CITY OF OREM
CITY COUNCIL MEETING
56 North State Street, Orem, Utah
July 14, 2020

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

NOTICE OF ELECTRONIC MEETING AND PUBLIC COMMENTS

To minimize the potential spread of COVID-19, and as authorized by Mayor Richard F. Brunst's Proclamation dated June 30, 2020, the City Council meeting on July 14, 2020 will be an all-electronic meeting. There will be no public access to the Orem City Council chambers. Those desiring to view or participate in the meeting must do so electronically.

Those wishing to make comment should submit through:
orem.org/comments

OR

CityCouncilPublicComments@orem.org

Comments will be accepted before and during the meeting. All comments received will be read into the record during the live meeting. Once an item has been voted on, that item will be closed to additional comments. The live meeting event may be streamed at orem.org/meetings.

Thank you for your cooperation during these challenging times.

4:30 P.M. WORK SESSION - CITY COUNCIL CHAMBERS

PRESENTATION - Human Resource Annual Report (30 min)
Report and Discussion
Presenter: Keri Rugg and Jennica Jones

DISCUSSION - City Retention Schedule (5 min)
Presentation and Discussion of a proposed City of Orem Retention Schedule for the Development Services Department
Presenter: Jody Bates, City Recorder
1.Building.docx
2.Engineering.docx
3.Planning & Zoning.docx

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. Presenter: David Spencer

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

3. CALL TO ORDER

4. INVOCATION/INSPIRATIONAL THOUGHT: BRENT SUMNER

5. PLEDGE OF ALLEGIANCE: BRENT SUMNER

6. MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

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 - June 30, 2020
Minutes of Special City Council Meeting - July 7, 2020
06.30.2020.ccmin--Draft.docx
07.01.2020.ccmin--Draft.docx

8.2. RESOLUTION - Approval of the City of Orem Legal Department Retention Schedule.
Approval of the City of Orem Retention Schedule for the Legal Department
Presenter: Jody Bates
Legal.docx
RES-- Records Retention Schedule Approval.doc

8.3. ORDINANCE - Amending Chapter 7 of the Orem City Code Pertaining to Building, Plumbing, Mechanical, Electrical, Fire and Abatement Codes
The Director of Development Services recommends that the City Council, by ordinance, amend Chapter 7 of the Orem City Code pertaining to building, plumbing, mechanical, energy, fuel gas, electrical, fire and abatement codes.
Presenter: Ryan Clark
Agenda-BuildingCodeAdoption.doc
ORD--CityCodeChapter 7 2020.docx

9. SCHEDULED ITEMS

9.1. PUBLIC HEARING

ORDINANCE - Amending Fiscal Year 2020-2021 Budget

The City Manager recommends the City Council hold a public hearing to discuss amending the current Fiscal Year 2020-2021 Budget and, by ordinance, amend the Fiscal Year 2020-2021 Budget

Presenter:Brandon C Nelson

Budget Amendments FY 2021 - July.pdf

ORD - Budget Amendments - FY 2021 - July 2020.docx

9.2. PUBLIC HEARING

ORDINANCE – Amending Sections 22-24-3(F)(1)(a) and 22-24-3(F)(2)(d) "Design Standards" of the Orem City Code, pertaining to accessory buildings in the Canyon Crossing District (CXD) zone.

The Planning Commission recommends that the City Council, by ordinance, amend Sections 22-24-3(F)(1)(a) and 22-24-3(F(2)(d) "Design Standards" of the Orem City Code, pertaining to accessory buildings in the Canyon Crossing District (CXD) zone.

Presenter: Jason Bench

Agenda-CXDZone-AccessoryStructures2.docx

Map.pdf

District Boundary Map.pdf

Zoning Vicinity Map.pdf

Aerial Imagery.pdf

Revised_Proposed amendments Section 22-24-3(F)(1)(a) and22-24-3(F)(2)(d)(1)_Revised 7-6-20.docx

Existing State Street Standards_22-8-8(7).pdf

Planning Commission Minutes_5.20.20.docx

Ordinance-CXDZone-AccessoryStructures.docx

9.3. RESOLUTION – Conditional Use Permit - Approval of the commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 zone

The City Council, by resolution, approve the conditional use of the commercial daycare, Smiling Faces, located at 410 S Main Street in the R8 zone with the following conditions:

1. That all residents, visitors and employees who arrive at the facility in connection with the Commercial Day Care facility shall be legally parked on the lot occupied by the facility or on that part of the street which immediately abuts the lot.
2. That signage be provided in the existing off-street parking lot that clearly indicates pick-up/drop-off stalls.
3. That one stall in the existing off-street parking lot shall be used as a back-up area for vehicles in the off-street parking lot.
4. That the facilities have a maximum occupancy of one hundred (100) children for both buildings combined.
5. That two ADA stalls be provided in the existing off-street parking lot.
6. That children must be picked up and dropped off within the existing parking lot.
7. That no more than ten (10) pick up/drop off vehicles within a ten (10) minute period.

Presenter: Jason Bench
Agenda-CUP-CommercialDaycare2.docx
Vicinity Imagery.pdf
Map.pdf
Aerial Imagery.pdf
Site Plan.pdf
Parking Layout.pdf
Traffic Study.pdf
22-6-9(G) Private Schools and Commercial Daycares.pdf
Street View - From 400 South.pdf
Street View - From Corner.pdf
Street View - From Main Street.pdf
400 south looking east.pdf
400 south looking west.pdf
Main looking east.pdf
Main Street Looking North.pdf
Mailer Front.pdf
Mailer Back.pdf
Mailer Labels.docx
Planning Commission Minutes 6.17.2020.docx
Resolution-CUP-CommericalDaycare2.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

SCHEDULE 2 – DEVELOPMENT SERVICES DEPARTMENT

Section 1: Building Records

2.101: BUILDING PERMIT APPLICATIONS

These permits are issued as official building authorization for a variety of actions (construction, demolition, the installation of plumbing, electrical or mechanical equipment, and the placement of barricades). They contain inspection requests, inspection reports, certificates of occupancy, and any pertinent information relating to the project. They may also contain water source, sewer system, flood plain, and tank certificates.

RETENTION - Permanent, may be transferred to the State Archives

2.102: BUILDING PERMIT INDEX

These reference card files, or registers, record the issuance of building permits, names of owner and contractor, address, and permit type. It is usually arranged numerically by permit number and serves as an index to the permit files.

RETENTION - Permanent, may be transferred to the State Archives

2.103: CAPITAL PROJECT STATUS REPORTS

This is a monthly report of all current capital improvement projects. The report includes information on funding (comparing amounts), extra work orders, and over-run authorizations for each project.

RETENTION – Retain for 1 year and then destroy

2.104: CONSTRUCTION REPORTS

These reports are a summary of construction and demolition activity in terms of permits, cost, and housing units. They are created from information compiled from the permit invoices and show the comparison to the same month for the previous two years. They are used for statistical analysis of current development trends. This information is submitted to both the U.S. Census Bureau and Utah Bureau of Economic and Business Research.

RETENTION - Retain for 2 years and then destroy

2.105: DEMOLITION CASE FILES

These case files document municipal ordered and privately initiated demolitions of substandard and/or hazardous buildings. They are used for research and litigation purposes.

RETENTION - Permanent

SCHEDULE 2 – DEVELOPMENT SERVICES DEPARTMENT

Section 1: Building Records

2.106: ENFORCEMENT CASE FILES

These case files document housing and zoning complaints. They are used to document municipal actions concerning the complaints and for reference purposes.

RETENTION - Retain for 5 years and then destroy

2.107: NONRESIDENTIAL BUILDING PLANS

These are the blueprints and specifications submitted by building contractors or owners when applying for a building permit for the construction of commercial, industrial, or apartment structures. The specifications are compiled by the architect for use by the contractor to complete detail work providing type, grade, brand of materials to be used, and general conditions which govern the methods to be employed. They also identify the temporary facilities, job cleanup, security, time limits, deadlines, and responsibilities of the architect, owner and contractor. They are used for determining code compliance and the enforcement of building codes. They are usually arranged by permit number or address.

RETENTION - Retain for 7 years and then destroy. For historical reasons, agencies must contact the Archives before the destruction of any building plans.

2.109: PUBLIC BUILDINGS (MUNICIPAL AND COUNTY) BUILDING PLANS

These are the blueprints and specifications submitted by building contractors or government agencies applying for a building permit for the construction of government buildings. The specifications are compiled by the architect for use by the contractor to complete detail work providing type, grade, brand of materials to be used, and general conditions which govern the methods to be employed. They also identify the temporary facilities, job cleanup, security, time limits, deadlines, and responsibilities of the architect, contractor, and government agency. They are used for determining code compliance and the enforcement of building codes. The plans are usually arranged by permit number or address.

RETENTION - Permanent, may be transferred to the State Archives

2.110: RE-ROOF APPLICATIONS

These are building permit applications to replace an existing roof on a residential or commercial structure.

RETENTION - Permanent

SCHEDULE 2 – DEVELOPMENT SERVICES DEPARTMENT

Section 1: Building Records

2.111: RESIDENTIAL BUILDING PLANS

These are the blueprints and specifications submitted by building contractors or owners when applying for a building permit for the construction of residential buildings. The specifications are compiled by the architect for use by contractor to complete detail work providing type, grade, brand of materials to be used and general conditions which govern the methods to be employed. They also identify the temporary facilities, job cleanup, security, time limits, deadlines, and responsibilities of the architect, owner and contractor. They are used for determining code compliance and the enforcement of building codes. They are usually arranged by permit number or address.

RETENTION - Retain for 1 year after completion of construction and final inspection and then destroy. For historical reasons, agencies should contact the Archives before the destruction of any building plans.

SCHEDULE 2 – DEVELOPMENT SERVICES DEPARTMENT

Section 2: Engineering Records

2.201: CONSTRUCTION CONTRACT RECORDS

These records document contracts for all engineering and construction projects undertaken by the municipality. They include payment records, reports, contracts, certificates, and related correspondence.

RETENTION - Retain for 6 years after expiration of contract and then destroy

2.202: CONSTRUCTION PROJECT FILES

These project files document the planning, design, and construction of municipally-owned facilities, structures or systems. They are also used for budget planning and litigation research. They include correspondence, copies of agreements, engineer's personal notes, guarantees and warranties, testing reports, reports (daily, weekly, monthly), and permits to work in the public way for municipality projects such as street drains, curb and gutter, sidewalk, paving extensions, street construction and repairs to additions to city buildings.

RETENTION - Permanent, may be transferred to the State Archives

2.203: ENGINEERING PERMITS

Permits with traffic control, road cut fees, demolition permits, resurfacing permits and any applicable documents.

RETENTION - 1 year and then destroy

2.204: IMPACT AND UTILITY MASTER PLAN INFORMATION

These are comprehensive plans regarding impact and utilities. The plans serve as a guide for decision-making and may include maps, plats, and charts.

RETENTION - Permanent

2.205: LARGE SCALE PRIVATE DEVELOPMENT INFORMATION

This is a monthly report of all current capital improvement projects. The report includes information on funding (comparing amounts), extra work orders, and over-run authorizations for each project.

RETENTION – Permanent

2.206: MAPS AND PLATS

City maps & plats for surveys and maintenance of City property and facilities.

RETENTION – Permanent

SCHEDULE 2 – DEVELOPMENT SERVICES DEPARTMENT

Section 2: Engineering Records

2.207: MISCELLANEOUS TRANSPORTATION CONCEPT PLANS

Concept plans for transportation projects, including: 1200 S 400 W Roundabout Improvement, 1600 N-State to I-15 Roadway Widening plans, 1600 N 400 W Intersection Improvement Project, Center Street Study-Avenue Consultants, UVU Area Transportation Plan Study, Lakeview Parkway Corridor, State Street Transit Study - American Fork to Provo, Traffic Calming Projects, etc.

RETENTION - Permanent

2.208: STREET NAME AND HOUSE NUMBER FILES

Records relating to street dedications, closings, assignment of street names and house numbers and applicable. These files contain records relating to street dedications, street closings, the assignment and alternation of street names and house numbers and similar records. They provide official control of the naming and numbering of municipal streets and roads.

RETENTION – Permanent

2.209: SUBDIVISION BONDS

Bonds held until subdivision improvements are made, such as landscaping, water & sewer lines, asphalt, curb & gutter, etc.

RETENTION – Retain until paid or cancelled, then destroy

2.210: TANK APPLICATIONS AND PERMIT RECORDS

These files contain applications received by the fire department and permits issued to individuals desiring to store flammable liquid or liquid petroleum. Permits are only issued after inspection and approval of tanks. They include an application form, permit, a sketch or diagram of location along with tank dimensions, and an inspection report.

RETENTION - 6 years after final action and then destroy

2.211: TRAFFIC DRAWINGS

Original drawings or area maps of streets used to determine whether changes are needed.

RETENTION - 4 years and then destroy

2.212: TRANSPORTATION MASTER PLAN INFORMATION

Comprehensive plans for City's roadway network, including: Truck Routes, Speed Limits, Curb Radius, Crosswalk Warrants, Traffic Signal Warrants, Access Management Standards, Traffic Calming Standards, Traffic Impact Study Standards and Connectivity..

Section 2: Engineering Records

RETENTION - Permanent

2.213: UNAPPROVED TANK APPLICATIONS

These are applications received by the fire department requesting a permit to store flammable liquid or liquid petroleum, but were denied after inspection. They include the application form and an inspection report indicating reasons for permit's denial.

RETENTION - 2 years and then destroy

SCHEDULE 2 – DEVELOPMENT SERVICES DEPARTMENT

Section 3: Planning and Zoning Records

2.301: ADOPTED MASTER PLANS

These are comprehensive plans for municipal development adopted by the city commission. The plans serve as a guide for decision-making on rezoning and other planning proposals and as the goals and policies of municipalities attempting to guide land use in local jurisdictions. The plans include the planning commission's recommendations for the development of the territory covered by the plan, and may include, among other things: (a) a land use element; (b) a transportation and circulation element; (c) an environmental element; (d) a public service and facilities element; (e) a rehabilitation, redevelopment, and conservation element; (f) an economic element; (g) recommendations for implementing the plan, including the use of zoning ordinances, subdivision ordinances, capital improvement plans, and other appropriate actions; and any other elements that the municipality considers appropriate. The plan may also include maps, plats, and charts.

RETENTION - Permanent, may be transferred to the State Archives

2.302: AS-BUILT PLANS

Plans and specifications for approved and constructed buildings, facilities, roads, and bridges. Documents construction of new buildings, facilities, and infrastructure as well as renovation of owned buildings and rented buildings. Plans documenting water and sewer lines and laterals.

RETENTION - Permanent

2.303: BOARD OF ADJUSTMENT CASE FILES

These case files document the zoning activities of the Board of Adjustment. They are used to document the cases brought before the Board of Adjustment and its decisions. They contain the original application; findings and order; correspondence; and any exhibits such as plot plans or elevations.

RETENTION - Permanent

2.304: BONDED AND LICENSED CONTRACTORS FILES

Applications and associated documents for contractors that are bonded and licensed to do work in the public right-of-way in the City.

RETENTION – 1 year after last job in Orem, then destroy

2.305: CONDITIONAL USE PERMIT RECORDS AND INDEXES

These files document the application for conditional use permits. These permits allow for the construction of buildings on the condition that impacts on neighborhoods are mitigated. They

include the original application, blueprint drawings, investigative reports, planning commission decisions, cash receipts, and related correspondence.

RETENTION - Permanent

2.306: PLANNED UNIT DEVELOPMENT CASE FILES

These case files document the creation of Planned Unit Developments (PUDs) within the municipality. PUDs are owner initiated projects requesting a variance from standard subdivision and zoning ordinances to allow for the concentration of residential units, office, commercial, or industrial facilities. The project plans must provide for recreational areas, clubs, and other types of facilities to service the community. The owners are given credit for land not inhabited to allow for the concentration of residential units in other areas. Zoning ordinances limit the number of dwelling units per acre. The original proposal describes how the owner wants to build the project with detailed maps and diagrams showing types of buildings and density of structures (dwellings per acre). The case files include initial proposal, approvals or disapprovals, diagrams, site plans, condominium conversions, and copies of minutes from the planning commission.

RETENTION - Permanent

2.307: PLANNING STUDY REPORTS

These are research based reports completed in-house or by outside consultants on specific planning problems or conditions. They may be adopted as an amendment to the master plan. These reports provide needed information on specific issues (i.e., housing needs, transportation, geologic concerns). These reports may include recommendations and may be an extension of the master plan.

RETENTION - Permanent, may be transferred to the State Archives

2.308: RECORDED PLATS

Plats approved by the City Council and/or Planning Commission and recorded at the County. These typically include a description of the surface of the land included within the project, including all angular and linear data along exterior boundaries of the property, linear measurements and location with reference to the exterior boundaries of building or buildings, diagrammatic floor plans and description or delineation of the boundaries of units or convertible space, etc.

RETENTION - Permanent

2.309: REZONING RECORDS AND INDEXES

Section 3: Planning and Zoning Records

These files document applications to rezone property within the municipality. They contain the original application, review forms, maps of areas involved, investigative reports, copies of planning commission minutes, notice of hearings, copies of ordinances, copies of city council minutes.

RETENTION - Permanent

2.310: SITE REVIEW PLANNING RECORDS

These files document the regulatory review and approval of commercial and industrial site plans by various municipal departments. They contain an application of approvals, staff investigative reports and recommendations, cash receipts, site plans, and related correspondence.

RETENTION - Permanent

2.311: STREET/ALLEY VACATING RECORDS

These records pertain to the removal of a portion of the public right-of-way and deeding the property to the adjacent property owners. The records may include copies of petitions, investigative reports by city staff, planning commission minutes, the report from planning commission to city council, city council minutes, ordinances, and legal description.

RETENTION - Permanent

2.312: SUBDIVISION REVIEW CASE FILES

These case files document the developmental history of subdivision plans submitted to the Planning Commission for compliance review with applicable development ordinances and standards. This includes those that are considered lot/splits (subdivisions smaller than five lots).

RETENTION - Permanent

2.313: ZONING MAPS

These maps show zoning boundaries within the municipality. They are usually blueprint maps which show streets, property lines, zoning boundaries, and area classifications. These maps are used for reference purposes and are frequently updated.

RETENTION - Permanent

2.314: ZONING ORDINANCES

These land use and development ordinances provide standards for development for land use and development within the municipality. They have been approved by both the planning

Section 3: Planning and Zoning Records

commission and the city council.

RETENTION - Permanent, may be transferred to the State Archives

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CITY OF OREM
CITY COUNCIL MEETING
56 North State Street Orem, Utah
June 30, 2020

This meeting was held electronically
to allow Councilmembers and Staff to participate.

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

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, 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; Jason Earl, Deputy Fire Chief; Karl Hirst, Recreation Department Manager; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Jason Bench, Planning Division Manager; Ernesto Lazalde, IT Division Manager; Pete Wolfley, Communication Specialist; and JoD'Ann Bates, City Recorder.

NOTE: The referenced report and presentation documents for each discussion may be viewed at orem.org/meetings under "City Council Presentations"

PRESENTATION - Annual Open Meeting, Ethics and Land Use Training

Mr. Stephens stated the State requires the City Council to have an Open Meetings training and URMA requires City Council to have an annual Ethics and Land Use Training. He will be reviewing the Open Meeting and Ethics training and Mr. Earl will review the Land Use.

Mr. Stephens reviewed the following:

- Open Meeting requirements and the definition of an open meeting.
- Closed Meetings; when and when it is and is not allowed.
- Non-agenda items
- Electronic Messages
- Electronic Meetings; recent changes regarding provisions for electronic meetings due to Covid 19.
- Review of new HB 5002 recently approved by Governor Herbert on June 25, 2020.
- Noticing requirements for Meetings

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- Emergency Meetings
- Rules of Conduct for the public
- Roll call votes and when they are required.

Mr. Stephens moved the discussion onto the Ethic Training by reviewing the following:

- State Law- Use of office for personal benefit
  - Improper use of information
  - Improper use of position
  - Improper acceptance of gift and exceptions to gift prohibitions
- State Law – 4 things that must be disclosed:
  - Transaction involving City
  - Business regulated by City
  - Doing business with City
  - Personal interest
- City Ordinance stricter than State Law
  - Conflict of interest must be disclosed and possibly recuse yourself from meeting

Mr. Stephens continued to explain the stated disclosures and possible penalties. He then turned the time over to Mr. Earl to proceed with the Land Use Training.

Mr. Earl stated there are several aspects of Land Use, but the Council typically only works with two specific areas. The first is when the City Council acts in a legislative capacity, which is when laws are being made by Ordinances, Resolutions, text amendment and zones are approved. The second is when they act in an administrative capacity. This is when the Council is applying laws that have already been passed such as site plans, plat amendments and conditional use permits (CUP). He continued to state that the most typical discussion and denial of a CUP is when the city can be subject to a lawsuit. Utah laws limits the discretion of what the Council can and cannot do with a CUP application. State law states that "a land use authority shall approve a conditional use if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards". He continued to discuss what the City Council can and cannot regulate when dealing within the administrative capacity. He related an example of another city that had issues and the fall out of those issues regarding their administrative actions.

General discussion ensued regarding the abilities and actions of legislative actions versus administrative actions.

DISCUSSION - Fraud Risk Assessment

Mr. Nelson indicated The Office of the Utah State Auditor has developed a Fraud Risk Assessment to help local government board members understand best practices in fraud detection and prevention. The Assessment assigns an overall risk level of undetected fraud based upon points earned for the implementation of the identified best practices. Mr. Nelson reviewed the assessment form and what has and has not been complied with pursuant to the form requirements. General discussion ensued regarding the requirements and issues the City Council felt the city could do to improve the scoring for the city.

DRAFT

DISCUSSION – City Retention Schedule

Mrs. Bates indicated he City Council had been provided with the proposed retention schedule for the Legal Department. She said this process would continue with all individual departments making recommendations according to their needs.

Mrs. Bates encouraged the Council to reach out with any questions they may have regarding the City's Retention Schedule. Mayor Brunst thanked Mrs. Bates for the efforts of staff in this process.

DISCUSSION - Neighborhood Plan - Sunset Heights East, Sunset Heights West, Cherry Hill, and Lakeview plans

Mr. Bench indicated this is an overview of the recent neighborhood plan areas. These are the last 2 neighborhood plans that will be coming before the Council. He turned the time over to Mr. Allen to present the information to the Council.

Mr. Grant reviewed what a neighborhood plan is which typically include the following:

- Demographic Characteristics
- Land Use
- Transportation
- Economic Development
- Public Works
- Neighborhood Preservation
- Implementation

Mr. Allen reviewed the plan schedule with the advisory committee and the Orem.org website information and meeting recordings via audio and video meetings. He reviewed some of the goals the residents had brought forward and shared the visions statements for each of the neighborhoods. Mr. Allen concluded with some upcoming dates where the plans will go before the Planning Commission and City Council for approval.

Agenda Review & Preview of Upcoming Agenda Items

The City Council reviewed the evening's agenda. Discussion ensued regarding the scheduled items that would be considered.

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

Mr. Davidson advised the City Council on several issues as listed below:

- He indicated there is still a lot to do with the Fitness Center and is very appreciative of staff that have been working on this project for over a year. Mr. Clark described some of the issues they had been dealing with in regard to the pool and when they are hoping to have the pool open, it is currently undetermined at this time.

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- He stated the city has a CARES Act Committee that is continuing to look at what the city can use the funds for in providing help with expenses related to Covid 19.

- He indicated he met with Alpine School District and discussed the purchase of the Hillcrest Elementary property and said the purchase number was at the low end of what was previously provided. The District does have a firm condition of a cash purchase and will not work with a payment schedule.

- He stated they are getting to the point where individuals have been given time to complete the Census on their own and in a few weeks will transition from self-respond to a Census effort of individuals going throughout the community to gather census information. He reviewed a contest between north and south cities to get numbers up and Orem is in the lead with a collection rate of 68%.

- He stated there was a recent announcement that Major League Baseball in cooperation with Minor League Baseball had announced there will not be a minor league season in 2020. This means the Orem Owls will not be in play this season due to Covid 19.

