



PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:30 PM, Tuesday, August 05, 2025

Council Chambers (Room 100)

Hybrid meeting: 445 W. Center Street, Provo, UT 84601 or

<https://www.youtube.com/provocitycouncil>

The in-person meeting will be held in the **Council Chambers**. The meeting will be available to the public for live broadcast and on-demand viewing on YouTube and Facebook at: [youtube.com/provocitycouncil](https://www.youtube.com/provocitycouncil) and [facebook.com/provocitycouncil](https://www.facebook.com/provocitycouncil). If one platform is unavailable, please try the other. If you do not have access to the Internet, you can join via telephone following the instructions below.

TO MAKE A VIRTUAL PUBLIC COMMENT:

To participate in the public comment portion(s) of the meeting, call in as an audience member as the presentation is wrapping up. Be sure to mute/silence any external audio on your end to reduce feedback (if you are viewing the live proceedings on YouTube, mute the YouTube video; you will be able to hear the meeting audio through the phone while you are on the line).

Press *9 from your phone to indicate that you would like to speak. When you are invited to speak, the meeting host will grant you speaking permission, calling on you by the last four digits of your phone number. Please begin by stating your first and last name, and city of residence for the record. After you have shared your comment, hang up. If you wish to comment on a later item, simply re-dial to rejoin the meeting for any subsequent comment period(s).

August 05 Council Meeting: Dial **346 248 7799**. Enter Meeting ID **818 1280 7773** and press #. When asked for a participant ID, press #. To join via computer, visit zoom.us and enter the meeting ID and passcode: **936024**.

Decorum

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

Opening Ceremony

Roll Call

Prayer

Pledge of Allegiance

Public Comment

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

Action Agenda

- 1 A resolution to submit an opinion question to the residents of Provo City in the November 4, 2025 election regarding authorization to impose a local option sales tax as described in Utah Code Section 59-12-1402. (25-076)
- 2 An ordinance updating Provo City Code regarding an urban farming policy for culinary water rates. (25-080)
- 3 An ordinance amending the zone map classification of real property, generally located at 71 West 880 North, from the residential conservation (RC) zone to the campus residential (CR) zone. North Park neighborhood. (PLRZ20250033)
- 4 An ordinance amending the zone map classification of real property, generally located at 1400 South State Street, from the one-family residential (R1) zone to the light manufacturing (M1) zone. Spring Creek neighborhood. (PLRZ20250222)

Adjournment

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.gov or using their contact information listed at: provo.gov/434/City-Council

Materials and Agenda: agendas.provo.org

Council meetings are broadcast live and available later on demand at youtube.com/ProvoCityCouncil

To send comments to the Council or weigh in on current issues, visit OpenCityHall.provo.org.

The next Council Meeting will be held on Tuesday, August 19, 2025. The meeting will be held in the Council Chambers, 445 W. Center Street, Provo, UT 84601 with an online broadcast. Work Meetings generally begin between 12 and 4 PM. Council Meetings begin at 5:30 PM. The start time for additional meetings may vary. All meeting start times are noticed at least 24 hours prior to the meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting are invited to notify the Provo Council Office at 445 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email kmartins@provo.gov at least three working days prior to the meeting. Council meetings are broadcast live and available for on demand viewing at youtube.com/ProvoCityCouncil.

Notice of Telephonic Communications

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-207(4), which supersedes some requirements listed in Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at agendas.provo.org. Council meeting agendas are available through the Utah Public Meeting Notice website at utah.gov/pmn, which also offers email subscriptions to notices.

**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: DOUGR
Presenter: Doug Robins, Parks and Recreation Director and Heidi Allman, City Recorder
Department: Parks and Rec
Requested Meeting Date: 08-05-2025
Requested Presentation Duration: 10 minutes
CityView or Issue File Number: 25-076

SUBJECT: 1 A resolution to submit an opinion question to the residents of Provo City in the November 4, 2025 election regarding authorization to impose a local option sales tax as described in Utah Code Section 59-12-1402. (25-076)

RECOMMENDATION: A resolution to submit an opinion question to the residents of Provo in the November 4, 2025 election regarding authorization to impose a local sales tax described in Utah State Code, for the purposes of funding cultural, recreational and zoological facilities and botanical, cultural and zoological organizations.

BACKGROUND: A brief presentation following-up on the next steps for submitting a resolution to place an opinion question on the ballot regarding the RAP tax. Utah County has now adopted a resolution stating they do not intend to impose a RAP tax (attached).

Per statute and based on the 2015 ballot process, a new resolution will need to be adopted, ideally at the August 5th Council meeting, to ensure it's submitted to the Lt. Governor at least 75 days before the election. The resolution must include both the ballot title and proposition.

A timeline indicating the steps forward will be presented.

FISCAL IMPACT: Continuation of existing RAP sales tax

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:
General Plan, Parks and Recreation master Plan

1 RESOLUTION <<Document Number>>

2
3 A RESOLUTION TO SUBMIT AN OPINION QUESTION TO THE
4 RESIDENTS OF PROVO CITY IN THE NOVEMBER 4, 2025 ELECTION
5 REGARDING AUTHORIZATION TO IMPOSE A LOCAL OPTION SALES
6 TAX AS DESCRIBED IN UTAH CODE SECTION 59-12-1402. (25-076)

7
8 RECITALS:

9
10 It is proposed that Provo City renew the local option sales tax authorized by Utah Code §
11 59-12-1402, the proceeds of which may be used to fund cultural, recreational, zoological
12 facilities, and botanical, cultural, and zoological organizations. This is commonly known as the
13 RAP (Recreation, Arts, and Parks) Tax. Past RAP Tax revenues have successfully funded
14 improvements to parks and recreation facilities, enhanced arts and cultural programming, and
15 have delivered tangible benefits across Provo neighborhoods. The Parks and Recreation Board
16 has met and discussed the proposed RAP tax and has unanimously recommended to the
17 Municipal Council that the City pursue implementation of said tax;

18
19 A RAP Tax, which is a local options sales tax of 0.1%, may only be imposed after
20 submitting to the residents of the City an opinion question as to whether the City should be
21 authorized to impose the tax;

22
23 On July 8, 2025, and August 5, 2025, the Provo City Municipal Council met to consider
24 the facts regarding this matter and receive public comment, which facts and comments are found
25 in the public record of the Council’s consideration; and

26
27 After considering the facts and comments presented to the Municipal Council, the
28 Council finds that (i) the opinion question regarding the RAP Tax should be placed on the
29 November 4, 2025, ballot in the form provided in this resolution and (ii) such action reasonably
30 furthers the health, safety, and general welfare of the citizens of Provo City.

31
32 THEREFORE, the Provo Municipal Council resolves as follows:

33
34
35 PART I:

36
37 An opinion question will be submitted to the residents on the November 4, 2025, ballot
38 regarding whether the City is authorized to implement a 0.1% local option sales tax for the
39 purpose of funding cultural, recreation and zoological facilities and botanical, cultural, and
40 zoological organizations.

41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72

PART II:

The form of the ballot question is as follows:

TITLE

Proposal to Continue to Authorize a Recreation, Arts, and Parks (RAP) Tax in Provo City for Ten Years.

Proposition

Shall Provo City continue to be authorized to impose a 0.1% sales and use tax for the purpose of funding recreational facilities, cultural arts programs, and park improvements?

The proposed RAP tax would be collected at the rate of 1¢ for every \$10 spent by visitors and residents in Provo.

A vote **FOR** the proposition means you support a sales tax to fund local recreation, arts, and parks projects.

A vote **AGAINST** the proposition means you do not support the sales tax as described.

- FOR the RAP tax
- AGAINST the RAP tax

PART III:

This resolution takes effect immediately.

END OF RESOLUTION.

Recreation, Arts, and Parks (RAP) Tax Ballot Proposition



Doug Robins, Parks and Recreation Director
Justin Harrison, Executive Director of Council

August 5, 2025

Recreation, Arts and Parks "RAP Tax"

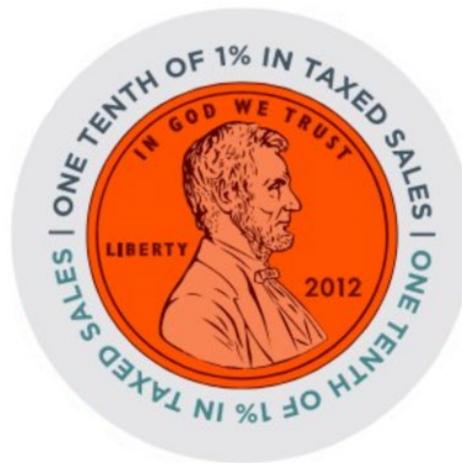
What is it? Sales tax

How Much? 1/10th of 1%

Who Pays? Provo Residents and Visitors

Duration? 10 years

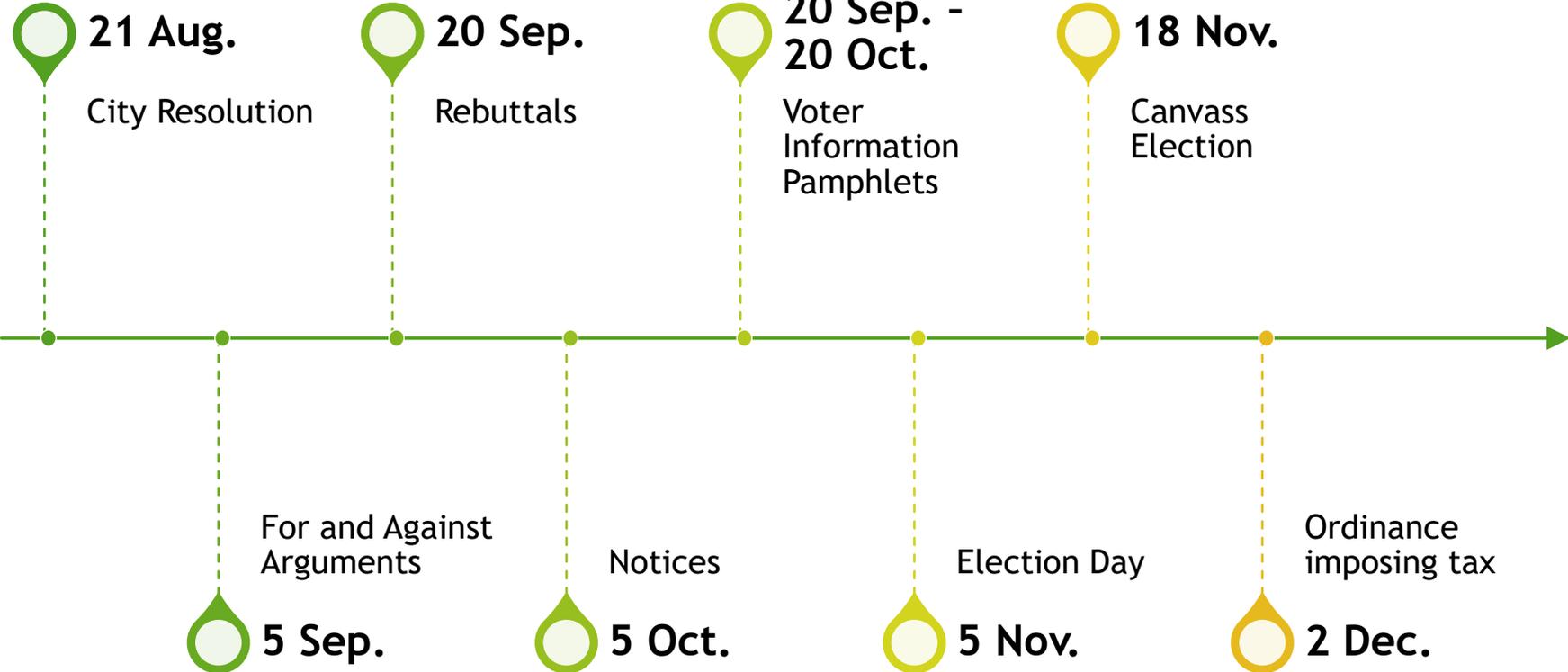
New Tax? Renewal of Existing
Not an Increase!



