



Provo City Planning Commission

Report of Action

April 10, 2019

*ITEM 3 Justin Earl requests an Ordinance Text Amendment for the adoption of the Mill Race at Provo Station PRO Zone located on approximately four acres from 500 S to 600 S and from 100 W to University Ave. Downtown neighborhood. Aaron Ardmore (801) 852-6404 PLOTA20190046

The following action was taken by the Planning Commission on the above described item at its regular meeting of April 10, 2019:

POSITIVE RECOMMENDATION

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: Maria Winden

Votes in Favor of Motion: Jamin Rowan, Maria Winden, Shannon Ellsworth, Deborah Jensen, Robert Knudsen

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

Chapter 14.50(34) Mill Race Project Redevelopment Option Zone, denominated as "PRO-A-34."

Sections:

- 14.50(34).010 Purpose and Intent.
- 14.50(34).020 Compliance with Titles 14 and 15 Required.
- 14.50(34).030 Permitted Uses.
- 14.50(34).040 Single Ownership and Control.
- 14.50(34).050 Lot Area.
- 14.50(34).060 Minimum Finished Floor Area.
- 14.50(34).070 Lot Depth.
- 14.50(34).080 Lot Frontage.
- 14.50(34).090 Residential Density.
- 14.50(34).100 Yard Requirements.
- 14.50(34).110 Projections into Yards.
- 14.50(34).120 Garbage Collection.
- 14.50(34).130 Trash Storage.

- 14.50(34).140 Building Height.
- 14.50(34).150 Distance Between Buildings.
- 14.50(34).160 Permissible Site Coverage.
- 14.50(34).170 Parking, Loading, and Access.
- 14.50(34).180 Notice of Parking and Occupancy Restrictions.
- 14.50(34).190 Project Plan Approval/Design Review.
- 14.50(34).200 Fencing Standards.

14.50(34).010 Purpose and Intent.

The purpose and intent of the Mill Race Project Redevelopment Option (PRO-A-34) zone is to establish a well-planned, high density, mixed-use development zone. The standards set forth herein are intended (1) to capitalize on the close proximity to the UTA Front Runner Station and the Utah Valley Express BRT transit line for commuter arrangements to reduce vehicle usage; (2) to encourage pedestrian movement through convenient access to transportation and well-placed walkways and pedestrian connections; (3) to beautify and improve the block in a way that will benefit current and future residents and neighbors; (4) to incorporate artistic elements from the local artist community, forming a cohesive atmosphere between the new project and current residents.

14.50(34).020 Compliance with Titles 14 and 15 Required.

In addition to the PRO development standards contained in this Chapter, areas zoned to the Mill Race PRO zone shall comply with the development requirements in Titles 14 and 15, Provo City Code, which have not been specifically addressed within this Chapter.

14.50(34).030 Permitted Uses.

(1) Those uses or categories of uses as listed herein, and no others, are permitted in the Mill Race PRO zone:

- a) Apartments and condominiums;
- b) Residential facilities for the elderly or disabled (see Section 14.34.230, Provo City Code);
- c) Public utilities and rights-of-way, including accompanying facilities;
- d) Police protection and related activities, branch (office only);
- e) Religious activities;
- f) Parks;
- g) Parking structures or facilities;
- h) Professional Office;
- i) Variety stores;
- j) General retail;
- k) Food or grocery stores;
- l) Eating places, restaurants;
- m) Banks;
- n) Postal services;
- o) Duplicating services;
- p) Pharmacy;
- q) Reception centers and other similar uses;
- r) Fitness centers and other similar uses;
- s) Hotel or nightly rentals;
- t) Vending machines or business;
- u) Communications;
- v) Vertiport/Heliport;
- w) Day care; and
- x) Personal services (including laundry, barber shop, clothing repair and other similar uses).

