



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Agenda

5:30 PM, Tuesday, February 06, 2018

Room 200, Municipal Council Chambers

351 West Center, Provo, Utah

Decorum

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

Opening Ceremony

Roll Call

Prayer

Pledge of Allegiance

Neighborhood Spotlight: Joaquin Neighborhood

Approval of Minutes

- December 5, 2017 Council Meeting

Presentations, Proclamations, and Awards

- 1 A presentation on the Mayor's Award of Excellence
- 2 A presentation of the 2017 Employee of the Year

Public Comment

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

Consent Agenda

Action Agenda

- 3 A resolution consenting to the Mayor's appointment of Karen Larsen as the Director Of Customer Service for Provo City. (18-020)
- 4 An ordinance amending Provo City Code to clean up inconsistencies and correct references to the Residential Design Standards. Citywide impact. (17-0024OA)
- 5 A resolution amending the General Plan Land Use Map designation for property generally located at 490 South State Street from Commercial to Residential. Maeser Neighborhood. (17-0002GPA)
- 6 An ordinance amending the zone map classification of approximately 1.92 acres of real property, generally located at 422-490 South State Street, from General Commercial to High Density Residential. Maeser Neighborhood. (17-0010R)
- 7 An ordinance amending Provo City Code Section 14.41.060 (Major Home Occupations). Citywide Impact. (17-0025OA)

Adjournment

If you have a comment regarding items on the agenda, please email or write to Council Members. Their contact information is listed on the Provo website at:

<http://provo.org/government/city-council/meet-the-council>

Materials and Agenda: <http://publicdocuments.provo.org/sirepub/meet.aspx>

Council Blog: <http://provocitycouncil.blogspot.com/>

The next scheduled Regular Council Meeting will be held on 02/20/2018 at 5:30 PM in the Council Chambers, 351 West Center Street, Provo, unless otherwise noticed. The Work Session meeting start times is to be determined and will be noticed at least 24 hours prior to the meeting time, but typically begins between 1:00 and 4:00pm.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aides and services) during this meeting are invited to notify the Provo Council Office at 351 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email evanderwerken@provo.org at least three working days prior to the meeting. The meeting room in Provo City Center is fully accessible via the south parking garage access to the elevator. The Council Meeting is also broadcast live Provo Channel 17 at <https://www.youtube.com/user/ProvoChannel17>. For access to past Work and Council Meetings, go to playlists on <https://www.youtube.com/user/ProvoChannel17>.

Notice of Telephonic Communications

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at council.provo.gov. Council Meeting agendas are available through the Utah Public Meeting Notice website at pmn.utah.gov. Email subscriptions to the Utah Public Meeting Notice are available through their website.

Network for public access is "Provo Guest", password "provoguest".

Please Note – These minutes have been prepared with a time-stamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:30 PM, Tuesday, December 05, 2017
Room 200, Municipal Council Chambers
351 West Center, Provo, Utah

Opening Ceremony

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member David Harding	Council Member David Knecht
Council Member Kim Santiago (via teleconference)	Council Member David Sewell
Council Member George Stewart	Council Member Kay Van Buren
Council Member Gary Winterton	Council Executive Director Clifford Strachan
Council Attorney Brian Jones	Chief Administrative Officer Wayne Parker
Mayor Michelle Kaufusi	

Conducting: Council Chair David Sewell

Prayer – Devin Kaufusi

Pledge of Allegiance – Corbin Kaufusi

Neighborhood Spotlight - Provo Bay Neighborhood ([0:14:40](#))

Cathy Sorensen, Provo Bay Neighborhood Chair, presented the neighborhood spotlight. Ms. Sorensen said she hoped to bring passion and common sense to her new role as neighborhood chair. Ms. Sorensen's primary concern was the growth occurring in her neighborhood. Her intent was to manage the growth the best way possible and make Provo even better than it already was.

Approval of Minutes ([0:18:03](#))

- **October 17, 2017 Council Meeting**
- **November 14, 2017 Council Meeting**

The October 17, 2017 and November 14, 2017 meeting minutes were approved unanimously.

Presentations, Proclamations, and Awards

1 A presentation of the Provology graduates ([0:18:40](#))

Chair Sewell introduced the Provology program and explained it was a nine-week course that was offered twice per year. Participants are given the opportunity to tour city facilities and learn more about Provo.

24 Chair Sewell presented the following participants with certificates of completion:
25

Aaron Evenson	Alexis Willhite	Alice Gollwitzer
Chad Helper	Claire Warnick	Clint Wharton
Derrick Peterson	Devin Willie	Emily Angell
Jeff Rose	Karissa Evenson	Logan Moffett
Madison Daniels	Mary Hardin	Mary McChesney
Melissa Hurd	Niles Wimber	Paul Hardin
Rachel Pollock	Sahil Lavingia	Svetlana Wimber

26

2 A recognition of Provo City Employees ([0:24:54](#))

27

28 John Borget, Administrative Services Director, recognized Janene Weiss, City Recorder, for her service to
29 the city. Mr. Borget said an article published in June 2017 appropriately described Ms. Weiss as being
30 humble and reserved. Despite her quiet demeanor, her colleagues would miss her when she was gone.
31 Ms. Weiss would be retiring on December 28, 2017.

32

33 Mr. Borget said Ms. Weiss began her employment with Provo City in 1984 and served the city in various
34 departments and roles, including: Parking Cadet, Police Dispatcher, Budget Analyst, and City Recorder.
35 He said being City Recorder was not an easy job. In addition to taking minutes at Council Meetings, she
36 was also responsible for municipal elections, GRAMA requests, and city contracts.

37

38 Mr. Borget read several complimentary quotes from Ms. Weiss's colleges, including former Mayor, John
39 Curtis. It was clear that Ms. Weiss was admired by many. Mr. Borget said she had made everlasting
40 contributions to the city and would be greatly missed.

41

42 On behalf of the council, Chair Sewell also voiced appreciation for Ms. Weiss's service. He said she had
43 been great to work with and always conducted herself in a kind and professional manner.

44

45 Next, Chair Sewell said while he was serving as Acting Mayor, a resident requested to speak with him to
46 share a positive interaction he had with Provo Police Department. The resident asked that the following
47 individuals be recognized:

48

Sergeant Robert Patrick	Officer Paul Shade	Officer Robert Campbell
Officer Travis Bushman	Sergeant Nisha King	Officer Mark Jackson
Officer Brooke Fox		

49

50 The resident said these individuals were kind and professional. He was very appreciative of their service.
51 Chair Sewell was confident the few named were likely representative of the entire Police Department.

52

Public Comment ([0:33:43](#))

53

54 Fifteen minutes had been set aside for any person to express ideas, concerns, comments, or issues that
55 were not on the agenda. Chair Sewell opened public comment, there was no response. Public comment
56 was closed.

57

Action Agenda

58

3 A public meeting to appoint an individual to the office of Provo City Mayor to fill the remaining

portion of the unexpired term vacated by Mayor John Curtis until January 1, 2018. (17-132)
(0:35:48)

59

- **Applicants will be allowed a time-limited statement to the Municipal Council**
- **The Municipal Council may question the applicant and vote on Resolution 2017-56 appointing an individual to the office of Provo City Mayor to fill the remaining portion of the unexpired term vacated by Mayor John Curtis until January 1, 2018. (17-132)**

60

61 Chair Sewell said state code required an application and interview process to fill a vacancy, but, since
62 there had only been one applicant, Mayor-Elect Michelle Kaufusi, it was not necessary to conduct a
63 public interview. Chair Sewell invited Mayor Kaufusi to speak.

64

65 Mayor Kaufusi said she was looking forward to her next four years in office. She voiced appreciation to
66 the council for their trust and belief in her ability to fill the vacancy.

67

Motion: Council Member Stewart moved to approve Resolution 2017-56. The motion
was seconded by Council Member Winterton.

68

69 Mr. Stewart said he was looking forward to working with Ms. Kaufusi and was confident she would do a
70 good job. Chair Sewell and Ms. Santiago also congratulated and welcomed Mayor Kaufusi.

71

72 Chair Sewell called for a vote on the motion.

73

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

74

4 Administration of the oath of office to the mayoral appointee (0:41:15)

75

76 The Oath of Office was administered to Mayor Michelle Kaufusi by Janene Weiss, City Recorder.
77 Following the oath, Mayor Kaufusi signed the Oath of Office and the audience gave a standing ovation.

78

79 Mr. Stewart invited Mayor Kaufusi to take her seat on the dais with the council and administration. Chair
80 Sewell explained that according to state code, the mayor was welcome to speak freely in council
81 discussions.

82

**5 Resolution 2017-57 accepting a Provo City Audit Report and Comprehensive Annual Financial
Report for the fiscal year ending June 30, 2017. (17-134) (0:43:44)**

83

Motion: An implied motion to approve Resolution 2017-57, as currently constituted,
has been made by council rule.

84

85 John Borget, Administrative Services Director, presented the Comprehensive Annual Financial Report
86 (CAFR) for the fiscal year ending June 30, 2017. Mr. Borget said that the CAFR was reviewed in more
87 detail during the work session, earlier in the day. For the benefit of the public, he gave a brief overview
88 of the report. He said an audit of Provo's financial statements was conducted by Hansen, Bradshaw,
89 Malmrose & Erickson, an independent accounting firm. Mr. Borget said the goal of the audit was to
90 provide reasonable assurance that the financial statements are representative of the city's financial
91 position in all material respects. Based upon the audit, the firm concluded the report was satisfactory.

92

93 The CAFR included a transmittal letter that summarized the scope of the report. One of the sections in
94 the transmittal letter outlined major initiatives taken on by the city. Mr. Borget explained that one of
95 the major initiatives during the year had been implementing a city-wide software system known as the
96 Provo 360 Project. He said there had been much progress with the project implementation. On June 26,
97 2017, the finance department was able to begin using the new software. Modules for other
98 departments would be completed in 2018. He said overall, the project was going well.
99

100 Mr. Borget explained that the Government Finance Officers Association (GFOA) had given Provo City a
101 Certificate of Achievement for Excellence in Financial Reporting for the CAFR for the fiscal year ended
102 June 30, 2016. The certificate is awarded annually and he would be submitting the current report to
103 GFOA for consideration.
104

105 Mr. Borget acknowledged several employees in his department who had dedicated countless hours to
106 the report and provided outstanding service.
107

108 Chair Sewell opened the item for public comment, there was no response.
109

110 Mr. Stewart thanked Mr. Borget and his staff for their efforts.
111

112 Chair Sewell called for a vote on the implied motion.
113

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

114
115 Recess as the Municipal Council and convene as the Redevelopment Agency.
116

117
Motion: Council Member Van Buren made a motion to adjourn as the Municipal
Council and convene as the Redevelopment Agency. Council Member
Harding seconded the motion.

118
119 Chair Sewell called for a vote on the motion.
120

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

121
Redevelopment Agency of Provo
122

6 **Redevelopment Agency Resolution 2017-RDA-12-05-1 approving the appropriation and
budgeting of \$3.8 million to purchase the property located at 57 West 500 South in Provo and
to loan an additional \$2.2 million to Intermountain Farmer's Association to purchase the
property at 898 South University Avenue in Provo. (17-141) (0:53:06)**

123
Motion: An implied motion to approve Redevelopment Agency Resolution 2017-RDA-
12-05-1, as currently constituted, has been made by council rule.
124

125 David Walter, Redevelopment Director, presented the resolution. Mr. Walter said that Intermountain
126 Farmer’s Association (IFA) owned a building at 57 West 500 South in Provo and the building was about
127 10,000 square-feet and had become too small for their business. The former Office Max building at 898
128 South University Avenue became available for purchase and was nearly double the size of their existing
129 building. IFA entered into a purchase agreement with the owner of the former Office Max building but
130 needed some assistance from the Redevelopment Agency to complete the transaction. Mr. Walters
131 described the key points of the request:

- 132 • Provo Redevelopment would purchase the property at 57 West 500 South for \$3.8 million.
- 133 • Provo Redevelopment would provide a five-year loan of \$2.2 million, to assist IFA with the
134 purchase of the building at 898 South University Ave.
- 135 • Monthly payments of approximately \$11,600 would be made by IFA, with a balloon payment of
136 roughly \$1.9 million due at the end of the loan.

137
138 Mr. Walter noted there were other parties interested in redeveloping the entire block where the
139 existing IFA building was located; owning the property could allow Provo the opportunity to participate
140 in the redevelopment efforts.

141
142 Chair Stewart opened public comment.

143
144 Teri McCabe, Franklin Neighborhood Chair, said IFA’s current building was adjacent to her neighborhood
145 and she agreed that they had outgrown their current building. She offered her neighborhood’s
146 assistance with redevelopment efforts for the property at 57 West 500 South.

147
148 Mr. Winterton said there was a historic building located on the existing IFA property and asked Mr.
149 Walter to provide additional information. Mr. Walter said the building Mr. Winterton referred to a
150 smaller building located to the rear of the property. In the past, different vendors would use the building
151 for temporary events, such as pop-up shops and art galleries. He said redevelopment could decide to
152 continue using the smaller building to host temporary events, or they could choose to utilize it as part of
153 a larger redevelopment effort. He noted that one developer had already approached him about the
154 possibility of redeveloping this and other properties on the block. One possibility was turning the
155 property into a daycare center for female entrepreneurs who worked in the nearby Startup District. Mr.
156 Walter clarified the building was not on the National Registry of Historic Places.

157
158 Chair Stewart asked if there were any other comments, there were none. He called for a vote on the
159 implied motion.

160
Roll Call Vote: The motion Passed 6:0 with Board Members Harding, Knecht, Sewell, Stewart,
Van Buren, and Winterton in favor. Board Member Santiago was excused.

161
162 Adjourn as the Redevelopment Agency and reconvene as the Municipal Council.

163
164
Motion: Board Member Knecht made a motion to adjourn as the Redevelopment
Agency and reconvene as the Municipal Council. Board Member Harding
seconded the motion.

165
166 Chair Sewell called for a vote on the motion.

167

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

168

Action Agenda

169

7 Ordinance 2017-54 amending Provo City Code to update public works standards to meet 2018 criteria. City-wide Impact. (17-0022OA) ([1:01:13](#))

170

Motion: An implied motion to approve Ordinance 2017-54, as currently constituted, has been made by council rule.

171

172 David Day, Development Engineering Coordinator, presented the ordinance. He said this was an
173 ordinance amendment to update public works standards to meeting 2018 criteria.

174

175 Chair Sewell opened public comment, there was no response.

176

177 Chair Sewell asked if any council member wished to hear the request again at their next meeting but
178 everyone was prepared to vote without rehearing the item.

179

180 Chair Sewell called for a vote on the implied motion.

181

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

182

8 Resolution 2017-58 adopting the Provo City Strategic Parking Management Plan for decision making and policy formation in regards to parking management within Provo City. (17-126) ([1:03:10](#))

183

Motion: An implied motion to approve Resolution 2017-58, as currently constituted, has been made by council rule.

184

185 Clifford Strachan, Council Executive Director, provided an overview of the resolution. One year earlier,
186 council held a retreat where they were presented with a report form an independent consultant
187 regarding the parking master plan. Over the year different efforts had been made to see how the plan
188 could apply to Provo. As a result, council was being presented with a condensed version of the Strategic
189 Parking Management Plan. Mr. Strachan said the goals and visions were reviewed during work session
190 earlier in the day. Some amendments had been made and council was presented with the amended
191 draft.

192

193 Chair Sewell opened public comment, there was no response.

194

195 Matthew Taylor, Parking Administrator, provided further clarification. He said council was considering
196 just the first two chapters of the plan. Mr. Taylor added there had been several discussions over the past
197 few months where they reviewed the eight guiding principles of the plan. He noted these discussions
198 could be found online for public reference.

199

200 Mr. Stewart referenced the second guiding principal which said parking enforcement would work closely
201 with Community Development. He said it was his understanding that Mr. Taylor would be part of the

202 Community Development Department. Mr. Taylor confirmed he would be transitioned to the
203 Community Development Department and said he would amend the text of the principle to accurately
204 reflect this.

205
206 Mr. Harding wanted clarification on what council would be adopting by approving the resolution. He
207 wanted to be sure they were not adopting the appendices because he wanted to make some
208 suggestions regarding the organization. Mr. Taylor provided a 13-page document to council which would
209 serve as the exhibit for the resolution. This document included a table of contents for the entire plan,
210 not just chapters one and two, Mr. Taylor suggested they redact all other items from the table of
211 contents to prevent confusion. Mr. Harding felt this would be helpful.

212
Motion: Council Member Harding made an amended motion to adopt Exhibit A as the
Strategic Parking Management Plan with the table of contents, after Chapter
2, redacted. Council Member Knecht seconded the motion.

213
Roll Call Vote: The motion Passed 6:0 with Council Members Harding, Knecht, Sewell,
Stewart, Van Buren, and Winterton in favor. Council Member Santiago was
excused.

214
**9 Ordinance 2017-55 amending Provo City Code related to the Provo City Neighborhood program
and clarifying sections related to City Boards. (17-138) (1:11:55)**

215
Motion: An implied motion to approve Ordinance 2017-55, as currently constituted,
has been made by council rule.

216
217 Clifford Strachan, Council Executive Director, presented. Mr. Strachan said the Neighborhood Program
218 Review Committee, consisting of several council members, had been working on these clarifications for
219 over a year. Mr. Strachan summarized the following proposed changes:

- 220
- 221 • Include the name of the program in the title of the code.
 - 222 • The board would consist of nine-members; five area representatives, three council members,
and others as recommended by council.
 - 223 • Clarifications to the purpose of the program.
 - 224 • Establish specific duties of the program.
 - 225 • Allow the possibility of a vice-chair as an area rep.
 - 226 • Clarify steps of the matching grant review process.

227
228 Mr. Knecht was concerned that sometimes Neighborhood Chairs are threatened with lawsuits for doing
229 their jobs as chairs He wanted to address this in the future and hoped to be able to provide assurance to
230 Neighborhood Chairs.

231
232 Chair Sewell opened public comment, there was no response.

233
234 Chair Sewell said he felt comfortable with the changes Mr. Strachan described.

235
Roll Call Vote: The motion Passed 6:0 with Council Members Harding, Knecht, Sewell,
Stewart, Van Buren, and Winterton in favor. Council Member Santiago was
excused.

