

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
September 16, 2020

The following items are discussed in these minutes:

- **SITE PLAN** - Site plan approval of Osmond Retail Orem located at 1296 West University Parkway - Approved
- **PUBLIC HEARING** - Vacating Lot 9 of Victory Heights, Plat A and final plat approval of Victory Heights, Plat H located at 1110 North 75 East - Approved
- **PUBLIC HEARING** – Vacating Lots 2 and 3 of Johnson’s Grove, Plat A and approval of Johnson’s Grove, Plat B generally located at 512 South Carterville Road - Approved
- **PUBLIC HEARING** - vacating Lots 10 and 18, Elysian Fields Plat A and final plat approval of Elysian Fields Plat E located at 882 North 1000 East - Approved
- **PUBLIC HEARING** - vacating Lot 3 and Lot 6, Emil’s Orchard Plat A and approval of the final plat of Emil’s Orchard Plat B located generally at 1632 South 200 East - Approved
- **PUBLIC HEARING** – Annexing 1.86 acres of property located generally at 1526 South 1250 West and amend the Orem General Plan map by designating the property LDR/SW (Low Density Residential/ Southwest), and amending Section 22-5-3(A) of the Orem City Code and the zoning map by zoning the property OS5 – Positive recommendation to City Council

STUDY SESSION

Place: Canceled

REGULAR MEETING

NOTICE OF ALL-ELECTRONIC MEETING AND OF OPPORTUNITY FOR PUBLIC PARTICIPATION

Pursuant to Planning Commission Chairman Mickey Cochran’s Proclamation dated September 16, 2020, the Orem City Planning Commission meeting on September 16, 2020 will be an all-electronic meeting. There will be no anchor location for the meeting. The City cannot ensure the recommended minimum of six feet of social distancing for meeting participants at the usual anchor location in the Orem City Council Chambers. Therefore, holding the meeting at the City Council Chambers would present a substantial risk to the health and safety of those who may be present at the meeting and may contribute to the spread of COVID-19. 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.

To view the meeting: Please go to orem.org/meetings.

To make a comment: Please submit your comment through: orem.org/comments OR PlanningCommissionPublicComments@orem.org

Comments will be accepted before and during the meeting. All comments received will be entered into the record and forwarded to each Planning Commission member for review. Comments will also be read aloud during the live meeting when required by law or when time permits. Once an item has been voted on, that item will be closed to additional comments.

Thank you for your cooperation during these challenging times.

Place: Orem City Council Chambers

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

Those present: Mickey Cochran, Carl Cook, Camille Jensen and Barry Roberts, Planning Commission members; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Cheryl Vargas and Jake Harding, Associate Planners; Grant Allen and Matt Taylor, Long Range

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

Planning Commission minutes for September 16, 2020

Planners; Sam Kelly, City Engineer; Brady Hale, Traffic Engineer; Steve Earl, Legal Counsel and Terry Peterson, City Council Liaison via Zoom

Those excused: Haysam Sakar, Ross Spencer and Mike Staker, Planning Commission members

Chair Cochran asked Mr. Harding to introduce **Agenda Item 3.1:**

Agenda Item 3.1 is a request by Jared Osmond for the Planning Commission to approve the site plan of Osmond Retail Orem located at 1296 West University Parkway in the PD21 zone.



Staff Presentation: The applicant is proposing to build a small 1300 square foot building for Roxberry Juice with a drive-thru. They will remove the current CNG awning.

Architecture: The proposed one-story structure will be 1,300 square feet.

Parking: They have met all the required parking requirements. Six spaces were required, and they have provided two existing plus four new places for a total of six parking spaces including a handicap space.

Dumpster: The dumpster is to the north of the project and enclosed as required by code.

Landscaping: The overall landscape plan complies with applicable City and PD21 codes. The existing landscaping along University Parkway will remain.

Transportation/Engineering: No Concerns.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission approve the site plan of Osmond Retail Orem located at 1296 West University Parkway in the PD21 zone.

