

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
August 21, 2019

The following items are discussed in these minutes:

- Preliminary Plat – Approval of Abbey Road located at 759 E Timpanogos Parkway – Approved
- Site Plan – Approval of Fitness Center Project located at 580 W 165 South – Approved
- Public Hearing – Amending Appendix U of Orem City Code by updating tree requirements – Approved
- Public Hearing – Amending Section 22-6-10(I) and SLU Code 4832 Water Storage Tanks in Appendix A – Positive Recommendation to City Council
- Public Hearing – Amending Orem City General Plan on property located generally at 1577 S Geneva Road – Negative Recommendation to City Council

STUDY SESSION

Place: City Council Conference Room

At 3:30 p.m. Mr. Cook called the Study Session to order.

Those present: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton and Barry Roberts, Planning Commission members; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Grant Allen, Planner; 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: Mike Staker and Ross Spencer, Planning Commission members; Jenna Albers and Emily Guffin, Long Range Planners; Sam Kelly, City Engineer

The Commission and staff briefly reviewed agenda items and minutes from August 7, 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

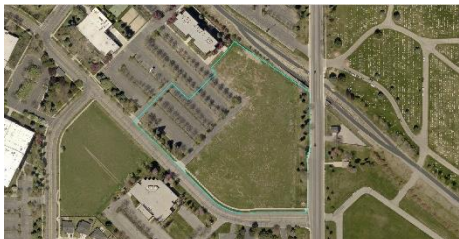
At 4:30 p.m. Mr. Cook called the Planning Commission meeting to order and asked Ms. Jensen, Planning Commission member, to offer the invocation.

Those present: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton and Barry Roberts, Planning Commission members; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Grant Allen, Planner; Sam Kelly, City Engineer; 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: Mike Staker, Ross Spencer Planning Commission members; Jenna Albers and Emily Guffin, Long Range Planners

Mr. Cook asked Mr. Allen to introduce **Agenda Item 3.1:**

Agenda Item 3.1 is a request by Scott McQuarrie for the Planning Commission to approve the preliminary plat of Abbey Road located at 759 East Timpanogos Parkway in the PRD zone.



Staff Presentation: The applicant is requesting the city approve the preliminary plat for all three phases of the development. The development will have a total of 32 lots. Phase 1 and 2 have nine lots. Phase 3 has fourteen lots. Density for this project is 4.03 units per acre.

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

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The property was rezoned to PRD on June 18, 2019.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission approve the preliminary plat of Abbey Road located at 759 East Timpanogos Parkway in the PRD zone.

Mr. Cook asked if the Planning Commission had any questions for Mr. Allen. They had no questions.

Mr. Cook invited the applicant to come forward. The applicant was not present.

Mr. Cook opened the public meeting and invited those from the audience who had come to speak to this item to come forward to the microphone.

DeVon Tu'ua, Operations Manager at Canyon Park. He still supports the applicant and his group, but they are still studying the impact of this project to Canyon Park. They are still in negotiations as far as parking. He just wanted the Planning Commission to know this.

Mr. Cook asked what application that has with regard to this approval. Mr. Earl said they are still concerned with the border of the parking lot with this development. Originally some of the landscaping improvements were on the adjoining property. They had to work out getting consent for these types of things. This property has already been rezoned so no one else's consent is necessary to move forward as it complies with the ordinance.

Mr. Cook 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 the preliminary plat of Abbey Road located at 759 East Timpanogos Parkway in the PRD zone. Ms. Jensen seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton and Barry Roberts. The motion passed unanimously.

Mr. Cook asked Mr. Allen to introduce **Agenda Item 3.2:**

Agenda Item 3.2 is a request by Orem City for the Planning Commission to approve the site plan for the Fitness Center Project located at 580 West 165 South in the R8 zone.



Staff Presentation: The applicant is seeking to build a new fitness center for the community. The existing recreation center will be separated into two parts; the pool building which will be preserved and updated, and the existing recreation portion which will be replaced with the new structure. The City issued the demolition permit on August 5, 2019.

The new building will be oriented to the North. The façade will be mainly glass with some wood and composite paneling. The new finished building, not including the existing pool building, will be 35 feet tall, two stories, and about 82,000 square feet. On site parking will be increased from the current 325 stalls to 679 stalls, this includes the Mountain View High School parking. Parking will be shared through an agreement between Orem City and the Alpine School District. Vehicle circulation on the parcel will be changed with the addition of a side road on the west side of the pool building.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission approve the site plan of for the Fitness Center Project located at 580 West 165 South in the R8 zone.

