

PROVO MUNICIPAL COUNCIL

Regular Meeting Agenda

5:45 PM, Tuesday, August 27, 2019 Room 200, Municipal Council Chambers 351 W. Center Street, Provo, UT 84601

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

Presentations, Proclamations, and Awards

1. A presentation regarding an update on the improvements to 500 West and Bulldog Boulevard. (19-026)

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.

Action Agenda

- 2. Approval of Minutes
 - o July 9, 2019 Council Meeting Minutes
 - o July 23, 2019 Council Meeting Minutes
- 3. A resolution consenting to the Mayor's appointment of William Peperone as the Director of Development Services for Provo City. (19-090)
- 4. A resolution appointing Brittany Hyde to the Parks and Recreation Board. (19-003)
- 5. An ordinance amending Provo City Code Chapter 9.80 to update language and amend procedures regarding permit parking areas. (19-002)

- 6. A resolution of intent to study the creation of a permit parking area on Slate Canyon Drive in the Provost and Provost South Neighborhoods. (18-084)
- 7. An ordinance to amend Provo City Code regarding design standards in various Higher Density Residential and Campus Mixed Use zones. City-wide impact. (PLOTA20190025)
- 8. An ordinance approving the annexation of approximately 2.547 acres of property generally located at 1860 South and Colorado Avenue, Provo. East Bay Neighborhood. (PLANEX20190140)
- 9. An ordinance amending the zone map classification of the real property generally located at 800 North University Avenue and known as Amanda Knight Hall from Public Facilities (PF) to Campus Mixed Use (CMU). Joaquin Neighborhood. (PLRZ20190244)
- 10. ***CONTINUED*** The Community Development Department requests an Ordinance Text Amendment to Chapter 14.37 of the Provo City Code to establish minimum bicycle parking standards. Citywide impact. (PLOTA20190217)
- 11. ***CONTINUED*** An ordinance to amend Provo City Code 14.34.295 (Downtown Development Design Standards) to clarify architectural requirements in the Downtown Zones. Central Business District, Joaquin, Maeser, Franklin, Timp Neighborhoods. (16-0005OA)

Adjournment

If you have a comment regarding items on the agenda, please contact Councilors at council@provo.org or using their contact information listed at: http://provo.org/government/city-council/meet-the-council

Materials and Agenda: agendas.provo.org

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The next scheduled Council Meeting will be held on 9/10/2019 at 5:30:00 PM in the Council Chambers, 351 West Center Street, Provo, unless otherwise noticed. The Work Meeting start time is to be determined (typically between 12:00 and 4:00 PM) and will be noticed at least 24 hours prior to the meeting.

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

In compliance with the ADA, 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. Council meetings are broadcast live and available for on demand viewing at youtube.com/user/ProvoCityCouncil.

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 <u>agendas.provo.org</u>. Council meeting agendas are available through the Utah Public Meeting Notice website at <u>utah.gov/pmn</u>, which also offers email subscriptions to notices. Network for public internet access: *Provo Guest*, password: *provoguest*

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter:HSALZLDepartment:CouncilRequested Meeting Date:08-27-2019

SUBJECT: A presentation regarding an update on the improvements to 500 West and

Bulldog Boulevard. (19-026)

RECOMMENDATION: Information only.

BACKGROUND: On February 19, 2019, Leah Jaramillo presented to the Council about two construction projects that UDOT would soon begin in Provo. This presentation will update the Council on the progress of the two projects.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Leah Jaramillo

REQUESTED DURATION OF PRESENTATION: 15 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-026

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, July 09, 2019
Room 200, Municipal Council Chambers

351 W. Center Street, Provo, UT 84601

1 Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Council Member George Handley
Council Member Vernon K. Van Buren
Council Member George Stewart
Council Executive Director Cliff Strachan
Wayne Parker, Chief Administrative Officer

Council Member David Knecht Council Member Gary Winterton Council Attorney Brian Jones Mayor Michelle Kaufusi

Conducting: Vice Chair Vernon K. Van Buren

Excused: Councilors David Harding and David Sewell were excused.

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Prayer

Carl Barker

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Pledge of Allegiance

Lance Reynolds

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Approval of Minutes

o May 21, 2019 Council Meeting

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The meeting minutes for May 21, 2019, were approved by unanimous consent.

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Provo Youth Football Donations

Presentations, Proclamations, and Awards (0:06:44)

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Provo Youth Football President Garrett Deucher spoke to the Council about the benefits of their program, and also explained how the community rallied together to help recover and replace equipment that had recently been stolen. He said over \$20,000 worth of equipment had been stolen from a trailer parked at a board member's home. Many of the kids who participate in the program are already there on scholarships and funding was limited. They started a GoFundMe campaign and were able to raise some money towards replacing the equipment, but the real help came from local businesses that donated approximately \$15,000.

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The businesses Mr. Deucher recognized for contributing were:

- Spring Creek Condos
- Carpets America

- All Star Roofing
 - Artistic Plastering
 - RB Construction
 - My Utah Signs
 - Remedy Design

Vice-Chair Van Buren was glad the stolen equipment could be replaced to allow the children to play. It was a good example of the community stepping up to help.

Neighborhood Spotlight (0:15:24)

o Introduction of the new Foothills Neighborhood Chair, Ruth Thomas.

Karen Tapahe, Neighborhood Program Coordinator, introduced Ruth Thomas as the new Foothills Neighborhood Chair and invited Ms. Thomas to address the Council. Ms. Thomas explained that Foothills was geographically one of the largest neighborhoods in Provo. She had a three-point plan for her neighborhood: communication, comradery, and compassion. She wanted to recruit a few more neighborhood chairs in the areas that were underrepresented. Ms. Thomas shared with the Council that she worked as a strategy consultant for a non-profit and was also an organist.

Mr. Knecht agreed it was a large and diverse neighborhood. The neighborhood had a large number of residents spread out over a large area. He said the Joaquin neighborhood was very dense, it had about 14,000 residents and door to door issuance of flyers could be a daunting task. He asked Ms. Thomas how she planned to handle these challenges. She said the first approach was use the networks they have in place to recruit a vice-chair from each sector. The second approach was a neighborhood information postcard that could be sent to all the address with basic information about their neighborhood. She said if the postcard only yielded three to four percent of feedback, this would triple the current participation. Their email list only had 40 people on it. She did not think the geography itself was a challenge; however, the disparity between the areas was challenging.

Mr. Knecht said home qwners associations in Provo were a kind of subset for each area. Karen Tapahe had recently sent a list of the associations in Provo and Mr. Knecht thought this could be as an additional tool for the neighborhoods to ask the associations to share neighborhood news and work together.

o Introduction of the new North Park Neighborhood Chair, Eric Chase.

Ms. Tapahe introduced Eric Chase as the new North Park Neighborhood Chair and invited him to address the Council. Mr. Chase previously served as Vice-Chair. He said the neighborhood was also large geographically. It extended from the old Provo High to Paul Ream Park. Mr. Chase thought his neighborhood had some of the best amenities in Provo: The Recreation Center, new Provo Power Building, Provo River Trail, Bulldog Boulevard Project, and access to Bus Rapid Transit.

Mr. Knecht thanked Mr. Chase for his willingness to serve his neighborhood.

Vice-Chair Van Buren thanked all those who serve their neighborhoods, this was an important part of the City.

Public Comment (0:24:58)

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Vice-Chair Van Buren opened public comment.

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Jay Goodliffe, Provo resident, read the following statement:

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"My name is Jay Goodliffe, and I am a resident of Edgemont neighborhood. L am here to talk about the sale of Timp Kiwanis Bounous Park. To see what entity has influence or power in government, we figure out what each entity wants, and see what each entity gets through government decisions. We do not worry so much about what people say; instead, we look at outcomes. In other words, "by their fruits ye shall know them." So what did the three entities want with Bounous Park? Provo Parks and Recreation wanted the money for their new soccer complex, and to stop taking care of Bounous Park, which was a hassle to them. Provo School District wanted to own Bounous Park with no legal restrictions. The next best option was to own Bounous Park with legal restrictions. Edgemont Neighborhood wanted to maintain city ownership of the park. The next best option was to have a strong legal restriction to keep it a park if the school district owned it. Given what each entity wanted, the outcome where everyone would get something was for the city to sell the park to the school district with legal restrictions. So what did each entity actually get? Provo Parks and Recreation got their money, and no longer have to maintain Bounous Park. And the School District got Bounous Park, with no legal restrictions. Even though the neighborhood repeatedly expressed their preferences that the park be protected, appearing at numerous meetings, the neighborhood got nothing: The city sold the park, and sold it without any legal restrictions. The neighborhood did get a statement of intent from the school district which is "not a contract nor is it intended to be legally binding." As far as this decision goes, this shows that Provo Parks and Recreation and Provo School District had influence, and that the neighborhood had none. In other words, this was a win-win-lose outcome. As far as words go, city officials said many times that they hoped Bounous Park would remain a park. And the neighborhood did get a bunch of sorrys from various city officials when you voted to sell the park without even knowing the full agreement. For those words, I thank you. But actions speak louder than words. As far as actions go, I thank Council Members George Handley and Dave Sewell, who voted against selling the park without legal restrictions. For city government as a whole, for your actions on Bounous Park in our neighborhood's behalf, in the end, you did nothing to protect us. And so, there is nothing for which to thank you."

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Sheree Glazer, Provo Resident, spoke about the proposed Terra Development on north Canyon Road. She understood the project had not yet been approved by Council. In the neighborhood meeting she attended the development was opposed for various reasons, one of those was the development of a water tank. She said the development would likely bring in many new children and the schools were already overfilled. Ms. Glazer was also worried about the high-density nature of the project creating additional traffic congestion.

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There were no other comments from the public.

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Action Agenda

Motion:

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3. Resolution 2019-38 consenting to the appointment of individuals to various boards and commissions. (19-003) (0:31:19)

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An implied motion to adopt Resolution 2019-38 as currently constituted, has been made by council rule.

110 111 112 113 114 115 116	accepted by cou outreach, transp This resolution v	xplained that board and commission members were appointed by the mayor and ncil. This was a way to keep the community involved and help the City with public parency, and public input. She explained those interested in serving could apply online. would fill every vacancy. The Council had the opportunity to meet with each of the reto the meeting.
117 118 119 120 121	met with Counc	ras being appointed to the Building Inspection Board of Appeals and had not previously il, he was invited to introduce himself. Mr. Escobar said he was born in La Paz, Bolivia. Provo since 2000. When he first got to Provo he worked in construction and then started y in 2006.
122 123	Vice-Chair Van E	Buren opened public comment.
124 125 126 127 128	if this might be a	ted that State Representative Adam Robertson was on the airport board. She wondered a conflict of interest due to his role as legislator. Council Attorney Brian Jones was not tential conflicts and said Mr. Robertson would need to recuse himself if a conflict did
129 130	There was no fu	rther comment. Vice-Chair Van Buren called for a vote on the implied motion.
150	Vote:	The motion to approve Resolution 2019-38 passed 5:0 with Council Members Handley, Knecht, Stewart, Van Buren and Winterton in favor. Council Members Harding and Sewell were excused.
131 132		ion 2019-39 supporting the Utah County Good Governance Advisory Board's proposal de the change of government question on the November 2019 ballot. (19-060)
	Motion:	An implied motion to adopt Resolution 2019-39 as currently constituted, has been made by council rule.
133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148	Governance Advexplained that a response, the Utwould be best. Tacademia, governecommendation seven council material served as both the booming, many future challenged proposed change	ntroduced Dr. Cameron Martin who served as the Chair for the Utah County Good risory Board (UCGGAB). Mayor Kaufusi served as a board member for the UCGGAB. She group had filed a petition to change the form of government in Utah County. In CGGAB was formed to present a recommendation about what form of government there were 15 people who served on the UCGGAB with backgrounds ranging from ment, and business. They all came to the same conclusion and made a unanimous in that the County should have a Mayor-Council form of government with one mayor and embers, like Provo. This would be a change from the three-person commission that the legislative and executive branches of government. With Utah County's population had wondered whether the form of government should be modified to prepare for its. The County Commissioners were supposed to be deciding whether to put the e on the ballot but Mayor Kaufusi explained there had been a recent snafu with this ded by telling the Council that she and Dr. Martin were both available to answer any bouncil had.
149	Mr. Handley wa	s supportive of the resolution and thankful for the work of the UCGGAB. He said

Commissioner Bill Lee was quoted in the news describing the process as, "rushed, frustrating, and

agenda-driven." Mr. Lee also questioned whether there was adequate support for the Council-Mayor model and said more discussion was needed. Mr. Handley wanted to help the public understand how deliberate and thorough the process had been. He asked Dr. Martin to describe the process and how they arrived at their final recommendation.

Dr. Martin said the process had been very open and public. When selecting the UCGGAB members, he asked if the prospects were already engaged in the petition to change the form of government and whether they had any interest in public office. None of those selected for the board had an interest in running for county office, which disqualified Commissioner Lee's assertion that there were ulterior motives by any member of the committee. All of the meetings had been noticed on the Utah Public Notice Website, as well as their own website. Meetings were hosted from North County to South County and the committee engaged with hundreds of individuals, both in person and online. Of all the people he spoke with, he only recalled two people who favored keeping the current form of government. He said there was an overwhelming feeling that change was needed. The County was growing, and it called for change. He worried the current form of government could be easily manipulated because when two of commissioners disagree, the person in the middle holds the power. The recommendation of the body was to change to the mayor-council form of government that allowed for checks and balances.

Referring to a petition that had been filed by Utah County Commissioner Bill Lee earlier in the day, Councilor Stewart asked if this would derail the proposal. Dr. Martin said it would not derail the work of the board, their tasks were complete, and the work had been submitted.

Clifford Strachan, Council Executive Director, thought that David Leavitt (Utah County Attorney) believed Commissioner Lee's petition would preempt the commission from voting on the recommendations made by the board. The rational behind the petition was not clear and it was unknown whether the petition would bring litigation, according to Mr. Strachan. It was still an option for the other two commissioners to seek legal counsel and explore an injunction to have the petition overturned given that it might be construed as a filibuster or obstruction of process.

Mr. Knecht asked if there would still be options if the petitioners failed to gather the required number of signatures. Mr. Strachan said there would not be time for anything to go on the 2019 ballot, it would have to take place in 2020.

Dr. Martin had spoken with multiple state legislators about this petition and they were exploring various options. They shared the sense of urgency and need for change.

Mr. Winterton was uncomfortable with three people controlling the County's large budget. Mr. Parker later noted the County's budget was approximately \$400 million, but \$237 million was pass-through sales tax dollars, leaving an operating budget of about \$164 million. Mr. Winterton felt there was a lack of representation in the county. He supported this proposal and was frustrated that residents might not have the opportunity to vote on it. He asked Dr. Martin how many different forms of government were considered. Dr. Martin said the board contemplated four forms of government:

Three full-time commissioners (current form)

Five part-time commissioners

 • County executive form (One full-time mayor and seven part-time councilmembers, like Provo)

Mr. Stewart thanked Dr. Martin for his time and service. He was disappointed by the latest petition, he

Manager form (full-time administrator and mayor is part of the council)

said it was tragic. He hoped this resolution would help to solve the issue.

Councilor Winterton asked how he could help. Dr. Martin encouraged the Council to use their social networks to share the information, the final reports and recommendations were available online at www.utahcountyfuture.com.

Mr. Knecht noted that various forms of government had been considered; the most recent petition filed by Utah County Commissioner Bill Lee supported the five-member council. He asked why the five-member council had not been selected by the board. Dr. Martin said the board felt it was important to have a full-time champion, someone who could engage and represent the interests of the county.

Mayor Kaufusi encouraged the Councilors to reach out to the Commission and share their concerns.

Vice-Chair Van Buren opened public comment.

Pam Jones, Provo, asked what the criteria would be for determining the county council districts. Mayor Kaufusi explained that it would be decided based upon population and then the two county-wide positions. The board had seen various concepts, but they had not been tasked with determining the districts.

Public comment was closed.

Mr. Strachan reviewed the six recommendations included in the resolution:

#1 - The Utah County Board of County Commissioners should support a change of Utah County's form of government from its current three-member county commission form to the county executive-council (mayor-council) form of government with a full-time elected at-large mayor, [and] an elected seven-member part-time county council that has five seats elected by districts and two seats elected at large.

#2 - The Utah County Board of County Commissioners should pass a county ordinance to hire a professionally trained and skilled chief administrative officer (CAO) to aid in the day-to-day management of the county.

#3 - The Utah County Board of County Commissioners should move expeditiously to hold a special election in November 2019 to seek voter approval for a change in Utah County's form of government to the mayor-council form.

#4 - The Utah County Board of County Commissioners should establish a non-partisan committee to follow established federal and state judicial criteria and recommend the geographic boundaries for the five district seats of the county council. Public engagement in this process guards against perceptions of self-serving decisions made by county officials.

#5 - The Utah County Board of County Commissioners should establish a compensation committee comprised of volunteers with expertise in cost analysis and compensation. Public engagement in this process guards against perceptions of self-serving decisions made by county officials.

#6 - The Utah County Board of County Commissioners should educate Utah County voters on the mayor-council form of government and how it holds elected officials accountable, improves

249 250 251	representati funded;	on of all areas and comm	nunities within the county, and how the transition will be
252 253 254		nted the County Commiss He called for a vote on th	sion to know that Council was supportive of the board's e implied motion.
	Vote:	Members Handle	prove Resolution 2019-38 passed 5:0 with Council y, Knecht, Stewart, Van Buren and Winterton in favor. Barding and Sewell were excused.
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256	After the vote was	taken Councilor Winterto	on asked Mayor Kaufusi if she preferred for this to be a joint
257	resolution of the Co	ouncil and Mayor. Mayor	Kaufusi said her name was already attached to the board's
258	recommendation s	o she did not think it was	necessary but was willing to support the idea.
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260			uncil that it was already standard practice to have the Mayor
261 262	-	•	n even though it was not required by law. Otherwise, they nake a substitute motion to change it to a joint resolution.
263			Mayor signing the signature sheet for the resolution and did
264	not move to recons		viayor signing the signature sheet for the resolution and did
265	not move to recons	sider the motion.	
266	The resolution stat	ed that it would be trans	mitted to certain city and county officials. Mr. Strachan
267 268			cover letter to be included in the transmission.
	the reques	_	omission of a final Urban Deer Control Plan and authorizing egistration ("COR") from the Utah Division of Wildlife
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	Motion:	An implied motion to a been made by council	adopt Resolution 2019-40 as currently constituted, has rule.
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271			esented. She introduced Wes Alexander, he was a wildlife
272	•		es (DWR) and had responsibilities related to urban deer
273	plans. He had been	a great resource as she	navigated the registration process.
274	NA - NACHE	ta a dalah ar ta a dalah ta a ara-	the distriction is a feet of a Could be a to the DWD this
275 276	•		uthorizing the submission of a final plan to the DWR, this e program, as well as authorizing a contract with Humphry's
277 277			plan. This plan had differences in methods, results, and risk;
278 279	· ·	ned the following differen	
_,,	2016-2019		2019-2022
	Lethal and	Nonlethal	Lethal Only
	• Ard	chery	• Archery
	• Tra	p and Translocate	Trap and Euthanize
			 Extended hours
	Testing for	CWD	Testing for CWD
		nlethal only	 All Harvested Animals 1 yr. +
	Compliant-	Based	Public Safety Focus
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Mr. Winterton asked why the plan eliminated trap and translocate. Mr. Alexander explained that DWR had discontinued this portion of the program because of the concern with Chronic Wasting Disease (CWD).

Vice-Chair Van Buren opened the public hearing, there was no response.

Mr. Handley thought it would be helpful for the public to understand the emphasis on public safety. It was a primary concern to understand the potential loss of human life and damage to property that can be caused by urban deer. This resolution would help to reduce the risk. He understood that Provo, and other cities along the Wasatch Front, were on the interaction zone with the wilderness and it was sometimes anticipated that the community should expect to live with the urban deer. This was not a program designed to eliminate the deer population entirely. The impact of the program was also somewhat limited by state and federal policies. It was important to recognize that the community needed to learn how to live with deer and understand that the city had limited authority over the deer population. The program was aimed at reducing risks to public safety and damage to property. Despite the limitations, Mr. Handley thought the program had been effective and he was supportive of the program.

Mr. Knecht asked for the resolution to be displayed and ensure the agreed upon language discussed during their work session had been incorporated. Mr. Jones said the version displayed was now the subject of the implied motion and was slightly different that the version that had been included in the online materials prior to the work meeting.

There was no further council discussion. Vice-Chair Van Buren called for a vote on the implied motion.

The motion to approve Resolution 2019-40 passed 5:0 with Council Members Handley, Knecht, Stewart, Van Buren and Winterton in favor. Council Members Harding and Sewell were excused.

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Motion: A

made by council rule.

Vote:

An implied motion to adopt Ordinance 2019-34 as currently constituted, has been

Wayne Parker, Chief Administrative Officer, presented. He explained this would change Title 2 of the Provo City Code: Government Organizations. This would effect the change recommended by Mayor Kaufusi during the budget process to combine Community Development, Redevelopment, and Economic Development and divide them into two different departments.

Ordinance 2019-34 amending Provo City Code to establish a Division of Community and Neighborhood Services and Department of Development Services. (19-036) (1:18:41)

The new Department of Development Services would consist of Economic Development, the tax increment portion of the Redevelopment Agency, building inspection, and short-range planning. The idea was to provide one Department in which all development review would occur. This department would be responsible for development attraction, financing, reviews, permits, and certificates of occupancy.

The new Community and Neighborhood Services Department would be a reformulated version of Community Development. It would include parking management, the City Ombudsman, zoning enforcement, the federal funding components of the current Redevelopment Agency, and long-range

323	planning. The idea was to separate the development process from long range-planning and
324	neighborhood related programs that are designed to support residents and neighborhoods in the city.
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There were other provisions in the code that would need to be reworked to accommodate the new departments. Predominately Titles 14 and 15 would need to be revised, as well as parts of Title 4 which had been discussed in the work meeting earlier in the day. These changes would take place over time as the new department is implemented.

The Council had previously approved budget changes that were necessary for this department. The administration was in the process of selecting a department director. There were 13 finalists who had submitted responses to a supplemental questionnaire. A screening committee had been formed to narrow the selection so that first interviews could take place before a smaller group would b presented to the Mayor for final selection.

Vice-Chair Van Buren opened public comment, there was no response. Mr. Van Buren stated that he was supportive of this change. He called for a vote on the implied motion.

Vote:

Motion:

The motion to approve Ordinance 2019-40 passed 5:0 with Council Members Handley, Knecht, Stewart, Van Buren and Winterton in favor. Council Members Harding and Sewell were excused.

7. Ordinance 2019-35 to amend Provo City Code 14.50(30) to amend the title, purpose, and objectives to the 50 East Project Redevelopment Option Zone. Spring Creek Neighborhood. (PLOTA20190170) (1:24:35)

An implied motion to adopt Ordinance 2019-35 as currently constituted, has been made by council rule.

Robert Mills, Planner, presented. The applicant requested a zone change to the PRO zone previously titled the 50 East Project Redevelopment Zone. This titled referred to a previous project that had been proposed several years earlier. To make the zone relevant to the applicant's project and to make it possible to replicate the zone for other projects, they applicant proposed renaming the zone the Entry-Level Housing Project Redevelopment Zone. Additionally, they requested to amend the purpose and objectives that apply to this type of housing. This would also add a permitted use of single-family dwellings attached; this was the type of unit that would be proposed for this project. The Planning Commission recommended approval.

Vice-Chair Van Buren invited the applicant, Brady Deucher, to speak to comment, he had nothing to add. He invited the Neighborhood Chair, Mary Millar, to address Council. Ms. Millar noted there had not been a neighborhood meeting, but she was not sure the meeting was necessary due to the development agreement the applicant planned to proffer. The neighborhood requested the project to be named Spring Creek, not Slate Creek. She hoped someone would take the time to review all legal documentation and make sure this change is applied.

Mr. Jones explained that two weeks earlier the Council approved Ordinance 2019-33 that purported to rezone the property to be the Entry-Level Housing Project Redevelopment Zone, but the zone did not exist and would not exist unless this text amendment is approved. He recommended that Mayor Kaufusi should not sign Ordinance 2019-33 until this amendment is approved so that this becomes legally effective first.

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Council was under the impression that Ordinance 2019-33 required a development agreement to be executed before the zone would go into effect. Mr. Jones said the ordinance did not mention the development agreement. The ordinance that was passed approved the rezone without a development agreement and would implement the new zone as soon as it goes into effect which would be when the Mayor signs it or by the 17th day of July which was 15 days after it had been presented to the Mayor for approval. Council could hold a special meeting prior to July 17 to reconsider or undo this action. Mr. Jones suggested another option would be to ask the Mayor not to sign the rezone until the development agreement is signed but this would need happen before July 17. Bill Peperone, Assistant Community Development Director, said he was confident the agreement would be signed the very next day. It was important for the agreement to be signed because the rezone without the agreement would allow for more density and less parking than the City had agreed to.

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There was no further discussion. Vice-Chair Van Buren called for a vote on the implied motion.

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The motion to approve Ordinance 2019-40 passed 5:0 with Council Members Handley, Knecht, Stewart, Van Buren and Winterton in favor. Council Members Harding and Sewell were excused.

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8. ***CONTINUED***An ordinance amending the General Plan designation from Public Facilities (PF) to Residential (R) for approx 0.78 acres of real property generally located at 862 E Quail Valley Drive. Edgemont Neighborhood. (PLGPA20190009)

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9. ***CONTINUED***An ordinance amending the Zone Map classification of approx 0.78 acres of real property, generally located at 862 East Quail Valley Drive, from Public Facilities (PF) Low Density Residential (LDR). Edgemont Neighborhood. (PLRZ20180430)

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10. ***CONTINUED*** An ordinance amending Provo City Code Section 14.34.285 regarding the design standards for buildings in the Campus Mixed Use Zone. City-wide application. (PLOTA20190025)

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Adjournment

Vote:

The meeting was adjourned by unanimous consent at approximately 7:07 p.m.

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, July 23, 2019 Room 200, Municipal Council Chambers 351 W. Center Street, Provo, UT 84601

Opening Ceremony

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Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor David Harding
Councilor David Sewell
Councilor George Handley
Councilor Vernon K. Van Buren
Assistant City Attorney Gary Millward

Assistant City Attorney Gary Millward Chief Administrative Officer Wayne Parker

Councilor George Stewart (arrived at 6:41 p.m.) Mayor Michelle Kaufusi

Councilor David Knecht

Councilor Gary Winterton

Council Attorney Brian Jones

Council Executive Director Cliff Strachan

Conducting: Council Chair David Harding

Prayer – Caleb Dewey, Provo City Youth Council

Pledge of Allegiance – David Rogers, Council Intern

Approval of Minutes – The following minutes were approved by unanimous consent:

- April 9, 2019 Council Meeting Minutes
- June 4, 2019 Council Meeting Minutes
- June 18, 2019 Council Meeting Minutes

Youth City Council – Chair Harding welcomed members of the Youth City Council in attendance that night. He thanked them for being engaged in the community.

Public Comment (0:04:58)

Kaye Nelson, Provo, said several neighbors researched, and met with zoning and planning city officials, to discuss the proposed Terra Development. More than 1,900 people had signed the first petition against the Terra Development. The neighborhood was proactive for responsible, sustainable development. They were willing to work with the city to see that development was zoned properly and that the foothills of Provo would be protected.

Tamela Blake, Provo, asked the council to protect green space. High and medium density needed incentives to build in areas where infrastructure was in place. Why destroy the beauty of the mountains.

21 22	2	Provo, reviewed several goals in the general plan that applied to the request to deny the Terra Development. The goals included encouraging	
23	maximum buildout in areas south of the university and business districts, preservation of open		
24	space, ensure adequate enforcement of zoning regulations, R1.10 zone for the northeast area, and		
25		Provo's beauty for our time and future generations.	
26	preser (weren er	There is equally to a continuous distribution of the second continuous contin	
27	Action Age	nda	
		ntion 2019-41 consenting to the appointment of individuals to the portation and Mobility Advisory Committee. (19-003) (0:12:10)	
28	3.5		
20	Motion:	An implied motion to approve Resolution 2019-41, as currently constituted, has been made by council rule.	
29	Mayor Vanfusi	presented a resolution, for the council's consent, appointing James Hamula and	
30 31 32		e to the Transportation and Mobility Advisory Committee (TMAC).	
33 34	Chair Harding i	nvited public comment. There was no response.	
35	Chair Harding	called for a vote on the implied motion.	
36	211W11 11W1 W111B		
37	Vote:	The motion was approved 6-0 with Councilors Handley, Harding, Knecht, Sewell, Van Buren and Winterton in favor. Councilor Stewart was excused.	
	Highe	dinance to adopt Provo City Code regarding design standards in various r Density Residential and Campus Mixed Use zones. City-wide impact. ΓΑ20190025) (0:15:43)	
38	Motion:	An implied motion to adopt the ordinance, as currently constituted, has been made by council rule.	
39 40	Dill Danarana (Community Development Assistant Director, presented. The proposed ordinance	
41		p loopholes in the existing ordinance. He said zoning ordinances had been good	
42	at telling develo	opers what the city did not want to happen. These changes would make it easier	
43	for the develope	ers to understand what the city wanted to happen.	
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45		h developer David Cabanilla who expressed concerns about the door	
46		n the street. His door requirement concerns had been addressed in the proposed	
47	amendment. M	r. Peperone explained that the buildings referred to, with doors on the street, was	
48	not the only do	or to the unit, in fact it was usually the back door. Another concern expressed by	
49	Mr. Cabanilla, 1	regarding location of parking, was not found in the amendment. Mr. Peperone	
50	stated that parking amendments to the code would be discussed in the coming weeks. He would		
51	be willing to me	eet with council members and other developers, if needed, to address their	
52	questions conce	erning the amendments.	
53			
54	Mr. Peperone sa	aid the planning commission would be given more discretion and flexibility to	
55	-	people met the requirements. Some of the substantive changes included adding a	
56	table in the text	referring to how many, and how frequently, the doors needed to be built on the	
57		ubstantially more for commercial than for residential development. The habitable	

58 59	floor area was now a requirement in the HDR and CMU zones. The section for building materials was bolstered to prevent developers from changing building materials after the design
60 61	had been approved.
62 63	Chair Harding expressed appreciation for Mr. Peperone's willingness to meet with Mr. Cabanilla and other developers in the community. This was a solid step towards form-based code.
64 65 66	Chair Harding invited public comment. There was no response to the request.
67 68	Per council rule, Mr. Knecht requested that this item be continued until the August 6, 2019 council meeting.
69 70 71	Mr. Handley stated that he would be out of town on that date but wanted to express support for the proposed amendment.
72 73 74 75	Chair Harding explained that council rules allowed land use items to be heard twice in order to give the community a greater awareness. Many items were so routine and non-controversial they could be passed on the first hearing. He felt this item, though he supported it, was important
76 77	enough to allow developers time to review and make comments.
78 79 80	In response to a question from Mr. Winterton, Mr. Peperone stated that Mr. Cabanilla's safety concerns had been addressed in the amendment. Mr. Winterton could contact him to discuss concerns he had with the amendments in other areas.
81	3. An ordinance amending Provo City Code Chapter 9.80 to update language and amend procedures regarding permit parking areas. (19-002) (0:24:42)
82 83 84	This item was continued during work meeting earlier in the day. The proposal would be sent back to a council committee for further work.
85	4. Resolution 2019-42 authorizing the Mayor to sign a water carriage agreement with Central Utah Water and the US Department of the Interior. (19-083) (0:26:00)
86	Motion: An implied motion to approve Resolution 2019-42, as currently constituted, has been made by council rule.
87 88 89	Gary Calder, Division Director of Water Resources, presented. He explained that a water carriage agreement allowed Provo City to utilize pipes from other entities to carry water from the
90 91	Provo River and Deer Creek to Provo. The agreement with Utah Power & Light (UP&L) expired in 2015 when they sold the Olmstead power rights (at the mouth of Provo Canyon) to
92 93 94	Central Utah Water (CUW). The proposed 40-year carriage agreement with CUW and the U.S. Department of the Interior would allow the city to continue the use of this important asset.
95 96	Chair Harding invited public comment. There was no response to the request.
97 98	With no council discussion, Chair Harding called for a vote on the implied motion.
	Vote: The motion was approved 6-0 with Councilors Handley Harding Knecht

Sewell, Van Buren and Winterton in favor. Councilor Stewart was excused.

