CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
June 17, 2014

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

3:00 P.M. WORK SESSION – PUBLIC SAFETY TRAINING ROOM

1. **DISCUSSION – Open Meetings Training**
2. **DISCUSSION – Citizen Survey Presentation**
   - Survey methodology – sampling, invitation, response rate, demographics, & panel use for future public opinion work
   - City direction (compared to 2011) and funding priorities
   - Internet use in Orem (compared to statewide) – Residents & Businesses
   - ISP subscriptions, performance, & satisfaction (compared to statewide) – Residents & Businesses
   - UTOPIA context – public comments and views on city involvement
   - Macquarie proposal – ballot, public comments, criteria, and reference frames
   - Overall conclusions and Q&A
3. **CONTINUED DISCUSSION – UTOPIA Fiber Options**

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

4. **REVIEW – Upcoming agenda items - Staff**

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

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)

This agenda is also available on the City's Internet webpage at orem.org

APPROVAL OF MINUTES

7. MINUTES of Special City Council Meeting – May 22, 2014
8. MINUTES of Special City Council Meeting – May 23, 2014
9. MINUTES of Special City Council Education Meeting – June 5, 2014

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

10. UPCOMING EVENTS
11. APPOINTMENTS TO BOARDS AND COMMISSIONS

CDBG Advisory Commission .....1 vacancy
Library Advisory Commission .....1 vacancy
Orem Arts Council.....2 vacancies
Summerfest Advisory Commission.....1 vacancy
Recreation Allocation Advisory Commission .....7 vacancies
CARE Advisory Commission.....

12. RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS
13. MOTION – Mayor Pro Tem – July 1 through December 31, 2014

CITY MANAGER'S APPOINTMENTS

14. APPOINTMENTS TO BOARDS AND COMMISSIONS

The City Manager does not have any appointments.

PERSONAL APPEARANCES – 15 MINUTES

15. 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 3 minutes or less.)*

CONSENT ITEMS

16. RESOLUTION – Accept Annexation Petition for Further Consideration – Lakeside Addition – 1500 South Geneva Road

REQUEST: Ryan McDougal requests that the City Council, by resolution, accept his petition for annexation of 227.59 acres at 1500 South Geneva Road.

BACKGROUND: On June 6, 2014, Ryan McDougal filed an application for the annexation of 227.59 acres into Orem.

Should the Council accept this petition, the 30-day certification time period will begin. After the application is certified, the City Council must begin a 30-day noticing and protest period.

The certification process involves the City Recorder, City Attorney, County Clerk and surveyor to determine if the petition meets the requirement of Subsections 10-2-403(2), (3), and (4) UCA. The County Clerk has 30 days to respond.

Once the certification is accepted, an additional the 30-day noticing and protest period begins. If a protest is received during the 30-day period, the City Council may deny the annexation petition or take no action until it has received the County Commission's notice of its decision on the protest.

If no protest is received, the public hearing would tentatively be scheduled for the September 9, 2014, City Council meeting. At this time, the City Council will decide whether or not to annex the property and what the zoning designation of the property will be.

RECOMMENDATION: Staff recommends the City Council accept the proposed petition for annexation for further consideration.

SCHEDULED ITEMS

6:20 P.M. PUBLIC HEARING – Midtown Village

17. ORDINANCE - Amending portions of Section 22-11-36 and Appendix "R" of the Orem City Code pertaining to the PD-23 zone at 320 South State Street

REQUEST: Jayson Newitt requests that the City Council, by ordinance, amend various portions of Section 22-11-36 and Appendix "R" of the Orem City Code pertaining to the PD-23 zone at 320 South State Street.

The PD-23 zone (Midtown Village) was approved by the City several years ago. The Recession of 2007 occurred and effectively put a stop to the project. A development group has interest in purchasing the project from Big-D Construction if certain modifications are made to the ordinance including changes to the concept plan. A summary of the substantial changes are as follows.

The first request is to change the name from Midtown Village to 360 Place. This provides a change in branding and a perception of a renewed and different project.

Second, Appendix "R" which is part of the PD-23 zone outlines the approved concept plan of the project. The applicant asks the concept plan be amended by detaching a yet to be constructed west wing building and splitting it in two buildings, and locating each along Orem Boulevard. The setbacks of the two new buildings are proposed to change from 80 feet to 20 feet as measured from the curb along Orem Boulevard. The walls on the west side of the two existing buildings will then be finished with windows and balconies and other improvements to complete the west facades of the existing north and south structures.

Third, the existing ordinance does not permit residential uses on the main floor. The applicant requests the flexibility to have residential uses on the first floor of the new building without restriction. The main floors of the north and south buildings may have up

to 20% noncommercial uses. The applicants are proposing to include a recreation area and other amenities for the tenants on the ground floor of the south building.

Fourth, parking changes are proposed which would permit 1.65 stalls for each residential unit above the base density. The base density for the proposed project is 129 residential units. The base density is determined by the number of required commercial parking stalls divided by 3 to obtain the base residential density of 129 units. The base residential units share the parking with the commercial space and do not require additional parking. The request to allow 1.65 stalls per unit above the base density is a change from the 2.0 stalls currently required.

The proposed concept plan contains 1,123 parking stalls. The parking is jointly shared between 532 (403 units plus 129 base units) residential units and 96,800 square feet of nonresidential uses. Pep Boys, to the north, signed a perpetual access and parking easement agreement with Midtown Village with regards to 40 stalls on the south side to the Pep Boys property which this development may use if needed.

Using the standard requirement of 1 stall per 250 square feet of commercial space, 388 parking stalls are needed for the commercial/nonresidential uses plus the 129 base residential units. Using 1.65 stalls for each unit over the base density residential unit (403) an additional 665 parking stalls for the residential units are required. Nonresidential parking plus the required residential parking equals 1,053 stalls, not including the Pep Boys parking stalls. In addition, the applicant is providing an additional sixty parking stalls for the project for the possibility of sixty units housing up to three singles. However, since this is a mixed use development, parking demand for residential is higher at night with the commercial demand greater during the day. The concept of shared parking works because the demand for commercial and residential uses occurs at different times. University Mall was recently approved with 1.49 stalls per residential unit because of the similar shared parking concept. Overall, the project meets the proposed parking requirements.

Fifth, the last several PD zones on State Street have been approved with a separated sidewalk measuring eight feet for the landscape strip and sidewalk. Staff has asked the applicant to do the same in the PD-23 zone. This also includes the frontage on Orem Boulevard with exception to the sidewalk which may be six feet wide.

Sixth, the maximum building height of 65% of the building rooflines is proposed to increase from 60 feet to 70 feet with exception of elevator shafts, stairwells, or mechanical systems, which may have a maximum height of 111 feet. Any building greater than 80 feet (previously 60) must be setback at least 80 feet (previously 160 feet) from a residential zone. The buildings may also have elevations constructed of concrete masonry unit block and metal but no more that 20% of the exterior finishing materials shall be metal.

Seventh, the Orem Boulevard buildings are proposed to have a setback to the street right-of-way of 20 feet. The current Code requires a minimum setback of 65 feet or 80 feet, depending on the building characteristics.

Eighth, signage, for the most part, will conform to Chapter 14 of the Orem City Code. However, one monument sign may be located at one entrance on State Street and one entrance on Orem Boulevard. These signs may be up to eight feet high and 15 feet wide. One sign may also be located above the top residential level of the north and south

building but shall not have an electronic message. It is anticipated this sign will be used to advertise the name of the development.

Ninth, at the time of site plan approval of the west building, a traffic study shall be included with the application. A traffic study was performed with the initial approval of the PD-23 zone but the changes requested by the applicant will cause a significant enough deviation from the original plan that a new study will be needed. The applicant has completed an initial traffic analysis concerning the proposed revisions to the concept plan. A complete study will be required at the time of development along Orem Boulevard.

Advantages

- Provides a new plan to develop the PD-23 zone which has remained unfinished and unsightly for several years.
- Adds additional residential housing options for the community.
- Rebranding helps remove the stigma of the unfinished Midtown Village project
- Completes improvements to State Street and Orem Boulevard frontages which were not contemplated with the original project.

Disadvantages

- Buildings closer to Orem Boulevard may impact lots to the west
- Traffic will increase with the additional units proposed; however, the proposed improvements with this project will help mitigate negative impacts.

RECOMMENDATION: The Planning Commission recommends the City Council approve the request to amend various portions of Section 22-11-36 and Appendix "R" of the Orem City Code as it pertains to Midtown Village at 320 South State Street in the PD-23 zone. Based on the Planning Commission recommendation and the advantages outlined above, staff also recommends approval of the proposed amendments.

18. CONTINUED DISCUSSION – ORDINANCE - Amending the General Plan land use map by changing the land use from medium density residential to regional commercial and amending Section 22-5-3(A) and the zoning map of the Orem City Code by rezoning 0.35 acres from R6 to HS at 2008 South Sandhill Road.

REQUEST: Young Electric Sign Company (YESCO) requests the City Council amend the General Plan land use map by changing the land use from medium density residential to regional commercial and amend Article 22-5-3(A) and the zoning map of the City by changing the zone on 0.35 acres at 2008 South Sandhill Road from R6 to HS.

BACKGROUND:
On May 27, 2014, the City Council continued this item to allow the applicant time to work with the neighborhood and consider proffering a development agreement that outlines specific restrictions to help mitigate neighborhood concerns. They continued it again on June 10, 2014, to allow time to finalize the development agreement and come back with one final recommendation. Additional information concerning the development agreement will be provided at the public hearing.

YESCO requests that the City Council rezone a small parcel of land it owns at 2008 South Sandhill Road and an adjoining parcel owned by the City from the R6 zone to the Highway Services (HS) zone. The two parcels included in the request comprise 0.35 acres (15,246 square feet.) The property bordering the subject property on the north is also zoned HS.

This application consists of two parts. The first is to amend the General Plan land use map of the City from medium density residential to regional commercial. The second part is to amend the zone map of the City by changing the zone from R6 to Highway Services (HS).

YESCO is making this request because it desires to maintain an LED sign on its existing billboard at this location. YESCO first erected a billboard on this property in approximately 1998. At that time the YESCO parcel consisted of 0.56 acres or 24,393 square feet. Up until 2005, the property was in unincorporated Utah County and was zoned Industrial-1.

In 2005, YESCO filed an application to have the property annexed into the City. At approximately the same time, the City was negotiating with YESCO to acquire a part of the property so that the City could construct a storm water detention basin and a roundabout at the intersection of 2000 South and Sandhill Road.

The City needed to acquire as much of the YESCO parcel as possible in order to construct the desired improvements and YESCO was willing to work with the City to accomplish this goal. YESCO's only interest at the time was to retain enough property to allow it to continue operating a billboard on the property. YESCO agreed that it would sell as much of its original parcel to the City as it could while still retaining enough property to meet a minimum lot size requirement. The City suggested applying the R6 zone to the property as that zone required only a 6,000 square foot lot size and was the only zone that allowed a lot of less than 7,000 square feet. The intent was to apply a zone that would allow the City to purchase the greatest amount possible of YESCO property. YESCO agreed to this proposal with the belief that the R6 zone would not in any way impede its ability to continue operating a billboard on the property.

In accordance with this understanding, the City Council annexed the YESCO property into the City on September 27, 2005 and applied the R6 zone to the property. The minutes of the City Council meeting of September 27, 2005 reflect the parties' intentions and state in part: "*In order to maximize the area that the City can purchase and use for storm water detention, the City and YESCO desire that the parcel that YESCO will retain ownership of be as small as possible*."

The City subsequently completed its purchase of all but 6,430 square feet of the YESCO property and proceeded to construct the detention basin and the roundabout. YESCO continued to maintain the billboard on the remaining parcel.

As part of UDOT's I-CORE I-15 project, UDOT constructed sound walls along the eastern edge of I-15 that obstructed the view of YESCO's billboard to traffic on I-15. In January, 2013, YESCO applied for and received a permit from UDOT to increase the height of the billboard in order to make it clearly visible over these sound walls. YESCO also requested and received a permit to install a new LED sign on the south face of the billboard. Subsequent to receiving the permit, YESCO proceeded to increase the height of the billboard and installed the new LED sign.

In approximately March 2013, following installation of the LED sign on the south face of the billboard, the City received complaints from residential neighbors about the LED sign. While looking into the legality of the LED sign, the City discovered that on YESCO's permit application to UDOT, YESCO had inadvertently indicated that its property was in a commercial zone. When the City notified UDOT that the YESCO property was actually in the R6 zone, UDOT indicated that it would not have issued a permit for the installation of an LED sign on the billboard if it had known the property was in a residential zone. UDOT indicated that it would not allow this type of upgrade on a billboard unless the property was located in a commercial or industrial zone. However, UDOT indicated that the increase in the billboard height was still appropriate as a billboard company has the right to make its billboard clearly visible in the event that it becomes obstructed due to highway improvements.

Following the receipt of this information, City staff notified YESCO that it would either need to remove the LED sign or have its property rezoned to a commercial or industrial zone. City staff has also held ongoing discussions with YESCO representatives and neighbors in the area to see if some kind of compromise could be reached that would allow YESCO to keep the LED sign while mitigating the sign's impact on neighbors. Some of the options that have been discussed include (1) keeping the sign message static (no sign changes) during certain hours such as between midnight and 6:00 a.m.; (2) slowing the rate of ad changes so that the message changes appear less abrupt; and (3) prohibiting an LED sign on the north face of the billboard. Those discussions have continued up until shortly before the Planning Commission meeting although no final agreement has been reached. In the event that a compromise agreement is reached, City staff recommends that such agreement be memorialized in a development agreement prior to any City Council action.

If the City Council rezones the property to HS, UDOT will most likely allow YESCO to maintain the LED sign. If the City Council denies the application and the property stays R6, UDOT will likely require YESCO to remove the LED sign. However, even if the property remains R6, YESCO will maintain the right to have a traditional billboard on the property at its current height.

YESCO held a neighborhood meeting on April 9 with five neighbors or property owners in attendance. The concerns of the neighbors included the height and the LED panel. Some neighbors felt the billboard was too high. Others felt the LED sign may be acceptable and less obtrusive if kept at the existing height.

The Planning Commission first heard this request on April 23, 2014, but continued the item to May 7, 2014. Planning Commission members wanted to make a night visit to the site to see what impact the LED sign had on neighbors. Mike Helm of YESCO met several members of the Planning Commission (staggered times) on May 2, 2014, to view the sign at night and to examine readings of a light meter while directed at the LED sign. They also went into the home of a nearby resident to see the how the LED sign affected the enjoyment of her house.

Advantages

- A rezone of the property to HS would allow YESCO to maintain the LED sign on the south face of the billboard and avoid the expense and investment loss that would arise from removing the LED sign. This would also allow YESCO to realize

the expectations it had at the time of annexation that application of the R6 zone would not negatively affect its ability to operate a billboard on the property.

- LED is generally less bright than standard lighting on billboards which may result in less overall light pollution.
- Application of the HS zone to the property would not open the door to other commercial uses since existing easements on the property would prevent any use other than the billboard.
- YESCO has indicated that it is willing to commit not to install an LED sign on the north face of the billboard.

Disadvantages

- Some neighbors may find the existence of an LED sign on the south face of the billboard to be less desirable than a traditional billboard face.
- If the property is rezoned HS, an LED sign could also be installed on the north face of the billboard unless a development agreement prohibiting this is executed prior to City Council action.

RECOMMENDATION: The Planning Commission recommends the City Council approve this request. Based on the advantages outlined above, staff also recommends the City Council approve this request subject to a development agreement.

COMMUNICATION ITEMS

19. There are no communication items.

CITY MANAGER INFORMATION ITEMS

20. 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.

ADJOURN TO CLOSED-DOOR MEETING – Discussion of the character, professional competence, or physical or mental health of an individual (**Pursuant to Section 52-4-205 (1)(a) of the Utah State Code Annotated)**

CITY OF OREM **CITY COUNCIL MEETING** JUNE 17, 2014	
REQUEST:	**RESOLUTION – Accept Annexation Petition for Further Consideration – Lakeside Addition – 1500 South Geneva Road**
APPLICANT:	Ryan McDougal
FISCAL IMPACT:	None

NOTICES:
-Posted in 2 public places
-Posted on City webpage
-Posted on the State Noticing Website
-Faxed to newspapers
-E-mailed to newspapers
-Neighborhood Chair

SITE INFORMATION:
General Plan Designation:
In County
Current Zone:
In County
Acreage:
208.136
Neighborhood:
Lakeview
Neighborhood Chair:
Garr Judd & Mike Whimpey

PREPARED BY:
Donna Weaver
City Recorder

REQUEST:
Ryan McDougal requests that the City Council, by resolution, accept his petition for annexation of 227.59 acres at 1500 South Geneva Road.

BACKGROUND:
On June 6, 2014, Ryan McDougal filed an application for the annexation of 227.59 acres into Orem.

Should the Council accept this petition, the 30-day certification time period will begin. After the application is certified, the City Council must begin a 30-day noticing and protest period.

The certification process involves the City Recorder, City Attorney, County Clerk and surveyor to determine if the petition meets the requirement of Subsections 10-2-403(2), (3), and (4) UCA. The County Clerk has 30 days to respond.

Once the certification is accepted, an additional the 30-day noticing and protest period begins. If a protest is received during the 30-day period, the City Council may deny the annexation petition or take no action until it has received the County Commission's notice of its decision on the protest.

If no protest is received, the public hearing would tentatively be scheduled for the September 9, 2014 City Council meeting. At this time, the City Council will decide whether or not to annex the property and what the zoning designation of the property will be.

RECOMMENDATION: Staff recommends the City Council accept the proposed petition for annexation for further consideration.

RESOLUTION_____

A RESOLUTION ACCEPTING THE PETITION OF RYAN MCDOUGAL FOR ANNEXATION OF CERTAIN PROPERTY GENERALLY LOCATED AT 1500 SOUTH GENEVA ROAD, UNDER THE PROVISIONS OF SECTIONS 10-2-403 AND 10-2-405, UTAH STATE CODE ANNOTATED, 1953, AS AMENDED

WHEREAS on June 6, 2014, Ryan McDougal filed a petition with the City Recorder of the City of Orem, Utah County, State of Utah, requesting that such property be annexed to the corporate boundaries of the City of Orem; and

WHEREAS said petition contains the signatures of the owner(s) of real property that is (1) located within the area of annexation, (2) covers a majority of the private land area within the area proposed for annexation, (3) is equal in value to at least one-third of the value of all the private real property within the area proposed for annexation; and

WHEREAS the said property for proposed annexation lies contiguous to the present boundaries of the City of Orem, and an accurate plat of the real property proposed for annexation is prepared by a licensed surveyor has been filed with the City Recorder; and

WHEREAS the City Council is willing to accept the petition for the purpose of considering the annexation pursuant to State Law.

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

1. The Annexation Petition, attached hereto as Exhibit "A" and incorporated herein by reference, is hereby accepted for further consideration under the provisions of Utah State annexation law and is hereby referred to the City Recorder for review pursuant to Section 10-2-405(2), Utah State Code Annotated, 1953, as amended.
2. This resolution shall become effective upon adoption.

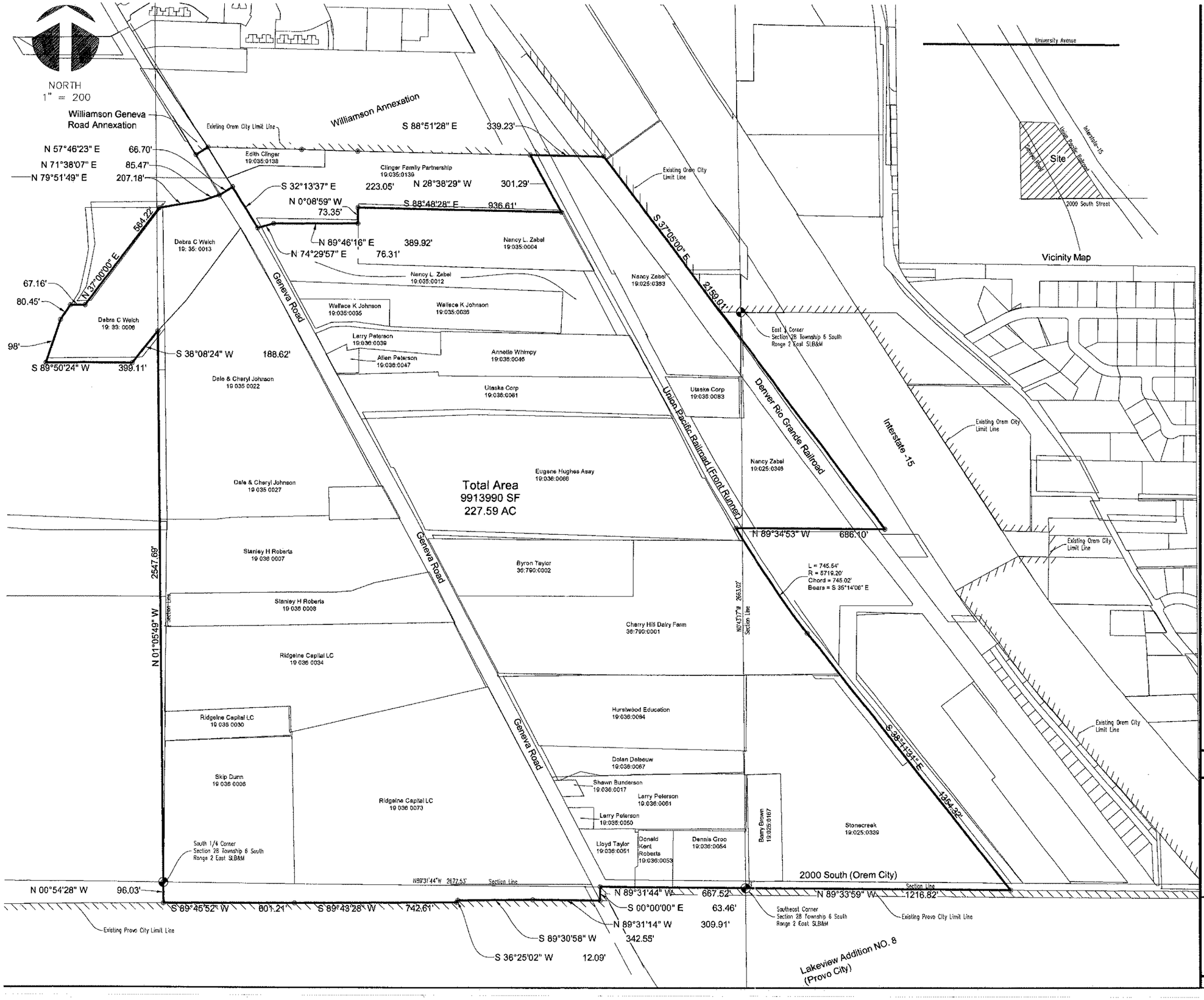
PASSED and APPROVED this **17th** day of **June** 2014.

