



CITY OF OREM
BOARD OF ADJUSTMENTS MEETING
56 North State Street, Orem, Utah
December 13, 2023

*This meeting may be held electronically
to allow a Board Member to participate.*

6:00 PM REGULAR SESSION – CITY COUNCIL CHAMBERS

1. CALL TO ORDER
2. INVOCATION/INSPIRATIONAL THOUGHT: BY INVITATION
3. 6:00 PM SCHEDULED ITEM
 - 3.1 **Appeal – This meeting is a continuation of the meeting held on November 29, 2023. The final decision regarding the appeal will be delivered at this meeting.**

Applicant appeals City of Orem’s staff determination that their DRC application was incomplete for a Holiday Oil gas station and convenience store located generally at 1981 South Geneva Road in the C2 zone.
4. MINUTES REVIEW AND APPROVAL
 - 4.1 **Review and approve minutes from the November 29, 2023 meeting.**
5. ADJOURN

**THE PUBLIC IS INVITED TO PARTICIPATE IN ALL BOARD OF ADJUSTMENT MEETINGS.
If you need a special accommodation to participate in the Board of Adjustment Meetings and Study Sessions,
please call the Development Services Office at least 3 working days prior to the meeting.
(Voice 801-229-7183)**

This agenda is also available on the City's webpage at orem.org

Item #: 3.1

Prepared By:
Cheryl Vargas

Board of Adjustment

December 13, 2023



Applicant: Brent Neel,
Holiday Oil

APPEAL – This meeting is a continuation of the meeting held on November 29, 2023. The final decision regarding the appeal will be delivered at this meeting.

Applicant appeals City of Orem’s staff determination that their DRC application was incomplete for a Holiday Oil gas station and convenience store located generally at 1981 South Geneva Road in the C2 zone.

NOTICES:

- Posted in 2 public places
- Posted on City webpage and City hotline
- Faxed to newspapers
- E-mailed to newspapers
- Posted at utah.gov/pmn
- Mailed 131 notices on to properties within 500 feet

SITE INFORMATION:

- General Plan Designation: **Community Commercial**
- Current Zone: **C2**
- Acreage: **2.16**
- Neighborhood: **Lakeview**

ACTION:

The Board of Adjustment shall approve or deny the applicant’s appeal request

APPEAL: 22-16-2. POWERS OF BOARD:

To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of the City's zoning ordinance or subdivision ordinance, except in the case of matters designated to be appealed to other bodies.

REQUEST: Applicant requests the Board of Adjustment hear an appeal pertaining to the City of Orem’s determination that their DRC application was incomplete for a Holiday Oil gas station and convenience store located generally at 1981 South Geneva Road in the C2 zone.

BACKGROUND:

This meeting is a continuation of the meeting held on November 29, 2023. The final decision regarding the appeal will be delivered at this meeting.

On December 8, 2020, the City of Orem passed O-2020-0034, amending Article 22-5-3(A) and the Zoning Map of the City of Orem, which changed the zoning of 2.16 acres from the OS5 Zone to the C2 zone at approximately 1981 South Geneva Road, Orem, Utah. A development agreement was signed between the owners of Lakeview Corner (1981 South Geneva Road) and the City of Orem. The development agreement conferred no additional development or use rights. Rather, the development agreement limited the land owner’s future use and development within the C2 Zone. The agreement limited the landowner’s use to a gas station, with a convenience store. The agreement further made limitations on elevations, lighting, and other conditions on the land use. The development agreement further warned of the potential of the City’s ability to exercise the police power and enact new and different zoning and land use regulations. After the execution of the development agreement and enactment of O-2020-0034, no development occurred on Lakeview Corner.

The owners of Lakeview Corner eventually sold the property to Holiday Oil, which assumed the development agreement by assignment.

On June 21, 2023 Holiday Oil went before the Planning Commission to request an amended development agreement. After a public hearing, and deliberation, the Planning Commission resolved to send a negative recommendation to the City Council, opposing the amendment of the development agreement.

On August 1, 2023, after a public hearing, the City Council deliberated the proposed amendment to the development agreement and discussed the concerns surrounding the C2 Zone for the 1981 South Geneva Road property. During this discussion, in an open and public meeting, several councilmembers expressed the desire to revisit

the zoning of the parcel and potential rezone it to another more appropriate land use. Ultimately, the City Council denied the request to amend the development agreement.

On August 16, 2023, the City filed an application to amend Article 22-5-3(A) and the Zoning Map to rezone the property at 1981 South Geneva Road and 868 West 2000 South from the C2 Zone to the PO (Professional Office) Zone.

On August 21, 2023, Brent Neel/Holiday Oil, submitted a site plan application and a final plat application for review. City Staff began reviewing the application, during this process City staff engaged in a red-lining process to address issues of non-compliance with the form of the application. On September 5, 2023 Mr. Neel resubmitted plans.

On September 6, 2023, the City of Orem Planning Commission held a public hearing to review the City's application to rezone the 1981 South Geneva Road and 868 West 2000 South property from the C2 Zone to the PO Zone. After the public hearing, the Planning Commission voted to forward the rezone application to the City Council with a FAVORABLE recommendation.

Even with the pending legislation, City staff continued to process and review Holiday Oil's Site Plan Application.

The Site Plan Application is governed by Orem City Code 22-14-20. As the site plan proposed development on the corner lot, where one or more of the streets is a collector or arterial, the application needed to include a traffic study. Orem City Code 22-14-20(E). City requires that the application's traffic study include:

- (1) An analysis of the off-site traffic impacts resulting from the development of the site and a description of the mitigation measures necessary to reduce the identified impacts.*
- (2) An analysis of internal traffic circulation patterns and their effect on ingress and egress from the site for emergency vehicles and the public.*

Orem City Code 22-14-20(E)(8).

