



PROVO MUNICIPAL COUNCIL

Work Meeting

12:45 PM, Tuesday, October 06, 2026
Provo Peaks Conference Room (Room 110)
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/provocouncil](https://www.facebook.com/provocouncil). 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 listen to the meeting by phone: October 06 Work Meeting: Dial 346-248-7799. Enter Meeting ID 893 1627 6934 and press #. When asked for a participant ID, press #.

Agenda

Roll Call

Approval of Minutes

September 22, 2026 Work Meeting

Business

- 1 A presentation and discussion regarding MAG's long-range transportation plan (26-055)
- 2 An appropriation of up to \$50,000 in the General Fund and an associated transfer to fund a Traffic Electronics Specialist position (26-078)
- 3 A discussion regarding an exemption for toy bows and arrows in Provo parks (26-074)
- 4 A discussion regarding the Center Street Redesign (26-079)
- 5 A presentation on alcohol retailing in Provo's downtown (26-019)
- 6 A discussion regarding the Provo Towne Centre Mall redevelopment (26-023)
- 7 A discussion regarding Epic Sports Park commercial development (26-075)
- 8 An ordinance amending city standards for access to new development.
(PLOTA20260344)

- 9 An ordinance amending the zone map classification of real property, generally located at 985 W 300 S, from the Light Manufacturing (M1) and Residential Conservation (RC) zones to the Medium Density Residential (MDR) zone. (PLRZ20260213)
- 10 An ordinance amending the zone map classification of real property, generally located at 313 E 200 N, from the Residential Conservation (RC) Zone to the High Density Residential (HDR) Zone. Joaquin Neighborhood. (PLRZ20250330)

Closed Meeting

The Municipal Council or the Governing Board of the Redevelopment Agency will consider a motion to close the meeting for the purposes of holding a strategy session to discuss pending or reasonably imminent litigation, and/or to discuss the purchase, sale, exchange, or lease of real property, and/or the character, professional competence, or physical or mental health of an individual in conformance with 52-4-204 and 52-4-205 et. seq., Utah Code.

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.

The next Work Meeting will be held on Tuesday, October 20, 2026. 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.

Please note: These minutes have been prepared with a timestamp linking the agenda items to the video discussion.



PROVO MUNICIPAL COUNCIL

Work Meeting Minutes

1:30 PM | September 22, 2026

Provo Peaks Conference Room (110)

445 W. Center Street, Provo, UT 84601

Roll Call

Council Chair Katrice MacKay, conducting
Council Vice-Chair Craig Christensen (excused)
Councilor Gary Garrett
Councilor Jeff Whitlock
Councilor Becky Bogdin
Councilor Travis Hoban
Councilor Rachel Whipple
Mayor Marsha Judkins

Approval of Minutes

September 8, 2026 Work Meeting

Approved by unanimous consent

Business

1. A presentation regarding Community Action Services and Food Bank (26-007) [00:04:51](#)

Jessica Miller, Chief Impact Officer for Community Action Services and Food Bank, presented findings from the organization's 2025 Community Needs Assessment and gave an overview of services provided to Provo residents. She reported that the three primary community need areas identified were housing insecurity and lack of affordable housing, the income gap and rising cost of living, and food insecurity. She stated that home prices, interest rates, rents, and foreclosures had all increased, and that homelessness remained significantly above prior levels despite a slight decrease from 2025 to 2026. She also reported that living wages were not keeping pace with average wages and that food insecurity and food pantry usage had risen substantially.

Miller reported that Community Action Services served 8,875 unduplicated Provo residents in the prior year and that 98 percent of those households received a service in addition to food assistance. In response to questions, she said the Circles program in Provo would begin a new cohort within a few weeks and that staff continued to seek funding to sustain and expand the program. She explained that the point-in-time homeless count is coordinated through HUD, conducted over several days in January, and carried out statewide and nationwide. In response to questions about food bank capacity, she stated that need continued to rise faster than donations, though the organization had continued to meet demand by adjusting distribution limits and

relying on community partnerships and donations. She encouraged donations of food, money, and volunteer time, and highlighted ongoing Hunger Action Month efforts and the organization's annual fundraiser.

2. A presentation on sales tax distribution (26-070) [00:21:38](#)

Budget Officer Kelsey Zarbock presented an overview of how municipal local option sales tax is distributed and how that affects Provo's general fund. Staff explained that of each \$1.00 in local use sales tax generated from a purchase, \$0.50 remains with the point-of-sale city and \$0.50 goes into a statewide municipal pool that is redistributed based on population. Staff stated that, of the pooled portion, Provo receives only its population-based share back, resulting in approximately \$0.5165 of each \$1.00 in local use sales tax generated in Provo remaining with the City.

Staff reported that in Fiscal Year 2026 Provo received about \$30 million in sales tax revenue, with approximately 39 percent derived from point-of-sale activity in Provo and 61 percent derived from population allocation. Staff emphasized that Provo is heavily dependent on sales tax revenue and particularly on the population-based share. Council discussion focused on the distinction between point-of-sale and population-based distributions, Provo's relative position compared to other cities, and the policy importance of retail and other taxable economic activity within city limits. Staff also reviewed several sales tax examples and exemptions, including online purchases, textbooks, admissions, food taxation, digital products, and nontaxable professional services.

3. A resolution approving unspent Fiscal Year 2026 budget items to be carried over to the fiscal year ending June 30, 2027. (26-001) [00:37:37](#)

Staff presented the annual carryover process for unspent and encumbered Fiscal Year 2026 budget items requested by departments for completion in Fiscal Year 2027. Staff explained that year-end carryovers reflect differences between adopted budgets and actual expenditures, including delayed projects, unmet timing needs, and unanticipated changes during the fiscal year. Councilors indicated that the materials were clear and that they did not have questions. Staff stated the item would return for formal action at the evening meeting.

4. An ordinance amending downtown standards and regulations. (26-071) [00:49:31](#)

Policy Analyst Tanner Taguchi presented proposed amendments addressing downtown construction standards and business regulations, with the stated goal of increasing downtown vitality. He explained that the proposals related to building height, average dwelling unit size, amenity requirements, A-frame signs, and sidewalk café regulations, and that any zoning changes would be incorporated through the zoning rewrite rather than advanced separately.

Discussion on building height focused on whether to increase allowed heights in downtown zones and whether to retain incentives for owner-occupied units. Councilors discussed the importance of downtown residential growth, the challenges of financing for-sale condominium projects, and the need to preserve attractive street-level design through required step-backs.

Some Councilors expressed interest in maintaining owner-occupancy incentives, while others emphasized the need to remove barriers to redevelopment and increase housing options downtown.

Discussion on average dwelling unit size centered on whether to remove the current 800-square-foot average unit requirement while retaining the 500-square-foot minimum unit size. Councilors discussed whether smaller units would better support downtown density, provide housing options for singles and couples, and support downtown businesses, while also raising concerns about long-term housing quality and excessive concentration of smaller rental units.

Councilor Whitlock moved to remove the average dwelling unit size requirement and retain a 500-square-foot minimum in the applicable downtown zones. Councilor Whipple seconded the motion. The motion passed 4-2. (Councilors MacKay and Bogdin opposed; Councilor Christensen excused)

Discussion continued on other proposed amendments, including amenity space reductions, A-frame sign clearance, and sidewalk café standards. Councilors and staff discussed accessibility, safety, streetscape design, code enforceability, outdoor dining, and maintenance concerns. Questions were raised about impacts on snow removal and public space maintenance. No additional formal direction was finalized on those items, and Council indicated that further review with Parks and Recreation staff was needed before continuing the discussion.

5. An ordinance amending the zone map classification of real property, generally located at 1878 North Geneva Road, from the One-Family Residential (R1.20) zone to the Specific Development Plan - Lakeview Fields (SDP4) zone. (PLRZ20260298) [02:09:54](#)

Planner Dustin Wright presented the proposed rezone. Council indicated that members had reviewed the packet materials and did not have questions. No additional discussion occurred.

6. An ordinance amending the zone map classification of real property, generally located at 3998 North 300 West, from the One-Family Residential (R1.10) to the One-Family Residential (R1.8) zone. Riverbottoms Neighborhood. (PLRZ20260387) [02:10:47](#)

Planner Jessica Dahneke presented the proposed residential-to-residential rezone in the Riverbottoms Neighborhood. Council indicated that members had reviewed the packet materials and did not have questions. No additional discussion occurred.

7. An Ordinance Amending Provo City Code 7.01.050 (26-069) [02:11:21](#)

Police officer Brandon Hutchinson presented a proposed amendment to the nuisance abatement code to make it unlawful to remain in or permit others to remain in a condemned building, subject to limited exceptions for authorized mitigation or repair work. The presenter explained

that current enforcement tools are limited when a property owner allows occupancy in a condemned structure, because trespass laws do not apply where permission has been granted.

Council discussion focused on the condemnation process, property rights, enforcement limitations, and whether criminal penalties were appropriate. Staff explained that condemnation decisions are made under existing health, safety, and building authority, and that the proposal would not expand the grounds for condemnation but would create a more effective enforcement mechanism. Examples were discussed involving unsafe structures, nuisance impacts on neighboring properties, and prolonged civil processes that can delay abatement. Councilors also raised concerns about criminalizing occupancy in one's own property and about how the proposal could affect vulnerable individuals.

8. An ordinance amending Provo City Code 14.34.290 to add the Provo River Design Corridor. (PLOT A20260371) [02:33:10](#)

Council reviewed proposed Council modifications to the Provo River Design Corridor that had previously been recommended for approval by the Planning Commission. Staff explained that the working group's preferred approach was a hybrid model that would include both amendments to the design corridor standards and creation of a high-use node overlay to require Council approval for certain development activity within 100 feet of the river in designated high-use areas.

Council discussed several specific amendments. Members supported allowing lawn and grass in low-use nodes and allowing gathering-space type lawn areas without a fixed cap in high-use settings, while ensuring that artificial turf would not be inadvertently permitted. Council also supported adding clearer language regarding tree and vegetation removal, updating lighting language to conform with recently adopted dark-sky standards, and including language encouraging trail connections and alignment with parks and river corridor improvements. Staff noted that the overlay approach would require Planning Commission review before returning to the Council and that the changes would likely be incorporated through the zoning rewrite process.

Council then indicated support for the additional discussed design corridor amendments and for creation of the high-use node overlay to move forward through the zoning rewrite and Planning Commission process, with staff to continue refining the language.

Closed Meeting

Councilor Whitlock moved to close the meeting to discuss the character and competency of an individual/s and to discuss the deployment of security personnel and/or devices. Councilor Whipple seconded the motion. The motion passed 5-0. (Councilors Christensen and Hoban excused).

Adjournment

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: ENAIR
Presenter: LaNiece Davenport, MPO Director for MAG and Jared Lillywhite, Transportation Modeler for MAG
Department: Council
Meeting Date: 10/6/2026
Requested Duration (Minutes): 60 minutes
CityView or Issue File Number: 26-055

SUBJECT: 1 A presentation and discussion regarding MAG's long-range transportation plan (26-055)

ADMINISTRATIVE RECOMMENDATION: Presentation only

ADMINISTRATIVE MEMO: This presentation reviews the results of a travel demand model analysis for the 820 North corridor in support of the draft update to the MAG Regional Transportation Plan. It begins with a brief overview of travel demand modeling and performance metrics to provide context for the data. The core analysis evaluates four 2055 infrastructure scenarios that test the impacts of a potential I-15 interchange at 820 North, roadway widening, and alternative east-west neighborhood connections.

FISCAL IMPACT: None

COUNCIL STAFF MEMO:



820 North Travel Demand Model Analysis

Briefing for the Provo City Council
October 6, 2026



Agenda

01



**Travel Demand
Modeling Background**

02



Model Metrics

03



4 Model Scenarios

04



Key Takeaways



Background



What Is a Travel Demand Model (TDM)?

Regional Simulation

Simulates how people travel across an entire region.

Future Forecasting

Uses today's data to forecast tomorrow's travel demand.

Scenario Testing

Allows "what-if" testing before building infrastructure.



Input
**Land Use &
Demographics**



Process Engine
**Travel Demand
Model**



Output
**Roads, Routes &
Congestion**



How Does It Work? The Four-Step Process

1

Trip Generation

How many trips start and end in each area, based on households, jobs, and land use.

2

Trip Distribution

Where those trips go — which origin/destination pairs are connected.

3

Mode Choice

How people travel — drive alone, carpool, transit, walk, or bike.

4

Traffic Assignment

Which roads/routes trips use, based on the network and congestion.

About the Wasatch Front Travel Demand Model

- Developed and jointly maintained by WFRC and Mountainland Association of Governments (MAG).

4

Counties fully covered:
SL, Davis, Weber, Utah

v10

Current model version

2055

Forecast horizon

3,562

Traffic Analysis
Zones (TAZs), 140 in Provo

- Official standard tool required by state and federal agencies for:
 - Air Quality Conformity compliance with Clean Air Act
 - Federal environmental reviews under the National Environmental Policy Act (NEPA)
 - Federal Transit Administration (FTA) grant applications
 - Short and Long-term Transportation Plans

Full documentation: wfrc.utah.gov/wftdm-docs

Understanding Volume-to-Capacity (V/C) Ratio

$$V/C = \text{Traffic Volume} \div \text{Roadway Capacity}$$

- Volume: vehicles using a road segment in a given time period.
- Capacity: the max a segment can reasonably carry, based on lanes, speed, and signals.



$V/C = 0.3$



$V/C = 0.6$



$V/C = 0.95$

Below 1.0 = within capacity. At or above 1.0 = demand exceeds capacity → severe congestion.

What Does V/C Feel Like as a Driver?

	V/C Range	Level of Service	What It Feels Like
	0.0 – 0.60	A / B — Free Flow	At or near the speed limit, no delay.
	0.60 – 0.70	B / C — Light Traffic	Stable, slightly less freedom to change lanes.
	0.70 – 0.80	C — Moderate Traffic	Busier, but flow stays steady.
	0.80 – 0.90	D — Heavy Traffic	Speeds drop; longer queues at signals.
	0.90 – 1.00	E — At Capacity	Stop-and-go; any disruption backs up traffic.
	> 1.00	F — Breakdown	Demand exceeds capacity; long, unpredictable delays.

Visualizing Level of Service (LOS)

How different V/C ranges look and feel to drivers on the road.



LOS A / B: Free Flow

V/C: 0.00 – 0.60

At or near the speed limit with no delay. Drivers have complete freedom to select speeds and maneuver within traffic.



LOS C / D: Moderate Traffic

V/C: 0.60 – 0.90

Speeds begin to decline and maneuverability is restricted. Longer queues start forming at intersection signals.



LOS E / F: Breakdown

V/C: 0.90 – > 1.00

Unstable stop-and-go flow. Demand exceeds capacity. Any minor roadway disruption causes severe, unpredictable backing up.

Beyond V/C: Regional Planning Considerations

Volume-to-Capacity (V/C) is not the only metric MAG evaluates when making planning decisions.

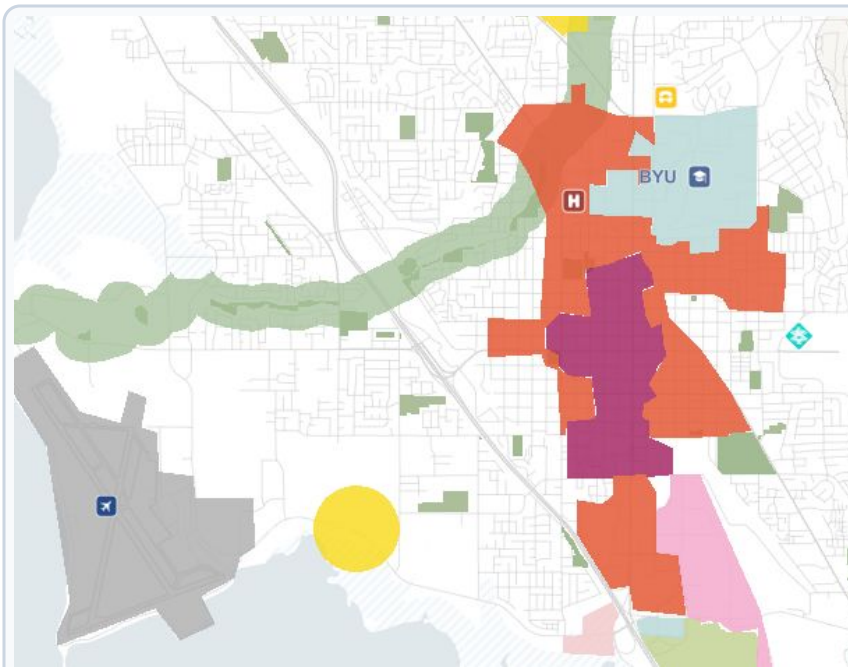
Wasatch Choice Vision (wasatchchoice.org)

- Transportation choices & multi-modal options
- Housing options & community affordability
- Parks, open spaces, & public realm
- Vibrant city & town centers development

RTP Prioritization Scoring

Estimates 8 distinct performance metrics for roadway projects:

- Safety improvements & risk reduction
- Regional growth & job accessibility
- Street "grid" completion & connectivity
- System performance & additional criteria



Provo Wasatch Choice Centers Map



Modeled Scenarios



The Four Modeled Scenarios for 2055

Scenario 01

RTP Baseline

- All roadway and transit projects from the last adopted RTP
 - 820 N widened to 5 lanes
 - I-15 Interchange at 820 North
 - Independence Ave Connection
 - Geneva Rd Improvements
- Excludes the Utah Lake bridge project

Scenario 02

No 820 N Interchange

- Same network as Scenario 1, but removes the I-15/820 North interchange

Scenario 03

No 820 N Interchange or Widening

- No 820 North interchange
- No 820 North widening

Scenario 04

New E/W Connections

- No Interchange
- No Widening
- New bridges over I-15 @ 1460 North and 500 North (without interchanges)

How We Compare the Scenarios

All four scenarios share the same land-use and demographic forecasts — only the network assumptions differ — so results are directly comparable.



Volume

Daily & peak-period traffic



V / C

By roadway segment



VMT & Delay

Vehicle Miles Traveled +
hours of delay



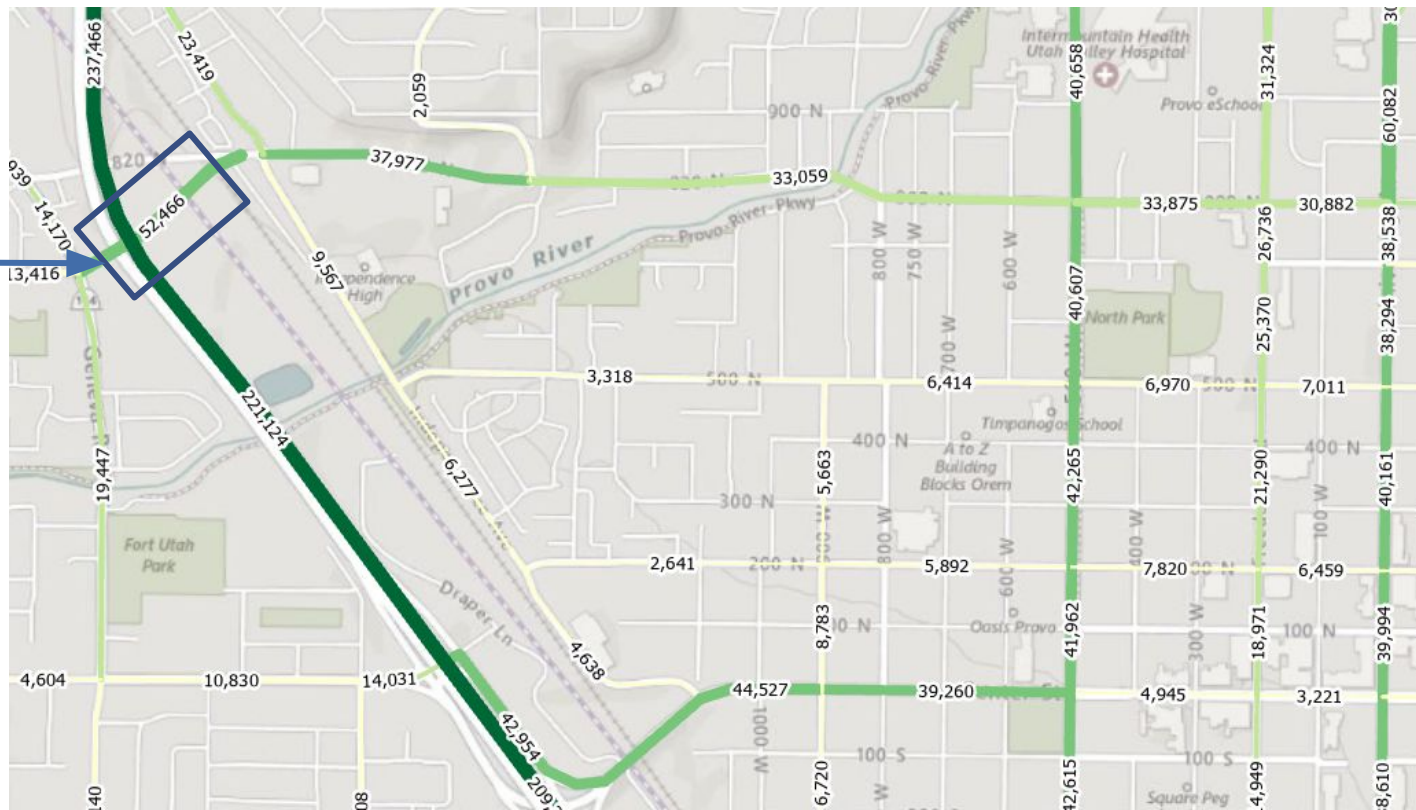
Speed

Average travel speed



Key Takeaways

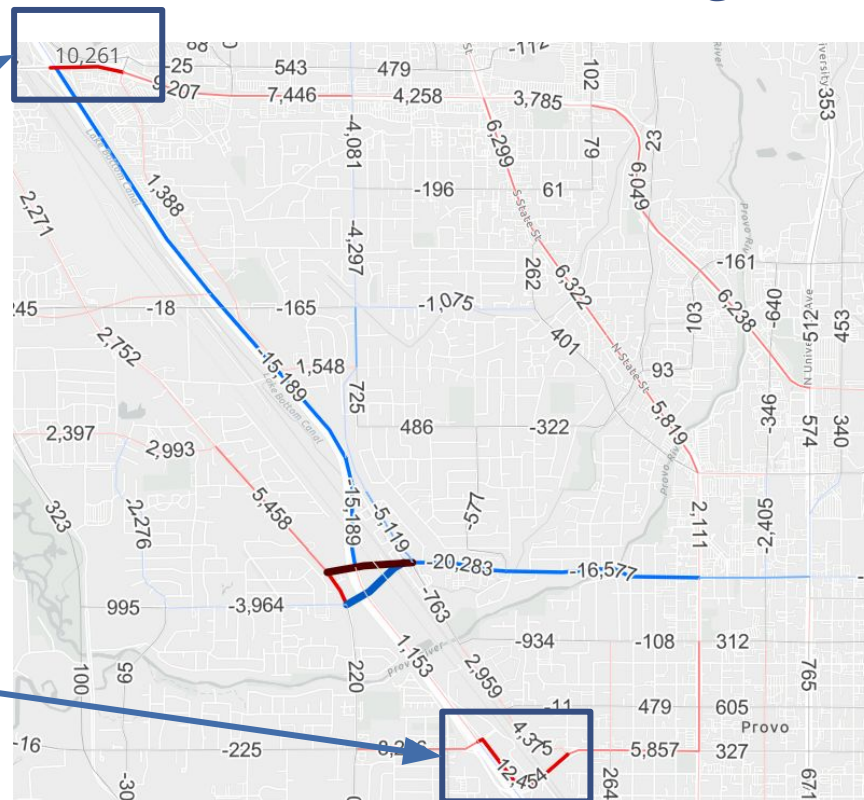
Takeaway 1 - High Projected Demand for 820 North Interchange



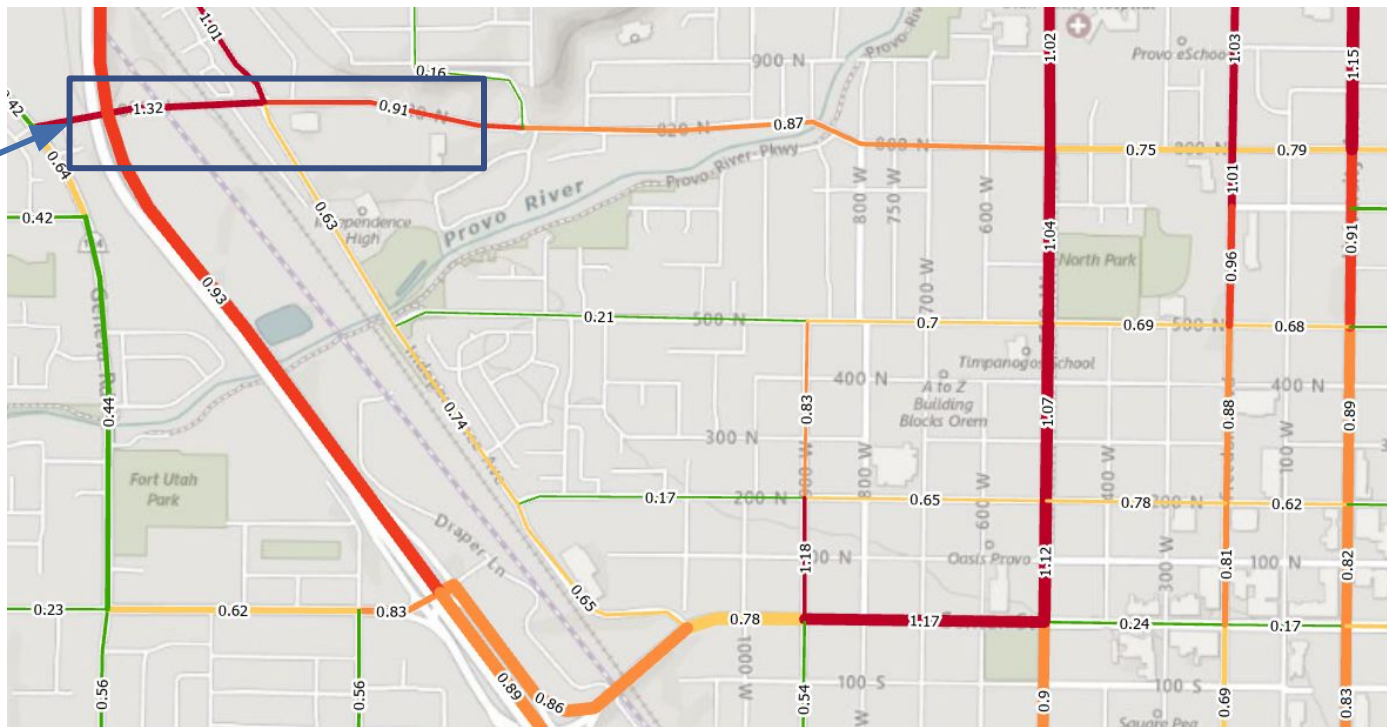
Takeaway 2 - Volume Shifts to Center St w/out Interchange

~16% growth compared to Scenario 1

~29% growth compared to Scenario 1



Demand over capacity in PM peak hour with no interchange or widening



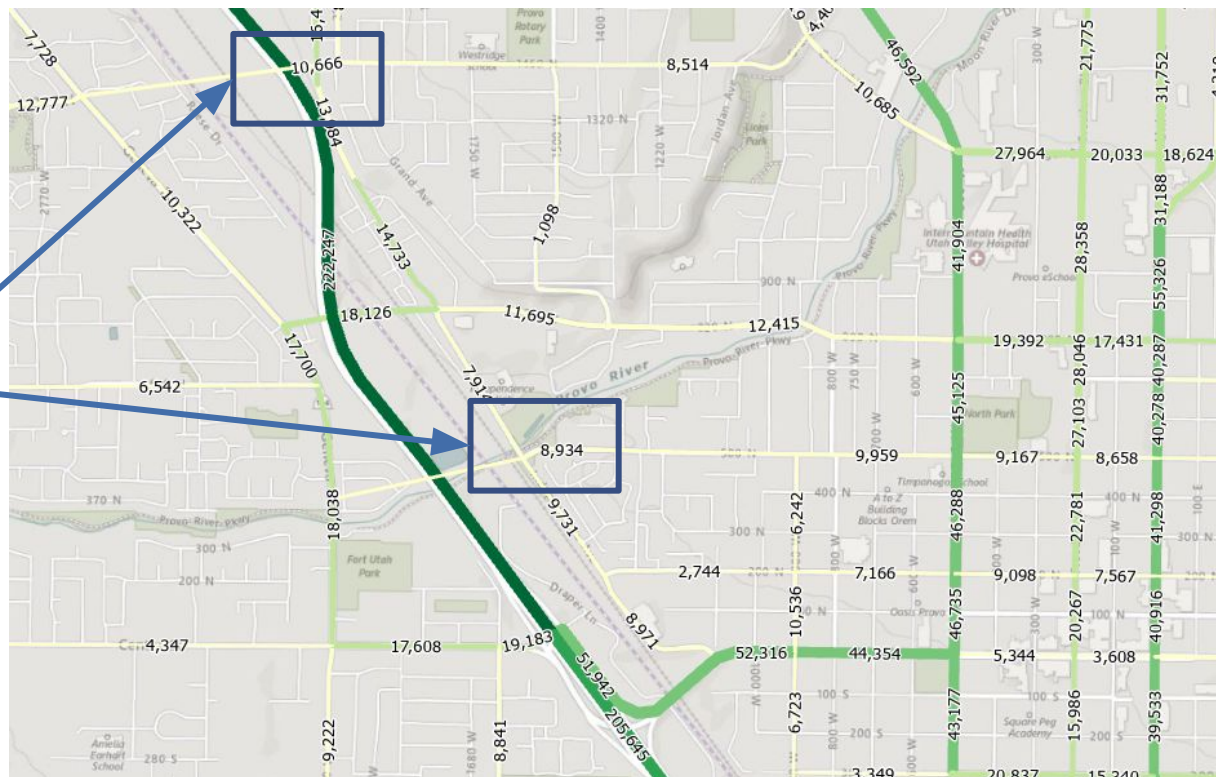


Timing

- If an interchange is not built, portions of 820 North will be at capacity by the end of Phase 1 (2036)
- If an interchange were built today, 820 North would immediately be beyond capacity

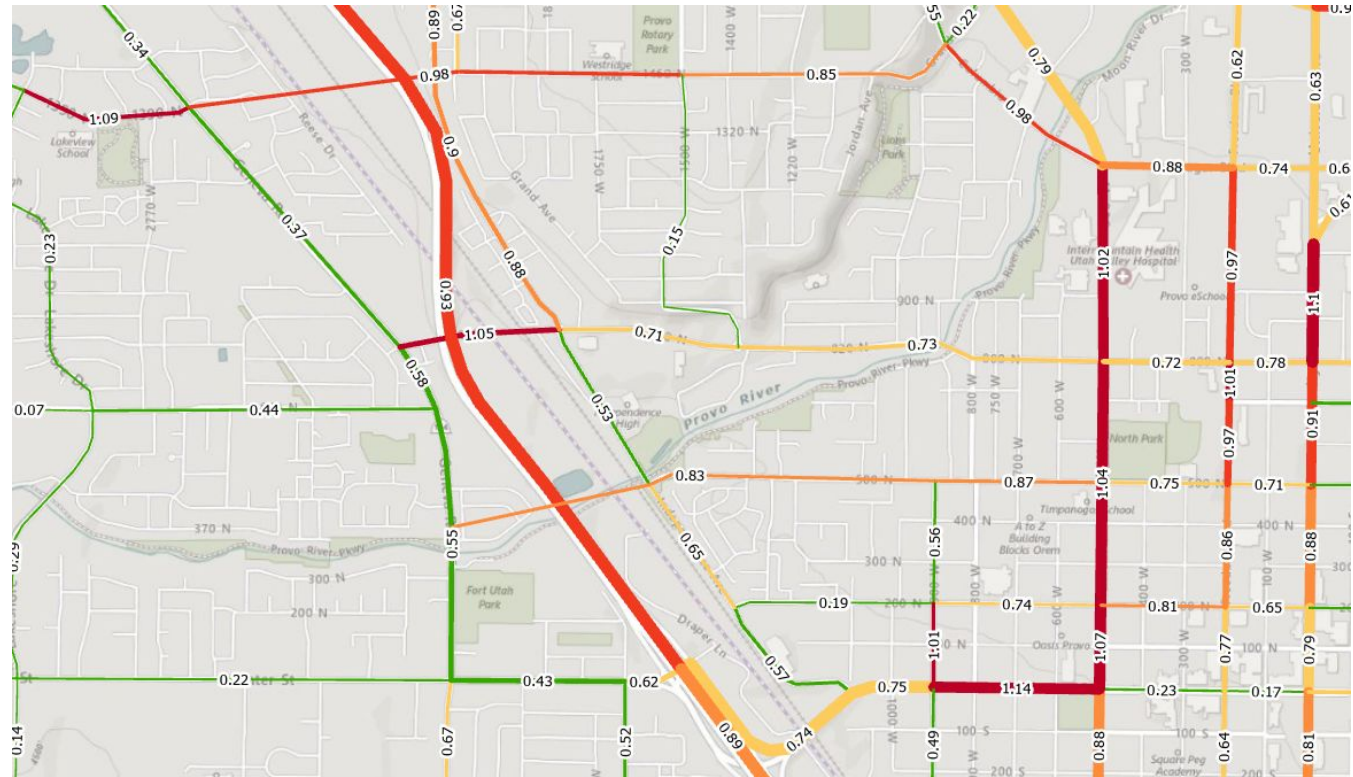
Takeaway 4 - New Connections Shift Traffic to 1460 N and 500 N

Volumes on these roads approximately triple compared to Scenario 3



Takeaway 4 - New Connections Shift Traffic to 1460 N and 500 N

Volume at or near capacity on all E/W connections in PM peak hours





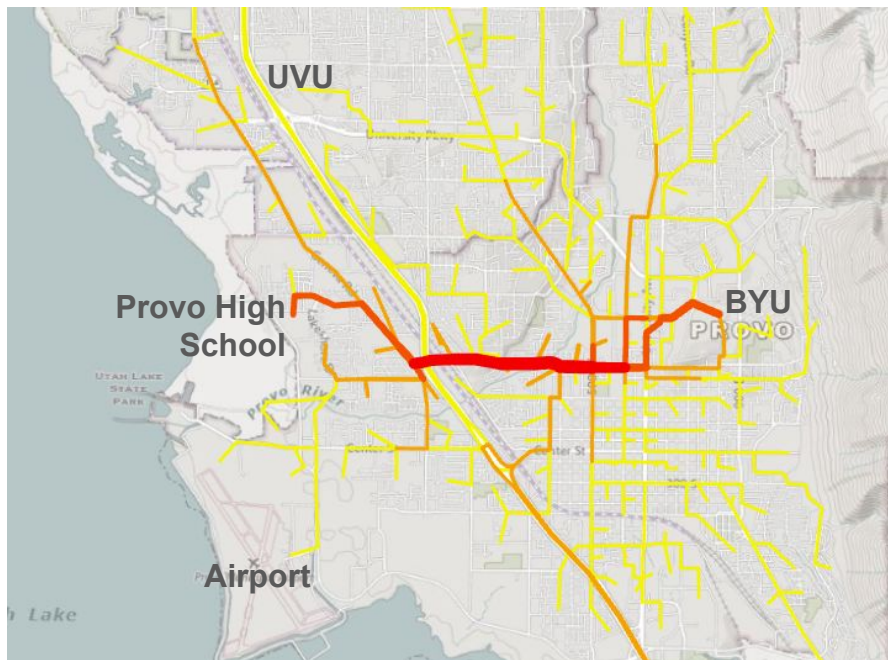
Key Takeaways

- **High Projected Demand on 820 North Interchange if built**
 - ~35-55k daily trips on 820 North near interchange in Scenario 1
- **Center Street Interchange is the most common alternative used with no 820 Interchange**
 - ~13k more trips on Center Street in Scen 2 vs Scen 1
- **Underpass section of 820 North Projected Over Capacity with no widening, with or without interchange**
 - V/C over 1 from I-15 to Independence in Scen 3
- **Extra Connections provide some relief to 820 North, while significantly increasing traffic in Grandview North and Dixon neighborhoods**
 - Both 500 N and 1460 N ~triple daily traffic

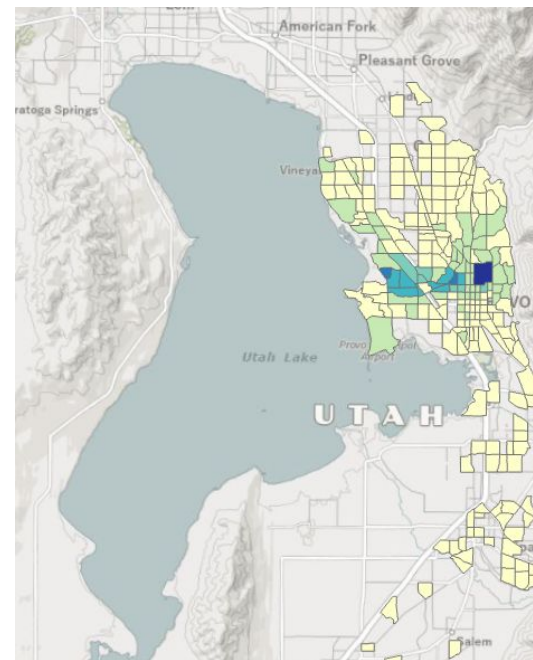


Regional Impact

Where do 820 N Trips Come From Today?

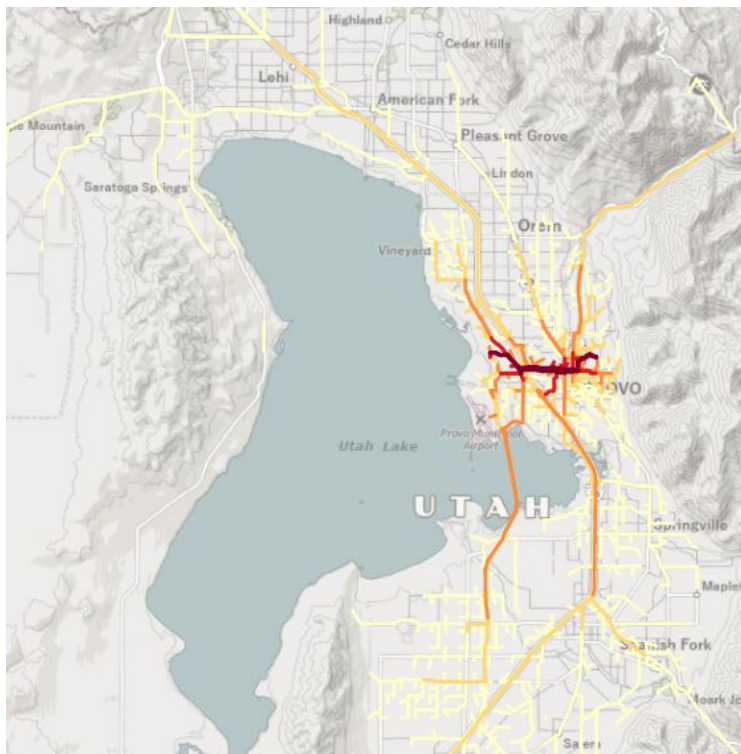


Trip Path

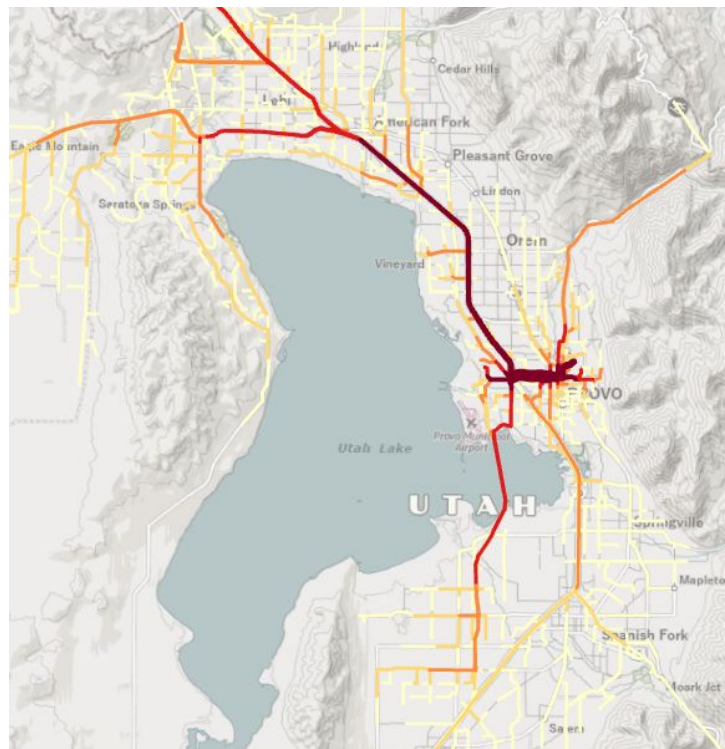


Trip Origin/Destination

Where will 820 N Trips Come From in 2055?

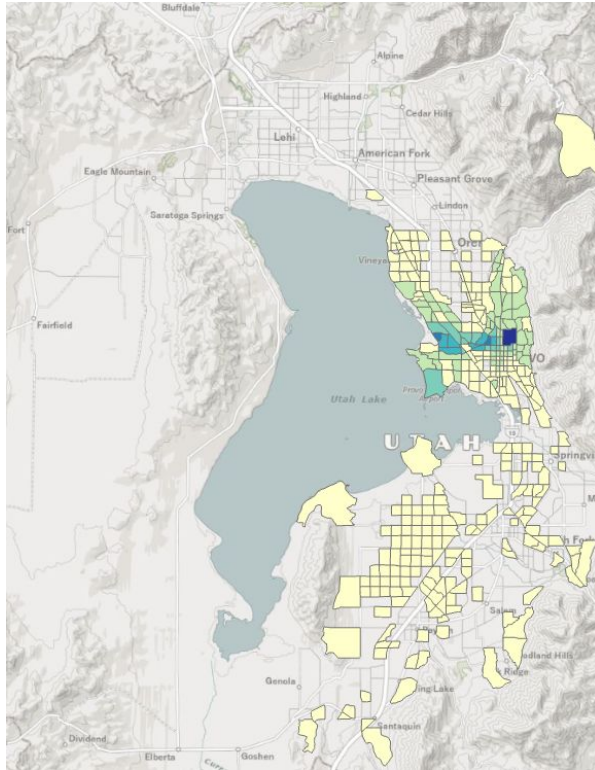


No Interchange

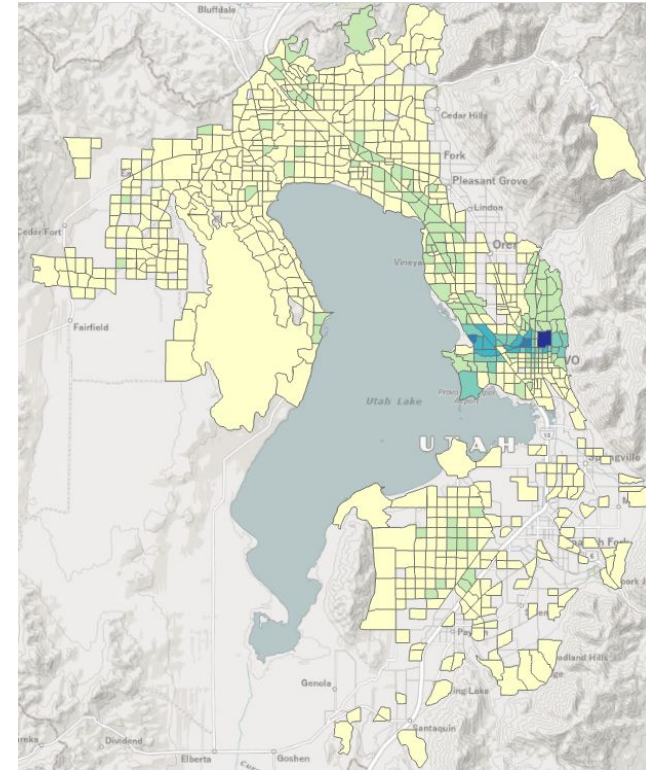


With Interchange

Where will 820 N Trips Come From in 2055?



No Interchange



With Interchange



Questions & Discussion

Provo City Traffic Signals

By Vern Keeslar, AICP, Traffic Manager
October 6, 2026



Traffic Signal Background

- Provo City is a member of the International Municipal Signal Association (IMSA)
- Traffic signals are vital to public safety and the efficient movement of commerce.
- Provo City Traffic Signals
 - Provo City – 57 locations
- Reduced Speed School Zones
 - 13 locations with 26 flashing beacons
- Rectangular Rapid Flashing Beacons at Crosswalks
 - 10 locations with 25 flashing beacons
- Your Speed Driver Feedback Signs
 - 16 locations
- Digital Speed Limit Signs
 - 2 locations
- Also responsible for fiber optics connecting the signals and for blue staking.

Challenge

- Provo City currently has one Traffic Electronic Specialist that maintains all traffic signals, reduced speed school zones, rectangular rapid flashing beacons for crosswalks, speed driver feedback signs, and digital speed limit signs.
- Provo's Traffic Electronic Specialist is on call seven days a week.
- When the Traffic Electronic Specialist is on vacation, Provo City works with Energy, Orem City, or UDOT to cover the emergency situations.
- Currently, Provo City is being very much reactive to signal maintenance instead of being proactive.
- Each traffic signal has industry standards for maintenance and needs at minimum annual maintenance.
- Orem has two traffic signal maintenance technicians with 40 traffic signals.
- UDOT's practice is to provide one signal technician for every 40-50 traffic signals.

Request for Traffic Electronic Specialist

- This is not sustainable for Provo City nor is it for our Traffic Electronic Specialist.
 - When staff is absent due to illness, vacation, or personal emergencies, Provo City is reliant on somebody else to perform the emergency work.
 - Provo City needs to reduce its risk on over-reliance on a single employee, which creates vulnerability. If that person leaves, we have no backup.
 - Provo City needs a second Traffic Electronic Specialist to be properly trained because of traffic signal maintenance workload.
 - Provo City values its employees. This will help employee retention and improve morale by not being on call 24/7.

Cost for Traffic Electronic Specialist

- The cost for the Traffic Electronic Specialist is coming from a transfer from the Engineering CIP fund to the General Fund.
- The position is in Engineering in the General Fund, but the addition will have a neutral financial impact to the General Fund.
- The estimated cost for FY27 is only \$50,000 due to vacancy savings in Engineering
- The amount will be recalculated for the FY28 budget and the transfer adjusted accordingly

THANK YOU!

Vern Keeslar, AICP, Traffic Manager

- Phone: 801-852-6783
- Email: vkeeslar@provo.gov
- Address: 1377 South 350 East,
Provo, UT 84606

**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: JMCKNIGHT
Presenter: Vern Keeslar, Traffic Manager
Department: Public Works
Meeting Date: 10/6/2026
Requested Duration (Minutes): 15 minutes
CityView or Issue File Number: 26-078

SUBJECT: 2 An appropriation of up to \$50,000 in the General Fund and an associated transfer to fund a Traffic Electronics Specialist position (26-078)

ADMINISTRATIVE RECOMMENDATION: Recommend resolution approval

ADMINISTRATIVE MEMO: Provo City currently has one Traffic Electronic Specialist that maintains all traffic signals and digital speed limit signs. As the only employee over this critical area he is on call seven days a week. We would like to add an additional employee in this area to provide backup and allow us to be more proactive than reactive with signal maintenance.

FISCAL IMPACT: \$50,000

TIME SENSITIVITY: We would like to get the position posted and filled in order to have this backup position in place as soon as possible to provide assistance for the Traffic Electronics Specialist who currently is on call seven days a week.

COUNCIL STAFF MEMO:

1 RESOLUTION <<Document Number>>

2
3 A RESOLUTION APPROVING AN APPROPRIATION OF UP TO \$50,000 IN
4 THE GENERAL FUND AND AN ASSOCIATED TRANSFER TO FUND A
5 TRAFFIC ELECTRONICS SPECIALIST POSITION FOR THE FISCAL YEAR
6 ENDING JUNE 30, 2027. (26-____)

7
8 RECITALS:

9
10 It is proposed that up to \$50,000 be appropriated in the General Fund for a Traffic
11 Electronics Specialist position in the Engineering Division of the Public Works Department;

12
13 The funding source for the appropriation is a \$50,000 transfer from the Engineering CIP
14 Fund;

15 On October 6, 2026, the Municipal Council met to consider the facts regarding this
16 matter and receive public comment, which facts and comments are found in the public record of
17 the Council's consideration; and

18
19 After considering the facts presented to the Municipal Council, the Council finds that (i)
20 the proposed action should be approved as described herein, and (ii) such action furthers the
21 health, safety, and general welfare of the citizens of Provo City.

22
23 THEREFORE, the Provo Municipal Council resolves as follows:

24
25 PART I:

26
27 An appropriation of up to \$50,000 in the General Fund is authorized.

28
29 PART II:

30
31
32 A transfer of up to \$50,000 is approved from the Engineering CIP Fund to the General Fund.

33 PART II:

34
35 This resolution takes effect immediately.

Toy Bow & Arrow Exemptions Discussion

Presented By:
Britton Johnson, Council Intern
Council Work Meeting | Tuesday, October 6th, 2026



What are LARP arrows and what do they look like?



Available Specs of Resident Requestor's Bows and Arrows

- *Maximum Weight of Bows - 35 lbs*
- *Boffer-tipped arrows are blunted with multiple density foam layers to prevent any chance of significant injury*
- *Arrow shafts are carbon fiber or fiberglass (no wood or aluminum)*



Provo City Code That Prohibits Toy Bows & Arrows

(2) It shall be unlawful for any individual or group to do any of the following in a City park:

(b) To shoot or otherwise propel arrows;

**Provo City Code Section
9.19.010(2)(b)**

It shall be unlawful to do any of the following on school grounds:

(2) To shoot or otherwise propel arrows;

**Provo City Code Section
9.21.030(2)**

Code That May Need to Be Changed

It shall be unlawful for any person to discharge any air gun, sparrow gun, flipper, BB gun, or any other contrivance of a similar nature which is capable of projecting a missile for a horizontal distance of fifty (50) feet or more, within the limits of Provo City, except upon a place inspected and approved by the Chief of Police.

**Provo City Code
Section 9.03.020**

Except in areas specifically designated by the City as inspected and approved places as set forth in this Chapter, it shall be unlawful for any parent or guardian or person having the charge or control of any minor, to allow or permit such minor to discharge in any place, either private or public, within the City limits, any firearm or air gun.

**Provo City Code
Section 9.03.030**

Every person who shall willfully or carelessly within the limits of this City throw any stone, stick, snowball or other missile whereby any person shall be hit, or any window broken or other property injured or destroyed or in such manner as to render travel upon the public streets and places of the City dangerous, or in such a manner as to frighten or annoy any traveler, is guilty of a misdemeanor.

**Provo City Code
Section 9.14.100**

**Does the council want to amend
city code to narrowly define toy
bows and arrows in any capacity?**

Yes

No

**Allow toy bows and
arrows anywhere in
the city as narrowly
defined**

**Pilot certain
parks/areas where
toy arrows are
allowed under Police
& Parks Recreation**

**Create a permit
program for LARP
groups who want to
use bows and
arrows in parks**

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: BRJOHNSON
Presenter: Britton Johnson, City Council Intern
Department: Council
Meeting Date: 10/6/2026
Requested Duration (Minutes): 10 minutes
CityView or Issue File Number: 26-074

SUBJECT: 3 A discussion regarding an exemption for toy bows and arrows in Provo parks (26-074)

ADMINISTRATIVE RECOMMENDATION: Change code to allow LARP arrows in Provo parks.

ADMINISTRATIVE MEMO: Councilors Whitlock and Whipple submitted an issue request to review Provo City's regulations on arrows in city parks to consider allowing specific toy arrows used in live action role play (LARP) mock combat, allowing more flexible recreation options for both youth and adults. This request responds to a Provo resident who would like to incorporate Belegarth toy arrows into his LARP group's mock combat simulations at Provo parks.

This memorandum aims to summarize how other cities that allow these toy projectiles address them in their municipal codes. It also outlines policy options to allow them in our city. The corresponding work meeting discussion is intended to clarify the scope and scale with which the City Council wants to address this item. Based on Council direction following the work meeting discussion, an ordinance text amendment may be drafted for your review at a future meeting.

Your packet also includes a supplemental document from the interested resident with specifications for the bows and arrows their group would like to use, photos of LARP bows and arrows, and a personal account from a LARP organizer who received approval to use mock archery in a Salt Lake City park.

Current Provo City Code Sections That Prohibit Toy Bows and Arrows

Provo City Code Section 9.19.010 states:

- > "It shall be unlawful for any individual or group to do any of the following in a City park: ...
- > b) To shoot or otherwise propel arrows[.]"

After review with Provo's legal counsel, this is the first section of Provo code that would need to change to allow the use of toy arrows in LARP combat simulations.

If the Council wants to permit toy bows and arrows on public school grounds, allowing LARP mock combat practices and events to be held there, then a very similar text amendment would be needed in Provo City Code Section 9.21.030. That section states:

- > "It shall be unlawful to do any of the following on school grounds: ...
- > (2) To shoot or otherwise propel arrows[.]"

The next section of Provo City Code that may need to be changed, Section 9.03.020, states:

- > "It shall be unlawful for any person to discharge any air gun, sparrow gun, flipper, BB gun, or any other contrivance of a similar nature which is capable of projecting a missile for a horizontal distance of fifty (50) feet or more, within the limits of Provo City, except upon a place inspected and approved by the Chief of Police."

After speaking with the resident who requested this change, he confirmed that Belegarth bows can shoot toy arrows greater than 50 feet. If the Council chooses not to limit toy-arrow distance elsewhere in the code, then this section would need to exempt specific toy bows and arrows. If the Council instead decides to limit the distance toy arrows may travel to 50 feet or less through an amendment to Section 9.19.010, then no change to Section 9.03.020 would be necessary.

Section 9.03.030 prohibits minors from discharging firearms or air guns within City limits except at "inspected and approved places" designated by Provo City. If the Council wants to allow minors to participate in LARP mock combat with bows and arrows, this section may also need an amendment clarifying that toy bows and arrows are not considered firearms or air guns. This could include a waiver requirement for minors.

Municipal Code Examples from Cities That Allow This Type of Toy Arrow

Cities across the country allow toy arrows to varying degrees. The following municipal code examples, both locally in Utah and in other states, demonstrate different policy approaches being implemented to address this issue.

Pleasant Grove, Utah

Pleasant Grove City Code Section 5-4-1 states:

- > "It is unlawful for any person to discharge any gun or pistol or air gun or to shoot any bow and arrow within the limits of the city ... provided, however, that nothing contained in this section shall be construed to prohibit the use of play pistols, guns, bows and arrows, or other similar children's toys."

Their code does not include a narrow definition of what is classified as a children's toy bow and arrow and allows several other toy weapons.

Midvale, Utah

The City of Midvale's municipal code states in Section 9.82.060 that the discharge of any gun, pistol, or pellet gun is illegal, but that:

> "[T]he ordinance codified in this section shall not apply to BB guns and bows and arrows, as long as they are discharged in a safe and reasonable manner."

After discussions with Chief Beebe in Police, the department wants to ensure that paintballs, airsoft pellets, water balloons, high-powered foam darts, or any kind of modified Nerf launchers would not be allowed as part of the definition of "toy arrow."

Lynchburg, Virginia

Lynchburg's municipal code more narrowly defines what is allowed than the two previous examples. Section 27-67 allows:

> "the use of a bow ten pounds or less of draw weight with a blunt rubber tipped arrow"

Minors are also prohibited from discharging arrows except at approved archery ranges. This draw-weight limit would be more restrictive than what most LARP groups typically use for their mock combat simulations.

Southlake, Texas

Southlake's park rules state that bows and arrows may only be used in parks if the Director of Community Services issues a permit intended for temporary use in city parks for special programs and events.

If the Council chose to address the toy-arrow exemption from this angle, the burden of permitting these types of uses would fall on the Parks & Recreation Department.

Potential Policy Options to Consider

Before turning to potential policy choices, it is worth noting that several LARP organizations establish their own mock archery standards that could serve as a baseline for a narrow code definition of "toy bow and arrow."

Permitted draw weights for bows range from approximately 15 to 40 pounds, draw lengths are typically capped at 28 inches, and most organizations prohibit the use of compound bows, which use cable or pulley systems to increase draw weight. Some groups have additional requirements regarding the materials and construction of their bows and arrows.

Option 1: Citywide Permission

If the Council wants to allow toy bows and arrows through a code text amendment, Provo City Code Section 9.19.010 would need to be amended at minimum by exempting toy bows and arrows and creating a narrow definition.

Changes to Sections 9.03.020, 9.03.030, and 9.21.030 may also be necessary. Although not directly related, the Council may also wish to clarify that a toy arrow, as defined through a potential amendment to Section 9.19.010, is not considered a “missile” under Section 9.14.100.

These would be the primary changes necessary if the Council wants to allow blanket permission for qualifying toy bows and arrows anywhere in the city.

If the Council instead prefers to limit where toy bows may be used within the city, two additional options are available for consideration.

Option 2: Pilot Program

The first option would be a pilot program led by the Provo Parks & Recreation and Police departments. The departments would identify specific parks, or areas within parks, where narrowly defined toy bows and arrows would be allowed.

Once those areas are identified, the pilot program could authorize their use for a 12- to 24-month period before automatically expiring. This would allow the Council and City staff to evaluate whether the exemption resulted in safety concerns, injuries, or other problems.

Based on those findings, the Council could choose to end the pilot and revoke the exemption, continue the pilot, or expand the exemption to additional or all City parks.

This approach would give the City concrete evidence regarding how safely these toy bows and arrows can be used in practice without committing the Council or affected City departments to a permanent policy change. However, it would delay when LARP mock combat participants could begin using bows and arrows and would require additional staff time to identify appropriate exemption areas.

Option 3: Permit Program

The second option would be a permit program.

Similar to a park pavilion reservation, interested LARP groups could apply for a permit through Parks & Recreation to reserve an entire park, or specifically defined areas of a park, for LARP mock combat involving bows and arrows.

As with the pilot program option, the Parks & Recreation Department, and potentially the Police Department, would need to determine which parks would be eligible for

permits and which areas within those parks could safely accommodate toy bows and arrows.

FISCAL IMPACT: 0

COUNCIL STAFF MEMO:

LARP Arrow Requirements

#1 - The bows we (LARP groups) use are under the poundage allowed to be used for hunting in most States (most states require 30-40lbs, Utah requires a minimum of 30lbs, Utah Admin Code R657-5-11). Our bows max out at 35lbs.

#2 - The construction of our boffer tipped projectiles have all the target tips (pointy ends) removed and the ends are first blunted (which after much stress testing just the blunted shafts fired from our max poundage bows into walls with no padding the blunts survived more than 100 shots into a brick wall without shaft penetration). Then they have multiple layers of progressive density foams built up to 2.5"+ diameters which prevent any chance of permanent injury.

#3 - Our shafts cannot be wood or aluminum as those 2 materials can crack/break during use without visible signs and become hazardous. Carbon Fiber and Fiber glass shafts are much sturdier and when they do break they snap the heads clean off so we know not to try to fire them.

#4 - Chapter officers check each arrow at the beginning of every practice to make sure they are in good repair and are constructed up to current standards, and they measure each bow to make sure they are within the proper draw weight (max 35lbs @ 28" draw).

#5 - There are multiple National Organizations with Chapters all over the US using these Mock Archery Boffer arrows with nearly identical construction requirements and mock combat rules, 30-40+ years of history. Many cities have ruled that mock/boffer Archery does not fall under their weapons/fire arm laws, that they are more along the lines of Nerf games. There are event venues these days that promote boffer Archery as a full on sport similar to paintball and airsoft. (such as Backyard Archery Tag in Logan, UT and the Easton Salt Lake Archery Center).

Personal Anecdote - Fitz Caliston

"As a long time Amt/Bel Archery advocate I'll drop a bit of personal history here.

Back in the early 2000's we had a "concerned citizen " call the police on the Amtgard Chapter that met at Liberty Park in Salt Lake for using amt-bows and arrows. The cops actually loved our group but said that until we got official approval from the city that we had to stop using them at the park.

I spent the next few weeks going to Parks and Rec, City Council offices, Police departments and eventually was sent to the District Attorney of Salt Lake for a meeting with the DA and a Few of his Colleagues.

I brought our current build technology and explained how the shafts were blunted, padded, covered etc. Bow max poundage (under the legal requirement for hunting btw) and explained about our club officers who were in charge of weapons checking each arrow every Park day.

After I gave my presentation he asked me to stand up and throw one of the arrows at him from across the room. (Since I didn't bring a strung bow with me into his offices)

I told him I had never thrown an arrow at someone. He said not to worry, just throw it as hard as I could.

Ok.... I hauled back and threw it as hard as I could and hit him square in the groin.....

He just looked down and said "that didn't hurt at all,... OK thank you, we'll get in touch with you about our decision within a couple weeks".

[Here is the] email I sent to the Rivers End (LARP chapter) group, which is what I printed out and kept in my glove compartment for many years. I'll post the email in a follow up post:

May 17, 2010, 1:12 PM

to Rivers End, Desert

Archery update for Liberty Park in SLC.....

I just got off the phone with the Salt Lake City Attorney. They have come to the conclusion that the stipulation in the city ordinance was not meant to include our type of mock archery. It has been spread around through the police department that we have approval to use our type of archery at Liberty Park again.

Ed said that they can't put it in writing else they would be required to amend the city ordinance and that would be a much larger process, and that it is unneeded.

He said we shouldn't have any problems but that if there ever arises the need we can have them call him (Ed Runey slc attorney) or Martha Stonebrook SLC police dept attorney.

So, looks like the 29th will see many arrows flying about the field.

In service,

Duke Fitz

That very happy Master Archer type guy!

Hope that helps. No idea if Ed Runey is still the SLC DA or if Martha Stonebrook is the SLC PD Attorney but I'd be willing to help if my work schedule allows."

Examples of LARP Arrows

Archery Tag (Utah Inflatables LLC)



LARP Arrowheads (Gorg the Blacksmith - LARP boffer supplier)

LARP Archer (Gorg the Blacksmith - LARP boffer supplier)



PROVO CITY MUNICIPAL COUNCIL

Staff Memorandum

Britton Johnson, City Council Intern

Toy Arrow Exemption Discussion Background

October 6, 2026



Councilors Whitlock and Whipple submitted an issue request to review Provo City's regulations on arrows in city parks to consider allowing specific toy arrows used in live action role play (LARP) mock combat, allowing more flexible recreation options for both youth and adults. This request responds to a Provo resident who would like to incorporate Belegarth toy arrows into his LARP group's mock combat simulations at Provo parks.

This memorandum aims to summarize how other cities that allow these toy projectiles address them in their municipal codes. It also outlines policy options to allow them in our city. The corresponding work meeting discussion is intended to clarify the scope and scale with which the City Council wants to address this item. Based on council direction following the work meeting discussion, an ordinance text amendment may be drafted for your review at a future meeting.

Your packet also includes a supplemental document from the interested resident with specifications for the bows and arrows their group would like to use, photos of LARP bows and arrows, and a personal account from a LARP organizer who received approval to use mock archery in a Salt Lake City park.

Current Provo City Code Sections That Prohibit Toy Bows and Arrows

[Provo City Code Section 9.19.010](#) states that: "It shall be unlawful for any individual or group to do any of the following in a City park:...

b) To shoot or otherwise propel arrows[.]"

After review with Provo's legal counsel, this is the first section of Provo code that would need to change to allow the use of toy arrows in LARP combat simulations. If the council wants to permit toy bows and arrows on public school grounds, allowing LARP mock combat practices and events to be held there, then a very similar text amendment would be needed in [Provo City Code Section 9.21.030](#). That section states that: "It shall be unlawful to do any of the following on school grounds:...

(2) To shoot or otherwise propel arrows[.]"

The next section of Provo City Code that may need to be changed, [9.03.020](#), states that:

It shall be unlawful for any person to discharge any air gun, sparrow gun, flipper, BB gun, or any other contrivance of a similar nature which is capable of projecting a missile for a horizontal distance of fifty (50) feet or more, within the limits of Provo City, except upon a place inspected and approved by the Chief of Police.

After speaking with the resident who requested this change, he confirmed that Belegarth bows can shoot toy arrows greater than 50 feet. If the council chooses not to limit toy-arrow distance elsewhere in the code, then this section needs to exempt specific toy bows and arrows. If the council decides to limit the distance toy arrows may travel to 50 feet or less in an amendment to [Section 9.19.010](#) instead, then no change to [Section 9.03.020](#) is necessary.

[Section 9.03.030](#) prohibits minors from discharging firearms or air guns within City limits except at "inspected and approved places" designated by Provo City. If the council wants to allow minors to participate in LARP mock combat with bows and arrows, this section will also need an amendment to clarify that toy bows and arrows are not considered firearms or air guns, which could include a waiver requirement for minors.

Municipal Code Examples from Cities That Allow This Type of Toy Arrow

Cities across the country allow toy arrows to varying degrees. The following municipal code examples both locally in Utah and in other states demonstrate different policy approaches being implemented to address this issue.

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The City of Midvale's municipal code states in [Section 9.82.060](#) that the discharge of shot of any gun pistol, or pellet gun is illegal but that "[t]he ordinance codified in this section shall not apply to BB guns and bows and arrows, as long as they are discharged in a safe and reasonable manner." After discussions with Chief Beebe in Police, the department wants to ensure that paintballs, airsoft pellets, water balloons, high-powered foam darts, or any kind of modified Nerf launchers not be allowed as part of the definition of toy arrow.

Lynchburg, VA's municipal code more narrowly defines what is allowed than the two previous examples. In [Section 27-67](#), it states: "the use of a bow ten pounds or less of draw weight with a blunt rubber-tipped arrow" is allowed. Minors are also prohibited from discharging arrows except at approved archery ranges. This draw weight limit would be more restrictive than what most LARP groups typically use for their mock combat simulations.

Lastly, [Southlake, TX's park rules](#) state that bows and arrows can only be used in parks if the Director of Community Services gives a permit meant for temporary use in city parks for special programs and events. If the council chose to address the toy arrow exemption from this angle, the burden of permitting these types of uses would fall on the Parks & Recreation department.

Potential Policy Options to Consider

Before turning to potential policy choices, it's worth noting that several LARP organizations set their own mock archery standards that can serve as a baseline for a narrow code definition of "toy bow and arrow". Permitted draw weights for bows range from about 15 to 40lbs, draw lengths are typically capped at 28 inches, and most prohibit the use of compound bows (bows that use a cable or pulley systems to bend the bow back and increase the draw weight). Some groups have additional requirements for the materials and build construction of their bows and arrows.

If the council wants to allow toy bows and arrows through a code text amendment, [Provo City Code Section 9.19.010](#) would need to be amended at minimum, exempting toy bow and arrows and creating a narrow definition. Changes to [Section 9.03.020](#), [Section 9.03.030](#), and [Section 9.21.030](#) may also be necessary. Although not directly related, a clarification that a toy arrow, as could be defined in a potential change to Provo City Code Section 9.19.010, is not considered a missile in [Section 9.14.100](#)

may also warrant consideration for an amendment. These are the only changes necessary if the council wants to allow a blanket permission of toy bows and arrows anywhere in the city.

If the council prefers to limit where toy bows may be used within the city, I have provided two different sub-options for consideration.

The first is a pilot program led by the Provo Parks & Recreation and Police departments, which would identify specific parks or areas within parks where the narrowly defined toy bows and arrows would be allowed. Once those areas are identified, the pilot program would permit them in those areas with a 12–24 month sunset date, allowing the council and city staff to audit whether the exemption caused any problems or injuries. Based on the findings, the council could then choose to end the pilot and revoke the exemption or extend it to all parks citywide. This approach gives the city concrete evidence of how safe these toy bows and arrows are in practice without handcuffing the council or affected city departments to a permanent policy change if it does not pan out. However, it does delay when LARP mock combat participants can begin using bows and arrows. It also will require additional staff time to select the exemption zones.

The second sub-option is a permit program. Just like a park pavilion reservation, interested LARP groups could apply for a permit through Parks & Recreation to reserve an entire park, or certain defined areas of a park, to participate in LARP mock combat that could include bows and arrows. As with the pilot program option, the Parks & Recreation Department, and potentially the Police Department, would need to determine which parks would be eligible for the permit and which sections of certain parks are safe enough to allow toy bows and arrows.

**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: BPEPERONE
Presenter: Bill Peperone, Development Services Director
Department: Development Services
Meeting Date: 10/6/2026
Requested Duration (Minutes): 15 minutes
CityView or Issue File Number: 26-079

SUBJECT: 4 A discussion regarding the Center Street Redesign (26-079)

ADMINISTRATIVE RECOMMENDATION: October 6th Work Session

ADMINISTRATIVE MEMO: There have been previous discussions regarding hiring a consultant for redesign of Center Street. We want to further this discussion.

FISCAL IMPACT: \$300,000

COUNCIL STAFF MEMO:

A stronger downtown after hours

A proposal for limited tavern license expansion

More choice for residents. A more complete visitor experience.

The original policy addressed a different downtown

01 Vacancies changed the business mix

Retail shifts left empty storefronts and raised concerns about downtown's reputation.

02 Council responded with restrictions

Council halted new tavern licenses during that period.

That decision deserves respect. Today's conditions deserve a fresh review.

One independent venue cannot serve every occasion

1

A visitor may want a quiet drink after a convention, a place to network, or a gathering before a game.

remaining independent bar

A limited expansion would give new operators room to offer different settings and incentivize innovation citywide.

Economic leakage shows where local demand is going unmet

Placer.ai - September 2025

category	demand(\$)	supply(\$)	unmet_need(\$)
Overview	\$2,438,125,636	\$5,114,896,180	N/A
Gasoline Stations	\$198,925,127	\$122,522,606	\$76,402,521
Grocery Stores	\$318,425,635	\$259,728,492	\$58,697,143
Bars/Drinking Places (Alcoholic Beverages)	\$22,754,602	\$1,156,231	\$21,598,371
Other Motor Vehicle Dealers	\$33,168,706	\$11,791,879	\$21,376,827
Beer, Wine, & Liquor Stores	\$18,947,505	\$2,160,001	\$16,787,504

Bars and drinking places show \$21.60M in unmet demand in the September 2025 table.

A \$21.6 million gap in local bar spending

5.1%

of estimated demand met by local supply

Estimated demand	\$22.75M
Local supply	\$1.16M
Unmet demand	\$21.60M

Bars and drinking places rank third for unmet demand among the categories shown.

Meeting planners see an evening gap

“They don’t have nightclubs and they don’t have a lot of the more traditional drinking opportunities.”

Meeting-planner feedback calls for more evening options and a more current picture of the destination.

Awareness and meeting infrastructure also affect competitiveness.

The 2025 group opportunity is substantial

UTAH COUNTY 2025	BOOKED	POTENTIAL
Hotel room nights	35,396	183,916
Groups	76	181

Evening options can strengthen the bid. The data does not isolate losses caused by nightlife.

Source: Explore Utah Valley. County-wide data. Potential is not measured lost business.

Some groups never reach the bidding stage

Not considered at all

Meeting-planner feedback identifies missed consideration, visitor disappointment and a desire for more variety.

It also reports a preference for Salt Lake and Ogden.

More options would address one barrier. They would not guarantee every booking.

BYU brings visitors to Provo. The city needs to keep them here.

BYU athletics are growing and showcasing Provo on a larger stage.

01 VISITORS ARE STAYING ELSEWHERE

Limited drinking and nightlife options can push visiting fans and traveling teams to stay outside Provo - taking their lodging and evening spending with them.

02 MARKETING CAN ONLY GO SO FAR

Provo has partnered with Utah County and Explore Utah Valley to attract visiting groups, but limited evening options remain a difficult hurdle.

Provo should be positioned to capture more of the opportunity BYU is creating.

Where recruits live matters to Provo

PEG

Qualtrics

Vivint

RECRUITING EFFECT

Local employers report that limited nightlife makes recruiting difficult and leads some teams to live in neighboring cities.

MEDIAN HOUSEHOLD INCOME

\$64,171

PROVO

Utah County: \$100,700

36% lower

When higher-paid recruits live elsewhere, their income is counted elsewhere.

The income gap has many causes, but residential choices can be one contributing factor.

Keeping the charm of Provo

01 **Safe**

Preserve a safe, family-friendly downtown and its historic character.

02 **Family friendly**

Limited, well-run adult venues can complement the places families already enjoy.

03 **Welcoming to all**

Make room for residents and visitors with different preferences.

OPTIONS

Council has three policy choices

A Do nothing

Keep the current approach and the current limits on options.

B Allow one more tavern license

Create a limited entry opportunity and evaluate the result.

C Allow one per zone: DT1, DT2 and TOD

Distribute opportunities across designated areas with a defined cap.

Requested action: Choose a limited expansion path and direct staff to draft it.

Local policy options. Staff must align the license category, cap and eligible locations with current law.

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: KMARTINS
Presenter: Quinn Peterson, Executive Director of Downtown Provo Inc.
Department: Recorder
Meeting Date: 10/6/2026
Requested Duration (Minutes): 30 minutes
CityView or Issue File Number: 26-019

SUBJECT: 5 A presentation on alcohol retailing in Provo's downtown (26-019)

ADMINISTRATIVE RECOMMENDATION: This is a presentation on alcohol sales in Provo's downtown area. It includes information on the demand for additional drinking establishments and the consequences of licensing more bars/taverns. This will precede a future presentation by Council staff on amendments to city code related to alcohol sales.

ADMINISTRATIVE MEMO: The presenter from DPI did not send a memo along with the presentation.

FISCAL IMPACT: This is a presentation only and has no fiscal impact.

COUNCIL STAFF MEMO: The Council staff is in the middle of researching for future proposed amendments to city code regarding alcohol sales. The results of this research including commentary on the presentation in this meeting will be presented in a future work meeting.



Alcohol Policy Survey Findings

June 2, 2020

FINDINGS

Policies that the majority of respondents supported :

- Prohibit brewpubs from storing equipment, etc. outdoors (86%)
- Require brewpubs to have an off-street or alley-accessible loading dock and limit loading/unloading times (86%)
- Limit the density of bars (86%)
- Limit the footprint of brewing facilities to 30% of the total brewpub area (72%)
- Permit no more than 2 Class F licenses per a single incident of a zone (72%)
- Measure the density of alcohol outlets and publish a heat map of alcohol outlet density to better inform the businesses, the City, and the public (72%)
- Limit the density of brewpubs only (72%)
- Limit the number of barrels brewpubs can produce (57%)

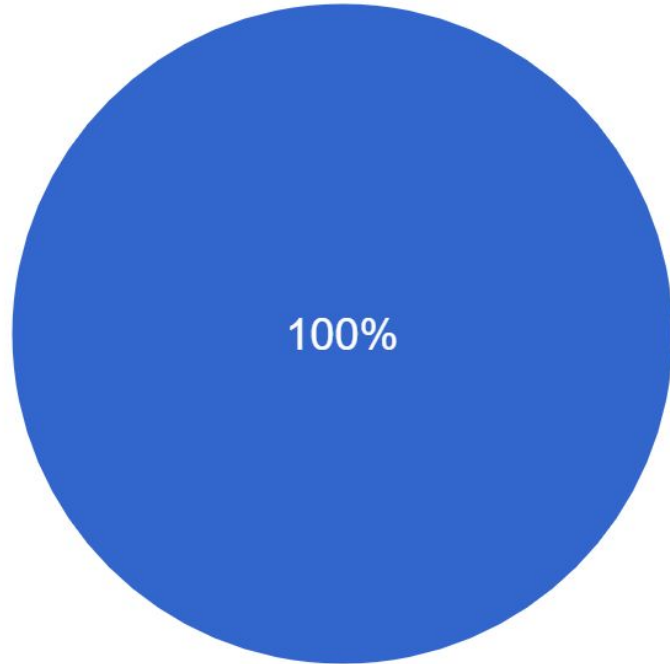
FINDINGS

Policies that were split:

- Limit the density of restaurants that serve alcohol (3-3-1)
- Limit the number by population (ex: 1 per 10,000 people) (3-3-1)
- Require prospective alcohol outlets in areas above a threshold alcohol outlet density to come to the Council for local consent (4-3)
- Limit the number or density of all alcohol outlets (restaurants, bars, brewpubs, and clubs) generally (4-3)

Question 1 (Proposal 1)

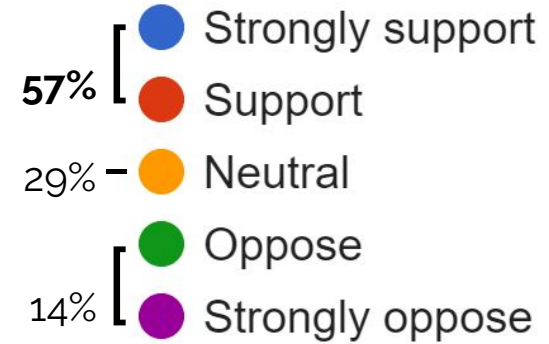
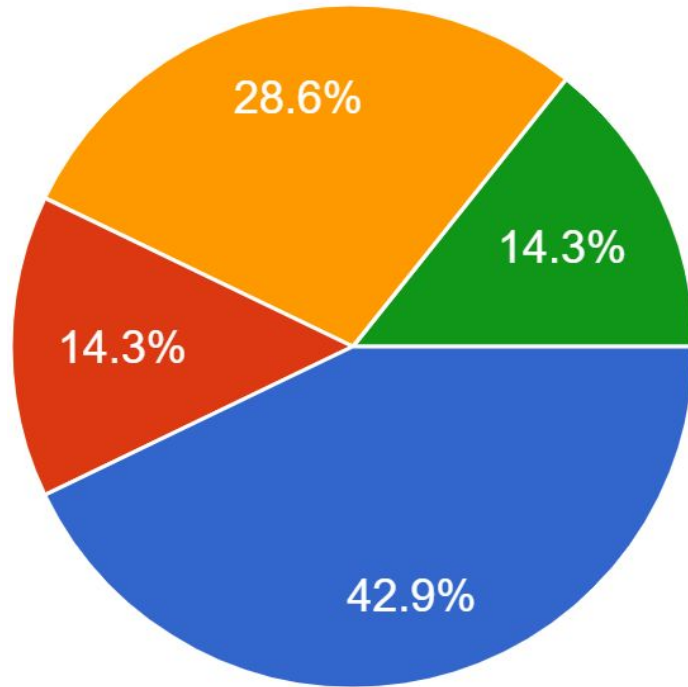
Proposal 1 in Restrictions for F License was withdrawn, but this question was included so that subsequent question numbers matched the proposal numbers. Please continue to the next question.



● Go, Provo!

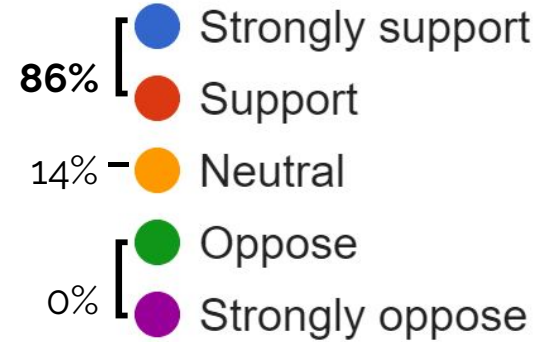
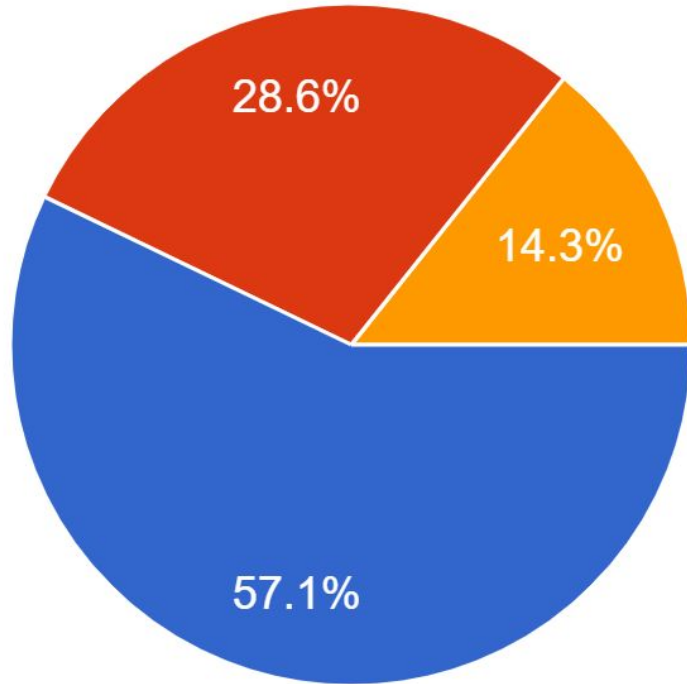
Question 2 (Proposal 1)

Limit the number of barrels brewpubs can produce



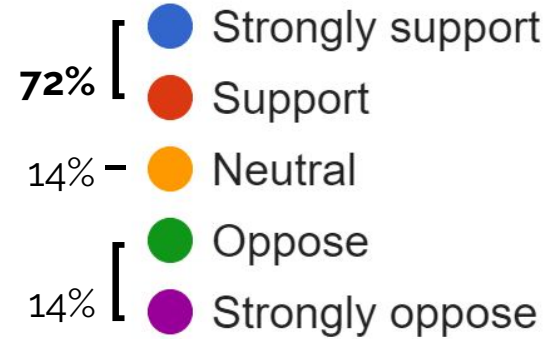
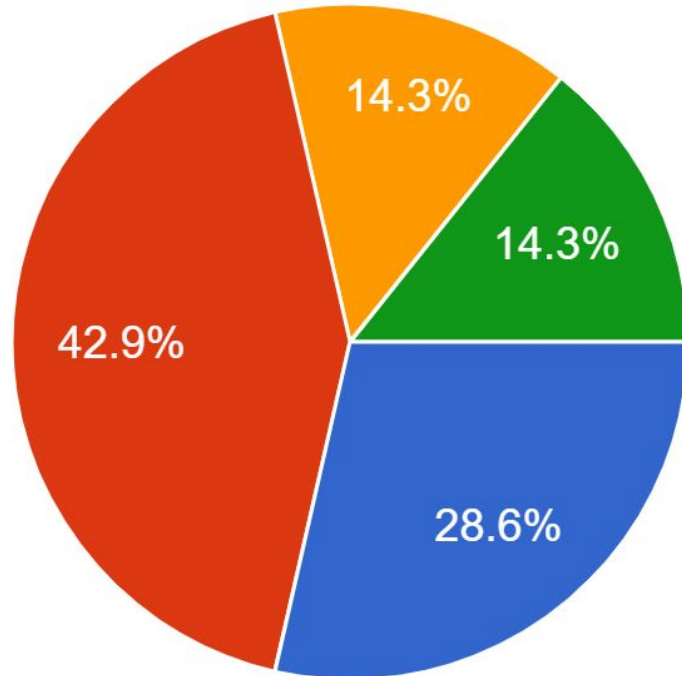
Question 3 (Proposal 1)

Prohibit brewpubs from storing equipment, etc. outdoors



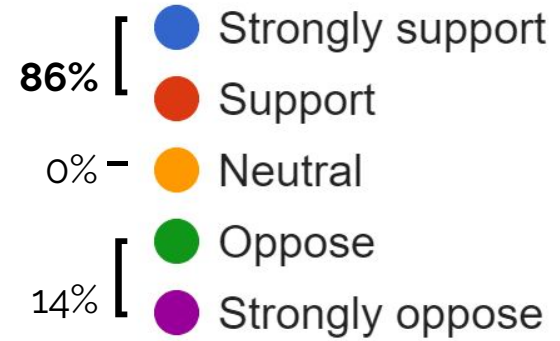
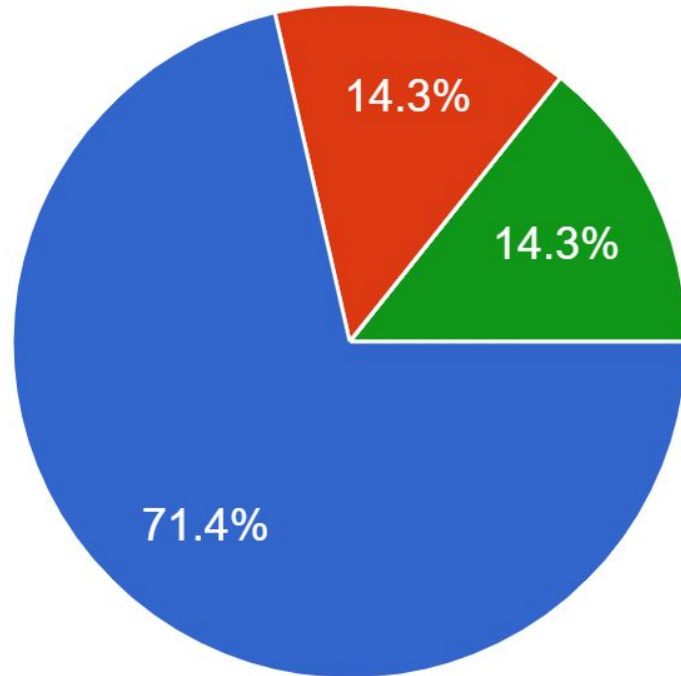
Question 4 (Proposal 1)

Limit the footprint of brewing facilities to 30% of the total brewpub area to ensure an ancillary relationship



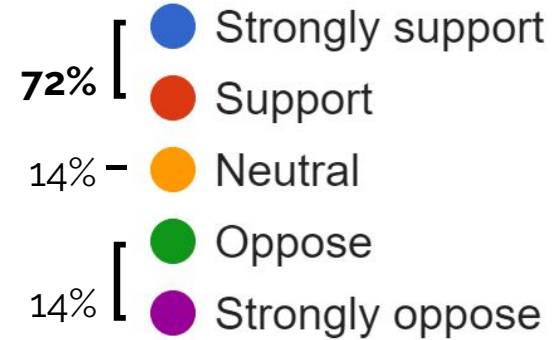
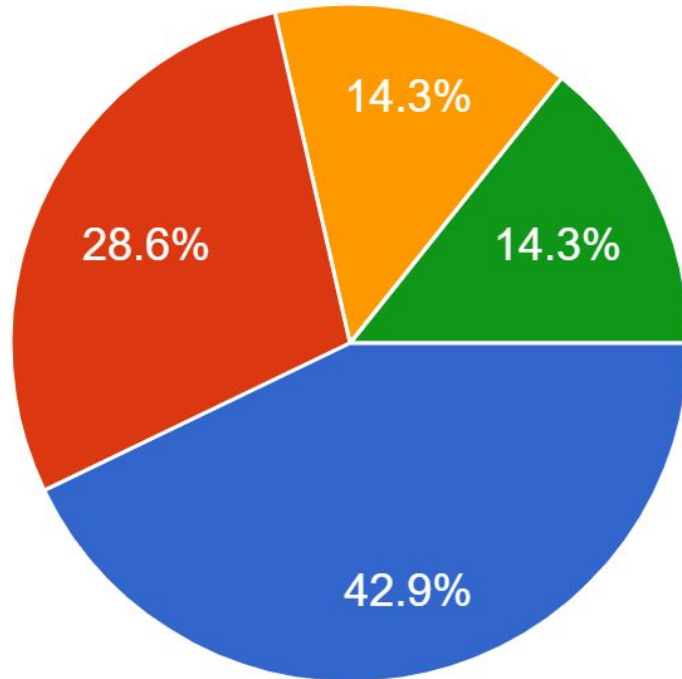
Question 5 (Proposal 1)

Require brewpubs to have an off-street or alley-accessible loading dock and limit loading/unloading times