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

_____
Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"	COUNCIL MEMBERS VOTING "NAY"



Surveyor's Certificate

I hereby certify that this is a true and accurate map of the tract of land to be annexed to Orem City, Utah County, Utah.

Boundary Description

Commencing at the Southeast corner of Section 28, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 89°31'44" West along the Section line 667.52 feet; thence South 63.46 feet; thence North 89°31'14" West 309.91 feet; thence South 89°30'58" West 342.55 feet; thence South 36°25'02" West 12.09 feet; thence South 89°43'28" West 742.61 feet; thence South 89°45'52" West 801.21 feet; thence North 00°54'28" West 96.03 feet to the South quarter corner of said Section 28; thence North 01°05'49" West along the quarter section line 2547.69 feet; thence South 38°08'24" West 188.62 feet; thence South 89°50'24" West 399.11 feet; thence North 18°14'16" East 209.98 feet; thence North 33°06'31" East 80.45 feet; thence East 67.16 feet; thence North 37°00'00" East 564.22 feet; thence North 79°51'49" East 207.18 feet; thence North 71°38'07" East 85.47 feet; thence North 57°46'23" East 66.70 feet; thence South 32°13'37" East along the Easterly boundary of Geneva Road 223.05 feet; thence North 74°29'57" East 76.31 feet; thence North 89°46'16" East 389.92 feet; thence North 0°08'59" West 73.35 feet; thence South 88°48'28" East 936.61 feet; thence North 28°38'29" West along the West boundary of the Union Pacific Railroad 301.29 feet; thence South 89°51'28" East along Williamson Annexation 339.23 feet; thence South 37°05'00" East along the Lake View - Vineyard Annexation and the Easterly boundary of the Denver and Rio Grande Railroad 2159.01 feet; thence North 89°34'53" West 686.10 feet; thence along the arc of a 5719.20 foot radius curve to the left 745.54 feet (chord bears South 35°14'06" East 745.02 feet); thence South 35°11'31" East 1354.32 feet; thence North 89°33'59" West along the Section line 1216.82 feet to the point of beginning.

AREA=227.59 acres

Basis of Bearing North 89°31'44" West along the Section line

Date

Surveyor
(See Seal Below)

Surveyor

Acceptance by Legislative Body - Orem City

This is to certify that we, the Orem City has received a request to adjust the boundary line shown herein between Orem City and Provo City and that a copy of the ordinance has been prepared for filing. We have examined and do hereby approve and accept the boundary line adjustment as shown.

Dated this _____ day _____, 2014

Richard Brunst - Mayor _____

Sam Kelly - City Engineer _____

Attest by Orem City Clerk. Recorder _____

Orem City Recorder

Acceptance by Utah County Surveyor

This plat has been reviewed by the County Surveyor and is hereby certified as a final plat, pursuant to Utah Code annotated 17-23-20 as amended.

Gary Ratcliff - Professional Land Surveyor _____

Date _____

Utah County Surveyor

Annexation Plat

Lakeview Addition to Orem City

Utah County, Utah
Scale: 1" = 200 Feet

RECEIVED

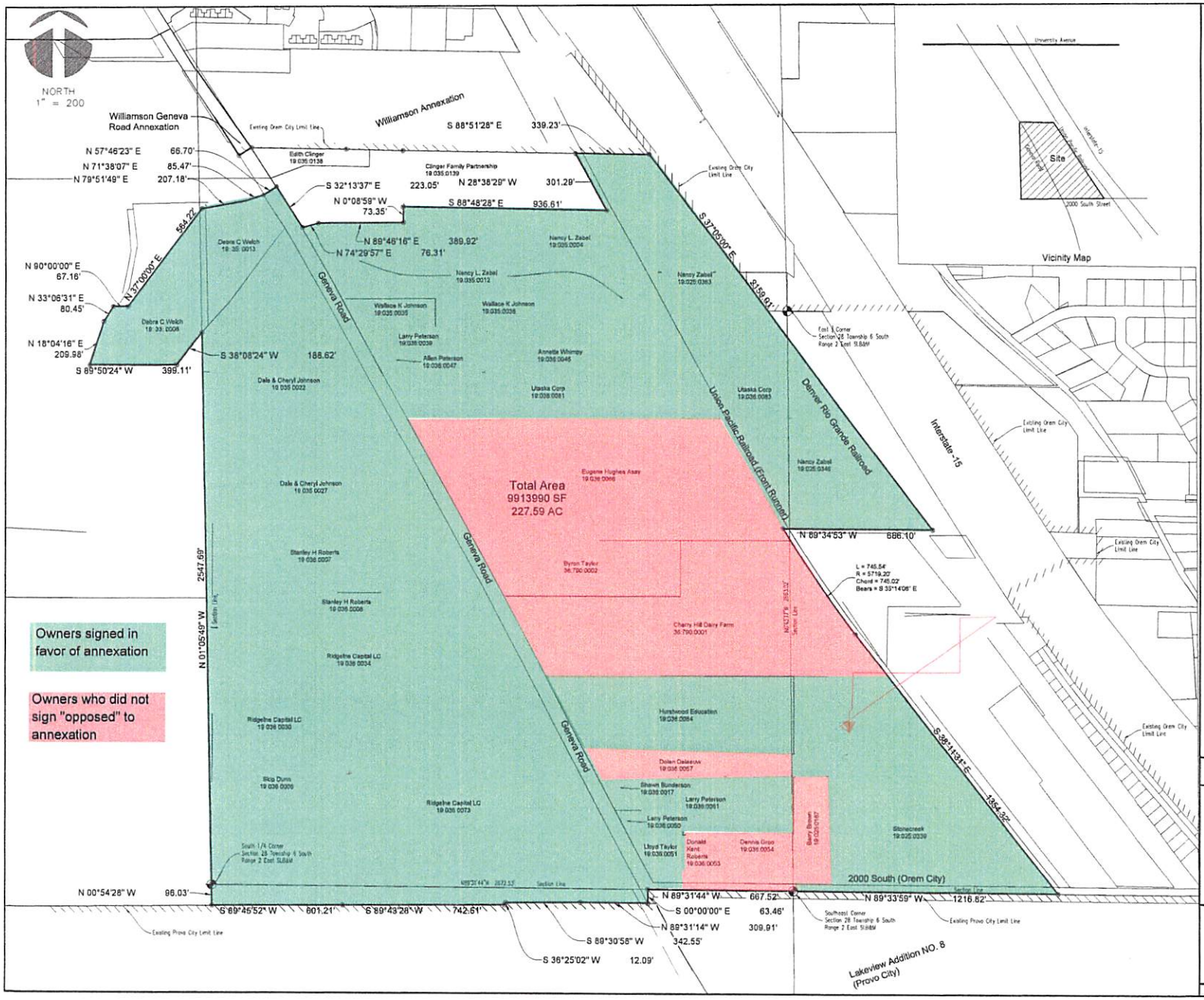
Utah County Recorders Data

MAY 28 2014

By _____

CITY OF OREM

THIS FORM APPROVED BY UTAH COUNTY AND THE MUNICIPALITIES THEREIN.



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AREA=227.59 acres

Basis of Bearing North 89°31'44" West along the Section line

Date

Surveyor
(See Seal Below)

Surveyor

Acceptance by Legislative Body - Orem City

This is to certify that we, the Orem City has received a request to adjust the boundary line shown herein between Orem City and Provo City and that a copy of the ordinance has been prepared for filing. We have examined and do hereby approve and accept the boundary line adjustment as shown.

Dated this _____ day _____ 2014

Richard Brunst - Mayor _____

Sam Kely - City Engineer _____

Attest by Orem City Clerk Recorder _____

Orem City Recorder

Acceptance by Utah County Surveyor

This plat has been reviewed by the County Surveyor and is hereby certified as a final plat, pursuant to Utah Code annotated 17-23-20 as amended

Gary Ratcliff - Professional Land Surveyor _____

Date _____

Utah County Surveyor

Annexation Plat

Lakeview Addition to Orem City

Utah County, Utah

Scale: 1" = 200 Feet

Utah County Recorders Data

THIS FORM APPROVED BY UTAH COUNTY AND THE MUNICIPALITIES THEREIN

Owner	Parcel #	Acres	Assessed Value	Signed?
Stone Creek Properties LLC	190250339	14.19	$ 354,60(	Yes
Zabel, Nancy	190350004	6.44	$ 161,00(	Yes
	190350012	6.05	$ 202,00(	Yes
	190250363	9.1	$ 682,30(	Yes
	190250346	2.29	$ 172,10(	Yes
Johnson, Wallace K and Alice C	190350036	4.25	$ 106,30(	Yes
	190350035	1	$ 186,20(	Yes
Peterson, Larry and Jeff	190360039	1.27	$ 88,00(	Yes
Peterson, Allen	190360047	0.33	$ 93,80(	Yes
Whimpey, Annette	190360046	5.1	$ 127,60(	Yes
UTASKA Corporation	190360081	6.55	$ 660,08	Yes
	190360083	1.07	$ 26,80(	Yes
Hurst Wood Education Foundation	190360084	9.62	$ 412,40(	Yes
Bunderson, Shawn	190360017	0.24	$ 74,00(	Yes
Peterson, Larry and Gloria	190360061	4.64	$ 123,30(	Yes
Peterson, Jeremy and Amanda	190360050	0.29	$ 138,40(	Yes
Taylor, Lane	190360051	1.266	$ 103,20(	Yes
Ridgeline Capital LC	190360073	22.39	$ 279,90(	Yes
	190360034	12.82	$ 181,20(	Yes
	190360030	1.79	$ 44,80(	Yes
Skip Dunn Investments LC	190360006	9.44	$ 70,30(	Yes
Stanly H. Roberts	190360007	7.06	$ 176,50(	Yes
	190360008	4.9	$ 61,90(	Yes
Dale C & Cheryl B Johnson	190350022	19.64	$ 335,00(	Yes
	190360027	1	$ 236,00(	Yes
Debra C Welch	190350013	2.81	$ 238,50(	Yes
	190330006	4.71	$ 117,80(	Yes
Roberts, Donald	190360053	0.96	$ 106,50(	No
Groo, Denis	190360054	2.09	$ 266,40(	No
Brown, Barry	190250167	1.81	$ 195,80(	No
Asay, Eunice H	190360066	18.77	$ 4,240,00(	No
Taylor, Byron	367900002	5.25	$ 384,80(	No
Cherry Hill Farm	367900001	16.14	$ 547,00(	No
De Leeuw, Dolan J	190360067	2.86	$ 89,90(	No

Total Acres	**208.136**
Acreage owned by signors:	**160.256**
Percent Acreage Owned By Signors:	**77.0%**

Total Value	**$ 11,284,384**
Value Owned by Signors	**$ 5,453,984**
Percent Value Owned by Signors:	**48.3%**

RECEIVED

JUN 06 2014

By_____

CITY OF OREM

OREM DRC APPLICATION

www.orem.org

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

APPLICANT INFORMATION

FORM EXPIRES: 06-30-2014

Name: Ryan O. McDougal
Phone: 801-709-3755
Address: 1347 South 1250 W.
FAX:
City: Orem State: UT Zip: 84058
e-mail: ryanmcdougal@outlook.com

PROJECT INFORMATION

Project Name: Lakeview Addition to Orem City

Project Address: 2000 South Orem

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
☐ Preliminary/PRD $700 + $20/lot or unit	☐ Sign $600	☐ Land Use Map Change $1000 + $25 sign fee	☐ Site Plan Admin. Approval $400	☐ To City Council $400
☐ Preliminary deep lot sign fee $25	☐ Subdivision $600	☐ Text Change $1000	☐ Site Plan $1,500 + $25 sign fee for following PD Zones: 1,4,5,15,16,21	☐ To Planning Commission $400
☐ Final $400 + $20/lot or unit + recording fees	☐ Zoning, Text $600		☐ Concrete/Masonry Fence $50	☐ Street Vacation $800
☐ Vacation/Amendment $600 + $25 sign fee + recording fees	☐ New PD Zone, Text $1000 +25 sign fee for PD zone		☐ Daycare Fence Approval $100	☒ Annexation $1000 + $25 sign fee
☐ Final PRD $400 + $30/lot or unit + recording fees	☐ Rezone $800 + $25 sign fee		☐ Temporary Site Plan Approval $100	☐ Driveway Entrance Modification $175
☐ Lot Line Adjustment $400 + $25 sign fee, not including recording fees	☐ New PD Zone, Rezone $800 +25 sign fee for PD zone		☐ Conditional Use Permit $600.00 + $25 sign fee	☐ Resubmittal Fee $100/review After three reviews
			☐ Fence Modification/Waiver $100	
			☐ Condominium Conversion $300.00 + $55/Unit ($25 sign fee; + $30 building inspection fee/Unit)	☐ 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", 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. **Provide a complete set of PDF drawings with application – email PDF drawings to lpmerritt@orem.org.**

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: Ryan O. McDougal

Contact Person Name: Ryan O. McDougal Phone: 801-709-3755

OFFICE USE ONLY

Date Filed: 3-17-14 Fees Paid: 1025 — Received By: AR

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.

CITY OF OREM **CITY COUNCIL MEETING** JUNE 17, 2014	
REQUEST:	**6:20 PUBLIC HEARING – Midtown Village** **ORDINANCE - Amending portions of Section 22-11-36 and Appendix "R" of the Orem City Code pertaining to the PD-23 zone at 320 South State Street**
APPLICANT:	Jayson Newitt
FISCAL IMPACT:	None

NOTICES:
-Posted in 2 public places
-Posted on City webpage
-Posted on City hotline
-Faxed to newspaper
-Emailed to newspaper
-Posted property on May 30, 2014
-Mailed 188 notices on May 28, 2014
-Posted on utah.gov/pmn

SITE INFORMATION:
- Proposed General Plan
  Community Commercial
- Proposed Zone
  PD-23
- Acreage
  9.83
- Neighborhood
  Orem Park
- Neighborhood Chair
  Tom and Georgian Pett

PLANNING COMMISSION RECOMMENDATION
Approve: 6-0

PREPARED BY:
David Stroud, AICP Planner

REQUEST: Jayson Newitt requests the City Council amend various portions of Section 22-11-36 and Appendix "R" of the Orem City Code pertaining to the PD-23 zone at 320 South State Street.

BACKGROUND: The PD-23 zone (Midtown Village) was approved by the City several years ago. The Recession of 2007 occurred and effectively put a stop to the project. A development group has interest in purchasing the project from Big-D Construction if certain modifications are made to the ordinance including changes to the concept plan. A summary of the substantial changes are as follows.

The first request is to change the name from Midtown Village to 360 Place. This provides a change in branding and a perception of a renewed and different project.

Second, Appendix "R" which is part of the PD-23 zone outlines the approved concept plan of the project. The applicant asks the concept plan be amended by detaching a yet to be constructed west wing building and splitting it in two buildings, and locating each along Orem Boulevard. The setbacks of the two new buildings are proposed to change from 80 feet to 20 feet as measured from the curb along Orem Boulevard. The walls on the west side of the two existing buildings will then be finished with windows and balconies and other improvements to complete the west facades of the existing north and south structures.

Third, the existing ordinance does not permit residential uses on the main floor. The applicant requests the flexibility to have residential uses on the first floor of the new building without restriction. The main floors of the north and south buildings may have up to 20% non-commercial uses. The applicants are proposing to include a recreation area and other amenities for the tenants on the ground floor of the south building.

Fourth, parking changes are proposed which would permit 1.65 stalls for each residential unit above the base density. The base density for the proposed project is 129 residential units. The base density is determined by the number of required commercial parking stalls divided by 3 to obtain the base residential density of 129 units. The base residential units share the parking with the commercial space and do not require additional parking. The request to allow 1.65 stalls per unit above the base density is a change

from the 2.0 stalls currently required.

The proposed concept plan contains 1,123 parking stalls. The parking is jointly shared between 532 (403 units plus 129 base units) residential units and 96,800 square feet of non-residential uses. Pep Boys, to the north, signed a perpetual access and parking easement agreement with Midtown Village with regards to 40 stalls on the south side to the Pep Boys property which this development may use if needed.

Using the standard requirement of 1 stall per 250 square feet of commercial space, 388 parking stalls are needed for the commercial/non-residential uses plus the 129 base residential units. Using 1.65 stalls for each unit over the base density residential unit (403) an additional 665 parking stalls for the residential units are required. Non-residential parking plus the required residential parking equals 1,053 stalls, not including the Pep Boys parking stalls. In addition, the applicant is providing an additional sixty parking stalls for the project for the possibility of sixty units housing up to three singles. However, since this is a mixed use development, parking demand for residential is higher at night with the commercial demand greater during the day. The concept of shared parking works because the demand for commercial and residential uses occurs at different times. University Mall was recently approved with 1.49 stalls per residential unit because of the similar shared parking concept. Overall, the project meets the proposed parking requirements.

Fifth, the last several PD zones on State Street have been approved with a separated sidewalk measuring eight feet for the landscape strip and sidewalk. Staff has asked the applicant to do the same in the PD-23 zone. This also includes the frontage on Orem Boulevard with exception to the sidewalk which may be six feet wide.

Sixth, the maximum building height of 65% of the building rooflines is proposed to increase from 60 feet to 70 feet with exception of elevator shafts, stairwells, or mechanical systems, which may have a maximum height of 111 feet. Any building greater than 80 feet (previously 60) must be setback at least 80 feet (previously 160 feet) from a residential zone. The buildings may also have elevations constructed of concrete masonry unit block and metal but no more that 20% of the exterior finishing materials shall be metal.

Seventh, the Orem Boulevard buildings are proposed to have a setback to the street right-of-way of 20 feet. The current Code requires a minimum setback of 65 feet or 80 feet, depending on the building characteristics.

Eighth, signage, for the most part, will conform to Chapter 14 of the Orem City Code. However, one monument sign may be located at one entrance on State Street and one entrance on Orem Boulevard. These signs may be up to eight feet high and 15 feet wide. One sign may also be located above the top residential level of the north and south building but shall not have an electronic message. It is anticipated this sign will be used to advertise the

name of the development.

Ninth, at the time of site plan approval of the west building, a traffic study shall be included with the application. A traffic study was performed with the initial approval of the PD-23 zone but the changes requested by the applicant will cause a significant enough deviation from the original plan that a new study will be needed. The applicant has completed an initial traffic analysis concerning the proposed revisions to the concept plan. A complete study will be required at the time of development along Orem Boulevard.

Advantages

- Provides a new plan to develop the PD-23 zone which has remained unfinished and unsightly for several years.
- Adds additional residential housing options for the community.
- Rebranding helps remove the stigma of the unfinished Midtown Village project
- Completes improvements to State Street and Orem Boulevard frontages which were not contemplated with the original project.

Disadvantages

- Buildings closer to Orem Boulevard may impact lots to the west
- Traffic will increase with the additional units proposed; however, the proposed improvements with this project will help mitigate negative impacts.

RECOMMENDATION: The Planning Commission recommends the City Council approve the request to amend various portions of Section 22-11-36 and Appendix "R" of the Orem City Code as it pertains to Midtown Village at 320 South State Street in the PD-23 zone. Based on the Planning Commission recommendation and the advantages outlined above, staff also recommends approval of the proposed amendments.

State Street
State Street
Orem Boulevard
Orem Boulevard
400 South
400 South
400 South
Main Street
50 West
50 West
50 West
50 West
50 West
50 West
270 South
315 South
355 South

ORDINANCE NO. _____

AN ORDINANCE OF THE OREM CITY COUNCIL AMENDING VARIOUS PORTIONS OF SECTION 22-11-36 AND AMENDING APPENDIX "R" OF THE OREM CITY CODE PERTAINING TO THE PD-23 ZONE AT 320 SOUTH STATE STREET

WHEREAS on May 12, 2014, Jayson Newitt filed an application with the City of Orem requesting the City amend various portions of Section 22-11-36 and amend Appendix "R" of the Orem City Code as it pertains to the PD-23 zone at 320 South State Street; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on June 4, 2014, with a recommendation of approval to the City Council; and

WHEREAS a public hearing considering the subject application was held by the City Council on June 17, 2014; and

WHEREAS notices were mailed to residents and property owners within an area extending 500 feet from the subject property and the property was posted; and

WHEREAS the City posted the City Council agenda in the City Offices at 56 North State Street, www.orem.org, and a public hearing notice at www.utah.gov/pmn/index.html; 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 neighborhood; the compliance of the request with all applicable City ordinances; 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 this request is in the best interest of the City because it will encourage the completion of development in the PD-23 zone.