Redevelopment Agency of Provo

Chair Harding recessed as the Municipal Council and reconvened as the Redevelopment Agency by unanimous consent at 6:01 p.m.

Mr. Walter requested that Item No. 6 be heard before Item No. 5 because Mr. Earl, the Millrace developer, had been delayed in traffic.

6. A resolution approving a lease agreement with Blue Sky Development to allow them to utilize parking spaces for a pending mixed-use project at 105 East Center Street. (19-070) (0:29:29)

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

David Walter, Redevelopment Agency Director, stated the board had discussed this item in previous meetings. They had expressed concern about the number of parking spaces requested and whether they should be allocated or dedicated. One of the concerns was that the current owner (Marco Vista, located in Rancho Cucamonga, California) had not responded to emails concerning the request.

Mr. Walter said the developer, McKay Christensen, had amended his request for parking in the parking structure. Instead of requesting 57 dedicated spaces, he was asking for 37 dedicated stalls with an additional 20 spaces allocated. If the two restaurants were successful, he could request the remaining 20 stalls be dedicated. The owner of the parking structure was contacted and they did not have any issues with the request. They asked to be named as an additional insured party on the agreement.

Of the 37 dedicated spaces, 12 would be for the executive suites along 100 East and the remaining 25 spaces for the ground floor restaurants. They would be restricted Monday through Thursday from 8:00 a.m. to 10:00 p.m. and on weekends from 8:00 a.m. to midnight. The 25 parking stalls would be available for other use by the public outside those times.

This proposal was in recognition of the fact that Mr. Christensen was putting a significant amount of money into the east end of the commercial development on Center Street. The lease amount was increased to \$10 per space for the first ten years, \$30 per space for the next ten years, and \$50 per space for the remaining ten years. The RDA staff was comfortable with the agreement.

In response to a question from Chair Knecht, Mr. Walter stated there would be 35 to 40 spaces, out of the 204 parking spaces, available for other projects. The RDA agreement with the University Tower Project had been terminated. In theory, the University Tower Project would not need any of the RDA's allocated parking spaces. They had been reaching out to the owners of the Wells Fargo parking structure for access and modification to parking within the structure and to other entities for property transfers. The 80 East project developers were also working with the owner of the parking structure for possible modifications to the facility. These agreements were out of the RDA's purview.

- McKay Christensen, the applicant, was invited to comment. He stated that the Blue Sky
- Development would generate property and retail taxes of around \$75,000 per year. In addition,
- by increasing the lease agreement, it would add an additional \$6,000 per year for a total of more
- than \$1 million over ten years. That would amount to \$110 per stall per year. He said that the
- 146 63 East project paid \$30 per stall per year. He confirmed that, out of the 37 dedicated stalls, 12
- would be dedicated full-time while the remaining 25 would be dedicated during hours of retail
- operation. The dedicated stalls were important for retail to survive and thrive.

Chair Knecht stated it would be good to have new business come in but other businesses had been there for many years. They also paid sales and retail taxes, which went towards paying for all services, not just parking. Mr. Christensen said he was told the parking facility was built to promote new growth and development. It was difficult to compare new construction with old, established buildings.

In response to a question from Chair Knecht, Mr. Christensen reported that they could not use internal parking in the development for commercial use. Those spaces were for residential tenants and needed to be available 24 hours per day, seven days per week. Each residential tenant would have a designated stall. He stated that the owner of the Wells Fargo parking facility had stalls available to the public.

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

Chair Knecht invited board discussion.

Mr. Winterton expressed appreciation that the number of dedicated parking spaces had been reduced. However, he was still unsettled and needed more time to understand the ramifications of how many parking spaces would be available in the facility. Other developments in the area (University Towers, Los Hermanos, and the space next to La Dolce Vita Ristorante) would have options if parking spaces were still available. In addition, University Towers was requesting tax increment, as well as parking, so the school district and county would need to be part of that agreement.

Mr. Sewell wanted to separate this issue into two questions. First, if Mr. Christensen walked in today and began negotiations with the RDA what would we do about parking? What would the board be willing to offer in return for a project that they all wanted? They might each come to a different conclusion in terms of where the trade-off would be in terms of how much parking we would offer. A separate question needed to be addressed. Mr. Christensen came to the city several years ago with the proposal, had consistently asked for dedicated spaces, and had provided draft agreements that included dedicated parking. There might have been misinterpretations or misunderstandings during the negotiations but we had clearly allowed it to go forward for several years. He compared this proposal to a similar personal experience with his own company when, after several months of negotiation and expectations, the other company pulled out. It left a sour taste to get that far along and have things fall through. He was concerned about the message that was being sent to developers. He wanted to stand behind our RDA staff and their negotiations. The new proposal seemed like a reasonable compromise.

Mr. Harding confirmed that 25 of the stalls would be dedicated Monday through Thursday from 8 a.m. to 10 p.m. and Friday through Sunday from 8 a.m. to 11 or midnight. Although the stalls would be available for public use outside those hours, he did not see any value in that. There

would not be a demand for overnight parking between the hours of 10 p.m. and 8 a.m. Many of

the 500 stalls in the facility were not dedicated to anyone and yet, when they had an event at the convention center or downtown, all the stalls were filled. Even when they were not allocated, the public was using them. Dedicated stalls would be taken out of public use and that was not the proper use of them. There was no guarantee that their patrons would use parking stalls dedicated for the restaurants. Most people would pull into the first available parking stall or use on street parking. He did not agree with authorizing a long term parking agreement and did not feel comfortable dedicating any stalls.

Mr. Handley was supportive of the proposal. The larger parking questions needed to be addressed with the new parking committee by looking at broader issues downtown. This agreement was not as locked in as the original proposal but gave Mr. McKay the flexibility he needed to attract the restaurants. It was an unusually exciting project in an important area of the city, which met the purpose of the parking stalls. He recognized it was sticky with other business needs but there was flexibility to meet the needs of future opportunities. Mr. Christensen had made a large investment into this project with the expectation of dedicated parking.

He recently took a tour of the facility with a person that had worked downtown for several years. He told Mr. Handley that he had never seen the top floor of the parking facility used, even when there were conventions. It was not fair to the developer if we say no after a reasonable compromise because we have a vague and unsure use of them in the future. The advantages of agreeing to the compromise outweighed the undefined, vague risks. Mr. Handley said he was willing to move forward with the compromise.

Wayne Parker, Provo City CAO, said when they began the process of subsidizing parking structures downtown (four in the last 25 years) our interest was to stimulate development. This was before the Excelsior Hotel was purchased by Marriott, the expansion of NuSkin, construction of the Wells Fargo building, and the Utah Valley Convention Center. At no point did we think that any of our parking stalls would be given to developments. Looking back, we might have defined those parking agreements differently concerning dedicated versus allocated. It was not until we started looking at a strategic parking plan that we looked at how the parking stalls met the needs of the downtown

He recognized that allocated parking provided much greater flexibility. The administration was supportive of creating the strategic parking committee for future parking needs. The city staff had been supportive of finding a reasonable compromise in this issue with Mr. Christensen and the Blue Sky Development team. He explained that the agreement with 63 East was silent in terms of dedicated parking. When we allocated our parking to them, they went to the owners of the Wells Fargo facility and negotiated dedicated parking stalls for their tenants. If the city were to participate in building a new parking structure, we might state there would be no dedicated parking stalls. All stalls would be available on a first come, first serve basis. Under the circumstances, he was not sure we had the luxury to do that today with Mr. Christensen.

Mr. Walter pointed out that, other than parking spaces, there were no agency or city funds in the form of tax increment, donated land, grant funding, etc., being used for this development. Making the parking spaces available was the only incentive being provided to help this project become successful. Provo City owned the Provo Towne Square land but allowed the owners to lease out the commercial/retail spaces. The Marriot parking structure had a number of stalls available to downtown employees and patrons; however, since Marriot operated and controlled access, many chose not to park in the structure.

Mr. Van Buren expressed concern that if we continue the policies in the past that were not correct (by approving dedicated stalls) we were just continuing a not-so-good policy. We were encouraging the next developer to ask for and expect the same type of agreement. We needed to put our policy in place now and then people would know what to expect in the future. The reason for parking was to encourage redevelopment, which included new restaurants in existing buildings, not just new projects. He was not in favor of dedicating any parking stalls.

Mr. Stewart stated he could not vote for dedicated stalls, no matter how many were dedicated. Dedicated stalls were inefficient and not viable.

Mr. Harding expressed concern for all the restaurants and retail businesses in the downtown. He hoped that by changing the parking paradigm we could facilitate all downtown users. If downtown patrons had good options and a clear understanding of parking availability, we could have a well-functioning downtown parking system. At some point during the negotiations with Blue Sky Development, there was an offer to use some of the RDA parking resources. A high-level discussion became a request for dedicated parking. This was the first time the RDA board had the opportunity to weigh in on dedicated parking. It was not as though the board had approved dedicated parking early on and then changed their minds. The board and RDA staff needed better communication with the understanding that negotiations were based on the board's approval.

Chair Knecht agreed that, in a perfect world, we would have a made a different approach concerning parking. He appreciated Mr. Christensen's willingness to compromise and, considering everything that had happened, he would be voting for this proposal. He said that, while future projects might want an unknown number of parking spaces, we were not the only entity they could approach. They could negotiate with the owner of the facility, especially if they wanted alterations to the structure. Even if all of Provo's 204 spaces were allocated or designated, there were still 350 parking spaces left in the structure for use by other businesses. In addition, the city was not the final arbiter, the owner had to agree to this proposal.

Mr. Winterton said that since this was a different agreement he was not ready to vote on the item. He wanted to continue this item for two weeks so he could study, for himself, what the ramifications would be.

Motion: Board Member Winterton made a motion to continue this item for two weeks. The motion was seconded by Board Member Sewell.

Chair Knecht invited discussion on the motion to continue.

In response to a question from Mr. Handley, Mr. Winterton said he wanted to make sure how many parking stalls the RDA would have left if this agreement were approved. He also wanted further discussion on allocated stalls versus dedicated stalls. He wanted a personal assurance that this was the right agreement for the downtown area.

Mr. Stewart said he was ready to vote that night. He would not vote for any agreement that included dedicated stalls, no matter how many times it was continued.

In response to a question from Chair Knecht, Mr. Jones said that, based on the facts as he knew them, there had been no agreements or express promises made that would legally bind the city.

He was not aware of any legal ramifications if the board denied the request. If the request were denied, it would be up to the developer to try something else.

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Mr. Sewell asked that the item be continued for five weeks instead of two so that Mr. Handley could be present for the vote.

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Motion: Board Member Winterton amended his motion to continue this item for five weeks instead of two. The amended motion was seconded by Board Member Sewell.

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or five weeks they could find a more creative solution. He said they were going to change how parking functioned downtown so he was not comfortable locking up these spaces for a long period. It was in everyone's interest that we solve the parking problem to encourage people to come downtown.

Mr. Harding welcomed the opportunity to look into this further. He hoped that in the next four

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Mr. Van Buren asked if the developer would walk away if the parking agreement were denied. Rather than delay the decision for another five weeks, they should vote on the agreement that night so the developer could move forward.

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Mr. Harding asked to hear from the applicant again concerning the board's discussion.

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Mr. Christensen said they were two weeks away from having his building permits issued. They had spent more than \$700,000 on the designs. He said the planning department required the agreement to be in place before the building permits would be approved. He said this was an issue over allocated versus dedicated. He already had a letter from the administration stating that the parking stalls had been allocated. He felt that would satisfy the requirement but allocated stalls did nothing for his development. He said the developers did not dictate the rules, the tenants did. That was what he was dealing with on the Blue Sky property. He noted they were not requesting RDA funds, land, or any other help from the city other than the parking needed to attract restaurants and the remainder of the development. About three years ago, he worked with many of the board members on parking and minimum unit sizes for a previous development. It took a year and one-half to get the parking changed. The outcome was an increase in his costs from \$16 million to \$24 million. This project was started in 2014. Now, in 2019, on the eve of pulling his permits, there was an issue over allocated versus dedicated parking stalls that had not been brought up before. He had tried to come back to the board with a compromise. He would be willing to take any amount of time for board members to get where he needed them but it was pushing his building permits back and interest rates were changing.

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After further consideration, Mr. Winterton withdrew his motion to continue.

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Mr. Jones clarified that the implied motion would not apply for this item because the agreement had been changed. A motion amending the language in the agreement exhibit would need to be made first.

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Motion: Board Member Handley made a motion to amend the language in the agreement exhibit to match what the developer was requesting. The motion was seconded by Board Member Sewell.

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Mr. Handley reviewed the following negotiated amendments to the agreement:

- Provide 37 dedicated parking stalls, 12 of which would be dedicated 24/7 and 25 333 334 dedicated between 8 a.m. and 10 p.m.: • The remaining 20 parking stalls would be allocated: 335 336 • The lease payments would be increased: 337 • Terms of the agreement would be in three different tiers, rather than a sliding scale: and 338 • Review clauses would be included for Provo City and Mr. Christensen. 339 The motion was approved 6-1 with Board Members Handley, Harding, Knecht, Sewell, Van Buren, and Winterton in favor. Board Member Stewart was opposed. 340 341 Chair Knecht called for a vote on the implied motion that included the amended exhibit. 342 Vote: The motion failed 3-4 with Board Members Handley, Knecht, and Sewell in favor and Board Members Harding, Stewart, Van Buren, and Winterton opposed. 343 5. Resolution 2019-RDA-07-23-1 authorizing the Chief Executive Officer to enter into an Owner Participation Agreement with Mill Race Development, LLC to transfer Agency-owned property for a project located between 500 S and 600 S and 100 W and University Ave. (19-084) (1:51:28) 344 **Motion:** An implied motion to approve Resolution 2019-RDA-07-23-1, as currently constituted, has been made by council rule. 345 346 David Walter, Redevelopment Agency Director, presented. The proposed item was the next step in the development of the Mill Race project. The RDA would transfer ownership of a quarter 347 348 block of property to the developer to allow development of the entire block. Tax increment 349 would also be included in the agreement. The project would provide parking and a pedestrian 350 bridge over 600 South and the railroad tracks for access to the UTA FrontRunner station. 351 352 Mr. Parker stated that the participation agreement included language that conditioned a portion 353 of the tax increment on some success of providing owner-occupied units. 354 355 Mr. Walter said the developer anticipated having a homeowners association for the residential 356 property. 357 358 Justin Earl, project developer, said that one property owners association would govern both the 359 residential and commercial properties. They were comfortable with a reasonable ratio of owner
 - occupied condominiums. He referenced an article from Condominium Law, which stated that it was appropriate to place restrictions on rentership versus ownership but cautioned about making the threshold too high. In an economic downturn, condominium values went down. It would hurt the owners if they were unable to make the payments but could not rent out the units. In addition, they should avoid adversely affecting estate planning, where elderly people transferred titles to younger children, but still lived in the condominium and was considered a renter. The following strategies were recommended:
 - Limit the percentage of units that could be rented,
 - Establish a limited lease term,

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- Restrict the number of units a single individual owned,
- Require owners to live in the condo for a certain number of years, and

	• Follow units.	w the FHA recommended ratio of 35 percent owner-occupied and 65 percent rental
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		o a comment from Chair Knecht, Mr. Earl stated that FHA ratio guidelines for high re different from affordable housing units.
3.4	. D.d:1	41
		they would follow FHA guidelines, or an acceptable ratio with which both the veloper were comfortable. He noted that it would be easier to obtain a construction
		a for lease development with a condominium conversion after completion. In order
		incing, they would be willing to put a clause in the agreement that stated some of the
		ns would be converted to owner occupied after a specified period.
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Cl	hair Knecht	t said his intent was to have stability with some owner occupied units. He asked the
de	eveloper to	solidify the current FHA guidelines and set their goal above that so it was not on the
ra	zors edge.	
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C	hair Knecht	t invited public comment.
D	oth Alliana	d, Provo, appreciated the developer's research. She said that Provo was turning into
	_	yground for investors. She appreciated the intent to combat that tendency and make
		or the community of Provo. She liked limiting the number of units a person could
		ne would like to see 50 percent of the units owner-occupied. She understood that
-		me to most people so it was important to provide provisions to deal with those
	rdships.	F F. F
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Tł	nere were n	o more public comments.
W	ith no boar	rd discussion, Chair Knecht called for a vote on the implied motion.
	Vote:	The motion was approved 6-0 with Board Members Handley, Knecht, Sewell,
	, otc.	Stewart, Van Buren and Winterton in favor. Board Member Harding was excused.
	djourn	

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The meeting was adjourned, by unanimous consent, at 7:45 p.m.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter:HSALZLDepartment:COUNCILRequested Meeting Date:08-27-2019

SUBJECT: A presentation introducing Bill Peperone as the Director of the Development

Services Department. (19-090)

RECOMMENDATION: Information only.

BACKGROUND: The Department of Community and Neighborhood Services and the Department of Development Services were established on July 9, 2019. After national recruitment, screening, and interviews, Mayor Kaufusi has appointed Bill Peperone, the current Assistant Director of Community Development, to serve as the first Director of Development Services. Bill will begin work in his new position on September 3, 2019.

FISCAL IMPACT: N/A

PRESENTER'S NAME: Mayor Michelle Kaufusi

REQUESTED DURATION OF PRESENTATION: 5 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

<u>CITYVIEW OR ISSUE FILE NUMBER</u>: 19-090



August 20, 2019

Members of the Municipal Council 351 W. Center Street Provo, Utah 84601

Dear Council Members:

It gives me great pleasure to appoint William (Bill) Peperone as the City's first director of the Development Services Department for the City of Provo and to request your advice and consent to this appointment.

Bill is currently the assistant director of our Community Development Department. He has worked in the department since 2010 as a senior planner and then as assistant director. He also served as the principal planner in Salt Lake City. Prior to entering government service, he was the president of Trophy Homes Land Development and also worked as an executive for DR Horton Homes. He also served as a member of the Orem City Council. Bill has a master's degree in Geography and Urban Planning from Brigham Young University.

Bill was selected after a national recruitment for this new position. A screening and interview panel with representatives from the private development community, those in similar positions in other cities in Utah County and a current city department head selected him as a finalist. Bill and two other candidates were then interviewed by our executive team, from which process Bill emerged as the top candidate.

We would request that the Municipal Council consider this item in their August 27 regular meeting so that Bill can begin work in his new position on September 3, 2019.

Please feel free to reach out to me or our office if you have any questions or if we can be helpful in your process of advice and consent.

Sincerely

Michelle G. Kaufusi Mayor of Provo

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

1	RESOLUTION 2019
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3	A RESOLUTION CONSENTING TO THE MAYOR'S APPOINTMENT OF
4	WILLIAM PEPERONE AS THE DIRECTOR OF DEVELOPMENT SERVICES
5	FOR PROVO CITY. (19-090)
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7	WHEREAS, following the creation of a Development Services Department, Mayor
8	Michelle Kaufusi has appointed William Peperone to serve as the Director of Development
9	Services for the City of Provo; and
10	WHEREAG B. G. G. L. G. C. ACO OOO
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 August 27, 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
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19	WHEREAS, after considering the facts presented, the Municipal Council consents to the
20	appointment of William Peperone as the Director of Development Services and finds (i) Mr.
21	Peperone has the requisite skills and abilities to perform the duties of the Director of
22	Development Services, and (ii) such appointment reasonably furthers the health, safety, and
23	general welfare of the citizens of Provo City.
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25	NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah as
26	follows:
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28	PART I:
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30	The Municipal Council hereby consents to the appointment of William Peperone as the
31	Director of the Development Services Department for the City of Provo, Utah, effective
32	September 3, 2018, conditioned on his meeting all the requirements of the position.
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34	PART II:
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36	This resolution shall take effect immediately.
37	END OF REGOVENING
38	END OF RESOLUTION.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: EVANDERWERKEN

Department: Council **Requested Meeting Date:** 08-06-2019

SUBJECT: A resolution appointing Brittany Hyde to the Parks and Recreation Board.

(19-003)

RECOMMENDATION: Appoint Brittany Hyde to the Parks and Recreation Board.

BACKGROUND: Appoint Brittany Hyde to the Parks and Recreation Board. Ms. Hyde was recommended to serve in this capacity by Mayor Kaufusi, in the Mayor's letter dated June 26, 2019. Ms. Hyde responded to an invitation to meet the Council and introduced herself in a closed session on July 9, 2019. Ms. Hyde's appointment should have been included in the resolution approved by the Council on the July 9, 2019 Council Meeting, however because her nomination was received at a later time than the bulk of the nominations, it was overlooked.

FISCAL IMPACT:

PRESENTER'S NAME: Mayor Kaufusi

REQUESTED DURATION OF PRESENTATION: 2 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER:

1	RESOLUTION 2019-
2	
3	A RESOLUTION CONSENTING TO THE APPOINTMENT OF BRITTANY
4	HYDE TO THE PARKS AND RECREATION BOARD. (19-003)
5	
6	WHEREAS, the Mayor, acting pursuant to her statutory authority, has recommended that
7	Brittany Hyde be appointed to serve on the Parks and Recreation Board as detailed below; and,
8	WHIEDEAS on Avgust 27, 2010, the Manisimal Council met to asserting the facts
9	WHEREAS, on August 27, 2019, the Municipal Council met to ascertain the facts
10	regarding this matter and receive public comment, which facts and comments are found in the
11 12	public record of the Council's consideration; and
13	WHEREAS, after considering the Mayor's recommendation and facts presented to the
14	Municipal Council, the Council (i) consents to the board appointments set forth below and (ii)
15	finds such appointment will reasonably further the health, safety and general welfare of the
16	citizens of Provo City.
17	
18	NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as
19	follows:
20	
21	PART I:
22	
23	1. Pursuant to Provo City Code Section 2.38.010, the Municipal Council consents to the
24	appointment of the individuals listed below to serve on the listed board or commission for the
25	prescribed term:
26	Anneinted News Dead
27	Appointee's Name Brittany Hyde Board Parks and Recreation Board June 30, 2022
28	Farks and Recreation Board June 30, 2022
29 30	PART II:
31	TAKT II.
32	This resolution and the board and commission appointments indicated herein shall take
33	effect immediately.
34	
35	END OF RESOLUTION.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: BMUMFORD Department: Council Requested Meeting Date: 08-06-2019

SUBJECT: An ordinance amending Provo City Code Chapter 9.80 to update language

and amend procedures regarding permit parking areas. (19-002)

RECOMMENDATION: Approve the ordinance as written.

BACKGROUND: This item was discussed previously in the Work Sessions on July 9 and July 23, 2019.

In mid- to late-2018, the Policy Governance Committee began discussions to clean up and make amendments to certain elements of the Permit Parking code (see Provo City Code Chapter 9.80). The Permit Parking Areas currently in code have been subject to certain code language that has been outdated since the Parking Enforcement has gone 21st Century. There is no longer a need for actual permits due to the electronic system that Parking Enforcement has put in place. Then there were some procedural elements that the Policy Governance Committee chose to amend certain elements to tighten up the process and add a step for the Planning Commission to review the Permit Parking Area plans. This step is thought to help the Council obtain a land use perspective on these Permit Parking Area plans. Also, there is a fee added to the Consolidated Fee Schedule.

FISCAL IMPACT: Potentially added revenue

PRESENTER'S NAME: Brian Jones

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-002

1	ORDINANCE 2019
2	
3	AN ORDINANCE AMENDING PROVO CITY CODE CHAPTER 9.80 TO
4	UPDATE LANGUAGE AND AMEND PROCEDURES REGARDING PERMIT
5	PARKING AREAS. (19-002)
6	**************************************
7	WHEREAS, on July 09, 2019, the Policy Governance Committee recommended
8	amendments to Provo City Code with regard to permit parking areas in order to modernize
9	language and add perspective to the process, as set forth in Exhibit A; and
10	**************************************
11	WHEREAS, on August 27, 2019, the Provo Municipal Council met to ascertain the facts
12	regarding this matter and receive public comment, which facts and comments are found in the
13	public record of the Council's consideration; and
14	
15	WHEREAS, after considering the facts presented to the Municipal Council, the Council
16	finds: (i) that Provo City Code Chapter 9.80 (Permit Parking Areas) should be amended as
17	proposed, and (ii) such action furthers the health, safety, and welfare, and the best interests of the
18	citizens of Provo.
19	
20	NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as
21	follows:
22	
23	<u>PART I:</u>
24	
25	Provo City Code Chapter 9.80 (Permit Parking Areas) is hereby amended as set forth in
26	Exhibit A.
27	
28	PART II:
29	
30	A. If a provision of this Ordinance conflicts with a provision of a previously adopted
31	ordinance concerning the same franchising act as described herein, this Ordinance shall
32 33	prevail.
34	B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be
35	severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or
36	invalid, the remainder of the ordinance shall not be affected thereby.
37	
38	C. The Municipal Council hereby directs that this Ordinance remain uncodified.
39	D. This ordinance shall take affect immediately after it has been nected as sublished in
40 41	D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah

Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

44 END OF ORDINANCE.

EXHIBIT A

Chapter 9.80 PERMIT PARKING AREAS

rpose.
Legislative Findings.
Scope.
Definitions.
Designation of Permit Parking Areas - Parking Restrictions.

9.80.060 **Designation Criteria.**

9.80.070 **Designation Process.**

Modification or Removal of Permit Parking Area Designation. 9.80.080

Posting of Permit Parking Area. 9.80.090

Permit Fees. 9.80.100

Sections:

9.80.110 **Penalty Provisions.** 9.80.120 **Revocation of Permit.**

Limit on Available Number of Permits. 9.80.130

9.80.140 Permit Eligibility - Issuance and Display.

9.80.150 Nontransferability. 9.80.160 **Temporary Permits.**

9.80.170 Expiration.

Handicapped Parking. 9.80.180

Other Parking Regulations. 9.80.190

9.80.010. Purpose

This Chapter is enacted to establish a regulatory framework to address serious adverse effects caused in certain areas of the City by motor vehicle congestion, particularly the parking of motor vehicles on the streets where on- and off-site parking is inadequate to meet the demand for parking. As set forth in more specific detail in Section 9.80.020 of this Chapter, parking by nonresidents of such areas threatens the health, safety, and welfare of all the residents of the City. In order to protect and promote the integrity of these areas, parking regulations are needed to restrict unlimited parking therein by nonresidents, while also providing the opportunity for residents to park near their homes. For the reasons set forth in this Chapter, a system of preferential resident parking is enacted.

9.80.020. Legislative Findings.

- (1) The Municipal Council finds that continued vitality of the City depends on the preservation of safe and attractive neighborhoods. Demand for parking in certain areas of the City regularly exceeds available on- and off-street parking spaces and undermines neighborhood viability. A system allowing preferential resident on-street parking in various areas of the City will promote the stability of such neighborhoods and thus promote the general public welfare.
- (2) The following specific legislative findings of the Municipal Council in support of preferential resident on-street parking are set forth as illustrations of the need for the enactment

of such parking regulations. They are intended as illustrations only and do not provide the sole basis supporting their adoption.

- (a) The safety, health and welfare of the residents of the City can be greatly enhanced by maintenance of the attractiveness and livability of its neighborhoods and other areas.
- (b) A majority of City residents possess automobiles and as a result are daily faced with the need to store these automobiles at or near their residences.
- (c) Certain neighborhoods in the City are often burdened by the presence of motor vehicles owned by nonresidents which compete for on-street parking spaces, congest City streets, and detract from neighborhood values. The presence of nonresident vehicle parking often disrupts the delivery of basic essential services, such as trash collection and mail delivery, by blocking access.
- (d) There further exist certain parking "attractors" within the City, i.e., hospitals, schools, industrial and educational facilities, employment centers, <u>UTAtransit</u> stops and stations, and locations convenient for commuter parking, which further aggravate resident parking problems.
- (e) Unnecessary vehicle miles, noise, pollution, and strains on relationships between residents and nonresidents caused by the conditions set forth herein work unacceptable hardships on residents of these neighborhoods by causing the deterioration of air quality, safety, tranquility, aesthetics and other values normally available in a residential environment.
- (f) If allowed to continue unchecked, the adverse effects of excessive parking demand on specific City residents will contribute to a further decline of living conditions, a reduction in the attractiveness of residing in such areas, and consequent injury to the general public welfare.
- (g) A system of preferential on-street parking as provided in this Chapter will increase pedestrian and traffic safety by reducing traffic congestion; improve traffic circulation, promote the health and welfare of all City residents by reducing unnecessary motor vehicle travel, noise and pollution; promote improvements in air quality, the convenience and attractiveness of residential areas, and the increased use of public mass transit facilities available now and in the future; and encourage the use of car pools. The public welfare will also be served by insuring a more stable and valuable property tax base in order to generate revenues necessary to provide essential public services.

9.80.030. Scope.

The provisions of this Chapter shall apply to any permit parking area established under the authority of this Chapter. The provisions of this Chapter are not intended to regulate parking on private property. If a provision of this Chapter conflicts with a provision of a chapter enacting a specific permit parking area, such as Provo City Code Chapters 9.83 and 9.88, Provo City Code, the provision of the specific enacting chapter shall control within that permit parking area.

9.080.040. Definitions.

In the construction of this Chapter, and any chapter enacted under the authority of this Chapter to create a specific permit parking area, the following words and phrases shall be defined as set forth in this section:

"Authorized vehicle" means a motor vehicle which:

- (a) <u>displayshas been issued</u> a valid parking permit <u>issued</u> pursuant to the requirements of this Chapter, and any chapter adopted under the authority of this Chapter, for the specific permit parking area where the vehicle is parked, or
- (b) is authorized by the regulations of a permit parking area to park within such area without a permit.
- "Dwelling" shall have the same meaning as in Chapter 14.06, except as specified otherwise in the ordinance establishing a specific permit parking area means a building or portion thereof designed and used for residential occupancy, including one-family, two-family, multi-family, and apartment buildings; but shall not include boarding, rooming, or lodging houses, tents, trailers, mobile home parks, motels, motor courts, motor lodges, cottage camps, or similar structures designed or used primarily for transient residential uses.
- "Motor vehicle" means an automobile, truck, motorcycle or other motor driven or self-propelled form of transportation intended primarily for use and operation on a public street.
- **"Parking permit"** means a permit issued by the City affixed to or displayed by a that, through the reading of vehicle license plates, shows a qualifying motor vehicle is authorized pursuant to the requirements of this Chapter, and any chapter adopted under the authority of this Chapter, for the specific permit parking area where the permit is used.
- "Permit parking area" means a contiguous or nearly contiguous area where the Municipal Council has imposed parking limitations as provided in this Chapter, and any chapter adopted under the authority of this Chapter, for a specific permit parking area.

"Unauthorized vehicle" means a motor vehicle which:

- (a) does not display has not been issued a valid parking permit issued pursuant to the requirements of this Chapter, and any chapter adopted under the authority of this Chapter, for the specific permit parking area where the vehicle is parked, or
- (b) is not authorized by the regulations of a permit parking area to park within such an area without a permit. (Enacted 2002-45, Am 2007-39, Am 2007-40, Am 2017-08)

9.80.050. Designation of Permit Parking Areas – Parking Restrictions.

- (1) The Municipal Council in its discretion may by ordinance:
 - (a) designate permit parking areas pursuant to the requirements of this Chapter; and

- (b) prohibit or restrict parking on any public street as the Council may deem necessary to address parking problems, protect public safety and promote public welfare.
- (2) The boundaries of any permit parking area shall be shown on an Official Permit Parking Area Map adopted by the Municipal Council.

9.80.060. Designation Criteria.

- (1) An area shall be eligible for permit parking if an investigation establishes the area is impacted by:
 - (a) nonresident vehicles for any extended period during the day or night, on weekends, or during holidays; or
 - (b) continuous use of on-street parking due to inadequate on-site parking.
- (2) In determining whether to designate a permit parking area, the <u>Planning Commission and</u> Municipal Council shall consider:
 - (a) the desire and need of residents for permit parking and their willingness to bear administrative costs in connection therewith;
 - (b) the extent to which:
 - (i) legal on-street parking spaces are occupied by motor vehicles during the period proposed for parking restriction;
 - (ii) <u>during the period proposed for parking restriction</u>, motor vehicles <u>within the permit</u> parking in the area <u>during the period proposed for parking restriction</u> are nonresident vehicles rather than resident vehicles; and
 - (iii) motor vehicles registered to persons residing in the residential area cannot be accommodated by the number of available off-street parking spaces; and
 - (c) any other factor which contributes to the need for a permit parking area.

