



Department of Administrative Services
MEMORANDUM

To: Municipal Council
From: John Borget
Subject: Impact Fee Study
Date: July 19, 2017
CC: Municipal Council

Administration is recommending to appropriate funds to develop an up-to-date and complete Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) for Energy, Water, Wastewater, Storm Drain, Roadways, Parks and Recreation and Public Safety. A Request for Proposal was prepared and made available for firms to respond. Zions Public Finance was selected to assist the City with the process. Based on the costs included in the proposal the administration is recommending an appropriation from the following funds:

Water	\$19,613
Waste Water	19,613
Storm Water	14,733
General Fund	32,631
Engineering CIP	25,061
Total	\$111,650

Note: Energy already had funding available for the study



FP waseach of the facilities listed below, as well as a Public Safety Facilities Master Plan, Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis

	-----CIP Projects -----			
	Infrastructure	Infrastructure		
	Upgrades	Upgrades	Ramp	
	108	City	Construction	Total
Sources:				
Transfer from Energy		189,524		189,524
Transfer from Wastewater		1,200,000		1,200,000
Transfer from General Fund	162,662	225,530	500,000	888,192
Section 108 Loan	2,500,000			2,500,000
EDA Grant			3,500,000	3,500,000
Bonds			5,356,125	5,356,125
Total	2,662,662	1,615,054	9,356,125	13,633,841

The transfers from Energy and Wastewater will be used for city-funded infrastructure upgrades related to those departments. The General Fund will cover some differences in these infrastructure needs, of which, 300,000 has already been transferred.

1 RESOLUTION 2017-.

2
3 A RESOLUTION APPROPRIATING \$111,650 IN VARIOUS FUNDS FOR
4 FUNDING AN IMPACT FEE STUDY APPLYING TO THE FISCAL YEAR
5 ENDING JUNE 30, 2018. (17-097)
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7 WHEREAS, the Municipal Council has received a recommendation from the Mayor that
8 \$92,037 be appropriated across the General Fund, Engineering CIP Fund, Wastewater Fund,
9 Water Fund, and Stormwater Fund; and
10

11 WHEREAS, the City has identified the need for consulting services for an Impact Fee
12 Facilities Plan, Impact Fee Study, and Public Safety Facilities Master Plan, which will cover
13 \$32,631 in the General Fund, \$25,061 in the Engineering CIP Fund, \$19,613 in the Wastewater
14 Fund, \$19,613 Water Fund, and \$14,732 in the Stormwater Fund; and
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16 WHEREAS, on August 8, 2017 the Municipal Council held a duly noticed public hearing to
17 receive public comment and ascertain the facts regarding this matter, which facts and comments are
18 found in the hearing record; and
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20 WHEREAS, all persons for and against the proposed appropriation were given an
21 opportunity to be heard; and
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23 WHEREAS, after considering the Mayor's recommendation, and facts and comments
24 presented to the Municipal Council, the Council finds the proposed appropriation reasonably
25 furthers the health, safety, and general welfare of the citizens of Provo City.
26

27 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah as
28 follows:
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30 PART I:
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32 The Mayor is hereby authorized to appropriate \$32,631 in the General Fund, \$25,061 in
33 the Engineering CIP Fund, \$19,613 in the Water Fund, \$19,613 in the Wastewater Fund, and
34 \$14,732 in the Stormwater Fund.
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36 PART II:
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38 This resolution shall take effect immediately.
39

40 END OF RESOLUTION.

Provo City

Staff Memorandum

Refunding the Recreation Center General Obligation Bond

August 8, 2017

<p>Department Head John Borget 801-852-6504</p> <p>Presenter John Borget and Daniel Follett</p> <p>Required Time for Presentation 30 min</p> <p>Is This Time Sensitive Yes</p> <p>Issue File # 17-098</p>	<p>Purpose of Proposal</p> <ul style="list-style-type: none">The City has an opportunity to refund (refinance) the General Obligation bond on the Provo Recreation Center due to lower market interest rates. Originally, the aggregate principal amount for the bonds was \$39,000,000. The following show the schedule of the proposed refunding: Original Bond issue \$39,000,000 Principal payments \$4,830,000 Balance \$34,170,000 Bonds not refunded \$7,140,000 Estimated Bonds Refunded \$27,030,000 <p>Action Requested</p> <ul style="list-style-type: none">Approve the resolution authorizing the issuance and sale of up to \$30,000,000 aggregate principal amount of general obligation bonds at the August 8th Council Meeting. <p>Budget Impact</p> <ul style="list-style-type: none">If the Council were to move forward with the refunding, the estimated benefit would be an 8.9% Net Present Value benefit with a total savings of \$2.8M and annual savings of \$188K.
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1 RESOLUTION 2017-

2 A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF UP TO
3 \$30,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL
4 OBLIGATION BONDS OF PROVO CITY, UTAH; FIXING THE MAXIMUM
5 AGGREGATE PRINCIPAL AMOUNT OF THE BONDS, THE MAXIMUM
6 NUMBER OF YEARS OVER WHICH THE BONDS MAY MATURE, THE
7 MAXIMUM INTEREST RATE THAT THE BONDS MAY BEAR AND THE
8 MAXIMUM DISCOUNT FROM PAR AT WHICH THE BONDS MAY BE
9 SOLD; PROVIDING FOR THE PUBLICATION OF A NOTICE OF BONDS TO
10 BE ISSUED; PROVIDING FOR THE RUNNING OF A CONTEST PERIOD;
11 AND PROVIDING FOR RELATED MATTERS. (17-098)
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13 WHEREAS, at the special bond election duly and lawfully called and held in the City on
14 November 2, 2010 (the "*Special Bond Election*"), the issuance of up to \$39,000,000 of general
15 obligation bonds was authorized for the purpose of paying the costs of acquiring and constructing
16 a community recreation center and related facilities (the "*Project*"), the result of which election
17 was declared by the Municipal Council, sitting as a Board of Canvassers, on November 16, 2010;
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19 WHEREAS, the City previously issued its General Obligation Bonds, Series 2011 (the
20 "*Refunded Bonds*"), as authorized by the Special Bond Election, and the Municipal Council has
21 determined to authorize the issuance and sale at this time of up to \$30,000,000 principal amount
22 of General Obligation Refunding Bonds, Series 2017 (the "*Bonds*") pursuant to the Utah
23 Refunding Bond Act, Title 11, Chapter 27 of the Utah Code Annotated 1953, as amended (the
24 "*Utah Code*") for the purpose of refunding the Refunded Bonds; and
25

26 WHEREAS, Section 11-27-4 of the Utah Code provides for the publication of a Notice of
27 Bonds to Be Issued, and the City desires to cause the publication of such notice at this time in
28 compliance with said section with respect to such general obligation bonds;
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30 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as follows:
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32 PART I:
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34 The Municipal Council hereby finds and determines that it is in the best interests of the
35 residents of the City for the City to issue its general obligation refunding bonds (the "*Bonds*"), in
36 an aggregate principal amount not to exceed \$30,000,000, to bear interest at a rate or rates not
37 exceeding 5.0% per annum, to mature over a period not to exceed 15 years from their date or dates,
38 and to be sold at a discount from par, expressed as a percentage of principal amount, of not to

39 exceed 2.0%, pursuant to a resolution to be adopted by the Municipal Council authorizing and
40 confirming the issuance and sale of the Bonds (the substantially final form of which is attached
41 hereto as *Exhibit 1* and is herein referred to as the “*Final Bond Resolution*”). The City hereby
42 declares its intention to issue the Bonds according to the provisions of this Resolution and the Final
43 Bond Resolution. The Bonds are to be issued for the purpose of refunding the Refunded Bonds.
44 The Bonds may be issued in one or more series at one or more times.

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46 PART II:

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48 The Bonds may be sold on a negotiated basis or pursuant to competitive bids on such date
49 or dates and at such time or times as the City may determine.

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51 PART III:

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53 The Municipal Council hereby authorizes and approves the issuance and sale of the Bonds,
54 pursuant to the provisions of this Resolution and the Final Bond Resolution, with such changes to
55 the Final Bond Resolution as shall be approved by the Municipal Council upon the adoption
56 thereof, *provided* that the principal amount, interest rates, maturity and discount, if any, of and for
57 the Bonds shall not exceed the respective maximums set forth in Part I hereof.

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59 PART IV:

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61 In accordance with the provisions of Section 11-27-4 of the Utah Code, the City Recorder
62 shall cause the “Notice of Bonds to Be Issued,” in substantially the form attached hereto as
63 *Exhibit 2*, to be published (i) one time in *The Daily Herald*, a newspaper of general circulation in
64 the City and (ii) on a website established and maintained by the collective efforts of Utah’s
65 newspapers (currently, www.utahlegals.com), and shall cause a copy of this Resolution (together
66 with all exhibits hereto) and of the Final Bond Resolution to be kept on file in the office of the
67 City Recorder for public examination during the regular business hours of the City until at least
68 30 days from and after the date of publication thereof.

69
70 For a period of 30 days from and after publication of the Notice of Bonds to Be Issued, any
71 person in interest shall have the right to contest the legality of this Resolution (including the Final
72 Bond Resolution attached hereto) or the Bonds hereby authorized or any provisions made for the
73 security and payment of the Bonds. After such time, no one shall have any cause of action to
74 contest the regularity, formality or legality of this Resolution (including the Final Bond
75 Resolution) or the Bonds or any provisions made for the security and payment of the Bonds for
76 any cause.

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78 PART V:

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It is hereby declared that all parts of this Resolution are severable, and if any section, paragraph, clause or provision of this Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Resolution.

PART VI:

All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

PART VII:

This resolution shall take effect immediately upon its adoption.

END OF RESOLUTION.

Exhibit 1

[FINAL BOND RESOLUTION]

EXHIBIT 2

NOTICE OF BONDS TO BE ISSUED

NOTICE IS HEREBY GIVEN pursuant to the provisions of Section 11-27-4, Utah Code Annotated 1953, as amended, that on August 8, 2017, the Municipal Council of Provo City, Utah (the "*Municipal Council*"), adopted a resolution (the "*Resolution*") in which it authorized and approved the issuance of its general obligation bonds (the "*Bonds*"), in the aggregate principal amount of not to exceed \$30,000,000, to bear interest at a rate or rates not exceeding 5.0% per annum, to mature over a period not to exceed 15 years from their date or dates, and to be sold at a discount from par, expressed as a percentage of the principal amount, of not to exceed 2.0%.

Pursuant to the Resolution, the Bonds are to be issued for the purpose of refunding all or part of its General Obligation Bonds, Series 2011. The Bonds are to be issued and sold by the City pursuant to the Resolution, including as part of the Resolution the draft of a final bond resolution that was before the Municipal Council and attached to the Resolution in substantially final form at the time of the adoption of the Resolution. The Municipal Council is to adopt that final bond resolution in such form and with such changes thereto as the Municipal Council shall approve upon the adoption thereof; *provided* that the principal amount, interest rate or rates, maturity and discount, if any, will not exceed the respective maximums described above.

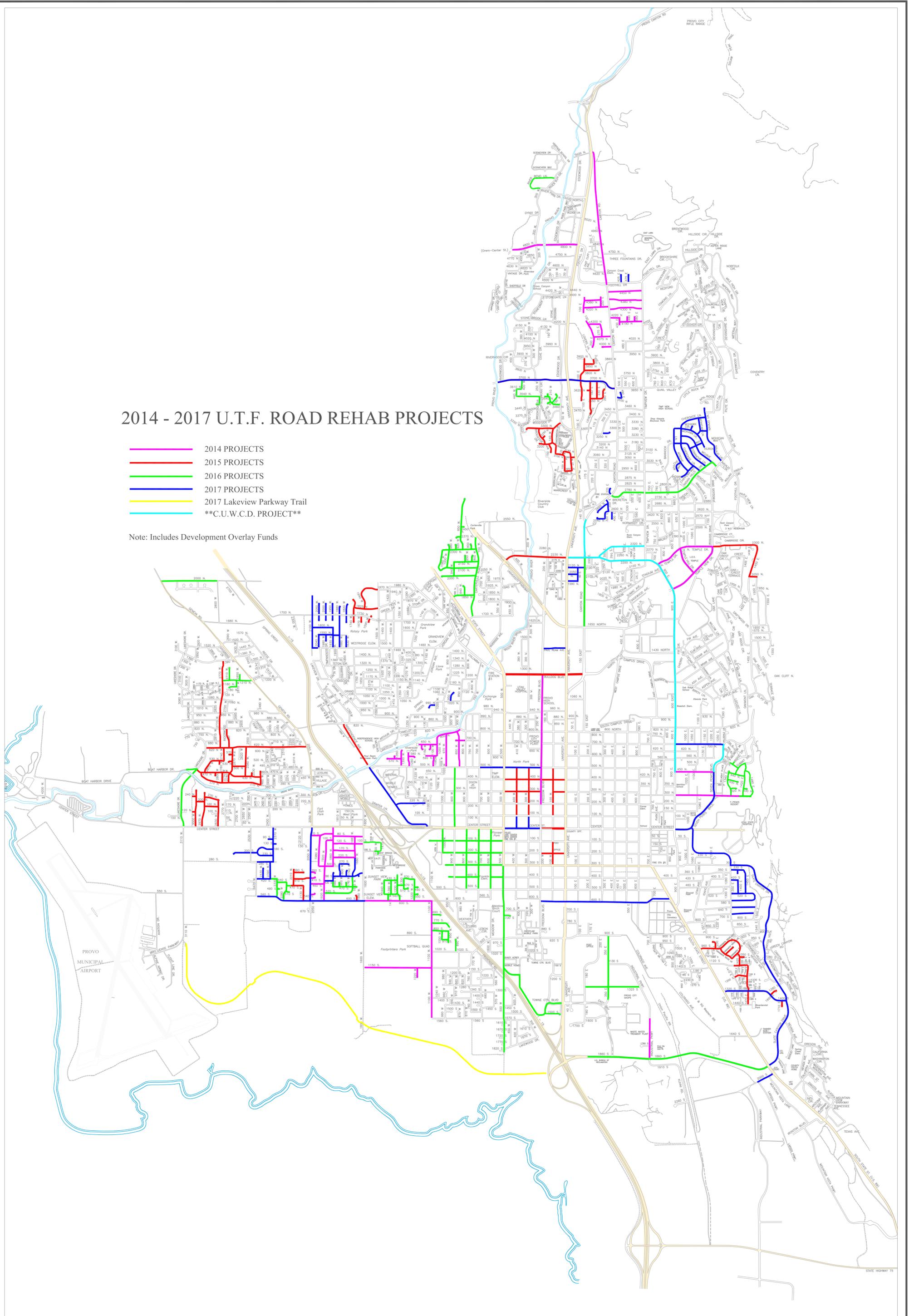
A copy of the Resolution (including the draft of the final bond resolution attached to the Resolution) is on file in the office of the City Recorder of the City, at 351 West Center Street, in Provo, Utah, where the Resolution may be examined during regular business hours of the City Recorder from 7:00 a.m. to 6:00 p.m., Monday through Thursday. The Resolution shall be so available for inspection for a period of at least 30 days from and after the date of the publication of this notice.

NOTICE IS FURTHER GIVEN that pursuant to law for a period of 30 days from and after the date of the publication of this notice, any person in interest shall have the right to contest the legality of the above-described Resolution (including the final bond resolution attached thereto) of the City or the Bonds authorized thereby or any provisions made for the security and payment of the Bonds. After such time, no one shall have any cause of action to contest the regularity, formality or legality of the Resolution, the Bonds or the provisions for their security or payment for any cause.

2014 - 2017 U.T.F. ROAD REHAB PROJECTS

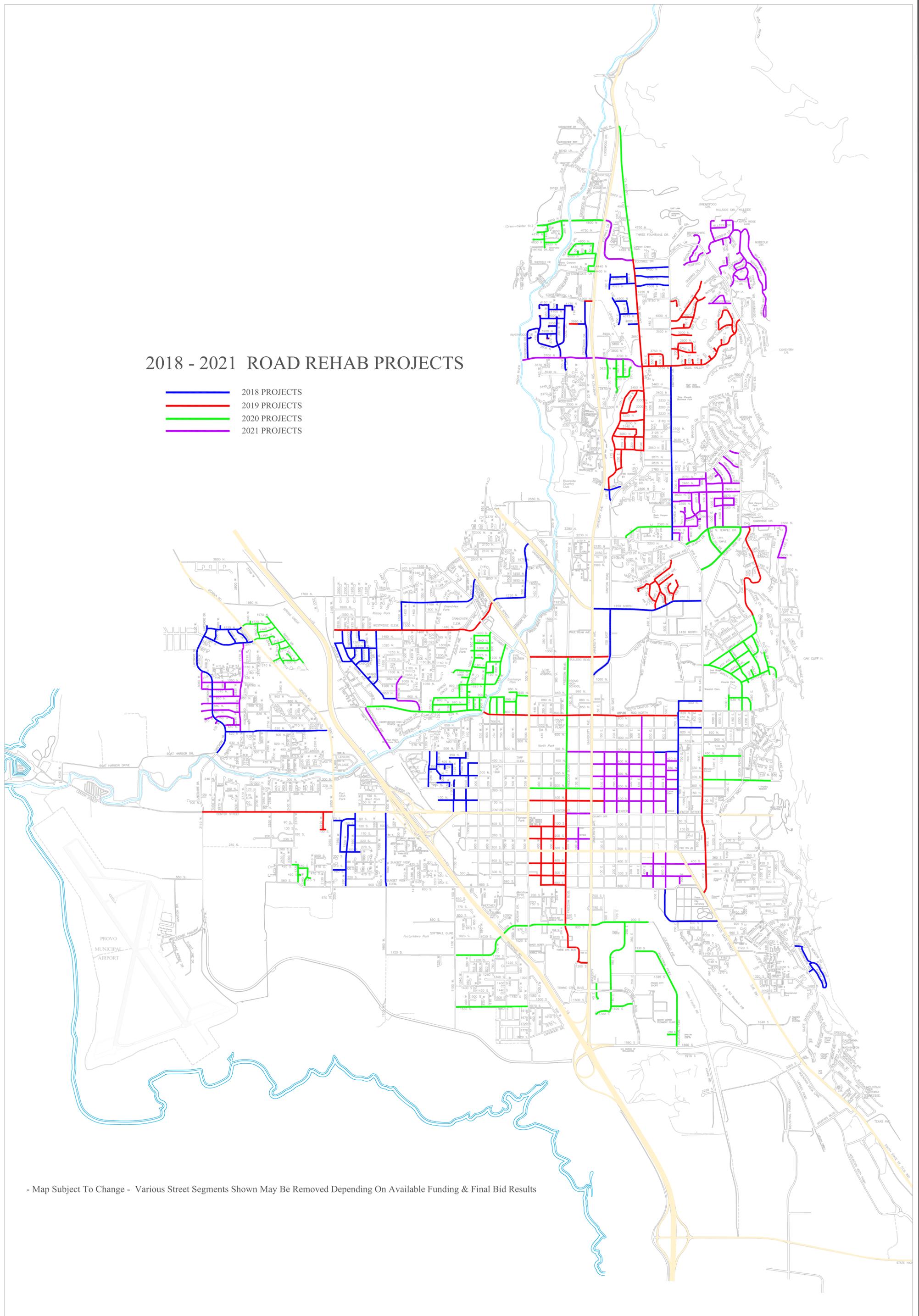
- 2014 PROJECTS
- 2015 PROJECTS
- 2016 PROJECTS
- 2017 PROJECTS
- 2017 Lakeview Parkway Trail
- **C.U.W.C.D. PROJECT**

