

**CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
FEBRUARY 19, 2014**

The following items are discussed in these minutes:

**JIM PROCTOR ADDITION, PLAT A – APPROVED
RESIDENCES AT MONTE VISTA – APPROVED
CLARK DETACHED GARAGE CUP – RECOMMEND APPROVAL**

STUDY SESSION

PLACE – Orem City Main Conference Room

At 3:30 p.m. Chair Moulton called the Study Session to order.

Those present: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, Michael Walker, and David Moulton, Planning Commission members; Jason W. Bench, Planning Director; David R. Stroud, City Planner; Clinton Spencer, GIS Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; and Loriann Merritt, Minutes Secretary

Those excused: Derek Whetten, Planning Commission member; Bill D. Bell, Development Services Director; David Spencer, City Council Liaison

The Commission and staff briefly reviewed agenda items and minutes from February 5, 2014 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

PLACE - Orem City Council Chambers

At 4:30 p.m. Chair Moulton called the Planning Commission meeting to order and offered the invocation.

Those present: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, Michael Walker, and David Moulton, Planning Commission members; Jason W. Bench, Planning Director; David R. Stroud, City Planner; Clinton Spencer, GIS Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; and Loriann Merritt, Minutes Secretary

Those excused: Derek Whetten, Planning Commission member; Bill D. Bell, Development Services Director

Chair Moulton introduced **AGENDA ITEM 3.1** as follows:

AGENDA ITEM 3.1 is a request by Jim Proctor to vacate Lot 7 of La Mesa Subdivision, Plat A and approve the final plat of **JIM PROCTOR ADDITION SUBDIVISION, PLAT A** at 575 East 1000 South in the R8 zone.

Staff Presentation: Mr. Stroud said the City Council recently vacated a portion of 590 East at 1000 South and ownership of the unimproved right-of-way was then transferred to the Proctors who live immediately to the west. The owners now request that Lot 7 of La Mesa Subdivision Plat A, the lot containing their home, be vacated and then replatted with the vacated street right-of-way into a single 13,465 square foot lot.

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Recommendation: Development Services recommends the Planning Commission approve the request to vacate Lot 7 of La Mesa Subdivision Plat A and approve the final plat of Jim Proctor Addition Subdivision Plat A at 575 East 1000 South.

Chair Moulton asked if the Planning Commission had any questions for Mr. Stroud.



Chair Moulton opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

When no one came forward, Chair Moulton closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Vice Chair Walker said he has found that neither the public nor any person will be materially injured by vacating Lot 7 of La Mesa Subdivision, Plat A, and that there is good cause for the vacation. He then moved to:

1. Vacate Lot 7 of La Mesa Subdivision, Plat A; and
2. Approve the final plat of Jim Proctor Addition Subdivision, Plat A

with one lot at 575 East 1000 South in the R8 zone.

Mr. Iglesias seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.2** as follows:

AGENDA ITEM 3.2 is a request by Ernie Willmore, ICO to approve the site plan of the **RESIDENCES AT MONTE VISTA** at 920 North State Street in the PD-39 zone.

Staff Presentation: Mr. Spencer said this item was continued from the February 5, 2014 Planning Commission meeting at the request of the applicant to allow additional time for the developer to work out an agreement with America First Credit Union for the alignment, dedication and completion of 400 West. The applicant has met with AFCU; however no formal agreement has been presented to the City. For the applicant to receive Planning Commission approval, staff requests the following conditions be met:



1. The dedication of 400 West must be finalized before any engineering or building permit is issued.
2. All engineering conditions will be finalized as requested by city staff prior to scheduling a pre-construction meeting.

The subject property was rezoned to the PD-39 zone in December of 2013. As part of the City Council approval the applicant was required to amend the proposed concept plan to locate a main entrance on 400 West, which will be built as part of this project. The applicant revised the required concept plan and the accesses along 920 North. The project has a density of 33.33 units per acre and meets the maximum density requirement of thirty-five (35) units per acre. The revisions were reviewed by City officials and City Council members and were approved as being in compliance with the access requirement mandated from the City Council.

The proposed buildings contain 132 units. Three (3) buildings are proposed containing 55, 26, and 51 units. Building ‘B’ is located centrally in the project and contains twenty-six (26) units as well as the community center that contains the fitness center, TV lounge, conference room, kitchenette, great room and is directly adjacent to the fire pit, hot tub and swimming pool area. Each building is forty-two (42) feet tall at its highest point and will be finished with hardi-board, cultured stone and stucco. Each unit has its own balcony.

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As per code requirements for the PD-39 zone a total of 229 parking stalls are required and 235 are provided. The parking is based off of the number of bedrooms per unit. There are seventy (70) single bedroom units which require 1.5 stalls per unit. There are also forty-eight (48) two bed units, and fourteen (14) three bedroom units, each of which requires two (2) stalls per unit. Including the garages there are a total of 132 covered stalls.

A six (6) foot high vinyl fence is provided along the southern boundary line of the property as well as a seven (7) foot masonry wall located along the west side of 400 West between the landscaping and existing residences.