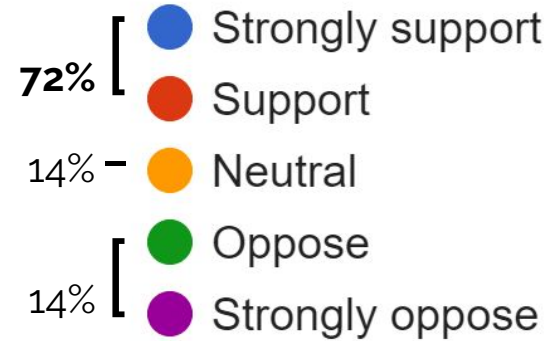
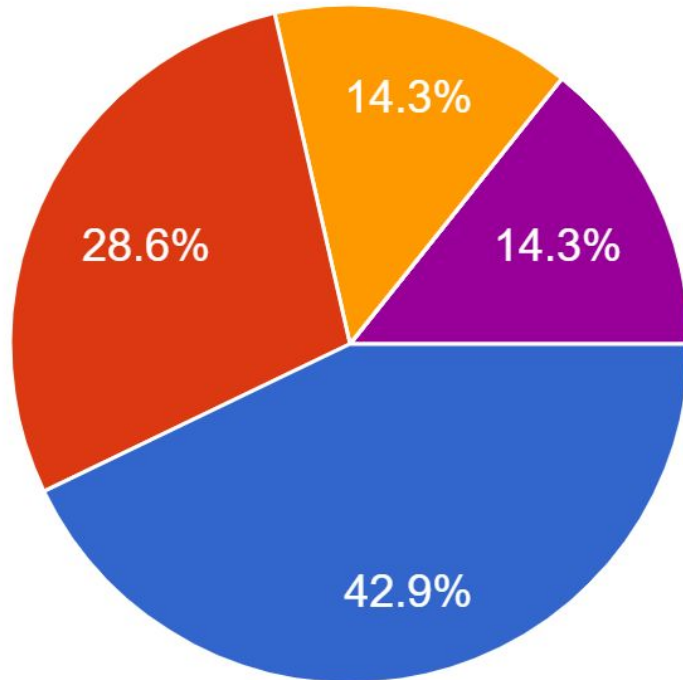
Question 6 (Proposal 1)

Permit no more than 2 Class F licenses per a single incident of a zone



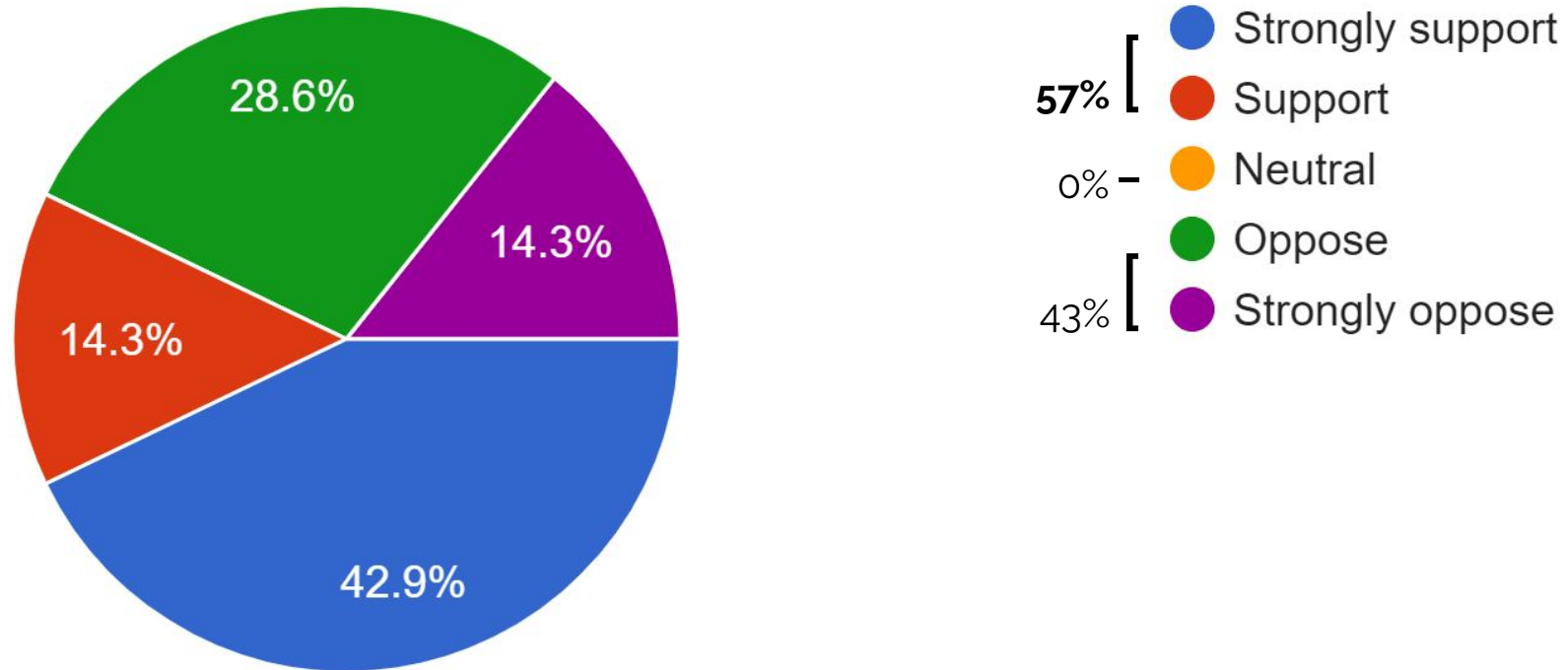
Question 7 (Proposal 2)

Measure the density of alcohol outlets and publish a heat map of alcohol outlet density to better inform the businesses, the City, and the public



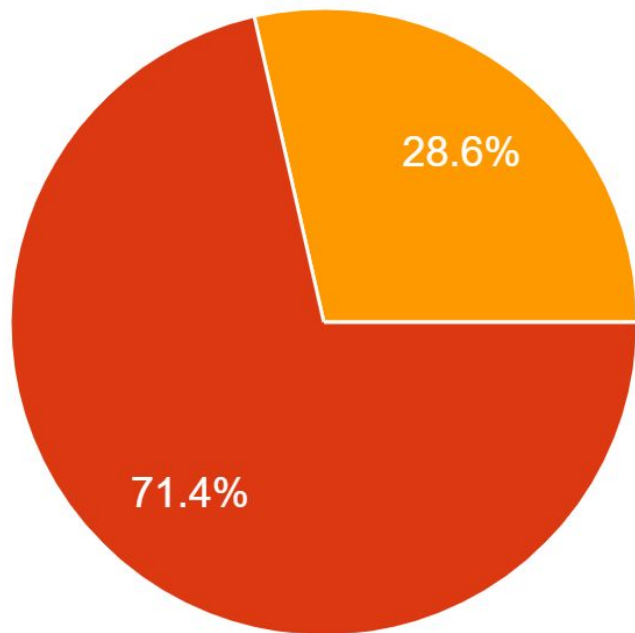
Question 8 (Proposal 2)

Require prospective alcohol outlets in areas above a threshold alcohol outlet density to come to the Council for local consent (which is required by the DABC and which has been delegated by City ordinance to the Administration)



Question 9 (Comparison)

Do you see these proposals as competing?



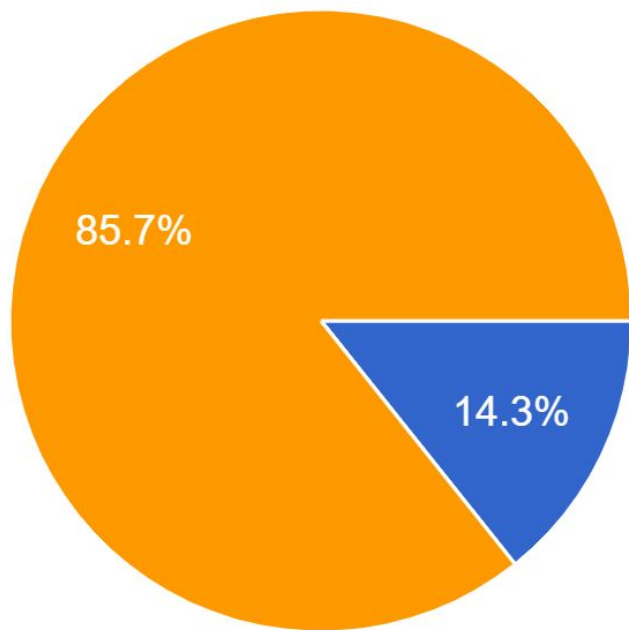
0% - ● Yes, I could only choose one

71% - ● No, I could choose elements of each

29% - ● No, I could choose both

Question 10 (Comparison)

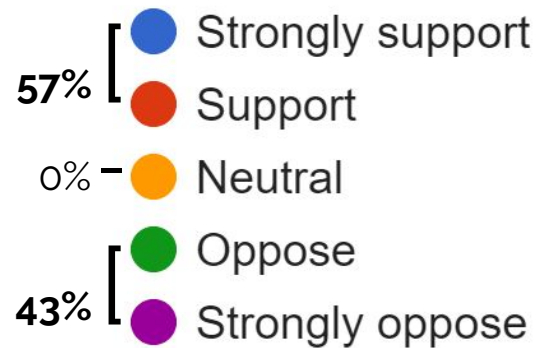
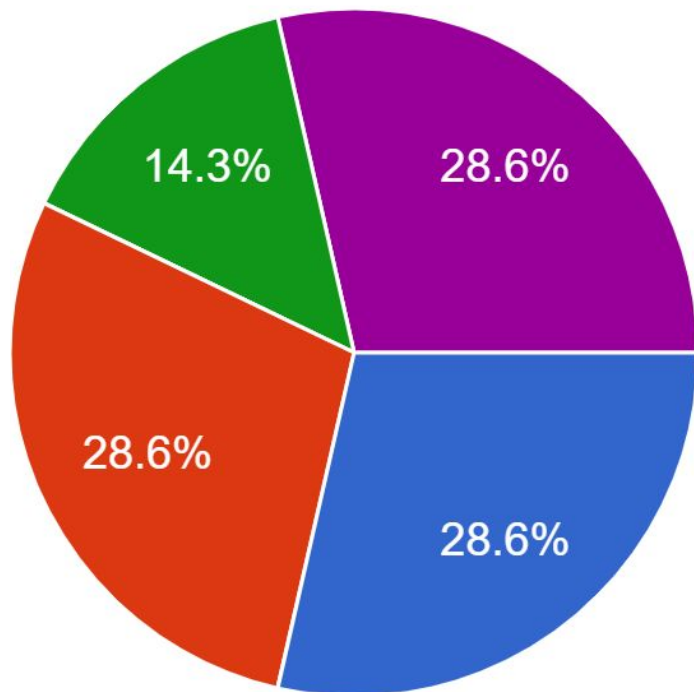
If you selected "Yes, I could choose only one", which one?



- 14% - ● Restrictions for F License
- 0% - ● Proposal for Local Consent Policy
- 86% - ● I did not choose "Yes, I could choose only one"

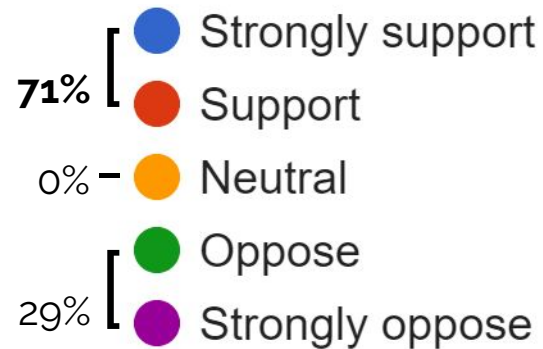
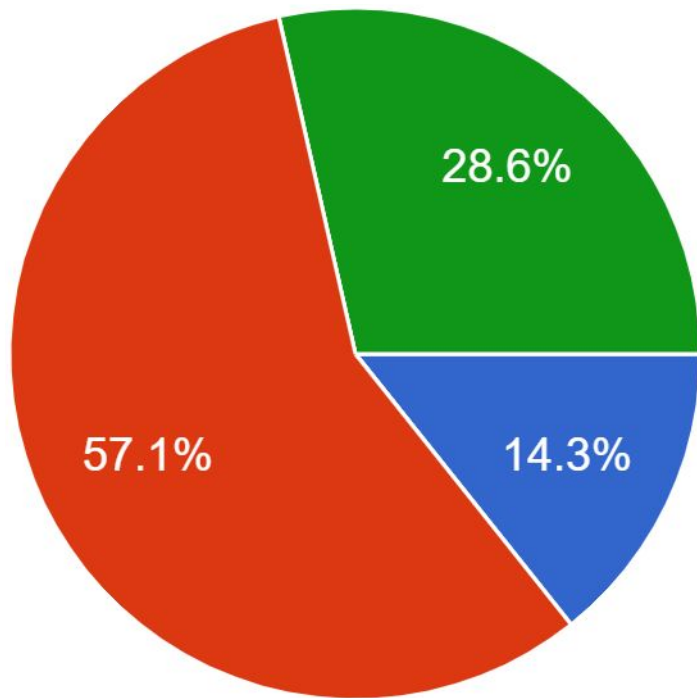
Question 11 (Broader Policies)

Limit the number or density of all alcohol outlets (restaurants, bars, brewpubs, and clubs) generally



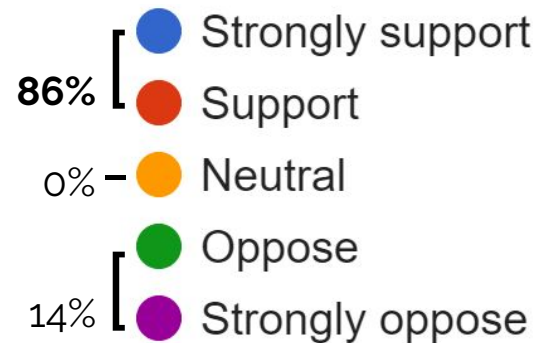
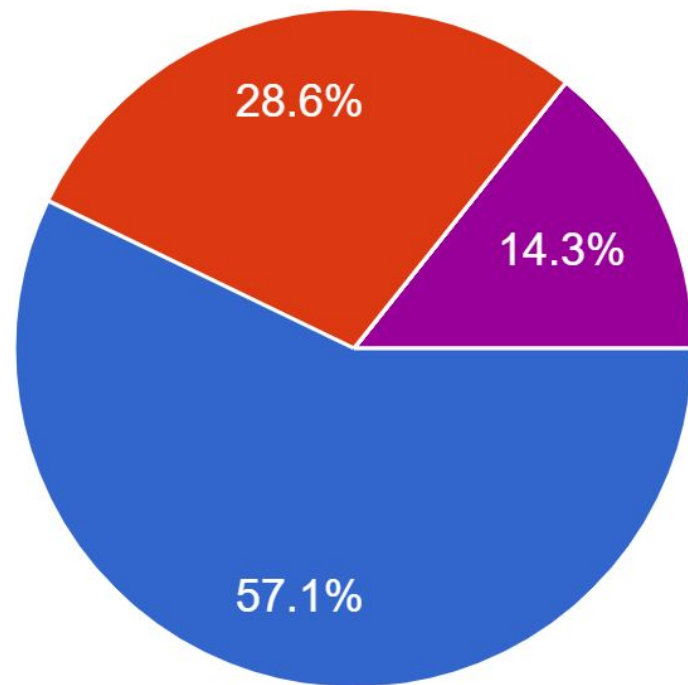
Question 12 (Broader Policies)

Limit the number or density of brewpubs only



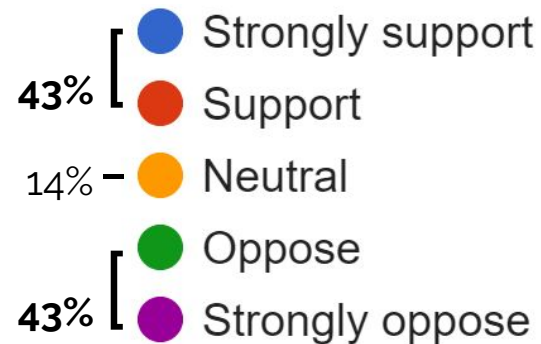
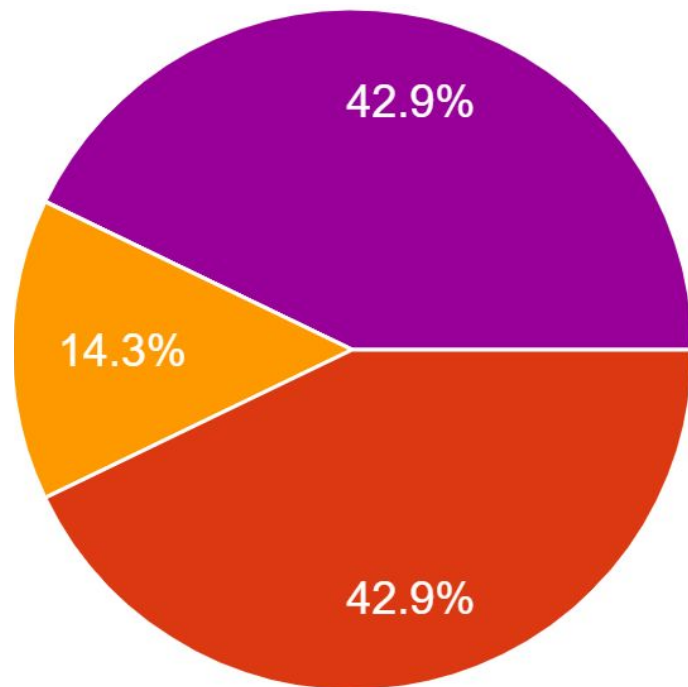
Question 13 (Broader Policies)

Limit the number or density of bars



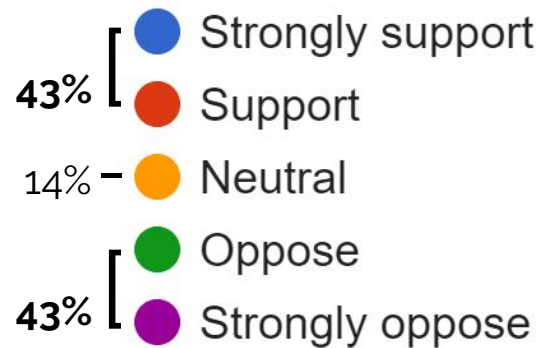
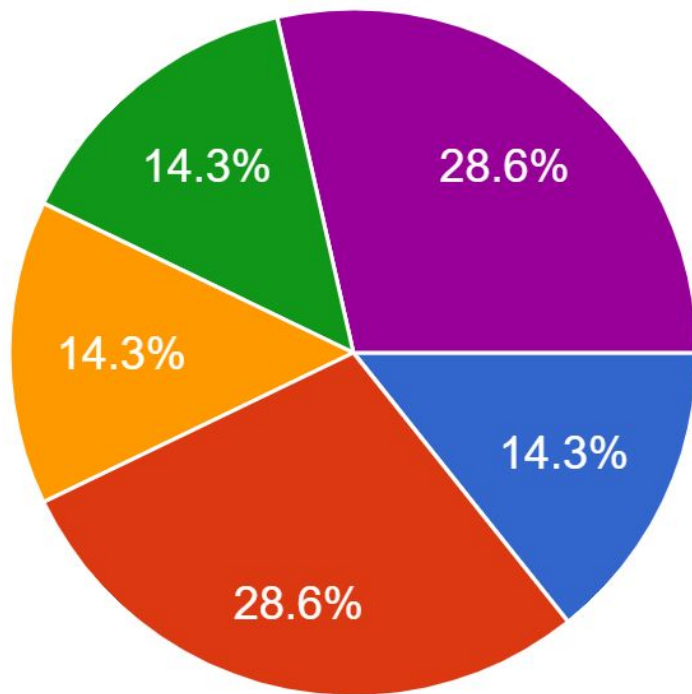
Question 14 (Broader Policies)

Limit the density of restaurants that serve alcohol



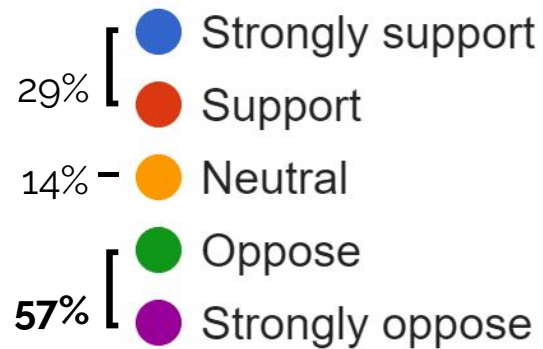
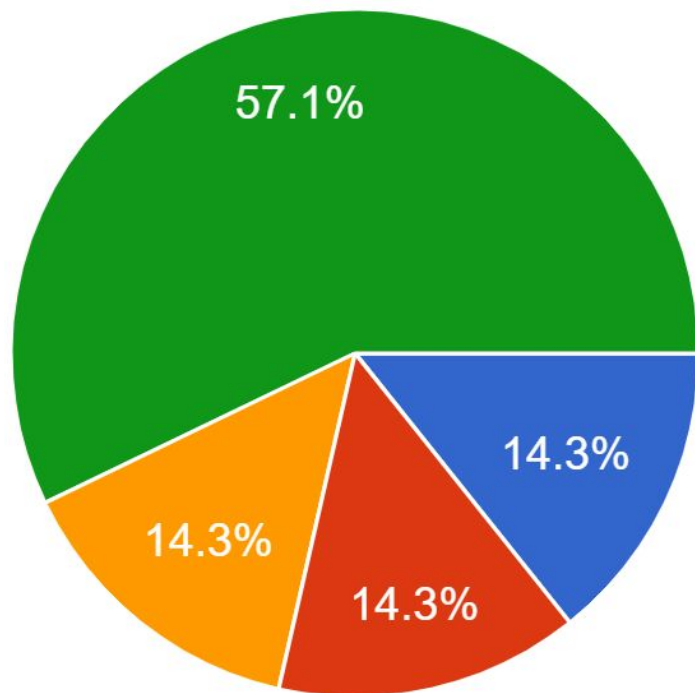
Question 15 (Broader Policies)

Limit the number by population (ex: 1 per 10,000 people)



Question 16 (Broader Policies)

Limit the density by distance (ex: two may not be within x feet of each other)



Question 17 (Regulating Density)

Please rank your preference (1 to 5) for which of the following alcohol outlet types should have a limit on density: (A) brewpubs, (B) bars, (C) clubs, (D) restaurants that serve alcohol, and (E) no regulation. Multiple options may have the same ranking if the respondent prefers them equally.

METHOD	TOTAL	RESPONSES							
A. Brewpubs	17	2	1	3	3	3	3	3	2
B. Bars	11	1	5	1	1	1	1	1	1
C. Clubs	18	3	5	2	1	2	2	2	3
D. Restaurants	26	4	1	5	5	4	3	4	4
E. No Regulation	32	5	5	5	2	5	5	5	5

Question 18 (Regulating Density)

Please rank your preference (1 to 5) for which of the following methods Provo should use to limit the number/density of alcohol outlets: (A) population, (B) distance, (C) instances of the zone, (D) weight/heat map, and (E) no regulation. Multiple options may have the same ranking if the respondent prefers them equally. Limit the density or number by:

METHOD	TOTAL	RESPONSES							
A. Population	23	2	5	4	3	3	4	2	
B. Distance	22	2	5	2	5	4	2	2	
C. Instances of the Zone	12	2	1	1	2	1	3	2	
D. Weight/Heat Map	15	1	5	3	2	2	1	1	
E. No Regulation	29	5	1	5	3	5	5	5	

ITOD Zone Amendments

residents, on properties surrounding the proposed Intermodal Hub site. This zone’s primary use is for residential and residential/support mixed-use development which is intended to provide housing and business opportunities adjacent to public transit and thereby facilitate increases in the use of public transit and reduce City-wide traffic and congestion elsewhere. The ITOD zone is characterized by clean, well-lighted streets, ample pedestrian ways, and attractive, inviting, and residential uses, well-maintained shops, stores, offices, with a mixed use design. This zone will tend to encourage an architectural theme which will strengthen the continuity of the ITOD area and give it an identity with which the citizens of Provo can identify.

14.23.020 Permitted Uses.

- (1) Those uses or categories of uses as listed herein, and no others, are permitted in the ITOD zone.
- (2) All uses contained herein are listed by number as designated in the Standard Land Use Code published and maintained by the Planning Commission. Specific uses are identified by a four (4) digit number in which all digits are whole numbers. Classes or categories of such uses permitted within the zone are identified by a four (4) digit number in which the last one (1) or two (2) digits are zeroes.
- (3) All such categories listed herein and all specific uses contained within them in the Standard Land Use Code will be permitted in the ITOD zone, subject to the limitations set forth.
- (4) *Permitted Principal Uses.* The following principal uses and structures, and no others, are permitted in the ITOD zone:

Use No.	Use Classification
1112	Single family dwelling, attached
1131	Multiple family dwelling
1140	Multiple family dwelling (low rise attached, stand alone or attached to

Use No.	Use Classification
4863	Water and electric utility company office
4864	Combination utilities right-of-way (identifies areas where surface is devoted exclusively to right-of-way activity)
4873	Storm drain or right-of-way (predominantly covered pipes or boxes)

Land use categories below are allowed as a permitted use only if they are ~~two~~ten thousand ~~(2,500~~10,000) square feet or less in size (gross square footage). Land use categories below that consist of gross building square footage in excess of ~~two~~ten thousand ~~five hundred~~ ~~(2,500~~10,000) square feet shall be approved only as a conditional use.

4923	Travel agencies
5390	Retail trade - general merchandise
5400	Food stores (groceries, meats and fish, fruits and vegetables, candy, nuts, dairy products, bakeries, etc.)
5490	Miscellaneous retail food establishments
5600	Apparel and accessories
5700	Furniture, home furnishings, and equipment (10,000 square foot maximum building size, no outdoor storage)

14.23.030 Lot Area.

~~Except in the case of dwelling units intended for owner occupancy, t~~The minimum lot area for any new development in the ITOD zone shall be twenty thousand (20,000) square feet. For the purpose of this Section, “new development” is defined as any new principal building or subdivision of a lot or parcel.

14.23.040 Lot Width.

~~Except in the case of dwelling units intended for owner occupancy, e~~Each lot or parcel of land in the ITOD zone shall have an average width of not less than one hundred (100) feet.

14.23.050 Lot Frontage.

~~Except in the case of dwelling units intended for owner occupancy, e~~Each lot or parcel of land in the ITOD zone shall abut a public street ~~or private drive for a minimum distance of one hundred (100) feet on a line parallel to the center of the street.~~

14.23.060 Prior Created Lots.

Lots or parcels of land which were created prior to December 12, 1974, shall not be denied a building permit solely for reason of nonconformance with the lot requirements of this Chapter.

14.23.070 Yard Requirements.

The following minimum yard requirements shall apply in the ITOD zone: (Note: All setbacks are measured from the property line.)

- (1) *Front Yard.* No requirement, ~~except the front yard setback for any building shall not be greater than six (6) feet along any front yard~~ with the following exception:
- (a) No part of any building shall overhang the public right-of-way and no drainage shall be diverted into said public right-of-way. (See Section ~~14.21.150(4)~~, Provo City Code, for canopy and marquee requirements.);

ITOD Zone Amendments

- (2) *Side Yard.* No requirement, ~~except the side yard setback for any building shall not be greater than ten (10) feet with the following exception:~~
- ~~(a) In instances wherein a development cannot obtain interior lot vehicular access from a rear yard, alley, easement, or other right-of-way, a side yard may be increased to twenty (20) feet;~~
- (3) *Side Yard - Corner Lots.* On a corner lot, the side yard contiguous to the street shall meet the same standards as Subsection [\(1\)](#) of this Section and shall not be used for vehicular parking except such portion as is devoted to driveway use for access to a garage or carport;
- (4) *Side Yard - Driveway.* See Section [14.37.100](#), Provo City Code;
- (5) *Side Yard - Accessory Building.* Accessory buildings are not permitted;
- (6) *Rear Yard.* No requirement; and
- (7) *Noise Buffer Setbacks.* Street side yards may be extended beyond the maximum setback limitations in the instance when property is located within one hundred (100) feet of a railroad track upon recommendation by the Design Review Committee. In determining the appropriateness of the increased setback, the approving body shall make the following finding in addition to the conditional use permit criteria:

- (a) That the design of the area included in the increased setback enhances the public realm and is necessary to mitigate the sound impacts of the adjacent railroad tracks.

(8) Transitional Yard Requirements.

- (1) Where a lot in an ITOD zone abuts a lot in any residential zone, building setback shall be at least one (1) foot for each two (2) feet of building height. Buildings over twenty (20) feet high shall be set back at least ten (10) feet.*

14.23.080
Projections into Yards.

The following structures may be erected on or project into a required yard, provided it does not obstruct a required driveway:

- (1) fences and walls in conformance with the Provo City Code and other City codes and ordinances;

- (2) landscaping elements including trees, shrubs, and other planting materials;
- (3) necessary appurtenances for utility services with property-impact protection if located adjacent to driveway areas; and
- (4) stairs not projecting beyond a property line. Access to commercial ground floor uses shall not be by means of stairs along a primary or secondary street.

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;
- (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.

14.23.095
Transitional Building Height.

- ~~(1) The maximum building height for buildings or portions of buildings in the ITOD zone located within one hundred (100) feet of, or directly across the street from, an RC, R1, R2 or PRO-R zone shall be a maximum of three (3) stories (not to exceed fifty [50] feet) for the first~~

- ~~one hundred (100) feet of building adjacent to the neighboring property or the first one hundred (100) feet of the building across the street.~~
- ~~(2) Buildings or portions of buildings in the ITOD zone located within fifty (50) feet of a property in an RC, R1, R2, or PRO-R zone or the first fifty (50) feet of buildings or portions of buildings in the ITOD zone located directly across the street from an RC, R1, R2, or PRO-R zone, shall be designed with a pitched or gabled roof.~~
- ~~(3) Buildings or portions of buildings in the ITOD Zone located adjacent to properties in an RC, R1, R2 or PRO-R zone shall have a twenty (20) foot landscaped buffer along the adjacent property line(s).~~

14.23.100
Distance Between Buildings.

No requirement except as regulated by the provisions of the adopted version of the International Building Code.

14.23.110
Permissible Lot Coverage.

No requirement except as may be dictated by necessary provision of off-street parking.

14.23.120
Parking, Loading, and Access.

- (1) Each lot or parcel in the ITOD zone shall provide a minimum of seventy-five (75%) percent of the required off-street parking set forth in Section [14.37.060](#), Provo City Code, except as otherwise provided in Subsection [\(2\)](#) of this Section.
- (2) Residential parking may be reduced to one (1) space per unit for one (1) bedroom units and to one and one-quarter (1 1/4) spaces for units with two (2) or more bedrooms subject to Planning Commission approval of a Transportation Demand Management (TDM) program as described in Section [14.37.050\(2\)](#), Provo City Code.
- (3) All other requirements of Chapter [14.37](#), Provo City Code, shall apply.

ITOD Zone Amendments

14.23.130 Project Plan Approval.

See Sections [15.03.300](#) and [15.03.310](#), Provo City Code.

14.23.140 Minimum Habitable Main Floor Depth.

- (1) Each structure in the ITOD zone situated along a primary street shall have a minimum habitable main floor depth of ~~forty~~[thirty](#) (430) feet along the entire frontage yard line exclusive of permitted yards and driveway approaches.
- (2) Each structure in the ITOD zone situated along a secondary street shall have a minimum habitable main floor depth of ~~thirty~~[twenty-five](#) (3025) feet along the entire frontage yard line exclusive of permitted yards and driveway approaches.
- (3) For the purposes of this Section, primary streets are designated as Freedom Blvd. (200 West), 100 West, and 600 South. All other streets shall be designated as secondary streets.

14.23.145 Minimum and Average Residential Unit Size.

Each structure that includes a residential use 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 shall not apply to institutional housing units (i.e., elderly housing, assisted living facilities, etc.).

14.23.150 Architectural Standards.

- (1) One (1) primary entrance door shall be provided for every fifty (50) feet of building frontage.
- (2) Each structure in the ITOD zone situated along a primary street shall provide the first story of the building face with a minimum of fifty (50) percent completely transparent glass and on secondary streets forty (40) percent completely transparent glass. Ground floor residential buildings shall provide twenty (20) percent completely transparent glass.

- (3) Building wall materials shall be combined on each facade horizontally only, with the heavier elements below lighter elements.
- (4) The exterior finish material on all buildings shall not consist of vinyl or metal siding (including sheet or corrugated metal), plywood, particle board or other wood products not intended as an architectural finish product, or manufactured stone.
- (5) All windows and doors, with the exception of ground level shop fronts shall be square or vertical in proportion.
- ~~(6) Doors and windows that operate as sliders are prohibited on street frontages and facades.~~
- ~~(7)~~ Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12 on all elevations facing a public street. Pitched roofs for porches and attached sheds may be no less than 2:12.
- ~~(8)~~ Windows and doors above the first story shall not exceed fifty (50) percent of the total building wall area, with each facade being calculated independently.
- ~~(9)~~ Balconies consisting of a minimum area of fifty (50) square feet shall be provided for a minimum of fifty (50) percent of all residential units. Balconies may be inset into the building or project outward into the property line. Balconies facing a side or rear yard shall maintain a distance of at least ten (10) feet from the face of the balcony to the adjacent property line.
- ~~(10)~~ All new buildings that are located within one hundred (100) feet of a rail road right-of-way shall include sound and vibration attenuating design and materials. Permit applicants shall provide documentation from an acoustical engineer that “best practices” for sound and vibration attenuation have been incorporated.

14.23.155 Design Standards.

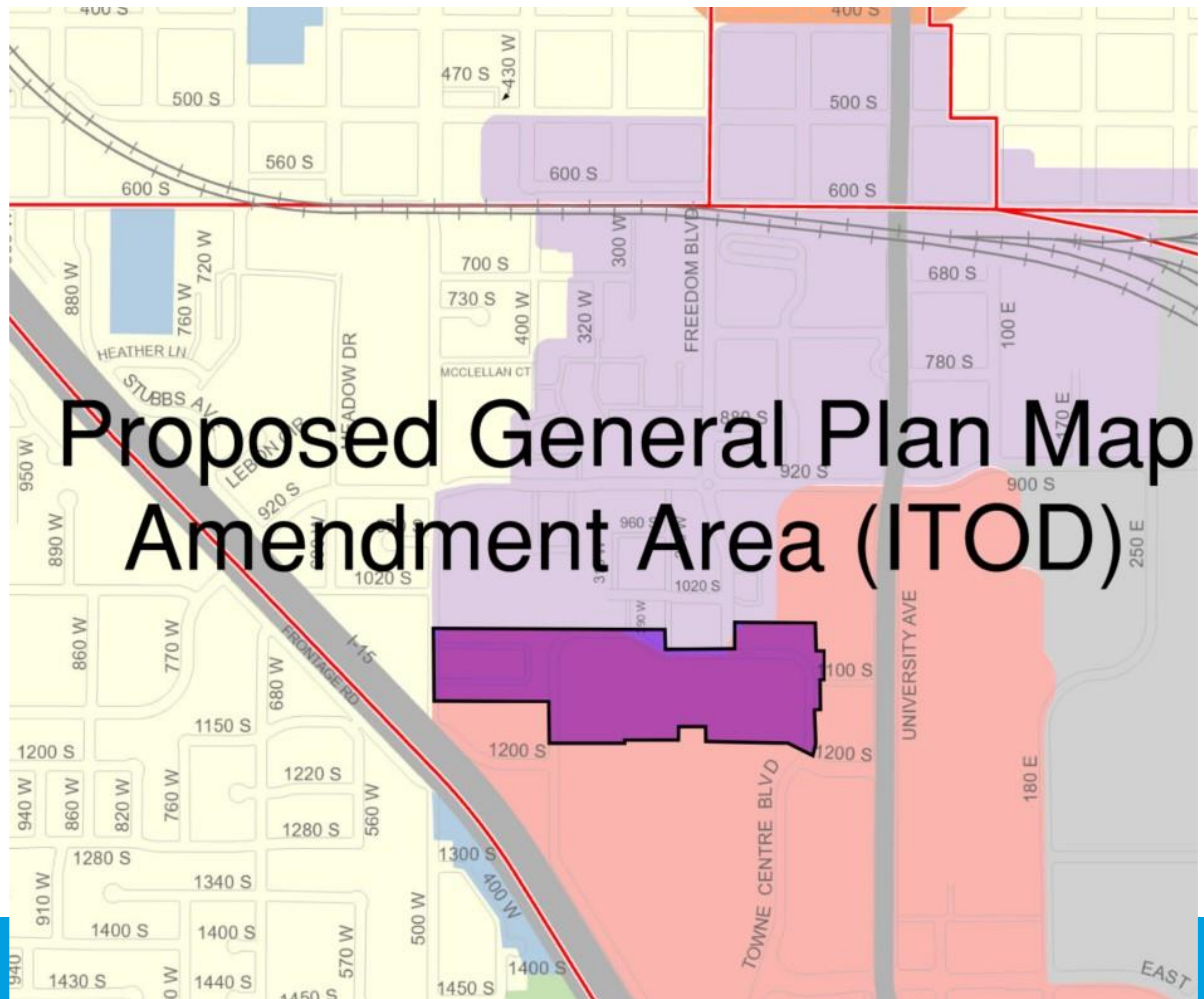
- (1) Design standards detailed in Section [14.34.295](#) (Downtown Development Design Standards), Provo City Code, shall apply to the ITOD zone.
- (2) The standards set forth in Section [14.34.300](#) (Transitional Development Standards for Uses Abutting Residential Zones), Provo City Code, shall not apply in the ITOD zone, except for in Section [14.23.160\(7\)](#), Provo City Code.

14.23.160 Other Requirements.

- (1) *Signs.* See Chapter [14.38](#), Provo City Code.
- (2) *Uses Within Buildings.* All uses established in the ITOD zone shall be conducted entirely within a fully-enclosed building except those uses deemed by the Planning Commission to be customarily and appropriately conducted in the open, and other uses which are allowed by the Planning Commission to be conducted in the open through the granting of a conditional use permit. Uses customarily deemed to be conducted in the open may include, but are not limited to, outdoor dining, ice skating, and miniature golf.
- (3) *Landscaping.* See Chapter [15.20](#), Provo City Code. 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 must be developed as usable open space or recreational amenities in accordance with the requirements set forth in Section [14.34.330](#), Provo City Code.
- (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 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.
- (4) *Canopies and Marquees.* See Chapter [14.34.490](#), Provo City Code.
- (5) *Trash Storage.* See Section [14.34.080](#), Provo City Code.
- (6) *Walls and Fences.*
- (a) No wall, fence, or opaque hedge or screening material higher than thirty-six (36) inches shall be maintained within an area which would tend to inhibit a safe sight distance of traffic traveling upon a public street, or entering into the public street from a private driveway or alley.
- (b) A decorative masonry wall, at least six (6) feet in height, shall be erected along all property lines which lie adjacent to a residential zone. In the case where a mutual

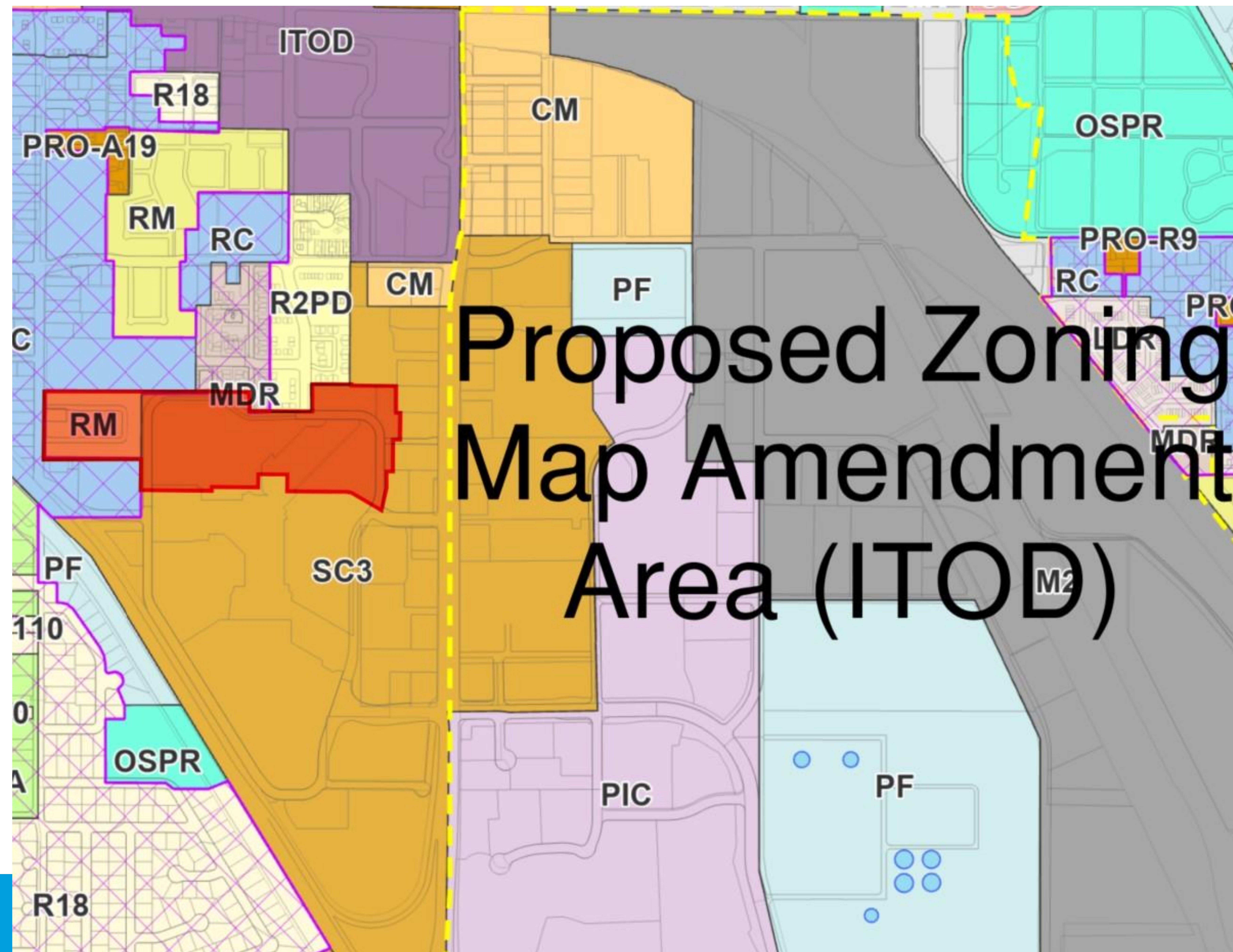
Mall Redevelopment Plan General Plan Amendment

- Proposal to change from Commercial (C) designation to Transit Oriented Development (TOD) designation
- Change is to support requested Zone Map Amendment to ITOD Zone and redevelopment concept plans
- Staff have concerns with infrastructure related to this request (detailed in later slides)



Mall Redevelopment Plan Zone Map Amendment

- Proposal to change from Regional Shopping Center (SC3) zone to Interim Transit Oriented Development (ITOD) zone
- Change is to support requested mixed-use redevelopment plan
- ITOD Zone is the best fit for the proposal, but there should be adjustments made from the concept plans to future project plans to align with zone purpose and objectives (detailed in later slides)



Mall Redevelopment Plan

Concept Plans

- Proposal to build 83 new townhomes and 1300 new apartments
- Plan incorporates partial demolition of existing mall and parking to construct residential uses, new roadways, amenity spaces, and new commercial uses
- Plan would also remove Shady Acres mobile home park, displacing current occupants
- Staff are in favor of mall redevelopment, but have concerns with current concept

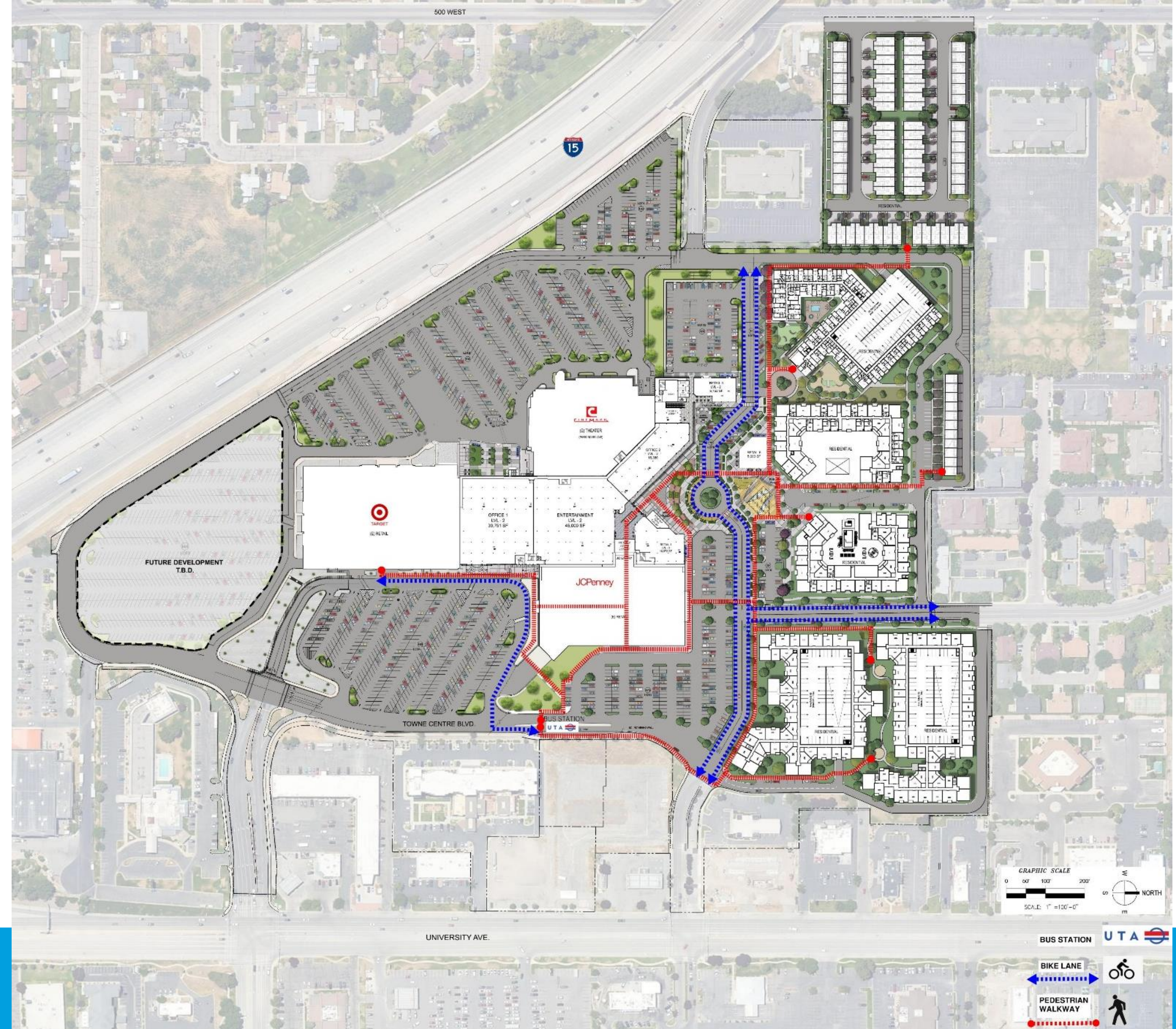


Mall Redevelopment Plan

Concept Plans

Concerns:

- Is it walkable enough?



