

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
June 16, 2021

The following items are discussed in these minutes:

- Site plan approval of Mountain Crest Manor located at 672 East 1700 South in the ASH Overlay Zone. - Approved.
- Amending Article 22-2-1 Accessory Apartments and portions of Section 22-6-9(I) of the Orem City Code pertaining to Accessory Apartments. - Positive recommendation to City Council.
- Amending Appendix DD of the Orem City Code by adding the concept plan and elevations; and amending Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 14.7 acres from the Highway Services (HS) zone to the PD36 zone at approximately 1430 North Geneva Road. - Positive recommendation to City Council.
- Approving the preliminary plat of Farley Orchard Subdivision located generally at 444 South 400 West in the R8 zone. - Approved.
- Vacating Lots 5 and 6, Sunset Vista Plat C, and final plat approval of Sunset Vista Plat M located at 784 West 650 South in the R8 and R7.5 zones. - Approved.
- Approving the preliminary plat of Jones Court, Plat A located generally at 1785 South 100 East in the R8 zone. - Approved.

STUDY SESSION

Place: Orem City Council Conference Room

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

Those present: Mickey Cochran, Marisa Bentley, Carl Cook, Shauna Mecham, Barry Roberts, Planning Commission members; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Cheryl Vargas and Jake Harding Associate Planners; Matt Taylor and Grant Allen, Long Range Planners; Steve Earl, Legal Counsel; Terry Peterson, City Council Liaison; Talia Adams, Planning Intern

Those excused: Haysam Sakar and Ross Spencer, Planning Commission members; Sam Kelly, City Engineer.

REGULAR MEETING

Place: Orem City Council Chambers

At 4:30 p.m. Chair Cochran called the Planning Commission meeting to order and offered the invocation. After the invocation, Chair Cochran called the meeting to order.

Those present: Mickey Cochran, Marisa Bentley, Carl Cook, Shauna Mecham, Barry Roberts, Planning Commission members; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Cheryl Vargas and Jake Harding Associate Planners; Matt Taylor and Grant Allen, Long Range Planners; Steve Earl, Legal Counsel; Terry Peterson, City Council Liaison; Talia Adams, Planning Intern; Eric Jorgensen, Kyle Spencer, Roger Dudley, Bill Fairbanks, and Andy Flamm.

Those excused: Haysam Sakar and Ross Spencer, Planning Commission members; Sam Kelly, City Engineer.

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

Agenda Item 3.1 is a request by NeighborWorks Mountain Country Home Solutions for the Planning Commission approve the site plan of Mountain Crest Manor located at 672 East 1700 South in the ASH Overlay Zone.

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

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Staff Presentation: In 2018, an Affordable Senior Housing project received site plan approval from the Planning Commission. That site plan has since expired, and the applicant, a new developer, has purchased the property and is seeking approval of a similar site plan in the Affordable Senior Housing (ASH) Overlay Zone. This zone permits affordable senior housing units to be constructed in single-family residential zones according to the standards the City has set:

Setback and Height Standards

A one-story four-plex is proposed and will comply with the maximum height of one story. It will also comply with the front and rear setbacks of twenty feet (20ft), the side setbacks of ten feet (10ft), and the parking setback of twenty feet (20ft) from the right-of-way.

Architecture

The proposed building facades will be primarily composed of brick, which is an approved material in the ASH zone. The gables will be made of vertical Hardi-board siding, which is a limited material in the ASH zone. Limited materials can take a maximum of 30% of any facade. The elevations show that the Hardi-board gables will take 26% of the north and south facades.

Parking

The applicant is required to provide one and a half (1.5) stalls per unit. There are four units, which means six stalls are required. Additionally, one covered stall per unit is required. The applicant is providing a total of six stalls, four of which will be covered.

Landscaping

The ASH zone requires one deciduous tree per unit, one evergreen tree per unit, and sixteen evergreen shrubs per unit. Any existing landscaping cannot count toward these requirements but can remain if desired. The landscaping plan shows the large existing deciduous tree will remain, six new deciduous trees will be provided, six new evergreen trees will be provided, and seventy-seven new evergreen shrubs will be provided.

Lighting

The lighting on the site will not glare onto neighboring properties.

Neighborhood Meeting

The applicant was required to hold a neighborhood meeting for the project because it was within a residential zone. 384 invitations were sent to surrounding properties. Seven people attended the meeting. The minutes of those meetings are attached to this staff report. The overall consensus for the project was very positive, no one in the group raised any concerns with the project and they thought it would be great to have some new neighbors.

