



Provo City Planning Commission

Report of Action

September 13, 2017

ITEM 7* Provo City Community Development Department requests Amendments to Section 14.14E.050 to increase the required setbacks for front yards and side street yards from a maximum of 10 feet to a minimum of 5 feet for commercial frontages and a minimum of 10 feet for residential frontages. *Joaquin Neighborhood*. 17-0006OA, Josh Yost

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 13, 2017:

RECOMMEND APPROVAL

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

Motion By: Ed Jones

Second By: Deborah Jensen

Votes in Favor of Motion: Ed Jones, Andrew Howard, Jamin Rowan, Deborah Jensen

Jamin Rowan 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

14.14E.050. Yard Requirements.

Yards shall be provided according to the requirements listed below. (Note: All setbacks are measured from the property line.)

(1) Front yard: ~~ten (10) ft. (maximum).~~

(a) Residential frontage - ten (10) ft. minimum, twenty (20) ft. maximum.

(b) Commercial frontage – five (5) ft. minimum, twenty (20) ft. maximum.

(2) Side street yard: ~~ten (10) ft. (maximum).~~

(a) Residential frontage - ten (10) ft. minimum, twenty (20) ft. maximum.

(b) Commercial frontage – five (5) ft. minimum, twenty (20) ft. maximum.

(3) Side yard, interior: ten (10) ft.

(4) Rear yard: twenty (20) ft.

(5) Distance between buildings on the same parcel: fifteen (15) ft.

(6) Side Yard - Driveway. See Section 14.37.100, Provo City Code.

(7) The Community Development Director, or designee, may modify the setbacks of this zone subject to finding that all of the following conditions exist:

(a) The proposed setback is visually compatible with neighboring development and does not cause an undue burden or harm to the adjacent property;

(b) The proposed setback does not violate an existing or needed utility easement; and

(c) The proposed setback does not cause a violation of the International Building Code or the Fire Code.

(8) Accessory Buildings.

(a) Accessory buildings shall be located in the rear yard and may be located no closer to an interior side or rear lot line than five (5) feet.

(b) Accessory buildings on corner lots may be no closer to the side street than the principal structure.

(c) The maximum height for an accessory building is twelve (12) feet, as measured to the mid-point of a sloped roof. (Enacted 2013-04)

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 Campus Mixed Use Zone was adopted to accomplish the objectives of the Joaquin Neighborhood Plan. Some recent developments have revealed shortcomings in the yard requirements of the zone.

The existing front and street side minimum setbacks are zero feet. Through research and discussion with the Planning Commission, Community Development staff has determined that the mixed character of the neighborhood necessitates some amount of space between the property line and the building face to mediate between the sidewalk and the building by providing space for landscaping, commercial sidewalk uses and stoops or stairs to access residential entrances. Staff proposes that the minimum setback for a building with commercial frontage at the ground floor be five feet, the minimum setback for a building residential frontage at the ground floor be ten feet and that the maximum front or street side yard setback for any building be twenty feet.

With the absolute minimum sidewalk width of six feet, an additional five feet for commercial uses provides for one row of sidewalk dining, merchandise display, seating and entrance door swing without impacting the six-foot-wide clear sidewalk area.

The ten-foot setback for residential provides space for foundation plantings, stoops, porches or stairs to mediate between the public realm of the sidewalk and the private realm of a residential dwelling. This substantial landscaping possible in this space will also soften residential facades which generally are less visually permeable with fewer entrances and less glazing than commercial facades.

In the near future staff anticipates presenting amendments to the zone's design guidelines to address other elements of ground floor configuration and façade design that are crucial to creating the appropriate visual character and pedestrian focus for this area.

NEIGHBORHOOD MEETING DATE

- No information was received from the Neighborhood Chair.

NEIGHBORHOOD AND PUBLIC COMMENT

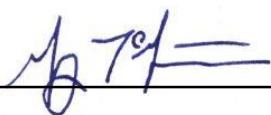
- The Neighborhood Chair was not present during the hearing.
- No neighbors or other interested parties were present or addressed the Planning Commission.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

Ed Jones asked staff to clarify whether the existing minimum setback is zero feet. Staff clarified that it is.

