

Provo City Planning Commission

Report of Action

September 09, 2020

*Item 2 The Development Services Dept. requests an Ordinance Text Amendment to Section 14.23.160(3) to clarify amenity space requirements for developments with 20 or more residential units in the Interim Transit Oriented Development (ITOD) zone. Citywide impact. Dustin Wright (801) 852-6414 dwright@provo.org
PLOTA20200283

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 09, 2020:

RECOMMENDATION FOR APPROVAL

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application with some recommended changes to the proposed text.

Motion By: Laurie Urquiaga

Second By: Deborah Jensen

Votes in Favor of Motion: Laurie Urquiaga, Deborah Jensen, Brian Henrie, Ally Jones, Daniel Gonzales, Lisa Jensen, Dave Anderson, Robert Knudsen.

Dave Anderson 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.

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

- CRC has approved the proposed text amendment.

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. The item was opened for public comment at the hearing and no comments were received.

APPLICANT RESPONSE

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

- The reason that the code would apply to projects with 20 units or more is so that space can be properly maintained. Projects with fewer than this could struggle cover the cost of upkeep for the amenity space.
- Limiting the amenity space to fifty percent outdoors at ground level is what we have done in the other zones that are more urban in nature to encourage more efficient use of land and to help provide more amenity space within the structure that can be used throughout the year.
- To help add clarity to the proposed text about what amenity space should be, a sentence could be added that describes what would not be desired. Developers often want to use small remnants that are not being used for building or parking to count for the amenity space requirement.
- The interim zone was intended to be temporary and that a new zone would replace it. The ITOD zone will have an overhaul in the near future where more substantial changes can be made.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Land values would drive the intensity of development and therefore eliminate the need to limit the amount of outdoor ground level amenity space to fifty percent.
- There could be a few changes made that would help clarify the text regarding “massing or accumulating”.
- It could be beneficial to have a minimum square footage of amenity space that would be needed to qualify as amenity space.
- There was a discussion about this amenity space being only being required for residential uses and not commercial uses. The ITOD zone has a clear

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation.

See Exhibit A for following changes to be forward on to the City Council:

- In subsection (b) replace “Only” with “Up to”
- Consider using “usable open space”
- In subsection (c) replace “massed” with “contiguous” and add a sentence about not using remnants or unusable spaces for amenities



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 Community and Neighborhood Services Department, 330 West 100 South, 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

Proposed Code with recommended changes from the Planning Commission

14.23.160 Other Requirements.

...

(3) Landscaping. See Chapter 15.20, Provo City Code. ~~Open/recreation space equivalent to at least twenty (20) percent of the lot area shall be provided at grade, within, or on top of the building.~~ In any new project consisting of twenty (20) or more residential units, an area equivalent to ten percent (10%) of the residential gross floor area shall be developed in usable open space or recreational amenities, such as a common clubhouse, gym, pool, rooftop garden, or other amenity.

(a) Landscaping within the required setbacks and other required areas (such as distance provisions required by the International Building Code) shall not be calculated towards meeting this provision;

(b) Up to fifty percent (50%) of the required recreational amenity space may be located outdoors at the ground floor level;

(c) Usable open space must be contiguous or accumulated to be functional as a recreational amenity or gathering space. Remnant spaces on the site will not be counted in the calculation of required usable open space.