



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:30 PM, Tuesday, July 18, 2017

Room 200, Municipal Council Chambers

351 West Center, Provo, Utah

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member David Harding
Council Member David Knecht
Council Member David Sewell
Council Member Gary Winterton (via telephone)
CAO Wayne Parker
Mayor John R. Curtis

Council Member George Steward
Council Member Kim Santiago (via telephone)
Council Member Vernon K. Van Buren
Council Attorney Brian Jones
Council Executive Director Clifford Strachan

Conducting: Council Chair David Sewell

Prayer: Kaleb Prince

Pledge of Allegiance: Mary Lyn Egbert

Approval of Minutes:

- June 6, 2017 Council Meeting
- June 20, 2017 Council Meeting

The minutes for June 6, 2017 and June 20, 2017 council meetings were approved unanimously.

Presentations, Proclamations, and Awards

1 [A presentation of the employee of the month for June 2017. \(0:09:55\)](#)

Sharon Cutler, Library Services Manager, was recognized as city-wide employee of the month for June 2017. Gene Nelson, Director of Library Services, described Ms. Cutler as an exceptional manager and productive multitasker.

2 [A presentation of the employee of the month for July 2017. \(0:12:21\)](#)

Ralston Ramkisson, Volunteer Coordinator, was recognized as Parks and Recreation employee of the month for July 2017. Doug Robins, Assistant Parks and Recreation Director, and

Lawrence Shane, Parks Superintendent, described Mr. Ramkissoon as standout part-time employee who is always willing to help wherever it is needed. Mr. Ramkissoon was tasked with coordinating volunteer work, managing social media for the department, and is the range safety officer for the Shooting Sports Park.

3 [A presentation of the American Public Works Association-Utah Chapter Awards. \(0:32:12\)](#)

Dave Decker, Public Works Director, provided an introduction. Mr. Decker explained the American Public Works Association (APWA) awards are peer nominated and Provo was the recipient of two of these awards. He invited Edward Ruffner, President of the Utah Chapter of APWA to speak. Mr. Ruffner described the awards as prestigious and was pleased to present Greg Beckstrom, (retired) Public Service Division Director, with the National Public Works Employee of the Year Award. Craig Bagley nominated Mr. Beckstrom for the award. Mr. Bagley provided a background of Mr. Beckstrom's many accomplishments during his 38 year career with Provo City.

After Mr. Beckstrom was presented with his award, Mr. Ruffner introduced the Project of the Year Award. The award was given to Provo for the Westside Connector Project. The project was recognized as providing a great benefit to the City. David Graves, Public Works Division Director of Engineering, was asked to receive the award on behalf of the city. Representatives from the Utah Department of Transportation, Horrocks Engineers, and Stanley Consultants were also presented with awards for their participation in the project.

[Public Comment \(0:27:19\)](#)

John Fenley addressed the council to voice concern over the sale of the old county jail property. Primarily, he was concerned that the closing date had been postponed.

[Consent Agenda \(0:32:12\)](#)

- 4 Resolution 2017-34 consenting to the appointment of individuals to various boards and commissions. (17-089)**

- 5 Resolution 2017-35 authorizing the mayor to approve an interlocal agreement with Utah County to conduct a vote-by-mail election for the Municipal Primary and General Elections to be held in Provo City on Tuesday, August 15, 2017 and Tuesday, November 7, 2017. (17-094)**

Motion: An implied motion to approve items on the consent agenda, as currently constituted, has been made by council rule.

Chair Sewell introduced each item and read a list of the individuals who were being appointed to certain committees. Mr. Jones explained that the current list of individuals being appointed did not include two names previously provided in the council materials because these individuals had not yet been introduced to council. Once introductions have been made, these names will be included in a future resolution.

Chair Sewell called for a vote on the implied motion.

Roll Call Vote: The motion passed 6:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, and Van Buren. Council Member Winterton excused.

Action Agenda

6 [An ordinance amending the zone map classification of approximately 9.925 acres of real property, generally located along 690 South and 770 South, east of 1100 West, from One-family Residential \(R1.7\) to One-family Residential Accessory Apartment Overlay\(R1.7A\). Sunset Neighborhood. \(17-0005R\) \(0:36:36\)](#)

Motion: An implied motion to approve the ordinance, as currently constituted, has been made by council rule.

