



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo

Regular Meeting Minutes

5:30 PM, Tuesday, January 07, 2020

Room 200, Municipal Council Chambers

351 W. Center Street, Provo, UT 84601

Opening Ceremony

Roll Call

THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor Shannon Ellsworth

Councilor Bill Fillmore

Councilor George Handley

Councilor David Harding

Councilor Travis Hoban

Councilor David Sewell

Councilor David Shipley

Mayor Michelle Kaufusi (5:48 p.m.)

Chief Administrative Officer Wayne Parker

Council Attorney Brian Jones

Council Executive Director Cliff Strachan

Conducting: Council Chair George Handley

Prayer – Sharon Memmott

Pledge of Allegiance - Susan Bramble

Neighborhood Spotlight

1. Introduction of new Chair for the Dixon Neighborhood (Elise Otterson). ([0:12:03](#))

Karen Tapahe, Neighborhood Program Coordinator, introduced Elise Otterson as the Dixon Neighborhood Chair. Ms. Otterson shared with the Council the things she enjoys most about her neighborhood.

Presentations, Proclamations, and Awards

2. A presentation of the Popular Annual Financial Report (PAFR) by the Provo City Finance Division. (20-017) ([0:14:26](#))

David Mortensen, Budget Officer, provided an overview of the 2019 Popular Annual Financial Report (PAFR). The PAFR is a summarized version of the Comprehensive Annual Financial Report, which was presented in the Council Meeting on December 10, 2019. The report demonstrated Provo's healthy financial standing.

Public Comment

Brian Jones, Council Attorney, read the public comment preamble.

Sharon Memmott, Edgemont Neighborhood Vice Chair, spoke to Council about the amount of time neighborhood chair are given to comment on items. Ms. Memmott thought chairs should be allotted more time. ([0:24:53](#))

Pam Jones, Provo, asked for pavers to be added to the landscaping on the medians of Center Street. ([0:26:57](#))

Ken Miller, Provo, spoke about objectionable use of a towing yard on 2000 South. ([0:29:00](#))

Mr. Harding asked City Administrators to consider Ms. Jones request.

Action Agenda

3. The election of the Municipal Council Chair and Vice-chair. (20-001) ([0:32:04](#))

Brian Jones, Council Attorney, explained the process for electing a Chair and Vice-Chair.

Councilor Sewell nominated George Handley to serve as Council Chair.

There were no other nominations. Chair Harding called for a vote on the nomination.

Vote: The nomination was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley in favor.

Councilor Shipley nominated David Harding to serve as Vice-Chair.

There were no other nominations. Chair Harding called for a vote on the nomination.

Vote: The nomination was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley in favor.

4. Resolution 2020-01 acknowledging the election of the Chair and Vice-chair of the Provo Municipal Council for calendar year 2020. (20-001) ([0:35:57](#))

Motion: An implied motion to adopt Resolution 2020-01 as currently constituted, has been made by council rule.

There was no Council discussion.

Chair Harding called for a vote on the implied motion to acknowledge the election of George Handley as Council Chair and David Harding as Vice-Chair.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley in favor.

The newly elected Chair and Vice-Chair took their positions on the dais.

Recess as the Municipal Council and convene as the Redevelopment Agency by unanimous consent.

Redevelopment Agency of Provo

5. The election of the Redevelopment Agency Chair and Vice-chair. (20-001) ([0:38:57](#))

Councilor Handley called for nominations. He nominated David Sewell to be the Chair of the Redevelopment Agency.

There were no other nominations. Mr. Handley called for a vote on the nomination.

Vote: The nomination passed 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley in favor.

Councilor Handley called for nominations for Vice-Chair of the Redevelopment Agency.

Councilor Sewell nominated Shannon Ellsworth.

There were no other nominations. Mr. Handley called for a vote on the nomination.

Vote: The nomination passed 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley in favor.

6. Resolution 2019-RDA-01-07-1 acknowledging the appointment of the Chair and Vice-chair of the Redevelopment Agency of Provo City for calendar year 2020. (20-001) ([0:39:56](#))

Motion: An implied motion to adopt Resolution 2019-RDA-01-07-1 as currently constituted, has been made by council rule.

Mr. Handley called for a vote on the implied motion to acknowledge the appointment of David Sewell as Redevelopment Agency Chair and Shannon Ellsworth as Redevelopment Vice-Chair.

Vote: The motion was approved 7:0 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley in favor.

The Board adjourned as the Redevelopment Agency and reconvened as the Municipal Council.

Action Agenda

The next two items were read into the record at the same time and discussed together but voted on individually.

- 7. An ordinance changing the General Plan designation from Public Facilities (PF) to Residential (R) for approximately 0.78 acres of real property generally located at 862 East Quail Valley Drive. Edgemont Neighborhood. (PLGPA20190009) ([0:39:56](#))**

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

- 8. 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) ([0:39:56](#))**

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

Robert Mills, Planner, presented both items. The applicant, Corbin Church, owned two parcels located on Quail Valley Drive. Timpview High School was located immediately to the west of the property. One of the parcels had an office building used for a private school located on it and was zoned Professional Office (PO). The other parcel was 0.78 acres and an irregularly shaped infill parcel that was zoned Public Facilities (PF).