The Holiday Oil Site Plan Application contained a document entitled "Lakeview Corner Geneva Road & 2000 South Traffic Impact Study Orem, Utah April 2020". City staff reviewed the submitted traffic study and determined that the traffic study failed to provide the required information.

In particular, City staff found that the traffic study failed to meet the requirements of Orem City Code 22-14-20(E)(1). First, the submitted traffic study failed to provide a reliable analysis of current off-site traffic impacts resulting from the development of the site. This finding was based on the fact that the traffic study was conducted almost 4 years prior to the submission of the site plan. Since the time the traffic study was prepared and the application submitted, surrounding parcels were developed and built out, traffic patterns changed, and general changes in the surrounding land use. Second, the traffic study was unable to provide reliable

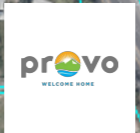
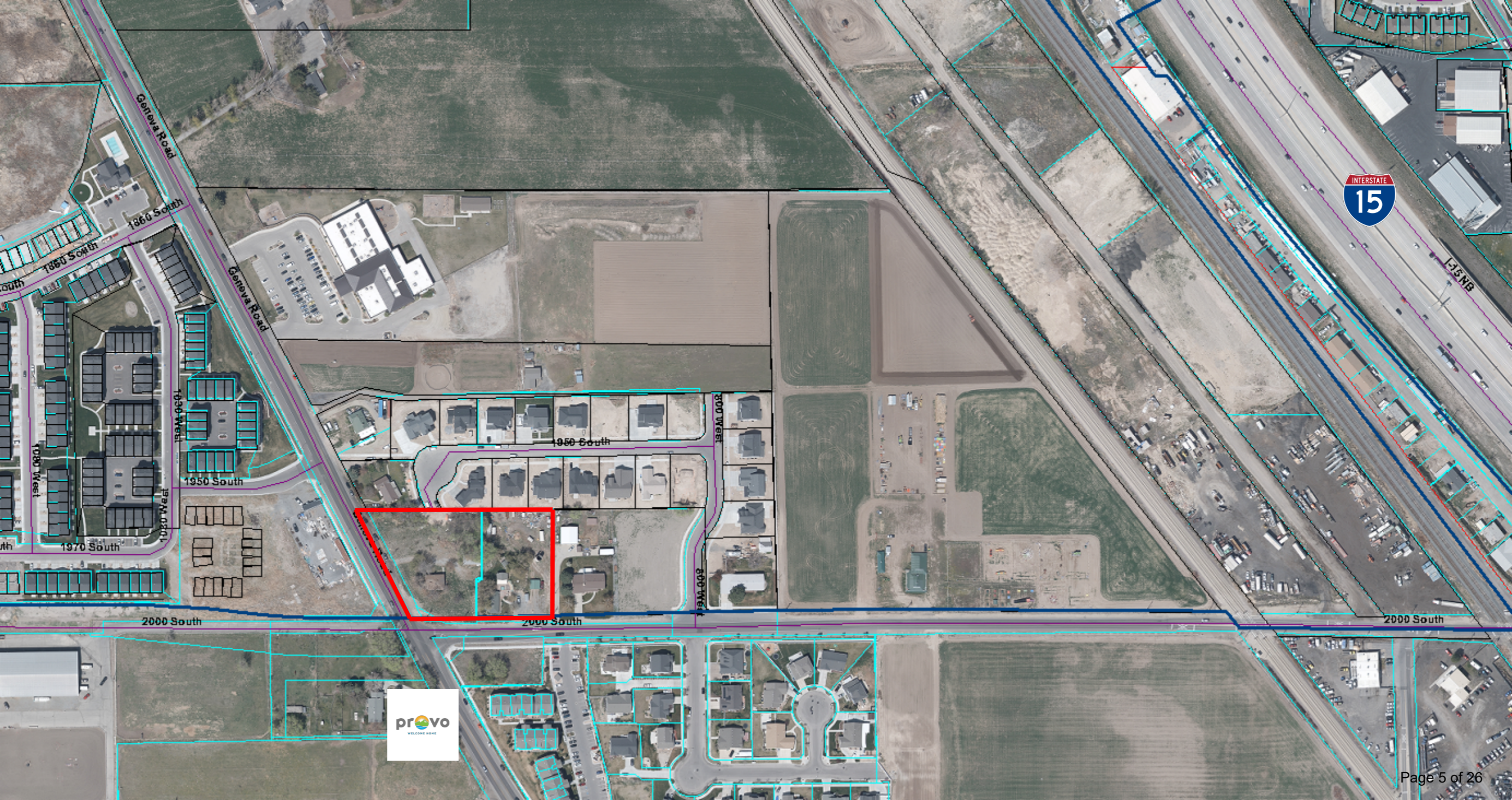
data and assumptions. The traffic study acknowledges that it was prepared during the COVID-19 pandemic which interfered with the ability to collect, record, and model traffic conditions. Third, the traffic study suffers from inaccurate information, including failing to provide the appropriate Safety Index score for either Geneva Road or 2000 South. The traffic study failed to provide and analyze the appropriate roadway authority guidelines. Given these errors, the traffic impact study failed to provide appropriate and relevant mitigation measures necessary to reduce the identified impacts.