Robert Mills, Community Development Planner, presented. Mr. Mills said this area, with 33 lots and 24 existing structures, is the only R1.7 zone in the city. He described the neighborhood as mostly average sized single-family homes. The proposed amendment would add an A overlay to this zone, which would allow for an accessory apartment. Mr. Mills said the amendment would require anyone who had an accessory apartment to have four parking stalls available. He felt there was little opposition to this amendment when he attended the neighborhood meeting; although, he had not yet received an official report.

Mr. Knecht asked how many of the homes already had four parking spaces, Mr. Mills estimated this was about 50 percent. Mr. Knecht observed that some of these homes already had an accessory apartment and would not require a building permit. Mr. Mills said that was correct, however the homeowner would be required to file a document with the county which specifies there is an accessory apartment in the home.

Mr. Stewart asked if the requirement to have four parking spaces would be met by having two spaces in the garage and two in the driveway. Mr. Mills confirmed and explained that each occupant would have one car in the garage and one in the drive way to prevent the occupants from being blocked in by each other.

Mr. Van Buren noted that some of these homes may not be compliant with current access and egress standards and wanted to confirm that they would be required to come into compliance if they were to add an accessory apartment. Mr. Mills confirmed they would be required to come

into compliance. Mr. Knecht then asked if they would be required to have an inspection and Mr. Mills said there would be an inspection when the homeowner applies for an accessory apartment.

Chair Sewell invited the neighborhood chair or area representative to comment. Beth Alligood, southwest area representative, spoke to the council. Ms. Alligood informed the council what she had noted at the neighborhood meeting, most of the comments were positive. Although, she and the neighborhood chair, Brian Taylor, were concerned about on street parking and over occupancy. She expressed doubt that they neighborhood fully understand the negative implications of allowing accessory apartments.

Ed Hopkins, Provo, introduced himself to the council as the applicant. Mr. Hopkins applied for the overlay zone so that he could legally rent out his basement apartment. He only wanted the overlay applied to his home, but learned the ordinance requires a larger area to be changed. He went door-to-door to approximately 80 percent of the homes included in the affected area and collected signatures to show neighborhood support for this change, he said only one person raised concern. He does not feel his overlay zone will have the traffic impact that Lakeview Parkway has already caused. He stated he has ample space for parking and estimated that half of these homes are on .50 acre lots and already have sufficient space for parking. Mr. Hopkins believed passing this ordinance would help to keep homeowners in Provo and provide affordable housing.

Jason Hopkins, Provo, addressed the council. Mr. Hopkins is the sibling of the applicant and lives in the area that would be affected by this change. He wanted to respond to an earlier concern of inadequate public transportation by pointing out there is a bus stop on 600 south, less than a block from the proposed area.

Frank Stubbs, Provo, spoke to the council regarding the proposed change. Mr. Stubbs is building a home near the proposed area and has been surprised by the cost of building. He applauded the applicant for wanting an accessory apartment because it makes housing affordable. Mr. Stubbs expressed that he is supportive of this change.

Chair Sewell closed public comment.

Mr. Harding asked Mr. Mills if there were other options, such as a variance, that would allow the applicant to continue to use the accessory apartment without applying this overlay to the entire zone. Mr. Mills explained that to accomplish this, they would need a use variance, but that is contrary to state law. Provo City Code mandates that a minimum of four acres be rezoned to avoid "spot zoning" which Mr. Mills said would have an undesirable outcome.

Mr. Harding asked for the aerial map to be displayed and asked how the homes with single car drive ways would be able to provide four parking spaces. Mr. Mills suggested they may be able to do something in the rear or side yards of those homes and others may not logistically be able to meet the requirement, and therefore would not be permitted to have an accessory apartment. Mr. Knecht related his past experiences with the use of the accessory apartment overlay. He mentioned using reflective zoning in the 1990s to apply this overlay to the Pioneer Neighborhood, which already had many accessory apartments prior to the overlay. Since then,

they have never explored what the ideal overlay would look like. Mr. Knecht explained that he does recognize its value as adding to our housing mix and making housing affordable, but it can also impact the longevity of the neighborhood when families outgrow the home and need to move.