Mall Redevelopment Plan

Concept Plans

Concerns:

- Is it walkable enough?
- Do residential units have enough parking assigned to them?



Mall Redevelopment Plan

Concept Plans

Concerns:

- Is it walkable enough?
- Do residential units have enough parking assigned to them?
- Are amenities open and easily accessible to all occupants?



Phase One Multi-Unit Accessory Storage Space										Phase Two Habitability & Accessory Storage Space										Phase Three Multi-Unit Accessory Storage Space										Phase Four Habitability & Accessory Storage Space										Phase Five Multi-Unit Accessory Storage Space									
Type	Priority	Score Allowed/R-Required	Score	Source Package Required	Source Package Provided		Type	Priority	Score Allowed/R-Required	Score	Source Package Required	Source Package Provided		Type	Priority	Score Allowed/R-Required	Score	Source Package Required	Source Package Provided		Type	Priority	Score Allowed/R-Required	Score	Source Package Required	Source Package Provided		Type	Priority	Score Allowed/R-Required	Score	Source Package Required	Source Package Provided																
FV	Electric Vehicle Charging Stations (≥ 20% of spaces)	40					FV	Electric Vehicle Charging Stations (≥ 20% of spaces)	40					FV	Electric Vehicle Charging Stations (≥ 20% of spaces)	40					FV	Electric Vehicle Charging Stations (≥ 20% of spaces)	40					FV	Electric Vehicle Charging Stations (≥ 20% of spaces)	40																			
FV	Electric Vehicle-wirelessly charging infrastructure (≥ 50% of spaces)	30					FV	Electric Vehicle-wirelessly charging infrastructure (≥ 50% of spaces)	30					FV	Electric Vehicle-wirelessly charging infrastructure (≥ 50% of spaces)	30					FV	Electric Vehicle-wirelessly charging infrastructure (≥ 50% of spaces)	30					FV	Electric Vehicle-wirelessly charging infrastructure (≥ 50% of spaces)	30																			
Alexis	Bike Repair Station	20					Alexis	Bike Repair Station	20					Alexis	Bike Repair Station	20					Alexis	Bike Repair Station	20					Alexis	Bike Repair Station	20																			
FBI	Open Space for Private Pet Waste	20	20	1,989			FBI	Open Space for Private Pet Waste	20	20	1,989			FBI	Open Space for Private Pet Waste	20	20	1,989			FBI	Open Space for Private Pet Waste	20	20	1,989			FBI	Open Space for Private Pet Waste	20	20	1,989																	
FBI	Pet Grooming Station	10	10				FBI	Pet Grooming Station	10	10				FBI	Pet Grooming Station	10	10				FBI	Pet Grooming Station	10	10				FBI	Pet Grooming Station	10	10																		
Outfitter	Kitchen Cooking Space (with minimum 10'x10')	30	30	1,847			Outfitter	Kitchen Cooking Space (with minimum 10'x10')	30	30	1,847			Outfitter	Kitchen Cooking Space (with minimum 10'x10')	30	30	1,847			Outfitter	Kitchen Cooking Space (with minimum 10'x10')	30	30	1,847			Outfitter	Kitchen Cooking Space (with minimum 10'x10')	30	30	1,847																	
Outfitter	Clothesline (separate from main building)	10	10	1,811			Outfitter	Clothesline (separate from main building)	10	10	1,811			Outfitter	Clothesline (separate from main building)	10	10	1,811			Outfitter	Clothesline (separate from main building)	10	10	1,811			Outfitter	Clothesline (separate from main building)	10	10	1,811																	
Outfitter	Outdoor gathering space with 30+ features	34					Outfitter	Outdoor gathering space with 30+ features	34					Outfitter	Outdoor gathering space with 30+ features	34					Outfitter	Outdoor gathering space with 30+ features	34					Outfitter	Outdoor gathering space with 30+ features	34																			
Outfitter	Outdoor gathering space with 7-10 features	32					Outfitter	Outdoor gathering space with 7-10 features	32					Outfitter	Outdoor gathering space with 7-10 features	32					Outfitter	Outdoor gathering space with 7-10 features	32					Outfitter	Outdoor gathering space with 7-10 features	32																			
OUTFITTER REQUIRED	Outdoor gathering space with 3-6 features	30					OUTFITTER REQUIRED	Outdoor gathering space with 3-6 features	30					OUTFITTER REQUIRED	Outdoor gathering space with 3-6 features	30					OUTFITTER REQUIRED	Outdoor gathering space with 3-6 features	30					OUTFITTER REQUIRED	Outdoor gathering space with 3-6 features	30																			
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Outfitter	Outdoor Open Area, no features (e.g., field, soccer court)	20					Outfitter	Outdoor Open Area, no features (e.g., field, soccer court)	20					Outfitter	Outdoor Open Area, no features (e.g., field, soccer court)	20					Outfitter	Outdoor Open Area, no features (e.g., field, soccer court)	20					Outfitter	Outdoor Open Area, no features (e.g., field, soccer court)	20																			
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Playground	Playground (if ≥ 50% of units have fewer than 2 children)	20					Playground	Playground (if ≥ 50% of units have fewer than 2 children)	20					Playground	Playground (if ≥ 50% of units have fewer than 2 children)	20					Playground	Playground (if ≥ 50% of units have fewer than 2 children)	20					Playground	Playground (if ≥ 50% of units have fewer than 2 children)	20																			
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Accommodation	Gym	20	20	1,989			Accommodation	Gym	20	20	1,989			Accommodation	Gym	20	20	1,989			Accommodation	Gym	20	20	1,989			Accommodation	Gym	20	20	1,989																	
Accommodation	Social Space	20	20				Accommodation	Social Space	20	20				Accommodation	Social Space	20	20				Accommodation	Social Space	20	20				Accommodation	Social Space	20	20																		
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FBI	Total Anxiety Required (10% of GSP)	18,483					FBI	Total Anxiety Required (10% of GSP)	18,483					FBI	Total Anxiety Required (10% of GSP)	18,483					FBI	Total Anxiety Required (10% of GSP)	18,483					FBI	Total Anxiety Required (10% of GSP)	18,483																			
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Mall Redevelopment Plan

Concept Plans

Concerns:

- Is it walkable enough?
- Do residential units have enough parking assigned to them?
- Are amenities open and easily accessible to all occupants?
- Can the roads handle the increase in vehicle trips?
- Others: legislative decisions will need to evaluate proposal with multiple asks against what benefits it brings to Provo

Provo Towne Centre Redevelopment TIS
Mitigation Map

Figure 2



Hales Engineering
1220 North 500 West Ste 202, Lehi, UT, 84043

1) 500 West / 920 South		
Scenario	Background	Plus Project
2050	- None	- Dual SB LT lanes - Change EB RT to thru/RT lane
2) Freedom Boulevard / 920 South		
Scenario	Background	Plus Project
2030	- None	- Channelized EB RT
2035	- None	- 2-lane roundabout (or signal) - EB TL/TR lanes - WB/SB TL/RT lanes - Add EB thru lane between Freedom Blvd & Univ Ave
2050	- Increase SB/WB RT storage length	- Second WB receiving lane, merges to one lane west of the roundabout - SB TL/TR lanes, second SB receiving lane merges to one lane south of roundabout
3) 920 South / University Avenue		
Scenario	Background	Plus Project
2030	- Increase storage length (EBR/SBL) - EB/WB RT overlap - SB RT to SB thru/right, thru to 1200 South	- Increase EB RT storage length
2035	- Increase storage length (EBR/SBL/WBR) - Dual WB LT	- Dual EB LT
2050	- Mitigations exceed ROW, additional lanes	
4) E 1200 South / University Avenue		
Scenario	Background	Plus Project
2030	- NB LT protected phasing	- None
2050	- SB RT extended as 4th SB lane to I-15 interchange - SB RT overlap phase	- Dual NB LT

801.766.4343
10/13/2025

Applicant Slides

Provo Town Center Planning Commission

Provo Town Center Redevelopment

Provo Town Center Redevelopment Team



PEG



B R I X T O N
CAPITAL

Provo Town Center Redevelopment



Provo Town Center Redevelopment Fly Through



Provo Town Center Planning Commission

Provo Town Center Redevelopment

Provo Town Center Redevelopment Team



PEG



B R I X T O N
CAPITAL

Provo Town Center Redevelopment



Provo Town Center Redevelopment Fly Through



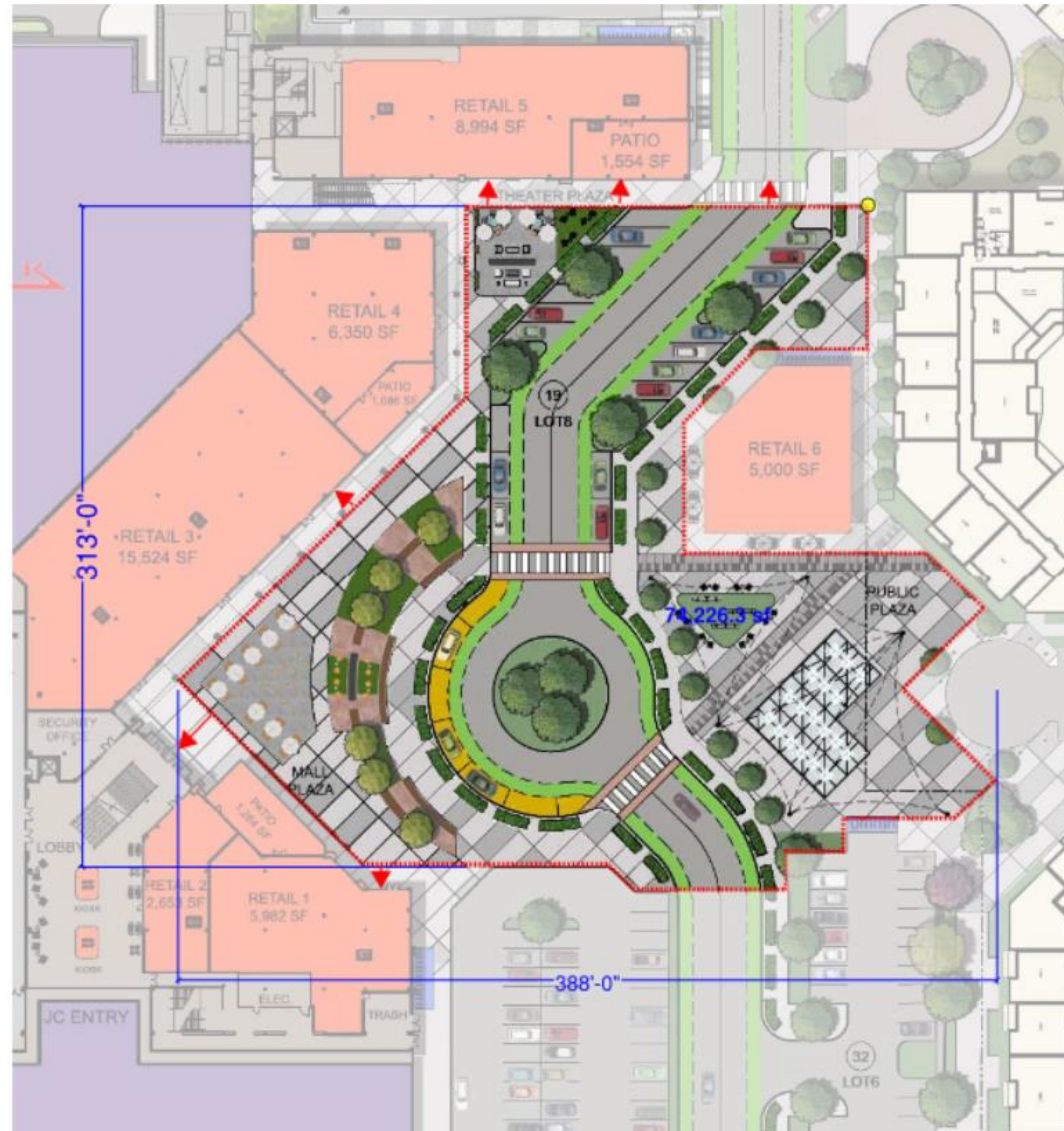
Level 1 "Lower"



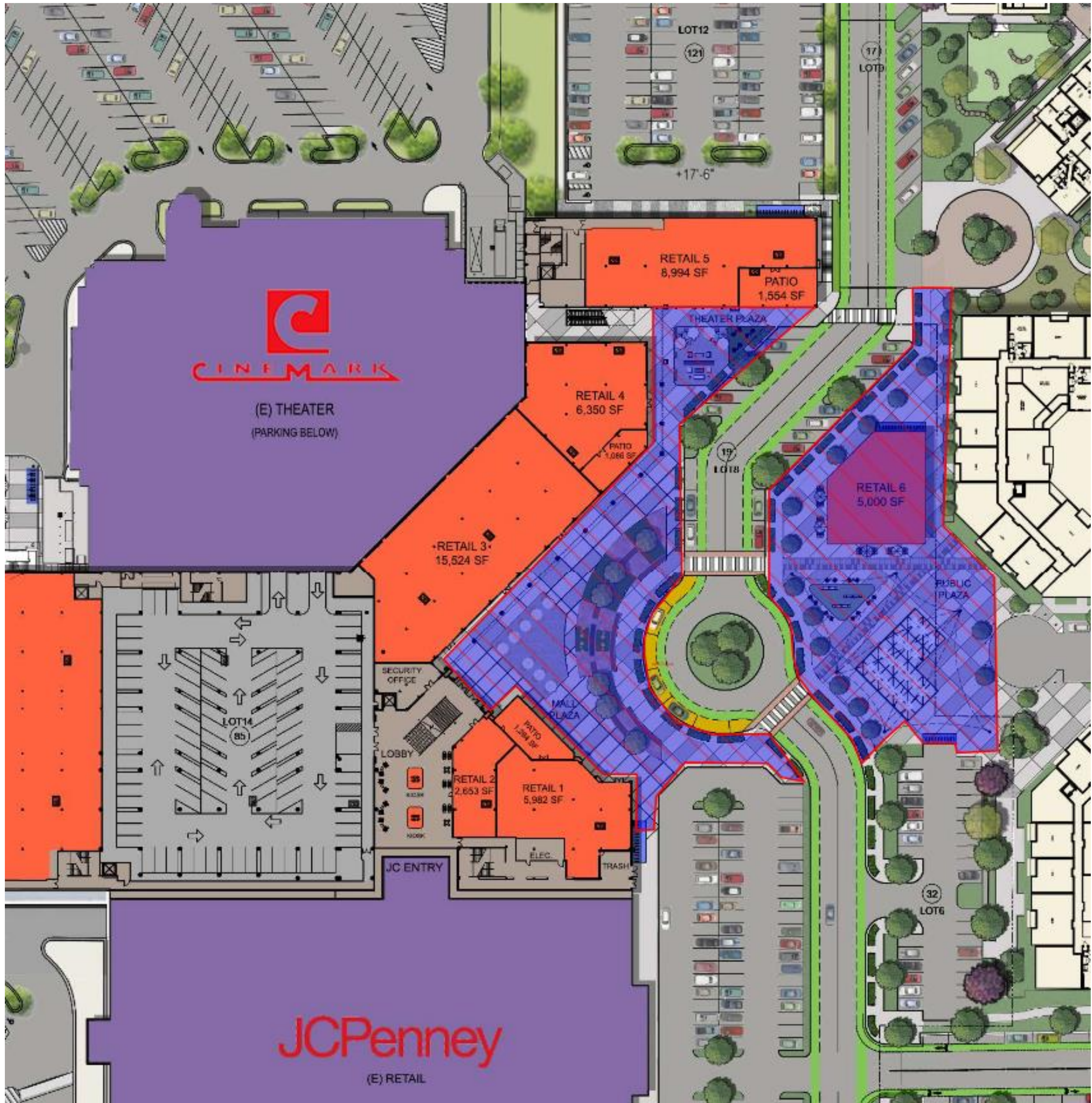
Level 2 “Upper”



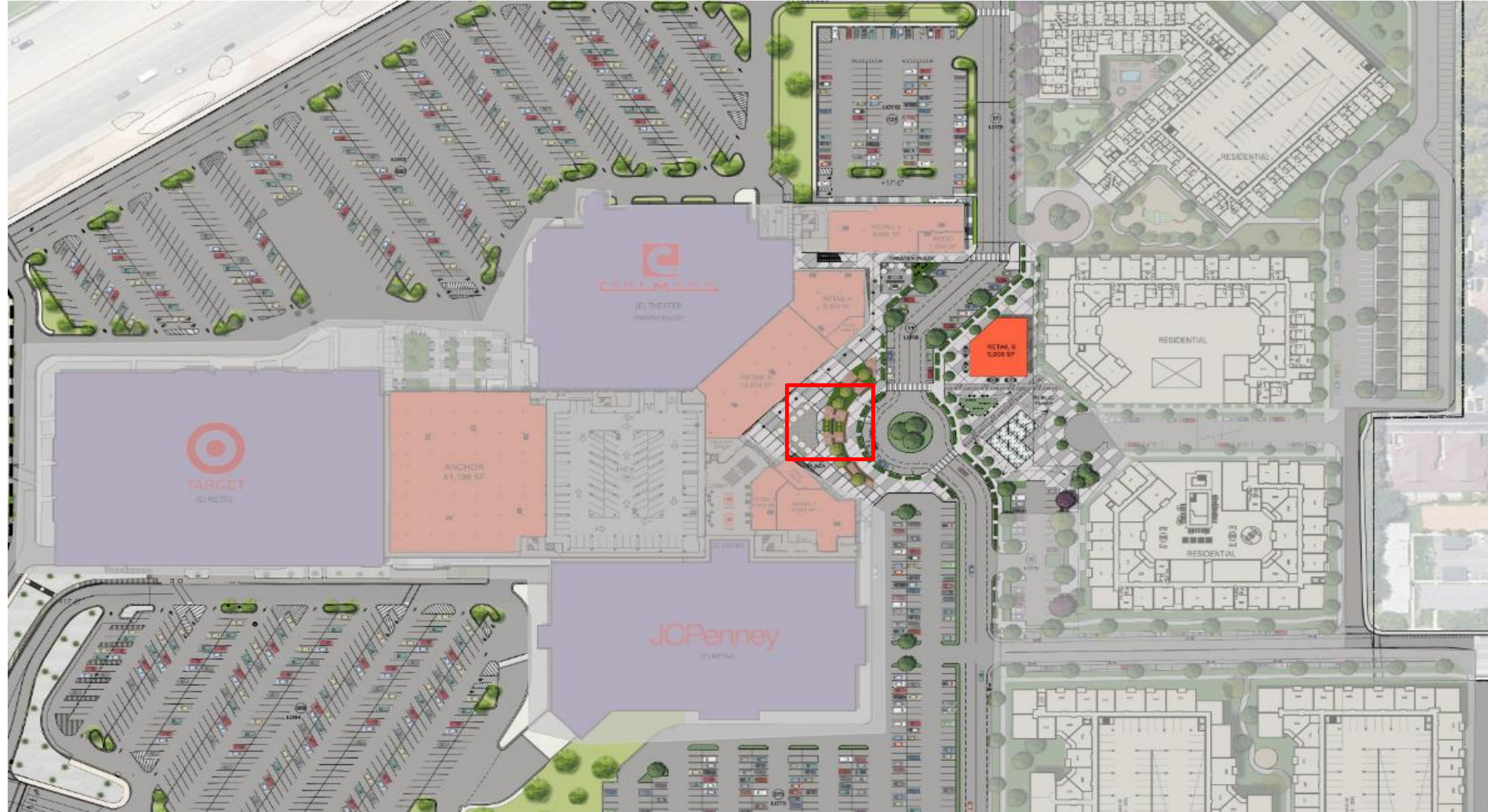
Flexible Community Space



Central Plaza -1.5 Acres - Everyday Amenities



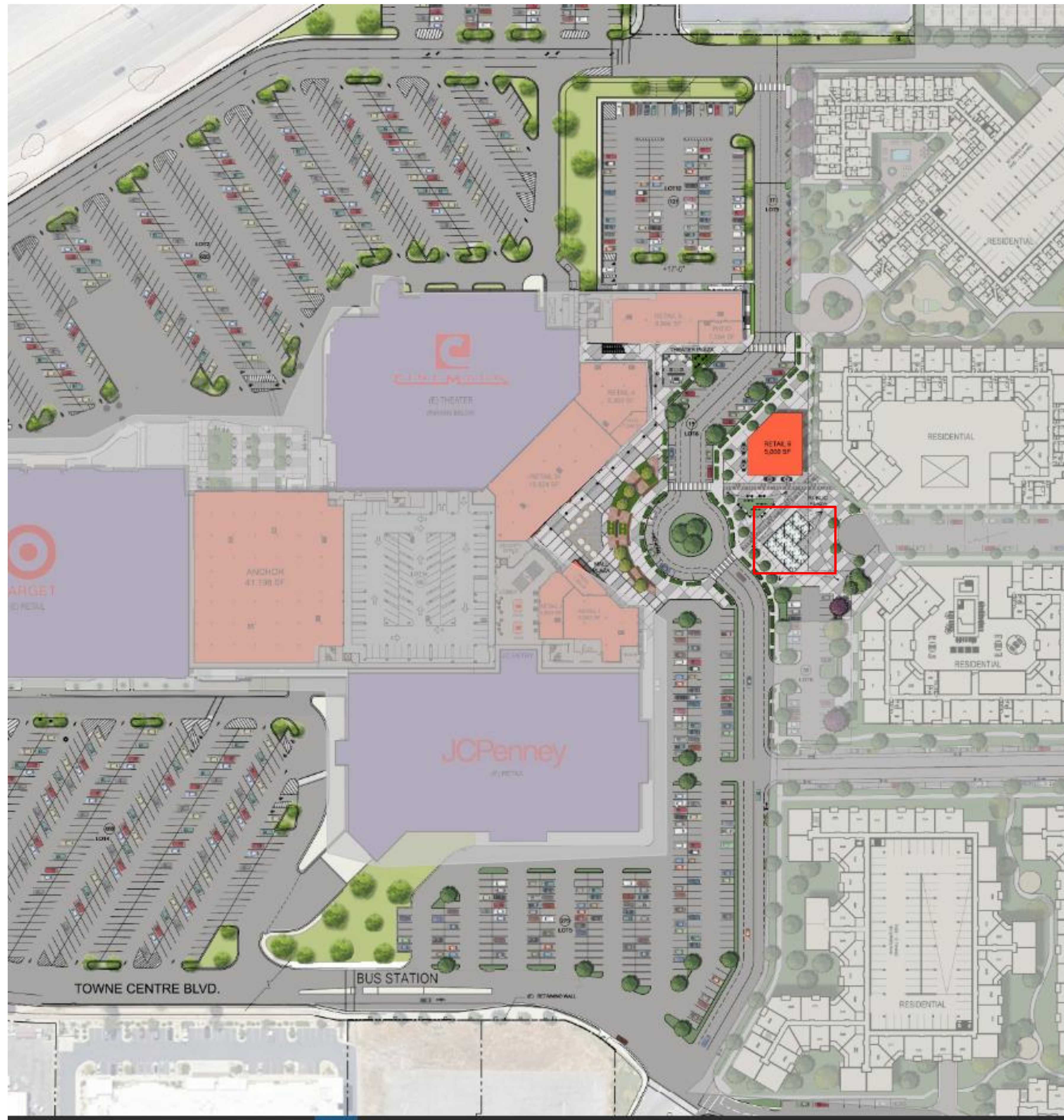
Main Plaza- Larger Gathering Area



Theatre Plaza - Small Gathering Areas



Amenity Plaza - Family Gathering Area



Mixed Use Integration



Provo Town Center Redevelopment

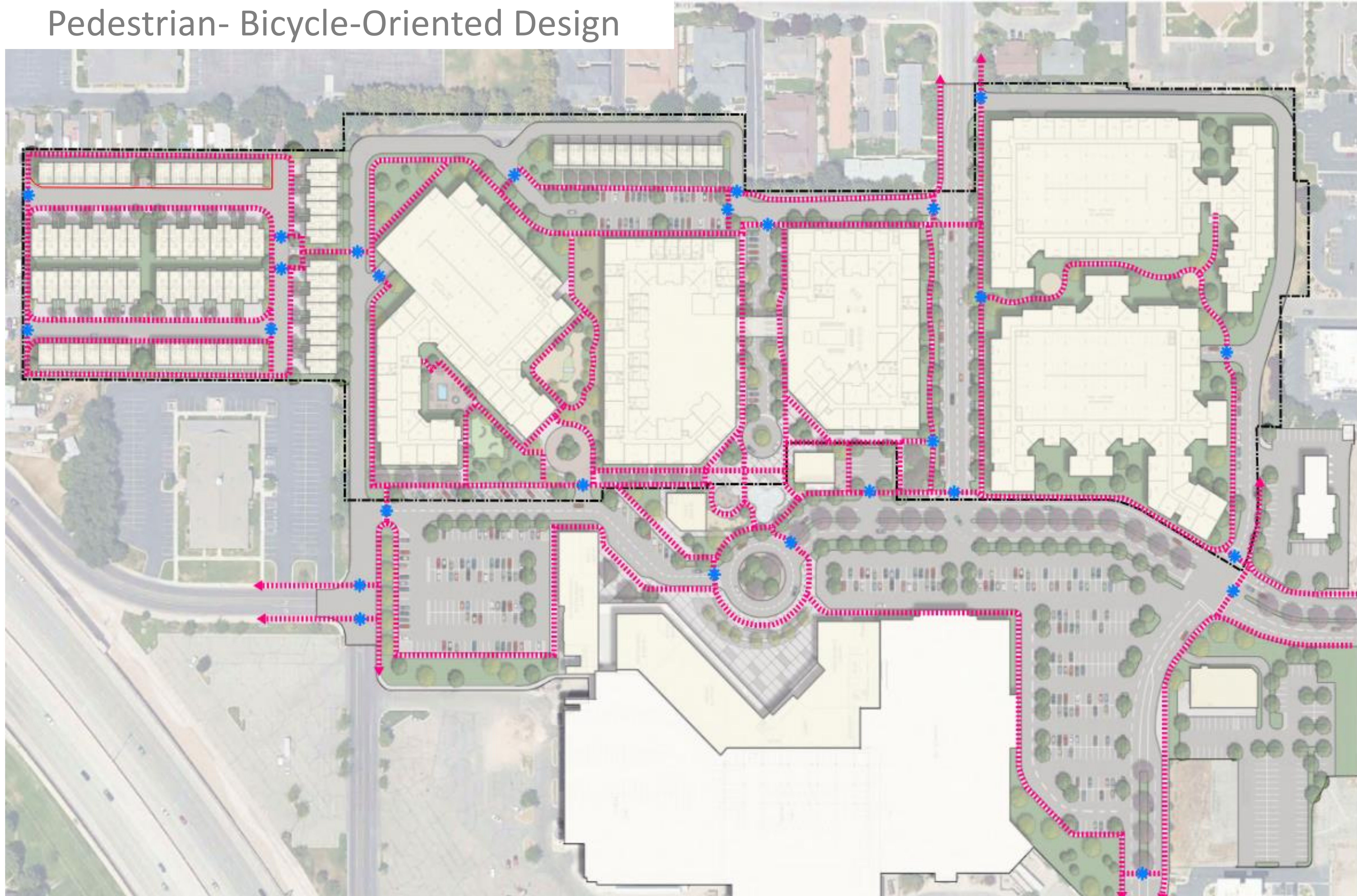
Pedestrian- Bicycle-Oriented Design

Planning Commission Comments

- Walkable Design
- Mixed Use Integration
- Plaza's, Recreation, Green Space



Pedestrian- Bicycle-Oriented Design





Provo Town Center Redevelopment

Appendix

Provo Town Center Redevelopment

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: KMARTINS
Presenter: Andrew Jackson, City Planner
Department: Recorder
Meeting Date: 10/6/2026
Requested Duration (Minutes): 40 minutes
CityView or Issue File Number: 26-023

SUBJECT: 6 A discussion regarding the Provo Towne Centre Mall redevelopment (26-023)

ADMINISTRATIVE RECOMMENDATION: General Plan Amendment: Planning Commission Recommended Approval
Zone Change: Planning Commission Recommended Approval
Ordinance Text Amendment: Planning Commission Recommended Denial

ADMINISTRATIVE MEMO: The proposed Provo Town Center redevelopment would support a major mixed-use transformation of the mall property through a General Plan amendment from Commercial to Transit Oriented Development (TOD) and a zone map amendment from Regional Shopping Center (SC3) to Interim Transit Oriented Development (ITOD). The current concept includes approximately 83 townhomes and 1,300 apartments, along with new commercial uses, roadways, public and private amenity areas, and partial demolition and redevelopment of the existing mall and parking areas. The proposal would also remove the Shady Acres mobile home park and displace its current occupants.

Staff supports redevelopment of the mall but has identified several issues for further consideration, including pedestrian connectivity and walkability, residential parking, accessibility of amenities, roadway capacity and infrastructure impacts, and whether the overall benefits of the project adequately address the various legislative requests associated with the proposal. The redevelopment concept emphasizes mixed-use development, pedestrian and bicycle connections, and a series of community gathering spaces and plazas intended to create a more walkable urban environment.

FISCAL IMPACT: TBD

COUNCIL STAFF MEMO:

**DEVELOPMENT AGREEMENT
FOR**

**_____
([Property Address])**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is made and entered into as of the date executed by all Parties (the “Effective Date”) by and between the city of PROVO, a Utah political subdivision, (hereinafter referred to as "City") and Brixton Provo Mall, LLC, a Delaware limited liability company, and Brixton Provo Project, LLC, a Delaware limited liability company, (hereinafter collectively referred to as “Owner”). The City and Owner are herein collectively referred to as “Parties.”

RECITALS

A. Owner owns approximately 44.212 acres of land located within the City of Provo as is more particularly described on EXHIBIT A, attached hereto and incorporated herein by reference (the “Property”).

B. On _____, the City Council approved Ordinance _____, vesting zoning (the “Vesting Ordinance”), based on the Concept Plan set forth on EXHIBIT B (“Concept Plan”), attached hereto and incorporated herein by reference, which will govern the density, development and use of the Property (said density, development, and use constituting the “Project”).

C. Owner is willing to design and construct the Project in a manner that is in harmony with and intended to promote the long-range policies, goals, and objectives of the City's General Plan, zoning, and development regulations in order to receive the benefit of vesting for certain uses and zoning designations under the terms of this Agreement as more fully set forth below.

D. The City Council accepted Owner’s proffer to enter into this Agreement to memorialize the intent of Owner and City and decreed that the effective date of the Vesting Ordinance be the date of the execution and delivery of this Agreement and the recording thereof as a public record on title of the Property in the office of the Utah County Recorder.

E. The City Council further authorized the Mayor of the City to execute and deliver this Agreement on behalf of the City.

F. The City has the authority to enter into this Agreement pursuant to Utah Code Section 10-20-101(2) and relevant municipal ordinances, and desires to enter into this Agreement with the Owner for the purpose of guiding the development of the Property in accordance with the terms and conditions of this Agreement and in accordance with

applicable City Ordinances.

G. This Agreement is consistent with, and all preliminary and final plats within the Property are subject to and must conform with, the City's General Plan, Zoning Ordinances, and Subdivision Ordinances, and any permits issued by the City pursuant to City Ordinances and regulations.

H. The Parties desire to enter into this Agreement to specify the rights and responsibilities of the Owner to develop the Property as expressed in this Agreement and the rights and responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.

I. The Parties understand and intend that this Agreement is a “development agreement” within the meaning of, and is entered into pursuant to, the terms of Utah Code Ann., §10-20-101 and 10-20-508.

J. The Parties intend to be bound by the terms of this Agreement as set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Owner hereby agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated into this Agreement, as a substantive part hereof.
2. Zoning. The Property must be developed in accordance with: (i) the requirements of the ITOD Zone in effect on the Effective Date; (ii) the Concept Plan; and (iii) this Agreement. Except for City-approved non-material variations permitted under Section 3, the Owner may not develop the Property in a manner that deviates from the Concept Plan.
3. Governing Standards. The Concept Plan, the Vesting Ordinance and this Agreement establish the development rights for the Project, including the uses, maximum density, intensity, and general configuration for the Project. The Project must be developed in accordance with the Concept Plan, the Vesting Ordinance, and this Agreement. All submittals must comply with the Concept Plan, the Vesting Ordinance, and this Agreement. Non-material variations to the Concept Plan, as defined and approved by the City's Development Services Director, such as exact building locations, locations of open space, and parking may be varied by the Owner without official City Council or Planning Commission approval. Such variations, however, may in no way change the maximum density, use, and intensity of the development of the Project. All variations, material or otherwise, must comply with Provo City Code.
4. Additional Specific Obligations. As an integral part of the consideration for

this Agreement, the Owner and the City voluntarily agree as follows:

- a. Phasing. The Project will be built in multiple phases with commencement of the final phase starting no later than fifteen (15) years from the completion of all Conditions Precedent to Owner's Obligations, provided that Owner has the right to request an extension of such final phase deadline for up to thirty-six (36) months by providing the City a market report from a reputable appraiser indicating that such phase is not economically viable or recommended given the then current market conditions. The final phase is defined as any phase that would complete the general intent of the Concept Plan. Such request for extension must be received at least six (6) months prior to the original fifteen (15) year final phase deadline. The City may not unreasonably deny such a request. Notwithstanding the foregoing, the commercial improvements indicated on the Concept Plan must be commenced no later than three (3) years from the completion of all Conditions Precedent to Owner's Obligations.
- b. Concurrent Development Requirements: Owner must submit a comprehensive phasing plan to the City for review and approval, in the discretion of the City, prior to issuance of any building permits. This plan must demonstrate that the commercial portion of the redevelopment of Provo Town Center Mall and all public Project infrastructure in the public right-of-way (except as otherwise approved by the City Public Works Director), as shown in cross hatch on Exhibit E, will be completed in the first phase of the Project to ensure balanced community development. First phase residential units are limited to 350 units and such residential units may not receive building permits until building permits for the commercial redevelopment phase have been issued. The second residential phase may not receive building permits until all first phase commercial shell improvements have received completion certificates, at which time up to 350 second phase residential unit building permits may be issued. It is expressly understood that the shell improvements are all that is necessary to satisfy this requirement and no specific tenant improvement occupancy certificates are required in order for the above-described second phase residential building permits to issue. Building permits for additional residential units beyond the 700 described above may not be issued until Owner demonstrates that executed leases are in place for not less than sixty percent (60%) of the redeveloped commercial gross leasable area identified in the approved phasing plan.
- c. For Sale Residential. Owner must create for-sale residential units as a part of the Project in the area where the mobile home park is currently located as noted on the Concept Plan. Owner must construct and market no less than 75 for-sale residential units. Each such unit must be created as a separately conveyable legal parcel or condominium unit and must be subject to a recorded restriction, in a form approved by the City, prohibiting any rental of such a unit, subject to a temporary, objective, exception to this rule that is approved in advance by the City, for circumstances such as a purchase money

lender's foreclosure, an owner's health crisis leading to the owner's long term hospitalization or death, mobilization of active duty military personnel, or a similar circumstance, for a period of five (5) years following the later of the issuance of its certificate of occupancy and the initial purchase of the unit. Building permits for the final residential phase may not be issued until certificates of occupancy have been issued for all 75 for-sale units. Furthermore, Owner must make all residential units, including those that are not part of the 75 for-sale units described in this subsection, subject to a recorded restriction that prohibits short-term rental, as defined in Provo City Code.

d. Land Exchange. Subject to proper notice and the exercise of legislative discretion, the City agrees to vacate its interest in a certain portion of the currently platted public right of way and to exchange with the Owner a certain portion of that land underlying the currently platted right of way within the Project, for a newly improved and dedicated right of way within the Project, all as depicted on Exhibit C.

e. HTRZ Application. The City agrees to diligently prepare and promptly submit an application to the Governor's Office of Economic Opportunity ("GOEO") for the creation of a Housing and Transit Reinvestment Zone ("HTRZ") to facilitate tax increment financing of eligible Project costs and the development of the Project, in accordance with Utah Code Title 63N, Chapter 23, Part 2, as amended. The City will use commercially reasonable efforts to obtain approval of the HTRZ and will take all commercially reasonable actions that are required by statute to establish the HTRZ for the benefit of the Project, in each case subject to the required approvals of the City Council and the governing board of the City's Redevelopment Agency, each of which retains its full legislative and governing discretion. Nothing in this subsection obligates the City or its Redevelopment Agency to approve any interlocal agreement, participation agreement, or pledge of tax increment, or to submit an HTRZ application containing terms the City Council has not approved. Owner agrees to provide all information and assistance reasonably necessary for the City to prepare the application, obtain approval, and establish the HTRZ within the Property. City anticipates that this application will include other project areas besides this Property and this Project. With respect to this Property and Project, the application will propose that:

- i. the property tax increment generated within the Property be transferred through an interlocal agreement between the City and the City's Redevelopment Agency (Agency), and will be administered through a participation agreement among the Agency, the Owner, and other necessary parties, if any, to fund eligible Project costs, including, without limitation, infrastructure improvements, affordable housing subsidies, and public amenities;

ii. such property tax increment be collected and gathered for a term at least sufficient to provide the support requisite to facilitate the viability of the Project from the designated base year (the “HTRZ Term”) and that, together with HTRZ sales and use tax revenue generated within Property, be distributed to Owner or pledged to retirement of bonds created to fund eligible Project costs; and

iii. the State Housing and Transit Reinvestment Committee (the “Committee”) establish an HTRZ sales and use tax boundary that includes the Property.

f. HTRZ Revenue. If the HTRZ is approved by the state committee, the City will follow Utah Code Title 63N, Chapter 23, Part 2, as amended, the approved application regarding the revenue from the HTRZ, and any subsequently executed participation agreement with Owner.

g. All elements of the application for, and operation of, the HTRZ must comply with Utah Code Title 63N, Chapter 23, Part 2, as amended. Nothing in this Agreement requires the City to act in any way that is contrary to governing state law with respect to the HTRZ. To the extent governing state law regarding HTRZs conflicts with this Agreement, the Parties agree that the provisions of state law govern.

h. Conditions Precedent to Owner’s Obligations. The Parties expressly acknowledge that completion of the following criteria to the reasonable satisfaction of the Parties is a Condition Precedent to Owner’s Obligations under this Agreement, other than those Owner commitments within paragraphs 4.d and 4.e above that are necessary to meet the following Conditions Precedent. If all of the Conditions Precedent listed below have not been satisfied or waived in writing by the Owner within thirty-six (36) months after the Effective Date, the Parties have the right, but not the obligation, at the sole discretion of either Party, to terminate this Agreement upon thirty (30) days’ written notice to the other Party, whereupon all rights and obligations established herein also terminate. The Conditions Precedent to Owner’s Obligations are:

i. Establishment of the HTRZ, as described above.

ii. City consent to formation of a PID, to serve the Project;

iii. Execution of agreements between the Owner and all necessary parties regarding the HTRZ revenue and sales tax share revenue, including those agreements necessary to arrange for HTRZ revenue to be used to satisfy bonds issued by the contemplated PID;

iv. Performance by the Parties of all steps required to satisfy subsection 4.d.; and

- v. City approval of the comprehensive phasing plan and a site plan application for the first phase of the Project.
- i. HTRZ Affordable Housing. Owner agrees to construct and deliver affordable housing units within the HTRZ boundary in accordance with the requirements of Utah Code §63N-23-201(2). Specifically, Owner must ensure that a total of twelve percent (12%) of all residential units constructed within the Property are designated as affordable to households earning no more than eighty percent (80%) of the Area Median Income (“AMI,” defined for purposes of this agreement as county median gross income for households of the same size), with no less than three percent (3%) of all residential units within the Property designated as affordable to households earning no more than sixty percent (60%) of the AMI. Owner may exceed the minimum number of affordable housing units for each phase of the Project as well as for the Project as a whole. These affordable housing obligations apply for the entirety of the period Owner is receiving HTRZ property tax or sales tax increment or for the period required by state law, whichever is greater. The Parties agree that Owner may build more than the required minimum affordable units in any phase, and that the affordable units completed in excess of the required units in any phase will be credited to each subsequent phase, so the residential construction within the Project will at all times meet or exceed the minimum number and type of affordable units on a percentage basis.
- j. HTRZ Affordable Housing Compliance. To ensure ongoing compliance with affordable housing obligations, the Owner must provide detailed annual reports to the City documenting the number of affordable units maintained, tenant income verification, and AMI percentage compliance for each unit. The City retains the right to conduct compliance audits with thirty (30) days' written notice.
- k. Impact Fees. Owner acknowledges that, pursuant to applicable municipal ordinances and state law, certain development impact fees are imposed to mitigate the impacts of new development on public facilities. City acknowledges that impact fees may only be charged as permitted by the federal and state constitution, U.C.A. Title 11 Chapter 36A, and Provo City Code Chapter 15.08. City further acknowledges that offsets or credits required by those laws must be given.
- l. Sewer Capacity and Offsite Sewer Improvements. The Parties acknowledge that the existing 36-inch gravity sewer trunk line downstream of the force main that discharges at or near 1100 West and 1560 South, and related offsite sewer infrastructure serving the area of the Project, are projected to experience capacity limitations in the near future. The Parties further acknowledge that offsite sewer improvements are necessary to address such capacity limitations and to provide additional wastewater conveyance capacity for approved and future development, including the Project.

i. City Design and Construction of Offsite Sewer Improvements. Upon satisfaction of the Conditions Precedent to Owner Obligations and notice to proceed from the Owner, the City will proceed with the design of the offsite sewer improvements necessary to address capacity issues associated with the 36-inch offsite sewer trunk line, including the Westside Trunk Line and related improvements identified in the City's capital planning documents, Sewer Impact Fee Facilities Plan, or as shown generally on Exhibit D, as applicable (collectively, the "Offsite Sewer Improvements"). The City has responsibility for the design, permitting, bidding, construction, and administration of the Offsite Sewer Improvements, applicable procurement requirements, and all other requirements of law.

ii. Owner Advance of Sewer Impact Fees. To assist the City in funding a portion of the Offsite Sewer Improvements and to address the capacity issues described above, Owner will advance to the City Three Million Six Hundred Thousand Dollars (\$3,600,000.00) in sewer impact fees otherwise payable for the Project. The Owner must pay such amount to the City as a condition for the issuance of the first residential building permit for the Project.

iii. The Parties acknowledge and agree that the \$3,600,000.00 payment constitutes an advance payment towards sewer impact fees for the entire Project and constitutes pre-payment towards sewer impact fees for up to 1,384 (one thousand, three hundred and eighty-four) housing units as such may be approved in the Concept Plan, calculated at the sewer impact fee rate in effect on the date the impact fee payment is made.

