

***ITEM #7** Jeff Knighton requests Ordinance Text Amendments to Sections 14.21A.070 (Building Height) and 14.21A.090 (Minimum and Average Residential Unit Size) to adjust standards in the DT1 (General Downtown) Zone. Citywide application. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20240308

Applicant: Jeff Knighton

Staff Coordinator: Aaron Ardmore

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is December 11th, 2024*
2. **Recommend Denial** of the requested ordinance text amendment. *This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.*

Relevant History: The applicant is working with a developer looking to develop the “Harris Block” between 100 West and University Ave, and 300 South and 400 South. After multiple discussions on barriers to developing the site, the applicant submitted a text amendment application to address building height and average unit size in the DT1 Zone. Staff worked with the applicant through several versions of the amendment to produce a proposal that could be supported by staff, specifically tying for sale product requirements to increases in building height.

Neighborhood Issues: Though this is a citywide amendment, it currently mostly impacts District Five Neighborhoods and will be on their November 20th meeting agenda. Staff have not received any concerns at the time of this report.

Summary of Key Issues:

- Building height increases would increase incrementally with the percentage of guaranteed for-sale units in a development.
- The 800 sq. ft. average unit size has long been a concern of developers looking at property in the DT1 Zone, this proposal extends the smaller average of 600 sq. ft. allowed on Center Street to also apply on University Ave.
- These amendments should help development downtown AND provide for much-needed for-sale units.

Staff Recommendation: That the Planning Commission recommends approval of the proposed amendments to the City Council.

OVERVIEW

The applicant is currently working with a developer on a concept for the block bound by 300 South, University Ave, 400 South, and 100 West. As they developed concepts, the building height and average unit size regulations of the DT1 Zone seemed to be undermining the feasibility of creating a mixed housing development on that site.

The proposal initially came to staff as a blanket amendment on building height maximum from 100 feet to 130 feet, along with the current adjustment for the average unit size section. As staff discussed the proposal with the applicant a compromise was found that would allow the city to work towards its goal of providing more for-sale housing and allow the applicant to ask for the adjustments he would need for his project. The proposal shows a stepped increase in height relative to how much a residential project is restricted as for-sale product.

The second part of the proposal is the minimum and average unit size. The first part of this is to remove a redundant sentence about ground-floor commercial, as the DT1 design standards in Chapter 14.21A and Section 14.34.295 already require commercial-standard ground floors. The second part of this section's amendment asks for the reduced unit size average of 600 square feet, already allowed along Center Street, to also be applied to University Ave within the DT1 Zone. That exception to the typical 800 square foot average requirement recognizes that Center Street is the central corridor to downtown; this amendment recognizes that the other central corridor of University Ave should be treated similarly.

STAFF ANALYSIS

As stated above, staff have worked with the applicant on these amendments and believes they would provide for a "win-win" situation for developers and the city. Further staff analysis is provided by responding to criteria in Section 14.02.020, Provo City Code below: (staff responses in bold)

(a) Public purpose for the amendment in question.

Staff response: The applicant has stated that the purpose is "providing needed housing and commercial development in the Central Business District of Utah County" and will "help incentivize more in-fill development". Staff agree with both of these points and that the proposal's main purposes are to provide for feasible development downtown, which can increase housing stock and tax base for the city.

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

Staff response: Staff worked with the applicant to adjust these proposals to be in the best interest of the city and hope that these changes will spur development on vacant and underutilized properties.

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

Staff response: These amendments should further the goals of the General Plan found in Chapter 3, goal 1b to “encourage infill opportunities in downtown, mixed-use and transit-oriented developments”, and Chapter 4, goal 2 to “strive to increase the number of housing units of all types across the whole of Provo in appropriate and balanced ways”. Additionally, the Downtown Master Plan (General Plan appendix S) identifies goals related to this request in Chapter 4, goal 2 to “continue to amend regulations for new development as the area continues to evolve” and Chapter 8, goal 8 to “analyze and upgrade the downtown ordinance”.

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

Staff response: There are no such provisions relating to this request.

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

Staff response: Staff did not find any policies that these amendments would hinder or obstruct.

(f) Adverse impacts on adjacent landowners.

Staff response: There should be no adverse impacts with these amendments. The majority of the proposed small increases in building height are still lower than the 180-foot allowance in the DT2 Zone. Additionally, unit sizes in a building would have no impact on adjacent landowners.

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

Staff response: Does not apply.

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

Staff response: Does not apply.

CONCLUSIONS

This report should show that staff have attempted to prioritize city goals for housing, for-sale housing, and sound development in our downtown. This amendment can be a starting point for those city goals and should be supported by the Planning Commission and City Council.

ATTACHMENTS

1. Proposed Amendments

ATTACHMENT 1 – PROPOSED AMENDMENTS

14.21A.070 Building Height.

Except as otherwise provided in Section 14.21A.080, Provo City Code, building height, measured from the top of the street curb, shall be determined by the following standards:

- (1) Total Maximum Building Height: 100 feet*
- (2) Minimum Number of Building Stories: 2 stories
- (3) Maximum Parapet/Cornice Height: 5 feet
- (4) Commercial.
 - (a) Maximum Main Floor Elevation: 1 foot above curb
 - (b) Minimum First Story Height:
 - (i) One Story Buildings: 12 feet floor to ceiling
 - (ii) Two or More Story Buildings: 14 feet floor to ceiling
 - (c) Maximum First Story Height: 20 feet floor to ceiling
 - (d) Maximum Upper Story Height: 14 feet
- (5) Residential.

- (a) Maximum Main Floor Elevation: 3 feet above curb
- (b) Minimum First Story Height: 10 feet floor to ceiling
- (c) Maximum Story Height: 14 feet

(6) Roof mounted mechanical equipment shall be permitted so long as it is completely screened behind an architectural feature of the primary structure.

(7) Section 14.34.090, Provo City Code, Height Limitations and Exceptions, shall be adhered to within the DT1 zone.

*Building Height may exceed 100 feet with the following percentages of units guaranteed as for sale housing in a residential project:

- 10-20% for sale housing: up to 120 feet
- 21-30% for sale housing: up to 140 feet
- 31-40% for sale housing: up to 160 feet
- 41% and above: up to 180 feet

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14.21A.090 Minimum and Average Residential Unit Size.

(1) Except as provided in Subsection (2) of this Section, each development that includes a residential use shall provide a minimum unit size of no less than five hundred (500) square feet and a minimum average unit size of no less than eight hundred (800) square feet. This requirement shall not apply to institutional housing units (i.e., elderly housing, assisted living facilities, etc.).

(2) Mixed-use developments ~~with ground floor commercial~~ fronting Center Street or University Ave shall provide a minimum residential unit size of no less than five hundred (500) square feet and a minimum average unit size of no less than six hundred (600) square feet.