Ms. Santiago pointed out that zoning compliance has been their top priority for the past two years and doesn't think that changing the law to bring people into compliance is congruent with their effort to increase zoning compliance. She was concerned this overlay would lead to overoccupancy and parking issues for this neighborhood, which would decrease the quality of life and create more zoning problems in the future.

Mr. Harding recognized several positive aspects of accessory apartments, but feels the overall impact is negative for the neighborhood. He said there is an overlay in his neighborhood and it has caused investors to buy the homes and then rent both units as if it were a duplex, which prevents owner occupancy from occurring and has an undesirable impact on the longevity of the neighborhood. Mr. Harding questioned if this would be in the best interest of the community.

Chair Sewell said that based upon the planning commissions positive recommendation, he believes this does work well in some areas of the city. He added that because the neighbors appear to be supportive and none of them have objected, he was inclined to vote for the ordinance.

Chair Sewell called for a vote on the implied motion. After voting began, Ms. Santiago, who was communicating via telephone had several more questions. Mr. Jones suggested that because of the circumstances, it would be appropriate to pause voting and allow her questions to be addressed. Once the questions had been answered, Chair Sewell would have the opportunity to see if any votes had changed based upon the new information.

Ms. Santiago asked how many people had signed the petition and whether it was necessary to get a certain majority to support the petition. Mr. Mills explained there is no requirement to get a certain number of people to agree to the proposal and the petition is not required, but the applicant did this voluntarily. He added that 23 people signed the petition and there were 24 homes in the overlay area.

Mr. Hopkins addressed the council again to explain that not all the people who signed the petition live directly in the overlay area, some were across the street and near the area, he was able to obtain signatures from all but three of the residents who would be directly affected by the overlay. Ms. Santiago stated that there were notes from the planning commission that indicated the neighbors may not have understood this involved more than just the applicants home. Mr. Hopkins explained it was a miscommunication with the neighborhood chair, but the neighbors who signed the petition did understand their zoning would be changed too. Additionally, because the neighborhood chair misunderstood the proposal and thought it only applied to the applicant, he didn't hold a neighborhood meeting initially, but scheduled one after he received clarification from the planning commission meeting.

Before voting began, Mr. Jones suggested a traditional roll call vote since two members of the council were voting via telephone.

Mr. Stewart voiced frustration that voting was interrupted previously. Mr. Jones explained this was an exception and happened because Ms. Santiago was not able to interject fast enough before a vote was called for.

Roll Call Vote: The motion failed 2:5 with Council Members Harding and Sewell in favor. Council Members Stewart, Knecht, Van Buren, Winterton, and Santiago opposed.

7 [Ordinance 2017-29 amending Provo City Code Section 14.38.095 to allow for larger signage in certain areas of the Regional Shopping Center \(SC3\) Zone. East Bay Neighborhood. \(17-0004OA\) \(1:31:43\)](#)

Motion: An implied motion to approve Ordinance 2017-29, as currently constituted, has been made by council rule.

Aaron Ardmore, Community Development Planner, presented. The applicant, Provo Towne Centre, requested an amendment to Provo City Code to allow for one large sign to be placed near the interstate. The mall is located in the SC3 zone. Previously, code allowed for two signs, each one totaling 720 square feet and 40 feet in height. The proposal would combine the two smaller signs into one large sign, which would measure 1400 square feet and 90 feet in height. Planning commission and planning staff were supportive of the change.

Mr. Harding asked if the location of the sign would change. Mr. Ardmore indicated the sign would be further east, which Mr. Harding supported because it was further away from the adjacent residential area.

Chair Sewell expressed his appreciation for the new mall management and Brixton Capital to create change and revitalize the area.

Ms. Santiago pointed out that economic development has been a top council priority and felt this change was positive and would benefit all residents by increasing mall patronage.

Chair Sewell called for a vote on the implied motion.

Roll Call Vote: The motion passed 6:0 with Council Members Harding, Knecht, Santiago, Sewell, Stewart, and Van Buren. Council Member Winterton excused.