Note: Includes Development Overlay Funds



2018 - 2021 ROAD REHAB PROJECTS

- 2018 PROJECTS
- 2019 PROJECTS
- 2020 PROJECTS
- 2021 PROJECTS



- Map Subject To Change - Various Street Segments Shown May Be Removed Depending On Available Funding & Final Bid Results



Department of Administrative Services
MEMORANDUM

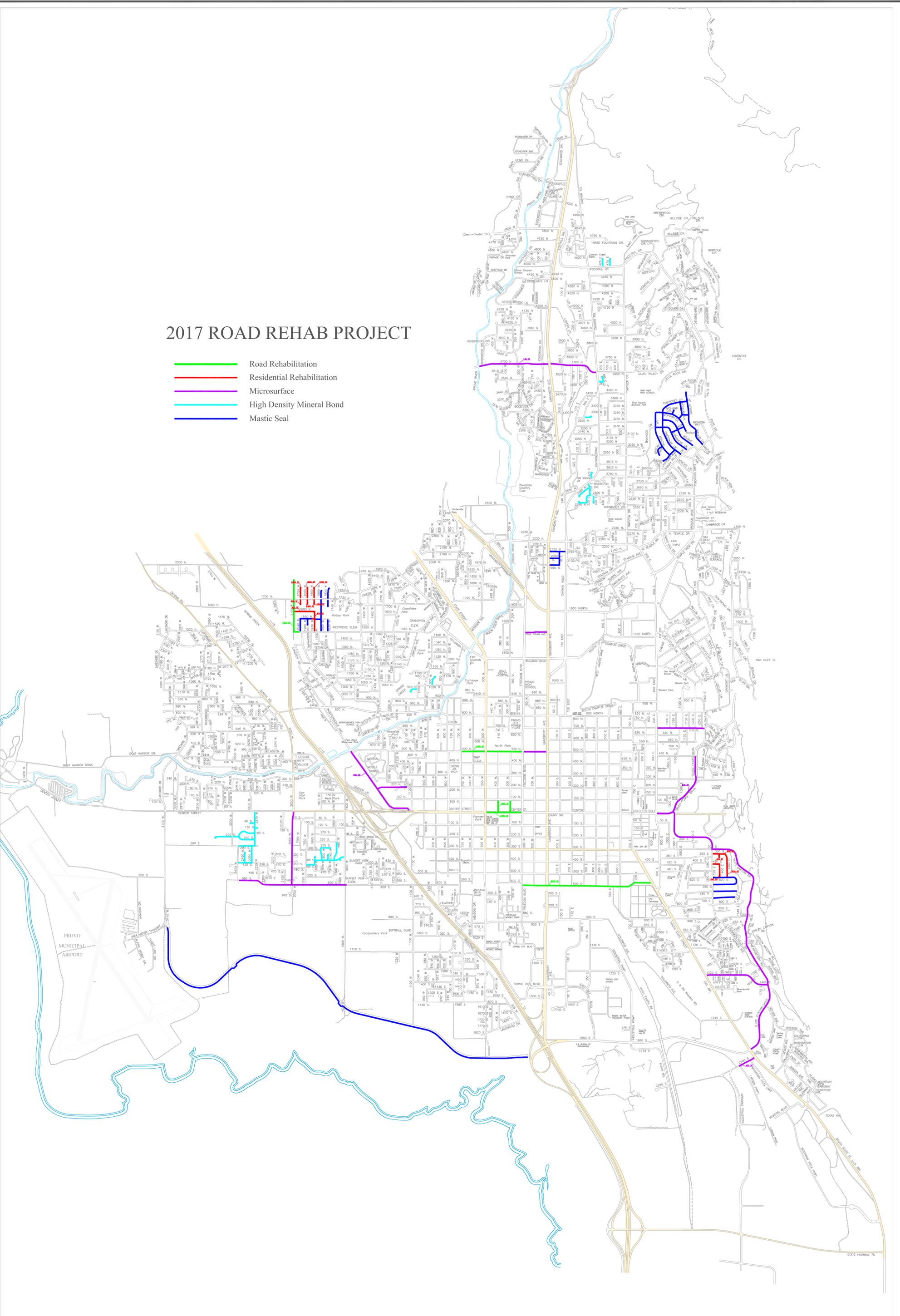
To: Municipal Council
From: John Borget
Subject: City-wide Road Funding Discussion
Date: August 2, 2017
CC: Mayor John Curtis, Wayne Parker

Administration plans to review the total amount spent on roads for the years 2012-2018

Administration also plans to review three maps showing road rehab projects completed 2014 - 2017, planned road rehab projects for 2017 and planned road rehab projects for 2018-2021.

2017 ROAD REHAB PROJECT

-  Road Rehabilitation
-  Residential Rehabilitation
-  Microsurface
-  High Density Mineral Bond
-  Mastic Seal



	Road Funding	Road Spending
2012	\$ 10,491,828	9,725,310
2013	\$ 8,068,185	8,847,537
2014	\$ 13,263,466	13,599,705
2015	\$ 11,612,174	8,318,936
2016	\$ 9,326,569	11,380,425
2017	\$ 11,343,227	9,777,507
2018	\$ 12,717,746	13,140,970
	\$ 76,823,194	74,790,389

	UTF	B&C	Engineering CIP	Streets	Total
2018 Adopted Budget					
Revenues					
Residential Transportation Fee	\$ 1,103,000				\$ 1,103,000
Commercial Transportation Fee	1,134,000				1,134,000
Public Transportation Fee	63,000				63,000
Road Taxes		2,892,776		1,007,224	3,900,000
Impact Fees			250,000		250,000
1% Transfer from Enterprise Funds				1,067,746	1,067,746
Grant			5,100,000		5,100,000
Street Cut	-	-	100,000	-	100,000
	<u>\$ 2,300,000</u>	<u>\$ 2,892,776</u>	<u>\$ 5,450,000</u>	<u>\$ 2,074,970</u>	<u>\$ 12,717,746</u>

Expenditures					
Personnel (Snow removal, paint stripping, street maintenance)				\$ 1,349,708	\$ 1,349,708
Operating expenses (Salt, paint, signs)				367,169	367,169
Overhead expenses				358,093	358,093
Overlays	2,100,000				2,100,000
Crack Seal	200,000				200,000
Sidewalks		500,000			500,000
Street cuts			50,000		50,000
Geological Study			16,000		16,000

	UTF	B&C	Engineering CIP	Streets	Total
Misc. projects		100,000			100,000
Accident repair					-
Traffic Impact Fee			250,000		250,000
Bridge repair		100,000			100,000
Intersection modifications		150,000			150,000
Wetland Monitoring		25,000			25,000
Canyon Road					-
Street Overlay		465,000			465,000
Independence Avenue - 1100 N to 1700 N					-
Lakeview Parkway & Trail Phase 2		1,350,000	1,600,000		2,950,000
Bulldog BLVD		110,000	3,500,000		3,610,000
1450 East Intersection Improvements		200,000			200,000
700 East to 700 North to 800 North		250,000			250,000
820 North - Pedestrian improvements		50,000			50,000
200 E Bicycle Impr. - 800 N to 600 S					-
Transporation Master Plan					-
Stadium Avenue-Canyon Road to 900 East					-
Transfer to General Fund	-	-	50,000	-	50,000
	<u>2,300,000</u>	<u>3,300,000</u>	<u>5,466,000</u>	<u>2,074,970</u>	<u>13,140,970</u>
Increase/(decrease in fund balance)	\$ -	\$ (407,224)	\$ (16,000)	\$ -	\$ (423,224)

2017 Adopted Budget	UTF	B&C	Engineering CIP	Streets	Total
Revenues					
Residential Transportation Fee	\$ 1,103,000				\$ 1,103,000
Commercial Transportation Fee	1,134,000				1,134,000
Public Transportation Fee	63,000				63,000
Road Taxes		2,730,720		990,306	3,721,026
Impact Fees			250,000		250,000
1% Transfer from Enterprise Funds				1,022,201	1,022,201
Grant			4,000,000		4,000,000

	UTF	B&C	Engineering CIP	Streets	Total
Street Cut	-	-	50,000	-	50,000
	\$ 2,300,000	\$ 2,730,720	\$ 4,300,000	\$ 2,012,507	\$ 11,343,227
Expenditures					
Personnel (Snow removal, paint stripping, street maintenance)				\$ 1,304,733	\$ 1,304,733
Operating expenses (Salt, paint, signs)				349,553	349,553
Overhead expenses				358,221	358,221
Overlays	2,100,000				2,100,000
Crack Seal	200,000				200,000
Sidewalks		500,000	-		500,000
Street cuts			50,000		50,000
Geological Study			25,000		25,000
Misc. projects		100,000			100,000
Accident repair			250,000		250,000
Bridge repair		100,000			100,000
Intersection modifications		150,000			150,000
Bulldog BLVD		100,000	1,500,000		1,600,000
200 E Bicycle Impr. - 800 N to 600 S			500,000		500,000
Canyon Road		325,000			325,000
2017 Street Overlay		465,000			465,000
Draper Lane 500 S to 600 S		200,000			200,000
Independence Avenue - 1100 N to 1700 N		650,000			650,000
Transportation Master Plan		250,000			250,000
Wetland Monitoring		25,000			25,000
Stadium Avenue-Canyon Road to 900 East	-	275,000	-	-	275,000
	<u>2,300,000</u>	<u>3,140,000</u>	<u>2,325,000</u>	<u>2,012,507</u>	<u>9,777,507</u>
Increase/(decrease in fund balance)	\$ -	\$ (409,280)	\$ 1,975,000	\$ 0	\$ 1,565,720

2016 Actuals

UTF

B&C

Engineering CIP

Streets

Total

	UTF	B&C	Engineering CIP	Streets	Total
Revenues					
Residential Transportation Fee	\$ 1,154,327				\$ 1,154,327
Commercial Transportation Fee	1,193,746				1,193,746
Public Transportation Fee	58,018				58,018
Road Taxes		2,259,438		1,046,378	3,305,816
Development fees			320,451		320,451
Sale of land			97,000		97,000
Impact Fees			339,244		339,244
1% Transfer from Enterprise Funds				945,765	945,765
Grant			916,212		916,212
Street Cut			116,079		116,079
SID principal income		17,477			17,477
Lease income		1,115			1,115
Interest income		14,031	22,069		36,100
Misc.	(6,631)	331,850			325,219
Transfer from B&C Fund	-	-	500,000	-	500,000
	<u>\$ 2,399,460</u>	<u>\$ 2,623,911</u>	<u>\$ 2,311,055</u>	<u>\$ 1,992,143</u>	<u>\$ 9,326,569</u>

Expenditures

Personnel (Snow removal, paint stripping, street maintenance)				\$ 1,315,449	\$ 1,315,449
Operating expenses (Salt, paint, signs)				323,687	323,687
Overhead expenses				352,704	352,704
Overlays	1,782,076		334,283		2,116,359
Crack Seal	164,657				164,657
Sidewalks		704,038	184,664		888,702
Street cuts			2,500		2,500
Geological Study			19,800		19,800
Traffic mitigation			201,056		201,056
500 West 1560 to 1860 South			150,000		150,000
Street overlay		84,315			84,315
Construction bond foreclosures			21,930		21,930
Misc. projects		54,032			54,032

	UTF	B&C	Engineering CIP	Streets	Total
Intersection modifications		19,215			19,215
Lakeview parkway			4,528,700		4,528,700
300 South Project		262,707			262,707
2000 North Geneva Intersection Improvements		238,517			238,517
Lakeview Parkway Trail			86,095		86,095
Transfer to General Fund			50,000		50,000
Transfer to Engineering CIP	-	500,000	-	-	500,000
	<u>1,946,733</u>	<u>1,862,824</u>	<u>5,579,028</u>	<u>1,991,840</u>	<u>11,380,425</u>
Increase/(decrease in fund balance)	\$ 452,727	\$ 761,087	\$ (3,267,973)	\$ 303	\$ (2,053,856)
Beginning Fund Balance	<u>2,058,063</u>	<u>2,024,488</u>	<u>4,557,228</u>		
Ending Fund Balance	<u>\$ 2,510,790</u>	<u>\$ 2,785,575</u>	<u>\$ 1,289,255</u>		
Project Budget Carryover	<u>197,238</u>	<u>1,713,577</u>	<u>904,328</u>		
Unassigned Fund Balance	<u>\$ 2,313,552</u>	<u>\$ 1,071,998</u>	<u>\$ 384,927</u>		

2015 Actuals	UTF	B&C	Engineering CIP	Streets	Total
Revenues					
Residential Transportation Fee	\$ 1,117,253				\$ 1,117,253
Commercial Transportation Fee	1,204,747				1,204,747
Public Transportation Fee	62,790				62,790
SID principal income		12,958			12,958
New development			309,678		309,678
Impact fees			324,897		324,897
Lease income		2,065			2,065
Interest income		10,989	14,375		25,364
Misc.	(6,984)	(317)			(7,301)
Road Taxes		2,161,212		1,113,721	3,274,933
1% Transfer from Enterprise Funds				895,669	895,669
Grant		(323,447)	4,594,940		4,271,493
Street Cut	-	-	117,628	-	117,628

	UTF	B&C	Engineering CIP	Streets	Total
	\$ 2,377,806	\$ 1,863,460	\$ 5,361,518	\$ 2,009,390	\$ 11,612,174

Expenditures

Personnel (Snow removal, paint stripping, street maintenance)				\$ 1,222,176	\$ 1,222,176
Operating expenses (Salt, paint, signs)				294,395	294,395
Overhead expenses				492,819	492,819
Overlays	1,023,172	795,486			1,818,658
Crack Seal	37,418				37,418
Sidewalks		120,701	198		120,899
Signs			2,257		2,257
Street cuts			177,047		177,047
Geological Study			5,740		5,740
Misc. projects	186	146,513			146,699
Bridge repair		3,593			3,593
Materials handling		86,951			86,951
Construction bond foreclosures			238,173		238,173
Impact fee			3,800		3,800
Intersection modifications		283,806			283,806
Traffic signal modifications		35,000			35,000
Sound wall		25,000	56,240		81,240
Traffic signal modifications			8,179		8,179
Traffic mitigation			4,810		4,810
Accident repair			5,200		5,200
600 E - 600 S to 900 S		513,817			513,817
Lakeview parkway			497,532		497,532
Lakeview parkway trail			674,627		674,627
Lakeshore drive bridge			102,601		102,601
Seven Peaks Blvd - Loan Repayment		1,189,924			1,189,924
900 E Street Rehab			2,230,965		2,230,965
Transfer to General fund	-	-	50,000	-	50,000
	<u>1,060,776</u>	<u>3,200,791</u>	<u>4,057,369</u>	<u>2,009,390</u>	<u>8,318,936</u>
Increase/(decrease in fund balance)	1,317,030	(1,337,331)	1,304,149	-	3,293,238

	UTF	B&C	Engineering CIP	Streets	Total
Beginning Fund Balance	741,033	3,361,819	3,253,079		
Ending Fund Balance	<u>\$ 2,058,063</u>	<u>\$ 2,024,488</u>	<u>\$ 4,557,228</u>		

2014 Actuals	UTF	B&C	Engineering CIP	Streets	Total
Revenues					
Residential Transportation Fee	\$ 348,686				\$ 348,686
Commercial Transportation Fee	376,015				376,015
Public Transportation Fee	20,299				20,299
Miscellaneous Revenue	(3,967)	11,250	7,559	3,972	18,815
Road Taxes		1,927,334		996,542	2,923,876
Central Utah Water Project		1,806,462			1,806,462
Interest Income		17,553	20,813		38,366
SID Principal Income		40,940			40,940
Impact Fees		-	470,571		470,571
New Development Sign Fees			2,200		2,200
New Development Overlay Fees			631,490		631,490
New Development Traffic Mitigation			287,150		287,150
Bond Foreclosure Proceeds			1,800		1,800
Land Proceeds		472,867			472,867
Reimbursements		874,122	3,396,481		4,270,603
1% Transfer from Enterprise Funds			505,302	868,043	1,373,345
Grant			10,589		10,589
Street Cut			108,465		108,465
Transfer from Engineering CIP Fund	-	60,928	-	-	60,928
	<u>\$ 741,033</u>	<u>\$ 5,211,456</u>	<u>\$ 5,442,419</u>	<u>\$ 1,868,557</u>	<u>\$ 13,263,466</u>

Expenditures

Personnel (Snow removal, paint stripping, street maintenance)				\$ 1,197,655	\$ 1,197,655
Operating expenses (Salt, paint, signs)				251,421	251,421

