CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
July 8, 2014

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

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

1. **DISCUSSION – CARE Advisory Commission (45 min)**
2. **DISCUSSION – City Audit Committee (15 min)**

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

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

AGENDA REVIEW

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

CITY COUNCIL - NEW BUSINESS

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

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

CALL TO ORDER
INVOCATION/INSPIRATIONAL THOUGHT: By Invitation
PLEDGE OF ALLEGIANCE: By Invitation

APPROVAL OF MINUTES

6. **MINUTES of Joint City Council/ASD Meeting – June 11, 2014**

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

7. **UPCOMING EVENTS**

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

8. APPOINTMENTS TO BOARDS AND COMMISSIONS

CDBG Advisory Commission .....1 vacancy
Library Advisory Commission .....1 vacancy
Summerfest Advisory Commission.....1 vacancy
Recreation Allocation Advisory Commission .....7 vacancies
CARE Advisory Commission.....

9. RECOGNITION OF NEW NEIGHBORHOODS IN ACTION OFFICERS

CITY MANAGER'S APPOINTMENTS

10. APPOINTMENTS TO BOARDS AND COMMISSIONS

The City Manager does not have any appointments.

PERSONAL APPEARANCES – 15 MINUTES

11. 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

12. There are no consent items.

SCHEDULED ITEMS

6:20 P.M. PUBLIC HEARING – PD-4 Zone

13. ORDINANCE - Amending Section 22-11-16(E)(5) of the Orem City Code pertaining to building orientation in the PD-4 zone

REQUEST: Development Services requests the City Council, by ordinance, amend Section 22-11-16(E)(5) of the Orem City Code pertaining to building orientation in the PD-4 zone.

BACKGROUND: The PD-4 zone is located on the south east corner of the intersection of 800 East and 800 North. It is the current location of Harmon's grocery store and The Orchards Shopping Center. At the time the overall site plan and zone was approved for Harmon's and the existing shopping center, two (2) pad sites were also approved. One of those pad sites has developed into the Harmon's gas station. The pad site to the west has been vacant for years. There is an application for a new Dairy Queen proposing to locate on the vacant pad site.

The PD-4 ordinance currently does not allow buildings to face east or south. This standard was put in the ordinance so that the existing buildings could not face into a residentially zoned area at the time of development, but would instead face towards 800 North and 800 East, both major collector streets. The major entrances and facades of the existing building all face north. The PD-4 zone is enclosed by a seven foot (7') masonry wall on the

east and south sides which shields the commercial building elevations from the residential areas.

The proposed amendment would allow buildings to face any direction, except south. This would allow the proposed Dairy Queen to develop their site with a more architecturally pleasing east building elevation, which includes an entrance.

Advantages:

- Provides more building elevation options
- Improves the façades of east facing elevations to include more attractive entrance features

Disadvantages:

- None determined

RECOMMENDATION: The Planning Commission recommends that the City Council approve this request. Based on the advantages outlined above, staff also recommends the approval of the proposed amendments.

The proposed amendments are outlined below:

> **22-11-16(E)(5)**
> 5. Building Orientation. No building shall face east or south. The only building accesses permitted toward the north and south residential zones shall be emergency accesses only as required by the Uniform Building and Fire Codes.

14. RESOLUTION - Conditional Use Permit and Site Plan Approval – Dairy Queen – 810 East 800 North in the PD-4 zone

REQUEST: John Bylund has requested the City, by resolution, approve a conditional use permit and site plan for Dairy Queen at 810 East 800 North in the PD-4 zone.

BACKGROUND: Dairy Queen was previously located on 800 North, east of the Macey's grocery store for over twenty-five (25) years. In 2007, a street widening project forced the closure of the store and the owners felt it was time to let the business go. After not having a Dairy Queen in the City for the last seven years, the applicant, who owns and runs the Dairy Queen in Santaquin, proposes to construct a new restaurant on an existing pad site in the Orchards Shopping Center located at the above address. According to the PD-4 ordinance, a conditional use permit is required for any use with a drive-up or drive through window.

Architecture: The proposed building contains approximately 3,104 square feet and will be twenty-one feet (21') high. Building elevations show the exterior to be finished with stucco, cultured stone and colored metal paneling with several window and door openings as well as decorative sign display areas. The proposed building materials are not specifically listed as approved materials in the PD-4 zone, however, the ordinance allows the Planning Commission to approve other materials that are not specifically listed, but are still in harmony with the existing buildings in the zone. The Planning Commission has reviewed the elevations and recommended the proposed elevations be approved as part of

the site plan. The existing Harmon's store and adjoining buildings part of the Orchards Shopping Center contain stucco and metal elements.

The building elevations for the proposed Dairy Queen show an entrance on the east side of the building, which is currently not allowed. A proposal for a zoning ordinance amendment has been made by Development Services and the Planning Commission has recommended approval. The City Council will consider an amendment to the current PD-4 ordinance to allow buildings to face east as proposed.

Parking: A previously approved site plan for the Orchards Shopping Center required a total of 441 stalls for the entire site. Currently there are 491 stalls. Some existing perpendicular parking stalls to the east and north of the proposed building will be repainted as diagonal (45 degree) parking stalls and will function as one-way traffic around the drive-thru sides of the building. This change in parking stalls decreases the overall number of stalls by a total of fourteen (14). Including the stalls lost as part of the diagonal parking configuration, the overall site contains 477 total stalls, 67 of which are allocated for the restaurant, but act as shared parking for the entire site.

Fencing: No fencing is proposed.

Landscaping: The existing landscaped island north of the proposed building will be expanded to run the entire length of the drive-thru area and the other island adjacent to the existing pad site will remain as landscaping. All landscaping requirements have been met with the existing site. The site plan includes a large outside dining area located to the east of the new restaurant.

Dumpster: The dumpster will be located to the south of the building and will be enclosed on all sides and match the proposed building materials as required by code.

Transportation/Engineering: No transportation issues or concerns have been identified.

Conditional Use Considerations: According to Section 22-4-4 there are several factors to consider regarding conditional uses. The following factors apply to the proposed fast food restaurant:

- It is in harmony with the master plan and zoning ordinance objectives by providing a shopping convenience in the area.
- It is in harmony with existing uses in the neighborhood and with other uses such as a restaurant, gas station, and other stores of convenience located within the same shopping center.
- It will have a positive economic and aesthetic impact on the neighborhood by building an attractive building on a vacant lot.
- It improves traffic flow through the development by repainting the parking stalls adjacent to the drive-thru window to provide a wider access lane in that location.
- The subject property is suitable for the proposed use as other convenience-related businesses are situated nearby.
- The applicant has worked with the current owners of businesses located in the shopping center as the project has developed, specifically as it relates to the location of the dumpster.

RECOMMENDATION: The Planning Commission recommends that the City Council approve this request. Based on the Planning Commission recommendation and compliance with the standards outlined in the PD-4 zone, staff also recommends approval of the request.

6:30 P.M. PUBLIC HEARING – Street Vacation

15. ORDINANCE – Vacating a portion of 1200 West Street located between 780 North and 800 North

REQUEST: Rocky Mountain Land Holdings requests that the City Council, by ordinance, vacate a portion of 1200 West Street located between 780 North and 800 North and consisting of approximately .42 acres.

BACKGROUND: Several years ago, a portion of 1200 West located on either side of 800 North was relocated to the east to increase the separation between 1200 West and the I-15 800 North on-ramp. This left a section of the old 1200 West Street that now dead ends into 800 North and is unused except by those businesses that are still located adjacent to that old section of 1200 West. This portion of the old 1200 West can be seen in the attached Exhibit "A."

Rocky Mountain Land Holdings owns the property just east of the old 1200 West at 796 North. Rocky Mountain has requested that the City vacate that portion of the old 1200 West that is adjacent to their property. Rocky Mountain would like to combine the vacated street area with their existing lot and put it to productive use.

Typically, when a public street that the City acquired by dedication or prescription is vacated, title to the vacated street area automatically vests in the adjoining property owners, with half the street area going to each side. However, because title to the street was not obtained solely by dedication or prescription in this case, it is not totally clear who will own the area of the street upon a vacation. In particular, the middle section of the street was conveyed to the county in 1938 by a private property owner who included a reservation in the deed stating that the property would revert to the original owner if the area ever ceased to be used as a street. There are several legal questions regarding the effectiveness of this reservation, but if the street is vacated as requested, Rocky Mountain may have to file a Quiet Title action to obtain clear title to the vacated area.

Questar owns the property on the west of the proposed street vacation and apparently does not object to Rocky Mountain taking ownership of the entire street vacation area provided they are able to maintain access across the vacated area. If the request to vacate is granted, a twenty foot wide access easement for ingress and egress in favor of Questar should be retained as well as a public utility easement across the full width of the vacated street area.

State law provides that the City Council may vacate a public street if it determines (1) there is good cause for the vacation; and (2) the vacation will not be detrimental to the public interest.

Additionally, the new owners should (after quieting title to the vacated area) be required to record a new subdivision plat that combines the street vacation area with their existing lot.

The new plat should also show the Questar Gas access easement and a public utility easement over the entire vacated area.

RECOMMENDATION: Development Services recommends that the City Council vacate approximately 0.42 acres of 1200 West Street located between 780 North and 800 North.

16. RESOLUTION – Development Agreement – Midtown Village - 320 South State Street Approving a Development Agreement Between the City and Coronado Village, LLC Pertaining to Midtown Village

REQUEST: Coronado Village, LLC requests that the City Council, by resolution, approve a development agreement between the City and Coronado Village pertaining to Midtown Village.

BACKGROUND: Coronado Village, LLC has a contract to purchase the Midtown Village property and desires to complete construction of that project. Coronado Village desires to modify the original development plan somewhat to move the west tower closer to Orem Boulevard and to increase the number or residential units on the project. The proposed ordinance changes to the PD 23 zone will be considered by the City Council as a separate item.

If the proposed amendments to the PD-23 zone are approved, the number of residential units will increase which will in turn increase the amount of traffic generated from the project. Coronado Village has agreed to make certain street improvements to help mitigate the impacts of this increased traffic including constructing a right-turn lane from 400 South onto Orem Boulevard and participating (50%) in the cost of constructing a right-turn lane from 400 South onto State Street. City staff and Coronado Village would like to include these commitments in a development agreement.

In addition, there is an existing development agreement recorded against the property that was executed between the City and the original developer in February 2006. This prior development agreement governed how the City-owned parking areas were to be operated and maintained.

Coronado Village would like to pay off the SID assessments that were levied against the property and would like the City to convey the City's interest in the City parking area to Coronado Village after the SID bonds are paid off. In order for this to happen, the City would need to declare the City parking area surplus and follow the procedures for disposing of surplus property outlined in City Code Section 2-7-10(D).

Coronado Village would like to enter into a new development agreement with the City that indicates that the prior development agreement will be of no further effect (it will not be needed if Coronado Village owns the entire parking structure) and that also outlines the process under which Coronado would pay off the SID assessments and would potentially obtain the City's interest in the underground parking.

In summary, the main points of the proposed development agreement are as follows:

1. The prior development agreement of 2006 will have no further effect.

2. The site plan and plat that were previously approved for the project continue to be valid and the developer can complete construction according to the approved site plan and plat or can amend the site plan and plat in conformance with City ordinances.
3. The developer has the right to assign all or a portion of the property.
4. The developer may construct the project in phases.
5. At the time of closing on the purchase of the Property, Coronado Village will deposit in escrow an amount sufficient to pay off the SID assessments on the property.
6. The City agrees to initiate the process of declaring its interest in the underground parking surplus within 15 days after Coronado Village closes on the purchase of the property.
7. In the event that the Council agrees to convey the City's interest in the underground parking to Coronado pursuant to the City's surplus property procedures, the amount held in escrow will immediately be used to pay off the SID assessments. If the City Council does not agree to convey the City's interest in the parking units to Coronado Village, the amount held in escrow will be immediately returned to Coronado.
8. Coronado agrees to construct or to participate in the construction of right turn lanes from 400 South onto Orem Boulevard and State Street as described above.

RECOMMENDATION:
City staff recommends that the City Council, by resolution, approve the proposed development agreement and authorize the City Manager to sign the proposed development agreement.

17. CONTINUED DISCUSSION – 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

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: This request was continued from the June 17, 2014, City Council meeting to allow additional time to review the proposal and for legal staff to continue working on a development agreement.

The PD-23 zone (Midtown Village) was approved by the City several years ago as a mixed-use development. The south tower has been largely completed, but work stopped on the north tower after the onset of the recession of 2007-2008. Since 2008, the project has been the subject of numerous lawsuits and a foreclosure which ultimately left ownership of most of the project in the hands of MVP Management, LLC which is owned primarily by the contractors and subcontractors who worked on the project.

Since taking over ownership in early 2012, MVP Management has looked for a partner or buyer for the project. Most recently, MVP has been working with the Ritchie Group regarding a potential sale of the project. The Ritchie Group is proposing to make a number

of modifications to the original plan and would like to have City Council approval of their proposal prior to making a final commitment to purchase the project.

The most significant change would be a major change in the design and layout of the west building. Instead of attaching the west building to the north and south towers as originally planned, the applicant is proposing to construct two buildings adjacent to Orem Boulevard. These two buildings would be set back 25 feet from Orem Boulevard instead of the 80 foot setback that would have applied to the original west building plan. The west buildings would be five stories high and would contain approximately 298 apartment units.

In addition to the major change to the west building, the applicant is also proposing the following additional amendments:

1. **Name Change**. Change the name of the project from Midtown Village to 360 Place.

2. **Main Floor Use**. Eliminate the requirement that the main floors of each building be devoted to retail uses. Allow 20 percent of the main floor area of the north and south towers to be used for noncommercial purposes and allow any commercial use (not just retail) on the remaining 80 percent. Eliminate any commercial use requirement on the main floor of the west buildings. The applicants are proposing to include a recreation area and other amenities for the tenants on the ground floor of the south building.

3. **Reduce Parking Requirement**. Reduce the parking requirement for residential units in excess of the base residential density from two per unit to 1.65 per unit. The base residential density is determined by taking the number of required commercial parking stalls and dividing by three. The base residential units share the parking with the commercial space and so do not require additional parking. The concept of shared parking works because the demand for commercial and residential uses occurs at different times.

   The total required parking under the applicant's proposal would be calculated as follows. Since the applicant proposes having approximately 97,000 square feet of commercial space, 387 parking stalls would be required for the commercial uses based on the standard requirement of 1 stall per 250 square feet of commercial space. This number divided by three yields 129 base residential units. Since the applicant is proposing an additional 420 units above the base residential units, an additional 1.65 stalls would be required for each of these units for a total of 693 additional required parking stalls. The applicant is also providing a total of 60 parking stalls for the large residential units (60 units total) that could have occupancy of up to five individuals. The 387 commercial stalls, plus the 693 stalls, plus the 60 stalls results in a total of 1140 required stalls under the applicant's current proposal and the applicant currently plans on providing 1123 stalls on site, plus an additional 36 parking stalls provided through a parking agreement with Pep Boys for a total of 1159 parking stalls.

4. **Increase Allowable Building Height.**
   a. State that no more than 65 percent of rooflines can exceed 70 feet instead of the current 60 feet.

b. Provide that height limits don't apply to mechanical systems, roof-top shade structures, elevator shafts, etc., and that such appurtenances can extend up to a height of 111 feet.
c. No building located within eighty (80') feet of Orem Boulevard may exceed a height of sixty-two (62') feet.

5. **Setbacks**.
   a. Reduce the setback from Orem Boulevard from 80 feet to 25 feet.
   b. Change the current requirement that the portion of a building greater than 60 feet in height must be set back at least 160 feet from a residential zone to say that the portion of a building at least 80 feet in height must be set back 80 feet from a residential zone.

6. **Exterior Finish Materials**. Allow concrete masonry unit (CMU) block to be used as an exterior finish material. Also allow metal to be used for up to 20 percent of the exterior finish materials.

7. **Signage**. In addition to signage already allowed by the sign ordinance and the existing PD-23 zone, allow the following additional signage:
   a. One monument sign at the entrance to the project at State Street and one monument sign at the entrance at Orem Boulevard. Each of these monument signs would be limited to eight feet in height and 15 feet in width.
   b. A "crown" sign that would be located at the top of either the north or south tower that would identify the project. This sign would consist of lettering on a flat face and would be allowed to be up to 15 feet in height and 30 feet in width.
   c. One additional vertical wall sign for each building that would be used to identify the project or the address of the project. These signs could be 40 feet in height and four feet in width. The vertical wall signs would conform to the general design and quality of the vertical wall signs shown in the concept plan.

8. **Sidewalk**. Require a buffered sidewalk on Orem Boulevard with a six foot sidewalk and an eight foot planter strip.

9. **Large Residential Units**. Allow up to forty-two (42) residential units having at least 1,700 square feet to have up to five unrelated individuals live in the unit.

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
- Adds a buffered sidewalk to Orem Boulevard.

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

COMMUNICATION ITEMS

18. There are no communication items.

CITY MANAGER INFORMATION ITEMS

19. 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

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OREM CITY COUNCIL/ALPINE SCHOOL DISTRICT
SPECIAL JOINT MEETING
56 North State, Orem, Utah
June 11, 2014

This meeting was for discussion purposes only. No official action was taken.

CONDUCTING	Mayor Richard Brunst
OREM ELECTED OFFICIALS	Mayor Richard Brunst; Councilmembers Hans Andersen, Margaret Black, Tom Macdonald, Mark Seastrand, and Brent Sumner Councilmember David Spencer participated electronically
OREM STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Karl Hirst, Recreation Director; and Taraleigh Gray, Deputy City Recorder
ALPINE BOARD OF EDUCATION	Jodee Sundberg, John Burton, Scott Carlson
ALPINE SCHOOL DISTRICT ADMIN.	Vern Henshaw, Superintendent; Rob Smith, Assistant Superintendent
INVOCATION	Brenn Bybee

Mayor Brunst invited everyone to introduce themselves.

Items of Common Interest

Cherry Hill Ribbon Cutting

Mr. Seastrand said he appreciated the ribbon cutting ceremony at Cherry Hill. It was very well done and received well by the community. They were thrilled to have school lunch back. Mayor Brunst concurred.

In response to query from Mr. Macdonald about the situation with the school kitchens, Mr. Smith said they were torn out at one point. The teachers did well to facilitate the transition.

Vineyard Growth

At the request of the Mayor, Mr. Henshaw reviewed a broad picture of anticipated growth in the Vineyard area. They have been able to meet the current needs using trailers, but that will only go so far. The district is exploring building utilization, including possible realignment of school boundaries. It is better to use existing buildings than to jump in and construct new ones. Some boundary adjustments would solve short-term issues. It comes down to either putting the trailers in Vineyard or putting them in another school and busing the children there.

DRAFT

Mr. Henshaw said, long term, the district expected two elementary schools could handle the growth. It might be better to build the school sooner, but that was yet to be determined. It was a question of "when" and not "if" additional schools would be needed. He said it was better to set that kind of plan in place, before people moved into an area and avoid shifting students later.

Mayor Brunst inquired about the need for an additional school bond.

Mr. Henshaw said if there was a critical need, they could probably construct an elementary school. Any future bonding was more likely to go for a high school or junior high school in other parts of the district.

Mr. Smith said they were projecting 850 students at Vineyard in the fall. They believed two portable classrooms would facilitate the added students. Years ago they identified the location for a possible school site. Mr. Smith said he had met with one of the developers in Vineyard, Woodside Homes, and they had identified a school site in their development. The Vineyard Town Council would be looking at the Woodside Homes development. Boundary adjustments for the junior high schools had already been made.

The eventual complete rebuild of Orem Junior was already underway. Mr. Smith said the Board had been working to address the need to remodel existing schools as well as anticipated growth. Their view was for safety—seismic issues—as well as the delivery of instruction. He reviewed some of the work being done at various schools in Orem, concluding that they believe there would be sufficient space in the high schools and junior high schools to accommodate the growth in Vineyard.

Mayor Brunst asked how the district planned to address technology, especially in the high schools.

Mr. Henshaw said just that morning they had discussed the problem of developing a vision for technology, considering how quickly technology changed. They were struggling to ensure the infrastructure was in place even to use the technology. Then the teachers must be trained to use the technology in the classroom. It was important to use it in a way that enhanced learning. A variety of "pilot programs" were being used in several schools. Opening the door to "bring your own device" to all students would create bandwidth capacity problems.

Mr. Henshaw stated that, in his personal opinion, there would be few textbooks within five years. There needed to be safeguards in place for accessing technology.

Ms. Sundberg said the school board had to be forward thinking as well. There have been some changes in the technology department to help the district move in the right direction. Becky Lockhart's bill—that did not pass—might have been useful, especially with the legislature offering to fund $26-28 million.

Mayor Brunst remarked that he had seen studies showing that students who used technology scored 30 percent higher in their test scores. It seemed they were more engaged than just talking.

DRAFT

Mr. Smith said the current year's budget for technology was $4.3 million. The board had been building infrastructure for technology for years. All the buildings were connected with fiber. As a result, the district had been able to do things that other districts had not.

Mayor Brunst asked if the textbooks were phased out whether some of the money would go toward technology.

Mr. Henshaw said that was already happening. There were plenty of software providers with curriculum content, and teachers were free to choose their curriculums. One challenge has been to having a technology director who understood the classroom component and the workings of the educators. So, the district made some shifts. They were experimenting to find the best usages and then share that information with the schools.

Mr. Andersen asked about student population.

Mr. Henshaw said over the last several years, the enrollment was somewhat stable, kindergarten through twelfth grade. There had been pockets of growth.

Gangs

Mr. Andersen said the police spoke about gangs and wondered how the school district handled children in gangs.

Mr. Henshaw said he had met with all the administrators over the last several days. They were appreciative for the resource officers in Orem schools. They tried not to stereotype or stigmatize students. There were certain behaviors that could be identified as potential problems. The most important thing was to get the students involved in wholesome activities at the school and have an attachment at the school. Gangs developed because of a need for young people to have an attachment and a means of validation. Teachers, advisors, and various organizations were a way to provide that.

Mr. Macdonald asked if there had been an increase in tagging.

Mr. Henshaw said some of the tagging came with the end of school, making statements when school was out. Mrs. Black said there had been some tagging near Timpanogos High School.

Mayor Brunst said he had read that Orem's projected growth over the next forty years could reach 180,000. Mrs. Black indicated that last number she had heard was only 120,000. The Mayor noted that 1,100 apartments had been approved.

Mr. Davidson said the growth had been 3-5 percent per year over the last 10 years.

University Place

Mr. Henshaw inquired about the University Place project.

Mayor Brunst said they were excited about it. He reviewed some of the changes included as part of the project, including office buildings, apartments, and enlarging stores. The mall envisioned more of a mixed-use environment there and would take on a new look.

Mr. Davidson observed that Woodbury Corporation was working quite hard to move away from the word "mall" since they were trying to create a sense of "place" with the redevelopment. There would be a significant housing component. The commercial component was focused more on office and employment than on retail. Some retail would be added but their main efforts would be on maximizing the efficiencies of existing retail. One of the things Orem has historically struggled with was the lack of a city center gathering place. They had a plan with many phases that could take several years to complete. The City hoped it would dramatically change not only the existing campus but areas around it. Mr. Davison noted Woodbury had pulled the first building office permit and was preleasing the second building. There was a significant transportation factor to facilitate mobility, not only north and south but east and west as well.

Mr. Henshaw asked about any possible tax increment.

Mr. Davidson said there had been some initial meetings with Woodbury about the scope of the project. Their approach to assessed value was different from the City's. Some meetings, scheduled with the City Council later in the month, would include discussions about infrastructure and utilities. The City's utilities in the area are quite old, so the timing of the project is good for Orem.

Mr. Davidson said they were concerned, as a community, feeling they were at a critical crossroad. Assessed evaluation impacted Orem as well as the school district. He said they were concerned those were not going in the right direction. Mr. Davidson said he anticipated having those discussions with the school district in the near future.

Mr. Henshaw said they had communicated that they understood their role in the partnership and wanted to be "at the table" for the conversations.

Mr. Davidson said the City had not engaged in those conversations—or lack thereof—and that had been deliberate. He said he had been approached several times about various projects. His initial response had been that they were not worth the risk to the relationship with the school district. Any conversation should be about a legacy project, not just for the City but for the other taxing entities, and not just for ten years to come but for fifty years to come. With University Place, they were talking about a transformational project that would renew the face of Orem.

<u>American Legislative Exchange Council (ALEC)</u>

Mrs. Sundberg said she had received information from someone about an article about that group which quoted Utah legislator, Senator Howard Stephenson which can be found at http://www.progressive.org/news/2014/05/187687/alec-otherworld. Part of the article said:

> As Utah Senator Howard Stephenson stated to an Education subcommittee, "We need to stomp out local control." School boards and city councils take away liberties quicker than the federal government, he insisted. Local governing entities can be a roadblock to the ALEC agenda, so their power needs to be preempted and removed.

DRAFT

Set Date and Time for Next

The next meeting was scheduled for September 3, 2014, at noon in Orem.

The meeting adjourned at 1:16 p.m.

CITY OF OREM **CITY COUNCIL MEETING** JULY 8, 2014	
REQUEST:	**ORDINANCE - Amending Section 22-11-16(E)(5) of the Orem City Code pertaining to building orientation in the PD-4 zone.**
APPLICANT:	Development Services
FISCAL IMPACT:	None

NOTICES:
-Posted in 2 public places
-Posted on City webpage
-Faxed to newspapers
-Emailed to newspapers
-Posted on State's notification website.
- Mailed 140 notifications to properties within 500' of the PD-4 zone on June 11, 2014.

SITE INFORMATION:

- General Plan
  Community Commercial
- Current Zone
  PD-4
- Acreage
  8.88
- Neighborhood
  Orchard
- Neighborhood Chair
  Brook & Danette Gardner

PREPARED BY:
Clinton A. Spencer
Planner

PLANNING COMMISSION RECOMMENDATION:
6-0 for approval

REQUEST:

Development Services requests the City Council, by ordinance, amend Section 22-11-16(E)(5) of the Orem City Code pertaining to building orientation in the PD-4 zone.

BACKGROUND:

The PD-4 zone is located on the south east corner of the intersection of 800 East and 800 North. It is the current location of Harmon's grocery store and The Orchards Shopping Center. At the time the overall site plan and zone was approved for Harmon's and the existing shopping center, two (2) pad sites were also approved. One of those pad sites has developed into the Harmon's gas station. The pad site to the west has been vacant for years. There is an application for a new Dairy Queen proposing to locate on the vacant pad site.

The PD-4 ordinance currently does not allow buildings to face east or south. This standard was put in the ordinance so that the existing buildings could not face into a residentially zoned area at the time of development, but would instead face towards 800 North and 800 East, both major collector streets. The major entrances and facades of the existing building all face north. The PD-4 zone is enclosed by a seven foot (7') masonry wall on the east and south sides which shields the commercial building elevations from the residential areas.

The proposed amendment would allow buildings to face any direction, except south. This would allow the proposed Dairy Queen to develop their site with a more architecturally pleasing east building elevation, which includes an entrance.

Advantages:

- Provides more building elevation options
- Improves the façades of east facing elevations to include more attractive entrance features

Disadvantages:

- None determined

RECOMMENDATION:

The Planning Commission recommends that the City Council approve this request. Based on the advantages outlined above, staff also recommends the approval of the proposed amendments.

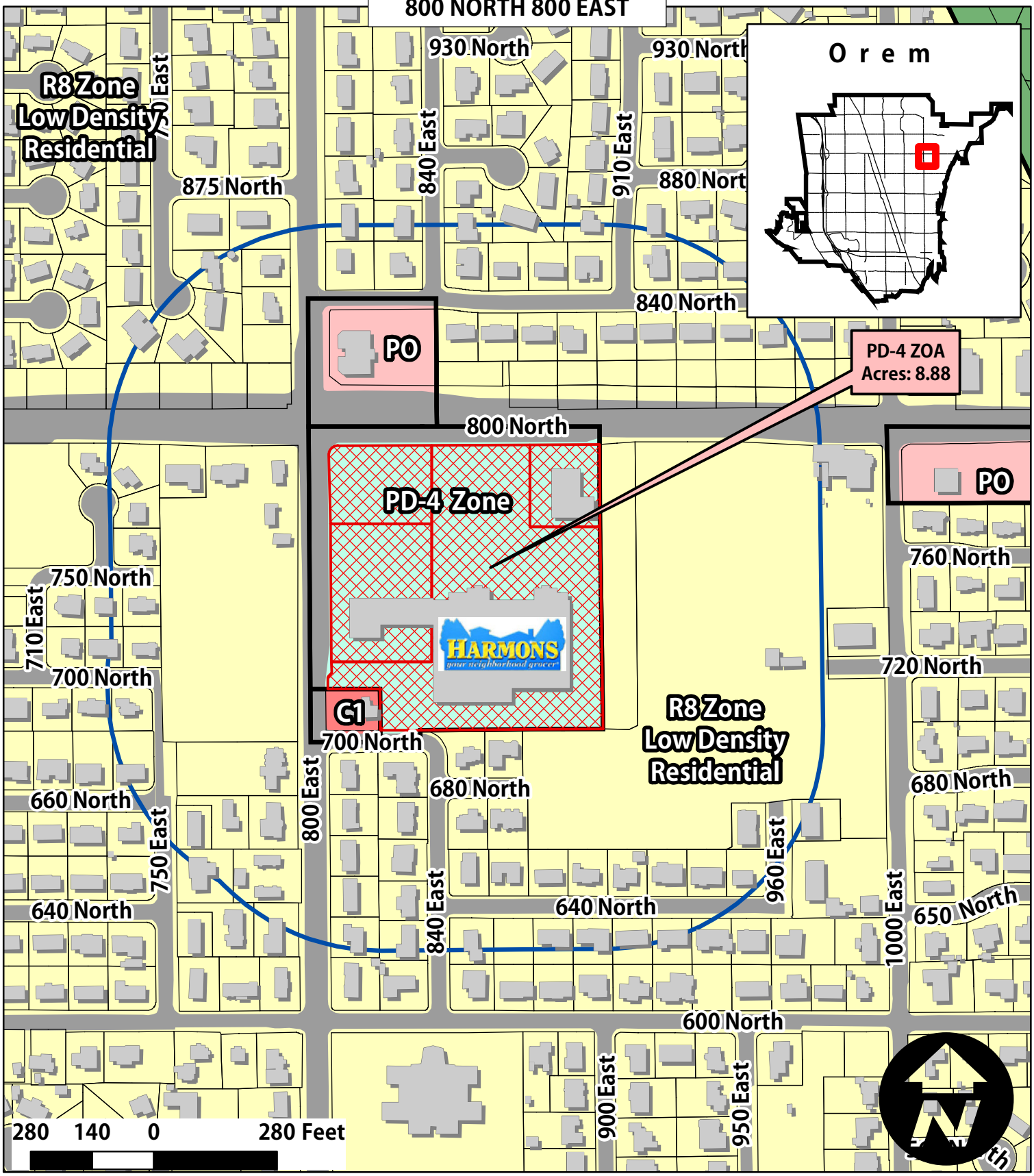
The proposed amendments are outlined below:

22-11-16(E)(5)

5. **Building Orientation.** No building shall face ~~east or~~ south. The only building accesses permitted toward the north and south residential zones shall be emergency accesses only as required by the Uniform Building and Fire Codes.

