

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
October 21, 2020

The following items are discussed in these minutes:

- Amending Appendix A of the Orem City Code by amending Standard Land Use Code 6413 Automobile Repair to Automobile Repair (Mechanical Only) and enacting Standard Land Use Code 6414 Auto Body Repair and Paint as permitted uses in the C2, HS, M1 and M2 zones. - Positive recommendation to the City Council.
- Amending Sections 22- 14-15, 12-1-2, 12-3-1, 12-4-1, 12-5-8 and 12-7-39 of the Orem City Code by changing the approval authority from Development Services and Administrative Services to the Finance Department. - Continued to November 4, 2020
- Site plan approval of Tear Apart Auto Recycling located at 520 North Geneva Road in the M2 zone. Approved.
- Amending Article 22-5-3(A) and the zoning map of the City of Orem by changing the zoning of approximately 2.16 acres from the OS5 zone to the C2 zone at approximately 2000 South Geneva Road. - Positive recommendation to the City Council.

STUDY SESSION

Cancelled.

REGULAR MEETING

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 October 21, 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 use: orem.org/comments or 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.

Place: Orem City Council Chambers - Electronic

At 4:30 p.m. Chair Cochran called the Planning Commission meeting to order and offered the invocation. After the invocation, he made the following statement: "I Mickey Cochran, as Chairman of the Orem City Planning Commission, make the following determinations: 1. Under current conditions, conducting an Orem City Planning Commission meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location. 2. This determination is based on the facts that (1) COVID-19 is a worldwide pandemic threatening the health and safety of the residents of Orem; (2) the State of Utah has determined that people should maintain social distancing of at least six feet to help mitigate the spread of COVID-19."

Those present: Mickey Cochran, Planning Commission Chair; Carl Cook, Camille Jensen, Haysam Sakar, Ross Spencer, Mike Staker, Planning Commission members; Terry Peterson, City Council Liaison; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Jake Harding, Associate Planner; Brady Hale, Traffic Engineer; Sam Kelly, City Engineer; Steve Earl, Legal Counsel via zoom.

Those excused: Barry Roberts, Planning Commission member; Grant Allen and Matt Taylor, Long Range Planners; Cheryl Vargas, Associate Planner

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

Agenda Item 3.1 is a request by Business Licensing for the City to amend Appendix A of the Orem City Code by amending Standard Land Use Code 6413 Automobile Repair to Automobile Repair (Mechanical Only) and enacting Standard Land Use Code 6414 Auto Body Repair and Paint as permitted uses in the C2, HS, M1 and M2 zones.

SLU		R5	R6	R6.5	R7.5	R8	R12	R20	OS5/ROS	PO	C1	C2	C3	HS	M1	M2	CM	BP
6413	Automobile Repair (Mechanical Only)	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	N
6414	Auto Body Repair and Paint	N	N	N	N	N	N	N	N	N	N	P	N	P	P	P	N	N

Staff Presentation: There is currently a Standard Land Use (SLU) Code for Automobile Repair (6413) in Appendix A of the Orem City Code which has covered all auto repair. It has recently been brought to the attention of Business Licensing that auto body work needs a special license from the State and they have special safety restrictions that are not required with mechanical auto repair. After working with several businesses who are less than cooperative with the Neighborhood Preservation Officer, it was decided that a separate SLU code was needed to help mitigate the potential issues from non-licensed paint booths to operate without proper approvals. Several businesses are doing auto painting that is getting overspray on vehicles in the area, they are not getting permits for their paint booths, they do not have the proper ventilation, they do not have the required State license and they do not have health department regulations in place. It is a nuisance to neighboring businesses and can cause property damage.

Recommendation: Staff recommends the Planning Commission forward a positive recommendation to the City Council to amend Standard Land Use Code 6413 Automobile Repair to Automobile Repair (Mechanical Only) and enact Standard Land Use Code 6414 Auto Body Repair and Paint as permitted uses in the C2, HS, M1 and M2 zones.

There was discussion on the item. Some of the key issues that were discussed were:

- How does this text amendment affect current businesses?
- The actual enforcement of the issue would be with Business Licensing.
- There are currently people who run auto shops out of their house. That is not permitted.

Planning Commission Action: Mr. Cook moved to forward a positive recommendation to the City Council to amend Standard Land Use Code 6413 Automobile Repair to Automobile Repair (Mechanical Only) and enact Standard Land Use Code 6414 Auto Body Repair and Paint as permitted uses in the C2, HS, M1 and M2 zones. Mr. Spencer seconded the motion. Those voting aye: Mickey Cochran, Camille Jensen, Carl Cook, Haysam Sakar, Ross Spencer, and Mike Staker. The motion passed unanimously.

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

Agenda Item 3.2 was a request by Business Licensing for the City to amend Sections 22- 14-15, 12-1-2, 12-3-1, 12-4-1, 12-5-8 and 12-7-39 of the Orem City Code by changing the approval authority from Development Services and Administrative Services to the Finance Department.