9.80.070. Designation Process.

- (1) Each permit parking area shall be established by ordinance consistent with the provisions of this Chapter.
- (2) A proposal to designate a permit parking area, or amend an area, may be initiated by a Municipal Council member, the Mayor, or a resident of the area where a permit parking program is proposed any Provo City resident who resides in the area specified in the application and shall include at least the following information.
 - (a) a brief description of the current parking circumstances in the area; and
 - (b) a conceptual description of the proposed permit program which includes at least the following information:

- (i) a map identifying the boundaries of the permit parking area, which shall be logical in configuration and be in increments of block faces;
- (ii) desired parking time restrictions;
- (iii) time restriction exemptions, if any; and
- (iv) any other aspect the initiator wishes to propose; and
- (c) if proposed by a resident, a petition which shows the names of residents in the proposed permit parking area who favor the proposal. The petition shall be on a form approved by the City Permit Parking Coordinator and shall include at least the following information:
 - (i) a statement at the top of each page summarizing the proposal; and
 - (ii) the name and address of each person signing the petition.
- (3) Any person initiating such a proposal shall submit a Provo City Code amendment request, which shall include an application on the approved form identifying the intended boundaries for the proposed permit parking program, or amendment, and shall include at least the following:
 - (a) a statement of the reason(s) and justification(s) for the implementation, or amendment, of a permit parking program;
 - (b) a statement setting forth the manner in which the proposed permit parking program would further promote the objectives set forth in this chapter;
- (4) If the process is initiated by a Provo City resident, other than elected officials of the City, they shall also submit the following before the application shall be considered complete:
 - (a) a petition on a form approved by the City Parking Coordinator that includes at least the following information:
 - (i) a map clearly identifying the property addresses within the proposed permit parking area;
 - (ii) a separate list containing the name, address, and signature of each resident within the proposed permit parking area boundaries who is in support of the proposal;
 - (iii) a statement at the top of the first page summarizing the proposal;
 - (iv) the desired parking time restrictions and restriction exemptions, if any;
 - (v) any other aspect the applicant wishes to propose; and
 - (b) The filing fee as shown on the Consolidated Fee Schedule adopted by the Municipal Council, or a fee waiver as set forth in Provo City Code 2.29.060.

- (35) Following receipt of a <u>complete application for a</u> proposed permit parking program, the Municipal Council shall hold a public <u>hearingmeeting</u>, <u>which may be a Work Session</u>, to <u>determineconsider</u> the level of public interest in the proposed program and may thereafter vote to direct that a study of the proposed permit parking area be undertaken <u>and managed by the City Parking Coordinator</u>. The application filing fee shall be refunded if the Council does not direct that a study be undertaken,
- (46) Within one hundred twenty (120) days after directing that a study of the proposed permit parking area be undertaken, the City <u>Parking Coordinator</u> shall review the application and submit a report to the <u>Planning Commission</u>, Mayor, and Municipal Council which:
 - (a) verifies and quantifies petition signatures, if applicable;
 - (b) analyzesprovides analysis from relevant City Staff and other entities as appropriate, such as TMAC, Planning Commission, etc., on the proposed permit parking area in light of designation criteria set forth in Provo City Code Section 9.80.060, Provo City Code; and
 - (c) at a minimum, makes recommendations regarding the following:
 - (i) permit parking area boundaries,
 - (ii) parking time restrictions on public streets,
 - (iii) time restriction exemptions, if any,
 - (iv) permit cost (based on the total cost to administer program, and including a detail sheet showing number of residences and cost per vehicle in the proposed permit parking area),
 - (v) permit design/type,
 - (vi) planned enforcement method, and
 - (vii) timeline for implementing the program.
- (57) Within ninety (90) days after receiving such report, the Planning Commission shall consider the proposal and make a recommendation to the Municipal Council, unless the Municipal Council by motion indicates that the proposal has been denied and will not be considered further. After receiving any recommendation from the Planning Commission, the Municipal Council shall hold a public hearing to consider a resolution of intent to create a permit parking area. The Municipal Council may adopt, reject, or adopt with modifications the terms and conditions of the proposed permit parking area. If the Municipal Council adopts a resolution of intent which sets forth the details of the program to be considered, the Parking Coordinator shall mail a copy of the resolution shall thereafter be mailed to:
 - (a) each address of record within the proposed permit parking area through a mailing sent to "postal patron"; and

- (b) each property owner of record within the area as shown in Utah County land records.
- (68) Within ninety (90) days after adopting a resolution of intent, the Municipal Council shall conduct a public hearing on the proposal. The City Recorder, in cooperation with Council staff, shall cause notice of such hearing or hearings to be published twice in a newspaper of general circulation in the City. The first publication shall be not less than ten (10) days prior to the date of such hearing. The notice of the public hearing shall be conspicuously posted in the proposed permit parking area. The notice shall clearly state:
 - (a) the purpose of the hearing,
 - (b) the location and boundaries proposed as a permit parking area,
- (c) the proposed parking time restrictions and exemptions, and any prohibition or time limitation under which permit parking will be exempt therefrom and, if applicable,
- (d) the permit fee to be charged therefor. During such hearing or hearings, any interested person shall be entitled to appear and be heard, subject to ordinary rules of order.
- (79) Following the public hearing, the Municipal Council may enact an ordinance which establishes the permit fee, the boundaries of a permit parking area, and any time or other restrictions imposed on the area. In order to establish a permit parking area, the Council shall find that the designation will contribute to the health, safety, and general welfare of persons residing in the area designated. In making such finding, the Council shall consider resident support for permit parking, existing parking conditions, expected effectiveness of a permit parking area in improving parking conditions, fee considerations, and the location and size of the permit parking area.
- (810) A permit parking program shall balance affected interests, as determined by the Municipal Council, including public safety, neighborhood concerns, and the welfare of the general public. A particular permit parking program shall specify the permit area and the duration of parking restrictions applicable within the permit parking area. Such restrictions may be different than those in a request to establish a permit parking area.
- (911) Following adoption of an ordinance establishing a permit parking area, a summary of the ordinance and its effective date shall be mailed by the City Parking Coordinator to:
 - (a) each address of record within the proposed permit parking area through a mailing sent to "postal patron"; and
 - (b) each property owner of record within the areas as shown in Utah County land records.

9.80.080. Modification or Removal of Permit Parking Area Designation.

After holding a public hearing the Municipal Council may by ordinance modify or remove a designated permit parking area or any associated program requirement in any manner consistent with this Chapter.

9.80.090. Posting of Permit Parking Area.

Upon the adoption by the Municipal Council of an ordinance designating a permit parking area, the Mayor shall cause appropriate signs to be erected in the area indicating prominently thereon the area prohibition or time limitation, period of the day for its application, and conditions, if any, when permit parking rules apply.

9.80.100. Permit Fees.

Fees will be assessed for (1) each application to designate, or amend, a permit parking area and (2) each vehicle permit issued within the designated permit parking area. Permit fees shall be charged as shown on the Consolidated Fee Schedule adopted by the Municipal Council.

9.80.110. Penalty Provisions.

- (1) No person may park a motor vehicle in violation of a permit parking area ordinance.
- (2) It shall be unlawful for a person to falsely claim eligibility for a parking permit or to furnish false information in an application <u>under this Chaptertherefor</u>.
- (3) It shall be unlawful for a person holding a valid parking area permit to allow the use or display of such permit on a motor vehicle in a manner not permitted by this Chapter or any ordinance adopted under the authority of this Chapter for the specific permit parking area where the permit is used. Such conduct shall constitute an unlawful act and violation of this Chapter both by the person holding the parking permit and the person who so uses or displays the permit on an unauthorized vehicle.
- (4) It shall be unlawful and a violation of this Chapter for a person to copy, produce, or otherwise bring into existence a facsimile or counterfeit parking permit or permits. It shall further be unlawful and a violation of this Chapter for a person to transfer the beneficial ownership of or a continuous right to use a visitor parking permit or to knowingly use or display a facsimile or counterfeit parking permit in order to evade area prohibitions or time limitations on parking applicable in a permit parking area.
- (5) Violation of a parking area permit requirement shall be a civil infraction and shall be enforced as provided in <u>Provo City Code</u> Chapter 9.17, <u>Provo City Code</u>.

9.80.120. Revocation of Permit.

- (1) The Mayor or the Mayor's designee is authorized to revoke a parking permit of any person found to be in violation of this Chapter or any provision of an ordinance which establishes a specific permit parking area, and upon written notification thereof, the person shall surrender such permit to the Police Chief or the Chief's designee. Failure to surrender a parking permit so revoked shall constitute a violation of law and of this Chapter.
- (2) A permit holder found to violate the terms of this Chapter may have parking privileges revoked and the permit holder may be prohibited from obtaining a parking permit for one (1) year from the date of the violation.

9.80.130. Limit on Available Number of Permits.

There shall be no limit on the total number of parking permits issued within an entire permit parking area governed by this Chapter. However, nNo more than two (2) parking permits

shall be issued in total for each qualifying dwelling unit, unless specifically provided otherwise in the provisions governing a specific permit parking area.

9.80.140. Permit Eligibility – Issuance and Display.

- (1) The <u>Provo City Parking Coordinator</u> shall issue parking permits that comply with the requirements set forth in this Section. <u>Permits are issued on a per vehicle basis.</u>
- (2) (a)—Annual application for one (1) or more parking permits authorized under this Chapter shall be made on a form approved and provided by the City Parking Permit-Coordinator which includes at least the following information:
 - (ia) applicant's name, address, and e-mail address;
 - (iib) proof of eligibility for the permit; and
 - (iiic) the license plate number for <u>each</u>the vehicle to be permitted <u>for that applicant</u>, <u>including proof that the vehicle is currently registered with the Utah Division of Motor</u> Vehicles; and
 - (bd) Aadditional information may be required that will aid the enforcement of the provisions of this Chapter as determined by the City Parking Coordinator.
- (3) A parking permit shall be issued for a motor vehicle only upon compliance with each of the following requirements:
 - (a) The permit applicant shall be a person who:
 - (i) owns a dwelling located within the designated permit parking area; or
 - (ii) is an occupant of a qualifying rental dwelling unit within the designated permit parking area for which a valid rental dwelling license has been issued.
 - (b) No permit shall be issued to a person who resides in a rental dwelling that does not comply with the requirements of <u>Provo City Code</u> Chapter <u>6.26</u>, <u>Provo City Code</u>, at the time the permit is issued.
 - (c) Applicable fees, as set forth in the Consolidated Fee Schedule adopted by the Municipal Council, have been paid.
- (4) A person who is issued a parking permit shall be deemed the permit holder.
- (45) The issuance of a parking permit does not guarantee or reserve to the permit holder a particular parking space within a permit parking area governed by this Chapter, but only authorizes a motor vehicle to be parked on a public street in a legally available parking space.
- (56) A parking permit issued to a resident who moves out of the residence in the permit parking area to which the parking permit is assigned will be revoked by Provo City. A

permit holder shall notify the City at the time the permit holder moves out of the residence to which the parking permit is assigned.

(67) Owners of vVehicles parking in the permit parking area must display are responsible to ensure that a current rear license plate is visible or current temporary registration certificate for that vehicle. Plates must be kept visible and free of snow, mud, or other obstructions. In the event of a snow storm that results in the plate being obstructed, the plate must be cleared within a reasonable time frame 72 hour period. A permit holder shall not be penalized for a violation of this Subsection (67) if the permit holder can prove that a valid permit was held and displayed in the vehicle as required by this Chapter at the time of the violation.

9.80.150. Nontransferability.

The holder of a A parking permit for a permit parking area governed by this Chapter may display the parking permit is valid only infor the vehicle for which the permit is issued.

9.80.160. Temporary Permits.

During eacha calendar year, residents of a qualifying permit parking area may request, online or by calling Provo City Customer Service (311), the issuance of up to eighteen (18) temporary one (1) day permits and one (1) seven (7) day permit. Temporary permits must be issued in advance of their usemay be issued to residents of a qualifying dwelling unit within a permit parking area governed by this Chapter.

9.80.170. Expiration.

Each parking permit issued for a permit parking area governed by this Chapter shall expire annually after the issuance thereof.

9.80.180. Handicapped Parking.

Nothing in this Chapter shall abrogate the scope of parking privileges granted to handicapped persons established by Provo City Code or other applicable law.

9.80.190. Other Parking Regulations.

The provisions of this Chapter shall not relieve any person from the duty to observe other and more restrictive provisions of the Provo City Code which prohibit or limit the stopping, standing, or parking of vehicles at specific times or places.

. . .

Provo City Consolidated Fee Schedule

. . .

COMMUNITY DEVELOPMENT

Map and Text Amendments*

General Plan (Map, Text, and Master Plan)	\$560.00
Local Street Plan	\$150.00
Ordinance Text Amendments (Titles 14 and 15)	\$1,100.00
Ordinance Text Amendments (Chapter 9.80 Permit Parking Area)	\$1,100.00
Rezoning	\$1,050.00
Agricultural Protection Area Proposal	\$500.00
Annexation (includes municipal disconnection)	\$1,050.00

^{*}A project plan is required for all rezonings and general plan applications. Project plan fees are assessed as per type of project.

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PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter:MANAGERDepartment:RecorderRequested Meeting Date:08-27-2019

SUBJECT: A resolution of intent to study the creation of a permit parking area on Slate

Canyon Drive in the Provost and Provost South Neighborhoods. (18-084)

RECOMMENDATION: After the public hearing, the Council may vote to direct that a study of the proposed permit parking area be undertaken.

BACKGROUND: The Southeast Area Neighborhoods (Provost, Provost South, and Spring Creek) have worked since the summer of 2018 to gather neighborhood input on a proposed parking permit program on Slate Canyon Drive. During that summer, over 200 residents participated in a series of 10 meetings. Over half of the residents who live on Slate Canyon drive supported the program. The majority of the neighborhood as a whole also support it to regulate parking near the entrance to the canyon area.

FISCAL IMPACT: TBD

<u>PRESENTER'S NAME</u>: Hannah Petersen (Vice Chair of the Provost Neighborhood), Richard Holmes (Chair of the Provost Neighborhood); Vicki Knecht (Chair of the Provo South Neighborhood)

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 18-084

1	RESOLUTION 2019
2 3 4 5 6 7	A RESOLUTION OF INTENT TO STUDY THE CREATION OF A PERMIT PARKING AREA ON PORTIONS OF SLATE CANYON DRIVE, 900 SOUTH, 1080 SOUTH, 1280 SOUTH, AND NEVADA AVENUE. PROVOST AND PROVOST SOUTH NEIGHBORHOODS. (18-084)
8 9	WHEREAS, Provo City Code Section 9.80.070 establishes the designation process for a permit parking area; and
10 11 12	WHEREAS, residents have petitioned the Municipal Council to create a permit parking area in the Southeast Area to include the following areas (as shown in Exhibit A):
13 14 15	 Slate Canyon Drive from 1350 East to State Street, 900 South from Slate Canyon Drive to 1540 East, 1080 South to the private HOA road,
16 17 18	 1280 South to the private HOA road, and Nevada Avenue for 100 yards from the intersection with Slate Canyon Drive; and
19 20 21 22	WHEREAS, on August 27, 2019, the Municipal Council held a public hearing to determine the level of public interest in the proposed program and forwarded the proposal to the City Parking Coordinator for review; and
23 24 25 26	NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as follows:
27 28	PART I:
29 30 31	The Provo Municipal Council hereby directs that a study of the creation of the proposed parking permit area described herein be undertaken.
32 33	PART II:
34 35	This resolution shall take effect immediately.
36	END OF RESOLUTION.

EXHIBIT A

[A map illustrating the proposed permit parking area will be inserted.]



Planning Commission Staff Report Ordinance Amendment Hearing Date: July 10, 2019

The Provo City Community Development Department requests Code Amendments to Section 14.34.287 regarding the design standards for buildings in the Campus Mixed Use Zone. City-wide application. Josh Yost (801) 852-6408 PLOTA20190025

Applicant: Provo Community Development

Staff Coordinator: Josh Yost

*Council Action Required: Yes

ALTERNATIVE ACTIONS

- 1. **Recommend Continuance** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should <u>state new findings.</u>*
- 2. **Recommend Denial** of the proposed ordinance amendment. This would be <u>a change</u> from the Staff recommendation; the Planning Commission should <u>state new findings.</u>

Relevant History: Community Development has identified deficiencies in the Campus Mixed Use Zone and other multi-family zones pertaining to design regulation. The zone currently only requires one door on each street frontage, has no habitable first floor requirement or any regulation of windows and visual permeability at the first floor. Staff is studying amendments to the zone to provide sufficient regulation of these design elements.

Neighborhood Issues: None noted.

Staff Recommendation: That the Planning Commission recommend to the Municipal Council approval of the proposed amendments to Section 14.34.287 of the Provo City Code.

<u>OVERVIEW</u>

Community Development has identified deficiencies in the Campus Mixed Use Zone pertaining to design regulation. The zone currently only requires one door on each street frontage, has no habitable first floor requirement or any regulation of windows and visual permeability at the first floor. Staff is studying amendments to the zone to provide sufficient regulation of these design elements. Staff has also integrated previously proposed amendments to the materials standards into these proposed amendments. The amendments under consideration include the following.

- A minimum habitable first floor depth as measured from the street facing façade.
 In the downtown this is 30'.
- A minimum number of pedestrian building entrances. For residential in the downtown an exterior entrance is required for each street facing unit.
- A minimum requirement for first floor windows and openings.

- Any commercial included in the site, whether required or voluntary, to be sited along a street frontage.
- Site design regulations to ensure parking is located interior to a building or site and that vehicle access is consolidated.
- Additional articulation of building material controls.

STAFF ANALYSIS

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

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

(a) Public purpose for the amendment in question.

The public purpose for the amendment is to ensure that development within the city's multi-family zones adds value to the city and the public realm through proper integration into the fabric of the city in terms of both spatial arrangement and building design. New development in these zones should not create isolated pockets of housing whether introverted groupings of townhomes, or apartment complexes. Housing should integrate with the city beyond the ephemeral boundaries of a project.

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

Staff has worked to develop the proposed amendments to accomplish the stated purpose effectively and efficiently by working with the framework of the existing Residential Design Standards. The amendments preserve the positive elements of the existing standards while reinforcing them to ensure the outcomes stated above.

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

Applicable Goals include the following

3.4.1.2 Maintain and encourage good quality, sustainable housing and infill developments.

- 3.4.1.7 Offer a range of housing types within neighborhoods that meets the changing needs of an aging population and facilitate long-term residency.
- 3.4.5 Provo City will encourage the development of various types of housing inventory to increase the health of existing neighborhoods while providing sufficient accommodations for people who want to work and live in Provo
- 3.4.5.2 Provo City will encourage infill developments and redevelopment of multifamily and denser housing inventory options in areas surrounding retail trade area to help increase demographic figures and provide a larger consumer base to current and future retailers.
- 3.4.5.7 Require moderate and high-density housing developments to be attractive, functional, desirable, and connected.

The General Plan offers many policies, goals, and objectives focused on creating diverse, high quality housing stock that will attract owners and other long term residents. The proposed amendments are compatible with and will hasten the attainment of these aims. Owners and other long term residents will be more likely to invest and reside for the long term if they live in places that are well integrated with their surroundings and provide high quality site and building design.

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

Not applicable.

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

Staff has found no potential for the proposed amendments to hinder or obstruct attainment of the articulated policies.

(f) Adverse impacts on adjacent land owners.

The proposed amendments reinforce the existing elements of the standards that require compatibility with surrounding development, especially in the LDR and MDR zones.

- (g) Verification of correctness in the original zoning or General Plan for the area in question.
 - Not applicable.
- (h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.Not applicable.

CONCLUSIONS

These types of regulations have ensured a base level of appropriate urban design in the development of new buildings in the downtown area and staff believes they will result in new projects in the CMU and other multi-family zones that properly interact with the public realm and that will increase the vibrancy of this key area.

STAFF RECOMMENDATION

That the Planning Commission recommend to the Municipal Council approval of the proposed amendments to Section 14.34.287 of the Provo City Code.

1	•	••					
2		3	3.	Yar	d- <u>Si</u>	te_Design Standards.	
3					a.	Front Yards.	
4						i. There shall be a logical hard surface pedestrian connection between	
5						the street and the front entry.	
6						ii. The front yard shall be predominantly landscaped with a combination of turf	
7						and plants. Hard surfaces for driveways and parking shall be minimized and sh	ıall
8						not exceed ordinance requirements.	
9						iii. Utility boxes shall not be located in the front or street side yards or park strips	;
LO	•					unless the applicant demonstrates that there is no other practical location for	
L 1						utility boxes on the site.	
L2						iv. Mediate between public and private space on residential frontages. This	
L3						requirement may be met with the following strategies.	
L4						1. Use foundation plantings to provide separation between residential	
L5						units and the sidewalk.	
L 6						2. Design porches, stoops and railings to provide intermediate semi-	
L7						private spaces.	
L8						3. Employ elevation changes to delineate the progression from public	
L9						space through semi-private space into interior private space.	
20	•				b.	Fences.	
21						i. Fences shall complement the architectural character of the project.	
22						ii. Chain link fences shall be prohibited in front yards.	
23						iii. Fencing shall conform to Section 14.34.500, Provo City Code.	
24					c.	Building Location.	
25						i. New structures shall be sited consistently with the existing front setbacks of	
26	·					adjoining properties to maintain neighborhood compatibility, with the	
27						exception of projects that are zoned High Density Residential (HDR), Campus	
28						High Density Residential (CHDR), or Campus Mixed Use (CMU), where	
29						the zone permits lesser setbacks than the existing housing stock.	
30						<u>ii. Frontage</u>	
31						1. A building's front elevation is the elevation whereon the primary or	
32						common entrance is located.	
33						2. Buildings shall front on a street, open space, or pedestrian way.	
34						3. Buildings shall not front an interior property boundary or parking lot.	
35						1.4. In any development consisting of (5) or more townhomes each	
36						townhome shall front a street, open space or pedestrian way.	
37						ii-iii. The majority of new buildings in multifamily developments shall be sited along	3
38	•					the block face rather than the interior of the block.	

39	1. Interior lot development should comprise no more than twenty-five
40	percent (25%) of a project's area.
41	d. Buildings, including parking structures, shall be designed and located in a manner that
42	allows planting and growth of mature trees in the front and side yards.
43	4. Building Facades.
44	a. Ground Floor Treatment
45	i. Commercial Ground Floors in the Campus Mixed Use Zone
46	1. Design ground floor commercial space for retail or other active uses,
47	orienting tenant spaces to the street and maximizing storefronts and
48	entries along the sidewalks to sustain street level interest and promote
49	pedestrian traffic
50	2. Wall openings, such as storefronts, windows and doors, shall comprise
51	at least 60% of a building's street level façade measured as a percentage
52	of façade area between the ground plan and the finished floor elevation
53	of the second floor.
54	3. Open-wall storefronts are encouraged.
55	ii. Ground floors in all applicable zones.
56	1. Excepting townhomes, a minimum habitable first floor depth of 30' as
57	measured from the street facing façade is required.
58	2. Residential units with individual entries shall include windows on the
59	ground floor that look out onto the street, with wall openings
60	comprising at least 30% of the street level façade, measured as a
61	percentage of façade area between the ground plan and the finished
62	floor elevation of the second floor
63	3. Clear glass for wall openings, i.e., doors and windows, shall be used
64	along all street-level façades for maximum transparency. Tinted,
65	mirrored or opaque glazing is not permitted for any required wall
66	opening along street level façades
67	4. Articulation and detailing of the ground floor with pedestrian entrances,
68	quality materials and decorative details, shall be used to promote
69	pedestrian-scaled architecture along the street.
70	5. Electrical service, mechanical, or other equipment, enclosed stairs,
71	storage spaces, blank walls, and other elements that are not pedestrian-
72	oriented shall not be located along the ground floor street wall unless
73	required by applicable code and no workable alternative location exists.
74	b. Pedestrian Building Entrances
75	i. Pedestrian building entrances shall
76	1. meet the spatial requirements set forth in Table 14.34.295-1
77	Pedestrian Building Entrance (PBE) Requirements;
78	2. contain a door providing direct pedestrian access into a
79	building;

80	3. directly access an interior and enclosed commercial tenant
81	space, public lobby, or residential unit;
82	4. be directly accessible from and directly adjacent to the
83	sidewalk; and
84	prevent doors from swinging into the public right-of-way or
85	beyond the front façade line of the building when opened.
86	ii. Fire exit doors, doors to fire riser rooms or other mechanical spaces, and doors
87	to exterior courtyards shall not qualify as pedestrian building entrances.
88	a. All structures shall have at least one (1) primary unit entry that faces the street.
89	Multifamily residential uses on corner lots shall have at least one (1) primary entry along
90	each street frontage.
91	b. Additional entrances may be located on side or rear facades.
92	i-iii. The primary entrance of a multifamily structure shall be clearly defined
93	by use of a raised porch or other similar entry feature.
94	 The front porch or entry feature shall be oriented to the street.
95	2. The minimum size of the front porch or entry feature shall be functional
96	rather than merely decorative.
97	3. The porch floor height shall not exceed thirty (30) inches above the
98	elevation of the top of the street curb.
99	c. Doors, windows and balconies of new housing should be located to respect the privacy
100	of neighboring properties.
	Table 14.34.287-1 Pedestrian Building Entrance (PBE) Requirements

<u>Table 14.34.28</u>	7-1 Pedestrian Building Entrand	ce (PBE) Requirements
Frontage Type	Commercial	Residential
PBE's Required for Each Street-facing Façade	1 per 25 feet (1 min.)	1 per street-fronting ground floor unit
Maximum Spacing	38 feet	<u>38 feet</u>

5. Driveways and Parking.

- a. New developments shall provide the minimum amount of driveway access and width required by code as a means of preserving front yard space.
 - <u>i.</u> Driveway placement <u>should shall</u> be toward the side property line to avoid dividing a building by a single, central driveway to subterranean parking.
 - i-ii. Driveways shall be consolidated where adjacent parcels or developments can be served by a single driveway. Cross access easements shall guarantee rights of access across the shared driveway for both parcels.
 - ii.<u>iii.</u> Alley access for properties should shall be encouraged to reduce the impact of parking and traffic circulation on the front of the property.
 - iii-iv. Parking and interior access should-shall be designed to minimize the number of curb cuts.

116			i. Parking shall not be allowed between a primary building and a public street.
117			ii. Surface parking areas in rear yards shall be screened from neighboring
118			properties with appropriate plant materials and/or fencing.
119			iii. Entrances to underground structured parking shall be provided from driveways
120			along the sides of properties, not from a front-facing underground garage entry
121			unless the applicant demonstrates that no alternative is feasible.
122			iii.iv. Parking shall be screened from any adjacent public way, street, open space or
123			pedestrian way.
124		c.	Except for the minimum ground-level frontage required for access to parking and
125			loading, no parking or loading shall be visible on the ground floor of any building façade
126			that faces a public right-of-way. It is recognized that providing parking within the
127			primary building may create a conflict with the desire for pedestrian connectivity
128			at street level. An alternate design that includes parking on the main level of
129			the building and on a facade that faces a public street may be approved by the Design
130			Review Committee, subject to the following standards:
131			i. There shall be a significant, pedestrian entrance to the building at street level to
132			maintain a pedestrian connection to the street;
133			ii.—A minimum of thirty percent (30%) of the primary street level building facade
134			must be habitable floor space such as living space, rental office or amenity
135			space;
136			iii. The parking structure shall be treated with materials, windows, building relief
137			and rhythm that mask the appearance of the parking structure. The
138			parking structure shall be appear to be part of the residential or
139			commercial building; and
140			iv. The Design Review Committee should consider aesthetic transitions at facade
141			corners when a side elevation is viewable from a public street.
142	6.	Landsca	ape Design.
143		a.	Property owners shall comply with Section 15.20.030, Provo City Code, for the
144			protection of existing vegetation.
145		b.	New landscaping shall be complementary to existing neighborhood vegetation.
146			i. The species, size and placement of new landscaping shall be considered in the
147			design review process.
148		c.	Landscaping shall be used to reduce the impact of larger buildings on neighboring
149			properties.
150		d.	Buildings and driveway lighting should not extend beyond the boundaries of the subject
151			property, as per Chapter 15.21, Provo City Code.
152	7.	Building	g Form, Mass and Scale (LDR Zone Only).

b. Parking shall not be placed in the front yard and should be minimized in the rear

leads to a garage or carport as defined in Chapter 14.37, Provo City Code.

yardside yard, with the exception of one- and two-family dwellings when the driveway

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i. Building form, mass and scale should be appropriate for the zone in which
the building is located and consistent with the established neighborhood
character.
ii. Architectural elements such as roof form, windows, doors, etc., should be
consistent with the form and character of the existing housing in the area.
iii. A porch or similar element, which defines the front entrance, shall be provided.
iv. An attached garage shall not be the dominant design feature of the front
elevation.
v. Sloping roofs such as gable or hip design should be used as the primary roof
form.
vi. Historic buildings are subject to Title 16, Provo City Code.
b. Building additions shall not strongly alter the character of an original building.
i. Windows, materials and doors should be compatible with those of the
original building.
 Roof forms shall be compatible with the existing structure.
8. Building Form, Mass and Scale (MDR, HDR, CHDR and CMU Zones).
a. The facade of any multiple-family, or apartment, or mixed use structure shall: have
sufficient relief and rhythm to give visual interest and appeal.
i. Be articulated in the horizontal plane to provide visual interest and enrich the
pedestrian experience, while contributing to the quality and definition of the
street wall.
ii. Be vertically articulated to differentiate the ground floor façade, and feature
high quality materials that add human scale, texture and variety at the
<u>pedestrian level.</u>
iii. Provide an identifiable break between the building's ground floors and upper
floors. This break may include a change in material, horizontal dividing element,
a change in fenestration pattern or similar means.
iv. Be vertically articulated at the street wall façade, establishing different
treatment for the building's base, middle and top. Use balconies, fenestration,
shading devices, or other elements to create an interesting pattern of
projections and recesses.
v. Avoid extensive blank walls that detract from the experience and appearance of
an active streetscape.
vi. Provide well-marked entrances to cue access and use. Enhance all public
entrances to a building or use through compatible architectural or graphic
<u>treatment.</u>
h. One (1) continuous roof line shall be avoided. Variation in the roof line, or roof height is
b.—One (1) continuous roof-line shall be avoided. Variation in the roof-line, or roof height, is
encouraged.
b. Exterior stairways, corridors or landings shall not be located on the front or street side
elevation of the building

194	c. Structures located in the CHDR and CMU zones that are greater than six four
195	(<u>6</u> 4) stories in height shall step back fifteen (15) feet from the first floor elevation for
196	all stories above the fourth floor on all elevations that front a public street unless the
197	applicant can demonstrate that there is sufficient variation and articulation in
198	the building planes to give visual interest and appeal.
199	d. Building additions shall not strongly alter the character of the original building.
200	i. Windows, materials and doors shall be compatible with those of the
201	original building.
202	ii. Roof forms shall be compatible with the existing structure.
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206	10. Building Materials
207	a. The primary exterior finish material of all structures shall not consist of vinyl, aluminum
208	or metal siding (including sheet or corrugated metal), plywood, particle board, or other
209	products not intended as an architectural finish product.
210	i. Stucco may be considered when it is detailed with wood trim around windows
211	and doors. A shadow line around windows should be created.
212	ii. A range of secondary materials including trim may be used as long as they
213	remain secondary.
214	iii. Wood, slate, tiles and high-quality composition shingles and shakes shall be
215	used for roofing materials.
216	a. Intent. The intent of the facade materials standards of this section is to:
217	iv. Provide minimum material standards to ensure use of well-tested, high quality,
218	durable surfaces, while permitting a wider range of materials for details;
219	v. Encourage a high level of detail from smaller scaled, less monolithic materials in
220	order to relate facades to pedestrians, especially at the ground level.
221	b. Major Materials. A minimum of eighty percent (80%) of each facade, not including
222	window and door areas, shall be composed of major materials, as specified in this
223	section.
224	 Allowed Major Materials. The following are allowed major materials.
225	a. <u>Stone.</u>
226	b. <u>Brick.</u>
227	c. <u>Wood.</u>
228	d. Architectural metal panel systems.
229	e. <u>Fiber Cement board.</u>
230	f. <u>Glass curtain wall.</u>
231	g. <u>Terra cotta decorative units, tiles or panels.</u>
232	h. Architectural cast stone including glass fiber reinforced concrete.
233	ii. <u>Prohibited Major Materials. The following materials are prohibited as major</u>
234	materials, unless otherwise approved under the standards of this Section:

