

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
June 5, 2019

The following items are discussed in these minutes:

- CUP for an accessory structure at 466 E 1500 North – Positive Recommendation to City Council
- Public Hearing – Amending University Mall Subdivision Plat A Lots 10, 14, 23, 24, 25, 3, 3G, 3F, 30, 31, 32, 33, 34, 6A and 7 – Approved
- Public Hearing – To adopt the Geneva Road Area-Wide Plan as Appendix J of the Orem General Plan – Positive Recommendation to City Council
- Preliminary Plat approval of Victoria Park Plat F located at 660 E 700 North – Continued to June 26, 2019

STUDY SESSION

Place: City Council Conference Room

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

Those present: Mickey Cochran, Carl Cook, David Moulton, Barry Roberts, Ross Spencer and Mike Staker, Planning Commission members; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Grant Allen, Planner; Jenna Albers and Emily Guffin, Long Range Planners; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; Debby Lauret, City Council Liaison and Cheryl Vargas, Minutes Secretary

Those excused: Camille Jensen, Planning Commission member; Sam Kelly, City Engineer

The Commission and staff briefly reviewed agenda items and minutes from May 22, 2019 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 Spencer called the Planning Commission meeting to order and asked Mr. Moulton, Planning Commission member, to offer the invocation.

Those present: Mickey Cochran, Carl Cook, David Moulton, Barry Roberts, Ross Spencer and Mike Staker, Planning Commission members; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Grant Allen, Planner; Jenna Albers and Emily Guffin, Long Range Planners; Cliff Peterson, Private Development Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; Debby Lauret, City Council Liaison and Cheryl Vargas, Minutes Secretary

Those excused: Camille Jensen, Planning Commission member; Sam Kelly, City Engineer

Agenda Item 3.4 is a request by Susan Harding to request the Planning Commission approve the preliminary plat of Victoria Park, Plat F located at 660 East 700 North in the R8 zone.

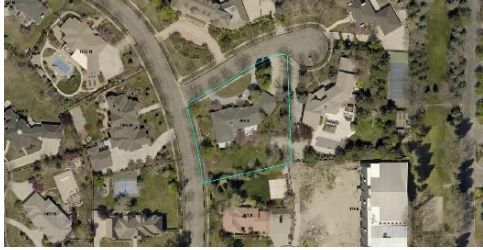
Planning Commission Action: Per the applicants request before the meeting, Mr. Cook moved to continue the preliminary plat of Victoria Park Plat F located at 660 East 700 North in the R8 zone to the June 26, 2019 Planning Commission meeting. Mr. Cochran seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, David Moulton, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Chair Spencer asked Mr. Allen to introduce **Agenda Item 3.1:**

A complete video of the meeting can be found at www.orem.org/meetings

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Agenda Item 3.1 is a request by Andrew Pincock to request the Planning Commission recommend the City Council approve a conditional use permit for an accessory structure containing 1,776 square feet located at 466 East 1500 North in the PD-14 zone.



Staff Presentation: The applicant is building an accessory building containing a living room, bedroom, two car garage, guest house/pool house, and pool equipment. The lot contains a total area of 41,468 square feet (sf) or .95 acres. The accessory building contains a total building area of 1,776 sf on two levels.

The ordinance requires a conditional use permit for accessory structures in the PD14 zone 1,000 sf feet or greater. Accessory structures cannot be more than 33% of the area of the parcel; this structure is 4 % of the lot at 1,776 sf. The structure is 22 feet high, well below the maximum height of 43 feet allowed.

The proposed elevations consist of stucco and wood siding. The proposed landscaping and overall plan comply with the requirements of the PD14 zone.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve a conditional use permit for an accessory structure containing 1,776 square feet at 466 East 1500 North in the PD-14 zone.

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

Chair Spencer invited the applicant to come forward. Andrew Pincock introduced himself but had nothing to add to Mr. Allen's presentation.

