

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
November 18, 2014

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

CONDUCTING	Mayor Richard F. Brunst, Jr.
ELECTED OFFICIALS	Councilmembers Hans Andersen, Margaret Black, David Spencer, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Richard Manning, Administrative Services Director; Greg Stephens, City Attorney; Steve Earl, Deputy City Attorney; Richard Manning, Administrative Services Director; Bill Bell, Development Services Director; Scott Gurney, Fire Department Director; Charlene Crozier, Library Director; Gary Giles, Police Department Director; Jason Bench, Planning Division Manager; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder
EXCUSED	Tom Macdonald, Mark E. Seastrand

PREVIEW UPCOMING AGENDA ITEMS

City Council and staff reviewed upcoming agenda items.

AGENDA REVIEW

City Council and staff reviewed the items on the agenda.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson addressed the following:

- The board of the Alpine School District (ASD) moved the vote on the University Place CDA from December to November 25, 2014. He suggested the joint meeting on November 19th between the Council and the board not focus solely on the CDA.
- Chief Giles would provide information later about possibly locating HAWK traffic signals—similar to the one at Utah Valley University (UVU)—at Orchard Elementary School and Canyon View Jr. High. Mr. Davidson noted the cost to install one signal was close to \$100,000. Because of the expense, one installation would need to work for both schools. The ASD was willing to provide half of the cost, if the City would pay the balance.
- The MindMixer site for the State Street project was a public forum, with participation from residents. Pictures could be attached as well.
- The City Council/Executive Staff Christmas party would be held at the Sleepy Ridge Golf Course Clubhouse at 6:00 p.m. on Tuesday December 2, 2014.

- Transportation funding alternatives were becoming a bigger topic of conversation with the State Legislature. The Utah League of Cities and Towns (ULCT) would like the City to pass a resolution encouraging the Legislature to look at alternative funding opportunities. A transportation coalition had been put together, and it would be in Orem's best interest to be an active participant in that group.

CITIZEN COMMISSION PROCESS

The Council and staff discussed a process for choosing members to serve on the City's advisory commissions. The consensus was to hold interviews during the work session portion of the meeting on December 9th meeting for vacancies in the Recreation Area Allocation Committee (RAAC), Recreation Advisory Commission, Library Advisory Commission, CDBG Advisory Commission, and the Summerfest Advisory Committee.

The Council adjourned at 5:52 p.m. to the City Council Chambers for the regular meeting.

6:00 P.M. REGULAR SESSION

CONDUCTING	Mayor Richard F. Brunst, Jr.
ELECTED OFFICIALS	Councilmembers Hans Andersen, Margaret Black, David Spencer, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Richard Manning, Administrative Services Director; Greg Stephens, City Attorney; Steve Earl, Deputy City Attorney; Bill Bell, Development Services Director; Scott Gurney, Fire Department Director; Charlene Crozier, Library Director; Gary Giles, Police Department Director; Jason Bench, Planning Division Manager; Steven Downs, Assistant to the City Manager; and Jackie Lambert, Deputy City Recorder
EXCUSED	Council members Tom Macdonald and Mark E. Seastrand

Mayor Richard F. Brunst called the meeting to order at 6:01 p.m.

INVOCATION / INSPIRATIONAL THOUGHT PLEDGE OF ALLEGIANCE	Yolana Shelley Thomas Olvera
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APPROVAL OF MINUTES

There were no new minutes for approval.

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

Upcoming Events

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

Appointments to Boards and Commissions

There were no appointments.

Recognition of New Neighborhoods in Action Officers

No new Neighborhood in Action officers were recognized.

Report – Orem Arts Council

Debra Escalante from the Orem Arts Council introduced the members who were in attendance: Kathie Debenham, Debby Lauret, Peggy Philbrick, Cody Hale, and Adam Robertson.

Ms. Escalante said the Art Council members had been working to achieve goals from the strategic plan that was adopted in 2013. She reviewed three strategies:

- Refine and strengthen the role of the Orem Arts Council
- Develop and support the development of cultural arts facilities
- Expand awareness of and involvement in the arts

They identified a need for branding to make the residents of Orem aware of the arts and arts programs. The Arts Council was working on the development of two logos. One was for the Arts Council itself to help in the recognition of Arts Council events. The other logo would be for the arts district. They had met with the City's planning department about the possibility of an overlay zone for the arts district area.