Transportation/Engineering

No concerns.

Recommendation: Staff recommends the Planning Commission approve the site plan approval of Mountain Crest Manor located at 672 East 1700 South in the ASH Overlay Zone

Chair Cochran invited the applicant to come forward. Eric Jorgensen asked if the Planning Commission had any questions for him.

There was a brief discussion on the item. Shauna Mecham pointed out that the required bicycle stalls were not being provided on the site plan.

Planning Commission Action: Ms. Mecham moved to approve the site plan approval of Mountain Crest Manor located at 672 East 1700 South in the ASH Overlay Zone conditional upon providing three bicycle stalls as outlined in 22-15-7 of the City Code. Ms. Bentley seconded the motion. Those voting aye: Mickey Cochran, Marisa Bentley, Carl Cook, Shauna Mecham, and Barry Roberts. The motion passed unanimously.

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

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

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Agenda Item 3.2 is a request by the Department of Development Services to amend Article 22-2-1 Accessory Apartments and portions of Section 22-6-9(I) of the Orem City Code pertaining to Accessory Apartments.

Staff Presentation: The State Legislature recently changed the law pertaining to accessory apartments throughout the State. Due to these changes, the City has found a need to change some of the language in the Accessory Apartments ordinance.

The City will no longer be allowed to restrict the size of the accessory apartment, the number of allowed bedrooms or require interior connectivity. The accessory apartment will be required to be located within the footprint of the single-family dwelling. Accessory apartments will be subject to the rental dwelling license requirements set forth in the Orem City Code.

Recommendation: Staff recommends the Planning Commission forward a positive recommendation to the City Council to amend Article 22-2-1 Accessory Apartments and portions of Section 22-6-9(I) of the Orem City Code pertaining to Accessory Apartments.

There was discussion on the item. Ms. Mecham asked those in attendance if the proposed change to the parking portion of the ordinance made sense. Those in attendance largely agreed that the language made sense. She indicated that she wanted the language to be clear for residents.

Chair Cochran opened the public hearing. When no one came forward, he closed the public hearing.

Mr. Earl attempted to explain Shauna's comment. He explained that some of the language might not be as clear as we might like it to be. He asked if the language was clear.

Ms. Mecham explained that she thought she understood the City's intent. But thinking about her own specific site, she would have to go and ask staff about it.

Mr. Earl said that the intent of the City is not to have that additional parking space in the main driveway but to have it off to the side. The language comes from this intent. The customary widening of a driveway would be where the required off-street parking stall would go.

Ms. Mecham asked if it would be possible for the City to take another look at that and try to get it simpler so that it would be easier for residents to comply with the way it was meant to be interpreted. There are plenty of ordinances that are not as clear as we would like. We also intend for people to come in and ask staff for help.

Mr. Bench explained that people are required to obtain building permits for accessory apartments, which means that often, they are working with staff and asking them questions about it.

Mr. Earl said that the intention of the City is not to make it difficult to understand the language of the ordinance. Sometimes trying to explain a complicated principle requires a lot of words, unfortunately. If anyone has any suggestions as to how to make this clearer, staff would be totally open to that.

Mr. Cook explained that there were several conditions laid out in the proposed ordinance and that he could not think of any other way to do it. The City is trying to identify where you cannot count parking and where you can count parking.

Mr. Bench repeated that a building permit is required for accessory apartments. If the owner has questions as we go through the process, we help them answer it. Staff also would review the application permit and verify that it meets the requirements, if it does not meet the requirements, it is a correction for the owner. If the owner needs more clarification, staff can give it to them.

Mr. Cook has read the code requirements of many different cities regarding their code requirements for accessory apartments. He indicated that these changes make sense to him.

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

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Ms. Mecham sent a suggestion to staff to change to the proposed text amendment and asked if she could read it and if it would still meet the intent of the City.

“A single-family dwelling with an accessory apartment shall provide parking such that the main dwelling and accessory apartment can each park a vehicle on the property at the same time without being impeded by the others vehicle. Parking stalls shall be eight feet by sixteen feet and paved with concrete, masonry, or concrete pavers.”

Mr. Earl indicated that it did not address the number of required stalls.

Chair Cochran thought that the impediment issue was already addressed in the proposed language.

Ms. Vargas indicated that a single-family home is required to have two off-street parking stalls and that this is in addition to those required stalls.