City staff further determined that the traffic study did not provide the required information, as outlined in Orem City Code 22-14-20(E)(2). The submitted traffic study wholly fails to meet this requirement. The traffic study does not include any discussion regarding internal traffic circulation patterns. The study further neglects to address any impacts of the internal traffic circulation on the ingress and egress of emergency vehicles, let alone the general public.

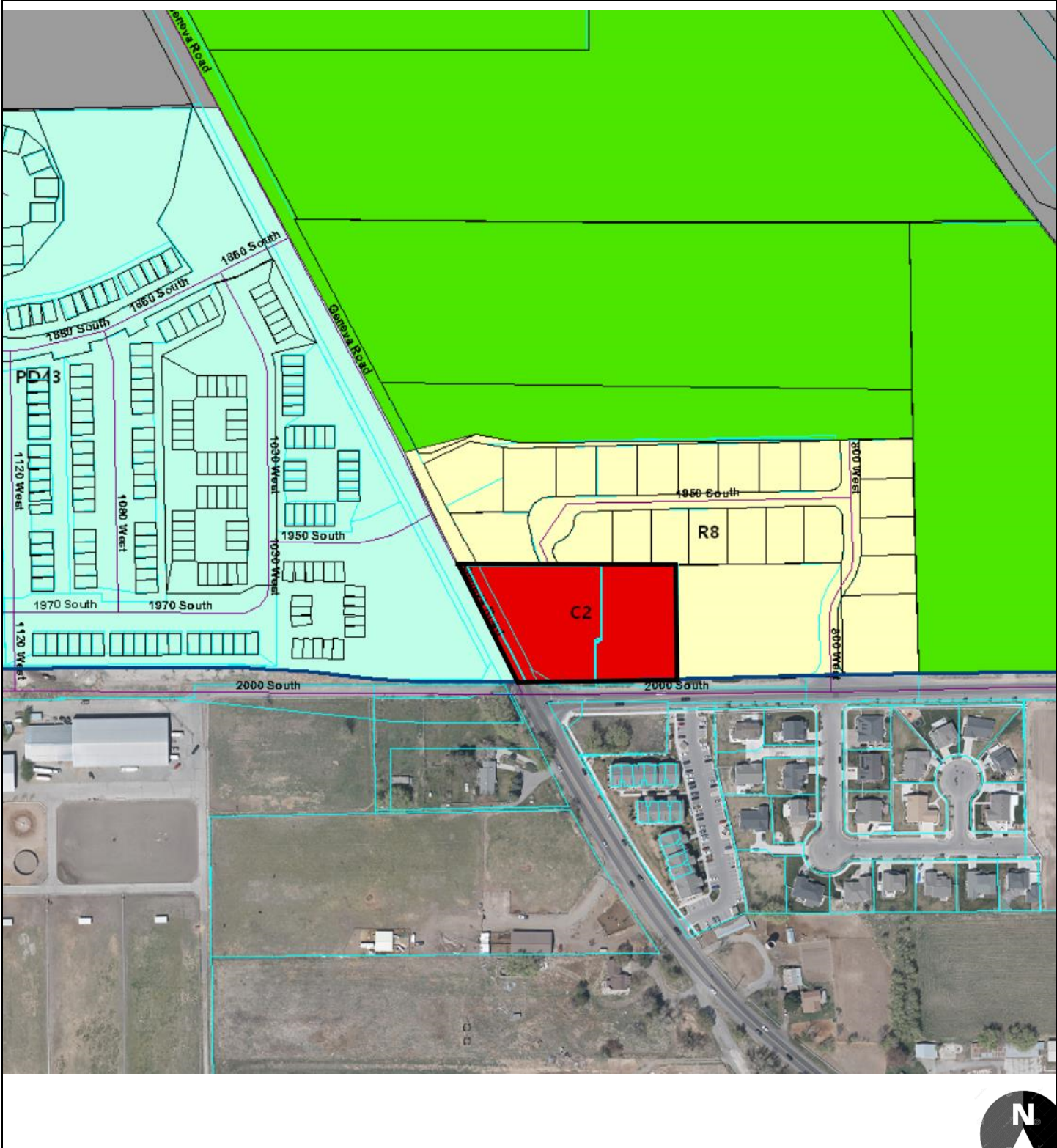
Based on the significant deficiencies of the submitted TIS, the City of Orem determined that the Site Plan Application for the Holiday Oil, at 1981 South and Geneva Road, is *incomplete*.

On September 20, 2023, the City notified Holiday Oil, in writing, of its decision that the Holiday Oil Site Plan Application was incomplete. On September 27, 2023, Holiday Oil filed its appeal of the City's Incomplete Application Determination.

RECOMMENDATION: Staff recommends the Board of Adjustment affirm and uphold City staff's determination that the Holiday Oil Site Plan Application was incomplete.



Holiday Oil



Legend



Appeal
Zone: C2
Acres: 2.16

NEIGHBORHOOD
Lakeview

- 1981 S Geneva Road
- Parcels



City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

APPEAL - This meeting is a continuation of the meeting held on November 29, 2023. The final decision regarding the appeal will be delivered at this meeting.

The applicant requests the Board of Adjustment hear an appeal pertaining to the City of Orem's determinatin that their DRC application was incomplete for a Holiday Oil gas station and convenience store located generally at 1981 South Geneva Road in the C2 zone. This meeting has been rescheduled from 5:00 pm to 6:00 pm.

Additional information can be viewed on orem.org/planning under "Current Planning (Public Hearing Notices)" tab.

