

**CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
AUGUST 5, 2015**

The following items are discussed in these minutes:

TELOS SITE – APPROVED

ZOA – AMEND STORM WATER REQUIREMENTS – RECOMMEND APPROVAL

ZOA – SECTION 22-11-33, APPENDIX O PD-21 ZONE – RECOMMEND APPROVAL

ZOA – SECTION 22-11-31 APPENDIX P PD-19 ZONE – RECOMMEND APPROVAL

ANNEXATION – SOUTHWEST AREA ANNEXATION – RECOMMEND DENIAL

ZOA – SECTION 22-11-55 APPENDIX KK PD-42 – RECOMMEND DENIAL

ZOA – SECTION 22-11-56 APPENDIX LL PD-43 – RECOMMEND DENIAL

STUDY SESSION

PLACE – Orem City Main Conference Room

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

Those present: Carl Cook, Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdale, Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Reed Price, PW Maintenance Division Manager; Steve Earl, Legal Counsel; David Spencer, City Council Liaison and Loriann Merritt, Minutes Secretary

Those excused: Carlos Iglesias, Planning Commission member;

The Commission and staff briefly reviewed agenda items and minutes from July 22, 2015 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

PLACE - Orem City Council Chambers

At 4:30 p.m. Chair Moulton called the Planning Commission meeting to order and asked Michael Walker, Planning Commission member, to offer the invocation.

Those present: Carl Cook, Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker, Planning Commission members; Bill D. Bell, Development Services Director; Jason W. Bench, Planning Director; David R. Stroud, City, Planner; Clinton Spencer, GIS Planner; Brandon Stocksdale, Planner; Sam Kelly, City Engineer; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Reed Price, PW Maintenance Division Manager; Steve Earl, Legal Counsel; and Loriann Merritt, Minutes Secretary

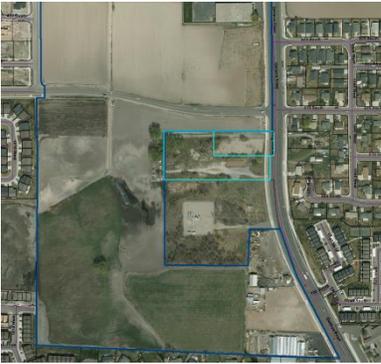
Those excused: Carlos Iglesias, Planning Commission member; David Spencer, City Council Liaison

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

AGENDA ITEM 3.1 is a request by Travis Davis to vacate Casper Subdivision, Plat A and approve the preliminary/site plan and final plat **TELOS / TELOS U FACILITY SUBDIVISION, PLAT A** at 648 South Geneva Road in the C2 zone.

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Staff Presentation: Mr. Stroud said this request has several items. The first is to vacate Casper Subdivision, Plat A. This is needed to create a new lot on which to locate Telos. The property of the proposed site contains two lots. One lot is platted as Casper Subdivision and the other is a lot of record. The second request is to approve the preliminary plat/site plan of Telos. A commercial site plan can also serve as a preliminary plat if the intent is to create a new lot. The final request is to approve the final plat of Telos U Facility Subdivision, Plat A.



Telos operates two facilities in the City and desire to expand to vacant property along Geneva Road. The mission of Telos is as follows:

“At Telos we help teenage boys dealing with depression, anxiety, substance abuse, addiction, social problems, and learning differences. Our caring staff use proven clinical therapies coupled with the power of healing relationships to promote deep, lasting change. Our aim is to help our teen’s live principle-based lives characterized by insightful choices. Telos is a place where boys can find clarity, healing, and direction.”

The applicant proposes to construct a new building for Telos that will house athletic facilities, dorm and class rooms, and therapy services. The proposed building contains 65,600 square feet and a footprint of 20,539 square feet. The maximum height is 60 feet on the west side. The property slopes to the west making the front facing Geneva Road 48 feet high.

Parking requirements in the C1 zone are calculated at the rate of one stall for every 250 square feet. However, “Group Quarter” uses such as Telos which is a transitional treatment home are determined by one stall for every 2.5 beds in the facility. The proposed facility will have 65 beds number of beds which requires 26 parking stalls. The proposed site plan contains 142 parking stalls which are needed for athletics or other events.

The City Council rezoned the subject property to the C2 zone recently. The C2 zone permits commercial/retail. As part of the therapy and educational program, the applicant plans to locate small retail uses in the building. This will provide the kids an opportunity to be employed and learn life skills.

Recommendation: The Development Review Committee has determined this request complies with all applicable City Codes. The Project Coordinator recommends the Planning Commission vacate Casper Subdivision Plat A and approving the preliminary plat/site plan of Telos U and final plat of Telos U Facility Subdivision Plat A at 648 South Geneva Road in the C1 zone.

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

Mr. Walker asked how the city deals with land that is sloughing off. Mr. Earl said the height is calculated from the natural grade.

Chair Moulton invited the applicants to come forward. Travis Davis, Hughes Contracting, and Adam Miner, Telos introduced themselves.

Mr. Walker asked if they will be keeping other facilities. Mr. Davis said yes, they will be operating both facilities.

Chair Moulton asked what a typical stay is for a resident. Mr. Miner said it is approximately 11 months. The new facility will house college students and it may be longer if they chose to attend UVU. Ms. Larsen asked if there was an age limit. Mr. Miner said this building will serve the population from 18-26 years of age. Ms. Larsen asked if they will be able to drive. Ms. Larsen asked if Telos has facilities to take the students to the college or would they come to the new building. Mr. Miner said they would take the students to the college.

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Ms. Larsen then asked if there would be a commercial element in the bottom. Mr. Miner said not at this time, but they rent out the gym to different organization. It will be renting to a Telos business to provide the facilities for their athletic team. Ms. Larsen asked if the parking is okay if they rent out the gym for events. Mr. Stroud said the parking is based on the number of beds, because it is transitional treatment. Because they are in the C2 zone they could put in commercial in the future. He added that because they have 142 parking stalls is better than the required 26 stalls for transitional treatment.

Mr. Cook asked if this facility is a high school. Mr. Miner said the Telos facility on 870 W Center Street is an accredited high school. They play in the 1A high school athletic association. That high school will play basketball and wrestle in the new building; above the gym college kids will live in a dorm-like setting. There will be support offices to help the kids.

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 he has found that neither the public nor any person will be materially injured by vacating Casper Subdivision, Plat A, and that there is good cause for the vacation. She then moved to:

1. Vacate Casper Subdivision, Plat A;
2. Approve Telos U Facility Subdivision, Plat A; and
3. Approve the preliminary/site plan of Telos.

Ms. Buxton seconded the motion. Those voting aye: Carl Cook, Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

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

AGENDA ITEM 3.2 is a request by Chris Tschirki to **AMEND SECTIONS 17-7-10(H), 22-14-7(B), 22-14-20(E)(7), 22-14-20(F)(1)(F), AND 22-17-8(E) OF THE OREM CITY CODE PERTAINING TO STORM WATER REQUIREMENTS.**

Staff Presentation: Mr. Price said in 1996, the Orem City Council enacted Chapter 23 of the Orem City Code establishing a Storm Sewer Utility. Chapter 23 establishes a Storm Sewer Utility and outlines storm water management practices to be used in operating and managing the City’s storm water system. The City’s storm water management system was designed pursuant to requirements mandated by Section 402 of the Federal Clean Water Act. Utah’s Department of Environmental Quality – Division of Water Quality administers the Utah Pollution Discharge Elimination System (UPDES) which is a component of the National Pollutant Discharge Elimination System (NPDES). The City is required to obtain a UPDES permit before it can lawfully discharge storm water into the waters of the United States and the State of Utah. The City’s current UPDES permit expires on July 31, 2015.

In 1999, the Environmental Protection Agency (EPA) published the National Pollutant Discharge Elimination System – Regulations for Revision of the Water Pollution Control Program Addressing Storm Water Discharges. (*Federal Register*, Vol. 64, No. 235, pages 68722-68852). These regulations have since been updated, and it is now necessary for the City Council to consider amending the City’s Code to comply with state and federal rules and regulations.

Summary of Proposed Amendments: The following types of amendments to Chapters 17, 22, and 23 are being proposed:

1. Renaming, renumbering, and relocating existing provisions (general housekeeping);
 2. Adding new regulatory provisions to comply with changes in state and federal rules and regulations;
- and

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3. Including new storm water system management practices into the City’s zoning and subdivision requirements.

Storm water management and the associated rules and regulations implementing management practices have evolved since the City ordinance was first adopted. The Public Works Director has determined that renaming the Storm Sewer Utility to the Storm Water Utility more accurately reflects the nature of the system and complies with what has become the industry standard and norm. The same reasons are the basis for renaming the Storm Water Construction Activity Permit to a Land Use Disturbance Permit.

The current ordinance has separate enforcement procedures that are found throughout the ordinance. The suggested amendments move all of the enforcement provisions to Article 23-5 for ease of application and reference. The ordinance has been renumbered to reflect these relocations.

The bulk of the proposed amendments implement new state and federal rules and regulations that require the City to manage and oversee the implementation of Long Term Storm Water Management in new developments and in redeveloped areas. The City is now required to “develop, implement and enforce a program to address post-construction storm water runoff to the MS4 [City’s storm water system] from new development and redevelopment construction sites disturbing greater than or equal to one acre...” See Small MS4 General UPDES Permit, Permit No. UTR090000. Section 23-4-8 of the ordinance fulfills this requirement. Additionally, changes to general performance criteria for storm water management and facilities are proposed in order to incorporate low impact designs (LIDs) and green infrastructure, and to encourage and require developers to develop and design projects that mirror the land’s pre-construction hydrology.

Changes to the illegal and prohibited discharge portions of the ordinance are suggested. The content and structure of these sections should be reorganized and the types of prohibited acts should be enlarged to address new concerns. Minor changes are being proposed to the illicit discharge portion of the ordinance, and this section has also been relocated for ease of reference.

The proposed changes to Chapters 17 and 22 merely implement the new LID and post-construction management requirements found in Chapter 23 and update any references in those chapters to Chapter 23. The proposed amendments are outlined below.

Recommendation: The Planning Commission forward a positive recommendation to amend Sections 17-7-10(H), 22-14-7(B), 22-14-20(E)(7), 22-14-20(F)(1)(f), and 22-17-8(E) of the Orem City Code pertaining to storm water requirements.

17-7-10(H) Driveways must rise at least six inches (6") between the back of the sidewalk and the floor of the garage or carport. Residential driveway drainage must be directed toward landscaped areas. Sidewalks that are not directly behind curbs shall drain into landscaped areas.

22-14-7(B) Any lot in any zone shall be improved and maintained as follows:

1. Wherever a front yard or side yard adjacent to a street exists, such yard shall be planted and maintained according to the definition of landscaping contained in this Chapter. The front yard of all lots on which buildings are located shall be landscaped within 6 months of the date of the issuance of a final certificate of occupancy.

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

Mr. Walker asked if new homes will have to address storm water management of roof, driveway, etc. Mr. Price said yes. Mr. Walker then asked which way the sidewalks would need to tilt. Mr. Price said that if it is split it can go into the landscaping area.

Ms. Larsen said the ordinance indicates that all the roof water goes to landscaping. She asked what the current policy was on rain barrels. Mr. Cook said the state code allows storage of up to 2500 total gallons.