- He indicated the city has received notification from Rocky Mountain Power that in the next 12 months they will be in the process of reconstructing power lines along 1600 North. They are going to be in the process of upsizing the line and be replacing the poles due to the upsizing. He continued to discuss the process and cost of burying of those line versus the overhead option.

- He concluded by stating the new Fire Chief, Marc Sanderson had completed all his onboarding processed have been completed and he has been cleared and plans to start work tomorrow morning.

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

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, 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; Gary Giles, Police Chief; Jason Earl, Deputy Fire Chief; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Brandon Nelson, Finance Department Manager; Karl Hirst, Recreation Department Manager; Chris Tschirki, Public Works Department Manager; Jason Bench, Planning Division Manager; Ernesto Lazalde, IT Division Manager;;

DRAFT

Pete Wolfley, Communications Specialist; and JoD'Ann Bates, City Recorder.

CALL TO ORDER

INVOCATION /
INSPIRATIONAL THOUGHT Debby Lauret
PLEDGE OF ALLEGIANCE Debby Lauret
MAYOR'S REPORT/ITEMS REFERRED BY COUNCIL

No items were discussed at this time.

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 make a comment provided staff with written comments.

Comments that were submitted for "Public Appearance" are attached to the end of the minutes in their entirety.

CONSENT ITEMS

- Approval of the June 16, 2020 City Council Meeting Minutes
- Approval of Terry Peterson to serve the assignment as Mayor Pro Temp from July through December 2020.
- RESOLUTION – Approval of the City of Orem Recreation and Library Departments Retention Schedule.

Mayor Brunst moved to approve the Consent Agenda as listed. **Debby Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed.**

SCHEDULES ITEMS

PUBLIC HEARING
ORDINANCE – Amending the Fiscal Year 2019-2020 Budget

Mr. Nelson stated the Fiscal Year 2019-2020 City of Orem budget had many adjustments that occured throughout the fiscal year. These adjustments include grants received from Federal, State, and other governmental or private entities or organizations; appropriating reserves in the General Fund and transferring them to the Capital Projects Fund in order to meet state legal compliance requirements regarding maximum General Fund balance as well as providing various project funding; interest earnings on unspent 2019 G.O. Bond funds; appropriating Debt Service fund

surplus for the final Northgate SID bonds payment; and appropriating Information Technology fund surplus for a couple of projects.

Mayor Brunst opened the public hearing. Hearing no comments Mayor Brunst closed the public hearing and brought the item back to the Council for further discussion.

Mayor Brunst moved, by Ordinance, to approve amendments to the Fiscal Year 2019-2020 Budget as presented. **Brent Sumner seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed.**

RESOLUTION – Conditional Use Permit – Approval of the commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 Zone

Mr. Bench stated the applicant's existing business is located nearby this site on State Street. In order to expand his current business, he is proposing to move it entirely to this new location. He is not proposing any changes to the site, it would remain as is. However, because the site is in a residential zone, he is required to receive conditional use approval. Commercial daycares are permitted in a residential zone provided they are located either on a collector or arterial street. Both 400 South and Main street are classified as collector streets. A commercial daycare facility must also comply with the requirements of Section 22-6-9(G) which are part of the report for your review. Staff has determined the proposed site complies with the requirements of 22-6-9(G) subject to several conditions of approval as outlined below. As part of the requirements of the conditional use permit the applicant submitted a professional traffic study that outlined the requirements of Section 22-6-9(G)(13) as follows:

1. No more than two car trips per hour shall be generated before 5:30am or after 9:00 pm.
2. No vehicle will back out onto a dedicated street.
3. Persons who arrive at the facility shall be legally parked on the lot or on that part of the street which immediately abuts the lot.
4. Ingress, egress, drop-off areas, traffic flow, and parking spaces will be contained on the site and will not adversely affect surrounding properties.

The submitted traffic study showed that the facility was going to require a minimum of twenty-four (24) stalls based upon one hundred (100) children attending the day care. The study also found that they would not generate more than two trips in the unpermitted times and that one of the stalls in the parking lot would be required to be used as a back-up area. If you combine the total stalls in both the existing parking lot and the on-street parking and remove the required back-up stall, twenty-six (26) stalls are available. Planning Commission recommend the City Council approve the commercial daycare with the following conditions:

1. That all visitors, employees and other persons who arrive at the facility in connection with the Commercial Day Care facility be legally parked on the on-site parking lot or on that part of the street immediately abutting the site.
2. That signage be provided on the on-site parking lot that clearly indicates pick-up/drop-off stalls.
3. That one stall in the parking lot be used as a vehicle back-up area.
4. That the facility be limited to a maximum occupancy of one hundred (100) children for both buildings combined.
5. That two ADA stalls be provided in the parking lot.

6. That all children must be picked up and dropped off within the existing parking lot. That no more than ten (10) pick up/drop off vehicles shall be allowed within any ten (10) minute period.

7. That no more than ten (10) pick up/drop off vehicles shall be allowed within any ten (10) minute period.

General discussion ensued with the applicant regarding parking and how that would be regulated and the concern of traffic issues. Discussion continued regarding the results of the neighborhood meeting and comments made at the recent Planning Commission meeting in regard to the proposed use. Mr. Earl reviewed the law and how it relates to the City Councils administrative decision of the Conditional Use Permit. Discussion of concerns continued.

Mayor Brunst was notified there had been some public comments regarding this issue. He declined those comments due to the item not being a public hearing. Mr. Macdonald asked if the council could hear the comments. Mrs. Lauret and Mr. Sumner agreed to hear the comments.

Comments submitted are attached to the end of the minutes in their entirety.

General discussion by the City Council and Mr. Earl continued regarding possible issues with approval or denial of the proposed Conditional Use Permit.

Mayor Brunst moved, by Resolution, a Conditional Use Permit Approval for the commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 Zone to include the 7 recommended Planning Commission conditions and an additional condition to red line the 2 stalls on Main Street to the north and the south of the main building. **Mrs. Lauret seconded** the motion. Those voting aye: Richard F. Brunst and Debby Lauret. Those voting nye: Terry Peterson, David Spencer, and Brent Sumner. Those abstaining: Tom Macdonald and Jeff Lambson. The motion **failed.**

Mr. Lambson moved to continue the Conditional Use Permit for the commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 Zone to the July 14, 2020 City Council Meeting. **Mrs. Lauret seconded** the motion. Those voting aye: Tom Macdonald, Debby Lauret, Jeff Lambson and Mayor Brunst. Those voting nye: Dave Spencer, Brent Sumner and Terry Peterson. The motion **passed.**

RESOLUTION – Annexation Petition – Cache Park Addition 1526 South 1250 West

Mr. Bench stated on June 18, 2020, the applicant filed a petition to annex 1.861 acres located generally at 1526 South 1250 West into the City of Orem. The initial step for the City Council is to either accept the petition for further consideration or to deny the petition. If the Council accepts the petition, the City Recorder, with the assistance of the City Attorney, will have 30 days to determine whether the petition meets the requirements of state law. If the petition is certified by the City Recorder, the City will publish notice of the certification and provide a period for filing of written protests to the annexation. If a protest is received during the allotted time, the City Council may deny the annexation petition or take no action until it has received the County Commission's notice of its decision on the protest. If no protest is received, a public hearing would

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be scheduled for a future City Council meeting. At the time of the public hearing, the City Council will decide whether or not to annex the property and what the zoning designation of the property will be.

Mayor Brunst moved, by Resolution, an Annexation Petition for the Cache Park Addition located at 1526 South 1250 West as presented. **Tom Macdonald seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed.**

ORDINANCE – Amending Section 23-4-8(7)B and Section 23-2-1 of the Orem City Code to require certain developments to prevent the off-site discharge of precipitation from all rainfall events less than or equal to the 80th percentile rainfall event

Mr. Tschirki stated in order to discharge storm water into waters of the state of Utah, the City is required to obtain and implement all applicable requirements contained in its Utah Pollutant Discharge Elimination System (UPDES) permit. Currently, the City's MS4, or small municipal separate storm sewer system, operates under UPDES Permit No. UTR090000. New requirements included in Utah H.B. 226 *Storm Water Permitting Amendments* (2020 General Session) and established by the State Division of Water Quality require that storm water be managed on site for all developments that disturb greater than or equal to one acre or part of a common plan development greater than or equal to one acre. All events less than or equal to the 80th percentile storm event is required to be managed on site (retained and infiltrated). The City currently requires all developments to design and implement storm water management practices that accommodate a minimum of a 25-year storm event with a maximum release rate of 60 gallons per minute per acre. The changes to the UPDES Permit now require these developments to prevent the off-site discharge or precipitation from all rainfall events less than or equal to the 80th percentile rainfall event. The UPDES amendments instruct that this should be accomplished through a combination of practices including site design, structural and non-structural controls that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater. Additionally, H.B. 226 now requires the City to reduce any requirement for a developer to manage and control storm water runoff rates or volumes for flood control purpose to account for the reduction in storm water associated with any approved Low Impact Design (LID) development practices. In accordance with data obtained from the National Oceanic and Atmospheric Administration (NOAA) for Orem, Utah, the 80th percentile storm event yields 0.5" of precipitation. In order to comply with the State's new permit requirements, the Public Works Director recommends that the City Council amend these sections.

Tom Macdonald moved, by Ordinance, Amending Section 23-4-8(7)B and Section 23-2-1 of the Orem City Code to require certain developments to prevent the off-site discharge of precipitation from all rainfall events less than or equal to the 80th percentile rainfall event. **Debby Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed.**

RESOLUTION - Approving the Interlocal Cooperation Agreement between Utah County and the City of Orem for Disbursement from the Coronavirus Relief Fund

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Mr. Davidson indicated a copy of the proposed interlocal agreement was included in the agenda packet and as discussed earlier, the purpose of this interlocal agreement is to memorialize the appropriation of funds from Utah County to the City of Orem as part of the CARES Stimulus Covid 19 response effort. As a city in signing this agreement agree to the terms of the interlocal which include that we will expend these funds between now and November 1, 2020 and subject ourselves to audit requirements as set by the Federal Department of the Treasury as well as the State of Utah and Utah County among other requirements.

Mayor Brunst moved, by Resolution, Approving the Interlocal Cooperation Agreement between Utah County and the City of Orem for Disbursement from the Coronavirus Relief Fund. **Debby Lauret seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed.**

CITY MANAGER INFORMATION ITEMS

Mr. Davidson had no information items to share.

ADJOURN TO A CLOSED MEETING FOR CITY MANAGER EVALUATION

The City Council adjourned to a closed meeting to discuss "the character, professional competence, or physical or mental health of an individual", pursuant to Utah Code Section 52-4-205(1)(a).

Mayor Brunst moved to adjourn to a closed meeting or City Manager evaluation**. Tom Macdonald seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer, and Brent Sumner. The motion **passed.**

The meeting adjourned at 8:17 p.m.

CLOSED MEETING

Closed Meeting

Public Comments for City Council Meeting June 30, 2020

Nichelle Jensen

First off, thanks for the presentation by Chief Giles before he retired. Thank you council member Lauret for proactively asking questions about mental health officers to get a discussion going. He addressed a lot of concerns on the minds of a lot of citizens right now, but I'd like to continue that conversation as I still have requests that the council address.

With the process of hiring a new police chief, there is a lot to be considered and a lot of input the public would like to weigh in on. I would like to request the council to start the process of organizing such a civilian/citizen oversight board that can not only in the future help with internal reviews, but can also be a part of the hiring process of the new chief.

In addition to the immediate need of a developed citizen review board, I'd like to request the council review and address solutions for the below as soon as possible. Chief Giles went over some of these and mentioned that some of these are state laws but there seemed to be quite a lot of room for exceptions. My request would be that we locally explicitly unauthorize many of these things WITHOUT exceptions:

Use of Force

A. Authorize deadly force **only** when there is an **imminent** threat to an officer's life or the life of another person and such force is strictly unavoidable to protect life as required under International Law. Deadly force should only be authorized after all other reasonable alternatives have been exhausted. This is a state law but there are exceptions and caveats we can address locally.
B. Require that an officer's tactical conduct and decisions leading up to using deadly force be considered in judgements of whether such force was necessary.
C. Require officers give a verbal warning, when possible, before using deadly force and give people a reasonable amount of time to comply with the warning. Chief Giles mentioned this is also a state law but there are exceptions. Can we eliminate exceptions locally?
D. Require reporting of police killings and serious injuries of civilians
E. Require the names of both the officer(s) involved and victim(s) to be released within 72 hours of a deadly force incident

Revise and strengthen local police department use of force policies
Revised police use of force policies should protect human life and rights. Policies should include guidance on reporting, investigation, discipline, and accountability and increase transparency by making the policies available online. This use of force policy should require officers to:

- -restrict officers from using deadly force unless all reasonable alternatives have been exhausted
- -use minimum amount of force to apprehend a subject, with specific guidelines for the types of force and tools authorized for a given level of resistance
- -utilize de-escalation tactics (verbalization; creating distance, time and space; tactical repositioning, etc.) whenever possible instead of using force
- carry a less-lethal weapon
- -ban using force on a person for talking back or as punishment for running away (

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- -ban chokeholds, strangleholds (i.e. carotid restraints), hog-tying and transporting people face down in a vehicle
- -intervene to stop other officers who are using excessive force and report them to a supervisor
- -have first aid kits and immediately render medical assistance to anyone in police custody who is injured or who complains of an injury
-

End traffic-related police killings and dangerous high-speed police chases

Prohibit police officers from:

- shooting at moving vehicles
- moving in front of moving vehicles
- high-speed chases of people who have not and are not about to commit a violent felony

A. Report all uses of force to a database with information on related injuries and demographics of the victims.

B. Establish an early intervention system to correct officers who use excessive force. *These systems have been shown to reduce the average number of complaints against officers in a police department by more than 50%.* This system should:

- -report officers who receive two or more complaints in the past month
- -report officers who have two or more use of force incidents or complaints in the past quarter
- -require officers to attend re-training and be monitored by an immediate -supervisor after their first quarterly report and terminate an officer following multiple reports

C. Require police departments to notify the state when an officer is found to have willfully violated department policy or the law, committed official misconduct, or resigned while under investigation for these offenses. Maintain this information in a database accessible to the public and prohibit these officers from serving as police officers, teachers or other governmental employees

Establish effective civilian oversight structures

Establish an all-civilian oversight structure with discipline power that includes a Police Commission and Civilian Complaints Office with the following powers:

The Police Commission should:

- determine policy for the police department based on community input and expertise
- share policy and policy changes in publicly accessible formats
- discipline and dismiss police officers
- hold public disciplinary hearings
- select the candidates for Police Chief, to be hired by the Mayor
- evaluate and fire the Police Chief, if needed
- receive full-time, competitive salaries for all members
- receive regular training on policing and civil rights
- not have current, former or family of police officers as members

- select its members from candidates offered by community organizations

The Civilian Complaints Office should:

- receive, investigate and resolve all civilian complaints against police in 120 days
- establish multiple in-person and online ways to submit, view and discuss complaints
- be immediately notified and required to send an investigator to the scene of a police shooting or in-custody death
- be allowed to interrogate officers less than 48 hours after an incident where deadly force is used
- access crime scenes, subpoena witnesses and files with penalties for non-compliance
- make disciplinary and policy recommendations to the Police Chief
- compel the Police Chief to explain why he/she has not followed a recommendation
- have the Police Commission decide cases where the Police Chief does not follow recommendations
- issue public quarterly reports analyzing complaints, demographics of complainants, status and findings of investigations and actions taken as a result
- be housed in a separate location from the police department
- be funded at an amount no less than 5% of the total police department budget
- have at least 1 investigator for every 70 police officers or 4 investigators at all times,whichever is greater
- have its Director selected from candidates offered by community organizations
- not have current, former or family of police officers on staff, including the Director

Remove barriers to reporting police misconduct

For all stops by a police officer, require officers to give civilians their name, badge number, reason for the stop and a card with instructions for filing a complaint to the civilian oversight structure.

End Policing of Minor "Broken Windows" Offenses

The following activities do not threaten public safety and are often used to police black bodies. Decriminalize these activities or de-prioritize their enforcement:

- Consumption of Alcohol on Streets
- Marijuana Possession
- Disorderly Conduct
- Trespassing
- Loitering
- Disturbing the Peace (including Loud Music)
- Spitting
- Jaywalking
- Bicycling on the Sidewalk

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Establish Alternative Approaches to Mental Health Crises

Mental health crises should not be excuses for heavy-handed police interventions and are best handled by mental health professionals. Establish and fund Mental Health Response Teams to respond to crisis situations. These approaches have been proven to reduce police use of force in these situations by nearly 40 percent and should include:

- -establish a team of mental health professionals, social workers and/or crisis counselors to send as first responders to calls involving mental health crises, -such as the CAHOOTS model implemented in Eugene, OR.
- -involvement of this multidisciplinary team in planning, implementation and response to crises
- -at least 40 hours of crisis intervention training for police officers

Require independent investigations of all cases where police kill or seriously injure civilians

The independent investigators should be:

- required and authorized to prosecute all cases of where police kill or seriously injure a civilian, in-custody deaths and cases where a civilian alleges criminal misconduct against a police officer
- required to investigate all cases where police kill chosen at random from a list of the largest ten agencies in the state
- required to report their findings to the public

Use community feedback to inform police department policies and practices

Require a regular survey (Ex: Milwaukee survey) to be fielded to the community to gauge their experiences and perceptions of the police and use this information to inform:

- police department policies and practices
- police officer evaluations
- police officer pay incentives

End police department quotas for tickets and arrests

Ban police departments from using ticket or arrest quotas to evaluate the performance of police officers

Limit fines and fees for low-income people
Pass policies requiring local governments to:

- ban issuing fines or arrest warrants for civilians who fail to appear in court for a traffic citation
- ban generating more than 10% of total municipal revenue from fines and fees
- allow judges discretion to waive fines and fees for low-income people or initiate payment plans
- prohibit courts from ordering individuals on parole or probation to pay supervision fees and other correctional fees

Prevent police from taking the money or property of innocent people
Prohibit police from:

- seizing property of civilians (i.e. civil forfeiture) unless they are convicted of a crime and the state establishes by clear and convincing evidence that the property is subject to forfeiture
- keeping any property that has legally been forfeited (instead, this property should go to a general fund)
- participating in the federal Equitable Sharing program that allows police to

Require police departments to bear the cost of misconduct

- Require the cost of misconduct settlements to be paid out of the police department budget instead of the City's general fund
- Restrict police departments from receiving more money from the general fund when they go over-budget on lawsuit payments

Remove barriers to effective misconduct investigations and civilian oversight
Remove contract provisions, local policies, and provisions in state Law Enforcement Officers' Bills of Rights laws that:

- allow officers to wait 48 hours or more before being interrogated after an incident
- prevent investigators from pursuing other cases of misconduct revealed during an investigation
- prevent an officer's name or picture from being released to the public
- prohibit civilians from having the power to discipline, subpoena or interrogate police officers
- state that the Police Chief has the sole authority to discipline police officers

- enable officers to appeal a disciplinary decision to a hearing board of other police officers
- enable officers to use the contract grievance process to have an outside arbitrator reverse disciplinary decisions and reinstate officers who have committed misconduct
- prevent an officer from being investigated for an incident that happened 100 or more days prior
- allow an officer to choose not to take a lie detector test without being punished, require the civilian who is accusing that officer of misconduct to pass a lie detector first, or prevent the officer's test results from being considered as evidence of misconduct

Keep officers' disciplinary history accessible to police departments and the public

Remove contract provisions, local and state policies, and provisions in state Law Enforcement Officers' Bills of Rights laws that allow police officers to:

- expunge or destroy records of past misconduct (both sustained and unsustained) from their disciplinary file
- prevent their disciplinary records from being released to the public via a Freedom of Information Act (FOIA) request

Ensure financial accountability for officers and police departments that kill or seriously injure civilians

Remove contract provisions, local policies, and provisions in state Law Enforcement Officers' Bills of Rights laws that:

- require officers to be given paid administrative leave or paid desk-duty during an investigation following a police shooting or other use of deadly force
- prevent officers from receiving unpaid suspensions as discipline for misconduct or allow officers to use vacation or discretionary time to pay themselves while on suspension
- allow officers to receive paid leave or paid desk-duty after being charged with a felony offense

The Right to Record Police

Ban police officers from taking cell phones or other recording devices without a person's consent or warrant and give people the right to sue police departments if they take or destroy these devices.

There is so much preventative work here we can address with a citizen's review board to save us from expensive lawsuits and investigations and I would love to be able to prevent unnecessary death and financial strain wherever possible. Please let me know who will be on board to move forward in the next steps of creating a system such as a board to begin to tackle some of these aforementioned issues. I would like to request the council begin the process of considering to adopt as many of the policies within this as possible. Thank you so much for all your work!

Jim Hadlock - Orem

What is the city going to do to prevent an incident like what happened to George Floyd? What has or will the city do to know if any of its police officers have such violent tendencies as Derek Chauvin? Does the city know now if there are any such officers? Will the city consider reducing the budget of the police and spend more on programs that help reduce poverty and provide training for people to obtain better jobs thus reducing two of the main causes of crime?

Austin Texas US

Apologies - unsure which agenda item will be the Police Chief's comments this meeting. I want to express strongly, as a new citizen of Orem, that I want to see a reallocation of Police Department funds into Social Work and Community Building Departments. I want to see specific resolutions banning brutality and unlawful warrants. I want a citizen-driven review board for reviewing incidents of police violence. I want the police department to decommission any or the vast majority of tactical gear. I want police patrols to be minimally armed - as has been the case in four other very peaceful countries I have lived in my life. I'm enraged at a culture that trains people to escalate at the drop of a hat and spends their days looking for excuses to arrest citizens. I want this to change now. You have an opportunity to be leaders, forward-thinkers. Take that opportunity. Don't prolong the problems.

michael.witting

It is time for the city council to discuss budgeting for universal body camera use and the establishment of a civilian review board for all police complaints and incidents.

Catherine Eslinger

Recently, Orem High School's softball field was vandalized with graffiti attacking people of color and LGBTQ+ individuals. While the graffiti can be removed, the sense of fear and intimidation that hateful acts like this create in students and the rest of the community continue. I urge the council to not let this incident be forgotten now that that the graffiti has been cleaned up. Continuing the investigation of this crime and focusing on restorative justice would benefit the spirit of community in Orem and be an example to the rest of Utah County. It is unacceptable to allow vandals and bullies to intimidate people in our community. I know Orem wants to be a place where everyone feels safe and included, and I hope we can all work toward making that dream a reality.
Thank you,
Catherine Eslinger
Vineyard

Chad Sumsion

My name is Chad Sumsion. I own the property directly east of the property seeking to receive this conditional use permit. I believe a daycare would be an appropriate use of

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these existing buildings, and it would be great to have them occupied and cared for again. After participating in the Planning Commission meeting, however, I'm wondering if the thinking is backwards for how parking would be used and how drop-off & pick-up is being planned? Currently, the plan is to have the on-site parking configured and saved for the drop-off and pick-up of children, and for the employees to then park only on the street. Since the employees are there all day long during business hours, this will cause a maximization of the amount of street parking being generated. (Plus, I'm betting when temperatures are warm, parking will creep southward on Main Street to use the tree shade provided by neighboring properties.) On the other hand, parents will be there for very short durations as they come and go. If they were to park at the curbs adjacent to the property, it would seem that street parking would be greatly reduced overall and parents would not have to back up to get out of parking stalls on-site, which seems like an improvement in traffic flow. This is just a thought that I'd like to hear discussed and commented on.Thank you,
Chad Sumsion

Item # 9.2: Conditional Use Permit Comments

Adam Lewis – Thayne, Wyoming

I grew up on the property just south of the proposed daycare and my parents still own the property. By the time children are escorted into or out of the building, that parking spot is tied up for 3-5 minutes per car, I would think. If 100 children are coming, you can imagine how far the cars will stack up on Main Street and 400 South in both directions, making it very difficult to get in and out of our homes. I don't think it is realistic to expect all of the parents dropping kids off to arrive exactly on time for their scheduled time. Many other schools in this neighborhood struggle with this same problem regardless of scheduled drop off times.