Chair Spencer opened the public meeting 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 Spencer closed the public meeting 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: Mr. Cochran moved to approve a conditional use permit for an accessory structure containing 1,776 square feet located at 466 East 1500 North in the PD-14 zone. Mr. Staker seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, David Moulton, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Chair Spencer asked Mr. Allen to introduce **Agenda Item 3.2:**

Agenda Item 3.2 is a request by University Mall Shopping LC to request the Planning Commission amend University Mall Subdivision Plat A Lots 10, 14, 23, 24, 25, 3, 3G, 3F, 30, 31, 32, 33, 34, 6A, and 7 and by approving University Mall Subdivision Plat B located generally at 575 East University Parkway in the PD34 zone.



Staff Presentation: The applicant is amending lots 10, 14, 23, 24, 25, 3, 3G, 3F, 30, 31, 32, 33, 34, 6A, and 7 for lending purposes to prepare for future development on the mall property.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission amend University Mall Subdivision Plat A Lots, 10, 14, 23, 25, 25, 3, 3G, 3F, 30, 31, 32, 33, 34, 6A, and 7 by approving University Mall Subdivision Plat B

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located generally at 575 East University Parkway in the PD34 zone.

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

Chair Spencer invited the applicant to come forward. Kathy Olson, Woodbury Corporation, introduced herself. Mr. Spencer asked if this change were for financial purposes. Ms. Olson said it is a combination of setting up lots for future development and refinancing the mall. The biggest changes are the two lots that cover the mall building itself. Those lots always included the parking surrounding them so pieces of those lots have been carved off for future development.

Mr. Earl said the plat is including what is anticipated to be the vacation of 590 East and 1100 South. That is going to the City Council on June 18th. If a motion is made to approve this, it would be subject to the City Council approving those street vacations of 590 East and 1100 South.

Chair Spencer opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

Skip Dunn asked what is going to be put there. Ms. Olson said the lots along 590 East will be incorporated into one lot for the Hale Center Theater, so most will be for parking.

Chair Spencer 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: Mr. Moulton moved to amend University Mall Subdivision Plat A Lots, 10, 14, 23, 25, 25, 3, 3G, 3F, 30, 31, 32, 33, 34, 6A, and 7 by approving University Mall Subdivision Plat B located generally at 575 East University Parkway in the PD34 zone subject to the City Council approving the vacation of both 1100 South and 590 East. Mr. Spencer seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, David Moulton, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Chair Spencer asked Ms. Guffin to introduce **Agenda Item 3.3:**

Agenda Item 3.3 is a request by Development Services to request the Planning Commission forward a positive recommendation to City Council to adopt the Geneva Road Area-Wide Plan as Appendix “J” of the Orem General Plan.

Staff Presentation: In 2017, the U.S. Environmental Protection Agency (EPA) selected the City of Orem as a Brownfield Area-Wide Plan (AWP) grant recipient. The AWP program assists communities in responding to local brownfield challenges, particularly where multiple brownfield sites are in close proximity, connected by infrastructure, and limit the economic, environmental and social prosperity of their surroundings – areas such as the Geneva Road corridor. Because of the Geneva Road’s rich industrial heritage, many sites in the corridor are considered brownfields.

Orem received \$200,000 to work with community stakeholders to develop an area-wide plan and implementation strategies for brownfields assessment, cleanup, and reuse in the Geneva Road Corridor that are:

- Protective of public health and the environment,
- Economically viable, and
- Reflective of the community's vision for the area.

The revitalization of brownfield sites has the potential to create multiple benefits throughout the community, including cultivation of community involvement in redevelopment of underutilized sites, creation of jobs, an increase in property values once a brownfield site is assessed or cleaned up, and correspondingly, a greater contribution of property taxes by revitalized properties.