Mr. Cook asked if the Planning Commission had any questions for Mr. Allen. Mr. Moulton said this has been a great public resource over the years and it will continue to be.

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Mr. Cook asked if the Planning Commission had any more questions for staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Roberts moved to approve approve the site plan of for the Fitness Center Project located at 580 West 165 South in the R8 zone. Mr. Cook seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton and Barry Roberts. The motion passed unanimously.

Mr. Cook asked Mr. Bench to introduce **Agenda Item 3.3:**

Agenda Item 3.3 is a request by Orem City Development Services to amend Appendix U of the Orem City Code by updating the tree requirements in all zones.

Staff Presentation: Developers reached out to the City expressing concerns regarding the availability of tree species required in Appendix U of Orem's Code. Orem staff worked with the Public Works department and the City Arborist to review changes to the State Street approved tree lists. Groups A through G were evaluated. We worked collaboratively to select trees that are readily available, compatible with our region's climate, and aesthetically pleasing. Additionally, staff took the City Arborists recommendation to remove certain tree species from the entirety of Appendix U which do not survive well in the area. This includes the Ash trees and the Red Maple.

Recommendation: Development Services recommends the Planning Commission forward a positive recommendation to City Council to amend Appendix U of the Orem City Code.

Mr. Cook asked if the Planning Commission had any questions for Mr. Bench. Mr. Cook said this applies to the State Street Districts but could it be used for other developments where this is not required. Mr. Bench said yes, within the districts themselves, they will have four trees to choose from and each district would be unique in regard to the type of vegetation planted. But others could also pull from this list in other parts of the City.

Mr. Cook 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, Mr. Cook 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. Jensen moved to forward a positive recommendation to the City Council to amend Appendix U of the Orem City Code. Mr. Moulton seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton and Barry Roberts. The motion passed unanimously.

Mr. Cook asked Mr. Bench to introduce **Agenda Item 3.4:**

Agenda Item 3.4 is a request by Orem City to amend Section 22-6-10(I) and Standard Land Use Code 4832 *Water Storage Tanks* of the Orem City Code pertaining to water storage tanks.

Staff Presentation: As part of the city's water infrastructure improvements outlined in the Water Master Plan the city will be constructing a new municipal water storage tank. The proposed location is still being determined, however, the ordinance needs to be modified to allow the new tank to be located below the elevation of 4910 feet above mean sea level as outlined in the current ordinance. Any new water tank will be required to comply with the standards outlined in the proposed ordinance.

In addition, the Standard Land Use Code 4832 *Water Storage Tanks* will also need to be amended to allow a municipal water storage tank in the R7.5 and R8 zones.

Recommendation: Staff recommends the Planning Commission forward a positive recommendation to the City Council to amend 22-6-10(I) and SLU Code 4832 of the Orem City Code pertaining to water storage tanks.

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Mr. Cook asked if the Planning Commission had any questions for Mr. Bench. Mr. Cook asked if someone comes in and proposes a tank, will that come back before the Planning Commission as a Site Plan. Mr. Bench said yes, it would be a Site Plan.

Mr. Cook 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, Mr. Cook 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. Cochran moved to forward a positive recommendation to the City Council to amend 22-6-10(I) and SLU Code 4832 of the Orem City Code pertaining to water storage tanks. Ms. Jensen seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton and Barry Roberts. The motion passed unanimously.

Mr. Cook asked Mr. Bench to introduce **Agenda Item 4.1:**

Agenda Item 4.1 is a request by Ryan McDougal for the City to amend the Orem City General Plan on approximately 16.72 acres of property located generally at 1577 South Geneva Road from the LDR (Low Density Residential) designation to the MDR (Medium Density Residential) designation.

Staff Presentation: In August 2015 the City Council annexed the Lakeview Area (227.59 acres) and adopted the land use designations of Low Density Residential (LDR) and Rural Density Residential (RDR) east of Geneva Road and Light Industrial (LI) and Community Commercial (CC) on the West side of Geneva Road. In addition, the City Council placed a holding zone of OS-5 (Open Space 5 acre) for the entire annexation area except for the PD-43 (Lakeview Fields) zone also adopted at the same meeting. The City placed the OS-5 zone on the property as a holding zone and determined properties would be rezoned to a low-density residential zone once a property was ready for development.

