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| Image_0 | **PROVO MUNICIPAL COUNCIL**  **Redevelopment Agency of Provo**  **Board of Canvassers**  **Regular Meeting Minutes**  5:300 PM, Tuesday, August 29, 2017  Room 200, Municipal Council Chambers  351 West Center, Provo, Utah |

**Roll Call**

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| THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT: |

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| Council Member David Harding | Council Member George Stewart |
| Council Member David Knecht | Council Member Kim Santiago |
| Council Member David Sewell | Council Member Gary Winterton |
| Council Executive Director Clifford Strachan | Council Attorney Brian Jones |
| CAO Wayne Parker | Mayor John Curtis |

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| EXCUSED: |

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| Council Member Vernon K. Van Buren |  |

On Tuesday, August 29, 2017 at 5:30 p.m., prior to the scheduled council meeting at 5:45 p.m., the Provo City Municipal Council and Mayor convened as the Board of Canvassers to certify the results of the 2017 municipal primary election.

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|  | **[Resolution 2017-39 of the Provo City Municipal Council and Mayor sitting as The Board of Canvassers accepting the election returns and declaring and certifying the results of the municipal primary elections held in Provo, Utah on August 15, 2017. (17-105) (0:05:35)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=335)** |

Janene Weiss, City Recorder, reviewed the Official Canvas Report for the Primary Election held on August 15, 2017.

Provo City held a Primary Election for the offices of Mayor, Council Member District 2, and Council Member City-Wide I. Provo City contracted with Utah County to conduct a vote-by-mail election. The election results were as follows:

Provo City had 41,798 active registered voters for the Mayor and Council Member City-Wide I positions.

A total of 13,074 ballots were cast for a voter turnout of 31.28%.

The number of registered voters in Council District 2 was 5,622 with a total of 1,291 ballots cast for a voter turnout of 22.96%.

There were 866 provisional ballots collected by the county and, after review by the County, 16 were not counted. Of those 16 ballots, nine (9) were not registered and seven (7) had issues with affiliation or had already voted. Ms. Weiss noted Provo City received more provisional ballots than any other city in Utah County.

Candidates nominated for office and whose names will appear on the ballot for November 7, 2017, are as follows:

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| Mayor: | Michelle G. Kaufusi |
|  | Sherrie Hall Everett |

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| Council City-Wide I: | Dave Sewell |
|  | Wesley Marriott |

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| Council District 2: | George Handley |
|  | David Clark |

There was no Primary Election for Council District 5.

Information by precinct will be provided by the County and made available voteprovo.com following the official certification of the Canvass Report.

The Mayor and the Municipal Council together make up the Board of Canvassers and by law have the responsibility to accept the election returns and declare and certify the returns for the vote. Every election is required to have certification and a declaration that the result of the vote for the elections were correct.

Upon certification, the Board of Canvassers instructs the Election Officer (City Recorder) to (1) prepare a certified report of the election results, (2) prepare and transmit a Certificate of Election to each elected candidate, (3) publish the report and post a copy in a conspicuous place within the City, on the website, and in the Daily Herald, and (4) file a copy with the Lieutenant Governor of the state, all to comply with state law.

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| **Motion:** | Mayor John R. Curtis made a motion to approve Resolution 2017-39. The motion was seconded by Board/Council Member David Harding. |

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| **Roll Call Vote:** | The motion passed 7:0 with Board/Council Members Harding, Knecht, Santiago, Sewell, Stewart, Winterton and Mayor Curtis in favor. Board/Council Member Van Buren excused. |

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| **Adjournment** |

The Board of Canvassers adjourned as the Board of Canvassers and reconvened as the Provo Municipal Council at 5:45 p.m.

**Municipal Council**

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| **[Opening Ceremony](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=1008)** |

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|  | **Prayer:** Officer Shawn Parker |

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|  | **Pledge of Allegiance:** Officer Carter Grow |

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|  | **Approval of Minutes** |

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|  | **July 18, 2017 Council Meeting** |

The July 18, 2017 Council Meeting minutes were approved by common consent.

