

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
September 18, 2019

The following items are discussed in these minutes:

- Legacy Ridge – vacating Lots 45 and 46 on Plat D and Lot 13 on Plat A, submitting Plat E for approval – Approved
- Starks Lot Subdivision Preliminary Plat – Approved
- Cascade Court PRD – change zone from R8 to the PRD zone, amend Appendix KK – Positive Recommendation to City Council

STUDY SESSION

Place: City Council Conference Room

At 4:30 p.m. Chair Spencer called the Study Session to order.

Those present: 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 JoD’Ann Bates, City Recorder

Those excused: Mickey Cochran, Planning Commission member

The Commission and staff briefly reviewed agenda items and minutes from March 22, 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 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: 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; Paul Goodrich, Transportation Engineer; Steve Earl, Legal Counsel; Debby Lauret, City Council Liaison and JoD’Ann Bates, City Recorder

Those excused: Mickey Cochran, Planning Commission member; Sam Kelly, City Engineer

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

Agenda Item 3.1 is a request by Steven Peterson for the Planning Commission to approve vacating Lots 45 and 46 Plat “D” Legacy Ridge and Lot 13 Plat “A” Legacy Ridge and approving Legacy Ridge Plat E located generally at 98 West 2070 South in the R8 zone.

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Staff Presentation: The applicant is seeking to vacate Public Utility Easements on the southern boundary of Lots 1 and 2 and the northern boundary of lot 3 as shown on the proposed plat. Homeowners have provided letters from the five Utility Companies supporting the vacation.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission vacate Lots 45 and 46 Plat “D” Legacy Ridge & Lot 13 Plat “A” Legacy Ridge and approve Legacy Ridge Plat E located

generally at 98 West 2070 South in the R8 zone.

Chair Spencer asked if the Planning Commission had any questions for Mr. Allen. Mr. Staker asked if they were vacating the easement just so they could put in their retaining wall. Mr. Allen said yes, retaining walls cannot be placed on a Public Utility Easement. They needed to contact the five utility companies for permission to vacate the easement.

Chair Spencer opened the public hearing and invited those from the audience who had come to speak about 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. Cook moved to approve vacating Lots 45 and 46 Plat “D” Legacy Ridge and Lot 13 Plat “A” Legacy Ridge and approve Legacy Ridge Plat E located generally at 98 West 2070 South in the R8 zone. Mr. Moulton seconded the motion. Those voting aye: 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 F. Brent Starks for the Planning Commission to approve the preliminary plat of Starks Lot subdivision located at 520 South 400 West in the R8 zone.



Staff Presentation: The applicant is requesting the city approve the preliminary plat for a 2 lot subdivision. The owner is subdividing his lot into two with both lots meeting the minimum size for the R8 zone. Ordinance allows two lots in a subdivision from a meets and bounds lot to be 85% of the minimum required width of 80’ in the R8 zone (22-6-8(C)(1)). These lots comply with that exception.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission approve the preliminary plat of Starks Lot subdivision located at 520 South 400 West in the R8 zone.

Chair Spencer asked if the Planning Commission had any questions for Mr. Allen. None did.

Chair Spencer opened the public meeting and invited those from the audience who had come to speak about 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. Staker moved to approve the Preliminary Plat of Starks Lot subdivision located at 520 South 400 West in the R8 zone. Mr. Spencer seconded the motion. Those voting aye: Carl Cook, Camille Jensen, David Moulton, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

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

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Chair Spencer asked Mr. Allen to introduce **Agenda Item 3.3** and Mr. Staker recused himself from this item:

Agenda Item 3.3 is a request by Eagle Summit Construction LLC for the City to amend Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amending Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations.



Staff Presentation: The applicant is proposing to rezone the property to develop the parcel as a planned residential development with 11 total residential units consisting of five twin home structures and one single unit structure which has a density of 4.95 units per acre. The proposed density meets the requirements of the PRD zone. The PRD zone allows up to 7 units per acre.

The finishing materials for the structures will include stucco, stone, and board and batten. The proposed structures will be one story, with 4 different floor plan variations with approximately 2,136, 1,700 square feet with 3 car garages and 1,850 and 1,700 square feet with 2 car garages. The height of the structures will not exceed 28 feet above grade. The PRD zone allows an overall height of 30 feet.

Recommendation: Staff recommends the Planning Commission forward a positive recommendation to the City Council to amend Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amend Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations.

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. The proposed project is twin home condominiums designed for older adults. Everything will be landscaped and maintained by a common association. The materials will be stucco, stone and architectural wood features. These units will start in the \$490,000 range and go up from there. Mr. Cook asked if there were basements. Mr. Washburn said yes. Mr. Spencer asked if there was parking on the cul-de-sac. Mr. Washburn said it is a public street so yes. Part of the CC&R's attached to this property requires residents to park in the garage with guest parking in the driveways and a central visitor parking area.