235	a. Face-sealed EIFS synthetic stucco assemblies and decorative
236	architectural elements.
237	b. Synthetic stucco or elastomeric finishes on stucco.
238	c. <u>Unfinished or untreated wood.</u>
239	d. Glass block.
240	e. <u>Vinyl or aluminum siding.</u>
241	f. Plastic, including high-density polyethylene, polyvinyl chloride (PVC),
242	and polycarbonate, panels.
243	g. Fiberglass and acrylic panels.
244	iii. <u>Limited Use Major Materials. The following materials are prohibited as a</u>
245	major material except consistent with the following:
246	a. Economy Bricks. Brick types larger than three inches in height are
247	allowed as major materials on rear, alley, and rail corridor facades. In
248	such instances, corner bricks shall be used to give the appearance of a
249	<u>full brick façade.</u>
250	c. Minor Materials. Allowed minor materials are limited to trim, details, and other accent
251	areas that combine to twenty percent or less of the total surface of each facade.
252	i. Major Materials. All allowed major materials may serve as minor materials.
253	ii. Allowed Minor Materials. The following are allowed minor materials:
254	a. Metal for beams, lintels, trim, exposed structure, and other
255	<u>ornamentation</u>
256	b. Split-faced, burnished, glazed, or honed concrete masonry units or
257	block cast stone concrete elements.
258	c. Vinyl for window trim.
259	d. Cement-Based Stucco.
260	e. Face-sealed EIFS synthetic stucco assemblies and decorative
261	architectural elements.
262	f. Synthetic stucco.
263	d. Other Materials with Approval. Materials that are not listed in this section for its
264	proposed application as allowed major materials, limited use materials, or allowed
265	minor materials, may not be installed on any facade unless approved by the reviewing
266	authority pursuant to this subsection (d). The reviewing authority may approve facade
267	materials that are not listed in this section for its proposed application if the applicant
268	demonstrates the material in its proposed application meets the intent of the facade
269	material standards described in subsection (a) of this section. Samples and examples of
270	successful high quality local installation shall be provided by the applicant.
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3

AN ORDINANCE TO AMEND PROVO CITY CODE REGARDING DESIGN STANDARDS IN VARIOUS HIGHER DENSITY RESIDENTIAL AND 4 5 CAMPUS MIXED USE ZONES. CITY-WIDE IMPACT. (PLOTA20190025)

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WHEREAS, it is proposed to amend Provo City Code Section 14.34.287 (Residential Design Standards) to change the design elements within the Low Density Residential, Medium Density Residential, High Density Residential, Campus High Density Residential, and Campus Mixed Use zones; and

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14.34.287 (Residential Design Standards) should be amended as proposed, and (ii) the proposed

WHEREAS, Community Development has identified design standard deficiencies in these zones, including that the design standards currently only require one door on each street frontage and have no habitable first floor requirement or regulation of windows and visual permeability at the first floor; and

WHEREAS, the proposed amendments to these zones are intended to correct these deficiencies and clarify required design elements; and

WHEREAS, on July 10, 2019 and July 27, 2019, the Planning Commission held a duly noticed public meeting to consider the proposed amendments and after such meeting the Planning Commission recommended approval to the Municipal Council by a vote of 7:0 with the following conditions:

- 1. Amend Table 14.34.287-1 under the Commercial category to read "1 per 30 feet (1 min.)" for PBE's Required for Each Street-facing Façade and "40 feet" for Maximum Spacing.
- 2. Insert the following paragraph into 14.34.287(2): "All of the following requirements shall apply, unless the Planning Commission approves an alternative design arrangement equal to or better than the requirements set forth in this section. The Planning Commission shall make specific findings justifying the alternate design arrangement;" and

WHEREAS, on July 23, 2019 and August 27, 2019, the Municipal Council met to

WHEREAS, after considering the Planning Commission's recommendation, and facts and comments presented to the Municipal Council, the Council finds (i) Provo City Code Section

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

42	amendment	reasonably furthers the health, safety, and general welfare of the citizens of Provo
43	City.	
44		
45	NOV	V THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as
46	follows:	
47		
48	PART I:	
49		
50	Prov	o City Code Section 14.34.287 (Residential Design Standards) is hereby amended as
51	set forth in E	Exhibit A.
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53	PART II:	
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55	A.	If a provision of this ordinance conflicts with a provision of a previously adopted
56		ordinance, this ordinance shall prevail.
57		
58	В.	This ordinance and its various sections, clauses and paragraphs are hereby
59		declared to be severable. If any part, sentence, clause or phrase is adjudged to be
60		unconstitutional or invalid, the remainder of the ordinance shall not be affected
61		thereby.
62		
63	C.	The Municipal Council hereby directs that the official copy of the Provo City
64		Code be updated to reflect the provisions enacted by this ordinance.
65		
66	D.	This ordinance shall take effect immediately after it has been posted or published
67		in accordance with Utah Code 10-3-711, presented to the Mayor in accordance
68		with Utah Code 10-3h-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE.

EXHIBIT A

	14.34.2	287 Resi	dential	Design Standards.
1				
2	2.	Applic	ability. T	The design standards set forth in this Section shall apply to all new residential
3				ses located in the Low Density Residential, Medium Density Residential, High
4		Density	y Reside	ntial, Campus High Density Residential and Campus Mixed Use zones.
5		a.	In appr	oving a project plan, the approving authority may impose reasonable conditions
6			consist	ent with the purpose and intent of this Section. The requirements for this Section
7			shall ap	oply in addition to other applicable requirements of this Title. This Section shall be
8			interpre	eted to supersede other requirements of the Provo City Code which may impose
9			more re	estrictive requirements.
LO		b.	All of	the requirements of this Section shall apply, unless the Planning Commission
l1				es an alternative design arrangement equal to or better than the requirements set
L2				this section. The Planning Commission shall make specific findings justifying the
L3				te design arrangement.
L4	3.	Yard S		gn Standards.
L5		a.	Front Y	
L6			i.	There shall be a logical hard surface pedestrian connection between the street and
L7				the front entry.
L8			11.	The front yard shall be predominantly landscaped with a combination of turf and
19				plants. Hard surfaces for driveways and parking shall be minimized and shall not
20			:::	exceed ordinance requirements.
21 22			iii.	Utility boxes shall not be located in the front or street side yards or park strips
23				unless the applicant demonstrates that there is no other practical location for utility boxes on the site.
23 24			iv	Front yards shall provide transitions between the public way and private space
25			IV.	on residential frontages. This requirement may be met with the following
26				strategies.
27				Use of foundation plantings to provide separation between residential
28				units and the sidewalk.
29				2. Use of porches, stoops and railings to provide intermediate semi-private
30				spaces.
31				3. Employment of elevation changes to delineate the progression from
32				public space through exterior semi-private space into interior private
33				space.
34		b.	Fences	
35			i.	Fences shall complement the architectural character of the project.
36			ii.	Chain link fences shall be prohibited in front yards.
37			iii.	Fencing shall conform to Section 14.34.500, Provo City Code.
38		4.c.	Buildin	g Location.

39	a.i. New structures shall be sited consistently with the existing front setbacks of
40	adjoining properties to maintain neighborhood compatibility, with the exception
41	of projects that are zoned High Density Residential (HDR), Campus High
42	Density Residential (CHDR), or Campus Mixed Use (CMU), where
43	the zone permits lesser setbacks than the existing housing stock.
44	ii. Frontage
45	1. A building's front elevation is the elevation whereon the primary or
46	common entrance is located.
47	2. Buildings shall front on a street, open space, or pedestrian way.
48	3. Buildings shall not front an interior property boundary or parking lot.
49	4. In any development consisting of (6) or more townhomes, each
50	townhome shall front a street, open space or pedestrian way.
51	-biii. The majority of new buildings in multifamily developments shall be sited along
52	the block face rather than the interior of the block.
53	1. Interior lot development should comprise no more than twenty-five
54	percent (25%) of a project's area.
55	ed. Buildings, including parking structures, shall be designed and located in a manner that
56	allows planting and growth of mature trees in the front and side yards.
57	54. Building Facades.
58	a. Ground Floor Treatment
59	i. Commercial Ground Floors in the Campus Mixed Use Zone
60	1. Ground floor commercial space shall be designed for retail or other
61	active uses, orienting tenant spaces to the street and maximizing
62	storefronts and entries along the sidewalks to sustain street level interest
63	and promote pedestrian traffic
64	2. Wall openings, such as storefronts, windows and doors, shall comprise at
65	least 60% of a building's street level façade measured as a percentage of
66	façade area between the ground plane and the finished floor elevation of
67	the second floor.
68	3. Open-wall storefronts are encouraged.
69	ii. Ground floors in all applicable zones.
70	1. Excepting townhomes, a minimum habitable first floor depth of 30' as
71	measured from the street facing façade is required.
72	2. Residential units with individual entries shall include windows on the
73	ground floor that look out onto the street, with wall openings comprising
74	at least 30% of the street level façade, measured as a percentage of
75	façade area between the ground plane and the finished floor elevation of
76	the second floor.
77	3. Clear glass for wall openings, i.e., doors and windows, shall be used
78	along all street-level façades for maximum transparency. Tinted,
79	mirrored or opaque glazing is not permitted for any required wall
80	opening along street level façades.

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- 4. Articulation and detailing of the ground floor with pedestrian entrances, quality materials and decorative details, shall be used to promote pedestrian-scaled architecture along the street.
- 5. Electrical service, mechanical, or other equipment, enclosed stairs, storage spaces, blank walls, and other elements that are not pedestrian-oriented shall not be located along the ground floor street wall unless required by applicable code and no workable alternative location exists.
- b. Pedestrian Building Entrances
 - i. Pedestrian building entrances shall
 - 1. meet the spatial requirements set forth in Table 14.34.287-1 Pedestrian Building Entrance (PBE) Requirements;
 - 2. contain a door providing direct pedestrian access into a building;
 - 3. directly access an interior and enclosed commercial tenant space, public lobby, or residential unit;
 - be directly accessible from and directly adjacent to the sidewalk;
 and
 - 5. prevent doors from swinging into the public right-of-way or beyond the front façade line of the building when opened.
 - Fire exit doors, doors to fire riser rooms or other mechanical spaces, and doors to exterior courtyards shall not qualify as pedestrian building entrances.
- a. All structures shall have at least one (1) primary unit entry that faces the street.

 Multifamily residential uses on corner lots shall have at least one (1) primary entry along each street frontage.
- b. Additional entrances may be located on side or rear facades.
- c. The primary entrance of a multifamily structure shall be clearly defined by use of a raised porch or other similar entry feature.
 - i The front porch or entry feature shall be oriented to the street.
 - ii. The minimum size of the front porch or entry feature shall be functional rather than merely decorative.
 - iii. The porch floor height shall not exceed thirty (30) inches above the elevation of the top of the street curb.
- d. Doors, windows and balconies of new housing should be located to respect the privacy of neighboring properties.

Table 14.34	4.287-1 Pedestrian Building Ent	trance (PBE) Requirements
Frontage Type	Commercial	Residential
PBE's Required for Each Street-facing Façade	1 per 30 feet (1 min.)	1 per street-fronting ground floor unit
Maximum Spacing	40 feet	38 feet

117 a. New developments shall provide the minimum amount of driveway access and width required by code as a means of preserving front yard space. 118 i. Driveway placement should shall be toward the side property line to avoid 119 dividing a building by a single, central driveway to subterranean parking. 120 121 ii. Driveways shall be consolidated where adjacent parcels or developments can be served by a single driveway. Cross access easements shall guarantee rights of 122 access across the shared driveway for both parcels. 123 124 -iiii. Alley access for properties should shall be encouraged to reduce the impact of 125 parking and traffic circulation on the front of the property. iiiv. Parking and interior access should shall be designed to minimize the number of 126 curb cuts. 127 b. Parking shall not be placed in the front yard and should be minimized in the rear yard 128 side yard, with the exception of one- and two-family dwellings when the driveway leads 129 to a garage or carport as defined in Chapter 14.37, Provo City Code. 130 Parking shall not be allowed between a primary building and a public street. 131 132 Surface parking areas in rear yards shall be screened from neighboring properties 133 with appropriate plant materials and/or fencing. Entrances to underground structured parking shall be provided from driveways 134 iii. along the sides of properties, not from a front-facing underground garage entry-135 unless the applicant demonstrates that no alternative is feasible. 136 iv. Parking shall be screened from any adjacent public way, street, open space, or 137 138 pedestrian way. a. Except for the minimum ground-level frontage required for access to parking 139 and loading, no parking or loading shall be visible on the ground floor of any 140 141 building façade that faces a public right-of-way. It is recognized that providing parking within the primary building may create a conflict with the 142 desire for pedestrian connectivity at street level. An alternate design that 143 includes parking on the main level of the building and on a facade that faces 144 a public street may be approved by the Design Review Committee, subject to 145 the following standards: 146 i. There shall be a significant, pedestrian entrance to the building at street level to 147 maintain a pedestrian connection to the street: 148 149 ii. A minimum of thirty percent (30%) of the primary street level building facade 150 must be habitable floor space such as living space, rental office or amenity space; iii. The parking structure shall be treated with materials, windows, building relief and 151 152 rhythm that mask the appearance of the parking structure. The parking structure shall be appear to be part of the residential or 153 commercial building; and 154 iv. The Design Review Committee should consider aesthetic transitions at facade 155 corners when a side elevation is viewable from a public street. 156 157 **76.** Landscape Design. 158 a. Property owners shall comply with Section 15.20.030, Provo City Code, for the

b. New landscaping shall be complementary to existing neighborhood vegetation.

protection of existing vegetation.

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161 i. The species, size and placement of new landscaping shall be considered in the design review process. 162 c. Landscaping shall be used to reduce the impact of larger buildings on neighboring 163 properties. 164 d. Buildings and driveway lighting should not extend beyond the boundaries of the subject 165 property, as per Chapter 15.21, Provo City Code. 166 **§7**. Building Form, Mass and Scale (LDR Zone Only). 167 168 a. Building form, mass and scale should be appropriate for the zone in which the building is 169 located and consistent with the established neighborhood character. Architectural elements such as roof form, windows, doors, etc., should be consistent 170 with the form and character of the existing housing in the area. 171 ii. A porch or similar element, which defines the front entrance, shall be provided. 172 173 iii. An attached garage shall not be the dominant design feature of the front elevation. iv. Sloping roofs such as gable or hip design should be used as the primary roof form. 174 v. Historic buildings are subject to Title 16, Provo City Code. 175 176 b. Building additions shall not strongly alter the character of an original building. 177 i. Windows, materials and doors should be compatible with those of the 178 original building. ii. Roof forms shall be compatible with the existing structure. 179 98. Building Form, Mass and Scale (MDR, HDR, CHDR and CMU Zones). 180 a. The facade of any multiple-family, or apartment, or mixed use structure shall: have 181 sufficient relief and rhythm to give visual interest and appeal. 182 i. be articulated in the horizontal plane to provide visual interest and enrich the 183

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- i. be articulated in the horizontal plane to provide visual interest and enrich the pedestrian experience, while contributing to the quality and definition of the street wall;
- ii. be vertically articulated to differentiate the ground floor façade, and feature high quality materials that add human scale, texture and variety at the pedestrian level;
- iii. provide an identifiable break between the building's ground floors and upper floors. This break may be accomplished by a change in material, a horizontal dividing element, a change in fenestration pattern, or similar means;
- iv. be vertically articulated at the street wall façade, establishing different treatment for the building's base, middle and top. Balconies, fenestration, shading devices, or other elements shall be used to create an interesting pattern of projections and recesses;
- v. avoid extensive blank walls that detract from the experience and appearance of an active streetscape; and
- vi. provide well-marked entrances to cue access and use. All public entrances to a building or use shall be enhanced through compatible architectural or graphic treatment.
- ii. One (1) continuous roof-line shall be avoided. Variation in the roof-line, or roof height, is encouraged.
 - b. Exterior stairways, corridors, or landings shall not be located on the front or street side elevation of the building.
 - c. Structures located in the CHDR and CMU zones that are greater than sixfour (64) stories in height shall step back fifteen (15) feet from the first floor elevation for

205	all stories above the fourth floor on all elevations that front a public street unless the
206	applicant can demonstrate that there is sufficient variation and articulation in
207	the building planes to give visual interest and appeal.
208	d. Building additions shall not strongly alter the character of the original building.
209	i. Windows, materials and doors shall be compatible with those of the original building
210	ii. Roof forms shall be compatible with the existing structure.
211	109. Building Materials
212	a. The primary exterior finish material of all structures shall not consist of vinyl, aluminum
213	or metal siding (including sheet or corrugated metal), plywood, particle board, or other
214	products not intended as an architectural finish product.
215	i. Stucco may be considered when it is detailed with wood trim around windows
216	and doors. A shadow line around windows should be created.
217	ii. A range of secondary materials including trim may be used as long as they
218	remain secondary.
219	iii. Wood, slate, tiles and high-quality composition shingles and shakes shall be used
220	for roofing materials.
221	a. Intent. The intent of the facade materials standards of this section is to:
222	i. provide minimum material standards to ensure use of well-tested, high quality,
223	durable surfaces, while permitting a wider range of materials for details; and
224	ii. encourage a high level of detail from smaller scaled, less monolithic materials in
225	order to relate facades to pedestrians, especially at the ground level.
226	b. Major Materials. A minimum of eighty percent (80%) of each facade, not including
227	window and door areas, shall be composed of major materials, as specified in this
228	section.
229	i. Allowed Major Materials. The following are allowed major materials:
230	1. Stone;
231	2. Brick;
232	3. <u>Wood;</u>
233	4. Architectural metal panel systems;
234	5. <u>Fiber cement board;</u>
235	6. Glass curtain wall;
236	7. Terra cotta decorative units, tiles or panels; and
237	8. Architectural cast stone, including glass fiber reinforced concrete.
238	ii. Prohibited Major Materials. The following materials are prohibited as major
239	materials, unless otherwise approved under the standards of this Section:
240	1. Face-sealed EIFS synthetic stucco assemblies and decorative
241	architectural elements;
242	2. Synthetic stucco or elastomeric finishes on stucco;
243	3. <u>Unfinished or untreated wood;</u>
244	4. Glass block;
245	5. <u>Vinyl or aluminum siding</u> ;
246	6. Plastic panels, including high-density polyethylene, polyvinyl chloride
247	(PVC), and polycarbonate; and
248	7. Fiberglass and acrylic panels.

249				Use Major Materials. The following materials are prohibited as a
250			<u>major n</u>	naterial, except as specifically allowed in this subsection (iii):
251			1.	Economy Bricks. Brick types larger than three inches in height are
252				allowed as major materials on rear, alley, and rail corridor facades. In
253				such instances, corner bricks shall be used to give the appearance of a
254				full brick façade.
255	c.	Minor Ma	terials.	Allowed minor materials are limited to trim, details, and other accent
256		areas that	combine	ed form twenty percent or less of the total surface of each facade.
257		i.	Major N	Materials. All allowed major materials may serve as minor materials.
258		ii.	Allowed	d Minor Materials. The following are allowed minor materials:
259			1.	Metal for beams, lintels, trim, exposed structure, and other
260				ornamentation;
261			2.	Split-faced, burnished, glazed, or honed concrete masonry units or
262				block cast stone concrete elements;
263			3.	Vinyl for window trim;
264			4.	Cement-Based Stucco;
265			5.	Face-sealed EIFS synthetic stucco assemblies and decorative
266				architectural elements; and
267			6.	Synthetic stucco.
268	d.	Other Mat	erials w	rith Approval. Materials that are not listed in this Section for its
269		proposed a	applicati	ion as allowed major materials, limited use materials, or allowed minor
270		materials 1	may not	be installed on any facade unless approved by the reviewing authority
271		pursuant to	o this su	absection (d). The reviewing authority may approve facade materials
272		that are no	t listed	in this section if the applicant demonstrates that the alternate material
273		meets the	intent o	f the facade material standards described in subsection (9)(a) of this
274		Section. S	amples	and examples of successful high quality local installation shall be
275		provided b	by the ar	pplicant.

Provo City Planning Commission

Report of Action

July 10, 2019

*Item 3 The Provo City Community Development Department requests Code Amendments to Section 14.34.287 regarding the design standards for buildings in the Campus Mixed Use Zone. City-wide application. Josh Yost (801) 852-6408 PLOTA20190025

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 10, 2019:

RECOMMEND APPROVAL WITH CONDITIONS

On a vote of 7:0, the Planning Commission approved the above noted application, with the following conditions:

Conditions of Approval:

- 1. Amend Table 14.34.287-1 to read "1 per 30 feet (1 min.)" under Commercial for PBE's Required for Each Street-facing façade and "40 feet" under Commercial for Maximum Spacing.
- 2. Insert the following paragraph into 14.34.287 as (2)(a)

All of the following requirements shall apply, unless the Planning Commission approves an alternative design arrangement equal to or better than the requirements set forth in this section. The Planning Commission shall make specific findings justifying the alternate design arrangement.

Motion By: Jamin Rowan Second By: Russ Phillips

Votes in Favor of Motion: Jamin Rowan, Deborah Jensen, Robert Knudsen, Maria Winden, Russ Phillips, David

Andersen, Andrew Howard

Deborah Jensen was present as Chair.

- Additional Report of Action for June 27, 2019, Item 4 was continued by the Planning Commission to July 10, 2019.
- 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

Not applicable

RELATED ACTIONS

None

APPROVED/RECOMMENDED OCCUPANCY

Not applicable

APPROVED/RECOMMENDED PARKING

Not applicable

DEVELOPMENT AGREEMENT

Not applicable

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

Recommended text amendment is attached to this staff report.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- The recommended amendments are to correct deficiencies or strengthen weaknesses that have been identified in the current ordinance.
- Staff sought input from the development community and from the Design Review Committee.

Over a year ago, the setbacks for this zone were amended. At that time, staff said that additional, more substantive amendments would be presented to the City Council at a future date.

NEIGHBORHOOD MEETING DATE

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

NEIGHBORHOOD AND PUBLIC COMMENT

This item was City-wide or affected multiple neighborhoods. No public input was received.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- The Design Review Committee felt the door spacing for commercial uses may need to be increased. Staff has increased this.
- The Design Review Committee also voiced a concern over the rigid nature of some of the standards so staff added a provision to allow the Planning Commission latitude to alter or vary standards if the Planning Commission feels the final product is equal to or better than the baseline code requirement.

FINDINGS /	BASIS	OF	PLANNING	COMMISSION	DETERMINATION	**delete	section	if	same	as	Staff
Report**											

The Planning Commission identified the following findings as the basis of this decision or recommendation:



Director of Community Development

See <u>Key Land Use Policies of the Provo City General Plan</u>, applicable <u>Titles of the Provo City Code</u>, and the <u>Staff Report to the Planning Commission</u> 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.

<u>Legislative items</u> 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

14.34.287 Residential Design Standards - Revisions

1 2 2. Applicability. The design standards set forth in this Section shall apply to all new residential 3 buildings and uses located in the Low Density Residential, Medium Density Residential, High 4 Density Residential, Campus High Density Residential and Campus Mixed Use zones. In 5 approving a project plan, the approving authority may impose reasonable conditions consistent 6 with the purpose and intent of this Section. The requirements for this Section shall apply in 7 addition to other applicable requirements of this Title. This Section shall be interpreted to 8 supersede other requirements of the Provo City Code which may impose more restrictive 9 requirements. 10 a. All of the following requirements shall apply, unless the Planning Commission approves an alternative design arrangement equal to or better than the requirements set forth in this 11 12 section. The Planning Commission shall make specific findings justifying the alternate 13 design arrangement. 14 3. Yard Site Design Standards. a. Front Yards. 15 16 i. There shall be a logical hard surface pedestrian connection between the street and the front entry. 17 ii. The front yard shall be predominantly landscaped with a combination of turf and 18 plants. Hard surfaces for driveways and parking shall be minimized and shall not 19 20 exceed ordinance requirements. iii. Utility boxes shall not be located in the front or street side yards or park strips 21 unless the applicant demonstrates that there is no other practical location for 22 23 utility boxes on the site. iv. Mediate between public and private space on residential frontages. This 24 25 requirement may be met with the following strategies. 1. Use foundation plantings to provide separation between residential units 26 27 and the sidewalk. 2. Design porches, stoops and railings to provide intermediate semi-private 28 29 spaces. 3. Employ elevation changes to delineate the progression from public space 30 31 through semi-private space into interior private space. 32 b. Fences. 33 i. Fences shall complement the architectural character of the project. ii. Chain link fences shall be prohibited in front yards. 34 35 iii. Fencing shall conform to Section 14.34.500, Provo City Code. 36 4.c. Building Location. 37 a.i. New structures shall be sited consistently with the existing front setbacks of adjoining 38 properties to maintain neighborhood compatibility, with the exception of projects that are zoned High Density Residential (HDR), Campus High Density Residential

40	(CHDR), or Campus Mixed Use (CMU), where the zone permits lesser setbacks than
41	the existing housing stock.
42	ii. Frontage
43	1. A building's front elevation is the elevation whereon the primary or common
44	entrance is located.
45	2. Buildings shall front on a street, open space, or pedestrian way.
46	3. Buildings shall not front an interior property boundary or parking lot.
47	4. In any development consisting of (5) or more townhomes each townhome shall
48	front a street, open space or pedestrian way.
49 50	-biii. The majority of new buildings in multifamily developments shall be sited along
50 51	the block face rather than the interior of the block.
51	1. Interior lot development should comprise no more than twenty-five percent
52 52	(25%) of a project's area.
53 54	ed. Buildings, including parking structures, shall be designed and located in a manner that allows planting and growth of mature trees in the front and side yards.
55	54. Building Facades.
56	a. Ground Floor Treatment
57	i. Commercial Ground Floors in the Campus Mixed Use Zone
58	Design ground floor commercial space for retail or other active uses,
59	orienting tenant spaces to the street and maximizing storefronts and
60	entries along the sidewalks to sustain street level interest and promote
61	pedestrian traffic
62	2. Wall openings, such as storefronts, windows and doors, shall comprise at
63	least 60% of a building's street level façade measured as a percentage of
64	façade area between the ground plan and the finished floor elevation of
65	the second floor.
66	3. Open-wall storefronts are encouraged.
67	ii. Ground floors in all applicable zones.
68	1. Excepting townhomes, a minimum habitable first floor depth of 30' as
69	measured from the street facing façade is required.
70	2. Residential units with individual entries shall include windows on the
71	ground floor that look out onto the street, with wall openings comprising
72	at least 30% of the street level façade, measured as a percentage of
73	façade area between the ground plan and the finished floor elevation of
74	the second floor
75	3. Clear glass for wall openings, i.e., doors and windows, shall be used
76	along all street-level façades for maximum transparency. Tinted,
77	mirrored or opaque glazing is not permitted for any required wall
78	opening along street level façades
79	4. Articulation and detailing of the ground floor with pedestrian entrances,
80	quality materials and decorative details, shall be used to promote
81	pedestrian-scaled architecture along the street.
82	5. Electrical service, mechanical, or other equipment, enclosed stairs,
83	storage spaces, blank walls, and other elements that are not pedestrian-

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oriented shall not be located along the ground floor street wall unless required by applicable code and no workable alternative location exists.

- b. Pedestrian Building Entrances
 - i. Pedestrian building entrances shall
 - 1. meet the spatial requirements set forth in Table 14.34.295-1 Pedestrian Building Entrance (PBE) Requirements;
 - 2. contain a door providing direct pedestrian access into a building;
 - 3. directly access an interior and enclosed commercial tenant space, public lobby, or residential unit;
 - 4. be directly accessible from and directly adjacent to the sidewalk; and
 - 5. prevent doors from swinging into the public right-of-way or beyond the front façade line of the building when opened.
 - Fire exit doors, doors to fire riser rooms or other mechanical spaces, and doors to exterior courtyards shall not qualify as pedestrian building entrances.
- a. All structures shall have at least one (1) primary unit entry that faces the street.

 Multifamily residential uses on corner lots shall have at least one (1) primary entry along each street frontage.
- b. Additional entrances may be located on side or rear facades.
- c. The primary entrance of a multifamily structure shall be clearly defined by use of a raised porch or other similar entry feature.
 - i The front porch or entry feature shall be oriented to the street.
 - ii. The minimum size of the front porch or entry feature shall be functional rather than merely decorative.
 - iii. The porch floor height shall not exceed thirty (30) inches above the elevation of the top of the street curb.
- d. Doors, windows and balconies of new housing should be located to respect the privacy of neighboring properties.

Table 14.34	1.287-1 Pedestrian Building Ent	trance (PBE) Requirements
Frontage Type	Commercial	Residential
PBE's Required for Each Street-facing Façade	1 per 30 feet (1 min.)	1 per street-fronting ground floor unit
Maximum Spacing	40 feet	38 feet

65. Driveways and Parking.

- a. New developments shall provide the minimum amount of driveway access and width required by code as a means of preserving front yard space.
 - a. Driveway placement should shall be toward the side property line to avoid dividing a building by a single, central driveway to subterranean parking.

119	ii. Driveways shall be consolidated where adjacent parcels or developments can be
120	served by a single driveway. Cross access easements shall guarantee rights of
121	access across the shared driveway for both parcels.
122	-iiii. Alley access for properties should shall be encouraged to reduce the impact of
123	parking and traffic circulation on the front of the property.
124	iiiv. Parking and interior access should shall be designed to minimize the number of
125	curb cuts.
126	b. Parking shall not be placed in the front yard and should be minimized in the rear yard
127	side yard, with the exception of one- and two-family dwellings when the driveway leads
128	to a garage or carport as defined in Chapter 14.37, Provo City Code.
129	a. Parking shall not be allowed between a primary building and a public street.
130	b. Surface parking areas in rear yards shall be screened from neighboring properties
131	with appropriate plant materials and/or fencing.
132	c. Entrances to underground structured parking shall be provided from driveways
133	along the sides of properties, not from a front-facing underground garage entry,
134	unless the applicant demonstrates that no alternative is feasible.
135	iv. Parking shall be screened from any adjacent public way, street, open space or
136	pedestrian way.
137	c. Except for the minimum ground-level frontage required for access to parking and

the building and on a facade that faces a public street may be approved by the Design Review Committee, subject to the following standards:

a. There shall be a significant, pedestrian entrance to the building at street level to

that faces a public right-of-way. It is recognized that providing parking within the

primary building may create a conflict with the desire for pedestrian connectivity

at street level. An alternate design that includes parking on the main level of

loading, no parking or loading shall be visible on the ground floor of any building façade

- maintain a pedestrian connection to the street;
 b. A minimum of thirty percent (30%) of the primary street level building facade must be habitable floor space such as living space, rental office or amenity space;
- c. The parking structure shall be treated with materials, windows, building relief and rhythm that mask the appearance of the parking structure. The parking structure shall be appear to be part of the residential or commercial building; and
- d. The Design Review Committee should consider aesthetic transitions at facade corners when a side elevation is viewable from a public street.

76. Landscape Design.

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- d. Property owners shall comply with Section 15.20.030, Provo City Code, for the protection of existing vegetation.
- e. New landscaping shall be complementary to existing neighborhood vegetation.
 - i. The species, size and placement of new landscaping shall be considered in the design review process.
- Landscaping shall be used to reduce the impact of larger buildings on neighboring properties.