The applicant was requesting Low Density Residential (LDR) to allow townhomes to be built on vacant lot. The original proposal included six townhomes, but it was later changed to four townhomes in response to concerns from the neighbors. The developer had proffered a development agreement that would limit the development to four units, among other things.

The planning commission and staff recommended approval.

City Council heard the item previously but due to the volume of concerns from the neighbors, the Council continued the item to allow time for Mr. Church and the neighbors to find an agreeable solution.

Mr. Mills reviewed a timeline of events related to this application. ([0:49:26](#))

There was speculation that Provo School District may be interested in acquiring the property for Timpview High School. Councilor Sewell had reached out and the district responded that they were not likely interested in the property.

Mr. Mills answered several questions from the Council. ([0:52:07](#))

Some of the primary concerns from the neighborhood were related to parking, traffic on Quail Valley Drive, and property values. Mr. Mills did not believe these issues would be exacerbated by this development.

Brian Jones, Council Attorney, explained how development agreements can be used. He noted particular concern with the agreement that had been proffered by the developer. It was not on the standard template and seemed more like Covenants, Conditions, and Restrictions (CC&Rs). It was atypical for a development agreement to be used to attempt to regulate things that would occur after the development was finished, like parking. ([0:55:13](#))

Councilor Fillmore noted that he had been asked by the applicant to recuse himself from this item because of a civic association with one of the opponents. After discussion with counsel and staff, it was determined there was no legal or ethical reason for him to do so, and he assured the applicant he would remain objective on the matter.

Chair Handley invited Corbin Church to present to the Council. Mr. Church attempted to address all of the concerns from the neighborhood in his presentation. He agreed that traffic and parking was a valid concern, but it would not be made worse by his development. Mr. Church tried to mitigate other concerns with his development agreement. ([1:12:12](#))

Chair Handley opened public comment. He allowed the neighborhood chairs five minutes to speak on behalf of their neighborhood and then allowed them to speak a second time for two minutes to provide their personal feedback.

Public Comment from Neighborhood Chairs:

Marion Monahan, Edgemont Neighborhood Chair, explained why her neighborhood was opposed to this development. ([1:43:44](#))

Sharon Memmott, Vice Chair of Edgemont Neighborhood, spoke about why her neighborhood was opposed. ([1:47:54](#))

Bonnie Marrow, North Timpview Neighborhood Chair, shared with Council her neighborhood's concerns related to zone changes. ([1:59:39](#))

Public Comment:

Mike Roan, Provo, wanted to clarify where the playground was and suggested re-platting the bottom half of the property so that it was separate. He was concerned about parking for the school.

Curt Bramble, Provo, was concerned about parking for the private school and the speed of traffic on Quail Valley Drive. He believed the original intent for the subject property was parking.

Susan Bramble, Provo, discussed the private school and their plans to expand and the negative impact this would have on traffic and parking.

Mark Ungerman, Provo, asked permission to give his time to Curt Bramble. His request was granted by Chair Handley. Mr. Bramble thought the private school was an illegal use of the current zone. He suggested Council should rezone the PO parcel to PF.

Susan Robinson, Provo, lived directly across from this property. She did not believe townhomes would fit into her neighborhood because they would be rentals. She also said parking was a big issue.

Marion Monahan, Provo, thought a seismic study should be done before anything is built on the property.

Kaye Nelson, Provo, wants the city to be cautious about rezoning. She thought higher density developments should be in areas where infrastructure and public transportation already exist.

Paul Evans, Provo, was concerned about the way infill property will be used in the City. He thought it should be done in a way that promoted livability and protected the long-term investment of those living in the neighborhoods.

Before Mr. Evans returned to his seat Councilor Ellsworth asked Mr. Evans if he still lived in the Pleasant View Neighborhood where he was the Chair. He stated that he did still live there.

Susan Christensen, Provo, said approval of this rezone would set a very dangerous precedent. She reiterated Ms. Marrows comments. She did not think this development would make her neighborhood better.

Steve Robinson, Provo, lived across from the property and was the one who collected signatures on the petition against this development. He was concerned about the City's piecemeal approach to zoning.

Brian Henry, Provo, said he attended the neighborhood meeting in January and said they discussed the existing traffic and parking issues, but discussed very little about the actual project. It had been previously reported that everyone in that meeting voted against it, but he stated that he and one other person were in favor.

Dave Knecht, Provo, liked the idea of the private school but had concerns about the use of the parking lot for recreational use. He wanted to be sure the school had enough parking and adequate amenities.

Dave Rosen, Provo, said they were seeing the effects of the city intent to move to LDR, MDR, and HDR neighborhoods. He worried about the precedent this would set for future rezones of infill property in residential neighborhoods.

Sharron Memmott, Provo, echoed Mr. Rosen's comments. She suggested that maybe a new zone of extra-LDR may be needed. She was in favor of less units on the infill properties. She worried a deed restriction might be lost over time.

