



Provo City Planning Commission

Report of Action

July 25, 2018

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

The following action was taken by the Planning Commission on the above described item at its regular meeting of July 25, 2018:

RECOMMEND APPROVAL

On a vote of 5:1, the Planning Commission recommended that the Municipal Council approve the above noted application

Motion By: Dave Anderson

Second By: Jamin Rowan

Votes in Favor of Motion: Deborah Jensen, Jamin Rowan, Brain Smith, Russ Phillips, Robert Knudsen

Votes in Opposition to Motion: Dave Anderson

Deborah Jensen was present as Chair.

- Additional Report of Action for item previously continued after a public hearing or other discussion: July 11, 2018.
- 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.

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:

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.

These 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 18 properties would be affected by this amendment.

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.

CITY DEPARTMENTAL ISSUES

- None received.

NEIGHBORHOOD MEETING DATE

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

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 an existing school use adjacent to their neighborhood.

NEIGHBORHOOD AND PUBLIC COMMENT

- This item was City-wide or affected multiple neighborhoods.
- Multiple Neighborhood Chair(s) were present or addressed the Planning Commission.

Maeser Neighborhood Vice Chair Martha Rasmussen expressed a specific concern about providing required off street parking for a professional office use on the applicant's property.

Lakeview North Neighborhood Chair Beth Alligood asked about the impact the amendment would have on historic homes in her neighborhood. Staff informed her that there are no homes in her neighborhood that are listed on the Provo Landmarks Register as required by the proposed amendment.

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 members of the public submitted comments or addressed the Planning Commission during the hearing.

APPLICANT RESPONSE

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

John Hayes, applicant, explained that he purchased his property in the Maeser Neighborhood at 485 E 400 S when he had daughters attending Brigham Young University. He explained the historic nature of the house stating that in the year the home was built, Brigham Young was the President of the Church of Jesus Christ of Latter-day Saints, Ulysses S. Grant was the President of the United States, and George Armstrong Custer was killed. The home has had only 4 owners. He expressed his concern regarding the future of the home and his desire to maximize its preservation by providing additional options for its occupancy and use.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

Dave Anderson expressed his concern that it is premature to approve a text amendment without first having a plan for its application to the applicant's property. He conveyed his additional concern regarding the assumption that a non-residential commercial use would be a better steward for the house than residential occupants. Further, he communicated his concern that the proposal undervalues the ability of historic homes to serve families in the long term.

Deborah Jensen asked for additional information regarding financial assistance and project review.

Brian Smith asked staff about the current use of each of the 18 properties that would be affected.

Jamin Rowan questioned staff about the stability of the Landmarks Register and the degree to which additional homes may be added in the future.

Brian Smith expressed his confidence in the review process conducted by the Landmarks Commission and Community Development staff when changes are proposed for historic properties.

Jamin Rowan clarified the applicant's intent to provide the possibility of additional uses to potential buyers in order to facilitate the preservation of historic homes.



Director of Community Development

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

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS