



CITY OF OREM  
CITY COUNCIL MEETING  
56 North State Street, Orem, Utah  
January 28, 2014

*This meeting may be held electronically  
to allow a Councilmember to participate.*

**4:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

1. **PD Zone Revisions – Greg Stephens (20 min)**
2. **Allocation – Charlene Crozier & Karl Hirst (30 min)**
3. **PW Advisory Commission – Chris Tschirki (10 min)**

**5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

REVIEW UPCOMING AGENDA ITEMS

4. **The City Council will review the upcoming agenda items.**

AGENDA REVIEW

5. **The City Council will review the items on the agenda.**

CITY COUNCIL - NEW BUSINESS

6. **This is an opportunity for members of the City Council to raise issues of information or concern.**

**6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS**

CALL TO ORDER

INVOCATION/INSPIRATIONAL THOUGHT: By Invitation

PLEDGE OF ALLEGIANCE: By Invitation

APPROVAL OF MINUTES

7. **MINUTES of City Council Meeting – January 14, 2014**

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.  
If you need a special accommodation to participate in the City Council Meetings and Study Sessions,  
please call the City Recorder's Office at least 3 working days prior to the meeting.  
(Voice 229-7074) (TDD # 229-7037)**

**This agenda is also available on the City's Internet webpage at [orem.org](http://orem.org)**

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

8. **UPCOMING EVENTS**
9. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
  - Beautification Advisory Commission..... 1 vacancy
  - Library Advisory Commission ..... 2 vacancies
  - Summerfest Advisory Committee ..... 2 vacancies
10. **RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS**
11. **WALTER C. OREM AWARD – Wayne Barnes**
12. **PROCLAMATION – SCHOOL CHOICE WEEK**

CITY MANAGER'S APPOINTMENTS

13. **APPOINTMENTS TO BOARDS AND COMMISSIONS**
  - Planning Commission Reappointment – Becky Buxton

PERSONAL APPEARANCES – 15 MINUTES

14. **Time has been set aside for the public to express their ideas, concerns, and comments on items not on the Agenda. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 2 minutes or less.)**

CONSENT ITEMS

15. **There are no consent items.**

SCHEDULED ITEMS

**6:20 P.M. PUBLIC HEARING**

16. **REZONE AND ZONE ORDINANCE AMENDMENTS**
  - **Enacting Section 22-11-50, PD-37 zone, Appendix EE, and**
  - **Amending Section 22-5-3(A) and the zoning map of the Orem City Code by changing the zone from the C2 zone to PD-37 zone for property at 1450 South State Street**

**REQUEST: The applicant requests the City enact Section 22-11-50, PD-37 zone, Appendix EE, and amend Section 22-5-3(A) and the zoning map of the Orem City Code by changing the zone on 5.09 acres at 1450 South State Street from the C2 zone to the PD-37 zone.**

*PRESENTER:* Jason Bench

POTENTIALLY AFFECTED AREA: Cherry Hill

BACKGROUND: The applicant requests that the City create the PD-40 zone and apply such zone to property located at 1450 South State Street in order to allow the construction

of 180 residential units in two separate buildings. The mix of units will be split between one-bedroom units (753 square feet) and two-bedroom units (965 square feet). The area included within the application consists of seven lots, five buildings and a substantial area of undeveloped land.

Chapter 2 of the Orem General Plan states that PD zones are intended to be located in commercial and industrial land use locations. The General Plan also states that a PD zone can also be flexible, allowing the City and developer to create standards for a development that provide solutions to a variety of land use issues.

The subject property is located between State Street and 400 East and meets the intent of the general plan. The location of the development is an area that has some difficulty in keeping commercial uses or attracting any use as evidenced by the large area of undeveloped land.

Existing commercial uses on the subject property are located along State Street while the 400 East frontage is vacant. Aerial imagery from 1978 shows the property along 400 East as vacant at that time which indicates the subject property has remained underdeveloped for some time. Uses to the north and east are commercial; to the south is commercial and multi-family residential; and to the west is multi-family residential.

According to Section 22-11-1 (PD Zones) of the City Code, the purpose of Planned Development (PD) zones is to provide flexibility in the City's zoning scheme in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City's existing zoning classifications. PD zones are not intended for use in situations where a proposed development is reasonably feasible under one of the City's existing zoning classifications or in situations where the primary purpose is to obtain a relaxation of standards applicable to similar types of development in other zones. The proposed PD-37 zone standards and density is significantly different than those found in a standard residential zone; therefore, a PD zone is the only alternative for this request.

Section 22-11-2(4)(b) states that residential development must be significantly different in design, layout or characteristics from the type of residential development allowed under existing zoning classifications. As noted above, the type of development being proposed for the PD-37 zone would not be possible in any of the City's standard residential or commercial zones and the only option for this type of project is through the creation of a PD zone.

The existing commercial uses are located in five buildings with two buildings either vacant or the location of multiple businesses over the last several years. Two businesses which have been at this location for several years include BJ Plumbing licensed since 1992 and Pearle Vision which has been licensed since 1985. BJ Plumbing is working with the City of Orem to find a new location. Pearle Vision has not contacted the City for assistance.

A neighborhood meeting was held on May 16, 2013, with representatives from Wendy's and the Housing Authority of Utah County in attendance. Both were supportive of the request.

The development standards of the proposed PD-37 zone include:

- A maximum density of 36 units per acre; the applicant is proposing 35.2 units per acre.
- An overall building height of 60 feet (existing C2 zone standards) with the proposed elevations measuring 52 feet.
- A setback of 25 feet to State Street and 20 feet from all other street curb lines and adjacent commercial property to the north.
- Contemporary architecture with vertical and horizontal relief, balconies, and material consisting of stone, stucco, cement fiberboard, metal and glass.
- Each one-bedroom unit shall provide 1.25 parking stalls and each 2-bedroom unit shall provide 2.00 parking stalls; one stall for each unit shall be covered.
- Perimeter fencing shall have a maximum height of seven feet and will be iron picket or iron picket on a low wall; fencing adjacent to commercial shall be solid panel construction.
- Landscaping consist of lawn, shrubs, and trees totaling 43,808 square feet of the development.
- A buffered sidewalk will be provided adjacent to all three street frontages.
- All dumpsters are to be located inside the building with internal access by the residents.
- Amenities include a pool, basketball and volleyball court, courtyards.

#### Advantages

- The PD-37 zone will improve an underdeveloped property into one that has more economic benefits to the City.
- Provides additional housing options.
- Provides street improvements along State Street, 1500 South, and 400 East including a separated sidewalks and landscape buffers.

#### Disadvantages

- A small area of commercial zoning along State Street would be removed.

RECOMMENDATION: The Planning Commission recommends the City Council enact Section 22-11-50, PD-37 zone, Appendix EE, and amend Section 22-5-3 (A) and the zoning map of the Orem City Code by changing the zone on 5.09 acres at 1450 South State Street from the C2 zone to the PD-37 zone. Based on the Planning Commission recommendation and the advantages outlined above, staff also recommends approval of this proposal.

#### **6:20 P.M. PUBLIC HEARING**

#### **17. CONTINUED PUBLIC HEARING - REZONE AND ZONE ORDINANCE AMENDMENT**

- **Enacting Section 22-11-53, PD-40 zone, Appendix II, and**
- **Amending Section 22-5-3(A) and the zoning map of the Orem City Code by changing the zone from the C2 zone to the PD-40 zone for property at 464 South State Street**

**REQUEST: The applicant requests the City enact Section 22-11-53, PD-40 zone, Appendix II and amend Section 22-5-3 (A) and the zoning map of the Orem City Code by changing the zone on 3.66 acres at 464 South State Street from C2 to PD-40.**

*PRESENTER:* Jason Bench

POTENTIALLY AFFECTED AREA: Stonewood

**BACKGROUND:** This request was continued from the January 14, 2014, City Council meeting. The City Council continued the item to give the applicant and architect additional time to provide samples of the architectural materials and other information concerning the design and construction of the buildings. Specifically, the City Council has concerns with the metal exterior paneling that is proposed.

The applicant requests that the City create the PD-40 zone and apply such zone to property located at 464 South State Street in order to allow for the construction of 84 residential units and four commercial/retail units. The existing C2 zone permits commercial/retail but does not permit the residential component. A PD zone is required for this type of development.

Under the applicant's proposal, a mixed use building (upper floor residential and main floor commercial) would be located along State Street and three residential buildings would be located along Orem Boulevard. The 84 residential units will be a mix of four studio units, twenty-eight one-bedroom units, and fifty-two two-bedroom units. The one bedroom units have an overall size of 664 square feet, and the two bedroom units contain between 807-835 square feet. The mixed-use building adjacent to State Street will contain a total of twelve residential units (four studio, four one bedroom, and four two bedroom) and four commercial units.

The applicant will dedicate property for a future right turn lane from Orem Boulevard to 400 South and will landscape the property in the interim. This future turn lane has been shown on the concept plan.

The purpose of Planned Development (PD) zones, as outlined in Section 22-11-1, is to provide flexibility in the City's zoning scheme in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City's existing zoning classifications. PD zones are not intended for use in situations where a proposed development is reasonably feasible under one of the City's existing zoning classifications or in situations where the primary purpose is to obtain a relaxation of standards applicable to similar types of development in other zones. The development proposed for the PD-40 zone is significantly different from and would not be allowed under any of the City's standard residential or commercial zones; therefore, the PD option is the only alternative for this request.

Orem City Code Section 22-11-2(2) also states that mixed-use projects are appropriate along State Street and University Parkway. The mixed-use building along State Street complies with this provision. Section 22-11-2(4)(b) requires that residential development must be significantly different in design, layout or characteristics from the type of residential development allowed under existing zoning classifications. As noted above, the type of development being proposed for the PD-40 zone would not be possible in any of the City's standard residential or commercial zones and the only option for this type of project is through the creation of a PD zone.

A neighborhood meeting was held on November 4, 2103, with seven citizens and the applicant in attendance. There was no opposition to the proposed zone. A copy of the minutes is included with this report.

The PD-40 zone standards include:

- A maximum density of 24 units per acre. The project, as shown on the concept plan, has a density of 23.3 units per acre.
- A maximum building height of 50 feet and a maximum of four stories.
- In Area A (residential along Orem Boulevard) buildings must be set back at least 20 feet from property not part of the PD-40 zone and any public street. Storage units may have a zero setback as shown on the concept plan. In Area B (mixed-use along State Street) buildings must be set back at least 20 feet from public streets and ten feet from adjacent property not in the PD-40 zone. Carports in either area must be set back at least five feet from adjacent property lines.
- At least 55% of the exterior finish materials must consist of brick, stone, stucco, glass, fiber cement board or any combination thereof. Up to 45% of the exterior finish materials may consist of metal, both vertical and horizontal rib. Elevations of the proposed buildings are included as part of Appendix II.
- At least 2.25 parking stalls will be provided for each residential dwelling unit, at least one of which must be covered. Parking for commercial uses must be provided at the rates required in Article 22-15.
- The perimeter of the development, excluding street frontages, must be enclosed with a fence of uniform construction at least six feet in height but no greater than seven feet high. Wood and chain link fencing is prohibited.
- At least 25% of the gross acreage of the development must be landscaped including a minimum of 56 trees and 280 evergreen shrubs. The frontages along State Street and Orem Boulevard are required to have at least 20 feet of landscaping between the street and the buildings.
- A buffered sidewalk (with an 8' landscaped planter strip between the street and sidewalk) will be provided along State Street and Orem Boulevard.

#### Advantages

- The PD-40 zone will improve an underdeveloped property into one that has more economic benefits to the City.
- Provides additional housing options including a potential for live-work commercial opportunities
- Provides improvements along State Street and Orem Boulevard including landscaping and sidewalks.
- The developer will dedicate property to the City along Orem Boulevard at 400 South for a future right turn lane.

#### Disadvantages

- The use of corrugated metal panels as a finish material suggests an industrial look which may not be an appropriate facade for a mixed-use/residential PD zone along State Street or Orem Boulevard.

**RECOMMENDATION:** The Planning Commission recommends the City Council enact Section 22-11-53, PD-40 zone, Appendix II and amend Section 22-5-3 (A) and the zoning

map of the Orem City Code by changing the zone on 3.66 acres at 464 South State Street from the C2 zone to the PD-40 zone. Based on the Planning Commission recommendation and the advantages outlined above, staff also recommends approval of this proposal, however, staff has reservations concerning the use of corrugated metal panels as a finish material for up to 45 percent of the facade.

**6:20 P.M. PUBLIC HEARING**

**18. ORDINANCE – STREET VACATION**

**REQUEST: James and Luwaine Proctor request that the City Council, by ordinance, vacate a portion of an unimproved street that runs adjacent to their property at 575 East 1000 South.**

*PRESENTER:* Jason Bench

POTENTIALLY AFFECTED AREA: Hillcrest

**BACKGROUND:** The Proctors own a house at 575 East 1000 South. Their lot was originally part of La Mesa, Plat “A” Subdivision which was recorded in 1958. The original La Mesa plat included street dedication for an extension of 590 East Street north of 1000 South which is where 590 East Street currently terminates. This dedicated area of 590 East adjacent to the Proctor parcel was never constructed and never will be due to the way property in the area has developed including the development of University Mall. In fact, most of the dedicated area of 590 East Street north of 1000 South was previously vacated by the City in 2001. The remaining dedicated street area adjacent to the Proctor parcel represents only half the original dedicated street width as the other half was vacated in 2001.

The Proctors now request that the City vacate this remnant of the unimproved 590 East Street adjacent to their parcel. Typically, upon the vacation of a dedicated street, half the street area reverts to the property on one side and the other half reverts to the property on the other side. The eastern portion of 590 East already reverted to the Mall when it was vacated in 2001 and the Mall constructed a masonry wall along the former center line of the dedicated street area as well as at the northern end of the dedication area adjacent to the Proctor parcel. If the City Council vacates the remaining dedicated area, that property will automatically revert to the Proctors.

The City Council may vacate the portion of 590 East Street north of 1000 South Street if it finds (1) there is good cause for the vacation, and (2) the vacation will not be detrimental to the public interest. Additionally, the owners should be required to record a subdivision plat that incorporates the street vacation into the rest of their property.

**RECOMMENDATION:** Development Services recommends that the City Council, by ordinance, vacate approximately .05 acres of 590 East Street located north of the intersection of 590 East and 1000 North.

PERSONAL APPEARANCES – CONTINUED (IF NECESSARY)

19. **Continuation of time has been set aside for the public to express their ideas, concerns, and comments on items not on the Agenda. Those wishing to speak should have signed in before the meeting. *(Please limit your comments to 2 minutes.)***

COMMUNICATION ITEMS

20. **Monthly Financial Summary – December 2013**

CITY MANAGER INFORMATION ITEMS

21. **This is an opportunity for the City Manager to provide information to the City Council. These items are for information and do not require action by the City Council.**

ADJOURNMENT

1 CITY OF OREM  
2 CITY COUNCIL MEETING  
3 56 North State Street Orem, Utah  
4 January 14, 2014  
5  
6

7 **4:30 P.M. STUDY SESSION**  
8

9 CONDUCTING Mayor Richard Brunst

10  
11 ELECTED OFFICIALS Councilmembers Margaret Black, Tom Macdonald, David  
12 Spencer, and Brent Sumner  
13

14 APPOINTED STAFF Jamie Davidson, City Manager; Richard Manning,  
15 Administrative Services Director, Greg Stephens, City  
16 Attorney; Steve Earl, Deputy City Attorney; Karl Hirst,  
17 Recreation Director; Chris Tschirki, Public Works Director;  
18 Bill Bell, Development Services Director; Steve Clark, Public  
19 Safety Division Commander; Charlene Crozier, Interim  
20 Library Director; Jason Bench, Interim Planning Division  
21 Manager; and Taraleigh Gray, Deputy City Recorder  
22

23 EXCUSED: Councilmembers Hans Andersen and Mark E. Seastrand  
24

25 Review – Fitness Center Remodel

26 Karl Hirst presented to staff and Council an update on the fitness center remodel. He reported on the  
27 progress of the project and made known some of the issues surrounding the project and the ability to  
28 keep the momentum moving forward. Mr. Hirst notified staff and Council regarding some of the  
29 discrepancies found, where the actual building specifications varied from what was recorded on the  
30 building plans. These discrepancies were discovered as a result of the contractor being actively  
31 involved in the incorporating the new construction with the older building portion. Possible solutions  
32 were discussed in terms of financially compensating for these unforeseen circumstances.  
33

34 Presentation – Victim Assistance Grant Requirement

35 Renee Flitton, Stephany Cochran, and Kate Stewart presented to Council and staff information  
36 regarding the victim assistance program operating within the Orem Department of Public Safety.  
37  
38

39 **REVIEW OF AGENDA ITEMS**  
40

41 The Council and staff reviewed the agenda items.  
42

43 **CITY COUNCIL NEW BUSINESS**  
44

45 The Council adjourned at 5:55 p.m. to the City Council Chambers for the regular meeting.  
46

1 **6:00 P.M. REGULAR SESSION**

2  
3 CONDUCTING Mayor Richard Brunst

4  
5 ELECTED OFFICIALS Councilmembers Margaret Black, Tom Macdonald, David  
6 Spencer, and Brent Sumner

7  
8 APPOINTED STAFF Jamie Davidson, City Manager; Greg Stephens, City  
9 Attorney; Richard Manning, Administrative Services  
10 Director; Bill Bell, Development Services Director; Scott  
11 Gurney, Interim Public Safety Director; Karl Hirst, Recreation  
12 Director; Charlene Crozier, Interim Library Director; and  
13 Taraleigh Gray, Deputy City Recorder

14  
15 EXCUSED Councilmembers Hans Andersen and Mark E. Seastrand

16  
17 **INVOCATION /**  
18 **INSPIRATIONAL THOUGHT** Marcie Molner

19  
20 **PLEDGE OF ALLEGIANCE** Ki Currin

21  
22 **APPROVAL OF MINUTES**

23  
24 Mr. Sumner **moved** to approve the minutes of the City Council meetings on November 12 and 19,  
25 2013 and December 10, 2013. Mrs. Black **seconded** the motion. Those voting aye: Councilmembers  
26 Margaret Black, Richard Brunst, Tom Macdonald, David Spencer, and Brent Sumner.

27  
28  
29 **MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL**

30  
31 Upcoming Events

32 The Mayor referred the Council to the upcoming events listed in the agenda packet.

33  
34 Upcoming Agenda Items

35 The Mayor referred the Council to the upcoming agenda items listed in the agenda packet.

36  
37 Appointments to Boards and Commissions

38 Mr. Sumner **moved** to appoint Jim Lauret to the Summerfest Advisory Committee. Mr. Macdonald  
39 **seconded** the motion. Those voting aye: Margaret Black, Richard Brunst, Tom Macdonald, David  
40 Spencer, and Brent Sumner. The motion **passed**.

41  
42 Recognition of New Neighborhoods in Action Officers

43 No new Neighborhood in Action officers were recognized.

44  
45 City Council Commission Assignments

46 Mayor Brunst reviewed the Council assignments for the year 2014.

1  
2 City Council NIA Assignments

3 Mayor Brunst reviewed the Council Neighborhoods in Action assignments for the year 2014.  
4  
5

6 **CITY MANAGER APPOINTMENTS**  
7

8 By the advice of Mr. Davidson, Mr. Sumner **moved** to reappoint Roger Knell to the Board of  
9 Building and Fire Code Appeals. Mrs. Black **seconded** the motion. Those voting aye: Margaret  
10 Black, Richard Brunst, Tom Macdonald, David Spencer, and Brent Sumner. The motion **passed**.  
11

12 With advice and recommendation from Mr. Davidson, Mr. Macdonald **moved** to appoint Mayor  
13 Brunst to serve as a member of Utopia board and Mr. Spencer to serve as a member of the Utah  
14 Infrastructure Agency (UIA) board. Mrs. Black **seconded** the motion. Those voting aye: Margaret  
15 Black, Richard Brunst, Tom Macdonald, David Spencer, and Brent Sumner. The motion **passed**.  
16

17 With advice and consent, Mayor Brunst **moved** to appoint Mr. Davidson as an alternate to both the  
18 Utopia board and the Utah Infrastructure Agency board. Mr. **Sumner** seconded the motion. Those  
19 voting aye: Margaret Black, Richard Brunst, Tom Macdonald, David Spencer, and Brent Sumner.  
20 The motion **passed**.  
21

22 **PERSONAL APPEARANCES**  
23

24 Time was allotted for the public to express their ideas, concerns, and comments on items not on the  
25 agenda. Those wishing to speak should have signed in prior to the meeting, and comments were  
26 limited to two minutes or less.  
27

28 Adam Shepherd, a member of the Provo District Dental Society, invited the council to lend support  
29 for “Give Kids a Smile” day on Saturday, March 1, 2014. This day was set apart to donate dental  
30 services to uninsured children in the area. Mr. Shepherd requested involvement from the city to help  
31 sponsor this effort.  
32

33 Jim Fawcette expressed concern regarding Utopia and the possibility of a utility fee being assessed  
34 with the possible new partnership regarding Utopia.  
35

36 Brian Kelly shared a personal story and related it to his concerns about the abundance of rentals in  
37 Orem.  
38

39 **CONSENT ITEMS**

40 There were no new consent items.  
41

42 **SCHEDULED ITEMS**  
43

44 6:20 P.M. PUBLIC HEARING

45 ZONING ORDINANCE AMENDMENT – Amending Section 22-12-3(N) of the Orem City  
46 Code pertaining to signage requirements in the Hospital Overlay zone

1  
2 REQUEST: The applicant requests the City amend Section 22-12-3(N) of the Orem City Code  
3 pertaining to signage requirements in the Hospital Overlay zone.  
4

5 Jason Bench, Interim Planning Division Manager, presented to Council and staff regarding the  
6 proposed amendment to the Orem City Code pertaining to signage for Orem Community Hospital.  
7 There are two hospitals currently in Orem: the Timpanogos Regional Hospital and the IHC Orem  
8 Community Hospital. Both are located in the Hospital Overlay (HO) zone which is designed to allow  
9 for necessary medical services. Signage in the HO zone currently allows for wall signs, canopy signs,  
10 freestanding monument signs and hospital directional signs. Mr. Bench reported the proposed  
11 amendment would allow a pole sign with a maximum height of eighteen feet and a total of one  
12 hundred square feet in area. The largest sign currently available to the applicant is a six foot tall  
13 monument sign. Timpanogos Regional Hospital, located within sign zone B, has an existing pole  
14 sign which is allowable within that zone. Mr. Bench stated the Orem Community Hospital is not  
15 currently in a sign zone and the proposed amendment would allow them the opportunity to also have  
16 a pole sign.  
17

18 Mr. Bench indicated the General Plan states that, “new signage regulations should be adopted to  
19 support the positive aspects of signage and to discourage the negative aspects.” The proposed  
20 amendment achieves this by:

- 21 • Allowing a sign that is not excessively large in comparison to others.
- 22 • Limiting the number of signs to one per development.
- 23 • Setting design standards by not allowing visible support structures or poles.  
24

25 The proposed amendment is outlined below:

26 22-12-3(N) Signs. A detailed sign plan shall be submitted to the City for approval prior to occupancy of any  
27 new building, issuance of a building permit for any signs, or installation of any signs. Permitted signs include  
28 wall signs, canopy signs, freestanding monument signs, and hospital directional signs. All signs proposed in the  
29 HO zone shall comply with the provisions of Chapter 14 and the following regulations:

30 1. Total Permitted Sign Area. The total maximum allowable area of all signs, including wall, canopy,  
31 freestanding monument, and hospital directional signs shall not exceed one square foot per lineal foot of  
32 building frontage.

33 2. Freestanding monument signs. One freestanding sign shall be allowed for each city approved drive approach.  
34 All freestanding monument signs shall comply with the provisions of Chapter 14; however, one (1) freestanding  
35 monument sign on each street frontage of an hospital or collector street may exceed the minimum square  
36 footage requirement of Chapter 14 by thirty six (36) square feet. Said sign shall be no greater than six feet (6') in  
37 height.

38 3. Wall & Canopy Signs. No wall or canopy sign shall be directed toward adjacent residential zones; unless wall  
39 sign is a minimum distance of two hundred feet from adjacent residential zone boundary, and sign is no higher  
40 than fifteen feet (15') from ground level.

41 4. A hospital complex shall be permitted one (1) freestanding pole sign with a maximum height of eighteen (18)  
42 feet and one hundred (100) square feet in area. The pole sign must be located outside any clear vision area. The  
43 allowance of a pole sign under this section shall only apply to a hospital complex that is not permitted a similar  
44 sign under another provision of the City Code. Such sign shall have no visible interior support structures or  
45 poles.  
46

47 Mr. Macdonald asked if the new ordinance would allow flashing signs. Mr. Bench said no and  
48 clarified the fact that the new ordinance would not allow electronic signs in this overlay zone.  
49

1 Steve Badger, Orem Community Hospital Administrator, indicated this sign is needed for EMS  
2 personnel and others seeking emergency services at Orem Community Hospital.

3  
4 Jeff Krantz with Young Electric Sign Company said he was available for questions.

5  
6 Mayor Brunst opened the public hearing.

7  
8 Adam Shepherd spoke to the signage concern at Orem Community Hospital and said he appreciated  
9 the recommendation to allow a more visible sign here.

10  
11 Mayor Brunst closed the public hearing.

12  
13 Mrs. Black **moved**, by ordinance, to amend Section 22-12-3(N) of the Orem City Code pertaining to  
14 signage requirements in the Hospital Overlay zone. Brent Sumner **seconded** the motion. Those  
15 voting aye: Councilmembers Margaret Black, Richard Brunst, Tom Macdonald, David Spencer, and  
16 Brent Sumner. The motion **passed**.

17  
18  
19 6:20 P.M. PUBLIC HEARING

20 REZONE AND ZONING ORDINANCE AMENDMENTS

- 21 • Enacting Section 22-11-53, PD-40 zone, Appendix II, and  
22 • Amending Section 22-5-3(A) and the zoning map of the Orem City Code by changing the  
23 zone from the C2 zone to PD-40 zone for property at 464 South State Street  
24

25 REQUEST: The applicant requests the City enact Section 22-11-53, PD-40 zone, Appendix II  
26 and amend Section 22-5-3 (A) and the zoning map of the Orem City Code by changing the zone  
27 on 3.66 acres at 464 South State Street from C2 to PD-40.  
28

29 Brent Sumner recused himself from the discussion and vote. He left the discussion at 6:30 p.m.

30  
31 Mr. Bench explained the applicant's request that the City create the PD-40 zone and apply such zone  
32 to property located at 464 South State Street in order to allow for the construction of 84 residential  
33 units and four commercial/retail units. The existing C2 zone permits commercial/retail but does not  
34 permit the residential component. A PD zone is required for this type of development. Mr. Bench  
35 reviewed images of the proposed elevations for the proposed PD zone.

36  
37 Under the applicant's proposal, a mixed use building (upper floor residential and main floor  
38 commercial) would be located along State Street and three residential buildings would be located  
39 along Orem Boulevard. The 84 residential units would be a mix of 4 studio units, 28 one-bedroom  
40 units, and 52 two-bedroom units. The one-bedroom units have an overall size of 664 square feet, and  
41 the two-bedroom units contain between 807-835 square feet. The mixed-use building adjacent to  
42 State Street would contain a total of 12 residential units (4 studio, 4 one bedroom, and 4 two  
43 bedroom) and 4 commercial units.

44  
45 Mr. Bench reported the applicant will dedicate property for a future right turn lane from Orem  
46 Boulevard to 400 South and will landscape the property in the interim. This future turn lane has been

1 shown on the concept plan.

2  
3 The purpose of Planned Development (PD) zones, as outlined in Section 22-11-1, is to provide  
4 flexibility in the City's zoning scheme in order to allow for unique, innovative and well-planned  
5 developments that would not be possible under one of the City's existing zoning classifications. PD  
6 zones are not intended for use in situations where a proposed development is reasonably feasible  
7 under one of the City's existing zoning classifications or in situations where the primary purpose is  
8 to obtain a relaxation of standards applicable to similar types of development in other zones. The  
9 development proposed for the PD-40 zone is significantly different from and would not be allowed  
10 under any of the City's standard residential or commercial zones; therefore, the PD option is the only  
11 alternative for this request.

12  
13 Orem City Code Section 22-11-2(2) also states that mixed-use projects are appropriate along State  
14 Street and University Parkway. The mixed-use building along State Street complies with this  
15 provision. Section 22-11-2(4)(b) requires that residential development must be significantly different  
16 in design, layout or characteristics from the type of residential development allowed under existing  
17 zoning classifications. As noted above, the type of development being proposed for the PD-40 zone  
18 would not be possible in any of the City's standard residential or commercial zones and the only  
19 option for this type of project is through the creation of a PD zone.

