

PLANNING COMMISSION MEETING MINUTES

September 4, 2019

The following items are discussed in these minutes:

- Public Hearing – Approval of Il Centro Piazza Condominiums 9th Supplemental Plat – Approved
- Public Hearing – Rezoning the property located at 355 W University Parkway from R8 to PD5 and amend the PD5 zone to include Standard Land Use Code 5530 – Negative Recommendation to City Council
- Public Hearing - Amending Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) pertaining to parking requirements in the State Street District zones – Positive Recommendation to City Council

STUDY SESSION

Place: City Council Conference Room

At 4:00 p.m. Chair Spencer called the Study Session to order.

Those present: Mickey Cochran, Carl Cook, Camille Jensen, 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; Sam Kelly, City Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; Debby Lauret, City Council Liaison and Cheryl Vargas, Minutes Secretary

The Commission and staff briefly reviewed agenda items and minutes from August 21, 2019 meeting and adjourned at 4:55 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

Place: Orem City Council Chambers

At 5:00 p.m. Chair Spencer called the Planning Commission meeting to order and asked Mr. Cochran, Planning Commission member, to offer the invocation.

Those present: Mickey Cochran, Carl Cook, Camille Jensen, 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; Sam Kelly, City Engineer; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; Debby Lauret, City Council Liaison and Cheryl Vargas, Minutes Secretary

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

Agenda Item 3.1 is a request by Paul Washburn to for the Planning Commission to approve the amended plat of Il Centro Piazza Condominiums, 9th Supplemental Plat located generally at 824 North 900 West in the PD22 zone.



Staff Presentation: The applicant is modifying units 205, 206 and 207 of the 2nd-floor condominiums as show in the attachments. The proposed plat complies with all applicable requirements.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission approve the plat amendment of the Il Centro Piazza Condominiums, 9th Supplemental Plat located generally at 825 North 900 West in the PD22 zone.

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Planning Commission minutes for September 4, 2019

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

Chair Spencer invited the applicant to come forward. Paul Washburn introduced himself. This is a lot line adjustment proposal. The past occupant has moved out and the owner now wants to reconfigure the space in order to market the property.

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.

When no one came forward, 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 approve the plat amendment of the Il Centro Piazza Condominiums, 9th Supplemental Plat located generally at 825 North 900 West in the PD22 zone. Mr. Cook seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, 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 Wright Development Group to for the City to rezone the property located at 355 West University Parkway from the R8 zone to the PD-5 zone and amend the PD-5 zone to include Standard Land Use Code 5530 *Gasoline Service Station With or Without Store* as a permitted use.

Staff Presentation: The applicant is seeking to rezone the current property to the PD-5 zone with a proposed hotel, retaining the existing office building and proposing a convenience store and gas station on the corner of 400 West and University Parkway.

The proposed text amendment to the PD-5 zone would allow gas stations not only at this site but anywhere along the University Parkway corridor where it is zoned PD-5. One of the main purposes of the PD-5 zone was to promote planned commercial, retail developments along the University Parkway corridor. Since the PD-5 zone was created the University Parkway corridor has developed into a valued commercial corridor. Staff concludes that a gasoline Service Station does not meet the intent of the PD-5 zone and would not be in the best interest of the City. With the UVX Bus Rapid Transit stop directly in front of this development, an office use or other commercial development with a high employment opportunity which takes advantage of the direct transit benefit would be a better use for the property. Additional office or retail uses currently permitted in the PD-5 zone would be in the best interest of the city and meet the long-term vision for the corridor. Therefore, staff recommends the Planning Commission forward a negative recommendation to the City Council concerning adding SLU Code 5530 as a permitted use to the PD-5 zone.

Rezoning the property at this location would match the adjacent property to the north and east with the PD-5 zone and would be consistent with the frontage along the University Parkway corridor. Rezoning this property would allow the parcel to be developed to the PD-5 zone standards and is consistent with the general plan of regional commercial. However, staff has recommended to the applicant a modification to their concept with uses that would better fit with the UVX Bus Rapid Transit Station directly north of the property, however, the applicant wishes to proceed with their proposed concept.