	UTF	B&C	Engineering CIP	Streets	Total
Overhead expenses				419,481	419,481
Overlays	-	1,612,020	454,169		2,066,189
Sidewalks		320,359			320,359
Street cuts			145,068		145,068
Geological Study			3,075		3,075
Other		-	5,429		5,429
Misc. projects		19,577			19,577
Traffic Signals		216,026			216,026
Bridge repair		317,313			317,313
Intersection modifications		2,952,005			2,952,005
600 E 600 to 900 South		184			184
Seven Peaks Blvd 800 North to Oak Cliff		52,104			52,104
1080 East 1120 - 1320 South		34,852			34,852
Lakeview Parkway Trail			307,295		307,295
Mountain Vista Project			69,393		69,393
Lakeview parkway			3,464,174		3,464,174
Construction Bond Foreclosures			9,502		9,502
Soundwall			666,748		666,748
Traffic Impact Fee			95,429		95,429
South State Safety Improvements			43,951		43,951
Univ. Av Sidewalk 2500-5200 North			317,158		317,158
900 East Street Rehab			564,388		564,388
Transfer to B&C CIP	-	-	60,928	-	60,928
	-	5,524,441	6,206,707	1,868,557	13,599,705
Increase/(decrease in fund balance)	741,033	(312,984)	(764,288)	-	(336,239)
Beginning Fund Balance	-	3,674,803	4,017,367		
Ending Fund Balance	<u>\$ 741,033</u>	<u>\$ 3,361,819</u>	<u>\$ 3,253,079</u>		

2013 Actuals

UTF

B&C

Engineering CIP

Streets

Total

	UTF	B&C	Engineering CIP	Streets	Total
Revenues					
Miscellaneous Revenue			\$ 75,440	\$ 11,799	\$ 87,239
Road Taxes		1,302,867		1,832,755	3,135,622
Interest Income		19,106	28,703		47,809
SID Prinicipal Income		16,017			16,017
Impact Fees			287,588		287,588
New Development Sign Fees			4,033		4,033
New Development Overlay Fees			326,591		326,591
Bond Foreclosure Proceeds			500		500
Rebimbursements		1,586,098	491,268		2,077,365
Land Proceeds		99,577			99,577
Grant			836,205		836,205
Street Cut			100,637		100,637
Transfers from Engineer CIP Fund		350,000			350,000
Transfer from Econ/Community Fund	-	699,000	-	-	699,000
	\$ -	\$ 4,072,665	\$ 2,150,966	\$ 1,844,554	\$ 8,068,185

Expenditures

Personnel (Snow removal, paint stripping, street maintenance)				\$ 1,147,808	\$ 1,147,808
Operating expenses (Salt, paint, signs)				219,678	219,678
Overhead expenses				477,068	477,068
Overlays	-	1,104,043			1,104,043
Sidewalks		47,388	-		47,388
Street cuts			73,954		73,954
Geological Study			21,500		21,500
Quiet Zones			613		613
Master Plan Update		9,520			9,520
Traffic Signals		264,547			264,547
Misc. projects		96,058	4,508		100,566
Bridge repair		2,490			2,490
Intersection modifications		127,170			127,170
600 E 600 to 900 South		25,999			25,999

	UTF	B&C	Engineering CIP	Streets	Total
Seven Peaks Blvd 300 South to Center		396,378			396,378
1320 South State Intersection		122,943			122,943
700 North Seven Peaks Blvd		791,079			791,079
Independence Avenue Center to 200 North		433,961			433,961
New Development Signs			17,759		17,759
Construction Bond Foreclosures			40,486		40,486
New Development Overlay			365,600		365,600
New Development Traffic Mitigation			165,709		165,709
Sound Wall			147		147
Traffic Impact Fee			158,015		158,015
South State Safety Improvements			165,282		165,282
1860 South State			289,072		289,072
Mountain Vista Project			1,248,645		1,248,645
Lakeview Parkway Trail			680,114		680,114
Transfer to B&C Fund	-	-	350,000	-	350,000
	<u>-</u>	<u>3,421,576</u>	<u>3,581,406</u>	<u>1,844,554</u>	<u>8,847,537</u>
Increase/(decrease in fund balance)	-	651,088	(1,430,440)	-	(779,351)
Beginning Fund Balance	-	3,023,715	5,447,806		
Ending Fund Balance	<u>\$ -</u>	<u>\$ 3,674,803</u>	<u>\$ 4,017,367</u>		

2012 Actuals	UTF	B&C	Engineering CIP	Streets	Total
Revenues					
Miscellaenous Revenue		\$ 2	\$ (30,192)	\$ 26,083	\$ (4,107)
Road Taxes		1,237,254		1,710,665	2,947,919
Interest Income		20,750	35,818		56,568
SID Prinicipal Income		15,264			15,264
Impact Fees			219,328		219,328
New Development Sign Fees			3,450		3,450
New Development Overlay Fees			73,586		73,586
Bond Foreclosure Proceeds			471,455		471,455

	UTF	B&C	Engineering CIP	Streets	Total
Reimbursements		1,510,249	377,789		1,888,038
Land Proceeds		27,651			27,651
Grant		250,000	1,828,400		2,078,400
Street Cut			24,522		24,522
Transfer from General Fund			1,164,000		1,164,000
Transfer from Mountain Vista Fund			611,000		611,000
Transfer from B&C Fund			914,752		914,752
	\$ -	\$ 3,061,171	\$ 5,693,909	\$ 1,736,748	\$ 10,491,828

Expenditures

Personnel (Snow removal, paint stripping, street maintenance)				\$ 1,067,748	\$ 1,067,748
Operating expenses (Salt, paint, signs)				194,268	194,268
Overhead expenses				462,832	462,832
Overlays	-	774,063			774,063
Sidewalks		50,375	-		50,375
Street cuts			70,139		70,139
Geological Study			12,109		12,109
Quiet Zone			3,333		3,333
Master Plan Update		54,002			54,002
Traffic Signals		17,907			17,907
Misc. projects		24,423	3,500		27,923
Seven Peaks Blvd 300 South to Center		1,327,334			1,327,334
1320 South State Intersection		103,320			103,320
Independence Avenue Center to 200 North		194,028			194,028
Construction Bond Foreclosures			25,182		25,182
New Development Overlay			1,108,500		1,108,500
South State Safety Improvements			71,485		71,485
Lakeview parkway			504,341		504,341
Lakeshore Drive Bridge		3,523	29,801		33,324
Mountain Vista Project			2,127,564		2,127,564
Lakeview Parkway Trail			566,130		566,130

	UTF	B&C	Engineering CIP	Streets	Total
820 North Widening		2,750			2,750
Transfer to Vehicle Replacment				11,900	11,900
Transfer to Engineering CIP	-	914,752	-	-	914,752
	-	3,466,477	4,522,085	1,736,748	9,725,310
Increase/(decrease in fund balance)	-	(405,306)	1,171,824	-	766,518
Beginning Fund Balance	-	3,429,021	4,275,982		
Ending Fund Balance	\$ -	\$ 3,023,715	\$ 5,447,806		

Provo City Police/Victim Services

Staff Memorandum

Victim Services Grant Update

08/08/17

<p>Department Head Richard Ferguson 801-852-6210</p> <p>Presenter Kortney Hughes 801-852-6383</p> <p>Required Time for Presentation 10 Minutes</p> <p>Is This Time Sensitive Yes / No</p> <p>Case File # (if applicable) 17-100</p>	<p>Purpose of Proposal</p> <ul style="list-style-type: none">• Federally-mandated update on police grants <p>Action Requested</p> <ul style="list-style-type: none">• Presentation only <p>Relevant City Policies</p> <ul style="list-style-type: none">• None <p>Budget Impact</p> <ul style="list-style-type: none">• None <p>Description of this item (at least 2 paragraphs)</p> <ul style="list-style-type: none">• The Provo Police Victim Services Division is mostly funded by local, State, and Federal grants. We are required to now provide the Council with two updates per year on the grants. <p>Compatibility with the General Plan policies, goals, and objectives:</p> <ul style="list-style-type: none">• Chapter 10 of the General Plan (Municipal Services and Facilities) describes the Victim Assistance Program as follows: “In response to increasing trends of domestic violence, the Police Department created the Victim Assistance Program to assist domestic violence victims. A specially trained assistant provides support to adult and child victims through the judicial system during an emotionally turbulent time.”
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CONTACT INFORMATION

VICTIM ASSISTANT LINE 801 852 6375

SPANISH SPEAKING VICTIM ASSISTANT
801 852 6244

Office hours are Monday-Thursday 7:00am - 6:00pm

IN AN EMERGENCY, CALL 911

This project was supported by a
Provo Community Development Block Grant

PROGRAM SERVICES

The Victim Services Program provides assistance to victims of violent crime, including the following:

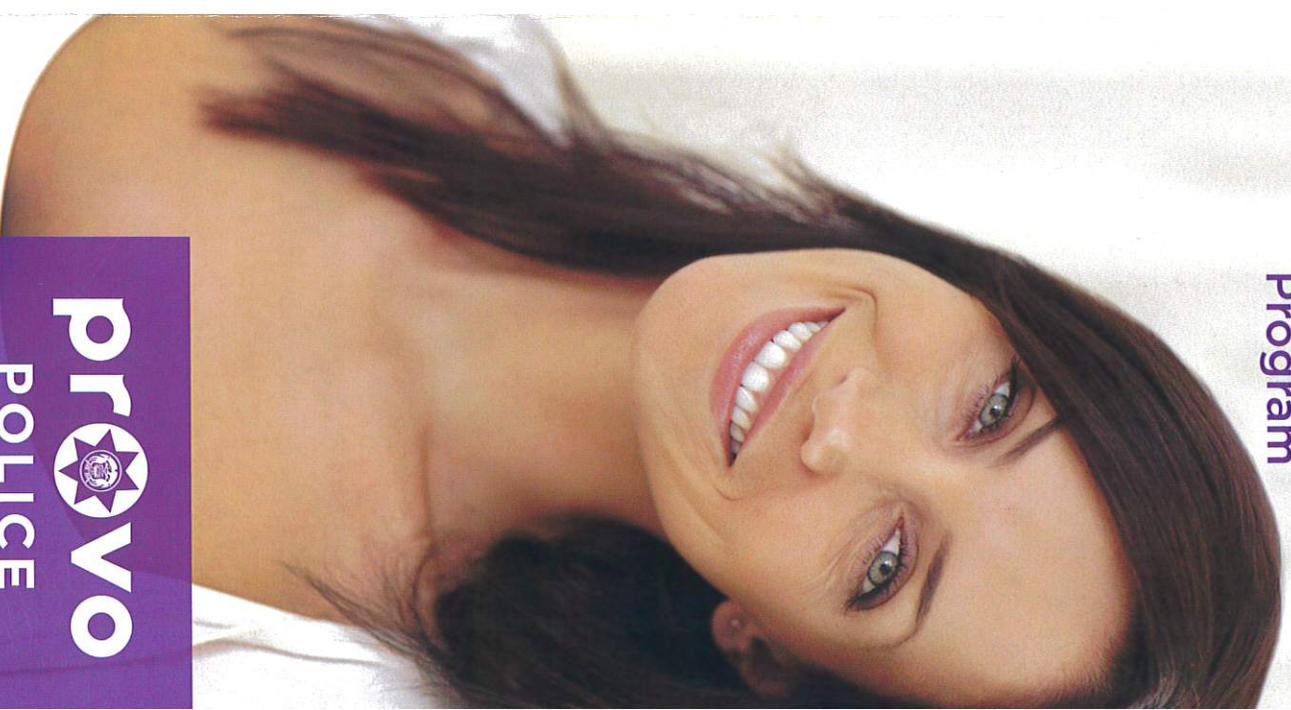
- » Domestic violence
- » Stalking
- » Crimes against children
- » Aggravated crimes
- » Homicide/Attempted Homicide
- » Unattended death
- » Suicide or attempted suicide
- » Sudden Infant death syndrome
- » Major fires (as requested)
- » Robbery
- » Rape/Sexual Assault

SERVICES PROVIDED TO VICTIMS

- » Assistance throughout the criminal justice system, including court support
- » Information on safety issues
- » Education on domestic violence & other crimes
- » Referrals for long-term counseling
- » Information on short-term counseling services & support groups
- » Assistance with reparations for medical expenses, loss of wages and restitution
- » Assistance with shelter referrals
- » Assistance with protective orders
- » Information on welfare, food stamps, housing, & other social services

VICTIM SERVICES

Program



PROVO
POLICE

PROVO
POLICE



RIGHTS OF CHILDREN

1. To have interviews related to criminal prosecution kept to a minimum.
2. To be questioned in an appropriate manner their age and understanding.
3. To receive protection from physical and/or emotional abuse during their involvement with the criminal justice process.
4. To be informed of available community resources and how to gain access to those resources.

VICTIM RIGHTS

1. To be informed of the available level of protection from intimidation and harm.
2. To receive a written notice of shelters, services and resources available in your community.
3. To receive restitution or reparations, including medical costs and other losses resulting from crime.
4. To receive reasonable employer intercession services to minimize loss of pay and benefits.
5. To receive notice when a person is released following arrest for domestic violence against you.
6. To receive clerical assistance as to your role in the criminal justice process and to be treated with fairness, respect, and dignity.
7. To have a timely notice of judicial proceedings you are to attend and timely notice of cancellation of any proceedings.
8. To have a sentencing judge who receives and considers reliable information concerning the background character and conduct of those convicted for the purpose of imposing an appropriate sentence.
9. To have a speedy trial and disposition of charges.
10. To wait in a secure area that does not require you to be in close proximity to defendants or family and friends of the defendants.
11. To have any personal property returned from criminal justice agencies when it is no longer needed for court, law enforcement, or prosecution purposes.

COMMUNITY APPROACH

Coordination of resources is essential to providing effective victim services. The Victim Assistance Program serves as a liaison with other community resource agencies to promote effective coordination of resources.

COMMUNITY EDUCATION

Presentations and classes are provided to the community by the Victim Assistance Program upon request. Topics may include victim rights, issues of victimization, community resources, domestic violence, and the Victim Assistance Program.

LAW ENFORCEMENT

In addition to educating victims and the community, Victim Assistants provide training to law enforcement personnel in areas such as victim rights, the dynamics of domestic violence, and the cycle of abuse.

VOLUNTEERS & INTERNSHIPS

Our Program participates in many community events that aid victims and create awareness of program service. The Victim Services Program offers hands on, rewarding internships and welcomes volunteers.

If you have donations or need to do service projects, please contact our program staff.

OUR MISSION STATEMENT

To provide crisis intervention, emotional support and critical service referrals to aid victims and their children as well as to promote community awareness on victimization issues.





Provo City Municipal Council

Staff Memorandum

Economic Development—Retail Incentives and Retaining Business

August 8th, 2017

<p>Council Coordinator Bryce Mumford 801-852-6135</p> <p>Kelsey Zarbock 801-852-6136</p> <p>IssueFile # 17-087</p>	<p>Item Short Title A discussion with the Economic Development Department on retail incentives and retaining business (17-087)</p> <p>Intended Outcome of Discussion/Requested Action</p> <ul style="list-style-type: none">• Inform Council Members regarding what Economic Development does in terms of providing incentives to retail and in retaining business. <p>Background</p> <p>As part of the budget review process, the Council felt like they needed to better understand the Economic Development Department's efforts and what staff plan to do moving forward. This presentation is part of a four-part series intended to relay what the Economic Development Department is doing in regards to the following topics:</p> <ul style="list-style-type: none">• Downtown Provo• Job creation• Mountain Vista• Retail and incentives• Retaining businesses• Future of Westside, including housing, commercial development, and the airport
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WELCOME HOME

MAYOR'S OFFICE
of ECONOMIC DEVELOPMENT

COUNCIL WORK SESSION
08-08-2017



INCENTIVES

Why Incentives?

- Everyone seems to be doing it
- If we don't, someone else will
- But for....
- Closing a market gap
- Hasten the market
- We want it really bad
- Induces investment and spending



Public Policy Implications

- Proper role of government
- Let the market pick the winners and losers
- Building momentum, until we are over the edge
- Making a difference at the margins
- Influence in the decision making process
- Everybody wants some – where does it end?
- Race to the bottom – this deal is too rich for us
- Never giveaway the baseline
- Post performance
- Return on investment



Provo's Toolbox

CDA/TIF

Reduce or Waive

- Building fees
- Impact fees (cover)
- Connection fees

Post Performance Sales Tax

- Net New % over base
- Specific amount of time

Discounted Land

Utility Rates

- Lower rates
- Custom utility rates

Streamline Approvals

- Fast track building permit

Infrastructure

Specific to the Deal





RETAIL INCENTIVES IN PROVO

Retail Incentives in Provo

Car Dealership - Christensen Chevrolet, Brent Brown, LHM

- Maintain a dealership in Provo and Expand
- Increase sales tax revenue

Parkway Village

- Demolished existing building
- New and improved access
- Recoup lost income and encourage increased spending

Southgate - Target Deal

- Expensive land and development costs
- Offered land and sales tax revenue



Retail Incentives in Provo

Provo Towne Centre Mall

- Site assembly
- Offset utility and infrastructure costs
- TIF only, but no sales tax

The Shops at Riverwoods

- Purchase of land for set price
- Re-repurchase of land for meeting target sales and property tax revenue increases





BUSINESS RETENTION & SITE SELECTION

Business Retention

- Visit Businesses
- Develop Personal Relationships
- Open Houses/Ribbon Cuttings
- Survey Businesses/Exit Interviews
- Understanding Business Needs
- Incentives
- Direct Involvement
- Kuhni's and Action Target



Business Site Selection

- Workforce
- Education/Skill Set
- Quality of Life – housing, safety, schools, recreation, etc.
- Market Forces
- Proximity
- Demographic/Target market/Product users (Pets, Pools)
- Income/Cost of Labor
- Competition
- Incentives





WHY DO BUSINESSES LEAVE?

Why do Businesses Leave?