20  
21 A neighborhood meeting was held on November 4, 2103, with seven citizens and the applicant in  
22 attendance. There was no opposition to the proposed zone. A copy of the minutes is included with  
23 this report.

24  
25 The PD-40 zone standards include:

- 26 • A maximum density of 24 units per acre. The project, as shown on the concept plan, has a  
27 density of 23.3 units per acre.
- 28 • A maximum building height of 50 feet and a maximum of four stories.
- 29 • In Area A (residential along Orem Boulevard) buildings must be set back at least 20 feet from  
30 property not part of the PD-40 zone and any public street. Storage units may have a zero setback  
31 as shown on the concept plan. In Area B (mixed-use along State Street) buildings must be set  
32 back at least 20 feet from public streets and ten feet from adjacent property not in the PD-40  
33 zone. Carports in either area must be set back at least five feet from adjacent property lines.
- 34 • At least 55% of the exterior finish materials must consist of brick, stone, stucco, glass, fiber  
35 cement board or any combination thereof. Up to 45% of the exterior finish materials may  
36 consist of metal, both vertical and horizontal rib. Elevations of the proposed buildings are  
37 included as part of Appendix II.
- 38 • At least 2.25 parking stalls will be provided for each residential dwelling unit, at least one of  
39 which must be covered. Parking for commercial uses must be provided at the rates required in  
40 Article 22-15.
- 41 • The perimeter of the development, excluding street frontages, must be enclosed with a fence of  
42 uniform construction at least six feet in height but no greater than seven feet high. Wood and  
43 chain link fencing is prohibited.
- 44 • At least 25% of the gross acreage of the development must be landscaped including a minimum  
45 of 56 trees and 280 evergreen shrubs. The frontages along State Street and Orem Boulevard are  
46 required to have at least 20 feet of landscaping between the street and the buildings.

- 1 • A buffered sidewalk (with an 8' landscaped planter strip between the street and sidewalk) will  
2 be provided along State Street and Orem Boulevard.  
3

4 Advantages

- 5 • The PD-40 zone will improve an underdeveloped property into one that has more economic  
6 benefits to the City.  
7 • Provides additional housing options including a potential for live-work commercial  
8 opportunities  
9 • Provides improvements along State Street and Orem Boulevard including landscaping and  
10 sidewalks.  
11 • The developer will dedicate property to the City along Orem Boulevard at 400 South for a  
12 future right turn lane.  
13

14 Disadvantages

- 15 • The use of corrugated metal panels as a finish material suggests an industrial look which may  
16 not be an appropriate facade for a mixed-use/residential PD zone along State Street or Orem  
17 Boulevard.  
18

19 Mayor Brunst asked Mr. Bench to address the requirements regarding the fence. Mr. Bench said the  
20 fence must be a minimum of six feet with a maximum of seven feet, and that it could not be wood or  
21 chain-link.  
22

23 Mr. Bench indicated staff supports this project with reservations regarding the types of materials  
24 used in the façade. Mr. Bench indicated the recommendation was to include forty-five percent of the  
25 finished exterior be corrugated metal.  
26

27 Mayor Brunst asked about the type of metal. Mr. Bench invited the architect, Michael Travis, to  
28 come forward and to address questions. Mr. Travis indicated these metal panels are a prefinished  
29 metal, with protective film that lasts up to fifty years. Deseret First Credit Union and Supersonic Car  
30 Wash are examples buildings using this type of material. Mayor Brunst asked if Mr. Travis knew the  
31 percentage of metal used on these other buildings. Mr. Travis said Supersonic Car Wash has about  
32 eighty-five percent metal and Deseret First Credit Union has about thirty-five percent metal.  
33

34 Mrs. Black expressed concern about the use of this metal material and the color scheme of the  
35 project. Mr. Travis showed examples of the colors to be used, which he defined as a terracotta color.  
36 He indicated this type of architecture is a newer style, different from the typical conservative style  
37 found in Utah. This style is traveling through the country and the use of this style has been seen in  
38 Salt Lake Valley and is making its way to Utah County. Mr. Travis said the use of this metal material  
39 is indeed conducive to this type of residential setting.  
40

41 Mayor Brunst asked about how much of the total material would be used along State Street. Mr.  
42 Travis said twenty-two percent. He said because the developer was asked to reduce the usage, he  
43 reported the project is planned for thirty-eight percent metal for the total project.  
44

45 Mrs. Black asked for clarification as to where the metal is reflected on the elevation images provided  
46 in the agenda packet. Mr. Travis said the metal would be the gray areas. Mr. Bench also pointed out

1 the two ends being corrugated metal as well. These areas appear tan in the elevation images. He  
2 reported the tan areas represent approximately thirteen percent of metal usage.

3  
4 Mayor Brunst asked what the percentage of metal would be in the commercial side of the project.  
5 Mr. Travis indicated the usage reflected in the gray material on the elevation image would be  
6 twenty-two percent, and the tan material would be thirteen percent.

7  
8 Mrs. Black asked what the overall percentage of the metal was on the entire project. Mr. Travis  
9 answered thirty-seven percent. Mr. Davidson asked what the percentage of metal was on just the  
10 residential piece of the project. Mr. Travis indicated 44%. Mrs. Black expressed concern that this  
11 proposed look is more industrial rather than commercial.

12  
13 Mr. Bench provided insight on what types of materials certain zones can have. The commercial C2  
14 zone does not limit the types of materials used; however, a PD zone does have limitations on  
15 materials because it is a unique zone.

16  
17 Mayor Brunst expressed concern for not knowing what type of material Mr. Travis is proposing to  
18 use. He indicated he would feel more comfortable knowing more about the proposed materials and  
19 would like to actually see the material before approving this request.

20  
21 Mr. Macdonald asked about what fencing material would be used in the project. Mr. Travis indicated  
22 this specification has not yet been determined.

23  
24 Mayor Brunst opened the public hearing.

25  
26 James Fawcette said he is in favor of the corrugated metal exterior material proposed for this project.

27  
28 Alan Pearl said he felt that building styles do not have as much play on the vision of State Street as  
29 the actual types of businesses that line the State Street corridor have. He said he believed the type of  
30 businesses can depreciate the value of Orem more than a particular style of building does. His  
31 opinion was that diversity in the building styles can bring aesthetic to the City.

32  
33 Mr. Davidson encouraged Mayor Brunst to allow the council to hear from the applicant. Mayor  
34 Brunst brought the discussion back to the applicant to address questions from the council.

35  
36 The applicant acknowledged the differing style and look of the proposed project. He said the looks  
37 will differ within the units themselves, giving almost a loft look and feel to these apartments. Under  
38 advice, the applicant reported that they updated their proposal regarding the usage of the corrugated  
39 metal. The applicant regretted he did not have an actual sample to show to Council. The applicant  
40 noted that they are very particular about landscaping and ensured the beauty and success of the  
41 landscape aspect of the project.

42  
43 Mr. Macdonald said he would like to have a better understanding of the materials that the applicant  
44 is proposing to use.

1 Mayor Brunst indicated there were many unknowns that the council would like to consider. Mayor  
2 Brunst then re-opened the public hearing.

3  
4 Leslie Neilson expressed concern about this project turning into an HV/AC problem with the  
5 extensive use of metal on the exterior. She requested the applicant propose features that are more  
6 economical in terms of heating and air conditioning.

7  
8 Bob Wright said he was concerned about the amount of residential construction being proposed  
9 throughout the city.

10  
11 Mayor Evans closed the public hearing and asked for input from the city council.

12  
13 Mrs. Black suggested reducing the amount of metal used in the project. She suggested the applicant  
14 remove the metal part from the State Street side of the project.

15  
16 Mr. Spencer asked what effect this removal would have on the percentage calculations. Mr. Travis  
17 said they would have to do an actual calculation, that there was no efficient way to guess.

18  
19 Mayor Brunst **moved** to continue the discussion of this agenda item to January 28, 2014. Mr.  
20 Spencer **seconded** the motion. Those voting aye: Councilmembers Margaret Black, Richard Brunst,  
21 Tom Macdonald, David Spencer, and Brent Sumner. The motion **passed**.

22  
23  
24 6:30 P.M. PUBLIC HEARING

25 ZONE ORDINANCE AMENDMENT - Amending Article 22-5-3(A) and the zoning map of  
26 the Orem City Code by applying the agriculture overlay zone (AG) to property located at 31  
27 South 800 East and 75 South 800 East

28  
29 REQUEST: Dawna Owen and John Crandall request the City amend Article 22 5 3(A) and the  
30 zoning map of Orem City Code by applying the agriculture overlay zone to approximately 4.11  
31 acres at 31 South 800 East and 75 South 800 East.

32  
33 Mr. Bench presented an applicant request that the city apply an agriculture overlay zone to the  
34 property at 31 South 800 East and 75 South 800 East. Dawna Owen (75 South 800 East) and John  
35 Crandall (31 South 800 East) operate one of the few remaining orchards in the City. Their immediate  
36 plans are to keep the orchard in operation and they desire to protect the current use of the property by  
37 applying the agriculture overlay zone to these two parcels consisting of over four acres. The AG  
38 overlay zone would provide protection of agricultural uses from nearby residences or businesses  
39 which might file a nuisance complaint against the use. The agriculture overlay zone was previously  
40 applied to properties located immediately to the south and north across Center Street in January  
41 2012.

42  
43 The applicant held a neighborhood meeting on Wednesday, December 4, 2013. Those in attendance  
44 voiced their support of the request.

45  
46 The purposes of the agriculture overlay zone as stated in Section 22-12-6 are as follows:

- 1 1. To encourage the preservation of existing agricultural uses within the City in areas where  
2 residential and agricultural uses are compatible; and
- 3 2. To provide owners and prospective owners of property located near property in the  
4 agriculture overlay zone with notice of the potential positive and negative effects that may  
5 be associated with the agricultural use of the property.  
6

7 If the agriculture overlay zone is applied to the property, all uses permitted in the underlying R8 zone  
8 would continue to be permitted. In addition, the following additional agricultural uses would also be:

- 9 • Forestry
- 10 • Orchards
- 11 • Gardening
- 12 • Plant Nursery  
13

14 Mr. Bench indicated that the practice of the agricultural uses listed above may result in occasional  
15 excess light, noise, dust or smoke. Under the provisions of the AG overlay zone, such occasional  
16 excess light, noise, dust or smoke are deemed not to be a nuisance provided that such conditions are  
17 occasional and not continuous, are the result of normal and accepted agricultural practices, and do  
18 not pose a threat to the public health, safety or welfare.  
19

20 If the AG overlay zone is approved, all plats approved in the future within 300 feet of the R8-AG  
21 overlay zone will be required to have a note stating:

22 This property is located in the vicinity of an agriculture overlay zone in which certain  
23 agricultural uses are permitted. There may be certain negative effects associated with the  
24 agricultural practices that may be conducted in the agriculture overlay zone such as excess  
25 light, noise, dust, smoke etc. The use and enjoyment of the property included within this  
26 subdivision is expressly conditioned on acceptance of any annoyance or inconvenience, which  
27 may result from such agricultural uses and activities.  
28

29 Advantages:

- 30 • Provides protection of agricultural uses from nearby property owner complaints concerning  
31 agricultural operations.
- 32 • Property can still develop under the R8 zone.  
33

34 Disadvantages:

- 35 • It is potentially more difficult for the City or another governmental entity to acquire property in  
36 an AG overlay zone by eminent domain if such property is needed for street or other public  
37 improvements.  
38

39 Mayor Brunst asked how long the farm/orchard had been there. The applicant reported the farm has  
40 been there for over 100 years and that they grow cherries, peaches, pears, and apples.  
41

42 Mayor Brunst opened the public hearing. When no one came forward, Mayor Brunst closed the  
43 public hearing.  
44

45 Mr. Sumner **moved**, by ordinance, to amend article 22-5-3(A) and the zoning map of Orem City  
46 Code by applying the agriculture overlay zone (AG) to property located at 31 South 800 East and

1 75 South 800 East. Mayor Brunst **seconded** the motion. Those voting aye: Councilmembers  
2 Margaret Black, Richard Brunst, Tom Macdonald, David Spencer, and Brent Sumner. The motion  
3 **passed**.

4  
5  
6 6:30 P.M. PUBLIC HEARING

7 ZONE ORDINANCE AMENDMENT - Amending Article 22-11-27(D) of the Orem City Code  
8 to allow additional uses in the PD-15 zone at 730 South Sleepy Ridge Drive

9  
10 REQUEST: Golden Holt requests the City amend Section 22-11-27(D) of the Orem City Code  
11 to add eight (8) permitted uses in the PD-15 zone at 730 South Sleepy Ridge Drive.

12  
13 Mr. Bench presented to Council and staff a proposal to amend Article 22-11-27(D) having to do  
14 with permitted uses in the PD-15 zone at 730 South Sleepy Ridge Drive. The PD-15 zone was  
15 originally conceived as a master planned residential community with a golf course and both attached  
16 and detached dwelling units. When approved in 1997, there was no consideration for minimal  
17 commercial and office uses. In 2007, the applicant requested and the City approved an amendment to  
18 add several office-type uses inside the golf course clubhouse.

19  
20 Mr. Bench indicated that the applicant is requesting that eight additional uses be permitted inside the  
21 clubhouse. The eight additional uses include florists, barber & beauty salons, massage therapy,  
22 catering services, wedding reception centers, medical & health services, chiropractic and osteopathic  
23 services, and family & behavioral counseling. The proposed additions to the permitted uses are  
24 compatible with the existing uses inside the golf course clubhouse. The proposed text is as follows:

25 D. **Permitted Uses.** The uses listed below shall be permitted uses within the PD-15 Zone (the standard land  
26 uses 5XXX and 6XXX listed below shall only be permitted in the clubhouse)

27 Standard Land

<u>Use Code</u>	<u>Category</u>
1110	Single Family
1112	Condominiums (including town homes and twin homes, but only in Area C as depicted in Appendix G)
5948	Florists
6130	Insurance Agents, Brokers, and Related Services
6152	Title Abstracting
6154	Combination Real Estate, Insurance Loan, & Law
6231	Barber & Beauty Salons
6233	Massage Therapy
6291	Catering Services
6292	Wedding Reception Centers
6510	Medical, Dental, & Health Services
6514	Chiropractic and Osteopathic Services
6520	Legal Services
6530	Corporate or Personal Executive Office
6593	Accounting, Auditing, and Bookkeeping
6597	Family & Behavioral Counseling
6599	Interior Design (office only)
6610	Building Contractors (office only)
7411	Golf Courses and/or Country Clubs
7413	Tennis Courts
7423	Playing Fields & Athletic Fields
7610	Parks-General Recreation

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Advantages

- The uses proposed are compatible with existing uses and the golf course development.
- Increases commercial opportunities for the clubhouse owner inside the clubhouse only.

Disadvantages

- None identified

Mayor Brunst asked if the applicant was present at the meeting. Gary Graham, the general manager of the golf course, said he was a representative for the applicant, Golden Holt, and stepped forward. Mayor Brunst asked for explanation as to why they were seeking this amendment. Mr. Graham said there was a tenant requesting to move into the Sleepy Ridge complex who wanted to help cater to the brides. This tenant wanted to assist those patrons who were already using the Sleepy Ridge wedding/reception center venue. This request got the ball rolling with making this request.

Mayor Brunst opened the public hearing.

Bob Wright said there were no signs directing the public on how to get to Sleepy Ridge. He said he suspected the previous sign was removed when Geneva Road was widened. He requested directional signs be implemented in this area.

Mayor Brunst closed the public hearing.

Mr. Sumner indicated he agreed with Mr. Wright regarding the lack of directional signs in the area. He then went on to say that he felt Orem should do as much as they can to help local businesses. Mr. Sumner felt the more resources available for the applicant, the better.

Mrs. Black **moved**, by ordinance, to amend Section 22-11-27(D) of the Orem City Code to add eight (8) permitted uses in the PD-15 zone at 730 South Sleepy Ridge Drive. Mr. Macdonald **seconded** the motion. Those voting aye: Councilmembers Margaret Black, Richard Brunst, Tom Macdonald, David Spencer, and Brent Sumner. The motion **passed**.

**PUBLIC APPEARANCES CONTINUED**

Skyler Hamilton had a question on item number nineteen on the agenda regarding the disadvantage under an AG zone. He asked why it is potentially more difficult for the City or another governmental entity to acquire property in an AG overlay zone by eminent domain if such property is needed for street or other public improvements.

Mr. Stephens said there is a provision in the AG overlay zone that says it shall be the policy of the City of Orem not to exercise the power of eminent domain as the property located in the AG overlay zone, unless no other property may reasonably meet the purposes for which the power of eminent domain is exercised. It doesn't prohibit property acquisition, it just makes acquiring AG overlay property more difficult.

**COMMUNICATION ITEMS**

1  
2 Monthly Financial Summary – November 2013. Mr. Davidson referred the council to the information  
3 contained in the agenda packet regarding the monthly financial summary.

4  
5 **CITY MANAGER INFORMATION ITEMS**

6  
7 Mr. Davidson announced the planned City Council Retreat scheduled for next week, January 22-23,  
8 2014. Mayor Brunst gave an overview of the planned retreat, which will take place at Aspen Grove  
9 and Canyon Park business center.

10  
11 Mr. Davidson made mention of Mr. Andersen’s several attempts to be part of this meeting  
12 electronically, which attempts were unsuccessful. He voiced appreciation for Mr. Andersen’s effort  
13 to this end.

14  
15 **ADJOURNMENT**

16  
17 Mrs. Black **moved** to adjourn the meeting. Mr. Macdonald **seconded** the motion. Those voting aye:  
18 Councilmembers Hans Andersen, Margaret Black, Richard Brunst, Tom Macdonald, David Spencer,  
19 and Brent Sumner. The motion **passed** unanimously.

20  
21 The meeting adjourned at 7:23 p.m.

Mayor Evans and Members of the City Council,

As you know, the city has an opportunity twice each year to recognize citizens in the community with the Walter C. Orem award for dedication to the City of Orem over time and years of service.

Below is staff's recommendation for January's nomination. The proposed recipient has been a volunteer for the city and the storytelling festival for about 20 years. With changes to the Olmstead property happening in the near future (Rocky Mountain Power is scheduled to move from the property), the proposed recipient (who lives on property) will be required to move.

Interim Library Director Charlene Crozier prepared the following recommendation for your consideration:

I would respectfully submit the name of Wayne Barnes for the Council's consideration for the Walter C. Orem Award.

Wayne has become a great friend to the City of Orem through both his profession with Rocky Mountain Power and his personal dedication to the Timpanogos Storytelling Festival.

As the caretaker of Rocky Mountain Power's Olmsted property, Wayne is a careful steward of this historic community resource. He has shared this property's beauty, function, and historical significance with residents and guests for over 35 years. The Olmsted also plays an important role in serving as an educational facility for power-industry professionals. Regarding the significance of the facility, Rocky Mountain Power has described small hydroelectric plants like the Olmsted to be a backbone of the nation's early power system. Plants such as the Olmsted are still operating today in part due to the dedicated professionals like Wayne who care for the facilities. More than anyone else, Wayne recognizes and appreciates this treasure in Orem. Many residents don't even know the Olmsted exists, but it is a beautiful retreat.

We gratefully utilized the Olmsted grounds some years ago for the Timpanogos Storytelling Festival. It was a challenge to accommodate our large crowds on the property, but Wayne stepped up and embraced the experience. Festival goers were treated to the beautiful, peaceful setting. Wayne was excellent in providing help and assistance to the Festival then, and he is still a champion for the Festival today.

Even though we have moved the Festival to Orem's Timpanogos Park, Wayne continues his relationship with us. He is no longer able to serve the Festival as part of his profession, so he devotes personal time to our annual event. Wayne is a go-to guy, and we have put his knowledge and expertise to great work on the site. He has a keen understanding of electrical issues and facility concerns in general. Safety is a high priority for Wayne. He demands the safest possible equipment, cords, and other items to protect our patrons and staff. He even brought fire extinguishers to the park site for extra protection. Wayne is pleasant and friendly. He is willing to lend a hand in any area to make the experience the best it can be for the thousands of guests we welcome each year.

Wayne appreciates the art of storytelling, and he supports our efforts to share the Festival experience with guests from around the country. He has been described as the very definition of "above and beyond" when it comes to service. We appreciate his extensive knowledge, expertise, and help with the facilities of the Timpanogos Storytelling Festival.

Wayne has donated a great deal of time and effort to the Orem community over the years, and I think he would be a fine choice to receive the WCO award.

Thanks,

Char

## PROCLAMATION

WHEREAS, all children should have the right to the highest-quality schools possible;

WHEREAS, that improving the quality of education in Orem and expanding access to highly effective schools should be an issue of importance to our leaders;

WHEREAS, the City of Orem recognizes the critical role that an effective and accountable system of education plays in preparing all children to be successful in a global economy;

WHEREAS, Orem has a multitude of high-quality schools that are filled with teaching professionals who are committed to educating children; and

WHEREAS, the vital cause of education reform is one that transcends ideology and political party affiliation;

NOW THEREFORE, I, Richard F. Brunst, Jr., Mayor of the City of Orem hereby proclaim the week of January 26-February 1, 2014, as

### School Choice Week

in Orem, Utah and urge all citizens to participate fully in this observance.



Dated this 28<sup>th</sup> day of January 2014.

Richard F. Brunst, Jr., Mayor

ATTEST:

Taraleigh A. Gray, Deputy City Recorder

**CITY OF OREM**  
**CITY COUNCIL MEETING**  
**JANUARY 28, 2014**



<b>REQUEST:</b>	<b>6:20 PUBLIC HEARING</b> Enacting Section 22-11-50, PD-37 zone, Appendix EE, and amending Section 22-5-3(A) and the zoning map of the Orem City Code by changing the zone from the C2 zone to PD-37 zone for property at 1450 South State Street
<b>APPLICANT:</b>	Craig Widmier, US Development
<b>FISCAL IMPACT:</b>	None

**NOTICES:**

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspaper
- Emailed to newspaper
- Posted on utah.gov/pmn
- Mailed 73 notices on December 17, 2013
- Posted property on December 27, 2013

**SITE INFORMATION:**

- General Plan  
**Community Commercial**
- Current Zone  
**C2**
- Acreage  
**5.09**
- Neighborhood  
**Cherry Hill**
- Neighborhood Chair  
**Dale Smith**

<b>PLANNING COMMISSION RECOMMENDATION</b>
<b>Approve: 6-0</b>

<b>PREPARED BY:</b> David Stroud, AICP Planner
<b>APPROVED BY:</b>  Jamie Davidson

**REQUEST:** The applicant requests the City enact Section 22-11-50, PD-37 zone, Appendix EE, and amend Section 22-5-3(A) and the zoning map of the Orem City Code by changing the zone on 5.09 acres at 1450 South State Street from the C2 zone to the PD-37 zone.

**BACKGROUND:** The applicant requests that the City create the PD-40 zone and apply such zone to property located at 1450 South State Street in order to allow the construction of 180 residential units in two separate buildings. The mix of units will be split between one-bedroom units (753 square feet) and two-bedroom units (965 square feet). The area included within the application consists of seven lots, five buildings and a substantial area of undeveloped land.

Chapter 2 of the Orem General Plan states that PD zones are intended to be located in commercial and industrial land use locations. The General Plan also states that a PD zone can also be flexible, allowing the City and developer to create standards for a development that provide solutions to a variety of land use issues.

The subject property is located between State Street and 400 East and meets the intent of the general plan. The location of the development is an area that has some difficulty in keeping commercial uses or attracting any use as evidenced by the large area of undeveloped land.

Existing commercial uses on the subject property are located along State Street while the 400 East frontage is vacant. Aerial imagery from 1978 shows the property along 400 East as vacant at that time which indicates the subject property has remained underdeveloped for some time. Uses to the north and east are commercial; to the south is commercial and multi-family residential; and to the west is multi-family residential.

According to Section 22-11-1 (PD Zones) of the City Code, the purpose of Planned Development (PD) zones is to provide flexibility in the City's zoning scheme in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City's existing zoning classifications. PD zones are not intended for use in situations where a proposed development is reasonably feasible under one of the City's existing zoning classifications or in situations where the primary purpose is

to obtain a relaxation of standards applicable to similar types of development in other zones. The proposed PD-37 zone standards and density is significantly different than those found in a standard residential zone; therefore, a PD zone is the only alternative for this request.

Section 22-11-2(4)(b) states that residential development must be significantly different in design, layout or characteristics from the type of residential development allowed under existing zoning classifications. As noted above, the type of development being proposed for the PD-37 zone would not be possible in any of the City's standard residential or commercial zones and the only option for this type of project is through the creation of a PD zone.

The existing commercial uses are located in five buildings with two buildings either vacant or the location of multiple businesses over the last several years. Two businesses which have been at this location for several years include BJ Plumbing licensed since 1992 and Pearle Vision which has been licensed since 1985. BJ Plumbing is working with the City of Orem to find a new location. Pearle Vision has not contacted the City for assistance.

A neighborhood meeting was held on May 16, 2013, with representatives from Wendy's and the Housing Authority of Utah County in attendance. Both were supportive of the request.

The development standards of the proposed PD-37 zone include:

- A maximum density of 36 units per acre; the applicant is proposing 35.2 units per acre
- An overall building height of 60 feet (existing C2 zone standards) with the proposed elevations measuring 52 feet
- A setback of 25 feet to State Street and 20 feet from all other street curblines and adjacent commercial property to the north
- Contemporary architecture with vertical and horizontal relief, balconies, and material consisting of stone, stucco, cement fiberboard, metal and glass
- Each one-bedroom unit shall provide 1.25 parking stalls and each 2-bedroom unit shall provide 2.00 parking stalls; one stall for each unit shall be covered
- Perimeter fencing shall have a maximum height of seven feet and will be iron picket or iron picket on a low wall; fencing adjacent to commercial shall be solid panel construction
- Landscaping consisting of lawn, shrubs, and trees totaling 43,808 square feet of the development
- A buffered sidewalk will be provided adjacent to all three street frontages
- All dumpsters are to be located inside the building with internal access by the residents
- Amenities include a pool, basketball and volleyball court, courtyards

**Advantages**

- The PD-37 zone will improve an underdeveloped property into one that has more economic benefits to the City
- Provides additional housing options
- Provides street improvements along State Street, 1500 South, and 400 East including a buffered sidewalk

**Disadvantages**

- A small area of commercial zoning along State Street would be removed

**RECOMMENDATION:** The Planning Commission recommends the City Council enact Section 22-11-50, PD-37 zone, Appendix EE, and amend Section 22-5-3 (A) and the zoning map of the Orem City Code by changing the zone on 5.09 acres at 1450 South State Street from the C2 zone to the PD-37 zone. Based on the Planning Commission recommendation and the advantages outlined above, staff also recommends approval of this proposal.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE BY THE OREM CITY COUNCIL ENACTING SECTION 22-11-50, PD-37 ZONE, APPENDIX EE, AND AMENDING ARTICLE 22-5-3(A) AND THE ZONING MAP OF THE OREM CITY CODE BY CHANGING THE ZONE ON APPROXIMATELY 5.09 ACRES AT 1450 SOUTH STATE STREET FROM THE C2 ZONE TO THE PD-37 ZONE

WHEREAS on April 29, 2013, Craig Widmier of US Development filed an application with the City of Orem requesting the City enact Section 22-11-50, PD-37 zone, enact Appendix EE, and amend Article 22-5-3(A) and the zoning map of the City of Orem by changing the zone on approximately 5.09 acres at 1450 South State Street from the C2 zone to the PD-37 zone; and

WHEREAS on January 8, 2014, the Planning Commission held a public hearing to consider the subject application and forwarded a positive recommendation to the City Council; and

WHEREAS on January 28, 2014, the City Council held a public hearing to consider the subject application; and

WHEREAS a public hearing notice was posted at 56 North State Street, orem.org, utah.gov/pmn, and in a newspaper of general circulation; and

WHEREAS notices were mailed to all property owners and residents within 300 feet of the subject property and the property was posted; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety, and general welfare of the City; the orderly development of land in the City; the effect upon the surrounding neighborhoods; the compliance of the request with all applicable City ordinances and the Orem General Plan; and the special conditions applicable to the request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council hereby finds that this request is in the best interest of the City because it will improve an underdeveloped property, will provide additional housing options in the City, and will provide improvements along State Street, 1500 South, and 400 East including a buffered sidewalk.
2. The City Council hereby enacts Section 22-11-50, PD-37 zone, as shown on Exhibit A, which is attached hereto and incorporated herein by reference.

3. The City Council hereby enacts Appendix EE, as shown on Exhibit B, which is attached hereto and incorporated herein by reference.

4. The City Council hereby amends article 22-5-3(A) and the zoning map of the City of Orem by changing the zone on approximately 5.09 acres at 1450 South State Street from C2 to PD-37, as shown on Exhibit C, which is attached hereto and incorporated herein by reference.

5. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

6. All other ordinances in conflict herewith are hereby repealed.

7. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.

PASSED, APPROVED, and ORDERED PUBLISHED THIS 28<sup>th</sup> day of **January** 2014.

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Richard F. Brunst, Jr., Mayor

ATTEST:

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Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

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**22-11-50. PD-37 zone (Legacy at Orem--1450 South State Street)**

**A. Purposes.** The purpose of the PD-37 zone is as follows:

1. To promote the redevelopment and beautification of properties in the vicinity of 1450 South and State Street.
2. To allow for the creation of a new housing alternative that will provide individuals with the opportunity to live in proximity to employment opportunities, retail shopping and public transportation thereby reducing traffic generation.

**B. Location.** The PD-37 zone may only be applied to an area located at the northwest corner of 1500 South and State Street as shown in Appendix "EE."

**C. Permitted Uses.** Condominiums and apartments are permitted in the PD-37 zone. All other uses are prohibited.

**D. Concept Plan.** The concept plan included herein as Appendix "EE" and incorporated herein by reference, designates in general terms the proportions, locations, and types of uses to be developed within the PD-37 zone and shall guide site layout and development within the zone. Development on any parcel to which the PD-37 zone has been applied must substantially conform to the approved concept plan. The concept plan may be amended in the same manner as an amendment to the zoning ordinance as set forth in Section 22-1-5 of the City Code.

**E. Site Plan.** All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-37 zone. No development, construction, revisions, or additions shall take place on a site in the PD-37 zone, except for demolition and preliminary site grading, until the site plan has been approved, the final plat has been recorded, the necessary bonds have been posted, all fees have been paid and the appropriate permits have been obtained.

1. **Additional Site Plan Requirements.** In addition to the requirements of Section 22-14-20, the site plan shall include the following additional items:

- a. Details of amenities and their locations within the project; and
- b. A detailed preliminary grading and drainage plan including all irrigation ditches, laterals, and structures, and detention areas with calculations for volume and proposed locations.

2. **Phasing.** Development phases are permitted provided that all phases include, in accordance with City policies and procedures: 1) sufficient traffic circulation for the development phase to existing dedicated streets; 2) sufficient infrastructure, such as sewer and culinary water; 3) surface water detention, if applicable; and 4) appropriate amenities for that phase as specified on the concept plan.

3. **Completion of Improvements.** All public improvements shown on an approved site plan or amended site plan shall be completed within two (2) years of the date of approval or recording of the site plan or final plat, whichever is later. If the improvements are not completed within the time specified, the City shall have the option of taking action on the bond to complete the improvements or of voiding the approval. An applicant may request an extension of up to two (2) years for the completion of improvements from the Director of Development Services. An extension of two (2) years may be granted only if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements.

**F. Development Standards.** The following development standards and requirements shall apply to all development in the PD-37 zone:

1. **Density.** The maximum density allowed shall be thirty-six (36) units per acre.
2. **Height.** No building or structure shall exceed sixty feet (60') in height, not including parapets, architectural features or roof features.
3. **Required Setbacks.** All buildings shall be set back at least twenty-five (25) feet from back of curb on State Street and (20) feet from all other public right of way curb lines. All buildings shall be set back at least twenty (20) feet from any property not a part of the PD-37 zone.
4. **Architectural Style.** Buildings in the PD-37 zone shall incorporate a unique and aesthetically pleasing architectural and design theme as shown in Appendix "EE." The design of buildings in the PD-37 zone shall incorporate diversity of detail and materials among individual buildings while maintaining a unique overall design theme for the entire development. All development and parking structures shall follow the overall architectural style and/or theme of the development. The Planning Commission shall deny approval for any site plan that fails to conform to the architecture and design requirements of this Section 22-11-50 and Appendix "EE" to ensure the aesthetic quality of the development and to ensure compliance with the purposes and requirements of this ordinance. The architectural style selected shall conform to the following general design guidelines outlined below:
  - a. The architecture and design of all buildings shall conform to the architectural style and quality illustrated in the concept plan.
  - b. The sides of all buildings shall demonstrate a variety in color, façade depth, relief, rhythm and roof line height with changes occurring in some of the before mentioned areas at least every sixty-six (66) linear feet. Façade depth shall change with a minimum of two (2) feet offset at least every sixty-six (66) linear feet on all sides of the buildings. All buildings shall be constructed with an acceptable mix of building materials and architectural features to achieve diversity of architecture.
  - c. Balconies up to six feet (6') in depth but not less than three feet (3') are required on all units located above the ground level.
  - d. Windows shall be required on the sides of all residential units adjacent to a street or plaza. Window designs throughout the project shall be varied to help create a diversity of architecture.
  - e. The design and style of all development shall conform in all other respects to the general purpose and spirit of the PD-37 zone.
  - f. Parking garages may not have direct access to or from State Street. Entrances and exits to parking garages shall also be designed so as not to be visible from State Street.
5. **Building Material.** All buildings shall be completed on all sides with acceptable finishing materials that are consistent with the general theme of the overall development. Building materials should be durable and suitable for the design in which they are used. The following materials are acceptable: brick, stone, cement board, cultured stone, glass, stucco, synthetic stucco (EIFS only), metal paneling or plaster. Wood, sheet metal, and corrugated metal, may be approved for trim, soffits, fascia, mansards and similar architectural features. The Planning Commission may approve other finishing materials that are similar in appearance and durability. Vinyl siding and PVC shall not be allowed. In determining

whether or not a particular finishing material is acceptable, the Planning Commission shall consider the following factors:

- a. The degree to which the proposed finishing materials are durable and have low maintenance characteristics;
- b. The degree to which the proposed finishing materials are consistent with the overall design goals;
- c. The location of the proposed finishing material on the building;
- d. The degree to which a particular finishing material may be shielded by landscaping or some other feature; and
- e. The visibility of the site from public streets and neighboring uses.

**6. Drive Accesses.**

- a. Design. All drive accesses within the interior of a development in the PD-37 zone shall be designated private on the concept plan. Drive accesses shall be designed and built according to the concept plan.
- b. Width. All drive accesses shall be constructed with at least two travel lanes with each travel lane being a minimum of twelve feet (12') in width exclusive of areas available for parking.

**7. Sidewalks.** A sidewalk separated from the street by a landscaped strip shall be required in all areas of the PD-37 zone that are adjacent to a public street. Sidewalk adjacent to State Street shall be at least eight feet (8') in width and shall be separated from the street by a landscaped strip at least eight feet (8') in width as shown in Appendix EE. Sidewalk adjacent to 1500 South and 400 East shall be at least five feet (5') in width and shall be separated from the street by a landscaped strip at least eight feet (8') in width as shown in Appendix EE.

**8. Pedestrian Circulation.** The developer of property in the PD-37 zone shall provide pedestrian circulation routes in the development with access to the public right of way.

**9. Parking.**

- a. Parking shall be provided as shown in the concept plan.
- b. At least one and one-quarter (1.25) parking stalls shall be provided for each one bedroom unit and at least two (2) parking stalls shall be provided for each unit having two or more bedrooms.
- c. The above outlined parking requirements shall be met for each phase of development.
- d. Angled and parallel parking may be provided on all interior drives.
- e. At least one covered parking stall shall be provided for each unit.
- f. Parking shall be located at least fifteen feet (15') from any back of curb adjacent to a public street.

**10. General Landscaping Requirements.**

- a. Landscaping shall be maintained in the area between all buildings and back of sidewalks and the area between all parking and back of sidewalk. Landscaping shall also be maintained in all required landscaped strips. All land within the PD-37 zone not covered by buildings, driveways, sidewalks, plazas, courtyards, structures, recreation facilities, parks and parking areas shall be permanently landscaped with plants, shrubs, trees, grass, and similar landscaping materials. All landscaping shall be maintained in accordance with good landscaping practices. All landscaping shall have a permanent, working underground sprinkling system.
- b. Deciduous trees at least two (2) inches in caliper measured six inches above ground level, and evergreen trees at least five (5) feet in height, are required at a ratio of one deciduous and one evergreen per every three thousand (3,000) square feet of

landscaped area. Evergreen shrubs at least five (5) gallons in size are required at a ratio of one (1) per dwelling unit.

c. Trees shall be maintained in the required landscaped strips described in subsection (F)(7) above. The trees required under this subsection shall be spaced no more than forty feet (40') apart and shall consist of English Oak, Norway Maple, Littleleaf Linden or comparable trees approved by the City Urban Forester. The required trees shall be at least two inches (2") in caliper measured four feet (4') above the ground.

11. **Lighting Plan.** Each site plan shall include a lighting plan that is designed to discourage crime, enhance the safety of the residents and guests of the project, prevent glare onto adjacent properties and enhance the appearance and design of the project. Light fixtures shall be provided at each building entry. Parking lots and structures shall be well lit. All pathways in the development shall be sufficiently lit to provide a safe environment. Streetlights shall have a decorative style and shall be dark-sky sensitive. No cobra-style light standards are allowed. Streetlights shall be installed on public streets in conformity with the standards of the City street lighting project. The general design of the light pole and head shall follow the general theme of the development.

12. **Amenities.** Amenities shown on the concept plan shall be incorporated into the development. If the development is constructed in phases, the amenities shown on the concept plan shall be included with the first phase.

13. **Storage.** The development shall provide areas for storage of bicycles. Such items shall not be permitted to be stored within common interior or exterior hall ways of the development. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in an open area. Storage of commercial goods or materials outside of a building is prohibited.

14. **RV Storage.** The storage of Recreational Vehicles (RV's) shall not be permitted within the PD-37 zone.

15. **Solid Waste Receptacles.** Solid waste receptacles which are not located within a building, excluding small decorative garbage cans, shall be enclosed on three sides with the same materials as used on the main structures within the PD-37 development with the remaining side used as a gate with appropriate screening materials.

16. **Storm Water Runoff Plan.** All development within the PD-37 zone shall have a storm water runoff plan designed to accommodate a twenty-five (25) year storm.

17. **Unit Owners' Association.** If all of the residential units are owned by the same person or entity, no Unit Owners' Association shall be required. However, if all of the residential units are not owned by the same person or entity, a Unit Owners' Association shall be formed and maintained to provide maintenance and adequate on site security in all public and common areas of the development.

18. **Soils Report.** A soils report prepared by a soils engineer shall be submitted concurrent with the submittal of any site plan to identify any special engineering needs of the site. All development shall be slab on grade unless a soils engineer determines that below grade development can be developed without present or future ground water problems and the City Engineer concurs in the analysis. Ground water drains shall be required if the soils report recommends them.

19. **Signage.** Except as otherwise provided herein, signage in the PD-37 zone shall comply with Chapter 14 of the Orem City Code.

a. Wall signs may not exceed fifteen percent (15%) of the wall area of the residential building to which the sign is attached. One wall sign per building is permitted.

b. Wall signs extending more than six inches (6") from the wall and less than twenty-four inches (24") shall not be within eight feet (8') of the finished grade adjacent to

the building at the base of the wall to which the sign is attached. Projecting signs, i.e., signs that project more than twenty four inches (24") from the wall are prohibited.

c. Three "on-premise," ground monument signs shall be allowed. The monument signs may not exceed six feet in height or thirty-six square feet in size. The monument signs may not encroach into any "Clear Vision Area" as defined in this Chapter.

**20. Fencing.** A fence shall be constructed and maintained around the perimeter of the development as shown in Appendix EE. Where adjacent to a public street, the fence shall be constructed of decorative rock and/or wrought iron or similar material. No wood or chain link fencing shall be allowed. The maximum height of the fence shall be seven (7) feet outside of any clear vision area and shall be located behind the sidewalk.

## **G. Bonds.**

1. **Purpose.** Prior to the recording of any final plat in the PD-37 zone and prior to the issuance of any building permit on land included within a PD-37 development, the applicant shall post a bond with the City in an amount sufficient to cover the cost of all required improvements required for that phase by the approved site plan, preliminary plat, final plat, concept plan, the PD-37 ordinance and other applicable City ordinances, including but not limited to landscaping and sprinkling systems, asphalt, curb, gutter, sidewalk, fencing, recreational facilities, piping of irrigation ditches, and any other item required as part of the approved site plan. The bond shall be a guarantee that the proper installation of all required improvements shall be completed within two (2) years of the date of approval of the site plan or recording of the final plat, whichever is later or at such time as the approving body may designate, and that the improvement shall remain free from defects for a period of one year after the City's final acceptance of the improvements. The bonds required by this Section are for the sole benefit of the City. The bonds are not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots or units within the PD-37 development. The bonds are not for the purpose of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or material shall have a cause of action against the City or the bond for providing labor or materials. Bond releases may be applied for as each bonded item is completed and authorized by Orem City officials, with the exception of 10% warranty held for one (1) year.

2. **Type.** The bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination bond in favor of the City. The requirements relating to each of these types of bonds are found in section 17-6-6 of the Orem City Code. The City reserves the right to reject any of the bond types if it has a rational basis for doing so. The bond shall be delivered to the Department of Development Services

3. **Amount.** The Development Services Director or his designee shall determine the amount of the required bond by estimating the cost of completing the required improvements. The amount of the bond shall be at least one hundred ten percent (110%) of the estimated costs of the required improvements.

4. **Non-waiver.** This section does not waive the bonding, licensing, or permit requirements set forth in other City ordinances except that this section replaces the subdivision bond required in section 17-6-6 Orem City Code.

5. **Plat Recording.** The City shall not record any final plat until the developer of the PD-37 development has tendered the bond and entered into an agreement with the City in which the developer agrees to install the improvements as required by this Section and agrees to indemnify and hold the City harmless from any claims, suits or judgments arising from the

condition of property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period).

**6. Completion of Improvements Extension.** An applicant may request an extension of up to two (2) years for the completion of improvements from the Development Services Director. The Development Services Director may grant an extension of up to two years if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements.

**7. Liability for Improvements.** If for any reason the bonds providing for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be liable to complete the improvements required by this section.

**H. Preliminary and Final Plat.** The form and contents of any preliminary and/or final plat and all construction drawings shall comply with the provisions of Chapter 17 of the Orem City Code. The final plat shall also designate common areas, limited common areas, private ownership areas, cross-easements, plat restrictions, lot restrictions, and other information required by the Planning Commission or Director of Development Services.

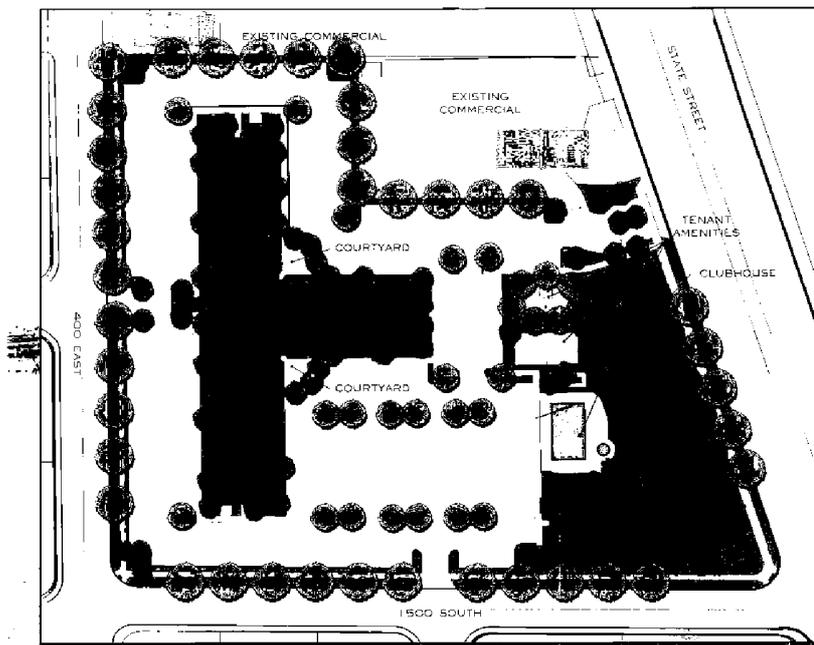
1. An application for a final plat in the PD-37 zone shall be prepared by a licensed surveyor and engineer and shall be submitted to the City, together with the required fees.
2. For any part of a development that contains condominiums, the developer shall submit three-dimensional drawings of buildings and building elevations. The developer shall also submit a written statement by an attorney who is licensed to practice in the State of Utah. This written statement shall be the attorney's opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) and all applicable federal, state and local laws and ordinances and that when the condominium declaration and final plat have been recorded in the office of the Utah County Recorder that the proposed project will be a validly existing and lawful condominium project in all respects.
3. In conjunction with an application for final plat approval, the applicant must submit to the City written approval of adjoining ditch or canal companies authorizing mandatory fencing or piping of ditches or canals.
4. The City Engineer shall approve the final plat provided he finds that the final plat complies with all applicable ordinances and all conditions imposed by the Planning Commission and the City Engineer. Following approval, the City Engineer shall authorize the recording of the final plat after all signatures are obtained, all approvals are given, all bonds are posted with the Development Services Department and all fees are paid.
5. A final plat must be approved and recorded for each phase of construction.
6. All bonds shall be tendered prior to the issuance of a building permit.

**I. Alternate Development Standards.** All property in the PD-37 zone must be developed in conformity with the concept plan and the development standards contained in this Section 22-11-43. In the alternative, all of the property in the PD-37 zone may be developed according to the standards of the C2 zone. However, in order to ensure congruity of development, all property in the PD-37 zone must be developed entirely according to the standards and requirements of the PD-37 zone or must be entirely developed according to the standards and requirements of the C2 zone. If a site plan for property in the PD-37 zone has been approved according to PD-37 standards, no site plan shall be approved for the development of other property in the PD-37 zone according to C2 zone standards and vice versa.

**EXHIBIT B**



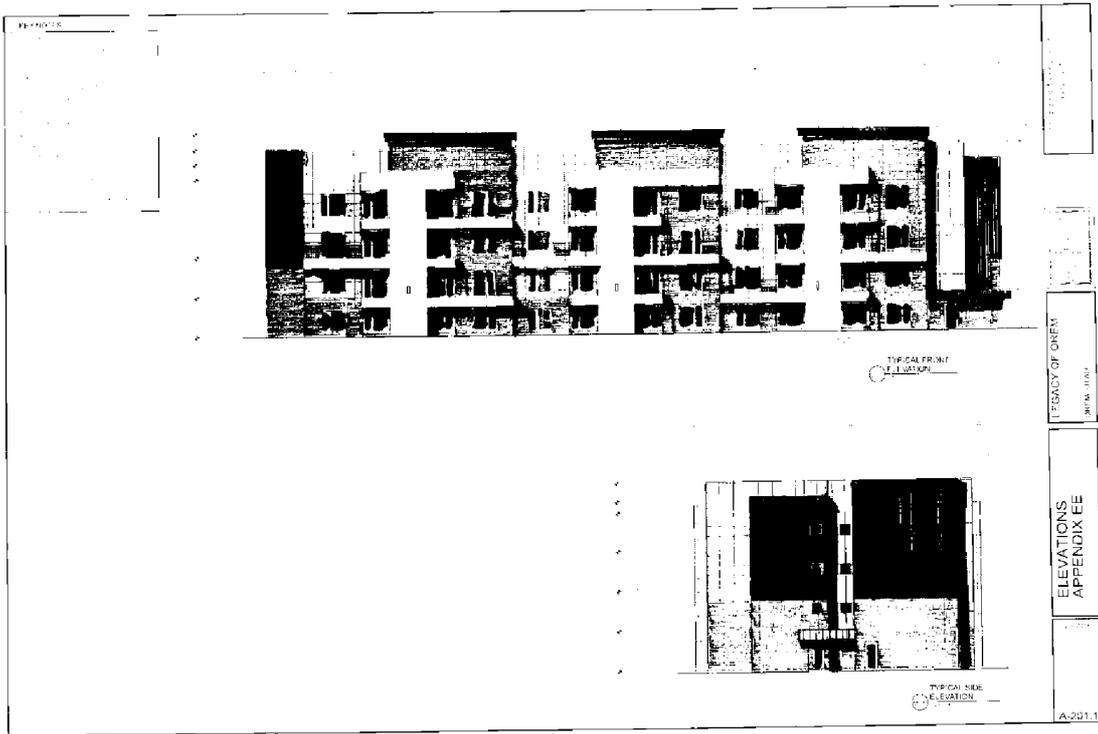
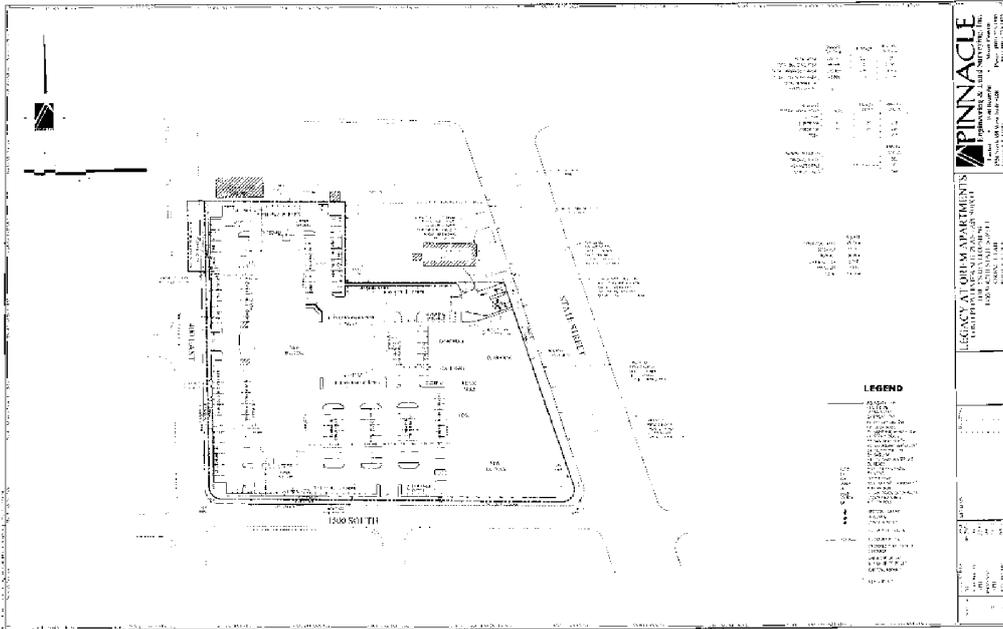
**Juitle and Associates, Inc.**  
**ARCHITECTS**  
 1000 S. 1000 E.  
 SUITE 100  
 OREM, UT 84058  
 (801) 225-1000



- LEGACY AT OREM**
- 180 TOTAL UNITS
  - +/- 90 1 BEDROOM UNITS
  - +/- 90 2 BEDROOM UNITS
  - OVERSIZED BALCONIES
  - CLUBHOUSE
  - EXERCISE FACILITY
  - SWIMMING POOL
  - PICNIC TABLES
  - VOLLEYBALL AREA
  - COURTYARDS
  - FOUR STORY INTERNAL ACCESS
  - ELEVATORS
  - INTERNAL TRASH CHUTES AT EACH FLOOR
  - COVERED PARKING
  - ENHANCED LANDSCAPES

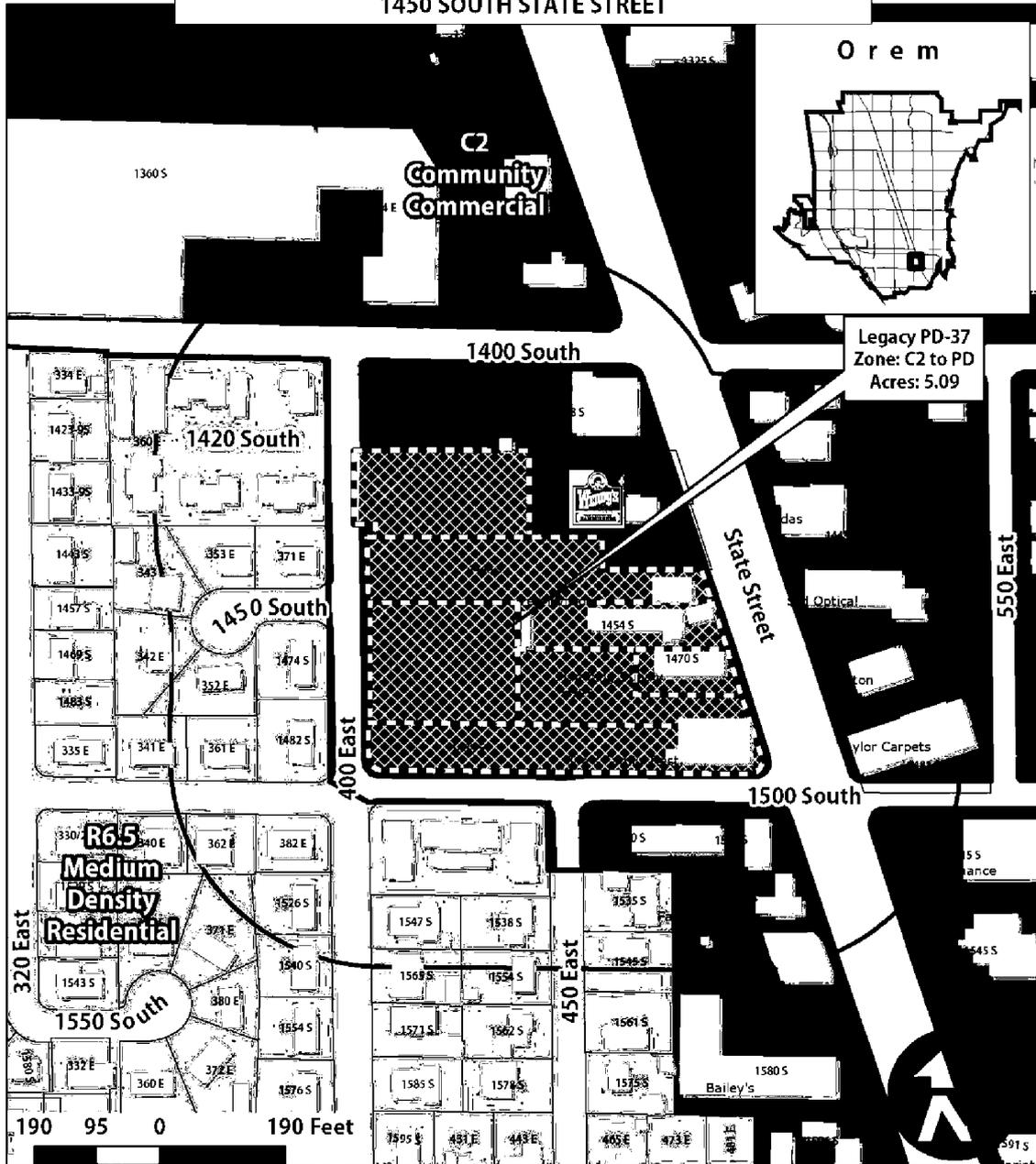


**LEGACY AT OREM**



# Legacy at Orem - PD-37 Rezone

1450 SOUTH STATE STREET



Legacy PD-37  
Zone: C2 to PD  
Acres: 5.09

◆ Legacy @ Orem PD-37 Rezone;  
C2 to PD; 5.09 Acres.

NIA CONTACT:  
Cherry Hill  
Dale Smith

- Legend**
- Buildings
  - PD-37 Legacy
  - Notification Boundary
  - Parcels

**DRAFT PLANNING COMMISSION MINUTES – JANUARY 8, 2014**

**AGENDA ITEM 4.2** is a request by Craig Widmier to enact **SECTION 22-11-50, PD-37 ZONE, APPENDIX EE, AND AMEND SECTION 22-5-3(A) AND THE ZONING MAP OF OREM CITY BY CHANGING THE ZONE ON PROPERTY AT 1450 SOUTH STATE STREET FROM C2 TO PD-37** of the Orem City code.

**Staff Presentation:** Mr. Stroud said the applicant requests a rezone of property to the PD-37 zone for the purpose of constructing 180 residential units contained in two buildings. The mix of units will be fairly even between one and two-bedrooms. The existing C2 zone permits commercial/retail but does not permit residential units. A PD zone is required for this type of use. The existing location of the proposal contains four commercial buildings and a substantial area of undeveloped ground.

Chapter 2 of the Orem General Plan states that PD zones are intended to be located primarily along State Street. The General Plan also states that a PD zone can also be flexible, allowing the City and developer to create standards for a development that provide solution to a variety of land use issues.

The subject property is located between State Street and 400 East and meets the intent of the general plan. The location of the development is an area that has some difficulty in keeping commercial uses or attracting any use as evidence by the large area of undeveloped land.



Existing commercial uses are located along State Street while the 400 East frontage is vacant. Aerial imagery from 1978 shows the property along 400 East as vacant at that time which indicates the subject property has remained underdeveloped for some time. Uses to the north are commercial; to the east is commercial; to the south is commercial and multi-family residential; and to the west is multi-family residential.