236
**10 Public Comment on the Rocky Mountain University proposal to build a medical school on a
portion of the East Bay Golf Course (17-136) (1:19:51)**

237
238 Wayne Parker, Chief Administrative Officer, introduced the proposal. He said Dixon Holmes, Economic
239 Development Director, would present the latest proposal, which he felt was responsive to concerns
240 from the council and public. Then, Scott Henderson, Parks and Recreation Director, would provide an
241 update on the status of the golf course and how the proposal would impact operations at the golf
242 course. Mr. Parker said the applicant, Wasatch Educational, was also available to share their
243 perspective.
244

245 Mr. Holmes had copies of the parcel map and proposal available for the public on a table in the back of
246 the room. He said this was the second meeting of the council and the public. He noted the proposal
247 displayed was not the agreement, it was just a proposal. He said if there was a decision to proceed with
248 building a medical school on the golf course, council would be asked to do two things: First, council
249 would surplus a portion of the golf course for the medical school. Second, council would authorize the
250 administration to finalize an agreement between Provo City and Wasatch Educational.
251

252 Mr. Holmes directed attention to a map that provided an overview of the area being discussed. He
253 identified several key areas: Nature's Sunshine, the retention pond at the golf course, the northern
254 wedge of the golf course, and the southern wedge of the golf course. The map identified the
255 development of the land in stages over the next 15 years.
256

257 Mr. Holmes said there had previously been a proposal with the Boyer Company for a project referred to
258 as the Southgate Project, which would have been anchored by Target, Kohls, and several other retailers.
259 In 2008, Provo rezoned a portion of the golf course to SC3, and when the project fell through, it was
260 never changed back to PF.
261

262 Mr. Holmes reviewed Wasatch Educational's proposal section by section, beginning with the Nature's
263 Sunshine parcel ([01:26:56](#)). For this parcel, the Redevelopment agency would create a Community
264 Development Area. This would allow the purchase price to be earned back through tax increment
265 financing for a minimum period of 12 years.
266

267 Next, Mr. Holmes reviewed the Detention Pond parcel ([01:30:50](#)). The first step would be for the city to
268 determine whether the entire pond was needed for storm water runoff. If it was determined that we
269 could reduce the size, the city would work with the Corps of Engineers to reduce the size of the pond to
270 free up additional property, at city cost. Provo would then transfer approximately 1.6 acres adjacent to
271 Nature's Sunshine parcel as part of the north wedge at no cost.
272

273 The Northern Wedge was described by Mr. Holmes as being 21 acres, where holes 10, 11, and 12 were
274 located on the property ([1:32:18](#)). The purchase price would be the cost of relocating three holes to the
275 east side of the golf course, which was sometimes referred to as the Kuhni property. If after the
276 relocation of the three holes and the extraordinary land cost were accounted for, if there were a gap in
277 the valuation, Provo City would seek a process to close the valuation gap. The proposal stipulated that
278 work on the holes would need to be completed and playable before construction could begin on the
279 medical school campus. Because this property was a former landfill, the developer would accept the risk
280 of developing the medical school on a former landfill, but there were certain liabilities that could not be
281 transferred because Provo City would still be in the chain of the title.
282

283 The Southern Wedge included 14 acres that Mr. Holmes said Wasatch Educational was interested in
284 ([01:41:52](#)). The proposal included a 50 year right of first refusal that would be triggered by the city
285 receiving an offer to purchase part or all of the golf course, golf leaving the location, and the city
286 declaring the property as surplus (all three must be true). To exercise the right of first refusal, an
287 accredited medical school would still need to be operating on the site. If the property were to be sold,

288 use would be limited to uses related to the medical school or Wasatch Educational education related
289 programs.

290
291 The balance of the course was everything that had not already been described by the proposal
292 ([01:47:13](#)). There would also be a 50 year right of first refusal on this balance of the course with the
293 same conditions described for the south wedge.

294
295 Mr. Holmes gave his final remarks and encouraged council to make the decision that was best for the
296 city as a whole ([1:50:22](#)).

297
298 Mr. Stewart wanted to clarify that the proposal was not about golf leaving the city or even the current
299 location. He said the question to be answered was whether council would agree to accept the proposal
300 and move holes 10, 11, and 12.

301
302 Mr. Knecht recalled that some of the north wedge was zoned SC3 and wanted to understand why so
303 much of the golf course had been rezoned. Mr. Holmes asked for the zoning map to be displayed and
304 showed which portion was SC3. He then explained that this was done years earlier in preparation for the
305 Southgate Project, which was never developed.

306
307 Mr. Knecht asked if city would have lost the executive course if the project had been developed. Mr.
308 Holmes said the executive course would have been eliminated as part of the development. Mr. Knecht
309 asked if there were public hearings for the Southgate Project and Mr. Holmes said there had been only a
310 hearing for the rezone and project remained confidential until an announcement was made at the Covey
311 Center for the Arts in 2007. Mr. Knecht asked what the public reaction was when it was made known
312 that the executive course would be removed. Mr. Holmes said he would have guessed that people were
313 not very happy about it, but he did not know for certain. He said the project dissolved over time,
314 beginning with smaller retailers backing out in 2008-2009 when the economy began to struggle. Up until
315 2010, Target was still planning to come to Provo, but eventually, that also fell through.

316
317 Mr. Winterton wanted to know more about the liabilities that Mr. Holmes said were non-transferrable.
318 Mr. Holmes said the developer would first begin construction on the replacement holes. Next, they
319 would work with Utah Department of Environmental Quality to find out what risks would be associated
320 with building on a landfill. Mr. Holmes said Wasatch Educational was accepting a risk that it would be
321 expensive to develop this land and Provo would not be responsible for the cost associated with
322 development.

323
324 Mr. Winterton was interested in knowing specifically what risks Provo could have after the sale of the
325 property. Brian Jones, Council Attorney, provided a hypothetical example. The example given was about
326 television tubes in old televisions. Mr. Jones said if the tubes were known to be toxic, but the city
327 allowed them to be deposited in the landfill anyway, then later someone were to be harmed by the
328 toxins, then the city could be liable, even if the city no longer owned the property. Mr. Stewart correctly
329 pointed out that Provo already has the liability, whether or not Provo owns the property.

330
331 Mr. Van Buren asked if the methane gas being emitted into the air by the landfill was a concern. He felt
332 this was a more realistic concern than the example previously provided. Mr. Jones said there was an
333 expectation for duty of care. Unless the city was supposed to do something and didn't, the city would
334 not be liable. Mr. Jones said there was also other criteria, but did not go into detail.

335
336 Mr. Holmes said during the Southgate proposal, methane gas was a known concern, and their plans
337 included methane evacuation systems that would vent the gas properly to prevent it from being

338 circulated inside the building. He assumed this developer would want to do something similar, but noted
339 it would be their responsibility to do so.

340
341 Chair Sewell wanted to know more about the size of incentive the city was offering to Wasatch
342 Educational and how it compared to other deals the city had made. To illustrate a comparison, Mr.
343 Holmes referenced several notable transactions:

- 344 • Google Fiber: Provo sold its fiber optic network to Google for \$1; in exchange, Google
345 committed to provide free service to residents for seven years. Google also invested money in
346 system enhancements which allowed the system to operate at gig speeds.
- 347 • Mountain Vista: Formerly known as Ironton, this was another environmentally challenged
348 property where the Redevelopment Agency discounted land to account for extra cost associated
349 with building on the property.
- 350 • Utah Valley Convention Center: Provo contributed land worth several million dollars that was
351 needed for the convention center to be built.
- 352 • Provo Towne Centre: Provo helped to relocate residents and provide property tax incentives to
353 offset infrastructure costs associated with building the mall.

354
355 Mr. Holmes said when Provo was negotiating the Southgate project, Provo would have lost money on
356 the sale of the property to facilitate the project. He said Wasatch Educational would be paying to
357 relocate the holes, develop the ground, build something that would provide tax income, and bring a
358 medical school to Provo, he felt this was a fair trade.

359
360 Mr. Winterton asked who would be participating in the Community Development Area. Mr. Holmes said
361 traditionally, it would be Provo City (19 percent), Utah County (8 percent), Provo City School District (67
362 percent), and the Water Conservancy. All parties would need to be in agreement.

363
364 Mr. Knecht wanted to know what the out-of-pocket cost would be to Provo for this proposal. Mr.
365 Holmes said it would mostly be staff time to work closely with the developer and giving up the value of
366 the land, which was only as good as the next proposal, if there were to be one.

367
368 Mr. Knecht asked if moving the golf course was part of Vision 2030 or the General Plan. Mr. Parker said
369 Vision 2030 was a collaborative community process and one of the goals was to evaluate the
370 opportunity to relocate the golf course. Mr. Knecht said he heard from many people who did not want
371 the golf course moved and those people wanted assurances that council would not relocate it. Mr.
372 Homes said council would always maintain control of the future of the golf course.

373
374 Mr. Van Buren referred to Vision 2030. One of the goals of section 3.41 was to obtain funding through
375 sale of the golf course to create first-class golf facility without the need to bond or tax the residents. He
376 did not feel this proposal met this objective.

377
378 Mr. Holmes said he was not opposed to golf, but his job was to coordinate and present proposals. He
379 said that if the council decided to pass on the proposal, he wanted to develop the Kuhni property.

380
381 Scott Henderson, Parks and Recreation Director, presented ([02:22:00](#)). Mr. Henderson said he was
382 proud of the golf course. He expressed appreciation for all those who patronize the golf course. Mr.
383 Henderson asked that the Parks and Recreation Board Members be treated as Neighborhood Chairs
384 when public comment was opened so they could have more time to share their opinions.

385
386 Brett Watson, Golf Professional and Course Manager, shared a presentation with council. He had been
387 asked to present on the status of the golf course. His presentation outlined the following:

- 388 • 2017 Use Statistics

- 389 ○ On pace for over 70,000 rounds of golf
- 390 ○ Over 20,000 buckets of range balls hit
- 391 ○ Busiest year in history
- 392 ○ Water use and sustainability – water bill is similar to a small home
- 393 ○ On pace to eliminate subsidy by FY2019
- 394 ● North Wedge – impacts of proposal
 - 395 ○ Loss of holes 10, 11, 12
 - 396 ○ Relocation available
 - 397 ○ East Bat remains viable
 - 398 ○ Two lakes removed
 - 399 ○ Practice are affected
 - 400 ○ Minimal irrigation changes
 - 401 ○ Course under construction (dust and debris concerns)
 - 402 ○ Uncertainty of future
- 403 ● Southern Wedge (right of first refusal, if executed)
 - 404 ○ Loss of holes 13, 14, 18 – relocated to executive course
 - 405 ○ Loss of 1/3 revenue
 - 406 ○ Subsidy would be necessary
 - 407 ○ Loss of uniqueness
 - 408 ○ Loss of championship golf course
 - 409 ○ Loss of cross country races
 - 410 ○ Program losses
 - 411 ○ Physical/Environmental impacts

412

413 Mr. Watson showed a chart that demonstrated how decisions concerning golf had impacted the course
414 patronage. Examples provided:

- 415 ● Novell expansion into course 1988 (decrease)
- 416 ● Tiger Woods 1997-2000 (increase)
- 417 ● Privatization Impacts 2001-2002 (decrease)
- 418 ● Provo City buys out of contract 2004 (increase)
- 419 ● Southgate Center Announcement 2007 (decrease)

420 Mr. Watson noted the longest period of growth and increased patronage has been from 2010 to
421 current.

422

423 Mr. Knecht asked Mr. Watson to estimate how much their annual water expense would be if they were
424 unable to reuse the water from the waste water treatment center. Mr. Watson said it would be in
425 excess of \$300,000 annually. Mr. Knecht commented that if the waste water treatment facility were to
426 be relocated, it could have an impact on the golf course. Mr. Watson said they would still have the
427 millrace and backfill from Utah Lake. He suggested someone from Public Works could provide a more
428 thorough response.

429

430 John Nemelka, Mapleton, spoke on behalf of Wasatch Educational ([2:32:50](#)). Mr. Nemelka expressed his
431 love for Provo. He said the community and the golf course were both appealing to Wasatch Educational
432 because it would help to attract the type of students they are looking for. Mr. Nemelka said they heard
433 the concerns from the community and explained that the concern influenced their decision to withdraw
434 the request for an option on the southern wedge. He said they were no longer asking the council to
435 surplus the southern wedge.

436

437 Mr. Nemelka wanted to share his knowledge about a right of first refusal. He said it is commonly
438 misunderstood. He explained someone might ask for a right of first refusal on a neighbor's home, so

439 that in the event the neighbor's home were to be sold, they would have the first option to make an offer
440 or match other offers.

441
442 Mr. Nemelka said he was introduced to Dr. Richard Nielsen and Dr. Michael Skurja three years prior. He
443 then went to work for their team and described them as honest people. He said millions of lives have
444 been positively impacted because of what had been accomplished by Rocky Mountain University. Mr.
445 Nemelka said their goal was to do something meaningful for the community and they were planning to
446 build in Utah County regardless, but only extended an offer to Provo, because of their love for the city.

447
448 Dr. Richard Nielsen, representing Wasatch Educational and Rocky Mountain University, spoke to council.
449 He explained why he loved Provo so much. Dr. Nielsen believed that schools and education were crucial
450 for progress and opportunity. During Vietnam, Dr. Nielsen served in the Navy Medical Service Corp for
451 26 years where he met his partner, Dr. Skurja. When they retired from the military, they had a vision to
452 build a premier health care institution in Provo. He explained their vision specifically involved Provo for
453 its unique culture of service and quality of life. Dr. Nielsen said Rocky Mountain University, a subsidiary
454 of Wasatch Educational, had graduated over 2,000 practitioners. He said being in Provo enabled them to
455 attract students and faculty who want to be in Provo.

456
457 Dr. Nielsen went on to share a presentation about Wasatch Educational and Rocky Mountain University:

- 458 • Wasatch Education:
 - 459 ○ Established 1998
 - 460 ○ Would manage development of proposed Noorda College of Osteopathic Medicine
 - 461 ○ Parent company on Rocky Mountain University
 - 462 ○ Mission to promote and develop healthcare education institutions
- 463 • Rocky Mountain University:
 - 464 ○ Established 1998
 - 465 ○ Subsidiary of Wasatch Educational
 - 466 ○ Founder continue active roles in leading the university.
 - 467 ○ Vision of Rocky Mountain University is to advance the quality, delivery, and efficacy of
 - 468 healthcare.
 - 469 ○ 99 percent job placement
 - 470 ○ 100 percent board passage rate for DPT and FNP programs

471
472 Dr. Nielsen said the culture of the university was similar to the culture of Provo. A culture of service.
473 They established a pro-bono clinic in Provo in 2014. He said they had treated over 5,000 indigent
474 patients in their clinic in November.

475
476 Mr. Nemelka continued the presentation with statistics for out of state physicians:

- 477 • 400 students from Utah university leave the state each year to attend medical school elsewhere.
- 478 • Anticipated nation-wide physician shortage of 150,000 by 2025.
- 479 • Utah will need 375 new physicians each year to meet the state's growing medical needs.
- 480 • Utah ranks 49/50 states in the country for primary care physicians per capita.
- 481 • Utah ranks 43/50 in overall physicians to population ratios.

482
483 He said the proposed Noorda College of Osteopathic Medicine would help improve the statistics he
484 provided and increase the quality of care in Utah.

485
486 Mr. Nemelka reviewed their property plan. He said they were attracted to the golf course and wanted to
487 make the proposal work which was why they had removed the option on the southern wedge from the
488 proposal. They were willing to relocate holes 10, 11, and 12 to the southeast corner of the course. They

489 would also build the only island hole in the state. Their project would be built in phases, as Mr. Holmes
490 previously described.

491
492 Mr. Nemelka went on to explain how they thought the medical campus would benefit the community.
493 He said they wanted students who were already living in Utah to be able to be trained as physicians in
494 this community. He also said there would be significant property taxes paid to the local community. He
495 estimated \$9 million to the Provo School District and \$13 million in total. He then described the
496 economic impact in Utah County and Provo:

- 497 • \$83 Million construction related spending
- 498 • \$97 Million of business activity per year
- 499 • 522 Construction related jobs
- 500 • 825 Direct, indirect, and induced jobs

501 He also felt it would provide the stimulus needed to help revitalize the East Bay Area.

502
503 Mr. Nemelka continued by explaining that if the proposal were accepted, they would build additional
504 pro-bono clinics that would benefit the indigent residents of Provo. Additionally, they planned to build
505 partnerships with the local schools to provide medical internships for students of the Provo School
506 District.

507
508 Dr. Nielsen summarized their presentation and emphasized they were not asking for the southern
509 wedge to be put on the surplus list. He said they were planning to build it in Utah County but hoped it
510 could be in Provo. In closing, he asked the council to consider surplus the retention pond and the
511 northern wedge for their medical school.

512
513 Mr. Knecht asked why this property and not somewhere else in Provo. Dr. Nielsen said property in Provo
514 was very limited. Using the area near their existing Rocky Mountain University, would allow them to
515 expand that campus onto the golf course. He also appreciated the greenery and prestige of being on a
516 golf course. Mr. Nemelka said their developer and investors had asked the same thing as Mr. Knecht,
517 and said they had been offered other properties elsewhere, but the freeway access, neighborhood, and
518 loyalty to Provo were why they wanted this property.

519
520 Mr. Knecht recalled that expansion was one of the reasons they cited for wanting to build on the course.
521 He asked them to explain how they would expand if they were unable to build on the southern wedge.
522 Dr. Nielsen said their plan was to build the medical school and eventually relocate Rocky Mountain
523 University to a larger facility. Their long-term goals included expanding their programs, but he felt they
524 could be efficient within the bounds of the proposal. Dr. Nielsen said their plans for expansion were
525 contained to the northern wedge.

526
527 Chair Sewell asked about the types of degrees that would be offered at the new school. Dr. Nielsen said
528 they would offer a Doctor of Osteopathic Medicine (DO) degree.

529
530 Mr. Knecht asked Mr. Watson if he and/or his department participated in the creation and planning for
531 Vision 2030 concerning the golf course. Mr. Watson said it was primarily a citizen effort, but he had
532 been somewhat involved. He said the general idea was to consider relocating to Squaw Peak, if they
533 were able to sell the golf course and fund the new location with the proceeds. But he said it was the
534 opinion of the department that the east bay location was ideal, especially because of their ability to use
535 reclaimed water.

536
537 Mr. Harding referred to a slide in Mr. Watson's presentation that suggested developing the northern
538 wedge as a win-win solution. Mr. Harding wanted to know if this was also Mr. Watson's personal
539 opinion. Mr. Watson said the proposal concerning the northern wedge was a win-win but he questioned

540 whether their plans to expand would eventually threaten the southern wedge, which he felt would be
541 negative for the East Bay Golf Course.

542
543 Due to the number of people attending the meeting, Chair Sewell asked to get a count of those who
544 planned to participate in public comment, there were more than 30 who planned to speak. He explained
545 because of the number of people planning to participate, he wanted to strictly enforce the two-minute
546 time limit. Mr. Winterton asked if those from the Parks and Recreation Board could have more time.
547 Chair Sewell agreed to his request.

548
549 Mr. Winterton also asked that instead of repeating what has already been said, audience members
550 could raise their hands to show they agree with what is being said. Mr. Harding liked this idea and
551 suggested they could ask for a show of hands after each speaker to gauge how many agreed with what
552 had been said. Mr. Van Buren disagreed and felt that everyone should be given their time to speak and
553 wanted to stand by the regular council rules. Council agreed that Parks and Recreation Board Members
554 would be given four-minutes, everyone else would be given two-minutes, and there would be no show
555 of hands. Chair Sewell opened public comment.

556
557 Former Provo Mayor Joe Jenkins told council he had a solution ([3:16:09](#)). He felt that because Provo was
558 a first-class city, residents expected a golf course. He said there were few courses in the state that made
559 money, but the golf course was a necessity for a first-class city. He also said it was not economically
560 reasonable to build a golf course in the canyon. He was supportive of the proposal, including the right of
561 first refusal, but suggested an intent statement from council on the right of first refusal that explained it
562 was not their intent to sale any additional golf course property.

563
564 Parks and Recreation Board Member Aubrey Hanks spoke to council ([3:23:38](#)). Ms. Hanks was a resident
565 of the Franklin Neighborhood and felt the impacts of changes in East Bay. She questioned why council
566 would want a new development to be built when there were so many vacant buildings for sale in East
567 Bay. She agreed a medical school was needed, but questioned why it needed to be built on the golf
568 course.