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| **Presentations, Proclamations, and Awards** |

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| **1** | **[A presentation from the Provo Bicycle Committee of the Golden Spoke Award to the Police Department's Bike Patrol (0:19:41)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=1181)** |

Representing the Provo Bicycling Committee, Austin Taylor and Emily Gibb presented the Golden Spoke Award to the Provo Police Bike Team. Following a short video featuring the Provo Police Bike Team, Mr. Taylor expressed appreciation for the bike patrol’s efforts in educating the public on how to safely lock their bikes to prevent theft.

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| **2** | **[An introduction of the new Provo Bay Neighborhood Chair (0:23:07)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=1387)** |

Karen Tapahe, Neighborhood Program Coordinator, introduced Gloria Anderson as the New Provo Bay Neighborhood Chair. Ms. Tapahe asked Ms. Anderson to introduce herself to the council. Ms. Anderson provided council with a personal history and expressed her appreciation for Provo. Chair Sewell thanked Ms. Anderson for her willingness to serve her neighborhood.

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| **8** | [**Ordinance 2017-35 granting Mobilitie a nonexclusive franchise in order for it to operate a telecommunications network in Provo City, Utah. (17-107) (0:26:20)**](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=1580) |

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| **Motion:** | An implied motion to approve Ordinance 2017-35, as currently constituted, has been made by council rule. |

Chair Sewell allowed item eight to be presented prior to public comment due to scheduling conflicts of the Mobilitie staff who were onsite.

Marcus Draper, Assistant City Attorney, presented the ordinance. Mr. Draper explained there is a standard template that is usually used for franchises, but the following modifications had been made:

* The term of the agreement was 10 years; standard term is anywhere between 5-15 years.
* The wording of paragraph 3.1 was modified to account for Mobilitie’s unique business model. The calculation of the franchise fee was still a standard 3.5 percent of gross revenue.
* Paragraph 5.2 requires Mobilitie to request permission from the council to erect a telecommunications pole; wording was added which asked council to responsibly exercise discursion in granting permission.

Chair Sewell opened public comment, there was no response.

There was no council discussion.

Chair Sewell called for a vote on the implied motion.

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

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| **[Public Comment](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=1751)** |

Chair Sewell opened public comment, there were no responses.

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| **Action Agenda** |

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| **3** | **[Resolution 2017-40 authorizing the issuance and sale of up to $6 million aggregate principal amount of sales tax revenue bonds for the purpose of financing certain airport infrastructure facilities; and related matters. (17-113) (0:31:04)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=1864)** |

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| **Motion:** | An implied motion to approve Resolution 2017-40, as currently constituted, has been made by council rule. |

John Borget, Administrative Services Director, presented the resolution. Mr. Borget explained the resolution had been presented to council earlier in the day during the work session meeting but offered to answer any remaining questions.

Ms. Santiago asked for an overview of the resolution for those who did not hear the work session discussion. Mr. Harding pointed out that items 3, 4, and 5 were all related and suggested a single summary would be sufficient for all three items; he recognized they would be voted on individually. Mr. Borget proceeded to give an overview of the project. He said the project would be at the Provo Municipal Airport and would cost $11,829,568. The project was for infrastructure upgrades and a public ramp that provides aircraft access to the airport. Mr. Borget refenced a memo that was displayed for council which itemized the following funding sources:

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| 108 Loan to be repaid with CDBG Funds | $2,500,000 |
| EDA Grant (50 percent match, up to $3.5M) | $3,228,641 |
| Bonds to be repaid with Tax Increment | $5,512,735 |
| Transfer from the General Fund | $588,192 |
| Total | **$11,829,568** |

Mr. Borget noted there was a transfer from the general fund earlier in the year of $300,000 to finance project planning activities, so the remaining transfer from the General Fund would be $288,192.

Mr. Borget asked Dan Follett, Finance Division Director, to provide a summary of the bonds. Mr. Follett said the council was being asked to approve up to $6M in bonds, but it would realistically be closer to $5.5M. These were bonds secured by sales tax revenue, and the source of repayment would be tax increment from Duncan Aviation. There would be a competitive sell of the bonds on October 3, 2017 and the most favorable terms would be presented to council during their regularly scheduled council meeting. In the event the terms were not agreeable, council could stop the sale of the bonds. The repayment of the principal would be over 15 years.

Chair Sewell opened public comment, there was no response.

Mr. Winterton asked if the EDA grant was from the state. David Walters, Redevelopment Director, explained the grant was from the Economic Development Administration which was an arm of the federal government.