PD-4 Zone

800 NORTH 800 EAST



PD-4 Zoning Ordinance Amendment:
Acres 8.88

NIA CONTACT:
Orchard Neighborhood
Brook and Dannette Gardner

Legend
- Buildings
- PD-4 Zone
- Notification Boundary
- Parcels

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTION 22-11-16(E)(5) OF THE OREM CITY CODE PERTAINING TO BUIDLING ORIENTATION IN THE PD-4 ZONE.

WHEREAS on May 6, 2014, Development Services filed an application with the City of Orem requesting that the City amend Section 22-11-16(E)(5) of the Orem City Code pertaining to building orientation in the PD-4 zone; and

WHEREAS the proposed amendments to Section 22-11-16(E)(5) will allow buildings in the PD-4 zone to face east; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on June 18, 2014 and the Planning Commission forwarded a positive recommendation to the City Council; and

WHEREAS a public meeting considering the subject application was held before the City Council on July 8, 2014; 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; and the effect upon the surrounding neighborhood.

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

1. The City Council finds that this request is in the best interest of the City because it will allow greater flexibility in the development and improvement of property in the PD-4 zone.

2. The City Council hereby amends Section 22-11-16(E)(5) of the Orem City Code pertaining to building orientation in the PD-4 zone to read as follows:

22-11-16(E)(5)

5. Building Orientation. No building shall face south. The only building accesses permitted toward the north and south residential zones shall be emergency accesses only as required by the Uniform Building and Fire Codes.

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

4. All ordinances, resolutions or policies in conflict herewith are hereby repealed.

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

PASSED and APPROVED this **8th** day of **July** 2014.

Richard F. Brunst, Jr., Mayor

ATTEST:

Donna R. Weaver, City Recorder

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

DRAFT PLANNING COMMISSION MINUTES – JUNE 18, 2014

AGENDA ITEM 3.4 is a request by Development Services to recommend the City Council amend **SECTION 22-11-16(E)(5)** ***PERTAINING TO BUILDING ORIENTATION IN THE PD-4 ZONE*** of the Orem City code.

Staff Presentation: The PD-4 zone is located on the south east corner of the intersection of 800 East and 800 North. It is the current location of Harmon's grocery store and shopping center. At the time the overall site plan and zone was approved for Harmon's and the existing shopping center, two (2) pad sites were also approved. One of those pad sites has developed into the Harmon's gas station. The pad site to the west has been vacant for years. There is an application for a new Dairy Queen to locate on the vacant pad site. The application has been approved by the Development Review Committee (DRC) and will be presented to the Planning Commission today for approval.

The PD-4 ordinance currently does not allow buildings to face east or south. This standard was put in the ordinance so that the existing buildings could not face into a residentially zoned area at the time of development, but would instead face towards 800 North and 800 East, both major collector streets. The major entrances and facades of the existing building all face north.

The proposed amendment would allow for all buildings to face any direction, except south. This would allow the proposed Dairy Queen to develop their site with a more architecturally appealing east building elevation, which includes an entrance.

Advantages:

- Provides more building elevation options
- Improves the façades of east facing elevations to include more attractive entrance features

Disadvantages:

- None determined

Recommendation: City staff recommends the Planning Commission consider the amendments to the PD-4 zone as requested by the applicant and forward a positive recommendation to the City Council.

The proposed amendments are outlined below:

22-11-16(E)(5)

1. **Building Orientation.** No building shall face ~~east or~~ south. The only building accesses permitted toward the north and south residential zones shall be emergency accesses only as required by the Uniform Building and Fire Codes.

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

Mr. Whetten asked what the General Plan is for the orchard to the east of this parcel. Mr. Spencer said it is low density residential.

Vice Chair Walker said he understands why it has the current wording, but the property has developed and this change makes a lot of sense. Mr. Spencer added there is a seven foot masonry wall along the east and south of the Harmon's development, which will block any view from the residential 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.

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

Planning Commission Action: Ms. Jeffreys said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to recommended the City Council amend Section

22-11-16(E)(5) pertaining to building orientation in the PD-4 zone of the Orem City Code. Mr. Whetten seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

DRAFT

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: Development Services | Phone:

Address: 56 N State St | FAX:

City: Orem | State: UT | Zip: 84057 | e-mail:

PROJECT INFORMATION

Project Name: 20A - PD-4; 22-11-16(5) Building Orientation

Project Address:

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: | Contact Person Name: | Phone:

OFFICE USE ONLY

Date Filed: 5-5-14 | 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.

Orem City Public Hearing Notice

Planning Commission
Wednesday, June 18, 2014
4:30 PM, City Council Chambers
56 North State Street

City Council
Tuesday, July 8 2014
6:20 PM, City Council Chambers
56 North State Street

Development Services requests the City approve an amendment to Section 22-11-16(5) of the Orem City Code pertaining to building orientation in the PD-4 zone located generally at 800 East 800 North. The amendment would allow buildings to face east and have an east facing entrance. The proposed text change is on the reverse of this notice. Please call before the meeting with any questions or concerns.

For more information, special assistance or to submit comments, contact Clinton Spencer at caspencer@orem.org or 801-229-7267.

22-11-16(E)(5)

5. **Building Orientation.** No building shall face ~~east or~~ south. The only building accesses permitted toward the north and south residential zones shall be emergency accesses only as required by the Uniform Building and Fire Codes.

STRATTON, FRANKLIN K & JANET O (ET AL)
PO BOX 1429
OREM, UT 84059

RUSCHE, HEINZ HERMANN & MARIA DEL CARMEN
PO BOX 73
OREM, UT 84059

UTAH DEPARTMENT OF TRANSPORTATION
PO BOX 148420
SALT LAKE CITY, UT 84114

PROVO CITY COMM. DEV.
PO BOX 1849
PROVO, UT 84603

CENTURY LINK
75 EAST 100 NORTH
PROVO, UT 84606

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

BAADSGAARD, JED L & NALANI R
33 N 1200 E
LINDON, UT 84042

PARCELS AT THE ORCHARDS THE LLC
%SCHROBSDORFF, PHYLLIS
211 GOUGH ST STE 206
SAN FRANCISCO, CA 94102

KRISTIE SNYDER
56 N STATE STREET
OREM, UT 84057

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

DOAN, DUCTOAN THANH (ET AL)
471 S 1230 W
OREM, UT 84058

MOUNTAIN FUEL SUPPLY COMPANY
79 S STATE
SALT LAKE CITY, UT 84147

LINDON CITY
PLANNING DEPARTMENT
100 NORTH STATE STREET
LINDON, UT 84042

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

TOWN OF VINEYARD
240 E. GAMMON ROAD
VINEYARD, UT 84058

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

JOHNSON, DEAN D & BRENDA B
628 N 840 E
OREM, UT 84097

MASSEY, HEATHER T & DOUGLAS E
525 N 900 E
LINDON, UT 84042

LS RENTALS LLC
532 E 1600 N
MAPLETON, UT 84664

HILL, JEREL D & VICKIE F
640 N 960 E
OREM, UT 84097

MAG
586 EAST 800 NORTH
OREM, UT 84097

BRADY, BRYANT LAMAR & GLADYS BENSON
625 N 840 E
OREM, UT 84097

GILBERT, JAMES A & SHELLY S
646 N 750 E
OREM, UT 84097

MARTINEZ, SERGIO
632 N 800 E
OREM, UT 84097

WALLACE, JOHN FREDRICK & CAROLYN JOYCE
639 N 840 E
OREM, UT 84097

BAADSGAARD, JED L & NALANI R
--OR CURRENT RESIDENT--
652 N 750 EAST
OREM, UT 84097

HARDMAN, SHAWN & ELIZABETH
642 N 750 E
OREM, UT 84097

BAWDEN, NATHAN
645 N 800 E
OREM, UT 84097

SMITH, DANIEL S
658 N 750 E
OREM, UT 84097

BUNKER, KIM L & DONA
646 N 800 E
OREM, UT 84097

MOORE, ALAN J & TAMRA
651 N 800 E
OREM, UT 84097

HILL, JEREL D & VICKIE F
--OR CURRENT RESIDENT--
664 N 960 EAST
OREM, UT 84097

PERRY, ALLEN J & ANN S
653 N 840 E
OREM, UT 84097

HILL, JEREL D & VICKIE F
--OR CURRENT RESIDENT--
654 N 840 EAST
OREM, UT 84097

LS RENTALS LLC
--OR CURRENT RESIDENT--
676 N 800 EAST
OREM, UT 84097

ABBOTT, KAREN (ET AL)
663 N 960 E
OREM, UT 84097

DURFEY, DIXIE W
664 N 800 E
OREM, UT 84097

POWERS, BURKE C & EMILY A
693 N 750 E
OREM, UT 84097

SOMMERFELDT, VERN & JUDITH M
667 N 840 E
OREM, UT 84097

LOCKE, JOHN JOSEPH & ELLARAYE
675 N 800 E
OREM, UT 84097

HARDING, JOSHUA J
728 E 750 N
OREM, UT 84097

DENT, RALPH C & LINDA K
685 N 840 E
OREM, UT 84097

BROWN, JOSEPH R & CHARLOTTE
688 N 800 E
OREM, UT 84097

KNOWLES, KELLIE C (ET AL)
742 E 750 N
OREM, UT 84097

DAN UTLEY FAMILY LC
695 N 800 E
OREM, UT 84097

SMITH, NATHAN R & ANGELA
726 E 700 N
OREM, UT 84097

FARLEY, KYLE E & ANGELA
747 E 660 N
OREM, UT 84097

MASSEY, HEATHER T & DOUGLAS E
--OR CURRENT RESIDENT--
731 E 700 NORTH
OREM, UT 84097

YOUNG, MARY ANN
741 E 750 N
OREM, UT 84097

ROBINSON, TODD R
778 N 730 E
OREM, UT 84097

HEAL, BRITTANY M
743 E 700 N
OREM, UT 84097

HAUZEN, MARK T & JOAN M
744 E 660 N
OREM, UT 84097

BARKER, LLOYD L & PHILYS L
--OR CURRENT RESIDENT--
792 E 800 NORTH
OREM, UT 84097

BARKER, LLOYD L & PHILYS L
764 E 800 N
OREM, UT 84097

FORD, TAMMY D
770 N 730 E
OREM, UT 84097

ORCHARDS SHOPPING CENTER LLC THE
--OR CURRENT RESIDENT--
820 E 800 NORTH
OREM, UT 84097

POOLE, GREG W & TRISHA
779 N 730 E
OREM, UT 84097

ATWATER, CATHERINE
786 E 875 N
OREM, UT 84097

RUFFELL, FRANK
831 N 800 E
OREM, UT 84097

PARCELS AT THE ORCHARDS THE LLC
--OR CURRENT RESIDENT--
810 E 800 NORTH
OREM, UT 84097

YADON, SAMUEL L & CAROL ANN H
811 E 700 N
OREM, UT 84097

RESIDENTIAL MANAGEMENT GROUP LC
--OR CURRENT RESIDENT--
846 E 840 NORTH
OREM, UT 84097

DAVIS PROPERTIES II LLC
--OR CURRENT RESIDENT--
825 E 800 NORTH
OREM, UT 84097

PHILLIPS, GORDON T & JACKIE B
829 N 750 E
OREM, UT 84097

DAVIDSON, KEITH ERIC & CHRISTINA MARLENE (ET AL)
850 E 680 N
OREM, UT 84097

SMITH, DAVID J & RENA B
832 N 750 E
OREM, UT 84097

ANAYA, JAIME
836 N 750 E
OREM, UT 84097

WIMMER, COTA L
852 N 800 E
OREM, UT 84097

DOAN, DUCTOAN THANH (ET AL)
--OR CURRENT RESIDENT--
847 N 800 EAST
OREM, UT 84097

MOSS, LAVELLE R
--OR CURRENT RESIDENT--
848 N 750 EAST
OREM, UT 84097

RESIDENTIAL MANAGEMENT GROUP LC
853 S 890 E
OREM, UT 84097

EGGETT, RYAN & ANGELA
851 E 680 N
OREM, UT 84097

YERITSYAN, ARTUR
851 N 840 E
OREM, UT 84097

EDMUNDS HOMESTEAD LLC
863 E 600 N
OREM, UT 84097

WOOD, JUSTIN G & TAWNY J
852 N 840 E
OREM, UT 84097

HANSEN, MARY ANN
852 N 910 E
OREM, UT 84097

MCCABE, SHIRLEY M
863 N 910 E
OREM, UT 84097

RUSCHE, HEINZ HERMANN & MARIA DEL CARMEN
--OR CURRENT RESIDENT--
858 E 840 NORTH
OREM, UT 84097

GREENE, CRAIG H & MARY JEANNE
--OR CURRENT RESIDENT--
862 N 840 EAST
OREM, UT 84097

OKAWA, THEODORE H & SHIZUKA S
868 E 880 N
OREM, UT 84097

ALTAMIRANO, DAVID & JENNIFER MARIE
863 E 680 N
OREM, UT 84097

SANCHEZ, RAUL M & JOSEFINA
863 E 840 N
OREM, UT 84097

JUDD, DAVID B & SHERRY B
870 E 840 N
OREM, UT 84097

GOODRICH, PAUL & SHAWNNA K
864 E 680 N
OREM, UT 84097

SMITH, ERIN K
867 E 640 N
OREM, UT 84097

RESIDENTIAL MANAGEMENT GROUP LC
--OR CURRENT RESIDENT--
878 N 800 EAST
OREM, UT 84097

NAU, DAVID L & DAWN E
868 N 910 E
OREM, UT 84097

ORCHARDS SHOPPING CENTER LLC THE
--OR CURRENT RESIDENT--
870 E 800 NORTH
OREM, UT 84097

PYNE, JARED R & KRISTI A
881 E 640 N
OREM, UT 84097

RIDDLE, JAMES L & ASHLEY
875 E 840 N
OREM, UT 84097

RESIDENTIAL MANAGEMENT GROUP LC
878 N 800 E
OREM, UT 84057

HARMON CITY INC
--OR CURRENT RESIDENT--
880 E 800 NORTH
OREM, UT 84097

ROBINSON, TY SCOTT & JAMIE D
882 E 640 N
OREM, UT 84097

NUTTALL, COLLEEN P
887 E 840 N
OREM, UT 84097

CHASE, KENNETH WAYNE & GLORIA GRANT
--OR CURRENT RESIDENT--
894 E 840 NORTH
OREM, UT 84097

READ, ERIC L & LORI
909 E 640 N
OREM, UT 84097

CORRIGAN, SUSAN L
920 E 840 N
OREM, UT 84097

STEWART COWLEY
CANYON VIEW NEIGHBORHOOD CHAIR
928 N 510 EAST
OREM, UT 84097

JARVIS, BRIAN L & CATHY M
934 E 880 N
OREM, UT 84097

DAVIS, CAMERON & JAIME
942 E 840 N
OREM, UT 84097

JACOBS, JAMES S & LINDA B
882 E 840 N
OREM, UT 84097

UTAH DEPARTMENT OF TRANSPORTATION
--OR CURRENT RESIDENT--
893 E 800 NORTH
OREM, UT 84097

SMITH, BRADLEY D
895 E 640 N
OREM, UT 84097

RICHARD F. BRUNST, JR.
900 E HIGH COUNTRY DR.
OREM, UT 84097-2389

DEAN, CHRISTIAN J
910 E 640 N
OREM, UT 84097

YOUNG, WILLIAM J & SHERRY L
923 E 640 N
OREM, UT 84097

BAHENA, ANGEL
--OR CURRENT RESIDENT--
932 E 840 NORTH
OREM, UT 84097

DUNFORD, JAMES D & JEAN N
937 E 640 N
OREM, UT 84097

BELL, KRISTI A
943 E 840 N
OREM, UT 84097

SMILEY, MARK R & ELAINE
954 E 840 N
OREM, UT 84097

REID, DONNA F
879 N 840 E
OREM, UT 84097

UTAH DEPARTMENT OF TRANSPORTATION
--OR CURRENT RESIDENT--
881 E 800 NORTH
OREM, UT 84097

PHILLIPS, DOUGLAS O & REBECCA
882 E 880 N
OREM, UT 84097

CHASE, KENNETH WAYNE & GLORIA GRANT
894 E 840 N
OREM, UT 84059

HAMMER, SHARON E & RODERICK M
896 E 640 N
OREM, UT 84097

ABBOTT, KAREN (ET AL)
--OR CURRENT RESIDENT--
902 E 800 NORTH
OREM, UT 84097

UTAH DEPARTMENT OF TRANSPORTATION
--OR CURRENT RESIDENT--
919 E 800 NORTH
OREM, UT 84097

GOODRICH, PHILLIP C & MARLENE M
924 E 640 N
OREM, UT 84097

CHRISTIANSEN, MARY S
--OR CURRENT RESIDENT--
933 E 840 NORTH
OREM, UT 84097

HAMMOND, KRISTINE
--OR CURRENT RESIDENT--
938 E 640 NORTH
OREM, UT 84097

EDWARDS, JARED & ERICA J
--OR CURRENT RESIDENT--
951 E 640 NORTH
OREM, UT 84097

CHRISTIANSEN, MARY S
1045 PALOS VERDES DR
OREM, UT 84058

EDWARDS, JARED & ERICA J
951 E 640 N
OREM, UT 84058

UTAH DEPARTMENT OF
TRANSPORTATION
--OR CURRENT RESIDENT--
969 E 800 NORTH
OREM, UT 84097

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

WEAVER, MICHAEL S & DIANE
966 E 840 N
OREM, UT 84097

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057

UTOPIA
2175 S REDWOOD ROAD
WEST VALLEY CITY, UT 84119

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

ORCHARDS AT 800 NORTH LC
2157 S HIGHLAND DR # 200
SALT LAKE CITY, UT 84106

ORCHARDS SHOPPING CENTER LLC
THE
3540 S 4000 W # 430
SALT LAKE CITY, UT 84120

HAMMOND, KRISTINE
2147 SHADOW WOOD DR
LEHI, UT 84043

MOSS, LAVELLE R
2969 IROQUOIS DR
PROVO, UT 84604

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

BAHENA, ANGEL
%GOMM, CHRISTOPHER
2427 W 880 N
PROVO, UT 84601

OLSEN, DONALD (ET AL)
3872 N COVE DR
PROVO, UT 84604

COMCAST
9602 SOUTH 300 WEST
SANDY, UT 84070

HARMON CITY INC
3540 S 4000 W
WEST VALLEY CITY, UT 84120

GREENE, CRAIG H & MARY JEANNE
6246 W 10050 N
HIGHLAND, UT 84003

DAVIS PROPERTIES II LLC
4626 N 300 W STE 350
PROVO, UT 84604

Project Timeline

Project: PD-4 ZOA - 800 East 800 North

1. Neighborhood Meeting held by applicant on: N/A
2. DRC Application Date: 5/6/14
3. Obtained Development Review Committee Clearance on: 5/12/14 by: CAS
4. Publication notice for PC sent to Recorders office on: 5/27/14 by: CAS
5. Neighborhood notice (300') for Planning Commission mailed on: 6/11/14 by: CAS
6. Planning Division Manager received neighborhood notice on: 6/13/14
7. Property posted for PC on: 6/14/14 by: DRS Removed on : _____
8. Planning Commission recommended approval / denial on : 6/18/14
9. Publication notice for CC sent to Recorders office on: 5/27/14 by: CAS
10. Neighborhood notice (300') for City Council mailed on: 6/11/14 by: CAS
11. Planning Division Manager received neighborhood notice on: 6/13/14
12. Property Posted for City Council on: 6/14/14 by: DRS Removed: _____
13. City Council Approved / Denied on: _____

CITY OF OREM CITY COUNCIL MEETING JULY 8, 2014	
REQUEST:	**RESOLUTION - Conditional Use Permit and Site Plan Approval - Dairy Queen - 810 East 800 North in the PD-4 Zone**
APPLICANT:	John Bylund
FISCAL IMPACT:	None

NOTICES:
-Posted in 2 public places
-Posted on City webpage
-Faxed to newspapers
-Emailed to newspapers
-Posted on State's notification website.
-Mailed 104 notices to properties within 500 feet of the project on June 11, 2014.

SITE INFORMATION:

- General Plan
  Community Commercial
- Current Zone
  PD-4
- Acreage
  2.59
- Neighborhood
  Orchard
- Neighborhood Chair
  Brook & Danette Gardner

PREPARED BY:
Clinton A. Spencer
Planner

PLANNING COMMISSION RECOMMENDATION:
6-0 for approval

REQUEST:
John Bylund has requested the City, by resolution, approve a conditional use permit and site plan for Dairy Queen at 810 East 800 North in the PD-4 zone.

BACKGROUND:
Dairy Queen was previously located on 800 North, east of the Macey's grocery store for over twenty-five (25) years. In 2007, a street widening project forced the closure of the store and the owners felt it was time to let the business go. After not having a Dairy Queen in the City for the last seven years, the applicant, who owns and runs the Dairy Queen in Santaquin, proposes to construct a new restaurant on an existing pad site in the Orchards Shopping Center located at the above address. According to the PD-4 ordinance, a conditional use permit is required for any use with a drive-up or drive through window.

Architecture: The proposed building contains approximately 3,104 square feet and will be twenty-one feet (21') high. Building elevations show the exterior to be finished with stucco, cultured stone and colored metal paneling with several window and door openings as well as decorative sign display areas. The proposed building materials are not specifically listed as approved materials in the PD-4 zone, however, the ordinance allows the Planning Commission to approve other materials that are not specifically listed, but are still in harmony with the existing buildings in the zone. The Planning Commission has reviewed the elevations and recommended the proposed elevations be approved as part of the site plan. The existing Harmon's store and adjoining buildings part of the Orchards Shopping Center contain stucco and metal elements.

The building elevations for the proposed Dairy Queen show an entrance on the east side of the building, which is currently not allowed. A proposal for a zoning ordinance amendment has been made by Development Services and the Planning Commission has recommended approval. The City Council will consider an amendment to the current PD-4 ordinance to allow buildings to face east as proposed.

Parking: A previously approved site plan for the Orchards Shopping Center required a total of 441 stalls for the entire site. Currently there are 491 stalls. Some existing perpendicular parking stalls to the east and north of the

proposed building will be repainted as diagonal (45 degree) parking stalls and will function as one-way traffic around the drive-thru sides of the building. This change in parking stalls decreases the overall number of stalls by a total of fourteen (14). Including the stalls lost as part of the diagonal parking configuration, the overall site contains 477 total stalls, 67 of which are allocated for the restaurant, but act as shared parking for the entire site.

Fencing: No fencing is proposed.

Landscaping: The existing landscaped island north of the proposed building will be expanded to run the entire length of the drive-thru area and the other island adjacent to the existing pad site will remain as landscaping. All landscaping requirements have been met with the existing site. The site plan includes a large outside dining area located to the east of the new restaurant.

Dumpster: The dumpster will be located to the south of the building and will be enclosed on all sides and match the proposed building materials as required by code.

Transportation/Engineering: No transportation issues or concerns have been identified.

Conditional Use Considerations: According to Section 22-4-4 there are several factors to consider regarding conditional uses. The following factors apply to the proposed fast food restaurant:

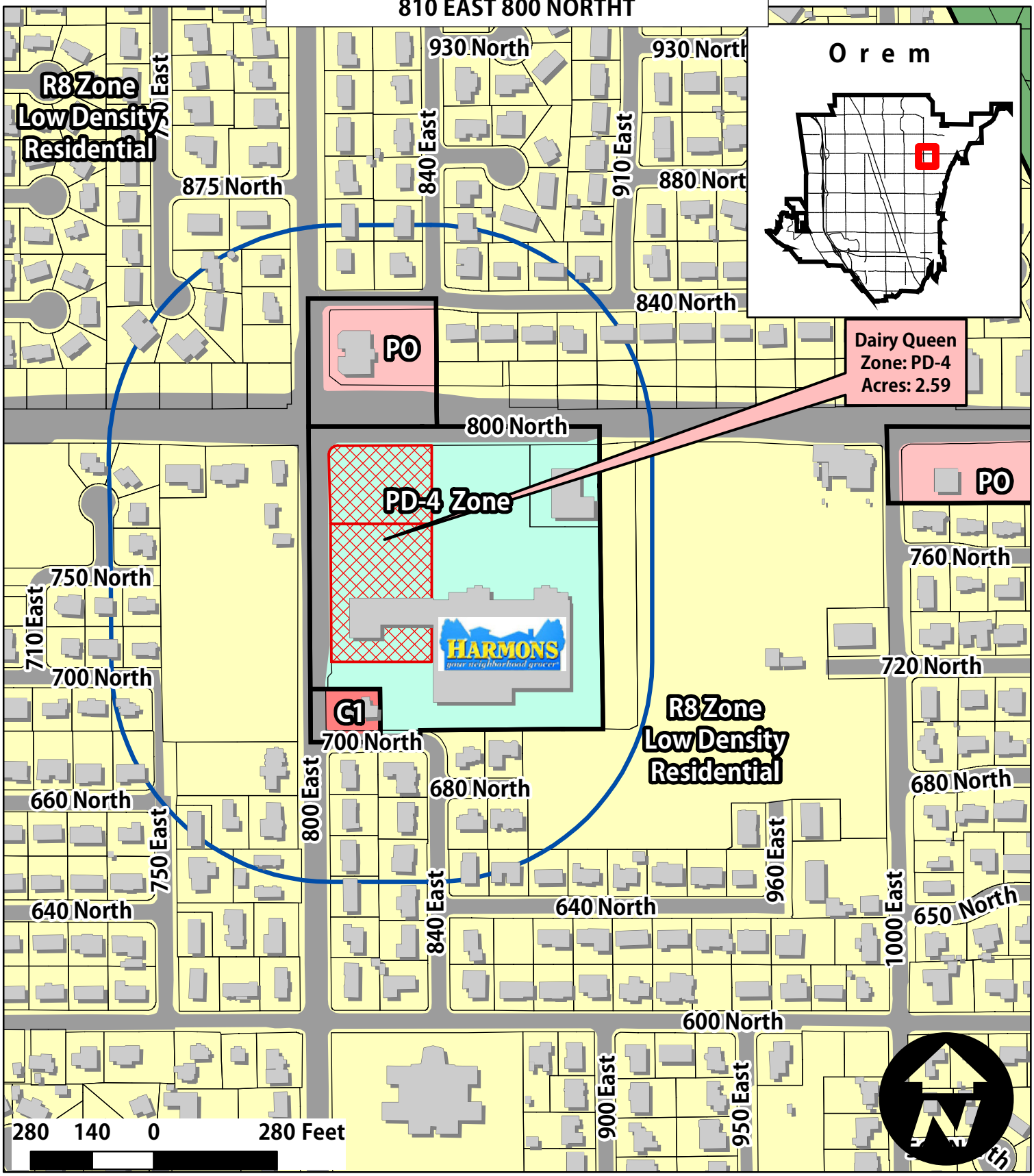
- It is in harmony with the master plan and zoning ordinance objectives by providing a shopping convenience in the area.
- It is in harmony with existing uses in the neighborhood and with other uses such as a restaurant, gas station, and other stores of convenience located within the same shopping center.
- It will have a positive economic and aesthetic impact on the neighborhood by building an attractive building on a vacant lot.
- It improves traffic flow through the development by repainting the parking stalls adjacent to the drive-thru window to provide a wider access lane in that location.
- The subject property is suitable for the proposed use as other convenience-related businesses are situated nearby.
- The applicant has worked with the current owners of businesses located in the shopping center as the project has developed, specifically as it relates to the location of the dumpster.

RECOMMENDATION:

The Planning Commission recommends that the City Council approve this request. Based on the Planning Commission recommendation and compliance with the standards outlined in the PD-4 zone, staff also recommends approval of the request.

Dairy Queen Site Plan

810 EAST 800 NORTHT



Dairy Queen Site Plan:
PD-4 Zone; 2.59 Acres.

NIA CONTACT:
Orchard Neighborhood
Brook and Dannette Gardner

Legend
- Buildings
- Dairy Queen
- Notification Boundary
- Parcels

Proposed Dairy Queen
800 North
800 East
840 North
840 East
910 East
700 North
680 North
640 North
HARMONS
your neighborhood grocer
1 inch = 145.52 feet
150 75 0 150 Feet
139 W
786 E
848 N
847 N
831 N
836 N
832 N
773 E
795 E
852 N
851 N
852 N
863 E
875 E
887 E
852 N
933 E
825 E
846 E
858 E
870 E
882 E
894 E
920 E
932 E
869 E
869 E
881 E
893 E
919 E
931 E
869 E
881 E
893 E
919 E
931 E
810 E
880 E
792 E
820 E
868 E
902 E
1130 E
811 E
851 E
863 E
695 N
688 N
685 N
676 N
667 N
658 N
675 N
652 N
664 N
653 N
646 N
651 N
639 N
850 E
864 E
640 N
867 E
881 E
895 E
909 E
923 E
937 E

DRAFT

RESOLUTION NO. _____

A RESOLUTION BY THE OREM CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT AND SITE PLAN FOR DAIRY QUEEN AT 810 EAST 800 NORTH IN THE PD-4 ZONE.

WHEREAS on May 5, 2014, John Bylund filed an application with the City of Orem requesting that the City approve a conditional use permit and site plan for Dairy Queen at 810 East 800 North in the PD-4 zone; and

WHEREAS the proposed conditional use permit would allow the applicant to construct a fast food restaurant in the PD-4 zone with a drive-through or drive-up window; and

WHEREAS a public meeting considering the subject application was held by the Planning Commission on June 18, 2014, and the Planning Commission forwarded a positive recommendation to the City Council; and

WHEREAS the City posted the City Council agenda in the Orem Public Library, the Orem City Webpage, and the City Offices at 56 North State Street; and

WHEREAS a public meeting considering the subject application was held before the City Council on July 8, 2014; 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; and the compliance of the request with all applicable City ordinances.

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

1. The City Council finds that this request complies with the requirements of the PD-4 zone, will promote economic development in the City and will in all other respects be in the best interest of the City.

2. The City Council hereby approves a conditional use permit to operate a restaurant with a drive-through or drive-up window and a site plan for Dairy Queen at 810 East 800 North in the PD-4 zone as shown on Exhibit “A” attached hereto and incorporated herein by reference.

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

4. All resolutions or policies in conflict herewith are hereby repealed.

5. This resolution shall take effect immediately upon passage.

DRAFT

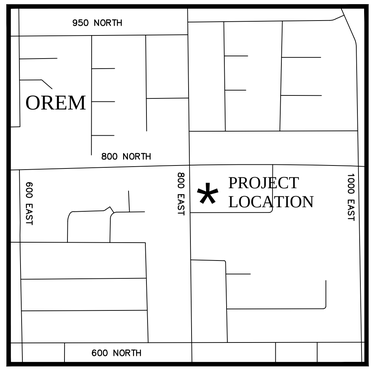
PASSED, APPROVED this **8th** day of **July** 2014.

