

Provo City Planning Commission

Report of Action

March 22, 2023

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- *ITEM 5 Nathan Gagon requests an Ordinance Text Amendment to Section 14.34.320, Off-street Parking Across a Public Street or with an Intervening Property, to increase the allowed distance between the building and parking for downtown zones from 800 feet to 1100 feet. Downtown Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.org PLOTA20230036
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The following action was taken by the Planning Commission on the above described item at its regular meeting of March 22, 2023:

CONTINUED

On a vote of 5:0, the Planning Commission continued the above noted application.

Motion By: Jeff Whitlock

Second By: Raleen Wahlin

Votes in Favor of Motion: Jeff Whitlock, Raleen Wahlin, Lisa Jensen, Robert Knudsen, Melissa Kendall

Lisa Jensen was present as Chair.

- New findings stated as basis of action taken by the Planning Commission or recommendation to the Municipal Council; Planning Commission determination is not 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 gave an overview of the proposal and specifics of the plan for the applicants business at 247 W Center Street.

CITY DEPARTMENTAL ISSUES

- Important issues raised by other departments – addressed in Staff Report to Planning Commission

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting will be held on 03/30/2023.

NEIGHBORHOOD AND PUBLIC COMMENT

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

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:

- Shawn Homer spoke about the parking options that were looked at for “The Rise” event center, but only was able

to get verbal agreements. He also confirmed the parking count required based on occupancy of the building. He agreed that a garage that far away wouldn't be the most useful option available and that there is a lot within 800 feet to satisfy demand, which people would most likely use.

- Nathan Gagon expressed his opinion that the added distance may not be an issue for a lot of people but he would keep looking for closer parking, or create incentive for parking in the garage they would contract with. He went on to give an overview of the business and stated that there are four off-street spaces on the site. He noted the average occupancy is 60 people but are hoping for up to 300 people.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Planning Commission confirmed that there are plenty of public off-street spaces nearby but aren't available to be reserved for businesses.
- The Commission asked about the requirement to have written approval from Section 14.34.320, the ability for businesses on Center Street to park under current standards with "grandfathered" right to lesser parking, and that there are a lot of off-street parking spaces available downtown.
- Staff spoke with the Commission about the Conditional Use Permit process and regulations.
- The Commission stated their desire to bring business downtown and help the economic vitality of Center Street and recognize there is plenty of parking available and struggle to find a solution.
- Staff brought forward a possible solution of a TDM (Transportation Demand Management) program to reduce the parking requirement from Section 14.37.050, Provo City Code. The Planning Commission supported that idea and confirmed with the applicant if that is a possible solution. Staff offered changing the staff recommendation to continuing the item indefinitely to allow time for the applicant to work on a TDM associated with the Conditional Use Permit.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

- The Commission liked the idea of a TDM because it gives the City more authority to enforce the parking issue if it is not being managed effectively and that wouldn't open it up to the entire downtown like the proposed text amendment would.



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

14.34.320 Off-street Parking Across a Public Street or with an Intervening Property.

In accordance with 14.37.080(1)(b) required parking shall not be located across a public street, or with an intervening property, except by conditional use permit approved by the Planning Commission, subject to the conditions set forth below:

- (1) Off-street parking approved under this Section must be located such that the nearest property line of the lot is within four hundred (400) feet of the nearest property line of the lot containing the land use activity it serves, as measured along the shortest pedestrian route with the following exception:
 - (a) Portions of any DT zone located in an area bounded by University Avenue, 200 South, 300 West, and 200 North, and
 - (b) Parking to be provided may not be located further than ~~eight hundred (800)~~ **eleven hundred (1,100)** feet from building to parking lot subject to the Planning Commission approval.
- (2) The parking lot, if across the street from the main land use activity it serves, shall be located within two hundred (200) feet of a regulated intersection or approved crosswalk in the direction of pedestrian traffic.
- (3) The applicant shall, at the applicant's own expense, submit a report from a qualified Traffic Engineer assessing the probable vehicular and pedestrian impacts from the off-site parking lot, and including any recommendations for the mitigation of safety concerns.
- (4) The applicant shall assume the full liability, and responsibility for the lot, as well as any costs associated with improvements that may be required to enhance safety.
- (5) If, after review by the Planning Commission staff, the Planning Commission finds that the off-site lot will not pose any significant traffic safety problems, and that it complies with all other provisions of this Title, the permit shall be granted.