways shall maintain a 10' minimum setback from the road right of way.

14.50(36).130. Projection Into Yards.

(1) The following structures may be erected on or project into any required yard in the Spring Creek High Occupancy PRO zone:

- (a) fences and walls in conformance with the Provo City Code and ordinances;
- (b) landscape elements including trees, shrubs, agricultural crops, and other plants;
- (c) necessary appurtenances for utility services;
- (d) garbage containers or trash enclosures; and
- (e) driveways, trash enclosures, parking lots, or access ways to adjacent parcels.

(2) The structures listed below may project into a minimum front, rear, or side yard not more than two (2) feet:

- (a) cornices, eaves, belt courses, sills, buttresses, or other similar architectural features;
- (b) fireplace structures and bays, provided they are not wider than eight (8) feet and, are generally parallel to the wall of which they are part; and
- (c) (c) stairways, balconies or patios, door stops, fire escapes, awnings, decks, patios, and planter boxes or masonry planters.

14.50(36).140. Garbage Collection.

Garbage containers and collection shall be provided by a private company contracted by a homeowners association. One (1) common trash storage container or garbage dumpster of adequate capacity shall be provided for every two (2) buildings, with five (5) total located in the Spring Creek High Occupancy PRO zone. Each container shall be properly screened as required by Chapter 14.34.080, Provo City Code.

14.50(36).150. Trash Storage.

No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. Outside storage of commercial goods or materials shall be prohibited in the Spring Creek High Occupancy PRO zone.

14.50(36).160. Building Height.

No lot in the Spring Creek High Occupancy PRO zone shall have a building or structure that exceeds a height of three (3) stories with a maximum of forty-five (45) feet. Chimneys, flagpoles, mechanical equipment, flues, roof deck patios, or similar structures not used for human occupancy shall be excluded in determining height.

14.50(36).170. Distance Between Buildings.

The minimum distance between buildings on a lot or parcel of land in the Spring Creek High Occupancy PRO zone shall be ten (10) feet. This shall also apply to buildings on separate parcels of land within a project.

14.50(36).180. Permissible Site Coverage.

The total coverage of all buildings in a lot coverage related to the parcel in the Spring Creek High Occupancy PRO zone shall not exceed thirty-three (33) percent of the total project area. This requirement shall not apply when considering a lot that may be platted separately.

14.50(36).190. Parking, Loading, and Access.

(1) Each dwelling unit in the Spring Creek High Occupancy PRO zone shall have 4 spaces for each unit with 2 spaces in the garage.

(2) Visitor Parking will be 0.25 spaces per unit. Each visitor parking space shall be clearly identified.

(3) Landscaped islands shall be required at the mid-point of parking rows not to exceed twelve (12) parking stalls.

(4) Parking stalls will be labeled for each unit or visitor.

(5) Concurrent with the recording of a plat, a cross-access easement or agreement shall be recorded that grants access over or through parking areas and driveways within a project for the benefit of the entire project

14.50(36).200. Access to Enclosed Parking.

Access to parking in the Spring Creek High Occupancy PRO zone shall be provided by a driveway or access way which is at least eighteen (18) feet wide. These access ways shall include any driveway near the exterior of a project used to access parking in a townhome unit garage and may be used during various phases of a project. Signage delineating *no parking will be allowed in the access way* will be erected.

14.50(36).210. Project Plan Approval/Design.

Each building in the Spring Creek High Occupancy PRO zone shall comply with Sections 14.02.090 (Project Plan Required) and 14.34.280 (Design Review), Provo City Code, except as may be modified by the Planning Commission at the time of project plan approval pursuant to the provisions of this Chapter. The Design Review Committee shall approve all architectural and landscaping elements prior to the issuance of a building permit.

(1) Signage.

(a) Sign design shall reflect the architectural style of the project

(b) Two monument (2) entrance signs shall be permitted. Entrance sign square footage shall not exceed thirty-two (32) square feet per sign. Maximum height for each entrance sign shall not exceed four (4) feet. No entrance sign shall impede the clear vision area.

14.50(36).220. Fencing Standards.

(1) During the initial phase of a project in the Spring Creek High Occupancy PRO zone, only a no-climb field-type wire fence shall be required.

(2) Within a period of one (1) year from completion of an initial phase consisting of eight (8) buildings, a six (6) high foot fence shall be provided along the south exterior of the project between the road and the storage units as shown on an approved project plan.

(a) This fence may be fabricated of PVC or fiberglass.

(3) The north property line of Willow Creek Townhome development will be divided from the property to the North by the existing brick retaining wall. No additional fence will be required.

14.50(36).230. Notice of Parking and Occupancy Restrictions.

(1) Occupancy of residential structures in the Spring Creek High Occupancy PRO zone shall be limited as set forth in Section 14.50(36).030 of this Chapter.

(2) Parking shall be limited to and provided for as set forth in Section 14.50.(36).170 of this Chapter.

(3) Prior to issuance of a certificate of occupancy for a dwelling unit, a permanent notice shall be placed on the electrical box within the unit indicating maximum allowable occupancy of the unit based on the approved occupancy consistent with a recorded parking and occupancy contract. This notice shall be located on a six (6) inch by six (6) inch metal or plastic plate permanently attached to the electrical box with minimum one half (1/2) inch engraved letters.

14.50(36).240. Landscape Plan.

The Project Plan and Rezone plan are being submitted together and the Project plan includes the preliminary landscape plan. When the Project plan is approved in the Spring Creek High Occupancy PRO zone, a final landscape plan shall be provided showing tree schedule, planting schedule and common amenities. The final plan shall comply with the Provo South Street Corridor design guidelines. The final plan shall also show the irrigation plan and schedule, tree schedule, planting schedule, the location and type of fences, walls, hedges, project signs, open space improvements, trash enclosures, common amenities, entrance signs, exterior lighting, and walkways. Any future construction in various phases of the project shall comply with this landscape plan. Additionally, the landscape plan shall comply with Chapter 15.20, Provo City Code, and outdoor lighting shall comply with Chapter 15.21, Provo City Code.

(1) Driveways and Parking areas may be placed adjacent to property lines without landscape buffer.

(2) In any new project consisting of five or more residential units, an area equivalent to ten percent (10%) of the residential gross floor area shall be developed in recreational amenities, such but not limited to as a common clubhouse, gym, pool, roof-top garden, outdoor gathering place, outdoor recreational area or other amenities.

14.50(36).250. Building Plans.

The Concept Plan and Rezone are being submitted together. The Concept Plan includes the preliminary building plans for the Spring Creek High Occupancy PRO zone. The plans identify the building type, style, height, color, texture, architectural features, floor plans, building materials, roof shapes, windows, balconies, and porches. Any future construction of buildings in various phases of the project shall comply with these building plans. Slight alterations may be allowed in a building floor plan or footprint as long as it substantially complies with an approved project plan. The dimensions of each townhome dwelling unit may be altered no more than two (2) feet in any direction without need of an additional plan approval.