

CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
October 08, 2019

3:30 P.M. SITE VISIT – LIBRARY HALL

The Council and Staff participated in a site visit of the Library Hall, currently under construction. Joe Smith with Method Studio assisted Ryan Clark, Director of Development Services, in conducting the tour of the site. Those in attendance were: Mayor Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, and Brent Sumner; Jamie Davidson, Brenn Bybee, Ryan Clark, Greg Stephens, Charlene Crozier, Reed Price, Brandon Nelson, Scott Gurney, and Karl Hirst. Joe Smith with Method Studio and a Daily Herald photo journalist were also in attendance.

4:00 P.M. WORK SESSION – CITY COUNCIL CONFERENCE ROOM

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner
APPOINTED STAFF	Jamie Davidson, City Manager; Brenn Bybee, Assistant City Manager; Steven Downs, Deputy City Manager; Greg Stephens, City Attorney; Scott Gurney, Fire Chief; Gary Giles, Police Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Reed Price, Public Works Maintenance Division Manager; Brandon Nelson, Finance Department Manager; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Sam Kelly, City Engineer; and Jackie Lambert, Deputy City Recorder

UPDATE – Library Hall and Fitness Center Projects

Mr. Clark asked Joe Smith with Method Studio to share information regarding the Library Hall and Fitness Center projects. He also recognized Brennon Baker, Spencer Stevens, Jameson Fairbourne, and Trevor Hunsaker from Big-D, who would provide additional information regarding construction. Mr. Smith shared the proposed layout and renderings of the Fitness Center, and highlighted some of the key features of the project. He said the public input they had received was for lots of natural light and views of the mountains, more family change rooms, newer and better equipment, more flexible space, and a more functional design.

Mr. Smith described each of the component parts of the Fitness Center and shared the layout and square footage proposed. Additional features planned included:

- Bouldering wall
- Spectator seating in pool area
- Multi-purpose rooms (rentals, community use, etc.)
- Shelled space to respond to market demands
- Indoor and outdoor playgrounds
- Teen lounge

Mr. Davidson said that they had been able to shrink the overall footprint of the building without taking away from the functionality, which was a great savings for the project. Mr. Smith shared areas of opportunity for expansion in the future, particularly for additional racquetball courts and basketball gym area. He then showed updated renderings of the outside of the building, and discussed the signage and parking. There was discussion regarding the project features.

Mr. Fairbourne, Construction Supervisor with Big-D, reviewed the phased construction process and said they had already completed the first phase or bid package, which was the demolition of the old building and mass soil import to the site. The next phase would be for the footings and foundation, which they were just beginning. With the goal to have the pools open by April 2020, the weather would be an important factor for how quickly they would move through the phases.

Mr. Baker shared a budget update on the project, saying they would completely bid out and get the full guaranteed maximum price (GMP) by the end of 2019. He said they were utilizing a design assist approach for select trades, including concrete, masonry and steel, fire sprinklers, mechanical and electrical. The advantages to this were control of costs, improved coordination and early input, and significant schedule advantages. A design assist approach was essential on this project to meet the schedule. As far as subcontractors, Mr. Baker said they worked with key subcontractors that had proven that they could deliver in terms of manpower and cost.

UPDATE – Design for 400 West 1200 South Roundabout

Mr. Kelly provided a brief update regarding the design of the roundabout at 400 West 1200 South. He said it was recently discussed at the Transportation Advisory Commission meeting, where they discussed single lane and turbo roundabouts. Turbo roundabouts were generally too big, and required additional land to expand. Mr. Kelly said they would have an open house in late October/early November where residents could speak with staff and discuss their concerns.

There was continued discussion on the size of the roundabout, acquisition of land, queuing analysis, and funding from UDOT and MAG for roadway projects. Mr. Kelly also shared that they anticipated bringing forward a resolution in the next few weeks regarding the jurisdictional transfer of 1600 North from the City to UDOT.

City Council Reports (Boards and Commissions, New Business, Etc.)

Mrs. Lauret gave a report on her assignments as a City Council liaison to the Planning Commission, the Orem Arts Council, and the Summerfest Committee. She said Summerfest had been particularly successful this centennial year, and said it was a good decision to consolidate

the festivities back to one park (with the exception of the car show). She said the Committee had done a great job, and they were actively looking for a new parade chair. Mrs. Lauret said the Arts Council was working on a new project to include more public art throughout the community, starting in the State Street Arts District. She said they would hear more about the project during the regular session when the Arts Council presented their annual report.

Agenda Review & Preview of Upcoming Agenda Items

The City Council briefly reviewed items that would be coming before the Council in future meetings. The Council also discussed upcoming items at future meetings and related issues of concern.

6:00 P.M. REGULAR SESSION – COUNCIL CHAMBERS

NOTE: Due to technical difficulties, the audio of the Regular Session does not begin immediately with the recording. While the audio does eventually begin recording during the Mayor's Items, the video is not synched with the correct room.