In a recent study completed by Zions Bank Public Finance titled “Provo Orem BRT/TOD Study” in their recommendations concluded this property has significant potential if the Water Conservancy District could be relocated. “That property, at approximately six acres, could support upwards of 200,000 square feet of office space. The proximity to transit, I-15, a major University, retail amenities, and hillside location promoting views, would result in one of the most desirable office sites in central Utah County.” Staff agrees with the assessment of the property outlined in the study.

Staff supports a rezone to the PD-5 zone subject to the applicant providing a concept plan that conforms to the uses currently allowed in the PD-5 zone and creates a high employment opportunity that takes advantage of the UVX Station, easy I-15 access, views of the valley, and proximity to UVU. Without a concept plan that meets the

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Planning Commission minutes for September 4, 2019

requirements of the PD-5 zone, staff recommends the Planning Commission forward a negative recommendation to the City Council regarding this request.

Recommendation: Staff recommends the Planning Commission forward a negative recommendation to the City Council to amend the zoning map of the City of Orem for the property located generally at 355 West University Parkway from the R8 zone to the PD-5 zone and recommends denial of the text amendment to the PD-5 zone to include Standard Land Use Code 5530 *Gasoline Service Station With or Without Store* as a permitted use.

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

Chair Spencer invited the applicant to come forward. Leslie Mascaro, Wright Development Group, introduced herself. She said she would like to focus on the opportunity of this site. They wanted to do something that would identify some of the deficiencies in this area which is gasoline stations and accommodations. They will maintain the existing building of office. They are also proposing a nice hotel, such as a Hilton or Marriott. It would be good for graduations and sporting events for UVU and BYU. They are currently working with Maverick to be the gas station/convenience store (c-store) at this location. This would be a huge benefit to passengers on the BRT bus line. They provide fresh food and amenities. Wright Development would be bringing the entire site up to conformance of existing standards. They would provide pedestrian connectivity to sidewalks. The c-store would be a great amenity for the hotel. They would install new landscaping, handicapped accessible amenities and bike racks.

Ms. Mascaro did reach out to UVU and Ken Garff to obtain their feedback. UVU is a commuter school with students commuting from long distances and they would make use of these amenities as well as the hotel. The Ken Garff dealership would benefit by having a gas source much closer.

Ms. Mascaro said prior to them acquiring the property, a study was done, and this particular property was chosen as redevelopment. Wright Development placed a valuation of \$6.5 million on just the existing building alone. To go in and demolish the existing building is not feasible. Mr. Cochran said there is one ingress/egress. Ms. Mascaro said they completed a turning template to make sure delivery trucks can get in and out. A convenience store is all about convenience, but it is not a destination. To be successful, a c-store needs to be on the corner where they have access to full movement. This site is a little trickier with the hard corners. Mr. Spencer asked if a Marriott would like to have a service station in front of their hotel. Ms. Mascaro said a c-store is actually a good amenity, and there is a level of safety that a c-store adds to this corner. During the late nights when the hotel is closed for amenities, customers can go to the c-store.

Mr. Cook said he would have concerns with that access for a c-store and a hotel, with just one entrance and very low potential stacking out to the street. He tried to remember when he last saw a set up like this with just one way in and out. Having a high use area and facility like a c-store would be a real issue at that site. Ms. Mascaro said the office building will typically have employees that will be there 8:00 -5:00 and the hotel will have customers coming in at varying times during the day, so there will not be a lot of stacking. Mr. Goodrich explained the traffic study information and the ingress/egress at this location.

Mr. Cochran said this location is currently zoned R8. The zone would need to be changed to PD5 and another use added to all PD5 locations. There is a reason this use was excluded from the original PD5.

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.

Rhea Georgie. She said the noticing was not made clear that this meeting was a public hearing. In the neighborhood, they are spoiled by having those beautiful gardens. She checked up on Wright Development Group from an independent source and was told they were good to work with. The way she understands it, the hotel would be one hundred feet away from the neighbors. She knows that in the PD5 zone, the buildings can go closer to the residential homes than that. She has greater concerns if someone else got hold of the property and built closer to the neighbors.

