



**Planning Commission Staff Report
Ordinance Amendment
Hearing Date: February 13, 2019**

***ITEM 8 Todd Sinks requests an Ordinance Text Amendment to Section 14.14E.030(2) to remove the maximum density restriction in the Campus Mixed Use Zone. City-wide application. Josh Yost (801) 852-6408 PLOTA20180432**

<p>Applicant: Todd Sinks Staff Coordinator: Josh Yost</p> <p>*Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>2. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is February 27, at 5:00 p.m.</i></p> <p>3. Recommend Denial 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>Relevant History: The Campus Mixed Use Zone was enacted in 2013. Since that time this zone was applied to a large area of the Joaquin Neighborhood located directly south of BYU. This zone has also been requested to be applied to other areas adjacent to BYU or other higher education campuses. The applicant is currently pursuing a Zone Map Amendment to apply to the CMU zone to an area adjacent to the proposed Noorda College of Osteopathic Medicine.</p> <p>Neighborhood Issues: None noted.</p> <p>Summary of Key Issues: The Campus Mixed Use zone establishes regulations for the form of development including height, lot coverage, setbacks and parking. Staff contends that also regulating density imposes limits on the ability of development to respond to unique site conditions and property configurations while providing no additional control over the form of development. A measure of density can describe a result, but has limited utility as a regulatory mechanism.</p> <p>Staff Recommendation: Recommend to the Municipal Council approval of the proposed ordinance amendment.</p>
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OVERVIEW

The Campus Mixed Use zone establishes regulations for the form of development including height, lot coverage, setbacks and parking. Staff contends that also regulating density imposes limits on the ability of development to response to unique site

conditions and property configurations while providing no additional control over the form of development. A measure of density can describe a result, but has limited utility as a regulatory mechanism.

FINDINGS OF FACT

The Campus Mixed Use Zone currently regulates the following physical aspects of development.

- Lot Area
- Density
- Lot Frontage
- Lot Width
- Lot Coverage
- Setbacks
- Building Projections
- Building Height
- Parking, Loading and Access
- 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.*

To facilitate the efficient and effective development of quality multifamily and mixed use project within the area of CMU Zone.

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

The simple elimination of the maximum density limitation removes a restriction that has little bearing on the form of development and facilitates development. The geometric constraints established in the zone indicate the extent of permissible development. If any project that is able to meet these constraints is acceptable, then a density restriction only serves to limit overall project size beyond the bounds already deemed acceptable within the zone.

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

The proposed amendment does not cause any change to the Campus Mixed Use Zone's compatibility with the General Plan as it has no direct influence on the form, scale, massing or type of development.

- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.*

Not applicable.

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

The proposed amendment will only further the General Plan's articulated policies as it increases the feasibility of developing housing and commercial amenities in the areas to which the Campus Mixed Use Zone has been applied.

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

The proposed amendment does not affect the physical configuration of development and staff does not foresee any adverse impacts on adjacent land owners.

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

Not applicable.

- (h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.*

Not applicable

STAFF RECOMMENDATION

Recommend to the Municipal Council approval of the proposed ordinance amendment.

Proposed Ordinance Amendment

Chapter 14.14E

CAMPUS MIXED-USE ZONE

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14.14E.030.

Lot Standards.

Lots within the CMU zone shall be developed according to the following standards:

(1) Min. Lot Area.

(a) Apartments and condominium projects: forty thousand (40,000) sf.

~~(2) Maximum housing density: eighty (80) units per gross acre.~~

~~(23)~~ Multifamily residential developments that are less than forty thousand (40,000) sf may not exceed forty (40) units per gross acre.

~~(34)~~ Min. lot frontage: thirty-five (35) ft.

~~(45)~~ Min. lot width: fifty (50) ft.

(a) Corner lots: sixty (60) ft.

~~(56)~~ Max. lot coverage: seventy-five percent (75%).

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