- Limited land and building inventory
- Workforce and location/proximity
- Larger facility

Nature Sunshine – *“Moved corporate offices to a brand new building...Located in Thanksgiving Point...it gives **broader population and talent pool** from which to recruit employees to support future growth.”*

Ancestry.com – *“CEO Tim Sullivan says the new location in Lehi at the Point of the Mountain will help the company attract top talent from **both Salt Lake and Utah Counties.**”*

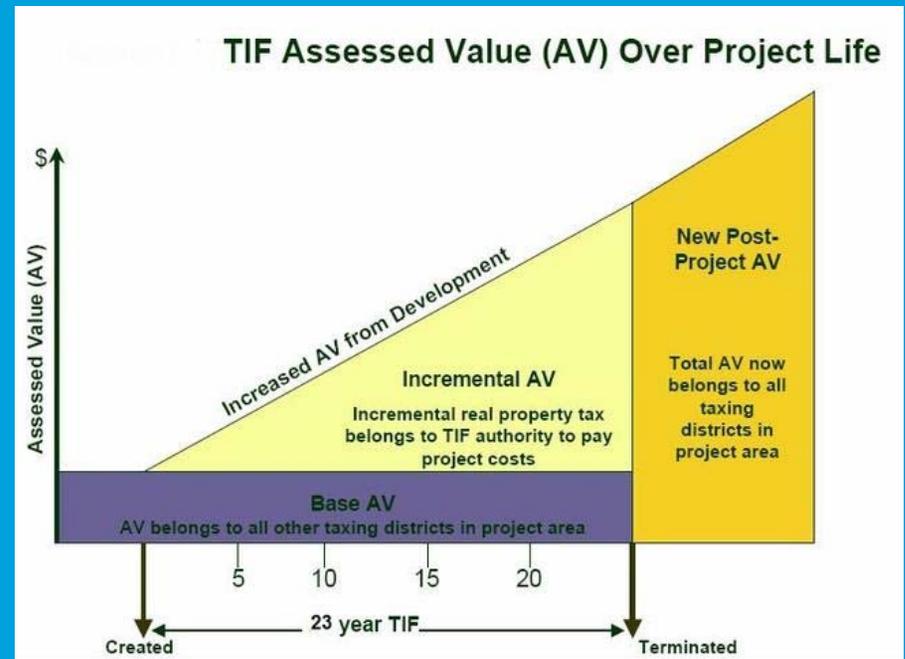
Entrata – *“Dave Batemen, CEO of Entrata said ‘Our first location was a **900 square foot** warehouse in Provo, Utah. We have grown exponentially ever since.’”*



How does TIF Work?

Company can receive an incentive from City and State

- Provo offers property tax incentives with permission and buy-in from taxing entities
 - I. Provo School District
 - II. Utah County
 - III. Water Conservancy District
 - IV. City



How do Tax Incentives Work?





MOUNTAIN VISTA BUSINESS PARK

Mountain Vista By The Numbers

(2013 -2017)

TIF to Businesses	\$152,077.57
Property Revenue	\$269,099.08
Real Estate & Property Value	\$34,493,300
Jobs Created	350+

Current Businesses

Fort Dearborn

Champion Safe

Action Target

Iron Vista

Hall Labs

Elevate Health Sciences





DUNCAN AVIATION

Duncan Aviation

Deal Points

- **\$75 million private capital investment**
- **\$7 million public ramp**
 - \$3.5 million EDA Grant
 - \$3.5 million TIF
- **\$3.5 million public utility infrastructure CDBG 108 Loan**
- **450 higher paying jobs**



GOED EDTIF - Duncan Aviation

- Duncan Aviation has indicated that the expansion will create up to **700 jobs over the next 15 years**. The total wages in aggregate are required to exceed **110 percent of the Utah County average wage**. The projected new state wages over the life of the agreement are expected to be approximately **\$389,092,501**. Projected new state tax revenues, as a result of corporate, payroll and sales taxes, are estimated to be **\$19,857,070 over 15 years**. CT15
- Duncan Aviation **may earn up to 30 percent** of the new state taxes they will pay over the **15-year life of the agreement in the form of a post-performance Economic Development Tax Increment Finance (EDTIF) tax credit rebate**. As part of the contract with Duncan Aviation, the GOED Board of Directors has approved a post-performance tax credit rebate not to exceed **\$5,557,121**. The board has also approved an **Industrial Assistance Fund (IAF) grant of no more than \$400,000** to help offset the cost of procuring pollution control device technology.



CT15

Text on the footer

Added bold to points of emphasis for the presentation

Chad Thomas, 8/7/2017



INCENTIVES CONTINUED

Not all Incentives are Created Equal

Spanish Fork – Costco

- Paid Costco's utilities for 4 years (about \$1 million)
- Free land
- 100% sales tax rebated for 18 months (up to \$1,025,000)
- Waived all city-related building, impact, and connection fees
- Reimbursed Costco (\$225,000) for grading and fill work done

Orem – Woodbury with University Place

- \$500 million investment
- 75% back from property taxes for 20 years
 - \$60.5 million

Orem – University Mall (Nordstrom)

- 20 year term
- \$4.5 million sales tax incentive



Not all Incentives are Created Equal

Wisconsin – Foxconn

- Taiwanese electronics manufacturer
- \$10 billion capital investment
- 3,000 jobs (average wage \$53,000)
- 10,000 construction jobs

Incentives include:

- \$3 billion over 15 years (mostly cash)
- Waive several state environmental reviews
- Waives requiring approval for the Public Service Commission – which oversees water and utilities in WI.



Incentives Limitations

Duncan Aviation

- NM offered better incentives
- Provo fit their culture and business style

Project Discus

- Facebook Data Center
- West Jordan and New Mexico
- WJ offered \$240,000 for 20 years
- 70 – 100 jobs created
- Salt Lake County said “No”



Case Studies, Different Challenges, Different Tools

Attracting

- Large Box Retailers
- Manufacturers
- Office Projects

Retaining

- Restaurant
- Car Dealer
- Tech Company

Redevelopment of Shopping Center



Questions?





Provo Parking Administration

Staff Memorandum

Parking Administration: First 90 Days and Beyond

August 8, 2017

<p>Presenter Matthew Taylor 801 852 6423</p> <p>Required Time for Presentation 30 minutes</p> <p>Is This Time Sensitive No</p>	<p>Purpose of Discussion</p> <ul style="list-style-type: none">● Overview of interim priorities and strategy. <p>Action Requested</p> <ul style="list-style-type: none">● Get initial feedback regarding direction and priorities. <p>Relevant Council Priorities</p> <ul style="list-style-type: none">● Increase Zoning Compliance (reduce parking problems)● General Plan Update (the role of parking in land use)● Economic Development (getting parking right to maximize economic development opportunity)● Housing (parking policies impact housing affordability and quality of life) <p>Budget Impact</p> <ul style="list-style-type: none">● To be determined. It is anticipated that parking plan implementation will require special Council action at some point within the next 4-18 months. <p>Description of this item (at least 2 paragraphs)</p> <p>This is a discussion to introduce the interim direction and priorities of the Provo Parking Administration to the Municipal Council and seek their initial feedback.</p> <p>The Draft Provo Parking Strategic Plan should be reviewed in preparation for this discussion. It is available online at: http://www.provo.org/home/showdocument?id=8499</p>
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Compatibility with the General Plan policies, goals, and objectives:

Vision 2030 – Section 12: Transportation and Mobility: Transportation and mobility are essential to Provo's fabric, growth, and character. Population, growth, transportation, and mobility have become crucial factors in the city's lifestyle, health, and well-being. Due to its transportation system, Provo is able to: - Move large volumes of traffic on arterial and collector roads to lessen traffic in residential neighborhoods; - Provide alternative modes of transportation such as bus rapid transit and light rail, and provide sufficient bus routes, route alternatives, and incentives to encourage ridership; - Use a state-of-the-art inter-modal hub to connect local entities, such as BYU, downtown, Provo Towne Centre mall, the airport, venues, attractions, and entertainment; encourage ridership; and reduce traffic congestion; and - Expand bike lanes and paths to increase the use of clean transportation. Trail and sidewalk systems provide safe, well-maintained and lighted areas that encourage walkability

Goal 12.1 - Promote the use of transit and alternative modes of transportation.

- Objective 12.1.1 Inform the public of the benefits of public transportation.

Goal 12.2 - Augment the multi-modal transportation opportunities in Provo.

- Objective 12.2.1 Prioritize and preserve the existing multimodal transportation system.

Goal 12.5 - Promote easier navigation with appropriate signage throughout the city.

- Objective 12.5.1 Target key points of interest, such as public parking lots, restaurants, entertainment, lodging, medical, government, and other points of interest.
- Objective 12.5.2 Create attractive sign designs that would enhance Provo City

PARKING ADMINISTRATION

Getting Out of Park and Moving Forward



STRATEGIC PARKING MANAGEMENT PLAN – Primary Actions



provo STRATEGIC Parking Management PLAN 

parking requirements (zoning code) and ADA parking placard abuse reforms.

Primary Action Items

Beginning on page 125 there is a list of recommended "Primary Action Items". Below is summary listing of these key recommendations:

Primary Action Item #1: Adopt new program Vision and Mission Statements and Recommended Parking Program Guiding Principles. Hire a parking management professional and implement parking management best practices.

Primary Action Item #2: Establish the parking program as a separate enterprise fund and combine all parking related revenue streams into this fund.

Primary Action Item #3: Begin a process to evaluate investment in new on-street and off-street parking technology.

Primary Action Item #4: Leverage parking as a community and economic development strategy and develop a comprehensive parking planning function.

Primary Action Item #5: Critically assess the current parking enforcement program using the tools provided. Invest in mobile license plate recognition (LPR) technology.

Primary Action Item #6: Develop a proactive facility maintenance program including regular facility condition appraisals, prioritized facility rehabilitation plans and the creation of parking facility maintenance reserves.

Primary Action Item #7: Develop a new parking program brand and marketing program including significant on-going community outreach strategies. (See marketing strategy implementation matrix.)

Primary Action Item #8: Invest in training and staff development with a goal of mastering the fundamentals of parking system management and operations.

Primary Action Item #9: Work collaboratively with BYU and neighborhood associations to better define residential neighborhood parking issues and enhance residential permit programs, improve neighborhood permit enforcement (through LPR technology and increased staffing) and to identify and rectify documented safety issues such as intersection line of sight issues, speeding and related problems.

Primary Action Item #10: Expand the scope of the parking program over time to be more supportive of alternative modes of transportation and embrace more of a "mobility management philosophy".

Primary Action Item #11: Address abuse of accessible parking placards to improve parking availability for those who are truly disabled.

Kimley » Horn Page 7 of 160

STRATEGIC PARKING MANAGEMENT PLAN – 20 Characteristics

6.20 Characteristics of Effective Parking Management Programs

Introduction

There is one element common to every study and every downtown - parking is always a source of frustration and contention. It is amazing how emotional an issue parking can be. This is because it affects people so directly. Think about it - how many other areas involve issues of personal safety/security, finance, convenience, wayfinding, accessibility and customer service? Because parking creates the first and last impression of your community, one question we will address is: How can that "parking experience" best be managed? We'll get back to that question shortly.

An interesting truism about parking is illustrated in the graphic below.



1. Clear Vision and Mission
2. Parking Philosophy
3. Strong Planning
4. Community Involvement
5. Organization
6. Staff Development
7. Safety, Security and Risk Management
8. Effective Communications
9. Consolidated Parking Programs
10. Strong Financial Planning
11. Creative, Flexible and Accountable Parking Management
12. Operational Efficiency
13. Comprehensive Facilities Maintenance Programs
14. Effective Use of Technology
15. Parking System Marketing and Promotion
16. Positive Customer Service Programs
17. Special Events Parking Programs
18. Effective Enforcement
19. Parking and Transportation Demand Management
20. Awareness of Competitive Environment

CURRENT STRATEGY



CURRENT ACTIVITIES

- Program Development. Come Back to Council Soon. (PA1)
- Partnering with RDA to Create Interim Downtown Surface Parking Lot. Exploring Options for Long-term Stakeholder Solution.
- In-depth Analysis of Structured Assets (central garages) (PA6)
- Incremental Roll-out of Final Wayfinding Downtown (PA 6, PA 7)
- Partnering with Police and Customer Service for Expansion of Mobile Payment/LPR technology From Airport to Other Assets (PA3, PA5, PA9)

Current Activities – cont.

- Development Event Management Parking Strategy
- Stakeholder Engagement. Begin Dialogue with Joaquin Stakeholders (PA9)
- Development of New Parking Brand (PA7)
- Developing Educational Partnerships with DPI/EconDev (PA10)
- Liaison with Active Transportation Community (PA 10)

P Park**P**rovo



WELCOME HOME

PLANNING COMMISSION

JULY 12, 2017

ITEM 5*

Provo City Community Development Department requests an Ordinance Amendment to Section 14.02.010 to make city noticing requirements consistent with state law.

City-Wide Impact

17-00140A



Provo City Planning Commission

Report of Action

July 12, 2017

ITEM 5* Provo City Community Development Department requests an Ordinance Amendment to Section 14.02.010 to make city noticing requirements consistent with state law. *City-Wide Impact*. 17-0014OA, Brian Maxfield, 801-852-6429

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 12, 2017:

RECOMMENDATION TO APPROVE

On a vote of 4:0, the Planning Commission recommended the Municipal Council approve the above noted application.

Motion By: Ed Jones

Second By: Deborah Jensen

Votes in Favor of Motion: Ed Jones, Deborah Jensen, Maria Winden, Jamin Rowan.

Jamin Rowan was present as Chair.

The motion includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is consistent with the Staff analysis and determination.

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

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

- The main purpose of the amendment is to bring the City's requirements into accord with the State Statutes.
- The amendment would also further facilitate overall changes to the City's noticing process to make the process more consistent and comprehensive.

CITY DEPARTMENTAL ISSUES

None

NEIGHBORHOOD MEETING DATE

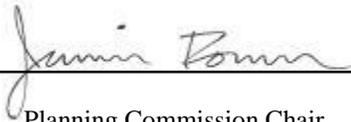
This is a City-wide application with all Neighborhood Chairs receiving notification.

NEIGHBORHOOD AND PUBLIC COMMENT

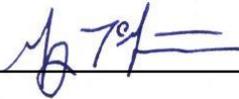
No comments were made by either neighborhood chairs or the general public.

PLANNING COMMISSION DISCUSSION

Ed Jones commented that it was a good idea to be consistent with State Law.



Planning Commission Chair



Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

1 EXHIBIT "A"

2 **14.02.010. Hearings - Notice and Procedure.**

3 (1) ~~The first public hearing before the Planning Commission to consider the adoption or modification of a~~
4 ~~land use ordinance or~~ Notice of a public hearing specifically required by this Title before the Board of
5 Adjustment, the Planning Commission, or the Provo Municipal Council shall be noticed in accordance with Utah
6 Code §10-9a-205(2), and shall be noticed in accordance with Utah Code §10-9a-205(30), ~~given at least~~
7 ~~fourteen (14) calendar days before the hearing in the manner hereinafter set forth. Such notice shall:~~

8 ~~— (a) state the time and place of the hearing;~~

9 ~~— (b) include a general explanation of the matter to be considered and general description of~~
10 ~~the area affected;~~

11 ~~— (c) be posted in at least three (3) public places within Provo City; and~~

12 ~~— (d) be published at least once in a newspaper of general circulation within Provo City.~~

13 (2) If the City mails notice of a proposed zoning change to property owners within the City within a
14 specified distance of the property on which the zoning change is being proposed, it shall also mail equivalent
15 notice to property owners of an adjacent municipality within the same distance of the property on which the
16 zoning change is being proposed.

17 (3) This Section is not intended to preclude the giving of additional notice that may be deemed necessary
18 by the Planning Commission, Board of Adjustment or Municipal Council.

19 (4) If notice given under authority of this Section is not challenged as provided in ~~Section 10-9-101, Utah~~
20 ~~Code Annotated,~~ Utah Code §10-9a-801 within thirty (30) days from the date of the meeting for which notice
21 was given, the notice shall be considered adequate and proper.

22 (5) Hearing procedure shall be as set forth in the bylaws of the Municipal Council, Planning
23 Commission and Board of Adjustment.

24 (a) All written documents and evidence from the applicant shall be received by the
25 Community Development Department at least fourteen (14) days in advance of the public hearing.

26 (b) An issue which may be a basis for appeal shall be raised in person or by letter before the close of
27 the public hearing. Failure to raise an issue during the hearing precludes appeal on that issue.

28
29 END



**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: July 12, 2017**

ITEM 5* Provo City Community Development Department requests an Ordinance Amendment to Section 14.02.010 to make city noticing requirements consistent with state law.
City-Wide Impact. 17-0014OA, Brian Maxfield, 801-852-6429

Applicant: Community Development Department
Staff Coordinator: Brian Maxfield

Property Owner: N/A

Parcel ID#: N/A

Current General Plan Designation: N/A

Proposed General Plan Designation: N/A

Current Zone: N/A

Acreage: N/A

Number of Properties: N/A

*Council Action Required: Yes

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is July 26, 2017, at 5:30 p.m.*

2. **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Relevant History:

None

Neighborhood Issues:

City-wide Application. To date, no comments from Neighborhood Chairs have been received.

Summary of Key Issues:

- The desire to make Provo City noticing requirements consistent with State Code.
- The desire to eliminate confusion caused by the different noticing requirements of the State Code and the Zoning Ordinance.

Staff Recommendation:

Recommend Approval of the proposed ordinance amendment to Section 14.02.010 of the City Code as shown on the attached Exhibit "A", establishing noticing requirements consistent with state law.

This action would be consistent with the recommendation of the Staff Report. Any additional changes should be stated with the motion

OVERVIEW

This item is a proposed amendment regarding the noticing requirements for Planning Commission and the Municipal Council, to make them consistent with the requirements contained in the State Code.

STAFF ANALYSIS

Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

(a) Public purpose for the amendment in question.

The proposed amendment addresses an inconsistency between City and State laws regarding noticing requirements for Public Hearings and Public Meetings.

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

It is important to clarify or eliminate possible confusion caused by conflicting requirements for noticing.

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

As stated in the Vision 2030 Document:

Goal 14.1 - Make local government as transparent and as easy to access as possible by citizens.

Objective 14.1.3

Simplify and clarify the processes for citizens to become involved in government issues and decision-making with elected bodies.

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

The amendment would cause no conflict.

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

The amendment would not hinder nor obstruct attainment of the General Plan's articulated policies.

(f) Adverse impacts on adjacent land owners.

The amendment would have no effect on adjacent land owners as noticing of items would still be as required by State law.

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

Does not apply to an ordinance amendment.

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

Does not apply to an ordinance amendment.

CONCLUSIONS

Staff believes the proposed amendment is beneficial to the City through making the noticing requirements consistent with state law and eliminating confusion caused by different noticing requirements listed within the State Code and the Zoning Ordinance.

STAFF RECOMMENDATION

Recommend Approval of the proposed ordinance amendment to Section 14.02.010 of the City Code establishing noticing requirements consistent with state law, as indicated in the attached Exhibit "A."