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You can have up to two receptacles with up to a hundred gallons each, after that you must register with the State. Mr. Price said this is water right issue.

Mr. Walker asked if current solid waste receptacles will need to be inspected or if this affects only new development. Mr. Prices said this is for new development.

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.

Roger Dudley, Orem, said he is not against the changes; he encouraged staff to consider the unintended consequences of more regulations. He was concerned with over regulating and passing ordinances without studying what that does to future development.

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

Mr. Walker asked if the property slants downward does his garage have to be built up on top of the property. Mr. Earl indicated it depends on the measurement of the distance of the back of the sidewalk and the floor of the garage or carport. The storm water requirements state that the garage has to be six inches higher at the end points. It also references two points the back of the sidewalk and the garage. The garage has to be six inches higher, but does not say anything about in between.

Ms. Larsen said it sounds like staff is trying to protect homeowners from designing something that will flood. Mr. Price said yes. Mr. Cook added this is in response to requirements from the State. Mr. Price agreed and noted that Orem has one of the most respected storm water systems in the State and wants to keep it up.

Chair Moulton called for a motion on this item.

Planning Commission Action: Ms. Larsen said she is satisfied that the Planning Commission has found this request complies with all applicable City codes. She then moved to recommend the City Council amend Sections 17-7-10(H), 22-14-7(B), 22-14-20(E)(7), 22-14-20(F)(1)(f), and 22-17-8(E) of the Orem City Code pertaining to storm water requirements. Mr. Cook seconded the motion. Those voting aye: Carl Cook, Becky Buxton, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 4.1** as follows:

AGENDA ITEM 4.1 is a request by Keith Hansen to **AMEND SECTION 22-11-33 AND APPENDIX “O” OF THE OREM CITY CODE PERTAINING TO DEVELOPMENT STANDARDS IN THE PD-21 ZONE** at 1200 South Geneva Road.

Staff Presentation: Mr. Stroud said the Planning Commission originally heard this item on June 3, 2015, and continued the request until a traffic study and water model study were complete. The City Engineer has received each report and agrees with the findings in that the project can proceed as proposed.

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 has evolved into a less dense development consisting of apartments and limited commercial development. The requirement of student-only occupancy has also been removed. Instead of one owner as first envisioned, the PD-21 zone now encompasses seven property owners. The PD-21 zone is also split into two areas known as Area 1 and Area 2. The applicant requests that Area 2 be split to create Area 3. Area 1 is the existing Wolverine Crossing and Area 2 is the former Burton property, now Parkway Lofts, LLC, which received site plan approval in March 2015 with construction now underway. The proposed Area 3 is the subject of this request.

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The applicant proposes to develop a student housing complex (University Downs) catering toward single students and married students. A hotel and condominiums are also under consideration and part of the concept plan. The major changes requested are shown below with the height as a considerable change.

Building Height – Area 1 and Area 2 have a maximum building height of 86 feet or seven (7) stories, whichever is less, depending on location. The applicant proposes a maximum building height of 150 feet in Area 3.

The building height does pose a significant visual impact on the Parkway Lofts development to the north. However, development near transit stations is typically high density which is implemented by tall buildings. The proposed minimum density of Area 3 will be the same as Area 2 which is 90 occupancy units per gross acre. The Area 3 concept plan shows a parking structure with a height of 91 feet. This structure will also house units on the top level wrapped around to the north side. If the height change is approved, a building up to 150 feet high could conceivably be constructed 15 feet from the north property line. The nearest Parkway Lofts building is approximately 75 from the property line of University Downs and 90 feet from the proposed parking structure.

Setbacks – The proposed text removes the requirement for any building over 20 feet high to be setback at least 20 feet from property line. This is to accommodate the parking structure/married units building. The applicant requests the setback be modified to a minimum of 15 feet.

Parking – Area 1 and Area 3 to be calculated at 0.65 stalls per occupancy unit. Area 2 is 0.62 parking stall per occupancy unit which was recently changed from the 0.65 stalls per occupancy unit standard in the PD-21 zone.

Architectural Materials – Addition of concrete or zinc metal panels with no more than 15% elevation coverage.

Signage – Two monument signs to be permitted along 1250 West.

Water and Traffic Study – The Planning Commission continued the hearing concerning this item from the June 3, 2015 meeting to address the parking study and the water model study. The City engineer has reviewed the water model and concurs with the findings but suggests upsize of the pipe may be needed. The developer was asked to provide additional traffic analysis to determine if this site could handle the increased traffic expected due to their zone amendment request. A section of the traffic analysis report is provided in this report for your reference. The City’s transportation engineer and the applicant’s traffic engineer will be at the Planning Commission meeting to explain the results of the traffic study.

Traffic Study:

Land Use	Size	Units	Weekday PM			Weekday AM		
			Total	Enter	Exit	Total	Enter	Exit
Student Housing (Singles)	619	Beds	186	63%	37%	76	15%	85%
				118	68		11	65
Student Housing (Married) (ITE Land Use Code 220)	179	Units	116	65%	35%	91	20%	80%
				75	41		18	73
Total			302	193	109	168	29	138

Notice that outbound in the PM is 109, but 138 in the AM. So there are slightly more outbound trips in the morning. But, the traffic on University Parkway is as follows:

AM – 1,525 vehicles per hour
 PM – 1,922 vehicles per hour

So the outbound flows are pretty similar AM to PM, but the traffic on University Parkway is much higher in the PM. Therefore, the queuing that was calculated for the PM should be higher than AM queuing.

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Here is a figure showing queuing for the southbound left-turn movement at the project access. The average PM peak hour queue is anticipated to be about 100 feet, which is 4 to 5 vehicle lengths. However, the 95th percentile length is about 250 feet. So this means that the queuing will occasionally block the first internal access, but it should not extend all the way up to the intersection to the north (see the figure below).



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

Chair Moulton asked where the parking is located. Mr. Stroud said the parking will be pedestal parking, like the residential buildings at the University Mall. They will build a concrete structure and then construct the apartments on top of that. Ms. Larsen asked if some parking will be underground. Mr. Stroud said it is at grade and most parking is in the parking structures.

Chair Moulton asked if all the parking for the hotel is in the parking structure. Mr. Stroud said there are a few stalls in front. The garage could connect with a skyway if they needed to access the parking garage.

Mr. Cook noted there are three entrances into the main parking structure and one going into the amenities and condo tower.

Ms. Larsen asked if an occupancy unit is a bedroom. Mr. Stroud said if the bedroom is 110 square feet there are two occupants, if a bedroom is 109 square feet then it can have one person. He indicated the trend is having single rooms. Mr. Earl said if there are eight residents, there would be two to a bedroom, which would be about five parking stalls to that unit. Mr. Stroud indicated that Wolverine Crossing has an 85% occupancy rate and there is lots of parking. There is a UTA bus that comes through as a shuttle. Ms. Larsen said residents will still have cars.

Chair Moulton invited the applicants to come forward. Keith Hansen, AEUrbia Architects and Lydia Robertson, Nelson Brothers introduced themselves.

Mr. Hansen noted he can speak to the design, but not to the need for student housing.

Ms. Robertson said they are a Utah based company and most of the assets are in Utah. They are always looking at ways to better their clients, this project can do that. The projects in the next decade are having enrollment growth net of over 50,000 students in Utah. A large portion of that growth is projected at institutions along the Wasatch front. UVU will experience the majority of that growth with 15,000 student growth within the decade. In the present there are 3,000-4,000 students commuting from the Provo market to UVU. This growth requires more student housing. This project offers more than a typical student housing project, but more of a student housing experience. The structure will be world class, incredible views and beautiful rooms. There will be a freshman platform and incredible amenities, along with the study programs and academic resources that align with UVU's structure to retain the students enrolled. The ability to build up allows them more spaces for the amenities. Building the structures so close to UVU will allow more time to study, make lifelong friends and more likely to stay through the planned education endeavor.

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Mr. Cook said this sounds like the development focuses on students. Mr. Robertson said this project will have married housing in addition to a building dedicated just to freshman. Since the location is so close to campus it will cater to students.

Ms. Larsen asked about married freshman, will they be able to live in the married part. Ms. Robertson said the students are free to live wherever. The freshman program is optional.

Ms. Larsen then asked if the married units are 2-3 bedrooms. Ms. Robertson said yes. Ms. Larsen asked if the amenities are shared between the hotel guests and the residents. Ms. Robertson said they would be shared in the amenities and condo tower.

Ms. Larsen inquired if there would be on site management. Ms. Robertson said yes, there will be two offices in the amenities and condo tower. The two offices are the corporate offices and an onsite management team for the residents. There will be an advisor program for the freshman that will actually house in the freshman tower. Each apartment will be totally equipped with kitchen facilities.

Chair Moulton asked for the order of construction. Mr. Hansen said the parking structure and the freshman tower. Ms. Larsen asked if the amenities near the freshman tower will be built along with the tower. Mr. Hansen indicated the rest of the amenities will be built with the condo tower.

Ms. Larsen asked if there will be a connection between the parking structure and the freshman tower. Mr. Hansen noted there is a sky-bridge from the parking structure. He noted they have completed a traffic study and water/sewer model. They came back positive to the project.

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.

Ben Lowe, Parkway Lofts, noted Parkway Lofts is being built to the north of this development. They are not competitive because they do not cater to students. The first concern is the building heights. When zones are put together the designs should work together. The majority of the buildings in the area are four stories and now this request wants to increase the height by 76%. That is high, especially next door to the other properties. They are also concerned about the parking garage being moved closer to the property line. They support the project in general, but it should be conforming to the zoning that is already there. The second concern is about traffic. The traffic study was based on the concept plan; however, the zone modifications would allow them to build higher than this plan. The buildings are shown at around 108 feet, but the ordinance allows for 150 feet. He noted he has never received a call back from the Nelson Brothers.

Mr. Stroud noted the hotel would be 120 feet in height.

Joe Harding, Nelson Brothers, said this project will be able to bring students commuting from Provo to live here. The back side of the parking structure is being wrapped with the same finishes that are being used throughout the project. There are apartment units above the parking structure. During the last meeting the heights were being encouraged because it gives an iconic feeling and makes it more than just another housing development.

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

Mr. Walker asked if the setback change would decrease the landscaping. Mr. Stroud said only five feet.

Ms. Larsen said during the neighborhood meeting they wanted to raise the height to 200 feet. Mr. Hansen said the plan used in the neighborhood meeting was different. After meeting with the planning staff and attorney they made some concessions as far pushing the parking structure further off the property line to provide more of a landscape buffer. Initially the hotel height was 150, but has been pared down.

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Mr. Cook asked why they are still asking for 150 feet. Mr. Hansen said it was originally submitted with 150 feet, but would be fine with 120 feet. Mr. Cook then asked for the height of the parking structure. Mr. Hansen said 91 feet. The very top level is the penthouse units, with one level of regular units below that and then the parking structure.