According to Section 22-11(PD Zones) of the City Code, the purpose of Planned Development (PD) zones is to provide flexibility in the City’s zoning scheme in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City’s existing zoning classifications. PD zones are not intended for use in situations where a proposed development is reasonably feasible under one of the City’s existing zoning classifications or in situations where the primary purpose is to obtain a relaxation of standards applicable to similar types of development in other zones. The Code states residential PD zones are appropriate when it provides 1) development that is significantly different in design, layout or characteristics from the type of residential development allowed under existing zoning classifications, and 2) parcels that are unsuitable for either single-family dwellings or PRDs due to the location or topography of the land. The proposal is not permitted under any existing zone so a PD zone is the only available option.

The existing commercial uses are located in four buildings with two buildings either vacant or the location of multiple businesses over the last several years. Two businesses have been at this location for several years. BJ Plumbing has been licensed since 1992, and Pearl Vision which has been licensed since 1985. BJ Plumbing is working with the City of Orem to find a new location. Pearl Vision has not contacted the City for assistance.

The potential for a PRD zone or single-family development should be considered prior to the discussion of a high-density multi-family development. However, a PRD or single-family development is not appropriate at this location. Any housing at this location should be a high-density development similar to what has been proposed.

A neighborhood meeting was held on May 16, 2013, with representatives from Wendy’s and the Housing Authority of Utah County in attendance. Both were supportive of the request.

**Density**

The maximum density in the PD-37 zone shall be 36 units per acre. The project, as shown on the concept plan, has a density of 35.2 units per acre.

**Height**

The overall building height in the PD-37 zone is 60 feet, which is the same as the current C2 zone. The applicant proposes buildings with a wall height of 48 feet and a parapet height of 52 feet.

### **Setbacks**

The setback from State Street shall be twenty-five feet from the back of curb and twenty feet from all other street right-of-way curb lines. Setbacks to the north, which is not part of the PD-37 zone, shall be 20 feet.

### **Architectural Style**

The buildings are proposed to be a “contemporary” design as shown on the attached elevation drawing. Exterior finishing materials include, stone veneer, metal, cement fiberboard, and stucco. Walls will be offset and balconies constructed to provide depth and architectural character.

### **Parking**

Each one-bedroom unit shall have at least 1.25 parking stalls and multi-bedroom units shall have at least 1.75 parking stalls provided. One covered stall shall be provided for each unit.

### **Fencing**

The perimeter of the development shall be enclosed with a fence with a maximum height of 7 feet. The fence style may be metal picket, picket on a stone base, or solid panel. The fence, when located along street frontages, shall be located behind the sidewalk. Chain link or wood fencing is not permitted.

### **Landscaping**

All areas not covered by parking, buildings, or sidewalks shall be landscaped. The existing sidewalk along State Street and 1500 South will be relocated to provide an 8-foot landscape buffer. This same buffer will also be installed along 400 East which currently has no curb, gutter, or sidewalk.

### **Dumpsters**

Separate enclosed dumpsters are not proposed as all garbage collection will be contained inside each building. The dumpsters will then be accessible to the outside behind doors of the building.

### **Advantages**

- Develops parcels which have been vacant/underdeveloped for some time
- Provides additional housing opportunities
- Increases the population along State Street which will patronize Orem businesses and be in close proximity to available mass transit along State Street and University Parkway
- Develops property (400 East area) which is not ideal for commercial uses

### **Disadvantages**

- A small area of commercial zoning along State Street is removed

**Recommendation:** Based on compliance with the Orem General Plan and the Orem City Code and the advantages 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. Stroud.

When no one did, Chair Moulton invited the applicant to come forward. Craig Widmier introduced himself.

Mr. Widmier noted there is a sister project in Centerville, Utah, which has been successful. He noted that the residence entrances will be interior with elevators. This design is more of an urban type of a building. The exterior of the building will have cultures stone, stucco, and metal paneling. They have been working with City staff and Utah Department of Transportation (UDOT) in order to adjust the access by Wendy’s Restaurant to correct the entrance/exit for the current Wendy’s. They will add park strips along State Street and along the two side streets as well. A third entrance was added to help with traffic circulation. There will be different fencing around the project. Along State Street the fence there will be a small 18-inch high fence with iron picket on top. The residential portion on the south and west will have a six foot metal picket fence. The north side of the property abuts up to commercial property; and they are proposing a solid panel fence. Along State Street there will be park strip and an eight foot

wide sidewalk and the decorative fence with the 18-inch fence with iron picket on top. The residential will have an eight foot park strip with a five foot sidewalk. There is a pool, a basketball area, and also there are some small courtyards designed to be a gathering space for the tenants. They did some massing studies to see what the scale of the building would do on the site. Because of the study they moved the T-shaped building away from the street, and moved the parking in order to give a terracing effect for the existing buildings. They will offer one and two bedroom units. The latest configuration of the parking there are 301 parking stalls, which gives them two stalls per the two bedroom units and 1.25 stalls for the single bedroom units. This is the same parking plan they are using in Centerville and it has had tremendous success. The two bedroom units have two designs. One has the bedrooms split, like a roommate style and then others have the bedrooms together.

Vice-Chair Walker asked if there would be five foot sidewalks all around the project. Mr. Widmier said it is five foot sidewalks except for eight foot on State Street.

Ms. Jeffreys asked if the building elevations presented had the balconies, etc. on just one side or was it all around. Mr. Widmier indicated the balconies were on the east/west sides. The ends of the building contain the stair tower and the access point into the building. That side has metal panels or a color change in the finished product.

Mr. Widmier added that the dumpsters will be enclosed in the building so the residents have a point inside where they can walk down the hallway and drop their garbage into a chute. The chute drops down into the dumpsters. There is a gate enclosure so the dumpster can be rolled out for pick up. On the T-shaped building the trash chute is in the middle of the T-bone on the west side. Due to the size of the building, there would be smaller enclosures on the north and south where residents could also drop their trash. Because of the interior corridor, there have electronic key FOB's for all the exterior doors so that only tenants can get in the building. Once in the building, it is like a hotel, the resident walks down the hallway and has a key to get into their unit. This is an appealing amenity, once in the building the resident is home because only tenants have access. The software tracks who goes in and out all of the time. This has been a popular amenity in the Centerville development.

Mr. Iglesias asked Mr. Widmier about the change from 1.75 stalls for two bedroom to 2 stalls for two bedroom units. Mr. Widmier said that when they added the third entrance they reconfigured the parking and ended up with more stalls. They would request the ordinance to be modified to state 2 stalls for two bedroom units and 1.25 for one bed room unit.

Chair Moulton asked how guests would enter the building. Mr. Widmier indicated that if someone has a guest they would come down let the guest in. He added that the interior finishes are nice cabinetry, granite countertops, upgrade on all the cabinet hardware, plank flooring with carpet in the bedrooms.

Ms. Jeffreys asked for the square foot of both units. Mr. Widmier said the one bedroom units are 763 square feet and the two bedroom are 965 square feet.

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.

Jeff Richins, BJ Plumbing Supply, said there are five buildings that are being vacated. Mr. Stroud said he counted four buildings, with Jim's Restaurant being vacant. Mr. Richins indicated there was a home in the back that was an insurance business and some apartments that will be vacated.

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

Mr. Whetten asked what staff has heard from the neighbors. Mr. Stroud said he sent out notices and posted two signs on the property and he has not been connected.

Chair Moulton said the landscaping will make this a very nice project. Mr. Whetten said he would like to see more commercial along State Street, but that being said this is a nice project.

Chair Moulton called for a motion on this item.

**Planning Commission Action:** Mr. Bell 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 enact Section 22-11-50, PD-37 (Legacy at Orem) zone, Appendix EE and amend Section 22-5-3(A) by rezoning property at 1450 South State from the C2 zone to the PD-37 zone, with the following conditions:

1. That the parking should be two stalls per two bedroom unit and 1.25 stalls per single unit;
2. Use the corrected ordinance.

Mr. Whetten seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, David Moulton, and Derek Whetten. The motion passed unanimously.

## **Orem City Public Hearing Notice**



### **Planning Commission Meeting**

Wednesday, January 8, 2014,  
5:00 PM, City Council Chambers, 56  
North State Street.

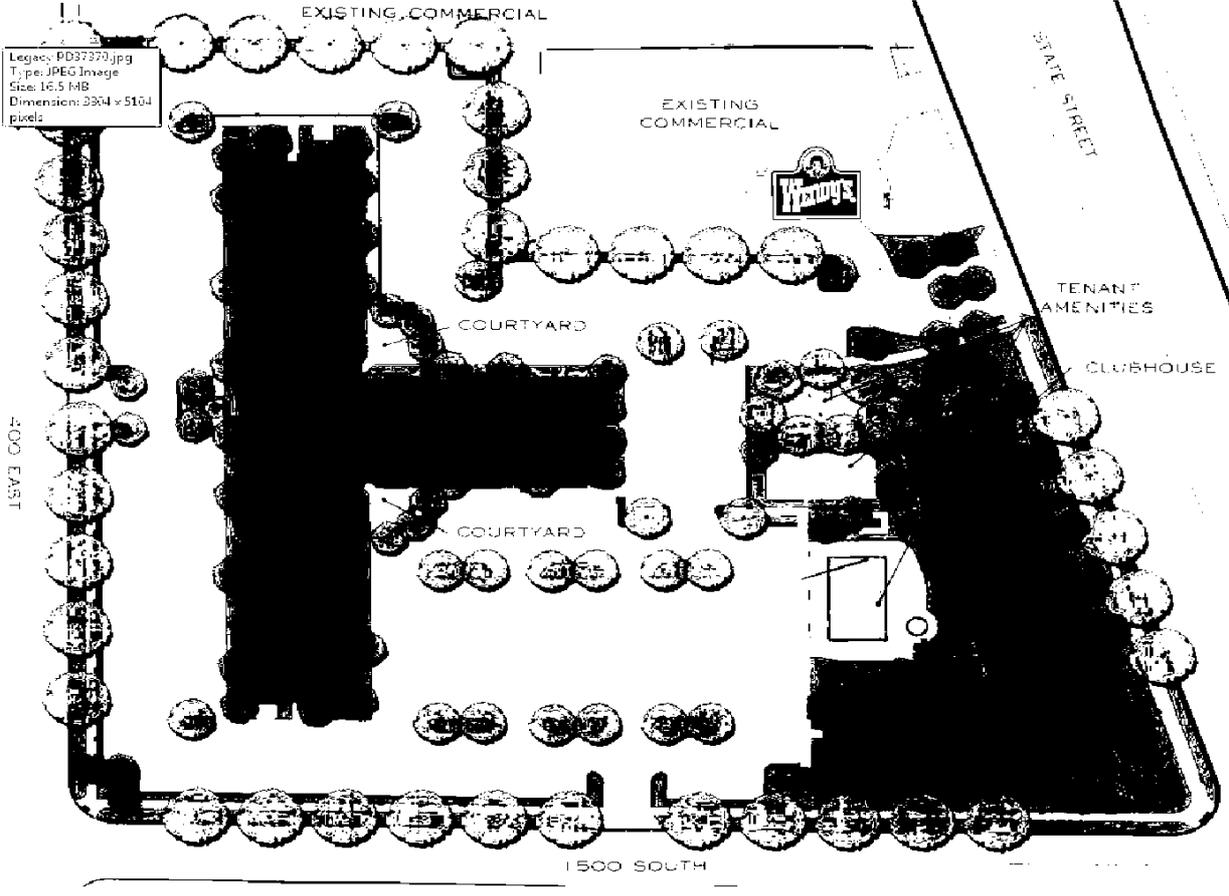
### **City Council Meeting**

Tuesday, January 28, 2014, 6:20 PM, City Council  
Chambers, 56 North State Street.

Craig Widmier requests the City rezone approximately 5.09 acres at 1500 South State Street from C2 to PD-37 for the purpose of constructing 180 housing units. A copy of the concept plan is on the reverse of this notice. The current C2 zone does not allow residential units. A PD zone is needed to permit housing and is a zone used to implement standards which are specific to this development only.

**For more information, special assistance or to submit comments, contact David Stroud, Planner, AICP, at [drstroud@orem.org](mailto:drstroud@orem.org) or 801-229-7095.**

Legacy\_PD37370.jpg  
Type: JPEG Image  
Size: 16.5 MB  
Dimension: 23x4 x 5104  
pixels



## **Neighborhood Meeting Attendance**

**Amber Maxwell** – Housing Authority of Utah County

(801) 373-8333, 240 E Center Street, Provo, UT 84606

**Herb Pumphrey** – Integrity Food Group LLC ( Wendy's)

(801) 369-7761, hepumphrey@msn.com

**Craig Widmier** – US Development

(801) 544- 3443, craig@usdevelopment.com

**Alan Kennedy** – US Development

(801) 544-3443, alank@usdevelopment.com

## Neighborhood Meeting Comments

**Amanda** – 1&2 Bedroom units are “nearly impossible to find” in Utah County, and was very excited for the possibility of this project being developed. She inquired if there would be any affordable units. She was very excited for the project to come in, and was not in any way adverse to market rate housing.

**Herb** – Was slightly concerned about the trees on the rendering. He thought they might cover up his sign, or his building making it harder to see for vehicles coming from the south. He also expressed some concern about how difficult it might be for pedestrian traffic, from the complex, to get to his store (perhaps indicating that he would like a direct walk-way from the complex to his Wendy’s). But he thought the pedestrian walk to State Street from the buildings was acceptable. He also wondered if the current tenants of the buildings that are on the property were aware of the development, or if they knew that they may be displaced. After expressing his few concerns, he showed a great deal of enthusiasm for the project, and supported it fully. He thinks it will make a great addition to the area and compliment the remodel he just completed on his Wendy’s.

Housing Authority of Utah County - Amber Maxwell  
2402 Central Street - 801-573-2332  
Provo, UT 84606