Next Steps:

1. City Resolution (75 days before election - August 21, 2025)
 1. Approve resolution to place RAP Tax opinion question on the ballot.
 2. Approve ballot and proposition language.
2. For and Against Arguments (60 days before election - September 5, 2025)
3. Rebuttals (45 days before the election - September 20, 2025)
4. Notices (30 days before election - October 5, 2025)
5. Voter Information Pamphlets (between 15 and 45 days before election - September 20 - October 20, 2025)
6. Election Day (November 5, 2025)
7. Canvass Election (November 18, 2025)
8. Ordinance imposing tax
 - ▶ Submitted to Utah State Tax Commission (Must allow a **90-day notice period** before the tax can go into effect on the next calendar quarter)

Timeline



**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: JMCKNIGHT
Presenter: Barry Prettyman, Water Resources Engineer
Department: Public Works
Requested Meeting Date: 08-05-2025
Requested Presentation Duration: 10 minutes
CityView or Issue File Number: 25-080

SUBJECT: 2 An ordinance updating Provo City Code regarding an urban farming policy for culinary water rates. (25-080)

RECOMMENDATION: Public Works requests Council approve the ordinance code change to allow the Water Resources director to give a credit according to the Provo City Urban Farming Water Policy.

BACKGROUND: 2025 Utah State House Bill 274 requires that water providers consider urban farming in their rate setting process. Public Works has created a draft urban farming policy that would give a credit to water customers who apply and meet the requirements of the policy.

FISCAL IMPACT: The fiscal impact will depend on the amount of customers who meet the qualifications of the policy.

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

This creates a new policy that will meet the requirements of 2025 Utah State House Bill 274

Exhibit A

Provo City Consolidated Fee Schedule

...

Utilities

...

Culinary Water

...

Rates to become effective September 1, 2025.

~~Water Resources Director can make exemptions for customers who participate in urban farming.~~ Authority is delegated to the Water Resources Director to create an Urban Farming Policy reflecting the considerations in Utah Code 73-10-32.5(2)(e). Certain residential water customers may apply for and receive a credit towards their culinary water bill if they meet the eligibility requirements in that Policy.

URBAN FARMING POLICY

August 5, 2025



Policy Highlights

Requirements

- Garden must be actively used growing marketable plants such as fruits, vegetables, and herbs
- Property must have a garden meeting either 25% of the total parcel area or 5,000 square feet
- Garden must be used at least 4 continuous months during irrigation season
- User must reach tier 3 during irrigation season
- Meet Provo City backflow standards
- High efficiency irrigation means (drip, high efficiency nozzles)

Restrictions

- Only residential accounts
- Not allowed in agricultural zoning
- Non-transferable

Proposed Policy

Application

Customer submits application to Water Resources providing details including parcel, garden layout, and account number

Water Resources reviews and verifies application

Credit

Customer Services applies a \$120 credit if the qualified customer meets all requirements in December

Approximately 69,000 gallons for $\frac{3}{4}$ " meter

Comparing Rates

Old Fees	Tier 1 (<100k gallons)	Tier 2 (>100k gallons)
Residential Winter (November to April)	\$1.17 per 1,000 gallons	\$1.28 per 1,000 gallons
Residential Summer (May to October)	\$1.93 per 1,000 gallons	\$2.14 per 1,000 gallons

New Fees (3/4" Meter)	Tier 1 (0-10k gallons)	Tier 2 (10-55k gallons)	Tier 3 (>55k gallons)
Residential (Year Round)	\$1.37 per 1,000 gallons	\$2.09 per 1,000 gallons	\$2.81 per 1,000 gallons

Example 1

Lot Size: 0.29 Acre/12,600 sq. ft.
¾-inch Meter

Garden Area: 3,286 sq. ft.
26% of total property area

*Current Annual Bill: \$776.13
*New Bill Starting 9/1/25: \$821.75
*New Bill w/ \$120 Credit: \$701.75

*Estimated - does not reflect actual bill



Example 2

Lot Size: 0.83 Acre/36,000 sq. ft.
1-inch Meter

Garden Area: 5,000 sq. ft.
Meets min. garden area of 5,000 sq. ft.

*Current Annual Bill: \$2,066.83

*New Bill Starting 9/1/25: \$2,321.73

*New Bill w/ \$120 Credit: \$2,201.73

*Estimated - does not reflect actual bill



Example 3: Franklin Garden – 1040 W 100 S

Lot Size: 1.58 Acre/69,000 sq. ft.
1-inch Meter

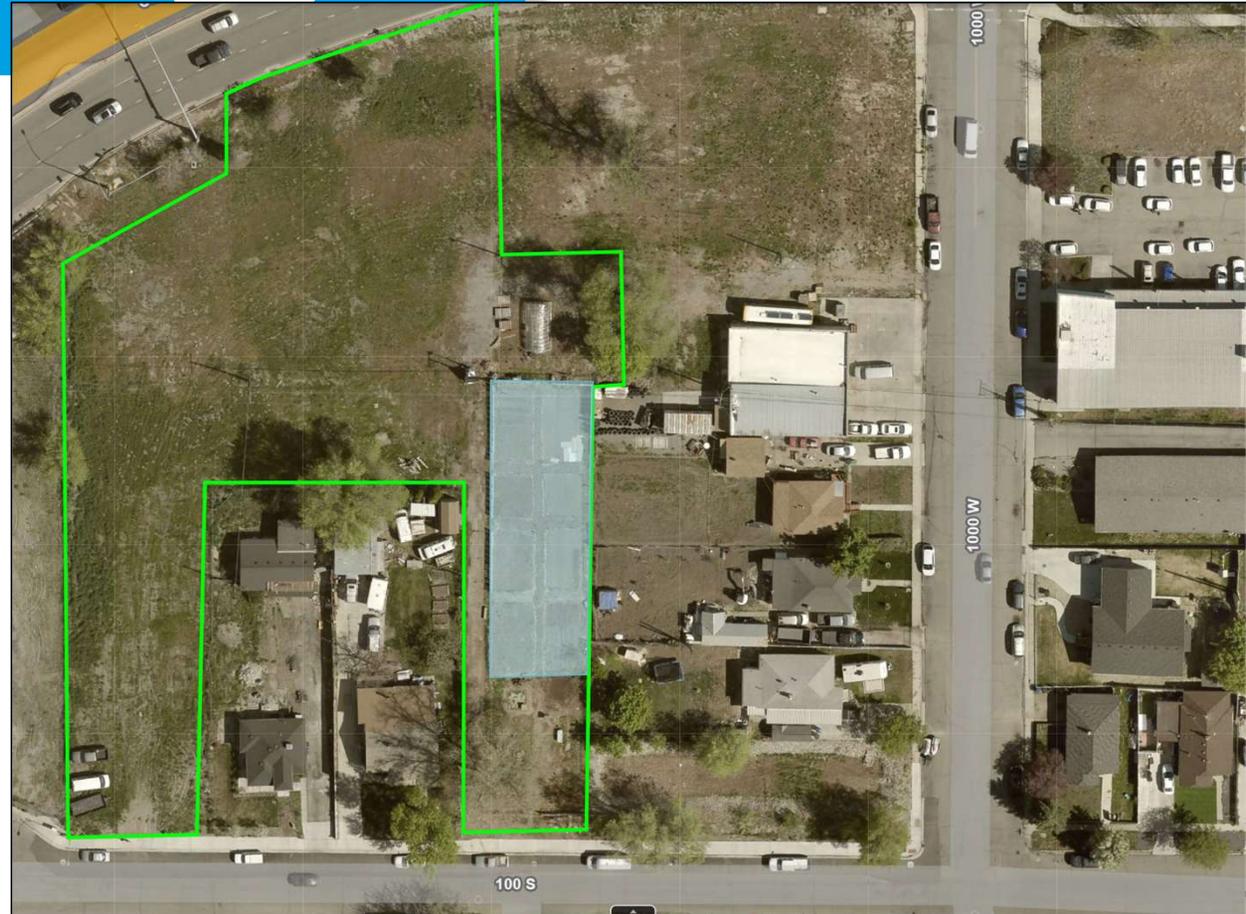
Garden Area: 8,300 sq. ft.
Meets min. garden area of 5,000 sq. ft.
Does not ever reach tier 3

*Current Annual Bill: \$434.52

*New Bill Starting 9/1/25: \$424.04

*Estimated - does not reflect actual bill

We would propose that this doesn't get
the credit because it never reaches tier 3.



**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: DWRIGHT
Presenter: Dustin Wright, Planner
Department: Development Services
Requested Meeting Date: 08-05-2025
Requested Presentation Duration: 5 minutes
CityView or Issue File Number: PLRZ20250033

SUBJECT: 3 An ordinance amending the zone map classification of real property, generally located at 71 West 880 North, from the residential conservation (RC) zone to the campus residential (CR) zone. North Park neighborhood. (PLRZ20250033)

RECOMMENDATION: Recommended for approval

BACKGROUND: The applicant is requesting approval for a parcel of land, in the Residential Conservation (RC) zone, to be rezoned to the Campus Residential (CR) zone.

An approved concept plan has shown that the property can be developed to meet the CR zoning requirements. The property currently has a single-family home, and it is proposed that it is replaced with a five-unit apartment building. The RC zone doesn't allow new units to be established on a property, so the rezone is needed for the applicant to be able to move forward, increasing the density of the property.

The proposed rezone area will consist of one parcel, totaling approximately 0.20 acres of land. The property is currently zoned RC like the properties to the north, east and west. The property to the south is zoned CR, which is the same as what is being requested for this site.

FISCAL IMPACT: N/A

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

The request for residential is compatible with the General Plan Map that calls for residential at this location. The proposed development will allow additional housing development located near BYU. This is a good location for this infill development, and it is consistent with the General Plan goals for areas of small-scale infill housing.

- 39 A. If a provision of this ordinance conflicts with a provision of a previously adopted
40 ordinance, this ordinance controls.
41
- 42 B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part,
43 sentence, clause, or phrase is judicially determined to be unconstitutional or invalid, the
44 remainder of the ordinance is not affected by that determination.
45
- 46 C. This ordinance takes effect immediately after it has been posted or published in accordance
47 with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code
48 Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.
49
- 50 D. The Municipal Council directs that the Provo Zoning Map be updated and codified to
51 reflect the provisions enacted by this ordinance.
52

EXHIBIT A – AREA TO BE REZONED

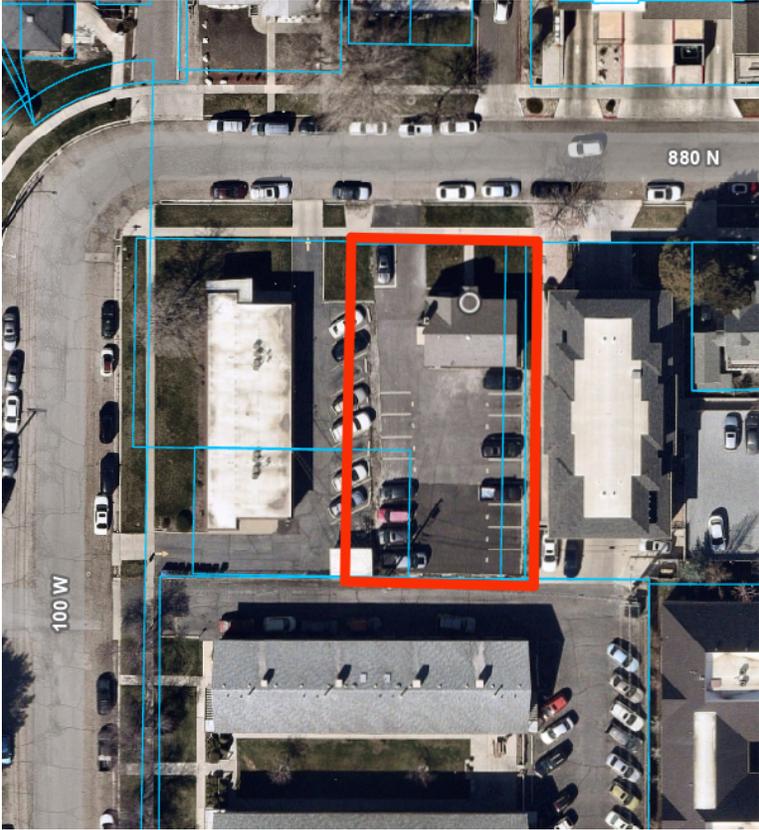


EXHIBIT B

Legal Description:

COM. ON S LINE OF 9TH N WHICH PT IS 12.62 CHS W & S 1 W 4.775 CHS N 89 W 3 RODS FROM
NE COR OF SEC 1, T 7 S, R 2 E, SLB&M; W 63 FT; S 1 W 2.07 CHS; S 89 E 63 FT; N 1 E 2.07 CHS TO
BEG. AREA .20 OF AN ACRE.

