



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:50 PM, Tuesday, February 02, 2016

Room 200, Municipal Council Chambers

351 West Center, Provo, Utah

Opening Ceremony

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member David Harding
Council Member Kim Santiago
Council Member George Stewart
Council Member Gary Winterton
CAO Wayne Parker
Council Executive Director Matthew Taylor

Council Member David Knecht
Council Member David Sewell
Council Member Vernon K. Van Buren
Mayor John R. Curtis
Deputy City Attorney Brian Jones

Conducting: Council Chair Kim Santiago

Invocation and Pledge

Invocation: Lisa Guerra

Pledge Ceremony led by the Provo Second Ward scouts

Approval of Minutes – January 19, 2015

Motion: Council Member Gary Winterton moved to approve the minutes as written. The motion was seconded by Council Member David Harding.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Neighborhood Spotlight

Kathryn Allen, Franklin Neighborhood Chair, was invited to give a brief spotlight on the Franklin Neighborhood. Ms. Allen reported that the Franklin Neighborhood was one of the first neighborhoods founded in Provo City. The neighborhood held the honor of having the longest lived in home in Provo City until recently when it was moved to the Pioneer Village. The Franklin Neighborhood had historic homes, mature landscaping, affordable housing, a beautiful park, a wonderful elementary school, and hosted the Farmers Market each year. It was a great location for walkability with a grocery store, the Covey Center, the train center, and the library

close by. It was centrally located in Provo with close freeway access. She was happy to be in the neighborhood and all the residents felt as though they had found a great place to live.

Presentations, Proclamations and Awards

1. A presentation of the Employee of the Month Award for the month of January - Lisa Stewart, Legal Secretary

Brian Smith, Provo City Employees Association President, announced that Lisa Stewart, Legal Secretary, was selected as Employee of the Month for January, 2016. He invited Bob Trombly, representing the Legal Department, to comment.

Mr. Trombly stated that Lisa had a tremendous amount of professional competence combined with a tremendous amount of personal affability. She was willing to do everything that was asked of her by saying "I'm on it." She was an asset to the Legal Department and totally deserving of the award.

2. A presentation from Women in Leadership, Pat Jones

Mayor Curtis introduced Pat Jones, former state legislator and businesswomen and CEO of the Women's Leadership Institute (WLI). Ms. Jones was invited to attend the council meeting to introduce a program sponsored by WLI entitled the ElevateHER Challenge.

Ms. Jones explained that the Women's Leadership Institute was founded to elevate the stature of women's leadership in Utah. By accepting the ElevateHER Challenge an organization pledged to elevate the stature of women's leadership in their organization. The initiative began last May with 43 organizations taking the challenge and they were now up to 71 organizations. Each organization could adapt their own policies to meet the commitments. The following ideas were suggested by WLI:

- Increase the percentage of women in senior leadership positions.
- Increase the retention rate of women at all levels of your organization.
- Increase the number of women on your organizations Board of Directors, extend the influence of women in your industry, and encourage women to serve on community and corporate boards.
- Monitor pay by gender and close identified gaps.
- Establish a leadership development and/or mentoring program for women.
- Urge women to run for public office and give follow-up support.
- Create innovative ways to elevate the stature of women's leadership in your organization.

Ms. Jones reported that WLI also had a political development series that trained women the how and why of running for public office. They would begin a corporate development series at the end of March. She invited Provo City to participate and accept the ElevateHER Challenge.

Public Comment

There were no public comments.

Mayor's Items and Reports

3. A public hearing on Resolution 2015-06 appropriating \$97,000 in the Engineering Capital Improvement Fund for lighting and landscape improvements on 300 South applying to the fiscal year ending June 30, 2016. (16-016)

David Graves, Public Works Division Director - Engineering, presented. The proposed appropriation would fund lighting and landscaping improvements on 300 South from 50 West to 700 East. Engineering had been working on this project, along with UDOT, for the past few years. The project also improved pedestrian and bicycle safety measures by putting in sidewalks and bicycle lanes. Total cost for this project was \$9 million but, with available grants and other funding, the city's portion was about \$500,000. The proposed appropriation of \$97,000 became available when Provo City sold a small portion of the 100 South right-of-way to the LDS Church.

Chair Santiago invited public comment. There was no response to the request.

Motion: Council Member Vernon K. Van Buren moved to approve **Resolution 2015-06** as written. The motion was seconded by Council Member David Sewell.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

4. Resolution 2015-07 consenting to the appointment of an individual to the Provo Housing Authority Board. (16-017)

Mayor Curtis presented. Although the Provo Housing Authority functioned independently from the City it was important to have someone from the Provo City on the board. Mayor Curtis recommended Council Chair Kim Santiago be appointed to sit on the board.