EXHIBIT "A"

14.02.010. Hearings - Notice and Procedure.

(1) ~~The first public hearing before the Planning Commission to consider the adoption or modification of a land use ordinance or~~ Notice of a public hearing specifically required by this Title before the Board of Adjustment, the Planning Commission, or the Provo Municipal Council shall be noticed in accordance with Utah Code §10-9a-205(2), and shall be noticed in accordance with Utah Code §10-9a-205(30). ~~given at least fourteen (14) calendar days before the hearing in the manner hereinafter set forth. Such notice shall:~~

~~(a) state the time and place of the hearing;~~

~~(b) include a general explanation of the matter to be considered and general description of the area affected;~~

~~(c) be posted in at least three (3) public places within Provo City; and~~

~~(d) be published at least once in a newspaper of general circulation within Provo City.~~

(2) If the City mails notice of a proposed zoning change to property owners within the City within a specified distance of the property on which the zoning change is being proposed, it shall also mail equivalent notice to property owners of an adjacent municipality within the same distance of the property on which the zoning change is being proposed.

(3) This Section is not intended to preclude the giving of additional notice that may be deemed necessary by the Planning Commission, Board of Adjustment or Municipal Council.

(4) If notice given under authority of this Section is not challenged as provided in ~~Section 10-9-101, Utah Code Annotated,~~ Utah Code §10-9a-801 within thirty (30) days from the date of the meeting for which notice was given, the notice shall be considered adequate and proper.

(5) Hearing procedure shall be as set forth in the bylaws of the Municipal Council, Planning Commission and Board of Adjustment.

(a) All written documents and evidence from the applicant shall be received by the Community Development Department at least fourteen (14) days in advance of the public hearing.

(b) An issue which may be a basis for appeal shall be raised in person or by letter before the close of the public hearing. Failure to raise an issue during the hearing precludes appeal on that issue.

END

1 EXHIBIT "A"

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28
29 END

2. Special Rules of Procedure

...

b. Rules for Certain Meetings

...

ii. Work Meeting

...

(2) Consideration of Planning Commission Items~~Land Use Items~~ ~~Moving from Work Meeting to an Action Agenda~~

Certain items that are reviewed by the Planning Commission for recommendations are then forwarded on to the Council for ultimate action. Planning Commission staff have agreed that they will simultaneously provide legal notice of such items for the Planning Commission meeting and for the next Work Meeting and Council Meeting (both on the same day). Such items will normally be heard at the noticed meetings. However, where appropriate, the Chair or the majority of the Council may change when the item is to be heard. When such changes occur, the new date shall be indicated on the agenda of the meeting for which the item was originally noticed or by the Chair during the meeting. (See Section 2.b.iii.(3) for additional rules concerning these items.)~~In order to provide predictability for Land Use applicants, issues where the Council has received a recommendation from the Planning Commission are placed on the next available Work Meeting after receipt of the Planning Commission's Report of Action. These items require no motion from the Council to advance them from a Work Session to the Council Meeting agenda. If concerns arise regarding the application, the Council may elect to continue the item for further review and discussion during the Council Meeting.~~

...

iii. Council Meeting

...

(3) Consideration of Planning Commission Items

An agenda item coming forward from the Planning Commission for Council consideration shall be handled as follows:

- It will normally be considered in Council Meeting on the same day it is presented in Work Meeting. It is intended that the noticing done by Planning Commission staff prior to Planning Commission consideration will also include notice of this meeting.
 - Deviations from this schedule may be approved by the Chair or the majority of the Council.

- If the Council will not consider the item at the noticed meeting, the new date for consideration of the item will be stated on the agenda for the originally noticed meeting and/or announced by the Chair during that meeting.
- If heard in Council Meeting for the first time on the same day it is heard in Work Meeting, the item will automatically be continued to the next Council Meeting if any Council Member so desires.
 - Accordingly, following the presentation and consideration of the item, the Council Chair will ask if any Council Member desires to consider the item again at the next meeting.
 - If any member responds affirmatively, the item will automatically be continued to the next regularly scheduled meeting, unless a motion is made to set a different date.
 - If no member responds affirmatively, the Chair will entertain motions and/or call for a vote on the implied motion as otherwise provided in these rules.
- Notwithstanding the above, the item will also automatically be continued to the next regularly scheduled Council Meeting for additional consideration unless, no later than 6:00pm on the Thursday prior to the first consideration of the item by the Council:
 - The Planning Commission Report of Action for the item has been finalized and made available to Council members; and
 - Any proposed ordinance or ordinance amendment has been reviewed by Council Staff and made available to Council members.



Provo City Municipal Council

Staff Memorandum

DAPR Recommendations on Noticing

August 8th, 2017

<p>Council Coordinator Bryce Mumford 801-852-6135 Kelsey Zarbock 801-852-6136</p> <p>IssueFile # 17-052</p>	<p>Item Short Title A discussion on the Development Approval Process Review Committee's recommendation on noticing land use items (17-052)</p> <p>Intended Outcome of Discussion/Requested Action</p> <ul style="list-style-type: none">• Revise Council rules pertaining to the noticing of land use items based on the DAPR Committee's recommendation. <p>Background</p> <p>Under current practice, it usually takes at least five weeks for a land use item to get from a Planning Commission meeting to a Council meeting. Consequently, one of the general goals from the DAPR Committee's Potential Issues/Solutions document is to "work with the Administration to get applications from the Planning Commission to the Council for action with fewer delays."</p> <p>At the June 6th Work Meeting, the DAPR Committee recommended that the Council consider changing City noticing requirements to match State code. In addition, the DAPR Committee introduced two options that would decrease the amount of time it would take to bring land use items to work and Council meetings. The Council forwarded the DAPR Committee's recommendations to the Planning Commission.</p> <p>The Planning Commission reviewed the item on July 12th and recommended changing City noticing requirements to match State noticing requirements, in a 4:0 vote. (Brian Maxfield will be presenting on this element of the proposal in a separate item.)</p> <p>The Planning Commission did not weigh in on the two options that would decrease time between Planning Commission meetings and work and Council meetings. As a result, the DAPR</p>
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Committee offers its own recommendation: that the Council adopt new language in the Council Rules Handbook based the description found in the document called Streamlining and Strengthening Public Engagement (found in the materials).

Compatibility with the General Plan policies, goals, and objectives:

The suggested changes will still align with legal requirements and the General Plan text in Chapter Two, Amendment Process:

- “Proposals are heard by the Planning Commission, which recommends approval or denial to the Municipal Council. The Municipal Council then hears proposed amendments, which may be approved, modified or disapproved. Approved amendments become effective immediately.”

Streamlining Agenda Noticing and Strengthening Public Engagement

Overview

Objective: This proposal advances two [Council priorities](#) by improving the Development Approval Review Process and Public Engagement. It does the former by trimming 2 to 4 weeks from the time between Planning Commission recommendations and Council decisions. It achieves the latter by allowing public comment earlier in the process and by providing two opportunities for public comment on non-routine items.

Timeline Comparison: Currently most land use items are introduced by staff to the Council in Work Meeting, without opportunity for public comment, and then voted on in a public meeting two weeks later. The Planning Commission and Council have been sending out agenda notices separately. By sending out agenda notices simultaneously, the timeline could be improved as follows:

	Week 0	Week 1	Week 2	Week 3	Week 4	Week 5	Saves
Current	Planning Commission			Work Meeting		Council Meeting	
Proposed: Non-routine items	Planning Commission	Work Meeting and 1st Council Meeting		2 nd Council Meeting			2 weeks
Proposed: Routine Items	Planning Commission	Work Meeting and 1 st Council Meeting					4 weeks

Background: The Council’s Development Approval Process Review Committee has been working with the Administration in a joint effort to improve the development approval process. The committee consists of Council members Dave Sewell (Chair), Dave Harding, Dave Knecht and heads of Administrative departments involved in approving development projects. One of the concerns the committee heard from developers was the length of time it takes to go through the process in Provo. The committee investigated streamlining agenda noticing as one way to speed things up and found a way to do it that would also strengthen public engagement in the process.

Current Code and Practice

Code Requirements: Utah Code requires that notice of the first public hearing for General Plan amendments ([10-9a-204](#)) and for land use ordinance changes ([10-9a-205](#)) be given at least 10 days in advance, whereas notice of any subsequent public meetings requires only 24 hours. For General Plan

amendments, [City Code 15.17.030](#) requires 10 day notice for public hearings before both the Planning Commission and the Council. [City Code 14.02.010](#) requires 14 day notice for any public hearing that is required by Title 14, whether it be before the Planning Commission, the Council, or the Board of Adjustment. This has traditionally been interpreted to mean that 14 day notice should be provided for Council meetings where a land use ordinance is to be considered – though our Council attorney has advised that a careful reading indicates this is not actually required.

Current Practice: The Planning Commission and Council have been noticing their land use agenda items separately. The Council waits for the Planning Commission Report of Action and then simultaneously places the item on the next available Work Meeting agenda (3 weeks after Planning Commission) and on the agenda for the following Council meeting (5 weeks after Planning Commission).

Proposed Changes

Simultaneous Noticing: The noticing period for Council land use agenda items can be increased while at the same time decreasing the delay between Planning Commission and Council consideration on those items - by noticing the item for both meetings simultaneously. The item would be scheduled for the next available Council meeting following the Planning Commission meeting. The Council meeting would be noticed in the same materials and media as the Planning Commission meeting.

Council Chair Retains Scheduling Discretion: In rare cases where a meeting agenda is too full, at the request of the applicant, or for any other reason, the Council Chair retains discretion to move an agenda item to a later meeting date. In those cases, the item would be shown on the agenda in advance as being continued.

Two Public Meetings for Non-Routine Items: Routine, non-controversial items could be decided at the first public Council meeting, unless any Council member requested otherwise. Other items would be decided at the next public Council meeting – giving the Council time to research issues raised during the first round of public input. This approach is similar to that of many state legislatures (including Utah) that require multiple bill “readings” on different days before a final vote is taken.

Council Legal Review Before Planning Commission: Community Development will submit drafts of any proposed ordinance or ordinance amendment to the Council attorney for legal review one week before the relevant Planning Commission meeting. This will allow the Planning Commission to base their recommendation on a draft that has already been reviewed by Council legal staff.

First Meeting Decisions: Action could be taken at the first public meeting only under the following conditions. First, the Planning Commission Report of Action must have been published by 6:00 PM on the prior Thursday – so that Council members had ample opportunity to read it. Second, any ordinance draft must have been reviewed by the Council attorney and published by that same deadline. Third, if any Council member requests a second meeting, action could not be taken at the first meeting.

However, if a super majority of Council members (5 or more) decided the item was urgent enough that it needed to be voted on that first night, they could vote to suspend the rules and proceed.

Match State Code: City Code would be changed to match State Code on noticing requirements for the Planning Commission public hearing on land use items. That would change the requirement from 14 days to 10 - like the Code change already passed by the Council for General Plan amendments. City Code would also be changed to match State Code on the requirements for Council consideration of land use items – cleaning up language that is currently difficult to interpret.

Faster: The proposed process will shave several weeks from the typical time to go from Planning Commission to Council decision. Many routine, non-controversial items will be decided one week after Planning Commission – 4 weeks faster than is typical now. Other items requiring two Council meetings will still be decided two weeks faster than current practice.

Better and More Predictable Noticing: Because of the simultaneous noticing, the public will get more advanced notice of Council meetings pertaining to an item. There will be at least 16 day notice for the first Council public meeting - a minimum of 10 day notice for the Planning Commission hearing plus at least 6 days until the next available Council meeting. Planning Commission noticing is more thorough than current Council noticing due to Code requirements to notify affected property owners. Piggybacking Council noticing with Planning Commission noticing will therefore reach more people interested in attending the Council meetings. Overall, this makes for a more efficient and predictable land use decision process.

More Robust for Controversial Items: The public gets two chances to comment on controversial items and the Council gets time in between to consider input from the first meeting. However, this proposal leaves the door open for routine and non-controversial items to still be handled at the first meeting – thereby investing the extra time only on items that would benefit from it the most.



WELCOME HOME

PLANNING COMMISSION

JULY 26, 2017

ITEM 1*

Scott Bowles requests an Ordinance Amendment to Section 14.20.160 to increase the size of signs permitted in the Regional Shopping Center (SC3) Zone.

City-Wide Impact

17-0015OA

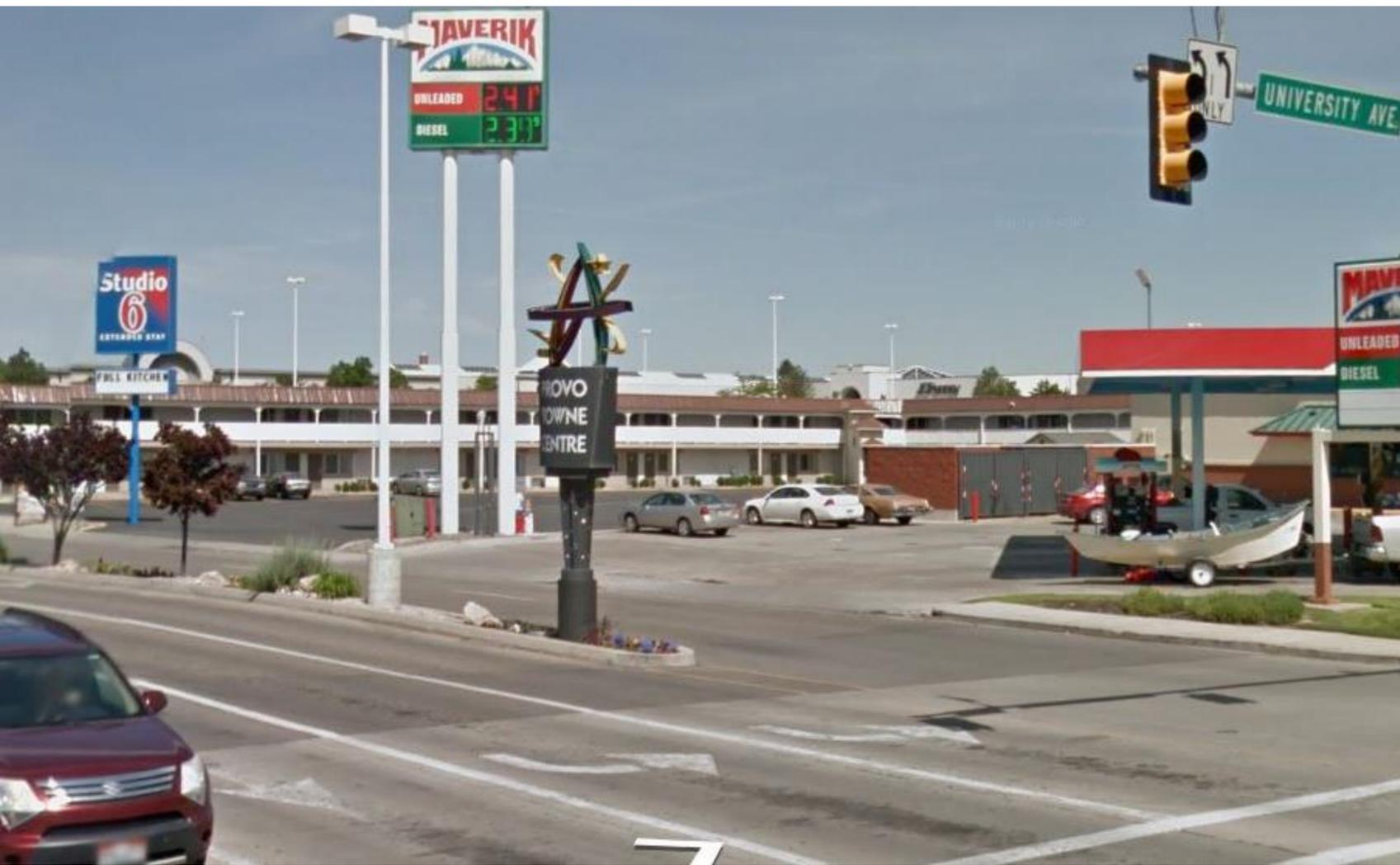
14.20.160. Other Requirements.

(1) Signs. All signs erected in the SC3 zone shall be in conformance with the sign provisions of Chapter 14.38, Provo City Code and shall be in general compliance with the typical sign program approved by the Planning Commission under the provisions of Section 14.20.140, Provo City Code. Large scale developments of at least fifty (50) acres or more having no direct vehicular access to an arterial street shall be entitled to two (2) additional free standing, development entrance signs subject to the following standards:

- (a) Sign copy shall be limited to the name, logo, **advertising**, and address of the development;
- (b) Sign location sign shall be limited to the immediate area where a secondary road connects to an arterial road whether on private or public property;
- (c) A sign may be located in a landscaped or concrete median in city-owned right-of-way subject to (i) issuance of an encroachment permit and (ii) resolution of all sight safety issues;
- (d) Sign size shall be limited to ~~one hundred (100)~~ **five hundred (500)** square feet;
- (e) Sign height shall be limited to ~~twenty (20)~~ **forty five (45)** feet;
- (f) No more than two (2) such signs shall be permitted; and
- ~~(g) Sign area shall be calculated as a part of the overall free standing sign allowances for signs over five (5) feet.~~

For the purpose of this Subsection the phrase "no direct vehicular access to an arterial street" shall mean a development project that (i) has no drive entrances directly from an arterial into the development, (ii) has no frontage on an arterial road, or (iii) must be accessed from a secondary road.









Provo City Planning Commission

Report of Action

July 26, 2017

ITEM 1* Scott Bowles requests an Ordinance Amendment to Section 14.20.160 to increase the size of signs permitted in the Regional Shopping Center (SC3) Zone. *City-Wide Impact*. 17-00150A, Aaron Ardmore, 801-852-6404

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 26, 2017:

POSITIVE RECOMMENDATION

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Dave Anderson

Second By: Ed Jones

Votes in Favor of Motion: Dave Anderson, Ed Jones, Deborah Jensen, Maria Winden, Shannon Ellsworth

Deborah Jensen 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.

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

(1) Signs. All signs erected in the SC3 zone shall be in conformance with the sign provisions of Chapter 14.38, Provo City Code and shall be in general compliance with the typical sign program approved by the Planning Commission under the provisions of Section 14.20.140, Provo City Code. Large scale developments of at least fifty (50) acres or more having no direct vehicular access to an arterial street shall be entitled to two (2) additional free standing, development entrance signs subject to the following standards:

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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.

NEIGHBORHOOD MEETING DATE

- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission.

APPLICANT RESPONSE

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

- Scott Bowles reviewed the plans for the mall and the reasoning for new signage.

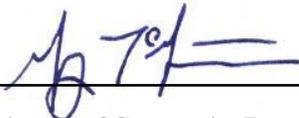
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commission members discussed regulation for sign brightness.