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

LuAnn March. She is currently involved in three condominium projects that she owns or lives in. She has concerns with the density of this project. She asked if it would be considered an over fifty-five year old community so younger people will not live there. Mr. Washburn said it will not be an age-restricted community. The design is going to deter their use as a family home. Ms. March said the demographic moving into her condominium area is changing to a younger age and coming with that demographic are boats, razors, and all kinds of equipment. On the street in front of these homes the driveways take a lot of room, not leaving a lot of street parking. Parking is always a problem and there needs to be more than the six designated visitor parking stalls. She is concerned there are too many units with not adequate parking. She wondered what the density bonus of this project is. Mr. Spencer said it is four and one-half instead of four.

Stella Welsh. She has no problem with this development. She would like to see a light on 1000 East Center Street. She would also like to see the speed bumps removed from 1100 East. To avoid these speed bumps, traffic moves to 1000 East.

Tiffany Williams. She has concerns with the number of units in this complex and the increased traffic. There is a new elementary school going in on 200 N 800 East. She thinks the areas around the school should be family oriented. With family homes there is less of a possibility of a high turnover rate. She is concerned that these properties will not be

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taken care of. This is a perfect central location for families to live. She highly recommends the zoning not be changed. It will be a slippery slope and zones will keep changing. She is concerned about the traffic and parking as well.

Sue Ellen Call. She does not know why someone would buy land zoned for single family homes if they are not going to build single family homes. There is no light, only a stop sign at 1000 E Center Street and there is a lot of traffic. She does not think there is enough land for these many units and does not know why this is even being discussed.

David Viveiros. He has lived in this neighborhood for ten years. He has been hit by a car driven by senior citizens in this area. He is opposed to having more senior citizens here. He has seen lots of projects like this in Provo where twin homes are going in across the street from elementary schools and it is appalling. The Harmon's adjacent neighborhood, he was opposed to that neighborhood until he saw the homes going up. Three Parade of Homes are in that neighborhood and they are going for one-million dollars. He looks at this lot and sees six beautiful homes that would have back yards, that would be great for the neighborhood. He does not know why this is even here when it is zoned for single family residences. He does not understand the process for the City Council to make an adjustment to the zone. Mr. Spencer said he can explain that. Someone buys the property and makes an application. They think they can develop it a certain way. The City staff looks at it first, then it comes to the Planning Commission and the City Council makes the final decision. Mr. Bench said there is an ordinance that was approved by the City Council years ago for Planned Residential Development (PRD) zones. This is allowed on any residential property. The only requirements are it has to be an acre and one-half minimum and it can have a maximum of eight units per acre, if all requirements are met. There are design standards that are built in. It is a canned zone available to property owners that want to amass properties and come and request that rezone. An applicant does have the ability, through the process, because the zone is already in place. This project is a perfect example. It is over one and one-half acres, it is zoned residential and the PRD is an option for an owner if they want to pay the fee and go through the process. They are meeting the standards of the pre-set ordinance. Mr. Viveiros asked the Planning Commission to look at the opposition to this project and listen to their voice.

Elizabeth Fielding. She has lived in this neighborhood for a long time and has seen children come and go. She is currently in a situation where there are a lot of older people in these big houses. Eventually, they will leave and there will be young families in there again. She is representing the older set in this Orem community and she is for this development. She thinks it needs some adjustment. Her question is what is being done in Orem to address the needs of the older people that have lived in the community for many years, have taught in the school, have been parents and raised their kids. She asked if they were being forced out of the City because there is no place to go. That greatly concerns her. There is not a place to put the fifty-five plus people and to maintain it. Orem needs places like this.

Andrea Hilton. This is a prime location next to an elementary school that is being built and close to two other schools. As a teenager in this neighborhood, she would like to have more teenagers around her in that community. She is in favor of having housing for old people, she does not want old people to be forgotten in the City, but this specific property is best served with young children.

Linda Orullian. The original zoning sounds good to her. When she hears that some of the units will have just one bedroom, she does not get it. A one-bedroom house does not make sense to her. If it is a family or a couple, they will be adding to the basement, doubling the cars and that does not make sense to have that many cars. The unfinished basements and the extra cars are her concerns.