2. The City Council hereby amends portions Section 22-11-36 of the Orem City Code as shown on Exhibit A which is attached hereto and incorporated herein by reference.

3. The City Council hereby amends a portion of Appendix "R" of the City Code as shown on Exhibit B which is attached hereto and incorporated herein by reference.

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

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

PASSED and APPROVED and ordered PUBLISHED this **17th** day of June **2014**.

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

_____
Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"	COUNCIL MEMBERS VOTING "NAY"

Exhibit "A"

22-11-36. PD-23 Zone, 360 Place, 360 South State Street.

A. **Purposes.** The purpose of the PD-23 zone is as follows:

1. To promote the redevelopment and beautification of properties in the vicinity of 320 South State Street by encouraging the conversion of blighted and unsightly areas into new developments consisting of an integrated mix of commercial and residential uses.
2. To allow residential units to be located in commercial zones complimented by and integrated with compatible commercial uses.
3. To allow for the creation of a new housing alternative that will provide individuals with the opportunity to live in proximity to places they work and shop by creating a more walkable community, which has the potential of reducing the number of vehicular trips per person.
4. To allow vertical construction above the height permitted in the C2 zone in areas in which the additional height would not have a detrimental impact on surrounding properties.

B. **Locations.** The PD-23 zone may only be applied to parcels that are at least three (3) acres in size, have at least 300 feet of frontage on State Street, and are between 250 South and 400 South and between State Street and Orem Boulevard. The PD-23 zone may be applied to parcels less than three (3) acres in size if the parcel is adjacent to an existing PD-23 zone and may be seamlessly incorporated into the existing development.

C. **Uses**.

1. **Allowable Uses**. All commercial uses allowed in the C2 zone are allowed anywhere in the PD-23 zone. Any residential use that is allowed in the R8, PRD or C2 zones is allowed anywhere in the PD-23 zone except that no more than twenty percent (20%) of the ground level floor space of the south building and the north building may be used for noncommercial uses.

2. **Residential Units**. The number of residential units allowed shall be limited by the number of parking stalls provided. The base residential density shall be equal to the number of parking stalls provided for nonresidential uses divided by three (3). For example, if 200 parking stalls were required for nonresidential floor space, the base residential density would be sixty-six (66) units. Additional residential units in excess of the base residential density shall be allowed provided that 1.65 parking stalls are provided for each residential unit in excess of the base residential density. Additional parking requirements are outlined in Section 22-11-36(F)(10).

3. **Large Residential Units**. A total of sixty "large residential units" shall be allowed in the PD-23 zone. A large residential unit may be occupied by a family as defined in Section 22-2-1 of the Orem City Code or by up to five individuals who are not all related to each other. A large residential unit must have at least 2,000 square feet.

D. **Concept Plan**. The concept plan included herein as Appendix "R," and incorporated herein by reference, designates in general terms the proportions, locations, and types of uses to be developed within the PD-23 zone and shall guide site layout and development within the zone. Development on any parcel to which the PD-23 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. However, the City Manager or the City Manager's designee may administratively approve minor amendments to the concept plan. The concept plan shall show all of the following:

1. A layout of all parking areas, amenities, open spaces, landscaped areas, drive accesses, proposed building footprints, all building heights and the orientation of all buildings; and
2. Architectural renderings that illustrate the architectural style of buildings and streetscapes in the development.

E. **Site Plan**. All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-23 zone. No development, construction, revisions, or additions shall take place on a site in the PD-23 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) significant 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; 4) appropriate amenities for that phase as specified on the site 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.

4. **Change of Use**. An amended site plan complying with the requirements of Section 22-14-20 and this Section 22-11-36 shall be required whenever the owner proposes to change the use of any portion of a building from either residential to commercial or commercial to residential.

F. **Development Standards**.

1. **Height**. The following height limitations shall apply to buildings in the PD-23 zone:

a. No building shall exceed ninety-six (96) feet in height.

b. No more than 65% of all building rooflines in the PD-23 zone shall exceed a height of seventy (70) feet.

c. No more than 20% of all building rooflines in the PD-23 zone shall exceed a height of eighty-four (84) feet.

d. The heights of specific buildings in the PD-23 zone shall be as shown in Appendix "R."

e. The aforementioned height limitations shall not apply to mechanical systems, roof-top shade structures, or elevator, stair and/or vestibule shafts, all of which may exceed the ninety-six (96) foot height limit, but which in any event, shall not exceed a total height of one hundred eleven (111) feet.

2. **Required Setbacks**. The minimum setbacks for structures in the PD-23 zone shall be the same as those of the C2 zone except as listed below:

a. No setback is required from State Street or 400 South Street.

b. No portion of any building shall be closer to a residential zone than the overall height of the building.

c. No building shall be closer to Orem Boulevard than twenty (20) feet as measured from the back of curb.

d. Any portion of a building in excess of eighty (80) feet in height must be set back at least eighty (80) feet from a residential zone.

e. No parking shall be located closer than twenty (20) feet from the back of curb adjacent to State Street.

3. **Frontage and Accessibility from State Street and Orem Boulevard**. All buildings shall front on a street or plaza area. In order to encourage a walkable community, all residential units shall be accessible from the ground floor of the building façade fronting on the street or plaza. Such entrances shall be designed with separate architectural features such as varied façade depth and color, canopies, stairs, etc. In order to encourage pedestrian traffic along State Street and Orem Boulevard, building entries and lobbies (including those for residential units) shall be oriented to and shall be accessible from State Street or Orem Boulevard where reasonably possible.

4. **Design Layout**. Because the PD-23 zone is intended to redevelop and improve the walkability of State Street and Orem Boulevard, and to enhance the commercial tax base of the City, any development in the PD-23 zone shall generally be designed to the maximum extent practical to locate commercial space immediately fronting on State Street and other arterial or collector streets. Parking areas shall be located toward the interior of the property to the maximum extent practical. Generally, buildings that are most closely situated to State Street shall not have parking areas located between the buildings and State Street.

5. **Architectural Style**. Developments within the PD-23 zone shall incorporate a unique and aesthetically pleasing architectural and design theme as shown in Appendix "R." The design of developments within the PD-23 zone shall incorporate diversity of detail and materials among individual buildings while maintaining a unique overall design theme for the entire development. All development, including national chain stores, restaurants 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 22-11-36 and Appendix "R" 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 substantially 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 all of these areas at least every sixty-six (66) linear feet. Façade depth shall change with a minimum two (2) foot 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.

c. Balconies up to eight (8) feet in depth are required on at least fifty percent (50%) of all elevations for the residential units in the north tower and the south tower. Balconies are required on at least twenty percent (20%) of all elevations for the residential units in the west buildings. However, balconies shall not be required on end panels of buildings. Canopies and/or covered entrances up to twenty (20) feet in depth are required on at least fifty percent (50%) of nonresidential units that face a street or plaza.

d. Windows shall be required on the sides of all commercial and residential units adjacent to a street or plaza. Window designs throughout the project shall be varied to help create a diversity of architecture. The use of bay windows, cantilevered windows, or other window treatments shall be used to increase variety in the building elevations. Awnings shall be incorporated into the development where appropriate.

e. The design and style of all development shall conform in all other respects to the general purpose and spirit of the PD-23 zone.

f. Parking garages may not have direct access to or from State Street or any arterial or collector street. Entrances and exits to parking garages shall also be designed so as not to be visible from State Street or any arterial or collector street. Buildings shall not be surrounded by parking or located in the middle of a parking lot.

g. Roof shapes shall be consistent with the overall theme of the development and shall reflect the diversity of the building's architectural character. Appropriate use of both pitched and flat roofs is encouraged. Neither flat, three-tab cut asphalt shingles nor rolled roofing shall be allowed on any roof that has a slope of four feet of rise to twelve feet of run (4/12) or greater.

6. **Building Materials**. 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, cultured stone, glass, stucco, synthetic stucco (EIFS only), concrete masonry unit (CMU) block, or plaster. Metal may also be used for up to but no more than 20% of the exterior finishing materials of any building. 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 materials 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.

7. **Streets**.

a. Design. All streets within the interior of a development in the PD-23 zone shall be designated private on the concept plan. Streets shall be designed and built according to the concept plan. Elevated walkways may cross the streets.

b. Width. All streets shall be constructed with at least two travel lanes with each travel lane being a minimum of ten (10) feet in width exclusive of areas available for parking.

c. Landscaping. Landscaped islands are allowed in all interior streets. They shall be designed, maintained and located to allow safe traffic flow.

d. Sidewalks and outdoor café areas. Sidewalks shall be constructed on both sides of all streets. Sidewalks adjacent to State Street shall have a minimum width of twelve (12) feet and a maximum width

of twenty (20) feet. Sidewalks may be larger than twenty (20) feet when designed for outdoor activities and/or outdoor seating. All other sidewalks shall be at least five (5) feet in width. Sidewalks along Orem Boulevard shall have a buffered sidewalk with a sidewalk at least six (6) feet in width separated from the street by a landscape strip at least eight (8) feet in width.

e. Streetscape features. Any development in the PD-23 zone shall incorporate streetscape features in the sidewalk area adjacent to all streets. At least one streetscape feature shall be installed and maintained every thirty (30) lineal feet along all sidewalk areas. Acceptable streetscape features include trees, planters, benches, drinking fountains, decorative garbage cans, outdoor clocks and water features. As part of the streetscape requirement set forth above, at least one tree shall be planted and maintained every sixty (60) lineal feet of sidewalk.

8. **Public transportation**. The developer of property in the PD-23 zone shall design the project to encourage the use of public transportation. The developer shall work with UDOT, the City and any other appropriate entities to facilitate the use of public transportation by the occupants of the development and shall include facilities such as a public transportation shelter in the overall design of any project in the PD-23 zone.

9. **Pedestrian and bicycle circulation.** All development in the PD-23 zone shall be designed to encourage pedestrian and bicycle circulation. Pedestrian and bicycle access shall be provided to trail systems where applicable.

10. **Parking**.

a. Four parking stalls shall be provided for every one thousand (1000) square feet of gross leaseable floor area of commercial or office uses. No parking stalls shall be required for residential units included within the base residential density (as defined in 22-12-5(C)(2)). A minimum of 1.65 parking stalls shall be provided for each residential unit in excess of the base residential density. In addition to the parking requirements stated above, one (1) additional parking stall shall be required for each large residential unit (in addition to the 1.65 stall requirement).

b. Parking stalls located in front of commercial uses shall be reserved generally for commercial use during business hours.

c. The above outlined parking requirements shall be met for each phase of the development through underground, ground level and above ground structured parking.

d. Angled and parallel parking may be provided on all interior streets.

11. **General Landscaping Requirements.**

a. All land within the PD-23 zone not covered by buildings, streets, driveways, sidewalks, plazas, courtyards, structures, recreation facilities, parks and parking areas shall be permanently landscaped with plants, shrubs, trees, grass, and similar landscaping materials and 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. At least ten percent (10%) of all parking areas not a part of a parking structure shall be maintained as interior landscaping. No more than twenty-five percent (25%) of the interior landscaping required by this section shall be located adjacent to a building.

12. **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. Light standards shall be placed at least every sixty (60) feet along all private streets and all pathways in the development. 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.

13. **Amenities**. Common social gathering areas and recreational amenities shall be incorporated into the development. Amenities may include but are not limited to common open space areas, swimming pools, a village center or plaza area, recreational footpaths, etc.

14. **Outside Storage**. The development shall provide areas for the covered storage of bicycles and other large recreational items. Such items shall not be permitted to be stored on resident balconies, or within common interior or exterior hallways of the development. No trash, used materials, or wrecked or abandoned vehicles or

equipment shall be stored in an open area. Except during construction, storage of commercial goods or materials outside of a building is prohibited.

15. **RV Storage**. The storage of Recreational Vehicles (RVs) shall not be permitted within the PD-23 zone.

16. **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-23 development with the remaining side used as a gate with appropriate screening materials.

17. **Storm Water Runoff Plan**. All development within the PD-23 zone shall have a storm water runoff plan designed to accommodate a twenty-five (25) year storm.

18. **Owners' Association**. If all of the units in the PD-23 zone are not owned by the same person or entity, an owners' association shall be formed to provide maintenance and adequate on-site security in all public and common areas of the development.

19. **Neighborhood Meeting**. Prior to a Planning Commission meeting for site plan approval, the applicant shall hold a neighborhood meeting in accordance with the requirements of Section 22-14-20(I).

20. **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.

21. **Signage**. Except as otherwise provided below, signage in the PD-23 zone shall comply with the provisions of Chapter 14 of the Orem City Code. The following additions and modifications shall apply to signage in the PD-23 zone:

a. Except as set forth below, signage for residential portions of a building shall be limited to signs allowed in a residential zone.

b. In addition to the signage allowed under Chapter 14, one monument sign may be located at the entrance to the Project on State Street and one monument sign may be located at the entrance to the Project on Orem Boulevard. Each of these monument signs may have a maximum height of eight feet (8') and a maximum width of fifteen feet (15').

c. Except as otherwise provided herein, wall signs shall only be placed on the commercial portion of a building.

d. One wall sign may be located on either the north or south building above the windows of the top residential level. The sign shall consist of individual letters on a flat face and shall identify the name of the project. The dimensions of the sign shall not exceed fifteen (15) feet in height and thirty (30) feet in width. This additional wall sign may not be an electronic message sign.

e. One vertical wall sign displaying the project address or name of the project may be placed on each building on the commercial or residential portion of the building. The dimensions of these signs shall not exceed forty feet (40') in height and four feet (4') in width. These additional vertical wall signs shall substantially comply with the general design and quality of the vertical wall signs shown in the concept plan. The additional vertical wall signs shall not be electronic message signs.

f. Wall signs extending more than six (6) inches from the wall shall not be within seven (7) feet 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 sixty (60) inches from the wall, are prohibited.

g. Canopy signs may only be placed on the commercial portion of the building above primary entrances to, or above windows of, businesses.

h. Window signs shall not exceed fifty percent (50%) of the total transparent area of the window on which they are attached.

i. One entrance sign identifying the entire project may be placed on State Street (as a monument or polesign), provided however, that the project entrance sign is no closer than ten (10) feet to any public or private street unless it is located within the interior of a roundabout. The entrance sign shall not exceed five-hundred (500) square feet total area, and shall not exceed thirty-five (35) feet in height.

G. **Traffic Study.** The developer shall be required to submit a comprehensive traffic impact study (CTIS) prepared by a Professional Transportation Engineer licensed to practice in the State of Utah that analyzes the impact of development of the entire property zoned PD-23 at the time of the first site plan application. The CTIS shall evaluate the vehicle, bicycle, and pedestrian traffic both on site and in the general vicinity of the project. The CTIS

shall evaluate trip generations, turning movements to and from the property, street geometrics, and traffic safety on and off the site. The CTIS shall also address relevant items including but not be limited to the following: surrounding street and intersection levels of service (LOS) before and after the project is completed, any mitigation efforts recommended to minimize project traffic impacts, proposed public and private street widths and alignments, site mobility, access management, potential traffic signal locations, street striping, signage, etc. Each site plan shall reflect and incorporate the recommendations of the CTIS and any updated traffic study submitted to the City and any other requirements that the City may deem necessary based upon the CTIS and/or any updated traffic study.

H. **Bonds**.

1. **Purpose**. Prior to the recording of any documents concerning any phase of an approved PD-23 development, and prior to the issuance of any building permit on land included within a PD-23 development, the applicant shall post and/or assume a bond with the City in an amount sufficient to cover the cost of all improvements required for that phase by the approved site plan, preliminary plat, final plat, concept plan, development agreement, the PD-23 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 six (6) months or until April 15 of the following year, whichever is longer. The City shall not release this bond until the City accepts 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-23 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 materials shall have a cause of action against the City or the bond for providing labor or materials.

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-23 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 shall 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.

I. **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-23 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 for condominiums. 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. The purpose of the written statement is to ensure that all relevant documents have been reviewed for compliance with the Utah Condominium Ownership Act. However, notwithstanding anything herein to the contrary, the written statement described herein shall be construed as the attorney's opinion only, and shall not constitute a guarantee of compliance with the Utah Condominium Ownership Act and may not be used as a basis for liability against the attorney making the written statement either by the City or any other person.

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 reasonable but 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.

22-11-36. PD-23 Zone, ~~Midtown Village, 320~~360 Place, 360 South State~~.~~ Street.

A. **Purposes.** The purpose of the PD-23 zone is as follows:

1. To promote the redevelopment and beautification of properties in the vicinity of 320 South State Street by encouraging the conversion of blighted and unsightly areas into new developments consisting of an integrated mix of commercial and residential uses.

2. To allow residential units to be located in commercial zones ~~while maintaining the street level~~complimented by and integrated with compatible commercial ~~character~~uses.

3. To allow for the creation of a new housing alternative that will provide individuals with the opportunity to live in proximity to places they work and shop by creating a more walkable community, which has the potential of reducing the number of vehicular trips per person.

4. To allow vertical construction above the height permitted in the C2 zone in areas in which the additional height would not have a detrimental impact on surrounding properties.

B. **Locations.** The PD-23 zone may only be applied to parcels that are at least three (3) acres in size, have at least 300 feet of frontage on State Street, and are between 250 South and 400 South and between State Street and Orem Boulevard. The PD-23 zone may be applied to parcels less than three (3) acres in size if the parcel is adjacent to an existing PD-23 zone and may be seamlessly incorporated into the existing development.

C. **Uses**.

~~1. **Commercial Use of Ground Levels**. The ground level floor space of all buildings in the PD-23 zone shall be used exclusively for retail uses except ground level floor space facing Orem Boulevard may also have office uses. The office or retail use must be either a permitted or conditional use in the C2 zone. Floor space area above the ground level may be used for any use allowed in the C2 zone and/or residential uses as provided in subsection (C)(2) below.~~

~~2. **Residential Uses**. Any personal residential use identified as an 1100 Series Standard Land Use Code listed in Appendix A of the City Code shall be permitted on the floors above the ground level in the PD-23 zone.~~

1. **Allowable Uses**. All commercial uses allowed in the C2 zone are allowed anywhere in the PD-23 zone. Any residential use that is allowed in the R8, PRD or C2 zones is allowed anywhere in the PD-23 zone except that no more than twenty percent (20%) of the ground level floor space of the south building and the north building may be used for non-commercial uses.

2. **Residential Units**. The number of residential units allowed shall be limited by the number of parking stalls provided. The base residential density shall be equal to the number of parking stalls provided for nonresidential uses divided by three~~.~~ (3). For example, if 200 parking stalls were required for nonresidential floor space, the base residential density would be sixty-six (66) units. Additional residential units in excess of the base residential density shall be allowed provided that ~~two (2)~~1.65 parking stalls are provided for each residential unit in excess of the base residential density. Additional parking requirements are outlined in Section 22-11-36(F)(10).

3. **Large Residential Units**. A total of sixty "large residential units" shall be allowed in the PD-23 zone. A large residential unit may be occupied by a family as defined in Section 22-2-1 of the Orem City Code or by up to five individuals who are not all related to each other. A large residential unit must have at least 2,000 square feet.

D. **Concept Plan**. The concept plan included herein as Appendix "R," and incorporated herein by reference, designates in general terms the proportions, locations, and types of uses to be developed within the PD-23 zone and shall guide site layout and development within the zone. Development on any parcel to which the PD-23 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. However, the City Manager or the City Manager's designee may administratively approve minor amendments to the concept plan. The concept plan shall show all of the following:

1. A layout of all parking areas, amenities, open spaces, landscaped areas, drive accesses, proposed building footprints, all building heights and the orientation of all buildings; and

2. Architectural renderings that illustrate the architectural style of buildings and streetscapes in the development.

E. **Site Plan**. All development standards and site plan requirements of Section 22-14-20 shall apply to any development in the PD-23 zone. No development, construction, revisions, or additions shall take place on a site in the PD-23 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) significant 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; 4) appropriate amenities for that phase as specified on the site 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.

4. **Change of Use**. An amended site plan complying with the requirements of Section 22-14-20 and this Section 22-11-36 shall be required whenever the owner proposes to change the use of any portion of a building from either residential to commercial or commercial to residential.

F. **Development Standards**.

1. **Height**. The following height limitations shall apply to buildings in the PD-23 zone:

a. No building shall exceed ninety-six (96) feet in height.

b. No more than 65% of all building rooflines in the PD-23 zone shall exceed a height of ~~sixty (60~~seventy (70) feet.

c. No more than 20% of all building rooflines in the PD-23 zone shall exceed a height of eighty-four (84) feet.

d. The heights of specific buildings in the PD-23 zone shall be as shown in Appendix "R."

~~e. If the property within the PD-23 zone is developed according to the standards of the C2 zone, then the height requirements outlined in the C2 zone shall apply.~~

e. The aforementioned height limitations shall not apply to mechanical systems, roof-top shade structures, or elevator, stair and/or vestibule shafts, all of which may exceed the ninety-six (96) foot height limit, but which in any event, shall not exceed a total height of one hundred eleven (111) feet.

2. **Required Setbacks**. The minimum setbacks for structures in the PD-23 zone shall be the same as those of the C2 zone except as listed below:

a. No setback is required from State Street or 400 South Street.

b. No portion of any building shall be closer to a residential zone than the overall height of the building.

c. No building shall be closer to Orem Boulevard than ~~eighty (80) feet with the exception that one section of the ground floor level limited to sixty five (65) feet in width and thirty two (32) feet in height may be setback sixty (60) feet from Orem Boulevard~~twenty (20) feet as measured from the back of curb.

d. Any portion of a building in excess of ~~sixty (60~~eighty (80) feet in height must be set back at least ~~one hundred sixty (160~~eighty (80) feet from a residential zone.

e. No parking shall be located closer than twenty (20) feet ~~(20') to an exterior property line~~from the back of curb adjacent to State Street.

