

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
December 4, 2019

The following items are discussed in these minutes:

- Site Plan – Approval of Utopia Fiber OR014 Communications Hut located at 1750 N 210 East – Approved
- Plat Amendment – Vacating the PUE for Ford, Plat A Lot 37 and approving Ford, Plat C-Wright 223 located at 355 S Palisade Drive – Approved
- Preliminary Plat – Approval of Cascade Court Subdivision at 1000 E Center Street – Approved
- Site Plan – Approval of Covington Senior Addition located at 1925 N State Street – Approved
- Site Plan – Approval of Cascadeview Retail located at 396 N State Street – Approved
- Public Hearing – Amending Orem City Code by enacting Section 22-14-21(C) *Requirements for Cannabis Production Establishment and Medical Cannabis Pharmacy* and amending Appendix A by enacting Standard Land Use Codes 2140 *Cannabis Production Establishment* and 5920 *Medical Cannabis Pharmacy* – Positive Recommendation to City Council

STUDY SESSION

Place: City Council Conference Room

At 3:30 p.m. Chair Spencer called the Study Session to order.

Those present: Mickey Cochran, Carl Cook, Camille Jensen, Barry Roberts, Ross Spencer and Mike Staker, Planning Commission members; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Cheryl Vargas and Jake Harding, Planners; Jenna Albers and Grant Allen, Long Range Planners; Sam Kelly, City Engineer; Steve Earl, Legal Counsel; Debby Lauret, City Council Liaison

Those excused: Haysam Sakar, Planning Commission member

The Commission and staff briefly reviewed agenda items and minutes from November 6, 2019 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

Place: Orem City Council Chambers

At 4:30 p.m. Chair Spencer called the Planning Commission meeting to order and asked Mr. Cochran, Planning Commission member, to offer the invocation.

Those present: Mickey Cochran, Carl Cook, Camille Jensen, Barry Roberts, Ross Spencer and Mike Staker, Planning Commission members; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Cheryl Vargas and Jake Harding, Associate Planners; Jenna Albers and Grant Allen, Long Range Planners; Sam Kelly, City Engineer; Steve Earl, Legal Counsel; Debby Lauret, City Council Liaison and Cheryl Vargas, Minutes Secretary

Those excused: Haysam Sakar, Planning Commission member

Chair Spencer asked Ms. Vargas to introduce **Agenda Item 3.1:**

Agenda Item 3.1 is a request by Utopia Fiber for the Planning Commission approve the site plan for Utopia Fiber OR014 Communications Hut located at 1750 N 210 East in the R8 zone.

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Staff Presentation: The applicant is proposing to place a pre-fabricated communications hut on the site. The hut will be 11 feet tall, 12 feet wide and ten feet deep. The exterior will be brick with a metal roof. This is part of the Utopia buildout throughout the City.



Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission approve the site plan of Utopia Fiber OR014 Communications Hut located at 1750 N 210 East in the R8 zone.

Chair Spencer asked if the Planning Commission had any questions for Ms. Vargas.

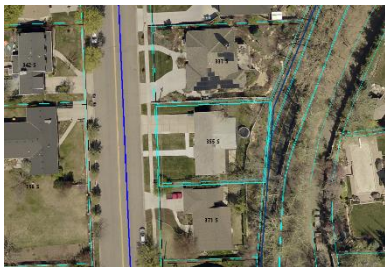
Chair Spencer invited the applicant to come forward. Brian Kelsey, Outside Plan Engineering with Utopia, introduced himself. Mr. Spencer asked how many of these communication huts will be in Orem. Mr. Kelsey said most of them are in place already, this is the last area where a hut is needed.

Chair Spencer 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. Roberts moved to approve the site plan of Utopia Fiber OR014 Communications Hut located at 1750 N 210 East in the R8 zone. Mr. Cook seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Chair Spencer asked Ms. Vargas to introduce **Agenda Item 3.2:**

Agenda Item 3.2 is a request by Big Rock Industries, Inc. to request the Planning Commission vacate the Public Utility Easement for Ford, Plat A Lot 37 and approve Ford, Plat C-Wright 223 located at 355 S Palisade Drive in the R8 zone.