569
570 Marc Liebman, Parks and Recreation Board Member, shared his concerns with council ([3:25:37](#)). He said
571 Provo had a uniqueness in terms of recreation. He believed that when recreational land was sold, it was
572 difficult to replace it. He had concerns about the terms of the proposal and said it felt like Provo was
573 being asked to give the land away for free. He said that if the course were to be moved later, there
574 would be no funds available to support the move. Mr. Liebman said the process was taking place too
575 quickly and not enough time was being spent on the details. He suggested the developers should pay
576 market value for the land and the proceeds should be put into an endowment for the golf course to
577 guarantee funding. He also agreed with Mayor Jenkin's suggestion of an intent statement.

578
579 Bryant Livingston, Parks and Recreation Board Member, addressed the council ([3:30:43](#)). Mr. Livingston
580 said after the last work session, he had more questions than answers. He was supportive of the medical
581 school and believed it would benefit the community, but had concerns about the location. Mr.
582 Livingston reviewed the geotechnical report and wondered whether the land could be developed. He
583 speculated where they would move 21-acres of garbage to make the property buildable. He wondered if
584 there had been consideration of the value of the golf business and possible change in revenue because
585 of the proposal. Mr. Livingston said there had already been a decrease in renewals, causing a loss of
586 revenue, just because of the uncertainty of the future of the golf course.

587
588 Claralyn Hill, Parks and Recreation Board Member, moved to Provo over 30 years ago because of the
589 parks and open spaces ([3:35:22](#)). Ms. Hill said she was supportive of the school, but pondered whether it
590 was the right use of the property and the right deal. She questioned if the proposal provided enough

591 revenue to support future needs of the golf course. Ms. Hill also wanted to be sure that if the holes were
592 moved, it would be done with careful consideration and planning to enhance the golf course. Another
593 concern for Ms. Hill was the public perception of selling recreational land and communal open spaces.
594 She thought it was important to make the best deal possible, while keeping Parks and Recreation
595 involved in the process.

596
597 Bill Fillmore, former Parks and Recreation Board Member, spoke in favor of the medical school at the
598 golf course ([3:39:55](#)). Mr. Fillmore said he liked the golf course and supports the school; he thought it
599 was an ideal situation. He commented that holes 10, 11, and 12, were not the best holes on the course
600 and thought this provided an opportunity to make them better and improve the course. Mr. Fillmore felt
601 the benefits of the medical school were very positive. He said it was important for council to secure the
602 long term economic health of the city and consider the long-term effect of their decisions.

603
604 Brittany Bugg, Provo, explained to council her concerns about the proposal ([3:43:15](#)). Ms. Bugg was
605 concerned about the impacts the development would have on wildlife. She said there were 239 bird
606 species migrating through the proposed area, half of which she guessed were protected species. Ms.
607 Bugg said these birds were important for pest and rodent control. She suggested some of the land could
608 be turned into a refuge.

609
610 Norman Christensen, Provo Physician, spoke to the council about his concerns with the medical school
611 ([3:46:02](#)). Dr. Christensen had the opportunity to interview hundreds of students about their training
612 opportunities, so he had great interest in the proposal. He said there were vital questions that remained
613 unanswered about the medical school. He felt medical education was more complex than council knew.
614 According to Dr. Christensen, in the past 12 years, there had been a few corporations that considered
615 building in Provo, but they realized there was no infrastructure and support for quality education. Dr.
616 Christensen said he was unaware of any efforts by Wasatch Educational to get the support of other local
617 hospitals and doctors, which he thought would be critical to their success in the community.

618
619 Blair Giles, Provo, and his two sons, shared their love of East Bay Golf Course with council ([3:48:19](#)). Mr.
620 Giles was the president of the Jimmer Fredette Foundation and had relocated to Provo from
621 Washington D.C. to work for the foundation. He said when they first arrived in Provo, his son had
622 success making new friends at the golf course and felt welcomed in the community. He appreciated the
623 Youth on Course program that allowed low cost golf for youth. He wondered where the displaced kids
624 would golf if something were to happen to the golf course. Mr. Giles said they chose to live in Provo
625 because it was a great community with a great golf course, and he didn't want anything to negatively
626 impact the golf course. He also said he frequently negotiated contracts as part of his profession and felt
627 the right of first refusal should be avoided and the only land that should be considered was the northern
628 wedge.

629
630 Kim Hood, Salt Lake City, was representing the Utah Golf Foundation ([3:50:29](#)). Ms. Hood said her
631 message was that the Youth on Course program at East Bay was vital for success. She went on to explain
632 what her foundation was about. It was a 501(c)(3) non-profit corporation with a mission to provide
633 financial support opportunities for people to play golf. She said in 2016, the foundation implemented
634 the Youth on Course program, which had been founded by the Northern California Golf Association. The
635 purpose of the program was to subsidize golf for children aged 6-18 to allow them to play a round of
636 golf for \$5 or less. She said East Bay Golf Course was the largest golf facility in Utah to offer the program.
637 She said the program also had positive economic impact in the community. In closing, Ms. Hood said the
638 East Bay Golf Course was critical for the success of their youth program.

639
640 Renee Van Buren, Woodland Hills, was a professor of ecology in the community ([3:52:43](#)). She had used
641 the golf course on occasion, but was also a birder who observed the wildlife in the area. Ms. Van Buren

642 said Provo Bay was an important birding habitat. She also felt there was unquantifiable value in the
643 aesthetics of the Golf Course that council should consider. In her opinion, a building would detract from
644 the beauty of the area.

645
646 Jesse Dodson, Lindon, was a member of the men’s golf league (3:54:38). Mr. Dodson was speaking on
647 behalf of his father, Randy Dodson, who was president of Fairways Media. They felt it was inappropriate
648 for council to consider surplus land from the golf course. He said the only win-win situation was the
649 possibility of getting three new holes built in exchange for allowing the northern wedge to be
650 developed. Mr. Dodson suggested using money from the sale of the land to fund an account designated
651 for the golf course and future improvements and maintenance. He also suggested removing the right of
652 first refusal and instead finding a legal way to protect the executive course from ever being considered
653 for development.

654
655 Bill Peterson, Provo, worked for Provo City for 30 years and was a member of the East Bay Men’s Club
656 (3:56:26). Mr. Peterson said he started golfing to rehabilitate his body after serving in Vietnam. He did
657 not believe that anyone should be allowed to build on the golf course. He said once the course was built,
658 they immediately compromised three holes for Novell’s expansion, and he was concerned about doing
659 this again. Mr. Peterson was not amused by the idea of an island green and question how long it would
660 extend a round of golf. He said he was not opposed to the school, just the location.

661
662 Sharon Memmott, Edgemont Neighborhood Vice-Chair, was concerned about losing the open space
663 (3:58:36). Ms. Memmott also thought that federal grants may have been used to develop the golf
664 course and might have to be repaid if the school were to be built. She felt there was great value in a
665 subsidy-free golf course in a location where reclaimed water could be used for free. Ms. Memmott
666 suggested locating the school in one of the vacant buildings throughout the city that would have better
667 access to transportation.

668
669 Rona Rahlf, Provo, was the President of the Utah Valley Chamber of Commerce (4:00:56). Ms. Rahlf told
670 council they should consider the return on investment of this proposal. She suggested that if the land
671 were to be developed for the medical school, it could generate up to \$97 million per year.

672
673 Richard Brimhall, Provo, worked for Public Works for 33 years and had been the Assistant Water
674 Resources Director (4:01:44). Mr. Brimhall had concerns about the proposed location. He said without a
675 sewer lift station, it would be impossible to service the facility. He wondered who would responsible for
676 building a lift station and the ongoing expense of a lift station. Mr. Brimhall recalled when Provo City
677 expanded the existing sewer treatment facility the cost was higher than anticipated due to unstable
678 ground, he felt the same would be true of the proposed location. He suggested that other locations,
679 such as Ironton or land near the airport should be considered. Mr. Brimhall also felt that noise would be
680 a concern and said that a sound wall would need to be built. Lastly, he said the relocation of the garbage
681 from the landfill would be an issue.

682
683 Ryan Larsen, BYU Student, explained to the council why he was in favor of the proposal (4:04:33). Mr.
684 Larsen was a freshman studying Economics and Political Science. He said the medical school would fill a
685 void in the community. He believed some of the arguments against the proposal could be mitigated as
686 the agreement was negotiated. Mr. Larsen said not only are Utah students leaving the state to pursue
687 medical degrees, the lack of a medical school also prevented people from attending school in Utah to
688 begin with.

689
690 Dr. Sue Nyhus, was an NCAA Division 1 Golf Coach at Utah Valley University (4:06:05). She said the value
691 of East Bay Golf Course was not insignificant. Dr. Nyhus said golf was a sport that could be played by
692 everyone, regardless of age or physical health. She appreciated the idea of having a medical school in

693 the valley but felt the location was wrong. Dr. Nyhus told council she remembered a time when the golf
694 course land was once submerged in water; she feared this could happen again and would be much
695 worse for a medical school, than a golf course. She believed the reason Wasatch Educational wanted
696 this property was because there was room for expansion, which she feared would compromise the
697 future of the golf course.

698
699 Paul Pugmire, Director of the First Tee of Utah, addressed the council ([4:09:19](#)). He explained the First
700 Tee of Utah was youth development organization. Mr. Pugmire was concerned about the par 3 junior
701 course. He said this course was one of the largest youth development assets in the entire state of Utah.
702 Mr. Pugmire believed the East Bay Gold Course was ideal the way it was, specifically the par 3 junior
703 course. He asked council to keep the junior course unchanged.

704
705 Leo Lines, Provo, said he had a win-win solution ([4:11:35](#)). Mr. Lines asked for the aerial view of the
706 course to be displayed. He said the Kuhni property should be sold to Wasatch Educational with a first
707 right of refusal on the southern wedge. He said this would initially allow them to build without
708 relocating any of the existing holes. Mr. Lines said the city should then move the entire golf course to
709 the other side of I-15 by the airport. He said there would be enough room for a 36-hole championship
710 course and an 18-hole executive course. Mr. Lines also suggested a larger clubhouse could be built to
711 facilitate corporate events and receptions. He said the northern wedge should be used for an auto mall
712 to generate tax revenue.

713
714 Dan Johnson, Provo, said he had played golf on Timpanogos course before the East Bay course was built
715 ([4:13:59](#)). He said he recalled federal funds being used to facilitate infrastructure and flood control for
716 the East Bay Golf Course. Mr. Johnson reminisced that in the early years of the course, there were no
717 covers and paths. Mr. Johnson said that Merrill Bingham, former Public Works Director, organized a sod
718 cutting fund raiser to raise money for golf course enhancements. He also recalled that volunteers would
719 often work to remove garbage from the bodies of water at the golf course. Mr. Johnson felt that if this
720 work had never taken place, the land wouldn't be desirable.

721
722 Keaka Hanamaikai, Provo, said he was grateful for East Bay Golf Course ([4:16:49](#)). He had played more
723 than 50 rounds of golf per year at the East Bay Golf Course. He said the course was unique because it
724 allowed people to spend time with their families. Mr. Hanamaikai asked council to preserve the course
725 that he treasured so much.

726
727 Shane Brady, Provo, offered his perspective on the proposal ([4:19:06](#)). Mr. Brady said he was a member
728 of Riverside Country Club and had access to golf at their facility but he still didn't want to see anything
729 happen to the golf course at East Bay. Mr. Brady worked in the East Bay area near the golf course and
730 said he understood why someone would want to build on the course, he thought it was an attractive
731 area. Mr. Brady felt the cost to develop would be more than estimated and the revenue generated
732 would probably be less than estimated. He expressed that he didn't want to see the city trade the
733 history of the course for the proposal.

734
735 Leonard Surprise, Provo, commented about youth sports in Provo ([4:20:50](#)). He said over 25 years ago,
736 there were baseball fields where the Shops at Riverwood were built. When the fields were removed, he
737 said citizens were told the city would build new ones somewhere else in northeast Provo, but they were
738 never built. Mr. Surprise said the removal of the fields made it difficult to transport kids from north
739 Provo to other fields in the south area of the city which he believed led to decreased baseball
740 participation at Timpview High School. He was concerned that if something happened to the youth
741 course at East Bay, it would have similar consequences for youth golf. He asked council to consider the
742 youth in their decisions.

743

744 Thomas Rosenvall, Provo, said he was an avid golfer (4:22:08). Mr. Rosenvall was on the Timpview High
745 School golf team which allowed him to meet golfers throughout the state and nation. He said in his
746 experience, East Bay Golf Course was well known for its offerings. He was concerned that if the proposal
747 were to be accepted, the practice course would be at risk, as well as the identity the East Bay Golf
748 Course.

749
750 Craig Pettit, Solana Beach, California, was the Vice President of Mall Operations for Brixton Capital, the
751 group that recently purchased Provo Towne Centre Mall (4:23:24). Mr. Pettit was supportive of the
752 proposal and felt it would help with efforts to revitalize the mall and surrounding area.

753
754 Scott Bowles, General Manager for Provo Towne Centre, and former Provo City employee, spoke to the
755 council (4:24:41). Mr. Bowles said Provo Towne Centre Mall would be celebrating their 20th anniversary,
756 and in those 20 years, he felt there had not been any substantial change to the East Bay area. Mr.
757 Bowles was familiar with the Economic Development Strategic Plan, he said it named Rocky Mountain
758 University as the single entity that could bring a medical school to Provo. He was in favor of the
759 proposal.

760
761 Dick Harmon, Provo, spoke about the proposal (4:26:48). Mr. Harmon said he had the opportunity to
762 visit with the people from Wasatch Educational and thought the project had merit. Although, he said the
763 developers been touting that they would build the only island green in the state, but Mr. Harmon
764 believed there was already one in St. George. He recalled that in the 1990's, Mr. Stewart said the golf
765 course didn't belong to the council or administration, it belonged to the citizens of Provo. He
766 encouraged council and Mayor Kaufusi to take time in making their decision and consider the value of
767 the trade.

768
769 Cale Hunt, Orem, told council he wasn't opposed to the medical school, but didn't agree with the
770 proposal as it was written (4:28:41). Mr. Hunt agreed with the comments made earlier by Mr. Dodson.
771 He did not believe there should be a first right of refusal included in the proposal and thought the
772 northern wedge should be sold at market value.

773
774 Brent Israelsen, Provo, spoke to council about the benefits of a medical school in Provo (4:30:10). Mr.
775 Israelsen said two of his daughters volunteered at the pro-bono clinic operated by Rocky Mountain
776 University, and another one of his daughters attended school at Rocky Mountain University. He said
777 Provo needed a medical school and he thought the benefits of having a medical school would be
778 significant.

779
780 Craig Van Buren, Provo, told the council he was opposed to relocating holes 10, 11, and 12 (4:32:58).
781 Mr. Van Buren told the council about his favorite memories of golfing those three holes. He hoped the
782 council would leave the entire course unchanged. He jested that if the decision was made to move those
783 holes, he wanted the first right of refusal for the cup at hole 11, where he had made two hole-in-one
784 shots.

785
786 Betsy Maxwell, Orem, was a representative of Wasatch Educational (4:34:11). Ms. Maxwell said her
787 grandfather was an avid golfer and she appreciated the sport and the passion of those who shared their
788 comments about the proposal. She thanked the council and Mayor for the opportunity to present the
789 proposal for a medical school. Ms. Maxwell said she was a stage 3 cancer survivor and said it took
790 multiple years to be cured. Because of her medical experience, she had gratitude for the medical
791 community and thought building the school was a way to pay it forward.

792
793 Carrie Roberts, BYU Women's Golf Coach, spoke to council (4:36:20). Ms. Roberts said she had golfed
794 her entire life, and her dad, Bruce Summerhays, was a professional golfer. She said she learned to golf at

795 East Bay and didn't want it to change. She said the golf course was a place people made memories. Ms.
796 Roberts said East Bay golf course allowed those without a lot of money the opportunity to learn to golf.
797 She also believed that golf helped to build character.

798
799 Brett Jensen, Logan, Utah, represented the development group that would be partnering with Wasatch
800 Educational to build the medical school ([4:38:30](#)). He said part of his job was estimating the cost to
801 remediate the landfill to make it buildable. Mr. Jensen said he estimated the cost to relocate three holes
802 and remediate the landfill would be \$14 million. He believed the value of the site was \$6 million. He said
803 the fact that Dr. Nielsen was willing to spend \$8 million more than the property was worth, showed his
804 desire to be in Provo. Mr. Jensen thought the medical school would add to the community.

805
806 There were no others who wished to comment. Chair Sewell closed public comment ([4:40:06](#)).
807

808 Based upon the public comments, Mr. Stewart felt there was a misunderstanding about the economic
809 value of the property. He said the value of the property, from a development standpoint, was less than
810 \$0.

811
812 Mr. Winterton asked for clarification on the process going forward. Chair Sewell said if the council was
813 interested in the proposal, they had the option of scheduling a surplus hearing. Otherwise, they could
814 do nothing.

815
Motion: Council Member Stewart made a motion to schedule a public hearing for
Tuesday, January 9, 2018. Council Member Winterton seconded the motion.

816
817 Mr. Van Buren was concerned that there had not been enough opportunity for the public to learn more
818 about the project and have their questions answered. He believed there should be more than one public
819 meeting before council made a decision.

820
Substitute Motion: Council Member Van Buren made a substitute motion to schedule a public
open house prior to January 23, 2018 and subsequently schedule a public
hearing to consider placing the property on the surplus property list on
January 23, 2018. Council Member Harding seconded the motion.

821
822 Mr. Jones said if a decision were to be considered on January 23, the public notice needed to be made
823 14 days in advance. Mr. Van Buren agreed.

824
825 Mr. Harding asked the applicant how the substitute motion would impact their project timeline. Brett
826 Jensen, the developer working alongside Wasatch Educational, explained they were under contract for
827 the Nature's Sunshine parcel and only had until January 15 before their earnest money would be lost.
828 He said they could attempt to get an extension. Mr. Nemeika also took the opportunity to ask the
829 council for a list of specific questions they could be prepared to answer at the next meetings.

830
831 Mr. Sewell was informed by Mr. Strachan that Ms. Santiago had been monitoring the meeting and was
832 attempting to reconnect via teleconference so that she could participate in the conversation and vote
833 ([4:51:43](#)).

834
835 Mr. Stewart was apprehensive to delay beyond January 9, 2018, as he felt it could put the proposal at
836 risk. He said there was no harm in scheduling the hearing for the 9th, just to be prepared, and recognized
837 they would still have the option to continue the item then. This was a failsafe incase Wasatch

838 Educational was not able to extend their purchase agreement with Nature’s Sunshine beyond January
839 15, 2018.

840
841 Mr. Harding questioned whether it would be possible to schedule a public meeting or open house prior
842 to January 9. Due to the holidays, Mr. Van Buren did not believe the timing was reasonable. He went on
843 to further explain the importance of the decision. Mr. Van Buren stated the golf course was an
844 important asset and it deserved more public input. He did not see any problem with asking for another
845 30 days.

846
847 Mr. Nemelka told council that Wasatch Educational would agree to the suggestion from former Mayor
848 Joe Jenkins to include an intent statement from council.