3. **Frontage and Accessibility from State Street and Orem Boulevard**. All buildings shall front on a street or plaza area. In order to encourage a walkable community, all residential units shall be accessible from the ground floor of the building façade fronting on the street or plaza. Such entrances shall be designed with separate architectural features such as varied façade depth and color, canopies, stairs, etc. In order to encourage pedestrian traffic along State Street and Orem Boulevard, building entries and lobbies (including those for residential units) shall be oriented to and shall be accessible from State Street or Orem Boulevard where reasonably possible.

4. **Design Layout**. Because the PD-23 zone is intended to redevelop and improve the walkability of State Street and Orem Boulevard, and to enhance the commercial tax base of the City, any development in the PD-23 zone shall generally be designed to the maximum extent practical to locate commercial space immediately fronting on State Street and other arterial or collector streets. Parking areas shall be located toward the interior of the property to

the maximum extent practical. Generally, buildings that are most closely situated to State Street shall not have parking areas located between the buildings and State Street.

5. **Architectural Style**. Developments within the PD-23 zone shall incorporate a unique and aesthetically pleasing architectural and design theme as shown in Appendix "R." The design of developments within the PD-23 zone shall incorporate diversity of detail and materials among individual buildings while maintaining a unique overall design theme for the entire development. All development, including national chain stores, restaurants 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 22-11-36 and Appendix "R" 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 substantially 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 all of these areas at least every sixty-six (66) linear feet. Façade depth shall change with a minimum two (2) foot 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.

c. Balconies up to eight (8) feet ~~(8')~~ in depth are required on at least fifty percent (50%) of all elevations for the residential units ~~for~~in the ~~entire site.~~north tower and the south tower. Balconies are required on at least twenty percent (20%) of all elevations for the residential units in the west buildings. However, balconies shall not be required on end panels of buildings. Canopies and/or covered entrances up to twenty (20) feet ~~(20')~~ in depth are required on at least fifty percent (50%) of nonresidential units that face a street or plaza.

d. Windows shall be required on the sides of all commercial and residential units adjacent to a street or plaza. Window designs throughout the project shall be varied to help create a diversity of architecture. The use of bay windows, cantilevered windows, or other window treatments shall be used to increase variety in the building elevations. Awnings shall be incorporated into the development where appropriate.

e. The design and style of all development shall conform in all other respects to the general purpose and spirit of the PD-23 zone.

f. Parking garages may not have direct access to or from State Street or any arterial or collector street. Entrances and exits to parking garages shall also be designed so as not to be visible from State Street or any arterial or collector street. Buildings shall not be surrounded by parking or located in the middle of a parking lot.

g. Roof shapes shall be consistent with the overall theme of the development and shall reflect the diversity of the building's architectural character. Appropriate use of both pitched and flat roofs is encouraged. Neither flat, three-tab cut asphalt shingles nor rolled roofing shall be allowed on any roof that has a slope of four feet of rise to twelve feet of run (4/12) or greater.

6. **Building Materials**. 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, cultured stone, glass, stucco, synthetic stucco (EIFS only), ~~or plaster.~~concrete masonry unit (CMU) block, or plaster. Metal may also be used for up to but no more than 20% of the exterior finishing materials of any building. 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 materials 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.

7. **Streets**.

a. Design. All streets within the interior of a development in the PD-23 zone shall be designated private on the concept plan. Streets shall be designed and built according to the concept plan. Elevated walkways may cross the streets.

b. Width. All streets shall be constructed with at least two travel lanes with each travel lane being a minimum of ten (10) feet in width exclusive of areas available for parking.

c. Landscaping. Landscaped islands are allowed in all interior streets. They shall be designed, maintained and located to allow safe traffic flow.

d. Sidewalks and outdoor café areas. Sidewalks shall be constructed on both sides of all streets. Sidewalks adjacent to State Street shall have a minimum width of twelve (12) feet and a maximum width of twenty (20) feet. Sidewalks may be larger than twenty (20) feet when designed for outdoor activities and/or outdoor seating. All other sidewalks shall be at least ~~four (4~~five (5) feet in width. Sidewalks along Orem Boulevard shall have a ~~combination of~~buffered sidewalk with a sidewalk at least ~~four (4~~six (6) feet in width ~~and~~separated from the street by a landscape strip at least eight (8) feet in width.

e. Streetscape features. Any development in the PD-23 zone shall incorporate streetscape features in the sidewalk area adjacent to all streets. At least one streetscape feature shall be installed and maintained every thirty (30) lineal feet along all sidewalk areas. Acceptable streetscape features include trees, planters, benches, drinking fountains, decorative garbage cans, outdoor clocks and water features. As part of the streetscape requirement set forth above, at least one tree shall be planted and maintained every sixty (60) lineal feet ~~(60')~~ of sidewalk.

8. **Public transportation**. The developer of property in the PD-23 zone shall design the project to encourage the use of public transportation. The developer shall work with UDOT, the City and any other appropriate entities to facilitate the use of public transportation by the occupants of the development and shall include facilities such as a public transportation shelter in the overall design of any project in the PD-23 zone.

9. **Pedestrian and bicycle circulation.** All development in the PD-23 zone shall be designed to encourage pedestrian and bicycle circulation. Pedestrian and bicycle access shall be provided to trail systems where applicable.

10. **Parking**.

a. Four parking stalls shall be provided for every one thousand (1000) square feet of gross leaseable floor area of ~~nonresidential use. The number of~~ commercial or office uses. No parking stalls shall be required for residential units ~~shall be determined as follows: One (1) parking stall shall be required for each residential unit~~ included within the base residential density (as defined in 22-12-5(C)(2)). ~~Two (2)~~ A minimum of 1.65 parking stalls shall be ~~required~~provided for each residential unit in excess of the base residential density. In addition to the parking requirements stated above, one (1) additional parking stall shall be required for each large residential unit (in addition to the 1.65 stall requirement).

b. Parking stalls located in front of commercial uses shall be reserved ~~exclusively~~generally for commercial use during business hours.

c. The above outlined parking requirements shall be met for each phase of the development through underground, ground level and above ground structured parking.

d. Angled and parallel parking may be provided on all interior streets.

11. **General Landscaping Requirements.**

a. All land within the PD-23 zone not covered by buildings, streets, driveways, sidewalks, plazas, courtyards, structures, recreation facilities, parks and parking areas shall be permanently landscaped with plants, shrubs, trees, grass, and similar landscaping materials and 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. At least ten percent (10%) of all parking areas not a part of a parking structure shall be maintained as interior landscaping. No more than twenty-five percent (25%) of the interior landscaping required by this section shall be located adjacent to a building.

12. **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. Light standards shall be placed at least every sixty (60) feet ~~(60')~~ along all private streets and all pathways in the development. 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.

13. **Amenities**. Common social gathering areas and recreational amenities shall be incorporated into the development. Amenities may include but are not limited to common open space areas, swimming pools, a village center or plaza area, recreational footpaths, etc.

14. **Outside Storage**. The development shall provide areas for the covered storage of bicycles and other large recreational items. Such items shall not be permitted to be stored on resident balconies, or within common interior or exterior hallways of the development. No trash, used materials, or wrecked or abandoned vehicles or equipment shall be stored in ~~a n~~an open area. ~~Storage~~Except during construction, storage of commercial goods or materials outside of a building is prohibited.

15. **RV Storage**. The storage of Recreational Vehicles (RVs) shall not be permitted within the PD-23 zone.

16. **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-23 development with the remaining side used as a gate with appropriate screening materials.

17. **Storm Water Runoff Plan**. All development within the PD-23 zone shall have a storm water runoff plan designed to accommodate a twenty-five (25) year storm.

18. **Owners' Association**. ~~An Owners' Association~~If all of the units in the PD-23 zone are not owned by the same person or entity, an owners' association shall be formed to provide maintenance and adequate on-site security in all public and common areas of the development.

19. **Neighborhood Meeting**. Prior to a Planning Commission meeting for site plan approval, the applicant shall hold a neighborhood meeting in accordance with the requirements of Section 22-14-20(I).

20. **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.

21. **Signage**. ~~Signage within the PD-23 zone shall be as follows~~Except as otherwise provided below, signage in the PD-23 zone shall comply with the provisions of Chapter 14 of the Orem City Code. The following additions and modifications shall apply to signage in the PD-23 zone:

a. ~~Signage~~Except as set forth below, signage for residential portions of a building shall be limited to ~~flags, governmental, holiday, incidental, interior, name plate, political and real estate and shall comply with the provisions of~~ signs allowed in a residential zone.

b. In addition to the signage allowed under Chapter 14~~ of the~~, one monument sign may be located at the entrance to the Project on State Street and one monument sign may be located at the entrance to the Project on Orem ~~City Code for such signs.~~Boulevard. Each of these monument signs may have a maximum height of eight feet (8') and a maximum width of fifteen feet (15').

~~b. Signage for businesses on private streets is limited to~~ c. Except as otherwise provided herein, wall signs~~, window signs, and canopy signs, and the following shall apply:~~

~~1. Wall signs and canopy signs shall~~ shall only be placed on the commercial portion of ~~the~~a building~~ only~~.

~~2. Wall signs may not exceed fifteen percent (15%) of the commercial portion of the wall to which the sign is attached.~~

~~3~~d. One wall sign may be located on either the north or south building above the windows of the top residential level. The sign shall consist of individual letters on a flat face and shall identify the name of the project. The dimensions of the sign shall not exceed fifteen (15) feet in height and thirty (30) feet in width. This additional wall sign may not be an electronic message sign.

e. One vertical wall sign displaying the project address or name of the project may be placed on each building on the commercial or residential portion of the building. The dimensions of these signs shall not exceed forty feet (40') in height and four feet (4') in width. These additional vertical wall signs shall substantially comply with the general design and quality of the vertical wall signs shown in the concept plan. The additional vertical wall signs shall not be electronic message signs.

f. Wall signs extending more than six (6) inches ~~(6")~~ from the wall ~~and less than twenty-four inches (24")~~ shall not be within seven (7) feet ~~(7')~~ 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~~sixty (60) inches ~~(24")~~ from the wall, are prohibited.

~~4~~ g. Canopy signs may only be placed on the commercial portion of the building above primary entrances to ~~and on~~, or above windows of, businesses. ~~No backlit canopy signs shall be allowed.~~

~~5~~ h. Window signs shall not exceed fifty percent (50%) of the total transparent area of the window on which they are attached.

~~c. Signage for businesses facing upon public streets are limited to monument signs which shall not exceed six feet (6') in height above the top of back of curb, nor exceed thirty-six (36) square feet total area.~~

~~d. Other signage permitted for commercial uses in the PD-23 Zone includes: directional signs, flags, governmental signs, holiday signs, interior signs, name plates, political signs, real estate signs, and special purpose signs. Specific regulations for these signs are contained in Chapter 14 of the Orem City Code.~~

~~e~~ i. One entrance sign identifying the entire project may be placed on State Street~~,~~ (as a monument or polesign), provided however, that the project entrance ~~structure does not encroach into any "Clear Vision Area" as defined in this Chapter, and~~sign is no closer than ~~twenty~~ten (10) feet ~~(20')~~ to any public or private street unless it is located within the interior of a roundabout. The entrance sign shall not exceed five-hundred (500) square feet total area~~. The entrance signage allowed by this subsection shall be limited to identifying the name of the project or development and may have electronic messaging capability that identifies tenants, advertises retail events and promotes community activities.~~, and shall not exceed thirty-five (35) feet in height.

G. **Traffic Study.** The developer shall be required to submit a comprehensive traffic impact study (CTIS) prepared by a Professional Transportation Engineer licensed to practice in the State of Utah that analyzes the impact of development of the entire property zoned PD-23 at the time of the first site plan application. The CTIS shall evaluate the vehicle, bicycle, and pedestrian traffic both on site and in the general vicinity of the project. The CTIS shall evaluate trip generations, turning movements to and from the property, street geometrics, and traffic safety on and off the site. The CTIS shall also address relevant items including but not be limited to the following: surrounding street and intersection levels of service (LOS) before and after the project is completed, any mitigation efforts recommended to minimize project traffic impacts, proposed public and private street widths and alignments, site mobility, access management, potential traffic signal locations, street striping, signage, etc. ~~In addition, a traffic study that complies with the requirements of Section 22-14-20(E)(8) shall also be submitted with each individual site plan.~~ Each site plan shall reflect and incorporate the recommendations of the CTIS and ~~the individual~~any updated traffic study submitted to the City and any other requirements that the City may deem necessary based upon the CTIS and/or ~~the individual~~any updated traffic study.

H. **Bonds**.

1. **Purpose**. Prior to the recording of any documents concerning any phase of an approved PD-23 development, and prior to the issuance of any building permit on land included within a PD-23 development, the applicant shall post and/or assume 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, development agreement, the PD-23 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 six (6) months or until April 15 of the following year, whichever is longer. The City shall not release this bond until the City accepts 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-23 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 materials shall have a cause of action against the City or the bond for providing labor or materials.

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-23 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~~shall 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. **Personal Liability.** If, for any reason, the bonds providing for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall be personally liable to complete the improvements required by this section.~~

I. **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-23 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 for condominiums. 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. The purpose of the written statement is to ensure that all relevant documents have been reviewed for compliance with the Utah Condominium Ownership Act. However, notwithstanding anything herein to the contrary, the written statement described herein shall be construed as the attorney's opinion only, and shall not constitute a guarantee of compliance with the Utah Condominium Ownership Act and may not be used as a basis for liability against the attorney making the written statement either by the City or any other person.

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 reasonable but mandatory fencing or piping of ditches or canals.

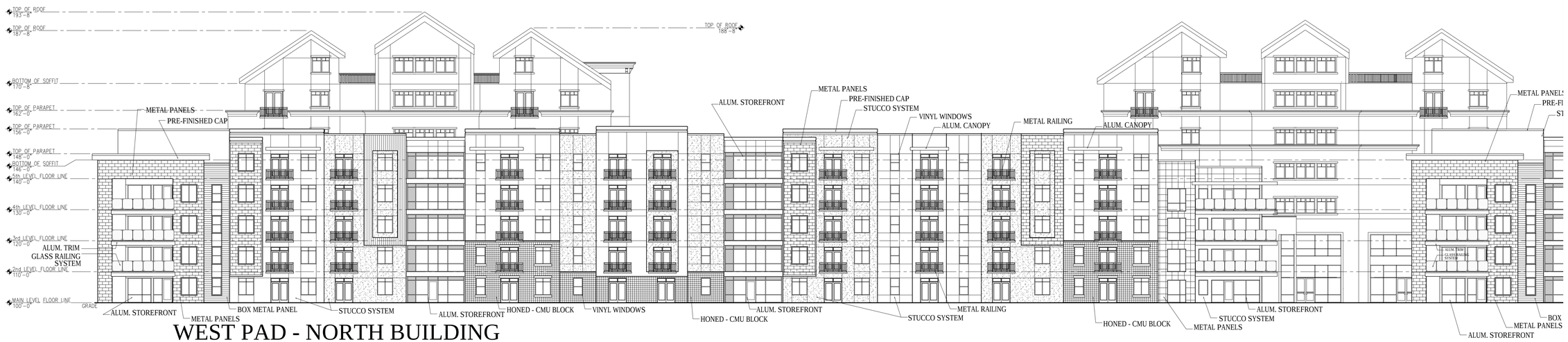
4. The City Engineer shall approve the final plat provided he finds that the final plat complies with all applicable ordinances and all conditions imposed by the Planning Commission and the City Engineer. Following approval, the City Engineer shall authorize the recording of the final plat after all 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.

~~J. **Alternate Development Standards**. All property in the PD-23 zone must be developed in conformity with the concept plan and the development standards contained in this Section 22-11-36. In the alternative, all of the property in the PD-23 zone may be developed according to the standards of the C2 zone. However, in order to ensure congruity of development in the PD-23 zone, all property in the PD-23 zone must be developed entirely according to the standards and requirements of the PD-23 zone or must be developed entirely according to the standards and requirements of the C2 zone. If a site plan for property in the PD-23 zone has been approved according to PD-23 standards, no site plan shall be approved for the development of other property in the PD-23 zone according to C2 zone standards and vice versa.~~

WEST PAD - NORTH BUILDING

WEST PAD - SOUTH BUILDING



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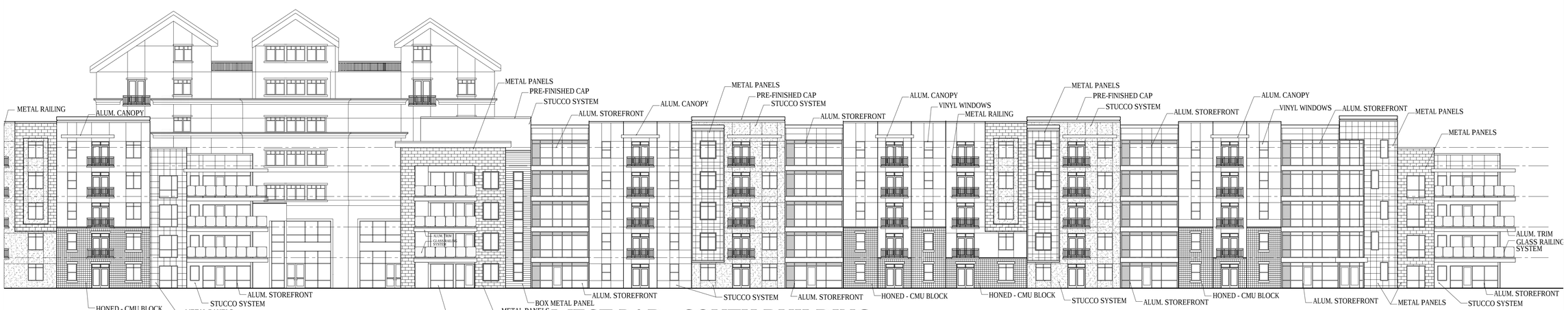

WEST PAD - SOUTH BUILDING

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REVISIONS

DRAWN BY
BKH

THE RITCHIE GROUP

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A NEW FACILITY FOR
THREE60
CONCEPTUAL ELEVATIONS

5-6-2014
OREM, UTAH

A2.1

NORTH TOWER - WEST END ELEVATION

THREE60

OREM, UTAH

HARRIS ARCHITECTURE

THE RITCHIE GROUP

CLASSIC STYLE

NORTH TOWER - EAST ELEVATION

THREE60

HARRIS ARCHITECTUI

CLASSIC STYLE

SOUTH TOWER - WEST END ELEVATION

THREE60

HARRIS ARCHITE

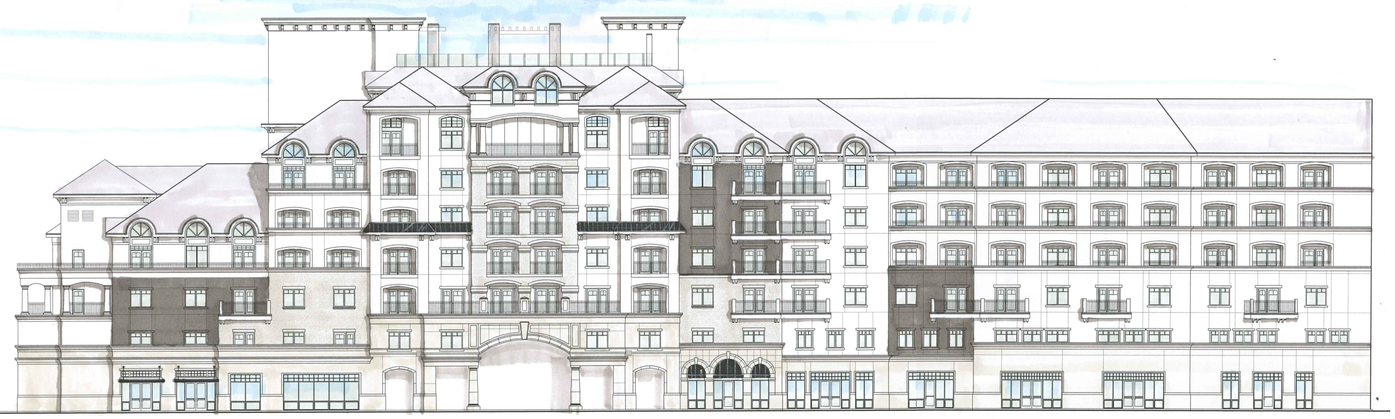
CLASSIC STYLE

NORTH TOWER - SOUTH ELEVATION

THREE60

HARRIS ARCHITECTURE

CLASSIC STYLE



NORTH TOWER - NORTH ELEVATION

THREE60

HARRIS ARCHITECTURE

CLASSIC STYLE

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A NEW FACILITY FOR
THREE60
CONCEPTUAL COLORED ELEVATIONS

5-6-2014
OREM, UTAH

A0.2

NORTH TOWER - WEST EXTERIOR ELEVATION

SOUTH TOWER - WEST EXTERIOR ELEVATION

NORTH TOWER - SOUTH EXTERIOR ELEVATION

CLASSIC STYLE

NORTH TOWER - NORTH EXTERIOR ELEVATION

NORTH TOWER - EAST EXTERIOR ELEVATION

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THREE60
CONCEPTUAL ELEVATIONS

5-6-2014
OREM, UTAH

A2.2

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CONCEPTUAL COLORED ELEVATIONS

5-6-2014
OREM, UTAH

A0.1

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Parking Calculations

Underground Parking level 2

South Wing	103 stalls
North Wing	105 stalls
West Wing	162 stalls
total	370 stalls

Underground Parking level 1

South Wing	99 stalls
North Wing	98 stalls
West Wing	178 stalls
total	385 stalls

Surface Parking 378 stalls
Total Parking (On-site) = 1,123 + 36 (PEPBOYS)

Table 1 - Proposed Orem Midtown Village Parking Requirements

Base Density Calculation		
	96,800	sq. ft. (56,900 + 39,900) Retail + Office
	X4	stalls / 1,000 sq. ft. (Orem City PD-23 parking requirement)
	387	required commercial stalls
	/3	divisor
	129	base density
Residenti	160	North Tower
	91	South Tower
	+298	West Tower
	549	dwelling units
	-129	base density
	420	dwelling units abocve the base density
	X *1.65*	stalls per unit above base density
	693	required parking stalls above the base density
	+60	additional stalls have been added to account for 3 beedroom student apartments
	753	required residential stalls
Required	387	required commercial stalls
	+753	required residential stalls
	1,140	Total Required Stalls

As calculated for individual land uses, the needed parking demand would be 1,140 stalls, however, when time of day demand is evaluated for the mix of uses, 881 stalls would be needed at 8:00 p.m. for the peak demand. A range of stalls (supply) from 950 to 1,100 would more than adequately meet the peak demand and provide a surplus.