Staff Presentation: The applicant is seeking to build a retaining wall. This requires vacating the Public Utility Easement that currently goes through the back of the property. The property owner has obtained letters from all utilities to giving their permission to vacate the Public Utility Easement.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission vacate the Public Utility Easement for Ford, Plat A Lot 37 and approve Ford, Plat C-Wright 223 located at 355 S Palisade Drive in the R8

zone.

Chair Spencer asked if the Planning Commission had any questions for Ms. Vargas.

Chair Spencer invited the applicant to come forward. Cole Kempton introduced himself. Mr. Spencer asked if the lot ended at the top or bottom of the hill. Mr. Kempton said the lot goes down the hill. The current wall is crumbling and needs to be replaced. He received letters from the utility companies vacating the easement.

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

When no one came forward, Chair Spencer closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Staker moved to approve the vacation of the Public Utility Easement for Ford, Plat A Lot 37 and approve Ford, Plat C-Wright 223 located at 355 S Palisade Drive in the R8 zone. Mr. Spencer

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seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Chair Spencer asked Ms. Vargas 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 to request the Planning Commission approve the preliminary plat of Cascade Court Subdivision with eight (8) lots at 1000 E Center Street in the R8 Zone.



Staff Presentation: The applicant previously applied for a Planned Residential Development Zone Change on October 8, 2019. They were denied.

The applicant is now proposing an eight (8) lot subdivision.

The R8 Zone requires minimum lot widths of 80 feet and minimum lot sizes of 8,000 square feet. The proposed plat complies with these requirements.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission approve the preliminary plat of Cascade Court Subdivision with eight (8) lots at 1000 E Center Street in the R8 Zone.

Chair Spencer asked if the Planning Commission had any questions for Ms. Vargas.

Chair Spencer invited the applicant to come forward. Roger Dudley introduced himself. Mr. Spencer mentioned that this location had a different project presented recently. Mr. Dudley said that project was not approved by the City Council, so this is a new project with eight single family homes. Lot 7 is the only lot facing 1000 East, all other lots will face the cul-de-sac.

Chair Spencer 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. Spencer moved to approve approve the preliminary plat of Cascade Court Subdivision with eight (8) lots at 1000 E Center Street in the R8 Zone. Mr. Cochran seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Chair Spencer asked Ms. Vargas to introduce **Agenda Item 3.4:**

Agenda Item 3.4 is a request by Adam Lambert for the Planning Commission approve the site plan of Covington Senior Living Addition located at 1925 North State Street in the C2 Zone.



Staff Presentation: The applicant is requesting to construct an addition to their existing building. The proposed building height and architecture are consistent with the existing building. Specifications for the proposed addition are in the description table below.

The applicant planned to provide enough parking for this addition during the construction of the initial building. Therefore, no new parking stalls are proposed. The parking rate for this land use is 1 parking stall per 2.5 beds. The proposed new total of 143 beds requires a minimum of 58 parking stalls. The existing 66 stalls are more than enough to meet this requirement. The existing site and its proposed addition are consistent with the C2 zone.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends that the Planning Commission approve the site plan of the Covington Senior Living Addition located at 1952 North State Street in the C2 Zone.

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Chair Spencer asked if the Planning Commission had any questions for Ms. Vargas.

Chair Spencer invited the applicant to come forward. Adam Lambert, Rim Rock Construction, introduced himself. He said there are sixty-six beds in the existing facility, and they are currently one-hundred percent occupied. They need to expand. The new addition will be an Assisted Living Type 2 facility, the same as the existing facility.

Chair Spencer called for a motion on this item.

Planning Commission Action: Mr. Cochran moved to approve the site plan of the Covington Senior Living Addition located at 1952 North State Street in the C2 Zone. Ms. Jensen seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Chair Spencer asked Ms. Vargas to introduce **Agenda Item 3.5:**

Agenda Item 3.5 is a request by Cobblewood LLC for the Planning Commission approve the site plan of Cascadeview Retail located at 396 North State Street in the C2 Zone.



Staff Presentation: The applicant is proposing to construct a four (4) unit, commercial building on a deep lot. A reciprocal access agreement with the property to the west (374 North State Street) allows the site to be accessed through the adjacent parking lot. As indicated in the table below, the requirements for the C2 Zone have been met.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission approve the site plan of the Cascadeview Retail located at 396 North State Street in the C2 Zone.

