



**Planning Commission Staff
Report Hearing Date:
April 28, 2021**

***ITEM # 6** The Community and Neighborhood Services Department requests an Ordinance Text Amendment to Chapter 14.20B of the Provo City Code to update development standards of the Freeway Commercial Two (FC-2) Zone. Citywide impact. Melissa McNalley (801) 852-6164 mmcnalley@provo.org PLOTA20210026

Applicant: Community and Neighborhood Services

Staff Coordinator: Melissa McNalley

Citywide Application

Council Action Required: Yes

Alternative Actions:

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is May 12, 2021, 6:00 p.m.*
2. **Deny** of the proposed rezoning. This would be a change from the Staff recommendation; the Planning commission should state new findings.

Current Legal Use: Vacant.

Relevant History: The property has been previously used as agricultural.

Neighborhood Issues: A neighborhood meeting was held electronically in Fall 2020. Neighbors were generally concerned about what types of future development may locate to the site and about what type of landscape buffering will be required. Additional detail was desired by the neighborhood chair.

Summary of Key Issues:

- The proposed amendment is aligned with the General Plan and the Southwest Neighborhood Land Use Map.
- The building height limitation in the FC2 is removed.
- A landscaped transitional setback will be required between the FC2 Zone and any residential area.

Staff Recommendation:

Staff recommends the Planning Commission recommend approval of the proposed ordinance amendment to the Municipal Council.

OVERVIEW

The applicant is requesting an ordinance text amendment to update the current Freeway Commercial Two (FC2) zone specifically to apply to two parcels located north and south of Lakeview Parkway which is currently zoned as A120 and vacant. The proposed amendment will apply to all FC2 zones. The Southwest Neighborhood Land Use Plan encourages this type of development at the location.

GENERAL PLAN POLICIES

Determine the appropriate type, level, and location of economic development initiatives for Provo City (Goal 1.4.13.1).

Encourage site-specific designs to take into account the uniqueness of the surroundings (Goal 1.4.13.4).

Require landscaping around the perimeter of commercial projects to soften development (Goal 7.4.12.2).

Regional commercial uses may be located adjacent to I-15 or within the airport related activities district (Westside Development Policies 4(a)).

FINDING OF FACTS

1. The subject property is zoned Agriculture (A1.20).
2. The Southwest Neighborhood Land Use Plan identifies the subject property for commercial development.
3. The applicant's proposal is consistent with the Southwest Neighborhood Land Use Plan.

STAFF ANALYSIS

The proposed ordinance text amendment will provide additional guidelines for development within the FC2 zones.

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:
(responses in bold)

(a) Public purpose for the amendment in question.

The proposed amendment allows the FC2 zone to be more versatile and applicable. The proposed amendment also allows for additional economic opportunity, which can help the resiliency of Provo's economy, provide additional jobs, and contributes to the commercial opportunities.

(b) Confirmation that the public process is best served by the amendment in question.

The proposed amendment makes this zone more versatile across locations in the City.

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

The proposed amendment advances the goals, policies and objectives of the General Plan and the future Land Use Map for the Southwest area by providing additional commercial options for future 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.

The propose amendment is consistent with the timing and sequencing of the General Plan.

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

There is no potential of hinderance or obstruction to the General Plan policies with the proposed amendment.

(f) Adverse impacts on adjacent land owners.

Intensive commercial development adjacent to a residential neighborhood has the potential for some adverse impacts; however, staff is recommending additional transitional setbacks consisting of landscaped area to provide adequate screening and visual relief.

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

The original zoning and General Plan designation for the area is correct as shown in both the General and Neighborhood Plan.

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

No conflict exists.

STAFF RECOMMENDATION

1. Staff recommends the Planning Commission recommend approval of the proposed ordinance amendment to the Municipal Council.

ATTACHMENTS

- 1 – Ordinance Text Amendment

Attachment 1 – Ordinance Text

Chapter 14.20B FC2 - FREEWAY COMMERCIAL TWO ZONE

Sections:

- 14.20B.010 Purpose and Objectives.
- 14.20B.020 Permitted Uses.
- 14.20B.030 Prior Created Lots.
- 14.20B.040 Lot Standards.
- 14.20B.050 Yard Requirements.
- 14.20B.060 Projections into Yards.
- 14.20B.070 Building Height.
- 14.20B.080 Parking, Loading, and Access.
- 14.20B.090 Transitional Development Standards.
- 14.20B.100 Design Standards.
- 14.20B.110 Other Requirements.