Implementation of the Imagine Orem: Geneva Road planning process was led by the City of Orem with assistance from the planning firms of BRS and WRT, who served as the consultant team for this project. Together, the planning team hosted two public open houses, conducted site visits, sent out a survey that received over 400 responses, and engaged in robust digital engagement to involve residents, businesses, and property owners in the

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planning process, share information on plan progress, and receive feedback on redevelopment scenarios. Input from community stakeholders helped to shape the final redevelopment concepts and recommendations contained in the area-wide plan.

In addition, a plan Steering Committee was convened with representatives of various local and state agencies working in the Geneva Road Area. Key partners represented on the Steering Committee include the Cities of Orem and Vineyard, Utah County, Utah Transit Authority, Utah Department of Transportation, Utah Department of Environmental Quality, US EPA, EDC Utah, and the Mountainland Association of Governments.

As part of the Imagine Orem: Geneva Road plan, a set of redevelopment scenarios for brownfield sites and key intersections in the plan area were developed to imagine a possible future for this area. These areas include the Gateway District at 1600 North, the Geneva Center District at 800 North, and Geneva Crossing District at Center Street.

Recommendation: The Development Services Department requests the Planning Commission forward a positive recommendation to City Council to adopt the Geneva Road Area-Wide Plan as Appendix “J” of the Orem General Plan.

Chair Spencer asked if the Planning Commission had any questions for Ms. Guffin. Mr. Spencer said there is an area that is not in a district. Ms. Guffin said the 400 North intersection was not ideal for creating a district. Mr. Bench said the main idea was to take the main intersections at 1600 North, 800 North and Center Street that have I-15 connections. 400 North is an integral part of Geneva Road but not part of a district. Mr. Spencer asked if the plan is for these areas to be light industrial, commercial and retail. Ms. Guffin said that is correct.

Chair Spencer opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone.

David Halliday said he has two things that are important to him and those are housing availability and affordability. He asked if there is a possibility that there can be mixed use in that area, such as retail/housing or business/housing. Since housing is an issue here in our City, he wants to know if more housing could be included within reason.

Ms. Guffin said the two northern districts, the Gateway District and Geneva Crossing District, do not contain residential. The Geneva Center District includes residential along the core of Center Street. That is where there would be residential. Mr. Bench said as the plan goes through this process and there are neighborhood meetings, it can be flushed out later and that is part of the process. There may or may not be residential.

Skip Dunn, Skip Dunn & Sons Excavating. He has been a land owner down there since 1994. He has been to all these meetings about Imagine Orem and is not impressed. He does not understand the brown field stuff. Everyone in this area went through an environmental study when they got a loan on their ground. He currently backs up against Geneva Rock and he wants to be safe down there. He needs to know what is going on down there and he needs his employees to be safe down there going in and out of the site. When he brings in semi-trucks, they have to park in the middle of Geneva Road to open the gates and get in and out of his yard. He wants to know what the City is going to do to keep them safe. The master plan shows a major road that goes right through the center of his property. It was not on the 1995 or 2005 master plans. He understands growth, but he is not ready to pack up and move, he just wants to be safe. When he pulls in right now with an eighty-foot semi, it is almost impossible to get in and out of his yard.

Mr. Goodrich said the future plan is to have a raised median down the middle of Geneva Road. It is an access management plan. Geneva Road is classified as a principle arterial. When the City gets the budget to work with UDOT, it will be six lanes with a median in the center, wide park strips, sidewalk and multi-purpose trail. There are no immediate plans to force anyone out of their property. Mr. Dunn asked what will go on with the railroad property with Vineyard and Orem. Mr. Goodrich said Orem has money now through MAG (Mountainland Association of Governments) to widen Center Street between Geneva Road and I-15. He will try to go back to MAG soon with an updated cost estimate including whatever needs to be done at the railroad crossing. Mr. Dunn said he had a four-year battle with the Union Pacific Railroad. He won that battle but he believes the railroad tracks would make a nice road to get equipment in and out onto 400 North or Geneva Road.