HERB PUMPHREY (INTEGRITY FOOD GROUP, LLC)  
WENNY'S

801-369-7761 CELL

herpumphrey@msn.com

RICHARD ALBERT NIMER FAMILY  
LIMITED PARTNERSHIP  
PO BOX 1717  
OREM, UT 84059

UNIVERSITY CROSSING SHOPPING  
CENTER LLC  
--OR CURRENT RESIDENT--  
304 E UNIVERSITY PKY  
OREM, UT 84058

TURNBOW INVESTMENT COMPANY  
%MARVIN F POER & COMPANY  
PO BOX 52427  
ATLANTA, GA 30355

LIANG, ZHEN (ET AL)  
PO BOX 864  
OREM, UT 84059

TAYLOR, LARRY B & JO ANN  
--OR CURRENT RESIDENT--  
341 E 1500 SOUTH  
OREM, UT 84058

RICHARD ALBERT NIMER FAMILY  
LIMITED PARTNERSHIP  
%WENDY'S & ARBY'S GROUP  
1 DAVE THOMAS BLVD  
DUBLIN, OH 43017

JOHNSON, GARY D & DEBRA L  
48 N 850 E  
LINDON, UT 84042

HALLADAY, REED E & CHRISTINE  
--OR CURRENT RESIDENT--  
352 E 1420 SOUTH  
OREM, UT 84058

ROCKY MOUNTAIN POWER  
70 NORTH 200 EAST  
AMERICAN FORK, UT 84003

CENTURY LINK  
75 EAST 100 NORTH  
PROVO, UT 84606

HALLADAY, REED E & CHRISTINE  
ALENE SMITH  
--OR CURRENT RESIDENT--  
361 E 1500 SOUTH  
OREM, UT 84058

AMERICAN WEST BANK  
110 S FERRALL ST  
SPOKANE, WA 99202

TAYLOR, DAVID A  
148 W 1560 S  
OREM, UT 84058

HALLADAY, REED E & CHRISTINE  
ALENE SMITH  
--OR CURRENT RESIDENT--  
371 E 1450 SOUTH  
OREM, UT 84058

TRUE NORTH LLC  
240 E CENTER ST  
PROVO, UT 84606

DIAMAR PROPERTIES LLC  
%MOON, LAMAR F  
257 FAWN VALLEY CT  
SIMI VALLEY, CA 93065

WALLACE, DONALD L & DIANE L  
--OR CURRENT RESIDENT--  
382 E 1500 SOUTH  
OREM, UT 84058

DALE SMITH  
CHERRY HILL NEIGHBORHOOD  
CHAIR  
335 E 1830 SOUTH  
OREM, UT 84058

JOHNSON, GARY D & DEBRA L  
--OR CURRENT RESIDENT--  
340 E 1500 SOUTH  
OREM, UT 84058

BRADFORD, KLINE B  
555 N 550 W  
OREM, UT 84057

WEST CENTER STREET LIMITED  
PARTNERSHIP  
--OR CURRENT RESIDENT--  
342 E 1450 SOUTH  
OREM, UT 84058

HALLADAY, REED E & CHRISTINE  
ALENE SMITH  
--OR CURRENT RESIDENT--  
343 E 1450 SOUTH  
OREM, UT 84058

MAG  
586 EAST 800 NORTH  
OREM, UT 84097

WEST CENTER STREET LIMITED  
PARTNERSHIP  
--OR CURRENT RESIDENT--  
352 E 1450 SOUTH  
OREM, UT 84058

HALLADAY, REED E & CHRISTINE  
ALENE SMITH  
--OR CURRENT RESIDENT--  
353 E 1450 SOUTH  
OREM, UT 84058

DEWON HOLT  
HILLCREST NEIGHBORHOOD CHAIR  
1442 S 605 EAST  
OREM, UT 84057

TAYLOR, LARRY B & JO ANN  
--OR CURRENT RESIDENT--  
362 E 1500 SOUTH  
OREM, UT 84058

DASTRUP, DAVID MAX & CLAUDIA  
HOLDAWAY  
362 S 950 W  
OREM, UT 84058

RICHARD ALBERT NIMER FAMILY  
LLC THE  
--OR CURRENT RESIDENT--  
1454 S STATE ST  
OREM, UT 84058

DIAMAR PROPERTIES LLC  
--OR CURRENT RESIDENT--  
371 E 1550 SOUTH  
OREM, UT 84058

UNIVERSITY CROSSING SHOPPING  
CENTER LLC  
--OR CURRENT RESIDENT--  
380 E UNIVERSITY PKY  
OREM, UT 84058

RICHARD ALBERT NIMER FAMILY  
LIMITED PARTNERSHIP  
--OR CURRENT RESIDENT--  
1470 S STATE ST  
OREM, UT 84097

LIAO, XIAN YI (ET AL)  
391 E 3250 N  
PROVO, UT 84604

SKINNER, DAVID R  
--OR CURRENT RESIDENT--  
414 E 1400 SOUTH  
OREM, UT 84058

TAYLOR, DAVID A  
--OR CURRENT RESIDENT--  
1481 S STATE ST  
OREM, UT 84097

ALPINE SCHOOL DISTRICT  
ATTN: SUPERINTENDENT  
575 NORTH 100 EAST  
AMERICAN FORK, UT 84003

YOUNG, PHILLIP H & KATHLEEN W  
581 W 760 N  
OREM, UT 84057

MUIR, DANIEL J  
--OR CURRENT RESIDENT--  
1515 S STATE  
OREM, UT 84097

MOSS, DONALD E & MARY ALICE  
744 E 400 S  
SALT LAKE CITY, UT 84102

LBUBS 2002-C4 RETAIL 1405 LLC  
--OR CURRENT RESIDENT--  
1405 S STATE  
OREM, UT 84097

MAXX PETROLEUM LLC  
--OR CURRENT RESIDENT--  
1520 S STATE ST  
OREM, UT 84058

MOSS D E FAMILY LIMITED  
PARTNERSHIP  
--OR CURRENT RESIDENT--  
1408 S STATE ST  
OREM, UT 84058

WEST CENTER STREET LIMITED  
PARTNERSHIP  
%HALLADAY, LEE  
1427 N 1900 W  
PROVO, UT 84604

YOUNG, PHILLIP H & KATHLEEN W  
--OR CURRENT RESIDENT--  
1531 S 450 EAST  
OREM, UT 84058

RICHARD ALBERT NIMER FAMILY  
LIMITED PARTNERSHIP  
--OR CURRENT RESIDENT--  
1444 S STATE ST  
OREM, UT 84097

TURNBOW INVESTMENT COMPANY  
--OR CURRENT RESIDENT--  
1445 S STATE  
OREM, UT 84097

DASTRUP, DAVID MAX & CLAUDIA  
HOLDAWAY  
--OR CURRENT RESIDENT--  
1540 S 400 EAST  
OREM, UT 84058

RICHARD ALBERT NIMER FAMILY  
LIMITED PARTNERSHIP  
--OR CURRENT RESIDENT--  
1448 S STATE  
OREM, UT 84097

PHOENIX GROUP  
--OR CURRENT RESIDENT--  
1475 S STATE  
OREM, UT 84097

LIANG, ZHEN (ET AL)  
--OR CURRENT RESIDENT--  
1545 S 450 EAST  
OREM, UT 84058

PHOENIX GROUP  
1455 S STATE ST # C  
OREM, UT 84097

RICHARD ALBERT NIMER FAMILY  
LIMITED PARTNERSHIP  
--OR CURRENT RESIDENT--  
1488 S STATE ST  
OREM, UT 84058

TRUE NORTH LLC  
--OR CURRENT RESIDENT--  
1565 S 400 EAST  
OREM, UT 84058

BRADFORD, KLINE B  
--OR CURRENT RESIDENT--  
1474 S 400 EAST  
OREM, UT 84058

LIAO, XIAN YI (ET AL)  
--OR CURRENT RESIDENT--  
1522 S 400 EAST  
OREM, UT 84058

TAYLOR, LARRY B & JO ANN  
1846 MAIN ST  
HUNTINGTON BEACH, CA 92648

TAYLOR, LARRY B & JO ANN  
--OR CURRENT RESIDENT--  
1482 S 400 EAST  
OREM, UT 84058

CISNEROS, EDUARDO & XOCHITL  
1538 S 450 E  
OREM, UT 84058

UTAH CNTY SOLID WASTE DISTRICT  
C/O RODGER HARPER  
2000 WEST 200 SOUTH  
LINDON, UT 84042

AMERICAN WEST BANK  
--OR CURRENT RESIDENT--  
1534 S STATE  
OREM, UT 84058

REDER, KACI M  
1554 S 450 E  
OREM, UT 84058

UNIVERSITY CROSSING SHOPPING  
%CCA ACQUISITION COMPANY  
5670 WILSHIRE BLVD STE 1250  
LOS ANGELES, CA 90036

J&DE HOLDINGS LTD  
--OR CURRENT RESIDENT--  
1544 S STATE  
OREM, UT 84058

QUESTAR GAS COMPANY  
1640 NORTH MTN. SPRINGS PKWY.  
SPRINGVILLE, UT 84663

COMCAST  
9602 SOUTH 300 WEST  
SANDY, UT 84070

SWEET CHARITY INC  
--OR CURRENT RESIDENT--  
1547 S 400 EAST  
OREM, UT 84058

JASON BENCH  
1911 N MAIN STREET  
OREM, UT 84057

SKINNER, DAVID R  
1910 S 100 E  
OREM, UT 84058

LBUBS 2002-C4 RETAIL 1405 LLC  
1601 WASHINGTON AV STE 700  
MIAMI, FL 33139

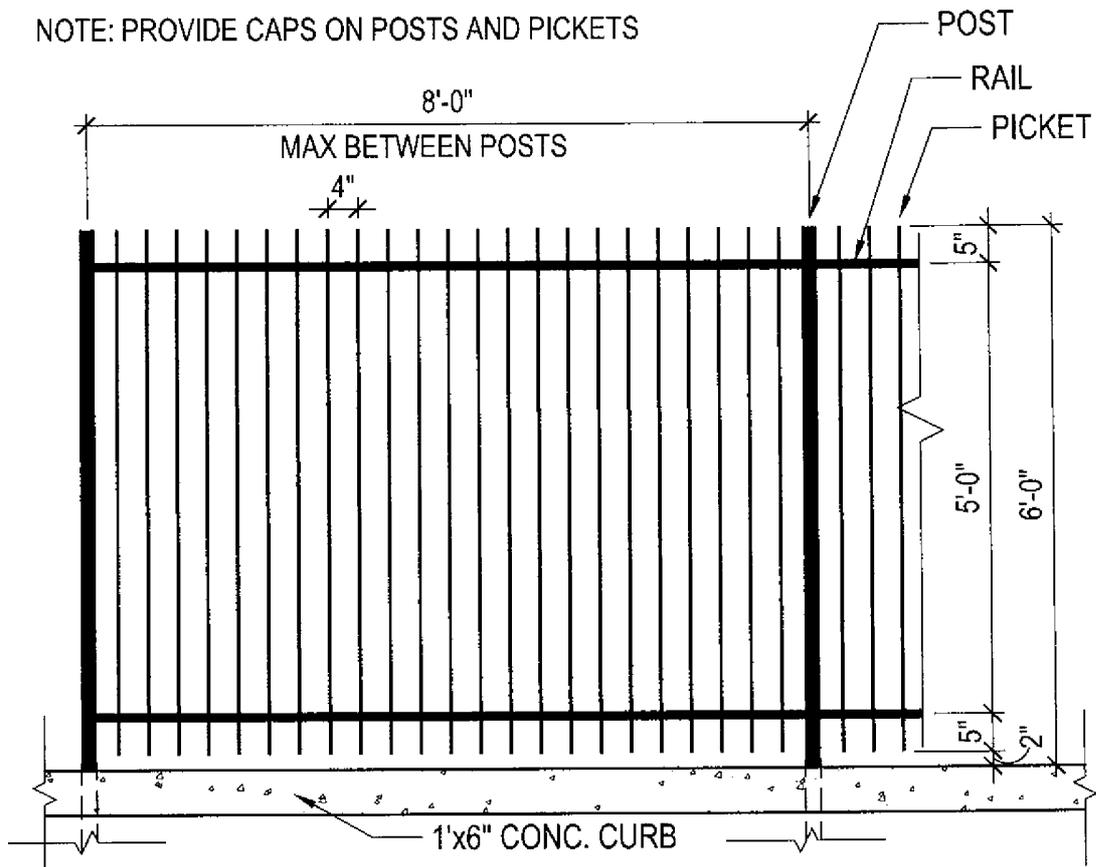
UTAH DEPARTMENT OF  
TRANSPORTATION  
4501 S 2700 W  
SALT LAKE CITY, UT 84119

UTOPIA  
2175 S REDWOOD ROAD  
WEST VALLEY CITY, UT 84119

WALLACE, DONALD L & DIANE L (ET  
6105 DUNN RD  
HAZELWOOD, MO 63042

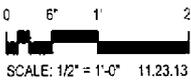
SWEET CHARITY INC  
7351 UNION PARK AV STE 250  
MIDVALE, UT 84047

NOTE: PROVIDE CAPS ON POSTS AND PICKETS

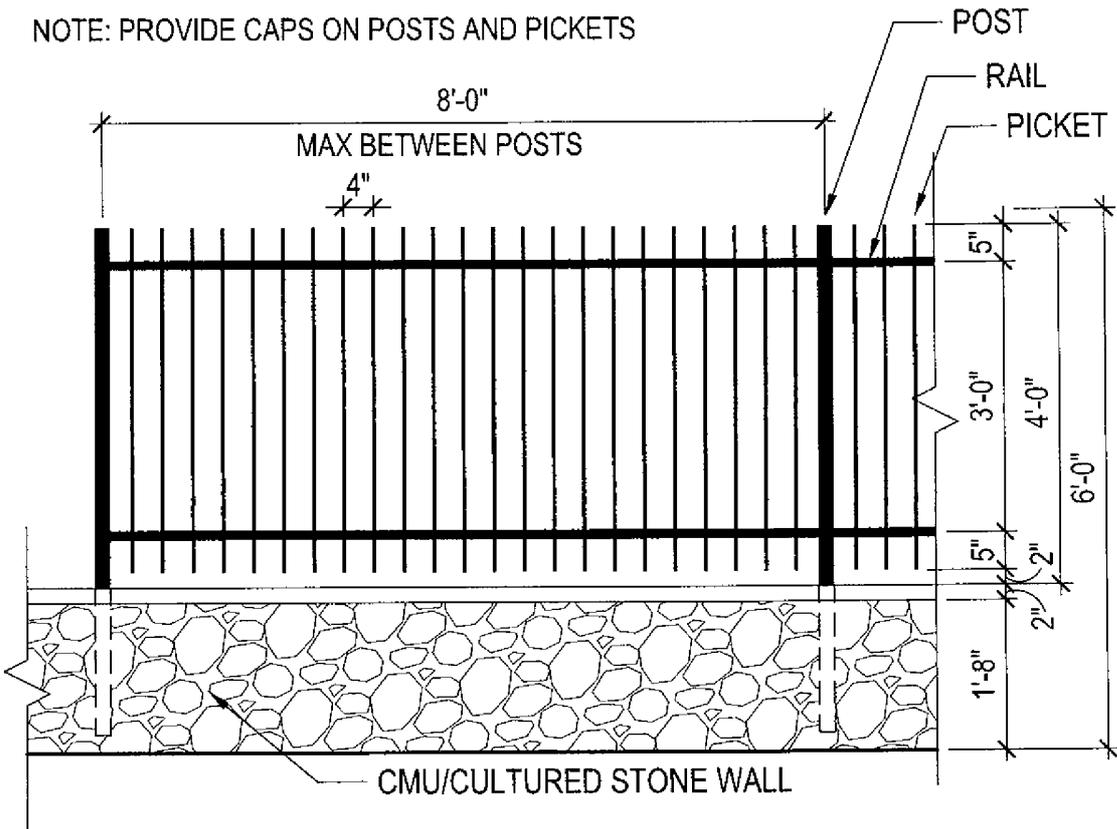


1A

### 6' PICKET FENCE

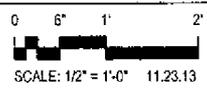


NOTE: PROVIDE CAPS ON POSTS AND PICKETS

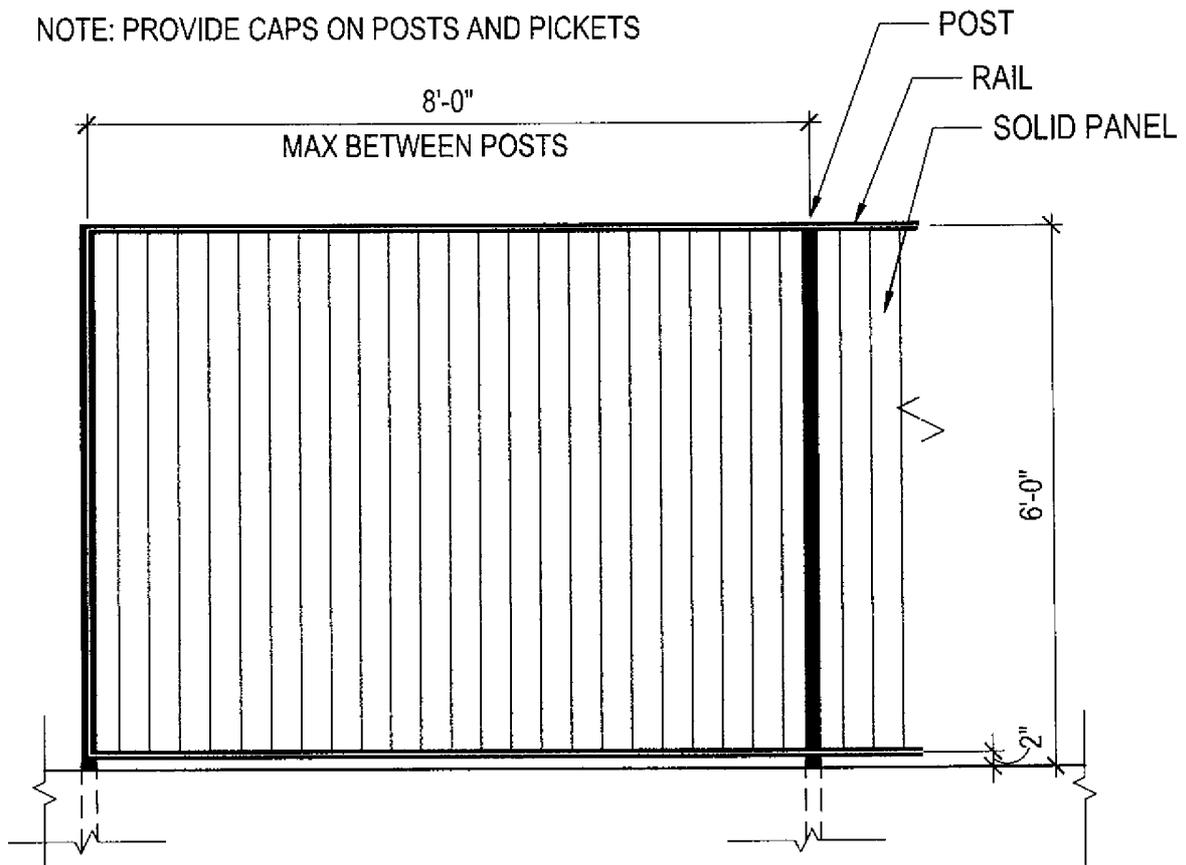


### 4' PICKET FENCE WITH CMU/STONE WALL

1B

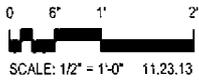


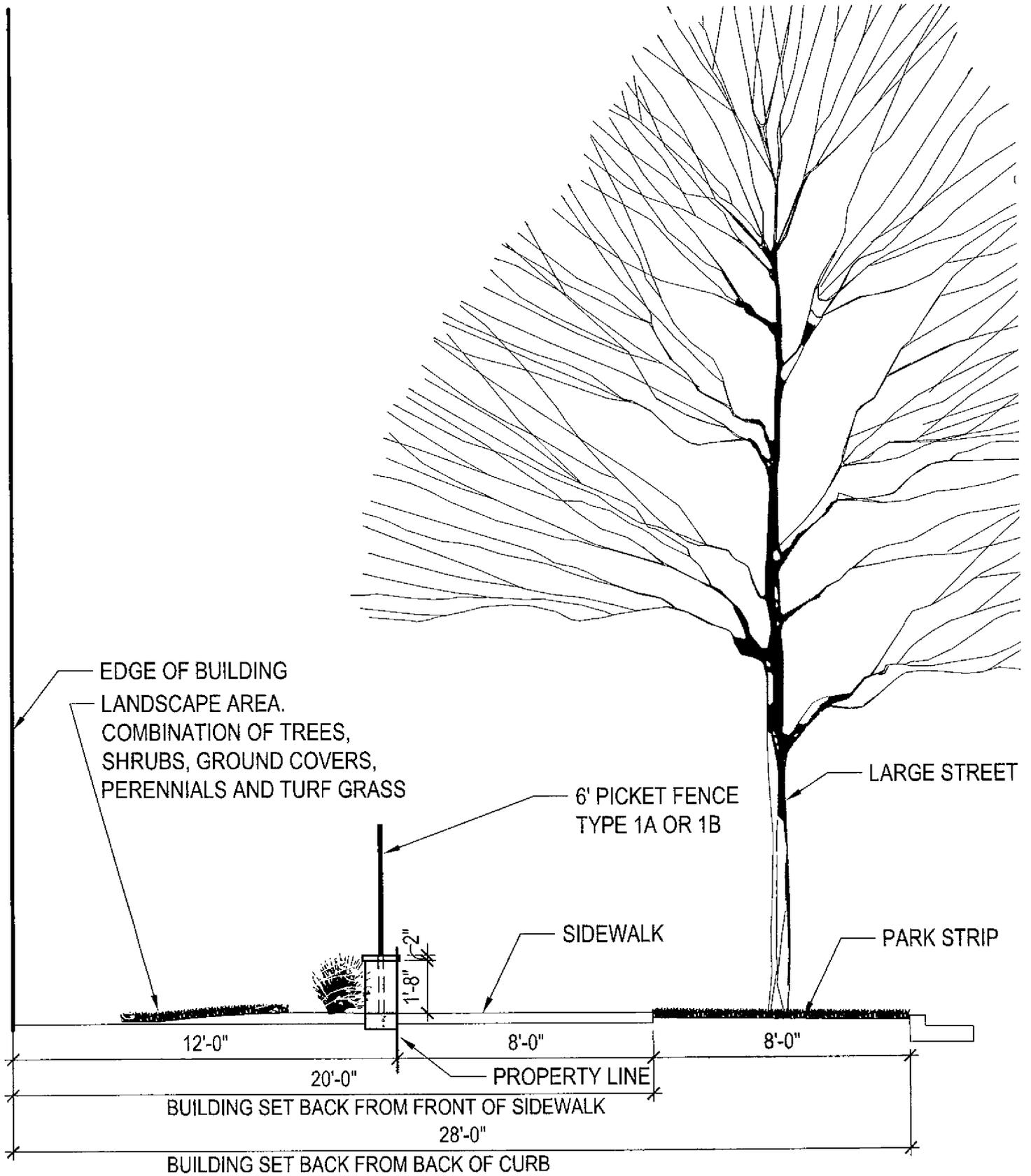
NOTE: PROVIDE CAPS ON POSTS AND PICKETS



1C

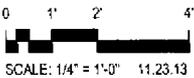
### 6' SOLID PANEL FENCE

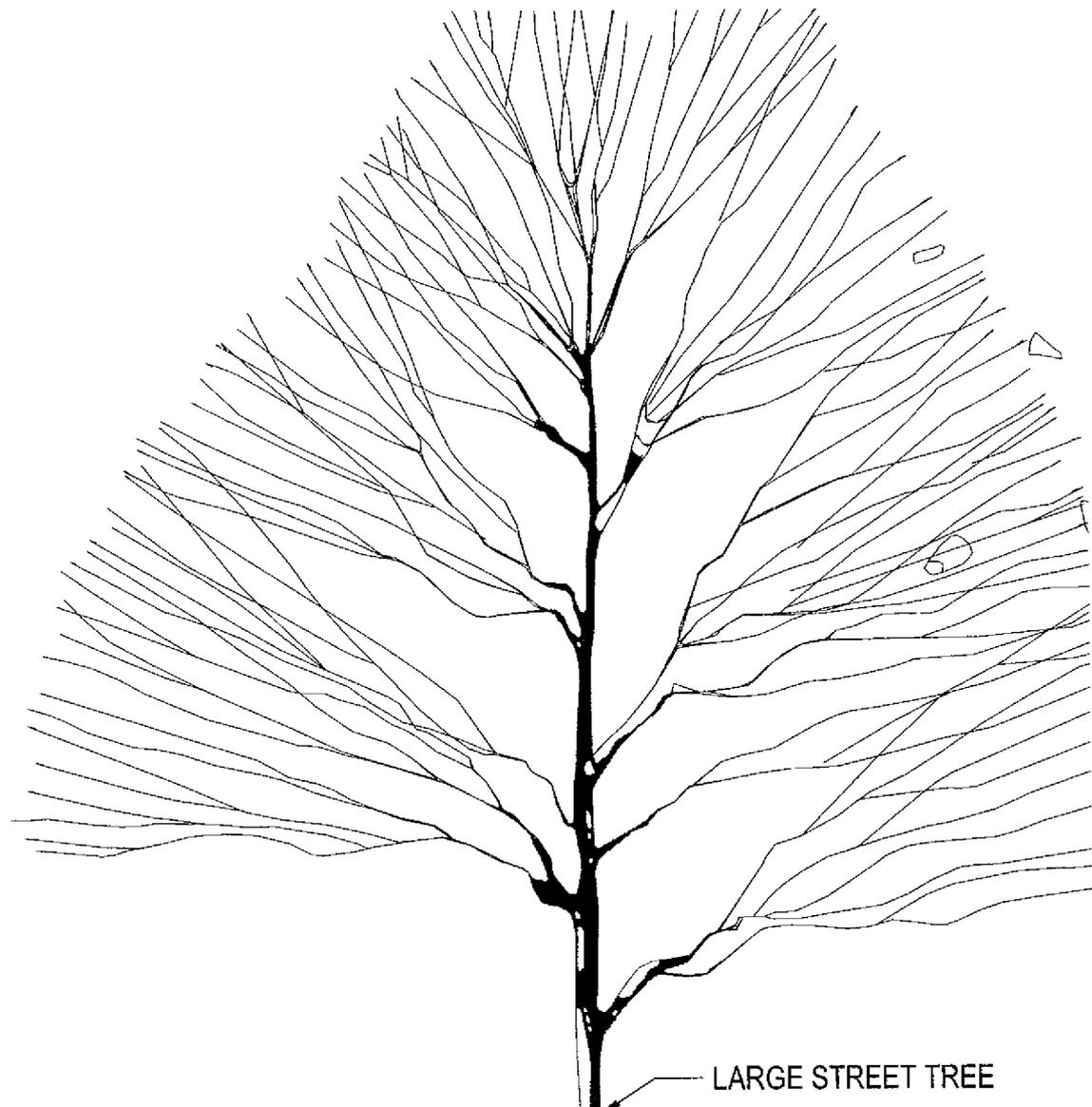




2A

## STATE STREET BUILDING SETBACK & FENCING

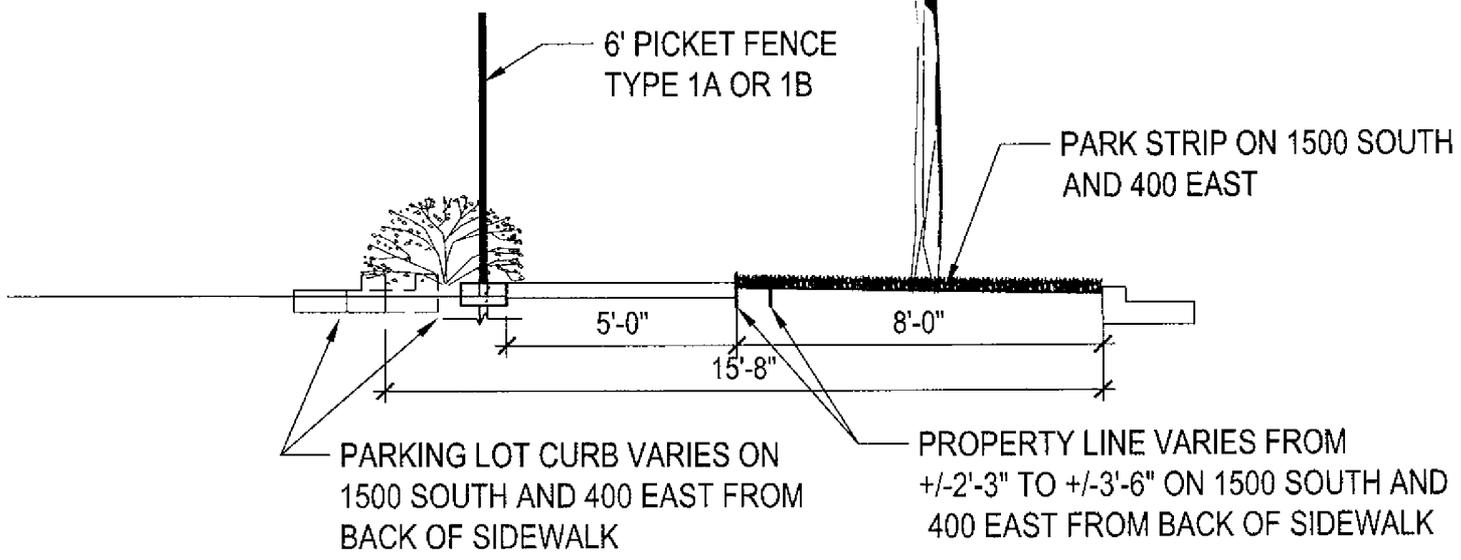




LARGE STREET TREE

6' PICKET FENCE  
TYPE 1A OR 1B

PARK STRIP ON 1500 SOUTH  
AND 400 EAST

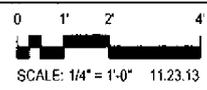


PARKING LOT CURB VARIES ON  
1500 SOUTH AND 400 EAST FROM  
BACK OF SIDEWALK

PROPERTY LINE VARIES FROM  
+/- 2'-3" TO +/- 3'-6" ON 1500 SOUTH AND  
400 EAST FROM BACK OF SIDEWALK

2B

## RESIDENTIAL STREETS SETBACK & FENCING





# DRC APPLICATION

Development Services Department • 56 North State Street, Orem, Utah 84057 • (801) 229-7183 • FAX (801) 229-7191

www.orem.org

## APPLICANT INFORMATION

FORM EXPIRES: 06-30-2013

Name: U.S. Development Inc Phone: 801-544-3443  
 Address: 1513 N Hillfield Rd #2 FAX: 801-544-0051  
 City: Layton State: UT Zip: 84041 e-mail: Craig@USdevelopment.com

## PROJECT INFORMATION

Project Name: Legacy at Orem  
 Project Address: 1450 S. State Street Orem Utah

### Nature of Request (Check all that apply) and Filing Fee Amount

SUBDIVISION PLATS/LOT LINE ADJUSTMENT	ORDINANCE AMENDMENTS	OREM GENERAL PLAN AMENDMENTS	MISCELLANEOUS	APPEALS/OTHER
<input type="checkbox"/> Preliminary/PRD \$500 + \$20/lot or unit	<input type="checkbox"/> Sign \$400	<input type="checkbox"/> Land Use Map Change \$525 + \$25 sign fee	<input type="checkbox"/> Site Plan Admin. Approval \$300	<input type="checkbox"/> To City Council \$400
<input type="checkbox"/> Preliminary deep lot sign fee \$25	<input type="checkbox"/> Subdivision \$400	<input type="checkbox"/> Text Change \$525	<input type="checkbox"/> Site Plan \$1,000 + \$25 sign fee for following PD Zones: 1,4,5,15,16,21	<input type="checkbox"/> To Planning Commission \$400
<input type="checkbox"/> Final \$200 + \$20/lot or unit, not including recording fees	<input checked="" type="checkbox"/> Zoning Text \$100 + \$25 sign fee for PD zone		<input type="checkbox"/> Concrete/Masonry Fence \$50	<input type="checkbox"/> Street Vacation \$400
<input type="checkbox"/> Vacation/Amendment \$400 + \$20/lot or unit + \$25 sign fee, not including recording fees	<input checked="" type="checkbox"/> Rezone \$400 + \$25 sign fee		<input type="checkbox"/> Temporary Site Plan Approval \$100	<input type="checkbox"/> Annexation \$750 + \$25 sign fee & cost of legal noticing
<input type="checkbox"/> Final PRD \$200 + \$30/lot or unit + recording fees			<input type="checkbox"/> Conditional Use Permit \$400.00 + \$25 sign fee	<input type="checkbox"/> Driveway Entrance Modification \$175
<input type="checkbox"/> Lot Line Adjustment \$400 + \$25 sign fee, not including recording fees			<input type="checkbox"/> Fence Modification/Waiver \$100	<input type="checkbox"/> Resubmittal Fee \$100-review After three reviews
			<input type="checkbox"/> Condominium Conversion \$300.00 + \$55/Unit + \$25 sign fee, + \$30 building inspection fee/Unit	<input type="checkbox"/> Other \$200

## FILING FEES AND REQUIRED COPIES

**FILING FEES:** The filing fee for each "Nature of Request" checked above is required at the time the application is filed with the City. The fee amount is listed above. One DRC Application may be used for more than one Nature of Request.

**REQUIRED COPIES:** Two (2) full size copies 24" by 36", one (1) copy reduced to an 11" by 17", and one (1) copy reduced to an 8 1/2" by 11" shall be submitted with each application for Subdivision Plats, Conditional Use Permits, Site Plans, and Condominium Conversions.

## APPLICANT NOTES, SIGNATURE, AND CONTACT PERSON

**PLANNING COMMISSION/CITY COUNCIL MEETINGS:** Once the Development Review Committee determines your application is complete the Staff will forward it to the Planning Commission and City Council. **The applicant's attendance at the Planning Commission and City Council meetings is required.** The City Council is the final approving authority on the following items: Conditional Use Permits; Appeals; City Code amendments; General Plan Amendments; Fence Modifications; and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD-21.

**NEIGHBORHOOD MEETING:** The applicant shall hold a neighborhood meeting in accordance with the City Code for the following requests: General Plan Amendments; Zoning Ordinance Amendment, Map; Commercial developments adjacent to residential zones; all non-residential uses in a residential zone.

**DRC APPLICATION:** This DRC Application must be **complete** at the time it is submitted to the City or it may not be accepted.

**FILING FEE NOTICE:** Applications filed after July 1 are subject to fee changes.

Applicant's Signature: CRAIG A. KLUMER Contact Person Name: CRAIG KLUMER Phone: 801-458-4007

## OFFICE USE ONLY

Date Filed: 7/1/13 Fees Paid: 75 Received By: ti

**Please Note:** The deadline for filing this application to be considered at the next DRC Meeting is Monday at noon. If Monday is a Holiday the deadline is extended to the following Tuesday at noon. Once filed with the City, you may contact any of the following individuals to learn of the status of this application: Jason Bench, 229-7238; David Stroud, 229-7095; or Clinton Spencer, 229-7267.

## **Project Timeline**

### **Rezone 1450 South State Street from C2 to PD-37**

1. DRC application date: 4/29/2013
2. Applicant held neighborhood meeting on: 5/16/ 2013
3. Obtained Development Review Committee clearance on: 11/27/2013
4. Publication notice for PC sent to Recorder's office on: 12/12/2013
5. Neighborhood notice for PC/CC mailed on: 12/17/2013
6. Planning Division Manager received neighborhood notice on: 12/18/2013
6. Property posted on: 12/27/2013
7. Planning Commission recommended approval on: 1/8/2014
8. Publication notice for CC sent to Records office on: 12/19/2013
9. City Council approved/denied/continued request on 1/28/2014

**CITY OF OREM**  
**CITY COUNCIL MEETING**  
 JANUARY 14, 2014



<b>REQUEST:</b>	<b>6:20 P.M. PUBLIC HEARING</b> <b>REZONE AND ZONE ORDINANCE AMENDMENTS – Enacting Section 22-11-53, PD-40 zone, Appendix II, and amending Section 22-5-3(A) and the zoning map of the Orem City Code by changing the zone from the C2 zone to the PD-40 zone for property at 464 South State Street</b>
<b>APPLICANT:</b>	Julie Smith
<b>FISCAL IMPACT:</b>	None

**NOTICES:**

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspaper
- Emailed to newspaper
- Posted property on December 31, 2013
- Mailed 76 notices on December 3, 2013

**SITE INFORMATION:**

- General Plan  
**Community Commercial**
- Current Zone  
**C2**
- Acreage  
**3.66**
- Neighborhood  
**Stonewood**
- Neighborhood Chair  
**Vacant**

<b>PLANNING COMMISSION RECOMMENDATION</b>
<b>Approve: 7-0</b>

<b>PREPARED BY:</b> David Stroud, AICP Planner
<b>APPROVED BY:</b> Jamie Davidson

**REQUEST:** The applicant requests the City enact Section 22-11-53, PD-40 zone, Appendix II and amend Section 22-5-3 (A) and the zoning map of the Orem City Code by changing the zone on 3.66 acres at 464 South State Street from C2 to PD-40.

**BACKGROUND:** This request was continued from the January 14, 2014, City Council meeting. The City Council continued the item to give the applicant and architect additional time to provide samples of the architectural materials and other information concerning the design and construction of the buildings. Specifically, the City Council has concerns with the metal exterior paneling that is proposed.

The applicant requests that the City create the PD-40 zone and apply such zone to property located at 464 South State Street in order to allow for the construction of 84 residential units and four commercial/retail units. The existing C2 zone permits commercial/retail but does not permit the residential component. A PD zone is required for this type of development.

Under the applicant’s proposal, a mixed use building (upper floor residential and main floor commercial) would be located along State Street and three residential buildings would be located along Orem Boulevard. The 84 residential units will be a mix of four studio units, twenty-eight one-bedroom units, and fifty-two two-bedroom units. The one bedroom units have an overall size of 664 square feet, and the two bedroom units contain between 807-835 square feet. The mixed-use building adjacent to State Street will contain a total of twelve residential units (four studio, four one bedroom, and four two bedroom) and four commercial units.

The applicant will dedicate property for a future right turn lane from Orem Boulevard to 400 South and will landscape the property in the interim. This future turn lane has been shown on the concept plan.

The purpose of Planned Development (PD) zones, as outlined in Section 22-11-1, is to provide flexibility in the City’s zoning scheme in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City’s existing zoning classifications. PD zones are not intended for use in situations where a proposed development is

reasonably feasible under one of the City's existing zoning classifications or in situations where the primary purpose is to obtain a relaxation of standards applicable to similar types of development in other zones. The development proposed for the PD-40 zone is significantly different from and would not be allowed under any of the City's standard residential or commercial zones; therefore, the PD option is the only alternative for this request.

Orem City Code Section 22-11-2(2) also states that mixed-use projects are appropriate along State Street and University Parkway. The mixed-use building along State Street complies with this provision. Section 22-11-2(4)(b) requires that residential development must be significantly different in design, layout or characteristics from the type of residential development allowed under existing zoning classifications. As noted above, the type of development being proposed for the PD-40 zone would not be possible in any of the City's standard residential or commercial zones and the only option for this type of project is through the creation of a PD zone.

A neighborhood meeting was held on November 4, 2103, with seven citizens and the applicant in attendance. There was no opposition to the proposed zone. A copy of the minutes is included with this report.

The PD-40 zone standards include:

- A maximum density of 24 units per acre. The project, as shown on the concept plan, has a density of 23.3 units per acre.
- A maximum building height of 50 feet and a maximum of four stories.
- In Area A (residential along Orem Boulevard) buildings must be set back at least 20 feet from property not part of the PD-40 zone and any public street. Storage units may have a zero setback as shown on the concept plan. In Area B (mixed-use along State Street) buildings must be set back at least 20 feet from public streets and ten feet from adjacent property not in the PD-40 zone. Carports in either area must be set back at least five feet from adjacent property lines.
- At least 55% of the exterior finish materials must consist of brick, stone, stucco, glass, fiber cement board or any combination thereof. Up to 45% of the exterior finish materials may consist of metal, both vertical and horizontal rib. Elevations of the proposed buildings are included as part of Appendix II.
- At least 2.25 parking stalls will be provided for each residential dwelling unit, at least one of which must be covered. Parking for commercial uses must be provided at the rates required in Article 22-15.
- The perimeter of the development, excluding street frontages, must be enclosed with a fence of uniform construction at least six feet in height but no greater than seven feet high. Wood and chain link fencing is prohibited.
- At least 25% of the gross acreage of the development must be landscaped including a minimum of 56 trees and 280 evergreen shrubs. The frontages along State Street and Orem Boulevard are

required to have at least 20 feet of landscaping between the street and the buildings.

- A buffered sidewalk (with an 8' landscaped planter strip between the street and sidewalk) will be provided along State Street and Orem Boulevard.

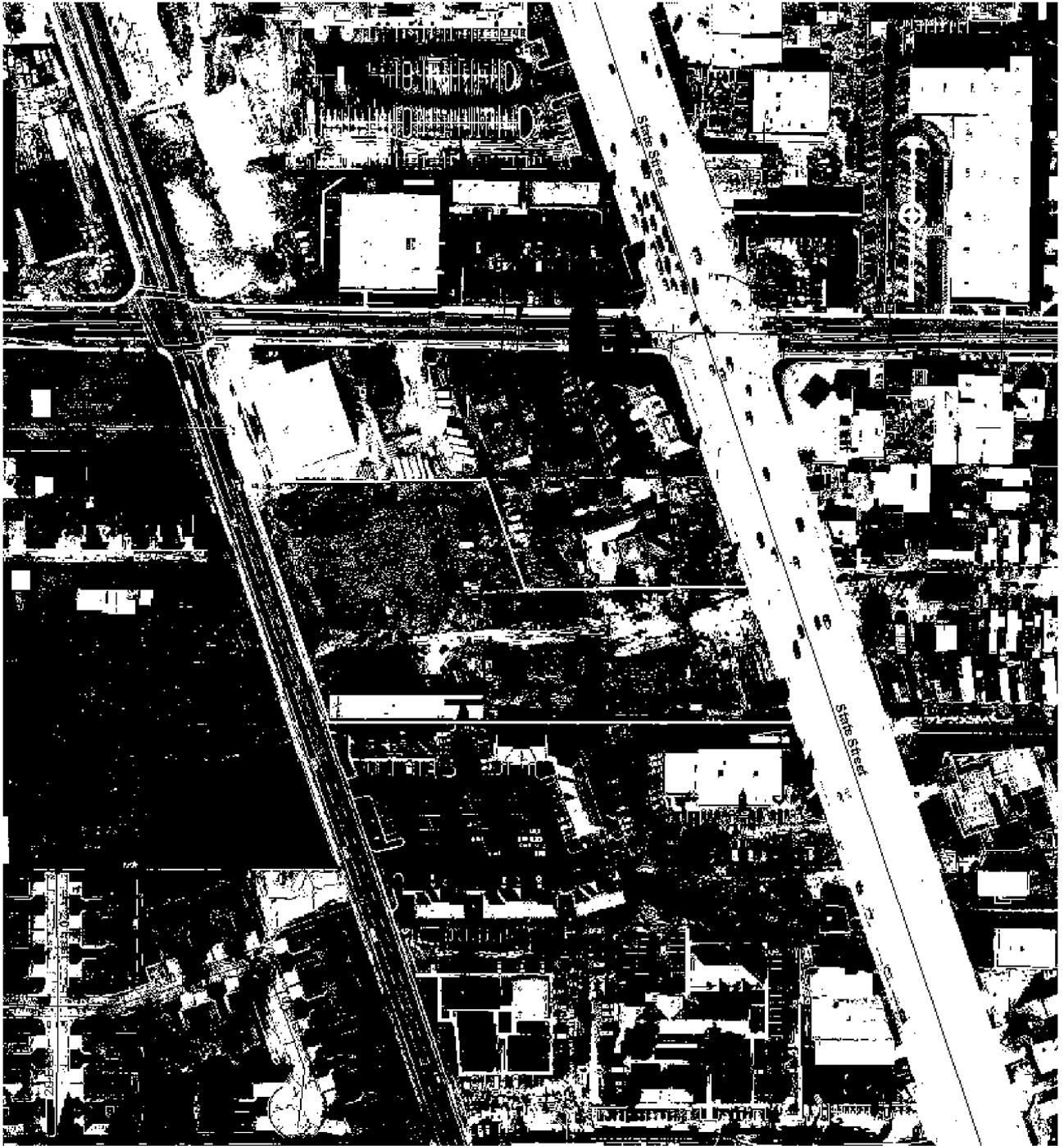
#### **Advantages**

- The PD-40 zone will improve an underdeveloped property into one that has more economic benefits to the City.
- Provides additional housing options including a potential for live-work commercial opportunities
- Provides improvements along State Street and Orem Boulevard including landscaping and sidewalks.
- The developer will dedicate property to the City along Orem Boulevard at 400 South for a future right turn lane.