The Arts Council wanted to know the priorities of Orem residents, so a survey had been distributed. Ms. Escalante reviewed the statistics from the 400 responses they had received. The Arts Council realized as they evaluated the survey responses that many of the people were requesting more events similar to the ones they had been attending when the survey was distributed, so the Arts Council was striving to get the survey out to a broader spectrum of residents.

Residents indicated they would like to see more:

- Gallery space
- Festivals, fairs, or events
- More live theater, musical concerts, and outdoor concerts
- Classes in the arts
- Community theater
- Dance
- Family-centered arts events
- Art creation space, where residents could come and “create art”
- Art oriented retail
- Art in public spaces
- Literary and storytelling events
- Living history exhibits

Ms. Escalante reviewed other projects the Arts Council had been involved in, including:

- Continue to offer free arts events, such as the eight summer concerts
- Work with David Fulmer of UVU in creating that band which collaborates between community musicians and music students at UVU
- Building community awareness of the arts and upcoming events
- Ensure that the SCERA and the Hale remain successful
- Work toward the CARE tax renewal
- Foster cooperation with other cities and other arts councils
- Agency grants
- Promote an understanding of the fiscal and economic benefits as well as the cultural nature of the arts

OAC Goals for 2015

- Be more assertive in moving out and taking responsibility for things the Arts Council can do to help grow the arts
- Involve the arts district needs in the discussion about State Street
- University liaison
- Identifying and pursuing funding. Grants usually require matching funds which would require support from the Council.
- Work with City to develop signage
- Promote arts and entertainment in other ways such as the City's newsletter or alerts to residents
- Continue to collect information through the survey

Mrs. Black asked about the possibility of using MindMixer to distribute an arts survey, and Mr. Davidson said he would have to check with staff about the licensing.

CITY MANAGER'S APPOINTMENTS

Appointments to Boards and Commissions

There were no City Manager appointments.

PERSONAL APPEARANCES

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

No one signed up to speak.

CONSENT ITEMS

There were no consent items.

SCHEDULED ITEMS

6:20 P.M. PUBLIC HEARING – PD-21 Concept Plan Amendment
ORDINANCE – Amending Appendix O and various portions of Section 22-11-33 of the
Orem City Code pertaining to development regulations in the PD-21 zone at 1200 South
Geneva Road

Jason Bench reviewed with the Council a request to amend portions of Section 22-11-33 of the Orem City Code pertaining to development regulations in the PD-21 zone at 1200 South Geneva Road. He said the PD-21 zone was enacted in 2000 to create a mixed-use student-oriented development. The original concept plan of 6,000 students and multiple supporting commercial business had evolved into a less dense development consisting of apartments and limited commercial development. The requirement of student-only occupancy had also been removed. Instead of one owner, as first envisioned, the PD-21 zone now encompassed seven property owners.

The PD-21 zone was split into two areas known as “Area 1” and “Area 2.” Area 1 was the existing Wolverine Crossing and Area 2 was the property to the east which was the subject of this request. It was anticipated that the remainder of the property along University Parkway, under separate ownership, would be called “Area 3.” A developer had recently applied for changes to develop Area 3.

The applicant requested several text changes and a concept plan change for Area 2. Most of the text changes affected all property in the PD-21 zone while the concept plan change affected only Area 2. The applicant proposed the following changes:

- Reduce the setback adjacent to 1000 South to ten feet – the same setback that applied to 1250 South. No setback was currently required from 1000 South
- Require buildings higher than 20 feet to be set back at least 20 feet from a property line unless otherwise specified
- Eliminate any setback requirement for buildings less than 20 feet high unless otherwise specified
- Remove the requirement for alternative street pavements such as cobblestone, pavers, or brick on all private streets while still encouraging such alternative street pavements;
- Reduce the parking requirement in Area 2 from 0.65/stalls per occupancy unit to 0.62/stalls per occupancy unit
- Limit occupancy in Area 2 by not allowing dwellings in Area 2 to be occupied by “up to six unrelated individuals” as was currently allowed in the PD-21 zone
- Add cement fiber board siding as an approved material
- Allow a fence up to twelve feet in height on the east side of the development along the railroad right-of-way
- Limit fencing to a maximum height of seven feet in other areas
- Allow two wall signs in Area 2 to be located on residential buildings and oriented to I-15 or University Parkway to allow identification of the project (similar to the wall signs that were approved for Midtown Village to identify that project). This was requested because Area 2 had no public street frontage
- Permit one monument sign along 1000 South

