

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
December 8, 2021

The following items are discussed in these minutes:

- **SITE PLAN** – Vacating Lot 16B of the University Mall UPlace Aston Court Subdivision, amend Lot 1 of the University Place Subdivision Aston North Lots 17A and 18A and approve the site plan and University Place Subdivision Aston North Lot 19 plat for Devon II located generally at 845 South 750 East in the PD34 zone. – Approved.
- **PRELIMINARY PLAT** – Approving the preliminary plat of Sunset Meadows Estates, Plat A, located generally at 1065 West 1600 North in the R8 zone. – Approved.
- **PUBLIC HEARING** – Vacating Lots 1 and 2 of Armond James Plat H and approving Armond James Plat N, located generally at 396 W 1060 S in the R8 zone. – Approved.
- **PUBLIC HEARING** – Enacting Section 12-5-14 *Massage Establishments* of the Orem City Code. – Positive Recommendation.
- **Public Hearing** – Adopting the updated City of Orem Parks, Recreation, Trails and Open Space Master Plan and amending the Orem City General Plan to include the updated City of Orem Parks, Recreation, Trails and Open Space Master Plan in Appendix G. – Positive Recommendation.

STUDY SESSION

Place: City Council Conference Room

At 3:35 p.m. Chair Cochran called the Study Session to order.

Those present: Marisa Bentley, Mickey Cochran, Shauna Mecham, Barry Roberts, Haysam Sakar, Jim Condie, and Ross Spencer, Planning Commission members; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Cheryl Vargas and Rachel Stevens, Associate Planners; Grant Allen and Matt Taylor, Long Range Planners; Sam Kelly, City Engineer; Heather Schriever, Legal Counsel and Terry Peterson, City Council Liaison

Those excused:

The Commission and staff briefly reviewed agenda items and minutes from November 3, 2021 meeting and adjourned at 4:20 p.m. to the City Council Chambers for the regular meeting.

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 himself.

Those present: Marisa Bentley, Mickey Cochran, Shauna Mecham, Barry Roberts, Haysam Sakar, Jim Condie, and Ross Spencer, Planning Commission members; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Cheryl Vargas and Rachel Stevens, Associate Planners; Grant Allen and Matt Taylor, Long Range Planners; Sam Kelly, City Engineer; Heather Schriever, Legal Counsel and Terry Peterson, City Council Liaison

Those excused:

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

Agenda Item 3.1 is a request by University Place for the Planning Commission to vacate Lot 16B of the University Mall UPlace Aston Court Subdivision, amend Lot 1 of the University Place Subdivision Aston North Lots 17A and

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

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18A and approve the site plan and University Place Subdivision Aston North Lot 19 plat for Devon II located generally at 845 South 750 East in the PD34 zone.



Staff Presentation: The University Place is continuing to expand housing at the mall. The Devon II project is the latest addition. The Devon II will be a four-story residential project with 235 units and amenity deck with a pool connected to a four-story parking structure.

Architecture: The proposed residential structure will be built and connected to the north of a four-story parking structure. The building will have a footprint of 66,142 square feet on a lot with 152,629 square feet. The residential elevations will be covered with stucco, bronze accent vertical cement board siding, simulated wood accent horizontal cement board siding and white brick veneer.

Height and setbacks: Within fifty feet of 800 South and 800 East there is a Limited Common area. The maximum building height in this area is forty-five feet high. The building will be forty-five feet high from finished grade to the top of a typical parapet meeting the height requirement of forth-five feet high or less.

In the PD34 zone all structures must be set back at least twenty feet from 800 South and 800 East. The Devon II is set back twenty-nine feet from 800 South and twenty feet from 800 East. This project meets the required height and setback requirements for the PD34 zone.

Parking: The project requires three hundred fifty-three (353) parking stalls based on the requirement of 1.5 parking stalls per unit. They are providing 419 parking stalls which is a 1.78 parking ratio.

Landscaping: The overall landscape plan complies with applicable City Codes.