849
850 Mr. Knecht also wondered if it would be possible to schedule a public meeting or open house prior to
851 January 9. He said there would need to be a sponsor and administration available. Mr. Parker said
852 administration would be supportive of the council’s decision and understood there could be
853 consequences for delaying.

854
855 Chair Sewell asked Mr. Jones if they could wait until January 9, to determine if they wanted to consider
856 surplusizing the property on January 23. Mr. Jones said if they waited until the 9th, there would not be
857 adequate time for the required public notice because it must appear in the paper 14 days before the
858 surplus hearing. However, he noted that the decision to issue notice didn’t need to come from council.
859 He said the notice could be issued by administration or the Council Chair, as long as it was published by
860 the 9th for a hearing on January 23.

861
862 Mr. Harding said he did not want to risk losing the proposal by delaying. Mr. Winterton pointed out that
863 they could put it on the surplus list and then if something did not work out, they would not have to sale
864 the property. Mr. Jones said the terms of the surplus would be dictated by the resolution.

865
866 Mr. Knecht proposed an open house on January 4, as well as reviewing the item again in work session on
867 January 9. He did not want to risk the proposal, but felt more public input was important. He also asked
868 if council could begin the process to rezone the southern wedge as PF. He felt the current zoning sent a
869 message that the property was for sale. Mr. Jones said they could do that. Mr. Harding added that the
870 council could pass an intent statement the expressed their desire not to sale the southern wedge.

871
872 Chair Sewell said he wanted to have the surplus hearing on January 9. He also liked the idea of more
873 public input and was also in favor of an open house on January 4. Chair Sewell felt this would allow
874 council the option to make a decision on the 9th, if they were ready to do so. He felt the medical school
875 was the most compatible commercial use of the land and the economic benefit would be substantial. He
876 said he agreed with Mr. Holmes and said if the medical school were not built, he wanted to see the
877 Kuhni parcel be developed. Chair Sewell felt like Wasatch Educational would be a good partner to work
878 with and noted the considerable investment they were willing to make in Provo. He said he agreed with
879 the idea of issuing an intent statement for the southern wedge.

880
881 Ms. Santiago said she appreciated the comments made by the public and council. She agreed with Mr.
882 Stewart’s motion to have the public hearing on January 9 and felt it was the most flexible option and
883 would allow council to make a decision that night or continue it to another meeting.

884
885 Chair Sewell asked for Mayor Kaufusi input. Mayor Kaufusi said she appreciated the public input and
886 said she was still collecting and processing information but would be supportive of the council’s
887 decision. She respected Mr. Nemelka’s request for a list of specific questions so that direct answers
888 could be provided.

889
890 Chair Sewell called for a vote on the substitute motion.

891
Roll Call Vote: The motion failed 1:6 with Council Member Van Buren in favor and Council Members Knecht, Santiago, Sewell, Stewart, and Winterton in opposed.

892
893 Chair Sewell called for a vote on Mr. Stewart's motion to schedule a surplus hearing on January 9, 2018.

894
895 Mr. Knecht asked Mr. Stewart if he would amend his motion to include an open house on January 4,
896 2018. Mr. Stewart agreed.

897
Amended Motion: Council Member Stewart amended his motion to include hosting an open house on January 4. Council Member Winterton seconded the amended motion.

898
899 Chair Sewell called for a vote on Mr. Stewart's amended motion to schedule a surplus hearing on
900 January 9, 2018 and host a public open house on January 4, 2018.

901
Roll Call Vote: The motion passed 6:1 with Council Members Knecht, Santiago, Sewell, Stewart, and Winterton in favor. Council Member Van Buren opposed.

902
903 Adjournment

904 The meeting was declared adjourned by common consent at approximately 10:47 p.m.



January 29, 2018

Chair Gary Winterton and Members of the Municipal Council
City of Provo
351 W. Center Street
Provo, UT 84601

Dear Council Members:

As you know I announced on January 18, 2018 the creation of the Department of Customer Service and am pleased to recommend for your advice and consent process Karen Larsen to serve as Director of Customer Service.

Karen Larsen is currently the Division Director for Customer Service and has been with the City since February of 1989. Karen began her career with the City as an entry-level customer service rep in the Energy Department. In 1998, she was promoted to Customer Service Supervisor and in 2002 was promoted again to Customer Service Manager. In 2011, when Customer Service became a Division of the Mayor's Office and was relocated from the Energy Department to the City Center, , Karen was promoted to Division Director.

Since becoming Division Director, Karen has elevated the call center from a utility payment center to a city-wide customer service center. Under her leadership Provo introduced the first 311 call center to Utah. Karen manages over 30 employees who answer up to 8,000 calls a month. Provo's 311 call center has been used as a model for other cities as they try to duplicate what Karen has created.

I anticipate that we would bring her nomination for your action on the Council agenda at the first meeting in February.

We appreciate your longstanding support of the Customer Service Division and know that Karen will continue to be an effective and valued member of the City's leadership team as the Director of Customer Service.

Sincerely,

A handwritten signature in black ink that reads "Michelle Kaufusi". The signature is fluid and cursive, with the first name "Michelle" and last name "Kaufusi" clearly legible.

Michelle Kaufusi
Mayor

TEL 801 852 6100
351 W CENTER ST
P.O. BOX 1849
PROVO, UT 84603

PROVO.ORG

1 RESOLUTION 2018-.

2
3 A RESOLUTION CONSENTING TO THE MAYOR'S APPOINTMENT OF
4 KAREN LARSEN AS THE DIRECTOR OF CUSTOMER SERVICE FOR
5 PROVO CITY. (18-020)

6
7 WHEREAS, following the creation of a Customer Service Department, Mayor Michelle
8 Kaufusi has appointed Karen Larsen to serve as the Director of Customer Service for the City of
9 Provo; and

10
11 WHEREAS, Provo City Code Section 2.50.080 provides that the Municipal Council shall
12 consider the appointment of any department director in the City and shall give its advice and
13 consent where appropriate and consistent with law; and

14
15 WHEREAS, on February 6, 2018, the Municipal Council held a duly noticed public
16 meeting to ascertain the facts regarding this matter, which facts are found in the meeting record;
17 and

18
19 WHEREAS, after considering the facts presented, the Municipal Council consents to the
20 appointment of Karen Larsen as the Director of Customer Service and finds (i) Ms. Larsen has
21 the requisite skills and abilities to perform the duties of the Director of Customer Service, and
22 (ii) such appointment reasonably furthers the health, safety, and general welfare of the citizens of
23 Provo City.

24
25 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah as
26 follows:

27
28 PART I:

29
30 The Municipal Council hereby consents to the appointment of Karen Larsen as the
31 Director of the Customer Service Department for the City of Provo, Utah, effective February 11,
32 2018, conditioned on her meeting all the requirements of the position.

33
34 PART II:

35
36 This resolution shall take effect immediately.

37
38 END OF RESOLUTION.



Provo City Planning Commission

Report of Action

January 10, 2018

ITEM 2* The Provo City Community Development Department requests Ordinance Amendments to Sections 14.34.285 & 14.34.287 which are Residential Design Standards. *City-Wide Impact*. 17-0024OA, Aaron Ardmore, 801-852-6404. *This item was continued from the Dec. 13, 2017 Planning Commission Hearing.*

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 10, 2018:

RECOMMENDATION FOR APPROVAL

On a vote of 7:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Jamin Rowan

Second By: Brian Smith

Votes in Favor of Motion: Jamin Rowan, Ed Jones, Shannon Ellsworth, Deborah Jensen, Andrew Howard, Brian Smith, Maria Winden

Deborah Jensen was present as Chair.

- Additional Report of Action for item previously continued after a public hearing or other discussion: December 13, 2017.
- 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

14.14B.080. Project Plan Approval/Design Review/Design Guidelines.

See Sections 15.03.300 and 15.03.310, Chapter 14.04A, and Section 14.34.285287, Provo City Code.

14.14C.080. Project Plan Approval/Design Review/Design Guidelines.

See Sections 15.03.300 and 15.03.310, Chapter 14.04A, and Section 14.34.285287, Provo City Code.

14.14E.080. Project Plan Approval/Design Review/Design Guideline.

See Sections 15.03.300 and 15.03.310, Chapter 14.04A and Section 14.34.285287, Provo City Code.

14.34.285. Joaquin Neighborhood and RC Zone Residential Design Standards and Guidelines.

(10) Building Materials.

- (a) Brick, ~~stucco~~stone, and ~~painted~~ wood shall be used as primary (51%) building materials.

~~(i) Painted wood lap siding and other forms of wood siding should be used predominately.~~

~~(ii)(i) Stucco may be considered when it is detailed with wood trim around windows and doors. A shadow line around windows should be created by recessing windows.~~

~~(iii)(ii) A range of secondary and trim materials may be used as long as they are not dominant.~~

14.34.287. Residential Design Standards.

(2) Applicability. The design standards set forth in this Section shall apply to all new residential buildings and uses located in the ~~Low Density Residential, Medium Density Residential, High Density Residential, Campus High Density Residential and Campus Mixed Use~~ zones **that reference this section**. In approving a project plan, the approving authority may impose reasonable conditions consistent with the purpose and intent of this Section. The requirements for this Section shall apply in addition to other applicable requirements of this Title. This Section shall be interpreted to supersede other requirements of the Provo City Code which may impose more restrictive requirements.

(10) Building Materials.

~~(a) The primary exterior finish material of all structures shall not consist of vinyl, aluminum or metal siding (including sheet or corrugated metal), plywood, particle board, or other products not intended as an architectural finish product.~~

~~(i) Stucco may be considered when it is detailed with wood trim around windows and doors. A shadow line around windows should be created.~~

~~(ii) A range of secondary materials including trim may be used as long as they remain secondary.~~

~~(iii) Wood, slate, tiles and high-quality composition shingles and shakes shall be used for roofing materials.~~

a) Intent. The intent of the facade materials standards of this section is to:

- (1) Provide minimum material standards to ensure use of well-tested, high quality, and durable surfaces, while permitting a wider range of materials for details;
- (2) Encourage a high level of detail from smaller scaled, less monolithic materials in order to relate facades to pedestrians, especially at the ground level.

(b) Major Materials. A minimum of eighty percent of each facade, not including window and door areas, shall be composed of major materials, as specified in this section.

(1) Allowed Major Materials. The following are allowed major materials.

- (A) Stone.
- (B) Brick.
- (C) Wood.
- (D) Architectural metal panel systems.

(2) Prohibited Major Materials. The following materials are prohibited as major materials, unless otherwise approved under the standards of this Section:

- (A) Face-sealed EIFS synthetic stucco assemblies and decorative architectural elements.
- (B) Synthetic stucco or elastomeric finishes on stucco.
- (C) Unfinished or untreated wood.
- (D) Glass block.
- (E) Vinyl or aluminum siding.
- (F) Plastic, including high-density polyethylene, polyvinyl chloride (PVC), and polycarbonate, panels.
- (G) Fiberglass and acrylic panels.

(3) Limited Use Major Materials. The following materials are prohibited as a major material except consistent with the following:

(A) Economy Bricks. Brick types larger than three inches in height are allowed as major materials on rear, alley, and rail corridor facades. In such instances, corner bricks shall be used to give the appearance of a full brick façade.

(c) Minor Materials. Allowed minor materials are limited to trim, details, and other accent areas that combine to twenty percent or less of the total surface of each facade.

(1) Major Materials. All allowed major materials may serve as minor materials.

(2) Allowed Minor Materials. The following are allowed minor materials:

(A) Fiber Cement board.

(B) Metal for beams, lintels, trim, exposed structure, and other ornamentation.

(C) Split-faced, burnished, glazed, or honed concrete masonry units or block cast stone concrete elements.

(D) Vinyl for window trim.

(E) Glass curtain wall.

(F) Cement-Based Stucco.

(G) Terra cotta or ceramic tiles or panels.

(d) Other Materials with Approval. Materials that are not listed in this section for its proposed application as allowed major materials, limited use materials, or allowed minor materials, may not be installed on any facade unless approved by the reviewing authority pursuant to this subsection (d). The reviewing authority may approve facade materials that are not listed in this section for its proposed application if the applicant demonstrates the material in its proposed application meets the intent of the facade material standards described in subsection (a) of this section. Samples and examples of successful high quality local installation shall be provided by the applicant.

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

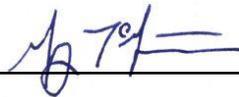
- City-wide application; all Neighborhood Chairs received notification.

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. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following: None.



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: January 10, 2018**

ITEM 2* The Provo City Community Development Department requests Ordinance Amendments to Sections 14.34.285 & 14.34.287 which are Residential Design Standards. **City-Wide Impact.** 17-0024OA, Aaron Ardmore, 801-852-6404

Applicant: Provo City Community Development

Staff Coordinator: Aaron Ardmore

***Council Action Required:** Yes

ALTERNATIVE ACTIONS

1. **Continue** the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*
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: Provo City Planning Staff observed some inconsistencies in residential design standards and prepared this amendment to clarify design regulations.

Neighborhood Issues: City-Wide Impact.

Summary of Key Issues:

- Current code is referencing the wrong design standards section in some zones.
- Current code is ambiguous in its building materials requirements.
- Staff desires to have clear standards for residential building materials that will benefit the City and its' neighborhoods.

Staff Recommendation: Staff recommends that the Ordinance Amendments to Sections 14.34.285 & 14.34.287 be given a Positive Recommendation to the Municipal Council.

OVERVIEW

The Provo City Community Development Department requests ordinance amendments to Sections 14.34.285 and 14.34.287, as well as clean up in Sections 14.14B.080, 14.14C.080, and 14.14E.080. The amendments to the 14.14 Sections are to correct the reference to the design standards in Chapter 14.34.

However, the amendments to the Sections in Chapter 14.34 are to clarify and update building material requirements on new residential buildings. Currently, the word “primary” is used, but not defined in regards to building materials. Staff proposes to define primary as 51% and make necessary updates to materials in Section 14.34.285.

In Section 14.34.287, staff proposes to remove all the current language under subsection 10 (building materials) and replace it with a more clear and definitive design standard regulation (see attached).

This item was continued from the December Planning Commission meeting to allow the Commission time to review the language.

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 is to clarify what is expected of a residential developer, and to ensure positive residential development in the City.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **These amendments should help to provide attractive residential products that benefit the character of Provo City.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **This amendment helps to achieve goals of the General Plan in several chapters, including Housing, Urban Design, and Land Use. Most specifically, in chapter 6, it states the City should “promote great urban design and architecture through development standards”.***

- (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 relevant timing and sequencing provisions related to this request.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies. **The proposed amendment should not hinder or obstruct attainment of the General Plan’s articulated policies.***
- (f) *Adverse impacts on adjacent land owners. **There will be no adverse impacts on adjacent land owners with the approval of this amendment.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **It is 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 believes these proposed amendments will guarantee improved residential development within Provo City and help clarify expectations for those that build here.

STAFF RECOMMENDATION

Staff recommends that the Ordinance Amendments to Sections 14.34.285 & 14.34.287 be given a Positive Recommendation to the Municipal Council.

ATTACHMENTS

1. Proposed Amendment Language

PROPOSED AMENDMENTS

14.14B.080. Project Plan Approval/Design Review/Design Guidelines.

See Sections 15.03.300 and 15.03.310, Chapter 14.04A, and Section 14.34.285287, Provo City Code.

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~~(ii)~~(ii) A range of secondary and trim materials may be used as long as they are not dominant.

14.34.287. Residential Design Standards.

(2) Applicability. The design standards set forth in this Section shall apply to all new residential buildings and uses located in the ~~Low Density Residential, Medium Density Residential, High Density Residential, Campus High Density Residential and Campus Mixed Use~~ zones that reference this section. In approving a project plan, the approving authority may impose reasonable conditions consistent with the purpose and intent of this Section. The requirements for this Section shall apply in addition to other applicable requirements of this Title. This Section shall be interpreted to supersede other requirements of the Provo City Code which may impose more restrictive requirements.

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43

44 D. This ordinance shall take effect immediately after it has been posted or published in
45 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
46 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

47

48 END OF ORDINANCE.

EXHIBIT A

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

14.14B.080. Project Plan Approval/Design Review/Design Guidelines.

See Sections 15.03.300 and 15.03.310, Chapter 14.04A, and Section 14.34.285287, Provo City Code.

...

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...

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...

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...

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~~(iii) Wood, slate, tiles and high-quality composition shingles and shakes shall be used for roofing materials.~~

- a) Intent. The intent of the facade materials standards of this section is to:
- (1) Provide minimum material standards to ensure use of well-tested, high quality, and durable surfaces, while permitting a wider range of materials for details;
 - (2) Encourage a high level of detail from smaller scaled, less monolithic materials in order to relate facades to pedestrians, especially at the ground level.
- (b) Major Materials. A minimum of eighty percent of each facade, not including window and door areas, shall be composed of major materials, as specified in this section.
- (1) Allowed Major Materials. The following are allowed major materials.
 - (A) Stone.
 - (B) Brick.
 - (C) Wood.
 - (D) Architectural metal panel systems.
 - (2) Prohibited Major Materials. The following materials are prohibited as major materials, unless otherwise approved under the standards of this Section:
 - (A) Face-sealed EIFS synthetic stucco assemblies and decorative architectural elements.
 - (B) Synthetic stucco or elastomeric finishes on stucco.
 - (C) Unfinished or untreated wood.
 - (D) Glass block.
 - (E) Vinyl or aluminum siding.
 - (F) Plastic, including high-density polyethylene, polyvinyl chloride (PVC), and polycarbonate, panels.
 - (G) Fiberglass and acrylic panels.
 - (3) Limited Use Major Materials. The following materials are prohibited as a major material except consistent with the following:
 - (A) Economy Bricks. Brick types larger than three inches in height are allowed as major materials on rear, alley, and rail corridor facades. In such instances, corner bricks shall be used to give the appearance of a full brick façade.
- (c) Minor Materials. Allowed minor materials are limited to trim, details, and other accent areas that combine to twenty percent or less of the total surface of each facade.
- (1) Major Materials. All allowed major materials may serve as minor materials.
 - (2) Allowed Minor Materials. The following are allowed minor materials:
 - (A) Fiber Cement board.
 - (B) Metal for beams, lintels, trim, exposed structure, and other ornamentation.
 - (C) Split-faced, burnished, glazed, or honed concrete masonry units or block cast stone concrete elements.
 - (D) Vinyl for window trim.
 - (E) Glass curtain wall.
 - (F) Cement-Based Stucco.
 - (G) Terra cotta or ceramic tiles or panels.
- (d) Other Materials with Approval. Materials that are not listed in this section for its proposed application as allowed major materials, limited use materials, or allowed minor materials, may not be installed on any facade unless approved by the reviewing authority pursuant to this subsection (d). The reviewing authority may approve facade materials that are not listed in this section for its proposed application if the applicant demonstrates the material in its proposed application meets the intent of the facade material standards described in subsection (a) of this section. Samples and examples of successful high quality local installation shall be provided by the applicant.