Chair Sewell called for a vote on the implied motion.

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

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| **4** | **[Resolution 2017-41 appropriating $11,529,568 in the Airport Fund, Airport Improvement Project Division for funding infrastructure improvements to the airport applying to the fiscal year ending June 30, 2018. (17-112) (0:45:08)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=2708)** |

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| **Motion:** | An implied motion to approve Resolution 2017-41, as currently constituted, has been made by council rule. |

This item had been explained with the previous item, as they were related. Mr. Borget offered to answer any questions specific to the item, there were no questions.

Chair Sewell opened public comment, there was no response.

Chair Sewell called for a vote on the implied motion.

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

**Recess Municipal Council**

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| **Motion:** | Council Member Gary Winterton made a motion to recess as the Municipal Council and reconvene as the Redevelopment Agency. The motion was seconded by Council Member David Harding. |

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

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| **Redevelopment Agency of Provo** |

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| **5** | **[A resolution authorizing the execution and delivery of a Tax Increment Pledge Agreement and a development agreement relating to the construction and financing of certain airport infrastructure facilities; and related matters. (17-114) (0:48:06)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=2886)** |

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

Mr. Walter, Redevelopment Director, explained to Redevelopment Agency Board the intent of this resolution was to approve a development agreement with Duncan Aviation which authorizes Duncan to proceed with their $73M investment at Provo Airport. The tax increment pledge that accompanies the resolution was designed to solidify the investment amount so that bond issuance could proceed. However, Duncan Aviation, was waiting to get final approval for the legal description and had not yet signed the agreement. Mr. Walters asked the board to continue the item until the next meeting. He assured council that Duncan was committed to working in Provo.

Chair Stewart opened public comment, there was no response.

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| **Motion:** | Board Member Kim Santiago made a motion to continue the item to the September 19, 2017 council meeting. Council Member Gary Winterton seconded the motion. |

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| **Roll Call Vote:** | The motion Passed 6:0 with Board Members Harding, Knecht, Santiago, Sewell, Stewart, and Winterton in favor. Board Member Van Buren excused. |

**Adjourn Redevelopment Agency Meeting**

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| **Motion:** | Chair Stewart made a motion to recess as the Redevelopment Agency and reconvene as the Municipal Council. The motion was seconded by Board Member David Harding. |

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| **Roll Call Vote:** | The motion Passed 6:0 with Board Members Harding, Knecht, Santiago, Sewell, Stewart, and Winterton in favor. Board Member Van Buren excused. |

**Municipal Council**

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| **[Action Agenda (continued)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=3076)** |

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| **6** | **[Resolution 2017-42 approving an Environmental Assessment and a proposed Land and Water Conservation Fund Property Conversion. (16-113) (0:51:16)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=3076)** |

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| **Motion:** | An implied motion to approve Resolution 2017-42, as currently constituted, has been made by council rule. |

Thomas McKenna, Parks Project Coordinator, explained he previously presented this item during the August 8, 2017 meeting. He said since that meeting, he had received two comments that had been integrated into the final environmental assessment. These comments were suggestions to form a neighborhood committee to finalize the concept plan and identify future access points to the north side of the river.

Chair Sewell opened public comment.

Brett Daily, Provo resident, told council he has lived in the Fort Utah Neighborhood for over 20 years and has enjoyed the unique nature in the area. He was concerned about the understory being removed; he said there were burrowing owls in this area and was concerned there was no protection for this wetland. Mr. Daily referenced the environmental assessment and said the public comment period of 30 days had not been met.

Chair Sewell closed public comment.

Mr. McKenna said the public comment period started July 1, 2017 and ended August 8, 2017. Chair Sewell asked for this correction to be made in the resolution.

Ms. Santiago asked who would be a point of contract for those who want to be a part of the committee that would review the concept plan. Mr. McKenna said the best point of contact would be council staff and they could refer citizens to the neighborhood chair. Mr. Knecht asked that first consideration be given to those neighbors closest to the site.

Ms. Santiago asked Mr. Dailey to clarify what his concern was about the understory being removed. Mr. Dailey said the understory was the habitat for many different types of wildlife, such as the burrowing owls. Ms. Santiago asked Mr. McKenna if these issues would be taken into consideration as part of the process, he confirmed it would.