8 [An ordinance amending the zone map classification of approximately 59.7 acres of real property, generally located at 1560 South 1100 West, from Residential Agricultural \(RA\) and Agricultural \(A1.5\) to One-Family Residential Performance](#)

[Development Overlay \(R1.8 PD\) and Neighborhood Shopping Center \(SC-1\). Sunset and Lakewood Neighborhoods. \(16-0014R\) \(1:38:02\)](#)

Motion: An implied motion to approve the ordinance, as currently constituted, has been made by council rule.

Brian Maxfield, Community Development Planning Supervisor, addressed the council. The proposed amendment would rezone 59.47 acres of property located at approximately 1560 South 1100 West, with Lakeview Parkway to the south. The area spans two zones, R1.8 PD and SC-1, as well as two neighborhoods, Lakewood and Sunset. Mr. Maxfield explained the developer planned to build 72 cottages and 74 villas, both for active adult living. They would sell 67 single family lots. The staff report did not recommend approval based upon various factors, including insufficient sewer infrastructure.

Chair Sewell invited the applicant, Brad Frost, to speak to the council. Mr. Frost felt like the merits of the project were sensible and explained the active adult component would fill a void in Provo's housing mix. He gave a description of the various unit types. Mr. Frost said they had been working on this project plan since August 2014 and their company was facing a deadline. Mr. Frost provided a history of the project and his experiences with various council members and city staff. Mr. Frost asked the council to consider granting preliminary approval with contingencies. Mr. Jones later clarified to the applicant that the item before the council was a zone change, not a preliminary project plan approval.

Beth Alligood, Southwest Area Representative, accepted an invitation to address the council. Ms. Alligood indicated certain aspects of the development were desired by the neighborhood, such as active adult living for the retirement community, but they did have several concerns about the project. The neighborhood's concerns included open space inaccessibility, access points to Lakeview Parkway, commercial zone placement, building the sewer line through farming lands, and density.

Chair Sewell invited public comment. There were no responses.

Mr. Stewart expressed that he was hesitant to approve a zone change while there are still unanswered questions about the sewer infrastructure.

Mr. Harding said an assertion had been made that concerns over sewer were not addressed until March 2017, he asked for city staff to address this. Rebecca Andrus, Public Works Engineer, offered to provide a background. Ms. Andrus was assigned to the project in October 2016. At that time she was aware the applicant had made proposals to install temporary lift stations, which do not meet city code or meet the service level required. The applicant was provided with this feedback in a November 2016 report. There was also a meeting on December 15, 2016 when all of this information was discussed with the applicant.

Mr. Harding recognized the applicant's efforts to be involved with the city in the planning process and their willingness to make changes based upon feedback from the ad-hoc committee he had served on. He was worried that the suggestions provided may have been interpreted as

directives and given a false sense of support. Mr. Harding explained that if there was a proposal with broad consensus, he might be more comfortable making a zone change.

Mr. Winterton expressed concern over the idea of preliminary approval. He asked Mr. Jones to explain whether the city would be obligated to bring about certain improvements if they were to approve the zone change. Mr. Jones said the idea of preliminary approval was suggested by the applicant and he was unsure what that would mean for the city. He said that if the zone change was approved, that would not create any obligation for the city to install the infrastructure.

Ms. Santiago shared the same concerns that were raised by staff and other council members. She said without the infrastructure in place, this change was not practical.

Mr. Van Buren shared that he also had similar concerns, specifically with the open space. He did not feel like this plan met the objectives of the west side planning committee.

Mr. Sewell allowed Mr. Frost to speak again. Mr. Frost said that rather than a few opinions from various people and departments, they would like a final report from council that outlines what changes they would like to see. Mr. Stewart responded to Mr. Frost by stating that until the sewer issue was resolved, a report would not be their primary concern. Mr. Harding offered to stay after the meeting or schedule another time to provide his feedback. Mr. Sewell also responded to Mr. Frost by saying that he believes the product type has merits but cannot support this until the sewer issue had been resolved.