162 g. Buildings and driveway lighting should not extend beyond the boundaries of the subject 163 property, as per Chapter 15.21, Provo City Code. **87**. Building Form, Mass and Scale (LDR Zone Only). 164 a. Building form, mass and scale should be appropriate for the zone in which the building is 165 166 located and consistent with the established neighborhood character. i. Architectural elements such as roof form, windows, doors, etc., should be consistent 167 with the form and character of the existing housing in the area. 168 169 ii. A porch or similar element, which defines the front entrance, shall be provided. 170 iii. An attached garage shall not be the dominant design feature of the front elevation. iv. Sloping roofs such as gable or hip design should be used as the primary roof form. 171 v. Historic buildings are subject to Title 16, Provo City Code. 172 b. Building additions shall not strongly alter the character of an original building. 173 174 i. Windows, materials and doors should be compatible with those of the 175 original building. ii. Roof forms shall be compatible with the existing structure. 176 177 98. Building Form, Mass and Scale (MDR, HDR, CHDR and CMU Zones). 178 a. The facade of any multiple-family, or apartment, or mixed use structure shall: have 179 sufficient relief and rhythm to give visual interest and appeal. i. Be articulated in the horizontal plane to provide visual interest and enrich the 180 pedestrian experience, while contributing to the quality and definition of the street 181 wall. 182 183 ii. Be vertically articulated to differentiate the ground floor façade, and feature high quality materials that add human scale, texture and variety at the pedestrian level. 184 iii. Provide an identifiable break between the building's ground floors and upper floors. 185 186 This break may include a change in material, horizontal dividing element, a change in 187 fenestration pattern or similar means. iv. Be vertically articulated at the street wall façade, establishing different treatment for 188 the building's base, middle and top. Use balconies, fenestration, shading devices, or 189 other elements to create an interesting pattern of projections and recesses. 190 v. Avoid extensive blank walls that detract from the experience and appearance of an 191 192 active streetscape. 193 vi. Provide well-marked entrances to cue access and use. Enhance all public entrances to 194 a building or use through compatible architectural or graphic treatment. 195 b. One (1) continuous roof-line shall be avoided. Variation in the roof-line, or roof height, is 196 encouraged. 197 b. Exterior stairways, corridors or landings shall not be located on the front or street side 198 elevation of the building. c. Structures located in the CHDR and CMU zones that are greater than sixfour 199 200 (64) stories in height shall step back fifteen (15) feet from the first floor elevation for 201 all stories above the fourth floor on all elevations that front a public street unless the 202 applicant can demonstrate that there is sufficient variation and articulation in 203 the building planes to give visual interest and appeal. 204 d. Building additions shall not strongly alter the character of the original building. 205 i. Windows, materials and doors shall be compatible with those of the original building.

206	ii. Roof forms shall be compatible with the existing structure.
207	109. Building Materials
208	a. The primary exterior finish material of all structures shall not consist of vinyl, aluminum
209	or metal siding (including sheet or corrugated metal), plywood, particle board, or other
210	products not intended as an architectural finish product.
211	i. Stucco may be considered when it is detailed with wood trim around windows
212	and doors. A shadow line around windows should be created.
213	ii. A range of secondary materials including trim may be used as long as they
214	remain secondary.
215	iii. Wood, slate, tiles and high quality composition shingles and shakes shall be used
216	for roofing materials.
217	a. Intent. The intent of the facade materials standards of this section is to:
218	i. Provide minimum material standards to ensure use of well-tested, high quality,
219	durable surfaces, while permitting a wider range of materials for details;
220	ii. Encourage a high level of detail from smaller scaled, less monolithic materials in
221	order to relate facades to pedestrians, especially at the ground level.
222	b. Major Materials. A minimum of eighty percent (80%) of each facade, not including
223	window and door areas, shall be composed of major materials, as specified in this
224	section.
225	i. <u>Allowed Major Materials. The following are allowed major materials.</u>
226	a. <u>Stone.</u>
227	b. <u>Brick.</u>
228	c. <u>Wood.</u>
229	d. <u>Architectural metal panel systems.</u>
230	e. <u>Fiber Cement board.</u>
231	f. Glass curtain wall.
232	g. <u>Terra cotta decorative units, tiles or panels.</u>
233	h. Architectural cast stone including glass fiber reinforced concrete.
234	ii. <u>Prohibited Major Materials. The following materials are prohibited as major</u>
235	materials, unless otherwise approved under the standards of this Section:
236	a. <u>Face-sealed EIFS synthetic stucco assemblies and decorative</u>
237	architectural elements.
238	b. <u>Synthetic stucco or elastomeric finishes on stucco.</u>
239	c. <u>Unfinished or untreated wood.</u>
240	d. <u>Glass block.</u>
241	e. <u>Vinyl or aluminum siding.</u>
242	f. <u>Plastic, including high-density polyethylene, polyvinyl chloride (PVC),</u>
243	and polycarbonate, panels.
244	g. <u>Fiberglass and acrylic panels.</u>
245	iii. <u>Limited Use Major Materials. The following materials are prohibited as a</u>
246	major material except consistent with the following:
247	a. Economy Bricks. Brick types larger than three inches in height are
248	allowed as major materials on rear, alley, and rail corridor facades. In

249		such instances, corner bricks shall be used to give the appearance of a
250		<u>full brick façade.</u>
251	c.	Minor Materials. Allowed minor materials are limited to trim, details, and other accent
252		areas that combine to twenty percent or less of the total surface of each facade.
253		i. Major Materials. All allowed major materials may serve as minor materials.
254		ii. Allowed Minor Materials. The following are allowed minor materials:
255		a. Metal for beams, lintels, trim, exposed structure, and other
256		<u>ornamentation</u>
257		b. Split-faced, burnished, glazed, or honed concrete masonry units or
258		block cast stone concrete elements.
259		c. Vinyl for window trim.
260		d. <u>Cement-Based Stucco.</u>
261		e. Face-sealed EIFS synthetic stucco assemblies and decorative
262		architectural elements.
263		f. Synthetic stucco.
264	d.	Other Materials with Approval. Materials that are not listed in this section for its
265		proposed application as allowed major materials, limited use materials, or allowed minor
266		materials, may not be installed on any facade unless approved by the reviewing authority
267		pursuant to this subsection (d). The reviewing authority may approve facade materials
268		that are not listed in this section for its proposed application if the applicant demonstrates
269		the material in its proposed application meets the intent of the facade material standards
270		described in subsection (a) of this section. Samples and examples of successful high
271		quality local installation shall be provided by the applicant

The Provo City Community Development Department requests Code Amendments to Section 14.34.287 regarding the design standards for buildings in the Campus Mixed Use Zone.

City-wide application PLOTA20190025

	July 3, 2019
1	
2	3. Yard - <u>Site</u> Design Standards.
3	a. Front Yards.
4	i. There shall be a logical hard surface pedestrian connection between
5	the street and the front entry.
6	ii. The front yard shall be predominantly landscaped with a combination of turf
7	and plants. Hard surfaces for driveways and parking shall be minimized and shall
8	not exceed ordinance requirements.
9	iii. Utility boxes shall not be located in the front or street side yards or park strips
10	unless the applicant demonstrates that there is no other practical location for
11	utility boxes on the site.
12	iv. Mediate between public and private space on residential frontages. This
13	requirement may be met with the following strategies.
14	1. Use foundation plantings to provide separation between residential
15	units and the sidewalk.
16	2. Design porches, stoops and railings to provide intermediate semi-
17	private spaces.
18	3. Employ elevation changes to delineate the progression from public
19	space through semi-private space into interior private space.
20	b. Fences.
21	 Fences shall complement the architectural character of the project.
22	ii. Chain link fences shall be prohibited in front yards.
23	iii. Fencing shall conform to Section 14.34.500, Provo City Code.
24	c. Building Location.
25	i. New structures shall be sited consistently with the existing front setbacks of
26	adjoining properties to maintain neighborhood compatibility, with the
27	exception of projects that are zoned High Density Residential (HDR), Campus
28	High Density Residential (CHDR), or Campus Mixed Use (CMU), where
29	the zone permits lesser setbacks than the existing housing stock.
30	<u>ii. Frontage</u>
31	 A building's front elevation is the elevation whereon the primary or
32	common entrance is located.
33	Buildings shall front on a street, open space, or pedestrian way.
34	 Buildings shall not front an interior property boundary or parking lot.
35	1.4. In any development consisting of (5) or more townhomes each
36	townhome shall front a street, open space or pedestrian way.
37	ii.iii. The majority of new buildings in multifamily developments shall be sited along
38	the block face rather than the interior of the block.

14.34.287 Residential Design Standards - Revisions

	1.	Interior lot development should comprise no more than twenty-five
		percent (25%) of a project's area.
d.	Buildings, inclu	ding parking structures, shall be designed and located in a manner tha

Building Facades.

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- a. Ground Floor Treatment
 - . Commercial Ground Floors in the Campus Mixed Use Zone

allows planting and growth of mature trees in the front and side yards.

- Design ground floor commercial space for retail or other active uses, orienting tenant spaces to the street and maximizing storefronts and entries along the sidewalks to sustain street level interest and promote pedestrian traffic
- 2. Wall openings, such as storefronts, windows and doors, shall comprise at least 60% of a building's street level façade measured as a percentage of façade area between the ground plan and the finished floor elevation of the second floor.
- 3. Open-wall storefronts are encouraged.
- ii. Ground floors in all applicable zones.
 - Excepting townhomes, a minimum habitable first floor depth of 30' as measured from the street facing façade is required.
 - 2. Residential units with individual entries shall include windows on the ground floor that look out onto the street, with wall openings comprising at least 30% of the street level façade, measured as a percentage of façade area between the ground plan and the finished floor elevation of the second floor...
 - 3. Clear glass for wall openings, i.e., doors and windows, shall be used along all street-level façades for maximum transparency. Tinted, mirrored or opaque glazing is not permitted for any required wall opening along street level façades
 - 4. Articulation and detailing of the ground floor with pedestrian entrances, quality materials and decorative details, shall be used to promote pedestrian-scaled architecture along the street.
 - 5. Electrical service, mechanical, or other equipment, enclosed stairs, storage spaces, blank walls, and other elements that are not pedestrian-oriented shall not be located along the ground floor street wall unless required by applicable code and no workable alternative location exists.
- b. Pedestrian Building Entrances
 - i. Pedestrian building entrances shall
 - meet the spatial requirements set forth in Table 14.34.295-1
 Pedestrian Building Entrance (PBE) Requirements;
 - contain a door providing direct pedestrian access into a building;

80	 directly access an interior and enclosed commercial tenant
81	space, public lobby, or residential unit;
82	 be directly accessible from and directly adjacent to the
83	sidewalk; and
84	prevent doors from swinging into the public right-of-way or
85	beyond the front façade line of the building when opened.
86	ii. Fire exit doors, doors to fire riser rooms or other mechanical spaces, and doors
87	to exterior courtyards shall not qualify as pedestrian building entrances.
88	a. All structures shall have at least one (1) primary unit entry that faces the street.
89	Multifamily residential uses on corner lots shall have at least one (1) primary entry along
90	each street frontage.
91	b. Additional entrances may be located on side or rear facades.
92	i.iii. The primary entrance of a multifamily structure shall be clearly defined
93	by use of a raised porch or other similar entry feature.
94	 The front porch or entry feature shall be oriented to the street.
95	2. The minimum size of the front porch or entry feature shall be functional
96	rather than merely decorative.
97	The porch floor height shall not exceed thirty (30) inches above the
98	elevation of the top of the street curb.
99	c. Doors, windows and balconies of new housing should be located to respect the privacy
.00	of neighboring properties.

<u>Table 14.34.287</u>	7-1 Pedestrian Building Entrand	ce (PBE) Requirements
Frontage Type	Commercial	Residential
PBE's Required for Each Street-facing Façade	1 per 25 feet (1 min.)	1 per street-fronting ground floor unit
Maximum Spacing	38 feet	38 feet

Driveways and Parking.

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- a. New developments shall provide the minimum amount of driveway access and width required by code as a means of preserving front yard space.
 - i. Driveway placement should shall be toward the side property line to avoid dividing a building by a single, central driveway to subterranean parking.
 - i.ii. Driveways shall be consolidated where adjacent parcels or developments can be served by a single driveway. Cross access easements shall guarantee rights of access across the shared driveway for both parcels.
 - ii.iii. Alley access for properties should shall be encouraged to reduce the impact of parking and traffic circulation on the front of the property.
- iii.iv. Parking and interior access should shall be designed to minimize the number of curb cuts.

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١.	Parking shall not be placed in the front yard and should be minimized in the rear
	yardside yard, with the exception of one- and two-family dwellings when the driveway
	leads to a garage or carport as defined in Chapter 14.37, Provo City Code.

- i. Parking shall not be allowed between a primary building and a public street.
- Surface parking areas in rear yards shall be screened from neighboring properties with appropriate plant materials and/or fencing.
- <u>iii.</u> Entrances to <u>underground structured</u> parking shall be provided from driveways along the sides of properties, not from a front-facing <u>underground</u> garage entry, <u>unless the applicant demonstrates that no alternative is feasible</u>.
- iii.iv. Parking shall be screened from any adjacent public way, street, open space or pedestrian way.
- c. Except for the minimum ground-level frontage required for access to parking and loading, no parking or loading shall be visible on the ground floor of any building façade that faces a public right-of-way. It is recognized that providing parking within the primary building may create a conflict with the desire for pedestrian connectivity at street level. An alternate design that includes parking on the main level of the building and on a facade that faces a public street may be approved by the Design Review Committee, subject to the following standards:
 - i. There shall be a significant, pedestrian entrance to the building at street level to maintain a pedestrian connection to the street;
 - ii. A minimum of thirty percent (30%) of the primary street level building facade must be habitable floor space such as living space, rental office or amenity space;
 - iii. The parking structure shall be treated with materials, windows, building relief and rhythm that mask the appearance of the parking structure. The parking structure shall be appear to be part of the residential or commercial building; and
 - iv. The Design Review Committee should consider aesthetic transitions at facade corners when a side elevation is viewable from a public street.

Landscape Design.

- Property owners shall comply with Section 15.20.030, Provo City Code, for the protection of existing vegetation.
- b. New landscaping shall be complementary to existing neighborhood vegetation.
 - The species, size and placement of new landscaping shall be considered in the design review process.
- Landscaping shall be used to reduce the impact of larger buildings on neighboring properties.
- d. Buildings and driveway lighting should not extend beyond the boundaries of the subject property, as per Chapter 15.21, Provo City Code.
- Building Form, Mass and Scale (LDR Zone Only).

153	i. Building form, mass and scale should be appropriate for the zone in which
L54	the building is located and consistent with the established neighborhood
L55	character.
156	ii. Architectural elements such as roof form, windows, doors, etc., should be
.57	consistent with the form and character of the existing housing in the area.
158	iii. A porch or similar element, which defines the front entrance, shall be provided.
159	iv. An attached garage shall not be the dominant design feature of the front
L60	elevation.
l 6 1	v. Sloping roofs such as gable or hip design should be used as the primary roof
L62	form.
L63	vi. Historic buildings are subject to Title 16, Provo City Code.
L64	b. Building additions shall not strongly alter the character of an original building.
L65	i. Windows, materials and doors should be compatible with those of the
L66	original building.
L67	ii. Roof forms shall be compatible with the existing structure.
L68	8. Building Form, Mass and Scale (MDR, HDR, CHDR and CMU Zones).
L69	a. The facade of any multiple-family, or mixed use structure shall: have
L70	sufficient relief and rhythm to give visual interest and appeal.
171	i. Be articulated in the horizontal plane to provide visual interest and enrich the
172	pedestrian experience, while contributing to the quality and definition of the
L73	street wall.
L74	ii. Be vertically articulated to differentiate the ground floor façade, and feature
175	high quality materials that add human scale, texture and variety at the
176	pedestrian level.
L77	iii. Provide an identifiable break between the building's ground floors and upper
L78	floors. This break may include a change in material, horizontal dividing element,
L79	a change in fenestration pattern or similar means.
L80	iv. Be vertically articulated at the street wall façade, establishing different
L81	treatment for the building's base, middle and top. Use balconies, fenestration,
L82	shading devices, or other elements to create an interesting pattern of
L83	projections and recesses.
L84	v. Avoid extensive blank walls that detract from the experience and appearance of
L85	an active streetscape.
L86	vi. Provide well-marked entrances to cue access and use. Enhance all public
L87	entrances to a building or use through compatible architectural or graphic
188	<u>treatment.</u>
189	i.
190	b. One (1) continuous roof-line shall be avoided. Variation in the roof-line, or roof height, is
191	encouraged.
192	b. Exterior stairways, corridors or landings shall not be located on the front or street side
193	elevation of the building

194	 Structures located in the CHDR and CMU zones that are greater than six four
195	(64) stories in height shall step back fifteen (15) feet from the first floor elevation for
196	all stories above the fourth floor on all elevations that front a public street unless the
197	applicant can demonstrate that there is sufficient variation and articulation in
198	the building planes to give visual interest and appeal.
199	d. Building additions shall not strongly alter the character of the original building.
200	i. Windows, materials and doors shall be compatible with those of the
201	original building.
202	ii. Roof forms shall be compatible with the existing structure.
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206	10. Building Materials
207	 a. The primary exterior finish material of all structures shall not consist of vinyl, aluminum
208	or metal siding (including sheet or corrugated metal), plywood, particle board, or other
209	products not intended as an architectural finish product.
210	 Stucco may be considered when it is detailed with wood trim around windows
211	and doors. A shadow line around windows should be created.
212	ii. A range of secondary materials including trim may be used as long as they
213	remain secondary.
214	iii. Wood, slate, tiles and high-quality composition shingles and shakes shall be
215	used for roofing materials.
216	 a. Intent. The intent of the facade materials standards of this section is to:
217	iv. Provide minimum material standards to ensure use of well-tested, high quality,
218	durable surfaces, while permitting a wider range of materials for details;
219	v. Encourage a high level of detail from smaller scaled, less monolithic materials in
220	order to relate facades to pedestrians, especially at the ground level.
221	 b. Major Materials. A minimum of eighty percent (80%) of each facade, not including
222	window and door areas, shall be composed of major materials, as specified in this
223	section.
224	 Allowed Major Materials. The following are allowed major materials.
225	a. <u>Stone.</u>
226	b. <u>Brick.</u>
227	c. <u>Wood.</u>
228	d. <u>Architectural metal panel systems.</u>
229	e. <u>Fiber Cement board.</u>
230	f. <u>Glass curtain wall.</u>
231	g. <u>Terra cotta decorative units, tiles or panels.</u>
232	h. Architectural cast stone including glass fiber reinforced concrete.
233	 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.
iii. <u>Limite</u>	Use Major Materials. The following materials are prohibited as a
<u>major</u>	material except consistent with the following:
<u>a.</u>	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 combi	ne to twenty percent or less of the total surface of each facade.
<u>i. Major</u>	Materials. All allowed major materials may serve as minor materials.
<u>ii. Allowe</u>	d Minor Materials. The following are allowed minor materials:
<u>a.</u>	Metal for beams, lintels, trim, exposed structure, and other
	<u>ornamentation</u>
<u>b.</u>	Split-faced, burnished, glazed, or honed concrete masonry units or
	block cast stone concrete elements.
<u>C.</u>	Vinyl for window trim.
<u>d.</u>	Cement-Based Stucco.
<u>e.</u>	Face-sealed EIFS synthetic stucco assemblies and decorative
	architectural elements.
<u>f.</u>	Synthetic stucco.
d. Other Materials	with Approval. Materials that are not listed in this section for its
proposed applica	tion as allowed major materials, limited use materials, or allowed
minor materials,	may not be installed on any facade unless approved by the reviewing
authority pursua	nt to this subsection (d). The reviewing authority may approve facade
materials that are	e not listed in this section for its proposed application if the applicant
demonstrates the	e material in its proposed application meets the intent of the facade
material standar	ds described in subsection (a) of this section. Samples and examples of
successful high q	uality local installation shall be provided by the applicant.



Planning Commission Hearing Staff Report Hearing Date: July 10, 2019

*ITEM 1 Thomas Hunt requests annexation of approximately 2.547 acres located at 1640 S Colorado Ave. The subject property is partially within the East Bay neighborhood. Brian Maxfield (801) 852-6429 PLANEX20190140

Applicant: Thomas Hunt

Staff Coordinator: Brian Maxfield

Property Owner: East Bay Self Storage

Parcel ID#: 22:052:0040

Acreage: 2.547 acres

Number of Properties: 1

General Plan Designation: Industrial

Alternative Actions:

- 1. <u>Continue to a future date</u> to obtain additional information or to further consider information presented. The next available meeting date is August 14, 2019 at 6:00 P.M.
- 2. <u>Deny</u> the proposed project plan for the following reasons: (the Planning Commission must make specific findings that the project does not meet City Code requirements).

Relevant History: None

Neighborhood Issues: None

Summary of Key Issues:

Consideration of additional area as part of the

requested annexation

Related Items: None

Recommended Action:

Recommend Approval to the Municipal Council of the proposed Provo Storage Annexation of about 2.547 acres, located at approximately 1640 S. Colorado

Avenue.

OVERVIEW

This item is an annexation request for property located at 1640 S. Colorado Avenue. The subject area is located on the south edge of the current Provo boundaries, on the north side of 1860 South, and on the east side of the Western Metals Recycling property. Although the total property includes 3.85 acres, part of the property is already within City boundaries, with the actual size of the proposed annexation being only 2.547 acres. The applicant is Thomas Hunt, the project engineer, but the petition signer is Spencer Wright, representing East Bay Self Storage, LLC.

The site is located within "Area Two" on the City's Annexation Policy Map, with Area Two described on the Map and in the City's General Plan as follows:

Area two: The General Plan calls for a combination of light and heavy industry in this area, between the railroad tracks and between 950 E and

I-15. Provo City has electrical and sewer lines in this area. Water and sewer line extensions would be required to continue annexation south of the former rendering plant and east of the railroad tracks.

By City Ordinance, and without a concurrent zoning application, an annexed property "shall be deemed to be classified in accordance with the lowest density zone allowed by the land use designation set forth for the subject property in the Provo City General Plan."

The lowest density, or least intensive industrial zone would be the M-1 "Manufacturing" Zone.

A project plan for the site is being reviewed by the City's Coordinators Review Committee (CRC) and the concept plan is attached to this report. The proposed use for storage units would be permitted under SLU#6370 within either an M-1 or M-2 Zone. The actual project plan will be presented to the Planning Commission for approval subject to approval of the annexation by the Municipal Council.

Questions have been raised regarding the non-inclusion of other properties with this annexation request, especially as the applicant also owns one of the two adjacent properties to the east. At issue is the desire to extend the City's boundary to eventually match that of shown in the Annexation Policy Map verses annexing only this one property at this time. In order to consider the larger area, there would be a need to contact and discuss the proposal with all property owners, and then a need to determine which properties could be included based on the number of owners who would actually sign the petition, and what percentage of the overall property value their lands would represent. Because that process would likely take several months if not longer, it would obviously cause a delay for this applicant in the approval and development of their property.

FINDINGS OF FACT

- The subject property is within "Area 2" of the Provo City Annexation Policy Map
- The property is designated as "Industrial" in the Provo City General Plan.

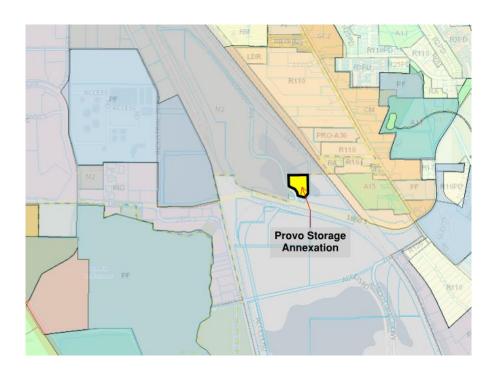
CONCLUSIONS

In its review and evaluation of this particular request, Community Development Staff believes a delay in acting on the annexation in order to consider the larger area, would cause an unnecessary delay for the property owner in the development of their property.

If the Municipal Council acts favorably on the annexation request, an option might be for the Municipal Council to have the applicant sign an annexation agreement that would confirm the applicant's support for including their adjoining property if the city pursues an annexation of the larger area in the future.

RECOMMENDATION

Recommend Approval to the Municipal Council of the proposed Provo Storage Annexation of about 2.547 acres, located at approximately 1640 S. Colorado Avenue.



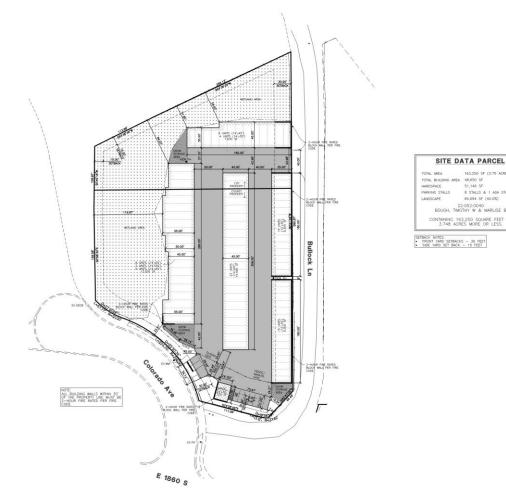
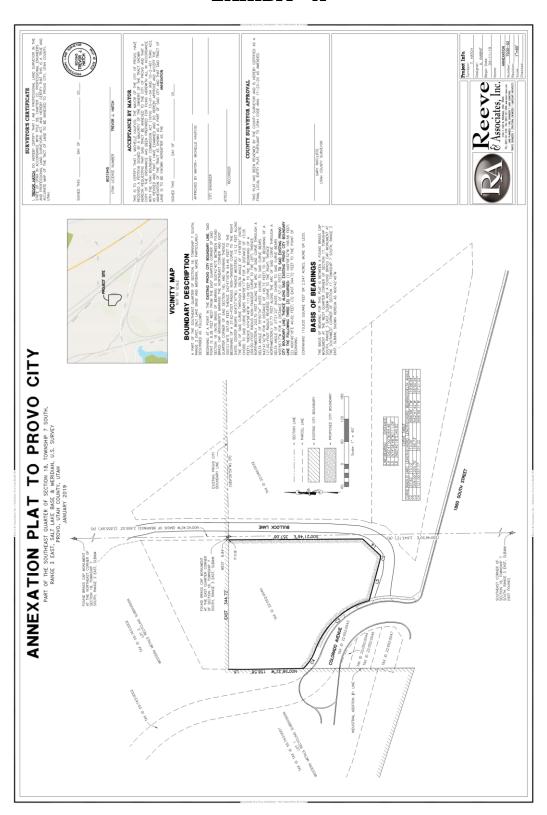
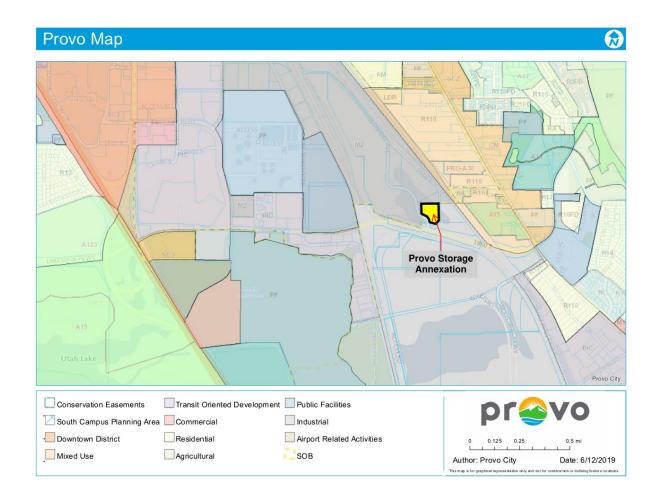


EXHIBIT "A"



1	ORDINANCE 2019
2	AN ORDINANCE APPROVING THE ANNEXATION OF APPROXIMATELY
4	2.547 ACRES OF PROPERTY GENERALLY LOCATED AT 1640 SOUTH
5	COLORADO AVENUE. EAST BAY NEIGHBORHOOD. (PLANEX20190140)
6	
7	WHEREAS, on June 18, 2019 the Municipal Council approved a resolution giving notice
8	of its intent to consider the annexation of approximately 2.547 acres of property generally
9	located at 1640 South Colorado Avenue, as shown in the attached Exhibit A; and
10 11	WHEREAS, pursuant to Utah Code 10-2-418, if no timely protests against the proposed
12	annexation have been filed, the Municipal Council may approve the annexation; and
13 14	WHEREAS, no timely protests were filed against the proposed annexation; and
15	WITEDEAS, a nortion of the property is already within the houndaries of Drove City, and
16 17	WHEREAS, a portion of the property is already within the boundaries of Provo City; and
18	WHEREAS, on July 10, 2019, the Planning Commission held a duly noticed public
19	hearing to consider the proposal and after such hearing the Planning Commission recommended
20	approval to the Municipal Council in a 7:0 vote; and
21	
22	WHEREAS, on August 27,2019, the Municipal Council held a duly noticed public
23	hearing to receive public comment and ascertain the facts regarding the matter which facts and
24 25	comments are found in the hearing record; and
23 26	WHEREAS, after considering the facts and comments presented to the Municipal
27	Council, the Council finds that approval of this annexation would reasonably further the health,
28	safety and general welfare of the citizens of Provo City.
29	
30	NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as
31	follows:
32	DADTI
33 34	PART I:
35	1. The Municipal Council hereby approves the annexation of approximately 2.547 acres
36	of property generally located at 1640 South Colorado Avenue, as shown in the attached Exhibit
37	A.
38	
39 40	PART II:
41	A. If a provision of this ordinance conflicts with a provision of a previously
42	adopted ordinance, this ordinance shall prevail.
43	
44 45	B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to

16	be unconstitutional or invalid, the remainder of the ordinance shall not be
1 7	affected thereby.
18	
19	C. The effective date of this ordinance shall be the date of the publication and
50	posting of this ordinance as required by law.
51	
52	END OF ORDINANCE.



Provo City Planning Commission

Report of Action

July 10, 2019

*Item 1 Thomas Hunt requests annexation of approximately 2.547 acres located at 1860 S Colorado Ave. The subject property is partially within the East Bay neighborhood. Brian Maxfield (801) 852-6429 PLANEX20190140

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 10, 2019:

RECOMMENDED APPROVAL

On a vote of 7:0, the Planning Commission voted in favor of the following two motions:

1st Motion

That the Municipal Council approval of the annexation of the 2.57-acre parcel and that the Municipal Council consider annexing the other parcels north of 1860 North, east of the subject property and west of the railroad tracks, including the railroad right-of-way.

Motion By: Andrew Howard Second By: Dave Anderson

Votes in Favor of Motion: Andrew Howard; Dave Anderson; Robert Knudsen; Russell Phillips; Maria Winden; Jamin

Rowan; Deborah Jensen Votes Opposed: None

2nd Motion

That the Municipal Council annex the unincorporated property from 1860 S to the northern boundary of Springville City.

Motion By: Andrew Howard Second By: Dave Anderson

Votes in Favor of Motion: Andrew Howard; Dave Anderson; Robert Knudsen; Russell Phillips; Maria Winden; Jamin

Rowan; Deborah Jensen Votes Opposed: None

Deborah Jensen was present as Chair.

The 1st motion 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

None

STAFF PRESENTATION

Community Development staff presented information on the proposed annexation and explained why staff believes this annexation should be considered by itself and not be required to include a larger annexation at this time. The belief by Community Development staff is based on the time required to put together an annexation of the larger area would cause an unnecessary delay to the applicant in the development of their property. Community Development staff also expressed the belief that going forward with the proposed annexation would not hamper any future effort to annex any additional area, if indeed, the Municipal Council desires to have staff proceed with that action.

CITY DEPARTMENTAL ISSUES

David Day, representing the City's Public Works Department, expressed that department's desire that at least 1860 South and the properties north of 1860 South be included with this annexation proposal.

NEIGHBORHOOD MEETING DATE

The neighborhood chair did not feel the need to hold a neighborhood meeting for this item.

NEIGHBORHOOD AND PUBLIC COMMENT

There were no neighborhood or public comments on this item.

CONCERNS RAISED BY PUBLIC

No concerns have been submitted or otherwise relayed to staff regarding this item.

APPLICANT PRESENTATION AND RESPONSE

Jennifer Gordon, representing the property owners, gave their reason for only requesting the annexation of one of the two properties they own in this area, as being their concern for a long delay in the development of their first property. They believed that delay could occur from Provo's need to first determine exactly which areas would be included in a larger annexation that would still meet the State's annexation requirements. She also stated their ownership would support the annexation of their other property if the City brought forth an annexation proposal for the larger area in the future.