***ITEM 3** Terry Cirac requests a Zone Map Amendment from the RC (Residential Conservation) Zone to the CR (Campus Residential) Zone in order to develop a 5-unit apartment building, located at 71 West 880 North. North Park Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLRZ20250033

BACKGROUND

The applicant is requesting approval for a parcel of land (Attachment 1), in the Residential Conservation (RC) zone, to be rezoned to the Campus Residential (CR) zone.

The applicant has submitted a concept plan application showing how the property would be developed if the rezone is approved. The property currently has a single-family home, and it is proposed that it is replaced with a five-unit apartment building. The RC zone doesn't allow new units to be established on a property, so the rezone is needed for the applicant to be able to move forward, increasing the density of the property.

The proposed rezone area will consist of one parcel, totaling approximately 0.20 acres of land. The property is currently zoned RC like the properties to the north, east and west. The property to the south is zoned CR, which is the same as what is being requested for this site.

FINDINGS OF FACT

- The original request with the concept plan was for eight units. This unit count has been reduced to five units to be able to meet the CR zoning requirements.
- The General Plan designation for this location is Residential.
- The requested rezone is for a proposed residential use.
- The item was discussed at the March 5, 2025 district meeting.
- The CR zone is established to encourage high density housing near BYU. 14.14E.010
- The property is near BYU.

STAFF ANALYSIS

Staff has reviewed the proposed rezone request and is in support of the rezone because it allows this underutilized parcel to be used more consistently with the surrounding properties that have higher densities. The zone that is being requested works well for this type of infill development within such a close proximity to BYU.

By reducing the number of units originally proposed, the applicant has shown, in concept, how the property could be developed to meet the requirements of the proposed zone and no conflicts with adjacent property are anticipated with the proposed rezone.

Sec. 14.020.020(2) establishes criteria for the amendments to the zoning title as follows: **(Staff response in bold type)**

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.

Staff response: The proposed CR zone will allow the land to be developed more consistently with the surrounding land and increase the housing options in the area.

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

Staff response: This infill development will create new housing opportunities near BYU.

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

Staff response: The General Plan calls for residential at this location. The proposed development will allow additional housing development located near BYU. This is a good location for this infill development, and it is consistent with the General Plan goals for areas of small-scale infill housing.

(d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.

Staff response: There are no timing and sequencing that would be affected with this rezone request.

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

Staff response: Staff does not believe that this rezone would hinder the General Plan as it is in alignment with the desired land use for the area.

(f) Adverse impacts on adjacent land owners.

Staff response: There would not be any direct impacts on adjacent land owners.

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

Staff response: The land use map from the General Plan has been reviewed and found to be correct for this area.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff response: There are no conflicts noted by staff.

CONCLUSION

The applicant has reduced the number of units that he was originally planning to be able to meet the zoning requirements of the proposed CR zone. Staff has verified that the concept would be feasible under the CR zone. With a close proximity to BYU, the desired zone provides an appropriate way for the property to develop congruently with the surround property. It will not negatively impact those adjacent property owners.

ATTACHMENTS

1. Area to be Rezoned
2. Current Zone Map
3. General Plan Map

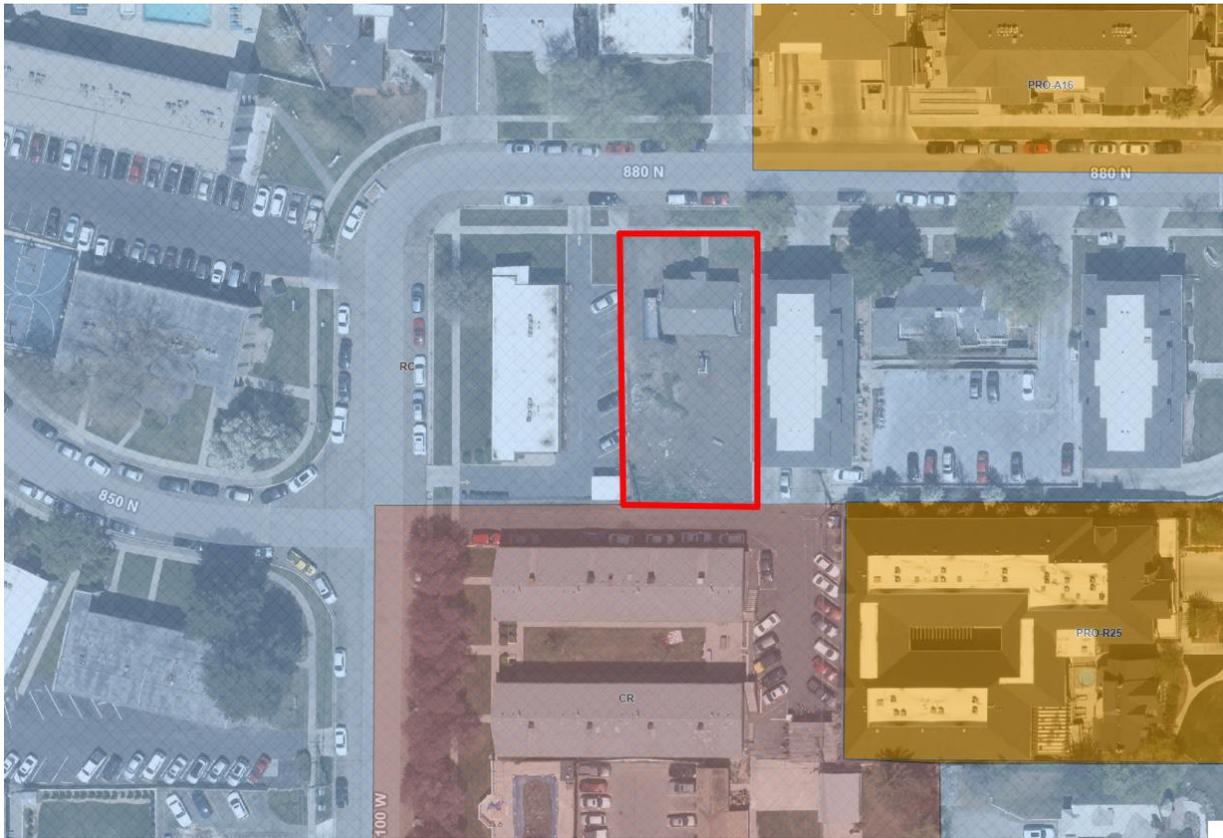
ATTACHMENT 1 –AREA TO BE REZONED



Legal Description:

COM. ON S LINE OF 9TH N WHICH PT IS 12.62 CHS W & S 1 W 4.775 CHS N 89 W 3 RODS FROM NE COR OF SEC 1, T 7 S, R 2 E, SLB&M; W 63 FT; S 1 W 2.07 CHS; S 89 E 63 FT; N 1 E 2.07 CHS TO BEG. AREA .20 OF AN ACRE.

ATTACHMENT 2 – CURRENT ZONE MAP



ATTACHMENT 3 – GENERAL PLAN MAP



Provo City Planning Commission

Report of Action

July 09, 2025

***ITEM 3** Terry Cirac requests a Zone Map Amendment from the RC (Residential Conservation) Zone to the CR (Campus Residential) Zone in order to develop a 5-unit apartment building, located at 71 West 880 North, North Park Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLRZ20250033

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 09, 2025:

RECOMMENDED APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Andrew South

Second By: Anne Allen

Votes in Favor of Motion: Andrew South, Anne Allen, Jonathon Hill, Barbara DeSoto, Melissa Kendall, Daniel Gonzales
Melissa Kendall 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.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the Campus Residential Zone is described in the attached Exhibit A.

RELATED ACTIONS

Planning Commission, July 9, 2025, Item 2 PLCP20240345, approved with conditions.

DEVELOPMENT AGREEMENT

- May apply with future approvals.

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

- A neighborhood meeting was held on 3/5/2025.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was present /addressed the Planning Commission during the public 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:

- The district 4 chair informed the Planning Commission that this item came to the district meeting and mentioned that this development seems appropriate for this location and this type of development is needed.

APPLICANT RESPONSE

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

- This development will help provide housing for BYU or future medical students.
- There is going to be management on-site at his neighboring property that will include this development as well.
- There are three people living there now.
- He has improved the site from when he purchased it.
- Additional parking stalls were rented in the past that were not needed for this location.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- This is a great use of this space, and it fits with the surrounding development.
- This is needed for this area.
- The design is interesting but works well with the space.



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.).

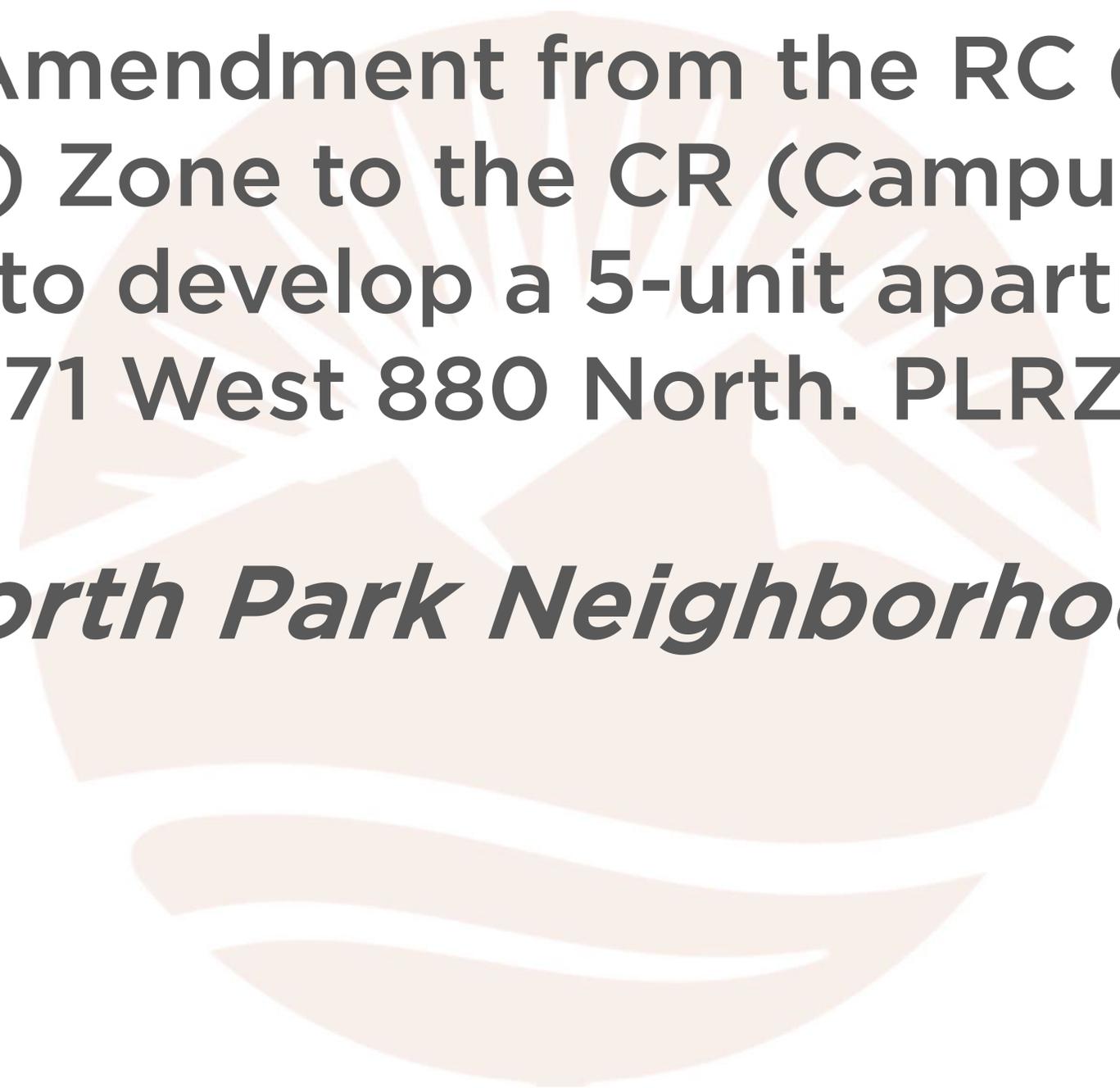
BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

Serial Number: 21:009:0034
Property Address: 71 W 880 NORTH – PROVO

COM. ON S LINE OF 9TH N WHICH PT IS 12.62 CHS W & S 1 W 4.775 CHS N 89 W 3 RODS FROM NE COR OF SEC 1, T 7 S, R 2 E, SLB&M; W 63 FT; S 1 W 2.07 CHS; S 89 E 63 FT; N 1 E 2.07 CHS TO BEG. AREA .20 OF AN ACRE.