Staff Presentation: Due to noticing issues, staff requests this item be continued to November 4, 2020.

Recommendation: Staff recommends the Planning Commission continue the amendments of Sections 22- 14-15, 12-1-2, 12-3-1, 12-4-1, 12-5-8 and 12-7-39 of the Orem City Code by changing the approval authority from Development Services and Administrative Services to the Finance Department to November 4, 2020.

Planning Commission Action: Chair Cochran moved to continue the amendments of Sections 22- 14-15, 12-1-2, 12-3-1, 12-4-1, 12-5-8 and 12-7-39 of the Orem City Code by changing the approval authority from Development

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Services and Administrative Services to the Finance Department to November 4, 2020. Ms. Jensen seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, Haysam Sakar, Ross Spencer, and Mike Staker. The motion passed unanimously.

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

Agenda Item 3.3 is a request by Tom Stuart Construction to approve the site plan of Tear Apart Auto Recycling located at 520 North Geneva Road in the M2 zone.



Staff Presentation: The applicant is proposing to build a small 1500 square foot office building and use the rest of the acreage to store autos prior to being transferred to the facility in Salt Lake City. The main facility for this business is in Salt Lake City where they specialize in buying and selling cars, as well as providing used auto parts.

At the facility in Orem they will not be selling autos or parts. This will be a short term storage facility, usually a vehicle will be on this site for only two or three days. It will then be transported to the facility in Salt Lake City.

Architecture: The proposed one-story structure will be 1,500 square feet. Materials will be corrugated metal siding, stucco and reclaimed wood. The storage area for autos will be reclaimed asphalt.

Parking: They have met all the required parking requirements. Six spaces were required (1 per 250 square feet), and they have provided nineteen parking stalls including a handicap parking stall.

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 M2 zone codes. The existing wall and landscaping along Geneva Road will remain.

Transportation/Engineering: No Concerns.

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Recommendation: Staff recommends the Planning Commission approve the site plan of Tear Apart Auto Recycling located at 520 North Geneva Road in the M2 zone.

There was discussion on the item. Some of the key issues that were discussed were:

- Who would be responsible for inspecting the site regarding storm water? The State.

Planning Commission Action: Chair Cochran moved to approve the site plan of Tear Apart Auto Recycling located at 520 North Geneva Road in the M2 zone. Mr. Cook seconded the motion. Those voting aye: Mickey Cochran, Camille Jensen, Carl Cook, Haysam Sakar, Ross Spencer, and Mike Staker. The motion passed unanimously.

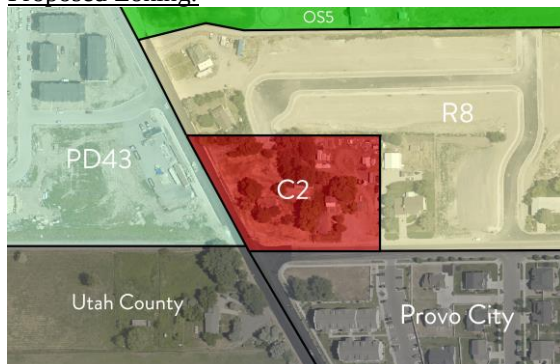
Chair Cochran asked Mr. Bench to introduce **Agenda Item 3.4:**

Agenda Item 3.4 is a request by Davies Design Build to amend Article 22-5-3(A) and the zoning map of the City of Orem by changing the zoning of approximately 2.16 acres from the OS5 zone to the C2 zone at approximately 2000 South Geneva Road.

Existing Zoning:



Proposed Zoning:



Staff Presentation: The applicant is requesting the zone change to allow for a neighborhood convenience store and gas station. The proposed gas station will be patterned after the existing gas station at approximately 1700 West Main Street in Lehi. It is proposed to have internal restaurants, a convenient store, and 6-12 gas pumps.

The properties in question were originally designated in the General Plan as LDR residential. However, a recent change was made to the South-West area in the General Plan that designates this corner as Community Commercial (CC). This change was made understanding that this applicant was interested in this rezone.

The proposed rezone sits at the corner of Geneva Road and 2000 South. The Development Review Committee requested that the applicant go through preliminary review for his curb cuts since 2000 South is a Provo street and Geneva Road is a UDOT road. Preliminary UDOT and Provo City reviews have been completed. Provo is very likely to grant the request. However, UDOT has not indicated whether or not the request will be granted. Once the applicant

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applies for site plan approval, he will need to get full approval from both jurisdictions in addition to Orem City for the curb cuts. UDOT is planning on putting in a light at the intersection in the near future.

As the property was originally planned to be residential, the water and sewer infrastructure was also originally planned to go through this property to service the future residential properties to the east of this corner. In order to be able to still accommodate that plan, staff will require the applicant to continue those utilities through the property to the east when they apply for site plan approval. The applicant has been made aware of this and has updated the concept plan to reflect these utilities going through the north-east portion of the property.

The applicant was required to hold a neighborhood meeting prior to applying for the rezone. 44 residents attended the meeting. Below is a list of some prominent concerns with the applicant's response to each one.