Chair Spencer closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. Mr. Staker said he has concerns about changing the zone and what is allowed there. The PD5 zone

Planning Commission minutes for September 4, 2019

has a reason and has done well. To allow something like this would give a different feel and it is a concern. Chair Spencer called for a motion on this item.

Planning Commission Action: Mr. Spencer moved to forward a negative recommendation to the City Council to amend the zoning map of the City of Orem for the property located generally at 355 West University Parkway from the R8 zone to the PD-5 zone and recommends denial of the text amendment to the PD-5 zone to include Standard Land Use Code 5530 *Gasoline Service Station With or Without Store* as a permitted use. Mr. Moulton seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Chair Spencer asked Mr. Bench to introduce **Agenda Item 3.3:**

Agenda Item 3.3 is a request by Development Services for the City to amend Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones.

Staff Presentation: The first State Street District zones was created by the City in June 2018 when the City Center District was adopted by the City Council. The remaining districts including The North Village District, Canyon Crossing District, The Arts District, and the HUB District were adopted in October 2018.

Currently, parking for the districts is based on four parking stalls for every one-thousand (1000) square feet of gross leasable floor area for non-residential uses. Since any residential use in these zones is required to be part of a mixed-use development, no parking stalls shall be required for residential units included within the base residential density. The base residential density is calculated by dividing the total commercial parking requirement by three (3). For each residential unit in excess of the base residential density, a minimum of 2.25 parking stalls shall be provided (of which .25 stalls per unit shall be dedicated to visitor parking). In addition to the parking requirements stated above, one (1) additional parking stall shall be required for each large residential unit (three bedrooms or more) (including three-bedroom units in the base residential density).

Current Parking Requirements	
Commercial Requirement	4/1000 - Four parking stall for every one-thousand square feet of gross leasable floor area of nonresidential uses. Shared parking - No parking required for units included in the base density. (Base Density = Commercial parking requirement divided by 3)
Residential uses in the Core, Civic, and Edge zones	2.25 parking stalls for each unit in excess of the base density. (.25 stalls dedicated to visitor parking) One additional stall for large units (three or more bedrooms)
Residential uses only - Res (A & B) zones	2.5 stalls for each unit (less than three bedrooms and less than 1200 square feet) (.5 per unit reserved for visitor parking) 3.5 for each unit (three or more bedrooms or 1200 or more square feet)

In addition, for the residential only areas within certain district zones 2.5 stalls shall be provided for each standard residential unit (less than three bedrooms and less than 1200 square feet) and 3.5 stalls shall be provided for each large residential unit (three or more bedrooms or 1200 or more square feet). Visitor parking is required at 0.5 stalls per unit.

At the time the districts were developed staff proposed parking standards within the districts to be on the higher end of parking requirements in order to ensure parking would not be an issue. However, as several developers have investigated developing within the Districts, parking requirements has been an issue in determining the feasibility of a project within the districts.

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

Planning Commission minutes for September 4, 2019

In May 2018, the City hired a consultant to complete a city-wide parking study to review and make a possible recommendation to current parking standards. As a result of the parking study, the consultant determined that parking reductions within the districts should be considered. Within the study it was recommended to prohibit developments from charging for parking, to reduce commercial parking requirements, and to adjust the numbers of stalls per bedroom. In addition to the recommendation from the parking study, staff has also worked with several developers to determine a standard that will work for both the city and developers parking demands.

Based on a combination of the Orem City Parking Study (2019), developer recommendations, and city staff review the city is proposing the following parking modifications to the State Street District zones.

Proposed Parking Changes	
Commercial requirement	3/1000 - Three parking stall for every one-thousand square feet of gross leasable floor area of nonresidential uses. The shared parking component will remain in place. No parking required for units included in the base density. (Base Density = Commercial parking requirement divided by 3)
Residential uses in the Core, Civic, and Edge zones	1.75 parking stalls per unit (of which .1 stalls per unit shall be dedicated to visitor parking)
Residential uses only - Res (A & B) zones	No parking changes are proposed to the residential only areas.

As part of the proposed parking amendments staff ran several scenarios to determine how the proposed parking amendments would work based on currently developed projects. As a result, staff determined that although the proposed parking standards fluctuate depending on the unit mix the overall standard proposed is a workable standard for both the city and developers.