Lines of waiting cars in the street with engines running is a safety concern, a health hazard for us and our neighbors, and an unpleasant residential experience.

Consider the close proximity of three popular intersections at 400 South: Main Street, Orem Blvd, and State Street. Consider also that Main Street is fairly narrow. This will be a traffic nightmare not only for the neighborhood but for the parents using the daycare center. The amount of traffic traveling east on 400 south will also be increasing steadily due to Vineyard residents coming to Orem.

The space within the complex is not sufficient to have cars pulling in, dropping kids off, then turning around again to exit. I believe there will be congestion on both 400 S and Main Street because of this difficulty.

I have spoken with multiple neighbors who live near the complex and many have expressed concerns. I am surprised that the applicant has said that there are no concerns from the neighbors.

I understand that parking is lined off on the roads and was code approved, but that does not mean that this site is prepared for large quantities of cars to arrive in a small window of time. The previous business hardly ever had cars coming and going. It is a very different business.

Darrin VandenBos - American Fork, Utah

What neighborhood meeting? I was never invited to a neighborhood meeting. He dropped off a gift basket at my house after he said in the Planning Commission that he talked to all of us. And I wasn't even home when dropped of the gift basket, he never asked my son for my number, and he never came back. He has NOT communicated like he thinks he has.

The play area is rather small. Does the owner feel that it is large enough to accommodate the group sizes that will use it? Also, it is not completely enclosed. There is no fence between the yard and the parking lot. Does he plan to build one?

Karen Bartholomew

I live behind the Daycare that is being discussed right now. My concern is the play area, it doesn’t appear it would accommodate that many children.

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CITY OF OREM
SPECIAL CITY COUNCIL MEETING
56 North State Street Orem, Utah
July 7, 2020

This meeting was held electronically
to allow Councilmembers and Staff to participate.

5:00 P.M. SPECIAL CITY COUNCIL MEETING – CITY COUNCIL CHAMBERS

CONDUCTING	Mayor Richard F. Brunst
ELECTED OFFICIALS	Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, 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; Jason Earl, Deputy Fire Chief; Karl Hirst, Recreation Department Manager; Ryan Clark, Development Services Director; Charlene Crozier, Library Director; Chris Tschirki, Public Works Department Manager; Brandon Nelson, Finance Department Manager; Ernesto Lazalde, IT Division Manager; Pete Wolfley, Communication Specialist; and JoD'Ann Bates, City Recorder.

NOTE: The referenced report and presentation documents for each discussion may be viewed at orem.org/meetings under "City Council Presentations"

CALL TO ORDER

INVOCATION / INSPIRATIONAL THOUGHT Debby Lauret

SPECIAL CITY COUNCIL MEETING
STAFF APPOINTMENT – Fire Department Director – Chief Marc Sanderson

Mayor Brunst welcomed all that were in attendance both at the City Center and those participating via Zoom meeting.

Mr. Davidson stated it was a pleasure to be in attendance in the City Council Chambers as they recognize and extend support to the new Fire Chief as he takes the Oath of Office. He indicated that behind the camera where the public and Council could not see, were fire personnel having a

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representative from each fire station of Orem along with representation from the Police Department. It is his pleasure to show his support for Fire Chief Mark Sanderson and recommend his appointment as Orems next Fire Chief. He turned the time over to the Mayor and Council for their consent and recommendation.

Mayor Brunst stated they went through a lengthy process in interviewing several candidates and feel they have made an excellent choice in Mr. Sanderson. He has a great background in fire, police, nursing and flight services in training at Utah Valley University. He had the opportunity in talking with Mr. Sanderson and learned about his vision for the City of Orem in making the department one of the best in the state by increasing the retention and recruitment process while increasing moral.

All City Council Members echoed the Mayors comments and welcomed Mr. Sanderson to the City of Orem team. They voiced their excitement in getting to know him and look forward to see what he will bring to the City of Orem Fire Department.

Mayor Brunst moved to approve the consent and recommendation of Marc Sanderson as the Director of Orem City's Fire Department. **Mr. Spencer seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer and Brent Sumner. The motion **passed.**

Mayor Brunst turned the time over to the City Recorder to administer the Oath of Office.

Newly appointed Director of the City of Orem Fire Department was called forward and Mrs. Bates completed the Oath of Office. Mr. Sanderson was then invited to make a few comments.

Mr. Sanderson stated he appreciated the opportunity he has to return to the City of Orem as the Fire Chief. He looks forward to meeting and getting to know everyone and taking the fire department in a new direction. He thanked the former Fire Chief Scott Gurney for the years of experience he gave to the program and hopes that he can bring his own direction to the department and keep them moving forward.

ADJOURNMENT

Mayor Brunst moved to adjourn the meeting. **Mr. Spencer seconded** the motion. Those voting aye: Richard F. Brunst, Jeff Lambson, Debby Lauret, Tom Macdonald, Terry Peterson, David Spencer and Brent Sumner. The motion **passed.**

The meeting adjourned at 7:20 p.m.

SCHEDULE 5 – LEGAL SERVICES DEPARTMENT

Section 1: Legal Records

5.101: CIVIL CASE FILES

These case files document significant civil court cases in which the municipality is a party or represents the interests of the State of Utah. They include case number, plaintiff and defendant, nature of case, attorney's notes, related correspondence, and final verdict. This information is largely duplicated in court files and could be weeded after the case is closed.

RETENTION - 10 years after case closed and then destroy

5.102: CLAIM PETITION FILES

These files contain petitions claiming damages caused by municipal employees and/or equipment. They are used to determine liability. These files include petitions, correspondence and police reports if applicable.

RETENTION - 6 years provided no litigation pending, and then destroy

5.103: FORMAL LEGAL OPINIONS

These are the formal legal opinions written by city attorneys in response to requests received from various municipal departments in the course of municipal business. They are necessary to maintain consistency of opinion in related matters. They show date of opinion, advice or opinion, and name of requesting office or department.

RETENTION - Permanent

5.104: LEGAL COUNSEL RECORDS

These are legal interpretations given by attorneys at the request of other departments asking for guidance in enforcing, obeying, complying with and/or interpretation of the law. This would also include any work-product done inter-departmentally or at the request of other departments in the City.

RETENTION - Retain for 5 years after issue is resolved, and then destroy

5.105: MISDEMEANOR AND INFRACTION CASE FILES

These case files document routine misdemeanor criminal cases prosecuted in district courts. They contain the case number, defendant's name, charge, dates of indictment and arraignment, plea, bond amount, trial date, verdict, and sentence. May also contain police records, offense reports, witness lists, subpoenas, FBI reports, photographs, and attorneys' notes. This information is largely duplicated in court files and should be weeded after the case is closed.

RETENTION - 7 years after case is closed and then destroy

SCHEDULE 5 – LEGAL SERVICES DEPARTMENT

Section 1: Legal Records

5.106: NOTICES OF CLAIM

These are demands for damages filed with the Legal Department pursuant to the GIA.

RETENTION - 10 years after case is closed and then destroy

5.107: ROUTINE LAWSUIT CASE FILES

These are case files for routine lawsuits filed by the city and those filed against the city. They are used in pleading cases in court and later for research purposes. They contain various court pleadings, research material, and attorneys' notes.

RETENTION - 7 years after case is closed and then destroy

5.108: SIGNIFICANT LAWSUIT CIVIL CASE FILES

These case files document the investigation and prosecution of significant civil cases. A case may be significant due to the subject, such as natural resource ownership or corruption of public officials; or because it sets precedent and/or leads to public policy or laws being changed, written, or rewritten; or because it involves individuals wherein there is historic interest.

RETENTION – 10 years after case is closed and then destroy

5.109: SIGNIFICANT LAWSUIT CRIMINAL CASE FILES

These case files document the investigation and prosecution of significant civil cases referred to a prosecutor's office. A case may be significant due to the subject, such as natural resource ownership or corruption of public officials; or because it sets precedent and/or leads to public policy or laws being changed, written, or rewritten; or because it involves individuals wherein there is historic interest.

RETENTION - Permanent

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF OREM, UTAH
APPROVING A RECORDS RETENTION SCHEDULE

WHEREAS pursuant to Utah Code § 63G-2-701, the City of Orem has enacted Article 2-26 Records Access and Management establishing information practices for the City including classification, designation, access, denials, segregation, appeals, management retention and amendment of City records; and

WHEREAS Orem City Code Section 2-26-15.B. requires the City Records Officer to classify, designate and schedule City records for retention; and

WHEREAS the City is in the process of scheduling its records for retention; and

WHEREAS this scheduling is an ongoing process that will be periodically submitted to the City Council of Orem, Utah (Orem City Council) for approval; and

WHEREAS the Orem City Council has reviewed the proposed records retention schedule attached hereto as Exhibit A and hereby finds that adopting the proposed records retention schedule to be in the best interest of the public's health, safety and general welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE OREM CITY COUNSEL, as follows:

1. The Orem City Council hereby adopts the City Records Officer's proposed records retention schedule which is attached hereto as Exhibit A and incorporated herein by reference.

2. This resolution shall take effect immediately upon passage.

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

PASSED AND APPROVED this **30th** day of **June 2020**.

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

_____
JoD'Ann Bates, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	□	□	□
Jeff Lambson	□	□	□
Debby Lauret	□	□	□
Tom Macdonald	□	□	□
Terry Peterson	□	□	□
David Spencer	□	□	□
Brent Sumner	□	□	□

Agenda Item No: 8.3

City Council Agenda Item Report

Meeting Date: July 14, 2020
Submitted by: Ryan Clark
Submitting Department: Development Services
Item Type: Ordinance
Agenda Section:

Subject:
ORDINANCE - Amending Chapter 7 of the Orem City Code Pertaining to Building, Plumbing, Mechanical, Electrical, Fire and Abatement Codes

Suggested Action:
The Director of Development Services recommends that the City Council, by ordinance, amend Chapter 7 of the Orem City Code pertaining to building, plumbing, mechanical, energy, fuel gas, electrical, fire and abatement codes.

Presenter:
Ryan Clark

Background:
State law requires that cities adopt specified versions of the national and international codes pertaining to buildings. The proposed amendment reflects the most recent changes in building and safety standards. These changes are necessary in order to ensure the safety and welfare of Orem's citizens is safeguarded to the best of the City's ability.

It is recommended Chapter 7 of the Orem City Code be amended to read as follows:

7-1-11. International Swimming Pool and Spa Code.
The City hereby approves and adopts the residential provisions of the International Swimming Pool and Spa Code, 2018 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction for existing buildings in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The residential provisions of the International Swimming Pool and Spa code, 2018 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

Potentially Affected Area:
Citywide

Attachments:

Agenda-BuildingCodeAdoption.doc

ORD--CityCodeChapter 7 2020.docx

CITY OF OREM CITY COUNCIL MEETING JULY 14, 2020	
REQUEST:	**ORDINANCE – Amending Chapter 7 of the Orem City Code Pertaining to Building, Plumbing, Mechanical, Electrical, Fire and Abatement Codes**
APPLICANT:	Department of Development Services
FISCAL IMPACT:	None

NOTICES:
-Posted in 2 public places
-Posted on State Noticing webpage
-E-mailed to newspapers

SITE INFORMATION:
General Plan Designation:
N/A
Current Zone:
N/A
Acreage:
N/A
Neighborhood:
N/A
Neighborhood Chair:
N/A

PREPARED BY:
Paul Ashton
Chief Building Official

RECOMMENDATION:

The Director of Development Services recommends that the City Council, by ordinance, amend Chapter 7 of the Orem City Code pertaining to building, plumbing, mechanical, energy, fuel gas, electrical, fire and abatement codes.

BACKGROUND:

State law requires that cities adopt specified versions of the national and international codes pertaining to buildings. The proposed amendment would adopt the most recent changes in building and safety standards. These changes are necessary in order to ensure that the most current standards are in effect in Orem.

Under the proposed amendment, a new section would also be added to the City Code relating to swimming pools and spas. This proposed new language reads as follows:

> **7-1-11. International Swimming Pool and Spa Code.**
> The City hereby approves and adopts the residential provisions of the International Swimming Pool and Spa Code, 2018 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction for existing buildings in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The residential provisions of the International Swimming Pool and Spa code, 2018 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE OREM CITY COUNCIL AMENDING CHAPTER 7 OF THE OREM CITY CODE

WHEREAS Chapter 7 of the Orem City Code sets forth building, construction, fire, and safety regulations; and

WHEREAS Chapter 7 adopts nationally and internationally recognized building, plumbing, mechanical, energy, fuel gas, electrical, fire, and abatement codes; and

WHEREAS the State of Utah requires that cities adopt specified versions of the national and international codes; and

WHEREAS the City of Orem desires to amend Chapter 7 to comply with State law by adopting the required versions of the national and international codes; and

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

1. The City Council hereby amends Section 7-1-1 of the Orem City Code to read as follows:

7-1-1. International Building Code Adopted.
The City hereby approves and adopts the International Building Code, 2018 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, appendix I, and appendix J, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Building Code, 2018 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

2. The City Council hereby amends Section 7-1-2 of the Orem City Code to read as follows:

7-1-2. International Mechanical Code Adopted.
The City hereby approves and adopts the International Mechanical Code, 2018 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, and refrigeration systems, incinerators, and other miscellaneous heat-producing appliances in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Mechanical Code, 2018 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

3. The City Council hereby amends Section 7-1-4 of the Orem City Code to read as follows:

7-1-4. International Plumbing Code Adopted.

The City hereby approves and adopts the International Plumbing Code, 2018 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one and appendix E, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous plumbing in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Plumbing Code, 2018 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

4. The City Council hereby amends Section 7-1-6 of the Orem City Code to read as follows:

7-1-6. International Fire Code Adopted.
The City hereby approves and adopts the International Fire Code, 2018 Edition, published by the International Code Council, as amended by the Utah State Fire Prevention Board. The City further approves and adopts the following Appendices to the International Fire Code, 2018 Edition, as amended by the Utah State Fire Prevention Board:
Appendix B – Fireflow Requirements for Buildings.
Appendix C – Fire Hydrant Locations and Distribution.
Appendix D – Fire Apparatus Access Roads.
The International Fire Code, 2018 Edition, along with Appendices B, C, and D are on file in the office of the City Recorder and are hereby adopted and made a part hereof as if set out in the ordinance.

5. The City Council hereby amends Section 7-1-7 of the Orem City Code to read as follows:

7-1-7. International Energy Conservation Code Adopted.
The City hereby approves and adopts the commercial provisions in the International Energy Conservation Code, 2018 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Energy Conservation Code, 2018 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

6. The City Council hereby amends Section 7-1-8 of the Orem City Code to read as follows:

7-1-8. International Fuel Gas Code Adopted.
The City hereby approves and adopts the International Fuel Gas Code, 2018 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Fuel Gas Code, 2018 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

7. The City Council hereby amends Section 7-1-9 of the Orem City Code to read as follows:

7-1-9. International Residential Code Adopted.
The City hereby approves and adopts the International Residential Code, 2015 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, Appendix H, and Appendix K 2015 Edition and Appendix Q 2018 Edition, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Residential Code, 2015 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

8. The City Council hereby amends Section 7-1-10 of the Orem City Code to read as follows:

7-1-10. International Existing Building Code Adopted.
The City hereby approves and adopts the International Existing Building Code, 2018 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction for existing buildings in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The International Existing Building Code, 2018 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

9. The City Council hereby adopts Section 7-1-11 of the Orem City Code to read as follows:

7-1-11. International Swimming Pool and Spa Code.
The City hereby approves and adopts the residential provisions of the International Swimming Pool and Spa Code, 2018 Edition, published by the International Code Council, as amended by the State Division of Occupational and Professional Licensing, including Chapter one, with all its codes and standards for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and other miscellaneous construction for existing buildings in the City of Orem, and for issuing permits therefore. Permit fees shall be in the amount established by the City Council in the City's annual budget. The residential provisions of the International Swimming Pool and Spa code, 2018 Edition, is on file in the office of the City Recorder and is hereby adopted and made a part hereof as if fully set out in this ordinance.

10. If any part of this ordinance shall be declared invalid, such decision shall not affect the validity of the remainder of this ordinance.

11. This ordinance shall take effect upon passage and publication in a newspaper of general circulation in the City of Orem, Utah.

PASSED, APPROVED and ORDERED PUBLISHED this **14th** day of **July** 2020.

Richard F. Brunst, Jr., Mayor

ATTEST:

Jody Bates, City Recorder

COUNCIL MEMBERS VOTING "AYE"	COUNCIL MEMBERS VOTING "NAY"

Agenda Item No: 9.1

City Council Agenda Item Report

Meeting Date: July 14, 2020
Submitted by: Brandon Nelson
Submitting Department: City Manager' s Office
Item Type: Public Hearing
Agenda Section:

Subject:
PUBLIC HEARING
ORDINANCE - Amending Fiscal Year 2020-2021 Budget

Suggested Action:
The City Manager recommends the City Council hold a public hearing to discuss amending the current Fiscal Year 2020-2021 Budget and, by ordinance, amend the Fiscal Year 2020-2021 Budget

Presenter:
Brandon C Nelson

Background:
The Fiscal Year 2020-2021 City of Orem budget needs to be amended to add the CARES Act funds allocated to the City of Orem, add a 1% employee market adjustment pay increase, adjust Police Task Force (MCTF) grant and participation revenues, and adjust the CARE Tax amounts for approved allocations.

Potentially Affected Area:
City-wide

Attachments:
Budget Amendments FY 2021 - July.pdf

ORD - Budget Amendments - FY 2021 - July 2020.docx

EXHIBIT "A"
BUDGET AMENDMENTS
FISCAL YEAR 2020-2021

REVENUES

Account Number	Note	Description	Budget	Budget
		GENERAL FUND		
10-3130	3	Sales Taxes	$ 18,800,000.00	$ 19,075,000.00
10-3342	2	Grant - CARES Act - Utah County	-	6,978,966.73
Total			$ 18,800,000.00	$ 26,053,966.73
Net Fund Increase				$ 7,253,966.73
		CARE TAX SPECIAL REVENUE FUND		
21-3997-001	4	App. Surp - CARE Tax Grants	$ -	$ 194,999.00
Net Fund Increase				$ 194,999.00
Net Fund Increase				$ 194,999.00
		MAJOR CRIMES TASK FORCE (MCTF)		
25-3318-005-001	1	JAG Grants - SAFG/STFG - FY 2020	$ 255,000.00	$ 275,000.00
25-3424	1	MCTF - Participation Funds	177,878.00	204,239.00
Total			$ 432,878.00	$ 479,239.00
Net Fund Increase				$ 46,361.00
Total City Funds			$ 19,232,878.00	$ 26,728,204.73
Net City Funds Increase				$ 7,495,326.73

EXHIBIT "A"
BUDGET AMENDMENTS
FISCAL YEAR 2020-2021

EXPENDITURES

Account Number	Note	Description	Budget	Budget
		GENERAL FUND		
10-9910-150-004	3	Grade or Other Payroll Increases	$ -	$ 275,000.00
10-9911-999	2	COVID-19 - Contingency	-	6,978,966.73
Total			$ -	$ 7,253,966.73
Net Fund Increase				$ 7,253,966.73
		CARE TAX SPECIAL REVENUE FUND		
21-8014-310	4	Professional & Technical Services - Recreation	$ 1,005,250.00	$ 1,103,200.00
21-8514-310	4	Professional & Technical Services - Arts	1,005,250.00	1,102,299.00
Total			$ 2,010,500.00	$ 2,205,499.00
Net Fund Increase				$ 194,999.00
		MAJOR CRIMES TASK FORCE (MCTF)		
25-6531-140	1	Overtime	$ 10,000.00	$ 36,361.00
25-6531-140-001	1	Overtime - JAG Grant	70,000.00	90,000.00
Total			$ 80,000.00	$ 126,361.00
Net Fund Increase				$ 46,361.00
Total City Funds			$ 2,090,500.00	$ 9,585,826.73
Net City Funds Increase				$ 7,495,326.73

BUDGET AMENDMENTS
FISCAL YEAR 2020-2021

NOTES

These notes are attached to the budget amendments summary to describe the amendments to the Fiscal Year 2020-2021 City of Orem Budget that have been proposed at this point in the fiscal year. Please contact Brandon C. Nelson, CPA, Finance Director, at 801-229-7010, if you have any questions or concerns.

1) The City receives grant or donation funds during the year to aid many different operations such as the Police Department (Major Crimes Task Force Grants, Internet Crimes). These entries represent the adjustments necessary to adjust the appropriate budgets.

2) The City has been allocated CARES Act funds of almost $7 million from Utah County. The funds were distributed by the United States Treasury Department to Utah County who allocated a portion of these funds to the City of Orem. This amendment adds these revenues to the City's budget as well as setting up an expenditure account to hold the funds until specific use of these funds has been identified.

3) It is proposed that a 1% employee market adjustment pay increase be added to the FY 2020-2021 budget. This increase would add approximately $265,000 in payroll costs to the current budget.

4) Since the Fiscal Year 2020-2021 budget is completed prior to all Fiscal Year 2019-2020 CARE tax revenues being accounted for, estimates are used in the budget process. This amendment adjusts the CARE Tax allocations as approved.

D R A F T

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, AMENDING THE FISCAL YEAR 2020-2021 BUDGET.

WHEREAS On June 16, 2020, the City Council adopted a final budget following State law; and

WHEREAS the City Council held a public hearing on July 14, 2020, to receive input from the public regarding proposed amendments to the Fiscal Year 2020-2021 budget; and

WHEREAS the budget has been revised as deemed appropriate to accommodate unexpected revenues and expenses.

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

1. The Council hereby amends the Fiscal Year 2020-2021 Budget as shown in Exhibit "A" which is attached hereto and incorporated herein by reference.

2. The City Manager is directed to implement these budget amendments in accordance with State laws and appropriate City procedures.

3. This ordinance shall take effect immediately upon publication.

PASSED AND APPROVED this **14th** day of **July 2020**.

CITY OF OREM, by
Richard F. Brunst, Mayor

ATTEST:

JoD'Ann Bates, City Recorder

COUNCIL MEMBERS	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	□	□	□
Jeff Lambson	□	□	□
Debby Lauret	□	□	□
Tom Macdonald	□	□	□
Terry Peterson	□	□	□
David Spencer	□	□	□
Brent Sumner	□	□	□

Agenda Item No: 9.2

City Council Agenda Item Report

Meeting Date: July 14, 2020
Submitted by: Jason Bench
Submitting Department: Development Services
Item Type: Ordinance
Agenda Section:

Subject:
PUBLIC HEARING
ORDINANCE – Amending Sections 22-24-3(F)(1)(a) and 22-24-3(F)(2)(d) “Design Standards” of the Orem City Code, pertaining to accessory buildings in the Canyon Crossing District (CXD) zone.

Suggested Action:
The Planning Commission recommends that the City Council, by ordinance, amend Sections 22-24-3(F)(1)(a) and 22-24-3(F(2)(d) “Design Standards” of the Orem City Code, pertaining to accessory buildings in the Canyon Crossing District (CXD) zone.

Presenter:
Jason Bench

Background:

Potentially Affected Area:
Canyon Crossing District

Attachments:
Agenda-CXDZone-AccessoryStructures2.docx

Map.pdf

District Boundary Map.pdf

Zoning Vicinity Map.pdf

Aerial Imagery.pdf

Revised_Proposed amendments Section 22-24-3(F)(1)(a) and22-24-3(F)(2)(d)(1)_Revised 7-6-20.docx

Existing State Street Standards_22-8-8(7).pdf

Planning Commission Minutes_5.20.20.docx

CITY OF OREM

CITY COUNCIL MEETING

JULY 14, 2020

REQUEST:	**ORDINANCE**–Amending Sections 22-24-3(F)(1)(a) and 22-24-3(F)(2)(d) "Design Standards" of the Orem City Code pertaining to accessory buildings in the Canyon Crossing District (CXD) 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

Area Information	
General Plan	MIX
Zone	CXD

PLANNING COMMISSION RECOMMENDATION
Vote: 4-0 for approval

PREPARED BY
Jake Harding Associate Planner

REQUEST: The Department of Development Services requests the City Council amend Sections 22-24-3(F)(1)(a) and 22-24-3(F)(2)(d) "Design Standards" of the Orem City Code pertaining to accessory buildings in the Canyon Crossing District (CXD) zone.