During the City Council discussion three options were reviewed including a medium density option of eight units per acre and two options pertaining to a low-density which included combinations of low-density residential and light industrial at four units per acre. The Planning Commission forwarded a recommendation for the City Council to consider a low-density option and recommended they not consider the medium density option. During the Planning Commission and City Council discussions many of the local land owners and residents recommended a low-density option. They preferred the area not be developed at a higher density. The City Council adopted one of the low-density options with Low-density residential between Geneva Road and the railroad tracks to the east and light industrial and a small portion of community commercial west of Geneva Road. The City Council minutes from the August 25, 2015 meeting are part of the staff report for your review.

The City Council also adopted the Impact Fee Facilities Plan (IFFP) and Impact Fee Analysis (IFA) for impact fees for culinary water, sewer, storm water, parks, and fire facilities. The IFFP and IFA were based on the low-density general plan designation. The impact fees are based on the Southwest area developing at a density of 4.3 residential units per acre. Therefore, based on the density approved by the City Council through the general plan, IFFP, and IFA each property in the impact fee area can develop their property at the designated density. If additional density is used for certain developments in the area, then other property owners in the area may be limited on their potential development options when they choose to develop. This is based on the total amount of density calculated for the impact fees as well as the infrastructure improvements that are based on the 4.3 residential units per acre or a total of 1,250 new ERU's (equivalent residential unit). An ERU is a measurement of development that has the same impact as one residential unit. The Service area (impact fee area) covered approximately 289 acres which included additional areas outside of the annexed area (227.59 acres). The additional area was included in the allocation of the 1,250 total ERU's for the service area. The service area did not include the agricultural easement area, or the conservation easement as outlined on the Southwest Service Area Map attached for your review.

The applicant is requesting the City change the general plan designation from the LDR designation to a medium density residential (MDR) designation and will then request the City approve a Planned Development (PD) zone for the 16.72 acre property located generally at 1577 South Geneva Road. As of July 1, 2018, the City will not accept

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new applications for the creation of a PD zone that allows residential units on any current residentially zoned lot (namely the OS5, R20, R12, R8, R7.5, R6.5, R6, and R5 zones). However, the applicant made an application for the General Plan amendment and rezone request prior to the new ordinance being adopted. Therefore, the applicant can move forward with the request.

At this time, the applicant is requesting the city consider the General Plan amendment and if adopted will bring the Planned Development (PD) rezone request forward in a future meeting. The concept plan proposed by the applicant has an overall density of 11.6 units per acre. The proposed project will contain a total of 188 units with 106 town homes and 82 single family homes.

If the city determines the General Plan should be amended, several items should be considered prior to changing the General Plan or rezoning the property. These items include:

1. Updating the Impact Fee Facilities Plans and Impact Fee Analysis for all the utilities (culinary water, sewer, storm water, parks, and fire facilities) if the overall density is increased. If the general plan density is increased the impact fees will need to be adjusted to account for the increase. This would take at least one year to complete at a cost of approximately \$75,000 per utility.
2. Update the Water Reclamation Facilities Master Plan to include the area previously designed for low density. This plan has been adopted by the city and implementation of the plan for the area are based on the low-density designation. An increase in the overall density will require an amendment to the plan and would have a direct impact on facility improvements. This update would take at least 9-12 months to complete and cost approximately \$100,000.
3. The Springwater Lift Station located north and west of the treatment plant is currently in the design phase with plans nearly complete. If the overall density is increased, the lift station plans will need to be redesigned to account for the increase in capacity. Current design of the upgraded lift station was based on the low-density designation of 4.3 units per acre for the southwest area. This redesign would take between 4-6 months and cost around \$100,000.

Based on the history of the area and the current plans that have been adopted by the City Council, staff recommends the area stay low density as currently shown on the Orem General Plan map. Through a long public hearing process in 2015, the City Council determined that low-density residential and light industrial uses were the appropriate land use for the area. Although, the area could be changed to a higher density subject to existing plans being updated as outlined above, staff fully supports maintaining the area as low-density.

Recommendation: Staff recommends the Planning Commission forward a negative recommendation to the City Council to amend the Orem City General Plan Map of Orem City on approximately 16.72 acres of property located generally at 1577 South Geneva Road from the LDR (Low Density Residential) designation to the MDR (Medium Density Residential) designation.