Mr. Earl asked Ms. Mecham to repeat her proposed change again. She did. Mr. Earl said that the difficulty of that language is left a little too open for an owner to interpret that. In other words, you could have a two-car garage with a driveway and the owner would say that he could park this additional parking stall for the apartment on the driveway in front of the garage as long as there is space that they can maneuver around and still get into the garage. They could argue under that definition that it meets the intent of the ordinance, even though that is not what the City wants. It should be off to the side.

Mr. Clark asked if it might be simpler to create example exhibits in the text.

Mr. Earl said that could work. He asked Ms. Mecham if she understood how a homeowner could argue that maneuvering around vehicles would meet the requirement and that it was what the City was trying to avoid.

Ms. Mecham said that is actually the situation at her house. She has a 50-foot long driveway that someone could easily maneuver around a vehicle in. She is hoping that people that have odd configurations existing could still meet the parking requirement.

Mr. Earl asked if what Ms. Mecham was saying was that she would be okay with the example scenario and that her proposed changes to the text amendment are for the intention to allow that specific example scenario. She indicated that was correct. He asked Mr. Bench to comment.

Mr. Bench explained that staff would not be in support of Ms. Mecham's proposed changes to the text amendment. He explained that the State requires that the City Code be specific and in situations where it is not, the definition is always in favor of the homeowner. As Ms. Mecham's proposal makes the ordinance less specific, staff would not be in support of it.

Mr. Earl explained that there might be a difference between a 50-foot long driveway and a standard 25-foot driveway. The previously mentioned example scenario would not make sense for a 25-foot driveway. However, it would make sense for a 50-foot driveway. The difficulty with drafting ordinances is that there are always situations where exceptions would make sense. He suggested that talking with staff after the meeting might be a better way to handle this discussion. We could suggest a change to the ordinance later to accommodate these situations.

Chair Cochran asked if exceptions to this ordinance could be made at the Board of Adjustment.

Mr. Bench explained that the intent of having staff is for the ability for someone to come in if they have a question to get a better understanding of what that means. Staff is not expecting the lay citizen to understand every code that is written. Staff often has issues understanding the code themselves. The intent is for citizens to come in and ask questions about it. He thought that the text amendment proposed was clear enough.

Mr. Earl asked Ms. Mecham if the issue was not actually about clarity and was about allowing people to maneuver around parked vehicles to get into a garage as counting toward the required parking for an accessory apartment.

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Ms. Mecham said that in general, the City ought to err on the side of allowing flexibility rather than adding so much language that we have people who do not even apply for an accessory apartment because they do not think they can make it work.

Mr. Earl said what she is proposing could open the door for more people to apply for an accessory apartment who otherwise might not have room to put in that additional parking stall. There is certainly an argument for Ms. Mecham's proposal, but there are also some con's to it as well. The purpose of the Planning Commission is to weigh those pros and cons.

Mr. Cook indicated that he had several accessory apartments on his street. He noted that there are many that have more than one vehicle. The City is only requiring one stall. Those extra vehicles need to be parked on the street. If the City removed this requirement, the street could fill up pretty quickly.

Mr. Bench indicated that was the reason the City adopted a minimum of one stall years ago. It was understood then that some would have more than one vehicle. It removes a lot of parking on the street to have one stall on the street.

Mr. Allen provided some context that initially, the State Legislature wanted to remove all parking requirements all together. It was through some negotiating with Cities that the one stall minimum requirement was allowed to stay.

Chair Cochran asked if there were any other comments on this item.

Ms. Mecham said that the City is maintaining the on-street parking spaces. We should make sure that the infrastructure we are providing is being used.

Planning Commission Action: Ms. Bentley moved to forward a positive recommendation to the City Council to amend Article 22-2-1 Accessory Apartments and portions of Section 22-6-9(I) of the Orem City Code pertaining to Accessory Apartments. Chair Cochran seconded the motion. Those voting aye: Mickey Cochran, Marisa Bentley, Carl Cook, Shauna Mecham, and Barry Roberts. The motion passed unanimously.

Agenda Item 3.3 is a request by F. Richard Call to amend Appendix DD of the Orem City Code by adding the concept plan and elevations; and amend Section 22-5-3(A) and the zoning map of the City of Orem by changing the zone of approximately 14.7 acres from the Highway Services (HS) zone to the PD36 zone at approximately 1430 North Geneva Road.



Staff Presentation: The applicant is proposing this rezone and map amendment from the Highway Services zone to the PD36 zone so he can build three buildings similar to the buildings at Orem Technology Campus directly to the south of his property. Building 1 will be 95,760 square feet, building 2 will be 99,900 square feet and the third building will be 8,400 square feet.