Planning Commission Chair



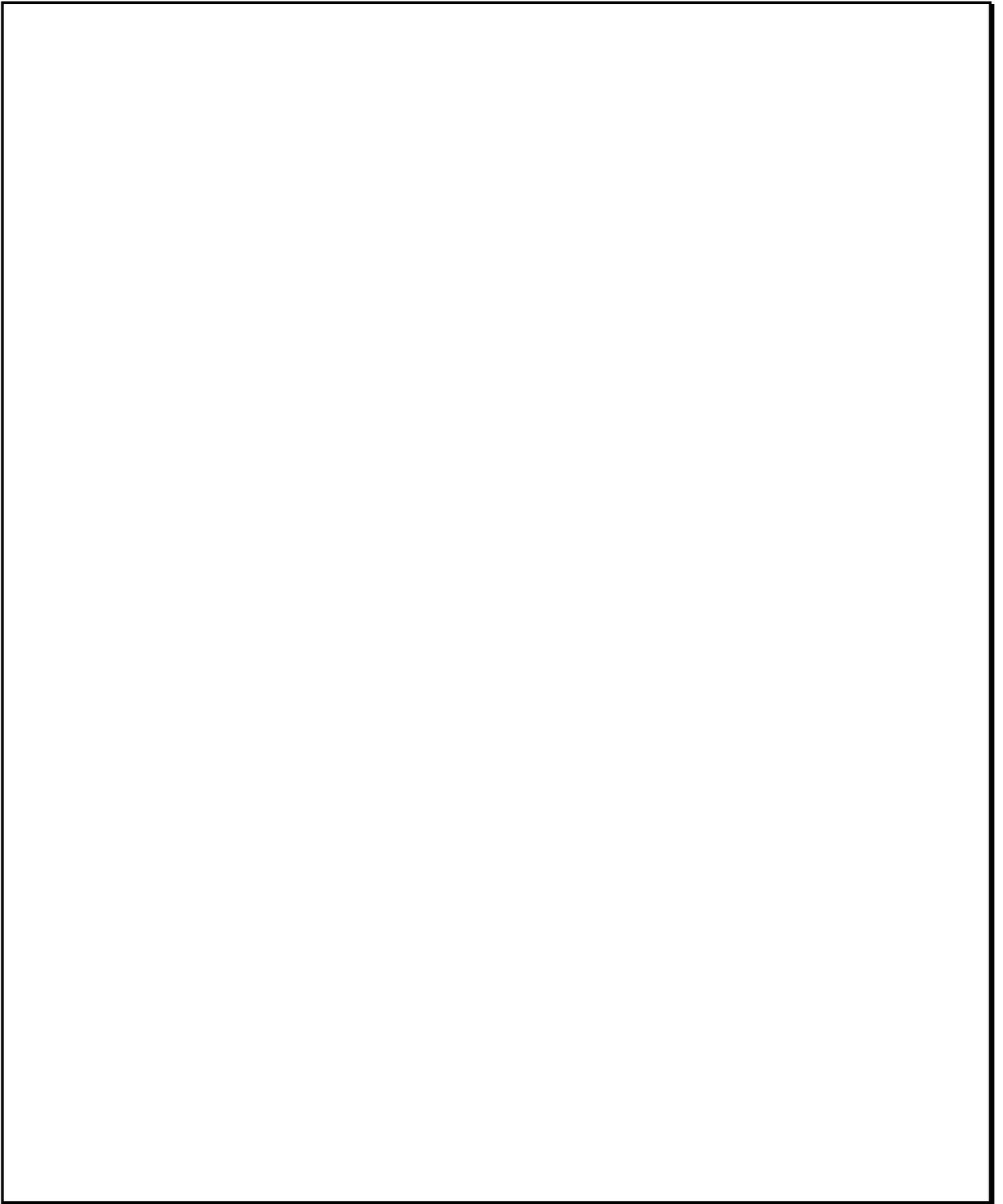
Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS





**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: July 26, 2017**

ITEM 1* Scott Bowles requests an Ordinance Amendment to Section 14.20.160 to increase the size of signs permitted in the Regional Shopping Center (SC3) Zone. **City-Wide Impact.** 17-0015OA, Aaron Ardmore, 801-852-6404

Applicant: Scott Bowles

Staff Coordinator: Aaron Ardmore

***Council Action Required:** Yes

Related Application(s):

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is August 9, 2017, at 5:30 p.m.*
2. **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Relevant History: The applicant is an employee of the Provo Towne Center Mall. The mall is under new ownership and is looking to increase their signage as part of a redevelopment plan for the mall. Staff worked with the applicant on drafting language that would support the desired changes.

Neighborhood Issues: The neighborhood chair was notified and has not received any concerns at the time of this report.

Summary of Key Issues:

- The mall is proposing a new sign package that replaces the existing signs along University Ave with larger pole signs.
- The current SC3 zone sign limits the sizes and sign copy for these signs.
- The proposed ordinance amendment language would allow the mall to replace the dilapidated signs along University Avenue, but would not affect other SC3 zones.

Staff Recommendation: Staff recommends that the Planning Commission forward a positive recommendation of the proposed amendments to increase sign allowances in the SC3 zone to the Municipal Council.

OVERVIEW

Scott Bowles, the applicant, is proposing an ordinance amendment to Section 14.20.160(1), to increase the allowances for the two mall sign along University Avenue. This proposal would allow the two signs to be replaced by two pole signs, each 45 feet in height and just under 500 square feet of sign space. The amendment also adds the allowance for advertising for the development.

The current code section was written specifically for the two existing signs (pictured below) and limits the size of each to 100 square feet and a height of 20 feet. These standards are overly limiting for current advertising needs.

The proposed amendment would allow the applicant to replace two dated signs along a major corridor with new, attractive signage that can better display what Provo Towne Center has to offer.

STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan: Responses in bold

- (a) *Public purpose for the amendment in question. **The public purpose for the amendment in question is to strengthen the economic viability of a major tax resource for the City.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **The mall property is currently under-utilized and distressed. Provo is located between two regional commercial hubs of Orem and Spanish Fork. Attracting patrons from outside of Provo is essential to the livelihood of the mall.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The proposed amendment helps to meet the***

goals of the General Plan. Specifically, to “keep existing businesses in Provo and help them expand their operations, facilities, and markets” found in Chapter 12.

- (d) *Consistency of the proposed amendment with the General Plan’s “timing and sequencing” provisions on changes of use, insofar as they are articulated. **There are no such provisions related to this proposal.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies. **The proposal should not hinder or obstruct the General Plan’s articulated policies.***
- (f) *Adverse impacts on adjacent land owners. **Adverse impacts on adjacent land owners should be minimal based on the proposed location for the sign and with the conditions set by Provo City Code 14.38.025.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **The zoning and General Plan are correct.***
- (h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.*

CONCLUSIONS

Staff has worked with the applicant and developed new ordinance language that meet the applicant’s needs, but also allows the current sign size restrictions to be maintained for the majority of SC3 zones.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission forward a positive recommendation of the proposed amendments to increase sign allowances in the SC3 zone to the Municipal Council.

ATTACHMENTS

1. Proposed Ordinance Language
2. Existing Signs
3. Proposed Signs

ATTACHMENT 1 – PROPOSED ORDINANCE LANGUAGE

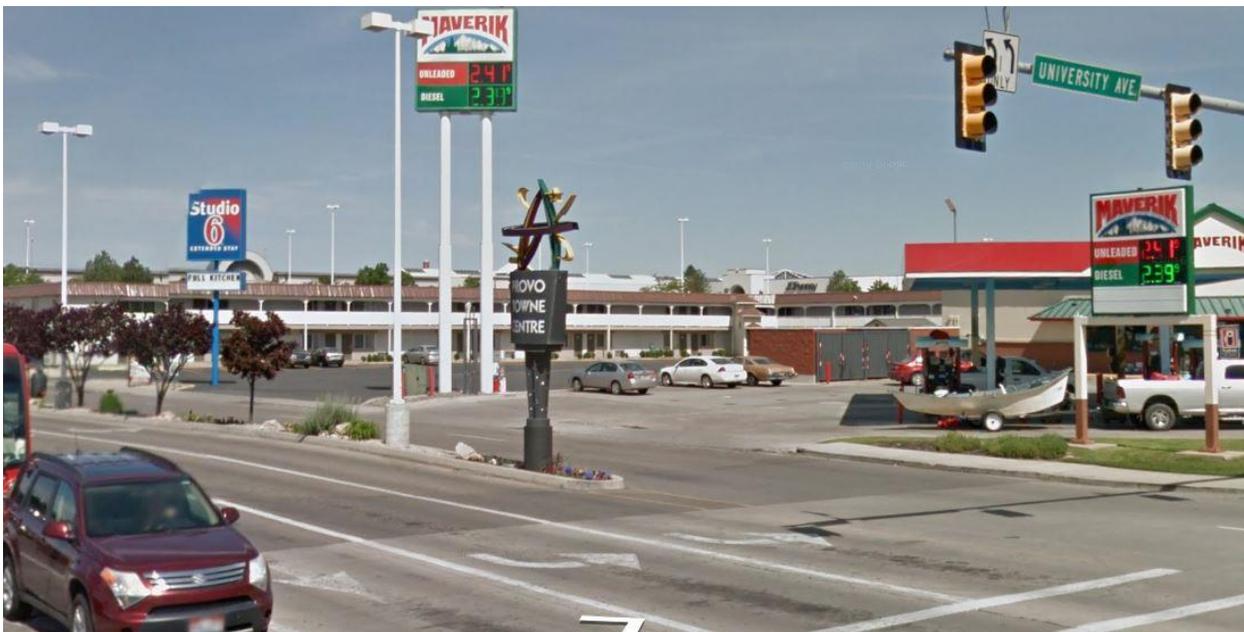
14.20.160. Other Requirements.

(1) Signs. All signs erected in the SC3 zone shall be in conformance with the sign provisions of Chapter 14.38, Provo City Code and shall be in general compliance with the typical sign program approved by the Planning Commission under the provisions of Section 14.20.140, Provo City Code. Large scale developments of at least fifty (50) acres or more having no direct vehicular access to an arterial street shall be entitled to two (2) additional free standing, development entrance signs subject to the following standards:

- (a) Sign copy shall be limited to the name, logo, **advertising**, and address of the development;
- (b) Sign location sign shall be limited to the immediate area where a secondary road connects to an arterial road whether on private or public property;
- (c) A sign may be located in a landscaped or concrete median in city-owned right-of-way subject to (i) issuance of an encroachment permit and (ii) resolution of all sight safety issues;
- (d) Sign size shall be limited to ~~one hundred (100)~~ **five hundred (500)** square feet;
- (e) Sign height shall be limited to ~~twenty (20)~~ **forty five (45)** feet;
- (f) No more than two (2) such signs shall be permitted; and
- ~~(g) Sign area shall be calculated as a part of the overall free standing sign allowances for signs over five (5) feet.~~

For the purpose of this Subsection the phrase "no direct vehicular access to an arterial street" shall mean a development project that (i) has no drive entrances directly from an arterial into the development, (ii) has no frontage on an arterial road, or (iii) must be accessed from a secondary road.

ATTACHMENT 2 – EXISTING SIGNS





WELCOME HOME

PLANNING COMMISSION

JULY 26, 2017

ITEM 1*

Scott Bowles requests an Ordinance Amendment to Section 14.20.160 to increase the size of signs permitted in the Regional Shopping Center (SC3) Zone.

City-Wide Impact

17-0015OA

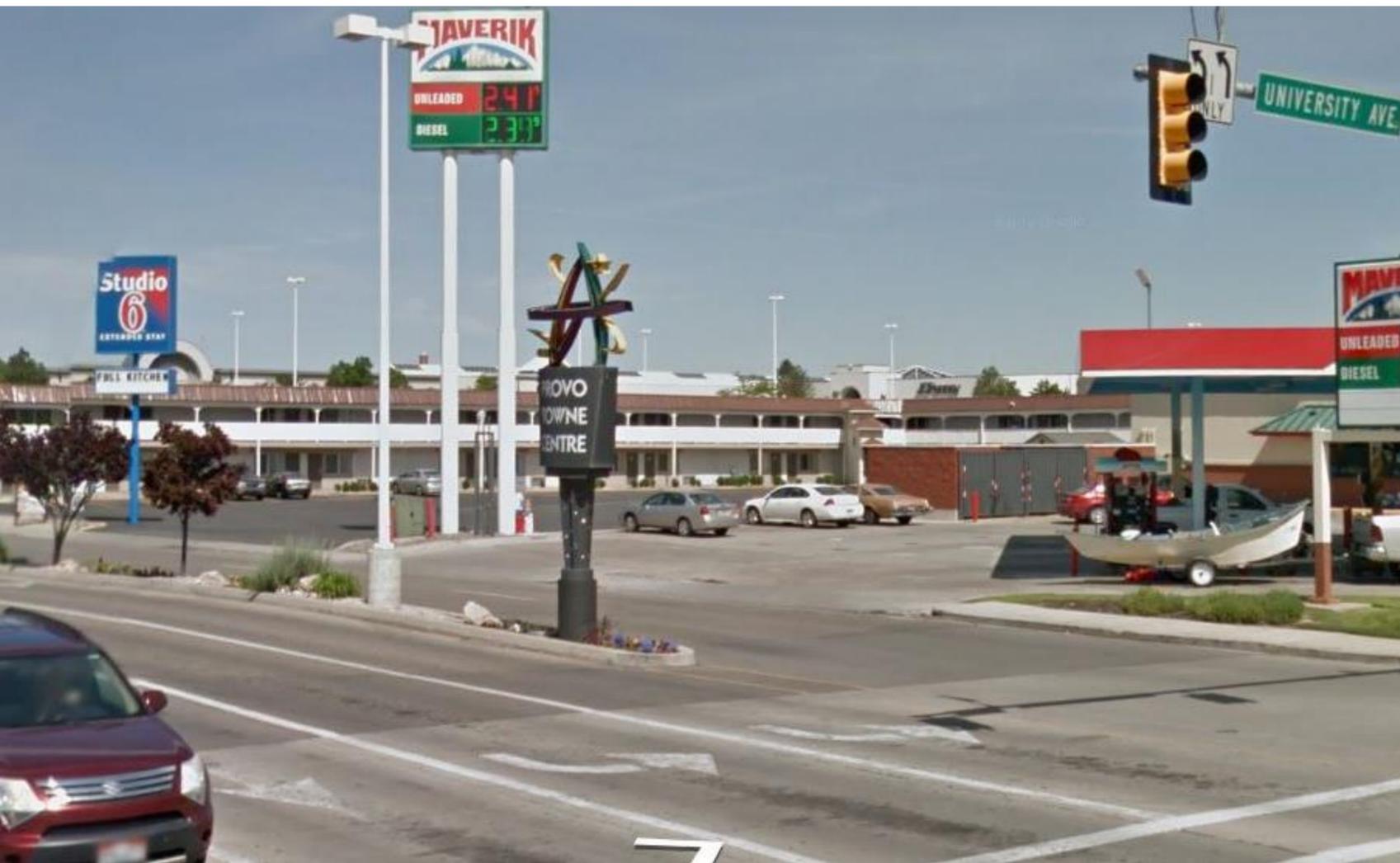
14.20.160. Other Requirements.

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- (a) Sign copy shall be limited to the name, logo, **advertising**, and address of the development;
- (b) Sign location sign shall be limited to the immediate area where a secondary road connects to an arterial road whether on private or public property;
- (c) A sign may be located in a landscaped or concrete median in city-owned right-of-way subject to (i) issuance of an encroachment permit and (ii) resolution of all sight safety issues;
- (d) Sign size shall be limited to ~~one hundred (100)~~ **five hundred (500)** square feet;
- (e) Sign height shall be limited to ~~twenty (20)~~ **forty five (45)** feet;
- (f) No more than two (2) such signs shall be permitted; and
- ~~(g) Sign area shall be calculated as a part of the overall free standing sign allowances for signs over five (5) feet.~~

For the purpose of this Subsection the phrase "no direct vehicular access to an arterial street" shall mean a development project that (i) has no drive entrances directly from an arterial into the development, (ii) has no frontage on an arterial road, or (iii) must be accessed from a secondary road.









WELCOME HOME

PLANNING COMMISSION

JULY 26, 2017

ITEM 2*

McKay Christensen requests an Amendment to Section 14.21A.110 to eliminate the facade stepback for buildings in the General Downtown (DT1) Zone.

Downtown Neighborhood

17-00110A

Applicant's Proposed Amendment

14.21A.110. Facade Step-back.

(1) Except as provided in Subsection (2) of this Section, the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street between 500 West and 1200 East. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line. There shall be no required step-back in the building façade elevation between 100 East and 200 East.

(2) Between University Avenue and 100 East the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

Staff's Alternative Recommendation

14.21A.110. Facade Step-back.

(1) ~~Except as provided in Subsection (2) of this Section,~~ The fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street between 500 West and 1200 East. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

~~(2) Between University Avenue and 100 East the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.~~



Provo City Planning Commission

Report of Action

July 26, 2017

ITEM 2* McKay Christensen requests an Amendment to Section 14.21A.110 to eliminate the facade stepback for buildings in the General Downtown (DT1) Zone. ***Downtown Neighborhood***. 17-00110A, Dustin Wright, 801-852-6414

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 26, 2017:

RECOMMENDATION TO APPROVE

On a vote of 4:1, the Planning Commission recommended that the Municipal Council approve an amendment to Section 14.21A.110 reducing the step-back requirement for a building façade between 100 East and 200 East from 20 feet to 1 foot.

Motion By: Shannon Ellsworth

Second By: Maria Winden

Votes in Favor of Motion: Shannon Ellsworth, Maria Winden, Deborah Jensen, Ed Jones

Votes in Against of Motion: David Anderson

Deborah Jensen 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.

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

14.21A.110. Facade Step-back.

(1) Except as provided in Subsection (2) of this Section, the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street between 500 West and 1200 East. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

(2) Between ~~University Avenue and~~ 100 East and 200 East the fourth through sixth stories shall step-back ~~twenty (20) feet~~ one (1) foot from the first story building facade elevation adjacent to Center Street. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

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

- The applicant's request would be for the step-back requirement to not be required between 100 East and 200 East where he has a proposed mixed-use project.
- Staff feels that the step-back requirement could be removed for all of the DT-1 zone and not just the 100 East to 200 East block.
- Removing the step-back requirement will help development in the downtown to be maximized to help bring more residents into the downtown area to help support the economic development of the area.
- The step-back makes it more difficult and costly to develop.
- Protection of the Historic District is an important goal. Protecting existing historic structures will still be accomplished through existing design standards and Title 16, Landmarks Preservation.