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

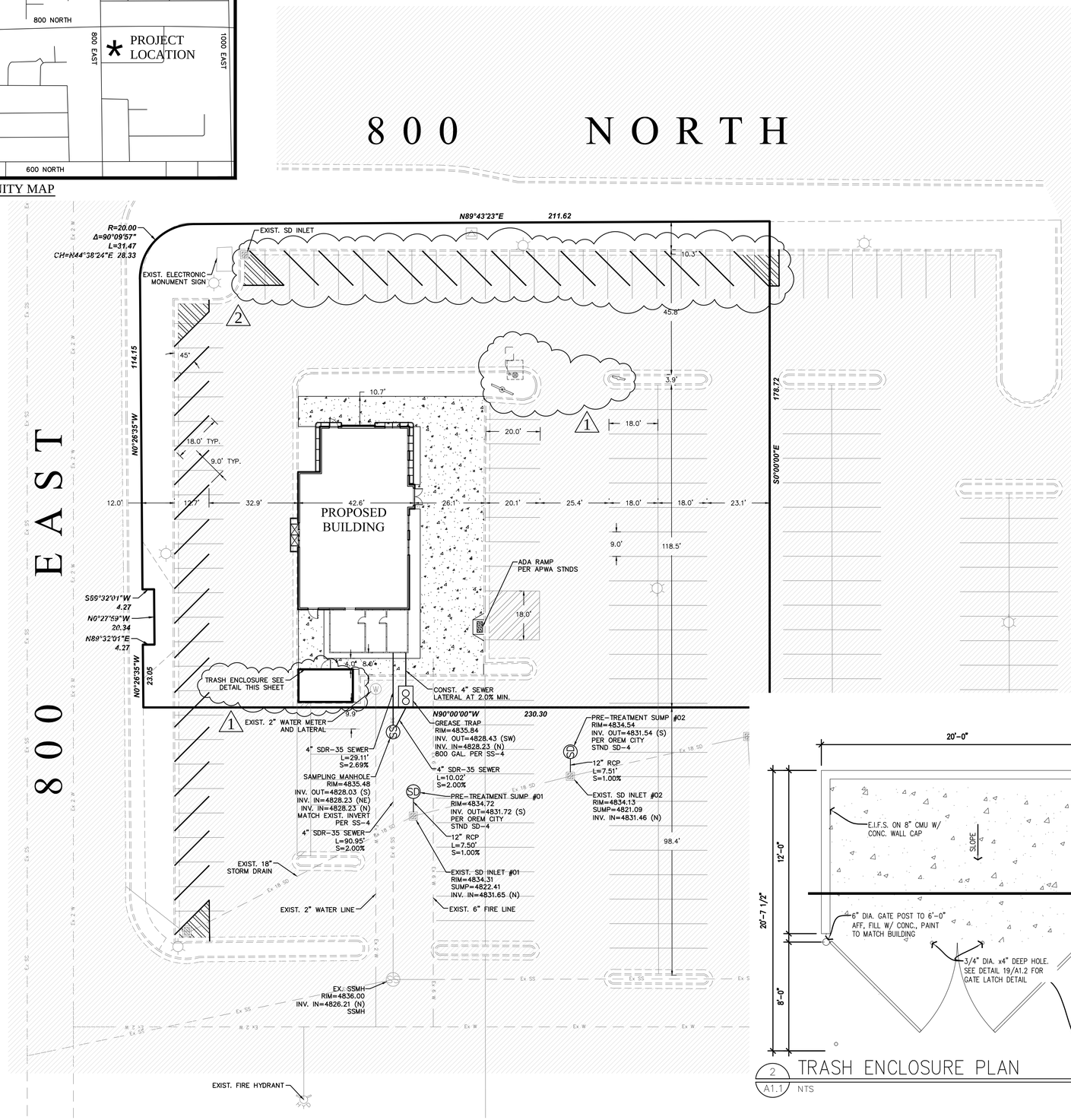
_____
Donna R. Weaver, City Recorder

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



VICINITY MAP
N.T.S

EXHIBIT "A"



NOTES

1. THE FIRE PROTECTION ITEMS (FIRE HYDRANTS, WATER MAINS, ACCESS ROADS, ETC.) SHOWN ON THIS SITE PLAN ARE PRELIMINARY ONLY. DETAILED FIRE PROTECTION PLANS SHALL BE SUBMITTED WITH THE BUILDING PLANS. PLAN REVIEWS BY THE CITY OF OREM FIRE PREVENTION BUREAU SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. THE PLAN REVIEWS BY THE CITY OF OREM FIRE PREVENTION BUREAU MAY IDENTIFY ADDITIONAL FIRE PROTECTION REQUIREMENTS MANDATED BY THE INTERNATIONAL FIRE CODE. FIRE HYDRANT FOOT VALVES SHALL BE INSTALLED AT THE CONNECTION POINT WITH THE MAIN WATER LINES.
2. ALL LANDSCAPED AREAS SHALL HAVE AN AUTOMATIC, UNDERGROUND SPRINKLING SYSTEM WHICH INCLUDES A BACK-FLOW DEVICE TO THE BUILDING. BACK-FLOW DEVICES SHALL BE INSTALLED AND TESTED IN ACCORDANCE WITH SECTION 21-1-14 OF THE OREM CITY CODE. WATER METER SIZES SHALL BE DETERMINED BY THE CITY OF OREM BUILDING DIVISION AT THE TIME OF BUILDING PERMIT APPROVAL OR WHEN THERE IS A REQUEST TO CHANGE THE WATER METER SIZE. WATER METERS SHALL BE LOCATED AT THE BACK OF SIDEWALK OR CURB IN AN AREA THAT IS ACCESSIBLE FOR READING AND SERVICING. WATER METERS SHALL NOT BE LOCATED WITHIN AREAS ENCLOSED WITH FENCES OR WITHIN TEN FEET (10') OF ANY EXISTING OR PROPOSED STRUCTURE.
3. IF REQUIRED BY CHAPTER 20 OF THE OREM CITY CODE OR BY THE APPLICANT'S PERMIT FOR INDUSTRIAL WASTEWATER DISCHARGE, A SAMPLING MANHOLE AND FAT AND OIL SEPARATOR/GREASE TRAP SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF OREM STANDARDS AND SPECIFICATIONS.
4. ALL SIGNAGE SHALL COMPLY WITH THE REQUIREMENTS OF THE OREM CITY CODE.
5. ALL UTILITIES, INCLUDING WATER AND SEWER LATERALS, WATER AND SEWER MAINS, STORM WATER DRAINS, STORM WATER SUMPS, SEWER MANHOLES, WATER VALVES, ETC., WATER LATERALS OR MAINS SHALL NOT BE LOCATED UNDER COVERED PARKING AREAS AND SHALL BE INSTALLED ACCORDING TO CHAPTER 21 OF THE OREM CITY CODE.
6. ALL ROOF DRAINAGE SHALL BE ROUTED THROUGH ON-SITE STORM WATER MANAGEMENT FACILITIES.
7. AT THE TIME OF CONSTRUCTION, THE CITY OF OREM MAY DETERMINE BASED ON PROFESSIONAL EXPERIENCE AND JUDGEMENT AND AT ITS SOLE DISCRETION, THE NEED FOR THE OWNER/DEVELOPER TO PAY FOR, REMOVE, AND REPLACE ANY EXISTING SUBSTANDARD IMPROVEMENTS SUCH AS CURBS, GUTTERS, SIDEWALKS, DRIVE APPROACHES, DRIVEWAYS, DECORATIVE CONCRETE, WHEELCHAIR RAMPS, ETC., OR ANY UNUSED DRIVE APPROACHES.
8. ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF OREM CONSTRUCTION STANDARDS AND SPECIFICATIONS UNLESS THE IMPROVEMENT IS WITHIN THE UDOT RIGHT-OF-WAY, IN WHICH CASE THE CONSTRUCTION SHALL CONFORM TO UDOT CONSTRUCTION STANDARDS AND SPECIFICATIONS.

CONTACTS

ENGINEER & SURVEYOR
FOCUS ENGINEERING & SURVEYING
502 WEST 8360 SOUTH
SANDY, UTAH 84070
(801) 352-0075
CONTACT: GREG DAY

OWNER/DEVELOPER
JOHN BYLUND
215 EAST 1600 NORTH
GENOLA, UTAH 84655
CONTACT: JOHN BYLUND
dqsantaquin@gmail.com

N

S

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

LEGEND

- BOUNDARY
- SECTION LINE
- EASEMENT
- (XXXX) EXIST. CONTOUR MAJOR
- (XXXX) EXIST. CONTOUR MINOR
- EXIST. STORM DRAIN
- EXIST. SANITARY SEWER
- EXIST. CULINARY WATER
- X X EXIST. FENCE
- [] [] EXIST. FENCE VINYL
- #5 REBAR AND CAP (FOCUS ENG) TO BE SET
- SECTION MONUMENT
- EXIST. SD INLET, MH & COMBO BOX
- EXIST. SEWER MH
- EXIST. WATER VALVE & WATER METER
- EXIST. FIRE HYDRANT
- EXIST. TELEPHONE MH
- EXIST. IRRIGATION BOX
- EXIST. STREET LIGHT
- EXIST. POWER POLE
- EXIST. SIGN
- + (XXXX.X) EXIST. SPOT ELEVATION

	SQUARE FOOTAGE	ACREAGE	PERCENT
TOTAL AREA	40981	0.94	100.0%
TOTAL BUILDING AREA	3104	0.07	7.6%
TOTAL IMPERVIOUS AREA	35375	0.81	86.3%
TOTAL LANDSCAPED AREA	5606	0.13	13.7%
TOTAL PARKING SPACES	62		

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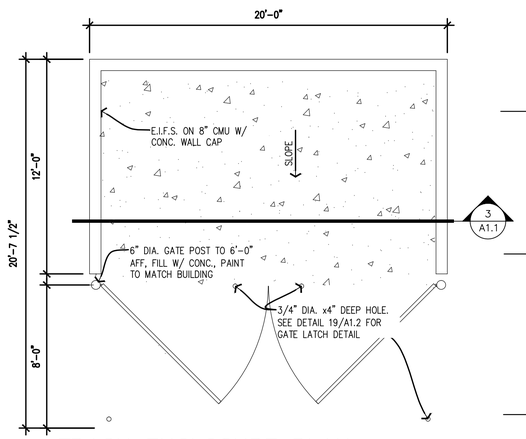
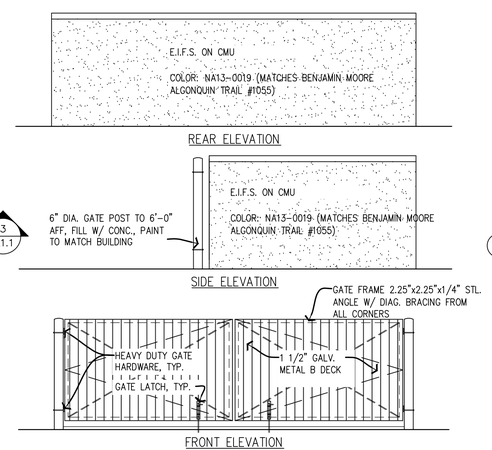
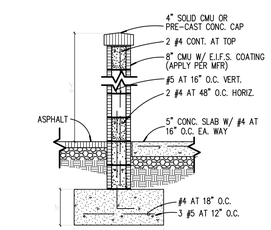


2 A1.1 TRASH ENCLOSURE PLAN
NTS



3 A1.1 TRASH ENCLOSURE ELEVATIONS
NTS



TRASH ENCLOSURE WALL
NTS
0420003F

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ENGINEERING AND SURVEYING, LLC
502 WEST 8360 SOUTH
SANDY, UTAH 84070 PH: (801) 352-0075
www.focusutah.com

OREM DAIRY QUEEN
OREM CITY, UTAH COUNTY, UTAH
SITE PLAN

REVISION BLOCK

#	DATE	DESCRIPTION
1	06/03/14	MISC. CHANGES
2	06/20/14	MISC. CHANGES
3	----	----
4	----	----
5	----	----
6	----	----

SITE PLAN

Scale:	1"=20'	Drawn:	DRP
Date:	05/27/14	Job #:	14-063
Sheet:	C01		

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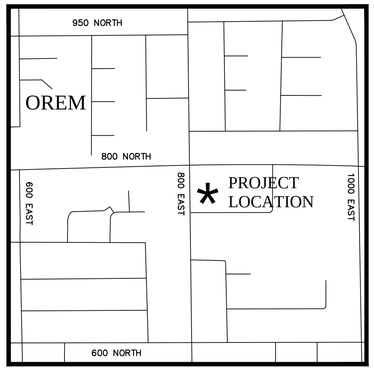
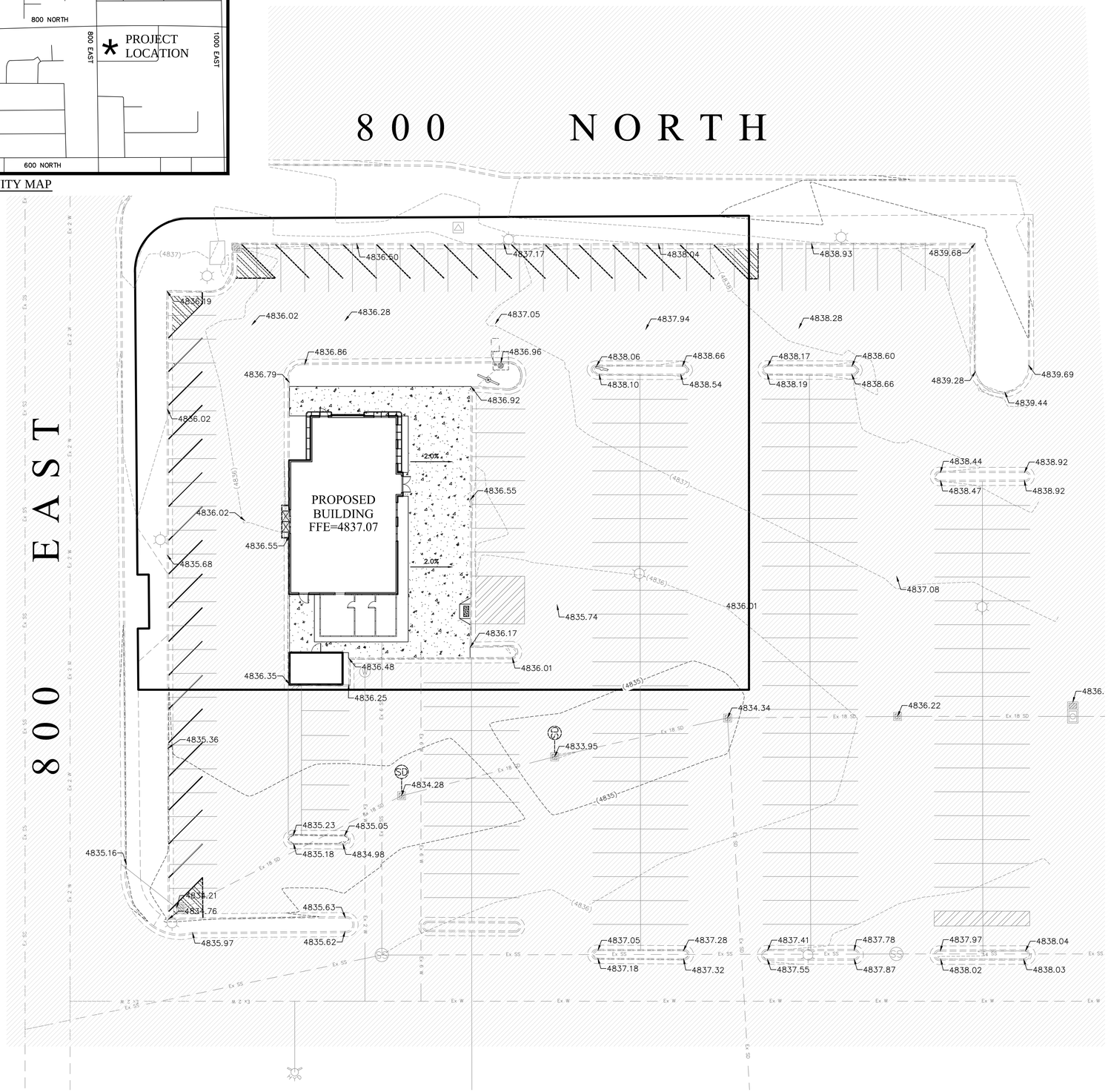


VICINITY MAP
N.T.S



N
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(IN FEET)
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LEGEND

	BOUNDARY
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	EASEMENT
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	EXIST. POWER POLE
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+ (XXXX.X)	EXIST. SPOT ELEVATION

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www.focusutah.com

OREM DAIRY QUEEN

OREM CITY, UTAH COUNTY ,UTAH

DRAINAGE PLAN

REVISION BLOCK

#	DATE	DESCRIPTION
1	----	----
2	----	----
3	----	----
4	----	----
5	----	----
6	----	----

DRAINAGE PLAN

Scale:	1"=20'	Drawn:	DRP
Date:	05/27/14	Job #:	14-063
Sheet:	C02		

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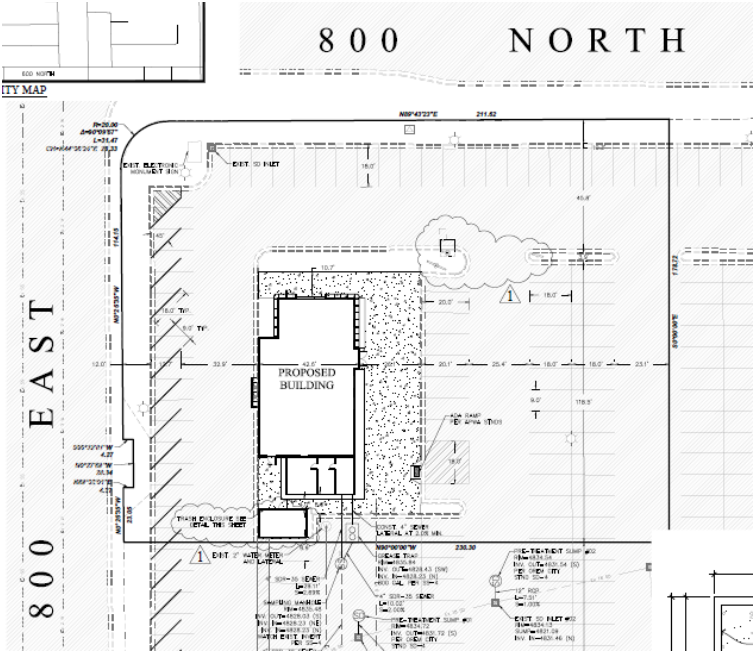

800 NORTH
800 EAST
PROPOSED BUILDING
N89°43'23"E 211.52
236.30
178.22

DRAFT PLANNING COMMISSION MINUTES – JUNE 18, 2014

AGENDA ITEM 3.5 is a request by John Bylund to recommend the City Council approve the conditional use permit for **DAIRY QUEEN** at 810 East 800 North in the PD-4 zone.

Staff Presentation: Mr. Spencer said Dairy Queen had previously been located on 800 North, just east of the Macey's grocery store for over twenty (20) years. In 2007, a street widening project forced the closure of the existing store and the owners felt it was time to let the business go. After not having a Dairy Queen located in the City for the last seven (7) years the applicant, who owns and runs the Dairy Queen in Santaquin, proposes to construct a new restaurant on an existing pad site in the Harmon's shopping center located at the above address. According to the PD-4 ordinance any use with a drive-up or drive through window, including SLU Code *5811 Fast Food*, is required to get a Conditional Use Permit.

The proposed building contains approximately 3,104 square feet. The building will be twenty-one feet (21') high. Building elevations show the exterior to be finished with stucco, and cultured stone with several window and door openings as well as decorative sign display areas. The proposed building elevations comply with the PD-4 criteria. The building elevations also show an entrance on the east side of the building, which is currently not allowed. Item 3.4 of this agenda outlines the proposed amendment to allow a building entrance on the east side of the proposed building.

A previously approved site plan for the shopping center showed a total of 441 stalls are required for the entire site. Several of the parking stalls to the east of the proposed building will be repainted as diagonal stalls to provide a wider drive for the drive-thru side of the building which decreases the overall parking stalls by nine (9) stalls. Currently there are 491 stalls. Including the stalls lost as part of the diagonal parking configuration, there will be 482 total stalls, 72 of which are allocated for the restaurant, but act as shared parking for the entire site.

The existing landscaped island north of the proposed building will be expanded to run the entire length of the drive-thru area and the other island adjacent to the existing pad site will remain and continue to be maintained. All landscaping requirements have been met with the existing site. There will be a large outside dining area located to the east of the building.

The dumpster will be located to the south of the building and will be enclosed on all sides as required by code.

According to Section 22-4-4 there are several factors to consider regarding conditional uses. The following factors apply to the proposed fast food restaurant:

A. It is in harmony with the Master Plan and Zoning Ordinance objectives by providing a shopping convenience in the area.
B. It is in harmony with existing uses in the neighborhood with other uses such as a restaurant, gas station, and other stores of convenience located within the same shopping center.
C. It will have a positive economic and aesthetic impact on the neighborhood by building an attractive building on a vacant lot.
D. It improves traffic flow through the development by repainting the parking stalls adjacent to the drive-thru window to provide a wider access lane in that location.
E. The subject property is suitable for the proposed use as other convenience related businesses are situated nearby.
F. The applicant has worked with the current owners of businesses located in the shopping center as the project has developed, specifically as it relates to the location of the dumpster.

Recommendation: Based on the compliance with the ordinance requirements as outlined above staff recommends the Planning Commission forward a positive recommendation to the City Council for the conditional use permit for a fast food restaurant in the PD-4 zone.

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

Mr. Iglesias asked if the blue is required by Dairy Queen. Mr. Spencer said the DQ seems to cover most of the blue. Mr. Iglesias said he is not sure how the others feel about the blue. Ms. Buxton said there is a blue awning on another store in the strip mall and so there should be no objection.

Chair Moulton invited the applicant to come forward. John Bylund introduced himself.

Mr. Bylund said the elevations from Dairy Queen that were sent to Mr. Spencer do not have any stone work on the bottom. He noted that on his current store in Santiquan the stone is tall in the front and on the sides and they will do the same in Orem. It looks nicer to have less stucco. Since the picture from corporate was different, Mr. Spencer clarified that the bottom portion will be stone. Mr. Bylund said yes.

Vice Chair Walker asked about their exposed freezer. Mr. Bylund said it is a Dairy Queen requirement. The stucco will match the building.

Mr. Whetten said he has a concern with the drive-thru on the north side. The west side has angled parking, which is good. He wondered why there was not angled parking on the north side. With the parking as it is it implies two-way driveway traffic. It would be better to be angled parking with a one-way all around the north and west side of the building. Mr. Bylund said that Harmon's was concerned about the number of parking spaces would be lost. Harman's needs to maintain a certain amount of parking stalls and they lost six parking spots by putting in the angled parking spots. He is not against changing, but Harmon's needs to keep enough parking stalls. Mr. Iglesias said Harmon's has lots of parking and losing a couple should be fine. Ms. Jeffreys said the angled parking would need to extend the length of the site.

Nguey Lay Schrobsdorff, owner of property, said he liked the idea of more angled parking, which will create more space for traffic movement. He had thought this earlier.

Mr. Spencer said on the approved site plan there were 491 stalls, there were 441 required and so there is an excess of 50 stalls. There will be enough parking to allow the diagonal parking stall change.

Vice Chair Walker said that would be marked as one way around the drive-thru. Mr. Bylund said yes, but people will drive how they will. He is hoping for congestion around Dairy Queen.

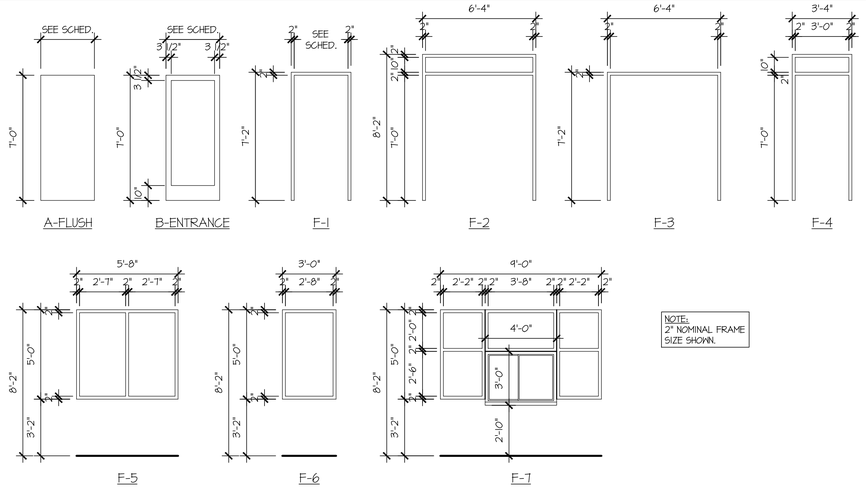
Chair Moulton asked when they will start building. Mr. Bylund said as soon as possible.

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.

Chair Moulton asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Whetten said he is satisfied that the Planning Commission has found this request complies with all applicable City codes. He then moved to recommend the City Council approve the conditional use permit for Dairy Queen at 810 East 800 North in the PD-4 zone with the added recommendation that the parking to the north be angled. Mr. Iglesias seconded the motion. Those voting aye: Becky Buxton, Carlos Iglesias, Karen Jeffreys, Lynnette Larsen, David Moulton, Michael Walker and Derek Whetten. The motion passed unanimously.

DRAFT



NOTE:
2" NOMINAL FRAME SIZE SHOWN.

OPENING SCHEDULE

NATIONAL ACCOUNT DOOR AND FRAME SUPPLIER (PLAM, WOOD AND H.M.)
HAMILTON PARKER, SEE NATIONAL VENDORS LIST

OPNG. NO.	OPENING LOCATION	DOOR/WINDOW				FRAME			FIRE RATING	HARDWARE GROUP	NOTES:
		SIZE	TYPE	MATERIAL	FINISH	TYPE	MATERIAL	FINISH			
100A	VESTIBULE (EXT.)	(2) 3'-0" x 7'-0" x 1 3/4"	B	ALUM.	BRONZE	F2	ALUM.	BRONZE	-	1	
100B	VESTIBULE (INT.)	(2) 3'-0" x 7'-0" x 1 3/4"	B	ALUM.	BRONZE	F3	ALUM.	BRONZE	-	2	MOUNT BOTTOM OF DOOR FRAME LEVEL WITH TOP OF FLOOR TILE
101A	DINING ROOM	5'-8" x 5'-0"				F5	ALUM.	BRONZE	-		-
101B	DINING ROOM	5'-8" x 5'-0"				F5	ALUM.	BRONZE	-		-
101C	DINING ROOM	5'-8" x 5'-0"				F5	ALUM.	BRONZE	-		-
101D	DINING ROOM	5'-8" x 5'-0"				F5	ALUM.	BRONZE	-		-
101E	DINING ROOM	5'-8" x 5'-0"				F5	ALUM.	BRONZE	-		-
101F	TO PATIO	3'-0" x 7'-0" x 1 3/4"	B	ALUM.	BRONZE	F4	ALUM.	BRONZE	-	3	-
102	WOMENS	3'-0" x 7'-0" x 1 3/4"	A	P.C.	PLAM	F1	H.M.	PAINT	-	5	UNDERCUT BY 1". - PLAM: WILSONART LIMBER MAPLE 10734-60
103	MENS	3'-0" x 7'-0" x 1 3/4"	A	P.C.	PLAM	F1	H.M.	PAINT	-	5	UNDERCUT BY 1". - PLAM: WILSONART LIMBER MAPLE 10734-60
104	DRIVE THRU	9'-0" x 5'-0"				F7	ALUM.	CLEAR	-	-	-
106	OFFICE	3'-0" x 7'-0" x 1 3/4"	A	P.C.	PLAM	F1	H.M.	PAINT	-	6	UNDERCUT BY 1". - PLAM: WILSONART LIMBER MAPLE 10734-60
107	SERVICE	3'-6" x 7'-0" x 1 3/4"	A	H.M.	H.M.	F1	H.M.	PAINT	-	4	SEE EXTERIOR ELEVATIONS FOR COLOR

NOTES:
1. PARTICLE CORE DOORS: SIZE AS PER PLAN AND SCHEDULE. ALL EDGES/SURFACES TO BE COVERED WITH PLASTIC LAMINATE.
2. HOLLOW METAL DOOR(S): SIZE AS PER PLAN AND SCHEDULE. (HOT ROLLED LEVEL 2 MODEL 2) STEEL TO BE 18 Ga., INTERIOR TO BE FOAM INSULATION, WITH INTEGRAL REINFORCEMENT FOR CLOSURE AND PANIC HARDWARE.

ALUM = ALUMINUM
HM = HOLLOW METAL
PC = PARTICLE CORE
BRZ = ANODIZED ALUMINUM STATUTORY BRONZE FINISH
CLR = ANODIZED ALUMINUM CLEAR FINISH
PNT = SEE INTERIOR ELEVATIONS AND FINISH SCHEDULE FOR COLOR

HARDWARE GROUPS

NATIONAL ACCOUNT DOOR HARDWARE
HAMILTON PARKER, SEE NATIONAL VENDORS LIST

GROUP #1: TYPICAL EXTERIOR VESTIBULE DOORS

- CLOSER: HAGER MFG., MODEL #5200 SPR CSH CLOSER.
- HINGES: HAGER MFG., MDL #BB1199 32D WITH NON-REMOVABLE PINS, 4.5"x4.5"x0.180" Thk., (4) HINGES PER LEAF.
- KEYED CYLINDERS: HAGER MFG., MDL# 3902 MORTISE CYLINDER, PROVIDE (2) KEYS PER DOOR, ALL CYLINDERS KEYED ALIKE. (MOUNTED AT 34" AFF, COORDINATE W/ SPOON HANDLE)
- SPOON HANDLE (PROVIDED & INSTALLED BY ALUM. STOREFRONT CONTRACTOR, AVAILABLE FROM H.J.C, SEE ADQ NATIONAL VENDORS LIST)
- PUSH BAR: HAGER MFG., 130S
- SWEEP: HAGER MFG., MDL #8015B, MIL ALUM FINISH, SIZED TO FIT DOOR WIDTH.
- THRESHOLD: HAGER MFG., MDL #412 S, MIL ALUM FINISH, SIZED TO FIT DOOR OPENING WIDTH.
- WEATHERSTRIPPING: PART OF DOOR MANUFACTURERS PACKAGE

1. THE G.C. TO PROVIDE DOOR SIGNAGE STATING "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS" (SINGLE LINE HORIZONTAL SIGN PREFERRED)
2. THE DQ RED SPOON HANDLES HAVE SPECIAL INSTALLATION REQUIREMENTS. ALUMINUM STOREFRONT MANUFACTURER MUST COORDINATE LOCK & HANDLE HEIGHTS.

GROUP #2: TYPICAL INTERIOR VESTIBULE DOORS

- CLOSER: HAGER MFG. MODEL #5200 SPR CSH CLOSER.
- HINGE(S): HAGER MFG., MDL #BB1199 32D WITH NON-REMOVABLE HINGE PINS, 4.5" X 4.5" X 0.180" Thk., (4) HINGES PER LEAF.
- PUSH/PULL: HAGER MFG., MDL#154D LH COMBO 32D, & MDL#154D RH COMBO 32D.

GROUP #3: TYPICAL EXTERIOR PATIO/EGRESS DOOR

- CLOSER: HAGER MFG. MODEL #5200 SPR CSH CLOSER.
- DEAD BOLT: ADAMS RITE M51B1505
- HINGE(S): HAGER MFG., MDL #BB1199 32D WITH NON-REMOVABLE HINGE PINS, 4.5" X 4.5" X 0.180" Thk., (4) HINGES PER LEAF.
- KEYED CYLINDERS: HAGER MFG., MDL# 3902 MORTISE CYLINDER, PROVIDE (2) KEYS PER DOOR, ALL CYLINDERS KEYED ALIKE. (MOUNTED AT 34" AFF, COORDINATE W/ SPOON HANDLE)
- SPOON HANDLE (PROVIDED & INSTALLED BY ALUM. STOREFRONT CONTRACTOR, AVAILABLE FROM H.J.C, SEE ADQ NATIONAL VENDORS LIST)
- PUSH BAR: HAGER MFG., 130
- SWEEP: HAGER MFG., MDL #8015B, MIL ALUM FINISH, SIZED TO FIT DOOR WIDTH.
- THRESHOLD: HAGER MFG., MDL #4125, MIL ALUM FINISH, SIZED TO FIT DOOR OPENING WIDTH.
- WEATHERSTRIPPING: PART OF DOOR MANUFACTURERS PACKAGE.

