



Provo City Planning Commission

Report of Action

January 22, 2020

- *Item 1 Joe Brown requests an Ordinance Text Amendment to Section 14.44.050 to eliminate the Floor Area Ratio restrictions for office park development in the Research and Business Park Zone. Riverbottoms Neighborhood. Dustin Wright (801) 852-6414. PLOTA20190425
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The following action was taken by the Planning Commission on the above described item at its regular meeting of January 22, 2020:

RECOMMENDATION FOR APPROVAL

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application with the following conditions:

Conditions of Approval:

1. That the text amendment version in Attachment #2 in the Staff Report is sent to Council;
2. That "Erosion Control" is added to the last sentence of 14.44.050(5).

Motion By: Andrew Howard

Second By: Robert Knudsen

Votes in Favor of Motion: Andrew Howard, Robert Knudsen, Maria Winden, Dave Anderson, Deborah Jensen, Russ Philips, Laurie Urquiaga, Lisa Jensen

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

14.44.050 Tract and Lot Area, Yard, Coverage, and Height Requirements.

...

(5) Buffer Yard Along Provo River. A landscaped buffer yard one hundred (100) feet wide (measured back from the high water mark of each bank) shall be provided and maintained along the banks of the Provo River. This buffer area, if wooded, shall remain wooded, and if open, shall be planted with a mix of trees, grass, and shrubs to allow for adequate screening of view, noise, **erosion control**, and other activities.

(6) Building Setbacks. Buildings on all lots shall be set back a minimum of forty (40) feet from any dedicated street right-of-way line and twenty (20) feet from any other property line (except one hundred (100) feet when abutting a residential zone boundary).

~~(7) Floor Area Ratio. Maximum development within the R&BP zone shall not exceed thirteen thousand (13,000) square feet of gross floor space per net acre (excluding streets). This equates to a floor area ratio of 0.30. However, the developer may request up to an additional three thousand (3,000) square feet of floor space per acre if at least fifty percent (50%) of the off-street parking is placed within a parking structure. This would equate to a floor area ratio of 0.37. In addition, the floor area ratio does not include basements, provided that this area is used for mechanical and/or dead storage only. If the basement is used for anything other than the above mentioned uses, then it will be included in the floor area ratio. A deed restriction shall be recorded on the property stipulating the intended use of the basement. This document must be recorded prior to final occupancy of the building. This area may also be excluded from the parking calculations if the area is less than one-half (1/2) the building foot print.~~

~~(8)~~ (7) Required Open Space. All building and parking areas on any lot shall not occupy more than sixty percent (60%) of the total area of the lot. The remaining portion of the lot, not to be less than forty percent (40%), shall be landscaped.

~~(9)~~ (8) Height. No building shall be constructed to a height exceeding three (3) stories with a maximum height of sixty (60) feet. Buildings which are constructed on parcels adjacent to a residential zone shall be constructed to a height not exceeding two (2) stories with a maximum height of thirty-five (35) feet, unless, pursuant to the issuance of a conditional use permit, upon findings for good cause, the Planning Commission finds that a taller building would not adversely affect the character, views, value, and peaceful enjoyment of surrounding properties in and outside the park. Such may be the case when a park is located next to an existing residential area with more permissive height limitations.

~~(10)~~ (9) Lot Width. Minimum lot width shall be one hundred (100) feet.

~~(11)~~ (10) Minimum Lot Frontage. Each lot or parcel of land in the R&BP zone shall abut a public street for a minimum distance of fifty (50) feet; however, lots or parcels with lesser frontage, or no frontage, on a public street may be created as part of an approved and recorded Record of Survey Plat which meets the standards and requirements of this Chapter.

~~(12)~~ (11) Minimum Perimeter Street Frontage. The R&BP tract shall have a minimum of one hundred (100) foot frontage on a public arterial street.

~~(13)~~ (12) Buildings Per Lot. More than one (1) main building may be placed on a lot.

~~(14)~~ (13) Building Separation. A separation of at least twenty (20) feet shall be maintained between buildings.

(14) The Development Services Director, or designee, may modify the setbacks and perimeter buffer yards of this zone subject to finding that all of the following conditions exist:

(a) The proposed setback or perimeter buffer yard change does not violate an existing or needed utility easement; and

(b) The proposed setback or perimeter buffer yard change does not cause a violation of the International Building Code or the Fire Code.

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.

CITY DEPARTMENTAL ISSUES

- CRC has approved the application.

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- This item was City-wide or affected multiple neighborhoods.

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:

- No one from the public addressed the Planning Commission on this item.

APPLICANT RESPONSE

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

- The main goal with this request is to help be able to attract more business to the area.
- The zone provides other measures that would control building form and open space in the area.
- Future plans to develop the site are hindered by the current ratio in the zone.

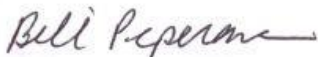
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- With the other elements in the code that control location and size of the structures, the floor area ratio (FAR) is redundant.
- There is only one other zone in the City that uses FAR to regulate building size, there are other ways to accomplish similar results already in the zone.
- It would be good to add "erosion control" to this section of the code that regulates "buffer yards along the Provo River".



Planning Commission Chair



Director of Development Services

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 Development Services 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