Appendix DD will also be amended by adding the concept plan and proposed elevations.

One of the biggest reasons for the rezone is the parking. The HS zone requires one parking stall for every 250 square feet of gross leaseable area. That would be approximately 783 required parking stalls for the two buildings. The PD36 zone requires one parking stall per 750 square feet for the first 50,000 square feet of building area and one parking stall per 1,000 square feet for the second 50,000 square feet of building area. That would be approximately 250 required parking stalls for the three buildings. These buildings will have an office/warehouse use similar to the Orem Technology Campus.

The PD36 zone boundary is currently allowed per ordinance between 1200 North and 1600 North and between the I-15 freeway and Geneva Road.

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

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Recommendation: Staff recommends the Planning Commission forward a positive recommendation to the City Council to amend Appendix DD of the Orem City Code by adding the concept plan and elevations; and amending Section 22-5- 3(A) and the zoning map of the City of Orem by changing the zone of approximately 14.7 acres from the Highway Services (HS) zone to the PD36 zone at approximately 1430 North Geneva Road.

Chair Cochran invited the applicant to come forward. Kyle Spencer with Northern Engineering came forward and indicated that those working on this project were excited about the project.

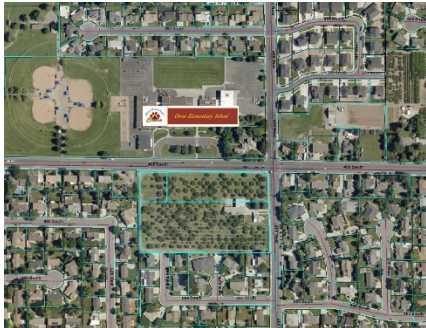
Chair Cochran asked when they anticipated beginning construction on the project.

Mr. Spencer indicated that they wanted to begin in October.

Chair Cochran asked if there were any other questions for the applicant. When there were none, he opened the public hearing. When no one came forward, he closed the public hearing.

Planning Commission Action: Mr. Cook moved to forward a positive recommendation to the City Council to amend Appendix DD of the Orem City Code by adding the concept plan and elevations; and amending Section 22-5- 3(A) and the zoning map of the City of Orem by changing the zone of approximately 14.7 acres from the Highway Services (HS) zone to the PD36 zone at approximately 1430 North Geneva Road. Mr. Roberts seconded the motion. Those voting aye: Mickey Cochran, Marisa Bentley, Carl Cook, Shauna Mecham, and Barry Roberts. The motion passed unanimously.

Agenda Item 3.4 is a request by Orem City to approve the preliminary plat of Farley Orchard Subdivision located generally at 444 South 400 West in the R8 zone.



Staff Presentation: Farley Orchard Subdivision is currently three lots of record in the R8 zone. The lot lines will be realigned to create two lots. Lot 2 will be the lot with the existing home on it and continue to be owned by Arlen Farley.

Lot 1 will be sold to the City for the construction of a new culinary water tank to serve the residents of Orem. The water tank will be built below grade and the City plans to landscape over the tank in that location once the water tank construction is complete.

Recommendation: Staff recommends the Planning Commission approve the preliminary plat of Farley Orchard Subdivision located generally at 444 South 400 West in the R8 zone.

Chair Cochran asked if there were any questions for staff and asked if there were any other staff members that wanted to add further clarification.

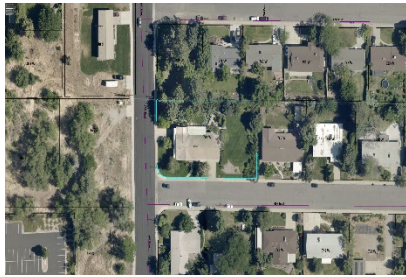
Mr. Clark added that there currently was not a plan for the land around the tank except that it would be some kind of public open space. The goal is to get the tank in as soon as possible to meet our current water storage needs. A site plan for the water tank will be coming before the Planning Commission soon.

When there were no more questions for staff, Mr. Cochran made the motion.

Planning Commission Action: Chair Cochran moved to approve the preliminary plat of Farley Orchard Subdivision located generally at 444 South 400 West in the R8 zone. Ms. Bentley seconded the motion. Those voting aye: Mickey Cochran, Marisa Bentley, Carl Cook, Shauna Mecham, and Barry Roberts. The motion passed unanimously.

Agenda Item 3.5 is a request by Bill Fairbanks to vacate Lots 5 and 6, Sunset Vista Plat C, and approve the final plat of Sunset Vista Plat M located at 784 West 650 South in the R8 and R7.5 zones.