-G.C. TO PROVIDE DOOR SIGNAGE STATING "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS" (SINGLE LINE HORIZONTAL SIGN PREFERRED)

-THE DQ RED SPOON HANDLES HAVE SPECIAL INSTALLATION REQUIREMENTS. ALUMINUM STOREFRONT MANUFACTURER MUST COORDINATE LOCK & HANDLE HEIGHTS.

GROUP #4: TYPICAL REAR SERVICE DOOR

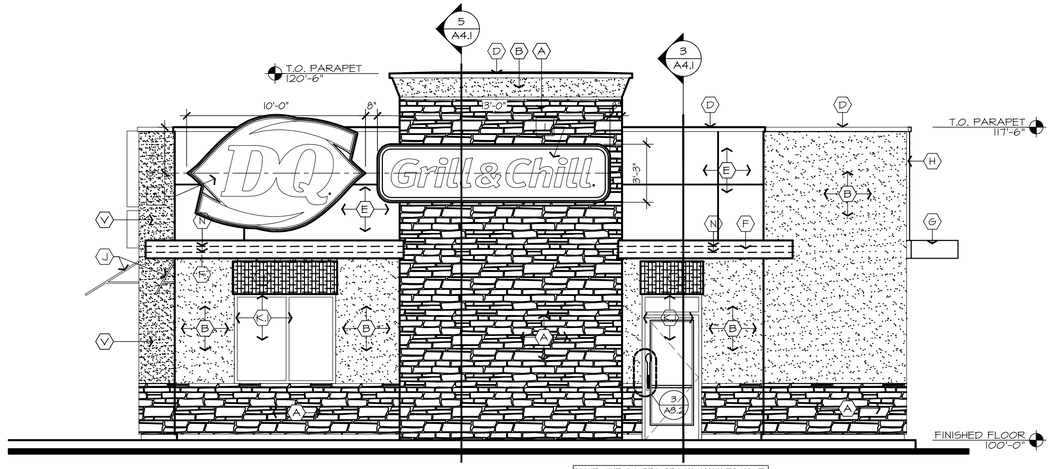
- CLOSER: HAGER MFG. MODEL #5200 SPR CSH CLOSER.
- EXIT DEVICE: HAGER MFG., MDL #4701 RIM US28, SPRAYED ALUMINUM FINISH.
- HINGE(S): HAGER MFG., MDL #ECBB 1100 US26D WITH NON-REMOVABLE HINGE PINS, 4.5" X 4.5" X 0.134" Thk., (4) HINGES PER LEAF.
- KICK PLATE: HAGER MFG., MDL #ARMOR PLATE, 40"W X 20"H X 0.05" Thk.
- PROTECTOR, TRIM: HAGER., MFG., MDL #HD2250
- PULL: HAGER MFG., MDL#4.B32D, (EXTERIOR SIDE OF DOOR).
- SWEEP: HAGER MFG., MDL #8015 V, MIL ALUM FINISH, SIZED TO FIT DOOR WIDTH.
- THRESHOLD: HAGER MFG., MDL #4125, MIL ALUM FINISH, SIZED TO FIT DOOR OPENING WIDTH.
- VIEWER: HAGER MFG., 1756 US26D, 200 DEGREE VIEW (FACTORY INSTALLED).
- WEATHERSTRIPPING: HAGER MFG., MDL #8415 V, MIL ALUM FINISH, SIZED TO FIT DOOR.

GROUP #5: TYPICAL RESTROOM DOOR

- CLOSER: HAGER MFG. MODEL #5200 CLOSER.
- HINGES: HAGER MFG., MDL #ECBB 1100 US26D, 4.5" X 4.5" X 0.134" Thk., (3) HINGES PER LEAF.
- KICK PLATE: HAGER MFG., MDL#1905 18 Ga. 34"W X 10"H X 0.05" Thk. (MOUNTING HOLES PREDRILLED AT FACTORY, INSTALLED ON PUSH SIDE OF DOOR).
- STOP, DOOR: HAGER MFG., MDL #232W 32D, BRUSHED CHROME, 2 1/2" DIA, WALL MOUNT.
- 4x16 PUSH PLATE
- PULL HANDLE: HAGER 3E320

GROUP #6: TYPICAL OFFICE DOOR

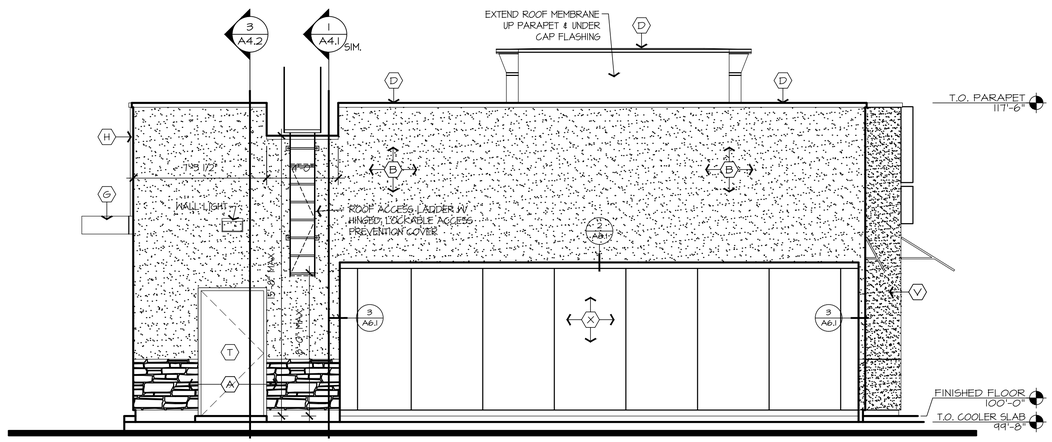
- CLOSER: HAGER MFG. MODEL #5200 CLOSER.
- HINGE(S): HAGER MFG., MDL #ECBB 1100 US26D, 4.5" X 4.5" X 0.134" Thk., (3) HINGES PER LEAF.
- KICK PLATE: HAGER MFG., MDL#1905 18 Ga. 34"W X 10"H X 0.05" Thk. (MOUNTING HOLES PREDRILLED AT FACTORY, INSTALLED ON PUSH SIDE OF DOOR).
- STOP, DOOR: HAGER MFG., MDL #232W 32D, BRUSHED CHROME, 2 1/2" DIA, WALL MOUNT.
- LOCKSET: 3553 US26D-WITHNELL (KEYED)



NOTE: THE DQ RED SPOON HANDLES HAVE SPECIAL INSTALLATION REQUIREMENTS. ALUM. STOREFRONT MFG. MUST COORD. LOCK & HANDLE, LOCATION & HEIGHTS

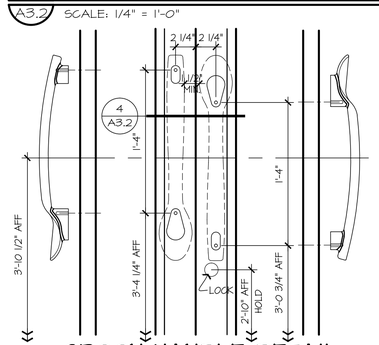
1 / A3.2 FRONT ELEVATION

SCALE: 1/4" = 1'-0"



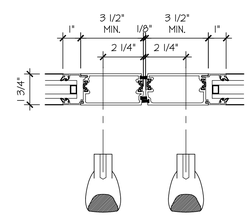
2 / A3.2 REAR ELEVATION

SCALE: 1/4" = 1'-0"



3 / A3.2 SPOON HANDLE DETAIL

SCALE: 1 1/2" = 1'-0"



4 / A3.2 SPOON HANDLE DETAIL

SCALE: 3" = 1'-0"

WOOLSEY DESIGN
(801) 298-5760
LICENSED ARCHITECT
GARTH M. WOOLSEY
No. 129958
STATE OF UTAH
APRIL 30, 2014

ORCHARDS SHOPPING CENTER
810 EAST 800 NORTH
OREM, UTAH

DQ Grill&Chill

AMERICAN DAIRY QUEEN
MINNEAPOLIS, MN U.S.A.

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BUILDING TYPE:
DAIRY QUEEN GRILL & CHILL CORE 72 MIRROR

DRAWN, CHECKED, & APPROVED BY: ADQ DESIGN-ARCHITECTURE-CONSTRUCTION (DAC) DEPARTMENT

NORTH — THIS IS "PLAN" NORTH FOR ACTUAL BUILDING ORIENTATION REFER TO SITE PLAN (BY OTHERS)

ISSUE DATE: 4-1-2013

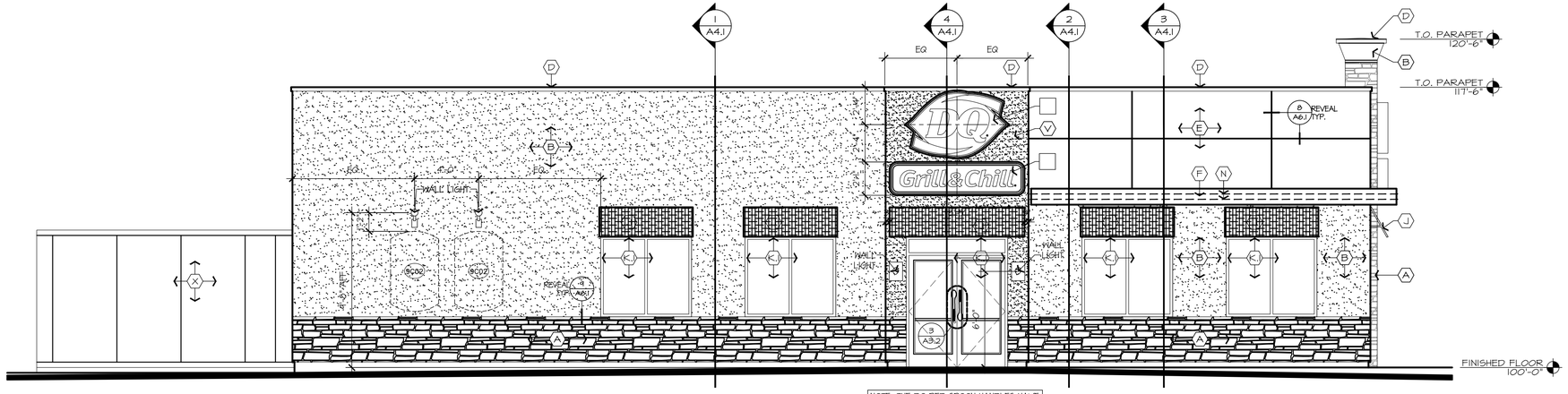
REVISION DATE:

2-21-2014	1	PLAN REVISION BULLETIN #1
4-30-2014	2	

ELEVATIONS, DOOR & FRAME TYPES

SHEET NUMBER:

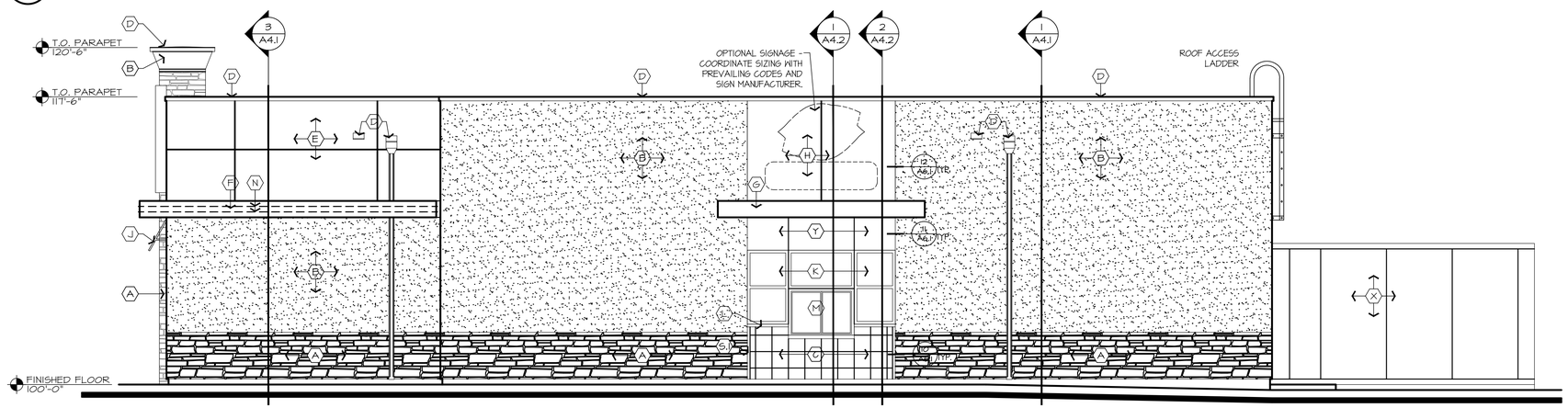
A3.2



NOTE: THE DQ RED SPOON HANDLES HAVE SPECIAL INSTALLATION REQUIREMENTS. ALUM. STOREFRONT MFG. MUST COORD. LOCK & HANDLE, LOCATION & HEIGHTS

1 / A3.1 ENTRANCE ELEVATION

SCALE: 1/4" = 1'-0"



2 / A3.1 DRIVE-THRU ELEVATION

SCALE: 1/4" = 1'-0"

EXTERIOR ELEVATION KEYNOTES: (GRILL & CHILL)

(A) STONE:
MFGR: CULTURED STONE
STYLE: COUNTRY LEDGE STONE - WET STACK
COLOR: CHARDONNAY 20006
SUPPLIER: BORAL STONE
GROUT: GREY

(B) EIFS:
MFGR: STO CORPORATION
COLOR: NA11-0034 (MATCHES BENJAMIN MOORE SANDY BROWN #1046)
FINISH: 306 STO MEDIUM SAND
VENDOR: STO CORPORATION
NOTE: PROVIDE HIGH IMPACT EIFS FROM GRADE TO 3'-0" A.F.F.

(C) CERAMIC TILE:
MFGR: MARAZZI
SERIES: I COLORI
COLOR: CRAYONS RED LUSTER
SIZE: 12"x12"
GROUT: "LATICRETE"
GROUT COLOR: ALMOND 85
SUPPLIER: HJC
NOTE: MUST BE INSTALLED PER TILE COUNCIL OF NORTH AMERICA "N244E-09" AND ANSI "A118.4"

(D) COPING & SCUPPERS:
MFGR: UNA-CLAD
MATL: 24 GA. STEEL
COLOR: ALMOND
FINISH: KYNAR 500

(E) METAL PANEL:
MFGR: ALPOLIC
STYLE: 3MM
COLOR: DQ RED
NOTE: MUST BE INSTALLED HORIZONTALLY. REFERENCE ARROWS ON BACK OF PANEL MUST BE ALIGNED IN THE SAME DIRECTION.
VENDOR: NU LOOK EXTERIORS

(F) METAL EYEBROW & FLASHING:
MFGR: UNA-CLAD
STYLE: .040 ALUMINUM
COLOR: MATTE BLACK
FINISH: KYNAR 500
VENDOR: NU LOOK EXTERIORS

(G) METAL CANOPY & FLASHING:
MFGR: UNA-CLAD
STYLE: .040 ALUMINUM
COLOR: CLEAR ANODIZED SATIN
VENDOR: NU LOOK EXTERIORS

(H) METAL PANEL:
MFGR: ALPOLIC
MATERIAL: 3MM
COLOR: DQ BLUE
VENDOR: NU LOOK EXTERIORS

(J) FABRIC AWNING:
MFGR: COOL PLANET AWNING
MATERIAL: SUNBRELLA
COLOR: JOCKEY RED
FRAME: 1"x1" ALUMINUM (WELD ALL JOINTS, GRIND SMOOTH)
FINISH: ANODIZED CLEAR SATIN
VENDOR: COOL PLANET AWNING OR HJC

(K) STOREFRONT:
MFGR: YKK AP AMERICA INC.
STYLE: 2"x4 1/2"
FINISH: CLEAR SATIN ANODIZED ALUMINUM
GLAZING: CLEAR, 1" INSULATED, LOW E

(K.) STOREFRONT:
MFGR: YKK AP AMERICA INC.
STYLE: 2"x4 1/2"
FINISH: DARK BRONZE SATIN ANODIZED ALUMINUM
GLAZING: CLEAR, 1" INSULATED, LOW E

(L) WINDOW SILL FLASHING:
MFGR: YKK AP AMERICA INC.
FINISH: ANODIZED CLEAR SATIN
SIZE: 2" AS REQ'D BY LOCATION

(M) DRIVE-THRU WINDOW:
MFGR: QUIKSERV
MATERIAL: ALUMINUM
FINISH: ANODIZED CLEAR SATIN
VENDOR: N. WASSERSTROM & SONS

(N) STRIP LIGHTING:
MFGR: MORGAN HOPE
STYLE: LED-Flex WITH BLACK TRACK
MODEL: LED-MH-120V-EB (BLUE LED)
VENDOR: HJC
NOTE: MUST BE INSTALLED PER MANUFACTURERS REQUIREMENTS

(Q) SOLID COLOR STAIN:
MFGR: BENJAMIN MOORE
COLOR: SANDY BROWN #1046
PRODUCT: ARBORCOAT WATERBORNE SOLID COLOR STAIN #640
PRIMER: SELF PRIMING ON MOST SURFACES (SEE TECH. DATA SHEET FOR DETAILS)

(S.) TRANSITION TRIM:
SIZE: 1 1/2"D, x2"W, HAT CHANNEL
FINISH: CLEAR SATIN ANODIZED ALUMINUM

(T) PAINT:
MFGR: BENJAMIN MOORE
COLOR: SANDY BROWN #1046
PRODUCT: AURA EXTERIOR PAINT LOW LUSTRE #634
PRIMER: FIRST COAT AURA EXTERIOR PAINT LOW LUSTRE #634

(V) EIFS:
MFGR: STO CORPORATION
COLOR: NA13-0019 (MATCHES BENJAMIN MOORE ALGONQUIN TRAIL #1055)
FINISH: 306 STO MEDIUM SAND
VENDOR: STO CORPORATION
NOTE: PROVIDE HIGH IMPACT EIFS FROM GRADE TO 3'-0" A.F.F.

(X) WALKIN COOLER/FREEZER:
MFGR: NORLAKE
COLOR: PREFINISHED FROM MANUFACTURER TO MATCH BUILDING
VENDOR: WASSERSTROM
NOTE: SEE EQUIPMENT SCHEDULE FOR DETAILS

(Y) BREAK METAL CLOSURE:
MFGR: UNA-CLAD
FINISH: CLEAR SATIN ANODIZED ALUMINUM
VENDOR: NU LOOK EXTERIORS

WOOLSEY DESIGN
(801) 298-5760

LICENSED ARCHITECT GARTH M. WOOLSEY No. 129958 STATE OF UTAH
APRIL 30, 2014

ORCHARDS SHOPPING CENTER
810 EAST 800 NORTH
OREM, UTAH

AMERICAN DAIRY QUEEN
MINNEAPOLIS, MN U.S.A.

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BUILDING TYPE:
DAIRY QUEEN GRILL & CHILL CORE 72 MIRROR

DRAWN, CHECKED, & APPROVED BY: ADQ DESIGN-ARCHITECTURE-CONSTRUCTION (DAC) DEPARTMENT

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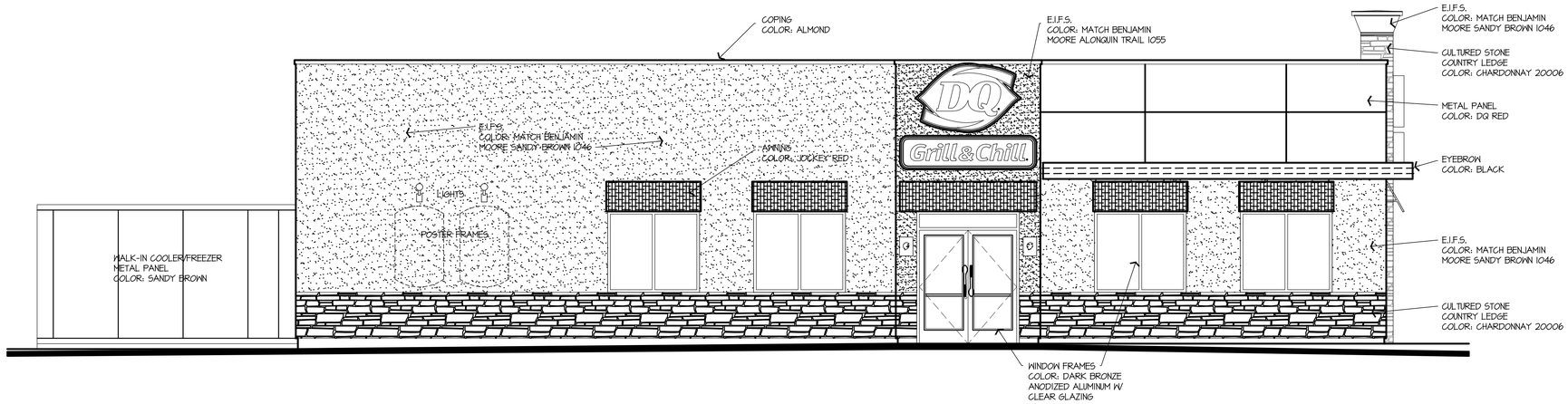
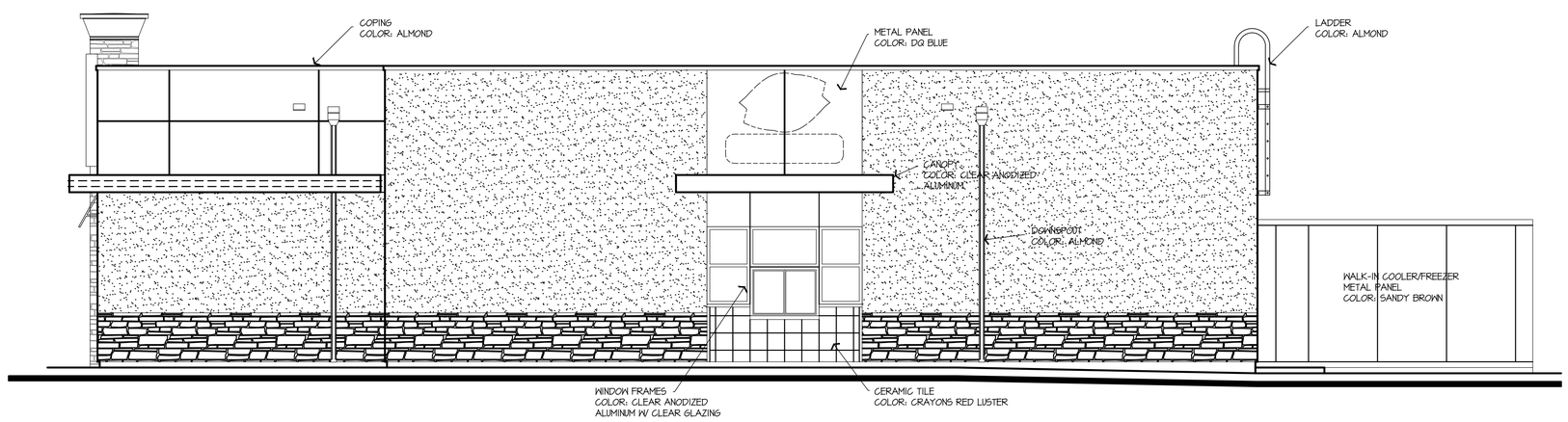
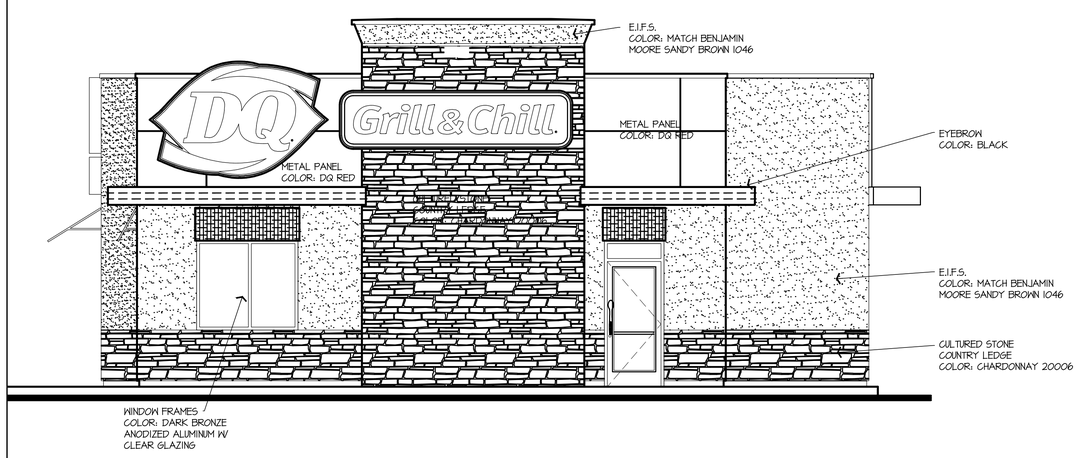
ISSUE DATE: 4-1-2013
REVISION DATE:
2-21-2014 — PLAN REVISION BULLETIN #1
4-30-2014

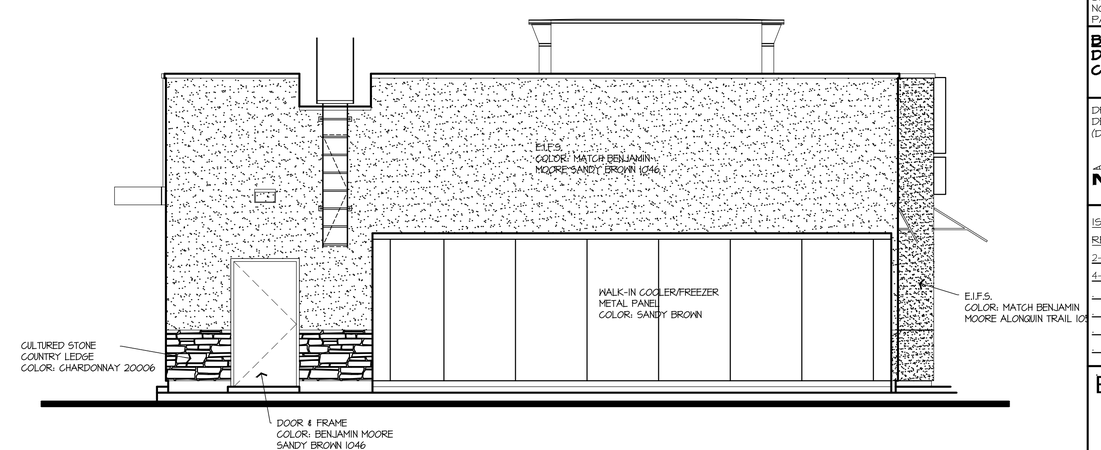
ELEVATIONS

SHEET NUMBER:
A3.1









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DAIRY QUEEN GRILL & CHILL
CORE 72 MIRROR

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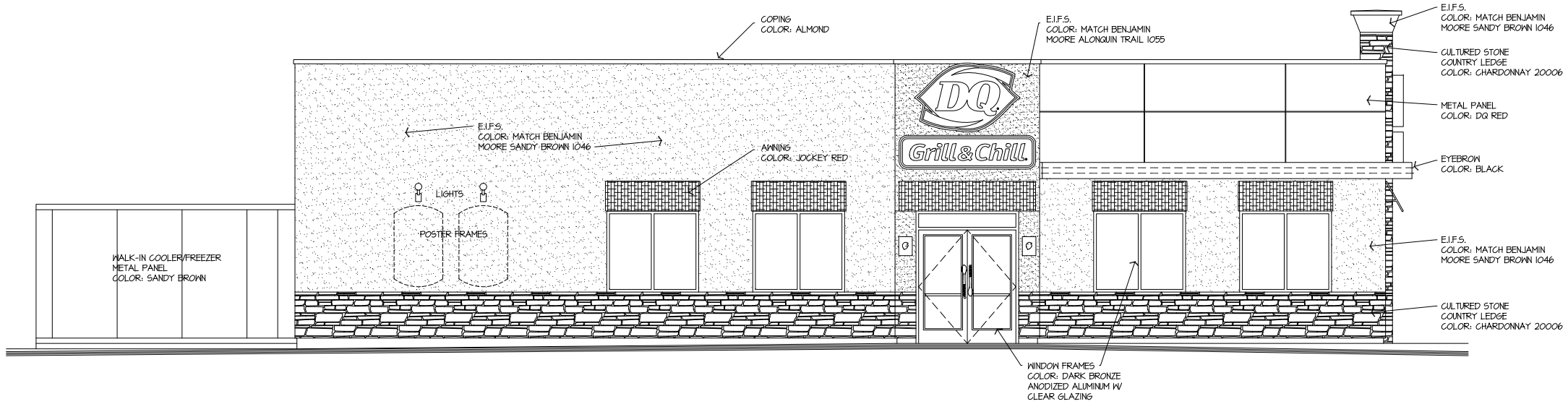
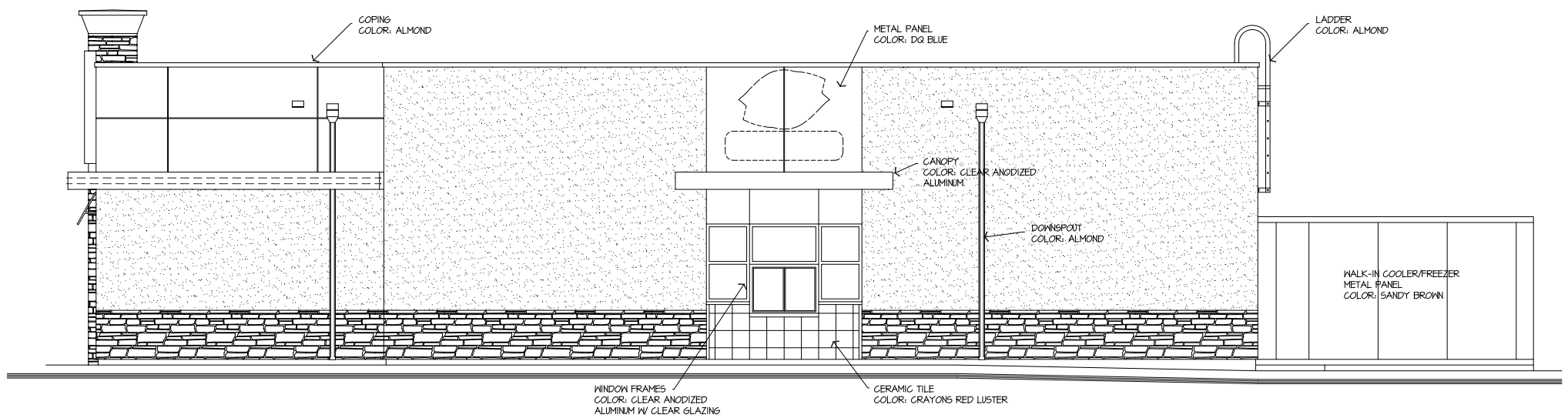
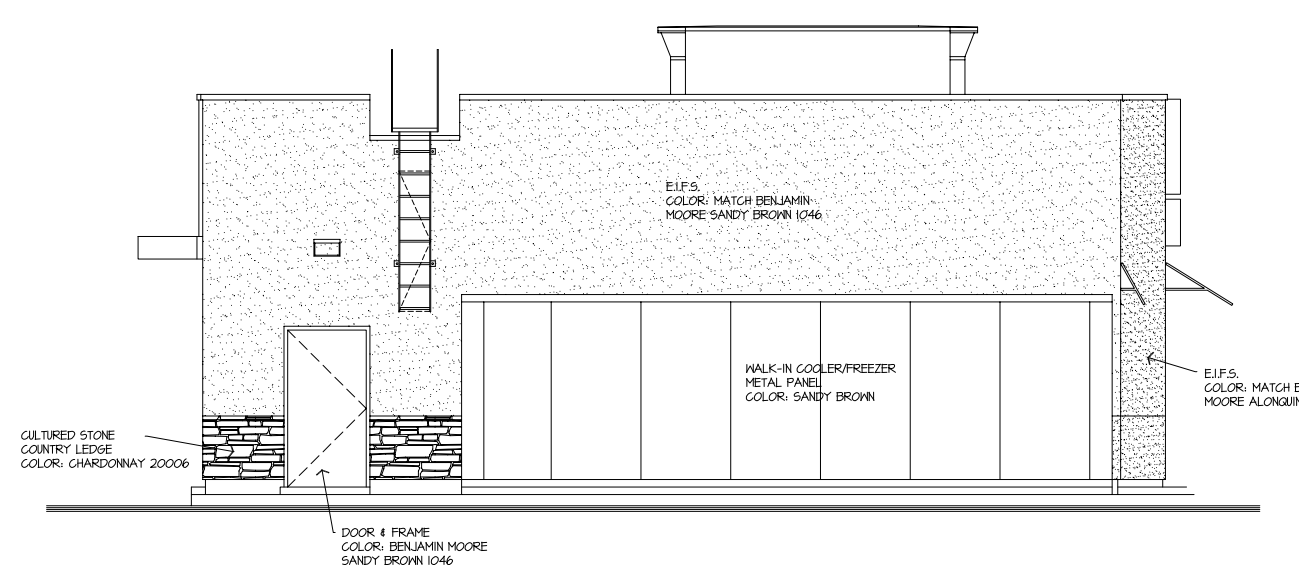
ELEVATIONS

SHEET NUMBER:

A3.1A







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ELEVATIONS

SHEET NUMBER:

A3.1A

Orem City Public Hearing Notice

Planning Commission Meeting
Wednesday, June 18, 2014,
4:30 PM, City Council Chambers, 56 North State Street.