THREE60
CONCEPTUAL SITE PLAN / LEVEL 1

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CONCEPTUAL SITE PLAN

5-6-2014
OREM, UTAH

A1.1

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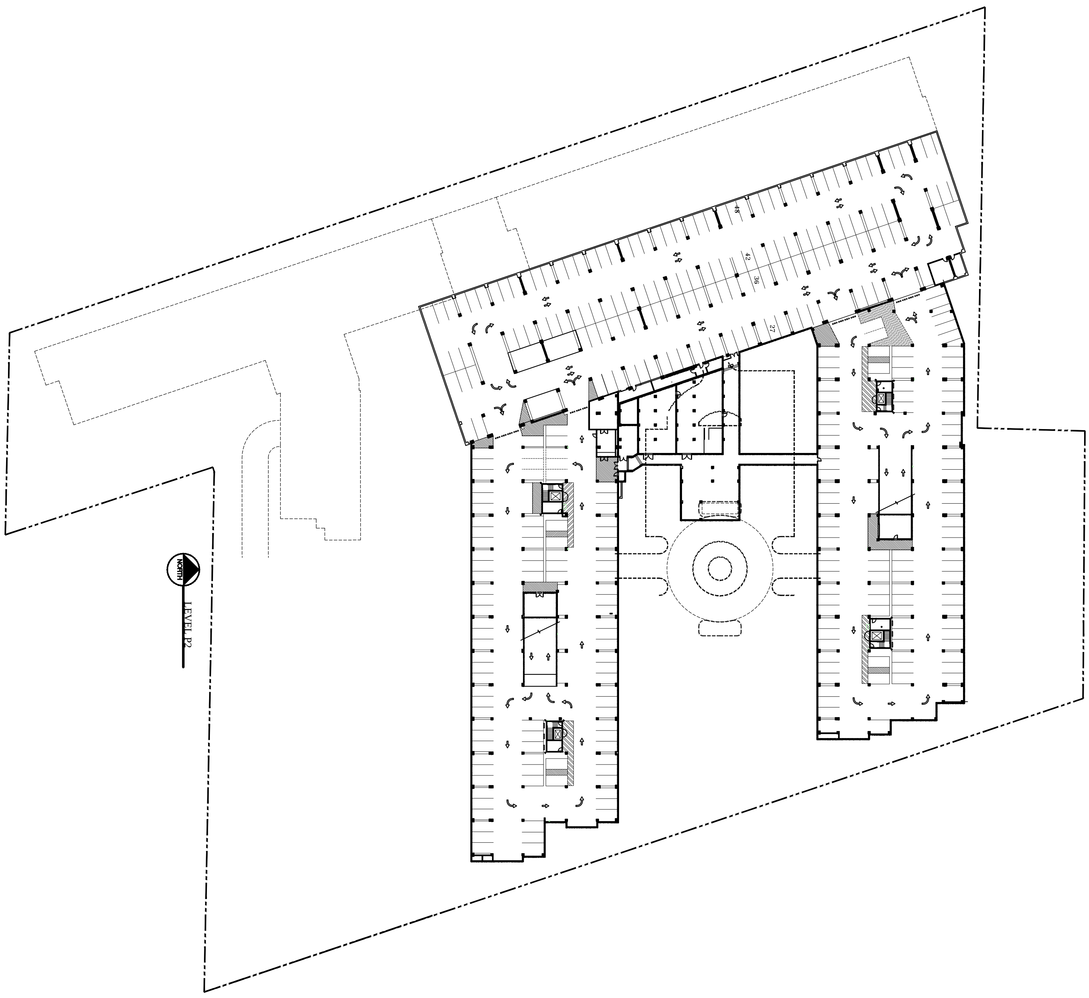

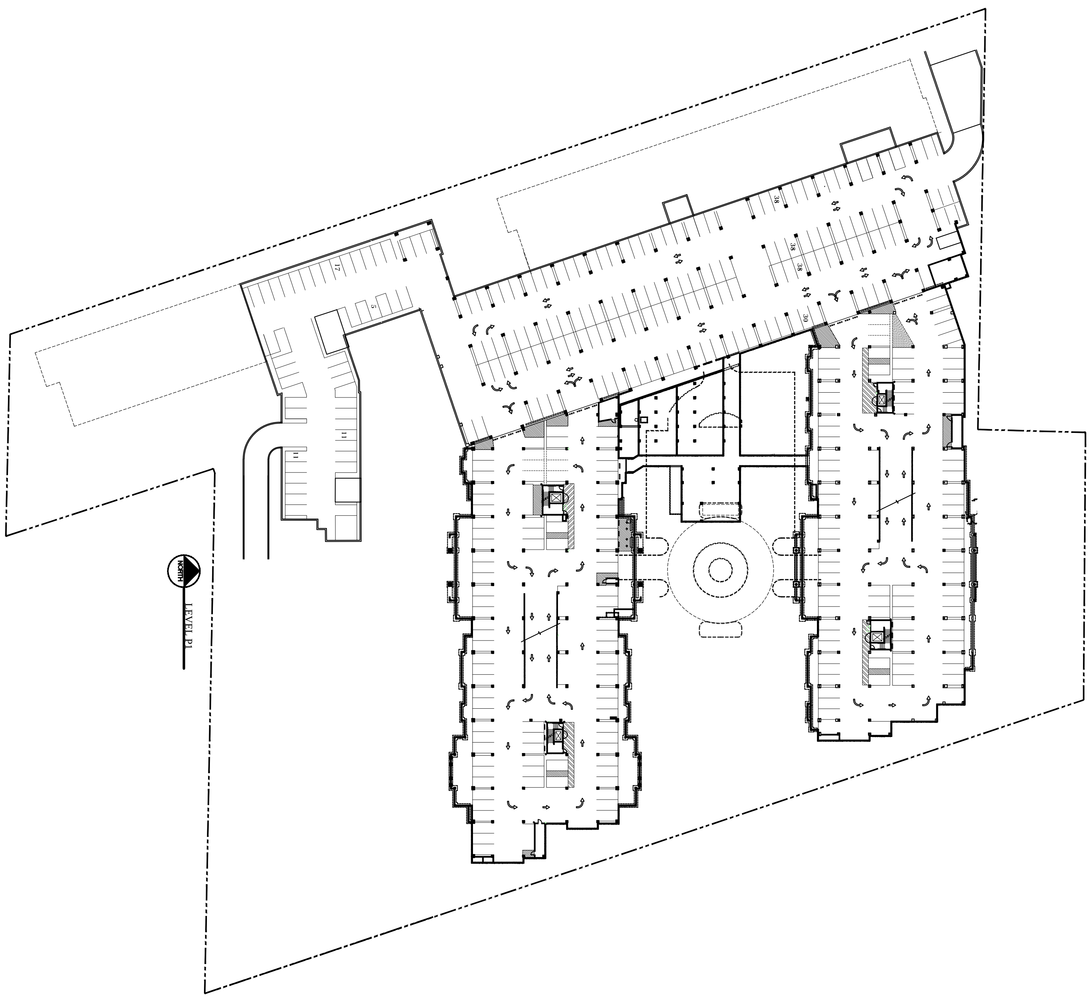

A1.2

5-6-2014
OREM, UTAH

A NEW FACILITY FOR

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CONCEPTUAL UNDERGROUND PARKING

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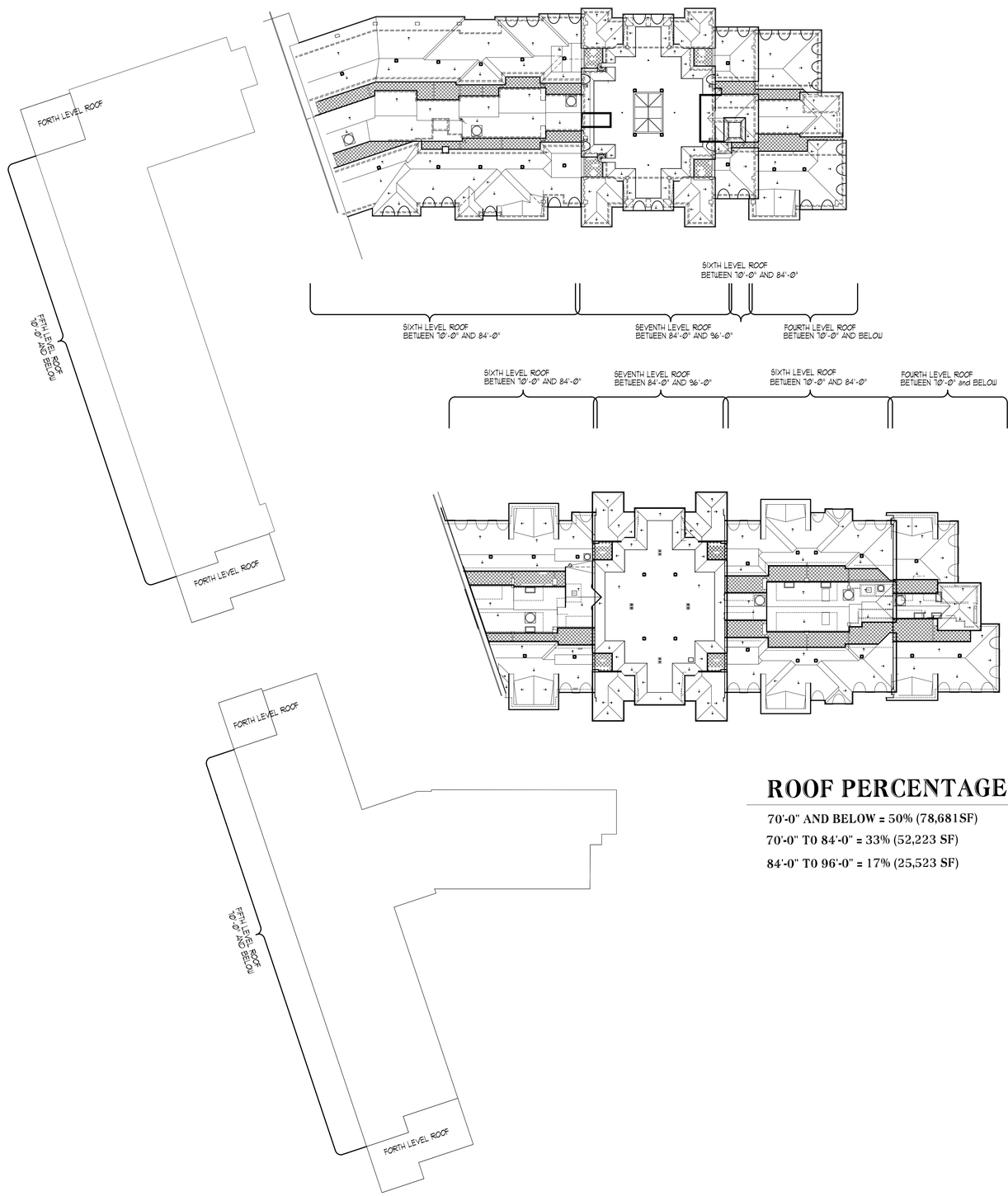
PLOT DATE: 5/29/2014 Q:\ACAD\File\Myfiles\working-drawings\BKH-ROOF PERCENT.dwg



ROOF PERCENTAGES 156,427 SF

70'-0" AND BELOW = 50% (78,681SF)

70'-0" T0 84'-0" = 33% (52,223 SF)

84'-0" T0 96'-0" = 17% (25,523 SF)

REVISIONS

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A NEW FACILITY FOR
THREE60
ROOF PERCENTAGES

5-6-2014
OREM, UTAH

A3.1

Vertical Wall Sign

DRAFT PLANNING COMMISSION MINUTES – JUNE 4, 2014

AGENDA ITEM 3.3 is a request by Jayson Newitt to recommend the City Council amend various sections of **ARTICLE 22-11-36 AND APPENDIX R PERTAINING TO MIDTOWN VILLAGE** of the Orem City Code.

Staff Presentation: Mr. Stroud said the PD-23 zone was approved by the City several years ago. The Recession of 2007 occurred and effectively put a stop to the project. A developer has interest in purchasing the project from Big-D Construction if certain changes are made to the ordinance. A summary of the substantial changes are as follows.

The project is first proposed to be changed in name from Midtown Village to 360 Place. This provides a change in branding and a perception of a different project.

Appendix "R" of the Code is the approved concept plan of the project. The applicant asks the concept plan be amended by detaching a yet to be constructed building, splitting it in two buildings, and locating each along Orem Boulevard. The setbacks of the two new buildings are proposed to change from 80 feet to 20 feet as measured from the curb along Orem Boulevard. The walls on the west side of the two existing buildings will then be finished with windows and balconies.

The existing ordinance does not permit residential uses on the main floor. The applicant would like the flexibility to have residential uses on the first floor of the new building without restriction. The main floors of the north and south buildings may have up to 20% non-commercial uses.

Parking changes are proposed which would then permit 1.65 stalls for each residential unit above the base density, which is 129 units. This is a change from the current requirements of two parking stalls for each unit beyond the base density. The parking stall setback is proposed to be changed along State Street from 20 feet to 16 feet.

The last several PD zones on State Street have been approved with a separated sidewalk measuring eight feet for the landscape strip and sidewalk. Staff has asked the applicant to do the same in the PD-23 zone. This also includes the frontage on Orem Boulevard with exception to the sidewalk which may be six feet wide.

The maximum building height of 65% of the building rooflines is proposed to increase from 60 feet to 70 feet with exception of elevator shafts, stairwells, or mechanical systems, which may have a maximum height of 111 feet. Any building greater than 80 feet (previously 60) must be setback at least 180 feet (previously 160 feet) from a residential zone. The buildings may also have elevations constructed of concrete masonry unit block and metal but no more that 20% of the exterior finishing materials shall be metal.

The Orem Boulevard buildings are proposed to have a setback to the street right-of-way of 20 feet. The current Code requires a minimum setback of 65 feet or 80 feet, depending on the building characteristics.

Signage, for the most part, will conform to Chapter 14 of the Orem City Code. However, one monument sign may be located at one entrance on State Street and one entrance on Orem Boulevard. These signs may be up to eight feet high and 15 feet wide. One sign may also be located above the top residential level of the north and south building but shall not have an electronic message. It is anticipated this sign will be used to advertise the name of the development.

At the time of site plan approval of the west building, a traffic study shall be included with the application. A traffic study was performed with the initial approval of the PD-23 zone but the changes requested by the applicant will cause a significant enough deviation from the original plan that a new study will be needed.

Advantages

- Provides a new plan to develop the PD-23 zone which has remained unfinished for several years.
- Adds density to State Street and the City by additional residential options
- Rebranding can remove the stigma of the unfinished Midtown Village
- Improvements to State Street and Orem Boulevard frontages which were not contemplated with original approval

DRAFT

Disadvantages

- Buildings closer to Orem Boulevard may impact lots to the west
- Traffic will be impacted but still remain at an acceptable level

Recommendation: The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission forward a positive recommendation to the City Council to amend various sections of Article 22-11-36 and Appendix "R" of the Orem City Code as it pertains to Midtown Village at 320 South State Street.

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

Vice Chair Walker asked if the sign above the top of the building would be allowed to advertise or just show the name of the building. Mr. Earl said it will have to be an on premise message, so it could identify the name of the project, or a name of a business in the project. The provision of the sign ordinance will apply, with whatever exceptions are in the PD-23 zone.

Mr. Whetten asked what the ratio is between parking stalls and residential units.

Chair Moulton invited the applicants to come forward. Jayson Newitt, Brett Harris and Ryan Ritchie introduced themselves.

Mr. Newitt said they are a real estate development company working with the Richie Group and are looking to purchase this project with another joint venture partner called Evergreen Properties, who they have worked with several times. They are excited about this project. There are a lot of challenges with it and risks involved. They have looked at different products they could do at this property. They looked at senior apartments, assisted living, hospitality, etc. After a lot of market studies and feasibility analysis they have determined that for rent, higher end class "A" apartments with high end finishes would be the right product for this project. Although the density is being increased, the units are smaller. The market demand is not for three bedroom apartments, as it was initially proposed. The overall footage for the project has decreased, by lowering the west building from seven stories to five stories. They are about 64,000 square feet less than was originally proposed. They are proposing moving the west building to the curb on Orem Boulevard, which will open up the courtyard and allow a pool and some other nice amenities. The west building would have a more modern and contemporary look, the south building has a Mediterranean look and the north building will have a classic style. The west building will be a wood frame construction.

Ms. Jeffreys asked what the number of stories in the current buildings are, Mr. Newitt said they have eight stories and had to be steel construction. Mr. Stroud pointed out on the elevations on the north building there will be elements above the top which will accommodate the stairwells and elevator shafts and will be an increase in height. There will be an area on top for tenants to enjoy the view. Mr. Newitt said the original design in the north building were for a 17,000 square foot condominium for the original owner. They are looking to make them for rent units and need to have an elevator access meet ADA requirements, which would allow them to bring all public up to the amenity on the rooftop. Chair Moulton asked if there would be nine stops for the elevator. Mr. Newitt said there is also the structured parking stops below the building, which makes it have technically 11 stops. The code does allow for mechanical systems and elevator shafts to extend above the required height.

Vice Chair Walker asked what is the plan for finishing off for the west ends of the north and south buildings. Mr. Harris, Ken Harris Architecture, said the trims and detail that are on the sides of the north and south buildings will be brought around the back. It will be flat, but they will add windows, finishing the condominium units and adding some balconies and doors and more glass. This will help get rid of the flat empty space.

Ryan Hales, Hales Engineering, said the traffic study included the intersections on 400 South and Orem Boulevard, 400 South and State Street, and the intersections to the north on both Orem Boulevard and State Street, which have access in or out of Midtown Village as well as the access on Orem Boulevard. Currently the current traffic is:

a. State Street - 40,000 cars a day,
b. Orem Boulevard – 10,300 cars a day
c. 400 South – 9,200 between Orem Boulevard and State Street.

There are 549 units. There are 56,900 square feet of retail and 39,900 square feet of office space. There are 7,533 daily trips. They ran a morning and evening analysis. The evening analysis shows that there are 730 trips during this peak period coming/going. When looking at the existing traffic plus the full buildout traffic:

a. State Street – 45,500 cars a day,
b. Orem Boulevard – 11,800 cars a day,
c. 400 South – 9,800 cars a day.

Each street has more than sufficient capacity to handle the additional traffic from Midtown Village. The typical capacity on a three lane road, like Orem Boulevard, is in the range of 15, 000 ADT, so there is reserve capacity. The conclusions that came out of the study are:

1. Most accesses will operate acceptably as designed.
2. There are constrained operations that will occur at the north and middle Midtown Village access out towards State Street.; this will not create a problem on State Street.
3. Midtown Village will need to install a west bound right turn pocket at 400 South and Orem Boulevard and an east bound right turn pocket at State Street and 400 South, this is a background improvement. As cars approach State Street on 400 South, there are some cars that jump up onto the sidewalk and ride one wheel on the sidewalk around the corner.
4. Extend the east bound left turn pocket for about 400 feet to accommodate left turning vehicles.

Mr. Hales continued with findings from the parking study. When using the 1.65 stalls per unit it would generate about 1,140 parking stalls if each land use is looked at separately; 387 commercial stalls, 753 residential stalls. When looking at a time of day demand on the project, they look at how the apartments load up at night and unload during the day. Likewise, the commercial space loads up during the day and unload at night. Because of the mixed use utilization of the parking stalls, at 8:00 p.m., they will need 881 parking stalls. By conservative estimates, the report recommends 950-1,100 stalls onsite, which will need a reserve capacity of 69-219 stalls. The current site plan show 1,123 stalls onsite, 36 offsite for 1,159 total stalls. The site has a reserve capacity of 280 stalls.

Vice Chair Walker asked how many stalls are on the proposed plan, Mr. Hales said there are 1,159 stalls on the current plan. Ms. Jeffreys asked where the 36 off-site stalls. Mr. Hales said they are located in the Pep Boys parking lot, where they have shared use stalls.

Mr. Whetten asked how many residential units are planned. Mr. Hales said 549 units. He noted there had been studies done at a Walmart parking lot in South Jordan, which parks at five stalls per 1,000 square feet. During Black Friday they were parking at 3.59 stalls per 1,000 square feet, so parking at four stalls is fine.

Vice Chair Walker said there should be about 850 stalls for apartments and 309 stalls for the retail. Mr. Hales said that at 8:00 p.m. there are 218 stalls that are required for retail. The parking for the residential needed 661 at that time and so if there is 1,159 parking stalls; subtracting 218, the remaining will be the reserved capacity.

