

Provo City Planning Commission

Report of Action

September 27, 2023

*ITEM 4 David Peterson requests an Ordinance Text Amendment to the Interim Transit Oriented Development Zone building height Section 14.23.090 of the Provo City Code, to remove the building step-back requirement at the fifth floor. Citywide Application. Dustin Wright (801) 852-6414 dwright@provo.org PLOTA20230160

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 27, 2023:

RECOMMENDED APPROVAL

On a vote of 9:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Robert Knudsen

Second By: Jeff Whitlock

Votes in Favor of Motion: Robert Knudsen, Jeff Whitlock, Daniel Gonzales, Andrew South, Barbara DeSoto, Raleen Wahlin, Lisa Jensen, Jonathan Hill, Melissa Kendall

Daniel Gonzales 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 A.

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 and given their approval.

NEIGHBORHOOD MEETING DATE

- Citywide application; all Neighborhood Chairs received notification.
- This item was placed on Open City Hall.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- 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:

- The public did not address the Planning Commission during the public hearing.

APPLICANT RESPONSE

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

- This will be a good change to the code.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- There was a discussion about daylight reaching the streets. Provo has very wide street widths which allow for daylight to reach the streets. Removing the step-back requirement would have minimal impact. In the warmer months the shade is desired.
- The step-back is beneficial in the Historic District to help ensure that new developments fit the scale of the historic buildings. In the ITOD zone we do not have that same situation and so the step-back is impeding development and not providing a needed benefit.
- This is not required in the downtown zone and there have not been issues. We decided as a city that this is the area where we want to have this kind of development and so this amendment will help make best use of the limited land area.



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 Development Services, 445 W Center Street, 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 A

14.23.090 – Building Height.

The total maximum building height within the ITOD zone shall not exceed one hundred (100) feet according to the following:

- (1) Building height shall be measured in number of stories, excluding basement areas;
- (2) Each building shall not have less than two (2) stories. ~~The fifth story and each story above it shall have an additional setback of no less than fifteen (15) feet from the first story building elevation adjacent to any street;~~
- (3) Each story within the ITOD zone shall not exceed fourteen (14) feet except for first story commercial functions may be up to twenty feet (20);
- (4) Parapet walls and cornices shall not exceed five (5) feet, except as otherwise provided in Section 14.34.090, Provo City Code;
- (5) Residential main floor level shall not exceed three (3) feet in height above street curb elevation;
- (6) Commercial main floor level shall not exceed one (1) foot in height above street curb elevation; and
- (7) Mechanical equipment shall be screened. Only the minimal amount of screening necessary to fully screen such equipment shall be used. Mechanical equipment shall be setback in such manner that the required screening cannot be seen from the pedestrian street view, if possible.