14.20B.010

Purpose and Objectives.

The Freeway Commercial Two (FC2) zone is established to provide a transition between the freeway commercial area and the gateway into downtown. The primary use of the land is for commercial and service uses to serve regional population needs, as well as local residents, and should not compete with downtown. Buildings in this area should be attractive, well designed and create an inviting entry to the City. Required yards and areas surrounding buildings shall be attractively landscaped and maintained in harmony with the characteristics of the surrounding residential areas. The uses characteristic of this zone will be a variety of medium- to large-scale retail and business uses with satellite shops and facilities serving a wide range of goods and services.

(Enacted 2012-23)

14.20B.020

Permitted Uses.

- (1) Those uses or categories of uses as listed herein, and no others, are permitted in the FC2 zone.
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(2) All uses contained 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 groupings of such uses permitted in the zone are identified by a four (4) digit number in which the last one (1) or two (2) digits are zeros.

(3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the FC2 zone, subject to the limitations set forth herein.

(4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the FC2 zone:

Use No.	Use Classification
1511	Hotels
1512	Motels
4700	Communications (unless identified as a conditional use in Section <u>14.34.420</u> , Provo City Code)
4811	Electric transmission right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4821	Gas pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4824	Gas pressure control stations
4831	Water pipeline right-of-way (identifies areas where the surface is devoted exclusively to the right-of-way of the activity)
4835	Irrigation distribution channels
4836	Water pressure control stations and pumping plants
4841	Sewage pipeline right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4844	Sewage pumping stations
4864	Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4873	Storm drain or right-of-way (predominantly covered pipes or boxes)
4923	Travel agencies

Use No.	Use Classification
5230	Paint, glass and wallpaper
5240	Electrical supplies
5251	Hardware
5255	Building maintenance
5256	Swimming pool supplies
5311	Department stores (includes major and junior chain department stores)
5312	Discount department stores
5330	Variety stores
5390	Retail trade - general merchandise
5400	Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy, bakeries, etc.)
5490	Miscellaneous retail food establishment
5511	Motor vehicles, automobiles - new car sales and used car sales which will be permitted only as an accessory use to new car sales
5515	Motor vehicles, trucks and buses - new vehicle sales and used vehicles sales permitted only as an accessory use to new truck and bus sales
5520	Automobile accessories (except tire recapping and vulcanizing)
5530	Gasoline service stations
5594	Motorcycles, motor scooter parts, accessories, supplies
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment (no combined warehousing)
5810	Eating places (restaurants)
5910	Drug and proprietary stores
5940	Books, stationery, art and hobby supplies
5950	Sporting goods, bicycles, and toys
5969	Garden supplies (entirely within a building only)
5970	Jewelry
5990	Miscellaneous retail stores (includes florists, newspapers and magazines, photo supplies, pet stores, and other similar retail stores, excluding tobacco products)

Use No.	Use Classification
6100	Banks, insurance and real estate (except 6123 Pawnbrokers, 6124 Bail bonds, and 6129 Other credit services)
6200	Personal services - including laundry, photography, beauty and barber services, clothing repair, etc. (except 6294 Escort services and 6295 Tattooing)
6297	Athletic clubs, body building studios, spas, aerobic centers (no gymnasiums)
6330	Duplicating, mailing, stenographic and office services
6360	Employment services
6493	Watch, clock, jewelry repair, etc.
6496	Locksmiths and key shops
6497	Gunsmiths
6511	Physicians' offices and services
6512	Dental offices and services
6520	Legal services
6530	Engineering, architectural, and planning services
6550	Data processing services
6590	Professional services
6720	Protective functions and related activities
6730	Postal services
6815	Day care center
6833	Beauty schools
6835	Dance studios and schools
7111	Libraries
7212	Motion picture theaters (indoor - subject to the standards of Section 14.34.370 , Provo City Code)
7398	Video rental shops
7600	Parks

(5) *Permitted Accessory Uses.* Accessory uses are permitted in the FC2 zone provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

(a) Accessory buildings such as garages, carports, equipment storage and supply storage buildings which are customarily used in conjunction with and incidental to a principal use or structure permitted in the FC2 zone; and

(b) Storage of materials used for construction of a building, including a contractor's temporary office; provided, that such use be located 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.

