



CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
November 19, 2019

*This meeting may be held electronically
to allow a Councilmember to participate.*

3:30 P.M. WORK SESSION - CITY COUNCIL CONFERENCE ROOM

NEW EMPLOYEE INTRODUCTION (15 min)

This is an opportunity for department heads to introduce new city employees to the City Council.

DISCUSSION - UVU 2030 Vision Master Plan (30 min)

Mayor and Council will hear from UVU staff regarding the 2030 Vision Master Plan.

Presenter: Cameron Martin & Steve Anderson with UVU

DISCUSSION - Rental Licensing Discussion & Fee Study Review (45 min)

Direct staff to bring ordinance & code changes to December City Council meeting.

Presenter: Steven Downs

1. AGENDA REVIEW & PREVIEW OF UPCOMING AGENDA ITEMS

The City Council will review the items on the agenda.

2. CITY COUNCIL REPORTS (BOARDS & COMMISSIONS, NEW BUSINESS, ETC.)

This is an opportunity for members of the City Council to raise issues of information or concern.

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

3. CALL TO ORDER

4. INVOCATION/INSPIRATIONAL THOUGHT: BY INVITATION

5. PLEDGE OF ALLEGIANCE: BY INVITATION

6. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

6.1. UPCOMING EVENTS

For Review

[Upcoming Events 11-19-2019.pdf](#)

6.2. REPORT - Metropolitan Water District of Orem

7. PERSONAL APPEARANCES - 15 MINUTES

Time has been set aside for the public to express their ideas, concerns, and comments on items not scheduled as public hearings on the Agenda. Those wishing to speak are encouraged to show respect for those who serve the city. Comments should focus on issues concerning the city. Those wishing to speak should have signed in before the beginning of the meeting. (Please limit your comments to 3 minutes or less.)

8. CONSENT ITEMS

8.1. APPROVAL OF MEETING MINUTES

Minutes of City Council Meeting - October 29, 2019
[10.29.2019.ccmin DRAFT.pdf](#)

8.2. MOTION - Acceptance and Certification of the 2019 City of Orem Municipal General Election

The City Council, acting as the Board of Canvassers, accepts and certifies the 2019 General Election results and declare the three (3) City Council candidates with the highest votes as Orem City Council Members with their term to begin January 1, 2020.

9. SCHEDULED ITEMS

9.1. PUBLIC HEARING

ORDINANCE - Amending Section 22-11-24(E)(5), (6) and (7) by changing the setback requirements on University Parkway and Main Street in the PD-12 zone.

The Planning Commission recommends the City Council, by ordinance, amend Section 22-11-24(E) (5), (6) and (7) by changing the setback requirements on University Parkway and Main Street in the PD-12 zone.

Presenter: Jason Bench

[Agenda-PD-12-Setbacks.docx](#)

[Vicinity Map Stewart Retail Addition.pdf](#)

[Map_Stewart Retail.pdf](#)

[ZOA Ordinance PD-12 Setbacks.docx](#)

[Concept Plan - Stewart Retail Addition.pdf](#)

[Planning Commission Minutes -2019-0074.pdf](#)

[DRC Application_Text Amendment.pdf](#)

[Resolution-PD-12-Setbacks.docx](#)

9.2.

MOTION – Authorize the Mayor to sign the Memorandum of Understanding with Hale

Center Foundation for the Arts and Education

It is recommended that the City Council, by motion, authorize the Mayor to sign the Memorandum of Understanding (MOU) with the Hale Center Foundation for the Arts and Education.

Presenter: Ryan Clark

[hale.mou.dr07a.docx](#)

10. CITY MANAGER INFORMATION ITEMS

This is an opportunity for the City Manager to provide information to the City Council. These items are for information and do not require action by the City Council.

11. ADJOURN

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL CITY COUNCIL MEETINGS.
If you need a special accommodation to participate in the City Council Meetings and Study Sessions,
please call the City Recorder's Office at least 3 working days prior to the meeting.
(Voice 801-229-7000)

This agenda is also available on the City's webpage at orem.org



Agenda Item No:

City Council Agenda Item Report

Meeting Date: November 19, 2019

Submitted by: Steven Downs

Submitting Department: City Manager' s Office

Item Type: Discussion Item

Agenda Section:

Subject:

DISCUSSION - Rental Licensing Discussion & Fee Study Review (45 min)

Suggested Action:

Direct staff to bring ordinance & code changes to December City Council meeting.

Presenter:

Steven Downs

Background:

Zion's has conducted a study to determine what, if any, disproportionate costs are associated with rental properties within the City of Orem. We have also worked with our IT & 311 center to develop a process for rental properties to become licensed and for landlords/property management companies to easily manage their properties.

Potentially Affected Area:

Citywide

Attachments:

UPCOMING EVENTS

DATE	BUSINESS AND LOCATION	TYPE
November 21	Habitat for Humanity..... 621 S 1580 W	Ribbon Cutting – Burgess Home 4pm
December 4.....	UVU Basketball UCCU Center	Orem City Night 7pm

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
October 29, 2019

3:00 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

NEW EMPLOYEE INTRODUCTIONS

This was an opportunity for department heads and division managers to introduce new employees to the Mayor and Council. Mr. Nelson introduced Nicole Lareau who was hired as the City's Budget Officer. Ms. Lareau provided some background information and answered questions from the Mayor and Council.

DISCUSSION – Voter Participation Area Maps

Mrs. Bates said House Bill 119, passed during the 2019 State Legislative Session, made certain changes to the processes of local referenda and initiatives. A new part of the process was the establishing eight Voter Participation Areas (VPAs) within the city that followed existing precinct lines and were of equal population size as practicably as possible. The VPAs were used to determine if a petition for a referendum or initiative had sufficient signatures according to the signature percentage requirement.

Discussion ensued regarding the process by which the map was created, the two options presented, and how that correlated with voter registration throughout the City. The general consensus was to move forward with VPA Map Option #2.

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DISCUSSION – University Place Update

Mr. Clark said it had been five years since the Council had approved the Community Development Area (CDA) plan for University Place, and he reviewed some of the changes in the development area over that time. He outlined his presentation and reminded them of the increment financing structure of the CDA. Benchmark 1 had been met, and progress was being made in Benchmark 2. Mr. Clark detailed some of the events as well as changes and improvements at University Place. Mr. Davidson said the current Marriot hotel in Provo on Bulldog Boulevard was being converted to a Best Western, and the hotel to be built at University Place was going to be a Marriot.