- Why this particular location instead of elsewhere?
 - Demand for a convenience store in this area is increasing. The closest commercial to this location is at Geneva Road and University Parkway.
- What kind of fence will border the gas station?
 - An 8' stamped concrete wall.
- If approved for the zone change, what is the likelihood of something other than a gas station going into the property?
 - The cost of the land would prohibit anything other than a gas station from going in.
- How tall will the structure be?
 - 32 feet.

During the neighborhood meeting, the applicant asked for an informal vote of all in attendance as to whether they approved of the proposal or not. The vote was 42 in favor, 1 abstained, and 1 against. The general feel from the meeting was that the residents were excited about the proposal.

Recommendation: Staff recommends the Planning Commission forward a positive recommendation to the City Council to amend Article 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 2.16 acres from the OS5 zone to the C2 zone at approximately 2000 South Geneva Road.

There was discussion on the item. Some of the key issues that were discussed were:

- Traffic and access. The applicant received preliminary approval from Provo City Engineering for access on 2000 South. The applicant has not yet received such approval from UDOT for access on Geneva Road, but has had a conversation with them regarding it and anticipates receiving that approval if granted site plan approval from Orem City.
- Where was the future Lakeview Parkway going to go in relation to this site? About a third of a mile west of this corner.
- Had the applicant considered this future road in his traffic study? Yes.
- Had a market study been conducted to determine if this site was viable for a gas station? Yes. The applicant conducted a market study and determined that this site was very viable for a gas station.
- The annexation of this property in the City happened about five years ago. At that time, residential uses made sense for this corner. What changed? The Church of Jesus Christ announced a temple to be placed near this site. The City changed the general plan recently for this area to attempt to be more in harmony with that site. As part of that change, this corner was designated to be commercial.
- What did the previous general plan designate this corner to be? Low Density Residential.
- Did the buyers of the new homes to the north of this site know that a gas station was potentially going in at this corner? The applicant indicated that the realtors and contractors of many of those homes attended the neighborhood meeting back in March and were aware of the change. The developer of those homes also attended that meeting and indicated that he was afraid that this gas station might compromise the closing of the sales of those homes. Most of these homes were not built at the time that neighborhood meeting was held. There is no way of knowing for sure, but these realtors and contractors may or may not have communicated that information to the home buyers. It is evident in the many public comments these residents made that they were probably not informed.
- Public Comments included some of the following concerns:
 - Many of the neighboring Provo residents expressed strong opposition to the change.

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- Many of the neighboring residents from the Peyton's Crossing Development to the north expressed opposition to the change.
- No residents from the Auburn Meadows development to the west gave any comments.
- Lighting was a significant concern. Some residents expressed concerns about potential neon signage.
- Potential smells were a concern.
- Property values were a concern.
- Many expressed that they had hoped this part of Orem would remain agricultural and residential when they initially purchased their property.
- There were a few residents who expressed a desire that this be approved as there is not another gas station nearby.
- Some residents expressed strong concern that this corner had been designated as commercial. Others were not. But most expressed concern over the proposed gas station.
- The applicant addressed as many of these concerns as he could. He said that the City does not allow neon signs and staff confirmed that. He also committed to provide only the minimum requirement of lighting. He noted that the State required him to meet certain emission standards and that the smell would not be as bad as most people think because he would be meeting State regulations from the DEQ.
- There was discussion among the Commissioners about the nature of the application only being for a rezone to commercial and not for site plan approval of a gas station. Some members of the Commission understood that this corner was designated as commercial in the general plan and expressed that their concern was not for the commercial rezone, but whether the site at this corner would fit in with the surrounding neighborhood.
- It was pointed out that this intersection would become a lighted intersection in the future and that the lighting from that change would likely be worse than the gas station.
- It was also pointed out that if this rezone was denied, another commercial rezone request would likely come forward to the Commission in future because the general plan has designated this corner as commercial.
- Mr. Earl clarified that there were not many design standards for the C-2 zone. If the rezone was granted, there would be no way to legally guarantee that the applicant would build to the concept plan he had shown to the Commission.

Planning Commission Action: Chair Cochran moved to forward a positive recommendation to the City Council to amend Article 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 2.16 acres from the OS5 zone to the C2 zone at approximately 2000 South Geneva Road. Mr. Staker seconded the motion. Those voting aye: Mickey Cochran, Camille Jensen, and Mike Staker. Those voting nay: Carl Cook, Haysam Sakar, and Ross Spencer. The motion did not pass; no recommendation was made to the City Council.

Minutes: The Planning Commission reviewed the minutes from the previous meeting. Mr. Staker then made a motion to approve the minutes of the October 7, 2020 Planning Commission meeting. Chair Cochran seconded the motion. Those voting aye: Mickey Cochran, Carl Cook, Camille Jensen, Haysam Sakar, Ross Spencer, and Mike Staker. The motion passed unanimously.

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

Adjourn: 6:35 p.m.

Jason Bench
Planning Commission Secretary

Approved: November 4, 2020