Transportation/Engineering: The site plan meets all application requirements.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission vacate Lot 16B of the University Mall UPlace Aston Court Subdivision, amend Lot 1 of the University Place Subdivision Aston North Lots 17A and 18A and approve the site plan and University Place Subdivision Aston North Lot 19 plat for Devon II located generally at 845 South 750 East in the PD34 zone.

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

Chair Cochran invited the applicant to come forward. Chris Larson, representing Woodbury Corporation, introduced himself.

There was a discussion concerning the parking ratio of the current apartment building nears the proposed site plan. See video for additional details.

Planning Commission Action: Marisa Bently moved to approve to vacate Lot 16B of the University Mall UPlace Aston Court Subdivision, amending Lot 1 of the University Place Subdivision Aston North Lots 17A and 18A and approving the site plan and University Place Subdivision Aston North Lot 19 plat for Devon II located generally at 845 South 750 East in the PD34 zone. Barry Roberts seconded the motion. Those voting aye: Marisa Bentley, Mickey Cochran, Shauna Mecham, Barry Roberts, Haysam Sakar, Jim Condie, and Ross Spencer. 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

Agenda Item 3.2 is a request by Scott Jackson for the Planning Commission to approve the preliminary plat of Sunset Meadows Estates, Plat A, located generally at 1065 West 1600 North in the R8 zone.



Staff Presentation: The applicant desires to plat two lots of record into a two-lot subdivision in an existing neighborhood in the R8 zone. Lot 1 will be 11,635 square feet. This lot has an existing garage on it which will be removed. Lot 2 will be 14,440 square feet. This lot has an existing home that will remain on the lot.

Between Lots 1 and 2 and the Church of Jesus Christ of Latter-Day Saints church building, there is a strip of land that belongs to the applicant and will be incorporated into Lots 1 and 2. Because these are lots of record, this strip of land has never officially been incorporated into Lots 1 and 2. This preliminary plat and the final plat will

take care of that problem.

Because UDOT has plans to widen 1600 North, this application required written permission from UDOT to proceed with this subdivision. UDOT denied access to Lot 1 from 1600 North, so the two lots will have a shared access using the current access to Lot 2. UDOT did approve this configuration.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission approve the preliminary plat of Sunset Meadows Estates, Plat A, located generally at 1065 West 1600 North in the R8 zone.

Chair Cochran asked if the Planning Commission had any questions for Ms. Vargas or the applicant.

Chair Cochran called for a motion on this item.

Planning Commission Action: Shauna Mecham moved to approve the preliminary plat of Sunset Meadows Estates, Plat A, located generally at 1065 West 1600 North in the R8 zone. Ross Spencer seconded the motion. Those voting aye: Marisa Bentley, Mickey Cochran, Shauna Mecham, Barry Roberts, Haysam Sakar, Jim Condie, and Ross Spencer. The motion passed unanimously.

Chair Cochran asked Ms. Vargas to introduce **Agenda Item 3.3:**

Agenda Item 3.3 is a request by Alan Parrish for the Planning Commission to vacate Lots 1 and 2 of Armond James Plat H and approve Armond James Plat N, located generally at 396 W 1060 S in the R8 zone.



Staff Presentation: The applicant is seeking to vacate two existing lots to create one large lot. The home was originally constructed across the two existing lots. Additionally, the applicant is vacating the existing public utility easement which would run down the middle of the proposed lot 1 of Armond James Plat N. After this change has been made the applicant will apply for a walk-out basement remodel on the existing home.

Recommendation: The Development Review Committee determined this request complies with the

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Orem City Code. Staff recommends the Planning Commission vacate Lots 1 and 2 of Armond James Plat H and approve Armond James Plat N, located generally at 396 W 1060 S in the R8 zone.

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

Chair Cochran invited the applicant to come forward. Alan Parrish introduced himself.

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

When no one came forward, Chair 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: Ross Spencer moved to vacate Lots 1 and 2 of Armond James Plat H and approve Armond James Plat N, located generally at 396 W 1060 S in the R8 zone. Haysam Sakar seconded the motion. Those voting aye: Marisa Bentley, Mickey Cochran, Shauna Mecham, Barry Roberts, Haysam Sakar, Jim Condie, and Ross Spencer. The motion passed unanimously.