Mr. Clark said the homes purchased by the Hale Center Theater organization had been demolished and the land was gravel ready to move forward; currently the land was used for staging other projects. He said Hale was in the fundraising stage for their new theater location, and donors were needing to see support from the City for this project. A proposed show of support was a Memorandum of Understanding (MOU) between the City and Hale, which Mr. Clark said would likely come before the Council for consideration before the end of the year. The MOU would not bind the City but would give momentum to the fundraising process. More specific support would be determined in the future.

Jeff Fisher, Director of Hale Center Theater Orem, said potential donors like the Ashtons and the Barbara Barrington Jones Family Foundation had voiced interest in donating and wanted to know the City was supportive of the project.

Discussion continued regarding how donations were made, what would happen if the project did or did not come forward, and the impact of the project in the city. Mr. Davidson indicated that this discussion was to reinforce the decisions made five years ago to invest in University Place. The outcomes of the CDA were exactly what was anticipated, and it was good for the economic development efforts in the city.

General discussion continued as to the impact and increase in economic development that Orem had seen throughout the community. Past and future tenants of University Place and Orem in general were discussed, and it was discussed how those acted as a catalyst for others looking to relocate. Further discussion on financing and possible ways the City could assist ensued.

UPDATE – UVU Area Transportation Study

Eric Rasband with UDOT gave background on the process of meeting with surrounding cities and entities like UTA and MAG to develop the UVU Area Plan. He shared maps and reviewed the information from the study. He identified some of the issues they had uncovered, including underutilized hawk signals for pedestrian crossings and jaywalking, as well as congestion at major intersections like Sandhill Road and from I-15 on and off ramps at University Parkway and Center Street.

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Mr. Rasband shared statistical information regarding population growth in Utah County and enrollment growth at UVU. He spoke of the increased ridership of UVX for students and for commuters. One important issue was finding alternative access to Provo between University Avenue and Provo Center Street; another was addressing the issue of parking for students. He reviewed some of the solutions they were exploring. Mr. Rasband said this study had not been incorporated in MAG's long-range plan. The goal was to get all the groups involved to sit down and set priorities.

General discussion ensued regarding the study. Mr. Davidson added that the City's next step was to work with UTA and UDOT to identify priorities and get them on the MAG Plan. The State Transportation Commission made funding decisions on projects based on that plan, and funding was limited so priorities needed to be clear.

DISCUSSION – HB-411 with Natural Resources Stewardship Committee

Sarah Bateman, Chair of the City's Natural Resources Stewardship Committee, invited Michael Lang with Rocky Mountain Power to present information regarding House Bill 411. Mr. Lang provided the background information of the origins of HB411. He said it was the Community Renewable Energy Act that allowed Utah municipalities served by Rocky Mountain Power (RMP) to develop of Community Renewable Energy Program to achieve a net-100% renewable resource energy goal for all customers within the community by 2030. Mr. Lang said "renewable resource" was defined as wind, solar, hydroelectric, or other technology now becoming viable. He reviewed the key provisions of HB411 and the step-by-step process of the program for a municipality, and provided more details regarding available RMP programs available to cities.

Discussion continued regarding sustainability opportunities in Orem. Ms. Bateman reviewed a survey the Natural Resources Stewardship Committee had conducted regarding renewable energy, as well as next steps for the city in implementing programs to work toward the goal of net-100% renewable energy. Mr. Lang described the legislative steps the City Council could take to achieve that goal, and addressed further Council questions.

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

CONDUCTING

Mayor Richard F. Brunst

ELECTED OFFICIALS

Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner

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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; Public Works Director; Brandon Nelson, Finance Division Manager; Jason Bench, Planning Division Manager; Steve Earl, Deputy City Attorney; Stephen Cannon, Assistant IT Division Manager, and Jackie Lambert, Deputy City Recorder

INVOCATION /

INSPIRATIONAL THOUGHT

Jim Lauret

PLEDGE OF ALLEGIANCE

Debby Lauret

MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

UPCOMING EVENTS

Mayor Brunst reviewed the upcoming events, as listed in the agenda packet. He reminded everyone to vote in the Municipal General Election.

RECOGNITION – Waste Management Think Green Grant Award

Blake Leonelli with Waste Management said with China no longer accepting American recycled materials, it was increasingly difficult but important to recycle properly. He worked closely with Orem staff to handle the City's recycling program, and said Orem was even in the running for national recognition as a recycler of the year. He presented a check for the Think Green Grant that would go toward those efforts going forward.

RECOGNITION – Orem Parade Float 2019 Awards

Miss Orem Glory Thomas said Orem participated in 10 parades this summer, and the Miss Orem program was grateful for the support from the City with the float. She said Modern Display designed a beautiful float for the City's Centennial, and the float won the following awards:

- Lindon Days – Royalty's Choice
- Strawberry Days – Mayor's Choice
- Orem Summerfest – Best of Parade

Mayor Brunst expressed appreciation to the Orem royalty for representing the City so well.

REPORT – Recreation Advisory Commission

Mr. Hirst said Orem had taken over youth sports programs in 1979 so they were celebrating 40 years of city recreation. He turned time over to Chelsea Jolley from the Recreation Advisory

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Commission (RAC). Ms. Jolley said after the bond was approved for the new Fitness Center, the RAC gathered additional input from the public. The Senior Center was working well as a temporary location for Fitness Center patrons, and the Scera outdoor pool had been able to stay open longer to accommodate swimmers. Ms. Jolley reviewed some of the highlights from the past year including: new Futsal Courts at Geneva Park which were sponsored by Orem, Real Salt Lake, and IHC; park renovations at Geneva, Bonneville, and Windsor parks; and additional shade structures and field improvements. She said she had been a member of the RAC for nearly six years, and a major concern of the commission was parking and lights at Lakeside Park. She hoped this could be a priority once the Fitness Center was completed, if not sooner.

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.

Phil Murphy thanked the Mayor for the reminder to vote, as he felt voting in local elections was much more important than national elections because local leaders had a more direct impact in day to day life. He mentioned that he had been coming to Council meetings since May to address issues within the City. He spoke of an employee survey conducted by the City in 2016, and said he was disappointed to learn that the Council knew of the survey based on some specific employee comments. He shared several comments, and said the problems identified had not been addressed since 2016. Mr. Murphy said he felt this information needed to be available to the public.