(a) If upon completion of the final phase, the sewer impact fees lawfully due for actually permitted residential units, calculated at the rate in effect when the sewer impact fee for the units was paid, is less than \$3,600,000.00 in the aggregate, City must refund Owner the difference between the \$3,600,000.00 prepaid, and the amount owed for actually permitted residential units.

(b) If the sewer impact fees lawfully due for actually permitted residential units, calculated at the rate in effect when the sewer impact fee for the units is paid, exceed \$3,600,000.00 in the aggregate, Owner must pay the difference between the \$3,600,000.00 prepaid, and the amount owed for the next permit(s) at the time of issuance of the permit that causes the excess.

(c) If the right to develop residential units within the Property is transferred by Owner to another entity or individual,

Owner must designate the portion of prepaid sewer impact fees allocated to those units, if any, and notify City of such designation.

iv. Nothing in this Agreement may be construed to require the Owner to pay sewer impact fees in excess of the amounts lawfully imposed under applicable law and City ordinance. Owner will receive a sewer impact fee credit for the reduction of sewer capacity impact that is associated with commercial and residential development that exists on the Property on the Effective Date.

v. No Waiver of City Authority. Except as expressly provided in this Agreement, nothing herein limits the City's authority to manage, allocate, or condition wastewater capacity in accordance with applicable law, adopted City standards, and generally applicable City ordinances.

vi. Further Documentation. The Parties will cooperate in good faith to execute any additional documentation reasonably necessary to administer the advance payment, crediting, accounting, and application of the \$3,600,000.00 sewer impact fee advance, provided that any such documentation must be consistent with this Agreement, applicable Utah law, and Provo City Code.

m. Traffic and Mobility Elements. The Parties agree:

i. UDOT Required Improvements. Any roadway, signal, intersection, access, pedestrian, utility, drainage, or other transportation-related improvements within both existing City and UDOT right-of-way that are required by UDOT as a result of the Project must be designed, permitted, initially funded, and constructed by the Owner. Owner may request the City's and UDOT's assistance to exercise the power of eminent domain to acquire any private land necessary to complete the required transportation-related improvements, with the decision to take such action being entirely within the discretion of the Provo Municipal Council or UDOT, as applicable.

(a) Owner's duty to obtain permits, initially fund, and construct UDOT Required Improvements is conditioned upon the public acquisition and dedication of private land required to construct such improvements.

(b) Nothing in this Agreement will be construed to require that such improvements be funded exclusively by Owner, and the Parties acknowledge that it is anticipated that funding will be provided, in part, by Owner reimbursement mechanisms

such as a mutually acceptable “pioneering” or “latecomer’s” agreement and may be funded in whole or in part through grants, or other public or private funding sources that may become available. Nothing in this subsection (a) requires City to provide any funding or relieves Owner of the responsibility to comply with this subsection 4.m.i. if no such funding becomes available.

(c) The City acknowledges that approvals, permits, reviews, authorizations, and coordination efforts may be required from UDOT and other governmental agencies in connection with such improvements. The City will reasonably cooperate with Owner in pursuing such approvals, including participating in meetings with UDOT, reviewing and processing City approvals in a timely manner, providing information and documentation reasonably requested by Owner or UDOT, or other actions reasonably necessary to facilitate approval and construction of such improvements.

(d) The City makes no representation or guaranty that any approval will be granted but agrees to use commercially reasonable efforts, within its lawful authority, to assist in obtaining such approvals.

ii. Mobility and Access Program (MAP). Owner must establish and implement a Mobility and Access Program ("MAP") for the Project. The purpose of the MAP is to promote safe, convenient, and accessible transportation options for residents, employees, tenants, and visitors and to encourage the use of transit, walking, bicycling, ridesharing, and other multimodal transportation alternatives.

(a) The MAP may include, as applicable, bicycle facilities, pedestrian improvements, transit-supportive amenities, mobility hubs, rideshare accommodations, wayfinding systems, enhanced pedestrian connectivity, resident mobility information, and other transportation-related measures designed to improve access to and within the Project and reduce reliance on single-occupancy vehicle trips.

(b) The specific components of the MAP may be refined from time to time through the development review process, site plan approvals, and future phases of the Project, provided the overall objective of encouraging multimodal transportation and improving connectivity is maintained.

(c) Owner, or its successor in interest, is responsible for administration and implementation of the MAP. Upon

reasonable request by the City, Owner must provide documentation reasonably demonstrating implementation of the MAP and the mobility-related improvements incorporated into the Project.

iii. Traffic Monitoring and Validation. No offsite traffic improvements are required for the first 350 residential units. Prior to issuance of residential building permits for any residential phase that would increase the cumulative number of approved residential units by more than three hundred fifty (350) units beyond the number of residential units previously approved, Owner must submit a Traffic Impact Analysis (“Traffic Analysis”) prepared by a qualified traffic engineer.¹ The purpose of the study is to evaluate actual growth in traffic generated by the Project and its impact on adjacent roadways and intersections compared to growth impacts generated by other projects.

(a) The Traffic Analysis must be based on observed traffic counts, measured trip generation data, turning movement counts, and other field-collected information obtained from the Project and surrounding roadway network. The Traffic Analysis must evaluate traffic attributable to the Project and may not assign responsibility to the Project for traffic existing as of the date the Conditions Precedent of Owner’s Obligations are satisfied, traffic growth related to offsite development, regional traffic increases, pass-through traffic, changes in roadway operations caused by third-party development, or traffic volumes derived solely from the City’s forecasted future growth assumptions that are not attributable to the increased density of the Project.

(b) If a Traffic Analysis demonstrates that actual traffic growth generated by the development of the Project is resulting in impacts that require mitigation under applicable City, UDOT, or adopted engineering standards, the City and Owner must meet and confer in good faith regarding mitigation measures related and proportionate to the Owner's demonstrated impacts. Any required mitigation is limited to impacts attributable to traffic generated by the Project-derived growth, as demonstrated through measured traffic conditions and accepted engineering analysis.

¹ For example, the Owner must first submit a traffic monitoring study prior to issuance of a building permit for the 351st residential unit and then must again submit a Traffic Analysis prior to the issuance of a building permit for the 701st residential unit, and so on.

(c) The City may withhold issuance of residential building permits for the next residential phase upon a determination, supported by the Traffic Analysis and applicable engineering standards, that the Project-derived growth is causing a degradation of corridor or intersection level of service that requires mitigation and that the Owner has failed to identify, and permit for construction, the agreed-upon or otherwise required mitigation measures following written notice from the City and a reasonable opportunity to remedy the level of service.

n. Phase 1 Redevelopment. Owner intends to redevelop the existing mobile home park (the "Mobile Home Park") as a component of the Project.

i. Time to Vacate. Owner agrees that it may not require residents and occupants of the Mobile Home Park to vacate their homes or remove all personal property any sooner than eighteen (18) months from the later of (1) execution of this Agreement or (2) notice to vacate is delivered to tenants pursuant to state law ("Required Date to Vacate").

ii. Relocation Assistance. As additional relocation assistance beyond that otherwise required by applicable law, Owner must provide a one-time relocation assistance payment of Ten Thousand Dollars (\$10,000.00) per occupied household to each household that:

(a) was lawfully occupying a space within the Mobile Home Park and was in good standing as of the Effective Date of this Development Agreement; and

(b) remains in lawful occupancy and in good standing until the Required Date to Vacate. For purposes of this Subsection, the term "in good standing" means the household is not in default under the applicable lease or rental agreement beyond any applicable notice and cure period.

iii. Owner must provide evidence reasonably satisfactory to the City demonstrating that all required relocation assistance payments have been made prior to the issuance of the Phase 1 residential building permits.

iv. Compliance with Applicable Law. All notices must be provided in accordance with applicable federal, state, and local law, including, without limitation, the Utah Mobile Home Park Residency Act ("MHPRA"), Utah Code Title 57, Chapter 16.

v. Cessation of Tenancy. City will not object to Owner's efforts to terminate occupancy of the Mobile Home Park if the requirements of this Section have been satisfied and Owner has otherwise complied with applicable law.

5. Construction Standards and Requirements. All construction on the Property at the direction of the Owner must be conducted and completed in accordance with the City Ordinances, including, but not limited to setback requirements, building height requirements, lot coverage requirements and all off-street parking requirements.

6. Vested Rights and Reserved Legislative Powers.

a. Vested Rights. As of the Effective Date, Owner has the vested right to develop and construct the Project in accordance with the uses, maximum permissible densities, intensities, and general configuration of the development established in the Concept Plan, as supplemented by the Vesting Ordinance and this Agreement (and all Exhibits), subject to compliance with the City Ordinances in existence on the Effective Date. The Parties intend that the rights granted to Owner under this Agreement are contractual and also those rights that exist under statute, common law and at equity. The Parties specifically intend that this Agreement grants to Owner "vested rights" as that term is construed in Utah's common law and pursuant to Utah Code Ann. §10-20-902.

i. Examples of Exceptions to Vested Rights. The Parties understand and agree that the Project will be required to comply with future changes to City Laws that do not limit or interfere with the vested rights granted pursuant to the terms of this Agreement. The following are examples for illustrative purposes of a non-exhaustive list of the type of future laws that may be enacted by the City that would be applicable to the Project:

(a) Owner Agreement. Future laws that Owner agrees in writing to the application thereof to the Project;

(b) Compliance with State and Federal Laws. Future laws which are generally applicable to all properties in the City, and which are required to comply with State and Federal laws and regulations affecting the Project;

(c) Safety Code Updates. Future laws that are updates or amendments to existing building, plumbing, mechanical, electrical, dangerous buildings, drainage, or similar construction or safety related codes, such as the International Building Code, the APWA Specifications, AASHTO Standards, the Manual of Uniform Traffic Control Devices or similar standards that are generated by a nationally or

statewide recognized construction/safety organization, or by the State or Federal governments and are required to meet legitimate concerns related to public health, safety or welfare;

(d) Taxes. Taxes, or modifications thereto, so long as such taxes are lawfully imposed and charged uniformly by the City to all properties, applications, persons and entities similarly situated;

(e) Fees. Changes to the amounts of fees for the processing of Development Applications that are generally applicable to all development within the City (or a portion of the City as specified in the lawfully adopted fee schedule) and which are adopted pursuant to State law; or

(f) Impact Fees. Impact Fees or modifications thereto which are lawfully adopted, imposed and collected.

b. Reserved Legislative Powers. The Owner acknowledges that the City is restricted in its authority to limit its police power by contract and that the limitations, reservations and exceptions set forth herein are intended to reserve to the City all of its police power that cannot be so limited. Notwithstanding the retained power of the City to enact such legislation of the police powers, such legislation will not modify the Owner's vested right as set forth herein unless facts and circumstances are present which meet the exceptions to the vested rights doctrine as set forth in Section 10-20-902 of the Municipal Land Use, Development, and Management Act, as adopted on the Effective Date, *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1980), its progeny, or any other exception to the doctrine of vested rights recognized under state or federal law.

7. Default. An “Event of Default” occurs under this Agreement if any Party fails to perform its obligations hereunder when due and the defaulting party has not performed the delinquent obligations within ninety (90) days following delivery to the delinquent party of written notice of such delinquency. Notwithstanding the foregoing, if the default cannot reasonably be cured within that 90-day period, a party is not in default so long as that party commences to cure the default within that 90-day period and diligently continues such cure in good faith until complete, provided that the total cure period may not exceed one hundred eighty (180) days from delivery of the notice of delinquency, and provided further that this extension does not apply to a failure to pay any amount due under this Agreement.

8. Remedies. Upon the occurrence of an Event of Default, the non-defaulting party has the right to exercise all of the following rights and remedies against the defaulting party, which rights and remedies are cumulative:

- a. All rights and remedies available at law and in equity, including injunctive relief, specific performance, and termination. Damages and attorney's fees are not available except for (i) a Party's failure to pay any amount due under this Agreement when due, including the sewer impact fee advance under subsection 4.1.ii and the relocation assistance payments under subsection 4.n.ii, and (ii) a Party's willful or intentional breach.
- b. The right to withhold all further approvals, licenses, or permits associated with portions of the Project pertaining to the defaulting Party that have not received a building permit until such default has been cured.
- c. The right to draw upon security posted for a defaulting aspect of the Project or provided in connection with that aspect of the Property or Project by the defaulting Party.

9. Notices. Any notices, requests, and demands required or desired to be given hereunder must be in writing and must be served personally upon the Party for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such Party at its address shown below:

To the Owner: Brixton Provo Mall, LLC
 Brixton Provo Project, LLC
 Attn: _____
 120 S. Sierra Ave. |
 Solana Beach, CA 92075

 Phone: _____

To the City: City of Provo
 Attention: City Attorney
 445 W Center
 Provo, UT 84601
 Phone: (801) 852-6140

10. General Term and Conditions.

- a. Headings. The headings contained in this Agreement are intended for convenience only and are in no way to be used to construe or limit the text herein.

b. Binding Effect. This Agreement inures to the benefit of, and is binding upon, the parties hereto and their respective heirs, representatives, officers, agents, employees, members, successors and assigns (to the extent that assignment is permitted). Without limiting the generality of the foregoing, a “successor” includes a party that succeeds to the rights and interests of the Owner as evidenced by, among other things, such party's submission of land use applications to the City relating to the Property or the Project.

c. Non-Liability of Officials and Employees. No officer, representative, consultant, attorney, agent or employee of the City is personally liable to the Owner, or any successor in interest or assignee of the Owner, for any default or breach by the City, or for any amount which may become due to the Owner, or its successors or assignees, or for any obligation arising under the terms of this Agreement. No officer, representative, consultant, attorney, agent or employee of the Owner or its affiliates is personally liable to the City, or any successor in interest or assignee of the City, for any default or breach by the Owner, or for any amount which may become due to the City, or its successors or assignees, or for any obligation arising under the terms of this Agreement. Nothing herein will release any person from personal liability for their own individual acts or omissions.

d. Third Party Rights. Except for the Owner, the City and other parties that may succeed the Owner on title to any portion of the Property, all of whom are expressly intended beneficiaries of this Agreement, this Agreement does not create any rights in and/or obligations to any other persons or parties. The Parties acknowledge that this Agreement refers to a private development and that the City has no interest in, responsibility for, or duty to any third parties concerning any improvements to the Property unless the City has accepted the dedication of such improvements.

e. Further Documentation. This Agreement is entered into by the Parties with the recognition and anticipation that subsequent agreements, plans, profiles, engineering and other documentation implementing and carrying out the provisions of this Agreement may be necessary. The Parties agree to negotiate and act in good faith with respect to all such future items.

f. Relationship of Parties. This Agreement does not create any joint venture, partnership, undertaking, business arrangement or fiduciary relationship between the City and the Owner.

g. Agreement to Run With the Land. This Agreement must be recorded in the Office of the Utah County Recorder against the Property

and is intended to and is deemed to run with the land and is binding on and benefits all successors in the ownership of any portion of the Property.

h. Performance. Each Party, person and/or entity governed by this Agreement must perform its respective obligations under this Agreement in a manner that will not unreasonably or materially delay, disrupt or inconvenience any other party, person and/or entity governed by this Agreement, the development of any portion of the Property or the issuance of final plats, certificates of occupancy or other approvals associated therewith. This subsection does not apply to the City's good-faith exercise of its regulatory, legislative, or police powers, including application review, inspection, correction cycles, and code enforcement conducted in the ordinary course and in accordance with the City Ordinances.

i. Applicable Law. This Agreement is entered into under and pursuant to and is to be construed and enforceable in accordance with, the laws of the State of Utah.

j. Venue. The Parties agree that the venue for any lawsuit brought in a court of law or equity in relation to this Agreement will be the Fourth Judicial District Court located in Utah County, State of Utah.

k. Complete Agreement. This Agreement contains the entire agreement of the Parties regarding the subject matter of this Agreement, and there are no other promises or conditions in any other agreement whether oral or written.

l. Construction. This Agreement has been reviewed and revised by legal counsel for both the City and the Owner, and no presumption or rule that ambiguities are construed against the drafting party applies to the interpretation or enforcement of this Agreement.

m. Consents and Approvals. Except as expressly stated in this Agreement, the consent, approval, permit, license or other authorization of any party required under this Agreement must be given in a prompt and timely manner and may not be unreasonably withheld, conditioned or delayed. This subsection does not apply to any legislative act or discretionary land use approval of the City Council, the Planning Commission, the governing board of the City's Redevelopment Agency, or any other City body exercising legislative or quasi-judicial discretion. Any consent, approval, permit, license or other authorization required hereunder from the City will be given or withheld by the City in compliance with this Agreement and the City Ordinances.

n. Approval and Authority to Execute. Each of the Parties represents and warrants as of the Effective Date of this Agreement that it/he/she has all requisite power and authority to execute and deliver this Agreement,

being fully authorized so to do and that this Agreement constitutes a valid and binding agreement.

o. Termination.

i. Notwithstanding anything in this Agreement to the contrary, upon the occurrence of an Event of Default that is not cured as provided in this Agreement, each Party has the right, but not the obligation, at the sole discretion of each Party, to terminate this Agreement.

ii. Furthermore, if the Owner fails to meet a deadline set forth in Section 4.a., the City has the right, but not the obligation, at the sole discretion of City, to terminate this Agreement. Such a deadline may be extended by mutual written agreement of the Parties.

iii. Upon termination of this Agreement for the reasons set forth herein, following the notice and process required hereby, the obligations of the City and the Owner terminate, except that Owner's affordable housing obligations and relocation assistance obligations survive termination as to all units for which a building permit or certificate of occupancy has been issued. None of the licenses, building permits, or certificates of occupancy granted prior to expiration of the Term or termination of this Agreement may be rescinded or limited in any manner.

11. Assignability. The rights and responsibilities of Owner under this Agreement may be assigned in whole or in part by Owner with the consent of the City as provided herein.

a. Notice. Owner must give notice to the City of any proposed assignment and provide such information regarding the proposed assignee that the City may reasonably request in making the evaluation permitted under this Section. Such notice must include providing the City with all necessary contact information for the proposed assignee.

b. Partial Assignment. If any proposed assignment is for less than all of Owner's rights and responsibilities, then the assignee is responsible for the performance of each of the obligations contained in this Agreement to which the assignee succeeds. Upon any such approved partial assignment, Owner is released from any future obligations as to those obligations which are assigned but remains responsible for the performance of any obligations that were not assigned.

c. Grounds for Denying Assignment. The City may only withhold its consent if the City is not reasonably satisfied of the assignee's

reasonable financial ability to perform the obligations of the Owner proposed to be assigned.

d. Assignee Bound by this Agreement. Any assignee must consent in writing to be bound by the assigned terms and conditions of this Agreement as a condition precedent to the effectiveness of the assignment.

12. Sale or Conveyance. If Owner sells or conveys parcels of land, the lands so sold and conveyed bear the same rights, privileges, intended uses, configurations, and density as applicable to such parcel and are subject to the same limitations and rights of the City as when owned by Owner and as set forth in this Agreement without any required approval, review, or consent by the City except as otherwise provided herein. The sale of individual residential dwelling units after issuance by the City of a certificate of occupancy within the Property does not: (a) constitute an assignment of this Agreement, (b) obligate individual residential unit owners or subsequent owners personally, under any term or condition of this Agreement; or (c) require the City's prior consent.

13. No Waiver. Any Party's failure to enforce any provision of this Agreement does not constitute a waiver of the right to enforce such provision. The provisions may be waived only in writing by the Party intended to be benefited by the provisions, and a waiver by a Party of a breach hereunder by the other Party may not be construed as a waiver of any succeeding breach of the same or other provisions.

14. Severability. If any portion of this Agreement is held to be unenforceable for any reason, the remaining provisions continue in full force and effect.

15. Force Majeure. Any prevention, delay or stoppage of the performance of any obligation under this Agreement that is due to a strike, labor dispute, inability to obtain labor, materials, equipment or reasonable substitutes therefor; an act of nature; governmental restriction, regulation or control; judicial order; enemy or hostile government action; war or civil commotion; fire or other casualty; or other cause beyond the reasonable control of the Party obligated to perform hereunder excuses performance of the obligation by that Party for a period equal to the duration of that prevention, delay or stoppage.

16. Estoppel Certificates. The City, at any time and from time to time upon not less than thirty (30) days' prior written notice from any owner of real property located within the Property (a "Property Owner"), agrees to execute and deliver to a Property Owner a statement, in a form reasonably approved by the City and certified only to the City's actual knowledge without independent investigation, (a) certifying that this Agreement is unmodified and in full force and effect, or, if modified, stating the nature of such modification and certifying that this Agreement, as so modified, is in full force and effect; (b) acknowledging that there are not any uncured defaults on the part of the Property Owner hereunder, or specifying such defaults if they are claimed; and (c) containing such other information regarding this Agreement as the Property Owner reasonably requests.

17. Amendment. This Agreement may be amended only in writing signed by the Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement by and through their respective, duly authorized representatives as of the day and year shown below.

CITY:

CITY OF PROVO

ATTEST:

By: _____
City Recorder

By: _____
Mayor Marsha Judkins

DATE: _____

OWNER:

BRIXTON PROVO MALL, LLC, a
Delaware limited liability company

By: BRIXTON MANAGER, LLC,
a Delaware Limited liability
company
Its: Manager

By: _____
Marc R. Brutton
Its: Manager

DATE: _____

BRIXTON PROVO PROJECT, LLC, a
Delaware limited liability company

By: BRIXTON MANAGER, LLC,
a Delaware Limited liability
company
Its: Manager

By: _____
Marc R. Brutton
Its: Manager

DATE: _____

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

On the ____ day of _____, 2026, personally appeared before me Marsha Judkins, who being by me duly sworn, did acknowledge that he/she executed the foregoing instrument in his/her official capacity as Mayor of Provo City, a political subdivision of the State of Utah.

Notary Public

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

On the ____ day of _____, 2026, personally appeared before me Marc R. Bruten, who being by me duly sworn, did say that he is the Manager of Brixton Manager, LLC, which is in turn the Manager of Brixton Provo Mall, LLC, a Delaware limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company with proper authority and duly acknowledged to me that he executed the same.

Notary Public

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

On the ____ day of _____, 2026, personally appeared before me Marc R. Bruten, who being by me duly sworn, did say that he is the Manager of Brixton Manager, LLC, which is in turn the Manager of Brixton Provo Project, LLC, a Delaware limited liability company, and that the within and foregoing instrument was signed on behalf of said limited liability company with proper authority and duly acknowledged to me that he executed the same.

Notary Public

Exhibit A
Legal Description of the Property

Exhibit B
Concept Plan

EXHIBIT C
Roadway Land Exchange

EXHIBIT D
Offsite Sewer Improvements

EXHIBIT E
Public Right-of-Way Improvements

EXHIBIT A

**PROVO TOWNE CENTRE MALL
COMMITMENT NO. 01459-15329
LEGAL DESCRIPTION:**

THE LAND REFERRED TO HEREIN IS SITUATED IN THE COUNTY OF UTAH, STATE OF UTAH, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:
LOTS 2, 5, 6, 7, 9, 10, 11, AMENDED PROVO TOWNE CENTRE MALL SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED MARCH 11, 1999 AS ENTRY NO. 29378 AS MAP FILING NO. 7952 IN THE OFFICE OF THE UTAH COUNTY RECORDER.

PARCEL 1A:
EASEMENT RIGHTS APPURTENANT TO PARCEL 1 SET FORTH IN THAT CERTAIN CROSS PARKING AGREEMENT DATED MAY 15, 1997, BY AND BETWEEN PROVO MALL DEVELOPMENT COMPANY, LTD., A UTAH LIMITED PARTNERSHIP AND G.O.A. II, INC., RECORDED MAY 19, 1997, AS ENTRY NO. 38300, IN BOOK 4273, AT PAGE 230, OF OFFICIAL RECORDS.

PARCEL 1B:
EASEMENT RIGHTS APPURTENANT TO PARCEL 1 SET FORTH IN THAT CERTAIN CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT, PROVO TOWNE CENTRE, RECORDED JANUARY 7, 1998, AS ENTRY NO. 1459, IN BOOK 4486, AT PAGE 472, AS AMENDED BY AMENDMENT TO CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT, RECORDED OCTOBER 22, 2003, AS ENTRY NO. 170180:2003 AND THEREAFTER ASSIGNMENT AND ASSUMPTION OF RECIPROCAL EASEMENT AGREEMENT RECORDED FEBRUARY 3, 2003, AS ENTRY NO. 16315:2003 AND THEREAFTER ASSIGNMENT AND ASSUMPTION OF CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT UNDER ASSIGNMENT AND ASSUMPTION OF INSTRUMENTS RECORDED MAY 1, 2012, AS ENTRY NO. 35762:2012, OF OFFICIAL RECORDS.

PARCEL 2:
LOTS 3 AND 4, PROVO TOWNE CENTRE MALL SUBDIVISION AMENDED, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDED MARCH 11, 1999, AS ENTRY NO. 29378, AND MAP FILING NO. 7952, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE UTAH COUNTY RECORDER.

PARCEL 2A:
EASEMENT RIGHTS APPURTENANT TO PARCEL 2 SET FORTH IN THAT CERTAIN CROSS PARKING AGREEMENT, RECORDED MAY 19, 1997, AS ENTRY NO. 38300, IN BOOK 4273, AT PAGE 230 OF OFFICIAL RECORDS.

PARCEL 2B:
EASEMENT RIGHTS APPURTENANT TO PARCEL 2 SET FORTH IN THAT CERTAIN CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT, RECORDED JANUARY 7, 1998, AS ENTRY NO. 1459, IN BOOK 4486, AT PAGE 472; AND IN THAT CERTAIN ASSIGNMENT AND ASSUMPTION OF RECIPROCAL EASEMENT AGREEMENTS (PROVO TOWNE CENTRE MALL), RECORDED FEBRUARY 3, 2003, AS ENTRY NO. 16315:2003; AND IN THAT CERTAIN AMENDMENT TO CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT, RECORDED OCTOBER 22, 2003, AS ENTRY NO. 170180:2003, OF OFFICIAL RECORDS.

PARCEL 3:
AN UNDIVIDED TENANT-IN-COMMON INTEREST, AS PROVO MALL DEVELOPMENT COMPANY, LTD., A UTAH LIMITED PARTNERSHIP COMPANY MAY APPEAR, IN THE LAND REFERRED TO HEREIN SITUATED IN THE COUNTY OF UTAH, STATE OF UTAH, AND IS DESCRIBED AS FOLLOWS:

THE PRIVATE STREET AND UTILITY EASEMENT SHOWN ON THE RECORDED PLAT OF PHASE 1 COLLINS PLANNED UNIT DEVELOPMENT, BEING KNOWN AS 1100 SOUTH STREET AND DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT A POINT WHICH IS SOUTH 89°44'21" WEST ALONG THE QUARTER SECTION LINE 868.25 FEET AND NORTH 444.18 FEET AND NORTH 00°17'37" WEST 150.68 FEET FROM THE SOUTHEAST CORNER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE NORTH 89°18'37" WEST 380.22 FEET; THENCE NORTH 00°41'33" EAST 31 FEET; THENCE SOUTH 89°18'37" EAST 316 FEET; THENCE NORTH 76°37'44" EAST 37.04 FEET; THENCE SOUTH 89°18'37" EAST 28 FEET; THENCE SOUTH 00°17'37" WEST 40 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING
PART OF A PRIVATE STREET AND PUBLIC UTILITY EASEMENT LOCATED WITHIN THE COLLINS PLANNED UNIT DEVELOPMENT, AN AMENDMENT OF LOTS 1 AND 2, COLLINS SUBDIVISION, PLAT A, ENTRY NO. 27873, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG THE SOUTH SECTION LINE OF SAID SECTION 12-7-2, SOUTH 89°46'54" W, 1137.47 FEET; THENCE NORTH 59°10' FEET TO THE POINT OF BEGINNING; THENCE N89°18'37"W, 108.54 FEET; THENCE N00°41'33" E, 31.00 FEET; THENCE S89°18'38"E, 108.32 FEET; THENCE S00°17'31" W, 31.00 FEET TO THE POINT OF BEGINNING.

THE PROPERTY DESCRIBED AND SHOWN HEREON IS THE SAME PROPERTY AS DESCRIBED IN THE STEWART TITLE GUARANTY COMPANY COMMITMENT FOR TITLE INSURANCE NUMBER 01459-15329, 11TH AMENDMENT, DATED JANUARY 04, 2016.

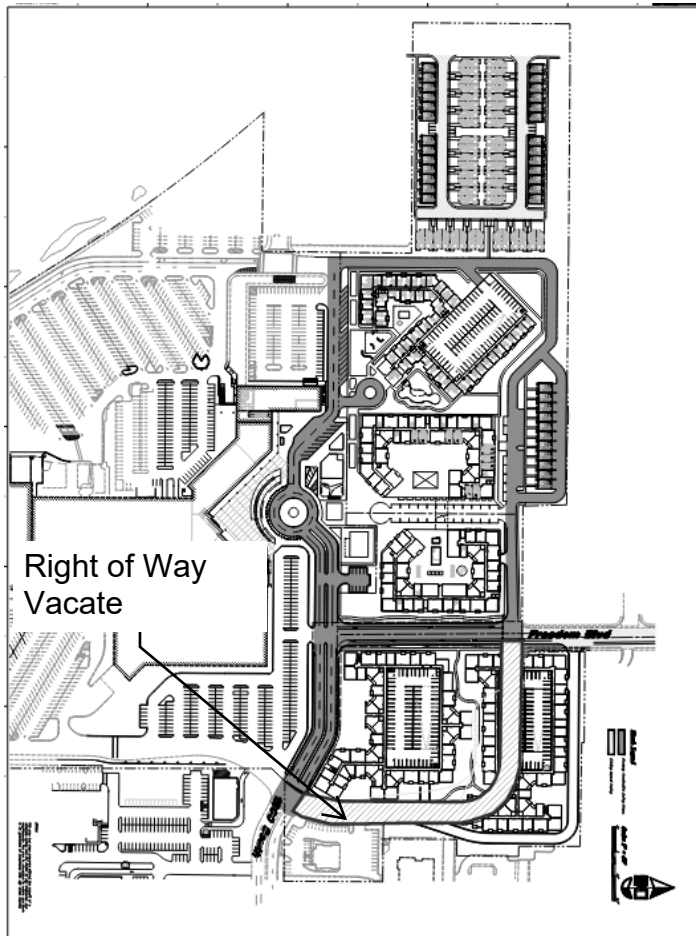
EXHIBIT B

Concept Plan



EXHIBIT C

Post Development Street Layout



Pre Development Street Layout

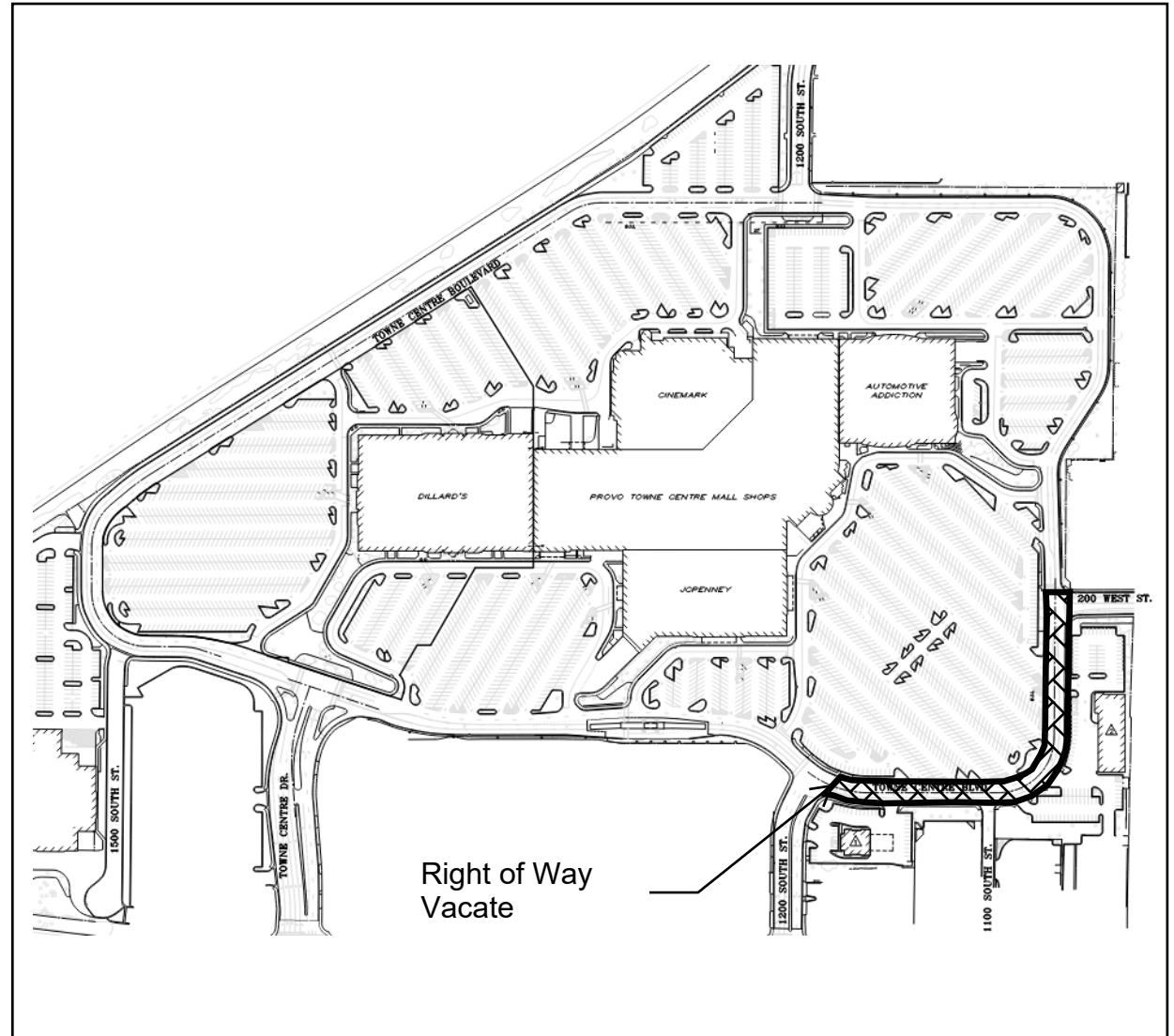


EXHIBIT D



Legend

← Diversion

 Planned Lift Station

Improvement Projects

Recommended Diameter

 36

Timing of Deficiency

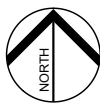
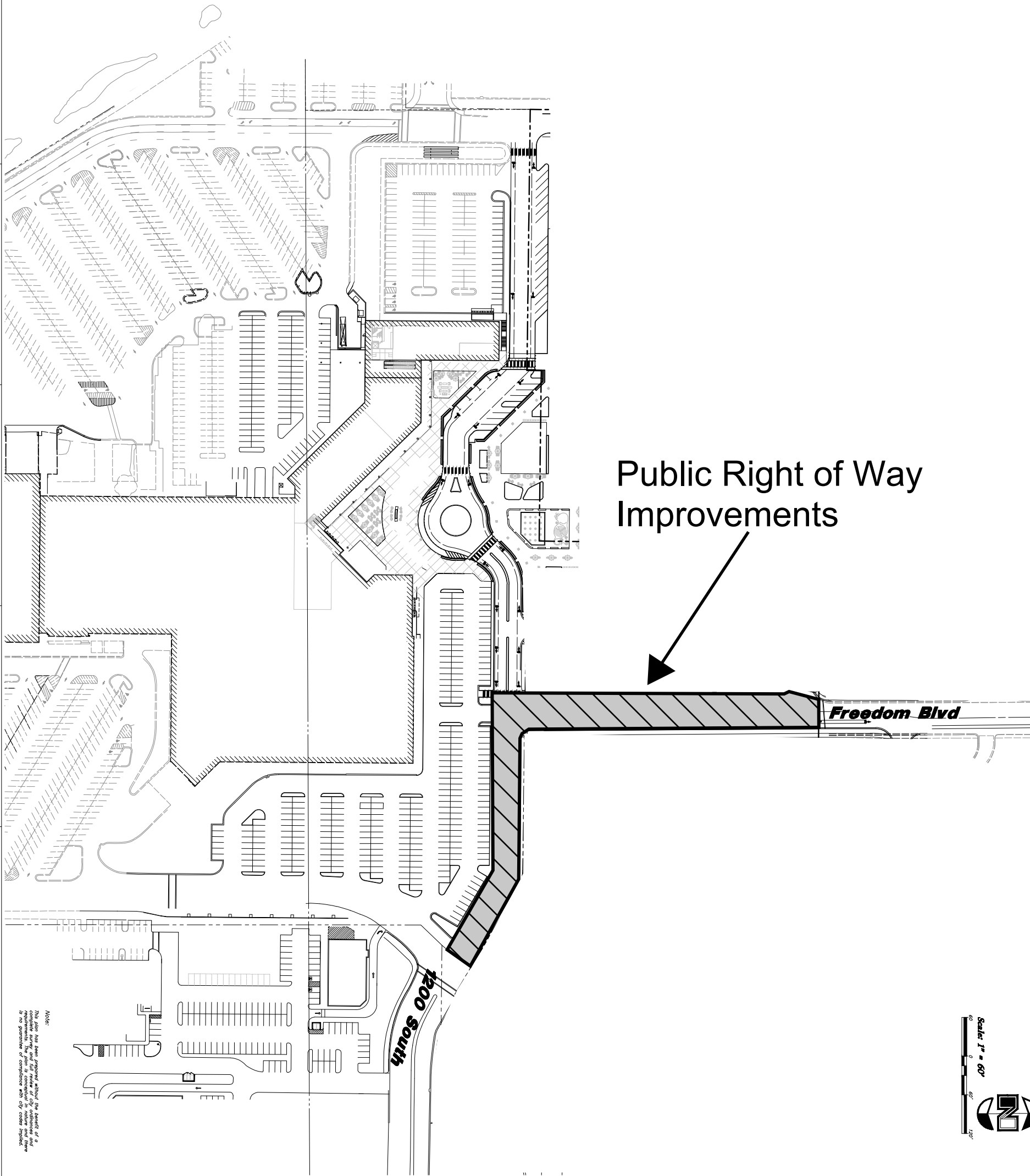
 BOWEN COLLINS & ASSOCIATES	Provo City Sewer System Improvement Projects	NORTH: 	SCALE: 0 2,600 5,200  Feet
	PROVO CITY Wastewater Collection System Master Plan		



EXHIBIT E





Provo City Council 10/06/2026 Work Session

Epic Sports Park
Commercial Development

Provo Municipal Council

Staff Report – Epic Sports Park Commercial Project



Provo Municipal Council

Staff Report – Epic Sports Park Commercial Project

Summary

Asset Types

**Hotel, Restaurant, Retail,
Convenience Store/Gas Station**

Hotel Rooms

137

Restaurant/Retail SF

15,498 SF

Convenience Store SF

4,000 SF

Construction Duration

25 Months

Construction Costs

\$35M+

Parking Stalls

217



Provo Municipal Council

Staff Report – Epic Sports Park Commercial Project



7 Agreements

City

1. Participation Agreement
2. ILA w/ Agency for Property Tax
3. ILA w/ Agency for Sales Tax & TRT

Redevelopment Agency

4. Participation Agreement
5. ILA w/ City for Property Tax
6. ILA w/ City for Sales Tax & TRT
7. ILA w/ PCSD for Property Tax

Provo Municipal Council

Staff Report – Epic Sports Park Commercial Project



Participation Agreement: City – Agency – Philo

City Agrees to:

- Dispossess land
- Contribute property tax increment (100% for 19 years)
- Contribute sales & transient room tax increment (30% for 10 years)

Provo Municipal Council

Staff Report – Epic Sports Park Commercial Project



Participation Agreement: City – Agency – Philo

Agency Agrees to:

- Collect tax increment from City & School District and allocate 85% of it to Philo for Qualifying Costs

Provo Municipal Council

Staff Report – Epic Sports Park Commercial Project



Participation Agreement: City – Agency – Philo

Philo Agrees to:

- Construct the project, beginning within 30 months and providing completion bonds guaranteeing project completion
- Make the City a beneficiary of the Special Purpose Vehicles over the completed developments w/ a 2.5% revenue share

Provo Municipal Council

Staff Report – Epic Sports Park Commercial Project



Property Tax Increment (100%)

- \$58K annually
- \$1M over 19 Years

Sales Tax Increment (30%)

- \$20K annually
- \$138K over 10 Years

Municipal Transient Room Tax Increment (30%)

- \$30K annually
- \$213K over 10 Years

Provo Municipal Council

Staff Report – Epic Sports Park Commercial Project



2.5% Revenue Share

- \$183K at Year 5

Property Tax Increment

- \$0 annually during participation period (0%)
- \$58K annually after participation period (100%)

Sales Tax & Municipal Transient Room Tax Increment

- \$117K annually during participation period (70%)
- \$187K annually after participation period (100%)

Provo Municipal Council

Staff Report – Epic Sports Park Commercial Project



Revenue Share Calculation	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035
Annual Revenues to Provo City	\$	-	\$ 32,349	\$ 339,864	\$ 403,813	\$ 414,762	\$ 423,663	\$ 432,786	\$ 442,138	\$ 451,723
Total Fiscal Benefit to Provo City	\$	-	\$ 32,349	\$ 372,213	\$ 776,026	\$ 1,190,788	\$ 1,614,451	\$ 2,047,237	\$ 2,489,375	\$ 2,941,098
Annual Costs to Provo City	\$ 4,360,000	\$ 29,763	\$ 99,614	\$ 107,203	\$ 108,562	\$ 109,808	\$ 111,085	\$ 112,394	\$ 113,736	
Total Costs to Provo City	\$ 4,360,000	\$ 4,389,763	\$ 4,489,377	\$ 4,596,580	\$ 4,705,143	\$ 4,814,951	\$ 4,926,036	\$ 5,038,431	\$ 5,152,166	
Annual Benefit to Provo City	\$(4,360,000)	\$ 2,586	\$ 240,250	\$ 296,610	\$ 306,200	\$ 313,855	\$ 321,701	\$ 329,744	\$ 337,987	
Net Benefit to Provo City	\$(4,360,000)	\$ (4,357,414)	\$ (4,117,164)	\$ (3,820,555)	\$ (3,514,355)	\$ (3,200,500)	\$ (2,878,799)	\$ (2,549,056)	\$ (2,211,068)	

Revenue Share Calculation	Year 11	Year 12	Year 13	Year 14	Year 15	Year 16	Year 17	Year 18	Year 19	Year 20
	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045
Annual Revenues to Provo City	\$ 461,548	\$ 471,618	\$ 481,940	\$ 492,521	\$ 503,365	\$ 514,481	\$ 525,875	\$ 537,554	\$ 549,524	\$ 561,794
Total Fiscal Benefit to Provo City	\$ 3,402,646	\$ 3,874,264	\$ 4,356,204	\$ 4,848,725	\$ 5,352,090	\$ 5,866,572	\$ 6,392,447	\$ 6,930,000	\$ 7,479,525	\$ 8,041,319
Annual Costs to Provo City	\$ 58,730	\$ 58,730	\$ 58,730	\$ 58,730	\$ 58,730	\$ 58,730	\$ 58,730	\$ 58,730	\$ 58,730	\$ -
Total Costs to Provo City	\$ 5,210,896	\$ 5,269,626	\$ 5,328,356	\$ 5,387,086	\$ 5,445,816	\$ 5,504,546	\$ 5,563,276	\$ 5,622,006	\$ 5,680,736	\$ 5,680,736
Annual Benefit to Provo City	\$ 402,818	\$ 412,888	\$ 423,210	\$ 433,791	\$ 444,635	\$ 455,751	\$ 467,145	\$ 478,824	\$ 490,794	\$ 561,794
Net Benefit to Provo City	\$ (1,808,251)	\$ (1,395,362)	\$ (972,152)	\$ (538,361)	\$ (93,726)	\$ 362,025	\$ 829,170	\$ 1,307,994	\$ 1,798,788	\$ 2,360,583

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: KMARTINS
Presenter: Cody Hill, Division Director of Economic Development
Department: Recorder
Meeting Date: 10/6/2026
Requested Duration (Minutes): 30 minutes
CityView or Issue File Number: 26-075

SUBJECT: 7 A discussion regarding Epic Sports Park commercial development (26-075)

ADMINISTRATIVE RECOMMENDATION: Approve in the night meeting

ADMINISTRATIVE MEMO: This presentation will provide an overview of seven related agreements scheduled for consideration later this evening concerning the proposed commercial development at Epic Sports Park. The project is anticipated to include a 137-room hotel, restaurant and retail space, and a convenience store/gas station, with an estimated construction cost exceeding \$35 million. The agreements coordinate the roles of Provo City, the Redevelopment Agency, the Provo City School District, and developer Philo in supporting the project.