(2) *Permitted Accessory Uses.* Accessory uses and structures are permitted in the Mill Race PRO zone, provided they are incidental to and do not substantially alter the character of the permitted principal use of structure. Such permitted accessory uses and structures include, but are not limited to, the following:

- a) Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and incidental to a principal use or structure;
- b) Swimming pools and incidental accessory structures subject to the standards of Section 14.34.210, Provo City Code;
- c) Vegetable and flower gardens;
- d) Home occupations subject to the regulations of Chapter 14.41, Provo City Code;
- e) Storage of materials used to construct a building, including the contractor's temporary office; provided, that such use is on the building site or immediately adjacent thereto; and provided further, that such use shall be permitted only during the construction period and thirty (30) days thereafter;
- f) Household pets; provided, that no more than two (2) dogs and two (2) cats six (6) months of age or older shall be kept at any residence or commercial establishment at any time. Nothing herein shall be construed as authorizing the keeping of any animal capable of inflicting harm or discomfort or endangering the health and safety of any person or property. (Enacted 2013-04)

(3) *Conditional Uses.* There are no conditional uses in the Mill Race PRO zone.

14.50(34).040 Single Ownership and Control.

Land within the Mill Race PRO zone shall be in control by a single entity or an entity with similar ownership during design and construction to provide for full supervision and control of said development, and to insure conformance with these provisions and all conditions imposed upon the preliminary and final development plans. Individual units may be owned by individuals, partnerships, corporations, and/or other legally recognized entities after certificate of occupancy has been issued. Common open spaces shall be managed by a management company, and individually owned units will be managed by the same management company or another party selected by the owners association created in conformance with Utah State Law.

14.50(34).050 Lot Area.

Any existing nonconforming lot or structure may remain as to current lot area, width, and depth until the subject property is developed. Development of such property shall conform to the requirements of this Chapter. A single lot shall be a minimum of 1.00 acres in size. Any lot less than 1.00 acres in size not under common ownership with adjacent properties already developed or being developed according to this Chapter shall be developed in accordance with the ITOD zone regulations. Development may proceed in phases so long as each phase meets applicable fire code requirements and has acceptable circulation and access.

14.50(34).060 Minimum Finished Floor Area.

The minimum finished floor area of a dwelling unit in the Mill Race PRO zone shall be four hundred fifty (450) square feet.

14.50(34).070 Lot Depth.

Minimum one hundred (100) feet

14.50(34).080 Lot Frontage.

Minimum one hundred (100) feet

14.50(34).090 Residential Density.

Mill Race PRO zone shall have a minimum of fifty (50) dwelling units per acre of land area.

14.50(34).100 Yard Requirements.

Front yard: no minimum, max 30 feet

Side yard: no minimum, max 30 feet

Rear yard: no minimum, max 30 feet

14.50(34).110 Projections into Yards.

Balconies, canopies, awnings, and bridges may project into Yards.

14.50(34).120 Garbage Collection.

Garbage containers and collection shall be provided by a private company contracted by the property management company. Garbage containers shall be stored inside a trash storage container enclosure designed in accordance with Section 14.34.080, Provo City Code.

14.50(34).130 Building Height.

No lot or parcel of land in the Mill Race PRO zone shall have a building or structure that exceeds a height of one hundred ninety (195) feet. Parapets, chimneys, flagpoles, or similar structures not used for human occupancy shall be excluded in determining height.

14.50(34).140 Distance Between Buildings.

The minimum distance between any buildings on a lot or parcel shall be as allowed by the building code.

14.50(34).150 Permissible Site Coverage.

The total coverage of all buildings and structures shall not exceed ninety percent (90%) of the site area.

14.50(34).160 Parking, Loading, and Access.

(1) Each lot or parcel in the Mill Race PRO zone shall have, on the same lot or parcel or adjacent lot or parcel located in the same zone, automobile parking sufficient to comply with the following requirements:

- (a) Multifamily/Condo Residential: Minimum parking in the amount of 1.00 parking space for each studio or one bedroom unit and 2.00 parking spaces for each two bedroom unit.
- (b) Retail and Office: 1 space for every four hundred (400) square feet of net usable floor area.
- (c) Residential community center: None required, if facility serves residential uses located on the same lot or parcel.
- (d) Church: 1 space for every three hundred (300) square feet.

(2) Parking requirements for different uses in a mixed-use project may be joint-use or shared so long as the calculated required parking for each use is provided at the Parking Occupancy Rates shown in the following table:

Uses	M-F 8am-5pm	M-F 6pm-12am	M-F 12am-6am	Sat. & Sun. 8am-5pm	Sat. & Sun. 6pm-12am	Sat. & Sun. 12am-6am
Residential	50%	100%	100%	80%	100%	100%
Office/ Warehouse /Industrial	100%	20%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	70%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Conference/Convention	100%	100%	5%	100%	100%	5%
Institutional (non-church)	100%	20%	5%	10%	10%	5%
Institutional (church)	10%	5%	5%	100%	50%	5%

(3) The parking of recreational vehicles and boats within the condominium development is prohibited, and such preclusion shall be strictly enforced by the management.