Christian Clark said his concern was regarding housing in general, but specifically the cost of housing. It was too high for lower-income residents, and he had coworkers who had to move out of Orem because of the rising costs. He knew this was not a problem specific to Orem, but he felt the Council and the community needed to come together to address housing affordability in order to help the City thrive and survive. He did not want the feeling within Orem to be that it was “Family City USA... unless you were poor”.

Richard Hickman said he was a landlord in Orem and had concerns regarding the proposal to require that utilities be in the landlord’s name. He said there was a claim by the city that the majority of the utility bill was to pay for necessary infrastructure to service the property. In looking at an old bill, he found only 20% was for base cost and 80% was for usage. He suggested introducing an application fee that would cover the cost of a credit check for renters, which would help avoid renters that failed to pay utility bills. Mr. Hickman felt additional research needed to be done before moving forward with a new program, and because he was not an Orem resident he felt this was his only way to have his voice heard on the issue. He added that police officers he spoke to had never had issues contacting landlords for property issues, so he did not see that as a compelling reason to make a change.

Miriam Murphy said she was appalled that this city survey had been swept under the rug and not addressed since 2016. She had been coming to Council meetings with her husband for months to raise her concerns regarding first responders, and she had been publicly disrespected by the City

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for doing so. The most important commodity the City had was first responders, and the Council's job to protect residents of Orem was being neglected; more needed to be done. She felt it was not right for the City Manager to live outside of Orem boundaries. Mrs. Murphy acknowledged that all first responders had to start somewhere, but the experience and mentorship was lacking in Orem and her biggest concern was what would happen during an emergency. She said she would gladly respond to any of the "half-truths" she was accused of stating.

Eric Wilkey said he was frustrated with the culture of the Orem Fire Department, and that nothing seemed to be changing. He spoke of a recent incident where Orem FD responded to help with a structure fire. The Provo FD Chief was there alongside his employees and showed interest in their actions, meanwhile there was no Orem FD chief onsite. Mr. Wilkey shared other stories of fire fighters, and he commended them on their professionalism. He said Orem had lost his son as a fire fighter, and it was because of leadership issues.

CONSENT ITEMS

- Approval of October 8, 2019 City Council Meeting Minutes
- Appointment of Thomas Cook and Reappointment of Brad Prescott to the Heritage Advisory Commission.
- City Manager's appointment of Michael Sroufe to Board of Building and Fire Code Appeals
- RESOLUTION – Approval of agreement to transfer Orem's ownership of the 1600 North right-of-way to UDOT from I-15 to State Street

Mayor Brunst moved to approve the Consent Agenda as listed. **Mr. Seastrand 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

CONTINUED ITEMS

ORDINANCE – Rezoning property located at 355 West University Parkway from the R8 zone to the PD-5 zone

Mr. Bench stated the Wright Development Group (applicant) requests that this item be continued to a 2020 City Council Meeting to be determined.

Mayor Brunst moved, the City Council continue the item to rezone the property located at 355 West University Parkway from the R8 zone to the PD-5 zone to a later date to be determined. **Mr. Lentz seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer and Brent Sumner. The motion **passed**.

PUBLIC HEARING

ORDINANCE – Amending current Fiscal Year 2019-2020 Budget

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Mr. Nelson said the Fiscal Year 2019-2020 City of Orem budget had many adjustments that occurred throughout the fiscal year. These adjustments included grants received from Federal, State, and other governmental or private entities or organizations; funds being held for Utopia operations being transferred to the Capital Projects Fund; interest earnings on unspent 2019 G.O. Bond funds; and adjusting the Community & Neighborhood Services Fund budget to the approved CDBG budget. Mr. Nelson reviewed the grants the City had been awarded. He specifically noted an adjustment within the Police Department eliminating one FTE dispatch position from the FY-2019-2020 budgeted positions.

Mrs. Lauret inquired as to why that position was being eliminated. It was her understanding that dispatch was overworked and needed more help. Mr. Davidson said they were in the process of hiring new dispatchers, and had filled all but one position. As new dispatchers were trained, current dispatchers were picking up additional shifts and accruing overtime. That would not be the case once the new hires were in place, and in consultation with Chief Giles it was determined that the dollars for an additional position could instead be redistributed to address salary for existing employees. Mr. Davidson noted that it was not an across the board adjustment, but targeted adjustments were made to serve as an incentive to retain employees and to address concerns of compensation.

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

Mayor Brunst moved, by ordinance, to amend the current fiscal year 2019-2020 budget. **Mr. Macdonald seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, and Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

In response to Mrs. Lauret's question, Mr. Davidson said the adjustments for dispatchers was anywhere from 4-6% in addition to the 4% adjustment they received July 1, 2019.

RESOLUTION – Request for the Utah Judicial Council to Recertify the Orem Justice Court and Commitment by the City Council to Continue Complying with the Operational Standard for Maintaining a Justice Court.

Mr. Stephens stated Orem had successfully operated a Justice Court since September 1, 2010. The Utah Judicial Council last recertified Orem's Justice Court in January 2016. State law required municipal justice courts to be recertified every four years. The Orem Justice Court's current certification expired in February 2020. To extend the Orem Justice Court's certification, the City must submit a recertification application to the Administrative Office of the Courts no later than November 8, 2019.

The City must submit the following three documents as part of the recertification request:

1. An opinion letter from the City Attorney to the City Council outlining the requirements for operating a justice court and giving an opinion regarding the feasibility of maintaining a justice court.

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2. A Court Certification Affidavit from the Justice Court judge stating that the Orem Justice Court meets specified statutory and regulatory requirements.
3. A Resolution from the City Council requesting recertification of the Justice Court and agreeing to continue complying with the justice court operational standards for the term of recertification (four years).

Documents 1 and 2 had been completed and submitted to the City Council for review. The proposed resolution satisfied the requirements for Document 3.

Mr. Seastrand thanked the Legal Services office and Judge Parkin and his staff for the work they did in the court. Mayor Brunst added his thanks as well.

Mayor Brunst moved, by resolution, to recertify the Orem Justice Court and commit to continue complying with the operational standard for maintaining a Justice Court. **Mr. Spencer seconded** the motion. Those voting aye: Richard Brunst, Debby Lauret, Sam Lentz, Tom Macdonald, Mark Seastrand, David Spencer, and Brent Sumner. The motion **passed**.

