

Provo City Planning Commission

Report of Action

January 25, 2023

*ITEM 2 David Cabanilla requests Ordinance Text Amendments to Section 14.21A.080 (Transitional Development Standards) in the DT1 (General Downtown) zone standards. Citywide Application. Dustin Wright (801) 852-6414 dwright@provo.org PLOTA20220402

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 25, 2023:

RECOMMENDED DENIAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council deny the above noted application.

Motion By: Melissa Kendall

Second By: Robert Knudsen

Votes in Favor of Motion: Melissa Kendall, Robert Knudsen, Lisa Jensen, Daniel Gonzales, Andrew South, Jeff Whitlock
Lisa 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.

TEXT AMENDMENT

The text of the proposed amendment is attached as Exhibit B.

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

- The Coordinator Review Committee (CRC) has reviewed the application.

NEIGHBORHOOD MEETING DATE

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

NEIGHBORHOOD AND PUBLIC COMMENT

- 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:

- Nobody from the public commented on this item.

APPLICANT RESPONSE

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

- The applicant stated that there are three areas in the downtown area that would be affected by the proposed amendment.
- The city has neighborhood plans that show what areas are desired to be and this change would not affect them.
- The applicant is interested in developing a property that this amendment would help maximize the potential and views of that development.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Commission asked about a variance instead of changing the code.
- The transitional standards are there for an important reason and should be followed. These standards should not be changed just to help increase the financial return on the development investment.



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, 445 West Center St., 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

Exhibit B

14.21A.080 Transitional Development Standards.

(1) ~~Buildings~~ Properties with portions of buildings in the DT1 zone located directly within 60 feet, or are across the street from, or on City blocks which also include properties within, an RC, R1, or PRO R zone, another property:

- a) that are identified on a Provo City Neighborhood Plan Future Land Use Map as an RC, R1, LDR or Single-Family Residential land use designation, or
- b) that are not included in a Provo City Neighborhood Plan where the land use is residential and is less than three stories in height and are not zoned R1 or LDR

shall comply with the following transitional zoning standards:

Standard	Minimum	Maximum
Front Yard	10 feet	20 feet
Street Side Yard	10 feet	20 feet
Rear Yard	15 feet	No Maximum
Building Height	1 story	3 stories
Parking - One Bedroom Residential	1 1/2 spaces	
Parking - Two Bedrooms Residential	2 1/4 spaces	
Parking - Commercial	As required in Chapter 14.37	

~~* Buildings on properties located adjacent to a residentially zoned property shall be designed with a pitched or gabled roof where located within sixty (60) feet of an RC, R1, or PRO R zone. A third story of usable floor area may be provided within the pitched/gabled roof.~~

(2) ~~Buildings or portions of buildings in the DT1 zone located adjacent to a residentially zoned property shall maintain a twenty (20) foot setback from the nearest property line of the residentially zoned property.~~ All other provisions of this Chapter shall apply.