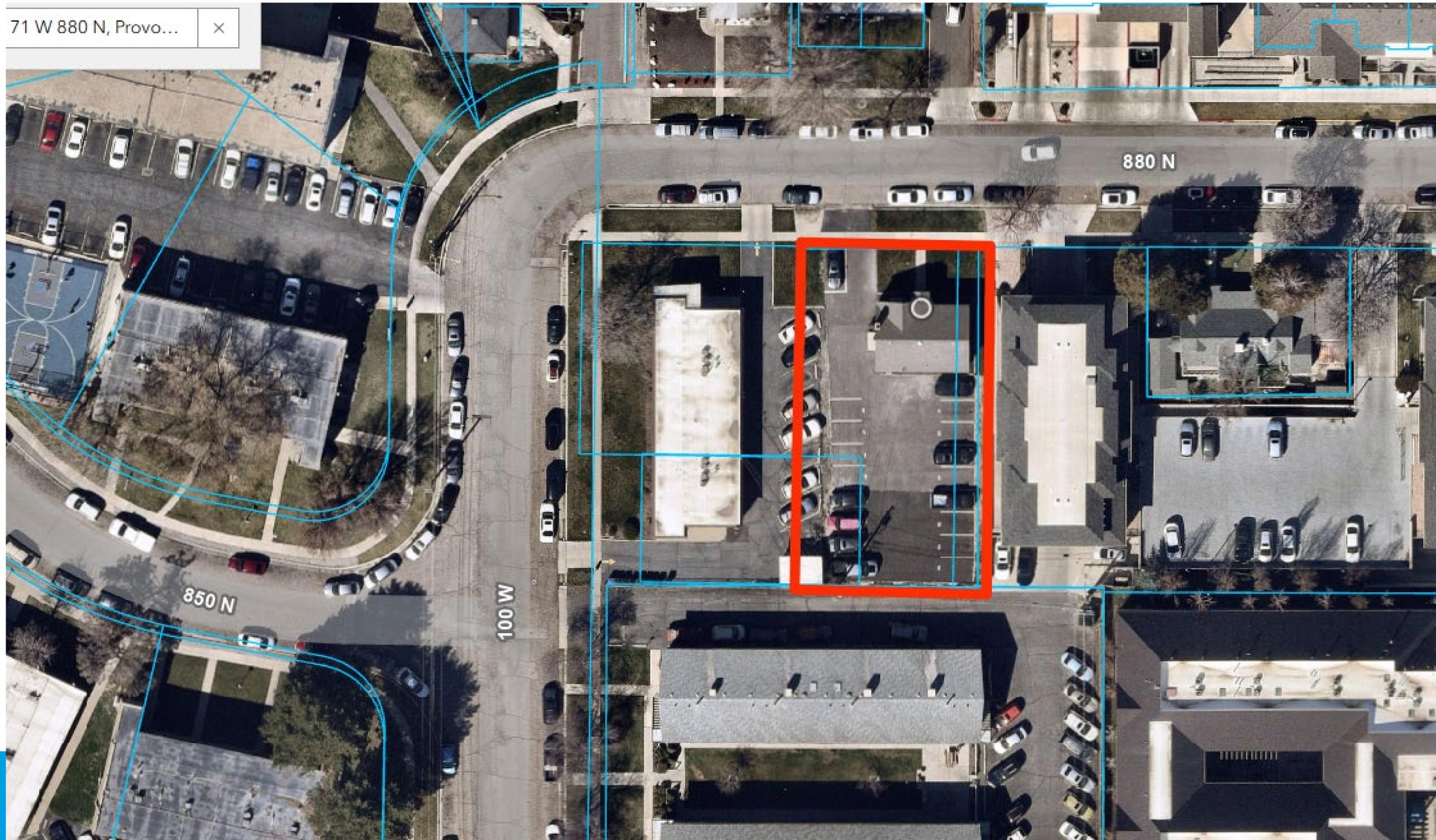




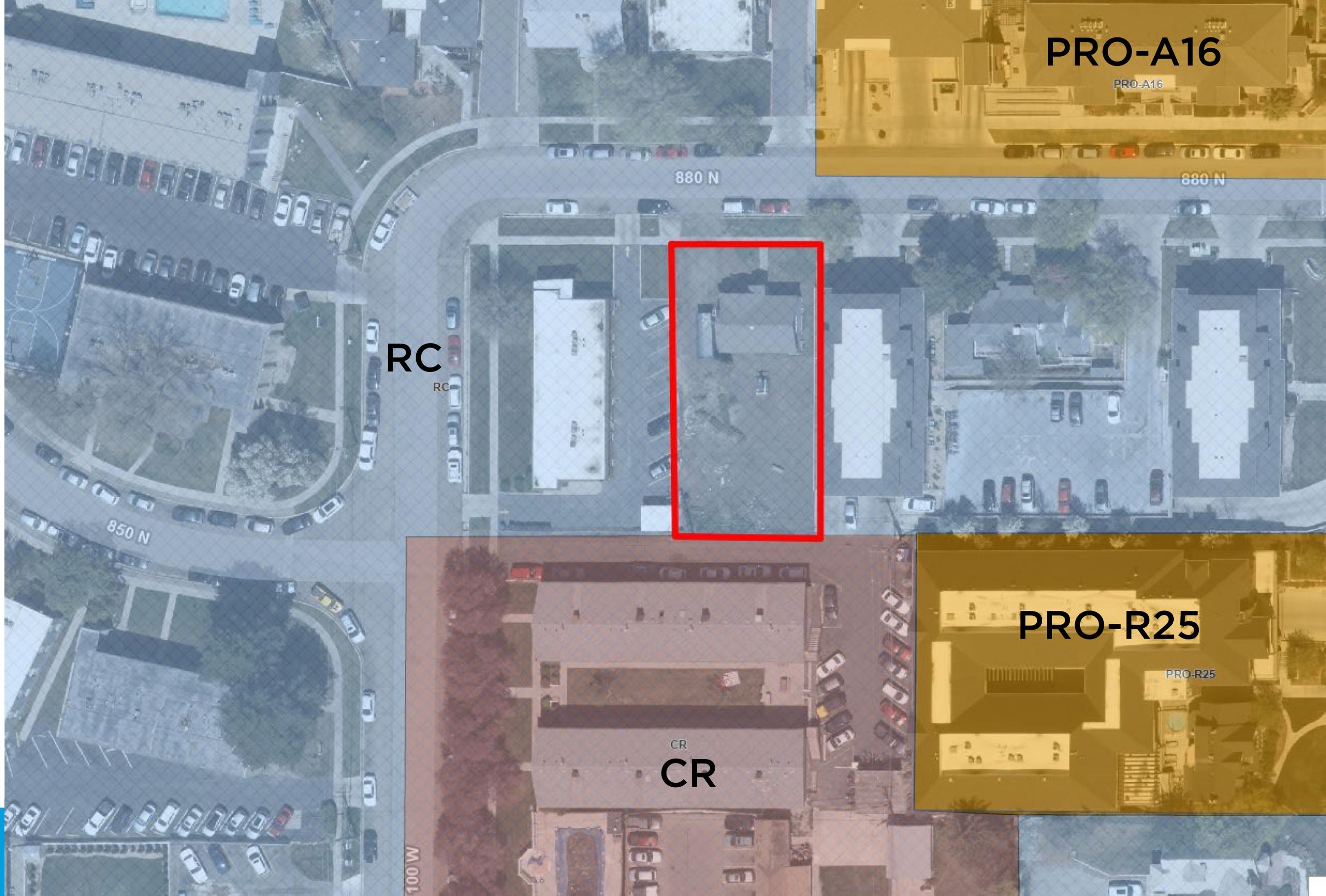
Zone Map Amendment from the RC (Residential Conservation) Zone to the CR (Campus Residential) Zone in order to develop a 5-unit apartment building, located at 71 West 880 North. PLRZ20250033

North Park Neighborhood

Project Site



Zoning



RC

RC

880 N

850 N

100 W

CR

CR

PRO-A16

PRO-A16

880 N

PRO-R25

PRO-R25

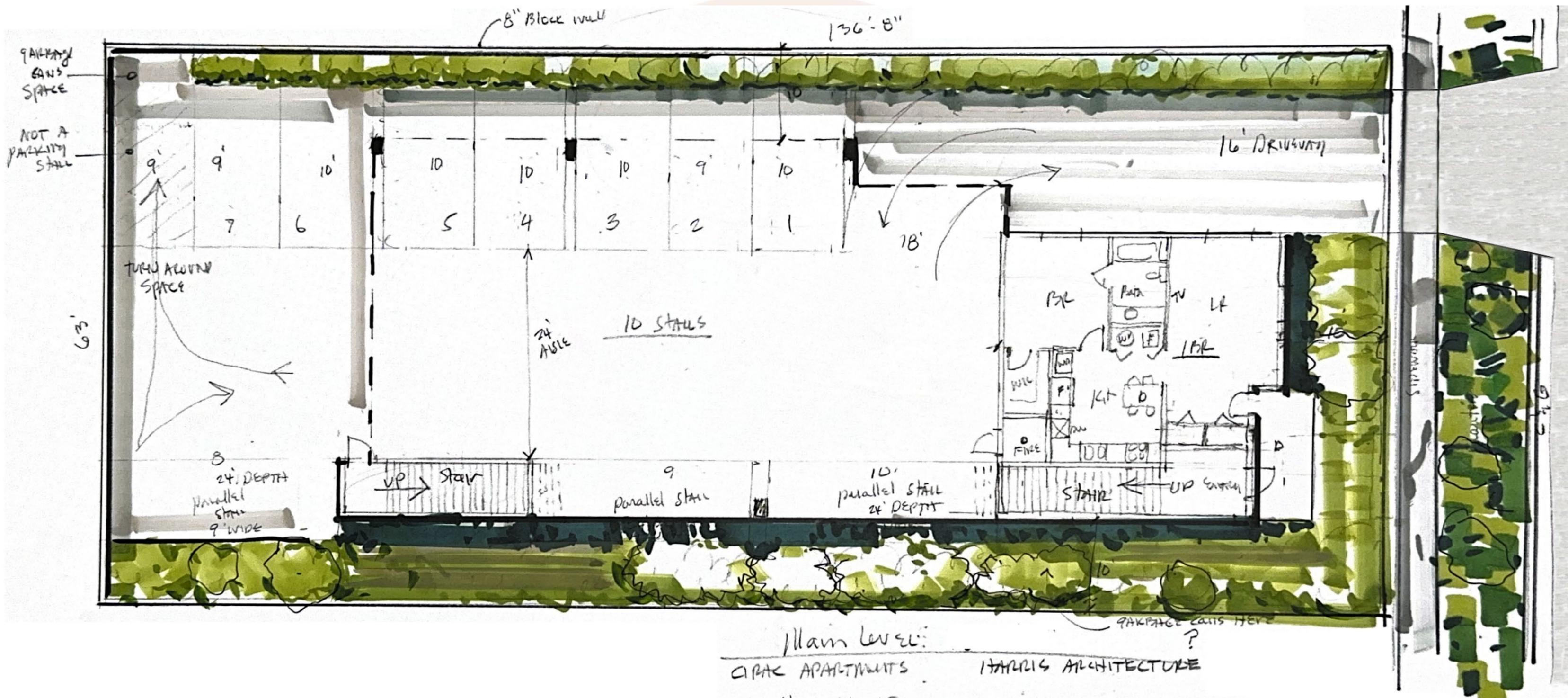
General Plan



Residential



Landscape



Main Level:
 CRAC APARTMENTS
 11 APRIL 25 -

HARRIS ARCHITECTURE

3	1BR @ 1.75 =	5.25 CARS
2	2BR @ 2.25 =	4.5 CARS
		<u>9.75 CARS REQUIRED</u>
		10 PROVIDED

Elevations



LEFT SIDE



REAR

FRONT



FRONT SIDE

**PROVO MUNICIPAL COUNCIL
COUNCIL MEETING
STAFF REPORT**



Submitter: AARDMORE
Presenter: Aaron Ardmore, Planning Supervisor
Department: Development Services
Requested Meeting Date: 08-05-2025
Requested Presentation Duration: 10 minutes
CityView or Issue File Number: PLRZ20250222

SUBJECT: 4 An ordinance amending the zone map classification of real property, generally located at 1400 South State Street, from the one-family residential (R1) zone to the light manufacturing (M1) zone. Spring Creek neighborhood. (PLRZ20250222)

RECOMMENDATION: Recommend approval.