**Planning Commission
Staff Report
Ordinance Amendment
Hearing Date: January 10, 2018**

ITEM 2* The Provo City Community Development Department requests Ordinance Amendments to Sections 14.34.285 & 14.34.287 which are Residential Design Standards. **City-Wide Impact.** 17-0024OA, Aaron Ardmore, 801-852-6404

<p>Applicant: Provo City Community Development</p> <p>Staff Coordinator: Aaron Ardmore</p> <p>*Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u> 1. Continue the proposed ordinance amendment. <i>This would be <u>a change</u> from the Staff recommendation; the Planning Commission should state new findings.</i> 2. Recommend Denial of the proposed ordinance amendment. <i>This would be <u>a change</u> from the Staff recommendation; the Planning Commission should state new findings.</i></p>	<p>Relevant History: Provo City Planning Staff observed some inconsistencies in residential design standards and prepared this amendment to clarify design regulations.</p> <p>Neighborhood Issues: City-Wide Impact.</p> <p>Summary of Key Issues:</p> <ul style="list-style-type: none">• Current code is referencing the wrong design standards section in some zones.• Current code is ambiguous in its building materials requirements.• Staff desires to have clear standards for residential building materials that will benefit the City and its' neighborhoods. <p>Staff Recommendation: Staff recommends that the Ordinance Amendments to Sections 14.34.285 & 14.34.287 be given a Positive Recommendation to the Municipal Council.</p>
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OVERVIEW

The Provo City Community Development Department requests ordinance amendments to Sections 14.34.285 and 14.34.287, as well as clean up in Sections 14.14B.080, 14.14C.080, and 14.14E.080. The amendments to the 14.14 Sections are to correct the reference to the design standards in Chapter 14.34.

However, the amendments to the Sections in Chapter 14.34 are to clarify and update building material requirements on new residential buildings. Currently, the word “primary” is used, but not defined in regards to building materials. Staff proposes to define primary as 51% and make necessary updates to materials in Section 14.34.285.

In Section 14.34.287, staff proposes to remove all the current language under subsection 10 (building materials) and replace it with a more clear and definitive design standard regulation (see attached).

This item was continued from the December Planning Commission meeting to allow the Commission time to review the language.

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 is to clarify what is expected of a residential developer, and to ensure positive residential development in the City.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **These amendments should help to provide attractive residential products that benefit the character of Provo City.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **This amendment helps to achieve goals of the General Plan in several chapters, including Housing, Urban Design, and Land Use. Most specifically, in chapter 6, it states the City should “promote great urban design and architecture through development standards”.***

- (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 relevant timing and sequencing provisions related to this request.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan’s articulated policies. **The proposed amendment should not hinder or obstruct attainment of the General Plan’s articulated policies.***
- (f) *Adverse impacts on adjacent land owners. **There will be no adverse impacts on adjacent land owners with the approval of this amendment.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **It is 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 believes these proposed amendments will guarantee improved residential development within Provo City and help clarify expectations for those that build here.

STAFF RECOMMENDATION

Staff recommends that the Ordinance Amendments to Sections 14.34.285 & 14.34.287 be given a Positive Recommendation to the Municipal Council.

ATTACHMENTS

1. Proposed Amendment Language

PROPOSED AMENDMENTS

14.14B.080. Project Plan Approval/Design Review/Design Guidelines.

See Sections 15.03.300 and 15.03.310, Chapter 14.04A, and Section 14.34.285287, Provo City Code.

14.14C.080. Project Plan Approval/Design Review/Design Guidelines.

See Sections 15.03.300 and 15.03.310, Chapter 14.04A, and Section 14.34.285287, Provo City Code.

14.14E.080. Project Plan Approval/Design Review/Design Guideline.

See Sections 15.03.300 and 15.03.310, Chapter 14.04A and Section 14.34.285287, Provo City Code.

14.34.285. Joaquin Neighborhood and RC Zone Residential Design Standards and Guidelines.

(10) Building Materials.

(a) Brick, ~~stucco~~stone, and ~~painted~~ wood shall be used as primary (51%) building materials.

~~(i) Painted wood lap siding and other forms of wood siding should be used predominately.~~

~~(i)~~(i) Stucco may be considered when it is detailed with wood trim around windows and doors. A shadow line around windows should be created by recessing windows.

~~(ii)~~(ii) A range of secondary and trim materials may be used as long as they are not dominant.

14.34.287. Residential Design Standards.

(2) Applicability. The design standards set forth in this Section shall apply to all new residential buildings and uses located in the ~~Low Density Residential, Medium Density Residential, High Density Residential, Campus High Density Residential and Campus Mixed Use~~ zones that reference this section. In approving a project plan, the approving authority may impose reasonable conditions consistent with the purpose and intent of this Section. The requirements for this Section shall apply in addition to other applicable requirements of this Title. This Section shall be interpreted to supersede other requirements of the Provo City Code which may impose more restrictive requirements.

(10) Building Materials.

~~(a) The primary exterior finish material of all structures shall not consist of vinyl, aluminum or metal siding (including sheet or corrugated metal), plywood, particle board, or other products not intended as an architectural finish product.~~

~~(i) Stucco may be considered when it is detailed with wood trim around windows and doors. A shadow line around windows should be created.~~

~~(ii) A range of secondary materials including trim may be used as long as they remain secondary.~~

~~(iii) Wood, slate, tiles and high quality composition shingles and shakes shall be used for roofing materials.~~

a) Intent. The intent of the facade materials standards of this section is to:

- (1) Provide minimum material standards to ensure use of well-tested, high quality, and durable surfaces, while permitting a wider range of materials for details;
- (2) Encourage a high level of detail from smaller scaled, less monolithic materials in order to relate facades to pedestrians, especially at the ground level.

(b) Major Materials. A minimum of eighty percent of each facade, not including window and door areas, shall be composed of major materials, as specified in this section.

(1) Allowed Major Materials. The following are allowed major materials.

- (A) Stone.
- (B) Brick.
- (C) Wood.
- (D) Architectural metal panel systems.

(2) Prohibited Major Materials. The following materials are prohibited as major materials, unless otherwise approved under the standards of this Section:

- (A) Face-sealed EIFS synthetic stucco assemblies and decorative architectural elements.
- (B) Synthetic stucco or elastomeric finishes on stucco.
- (C) Unfinished or untreated wood.
- (D) Glass block.
- (E) Vinyl or aluminum siding.

(F) Plastic, including high-density polyethylene, polyvinyl chloride (PVC), and polycarbonate, panels.

(G) Fiberglass and acrylic panels.

(3) Limited Use Major Materials. The following materials are prohibited as a major material except consistent with the following:

(A) Economy Bricks. Brick types larger than three inches in height are allowed as major materials on rear, alley, and rail corridor facades. In such instances, corner bricks shall be used to give the appearance of a full brick façade.

(c) Minor Materials. Allowed minor materials are limited to trim, details, and other accent areas that combine to twenty percent or less of the total surface of each facade.

(1) Major Materials. All allowed major materials may serve as minor materials.

(2) Allowed Minor Materials. The following are allowed minor materials:

(A) Fiber Cement board.

(B) Metal for beams, lintels, trim, exposed structure, and other ornamentation.

(C) Split-faced, burnished, glazed, or honed concrete masonry units or block cast stone concrete elements.

(D) Vinyl for window trim.

(E) Glass curtain wall.

(F) Cement-Based Stucco.

(G) Terra cotta or ceramic tiles or panels.

(d) Other Materials with Approval. Materials that are not listed in this section for its proposed application as allowed major materials, limited use materials, or allowed minor materials, may not be installed on any facade unless approved by the reviewing authority pursuant to this subsection (d). The reviewing authority may approve facade materials that are not listed in this section for its proposed application if the applicant demonstrates the material in its proposed application meets the intent of the facade material standards described in subsection (a) of this section. Samples and examples of successful high quality local installation shall be provided by the applicant.



Provo City Planning Commission

Report of Action

January 24, 2018

ITEM 1* Tim Soffe requests a General Plan Map Amendment from Commercial to Residential for 1.52 acres of land located at 490 South State Street. *Maeser Neighborhood*. 17-0002GPA, Dustin Wright, 801-852-6414

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 24, 2018:

RECOMMENDATION FOR APPROVAL

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

Conditions of Approval:

1. Lots are combined into one lot as part of a separate application.

Motion By: Brian Smith

Second By: Ed Jones

Votes in Favor of Motion: Brian Smith, Ed Jones, Shannon Ellsworth, Dave Anderson, Andrew Howard

Dave Anderson was acting as Chair.

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

LEGAL DESCRIPTION FOR PROPERTY TO BE AMENDED

The property to be changed on the General Plan Map to a Residential designation is described in the attached Exhibit A.

RELATED ACTIONS

Other related items heard on January 24, 2018 at the Planning Commission Public Hearing: Rezone 17-0010R and Project Plan 17-0013PPA

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 attached Staff Report.

CITY DEPARTMENTAL ISSUES

- Approval received from Coordinator's Review Committee.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on May 16, 2017.
- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present /addressed the Planning Commission during the public hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- The existing parking issues on 500 S. from developments on the east side of State St. parking in this area of the neighborhood.
- Privacy concerns with a tall structure allowing new residents to view rear yards.
- Increased traffic in single-family neighborhood.
- Potential for auto and pedestrian accidents.
- Existing issues with speeding in the area could be increased.
- Proposed setbacks not leaving enough space for State St. to be widened in the future.
- The proposed project will not fit in aesthetically to the neighborhood because the height is too much.
- Potential for financial impacts on surrounding property.
- Timing of traffic study and if school was in at the time.

APPLICANT RESPONSE

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

- UDOT wants to reduce the number of access points on State Street.
- The site will have enough parking to meet the parking requirements of the proposed zone.
- There will be a realignment of 500 S. that will accommodate on-street parking and improve the angle that it intersects with State St.
- The market study shows a need for young married couples and this would be the target for the project.
- Views will not be blocked more than trees at full maturity would.
- A vast planting of new trees in the parkstrip and in the landscaped areas surrounding the parking lot will help buffer the new development from neighbors.
- There will be an on-call management company for the site.
- The traffic study concludes that the level of service will change from an "A" to a "B" at one intersection.
- Reducing the proposed height could jeopardize the ability to build on the site.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Considering Medium Density Residential (MDR) instead of High Density Residential (HDR).
- Results of the market study for the area.
- Feasibility of three-story instead of four-story structures or one building being three and the other four.
- Routes that people would take to BYU.
- Existing zoning compared to the proposed zoning and related impacts.
- Traffic study results and traffic concerns in the area.



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

Exhibit A

Beginning at a point, being South 5°28'30" West 1608.27 feet and South 89°59'12" West 2300.84 feet from the Witness Corner for Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, said Witness Corner being South 87°34'20" East 258.29 feet from the Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, and running:

thence South 29°41'16" East 229.08 feet along the West line of State Street; thence North 89°29'37" West 394.51 feet along the North line of 500 South Street; thence North 1°49'05" East 198.05 feet; thence South 89°29'37" East 274.76 feet to point of beginning.

Parcel 1 Contains 66,258 sq. ft or 1.52 acres



**Planning Commission
Staff Report
General Plan Amendment
Hearing Date: January 24, 2018**

ITEM 1* Tim Soffe requests a General Plan Map Amendment from Commercial to Residential for 1.52 acres of land located at 490 South State Street. **Maeser Neighborhood.** 17-0002GPA, Dustin Wright, 801-852-6414

<p>Applicant: Tim Soffe Staff Coordinator: Dustin Wright</p> <p>Property Owner: Kimball Stratton Parcel ID#: 220290005, 220290026 Current Zone: General Commercial (CG) Proposed Zone: High Density Res. (HDR) General Plan Des.: Commercial Proposed General Plan Des.: Residential Acreage: 1.92 Number of Properties: 2 Number of Lots: 2 Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is February 14, 2018, 5:30 p.m.</i></p> <p>2. Deny the requested General Plan Amendment. <i>This action <u>would not be consistent</u> with the recommendations of the Staff Report. The Planning Commission should <u>state new findings</u>.</i></p>	<p>Current Legal Use: Commercial uses listed in 14.22.020 of the Provo City Code.</p> <p>Relevant History: The property has been used in the past as a garden center and been vacant for a number of years.</p> <p>Neighborhood Issues: A neighborhood meeting was held on May 16, 2017. Neighbors have expressed issues with:</p> <ul style="list-style-type: none">• HDR zone is excessive for neighborhood.• Four stories being too tall.• Access on 500 S. and added traffic.• Too many one-bedroom units. <p>Summary of Key Issues:</p> <ul style="list-style-type: none">• Rezone and project plan associated with this application. <p>Staff Recommendation: Staff recommends amending the General Plan to Residential for the area outlined in Attachment 1 if the City intends to rezone the property to a residential zone like HDR with the following condition:</p> <ol style="list-style-type: none">1. Lots are combined into one lot as part of a separate application.
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OVERVIEW

The applicant is requesting approval to change the existing General Plan designation for this location from Commercial to Residential. This change is needed to allow for the applicant to rezone the property to High Density Residential (HDR) to allow for a 64-unit apartment complex on the property. The applicant has also submitted applications to change the zoning from CG to HDR and a project plan for the development.

The applicant presented the proposed project to the Maeser Neighborhood in May of 2017. There wasn't much opposition to having a residential use on the property as long as it fit well in the neighborhood.

FINDINGS OF FACT

1. A neighborhood meeting was held on May 16, 2017.
2. Amending the General Plan designation is needed to have the property rezoned to a residential zone.
3. The General Plan designation is for Commercial.
4. The current zoning is General Commercial.

STAFF ANALYSIS

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of general plan 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 allow the property to be rezoned from a commercial use to residential which would be compatible with the surrounding zone.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **Residential use has been desired in the neighborhood. The amendment would promote change from commercial to residential.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The General Plan policies and goals for the***

Maeser Neighborhood allow for development along State Street to be considered for development other than one-family residential.

- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **No issues with timing and sequencing.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **Policies in the Plan aim to "protect viable, significant areas of one-family structures". Higher density development is being proposed.***
- (f) *Adverse impacts on adjacent land owners. **The proposed development would generate an increase in traffic and taller structures than what exist now.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **Zoning and General Plan designation 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. **No conflicts have been identified.***

CONCLUSIONS

The General Plan goals and policies relating to this area of the City aim to "maintain all existing one-family residential areas" while noting that exceptions should apply to development along State Street. The applicant is seeking to amend the Plan to allow for a higher density development. If the City is going to rezone the property to a residential zone, the General Plan should be amended so that the designation is also residential.

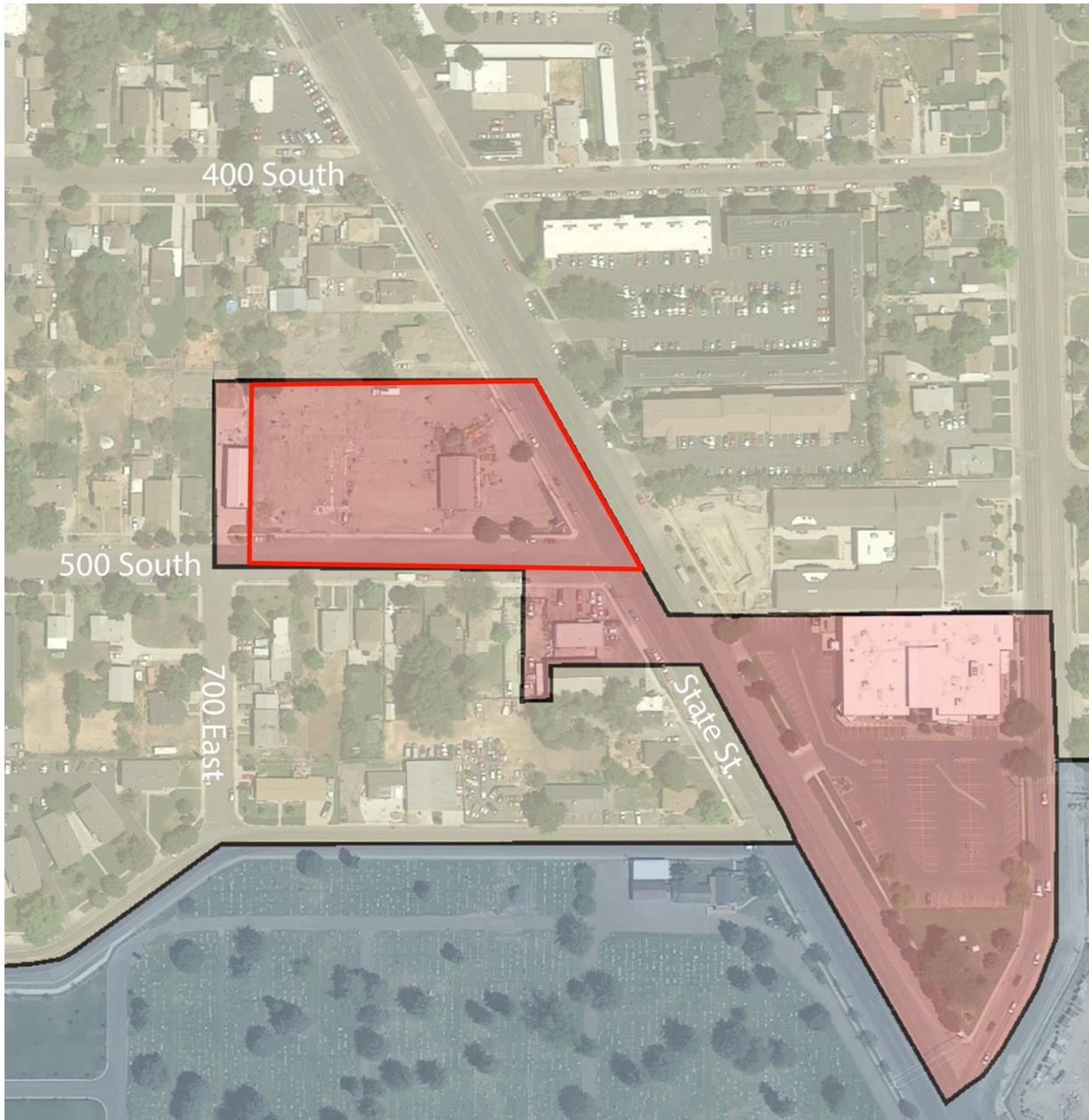
STAFF RECOMMENDATION

Staff recommends amending the General Plan to Residential for the area outlined in Attachment 1 if the City intends to rezone the property to a residential zone like HDR with the following condition:

1. Lots are combined into one lot as part of a separate application.

ATTACHMENTS

1. General Plan Map





WELCOME HOME

PLANNING COMMISSION

January 24, 2018

ITEM 1*

Tim Soffe requests a General Plan Map Amendment from Commercial to Residential for 1.52 acres of land located at 490 South State Street.

Maeser Neighborhood

17-0002GPA

ITEM 2*

Tim Soffe requests a Zone Change from General Commercial (CG) to High Density Residential (HDR) for 1.92 acres of land located at 422-490 South State Street.

Maeser Neighborhood

17-0010R

ITEM 3

Tim Soffe requests Project Plan Approval for a 64-unit apartment complex located at 422-490 South State Street. Approval of the Project Plan is subject to a General Plan Amendment and a Zone Change.

Maeser Neighborhood

17-0013PPA

400 South

500 South

700 East

State St.