14.50(34).170 Notice of Parking and Occupancy Restrictions.

(1) Prior to the issuance of a building permit for any multiple residential project over two (2) dwelling units, Provo City and the developer shall enter into a contract agreeing to a determined occupancy based on the number of parking spaces provided according to the parking requirements identified in this Mill Race Project Redevelopment Option Zone.

- (a) Such contract shall be recorded with the Utah County Recorder and shall run with the property.

(b) A copy of a recorded deed for the property in question shall also be submitted prior to the issuance of a building permit which indicates the maximum allowable occupancy as a deed restriction.

(i) Attached to the deed shall be a document that separately lists the occupancy according to Provo City Code, the foregoing deed restrictions, and any other use restrictions pertaining to parking and occupancy such as restrictions of use as noted in condominium documents.

(ii) This document shall be signed, dated, and notarized indicating that the owner acknowledges and agrees to all restrictions and regulations stated on the deed and attachments.

(2) Prior to the issuance of a Certificate of Occupancy for new multiple residential dwelling units a permanent notice shall be placed on the electrical box within each unit indicating the maximum allowable occupancy of the unit based on the approved occupancy consistent with the recorded parking and occupancy contract. This notice shall be set forth on a six (6) inch by six (6) inch metal or plastic plate that is permanently attached to the electrical box with minimum one-half (1/2) inch engraved letters.

(3) Upon submittal of the foregoing documents, any violation to the restrictions and regulations noted therein shall be a misdemeanor offense subject to criminal action as provided in Section 1.03.010, Provo City Code.

14.50(34).180 General Architectural and Landscaping Standards. See Sections 14.34.295 and 15.20 of the Provo City Code.

1. Outdoor lighting plans shall conform to all regulations set forth in Chapter 15.21, Provo City Code. Landscape and Hardscape associated with development are to be maintained by property owners.
2. Any development phase which follows the initial phase of development within the Mill Race PRO zone shall be harmonious with the design of such initial phase, as determined by the Design Review Committee.
3. Due to the elevated bridge at University Avenue, any design, development, or architectural requirements attributed to frontage on a primary street shall not be applicable to those portions of developments with frontage along University Avenue.

14.50(34).190 Fencing Standards.

Structural fences six (6) feet or less in height shall not require a building permit. Structural fences over six (6) feet in height shall require a building permit from the Building Inspection Division. A structural or vegetative fence shall not create a sight distance hazard to vehicular or pedestrian traffic as determined by the Provo City Traffic Engineer.

(a) Solid walls, fences, hedges or screening materials which are sight obscuring may be built to a maximum of three (3) feet in height in any required front yard perimeter. Such walls, fences, hedges or screening materials may slope upward to connect with a higher side yard fence. The length of a sloped fence section shall not exceed one (1) section or a maximum of ten (10) feet.

(b) Solid, sight obscuring fences or walls and non-sight obscuring fences may be built to a maximum height of six (6) feet in a side yard.

14.50(34).200 Inclusionary Housing

In recognition of the Provo City Council Resolution effective February 1, 2019, projects in the Mill Race PRO zone will provide some work-force or affordable housing to be privately operated and managed. For every five thousand square feet of office/commercial space developed, one unit shall be offered to the purchaser/owner of such office/commercial space at 70% AMI rental rates.

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: Staff gave an overview of the proposed PRO zone and the difference between it and the ITOD zone, mainly building height and unit size requirements.

NEIGHBORHOOD MEETING DATE

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

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- 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:

- Concerns included building height allowance, architectural treatments, and the treatment of 100 West.

APPLICANT RESPONSE

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

- The applicant reviewed the programming and design of the development and addressed the concerns of the neighbors by showing that the most recent renderings and text language address all concerns.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Planning Commission members discussed the commercial options in the development, how the project will be phased, and types of units that will be available.
- Questions were asked of staff and the developer regarding occupancy and parking strategies.



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