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

Agenda Item 3.4 is a request by Legal Services for the Planning Commission to forward a positive recommendation to the City Council to enact Section 12-5-14 *Massage Establishments* of the Orem City Code.

Staff Presentation: Concerns have arisen recently that some massage establishments have been used as a front for prostitution and human trafficking. Although staff believes that the majority of massage establishments in the City are reputable businesses, the City has periodically received reports that acts of prostitution have been performed or offered at some massage establishments.

In order to better ensure that massage establishments in the City are operating in conformance with state law and to prevent acts of prostitution or human trafficking in massage establishments, staff proposes the enactment of a new section 12-5-14 of the City Code to specifically regulate the licensing and operation of massage establishments in the City.

The proposed section 12-5-14 includes the following provisions:

1. Applicants for a massage establishment license are required to have a background check performed and no license will be granted to any applicant who has been convicted of a crime within the previous five years involving a felony, theft, fraud, deceit, prostitution, sexual solicitation or if the applicant has had a license to operate a massage establishment suspended or revoked in any jurisdiction within the previous five years.
2. Makes it unlawful for a masseur to perform or offer to perform a massage without holding a current license as a massage therapist from the state.
3. All masseurs are required to provide proof of their masseur license and a valid government-issued photo identification upon request of any law enforcement or code enforcement official as well as to any person to whom the masseur has provided or offered to provide a massage.
4. Makes it unlawful for a masseur to intentionally touch or massage, or to offer to touch or massage, the specified anatomical areas of any patron.
5. Allows for the suspension or revocation of any massage establishment license if:
 - a. The massage establishment has been operated contrary to state statute or City ordinance;
 - b. Any employee of a massage establishment has performed or offered to perform massage contrary to state statute or City ordinance; or
 - c. Any violation of section 12-5-14 has been committed by an employee of the massage establishment.
6. If a massage establishment license has been suspended or revoked and at least three separate violations have occurred at the same location within a twelve month period, no application for a massage establishment license may be accepted or approved for the same location for a period of one year after the date of the suspension or revocation.

A copy of the proposed section 12-5-14 is attached as an appendix to the meeting minutes.

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

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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 enact Section 12-5-14 *Massage Establishments* of the Orem City Code.

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

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

When no one came forward, Chair 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: Mickey Cochran moved to forward a positive recommendation to the City Council to enact Section 12-5-14 *Massage Establishments* of the Orem City Code. Jim Condie seconded the motion. Those voting aye: Marisa Bentley, Mickey Cochran, Shauna Mecham, Barry Roberts, Haysam Sakar, Jim Condie and Ross Spencer. The motion passed unanimously.

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

Agenda Item 3.5 is a request by City of Orem for the Planning Commission to forward a recommendation to the City Council to adopt the updated City of Orem Parks, Recreation, Trails and Open Space Master Plan and amend the Orem City General Plan by adopting the updated plan in Appendix G.

Lisa Benson, a consultant from Landmark Design, presented the Orem Parks, Recreation, Trails, and Open Space Master Plan. The full presentation can be viewed at www.orem.org/meetings.

Presentation: The Orem Parks, Recreation, Trails and Open Space Master Plan was adopted on June 27, 2017 to ensure the City keeps pace with demand for parks, recreation and trail facilities in a comprehensive and equitable manner. The plan captured the vision and needs of the existing community while providing policy guidance for allocating resources during the ten-year planning period and beyond.

The revised plan maintains the same format from the current master plan and is intended to address existing conditions, priorities, levels of service and other considerations of a comprehensive parks, recreation and trails plan. The master plan builds upon previous studies and plans, including the Orem City General Plan 2018 and the Bicycle and Pedestrian Plan 2010. The updated plan is organized into six chapters including an Introduction and chapters regarding Parks & Open Space, Recreation and Community Events, Arts & Culture, Trails, and Implementation.