City Council Meeting
Tuesday, July 8, 2014,
6:20 PM, City Council Chambers, 56 North State Street.

John Bylund requests the City approve the Conditional Use Permit and site plan for Dairy Queen at 810 East 800 North in the PD-4 zone. The applicant proposes to build a new fast food restaurant. Please see the map on the reverse side of this notice and contact information below. Please call before the meeting with any questions or concerns regarding this project.

For more information, special assistance or to submit comments, contact Clinton A. Spencer, Planner, AICP, at caspencer@orem.org or 801-229-7267.

STRATTON, FRANKLIN K & JANET O (ET AL)
PO BOX 1429
OREM, UT 84059

RUSCHE, HEINZ HERMANN & MARIA DEL CARMEN
PO BOX 73
OREM, UT 84059

UTAH DEPARTMENT OF TRANSPORTATION
PO BOX 148420
SALT LAKE CITY, UT 84114

PROVO CITY COMM. DEV.
PO BOX 1849
PROVO, UT 84603

CENTURY LINK
75 EAST 100 NORTH
PROVO, UT 84606

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

BAADSGAARD, JED L & NALANI R
33 N 1200 E
LINDON, UT 84042

PARCELS AT THE ORCHARDS THE LLC
%SCHROBSDORFF, PHYLLIS
211 GOUGH ST STE 206
SAN FRANCISCO, CA 94102

KRISTIE SNYDER
56 N STATE STREET
OREM, UT 84057

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

DOAN, DUCTOAN THANH (ET AL)
471 S 1230 W
OREM, UT 84058

MOUNTAIN FUEL SUPPLY COMPANY
79 S STATE
SALT LAKE CITY, UT 84147

LINDON CITY
PLANNING DEPARTMENT
100 NORTH STATE STREET
LINDON, UT 84042

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

TOWN OF VINEYARD
240 E. GAMMON ROAD
VINEYARD, UT 84058

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

HILL, JEREL D & VICKIE F
640 N 960 E
OREM, UT 84097

MASSEY, HEATHER T & DOUGLAS E
525 N 900 E
LINDON, UT 84042

LS RENTALS LLC
532 E 1600 N
MAPLETON, UT 84664

MOORE, ALAN J & TAMRA
651 N 800 E
OREM, UT 84097

MAG
586 EAST 800 NORTH
OREM, UT 84097

WALLACE, JOHN FREDRICK & CAROLYN JOYCE
639 N 840 E
OREM, UT 84097

HILL, JEREL D & VICKIE F
--OR CURRENT RESIDENT--
654 N 840 EAST
OREM, UT 84097

GILBERT, JAMES A & SHELLY S
646 N 750 E
OREM, UT 84097

BUNKER, KIM L & DONA
646 N 800 E
OREM, UT 84097

DURFEY, DIXIE W
664 N 800 E
OREM, UT 84097

BAADSGAARD, JED L & NALANI R
--OR CURRENT RESIDENT--
652 N 750 EAST
OREM, UT 84097

PERRY, ALLEN J & ANN S
653 N 840 E
OREM, UT 84097

LS RENTALS LLC
--OR CURRENT RESIDENT--
676 N 800 EAST
OREM, UT 84097

SMITH, DANIEL S
658 N 750 E
OREM, UT 84097

ABBOTT, KAREN (ET AL)
663 N 960 E
OREM, UT 84097

POWERS, BURKE C & EMILY A
693 N 750 E
OREM, UT 84097

SOMMERFELDT, VERN & JUDITH M
667 N 840 E
OREM, UT 84097

LOCKE, JOHN JOSEPH & ELLARAYE
675 N 800 E
OREM, UT 84097

MASSEY, HEATHER T & DOUGLAS E
--OR CURRENT RESIDENT--
731 E 700 NORTH
OREM, UT 84097

DENT, RALPH C & LINDA K
685 N 840 E
OREM, UT 84097

BROWN, JOSEPH R & CHARLOTTE
688 N 800 E
OREM, UT 84097

HEAL, BRITTANY M
743 E 700 N
OREM, UT 84097

DAN UTLEY FAMILY LC
695 N 800 E
OREM, UT 84097

HARDING, JOSHUA J
728 E 750 N
OREM, UT 84097

FORD, TAMMY D
770 N 730 E
OREM, UT 84097

YOUNG, MARY ANN
741 E 750 N
OREM, UT 84097

KNOWLES, KELLIE C (ET AL)
742 E 750 N
OREM, UT 84097

ATWATER, CATHERINE
786 E 875 N
OREM, UT 84097

FARLEY, KYLE E & ANGELA
747 E 660 N
OREM, UT 84097

BARKER, LLOYD L & PHILYS L
764 E 800 N
OREM, UT 84097

YADON, SAMUEL L & CAROL ANN H
811 E 700 N
OREM, UT 84097

ROBINSON, TODD R
778 N 730 E
OREM, UT 84097

POOLE, GREG W & TRISHA
779 N 730 E
OREM, UT 84097

PHILLIPS, GORDON T & JACKIE B
829 N 750 E
OREM, UT 84097

BARKER, LLOYD L & PHILYS L
--OR CURRENT RESIDENT--
792 E 800 NORTH
OREM, UT 84097

PARCELS AT THE ORCHARDS THE LLC
--OR CURRENT RESIDENT--
810 E 800 NORTH
OREM, UT 84097

ANAYA, JAIME
836 N 750 E
OREM, UT 84097

ORCHARDS SHOPPING CENTER LLC THE
--OR CURRENT RESIDENT--
820 E 800 NORTH
OREM, UT 84097

DAVIS PROPERTIES II LLC
--OR CURRENT RESIDENT--
825 E 800 NORTH
OREM, UT 84097

MOSS, LAVELLE R
--OR CURRENT RESIDENT--
848 N 750 EAST
OREM, UT 84097

RUFFELL, FRANK
831 N 800 E
OREM, UT 84097

SMITH, DAVID J & RENA B
832 N 750 E
OREM, UT 84097

YERITSYAN, ARTUR
851 N 840 E
OREM, UT 84097

RESIDENTIAL MANAGEMENT GROUP LC
--OR CURRENT RESIDENT--
846 E 840 NORTH
OREM, UT 84097

DOAN, DUCTOAN THANH (ET AL)
--OR CURRENT RESIDENT--
847 N 800 EAST
OREM, UT 84097

EGGETT, RYAN & ANGELA
851 E 680 N
OREM, UT 84097

WOOD, JUSTIN G & TAWNY J
852 N 840 E
OREM, UT 84097

GREENE, CRAIG H & MARY JEANNE
--OR CURRENT RESIDENT--
862 N 840 EAST
OREM, UT 84097

GOODRICH, PAUL & SHAWNNA K
864 E 680 N
OREM, UT 84097

ORCHARDS SHOPPING CENTER LLC THE
--OR CURRENT RESIDENT--
870 E 800 NORTH
OREM, UT 84097

RESIDENTIAL MANAGEMENT GROUP LC
878 N 800 E
OREM, UT 84057

HARMON CITY INC
--OR CURRENT RESIDENT--
880 E 800 NORTH
OREM, UT 84097

JACOBS, JAMES S & LINDA B
882 E 840 N
OREM, UT 84097

CHASE, KENNETH WAYNE & GLORIA GRANT
894 E 840 N
OREM, UT 84059

RESIDENTIAL MANAGEMENT GROUP LC
853 S 890 E
OREM, UT 84097

ALTAMIRANO, DAVID & JENNIFER MARIE
863 E 680 N
OREM, UT 84097

SMITH, ERIN K
867 E 640 N
OREM, UT 84097

JUDD, DAVID B & SHERRY B
870 E 840 N
OREM, UT 84097

RESIDENTIAL MANAGEMENT GROUP LC
--OR CURRENT RESIDENT--
878 N 800 EAST
OREM, UT 84097

PYNE, JARED R & KRISTI A
881 E 640 N
OREM, UT 84097

NUTTALL, COLLEEN P
887 E 840 N
OREM, UT 84097

CHASE, KENNETH WAYNE & GLORIA GRANT
--OR CURRENT RESIDENT--
894 E 840 NORTH
OREM, UT 84097

ABBOTT, KAREN (ET AL)
--OR CURRENT RESIDENT--
902 E 800 NORTH
OREM, UT 84097

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

DAVIDSON, KEITH ERIC & CHRISTINA MARLENE (ET AL)
850 E 680 N
OREM, UT 84097

WIMMER, COTA L
852 N 800 E
OREM, UT 84097

RUSCHE, HEINZ HERMANN & MARIA DEL CARMEN
--OR CURRENT RESIDENT--
858 E 840 NORTH
OREM, UT 84097

SANCHEZ, RAUL M & JOSEFINA
863 E 840 N
OREM, UT 84097

OKAWA, THEODORE H & SHIZUKA S
868 E 880 N
OREM, UT 84097

RIDDLE, JAMES L & ASHLEY
875 E 840 N
OREM, UT 84097

REID, DONNA F
879 N 840 E
OREM, UT 84097

UTAH DEPARTMENT OF TRANSPORTATION
--OR CURRENT RESIDENT--
881 E 800 NORTH
OREM, UT 84097

UTAH DEPARTMENT OF TRANSPORTATION
--OR CURRENT RESIDENT--
893 E 800 NORTH
OREM, UT 84097

UTAH DEPARTMENT OF TRANSPORTATION
--OR CURRENT RESIDENT--
919 E 800 NORTH
OREM, UT 84097

RICHARD F. BRUNST, JR.
900 E HIGH COUNTRY DR.
OREM, UT 84097-2389

ORCHARDS AT 800 NORTH LC
2157 S HIGHLAND DR # 200
SALT LAKE CITY, UT 84106

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057

STEWART COWLEY
CANYON VIEW NEIGHBORHOOD CHAIR
928 N 510 EAST
OREM, UT 84097

ORCHARDS SHOPPING CENTER LLC THE
3540 S 4000 W # 430
SALT LAKE CITY, UT 84120

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

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

HARMON CITY INC
3540 S 4000 W
WEST VALLEY CITY, UT 84120

MOSS, LAVELLE R
2969 IROQUOIS DR
PROVO, UT 84604

COMCAST
9602 SOUTH 300 WEST
SANDY, UT 84070

DAVIS PROPERTIES II LLC
4626 N 300 W STE 350
PROVO, UT 84604

OLSEN, DONALD (ET AL)
3872 N COVE DR
PROVO, UT 84604

GREENE, CRAIG H & MARY JEANNE
6246 W 10050 N
HIGHLAND, UT 84003

Project Timeline

Project: Dairy Queen - 810 East 800 North

1. Neighborhood Meeting held by applicant on: N/A
2. DRC Application Date: 5/5/14
3. Obtained Development Review Committee Clearance on: 6/2/14 by: CAS
4. Publication notice for PC sent to Recorders office on: N/A by: _____
5. Neighborhood notice (300') for Planning Commission mailed on: 6/11/14 by: CAS
6. Planning Division Manager received neighborhood notice on: 6/13/14
7. Property posted for PC on: 6/14/14 by: DRS Removed on : _____
8. Planning Commission recommended approval / denial on : 6/18/14
9. Publication notice for CC sent to Recorders office on: N/A by: _____
10. Neighborhood notice (300') for City Council mailed on: 6/11/14 by: CAS
11. Planning Division Manager received neighborhood notice on: 6/13/14
12. Property Posted for City Council on: 6/14/14 by: DRS Removed: _____
13. City Council Approved / Denied on: _____

DQ
Grill & Chill
GrillBurgers

DQ
Grill & Chill
S'mores
IS BACK

DQ
DQ
Grill &
S'more!
IS BACK

CITY OF OREM **CITY COUNCIL MEETING** JUNE 8, 2014	
REQUEST:	**6:30 P.M. PUBLIC HEARING** **ORDINANCE–Vacating a portion of 1200 West Street located between 780 North and 800 North**
APPLICANT:	Rocky Mountain Land Holdings Inc.
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:
Regional Commercial
Current Zone:
HS
Acreage:
.42 Acres
Neighborhood:
Geneva
Neighborhood Chair:
Hal & Kay Johnston

PREPARED BY:
Cliff Peterson
Planner

REQUEST: Rocky Mountain Land Holdings requests that the City Council, by ordinance, vacate a portion of 1200 West Street located between 780 North and 800 North and consisting of approximately .42 acres.

BACKGROUND: Several years ago, a portion of 1200 West located on either side of 800 North was relocated to the east to increase the separation between 1200 West and the I-15 800 North on-ramp. This left a section of the old 1200 West Street that now dead ends into 800 North and is unused except by those businesses that are still located adjacent to that old section of 1200 West. This portion of the old 1200 West can be seen in the attached Exhibit "A."

Rocky Mountain Land Holdings owns the property just east of the old 1200 West at 796 North. Rocky Mountain has requested that the City vacate that portion of the old 1200 West that is adjacent to their property. Rocky Mountain would like to combine the vacated street area with their existing lot and put it to productive use.

Typically, when a public street that the City acquired by dedication or prescription is vacated, title to the vacated street area automatically vests in the adjoining property owners, with half the street area going to each side. However, because title to the street was not obtained solely by dedication or prescription in this case, it is not totally clear who will own the area of the street upon a vacation. In particular, the middle section of the street was conveyed to the county in 1938 by a private property owner who included a reservation in the deed stating that the property would revert to the original owner if the area ever ceased to be used as a street. There are several legal questions regarding the effectiveness of this reservation, but if the street is vacated as requested, Rocky Mountain may have to file a Quiet Title action to obtain clear title to the vacated area.

Questar owns the property on the west of the proposed street vacation and apparently does not object to Rocky Mountain taking ownership of the entire street vacation area provided they are able to maintain access across the vacated area. If the request to vacate is granted, a twenty foot wide access easement for ingress and egress in favor of Questar should be retained as well as a public utility easement across the full width of the vacated street area.

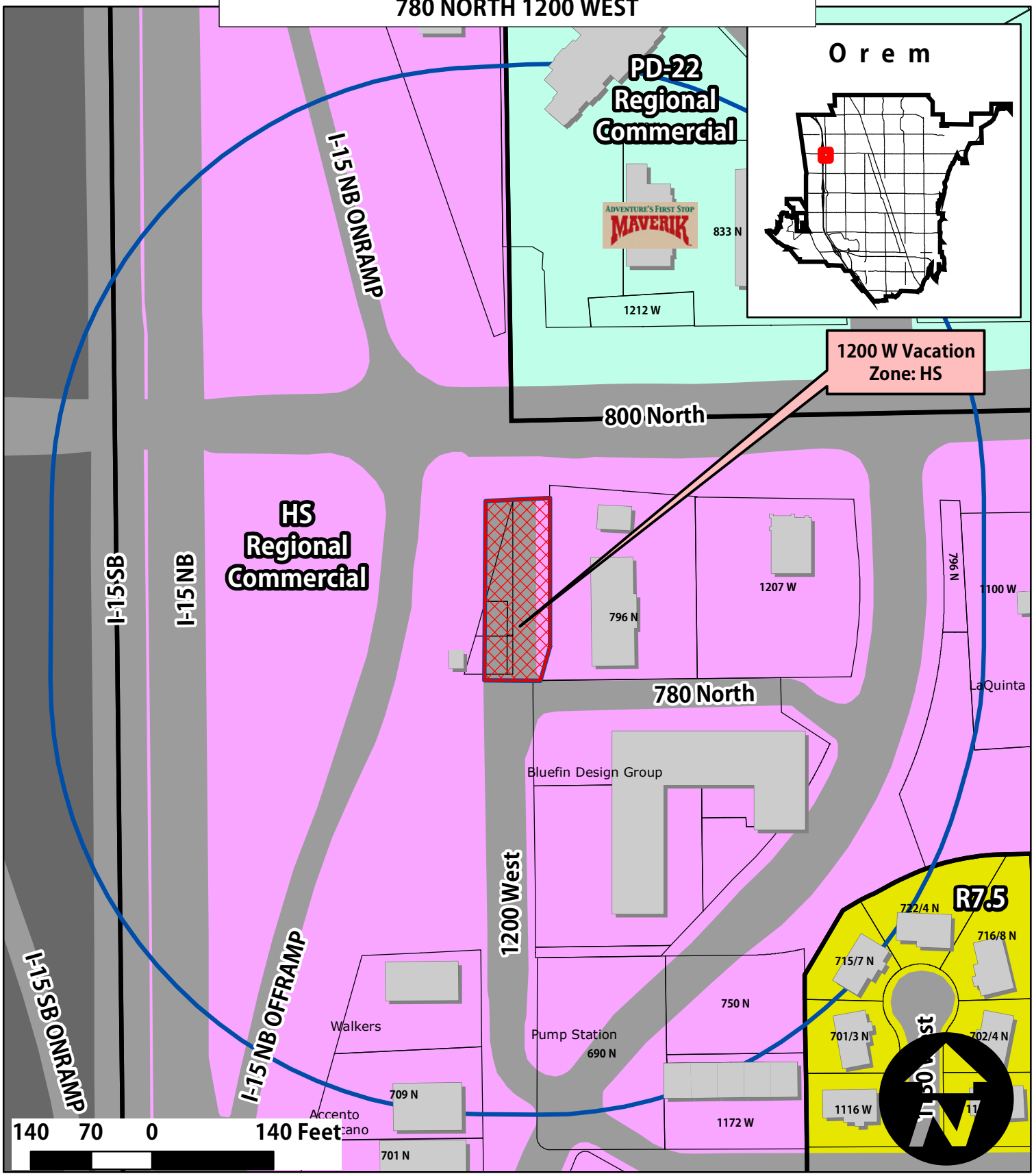
State law provides that the City Council may vacate a public street if it determines (1) there is good cause for the vacation; and (2) the vacation will not be detrimental to the public interest.

Additionally, the new owners should (after quieting title to the vacated area) be required to record a new subdivision plat that combines the street vacation area with their existing lot. The new plat should also show the Questar Gas access easement and a public utility easement over the entire vacated area.

RECOMMENDATION: Development Services recommends that the City Council vacate approximately 0.42 acres of 1200 West Street located between 780 North and 800 North.

1200 West Street Vacation

780 NORTH 1200 WEST



1200 West Street Vacation:
HS Zone

NIA CONTACT:
Geneva Heights
Hal and Kay Johnston

Legend
- Buildings
- Notification Boundary
- Parcels

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL VACATING A PORTION OF 1200 WEST STREET FROM APPROXIMATELY 780 NORTH TO 800 NORTH

WHEREAS Rocky Mountain Land Holdings Inc. owns property at 796 North 1200 West; and

WHEREAS a portion of 1200 West was relocated to the east to connect to a new signalized intersection at 800 North; and

WHEREAS the old section of 1200 West now terminates in front of Rocky Mountain Land Holding's property at 800 North; and

WHEREAS Rocky Mountain Land Holdings has requested that the City vacate a section of the old 1200 West Street adjacent to their parcel between 780 North and 800 North which area is more particularly described in Exhibit "A" and the location of which is shown in Exhibit "B" both of which exhibits are attached hereto and by reference are made a part hereof; and

WHEREAS Rocky Mountain wishes to use a portion of the old 1200 West for parking and access to their property and for parking and access for future development; and

WHEREAS Questar Gas Company owns property located on the west of the old 1200 West that is proposed to be vacated and across from the property owned by Rocky Mountain Land Holdings; and

WHEREAS the City, Rocky Mountain Land Holdings, and Questar Gas Company wish to keep an access for egress and ingress to the Questar Gas Company property; and

WHEREAS the City wishes to keep a public utility easement over the entire area of the proposed street vacation; and

WHEREAS, the City Council held a public hearing on July 8, 2014 to consider the proposed vacation; and

WHEREAS the City Council finds that there is good cause for the vacation for the portion of the old 1200 West Street which is described and shown in Exhibits "A" and "B;" and

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

WHEREAS the City Council has determined that it is in the best interest of the City to vacate the area of the old 1200 West that is described and shown in Exhibits "A" and "B."

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

1. The City hereby vacates that portion of the old 1200 West Street located between 780 North and 800 North which area is more particularly described in Exhibit "A" and the location of which is shown in Exhibit "B" subject to the following conditions and reservations:

A. The City reserves and retains a public utility easement along the full width and length of the vacated street area described and shown in Exhibits "A" and "B."

B. The vacation is subject to an access easement for ingress and egress in favor of Questar Gas as more particularly described in Exhibit "A" and the location of which is shown in Exhibit "B."

C. Rocky Mountain Land Holdings, or the successor owner(s) of the property located at 796 N 1200 West shall create and record a new subdivision plat that (1) combines the vacated street area with the parcel located at 796 N 1200 West, (2) incorporates and shows a public utility easement along the full width and length of the vacated 1200 West street and (3) shows the access for ingress and egress to the Questar Gas Company property.

2. The City Manager is authorized to execute all documents related to vacating the described portion of 1200 West Street and to carry out the intent of this ordinance.

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

4. 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 **8th** day of **July** 2014.

_____

Richard F. Brunst, Jr., Mayor

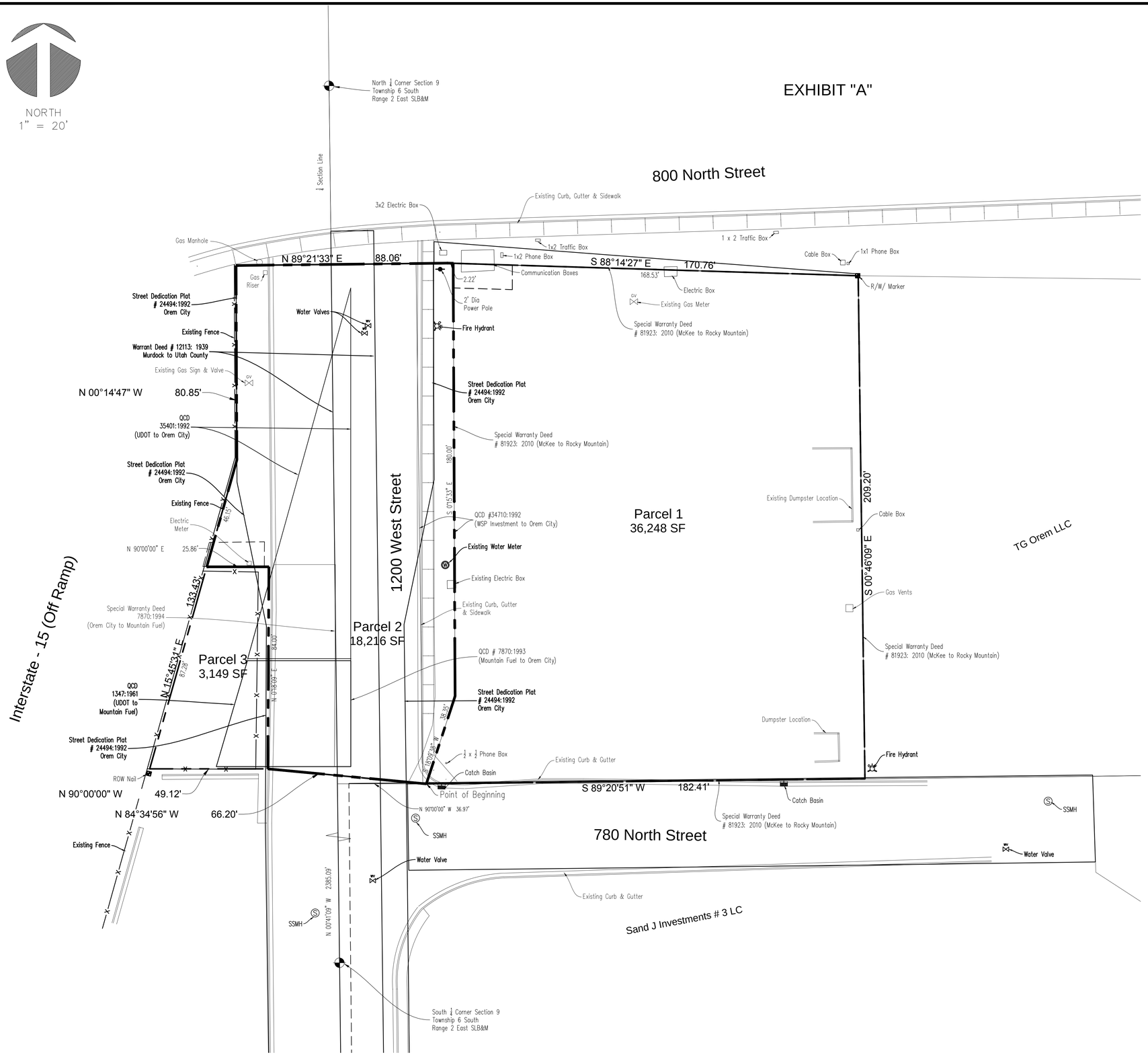
ATTEST:

_____

Donna R. Weaver, City Recorder

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

EXHIBIT "A"



SURVEY DESCRIPTIONS

PARCEL 1

Commencing at a point located North 00°41'09" West along the quarter Section line 2385.09 feet and East 36.97 feet from the South quarter corner of Section 9, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 18°09'38" East 38.35 feet; thence North 00°15'33" West 180.00 feet; thence South 88°14'27" 168.53 feet; thence South 00°46'09" East 209.20 feet; thence South 89°20'51" West 182.41 feet to the point of beginning.

AREA=36,248 sq. ft. or 0.83 acre

PARCEL 2 – (OREM CITY)

Commencing at a point located North 00°41'09" West along the quarter Section line 2385.09 feet and East 36.97 feet from the South quarter corner of Section 9, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 84°34'56" West 66.20 feet; thence North 00°18'09" East 84.00 feet; thence West 25.86 feet; thence North 15°45'31" East along I-15 46.15 feet; thence North 00°14'47" West 80.85 feet; thence North 89°21'33" East 88.06 feet; thence South 88°14'27" East 2.22 feet; thence South 01°15'33" East 180.00 feet; thence South 18°09'38" West 38.35 feet to the point of beginning.

AREA=18,216 sq. ft. or 0.42 acre

PARCEL 3 – (QUESTAR GAS)

Commencing at a point located North 00°41'09" West along the quarter Section line 2391.34 feet and West 28.86 feet from the South quarter corner of Section 9, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence West 49.12 feet; thence North 15°45'31" East along I-15 87.28 feet; thence East 25.86 feet; thence South 00°18'09" West 84.00 feet to the point of beginning.

AREA=3149 sq. ft. or 0.07 acre

SURVEYOR'S CERTIFICATE

WE, Dudley and Associates of Orem, Utah, do hereby certify that we are Registered Land Surveyors and hold Utah State Certificates, prescribed by the laws of the State of Utah, and that we have made a survey of the above described property.

We further certify that the attached plat correctly shows the true dimensions of the property surveyed.