Ms. Buxton asked why the extra five feet is necessary against that setback. Mr. Hansen said pushing the additional five feet allows a circulation sidewalk and more room for the soccer field and the other amenities. Ms. Buxton then wondered if it would be a dump without the five feet. She has a problem with tall buildings. She is sympathetic to Mr. Lowe because there should be some cohesion in the PD zone. This distracts from that somewhat. Chair Moulton is more comfortable with 120 feet. Ms. Jeffreys asked how much difference is it in comparison to Parkway Lofts. Mr. Cook said the hotel is 120 feet, the freshman tower is up to 109 feet, and the condo tower is up to 87 feet. The condo tower is compatible with the other buildings in the PD zone.

Mr. Lowe said he understands the height and the density, their primary concern is the setback of the parking structure and to make sure the traffic studies match what is ultimately built. The parking garage is being increased 26%. Instead of having a huge parking garage on the parking line they could put pedestal parking throughout the project.

Ms. Jeffreys asked what building is north of the parking garage and how high is it? Mr. Lowe said their buildings are four stories with the garage buildings along the property lines that are one story. He noted the applicant has tried to make the garage nicer looking, but it is hard to do. With such a tall structure, it will create shade that the sun will never get through. Mr. Lowe said they have known all along that they could build a 72 foot building and planned for that. Moving it closer and designing it to a 91 foot building is just really tall.

Ms. Buxton asked what the distance between the Parkway Lofts building and the parking structure is. Mr. Stroud said it is 90 feet, or 75 feet from the property line.

Mr. Walker suggested recommend the City Council approve 120 feet instead of 150 feet. Mr. Stroud agreed.

Mr. Goodrich said the traffic was done off the concept plan, not off the height it could go. If they wanted a higher structure, then the City could require another traffic study. The traffic study showed there would be more cueing on the north/south public street. The reason it works is because of the different accesses into the project.

Chair Moulton asked if the Planning Commission wanted to limit the height to 120 feet. Mr. Earl said it might be better to have it be limited to as shown on concept plan. The ordinance requires it to substantially conform to the concept plan.

Ms. Jeffreys said she is not sure that the height of the building will make that much difference. Ms. Buxton asked if it does not make any difference how close a building is why have setbacks? Ms. Larsen said the applicant wants the five feet in order to have bigger amenities.

Ms. Larsen asked if the amenities are only for residents only or would anyone outside of the development be allowed to participate. Ms. Robertson said it is reserved for the residents and those from the hotel only.

Chair Moulton called for a motion on this item.

Planning Commission Action: Chair Moulton 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 amend Section 22-11-33 and Appendix “O” pertaining to development standards in the PD-21 zone at 1200 South Geneva Road with the condition that the height is limited to the concept plan. Mr. Walker seconded the motion. Those voting aye: Carl Cook, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. Those voting nay: Becky Buxton. The motion passed.

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Chair Moulton introduced **AGENDA ITEM 4.2** as follows:

AGENDA ITEM 4.2 is a request by Kim O’Neill to **AMEND SECTION 22-11-31, PD-19 ZONE, APPENDIX “M” AND SECTION 22-5-3(A) AND THE ZONING MAP OF OREM CITY CODE BY CHANGING THE ZONE ON 0.57 ACRES FROM R5 TO R7.5 TO PD-19** at 1766 South 750 East.

Staff Presentation: Mr. Stroud said the applicant has two lots, one with a home and one vacant, and desires to develop the property with six townhome units. The vacant parcel was rezoned to the R5 zone in 2003 with no subsequent development of the property. The existing home will be removed.



The PD-19 zone is located to the east of the subject property on the east side of 750 East. The PD-19 zone allows townhome units to be developed at a maximum density of nine units per acre. The applicant requests his two lots be rezoned from the R5 and R7.5 zones to the PD-19 zone.

The PD-19 zone was enacted in 2001 and was then platted and developed as the South Rim Planned Unit Development with two story townhome units. The approved PD-19 zone text makes reference to the PRD zone requirements if the PD-19 text does not specifically address a development standard. In 2001, the PRD zone permitted two-story units with equal square footage on each level. The current PRD zone text only allows a second story if the square footage of the second story is a maximum of 60% of the main floor square footage. The current South Rim units have a full second floor because at the time the PRD zone allowed a full second story. The PRD zone was amended after South Rim was constructed and now has the 60% maximum standard. Under the current PD-19 text, the existing South Rim units would not be permitted. For this reason, the text is proposed to be amended to allow a full second story on the applicant’s proposed units which will also make the existing South Rim units conforming.

Concept Plan – The first phase of South Rim, at the time of PD-19 approval, contained 16 units on the concept plan. The current South Rim has 24 units. Appendix M of the Code was never amended to include units 17-24. The proposed amendment includes all existing and proposed units as the concept plan in Appendix M.

Density – Up to 9 units per acre is the current language of the Code. There is no change requested to the density. The existing South Rim density is 8.05 units per acre and with the addition of the six units of the applicant, the overall density increases to 8.47 units per acre.

Height – Residential structure may be constructed up to a height of 30 feet. The maximum height of surrounding zones is 35 feet. The proposed height of the townhome units is 28 feet.

Setbacks – As shown on the concept plan and use the existing setbacks of the South Rim units. Rear and front setbacks shall be a minimum of 25 feet with the side setback of 10 feet.

Exterior Finishing Materials – Brick, stone, stucco, and cement fiber board siding are permitted materials. Wood and vinyl siding is prohibited except for trim or soffits. The applicant proposes elevations with stone, hardiplank siding, and stucco.

Parking – At least 2.5 parking stalls per unit, one of which must be covered. Fifteen stall and required which and have been provided.

Streets – 750 East cul-de-sac will be widened along the applicant’s property. The current City standard is a cul-de-sac with a minimum diameter of 96 feet to meet fire code requirements. The current dimension is 65 feet. Should additional property be redeveloped in the cul-de-sac, the diameter will be increased on each respective property. The transportation engineer did not require a transportation study because of the unit county land lack of any other access point than what has been submitted.

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Adjacent Land Uses – Multi-family to the north and east, single-family and commercial office parking to the south, and an auto salvage yard to the west.

Neighborhood Meeting – A meeting was held on February 5, 2015, with 10 residents in attendance. Concerns were typical for this type of development in that existing residents were worried about traffic and parking. A concern of student housing was also mentioned. Minutes of the neighborhood meeting have been included with the staff report.

Advantages:

- This proposal fits in with surrounding land uses which included four-plexes and commercial property
- The development provides an appropriate in-fill use
- The property is best suited as medium density instead of single-family
- Cul-de-sac diameter is increased to better accommodate public safety vehicles

Disadvantages:

- Traffic may increase with six townhome units as opposed to two single-family dwellings.
- Three single-family homes remain at the end of the cul-de-sac

Recommendation: The Development Review Committee has determined this request meets the requirements to move forward for consideration. The Project Coordinator recommends the Planning Commission recommend approval to amend Section 22-11-31, PD-19 zone, Appendix “M” and Section 22-5-3(A) and the zoning map of Orem City Code by changing the zone on 0.57 acres from R5 and R7.5 to PD-19 at 1766 South 750 East. City staff supports the recommendation of the DRC.

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

Ms. Larsen asked what the covered parking would be. Mr. Stroud said they would be carports.

Ms. Buxton asked if the home on the property is occupied. Mr. Stroud said it could be a rental. Ms. Buxton said the density for these two lots combined is very similar to the PRD zone. Mr. Stroud said it is only increasing to two units per acre.

Chair Moulton invited the applicant to come forward. Thomas Foster introduced himself.

Mr. Foster said they are widening the cul-de-sac to allow for emergency vehicles. The carports are extended to create more parking. The homeowner is thinking of renting them or possibly selling them. Since they may sell he is making the exterior better with more hardiboard, brick. It will help beautify the neighborhood. Chair Moulton asked if there would be a fence between the junk yard and this development. Mr. Foster said yes.

Mr. Earl said this is .57 acres and there will be six units. This parcel would be 10-11 units per acre. For the entire zone it is 8-8.5 units per acre.

Ms. Larsen asked if these can be sold as individual units. Mr. Stroud replied that if this is approved, they will need to plat those as individual units.

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.

Bruce Wilson, Orem, said 750 East is a short street, which has five houses, four of which are in the cul-de-sac. This is a corridor of medium housing density, until this area. Destroying the most prominent house in the cul-de-sac and replacing it with medium density housing does not increase the aesthetic value. This cul-de-sac also drains the entirety of the street and floods often. It has flooded three times in the 4 ½ years he has lived there. He noted that anything that removes lawn and puts in concrete and asphalt will make it

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worse. The flooding happens at 1795 South, which is the low point. Because of the number of students in the four 4-plexes and the South Rim apartments, the street is clogged with cars. If this has the same zone as South Rim, it will be likely that there will be more cars and nowhere to park. He asked if extensions are allowed to a PRD zone that is not part of the lot.

Mr. Earl said this is a PD zone. A PRD requires an acre and half and a PD zone requires three acres. There are a number of PD zones within the city that are separate lots, under separate ownership. It is okay as long as the aggregate of the zone is three acres. As an example the PD-21 zone, which was the prior item, has three different areas, with three different owners and different lots.

Chair Moulton asked about the drainage problems. Mr. Kelly said that as it comes through site plan review the site plan and construction drawings will address those issues.

Ms. Buxton asked if the new storm water regulations be applied. Mr. Kelly indicated he did not think it would because this project was already in the process before the ordinance was adopted. Mr. Earl said he disagreed. They are concurrent. The zoning might be in place, but the site plan will not be approved before August 25, 2015 when the storm water regulations are set to be approved. Ms. Buxton then noted that would mitigate Mr. Wilson’s concern with additional drainage issues, though there might be some from existing lots.

Ms. Jeffreys said they are providing 2.5 stalls per unit which seems adequate.

Mr. Cook said in reviewing the site plan, with regard to drainage, the City would only address from the site and not in the cul-de-sac. Mr. Kelly said that is correct. He added that if there were to be a drainage issue in the cul-de-sac, then the City can participate to mediate that as well.

Airs Sumner, Orem, said she owns property close to this area. She passed out photos of the area. Parking is a big issue in this area. It is a tiny, short street. There are 56 residents that feed onto 650 East Street with these new residents it will be 62 residents. Every couple has at least two cars, which means there are 124 cars that use that street. It is the only entrance to the South Rim Condominiums. There is a single width exit from condominiums one way only. This is a public safety issue because the cul-de-sac is not deep enough. She felt this really is not a true cul-de-sac because it has a one way exit from South Rim. The applicant states they are going to widen the cul-de-sac for emergency vehicles, but the problem is not the width of the cul-de-sac but the number of cars. She noted that there was a home under construction, which is adjacent to this property. She noted that she wanted to build a multiple family residence in this area, but was denied. She said that there are two residents with accessory apartments being built now. She said the City needs to be more consistent in applying city ordinances.

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

Ms. Buxton said she does not like how it isolates the remaining homes and it changes the feel of the street with the single family homes that circle around that strangely small cul-de-sac. The new townhomes are in an island. Ms. Jeffreys said that as she drove through the neighborhood, and there are several multifamily homes mixed with the single family homes. She thought that putting in South Rim did change the neighborhood and the townhomes are different also. This neighborhood is a hodge-podge of different types of residences.