CONDUCTING

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INVOCATION / INSPIRATIONAL THOUGHT & PLEDGE OF ALLEGIANCE

Boy Scout Troop 454

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

UPCOMING EVENTS

Mayor Brunst reviewed the upcoming events, as listed in the agenda packet.

PRESENTATION – Recreation Volunteer of the Year Award – Kyle Bilbao

Mr. Hirst asked Recreation Program Coordinator Debbie Boone to present the award to the Recreation Department's Volunteer of the Year. Ms. Boone invited Kyle Bilbao to come forward to be recognized, and then she shared information on his contributions to Orem recreation. She said Kyle had participated in Orem youth programs himself, and was now involved as a coach for his own children. He was always made sure that everyone on his teams got to play, and that they set the example for good sportsmanship. Kyle coached everything from baseball to soccer to basketball to football, and was one of the Recreation Program's most popular and requested coaches. On top of his countless hours as a volunteer, he was also a teacher and coach at Orem Junior High School. Ms. Boone thanked him for his service to the youth in the community.

Mayor Brunst invited Kyle Bilbao to shake hands with the City Council and to get a photo with him, Ms. Boone, and Mr. Hirst.

REPORT – Orem Arts Council

The Orem Arts Council (OAC) provided an annual update of the activities for 2019. Cody Clark, Arts Council Chair, said 2019 had been a busy year for the OAC because of the City's Centennial. He reviewed programs and projects from the past year, including Orem Stories, the Summer Concert Series, Summerfest performances, and centennial events like the Kick-Off Party and City Birthday Party. Mr. Clark said they had other projects in the works, including a project to include public art on city utility boxes. Initially these painted utility boxes would be in the Arts District, but they hoped to expand throughout the city. These projects would be painted with unique art by local artists, and would serve a two-fold function in giving opportunities to the artists and creating public art to beautify the city.

Mrs. Lauret said the OAC was comprised of world-class artists, musicians, and performers and Orem was fortunate to benefit from their volunteer service. She said she was excited about the utility box project, and appreciated all of the efforts the OAC put toward promoting the arts within the community.

OATH OF OFFICE – Orem Youth Council

Mr. Stephens said he had the opportunity to work with the Orem Youth Council (OYC), which was comprised of students from three Orem high schools that were interested in learning how local governments operated. They had activities throughout the year, which included mock trials and council meetings and a trip to the Utah State Legislature. Mr. Stephens invited those OYC members that were present to come forward and introduce themselves and which school they represented.

Ms. Lambert, Deputy Recorder, then administered the oath of office for the Orem Youth Council. The OYC was invited to shake hands with the Mayor and Council.

PERSONAL APPEARANCES

Time was allotted for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the agenda. Those wishing to speak should have signed in prior to the meeting, and comments were limited to three minutes or less.

Martin Wright said he wanted to address the state of Orem City. He felt there were many things to be proud of in Orem, but the City was dysfunctional. He felt there was bullying and sniping amongst the City Council, and not enough was being done to serve the residents. Mr. Wright felt the way by which the City billed for utilities was confusing and added to people's problems in falling behind on bills. He pointed to other cities that were able to keep billing consistent even through winter months. He was also frustrated to hear about a landlord program that seemed to require landlords to pay utility bills. He wanted to know why this was being mandated through an email instead of being discussed and voted on by the Council. He also wondered when the firefighters were going to get their raises. Mr. Wright said the Council needed to stop wasting time on things that did not matter, and get down to the business of the city.

CONSENT ITEMS

- Approval of September 17, 2019 City Council Meeting Minutes
- City Manager's Reappointment of Bryant Christensen and James Williams to Board of Building and Fire Code Appeals
- ORDINANCE – Article 2-8 through Article 2-37 of the Orem City Code to reflect changes to various Orem boards, commission, and committees

Mr. Lentz moved to approve the Consent Agenda as listed. **Mr. Macdonald seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

SCHEDULES ITEMS

PUBLIC HEARING

ORDINANCE – Amending 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. Bench said the first State Street District zones were 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 was 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 was required to be part of a mixed-use development, no parking stalls should be required for residential units included within the base residential density. The base residential density was 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). 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 was 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 have been an issue in determining the feasibility of a project within the districts. 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 had also worked with several developers to determine a standard that would 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 proposed the following parking modifications to the State Street District zones. 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 fluctuated depending on the unit mix the overall standard proposed was a workable standard for both the city and developers. The proposed parking amendment was intended to provide property owners with flexibility as they designed their projects to meet all the district requirements and at the same time provide the city with the assurance that proposed projects would meet the parking needs of the residents and employees of a development. The Planning Commission recommended the proposed changes, and staff supported the recommendation.

