



**Planning Commission  
Staff Report  
Ordinance Amendment  
Hearing Date: May 28, 2014**

**ITEM 3\*** Barbara Ferre', property manager for Courtyard at Jamestown Associates, is requesting an amendment to Section 14.47.020. Permitted Uses in the Specialty Support Commercial (SSC) zone, to include Standard Land Use #5950, the retail sale of Sporting Goods, Bicycles and Toys within the zone. **Riverside Neighborhood and City Wide** 14-0008OA

<p>Applicant: Barbara Ferre', representing Courtyard at Jamestown Associates</p> <p>Staff Coordinator: Brian Maxfield</p> <p>Property Owner: N/A</p> <p>Parcel ID#: N/A</p> <p>Current Zone: SSC</p> <p>*Council Action Required: Yes</p> <p>Related Application(s): None</p> <p><b><u>ALTERNATIVE ACTIONS</u></b></p> <p>1. <b>Continue</b> to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is June 25, 2014, at 5:00 p.m.</i></p> <p>2. <b>Recommend Denial</b> of the proposed ordinance amendment. <i>This would be <u>a change from the Staff recommendation</u>; the Planning Commission should <u>state new findings</u>.</i></p>	<p><u>Current Legal Use:</u> Uses associated with the Specialty Support Commercial Zone.</p> <p><u>Relevant History:</u></p> <ul style="list-style-type: none"><li>• SSC Zone enacted 1995</li><li>• 3 Uses added in 2007</li><li>• 1 Use added in 2010</li></ul> <p><u>Neighborhood Issues:</u> Although ordinance amendments are noted as a city-wide issue, the only existing SSC zone in the City is located in the Riverside Neighborhood. To date, neither Mike Roan the Riverside Neighborhood chair, nor any other neighborhood chair has expressed concern with this requested ordinance amendment.</p> <p><u>Summary of Key Issues:</u></p> <ul style="list-style-type: none"><li>• Appropriateness of proposed use within the zone</li></ul> <p><u>Staff Recommendation:</u> <b>Recommend Approval</b> of the proposed ordinance amendment. <i>This action <u>would be consistent with the recommendation of the Staff Report</u>. Any additional changes should be stated with the motion</i></p>
---	---

## **OVERVIEW**

The Specialty Support Commercial (SSC) zone, was established in 1995,

... “to provide areas for the integration of limited commercial activities in planned residential, retirement, office park, or research park mixed use developments. Specialty support zones draw on very limited rather than wide trade areas, frequently supplemented by impulse buying drive-by traffic. Based on the gross leasable area, such centers fall into the neighborhood size range. This center is characterized by a concentration of convenience retail and service businesses meeting the daily convenience shopping and service needs of nearby residents or tenants, and drive-by traffic. The specialty support center typically offers the following kinds of goods and services: handcrafted/artisan items (often created on the premises); restaurants,; food stores (i.e., grocery, health food, delicatessen, confectioners, gourmet products; art stores and galleries; book and music stores; travel agencies; florists; barber and beauty shops; pharmacy; laundry and dry cleaning services, etc.” (14.47.010. Purpose and Objectives – SSC Zone)

The applicant, Barbara Ferre’, representing Courtyard at Jamestown Associates, has requested that the permitted uses within the SSC Zone, include Land Use #5950 “Sporting Goods, Bicycles and Toys.” The principal purpose of the request is to allow a bicycle shop. Under Use #5950 of the Land Use Codes, the following sub-uses are listed:

- 5951 Sporting goods (Includes ammunition and firearms, camping equipment, fishing and hunting equipment, golf equipment, playground equipment, riding goods, underwater gear, etc.
- 5952 Bicycles and parts
- 5953 Toys and Games

## **FINDINGS OF FACT**

- The SSC Zone currently allows uses with similar intensities and impacts in terms of traffic generation and parking requirements.
- The existing SSC Zone is located across the street from the North University Avenue bikeway and would seeming provide a convenience service for uses of that trail system.

## **STAFF ANALYSIS**

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:*

(a) Public purpose for the amendment in question.

The proposed use would provide a desirable, convenient use which would be appropriate in the SSC Zone and at the resulting location.

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

A stated purpose and goal of the SSC Zone is provide convenience retail and service businesses meeting the daily convenience shopping and service needs of nearby residents or tenants, and drive-by traffic.

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

There are no polices, goals, or objectives listed within the General Plan which can be directly related to this request. At the same time, the request would not be in conflict with any listed policy, goal or objective.

(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 proposed amendment would not affect the timing and sequencing provisions of the General Plan.

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

The amendment would provide additional shopping opportunities in the immediate area, as well as a reasonable use to add to the viability of shopping areas created to provide those shopping opportunities.

(f) Adverse impacts on adjacent land owners.

Because the use is similar to other permitted uses within SSC zone, no adverse impact on adjacent land owners is anticipated through the allowance of the proposed use.

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

The neighboring area is SSC zone is adjacent to an office park and planned residential and retirement housing, thereby meeting the intention and its allowable uses areas for the integration of limited commercial activities in planned residential, retirement, office park, or research park mixed use developments. Specialty support zones draw on very limited rather than wide trade areas, frequently supplemented by impulse buying drive-by traffic. Based on the gross leasable area, such centers fall into the neighborhood size range. This center is characterized by a concentration of convenience retail and service businesses meeting the daily convenience shopping and service needs of nearby residents or tenants, and drive-by traffic.

(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 conflicts between the General Plan Map and General Plan Policies would occur with the proposed amendment.

## **CONCLUSIONS**

Staff believes the addition of Land Use #5950 "Sporting Goods, Bicycles and Toys" is appropriate to allow as a permitted use in the SSC Zone. The allowance for the use would enhance the variety of uses currently permitted in the SSC Zone, without adding any new or increased impact to neighboring properties.

## **STAFF RECOMMENDATION**

Staff supports the requested amendment and would recommend, the Planning Commission **Recommend Approval** of the proposed ordinance amendment attached as Exhibit "A" of this report.

## Exhibit "A"

### Proposed Amendment to Chapter 14.47. SSC – specialty Support Commercial Zone.

#### 14.47.020. Permitted Uses.

##### (3) Permitted Principal Uses

5950 Sporting Goods, Bicycles and Toys