Ms. Larsen noted she drove in the area around 3:30 pm and did not see any cars parked on the street. She wondered if this is mostly a problem at night. Ms. Buxton said she was there today prior to the meeting and there were not any cars. Ms. Jeffreys said she was there at 1:00 pm and that was her experience. Ms. Larsen wondered if there is not sufficient parking along the street; however it is legal to park on city streets. Mr. Stroud said that people park where it is most convenient. The aerial shows there is plenty of asphalt around the multifamily units. Ms. Larsen noted the cul-de-sac could be red curbed but then no one can park on the street.

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Ms. Buxton said there is not enough room to park in a cul-de-sac. Mr. Goodrich said the cul-de-sac does not meet the city standards. Ms. Buxton asked if this will be able to handle emergency vehicles. Mr. Goodrich said the fire marshal looked at the drawings and gave approval. The changes will make the cul-de-sac bigger and may get people to park there. Mr. Stroud said the bulb could be red curbed and there would be no parking allowed in the bulb at least. Ms. Larsen said those who live in the houses in the cul-de-sac could not park on the street. Mr. Stroud said they could obtain a parking permit for the owners only.

Chair Moulton called for a motion on this item.

Planning Commission Action: Mr. Walker 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 amend Section 22-11-31, PD-19 zone, Appendix “M” and Section 22-5-3(A) and the zoning map of the Orem City Code by changing the zone on 0.57 acres from R5 to R7.5 to PD-19 at 1766 South 750 East. Ms. Jeffreys seconded the motion. Those voting aye: Carl Cook, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. Those voting nay: Becky Buxton. The motion passed.

The Planning Commission took a ten minute break.

Chair Moulton introduced **AGENDA ITEM 4.3** as follows:

AGENDA ITEM 4.3 is a request by Ryan McDougal to **AMEND THE OREM GENERAL PLAN BY ADOPTING THE PROPOSED SOUTHWEST AREA ANNEXATION LAND USE PLAN, AMENDING SECTION 22-5-3(A) AND THE ZONING MAP OF THE CITY OF OREM BY APPLYING THE OS-5 ZONE ON APPROXIMATELY 184 ACRES LOCATED GENERALLY BETWEEN 600 SOUTH GENEVA ROAD TO 2000 SOUTH AND FROM 1000 WEST TO 1200 WEST.**

Staff Presentation: Mr. Stocksdale said on June 6, 2014, Ryan McDougal filed an application with the city for the annexation of 227.59 acres into Orem. This annexation is in line with the City’s current Annexation Policy Plan which outlines the eventual annexation of the County land north of 2000 South and west of I-15 to Utah Lake. The City Council accepted the petition for consideration on June 17, 2014 and the petition was certified by the City Recorder, City Attorney, County Clerk, and County Surveyor on July 11, 2014. During the 30 day protest period, the City of Provo filed a protest regarding control of 2000 South (Orem)/2000 North (Provo). A resolution concerning the protest was reached by both municipalities in July 2015; Orem will have control of the road east of the railroad tracks and Provo will control west of the tracks to the future intersection with the future Lakeview Parkway.

Impact fee studies were completed to support the costs of infrastructure improvements in the annexation area, including storm water, culinary water, sewer, fire services, and parks/recreation services. Although, the Planning Commission does not make a recommendation concerning the Impact Fee Facilities Plan(s) or Impact Fee Analysis copies of the plans are attached for your review.

The Southwest Area Annexation Land Use Plan specifies the land uses for the annexation area. The plan identifies the future expansion of the business park west of Geneva Road south along the future Lakeview Parkway through Light Industrial uses. The overall plan supports a medium density buildout scenario with Medium Density Residential predominately used along Geneva Road.

The plan which includes residential and commercial uses was developed with an overall density of eight (8) ERU’s (Equivalent Residential Unit) per acre with the requirement and understanding that the current developer and future developers would be responsible for the installation of all required infrastructure related to the development in the Southwest area. The city would have no financial obligations for the installation of the improvements; however, the city would be responsible for future maintenance of all public improvements installed by the developer after the city accepts the public improvements. According to the applicant a medium density land use plan and the associated densities are necessary in order to make the plan financially feasible for the developers to install all associated infrastructure including water, sewer, and storm water.

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Commercial areas were identified at key intersections on Geneva Road and the future Lakeview Parkway to capitalize on the local and regional retail needs of Orem and Provo. Areas of High Density Residential were identified on 2000 South in conjunction with the current proposed development and at the north end of the annexation area to allow development that is similar to projects already constructed further north on University Parkway and Geneva Road. Light Industrial uses would be encouraged along I-15 to buffer residential developments from the freeway. The Clear Horizons Academy would fall under the Public Services use. Conservation easements are identified as areas that do not permit future development. This plan supports developer’s and landowner’s goals for use of their property while providing an accurate estimate for impact fee analysis for the Southwest Area.

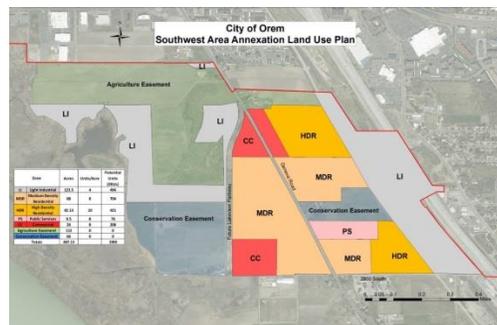
Advantages

- This area has been identified in the General Plan’s Annexation Declaration for future annexation into Orem City.
- Provides additional area to potentially expand the business park to the south as future annexations occur and infrastructure is improved.
- Impact fee-based development puts infrastructure improvement costs on the developer, limiting the City’s financial liability.

Disadvantages

- Conservation areas make comprehensive long term master planning for the area more difficult.
- Potential traffic concerns on existing right of ways including Geneva Road, 2000 South, and Sandhill Road.
- Promoting high density development in far corners of the city may be contrary to future city-wide, long-term planning efforts and may limit the City’s ability to service these developments with appropriate transit or other amenities.

Recommendation: The Development Review Committee has determined this request complies with all applicable requirements for consideration. The Project Coordinator recommends the Planning Commission consider all applicable factors and make a recommendation to the City Council regarding the annexation of 227.59 acres of property located in the vicinity of 1600 South Geneva Road and the proposed General Plan land use map with the designations outlined on the Southwest Area Annexation Land Use Plan and amend Article 22-5-3(A) and the zoning map of the City by zoning the property OS5.



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

Mr. Walker said his understanding is that Orem City and Provo City have had discussions about annexation. Mr. Stocksdale said these areas are noted in each city’s General Plan. As part of the annexation process, there was a protest filed by Provo City during the protest period. The discussion was over the control of 2000 South. It was resolved with the two cities engineering and planning staff’s. The agreement was concerning right of way, access and management of the road. The agreement was that Orem will control the road east of the railroad tracks in Orem and Provo will have control west of the railroad tracks and the road will extend to Lakeview Parkway. The protest has been resolved and the developers have provided right-of-way space for 2000 South.

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Chair Moulton asked for the percentage of approval of residents. Mr. Stocksdale said the original petition that was filed there was around 77% property owners in approval and 48% of the assessed value of the property. The requirements are 51% property owners and 33% of the assessed value.

Ms. Jeffreys noted that one of the listed disadvantages is promoting high density development in far corners of the City. The General Plan also contains that density. She wondered if medium density is okay. Mr. Stocksdale said the land use plan that was developed looked at the capacity issues for infrastructure and services for the area and worked backwards. After going through everything, it was determined that there is a capacity for 1900 units in the area with the sewer system, etc. In order to make the impact the most reasonable, the higher density makes the impact fees lower. The medium density will spread it out through the area. They have been looking at this in conjunction with other plans throughout the City like: the higher development near the UVU, the State Street plan which has key nodes that could have higher density developments. There are concerns that this would be aligned with some of those goals.

Ms. Larsen asked about the route of Lakeview Parkway. Mr. Goodrich said the Lakeview Parkway alignment was approved a few years ago. It is an extension of Geneva Road; it breaks off at the Taylor Conservation Easement and goes out to the Provo airport. The intent is to keep the majority of traffic on that route and be able to keep Geneva Road south of that point a three lane collector road. Ms. Larsen said the intent is to have Geneva Road become a smaller road and have the bigger road out west. Mr. Goodrich said Geneva Road is bigger than a neighborhood road, but it will be a wide three lane road. Ms. Larsen asked why not just increase Geneva Road. Mr. Goodrich said that when Geneva Road gets into the Provo area there are multiple historic homes and UDOT did not want to widen that area, also this road has a connection with Provo Airport and I-15 at the University Parkway interchange.

Ms. Jeffreys asked what the width of Lakeview Parkway was. Mr. Goodrich said the total right of way width of 110 feet, which is four lanes with a center median. The median is supposed to have trees and has openings for left turn lanes.

Mr. Cook asked about the traffic that will be generated by 1900 units going in this area with road that area not anticipated to be widened going east on 2000 South. Mr. Goodrich said that 2000 South will be classified as either a collector road or possibly a minor arterial. Both 2000 South and Geneva Road need to be widened. Some of that will be addressed with the concept plans. The City has hired Horrocks Engineering to design a Master Plan update for the entire City and is focusing on this area and looks at this map and sees what traffic projections could come from this. Preliminary reports are showing that Geneva Road south of the Lakeview Parkway should be three lanes with shoulders and north should be five lanes with Lakeview Parkway also having five lanes. Mr. Earl added that as part of the agreement that Orem City entered with Provo City, they agreed on a cross section for 2000 South/2000 North Street that identifies the lane widths, sidewalks, etc. Both Cities' agree that as development occurs the widening will happen. Ms. Larsen asked if Orem will make sure there is a connection between 2000 South and Lakeview Parkway. Mr. Goodrich said that 2000 South is a regionally significant road and federal funds could be obtained to do any widening that developers may not do in a reasonable period of time.

Mr. Bench noted that the 1900 units are equivalent residential units (ERU). When there are commercial units, depending on the meter size, that will be equivalent to a certain number of residential units. There will not necessarily be 1900 apartments, but it will be an equivalent to 1900 units.

Chair Moulton invited the applicants to come forward. Jeff Mansell and Gary McDougal introduced themselves.

Mr. Mansell indicated that commercial is not going to be a viable option until Lakeview Parkway is built. Lakeview Parkway is at least 10 years away and this development will take 15 years to develop. He said there are a lot of people who are upset because the application was even made. Though, there is a vast majority of residents and value that want it to happen. The impact study was done by the City to assess what it would take to provide the services needed for the annexation. Based on the information given it was too expensive so the residents and developers will need to put in the services. That is why the medium density was applied to make financial sense for even consideration. There are owners who have been

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seeking annexation for decades; the time has come to make the decision of whether it can be annexed and whether the City will allow the density that is proposed by staff, so the improvements can go in to support who own the property in the area. Orem is already providing services for properties way up north and to the west that are further from services than this property is. If they are not granted this type of density, the annexation will not happen. If the density is denied and the City is not willing to put in the services, it will be another couple of decades before development can come in. The vast majority of residents in the area want this to happen. The density will pay for the services.

Gary McDougal said a few years ago they came to the understanding that this will be annexed into Orem. Based on that they spoke to a lot of the property owners and the majority has been in favor of annexing. They have worked with staff and understand they had to pay their own way. They did estimates on water/sewer and understand there needs to be a certain number of connection fees and taxes to make this work. There is a drafted development agreement.

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.