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| **Motion:** | Council Member George Stewart made a motion amend Resolution 2017-42 to include the corrected public hearing dates. Council Member Kim Santiago seconded the motion. |

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

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| **Motion:** | Council Member George Stewart made a motion to approve Resolution 2017-42 as amended. Council Member Gary Winterton seconded the motion. |

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

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| **7** | **[Resolution 2017-43 authorizing the mayor to approve an application for a Byrne Justice Assistance Grant and to execute an interlocal cooperation agreement with Utah County relating to the 2017 Byrne Justice Assistance Grant program. (17-109) (1:01:43)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=3701)** |

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| **Motion:** | An implied motion to approve Resolution 2017-43, as currently constituted, has been made by council rule. |

Nadia Leung, Finance Accountant, explained that Provo City was awarded $21,943 from the Byrne Justice Assistance Grant (JAG) for fiscal year 2018. The Provo Police Department had determined the money would be used to supplement to purchase of tasers. Mr. Harding asked why we needed an interlocal agreement if Provo was awarded the total amount of the grant. Ms. Leung said the intent was to attest that we were not sharing the money with Utah County.

Chair Sewell opened public comment, there was no response.

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

Chair Sewell noted that item 8 had been covered earlier in the meeting prior to public comment.

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| **9** | **[Ordinance 2017-36 amending Provo City Code to make city noticing requirements consistent with State law. Citywide impact. (17-0014OA) (1:04:57)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=3897)** |

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| **Motion:** | An implied motion to approve Ordinance 2017-36, as currently constituted, has been made by council rule. |

Brian Maxfield, Planning Supervisor, presented the ordinance. He said the intent was to make our noticing requirements consistent with state requirements. The following amendments were made:

* The first public hearing before the Planning Commission shall be noticed in accordance with Utah Code §10-9a-205(2) and §10-9a-205(30).
* Subsection was modified to reference Utah Code §10-9a-801.

Chair Sewell asked Mr. Jones to explain the reasons for these clarifications. Mr. Jones said state code distinguishes between public hearings and public meetings concerning land use ordinances. State code specifically says the first consideration of a land use item is a public hearing and therefore requires ten days public notice. The next meeting of the item, such as council’s consideration of the Planning Commission’s recommendation, is only a public meeting, rather than a public hearing, and only requires 24-hour notice. He said this section clarifies that we are in compliance with state law, but our procedures give considerably more notice than required.

Mr. Knecht expressed appreciation for Mr. Jones and Chair Sewell for working on these changes and felt they had done a good job.

Chair Sewell called for public comment, there was no response.

Chair Sewell called for a vote on the implied motion.

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

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| **10** | **[Ordinance 2017-37 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). Spring Creek Neighborhood. (17-0007R) (1:12:42)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=4362)** |

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| **Motion:** | An implied motion to approve Ordinance 2017-37, as currently constituted, has been made by council rule. |

Austin Corry, Planner, told council this item was an extension of the neighborhood plan that was presented several months earlier. This item had been continued from a previous meeting and since the previous meeting, one of the people who had previously asked for exclusion from the zone change, Russ Jacobsen, had changed his mind and wanted to be included in the rezone.

Chair Sewell opened public comment.

The applicant, Joy Petro of Layton, addressed the council. Her family owns 4.77 acres at the south end of the area being rezoned. Initially, she wanted exclusion from the rezone because they were selling the property to someone who planned to build storage units, which required M-1 zoning. However, since the previous meeting, they have decided they would like to be rezoned as high-density, not R1.10 or M-1.

Mary Millar, Spring Creek Neighborhood Chair, addressed the council. She said the neighborhood hoped for an LDR zone before MDR. Ms. Millar said the neighborhood was surprised when the planning commission recommended R1.10. Despite recommended zoning, she hoped the council would keep their decision in alignment with the Southeast Area Plan. Mr. Knecht explained to Ms. Millar that the purpose of the R1.10 zone was to ensure a second review before anything was built. He assured her it was not anticipated that anything R1.10 would be built in this area. Chair Sewell asked Ms. Millar to explain how the area plan described this area. Ms. Millar said she recalled MDR with a batching singles overlay.

