

Provo City Planning Commission

Report of Action

December 11, 2024

ITEM 1* 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

The following action was taken by the Planning Commission on the above described item at its regular meeting of December 11, 2024:

RECOMMENDED APPROVAL

On a vote of 7:0, the Planning Commission recommended that the Municipal Council approve the above noted application with the following recommendations.

Recommendations of Approval:

1. That the language includes stronger protections around owner-occupancy beyond the initial sale of units.

Motion By: Adam Shin

Second By: Barbara DeSoto

Votes in Favor of Motion: Anne Allen, Andrew South, Melissa Kendall, Jeff Whitlock, Daniel Gonzales, Barbara DeSoto, Adam Shin

Jeff Whitlock 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. Staff also responded to questions regarding downtown zones standards, building heights, and definitions of for-sale housing. Staff agreed that stronger language to address a one-year owner-occupancy requirement to the proposal would be a beneficial addition to the proposal.

CITY DEPARTMENTAL ISSUES

- The Coordinator Review Committee (CRC) has reviewed the application and given their approval.

NEIGHBORHOOD MEETING DATE

- Neighborhood meetings were held on November 11th and 20th, 2024 for Districts four and five, respectively.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District 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: None.

APPLICANT RESPONSE

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

- Jeff Knighton gave additional context for the proposal and stated that the ideas of increased owner-occupancy regulations discussed by the Commission would not be an issue and would be acceptable to the applicant.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission agreed that the proposal was a good idea and could be an effective tool to get more ownership downtown.
- The majority of the Commission stated their support for higher building height allowances through both downtown zones and expressed interest in having future discussions with staff on building heights.
- The need for increased language and standards for owner-occupancy was discussed and included in the motion to recommend approval to the City Council.



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 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

14.21A.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, ~~is 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 ~~is 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, ~~must shall~~ be adhered to within the DT1 zone.

*Building Height may exceed 100 feet with the following percentages of units guaranteed by means of a written agreement with the City as for-sale housing with individual owner-occupancy required for the first year of ownership 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 ~~must 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 ~~does 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 ~~must 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.