Brent Wood said he founded the autistic school on Geneva Road. They chose this lot because of the conservation easement next to it. He noted that children with autism are startled by sounds, etc. They are developing the five front acres with the city and the five acres behind are leased for agricultural. His concern with the current plan is they will become landlocked. They will need access to the subdivision. There is a proposed road into the Petersen property to the south of their property. They may put that property into housing for adults with autism.

Matthew Bowler said he would like Orem City to consider connecting to the Lake Trail from Nielsen Grove. There are no safe connectors at this time. Mr. Earl indicated the cross section calls for a buffered sidewalk. This is a sidewalk separated by eight feet of landscaping, which may help. Mr. Bowler added that there is so much traffic it will impact the safety of those on the trail.

Richard Wilkerson said there was a neighborhood meeting on April 2014. At that time, the general atmosphere of the meeting was for the property to remain rural. The petition was put forth and it was circumvented to only those who would support density, thus it is a partial petition. His concern shows signs of being invalid; he would like to see someone other than the developer collect the signatures, someone who is neutral. He supports the agriculture use in order to ensure there will be property to feed future generations. Most of our food is imported, which is a change from the past 30 years. If we had to rely on our own resources for food and this area is put into housing there would be no recourse. The Lakeview Parkway is a road going nowhere. The road goes to the airport, but there is no industry there and never will be. There is a good chance that the Lakeview Parkway will never happen.

Byron Taylor said he is not here to protest the annexation, but the density associated with the annexation. It is trending from medium density to high density. High density and agriculture do not mix well. He wants to keep farming. The process does not favor the farmer, but those who want to develop and increase their profits. Across the country local communities and governments are embracing agriculture. Mr. Taylor supports annexation; he does not support this odd mix of development, especially high density against farmland. He encouraged the Planning Commission to take a step back and have a more planned and methodical manner. He feels like someone else's speculation model requires this density, but he does not benefit from that speculation. He does not want to prop up a potentially bad speculation model. The Planning Commission does not need to prop up the developer or make sure he gets a profit. He would hope that the Planning Commission would not support a hodge-podge of development.

Linda Brown said her property is next to the McDougal property. High density is not good for this area. She expressed concern that every bare piece of property in Orem is going into high rise apartments. She is not sure who the vast majority of supporters are and the City should not be in the business of insuring someone else's wealth at the expense of the neighbors. The traffic on 2000 South is already busy, but there is concern about access for emergency vehicles. The train does contribute to the traffic and when it is blocking the road it they are technically cut off from emergency services. People will not purchase homes

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right next to a railroad track. High density together with low income will contribute to increased crime. We are being overrun by apartments.

Barry Brown indicated that his home is next to the McDougal property. They will be the backyard of the townhomes and it has a potential of land-locking three quarters of his property. He noted that people who live in Chambray leave their home and go down to 2000 South to go into town because they do not like the Parkway. This will be a major intersection. If the road is widened only to the railroad tracks and not under the freeway, there will be a problem there. The density is a bad issue.

Mr. Walker said that landowners have the right to build whatever they want as long as they meet the regulations of zone they exist in. This development does not affect farming in any way. The City has an agriculture overlay, which grants the farmer to spray trees, noise, etc. without the neighbors complaining. He noted that someone will need to pay for the utilities; he agrees with staff and does not think he should have to pay for the services down there.

Mike Walker left at 7:32 p.m.

Shawn Bunderson said he owns property in the area. He has been asking for three years what the impact fees would be and is always told they are coming. He wants to know what it is between new and existing homes. He supports annexation in order to get services; however, he does not support the high density. He understands that there are people who do not want to pay for this development, but if he does come in he will pay for fiber and never get it. He wants to raise his family in Orem in a neighborhood, not in an apartment area. He already lives in an apartment neighborhood and it is very transient. This area should provide neighborhoods for families.

Mike Drake spoke for Cary Asay who owns 19 acres which touch the conservation easement. Mr. Asay prefers this annexation go forward. He was not asked to go with this annexation, but is in favor. He wants the services that come through annexation and having residential will bring services to the people of the area.

Mr. Dudley said he remembers when the University Mall was approved. It was very controversial and it was opposed by those who lived around it. Over the years, the University Mall has proved to be an asset to the community. The mayor had the foresight to make the decision. There will always be those who oppose progress. A development needs to be good for the city, the residents it impacts and it has to be financially plausible for the developer. If any of these things are not there, development should not occur. In this instance, the finances are an important part. This is an important decision.

Elaine Scofield said it is not easy to farm next to development. She noted that during the neighborhood meeting that was held over a year ago they only offered high, medium and low density. The City in 2001 passed a plan for this area. If the Planning Commission has not read that plan, there should not be a vote tonight. Last year's meeting had no option for open space or rural development. The City's General Plan states that in the "Lakeview area the City will require excellence in development to preserve views, create pedestrian friendly and attractive streets and maintain the distinct rural character of the Lakeview area. Development may be clustered in an effort to preserve open space and natural resources." This development does not allow for that. In the November 13, 2014 work meeting with the City Council, it was suggested by one of the councilman that the open house needed to happen again in order to further determine who had which opinions on annexation, zoning, etc. That never happened. In the January 2015, the discussion was in the work session, but the meeting had been changed up to the old WordPerfect buildings. The developers were in attendance, but not the neighbors. The neighbors have tried to schedule a meeting with staff and the City Council in order to get some back and forth conversation and they have been shuffled around the City with no success. Mr. Scofield then noted that the survey of Envision Utah in 2007 which shows that 50% of those surveyed thought agriculture was important to Utahans. In the 2014 survey the number increased into the 70%.

Skip Dunn said he owns property in the area. When he bought the ground he was looking for a place to park his equipment out of the way. He never thought his view would change. This is like Carterville Road,

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which borders Orem and Provo. The annexation does present many problems. He met with the late Jim Reams, 10 years ago and they talked about making his property a city park. Provo is developing and the neighbors cannot do much about it. He owns an excavation company and did make a bid for the Provo development and it is very expensive. The developers will need help, because it is expensive. A lot of those in this area are not for the high densities, but is coming from Provo and the road will come through. The City should help the developers and make it good for everybody.

Don Bahr, Provo, said he will be affected by 2000 South development because some of his property will be taken with Mr. Mansell's development. He felt bad about the feelings that are being expressed. As development comes it diminishes the neighborhood. His concern is that when development comes, it needs to be allowed to maintain a Lakeview neighborhood. If the neighborhood is destroyed, the City will not get any taxes. This area has been around longer than Orem. The annexation process should go slowly.

Jamie Evans said he owns Evans Grater and Paving. He owns a lot of Gold Key and parts of 2000 South. He wondered if the City can build a road across the annexed property. Mr. Earl said they can with the County's approval and it would be a county road.

Mr. Evans said his concern was that the property owners have rights and this residential is being built into the heavy industry of the County. The heavy industrial of the County is far different. He would like to clean up the Gold Key area and asked for any suggestions.

Ms. Jeffreys said she was not familiar with the Gold Key area. Mr. Stocksdale indicated it is not part of the current annexation petition so there is no zone change associated with the Gold Key area. The overlay is only for those properties in the annexation area.

Sandy Morgan said that it was noted that there are 77% public in favor of this. She asked if the record is available because no one that lives there knows anyone in favor of it. Certainly the developers are in favor of the annexation. Mr. Stocksdale said that is available and is part of the petition. He encouraged her to contact him.

Ms. Morgan then stated that 2000 South will not be developed until the Lakeview Parkway is built. Her understanding is that will be in 10-20 years. Because the developer wants to develop, 2000 South will dead end at her property. Provo City has 1200 homes that they said are waiting until Lakeview Parkway to build. However, there is construction going on now. They said of the 90 homes on the docket only 30 per year will be built, however, there are more foundations being built now. They are going to dump all this traffic onto a two lane Geneva Road and no other access is available for up to 20 years. Once Lakeview Parkway goes in there will be lots of traffic. But now the City is going to approve 1900 units to go along with the 1200 units from Provo on a two lane Geneva Road. The City is running out of green space. She hoped the City would be willing to protect the farmers in the area, instead of just going with the developers.

Larry Peterson said he owned property along Sandhill Road and the City approved medium density and now the City is doing the same thing here. He noted he did sign the petition to annex. He bought this property to move his business from Sandhill Road, but has been unable to do it because of the water situation. He supported putting high density along the railroad tracks and everything to the west low density.

Allen Hamberlen, said he owns five acres just east of the railroad tracks from Mr. Peterson. Mr. Hamberlen supports the annexation in order to have services and develop his land. He wants to build light industrial onto 2000 South. They have approached the City and asked if they could put in the water infrastructure from underneath the freeway at their cost with reimbursement from those who connect into it and were declined.

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

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Ms. Larsen asked if the annexation is approved will everyone have to hook up to services, who is responsible to hook up and what is the cost. Mr. Earl said the current ordinance states that if there is a sewer line within 300 feet residents are required to connect, the private owner is responsible to pay for the hook up and he was unaware of the cost. Mr. Cook asked if the requirement is when the owner does something to the property or as soon as the sewer is close. Mr. Earl said it is when the sewer is available within 300 feet.

Ms. Buxton asked how many landowners are involved in this parcel. Mr. Stocksdale said he does not know that number off the top of his head, maybe around 30. She thought the annexation is a great idea, but who should pay for it. If the developers pay for it, there has to be density. She personally does not understand why the rest of Orem, that might benefit from having additional land in the borders, could not help pay for somethings. She understands that the citizens do not want taxes raised for anything. But if there is a benefit to Orem, why should not she and others help pay for it. She grew up in Central California, the world’s most productive farmland and she has a soft spot for agriculture. If the truck does not come from California, what will the citizens eat? This is productive farmland. The annexation is a good idea and would prefer talking about what happens with the land later.

Mr. Stocksdale noted that the annexation and the impact fees will be considered by City Council. The Planning Commission is focusing on the land use.

Mr. Cook wondered if the annexation takes place and the density is not economically feasible for the developer to put in the infrastructure, can it be annexed without the infrastructure at this time. Mr. Stocksdale said yes. It could be annexed and put in the OS5 zoning, which is a holding zone. Ms. Larsen said the City would not need to install the services upon annexation. Ms. Jeffreys asked if the City would then provide services like fire and police services. Mr. Stocksdale said the City already does provide fire and police service with cooperation with Utah County. Ms. Buxton said she is in favor of that type of option to take the time and figure out how to pay for the services. Mr. Earl said staff has had this discussion with City Council during different study sessions and various options have been discussed about how to finance the improvements. There were different ideas that were presented. During the January 2015 City Council meeting it was decided they did not want to spend any City money to put in the improvements in the Lakeview neighborhood. If any development were to occur, the infrastructure would have to be placed there by the developers. Mr. Stocksdale said there are three separate issues; the annexation, the impact fees and the zoning. The plan that is presented is the best ability to tie them together and provide zoning that will support the impact fees, which will support the annexation. Ms. Larsen asked if this was annexed the people in that area would have police and fire with no additional charge to both the residents and the City. The charge will be with the installation of water, sewer, road improvements, etc. Mr. Stocksdale said the three original impact fees that were assessed: the storm water, the culinary water and sewer. They were presented to the City Council and with direction they added two more fees – parks and fire. There are plans to build a new fire station in this area.