Motion: Council Member David Sewell moved to approve **Resolution 2015-07** consenting to the board appointment. The motion was seconded by Council Member David Harding.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Policy Items Referred from the Planning Commission

5. A public hearing on a resolution to adopt the Franklin Neighborhood Plan as a component of the Provo City General Plan. Franklin Neighborhood. (15-0003GPA)

Aaron Ardmore, Provo City Planner, presented. The Franklin Neighborhood Plan was started in May, 2014 with a neighborhood advisory committee meeting regularly with Community Development to discuss issues and goals for the neighborhood. The process included:

- Staff and the neighborhood advisory committee analyzed the neighborhood.

- They determined what issues needed to be addressed and discussed ways to address those issues.
- Current land use and demographics were analyzed by staff.
- The existing goals and objectives in the General Plan and Vision 2030 were reviewed.
- The proposed plan was prepared by city staff with input from the neighborhood advisory committee plan.
- The proposed plan was submitted to the Planning Commission for review.

Mr. Ardmore felt this was a good plan and would help guide development in the future. While the neighborhood plan, created by the advisory committee, was an important part of the process it was up to the planning staff to review and amend the plan as it related to the city as a whole and to Vision 2030. He acknowledged that city staff needed to better explain the process to neighborhood committees. While they appreciate and want the neighborhoods proposals and input it was up to the planning staff to prepare the final proposal. Not all of the suggestions made by the neighborhood committees would be included in the final plan.

Mr. Ardmore addressed the following concerns expressed by council members:

- The mid-block LDR zone, recommended along 100 South from 600 West to 1000 West, would serve as a buffer between the residential use on the south and commercial/business use to the north on Center Street. The Planning Commission recommended the area keep the current zoning of R1.6(A) but the staff recommended changing it to LDR.
- Mr. Ardmore said he knocked on all the doors of residents on the north side of 100 South to get their input on an LDR zone. Those residents that were not home were left a flyer they could return to Community Development with their input. Based on a small sample size of those that responded, he said the majority were in favor of the LDR zone. Low Density Residential along 100 South would provide a different housing type for families looking for stability.
- He emphasized that the proposed amended plan was a vision to be used for future planning. Even though there were several zoning proposals in the plan, those areas would not be rezoned unless requested by the property owners and approved by the council.
- Mixed use in the area of 300 South 500 West was expanded slightly in order to meet one of the requests by the neighborhood to revitalize a central area of the neighborhood. That mixed use zone (yet to be written) would provide retail and office space with different types of vertical and horizontal housing.
- The Franklin Neighborhood had the highest concentration of low and very low income housing. The plan recommended that legislative solutions be pursued to prevent additional low income housing in the area.
- Zoning did not deny or promote affordable housing or tax credits; low income housing was based on how a developer financed the project.
- The effort to restore owner-occupancy in the Franklin Neighborhood during the past decade had been led by Neighborhood Housing Services and other agencies by providing housing in the area that required owner-occupancy. Actions by the residents to clean up and provide maintenance on homes in the neighborhood had helped. Mr. Ardmore stated that providing different housing types could increase the owner-occupancy in the area.

- The implementation schedule did not include specific periods of time for completion because many of the projects depended on funding. Several projects in Phase 1, such as updating the General Plan and establishing a new mixed use zone, could be completed on the staff level at no additional cost. The staff did not spend a lot of time anticipating possible costs for projects because those costs could be dramatically different when projects were implemented and resources identified.
- Even though the plan stated that improvements could be included in the city's five-year CIP it did not commit the city or council to fund the projects. That statement was simply a suggestion and was included in the two previous neighborhood plans approved by the council.

Chair Santiago invited Ross Flom, Planning Commission Chair, to respond to council questions. Mr. Flom noted that the Franklin Neighborhood Plan went through several iterations and several public hearings for community input. The LDR zone on 100 South was mainly a continuation of the downtown zone. On December 9, 2015 several members of the community expressed reservations about that zoning. Upon hearing from members of the community, the Planning Commission determined that the LDR zone did not need to continue into the Franklin Neighborhood. The Planning Commission did not get the feeling that staff felt it must be an LDR zone so they recommended that 100 South between 600 West and 1000 West remain single family residential.

Chair Santiago invited public comment.

Bonnie Whitaker, 736 West 100 South, stated Mr. Ardmore contacted her one week after she had moved in. At that time she did not understand she was looking at a plan that might involve tearing down or demolishing her home and her neighbor's homes. She did not want to see this plan accepted and did not want to see LDR in that area. She stated she was not aware of the changes until a couple of days ago and did not receive a postcard. More people would have been in attendance if they had been made aware of the issue.

Lisa Guerra, 737 West 100 South, found it troubling that people that do not live in the area could make the decisions about her area. If the LDR zone was approved would it mean that those living in that area would need to fear imminent domain so that developers could build their projects? She was concerned that people would be forced to sell their homes and the homes would be demolished. She did not remember being asked about this issue or receiving a flyer.