COMMUNICATION ITEMS

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

CITY MANAGER INFORMATION ITEMS

Mr. Davidson said had no additional information to share.

ADJOURNMENT

Mr. Spencer moved to adjourn the meeting. **Mr. Macdonald 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 6:45 p.m.



City Council Agenda Item Report

Meeting Date: November 19, 2019

Submitted by: Jackie Lambert

Submitting Department: City Manager's Office

Item Type: Action Item

Agenda Section:

Subject:

MOTION - Acceptance and Certification of the 2019 City of Orem Municipal General Election

Suggested Action:

The City Council, acting as the Board of Canvassers, accepts and certifies the 2019 General Election results and declare the three (3) City Council candidates with the highest votes as Orem City Council Members with their term to begin January 1, 2020.

Presenter:

Background:

The City of Orem General Election was held, Tuesday, November 5, 2019, to fill 3 City Council seats. The City contracted with the Utah County Elections office to conduct the election all Vote by Mail.

The Utah County Election office worked diligently the night of the election to process everything they could. All ballots dropped off on Election Day were processed and counted election night. They provided us with initial election results at approx. 8:00 pm and another update at approx. 11:00 pm.

Tuesday, November 12, 2019 at approx. 1:57 pm the County Election office made their most recent updated the election results. The County is still working on outstanding ballots regarding signature issues such as unsigned or does not match. It is likely not all will be resolved until the canvass.

This year the County Election office provided us a map and a simple pdf with the updated results.

The City Council, acting as the Board of Canvassers, move to certify the City of Orem 2019 General Election results with the updated official election results as presented by the City Recorder and;

Declare the three (3) City Council candidates with the highest votes as Orem City Council Members with their term to begin January 1, 2020.

Utah County Elections were not able to provide us with a detailed "per precinct" tally at the time of this report. The information below are the non-official overall results as of Thursday, November 14, 2019.

Terry D. Peterson 9,823

Jeffrey K. Lambson 7,959

Debby Lauret 6,720
Sam Lentz 6,708
Spencer Rands 5,528
Nichelle Jensen 3,632

Total Ballots Cast 15,050
Registered Voters 43,156
Overall Turnout 35%

An Official detailed report of the results will be provided to the City Council the day of the Canvass.

An Oath of Office will be held for the new Council Members at a date to be determined.

Potentially Affected Area:

Attachments:



City Council Agenda Item Report

Meeting Date: November 19, 2019

Submitted by: Grant Allen

Submitting Department: Development Services

Item Type: Ordinance

Agenda Section:

Subject:

PUBLIC HEARING

ORDINANCE - Amending Section 22-11-24(E)(5), (6) and (7) by changing the setback requirements on University Parkway and Main Street in the PD-12 zone.

Suggested Action:

The Planning Commission recommends the City Council, by ordinance, amend Section 22-11-24(E) (5), (6) and (7) by changing the setback requirements on University Parkway and Main Street in the PD-12 zone.

Presenter:

Jason Bench

Background:

The applicant is proposing to change the setback requirements on University Parkway and Main Street in the PD-12 zone. Currently, the setback states that all buildings shall have a front yard setback of at least forty (40) feet or equal to the height of the building, whichever is greater. This amendment would allow buildings fronting University Parkway or Main Street to have a front yard setback of ten (10) feet. A setback of forty (40) feet would still be required for structures located adjacent to a residentially zoned property or adjacent to 1400 South.

With the recent improvement project (widening/BRT line) along University Parkway the right-of-way was significantly reduced and the existing building located on the corner has a setback approximately 10 feet from the Parkway (the corner is actually closer the right-of-way line). The applicant is requesting to build a new building with the similar setback of the existing building. Staff supports the request to move the building closer to the parkway with the minimum 10 foot setback and placing the parking behind the new building.

Potentially Affected Area:

Lakeview

Attachments:

[Agenda-PD-12-Setbacks.docx](#)

[Vicinity Map Stewart Retail Addition.pdf](#)

[Map_Stewart Retail.pdf](#)

[ZOA Ordinance PD-12 Setbacks.docx](#)

[Concept Plan - Stewart Retail Addition.pdf](#)

[Planning Commission Minutes -2019-0074.pdf](#)

[DRC Application_Text Amendment.pdf](#)

[Resolution-PD-12-Setbacks.docx](#)

CITY OF OREM
CITY COUNCIL MEETING
NOVEMBER 19, 2019



REQUEST:	ORDINANCE - Amending Section 22-11-24(E)(5), (6) and (7) of the Orem City Code by changing the setback requirements from University Parkway and Main Street in the PD-12 zone.
APPLICANT:	Development Services
FISCAL IMPACT:	None

NOTICES:

- Posted in 2 public places
- Posted on City webpage and City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Posted at utah.gov/pmn
- Posted on On-Site notice

SITE INFORMATION:

General Plan Designation:
Regional Commercial

Current Zone(s):
PD12

Neighborhood:
Lakeview

**PLANNING COMMISSION
RECOMMENDATION**

Vote: 6-0 for approval

PREPARED BY:
Grant Allen
Orem City Planner

REQUEST: The applicant requests the City Council amend Section 22-11-24(E)(5), (6) and (7) of the Orem City Code by changing the setback requirements from University Parkway and Main Street in the PD-12 zone.

BACKGROUND: The applicant is proposing to change the setback requirements from University Parkway and Main Street in the PD-12 zone. Currently, the PD-12 zone requires that all buildings have a front yard setback of at least forty (40) feet or a distance equal to the height of the building, whichever is greater. This amendment would allow buildings fronting University Parkway or Main Street to have a front yard setback of ten (10) feet. A setback of forty (40) feet would still be required for structures located adjacent to a residentially zoned property or adjacent to 1400 South.

With the recent widening of University Parkway as part of the BRT project, the existing setback of buildings in the PD-12 zone was significantly reduced and the existing building located on the corner of University Parkway and Main Street now has a setback of approximately 10 feet from University Parkway. The applicant would like to build a new building with a setback from University Parkway similar to that of the existing building. Staff supports the request to move the building closer to University Parkway with the minimum 10 foot setback and placing the parking behind the new building.

RECOMMENDATION: The Planning Commission recommends the City Council, by ordinance, amend Section 22-11-24(E) (5), (6) and (7) of the Orem City Code by changing the required setback from University Parkway and Main Street in the PD-12 zone. Staff supports the proposed amendment.