BACKGROUND: The Canyon Crossing District zone (encompassing the area around the intersection of 800 North and State Street), like the other State Street district zones, contains design standards that are intended to create an urban design feel and to maximize the development of properties in that zone. Two of the main development requirements are that buildings must be brought up close to the street with a maximum setback of ten feet and must also have a minimum of two stories.

As an exception to the above requirements, the current ordinance provides that one existing building on a parcel may be expanded by up to 15% of the floor area of the building without meeting the minimum height and maximum setback requirements. However, all other building additions as well as new buildings must comply with the minimum height and maximum setback requirements.

A property owner in the CXD zone recently expressed a desire to construct a large accessory structure in the back of his lot and behind the existing buildings on the parcel. Upon consideration of the request, staff realized that the current CXD zone does not allow the construction of an accessory building for things like storage unless it complies with the minimum height and maximum setback requirements. Since it would generally be impracticable to construct an accessory building that meets those requirements, staff believes that it is reasonable to allow an accessory building in the CXD zone to be built in the rear of a lot even though it does not meet the height and setback requirements. However, staff believes that the size of such an accessory building should be limited in order to avoid encouraging the construction of new buildings in the rear of a lot that ultimately may be devoted to primary uses since the intent of the ordinance is to bring the primary uses out to the front of the lot.

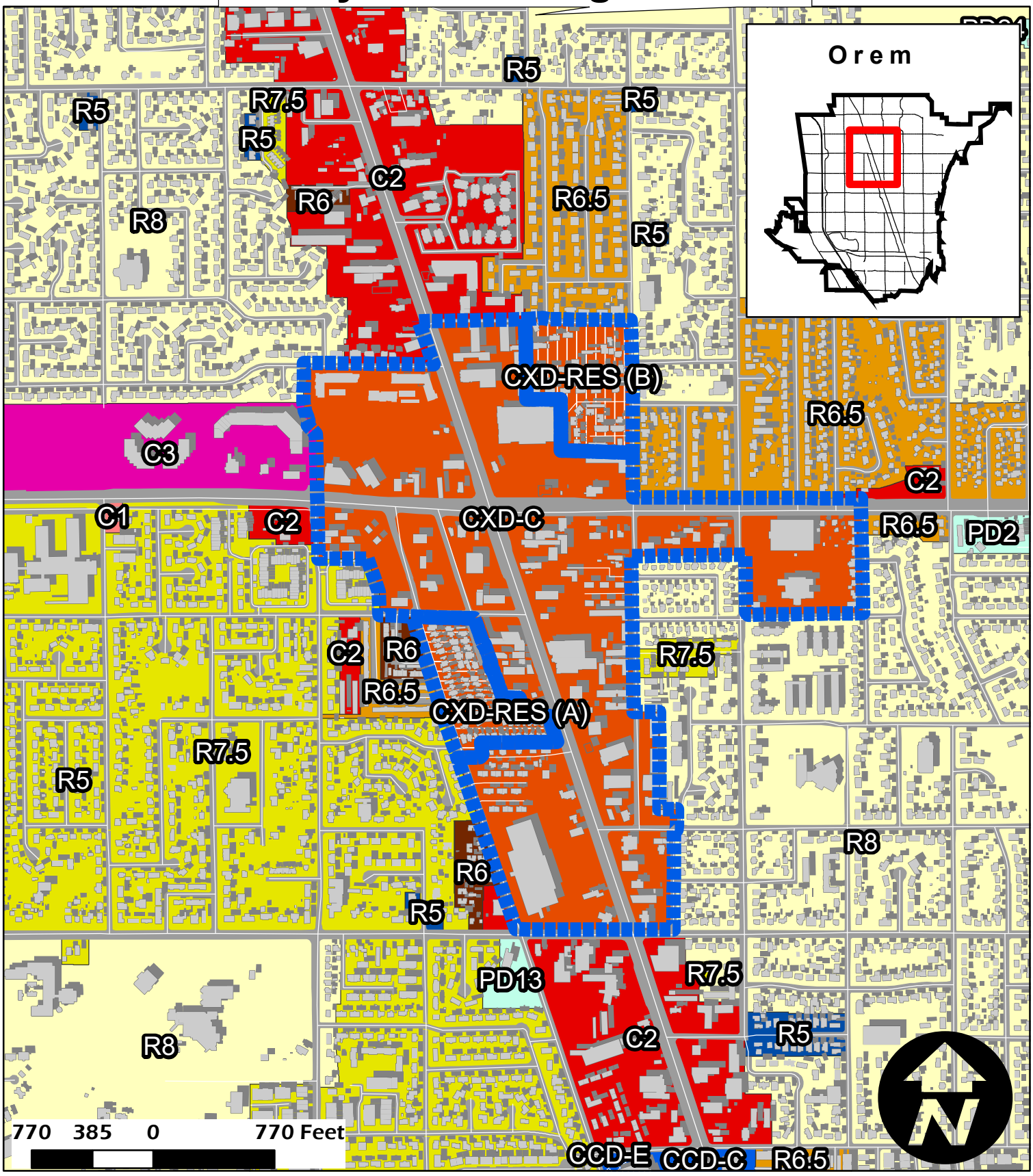
Staff propose to amend the CXD zone to allow one accessory building that does not meet the minimum height and maximum setback requirements to be constructed on a lot provided that the accessory building is no larger than 40% of the floor area of one primary building on the parcel.

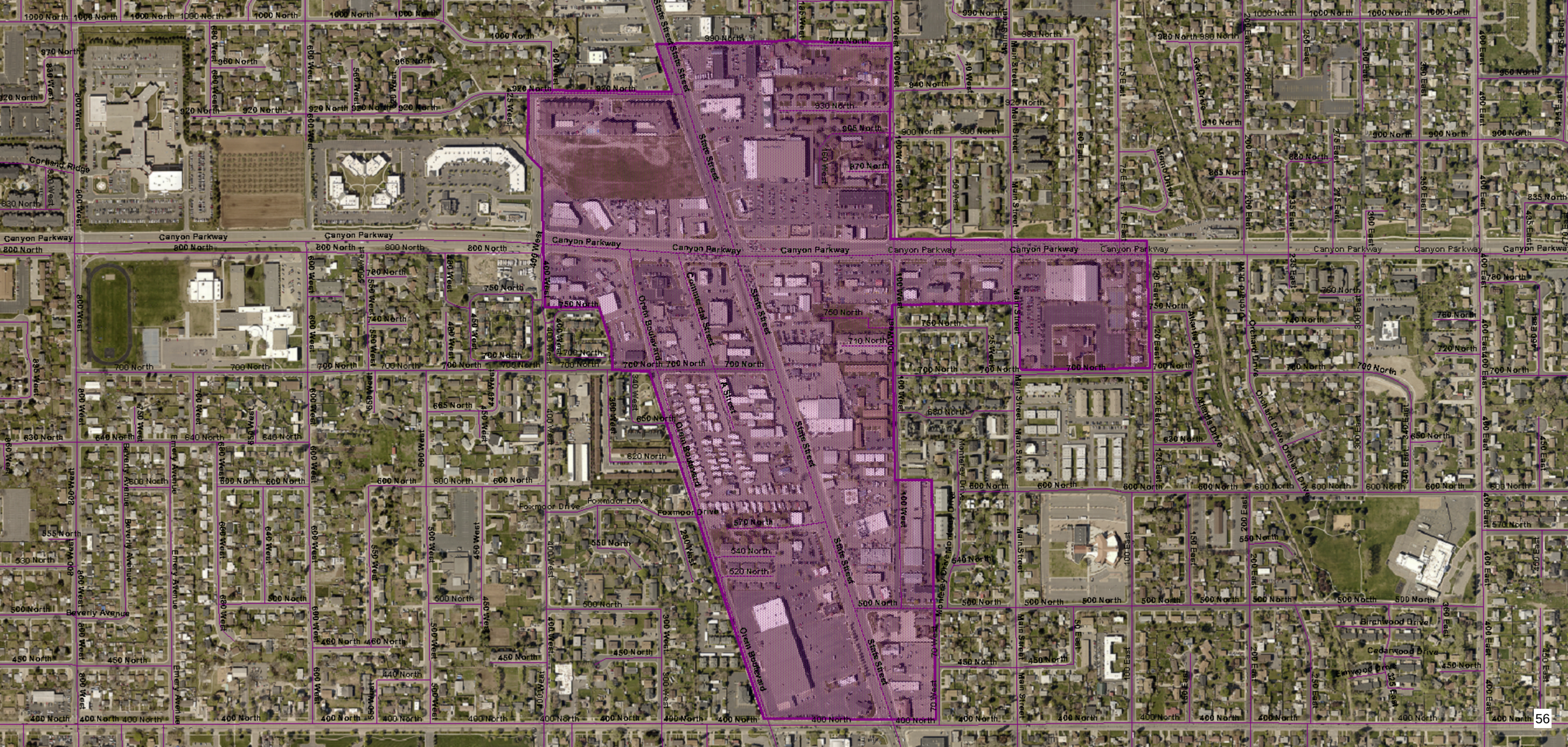
Under the proposed amendment, one accessory structure would be allowed on a parcel in the CXD zone provided it meets the following:

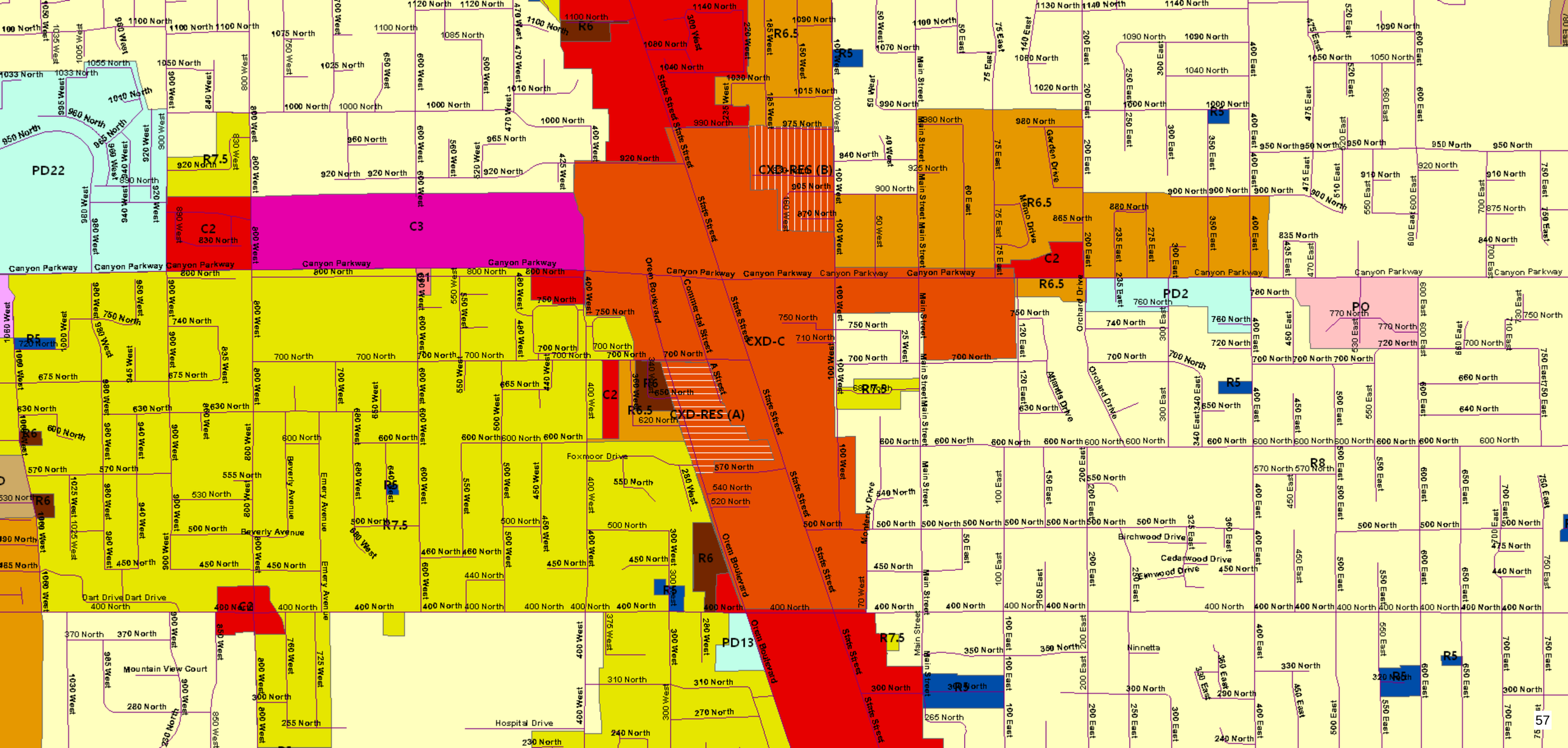
1. A maximum area of 40% of the gross leasable floor area (GLFA) of the primary structure on the property.
2. A maximum height of one story, thirteen (13) feet in height.
3. The use must be exclusively for storage in connection with the primary use of the property.
4. It must be an accessory use to the principal use of the property.
5. It must be located behind the primary structure.
6. It cannot be connected to water or sewer services.
7. The parcel on which it is located cannot have already used the one-time 15% building exception noted above.

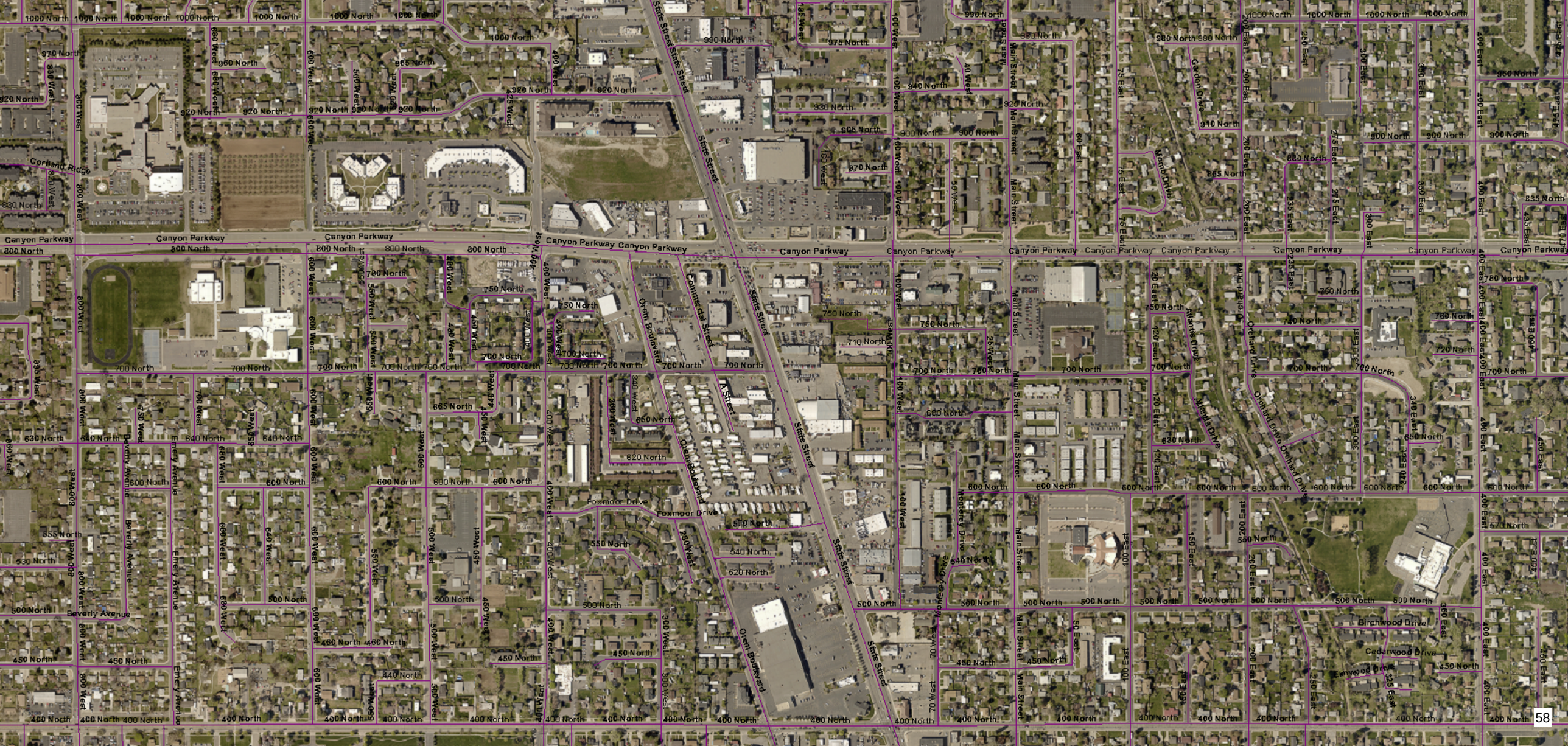
RECOMMENDATION: The Planning Commission recommends that the City Council, by ordinance, amend Sections 22-24-3(F)(1)(a) and 22-24-3(F(2)(d) "Design Standards" of the Orem City Code, pertaining to accessory buildings in the Canyon Crossing District (CXD) zone.

Canyon Crossing District




State Street
Canyon Parkway
Orem Boulevard
Commercial Street
Main Street
Foxmoor Drive
Monterey Drive
Beverly Avenue
Emery Avenue
Ehlers Avenue
Garden Drive
Manor Drive
Orchard Drive
Alpine Drive
Birchwood Drive
Cedarwood Drive
Elmwood Drive
Cortland Ridge
1000 North
970 North
965 North
960 North
930 North
925 North
920 North
910 North
905 North
900 North
880 North
870 North
855 North
840 North
835 North
830 North
820 North
800 North
780 North
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PD22
R7.5
C2
C3
CXD-RES (B)
R6.5
R5
PD2
PO
CXD-C
CXD-RES (A)
R6
R8
PD13
Canyon Parkway
State Street
Main Street
Orem Boulevard
Commercial Street
Foxmoor Drive
Beverly Avenue
Emery Avenue
Dart Drive
Hospital Drive
Mountain View Court
Birchwood Drive
Cedarwood Drive
Ninnetta
Garden Drive
Orchard Drive
Atlanta Drive
Monterey Drive


State Street
Canyon Parkway
Commercial Street
Orem Boulevard
Foxmoor Drive
Main Street
Beverly Avenue
Emery Avenue
Monkey Drive
Orchard Drive
Atlantic Drive
Birchwood Drive
Cedarwood Drive
Elmwood Drive
Garden Drive
Main Drive
Cortland Ridge
1000 North
970 North
920 North
880 North
840 North
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280 West
100 West
70 West
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400 East
450 East

Section 22-24-3(F)(1)(a)

F. Design Standards.

1. Building Height.
   All buildings in the CXD zones except for buildings in the CXD-Res-B zone shall be at least two stories in height. Buildings in the CXD-Res-B zone shall have a maximum height of 35 feet. There is no maximum height requirement for the CXD-C and CXD-RES(A) zones. Each building story above the ground story shall be designed and constructed to have at least 60% of the Gross Leasable Floor Area of the story directly below. The ground story of every building, except for buildings in the CXD-Res (A&B) zones, shall have a floor to ceiling height of at least 14 feet.

   a. Exception to Building Height Requirement. One accessory building that does not comply with the minimum height requirement may be constructed on a parcel provided that the accessory building:

   (i) is no larger than forty percent (40%) of the Gross Floor Area (GFA) of (only) one primary building on the parcel;

   (ii) is limited to one story, thirteen (13) feet in height;

   (iii) is designed and used exclusively for storage in connection with the primary use of the parcel;

   (iv) is an accessory use to the principal use(s) or structure(s) on the parcel;

   (v) is located behind the primary structure(s) on the parcel;

   (vi) has no connection to water or sewer service;

   (vii) is located on a parcel that has not already taken advantage of the “small building addition” exception under section 22-8-8(B)(7)(a) and is constructed in lieu of said “small building addition” exception--the “small building addition” exception under section 22-8-8(B)(7)(a) shall not be available for any parcel on which an accessory building has been constructed pursuant to this subsection (a).

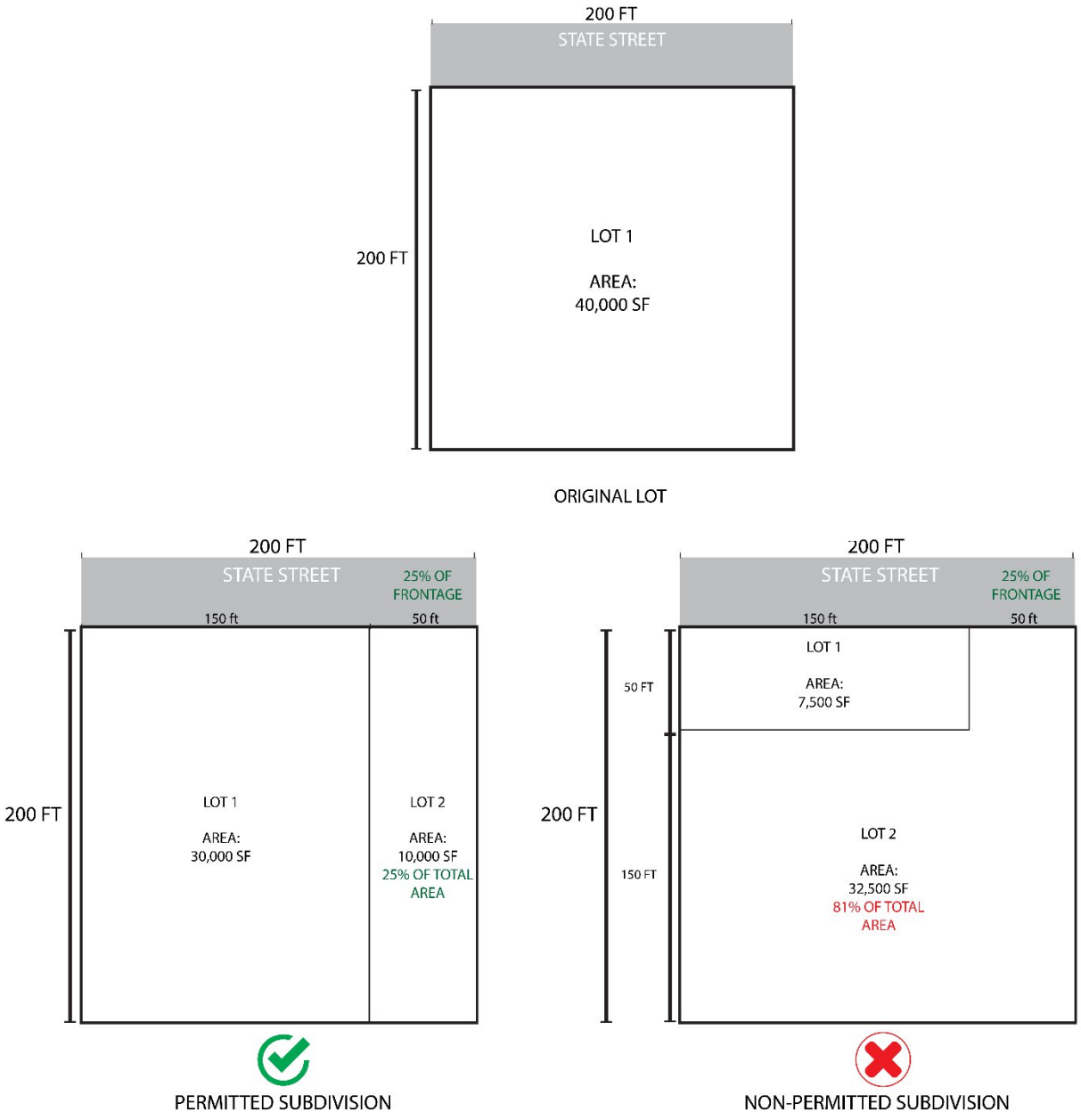
Section 22-24-3(F)(2)(d)

d. Exceptions to Maximum Setback Requirement. Except as otherwise provided herein, no building may be constructed on a lot that has frontage on a public street unless the building complies with the maximum setback requirements set forth above.

i. Notwithstanding the above, a building that does not meet the maximum setback requirements may be constructed on a parcel if at least 50% of that parcel's street frontage is occupied by a building(s) façade that is located within twenty feet (20') of the back of required sidewalk.

ii. A lot where less than fifty percent (50%) of the street frontage is occupied by a building(s) facade located within twenty feet (20') of the back of required sidewalk may not be subdivided in such way that creates a new lot (1) that has no street frontage, or (2) where the percentage of the street frontage of the original lot included in the new lot is less than the percentage of the area of the original lot included in the new lot. For example, if a lot has 200 feet of street frontage and 40,000 square feet of area, a lot that is subdivided off the original lot that has 50 feet of street frontage (25% of the total frontage of the original parcel) may not have a total lot area greater than 10,000 square feet (25% x 40,000). The intent of this requirement is to prevent circumvention of the maximum setback requirement.