#### **Disadvantages**

- The use of corrugated metal panels as a finish material suggests an industrial look which may not be an appropriate facade for a mixed-use/residential PD zone along State Street or Orem Boulevard.

**RECOMMENDATION:** The Planning Commission recommends the City Council enact Section 22-11-53, PD-40 zone, Appendix II and amend Section 22-5-3 (A) and the zoning map of the Orem City Code by changing the zone on 3.66 acres at 464 South State Street from the C2 zone to the PD-40 zone. Based on the Planning Commission recommendation and the advantages outlined above, staff also recommends approval of this proposal, however, staff has reservations concerning the use of corrugated metal panels as a finish material for up to 45 percent of the facade.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE BY THE OREM CITY COUNCIL ENACTING SECTION 22-11-53, PD-40 ZONE, APPENDIX II, AND AMENDING ARTICLE 22-5-3(A) AND THE ZONING MAP OF THE OREM CITY CODE BY CHANGING THE ZONE ON APPROXIMATELY 3.66 ACRES AT 464 SOUTH STATE STREET FROM THE C2 ZONE TO THE PD-40 ZONE

WHEREAS on October 21, 2013, Julie Smith filed an application with the City of Orem requesting the City enact Section 22-11-53, PD-40 zone, enact Appendix II, and amend Article 22-5-3(A) and the zoning map of the City of Orem by changing the zone at 464 South State Street from C2 to PD-40; and

WHEREAS on December 11, 2013, the Planning Commission held a public hearing to consider the subject application and forwarded a positive recommendation to the City Council; and

WHEREAS on January 14, 2014, the City Council held a public hearing to consider the subject application; and

WHEREAS a public hearing notice was posted at 56 North State Street, on the websites located at orem.org and utah.gov/pmn, and in a newspaper of general circulation; and

WHEREAS notices were mailed to all property owners and residents within 300 feet of the subject property and the property was posted; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety, and general welfare of the City; the orderly development of land in the City; the effect upon the surrounding neighborhoods; the compliance of the request with all applicable City ordinance and the Orem General Plan; and the special condition applicable to the request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council hereby finds that this request is in the best interest of the City because it will improve an underdeveloped property, will provide additional housing options in the City, and will provide improvements to State Street and Orem Boulevard.
2. The City Council hereby enacts Section 22-11-53, PD-40 zone, as shown on Exhibit A, which is attached hereto and incorporated herein by reference.
3. The City Council hereby enacts Appendix II, as shown on Exhibit B, which is attached hereto and incorporated herein by reference.

4. The City Council hereby amends article 22-5-3(A) and the zoning map of the City of Orem by changing the zone on approximately 3.66 acres at 464 South State Street from C2 to PD-40, as shown on Exhibit C, which is attached hereto and incorporated herein by reference.

5. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

6. All other ordinances in conflict herewith are hereby repealed.

7. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City of Orem.

PASSED, APPROVED, and ORDERED PUBLISHED THIS **14th** day of **January** 2014.

\_\_\_\_\_  
Richard F. Brunst, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"

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COUNCIL MEMBERS VOTING "NAY"

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**Section 22-11-53. PD-40 Zone, 460 South State Street**

A. **Purpose.** The purpose of the PD-40 zone is to allow development of a high-density residential apartment complex and mixed use development which maintains the street-level commercial character of State Street.

B. **Location.** The PD-40 zone shall apply only to a parcel of property located generally at 464 South State Street as shown in the concept plan.

C. **Concept Plan.** Property in the PD-40 zone shall be developed in substantial conformance with the concept plan included as Appendix "II" of the Orem City Code which is incorporated herein by reference. Area A shall consist of a high-density residential apartment complex and Area B shall consist of a mixed use development.

D. **Permitted Uses.** The uses listed below shall be permitted uses within the PD-40 zone:

Area A:

Standard Land Use Code

- 1112 Condominiums
- 1120 Apartments

Area B: All uses permitted in the C2 zone plus:

- 1112 Condominiums (allowed only on the second level above grade and higher)
- 1120 Apartments (allowed only on the second level above grade and higher)

E. **Prohibited uses.** Any use not specifically listed in subparagraph (D) above shall be prohibited.

F. **Final Plat.** A final plat that conforms to all development standards and requirements of Chapter 17 shall be approved and recorded by the City prior to any development in the PD-40 zone.

G. **Site Plan.** All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-40 zone.

H. **Development Standards and Requirements.** The following development standards and requirements shall apply to all development in the PD-40 zone:

1. **Density.** The maximum density allowed shall be twenty-four (24) dwellings per acre (measured as an average across the entire zone).
2. **Height.** The height for all structures in the PD-40 zone shall not exceed fifty (50) feet. All development shall be limited to a maximum of four stories.
3. **Setbacks.** All buildings in Area A that contain residential dwellings shall be set back a minimum of twenty (20) feet from property not part of the PD-40 zone and from all public streets. All buildings in Area B that contain residential dwellings shall be set back a minimum of ten (10) feet from property not part of the PD-40 zone and twenty (20) feet from all public streets. Carports shall be set back at least five (5) feet from adjacent property lines. All parking spaces, drives, and accessory structures shall be set back a minimum of twenty (20) feet from Orem Boulevard and State Street. Except as otherwise provided herein, no setback is required for storage units (allowed only for the use of tenants in the project) or other accessory structures from adjacent property lines.
4. **Architectural Style.** Buildings in the PD-40 zone shall substantially conform to the architectural design and quality illustrated in the concept plan. Buildings in the PD-40 zone shall also substantially conform to the color scheme shown in the concept plan.
5. **Buffered Sidewalks.** A buffered sidewalk separated from the street by a landscaped strip shall be installed and maintained adjacent to State Street and Orem Boulevard. The sidewalk shall be at least five feet (5') in width adjacent to Orem Boulevard and six feet (6) in width adjacent to State

Street. The landscaped strip shall be at least eight feet (8') in width adjacent to all streets and shall be bermed to a height of at least one foot above the grade of the adjacent sidewalk. Trees shall be planted and maintained in the buffering landscaped strips and shall be spaced no more than forty feet (40') apart. Trees in the buffering landscaped strips shall be selected from Appendix U of the Orem City Code and shall be at least two inches (2") in caliper when planted. At least a proportionate share of the required sidewalk and buffering landscaped strip improvements shall be constructed with each phase of development in the PD-40 zone.

6. **Utilities.** All dwellings shall be served by the public sewer system and public water supply. All utilities shall be placed underground. No water or sewer lines shall be placed under covered parking areas. The provisions of Chapter 21 of the Orem City Code for water meter connections shall apply to development in the PD-40 zone.

7. **Fences.** A fence with a minimum height of six (6) feet and maximum height of seven (7) feet shall be erected on the perimeter of the property included within the PD-40 zone, except that no fence shall be required along street frontages. The entire length of the perimeter fence shall be constructed using the same design and materials. If the perimeter fence is constructed of sight-obscuring materials, the fence shall be painted with a high grade oil base paint/sealant that resists graffiti. The height of any fence in a clear vision area shall be limited to three feet (3') for a sight-obscuring fence and four feet (4') for a non-sight-obscuring fence. Wood and chain link fencing is prohibited.

8. **Landscaping.** Landscaping shall be provided as generally shown in the concept plan. A landscaping plan shall be submitted to the City for approval as a part of the site plan.

a. All land within the PD-40 zone not covered by buildings, driveways, sidewalks, and parking areas, shall be permanently landscaped with trees, shrubs, lawn, or ground cover and shall be maintained in accordance with good landscaping practice. All required setback areas adjacent to public streets shall be landscaped. A permanent underground sprinkling system shall be installed for all landscaped areas.

b. At least twenty-five percent (25%) of the net acreage of the entire development shall remain in permanently landscaped areas.

c. For every three (3) dwelling units the following trees and shrubs shall be required on the site: at least one (1) deciduous tree at least two (2) inch caliper measured six (6) inches above the ground, one (1) evergreen tree at least seven (7) feet in height, and ten (10) evergreen type shrubs at least five (5) gallons in size.

9. **Lighting Plan.** Any development in the PD-40 zone shall include a lighting plan. The lighting plan shall be designed to:

- a. discourage crime;
- b. enhance the safety of the residents and guests of the PD-40 development;
- c. prevent glare onto adjacent properties; and
- d. enhance the appearance and design of the project.

10. **Parking.** At least two and one-quarter (2.25) parking spaces shall be provided for each dwelling unit with at least one covered stall per unit. The parking requirements shall be met for each phase of construction. Parking for commercial uses in Area B shall be provided at the rate required in Article 22-15 of the Orem City Code. Parking for commercial uses in Area B shall be located between the commercial uses and State Street as shown in the concept plan. All parking spaces shall comply with Article 22-15 of the Orem City Code. All parking spaces, parking areas and driveways shall be paved with asphalt and/or concrete and shall be designed to allow for proper drainage. Drainage shall not be channeled or caused to flow across pedestrian walk ways.

11. **Recreational Vehicle (RV) Storage.** No recreational vehicle shall be parked or stored within the PD-40 zone.

12. **Storage Units.** Storage units for the residential tenants may be provided. However, use of such storage units is limited to use by the residential tenants and any lease, rental or sale of storage units to any person or entity that is not a resident is prohibited.

13. **Storage Areas and Solid Waste Receptacles.** All outside storage areas and solid waste receptacles which are not located within a building shall be enclosed on three sides with the same materials as used on the exterior of the main structures within the development and shall have sight-obscuring gates.

14. **Exterior Finishing Materials.** At least fifty-five percent (55%) of the exterior walls of all structures shall be finished with brick, stone, fiber cement board, stucco, glass or any a combination thereof. Up to forty-five percent (45%) of the exterior finish materials may consist of metal, both vertical and horizontal rib. Metal or vinyl soffits and trims are permitted and do not count in the percentages required above. No wall on an unbroken plain shall be longer than sixty-five (65) feet.

15. **Storm Water Runoff Plan.** A storm water runoff plan designed to accommodate a 25-year storm and a detention system with a maximum allowable discharge rate of sixty gallons per minute, per acre (60 g.p.m./ac) shall be provided for any development in the PD-40 zone.

16. **Soils Report.** A soils report prepared by a soils engineer shall be submitted to provide engineering information to determine special engineering needs of the site.

17. **Unit Owners' Association.** If all of the residential units are owned by the same person or entity, no Unit Owners' Association shall be required. However, if all of the residential units are not owned by the same person or entity, a Unit Owners' Association shall be formed and maintained to maintain all common areas and required improvements, to ensure compliance with the approved site plan and to provide adequate on-site security in all public and common areas of the development.

18. **Site Maintenance.** The site shall be maintained free from trash, weeds, garbage, paper and other refuse.

19. **Default Standards.** Except as otherwise provided herein, the provisions and standards of the PRD zone shall apply in Area A and the standards of the C2 zone shall apply in Area B of the PD-40 zone.

20. **Alternate Development Standards.** All property in the PD-40 zone must be developed in conformity with the concept plan and the development standards contained in this Section 22-11-53. In the alternative, all of the property in the PD-40 zone may be developed according to the standards of the C2 zone. However, to ensure congruity of development, all property in the PD-40 zone must be developed entirely according to the standards and requirements of the PD-40 zone or must be entirely developed according to the standards and requirements of the C2 zone. If a site plan for property in the PD-40 zone has been approved according to PD-40 standards, no site plan shall be approved for the development of other property in the PD-40 zone according to C2 standards and vice versa.

## I. **Bonds.**

1. **Purpose.** Prior to the recording of any final plat in the PD-40 zone and prior to the issuance of any building permit on land included within the PD-40 zone, the applicant shall post a bond with the City in an amount sufficient to cover the cost of all required improvements required for that phase by the approved site plan, preliminary plat, final plat, concept plan, the PD-40 ordinance and other applicable City ordinances, including but not limited to landscaping and sprinkling systems, asphalt, curb, gutter, sidewalk, fencing, recreational facilities, piping of irrigation ditches, and any other item required as part of the approved site plan. The bond shall be a guarantee that the proper installation of all required improvements shall be completed within two (2) years of the date of approval of the site plan or recording of the final plat, whichever is later or at such time as the approving body may designate, and that the improvements shall remain free from defects for a period of one year after the City's final

acceptance of the improvements. The bonds required by this Section are for the sole benefit of the City. The bonds are not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots or units within the PD-40 development. The bonds are not for the purpose of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or material shall have a cause of action against the City or the bond for providing labor or materials. Bond releases may be applied for as each bonded item is completed and authorized by Orem City officials, with the exception that ten percent (10%) of the bonded amount shall be held by the City for one year to warrant the satisfactory completion of the improvements.

2. **Type.** The bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination bond in favor of the City. The requirements relating to each of these types of bonds are found in section 17-6-6 of the Orem City Code. The City reserves the right to reject any of the bond types if it has a rational basis for doing so. The bond shall be delivered to the Department of Development Services

3. **Amount.** The Development Services Director or his designee shall determine the amount of the required bond by estimating the cost of completing the required improvements. The amount of the bond shall be at least one hundred ten percent (110%) of the estimated costs of the required improvements.

4. **Nonwaiver.** This section does not waive the bonding, licensing, or permit requirements set forth in other City ordinances except that this section replaces the subdivision bond required in section 17-6-6 Orem City Code.

5. **Plat Recording.** The City shall not record any final plat until the developer of the PD-40 development has tendered the bond and entered into an agreement with the City in which the developer agrees to install the improvements as required by this Section and agrees to indemnify and hold the City harmless from any claims, suits or judgments arising from the condition of property dedicated to the City, from the time that the property is dedicated to the City to the time when the improvements on the dedicated property are finally accepted by the City (including the passage of the warranty period).

6. **Completion of Improvements Extension.** An applicant may request an extension of up to two (2) years from the Development Services Director for the completion of improvements. The Development Services Director may grant an extension of up to two years if the applicant demonstrates good cause for not completing the improvements and demonstrates the present ability to complete the improvements.

7. **Liability for Improvements.** If for any reason the bonds providing for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be liable to complete the improvements required by this section.





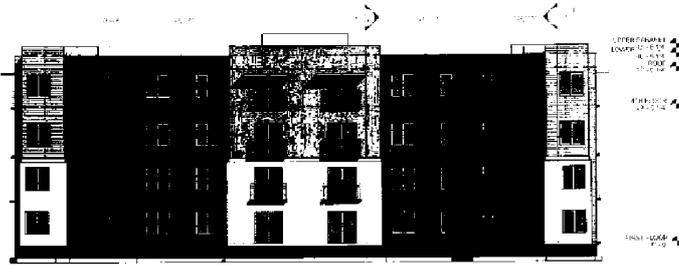
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Prepared by: [illegible]  
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Architect: [illegible]  
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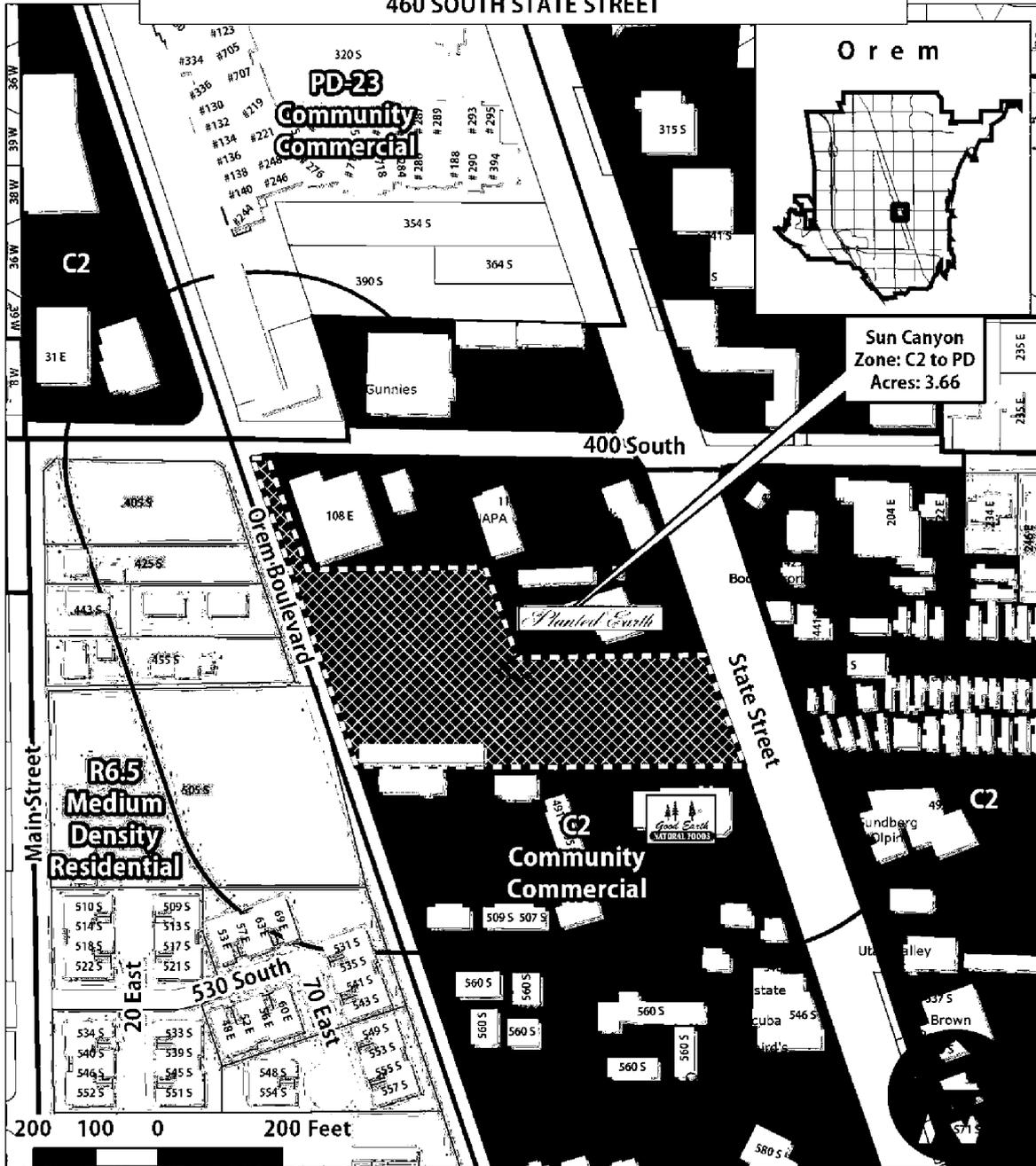
Sun Canyon Villas  
A Peay Development  
ELEVATIONS

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**NOT FOR CONSTRUCTION**

# Sun Canyon Plaza Rezone to PD-40

460 SOUTH STATE STREET



◆ Sun Canyon Rezone to PD-40;  
C2 to PD Zone; 3.66 Acres.

**NIA CONTACT:**  
Stonewood  
Neighborhood

- Legend**
- Buildings
  - PD-40 Rezone
  - Notification Boundary
  - Parcels

**CITY OF OREM**  
**DRAFT PLANNING COMMISSION MEETING MINUTES**  
**December 11, 2013**

**AGENDA ITEM 4.2** is a request by Julie Smith to recommend the City Council **ENACT SECTION 22-1-53, PD\_40 ZONE (464 SOUTH STATE STREET) APPENDIX HH AND AMEND SECTION 22-5-3(A) BY CHANGING THE ZONE ON 3.66 ACRES FROM C2 TO PD-40** of the Orem City Code.

**Staff Presentation:** The applicants request a rezone of property to the PD-40 zone for the purpose of constructing 84 residential units and four commercial/retail units. The existing C2 zone permits commercial/retail but does not permit the residential component. A PD zone is required for this type of use. The proposal is to locate a mixed use building (upper floor residential and main floor retail) along State Street and three residential buildings along Orem Boulevard.

The purpose of Planned Development (PD) zones, as outlined in Section 22-11-1, is to provide flexibility in the City's zoning scheme in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City's existing zoning classifications. PD zones are not intended for use in situations where a proposed development is reasonably feasible under one of the City's existing zoning classifications. The



proposed PD-40 zone standards and density is significantly different than those typically found in an existing residential zone; therefore, the PD option is the only alternative for this request.

Section 22-11-2(2) states that mixed-use projects are appropriate along State Street and University Parkway. The mixed-use building along State Street complies with this requirement. Section 22-11-2(4)(b) requires that residential development must be significantly different in design, layout or characteristics from the type of residential development allowed under existing zoning classifications. The applicant is requesting a maximum of 24 units per acre with a maximum building height of 50 feet or four stories. The only option for this type of project is with a PD zone.

The General Plan states that a Planned Development is intended to be located primarily along State Street. The General Plan also states that a PD zone can also be flexible, allowing the City and developer to create standards for a development that provide solution to a variety of land use issues.

A neighborhood meeting was held on November 4, 2103, with seven citizens and the applicant in attendance. There was no opposition to the proposed uses.

**Density**

The maximum density in the PD-40 zone shall be 24 units per acre. The project, as shown on the concept plan, has a density of 23.3 units per acre.

**Height**

The overall building height in the PD-40 zone is 50 feet with a maximum of four stories.

**Setbacks**

In Area A (residential along Orem Boulevard) buildings shall be set back at least 20 feet from property not part of the PD-40 zone and any public street. Storage units may have a zero setback as shown on the concept plan. In Area B (commercial along State Street) buildings shall be set back at least 20 feet from public streets and ten feet from adjacent property not in the PD-40 zone. Carports in either area shall be set back at least five feet from adjacent property lines.

**Architectural Style**

As shown on the attached drawings, exterior finishing materials will be at least 60% brick, stone, or stucco, metal both vertical and horizontal rib, glass or fiber cement board. Wood or vinyl may be used but shall not exceed 40% or the exterior wall area.

### **Parking**

Each dwelling unit shall have at least 2.25 stalls, one of which shall be covered. Parking for commercial units shall be provided at one stall per 250 square feet of area.

### **Fencing**

The perimeter of the development, excluding street frontages, shall be enclosed with a fence of uniform construction at least six feet in height but no greater than seven feet high. Wood and chain link fencing is prohibited.

### **Landscaping**

There shall be a minimum of 30% of the gross acreage in landscaping and a minimum of 56 trees and 280 evergreen shrubs. The frontages along State Street and Orem Boulevard shall have a minimum of 20 feet of landscaping.

### **Advantages**

- The PD-40 zone will improve an underdeveloped property into one that has more economic benefits to the City.
- Provides additional housing options including a potential for live-work commercial opportunities
- Provides improvements along State Street and Orem Boulevard including landscaping and sidewalks.
- The developer will dedicate property to the City along Orem Boulevard at 400 South for a future right turn lane.

### **Disadvantages**

- None identified

**Recommendation:** Based on compliance with the purposes and applicability of a PD zone, the General Plan and the advantages 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. Stroud.

Vice-Chair Walker asked where the fence would be located. Mr. Stroud indicated it would be along the north and south except on the State Street property, because of clear vision issues.

Chair Moulton asked what the purpose of the narrow strip on Orem Boulevard was. Mr. Stroud said it is owned by the property owner and will be dedicated for street widening in the future.

Ms. Larsen asked if there was more than one entrance into the development and is the only entrance from Orem Boulevard. Mr. Stroud said there are two entrances off of Orem Boulevard. Ms. Jeffreys noted there was parking behind the State Street building. She asked if they were for residents. Mr. Stroud said they are for residents and employees of the main floor businesses.

Ms. Larsen asked if the tenants would purchase the units. Mr. Stroud said the units would be rented or leased for now.

Ms. Larsen then indicated there are a lot of vacancies on Orem Boulevard. Mr. Stroud said that financial institutions do research before lending money.

Mr. Whetten asked if block wall fencing is required on the commercial area. Mr. Stroud said it is not required with commercial next to commercial. However the fencing is used in the PD zone to keep the commercial separate from the apartments.

Chair Moulton invited the applicants to come forward. Roger Dudley, Mike Travis and Craig Peay introduced themselves.

Mr. Dudley said the Peay family owned the property for 42 years.

Ms. Jeffreys said she is curious about the architecture. Mr. Travis said he was the architect. The design is a contemporary design, which is found back east and not much in Utah. This is a chance to introduce a new look. Ms. Buxton noted that the Planning Commission is looking at a two dimensional drawing. Mr. Stroud noted that the ordinance will have the elevations and concept plan attached and the site plan will need to comply with the ordinance. Mr. Earl indicated that if there is anything the Planning Commission does not like this, is the time to make changes now. Mr. Whetten said he would like more trim around the windows.

Mr. Travis said that Utah does a lot of trim work around windows. The units are rather small and so having bigger windows will help make the units feel bigger. Mr. Iglesias said the drawing looks boxy. Mr. Travis said the owners are trying to keep it affordable housing with the smaller units. The design is very trendy with the younger crowd.

Ms. Larsen asked if there would be onsite management. Mr. Peay said they were considering having an office in the units on State Street. He indicated they manage a lot of apartments in the valley, but very few are one-two bedrooms. This is the mod look and should attract young families. Mr. Peay also noted he had met with the owner of the property to the north and discussions are ongoing.

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:** Ms. Buxton 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 enact Section 22-11-53, PD-40 zone, Appendix HH, and amend Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone on property at 464 South State Street from the C2 zone to the PD-40 zone. Mr. Whetten seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

## **Orem City Public Hearing Notice**



### **Planning Commission Meeting**

Wednesday, January 8, 2014,  
5:00 PM, City Council Chambers, 56  
North State Street.

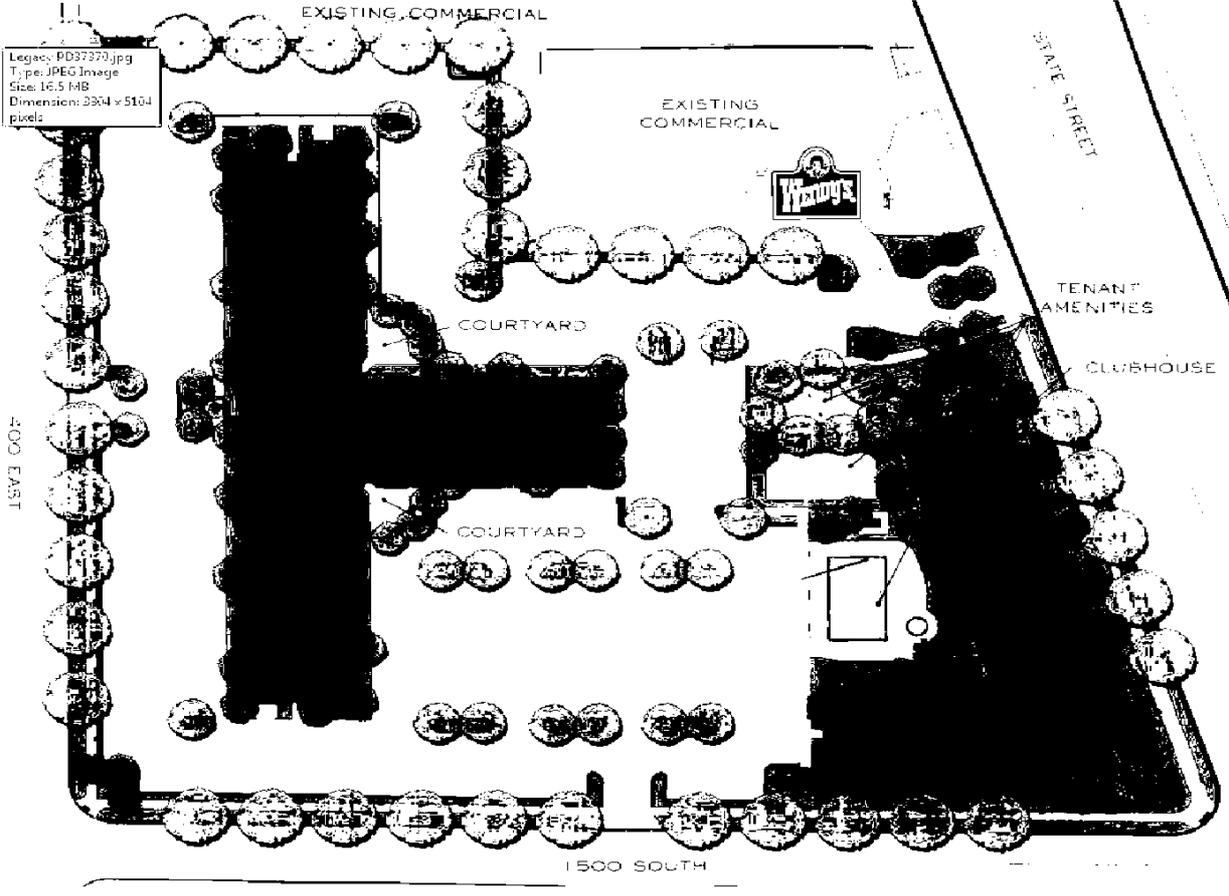
### **City Council Meeting**

Tuesday, January 28, 2014, 6:20 PM, City Council  
Chambers, 56 North State Street.