Chair Cochran asked if the Planning Commission had any questions for Mr. Harding.

Chair Cochran invited the applicant to speak via telephone. Mr. Osmond introduced himself. He said Roxberry Juice has signed the contract. Mr. Cochran asked if there is not a need for a natural gas station there. Mr. Osmond said he understands that they have sold the business and have moved the equipment off site, but he does not know what happened or why they sold it. Ms. Jensen asked which side of the building the drive-thru is on. Mr. Cochran said it will be on the University Parkway side.

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

Planning Commission Action: Mr. Roberts moved to approve the site plan of Osmond Retail Orem located at 1296 West University Parkway in the PD21 zone. Mr. Cook seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen and Barry Roberts. The motion passed unanimously.

Chair Cochran asked Mr. Harding to introduce **Agenda Item 3.2:**

Agenda Item 3.2 is a request by Max Behling for the Planning Commission to vacate Lot 9 of Victory Heights, Plat A and approve the final plat of Victory Heights, Plat H located at 1110 North 75 East in the R8 zone.

Planning Commission minutes for September 16, 2020



Staff Presentation: The applicant owns the property at 1110 North and he noticed that the properties to the south of him had property lines that went all the way to the canal that runs behind their properties. He also wanted to add that small strip of land to his property and have his property line run to the canal.

He was able to purchase that strip of land and acquire letters from the five utility companies and the North Union Canal company to vacate an existing Public Utility Easement. With the new plat, Victory Heights, Plat H, there will be a new three foot Public Utility Easement that will run the length of the property next to the canal.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission vacate Lot 9 of Victory Heights, Plat A and approve the final plat of Victory Heights, Plat H located at 1110 North 75 East in the R8 zone.

Chair Cochran asked if the Planning Commission had any questions for Mr. Harding. Mr. Cochran asked with the prescriptive easement that the canal company maintains along the back, is it not sixteen feet on either side from the center of the canal. Mr. Bench said the canal company signed off on this so the existing width is sufficient.

Chair Cochran invited the applicant to speak via telephone. Max Behling introduced himself. Mr. Cochran asked how far out he was planning on expanding the building. Mr. Behling said he will be ten to eleven feet from the canal.

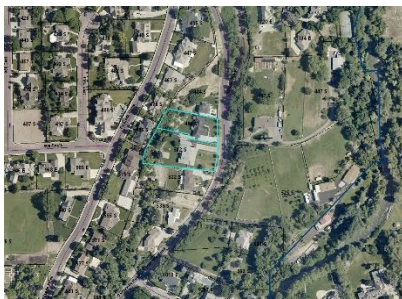
Chair Cochran then opened the public hearing and invited those who wanted to make a comment on this item to send in their comments via email or chat.

When there were no comments/chats, 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. Cook moved to vacate Lot 9 of Victory Heights, Plat A and approve the final plat of Victory Heights, Plat H located at 1110 North 75 East in the R8 zone. Ms. Jensen seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen and Barry Roberts. The motion passed unanimously.

Chair Cochran asked Mr. Harding to introduce **Agenda Item 3.3:**

Agenda Item 3.3 is a request by Scott Dent for the Planning Commission to vacate Lots 2 and 3 of Johnson's Grove, Plat A and approve Johnson's Grove Plat B generally located at 512 South Carterville Road in the R12 zone.



Staff Presentation: The applicant owns the property at 512 South Carterville Road. A previous owner built a large shed (the shed was permitted) on the property line between 512 South and 496 South Carterville. Sometime later, the owner at 496 South purchased the property with the shed and that was recorded at the County; however, it did not go through the City as a plat amendment.

The house at 512 South has now been demolished in preparation of building a new home. That permit cannot move forward until the property lines have been properly platted and recorded at the County. Johnson's Grove, Plat B

will move the property lines to the proper location and the shed and the property it sits on will officially be a part of 496 S Carterville Road.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission vacate Lots 2 and 3 of Johnson's Grove, Plat A and approve Johnson's Grove Plat B generally located at 512 South Carterville Road in the R12 zone.