Bed Bath & Beyond

Petsmart

University Parkway

B

Main Street

Ashley
Homestore

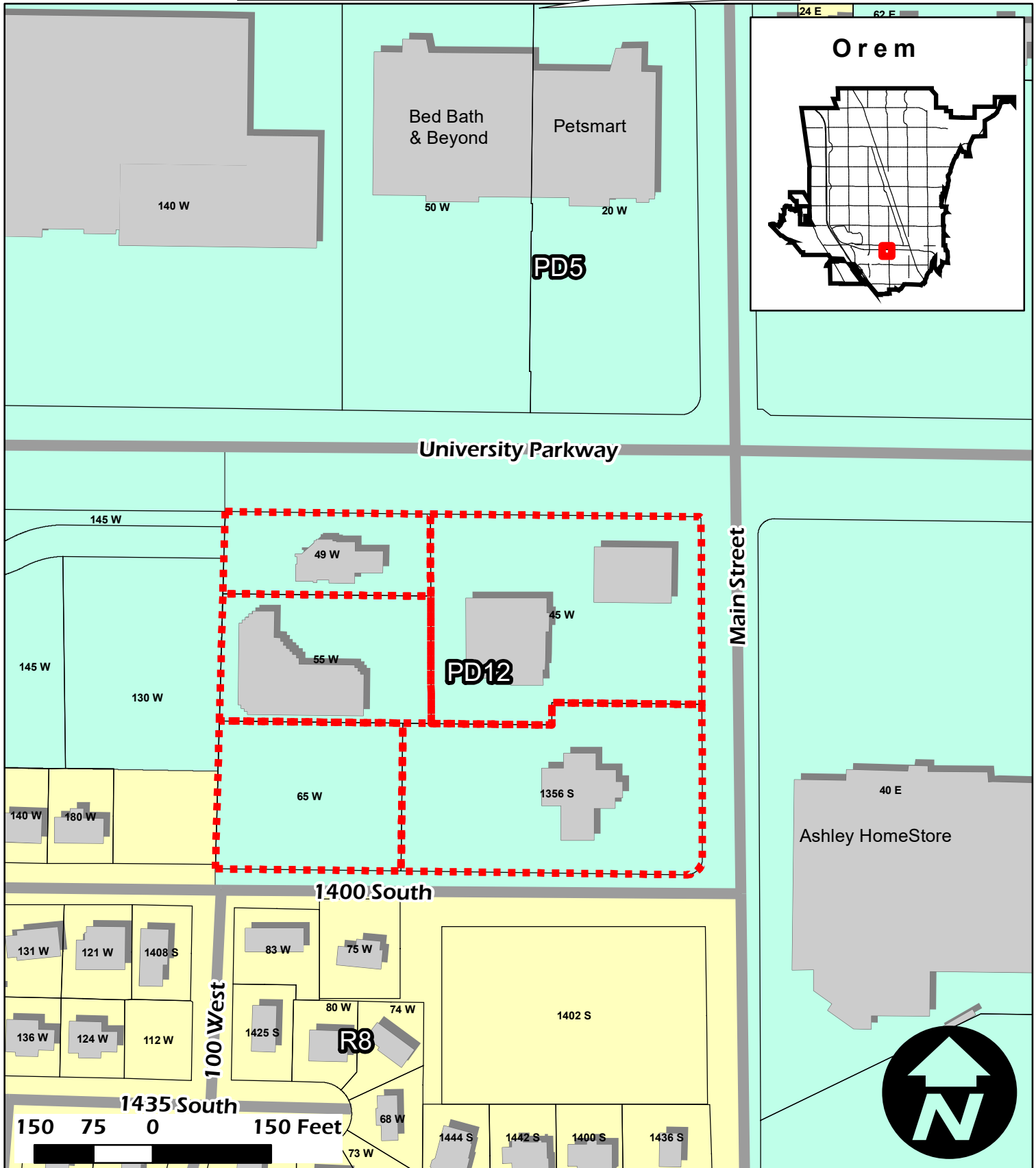
19

1400 South

Main Street

1400 South

Stewart Retail Addition



◆ Stewart Retail Addition
PD12
1.97 Acres

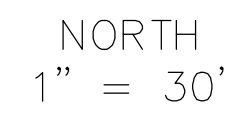
NEIGHBORHOOD
Lakeview

Legend
□ Parcels
■ Buildings

Section 22-11-24

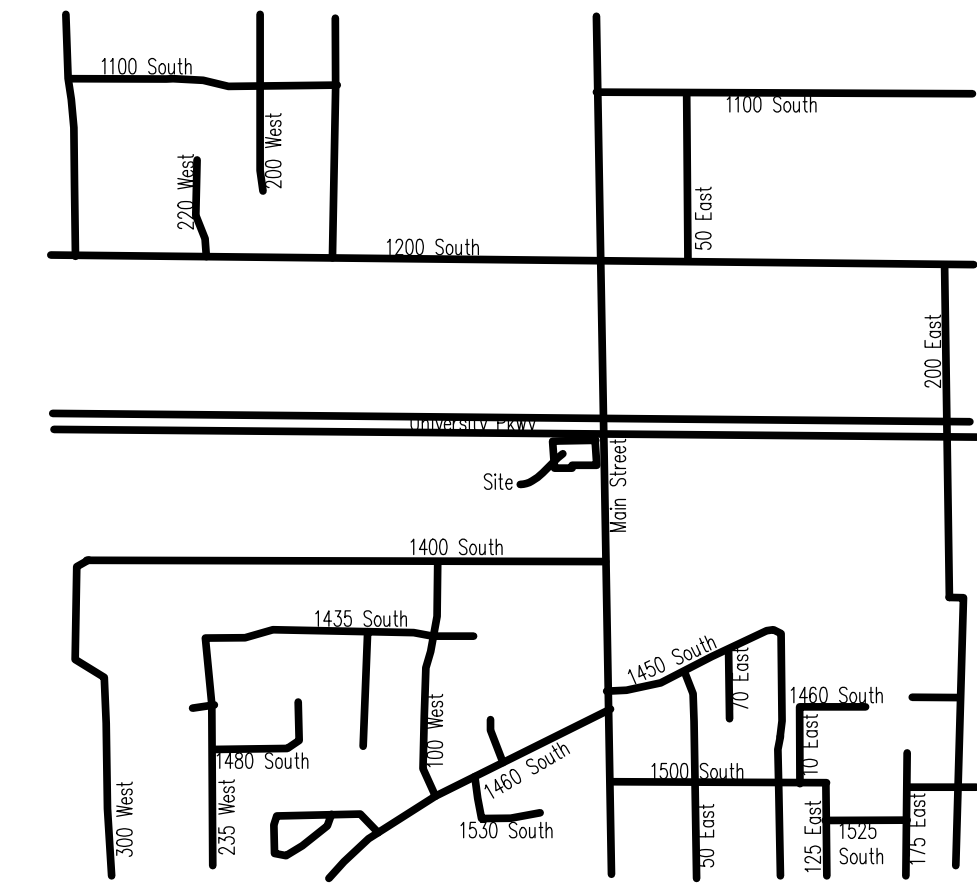
E. Site Development Standards

5. ~~Front Yard Setback. Setbacks from Public Streets. All buildings shall have a front yard setback of at least (40) feet or equal to the height of the building, whichever is greater. be set back at least ten (10) feet from University Parkway and Main Street and at least forty (40) feet from 1400 South.~~
6. ~~Setbacks from Residentially Zoned Property. All buildings shall be set back at least forty (40) feet or a distance equal to the height of the building, whichever is greater, from residentially zoned property. Side Yard Setback. The minimum side yard setback shall be zero (0) except when adjoining a residential development or a public street, in which case it shall be forty (40) feet or equal to the height of the building, whichever is greater.~~