PLANNING COMMISSION DISCUSSION

Soud Jaus

Members of the Planning Commission discussed the merits of both the annexation of those properties on the north side of 1860 South as well as the annexation of all properties located within this area (Area 2) of the City's Annexation Policy Map. Several Commissioners stated their belief that this proposed annexation should move forward, with the City then initiating action to annex all unincorporated areas between the current Provo and Springville City boundaries, as shown in the Annexation Policy Map.

Planning Commission Chair

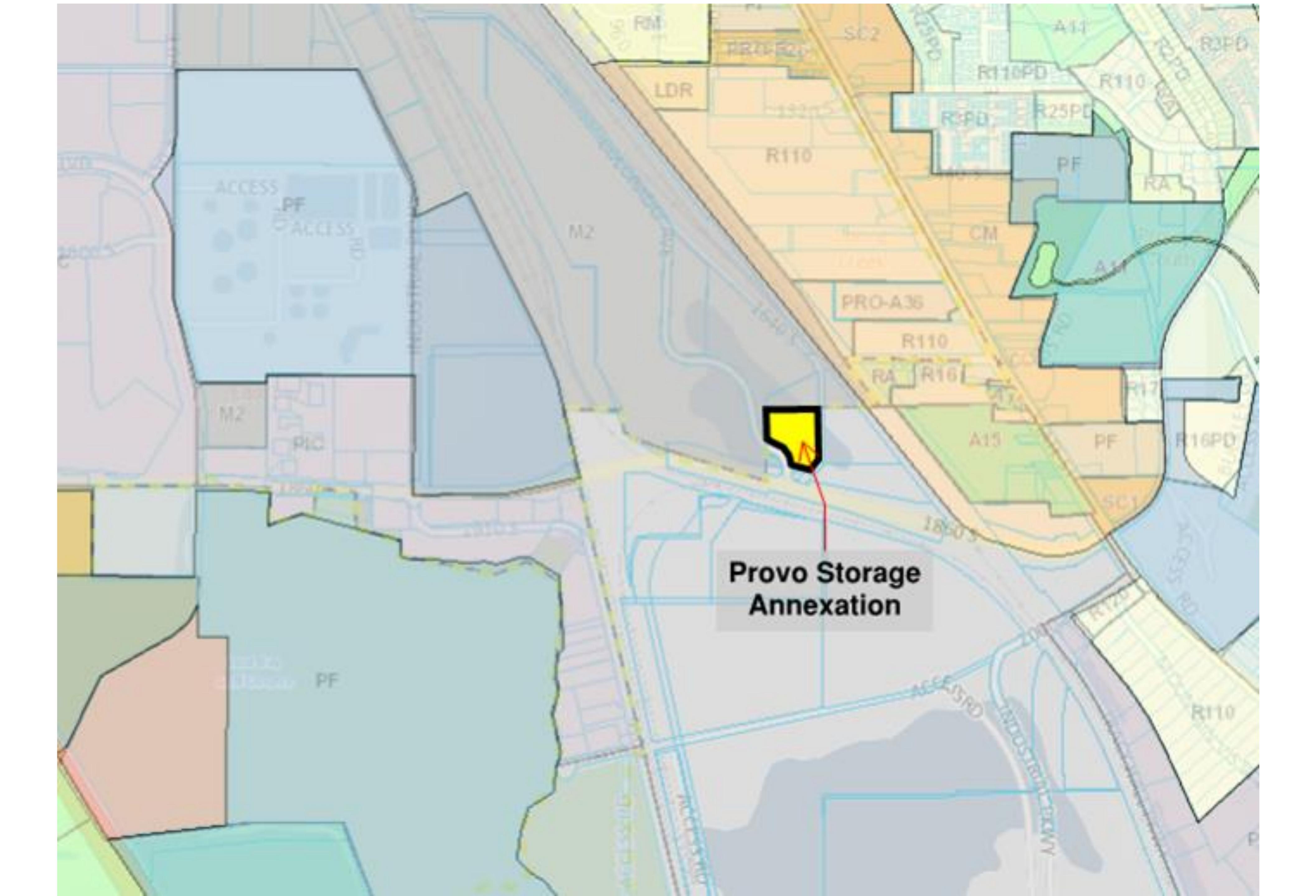
Director of Community Development

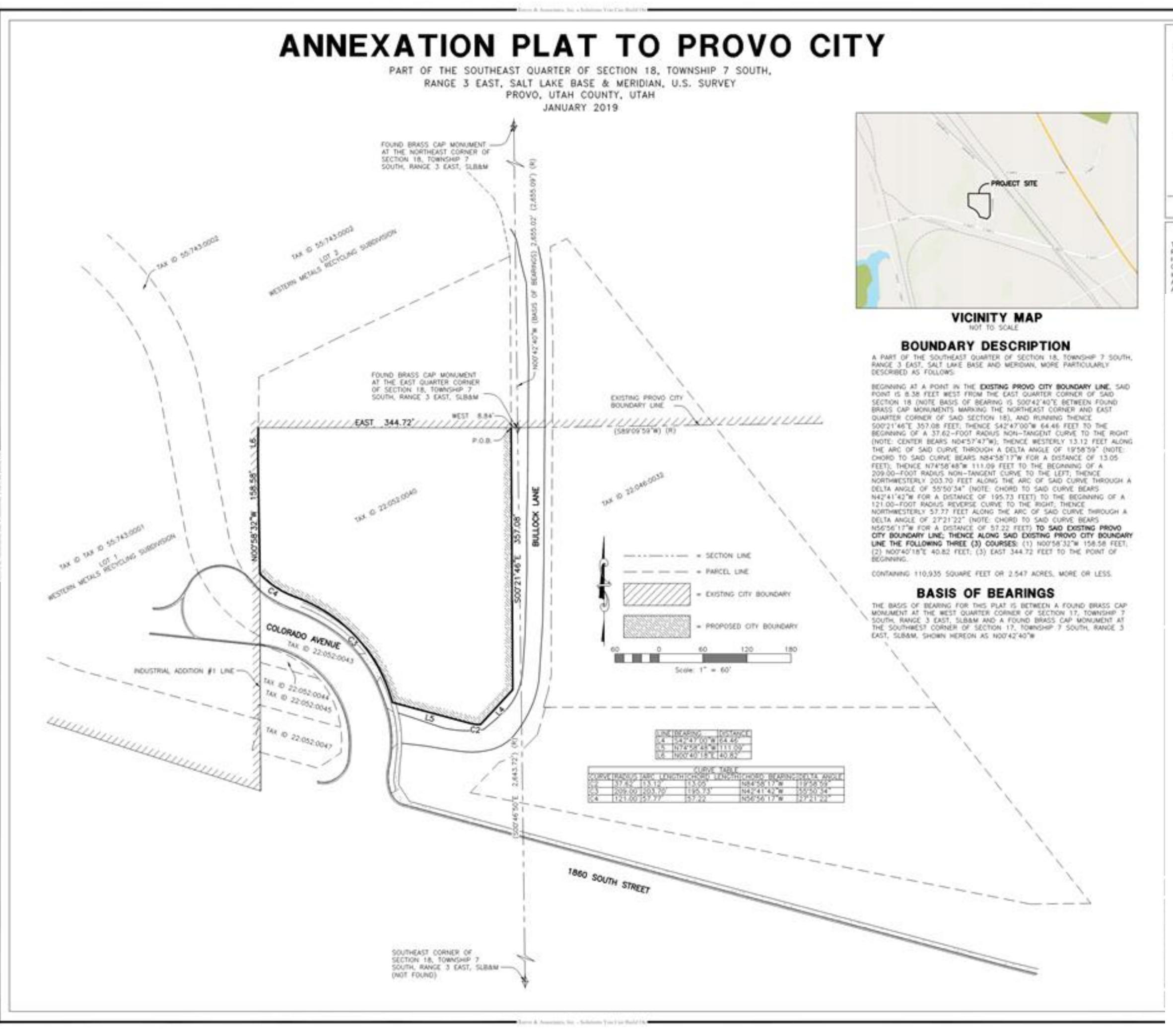
See <u>Key Land Use Policies of the Provo City General Plan</u>, applicable <u>Titles of the Provo City Code</u>, and the <u>Staff Report to the Planning Commission</u> for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning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

<u>Legislative items</u> 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.

Thomas Hunt requests annexation of approximately 2.547 acres located at 1860 S Colorado Ave.

East Bay neighborhood PLANEX20190140

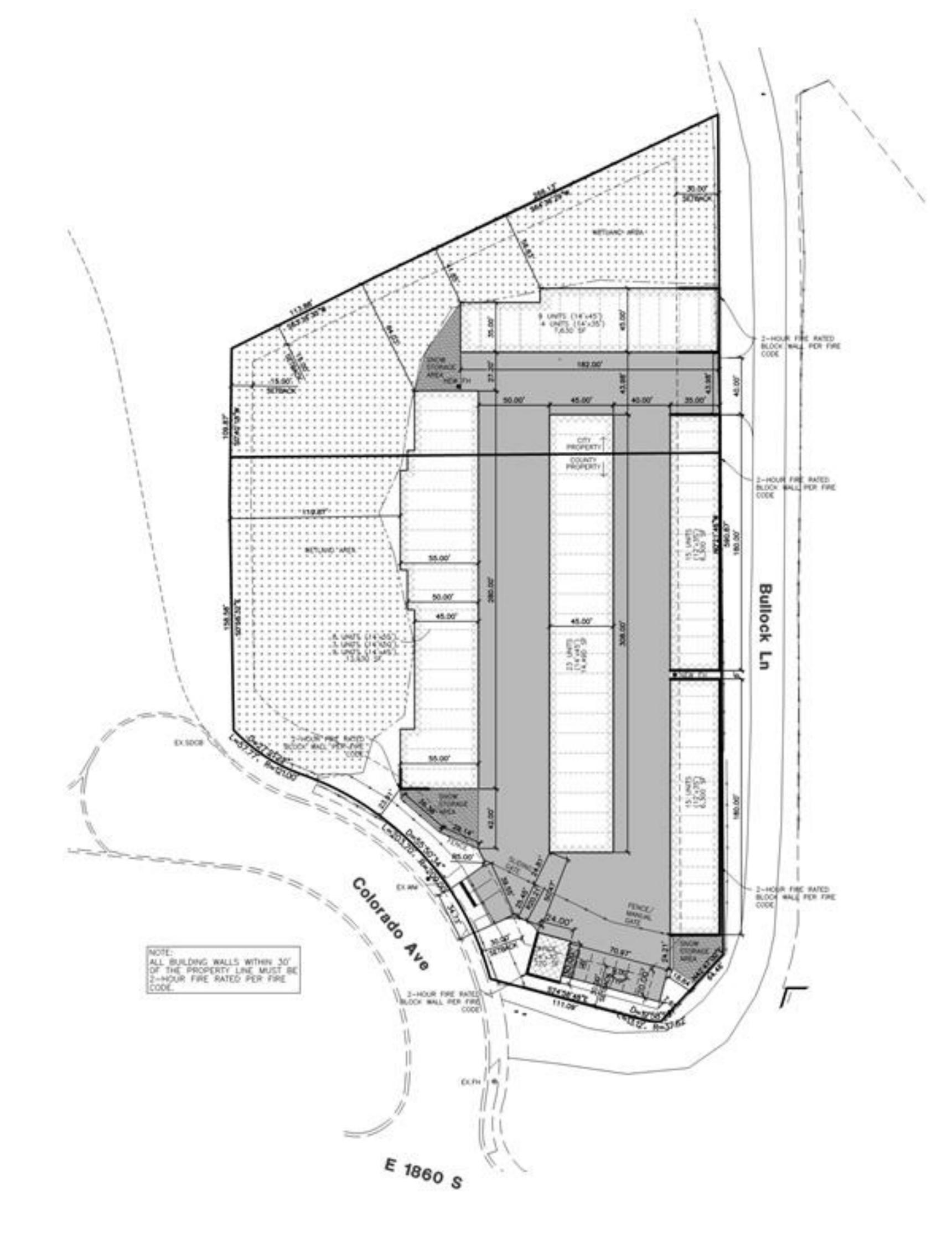






ACCEPTANCE BY MAYOR

THIS IS TO CERTIFY THAT I, MICHELLE HALFUSI, THE MAYOR OF THE CITY OF PROVO, HAVE RECEIVED A PETITION SIGNED BY A MAJORITY OF THE OWNERS OF THE TRACT SHOWN HEREON REQUESTING THAT SAID TRACT BE ANNEXED TO THE CITY OF PROVO AND THAT A COPY OF THE ORDINANCE HAS BEEN PREPARED FOR FILING HEREWITH ALL IN ACCORDANCE WITH THE UTAH BOUNDARY COMMISSION ACT (1979) 10-01-04 AND 10-2-401 THRU 423, AS REVISED AND THAT I HAVE EXAMINED AND DO HEREBY APPROVE AND ACCEPT THE ANNEXATION OF THE TRACT AS SHOWN AS A PART OF SAID CITY AND THAT SAID TRACT OF



SITE DATA PARCEL

163,250 SF (3.75 ACRES)

TOTAL BUILDING AREA 48,650 SF
HARDSPACE 51,146 SF
PARKING STALLS 8 STALLS & 1 ADA STALL = 9
LANDSCAPE 65,094 SF (40.05)
22-052-0040

22:052:0040
BOUGH, TIMOTHY W & MARLISE B
CONTAINING 163,250 SQUARE FEET OR
3.748 ACRES MORE OR LESS.

SETBACK MOTES:

• FRONT YARD SETBACKS = 30 FEET

• SIDE YARD SET BACK = 15 FEET



Notice of Proposed Annexation

This Notice is for the proposed annexation of the property located at approximately 1860 S. and Colorado ave. Provo, UT

Legal Description: COM N 55.08 FT & W 351.78 FT FR E 1/4 COR. SEC. 18, T7S, R3E, SLB&M.; N 63 DEG 20' 6" E 400.91 FT; S 577.95 FT; S 42 DEG 47' 0" W 83.77 FT; ALONG A CURVE TO R (CHORD BEARS: N 84 DEG 28' 29" W 12.41 FT, RADIUS = 37.62 FT); N 74 DEG 58' 48" W 111.76 FT; ALONG A CURVE TO L (CHORD BEARS: N 42 DEG 43' 10" W 195.58 FT, RADIUS = 209 FT); ALONG A CURVE TO R (CHORD BEARS: N 56 DEG 47' 19" W 57.84 FT, RADIUS = 121 FT); N 253.99 FT TO BEG. AREA 3.848 AC.

We are requesting this property to be annexed into Provo city along with a proposed storage unit project to be built. The property is currently zoned as industrial and this project is allowed within the zoning guidelines. The project will be known as East Bay Self Storage

Our anticipation timeline is as follows.:

June 2019 complete annexation
August 2019 Plans for project approved
September 2019 Begin construction
April 2020 Complete construction and open



This is a statement providing information for the Property located in Provo Utah located at:

Legal Description: COM N 55.08 FT & W 351.78 FT FR E 1/4 COR. SEC. 18, T7S, R3E, SLB&M.; N 63 DEG 20' 6" E 400.91 FT; S 577.95 FT; S 42 DEG 47' 0" W 83.77 FT; ALONG A CURVE TO R (CHORD BEARS: N 84 DEG 28' 29" W 12.41 FT, RADIUS = 37.62 FT); N 74 DEG 58' 48" W 111.76 FT; ALONG A CURVE TO L (CHORD BEARS: N 42 DEG 43' 10" W 195.58 FT, RADIUS = 209 FT); ALONG A CURVE TO R (CHORD BEARS: N 56 DEG 47' 19" W 57.84 FT, RADIUS = 121 FT); N 253.99 FT TO BEG. AREA 3.848 AC.

This is for the proposed annexation for East Bay Self Storage. We have checked with the division of water rights and the title company there are no water rights associated with this property. Please let me know if you have any other questions

Thank you,

Jen Gordon 801-623-3937



Planning Commission Staff Report Rezone

Hearing Date: August 14,2019

*ITEM 3 Brandon Smith requests a Zone Change from Public Facilities (PF) to Campus Mixed Use (CMU) for Amanda Knight Hall, located at 800 N University Ave so the building can be converted to a girls' dormitory, including 21 rooms and 71 beds. Joaquin neighborhood. Josh Yost (801) 852-6408 PLRZ20190244

Applicant: Brandon Smith

Staff Coordinator: Josh Yost

Property Owner: MC AKH LLC Parcel ID#: 50840015, 50840016,

50840017

Current Zone: PF
Proposed Zone: CMU

General Plan Des.: Residential

Acreage: .76 acres
Number of Properties: 3

*Council Action Required: Yes

ALTERNATIVE ACTIONS

- 2. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is August 28, 6:00 p.m.*
- 3. **Recommend Denial** of the proposed rezoning. This would be <u>a change</u> from the Staff recommendation; the Planning Commission should <u>state new findings</u>

Current Legal Use: Office and classroom space

Relevant History: Amanda Knight Hall, built in 1938-1939, as a women's dormitory formerly associated with Brigham Young University in Provo, Utah. The dormitory is located at the corner of 800 North and University Avenue, just two blocks north of the original campus of the university. Brigham Young University sold the property earlier this year to Mountain Classic Real Estate of Salt Lake City to facilitate its preservation through a return of the building to its original use as women's housing.

Neighborhood Issues: The neighborhood worked to prevent BYU's announced demolition of the building and is pleased to have a new owner committed to the preservation of the building.

Summary of Key Issues: The building has limited parking on site and there is no practical way to increase on-site parking. Community Development views the proposed use as a return to the building's original use and that the existing parking is nonconforming and sufficient.

Staff Recommendation: Staff recommends the Planning Commission recommend approval to the City Council of the requested Zone Change from Public Facilities (PF) to Campus Mixed Use (CMU) for Amanda Knight Hall.

OVERVIEW

Amanda Knight Hall, built in 1938-1939, is a women's dormitory formerly associated with Brigham Young University in Provo, Utah. The dormitory is located at the corner of 800 North and University Avenue, just two blocks north of the original campus of the university. Brigham Young University sold the property earlier this year to Mountain Classic Real Estate of Salt Lake City to facilitate its preservation through a return of the building to its original use as women's housing. This application is not accompanied by a concept plan as no substantial changes are proposed for the site or building exterior.

The requested rezone facilitates the preservation of a significant historic resource and a return of the building to women's housing under private ownership.



GENERAL PLAN POLICIES

The Joaquin General Plan states the following from Section 5 Historic Preservation

Preservation of the Joaquin Neighborhood requires specific action and continuing vigilance. First historic resources must be identified then designation and protection programs instituted.

There are a number of historic resources that are not designated or listed in any register and are, therefore, not protected. These include a number of historic houses and the Amanda Knight Hall and Allen Hall, currently the Museum of Peoples and Cultures, both owned by BYU. With the continued development pressure and higher density land use proposed for the north portion of the neighborhood, protection of these resources will be even more important and should be pursued.

The General Plan lists the following goals

- 6.4.4.1 Identify and preserve significant structures that maintain historical integrity.
- 6.4.4.2 Encourage identification, marking and restoration of historic landmarks.
- 6.4.4.3 Identify and preserve areas or neighborhoods of the city with a unique sense of place related to the collective history or architecture of its structures.

FINDINGS OF FACT

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

Upon receipt of a petition by the Planning Commission, the Commission shall hold a public hearing in accordance with the provisions of Section 14.02.010 of this Title and may approve, conditionally approve, or deny the preliminary project plan. 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 public purpose for the amendment in question is to facilitate the preservation of Amanda Knight Hall while permitted to return to productive use a women's housing.

- (b) Confirmation that the public purpose is best served by the amendment in question.
 - Community Development Staff has determined after review of the available zoning designations that Campus Mixed Use best served the established public purpose and is most compatible with the surrounding zoning.
- (c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.
 - The proposed rezone is compatible with the general plan policies, goals and objectives as listed previously.
- (d) Consistency of the proposed amendment with the General Plan's timing and sequencing provisions on changes of use, insofar as they are articulated.
 - Not applicable
- (e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.
 - Not applicable
- (f) Adverse impacts on adjacent land owners.
 - No adverse impacts are anticipated as the proposed use is actually less intense than the offices and classrooms for which the building was most recently used.
- (g) Verification of correctness in the original zoning or General Plan for the area in question.
 - The original zoning for the area in question is correct and has been in place at least since 1994.
- (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 conflict is present.

CONCLUSIONS

Staff concludes that the proposed zone map amendment is the best way to facilitate the preservation of Amanda Knight Hall and its return to use as women's housing.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval to the City Council of the requested Zone Change from Public Facilities (PF) to Campus Mixed Use (CMU) for Amanda Knight Hall.

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AN ORDINANCE AMENDING THE ZONE MAP CLASSIFICATION OF THE REAL PROPERTY GENERALLY LOCATED AT 800 NORTH UNIVERSITY AVENUE AND KNOWN AS AMANDA KNIGHT HALL FROM PUBLIC FACILITIES (PF) TO CAMPUS MIXED USE (CMU). JOAQUIN NEIGHBORHOOD. (PLRZ20190244)

WHEREAS, it is proposed that the classification on the Zone Map of Provo for the real property located at 800 North University Avenue, commonly known as Amanda Knight Hall (as shown on Exhibit A), be amended from Public Facilities (PF) to Campus Mixed Use (CMU); and

WHEREAS, on August 14, 2019, 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 6:0 vote; and

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

WHEREAS, on August 27, 2019, 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 shown 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 Public Facilities (PF) to Campus Mixed Use (CMU) for the real property generally located at 800 North University Avenue, commonly known as Amanda Knight Hall, as shown in the attached Exhibit A.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
 - B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
 - C. The Municipal Council hereby directs that the official copy of the Zone Map of Provo City, Utah be updated and codified to reflect the provisions enacted by this ordinance.
 - D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE

57 <u>Exhibit A</u>



Provo City Planning Commission

Report of Action

August 14, 2019

*Item #3 Brandon Smith requests a Zone Change from Public Facilities (PF) to Campus Mixed Use (CMU) for Amanda Knight Hall, located at 800 N University Ave so the building can be converted to a girls' dormitory, including 21 rooms and 71 beds. Joaquin neighborhood. Dustin Wright (801) 852-6414 PLRZ20190244

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 14, 2019:

RECOMMEND APPROVAL

On a vote of 6:0, the Planning Commission recommended that the Municipal Council approve the above noted application

Motion By: Shannon Ellsworth Second By: Robert Knudsen

Votes in Favor of Motion: Andrew Howard, Robert Knudsen, Shannon Ellsworth, Deborah Jensen, Dave Andersen,

Laureen Urquiaga

Deborah Jensen was present as Chair.

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

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the Campus Mixed Use Zone is described in the attached Exhibit A.

RELATED ACTIONS

Landmarks Commission review and comment – August 21, 2019.

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:

Amanda Knight Hall, built in 1938-1939, is a women's dormitory formerly associated with Brigham Young University in Provo, Utah. The dormitory is located at the corner of 800 North and University Avenue, just two blocks north of the original campus of the university. Brigham Young University sold the property earlier this year to Mountain Classic Real Estate of Salt Lake City to facilitate its preservation through a return of the building to its original use as women's housing. This application is not accompanied by a concept plan as no substantial changes are proposed for the site or building exterior.

The requested rezone facilitates the preservation of a significant historic resource and a return of the building to women's housing under private ownership.

NEIGHBORHOOD MEETING DATE

• A neighborhood meeting was held on 06/27/2019.

NEIGHBORHOOD AND PUBLIC COMMENT

- The Neighborhood Chair was not present or did not address the Planning Commission during the hearing.
- Pam Jones Edgemont Neighborhood Vice Chair shared that she was in the last class of women to be housed in Amanda Knight Hall and that she is pleased to see it being preserved.

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:

Prior to the hearing a citizen called to express concern about the available parking at the site.

APPLICANT RESPONSE

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

The applicant expressed their excitement for the project and thanked city staff for their work. Mr. Smith elaborated that the number of tenants bringing cars to the site will be limited to the number of parking stalls, but he mentioned they are working toward additional solutions to mitigate their minimal on-site parking. Mr. Smith explained the extensive nature of the planned renovation work and that each apartment unit will be a complete with bathroom and kitchen. He informed the Commission that they would like to be ready for occupancy for winter semester, but it is more likely that the building will be ready prior to the beginning of next school year.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

The Planning Commission expressed their support for the project and of the zone change proposal. Commission members questioned Mr. Smith about the extent of the renovation work and the plan for parking and his responses are noted above.

Planning Commission Chair

Director of Community Development

See <u>Key Land Use Policies of the Provo City General Plan</u>, applicable <u>Titles of the Provo City Code</u>, and the <u>Staff Report to the Planning Commission</u> 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	cil following a public hearing;
the Planning Commission provides an advisory recommendation to the Municipal Council followi	ng a public hearing.
Administrative decisions of the Planning Commission (items not marked with an asterisk) may be	
application/notice of appeal, with the required application and noticing fees, to the Community I	Development Department, 330
W 100 G 1 D U 1 1 2 4 2 F Grands of (14) a long level of the Community I	iii /P
West 100 South, Provo, Utah, within fourteen (14) calendar days of the Planning Cor	nmission'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 CONSTRUCT	ION DECING
BUILDING FERMITS MUST BE OBTAINED BEFORE CONSTRUCT.	ION DEGINS

EXHIBIT A

Legal Description

PARCEL 1: (05-084-0015)

COMMENCING 12.20 CHAINS SOUTH AND 3.95 CHAINS WEST OF THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 2 EAST, OF THE SALT LAKE BASE AND MERIDIAN; WHICH POINT OF BEGINNING IS ALSO 9 RODS WEST OF THE NORTHEAST CORNER OF BLOCK 8, PLAT "D", PROVO CITY SURVEY OF BUILDING LOTS; THENCE SOUTH 2 CHAINS; THENCE WEST 17 LINKS; THENCE SOUTH 1 CHAIN; THENCE WEST 1.08 CHAINS; THENCE NORTH 1 CHAIN; THENCE WEST 50 LINKS; THENCE NORTH 1.385 CHAINS; THENCE WEST 2 CHAINS; THENCE NORTH 62 1/2 LINKS; THENCE EAST 3.75 CHAINS TO BEGINNING.

PARCEL 1A:

TOGETHER WITH AN ACCESS EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS AS RESERVED IN THAT CERTAIN BOUNDARY LINE AGREEMENT BY AND BETWEEN J & B SMITH PROPERTIES #1, LLC AND BRIGHAM YOUNG UNIVERSITY, A CORPORATION RECORDED AUGUST 2, 2006 AS ENTRY NO. 98344:2006, OF OFFICIAL RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE 8.50 FEET IMMEDIATLY ADJACENT TO, AND EAST OF, THE FOLLOWING BOUNDARY LINE: BEGINNING AT A POINT WHICH IS NOW THE NORTHEAST CORNER OF PARCEL 5-84-15, A POINT LOCATED SOUTH 12.20 CHAINS AND WEST 3.95 CHAINS FROM THE NORTHEAST CORNER OF SECTION 1, TOWNSHIP 7 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN, SAID POINT ALSO BEING LOCATED WEST 148.51 FEET, MORE OR LESS, FROM THE NORTHEAST CORNER OF BLOCK 8, PLAT "D", PROVO CITY SURVEY OF BUILDING LOTS; THENCE RUNNING SOUTH FOR A DISTANCE OF 98.93 FEET.

PARCEL 2: (05-084-0016)

COMMENCING 2 1/2 RODS SOUTH OF THE NORTHWEST CORNER OF BLOCK 8, IN PLAT "D", PROVO CITY SURVEY OF BUILDING LOTS; THENCE SOUTH 2 1/2 RODS; THENCE EAST RODS; THENCE NORTH 2 1/2 RODS; THENCE WEST 8 RODS TO THE PLACE OF BEGINNING.

PARCEL 3: (05-084-0017)

BEGINNING AT A POINT WHICH IS EAST 132.0 FEET FROM THE SOUTHWEST CORNER OF LOT 5, BLOCK 8, PLAT "D", PROVO CITY SURVEY OF BUILDING LOTS; THENCE NORTH 66.0 FEET; THENCE EAST 33.0 FEET; THENCE SOUTH 66.0 FEET; THENCE WEST 33.0 FEET TO BEGINNING.

Brandon Smith requests a Zone Change from Public Facilities (PF) to Campus Mixed Use (CMU) for Amanda Knight Hall, located at 800 N University Ave so the building can be converted to a girls' dormitory, including 21 rooms and 71 beds.

