

Provo City Planning Commission

# Report of Action

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

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The following action was taken by the Planning Commission on the above described item at its regular meeting of April 28, 2021:

## Recommend Approval

On a vote of 8:0, the Planning Commission recommended the Municipal Council approve the above noted ordinance text amendment for the Freeway Commercial Two (FC-2) Zone.

Motion By: Brian Henrie

Second By: Robert Knudsen

Votes in Favor of Motion: Dave Anderson, Lisa Jensen, Dan Gonzales, Ally Jones, David Knudsen, Deborah Jensen, Laurie Urquiaga, and Brian Henrie

*Dave Anderson 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.

### **STAFF/APPLICANT 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 proposed changes to the FC-2 (Freeway Commercial Zone) were written specifically with the Lakewood Neighborhood in mind.
- The building height setbacks accompanied by illustration were added as part of the changes to the FC-2 zone.
- A landscaped transitional setback is required between the FC-2 zone and any residential neighborhood as part of the zone changes.
- Specific parcels pertinent to the zone change were presented to the planning commission.

### **NEIGHBORHOOD AND PUBLIC COMMENT**

- Comments from Becky Bogden, the Lakewood neighborhood chair: The neighborhood appreciates the efforts of staff to be mindful of the neighborhood and neighborhood desires while crafting these zone changes. She also expressed her desire that the City and staff be mindful of the 65-foot set-back requirements abutting the neighborhood and not change those requirements in the future.

### **PLANNING COMMISSION DISCUSSION**

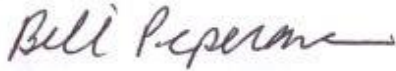
Key points discussed by the Planning Commission included the following:

- Commissioner Lisa Jensen stated that the wording in the ordinance is clear and with the added drawing will work well together.
- Commissioner Anderson felt the building height of 150 feet is aggressive and asked if there is any current discussion on development. Staff informed the commission this maximum height is solely for flexibility for future development.
- Commissioner Deborah Jensen commended staff on incorporating language to include the parks department in future discussions to develop trails along the property.



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Planning Commission Chair



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Director of Development Services Department

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**

## 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.
- (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  |
| 5230    | Paint, glass and wallpaper   |
| 5240    | Electrical supplies  |
| 5251    | Hardware   |
| 5255    | Building maintenance   |
| 5256    | Swimming pool supplies   |

| Use No. | Use Classification   |
|---------|--|
| 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) |
| 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)             |

| Use No. | Use Classification   |
|---------|--|
| 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 <a href="#">14.34.370</a> , 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 <a href="#">14.34.420</a> , 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:

| <b>Yard</b>            | <b>Minimum</b>   |
|------------------------|--|
| (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 <a href="#">14.34.100</a> ,<br>Provo City Code, Clear<br>Vision Area - Corner Lots |

(Enacted 2012-23)



## 14.20B.060

### Projections into Yards.

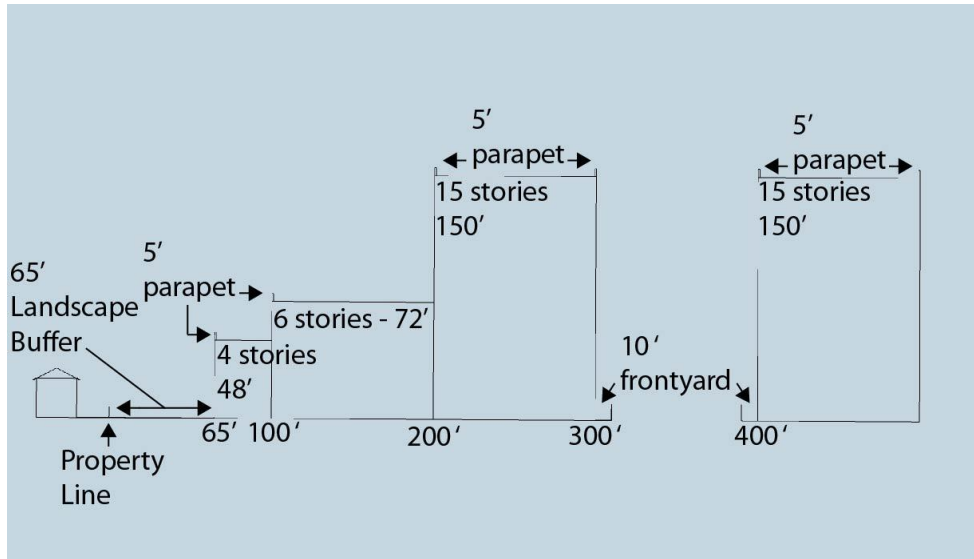
- (1) The following structures may be erected on or project into any required yard, except they may not obstruct a required driveway:
  - (a) Fences and walls in conformance with the Provo City Code and other City codes and ordinances;
  - (b) Landscape elements, including trees, shrubs, and other plants; 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
  - (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.*
  - (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.