- Allow a cross-street architectural sign in Area 2 (similar to the one already existing in Wolverine Crossing)
- Allow a single interior sign in Area 2 with a height up to 27 feet with on premise or noncommercial messages (similar to existing Wolverine Crossing sign)
- Modify the approved style of building elevations as shown in Appendix “O”
- Amend the concept plan for Area 2 as shown in Appendix “O”

The amended concept plan proposed by the applicant would also affect the future development of the property to the south. An application had been filed on the south property and the City Council would see that request at a future meeting. The current proposed concept plan for Area 2 showed a limited access at the southeast corner of the project. “Limited” in that case meant a gate that would prevent access between the two properties with the exception of emergency vehicles. Staff recommended the drive lane between the southeast corner of the applicant’s project and the northeast corner of the adjacent property remain open to allow the free-flow of traffic. The concept plan should reflect that recommendation.

Staff initially had concerns with the proposed parking reduction for Area 2. However, at the Planning Commission, the applicant agreed to a change that would eliminate the ability to have six unrelated individuals live in a dwelling in Area 2 which was currently allowed in the PD-21 zone. The number of individuals who could live in a dwelling in Area 2 would therefore become the same as in any other residential area in the City. That reduced staff’s concerns about the adequacy of parking in Area 2.

Mr. Bench said if the paver types were not shown on the preliminary plat, the developer would not be required to install them. However, if they were shown on the plat, it would become a requirement.

Mrs. Black said it was a requirement in the PD zone to have an attractive, upgraded look and wondered why the language would be removed.

Curtis Miner, applicant, said it had not been a requirement but rather a suggestion. The short answer was that suggestions in zoning documents were always problematic, so it was removed to avoid confusion. The long answer was that the PD-21 had originally had a retail component that was built as part of the first five buildings. The pavers were part of the look and feel of that retail development. Since the retail was finished, there was no need to carry on that look.

At the request of the Mayor, Mr. Bench went over the number of units. He then reviewed the new elevation and He said the site plan was very similar to the original one proposed. Mr. Bench pointed out areas that would be used for landscaping instead of parking to keep the project beautiful.

Mr. Sumner asked who the units would be marketed to and what the suggested rent would be.

Ben Lowe, applicant, said the area had originally been intended for students but allowed for any type of multifamily. He said they would be targeting recent graduates, young families, working professionals, and nontraditional students. They wanted to offer more housing for young professionals. The rents would be quite high.

Mr. Andersen asked how the parking would be handled.

Mr. Lowe said good parking affects their marketability. Each site was different. Their plan included two stalls per unit, where the previous plan was at 1.75 stalls per unit. Typically, stalls were not reserved as long as they were allocated across the site.

Mrs. Black asked who would get the garages, and Mr. Lowe said they would be rented separately and had to be used for cars. Storage units would be constructed into the building itself and would also be available to rent. The covered carports were available to anyone. As for guest parking, with the percentage of one- and two-bedroom units, there should be plenty of empty stalls. But that could be revisited if it became a problem.

Mayor Brunst asked about the proposed landscaping.

Mr. Lowe said those full landscaping plans would be turned in at a later time. The landscaping was planned to be robust, retain previous roadway alignments, and include trees in the parking area.

At the request of the Mayor, Mr. Lowe reviewed what was included in the amenity package. He said they were confident the following would pencil out:

- 8,000 square foot clubhouse
- Bowling lanes
- Theater room
- Videogame room
- Two-story climbing wall
- Pilates area
- Two hot tubs
- Resort level pool area
- Dog park
- Electric vehicle charging station
- Bike share program

Mr. Sumner expressed concern with the facility being in the middle of UVU. If there were three students in each apartment, there could be a parking problem. Mr. Lowe said they would not rent by the bedroom which changed what the demographic could be. There were a very small percentage of three-bedroom apartments. They would not allow shared bedrooms. Their rents would be quite a bit higher than Wolverine Crossing's. If problems developed with parking they could deal with it.

