



**Planning Commission Staff Report
Ordinance Amendment
Hearing Date: July 11, 2018**

ITEM # 4* John Hayes requests an amendment to Section 14.10.020(6) to allow commercial uses to operate "only in historic buildings" in the Residential Single Family (R1) Zone. City-wide application. Josh Yost (801) 852-6408 PLOTA20180094

Applicant: John Hayes
Staff Coordinator: Josh Yost

*Council Action Required:

ALTERNATIVE ACTIONS

1. **Recommend Approval** of the proposed ordinance amendment. *This action would be consistent with the recommendation of the Staff Report. Any additional changes should be stated with the motion*
2. **Continue** to a future date to obtain additional information or to further consider information presented.
3. **Recommend Denial** of the proposed ordinance amendment. *This would be a change from the Staff recommendation; the Planning Commission should state new findings.*

Relevant History: Certain commercial uses have been permitted in the RC Zone in Historic Buildings, which are defined as buildings listed on the Provo Landmarks Register. The same uses are not permitted in Historic Buildings in adjacent R1 zones. Currently 17 properties would be affected by this amendment.

Neighborhood Issues: Each neighborhood which would be affected by the amendment has been notified and only one neighborhood chair responded. Celeste Kennard, Joaquin Neighborhood Chair, related that the only concern is related to parking and primarily due to a school use adjacent to their neighborhood.

Summary of Key Issues: Some historic homes are not well suited to residential owner occupancy and are then converted to rental occupancy or in the past divided into multiple rental units. Permitting professional office uses of the homes may provide another use opportunity that is well suited to the homes, promotes owner occupancy and increases the likelihood that they will be well cared for and preserved.

Staff Recommendation: Staff recommends the Planning Commission recommend approval of the proposed ordinance amendment.

OVERVIEW

Certain commercial uses have been permitted in the RC Zone in Historic Buildings, which are defined as buildings listed on the Provo Landmarks Register. The same uses are not permitted in Historic Buildings in adjacent R1 zones. Currently 17 properties would be affected by this amendment in the following neighborhoods.

Neighborhood	# of Properties
Foothills	1
Franklin	2
Joaquin	9
Maeser	5

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.*

To provide additional viable uses for historic homes to facilitate their continued preservation

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

The public purpose is best served by the proposed amendment for the following reasons. The amendment is limited in scope and applicability. As it only applies to registered landmark properties it both limits the number of properties affected and it provides an incentive to register properties. The uses permitted are limited to those already allowed in the RC zones which comprise a majority of the area of the affected neighborhoods.

Many of the best preserved landmark homes in these neighborhoods have been maintained because of their use as professional office.

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

The following purpose and intent statements from Chapter 11 of the General Plan illustrate the compatibility of the proposed amendment with the General Plan.

1. To safeguard the City's historic and cultural heritage, as embodied and reflected in its landmarks and historic districts.
2. To revitalize neighborhoods by restoring confidence and creating an environment conducive to reinvestment and continued maintenance;
3. To stabilize and enhance property values;
4. To foster community identity and civic pride;
5. To protect, enhance, and perpetuate the use of structures, sites and areas that are reminders of past eras, events, and persons important in local, state or national history; or which reflect the distinct phases of the city's, state's, or nation's cultural, social, economic, political, and architectural heritage;
6. To educate citizens about Provo's history;
7. To promote compatible new development while at the same time protecting the old;
8. To protect and enhance the City's attraction to residents, tourists, and visitors, and to serve as a support and stimulus to business and industry;
9. To strengthen the economy of the City;
10. To generally improve the quality of life in the City; and
11. To maintain community integrity for future generations.

- (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 to the proposed amendment.

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

The proposed amendment is not anticipated to hinder or obstruct attainment of such policies.

- (f) *Adverse impacts on adjacent land owners.*

Staff anticipates that adverse impact on adjacent land owners would be limited to potential increases in parking demand for these properties. The degree of change or the severity of the impacts would depend on the configuration of the property, available off street parking and the current use. A home that is currently used as one or more rental dwelling units may experience an decrease in parking demand with a change to a professional office use, whereas a home that is currently occupied by a small family or a single individual may experience an increase in parking demand with a change to professional office use.

- (g) *Verification of correctness in the original zoning or General Plan for the area in question.*

Not applicable to the proposed amendment.

- (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 to the proposed amendment.

CONCLUSIONS

Staff concludes that extending the proposed commercial uses to additional landmark properties will be a net benefit for neighborhoods and increase the viability of the preservation of Provo's valuable historic resources.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval of the proposed ordinance amendment.

ATTACHMENTS

1. Justification Statement
2. Proposed Amendment Text

March 22, 2018

To: Provo City Planning Department
From John K. Hayes, Jr.

RE: Reason and Justification for Zoning Amendment

Provo's historic Niels Johnson Home (aka Johnson-Hansen Home) is a pioneer relic that deserves the utmost care in preservation. There are only 4 homes left in the historic district from the 1870's period that were built with the pink brick fired in the Provo brick plant, and none as unaffected by the ravages of time. Attached to this home is a pioneer cabin dating to 1870 which has been architecturally restored and which has been in continuous use to this day. It had a commercial function, serving for decades as Ray Hansen's gunsmith shop. This home is already on city, state and national historic registers.

In its 148-year history, this property has only had 4 owners, the Johnsons, the Hansens, and two families that have been committed to historic preservation, the Hadfields and the Hayeses. The home has been preserved and protected with care up to now and is in solid shape, having had masonry restoration (removal of layers of paint) under the supervision of historical preservation experts and a new, historically consistent, cedar shingle roof. It is time for another ownership change and the vagaries related to that transaction. The best offer could come from an investor(s) who will rent it out to the poorly informed and it become subjected it to neglect, carelessness and, heaven forbid, loss by fire.

Its builder, Niels Hansen was born Denmark in 1848 and became a farmer and sexton for the Provo City Cemetery. The second owner, Ray Hansen was born in Benjamin in 1902 and was a foreman at the Pacific States Cast Iron and Pipe Company. The log cabin served as his gunsmith shop for over 50 years. The Niels Johnson Home was designated a Provo City Historic Landmark on April 28, 1995.

A close friend of mine restored a small wooden miner's shack in Park City, newer and nothing in stature like this home. Nonetheless, much planning was required to protect its architectural history with exactness—a feat carried off at great expense, and despite the house transgressing a road setback ordinance. I mention this to encourage Provo City to exert similar care and concern over a home that I feel has greater historical value. Provo City should act with resolve to increase the chance that the Johnson-Hansen Home will be preserved for generations to come. In my opinion, that end will be most likely be realized if the new owner has incentive to invest in and benefit from its historic status.

I think it would have the best chance of preservation if zoning can be changed to allow it to be purchased and occupied by select business interests. Examples of what I am thinking, presented as business signage illustrate how I think business interests could increase historical awareness and take business advantage of the historical value. The purpose of the proposed zoning amendment would be to increase its visibility and the opportunity for the public to have access.

Zoning Change for Johnson-Hansen Home

Address: 485 East 400 South, Provo, Utah

Applicant: John K Hayes, Jr.

Proposed Ordinance Text Amendment

Amendment to Code Section 14.10.020(6)

6500 Professional services (except 6513 to 6518; only in historic buildings as defined in this Title)