The agreements establish the proposed use of property, sales, and transient room tax increment to support qualifying development costs, as well as the developer's obligations to construct the project and provide completion guarantees. Under the proposed structure, the City would contribute 100% of property tax increment for 19 years and 30% of sales and transient room tax increment for 10 years, while the City would receive a 2.5% revenue share from the completed development. The presentation is intended to familiarize the Council with the overall structure and fiscal implications of the agreements before the seven related votes later in the meeting.

FISCAL IMPACT: Estimated even after 15 years.

COUNCIL STAFF MEMO:

STREET STANDARDS CODE CHANGE

September 9, 2026



CODE CHANGES

15.03.200 Street Standards.

(14) ~~A development with a single street access (ingress and egress) shall have a maximum ADT not higher than two hundred fifty (250) vehicle trips. ADT shall be determined by trip generation rates obtained from the City Traffic Engineer. A second street access shall be required for projects which exceed the designated trip rate.~~ Developments with single family or two-family dwelling units with more than 30 units must be served by at least two separate public streets. Multiple-family developments (apartments, townhomes, or condominiums) with more than 100 dwelling units must be served by at least two separate public streets. If located in the Wildland Urban Interface area, more than 20 units must be served by at least two separate public streets.

The fire marshal and city engineer may consider exemptions to the Wildland Urban Interface requirement of two public street accesses with a specific plan that implements such safety measures including, but not limited to, shelter in place, fire safety zones, fire breaks, fire protection systems, etc. However, the distance from the beginning point of the single access road cannot exceed 500 feet to the furthest door in the Wildland Urban Interface area on a single access road.

QUESTIONS?



**THANK
YOU!**

**PROVO MUNICIPAL COUNCIL
WORK SESSION
STAFF REPORT**



Submitter: MVANDEGRAAFF
Presenter: Megan Van De Graaff, Planner
Department: Development Services
Meeting Date: 10/6/2026
Requested Duration (Minutes): 10 minutes
CityView or Issue File Number: PLOTA20260344

SUBJECT: 8 An ordinance amending city standards for access to new development.
(PLOTA20260344)

ADMINISTRATIVE RECOMMENDATION: Requesting the Council approve the ordinance amendment.

ADMINISTRATIVE MEMO: Section 15.03.200 of Provo City Code outlines Provo City's street standards for development within the city. Part 14 of this section requires that a development with single-street access have no more than 250 daily vehicle trips, and a second access is required for development over that trip rate. Provo City Engineering Department has found the requirement to be overly restrictive and problematic; therefore, it is proposed to raise the standard.

FISCAL IMPACT: N/A

COUNCIL STAFF MEMO:

***ITEM 1** Provo Public Works request an Ordinance Text Amendment to Provo City Code 15.03.200, to provide more flexibility on street access standards for new development. Citywide Application. Megan Van De Graaff (801) 852-6408 mvandegraaff@provo.gov PLOTA20260344

APPLICANT:	Jimmy McKnight
PROPERTY OWNER:	Citywide
PARCEL ID:	N/A
ACREAGE:	N/A
CURRENT LEGAL USE:	N/A
GENERAL PLAN DESIGNATION:	N/A
CURRENT ZONE:	N/A
APPLICATION TYPE:	Legislative Decision – Planning Commission will make a recommendation to the City Council.

NEIGHBORHOOD FEEDBACK

No neighborhood meeting is required for this item. No public comment has been received at the time of writing this report.

PROJECT SUMMARY

Section 15.03.200 of Provo City Code outlines Provo City's street standards for development within the city. Part 14 of this section requires that a development with single-street access have no more than 250 daily vehicle trips, and a second access is required for development over that trip rate. Provo City Engineering Department has found the requirement to be overly restrictive and problematic; therefore, it is proposed to raise the standard.

STAFF ANALYSIS

Before recommending an amendment, the Commission must find that the amendment serves the public interest and aligns with the General Plan, based on consideration of the following:

(a) Public purpose for the amendment in question;

Staff Response: The amendment will be consistent with the International Fire Code, which many other communities use for consistency.

FINDING: Meets standard.

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

Staff Response: The amendment in question allows for a little more flexibility for a

secondary access for single-family and two-family developments. It increases the number of units that trigger a second access from about 22 to 30.

FINDING: Meets standard.

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

Staff Response: This code amendment is compatible with Land Use Goals and Strategies 1a and 1b as follows:

1a. Encourage the development of additional single-family home developments in key areas to address housing shortages and facilitate additional economic growth and economic opportunities.

1b. Encourage infill opportunities in downtown, mixed-use and transit-oriented developments.

This code amendment is compatible with Housing Goals and Strategies 1a, 1b, and 1d as follows:

1a. Encourage opportunities for small scale, infill housing development.

1b. Consider revising regulations to encourage development of a mix of housing types.

1d. Encourage the development of additional single-family homes in key areas, such as the city's west side, to address housing shortages, and to facilitate additional economic growth and opportunities.

This code amendment allows for multiple-family and infill developments to increase the requirement for a secondary access from 30 units to 100 units.

FINDING: Meets standard.

(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: This amendment would support the timing found in the implementation matrix which is as follows:

Land Use:

1a (Short-Mid)

1b (Short)

Housing:

1a (Short)

1b (Short)

1d (Short-Mid)

FINDING: Meets standard.

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

Staff Response: None found.

FINDING: Meets standard.

(f) Adverse impacts on adjacent land owners; and

Staff Response: This change should not adversely affect land owners.

FINDING: Meets standard.

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

Staff Response: Not applicable.

FINDING: Meets standard.

(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: Not applicable.

FINDING: Meets standard.

APPLICABLE ZONING CODES

Provo City Code 15.15.300: <https://provo.municipal.codes/Code/15.03.200>

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may make any of the following findings:

1. **Recommend Approval:** The proposal is consistent with the General Plan. (*Planning Commission recommends approval to the City Council for the proposed ordinance text amendment*)
2. **Recommend Denial:** The proposal is not consistent with the General Plan. (*Planning Commission recommends denial to the City Council for the proposed*

- ordinance text amendment*) (state reasons)
3. **Continue:** New information presented at the public hearing or additional study needs to be done. (*Planning Commission continues this item*) (state reasons)

ATTACHMENTS

1. Proposed Text Amendment

ATTACHMENT 1 – PROPOSED TEXT AMENDMENT

ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING CITY STANDARDS FOR ACCESS TO NEW DEVELOPMENT. (26-____)

RECITALS:

It is proposed that Provo City Code be amended to change requirements for second street access in new developments;

On October 6, 2026, the Municipal Council met to ascertain 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 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:

Provo City Code section 15.03.200 is amended to read as indicated in Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance prevails.
- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged 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 official copy of Provo City Code be updated to reflect the provisions enacted by this ordinance.

Exhibit A

15.03.200 Street Standards.

(14) ~~A development with a single street access (ingress and egress) shall have a maximum ADT not higher than two hundred fifty (250) vehicle trips. ADT shall be determined by trip generation rates obtained from the City Traffic Engineer. A second street access shall be required for projects which exceed the designated trip rate.~~ Developments with single family or two-family dwelling units with more than 30 units must be served by at least two separate public streets. Multiple-family developments (apartments, townhomes, or condominiums) with more than 100 dwelling units must be served by at least two separate public streets. If located in the Wildland Urban Interface area, more than 20 units must be served by at least two separate public streets.

The fire marshal and city engineer may consider exemptions to the Wildland Urban Interface requirement of two public street accesses with a specific plan that implements such safety measures including, but not limited to, shelter in place, fire safety zones, fire breaks, fire protection systems, etc. However, the distance from the beginning point of the single access road cannot exceed 500 feet to the furthest door in the Wildland Urban Interface area on a single access road.



Provo City Planning Commission

Report of Action

September 09, 2026

- *ITEM 1 Provo Public Works request an Ordinance Text Amendment to Provo City Code 15.03.200, to provide more flexibility on street access standards for new development. Citywide Application. Megan Van De Graaff (801) 852-6408 mvandegraaff@provo.gov PLOTA20260344
-

The following action was taken by the Planning Commission on the above described item at its regular meeting of September 09, 2026:

RECOMMENDED APPROVAL

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Jon Lyons

Second By: Joel Temple

Votes in Favor of Motion: Melissa Kendall, Jonathon Hill, David Conger, Tosh Metzger, Joel Temple, Jon Lyons, Matthew Wheelwright, Anne Allen.

Matthew Wheelwright 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

- A neighborhood meeting was not necessary for this item.

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. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- No public comments were received for this item either in written comments or public comment during the public hearing.

APPLICANT RESPONSE

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

- Gordon Haight explained that the existing code specifies that a development with only one street access can generate up to 250 average daily trips.
- To provide more flexibility for developments (typically infill developments), the Public Works department proposes the text amendment (Exhibit A) that corresponds with existing Fire code.
- The proposed amendment requires a second access for single-family developments over 30 units and for multi-family developments over 100 units.
- There are opportunities for exemptions for the Wildland Urban Interface.
- The proposed code is less restrictive than the current code. If the Fire code changes, this section will be updated as well.
- This amendment would only apply to residential development.
- Developments three acres or greater, or 10 units or greater, will still require a Traffic Study.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Jon Lyons stated that his concerns have been assuaged because the amendment is in line with Fire code, and it seems the city would not benefit from keeping the existing code.



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

15.03.200 Street Standards.

(14) ~~A development with a single street access (ingress and egress) shall have a maximum ADT not higher than two hundred fifty (250) vehicle trips. ADT shall be determined by trip generation rates obtained from the City Traffic Engineer. A second street access shall be required for projects which exceed the designated trip rate.~~ Developments with single family or two-family dwelling units with more than 30 units must be served by at least two separate public streets. Multiple-family developments (apartments, townhomes, or condominiums) with more than 100 dwelling units must be served by at least two separate public streets. If located in the Wildland Urban Interface area, more than 20 units must be served by at least two separate public streets.

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ORDINANCE <<Document Number>>

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After considering 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:

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- B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part, sentence, clause, or phrase is adjudged 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 official copy of Provo City Code be updated to reflect the provisions enacted by this ordinance.

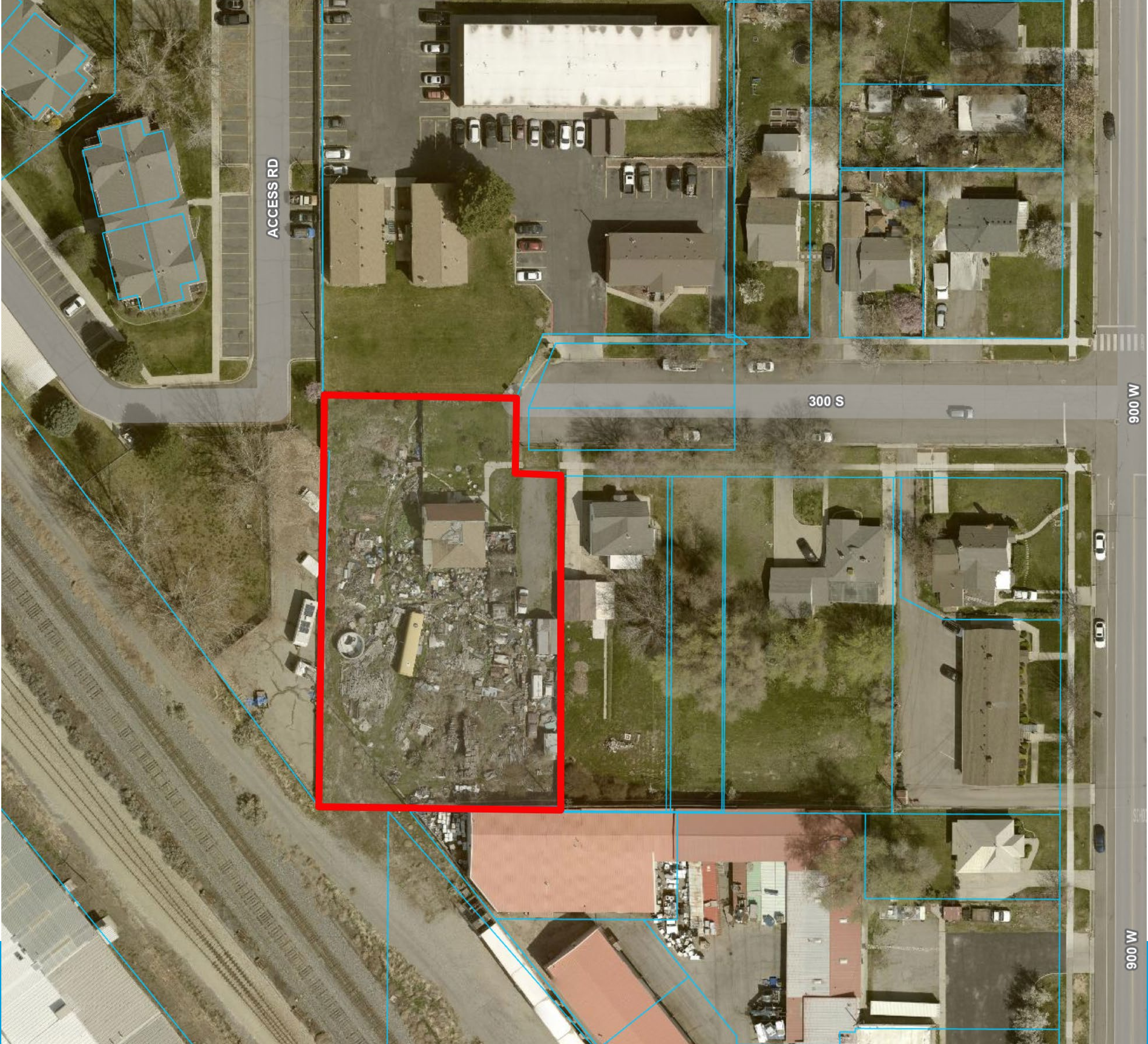
Exhibit A

15.03.200 Street Standards.

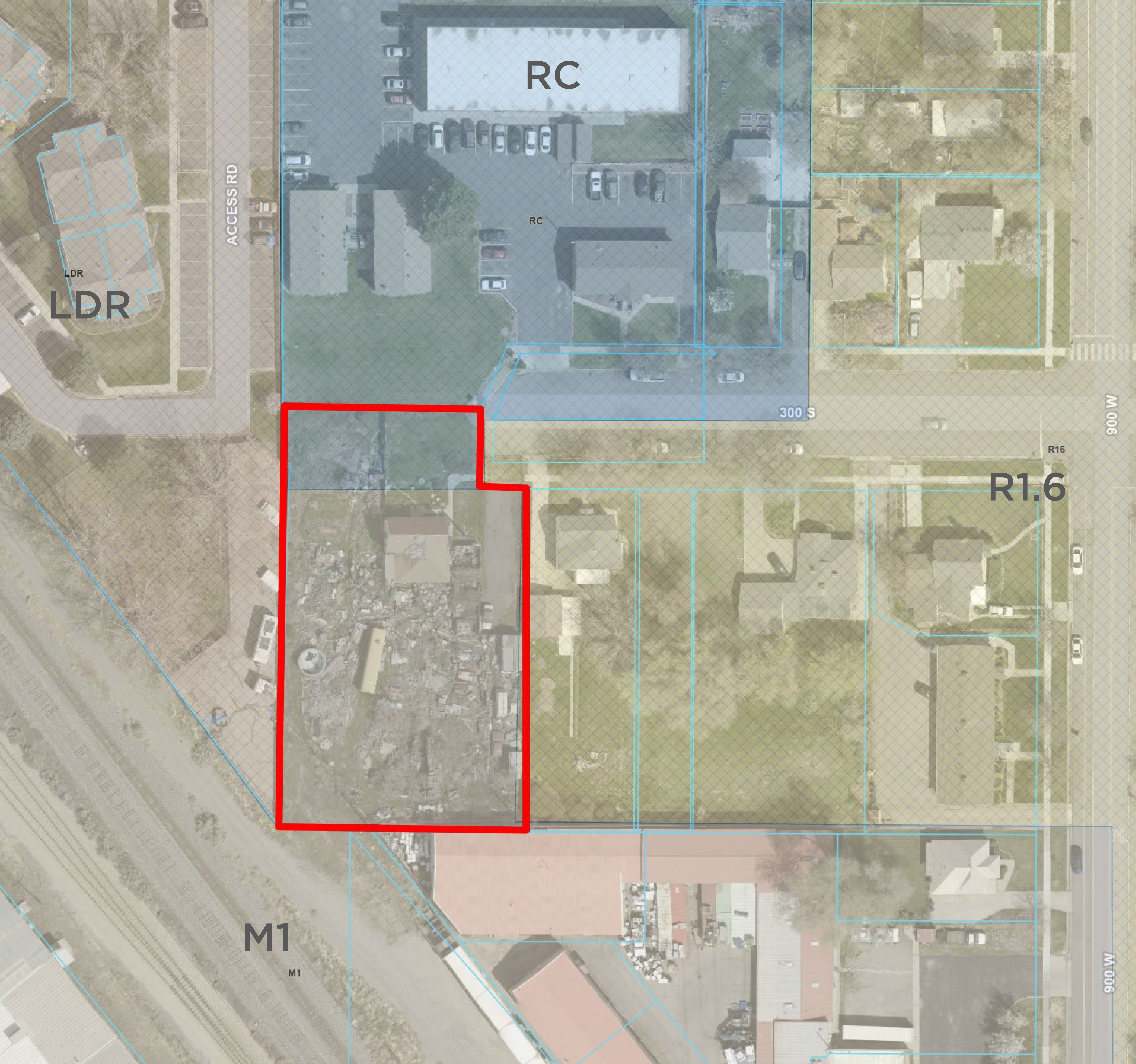
(14) ~~A development with a single street access (ingress and egress) shall have a maximum ADT not higher than two hundred fifty (250) vehicle trips. ADT shall be determined by trip generation rates obtained from the City Traffic Engineer. A second street access shall be required for projects which exceed the designated trip rate.~~ Developments with single-family or two-family dwelling units with more than 30 units must be served by at least two separate public streets. Multiple-family developments (apartments, townhomes, or condominiums) with more than 100 dwelling units must be served by at least two separate public streets. If located in the Wildland Urban Interface area, developments with more than 20 units must be served by at least two separate public streets.

The Fire Marshal and City Engineer may consider exemptions to the Wildland Urban Interface requirement of two public street accesses with a specific plan that implements approved safety measures, including, but not limited to, shelter in place, fire safety zones, fire breaks, and fire protection systems. However, if only one access road is provided, the distance from the beginning point of the road cannot exceed 500 feet to the furthest door in the Wildland Urban Interface area on the road.

985 W 300 S



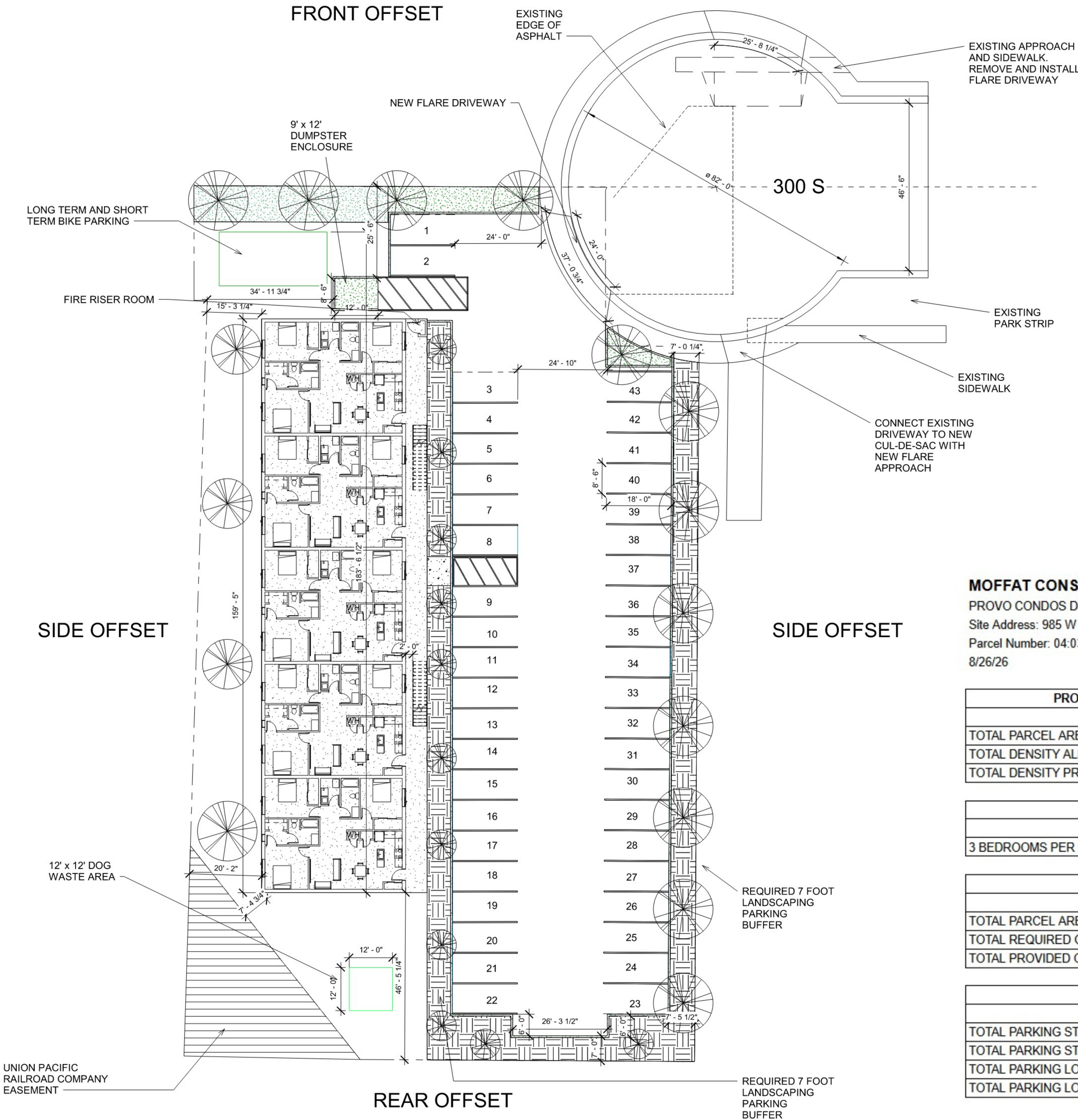
Zoning Map



General Plan Map



Concept Plan



MOFFAT CONSTRUCTION

PROVO CONDOS DEVELOPMENT INFORMATION
Site Address: 985 W 300 S, Provo, UT 84601
Parcel Number: 04:031:0006
8/26/26

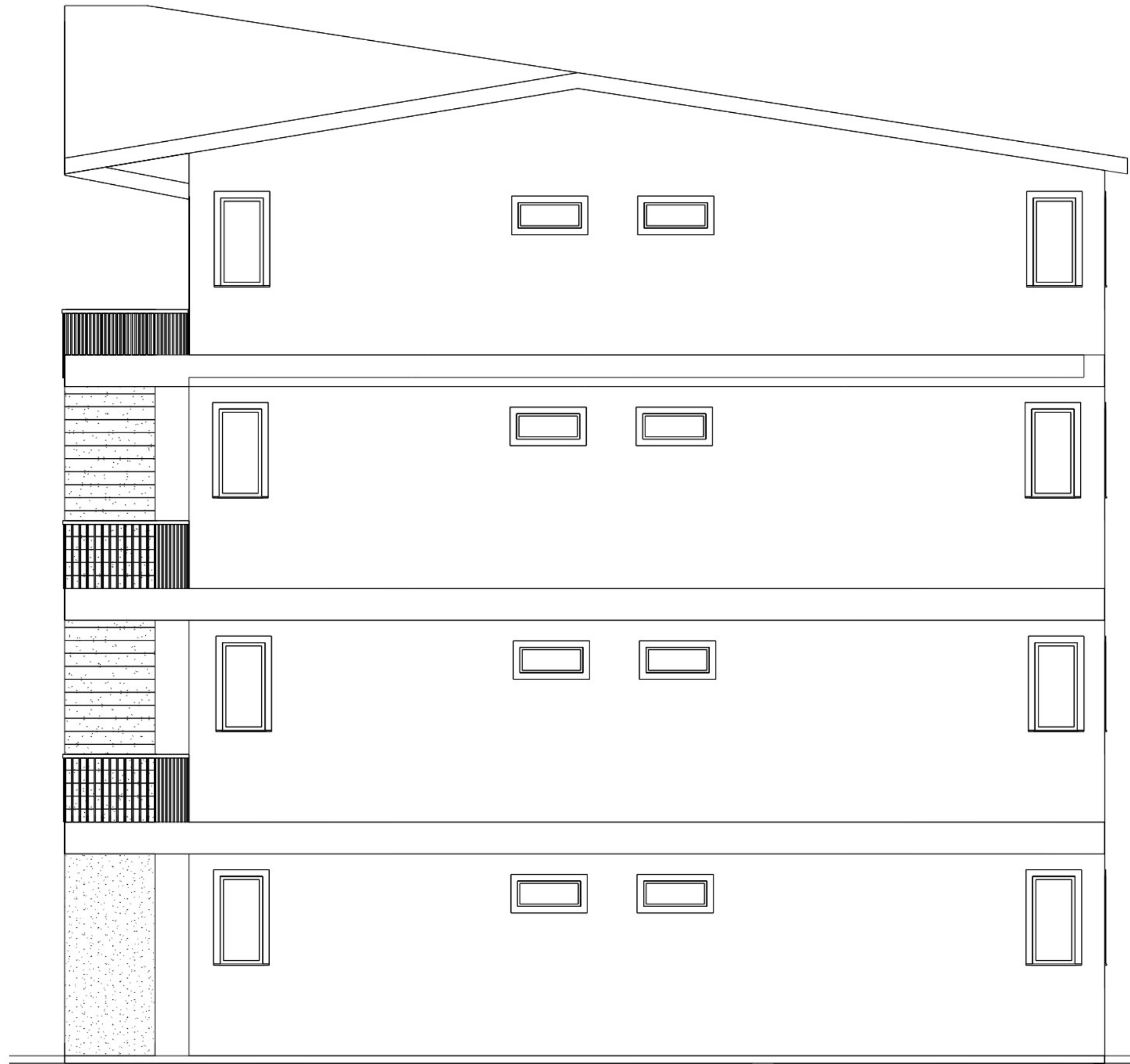
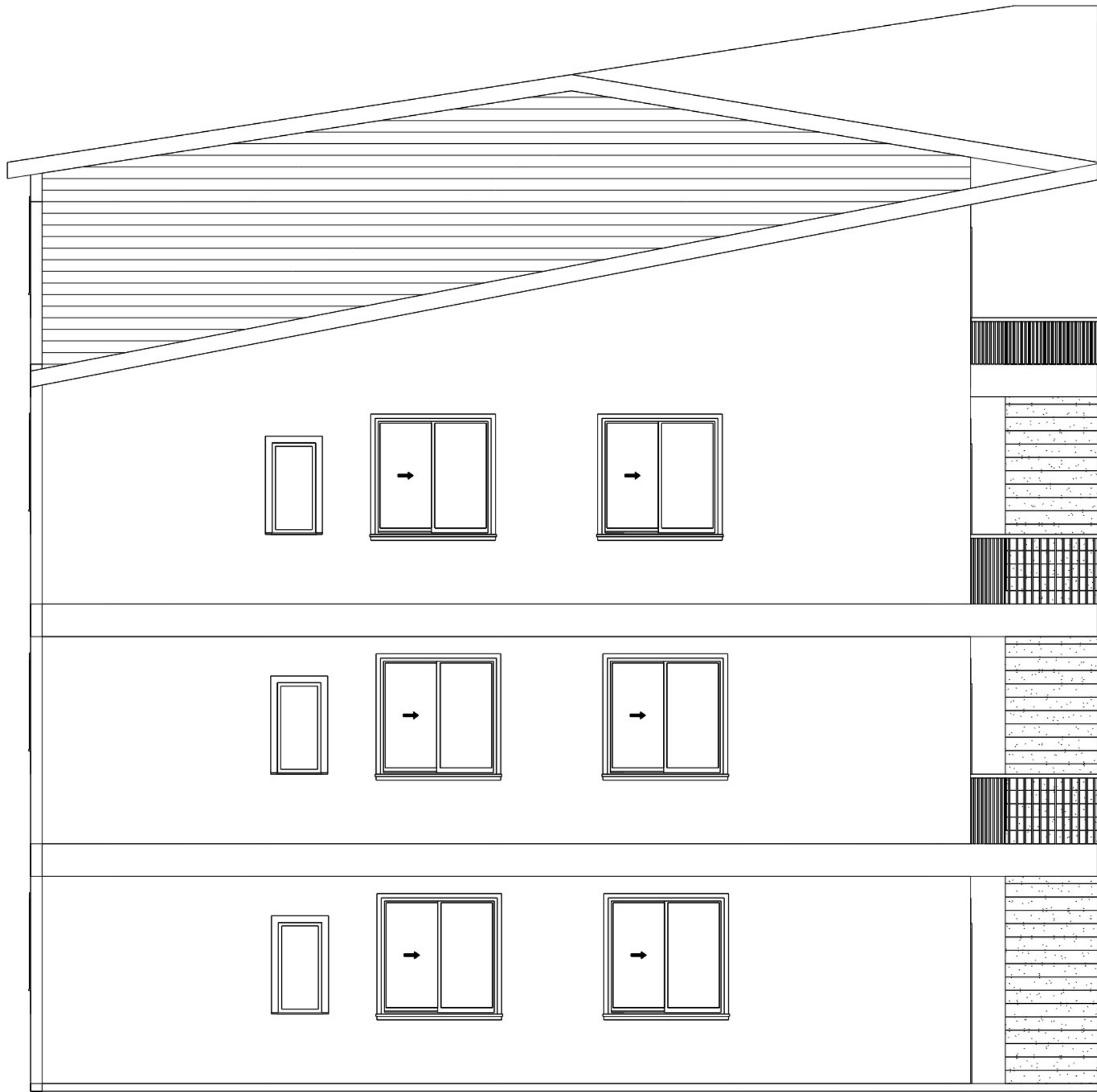
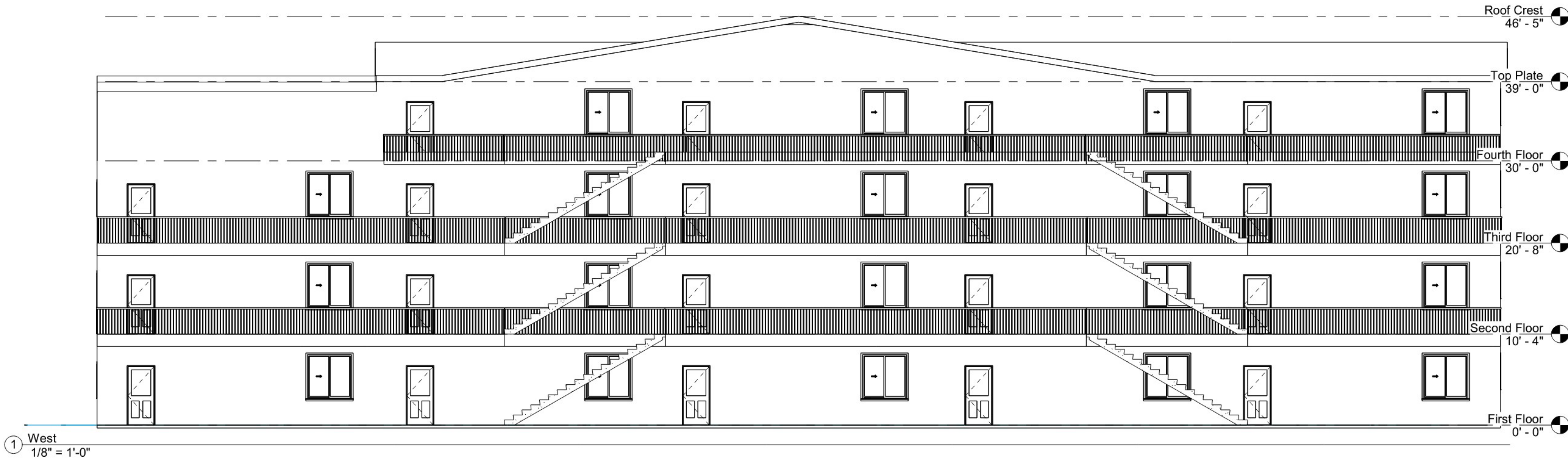
PROPOSED DENSITY (PCC 14.14B.030 (2)) MEDIUM DENSITY RESIDENTIAL		
DESCRIPTION	UNITS PER ACRE	AMOUNT
TOTAL PARCEL AREA		0.717 ACRES
TOTAL DENSITY ALLOWED (UNITS PER ACRE)	30	22
TOTAL DENSITY PROVIDED (UNITS PER ACRE)	26	19

BEDROOMS PER UNIT		
DESCRIPTION	UNITS	TOTAL BEDROOMS
3 BEDROOMS PER UNIT	19	57

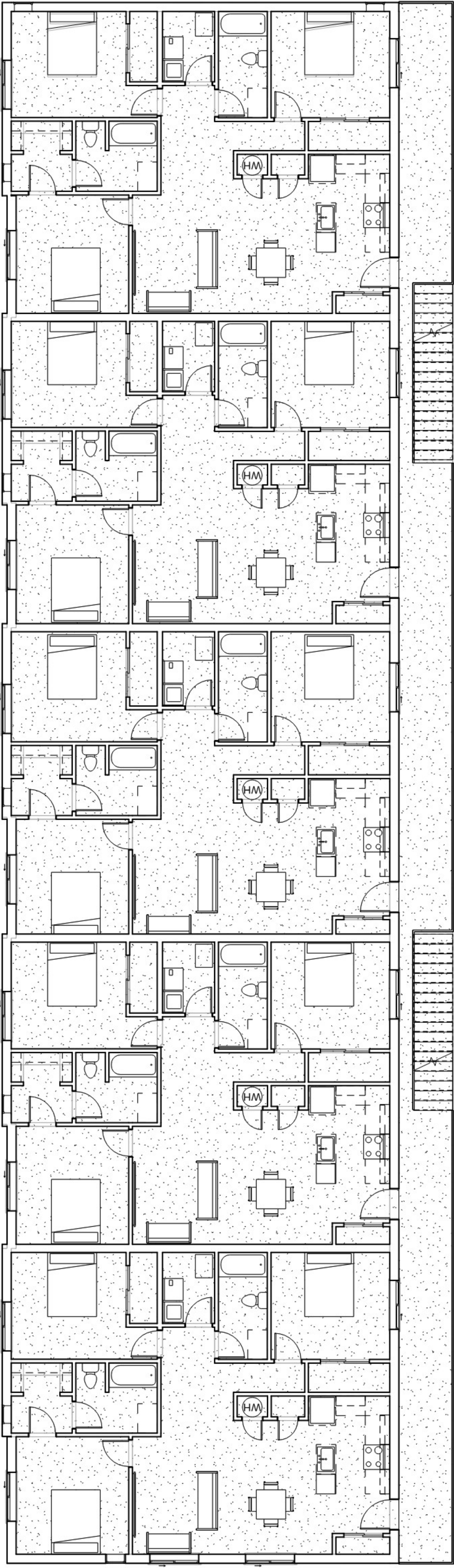
OPEN SPACE (PCC 14.14B.030 (6))		
DESCRIPTION	PERCENT	AMOUNT
TOTAL PARCEL AREA		31,233
TOTAL REQUIRED OPEN SPACE	50.00%	15,616
TOTAL PROVIDED OPEN SPACE	80.33%	25,089

PARKING LOT LANDSCAPING (PCC 15.20.090 (2))		
DESCRIPTION	PER STALL	AMOUNT
TOTAL PARKING STALLS REQUIRED		43
TOTAL PARKING STALLS PROVIDED		43
TOTAL PARKING LOT LANDSCAPING REQUIRED	40	1,720
TOTAL PARKING LOT LANDSCAPING PROVIDED	103.8139535	4,464

Elevations



Floor Plan



PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: DWRIGHT
Presenter: Dustin Wright, City Planner
Department: Development Services
Meeting Date: 10/6/2026
Requested Duration (Minutes): 10 minutes
CityView or Issue File Number: PLRZ20260213

SUBJECT: 9 An ordinance amending the zone map classification of real property, generally located at 985 W 300 S, from the Light Manufacturing (M1) and Residential Conservation (RC) zones to the Medium Density Residential (MDR) zone. (PLRZ20260213)

ADMINISTRATIVE RECOMMENDATION: Planning Commission recommended approval.

ADMINISTRATIVE MEMO: The applicant has submitted a zone map amendment and concept plan applications for the property located at 985 W 300 S to allow for the property to be developed for 19 condominium units. When the applicant was asked about for-sale versus for-rent, he stated that the condominium plat will be created but he was doubtful of the ability of buyers to obtain financing. Most of the property is currently zoned as M1 (Light Manufacturing) and there is a smaller portion zoned RC (Residential Conservation). The applicant originally requested the High Density Residential (HDR) zone, but since reduced the scope of the project and changed to Medium Density Residential (MDR). The property to the north is in the Residential Conservation (RC) zone and has apartments. The property to the east is in the Residential R1.6 zone and has a single-family home, the property to the west is in the Low Density Residential (LDR) zone and has multi-family units, and the property to the south is in the Light Manufacturing (M1) zone with railroad tracks in between the adjacent properties. The street 300 South terminates into the property and the property to the north currently. The applicant has been working with Public Works on a cul-de-sac that would provide better access to the site for emergency personnel.

FISCAL IMPACT: N/A

COUNCIL STAFF MEMO:

Provo City Planning Commission

Report of Action

September 09, 2026

*ITEM 2 James Smith requests a Zone Map Amendment from the M1 (Light Manufacturing) and RC (Residential Conservation) Zones to the HDR (High-Density Residential) Zone to entitle a 19-unit condominium project, located at 985 West 300 South. Franklin Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLRZ20260213

The following action was taken by the Planning Commission on the above-described item at its regular meeting of September 09, 2026:

RECOMMENDED APPROVAL

On a vote of 8:0, the Planning Commission recommended that the Municipal Council approve the above noted application and authorize the mayor to sign the development agreement.

Conditions of Approval:

Motion By: Tosh Metzger

Second By: Melissa Kendall

Votes in Favor of Motion: Tosh Metzger, Melissa Kendall, David Conger, Anne Allen, Joel Temple, Matt Wheelwright, John Lyons and Jonathan Hill

Matt Wheelwright was present as Chair.

- Although this proposal was advertised as a High-Density Residential zone change, density was reduced while working with the CRC. The applicant asked for MDR zoning instead of HDR and staff agreed that MDR would be more appropriate.
- Because the concept plan includes less density than the MDR zone permits, staff suggested a Development Agreement to tie the zone change to the proposed concept plan.
- 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 Medium Density Residential Zone is described in the attached Exhibit A.

RELATED ACTIONS

Concept Plan approval (PLCP20260235) granted on September 9, 2026, subject to council approval of the zone change.

APPROVED/RECOMMENDED OCCUPANCY

- 19 Total Units
- All units include three bedrooms for family occupancy

APPROVED/RECOMMENDED PARKING

- 43 Total parking stalls required
- 43 Total parking stalls provided
- 2.25 Required parking stalls per unit

DEVELOPMENT AGREEMENT

- Applies - referred applicant to Council Attorney.

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.
- Preliminary traffic study submitted, to be reviewed as part of project plan approval.

NEIGHBORHOOD MEETING DATE

- No neighborhood meeting was held as it was not required.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood District Chair was not present or did not address the Planning Commission during the hearing.
- Jason Beal, a neighboring property owner, raised concerns regarding traffic and safety as he had young children. The 300 S 900 W intersection is dangerous. Although it is a four-way stop intersection, drivers routinely run stop signs.

APPLICANT RESPONSE

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

- The applicant presented an overview of the project.
- When asked by the Commission about for-sale verses for-rent housing, the applicant stated that a condominium plat will be created but he was doubtful of the ability of buyers to obtain financing.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Commission questioned the building height and project density in relation to surrounding projects. This would be the only four-story building in the neighborhood. On the other hand, the subject property is distressed, industrial land that is not helpful to the neighborhood. Staff noted that the city has no record of a business license for any industrial use at this location.
- The proposed project will install a cul-de-sac on a dead-ended 300 S Street which would bring the street into compliance with the fire code.
- Location of the proposed building along the west boundary line, adjacent to other stacked condominiums, makes for a good transition into the neighborhood.
- The Commission questioned the closeness of stairways to the sidewalk and thought shifting the building a few feet to the west may be helpful.
- The architecture and building materials were questioned and the applicant was encouraged to address these issues at the project plan stage.
- The MDR zone has architectural design standards in Section 14.34.287 of the City Code.