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

9 [An ordinance amending the zone map classification of approximately 2.5 acres of real property, generally located on the northeast and southeast corners of the intersection of 900 East And Center Street, from One-Family Residential \(R1.6\) and Residential Conservation \(RC\) to Medium Density Residential \(MDR\). \(15-0004R\) \(2:18:09\)](#)

Motion: An implied motion to approve the ordinance, as currently constituted, has been made by council rule.

Austin Corry, Community Development Planner, presented. The area proposed was located at 900 East Center Street. Mr. Corry explained that approximately 0.50 acres was north of Center Street, and 2.0 acres was south of Center Street. He noted the historic Van Wagenen home was on the northeast corner of the intersection. A preliminary site plan, prepared by the applicant, was shown to the council. Planning staff reviewed the proposal and had several concerns, including design integration with the neighborhood. He noted that several of the residents in this area were in the process of starting a proposal to establish a design corridor along this section of Center Street.

Mr. Corry stated the applicant's request did not meet a number of ordinance requirements, but they requested to proceed to planning commission anyway. The planning commission had

forwarded a recommendation of denial to the council. Planning staff prepared massing models to demonstrate the lack of compatibility with the neighborhood. Mr. Corry said the density desired by the applicant was not handled appropriately and forced the buildings to be too close to the street.

Mr. Knecht noted appreciation for the massing models and felt these helped to demonstrate that the proposal did not match the character of the neighborhood. He also thought it was curious that several of the existing one-story units were being kept and refurbished, rather than rebuilt.

Chair Sewell invited the applicant to address the council but the applicant was not present. Next, he invited the neighborhood chair to speak, but they were also not in attendance. Chair Sewell then invited public comment.

Norm Thurston, Provo, explained that he and several other neighbors were in attendance to share their concerns with the council. Mr. Thurston said in this area, there were seven historic homes, two of which were already on the city's registry of historic homes. He felt this made the area unique and warranted careful consideration of projects in this neighborhood. He said some of the concerns with the proposal included the size and proximity to the street. He explained that many years ago, he and some of the other owners made the request for R1.6 zoning to help with efforts to increase owner occupancy and revitalize the area, he felt retaining this zone was key to keeping neighborhood pleasant.

Maria Thurston, Provo, also lives near this area. She told the council that she likes her neighborhood and enjoys living there but has concerns that these buildings would have a negative impact.

Sandra Otting, Provo, explained to council that there are already several multi-family buildings along Center Street but it was designed carefully so that from Center Street, they appeared no larger than an average two story home. She said this project plan was not designed in this way and didn't fit in well with the neighborhood.

Norman Anderson, Provo, said he had lived in this neighborhood for 50 years. He told the council that allowing this project may create a snowball effect, replacing single-family homes with apartment complexes. He felt this proposal would not contribute anything positive to the neighborhood and would not help to keep it family oriented.

Davilyn Ferrin, Provo, also opposed this project. She pointed out that most of the neighbors choose to live there when it was primarily single-family homes. She said there are some multi-family homes in the area, which she acknowledged as being reasonable, but noted there are already a lot of high-density units just a few blocks southwest, which had negatively impacted their neighborhood. She said that if they were to move into Provo now, they likely would not choose to raise a family in this part of Provo. She hoped to preserve what was left of the once family oriented neighborhood.

Chair Sewell closed public comment.

Ms. Santiago had many concerns with the proposal. She felt it would detract from the historic homes and did not match the character of the neighborhood. She also stated that Center Street is one of the great corridors in Provo, and one of the few entrances to the city, and it should be preserved. She did not believe this type of project would improve the quality of life for the neighborhood.

Mr. Knecht recalled going to a meeting at one of the historic homes several years earlier where a similar project was discussed. He said this proposal was nearly the same as it was then, except perhaps the number of stories may have increased. He said he was not in favor.

Chair Sewell listed the various negative recommendations, the citizen petition against it, and lack of support for the project. Because of these, he was opposed.

Chair Sewell called for a vote on the implied motion.

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

10 [Ordinance 2017-30 amending Provo City Code to change the uses allowed in the Residential Conservation \(RC\) Zone. City-wide impact. \(17-0009OA\) \(2:41:37\)](#)

Motion: An implied motion to approve Ordinance 2017-30, as currently constituted, has been made by council rule.