Craig Widmier requests the City rezone approximately 5.09 acres at 1500 South State Street from C2 to PD-37 for the purpose of constructing 180 housing units. A copy of the concept plan is on the reverse of this notice. The current C2 zone does not allow residential units. A PD zone is needed to permit housing and is a zone used to implement standards which are specific to this development only.

**For more information, special assistance or to submit comments, contact David Stroud, Planner, AICP, at [drstroud@orem.org](mailto:drstroud@orem.org) or 801-229-7095.**

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CHANG, PAO CHUNG (ET AL)  
PO BOX 1685  
PROVO, UT 84603

LANDMARK INVESTMENTS LLC  
31 E 400 S  
OREM, UT 84058

ESSREX CO LLC  
PO BOX 9704274  
OREM, UT 84097

COLEMAN, CHARLES D  
57 E 530 S  
OREM, UT 84058

MORTON, JOSEPH C & CARY  
SUZANNE  
63 E 530 S  
OREM, UT 84058

LLH1 LC  
64 W 530 S  
OREM, UT 84058

RICHARDS, WILLIAM G  
69 E 530 S  
OREM, UT 84058

ROCKY MOUNTAIN POWER  
70 NORTH 200 EAST  
AMERICAN FORK, UT 84003

CENTURY LINK  
75 EAST 100 NORTH  
PROVO, UT 84606

CHRISTENSON, ROSE M  
101 PASEO DEL MAR  
SANTA CRUZ, CA 95065

K & G OREM LLC  
103 TURNBURY LA  
WASHINGTON, UT 84780

CHANG, PAO CHUNG (ET AL)  
--OR CURRENT RESIDENT--  
108 E 400 SOUTH  
OREM, UT 84058

K & G OREM LLC  
--OR CURRENT RESIDENT--  
112 E 400 SOUTH  
OREM, UT 84058

AKV INVESTMENTS LLC  
--OR CURRENT RESIDENT--  
116 E 400 SOUTH  
OREM, UT 84058

BAR 6 LAND LLC  
--OR CURRENT RESIDENT--  
190 E 400 SOUTH  
OREM, UT 84058

TOM & GEORGIA PETT  
OREM PARK NEIGHBORHOOD CHAIR  
213 S 850 WEST  
OREM, UT 84058

HARRISON INVESTMENTS LC  
252 W COUNTRYSIDE DR  
OREM, UT 84058

HTALK LLC  
248 S STATE ST  
OREM, UT 84058

ANTOINE BUNKER FARMS LIMITED  
PARTNERSHIP  
%BUNKER, ANDREW  
251 HANSEN RDG  
LEHI, UT 84043

HARRISON INVESTMENTS LC  
--OR CURRENT RESIDENT--  
384 S STATE ST  
OREM, UT 84058

PEAY, ROBERT E (ET AL)  
286 S 700 E  
PROVO, UT 84606

LANDMARK INVESTMENTS LLC  
--OR CURRENT RESIDENT--  
350 S OREM BLVD  
OREM, UT 84058

OSMOND GEORGE V REALTY  
424 S STATE ST  
OREM, UT 84058

SUMSION, WILLIAM CHAD  
--OR CURRENT RESIDENT--  
405 S MAIN  
OREM, UT 84058

BAR 6 LAND LLC  
--OR CURRENT RESIDENT--  
417 S STATE  
OREM, UT 84058

HTALK LLC  
--OR CURRENT RESIDENT--  
425 S STATE  
OREM, UT 84058

GREN, MILDRED K  
--OR CURRENT RESIDENT--  
425 S MAIN  
OREM, UT 84058

HTALK LLC  
--OR CURRENT RESIDENT--  
441 S STATE  
OREM, UT 84058

ALTAMIRA, JORGE & NORMA  
--OR CURRENT RESIDENT--  
443 S MAIN  
OREM, UT 84058

DOTY, DANIEL E  
440 S STATE ST  
OREM, UT 84058

JANAMA ENTERPRISES III LLC  
--OR CURRENT RESIDENT--  
445 S MAIN ST  
OREM, UT 84058

LLHI LC  
--OR CURRENT RESIDENT--  
447 S MAIN ST  
OREM, UT 84058

BETHERS, KATIE (ET AL)  
449 S MAIN  
OREM, UT 84058

BETHERS, KATIE (ET AL)  
--OR CURRENT RESIDENT--  
451 S MAIN  
OREM, UT 84058

RIESKE, RONALD G & ALICE A  
--OR CURRENT RESIDENT--  
455 S MAIN  
OREM, UT 84058

ENTELECHY ENTERPRISES LLC  
471 E 700 N  
OREM, UT 84097

HTALK LLC  
--OR CURRENT RESIDENT--  
463 S STATE  
OREM, UT 84058

PEAY, ROBERT E (ET AL)  
--OR CURRENT RESIDENT--  
464 S STATE  
OREM, UT 84058

REAL LIFE INVESTMENTS LLC  
--OR CURRENT RESIDENT--  
481 S OREM BLVD  
OREM, UT 84058

SUGGESTIONS PROPERTY LLC  
--OR CURRENT RESIDENT--  
479 S OREM BL  
OREM, UT 84058

REAL LIFE INVESTMENTS LLC  
--OR CURRENT RESIDENT--  
485 S OREM BLVD  
OREM, UT 84058

MARLIN EXCHANGE LLC  
--OR CURRENT RESIDENT--  
489 S OREM BLVD  
OREM, UT 84058

REAL LIFE INVESTMENTS LLC  
483 S OREM BLVD  
OREM, UT 84058

HOMECARE SPECIALIST LLC  
493 S OREM BLVD  
OREM, UT 84058

SUNDBERG, KELLY C & THERESA M  
--OR CURRENT RESIDENT--  
495 S STATE  
OREM, UT 84058

MARLIN EXCHANGE LLC  
491 S OREM BLVD  
OREM, UT 84058

CHRISTENSON, ROSE M  
--OR CURRENT RESIDENT--  
497 S OREM BLVD  
OREM, UT 84058

EARTH WATER & FIRE LTD  
--OR CURRENT RESIDENT--  
500 S STATE  
OREM, UT 84058

JB-5 PROPERTIES LLC  
--OR CURRENT RESIDENT--  
501 S OREM BLVD  
OREM, UT 84058

SUNDBERG, KELLY C & TERI  
--OR CURRENT RESIDENT--  
503 S STATE ST  
OREM, UT 84058

RIESKE, RONALD G & ALICE A  
--OR CURRENT RESIDENT--  
505 S MAIN  
OREM, UT 84058

ENTELECHY ENTERPRISES LLC  
--OR CURRENT RESIDENT--  
513 S OREM BLVD  
OREM, UT 84058

ANTOINE BUNKER FARMS LIMITED  
PARTNERSHIP  
--OR CURRENT RESIDENT--  
505 S OREM BLVD  
OREM, UT 84058

ANTOINE BUNKER FARMS LIMITED  
PARTNERSHIP  
--OR CURRENT RESIDENT--  
509 S OREM BLVD  
OREM, UT 84058

PACK, MARSHA RAE  
535 S 70 E  
OREM, UT 84058

ESSREX CO LLC  
--OR CURRENT RESIDENT--  
517 S OREM BLVD  
OREM, UT 84058

LUNDQUIST, ROBERT H &  
KATHLEEN C  
531 S 70 E  
OREM, UT 84058

ALPINE SCHOOL DISTRICT  
ATTN: SUPERINTENDENT  
575 NORTH 100 EAST  
AMERICAN FORK, UT 84003

536 SOUTH STATE LLC  
--OR CURRENT RESIDENT--  
536 S STATE ST  
OREM, UT 84058

SUNDANCER PROPERTIES LC (ET AL)  
--OR CURRENT RESIDENT--  
540 S STATE ST  
OREM, UT 84058

CARYL SEASTRAND  
OREM PARK NEIGHBORHOOD  
729 W 165 SOUTH  
OREM, UT 84058

MAG  
586 EAST 800 NORTH  
OREM, UT 84097

SHELLY PARCELL  
SHARON NEIGHBORHOOD CHAIR  
657 E 750 SOUTH  
OREM, UT 84058

JB-5 PROPERTIES LLC  
902 W 100 S  
SPANISH FORK, UT 84660

SUNDANCER PROPERTIES LC (ET AL)  
744 W 550 S  
OREM, UT 84058

JMCC PROPERTIES LLC  
782 S AUTO MALL DR STE A  
AMERICAN FORK, UT 84003

SUMSION, WILLIAM CHAD  
1322 E 13200 S  
DRAPER, UT 84020

EARTH WATER & FIRE LTD  
%HOWARD, KENNETH  
1297 CEDAR HOLLOW BLVD  
LEHI, UT 84043

536 SOUTH STATE LLC  
%ORTIZ, PAMELA  
1300 CLAY ST STE 600  
OAKLAND, CA 94612

UTAH CNTY SOLID WASTE DISTRICT  
C/O RODGER HARPER  
2000 WEST 200 SOUTH  
LINDON, UT 84042

QUESTAR GAS COMPANY  
1640 NORTH MTN. SPRINGS PKWY.  
SPRINGVILLE, UT 84663

JASON BENCH  
1911 N MAIN STREET  
OREM, UT 84057

BAR 6 LAND LLC  
6941 W 7750 N  
AMERICAN FORK, UT 84003

UTOPIA  
2175 S REDWOOD ROAD  
WEST VALLEY CITY, UT 84119

AKV INVESTMENTS LLC  
4596 N 900 W  
PLEASANT GROVE, UT 84062

COMCAST  
9602 SOUTH 300 WEST  
SANDY, UT 84070

## Comments

11/1/2013 Phone call from Kelly Sunberg. – Wanting to know about project. Traffic on State Street, will we be putting in a traffic light.

11/4/2013 Attendance at meeting

Pao Chang

Eva Chang

Jack and Eris Sumner

Penny Doty

Alex Curtis

Brent Sumner

Comments-

Pao Chang and Eva Chang – *no concerns, they will be asphaltting soon, can they place dirt on Peays property? Would like Craig to start at South end.*

Jack and Eris Sumner – *Would like their property to be included in zone*

Penny Doty – *Was excited to see what was happening. Very disappointed in architecture – wanted different style. (planted earth)*

Alex Curtis – Plateau Square – south west side of project – *would like solid fence, concerned about noise and traffic on Orem Blvd.*

Brent Sumner - *Would like their property to be included in zone*

(2nd)

# DAVE CHANDLER 480 3036 341-58  
 "LVA" Lu 105 EAST 400 S. TH. CROWN  
 PHILIP D... 410 S. STATE ST.  
 Alex Curtis 480 3036 480 3036 Biv  
 Brent Swanson 801 361 4099

Many warnings were ~~not~~ distributed  
 1/11/11

DAV no concern and be in holding  
 next time, priority  
 1/11/11

ALEX - PHILIP ... 480 3036 + 480 3036

SEMPER PARATUS ...

# OREM DRC APPLICATION

FORM EXPIRES: 06-30-2014

Name: Julie Smith / Craig Peay			Phone: 801-368-9552
Address: 473 West 500 South			FAX:
City: Orem	State: Utah	Zip: 84058	e-mail: julielynnsmith5@gmail.com

## PROJECT INFORMATION

Project Name:	Sun Canyon Plaza
Project Address:	460 South State Street

### Nature of Request (Check all that apply) and Filing Fee Amount

SUBDIVISION PLATS/LOT LINE ADJUSTMENT	ORDINANCE AMENDMENTS	OREM GENERAL PLAN AMENDMENTS	MISCELLANEOUS	APPEALS/OTHER
<input type="checkbox"/> Preliminary/PRD	<input type="checkbox"/> Sign	<input type="checkbox"/> Land Use Map Change	<input type="checkbox"/> Site Plan Admin. Approval	<input type="checkbox"/> To City Council
<input type="checkbox"/> Preliminary deep lot sign fee	<input type="checkbox"/> Subdivision	<input type="checkbox"/> Text Change	<input type="checkbox"/> Site Plan	<input type="checkbox"/> To Planning Commission
<input type="checkbox"/> Final	<input type="checkbox"/> Zoning, Text		<input type="checkbox"/> Concrete/Masonry Fence	<input type="checkbox"/> Street Vacation
	<input type="checkbox"/> New PD Zone, Text		<input type="checkbox"/> Daycare Fence Approval	<input type="checkbox"/> Annexation
<input type="checkbox"/> Vacation/Amendment	<input type="checkbox"/> Rezone		<input type="checkbox"/> Temporary Site Plan Approval	<input type="checkbox"/> Driveway Entrance Modification
	<input checked="" type="checkbox"/> New PD Zone, Rezone		<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Resubmittal Fee
<input type="checkbox"/> Final PRD			<input type="checkbox"/> Fence Modification/Waiver	
<input type="checkbox"/> Lot Line Adjustment \$400 + \$25 sign fee, not including recording fees			<input type="checkbox"/> Condominium Conversion	<input type="checkbox"/> Other

### FILING FEES AND REQUIRED COPIES

**FILING FEES:** The filing fee for each "Nature of Request" checked above is required at the time the application is filed with the City. The fee amount is listed above. One DRC Application may be used for more than one Nature of Request.

**REQUIRED COPIES:** Two (2) full size copies 24" by 36", one (1) copy reduced to an 11" by 17", one (1) copy reduced to an 8½" by 11" shall be submitted with each application for Subdivision Plats, Conditional Use Permits, Site Plans, and Condominium Conversions.

### APPLICANT NOTES, SIGNATURE, AND CONTACT PERSON

Once the Development Review Committee determines your application is complete the Staff will forward it to the Planning Commission and City Council. **The applicant's attendance at the Planning Commission and City Council meetings is required.** The City Council is the final approving authority on the following items: Conditional Use Permits; Appeals; City Code amendments; General Plan Amendments; Fence Modifications; and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD-21.

The applicant shall hold a neighborhood meeting in accordance with the City Code for the following requests:

This DRC Application must be **complete** at the time it is submitted to the City or it may not be accepted.

Applications filed after July 1 are subject to fee changes.

Applicant's Signature: <i>Craig Peay</i>	Contact Person Name: Julie Smith	Phone: 801-368-9552
Date Filed: 10/21/13	Fees Paid: 18.00	Received By: <i>[Signature]</i>

**Please Note:** The deadline for filing this application to be considered at the next DRC Meeting is Monday at noon. If Monday is a Holiday the deadline is extended to the following Tuesday at noon. Once filed with the City, you may contact any of the following individuals to learn of the status of this application: Jason Bench, 229-7238; David Stroud, 229-7095; or Clinton Spencer, 229-7267.

















## **Project Timeline**

### **Rezone 460 South State Street from C2 to PD-40**

1. DRC application date: 10/21/2013
2. Obtained Development Review Committee clearance on: 10/24/2013
3. Publication notice for PC sent to Records office on: 11/14/2013
4. Neighborhood notice for Planning Commission mailed on: 12/2/2013
5. Planning Division Manager received neighborhood notice on: 12/3/2013
6. Applicant held neighborhood meeting on: 11/4/ 2013
7. Planning Commission recommended approval on: 12/11/2013
8. Publication notice for CC sent to Records office on: 12/19/2013
9. Notice for City Council mailed on: 12/2/2013
10. Planning Division Manager received neighborhood notice on: 12/3/2013
11. Property posted on: 12/27/2013
12. City Council approved request on 1/14/2014

**CITY OF OREM**  
**CITY COUNCIL MEETING**  
 JANUARY 28, 2014



<b>REQUEST:</b>	<b>6:20 P.M. PUBLIC HEARING-ORDINANCE-STREET VACATION</b> A PORTION OF 590 EAST STREET LOCATED NORTH OF 1000 SOUTH.
<b>APPLICANT:</b>	James and Luwaine Proctor
<b>FISCAL IMPACT:</b>	None

**NOTICES:**

- Posted in 2 public places
- Posted on City webpage
- Posted on City hotline
- Faxed to newspapers
- Emailed to newspapers
- Mailed invitation letters to neighborhood chairs
- Posted on State's notification website.

**SITE INFORMATION:**

- General Plan  
    **Low Density Residential**
- Current Zone  
    **R8**
- Acreage  
    **.05 Acres**
- Neighborhood  
    **Hillcrest**
- Neighborhood Chair  
    **Dewon Holt**

<b>PREPARED BY:</b> Cliff Peterson Planner
<b>APPROVED BY:</b> Jamie Davidson

<b>PLANNING COMMISSION RECOMMENDATION:</b> N/A
---

**REQUEST:**

James and Luwaine Proctor request that the City Council vacate a portion of an unimproved street that runs adjacent to their property at 575 East 1000 South.

**BACKGROUND:**

The Proctors own a house at 575 East 1000 South. Their lot was originally part of La Mesa, Plat "A" Subdivision which was recorded in 1958. The original La Mesa plat included street dedication for an extension of 590 East Street north of 1000 South which is where 590 East Street currently terminates. This dedicated area of 590 East adjacent to the Proctor parcel was never constructed and never will be due to the way property in the area has developed including the development of University Mall. In fact, most of the dedicated area of 590 East Street north of 1000 South was previously vacated by the City in 2001. The remaining dedicated street area adjacent to the Proctor parcel represents only half the original dedicated street width as the other half was vacated in 2001.

The Proctors now request that the City vacate this remnant of the unimproved 590 East Street adjacent to their parcel. Typically, upon the vacation of a dedicated street, half the street area reverts to the property on one side and the other half reverts to the property on the other side. The eastern portion of 590 East already reverted to the Mall when it was vacated in 2001 and the Mall constructed a masonry wall along the former center line of the dedicated street area as well as at the northern end of the dedication area adjacent to the Proctor parcel. If the City Council vacates the remaining dedicated area, that property will automatically revert to the Proctors.

The City Council may vacate the portion of 590 East Street north of 1000 South Street if it finds (1) there is good cause for the vacation, and (2) the vacation will not be detrimental to the public interest. Additionally, the owners should be required to record a subdivision plat that incorporates the street vacation into the rest of their property.

**RECOMMENDATION:**

Development Services recommends that the City Council, by ordinance, vacate approximately .05 acres of 590 East Street located north of the intersection of 590 East and 1000 North.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE VACATING A PORTION OF 590 EAST STREET  
NORTH OF 1000 SOUTH

WHEREAS James and Luwaine Proctor own a house at 575 East 1000 South; and

WHEREAS the lot at 575 East 1000 South was originally part of La Mesa, Plat "A" Subdivision which was recorded in 1958; and

WHEREAS the original La Mesa plat included street dedication for an extension of 590 East Street north of 1000 South which is where 590 East Street currently terminates; and

WHEREAS the dedicated area of 590 East north of 1000 South was never constructed and likely never will be due to the way property in the area has developed including the development of University Mall; and

WHEREAS most of the dedicated area of 590 East Street north of 1000 South was previously vacated by the City in 2001; and

WHEREAS the remaining dedicated street area adjacent to the Proctor parcel represents only half the original dedicated street width as the other half was vacated in 2001; and

WHEREAS James and Luwaine Proctor have requested that the City vacate the remnant of the unimproved 590 East Street adjacent to their parcel at 575 East 1000 South; and

WHEREAS, the City Council held a public hearing on January 28, 2014 to consider the proposed vacation; and

WHEREAS the City Council finds that there is good cause for the vacation of that portion of 590 East Street located north of 1000 South which area is more particularly described in Exhibit "A" and the location of which is illustrated in Exhibit "B" both of which exhibits are attached hereto and incorporated herein by reference; and

WHEREAS the City Council finds that the vacation will not be detrimental to the public interest; and

WHEREAS the City Council has determined that it is in the best interest of the City to vacate the described portion of 590 East Street north of 1000 South.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City hereby vacates that portion of 590 East Street located north of 1000 South which area is more particularly described in Exhibit "A" and the location of which is shown in Exhibit "B" subject to the following conditions and reservations:

A. The City reserves and retains a public utility easement eight feet (8') in width along the east and north borders of the street vacation area.

B. James and Luwaine Proctor, or the successor owner(s) of the property located at 575 East 1000 South shall create and record a new subdivision plat that combines the vacated street area with the lot at 575 East 1000 South.

2. The City Manager is authorized to execute all documents related to vacating the described portion of 590 East Street and to carry out the intent of this ordinance.

3. All other ordinances, resolutions, and policies in conflict herewith, either in whole or in part, are hereby repealed.

PASSED, APPROVED, and ORDERED PUBLISHED THIS 28<sup>th</sup> day of **January** 2014.

\_\_\_\_\_  
Richard F. Brunst, Jr., Mayor

ATTEST:

\_\_\_\_\_  
Donna R. Weaver, City Recorder

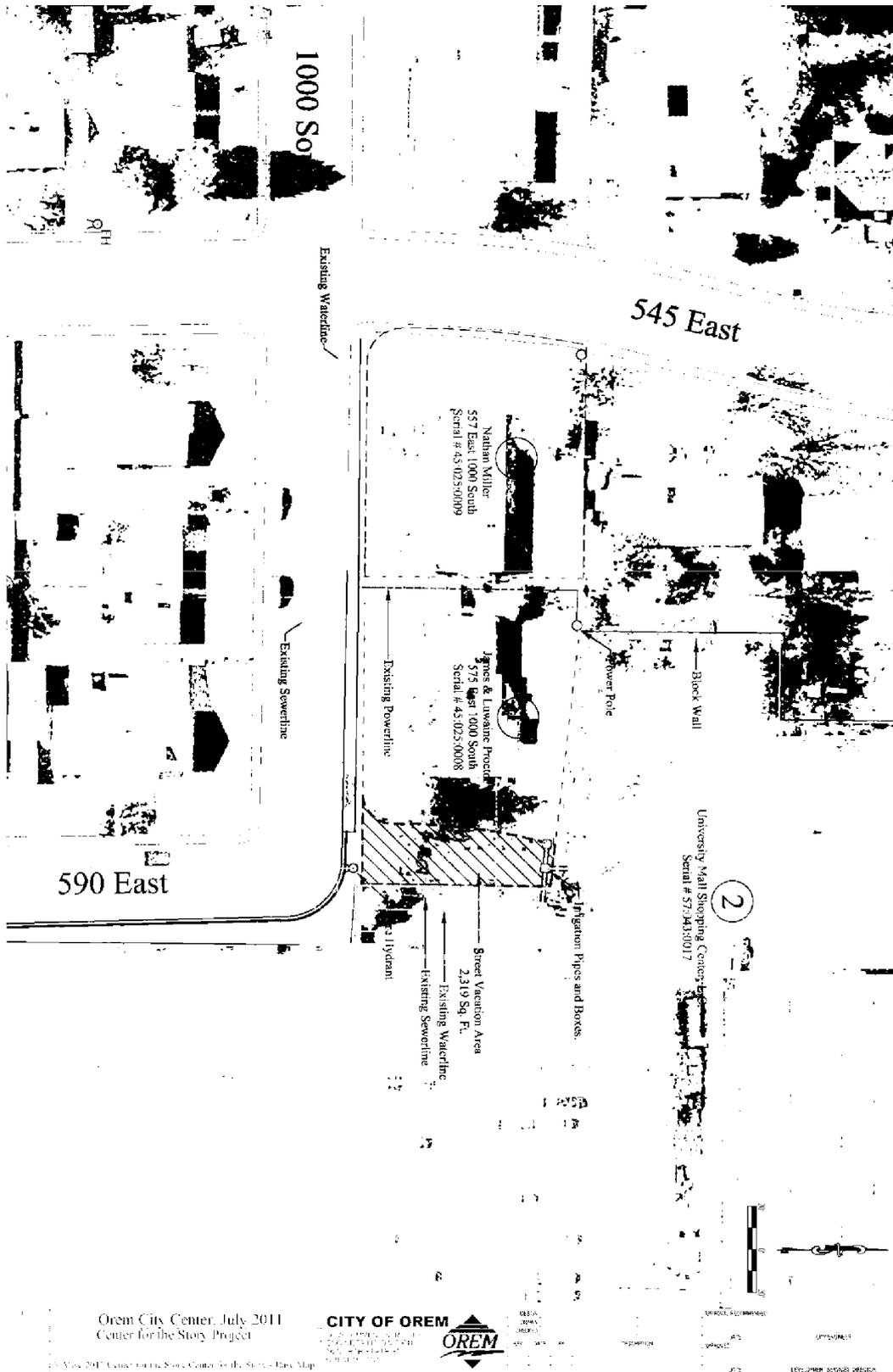
COUNCIL MEMBERS VOTING "AYE"

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COUNCIL MEMBERS VOTING "NAY"

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EXHIBIT A**



Orem City Center, July 2011  
Center for the Story Project



DEBRA  
BROWN  
DIRECTOR

SPRINKLER  
SYSTEMS  
UNIVERSITY

LEV. OPEN SQUARE OBJECT

25. View 29D Center for the Story Center for the Story - Base Map



**CITY OF OREM**  
**BUDGET REPORT FOR THE MONTH ENDED DECEMBER 2013**

Percent of Year Expired: 50%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	%		Notes
						To Date FY 2014	To Date FY 2013	
<b>10 GENERAL FUND</b>								
Revenues	42,069,509	7,279,340	18,217,426			43%		
Appr. Surplus - Current	285,000		285,000			100%		
Appr. Surplus - Prior Year	1,037,610		1,037,610			100%		
Std. Interfund Transactions	4,623,406		4,623,406			100%		
<b>Total Resources</b>	<b>48,015,525</b>	<b>7,279,340</b>	<b>24,163,442</b>		<b>23,852,083</b>	<b>50%</b>	<b>53%</b>	
Expenditures	48,015,525	3,246,358	22,949,913	971,067	24,094,545	50%	52%	
<b>20 ROAD FUND</b>								
Revenues	2,260,000	911	691,177			31%		
Appr. Surplus - Prior Year	1,554,240		1,554,240			100%		
<b>Total Resources</b>	<b>3,814,240</b>	<b>911</b>	<b>2,245,417</b>		<b>1,568,823</b>	<b>59%</b>	<b>49%</b>	
Expenditures	3,814,240	55,837	1,951,143	369,476	1,493,621	61%	62%	
<b>21 CARE TAX FUND</b>								
Revenues	1,700,000	143,506	614,262			36%		
Appr. Surplus - Current	133,035		133,035			100%		
Appr. Surplus - Prior Year	4,946,793		4,946,793			100%		
<b>Total Resources</b>	<b>6,779,828</b>	<b>143,506</b>	<b>5,694,090</b>		<b>1,085,738</b>	<b>84%</b>	<b>89%</b>	
Expenditures	6,779,828	291,865	1,494,575	1,829,257	3,455,996	49%	11%	1
<b>30 DEBT SERVICE FUND</b>								
Revenues	7,331,861	455	3,412,432			47%		
Appr. Surplus - Current	574,999		574,999			100%		
Appr. Surplus - Prior Year	4,820		4,820			100%		
<b>Total Resources</b>	<b>7,911,680</b>	<b>455</b>	<b>3,992,251</b>		<b>3,919,429</b>	<b>50%</b>	<b>61%</b>	
Expenditures	7,911,680	13,551	2,940,181		4,971,499	37%	26%	
<b>45 CIP FUND</b>								
Revenues	246,571		197,617			80%		
Appr. Surplus - Prior Year	869,126		869,126			100%		
<b>Total Resources</b>	<b>1,115,697</b>		<b>1,066,743</b>		<b>48,954</b>	<b>96%</b>	<b>94%</b>	
Expenditures	1,115,697	24,255	226,434	12,800	876,463	21%	13%	
<b>51 WATER FUND</b>								
Revenues	11,209,031	573,377	6,519,975			58%		
Appr. Surplus - Prior Year	2,913,995		2,913,995			100%		
<b>Total Resources</b>	<b>14,123,026</b>	<b>573,377</b>	<b>9,433,970</b>		<b>4,689,056</b>	<b>67%</b>	<b>70%</b>	
Expenditures	14,123,026	348,900	5,146,796	144,460	8,831,770	37%	39%	
<b>52 WATER RECLAMATION FUND</b>								
Revenues	6,954,851	685,618	3,516,221			51%		
Appr. Surplus - Prior Year	1,496,982		1,496,982			100%		
<b>Total Resources</b>	<b>8,451,833</b>	<b>685,618</b>	<b>5,013,203</b>		<b>3,438,630</b>	<b>59%</b>	<b>55%</b>	
Expenditures	8,451,833	406,671	3,391,932	637,311	4,422,590	48%	44%	
<b>55 STORM SEWER FUND</b>								
Revenues	2,880,300	252,915	1,513,057			53%		
Appr. Surplus - Prior Year	977,969		977,969			100%		
<b>Total Resources</b>	<b>3,858,269</b>	<b>252,915</b>	<b>2,491,026</b>		<b>1,367,243</b>	<b>65%</b>	<b>71%</b>	
Expenditures	3,858,269	151,929	2,221,403	378,627	1,258,239	67%	56%	
<b>56 RECREATION FUND</b>								
Revenues	1,694,500	127,895	613,563			36%		
Appr. Surplus - Prior Year	18,255		18,255			100%		
<b>Total Resources</b>	<b>1,712,755</b>	<b>127,895</b>	<b>631,818</b>		<b>1,080,937</b>	<b>37%</b>	<b>45%</b>	
Expenditures	1,712,755	112,265	839,850	114,451	758,454	56%	55%	
<b>57 SOLID WASTE FUND</b>								
Revenues	3,379,600	264,100	1,698,602			50%		
Appr. Surplus - Prior Year	10,094		10,094			100%		
<b>Total Resources</b>	<b>3,389,694</b>	<b>264,100</b>	<b>1,708,696</b>		<b>1,680,998</b>	<b>50%</b>	<b>51%</b>	
Expenditures	3,389,694	243,069	1,693,439		1,696,255	50%	51%	