CHOWDHARY, PRATAPRAI R & KIRAN B
3465 W 111TH LOOP
WESTMINSTER, CO 80031

Board of Adjustment
Wed, Dec 13, 2023
6:00 pm



City Council Chambers, 56 N State Street

***** IMPORTANT DEVELOPMENT NOTICE *****

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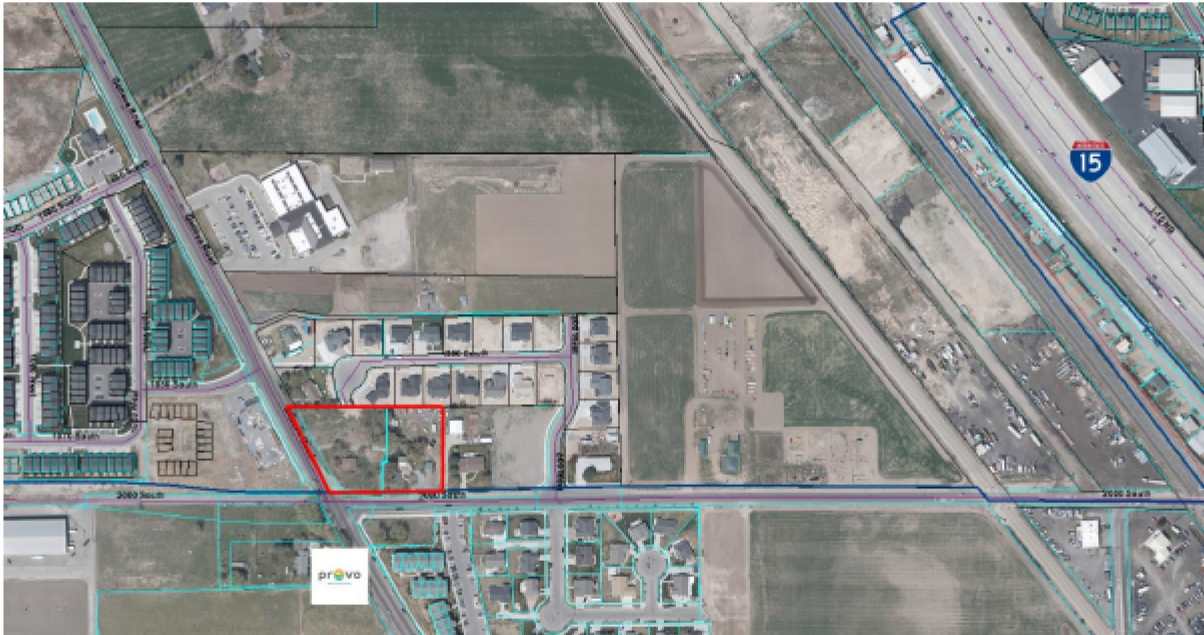
Additional information can be viewed on orem.org/planning under "Current Planning (Public Hearing Notices)" tab.