This example is demonstrated in the following graphics:



iii. The width of one required street access (up to a maximum of thirty feet (30')~~)~~ may be subtracted from the total parcel width when calculating the 50% frontage occupancy requirement.

iv. A building that does not meet the maximum setback requirements may be constructed before the 50% frontage occupancy requirement is met provided that buildings that will bring the lot into compliance with the 50% frontage occupancy requirement are constructed concurrently with the building that does not meet the maximum setback requirement.

v. The maximum setback requirements do not apply to detached, single-family dwellings.

vi. One accessory building that does not comply with the maximum setback requirement may be constructed on a parcel provided that the accessory building:

(i) is no larger than forty percent (40%) of the GFA of (only) one primary building on the parcel;

(ii) is limited to one story, thirteen (13) feet in height;

(iii) is designed and used exclusively for storage in connection with the primary use of the parcel;

(iv) is an accessory use to the principal use(s) or structure(s) on the parcel;

(v) is located behind the primary structure(s) on the parcel;

(vi) has no connection to water or sewer service; (vii) is located on a parcel that has not already taken advantage of the “small building addition” exception under section 22-8-8(B)(7)(a) and is constructed in lieu of said “small building addition” exception--the “small building addition” exception under section 22-8-8(B)(7)(a) shall not be available for any parcel on which an accessory building has been constructed pursuant to this subsection (a).

22-8-8(7)

7. **Amended Sites.** Notwithstanding the provisions of Section 22-14-20(G)(2) or any other provision of City Code except as provided below, any amendment to an existing site or development in the State Street Corridor Area must comply with the requirements of this Section 22-8-8(B). Except for the minor amendments described in 22-14-20(C)(3)(b)(1)-(3) and (5)-(10) and Section 22-14-20(H) relating to modification of the landscaping requirement, an applicant proposing amendments to an existing site plan must bring the site into compliance with the requirements of this Section 22-8-8(B).

a) **"Small building addition"** exception: The Gross Floor Area (GFA) of one primary building on a parcel may be expanded one time by an amount not to exceed 15% of the GFA of that building existing as of May 1, 2017, without complying with the maximum setback requirement of Section 22-8-8(B). This exception allows an addition to one existing building on a parcel and does not permit the construction of a new building that does not conform to the maximum setback. This one time "small building addition" must be constructed at the same time and may not be divided into multiple additions that combined add up to 15% or less. This small building addition shall not be available for any building located on a parcel or part thereof that has been subdivided after May 1, 2017. Any amendments to an existing site must otherwise comply with the current ordinance requirements in accordance with Section 22-14-20(C).

Agenda Item 3.3 is a request by Development Services for the Planning Commission to amend Sections 22-24-3(F)(1)(a) and 22-24-3(F)(2)(d) "Design Standards" of the Orem City Code, pertaining to accessory buildings in the Canyon Crossing District (CXD) zone.

Staff Presentation: The City has been administratively approving small, one-time additions to existing buildings since the creation of the State Street Districts. The provision for these additions is allowed according to Orem City Code 22-8-8(B)(7)(a), which is included as a supplementary document to this report. Although this provision does permit small additions, it does not permit the construction of new accessory structures.

Currently, the State Street District codes do not allow any new accessory structures. In the spirit of the small addition exception that has already been in practice, staff is proposing that accessory structures be allowed under similar conditions to a small addition. However, a parcel would only be allowed one of the two exceptions. Not both. A property owner has expressed interest in doing such a structure in the CXD zone.

Staff is proposing that accessory structures be allowed in the CXD zone under the following conditions:

1. A maximum area size of 15% of the gross leasable floor area (GLFA) of the primary structure on the property.
2. A maximum height of one story.
3. They must be exclusively used as storage in connection with the primary use of the property.
4. They must be an accessory use to the principal use of the property.
5. They must be located behind the primary structure.
6. They cannot be connected to water or sewer services.
7. The parcel it is on cannot have already used the one-time addition 15% exception noted above.
8. They must comply with all other applicable City ordinances.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission forward a positive recommendation to the City Council to amend Sections 22-24-3(F)(1)(a) and 22-24-3(F(2)(d) "Design Standards" of the Orem City Code, pertaining to accessory buildings in the Canyon Crossing District (CXD) zone.

Chair Cochran asked if the Planning Commission had any questions for Mr. Harding. Mr. Cochran said before this change is considered in the other districts, it will be tested in the Canyon Crossing District.

Chair Cochran invited the applicant to speak up via telephone. Eric Watts introduced himself. Mr. Watts said this accessory building is important to the businesses on this site, the Super Lube and the car wash. They require a lot of accessory parts and pieces and this building is necessary to keep those businesses organized and for the operation of the businesses. Mr. Cochran said there are several businesses on this parcel and asked if the language is sufficient to support the several businesses that are there for a communal storage facility or is it just for one of the primary businesses. Mr. Earl said there would have to be one separate building per parcel. Mr. Watts said it would not be communal, it would be for the Super Lube and the car wash.

Mr. Bench said the fifteen percent would include all the square footages on this parcel, which are Marco's pizza and the Super Lube. Whatever that square footage is, fifteen percent would be how large the accessory structure could be. Mr. Watts asked if they will be able to erect an accessory structure that is fifteen percent of the gross square footage. Mr. Bench said that is correct. These businesses are connected in one building. Fifteen percent is approximately nine hundred fifty square feet. This ordinance was not designed to be consistent with this particular building, it was written to be consistent with the District which is a fifteen percent exception.

Mr. Spencer said someone can have an eighteen hundred square foot building, but it would trigger a remodeling of the entire area so it would look how it is supposed to look for the Canyon Crossing District. Mr. Bench said there is a one-time exception for someone to come in and make a fifteen percent addition to their building without having to meet District standards. This ordinance allows someone now to add an accessory building, but it is consistent with what has been done in the past and allow the fifteen percent. Staff is not interested to proposing to do something that is contrary to what was proposed initially. Mr. Spencer asked what this property would have to do to have an eighteen square foot building. Mr. Bench said the ordinance would require them to bring it into compliance which would require them to bring the building to the front, meet materials and design standards and be a minimum of two stories high.

Mr. Earl said one of the major design standards that are in the Districts is the buildings need to be pulled up to the street. The buildings also need to be a minimum of two stories. If development is done in the District, it needs to meet the requirements. The principal development needs to be up front on the street and two stories, prohibiting people from getting around those standards and building large buildings in the rear. Mr. Clark added that this applies to every building in the district.

Mr. Earl said the fear is if a building larger than fifteen percent is allowed in the rear of the property and does not meet the design standards, people will start using them as primary uses instead of storage uses. Principle uses need to meet the District design standards. Mr. Cook said if someone wanted an accessory structure larger than fifteen percent of gross area there is a way they can do that, this is not limiting that, and he does not think that number should be changed.

Chair Cochran opened the public hearing and invited those who wanted to make a comment on this item to send in their comments via email or chat.

When there were no comments/chats, Chair Cochran closed the public hearing and asked if the Planning Commission had any more questions for staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Cook moved to forward a positive recommendation to the City Council to amend Sections 22-24-3(F)(1)(a) and 22-24-3(F)(2)(d) "Design Standards" of the Orem City Code, pertaining to accessory buildings in the Canyon Crossing District (CXD) zone. Mr. Cochran seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen and Ross Spencer. The motion passed unanimously.

D R A F T

ORDINANCE NO. _____

AN ORDINANCE BY THE OREM CITY COUNCIL AMENDING SECTIONS 22-24-3(F)(1)(a) AND 22-24-3(F)(2)(d) "DESIGN STANDARDS" OF THE OREM CITY CODE PERTAINING TO ACCESSORY BUILDINGS IN THE CANYON CROSSING DISTRICT (CXD) ZONE

WHEREAS on May 6, 2020, the Department of Development Services filed an application requesting that the City Council amend Sections 22-24-3(F)(1)(a) and 22-24-3(F)(2)(d) "Design Standards" of the Orem City Code pertaining to accessory buildings in the Canyon Crossing District (CXD) zone; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on May 20, 2020, and the Planning Commission recommended that the City Council approve the application; and

WHEREAS a public hearing considering the subject application was held by the City Council on June 16, 2020 and July 14, 2020; and

WHEREAS the agenda of the Planning Commission meeting and the City Council meeting at which the request was heard were posted in the Orem Public Library, on the Orem City Webpage, and at the City Offices at 56 N State Street; 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 it is in the best interest of the City to amend Articles 22-24-3(F)(1)(a) and 22-24-3(F)(2)(d) "Design Standards" of the Orem City Code, pertaining to accessory buildings in the Canyon Crossing District (CXD) zone because it will allow property owners in the CXD zone to meet their legitimate needs for storage while still requiring primary buildings and primary uses to meet the maximum setback and minimum height requirements of the zone.

2. The City Council hereby amends Sections 22-24-3(F)(1)(a) and 22-24-3(F)(2)(d) "Design Standards" of the Orem City Code, pertaining to accessory buildings in the Canyon

D R A F T

Crossing District (CXD) zone to read as shown in Exhibit "A" which is attached hereto and by reference is made a part hereof.

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 of Orem.

PASSED, APPROVED and ORDERED PUBLISHED this **14th** day of **July** 2020.

_____
Richard F. Brunst, Jr., Mayor

ATTEST:

_____
JoD'Ann Bates, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	□	□	□
Jeff Lambson	□	□	□
Debby Lauret	□	□	□
Tom Macdonald	□	□	□
Terry Peterson	□	□	□
David Spencer	□	□	□
Brent Sumner	□	□	□

Section 22-24-3(F)(1)(a)
F. Design Standards.

1. **Building Height**.
All buildings in the CXD zones except for buildings in the CXD-Res-B zone shall be at least two stories in height. Buildings in the CXD-Res-B zone shall have a maximum height of 35 feet. There is no maximum height requirement for the CXD-C and CXD-RES(A) zones. Each building story above the ground story shall be designed and constructed to have at least 60% of the Gross Leasable Floor Area of the story directly below. The ground story of every building, except for buildings in the CXD-Res (A&B) zones, shall have a floor to ceiling height of at least 14 feet.

a. **Exception to Building Height Requirement**. One accessory building that does not comply with the minimum height requirement may be constructed on a parcel provided that the accessory building:

(i) is no larger than forty percent (40%) of the Gross Floor Area (GFA) of (only) one primary building on the parcel;
(ii) is limited to one story, thirteen (13) feet in height;
(iii) is designed and used exclusively for storage in connection with the primary use of the parcel;
(iv) is an accessory use to the principal use(s) or structure(s) on the parcel;
(v) is located behind the primary structure(s) on the parcel;
(vi) has no connection to water or sewer service;
(vii) is located on a parcel that has not already taken advantage of the "small building addition" exception under section 22-8-8(B)(7)(a) and is constructed in lieu of said "small building addition" exception--the "small building addition" exception under section 22-8-8(B)(7)(a) shall not be available for any parcel on which an accessory building has been constructed pursuant to this subsection (a).

D R A F T

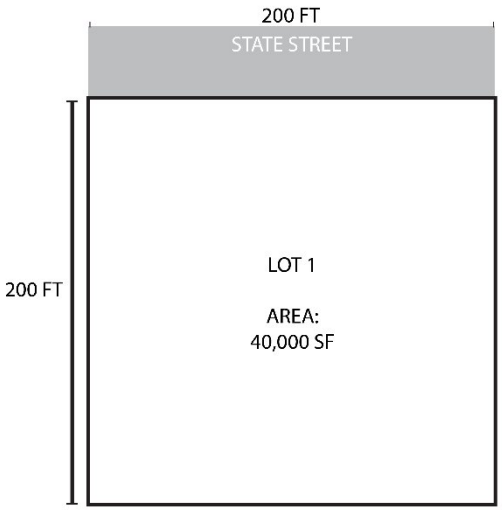
Section 22-24-3(F)(2)(d)

d. **Exceptions to Maximum Setback Requirement.** Except as otherwise provided herein, no building may be constructed on a lot that has frontage on a public street unless the building complies with the maximum setback requirements set forth above.

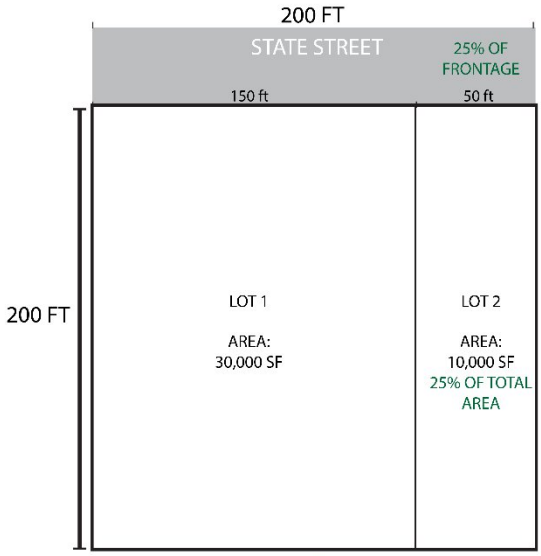
i. Notwithstanding the above, a building that does not meet the maximum setback requirements may be constructed on a parcel if at least 50% of that parcel's street frontage is occupied by a building(s) façade that is located within twenty feet (20') of the back of required sidewalk.

ii. A lot where less than fifty percent (50%) of the street frontage is occupied by a building(s) facade located within twenty feet (20') of the back of required sidewalk may not be subdivided in such way that creates a new lot (1) that has no street frontage, or (2) where the percentage of the street frontage of the original lot included in the new lot is less than the percentage of the area of the original lot included in the new lot. For example, if a lot has 200 feet of street frontage and 40,000 square feet of area, a lot that is subdivided off the original lot that has 50 feet of street frontage (25% of the total frontage of the original parcel) may not have a total lot area greater than 10,000 square feet (25% x 40,000). The intent of this requirement is to prevent circumvention of the maximum
setback requirement.

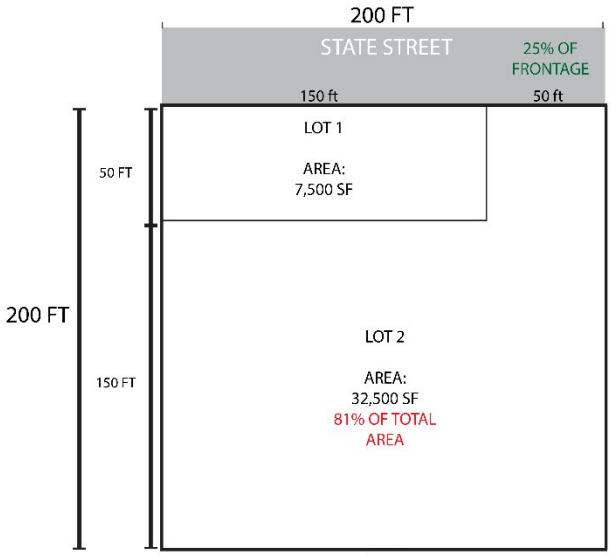
This example is demonstrated in the following graphics:



ORIGINAL LOT



PERMITTED SUBDIVISION



NON-PERMITTED SUBDIVISION

DRAFT

iii. The width of one required street access (up to a maximum of thirty feet (30’)~~)~~ may be subtracted from the total parcel width when calculating the 50% frontage occupancy requirement.

iv. A building that does not meet the maximum setback requirements may be constructed before the 50% frontage occupancy requirement is met provided that buildings that will bring the lot into compliance with the 50% frontage occupancy requirement are constructed concurrently with the building that does not meet the maximum setback requirement.

v. The maximum setback requirements do not apply to detached, single-family dwellings.

vi. One accessory building that does not comply with the maximum setback requirement may be constructed on a parcel provided that the accessory building:

(i) is no larger than forty percent (40%) of the GFA of (only) one primary building on the parcel;

(ii) is limited to one story, thirteen (13) feet in height;

(iii) is designed and used exclusively for storage in connection with the primary use of the parcel;

(iv) is an accessory use to the principal use(s) or structure(s) on the parcel;

(v) is located behind the primary structure(s) on the parcel;

(vi) has no connection to water or sewer service;

(vii) is located on a parcel that has not already taken advantage of the “small building addition” exception under section 22-8-8(B)(7)(a) and is constructed in lieu of said “small building addition” exception--the “small building addition” exception under section 22-8-8(B)(7)(a) shall not be available for any parcel on which an accessory building has been constructed pursuant to this subsection (a).

Agenda Item No: 9.3

City Council Agenda Item Report

Meeting Date: July 14, 2020
Submitted by: Jason Bench
Submitting Department: Development Services
Item Type: Resolution
Agenda Section:

Subject:
RESOLUTION – Conditional Use Permit - Approval of the commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 zone

Suggested Action:
The City Council, by resolution, approve the conditional use of the commercial daycare, Smiling Faces, located at 410 S Main Street in the R8 zone with the following conditions:
1. That all residents, visitors and employees who arrive at the facility in connection with the Commercial Day Care facility shall be legally parked on the lot occupied by the facility or on that part of the street which immediately abuts the lot.
2. That signage be provided in the existing off-street parking lot that clearly indicates pick-up/drop-off stalls.
3. That one stall in the existing off-street parking lot shall be used as a back-up area for vehicles in the off-street parking lot.
4. That the facilities have a maximum occupancy of one hundred (100) children for both buildings combined.
5. That two ADA stalls be provided in the existing off-street parking lot.
6. That children must be picked up and dropped off within the existing parking lot.
7. That no more than ten (10) pick up/drop off vehicles within a ten (10) minute period.

Presenter:
Jason Bench

Background:
This item was continued from the June 30, 2020 meeting to allow the applicant and Council additional time to review the request. Additional information will be provided to the Council once it becomes available.

The applicant's existing business is located nearby this site on State Street. In order to expand his current business, he is proposing to move it entirely to this new location. He is not proposing any changes to the site, it would remain as is. However, because the site is in a residential zone, he is required to receive conditional use approval.

Commercial daycares are permitted in a residential zone provided they are located either on a collector or arterial street. Both 400 South and Main street are classified as collector streets. A commercial daycare facility must also comply with the requirements of Section 22-6-9(G) which are part of the report for your review. Staff has determined the proposed site complies with the requirements of 22-6-9(G) subject to several conditions of approval as outlined below.

As part of the requirements of the conditional use permit the applicant submitted a professional traffic study that outlined the requirements of Section 22-6-9(G)(13) as follows:

1. No more than two car trips per hour shall be generated before 5:30am or after 9:00 pm.
2. No vehicle will back out onto a dedicated street.
3. Persons who arrive at the facility shall be legally parked on the lot or on that part of the street which immediately abuts the lot.
4. Ingress, egress, drop-off areas, traffic flow, and parking spaces will be contained on the site and will not adversely affect surrounding properties.

The submitted traffic study showed that the facility was going to require a minimum of twenty-four (24) stalls based upon one hundred (100) children attending the day care. The study also found that they would not generate more than two trips in the unpermitted times and that one of the stalls in the parking lot would be required to be used as a back-up area. If you combine the total stalls in both the existing parking lot and the on-street parking and remove the required back-up stall, twenty-six (26) stalls are available.

Potentially Affected Area:
Stonewood

Attachments:
Agenda-CUP-CommercialDaycare2.docx

Vicinity Imagery.pdf

Map.pdf

Aerial Imagery.pdf

Site Plan.pdf

Parking Layout.pdf

Traffic Study.pdf

22-6-9(G) Private Schools and Commercial Daycares.pdf

Street View - From 400 South.pdf

Street View - From Corner.pdf

Street View - From Main Street.pdf

400 south looking east.pdf

400 south looking west.pdf

Main looking east.pdf

Main Street Looking North.pdf

Mailer Front.pdf

Mailer Back.pdf

Mailer Labels.docx

Planning Commission Minutes 6.17.2020.docx

Resolution-CUP-CommericalDaycare2.docx

CITY OF OREM

CITY COUNCIL MEETING

JULY 14, 2020

REQUEST:	**RESOLUTION**– Approving a Conditional Use Permit for a commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 zone.
APPLICANT:	Smiling Faces LLC
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

SITE INFORMATION:
- General Plan Designation: N/A
- Current Zone: R8

PLANNING COMMISSION RECOMMENDATION
Vote: 7-0 for approval

PREPARED BY:
Jake Harding
Associate Planner

REQUEST: The applicant requests the City Council approve a conditional use permit for a commercial daycare, Smiling Faces, located at 410 South Main Street in the R8 zone.

BACKGROUND: This item was continued from the June 30, 2020 meeting to allow the applicant and Council additional time to review the request. Additional information will be provided to the Council once it becomes available.

The applicant currently operates a daycare business on State Street. In order to expand his daycare business, he would like to relocate it to this new location. He is not proposing any changes to the new site; it would remain as is. However, a conditional use permit for a commercial daycare is required for the current site because it is located in a residential zone.

Commercial daycares are permitted in a residential zone provided they are located on either a collector or arterial street. Both 400 South and Main street are classified as collector streets. A commercial daycare facility must also comply with the requirements of Section 22-6-9(G). Staff has determined the proposed site complies with the requirements of 22-6-9(G) subject to several conditions of approval as outlined below.

The applicant has provided a professional traffic study that showed that the following four requirements of Section 22-6-9(G)(13) will be met.

1. No more than two car trips per hour shall be generated before 5:30am or after 9:00 pm.
2. No vehicle will back out onto a dedicated street.
3. Persons who arrive at the facility shall be legally parked on the lot or on that part of the street which immediately abuts the lot.
4. Ingress, egress, drop-off areas, traffic flow, and parking spaces will be contained on the site and will not adversely affect surrounding properties.