Mrs. Black wondered about the rental agreement if there would be three renters. Mr. Lowe said there would be a single contract, and they had rigid qualifications from a credit standpoint. Few students would qualify. Mr. Lowe said they also would not rent just for the summer.

Mr. Sumner asked if the changes could spill over to Area 3. Mr. Bench said the parking was specific to Area 2. However, setback changes could be applicable to Area 3.

Mrs. Black wondered if any of the approvals made that night would affect the whole zone.

Mr. Bench said the proposed parking was for Area 2, the signage for Areas 1 and 2, and the family occupancy was only tied to Area 2. Area 3 would still have the .65 parking requirement.

Mayor Brunst expressed concern about the exits. Mr. Bench said the applicants would rather have a crash gate while staff preferred that it stay open for interconnectivity.

Mr. Lowe said the preference would be a crash gate, mainly for the parking issue. Future residents of Area 3 could spill into Area 2 parking. He said he believed the way the zone was written for Area 3 it was “under parked” based upon the occupancy units.

Mayor Brunst asked about the signage, and Mr. Lowe said they were not planning to do an over-the-road sign but rather a monument sign.

Mrs. Black inquired about a digital sign, and Mr. Lowe assured her that no digital signage was planned. Those were more for student housing. They would have no problem removing that from the proposal. They did have plans for directional signs, logo signs, and backlit signs.

Mr. Sumner noted that the Council had approved hundreds of “professional” housing similar to the project. He asked about what studies had been done to look at the vacancy rate.

Mr. Lowe said they were a little nervous there was a lot of supply coming online in Orem. They were confident that the prime location. Their professional market study people were even more confident than he was. The amenity package, proximity to the transit oriented development (TOD), and the visibility from I-15 set them apart from the others that had been approved.

Mr. Bench pointed out that the site plan would only go to the Planning Commission.

Mr. Sumner asked if Area 3 would be student housing. Mr. Bench said the plans were still pretty grandiose, but it would be a mix of hotel, student housing, and retail.

Mrs. Black asked when construction was projected to begin. Mr. Lowe said construction would start in the spring, once the snow melts.

Mayor opened the public hearing.

Curtis Wood, resident, said he had no problems with the project under discussion. He expressed concern about the number of apartments being approved in Orem. Where the City was billed as Family City USA, it had gotten away from that.

Mayor closed the public hearing.

Mr. Spencer asked, if the zoning stayed the way it was, how many units the applicant could have requested. Mr. Bench said the number would stay the same.

Mayor Brunst **moved**, by ordinance, to amend Section 22-11-33 of the City Code pertaining to development regulations in the PD-21 zone at 1200 South Geneva Road, with the following changes:

- The entrance and exit areas on the south be left open to phase 3
- The digital signs be taken out
- The overhead sign be taken out for Area 2

Mrs. Black **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, David Spencer, and Brent Sumner. The motion **passed** unanimously.

COMMUNICATION ITEMS

Mr. Davidson turned the time over to Mr. Bench to address a request regarding two streets—375 West and 325 West—that dead ended into Amiron Village. Some neighbors would like to cut a gate in the fence. They had found the fence was a deterrent for neighborhood interactions, and they wanted interconnectivity. The fence was there when Amiron Village was constructed. Mr. Bench noted there were neighbors still opposed to opening the fence. The request could be approved administratively but since it had come to the Planning Commission years ago it should go back to them.

Mr. Davidson recognized Mr. Andersen's birthday.

CITY MANAGER INFORMATION ITEMS

The City Manager's items were discussed during the study session.

ADJOURNMENT

Mr. Sumner **moved** to adjourn the meeting. Mr. Andersen **seconded** the motion. Those voting aye: Hans Andersen, Margaret Black, Richard F. Brunst, David Spencer, and Brent Sumner. The motion **passed** unanimously.

The meeting adjourned at 7:04 p.m.

Donna R. Weaver, City Recorder

Approved: December 9, 2014