CHURCH, MATTHEW J & MELISSA K (ET AL)
5501 W 10600 N
HIGHLAND, UT 84003

Board of Adjustment
Wed, Dec 13, 2023
6:00 pm



orem.org/planning under "Current Planning (Public Hearing Notices)" tab



orem.org/planning under "Current Planning (Public Hearing Notices)" tab

UTAH DEPARTMENT OF
TRANSPORTATION
%RIGHT OF WAY FOURTH FLOOR
PO BOX 148420
SALT LAKE CITY, UT 84114

PROVO CITY CORPORATION
PO BOX 1859
PROVO, UT 84603

JAMES HAWKES
55 WEST 500 SOUTH
OREM, UT 84058

BRINKERHOFF, WALTER A & CONI JO
(ET AL)
70 BIG MEADOW LN
LOVELOCK, NV 89419

COMMON AREA
100 E CENTER ST
PROVO, UT 84606

HELENA KLEINLEIN
103 WEST 2170 SOUTH
OREM, UT 84058

JEFF LAMBSON
156 E 1060 N
OREM, UT 84057

DAVE YOUNG
173 S COUNTRYSIDE LANE
OREM, UT 84058

MILLHAVEN CONSTRUCTION LLC
272 W 200 N STE 100
LINDON, UT 84042

LANAE MILLETT
288 W 1500 N
OREM, UT 84057

PROVO CITY
351 W CENTER ST
PROVO, UT 84601

PETERSON, JEREMY & AMANDA
459 W 1840 S
OREM, UT 84058

THOMAS MACDONALD
489 NORTH PALISADES DR
OREM, UT 84097

HEATON, GERRY L & KAYE B
501 W MAIN CANYON RD
WALLSBURG, UT 84082

GENEVA ROAD 44 LLC
519 W STATE ST STE 202
PLEASANT GROVE, UT 84062

DEBBY LAURET
641 S 1920 W
OREM, UT 84059

MADELINE KOMEN
653 W. 1360 NORTH
OREM, UT 84057

BROWN, BARRY E & LINDA B (ET AL)
782 W 2000 S
OREM, UT 84058

ALVARENGA, BORIS ALEXANDER &
JOSIE M (ET AL)
810 W 1950 S
OREM, UT 84058

VARGAS, LEANDRO DAVID & ALISSA
KITCHEN
819 W 1950 S
OREM, UT 84058

PULHAM, KURT TERRY
822 W 1950 S
OREM, UT 84058

TRONSON, TANNER DON (ET AL)
827 W 1950 S
OREM, UT 84058

GRIFFIN, SKYLER REED (ET AL)
830 W 1950 S
OREM, UT 84058

MORRILL, JENNIFER
835 W 1950 S
OREM, UT 84058

GROO, DENIS E & NANCY M
838 W 2000 S
OREM, UT 84058

FONG, THOMAS & SHARON
840 W 1950 S
OREM, UT 84058

DAMERON, SYDNEY K & BRONSON
M
849 W 1950 S
OREM, UT 84058

ANDERTON, PARKER (ET AL)
854 W 1950 S
OREM, UT 84058

PORTER, JOHN M & CONNIE M (ET
AL)
861 W 1950 S
OREM, UT 84058

BERNIER, ADAM & JENNY
866 W 1950 S ST
OREM, UT 84058

WAGSTAFF INVESTMENTS LLC
--OR CURRENT RESIDENT--
868 W 2000 SOUTH
OREM, UT 84058

PRICE, ZACHARIAH LEE & CARLYN
871 W 1950 S
OREM, UT 84058

SLS2 LLC
%BERRETT, CRAE
878 W 1950 S
OREM, UT 84058

CAMPBELL, TREVIN JOSEPH
890 W 1950 S
OREM, UT 84058

DAVID SPENCER
899 NORTH 550 EAST
OREM, UT 84097

MURRAY LOW
904 S. 725 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1006 W 1950 SOUTH
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1008 W 1950 SOUTH
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1014 W 1950 DS
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1018 W 1950 SOUTH
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1022 W 1950 SOUTH
OREM, UT 84058

CHOWDHARY, PRATAPRAI R &
KIRAN B
--OR CURRENT RESIDENT--
1033 W 1970 SOUTH
OREM, UT 84058

THOMPSON, BEAU
1036 W 1970 S
OREM, UT 84057

FQU HOLDINGS LLC
--OR CURRENT RESIDENT--
1037 W 1970 SOUTH
OREM, UT 84058

VINDEL, JOSUE MORENO & KELLY
MORENO
1038 W 1970 S
OREM, UT 84058

GERALD CRISMON
1069 S. 545 EAST
OREM, UT 84097

TERRY PETERSON
1125 LYNNWOOD DRIVE
OREM, UT 84097

HAYSAM SAKAR
1194 E. 1090 NORTH
OREM, UT 84097

RYAN CLARK
1405 N. 1430 WEST
PLEASANT GROVE, UT 84062

MORGAN, SANDRA C (ET AL)
1476 N LAKE SHORE DR
PROVO, UT 84604

MIKE CARPENTER
1734 NORTH 350 WEST
OREM, UT 84057

UTAH AUTISM ACADEMY
1875 S GENEVA RD
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1893 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1897 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1899 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1901 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1903 S 1030 WEST
OREM, UT 84058

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 103
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 104
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 105
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 106
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 203
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 204
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 205
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 206
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 303
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1906 N GENEVA RD UNIT# 304
PROVO, UT 84601

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1907 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1909 S 1030 WEST
OREM, UT 84058

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

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1911 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1913 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1917 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1919 S 1030 WEST
OREM, UT 84058

HEATON, GERRY L & KAYE B
--OR CURRENT RESIDENT--
1921 N GENEVA RD
PROVO, UT 84601

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1921 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1923 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1927 S 1030 WEST
OREM, UT 84058

VILLAGE OF LAKEVIEW FIELDS LLC
THE
--OR CURRENT RESIDENT--
1929 S 1030 WEST
OREM, UT 84058

OYANEDEL, ANGEL PATRICIO
1929 S GENEVA RD
OREM, UT 84058

NIELSON, LINDA E
1931 N 3100 W
PROVO, UT 84601

CISNEROS, JESUS JR & CHRISTIAN A
1936 N 3100 W
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 101
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 102
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 103
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1936 N GENEVA RD UNIT# 104
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1936 N GENEVA RD UNIT# 201
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1936 N GENEVA RD UNIT# 202
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1936 N GENEVA RD UNIT# 203
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1936 N GENEVA RD UNIT# 204
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GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 301
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 302
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 303
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1936 N GENEVA RD UNIT# 304
PROVO, UT 84601

JOHNSON, BLAINE E
1939 N 3100 W
PROVO, UT 84601

ROYLANCE, SHAUNA L (ET AL)
1941 S 800 W
OREM, UT 84058

NORDSTROM, MACKENZIE &
TANNER
1942 N 3100 W
PROVO, UT 84601

FQU HOLDINGS LLC
1945 N 1120 W
PROVO, UT 84604

BARNEY, THOMAS & APRIL (ET AL)
1948 S 1030 W # 431
OREM, UT 84058

MOOSE, ALAN L & PAMELA C
1949 S 800 W
OREM, UT 84058

THENOT, JODY R
1953 N 3050 W
PROVO, UT 84601

FLYGARE, KELLY
1959 N 3100 W
PROVO, UT 84601

LARSEN, JENNIFER C (ET AL)
1960 S 800 W
OREM, UT 84058

MAHEDY, PAUL PATRICK & PAULA
ALICE
1963 S 800 W
OREM, UT 84058

MERRILL, SETH & BROOKE
1965 N 3050 W
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 101
PROVO, UT 84601

GENEVA ROAD 44 LLC
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1966 N GENEVA RD UNIT# 102
PROVO, UT 84601

GENEVA ROAD 44 LLC
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1966 N GENEVA RD UNIT# 303
PROVO, UT 84601