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Mr. Spencer asked if a median going down the middle of Geneva Road is consistent with light industrial. Mr. Goodrich said I-15 will not continue to carry everything north and south. Geneva Road will need to be more of an expressway rather than an arterial with very good access management principles. As the City updates the master plan with UDOT in the next year, he cannot guarantee that Geneva Road will not morph into something else. May need to create an access like the rail corridor to move equipment.

Mr. Dunn asked how many people have needed help to clean up. Mr. Bench said no one yet, it is still in the process. Mr. Spencer asked if property owners will be required to test their soil. Mr. Bench said no. It is not a mandate, simply a help.

Carlos Magdaleno, MCR Recycling. He is 3rd generation in this area. His property lies between 800 North and 500 North on the Geneva Road corridor. He noticed on a map that this area is planned to be retail. He is fine with retail as neighbors. MCR has no intention to go anywhere for the next hundred years or so. Access to the property is a big deal. He wants to be an asset. MCR is a huge part of the recycling plan in Utah county. He is concerned with access going forward and already majorly concerned with the speed on Geneva road. There are constantly major accidents down there. He thinks the speed limit needs to be reduced to keep people safe. Speed limits and actual speeds are two different things. There is zero shoulder and when that is mixed with fully loaded semis and a huge amount of traffic it is not safe. Now there will be pedestrian traffic and there is not a suitable sidewalk. It is the making of a disaster. He wants to keep people safe.

Mr. Bench said this will be like the State Street Districts and be a property owner driven plan. Changes will occur when property owners chose to redevelop then there will be opportunities and standards in place. This is simply the general plan and it will develop over time with property owners and business owners. This is not a City mandated plan, it is property owner driven plan not a mandated driven plan.

Mr. Magdaleno said he could understand that strategy, but he sees faults if companies have no intention of moving. If the City is going to wait for them to pull permits, it is not a solid plan. Sidewalks need to be put in place now, not five years down the road. Mr. Clark said Skip Dunn and MCR do run clean sites. If there is a time when there is a gap and the sidewalks are not installed, then that may be an opportunity for the City to do a project and partner with MCR. The City may need to buy some property and pay for that sidewalk to be put in. That is always on the table if there are gaps to be filled in. The City's goal is not to drive out Orem businesses but when they are ready to redevelop then that opportunity will be there.

Kevin Norris has been there since 1978. He understands growth and how things change in the City. He is not up on this subject. He would like to get paper work on Phase 1 or Phase 2. He asked if the City owns or has any ideas about property where businesses could relocate that will give them the same opportunity and it does not impact the business. He asked if the City owned property that they could talk about relocation at some time.

Mr. Clark said no, the City does not own property to relocate businesses. Mr. Norris' property is an asset to the City and they would like to see him stay and not relocate. They always work with businesses through contacts and connections, but the City does not have property to relocate to. Mr. Bench said postcards were sent to every business and property owner and the hope is people will come to the meetings. This will be out in the open.

Bill Gamble with Clyde Companies/Geneva Rock. He said there were a few things to consider. (1) The brown field how that was implemented. With the environmental contractions and stipulations put on them by the Division of Environmental Quality, all their fuel and oil tanks are double contained, all storm water has a management plan, the facility has a spill prevention plan. The only source of hazardous waste at their facility is solvents and if they are ever removed from the property a third party has to do that and take it to a certified land fill that handles hazardous waste. (2) Impediments that come inherently with redeveloping an area is, as businesses move on land other developments come in creating different neighbors in the area. He asked if they were going to be required to put in noise barriers, new traffic patterns and new plants all these impediments that drive the cost of living up for citizens of Orem. As new businesses move into the area is there some way to record against their deeds that they understand that there is a Skip Dunn in the area, an MCR recycling, a Geneva Rock, so they can remove themselves from liability.