Joaquin neighborhood PLRZ20190244







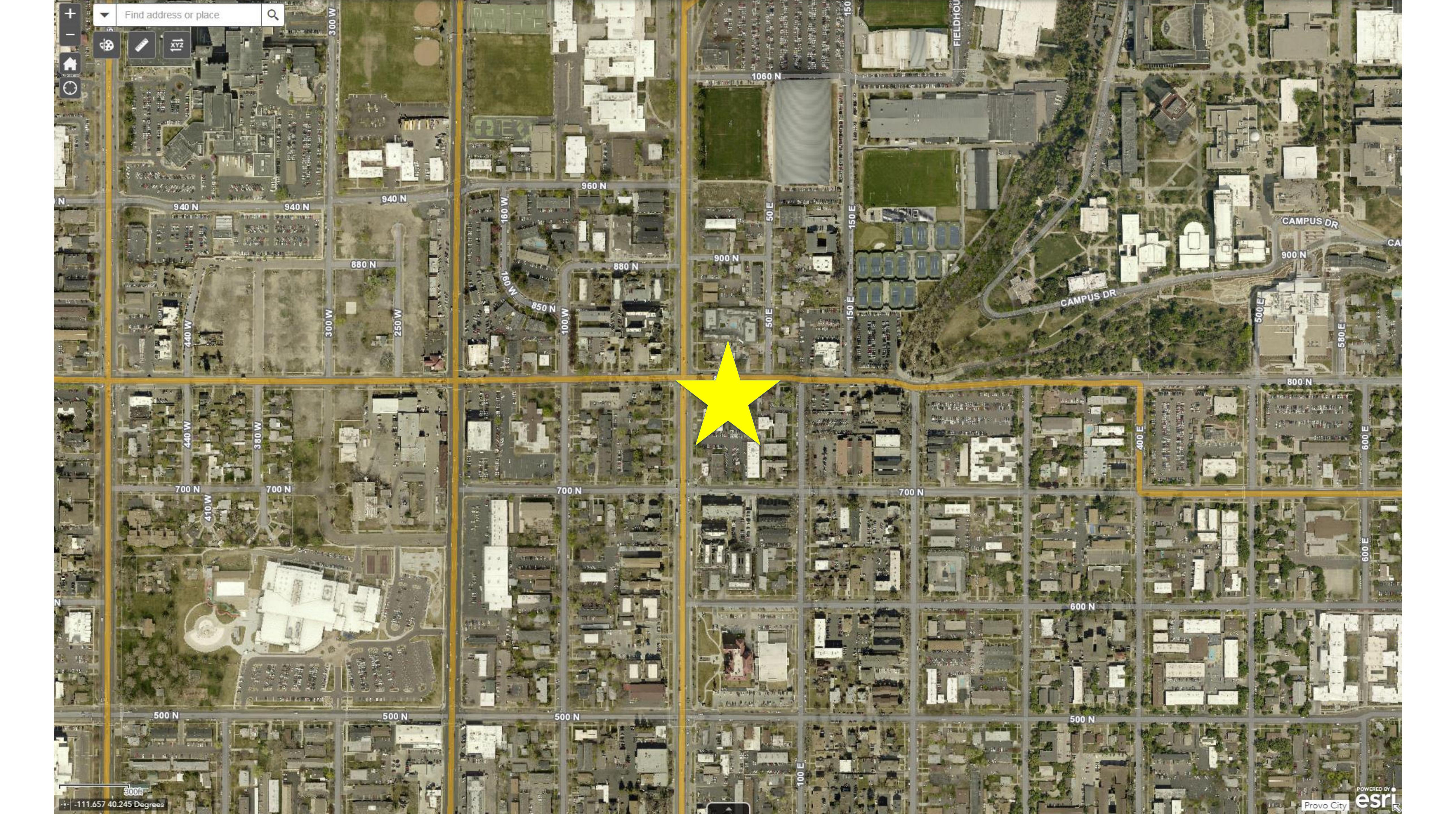


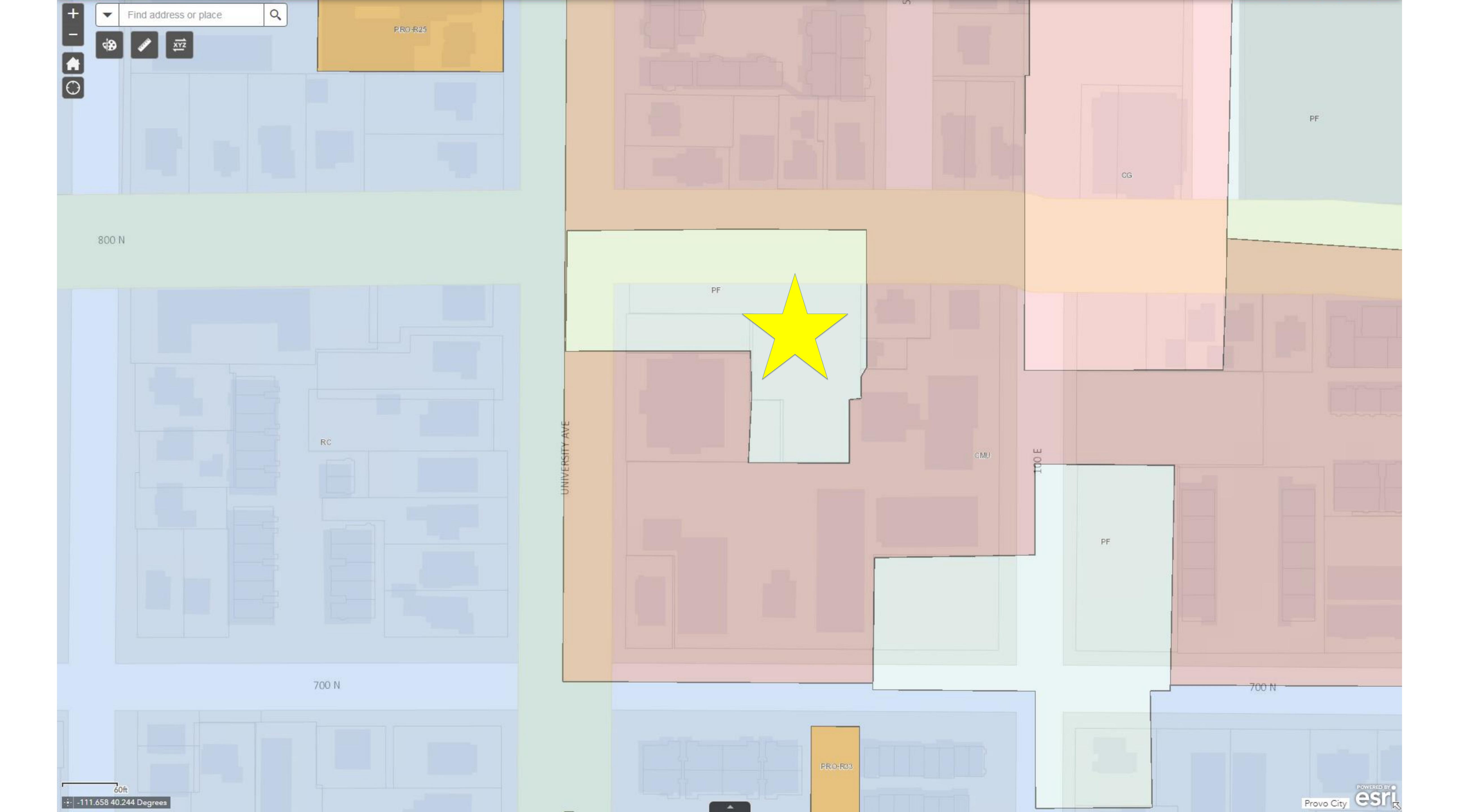














Planning Commission Staff Report Ordinance Amendment Hearing Date: August 14, 2019

*ITEM 4 The Provo City Community Development Department requests amendments to Section 14.34.295 Downtown Development Design Standards to clarify architectural requirements in the Downtown Zones. Central Business District, Joaquin, Maeser, Franklin, and Timp Neighborhoods. Josh Yost, 801-852-6408 16-0005OA

Applicant: Provo Community Development

Staff Coordinator: Josh Yost

*Council Action Required: Yes

ALTERNATIVE ACTIONS

- 1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is August 28, at 6:00 p.m.*
- 3. **Recommend Denial** of the proposed ordinance amendment. This would be <u>a change</u> from the Staff recommendation; the Planning Commission should state new findings.

Relevant History: Staff has been working on amendments to the Downtown Development Design Standards for more than two years. Many iterations of these amendments have been presented to local developers, the Design Review Committee and the Planning Commission in study session. These meetings have led to extensive edits and additions leading to the final version presented here. Staff proposes replacing the entirety of 14.34.295 with the revised standards.

Neighborhood Issues: None noted.

Summary of Key Issues: The current design standards, while having served well since their inception, contain some elements that are unclear or have led to multiple conflicting interpretations. Some numerical standards have also been shown through experience to be too high or too low. Lastly, staff has found regulatory areas that needed to be addressed more thoroughly or added in whole to the standards.

Staff Recommendation: Staff recommends the Planning Commission recommend approval to the City Council of the amendments to Section 14.34.295, Downtown Development Design Standards.

<u>OVERVIEW</u>

As Community Development has processed applications for new development in the zones to which the design standards apply, staff has identified multiple ways in which the Downtown Development Design Standards (the standards), could be improved to better facilitate quality development. The current design standards, while having served well since their inception, contain some elements that are unclear or have led to multiple conflicting interpretations. Also, some numerical standards have also been shown through experience to be too high or too low. Lastly, staff has found regulatory areas that needed to be addressed more thoroughly, added in whole to the standards. The proposed amendment completely replaces the entirety of Section 13.34.295.

The revisions add significant clarity and new regulation in the areas of Ground Floor Treatment, Massing, Architectural Detail, Parking, Access and Site Design, and broader area wide design elements including open space and pedestrian linkages. Also added are special standards for the Startup District and Center Street areas.

Specifically, the revised standards address the following elements where lack of clarity has led to difficulty in interpretation and enforcement.

- Building entrances- The standards lacked clarity in the requirements for entrances for buildings smaller than the minimum required door spacing. Secondly, the characteristics of a building entrance were not defined. The revisions address these concerns with a new Pedestrian Building Entrances section which thoroughly addresses both spacing and required characteristics of entrances.
- Upper story fenestration- The revisions clarify requirements for groupings of windows and increase the permitted percentage of glass from 50% to 70%.
- Balconies- The revisions establish regulations for the capture of storm water runoff from balconies.
- Materials- Prohibited materials are clearly defined and quality, long lived, sustainable materials are encouraged
- Sound attenuation- The sound attenuation standard for buildings within 100 feet of railroad rights-of-way is clarified with a measurable sound level requirements and verification by a licensed acoustical engineer.
- Structured parking- The revised standards make clear that the architectural standards apply to above grade parking structures.

The new standards also create an exemption mechanism for public or civic buildings whose form and siting generally differ from the type of development anticipated by these standards.

STAFF ANALYSIS

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

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

(a) Public purpose for the amendment in question.

The public purpose is to clarify what is expected of development in the Downtown, Gateway and TOD areas so that the City can be sure that the standards can be applied as intended and developers can clearly understand what is required. A second purpose is to increase the physical quality, economic viability, pedestrian orientation and visual distinctiveness of these areas.

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

Staff has studied design standards and architectural guidelines from many cities and synthesized the findings with the existing standards while trying to avoid expanding the scope and length of the standards unnecessarily. Staff has also consulted with the Planning Commission and Design Review Board. The resulting standards address Community Development's concerns with the existing standards and provide a solid regulatory framework for future development.

(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.
- (d) 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.
- (e) Adverse impacts on adjacent land owners.
 - There will be no adverse impacts on adjacent land owners with the approval of this amendment as it does not affect the permitted height, setbacks, lot coverage or other geometric standards of the underlying zones.
- (f) Verification of correctness in the original zoning or General Plan for the area in question.
 - The current zoning for the area in question is correct.
- (g) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.Not applicable.

CONCLUSIONS

Staff concludes that the adoption of these amendments will increase the clarity and predictability of downtown design standards for applicants. These amendments will improve the ability of staff to evaluate a proposals compliance with the standards. Lastly, these amendments will ensure quality design as Provo's Downtown continues to change and develop.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval to the City Council of the amendments to Section 14.34.295, Downtown Development Design Standards.

14.34.295 Downtown Development Design Standards

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1) Applicability 2 a) In addition to the requirements of 14.34.280 – Design Review and, the following 3 standards shall apply in the DT1, DT2, GW, and ITOD zones including any PF or PRO 4 zones fully enclosed within the area of these zones: 5 6 b) These standards shall apply to all new construction, additions, and renovations, 7 including alterations to a building's site. c) Exceptions 8 9 i) The Design Review Committee and the Planning Commission may approve an alternative design arrangement equal to or better than the requirements set forth in 10 this section. 11 ii) The Design Review Committee and the Planning Commission may approve an 12 exception from any portion of these standards for buildings constructed by a public 13 14 entity for a public use. iii) Such a request shall be made in writing as part of the proposed projects required 15 application. 16 17 iv) The Design Review Committee and the Planning Commission shall make specific findings justifying the alternate design arrangement or design exception based on the 18 following criteria. 19 (1) The proposed design remains generally compliant with the spirit and intent of 20 these standards. 21 22 (2) The proposed design engages and activates the public realm consistent with the intent of these standards. 23 (3) The proposed design contributes positively to the high standards of construction. 24 25 urban design and vitality desired for Downtown Provo. 2) Building Design 26 a) Ground Floor Treatment 27 28 i) Ground Floor Treatment along Primary Streets

(1) Design ground floor space on primary streets for retail or other active uses,

orienting tenant spaces to the street and maximizing storefronts and entries

along the sidewalks to sustain street level interest and promote pedestrian traffic.

32 33 34		(2) Wall openings, such as storefronts, windows and doors, shall comprise at least 60% of a building's street level façade, measured as a percentage of wall area between the ground plane and the first floor ceiling.
35 36		(a) Bulkhead walls within storefront bays are counted as wall openings for the purpose of this calculation.
37 38 39		(b) Wall openings shall be distributed along the length of the façade to avoid expanses of blank wall. For example, a 100 foot façade with 60 feet of continuous windows and 40 feet of continuous wall is not permitted.
40		(3) Fully opening storefront wall systems are encouraged.
41	ii)	Ground Floor Treatment along Secondary Streets
42 43		(1) Design ground floor space facing secondary streets to accommodate habitable space and to avoid blank walls and visible parking.
44 45 46 47		(2) The ground floor treatment of those uses, except residential units with individual entries, should be similar to that of retail space, except that wall openings, such as storefronts, windows and doors, shall comprise at least 50% of the street level façade, measured as a percentage of frontage length.
48 49 50		(3) Residential units with individual entries should include windows on the ground floor that look out onto the street, with wall openings comprising at least 30% of the street level façade, measured as a percentage of frontage length.
51	iii)	Ground Floor Treatment along All Streets
52 53 54 55		(1) Clear glass for wall openings, i.e., doors and windows, shall be used along all street-level façades for maximum transparency, especially in conjunction with retail uses. Tinted, mirrored or opaque glazing is not permitted for any required wall opening along street level façades.
56 57 58		(2) Articulation and detailing of the ground floor street wall with pedestrian entrances, storefronts, quality materials and decorative details, shall be used to promote pedestrian-scaled architecture along the street.
59 60 61		(a) The design of street level building features such as bulkheads, plinths, wainscots and cornices, shall derive their proportions from the ground floor or base levels of the building.
62 63 64		(i) Monumental scale features can be considered when part of a multi-story building base such as a two story base with engaged columns where the column pedestals are scaled proportionally to the two story column.
65 66 67		(3) Breaks in the street wall should be limited to those necessary to accommodate pedestrian pass-throughs, public plazas, entry forecourts, permitted vehicular access driveways, and hotel drop-offs.

68	(4) Storefront design shall encourage variety by permitting tenants to select
69	individualized awnings and storefront designs.
70	(5) Ground floors shall include features that enhance the character of the street wall
71	and/or help define the pedestrian environment along the sidewalk, such as
72	canopies, awnings, overhangs, and lighting.
73	(6) Awnings and canopies shall be fabricated of woven fabric, glass, metal or other
74	permanent material compatible with the building architecture. Internally
75	illuminated, closed-bottom, or vinyl awnings are not permitted.
76	(7) Electrical service, mechanical, or other equipment, enclosed stairs, storage
77	spaces, blank walls, and other elements that are not pedestrian-oriented shall not
78	be located along the ground floor street wall unless required by applicable code
79	and no workable alternative location exists.
30	iv) Pedestrian Building Entrances
81	(1) Pedestrian building entrances shall
82	(a) meet the spatial requirements set forth in Table 14.34.295-1
83	Pedestrian Building Entrance (PBE) Requirements;
84	(b) contain a door providing direct pedestrian access into a building;
85	(c) directly access an interior and enclosed commercial tenant space,
86	public lobby, or residential unit;
87	(d) be directly accessible from and directly adjacent to the sidewalk; and
88	(e) prevent doors from swinging into the public right-of-way or beyond the
89	front façade line of the building when opened.
90 91	(2) Fire exit doors, doors to fire riser rooms or other mechanical spaces, and doors to exterior courtyards shall not qualify as pedestrian building

entrances.

Table 14.34.29	5-1 Pedestrian Build	ding Entran	ce (PBE) Requiremer	nts
Frontage Type	Commercial		Resider	tial
	Center Street (500 W - 100 E)	Other Street	Primary Street	Secondary Street
PBE's Required for Each Street-facing Façade	1 per 25 feet (1 min.)	1 per 35 feet (1 min.)	1 per street- fronting ground floor unit	1 per street- fronting ground floor unit
Maximum Spacing	38 feet	50 feet	38 feet	75 feet

93	b)	Ard	chitectural Detail
94		i)	Horizontal Articulation
95 96 97			(1) Articulate the horizontal plane of a building to provide visual interest and enrich the pedestrian experience, while contributing to the quality and definition of the street wall.
98 99			(2) Avoid extensive blank walls that detract from the experience and appearance of an active streetscape.
100 101			(3) Horizontal variation should be of an appropriate scale and reflect changes in the building uses or structure. Consider both small scale and large scale articulation.
102 103			(4) Vary details and materials horizontally to provide scale and three-dimensional qualities to the building.
104 105 106 107			(5) Provide well-marked entrances to cue access and use. Enhance all public entrances to a building or use through compatible architectural or graphic treatment. Main building entrances should read differently from retail storefronts, restaurants, and commercial entrances.
108		ii)	Vertical Articulation
109 110			(1) Differentiate the ground floor façade, and feature high quality materials that add human scale, texture and variety at the pedestrian level.
111 112 113			(2) Provide an identifiable break between the building's ground floors and upper floors. This break may include a change in material, horizontal dividing element, a change in fenestration pattern or similar means.
114 115 116			(3) Vertically articulate the street wall façade, establishing different treatment for the building's base, middle and top. Use balconies, fenestration, shading devices, or other elements to create an interesting pattern of projections and recesses.
117 118			(4) The primary visual division of the building shall emphasize a vertical orientation with vertical features overiding horizontal features.
119 120			(5) In order to respect existing historic datums, the cornice or roof line of historic structures should be reflected with a demarcation on new adjacent structures.
121 122 123			(6) Where appropriate, employ shade and shadow created by reveals, surface changes, overhangs and sunshades to provide sun control benefits and visual interest on façades exposed to the sun.
124		iii)	Windows and Balconies
125			(1) Windows
126 127			(a) All windows and doors, with the exception of ground level storefronts, shall be square or vertical in proportion.

128	(b) Ganged or mulled windows shall have a structurally independent mullion
129	separating each individual window.
130	(c) Curtain wall systems may be utilized with or without exterior mullion covers.
131	(d) Minor divisions created by muntins or individual windows in window groups
132	that are horizontal in proportion may be permitted as long as the complete
133	window or window group remains square or vertical in proportion.
134	(e) "Punched" doors and windows, or those completely surrounded by wall
135	cladding, shall include a shadow line or reveal which sets the window or door
136	unit back from the face of the wall a distance at least the depth of adjacent
137	cladding.
138	(f) Doors and windows that operate as horizontal sliders are prohibited on street
139	facing facades except on balconies where the use of sliding doors may
140	provide for better utilization of floor space. Permissible window operation
141	types include single and double-hung, casement, awning and pivot.
142	(g) Glass Above the First Story
143	(i) For buildings with frontage on Center Street from 500 West to the Eastern
144	boundary of the zones to which these standards apply, glass above the
145	first story shall not exceed 70 percent of the total building wall area, with
146	each facade being calculated independently.
147	(ii) For all other buildings, no maximum glass percentage is established, but
148	the use of other materials may be required to meet other requirements of
149	these standards.
150	(h) Horizontal banding of windows across a building façade is not permitted.
151	(i) Opaque, painted, dark tinted, and mirrored glass windows are prohibited.
152	(2) Balconies
153 154	(a) Balconies consisting of a minimum area of fifty (50) square feet shall be provided for at least fifty (50) percent of all residential units.
155	(b) The design and of balconies and associated railings shall be integrated into
156	the overall building design.
157	(c) Drainage from projecting balconies shall be captured and directed into the
158	building's storm water collection system.
159	(d) Balconies may be inset into the building or may project into the street right-of-
160	way a maximum of five feet so long as ten (10) feet of vertical clearance is
161	provided between the sidewalk and the balcony and the required ground floor
162	height is maintained.

163 164 165 166				(e) Storage on balconies is limited to items such as tables, chairs, barbecue grills, and similar outdoor furniture. All new projects with residential units shall be required, as a condition of approval, to include language in their rental contracts or CC&Rs that restricts storage on balconies to acceptable items.
167			iv)	Materials
168 169				(1) Buildings shall aim for a "timeless design" and employ sustainable materials and careful detailing that have proven longevity.
170 171				(2) Feature long-lived and sustainable materials. The material palette should provide variety, reinforce massing and changes in the horizontal or vertical plane.
172				(3) Use especially durable materials on ground floor façades.
173				(4) The following materials are not permitted.
174				(a) Any material not intended or designed as an architectural finish product.
175				(b) Vinyl siding.
176				(c) Fiber reinforced plastic.
177				(d) Artificial or cultured stone such as faux cobble, ashlar or stacked stone.
178 179				(i) This prohibition does not include GFRC, other architectural cast concrete materials, terra-cotta or similar materials.
180 181				(5) Hard coat stucco or exterior insulated finish system (EIFS) is limited to 10% of façade area calculated for each façade independently.
182 183				(a) Common or party walls directly abutting an adjacent building wall shall not be subject to this limitation.
184 185				(b) Any interior façade without direct visual exposure to a street shall not be subject to this limitation.
186 187				(c) The above materials may not be used on the ground floor of any street facing façade.
188 189 190 191 192				(6) In all portions of new buildings that are located within one hundred (100) feet of a railroad right-of-way, interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room. Applicants shall provide documentation from a licensed acoustical engineer that demonstrates the achievement of the required 45 dBA CNEL.
193	3)	Pai	rkin	ng, Access and Site Design
194		a)	All	Parking and Access
195 196		-	i)	Locate parking, loading and vehicular circulation to minimize its visibility from the public right-of-way.

197 ii) All new parking facilities intended for public use shall employ occupancy tracking technology and electronic displays to communicate the availability and location of 198 spaces to patrons. 199 iii) Except for the minimum ground-level frontage required for access to parking and 200 loading, no parking or loading shall be visible on the ground floor of any building 201 façade that faces a public right-of-way. 202 iv) Curb cuts and parking/loading entries into buildings shall be limited to the minimum 203 number required and the minimum width permitted by city code. 204 v) Vehicular access shall be from an alley or at mid-block. 205 206 vi) Vehicular access is not permitted from Center Street vii) Parking and loading access shall be shared where feasible. 207 208 viii) Drive-through service aisles are not permitted. b) Above Grade Parking Structures 209 i) Where parking above the ground floor that is not lined with habitable space is 210 permitted, the parking levels fronting on a public street shall be architecturally 211 integrated with the design of the lower building façade and subject to all 212 213 requirements of these standards for building façades. ii) A maximum of four (4) above ground parking levels that are not lined with habitable 214 215 space may front a public street, counted at each street facing elevation. 216 iii) Parked vehicles shall be obscured from view on parking levels fronting on the public 217 right-of-way. The parked vehicles shall be obscured from any point of view in the area extending from the face of the parking structure to the edge of right-of-way on 218 the opposite side of the street up to an elevation of eight (8) feet. 219 iv) Where a vehicular exit from a parking structure is located within five (5) feet of the 220 back of sidewalk, an appropriate combination of visual and audible alarms, as 221 determined by the parking coordinator, shall be installed to warn pedestrians and 222 cyclists of exiting vehicles. 223 v) Vehicular access should be located to avoid conflicts with the primary pedestrian 224 225 routes to and from the garage. vi) Provide well-marked, well-lit pedestrian entrances to cue access and use. Enhance 226 227 pedestrian entrances through architectural or graphic treatment. vii) Pedestrian entrances shall be provided with an exterior awning or canopy, or be 228 recessed into the building to provide weather protection. 229 viii) Use vertical circulation elements such as stairways and elevators to create focal 230 elements on above grade garage facades and to increase the legibility of pedestrian 231 circulation. 232

233 ix) Vertical pedestrian circulation such as stairways and elevators shall be located at 234 exterior street fronting faces of above grade garages and be immediately accessible from pedestrian entrances. 235 c) Site Design 236 i) Mechanical and other utility equipment shall not be located on street facing facades, 237 balconies, or in yards located between the public right of way and the building. 238 ii) Rooftop mechanical equipment shall have an opaque screening barrier that is 239 architecturally compatible with the primary structure. Only the minimal amount of 240 screening necessary to fully screen such equipment shall be used. 241 iii) Provide street furniture outside of ground floor retail, such as tables and chairs, 242 signage and lighting as prescribed in the Downtown Streetscape Standards. 243 iv) Mediate between public and private space on residential frontages. This requirement 244 may be met with the following strategies. 245 (1) Use foundation plantings to provide separation between residential units and the 246 247 sidewalk. 248 (2) Design porches, stoops and railings to provide intermediate semi-private spaces. 249 (3) Employ elevation changes to delineate the progression from public space 250 through semi-private space into interior private space. 251 v) Provide access from rear parking to street front business entrances. 252 4) Open Space and Pedestrian Linkages 253 a) Pedestrian Linkages - Provide convenient linkages that facilitate movement for 254 pedestrians throughout the downtown, and to and from adjacent neighborhoods. i) Accommodate and construct pedestrian linkages as shown in the Downtown Master 255 Plan. 256 ii) Use visual and physical cues within the design of the building and building entries to 257 express connections to pedestrian linkages and to adjacent neighborhoods. 258 iii) Orient private and public open spaces and plazas to trails and pedestrian linkages. 259 iv) Create visual and physical links across major corridors such as 500 West, Freedom 260 Blvd., University Avenue, 100 North, 300 South and the railroad corridor. 261 5) Special District Standards 262 a) Startup District - This District includes all areas South of 300 South, West of University 263 Avenue and North of the Union Pacific Railroad right-of-way that are within the zones to 264 which these standards apply. The Startup District is a vibrant urban neighborhood of 265 mixed commercial and residential uses. The district's history is characterized by 266

warehousing, manufacturing, and service industries. Many of the districts older buildings

are being converted for a mix of office, retail, creative and residential use. This guideline can be accomplished by:

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- Drawing on the urban warehouse and manufacturing character of the Startup District when altering existing buildings and when designing new structures.
- ii) Continuing the urban warehouse and manufacturing character of the Startup District through site design including the design of building sites and open spaces.
- iii) Adding buildings which diversify the architectural language and palette of materials.
- iv) Celebrating and encouraging the concentration of creative businesses, service establishments and art studios with design features that contribute to the Startup District's ambiance. Consider features that provide connectivity and continuity such as awnings, street banners, special graphics, and streetscape color coordination, which link shops, galleries, entrances, display windows and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the creative businesses.
- b) Central Center Street Corridor. This District includes the North and South sides of Center Street, from 500 West to 100 East and adjacent cross street block faces. Center Street is the primary historic commercial and civic corridor of Provo City. The corridor is characterized by two to three story commercial buildings and iconic civic and religious structures. The primary commercial building form is the commercial block with a ground floor composed of a commercial storefront framed by masonry piers below primarily masonry upper stories with regularly spaced windows. Civic and religious buildings vary from this form but are primarily characterized by their monumental scale and siting within a public open space separating them from the surrounding streets. This guideline can be accomplished by:
 - i) Employing the historic commercial block form in new development.
 - ii) Respecting historic compositional and massing conventions when introducing contemporary architectural styles.
 - iii) Referencing historic patterns of vertical and horizontal façade division in new buildings.
 - iv) Maintaining the uniform setback of the existing street wall.
 - v) Filling the lot from side lot line to side lot line including using offset footings to eliminate even small gaps between buildings
 - vi) Providing pedestrian entrances on Center Street to upper stories or building lobbies.
 - vii) Designing buildings with a unified tripartite composition (base/middle/top), and distinct cornice lines to acknowledge the historic building context.
 - viii) Using masonry as the primary material, while introducing other materials sparingly.
 - ix) Designing ground floors with attention to human scale by

305 306 307	(1) Scaling ground floor façade features, such as storefront and entrances, as sub- elements of the ground floor level, while designing the overall ground floor level as a sub-element of the entire building façade.
308	(2) Employing materials with textural and tactile interest.
309	(3) Designing storefronts with vestibules.

The Provo City Community Development Department requests amendments to Section 14.34.295 Downtown Development Design Standards to clarify architectural requirements in the Downtown Zones

Central Business District, Joaquin, Maeser, Franklin, and Timp Neighborhoods 16-0005OA

1	14	.34.	295	Downtown Development Design Standards
2	1)	Ар	plic	ability
3 4 5		•	In a	addition to the requirements of 14.34.280 – Design Review, the following standards all apply in the DT1, DT2, GW, and ITOD zones including any PF or PRO zones fully closed within the area of these zones:
6 7		b)		ese standards shall apply to all new construction, additions, and renovations, luding alterations to a building's site.
8		c)	Ex	ceptions
9 10 11			i)	The Design Review Committee and the Planning Commission may approve an alternative design arrangement equal to or better than the requirements set forth in this section.
12 13 14			ii)	The Design Review Committee and the Planning Commission may approve an exception from any portion of these standards for buildings constructed by a public entity for a public use.
15 16			iii)	Such a request shall be made in writing as part of the proposed project's required application.
17 18 19			iv)	The Design Review Committee and the Planning Commission shall make specific findings justifying the alternate design arrangement or design exception based on th following criteria.
20 21				(1) The proposed design remains generally compliant with the spirit and intent of these standards.
22 23				(2) The proposed design engages and activates the public realm consistent with the intent of these standards.
24 25				(3) The proposed design contributes positively to the high standards of construction urban design and vitality desired for Downtown Provo.
26	2)	Bu	iildi	ng Design
27		a)	Gr	ound Floor Treatment
28			i)	Ground Floor Treatment along Primary Streets
29 30 31				(1) Design gGround floor space on primary streets shall be designed for retail or other active uses, orienting tenant spaces to the street and maximizing storefronts and entries along the sidewalks to sustain street level interest and

promote pedestrian traffic.

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14.34.295 Downtown Development Design Standards
1) Applicability

- a) In addition to the requirements of 14.34.280 Design Review, the following standards shall apply in the DT1, DT2, GW, and ITOD zones including any PF or PRO zones fully enclosed within the area of these zones:
- b) These standards shall apply to all new construction, additions, and renovations, including alterations to a building's site.

c) Exceptions

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- i) The Design Review Committee and the Planning Commission may approve an alternative design arrangement equal to or better than the requirements set forth in this section.
- ii) The Design Review Committee and the Planning Commission may approve an exception from any portion of these standards for buildings constructed by a public entity for a public use.
 - iii) Such a request shall be made in writing as part of the proposed project's required application.
- iv) The Design Review Committee and the Planning Commission shall make specific findings justifying the alternate design arrangement or design exception based on the following criteria.
 - (1) The proposed design remains generally compliant with the spirit and intent of these standards.
 - (2) The proposed design engages and activates the public realm consistent with the intent of these standards.
 - (3) The proposed design contributes positively to the high standards of construction, urban design and vitality desired for Downtown Provo.

6 2) Building Design

- a) Ground Floor Treatment
- i) Ground Floor Treatment along Primary Streets
- (1) Ground floor space on primary streets shall be designed for retail or other active uses, orienting tenant spaces to the street and maximizing storefronts and entries along the sidewalks to sustain street level interest and promote pedestrian traffic.

33 34 35	(2) Wall openings, such as storefronts, windows and doors, shall comprise at least 60% of a building's street level façade, measured as a percentage of wall area between the ground plane and the first floor ceiling.	
36 37	(a) Bulkhead walls within storefront bays are counted as wall openings for the purpose of this calculation.	
38 39 40	(b) Wall openings shall be distributed along the length of the façade to avoid expanses of blank wall. For example, a 100 foot façade with 60 feet of continuous windows and 40 feet of continuous wall is not permitted.	
41	(3) Fully opening storefront wall systems are encouraged.	Commented [BJ1]: This is intended just get the idea in front of them rather than to carry any legal weight?
42	ii) Ground Floor Treatment along Secondary Streets	(
43 44	(1) Design gGround floor space facing secondary streets shall be designed to accommodate habitable space and to avoid blank walls and visible parking.	
45 46 47 48	(2) The ground floor treatment of those uses, except residential units with individual entries, should be similar to that of retail space, except that wall openings, such as storefronts, windows and doors, shall comprise at least 50% of the street level façade, measured as a percentage of frontage length.	Commented [BJ2]: This makes it sound optional.
49 50 51	(3) Residential units with individual entries should include windows on the ground floor that look out onto the street, with wall openings comprising at least 30% of the street level façade, measured as a percentage of frontage length.	Commented [BJ3]: Same. Needs to be "shall" if you want it required.
52	iii) Ground Floor Treatment along All Streets	
53 54 55 56	(1) Clear glass for wall openings, i.e., doors and windows, shall be used along all street-level façades for maximum transparency, especially in conjunction with retail uses. Tinted, mirrored or opaque glazing is not permitted for any required wall opening along street level façades.	
57 58 59	(2) Articulation and detailing of the ground floor street wall with pedestrian entrances, storefronts, quality materials and decorative details, shall be used to promote pedestrian-scaled architecture along the street.	
60 61 62	 (a) The design of street level building features such as bulkheads, plinths, wainscots and cornices, shall derive their proportions from the ground floor or base levels of the building. 	
63 64 65	 (i) Monumental scale features can be considered when part of a multi-story building base such as a two story base with engaged columns where the column pedestals are scaled proportionally to the two story column. 	
66 67 68	(3) Breaks in the street wall should be limited to those necessary to accommodate pedestrian pass-throughs, public plazas, entry forecourts, permitted vehicular access driveways, and hotel drop-offs.	Commented [BJ4]: Shall?

- (2) Wall openings, such as storefronts, windows and doors, shall comprise at least 60% of a building's street level façade, measured as a percentage of wall area between the ground plane and the first floor ceiling.
 - (a) Bulkhead walls within storefront bays are counted as wall openings for the purpose of this calculation.
 - (b) Wall openings shall be distributed along the length of the façade to avoid expanses of blank wall. For example, a 100 foot façade with 60 feet of continuous windows and 40 feet of continuous wall is not permitted.
- (3) Fully opening storefront wall systems are permitted.
- ii) Ground Floor Treatment along Secondary Streets

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- (1) Ground floor space facing secondary streets shall be designed to accommodate habitable space and to avoid blank walls and visible parking.
- (2) The ground floor treatment of those uses, except residential units with individual entries, shall be similar to that of retail space, except that wall openings, such as storefronts, windows and doors, shall comprise at least 50% of the street level façade, measured as a percentage of frontage length.
- (3) Residential units with individual entries shall include windows on the ground floor that look out onto the street, with wall openings comprising at least 30% of the street level façade, measured as a percentage of frontage length.
- iii) Ground Floor Treatment along All Streets
 - (1) Clear glass for wall openings, i.e., doors and windows, shall be used along all street-level façades for maximum transparency, especially in conjunction with retail uses. Tinted, mirrored or opaque glazing is not permitted for any required wall opening along street level façades.
 - (2) Articulation and detailing of the ground floor street wall with pedestrian entrances, storefronts, quality materials and decorative details, shall be used to promote pedestrian-scaled architecture along the street.
 - (a) The design of street level building features such as bulkheads, plinths, wainscots and cornices, shall derive their proportions from the ground floor or base levels of the building.
 - (i) Monumental scale features can be considered when part of a multi-story building base such as a two story base with engaged columns where the column pedestals are scaled proportionally to the two story column.
 - (3) Breaks in the street wall shall be limited to those necessary to accommodate pedestrian pass-throughs, public plazas, entry forecourts, permitted vehicular access driveways, and hotel drop-offs.