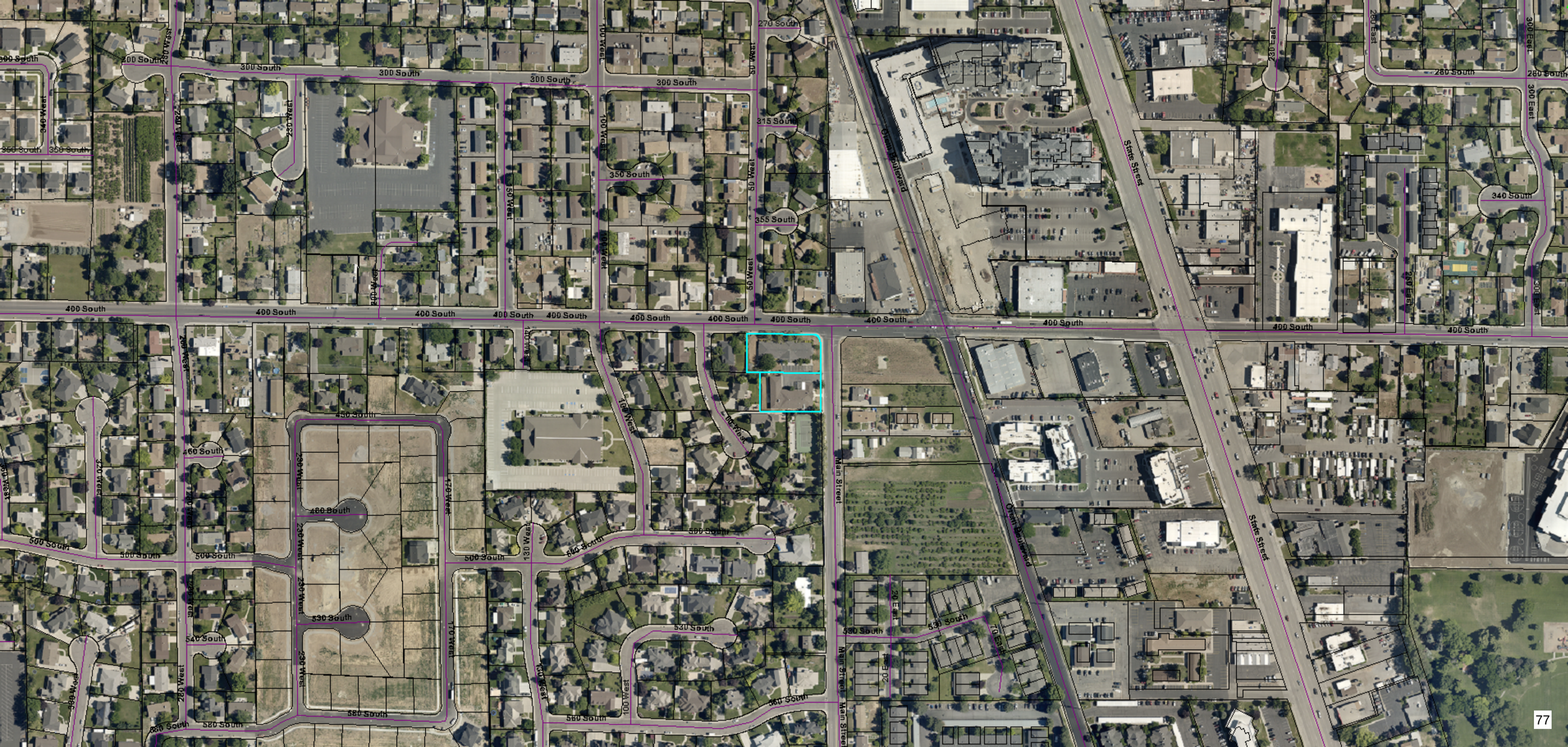
The applicant's traffic study showed that the facility would require a minimum of twenty-four (24) parking stalls based upon one hundred (100) children attending the day care. The study also found that the proposed daycare would not generate more than two trips in the unpermitted times and that one of the stalls in the parking lot would need to be used as a back-up area. It was originally thought that twenty-six (26) parking stalls would

be available for the site including the on-site parking lot (minus the back-up stall) plus the on-street parking adjacent to the site.

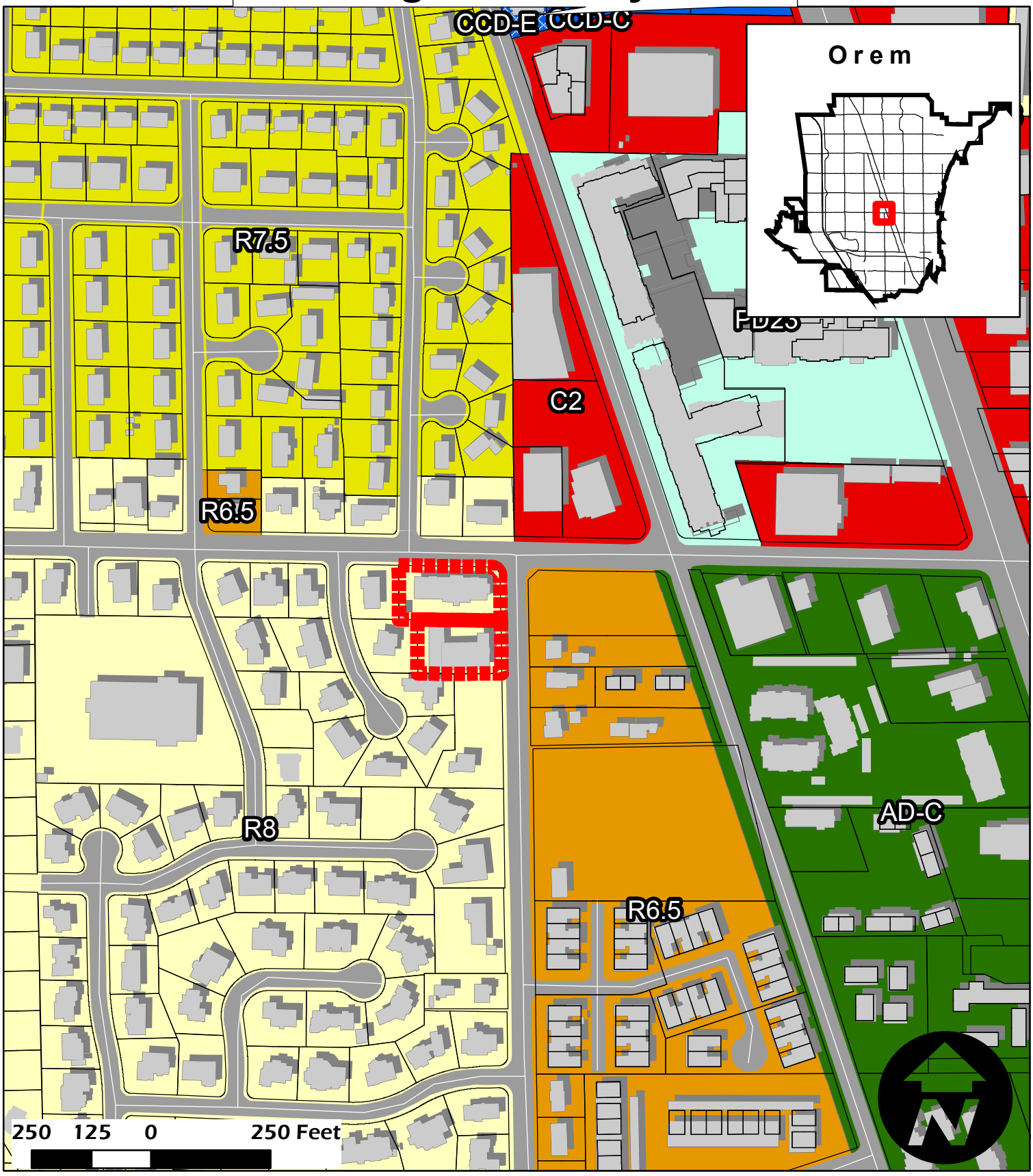
However, the City's traffic engineer is currently analyzing the clear vision requirements for the intersection of Main Street and 400 South to determine whether all of the on-street parking on 400 South that the applicant has included as part of his available parking will actually be available. It is expected that the City's traffic engineer will have additional information regarding parking availability on 400 South at the meeting on July 14.

RECOMMENDATION: The Planning Commission recommends the City Council, by resolution, approve a conditional use permit for the commercial daycare, Smiling Faces, located at 410 S Main Street in the R8 zone with the following conditions:

1. That all visitors, employees and other persons who arrive at the facility in connection with the Commercial Day Care facility be legally parked on the on-site parking lot or on that part of the street immediately abutting the site.
2. That signage be provided on the on-site parking lot that clearly indicates pick-up/drop-off stalls.
3. That one stall in the parking lot be used as a vehicle back-up area.
4. That the facility be limited to a maximum occupancy of one hundred (100) children for both buildings combined.
5. That two ADA stalls be provided in the parking lot.
6. That all children must be picked up and dropped off within the existing parking lot.
7. That no more than ten (10) pick up/drop off vehicles shall be allowed within any ten (10) minute period.


300 South
200 West
230 West
100 West
50 West
270 South
315 South
350 South
355 South
Orem Boulevard
State Street
230 East
260 South
300 East
340 South
400 South
360 West
350 South
400 West
450 South
460 South
470 West
500 South
130 West
Main Street
530 South
540 South
560 South
20 East
70 East

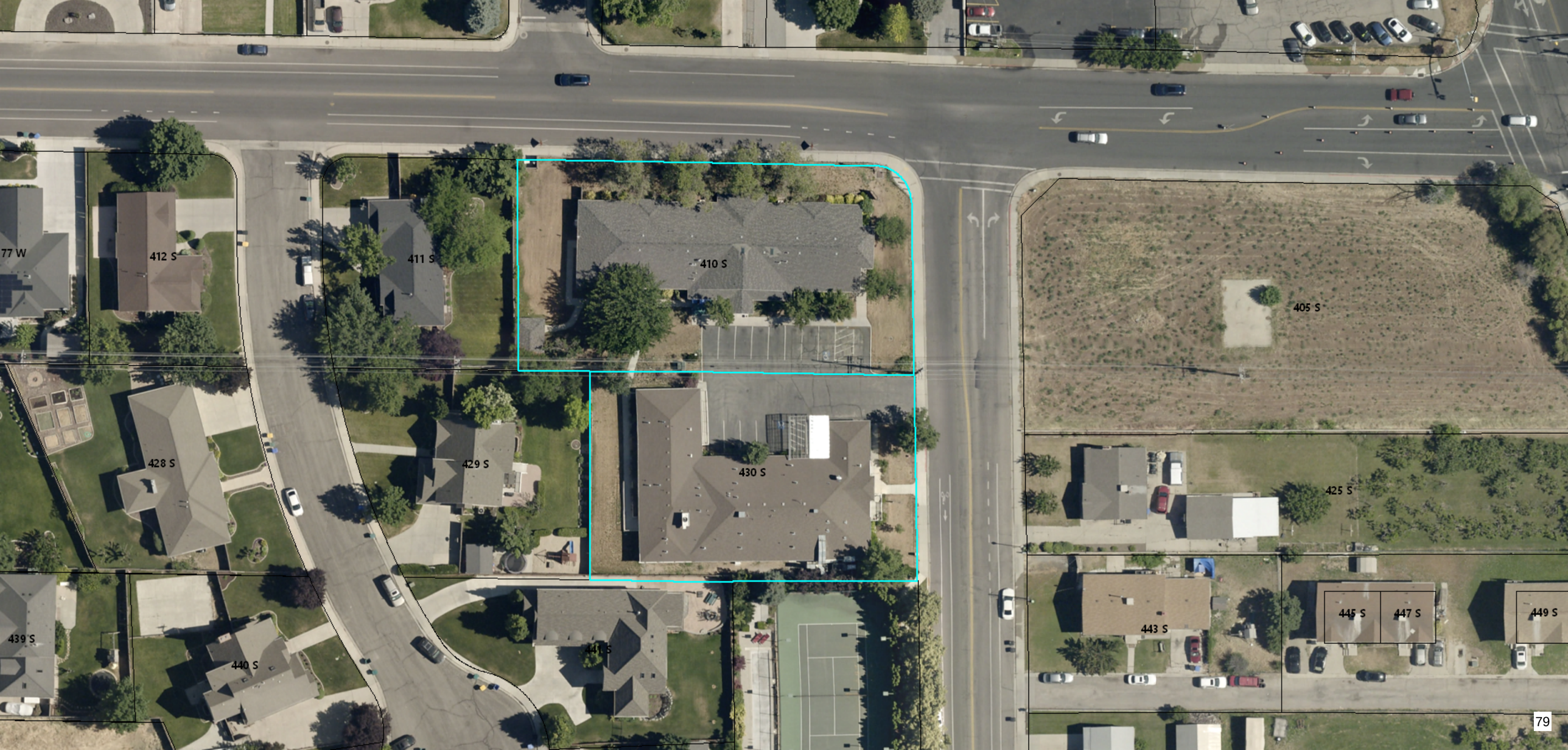
Smiling Faces Day Care

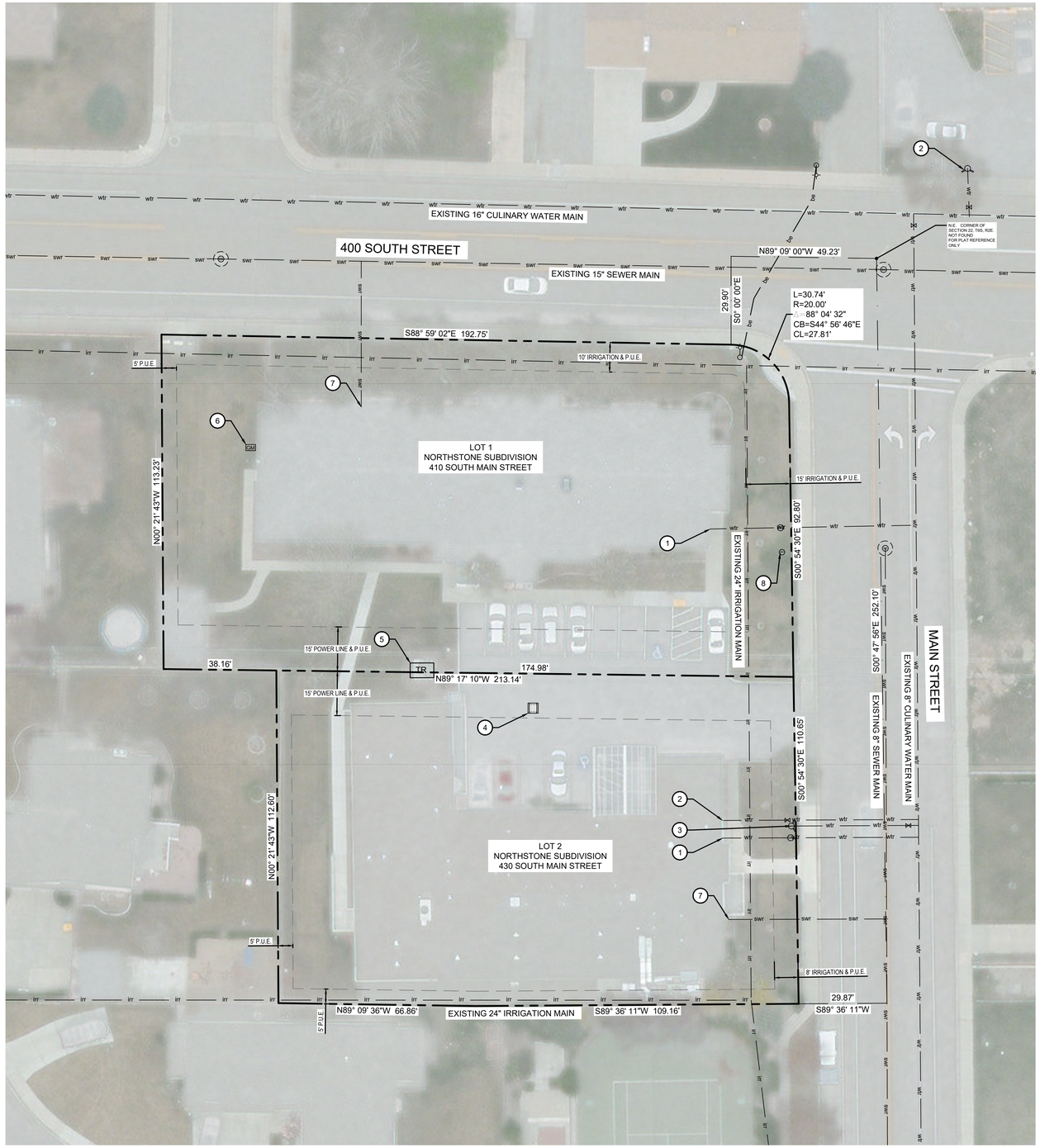


Smiling Faces Day Care
R8 Zone
1.00 acres

NEIGHBORHOOD
Stonewood

Legend
Parcels selection
Parcels
Buildings


77 W
412 S
411 S
410 S
405 S
428 S
429 S
430 S
425 S
439 S
440 S
441 S
443 S
445 S
447 S
449 S



DEPARTMENT REVIEW

SEWER____/DATE_____

WATER____/DATE_____

STORM DRAIN ____/DATE_____

TRAFFIC _____/DATE_____

STREET LIGHTS____/DATE_____

FIRE MARSHAL____/DATE_____

N

30 0 30 60 90

SCALE: 1" = 30'

SITE PLAN LEGEND

PROPERTY BOUNDARY	
EXISTING EASEMENT	
EXISTING RIGHT OF WAY	
irr irr	EXISTING IRRIGATION LINE
wtr wtr	EXISTING WATER LINE
swr swr	EXISTING SEWER LINE
⋈	EXISTING WATER VALVE
	EXISTING WATER METER
	EXISTING FIRE HYRDANT
	EXISTING SANITARY SEWER MANHOLE
TR	EXISTING ELECTRICAL INFRASTRUCTURE
	EXISTING STORM DRAIN BOX
BFP	EXISTING IRRIGATION BACK FLOW VALVE
GM	EXISTING GAS METER

NOTES

1.UTILITIES SHOWN ARE BASED OF MAPPING PROVIDED BY THE CITY AND ARE QUALITY LEVEL D

2.AERIAL USED IS FROM THE AGRC AND IS FROM 2012

3. PROPERTY BOUNDARY SHOWN IS APPROXIMATE NO FIELD SURVEY WAS CONDUCTED

SITE PLAN KEY NOTES

1. EXISTING CULINARY LATERAL PROTECT IN PLACE
2. EXISTING FIRE LINE PROTECT IN PLACE
3. EXISTING FIRE HYDRANT PROTECT IN PLACE
4. EXISTING STORM DRAIN PROTECT IN PLACE
5. EXISTING ELECTRICAL INFRASTRUCTURE PROTECT IN PLACE
6. EXISTING GAS METER PROTECT IN PLACE
7. EXISTING SEWER LATERAL
8. REPLACE EXISTING DOUBLE CHECK BACKFLOW ASSEMBLY AND INSTALL A RPZ BACKFLOW ASSEMBLY AND A STOP AND WASTE FOR SHUT OFF

Received
Date: 5/28/2020
By:

REVISIONS:

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Taylorsville, UT 84123
801-207-7660
www.avenueconsultants.com

SITE PLAN EXHIBIT

Smiling Faces Daycare
410 South Main Street
430 South Main Street
OREM, UTAH

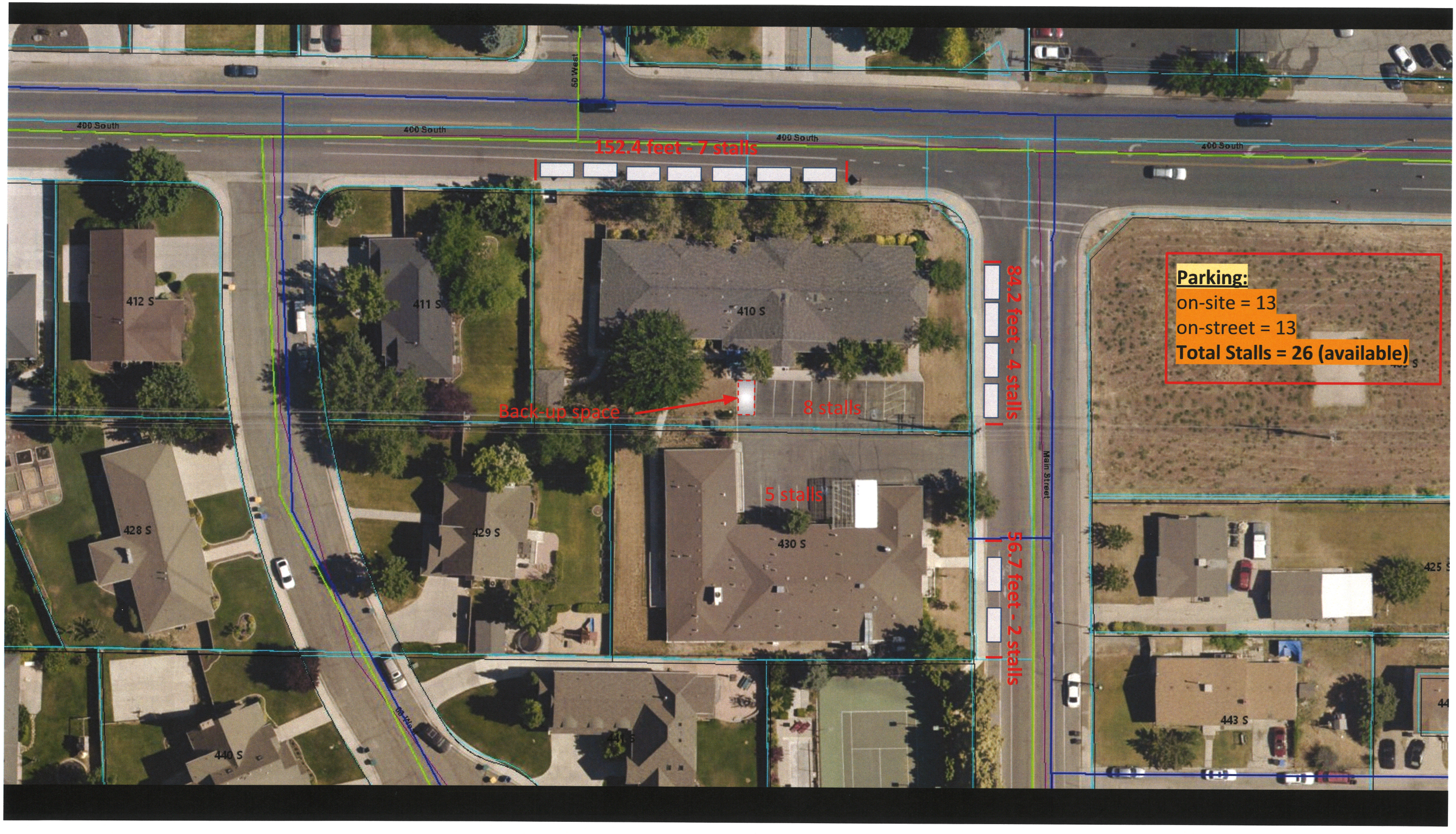
Engineer	CC
Designer	TJB
Reviewer	CC

SHEET NO.
C1-0

Avenue Project No. 18-176

P:_2020\20-047 - Smiling Faces Child Care & Preschool Traffic Flow And Parking Plan Study\000_CAD\004_Site Design\20-047_C1-0 SITE PLAN.dwg

5/13/2020 12:26 PM


400 South
400 South
400 South
400 South
50 West
152.4 feet - 7 stalls
84.2 feet - 4 stalls
Parking:
on-site = 13
on-street = 13
Total Stalls = 26 (available)
412 S
411 S
410 S
Back-up space
8 stalls
5 stalls
56.7 feet - 2 stalls
Main Street
428 S
429 S
430 S
425 S
440 S
443 S

MEMORANDUM

To: Orem City Community Development

From: Avenue Consultants

Date: May 29, 2020

Subject: Smiling Faces Child Care & Preschool Traffic Flow and Parking Plan Study

1 INTRODUCTION

Smiling Faces Child Care & Preschool has requested that Avenue Consultants perform a traffic flow and parking study for the relocation of their existing business in Orem, Utah. The new location has two buildings with 14 parking stalls and is located at 410/430 South and Main Street in Orem, Utah. Figure 1 shows the site location in relation to the surrounding neighborhood. The business is currently operating within a single, smaller building that accommodates 70 children and has shared/limited parking. With this relocation, Smiling Faces Child Care and Preschool anticipates possibly expanding their enrollment to a maximum of 100 children. To accommodate parents coming to drop-off and pick up children, the new location will have 14 parking spots with a singular access on Orem Main Street. This memo summarizes the planned ingress and egress, drop-off plan, traffic flow, and parking spaces, and parking recommendations for the new proposed facility.



Figure1. Project Location & Site Plan

2 TRAFFIC FLOW

From previous projects in Orem city, Avenue extracted traffic counts performed at the study location. PM peak hour traffic counts were available at the intersection of 400 South and Main Street for a weekday in November 2018 and AM peak hour traffic counts were available at the intersection for a weekday on August 2015. The counts are presented in Table 1.

Table 1. Traffic Counts at 400 South and Main Street Intersection

Peak Period	NBL	NBT	NBR	EBL	EBT	EBR	WBL	WBT	WBR
AM	20	0	40	0	300	70	120	110	0
PM	46	0	81	0	494	54	62	484	0

Based on UDOT's historical AADT (Annual Average Daily Traffic) data, 400 South has an average 5.4% growth in daily volumes. The AADT growth applied to the collected traffic volume gives the existing traffic volume at the intersection which is presented in Figure 2.