BACKGROUND: Property owners at 1400 South State Street are requesting a zone map amendment from the R1.10 Zone to the M1 Zone in order to build additional office space on the ProSteel campus.

Understanding the history of the zoning on this property is important to this request. From the 1940's until 2017, this property was under the M1 Zone. ProSteel started operations at the site in 1947 and have been in operation continuously. When the Southeast Neighborhoods Plan was adopted by the City Council in 2016 it included goals of incentivizing multi-family housing on the west side of South State Street as a strategy to both relieve the housing pressure in the single-family neighborhoods to the east and to restrict incompatible industrial uses in this corridor. Then, in 2017, as an implementation step of the Southeast Neighborhoods Plan, staff brought forward a rezone request for all the M1 properties west of South State Street to be zoned MDR (Medium Density Residential). However, through the Planning Commission and City Council hearings, that zone change was amended to the R1 Zone in order to allow the City Council to review each individual multi-family housing proposal. Since that rezone took place, a majority of the area has been rezoned to different multi-family zones, with the subject property being one of the remaining R1 pieces.

Having ProSteel operate as a legal, nonconforming use in a R1 Zone restricts the use from "expansion or alteration" per Provo City Code 14.36.040 and would not allow the business to grow.

The surrounding uses and zones include industrial to the east and north within the R1 Zone, and a multi-family housing development to the west and south within the MDR Zone.

FISCAL IMPACT: None

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

(a) Public purpose for the amendment in question.

Staff Response: The applicant states the zone change would allow for “continued growth and operations of ProSteel Security Product Inc., a long-standing and successful business headquartered in Provo” and goes on to state, “Retaining and supporting this business is crucial to maintaining high-quality employment and commercial activity in the area.”

Staff agree with the above purposes and believe that there are strong economic development purposes for the amendment in question.

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

Staff Response: Staff believe that the proposed M1 Zone is the best way to achieve the above purposes, and that returning to the zone they had previously will enable the business to stay in Provo and grow as needed.

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

Staff Response: The proposed amendment is compatible with goals in Chapter 5 of the General Plan, specifically 1a to “Explore implementing strategic investments to attract new businesses while continuing to support growth of local businesses.”

(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.

Staff Response: There are no timing and sequencing issues related to this request.

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

Staff Response: There should be no obstruction of reaching the General Plan’s articulated policies with this request.

(f) Adverse impacts on adjacent landowners.

Staff Response: The surrounding area includes industrial uses to the east and north, and a multi-family housing development to the south. Because the use has already been established, staff do not believe that a small office addition would adversely impact any of the adjacent landowners.

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

Staff Response: Staff have verified the zoning and General Plan designations are correct.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff Response: The policies of the General Plan take precedence in this case. The importance of retaining quality businesses in the policies of the General Plan outweigh the “residential” designation of the land within the General Plan map.

ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF REAL PROPERTY, GENERALLY LOCATED AT 1400 SOUTH STATE STREET, FROM THE ONE-FAMILY RESIDENTIAL (R1) ZONE TO THE LIGHT MANUFACTURING (M1) ZONE. SPRING CREEK NEIGHBORHOOD. (PLRZ20250222)

RECITALS:

It is proposed that the classification on the Provo Zoning Map for approximately 6.48 acres of real property, generally located at 1400 South State Street (an approximation of which is shown or described in Exhibit A and a more precise description of which is attached as Exhibit B), be amended from the One-Family Residential (R1) Zone to the Light Manufacturing (M1) Zone;

On July 9, 2025, the Planning Commission held a public hearing to consider the proposal, and after the hearing the Planning Commission recommended **approval** of the proposal to the Municipal Council by a 6:0 vote;

The Planning Commission’s recommendation was based on the project design presented to the Commission;

On August 5, 2025, the Municipal Council met to determine the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council’s consideration; and

After considering the Planning Commission’s recommendation and the facts presented to the Municipal Council, the Council finds that (i) the proposed action should be approved, and (ii) such action furthers the health, safety, and general welfare of the citizens of Provo City.

THEREFORE, the Provo Municipal Council ordains as follows:

PART I:

The classification on the Provo Zoning Map is amended from the One-Family Residential (R1) Zone to the Light Manufacturing (M1) Zone for the real property described in this ordinance.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance controls.

42
43
44
45
46
47
48
49
50
51
52
53

- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is judicially determined to be unconstitutional or invalid, the remainder of the ordinance is not affected by that determination.
- C. This ordinance takes effect immediately after it has been posted or published in accordance with Utah Code Section 10-3-711, presented to the Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with Utah Code Section 10-3-713.
- D. The Municipal Council directs that the Provo Zoning Map be updated and codified to reflect the provisions enacted by this ordinance.

EXHIBIT B

58
59
60
61
62
63
64
65
66
67
68
69
70

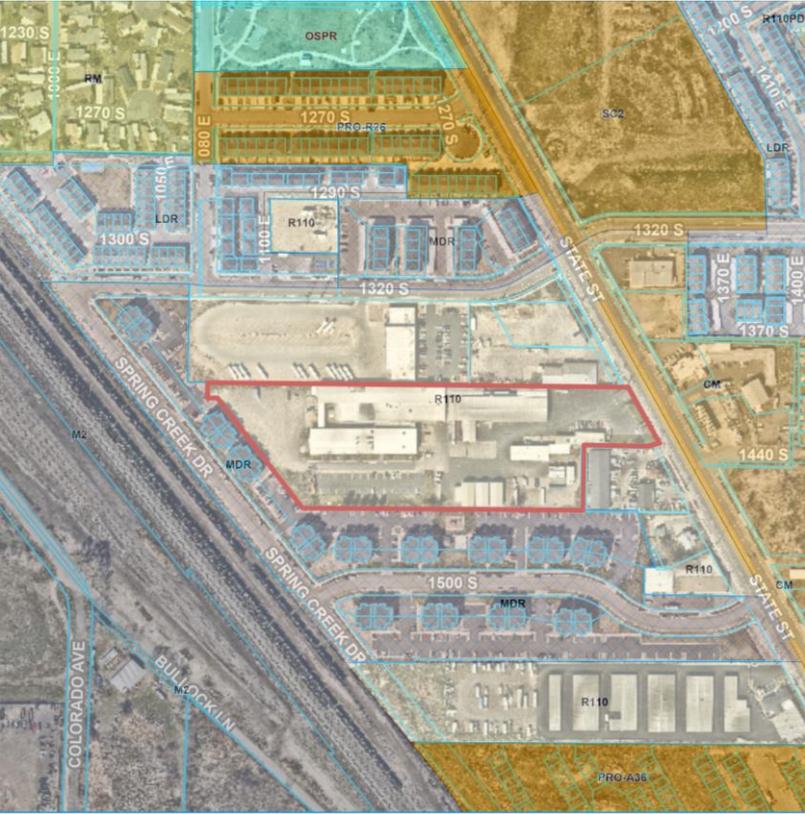
Legal Description

Beginning at a point on the subject parcel, thence South 29 degrees 05 minutes 11 seconds East a distance of 166.42 feet; thence South 78 degrees 25 minutes 41 seconds West a distance of 30.39 feet; thence North 89 degrees 10 minutes 30 seconds West a distance of 154.69 feet; thence South 00 degrees 08 minutes 49 seconds East a distance of 162.88 feet; thence North 89 degrees 00 minutes 12 seconds West a distance of 715.01 feet; thence North 38 degrees 13 minutes 22 seconds West a distance of 345.42 feet; thence North 89 degrees 21 minutes 15 seconds West a distance of 25.57 feet; thence North 00 degrees 45 minutes 05 seconds East a distance of 40.00 feet; thence South 89 degrees 21 minutes 15 seconds East a distance of 1,045.15 feet to the point of beginning.