Aaron Ardmore, Community Development Planner, presented. Mr. Ardmore said the applicant was interested in a building previously occupied by a business called Wash Hut, but because it was in the RC zone, the number of potential uses was limited. The proposal would add more conditional uses to the RC zone. He explained that conditional uses require an additional permit and would be subject to review. Mr. Ardmore said eating places and personal services would be added, but they would only be permitted in existing commercial structures. Professional services were previously allowed in historic buildings only but was being changed to limit this type of business to existing commercial structures. He said planning staff agreed the change would be positive and would help to revitalize the area and bring in new business. The planning commission was also in favor of the proposal.

Mr. Harding asked how many historic buildings were in the RC zone. Mr. Ardmore said they were plentiful. Mr. Harding then asked if a historic home could have been converted into one of the approved uses, such as an antique shop, prior to this amendment and Mr. Ardmore confirmed that would have been possible. Mr. Harding recognized the amendment would provide more conditional use options for commercial structures, but it would become more restrictive for historic homes.

Chair Sewell invited the applicant, neighborhood chair, and area representative to comment. There were no responses. He then invited public comment, again, there were no responses.

Ms. Santiago asked what business uses would be excluded, she specifically mentioned tobacco/smoke shops and sexually oriented businesses. She wanted to ensure this change would not allow incompatible businesses to operate in this neighborhood. Mr. Ardmore said these types of businesses would fall under use classification 5900, as miscellaneous trade, and this was already subject to conditional use.

Chair Sewell called for a vote on the implied motion.

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

11 [An ordinance amending the zone map classification of approximately 58.6 acres of real property, generally located at 1500 South State Street, from Light Manufacturing \(M-1\) to One-Family Residential \(R1.10\). Springcreek Neighborhood. \(17-0007R\) \(2:49:57\)](#)

Motion: An implied motion to approve the ordinance, as currently constituted, has been made by council rule.

Austin Corry, Community Development Planner, presented. Mr. Corry reminded the council that the southeast area plan had been adopted a few months earlier and as part of this plan there had been several recommended land use changes. This proposal was for the light manufacturing area located at approximately 1500 South State Street. The area had a general plan designation for mixed use and the land already had existing light manufacturing uses on it, Mr. Corry provided pictures of each existing business for the council. As proposed, these uses would become non-conforming, so they would be allowed to operate as-is, but could not expand operations. He said the southeast area plan highlighted this area as a possibility for medium density residential (MDR) use to address the density they hope to achieve in this area. This plan recommends a batching overlay for this area due to the unique demographic. He said this was a benefit to the city because potential developers would have to meet specific requirements, such as minimum number of parking stalls, regardless of their intended use. Mr. Corry explained that typically zone changes aren't proposed unless there is a specific project application, but in this case the neighborhood requested the change to prevent further industrial use. He noted that Russ Jacobsen owns two properties in north part of the proposed area and requested an exclusion from this change. Another parcel, located south of Mr. Jacobsen's, was being considered for purchase and the potential buyer had also requested to keep the current zoning.

Mr. Knecht said he had been following this item carefully. He noted that despite an initial recommendation of LDR, the planning commission ultimately decided R1.10 would be best. Mr. Knecht said the planning commission was a valuable recommending body and felt they understood the need for this type of density in this area.

Chair Sewell invited the neighborhood chair to comment and Mr. Corry commented that the neighborhood chairs had previously emailed their concerns but were not in attendance.

Chair Sewell opened public comment.

David Malone, Provo, explained to the council that he had been under contract to purchase 4.77 acres in this area since March 2017. He pointed out that there were three other storage facilities in the area and expressed his desire to build a fourth storage facility. Because of this, he was requesting exclusion from the zone change. He explained that due to the location of the property, its proximity to railroad tracks, and the surrounding infrastructure, he believed a storage facility was the only feasible project for this area. He added that a zone change could be detrimental to the seller by decreasing the value of the property.

Mr. Knecht noted there was a smaller lot, .16 acres, to the east of the parcel. He asked Mr. Malone if he intended to purchase this as well. Mr. Malone said he had an option on the property but had not executed it yet.