DATE: _____ _____
REGISTERED LAND SURVEYOR

DUDLEY AND ASSOCIATES
ENGINEERS PLANNERS SURVEYORS
353 EAST 1200 SOUTH, OREM, UTAH
801-224-1252

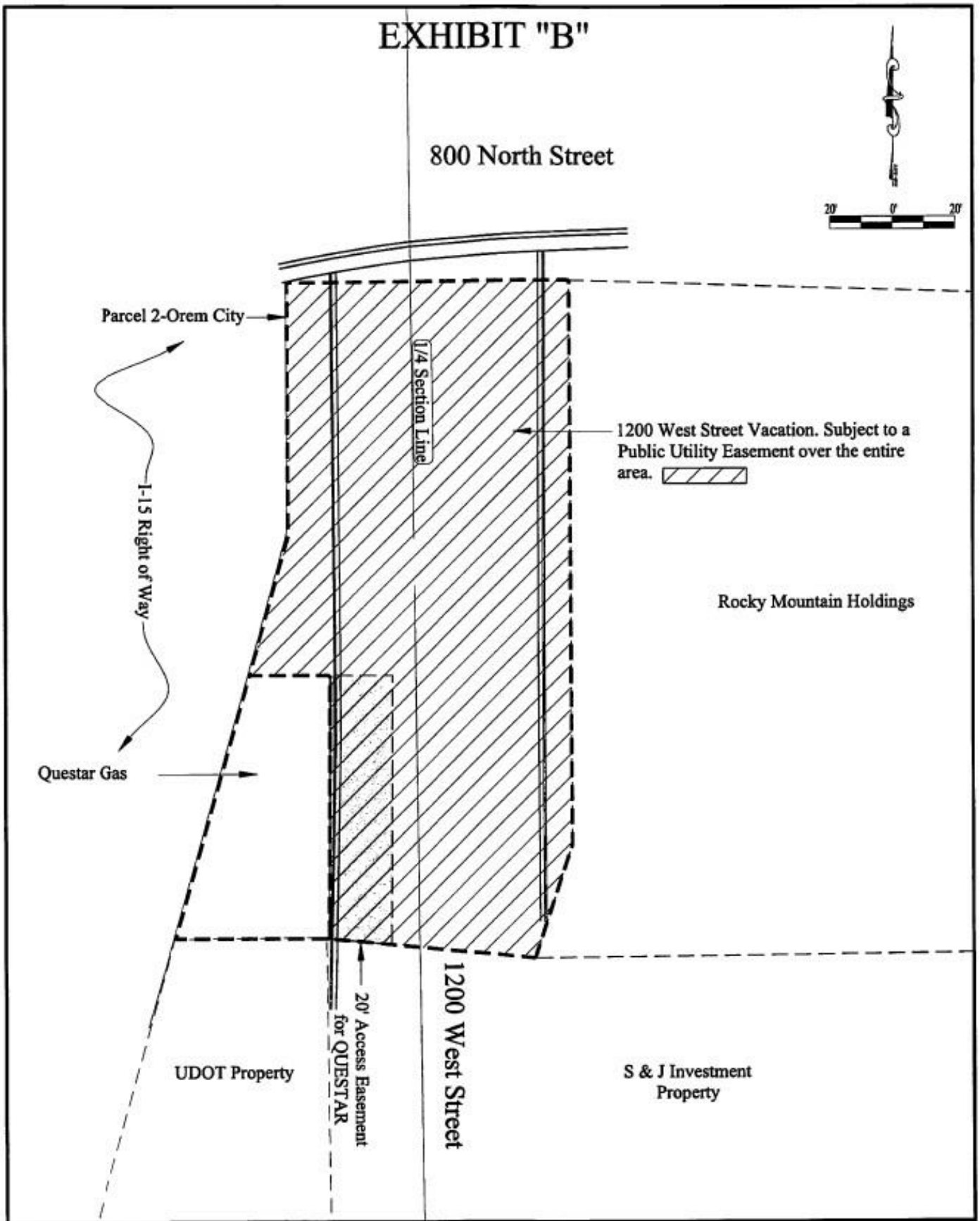
Street Vacation Plot
Rocky Mountain Land Holdings, LLC
Orem Utah

Revisions

Date	1-23-2014
Scale	1"=20'
By	BHT
Tracing No.	L - 13934

Sheet No.
C - 1

EXHIBIT "B"



Orem City, 800 North 1200 West.
Street Vacation

X:\Property\800 North 1200 West Street Vacation\Possible Street Vacation.dwg

CITY OF OREM
DEVELOPMENT SERVICES
ENGINEERING DIVISION
56 NORTH STATE ST
OREM, UT 84057

OREM

Orem City Public Hearing Notice

City Council Meeting
Wednesday, July 8, 2014,
6: 20 PM, City Council Chambers, 56 North State Street.

Rocky Mountain Land Holdings request the City approve the street vacation of a section of 1200 West north of 780 North and south of 800 North. The applicant is proposing to combine the property with other adjacent property into one commercial lot for sale. Please see the map on the reverse side of this notice and contact information below. Please call before the meeting with any questions or concerns regarding this project.

For more information, special assistance or to submit comments, contact Clinton A. Spencer, Planner, AICP, at caspencer@orem.org or 801-229-7267.

NORTHGATE VILLAGE
DEVELOPMENT LC
PO BOX 1239
OREM, UT 84059

PROVO CITY COMM. DEV.
PO BOX 1849
PROVO, UT 84603

KRISTIE SNYDER
56 N STATE STREET
OREM, UT 84057

MOUNTAIN FUEL SUPPLY
79 S STATE ST
SALT LAKE CITY, UT 84147

HOLT, MARJORIE & MICHAEL K
155 N 1165 E
LINDON, UT 84042

TOWN OF VINEYARD
240 E. GAMMON ROAD
VINEYARD, UT 84058

ROCKY MOUNTAIN LAND HOLDINGS
INC
245 N UNIVERSITY AV
PROVO, UT 84601

W AND J PROPERTIES LLC
529 W 300 S
OREM, UT 84058

BRIAN & LISA KELLY
TIMPVIEW NEIGHBORHOOD CHAIR
668 W 1325 NORTH
OREM, UT

W AND J PROPERTIES LLC
--OR CURRENT RESIDENT--
701 N 1130 WEST
OREM, UT 84057

UTAH DEPARTMENT OF
TRANSPORTATION
PO BOX 148420
SALT LAKE CITY, UT 84114

UTAH DEPARTMENT OF
TRANSPORTATION
PO BOX 45678
SALT LAKE CITY, UT 84145

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

LINDON CITY
PLANNING DEPARTMENT
100 NORTH STATE STREET
LINDON, UT 84042

MOUNTAIN FUEL SUPPLY COMPANY
180 E 100 S
SALT LAKE CITY, UT 84139

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

MY THREE SONS LLC
270 E 930 S
OREM, UT 84058

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

TROTTER, RAY C & TAMERA K
675 N 1172 W
OREM, UT 84057

LOTT, JACK D
702 N 1130 W
OREM, UT 84057

MC DONALD'S REAL ESTATE
COMPANY
PO BOX 182571
COLUMBUS, OH 43218

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

CENTURY LINK
75 EAST 100 NORTH
PROVO, UT 84606

NORMAN L NIELSEN PROPERTIES #2
LLC
225 N 320 W
OREM, UT 84057

TRUE NORTH LLC
240 E CENTER ST
PROVO, UT 84606

HAL & KAY JOHNSTON
GENEVA HEIGHTS NEIGHBORHOOD
CHAIR
522 W 740 NORTH
OREM, UT 84057

MAG
586 EAST 800 NORTH
OREM, UT 84097

UTAH DEPARTMENT OF
TRANSPORTATION
--OR CURRENT RESIDENT--
690 N 1200 WEST
OREM, UT 84057

NUTRACEUTICAL CORPORATION
--OR CURRENT RESIDENT--
709 N 1200 WEST
OREM, UT 84057

HOLT, MARJORIE & MICHAEL K
--OR CURRENT RESIDENT--
717 N 1130 WEST
OREM, UT 84057

BARRUS, DARCEY & TARA
--OR CURRENT RESIDENT--
715 N 1060 WEST
OREM, UT 84057

RODRIGUEZ, ROSA
--OR CURRENT RESIDENT--
722 N 1130 WEST
OREM, UT 84057

UTAH DEPARTMENT OF TRANSPORTATION
--OR CURRENT RESIDENT--
750 N 1175 WEST
OREM, UT 84057

MAVERIK INC
--OR CURRENT RESIDENT--
833 N 1200 WEST
OREM, UT 84057

VALGARDSON INVESTMENT PARTNERS LTD
--OR CURRENT RESIDENT--
895 N 1200 WEST
OREM, UT 84057

A&A HOSPITALITY LLC
1100 W 780 N
OREM, UT 84057

MONTANDON, SUSAN K
--OR CURRENT RESIDENT--
1116 W 675 NORTH
OREM, UT 84057

800 NORTH RETAIL LLC
--OR CURRENT RESIDENT--
1160 W 800 NORTH
OREM, UT 84057

TROTTER, RAY C & TAMERA K
--OR CURRENT RESIDENT--
1172 W 675 NORTH
OREM, UT 84057

NUTRACEUTICAL CORPORATION
1400 KEARNS BLVD 2ND FLR
PARK CITY, UT 84060

TRUE NORTH LLC
--OR CURRENT RESIDENT--
716 N 1130 WEST
OREM, UT 84057

NORMAN L NIELSEN PROPERTIES #2 LLC
--OR CURRENT RESIDENT--
729 N 1060 WEST
OREM, UT 84057

S&J INVESTMENTS #3 LC
--OR CURRENT RESIDENT--
766 N 1200 WEST
OREM, UT 84057

NORTHGATE HOTEL LLC
873 N 1200 W
OREM, UT 84057

MYHRE HOLDINGS-OREM LLC
--OR CURRENT RESIDENT--
898 N 1200 WEST
OREM, UT 84057

S&J INVESTMENTS #1 LC
--OR CURRENT RESIDENT--
1100 W 800 NORTH
OREM, UT 84057

SK INVESTING LLC (ET AL)
--OR CURRENT RESIDENT--
1164 W 675 NORTH
OREM, UT 84057

MC DONALD'S REAL ESTATE COMPANY
--OR CURRENT RESIDENT--
1180 W 800 NORTH
OREM, UT 84057

RODRIGUEZ, ROSA
1503 SANTON PL # 5
LONG BEACH, CA 90804

800 NORTH RETAIL LLC
1820 S ESCONDIDO BLVD STE 205
ESCONDIDO, CA 92025

GIESSING, AAGE B
737 N 1200 W
OREM, UT 84057

MONTANDON, SUSAN K
794 COVENTRY LA
ALPINE, UT 84004

MAVERIK INC
%MURRAY, DAN
880 W CENTER ST
NORTH SALT LAKE, UT 84054

MAYOR RICHARD BRUNST
900 EAST HIGH COUNTRY DRIVE
OREM, UT 84097

VALGARDSON INVESTMENT PARTNERS LTD
%VALGARDSON AND SONS INC
1010 E 820 N
PROVO, UT 84606

BARRUS, DARCEY & TARA
1115 E 1100 N
AMERICAN FORK, UT 84003

MCMULLIN, ROBERT
--OR CURRENT RESIDENT--
1168 W 675 NORTH
OREM, UT 84057

TG OREM LLC
--OR CURRENT RESIDENT--
1207 W 800 NORTH
OREM, UT 84057

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

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057

S&J INVESTMENTS #1 LC
1733 N 400 E
OREM, UT 84097

UTOPIA
2175 S REDWOOD ROAD
WEST VALLEY CITY, UT 84119

SK INVESTING LLC (ET AL)
2360 CARTERVILLE RD
PROVO, UT 84604

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

TG OREM LLC
4700 HIGHLAND DR STE D
SALT LAKE CITY, UT 84117

MCMULLIN, ROBERT
5625 W 12000 S
PAYSON, UT 84651

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

COMCAST
9602 SOUTH 300 WEST
SANDY, UT 84070

MYHRE HOLDINGS-OREM LLC
8089 GLOBE DR
WOODBURY, MN 55125

CITY OF OREM **CITY COUNCIL MEETING** JULY 8, 2014	
REQUEST:	**RESOLUTION - Approving a Development Agreement Between the City and Coronado Village, LLC Pertaining to Midtown Village**
APPLICANT:	Coronado Village, LLC
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:
Community Commercial
Current Zone:
PD-23
Acreage:
9.83
Neighborhood:
Orem Park
Neighborhood Chair:
Tom & Georgia Pett

PREPARED BY:
Steve Earl
Deputy City Attorney

REQUEST: Coronado Village, LLC requests that the City Council, by resolution, approve a development agreement between the City and Coronado Village pertaining to Midtown Village.

BACKGROUND: Coronado Village, LLC has a contract to purchase the Midtown Village property and desires to complete construction of that project. Coronado Village desires to modify the original development plan somewhat to move the west tower closer to Orem Boulevard and to increase the number or residential units on the project. The proposed ordinance changes to the PD-23 zone will be considered by the City Council as a separate item.

If the proposed amendments to the PD-23 zone are approved, the number of residential units will increase which will in turn increase the amount of traffic generated from the project. Coronado Village has agreed to make certain street improvements to help mitigate the impacts of this increased traffic including constructing a right-turn lane from 400 South onto Orem Boulevard and participating (50%) in the cost of constructing a right-turn lane from 400 South onto State Street. City staff and Coronado Village would like to include these commitments in a development agreement.

In addition, there is an existing development agreement recorded against the property that was executed between the City and the original developer in February 2006. This prior development agreement governed how the City-owned parking areas were to be operated and maintained.

Coronado Village would like to pay off the SID assessments that were levied against the property and would like the City to convey the City's interest in the City parking area to Coronado Village after the SID bonds are paid off. In order for this to happen, the City would need to declare the City parking area surplus and follow the procedures for disposing of surplus property outlined in City Code Section 2-7-10(D).

Coronado Village would like to enter into a new development agreement with the City that indicates that the prior development agreement will be of no further effect (it will not be needed if Coronado Village owns the entire parking structure) and that also outlines the process under which Coronado would pay off the SID assessments and would potentially obtain the City's interest in the underground parking.

In summary, the main points of the proposed development agreement are as

follows:

1. The prior development agreement of 2006 will have no further effect.
2. The site plan and plat that were previously approved for the project continue to be valid and the developer can complete construction according to the approved site plan and plat or can amend the site plan and plat in conformance with City ordinances.
3. The developer has the right to assign all or a portion of the property.
4. The developer may construct the project in phases.
5. At the time of closing on the purchase of the Property, Coronado Village will deposit in escrow an amount sufficient to pay off the SID assessments on the property.
6. The City agrees to initiate the process of declaring its interest in the underground parking surplus within 15 days after Coronado Village closes on the purchase of the property.
7. In the event that the Council agrees to convey the City's interest in the underground parking to Coronado pursuant to the City's surplus property procedures, the amount held in escrow will immediately be used to pay off the SID assessments. If the City Council does not agree to convey the City's interest in the parking units to Coronado Village, the amount held in escrow will be immediately returned to Coronado.
8. Coronado agrees to construct or to participate in the construction of right turn lanes from 400 South onto Orem Boulevard and State Street as described above.

RECOMMENDATION:

City staff recommends that the City Council, by resolution, approve the proposed development agreement and authorize the City Manager to sign the proposed development agreement.

DRAFT

RESOLUTION NO. _____

A RESOLUTION BY THE OREM CITY COUNCIL APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY AND CORONADO VILLAGE, LLC PERTAINING TO MIDTOWN VILLAGE

WHEREAS Coronado Village, LLC has a contract to purchase the Midtown Village property located at 320 South State Street, Orem, Utah; and

WHEREAS Coronado Village desires to increase the number of residential units to be constructed as part of the Midtown Village project; and

WHEREAS the City anticipates that additional traffic will be generated from the project if additional residential units are constructed; and

WHEREAS Coronado Village is willing to mitigate the additional traffic impacts resulting from the additional residential units by constructing a right turn lane from 400 South onto Orem Boulevard and by paying fifty percent (50%) of the cost of constructing a right turn lane from 400 South onto State Street; and

WHEREAS there is an existing development agreement that was recorded against the Midtown Village property in 2006 that governs the operation and maintenance of the City-owned parking areas that were constructed pursuant to the Midtown Village Special Improvement District ("SID"); and

WHEREAS Coronado Village desires to pay off the SID assessments that were levied against the property; and

WHEREAS Coronado Village has also requested that upon payment of the SID assessments and the pay off of the SID bonds, that the City declare its interest in the Midtown Village underground parking surplus and dispose of such interest by conveying it to Coronado Village; and

WHEREAS Coronado Village has requested that the City and Coronado Village enter into a new development agreement that provides that the 2006 development agreement is of no further effect, requires Coronado Village to construct or participate in the construction of a right turn lane from 400 South onto Orem Boulevard and a right turn lane from 400 South onto State Street, and would require Coronado Village to deposit in escrow a sum sufficient to pay off the SID assessments against the property which amounts would be used to pay off the SID assessments in the event the City Council later agrees to dispose of the City's interest in the underground parking by conveying such interest to Coronado Village; and

WHEREAS the City Council finds that it is in the City's best interest to approve and enter into the proposed development agreement.

DRAFT

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

1. The City Council hereby approves the proposed development agreement between the City and Coronado Village, LLC, a copy of which is attached hereto as Exhibit "A."

2. The City Council hereby authorizes the City Manager to execute the proposed development agreement attached as Exhibit "A" on behalf of the City.

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

4. This resolution shall take effect immediately.

PASSED and APPROVED this **8th** day of July **2014**.

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

_____
Donna R. Weaver, City Recorder

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

The development agreement is still being edited. Any changes will be presented to you during the July 8th meeting.

WORKING DRAFT
FOR DISCUSSION PURPOSES ONLY
KIRTON McCONKIE
May 19, 2014

When Recorded, Return to:
_____
_____
_____
_____

AMENDED AND RESTATED MASTER DEVELOPMENT AGREEMENT FOR MIDTOWN VILLAGE

This Amended and Restated Master Development Agreement ("Agreement") is made and entered as of the ___ day of _____, 2014 between OREM CITY, a Utah municipal corporation ("City"), and CORONADO VILLAGE, LLC, a Delaware limited liability company ("Developer").

RECITALS

A. Developer is under contract to purchase several parcels of real property (and the improvements located thereon) located at approximately 320 South State Street, which parcels are more particularly described on Exhibit A attached hereto and by reference is made a part hereof (the "Property").

B. The City and Developer's predecessor in interest entered into a Development Agreement, dated August 15, 2002, recorded on August 22, 2002, in the official records of the Utah County Recorder as Entry No. 96858:2002 ("DA 1"), in an effort to agree upon several covenants and conditions that would help the development of the Property and promote the commercial success and viability of the State Street corridor. Subsequent to DA 1, the City enacted and applied the PD-23 zone (Midtown Village) to the Property in an effort to encourage the redevelopment and revitalization of the Property and to promote the strengthening of the City's retail and economic base.

C. The City determined that it could further promote the economic redevelopment and revitalization of the Property by funding the construction of an underground, public parking structure (or a part thereof) (the "City Parking Units") on the Property which would be open for use by the general public and which would help attract customers for the commercial tenants in the Project.

D. On January 13, 2004, the City Council adopted a resolution creating a special improvement district on the Property pursuant to Utah Code Section 17A-3-301 et seq., for the construction of the underground parking structure (the "SID").

E. The obligations of the City and Developer's predecessors pertaining to the operation and maintenance of the aforementioned underground parking structure were addressed in (i) a Development Agreement, dated July 19, 2005, recorded on July 27, 2005, in the official records of

the Utah County Recorder as Entry No. 81105:2005 ("DA 2"), and (ii) a Development Agreement, dated February 21, 2006, recorded on February 27, 2006, in the official records of the Utah County Recorder as Entry No. 22490:2006 ("DA 3"). DA 1, DA 2 and DA 3 are, collectively, the "Prior Development Agreements."

F. The City issued interim warrants and made payments to the contractor for the Project for the purpose of paying the City's share of the City Parking Units pursuant to the SID.

G. The City adopted an assessment ordinance on September 25, 2007 which levied SID assessments against the Property. The assessments were levied to reimburse the City for the City's payments toward construction of the first level of underground parking for the project.

H. On or about February 10, 2009, the City issued special assessment bonds (the "Special Assessment Bonds") in the approximate amount of $3,943,000, the proceeds of which were used to retire the interim warrants previously issued by the City and to fund a reserve fund.

I. Annual payments have been made to the City pursuant to the assessments that were levied against the Property beginning in 2008 and continuing through 2013. The annual assessment payment for 2014 has not yet been made.

~~**E.**~~**J.** As of July 31, 2014 the amount required to pay off the assessments, including all interest, fees and costs is approximately $3,339,786.01.

K. Developer desires to complete the construction of a mixed-use development on the Property commonly known as Midtown Village, consisting of commercial, office and residential uses as described and depicted in the site plan for the Property attached hereto as Exhibit B (hereinafter referred to as the "Project"). Completion of the Project is expected to provide substantial economic benefits to the City through the redevelopment of dilapidated and underutilized commercial property along one of the City's principal commercial corridors.

L. Developer has submitted an application to amend the PD-23 zone to allow Developer to develop the Property according to a modified plan and to among other things, allow the west tower(s) of the Project to be increased in height and moved closer to Orem Boulevard, increase the number of residential units in the Project, decrease the amount of required parking, increase the allowable height for rooftop mechanical system and shade structures, increase the allowable signage in the Project, and to increase the flexibility of uses on the main floor areas.

M. Developer desires to pay off, upon closing, the outstanding balance of all SID assessments against the Property.

~~**F.**~~ The City

~~**G.**~~**N.** ~~**G.** The City~~ and Developer have agreed to enter into this Development Agreement to assist with Developer's completion of the Project. Except as otherwise set forth herein, the parties have agreed that Developer ~~is fully vested with all prior approvals under the Prior Development Agreements (collectively, the "Prior Approvals"), but~~ shall not be bound by any obligations under the Prior Development Agreements, except as may be expressly provided in this Agreement.

O~~H~~. The parties understand and intend that this Agreement is a "development agreement" within the meaning and entered into pursuant to the terms of Utah Code Ann. §10-9a-102 (2008).

THEREFORE, in consideration of the mutual covenants contained herein, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer hereby agree to the following:

TERMS

1. Incorporation of Recitals and Exhibits. The foregoing Recitals and Exhibits are hereby incorporated into this Agreement.

2. Prior Development Agreements Superseded. The parties hereby agree and acknowledge that (i) the Prior Development Agreements are hereby superseded and restated, as amended by this Agreement, and (ii) Developer has no liability, responsibility, duty, or obligations under the Prior Development Agreements. ~~Further, the City acknowledges that while portions of the Project were previously developed by other developers, owners or parties, except as otherwise expressly provided in this Agreement, Developer has not, is not, and shall not assume or be liable for any responsibilities, duties, or obligations (whether known or unknown) of any such previous party developers, owners or parties in connection with the Project.~~

~~**3.**~~ **Development of the Project**. The City and Developer hereby agree and acknowledge that~~:~~

~~4.~~3. ~~(i)~~ the City has previously approved one or more site plans and/or plats for the Project. The City acknowledges that the prior site plan approval(s) and plat approval(s) remain valid and the Developer has the current right to complete the Project in accordance with such site plan(s) and plat(s) or to submit and receive approval of amended site plans and plats that conform to the City's ordinances.~~All of the Prior Approvals are hereby confirmed and reaffirmed by the City in all respects for Developer's use and benefit, including, but not limited to, the modifications described and/or depicted in the Project site plan attached hereto as Exhibit B, without the need for any additional approvals or consents beyond those described herein. The City hereby grants and provides all such Prior Approvals and new approvals to Developer in connection with the execution of this Agreement. Developer, however, shall not have the obligation to use all or any portion of the Prior Approvals, and, subject to the terms and conditions of this Agreement,~~ Developer expressly reserves the right to amend, alter, change, replace, or substitute any new plans, designs, drawings, submittals, plats, diagrams, proposals, agreements, applications and/or other documentation of any kind for all or any portion of the Project provided that the same comply with applicable City ordinances. ~~such Prior Approvals, in accordance with the terms of this Agreement. To the extent there are any conflicts between the terms, provisions and conditions of this Agreement and the City's present code, ordinances, resolutions, etc. (the "City's Present Laws"), this Agreement shall control.~~

~~(ii) The City represents and warrants it has received all applicable approvals from all applicable departments, agencies, authorities and governing bodies of the City with jurisdiction over all or any aspect of this Agreement, including, without limitation, the City Planning Commission and the City Council.~~

~~(iii) The City hereby acknowledges and represents that, to the fullest extent necessary under applicable law, (a) the City has completed all applicable public and/or private hearings and comment periods, and has obtained all applicable internal consents and approvals that are required to enter into this Agreement and grant approval of Developer's Concept Plan (as defined under the PD-23 zone) for the Property, and (b) Developer has complied with all necessary and applicable terms, conditions, requirements, and provisions of all applicable laws in connection with the process for submitting and receiving Concept Plan approval for all of the Property. No further or other approvals or consents of any kind related to any Concept Plan approval for any of the Property shall be necessary from the City.~~

~~(iv) The City hereby agrees to act in good faith with respect to the utility improvements it requires to service the Property, and to impose on Developer, whenever possible, the City's minimal utility improvement requirements. Specifically, the City agrees to exercise its best efforts to apply the minimum utility improvement requirements with regard to the amount and size of any storm-water lines, facilities, basins, and/or any other storm water infrastructure/improvements required to be installed by Developer in conjunction with the development of the Property.~~

~~5.~~ ZAssignment to Sub-developer~~oning and Vested Rights~~.

~~6. Current Zoning.~~ ~~The Property is currently zoned in the PD-23 zone (Midtown Village), as recently amended and/or as modified hereby. All current zoning with respect to the Property, including, but not limited to, the signage requirements, density determination, parking requirements, and such other approvals and/or rights described in the current PD-23 zone, a copy of which is attached hereto as Exhibit C, are deemed to be fully and completely vested for the benefit and use of Developer, and the City shall not, without Developer's consent, change the zoning classification of all or any portion of the Property, or reduce the development rights within the zoning classification in a manner that would affect the Property.~~

~~7. Vested Rights Granted by Approval of this Agreement.~~ ~~The Parties intend and agree that the rights granted to Developer under this Agreement and the Prior Approvals are granted contractually, by statute, by ordinance, and under common law. Consequently, such rights of Developer may be enforced using contractual, statutory, common law, and/or equitable remedies. Except as may be specifically set forth herein, the parties specifically intend that the Prior Approvals and any/all rights and approvals hereunder, are fully and finally vested rights in Developer, which vested rights are not subject to any further conditions or approvals. The vested rights granted herein, and all approvals related thereto that are to be provided by the City, are consistent with the City's Present Laws. To the extent such rights and/or approvals described in this Agreement conflict with the Present Laws, the terms of this Agreement shall govern.~~

~~8.~~4. **~~Vested Rights of Sub-developers.~~** Developer shall have the right to convey or otherwise transfer to any sub-developer all or any portion of the Property, in which event such sub-developer shall be entitled to all rights, benefits, privileges, and entitlements set forth in this Agreement that relate to the portion of the Property conveyed or otherwise transferred to such sub-developer; provided, however, Developer shall have the right to specifically retain any such rights, benefits, privileges, and/or entitlements in any documentation related to the conveyance or other transfer from Developer to such sub-developer. Except as otherwise set forth herein or in

any documentation related to the conveyance or other transfer from Developer to such sub-developer, with respect to such portion of the Property conveyed or otherwise transferred, all references to Developer in this Agreement as they pertain to the right to develop the portion of the Property conveyed, shall be deemed to refer to the sub-developer.

~~9.~~5. **Development of Property in Phases.** The City acknowledges that Developer, sub-developer and/or assignees of Developer may submit one or more development (or permit) applications from time-to-time to develop and/or construct portions of the Property in phases. Developer, in its discretion, shall have the right to develop the Property in as many phases, and in any order Developer deems desirable. Phasing of the development of the Property is to be determined solely by Developer. Nothing herein shall be deemed to obligate Developer to commence construction on or complete any part or all of the development of the Property pursuant to a specific schedule. ~~Furthermore, upon the completion of each phase, and so long as life safety, health and ingress/egress requirements are satisfied, the City agrees to issue a certificate of occupancy (or certificates of occupancy if required) for such phase(s) so that Developer can immediately occupy and/or lease the premises within such phase(s).~~

6. Repayment of SID Bonds, Credit for Reserve Funds and Conveyance of City Parking Units.

6.1. **Pay-Off of Assessment Balance**. As of the date of this Agreement, Developer and the City agree that the sum of $3,339,786.01 ~~_____ DOLLARS and NO/100 ($_____.00)~~ remains outstanding (the "Outstanding Balance") on the SID bonds (collectively, the "Special Assessment ~~"~~Bonds") issued by the City to pay-off the interim warrants for those certain underground parking units in the Project designated as Unit P1, Unit P2 and Unit P3 (collectively, the "City Parking Units"). As part of the closing of the purchase of the Property, Developer shall deposit in escrow an amount sufficient to pay off the Outstanding Balance. These funds shall be held in escrow until such time as the Orem City Council makes a decision regarding the disposal of the City Parking Units as described below. In the event that the City Council determines to dispose of the City Parking Units by conveying the City Parking Units to Developer (which decision the parties anticipate will be made subject to Developer paying off the Outstanding Balance and the retirement of the Special Assessment Bonds), the funds held in escrow shall be immediately released to pay off the Outstanding Balance. In the event that the City Council determines either not to dispose of the City Parking Units or to dispose of the City Parking Units in a way other than by conveyance of the City Parking Units to Developer, then the funds held in escrow shall be immediately released to Developer. In the event that the escrowed funds are used to pay the Outstanding Balance, ~~Notwithstanding the current pay-off date for the Bonds (June 1, 2014), the City hereby agrees to extend such pay-off date until November 20, 2014. Furthermore, at the time Developer pays the Outstanding Balance,~~ the City agrees that Developer shall receive a credit against the Outstanding Balance for the amount of the reserve fund (approximately $296,315.60) and the operations and maintenance (O&M) fund (approximately $177,255.54) ~~contingency and operating reserves (approximately $475,000.00)~~ currently held in escrow by the City.

6.2. **Disposal of City Parking Units**. The City and Developer acknowledge and agree that it may be desirable for both the City and Developer for the City to convey its interest

in the City Parking Units to Developer upon pay off of the Outstanding Balance by Developer and upon the retirement of the Special Assessment Bonds by the City. The parties acknowledge that before the City could convey its interest in the City Parking Units to Developer, the City may be required to follow the procedures outlined in Orem City Code Section 2-7-10(D) relating to the disposal of City-owned real property. The City agrees to begin the process of declaring the City Parking Units surplus and disposing of the City Parking Units pursuant to Section 2-7-10(D) within fifteen (15) days after Developer closes on the purchase of the Property. In the event that the City Council determines to dispose of the City Parking Units by conveying the City Parking Units to Developer, the City shall also convey~~Finally, in conjunction with the pay-off of the Bonds, the City agrees to convey the City Parking Units, and~~ any access easements pertaining thereto~~,~~ to Developer by quit claim ~~general warranty~~ deed.

7. ~~-~~Street Improvements. In connection with the completion of the Project, Developer shall make certain off-site street improvements to help mitigate the additional traffic impacts that will be generated from the additional residential units that Developer is proposing to construct as part of the Project. Specifically, Developer agrees to make the following improvements:

7.1. **Right-Turn Lane from 400 South onto Orem Boulevard**. Developer shall construct a right-turn lane from 400 South onto Orem Boulevard including street, curb, gutter and sidewalk improvements (hereinafter the "400 South Orem Boulevard Improvements") in the location shown in Exhibit "B" which is attached hereto and by reference is made a part hereof. Developer shall perform all design, engineering, construction and striping necessary to complete the 400 South Orem Boulevard Improvements. Developer shall review the design and engineering plans for the 400 South Orem Boulevard Improvements with the City and shall obtain City approval for the design, engineering, construction and striping of the 400 South Orem Boulevard Improvements.

7.1.1. The 400 South Orem Boulevard Improvements shall be constructed in accordance with the City's construction standards and specifications and in accordance with the dimensions shown in Exhibit "B."

7.1.2. Developer shall be required to bond for the 400 South Orem Boulevard Improvements in conformance with the requirements of Section 17-6-6 of the Orem City Code.

7.1.3. Following completion of the 400 South Orem Boulevard Improvements and acceptance thereof by the City, Developer shall dedicate the street, curb, gutter and sidewalk improvements to the City.

7.2. **Participation in Construction of Right Turn Lane from 400 South onto State Street**. Developer shall participate in the cost of constructing a right-turn lane from 400 South onto State Street including street, curb, gutter and sidewalk improvements (hereinafter the "400 South State Street Improvements") in the location shown in Exhibit "C" which is attached hereto and by reference is made a part hereof. Developer shall pay fifty percent (50%) of all design, engineering, construction, striping and other costs necessary to complete the 400 South State Street Improvements.

7.1.1. The 400 South State Street Improvements shall be constructed in accordance with the City's construction standards and specifications and in

accordance with the dimensions shown in Exhibit "C."

7.1.2. Developer shall be required to bond for Developer's share of the 400 South State Street Improvements in conformance with the requirements of Section 17-6-6 of the Orem City Code.

7.1.3. Following completion of the 400 South State Street Improvements and acceptance thereof by the City, the 400 South State Street Improvements shall be dedicated to the City.