Figure 2. AM (PM) Peak Hour Volumes

Avenue estimated vehicle trips generated by the proposed development based on the characteristics of the intended land use and the intensity of development. The project trip generation was derived from trip rates published by the Institute of Transportation Engineer's (ITE) *Trip Generation Handbook, 10th Edition*. This handbook provides trip generation standards and recommendations for various land uses based upon nationwide studies of existing developments in comparable settings.

Avenue selected the land use type that most accurately reflects the planned use of the project site, which was Day Care Center (ITE Code 565). The variable used to estimate the number of vehicle trips is the number of children. Table 2 reports the vehicle trip generation estimates for the proposed land use and splits the trips into number of entering (in) and exiting (out) trips for the AM and PM peak hours.

Table 2. Trip Generation Estimate

ITE Land Use	ITE Code	Number of Units	Unit Type	Weekday Daily	AM Peak Hour			PM Peak Hour		
					Total	In	Out	Total	In	Out
Day Care Center	565	100	Children	403	78	41	37	79	37	42

Based on the trip generation data above, the proposed development is expected to have 403 daily weekday vehicle trips with 78 trips during the AM peak hour and 42 trips during the PM peak hour.

The distribution of the anticipated trips was based the existing traffic patterns in the study area. During the AM peak period, approximately 76% was routed from the north, and 24% from the south. During the PM peak period, approximately 48% was routed from the north, 52% from the south. The assigned site traffic for the new development is shown in Figure 3.



Figure 3. Trip Generation for the Daycare

3 PARKING EVALUATION

The facility is planning to accommodate 100 children and employ 8 staff. Avenue estimated parking demand generated by the proposed development based on the characteristics of the intended land use and the intensity of development. The project parking generation was derived from parking rates published by the Institute of Transportation Engineer's (ITE) *Parking Generation Handbook, 4th Edition*. This handbook provides parking demand standards and recommendations for various land uses based upon nationwide studies of existing developments in comparable settings.

Avenue selected the land use type that most accurately reflects the planned use of the project site, which was Day Care Center (ITE Code 565). The variable used to estimate the peak period parking demand for the number of children as this unit results in a higher parking demand. Table 3 reports the parking demand estimates for the proposed land use.

Table 3. Parking Demand Estimate

ITE Land Use	ITE Code	Number of Units	Unit Type	Parking Generation Rate	Average Peak Period Parking Demand
Day Care Center	565	100	Children	0.24	24

The new proposed location in Orem has 14 available parking spots on-site, including 2 ADA (Americans With Disabilities Act) compatible parking stalls. While determining the parking supply, it was considered that if the parking lot is full, one parking spot will be kept empty to facilitate turning around of cars. This resulted in 11 parking spots for simultaneous parking. Additionally, there is 300 feet of adjacent on-street parking available on 400 South and Main Street adjacent to the site. This on-street parking availability is calculated based on Utah Traffic Code Chapter 6a, Part 14, Section 1401 (Section for Standing or parking vehicles). No on-street parking is estimated-

- within 15 feet of a fire hydrant
- within 20 feet of a crosswalk
- in front of a public or private driveway
- within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway

Figure 4 shows the available parking spot in the vicinity of the proposed daycare. Assuming one car takes 20 feet of space, the nearby on-street can accommodate up to 15 cars. The parking spots at a daycare are primarily used for dropping off and picking up children. This requires short term parking with an average duration of less than 5 minutes per car. With a total of 11+15=26 parking spots the availability of parking is more than the parking demand generated by the daycare.



Figure 4. Parking Availability

Avenue obtained typical parking drop-off and pick up data from the existing daycare facility to further illustrate the actual ingress and egress parking requirements for this facility. The data shows the number of parking stalls used within 15-minute periods to drop-off or pick-up a child throughout the day. The data has been aggregated to show concurrent drop-off and pick-ups. The "drop-off and pick up roster" is provided as an appendix.

Table 4. Typical Daily Parking Occupancy at the Existing Daycare Location

Time	Parking Stalls Used	Time	Parking Stalls Used	Time	Parking Stalls Used
6:00 AM-6:15 AM	2	9:30 AM-9:45 AM	3	3:00 PM-3:15 PM	2
6:30 AM-6:45 AM	4	10:30 AM-10:45 AM	1	3:30 PM-3:45 PM	2
7:30 AM-7:45 AM	9	11:00 AM-11:15 AM	1	4:00 PM-4:15 PM	4
8:00 AM-8:15 AM	6	12:00 PM-12:15 PM	10	4:15 PM-4:30 PM	1
8:15 AM-8:30 AM	2	12:30 PM-12:45 PM	7	4:30 PM-4:45 PM	6
8:30 AM-8:45 AM	9	12:45 PM-1:00 PM	1	5:00 PM-5:15 PM	4
8:45 AM-9:00 AM	1	1:00 PM-1:15 PM	8	5:30 PM-5:45 PM	9
9:00 AM-9:15 AM	10	1:30 PM-1:45 PM	2	5:45 PM-6:00 PM	5
9:15 AM-9:30 AM	1	2:00 PM-2:15 PM	2	6:00 PM-6:15 PM	8

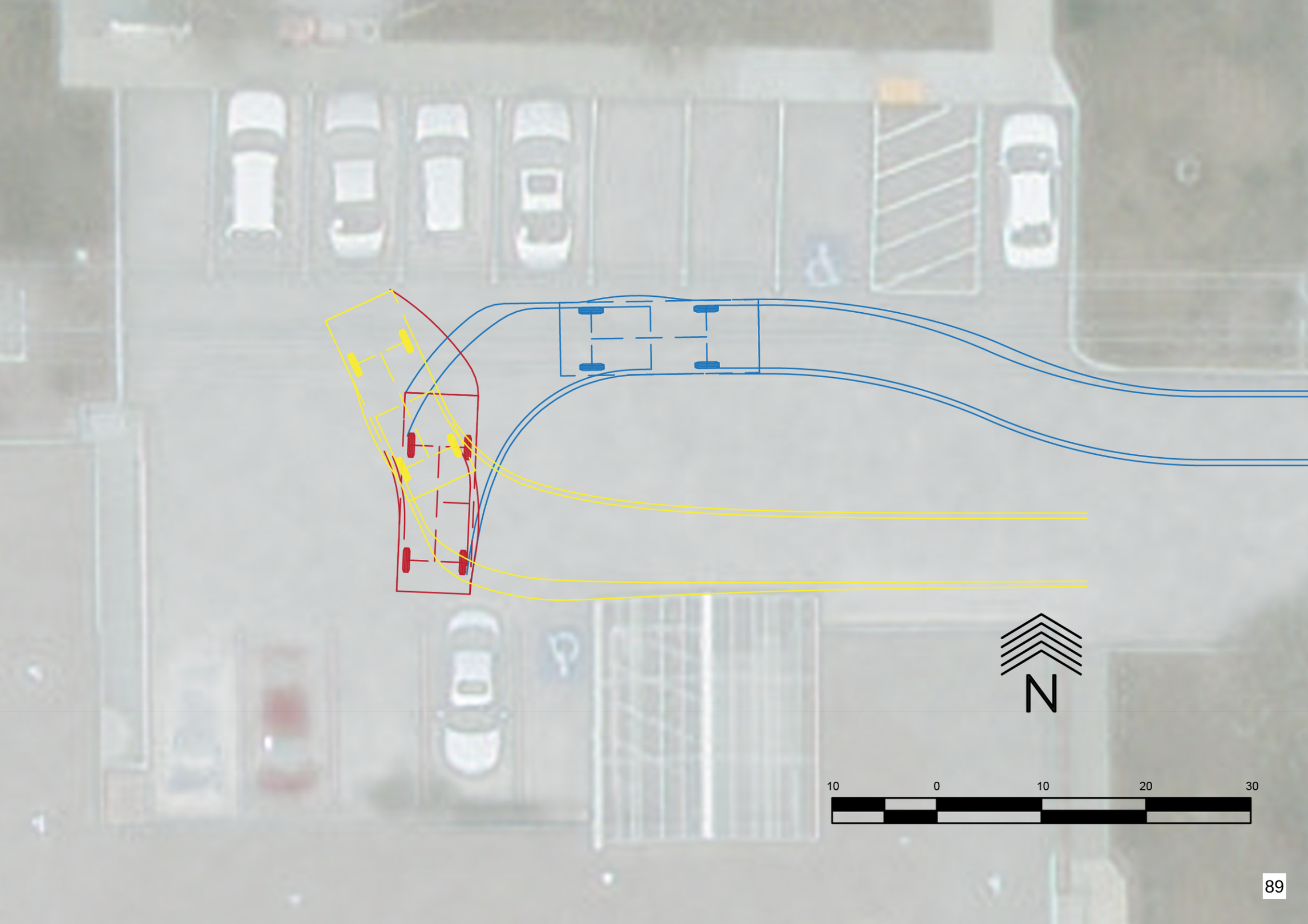
From the above parking occupancy data, even during the busiest times of the day (9:00 AM – 9:15 AM and 12:00 PM – 12:15 PM) the parking demand doesn't exceed 10 concurrent vehicles within any 15-minute slot. The parking demand is well below the availability of the proposed daycare location. 15-minutes is a large drop-off or pick-up window with most clients likely using a much smaller time period and not arriving together. It is likely that fewer vehicles are concurrently using the parking stalls.

4 CONCLUSION

This study evaluated the traffic and parking demand based on the operations of the Smiling Faces Daycare & Preschool in Orem, Utah. The generated trip of the facility was distributed based on the existing traffic volume and presented in the report. According to parking rates derived from ITE parking generation manual a facility of similar number of children would require 24 parking spots. Also, from the data provided by the daycare, the facility would require 10 parking spots within a busy 15-minute window. Based on the parking evaluation, the existing parking plan is adequate for the proposed development. To improve safety for the children crossing the parking area, parents should be instructed to park their vehicle, turn off the engine, and walk their children into the facility. A condition which may ensure the parking supply does not exceed the demand would be to limit the number of children dropped off to 10 children within a 5-minute window.

APPENDIX

Smiling Faces Child Care & Preschool Roster								
Name	Drop-off	Pick-up	Name	Drop-off	Pick-up	Name	Drop-off	Pick-up
Allison	12:30 PM	5:30 PM	Caleb	8:00 AM	3:30 PM	Mateo	9:00 AM	3:30 PM
Lilyann	12:30 PM	4:15 PM	Chezare	8:45 AM	4:30 PM	Levi	8:30 AM	1:00 PM
Melanie	6:00 AM	12:30 PM	Leonardo	9:30 AM	12:30 PM	Isaiah	7:30 AM	6:00 PM
Jovani	9:00 AM	4:30 PM	Kambria	12:00 PM	5:30 PM	Josiah	7:30 AM	6:00 PM
Ariani	6:00 AM	2:00 PM	Cassara	11:00 AM	3:00 PM	Sophie	6:30 AM	4:00 PM
Yaretzy	8:30 AM	12:45 PM	Forest	6:30 AM	5:30 PM	Alexa	8:30 AM	5:30 PM
Stella	6:30 AM	4:00 PM	Elijah	12:00 PM	5:45 PM	Aria	9:30 AM	6:00 PM
Baxter	8:15 AM	1:00 PM	Frida	10:30 AM	6:00 PM	Amberly	8:30 AM	5:45 PM
Lilian	8:15 AM	5:00 PM	Angel	12:00 PM	5:30 PM	Mckenzie	9:00 AM	5:45 PM
Bobby	7:30 AM	1:00 PM	Jevanie	8:30 AM	1:00 PM	Theodore	9:15 AM	4:30 PM
Wayne	7:30 AM	1:00 PM	Kayla	9:00 AM	12:00 PM	Gordon	8:00 AM	12:30 PM
Loretta	8:30 AM	5:45 PM	David	12:30 PM	6:00 PM	Jett	7:30 AM	4:30 PM
Seth	7:30 AM	4:30 PM	Ethan	12:00 PM	5:00 PM	Penelope	7:30 AM	4:30 PM
Natalia	9:00 AM	3:00 PM	Sione	9:00 AM	1:00 PM	Vince	12:00 PM	5:00 PM
Frost	8:00 AM	5:30 PM	Dexter	8:30 AM	1:30 PM	Kamron	7:30 AM	5:00 PM
Skye	8:00 AM	5:30 PM	Emma	12:00 PM	6:00 PM	Nicolas	9:30 AM	6:00 PM
Elizabeth	9:00 AM	5:45 PM	Aaliyah	12:00 PM	12:00 PM	Luca	2:00 PM	6:00 PM
Ava	6:30 AM	5:30 PM	Oliver	9:00 AM	1:00 PM	Alejandro	8:30 AM	5:30 PM
Eric	8:30 AM	1:30 PM	Scarlett	9:00 AM	1:00 PM	Kairo	8:00 AM	4:00 PM
Luca	9:00 AM	12:30 PM	Marcos	7:30 AM	12:00 PM	Emilynn	8:00 AM	4:00 PM


N
10
0
10
20
30

22-6-9(G) Private Schools and Commercial Daycares

G. **Private Schools and Commercial Day Care Services (SLU Codes 6261 and 6262)**. Private Schools and Commercial Day Care Services are Commercial Day Care Services are defined to include (1) Commercial Child Day Care Facilities, and (2) Commercial Adult Day Care Facilities. Commercial Day Care Services shall be allowed in residential zones only upon the issuance of a conditional use permit and must, at a minimum, meet the following requirements:

1. In residential zones, Commercial Day Care Services shall only be allowed on properties adjacent to either a collector or an arterial street.
2. A Commercial Day Care facility shall not be established within two thousand six hundred and forty feet (2640') of another Private School or Commercial Day Care facility that is located in a residential zone.
3. Commercial Day Care Services shall comply with the site plan requirements set forth in Section 22-14-20.
4. The entire area of the front yard setback shall be landscaped except for permitted driveways.
5. No more than two car trips per hour shall be generated before 5:30 a.m. or after 9:00 p.m.
6. The site plan shall be configured so that no vehicle will back out on to a dedicated street. Parking and turn-around areas shall be located in the side or rear yard unless the site includes a circular driveway.
7. The rear yard shall be enclosed with a six-foot (6'), sight-obscuring fence. All gates shall be self-closing and self-locking.
8. The exterior building design shall resemble a single-family residential dwelling in harmony with any neighboring residential dwelling units.
9. A maximum of one wall sign no greater than six square feet ($6ft^2$) in area shall be allowed unless otherwise prohibited as part of the conditional use permit. The sign shall be designed to minimize the visual impact on surrounding properties.
10. There shall be no exterior evidence of a business other than a permitted sign. No activities connected with the operation of the Commercial Day Care facility shall be conducted in the front yard or in a side yard adjacent to a street with the exception of parking in a permitted drive-way and use of the front entrance to enter and exit the building.
11. All residents, visitors and employees who arrive at the facility in connection with the Commercial Day Care facility shall be legally parked on the lot occupied by the facility or on that part of the street which immediately abuts the lot.
12. Commercial Day Care Facilities shall obtain a license from the State of Utah Department of Human Services, where required. Private Schools and Commercial Day Care Facilities must also obtain a business license from the City of Orem in accordance with the provisions of CHAPTER 12 prior to operating the business.
13. Applicants for site plan approval of private schools shall submit an engineered traffic flow and parking plan showing sufficient ingress and egress, drop-off areas, traffic flow, and parking spaces so that parking for school functions will be contained on the site and the school will not adversely affect surrounding properties. The Planning Commission shall review the plan and based on the City Engineer's recommendations may modify the site plan and impose additional requirements in order to meet all projected needs of the site for traffic flow and parking.




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City Council Chambers, 56 N State Street

City Council
Tue, Jun 30, 2020
6:00 pm

Planning Commission
Wed, Jun 17, 2020
4:30 pm

Smiling Faces LLC requests the City approve the approval of the conditional use of a commercial daycare in the R8 zone located at 410 S Main Street in the R8 zone.

Additional information can be viewed on orem.org/planning under the "Current Planning (Public Hearing Noticing)" tab or by contacting Orem City Development Services at 801-229-7060.

FIRST BANK FINANCIAL CENTRE
155 W WISCONSIN AVE
OCONOMOWOC, WI 53066

For more information, contact
Jake at (801) 229-7239 or
jrharding@orem.org

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JEFF LAMBSON
156 E 1060 N
OREM, UT 84057

For more information, contact
Jake at (801) 229-7239 or
jrharding@orem.org

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SUMSION, WILLIAM CHAD
1322 E 13200 S
DRAPER, UT 84020

For more information, contact
Jake at (801) 229-7239 or
jrharding@orem.org

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JASON BENCH
1911 N MAIN STREET
OREM, UT 84057-2101

NOTICE OF ALL ELECTRONIC MEETING

To minimize the potential spread of COVID-19, and as authorized by Utah Governor Gary Herbert's March 18, 2020 Executive Order, the Orem City Planning Commission meeting on June 17, 2020 will be an all-electronic meeting. There will be no public access to the Orem City Council chambers. Those desiring to view or participate in the meeting must do so electronically. You can view the meeting live at orem.org/meetings. If you want to make a comment, please submit them to orem.org/comments or email them to PlanningCommissionPublicComments@orem.org.

Comments will be accepted before and during the meeting. All comments received will be read into the record during the live meeting. Once an item has been voted on, that item will be closed to additional comments. Thank you for your cooperation during these challenging times.

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CARTER, DENNIS B (ET AL)
PO BOX 1239
OREM, UT 84059

FINCH, BRADLEY DAVIS
8 W 400 S
OREM, UT 84058

GIBSON, GREGORY THOMAS & TAMARAS SUE
12 W 560 S
OREM, UT 84058

REAL LIFE INVESTMENTS L L C
--OR CURRENT RESIDENT--
15 E 400 SOUTH
OREM, UT 84058

CALL, LEONARD KODY & HEATHER MARIE
22 W 400 S
OREM, UT 84058

JAL FAMILY LTD
24 W 500 S
OREM, UT 84058

KASPERSON, KEITH W & LAVERNE S
--OR CURRENT RESIDENT--
25 W 500 SOUTH
OREM, UT 84058

ALT-F HOLDINGS LLC
35 E 400 S
OREM, UT 84058

BLAKELY, AARON R
36 W 355 S
OREM, UT 84058

GOODMAN, BRIAN D & RENEE L
38 W 355 S
OREM, UT 84058

NASSRI, MOHAMMAD
39 W 315 S
OREM, UT 84058

SUMMERS, KERRY D & CARLA M
39 W 355 S
OREM, UT 84058

IVIE, JOHN
46 W 355 S
OREM, UT 84058

CORP OF PRES BISHOP CHURCH OF JESUS CHRIST OF LDS
50 E NORTH TEMPLE 22ND FLOOR ST
SALT LAKE CITY, UT 84150

CORP OF PRES BISHOP CHURCH OF JESUS CHRIST OF LDS
50 E NORTH TEMPLE FL 22
SALT LAKE CITY, UT 84150

JAL FAMILY LTD
--OR CURRENT RESIDENT--
54 W 500 SOUTH
OREM, UT 84058

SUMMERTREE LLC
--OR CURRENT RESIDENT--
55 W 350 SOUTH
OREM, UT 84058

HAWKES, JAMES T & JAN W
55 W 500 S
OREM, UT 84058

KRISTIE SNYDER
56 N STATE STREET
OREM, UT 84057

DRACOULIS, JENNIFER S
56 W 400 S
OREM, UT 84058

MARIN, MELISSA
58 W 400 S
OREM, UT 84058

SUMMERTREE LLC
--OR CURRENT RESIDENT--
63 W 350 SOUTH
OREM, UT 84058

LLH1 LC
64 W 530 S
OREM, UT 84058

WAGNER FAMILY TRUST 05-03-2016 (ET AL)
69 W 500 S
OREM, UT 84058

COLLINGS, MICHAEL E & BREANNE
70 W 500 S
OREM, UT 84058

CORDNER, ROBERT ROY & MERALYN
--OR CURRENT RESIDENT--
77 W 400 SOUTH
OREM, UT 84058

BRIDGES, NATHAN & ALYSSA
78 W 400 S
OREM, UT 84058

AZAR, ANTONE N & EMILY A
87 W 500 S
OREM, UT 84058

CAMPOS, ADELA GINSELVI
96 W 400 S
OREM, UT 84058

COMMON AREA
100 E CENTER ST
PROVO, UT 84606

WRIGHT, SUSAN M
101 W 500 S
OREM, UT 84058

PYNE, DEE RANDY & ANN N
--OR CURRENT RESIDENT--
102 W 400 SOUTH
OREM, UT 84058

CHANG, PAO CHUNG (ET AL)
--OR CURRENT RESIDENT--
108 E 400 SOUTH
OREM, UT 84058

FIRST BANK FINANCIAL CENTRE
155 W WISCONSIN AVE
OCONOMOWOC, WI 53066

JEFF LAMBSON
156 E 1060 N
OREM, UT 84057

SUMMERTREE LLC
180 S 100 W # 873
PLEASANT GROVE, UT 84062

PYNE, DEE RANDY & ANN N
255 W 100 S
OREM, UT 84058

HABITAT FOR HUMANITY OF UTAH COUNTY
--OR CURRENT RESIDENT--
275 S OREM BLVD
OREM, UT 84058

KASPERSON, KEITH W & LAVERNE S
331 N STATE ST
OREM, UT 84057

PRISBREY, AMBER (ET AL)
331 S 50 W
OREM, UT 84058

LANG, BRIAN E & KAREN D (ET AL)
--OR CURRENT RESIDENT--
332 S 50 WEST
OREM, UT 84058

HABITAT FOR HUMANITY OF UTAH COUNTY
340 S OREM BVLD
OREM, UT 84058

HINOJOSA, WILMA & LUIS
344 S 50 W
OREM, UT 84058

SUMMERTREE LLC
--OR CURRENT RESIDENT--
351 S 100 WEST
OREM, UT 84058

SILVA, GUILLERMO
356 S 50 W
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-102
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-104
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-105
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-202
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-204
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-205
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-302
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-304
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-305
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-402
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-404
OREM, UT 84058