Riley and Debbie Sorensen addressed the council. The Sorensen’s are the owners of Bear River Storage and have also recently acquired a smaller 0.16-acre parcel at 1616 South State Street. Mr. Sorensen said they were willing to work with the new developers to achieve a high-density housing mix in the area. Chair Sewell clarified that the master plan called for MDR, not HDR; he asked Mr. Sorensen if this fit into their vision for this property. Mr. Sorensen said they thought higher density made more sense but noted their property could be helpful in providing access to whatever future development is built.

David Malone, Provo, represents the buyer and the developer of the Petro’s 4.77 acres in the Spring Creek Neighborhood. He explained that when he initially planned to acquire the Petro’s property, he wanted to keep it zoned as M1 to build a storage unit facility, but after encouragement from the council, he discovered it would be feasible to build an MDR complex with 24 (or more) units per acre. He asked the council to change the zoning of this property to MDR, not R1.10. He felt this change was congruent with the master plan for this area.

Mr. Malone addressed the 0.16-acre parcel that was recently acquired by the Sorensen’s. He felt it would not be possible to acquire this parcel at a fair cost but recognized the importance of this parcel for the development of the Petro property. He felt this smaller parcel could dictate use of the Petro’s property.

Chase Paulson, Alpine, was also a representative of the buyer of the Petro property. He read from the 2016 Utah Planning Commission and Land Use Handbook and then asked council to consider zoning the Petro’s property as MDR.

Chair Sewell invited the Sorensen’s to respond to Mr. Malone’s comments. Riley Sorensen said they did not plan to use the 0.16-acre lot as leverage. He said they originally planned to build a daycare facility, but found the existing structure would require too much remodeling. Debbie Sorensen said that in the previous meeting, Mr. Malone said he had an option to purchase the property, but she asserted they were already under contract at the time and always intended to build a daycare facility.

Mr. Malone said he believed they have enough frontage, without the 0.16 acres, to provide safe access to and from the future development. He said he had spoken with Craig Peay who owns a neighboring property and could clean up Peay’s property and use it for access to their future development.

Mr. Knecht asked Mr. Jones if it would be legal for the council to rezone these two properties as MDR at the same time they rezone everything else as R1.10. Mr. Jones responded by addressing Mr. Paulson’s earlier comments from the planning handbook. Mr. Jones said the handbook is a summary and does not state the law. Mr. Jones cited Utah Code and further explained it is the Planning Commission’s job to make recommendations as to land use, but the council could accept, reject, or modify as desired. He said the intent of R1.10 zone was to give the commission and council future control of new projects. Mr. Jones said it would not be possible to rezone these parcels during the meeting without legal description and exhibits of the entire area to be included in the ordinance, which they were not prepared with.

Mr. Harding referenced the area master plan map and said he hoped the community understood the intent was to develop this as MDR, and said the council and planning commission would be flexible in working to achieve this goal, but until then, the placeholder zone would be R1.10. He wanted to ensure future projects are beneficial for the entire area, he felt the R1.10 zone gave council the tool to do this.

Mr. Winterton asked why the council wasn’t considering LDR if they knew the R1.10 zone would not be used. Mr. Knecht said the planning commission discussed this, but then noted someone could build an LDR project without coming back to the planning commission for future approval. Mr. Knecht explained the R1.10 zone was a tool to ensure they had oversight of future projects. He also noted it was the intent to include batching singles for millennials, but to achieve this, the projects needed to come back through the planning process.

Mr. Jones stated that it wasn’t a question of what the council wants, rather than what they don’t want, which was the existing M1 zone.

Ms. Santiago said the demographic the council was trying to accommodate had shown interest in being able to purchase, then renting out a room to help pay for the unit. She appreciated Mr. Harding’s explanation of why they should zone this as R1.10 instead of LDR. Ms. Santiago invited Bill Peperone, Assistant Community Development Director, to elaborate. Mr. Peperone said the LDR would limit projects to side-by-side units, such as, townhomes, whereas MDR allowed stacked property. The concern with rezoning the property as LDR was that someone might decide to develop townhomes, which doesn’t meet the need for the area. He said there had been many inquiries from developers and staff has explained that council is looking for a specific product type, not just more student housing. He said value of R1.10 zoning allows an extra layer of scrutiny to ensure the right product is developed.

Chair Sewell called for a vote on the implied motion.