Andrew Howard asked if there were existing building built with a zero foot setback, including Pacific Heights at the northwest corner of 700 North and 900 East. Staff responded that this project was built to a zero foot setback.



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
Staff Report
Ordinance Amendment
Hearing Date: September 13, 2017**

ITEM 7* Provo City Community Development Department requests Amendments to Section 14.14E.050 to increase the required setbacks for front yards and side street yards from a maximum of 10 feet to a minimum of 5 feet for commercial frontages and a minimum of 10 feet for residential frontages. **Joaquin Neighborhood.** 17-0006OA, Josh Yost

<p>Applicant: Provo City Community Development Staff Coordinator: Josh Yost</p> <p>*Council Action Required:</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is September 27, 2017, at 5:30 p.m.</i></p> <p>2. Recommend Denial of the proposed ordinance amendment. <i>This would be <u>a change from the Staff recommendation</u>; the Planning Commission should <u>state new findings</u>.</i></p>	<p>Relevant History: The Campus Mixed Use Zone was adopted to accomplish the objectives of the Joaquin Neighborhood Plan. Some recent development has revealed shortcomings in the yard requirements of the zone.</p> <p>Neighborhood Issues: Undesirable building frontage conditions have negatively affected the spatial character of the neighborhood.</p> <p>Staff Recommendation: <u>Recommend Approval</u> of the proposed ordinance amendment. <i>This action <u>would be consistent with the recommendation of the Staff Report</u>. Any additional changes should be stated with the motion</i></p>
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OVERVIEW

The Campus Mixed Use Zone was adopted to accomplish the objectives of the Joaquin Neighborhood Plan. Some recent developments have revealed shortcomings in the yard requirements of the zone.

The existing front and street side minimum setbacks are zero feet. Through research and discussion with the Planning Commission, Community Development staff have determined that the mixed character of the neighborhood necessitates some amount of space between the property line and the building face to mediate between the sidewalk and the building by providing space for landscaping, commercial sidewalk uses and stoops or stairs to access residential entrances.

Staff proposes that the minimum setback for a building with commercial frontage at the ground floor be five feet, the minimum setback for a building residential frontage at the ground floor be ten feet and that the maximum front or street side yard setback for any building be twenty feet.

With the absolute minimum sidewalk width of six feet, an additional five feet for commercial uses provides for one row of sidewalk dining, merchandise display, seating and entrance door swing without impacting the six-foot-wide clear sidewalk area.

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In the near future staff anticipates presenting amendments to the zone's design guidelines to address other elements of ground floor configuration and façade design that are crucial to creating the appropriate visual character and pedestrian focus for this area.

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.*

The public purpose of this amendment is to make sure that the intent of the Joaquin Neighborhood plan is met by the zoning ordinance and that new development blends appropriately with the varied character of the neighborhood.

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

The neighborhood is a transitional area with a character ranging from a small scale urban center to a traditional single-family neighborhood. This amendment best serves the purpose of ensuring the compatibility of new development with this varied neighborhood character.

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

The policies, goals and objectives outlined in the Joaquin Neighborhood Plan include the following.

Urban Design

3. Create a neighborhood where diverse building types and styles harmoniously coexist.
- b. Ensure that the design guidelines accompanying the multi-family zones in north Joaquin will result in buildings with innovative, high quality architecture that engages the street in a manner appropriate to the evolving urban character of the district.

The proposed amendment specifically addresses the stated objectives and accomplishes the goals of harmony between diverse building types and engaging the street in an appropriate manner.

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

This element is not applicable.

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

Based on the analysis in section (c) above, the amendment has limited potential hinder or obstruct attainment of the General Plan's articulated policies.

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

The proposed amendment will have no adverse impacts on owners adjacent to the CMU zone. Increased setbacks may ease transitions to adjacent zones.

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

The current CMU zone designation 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.*

CONCLUSIONS

The proposed amendment addresses the undesirable results of the current setback regulations by increasing the minimum setbacks in accordance with the ground floor use of the building.

STAFF RECOMMENDATION

Staff recommends approval of the proposed ordinance amendment. This action would be consistent with the recommendation of the Staff Report. Any additional changes should be stated with the motion.

Exhibit 1

Proposed Ordinance Amendment

14.14E.050. Yard Requirements.

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