MIDTOWN360 LC
--OR CURRENT RESIDENT--
360 S OREM BLVD UNIT# E-405
OREM, UT 84058

SUMMERTREE LLC
--OR CURRENT RESIDENT--
361 S 100 WEST
OREM, UT 84058

SUMMERTREE LLC
--OR CURRENT RESIDENT--
365 S 100 WEST
OREM, UT 84058

BROWER, LANI E
--OR CURRENT RESIDENT--
368 S 50 WEST
OREM, UT 84058

ZENITH PROPERTIES LLC
--OR CURRENT RESIDENT--
371 S 100 WEST
OREM, UT 84058

GUNOE, SAMUEL PERRY & AMY
373 S 50 W
OREM, UT 84058

MILTON, ANDREW R & BRIEANNA U
380 S 50 W
OREM, UT 84058

BELL, RUSSELL
383 S 100 W
OREM, UT 84058

SUMSION, WILLIAM CHAD
--OR CURRENT RESIDENT--
405 S MAIN
OREM, UT 84058

FIRST BANK FINANCIAL CENTRE
--OR CURRENT RESIDENT--
410 S MAIN
OREM, UT 84058

VANDENBOS, DARRIN S & MARSIA
411 S 60 W
OREM, UT 84058

BARTHOLOMEW, BRENT & KAREN
412 S 60 W
OREM, UT 84058

VAN LANGEN, JACOBUS REED & CHRISTINE
413 S 100 W
OREM, UT 84058

DUSTIN, ALLEN F (ET AL)
414 S 100 W
OREM, UT 84058

GREN, MILDRED K
425 S MAIN ST
OREM, UT 84058

GRANGE, SAMUEL L JR & PAMELA D
427 S 100 W
OREM, UT 84058

HOFFMAN, CURTIS B & ELIZABETH B
428 S 60 W
OREM, UT 84058

PAUL, SCOTT C & TARA
429 S 60 W ST
OREM, UT 84058

FIRST BANK FINANCIAL CENTRE
--OR CURRENT RESIDENT--
430 S MAIN ST
OREM, UT 84058

BISHOP, DAVID L & JENNIFER
439 S 100 W
OREM, UT 84058

BUCKNER, GENE CHRIS & LISA M
440 S 60 W
OREM, UT 84058

HILTON, JEFFERY C & LING
441 S 60 W
OREM, UT 84058

MIRANDA, NORMA
443 S MAIN
OREM, UT 84058

JANAMA ENTERPRISES III LLC
--OR CURRENT RESIDENT--
445 S MAIN ST
OREM, UT 84058

LLH1 LC
--OR CURRENT RESIDENT--
447 S MAIN ST
OREM, UT 84058

CORP OF PRES BISHOP CHURCH OF JESUS CHRIST OF LDS
--OR CURRENT RESIDENT--
450 S 100 WEST
OREM, UT 84058

BETHERS, KATIE
--OR CURRENT RESIDENT--
451 S MAIN
OREM, UT 84058

GIBSON, GREGORY THOMAS & TAMARAS SUE
--OR CURRENT RESIDENT--
453 S 100 WEST
OREM, UT 84058

HELQUIST, DALLAS B & CYNTHIA L
454 S 60 W
OREM, UT 84058

MACKAY, JULIE ANNE (ET AL)
455 S 60 W
OREM, UT 84058

RIESKE, RONALD G & ALICE A
455 S MAIN ST
OREM, UT 84058

ELLERMAN, BROC W & KAITLYN D
465 S 100 W
OREM, UT 84058

SHEPHERD, RICHARD
466 S 60 W
OREM, UT 84058

JAL FAMILY LTD
--OR CURRENT RESIDENT--
468 S MAIN
OREM, UT 84058

HAGEDORN, CAMI
--OR CURRENT RESIDENT--
482 S 100 WEST
OREM, UT 84058

BEETON, RUSSELL PAUL &
DEBORAH L
483 S 100 W
OREM, UT 84058

THOMAS MACDONALD
489 NORTH PALISADES DR
OREM, UT 84097

RIESKE, RONALD G & ALICE A
505 S MAIN ST
OREM, UT 84058

KING, TAYLOR J
--OR CURRENT RESIDENT--
510 S 20 EAST
OREM, UT 84058

POWELL, WILLIAM W & MARILYN L
512 S MAIN ST
OREM, UT 84058

BETHERS, KATIE
526 W 650 S
OREM, UT 84058

PEAY CONSTRUCTION CO INC (ET
AL)
585 E 300 S
PROVO, UT 84606

BROWER, LANI E
628 NE CHERAPPLE CIR
OREM, UT 84097

DEBBY LAURET
641 S 1920 W
OREM, UT 84059

BRENT SUMNER
744 WEST 550 SOUTH
OREM, UT 84058

ZENITH PROPERTIES LLC
793 S 40 E
SALEM, UT 84653

DAVID SPENCER
899 NORTH 550 EAST
OREM, UT 84097

MAYOR RICHARD F. BRUNST, JR.
900 E HIGH COUNTRY DRIVE
OREM, UT 84097-2389

MIDTOWN360 LC
%DE ANZA PROPERTIES
960 N SAN ANTONIO RD STE 114
LOS ALTOS, CA 94022

TERRY PETERSON
1125 LYNNWOOD DRIVE
OREM, UT 84097

SUMSION, WILLIAM CHAD
1322 E 13200 S
DRAPER, UT 84020

JASON BENCH
1911 N MAIN STREET
OREM, UT 84057-2101

PATTEN, KRISTIAN N
2215 N 1400 E
PROVO, UT 84604

LANG, BRIAN E & KAREN D (ET AL)
3448 GREENMONT CIR
WEST VALLEY CITY, UT 84120

UTAH DEPARTMENT OF
TRANSPORTATION
4501 S 2700 W
SALT LAKE CITY, UT 84119

CORDNER, ROBERT ROY &
MERALYN
5524 ROCKY RAVINE AV
LAS VEGAS, NV 89131

CHANG, PAO CHUNG (ET AL)
11413 S BLACK FOREST DR
SANDY, UT 84094

REAL LIFE INVESTMENTS L L C
%VINCENT, MICHAEL
30031 HILLSIDE TER
SAN JUAN CAPISTRANO, CA 92675

Agenda Item 3.3 is a request by Smiling Faces LLC for the Planning Commission to approve the commercial daycare, Smiling Faces, located at 410 S Main Street in the R8 zone.



Staff Presentation: The applicant's existing business is located nearby this site on State Street. In order to expand his current business, he is proposing to move it entirely to this new location. He is not proposing any changes to the site, it would remain as is. However, because the site is in a residential zone, he is required to receive conditional use approval.

Commercial daycares seeking conditional use approval within a residential zone are required to have an outdoor area in the rear yard that will be enclosed by a 6' site obscuring fence with self-closing, self-locking gates. There is an area existing in the rear yard that is currently surrounded by a 6' wood fence. As per State Code, this area will be required to have self-closing, self-locking gates. The applicant will be providing these.

Commercial daycares seeking conditional use approval within a residential zone are required to submit a professional traffic study that shows the following:

1. No more than two car trips per hour shall be generated before 5:30am or after 9:00 pm.
2. No vehicle will back out onto a dedicated street.
3. Persons who arrive at the facility shall be legally parked on the lot or on that part of the street which immediately abuts the lot.
4. Ingress, egress, drop-off areas, traffic flow, and parking spaces will be contained on the site and will not adversely affect surrounding properties.

The submitted traffic study showed that the facility was going to require a minimum of twenty-four (24) stalls based upon on hundred (100) children attending the day care. The study also found that they would not generate more than two trips in the unpermitted times and that one of the stalls in the parking lot would be required to be used as a back-up area. If you combine the total stalls in both the existing parking lot and the on-street parking and remove the required back-up stall, twenty-six (26) stalls are available.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission forward a positive recommendation to the City Council for the approval of the conditional use of the commercial daycare, Smiling Faces, located at 410 S Main Street in the R8 zone with the following conditions:

1. That all residents, visitors and employees who arrive at the facility in connection with the Commercial Day Care facility shall be legally parked on the lot occupied by the facility or on that part of the street which immediately abuts the lot.
2. That signage be provided in the existing off-street parking lot that clearly indicates pick-up/drop-off stalls.
3. That one stall in the existing off-street parking lot shall be used as a back-up area for vehicles in the off-street parking lot.
4. That the facilities have a maximum occupancy of one hundred (100) children for both buildings combined.
5. That two ADA stalls be provided in the existing off-street parking lot.

Chair Cochran asked if the Planning Commission had any questions for Mr. Bench and invited the applicant to speak up via telephone. Dave Bezzant, Avenue Consultants and German Pardo, Smiling Faces Preschool introduced themselves.

Mr. Sakar asked how many employees there are at this location. Mr. Pardo said he currently has eight employees and it may go as high as ten. Mr. Sakar asked if the employees will use the parking stalls. Mr. Pardo said most of the employees are part-time employees with three or four there at a time. Mr. Bench said they could use the on-street parking for employees and use the internal stalls for dropping off children. Mr. Sakar asked how many children there are. Mr. Pardo said they currently have forty children (lower than normal due to Covid 19). Mr. Cochran said it was presented that there are currently sixty children that come to the daycare facility and you are considering expanding

to one hundred. Mr. Pardo said many families have multiple children and we will be able to accommodate them at this location.

Mr. Jensen asked how many on street parking spaces are there. Mr. Cochran said the estimated onsite and offsite parking spaces is twenty-six. Mr. Bezzant said they typically go over the amount of parking that they need, and he does feel like this location has ample parking for the planned use. Mr. Pardo said as a small business owner, he wants to have a good relationship with the neighbors and wants to comply with the regulations.

The discussion continued regarding parking, dropping children off and picking children up. The major points were:

- Multiple parents dropping children off at the same time. Mr. Bezzant said they found in the traffic study that there were 10 parents at the most, at one time. Mr. Staker asked regarding that estimate of about ten drop offs in fifteen minutes, is that the current rate and will that double as the number of children go up. Mr. Bezzant said that is the current facility with sixty to seventy kids. He has done a similar study with another facility with one hundred thirty kids, within a five minute window there were eight people there at the same time over six months.
- Ms. Jensen said being a daycare, they are not going to have all parents there at the same time, this is a daycare versus preschool. Mr. Pardo said when they have large activities involving parents and family, they have a good relationship with UVU and other institutes that allow the use of their facilities.
- Mr. Staker asked if the children will be dropped off at the curb or in the parking lot. Mr. Pardo said parents have to sign in the children and sign them out so they cannot just drop them off at the curb.
- Mr. Staker had one more point of concern, from the entrance of the parking lot to the corner of 400 South the southbound lane narrows and if someone pulls over to drop off their child and they open their door, there is not enough room for a car to get around, and it seems dangerous. Mr. Hale said that is typically addressed with the Utah Traffic Code. By ordinance they are allowed to park there and the space from the crosswalk is twenty feet. Mr. Cochran said he believes there is a pickup/drop-off zone in the parking lot. Mr. Cook said he agrees with Mr. Staker and with only twenty feet from center stipe to gutter leaving an eleven foot lane and a nine foot stall, that is really tight if someone opens their door into that traffic on Main Street. Mr. Bench said Condition #2 requires signage to indicate drop-off/pick up in the parking lot. Mr. Hale said what is key here is the structure of drop-off/pick up. A condition can be made to limit no more than ten people picking up/dropping off at the same time, so they are not getting an excess amount of people, arriving at the same time. If it can stay at ten people, this site will function.
- Ms. Jensen said the applicant has had to make this work at his current location, and has shown that this is important to him, and he thinks it is doable. He has obviously had to work in a small space with a worse situation. She thinks he has made a huge effort to make it work where he is now, and he will make a huge effort to make it work at this new space. He will make it work for the children.
- Mr. Pardo said drop-off must be in the parking lot, it cannot be in the street. We are offering a service to the community, and the first concern is for the safety of the children.
- Mr. Bench said there are currently five conditions of approval. Number six can be all children must be picked up/dropped off within the parking lot. Number seven can be no more than ten drop-offs/pickups within a five minute period. Mr. Cook asked where does enforcement come from and how does that translate to reality. They have a schedule, but if someone is five minutes late or early, would it be based on complaints. Mr. Bench said yes, our office would go out and investigate and work with the applicant to resolve it based on these conditions that are imposed.
- Ms. Jensen thinks this is a good central location for this type of business, and it comes down to working with the neighbors. The applicant needs to make friends and be good to his neighbors and make it a priority so there are not complaints. Mr. Cochran said the public comments have had nothing against the business, just concerns about traffic.

Chair Cochran then opened the public hearing and invited those who wanted to make a comment on this item to send in their comments via email or chat.

Mr. Clark said a comment was received earlier from Darrin VandenBos and sent to all Planning Commission members for review (see attachment). In addition, Mr. VandenBos said ten employees could mean ten cars and he noted that Mr. Pardo had not spoken to him (regarding a comment by Mr. Pardo that he had spoken to several neighbors). Chair Cochran said all the comments had been addressed.

Brent Bartholomew signed on to the chat line but did not leave any comments.

Chad Sumsion submitted a comment during the meeting (see attachment) including four questions with commentary. Would like to hear adequate and enforceable answers to the following:

1. Statistically, do clients of the daycare arrive and depart in similar timeframes or is it spread throughout the day. If traffic peaks, will the company's plan handle the required traffic flow.
    a. Mr. Bezzant said that in the traffic study that was prepared, the number of people that arrived in the peak periods were accommodated, as well as the people that came throughout the day. The traffic flow question was discussed previously.
2. How does the company and City plan to enforce the parking only in the off-street parking lot or on the street that immediate abuts the lot.
    a. Mr. Earl said he is trying to suggest that the employees park on the street not adjacent to the property. There is no way to enforce that. It is public street, if someone wants to park somewhere else, there is not a lot that can be done about that. What the owner can do is to strongly suggest the employees not park in those other areas.
3. Is it to be assumed that of the twenty-six identified parking stalls in the traffic study, the company's staff would always use the street parking, making the off-street parking available for drop-off and pickup. Or would it be the opposite, where the street stalls would be used exclusively for drop-off and pick up queuing.
    a. Chair Cochran said that item had been discussed previously.
4. What is the companies plan for snow removal.
    a. Mr. Pardo said they hire a professional to handle that. They will remove the snow and not put it on his property. Mr. Earl said technically if someone is pushing their snow on someone else's property, it is a trespass and the police can be contacted.

Chair Cochran closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Planning Commission Action: Mr. Cochran moved to forward a positive recommendation to the City Council for the approval of the conditional use of the commercial daycare, Smiling Faces, located at 410 S Main Street in the R8 zone with the following conditions:

1. That all residents, visitors and employees who arrive at the facility in connection with the Commercial Day Care facility shall be legally parked on the lot occupied by the facility or on that part of the street which immediately abuts the lot.
2. That signage be provided in the existing off-street parking lot that clearly indicates pick-up/drop-off stalls.
3. That one stall in the existing off-street parking lot shall be used as a back-up area for vehicles in the off-street parking lot.
4. That the facilities have a maximum occupancy of one hundred (100) children for both buildings combined.
5. That two ADA stalls be provided in the existing off-street parking lot.
6. Children must be dropped off/picked up within parking lot
7. No more than ten drop offs/pick ups can occure within a five minute period

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

Public Comment received 6.16.2020:

I've lived for 30 years in the home that borders 410 S Main Street on the west. I have several concerns about the conditional use permit for the day care. 1) Traffic: I'm not sure the traffic study accurately reflects the difficulty of that multiple intersection area (400 S \ Main and 400 S \ Orem Blvd). Both high traffic numbers and traffic congestion (backup) from the Orem Blvd lights impacts turning both left and right onto 400 South from Main Street, not to mention poor westbound visibility when cars are parked on 400 South (along the property frontage). No center turn lane on 400 South anymore (removed to accommodate bike lane) impacts turning off of 400 South onto 60 West (left turn) and onto 400 South from 50 West (right turn) which will both be done by westbound cars needing to turn around and use the property's frontage parking stalls on 400 South. These are just two examples of the already difficult (and dangerous) traffic in the area.

2) Parking: The request says that there are 24 parking stalls. It also says they have 8 employees. In reality, that means 16 parking stalls for up to 100 children. The parking study says that the current daycare parking never exceeds 10 stalls used even at the busiest time of the day. But the current daycare has around 60 children. The math doesn't add up for me. So, if that is the case, and there are parking issues, who is going to enforce the conditional use requirement that "Persons who arrive at the facility shall be legally parked on the lot or on that part of the street which immediately abuts the lot"? Is the business going to train their clients on appropriate parking areas? Are they going to monitor and police themselves and be firm with their clients when they complain? In short, are they going to be a good neighbor or a negligent neighbor that requires external policing? I recognize that this is a negative, worst-case scenario, but it seems to be a real possibility which is why I'm asking.

I want to make it clear. I have nothing against this business. I've looked at their website and they offer a great service to the community. I just don't feel like it is a good fit based on the property's traffic and parking limitations.

Thank you.
Darrin VandenBos

Public comment received 6.17.2020:

Agenda Item 3.3
Conditional Use Permit – 410 S Main Street – Smiling Faces daycare

My name is Chad Sumsion. I own property directly east of the property seeking to receive this conditional use permit. I believe a daycare could be a great use of the existing buildings, and is obviously a need in our society. However, I would like to hear "adequate" and "enforceable" answers to the following questions prior to giving my full support to approving the conditional use permit:

1. Statistically, do clients of the daycare arrive and depart in similar timeframes, or is it spread throughout the day? If traffic peaks, will the company's plan handle the required traffic flow?

It would seem that just before and just after normal work hours for parents would statically be when customer traffic for a daycare would spike, instead of being a consistently spread out flow.

2. How does the company & city plan to enforce the parking ONLY in "off-street parking lot" or on the street that "immediately abuts the lot?"

I would fully support their parking plan as stated, if it were kept. However, observation makes me believe these types of promises are unenforceable. I foresee at least one temptation to break this promise are the trees that provide shade on the street just south of the daycare property.

3. Is it to be assumed that of the 26 identified parking stalls in the traffic study, the company's staff would always use the street parking, making the off-street parking available for drop- off and pick-up? Or would it be the opposite, where the street stalls would be used exclusively for drop-off and pick-up queuing?

The traffic study concluded that there would be 26 stalls available between the off-street parking lot and immediately abutting street spots. Aerial photos show about 13 parking stalls off-street, so that would mean 13 on street are planned. Seems like 10 or so employees would effectively use all of the non-ADA off-street parking.

4. What is the company's plan for snow removal?

Because there apparently is no space on-site to pile snow when it is plowed, contractors for the prior operator of the property would push their snow totally out of their "off-street parking lot" and straight across the street, piling it on my property or on the street curb adjacent to my property. Doing what has been done in the past is obviously not an acceptable solution.

D R A F T

RESOLUTION NO. _____

A RESOLUTION BY THE OREM CITY COUNCIL APPROVING A CONDITIONAL USE PERMIT FOR A COMMERCIAL DAYCARE AT 410 S MAIN STREET IN THE R8 ZONE

WHEREAS on February 14, 2020, Smiling Faces LLC filed an application with the City of Orem requesting that the City approve a conditional use permit for a commercial daycare at 410 S Main Street in the R8 zone; and

WHEREAS a public hearing considering the subject application was held by the Planning Commission on June 17, 2020, and the Planning Commission recommended that the City Council approve the application with conditions; and

WHEREAS a public hearing considering the subject application was held by the City Council on June 30, 2020 and July 14, 2020; and

WHEREAS the City posted the agendas of the Planning Commission meeting and the City Council meeting at which the request was heard in the Orem Public Library, on the Orem City Webpage, and at the City Offices at 56 N State Street; and notices of the meetings were sent to 112 residents who live within 500 feet of the subject property; 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 RESOLVED BY THE CITY COUNCIL OF THE CITY OF OREM, UTAH, as follows:

1. The City Council finds that it is in the best interest of the City to approve a conditional use permit for a commercial daycare at 410 S Main Street because the potential negative impacts resulting from use of the property as a commercial daycare can be reasonably mitigated through the imposition of the conditions set forth below.

2. The City Council hereby approves a conditional use permit for a commercial daycare at 410 S Main Street in the R8 zone subject to the following conditions:

1) All visitors, employees and other persons who arrive at the facility in connection with the Commercial Day Care facility must be legally parked on the on-site parking lot or on legally available parking spaces on that part of the street immediately abutting the site.

2) Signage shall be provided on the on-site parking lot that clearly indicates pick-up/drop-off stalls.

D R A F T

3) One stall in the parking lot shall be used as a vehicle back-up area.

4) The occupancy of the facility shall be limited to a maximum of one hundred (100) children for both buildings combined.

5) Two ADA stalls be provided in the parking lot.

6) All children must be picked up and dropped off within the existing parking lot.

7) No more than ten (10) pick up/drop off vehicles shall be allowed within any ten (10) minute period.

3. If any part of this resolution shall be declared invalid, such decision shall not affect the validity of the remainder of this resolution.

4. This resolution shall take effect immediately upon passage.

PASSED and APPROVED this **14th** day of **July** 2020.

_____
Richard F. Brunst, Jr., Mayor

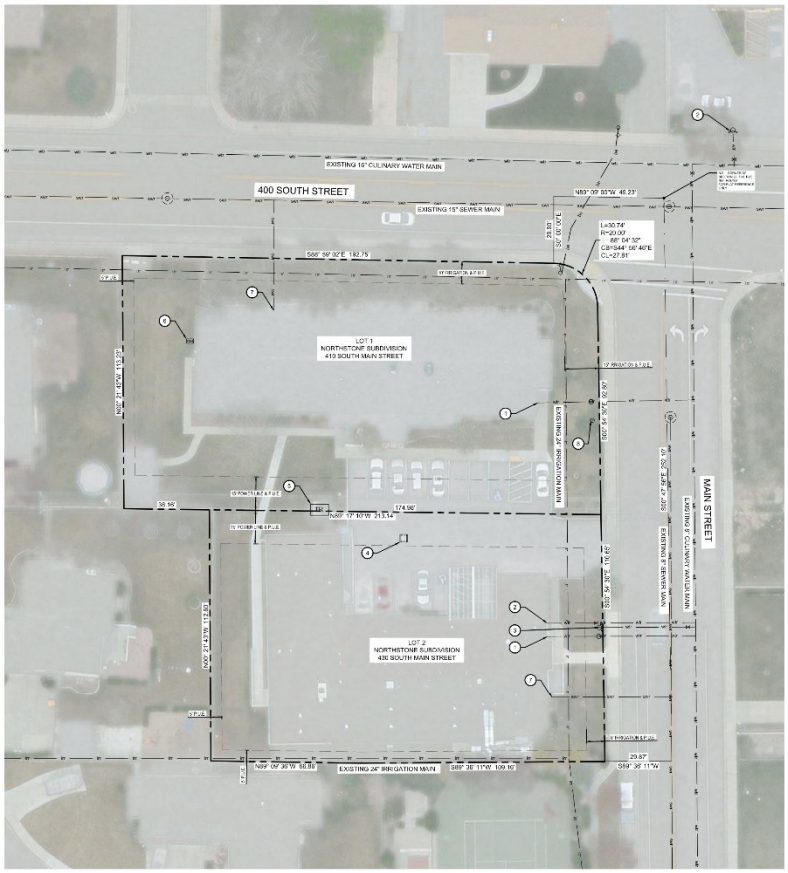
ATTEST:

_____
JoD'Ann Bates, City Recorder

COUNCILMEMBER	AYE	NAY	ABSTAIN
Mayor Richard F. Brunst	□	□	□
Jeff Lambson	□	□	□
Debby Lauret	□	□	□
Tom Macdonald	□	□	□
Terry Peterson	□	□	□
David Spencer	□	□	□
Brent Sumner	□	□	□

EXHIBIT A

DRAFT



DEPARTMENT REVIEW

SEWER ____/DATE_____
WATER ____/DATE_____
STORM DRAIN ____/DATE_____
TRAFFIC ____/DATE_____
STREET LIGHTS ____/DATE_____
FIRE MARSHAL____/DATE_____

N

SCALE: 1" = 30'

SITE PLAN LEGEND

	PROPERTY BOUNDARY
	EXISTING EASEMENT
	EXISTING RIGHT OF WAY
	EXISTING IRRIGATION LINE
	EXISTING WATER LINE
	EXISTING SEWER LINE
	EXISTING WATER VALVE
	EXISTING WATER METER
	EXISTING FIRE HYDRANT
	EXISTING SANITARY SEWER MANHOLE
TR	EXISTING ELECTRICAL INFRASTRUCTURE
	EXISTING STORM DRAIN BOX
	EXISTING IRRIGATION BACK FLOW VALVE
GM	EXISTING GAS METER

NOTES

1.UTILITIES SHOWN ARE BASED OF MAPPING PROVIDED BY THE CITY AND ARE QUALITY LEVEL D

2.AERIAL USED IS FROM THE AGRC AND IS FROM 2012

3. PROPERTY BOUNDARY SHOWN IS APPROXIMATE NO FIELD SURVEY WAS CONDUCTED

SITE PLAN KEY NOTES

1. EXISTING CULINARY LATERAL PROTECT IN PLACE
2. EXISTING FIRE LINE PROTECT IN PLACE
3. EXISTING FIRE HYDRANT PROTECT IN PLACE
4. EXISTING STORM DRAIN PROTECT IN PLACE
5. EXISTING ELECTRICAL INFRASTRUCTURE PROTECT IN PLACE
6. EXISTING GAS METER PROTECT IN PLACE
7. EXISTING SEWER LATERAL
8. REPLACE EXISTING DOUBLE CHECK BACKFLOW ASSEMBLY AND INSTALL A RPZ BACKFLOW ASSEMBLY AND A STOP AND WASTE FOR SHUT OFF

Received
Date: 5/26/2020
By:

REVISIONS

Know what's below. Call 811 before you dig.

avenue CONSULTANTS
Avenue Consultants, Inc
8605 South Redwood Road, Suite 200
Taylorsville, UT 84123
801-207-7650
www.avenueconsultants.com

SITE PLAN EXHIBIT

Smiling Faces Daycare
Lot 8, Main Street
Orem, UT 84

Engineer	CC
Designer	TJR
Reviewer	CC

SHEET NO.
C1-0

Avenue Project No. 19-176
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