John Hilton. A fifty-five and older community sounds like it could be a low impact as Mr. Washburn said. It seems likely that older adults would live upstairs with their college kids living in the basement. It would be simple for these eleven homes to blossom to forty-four cars going in and out. If the zoning is changed there will be more traffic than if the zoning is kept the same. The families will be attracted to this area. There will be no problem selling single family residences. It is the perfect location for younger families. Some may claim that younger families may not be able to afford these homes. Home sales in Orem clearly indicate that with the successful businesses around us it is very possible for single families to purchase the type of home that would fit well in this area. Single family homes in this development would be more in character with homes in this community. The impact of this project will affect the immediate neighborhood. He would like the Planning Commission to consider the one hundred two people who live within a three block radius of this development that signed a petition to ask the zone not be rezoned.

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Hoa Labras. These units are very lovely. Just to the north is a condominium subdivision and these look much better than these. There was no objection to that project, so she does not see why there is an objection to this project. Her neighborhood is single family, but there are six or seven cars that park everywhere. In a single-family neighborhood, there are children and grandchildren that come to visit and they park everywhere. She thinks this project is ok. She would like to see a four-way stop at 1000 E Center Street.

Evan Larson. He read the General Neighborhood Plan put out by Orem City. He thinks this development goes against the objectives of this Plan regarding density, increasing green space and preserving the existing nature of the neighborhoods. There is a similar development two blocks north of this project. There have been a lot of drugs there and drug busts and arrests, cars are speeding down the street. People with young families that live there now are trying to get out. That is what he has seen happen.

Justin Schauers. He asked where everyone was when ninety units were built below him. There is a traffic problem and it has to be dealt with. This property is going to be developed whether it is eight single family homes or eleven twin homes. Not sure of the debate here. He would guess that many of the buyers of these units would come from existing neighborhoods. They would need to sell a home and those homes would be attractive to young families. They would also be more affordable than building a new home on this piece of ground. This will actually create inventory for people to buy homes. The likelihood of traffic doubling is more likely if single family homes are built. There are so many properties in Orem that could be rezoned to provide affordable housing. He is tired of Orem stopping the rezoning of properties that have been long forgotten and could be used in such a way that lower income people could benefit. Sunrise Condominiums are a much higher density than this proposed project. He would also like to note that Mr. Hilton bid on this property and he was not the winning bidder, so he is doing all he can to tear down this development. That does not seem very neighborly. Mr. Hilton got up and said he did not bid on this property, he is a BYU professor and he wanted to clarify that.

Steve Call. He is concerned with the developer and found there are four dozen judgements for bad business practices. Mr. Zufelt wants to rezone it to something different and these judgements make it so Mr. Call cannot trust him. There has been work half done that was never fulfilled and bills not paid. This developer is his major concern as he does not have a great track record.

Steven Peterson. He has lived in a lot of these types of developments. He knows there are calculations for parking, from his experience those calculations are insufficient. There is never enough parking. As families grow, there are more cars. It has been his experience that the parking calculations are insufficient. If those calculations are being used for parking in this development, it is insufficient.

Jayna Bauer. She is an outsider of this neighborhood but a resident of this City. Every developer has an eye on every single property in this town. She wants people to have single family dwellings, and to have a yard. Half a million dollars is not affordable even for retirees. There is a need to realize the citizens are more important than how much money the developers want to make.

Melissa Wilson. She recently moved to this area. She used to live in a home where one of these fifty-five and older neighborhoods had turned into the parent living with their children and struggling grandchildren. Everything was a mess, there was no place for the kids to play. She moved out of that neighborhood into a single-family home that would fit her family in her price range. She would love to see this property stay as an area where nicer homes can be zoned for families that are growing and can raise their families within grade school districts.

Chair Spencer closed the public hearing and asked Mr. Washburn what is being done about parking. Mr. Washburn said RVs, boats, 4-wheelers are restricted from the project by the CC&R's. They have talked about, and could include in the CC&R's, restricting the number of vehicles and what can be parked in the garage. He does not want to see a lot of cars here either. If the kids come to visit for Sunday dinner, they will park in the driveway and life goes on. That happens in all of the neighborhoods. With the driveways and dedicated guest parking, there is a lot of parking available with this project.

Mr. Earl said the PRD ordinance prohibits owners from parking recreational vehicles in a PRD zone unless there is designated RV parking area in the concept plan which there is not one here. Owners would not be allowed by PRD ordinance to park recreational vehicles in the driveways or on the street of this project.

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Mr. Washburn began to answer the questions that came up during the public hearing.