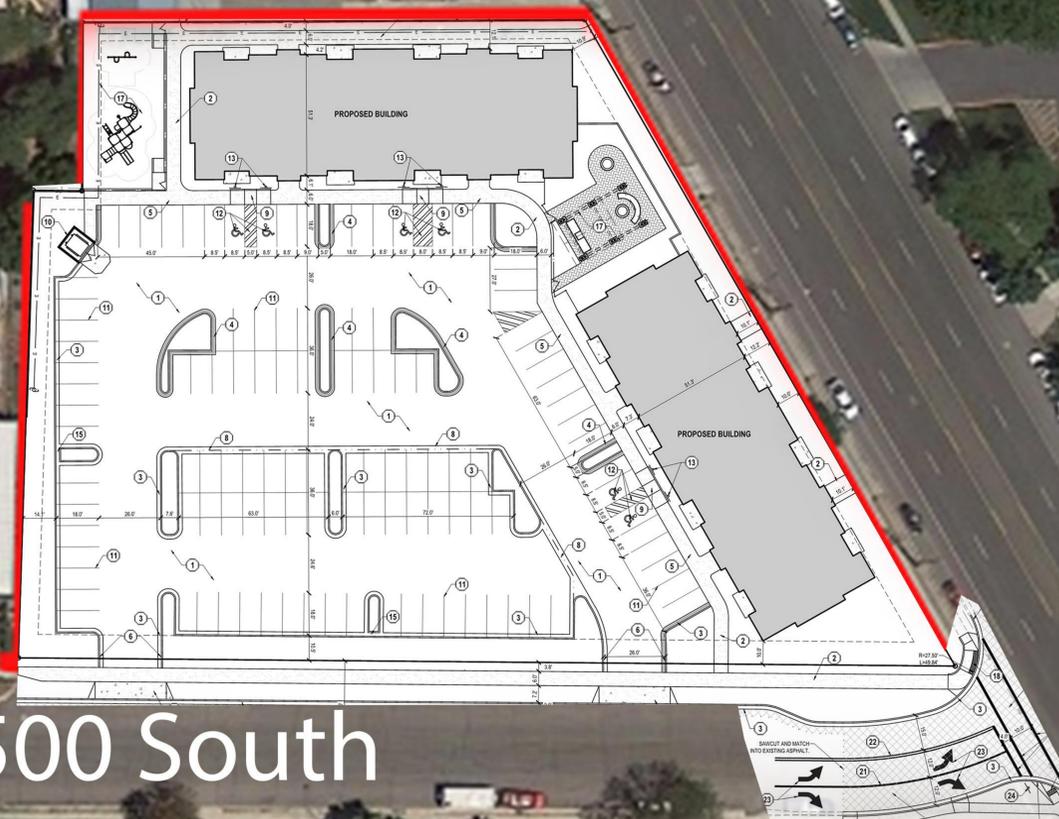


400 South

500 South

700 East

State St.









500 SOUTH STATE STREET LOOKING NORTH



500 SOUTH LOOKING EAST



500 SOUTH LOOKING NORTH EAST

ITEM 4*

John & Lara Johnson request Zoning Ordinance amendments to Section 14.41 Major Home Occupations to increase the number of students from 6 to 16 and to extend the hours of operation from 5:00 pm to 9:00 pm.

City-Wide Impact

17-0025OA

ITEM 4*

14.41.060. Major Home Occupations. [SHARE](#) [f](#) [t](#) [e](#)...

"Major home occupation" means a [home occupation](#) which meets the standards listed in Section [14.41.040](#), Provo City Code, except as specifically modified by the Community [Development](#) Department as provided herein. Pursuant to approval of a [conditional use](#) permit, the Community [Development](#) Department may authorize an increase in the intensity of a [home occupation](#), as follows:

(1) The number of [customers](#) coming to a [dwelling unit](#) may range up to six (6) per hour, provided sufficient off-street parking is provided.

(2) A larger commercial vehicle up to a gross vehicle weight rating of seventeen thousand five hundred (17,500) pounds may be used, provided it is parked on private [property](#) and adequately screened.

(3) Outside employees not residing on the premises may be allowed during daytime business hours (8:00 a.m. - ~~5:00 p.m.~~ **9:00 p.m.**) subject to the conditions of either Subsection (a) or (b):

(a) No more than one (1) outside employees at one time for a [dwelling unit](#) located on a [lot](#) or [parcel](#) which is at least eight thousand (8,000) square feet in [area](#). One (1) additional employee may be allowed for each additional increment of thirty thousand (30,000) square feet in the [area](#) of the [lot](#) or [parcel](#).

(b) As an alternative to Subsection (a), a [home occupation](#) that does not bring [customers](#) to the premises may have up to three (3) outside employees at one time for a [dwelling unit](#) located on a [lot](#) or [parcel](#) which is at least eight thousand (8,000) square feet in size, provided sufficient off-street parking is provided. One (1) additional employee may be allowed for each additional increment of thirty thousand (30,000) square feet in the [area](#) of the [lot](#) or [parcel](#).

(4) Promotional meetings for the purpose of selling merchandise, taking orders, or training may be held up to four (4) times per month.

(5) An applicant for a Major [Home Occupation](#) may forego the fee for a [conditional use](#) permit if all the [property](#) owners within three hundred (300) feet of the applicant's [property](#) sign a petition in support of the [home occupation](#). (Enacted 1993-02, Am 1995-37, Am 2005-38, Am [2016-08](#))

(6) The number of students coming to a dwelling unit for instructional classes may range up to sixteen (16) per hour.



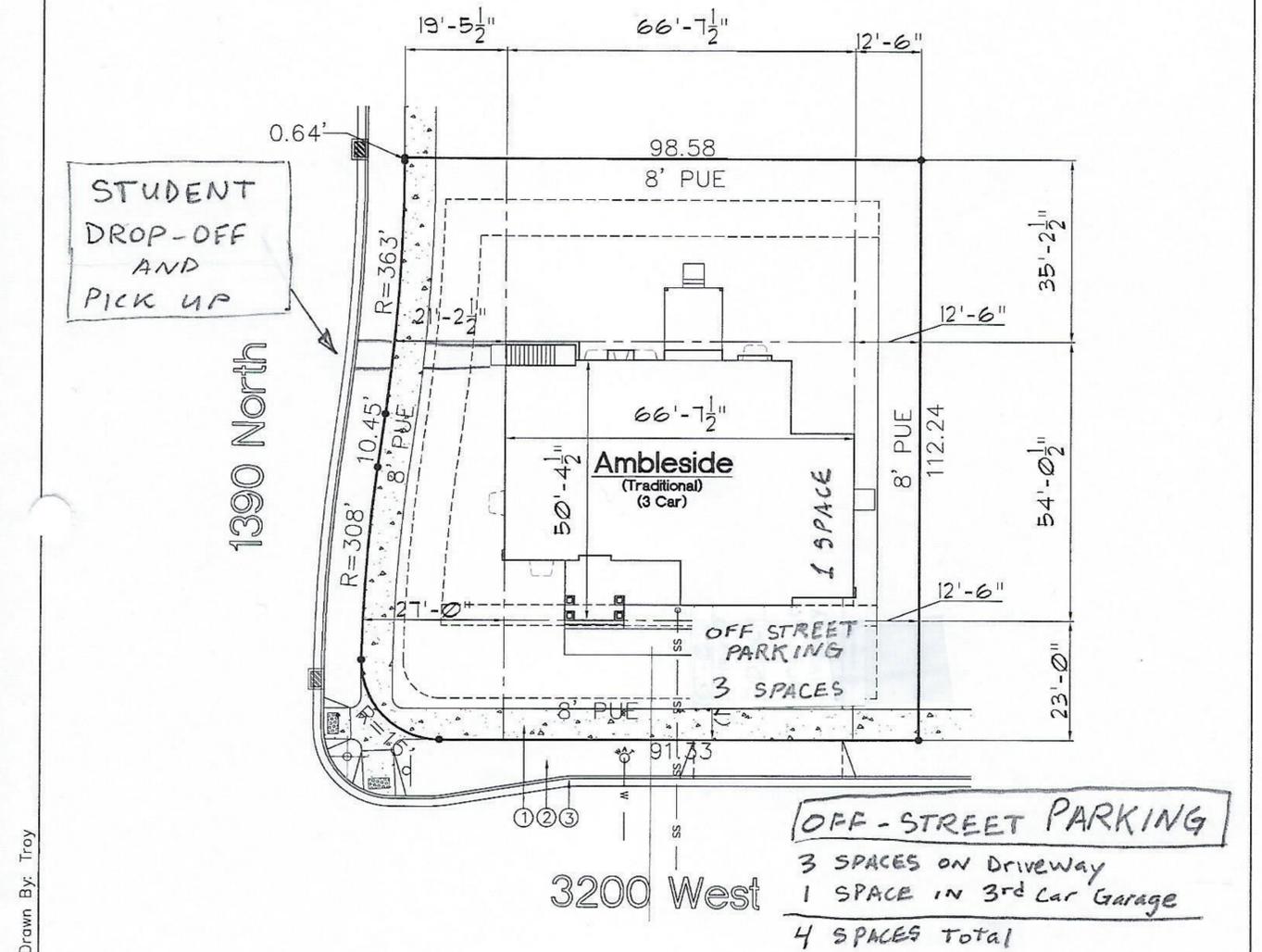
ITEM 4*



Any utilities shown are based upon the best information available & are subject to change. Ivory Homes assumes no liability for any utilities shown (or not shown).

Ivory Homes will provide sufficient grading around the foundation to allow water to drain away from the home. It is the home buyer's responsibility to maintain this drainage away from the home when grading for finished landscape. Home buyer must take extra care when installing landscaping or structures in order to avoid impairing the lot drainage of neighboring lots. Elevations of the home will be determined solely at the discretion of Ivory Homes based upon utilities, grade, neighboring homes & site conditions. As subdivisions allow

Diagonal Measure Across Foundation = 85'-9 1/2" (Field Supervisor to verify independently)



Drawn By: Troy

- 1. Sidewalk
- 2. Parkstrip
- 3. Curb / Gutter

OFF-STREET PARKING
 3 SPACES ON DRIVEWAY
 1 SPACE IN 3rd Car Garage
 4 SPACES TOTAL

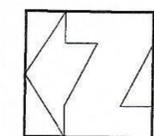
Lot 151 Broadview Shores
 1374 North 3200 West
 Provo, Utah
 11,495 Square Feet

SITE PLAN

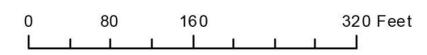
SCALE: 1"=30'

Wes / Johnson

Initial *IJ* Date: 5/24/16
 Initial *WJ* Date: 5/24/16



Subject to any changes necessary made at the discretion of Ivory Homes



Author: Provo City Date: 12/27/2017

This map is for graphical representation only and not for construction or defining feature locations.

ITEM 4*

January 2018

< January 2018 > 

 Subscribe

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1 Jazz & Contemporary 03:00 pm Beginning Ballet 04:00 pm Ballroom Ages 6-11 05:00 pm	2 Polynesian 04:00 pm Improv & Comedy Ages 15+ 05:00 pm Beginning Hip Hop 07:00 pm Ballroom Ages 12+ 08:00 pm	3 Jazz & Contemporary 03:00 pm Intermediate Ballet 04:00 pm Film Acting Ages 8-14 05:00 pm Film Acting Ages 15+ 06:00 pm	4 Little's PM 01:00 pm Ballet en Pointe 04:00 pm Polynesian 06:00 pm Hip Hop 07:00 pm	5 Little's AM 10:00 am Shakespeare 04:00 pm	6 Stage Acting 08:00 am Improv & Comedy Ages 10-14 10:00 am
7	8 Jazz & Contemporary 03:00 pm Beginning Ballet 04:00 pm Ballroom Ages 6-11 05:00 pm	9 Polynesian 04:00 pm Improv & Comedy Ages 15+ 05:00 pm Beginning Hip Hop 07:00 pm Ballroom Ages 12+ 08:00 pm	10 Jazz & Contemporary 03:00 pm Intermediate Ballet 04:00 pm Film Acting Ages 8-14 05:00 pm Film Acting Ages 15+ 06:00 pm	11 Little's PM 01:00 pm Ballet en Pointe 04:00 pm Polynesian 06:00 pm Hip Hop 07:00 pm	12 Little's AM 10:00 am Shakespeare 04:00 pm	13 Stage Acting 08:00 am Improv & Comedy Ages 10-14 10:00 am
14	15 Jazz & Contemporary 03:00 pm Beginning Ballet 04:00 pm Ballroom Ages 6-11 05:00 pm	16 Polynesian 04:00 pm Improv & Comedy Ages 15+ 05:00 pm Beginning Hip Hop 07:00 pm Ballroom Ages 12+ 08:00 pm	17 Jazz & Contemporary 03:00 pm Intermediate Ballet 04:00 pm Film Acting Ages 8-14 05:00 pm Film Acting Ages 15+ 06:00 pm	18 Little's PM 01:00 pm Ballet en Pointe 04:00 pm Polynesian 06:00 pm Hip Hop 07:00 pm	19 Little's AM 10:00 am Shakespeare 04:00 pm	20 Stage Acting 08:00 am Improv & Comedy Ages 10-14 10:00 am
21	22 Jazz & Contemporary 03:00 pm Beginning Ballet 04:00 pm Ballroom Ages 6-11 05:00 pm	23 Polynesian 04:00 pm Improv & Comedy Ages 15+ 05:00 pm Beginning Hip Hop 07:00 pm Ballroom Ages 12+ 08:00 pm	24 Jazz & Contemporary 03:00 pm Intermediate Ballet 04:00 pm Film Acting Ages 8-14 05:00 pm Film Acting Ages 15+ 06:00 pm	25 Little's PM 01:00 pm Ballet en Pointe 04:00 pm Polynesian 06:00 pm Hip Hop 07:00 pm	26 Little's AM 10:00 am Shakespeare 04:00 pm	27 Stage Acting 08:00 am Improv & Comedy Ages 10-14 10:00 am

ITEM 4*



1 RESOLUTION 2018-.

2
3 A RESOLUTION AMENDING THE GENERAL PLAN LAND USE MAP
4 DESIGNATION FOR PROPERTY GENERALLY LOCATED AT 490 SOUTH
5 STATE STREET FROM COMMERCIAL TO RESIDENTIAL. MAESER
6 NEIGHBORHOOD. (17-0002GPA)
7

8 WHEREAS, it is proposed that the General Plan Land Use Map designation for 1.52
9 acres of real property located at approximately 490 South State Street be amended from
10 Commercial to Residential, as described in the attached Exhibit A; and
11

12 WHEREAS, this amendment is needed to keep the General Plan Map consistent with the
13 proposed rezone of the property to High Density Residential (HDR); and
14

15 WHEREAS, on January 24, 2018, the Planning Commission held a duly noticed public
16 meeting to consider the proposal, and after such meeting the Planning Commission
17 recommended approval to the Municipal Council in a 5:0 vote; and
18

19 WHEREAS, on February 6, 2018, the Municipal Council held a duly noticed public
20 hearing to receive public comment and ascertain the facts regarding this matter, which facts and
21 comments are found in the hearing record; and
22

23 WHEREAS, after considering the Planning Commission's recommendation and facts and
24 comments presented to the Municipal Council, the Council finds (i) the General Plan Land Use
25 Map designation for the real property described above should be amended, and (ii) the proposed
26 General Plan designation amendment reasonably furthers the health, safety and general welfare
27 of the citizens of Provo City.
28

29 NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as
30 follows:
31

32 PART I:
33

34 The General Plan Land Use Map designation is hereby amended from Commercial to
35 Residential for 1.52 acres located at approximately 490 South State Street, as described in the
36 attached Exhibit A.
37

38 PART II:
39

40 This resolution shall take effect immediately.
41

42 END OF RESOLUTION.

EXHIBIT A

Beginning at a point, being South $5^{\circ}28'30''$ West 1608.27 feet and South $89^{\circ}59'12''$ West 2300.84 feet from the Witness Corner for Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, said Witness Corner being South $87^{\circ}34'20''$ East 258.29 feet from the Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, and running:

thence South $29^{\circ}41'16''$ East 229.08 feet along the West line of State Street; thence North $89^{\circ}29'37''$ West 394.51 feet along the North line of 500 South Street; thence North $1^{\circ}49'05''$ East 198.05 feet; thence South $89^{\circ}29'37''$ East 274.76 feet to point of beginning.

Parcel 1 Contains 66,258 sq. ft or 1.52 acres



**Planning Commission
Staff Report
Rezone
Hearing Date: January 24, 2018**

ITEM 2* Tim Soffe requests a Zone Change from General Commercial (CG) to High Density Residential (HDR) for 1.92 acres of land located at 422-490 South State Street. **Maeser Neighborhood.** 17-0010R, Dustin Wright, 801-852-6414

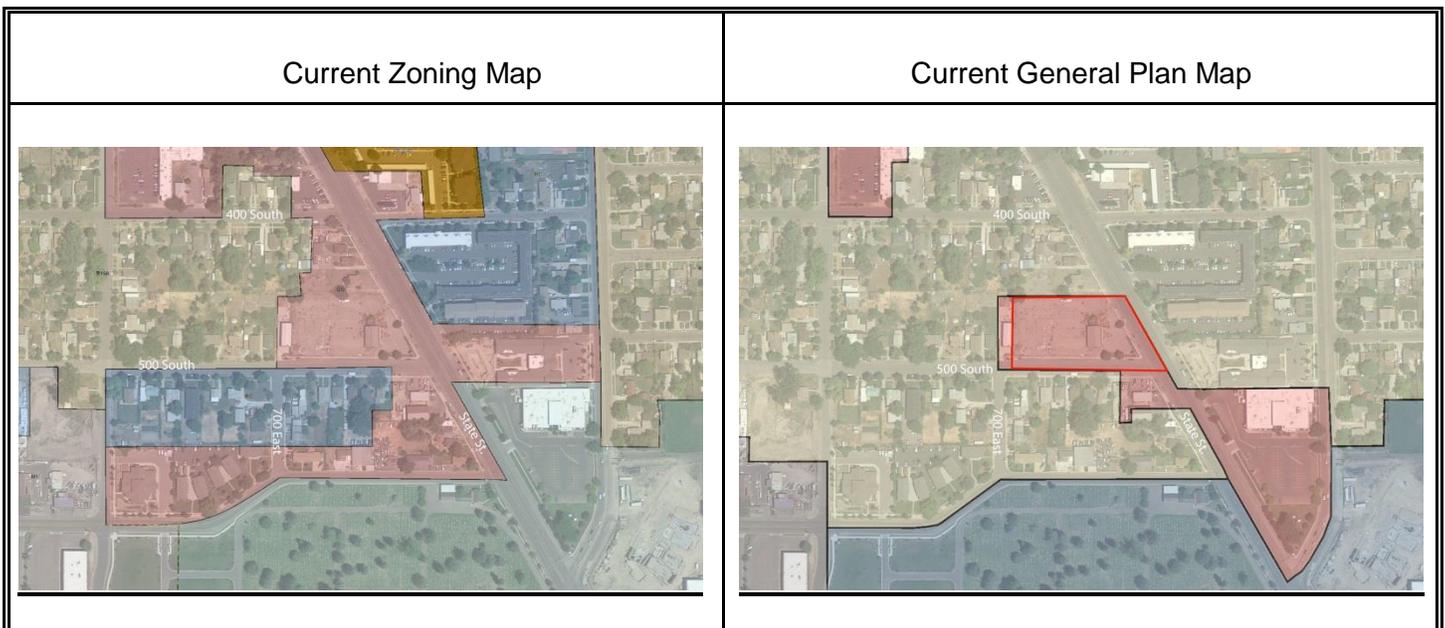
<p>Applicant: Tim Soffe Staff Coordinator: Dustin Wright</p> <p>Property Owner: Kimball Stratton Parcel ID#: 220290005, 220290026 Current Zone: General Commercial (CG) Proposed Zone: High Density Res. (HDR) General Plan Des.: Commercial Acreage: 1.92 Number of Properties: 2 Number of Lots: 2 Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is February 14, 2018, 5:30 p.m.</i></p> <p>2. Deny the requested Zone Change. <i>This action <u>would not be consistent with the recommendations of the Staff Report.</u> The Planning Commission should <u>state new findings.</u></i></p>	<p>Current Legal Use: Commercial uses listed in 14.22.020 of the Provo City Code.</p> <p>Relevant History: The property has been used in the past as a garden center and been vacant for a number of years.</p> <p>Neighborhood Issues: A neighborhood meeting was held on May 16, 2017. Neighbors have expressed issues with:</p> <ul style="list-style-type: none">• HDR zone is excessive for neighborhood.• Four stories being too tall.• Access on 500 S. and added traffic.• Too many one-bedroom units. <p>Summary of Key Issues:</p> <ul style="list-style-type: none">• General Plan designation change• Neighborhood concerns with proposed project plan associated with this application. <p>Staff Recommendation: Staff recommends the following conditions:</p> <ol style="list-style-type: none">1. A development agreement to restrict building height to 3 stories.2. Lots are combined into one lot as part of a separate application.
--	--

OVERVIEW

The applicant is requesting approval to change the existing Zoning Map from General Commercial (CG) to High Density Residential (HDR) for this location. The HDR would allow the applicant to develop the proposed 64-unit apartment complex on the property. The HDR zone would allow for more units and additional building height than is being requested and therefore a development agreement would be advisable to ensure that only what has been proposed would be developed.