Ms. Larsen said she has a concern about annexing more ground to service with fire, police, park, library and recreation without any additional money coming in. The impact fee is placed on only new development, but what about those that is currently there. Mr. Bench said that if the parcels are annexed they would receive fire and police, library, etc. because they are part of the City. If the property owner develops, they would have to pay the impact fees. No one on the south end would be able to develop until the main backbone of the infrastructure in, which costs millions of dollars. There would not be development until a big developer come in and foots the cost, or properties develop from the north to the south and sequentially connect into the current infrastructure. The issue with this annexation is the developer wants to develop the south end and there is no connection in between. Ms. Jeffreys asked if the current residents will incur more taxes. Mr. Bench said as residents they would pay city taxes as opposed to county taxes. Mr. Stocksdale indicated he had compared the tax rates and they are comparable. Ms. Buxton said the residents are essentially getting fire and police service currently, and asked who is paying for that. A resident chimed in that the County pays the City for their services. Ms. Jeffreys asked what the City Council’s view on the annexation is. Mr. Earl said the discussions up to this point have been informational, presenting the different options and what are the consequences. If the City Council decides not to annex the property, then everything discussed tonight is moot. If they do annex the property, then they need to have a

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General Plan to decide what the land use categories are going to be. The Planning Commission needs to function as if it is going to annexed and make the recommendation based on that.

Mr. Cook asked if anyone looked at the previous General Plan. He recognizes that to put in the infrastructure there needs to be a lot of density, but maybe this density is not what should go in this area. Mr. Stocksdale said the direction staff was received was to not consider the original plan.

Ms. Larsen asked if the Planning Commission is supposed to review the impact fees. Mr. Earl said the fees are only relevant in so far as deciding what the appropriate land use should be. If the Planning Commission recommends open space, then there would probably be no development that is going to happen for a long time. The impact fees are for information only. Ms. Larsen said that if the property is brought in with an OS5 zone, then this land that comes in and then sits. Mr. Cook added it may develop north to south slowly.

Mr. Earl said the City did not commence the annexation process; the developer's did because they wanted to develop their property. The plan before you is an attempt to show how that proposal could work. In other words, probably the densities need to be at least what is shown for the utilities to go in and for the development to proceed. Anything less than what is proposed will not work.

Ms. Larsen said that if they do not like the higher density, then this will not work. The choices are really this plan, open space or nothing. Mr. Bench said the Planning Commission can make whatever recommendation they want. If the Planning Commission thinks that low density should prevail, then the Commission can recommend that to the City Council and they can decide. Staff is recommending that a holding zone until developers come in with developments. Mr. Earl said the General Plan is the ultimate plan and then there is the OS5 holding zone until developers bring in proposals that the Planning Commission and City Council can look at individually. Mr. Bench said the ultimate drawing is the General Plan and the OS5 is a zoning plan. The OS5 is a holding zone until the City can implement the General Plan, both needs to be recommended for the annexation area. Ms. Jeffreys said that recommending OS5 zone is not supporting medium density. The Planning Commission needs to recommend a General Plan designation and then a zoning plan, which is the OS5 holding zone. She suspects there will be PD zones, etc. in order to implement this plan. Mr. Earl said at this time the Planning Commission needs to look at the ultimate land use plan for this annexation area; should it be this mix of high density residential, medium density and commercial or low density residential, or light industrial, etc. Mr. Cook said this is the plan before us. Mr. Bench said the Planning Commission could recommend denial. Mr. Cook said there is no other plan to consider. Mr. Earl said the Planning Commission could offer general suggestions.

Ms. Buxton indicated there are already agricultural easements and conservation easements and whenever there is any residential up against something stinky or with pesticides, etc. there is a conflict already. Chair Moulton agreed he would like to see it stay agriculture.

Ms. Larsen said it will eventually develop. Provo is apparently pushing development. But she is not sure that Geneva Road can handle high density. She does not believe that the Lakeview Parkway will be heavily used in her lifetime. To be visionary, eventually there will be a road down there that will go to the developments in Provo. However, people will use the road that closest to them and that will be Geneva Road. She cannot see it happening until there are some traffic changes. She is not opposed to annexation, but she is not in favor with high density residential, there has to be some commercial in there also. The City does not have millions of dollars to put in services. Since the citizens do not want their taxes raised, the City has to decide want to have more land for a business park in the future. She will not vote for high density residential, she would like it maintained as low residential or rural with the option of light industrial or commercial. She likes the mixed use option.

Mr. Cook said it is one of the last areas that is not developed. He hates to see an agricultural area become a high density residential area.

Mr. Earl asked how the Planning Commission defines the high density threshold. Ms. Larsen said she does not want high rise apartments with 4-8 people per apartment. Mr. Earl noted that what is being proposed in these two developments are townhomes. Ms. Larsen said she is concerned that we are building up, but feels

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that annexation is alright. Ms. Larsen said she would vote no on this, but would like lower density uses. Chair Moulton said he would like to specifically say agricultural. Ms. Larsen said that agricultural does not provide any tax base, so why annex the property. She said maybe there needs to be commercial development.

Mr. Earl said the current proposals are just to do townhouse and not stacked units. The Planning Commission could also say they are not even comfortable a medium density or attached townhouse unit concept, but want a low density which is detached single family dwellings. Ms. Larsen said she did like the proposal of the medium density west of Geneva Road. She liked the feel of open space, walkability, mixed uses. It resembles Sleepy Ridge with the mixed uses. In her mind high density is high up and means lots of people. She supported keeping the density at eight units per acre, which could maintain the country feel in the area. Mr. Bench said that would be 1500 -1900 units. There is still a potential for a lot of units. Ms. Larsen said it comes back to her concern about the traffic.

Ms. Buxton said whatever land use is approved should work with the agricultural use. She was not sure what that would be, but she was sure it would not be a high rise apartment.

Planning Commission Action: Chair Moulton then moved to recommend a negative recommendation to the City Council to not amend the Orem General Plan by adopting the proposed Southwest Area Annexation Land Use Plan, and not amend Section 22-5-3(A) and the zoning map of the City of Orem by applying the OS-5 zone on approximately 184 acres located generally between 1600 South Geneva Road to 20000 South and from 1000 West to 1200 West with the additional recommendation that the City Council consider much lower density that is align with the current agricultural uses of that area. Ms. Buxton seconded the motion. Those voting aye: Becky Buxton, Carl Cook, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

Mr. Stroud asked Mr. Earl if the Planning Commission can hear the next two items, because of the recommendation of denial on the annexation. Mr. Earl said the zones should be considered on their own merits and make recommendations on them. A General Plan designation is advisory and not necessarily binding. The City Council does not have to follow the General Plan, but it is used as a guide. Mr. Stroud said these rezones are based on the General Plan that was denied. The developers need that General Plan in order to go forward with their development. Mr. Earl said the City Council may still adopt the land use plan and if they do, they will consider these PD zones.

Chair Moulton introduced **AGENDA ITEM 4.4** as follows:

AGENDA ITEM 4.4 is a request by Ryan McDougal to **ENACT SECTION 22-11-55 AND APPENDIX KK, PD-42 ZONE, AND AMENDING ARTICLE 22-5-3(A) AND THE ZONING MAP OF OREM CITY IN THE FUTURE ANNEXATION AREA BY ZONING THE PROPERTY GENERALLY AT 700 WEST 2000 SOUTH IN THE PD-42 ZONE.**

Staff Presentation: Mr. Stroud said the applicant is currently in the process of annexing property with multiple owners located along Geneva Road and 2000 South from Utah County into Orem City. The annexation declaration overlay agreed upon by Orem City and Provo City identifies Orem’s 2000 South as the future boundary between the cities. Ideally, the applicant would like to zone property he owns to the PD-42 zone if/when the City Council approves the annexation.



The property is currently in Utah County so there is no General Plan designation of the property. The City Council will approve a General Plan designation at the time of annexation. The proposed general plan designation on the property is high density residential. The annexation is tentatively scheduled to be heard by the City Council on August 25, 2015. To service the site with utilities, the applicant

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must bring water and sewer from approximately 1400 South Geneva Road to the site along 2000 South. The purpose of the annexation is to have access to City services such as water, sewer, and storm drain.

The PD zone is requested as there is no other zone classification to allow the high density development as the applicant has proposed. The concept plan submitted by the applicant contains side by side townhome units at a density of 13.53 units per acre, or 192 total units. The concept plan as well as the building elevations will become part of the Code and contained in Appendix “KK.”

Since a PD zone is specific to a location, adoption of zoning text is required to outline development standards and requirements. The following are the major requirements of the proposed PD text:

Density – Up to 16 units per acre, which is in-line with other PD zones developed or approved for high density residential.

Height – Residential structure may be constructed up to a height of 50 feet. This is needed for stacked units. Should the developer decide stacked units are not needed; the townhome units will be closer to 30 feet in height.

Setbacks – From the west, north, and public street(s), the setback shall be 20 feet unless a structure is higher than 30 feet in which case the setback shall be the height of the structure.

Exterior Finishing Materials – Shall consist of brick, stone, stucco, concrete fiber-board siding or combination of these materials.

Parking – At least 2.25 parking stalls per unit, two of which must be covered.

Amenities – Some PD zones are specific as to what amenities will be provided. The proposed PD-42 text does not specify any amenities but are shown on the concept plan. However, the text would allow revision of the concept plan without City approval.

Revision of Concept Plan – The text contains a provision which would permit the concept plan to change at the owner/developer’s discretion without approval from the City Council or recommendation from the Planning Commission. However, The Planning Commission must still approve all site plans.

Advantages

- This proposal is the impetus of the annexation petition by the developer
- Proposed high density housing is not located near any existing single-family dwellings in Orem City
- Proposal would require installation of water, sewer, and storm drain lines down Geneva Road, giving incentive for other properties to develop
- The developer will pay the cost of all improvements.
- Attached residential development is better suited along the railroad right-of-way

Disadvantages

- Staff has concerns with the text allowing change in the concept plan without Planning Commission or City Council review
- Development does remove open space/agriculturally beneficial property
- Is high density housing the best use of the property?
- The development will increase traffic in the area

Recommendation: The Development Review Committee has determined this request complies with all applicable requirements for consideration. The Project Coordinator recommends the Planning Commission consider all applicable factors and make a recommendation to the City Council to enact Section 22-11-55 and Appendix KK, PD-42 zone, and amend Article 22-5-3(A) and the zoning map of Orem City and future

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annexation area by zoning the property generally at 700 West 2000 South to the PD-42 zone subject to approval by the City Council of the annexation petition and associated items and agreements.

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

Ms. Larsen asked if this property backs up to the autistic school. Mr. Stroud said a portion of it is. The property is not landlocked because there is property behind that could be developed.

Ms. Larsen said that Provo owns the street from the tracks west. She wondered if Provo would have to approve access points for developments along the street or widen the street. Mr. Stroud said the developer would widen the portion in front of his development. Mr. Bench said in the agreement with Provo, they allow access to the street. Mr. Earl said the developer would construct the improvements, widening of 2000 South and dedicate those improvements to Provo. Ms. Larsen asked if the developers would still have to bring utilities from Orem. Mr. Earl said yes. Ms. Larsen said that Orem would provide police and fire inside the development and Provo would handle the road.