Randi Nuila, Provo, wanted to preserve the character and safety of their neighborhood. She was also concerned about the parking and traffic.

Mary Miller, Provo, wanted to know if this was consistent with the General Plan. She questioned if this was for the betterment of the neighborhood.

Otto Nuila, Provo, did not believe this was practical or beneficial. He thought four units on this lot was too much. He also had concerns about parking.

Pam Jones, Edgemont, thought the city should be able to impose restrictions on on-street parking. She thought that whenever there was a big event at Timpview or BYU, they should be responsible for providing adequate parking so there is not overflow parking on the streets.

There were no other comments from the public and Council discussion resumed. ([2:32:39](#))

Ms. Ellsworth suggested the parking issue at the private school was not related and could be addressed by staff and the administration at another time.

The concept of the developer or the city restricting the homes from being used for student housing had been discussed. Mr. Fillmore asked whether this could be enforced upon. Mr. Jones said it was highly unlikely the City would enforce upon this for various reasons. Mr. Harding pointed out there was no definition of a “student” in City Code.

Some people were afraid of setting precedent by allowing this zone change. Mr. Jones explained it would not set a legal precedent but acknowledged that anything the Council does sends a message. It was a policy decision for each Councilor.

Mr. Harding asked if a private school use was permitted in the PO zone. Mr. Mills explained part of the problem was that public and charter schools are permitted anywhere in the City regardless of the zone, but private schools are not addressed by City Code. This would need to be evaluated by someone in zoning.

Councilor Sewell shared his vision for this property and where he sees it in 2060. He felt strongly about education and believed the City should do what it can for the school district. The district needed more space for schools. It was his opinion that any property that is zoned PF and located next to a school should remain as such for possible future use by the school. He also felt like the office building in the PO zone was out of place. He hoped by 2060 that parcel would also be zoned PF for school or church use. He was confident the school would be interested in the parcel in the future. Mr. Sewell wanted to keep this parcel zoned PF and hoped to eventually convert the other parcel to PF as well. ([2:40:52](#))

Councilor Ellsworth deliberated whether it was wise to micromanage the zoning for these properties so that the school district may one day purchase the property. She also wondered what affect this would have on the property values. Ms. Ellsworth was not comfortable with assuming the school would want to buy the property in the future considering their current disinterest. She thought it would be smart to keep the parcels together and make the zone the same to allow for more flex in the future.

Chair Handley had reached out to McKay Jensen (Provo School Board President) to see if the school bond failing had changed their intent regarding the property, but it seemed their interest remained low. Councilor Sewell argued that their interest was low right now, but that could very easily change in the future depending on the circumstances.

Mr. Church was allowed to respond to the comments from the public. He addressed traffic and the concerns related to the private school use in the PO zone. ([2:58:50](#))

Councilor Harding addressed several issues. He talked about the intent to move away from PRO Zones but understood that sometimes they were the best available option. He appreciated Ms. Memmott’s idea of a very-low density residential zone. In response to Ms. Jones’ comment, he thought public streets were a good buffer for overflow traffic for occasional events, but if this is happening routinely that could be problematic. Lastly, he believed the proposed changes to the General Plan (item 7) were consistent with City goals; however, the change from PF to LDR (item 8) conflicted with neighborhood specific policies. ([3:09:39](#))

Councilor Fillmore appreciated Mr. Church’s cogent presentation. However, he was concerned there was only one person who spoke positively about the project. He suggested there might be better options for this property.

Councilor Ellsworth later pointed out that it is rare for people to come out to support a project, its almost always to speak against it.

Motion: Councilor Hoban made a motion to continue the item to the next meeting. Councilor Harding seconded the motion. *The motion was later withdrawn.*

The Council discussed whether the school district had interest in the property. Ms. Ellsworth thought it was made very clear they had little interest.

Chair Handley was worried about how the possible expansion of the private school would impact the subject property. Others agreed and thought the properties were symbiotic and what happens on one would directly affect the other.

Councilor Sewell asked the administration to investigate why there were so many traffic accidents on Quail Valley Drive and see if anything could be done to prevent it. Mayor Kaufusi agreed it was a problem and said they would look into it.

Councilor Harding stated that it was unlikely this would pass in this meeting, but he did not want to elongate the process even more if the applicant did not want it continued. Mr. Church thought it was clear no one would be approving this, so he preferred a vote. He had other ideas for the property and wanted to build something that would be welcomed by the neighborhood.

Chair Handley called for a vote on implied motion to approve an ordinance changing the General Plan designation from Public Facilities to Residential for approximately 0.78 acres of real property generally located at 862 East Quail Valley Drive. (Item 7)

Vote: The motion failed 0:7 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley opposed.

Chair Handley called for a vote on the implied motion to approve an ordinance amending the Zone Map classification of approximately 0.78 acres of real property, generally located at 862 East Quail Valley Drive, from Public Facilities Low Density Residential. (Item 8)

Vote: The motion failed 0:7 with Councilors Ellsworth, Fillmore, Handley, Harding, Hoban, Sewell and Shipley opposed.

Adjournment