Scott Taysom, Provo, told the council he had been following the project for some time. He felt the overall direction was a good idea. He offered his perspective on what the young professional community was looking for when finding housing. He said this type of person was looking for a 3-4 person unit with private bedrooms, preferably not student housing. He did not like the batching overlay for six singles. Mr. Knecht said he agreed that six was probably too high and further explained that council was most interested in finding the best product for the community, not just one that was profitable for a developer.

Joy Petro, Layton, told the council she was representing her family and explained they were the sellers of the 4.77 acres being considered by Mr. Malone. She feared another zone change would decrease the property value. She said the property had not been well maintained but was confident Mr. Malone could develop the land and make it more appealing. She asked council to make a substitute motion to exclude her family's property from the zone change.

Jeremiah Maughan, Mapleton, explained to the council that he had reviewed the parcel map and felt there was little land to work with. He was interested in a larger parcel of land and wasn't sure he could make a development work with what was left. Mr. Sewell asked how much land would be required and Mr. Maughan said to build something with 100 units he estimated they would need five or more acres.

Mary Lyn (Petro) Egbert, Kaysville, addressed the council regarding the 4.77 acre parcel being sold. She felt it was an eyesore and therefore in the best interest of the council to exclude it from the zone change and allow Mr. Malone to build more storage units. She did not think their parcel would be adequate for housing because it is in between two other storage sheds and close to the railroad tracks.

Chair Sewell closed public comment.

Mr. Knecht agreed the property was an eyesore and had concerns about the .16 acre lot to the east. He said he would be willing to entertain the idea of exclusion but would like to see this item continued until Mr. Malone had executed the option on the smaller lot so both parcels could be excluded as a single exception.

Mr. Harding said when making land use decisions, it's best to consider past use, current use, and future use. He acknowledged how much time went into the southeast area plan and preferred an all or nothing approach to rezoning this area. He recognized these decisions would have an impact on people's lives but said the right decision is sometimes the hard decision. He was confident that an R1.10 zone would make the property more valuable in the future.

Mr. Sewell asked what the market value difference was between MDR and R1 zones. Secondly, he asked whether the Petro's land would be viable for a project like Mr. Maughan mentioned earlier. Mr. Maughan said there was another five acres to the south that could be combined with the Petro property and felt this would be big enough to create a successful project. He also said the value of the ground was reliant on the density.

Chair Sewell offered to allow Ms. Petro to address the council again. She didn't think that an R1 zone would help to increase the value of the property. She said that because her siblings are aging, they were more concerned about time and wanted to sell the property quickly.

Mr. Malone was also allowed to address the council again. He had concerns that because of the location of the property and the proximity to the existing storage units, the price point for residential units would have to be low and these factors may be cause for concern regarding safety.

Ms. Santiago said she agreed with Mr. Knecht and preferred to delay the item so that more discussion could take place.

Mr. Winterton asked if there were any time constraints on the item. Mr. Corry said because it had been pending legislation since April a decision would be required by the end of August.

Mr. Van Buren said he would prefer to exclude the 4.77 acres from the zone change.

Mayor Curtis said he was intrigued by this development and the potential that may come.

Motion: Council Member David Knecht made a substitute motion to continue the item for three weeks. The motion was seconded by Council Member Kim Santiago.

Mr. Van Buren asked what would be accomplished by continuing the item for three weeks. Ms. Santiago explained that she wanted to allow time to see if the developers and owners could discuss other possibilities. Chair Sewell agreed with Ms. Santiago and wanted this time for developers who might be interested in an MDR project to consult with the seller. Mr. Van Buren then asked about the deadline Mr. Corry had previously mentioned. Mr. Corry explained because there is pending legislation to change the zoning, nothing could be done with the existing entitlements until the legislative body, the council, decides. He noted that a decision would need to be made by September since the legislative process began in April.

Mr. Van Buren said he was doubtful this time would be sufficient for developers to prepare and present other plans to the seller. Mr. Knecht then asked Ms. Petro whether she wanted to

entertain other developers and potential possibilities. Ms. Petro said her family was nervous about the property value and wanted to sell in a timely manner, but said if something could be arranged quickly, she might be willing to entertain other options, she emphasized time was very important to her family. Chair Sewell said he agreed with Mr. Van Buren and didn't think three weeks was long enough.