69 70		(4)	Storefront design shall encourage variety by permitting tenants to select individualized awnings and storefront designs.
71 72 73		(5)	Ground floors shall include features that enhance the character of the street wall and/or help define the pedestrian environment along the sidewalk, such as canopies, awnings, overhangs, and lighting.
74 75 76		(6)	Awnings and canopies shall be fabricated of woven fabric, glass, metal or other permanent material compatible with the building architecture. Internally illuminated, closed-bottom, or vinyl awnings are not permitted.
77 78 79 80		(7)	Electrical service, mechanical, or other equipment, enclosed stairs, storage spaces, blank walls, and other elements that are not pedestrian-oriented shall not be located along the ground floor street wall unless required by applicable code and no workable alternative location exists.
81	iv)	Pe	destrian Building Entrances
82		(1)	Pedestrian building entrances shall <u>:</u>
83 84			(a) meet the spatial requirements set forth in Table 14.34.295-1 Pedestrian Building Entrance (PBE) Requirements;
85			(b) contain a door providing direct pedestrian access into a building;
86 87			(c) directly access an interior and enclosed commercial tenant space, public lobby, or residential unit;
88			(d) be directly accessible from and directly adjacent to the sidewalk; and
89 90			(e) prevent doors from swinging into the public right-of-way or beyond the front façade line of the building when opened.
91 92 93		(2)	Fire exit doors, doors to fire riser rooms or other mechanical spaces, and doors to exterior courtyards shall not qualify as pedestrian building entrances.

Table 14.34.29	95-1 Pedestrian Build	ding Entran	ce (PBE) Requireme	ents
Frontage Type	Commercial		Reside	ential
	Center Street (500 W - 100 E)	Other Street	Primary Street	Secondary Street
PBE's Required for Each Street-facing Façade	1 per 25 feet (1 min.)	1 per 35 feet (1 min.)	1 per street- fronting ground floor unit	1 per street- fronting ground floor unit
Maximum Spacing	38 feet	50 feet	38 feet	75 feet

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	70	individualized awnings and storefront designs.
ne street wall	71	(5) Ground floors shall include features that enhance the character of the street wall
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	73	canopies, awnings, overhangs, and lighting.
etal or other	74	(6) Awnings and canopies shall be fabricated of woven fabric, glass, metal or other
ally	75	permanent material compatible with the building architecture. Internally
	76	illuminated, closed-bottom, or vinyl awnings are not permitted.
storage	77	(7) Electrical service, mechanical, or other equipment, enclosed stairs, storage
nted shall not	78	spaces, blank walls, and other elements that are not pedestrian-oriented shall not
licable code	79	be located along the ground floor street wall unless required by applicable code
	80	and no workable alternative location exists.
	81	iv) Pedestrian Building Entrances
	82	(1) Pedestrian building entrances shall:
	83	(a) meet the spatial requirements set forth in Table 14.34.295-1
	84	Pedestrian Building Entrance (PBE) Requirements;
- ;	85	(b) contain a door providing direct pedestrian access into a building;
æ,	86	(c) directly access an interior and enclosed commercial tenant space,
	87	public lobby, or residential unit;
and	88	(d) be directly accessible from and directly adjacent to the sidewalk; and
nd the	89	(e) prevent doors from swinging into the public right-of-way or beyond the
	90	front façade line of the building when opened.
, and	91	(2) Fire exit doors, doors to fire riser rooms or other mechanical spaces, and
	92	doors to exterior courtyards shall not qualify as pedestrian building
	93	entrances.

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Frontage Type	Commercial		Reside	ential
	Center Street (500 W - 100 E)	Other Street	Primary Street	Secondary Street
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Maximum Spacing	38 feet	50 feet	38 feet	75 feet

94	b) Architectural Detail	
95	i) Horizontal Articulation	
96 97 98	(1) Articulate tThe horizontal plane of a building shall be articulated to provide visual interest and enrich the pedestrian experience, while contributing to the quality and definition of the street wall.	
99 100	(2) Avoid eExtensive blank walls that detract from the experience and appearance of an active streetscape shall not be permitted.	
101 102	(3) Horizontal variation should be of an appropriate scale and reflect changes in the building uses or structure. Consider both small scale and large scale articulation.	Commented [BJ5]: Shall? Commented [BJ6]: This also sounds optional
103 104	(4) Vary dDetails and materials shall be varied horizontally to provide scale and three-dimensional qualities to the building.	
105 106 107 108	(5) Provide wVell-marked entrances shall be provided to cue access and use. Enhance aAll public entrances to a building or use shall be enhanced through compatible architectural or graphic treatment. Main building entrances should read differently from retail storefronts, restaurants, and commercial entrances.	Commented [BJ7]: Shall?
109	ii) Vertical Articulation	
110 111 112	(1) Differentiate tThe ground floor façade shall be differentiated, and shall feature high quality materials that add human scale, texture and variety at the pedestrian level.	
113 114 115	(2) Provide aAn identifiable break between the building's ground floors and upper floors shall be provided. This break may include a change in material, horizontal dividing element, a change in fenestration pattern or similar means.	
116 117 118 119	(3) Vertically articulate tThe street wall façade shall be vertically articulated, establishing different treatment for the building's base, middle and top. Use bBalconies, fenestration, shading devices, or other elements shall be used to create an interesting pattern of projections and recesses.	
120 121	(4) The primary visual division of the building shall emphasize a vertical orientation with vertical features overiding horizontal features.	
122 123	(5) In order to respect existing historic datums, the cornice or roof line of historic structures should be reflected with a demarcation on new adjacent structures.	Commented [BJ8]: Shall?
124 125 126	(6) Where appropriate, employ shade and shadow created by reveals, surface changes, overhangs, and sunshades shall be employed to provide sun control benefits and visual interest on façades exposed to the sun.	

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- i) Horizontal Articulation
- (1) The horizontal plane of a building shall be articulated to provide visual interest and enrich the pedestrian experience, while contributing to the quality and definition of the street wall.
- (2) Extensive blank walls that detract from the experience and appearance of an active streetscape shall not be permitted.
- (3) Horizontal variation shall be of an appropriate scale and reflect changes in the building uses or structure. Consider both small scale and large scale articulation.
- (4) Details and materials shall be varied horizontally to provide scale and threedimensional qualities to the building.
- (5) Well-marked entrances shall be provided to cue access and use. All public entrances to a building or use shall be enhanced through compatible architectural or graphic treatment. Main building entrances shall read differently from retail storefronts, restaurants, and commercial entrances.
- ii) Vertical Articulation
 - (1) The ground floor façade shall be differentiated and shall feature high quality materials that add human scale, texture and variety at the pedestrian level.
 - (2) An identifiable break between the building's ground floors and upper floors shall be provided. This break may include a change in material, horizontal dividing element, a change in fenestration pattern or similar means.
 - (3) The street wall façade shall be vertically articulated, establishing different treatment for the building's base, middle and top. Balconies, fenestration, shading devices, or other elements shall be used to create an interesting pattern of projections and recesses.
 - (4) The primary visual division of the building shall emphasize a vertical orientation with vertical features overiding horizontal features.
 - (5) In order to respect existing historic datums, the cornice or roof line of historic structures shall be reflected with a demarcation on new adjacent structures.
 - (6) Where appropriate, shade and shadow created by reveals, surface changes, overhangs, and sunshades shall be employed to provide sun control benefits and visual interest on façades exposed to the sun.

127	iii) Windows <u>, Doors,</u> and Balconies	126	iii) Windows, Doors, and Balconies
128	(1) Windows <u>and Doors</u>	127	(1) Windows and Doors
129 130	(a) All windows and doors, with the exception of ground level storefronts, shall be square or vertical in proportion.	128 129	(a) All windows and doors, with the exception of ground level storefronts, shall be square or vertical in proportion.
131 132	(b) Ganged or mulled windows shall have a structurally independent mullion separating each individual window.	130 131	(b) Ganged or mulled windows shall have a structurally independent mullion separating each individual window.
133	(c) Curtain wall systems may be utilized with or without exterior mullion covers.	132	(c) Curtain wall systems may be utilized with or without exterior mullion covers.
134 135 136	(d) Minor divisions created by muntins or individual windows in window groups that are horizontal in proportion may be permitted as long as the complete window or window group remains square or vertical in proportion.	133 134 135	(d) Minor divisions created by muntins or individual windows in window groups that are horizontal in proportion may be permitted as long as the complete window or window group remains square or vertical in proportion.
137 138 139 140	(e) "Punched" doors and windows, or those completely surrounded by wall cladding, shall include a shadow line or reveal which sets the window or door unit back from the face of the wall a distance at least equal to the depth of adjacent cladding.	136 137 138 139	(e) "Punched" doors and windows, or those completely surrounded by wall cladding, shall include a shadow line or reveal which sets the window or door unit back from the face of the wall a distance at least equal to the depth of adjacent cladding.
141 142 143 144	(f) Doors and windows that operate as horizontal sliders are prohibited on street facing facades, except on balconies where the use of sliding doors may provide for better utilization of floor space. Permissible window operation types include single and double-hung, casement, awning and pivot.	140 141 142 143	(f) Doors and windows that operate as horizontal sliders are prohibited on street facing facades, except on balconies where the use of sliding doors may provide for better utilization of floor space. Permissible window operation types include single and double-hung, casement, awning and pivot.
145	(g) Glass Above the First Story	144	(g) Glass Above the First Story
146 147 148 149	(i) For buildings with frontage on Center Street from 500 West to the Eastern boundary of the zones to which these standards apply, glass above the first story shall not exceed 70 percent of the total building wall area, with each facade being calculated independently.	145 146 147 148	(i) For buildings with frontage on Center Street from 500 West to the Eastern boundary of the zones to which these standards apply, glass above the first story shall not exceed 70 percent of the total building wall area, with each facade being calculated independently.
150 151 152	(ii) For all other buildings, no maximum glass percentage is established, but the use of other materials may be required to meet other requirements of these standards.	149 150 151	(ii) For all other buildings, no maximum glass percentage is established, but the use of other materials may be required to meet other requirements of these standards.
153	(h) Horizontal banding of windows across a building façade is not permitted.	152	(h) Horizontal banding of windows across a building façade is not permitted.
154	(i) Opaque, painted, dark tinted, and mirrored glass windows are prohibited.	153	(i) Opaque, painted, dark tinted, and mirrored glass windows are prohibited.
155	(2) Balconies	154	(2) Balconies
156 157	(a) Balconies consisting of a minimum area of fifty (50) square feet shall be provided for at least fifty (50) percent of all residential units.	155 156	(a) Balconies consisting of a minimum area of fifty (50) square feet shall be provided for at least fifty (50) percent of all residential units.
158 159	(b) The design and of balconies and associated railings shall be integrated into the overall building design.	157 158	(b) The design of balconies and associated railings shall be integrated into the overall building design.
160 161	(c) Drainage from projecting balconies shall be captured and directed into the building's storm water collection system.	159 160	(c) Drainage from projecting balconies shall be captured and directed into the building's storm water collection system.

162 163 164 165	(d) Balconies may be inset into the building or may project into the street right-of- way a maximum of five feet so long as ten (10) feet of vertical clearance is provided between the sidewalk and the balcony and the required ground floor height is maintained.		
166 167 168 169	(e) Storage on balconies is limited to items such as tables, chairs, barbecue grills, and similar outdoor furniture. All new projects with residential units shall be required, as a condition of approval, to include language in their rental contracts or CC&Rs that restricts storage on balconies to acceptable items.		
170	iv) Materials		
171 172	(1) Buildings shall aim for a "timeless design" and employ sustainable materials and careful detailings that have proven longevity.		mmented [BJ9]: What has proven longevity? The
173 174 175	(2) Feature IL ong-lived and sustainable materials shall be featured. The material palette should provide variety and, reinforce massing and changes in the horizontal or vertical plane.	pro We	stainable materials or the careful detailing, or both? "have oven" is plural, so if it applies to detailing that should be plural as all. whented [BJ10]: Is this the best word? What is the bectation?
176	(3) Use e Especially durable materials <u>shall be used</u> on ground floor façades.		mmented [BJ11]: Shall?
177	(4) The following materials are not permitted:	rei	xmmented [BJ12]: Is it supposed to reinforce massing and inforce changes in the plane? If so, my suggested change should in the relis a word missing before changes.
178	(a) Any material not intended or designed as an architectural finish product;		
179	(b) Vinyl siding <mark>;-</mark>		
180	(c) Fiber reinforced plastic <u>; and</u> .		
181	(d) Artificial or cultured stone such as faux cobble, ashlar, or stacked stone.		
182 183	(i) This prohibition does not include GFRC, other architectural cast concrete materials, terra-cotta, or similar materials.		
184 185	(5) Hard coat stucco or exterior insulated finish system (EIFS) shall not exceedis limited to 10% of the façade area, calculated for each façade independently.		
186 187	(a) Common or party walls directly abutting an adjacent building wall shall not be subject to this limitation.		
188 189	(b) Any interior façade without direct visual exposure to a street shall not be subject to this limitation.		
190 191	(c) The above materials <u>listed in this Subsection (5) shallmay</u> not be used on the ground floor of any street facing façade.		
192 193 194 195 196	(6) In all portions of new buildings that are located within one hundred (100) feet of a railroad right-of-way, interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room. Applicants shall provide documentation from a licensed acoustical engineer that demonstrates the achievement noise levels at or belower that demonstrates the		

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d)	Balconies may be inset into the building or may project into the street right-o way a maximum of five feet so long as ten (10) feet of vertical clearance is provided between the sidewalk and the balcony and the required ground floo height is maintained.
e)	Storage on balconies is limited to items such as tables, chairs, barbecue grills, and similar outdoor furniture. All new projects with residential units shabe required, as a condition of approval, to include language in their rental contracts or CC&Rs that restricts storage on balconies to acceptable items.
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/) Materials

- (1) Buildings shall aim for a "timeless design" and employ sustainable materials and careful detailing that have proven longevity.
- (2) Long-lived and sustainable materials shall be used. The material palette shall provide variety and reinforce massing and changes in the horizontal or vertical plane.
- (3) Especially durable materials shall be used on ground floor façades.
- (4) The following materials are not permitted:
 - (a) Any material not intended or designed as an architectural finish product;
 - (b) Vinyl siding;
 - (c) Fiber reinforced plastic; and
 - (d) Artificial or cultured stone such as faux cobble, ashlar, or stacked stone.
 - (i) This prohibition does not include GFRC, other architectural cast concrete materials, terra-cotta, or similar materials.
- (5) Hard coat stucco or exterior insulated finish system (EIFS) shall not exceed 10% of the façade area, calculated for each façade independently.
 - (a) Common or party walls directly abutting an adjacent building wall shall not be subject to this limitation.
 - (b) Any interior façade without direct visual exposure to a street shall not be subject to this limitation.
 - (c) The materials listed in this Subsection (5) shall not be used on the ground floor of any street facing façade.
- (6) In all portions of new buildings that are located within one hundred (100) feet of a railroad right-of-way, interior noise levels attributable to exterior sources shall not exceed 45 dBA CNEL in any habitable room. Applicants shall provide documentation from a licensed acoustical engineer that demonstrates the achievement noise levels at or below the required 45 dBA CNEL.

197	3) Parking, Access and Site Design	
198	a) All Parking and Access	
199 200	i) Locate pParking, loading, and vehicular circulation shall be located to minimize its visibility from the public right-of-way.	
201 202 203	 ii) All new parking facilities intended for public use shall employ occupancy tracking technology and electronic displays to communicate the availability and location of spaces to patrons. 	
204 205 206	iii) Except for the minimum ground-level frontage required for access to parking and loading, no parking or loading shall be visible on the ground floor of any building façade that faces a public right-of-way.	
207 208	iv) Curb cuts and parking/loading entries into buildings shall be limited to the minimum number required and the minimum width permitted by city code.	
209	v) Vehicular access shall be from an alley or at mid-block.	
210	vi) Vehicular access is not permitted from Center Street	
211	vii) Parking and loading access shall be shared where feasible.	
212	viii)Drive-through service aisles are not permitted.	
213	b) Above Grade Parking Structures	
214 215 216 217	i) Where parking above the ground floor that is not lined with habitable space is permitted, the parking levels fronting on a public street shall be architecturally integrated with the design of the lower building façade and be subject to all requirements of these standards for building façades.	
218 219	ii) A maximum of four (4) above ground parking levels that are not lined with habitable space may front a public street, counted at each street facing elevation.	
220 221 222 223	iii) Parked vehicles shall be obscured from view on parking levels fronting on the public right-of-way. The parked vehicles shall be obscured from any point of view in the area extending from the face of the parking structure to the edge of right-of-way on the opposite side of the street up to an elevation of eight (8) feet.	
224 225 226 227	iv) Where a vehicular exit from a parking structure is located within five (5) feet of the back of sidewalk, an appropriate combination of visual and audible alarms, as determined by the parking coordinator, shall be installed to warn pedestrians and cyclists of exiting vehicles.	
228 229	v) Vehicular access <mark>should</mark> be located to avoid conflicts with the primary pedestrian routes to and from the garage.	Commented [BJ13]: Shall?

6 3) Parking, Access and Site Design

a) All Parking and Access

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- i) Parking, loading, and vehicular circulation shall be located to minimize its visibility from the public right-of-way.
- ii) All new parking facilities intended for public use shall employ occupancy tracking technology and electronic displays to communicate the availability and location of spaces to patrons.
- iii) Except for the minimum ground-level frontage required for access to parking and loading, no parking or loading shall be visible on the ground floor of any building façade that faces a public right-of-way.
 - iv) Curb cuts and parking/loading entries into buildings shall be limited to the minimum number required and the minimum width permitted by city code.
- v) Vehicular access shall be from an alley or at mid-block.
 - 9 vi) Vehicular access is not permitted from Center Street
- vii) Parking and loading access shall be shared where feasible.
- viii) Drive-through service aisles are not permitted.
 - b) Above Grade Parking Structures
 - i) Where parking above the ground floor that is not lined with habitable space is permitted, the parking levels fronting on a public street shall be architecturally integrated with the design of the lower building façade and be subject to all requirements of these standards for building façades.
 - ii) A maximum of four (4) above ground parking levels that are not lined with habitable space may front a public street, counted at each street facing elevation.
 - iii) Parked vehicles shall be obscured from view on parking levels fronting on the public right-of-way. The parked vehicles shall be obscured from any point of view in the area extending from the face of the parking structure to the edge of right-of-way on the opposite side of the street up to an elevation of eight (8) feet.
 - iv) Where a vehicular exit from a parking structure is located within five (5) feet of the back of sidewalk, an appropriate combination of visual and audible alarms, as determined by the parking coordinator, shall be installed to warn pedestrians and cyclists of exiting vehicles.
 - v) Vehicular access shall be located to avoid conflicts with the primary pedestrian routes to and from the garage.
 - vi) Well-marked, well-lit pedestrian entrances shall be provided to cue access and use. Pedestrian entrances shall be enhanced through architectural or graphic treatment.

230 231 232	vi) Provide wVvell-marked, well-lit pedestrian entrances shall be provided to cue access and use. Enhance pPedestrian entrances shall be enhanced through architectural or graphic treatment.	
233 234	vii) Pedestrian entrances shall be provided with an exterior awning or canopy, or be recessed into the building to provide weather protection.	
235 236 237	viii) Use vVertical circulation elements such as stairways and elevators shall be used to create focal elements on above grade garage facades and to increase the egibility of pedestrian circulation.	Commented [BJ1
238 239 240	ix) Vertical pedestrian circulation such as stairways and elevators shall be located at exterior street fronting faces of above grade garages and be immediately accessible from pedestrian entrances.	need to be reworded be legible.
241	c) Site Design	
242 243	i) Mechanical and other utility equipment shall not be located on street facing facades, balconies, or in yards located between the public right of way and the building.	
244 245 246	 ii) Rooftop mechanical equipment shall have an opaque screening barrier that is architecturally compatible with the primary structure. Only the minimal amount of screening necessary to fully screen such equipment shall be used. 	
247 248 249	iii) Provide sStreet furniture outside of ground floor retail, such as tables and chairs, signage, and lighting shall be provided as prescribed in the Downtown Streetscape Standards.	
250 251	iv) Design shall Mmediate between public and private space on residential frontages. This requirement may be met with the following strategies.	Commented [BJ
2 52 2 53	(1) Use <u>of</u> foundation plantings to provide separation between residential units and the sidewalk.	
254 255	(2) Design of porches, stoops, and railings to provide intermediate semi-private spaces.	
2 56 2 57	(3) Employ <u>ment of</u> elevation changes to delineate the progression from public space through semi-private space into interior private space.	
258 259	v) Provide aAccess from rear parking to street front business entrances shall be provided.	
260	4) Open Space and Pedestrian Linkages	
261 262 263	 a) Pedestrian Linkages - Provide cConvenient linkages that facilitate movement for pedestrians throughout the downtown, and to and from adjacent neighborhoods, shall be provided. 	
264 265	i) Accommodate and construct pPedestrian linkages as shown in the Downtown Master Plan shall be accommodated and constructed.	

ommented [BJ14]: Is this a design term of art? Or does it ed to be reworded? I don't know how pedestrian circulation can blood be reworded?

Commented [BJ15]: Does this work?

vii) Pedestrian entrances shall be provided with an exterior awning or canopy,	or be
recessed into the building to provide weather protection.	

- viii) Vertical circulation elements such as stairways and elevators shall be used to create focal elements on above-grade garage facades and to increase the visibility of pedestrian access points.
- ix) Vertical pedestrian circulation such as stairways and elevators shall be located at exterior street fronting faces of above grade garages and be immediately accessible from pedestrian entrances.

c) Site Design

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- i) Mechanical and other utility equipment shall not be located on street facing facades, balconies, or in yards located between the public right of way and the building.
- ii) Rooftop mechanical equipment shall have an opaque screening barrier that is architecturally compatible with the primary structure. Only the minimal amount of screening necessary to fully screen such equipment shall be used.
 - iii) Street furniture outside of ground floor retail, such as tables and chairs, signage, and lighting shall be provided as prescribed in the Downtown Streetscape Standards.
 - iv) Design shall mediate between public and private space on residential frontages. This
 requirement may be met with the following strategies.
 - (1) Use of foundation plantings to provide separation between residential units and the sidewalk.
 - (2) Design of porches, stoops, and railings to provide intermediate semi-private spaces.
 - (3) Employment of elevation changes to delineate the progression from public space through semi-private space into interior private space.
 - v) Access from rear parking to street front business entrances shall be provided.

4) Open Space and Pedestrian Linkages

- a) Pedestrian Linkages Convenient linkages that facilitate movement for pedestrians throughout the downtown, and to and from adjacent neighborhoods, shall be provided.
- i) Pedestrian linkages as shown in the Downtown Master Plan shall be accommodated and constructed.
 - ii) Visual and physical cues within the design of the building and building entries shall be used to express connections to pedestrian linkages and to adjacent neighborhoods.
 - iii) Private and public open spaces and plazas shall be oriented to trails and pedestrian linkages.

- ii) Use vVisual and physical cues within the design of the building and building entries 266 shall be used to express connections to pedestrian linkages and to adjacent neighborhoods. iii) Orient pPrivate and public open spaces and plazas shall be oriented to trails and 269 pedestrian linkages. 271 iv) Create vVisual and physical links shall be created across major corridors such as 500 West, Freedom Blvd., University Avenue, 100 North, 300 South and the railroad 273 corridor. Special District Standards a) Startup District - This District includes all areas South of 300 South, Wwest of 275 University Avenue, and North of the Union Pacific Railroad right-of-way that are within the zones to which these standards apply. The Startup District is a vibrant urban neighborhood of mixed commercial and residential uses. The district's history is 278 characterized by warehousing, manufacturing, and service industries. Many of the district's older buildings are being converted for a mix of office, retail, creative and residential use. Development in this District shall This guideline can be accomplished by: Drawing on the urban warehouse and manufacturing character of the Startup District 282 when altering existing buildings and when designing new structures;
 - ii) Continueing the urban warehouse and manufacturing character of the Startup District through site design including the design of building sites and open spaces;
 - iii) Adding buildings that which diversify the architectural language and palette of materials; and.

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- iv) Celebrateing and encourageing the concentration of creative businesses, service establishments, and art studios with design features that contribute to the Startup District's ambiance. Consideration shall be given to features that provide connectivity and continuity, such as awnings, street banners, special graphics, and streetscape color coordination that, which link shops, galleries, entrances, display windows, and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the creative businesses.
- b) Central Center Street Corridor. This Corridor District includes the North and South sides of Center Street, from 500 West to 100 East and adjacent cross street block faces. Center Street is the primary historic commercial and civic corridor of Provo City. The corridor is characterized by two to three story commercial buildings and iconic civic and religious structures. The primary commercial building form is the commercial block with a ground floor composed of a commercial storefront framed by masonry piers below primarily masonry upper stories with regularly spaced windows. Civic and religious buildings vary from this form but are primarily characterized by their monumental scale and siting within a public open space separating them from the surrounding streets.

 Development in this Corridor shall This guideline can be accomplished by:

Commented [BJ16]: So the eastern boundary is the zone boundary?

Commented [BJ17]: Optional?

Commented [BJ18]: Just a statement to educate them?

iv) Visual and physical links shall be created across major corridors such as 500 West, Freedom Blvd., University Avenue, 100 North, 300 South and the railroad corridor.

5) Special District Standards

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- a) Startup District This District includes all areas south of 300 South, west of University Avenue, north of the Union Pacific Railroad right-of-way and east of the western boundaries of the DT1 and ITOD zones. The Startup District is a vibrant urban neighborhood of mixed commercial and residential uses. The district's history is characterized by warehousing, manufacturing, and service industries. Many of the district's older buildings are being converted for a mix of office, retail, creative and residential use. Development in this District shall:
 - i) Draw on the urban warehouse and manufacturing character of the Startup District when altering existing buildings and when designing new structures;
 - ii) Continue the urban warehouse and manufacturing character of the Startup District through site design including the design of building sites and open spaces;
 - iii) Add buildings that diversify the architectural language and palette of materials; and
 - iv) Celebrate and encourage the concentration of creative businesses, service establishments, and art studios with design features that contribute to the Startup District's ambiance. Consideration shall be given to features that provide connectivity and continuity, such as awnings, street banners, special graphics, and streetscape color coordination that link shops, galleries, entrances, display windows, and buildings. Active ground level retail that opens onto and/or uses the sidewalk can contribute to the attraction of the creative businesses.
- b) Central Center Street Corridor. This Corridor includes the North and South sides of Center Street from 500 West to 100 East and adjacent cross street block faces. Center Street is the primary historic commercial and civic corridor of Provo City. The corridor is characterized by two to three story commercial buildings and iconic civic and religious structures. The primary commercial building form is the commercial block with a ground floor composed of a commercial storefront framed by masonry piers below primarily masonry upper stories with regularly spaced windows. Civic and religious buildings vary from this form but are primarily characterized by their monumental scale and siting within a public open space separating them from the surrounding streets. Development in this Corridor shall:
 - i) Employ the historic commercial block form in new development;
- ii) Respect historic compositional and massing conventions when introducing contemporary architectural styles;
 - iii) Reference historic patterns of vertical and horizontal façade division in new buildings;
- iv) Maintain the uniform setback of the existing street wall;

305	i)	Employing the historic commercial block form in new development:
306 307	ii)	Respecting historic compositional and massing conventions when introducing contemporary architectural styles;-
308 309	iii)	Referenceing historic patterns of vertical and horizontal façade division in new buildings:
310	iv)	Maintaining the uniform setback of the existing street wall;-
311 312	v)	Filling the lot from side lot line to side lot line, including using offset footings to eliminate even small gaps between buildings;
313 314	vi)	Provideing pedestrian entrances on Center Street to upper stories or building lobbies;
315 316	vii)	Designing buildings with a unified tripartite composition (base/middle/top), and distinct cornice lines to acknowledge the historic building context;
317 318	viii)	Us <u>eing</u> masonry as the primary material, while introducing other materials sparingly: and.
319	ix)	Design ing ground floors with attention to human scale by:
320 321 322		(1) Scaling ground floor façade features, such as storefront and entrances, as sub- elements of the ground floor level, while designing the overall ground floor level as a sub-element of the entire building façade;
323		(2) Employing materials with textural and tactile interest; and-
324		(3) Designing storefronts with vestibules.

303 304	v)	Fill the lot from side lot line to side lot line, including using offset footings to eliminate even small gaps between buildings;
305	vi)	Provide pedestrian entrances on Center Street to upper stories or building lobbies;
306 307	vii)	Design buildings with a unified tripartite composition (base/middle/top) and distinct cornice lines to acknowledge the historic building context;
308 309	viii)	Use masonry as the primary material, while introducing other materials sparingly; and
310	ix)	Design ground floors with attention to human scale by:
311 312 313		(1) Scaling ground floor façade features, such as storefront and entrances, as sub- elements of the ground floor level, while designing the overall ground floor level as a sub-element of the entire building façade;
314		(2) Employing materials with textural and tactile interest; and
315		(3) Designing storefronts with vestibules.

Provo City Planning Commission

Report of Action

August 14, 2019

*Item 4 The Provo City Community Development Department requests amendments to Section 14.34.295 Downtown Development Design Standards to clarify architectural requirements in the Downtown Zones. Central Business District, Joaquin, Maeser, Franklin, and Timp Neighborhoods. Josh Yost, 801-852-6408 16-0005OA

The following action was taken by the Planning Commission on the above described item at its regular meeting of August 14, 2019:

CONTINUE

On a vote of 5:1, the Planning Commission continued the above noted application indefinitely.

Motion By: Dave Anderson Second By: Andrew Howard

Votes in Favor of Motion: Andrew Howard, Robert Knudsen, Shannon Ellsworth, Dave Anderson, Laureen Urquiaga

Votes Opposed to Motion: Deborah Jensen *Deborah Jensen was present as Chair.*

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:

As Community Development has processed applications for new development in the zones to which the design standards apply, staff has identified multiple ways in which the Downtown Development Design Standards (the standards), could be improved to better facilitate quality development. The current design standards, while having served well since their inception, contain some elements that are unclear or have led to multiple conflicting interpretations. Also, some numerical standards have also been shown through experience to be too high or too low. Lastly, staff has found regulatory areas that needed to be addressed more thoroughly, added in whole to the standards. The proposed amendment completely replaces the entirety of Section 14.34.295.

The revisions add significant clarity and new regulation in the areas of Ground Floor Treatment, Massing, Architectural Detail, Parking, Access and Site Design, and broader area wide design elements including open space and pedestrian linkages. Also added are special standards for the Startup District and Center Street areas.

CITY DEPARTMENTAL ISSUES

- Public Works expressed three concerns.
 - Instead of an audible and/or visual alert at parking garage exits, require garage exits to meet city clear view triangle requirements.
 - Balconies projecting into the public right of way could be problematic.
 - A desire for 10' minimum setbacks.

NEIGHBORHOOD MEETING DATE

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

NEIGHBORHOOD AND PUBLIC COMMENT

- No Neighborhood Chairs were present during the hearing.
- This item was City-wide or affected multiple neighborhoods.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following: No comments were received.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

Planning Commission discussed the suitability of the proposed amendments for creating comfortable places in the downtown. Concerns were expressed over the interface between public and private realms and appropriate setbacks and the design of such transitional places.

The Commission questioned staff if any projects were in process that would be impacted by these amendments or were expected to make application soon. Staff replied that there were not. Staff and the Commission concurred that additional changes could be made to improve the amendments, including adding diagrams and photographs.

Planning Commission Chair

Director of Community Development

See <u>Key Land Use Policies of the Provo City General Plan</u>, applicable <u>Titles of the Provo City Code</u>, and the <u>Staff Report to the Planning Commission</u> 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.

<u>Legislative items</u> 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