The PD-39 zone requires a minimum of thirty (30) percent of the property remain permanently as open space, which includes landscaping. An eight (8) foot landscaped strip will be located along all frontages of the project except along 400 West where it is not possible due to the location of the garage entrances and tandem parking. The site will have 81 trees, as well as numerous shrubs, ground covers, annuals and perennials. A tot lot and picnic area is also included within the landscaping along the 920 North frontage.

A neighborhood meeting was held on December 4, 2013 regarding the site plan. There were ten (10) residents at this meeting. The notes are attached.

Three (3) dumpster enclosures are located within the project.

As has been determined by development agreement between the City and the applicant, no certificate of occupancy will be granted until 400 West is completed from 800 North to 920 North. There are two (2) entrances to the project, one along 400 West and another along 920 North. A future shared access is provided to the south east of the project for when the property south of the site develops. As mentioned previously, buffered sidewalks are also provided along State Street and 920 North.

Recommendation: Based on compliance with the PD-39 ordinance, staff recommends the Planning Commission approve this site plan request with the following conditions:

1. *All engineering conditions will be finalized as requested by city staff prior to scheduling a pre-construction meeting.*

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

When there were none, Chair Moulton invited the applicant to come forward. Ernie Willmore introduced himself.

Mr. Willmore expressed appreciation to the staff for their efforts to get this through. He discussed the detention basin that is the west of 400 West. The land adjacent to the detention basin is currently owned by America First Credit Union. They understand as a condition for approval of the site plan, 400 West must go through. The detention basin is designed for the offsite storm water detention basin system. In order to construct the basin and road they need control of the property. They also understand that in granting approval that those conditions are required for the entitlement process.

Ms. Buxton said she lives in this neighborhood and recently she has seen a new “For Sale” sign being posted on this property with Mary Street’s name on it. Mary Street was in the audience and came forward. Ms. Street indicated she is a commercial realtor and the property has been listed four years with the owners. The developer has the property under contract. Recently she switched companies and so a new sign went up and that probably caught Ms. Buxton attention because it is a different color.

Ms. Buxton then noted that when the original public hearing was heard in December there were a lot of traffic concerns from the neighbors. One option that was discussed was the widening of the access to State Street from 920 North. Mr. Willmore said the design that has been submitted to staff for approval and does have a wider opening on to State Street on 920 North. Mr. Earl noted that is part of the development agreement.

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Ms. Buxton said that Mr. Kellar has sold the property in the earlier meetings as high-end apartments with high-end interior surfaces. Mr. Willmore said this will be a Class “A” product. The interiors will be Class “A”, for example the countertops are quartz granite, there are back splashes, interior floors are wood plank, nine foot ceilings, oversized windows, pullout faucets, dual stainless steel sinks, washer and dryers in all units, wall to wall carpet in bedrooms, etc. The amenity package for the clubhouse is also Class “A”.

Chair Moulton opened the discussion to the public and invited those from the audience who had come to speak to this item to come forward to the microphone.

Anna Manwell, Orem, said no one has discussed the easements along 920 North or the utilities. Is the City going to vacate the utilities and will the residents be left with no power, phone or cable? She then asked about the irrigation ditch. She wondered where the easement for the irrigation ditch will be located and where will the head gate be located. Currently the head gate would be in the middle of the new road. She asked if the detention pond is a 50, 100 or 150 year storm capacity and will it hold the water. Right now there are times that their neighbor who pipes the irrigation, since the water takes the path of least resistance, it floods her property and has been up to five feet deep. What are the City’s plans for that? She asked what types of controls will be on the detention pond, like spraying so that there is not stagnant water which attracts mosquitos. She asked how the City is going to control that.

Mr. Spencer indicated there are easements on the final plat for the utilities. There will be no disruption of services for the current residents. The water from the sidewalk goes into the detention pond and it will slowly disperse into the system. The detention is there to detain water so it does not directly flood into the system. Mr. Kelly said this will a 25 year storm event. During that time they will make sure it is designed so that there is a secondary outflow and if there is a storm event of 50 years or 100 years and the basin does build up and the orifice gets plugged it will overflow into the street and either go north or south but not onto the property to the west. Mr. Kelly also noted that the irrigation and utilities will be worked out. If there are users that use the irrigation, that will be addressed during the construction drawings process.

Lowell Manwell, Orem, wondered what the City will do when the ditch floods his property as it has done in the past. Mr. Kelly said when the construction drawings are submitted, engineering staff will look over the plans. If there are users on the ditch and it is flowing from east to west then they will make sure that is taken care of. If it is going to be plugged it will not go over the roadway and into the property. He indicated he was not sure the location of the head gate. He offered to meet with the Manwell’s in the foyer after the vote to discuss their concerns.

Mr. Manwell asked if the utilities will be run underground or overhead. Mr. Kelly said they will probably be buried and pulled through sleeves.

Janice Miller, Orem, said she is concerned about the height of the structure. Mr. Spencer said there are 132 units. The structures will be 42 feet high, though they are allowed to be 150 feet.

Brian Kelly, Orem, said he is the Neighborhood Chair and has felt through this process that the neighbors were snowballed by the City and the developers. The neighbors are concerned that their concerns are not being addressed.