Additional information about the plan and process and the full draft plan can be found in the Agenda Packet posted on www.orem.org/meetings.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission provide a positive recommendation to the City Council regarding the approval of the City of Orem Parks, Recreation, Trails and Open Space Master Plan and adopting the updated plan in Appendix G of the Orem City General Plan.

Chair Cochran asked if the Planning Commission had any questions for Lisa Benson or staff.

There was a discussion concerning where new parks will be located. See video details for additional details.

There was a discussion concerning the population projection. See video details for additional details.

There was a discussion concerning bike lanes. See video details for additional details.

There was a discussion concerning the estimated cost of obtaining additional park space.

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

When no one came forward, Chair 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: Shauna Mecham moved to forward a positive recommendation to the City Council regarding the approval of the City of Orem Parks, Recreation, Trails and Open Space Master Plan and adopting the updated plan in Appendix G of the Orem City General Plan. Marisa Bentley seconded the motion. Those voting aye: Marisa Bentley, Mickey Cochran, Shauna Mecham, Barry Roberts, Haysam Sakar, Jim Condie and Ross Spencer. The motion passed unanimously.

Calendar: The Planning Commission reviewed the calendar for the year 2022. Chair Cochran moved to approve the 2022 calendar as presented in Planning Commission. Marisa Bentley seconded the motion. Those voting aye: Marisa Bentley, Mickey Cochran, Shauna Mecham, Barry Roberts, Haysam Sakar, Jim Condie and Ross Spencer. 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 November 3, 2021. Ross Spencer moved to approve the meeting minutes for November 3, 2021. Haysam Sakar seconded the motion. Those voting aye: Marisa Bentley, Mickey Cochran, Shauna Mecham, Barry Roberts, Haysam Sakar, Jim Condie and Ross Spencer. The motion passed unanimously.

Adjourn: Chair Cochran called for a motion to adjourn. Chair Cochran moved to adjourn. Barry Roberts seconded the motion. Those voting aye: Marisa Bentley, Mickey Cochran, Shauna Mecham, Barry Roberts, Haysam Sakar, Jim Condie, and Ross Spencer. The motion passed unanimously.

Adjourn: 5:25 p.m.



Jason Bench
Planning Commission Secretary

Approved:

Appendix

12-5-14. Massage Establishments.

A. Definitions. For the purposes of this section 12-5-14, the following terms shall have the meaning set forth below.

Employee means an operator, owner, or manager of a massage establishment and any person performing massages at or on the licensed premises of a massage establishment and also any agent or independent contractor who gives massages at a massage establishment.

Massage or Massage Therapy means the systematic manual or mechanical manipulation of the soft tissue of the body (including by rubbing, stroking, kneading, or tapping with the hand or by instrument) for the purpose of:

- (a) promoting the therapeutic health and well-being of a client;
- (b) enhancing the circulation of the blood and lymph;
- (c) relaxing and lengthening muscles;
- (d) relieving pain;
- (e) restoring metabolic balance;
- (f) achieving homeostasis; or
- (g) other purposes.

Massage Establishment means any place or business where massages are given for hire.

Masseur means any person who gives massages for hire and any person who is required to obtain a license under the provisions of the Utah Massage Therapy Practice Act (Utah Code Title 58, Chapter 47B).

Specified Anatomical Areas means the pubic region, human genitals, perineum, anal region and female breasts.

B. License Required. Except as exempted under Utah Code sections 58-1-307 and 58-47b-304, it is unlawful for any person to operate, conduct, carry on, or maintain a massage establishment without a City massage establishment license.

C. Requirements for the Issuance of a Massage Establishment License. An applicant (and where the applicant is an entity, the person holding the largest ownership interest of the entity) for a massage establishment license under this section shall:

1. Be at least twenty-one (21) years of age;
2. Obtain all licenses required by and otherwise comply with the Massage Therapy Practice Act (Utah Code Title 58, Chapter 47b) and comply with any and all rules promulgated by the Utah State Board of Massage Therapy;
3. Apply to the City for a massage establishment business license and provide the following material and information:
 - (a) The address of the place where the applicant proposes to give massages or maintain a massage establishment;
 - (b) A written description of all criminal convictions the applicant has had within the previous five years for crimes involving a felony, theft, fraud, deceit, misrepresentation, false statements, dishonesty, prostitution, sexual solicitation or other crimes involving moral turpitude;
 - (c) The findings of a background check on the applicant conducted by the Utah Bureau of Criminal Investigations ("BCI") within the last 60 days and the results of a comparable background check from the applicant's state of permanent residency (if different) conducted within the previous 180 days;
 - (d) A list of the names and addresses of all other massage establishments which the applicant currently operates or has operated in the previous five years and a statement as to whether the applicant has ever had a license to operate a massage establishment revoked or suspended and the full reasons for such revocation or suspension; and
 - (e) Proof that all persons who will perform massages at the proposed massage establishment are licensed to do so by the state of Utah; and
4. Pay all applicable license fees.

D. Grounds for Denial, Suspension or Revocation.

1. In addition to the grounds for denial, suspension or revocation of a business license in section 12-4-3, a business license for a massage establishment may be denied, suspended or revoked if the applicant has been convicted of a crime within the previous five years involving a felony, theft, fraud, deceit, misrepresentation, false statements, dishonesty, prostitution, sexual solicitation, or other crimes involving moral turpitude or if the applicant has had a license to operate a massage establishment suspended or revoked in the previous five years in any jurisdiction.
2. Additional grounds for the suspension or revocation of massage establishment license include:
 - a. The massage establishment has been operated or maintained contrary to state statute or City ordinance;
 - b. Any employee of a massage establishment has performed or offered to perform massage contrary to state statute or City ordinance; or
 - c. Any violation of this section 12-5-14 committed by an employee of the massage establishment.
3. Suspensions or revocations of a massage establishment license shall be conducted in accordance with section 12-4-4 of the Orem City Code.

E. No License to be Issued at Same Location Where Three or More Violations Have Occurred For One Year.

If the City Manager or the City Manager's designee has suspended or revoked any massage establishment license as provided for herein and the City Manager or the City Manager's designee finds that at least three separate violations of this section 12-4-4 have occurred (based on a preponderance of the evidence) at a particular massage establishment within any rolling twelve month period, no application for a massage establishment license shall be accepted or approved for the same location for a period of one year after the date of the suspension or revocation.

F. Display of Licenses.

1. Every massage establishment licensed under this section shall prominently display in the establishment all licenses required to be displayed by Utah Code section 58-47b-301 and all licenses required and issued under this section.
2. All masseurs, while on the premises of a licensed massage establishment shall maintain in their possession or immediate presence their masseur license and shall provide proof of such license and valid government-issued personal photo identification upon request of any law enforcement or code enforcement official as well as to any person to whom the masseur has provided or offered to provide a massage.

G. Prohibited Acts. It is unlawful:

1. For a masseur to permit, to offer or agree to permit, or to cause a business patron to administer a massage, or a bath to any person;
2. To serve, store, or allow to be served, or allow to be consumed, any alcoholic beverage on the licensed premises of a massage establishment;
3. Subject to Utah Code Annotated section 58-47b-501(3), for a masseur to intentionally touch or massage, or to offer to touch or massage, or to agree to touch or massage, the specified anatomical areas of any patron;
4. For any person to perform or attempt or offer to perform a massage without holding a current license as a massage therapist or a massage apprentice under Utah Code Title 58, Chapter 47b, or to advertise or represent themselves as practicing massage therapy when not licensed to do so;
5. For any person to own, operate or conduct a massage establishment, or in any other manner to engage in or perform massages without complying with the licensing requirements of this section;
6. For any premises licensed as a massage establishment to be used as living or sleeping quarters by employees or other persons; or
7. For any masseur or other person employed by or allowed on the premises by the massage establishment to display any specified anatomical area to any customer or patron of the massage establishment while on the premises of the massage establishment.

H. Penalties. Violations of subsections 12-5-14(F)(3) and (F)(4) constitute violations of Utah Code section 58-47b-503, and shall be classified, prosecuted and penalized as outlined therein. All other violations of this section 12-5-14 are class B misdemeanors.