Oran Jackson, 760 West 100 South, did not want any of the LDR zoning in that area because it would take away a lot of their neighbors. He did not remember being notified about this. He had a neighbor that did not want the LDR zone either. He planned on being in the area for a long time and liked it the way it was.

Christine Carter, 1067 West 100 South, stated that she and her family moved into their home 13 years ago. The home included a four-bay shop in the back for her husband's business. Her husband passed away two years ago and she suffered some financial setbacks. She had been getting ready to rent the shop behind her home but stated the area had been rezoned Freeway Commercial which did not allow small businesses. She wanted to stay in her home but would not be able to if she could not rent out the shop. She asked that the zone be changed back to what it was before (mixed use) so she could stay in her home.

Gustavo Reynoso, 40 South 900 West, added his voice to the rest of the neighborhood that was against the LDR zone. He said every resident he had talked to was against that zone. There was love and unity in the neighborhood and that was what Provo was all about.

Brandon Jackson, 744 West 100 South, said that three-quarters of his family lived on that side of the block. They chose to live there because it was so comfortable and they loved it there.

In response to several concerns raised by the citizens, Mr. Harding wanted to reassure them that the proposed plan was creating a vision for the future. They were not making any zone changes. As long as the residents owned their homes no one would be forced out and their homes would not be demolished. A developer would have to purchase the property and submit a proposal before a rezone would even be considered.

Martha Winsor, Franklin Neighborhood Vice-Chair, gave the council more information concerning Ms. Carter's situation. She reported that Ms. Carter did not renew the business license after her husband passed away. She needed to renew the license in order to rent out the shops but was told that since the license had lapsed the business was considered abandoned. She was told she could not renew the license because the small business was not allowed in the Freeway Commercial zone.

In response to Ms. Carter's concerns, Bill Peperone, Assistant Director of Community Development, stated he was not aware there was an issue with the lapse in licensing. He understood that grandfather rights existed for that business. He indicated he would look into the lapse in license issue and would work with Ms. Carter to resolve her concerns.

Mr. Peperone stated he was glad to see that owner occupants were in attendance at the meeting and were engaged in their neighborhood. He and Mr. Ardmore had been to numerous neighborhood meetings and had knocked on many doors and had found it difficult to get feedback and input. In proposing the LDR zone they were not trying to hurt the residents. The north half of those blocks were already zoned West Gateway. The south side was in the Downtown Master Plan as LDR. By opening the door to an LDR zone it left the residents the ability to stay in their homes as long as they wanted but when they go to sell their homes it might bring more value to have the LDR zone available. There were currently three to four lots that were big enough to develop under the LDR zone. All the other parcels along 100 South were not big enough. The LDR zone was written to be compatible with single family detached houses with similar building scales and heights.

Mayor Curtis suggested having Community Development spend some time with the neighbors to explain what the LDR zone was and how it would affect them. They could discuss their concerns to see if they could reach a comfort level with the LDR zone before totally throwing it out.

Kathryn Allen, Franklin Neighborhood Chair, stated that many of the neighbors did not understand a lot about the zoning issues. To say that this was a neighborhood plan, written by the neighbors, was not quite accurate. It had some components of their plan but was written by people that were trained and think they realize what the residents want for their neighborhood. She wanted to know what was being done to continue the growth of single-family owner-

occupied homes in the neighborhood. She was concerned that, little by little, more commercial was coming in. The neighborhood felt they were better off with single-family homes. There were so many interesting homes in the neighborhood that would be included in the historic home tour during the Freedom Festival. She would prefer not to see pre-zoning because it gave developers a chance to push their way in. The neighborhood did not want to be the sad result of theoretical planning. For instance, the development at 500 South 200 West was a good project but did not provide enough parking. The residents of the development were parking in front of the residents homes. She said that some of the zoning did not make sense and asked that the City be practical and use common sense. She noted there were three historical homes on 100 South between 400 and 500 South and the plan showed that area as LDR. She was concerned about that zone being changed – they should not raze beautiful, historic homes.

There were no more public comments.

Council Members discussed the possibility of continuing this item so that planning staff could meet with the neighborhood and address some of their concerns with the plan, specifically the proposed LDR zone on 100 South. The following motion was made:

Motion: Council Member Gary Winterton moved to continue this item so the staff could meet with the neighborhood and address their concerns. The motion was seconded by Council Member Stewart.

Roll Call Vote: The motion passed 6:1 with Council Members Harding, Knecht, Santiago, Stewart, Van Buren, and Winterton in favor and Council Member Sewell opposed.

The council took a brief recess from 8:16 p.m. to 8:27 p.m.