8. Sidewalk on State Street. Developer shall prepare a plan and design for a buffered sidewalk adjacent to State Street. The design for the buffered sidewalk shall create, to the greatest extent practicable considering the existing location of utilities and other potential impediments, a sidewalk that is at least eight feet (8') in width and separated from the back of curb by a landscaped strip. Developer shall complete the construction of the sidewalk and landscaped strip adjacent to State Street in accordance with the plan before completion of the buildings in the west phase (adjacent to Orem Boulevard) of the Project.

9. Agreement Considered Mitigation of Impact. In consideration for the agreement of Developer to make the street and sidewalk improvements described above, the City staff shall make a recommendation to the Orem City Council to consider the terms of this Development Agreement as sufficient mitigation of the potential adverse impacts resulting from the request to change the zoning designation of the Property from the R6 zone to the HS zone.

10. No Guarantee of Rezone. The City makes no representation that the request of Developer to have the Property rezoned will be approved by the Orem City Council. Therefore, this Agreement shall not be binding upon Developer unless the request for a rezone of the Property is approved by the Orem City Council.

11. No Limitation on Exercise of Police Power. Nothing in this Development Agreement shall limit the future exercise of the police power by the City in enacting zoning, subdivision, development, transportation, environmental, open space, and related land use plans, policies, ordinances and regulations after the date of this Agreement.

12. Compliance With All Applicable Laws. Developer expressly acknowledges and agrees that nothing in this Agreement shall be deemed to relieve Developer from the obligation to comply with all applicable requirements of the City necessary for approval and recordation of subdivision plats and a site plan (if applicable), including the payment of fees and compliance with all other applicable ordinances, resolutions, including the Orem City Zoning and Subdivision Ordinances and design and construction standards.

~~**10.**~~

~~11.~~13. **CC&Rs.** To the extent any CC&Rs currently encumber all or any portion of the Property, the City shall not prevent or impede Developer ~~shall~~ from ~~have the right to~~ removing~~e~~, amending, restating~~e~~, or otherwise changing~~e~~ the same at any time or from time to time in any manner allowed thereunder or in accordance with Utah law, provided no City ordinances are violated thereby. To the extent that City cooperation is required, t~~T~~he City hereby agrees to cooperate in good faith to allow ~~and/or cause~~ any such removal, amendment, restatement, or other change.

~~12.~~14. **City's Right of Access**. Representatives of the City shall have reasonable access rights to the Property and any portion thereof during periods of construction to inspect or observe the work or proposed development of the Property.

~~**13. Cooperation of City**. The City hereby agrees to cooperate reasonably and in good faith with Developer in all aspects of the development of the Project and with all provisions of this Agreement, and to promptly and diligently respond to requests of Developer. Notwithstanding any time periods set forth in this Agreement for the City to perform any action, including, without limitation, all time periods for reviewing, approving and/or denying any development applications, the City hereby agrees to use commercially reasonable efforts to perform all such actions as soon as possible prior to the expiration of such time periods.~~

~~**14.**~~ **Default**.

15. ~~**Notice.**~~ If either Developer or the City fails to perform its respective obligations hereunder or to comply with the terms hereof, the party believing that a default has occurred shall provide notice to the other party and provide a reasonable opportunity to cure the default before taking any further legal action to remedy the default. .

~~**10.1 Remedies.** In connection with any default that is not timely cured, the parties shall have all rights and remedies available at law and in equity, including, but not limited to, injunctive relief, specific performance and/or damages, which damages shall include, without limitation, attorneys' fees, costs, expenses, expert fees, and court costs. All such damages shall begin to accrue upon the initial date the default originally commences.~~

~~**10.2 Public Meeting.** Before any remedy in this section may be imposed by the City, Developer shall be afforded the right, at its discretion, to attend a public or private meeting before the Council and address the Council regarding the claimed default.~~

~~**10.3 Cumulative Rights.** The rights and remedies set forth herein shall be cumulative.~~

~~**10.4 Sub-developer Defaults**. If the City believes that a default has been committed by a sub-developer then the City shall have all rights and remedies set forth herein against such sub-developer; provided, however, (i) the terms and conditions of this Agreement shall remain unaffected as between the City and Developer, and (ii) Developer shall continue to have all rights, benefits, and privileges set forth in, and/or granted to, Developer under this Agreement. In no event shall (a) any default by a sub-developer constitute a default by Developer, or (b) any rights or remedies sought or obtained by the City have any negative or adverse impact on Developer. If the City believes a sub-developer is in default under the terms of this Agreement, then the City shall provide a courtesy copy of the notice to Developer at the same time notice is provided to such sub-developer~~

16. **Notices.** All notices required or permitted under this Agreement shall, in addition to any other means of transmission, be given by certified mail and regular mail to the following address:

To Developer: Coronado Village, LLC
Attn: Jayson Newitt
1245 Brickyard Road, Suite 70
Salt Lake City, Utah 84106

To the City: City of Orem
Attn: City Manager
56 North State Street
Orem, Utah 84057

Except as otherwise provided in this Agreement, each notice shall be effective and shall be deemed delivered on the earlier of: actual receipt, if delivered personally, by courier service, or upon confirmation of transmittal if by facsimile; confirmation of the email if delivered electronically by email; and three days after the notice is postmarked for mailing, postage prepaid, by first class or certified United States mail and actually deposited in or delivered to the United States Mail. Any party may change its address for notice under this Agreement by giving written notice to the other party in accordance with the provisions of this section.

~~**17. Estoppel Certificates.** Upon 20 days prior written request by Developer, the City will execute an estoppel certificate providing such certifications as may be reasonably requested by Developer and/or Developer's lender(s).~~

~~**18. Attorneys' Fees.** In addition to any other relief, the prevailing party in any action, whether at law, in equity or by arbitration, to enforce any provision of this Agreement shall be entitled to its costs of action including its reasonable attorneys' fees.~~

~~19.~~17. **Entire Agreement.** This Agreement, and all exhibits hereto, constitute the entire agreement between Developer and the City and may not be amended or modified except either as provided herein or by a subsequent written amendment signed by both parties and recorded against the Property.

~~20.~~18. **Headings.** The captions used in this Agreement are for convenience only and are not intended to be substantive provisions or evidences of intent.

~~21.~~19. **No Third Party Rights/No Joint Venture.** This Agreement does not create a joint venture relationship, partnership or agency relationship between the City and Developer. Further, except as expressly provided herein, the parties do not intend this Agreement to create any third-party beneficiary rights and no third person shall have any rights hereunder other than as expressly provided herein, including, without limitation, any right to enforce any terms of this Agreement.

~~22.~~20. **Assignability.** The rights and responsibilities of Developer under this Agreement may be assigned in whole or in part by Developer without the consent of the City. However, the rights under this Agreement may not be assigned to an entity or individual unless the obligations are also assigned and assumed by the same entity or individual. Upon any assignment in whole, Developer shall be fully released from any obligations, duties and/or responsibilities under this Agreement. ~~If any proposed assignment is for less than all of Developer's rights and responsibilities under this Agreement, then the assignee shall be responsible for the performance of each of the obligations contained in this Agreement to which the assignee succeeds. Upon any such partial assignment, Developer shall be released from any obligations as to those obligations that are assigned but shall remain responsible for the performance of any obligations that were not assigned.~~

Any assignee shall consent in writing to be bound by the assigned terms and conditions of this Agreement as a condition precedent to the effectiveness of the assignment.

~~23.~~21. **Binding Effect.** The same rights, privileges, benefits and entitlements granted or vested in this Agreement with respect to the Property shall bind and run with the land and shall continue in the event that Developer sells, transfers, or otherwise conveys any interest in all or any part of the Property to any other person, party or entity.

~~24.~~22. **No Waiver.** Failure of any party hereto to exercise any right hereunder shall not be deemed a waiver of any such right and shall not affect the right of such party to exercise at some future date any such right or any other right it may have.

~~25.~~23. **Severability.** If any provision of this Agreement is held by a court of competent jurisdiction to be invalid for any reason, the parties consider and intend that this Agreement shall be deemed amended to the extent necessary to make it consistent with such decision and the balance of this Agreement shall remain in full force and affect.

~~26.~~24. **Force Majeure.** Any prevention, delay or stoppage of the performance of any obligation under this Agreement that is due to strikes, labor disputes, inability to obtain labor, materials, equipment or reasonable substitutes therefore; acts of nature, governmental restrictions, regulations or controls, judicial orders, enemy or hostile government actions, wars, civil commotions, fires or other casualties or other causes beyond the reasonable control of the party obligated to perform hereunder shall excuse performance of the obligation by that party for a period equal to the duration of that prevention, delay or stoppage.

~~27.~~25. **Time is of the Essence.** Time is of the essence of this Agreement and every right or responsibility shall be performed within the times specified.

~~28.~~26. **Mutual Drafting.** Each party has participated in negotiating and drafting this Agreement and therefore no provision of this Agreement shall be construed for or against either party based on which party drafted any particular portion of this Agreement.

~~29.~~27. **Applicable Law.** This Agreement is entered into in the City in the State of Utah and shall be construed in accordance with the laws of the State of Utah irrespective of other choice of law rules.

~~30.~~28. **Venue.** Any action to enforce this Agreement shall be brought only in the State of Utah in ~~Salt Lake~~Utah County.

~~31.~~29. **Recordation and Running with the Land.** This Agreement shall be recorded in the chain of title of the Property. This Agreement shall be deemed to run with the land.

~~32.~~30. **Authority.** The parties to this Agreement each warrant that they have all of the necessary authority and capacity to execute this Agreement. Specifically, on behalf of the City, the signature of the ~~Mayor of the~~ City Manager is affixed to this Agreement lawfully binding the City to the terms and provisions hereof. This Agreement is approved as to form and is further certified as having been lawfully adopted by the City by the signature of the City Attorney.

31. Lender Protections. Developer shall have the right to collaterally assign this Agreement and all rights, privileges and benefits related thereto to any lender or mortgagee of Developer. In the event of any such assignment, the City hereby agrees that upon any such lender or mortgagee (i) taking control of and/or assuming the Project, or (ii) otherwise foreclosing on the Property (including the receipt of a deed in lieu of foreclosure) and becoming the owner thereof, such lender or mortgagee shall receive all rights and benefits of Developer under this Agreement. ~~In connection therewith, no lender or mortgagee will be liable for any (a) claims, offsets or defenses that the City might have against Developer, or (b) acts or omissions of Developer.~~ In the event of any default by Developer of the terms of this Agreement, any notice that is sent to Developer pursuant to the terms hereof shall be sent simultaneously to any lender or mortgagee that provides notice to the City of its collateral rights under this Agreement. ~~Further, any such lender or mortgagee shall have the right to obtain, and rely on, an estoppel certificate as described in Section 12~~ above.

[SIGNATURES TO FOLLOW]

SIGNATURE PAGE FOR MASTER DEVELOPMENT AGREEMENT

DEVELOPER:

CORONADO VILLAGE, LLC,

a Utah limited liability company

By: _____

Name: _____

Its: _____

CITY:

CITY OF OREM,

a Utah municipal corporation

By: _____

Name: _____

Its: ~~Mayor~~City Manager

APPROVED AS TO FORM

AND LEGALITY:

_____

City Attorney

ATTEST:

_____

City Recorder

ACKNOWLEDGMENTS

STATE OF UTAH)
:ss
COUNTY OF UTAH)

On this ____ day of _____, 2014, personally appeared before me _____, known or satisfactorily proved to me to be the _____ of Coronado Village, LLC, a Utah limited liability company, who acknowledged to me that he/she signed the foregoing instrument for an in behalf of said limited liability company.

_____
Notary Public

STATE OF UTAH)
:ss
COUNTY OF UTAH)

On this ____ day of _____, 2014, personally appeared before me _____, known or satisfactorily proved to me to be the _____ of _____ who acknowledged to me that he/she signed the foregoing instrument for an in behalf of said _____.

_____
Notary Public for _____

Exhibit A

[Legal Description of the Property]

Exhibit B

[Site Plan of the Project]

Exhibit C

[PD-23 Zone]

4810-3713-7435, v. 1

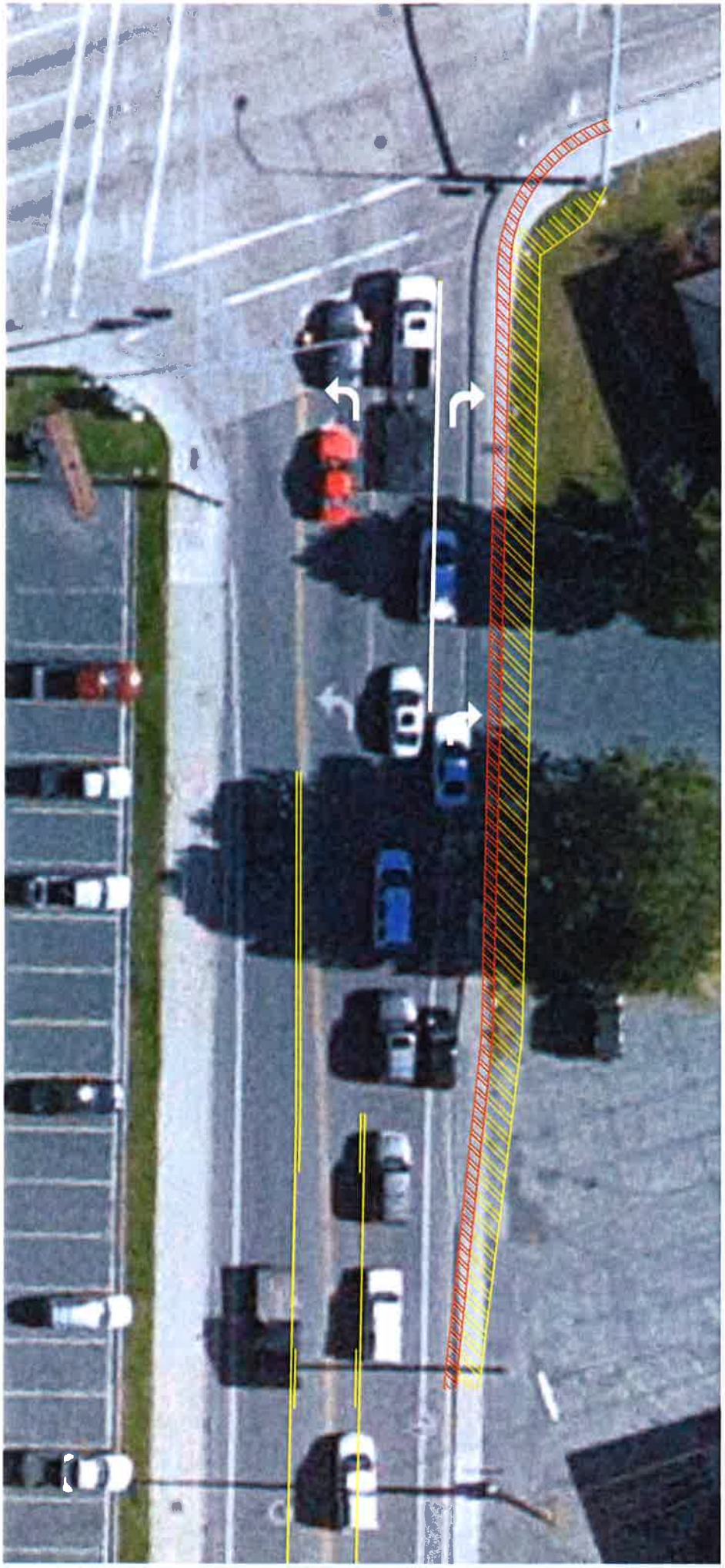


Exhibit "C"

400 So. at

State St.

North

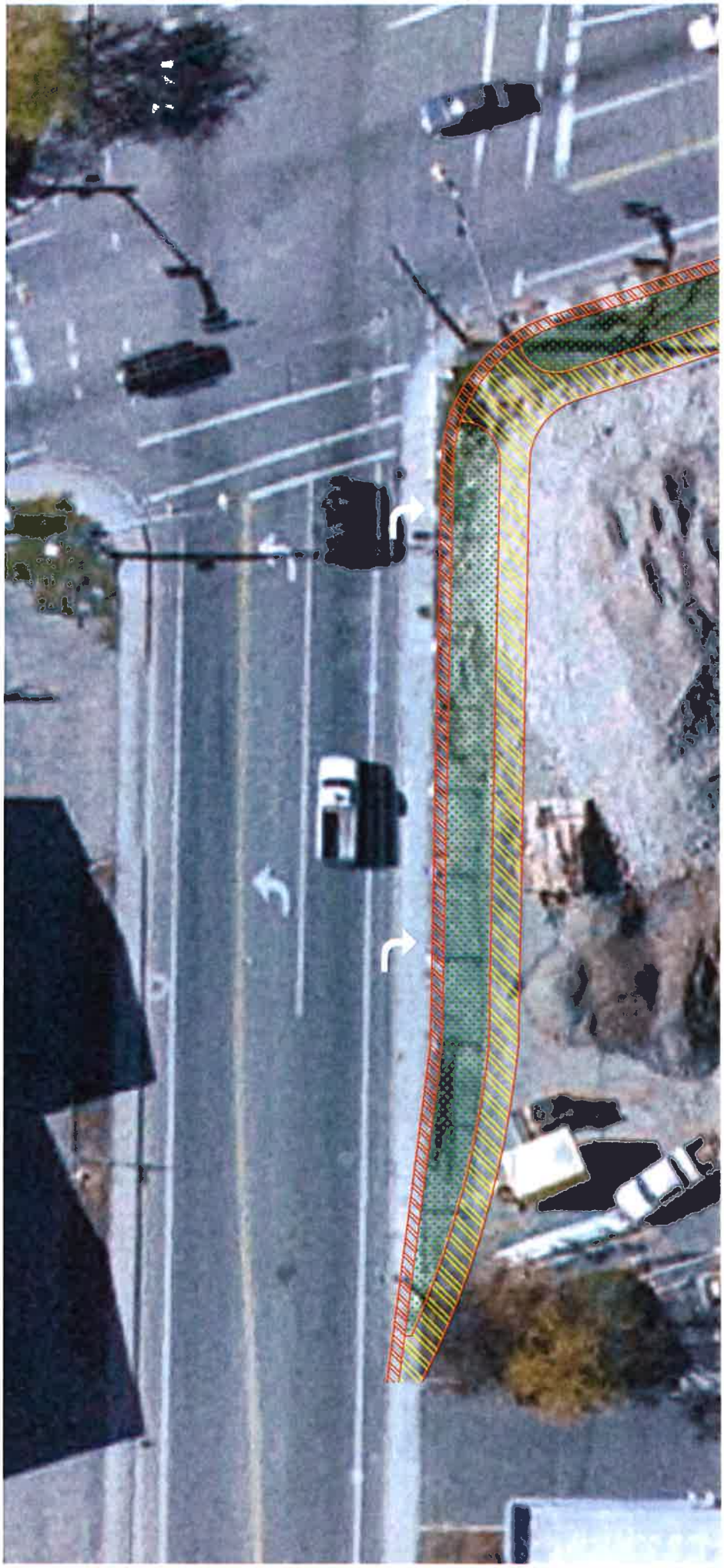


Exhibit "B"

400 So. at

Orem Blvd

North

CITY OF OREM **CITY COUNCIL MEETING** JULY 8, 2014	
REQUEST:	**CONTINUED DISCUSSION - Midtown** **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
-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: This request was continued from the June 17, 2014, City Council meeting to allow additional time to review the proposal and for legal staff to continue working on a development agreement.

The PD-23 zone (Midtown Village) was approved by the City several years ago as a mixed-use development. The south tower has been largely completed, but work stopped on the north tower after the onset of the recession of 2007-2008. Since 2008, the project has been the subject of numerous lawsuits and a foreclosure which ultimately left ownership of most of the project in the hands of MVP Management, LLC which is owned primarily by the contractors and subcontractors who worked on the project.

Since taking over ownership in early 2012, MVP Management has looked for a partner or buyer for the project. Most recently, MVP has been working with the Ritchie Group regarding a potential sale of the project. The Ritchie Group is proposing to make a number of modifications to the original plan and would like to have City Council approval of their proposal prior to making a final commitment to purchase the project.

The most significant change would be a major change in the design and layout of the west building. Instead of attaching the west building to the north and south towers as originally planned, the applicant is proposing to construct two buildings adjacent to Orem Boulevard. These two buildings would be set back 25 feet from Orem Boulevard instead of the 80 foot setback that would have applied to the original west building plan. The west buildings would be five stories high and would contain approximately 298 apartment units.

In addition to the major change to the west building, the applicant is also proposing the following additional amendments:

1. **Name Change**. Change the name of the project from Midtown Village to 360 Place.

2. **Main Floor Use**. Eliminate the requirement that the main floors of each building be devoted to retail uses. Allow 20 percent of the main floor area of the north and south towers to be used for noncommercial purposes and allow any commercial use (not just retail) on the remaining 80 percent. Eliminate any commercial use requirement on the main floor of the west buildings. The applicants are proposing to include a recreation area and other amenities for the tenants on the ground floor of the south building.

3. **Reduce Parking Requirement**. Reduce the parking requirement for residential units in excess of the base residential density from two per unit to 1.65 per unit. The base residential density is determined by taking the number of required commercial parking stalls and dividing by three. The base residential units share the parking with the commercial space and so do not require additional parking. The concept of shared parking works because the demand for commercial and residential uses occurs at different times.

The total required parking under the applicant's proposal would be calculated as follows. Since the applicant proposes having approximately 97,000 square feet of commercial space, 387 parking stalls would be required for the commercial uses based on the standard requirement of 1 stall per 250 square feet of commercial space. This number divided by three yields 129 base residential units. Since the applicant is proposing an additional 420 units above the base residential units, an additional 1.65 stalls would be required for each of these units for a total of 693 additional required parking stalls. The applicant is also providing a total of 60 parking stalls for the large residential units (60 units total) that could have occupancy of up to five individuals. The 387 commercial stalls, plus the 693 stalls, plus the 60 stalls results in a total of 1140 required stalls under the applicant's current proposal and the applicant currently plans on providing 1123 stalls on site, plus an additional 36 parking stalls provided through a parking agreement with Pep Boys for a total of 1159 parking stalls.

4. **Increase Allowable Building Height**.

a. State that no more than 65 percent of rooflines can exceed 70 feet instead of the current 60 feet.
b. Provide that height limits don't apply to mechanical systems, roof-top shade structures, elevator shafts, etc., and that such appurtenances can extend up to a height of 111 feet.
c. No building located within eighty (80') feet of Orem Boulevard may exceed a height of sixty-two (62') feet.

5. **Setbacks**.

a. Reduce the setback from Orem Boulevard from 80 feet to 25 feet.
c. Change the current requirement that the portion of a building greater than 60 feet in height must be set back at least 160 feet from a residential zone to say that the portion of a building at least 80 feet in height must be set back 80 feet from a residential zone.

6. **Exterior Finish Materials**. Allow concrete masonry unit (CMU) block to be used as an exterior finish material. Also allow metal to be used for up to 20 percent of the exterior finish materials.

7. **Signage**. In addition to signage already allowed by the sign ordinance and the existing PD-23 zone, allow the following additional signage:

a. One monument sign at the entrance to the project at State Street and one monument sign at the entrance at Orem Boulevard. Each of these monument signs would be limited to eight feet in height and 15 feet in width.
b. A "crown" sign that would be located at the top of either the north or south tower that would identify the project. This sign would consist of lettering on a flat face and would be allowed to be up to 15 feet in height and 30 feet in width.
c. One additional vertical wall sign for each building that would be used to identify the project or the address of the project. These signs could be 40 feet in height and four feet in width. The vertical wall signs would conform to the general design and quality of the vertical wall signs shown in the concept plan.

8. **Sidewalk**. Require a buffered sidewalk on Orem Boulevard with a six foot sidewalk and an eight foot planter strip.

9. **Large Residential Units**. Allow up to forty-two (42) residential units having at least 1,700 square feet to have up to five unrelated individuals live in the unit.

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
- Adds a buffered sidewalk to Orem Boulevard.

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 the request was continued; and

WHEREAS a continued public hearing considered the subject application was held by the City Council on July 8, 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 **8th** day of July **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, 320360, 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-levelcomplimented by and integrated with compatible commercial characteruses.

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.

(Ord. No. O-02-0047, Enacted, 11/26/2002)

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.

(Ord. No. O-04-0036, Enacted, 7/27/2004; Ord. No. O-04-0049, Amended, 12/14/2004)

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).

(Ord. No. O-02-0047, Enacted, 11/26/2002)

3. **Large Residential Units**. A total of forty-two (42) "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 1,700 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.

(Ord. No. O-02-0047, Enacted, 11/26/2002)

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.

~~(Ord. No. O-02-0047, Enacted, 11/26/2002)~~

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~~No building (or any portion thereof) located within ~~the PD-23 zone is developed according to the standards~~eighty feet (80') of ~~the C2 zone, then the~~Orem Boulevard may exceed a height ~~requirements outlined in the C2 zone~~of sixty-two feet.

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-five (25) 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~~five (5) 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~~eight (8) 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, UTA, 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 or deciduous shrubs at least five (5) gallons in size are required at a ratio of ~~one (1)~~.65 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 Chapter 14 of the Orem City Code for such~~ signs~~.~~ allowed in a residential zone.

~~b. Signage for businesses on private streets is limited to wall signs, window signs, and canopy signs, and the following shall apply:~~

~~1. Wall signs and canopy signs shall~~ 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 ~~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 (hereinafter the "crown sign"). The crown sign shall consist of individual letters on a flat face and shall identify the name of the project. The dimensions of the crown sign shall not exceed fifteen (15) feet in height and fifty (50) feet in width. The crown sign may not be an electronic message sign. The crown sign shall substantially comply with the general design and quality of the crown signs shown in the concept plan.

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, but may be illuminated, including without limitation, by back-lit lighting.

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 pole sign), 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.

~~(Ord. No. O-02-0047, Enacted, 11/26/2002)~~

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.

~~(Ord. No. O-02-0047, Enacted, 11/26/2002)~~

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.~~

~~(Ord. No. O-02-0047, Enacted, 11/26/2002)~~

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.

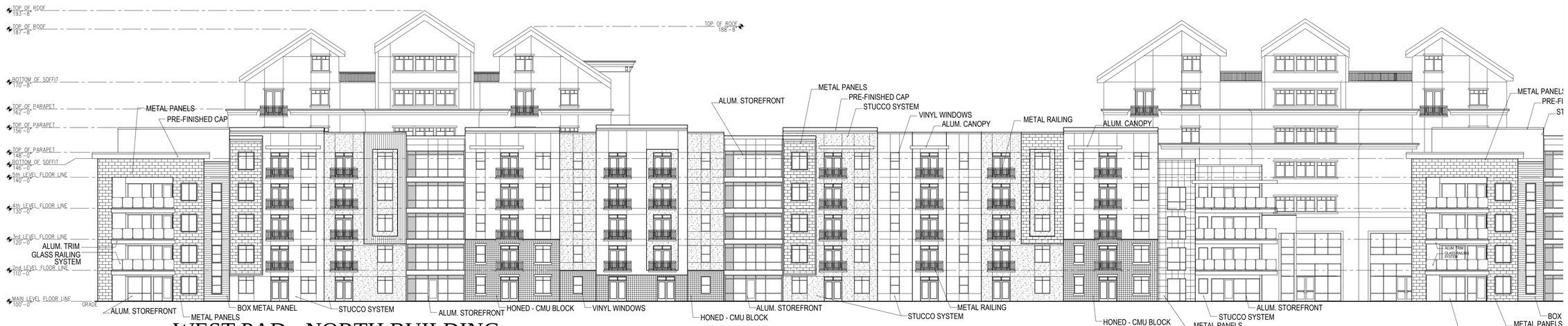
~~(Ord. No. O-02-0047, Enacted, 11/26/2002)~~

~~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.~~
~~(Ord. No. O-02-0047, Enacted, 11/26/2002)~~

WEST PAD - NORTH BUILDING

WEST PAD - SOUTH BUILDING



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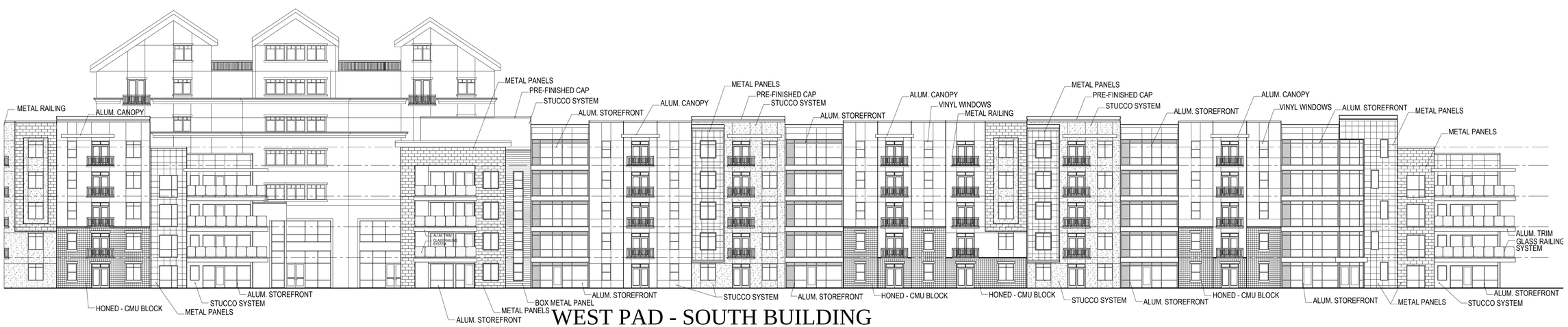

WEST PAD - SOUTH BUILDING

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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

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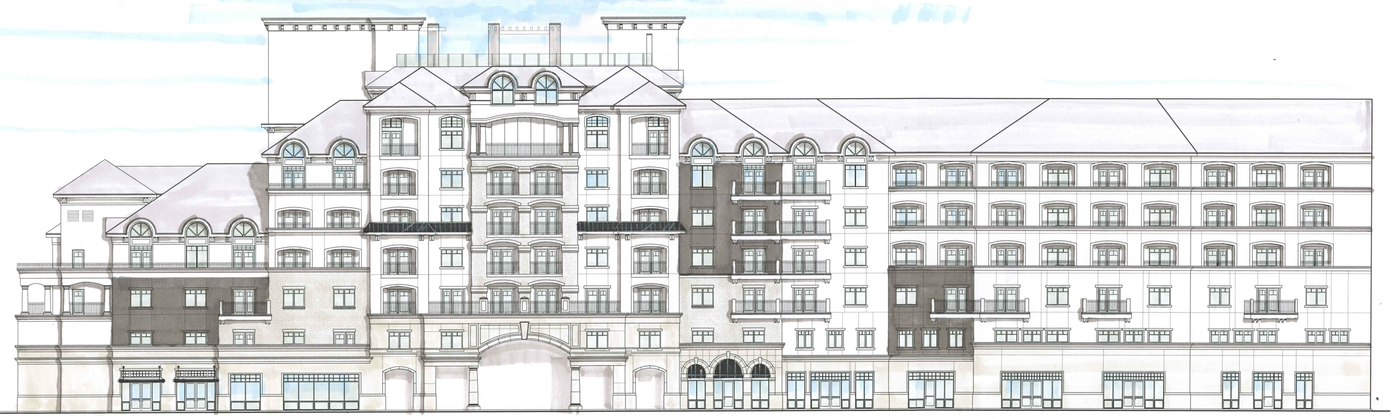
CLASSIC STYLE

NORTH TOWER - SOUTH ELEVATION

THREE60

HARRIS ARCHITECTURE

CLASSIC STYLE



NORTH TOWER - NORTH ELEVATION

THREE60

HARRIS ARCHITECTURE

CLASSIC STYLE

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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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5-6-2014
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CONCEPTUAL COLORED ELEVATIONS

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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

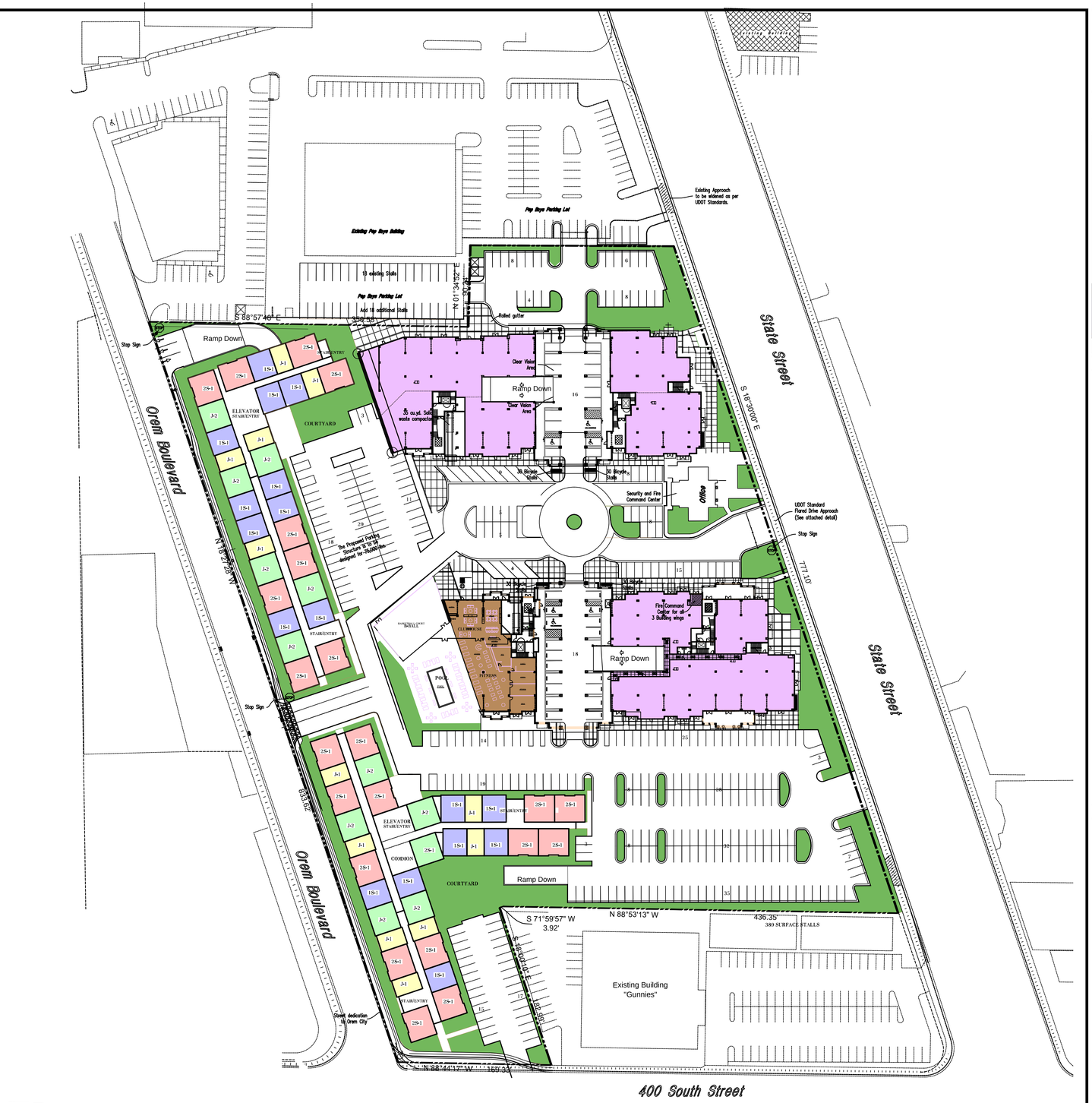
South Wing	99 stalls
North Wing	98 stalls
West Wing	178 stalls
total	385 stalls

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.