Mr. Whetten said the recent multi-family projects have had two stalls per unit and this development has 1.65 stalls per unit. He agrees with the shared parking, but if everyone else has to have two stalls, this development should comply with what everyone else has been required to have. Mr. Hales said the need is 881 stalls and the project has 1,159 stalls. Vice Chair Walker said there is enough parking at night, based on having no retail open. Mr. Bench said the University Mall residential has 1.49 stalls per unit, because of the mixed use element. Mr. Earl noted that some of the PD zones on State Street there has been a lower standard for one bedroom apartments. The PD-39 zone at 920 North State Street is 1.50 stalls for one bedroom units and two stalls for anything above bedrooms. The PD-37 zone at 1450 South State is 1.25 stalls for one bedroom unit and two stalls for anything above. Chair Moulton asked what the breakdown is between one or two bedroom apartments in this development. Mr. Harris said it is about 15% three bedrooms, 50% two bedroom and 35% one bedrooms.

Vice Chair Walker asked about the setback on State Street for parking up to 16 feet. Mr. Harris said the parking already exists along State Street, except for the north part of the property. The setback is at 20 feet. They would match what is already built on the north side of the north building.

Ms. Larsen asked if there will be a designated left turn lane out of the project. Mr. Hales said the intent is to have both a left and right turn coming out of the project onto State Street and Orem Boulevard.

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Ms. Larsen then asked what a standard one bedroom unit is versus a junior one bedroom unit. Mr. Ritchie said the junior unit is a 600 square foot unit with demised walls surrounding the bedroom area and the living area and kitchen area separate. A standard unit is a 750 square foot unit and has full walls surrounding the bedroom area.

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.

Linda Campbell, Orem, said she would not have known about this meeting, but she receives the Planning Commission Agenda. Their Neighborhood in Action person is not functioning fully and so neighbors are not being notified. With this complex and the new development, Sun Canyon Villas on 464 South State Street, she is concerned with the increased traffic flow. Most of those will be college students heading down 400 South and will create lots of traffic. She also wondered if these will be rentals. Mr. Newitt said they will all be rentals. Ms. Campbell asked if there will be a manager onsite. Mr. Newitt said yes. Ms. Campbell added that with the condition of the Habitat for Humanity Restore store it will be interesting to see how many higher end apartments they will be able to rent. She hoped that the success of this project may help Restore upgrade their site.

Brian Kelly, Orem, said he was glad the Planning Commission is taking the parking problem seriously. Traffic is insane in this area now. He asked if the north building is salvageable, he had heard the steel is not useable. Mr. Newitt said they have walked the building with a structural engineer, who pointed out some rusting and potential pitting, which may be a concern, but overall there are no major concerns. The main structure is in good shape. The yellow glass on top is faded and will have to be pulled off.

Ms. Jeffreys asked about the quality of the units in the west building. Mr. Newitt said they are smaller than the larger ones in the south building, but for the market in general and they believe what they are designing according to the market study meets the demand of the market. Ms. Jeffreys said the project will have a variety of sizes of units to offer.

Vice Chair Walker asked what segment the applicant was trying to attract, students, working professionals, families. Mr. Newitt said the market study shows there will be young professionals, 55 or older and some students. It is not being designed it to attract students. It does not meet BYU off campus requirements. The apartments are market rates, class "A" apartments. Ms. Larsen asked if the south building apartments will be reconstructed to smaller units. Mr. Newitt said the south building is being finished out as originally planned, except at the west end. The west end was designed to extend into the west building; Harris Architecture has done some nice redesign to make the units work with the new design. The penthouse units are being broken up into smaller units. There is not a market for 4,000 square foot rentals.

Ms. Jeffreys asked what the plan for the north building is. Mr. Newitt said they will do a retail level on the main level and have apartments on the remaining floors.

Mr. Harris showed the Planning Commission the renderings showing the finishes to the west end of the north and south buildings. Ms. Newitt indicated that the end of the building needs to be attractive or they will not be able to rent the apartments.

Ms. Buxton asked about the sidewalk and landscape requirements for State Street. Mr. Stroud said that State Street there will be an eight foot planter and sidewalk, currently there is no planter.

Amber Maxwell, Housing Authority of Utah County, noted there is nothing set aside for affordable housing. She asked if there are any units set aside for seniors and what is the square footage for two bedroom units. Mr. Newitt said regarding the special programs to 55 & older there are not apartments set aside. The market study suggested there will be several in that demographic that will want to live there. The typical two bedrooms will be around 1100 square feet. He noted that most of the square footage in the north and south buildings will be 900 to 1500 square feet; in the west building it will be smaller.

James A. Ellis, Jr., Orem, said he was a current tenant at Midtown Village. He lives in a three bedroom condominium. He has to move because of the change to rentals. He loves the location. He is sorry it did not work. He noted that there are approximately 4,000 apartment units being built in the area, and wondered where the City

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will derive the taxes from those units. He also noted that there have been as many as six people living in apartments across the hall, which is a two bedroom apartment. He suggested having someone onsite with either a tommy gun or a squirt gun. The buildings will need to be patrolled, they have had indigents lying in the halls and it was quite a zoo. In the beginning the City would come by and sweep the place up and a police officer would come by every four or five hours. Vice Chair Walker said the property tax will be similar to individualized condominiums in the valuation. Mr. Bench said the property taxes will be paid by the property owner.

Mr. Walker indicated that it is not the City's job to determine if there are too many units. The free market system will correct the situation. A land owner has the right to develop, if the site meets the ordinance.

Mr. Hewitt indicated there will be a third party professional manager onsite. He suggested Mr. Ellis for gun duty with the squirt gun.

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

Ms. Larsen asked about the security. Mr. Hewitt said they would have onsite management which will have a security plan. Often times there is an off duty policeman that is rented at reduced rates. A security plan has not been established at this time. Ms. Larsen said with this large number of apartments the applicant will probably want to have someone readily available. Mr. Hewitt said that this is a significant investment and they will want to manage it properly and the residents need to feel safe, they will have an appropriate security plan in place.

Ms. Larsen then asked if the north and south buildings will be completed before the west building is built and before the west building is completed, another traffic study will be done. Mr. Hewitt said that from a phasing standpoint they are planning on finishing the south building, and at the same time they will be working on the structure of the north building, which will take longer. They will then start on the underground parking to the west that allows for circulation below the two buildings. As the market allows, they will start the west building. Ms. Larsen asked if another traffic study will be done before the west building is constructed. Mr. Bench said a traffic study will be required as part of the site plan process for the west building.

Mr. Stroud said last week the Board of Adjustment approved a fence variance to construct a fence five feet from the sidewalk. It will be a screened fence and will enclose the storage area. It will be chain link with slats.

Ms. Buxton said she understands the increased height, but is a little freaked out by it.

Mr. Whetten said the applicant has asked to use CMU block. He wondered what the intended location of that will be. Mr. Harris said the existing buildings have a precast base. On the new west buildings they are looking for a CMU veneer, which would be smooth block with scores. It will provide a darker base for the building.

Mr. Whetten asked if the City's requirements requiring too much parking. Mr. Goodrich said that we are over parked in our communities. Mr. Whetten asked if the PD zones that are two stalls per unit are over parked. Mr. Goodrich said the recent ones are getting closer to what it needs to be at.

Ms. Larsen asked if the building materials would be handled during the site plan process. Mr. Stroud said they will need to conform with the ordinance. Ms. Larsen asked if she thought there was too much stucco is this the time to discuss this. Mr. Bench said that if she is not comfortable with the elevations, now is the time to discuss it. Ms. Larsen asked if the west building will have CMU and metal with the stucco. Mr. Harris described to the Planning Commission where they were using stucco, metal and CMU. Ms. Buxton said it would be better to integrate the areas that are being added on to the existing buildings. Ms. Larsen said that the elevations are mostly stucco. The Planning Commission asked Legacy at Orem to come back with more brick, metal and design to minimize the stucco. The CMU block looks just like stucco. Mr. Harris said the CMU block will have textured base, there will be metal panels that will provide variety. The south building has stucco brick and the north building will have gray stucco brick. They are willing to incorporate more gray stucco brick into the elevation if required. Mr. Harris pointed out the areas of brick, metal and CMU and glass. Ms. Jeffreys pointed out there is a variety of materials being used. Ms. Larsen said the building does not have the brick look. Mr. Harris said the north building will have brick to match the south building. They did not plan on putting brick on the west building as it will have a more

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contemporary look. Mr. Whetten asked how much variation is there on the west building. Looking at the elevations, there does not seem to be much variation. Mr. Harris said that there will be a jog line every two feet, and there will also be some balconies that are recessed on the corners. There will be glass rail in the end units, which will help give architectural definition.

Vice Chair Walker said it is nice to have a developer willing to take on this project. Making a few adjustments in the ordinance, gives the developer an opportunity to go ahead and turn this into something. 360 Place, the way it is envisioned is a whole lot better than the existing Midtown Village.

Mr. Whetten noted that when this came in originally the neighbors were concerned about the height. He asked if there has been any concern expressed from the neighborhood about the increased height on the existing buildings. Mr. Stroud said his name and phone number were on the notifications and he had not received any comments. He said it was an issue when it first came out, but he has heard nothing since.

Ms. Buxton said it is exciting to have a viable option of something to do with this building.

Chair Moulton called for a motion on this item.

Planning Commission Action: Vice Chair Walker said he moved to recommend the City Council amend various sections of Article 22-11-36 and Appendix R pertaining to Midtown Village at 320 South State Street of the Orem City Code. Ms. Buxton seconded the motion. Those voting aye: Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

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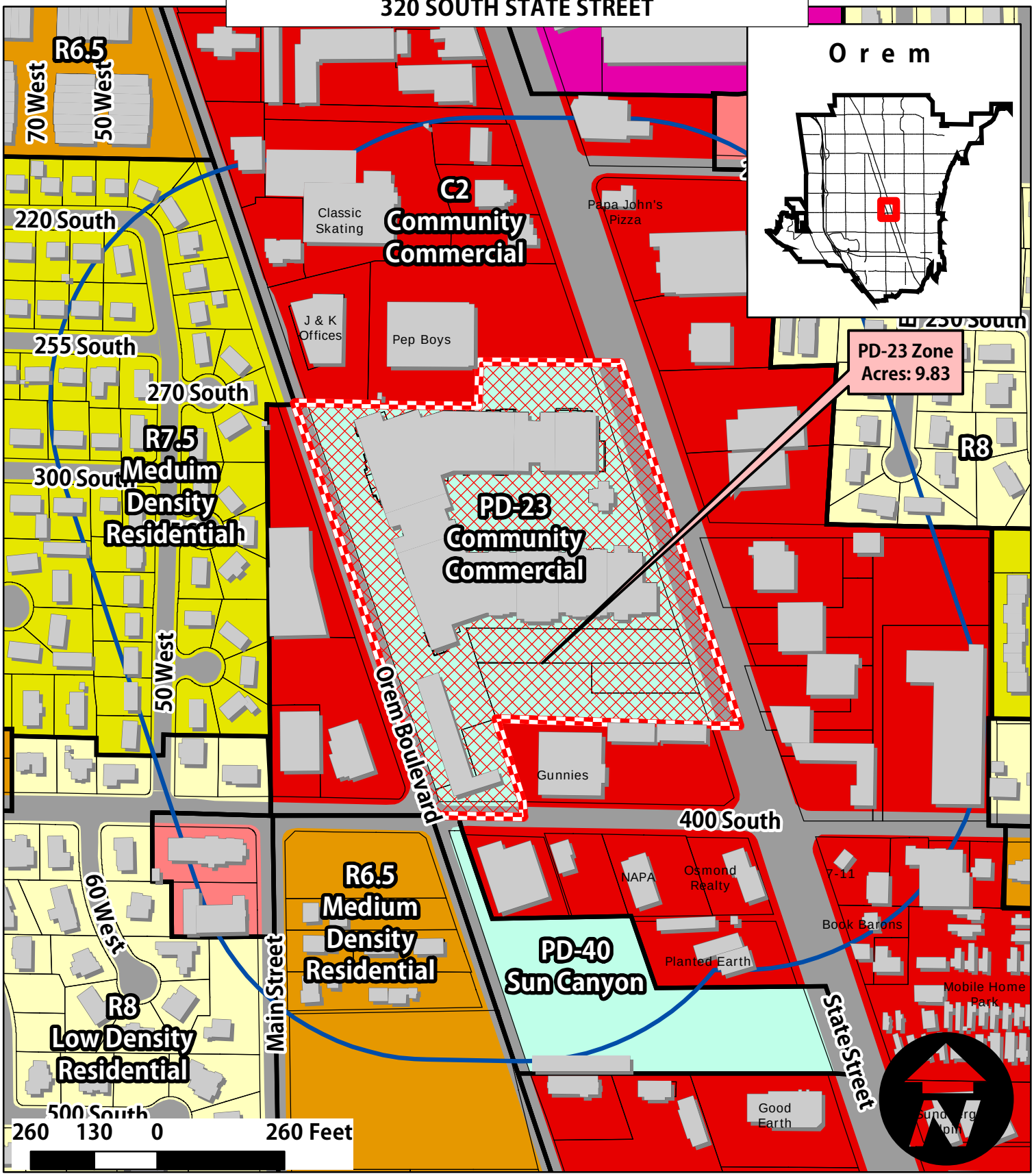
PD-23 Zone Amendments

320 SOUTH STATE STREET



PD-23 Zone Amendments;
9.83 Acres.

NIA CONTACT:
Orem Park
Tom and Georgia Pett

Legend
- Buildings
- PD-23 Amendments
- Notification Boundary
- Parcels

MEMORANDUM

Date: June 4, 2014

To: Ryan Ritchie, The Ritchie Group

From: Ryan Hales, P.E., PTOE, AICP

Subject: Orem – Midtown Village Parking Study

UT14-592

PURPOSE

The purpose of this memorandum is to identify the future parking needs of the existing and proposed land uses for the Midtown Village located in Orem, Utah. Figure 1 shows a vicinity map of the Midtown Village project site.

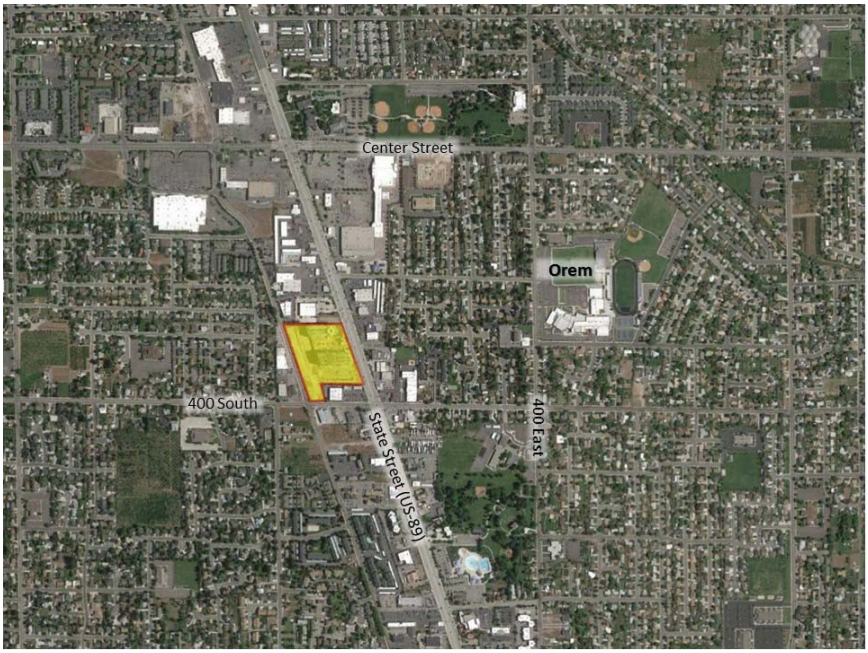


Figure 1: Orem – Midtown Village location map

The proposed land use for this site will include:

1. North Tower: 160 dwelling units
2. South Tower: 91 dwelling units
3. West Tower: 298 dwelling units
4. Retail Pads: 56,900 square feet
5. Office: 39,900 square feet

PARKING CALCULATIONS

Hales Engineering calculated the parking needs for the project based on the proposed parking amendments outlined for the Orem City Development Code, Section 22-11-36, PD-23 Zone, Midtown Village, 320 South State. This alternative parking calculation was completed to identify the parking needs for the mixed use project.

The modified Orem City Code requirements would be as follows:

- Residential: 1 stall per unit of the base density and *1.65* stalls per unit above the base density (current code requires 2 stalls per unit above the base density)
- Retail and Office: 4 stalls per 1,000 square feet.

The base density is calculated by adding the retail and office space together, multiplying the total square feet by 4 stalls per 1,000 square feet to achieve a total required stall count. This total required stall count is divided by 3 to achieve a base density for the project (129), see calculations in Table 1.

The total number of residential units is the combination of the north tower (160 units), south tower (91 units), and west tower (298 units), and the units above the base density is calculated by subtracting the base density (129) from the total number of dwelling units (549 dwelling units). Units above the base density (420 dwelling units) are multiplied by *1.65* stalls per unit to identify the residential stalls required (693 stalls) for the project, see Table 1.

In addition, because 60 of the three bedroom dwelling units could become student rentals, one additional stall has been added to each of the units to make 3 stalls per unit available for these apartments. This raises the total parking for the residential component of the site to 753 parking stalls, see Table 1.

The total required parking stalls for the Midtown Village is calculated by adding the required commercial stalls (387) to the required residential stalls (753) and equates to 1,140 stalls, see Table 1.

Table 1 - Proposed Orem Midtown Village Parking Requirements		
Base Density Calculation		
	96,800	sq. ft. (56,900 + 39,900) Retail + Office
	X4	stalls / 1,000 sq. ft. (Orem City PD-23 parking requirement)
	387	required commercial stalls
	/3	divisor
	129	base density
Residential Units	160	North Tower
	91	South Tower
	+298	West Tower
	549	dwelling units
	-129	base density
	420	dwelling units abocve the base density
	X *1.65*	stalls per unit above base density
	693	required parking stalls above the base density
	+60	additional stalls have been added to account for 3 beedroom student apartments
	753	required residential stalls
Required stalls on-site	387	required commercial stalls
	+753	required residential stalls
	1,140	Total Required Stalls

If we use the calculated parking rates without reducing for base density and evaluate a time of day scenario for the loading / unloading of the apartments, retail and office uses, we were able to identify the peak demand of the day which occurs at 8:00 pm and shows a demand for 881 parked vehicles.

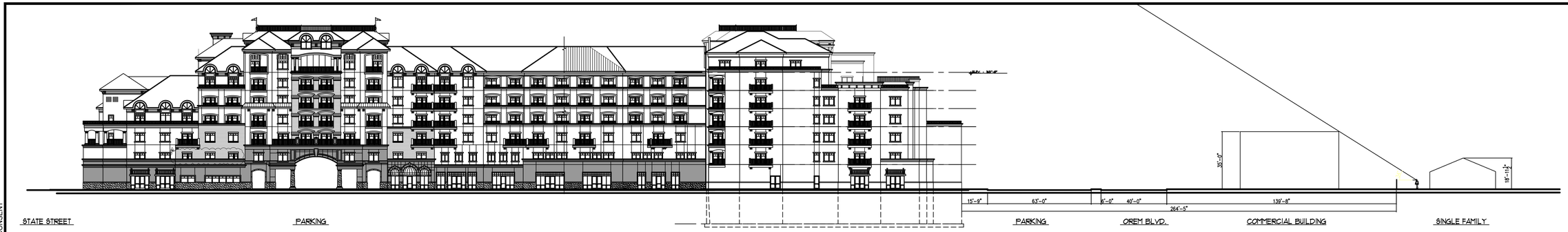
The development Team has been working to increase parking on-site to 1,123 stalls and has an additional 36 stalls secured off-site, for a total of 1,159 stalls. Using the time of day demand, if only 218 stalls are needed for the commercial component of the site at 8 p.m., then 941 stalls (1,159 – 218) can be used for the residential component of the site, while only 661 would be needed for parking at this peak period of the day, leaving a 280 stall reserve.