Mr. Lentz asked for clarification on charging for parking spots. Mr. Bench said the cost of parking would be included in rent, but there could be additional charges for additional or covered parking spots. Mrs. Lauret said she wanted the cost of parking incorporated with the rent. Mr. Earl mentioned that some mixed use areas may have adjusted parking rates because residential had different parking needs than commercial.

Mr. Sumner asked if a particular individual or group was advocating for this change. Mr. Bench this was a staff recommendation, but they had met with developers who said the parking standard made it difficult to develop multi-family or mixed use projects. He said they had conducted a study and found that they could lower the parking standard slightly; it was a concerted effort to come up with a medium standard that would suit the developers and the City.

Mr. Seastrand expressed concerns about areas where parking was an issue. Mr. Bench said the study showed sufficient parking available in those areas, but people were choosing to park elsewhere for their own convenience. He said Midtown 360 was an example of how residential and commercial could share parking and still have sufficient space for both uses.

Mayor Brunst opened the public hearing. No one came forward to speak, so he closed the public hearing.

Mr. Seastrand said his overall concern was that there was no way to go back and retroactively address parking issues if the standards changed. He said that Midtown 360 shared parking may function well, but other housing developments like Monteval had parking issues that affected nearby businesses. Mr. Bench said that was a valid concern. The proposed change would only be applicable in State Street districts, and each development had a minimum commercial component that must be met. He said the requirement for mixed use would help balance the parking needs.

Mrs. Lauret moved, by ordinance, 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. **Mayor Brunst seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, and Mark Seastrand. Those voting nay: David Spencer and Brent Sumner. The motion **passed**.

PUBLIC HEARING

ORDINANCE – Amending 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

Mr. Bench invited applicant and owner Mike Staker and developer Paul Washburn to come forward to answer questions. Mr. Bench said the request was 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, with a density of 4.54 units per acre. The proposed density met the requirements of the PRD zone; the PRD zone allowed up to 7 units per acre. The property was currently zoned R8 which would allow approximately 8 single-family homes. An R8 development would allow a developer or home owner to construct a single-family dwelling with an accessory apartment. The Planned Residential Development zone did not allow accessory apartments. One of the objectives of the Canyon View, Orchard and Cascade Neighborhood plan was to preserve the single-family nature of the neighborhoods through low-density development and appropriate infill. “The use of legal accessory apartments (often basement apartments), deep lot houses, twin homes, cottage apartments, and Planned Residential Developments similar to the Da Vinci development may be appropriate ways to accommodate population growth in the neighborhoods while maintaining the single family nature.” (Page 13, Canyon View, Orchard & Cascade Neighborhood Plan)

The proposed development, in Staff’s opinion, was low-density residential in nature and was consistent with the neighborhood plan. The finishing materials for the structures would include

stucco, stone, and board and batten. The proposed structures would 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 would not exceed 28 feet above grade. The PRD zone allowed an overall height of 30 feet. Mr. Bench said the Planning Commission recommended approval 4 to 1; staff supported the Planning Commission recommendation.

Mayor Brunst asked about the pricing and layout of the proposed units. Mr. Washburn said those details were still being calculated, but the approximate costs would begin in the high \$400,000s. He said these were planned to be high-end units with basements and quality finishes inside. An HOA would care for the outdoor grounds and there would be no parking for RVs, boats, or other recreational vehicles. All vehicles would need to be in the garage or on the driveway, with a few guest parking spots available during the day. In response to Mayor Brunst's question, Mr. Washburn said it was not a 55+ senior living development, though in his experience retired or "empty-nest" couples often moved to units like these.

Mr. Sumner asked what the price might be of single-family homes instead of the proposed twin homes. Mr. Staker said that would likely range from the high \$600,000s to the \$800,000s. Those were much more difficult to sell, as few people could afford such a home. Mr. Washburn said this kind of product would "fly off the shelves" so to speak, and allow people to be homeowners at a more reasonable cost. Mr. Sumner asked if the twin homes would be allowed to have accessory apartments. Mr. Staker said they would not, but single-family homes may.

Mr. Seastrand said he asked himself what was the compelling reason for a zone change whenever a request like this came forward, and asked the applicants the same question. Mr. Washburn said this proposed development would help create a mix of housing types within the community, which had been outlined in the neighborhood's Master Plan. He said there was a great need for more affordable units within existing neighborhoods, and PRDs were generally well maintained. He felt this was an appropriate place for these twin home units.

Mr. Lentz said housing affordability was an area of focus for the Council. On the one hand, the twin homes would have a lower price point, but on the other hand single-family homes would be able to have accessory apartments to help with affordability. There was discussion regarding legal accessory apartments and the costs and requirements. Mr. Washburn said it was much easier to create an illegal accessory apartment, which was the reason so many did not conform to the requirements.