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Staff Presentation: The applicant was recently approved for a zone change to the R7.5 on the east lot to allow for this subdivision.

Lot 1 is in the R8 zone and conforms to the minimum size and frontage requirements of that zone. The lot size will be 16,594 square feet. The frontage on that lot will be 120.70 feet on the south side and 97.47 feet on the west side for a total of 218.17 feet.

Lot 2 is in the R7.5 zone and conforms to the minimum size and frontage requirements of that zone. The lot size will be 8,950 square feet. The frontage on that lot will be 75.44 feet.

Recommendation: Staff recommends the Planning Commission vacate Lots 5 and 6, Sunset Vista Plat C, and approve the final plat of Sunset Vista Plat M located at 784 West 650 South in the R8 and R7.5 zones..

Chair Cochran opened the public hearing. He also invited the applicant forward if he had anything to add to the staff presentation. When no one came forward, he closed the public hearing and called for a motion on the item.

Planning Commission Action: Mr. Roberts moved to vacate Lots 5 and 6, Sunset Vista Plat C, and approve the final plat of Sunset Vista Plat M located at 784 West 650 South in the R8 and R7.5 zones. Mr. Cook seconded the motion. Those voting aye: Mickey Cochran, Marisa Bentley, Carl Cook, Shauna Mecham, and Barry Roberts. The motion passed unanimously.

Agenda Item 3.6 is a request by Andrew Flamm to approve the preliminary plat of Jones Court, Plat A located generally at 1785 South 100 East in the R8 zone.



Staff Presentation: Jones Court, Plat A is currently two lots of record in the R8 zone. The existing home and all structures will be torn down and twenty-five new lots meeting the R8 zone lot size requirements will be created. A new street (1780 South) and a new cul-de-sac (1820 South) will also be created with this development.

Buffered sidewalks are required on all new residential streets. However, because there are some existing sidewalks that do not have the park strip buffer where this new development meets the old developments, the Planning Commission can waive the buffered sidewalk requirement if it finds that the requirement would be functionally or aesthetically inconsistent with the existing development located near or adjacent to the property (17-7-1(B)). That is the case for the west side of Lots 1, 14 and 15 (bordering 100 East) and the east side of Lots 7, 8, 24 and 25 (bordering 200 East). Staff supports the request of the applicant for non-buffered sidewalks in these locations. Buffered sidewalks will be provided in the other areas.

The cul-de-sac street will be constructed narrower as it was shown on the preliminary plat. The applicant did not know that the requirement was a 28-foot wide street instead of a 32-foot wide street. This will be approved on the final plat which will not come before the Planning Commission.

Recommendation: Staff recommends the Planning Commission approve the preliminary plat of Jones Court, Plat A located generally at 1785 South 100 East in the R8 zone which includes the waiver of the buffered sidewalks for Lots 1, 7, 8, 14, 15, 24, and 25 .

Chair Cochran invited the applicant to come forward.

Andy Flamm came forward and said he had nothing to add, but echoed what Ms. Vargas mentioned in her presentation about the narrowing of the cul-de-sac street and 1780 South. He asked if the Commission had any questions for him. When there were none, Chair Cochran called for a motion.

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Planning Commission Action: Mr. Bentley moved to approve the preliminary plat of Jones Court, Plat A located generally at 1785 South 100 East in the R8 zone which includes the waiver of the buffered sidewalks for Lots 1, 7, 8, 14, 15, 24, and 25. Barry Roberts seconded the motion. Those voting aye: Mickey Cochran, Marisa Bentley, Carl Cook, and Barry Roberts. Those voting nay: Shauna Mecham. The motion passed.

Ms. Mecham said the reason she voted nay was because she wished that lots 14 and 15 would be required to have buffered sidewalks.

Minutes: The Planning Commission reviewed the minutes from the previous meeting. Chair Cochran then made a motion to approve the minutes of the June 2, 2021 Planning Commission meeting. Barry Roberts seconded the motion. Those voting aye: Mickey Cochran, Marisa Bentley, Carl Cook, Shauna Mecham, and Barry Roberts. The motion passed unanimously.

Adjourn: Ms. Bentley moved to adjourn. Carl Cook seconded the motion. Those voting aye: Mickey Cochran, Marisa Bentley, Carl Cook, Shauna Mecham, and Barry Roberts. The motion passed unanimously.

Adjourn: 6:16 p.m.

Jason Bench
Planning Commission Secretary

Approved: July 7, 2021