NEIGHBORHOOD MEETING DATE

- No information was received from the Neighborhood Chair.
- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

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

APPLICANT RESPONSE

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

- The scale on the proposed block is different in relation to the rest of the historic downtown in that the County Offices across the street are setback much farther and not built to the property line like most of the other historic buildings.
- The architecture on the site doesn't currently contribute to the downtown.
- Redsky is not a remodel of an existing historic building and so there is no former historic scale or historic architecture to maintain as part of the historic streetscape.

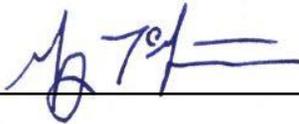
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The original purpose for having the step-back in the code was to help protect the historic form in the downtown. Originally, the code required 60 foot step-backs in the downtown, which has been reduced down to 20 feet currently.
- With taller buildings, there is concern with blocking natural light. Center Street is a very wide corridor at 135 feet and the DT1 zone has a building height limit of 100 feet.
- The setback in the DT1 zone is zero to ten feet.
- The impetus for this code change is to allow the applicant to pursue development on Center Street between 100 and 200 East.
- Existing design standards are in place in the code to help promote and maintain an enjoyable downtown.
- Having an architectural expression line such as a cornice at the third story help to maintain the historic building height in the downtown.
- Having the historic district protected from becoming all six stories would still be a very likely outcome due to the fact that there are many buildings protected by the landmarks preservation title.
- The Commission discussed the proposed development on 100 East.
- More housing in downtown is highly desired by many.
- Transitioning into adjacent properties to the east was discussed. The city code does have transitional requirements for properties that are on the edge of one zone that would need scale back as they transition into less intense zone adjacent to them.



Planning Commission Chair



Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: July 26, 2017**

ITEM 2* McKay Christensen requests an Amendment to Section 14.21A.110 to eliminate the facade stepback for buildings in the General Downtown (DT1) Zone. **Downtown Neighborhood.** 17-00110A, Dustin Wright, 801-852-6414

Applicant: McKay Christensen
Staff Coordinator: Dustin Wright

Current Zone: General Downtown (DT1)
Number of Properties: City Wide

*Council Action Required: Yes

Related Application(s):17-0016PPA

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is August 9, 2017, at 5:30 p.m.*
2. **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Current Legal Use: N/A

Relevant History: In 2012 the step-back requirement in the DT-1 zone was reduced from 60 feet to 25 feet. In 2013 it was reduced from 25 to 20.

Neighborhood Issues: No issues have been made know to staff at this time.

Summary of Key Issues:

- Applying the reduction to all of the property on Center Street or just limit to the block face on Center between 100 East and 200 East.

Staff Recommendation:

Staff recommends the Planning Commission forward a recommendation to remove the facade step-back requirement in the DT-1 Zone (14.21A.110).

OVERVIEW

The applicant is requesting to amend the step-back requirement in the DT-1 zone from 20 feet to zero for buildings on Center Street between 100 East and 200 East. The applicant has submitted a project plan to develop a residential/commercial mixed-use project in this area. This amendment would be needed for the applicant to proceed with the proposed project as currently designed.

In the existing code, Subsections (1) and (2) give the step-back requirement and where it applies. It might be noted that because the area included in Subsection (2) is actually a subset of Subsection (1) and states the same requirement, Subsection (2) is actually not needed. The code currently reads:

14.21A.110. Facade Step-back.

(1) Except as provided in Subsection (2) of this Section, the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street between 500 West and 200 East. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

(2) Between University Avenue and 100 East the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

The Downtown area has existing design standards that are sufficient to regulate the design of new development in such a way as to ensure the compatibility, suitability, and quality of development within the DT-1 zone. Eliminating the step-back requirement will allow greater flexibility in downtown development.

FINDINGS OF FACT

1. The DT-1 zone requires that the Design Standards in 14.34.295 are met for developments in the zone.

STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

- (a) *Public purpose for the amendment in question. **The amendment would provide greater flexibility for redevelopment of parcels in the DT-1 that are not currently contributing to the historic character by maximizing the usable area. More space would be available for residential housing on the upper floors by removing the step-back requirement.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **The step-back requirement limits the development potential and doesn't help make best use of scarce real estate in the urban core.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives.*

Goals of the Downtown Planning Area include the following.

The residential standards in the Downtown Planning Area should promote residential development with mixed uses such as retail and office.

Residential uses are recognized as being essential to providing 24-hour use of the downtown and for providing a strong residential base to support businesses within a walkable community.

The Downtown Planning Area should be compact, pedestrian-oriented and mixed-use.

- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **This is not affected.***

- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **The proposed amendment will help facilitate new residential opportunities in downtown.***
- (f) *Adverse impacts on adjacent land owners. **No adverse impacts are anticipated for adjacent land owners.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **Not Applicable***
- (h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies. **Not Applicable***

CONCLUSIONS

More and more people want to live downtown and be close to work and other activities that take place there. While we want to protect the historic character, we also want to provide a means for new residential development by maximizing the limited space in the downtown.

Urban infill generally costs more to develop than developing in the suburbs because of higher land, construction, and parking costs. Restrictions, such as step-backs, limit the amount of developable area making things less financial feasible.

The design standards that regulate new development in Downtown are sufficient to regulate the design of new development and protect the historic character of downtown.

STAFF RECOMMENDATION

Staff recommends the Planning Commission forward a positive recommendation to entirely delete Section 14.21A.110, which requires a façade step-back in the DT-1 Zone.

ATTACHMENTS

- 1. Applicant's Proposed Amendment.**
- 2. Applicant's Justification for Amendment.**

Attachment 1 – Applicant's Proposed Amendment

14.21A.110. Facade Step-back.

(1) Except as provided in Subsection (2) of this Section, the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street between 500 West and 1200 East. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line. There shall be no required step-back in the building façade elevation between 100 East and 200 East.

(2) Between University Avenue and 100 East the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

Attachment 2 – Applicant’s Justification for Amendment

We are requesting that the design development standards in 14.21A.110(1) be amended to eliminate the 20-foot step-back along Center Street from 100 E to 200 East for the following reasons:

Scale:

The scale of the buildings (creating the streetscape) on Center Street East of 100 East is not consistent with the rest of Center Street. The County offices are set back off of Center Street creating a more open streetscape.

Due to the fact the County offices are set back so far off Center Street, RedSky, which is located on the north side of the block, will not create a scale that is unnatural if it does not step-back.

Architecture:

The architecture of the Utah County offices and other properties East of 100 E is not consistent with Historic Center Street architecture west of 100 East.

There are examples, like the NUSKIN building, which are exceptions to the Center Street streetscape and architecture.

History:

RedSky is the repurposing property on Center Street that was once a service station. RedSky is not a remodel of an existing historic building so there is no former “historic scale” or “historic building” to maintain as a part of the historic streetscape.

Applicant's Proposed Amendment

14.21A.110. Facade Step-back.

(1) Except as provided in Subsection (2) of this Section, the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street between 500 West and 1200 East. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line. There shall be no required step-back in the building façade elevation between 100 East and 200 East.

(2) Between University Avenue and 100 East the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

Planning Commission's Recommendation

14.21A.110. Facade Step-back.

(1) Except as provided in Subsection (2) of this Section, the fourth through sixth stories shall step-back twenty (20) feet from the first story building facade elevation adjacent to Center Street between 500 West and 1200 East. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.

(2) Between ~~University Avenue~~ and 100 East and 200 East the fourth through sixth stories shall step-back ~~twenty (20) feet~~ **one (1) foot** from the first story building facade elevation adjacent to Center Street. An architectural expression line, such as a cornice or similar feature, shall be used at the third story roof line.



Applicant's Proposed Amendment

14.21A.090. Minimum and Average Residential Unit Size.

(1) **Except as provided in Subsection (2) of this Section,** eEach development 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.).

(2) **Mixed-use developments with ground floor commercial fronting Center Street shall provide a minimum residential unit size of no less than five hundred (500) square feet and a minimum average unit size of no less than six hundred (600) square feet.**

Planning Commission's Recommendation

DT1

14.21A.090. Minimum and Average Residential Unit Size.

(1) Each development 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)~~ **six hundred (600)** square feet. This requirement shall not apply to institutional housing units (i.e., elderly housing, assisted living facilities, etc.).

DT2

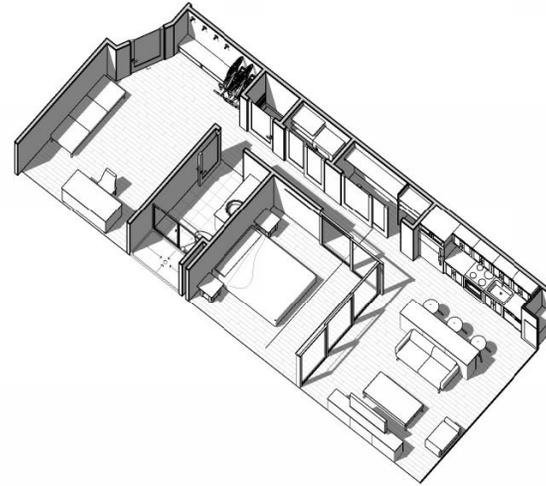
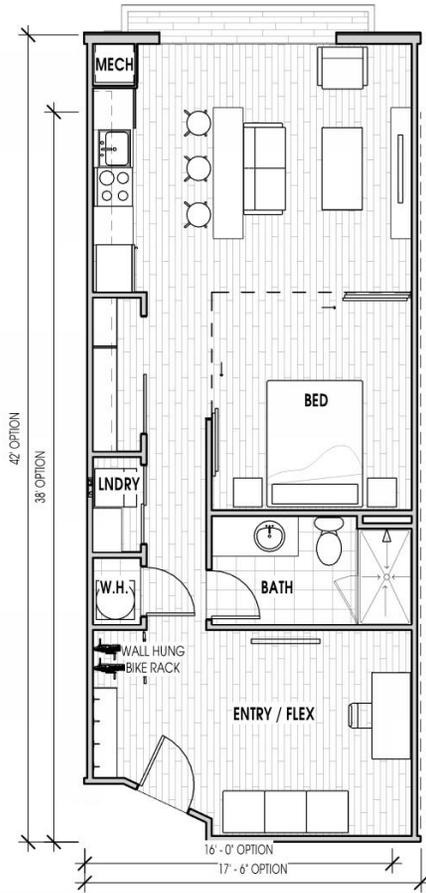
14.21B.080. Minimum and Average Residential Unit Size.

(1) Each development 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)~~ **six hundred (600)** square feet. This requirement shall not apply to institutional housing units (i.e., elderly housing, assisted living facilities, etc.).





7/11/2017 8:47:09 AM



3D View

2
D100

FLOOR PLAN - PRESENTATION

3/16" = 1'-0"

1
D100

AREA (GROSS)
755 SF

AREA...
662 SF



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PROJECT NO. 15065

DATE: 2015/5/6
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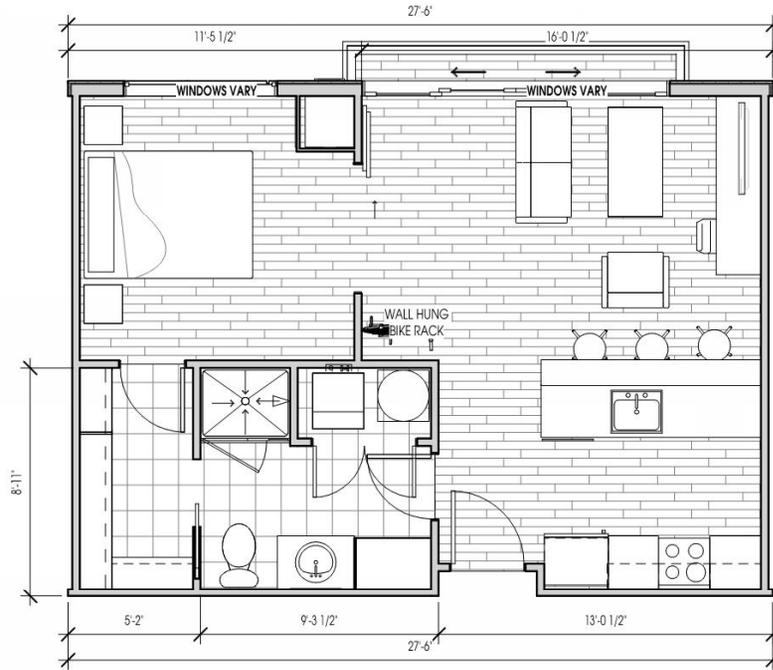
CLIENT REVIEW 2017.07.11

SHEET TITLE:
UNIT PLAN
17'6" X 42'
D100

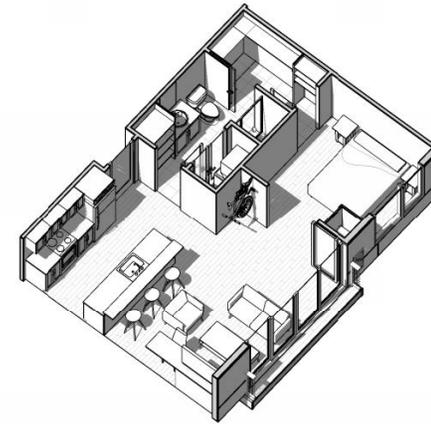
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FLOOR PLAN - PRESENTATION

1/4" = 1'-0"



1
D100



3D VIEW

2
D100

AREA...
507 SF



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Architecture

Architecture
Interior Design
Landscape Architecture
Land Planning
Construction
Management

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PROJECT NO. 15065

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REVISIONS:

CLIENT REVIEW 2017.07.18

SHEET TITLE:
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SHEET NUMBER:
D100



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1 BED A
PROJECT ADDRESS

PROJECT NO. 15065

DATE: 2015/5/6

REVISIONS:

SHEET TITLE:
RENDERINGS

CLIENT REVIEW 2017.07.18
SHEET NUMBER:
D101



WELCOME HOME

PLANNING COMMISSION

JULY 26, 2017

ITEM 3*

McKay Christensen requests an Ordinance Amendment to Section 14.21A.090 to reduce the average apartment square footage from 800 feet to 600 feet in the General Downtown (DT1) Zone.

Downtown Neighborhood

17-00130A

Applicant's Proposed Amendment

14.21A.090. Minimum and Average Residential Unit Size.

(1) **Except as provided in Subsection (2) of this Section,** Each development 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.).

(2) Mixed-use developments with ground floor commercial fronting Center Street shall provide a minimum residential unit size of no less than five hundred (500) square feet and a minimum average unit size of no less than six hundred (600) square feet.

Staff's Recommend Amendment.

DT1

14.21A.090. Minimum and Average Residential Unit Size.

(1) Each development 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)~~ **six hundred (600)** square feet. This requirement shall not apply to institutional housing units (i.e., elderly housing, assisted living facilities, etc.).

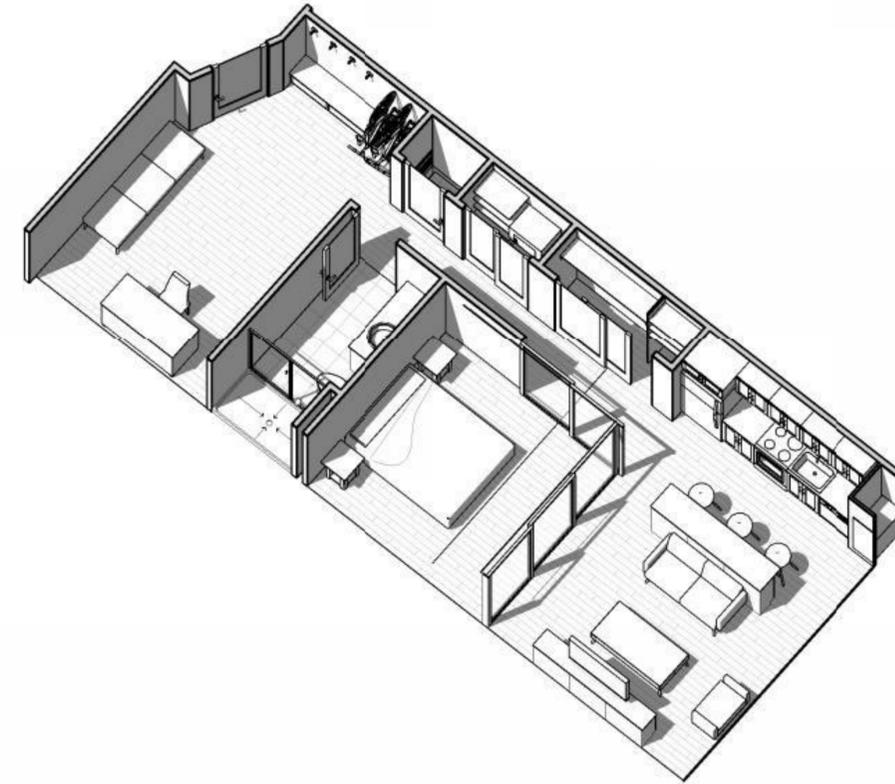
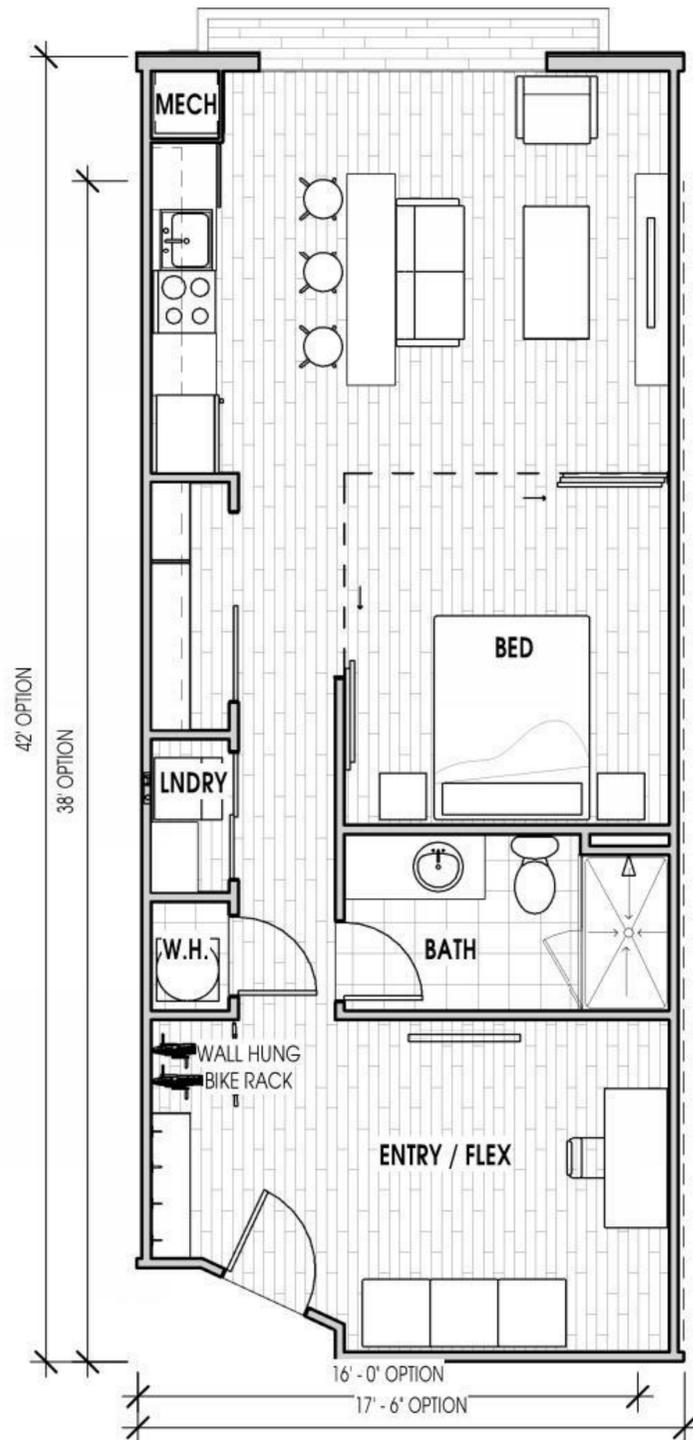
DT2

14.21B.080. Minimum and Average Residential Unit Size.