7. ~~Setbacks from Other Lot Lines. No set back is required from an adjoining lot in the PD-12 zone or another commercial zone. Rear yard Setback. The minimum rear yard setback shall be zero (0) except when adjoining a residential development or public street, in which case it shall be forty (40) feet or equal to the height of the building, whichever is greater.~~

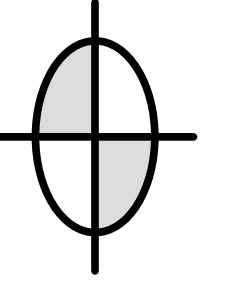


CONCEPT PLAN

University Parkway



Vicinity Map



Dudley and Associates, Inc.
Engineers Planners Land Surveyors
353 East 1200 South
Orem, Utah 84058
801-224-1252

Stewart Retail

Site Plan

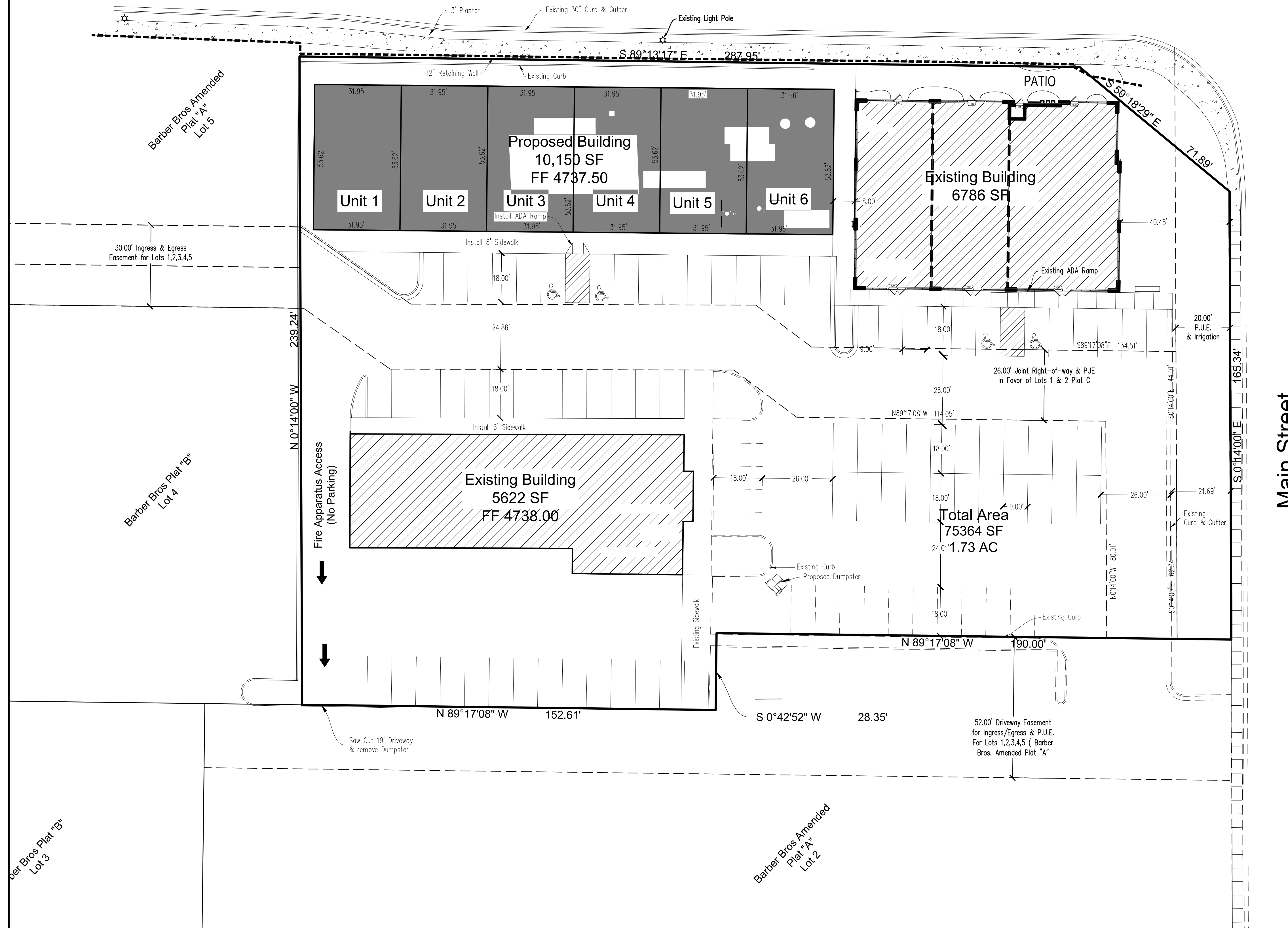
Orem City

Utah

REVISIONS
3-25-2013
6-5-2013 (sewer re-design)

DATE	10-19-2011
SCALE	1"=30'
BY	BHT
TRACING NO.	L-13691

SHEET No.
C - 2



RESOLUTION NO. PC-2019-0074

A RESOLUTION BY THE OREM CITY PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL AMEND SECTION 22-11-24(E)(5), (6) and (7) BY CHANGING THE SETBACK REQUIREMENTS ON UNIVERSITY PARKWAY AND MAIN STREET IN THE PD12 ZONE.