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Mr. Earl said regarding a specific requirement to put up a fence or sound barrier. No, they would not be required to do that. If protection is deemed to be necessary, the burden is on the one making the improvements to put those barriers in. The City is not legally entitled to record something against someone's property as it would be considered an encumbrance. There would need to be a valid reason to do that. This is the "coming to the nuisance" issue. That is the fear of some of the big businesses that are more heavy industrial. It is presumed that if someone comes in next to an existing business, they understand and accept the area they are coming in to. That does not mean that they will not still complain. Legally, it is very difficult to force a business out. Very few businesses are at risk for something like that, as the standard is very high and rarely met.

Mr. Gamble asked if the zones change to light industrial and mixed use, which they are not opposed to, if zoning starts changing around them and they inherit some of these regulations like hours of operation and are required to change, it would have a significant effect on the work that they do. Stuff like that inherently comes with zone changes. A lot of their operations start very early in the morning which is not good for residential.

Mr. Earl said the City has a sewer treatment plant on the west side of the City, and there has been some residential developments that have come in fairly close to that. He suspects that occasionally there may be some impacts that are not pleasant, but the sewer treatment plant was there first before the new development. When a new development comes in next to an existing facility or business they have to accept what is already there. It is an extreme situation where a business would be forced out.

Ray Gamble, Clyde Companies. He has been employed there for 41 years. In that 41 years there have been three different hot plants and three different Redi-Mix plants on their facility. They need to upgrade equipment to keep up with the times and demands that the community puts on them. They supply a service to the community and they take pride in their product and facility and try to run a clean operation. The hours may be 24/7 in that neighborhood. Mr. Bench said changing out equipment is not redevelopment. The City is not planning on changing the areas between the districts, so the new standards will not affect them. Mr. Staker said the only residential proposed in this concept is on Center Street. The rest is industrial, so it is not like someone will be living next to these facilities. Mr. Bench said the plan is going through a process and will need to be fleshed out with what the neighbors need. During the discussions they may discover that residential is not good for that area.

Mr. Cochran said these are thriving businesses within the community. The City would not want to do anything to see you go. That is how the Planning Commission looks at it. Mr. Gamble said he appreciates that comment, but he is involved in many cities across the State and many want them out.

Mr. Staker asked as far as safety along Geneva Road, would that have to be addressed by UDOT as far as shoulders, so vehicles can pull out of traffic to turn into a site. Mr. Goodrich said he coordinates with UDOT on a regular basis. Once a problem is identified and it is shown there is a need, that is when they can start the process to get funding to do safety improvements. He is going to work on seeing if he can get UDOT and others involved in actually making the railroad corridor go away and maybe become a second access for those businesses along the corridor. He wants to put a lot of eyes on the problems that need to be solved in the Geneva Road area and try to get funding for improvements and the railroad to move.

Mr. Magdeleno said regarding the safety issues, all these things that have been discussed take time and he would like to see some immediate action by reducing the speed limit. It does not cost a lot of money. Mr. Goodrich said it is next to impossible to get State or Federal funding if there is no plan adopted. This is not rezoning. This is the brown field study that the City is trying to adopt. In coming phases, they will adopt processes to make the road safer, straighten it out, add traffic lights, remove the railroad, add a corridor along the back. They do not get those kinds of funds unless there is a plan. As this plan goes through the different phases these comments can be taken into consideration.

Chair Spencer 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: Mr. Staker moved to forward a positive recommendation to City Council to adopt the Geneva Road Area-Wide Plan as Appendix "J" of the Orem General Plan. Mr. Moulton seconded the motion.

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Those voting aye: Mickey Cochran, Carl Cook, David Moulton, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Minutes: The Planning Commission reviewed the minutes from the previous meeting. Chair Spencer then called for a motion to approve the minutes of May 22, 2019. Mr. Cook moved to approve the meeting minutes for May 22, 2019. Mr. Cochran seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, David Moulton, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Adjourn: Chair Spencer called for a motion and moved to adjourn. Mr. Cochran seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, David Moulton, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Adjourn: 5:40 p.m.

Jason Bench
Planning Commission Secretary

Approved: June 26, 2019