The proposed parking amendment is intended to provide property owners with flexibility as they design their projects to meet all the district requirements and at the same time provide the city with the assurance that proposed projects meet the parking needs of the residents and employees of a development.

Location	Current Code	Residential and Commercial Parking Requirements		Residential Parking Requirements	
		1.75 Ratio Required Stalls		Current Code	Proposed 1.75 Ratio
		4 per 1,000 Commercial	3 per 1,000 Commercial		
920 N State Monte Vista (No Commercial)	257	N/A	N/A	257	231
1120 W Center Wasatch Orem Center St (No Commercial)	336	N/A	N/A	336	294
1450 S State Legacy at Orem (No Commercial)	295	N/A	N/A	295	315
470 S State St Sun Canyon Villas	225	183	174	189	174
320 S State St Midtown Village	1084	978	948	1084	948

Note: All calculations for 1.75 ratio predictions including commercial assumes a 3/1,000 commercial requirement and 1/3 parking credit for base density.

Recommendation: Staff recommends the Planning Commission forward a positive recommendation to the City Council to amend Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones.

Chair Spencer asked if the Planning Commission had any questions for Mr. Bench. Mr. Spencer asked if the fact that parking is shared went into the calculation. Mr. Bench said part of it does, and the shared component seems to work well. There will be cross over parking with commercial and residential. Mr. Spencer asked if there were a lot of empty parking spaces at Midtown. Mr. Bench said they have not finished Phase 4 but they have ample parking.

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Planning Commission minutes for September 4, 2019

Mr. Moulton said there is one project on the presentation's table that is under-parked. He asked if there were any others in the City that are under-parked. Mr. Bench said it just depends on the project. Each project is a bit unique.

Chair Spencer invited the applicant to come forward. Robert Schmidt, PEG Development, introduced himself. He said he applauds the city's efforts on this parking issue. Parking is changing, retail is changing, and demands are changing due to ride-share, Uber and Lyft. Some of the cities have parking requirements that are onerous, and they cannot do the project. He is supportive of this proposal. He thinks the City is still overparked with 1.75 stalls per unit. They own the Sienna Villas Apartments and at the most occupied seasons, they are parked at 1.4 per unit and are overparked. They are building a project in Provo on the east end of Orem, the Riverwoods project. It is designed at 1.6 per unit and they feel that will be appropriate. He feels this is a positive step and there is room for flexibility.

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.

Alan Argyle, Ivory Commercial and ICO Construction. He agrees and is supportive of the City and staff in trying to make this issue more developer friendly. He had one clarification on the no charge on required parking. A lot of their projects have a garage. If they can no longer charge for garage parking, it may make it difficult to get financing. Mr. Earl said it does say you cannot charge for required parking. If you have over the required amount, you could charge for those. He anticipates developers will still charge for parking, but it will be included in the rent. There is nothing wrong with charging an extra \$50 in the rent and stating that with the rent comes a parking stall. Mr. Cook said the problem is the City has been burned badly where people will not pay for the parking and park in the neighborhoods.

There was a discussion regarding required parking and paying for it. Mr. Earl suggested they have to include the cost of the parking stall in the rent or include it as a separate line item. Some may not want to charge for parking at all.

When no one came forward, 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. Cochran moved to forward a positive recommendation to the City Council to amend Sections 22-24-1(H), 22-24-2(H), 22-24-3(H), 22-24-4(H), and 22-24-5(H) of the Orem City Code pertaining to parking requirements in the State Street District zones. Mr. Spencer seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, 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 August 21, 2019. Mr. Cook moved to approve the meeting minutes for August 21, 2019. Mr. Cochran seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Planning Commission Action: Add September 18, 2019 to the Planning Commission calendar. Mr. Spencer moved to approve to add September 18, 2019 to the Planning Commission calendar. Mr. Moulton seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, David Moulton, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

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

Adjourn: 6:08 p.m.

Jason Bench
Planning Commission Secretary

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Planning Commission minutes for September 4, 2019

Approved: September 19, 2019

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