WHEREAS on September 16, 2019, Kevin Scholz filed an application with the City of Orem requesting the City amend Section 22-11-24(E)(5), (6) and (7) by changing the setback requirements on University Parkway and Main Street in the PD12 zone; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on October 16, 2019; and

WHEREAS the agenda of the Planning Commission meeting at which the subject application was heard was posted at the Orem Public Library, on the Orem City webpage and at the City offices at 56 North State Street; and

WHEREAS the matter having been submitted and the Planning Commission having fully considered the request as it relates to the health, safety, and general welfare of the City; the orderly development of land in the City; the effect upon the surrounding neighborhood; the compliance of the request with all applicable City ordinances and the Orem General Plan, and the special conditions applicable to the request.

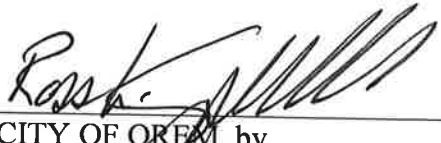
BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OREM, UTAH, as follows:

1. The Planning Commission finds this request will not negatively affect the health, safety, and general welfare of the City.
2. The Planning Commission hereby recommends the City Council amend Section 22-11-24(E)(5), (6) and (7) by changing the setback requirements on University Parkway and Main Street in the PD12 zone as shown on Exhibit "A" which is attached hereto and incorporated herein by reference.
3. This resolution shall take effect immediately upon passage.
4. If any part of this resolution shall be declared invalid, such decision shall not affect the

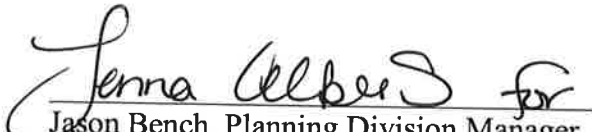
validity of the remainder of this resolution.

5. All other resolutions or policies in conflict herewith, either in whole or part, are hereby repealed.

PASSED and APPROVED this 16th day of October 2019


CITY OF OREM, by
Ross Spencer, Chairman

ATTEST:


Jason Bench, Planning Division Manager

COMMISSION MEMBERS VOTING 'AYE'

COMMISSION MEMBERS VOTING 'NAY'

Carl L Cook
Mickey Cochran
Barry Roberts
Haysam Sakar
Mike Staker
Ross Spencer

Exhibit "A"

Section 22-11-24

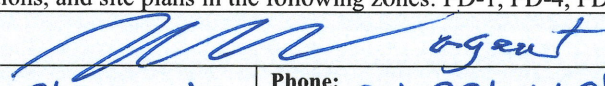
E. Site Development Standards

5. Front Yard Setback. Setbacks from Public Streets. All buildings shall have a front yard setback of at least (40) feet or equal to the height of the building, whichever is greater, be set back at least ten (10) feet from University Parkway and Main Street and at least forty (40) feet from 1400 South.
6. Setbacks from Residentially Zoned Property. All buildings shall be set back at least forty (40) feet or a distance equal to the height of the building, whichever is greater, from residentially zoned property. Side Yard Setback. The minimum side yard setback shall be zero (0) except when adjoining a residential development or a public street, in which case it shall be forty (40) feet or equal to the height of the building, whichever is greater.
7. Setbacks from Other Lot Lines. No set back is required from an adjoining lot in the PD-12 zone or another commercial zone. Rear yard Setback. The minimum rear yard setback shall be zero (0) except when adjoining a residential development or public street, in which case it shall be forty (40) feet or equal to the height of the building, whichever is greater.



Development Review Committee (DRC) Application Ordinance Amendment

Development Services Department 56 North State Street, Orem, Utah (801) 229-7183 www.orem.org

Applicant Information			
Name: Macduo LLC		Phone: 801-386-6691	
Address: 1929 South 180 West		Email: jhs911@hotmail.com	
City: Orem		State: Utah	Zip: 84058
Project Information			
Project Name		Stewart Retail	
Project Address		45 West University Parkway	
Request		Fees	Total
☒ Subdivision Text		\$1,160	
☒ Zoning Text*		\$1,160	\$1160-
☐ Sign Text Amendment		\$1,160	
☐ Rezone*		\$1,228 + \$689 sign fee	
☐ New PD Zone Text*		\$3,685 + \$689 sign fee	
☐ Land Use Map Change		\$1,057 + \$689 sign fee	
☐ General Plan Text Change		\$1,057 + \$689 sign fee	
☐ Neighborhood Notice		TBD at time of submittal, if needed	
☐ Public Notice		\$100 each for PC and CC, if needed	
☐ Development Agreement UT Co. Fees		TBD at time of recordation	
Total			\$1160
Required Copies			
Two (2) full-size copies no larger than 24" x 36", one (1) 11" x 17" and a PDF and/or Word of all applicable drawings and plans. Files can be emailed to Cheryl Vargas at chvargas@orem.org or submitted on disc/flash drive prior to the deadline.			
General Notes, Signature, and Contact Person			
Deadline. The deadline for filing a DRC application is Monday noon for first review the following Thursday. In the case of a Monday holiday, the deadline is Tuesday at noon. Contact information to inquire about the status of an application: 801.229.7183			
Filing Fee Notice. Applications filed after July 1 are subject to fee changes regardless of the fee listed on the application used at the time of submittal.			
*DRC Application. The DRC application must be complete at the time of submittal or it may not be accepted. An application to amend Chapter 22 or the zoning map shall expire if the application has not been approved or scheduled for review and approval by the approving authority within twelve months after the date it was submitted. An application to amend Chapter 22 or the zoning map shall also expire immediately following the passage of six months of no activity with respect to the application. Upon expiration, an application for an amendment to Chapter 22 including a zone map shall be considered null and void and a new application must be submitted, and fees paid. (22-1-5)			
Neighborhood Meeting. The applicant shall hold a neighborhood meeting in accordance with City Code for the following requests: General Plan amendments, Zoning Ordinance amendments, commercial developments adjacent to a residential zone, all non-residential uses in a residential zone.			
Planning Commission/City Council Meetings. Once the Development Review Committee determines your application is complete and complies with all applicable City ordinances, it shall be forwarded to the Planning Commission if required, and City Council, if required. The City Council is the final approving authority of conditional use permits, appeals, City Code amendments, General Plan amendments, fence modifications, and site plans in the following zones: PD-1, PD-4, PD-5, PD-15, PD-16, and PD-21.			
Applicant's Signature: 			
Contact Person: Taig Stewart		Phone: 801-386-6691	Email: jhs911@hotmail.com
Office Use Only			28 August 2019
Date Filed: 9-16-19	Fees Paid: 1160	Received By: CV	Receipt #: 2020074830