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

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| **11** | **[Ordinance 2017-38 amending Provo City Code Section 14.20.160 to increase the size of signs permitted in the Regional Shopping Center (SC3) zone. Citywide impact. (17-0015OA) (1:55:18)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=6918)** |

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| **Motion:** | An implied motion to approve Ordinance 2017-38, as currently constituted, has been made by council rule. |

Aaron Ardmore, Community Development Planner, presented the ordinance. Mr. Ardmore said new signage for Provo Towne Centre was part of the next phase of redeveloping the shopping center. He explained there were two existing signs along University Avenue directing traffic to the mall. The signs were approximately 20 feet tall. The developer had requested to replace these signs as part of their rebranding effort, but they needed to increase the maximum allowance for height and square footage. He said there would be two primary changes, adding language to allow for advertising as part of the sign copy and increasing the sign size and height. Staff and Planning Commission recommended approval.

Chair Sewell opened public comment, there was no response.

Mr. Harding said he recently got a tour of the area and realized there was previously a larger sign in the middle of the two smaller way finding signs. The large sign was taken down as part of the construction of the new hotel in the area. He said it made more sense why these two smaller signs need to be made larger with the absence of a larger sign, but was hesitant about electronic signs.

Chair Sewell invited the applicant’s representative, Scott Bowles of Brixton Capital, to address the council. Mr. Bowles said the council needed to look at signs that relate to specific need and serve a specific purpose. He said the signage was a priority for Brixton Capital and was a top concern for the mall tenants.

Chair Sewell asked Mr. Jones to remind the council what the code previously allowed concerning electronic signage. Mr. Jones said that electronic signs were allowed along this section of University Avenue. He said the requirements for brightness and an eight second static hold were outlined in the ordinance and would apply to new the signage.

Chair Sewell expressed appreciation for Brixton Capital’s efforts to revitalize the mall. Ms. Santiago added that she thought the signs would help to bring in mall patrons, which was a benefit to all citizens, especially tax payers. She appreciated the efforts being made to increase mall patronage.

Chair Sewell called for a vote on the implied motion.

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

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| **12** | **[Ordinance 2017-39 amending Provo City Code to eliminate the façade step-back for buildings in the General Downtown (DT1) zone. Downtown Neighborhood. (17-0011OA) (2:06:45)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=7605)** |

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| **Motion:** | An implied motion to approve Ordinance 2017-39, as currently constituted, has been made by council rule. |

Dustin Wright, Community Development Planner, presented. He said the applicant’s project was between 100 and 200 East Center Street. The request was to eliminate the step back requirements for the fourth through sixth floors. Mr. Wright said this change would allow the applicant to provide more leasable space. Mr. Wright said this project was not within the Historic Downtown Provo area, it ends one block to the west of the project site.

Chair Sewell invited the applicant, McKay Christensen, to speak. Mr. Christensen showed several maps that demonstrated the location, size, and scale of the project. He said another concern might be architecture. He explained that his project would be across from the Utah County Offices which did not share the same architecture or style as many of the buildings along historical center street. Mr. Christensen added there was no historical architecture to be persevered, as the building being replaced was a dilapidated automotive repair shop, turned office space. Mr. Christensen showed council a project plan and explained the impact of not having the step back revised; the result was a loss of usable space and smaller units. He said it he would be willing to compromise for a five-foot step back, but that would still have negative impact on his building plan.

Chair Sewell opened public comment, there was no response.

Mr. Stewart said he is often asked why the city would allow buildings without a setback. He had committed to carefully evaluate setback in future requests. Mr. Knecht and Mr. Harding clarified there was a difference between setback and step back. Mr. Christensen said there was a 10-foot setback, in addition to trees, large sidewalks, and parking. Mr. Wright said the setback would mimic other buildings in the area and said the applicant had not requested any change to the existing code concerning setback.

Ms. Santiago said she appreciated that Mr. Christensen’s project had obscured parking that was not visible from Center Street and also liked the retail mix on the bottom level. She said it was architecturally interesting and would fit in well in the area. However, she did have concerns about approving this amendment, then having a different, less appealing, project built. Mr. Stewart added that he was concerned about setting a precedence by making an exception for Mr. Christensen.