Motion: Council Member David Knecht amended his previous substitute motion and moved to continue the item for six weeks. The motion was seconded by Council Member Kim Santiago.

Mr. Winterton asked who would be taking responsibility for facilitating these conversations. Chair Sewell questioned whether the City could help with this. Mr. Knecht pointed out that there were already two potential buyers, Mr. Malone who was already under contract and hoped to build storage units, and Mr. Maughan who was interested in speaking to the seller about a potential MDR project. Ms. Santiago felt like there were many unanswered questions, which is why she wanted to continue the item. She expressed that if there was no possibility of a developer building an MDR building, like what was recommended by the area plan and general plan, then she would prefer to make a quick decision that would allow Mr. Malone to proceed with his storage units. Mr. Knecht said his preference would be housing, but his primary concern was the smaller .16 acre parcel sitting to the east of the property. He said the parcel was unsightly and he wanted to be sure it was included in the plan for the Petro's property.

Ms. Santiago asked Mr. Jones if the council could help to facilitate conversations between developers and the seller. Mr. Van Buren did not believe it would be appropriate for a council member to facilitate these conversations, especially since the seller already had a buyer under contract. Ms. Santiago asked if the buyer who was under contract had any interest in developing something other than storage units. Mr. Malone said he would consider it. She then asked if the continuation would be helpful for him to consider this, he said they would need a zoning decision sooner rather than later, due to a settlement deadline of July 25, 2017.

Mr. Harding said although his opinion hadn't changed, he did somewhat agree with Mr. Van Buren that they were too deep in the details. He stated his goal was to make a decision that would be best for the long-term outcome.

Chair Sewell called for a vote on the substitute motion.

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

12 [Ordinance 2017-31 amending Provo City Code Section 14.38.105\(1\) to increase wall signage permitted in a multi-tenant building in Downtown, ITOD, Downtown Gateway, and West Gateway zones. City-wide Impact. \(17-0010OA\) \(4:01:52\)](#)

Motion: An implied motion to approve Ordinance 2017-31, as currently constituted, has been made by council rule.

Aaron Ardmore, Community Development Planner, presented the ordinance to council. Mr. Ardmore said Provo City Economic Development had made the request to allow for more signage in the multi-tenant buildings. This amendment would allow buildings that are greater than five stories in height to have two signs per building façade.

Chair Sewell opened public comment, there were no responses.

Mr. Harding said he was generally supportive, but since the item had just been introduced to council in the earlier work session meeting, he would be making a motion to continue this item and do more research.

Motion: Council Member David Harding made a substitute motion to continue the item for three weeks. The motion was seconded by Council Member Kim Santiago.

Chair Sewell wanted to clarify that typically an item would not move from work session to a council meeting on the same day but there had been a sense of urgency from the applicant. Mr. Van Buren asked who the applicant was and why there was a sense of urgency. Mr. Strachan explained that administration made the request to have this appear on the council meeting agenda immediately following work session. Mr. Parker explained the applicant, The Daily Herald, had been waiting for these changes for some time and had the signs prepared and ready to be placed, pending the council's decision.

Mr. Knecht, Mr. Stewart, and Mr. Van Buren were not in favor of the extension and preferred to vote on the item immediately. Mr. Winterton chose to abstain since he had not been present during the presentation in work session earlier in the day.

Chair Sewell called for a vote on the substitute motion.

Roll Call Vote: The substitute motion failed 3:3 with Council Members Harding, Sewell, and Santiago in favor. Council Members Stewart, Knecht, and Van Buren opposed. Council Member Winterton abstained.

Mr. Harding said he would not be voting in favor of the implied motion since he did not have sufficient time for research. Chair Sewell asked if Mr. Winterton would consider voting, he said he would like pass to the ordinance, but felt it was appropriate to abstain since he had missed the presentation in work session.

Chair Sewell called for a vote on the implied motion.

Roll Call Vote: The motion passed 4:2 with Council Members Stewart, Knecht, Sewell, Van Buren in favor. Council Members Harding and Santiago opposed. Council Member Winterton abstained.

Adjournment

Chair Sewell declared the meeting adjourned by unanimous consent at 9:36 p.m.