Chair Moulton invited the applicant to come forward. Gary McDougal introduced himself.

Mr. McDougal said the plan has been changed from stacked units to townhomes. There are two entrances and having to bring sewer all the way to Geneva and up to this location, take care of storm water, etc. They were told they needed that type of density to pay their share.

Mr. Cook asked if these will be sold or rented out. Mr. McDougal said they have not decided that yet.

Ms. Jeffreys asked if he owns this property. Mr. McDougal said it is under contract. They have spent a lot of money for engineering and design. Mr. Stroud said the developer has first right of refusal on the property. He has the right to purchase it if this approved. Ms. Jeffreys asked if the owners of the property are in favor of rezoning it. Mr. McDougal said yes.

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.

Shawn Bunderson said he is friends with Ryan McDougal. The proposed plan goes along with the higher density. He would encourage the City to do something that brings the development to a lower density, rather than townhomes. At the Chambray development there are townhomes and there are only 3-5 people who have stayed that are owners. That makes it difficult for people to build relationships. He pointed out that the Planning Commission members all live in neighborhoods and want the same thing. The impact fees that they will pay will go to support the City and their area.

Rachel Wilkerson said they run the farm that is currently on this property. They lease the land and consider themselves stewards of the land. They have a beautiful fruit/vegetable stand there. She stated that farming is an industry that gives back to the community. They have collected over 1300 signatures of customers and neighbors that do not want this land to go to high density residential. The area has been in farming for over 100 years. This is a great place to grow food for Orem and people want to support it.

Ms. Wilkerson then read a letter from Charity Stockton. Ms. Stockton said she strongly opposed the use of the land on 2000 South for high density. She has always loved the farmland off of Geneva. It makes her sad that developers give little thought to the value of keeping it beautiful and natural. The Wilkerson farm serves the community and local organic produce is hard to come by. She likes knowing where her food comes from and developing this land would take that away. Her boys were able to take part in the children's farm program and had a blast. They learned about farming and hard work. This is a great educational opportunity for children.

Julie Clifford said they farm the land just west of 2000 South across from the Wilkerson farm. They lease the land. About a year ago they were told that the property may be developed and they may lose the farm. They work with the Wilkerson's and share the same customers. They have the same experiences, comments

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and interactions with their customers. She has raised her children and grandchildren are here. They have started looking for land in the community and cannot find land. They will have to leave their home, their profession and go outside of the county. They move over 1,000 dozen eggs per week. This neighborhood takes pride in this area. This will destroy the Lakeview area.

Brent Wood said he is concerned about the number of rentals with will have a large turnover. He also worked in an area with his church that had 120 rental units with a maximum lease of 30 days. He asked the Planning Commission to not let this be the future slum of Orem City. He supports selling the units, but renting them will destroy the area. They have a tall fence around the autistic school and the surrounding neighbors all have locks on their doors. The school would just die next to this size of a rental community. They cannot put a road along the side because there is not enough room. They will be landlocked.

Byron Taylor said his understanding is the developer is not bound to put in a fence. If the fence is not put up it becomes his liability. There is an open drain there and his farm will be highly accessible by all the children that will live in the apartments. Mr. Stroud said the ordinance does require a masonry fence. Mr. Taylor said he stands corrected.

Larry Peterson reiterated that having high density right against railroad track is fine, put lower density to the west. This proposal resembles the development right next to his property in south Orem.

Gene Morris asked how many dumb cars are going to dump onto 2000 South early in the morning. Let us not flood the road with people morning and night, let the people do their farming.

Mandy Johnson said she was told that when the property developed it would be similar housing. It turns out it will be high density housing that they have to pay for half of their sewer system. She is against having the City pay any part of the infrastructure. The three biggest landowners in this area do not want any growth, but would like the option to farm. They have had to fight to get fences, the ditches piped; children climb into the irrigation system, access to water and then told by developers that the access is their problem. Their ditches collect others garbage. College students come over and cow-tip their cows and cut their fences, every winter they have cars in her yard. Farming and high density housing does not go hand in hand. She would appreciate the City not approving more high density housing in this area, which will create more problems in her community.

Chris Foster said his home is close to 2000 South. He has small children who are afraid of monsters, but he tells them that monsters are not real, but the dangers of 2000 South area are real. He loves the Wilkerson farm and his family goes every fall to the farm. The cherry orchard has been turned into more housing.

Linda Brown indicated that both accesses are onto 2000 South for all those buildings. She said that projections are usually exaggerated in order to get people excited. The idea of needing more and more all the time might not be correct. She encouraged everyone to step back and chill out a bit.

Barry Brown said the issue was resolved in the last proposal. He believes that 200 townhomes qualifies as high density. This looks like a nightmare. He liked the discussion for the annexation.

Matthew Bowler said he is okay with development and property rights. However, the Planning Commission needs to ask what is being done with this change. Currently this is one property per five acres and putting 200 units on this area is increasing it by 50 times. There is a lot of turnover in these types of homes. His job allows him to telecommute and he chooses to live in Orem. He said that what makes Orem great is the community and how it is family oriented. He understands that temporary housing has its place, but a mile and half from UVU is too far. These students will be driving to school. During the school year student's cars will be parked all around the area. When they go to school they will not do Geneva Road they will use 2000 South. The neighbors support the annexation, but oppose the density.

Richard Wilkerson passed out peaches to the Planning Commission and staff. He said he had heard in the meeting that development is inevitable, but everyone needs to eat. That is a basic need. If progress is a concrete jungle he does not want to live there. He does want to serve the community. There are around 200

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people who stop in to the farm. Recently he watched a young family come and the children play in the dirt and he remembered doing that when he was young. He wanted to make sure there is a place for his kids to do the same. He wanted to be of service to the community by providing fruits and vegetables and an escape from the City.

Katherine Stone said she lives in Orem and has four kids. Wilkerson farm is a place they go often and her children love to play in the dirt. It is open and free and there are not a lot of places that has open free dirt. It provides organic produce, but it brings value to the community. Progress may be coming, but who says it is high density housing and development of land. She wondered why land conservation and preserving the land cannot be the progress.

Jeff Mansell said he sees a lot of gross generalities that the entire industry of farming is resting on a few parcels in Orem City, when it is not the case. Farmers are no different than anyone else; some love it and insist on staying in it, but there are multiple farmers that have sold their property because they wanted the money and at its highest and greatest value. Farmer Anderson has 150 acres in Lindon who sold and is not planning on continuing farming; he does not want to keep farming. Mr. Mansell said he does not understand how this area, which consists of 450 acres total, which will have over 200 acres of farm land, will not be considered agriculture. What percentage of the ground needs to stay in agriculture in order to be considered agriculture in nature? All of it? If this is annexed into whatever the no zone is and Stanley Roberts to the north wants to develop his property, will he be able it for the highest and best use. The neighbors may want it to be low density, but how will they get utilities. With low density he will not be able to put in the development. The City Council has already said that the utilities will not be put in by the City. There are properties that will not want to be farms, what are they supposed to do. It is very short sided to believe that this entire area will stay in agriculture and hamstring the property owners that rely on getting this money, for many of them it is their entire nest egg and family value. If someone wants to keep their farm that is fine, but some may need the money to live on until they die. He supports farming; he buys his vegetables from a crop share of organic farmers. If farming is so important, our society needs to take the step of actually homesteading ground again and putting the money back into developing new farmland, because it is not meant for the middle of cities.

Richard Wilkerson said it has been said that we do not need all the land for farming but the population of Utah will double in the next 30 years. If there was ever an issue with food all the farm land would be used and we would be happy to have it. He is not against housing or development. This land is an area that has been made by the bench and dropped in the area and most of the area is fine sandy loam which grows the best food. There are only a few areas like this in the State of Utah. This is area is a natural resource that cannot be replaced. Building houses will destroy it.

Mr. Wood said that this landowner is not someone waiting to get the highest value of his land, but is owned by a multimillion investor in Nevada.

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

Chair Moulton said he has thought of this separately from the annexation. The Planning Commission has approved a lot of housing in Orem and we may need to slow down on what is approved. Over time more housing will come, but maybe we should take a break.

Ms. Jeffreys said housing is centrally located and moving it out to the corners might not be a great idea.

Ms. Larsen said that she looked at this somewhere else in the City. This land will eventually not be sandy loam farmland. It can be enjoyed while it is around. If you want something to stay as it is, you must purchase it. Whoever owns the property controls what will happen to it. There will come a time when people will sell and move on. Maybe the kids will inherit it and will want the money. The orchard by her home is now in housing, because the children have decided they don't want to farm anymore. She loved the peaches, etc. and they are all gone. She is more concerned with the road situation on 2000 South, Geneva Road and the density does not go together.

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Mr. Cook said he agree that development will take place eventually. The City should relook at the timing of the development.

Chair Moulton called for a motion on this item.

Planning Commission Action: Ms. Larsen moved to recommend the City Council deny the enactment of Section 22-11-55 and Appendix KK (PD-42 zone) and the amendment of Section 22-5-1 and Section 2-5-3(A) and the zoning map of the City of Orem by not applying the PD-42 zone on 14.19 acres located generally at 700 West 2000 South. Ms. Buxton seconded the motion. Those voting aye: Becky Buxton, Carl Cook, Karen Jeffreys, Lynnette Larsen, David Moulton, and Michael Walker. The motion passed unanimously.

Chair Moulton introduced **AGENDA ITEM 4.5** as follows:

AGENDA ITEM 4.5 is a request by Jeff Mansell to **ENACT SECTION 22-11-56 AND APPENDIX LL, PD-43 ZONE, AND AMENDING ARTICLE 22-5-3(A) AND THE ZONING MAP OF OREM CITY IN THE FUTURE ANNEXATION AREA BY ZONING THE PROPERTY GENERALLY AT 2000 SOUTH GENEVA ROAD TO THE PD-43 ZONE.**

Staff Presentation: Mr. Stroud said the applicant has partnered with Ryan McDougal to annex properties along Geneva Road and 2000 South from Utah County into Orem City. The annexation declaration overlay identifies Orem’s 2000 South as the future boundary between the cities. Ideally, the applicant would like to zone property he owns to the PD-43 zone if/when the City Council approves the annexation.



The property is currently in Utah County so there is no General Plan designation of the property. The City Council will approve a General Plan designation at the time of annexation. The proposed general plan designation of the property is medium density residential. The annexation is tentatively scheduled to be heard by the City Council on

August 25, 2015. To service the site with utilities, the applicant must bring water and sewer from approximately 1400 South Geneva Road to the site along 2000 South. The purpose of the annexation is to have access to City services such as water, sewer, and storm drain.

The PD zone is requested as there is no other zone classification to allow the high density development as the applicant has proposes. The concept plan contains side-by-side attached units with three architectural styles in residential development areas. Total unit count is 274 at a density of 7.7 units per acre. The concept plan as well as the building elevations will become part of the Code and contained in Appendix “LL.”

Since a PD zone is specific to a location, adoption of zoning text is required to outline development standards and requirements. The following are the major requirements of the proposed PD text:

Areas – Two areas of development are proposed; the larger of the two containing 35.4 acres will be for residential development and referred to as Area “A” and approximately 1.5 acres of commercial development at 2000 South and Geneva Road as Area “B”.