GENEVA ROAD 44 LLC
--OR CURRENT RESIDENT--
1966 N GENEVA RD UNIT# 304
PROVO, UT 84601

BAHR, DON F & VONDA P
1969 N GENEVA RD
PROVO, UT 84601

NARCISO, DAVID L JR & TATIANA H
1971 N 3100 W
PROVO, UT 84601

BACKUS, KRISTOPHER C & JILL R
1975 S 800 W
OREM, UT 84058

HERNANDEZ, GABRIELA COMPRES &
GABRIELA
1979 N 3100 W
PROVO, UT 84601

HERIFORD, HANK & AUBREY
1987 N 3100 W
PROVO, UT 84601

GERMAN, EDWARD & JEANNETTE
VARGAS
1988 N 3100 W
PROVO, UT 84601

VILLAGE OF LAKEVIEW FIELDS LLC
THE
2825 E COTTONWOOD PKWY # 500
SALT LAKE CITY, UT 84121

LAKEVIEW FIELDS HOMEOWNERS
ASSOCIATION
%ROBLES, LIZ
3089 W 1930 N
PROVO, UT 84601

JAUREGUI, JOSE ARMANDO
3103 W 1930 N
PROVO, UT 84601

WAGSTAFF INVESTMENTS LLC
%TAX DEPARTMENT
3115 W 2100 S
SALT LAKE CITY, UT 84119

WAGSTAFF INVESTMENTS LLC
3115 W 2100 S
WEST VALLEY CITY, UT 84119

CHOWDHARY, PRATAPRAI R &
KIRAN B
3465 W 111TH LOOP
WESTMINSTER, CO 80031

UTAH DEPARTMENT OF
TRANSPORTATION
4501 S 2700 W
SALT LAKE CITY, UT 84114

SWITZLER, AL
5082 OLD OAK LN
HIGHLAND, UT 84003

CHURCH, MATTHEW J & MELISSA K
(ET AL)
5501 W 10600 N
HIGHLAND, UT 84003

BOARDWALK INDUSTRIES LLC
6955 UNION PARK CTR # 160
MIDVALE, UT 84047

HOLLAND, CINDY B (ET AL)
7107 DREAM INN LN
ROSEVILLE, CA 95747

Street View



CITY OF OREM
DRAFT BOARD OF ADJUSTMENT MINUTES
November 29, 2023

STUDY SESSION

Place: City Council Conference Room

At 5:00 p.m. Chair Jeffrey called the Study Session to order.

Those present: Ott Dameron, Paul Crossett, Carlos Iglesias, Karen Jeffrey and Leslie Nelson, Board of Adjustment members; Jason Bench, Assistant Development Services Director/Planning Division Manager; Ryan L. Clark, Assistant City Manager/Development Services Director; Cheryl Vargas and Makayla Wagstaff, Associate Planners; Grant Allen and Matt Taylor, Senior Planners; Gary McGinn and D. Jacob Summers, Legal Counsel; Ryan Wood, Lehi City Attorney

Those excused:

Mr. Dameron recused himself from the discussion and voting on this issue as he has a personal interest in it. The Board members and staff reviewed the agenda items and May 24, 2023 minutes, and adjourned at 5:55 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

Place: City Council Chambers

At 6:00 p.m. Chair Jeffrey called the meeting to order and asked Mr. Iglesias to give the invocation.

Those present: Ott Dameron, Paul Crossett, Carlos Iglesias, Karen Jeffrey and Leslie Nelson, Board of Adjustment members; Jason Bench, Assistant Development Services Director/Planning Division Manager; Ryan L. Clark, Assistant City Manager/Development Services Director; Cheryl Vargas and Makayla Wagstaff, Associate Planners; Grant Allen and Matt Taylor, Senior Planners; Gary McGinn and D. Jacob Summers, Legal Counsel; Ryan Wood, Lehi City Attorney

Those excused:

Mr. Dameron recused himself from the discussion and voting on this issue as he has a personal interest in it.

Mr. Bench explained that this is an appeal. Mr. Wood explained that this meeting is a public meeting and not a public hearing.

Chair Jeffrey asked Mr. Robert Mansfield, of Mitchell, Barlow and Mansfield, to introduce **Agenda Item 3.1**. Mr. Mansfield presented the Holiday Oil side of the issue. ([click here for recording](#))

- Presented the history of the zoning and the development agreement of the site.
- Explained specifics and restrictions of the development agreement regarding the development of the site.
- Presented the property rights of Holiday Oil in regards to the development agreement.
- Explained the process, redlines and Holiday Oil's site plan application.
 - Read the letter from the Orem mayor and City Council to neighbors

Cameron Duncan, Ensign Engineering ([click here for recording](#))

- Explained what it means to be "vested" and why that is important.
- Discussed redlines and how they work.

Joseph Perrin, A-Trans Engineering ([click here for recording](#))

- Discussed the original Transportation Impact Study and the updated Transportation Impact Study.
- Explained the purpose of the traffic study including impacts and mitigations.
 - In the original study in 2020, the UDOT Covid adjustment factor was used.

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- 1 • Explained the data collection process.
- 2 • Explained the Level of Service (LOS). A level of service of D or better is considered acceptable. The
- 3 signalized intersection at 2000 South Geneva Road is LOS B and the unsignalized intersections are C or B.
- 4 • Traffic studies project out 5 years into the future. With the recommended mitigations the impacts are off set.
- 5 • Explained redlines as related to traffic studies.

6
7 Mr. Mansfield explained the completeness status of the application when it was submitted and that the redlines did
8 not suggest that an updated TIS was required for the application to be deemed complete. That could have been a
9 redline and it was not. ([click here for recording](#))

- 10 • The previous owner engaged Dr. Perrin in 2020 to change the zone from OS5 to C2.
- 11 • Holiday Oil then stepped in and the development agreement rights were transferred to Holiday Oil.