CONCLUSIONS/RECOMMENDATIONS

Hales Engineering makes the following conclusions:

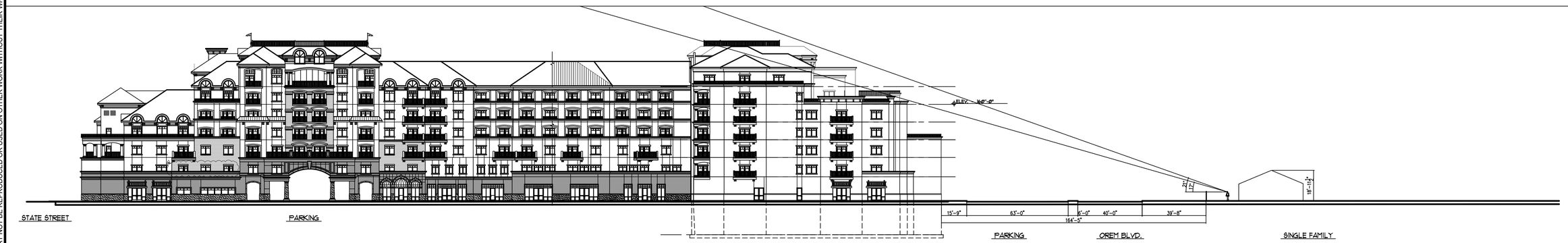
1. As stand-alone uses, 1,140 stalls would be needed as proposed
2. Time of day parking demand identifies a peak of 881 stalls at 8:00 pm
    - Apartment parking rates would be 1.65 to 1.71 stalls / unit based on parking demand by time of day
3. To remain conservative, parking could range from 950 to 1,100 stalls and still provide a reserve stall capacity (69 – 219 stalls)
4. Current site plan shows 1,123 stalls on-site and 36 off-site = 1,159 stalls, and still provides a reserve capacity (~280 stalls)

Appendix A
Parking Calculations



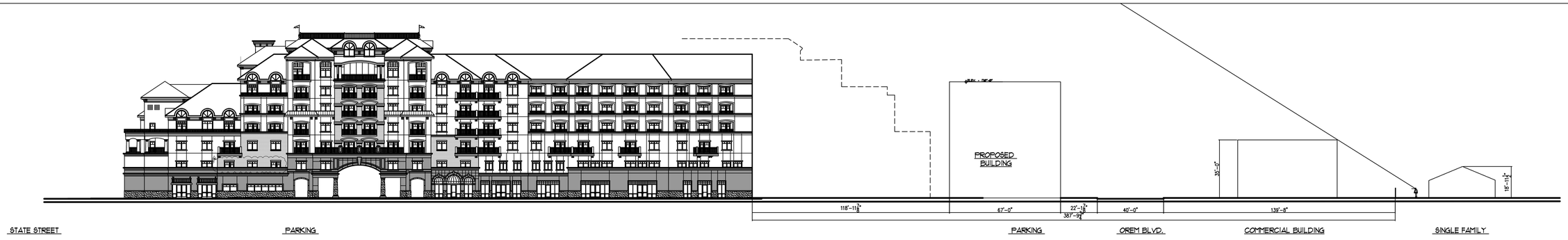
BUILDING AS DESIGNED

SITE SECTION



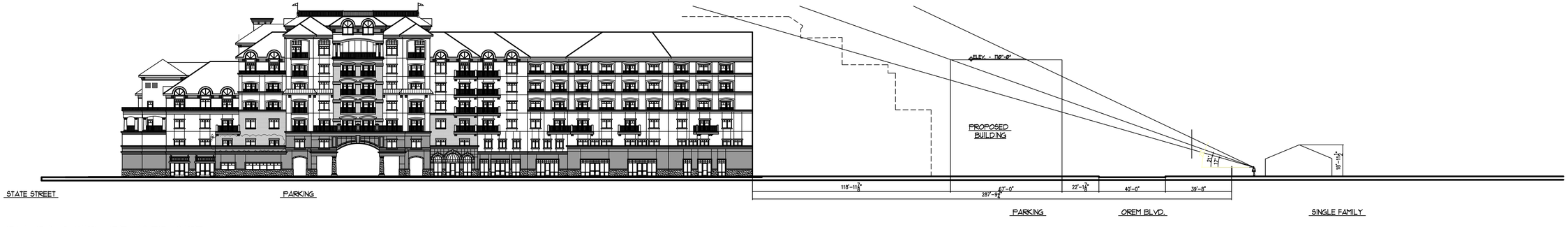
BUILDING AS DESIGNED

SITE SECTION



BUILDING WITH REVISED SITE

SITE SECTION



BUILDING WITH REVISED SITE

SITE SECTION

THESE DRAWINGS OR ANY PARTS THEREOF, AS INSTRUMENTS OF SERVICE, REMAIN THE PROPERTY OF THE ARCHITECT'S AND MAY NOT BE REPRODUCED OR USED ON OTHER WORK WITHOUT THEIR WRITTEN CONSENT

PLOT DATE: 5/29/2014 Q:\ACAD\Files\Myler\RITCHIE GROUP\village-site-SECTIONS-7story.dwg

REVISIONS

DRAWN BY
BKH

THE RITCHIE GROUP

HARRIS ARCHITECTURE
3520 N UNIVERSITY AVENUE #200, PROVO UT 84604 | 801-377-6303 | WWW.HARRIS-ARCHITECTURE.COM

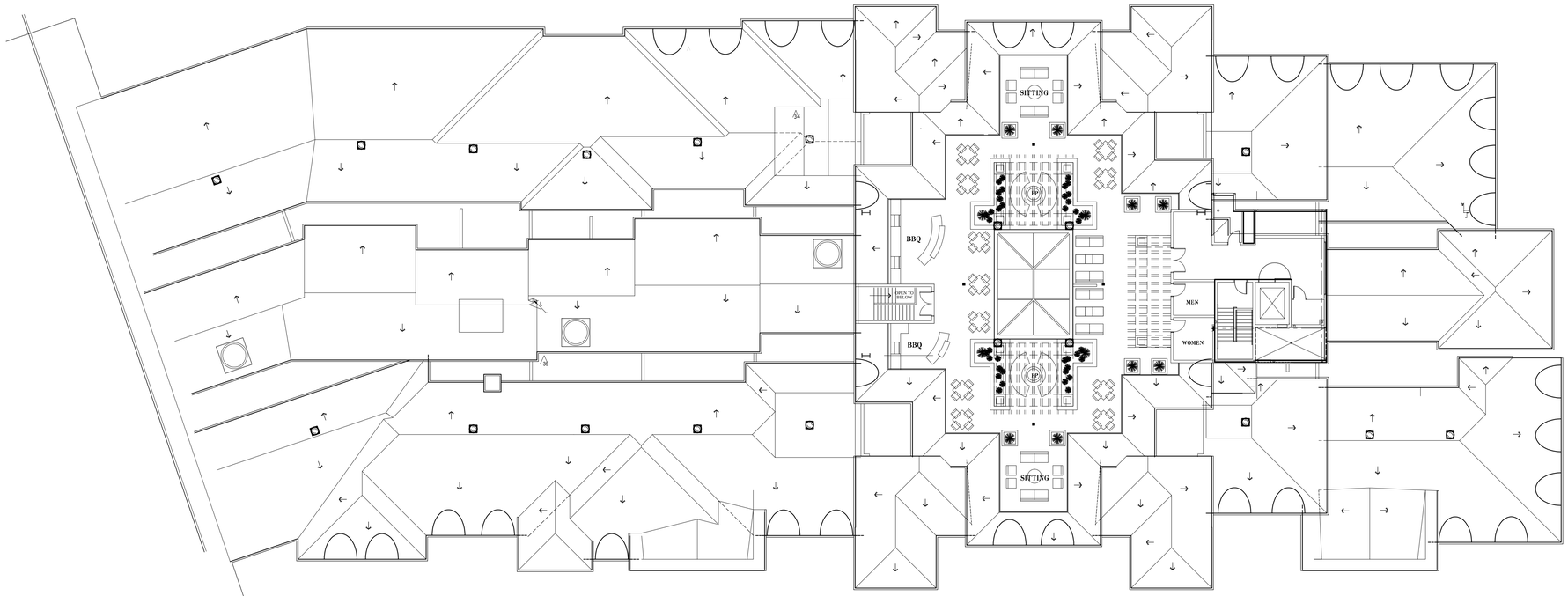
A NEW FACILITY FOR
THREE60
SIGHT LINE STUDY

5-6-2014
OREM, UTAH

A3.2

THESE DRAWINGS OR ANY PARTS THEREOF, AS INSTRUMENTS OF SERVICE, REMAIN THE PROPERTY OF THE ARCHITECTS AND MAY NOT BE REPRODUCED OR USED ON OTHER WORK WITHOUT THEIR WRITTEN CONSENT

PLOT DATE: 5/29/2014 Q:\ACADFile\Myfiel\working-drawings\BKH-ROOF 360 URBAN LOUNGE.dwg



THREE60

NORTH TOWER - LEVEL 9

360 URBAN ROOF TOP LOUNGE

NORTH

REVISIONS

DRAWN BY
BKH

THE RITCHIE GROUP

HARRIS ARCHITECTURE

3520 N UNIVERSITY AVENUE #200, PROVO UT 84604 | 801-377-6303 | WWW.HARRIS-ARCHITECTURE.COM

A NEW FACILITY FOR

THREE60

ROOF PERCENTAGES

5-6-2014
OREM, UTAH

A3.3

OREM DRC APPLICATION

www.orem.org

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

APPLICANT INFORMATION

FORM EXPIRES: 06-30-2014

Name: CORONADO VILLAGE, LLC

Phone: 801-983-6272

Address: 1245 BRICKYARD ROAD, STE. 70

FAX: 801-433-2201

City: SALT LAKE CITY State: UT Zip: 84106

e-mail: jayson@theritchiegroup.com

PROJECT INFORMATION

Project Name: MIDTOWN VILLAGE

Project Address: 320 S. STATE, OREM, UT

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
☐ Preliminary/PRD $700 + $20/lot or unit	☐ Sign $600	☐ Land Use Map Change $1000 + $25 sign fee	☐ Site Plan Admin. Approval $400	☐ To City Council $400
☐ Preliminary deep lot sign fee $25	☐ Subdivision $600	☐ Text Change $1000	☐ Site Plan $1,500 + $25 sign fee for following PD Zones: 1,4,5,15,16,21	☐ To Planning Commission $400
☐ Final $400 + $20/lot or unit + recording fees	☐ Zoning, Text $600		☐ Concrete/Masonry Fence $50	☐ Street Vacation $800
☐ Vacation/Amendment $600 + $20/lot or unit + $25 sign fee + recording fees	☐ New PD Zone, Text $1000 +25 sign fee for PD zone		☐ Daycare Fence Approval $100	☐ Annexation $1000 + $25 sign fee
☐ Final PRD $400 + $30/lot or unit + recording fees	☐ Rezone $800 + $25 sign fee		☐ Temporary Site Plan Approval $100	☐ Driveway Entrance Modification $175
☐ Lot Line Adjustment $400 + $25 sign fee, not including recording fees	☐ New PD Zone, Rezone $800 +25 sign fee for PD zone		☐ Conditional Use Permit $600.00 + $25 sign fee	☐ Resubmittal Fee $100/review After three reviews
			☐ Fence Modification/Waiver $100	
			☐ Condominium Conversion $300.00 + $55/Unit ($25 sign fee; + $30 building inspection fee/Unit)	☐ 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", 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. **Provide a complete set of PDF drawings with application – email PDF drawings to lpmerritt@orem.org.**

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: Jayson Newitt

Contact Person Name: JAYSON NEWITT

Phone: 801-369-8198

OFFICE USE ONLY

Date Filed: Fees Paid: Received By:

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.

Thursday, May 29, 2014

Neighbors in Attendance: 13

Q: We understand that there will be access to Orem Boulevard from the Midtown parking lot. This seems like it will increase traffic. What measures are being taken to ensure traffic won't be a major issue?

A: Traffic is a legitimate concern. We don't have all of the information now, but we have been making efforts to ensure we address the issue correctly. We have hired Ryan Hales, a well-regarded traffic expert in Utah, to conduct a traffic study that will help us guide our actions on this issue moving forward.

Q: Are these new apartments going to be nice? We don't want to attract the wrong crowd.

A: Yes, the apartments are nice. We are building Class-A apartments, meaning the apartments will have granite counter tops, upgraded appliances, and great amenities.

Q: Will the apartments qualify for government subsidized housing?

A: No, the apartments will be market rate apartments and no low income housing tax credits are being sought after.

Q: Why, when so many developers have failed, do you think you can succeed in this project?

A: We believe we will have the appropriate experience and capital and are trying to do our research to deliver the right product.

Q: Many people in the community have donated money to Hale Center Theater with the understanding that the theater will be coming to Midtown. What will be happening with the Hale Center Theater?

A: The theater may have been under contract with the original developer, but all contracts and agreements with pervious developers have been absolved. Currently, the plans with the Hale Center Theater are not finalized. A major issue we are trying to resolve is that, if the theater is built, we will need to provide additional parking and the costs are quite high. We are open to the theater being a part of the project, but we have to find out if it is a financially feasible option for us and them.

Q: Why would you build the West tower when you don't even know if you can fill the North and South towers?

A: We will actually be building the towers in phases. Construction on the West Tower will not begin until the North and South towers are completed and we know that there is enough demand for additional apartments.

Q: What is the timeline to finish the North Tower?

A: We expect that after we close on the property, we will complete the North Tower within 12-14 months.

Q: What will the range of rents be for the apartments?

A: There are a variety of apartment sizes, so rents will vary. We anticipate that rents will initially range from $.90 to $1.10 per Sq./ft. This means that the rents for the apartments will likely fall between $900 and $1500.

Orem City Public Hearing Notice

Planning Commission
Wednesday, June 4, 2014
4:30 PM, City Council Chambers
56 North State Street

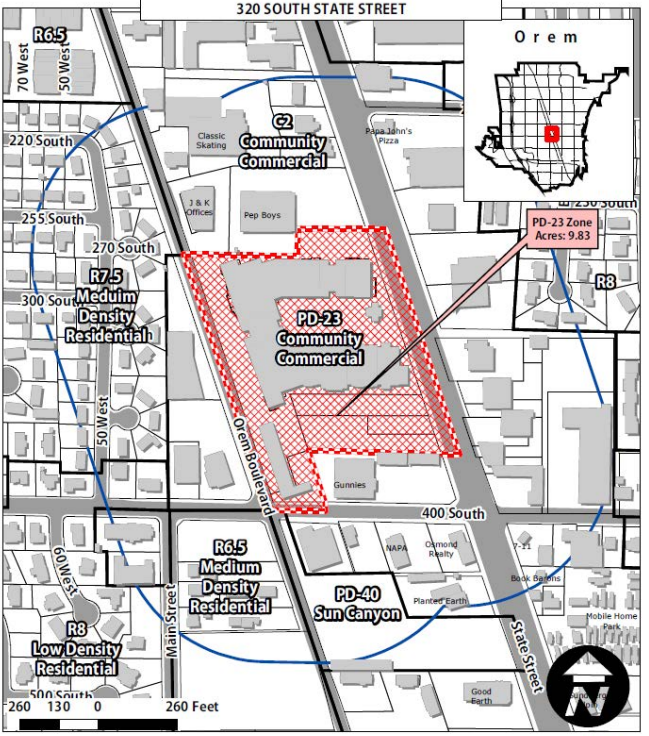
City Council
Tuesday, June 17, 2014
6:20 PM, City Council Chambers
56 North State Street

Jayson Newitt requests the City approve several amendments to the PD-23 zone (Midtown Village) at 320 South State Street. Among the changes are constructing two stand-alone buildings along Orem Boulevard instead of attached to the existing north and south buildings, allowing the main floor of the new buildings to have the option of commercial or residential uses, and increasing the density. The concept plan must also be amended.

For more information, special assistance or to submit comments, contact David Stroud at drstroud@orem.org or 801-229-7095.

PD-23 Zone Amendments

320 SOUTH STATE STREET



♦ PD-23 Zone Amendments; 9.83 Acres.