Mr. Cook asked if the Planning Commission had any questions for Mr. Bench. Mr. Cook asked what density the one hundred eighty-eight units on sixteen acres relates to. Mr. Bench said it is 11.6. Mr. Cochran asked where the existing infrastructure would draw water from. Mr. Bench said the water system is in and the sewer is in. The infrastructure has the capacity as far as size of pipe. The lift station would need to be looked at if capacity increased. The water capacity would have to be increased as well. Mr. Cochran asked if the developer would be responsible for those costs. Mr. Bench said that would have to be determined. Mr. Cook asked if those expenses that were listed would be paid for as part of impact fees or would the City be responsible for those. Mr. Bench said the impact fee analysis would have to be paid for upfront by the City, but they would be recouped over time. The reclamation plant would have to be paid for by the developer or the City. The lift station's impact cost would have to be paid by the developer.

Mr. Cook said they have talked about the lift station but does the treatment plant have the capacity to handle the increase in density. Mr. Kelly said for this one development, it would have the capacity, but the City has to look at the whole area. If this development moves forward, there are things that have to happen to make sure everything is sized accordingly. All impact fees are based off a certain number of units that were approved.

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Gary McDougal introduced himself. When this property was annexed, Ryan McDougal had the property under contract under the freeway and got all the property owners east of Geneva to annex. Jeff Mansell said he would add more units and that would help pay for bringing in the water and sewer lines. They decided both would share the cost to annex. At the City Council meeting, Jeff Mansell told the Council members that if they did not want to approve both projects, they could approve his and he would pay for the sewer and water lines. To turn around and give Mansell his density and deny everyone east of Geneva, that was bad. The idea was there had to be enough units to help pay for sewer and water. The City should de-annex the property if they are going to treat people this way. Ryan McDougal put one and a half to two years into that project, Jeff Mansell came in at the last minute and the City ended up giving Mr. Mansell his zoning and then turned around and told everyone on the east side they would have to pay more money. That is a bait and switch.

Ryan McDougal, applicant introduced himself. When he first saw the staff report, he was angry at the representation of the impact study. It failed to mention that the impact fee was bumped up and was the most expensive impact fee of the low, medium and high density options. In fact, if they paid the same fees under the medium density as the low density fees, it would be a boon. When the three proposals were submitted, the low density had the highest impact fees. It seems there is a forgetting of the actual situation. He was not contesting the impact fees. As far as the lift station, there is confusion with his project and the lift station. His project sits above the treatment plant, and it flows. He met with Sam Kelly and he said the lift station could handle thousands of units. It seems disingenuous that if they get their density, the City would have to give it to everyone. The Asay property is already developed. They have included that in the 4-5 units to the acre calculation. There are missing items in the report for his favor and it seems to be a one-sided presentation. Even if his project and the whole area was all medium density, it would still be the least dense area in the city. His project is sandwiched between the railroad tracks, I-15 and light industrial and town homes, yet he has to put low density homes on this property. It does not make sense. He would not have put the annexation petition together in 2015 if he had known this would potentially have happened. There is a huge segment of people who want to live in Orem, in a single family home but cannot afford it and do not want to rent. This product is extremely popular in every city they have built them in. Are there potential issues? Possibly. Staff is suggesting that they do a half million dollars worth of studies for one-hundred units. This is the first he has ever heard of any of these arguments and bringing the total annexation area into these arguments.

Mr. Cook asked what the zone was when he purchased the property. Mr. McDougal said it was OS5. Mr. Cook said the general plan says it is now Low Density Residential (LDR). There is no bait and switch. Mr. McDougal said regardless of the history, half million dollar homes in this area does not make sense. There are a lot of people that would like to live here but cannot afford it. There is not another place in the city where this plan can go. If the City's position is they will put people in an apartment or a half million dollar home, that is leaving out a lot of people. Orem does not have a product like this. If this were approved, the utilities are planned for. They will be paying more money into the impact fees than if this was LDR.

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

Byron Taylor. He wanted to start with some fact checking. He said the elder McDougal said everyone east of Geneva Road was in favor of the annexation. That is absolutely untrue. Many would not sign the petition. A lot of what was said was suspect. He appreciates not restating the same case. He was at the long, seemingly all night meeting when they were annexed and there was a discussion and there was a compromise. Cramming as much density with agriculture is not good planning.