(6) *Conditional Uses.* The following uses and structures are permitted in the FC2 zone only after a conditional use permit has been issued, and subject to the terms and conditions thereof:

Use No.	Use Classification
4700	Communications (subject to Section 14.34.420 , Provo City Code)
4814	Electricity regulating substations
4823	Natural or manufactured gas storage; distribution points
4829	Other gas utilities, NEC
4834	Water storage as part of a utility system (covered including water storage standpipes)
4872	Debris basin (a dam and basin for intercepting debris)
4874	Spreading grounds (area for percolating water into underground)
5920	Liquor, package
5931	Antiques (no outside display)
6299	Personal services (wedding chapel and reception centers only)
6340	Dwelling and building services (not dwelling units)
6394	Equipment rental (indoor only)
6397	Vehicle rental (passenger automobiles only)
6399	Miscellaneous business services
6416-7	Auto washing and polishing
6722	Police protection and related activities, branch (office only)
6942	Fraternal associations and lodges
7392	Miniature golf

(Enacted 2012-23)

14.20B.030

Prior Created Lots.

Existing lots or parcels of land that do not meet the minimum lot standards found in Section [14.21A.050](#), Provo City Code, may not obtain a building permit without approval of a conditional use permit. A conditional use permit may only be issued if the proposed project meets the conditions outlined in Section [14.02.040\(2\)](#), Provo City Code, in addition to the following:

- (1) The applicant has demonstrated that consolidation of property to meet the minimum lot requirements is not feasible due to surrounding projects, developments, or buildings.
- (2) Requiring a development that meets the minimum lot requirements would result in a project that would be inconsistent with the characteristics of the surrounding area or with the established pattern of the existing buildings.
- (3) The applicant has demonstrated that the property can be developed to comply with the purposes and requirements of this title without further need of variances or exceptions.

(Enacted 2012-23)

14.20B.040

Lot Standards.

Lots within the FC2 zone shall be developed according to the following:

Minimum Lot Area:	1 acre
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet
Minimum Lot Frontage:	100 feet
Maximum Lot Coverage:	No requirement

(Enacted 2012-23)

14.20B.050

Yard Requirements.

Yards shall be provided according to the following:

Yard	Minimum
(1) Front Yard:	10 feet
(2) Side Yard:	0 feet
(3) Street Side Yard:	10 feet
(4) Driveway Access:	16 feet
(5) Rear:	20 feet
(6) Clear Vision Area:	See Section 14.34.100 , Provo City Code, Clear Vision Area - Corner Lots

(Enacted 2012-23)

14.20B.060

Projections into Yards.

(1) The following structures may be erected on or project into any required yard, except they may not obstruct a required driveway:

- (a) Fences and walls in conformance with the Provo City Code and other City codes and ordinances;
- (b) Landscape elements, including trees, shrubs, and other plants; and
- (c) Necessary appurtenances for utility services.

(2) The structures listed below may project into a minimum front or rear yard not more than four (4) feet, and into a minimum side yard not more than two (2) feet, except that they may not obstruct a required building.

- (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 a part;
 - (c) Stairways, balconies, door stoops, fire escapes, awnings, and planter boxes or masonry planters not exceeding twenty-four (24) inches in height; and
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(d) Carports and loading docks in a side yard or rear yard; provided, that such a structure is not more than one (1) story in height and is entirely open on at least three (3) sides, except for necessary supporting columns and customary architectural features.

(Enacted 2012-23)

14.20B.070

Building Height.

1. Building height, measured from the top of the street curb, shall be subject to the following:
 - a. Maximum Building Height is limited to 15 stories, not to exceed 150 feet;
 - b. Maximum Parapet/Cornice Height shall not exceed five (5) feet;
 - c. Structures in the buildable area within 100 feet of any single-family property shall not exceed four (4) stories, or 48 feet;
 - d. Structures located between 100 feet and 200 feet of any single-family property shall not exceed six (6) stories or 72 feet; and,
 - e. Any underlying Design Corridor requirements shall be applicable to the subject property.
2. Roof mounted mechanical equipment shall be permitted so long as it is completely screened behind an architectural feature of the primary structure.
3. Section 14.34.090, Provo City Code, Height Limitations and Exceptions, shall be adhered to within the FC2 zone.
4. The Development Services Director, or designee, may modify any of the above requirements subject to finding that the following conditions exist:
 - a. The proposed modification is visually compatible with neighboring development; and
 - b. The proposed modification does not cause a violation of the International Building Code or the Fire Code.