12
13 Mr. Mansfield summarized: ([click here for recording](#))

- 14 • The 2020 traffic study does meet the standards in the Orem City Code (22-14-20(E)(8)(a)).
- 15 • The traffic study meets the requirements of the Orem City code. If staff wanted an updated study and thought
- 16 it was necessary, it should have been asked for in the redlines. Holiday Oil believes there are vested rights
- 17 and it was inappropriate for the City to deny the application based on incompleteness of the traffic study.
- 18 Holiday Oil asks that the Board of Adjustment overturn the City’s determination and allow this application
- 19 to move forward. See Exhibits A and B.

20
21 D Jacob Summers, City of Orem Deputy City Attorney, presented the City arguments for rejecting the site plan
22 application. ([click here for recording](#))

- 23 • This comes down to whether or not the application was complete. An application is complete when all the
- 24 required documents are submitted and the fees are paid. The City’s position is that this application was not
- 25 complete.
- 26 • 22-14-20(E) lists out the requirements that make a complete application for a site plan. It lists the
- 27 requirements of the traffic study and the original traffic study did not meet the requirements.
- 28 • Did the traffic study provide an analysis of the offsite impact of the development of the site? The answer is
- 29 no, it did not. The original traffic study was done during the Covid 19 pandemic. The data collected did not
- 30 account for the anticipated or typical traffic that would be located in this area.
- 31 • Traffic study was conducted prior to the installation of a traffic signal which changes the variance they will
- 32 obtain from UDOT. With the signal, the access from Geneva Road will likely be a right in/right out. This
- 33 was not included in the 2020 study.
- 34 • In the 2020 traffic study, on page 25, there is a safety index score on how safe is the roadway. The study cites
- 35 a safety index score for State Street. For the access from 2000 South, they refer to the Orem City access
- 36 management requirements. Provo is the roadway authority for 2000 South so it would be Provo City’s access
- 37 standards that would govern access from 2000 South.
- 38 • The second non-compliance issue is because the data on which the mitigation measures rely on, those
- 39 measures are not accurate or reliable now. Holiday Oil will need a variance regarding the access from Geneva
- 40 Road due to UDOT’s spacing guidelines. The same issue applies on 2000 South.
- 41 • The third issue is how this traffic study wholly fails to mention the internal traffic patterns on how traffic will
- 42 circulate on this parcel. How and where will fuel be delivered to this site. How will emergency services get
- 43 access to this parcel and handle any emergency issue.
- 44 • All the required information has to be presented in the application to be considered complete. Redlining is a
- 45 process done by City staff to try to bring an application into conformity with our ordinance.
- 46 ○ Advisory opinion #40, 4.29.2008 of the State Ombudsman Office – A municipality may be free to
- 47 deny an unvested application at any time.
- 48 ○ Utah Supreme Court in Jack Schmurgle vs SLC, 1998, by allowing persons to obtain vested rights
- 49 merely by submitting preliminary and incomplete papers would defeat the very purpose of zoning
- 50 regulations.
- 51 • It was only after the City submitted its application to rezone the property that Holiday Oil submitted their
- 52 application including this deficient traffic study.
- 53 • Explained the time frame of the Holiday Oil application in August and the City’s application to change the
- 54 zone that was heard by the Planning Commission on September 6th. ([click here for recording](#))
- 55 • The application never went to the DRC (Development Review Committee) for approval and therefore was
- 56 deemed incomplete.

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- 1 • Explained the change in character of the neighborhood between 2020 and 2023. The public hearings were
2 held in conjunction with Holiday Oil wanting to amend the development agreement.
- 3 • Explained the origin of the letter to the neighbors and on what basis was it generated and on whose advise it
4 said “complete application”. The phrase “complete application” in that letter was not meant to be a legal
5 binding phrase. Exhibit 8 in the legal brief is the letter that was sent to the developer that their application
6 was not complete. ([click here for recording](#))
- 7 • The traffic study that was delivered to the City in October was not asked for by the City.
- 8 • The response to the attorney of Holiday Oil mentions that there as an abuse of police power. That is inaccurate
9 as the City has been totally transparent. The development agreement did not grant any vested right.
- 10 • Mr. Wood explained that the dates are only important in so far as if the application was deemed complete
11 before September 6th.
- 12 • Provision 8 in the development agreement warned that the City could exercise its police powers and could
13 change the zone at any time. Public hearings were held in a very transparent manner.
- 14 • The City did not act in a malicious manner towards Holiday Oil.
 - 15 ○ No grant of vested land use rights
 - 16 ○ No limit of future right to rezone the property.
 - 17 ○ The letter from the Mayor and City Council is not a binding document on the City
 - 18 ○ Not aware of written confirmation of completeness from the City
 - 19 ○ Ask this Board to affirm and uphold the decision of staff

20
21 Mr. Mansfield: ([click here for recording](#))

- 22 • August 21, 2023 – Holiday Oil submitted the application.
- 23 • On August 21, 2023 an email from Kody Potter. Cheryl Vargas forwarded an email stating Geotech report
24 and percolation test and test hole bore were missing.
- 25 • August 24, 2023 – Redlines with only one redline from Transportation asking if UDOT had reviewed and
26 approved the traffic study.
- 27 • August 30, 2023 – Letter sent out from Mayor and City Council.
- 28 • September 5, 2023 – Holiday Oil submitted redlines response for review.
- 29 • Orem City code has two requirements and both items in the Orem city code have been complied with.
 - 30 ○ Dr. Perrin can show where in the 2020 traffic study where these two items were included.
- 31 • A reason has been fabricated to reject this application and why it is not a complete application.
- 32 • Based on that belief this application should be vested.