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

QUIT-CLAIM DESCRIPTION FROM THE BAY APARTMENTS LLC TO FRENZEL

BEGINNING AT A POINT ON THAT CERTAIN SPECIAL WARRANTY DEED RECORDED AS ENTRY 54698-2000 IN THE UTAH COUNTY RECORDER'S OFFICE, SAID POINT BEING LOCATED SOUTH 706.85 FEET AND WEST 129.62 FEET FROM THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE WEST 114.44 FEET ALONG SAID DEED TO THE BOUNDARY OF PHASE VIII, FRANKLIN PARK CONDOMINIUMS SUBDIVISION ACCORDING TO THE OFFICIAL PLAT ON FILE AS MAP 6966 IN THE UTAH COUNTY RECORDER'S OFFICE; THENCE NORTH 31.79 FEET ALONG SAID PHASE VIII, FRANKLIN PARK CONDOMINIUMS SUBDIVISION TO A POINT ON THE EXTENSION OF AN EXISTING 6-FOOT CHAIN-LINK FENCE; THENCE MORE OR LESS ALONG SAID 6-FOOT CHAIN-LINK FENCE AND EXTENSIONS THEREOF SOUTH 89°46'58" EAST 114.81 FEET TO SAID DEED; THENCE ALONG SAID DEED THE FOLLOWING TWO (2) COURSES: SOUTH 22°41'47" WEST 0.96 FEET AND SOUTH 30.47 FEET TO THE POINT OF BEGINNING. Area = 3,614 SQ. FT. OR 0.083 ACRES

QUIT-CLAIM DESCRIPTION FROM FRENZEL TO FRENZEL

BEGINNING AT A POINT ON AN EXISTING FENCE ON THE NORTHERLY LINE OF BLOCK 32, PLAT A, PROVO CITY SURVEY OF BUILDING LOTS, SAID POINT BEING LOCATED SOUTH 719.42 FEET AND WEST 103.73 FEET FROM THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE ALONG EXISTING FENCE LINES AND A LINE PERPENDICULAR TO THE NORTHERLY LINE OF SAID BLOCK 32 AS DETERMINED BY THE EXISTING SIDEWALK ALONG SAID NORTHERLY BLOCK LINE, SOUTH 00°21'17" WEST 198.00 FEET MORE OR LESS TO AN EXISTING 6-FOOT CHAIN-LINK FENCE LINE; THENCE MORE OR LESS ALONG SAID EXISTING 6-FOOT CHAIN-LINK FENCE LINE AND EXTENSION THEREOF NORTH 89°38'43" WEST 141.91 FEET MORE OR LESS TO THE BOUNDARY OF PHASE VIII, FRANKLIN PARK CONDOMINIUMS SUBDIVISION ACCORDING TO THE OFFICIAL PLAT ON FILE AS MAP 6966 IN THE UTAH COUNTY RECORDER'S OFFICE; THENCE ALONG SAID PHASE VIII, FRANKLIN PARK CONDOMINIUMS SUBDIVISION THE FOLLOWING THREE (3) COURSES: NORTH 01°46'00" EAST 209.78 FEET, WEST 3.66 FEET AND NORTH 31.79 FEET TO A POINT ON THE EXTENSION OF AN EXISTING 6-FOOT CHAIN-LINK FENCE; THENCE MORE OR LESS ALONG SAID 6-FOOT CHAIN-LINK FENCE AND EXTENSIONS THEREOF SOUTH 89°46'58" EAST 114.81 FEET; THENCE SOUTH 22°41'47" WEST 0.96 FEET; THENCE SOUTH 42.88 FEET TO SAID NORTHERLY BLOCK LINE; THENCE ALONG SAID NORTHERLY BLOCK LINE SOUTH 89°38'43" EAST 25.89 FEET TO THE POINT OF BEGINNING. Area = 32,568 SQ. FT. OR 0.7477 ACRES



***ITEM 2** James Smith requests a Zone Map Amendment from the M1 (Light Manufacturing) and RC (Residential Conservation) Zones to the HDR (High Density Residential) Zone to entitle a 19-unit condominium project, located at 985 West 300 South. Franklin Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLRZ20260213

APPLICANT:	James Smith
PROPERTY OWNER:	MCP4 PROV300 LLC
PARCEL ID:	04:031:0024
ACREAGE:	0.75
CURRENT LEGAL USE:	Residential
GENERAL PLAN DESIGNATION:	Residential
CURRENT ZONE:	M1 (Light Manufacturing) and RC (Residential Conservation)
APPLICATION TYPE:	Legislative Decision – Planning Commission will make a recommendation to the City Council.

NEIGHBORHOOD FEEDBACK

This item is scheduled for the Central District meeting on September 30, 2026.

PROJECT SUMMARY

The applicant has submitted a zone map amendment and concept plan applications for the property located at 985 W 300 S to allow for the property to be developed for 19 condominium units. Most of the property is currently zoned as M1 (Light Manufacturing) and there is a smaller portion zoned RC (Residential Conservation).

The applicant requested the High Density Residential (HDR) zone, but the Medium Density Residential (MDR) zone could work for what is being proposed. The HDR zone would allow for higher density than what is being proposed with the concept plan. In order to meet city ordinances, the number of units has diminished since the original application was filed.

The property to the north is in the Residential Conservation (RC) zone and has apartments. The property to the east is in the Residential R1.6 zone and has a single-family home, the property to the west is in the Low Density Residential (LDR) zone and has multi-family units, and the property to the south is in the Light Manufacturing (M1) zone with railroad tracks in between the adjacent properties.

The street 300 South terminates into the property and the property to the north currently. The applicant has been working with Public Works on a cul-de-sac that would provide better access to the site for emergency personnel.

STAFF ANALYSIS

Before recommending an amendment, the Commission must find that the amendment serves the public interest and aligns with the General Plan, based on consideration of the following:

- (a) Public purpose for the amendment in question;

Applicant Response:

N/A

Staff Response:

The applicant is proposing to build residential units that could be sold or rented if the property is changed from light manufacturing to residential.

FINDING:

Complies

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

Applicant Response:

N/A

Staff Response:

The existing property is surrounded by multiple different zones and uses. The proposed development would fit with surrounding land uses and provide additional housing in the area. The requested HDR zone is more than is needed to accomplish the proposed development and may be more appropriate to use the MDR zone.

FINDING:

Complies

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

Applicant Response:

N/A

Staff Response:

Goals in the General Plan call for development of different housing types in neighborhoods as well as increasing the number of housing types across the city appropriately.

FINDING:

Complies

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

Applicant Response:

N/A

Staff Response:

No timing issues identified.

FINDING:

Complies

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

Applicant Response:

N/A

Staff Response:

It is not anticipated that this proposal would hinder the goals or policies of the General Plan.

FINDING:

Complies

(f) Adverse impacts on adjacent landowners; and

Applicant Response:

N/A

Staff Response:

There is a single-family residential zone to the east that would see the biggest impact related to compatibility. The proposed use of the property would increase the amount of traffic that is seen from how the property is currently being used.

FINDING: There would be impacts from the proposed change on adjacent landowners but considering the low number of units being proposed, impacts would be minimal.

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

Applicant Response:

N/A

Staff Response:

The zoning is correct.

FINDING:
No issues.

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

Applicant Response:
N/A

Staff Response:
No issues with the maps and related policies.

FINDING:
No issues.

APPLICABLE ZONING CODES

Provo City Code 14.14C – High Density Residential (HDR)

POSSIBLE MOTIONS AND FINDINGS

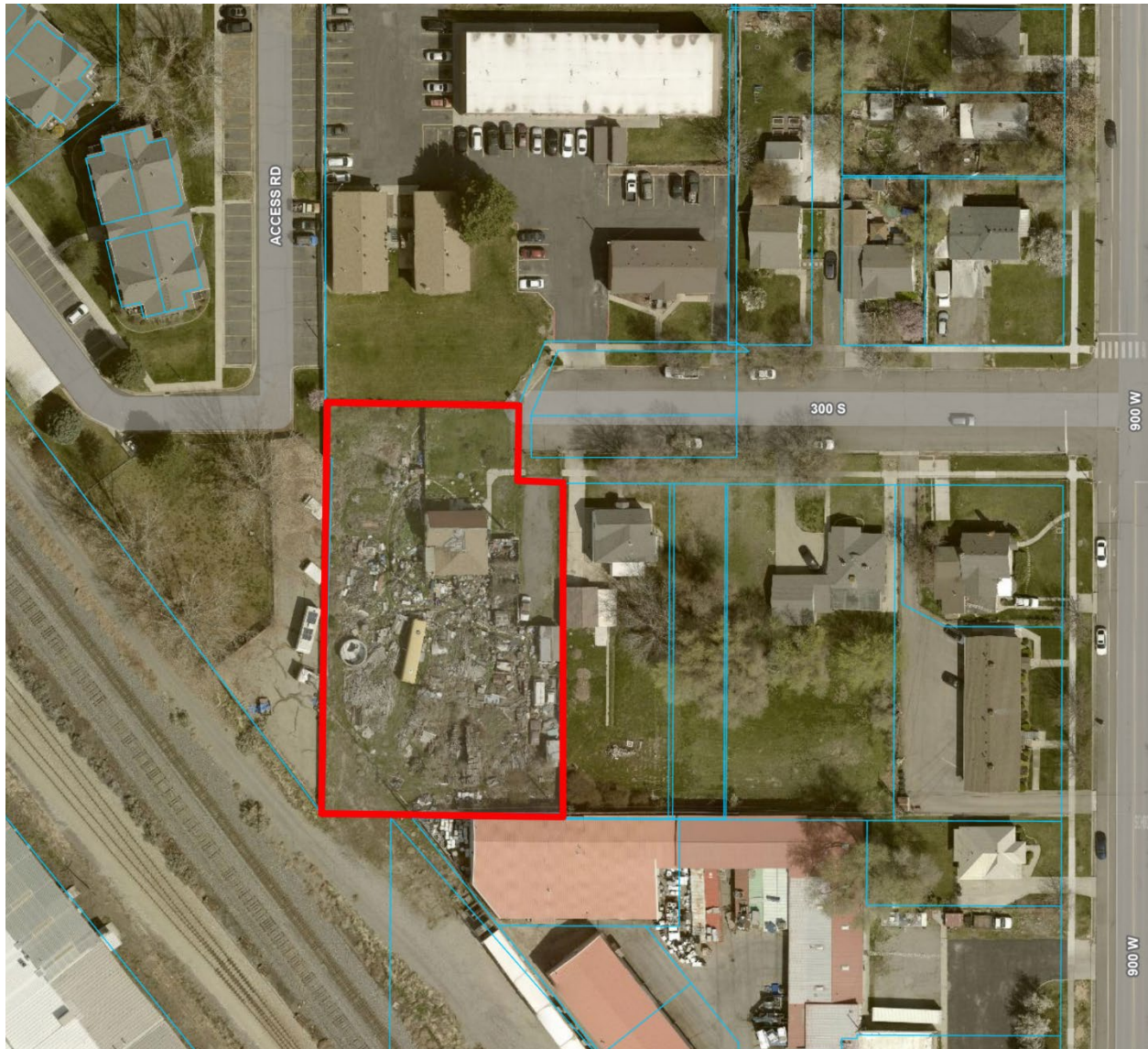
The Planning Commission may make any of the following findings:

1. **Recommend Approval:** The proposal is consistent with the General Plan.
Motion to recommend approval to the City Council.
2. **Recommend Denial:** The proposal is not consistent with the General Plan.
Motion to recommend denial to the City Council for the proposed zone change.
3. **Continue:** New information presented at the public hearing or additional study needs to be done.
Motion to continue this item to allow for more information to be provided.

ATTACHMENTS

1. Map of property located at 985 W 300 S
2. Map of existing zoning
3. General Plan map

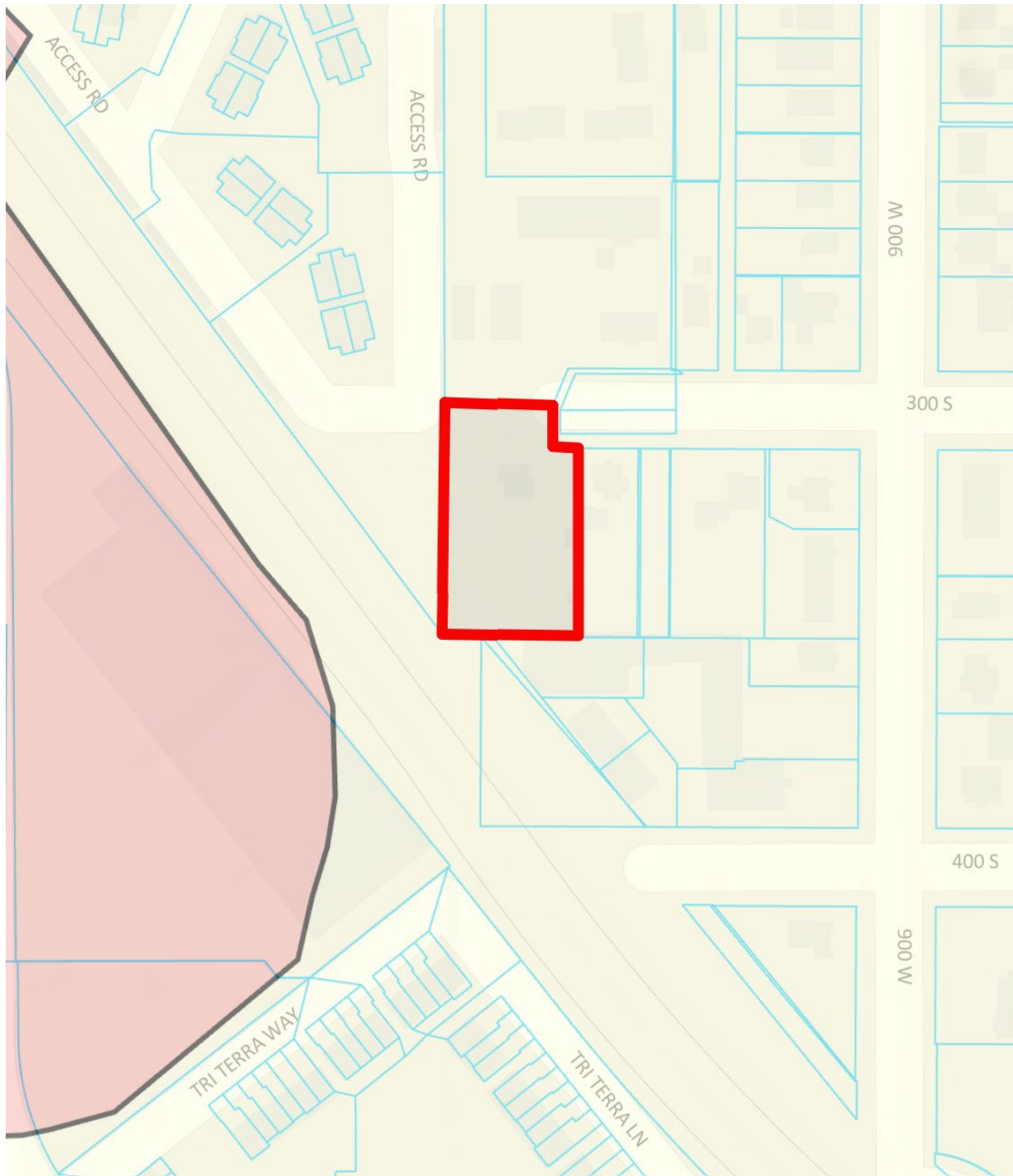
ATTACHMENT 1 – MAP OF PROPERTY LOCATED AT 985 W 300 S



ATTACHMENT 2 – MAP OF EXISTING ZONING



ATTACHMENT 3 – GENERAL PLAN MAP



ORDINANCE <<Document Number>>

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF
REAL PROPERTY, GENERALLY LOCATED AT 985 W 300 S, FROM THE
LIGHT MANUFACTURING (M1) AND RESIDENTIAL CONSERVATION
(RC) ZONES TO THE MEDIUM DENSITY RESIDENTIAL (MDR) ZONE.
FRANKLIN NEIGHBORHOOD. (PLRZ20260213)

RECITALS:

It is proposed that the classification on the Provo Zoning Map for approximately 0.75 acres of real property, generally located at 985 W 300 S (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 Light Manufacturing (M1) and Residential Conservation (RC) Zones to the Medium Density Residential (MDR) Zone;

On September 9, 2026, 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 8:0 vote;

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

On October 6, 2026, 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, and having considered the impact of the proposed ordinance on family health, stability, and formation, 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 Light Manufacturing (M1) and Residential Conservation (RC) Zones to the Medium Density Residential (MDR) Zone for the real property described in this ordinance.

41 PART II:

42 The Mayor is authorized to negotiate and execute a development agreement as proposed
43 by the applicant for this zone change, consistent with the representations made by the applicant
44 and the applicant's representatives to the Council. An executed copy of the agreement will be
45 attached as Exhibit C after execution. The zone map classification change described in Part I is not
46 effective until the date of final execution of the development agreement.

47 PART III:

- 48
- 49 A. If a provision of this ordinance conflicts with a provision of a previously adopted
50 ordinance, this ordinance controls.
51
- 52 B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part,
53 sentence, clause, or phrase is judicially determined to be unconstitutional or invalid, the
54 remainder of the ordinance is not affected by that determination.
55
- 56 C. Except as otherwise stated in Part II, this ordinance takes effect immediately after it has
57 been posted or published in accordance with Utah Code Section 10-3-711, presented to the
58 Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with
59 Utah Code Section 10-3-713.
60
- 61 D. The Municipal Council directs that the Provo Zoning Map be updated and codified to
62 reflect the provisions enacted by this ordinance.
63
- 64 E. Notwithstanding any provision or language to the contrary in this ordinance, if the
65 Development Agreement authorized in Part II has not been fully executed by the necessary
66 parties within one year from the date of the Municipal Council's approval of this ordinance,
67 the entire ordinance expires, becoming null and void as if it had never been approved.
68 Because the zone map classification change contemplated in Part I cannot come into effect
69 if the Development Agreement is not executed, neither the applicant nor any successor(s)
70 in interest has any vested rights under this ordinance if it expires.

Exhibit A



Exhibit B

QUIT-CLAIM DESCRIPTION FROM THE BAY APARTMENTS LLC TO FRENZEL

BEGINNING AT A POINT ON THAT CERTIAN SPECIAL WARRANTY DEED RECORDED AS ENTRY 54698-2000 IN THE UTAH COUNTY RECORDER'S OFFICE, SAID POINT BEING LOCATED SOUTH 706.85 FEET AND WEST 129.62 FEET FROM THE NORTHWEST CORNER OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN; THENCE WEST 114.44 FEET ALONG SAID DEED TO THE BOUNDARY OF PHASE VIII, FRANKLIN PARK CONDOMINIUMS SUBDIVISION ACCORDING TO THE OFFICIAL PLAT ON FILE AS MAP 6966 IN THE UTAH COUNTY RECORDER'S OFFICE; THENCE NORTH 31.79 FEET ALONG SAID PHASE VIII, FRANKLIN PARK CONDOMINIUMS SUBDIVISION TO A POINT ON THE EXTENSION OF AN EXISTING 6-FOOT CHAIN-LINK FENCE; THENCE MORE OR LESS ALONG SAID 6-FOOT CHAIN-LINK FENCE AND EXTENSIONS THEREOF SOUTH 89°46'58" EAST 114.81 FEET TO SAID DEED; THENCE ALONG SAID DEED THE FOLLOWING TWO (2) COURSES: SOUTH 22°41'47" WEST 0.96 FEET AND SOUTH 30.47 FEET TO THE POINT OF BEGINNING. Area = 3,614 SQ. FT. OR 0.083 ACRES

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Area = 32,568 SQ. FT. OR 0.7477 ACRES

Exhibit C

Exhibit C will be attached after execution

313 E 200 N



Zoning

Existing:
Residential Conservation
(RC) Zone

- Does not allow new units or lots

Requesting:
High Density Residential
(HDR) Zone

- Allows 50 units/acre
- Proposing 27 units/acre



Joaquin

Neighborhood Plan

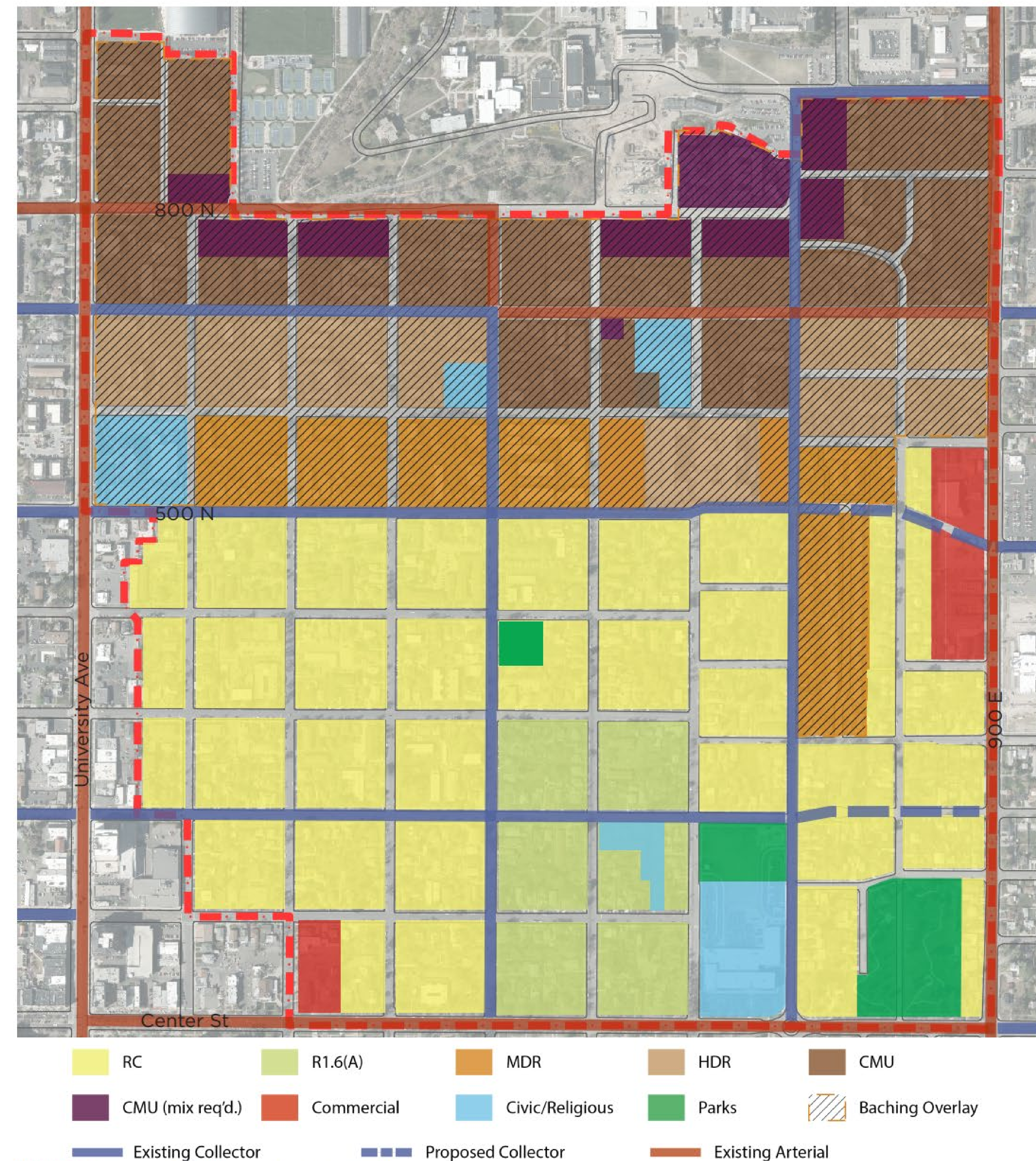
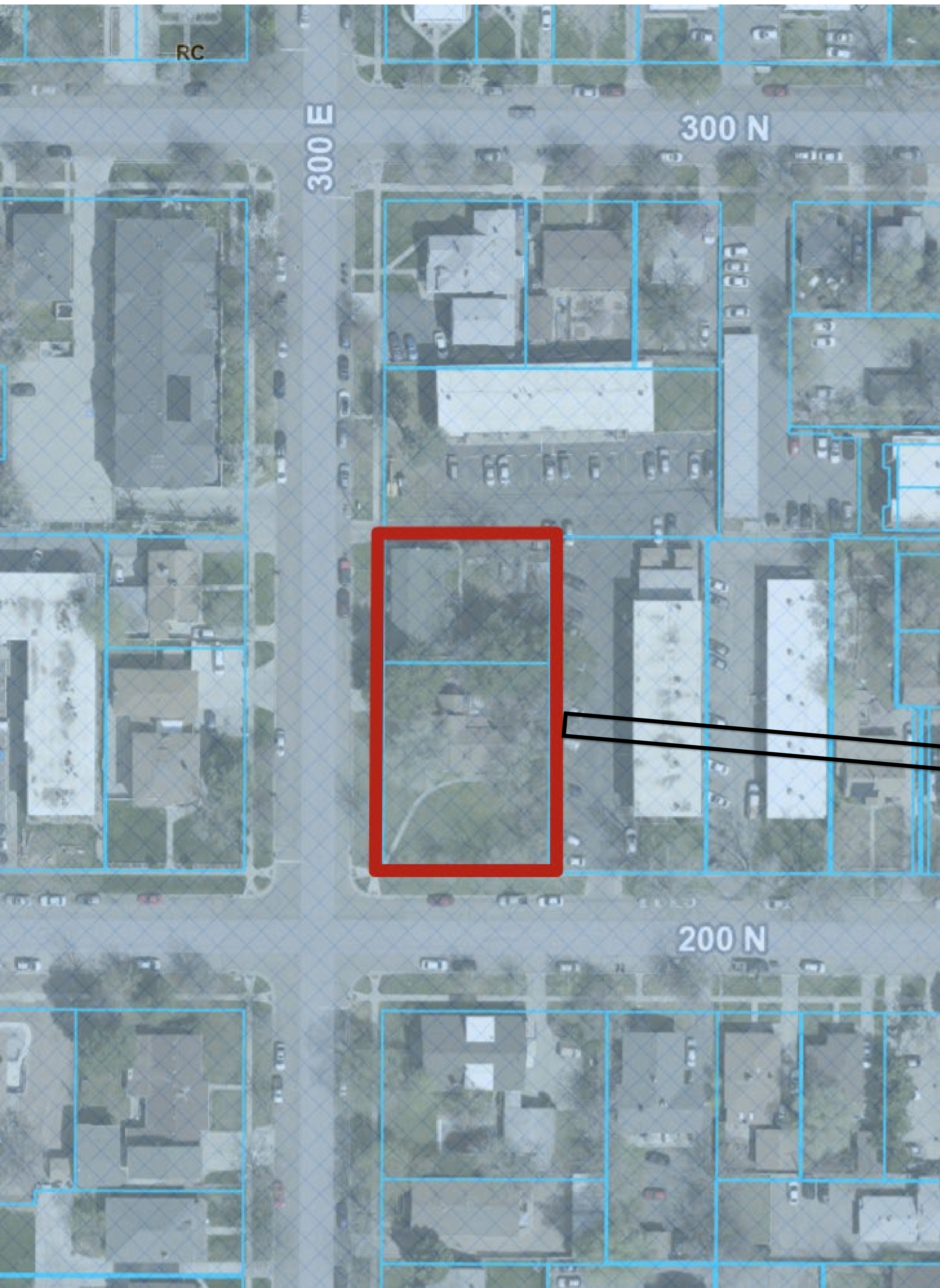


Figure 3.3 - Joaquin Neighborhood Future Land Use

Zoning



Future Land Use Map

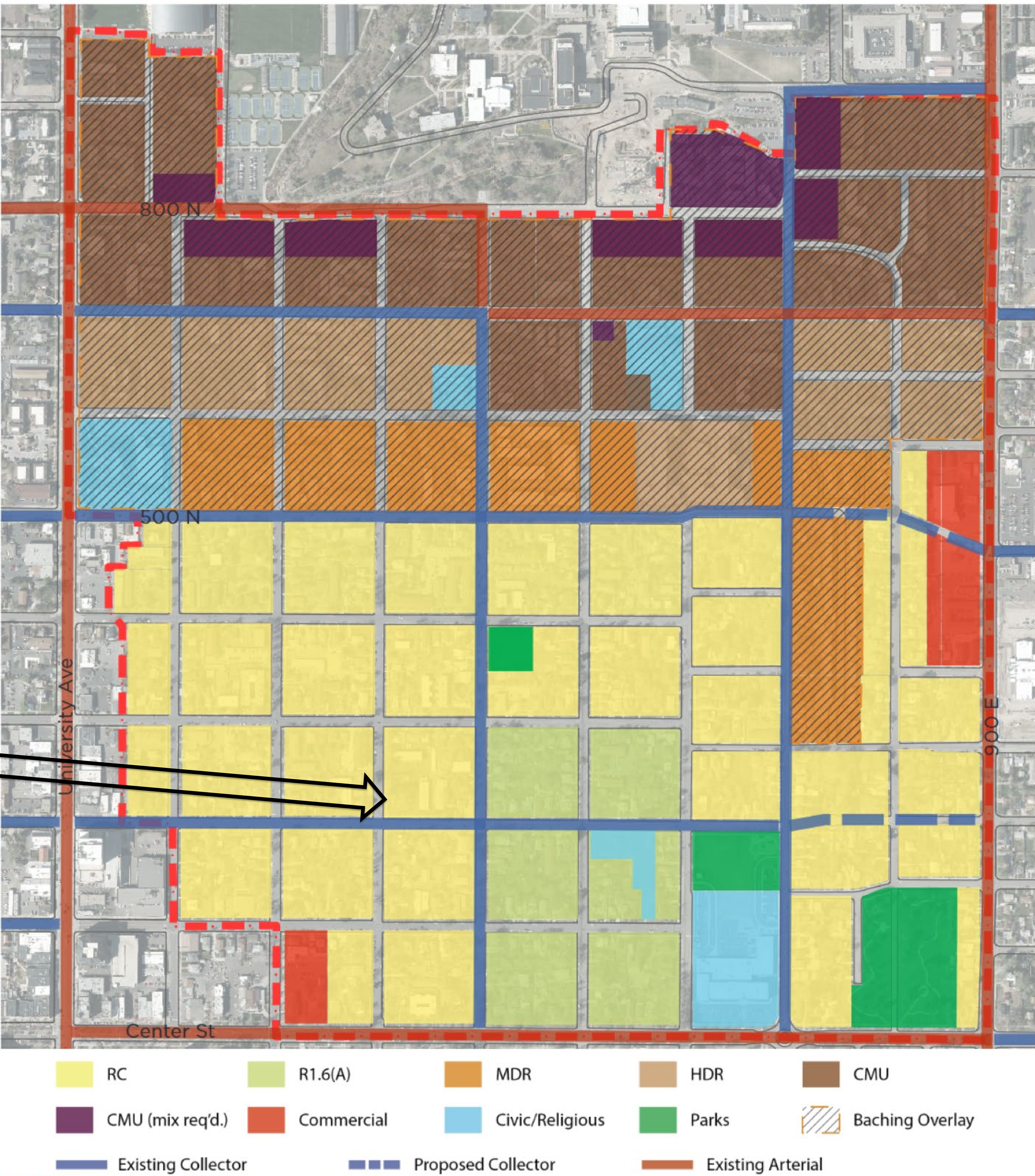
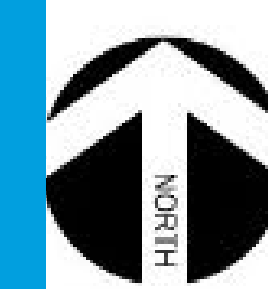
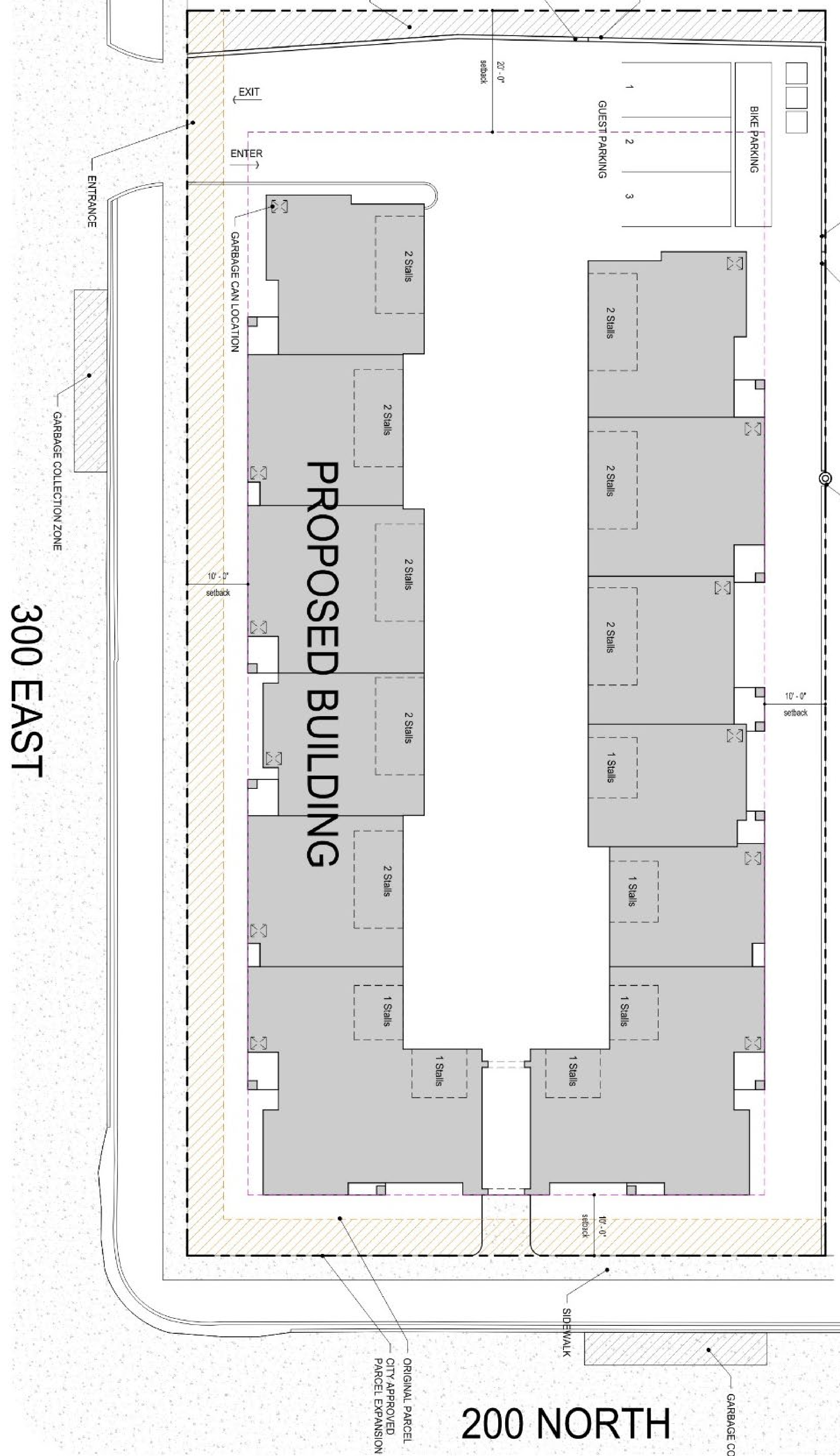


Figure 3.3 - Joaquin Neighborhood Future Land Use

Concept Plan



Elevations



WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION

PROVO MUNICIPAL COUNCIL WORK SESSION STAFF REPORT



Submitter: DWRIGHT
Presenter: Dustin Wright, City Planner
Department: Development Services
Meeting Date: 10/6/2026
Requested Duration (Minutes): 10 minutes
CityView or Issue File Number: PLRZ20250330

SUBJECT: 10 An ordinance amending the zone map classification of real property, generally located at 313 E 200 N, from the Residential Conservation (RC) Zone to the High Density Residential (HDR) Zone. Joaquin Neighborhood. (PLRZ20250330)

ADMINISTRATIVE RECOMMENDATION: Planning Commission recommended denial.

ADMINISTRATIVE MEMO: Zone map amendment for property located at approximately 313 E. 200 N. to allow for the property to be developed for 12 new townhome units. The property is currently zoned as Residential Conservation (RC). This zone does not allow new units to be created, and this is why the applicant is seeking a rezone. The applicant is looking for the property to be rezoned to the High Density Residential (HDR) zone to allow for the proposed development as this zone has the needed setbacks for the proposed development to work. The future land use designation in the Joaquin plan identifies this location as an area to not allow for increased density. That plan aims to increase density in the northern half of the neighborhood, near BYU campus, and preserve the single-family residential character in the lower half of the neighborhood. Because the HDR zone allows for more development potential, like density and building height, than what the applicant is proposing to do, they have proffered to do a development agreement. This agreement would aim to limit the density, height, and require owner occupancy for each unit for at least one year after purchase.

FISCAL IMPACT: N/A

COUNCIL STAFF MEMO:

1 ORDINANCE <<Document Number>>

2
3 AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF
4 REAL PROPERTY, GENERALLY LOCATED AT 313 E 200 N, FROM THE
5 RESIDENTIAL CONSERVATION (RC) ZONE TO THE HIGH DENSITY
6 RESIDENTIAL (HDR) ZONE. JOAQUIN NEIGHBORHOOD.
7 (PLRZ20250330)

8
9 RECITALS:

10
11 It is proposed that the classification on the Provo Zoning Map for approximately 0.45 acres
12 of real property, generally located at 313 E 200 N (an approximation of which is shown in Exhibit
13 A and a more precise description of which will be attached as Exhibit B after the Zone Map has
14 been updated), be amended from the Residential Conservation (RC) Zone to the High Density
15 Residential (HDR) Zone;

16
17 On July 8, 2026, the Planning Commission held a public hearing to consider the proposal,
18 and after the hearing the Planning Commission recommended **denial** of the proposal to the
19 Municipal Council by a 6:0 vote;

20
21 The Planning Commission's recommendation was based on the project design presented
22 to the Commission;

23
24 On August 11 and October 6, 2026, the Municipal Council met to determine the facts
25 regarding this matter and receive public comment, which facts and comments are found in the
26 public record of the Council's consideration; and

Commented [BJ1]: Are these the only two dates?

27
28 After considering the Planning Commission's recommendation and the facts presented to
29 the Municipal Council, and having considered the impact of the proposed ordinance on family
30 health, stability, and formation, the Council finds that (i) the proposed action should be
31 approved, and (ii) such action furthers the health, safety, and general welfare of the citizens of
32 Provo City.

33
34 THEREFORE, the Provo Municipal Council ordains as follows:

35
36 PART I:

37
38 The classification on the Provo Zoning Map is amended from the Residential Conservation
39 (RC) Zone to the High Density Residential (HDR) Zone for the real property described in this
40 ordinance.

41 PART II:

42 The Mayor is authorized to negotiate and execute a development agreement as proposed
43 by the applicant for this zone change, consistent with the representations made by the applicant
44 and the applicant's representatives to the Council. An executed copy of the agreement will be
45 attached as Exhibit C after execution. The zone map classification change described in Part I is not
46 effective until the date of final execution of the development agreement.

47 PART III:

- 48
- 49 A. If a provision of this ordinance conflicts with a provision of a previously adopted
50 ordinance, this ordinance controls.
- 51
- 52 B. This ordinance and its various sections, clauses, and paragraphs are severable. If any part,
53 sentence, clause, or phrase is judicially determined to be unconstitutional or invalid, the
54 remainder of the ordinance is not affected by that determination.
- 55
- 56 C. Except as otherwise stated in Part II, this ordinance takes effect immediately after it has
57 been posted or published in accordance with Utah Code Section 10-3-711, presented to the
58 Mayor in accordance with Utah Code Section 10-3b-204, and recorded in accordance with
59 Utah Code Section 10-3-713.
- 60
- 61 D. The Municipal Council directs that the Provo Zoning Map be updated and codified to
62 reflect the provisions enacted by this ordinance.
- 63
- 64 E. Notwithstanding any provision or language to the contrary in this ordinance, if the
65 Development Agreement authorized in Part II has not been fully executed by the necessary
66 parties within one year from the date of the Municipal Council's approval of this ordinance,
67 the entire ordinance expires, becoming null and void as if it had never been approved.
68 Because the zone map classification change contemplated in Part I cannot come into effect
69 if the Development Agreement is not executed, neither the applicant nor any successor(s)
70 in interest has any vested rights under this ordinance if it expires.
- 71

Exhibit A



Exhibit B

Legal Description

Exhibit C

Development Agreement

-
- *ITEM 2** Tuscanel Townhomes LLC requests a Zone Map Amendment from the RC (Residential Conservation) Zone to the HDR (High Density Residential) Zone in order to develop a 12-unit townhome project, located at 313 E 200 N. Joaquin Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLRZ20250330
-

APPLICANT:	Tuscanel Townhomes LLC
PROPERTY OWNER:	S & R TRIPLEX LLC and S & R 313 LLC
PARCEL ID:	05:033:0008 05:033:0009
ACREAGE:	0.45
CURRENT LEGAL USE:	Residential
GENERAL PLAN DESIGNATION:	Residential Conservation
CURRENT ZONE:	Residential Conservation
APPLICATION TYPE:	Legislative Decision – Planning Commission will make a recommendation to the City Council.

NEIGHBORHOOD FEEDBACK

Multiple neighborhood meetings have been held for the rezoning of this property; on May 26, 2022, another on March 30, 2023, and the most recent was on June 17, 2026. Some comments supported this type of development in this location, while others were opposed to it and referenced the efforts in the Joaquin Neighborhood Plan to protect the single-family designation in this area with a Residential Conservation designation in the future land use map. The project has decreased in density since the earlier neighborhood meetings, where a 17-unit apartment was proposed.

The Chair of the Central Neighborhoods District reached out to remind staff that there was strong opposition to this development as it deviates from the neighborhood plan.

PROJECT SUMMARY

The applicant has submitted a zone map amendment and concept plan applications for the property located at approximately 313 E. 200 N. to allow for the property to be developed for 12 new townhome units. The property is currently zoned as Residential Conservation (RC). This zone does not allow new units to be created, and this is why the applicant is seeking a rezone. The applicant is looking for the property to be rezoned to the High Density Residential (HDR) zone to allow for the proposed development as this zone has the needed setbacks for the proposed development to work. The Medium Density Residential (MDR) zone would not allow the development to work because of greater setback requirements.

In 2014, Provo City adopted the Joaquin Neighborhood Plan, which is part of the Provo City General Plan. The future land use designation in the Joaquin plan identifies this location as an area to not allow for increased density. That plan aims to increase density in the northern half of

the neighborhood, near BYU campus, and preserve the single-family residential character in the lower half of the neighborhood.

Because the HDR zone allows for more development potential, like density and building height, than what the applicant is proposing to do, they have proffered to do a development agreement. This agreement would aim to limit the density, height, and require owner occupancy for each unit for at least one year after purchase.

The property surrounding this property is zoned Residential Conservation (RC).

STAFF ANALYSIS

Before recommending an amendment, the Commission must find that the amendment serves the public interest and aligns with the General Plan, based on consideration of the following:

- (a) Public purpose for the amendment in question;

Applicant Response:

This amendment allows a long-held family property to transition into a high-quality, owner-occupied residential community that promotes homeownership, long-term residency, and reinvestment in central Provo.

The proposal expands housing opportunities within an established area already served by public infrastructure, schools, parks, transportation networks, and community services. The project is designed to provide housing for individuals and families who intend to live, invest, and contribute to the community, aligning with the General Plan's emphasis on housing availability, complete neighborhoods, and long-term community stability.

Staff Response:

A neighborhood plan was created that calls for this area to remain low density to help preserve this historic character and encourage higher density to be in the northern portion of the Joaquin Neighborhood closer to BYU Campus.

The properties are part of the National Register of Historic Places in the East Central Historic District. The home on the corner was built in 1880, and the 3-unit row house was built in 1885. Both properties are listed as contributing to the East Central Historic District and are eligible to be nominated to our local Landmarks Register. Properties on the National Register are not protected from demolition.

FINDING:

Does not comply with the Joaquin Neighborhood Plan designation of Residential Conservation.

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

Applicant Response:

This proposal represents approximately four years of collaboration with City staff, neighboring property owners, and elected officials. Multiple concepts were evaluated and refined to arrive at a townhome community that balances neighborhood concerns with the City's goals for high-quality ownership housing.

The proposed development introduces a housing type that bridges the gap between detached single-family homes and larger apartment developments, expanding housing

choice within an established neighborhood. The amendment allows the property to contribute meaningfully to the City's housing supply while utilizing existing infrastructure and supporting the General Plan's direction for infill development.

Staff Response:

Preserving the historic character of this part of the neighborhood while providing increased density closer to BYU would serve the public. The existing structures would be eligible to receive historic rehabilitation tax credits. The proposed amendment would bring that increased density further south from campus.

FINDING:

Does not comply with the Joaquin Neighborhood future land use map that calls for residential conservation zone to remain.

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

Applicant Response:

The proposal is consistent with the goals and policies of the General Plan, particularly those related to housing choice, homeownership opportunities, efficient use of infrastructure, and responsible infill redevelopment.