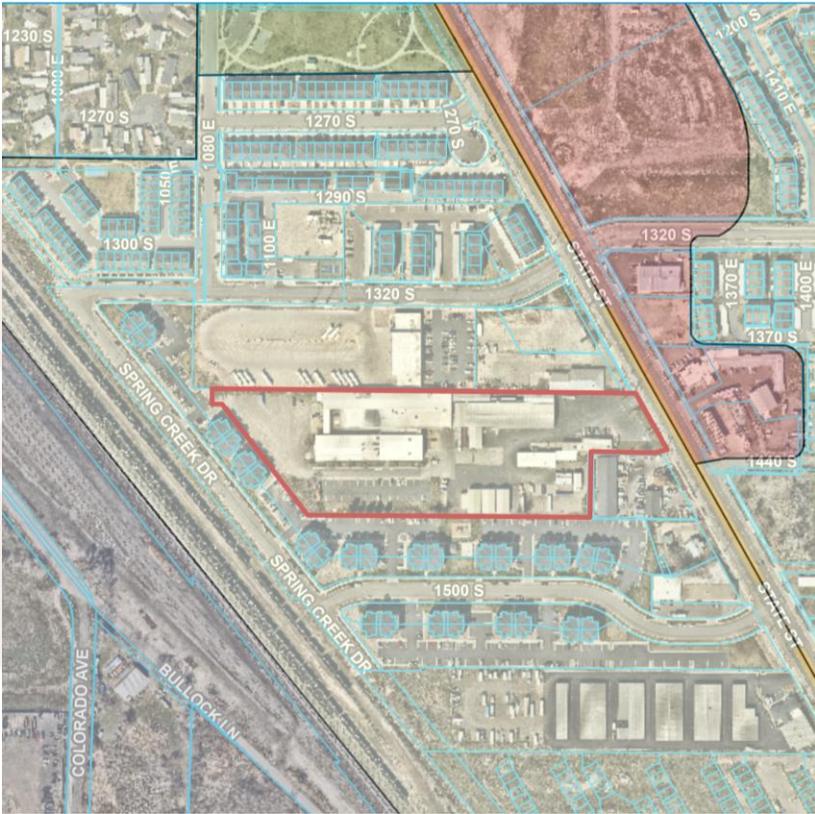
1400 S State



Aerial
Map

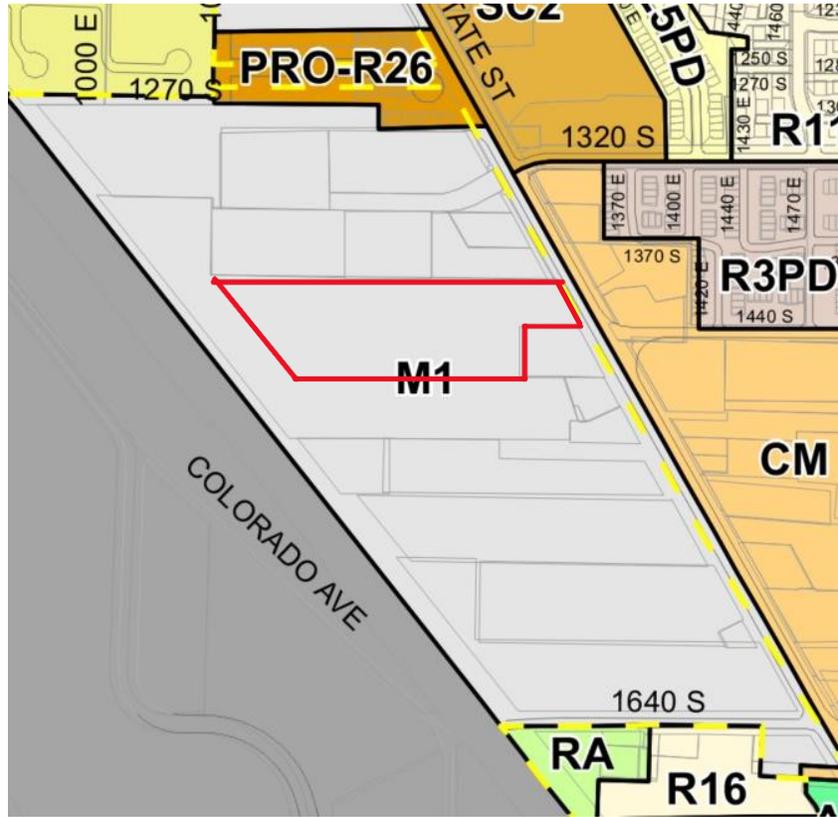


Zone
Map

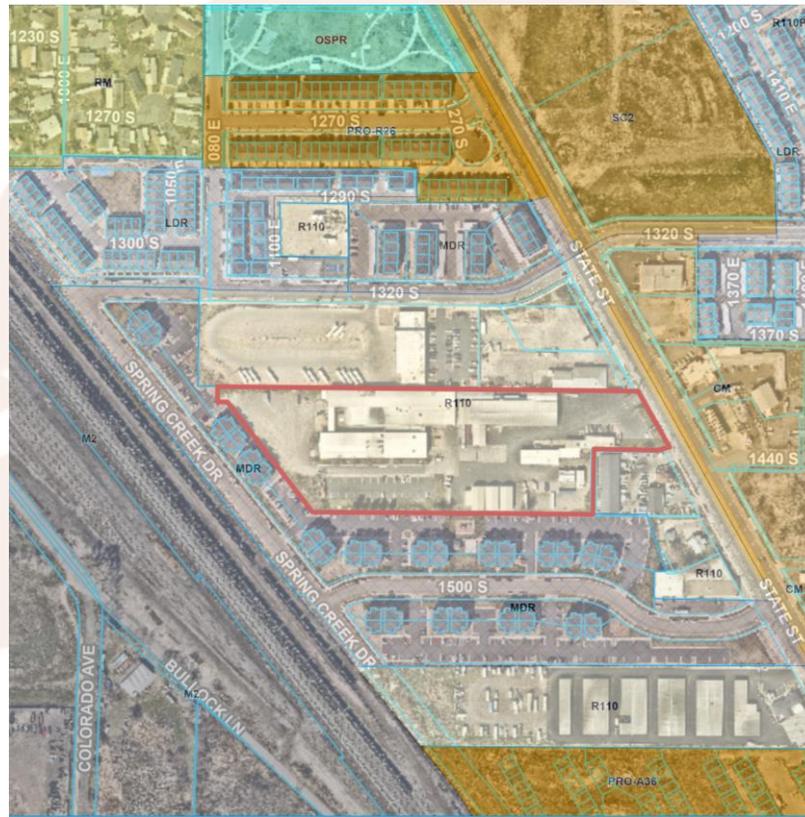


General Plan
Map

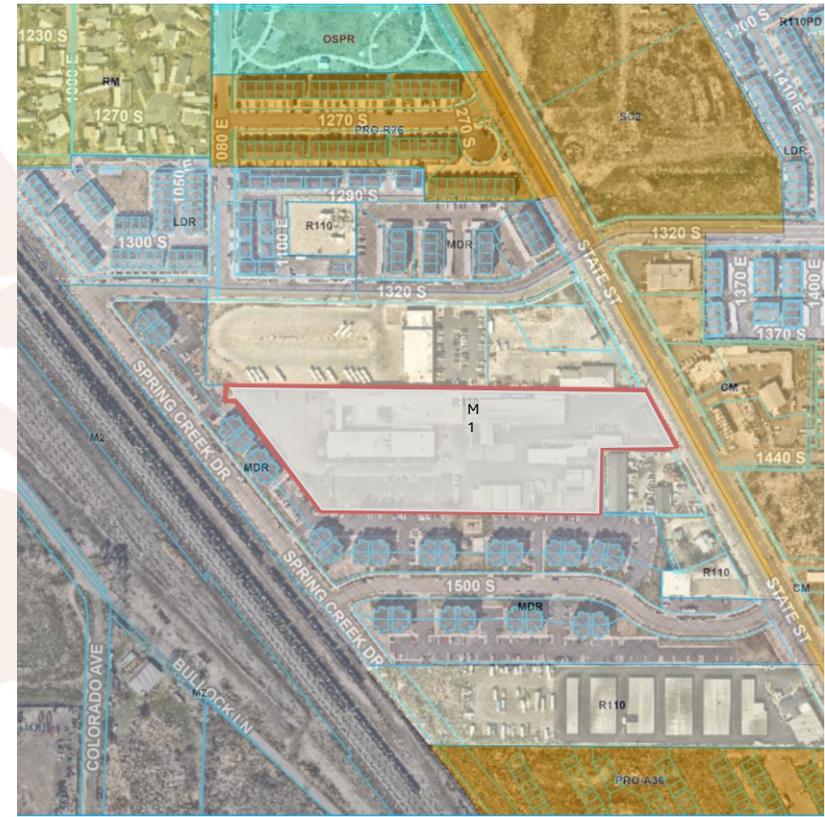
1400 S State



2016 Zone Map



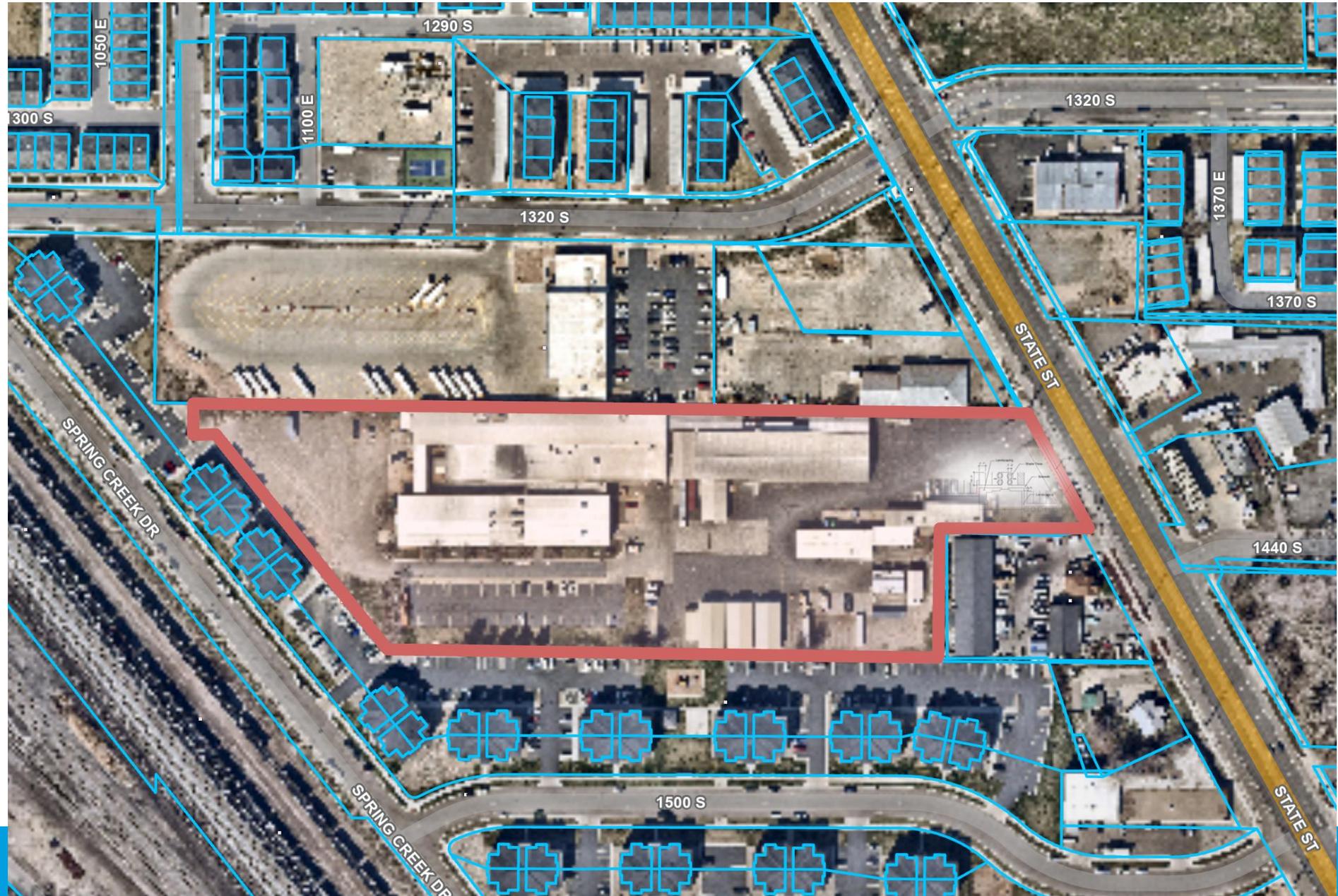
Current Zone Map



Proposed Zone Map

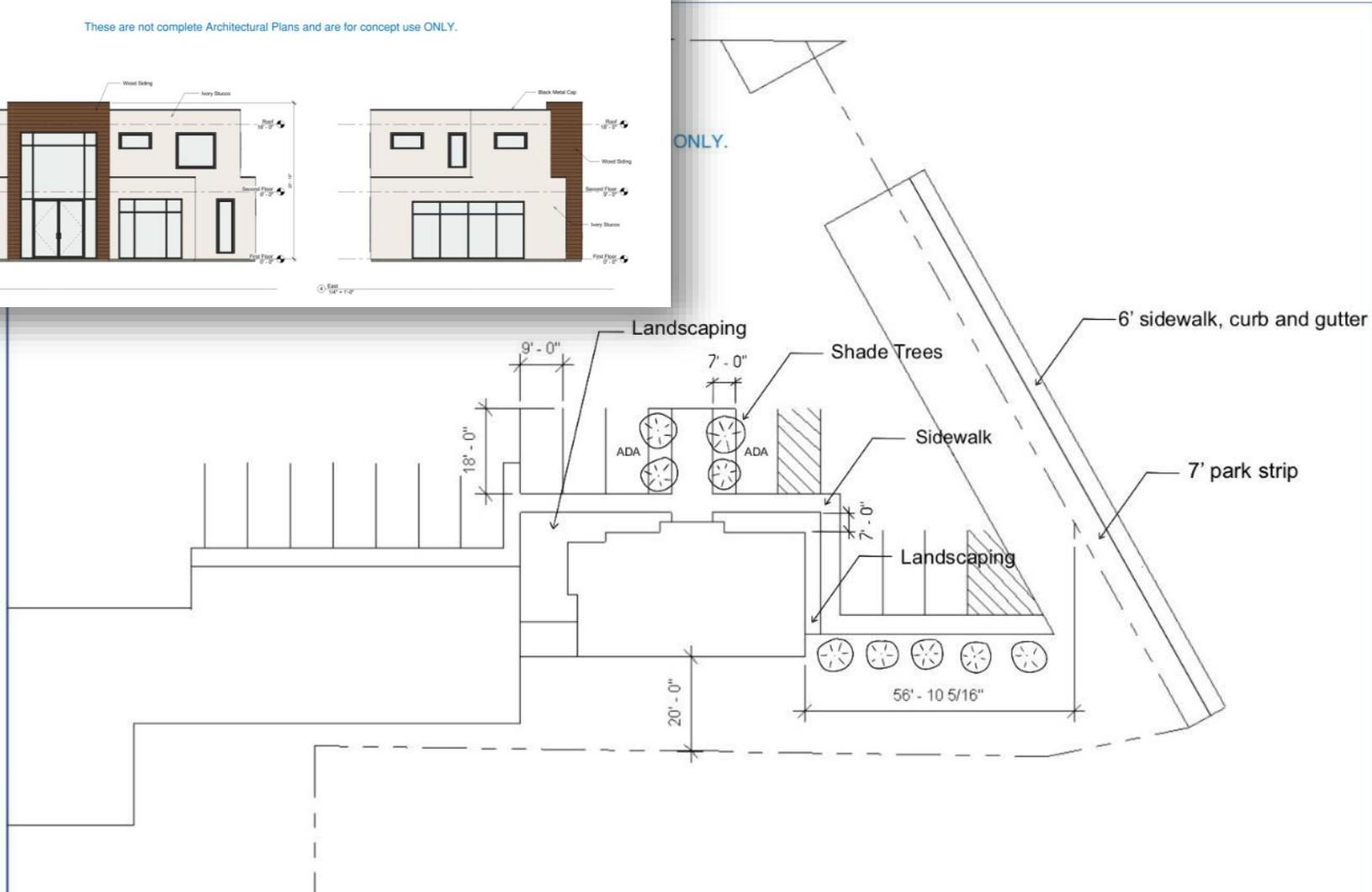
1400 S State

- Request: Zone Change back to M1 Zone
- Concept: Build additional office space adjacent to State Street