~~No lot or parcel of land in the FC2 zone shall have a building or structure which exceeds a height of three (3) stories with a maximum of fifty (50) feet. Chimneys, flagpoles, or similar structures not used for human occupancy are excluded in determining height.~~

(Enacted 2012-23)

14.20B.080

Parking, Loading, and Access.

- (1) Each lot or parcel in the FC2 zone shall have on the same lot or parcel automobile parking sufficient to meet the requirements as set forth in Chapter [14.37](#), Provo City Code.
- (2) All parking spaces shall be built as described in Section [14.37.090](#), Provo City Code, and shall be provided with adequate drainage which shall not run across a public sidewalk.
- (3) Parking spaces shall not be provided within a required front yard or side yard adjacent to a public street.
- (4) Loading spaces shall be provided as required by the [Development Services Director](#) ~~Planning-Commission-~~

(Enacted 2012-23, Am 2020-09)

14.20B.090

Transitional Development Standards.

- (1) Buildings or portions of buildings in the FC2 zone located adjacent to properties in any residential zone shall be located twenty (20) feet from the nearest property line of a residentially zoned property.
- (2) Loading docks ~~shall not be located~~ on the sides of structures which face a residential property shall be located at least 100 feet from the nearest residential property line.
- (3) Site design and access shall be oriented to flow traffic away from local secondary streets.
- (4) All business, commercial, manufacturing, and industrial development which borders a residential zone shall comply with the standards set forth in Section [14.34.300](#), Provo City Code.
- (5) Parcels that have frontage on Lakeview Parkway shall have a minimum 65-foot transitional setback from the property line of any parcel developed with single-family residential uses. Setback area shall be landscaped and shall be maintained according to Chapter 15.20 of the Provo City Code.

The applicant shall submit a landscape plan which meets the requirements of Section 15.20.050. The required trees shall be shown in the landscape plan and shall be selected from the "City of Provo Tree Selection Guide," published by the Provo Power Department. Trees and plantings shall be arranged to maximize the vertical screening of the commercial area from existing residential zones. Additionally, the applicant shall be required to coordinate with the director of the Department of Parks and Recreation or designee to incorporate any existing or proposed trail systems or improvements in the area.

(Enacted 2012-23)

14.20B.100

Design Standards.

(1) *Design Standards.* The following design standards shall apply to the FC2 zone:

- (a) The exterior finish material on all buildings shall not consist of vinyl or metal siding (including sheet or corrugated metal), plywood, particle board or other wood products not intended as an architectural finish product, or manufactured stone.
- (b) Building wall materials shall be combined on each facade horizontally only, with the heavier elements (material or weight) below lighter elements. For example, stone should not be above stucco, or brick should not be below concrete.
- (c) All windows and doors, with the exception of ground level shop fronts, shall be square or vertical in proportion.
- (d) Buildings in the FC2 zone are not required to be located along a public street; however, buildings that orient the rear of the building towards a public street must treat the rear elevation so it is not immediately recognizable as a building rear. A minimum of fifty percent (50%) of the rear facade must be dedicated to windows, door(s) or other facade treatments that suggest a building front. The door need not be functional as a building entrance.

(Enacted 2012-23)

14.20B.110

Other Requirements.

- (1) *Signs.* All signs erected in the FC2 zone shall be in conformance with the commercial sign provisions of Chapter [14.38](#), Provo City Code. One (1) freestanding sign over five (5) feet in height is permitted per street frontage, subject to Section [14.38.080\(2\)](#), Provo City Code.
 - (2) *Uses within Buildings.* All uses established in the FC2 zone shall be conducted entirely within a fully enclosed building except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open. Such uses may include, but would not be limited to, service stations, ice skating, miniature golf, etc.
 - (3) *Landscaping.* See Chapter [15.20](#), Provo City Code.
 - (4) *Trash Storage.* See Section [14.34.080](#), Provo City Code.
 - (5) *Walls and Fences.*
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(a) No wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within a required front yard in an FC2 zone.

(b) A decorative masonry wall, at least six (6) feet in height, shall be erected along all property lines which lie adjacent to a residential zone. In the case where there is mutual agreement between the property owners of the commercial zone and the adjacent residential zone, the masonry wall requirement may be modified to allow other suitable materials. A signed agreement must be submitted to the Planning Commission or its designee, indicating this agreement. In the case where there is not mutual agreement, the masonry wall will be required.