The project provides ownership housing in a central location, promotes long-term community investment through proposed deed restrictions, and reinvests in an established neighborhood. It supports the General Plan's broader vision of accommodating future residents within developed areas while maintaining high-quality design and contributing to complete, well-functioning neighborhoods.

Staff Response:

The Joaquin Neighborhood Plan identifies 500 North as the transition line for housing density. Increased density is planned for the area north of this transition line and residential conservation is planned for the areas south of 500 North. The plan aims to reduce development pressure on the homes in the lower half of the neighborhood by allowing much higher density closer to BYU campus where the density makes more sense.

FINDING:

Does not comply with the Joaquin Neighborhood future land use map that calls for residential conservation zone to remain.

In section E of chapter 3 in the Joaquin Neighborhood Plan, goal number 2 reads "Require that all future development complies with the future land use map".

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

Applicant Response:

The surrounding area has evolved significantly over time, and the property's current context is substantially different than when earlier planning decisions were made. The amendment allows the site to respond to existing conditions while utilizing established

infrastructure and public services.

The proposal represents logical infill redevelopment within an already urbanized area and does not require expansion into undeveloped portions of the City. As such, it is consistent with the General Plan's principles of orderly, efficient, and fiscally responsible growth.

Staff Response:

Public Works looks at the General Plan and Neighborhood Plans as they plan infrastructure needs. Engineering review comment for this development reads: "Our existing Utilities cannot handle proposed HDR development. If this plan makes it to the project plan phase, then some sort of solution needs be proposed to address deficiency in our existing infrastructures to support this development."

FINDING:

Does not comply with Neighborhood Plan as it is proposing higher density than anticipated at this location.

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

Applicant Response:

The proposal is not expected to hinder General Plan objectives. The requested zoning flexibility is intended to achieve a better overall site plan—improving circulation, parking, open space, building placement, and neighborhood compatibility—rather than to maximize density or height.

The project remains below the allowable density and height standards while advancing key General Plan objectives related to housing availability, efficient land use, and infill development. The proposal reflects a balanced approach to growth that supports the City's long-term planning goals.

Staff Response:

In section E of chapter 3 in the Joaquin Neighborhood Plan, goal number 2 reads "Require that all future development complies with the future land use map".

FINDING:

Does not comply with the Joaquin Neighborhood future land use map that calls for residential conservation zone to remain, and the request is for High Density Residential.

(f) Adverse impacts on adjacent land owners; and

Applicant Response:

Minimizing impacts on surrounding properties has been a central focus throughout the planning process. Over approximately four years, the project has undergone multiple revisions to improve compatibility, site design, circulation, and neighborhood integration. The current proposal incorporates reduced density, reduced height, private garages, enhanced landscaping, and proposed owner-occupancy deed restrictions. There is also a willingness to formalize these commitments through a Development Agreement. These measures are intended to ensure the project integrates well with surrounding properties

and contributes positively to the neighborhood.

Staff Response:

The proposed change would allow for higher density housing in the area. There would be an increase in traffic. The existing homes and structures that contribute to the historic district would be demolished and the character of the block would be altered with the new development.

FINDING:

There would be impacts from the proposed change on adjacent land owners.

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

Applicant Response:

The requested amendment does not suggest that the original zoning or General Plan designation was incorrect at the time it was adopted. Rather, it reflects how the surrounding area has evolved and how the property functions today.

The site is now surrounded by multifamily developments, including Apollo Apartments, Aspenwood Apartments, Fleur de Lis, and Casa Linda, which have substantially changed the character and context of the area. These changes have altered the relationship of the property to its surroundings, including significant impacts on privacy, with approximately 30 Apollo units directly overlooking portions of the property. The proposed amendment recognizes these changes and responds to current conditions and housing needs.

Staff Response:

The zoning is correct.

FINDING:

No issues.

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

Applicant Response:

While portions of the Joaquin Neighborhood Plan contemplate lower-intensity development patterns, this property occupies a unique location within an area that is already characterized by multifamily residential development.

After several years of refinement, the proposal reflects an effort to create the right project for this specific location—not the largest project possible. The project remains below the density and height permitted within the requested zone and utilizes the zoning primarily to achieve improved setbacks, site design, and compatibility.

The proposal also includes proposed owner-occupancy deed restrictions and a willingness to formalize commitments through a Development Agreement. When viewed in the context of the General Plan's broader policies, supporting housing choice, infill redevelopment, efficient use of infrastructure, and sustainable growth, the amendment is consistent with the intent and long-term vision of the General Plan.

Staff Response:

No issues with the maps and related policies.

FINDING:

No issues.

APPLICABLE ZONING CODES

Provo City Code 14.14C – High Density Residential (HDR)

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may make any of the following findings:

1. **Recommend Approval:** The proposal is consistent with the General Plan. Motion to recommend approval to the City Council with the condition that a development agreement restricts the height and density to what has been proposed in the concept plan.
2. **Recommend Denial:** The proposal is not consistent with the General Plan. Motion to recommend denial to the City Council for the proposed zone change.
3. **Continue:** New information presented at the public hearing or additional study needs to be done.
Motion to continue this item. (State findings/reasons)

ATTACHMENTS

1. Map of Property Located at Approximately 313 E 200 N
2. Map of Existing Zoning
3. Future Land Use Map of the Joaquin Neighborhood Plan
4. Neighborhood Meeting Minutes – May 26, 2022
5. Neighborhood Meeting Minutes – March 30, 2022
6. Neighborhood Meeting Minutes – June 17, 2026

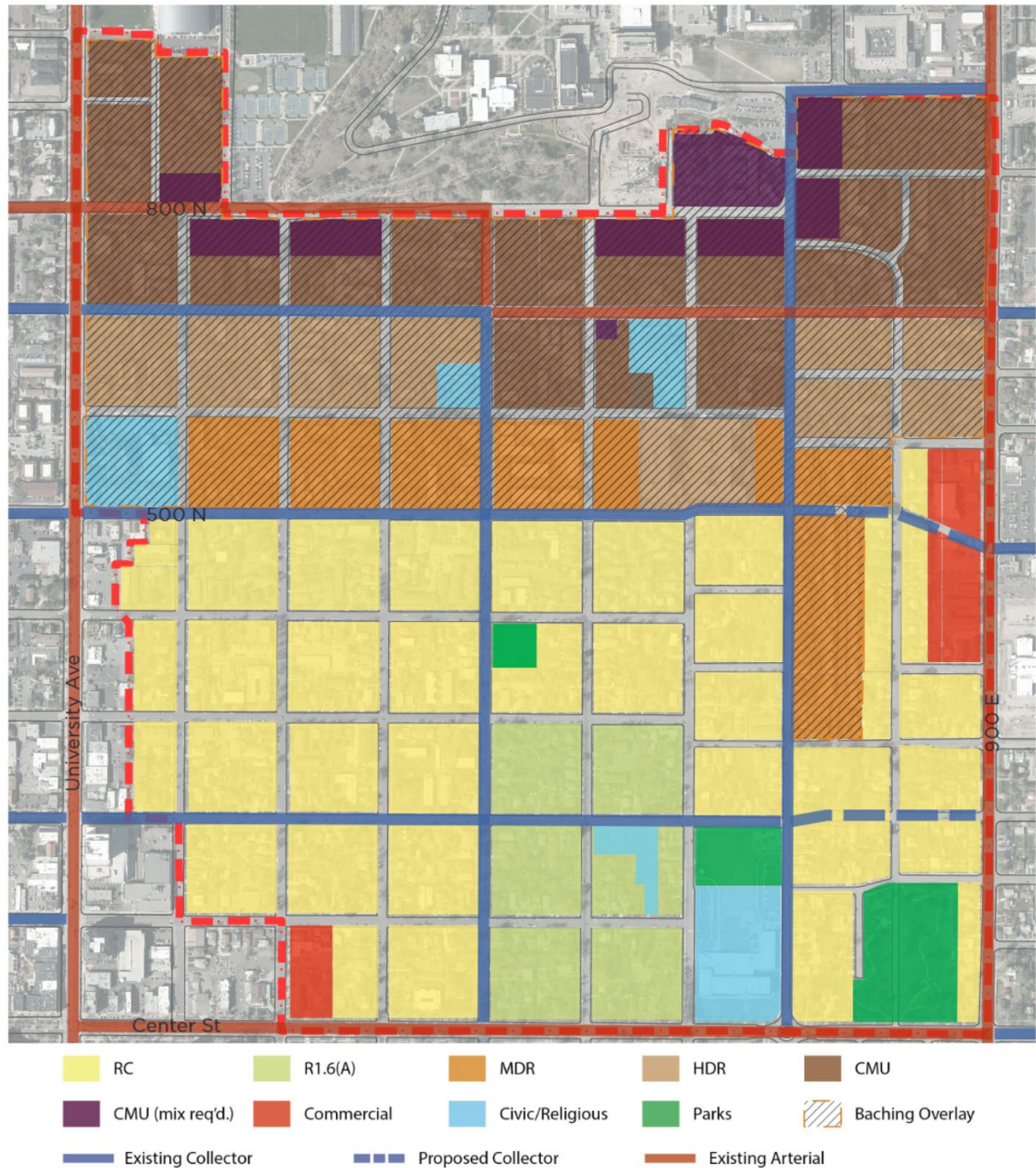
**ATTACHMENT 1 – MAP OF PROPERTY LOCATED AT
APPROXIMATELY 313 E 200 N**



ATTACHMENT 2 – MAP OF EXISTING ZONING



ATTACHMENT 3 – FUTURE LAND USE MAP FROM THE JOAQUIN NEIGHBORHOOD PLAN



ATTACHMENT 4 – NEIGHBORHOOD MEETING MINUTES FROM MAY 26, 2022



Neighborhood Meeting Report

An online version of this form is available at neighborhood.provo.org (on right-hand side of page)

Neighborhood Joaquin Meeting Date 5-26-22

File # PLRZ20220159

Meeting conducted by (name and title): Leo Lines Joaquin Neighborhood Chair

Meeting location: Library @ the academy Bullock Room 309 Number in attendance: 34 3 city council members
1 staff

Applicant name or project description: The Denali multi family student housing project

Was applicant or their designee in attendance at this meeting? Yes No Did applicant contact you within 7 days of the notice of application (as required by Provo City Code)? Yes No

Have other neighborhood meetings been held on this project? No

Relevant history of property/area:

With the growth of BYU & UVU this neighborhood been turned into a multi family student neighborhood. The number of full time residents has rapidly declined.

Other methods of outreach (note number of residents informed and input received)

Facebook group:

Email:

Phone calls:

Face-to-face (in person):

Fliers: By the developer

Overall responses

Positive/in favor: 1 person was in favor that spoke up

In favor if some changes were made: 5-6

Negative/against: most comments were negative

How many of each type of response came from those who live closest to the project:

90% there were some in attendance that did not speak during the meeting

Favorable feedback (be specific):

only build 6 units
couples instead of singles

Concerns raised (be specific):

Needs to be north of 700 N or 500 N
will start a bunch of huge developments
does not fit the Neighborhood plan
Because a former general Authority owned the home previously there should be no changes

doesn't fit the neighborhood
not enough parking
project too big for the neighborhood
does not match neighborhood architecture.

Has the applicant worked with the neighbors to address their concerns, if any?

I do not know

Are there specific parts of the City Code, General Plan, or the neighborhood/area plan that should be considered?

Conclusions/summary from Neighborhood Chair:

The meeting was mainly attended by the residents that live closest to the project. Those attending were overwhelmingly opposed to any development with ~~an~~ increased density that was already there. With the students gone for the summer & Landlords feeling like they do not have a say concerning their property's 34 people are not even 1% of the residents of the neighborhood. There were mainly 12 people that made most of the comments.

Date of this report:

5-30-2022

Submit this form to neighborhoodprogram@provo.org within five (5) days of the meeting date.

ATTACHMENT 5 - NEIGHBORHOOD MEETING MINUTES FROM **MARCH 30, 2023**

Neighborhood District 5 Meeting, March 30, 2023

21 residents signed in as attending, 1 attended on Zoom. The meeting was held in the council chambers because the police were using the community room.

Executive members in attendance included Quinn Petersen, David Harding, Leo Lines, Sariah Hillam, Jason Ream, Dylan Cindrich and Shannon Bingham. Chair Laura Leavitt conducted. City Council member Rachel Whipple also attended.

Land Use Items

- a. **Denali Project** Taryn Denali requests approval of a Zone Map Amendment from the RC (Residential Conservation) zone to the HDR (High Density Residential) zone in order to build a new **17**-unit apartment building, located at 313 East 200 North. Joaquin Neighborhood.

City Staff mentioned that this project is under staff review and will still need to go up before the Planning Commission.

Taryn made an extensive presentation of the project, focusing on the Italian design inspiration from her parents and the upgrade in style that was made after feedback in a previous Joaquin Neighborhood meeting. She stated that there would be **23** units, 20 of which would be 3 bedrooms and several 1 bedrooms in order to encourage long-term residency. There would be lots of trees, a central courtyard with a fountain, wrought iron flowerboxes, and underground parking for the three-story project. There would be contractual limitations on parking to allow for the parking variance that the project would require. This would all sit on less than an acre of ground, so they are working on updates with public works and are developing an agreement with Provo city to build nothing more, nothing less. She felt that the current residential conservation zoning inhibits restoration of old houses fallen into disrepair, and showed pictures of the rundown triplex and house currently on the property that her family has owned for 40 years. A friend who walked around the area noted that there are already a number of large complexes nearby. She ended with her mother's motto of "siempre familia".

Time was opened up for comments, and for the first few Taryn remained at the front to respond.

David Keller was the first to comment. He lives ½ block from the proposed development and objected that Taryn had quoted only parts of his statement from the earlier Joaquin meeting, where 70% had been opposed to a building that large on that property. He reminded her that they had been through this before in a long meeting and he was still not convinced because it is too dense for this part of Joaquin. He thought it would be beautiful farther north. He would be okay with a modest increase, but going from the current 4 units to 23 is not what the Joaquin plan says. He was surprised this project keeps coming back. Some things were better but not for the long term.

Sam Oman from Maeser commented next, pointing out that this still looked like it was designed for short term rather than long term student housing. He noted the property has not been maintained by the owners to this point and that the owners will not be changing with the new project.

Spencer near the Bright Building mentioned that it has been hard looking to find a place to live. He thought the project design actually looks nice and was wondering what type of price range they were looking at.

Staff mentioned that this part of the meeting was meant for comments to the board so they could report to the Planning Commission; that if residents had questions for the developer they should talk after the meeting. Taryn sat down and other residents continued with comments.

Zachary Chamberlain mentioned that he lived here in Provo until COVID and is now in Layton. He recently got a job here in Provo and would like to live here but has had a hard time finding a place. He thinks that the design looks like a huge upgrade. He has lived in places in Joaquin where the owners did not upkeep the property and thinks this could help out the community.

Shannon Bingham from Timpanogos spoke strongly that she knows how long Joaquin worked on their neighborhood plan. They drew the line at 500 North for continued building of high density to the north, with the current residential conservation zone to the south of that line. The placement of this type of density is directly counter to that decision. She knows of 20 houses in her neighborhood of that same type that was shown to be dilapidated that have been restored. She asked whether the proposal would really allow residents to live long term while, taking away the opportunity for 3 lots that could be used by longer term residents. She noted that in her neighborhood 9% are homeowners and 91% are rentals, and that they really need the long-term residents.

Dylan Cindritch thought it was a great project, as the cheapest home you can find now in Provo is \$400K for a fixer upper.

Kim McIntyre lives a block away from the proposed development. He is concerned with the parking issue, as heavy traffic was responsible for a roundabout crash just this last week at 200 East and 200 South. The cost for each apartment is going to be a lot. Many will not be able to afford to live there, even though it is being sold as more affordable housing. It looks nice, but is not right for the neighborhood.

Leo Lines from Joaquin noted that 20 of the units will have 3 bedrooms, and that it will be possible to rent each to 3 singles. He talked about angled parking out front for visitors, and that you can't control how many cars a tenant will have, since they will bring more and park two blocks away.

(Attendee) mentioned that he owns houses south of campus and in his experience, he can't keep yards nice. The houses are old and will never be a place to keep it up with too many students around. He doesn't think hanging on to the houses makes sense.

It was noted that no floor plans for the apartments in the project were included in the presentation.

An opinion poll of those in attendance showed 15 in support and 8 opposed. This totaled more than the number of residents who signed in as attending, even though Laura mentioned three times that only people currently residing in District 5 were allowed to vote.

Quinn Petersen asked about the setup for these meetings, including topics for neighborhood feedback and feedback polls. Leo proposed that development and staff present and then open up to board members to comment, and then to open to other attendees. Staff responded that the neighborhood executive board is not a legislative body; it is here for feedback. If the project goes forward, it first goes to the Planning Commission and then to the City Council, who makes the actual decision.

ATTACHMENT 6 NEIGHBORHOOD MEETING MINUTES FROM JUNE 17, 2026

Update on a proposed Zone Change from RC (Residential Conservation) to HDR (High Density Residential) for a 12-unit townhome project at 313 East 200 North in the Joaquin Neighborhood – Planning Supervisor Aaron Ardmore

Planning Supervisor Aaron Ardmore presented an update on a proposed zone change at 313 East 200 North in the Joaquin Neighborhood, from RC (Residential Conservation) to HDR (High Density Residential), to accommodate a 12-unit townhome development. Ardmore noted this is a revised iteration of a previously presented project; earlier proposals had sought approval for over 20 apartment units, whereas the current proposal has shifted to townhomes. The HDR zone is being sought primarily to address setback requirements, as the actual density proposed is well below what HDR would allow. The item was previously continued by the Planning Commission due to the applicant's scheduling conflict and will go before the Planning Commission on July 8th and to the City Council in August. A waterline upgrade to an 8-inch main is included as part of the project's infrastructure improvements.

Resident feedback:

- A longtime resident offered detailed historical context, noting that the RC zone was established following a City Council moratorium on high-density development in South Joaquin, in direct response to earlier projects that replaced historic single-family homes with multifamily structures. The resident argued that the applicant's characterization of the surrounding area as having "evolved" toward high-density housing was inaccurate, as the developments cited predated the RC zone. Staff's report was cited favorably, noting that it found the proposal non-compliant with the Joaquin Neighborhood Plan and the future land use map on multiple points.
- Several others expressed their disapproval of the proposal based on the grounds that the proposal was incongruent with the Joaquin Neighborhood Plan and the RC zone in South Joaquin.
- A Zoom attendee was in support of the proposal, noting that townhomes seemed like a good fit for the area and expressed support for housing diversity and density.
- One resident questioned the aesthetics of the design, describing it as uniform and unwelcoming.

- A resident called for any future applicants to be required to disclose projected water usage for their developments.
- A non-resident landlord expressed general support for the project's intent, noting the deed restrictions and infrastructure upgrades, while acknowledging the planning concerns raised.
- A question was raised regarding owner-occupancy enforcement, to which Ardmore responded that the city uses deed restrictions and withholds rental licenses for one year following a change of ownership, with the one-year period resetting upon each subsequent conveyance.
- Councilor Whipple addressed water usage concerns, clarifying that indoor water use remains within the municipal system and does not represent a net loss. She further noted the city is currently engaged in a strategic planning process related to water use recommendations and is in the process of selecting a consultant to conduct a comprehensive review of zoning enforcement procedures.
- A question was raised regarding whether the project includes any affordable or replacement housing units for displaced residents; Ardmore confirmed there is no current requirement to that effect.
- Regarding Denali project: Part of the benefit of townhomes over apartments is access to private outdoor space, which I did not see in this project. If we are talking about this being good housing for “families,” families want outdoor space. This project removes several old trees and does not provide much space to support plants. [This comment was submitted later in the suggestion box.]

Attendees were encouraged to submit written comments to the Planning Commission prior to the July 8th hearing and to the City Council prior to any subsequent council action.

Provo City Planning Commission

Report of Action

July 08, 2026

-
- *ITEM 2** Tuscanel Townhomes LLC requests a Zone Map Amendment from the RC (Residential Conservation) Zone to the HDR (High Density Residential) Zone in order to develop a 12-unit townhome project, located at 313 E 200 N. Joaquin Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLRZ20250330
-

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 08, 2026:

RECOMMENDED DENIAL

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

Motion By: Jon Lyons

Second By: Melissa Kendall

Votes in Favor of Motion: Jon Lyons, Melissa Kendall, Matt Wheelwright, Jonathon Hill, Tosh Metzger, Joel Temple
Matt Wheelwright 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 High Density Residential (HDR) Zone is described in the attached Exhibit A.

RELATED ACTIONS

Item 1 – Planning Commission on July 8, 2026 - PLCP20250331– Denied the Concept Plan

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

- There are remaining issues from the Coordinator Review Committee (CRC) review that need to be resolved.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 5/26/2022, 3/30/2023 and 06/17/2026.

NEIGHBORHOOD AND PUBLIC COMMENT

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

- The district chair pointed out that the proposed project does not comply with the requirements.
- There are many apartments in the neighborhood that existed prior to 2002 when the RC zone was put in place.
- There needs to be better buffers between adjacent properties.
- There are needs in the city for homes.

- This does not follow the overall plan that was created for the neighborhood.
- This project will be an improvement to what is there now.
- This doesn't meet the parking requirements.
- On-street parking will be lost to garbage and recycling cans for the 12 units.
- A lot of work went into the Joaquin Plan to improve the neighborhood.
- The RC zone is protecting the single-family housing.
- The applicant has made several changes to the plans to try and meet the feedback from neighbors and the city.
- This will become a gathering space.
- Schools are being lost to a lack of families.
- The design will help it fit into the neighborhood.

APPLICANT RESPONSE

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

- The plan is to use the HDR zone because of the setbacks that it allows.
- The applicant expressed a willingness to do a development agreement that would meet the commitments that the applicant has made.
- The applicant expressed a willingness to for a deed restriction to ensure that the properties are owner-occupied for the first year, and is willing to increase this to two years.
- Pick-up trucks would fit in the garages and there would be room for storage.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The percentage of units that would be allowed to be rented at any given time should be determined.
- Looking for owner-occupancy for longer than just one year.
- The parking requirement is short one stall from being met.
- The RC zone has frozen the neighborhood.
- The architecture is great and it is good to have more types of housing.
- There is a concern about high density creeping into other parts of the neighborhood if this is approved.
- The neighborhood plan saw this development pressure coming and sought to protect the neighborhood and provide a location for the development.



Planning Commission Chair



Director of Development Services

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BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

Exhibit A

COM. AT SW COR OF BLK 33, PLAT B, PROVO CITY SURVEY; E 6 RODS; N 124.06 FT; W 6 RODS; W 124.06 FT TO BEG. AREA 0.45 OF AN ACRE.

And

COM. AT NW COR OF LOT 3, BLK 33, PLAT B, PROVO CITY SURVEY; S 75 FT; E 6 RODS; N 75 FT; W 6 RODS TO BEG.



ITEM 1 Tuscanel Townhomes LLC requests Concept Plan approval for a 12-unit townhome project in a proposed HDR (High Density Residential) Zone, located at 313 E 200 N. Joaquin Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov
PLCP20250331

APPLICANT:	Tuscanel Townhomes LLC
PROPERTY OWNER:	S & R TRIPLEX LLC and S & R 313 LLC
PARCEL ID:	05:033:0008 05:033:0009
ACREAGE:	0.45
CURRENT LEGAL USE:	Residential
GENERAL PLAN DESIGNATION:	Residential Conservation
CURRENT ZONE:	Residential Conservation
APPLICATION TYPE:	Administrative Decision – must be approved if it meets all city standards.

NEIGHBORHOOD FEEDBACK

Multiple neighborhood meetings have been held for the rezoning of this property; on May 26, 2022, another on March 30, 2023, and the most recent was on June 17, 2026. Some comments supported this type of development in this location, while others were opposed to it and referenced the efforts in the Joaquin Neighborhood Plan to protect the single-family designation in this area with a Residential Conservation designation in the future land use map. The project has decreased in density since the earlier neighborhood meetings, where a 17-unit apartment was proposed.

The Chair of the Central Neighborhoods District reached out to remind staff that there was strong opposition to this development as it deviates from the neighborhood plan.

PROJECT SUMMARY

The applicant has submitted a zone map amendment and concept plan applications for the property located at approximately 313 E. 200 N. to allow for the property to be developed for 12 new townhome units. The property is currently zoned as Residential Conservation (RC). This zone does not allow an increase in housing density, and this is why the applicant is seeking a rezone of the property to allow for the proposed redevelopment of the site. The applicant is looking for the property to be rezoned to the High Density Residential (HDR) zone to allow for the proposed development as this zone has the needed setbacks for the proposed development to work. The Medium Density Residential (MDR) zone would not allow the development to work because of greater setback requirements.

Because the HDR zone allows for more development potential, like density and building height, than what the applicant is proposing to do, they have proffered to do a development agreement.

This agreement would aim to limit the density, height, and require owner occupancy for each unit for at least one year after purchase.

The property surrounding this property is zoned Residential Conservation (RC).

STAFF ANALYSIS

Proposed Use

12 new residential townhomes.

Lot Standards

Required:

- (1) Minimum Lot Area: One-family attached: ten thousand (10,000) sf.
- (2) Housing density maximum: fifty (50) units per acre.
- (3) Minimum lot frontage: thirty-five (35) feet.
- (4) Minimum lot width: fifty (50) feet and Corner lot: seventy (70) feet.
- (5) Minimum lot depth: ninety (90) feet.
- (6) Maximum lot coverage by structures: seventy-five percent (75%).

Proposed:

- (1) Lot Area: 19,600
- (2) Housing density: 27 units per acre.
- (3) Lot frontage: 100 feet.
- (4) Lot width: 100 feet.
- (5) Lot depth: 200 feet.
- (6) Lot coverage by structures: 44% (8,605 sf).

Finding: Complies

Setback Requirements

Required: Front: 10' min 20' max; Side: 10'; Rear: 20'

Proposed: Front: 10', Side: 10', Rear: over 20'

Finding: Complies

Building Height and Distance

Required: 55' max.

Proposed: 42'

Finding: Complies

Parking and Access

Required: 26

Proposed: 25

Finding: Does not Comply. Code requires 25.5 and it up so 26. A parking reduction would be needed at project plan application.

Landscaping

Required: 1 tree per 2,000 sf of landscape area.

Proposed: 1,907 sf of landscape provided.

Finding: Complies (at project plan application)

Design Standards

Required: 14.34.287

Proposed: Designed to meet standards

Finding: Complies in concept.

APPLICABLE ZONING CODES

Provo City Code 14.14C – HDR Zone

Provo City Code 14.34.287 – Design Standards

POSSIBLE MOTIONS AND FINDINGS

The Planning Commission may make any of the following findings:

1. **Approve:** The proposal is consistent with city code.
Motion to approve the proposed concept plan for 12 new townhome units at approximately 313 E 200 N.
2. **Deny:** The proposal is not consistent with city code.
Motion to deny the proposed concept plan for 12 new townhome units at approximately 313 E 200 N.
3. **Continue:** New information presented at the public hearing or additional study needs to be done.
Motion to continue this item.

ATTACHMENTS

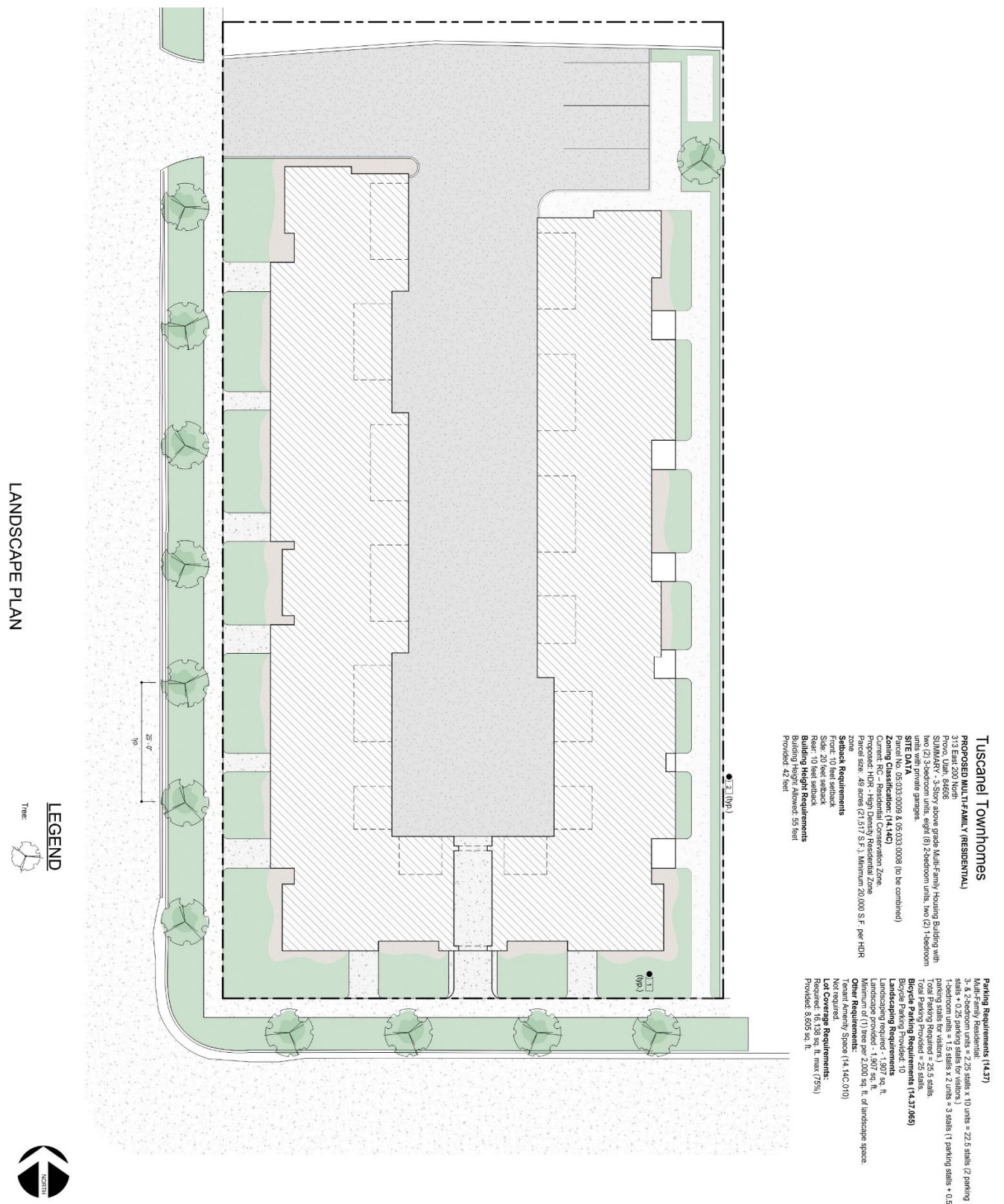
1. Area Map
2. Concept Plan
3. Landscape Plan
4. Floor Plans
5. Elevations

**ATTACHMENT 1 – MAP OF PROPERTY LOCATED AT
APPROXIMATELY 313 E 200 N**



[illegible]

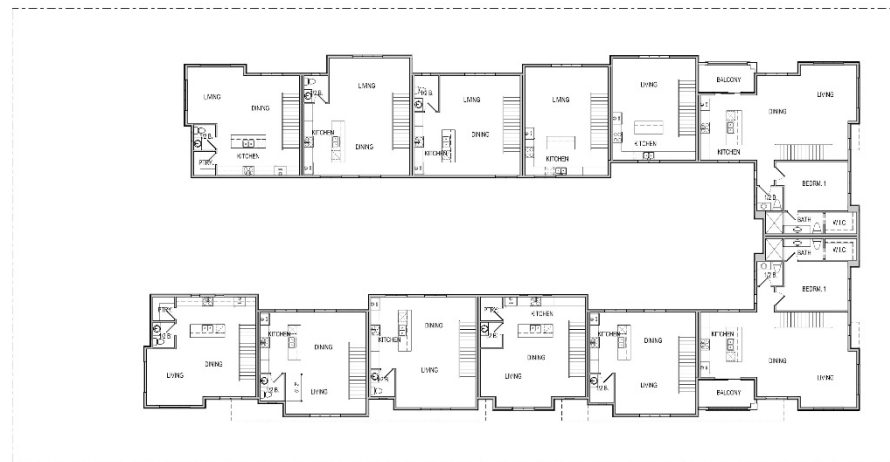
ATTACHMENT 3 – LANDSCAPE PLAN



ATTACHMENT 4 – FLOOR PLANS



GROUND LEVEL FLOOR PLAN



SECOND FLOOR PLAN



THIRD FLOOR PLAN

ATTACHMENT 5 – ELEVATIONS



Provo City Planning Commission

Report of Action

July 08, 2026

ITEM 1 Tuscanel Townhomes LLC requests Concept Plan approval for a 12-unit townhome project in a proposed HDR (High Density Residential) Zone, located at 313 E 200 N. Joaquin Neighborhood. Dustin Wright (801) 852-6414 dwright@provo.gov PLCP20250331

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 08, 2026:

DENIED

On a vote of 4:2, the Planning Commission denied the above noted application.

Motion By: Jon Lyons

Second By: Melissa Kendall

Votes in Favor of Motion: Jon Lyons, Melissa Kendall, Matt Wheelwright, Jonathon Hill

Votes opposed to Motion: Tosh Metzger, Joel Temple

Matt Wheelwright 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

Item 2 – Planning Commission on July 8, 2026 - PLRZ20250330 – Recommended Denial of Rezone

DEVELOPMENT AGREEMENT

- Applies - referred applicant to Council Attorney.

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

- There are remaining issues from the Coordinator Review Committee (CRC) review that need to be resolved.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on 5/26/2022, 3/30/2023 and 06/17/2026.

NEIGHBORHOOD AND PUBLIC COMMENT

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

- The district chair pointed out that the proposed project does not comply with the requirements.
- There are many apartments in the neighborhood that existed prior to 2002 when the RC zone was put in place.
- There needs to be better buffers between adjacent properties.

- There are needs in the city for homes.
- This does not follow the overall plan that was created for the neighborhood.
- This project will be an improvement to what is there now.
- This doesn't meet the parking requirements.
- On-street parking will be lost to garbage and recycling cans for the 12 units.
- A lot of work went into the Joaquin Plan to improve the neighborhood.
- The RC zone is protecting the single-family housing.
- The applicant has made several changes to the plans to try and meet the feedback from neighbors and the city.
- This will become a gathering space.
- Schools are being lost to a lack of families.
- The design will help it fit into the neighborhood.

APPLICANT RESPONSE

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Planning Commission Chair



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TUSCANEL TOWNHOMES

Neighborhood Project Update



NEIGHBORHOOD REQUESTS

DENSITY

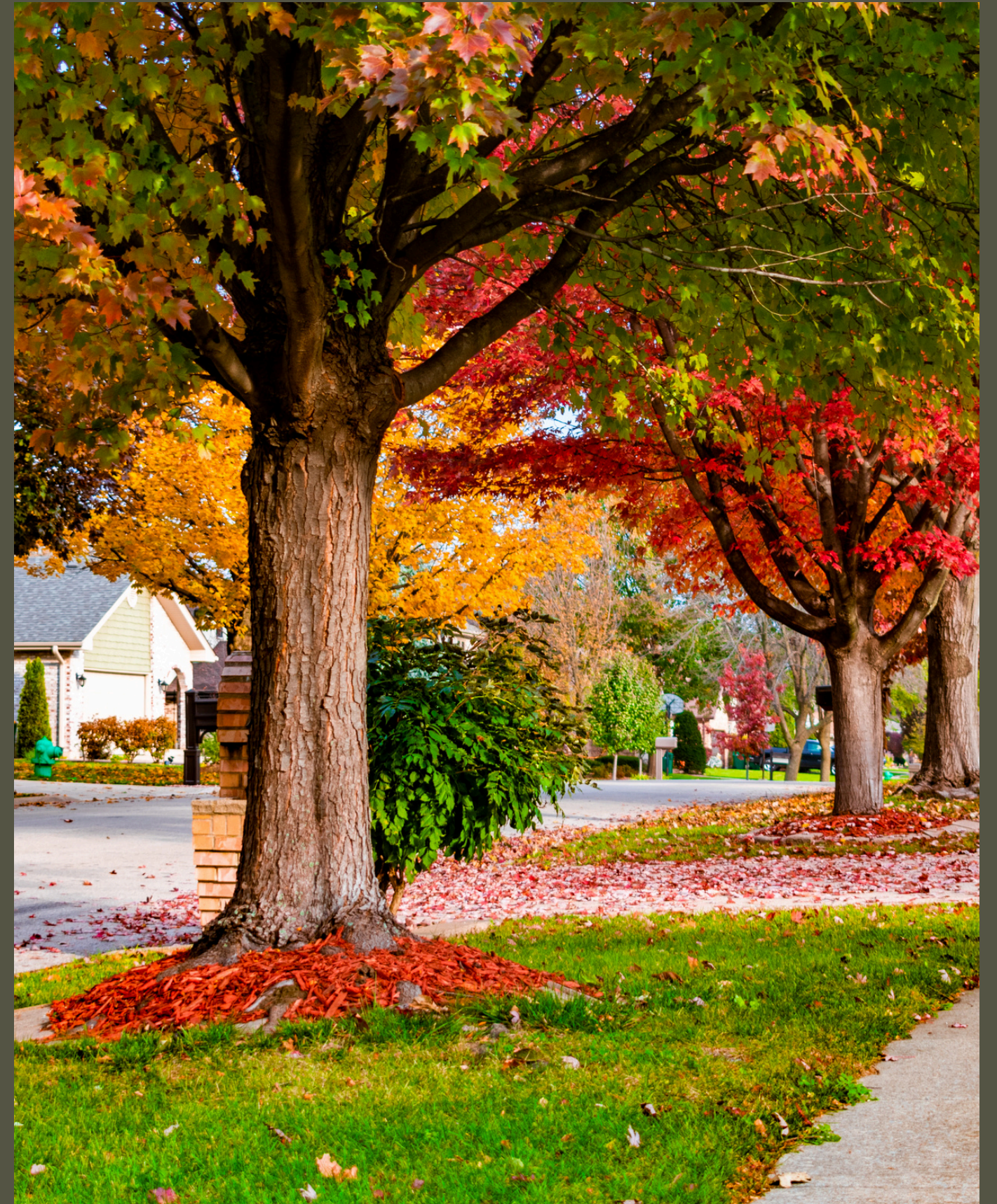
The neighborhood expressed concern about the overall density of the project and asked us to explore fewer homes, including options for 4, 6, 8, and 10 homes.

FAMILIES

There is a strong desire to see families and long-term residents become part of the neighborhood and contribute to the community.

DESIGN

The neighborhood asked for architecture that feels more connected to historic Provo and the character of Joaquin, rather than a design that feels out of place.



WE'VE HEARD YOU!

A project that feels a little more like it belongs to all of us.



DENSITY

We heard the concern about density. After studying several different options, we are reducing Tuscanel from 12 homes to 11, with 23 total bedrooms, while preserving the character and purpose of the project.



FAMILIES

We heard the concerns about height. The revised project will be limited to a 35-foot maximum, staying within the height standards of the existing RC zone and helping the project better fit the scale of the surrounding neighborhood.



DESIGN

We heard the desire for architecture that feels rooted in Joaquin. The revised design draws inspiration from the historic Knight-Mangum House, bringing more of the neighborhood's character into Tuscanel.



MORE SPACE + PRIVACY

We heard the concerns about privacy, light, and open space. The revised plan adds more landscaping, a four-foot privacy wall along the east side, larger and brighter living spaces, and the possibility of a courtyard and play area for families.



LONG-TERM PROTECTION

We heard the concern about protecting the neighborhood long after construction is complete. Tuscanel will move forward as MDR rather than HDR, with a perpetual owner-occupancy deed restriction, enforceable HOA, detailed CC&Rs, and meaningful enforcement provisions designed to last.

INSPIRED BY JOAQUIN

The Knight- Mangum House

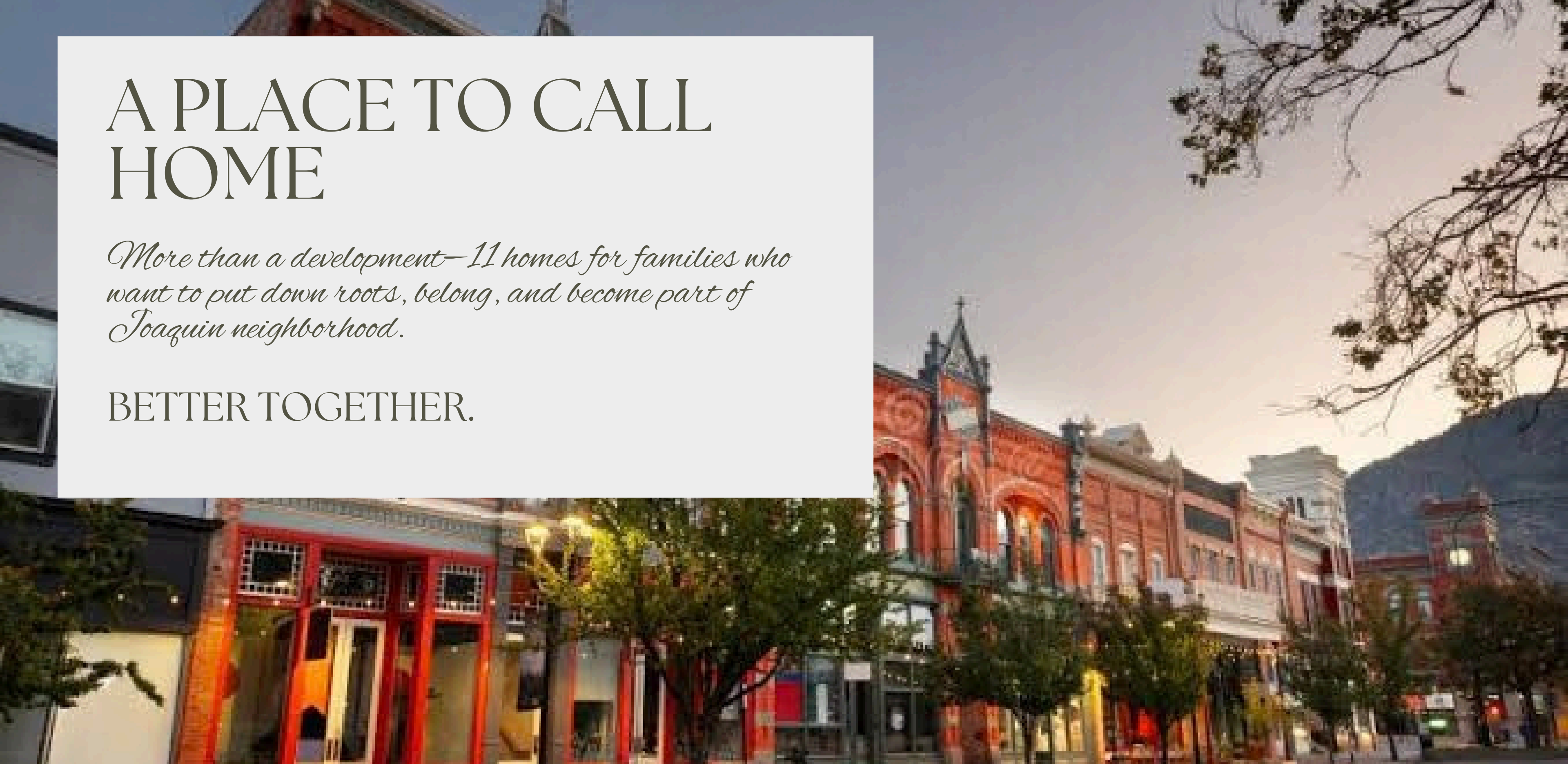
Florence introduced us to the Knight-Mangum House and encouraged us to look more closely at the historic character of Joaquin. Its craftsmanship, materials, and distinctive architecture have become an inspiration as we rethink Tuscanel—helping us create something that feels more connected to the neighborhood and its history.



A PLACE TO CALL HOME

More than a development—11 homes for families who want to put down roots, belong, and become part of Joaquin neighborhood.

BETTER TOGETHER.



WE HOPE TUSCANEL CAN
BECOME A PLACE THAT FEELS A
LITTLE MORE LIKE IT BELONGS TO
ALL OF US.

THANK YOU.