(1) Each development 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)~~ **six hundred (600)** square feet. This requirement shall not apply to institutional housing units (i.e., elderly housing, assisted living facilities, etc.).



7/11/2017 8:47:09 AM



3D View

2
D100

FLOOR PLAN - PRESENTATION

3/16" = 1'-0"

1
D100

AREA (GROSS)
755 SF

AREA...
662 SF



Architecture

Architecture
Interior Design
Landscape Architecture
Land Planning
Construction
Management

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1 BED D

120 E CENTER STREET, PROVO UTAH

PROJECT NO. 15065

DATE: 2015/5/6

REVISIONS:

CLIENT REVIEW 2017.07.11

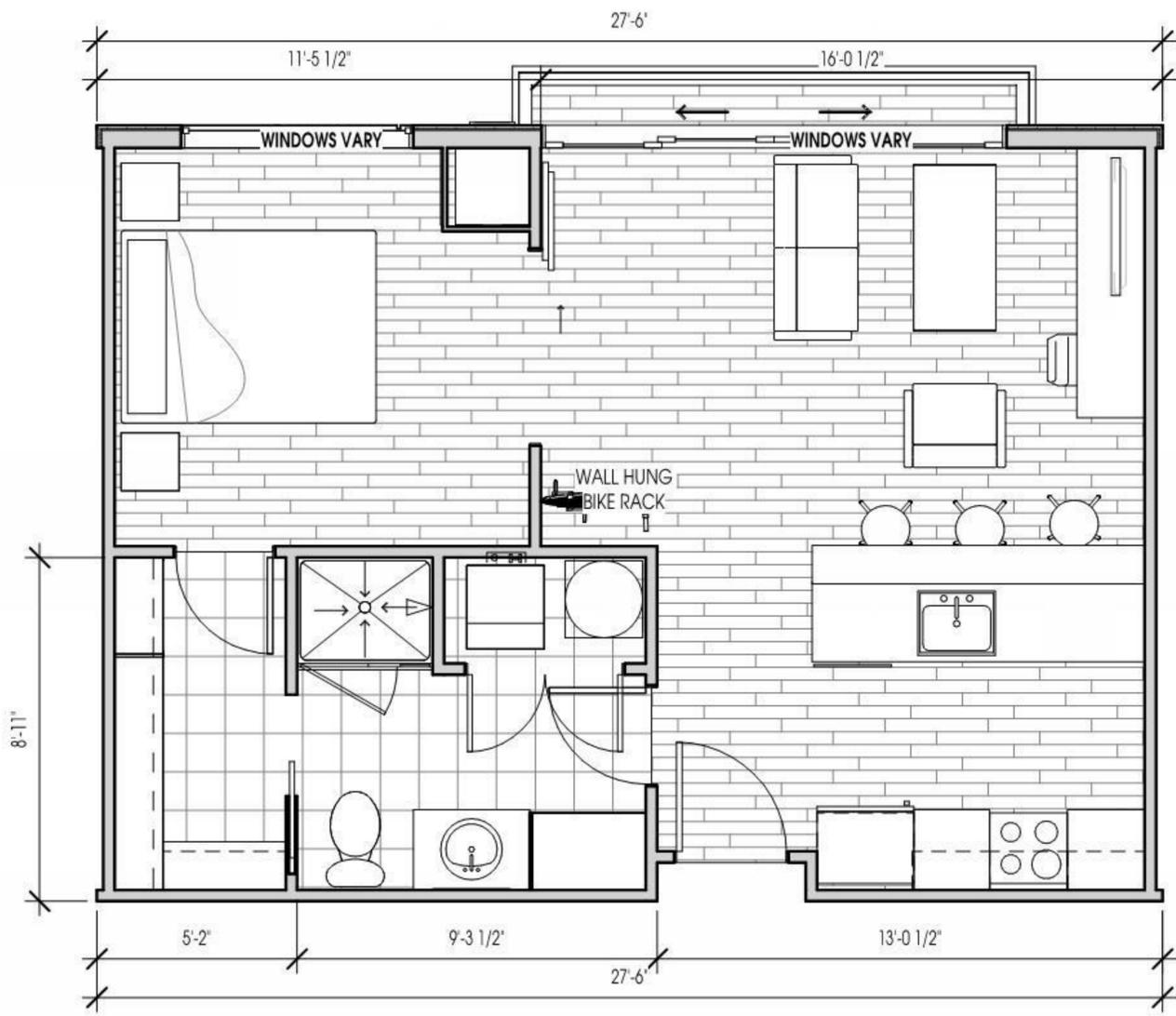
SHEET TITLE:
UNIT PLAN
17'6" X 42'

D100

7/18/2017 3:04:01 PM

FLOOR PLAN - PRESENTATION

1/4" = 1'-0"



1
D100



3D VIEW

2
D100

AREA...
507 SF



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Land Planning
Construction Management

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1 BED A
PROJECT ADDRESS

PROJECT NO. 15065

DATE: 2015/5/6

REVISIONS:

SHEET TITLE:
LEVEL 0

SHEET NUMBER:
D100

CLIENT REVIEW 2017.07.18



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Architecture

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1 BED A
PROJECT ADDRESS

PROJECT NO. 15065

DATE: 2015/5/6

REVISIONS:

SHEET TITLE:
RENDERINGS

SHEET NO. IMRFP-
D101

CLIENT REVIEW 2017.07.18



Provo City Planning Commission

Report of Action

July 26, 2017

ITEM 3* McKay Christensen requests an Ordinance Amendment to Section 14.21A.090 to reduce the average apartment square footage from 800 feet to 600 feet in the General Downtown (DT1) Zone. ***Downtown Neighborhood.*** 17-0013OA, Dustin Wright, 801-852-6414

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 26, 2017:

RECOMMENDATION TO APPROVE

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve an amendment to Section 14.21A.090 to reduce the average apartment square footage from 800 feet to 600 feet in the DT1 and DT2 zones.

Motion By: Maria Winden

Second By: David Anderson

Votes in Favor of Motion: Maria Winden, David Anderson, Shannon Ellsworth, Deborah Jensen, Ed Jones

Deborah Jensen 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.

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

DT1

14.21A.090. Minimum and Average Residential Unit Size.

(1) Each development 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)~~ **six hundred (600)** square feet. This requirement shall not apply to institutional housing units (i.e., elderly housing, assisted living facilities, etc.).

DT2

14.21B.080. Minimum and Average Residential Unit Size.

(1) Each development 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)~~ **six hundred (600)** square feet. This requirement shall not apply to institutional housing units (i.e., elderly housing, assisted living facilities, etc.).

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

- The Downtown zones originally had a minimum average unit size of 800 square feet (SF) but not a minimum unit size. The minimum average was later removed from the requirements and there was a period of time that there was no minimum or average minimum.
- Earlier this year an amendment was passed that brought back an average unit size and added a minimum unit size for the ITOD Z and the Downtown Zones.
- The applicant is requesting that the current code requirement be reduced from an 800 SF minimum average to 600 SF minimum average to be more in-line with the market demand and the demographic for urban living.
- The applicant's request is that developments that are mixed-use with commercial on the main floor fronting Center Street in the DT1 zone would qualify for the reduction.
- Staff's recommendation is that the same reduction be applied to all of the DT1 and the DT2 zones.
- When the unit size discussion was last heard by the Planning Commission they made a recommendation for a 400 SF minimum and a 600 SF avg. for both downtown zones and the ITOD zone.

NEIGHBORHOOD MEETING DATE

- No information was received from the Neighborhood Chair.
- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

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

APPLICANT RESPONSE

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

- The Vision 2050 Plan talks about increasing market rate housing, encouraging infill developments around retail trade areas.
- The applicant's project will not promote low income housing and not be micro units.
- The target demographic in urban areas is millennials that want one bedroom apartments.
- The amenity spaces make up for having less square footage in the apartments.

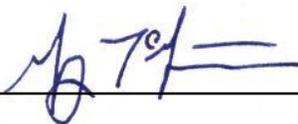
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Areas where the DT1 and DT2 are in relation to the ITOD zone.
- In larger residential developments the code doesn't have a requirement for a certain percentage of unit types.
- The market trend currently is for one bedroom units in an urban setting.
- Amenity space is required for developments over 20 units.



Planning Commission Chair



Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: July 26, 2017**

ITEM 3* McKay Christensen requests an Ordinance Amendment to Section 14.21A.090 to reduce the average apartment square footage from 800 feet to 600 feet in the General Downtown (DT1) Zone. **Downtown Neighborhood.** 17-0013OA, Dustin Wright, 801-852-6414

Applicant: McKay Christensen
Staff Coordinator: Dustin Wright

Current Zone: General Downtown (DT1)
Number of Properties: City Wide

*Council Action Required: Yes

Related Application(s):17-0016PPA

ALTERNATIVE ACTIONS

1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is August 9, 2017, at 5:30 p.m.*

2. **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Current Legal Use: N/A

Relevant History: Earlier this year an amendment was adopted that established a minimum unit size and an average unit size minimum for developments. This was for the Downtown zones (DT1 and DT2) and the Interim Transit Oriented Development (ITOD) zone.

Neighborhood Issues: No issues have been made know to staff at this time.

Summary of Key Issues:

- The previous ordinance amendment helped to resolve concerns of a disproportionate number of studio apartment units.

Staff Recommendation:
Staff recommends the Planning Commission forward a positive recommendation to approve the proposed amendment to reduce the required minimum average unit size, with the following changes from the applicant's request:

1. The amendment applies to both the DT1 and DT2 zones.
2. The amendment applies to all residential developments rather than only mixed-use developments with commercial fronting Center Street.

OVERVIEW

The applicant has submitted a project plan for a mixed-use project in the DT1 zone on Center Street. He is requesting to amend the DT1 zone to reduce the required minimum average unit size from 800 square feet to 600 square feet, but only for those properties that have ground floor commercial fronting Center Street.

When the Downtown Zones were created, they had an 800 SF minimum average unit size but did not include a minimum unit size. Although the minimum average size requirement had subsequently been eliminated from the code, an amendment was adopted earlier this year, bringing back minimum unit standards. The amendment established 500 SF as the smallest individual unit size, with an average minimum of 800 SF for all of the units. The proposed amendment would not change the minimum unit size.

FINDINGS OF FACT

1. The DT1 and DT2 zones were enacted in 2010.
2. The DT1 and DT2 zones originally had a minimum average unit size of 800 SF.
3. The DT1 and DT2 minimum average unit size was repealed in 2012.
4. In April 2017 the City Council adopted the current minimum average unit size of 800 SF.

STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:

Before recommending an amendment to this Title, the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan:

- (a) *Public purpose for the amendment in question. **Urban infill projects will help to reduce pressure for greenfield development and surrounding lower density neighborhoods. When an urban infill project is able to generate sufficient yield to help offset higher construction and land costs, they become more financially feasible.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **For the time being, having a minimum unit size allows the City to see how the Downtown grows residentially. The average unit size requirement will help ensure that a greater mix of unit sizes is integrated into each development, while providing flexibility for development to respond to market demand and trends.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **Minimum unit size and average unit sizes are not outlined in the General Plan policies for the Downtown.***
- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **The proposed amendment would not create any conflicts with timing and sequencing.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **The amendment would not hinder or obstruct General Plan policies for this area.***
- (f) *Adverse impacts on adjacent land owners. **There are no anticipated adverse impacts to adjacent land owners.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **Not Applicable.***
- (h) *In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies. **Not Applicable.***

CONCLUSIONS

While the proposed amendment would be acceptable as it applies to the DT1 Zone, staff would further recommend the DT2 zone also be included. Staff would also recommend the amendment not be limited to only mixed-use developments on Center Street, but instead apply to all residential uses within the zones. The proposed amendment from the applicant is in Attachment 1 and staff's version is in Attachment 2 of this report.

STAFF RECOMMENDATION

Staff recommends the Planning Commission forward a positive recommendation to approve the proposed amendment to reduce the required minimum average unit size, with the following changes from the applicant's request:

1. The amendment applies to both the DT1 and DT2 zones.
2. The amendment applies to all residential developments rather than only mixed-use developments with commercial fronting Center Street.

ATTACHMENTS

1. Applicant's Proposed Amendment.
2. Staff's Recommended Amendment.
3. Applicant's Justification for Amendment.

Attachment 1 – Applicant’s Proposed Amendment.

14.21A.090. Minimum and Average Residential Unit Size.

(1) **Except as provided in Subsection (2) of this Section,** Each development 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.).

(2) **Mixed-use developments with ground floor commercial fronting Center Street shall provide a minimum residential unit size of no less than five hundred (500) square feet and a minimum average unit size of no less than six hundred (600) square feet.**

Attachment 2 – Staff’s Recommend Amendment.

DT1

14.21A.090. Minimum and Average Residential Unit Size.

(1) Each development 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)~~ **six hundred (600)** square feet. This requirement shall not apply to institutional housing units (i.e., elderly housing, assisted living facilities, etc.).

DT2

14.21B.080. Minimum and Average Residential Unit Size.

(1) Each development 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)~~ **six hundred (600)** square feet. This requirement shall not apply to institutional housing units (i.e., elderly housing, assisted living facilities, etc.).

Attachment 3 – Applicant’s Justification for Amendment.

COMMERCIAL SPACE:

1. RedSky proposes to add approximately 10,000 sq. ft. of commercial space to Center Street. This constitutes 10,000 sq. ft. of buildable area not designated as residential sq. ft.

PLANNING COMMISSION AND STAFF RECOMMENDATION:

1. The Planning Commission and Staff recommended a 400 sq. ft. unit minimum and 600 sq. ft. average. (RedSky proposes a 500 and 600.)

LOW INCOME HOUSING:

1. 500 sq. ft. minimum and 600 sq. ft. average will not promote “low income” housing. (RedSky is willing to limit the amount of “low income” housing to minimum state and federal requirements.)

MICRO-UNITS:

1. 500 sq. ft. minimum and 600 sq. ft. average eliminates “micro-units.”

TRANSIENT RENTER:

1. There is no data to support that a renter in a 600 sq. ft. unit is more transient than a renter in an 800 sq. ft. unit.

PROVO MARKET IS YOUNG:

1. 60% of renter households in Provo are under the age of 35.
2. 70,000 students in the area, plus single working professionals and young married couples.

ONE & TWO PERSON HOUSEHOLDS MAKE UP 45% OF THE RENTER POPULATION

1. “One and two person households” are singles and young married couples.
2. One and two person households are the demographic attracted to downtown living.
3. One and two person renter households are price conscious.
4. One and two person households (i.e. “post graduate professionals and young married students” as defined in the Provo City Vision) are the demographic, which the City Council targeted as wanting to provide suitable housing options downtown.

ECONOMICS OF THE RENTER:

1. 600 sq. ft. = approx. \$960 rent
2. 800 sq. ft. = approx. \$1160 rent
3. Difference: approx. \$200 a month or \$2,400 a year
4. An “average” annual increase of \$2,400 in rent is A LOT for a young married couple or post-graduate professional.
5. An office – not an extra bedroom and bathroom is sufficient

THE “VISION” FOR THE DT-1 AND DT-2 ZONES WAS TO CATER TO SINGLE WORKING PROFESSIONALS AND YOUNG MARRIED COUPLES:

1. “Encourage development of market rate housing...”

2. “Encourage infill development redevelopment and dense housing stock around retail to increase demographic figures and provide larger consumer base for current and future retailers...”
3. “Find suitable housing options for young married students and post graduate professionals...”

THE CITY VISION IS TO ALSO “ENCOURAGE URBAN INFILL DEVELOPMENT.”

1. Infill development is more expensive than rural developments – hence the units are smaller on average to provide more income and off-set higher construction costs.
2. Land is more expensive in urban infill areas
3. Cost of construction is more expensive in urban infill areas
4. Economies of scale are difficult to achieve on smaller infill projects: as the overall size of the project goes down (smaller building footprint), the overall cost per square foot goes up).
5. Ratio of parking structure costs to sticks and bricks costs are higher in urban infill developments driving cost per square foot up.

DEVELOPER FRIENDLY PUBLIC POLICY IS CHEAPER THAN RDA FUNDS, BLOCK GRANTS, ETC...

1. Provo City spent almost \$4,000,000 in “block grants” on redevelopment projects last year.
2. The RedSky property is in serious need of redevelopment (see photos below).
3. Public policy can help redevelopment in the downtown core.