**CITY OF OREM**  
**BUDGET REPORT FOR THE MONTH ENDED DECEMBER 2013**

Percent of Year Expired: 50%

Fund	Current Appropriation	Monthly Total	Year-To-Date Total	Encumbrances	Balance	Percent of Year Expired		Notes
						% To Date FY 2014	% To Date FY 2013	
<b>58 STREET LIGHTING FUND</b>								
Revenues	1,313,000	73,616	893,374				68%	
Appr. Surplus - Prior Year	250,898		250,898				100%	
Total Resources	<u>1,563,898</u>	<u>73,616</u>	<u>1,144,272</u>		<u>419,626</u>		<u>73%</u>	<u>73%</u>
Expenditures	<u>1,563,898</u>	<u>41,594</u>	<u>228,024</u>	<u>100,287</u>	<u>1,235,587</u>		<u>21%</u>	<u>36%</u>
<b>61 FLEET MAINTENANCE FUND</b>								
Appr. Surplus - Prior Year	595		595				100%	
Std. Interfund Transactions	585,000		585,000				100%	
Total Resources	<u>585,595</u>		<u>585,595</u>				<u>100%</u>	<u>100%</u>
Expenditures	<u>585,595</u>	<u>34,015</u>	<u>315,188</u>	<u>11,523</u>	<u>258,884</u>		<u>56%</u>	<u>59%</u>
<b>62 PURCHASING/WAREHOUSING FUND</b>								
Revenues		15	90				100%	
Std. Interfund Transactions	340,000		340,000				100%	
Total Resources	<u>340,000</u>	<u>15</u>	<u>340,090</u>		<u>-90</u>		<u>100%</u>	<u>100%</u>
Expenditures	<u>340,000</u>	<u>26,648</u>	<u>182,604</u>	<u>614</u>	<u>156,782</u>		<u>54%</u>	<u>49%</u>
<b>63 SELF INSURANCE FUND</b>								
Revenues	490,000	37,078	249,310				51%	
Std. Interfund Transactions	1,175,000		1,175,000				100%	
Total Resources	<u>1,665,000</u>	<u>37,078</u>	<u>1,424,310</u>		<u>240,690</u>		<u>86%</u>	<u>81%</u>
Expenditures	<u>1,665,000</u>	<u>44,504</u>	<u>1,238,731</u>	<u>192</u>	<u>426,077</u>		<u>74%</u>	<u>69%</u>
<b>74 CDBG FUND</b>								
Revenues	875,083	12,929	68,841				8%	
Appr. Surplus - Prior Year	241,343		241,343				100%	
Total Resources	<u>1,116,426</u>	<u>12,929</u>	<u>310,184</u>				<u>28%</u>	<u>43%</u>
Expenditures	<u>1,116,426</u>	<u>78,586</u>	<u>283,118</u>	<u>878</u>	<u>832,430</u>		<u>25%</u>	<u>42%</u>
<b>CITY TOTAL RESOURCES</b>	<u>104,443,466</u>	<u>9,451,755</u>	<u>60,245,107</u>		<u>43,392,117</u>		<u>58%</u>	<u>61%</u>
<b>CITY TOTAL EXPENDITURES</b>	<u>104,443,466</u>	<u>5,120,047</u>	<u>45,103,331</u>	<u>4,570,943</u>	<u>54,769,192</u>		<u>48%</u>	<u>47%</u>

**NOTES TO THE BUDGET REPORT FOR THE MONTH ENDED DECEMBER 2013:**

- 1) The current year expenditures are higher in comparison to the prior year due to the current year encumbrances (\$1,829,257) being significantly more than in the prior fiscal year (\$0) at this date in time. This is due to the Fitness Center Pool Remodel capital project.

Note: In earlier parts of a fiscal year, expenditures may be greater than the collected revenues in a fund. The City has accumulated sufficient reserves to service all obligations during such periods and does not need to issue tax anticipation notes or obtain funds in any similar manner. If you have questions about this report, please contact Richard Manning (229-7037) or Brandon Nelson (229-7010).

AGENDA MEETING 01/28/2014

Once agenda is completed and on its way to the CC, the following steps can be completed:

- Agenda faxed to the press on: 01/24/2014
- Agenda posted—Lib. & City on: 01/24/2014
- Emailed to Executive Staff & Council: 01/24/2014
- Agenda emailed to the press on: (blind copy) 01/24/2014
- Agenda posted on website on: 01/24/2014
- NIA Chairs informed on: 01/24/2014
- State Website: 01/24/2014
- Contact applicants: 01/24/2014
  - PD-40 - Julie Smith - 801-368-9552
  - PD-37 - Craig Widmier - 801-544-3443
  - Street Vacation - Cliff Peterson
  - \_\_\_\_\_
  - \_\_\_\_\_

\*\*\*\*\*  
 \*\*\* MULTI TX/RX REPORT \*\*\*  
 \*\*\*\*\*

TX/RX NO	1167	
PGS.	8	
TX/RX INCOMPLETE		
	[ 01]918019734176	KTVX
	[ 02]98013442985	DAILY HERALD
	[ 07]	
TRANSACTION OK		
	[ 04]918012578525	SALT LAKE TRIBUN
	[ 05]98013738988	EVANS GRADER
	[ 06]98012256908	RANDY FARNWORTH
	[ 08]98017854510	LINDON CITY
	[ 09]98018526107	PROVO CITY
ERROR INFORMATION	-----	



CITY OF OREM  
 CITY COUNCIL MEETING  
 56 North State Street, Orem, Utah  
 January 28, 2014

*This meeting may be held electronically  
 to allow a Councilmember to participate.*

**4:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

1. PD Zone Revisions – Greg Stephens (20 min)
2. Allocation – Charlene Crozier & Karl Hirst (30 min)
3. PW Advisory Commission – Chris Tschirki (10 min)

**5:00 P.M. STUDY SESSION – PUBLIC SAFETY TRAINING ROOM**

**REVIEW UPCOMING AGENDA ITEMS**

4. The City Council will review the upcoming agenda items.

**AGENDA REVIEW**

5. The City Council will review the items on the agenda.

**CITY COUNCIL - NEW BUSINESS**

6. This is an opportunity for members of the City Council to raise issues of information or concern.

**6:00 P.M. REGULAR SESSION - COUNCIL CHAMBERS**

Bio

Wayne Barnes

Graduated from Orem High in 1973

Studied at Dixie State College (1974) and Utah Technical College (1975)

Wife – Analene Barnes over 15 wonderful years

2 Sons, 3 Step Sons

6 Grandchildren, 4 in Highland, 1 in Clearfield & 1 in Whitefish MT

Volunteer history

Summer between 7<sup>th</sup> and 8<sup>th</sup> grade I took a Summer School Drama Class to work with the Stage Crew, but Jerry Elison cast me to share the lead role. The play was part of the Orem Summerfest and was titled "The Blazing Guns at Roaring Gulch or the Perfumed Badge". After that I helped Mr. Elison back stage through Jr. High and into High School on the Summerfest plays.

Started working for Utah Power & Light in 1976 at the Olmsted Plant in the mouth of Provo Canyon. I still work there. That is how I involved with the Timpanogos Storytelling Festival. Working closely with the Orem City employees and Police Dept. at the Storytelling Festival brought a lot of Police training activities to Olmsted. I act as Liaison between PacifiCorp and many different Police agencies for ongoing training. Much of this training occurs after my regular work hours. I don't participate in the training but open and close the buildings that are used. Some of the agencies that have trained at Olmsted are Orem City Police, Provo City Police, Utah Valley University Law Enforcement Agency (New Officer Training), Metro SWAT (Orem, Provo & BYU), Utah Highway Patrol SWAT, and many Canine Training classes brought here by Orem City (Art Lopez) and Utah County Sheriff (Deputy Lawrence) departments. Canine patrol officers have attended classes at Olmsted from all parts of the country.

Last year I was Chairman for my 40<sup>th</sup> Orem High Class Reunion.

I have enjoyed my time volunteering never expecting to be honored with an award. I appreciate the opportunity to receive the Walter C. Orem Award.

## **Beautification Advisory Commission Appointment - Gayla Muir**

Dear City Council Members,

My name is Gayla Muir. I have lived in Orem all my life and have loved living, working, raising my family and being a member and citizen of this great community. I live at 576 East 320 North.

I retired from Mountainland Association of Governmets where I worked for 32 years, 22 years as an accountant and 10 years as the Director of the RSVP senior volunteer program. I have served on many City Boards and Committees through the years and have been honored to be either a Chairperson or President for many of them. I have also served on a number of Orem citizen commissions such as the CDBG, Orem Arts Commission, and the Orem Arts Council. I am currently Orem's representative on the Utah County Fair Board as well as the treasurer of the Utah Valley Chamber Foundation. For 10 years I served as the Executive Director for the Miss Orem Scholarship Pageant. I have enjoy my service to the City and love serving the City and it's citizens.

I would be happy to serve as a member of the City's Beautification Commission as this community has so much to offer its citizens.

Sincerely,

Gayla Muir  
576 East 320 North  
Orem, Utah

801-224-4315  
movinonat60@gmail.com

## Article 2-34. Public Works Advisory Commission

- 2-34-1. Commission Established.
- 2-34-2. Duties of Commission.
- 2-34-3. Membership of Commission.
- 2-34-4. Appointment.
- 2-34-5. Term of Office.
- 2-34-6. Removal and Vacancy.
- 2-34-7. Voting.
- 2-34-8. Meetings.
- 2-34-9. Compensation.
- 2-34-10. Recommendations.

### 2-34-11. Commission Established.

The Orem Public Works Advisory Commission (hereinafter referred to as "Commission") is hereby established.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

### 2-34-12. Duties of the Commission

The Commission shall act in an advisory capacity to the City Council and shall have the following duties and responsibilities.

A. Review and make recommendations to the City Council on Public Works issues brought to the Commission by the City Manager.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

B. Review and make recommendations to the City Council on master plans. The recommendations may include a capital facilities plan, a financial plan, supporting utility rates, and other relevant recommendations.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

C. Work toward the continuing education of citizens regarding Public Works issues in our community.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

D. Plan and arrange for neighborhood meetings/open houses and attend such meetings to receive and review public input.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

### 2-34-13. Membership of Commission

The Commission shall consist of seven (7) members. A member of the City Council shall be appointed to act as a liaison between the Commission and the City Council, but the City Council liaison shall not be considered a member of the Commission.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

### 2-34-14. Appointment.

A. Commission members shall be appointed by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

B. Commission members shall be residents of the City of Orem and represent a variety of backgrounds.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

C. Commission members shall be selected without respect to political affiliation.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

### 2-34-15. Term of Office

A. The term of office for Commission members shall be three (3) years even if the appointment was made to fill a vacancy created by a member who was unable to complete a full term.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

B. The term of office of the initial members of the Commission shall be staggered so that four (4) are for three (3) years and three (3) are for two (2) years.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

C. Lots shall be drawn at the first meeting of the Commission to determine which members shall serve for three (3) years and which members shall serve for two (2) years.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

D. No person shall serve more than two consecutive terms on the Commission.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

E. Each term shall continue until a successor is chosen and qualified, except in the case of the member's death, resignation, removal, or disqualification from holding office.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

### 2-34-16. Removal and Vacancy.

A. Any member of the Commission may be removed from office by the Mayor, with the advice and consent of the City Council.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

B. A member's office automatically becomes vacant if the member establishes residence outside of the City.

(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

C. A member's office may become vacant if the member misses more than twenty-five percent (25%) of

the Commission's meetings during any consecutive twelve-month period.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

D. Vacancies shall be filled for any member whose office becomes vacant.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

E. Vacancies occurring other than through the expiration of a regular term shall be filled by appointment of the Mayor, with the advice and consent of the City Council.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

**2-34-17. Voting.**

A. Each member of the Commission shall have one (1) vote.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

B. A quorum shall consist of any four (4) members of the Commission. No meeting is official unless a quorum of members is present.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

C. The minimum number of votes required to approve or disapprove any action or proposal shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than four (4).  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

**2-34-18. Meetings.**

A. The Commission shall select one of the members to be Chairperson and another member to be Vice Chairperson. The Chairperson shall conduct all meetings and shall serve for one (1) year. The Vice Chairperson shall conduct meetings in the absence of the Chairperson and shall serve for one (1) year. Elections for Chairperson and Vice Chairperson shall be held annually at the first meeting of the year.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

B. The Commission shall meet at least four times per calendar year and may meet more often at the discretion of the Chairperson.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

C. Commission business and discussion shall be conducted in accordance with the Utah Open Public Meeting Laws and City policies. This includes public notification of meeting place, time, and agenda items.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

D. The Commission shall keep written minutes for each of its meetings. The minutes shall be reviewed for approval at the following Commission meeting and shall be available for public inspection.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

E. The Commission may establish subcommittees to help carry out its responsibilities.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

F. The City Manager shall appoint appropriate staff support for the Commission.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

**2-34-19. Compensation.**

A. Members of the Commission shall serve without monetary compensation.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

B. Members may be compensated for reasonable expenses incurred for official responsibilities, if approved by the City Manager.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

**2-34-20. Recommendations.**

The Commission Chairperson shall, from time to time, present recommendations to the City council that have been approved by the Commission.  
(Ord. No. O-14-XXXX, Enacted, XX/XX/XXXX)

## Wayne Barnes for the Walter C. Orem Award

Wayne is a great friend to the City of Orem through both his profession with Rocky Mountain Power and his personal dedication to the Timpanogos Storytelling Festival, for which he has volunteered for about 20 years.

As the caretaker of Rocky Mountain Power's Olmsted property, Wayne is a careful steward of this historic community resource. He has shared this property's beauty, function, and historical significance with residents and guests for over 35 years. Rocky Mountain Power has described small hydroelectric plants like the Olmsted to be a backbone of the nation's early power system. The Olmsted has also been used as an educational facility for power-industry professionals and a training site for law enforcement agencies including Orem Police, Provo Police, Metro SWAT, and many others.

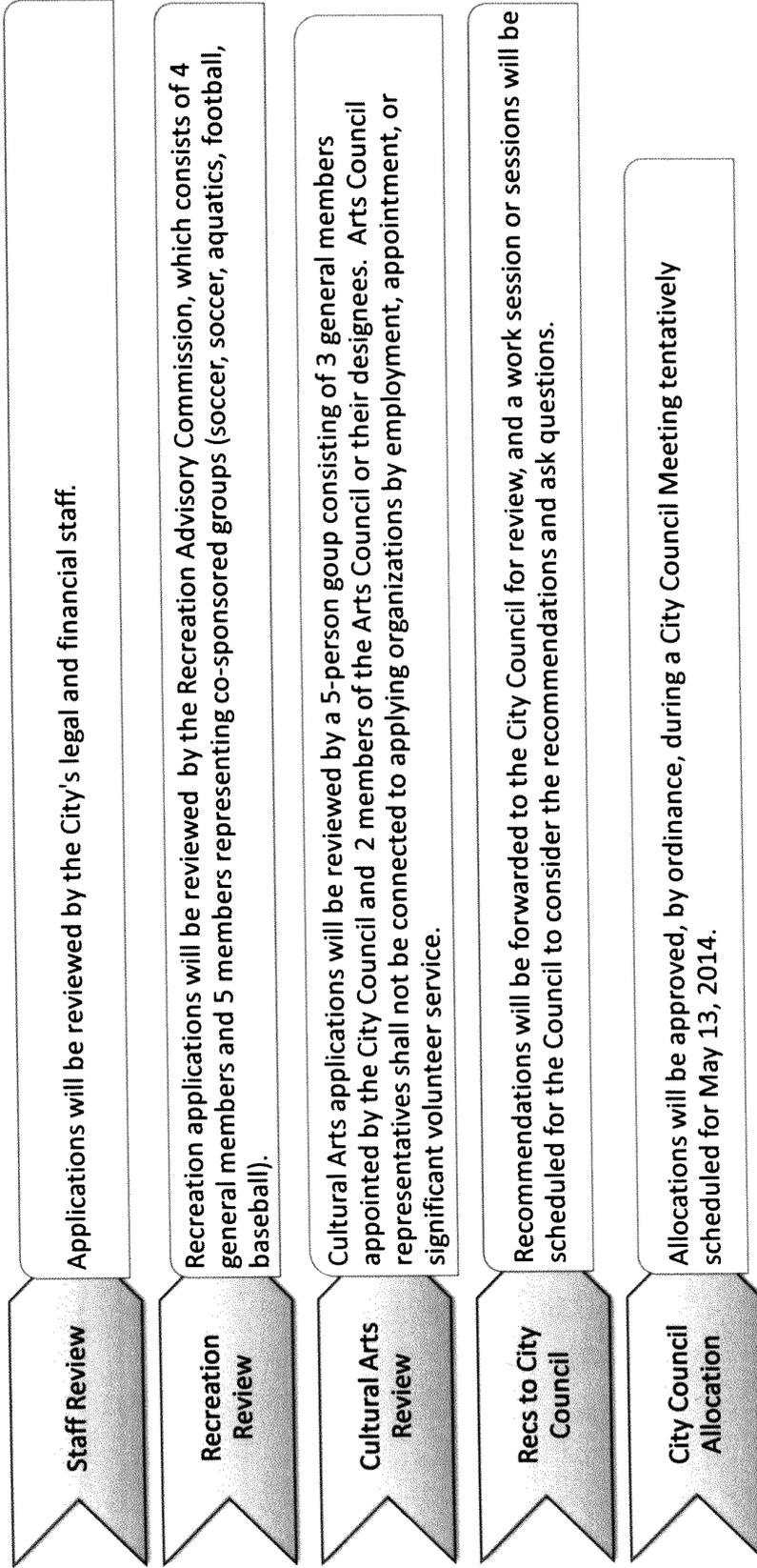
Thanks to the generosity of Rocky Mountain Power, Orem City used the Olmsted grounds as the site of the Timpanogos Storytelling Festival before the construction of Mount Timpanogos Park. It was a challenge to accommodate the large Festival crowds on the property, but Wayne stepped up and embraced the experience. Festival goers were treated to a beautiful, peaceful setting, made possible in many ways to the work of Wayne behind the scenes.

Even after the Festival's move to Mount Timpanogos Park, Wayne continues to champion the Festival and work outside the public's view to make the event happen. Even though his job responsibilities no longer include working with the Festival, Wayne donates countless hours of his own personal time to our annual event. Orem employees describe Wayne as a "go-to" guy. He has a keen understanding of electrical issues and facility concerns in general. He demands the safest possible equipment, cords, and other items to protect visitors and staff. Despite being in constant demand, Wayne is always pleasant and friendly, helping to make the Festival an amazing experience for tens of thousands of attendees.

Wayne has been married to his wife, Analene, for over fifteen years. He is a father to two sons and three step-sons and has six grandchildren.

Wayne has donated countless time, effort and expertise to the Orem community over the years, and for his generous service we are pleased to present him with the Walter C. Orem Award.

## CARE Allocation Process – Proposed



**22-11-1. Purpose and Applicability.**

1. The purpose of Planned Development (PD) zones is to provide flexibility in the City's zoning scheme in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City's existing zoning classifications. PD zones are not intended for use in situations where a proposed development is reasonably feasible under one of the City's existing zoning classifications ~~or in situations where the primary purpose is to obtain a relaxation of standards applicable to similar types of development in other zones.~~

**22-11-2. Applicability.**

2. PD zones are intended for use primarily in the following situations:

High-density student housing projects near UVSC;

Mixed-use projects along State Street and University Parkway;

~~where no existing zoning classification is both sufficiently permissive to allow uses that would be suitable on the property and sufficiently restrictive to protect the character and quality of neighboring properties. Examples of this type of situation may include, but are not limited to, the following:~~

- a. Mixed-use developments;
- b. Townhouse or other high-density residential developments;
- c. Where a few uses in an existing zone (such as the C2 zone) would be appropriate on a particular parcel of property, but the remainder of the uses in that zone would not be appropriate;
- d. Where the setbacks, building height limits or other standards of an existing zone are not necessary for the protection of neighboring properties or the general welfare of the City because of the proximity of a parcel of property to a particular landscape feature such as a cliff or a hillside where there would be no negative impact from a relaxation of such standards; and
- e. Where additional setbacks or other buffers are needed to protect neighboring properties from uses to be employed on a parcel of property.

3. Nothing herein shall be construed to prevent an amendment to an existing PD zone.

4. Notwithstanding anything herein to the contrary, no new PD zone shall be created for:

- a. Any development containing residential units within five hundred feet (500') of State Street, University Parkway, 800 North, or Center Street; or
- b. Any development containing residential units at a density greater than that allowed under the PRD zone.

4. PD zones shall not be created for residential development except in the following situations:

Subsections 1 and 2 above;

~~Residential development that is significantly different in design, layout or characteristics from the type of residential development allowed under existing zoning classifications. PD zones will not be available merely to increase density or to relax development requirements normally applicable to similar types of residential development in existing residential zones.~~

~~Parcels that are unsuitable for either single-family dwellings or PRDs due to the location or topography of the land.~~

**Comment [s1]:** This would still allow a PD with townhouse style units which are difficult to do under the PRD standards.

**22-11-1. Purpose and Applicability.**

1. The purpose of Planned Development (PD) zones is to provide flexibility in the City's zoning scheme in order to allow for unique, innovative and well-planned developments that would not be possible under one of the City's existing zoning classifications. PD zones are not intended for use in situations where a proposed development is reasonably feasible under one of the City's existing zoning classifications.

2. PD zones are intended for use primarily where no existing zoning classification is both sufficiently permissive to allow uses that would be suitable on the property and sufficiently restrictive to protect the character and quality of neighboring properties. Examples of this type of situation may include, but are not limited to, the following:

- a. Mixed-use developments;
- b. Townhouse or other high-density residential developments;
- c. Where a few uses in an existing zone (such as the C2 zone) would be appropriate on a particular parcel of property, but the remainder of the uses in that zone would not be appropriate;
- d. Where the setbacks, building height limits or other standards of an existing zone are not necessary for the protection of neighboring properties or the general welfare of the City because of the proximity of a parcel of property to a particular landscape feature such as a cliff or a hillside where there would be no negative impact from a relaxation of such standards; and
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- a. Any development containing residential units within five hundred feet (500') of State Street, University Parkway, 800 North, or Center Street; or
- b. Any development containing residential units at a density greater than that allowed under the PRD zone.

**Comment [s1]:** This would still allow a PD with townhouse style units which are difficult to do under the PRD standards.

## **Proposal from Citizens for CARE for Advisory Committee on Cultural Arts and Recreation Funding**

Orem voters passed the CARE tax in November 2005 and renewed the tax for ten years in November 2013. However, some citizens and City Council members voiced objections to the way in which the CARE tax money was used during the initial eight year period. These complaints included a concern that recreation had not been adequately funded, recreation needs were ignored, and grants to cultural arts organizations did not focus on Orem organizations.

In light of these concerns, Citizens for CARE, the organization that spearheaded the original campaign for CARE in 2005 and organized the renewal efforts in 2013, recommended to the City Council last fall that the City Council pass a resolution with two parts. One was the equitable distribution of funds for recreation and cultural arts over the next ten years. The other was the appointment of a permanent advisory committee to assist the City Council in decision-making regarding the allocation of CARE funds. The City Council adopted a resolution to that effect.

We now suggest specific measures to implement that resolution. We propose that a permanent CARE advisory committee be formed and members be appointed by the City Council. We recommended the CARE committee consist of seven citizens. Two of those citizens should be individuals with some connection to the arts community. That could include members of the Orem Arts Council. Two additional citizens should be individuals with some connection to the recreation community. These could be individuals who sit on the Recreation Advisory Commission and/or are associated with recreation programs affiliated with the city. Three individuals should be citizens without affiliation of either the arts or recreation communities.

Some caveats should be placed on appointments. One is that no city employee should serve on this committee. City employees should serve as resources for the committee. Also, no individual who is an officer or employee of an organization that applies for CARE grants can be a member of the committee.

We suggest that this committee carry out the following functions:

Recommend to the City Council a ten year plan for the dispersal of CARE funds before the first CARE grant application deadline for 2014. After approval by the City Council of a ten year plan, the CARE committee would have direction in terms of how CARE funding will be allocated on a long term basis. The CARE committee should review the plan annually and, if necessary, adjust it to address new circumstances with a recommendation for amendments made to the City Council.

Annually recommend to the City Council an allocation for cultural arts and recreation respectively based on anticipated CARE funds for that year. That recommendation would be based on the ten year plan approved by the City Council.

Using the City Council's decision on annual allocation of funds for cultural arts and recreation, the CARE committee would review annually the applications for CARE grants from non-profit organizations. That review would consist of an application process that varies depending on the amount requested. A grant of less than \$5,000 would require only an up to two page application. A grant between \$5,000 and \$50,000 would require only an up to five page application. A grant over \$50,000 would require a five page application with a brief oral presentation to the CARE committee.

The City Council makes the final determination of CARE grants. However, the CARE committee should function in a manner that allows the City Council to merely accept or reject the CARE committee's recommendation rather than having to review the applications themselves and listen to a series of organization presentations. Without a real advisory role, the CARE committee would become an unattractive and meaningless group for service. This will require a shift in attitude about the role of the public in this process and the role of the City Council as a broad decision-maker with final authority rather than the body involved in the detail of reviewing applications.

## PROCLAMATION

WHEREAS, all children should have the right to the highest-quality schools possible;

WHEREAS, that improving the quality of education in Orem and expanding access to highly effective schools should be an issue of importance to our leaders;

WHEREAS, the City of Orem recognizes the critical role that an effective and accountable system of education plays in preparing all children to be successful in a global economy;

WHEREAS, Orem has a multitude of high-quality schools that are filled with teaching professionals who are committed to educating children; and

WHEREAS, the vital cause of education reform is one that transcends ideology and political party affiliation;

NOW THEREFORE, I, Richard F. Brunst, Jr.; Mayor of the City of Orem hereby proclaim the week of January 26-February 1, 2014, as

### School Choice Week

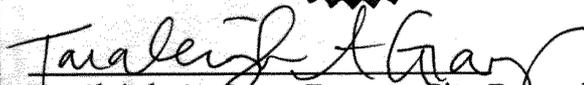
in Orem, Utah and urge all citizens to participate fully in this observance.

Dated this 28<sup>th</sup> day of January 2014.



Richard F. Brunst, Jr., Mayor

ATTEST:

  
Taraleigh A. Gray, Deputy City Recorder