Chair Cochran asked if the Planning Commission had any questions for Mr. Harding.

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

Planning Commission minutes for September 16, 2020

Chair Cochran invited the applicant to speak via telephone. Scott Dent introduced himself. His clients bought the property about six months ago with the intent to build a new home there and had no idea about this property line discrepancy. This will correct a past mistake.

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.

When there were no comments/chats, 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 vacate Lots 2 and 3 of Johnson's Grove, Plat A and approve Johnson's Grove Plat B generally located at 512 South Carterville Road in the R12 zone. Mr. Roberts seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen and Barry Roberts. The motion passed unanimously.

Chair Cochran asked Mr. Harding to introduce **Agenda Item 3.4:**

Agenda Item 3.4 is a request by Cameron Davis for the Planning Commission to vacate Lots 10 and 18, Elysian F final plat approval of Elysian Fields Plat E located at 882 N R8 zone.



Staff Presentation: The applicant lives in the proposed Lot 1 (882 North 1000 East), Jackie Wood lives on the proposed Lot 2 (862 North 1000 East), and the Wollaston family lives on the proposed Lot 3 (1029 East 850 North).

The applicant is interested in constructing a garage on his property in which to store his boat. After talking with the planning department, he came to the conclusion that in order to get a structure the size he needed, he would need to purchase additional land from his neighbor, Jackie Wood. This would allow him enough space to build the addition and be able to meet the required setbacks.

Ms. Wood has been cooperative and has agreed to sell the portion of land that the applicant needs. As part of the review of this plat, it was discovered that the Wollaston family had an illegal nuisance strip they purchased from Ms. Wood. The City required them to fix the issue, and they decided it would be best to be a part of this plat amendment.

There is an existing easement on Lot 1 that the applicant determined needed to be vacated to build the garage. All other letters of vacation were obtained a few months ago. However, it was discovered that CenturyLink had an existing line in that easement. After working with them for a few months, they have moved the line to the proposed easement and have provided a letter of vacation.

All the proposed lots meet the minimum lot size and width requirements.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission vacate Lots 10 and 18, Elysian Fields Plat A and final plat approval of Elysian Fields Plat E located at 882 North 1000 East in the R8 zone.

Chair Cochran asked if the Planning Commission had any questions for Mr. Harding.

Chair Cochran invited the applicant to speak via telephone. Cameron Davis introduced himself. He said he purchased twenty-five feet of land from his neighbor not the ten feet mentioned in the presentation.

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.

When there were no comments/chats, 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.

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

Planning Commission minutes for September 16, 2020

Planning Commission Action: Ms. Jensen moved to vacate Lots 10 and 18, Elysian Fields Plat A and final plat approval of Elysian Fields Plat E located at 882 North 1000 East in the R8 zone. Mr. Cook seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen and Barry Roberts. The motion passed unanimously.

Chair Cochran asked Mr. Harding to introduce **Agenda Item 3.5:**

Agenda Item 3.5 is a request by Steve Baumgartner for the Planning Commission to vacate Lot 3 and Lot 6 Emil's Orchard, Plat A and approve the final plat of Emil's Orchard, Plat B located generally at 1632 South 200 East in the R6.5 zone.



Staff Presentation: The applicant owns both of these lots. He would like to have the garage on the proposed Lot 2 added to the proposed Lot 1. He still wants to maintain the ability to access the garage through an easement via 200 East.

There is an existing deep lot access to the proposed Lot 1 that runs to 1600 South from the north-west corner of the lot. The proposed new access easement through Lot 2 is 14ft. wide. It is not considered a deep lot access and would not be required to meet the 20ft. minimum width for those kinds of accesses.

The applicant has no desire to vacate existing easements and is not proposing to amend them. The 5ft. wide easement that is shown to run through the middle of the proposed Lot 1 reflects the easement that ran along the current edge of that lot.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission vacate Lot 3 and Lot 6 Emil's Orchard, Plat A and approve the final plat of Emil's Orchard, Plat B located generally at 1632 South 200 East in the R6.5 zone.