Mr. Stewart asked Mr. Peperone if he would be comfortable changing the step back across the street from Mr. Christensen’s project. Mr. Peperone said he was comfortable with his change for this block, but not necessarily elsewhere in Historic Downtown Provo. Mr. Peperone added that he would hate to see usable space taken from Mr. Christensen’s units by refusing to change the step back.

Mr. Harding wanted to consider what needed to be done to achieve council’s broader goals for the city’s future, not just what needed to be done so this single project could proceed. He wanted to protect the look and feel of Center Street and felt it was a unique and special place. He said in the past they have carefully considered how the step back would impact the look and feel of Center Street and he felt this type of in-depth conversation was missing. Mr. Harding had not heard a good explanation as to why step backs are or aren’t helpful. He wanted to be convinced this was the best decision. He felt council’s obligation was to make good policy decisions, then let others figure out how to make it work. Mr. Stewart said he agreed with Mr. Harding’s comments and thought it was their job to set the standards and let the developers meet those standards. Mr. Harding added that he was in favor of the project and hoped they could make it work.

Mr. Christensen was invited to respond. He said they have considered other ways to make the project work without the step back but failed to find a way to make the project it feasible without losing efficiency and too much building space. Mr. Christensen acknowledged there was a balance between trying to keep Center Street historical, yet vibrant.

Mr. Knecht asked to see the proposed amendment and pointed out there were boundaries to the west and east and said this was a creative way to move the line and make the project work. He preferred the building design that did not have a step back.

Mr. Winterton asked what size the balconies were. Mr. Christensen said they were 5-feet wide and added that city code required 50 percent of the units to have balconies and his project had 100 percent of the units with balconies.

Mr. Stewart asked about the possibility of asking for a development agreement. Mr. Christensen said he would be willing to do this. Mr. Jones said it is not common practice to ask for development agreements for text amendments. Mr. Stewart asked how they ensure they get the project they are being shown. Mr. Jones said he would recommend putting those standards in the zone, and therefore the zone would guarantee council’s expectation for development.

Chair Sewell noted the original request was 100 to 200 East, but after the application went through the Planning Commission, the area broadened. He asked Mr. Peperone which version of the application he preferred. Mr. Peperone said he preferred to keep it narrow, like Mr. Christensen suggested.

Brody Horton, Provo, addressed the council. Mr. Horton owned a business in downtown Provo. He said he thought the step back on the building located at 63 East Center was odd looking. He did not think it helped to make anything more historic or added to the value of the nearby historical buildings. Mr. Horton had been renovating his business space and had recently uncovered windows that look out onto Provo’s Center Street. The exposed windows prompted inquiries from individuals who want to take residency in these units because they look over Center Street. He said if there were a 20-foot setback, they wouldn’t have the same view of Center Street, it would be a view of the patio. He felt there was value in not having a step back.

Chair Sewell said he liked the look of the project and thought it served the market. He felt the request was reasonable. He noted there was some confusion about the Planning Commission’s recommendation, versus the applicant’s request. Mr. Wright explained that the planning commission version included a one-foot step back, instead of no step back, as requested by the applicant. Ms. Santiago asked if a one-foot step back worked with Mr. Christensen’s plans, he said that was what he planned on.

Mr. Knecht asked if this project plan had gone before design review and Mr. Wright said the project plan was in the process of being reviewed by staff. Mr. Knecht asked what the chances were that it come out of design review looking the same way. Mr. Wright said many of the design elements are already required in the Downtown Zone and council’s comments could be relayed.

Chair Sewell called for a vote on the implied motion.

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

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| **13** | **[An ordinance amending Provo City Code to reduce the average apartment square footage from 800 feet to 600 feet in the General Downtown (DT1) and Downtown Core (DT2) zones. Downtown Neighborhood. (17-0013OA) (3:13:48)](https://youtu.be/6Z2ffqiWoNM?list=PLkFpcBv4i9_Bpan5oFpuqmZP3-u4UppaI&t=11628)** |

Dusting Wright, Community Development Planner, explained that this request was related to the previous item and the applicant was McKay Christensen. The request would decrease the required average apartment size for buildings with ground floor commercial fronting Center Street. The average unit size would be changed from 800 to 600 square feet with a minimum unit size of 500 square feet. The Planning Commission recommended applying this change to DT1 and DT2, even though the applicant’s request was only for DT1. Mr. Wright said staff was supportive of the Planning Commission’s recommendation.

Mr. Knecht said the applicant’s original request would focus this on Center Street if they had ground floor retail, which he appreciated. He noted that the project before council had few two bedroom units, most were one bedroom units, which works for this project, but he didn’t want to see the housing mix elsewhere becoming limited to small, one bedroom units. Mr. Knecht preferred the applicant’s request over Planning Commission’s version because it was restricted to a smaller area of Provo.

Chair Sewell invited Mr. Christensen to comment. Mr. Christensen said the renter pool in Provo and Orem was young, single, working professionals. He said finding market rate housing in the downtown core was difficult for this demographic. He explained that millennials prefer renting to ownership because of amenities, community, flexibility, and convenience – he felt his project provided these. He said millennials were willing to have less square footage, if it met their budgetary needs and allowed them to do the things millennials like doing, such as travel. Mr. Christensen reviewed several of his floor plans and explained the smallest unit was 500 square feet and the largest was 899 square feet.

Mr. Knecht asked what the parking ratio was. Mr. Christensen said the project met the city standard, but was not certain of the specifics. He guessed they had 150 stalls for 130 units. Mr. Knecht said he anticipated there would be some young married people with more than one vehicle and wondered if this was a concern. Mr. Christensen said they are looking at alternatives to offset vehicle traffic. Each unit had a bike rack and there were additional parking stalls for scooters and motorcycles. Mr. Wright confirmed the applicant had met the existing requirements for parking. Mr. Stewart did not feel the parking was adequate, he said most people have two cars.

Chair Sewell opened public comment.

Jeremiah Maughan, Mapleton, told the council he agreed with Mr. Christensen’s data and said there was a demographic that would be interested in this product. Mr. Maughan referenced the Riverview Apartments he built in Provo and said he had 16 one bedroom units, and 7 of those occupants rent a second parking stall. He added that in his experience, the one bedroom units were leased before the two bedroom units. Mr. Maughan felt when the average size is dictated by the city, it makes it difficult for a developer to meet the market demand for one bedroom units.

The council compared the two proposals, the applicant’s and Planning Commission’s version. The applicant’s version was focused on Center Street and units with ground floor commercial. The planning commission’s version extended the amendment to both DT1 and DT2 zones.

Mr. Stewart had concerns about reducing the average unit size. He felt this would lead to fewer two bedroom units, which would reduce long term stability because families prefer two bedroom units. Mr. Knecht told Mr. Stewart that was why he preferred the more restrictive option, not Planning Commission’s recommendation.

Mr. Harding and Mr. Sewell were comfortable with either version, but like the idea of incentivizing developers to build ground floor commercial in exchange for a reduced average unit size.

Chair Sewell invited Mr. Parker to comment. Mr. Parker said the administration defers to the Planning Commission on land use items, as they are the body authorized by statute to make these recommendations to council. He stated he was comfortable with either version but said there was some advantage to applying this more restrictively and seeing how it works out.

Mr. Stewart reiterated his concern about parking ratios. Mr. Knecht replied that if the project attracts people who want to live alone, not married couples, then he felt the parking could be sufficient.

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| **Motion:** | Council Member Gary Winterton made a motion to substitute the applicant’s proposed amendment. Council Member Kim Santiago seconded the motion. |

Mr. Jones asked council staff to display the version of the ordinance that Mr. Winterton moved to approve, he had revised the proposed ordinance to reflect the applicant’s version. It was clarified that this would be applied to all of Center Street in the DT1 zone with the caveat that it only applies if there is commercial use on the ground floor.

Chair Sewell called for a vote on the motion to use the applicant’s version of the amendment.

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| **Roll Call Vote:** | The motion passed 5:1 with Council Members Harding, Knecht, Santiago, Sewell, and Winterton in favor. Council Member Stewart opposed. Council Member Van Buren excused. |

Chair Sewell called for a vote on the implied motion.

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| **Roll Call Vote:** | The motion passed 5:1 with Council Members Harding, Knecht, Santiago, Sewell, and Winterton in favor. Council Member Stewart opposed. Council Member Van Buren excused. |

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| **Adjournment** |

Chair Sewell declared the meeting adjourned at 9:26 p.m.