1400 S State

- Request: Zone Change back to M1 Zone
- Concept: Build additional office space adjacent to State Street
- Increased landscaping / parking
- Improved right-of-way



APPLICANT SLIDES

ProSteel Supply Company

Providing Protection and Peace of Mind Since 1947





About ProSteel

Provo Steel & Supply Company was founded in 1947 by F.L. Shurtliff, who envisioned a quality metalworking shop that could serve Utah's construction industry.

In the early 1960s, the renamed ProSteel Supply Company was fortunate to land a contract with the iconic Tropicana Hotel and Casino in Las Vegas, Nevada. The contract catapulted the company to a major supplier of structural steel products.

In February of 1977, ProSteel began manufacturing gun safes. They established a dealer network, selling their safes throughout the United States. The demand for these safes quickly consumed the company's entire manufacturing capacity.

Browning began to inquire about the possibility of marketing ProSteel Security Safes through their dealer network, and in January 1983, they contracted with ProSteel to become their exclusive safe supplier.

Today, ProSteel Security Products Inc. produces Browning Safes, TheftGard Safes, ProSteel Home Safes and Home Safe Deluxe, HSC (High-Security Containers), and Vanguard Doors. We combine quality construction, proprietary technology, and patented interior designs that elevate them above the competition in residential safes, high-security containers, vault doors, and security doors—giving you peace of mind.



ProSteel

Rezone Proposal

We are expanding, and we want to take Provo with us.

ProSteel is proposing the construction of a new office building that will include new offices, a conference room and a show room to showcase our top notch products.

Thank
You



Provo City Planning Commission

Report of Action

July 09, 2025

***ITEM 5** Nicole Anderson requests a Zone Map Amendment from the R1.10 (One Family Residential) Zone to the M1 (Light Manufacturing) Zone in order to add a new office building to an existing manufacturing site, located at 1400 S State St. Spring Creek Neighborhood. Aaron Ardmore (801) 852-6404
aardmore@provo.gov PLRZ20250222

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 09, 2025:

RECOMMENDED APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Anne Allen

Second By: Andrew South

Votes in Favor of Motion: Anne Allen, Andrew South, Melissa Kendall, Barbara DeSoto, Daniel Gonzales, Jonathon Hill
Melissa Kendall 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.

RELATED ACTIONS

Planning Commission approved the related concept plan (PLCP20250229, July 9, 2025 meeting, Item 4).

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 Planning Commission questions regarding the uses on the property, and the history of the zone changes on the property.

CITY DEPARTMENTAL ISSUES

- Issues raised by other departments – addressed in Staff Report to Planning Commission, to be addressed with the future Project Plan application.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting is scheduled for 08/12/2025.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or did not address the Planning Commission during the hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

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:

- Tana commented on the nature and uses of the area.

APPLICANT RESPONSE

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

- Nicole Anderson gave a brief history of ProSteel and an overview of the proposal.
- Greg Clemenson responded to questions regarding the manufacturing facility on the property.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Gonzales inquired about the ability/need of the manufacturing use to expand on the site.
- The Commission discussed their appreciation for the longevity of the business at this property and were encouraged that this proposal would improve the frontage and look along the street. They aren't intensifying the manufacturing use on the property; the office expansion is seen as a positive improvement and requires the zone change to allow it to happen.



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

***ITEM 5** Nicole Anderson requests a Zone Map Amendment from the R1.10 (One Family Residential) Zone to the M1 (Light Manufacturing) Zone in order to add a new office building to an existing manufacturing site, located at 1400 S State St. Spring Creek Neighborhood. Aaron Ardmore (801) 852-6404 aardmore@provo.gov PLRZ20250222

<p>Applicant: DHCO PROPERTIES LLC; Nicole Anderson</p> <p>Staff Coordinator: Aaron Ardmore</p> <p>Property Owner: DHCO PROPERTIES LLC</p> <p>Parcel ID#: 49:898:0001</p> <p>Acreage: 6.48</p> <p>Number of Lots: 1</p> <p><u>ALTERNATIVE ACTIONS</u></p> <ol style="list-style-type: none"> Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is August 13th, 2025, at 6:00 P.M.</i> Recommend Denial of the requested zone map amendment. <i>This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should <u>state new findings.</u></i> 	<p>Current Legal Use: The property is occupied by ProSteel Security Products, which includes manufacturing and warehousing of steel products, with associated office spaces.</p> <p>Relevant History: ProSteel has occupied the property for decades and had previously been in the M1 Zone. City Council action in 2017 (17-0007R) rezoned all of the M1 areas west of South State Street to R1.10 to prevent new industrial development, an outcome of the goals in the Southeast Neighborhoods Plan.</p> <p>Neighborhood Issues: This item is scheduled for the August 12th District 2 agenda. Staff have not received any feedback at the time of this report.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none"> The property has been operating the same way for decades. The R1 zoning makes their use legal, nonconforming; restricting any additions to the office space. The requested zone change puts the property back into the M1 Zone to allow for an office expansion. <p>Staff Recommendation: That the Planning Commission recommends approval of the proposed zone map amendment to the City Council.</p>
--	---

OVERVIEW

Property owners at 1400 South State Street are requesting a zone map amendment from the R1.10 Zone to the M1 Zone in order to build additional office space on the ProSteel campus.

Understanding the history of the zoning on this property is important to this request. From the 1940's until 2017, this property was under the M1 Zone. ProSteel started operations at the site in 1947 and have been in operation continuously. When the Southeast Neighborhoods Plan was adopted by the City Council in 2016 it included goals of incentivizing multi-family housing on the west side of South State Street as a strategy to both relieve the housing pressure in the single-family neighborhoods to the east and to restrict incompatible industrial uses in this corridor. Then, in 2017, as an implementation step of the Southeast Neighborhoods Plan, staff brought forward a rezone request for all the M1 properties west of South State Street to be zoned MDR (Medium Density Residential). However, through the Planning Commission and City Council hearings, that zone change was amended to the R1 Zone in order to allow the City Council to review each individual multi-family housing proposal. Since that rezone took place, a majority of the area has been rezoned to different multi-family zones, with the subject property being one of the remaining R1 pieces.

Having ProSteel operate as a legal, nonconforming use in a R1 Zone restricts the use from "expansion or alteration" per Provo City Code 14.36.040 and would not allow the business to grow.

The surrounding uses and zones include industrial to the east and north within the R1 Zone, and a multi-family housing development to the west and south within the MDR Zone.

STAFF ANALYSIS

Staff believe that the goals and intent of the Southeast Neighborhoods Plan have mostly been met for this area and continuing to have the restrictive R1 Zone on a thriving Provo business would adversely impact the owner and the city. The zone change proposed does not create any new industrial uses but would allow for an attractive office addition for a valued community business.

Further analysis regarding the zone change in relation to the General Plan, per Provo City Code 14.02.020 is below: (staff responses in bold)

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.

Staff Response: The applicant states the zone change would allow for “continued growth and operations of ProSteel Security Product Inc., a long-standing and successful business headquartered in Provo” and goes on to state, “Retaining and supporting this business is crucial to maintaining high-quality employment and commercial activity in the area.” Staff agree with the above purposes and believe that there are strong economic development purposes for the amendment in question.

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

Staff Response: Staff believe that the proposed M1 Zone is the best way to achieve the above purposes, and that returning to the zone they had previously will enable the business to stay in Provo and grow as needed.

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

Staff Response: The proposed amendment is compatible with goals in Chapter 5 of the General Plan, specifically 1a to “Explore implementing strategic investments to attract new businesses while continuing to support growth of local businesses.”

(d) Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated.

Staff Response: There are no timing and sequencing issues related to this request.

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

Staff Response: There should be no obstruction of reaching the General Plan’s articulated policies with this request.

(f) Adverse impacts on adjacent landowners.

Staff Response: The surrounding area includes industrial uses to the east and north, and a multi-family housing development to the south. Because

the use has already been established, staff do not believe that a small office addition would adversely impact any of the adjacent landowners.

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

Staff Response: Staff have verified the zoning and General Plan designations are correct.

(h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.

Staff Response: The policies of the General Plan take precedence in this case. The importance of retaining quality businesses in the policies of the General Plan outweigh the “residential” designation of the land within the General Plan map.

APPLICABLE ZONING CODES

M1 Zone – Provo City Code 14.27

Nonconforming Uses – Provo City Code 14.36.040

CONCLUSIONS

Staff are in full support of the proposed zone change to support the retention and growth of local businesses and jobs in Provo.