Chair Cochran asked if the Planning Commission had any questions for Mr. Harding.

Chair Cochran invited the applicant to speak via telephone. The applicant was not present.

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.

When there were no comments/chats, 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. Roberts moved to vacate Lot 3 and Lot 6 Emil's Orchard, Plat A and approve the final plat of Emil's Orchard, Plat B located generally at 1632 South 200 East in the R6.5 zone. Mr. Cook seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen and Barry Roberts. The motion passed unanimously.

Chair Cochran asked Mr. Harding to introduce **Agenda Item 3.6:**

Agenda Item 3.6 is a request by John Welch for the Planning Commission to annex 1.86 acres of property located generally at 1526 South 1250 West and amend the Orem General Plan map by designating the property LDR/SW (Low Density Residential/Southwest), and amend Section 22-5-3(A) of the Orem City Code and the zoning map by zoning the property OS5.

Staff Presentation: The applicant applied for the annexation a few months ago. The City Council accepted the application on June 8, 2020. After an application for annexation has been accepted, the State allows a 30 day period for the City and the County to determine that the annexation meets applicable requirements. After that period, a 30

Planning Commission minutes for September 16, 2020

day protest period for neighbors to voice their opinions and concerns. This 30 day period ended on September 2, 2020.

During the 30 day protest period. One comment was received by Orem City. The comment was made by the neighbor immediately to the west of this property. They came in person to the Development Services desk to express their concern about the irrigation ditch running through the proposed annexation property to their property. They were concerned as to whether their access to the ditch might be removed or limited by this annexation happening. The Department explained to them that if the annexation were to happen, their water rights would not be infringed upon and would be reviewed at the time of development

The proposed annexation property would be designated in the General Plan as LDR/SW (Low Density Residential/Southwest) and would be zoned as OS5.

The City has not received any plans to develop the property at this time.



Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission vacate Lot 9 of Victory Heights, Plat A and approve the final plat of Victory Heights, Plat H located at 1110 North 75 East in the R8 zone.

Chair Cochran asked if the Planning Commission had any questions for Mr. Harding.

Chair Cochran invited the applicant to speak via telephone. Mark Steffenson introduced himself. Mr. Cook asked what is the current general plan designation. Mr. Bench said it is currently Utah County. Mr. Cook asked what does the zone mean, is OS5 not a holding zone. Mr. Bench said it is a holding zone. Staff is anticipating that the owner will come back through the rezoning process to change it to a PRD or R8 zone. This just gets it into the City, holds it knowing they will come back for a rezone. Mr. Cook said the intent then is that it will be low density residential. Mr. Bench said yes, as a PRD it would be seven units or less per acre assuming the PRD gets approved.

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.

A comment was made by the neighbor immediately to the west of this property. They came in person to the Development Services desk to express their concern about the irrigation ditch running through the proposed annexation property to their property. They were concerned as to whether their access to the ditch might be removed or limited by this annexation happening. The Department explained to them that if the annexation were to happen, their water rights would not be infringed upon and would be reviewed at the time of development.

When there were no more comments/chats, 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 annexation of 1.86 acres of property located generally at 1526 South 1250 West and amend the Orem

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

Planning Commission minutes for September 16, 2020

General Plan map by designating the property LDR/SW (Low Density Residential/Southwest), and amend Section 22-5-3(A) of the Orem City Code and the zoning map by zoning the property OS5. Ms. Jensen seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen and Barry Roberts. The motion passed unanimously.

Minutes: The Planning Commission reviewed the minutes from the previous meeting. Chair Cochran then called for a motion to approve the minutes of September 2, 2020. Mr. Cook moved to approve the meeting minutes for September 2, 2020. Mr. Roberts seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen and Barry Roberts. The motion passed unanimously.

Mr. Cook mentioned that during the last few weeks, they have been having a farmer's market in the city center park.

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

Adjourn: 5:38 p.m.

Jason Bench
Planning Commission Secretary

Approved: October 7, 2020