The applicant presented the proposed project to the Maeser Neighborhood in May of 2017. There wasn't much opposition to having a residential use on the property as long as it fit well in the neighborhood. The concerns with the proposed development were related to the building height, excessive traffic, parking concerns and the disproportionate number of one-bedroom units.

While multi-family housing would be a good alternative to the commercial zoning that is in place now, what is being proposed doesn't transition well into the surrounding single-family neighborhood. Reducing the proposed 4-story building height to a 3-story structure would be more appropriate.



FINDINGS OF FACT

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of general plan 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 allow the property to transition from commercial to residential.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **While a transition to residential could be good, the proposed zone proves to be more intense than desired by the neighborhood.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The General Plan policies and goals for the Maeser Neighborhood allow for development along State Street to be considered for development other than one-family residential.***
- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **No issues with timing and sequencing.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **Policies in the Plan aim to "protect viable, significant areas of one-family structures". Higher density development is being proposed that may not be compatible with articulated policies.***
- (f) *Adverse impacts on adjacent land owners. **The proposed development would generate an increase in traffic and taller structures than what exists now.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **Zoning and General Plan designation 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. **No conflicts have been identified.***

STAFF ANALYSIS

Staff finds that multi-family on this corner would be appropriate. However, the neighboring residents have expressed concerns with multiple aspects of the proposed zone and what it would allow. These issues have not been addressed by the applicant nor has there been any compromise to mitigate the negative impacts that rezoning the property would bring.

The reason that the applicant is seeking High Density Residential (HDR) and not Medium Density Residential (MDR) density is that the proposed density is 34 dwelling units per acre and the MDR zone only allows up to 30. The setbacks are less in the HDR which also allows the building to address the State Street better.

If the City desires to rezone the property to HDR, a development agreement would be beneficial to ensure that project doesn't increase in density or height from what has been proposed. A development agreement could also be used to reduce some of the impacts neighbors are concerned about by limiting building height or reducing the number of units.

CONCLUSIONS

The General Plan goals and policies relating to this area of the City aim to "maintain all existing one-family residential areas" while noting that exceptions should apply to development along State Street. The applicant is seeking to amend the zoning map to allow for a higher density development. If the City is going to rezone the property to a residential zone, the General Plan should be amended so that the designation is also residential.

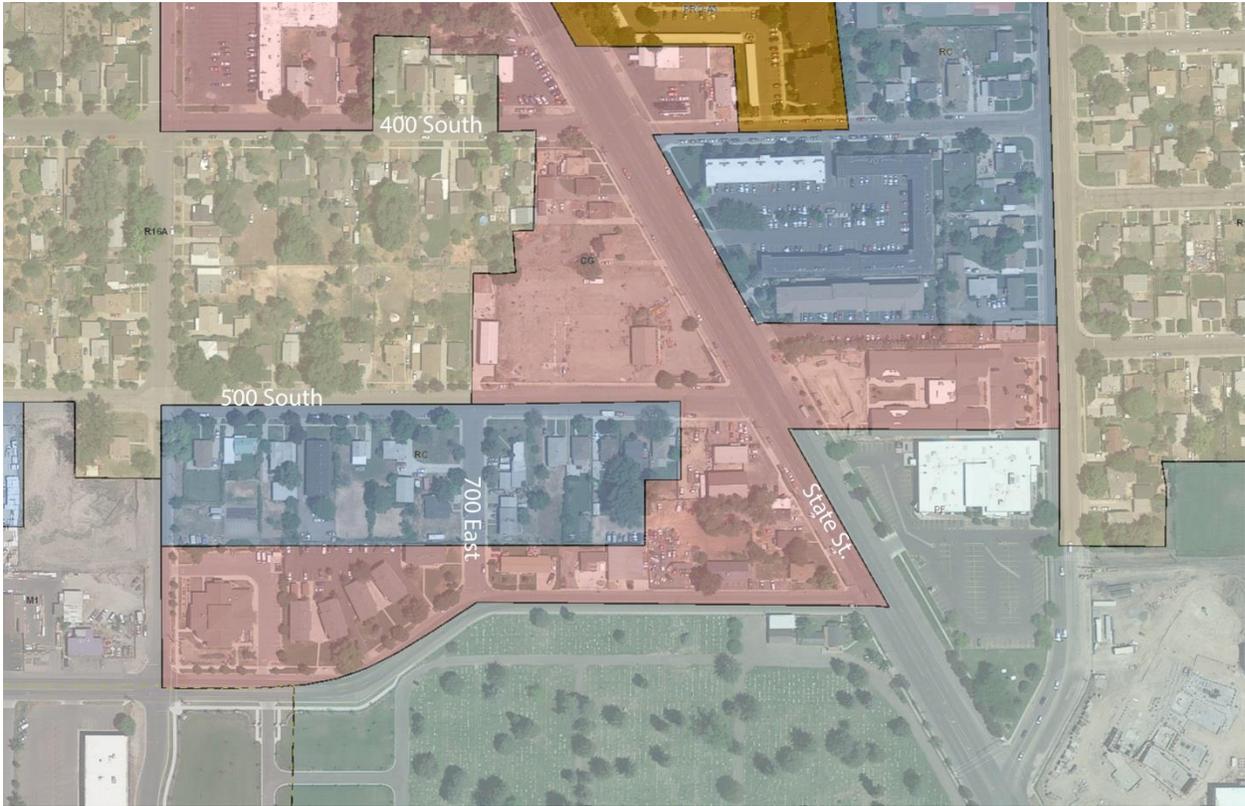
STAFF RECOMMENDATION

Staff recommends the following conditions:

1. A development agreement to restrict building height to 3 stories.
2. Lots are combined into one lot as part of a separate application.

ATTACHMENTS

1. Zoning Map



ORDINANCE 2018-

AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF APPROXIMATELY 1.92 ACRES OF REAL PROPERTY, GENERALLY LOCATED AT 422-490 SOUTH STATE STREET, FROM GENERAL COMMERCIAL (GC) TO HIGH DENSITY RESIDENTIAL (HDR). MAESER NEIGHBORHOOD. (17-0010R)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for approximately 1.92 acres of real property, generally located at 422-490 South State Street (as described in Exhibit A), be amended from General Commercial (CG) to High Density Residential (HDR); and

WHEREAS, on January 24, 2018, the Planning Commission held a duly noticed public hearing to consider the proposal, and after such hearing the Planning Commission recommended approval to the Municipal Council in a 5:0 vote; and

WHEREAS, the Planning Commission's recommendation was based on the project design presented to the Commission; and

WHEREAS, on February 6, 2018, the Municipal Council met to ascertain the facts regarding this matter and receive public comment, which facts and comments are found in the public record of the Council's consideration; and

WHEREAS, after considering the Planning Commission's recommendation and facts and comments presented to the Municipal Council, the Council finds (i) the Zone Map of Provo, Utah should be amended as described herein; and (ii) the proposed zone map classification amendment for the real property described in the attached Exhibit A reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as follows:

PART I:

The classification on the Zone Map of Provo, Utah is hereby amended from the General Commercial (GC) to the High Density Residential (HDR) Zone for approximately 1.92 acres of real property generally located at 422-490 South State Street, as described in the attached Exhibit A.

41 PART II:

42

43 A. If a provision of this ordinance conflicts with a provision of a previously adopted
44 ordinance, this ordinance shall prevail.

45

46 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
47 severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or
48 invalid, the remainder of the ordinance shall not be affected thereby.

49

50 C. The Municipal Council hereby directs that the official copy of the Zone Map of Provo
51 City, Utah be updated and codified to reflect the provisions enacted by this ordinance.

52

53 D. This ordinance shall take effect immediately after it has been posted or published in
54 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
55 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

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57 END OF ORDINANCE.

Exhibit A

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Parcel 1:

Beginning at a point, being South 5°28'30" West 1608.27 feet and South 89°59'12" West 2300.84 feet from the Witness Corner for Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, said Witness Corner being South 87°34'20" East 258.29 feet from the Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, and running:

thence South 29°41'16" East 229.08 feet along the West line of State Street; thence North 89°29'37" West 394.51 feet along the North line of 500 South Street; thence North 1°49'05" East 198.05 feet; thence South 89°29'37" East 274.76 feet to point of beginning.

Parcel 1 Contains 66,258 sq. ft or 1.52 acres

Parcel 2:

Beginning at a point, being South 5°28'30" West 1608.27 feet and South 89°59'12" West 2300.84 feet from the Witness Corner for Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, said Witness Corner being South 87°34'20" East 258.29 feet from the Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, and running:

thence North 89°29'37" West 254.33 feet; thence North 0°09'52" East 71.43 feet; thence North 89°43'14" East 211053 feet to the West line of State Street; thence South 29°41'16" East 86.00 feet along the West line of State Street and the point of beginning.

Parcel 2 Contains 17,007 sq. ft. or 0.39 acres





Provo City Planning Commission

Report of Action

January 24, 2018

ITEM 2* Tim Soffe requests a Zone Change from General Commercial (CG) to High Density Residential (HDR) for 1.92 acres of land located at 422-490 South State Street. *Maeser Neighborhood*. 17-0010R, Dustin Wright, 801-852-6414

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 24, 2018:

RECOMMENDATION FOR APPROVAL

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

Conditions of Approval:

1. A development agreement to restrict building height to 3 stories.
2. Lots are combined into one lot as part of a separate application.

Motion By: Brian Smith

Second By: Andrew Howard

Votes in Favor of Motion: Brian Smith, Andrew Howard, Ed Jones, Shannon Ellsworth, Dave Anderson

Dave Anderson was acting as Chair.

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

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the HDR Zone is described in the attached Exhibit A.

RELATED ACTIONS

Other related items heard on January 24, 2018 at the Planning Commission Public Hearing: General Plan Amendment 17-0002GPA and Project Plan 17-0013PPA

DEVELOPMENT AGREEMENT

Planning Commission recommends that the Municipal Council require a Development Agreement to limit building height to 3 stories.

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 attached Staff Report.

CITY DEPARTMENTAL ISSUES

- Approval received from Coordinator's Review Committee.

NEIGHBORHOOD MEETING DATE

- A neighborhood meeting was held on May 16, 2017.
- City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was present /addressed the Planning Commission during the public hearing.
- Neighbors or other interested parties were present or addressed the Planning Commission.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- The existing parking issues on 500 S. from developments on the east side of State St. parking in this area of the neighborhood.
- Privacy concerns with a tall structure allowing new residents to view rear yards.
- Increased traffic in single-family neighborhood.
- Potential for auto and pedestrian accidents.
- Existing issues with speeding in the area could be increased.
- Proposed setbacks not leaving enough space for State St. to be widened in the future.
- The proposed project will not fit in aesthetically to the neighborhood because the height is too much.
- Potential for financial impacts on surrounding property.
- Timing of traffic study and if school was in at the time.

APPLICANT RESPONSE

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

- UDOT wants to reduce the number of access points on State Street.
- The site will have enough parking to meet the parking requirements of the proposed zone.
- There will be a realignment of 500 S. that will accommodate on-street parking and improve the angle that it intersects with State St.
- The market study shows a need for young married couples and this would be the target for the project.
- Views will not be blocked more than trees at full maturity would.
- A vast planting of new trees in the parkstrip and in the landscaped areas surrounding the parking lot will help buffer the new development from neighbors.
- There will be an on-call management company for the site.
- The traffic study concludes that the level of service will change from an "A" to a "B" at one intersection.
- Reducing the proposed height could jeopardize the ability to build on the site.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Considering Medium Density Residential (MDR) instead of High Density Residential (HDR).
- Results of the market study for the area.
- Feasibility of three-story instead of four-story structures or one building being three and the other four.
- Routes that people would take to BYU.
- Existing zoning compared to the proposed zoning and related impacts.
- Traffic study results and traffic concerns in the area.



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

Exhibit A

Parcel 1:

Beginning at a point, being South 5°28'30" West 1608.27 feet and South 89°59'12" West 2300.84 feet from the Witness Corner for Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, said Witness Corner being South 87°34'20" East 258.29 feet from the Northeast Corner of Section 7, Township 7 South, Range 3 East, Salt Lake Base and Meridian, and running:

thence South 29°41'16" East 229.08 feet along the West line of State Street; thence North 89°29'37" West 394.51 feet along the North line of 500 South Street; thence North 1°49'05" East 198.05 feet; thence South 89°29'37" East 274.76 feet to point of beginning.

Parcel 1 Contains 66,258 sq. ft or 1.52 acres

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Parcel 2 Contains 17,007 sq. ft. or 0.39 acres



**Planning Commission
Staff Report
Rezone
Hearing Date: January 24, 2018**

ITEM 2* Tim Soffe requests a Zone Change from General Commercial (CG) to High Density Residential (HDR) for 1.92 acres of land located at 422-490 South State Street. **Maeser Neighborhood.** 17-0010R, Dustin Wright, 801-852-6414

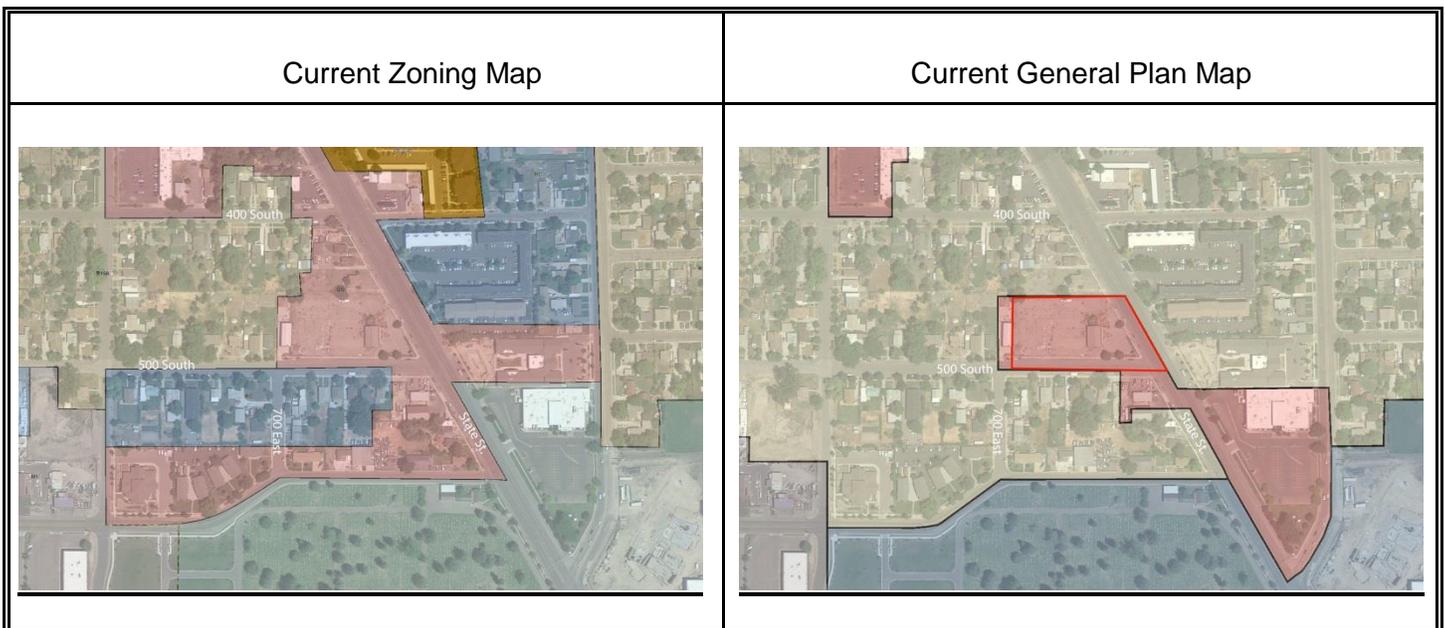
<p>Applicant: Tim Soffe Staff Coordinator: Dustin Wright</p> <p>Property Owner: Kimball Stratton Parcel ID#: 220290005, 220290026 Current Zone: General Commercial (CG) Proposed Zone: High Density Res. (HDR) General Plan Des.: Commercial Acreage: 1.92 Number of Properties: 2 Number of Lots: 2 Council Action Required: Yes</p> <p><u>ALTERNATIVE ACTIONS</u></p> <p>1. Continue to a future date to obtain additional information or to further consider information presented. <i>The next available meeting date is February 14, 2018, 5:30 p.m.</i></p> <p>2. Deny the requested Zone Change. <i>This action <u>would not be consistent with the recommendations of the Staff Report.</u> The Planning Commission should <u>state new findings.</u></i></p>	<p>Current Legal Use: Commercial uses listed in 14.22.020 of the Provo City Code.</p> <p>Relevant History: The property has been used in the past as a garden center and been vacant for a number of years.</p> <p>Neighborhood Issues: A neighborhood meeting was held on May 16, 2017. Neighbors have expressed issues with:</p> <ul style="list-style-type: none">• HDR zone is excessive for neighborhood.• Four stories being too tall.• Access on 500 S. and added traffic.• Too many one-bedroom units. <p>Summary of Key Issues:</p> <ul style="list-style-type: none">• General Plan designation change• Neighborhood concerns with proposed project plan associated with this application. <p>Staff Recommendation: Staff recommends the following conditions:</p> <ol style="list-style-type: none">1. A development agreement to restrict building height to 3 stories.2. Lots are combined into one lot as part of a separate application.
--	--

OVERVIEW

The applicant is requesting approval to change the existing Zoning Map from General Commercial (CG) to High Density Residential (HDR) for this location. The HDR would allow the applicant to develop the proposed 64-unit apartment complex on the property. The HDR zone would allow for more units and additional building height than is being requested and therefore a development agreement would be advisable to ensure that only what has been proposed would be developed.

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While multi-family housing would be a good alternative to the commercial zoning that is in place now, what is being proposed doesn't transition well into the surrounding single-family neighborhood. Reducing the proposed 4-story building height to a 3-story structure would be more appropriate.