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CONCEPTUAL SITE PLAN

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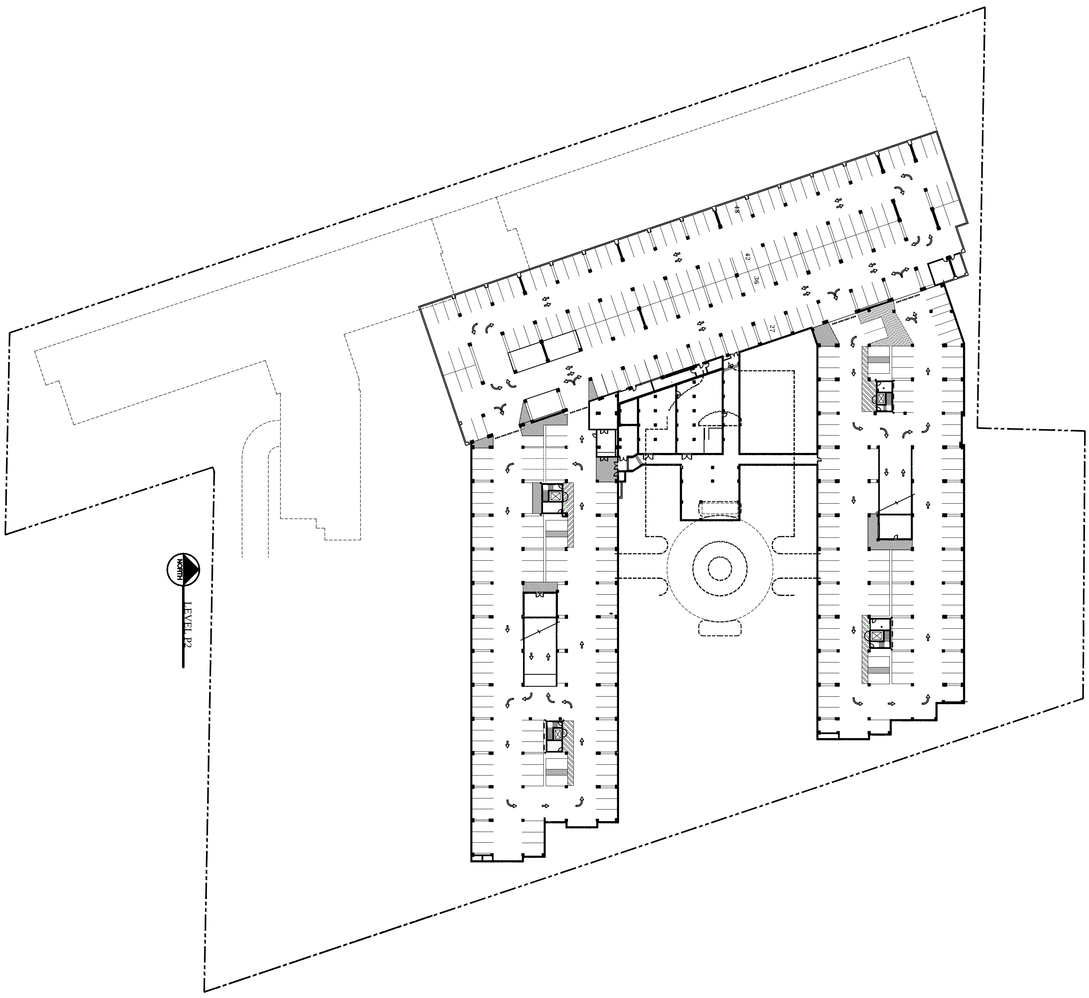

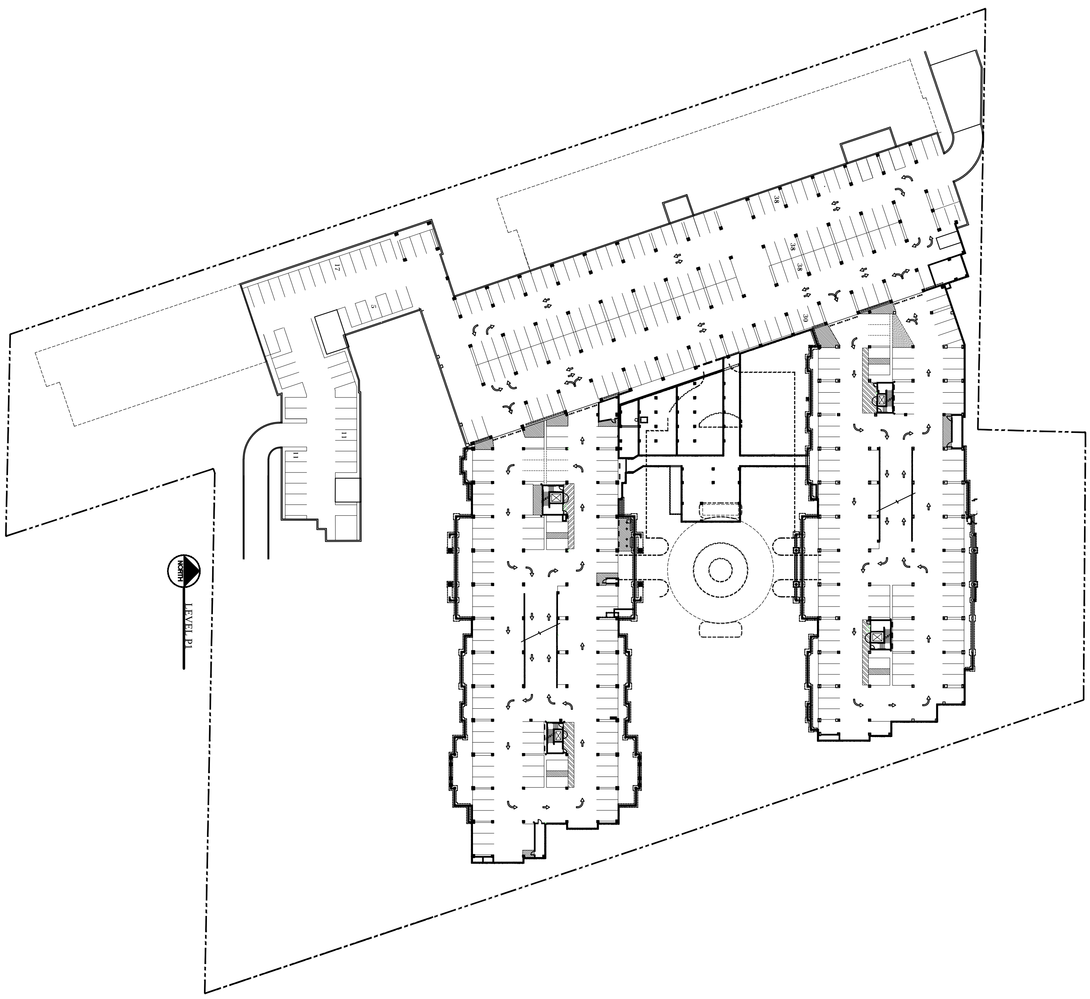

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CONCEPTUAL UNDERGROUND PARKING

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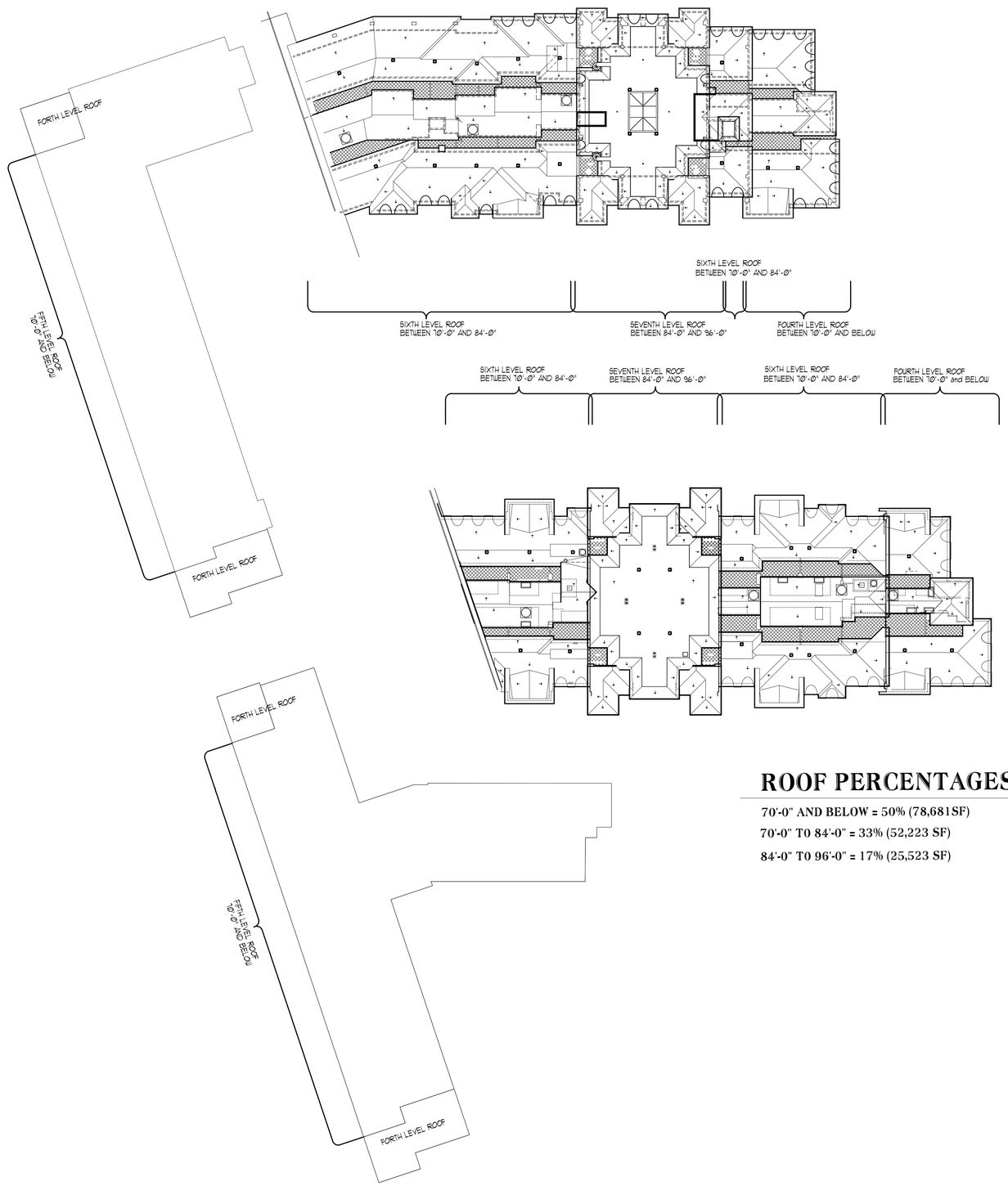

ROOF PERCENTAGES 156,427 SF

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)

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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

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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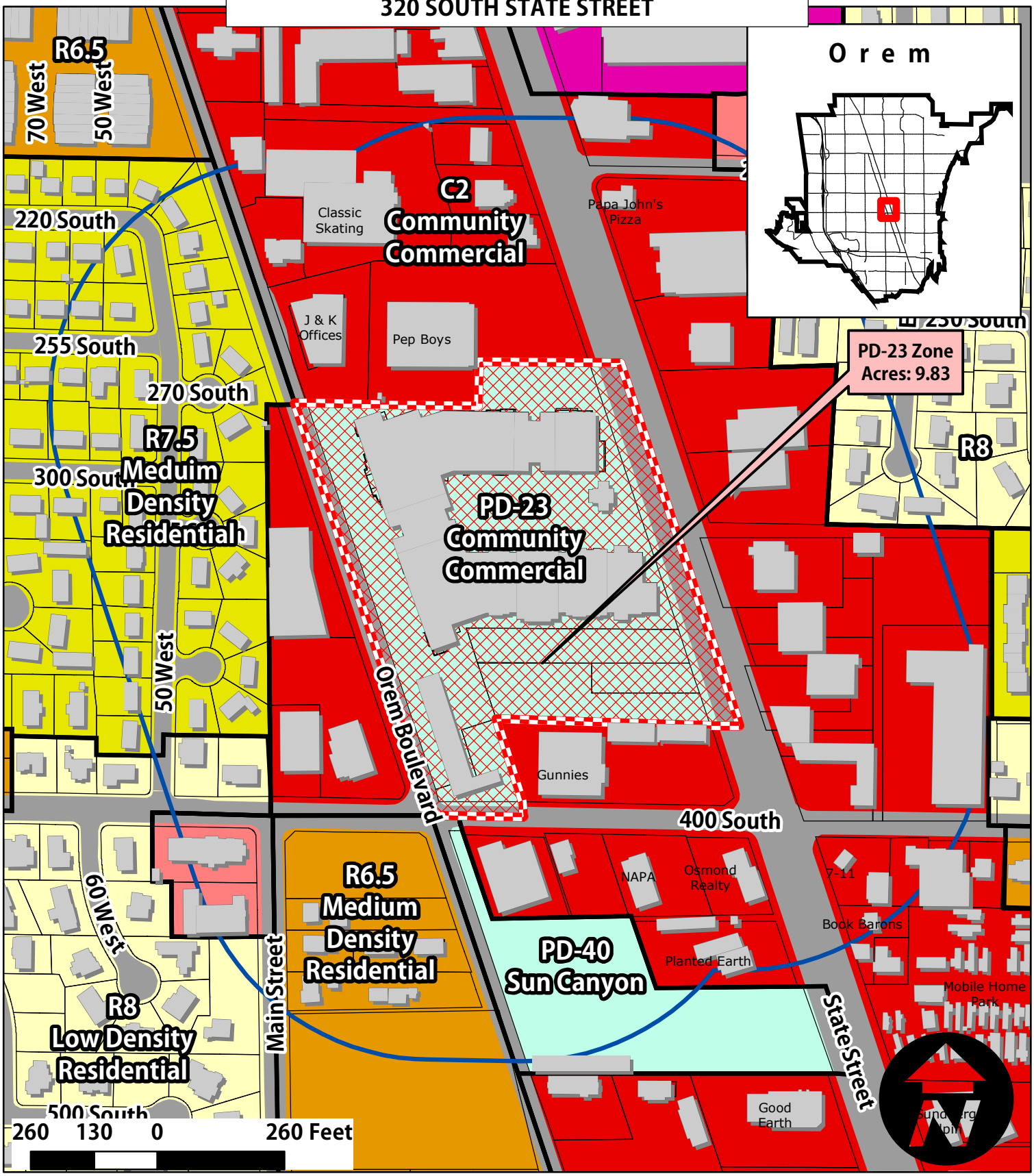
PD-23 Zone Amendments

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.

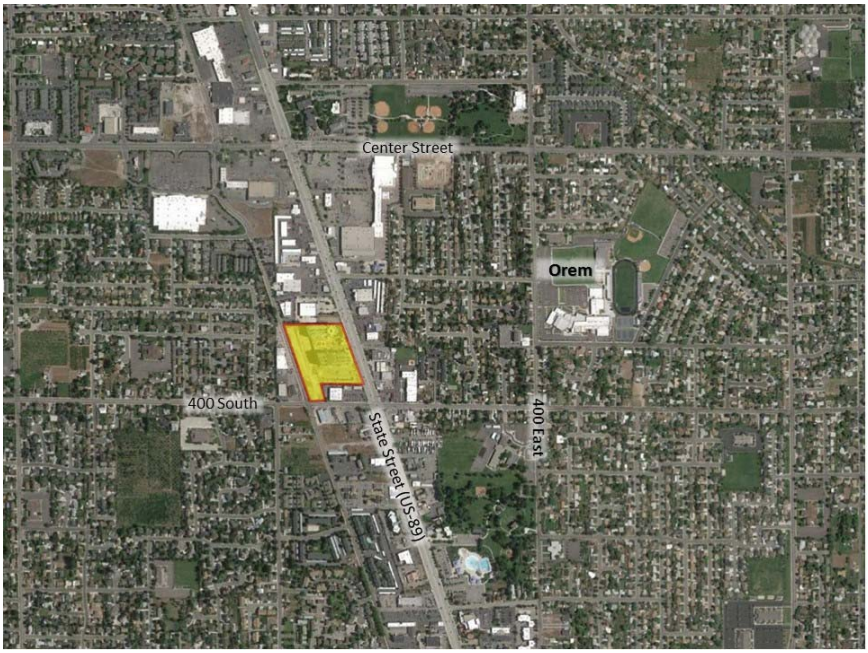


Figure 1: Orem – Midtown Village location map

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.

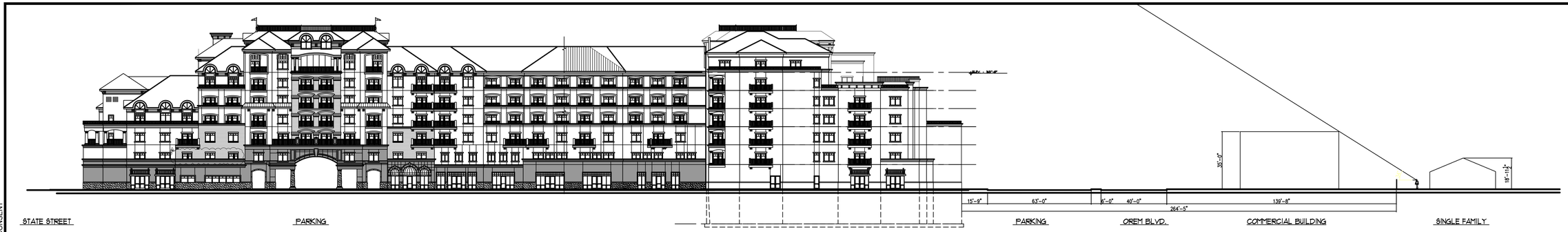
The development Team has been working to increase parking on-site to 1,123 stalls and has an additional 36 stalls secured off-site, for a total of 1,159 stalls. Using the time of day demand, if only 218 stalls are needed for the commercial component of the site at 8 p.m., then 941 stalls (1,159 – 218) 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:

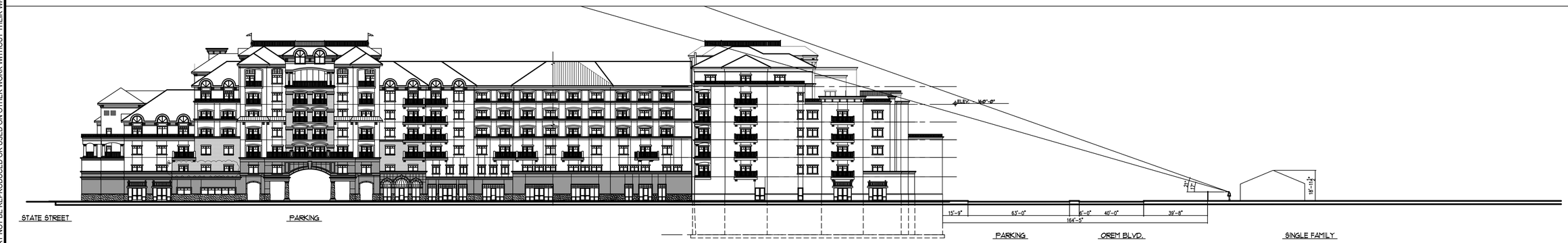
1. As stand-alone uses, 1,140 stalls would be needed as proposed
2. Time of day parking demand identifies a peak of 881 stalls at 8:00 pm
    - Apartment parking rates would be 1.65 to 1.71 stalls / unit based on parking demand by time of day
3. To remain conservative, parking could range from 950 to 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



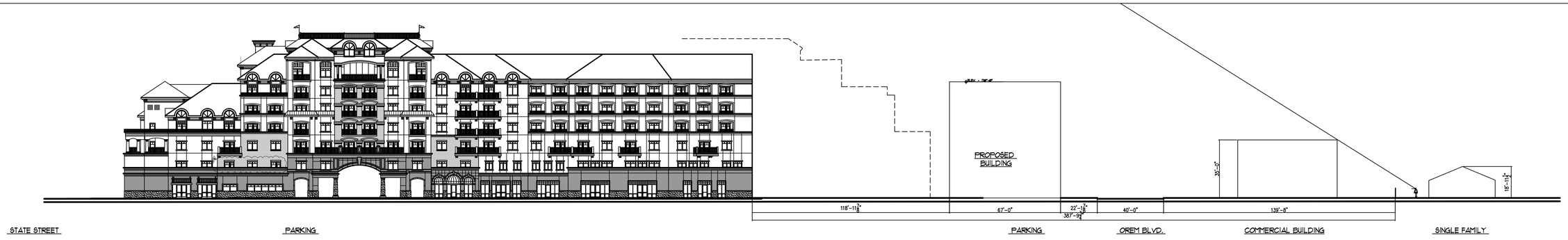
BUILDING AS DESIGNED

SITE SECTION



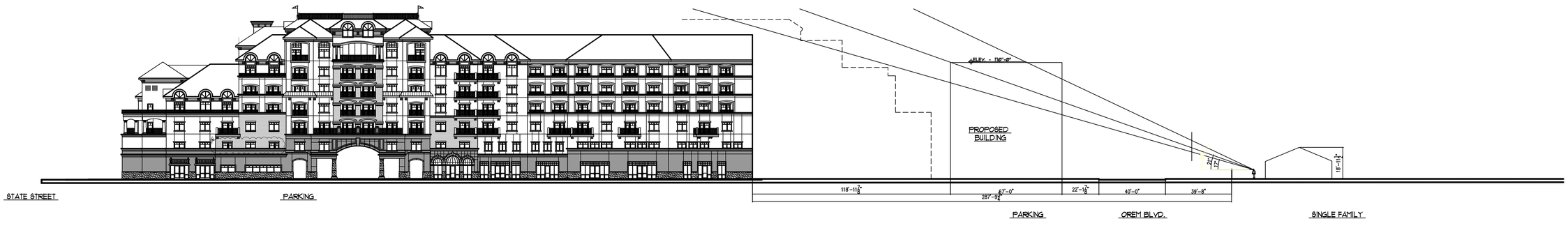
BUILDING AS DESIGNED

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\File\Myler\RITCHIE GROUP\village-site-SECTIONS-7story.dwg

REVISIONS

DRAWN BY
BKH

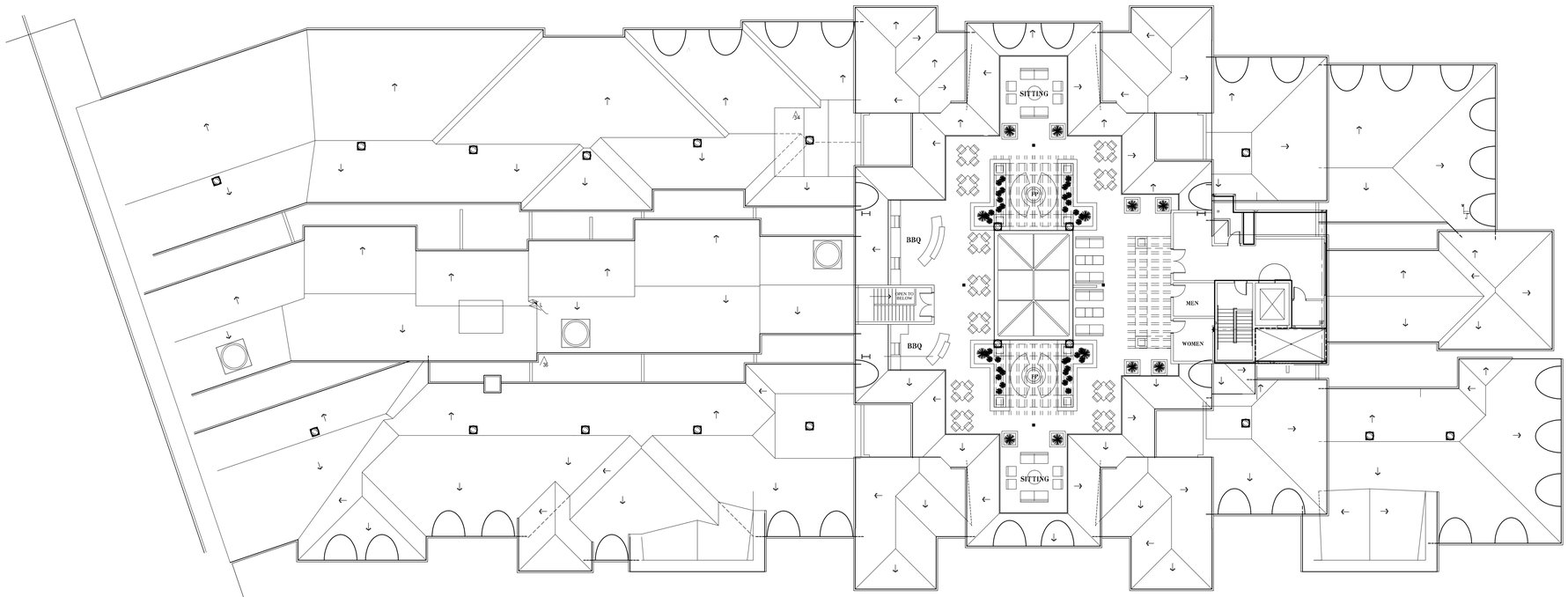
THE RITCHIE GROUP

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



THREE60

NORTH TOWER - LEVEL 9

360 URBAN ROOF TOP LOUNGE

NORTH

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\Myfet\working-drawings\BKH-ROOF 360 URBAN LOUNGE.dwg

REVISIONS

DRAWN BY
BKH

THE RITCHIE GROUP

HARRIS ARCHITECTURE

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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

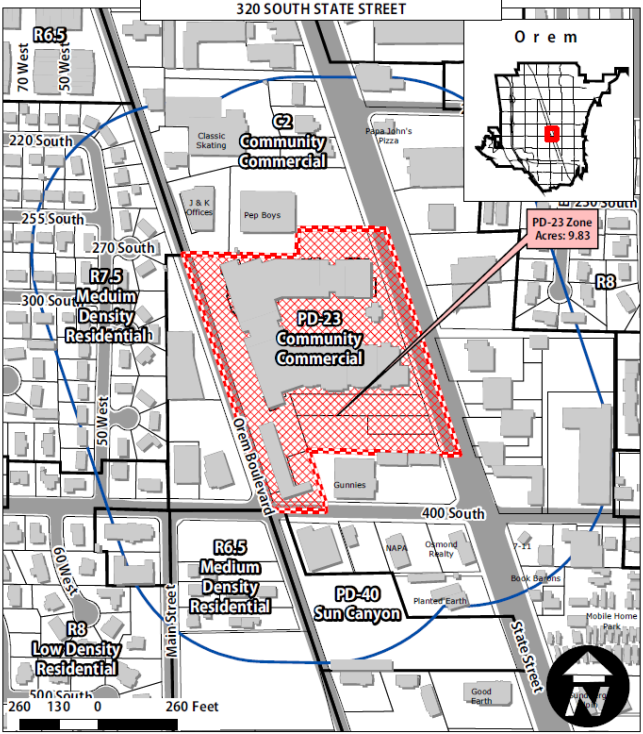
City Council
Tuesday, June 17, 2014
6:20 PM, City Council Chambers
56 North State Street

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