Density – Up to 12 units per acre, which is in-line with other PD zones developed or approved for high density residential.

Height – Residential structure may be constructed up to a height of 35 feet in Area “A,” while the maximum height in Area “B” is 45 feet.

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Setbacks – Area “A” shall have at least 20 feet to all exterior boundaries, private streets, and Area “B”. Any structure in Area “B” shall be setback from public streets and shared boundaries of Area “A” at least 20 feet or the height of the structure, whichever is greater.

Exterior Finishing Materials – Shall consist of brick, stone, stucco, concrete fiber-board siding or combination of these materials.

Parking – At least 2.5 parking stalls per unit, two of which must be covered.

Amenities – All amenities shown on the concept plan shall be incorporated into the development.

Advantages

- Proposed high density housing is not located near any existing single-family dwellings in Orem City
- Proposal would require installation of water, sewer and storm drain lines down Geneva Road, giving incentive for other properties to develop
- The developer will pay for all improvement cost
- Development incorporates wetland area to provide for on-site storm water retention

Disadvantages

- Development does remove open space/agriculturally beneficial property from such use
- Is medium density the best use of the property?
- The development will increase traffic in the area

Recommendation: The Development Review Committee has determined this request complies with all applicable requirements for consideration. The Project Coordinator recommends the Planning Commission consider all applicable factors and make a recommendation to the City Council to enact Section 22-11-56 and Appendix LL, PD-43 zone, and amend Article 22-5-3(A) and the zoning map of Orem City and future annexation area by zoning the property generally at 2000 South Geneva Road to the PD-43 zone subject to approval by the City Council of the annexation petition and associated items and agreements.

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

Ms. Larsen asked if 2000 South will not be finished for a long time. Mr. Stroud said most likely. Ms. Larsen then noted there will have two accesses on both roads. Mr. Stroud said there are two on Geneva Road. If the 2000 South access ever go through, the access nearest the corner will be closed to the development, but would remain as an access for the commercial location. The applicant owns his property; however, the west side of Geneva Road (east side of this development) will need to be developed before could even get to his property. Mr. Stroud also noted there is a Taylor drain will need to be relocated in order to follow the road.

Mr. Cook asked if 2000 South would be a Provo City street. Mr. Stroud said that is correct with Orem City having allowed access onto the street.

Mr. Cook asked how many units are in this development. Mr. Stroud said 271 units which is 8.2 units per acre. This is comparable to the PRD zone, which is a fairly commonly used zone in the city.

Chair Moulton invited the applicant to come forward. Jeff Mansell introduced himself.

Mr. Mansell said he is proud of his development. He is unsure what the City Council will do with the annexation. He has a strong petition. If the property is annexed in, there is an application ready to go. He is willing to put in the improvements and designate the land for the Lakeview Corridor and give Provo land on 2000 South; he has done the traffic studies. He has done what he has been told to do. He did the traffic study and the study shows the two accesses on Geneva Road are adequate with Geneva Road being expanded to three lanes. He is in the business of putting roofs over people’s heads. At the end of the day,

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people make communities. This project has active adult components, who are fabulous people; there are townhomes that will be sold for approximately \$230,000 which is now entry level housing. These are entry level homes for kids who want to stay in Orem City. He is pleased with what is being proposed here. He is happy to make the improvements. He understands this will not happen if the annexation is not adopted by the City. If the annexation is adopted by the City, he does ask for the Planning Commission's recommendation for the zone for this property because of the merits of the development itself and his willingness to do for the entire annexation area. The 200 acres that want to remain in farming. There will be more applications by other property owners. He is the first and it is the toughest, he understands that.

Ms. Larsen asked if this PD zone is approved as is and the other one was denied, could he afford to go forward with this development alone. Mr. Mansell said the two projects could be separated. The nature of how the impact study was done enables him to utilize what he would have paid in impact fees to pay for the improvements as the initial developer. He would need to resolve whether the water needs to be looped up, which would be an additional burden, but his project can bring water and construct the lift station down on the west side of the property. They could do the core improvements with just their project; but if it needs to go further than they would have to do that analysis. There are other people who seem to be in favor of helping with the utilities, especially water.

Ms. Larsen said the sewer needs pumping because the west side is lower. Mr. Mansell said everything west of Geneva Road needs to be brought up.

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.

Eileen Scofield noted she had attended different meetings and had heard various numbers for impact fees and that the developers are willing to pay a certain number. She asked why there is such a difference in impact fees. She wonders what is really going on.

Richard Clifford said his wife farms on their property. Skip Dunn has big trucks running in and out of there all day. This area is near a wetland and will need mosquito abatement for the area. The spraying for mosquitos may affect the beehives in the area.

Gary McDougal said he has been developing for over 40 years. He remembers the mayor of Orem committed political suicide by putting in the University Mall, but he had some foresight. This is going to happen, it is a matter of how many owners want to sell and when. Provo is already moving ahead with apartments and commercial. They will put in high density in to support it. The traffic is coming, the decision is to handle it or bury your heads in the sand because it is coming. The people in this room or their heirs will be back in 5-10 years and want more than farming ground is worth.

Vonda Bahr said she lives south and east of this property in Provo. Her concern is the constant projection that Orem is growing and so they need to build housing. There is housing newly built across the street which has 44 units and there is no one living in them. Her other concern is still traffic. The 44 units across the street from her will dump 88 cars onto 2000 South in addition to these. The development that is west of them had problems with the water table.

Julie Clifford said the intersection at 2000 South and Geneva Road is already bad and adding more traffic will make it worse. It may need to be redesigned, because the vision is very limited.

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

Ms. Larsen asked if the traffic from the autistic school is Monday-Friday, just morning or both morning and afternoon. Mr. Wood said the entrance is wide and they are open year round. The parent's park under the porch area and a staff member comes and gets the children out of the car. There are 100 children, ages 3 - 16 years. The goal is to get them ready to assimilate into the public school.

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Ms. Buxton asked about the comment on the water table. Has Utah Lake ever flooded to this area? Mr. Kelly said he was not aware of any; however there is a compromise elevation to the west on the other side of the conservation easement. For homes to be built in this area, they would require a soils study to make sure they are above the water table. Mr. Stocksdale said none of this area is identified by FEMA as a flood plain. Ms. Larsen asked if there are any basements in this development. Mr. Stocksdale said yes.

Ms. Larsen brought up the Sleepy Ridge Development. She remembers when it went in she thought there was no way anybody would ever live down there. It is becoming the place to go. There are things that can be done to mitigate some of the situations. She likes the feel of this development better, because of the open space, and the different types of housing. The other one was just crammed in way too tight. She still struggles with the traffic and access.

Mr. Cook asked if these were intended to be owner occupied.

Mr. Bench addressed the impact fees. These fees are based on the medium density allotment that the Planning Commission recommended denial on. For the residential impact fee is \$7436 and the commercial hookup is \$8011. This will be different if the council approves low density. The fees will increase.

Ms. Buxton agreed she liked the look of this product, just not here. Ms. Jeffreys said the problem is, is this the right place for it. Ms. Larsen said the city is running out of places like this. If this is something we need in the city, but it is odd to be dealing with this after making the motion on the land use of the annexation.

Mr. Goodrich said that Provo has already annexed up to the line and rezoned the property. They have ideas they want to do with the airport for development and expansion. The Lakeview Parkway is proposed to go in the first phase of federal and county funding that is going to happen in the whole valley. When different communities try to get federal and county funding they go to an organization called Mountainland Association of Governments (MAG). MAG has three phases of projects defined between now and 2040. The Lakeview Parkway is in the first phase and already has constrained funding. It will have the construction slated within the next 10 years. There is money coming soon for the design of the roadway, and soon after that money will be attained to construct the road. Within 5-10 years the Lakeview Parkway will be built. Provo lobbied hard to get the other mayors and County Commission to support it. It is a done deal. It will have the ability to carry a lot of traffic. Originally, that is why they wanted to increase Geneva Road, but now the consensus is the traffic will scoot over to Lakeview Parkway. He reiterated that Provo will own and maintain 2000 South. The traffic modeling shows that it will be a three lane roadway. When the center turn lane is added and shoulders provided, the capacity can be increased by 20-30%. Part of the developer's concept plan is to widen that entire length of Geneva Road by this development. The Transportation Master Plan shows the section of 2000 South that goes under I-15 is five lanes.

Ms. Larsen asked if there has been any discussion about a freeway on-ramp at 2000 South. Mr. Goodrich said that years ago the previous Provo mayor wanted 2000 South to tie into the interchange. Orem's City Council asked for a different alignment because they did not want an interchange at 2000 South. Ms. Larsen asked if it would connect into Provo Center Street. Mr. Goodrich said he thought it might. The road will be a beltway around that area of Provo. The traffic modeling is regional in nature; they don't just look at what zone for one piece of property.

Ms. Larsen then asked where it connects to Geneva Road. Mr. Goodrich said it is probably around 1500 to 1600 South. The Orem City Council approved the beltway so as to avoid an interchange. It borders the conservation district and kept it on the Geneva Road alignment near the agricultural easement. UDOT has agreed to put in a traffic signal at Geneva Road and 2000 South when it is warranted. Ms. Larsen asked if the traffic is close to warranting a light. Mr. Goodrich replied not too close. He noted that as development happens it will get closer to the threshold.

Mr. Cook said that when Lakeview Parkway comes in the entrance to the west will connect. Mr. Goodrich said yes. The developer is showing that there is a corridor preserved for the Lakeview Parkway. Ms. Larsen asked if Lakeview Parkway will be a road that has traffic lights with crossing roads. Mr. Goodrich said that Lakeview Parkway and 2000 South will eventually have a traffic light.

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Chair Moulton said he favors the farmers. Mr. Cook said he likes this development more than the first. Chair Moulton agreed it is nicer. His concern is that the annexation area needs to be well planned. Mr. Cook said his biggest concern is having the whole area looked at; it depends on what is around it. Ms. Larsen said it is hard to have this be the first development going in that area. If there was more mixture with commercial, industrial and single family with the farms and this was the last piece maybe the Planning Commission would feel different. She likes this, but maybe it is the timing that is bad.

Chair Moulton called for a motion on this item.

Planning Commission Action: Ms. Buxton moved to recommend the City Council not enact Section 22-11-56 and Appendix LL, PD-43 zone, and not amend Article 22-5-3(A) and the zoning map of Orem City in the future annexation area by zoning the property generally at 2000 South Geneva Road to the PD-43 zone. Chair Moulton seconded the motion. Those voting aye: Carl Cook, Becky Buxton, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

MINUTES: The Planning Commission reviewed the minutes from the previous meeting. Chair Moulton then called for a motion to approve the minutes of July 22, 2015. Ms. Larsen moved to approve the meeting minutes for July 22, 2015. Ms. Jeffreys seconded the motion. Those voting aye: Carl Cook, Becky Buxton, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

ADJOURN: Chair Moulton called for a motion to adjourn. Chair Moulton moved to adjourn. Ms. Larsen seconded the motion. Those voting aye: Carl Cook, Becky Buxton, Karen Jeffreys, Lynnette Larsen, and David Moulton. The motion passed unanimously.

Adjourn: 9:59 p.m.

Jason Bench
Planning Commission Secretary

Approved: August 19, 2015