Chair Spencer asked if the Planning Commission had any questions for Ms. Vargas.

Chair Spencer invited the applicant to come forward. Roger Dudley introduced himself. These businesses should help the area, they will be retail businesses with overhead doors in the back. There will be a wall between the residential and commercial areas. Mr. Spencer said he would think the residents would want to have a wall between. Mr. Dudley said the developer of the new project is the owner of the residential units, so it would be in their best interest to have it tastefully done.

Chair Spencer 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 the site plan of the Cascadeview Retail located at 396 North State Street in the C2 Zone. Mr. Cochran seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Chair Spencer asked Mr. Bench to introduce **Agenda Item 3.6:**

Agenda Item 3.6 is a request by City of Orem to amend Orem City Code by enacting Section 22-14-21(C) *Requirements for Cannabis Production Establishment and Medical Cannabis Pharmacy* and amend Appendix A by enacting Standard Land Use Codes 2140 *Cannabis Production Establishment (Subject to the requirements of Section 22-14-21(C))* and 5920 *Medical Cannabis Dispensing Medical Cannabis Pharmacy (Subject to the requirements of Section 22-14-21(C))* pertaining to cannabis production and dispensing in the City.

Staff Presentation: In November 2018, Utah voters approved Proposition 2 which made medical marijuana legal in the state. The state legislature passed House Bill 3001 on December 3, 2018 which was signed by the Governor and became law. Among the elements of the bill specific to cities was a requirement that cities provide in their zoning code a place for cannabis cultivation facilities and cannabis pharmacies. The licensing for the cultivation facilities and the pharmacies are regulated by the state. The cities must allow for the use in their code.

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The proposed amendments to Appendix A include enacting two new Standard Land Use Codes 2140 *Cannabis Production Establishment (Subject to the requirements of Section 22-14-21(C))* and 5920 *Medical Cannabis Pharmacy (Subject to the requirements of Section 22-14-21(C))*. SLU Code 2140 would allow a cannabis production establishment (cultivation) in the M2 manufacturing zone only. This would meet the requirement stipulated in state law. In addition, SLU Code 5920 would allow a medical cannabis pharmacy in all zones that are not primarily residential zones subject to a separation requirement. These zones include the PO, C1, C2, C3, HS, M1, M2, CM, and BP zones. This would also meet the requirement stipulated in state law. The proposed amendments are outlined below.

Additionally, Section 22-14-21(C) *Requirements for Cannabis Production Establishment and Medical Cannabis Pharmacy* will provide additional requirements pertaining to both the production and sale of medical cannabis.

Chair Spencer asked if the Planning Commission had any questions for Mr. Bench. Mr. Staker asked about limiting this to one zone. Mr. Bench said the City wants to limit it to one location. M2 is a zone where applicants would be more likely to locate as there are a few more location options there. It is on the north side of the City between I-15 and Geneva Road. May see a pharmacy along State Street.

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

When no one came forward, Chair Spencer closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Spencer moved to forward a positive recommendation to the City Council to enact Section 22-14-2(C) *Requirements for Cannabis Production Establishment and Medical Cannabis Pharmacy* and enact Standard Land Use Codes 2140 *Cannabis Production Establishment (Subject to the requirements of Section 22-14-21(C))* and 5920 *Medical Cannabis Pharmacy (Subject to the requirements of Section 22-14-21(C))* of the Orem City Code. Mr. Roberts seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

2020 Meeting Calendar: The Planning Commission reviewed the Planning Commission schedule for 2020. Chair Spencer then called for a motion to approve the Planning Commission schedule for 2020. Mr. Cook moved to approve Planning Commission schedule for 2020 as presented in the Planning Commission Staff Report 12.4.19. Mr. Staker seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Minutes: The Planning Commission reviewed the minutes from the previous meeting. Chair Spencer then called for a motion and moved to approve the minutes of November 6, 2019. Mr. Cochran seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, Barry Roberts, Ross Spencer and Mike Staker. The motion passed unanimously.

Cathy Wagenman. She had some zoning/animal questions. Please see recording for details.

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

Adjourn: 4:55 p.m.

Jason Bench
Planning Commission Secretary

Approved: January 15, 2020

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