Mr. Macdonald shared his thoughts, saying he generally liked the product and thought it would work in the area. However, he did not see that the project helped much in terms of housing affordability regardless of twin homes or single-family homes, and the overwhelming opposition from the neighborhood made him more inclined to deny the request. Discussion continued regarding traffic, HOA maintenance, and reasons to rezone the property.

Mayor Brunst opened the public hearing at 7:12 p.m. and requested that those wishing to speak organize themselves into lines according to their favor or opposition of the project. He asked that they alternate for and against, and that each side not exceed 10 speakers.

Stella Walsh, a former mayor of Orem, said she lived near this proposed project and thought it would be a good development for the area. She had lived near a similar development for over 20 years and never had any problems. She felt homes of the size and price of the twin homes were needed in the city, and she did not understand her neighbor's opposition to a reasonable project.

Tiffany Williams said she was opposed to the rezone, and felt it was a prime area for single-family homes as a new elementary school was under construction nearby. There were also other schools and a park for children to enjoy. She expressed concerns with parking, and the width of the road seemed a concern for large vehicles to maneuver.

Hoa Labras said she appreciated the clarification provided by the developers during this discussion. She felt this would be a beautiful subdivision that would be a good place for older residents to move to, and it would be maintained by an HOA. She applauded the City for establishing standards to keep neighborhoods nice. She felt other neighbors agreed that it was a good project, but usually only those opposed came to meetings like this.

Dawn Zollinger said she was against a rezone because it was an ideal place for family homes to be established. She felt there had been enough rezoning in Orem as of late. She echoed concerns about parking, and said there seemed to be too much speculation around the project.

Paul Pitcher said he felt the proposed development would add beautiful homes to the neighborhood, which was better than the empty land it was currently. He liked that it would be a well maintained area, and said he and his wife agreed that it would be a good addition.

Finn Rucker said while the product would be beautiful, he felt the reason behind the proposal was to make more money. He spoke to people who wanted to get into single-family homes but had to wait for elderly people to die and make those homes available. He disagreed that the nearby project from many years ago had been well maintained.

Cathy Crawford said she was not for or against the project itself, but was against accessory apartments. She felt the city had too many already and they caused major parking problems. She said either twin homes of single-family homes would be beautiful, but the twin homes removed the possibility of accessory apartments.

John Hilton said he agreed with those who had spoken against the proposal. He felt many families would love to live in single-family homes in this area, and he was not opposed to accessory apartments helping with the affordability issue.

Ann Marie Hilton said she was providing the "youth perspective" and said she would love to have more families move into her neighborhood.

Barbara Harrison said a petition with over 100 signatures from the neighborhood was submitted against this proposal. She said they wanted to preserve the neighborhood as it was.

Melissa Wilson said this was an area she would have loved to move to and build a home to accommodate her growing family. She had settled elsewhere, but would have wanted the opportunity in this neighborhood.

Mayor Brunst closed the public hearing at 7:30 p.m. and returned the discussion to the Council.

There was continued discussion on costs and square footage, and the costs of finishing basements for accessory apartments. Mr. Sumner said most people could not afford to do it the right way and there was not enough staff to enforce and regulate the illegal apartments they knew about. Mr. Washburn said his experience was that legal accessory apartments usually did not pencil. Discussion continued on accessory apartments.

Mr. Spencer said he was against the rezone, and agreed with those who had said there was not a compelling reason for a change. Discussion continued on the size and cost of single-family homes, and the standards of the PRD. Mr. Staker said it was possible that he would not be able to develop single-family homes on the land, and may sell the lots individually.

Mr. Seastrand said one of the comments he heard over and over in Council meetings was that neighbors “just wanted families” to live around them. According to the narrow definition put forth, widows or widowers, empty-nesters, and newlyweds did not qualify as “families” because no children lived with them. The unknown often drove fear, but that fear could rob us of great new people and experiences in life. He commented that families came in many different combinations, and he said we should welcome all people in Orem. He said he was struggling with his decision, because he saw both sides.

After sharing his thoughts on the proposal, **Mayor Brunst moved** to deny the request that the City Council, by ordinance, 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. **Mr. Macdonald seconded** the motion to deny. Those voting in favor of denial: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, and David Spencer. Those voting against denial: Mark Seastrand and Brent Sumner. The motion **passed**.

COMMUNICATION ITEMS

The Monthly Financial Summary for August 2019 was included as part of the agenda packet.

CITY MANAGER INFORMATION ITEMS

Mr. Davidson said had no additional information to share.

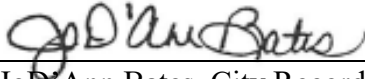
ADJOURNMENT

Mayor Brunst moved to adjourn the meeting. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

The meeting adjourned at 7:51 p.m.

Approved: October 29, 2019




JoD Ann Bates, City Recorder