NIA CONTACT:
Orem Park
Tom and Georgia Pett

Legend
- Buildings
- PD-23 Amendments
- Notification Boundary
- Parcels

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

TAYLOR, TARL W
PO BOX 1046
PLEASANT GROVE, UT 84062

CARTER, DENNIS B (ET AL)
PO BOX 1239
OREM, UT 84059

MILLER OLSEN LLC
PO BOX 1999
OREM, UT 84059

FAMILY FIRST FEDERAL CREDIT UNION
PO BOX 1750
OREM, UT 84059

JHA/KBA LC
PO BOX 355
SALEM, UT 84653

WILSON, PHYLLIS
PO BOX 5757
FARMINGTON, NM 87499

AUTO ZONE INC A DELAWARE CORP
%AUTOZONE #850
PO BOX 2198
MEMPHIS, TN 38101

FINCH, BRADLEY DAVIS
08 WEST 400 SOUTH
OREM, UT 84058

FINCH, BRADLEY DAVIS
--OR CURRENT RESIDENT--
8 W 400 SOUTH
OREM, UT 84058

DTS/AGRC MANAGER
STATE OFFICE BLDG, RM 5130
SALT LAKE CITY, UT 84114

JONES, ADAM S & LAURA
21 W 270 S
OREM, UT 84058

EVANS, JAY W & CIDENA
22 W 270 S
OREM, UT 84058

KUMMER, GARY & PAULINE ALBONICO
--OR CURRENT RESIDENT--
16 W 270 SOUTH
OREM, UT 84058

JAL FAMILY LTD
24 W 500 S
OREM, UT 84058

LANDMARK INVESTMENTS LLC
31 E 400 S
OREM, UT 84058

HERRING, ISAAC & ERIN (ET AL)
22 W 400 S
OREM, UT 84058

BLAKELY, PATRICK D & NINA
36 W 355 S
OREM, UT 84058

JENKINS, KAREN GENEVE
--OR CURRENT RESIDENT--
38 W 315 SOUTH
OREM, UT 84058

MACDONALD, NATHAN & KATHRINA R
36 W 315 S
OREM, UT 84058

NAVARRO, PABLO & JOSE JUAN
39 W 315 S
OREM, UT 84058

SUMMERS, KERRY D & CARLA M
39 W 355 S
OREM, UT 84058

GOODMAN, BRIAN D & RENEE L
38 W 355 S
OREM, UT 84058

BOOTH, DAVID E
--OR CURRENT RESIDENT--
50 W 242 SOUTH
OREM, UT 84058

BOOTH, DAVID E
50 W 255 S
OREM, UT 84058

IVIE, JOHN
46 W 355 S
OREM, UT 84058

KRATZER, TAY W & IRINA V
--OR CURRENT RESIDENT--
54 W 300 SOUTH
OREM, UT 84058

CHRISTENSEN, JOHN E & TERRI L
55 W 255 S
OREM, UT 84058

CARLSON, TAYLOR
53 W 300 S
OREM, UT 84058

CJC OREM PARK LLC
--OR CURRENT RESIDENT--
57 W 300 SOUTH
OREM, UT 84058

JASPERING, GLENN
--OR CURRENT RESIDENT--
58 W 300 SOUTH
OREM, UT 84058

SEPTON, NILSEN H & LUANN E
60 W 255 S
OREM, UT 84058

CARTER, R CRAIG & AMANDA
61 W 220 S
OREM, UT 84058

LLH1 LC
64 W 530 S
OREM, UT 84058

MOSER, GREGORY F & LINDA K
65 W 255 S
OREM, UT 84058

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

CENTURY LINK
75 EAST 100 NORTH
PROVO, UT 84606

CENTRAL BANK CUSTODIAN (ET AL)
%TRACY ERDMANN IRA
75 N UNIVERSITY AV
PROVO, UT 84601

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

BILL & IVAS LLC (ET AL)
%OLSEN, RANDY
124 SERENADA DR
GEORGETOWN, TX 78628

FAMILY FIRST FEDERAL CREDIT UNION
--OR CURRENT RESIDENT--
175 E 200 SOUTH
OREM, UT 84058

SISKIN INVESTMENT COMPANY LLC
--OR CURRENT RESIDENT--
185 S STATE
OREM, UT 84058

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

BANKHEAD LEAVER LC
--OR CURRENT RESIDENT--
195 S OREM BLVD
OREM, UT 84058

TAYLOR, TARL W
--OR CURRENT RESIDENT--
200 S STATE
OREM, UT 84058

NOAH WEBSTER ACADEMY
205 E 400 S
OREM, UT 84058

BILL & IVAS LLC (ET AL)
--OR CURRENT RESIDENT--
207 S STATE ST
OREM, UT 84058

CZPWHP LLC
--OR CURRENT RESIDENT--
212 S STATE ST
OREM, UT 84058

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

MONTA RAE JEPPSON
OREM NEIGHBORHOOD CHAIR
213 S CAMPUS DR
OREM, UT 84097

MILLER OLSEN LLC
--OR CURRENT RESIDENT--
215 S OREM BLVD
OREM, UT 84058

ESCOBAR, RAUL & JOSEFA CORINA
--OR CURRENT RESIDENT--
219 S 50 WEST
OREM, UT 84058

BLANCHARD, GEORGINA
--OR CURRENT RESIDENT--
224 S 180 EAST
OREM, UT 84058

PANTING, JEFFRY K & SACHI
--OR CURRENT RESIDENT--
222 S 180 EAST
OREM, UT 84058

BLANCHARD, GEORGINA
224 S 175 E
OREM, UT 84058

CECIL, ASHLEE A (ET AL)
230 S 50 W
OREM, UT 84058

FAFUPE PROPERTIES LC
225 S STATE ST
OREM, UT 84058

CENTRAL BANK CUSTODIAN (ET AL)
--OR CURRENT RESIDENT--
226 S 180 EAST
OREM, UT 84058

CAMPBELL, JAMES TODD & ALISON
232 S 230 E
OREM, UT 84058

HUGHES, CHRISTOPHER T &
MELISSA K
--OR CURRENT RESIDENT--
228 S 180 EAST
OREM, UT 84058

HANCOCK, ROBIN J & CHERI E
229 S 50 W
OREM, UT 84058

WHITESELL, JEREMY ALLEN (ET AL)
236 S 175 E
OREM, UT 84058

SORENSEN, JACOB (ET AL)
--OR CURRENT RESIDENT--
230 S 175 EAST
OREM, UT 84058

PRADHAN, JAYANT C & AMBER C
232 S 180 E
OREM, UT 84058

KUMMER, GARY R & PAULINE
--OR CURRENT RESIDENT--
239 S 40 WEST
OREM, UT 84058

JP MORGAN CHASE BANK
--OR CURRENT RESIDENT--
234 S 180 EAST
OREM, UT 84058

GAW PROPERTIES LLC (ET AL)
--OR CURRENT RESIDENT--
235 S STATE ST
OREM, UT 84058

HOUSING AUTHORITY UTAH
COUNTY
LYNELL SMITH
240 EAST CENTER
PROVO, UT 84606

WHITESELL, JEREMY ALLEN (ET AL)
--OR CURRENT RESIDENT--
236 S 180 EAST
OREM, UT 84058

SULLIVAN, SHANE & ANGIE
--OR CURRENT RESIDENT--
238 S 175 EAST
OREM, UT 84058

HARRISON, ROGER G & CAROLE C
--OR CURRENT RESIDENT--
242 S 180 EAST
OREM, UT 84058

KUMMER, GARY & PAULINE
ALBONICO
239 S 50 W
OREM, UT 84058

HARRISON, ROGER G & CAROLE C
242 S 175 E
OREM, UT 84058

PECTOL, SCOTT J
--OR CURRENT RESIDENT--
246 S 180 EAST
OREM, UT 84058

MUNOZ, MIKE
240 S 180 E
OREM, UT 84058

PECTOL, SCOTT J
246 S 175 E
OREM, UT 84058

PARCELL VENTURES LC
--OR CURRENT RESIDENT--
248 S STATE
OREM, UT 84058

BURTON, DAVID RAY & NATALIE E
244 S 180 E
OREM, UT 84058

JOSEPHSON, BLAKE DEE & JEREMY
LYNN
--OR CURRENT RESIDENT--
248 S 180 EAST
OREM, UT 84058

HENDERSON ENTERPRISES LLC
--OR CURRENT RESIDENT--
250 S STATE
OREM, UT 84058

PORTER, DON FLETCHER &
MAUREEN ELLEN
246 S 230 E
OREM, UT 84058

HERNANDEZ, EFRAIN & YADIRA
249 S 50 W
OREM, UT 84058

JHA/KBA LC
--OR CURRENT RESIDENT--
255 S OREM BLVD
OREM, UT 84058

HARRISON INVESTMENTS LC
252 W COUNTRYSIDE DR
OREM, UT 84058

JHA/KBA LC
--OR CURRENT RESIDENT--
253 S OREM BLVD
OREM, UT 84058

KUMMER, PAULINE
--OR CURRENT RESIDENT--
259 S 50 WEST
OREM, UT 84058

ALFS PLACE LLC (ET AL)
--OR CURRENT RESIDENT--
257 S OREM BLVD
OREM, UT 84058

BONNETT, JOHN RUSSELL & SHARLEY
258 S 230 E
OREM, UT 84058

SPIRIT MASTER FUNDING VII LLC
--OR CURRENT RESIDENT--
260 S STATE
OREM, UT 84058

ESCOBAR, RAUL & JOSEFA CORINA
273 GOLD RIVER CIR
OREM, UT 84057

LACCOARCE, K ELLEN
278 S 230 E
OREM, UT 84058

CITRINE PROPERTIES LLC
--OR CURRENT RESIDENT--
294 S 50 WEST
OREM, UT 84058

POPE, RICHARD S & JANELLE D
308 S 50 W
OREM, UT 84058

HORNE, LEILA WELLING
320 S STATE ST # 383
OREM, UT 84058

DUFFIN, SIDNEY A (ET AL)
%CASTLE, NORMAN
331 W 1700 S
OREM, UT 84058

PLOTTS, TODD
--OR CURRENT RESIDENT--
341 S STATE ST
OREM, UT 84058

SULLIVAN, SHANE & ANGIE
349 E 260 S
OREM, UT 84058

BAKER, RANDAL V & SUSAN K
268 S 50 W
OREM, UT 84058

MURDOCK HYUNDAI REAL ESTATE LLC
--OR CURRENT RESIDENT--
273 S STATE
OREM, UT 84058

MC FADDEN, KRIS P & CHERINA S
279 S 50 W
OREM, UT 84058

AUTO ZONE INC A DELAWARE CORP
--OR CURRENT RESIDENT--
303 S STATE
OREM, UT 84058

GRAFELMAN, CARL P (ET AL)
320 S 50 W
OREM, UT 84058

ELLIS, JAMES A JR & CORALEE
320 S STATE ST # 481
OREM, UT 84058

MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY THE
--OR CURRENT RESIDENT--
325 S STATE ST
OREM, UT 84058

LANG, BRIAN E & KAREN K
--OR CURRENT RESIDENT--
332 S 50 WEST
OREM, UT 84058

FORSYTH, DUANE K & VICKI ANN
--OR CURRENT RESIDENT--
343 S STATE ST
OREM, UT 84058

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

ALFS PLACE LLC (ET AL)
--OR CURRENT RESIDENT--
259 S OREM BLVD
OREM, UT 84058

TOLMAN, JASON T & GLENDA K
268 S 230 E
OREM, UT 84058

HABITAT FOR HUMANITY OF UTAH COUNTY
--OR CURRENT RESIDENT--
275 S OREM BLVD
OREM, UT 84058

KEACH, ROBERT W III & CALLIE S
279 S 230 E
OREM, UT 84058

MADSEN, PAUL & DEBORAH ANN
305 S 50 W
OREM, UT 84058

COMMON AREA
--OR CURRENT RESIDENT--
320 S STATE ST
OREM, UT 84058

HURD, CRAIG G & JANET W
331 S 50 W
OREM, UT 84058

HABITAT FOR HUMANITY OF UTAH COUNTY
%BABITAT FOR HUMANITY
340 S OREM BVLD
OREM, UT 84058

HINOJOSA, WILMA & LUIS
344 S 50 W
OREM, UT 84058

COYOTE MANAGEMENT LLC
--OR CURRENT RESIDENT--
353 S STATE ST
OREM, UT 84058

SILVA, GUILLERMO
356 S 50 W
OREM, UT 84058

CONRAD PROPERTIES #9 LLC
--OR CURRENT RESIDENT--
365 S STATE ST
OREM, UT 84058

BROWER, LANI E
--OR CURRENT RESIDENT--
368 S 50 WEST
OREM, UT 84058

CONRAD PROPERTIES #8 LLC
--OR CURRENT RESIDENT--
371 S STATE ST
OREM, UT 84058

PAUL, SCOTT C & TARA
373 S 50 W
OREM, UT 84058

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

BEKEARIAN COMMERCIAL
PROPERITES LC
--OR CURRENT RESIDENT--
399 S STATE ST
OREM, UT 84058

MVP MANAGEMENT LLC
404 W 400 S
SALT LAKE CITY, UT 84101

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

CABCO SOUTH VALLEY LLC
--OR CURRENT RESIDENT--
410 S MAIN
OREM, UT 84058

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

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

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

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

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

CABCO SOUTH VALLEY LLC
--OR CURRENT RESIDENT--
430 S MAIN ST
OREM, UT 84058

BEKEARIAN COMMERCIAL
PROPERITES LC
443 W 700 S
OREM, UT 84058

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

LLH1 LC
--OR CURRENT RESIDENT--
447 S MAIN ST
OREM, UT 84058

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

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

MURDOCK HYUNDAI REAL ESTATE
LLC
452 S LINDON PARK DR
LINDON, UT 84042

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

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

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

JAL FAMILY LTD
--OR CURRENT RESIDENT--
468 S MAIN
OREM, UT 84058

KRATZER, TAY W & IRINA V
475 N 600 W
OREM, UT 84057

MVP MANAGEMENT LLC
505 E 200 S STE 300
SALT LAKE CITY, UT 84102

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

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

JOSEPHSON, BLAKE DEE & JEREMY LYNN
516 E 200 S
PLEASANT GROVE, UT 84062

CJC OREM PARK LLC
529 W 300 S
OREM, UT 84058

BROWER, LANI E
628 E CHERAPPLE CIR
OREM, UT 84097

PEAY, ROBERT E (ET AL)
585 E 300 S
PROVO, UT 84606

MAG
586 EAST 800 NORTH
OREM, UT 84097

CONRAD PROPERTIES #9 LLC
760 W 650 S
OREM, UT 84058

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

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

LEAVITT, EDNA H
1005 N 1020 E
PLEASANT GROVE, UT 84062

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

MAYOR RICHARD BRUNST
900 EAST COUNTRY DRIVE
OREM, UT 84097

GAW PROPERTIES LLC (ET AL)
1241 E 180 N
SPRINGVILLE, UT 84663

PLOTTS, TODD
1012 N 50 W
OREM, UT 84057

COYOTE MANAGEMENT LLC
1028 E 850 N
OREM, UT 84097

JENKINS, KAREN GENEVE
1743 S 145 E
OREM, UT 84058

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

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

SORENSEN, JACOB (ET AL)
1920 S 3350 E
HEBER CITY, UT 84032

MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY THE
1801 CALIFORNIA ST
DENVER, CO 80201

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057

UTOPIA
2175 S REDWOOD ROAD
WEST VALLEY CITY, UT 84119

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

HENDERSON ENTERPRISES LLC
%HENDERSON, SCOTT
2035 HERBERT AV
SALT LAKE CITY, UT 84108

LANG, BRIAN E & KAREN K
3448 GREENMONT CIR
WEST VALLEY CITY, UT 84120

SISKIN INVESTMENT COMPANY LLC
2873 MARRCREST NORTH CIR
PROVO, UT 84604

JP MORGAN CHASE BANK
3415 VISION DR
COLUMBUS, OH 43219

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

JASPERING, GLENN
4083 FOOTHILL DR
PROVO, UT 84604

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

BLACKSTONE FINANCIAL GROUP BUSINESS TRUST
%ROBERTS, MICHAEL D
6342 W ADONIS DR
AMERICAN FORK, UT 84003

FORSYTH, DUANE K & VICKI ANN
5930 W 11000 N
HIGHLAND, UT 84003

COMCAST
9602 SOUTH 300 WEST
SANDY, UT 84070

CITRINE PROPERTIES LLC
4981 W ALPINE CIR
HIGHLAND, UT 84003

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

CABCO SOUTH VALLEY LLC
10138 S 460 W
SOUTH JORDAN, UT 84095

ALFS PLACE LLC (ET AL)
6726 W 9500 N
HIGHLAND, UT 84003

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

SPIRIT MASTER FUNDING VII LLC
16767 N PERIMETER DR STE 210
SCOTTSDALE, AZ 85260

Project Timeline

PD-23 zone – Midtown Village

1. DRC application date: 5/12/2014
2. Obtained Development Review Committee clearance on: 5/15/2014
3. Publication notice for PC sent to Recorders office on: 5/15/2014
4. Applicant held neighborhood meeting on: 5/29/2014
5. Neighborhood notice for PC/CC mailed on: 5/28/2014
6. Planning Division Manager received neighborhood notice on: 5/29/2014
7. Planning Commission recommended approval on: 6/4/2014
8. Publication notice for CC sent to Recorders office on: 5/22/2014
9. Property posted for PC and CC on: 5/30/2014
10. City Council approved/denied request on: 6/17/2014

06/02/2014

06/02/2014

06/02/2014

SPEED LIMIT
35
06/02/2014

06/02/2014

CITY OF OREM **CITY COUNCIL MEETING** JUNE 17, 2014	
REQUEST:	**CONTINUED DISCUSSION – ORDINANCE - Amending the General Plan land use map by changing the land use from medium density residential to regional commercial and amending Section 22-5-3(A) and the zoning map of the Orem City Code by rezoning 0.35 acres from R6 to HS at 2008 South Sandhill Road.**
APPLICANT:	Young Electric Sign Company
FISCAL IMPACT:	None

NOTICES:
-Posted in 2 public places
-Posted on City webpage
-Faxed to newspaper
-Emailed to newspaper
-Posted property on April 17, 2014
-Mailed 84 notices on April 11, 2014
-Posted on utah.gov/pmn

SITE INFORMATION:
- General Plan
  Medium Density Residential
- Current Zone
  R6
- Acreage
  0.35
- Neighborhood
  Lakeview
- Neighborhood Chair
  Garr Judd

PLANNING COMMISSION RECOMMENDATION
Approve: 7-0

PREPARED BY:
David Stroud, AICP Planner

REQUEST: Young Electric Sign Company (YESCO) requests the City Council amend the General Plan land use map by changing the land use from medium density residential to regional commercial and amend Article 22-5-3(A) and the zoning map of the City by changing the zone on 0.35 acres at 2008 South Sandhill Road from R6 to HS.

BACKGROUND:
On May 27, 2014, the City Council continued this item to allow the applicant time to work with the neighborhood and consider proffering a development agreement that outlines specific restrictions to help mitigate neighborhood concerns. They continued it again on June 10, 2014, to allow time to finalize the development agreement and come back with one final recommendation. Additional information concerning the development agreement will be provided at the public hearing.

YESCO requests that the City Council rezone a small parcel of land it owns at 2008 South Sandhill Road and an adjoining parcel owned by the City from the R6 zone to the Highway Services (HS) zone. The two parcels included in the request comprise 0.35 acres (15,246 square feet.) The property bordering the subject property on the north is also zoned HS.

This application consists of two parts. The first is to amend the General Plan land use map of the City from medium density residential to regional commercial. The second part is to amend the zone map of the City by changing the zone from R6 to Highway Services (HS).

YESCO is making this request because it desires to maintain an LED sign on its existing billboard at this location. YESCO first erected a billboard on this property in approximately 1998. At that time the YESCO parcel consisted of 0.56 acres or 24,393 square feet. Up until 2005, the property was in unincorporated Utah County and was zoned Industrial-1.

In 2005, YESCO filed an application to have the property annexed into the City. At approximately the same time, the City was negotiating with YESCO to acquire a part of the property so that the City could construct a storm water detention basin and a roundabout at the intersection of 2000 South and Sandhill Road.

The City needed to acquire as much of the YESCO parcel as possible in order to construct the desired improvements and YESCO was willing to work with the City to accomplish this goal. YESCO's only interest at the time was to retain enough property to allow it to continue operating a billboard on the property. YESCO agreed that it would sell as much of its original parcel to the City as it could while still retaining enough property to meet a minimum lot size requirement. The City suggested applying the R6 zone to the property as that zone required only a 6,000 square foot lot size and was the only zone that allowed a lot of less than 7,000 square feet. The intent was to apply a zone that would allow the City to purchase the greatest amount possible of YESCO property. YESCO agreed to this proposal with the belief that the R6 zone would not in any way impede its ability to continue operating a billboard on the property.

In accordance with this understanding, the City Council annexed the YESCO property into the City on September 27, 2005 and applied the R6 zone to the property. The minutes of the City Council meeting of September 27, 2005 reflect the parties' intentions and state in part: "*In order to maximize the area that the City can purchase and use for storm water detention, the City and YESCO desire that the parcel that YESCO will retain ownership of be as small as possible*."

The City subsequently completed its purchase of all but 6,430 square feet of the YESCO property and proceeded to construct the detention basin and the roundabout. YESCO continued to maintain the billboard on the remaining parcel.

As part of UDOT's I-CORE I-15 project, UDOT constructed sound walls along the eastern edge of I-15 that obstructed the view of YESCO's billboard to traffic on I-15. In January, 2013, YESCO applied for and received a permit from UDOT to increase the height of the billboard in order to make it clearly visible over these sound walls. YESCO also requested and received a permit to install a new LED sign on the south face of the billboard. Subsequent to receiving the permit, YESCO proceeded to increase the height of the billboard and installed the new LED sign.

In approximately March 2013, following installation of the LED sign on the south face of the billboard, the City received complaints from residential neighbors about the LED sign. While looking into the legality of the LED sign, the City discovered that on YESCO's permit application to UDOT, YESCO had inadvertently indicated that its property was in a commercial zone. When the City notified UDOT that the YESCO property was actually in the R6 zone, UDOT indicated that it would not have issued a permit for the installation of an LED sign on the billboard if it had known the property was in a residential zone. UDOT indicated that it would not allow this type of upgrade on a billboard unless the property was located in a commercial or industrial zone. However, UDOT indicated that the increase in the billboard height was still appropriate as a billboard company has the right to make its billboard clearly visible in the event that it becomes obstructed due to highway improvements.

Following the receipt of this information, City staff notified YESCO that it would either need to remove the LED sign or have its property rezoned to a commercial or industrial zone. City staff has also held ongoing discussions with YESCO representatives and neighbors in the area to see if some kind of compromise could be reached that would allow YESCO to keep the LED sign while mitigating the sign's impact on neighbors. Some of the options that have been discussed include (1) keeping the sign message static (no sign changes) during certain hours such as between midnight and 6:00 a.m.; (2) slowing the rate of ad changes so that the message changes appear less abrupt; and (3) prohibiting an LED sign on the north face of the billboard. Those discussions have continued up until shortly before the Planning Commission meeting although no final agreement has been reached. In the event that a compromise agreement is reached, City staff recommends that such agreement be memorialized in a development agreement prior to any City Council action.

If the City Council rezones the property to HS, UDOT will most likely allow YESCO to maintain the LED sign. If the City Council denies the application and the property stays R6, UDOT will likely require YESCO to remove the LED sign. However, even if the property remains R6, YESCO will maintain the right to have a traditional billboard on the property at its current height.

YESCO held a neighborhood meeting on April 9 with five neighbors or property owners in attendance. The concerns of the neighbors included the height and the LED panel. Some neighbors felt the billboard was too high. Others felt the LED sign may be acceptable and less obtrusive if kept at the existing height.

The Planning Commission first heard this request on April 23, 2014, but continued the item to May 7, 2014. Planning Commission members wanted to make a night visit to the site to see what impact the LED sign had on neighbors. Mike Helm of YESCO met several members of the Planning Commission (staggered times) on May 2, 2014, to view the sign at night and to examine readings of a light meter while directed at the LED sign. They also went into the home of a nearby resident to see the how the LED sign affected the enjoyment of her house.

Advantages

- A rezone of the property to HS would allow YESCO to maintain the LED sign on the south face of the billboard and avoid the expense and investment loss that would arise from removing the LED sign. This would also allow YESCO to realize the expectations it had at the time of annexation that application of the R6 zone would not negatively affect its ability to operate a billboard on the property.
- LED is generally less bright than standard lighting on billboards which may result in less overall light pollution.
- Application of the HS zone to the property would not open the door to other commercial uses since existing easements on the property would prevent any use other than the billboard.

- YESCO has indicated that it is willing to commit not to install an LED sign on the north face of the billboard.

Disadvantages

- Some neighbors may find the existence of an LED sign on the south face of the billboard to be less desirable than a traditional billboard face.
- If the property is rezoned HS, an LED sign could also be installed on the north face of the billboard unless a development agreement prohibiting this is executed prior to City Council action.

RECOMMENDATION: The Planning Commission recommends the City Council approve this request. Based on the advantages outlined above, staff also recommends the City Council approve this request subject to a development agreement.

DRAFT

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING THE GENERAL PLAN MAP BY CHANGE THE LAND USE FROM MEDIUM DENSITY RESIDENTIAL TO REGIONAL COMMERCIAL AND AMENDING ARTICLE 22-5-3(A) AND THE ZONING MAP OF OREM CITY BY CHANGING THE ZONE FROM R6 TO HS ON APPROXIMATELY 0.35 ACRES AT 2008 SOUTH SANDHILL ROAD

WHEREAS on February 28, 2014, Young Electric Sign Company (YESCO) filed an application to amend the General Plan land use map by changing the land use from medium density residential to regional commercial and amend Article 22-5-3(A) and the zoning map of Orem City by changing the zone from R6 to HS on 0.35 acres at 2008 South Sandhill Road; and

WHEREAS on April 23, 2014, and May 7, 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 May 27, 2014, the City Council held a public hearing to consider the subject application and continued the item to June 10, 2014, and again to June 17, 2014; 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 500 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 this request:

    A. Is in the best interest of the City in that it will not have a negative effect on neighborhoods and businesses.

    B. Will change the zone to a more appropriate zone for the use of the property.

    C. Is in harmony with the Orem General Plan.

DRAFT

2. The City Council hereby amends the General Plan land use map by changing the land use from Medium Density Residential to Regional Commercial on 0.35 acres at 2008 South Sandhill Road, as shown on Exhibit A, which is attached hereto and incorporated herein by reference.

3. The City Council hereby amends Article 22-5-3(A) and the zoning map of Orem City by changing the zone from R6 to HS on 0.35 acres at 2008 South Sandhill Road, as shown on Exhibit B, which is attached and hereto and incorporated herein by reference.

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

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

6. 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 **17th** day of **June** 2014.

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

_____
Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"	COUNCIL MEMBERS VOTING "NAY"

DRAFT

RESOLUTION NO. _____

A RESOLUTION BY THE OREM CITY COUNCIL DENYING THE REQUEST TO AMEND GENERAL PLAN MAP BY CHANGE THE LAND USE FROM MEDIUM DENSITY RESIDENTIAL TO REGIONAL COMMERCIAL AND DENYING THE REQUEST TO AMEND ARTICLE 22-5-3(A) AND THE ZONING MAP OF OREM CITY BY CHANGING THE ZONE FROM R6 TO HS ON APPROXIMATELY 0.35 ACRES AT 2008 SOUTH SANDHILL ROAD

WHEREAS on February 28, 2014, Young Electric Sign Company (YESCO) filed an application to amend the General Plan land use map by changing the land use from medium density residential to regional commercial and amend Article 22-5-3(A) and the zoning map of Orem City by changing the zone from R6 to HS on 0.35 acres at 2008 South Sandhill Road; and

WHEREAS on April 23, 2014, and May 7, 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 May 27, 2014, the City Council held a public hearing to consider the subject application and continued the item to June 10, 2014, and again to June 17, 2014; 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 500 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 this request:

   A. Is not the best interest of the City in that it will have a negative effect on adjacent neighborhoods and businesses.

   B. Is not in harmony with the Orem General Plan.

2. The City Council hereby denies the request to amend the General Plan land use map at 2008 South Sandhill Road.

DRAFT

3. The City Council hereby denies the request to rezone property at 2008 South Sandhill Road.

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

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

6. 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 **17th** day of **June** 2014.

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

_____
Donna R. Weaver, City Recorder

COUNCIL MEMBERS VOTING "AYE"	COUNCIL MEMBERS VOTING "NAY"