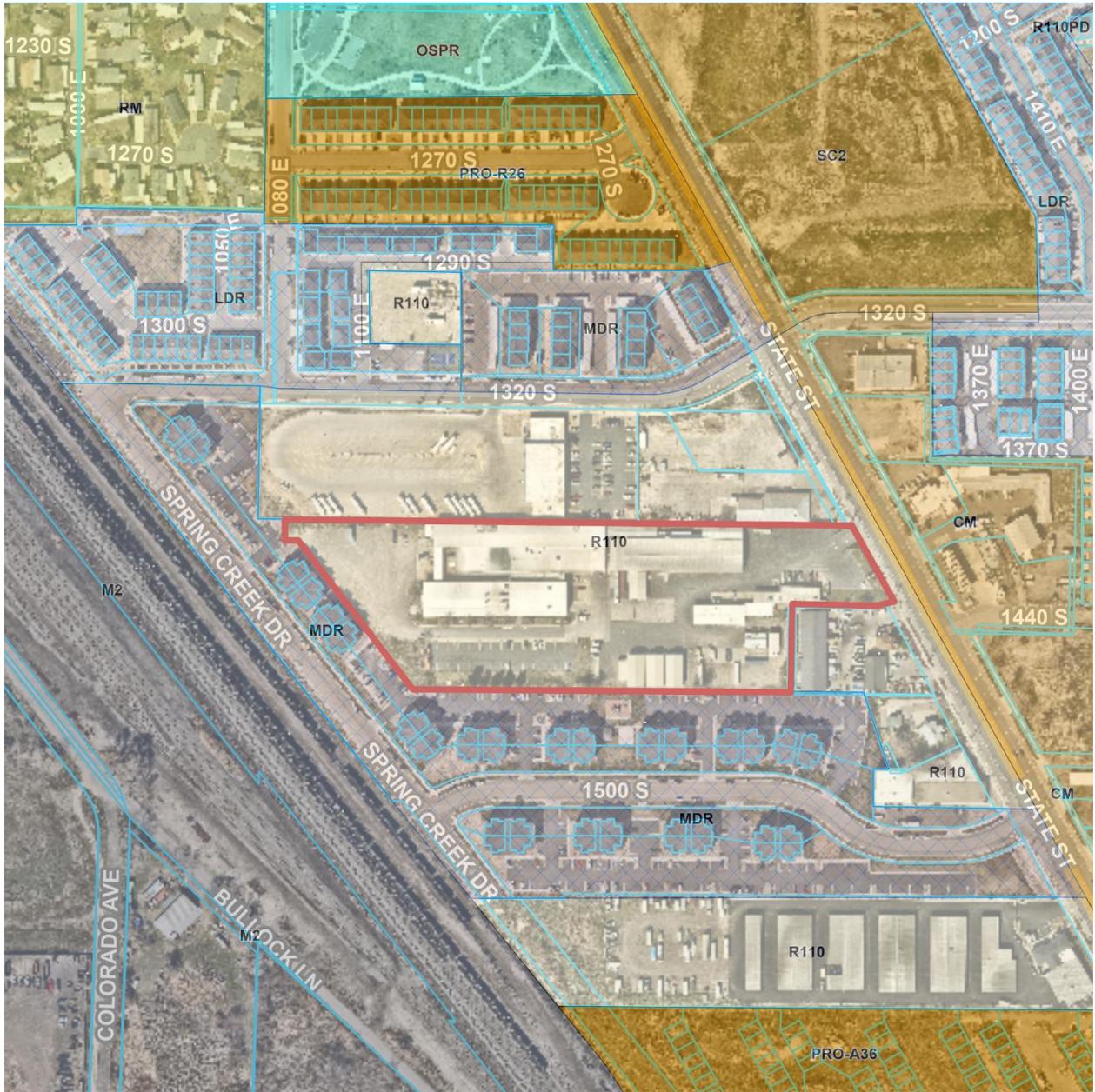
ATTACHMENTS

1. Property Map
2. Zone Map
3. General Plan Map
4. Concept Site Plan
5. Applicant Rezone Written Description

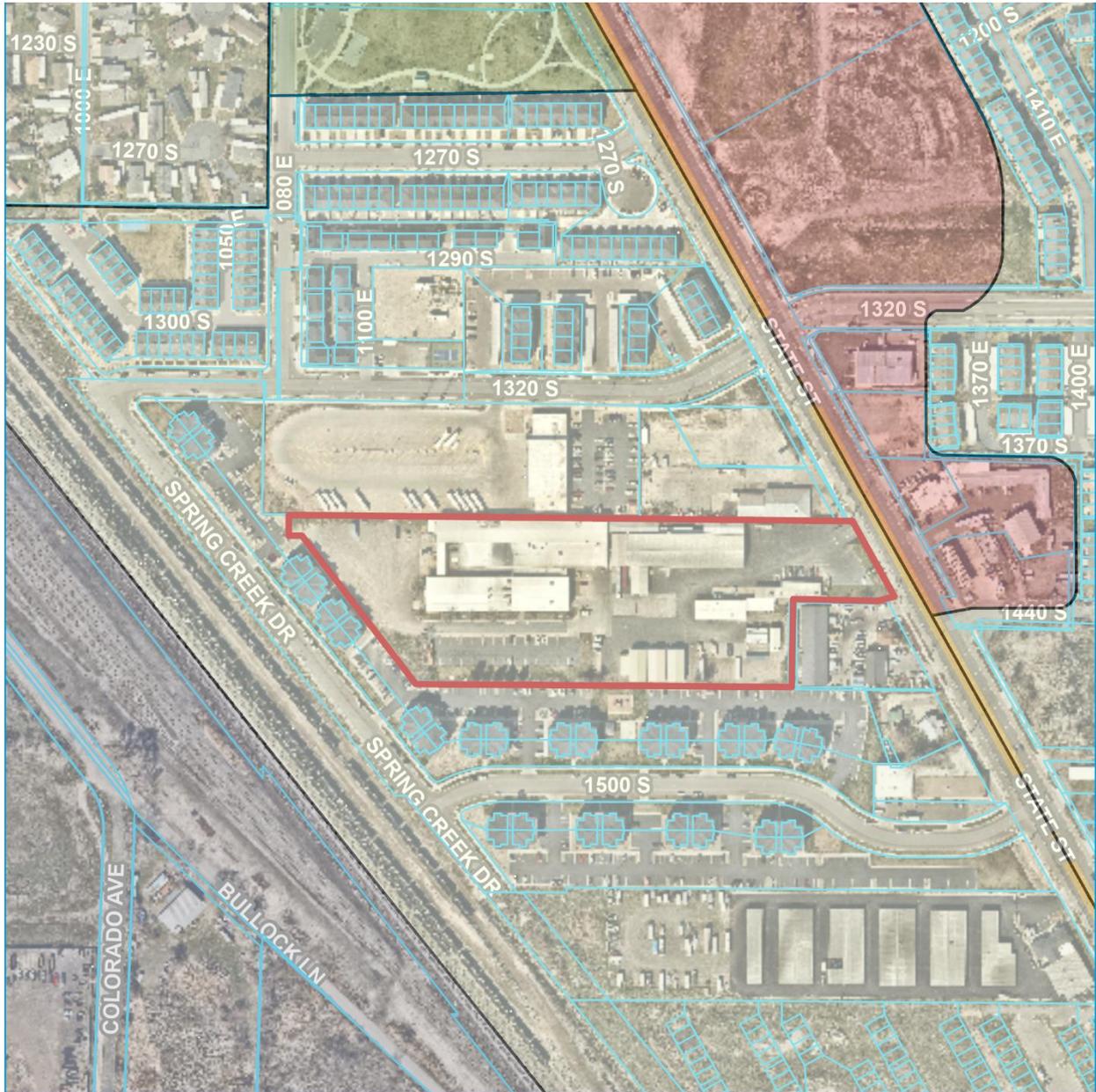
ATTACHMENT 1 – PROPERTY MAP



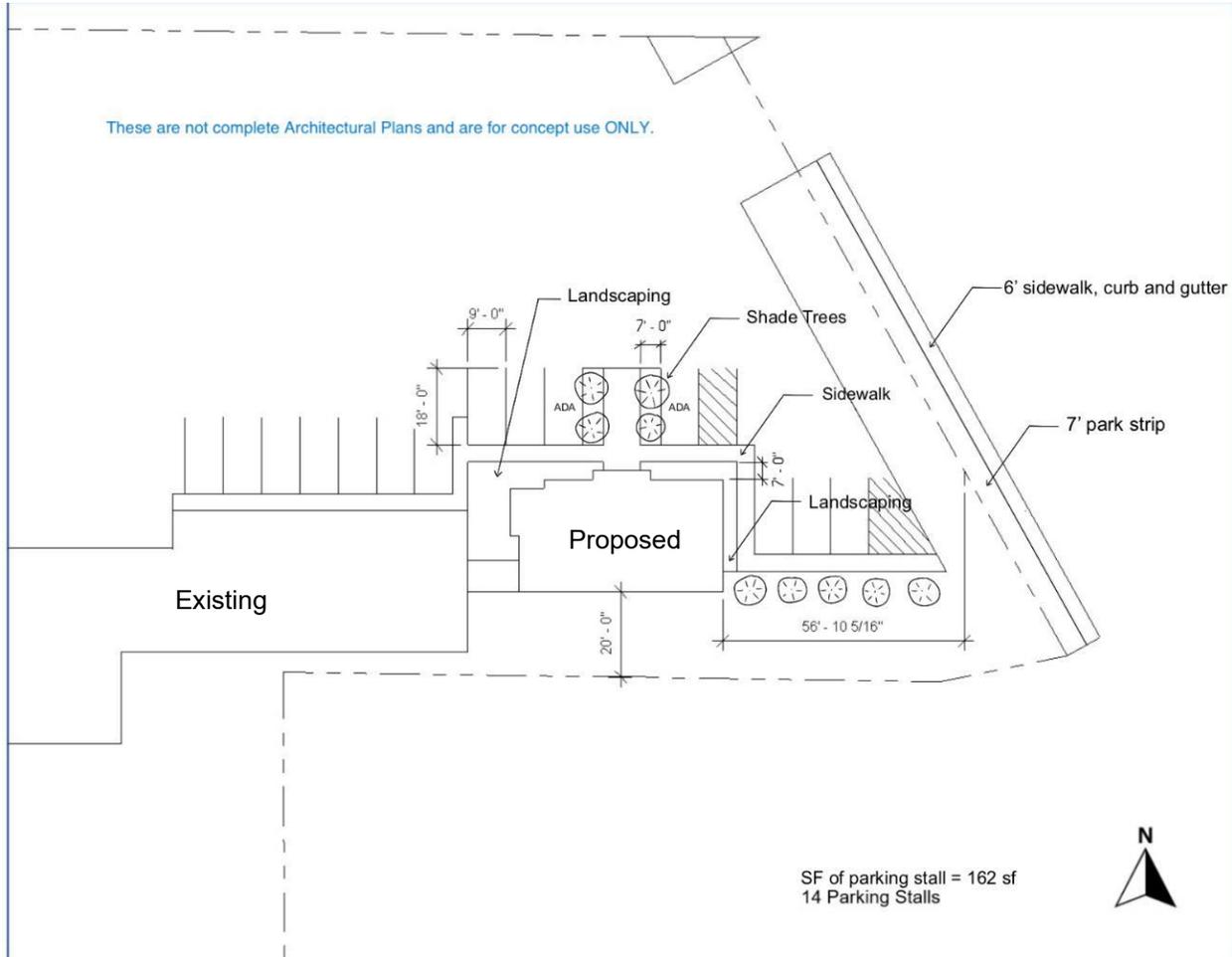
ATTACHMENT 2 – ZONE MAP



ATTACHMENT 3 – GENERAL PLAN MAP



ATTACHMENT 4 – CONCEPT SITE PLAN



ATTACHMENT 5 – APPLICANT REZONE WRITTEN DESCRIPTION

Rezone Written Description

Request

We respectfully petition the Provo City Council to approve a zone change from R110 to M11 for the above-referenced property. This change would allow the construction of a new office building to support the continued growth and operations of ProSteel Security Product Inc., a long-standing and successful business headquartered in Provo.

Justification for Zone Change

Support for Local Business: The property is the operational hub for a highly successful safe manufacturing company that has made contributions to Provo's economy. Retaining and supporting this business is crucial to maintaining high-quality employment and commercial activity in the area.

Historical Land Use: For many years, the property has been used for commercial and industrial purposes, including multiple warehouses and an existing office building. The recent zoning designation as residential was inconsistent with the property's historical and functional use. This change was made against the recommendation of the Planning Commission and under a previous City Council.

Compatibility with Surrounding Uses: The surrounding area already includes industrial and commercial activity, making the proposed zone change compatible with adjacent land uses. The construction of an additional office building would not introduce new or conflicting uses to the neighborhood.

Efficient Use of Land: Allowing additional office development on the site will optimize land that is already developed and serviced by existing infrastructure, avoiding unnecessary sprawl and maximizing the economic utility of the site.

Conformance with the Provo City General Plan

The proposed zone change aligns with the goals and policies of the Provo City General Plan, particularly in the following ways:

Economic Development: The General Plan encourages the retention and expansion of existing businesses that provide stable, long-term employment opportunities. Approving this zone change directly supports this objective by enabling a key employer to grow within city limits.

Land Use Compatibility: The plan supports logical land use transitions and the development of properties in ways that are harmonious with surrounding uses. Restoring the commercial zone to this property aligns with both historical land use and current development patterns in the area.

Smart Growth and Redevelopment: The Plan encourages infill development and redevelopment in established areas where infrastructure already exists. The proposed office expansion represents smart, sustainable growth that avoids the need for additional infrastructure investment.

Conclusion

We believe the proposed zone change is both reasonable and necessary to support the continued success of a valued local business, ensure consistent land use policy, and advance the objectives of the Provo City General Plan. We respectfully request that the Planning Commission and City Council approve this petition and restore the property's zoning designation to Commercial.

Respectfully submitted,

Greg Clements
VP of Finance
gclements@prosteel.us