Elaine Scofield. There is already enough medium/high density housing in the City. She named several developments in the area. All of these developments, with the exception of Oakhurst, were to be owner occupied. The actual percentages are 33%, 35%, 32% owner occupied. The City does not need any more medium density. She has not heard anything about the storm drain, where will that water go. She will not accept the storm drain water on her property.

Ken Olsen. He believes in good planning and he thinks this project is really short sighted. You do not place LDR between light industrial, railroad tracks and town homes. The area will totally change no matter what happens here tonight. He asked if the sewer/water reclamation facility was for all of Orem and another adjoining city. Mr. Kelly

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said yes. Mr. Olsen said that is a major facility not just for this area. Some of these projections go out years for the entire city to be developed. To have the planning based on that one little area, is not good planning. Do not plan based on a facility like that. Growth will happen, technology for treatment will happen. He does not think that should be a consideration for one little area and density. He does not think people will be happy with LDR next to light industrial, a major road when Geneva Road is widened and the railroad tracks.

Adele Leavitt. She can see some of the concerns. She understands that some people do not mind living next to railroad tracks. The medium development is the old high density development. She gets concerned about people being so concentrated. When it is clustered, they should have easy access to Front Runner, shopping and amenities where they can walk to services. She does not think people will stay there long. She does not think the quality will be maintained over time. People who want a single-family home do not think just about their home but they think about their surroundings. She does not think it will stay at the quality wanted in the City.

Mr. Earl said he thinks the Planning Commission members have some options before them this evening in terms of what they will ultimately recommend. Looking at this property, the McDougal's have an interest in and possibly changing the general plan just for this property and leaving everyone else the same. If this property is not suited for anything but Medium Density Residential (MDR) than why would that same argument not apply to the other properties around it that are currently LDR. If that property is appropriate for MDR, then that same argument would apply to all the properties on the east side of Geneva Road. Staff is looking at the whole area. The storm drain and water are ok. They are looking at the sewer. It is not the lift station for the Mansell's project that is in question, but a lift station further down the line towards the treatment plant. There is a question as to the capacity of that lift station to handle the capacity if that area became MDR. In your opinion, is this is appropriate for just this property or the whole area so staff will have a better idea of what they need to do in evaluating the facilities. If the Planning Commission and City Council have no intention of making any changes, the additional studies will not need to be started. If you want to make changes, then you do have to start looking at these things and doing the studies.

Mr. Cochran asked if the chart that showed 75,000 per utility on an updated impact. Mr. Bench said the impact fee would be affected by changes that are made. Mr. Cochran asked how amenable the State is on making additional ingress and egress onto Geneva Road. He asked if Geneva Road is considered a collector. Mr. Goodrich said it is a minor arterial. He then discussed the future (2050) traffic projections and roads that were planned in the area. He said the access to this development will be off the future cul-de-sac on Geneva Road. The proposed road configuration does not have final environmental clearance.

Mr. Cochran said those that have been involved in planning in the residential neighborhoods have spent hundreds and thousands of hours looking at these communities. To say planning has been short sighted is not true. To mitigate future traffic, people should not start changing definitions and think medium density is high density. The City of Orem has all of the master plans on line and available for residents to look at.

Mr. Moulton said he is nearing the end of his service on the Planning Commission. This area's zoning is the most passionately debated issue in his history on the Planning Commission. He is sympathetic and comfortable with LDR in that space. If it had been MDR or HDR at that time in 2015, he would not have been in favor of it. He has not changed his mind in the time since then. He still thinks it should be LDR.

Mr. Cook said he does not think it is right to change density on one partial without considering changing the density on the whole area. At the original debate, the overwhelming preponderance of thought was high density was not wanted in this area and it was to be LDR.

Mr. Cook 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 forward a negative recommendation to the City Council to amend the Orem City General Plan Map of Orem City on approximately 16.72 acres of property located generally at 1577 South Geneva Road from the LDR (Low Density Residential) designation to the MDR (Medium Density Residential) designation. Mr. Cook seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton and Barry Roberts. The motion passed unanimously.

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Minutes: The Planning Commission reviewed the minutes from the previous meeting. Mr. Cook called for a motion and moved to approve the meeting minutes for August 7, 2019. Mr. Moulton seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton and Barry Roberts. The motion passed unanimously.

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

Adjourn: 5:55 p.m.

Jason Bench
Planning Commission Secretary

Approved: September 4, 2019