6. A public hearing on Ordinance 2016-03 amending Provo City Code Section 14.29.150(3) (Uses Conducted Within Buildings) in the Planned Industrial Commercial (PIC) Zone to add an allowance for outdoor storage with increased landscape standards. City-Wide Impact. (15-0013OA)

Austin Corry, Provo City Planner, presented. The proposed ordinance amendment was requested by Economic Development to assist in marketing property in the Mountain Vista Business Park. Many of the businesses they had worked with had a need for outdoor storage. The amendment would provide an allowance for outdoor storage conditioned upon meeting the increased landscaping standards to help screen and buffer the impact. The landscaping buffering requirements included (but were not limited to) a ten-foot width of landscape surrounding the entire storage area with trees and a screening hedge. There was also a fencing requirement for the outdoor storage.

Mr. Corry stated that since this was an Economic Development application they might not have been aware of the neighborhood plan that was being prepared, especially concerning green roof proposals for the Mountain Vista area. When planning staff reviewed the application they felt it did not detract from the neighborhood plan. He agreed with Mr. Knecht that certain types of trees could be planted that would screen the storage area.

Mr. Corry said the amendment did not detract from the intent of the Planned Industrial Commercial (PIC) zone. Also, this amendment applied only to the Mountain Vista Business Park. Business owners and shareholders in the other PIC zones within Provo City liked the restriction on outside storage and chose not to be included in this amendment.

Chair Santiago invited Dixon Holmes, Deputy Mayor – Economic Development, to comment. The proposed amendment was made at the request of two businesses that wanted to build in the Mountain Vista Business Park. Both entities stated that outside storage was a normal and customary practice for their business. The outdoor storage would provide a professional setting to store materials for their business needs. It would not be used to store junk, garbage, or other unsightly materials. Mr. Dixon was worried that we were sending the wrong message to businesses if we did not allow them to appropriately store materials outside. He indicated there might be some projects that would employ green roof technology.

Chair Santiago opened public comment and invited Mary Millar, Spring Creek Neighborhood Chair, to comment.

Ms. Millar felt this was a good compromise. She felt that the ordinance needed to address maintenance of the landscaping because it was not included in the amendment. She was also unsure of how the landscaping requirement would be met – would they be given a time frame to meet the requirements? She added the neighborhood’s support with their concerns being noted.

John Amario, 2103 Mountain Vista Lane, supported the amendment but expressed concern about the code enforcement. With Highway 89 more than 200 feet higher than the industrial park it was going to be difficult to provide adequate screening unless the trees were planted right along the highway. Also, the trees that screened his home from the industrial park took thirty (30) years to grow.

There were no more public comments.

In response to Mr. Amario’s comments, Mr. Dixon acknowledged that trees took a long time to grow. This was an industrial commercial zone so, no matter what they did, they would not be able to screen everything out.

Motion: Council Member Gary Winterton moved to approve **Ordinance 2016-03** as written. The motion was seconded by Council Member David Sewell.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

7. A public hearing on Ordinance 2016-04 amending Provo City Code Section 14.34.290(4) (South State Street Design Corridor and Guidelines) to clarify language in the South State Street Design Corridor. Spring Creek and Provost South Neighborhoods. (15-0019OA)

Mr. Corry stated there were two items that needed to be clarified in the existing South State Street Design Corridor. One section of the code specifically mentioned landscaping

requirements but it seemed somewhat arbitrary, it did not direct what type of landscaping should be. The amendment gave a clear expectation of what the landscaping should be concerning the number of trees, shrubs, etc. The amendment also incorporated an allowance for green roof technology to address the topographical difference between State Street and industrial uses.

Mr. Corry said the design corridor was from 900 South to 1860 South on State Street. In response to Mr. Knecht, Mr. Corry said the west side of State Street would follow typical city standards – a seven-foot park strip with trees (25 feet on center) and a six-foot sidewalk. The ten-foot sidewalk on both sides would be excessive. The funding for this plan was not budgeted so as development occurred the developer would put in their portion of the landscaping.

Chair Santiago invited public comment.

Mary Millar, Spring Creek Neighborhood Chair, stated the language in the amendment was appropriate and added that, at some point, they needed to address State Street along the PIC zone.

John Amario, 2103 South Mountain Vista Lane, wanted to see the industrial park develop but it was a challenge getting onto the highway. A proposed road on the back side near the railroad tracks might help the situation. Anything south of 1860 South did not have sidewalks or green space and the road dropped off almost 4 feet to his home. It was going to be a challenge when the city started talking about landscaping in that area.

There were no more public comments.

Motion: Council Member David Harding moved to approve **Ordinance 2016-04** as written. The motion was seconded by Council Member David Knecht.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.

Adjourn

Motion: Council Member Gary Winterton moved to adjourn at 9:11 p.m. The motion was seconded by Council Member David Sewell.

Roll Call Vote: The motion passed 7:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, Van Buren, and Winterton in favor.