- There was a question regarding the Master Plan which calls for a variety of housing that should be spread throughout the entire community and not in just one area. This location is adjacent to a major collector street and there will not be any houses fronting on Center Street.
- There was a question about properties already zoned PRD. There are not any. The City has set it up individually so they can look at each one. Developers have to come in with a site plan and specifically state what they want to do before it can even be considered. PRD twin homes have a remarkable history of being well maintained and there is a strong market for them. On the Wasatch Front there are an additional 60,000 people every year. Traffic will be limited with this project in part because of the parking restrictions that will be there. Seniors do not typically drive during peak traffic hours.
- The traffic light issue is between Orem City and UDOT. Mr. Spencer asked if there has been a discussion about a traffic light on 1000 E Center Street. Mr. Goodrich said yes. Orem City owns that street. The City does not put stop signs on arterial streets. Thirty-five percent of the traffic on Center Street is from other communities. In the 2015 Transportation Master Plan, it was acknowledged that another traffic signal was needed in the area and it was intended to be placed at Palisade Drive because it is a collector street, it is wider, and 1000 East is classified as a residential street. The City has not had the funding to install that traffic signal yet. Whether there are eight units or eleven units, there will be more traffic.
- Mr. Bench said the PRD zone does not allow accessory or mother-in-law apartments. If there were eight single family residences, they could each have an accessory apartment.
- Mr. Earl said in looking at how many single-family homes could go in there, look at the eastern edge, there is not a lot of width between the edge of the cul-de-sac and the back of the property. It may be more difficult to get a single-family home in there because of the front and rear setback requirements. This property may be more difficult to develop for single family homes. Roger Dudley, Engineer, said they did lay it out as a single-family subdivision with a similar cul-de-sac and eight lots is doable.
- Ms. Jensen said she had to go to Pleasant Grove to find a nice twin home for her parents to move in to so they could be closer to her. It was well maintained and kept up. There is a need for these types of homes.

Chair Spencer reopened the public hearing.

Sue Ellen Call. Center Street is very congested especially with all the new buildings at the bottom of the hill. Eight houses, eleven houses, it is all too many. Center Street is tricky especially on 1000 East.

Wayne Carlile. He lives on Palisade Drive. The teenagers tell their friends if you do 40 mph you will not feel the speed bumps. He tried it, and sure enough, at 40 mph you do not feel the speed bumps. Palisade has people doing 40 mph and there is already too much traffic. He does not want people diverting to Palisade to be able to come to a traffic light. He would like less people to be in this subdivision, he is against the town homes.

Steve Biegler. He has a home with an approved accessory apartment. He bid on the property. He called the City and was told he could only do an R8. He left a message for someone and they never returned his call. Obviously, someone outbid him on the property. He was going to build seven beautiful homes to sell for \$750,000 to \$1 million dollars. 'He recently found out that Mike Staker is on the Planning Commission and that should have been disclosed as he is the one that bought the property. He does not want a contractor that does not pay his bills in his neighborhood. He requested the City attorney go through the judgements against Mr. Zufelt that he brought.

Mr. Zufelt. He filed a bankruptcy in 2008, along with many other builders and developers. He is willing to air this out.

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. Mr. Clark reminded the Planning Commission that they were there to decide on the project. They do not vet builders. The City does bond for improvements when the development is constructed to ensure that those improvements are built. As far as who that developer is and their financial liquidity is not up for debate in this meeting.

Mr. Moulton said he lives on a lot that is .23 acres as are most of the lots on his street. That is the same density as this PRD. He does not see this as high density or even medium density, it is normal to him. Mr. Cook said there was a

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similar development in his neighborhood that they fought against, and it has actually turned out beautifully. There are a lot of good people that live there that have added to the neighborhood. He did have a concern about the parking. There is very little street parking available. Six stalls in the visitor parking, but you know that people will come and not have a place to park except to go to 1000 East or the driveway.

Chair Spencer called for a motion on this item.

Planning Commission Action: Mr. Spencer moved to forward a positive recommendation to the City Council to amend Section 22-5-3(A) and the Zoning Map of the City of Orem by changing the zoning on approximately 2.42 acres of property located generally at 1000 East Center Street from the R8 zone to the PRD zone; and amend Appendix KK of Orem City Code by adding Cascade Court PRD concept plan and elevations. Ms. Jensen seconded the motion. Those voting aye: Camille Jensen, David Moulton, Barry Roberts and Ross Spencer. Those voting nay: Carl Cook. The motion passed.

Development Services Director: Mr. Clark said the City would like to thank Mr. Moulton for his seven years of service on the Planning Commission. He has given up a lot of his evenings and his dedication is appreciated. The judgement and time he has taken and put into these decisions he has made, he has represented the City well. Staff has enjoyed working with him over the years.

Minutes: The Planning Commission reviewed the minutes from the previous meeting. Chair Spencer then called for a motion to approve the minutes of September 20, 2019. Mr. Moulton moved to approve the meeting minutes for September 20, 2019. Mr. Spencer seconded the motion. Those voting aye: Carl Cook, Camille Jensen, David Moulton, Barry Roberts and Ross Spencer. The motion passed unanimously.

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

Adjourn: 6:24 p.m.

Jason Bench
Planning Commission Secretary

Approved: October 16, 2019