#12798

ORDINANCE NO. _____

AN ORDINANCE OF THE OREM CITY COUNCIL AMENDING SECTION 22-11-24(E)(5), (6) AND (7) OF THE OREM CITY CODE BY CHANGING THE SETBACK REQUIREMENTS FROM UNIVERSITY PARKWAY AND MAIN STREET IN THE PD-12 ZONE.

WHEREAS on September 16, 2019, Kevin Scholz filed an application with the City of Orem requesting the City amend Section 22-11-24(E)(5), (6) and (7) of the Orem City Code by changing the setback requirements from University Parkway and Main Street in the PD-12 zone; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on October 16, 2019, and the Planning Commission recommended approval of the request; and

WHEREAS a public hearing considering the subject application was held by the City Council on November 19, 2019; and

WHEREAS the agendas of the Planning Commission meeting and the City Council meeting at which the request was heard were posted at the Orem Public Library, on the Orem City webpage, at the City Offices at 56 North State Street and at utah.gov/pmn; and

WHEREAS the matter having been submitted and the City Council having fully considered the request as it relates to the health, safety and general welfare of the City; the orderly development of land in the City; the effect upon surrounding neighborhoods; and the special conditions applicable to the request.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council finds that this request is in the best interest of the City because it will allow new buildings to be constructed in the PD-12 zone with a setback from University Parkway and Main Street equal to existing buildings in the PD-12 zone.
2. The City Council hereby amends Section 22-11-24(E)(5), (6) and (7) of the Orem City Code by changing the setback requirements from University Parkway and Main Street in the PD-12 zone as shown on Exhibit "A" which is attached hereto and

incorporated herein by reference.

3. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.
4. This ordinance shall take effect immediately upon passage and publication in a newspaper of general circulation in the City.

PASSED, APPROVED and ordered PUBLISHED this 19th day of November 2019.

Richard F. Brunst, Mayor

ATTEST:

Jody Bates, City Recorder

COUNCIL MEMBERS VOTING "AYE"

COUNCIL MEMBERS VOTING "NAY"

Exhibit “A”

Section 22-11-24

E. Site Development Standards

5. Setbacks from Public Streets. All buildings shall be set back at least ten (10) feet from University Parkway and Main Street and at least forty (40) feet from 1400 South.

6. Setbacks from Residentially Zoned Property. All buildings shall be set back at least forty (40) feet or a distance equal to the height of the building, whichever is greater, from residentially zoned property.

7. Setbacks from Other Lot Lines. No setback is required from an adjoining lot in the PD-12 zone or another commercial zone.



City Council Agenda Item Report

Meeting Date: November 19, 2019

Submitted by: Ryan Clark

Submitting Department: Development Services

Item Type: Action Item

Agenda Section:

Subject:

MOTION – Authorize the Mayor to sign the Memorandum of Understanding with Hale Center Foundation for the Arts and Education

Suggested Action:

It is recommended that the City Council, by motion, authorize the Mayor to sign the Memorandum of Understanding (MOU) with the Hale Center Foundation for the Arts and Education.

Presenter:

Ryan Clark

Background:

The City of Orem's Economic Development Division has been working with HCFAE since 2014 to find a location for a new Hale Center Theater of Orem. After a thorough search and the consideration of many options, University Place was determined to be the best location for the following reasons. A willing developer in the Woodbury Corporation to partner with the project, the economic impact and synergy to be gained from locating a new theater at the center of a \$500 million redevelopment project with a planned hotel, existing retail, office development, numerous restaurants, and access to transit with the recent completion of the UVX bus system.

The Woodbury Corporation has set aside a building pad and additional parking for the new theater. The property was recently rezoned and, in the meantime, the land for these uses has been cleared and a concrete panel fence has been installed on the border of the adjoining residential neighborhood.

HCFAE has undertaken fundraising efforts with a goal of \$15 million of the construction cost of the new theater with a plan to finance the remaining portion of the cost. In order to obtain financing, and to obtain financing at an advantageous rate, the City of Orem would own the theater and bond for the project. HCFAE would make the bond payments and assume ownership of the theater once the debt is retired. Remaining details for the project will be memorialized in a future agreement between the City of Orem, HCFAE, and the Woodbury Corporation.

This MOU is required for HCFAE to continue fundraising efforts. It is needed to show prospective donors that the City of Orem supports the project.

Potentially Affected Area:

N/A

Attachments:

[hale.mou.dr07a.docx](#)

Memorandum of Understanding ("MOU")

This Memorandum of Understanding ("MOU") is made and entered into by and between the City of Orem and Hale Center Foundation for the Arts and Education, dba Hale Center Theater Orem ("HCFAE").

WHEREAS the purpose of this Memorandum of Understanding ("MOU") is to reaffirm the City of Orem's and HCFAE's commitment to work cooperatively to plan and construct a new Hale Center Theater at University Place in Orem.

1. HCFAE will work diligently to obtain at least Fifteen Million Dollars (\$15,000,000) in donations (gifts, grants and pledges) for the construction of a new Hale Center Theater at University Place in Orem.

2. The City of Orem is committed to help the proposed new Hale Center Theater Orem at University Place to move forward. The Mayor and City Council will help facilitate the financing of the project before construction commences.

Dated: _____

City of Orem

Attest:

By: Richard F. Brunst, Mayor

JoD'Ann Bates, City Recorder

Hale Center Foundation for the Arts and Education, dba Hale Center Theater Orem

By: Cody Swenson, Executive Director

STATE OF UTAH)
 :SS
COUNTY OF UTAH)

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, by Cody Swenson, Executive Director of Hale Center Foundation for the Arts and Education.

NOTARY PUBLIC

(Seal)

My commission expires: _____

Residing at: _____