Kylo Nelson, Orem, asked what the west wall height is and when will it be constructed. Mr. Spencer said the fence will be a seven foot high masonry wall. Mr. Nelson asked if a detention wall could be built around the pond as a safeguard to the neighborhood. Mr. Kelly said it is usually an earth berm and a low spot is created near the roadway. Staff can consider a wall, but it will be an extra cost on the developer.

Jane Coleman, Orem, asked about the opening onto State Street on the south end the project, red curbing 920 North, and she was concerned that the road will be dug up when they put in the utilities. This is a lot of units to be built on such a small plot of land.

Chair Moulton closed the public discussion and asked if the Planning Commission had any more questions for the applicant or staff.

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Chair Moulton asked if the easements will end up in the street. Mr. Spencer said the easements will be on the property. There may be some easements where the utilities exist, but will remain in place. There will be no disruption or termination of service. Mr. Willmore said public utilities do run in the street and they will continue on 400 West.

Vice-Chair Walker asked about the connection to State Street on the south end of this project. Mr. Goodrich said in the revised plan and in the initial plan both future State Street accesses were at the same location. There is an existing approved access by UDOT on the AFCU property and both plans show that access. UDOT has the final say on accesses on State Street. The south side of 920 North will have red curb. The new section of 400 West will have restricted parking on both sides. The traffic impact study was reviewed and approved.

Ms. Jeffreys asked if there is a fence along the south end of this development. Mr. Spencer said there will be a fence on the south side. When the property to the south develops that connection will be able to be made and both properties will share that access. At this time, what they have onsite is sufficient to meet the code.

Vice-Chair Walker asked what is the units per acre. Mr. Spencer said this plan is 35 units per acre. The concept plan that was approved was 125 units and when they came back with the revisions from the City Council request they picked up an additional seven units bringing them to 132 units. The revision puts them at 33 units per acre. If the developer wants to add more units, they will need to come back through the City process including noticing the neighbors. Mr. Willmore indicated they have no plans to increase density on this parcel.

Ms. Buxton asked how many acres is this parcel of land. Mr. Willmore said it is 4.17 acres.

Ms. Buxton asked Mr. Spencer to review the parking requirements. Mr. Spencer said the parking for this property is:

1. 1 bedroom units - 1.5 stalls, and
2. 2 bedroom units and above - 2 stalls.

The total parking requirement is 229 parking stall, they have provided 235 stalls. Within the 235 stalls provided, 132 stalls are covered, which will provide each tenants at least one covered stall.

Chair Moulton asked if the covered stalls will be numbered. Mr. Willmore said that residents will have assigned stalls and there are stalls for visitors and residents with more than one car.

Chair Moulton called for a motion on this item.

Planning Commission Action: Ms. Buxton said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to approve the site plan for the Residences at Monte Vista with 132 units at 920 North State Street with the condition that all engineering conditions will be finalized as requested by City staff prior to scheduling a pre-construction meeting. Ms. Jeffreys seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 3.3** as follows:

AGENDA ITEM 3.3 is a request by Bryan Clark to approve the **CONDITIONAL USE PERMIT FOR A DETACHED GARAGE** at 488 East 1320 North in the PD-14 zone.

Staff Presentation: Mr. Spencer said that currently, there is a home with a detached pool house (650 sq. feet) and maintenance shed (230 sq. feet) on the site. The applicant proposes to construct a new detached garage with a footprint of 1,582 square feet. In the PD-14 zone, a conditional use permit is required for any detached structure larger than 1,000 square feet. The proposed detached garage contains a total of 3,657 square feet including a basement, main floor, and mezzanine floor.

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Since the requirements for accessory building footprints are not specifically listed in the PD-14 zone, the requirements of the R8 zone apply. The total footprint area of an accessory building shall not exceed eight (8%) percent of the area of the parcel on which they are located. In this case a maximum footprint of 3,135 square feet is allowed. Including the proposed garage and the other accessory structures on the lot, the applicant has a total footprint of 2,462 square feet of accessory structures. The proposed garage is twenty four (24) feet tall which complies with the twenty-four (24) foot maximum. Finishing materials for the garage match the existing home which are stucco and stone veneer.



Recommendation: Based on the compliance with the ordinance requirements as outlined above staff recommends the Planning Commission forward a positive recommendation to the City Council.

Chair Moulton asked if the Planning Commission had any questions for Mr. Spencer.

When no one did, Chair Moulton called for a motion on this item.

Planning Commission Action: Ms. Larsen said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to recommend the City Council approve a Conditional Use Permit for a detached garage at 488 East 1320 North in the PD-14 zone. Mr. Iglesias seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

MINUTES: The Planning Commission reviewed the minutes from the previous meeting. Chair Moulton moved to approve the meeting minutes for February 5, 2014. Ms. Buxton seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

ADJOURN

Chair Moulton called for a motion to adjourn. Vice Chair Walker moved to adjourn. Chair Moulton seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

Adjourn: 5:15 p.m.

Jason Bench
Planning Commission Secretary

Approved: March 6, 2014