FINDINGS OF FACT

1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of general plan 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:

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- (b) *Confirmation that the public purpose is best served by the amendment in question. **While a transition to residential could be good, the proposed zone proves to be more intense than desired by the neighborhood.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **The General Plan policies and goals for the Maeser Neighborhood allow for development along State Street to be considered for development other than one-family residential.***
- (d) *Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated. **No issues with timing and sequencing.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **Policies in the Plan aim to "protect viable, significant areas of one-family structures". Higher density development is being proposed that may not be compatible with articulated policies.***
- (f) *Adverse impacts on adjacent land owners. **The proposed development would generate an increase in traffic and taller structures than what exists now.***
- (g) *Verification of correctness in the original zoning or General Plan for the area in question. **Zoning and General Plan designation 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. **No conflicts have been identified.***

STAFF ANALYSIS

Staff finds that multi-family on this corner would be appropriate. However, the neighboring residents have expressed concerns with multiple aspects of the proposed zone and what it would allow. These issues have not been addressed by the applicant nor has there been any compromise to mitigate the negative impacts that rezoning the property would bring.

The reason that the applicant is seeking High Density Residential (HDR) and not Medium Density Residential (MDR) density is that the proposed density is 34 dwelling units per acre and the MDR zone only allows up to 30. The setbacks are less in the HDR which also allows the building to address the State Street better.

If the City desires to rezone the property to HDR, a development agreement would be beneficial to ensure that project doesn't increase in density or height from what has been proposed. A development agreement could also be used to reduce some of the impacts neighbors are concerned about by limiting building height or reducing the number of units.

CONCLUSIONS

The General Plan goals and policies relating to this area of the City aim to "maintain all existing one-family residential areas" while noting that exceptions should apply to development along State Street. The applicant is seeking to amend the zoning map to allow for a higher density development. If the City is going to rezone the property to a residential zone, the General Plan should be amended so that the designation is also residential.

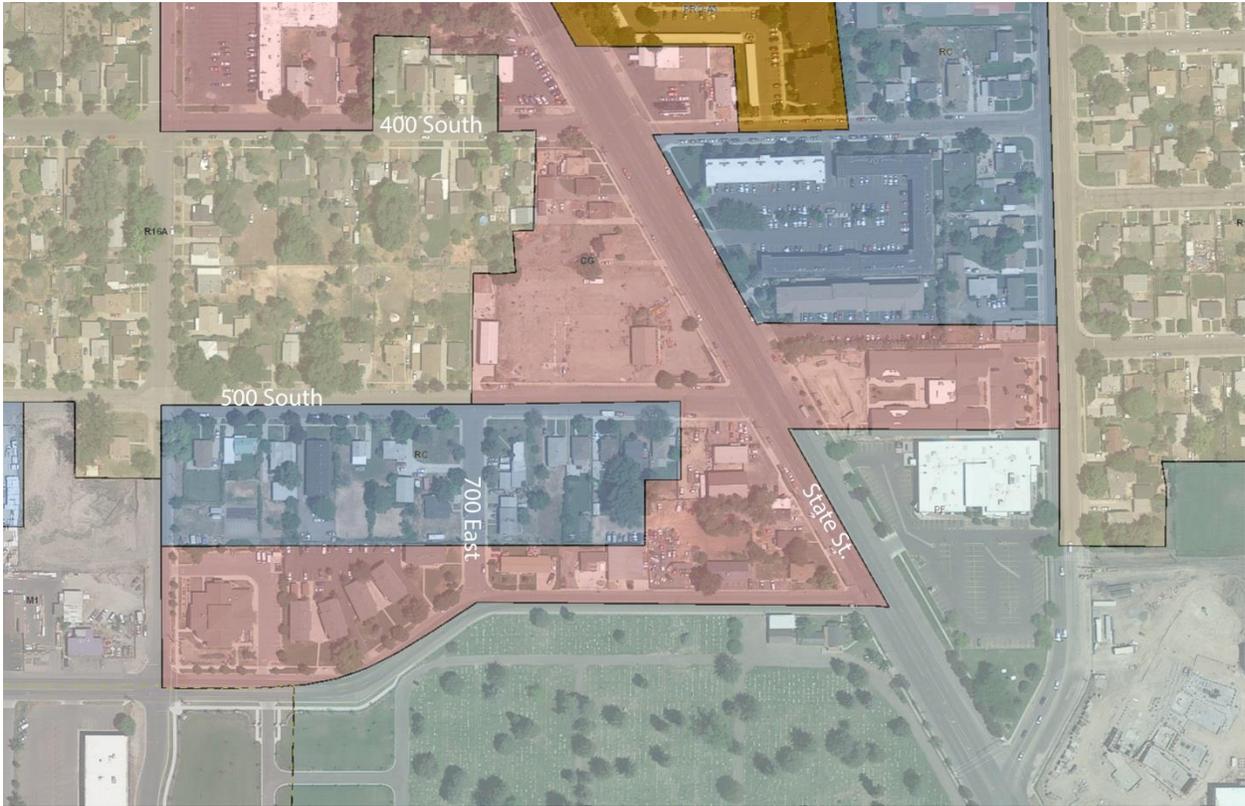
STAFF RECOMMENDATION

Staff recommends the following conditions:

1. A development agreement to restrict building height to 3 stories.
2. Lots are combined into one lot as part of a separate application.

ATTACHMENTS

1. Zoning Map





Provo City Planning Commission

Report of Action

January 24, 2018

ITEM 4* John & Lara Johnson request Zoning Ordinance amendments to Section 14.41 Major Home Occupations to increase the number of students from 6 to 16 and to extend the hours of operation from 5:00 pm to 9:00 pm. *City-Wide Impact*. 17-0025OA, Robert Mills, 801-852-6407

The following action was taken by the Planning Commission on the above described item at its regular meeting of January 24, 2018:

RECOMMENDATION FOR DENIAL

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

Motion By: Shannon Ellsworth

Second By: Andrew Howard

Votes in Favor of Motion: David Anderson, Shannon Ellsworth, Andrew Howard, Edward Jones, and Brian Smith

David Anderson was present as Acting Chair.

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

RELATED ACTIONS

The applicant has also applied for a Conditional Use Permit for the proposed major home occupation. An administrative hearing was held on January 3, 2018, but was continued to await the outcome of the proposed ordinance text amendment. Once a decision on the amendment is made, the hearing will be reconvened.

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:

- Staff explained that the purpose of a home occupation is intended to be incidental to the primary use of the dwelling on the site.
- Staff explained the difference between minor and major home occupations.
- Staff noted that the proposed amendment would apply Citywide and that the example of the applicant's proposed use was only used for illustrative purposes.
- Staff recommended the Planning Commission forward a recommendation to deny the proposed amendment because of the likely impacts to existing residential communities.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods. Three neighborhood chairs and one vice-chair who were present spoke in opposition to the proposed amendment citing concerns with the encroachment of commercial uses into residential neighborhoods, the change in the nature of the neighborhood, traffic and parking, and the proliferation of major home occupations in neighborhoods.

CONCERNS RAISED BY PUBLIC

One member of the public emailed testimony in support of the proposal and that testimony was read into the record by Staff.

APPLICANT RESPONSE

The applicant spoke in support of the amendment stating that adjacent and nearby residents have signed a petition in support of their school. They also pointed out that their home, being a corner lot on a collector road, was especially well suited for a major home occupation.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- All Commission members expressed concerns with the proposed amendment and the propensity for negative impacts that such a change would create.
- All Commission members expressed that they could not support the proposal.



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: January 24, 2018**

ITEM 4* John & Lara Johnson request Zoning Ordinance amendments to Section 14.41 Major Home Occupations to increase the number of students from 6 to 16 and to extend the hours of operation from 5:00 pm to 9:00 pm. **City-Wide Impact.** 17-0025OA, Robert Mills, 801-852-6407

Applicant: John and Lara Johnson
Staff Coordinator: Robert Mills
Property Owner: Same as Applicant
Parcel ID#: 356940151
Current General Plan Designation: Residential
Current Zone: SDP5
Acreage: 0.26 acres (11,325 sq.ft.)
Number of Properties: 1
*Council Action Required: Yes
Related Application(s): 17-0013CUP

RECOMMENDED ACTION:

1. **Recommend Denial** of the proposed ordinance amendment. *This action would be consistent with the recommendation of the Staff Report. Any additional changes should be stated with the motion.*

ALTERNATIVE ACTIONS

1. **Recommend Approval** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*
2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is February 14, 2018, at 5:30 p.m.*

Current Legal Use: Single-family dwelling.

Relevant History: The property is located in the Broadview Shores Development and contains a newly-built home.

Neighborhood Issues: The neighborhood has expressed support of an art school offering dance, music, and acting classes which conforms to the current standards of the Provo City Code relating to a major home occupation.

At a recent administrative hearing for a Conditional Use Permit for the proposed use, the area representative and other neighbors expressed concern regarding the proposed ordinance amendment which would increase the number of students per hour from six (6) to sixteen (16), as well as the increase in hours permissible for outside instruction.

Additional concerns regarding adequate parking and a change in the residential nature of the neighborhood were also expressed as concerns.

Summary of Key Issues:

- The request will add a provision that allows a maximum of sixteen (16) students per hour to come to a dwelling unit for instructional classes.
- The request will extend business hours for outside employees from 5:00 p.m. to 9:00 p.m.

Staff Recommendation: The proposed ordinance text amendment has the potential to create significant negative impacts to not only the applicant's neighborhood, but citywide. Staff recommends the Planning Commission forward a recommendation of denial to the Municipal Council.

OVERVIEW

The applicants are requesting an ordinance text amendment to Section 14.41.060 of the Provo City Code, relating to Major Home Occupations. Provo City Code currently allows a maximum of six (6) students (customers) per hour to come to a dwelling unit. Code also allows one additional employee not residing at the residence during business hours (8:00 a.m. to 5:00 p.m.) for lots which have a minimum of 8,000 sq. ft.

The applicants propose amending the ordinance to allow a maximum of sixteen (16) students per hour to attend instructional classes and to extend the business hours wherein an outside employee may offer instruction at a dwelling from 5:00 p.m. to 9:00 p.m.

The applicants have applied for a Conditional Use Permit to allow a major home occupation; however, the administrative hearing wherein their application was discussed was continued because of this request for additional students and expanded business hours. The administrative hearing will be reconvened once a decision on the subject amendment has been given.

FINDINGS OF FACT

1. The subject property is located in a single-family dwelling in the SDP-5 Zone.
2. Single-family dwellings in the SDP-5 Zone are permitted to have home occupations as an accessory use (Section 14.49.030(5)(d)).
3. Minor Home Occupations subject to compliance with specific conditions (Section 14.41.040).
4. Major Home Occupations also have specific conditions that require compliance (Section 14.41.060).
5. With both a Minor and a Major Home Occupation, the impact on the neighborhood is to be so minor that under normal circumstances the surrounding neighbors would not be aware of its existence (Section 14.41.010).
6. The proposed ordinance text amendment would change the number of customers/students allowed to come to a dwelling unit from six (6) per hour to sixteen (16) per hour.
7. The proposed ordinance text amendment would extend the hours an outside employee, not residing in the dwelling, may perform work from a current ending time of 5:00 p.m. to a new ending time of 9:00 p.m.
8. The proposed ordinance text amendment is applicable citywide in all zoning districts and to all Major Home Occupation Uses.

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 is not served by the proposed ordinance text amendment because it increases the pressure of commercial activity on residential neighborhoods.***
- (b) *Confirmation that the public purpose is best served by the amendment in question. **Commercial uses, and the impacts associated with them, are best suited for commercially zoned areas or areas planned for mixed-use development. The proposed text amendment increases the encroachment of commercial activities into residential areas. The increase in the number of customers/students coming to a dwelling increases the pressure on traffic flows, available on-street parking, and can create potentially dangerous situations for students or customers frequenting a dwelling that is not equipped or design to handle that amount of activity.***
- (c) *Compatibility of the proposed amendment with General Plan policies, goals, and objectives. **Protecting one-family neighborhoods while meeting the need for affordable, owner-occupied dwellings is a goal of the General Plan that would be strained by the adoption of this proposed ordinance text amendment. The current code allows for home occupations which can help homeowners with the cost of housing expenses; however, the proposed amendment increases the intensity of a typical home occupation to that of a commercial business. This can make one-family neighborhoods more vulnerable to redevelopment into more intense land uses and can also artificially increase home values to a non-affordable level.***
- (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 does not affect the timing or sequencing of the General Plan.***
- (e) *Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies. **The proposal would obstruct attainment of some General Plan policies as noted above.***
- (f) *Adverse impacts on adjacent land owners. **The proposed amendment greatly increases the potential intensity of a major home occupation which can create adverse impacts on adjacent land owners. The proposal would***

dramatically increase the number of students/customers coming and going to a residential dwelling which would likely negatively affect surrounding property owners.

- (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

It is important to note the stated Purpose and Intent of the Home Occupation Chapter of the Code which states the following: "Business activities may be conducted within a residence on a limited basis All home occupations shall be secondary and incidental to the residential use. The use should be conducted so that neighbors, under normal conditions, would not be aware of its existence." Staff feels the proposed amendment would exceed the intent of the home occupation provisions and would become a detriment to surrounding neighbors.

As an example, the applicants have created a website where potential students can sign-up for classes. The applicants are offering a total of 87 classes in the month of January. Under current code allowances, the number of students coming and going from the applicants' dwelling could be as high as 522 students per month (87 x 6). Under the proposed amendment, that number could increase to 1,392 students per month. That is substantial business flow.

Also, the website lists 10 instructors for the various classes. Only one outside employee at a time is permitted with a Major Home Occupation (14.41.060(3)(a)). Even if only one instructor teaches at a time there would still be overlap with arriving and departing instructors. This impacts both parking and traffic flow. Eighty-seven classes per month and 10 outside employees does not seem consistent with a home occupation that under normal conditions, the neighbors would not be aware of it.

Increasing the number of clients per hour will also increase the need for off-street parking. While no specific ratio is given in the Code, Section 14.41.060(1) requires sufficient off-street parking. It is unlikely that many single-family homes in Provo would have sufficient off-street parking to accommodate 16 clients at time. While this applicant refers to students of a dance school, the amendment proposed would also increase the number of clients per hour for an insurance agent or a real estate agent, which are also permitted home occupations.

Staff believes that the current regulations and limitations on Home Occupations strike a good balance between protecting neighborhoods while allowing limited commercial uses in residential

zones. Staff feels the proposed amendment would allow any dwelling to become a Major Home Occupation with impacts that would no longer be in balance with residential neighborhoods.

STAFF RECOMMENDATION

Based on the foregoing Findings of Facts and Conclusions, Staff recommends the Planning Commission forward a recommendation to deny the proposed ordinance text amendment to the Municipal Council.

ATTACHMENT

1. Proposed Text Amendment

ATTACHMENT 1 – PROPOSED TEXT AMENDMENT

14.41.060. Major Home Occupations.     ...

"Major home occupation" means a [home occupation](#) which meets the standards listed in Section [14.41.040](#), Provo City Code, except as specifically modified by the Community [Development](#) Department as provided herein. Pursuant to approval of a [conditional use](#) permit, the Community [Development](#) Department may authorize an increase in the intensity of a [home occupation](#), as follows:

- (1) The number of [customers](#) coming to a [dwelling unit](#) may range up to six (6) per hour, provided sufficient off-street parking is provided.
- (2) A larger commercial vehicle up to a gross vehicle weight rating of seventeen thousand five hundred (17,500) pounds may be used, provided it is parked on private [property](#) and adequately screened.
- (3) Outside employees not residing on the premises may be allowed during [daytime](#) business hours (8:00 a.m. - 5:00 p.m. **9:00 p.m.**) subject to the conditions of either Subsection (a) or (b):
 - (a) No more than one (1) outside employees at one time for a [dwelling unit](#) located on a [lot](#) or [parcel](#) which is at least eight thousand (8,000) square feet in [area](#). One (1) additional employee may be allowed for each additional increment of thirty thousand (30,000) square feet in the [area](#) of the [lot](#) or [parcel](#).
 - (b) As an alternative to Subsection (a), a [home occupation](#) that does not bring [customers](#) to the premises may have up to three (3) outside employees at one time for a [dwelling unit](#) located on a [lot](#) or [parcel](#) which is at least eight thousand (8,000) square feet in size, provided sufficient off-street parking is provided. One (1) additional employee may be allowed for each additional increment of thirty thousand (30,000) square feet in the [area](#) of the [lot](#) or [parcel](#).
- (4) Promotional meetings for the purpose of selling merchandise, taking orders, or training may be held up to four (4) times per month.
- (5) An applicant for a Major [Home Occupation](#) may forego the fee for a [conditional use](#) permit if all the [property](#) owners within three hundred (300) feet of the applicant's [property](#) sign a petition in support of the [home occupation](#). (Enacted 1993-02, Am 1995-37, Am 2005-38, Am **2016-08**)
- (6) The number of students coming to a dwelling unit for instructional classes may range up to sixteen (16) per hour.

41 (1) The number of customers coming to a dwelling unit may range up to six (6) per hour,
42 provided sufficient off-street parking is provided.

43

44 (2) A larger commercial vehicle up to a gross vehicle weight rating of seventeen thousand five
45 hundred (17,500) pounds may be used, provided it is parked on private property and adequately
46 screened.

47

48 (3) Outside employees not residing on the premises may be allowed during daytime business
49 hours (8:00 a.m. - ~~5:00~~ 9:00 p.m.) subject to the conditions of either Subsection (a) or (b):

50

51 (a) No more than one (1) outside employees at one time for a dwelling unit located on a
52 lot or parcel which is at least eight thousand (8,000) square feet in area. One (1)
53 additional employee may be allowed for each additional increment of thirty thousand
54 (30,000) square feet in the area of the lot or parcel.

55

56 (b) As an alternative to Subsection (a), a home occupation that does not bring customers
57 to the premises may have up to three (3) outside employees at one time for a dwelling
58 unit located on a lot or parcel which is at least eight thousand (8,000) square feet in size,
59 provided sufficient off-street parking is provided. One (1) additional employee may be
60 allowed for each additional increment of thirty thousand (30,000) square feet in the area
61 of the lot or parcel.

62

63 (4) Promotional meetings for the purpose of selling merchandise, taking orders, or training may
64 be held up to four (4) times per month.

65

66 (5) An applicant for a Major Home Occupation may forego the fee for a conditional use permit if
67 all the property owners within three hundred (300) feet of the applicant's property sign a petition
68 in support of the home occupation. (Enacted 1993-02, Am 1995-37, Am 2005-38, Am 2016-08)

69

70 (6) Notwithstanding Subsection (1), the number of students coming to a dwelling unit for
71 instructional classes may range up to sixteen (16) per hour.

72

73 PART II:

74

75 A. If a provision of this ordinance conflicts with a provision of a previously adopted
76 ordinance, this ordinance shall prevail.

77

78 B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
79 severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or
80 invalid, the remainder of the ordinance shall not be affected thereby.

81

82 C. The Municipal Council hereby directs that the official copy of the Provo City Code be
83 updated to reflect the provisions enacted by this ordinance.

84

85 D. This ordinance shall take effect immediately after it has been posted or published in
86 accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
87 Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

88

89 END OF ORDINANCE.