33
34 Mr. Duncan: ([click here for recording](#))

- 35 • On another project built in 2021, there were 16 transportation redlines that were sent to Holiday Oil. Never
36 had an application based on substantive reasons that was denied.

37
38 Mr. Mansfield: ([click here for recording](#))

- 39 • Holiday oil acquired the property in August 2022.
- 40 • Site plan application requirement was a neighborhood meeting that was held in February 2023. This is when
41 the neighbors were made aware of the project.

42
43 Ryan Clark: ([click here for recording](#))

- 44 • Explained DRC process and the technical review committee. There is also a project coordination meeting
45 and redlines are finalized. Project does not move to the DRC Committee until that project is cleared by the
46 project coordination meeting and then to Planning Commission.

47
48 Mr. Mansfield: ([click here for recording](#))

- 49 • Regarding statute of time frame for City to respond to status request from developer.

50
51 Mr. Duncan: ([click here for recording](#))

- 52 • Received initial redlines back within eight days which is very quick. He usually gives cities two weeks to get
53 redlines back before a request for status is sent.

54
55 Mr. Summers: ([click here for recording](#))

- 56 • An application is 100% complete when the DRC forwards the application to Planning Commission. There is
57 a two-step review process by the DRC and then the project moves to Planning Commission.

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- It is not a “check the box” review for completeness.

Mr. Mansfield: [\(click here for recording\)](#)

- Items are legally deemed complete when the application is submitted to the City.
- Vestment is based on submitting a complete application and not based on approval.

Mr. Wood: [\(click here for recording\)](#)

- There is no legal answer to what “current” is.

Mike Wagstaff: [\(click here for recording\)](#)

- Owner of Holiday Oil
- All the due diligence was done on this property. Communicated with staff, made adjustments to move forward. This was not something that needed to be pushed through until things at the City started happening. Millions of dollars have been invested, millions more will be invested and it feels like manipulations have been made. Holiday Oil wants to work together to work with the community.

Board of Adjustment Action: Chair Jeffreys called for a motion to go to a closed session. Ms. Nelson moved go to a closed session to discuss the things learned. Ms. Jeffreys seconded the motion. Those voting aye: Paul Crossett, Carlos Iglesias, Karen Jeffreys and Leslie Nelson. The motion passed unanimously.

Board members moved to go to a closed session.

10:42 pm: The meeting reconvened [\(click here for recording\)](#)

The Board members had a few questions

- Did the City do a traffic study and if not, why?
- What was a previous experience with working with the City in the past?
 - Brent Neel, Holiday Oil: 800 North 1500 West. Holiday Oil went through the entire process and was able to get the project built.
 - Communication with the City was great and went both ways, it was open communication.
- The redlining process is to make adjustments and modifications and the City has the determination to decide if the application is complete.
- Do developers have the opportunity to bring the redlines into compliance?
- Why was a 2020 TIS submitted instead of a 2023 study?
- Who drafted the letter from the Mayor and City Council?
 - It came from the City Manager’s office and was reviewed by the Legal Department.
- The original traffic study was submitted as part of the rezone and development agreement in 2020. There is no indication that this traffic study was ever reviewed by City Engineering staff. The determination that the application was incomplete was given to Holiday Oil on September 20th.

Chair Jeffreys called for a motion.

Board of Adjustment Action: Mr. Iglesias moved to table this item and reconvene in two weeks, on December 13, 2023, in the process that something will be written up to review and make a final decision. Mr. Crossett seconded the motion. Those voting aye: Paul Crossett, Carlos Iglesias, Karen Jeffreys and Leslie Nelson. The motion passed unanimously.

Minutes: Chair Jeffreys called for a motion to approve the draft minutes of the May 24, 2023 meeting. Ms. Nelson moved to approve the meeting minutes for May 24, 2023. Ms. Jeffreys seconded the motion. Those voting aye: Paul Crossett, Carlos Iglesias, Karen Jeffreys and Leslie Nelson. The motion passed unanimously.

Calendar: Chair Jeffreys call for a motion to approve the 2024 Board of Adjustment meeting calendar. Ms. Nelson moved to approve the 2024 meeting calendar. Mr. Iglesias seconded the motion. Those voting aye: Paul Crossett, Carlos Iglesias, Karen Jeffreys and Leslie Nelson. The motion passed unanimously.

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1 **Adjourn:** Chair Jeffreys called for a motion and moved to adjourn. Mr. Crossett seconded the motion. Those voting
2 aye: Paul Crossett, Carlos Iglesias, Karen Jeffreys and Leslie Nelson. The motion passed unanimously.
3

4 **Adjourn:** 11:07 p.m.
5
6

7 _____
8 Jason Bench
9

10
11 Approved:

EXHIBIT A

Cameron Duncan

From: Brent Neel <brent@holidayoil.com> on behalf of Brent Neel
Sent: Monday, August 21, 2023 1:06 PM
To: Cameron Duncan
Subject: FW: FW: Holiday Oil - Site Plan Submittal
Attachments: GeoTech 15956 Proposed Orem Gas Station.pdf

See Cheryl's comments below.

From: Cheryl Vargas <chvargas@orem.org>
Sent: Monday, August 21, 2023 12:59 PM
To: Brent Neel <brent@holidayoil.com>
Cc: Makayla Wagstaff <mkwagstaff@orem.org>
Subject: Fwd: FW: Holiday Oil - Site Plan Submittal

Hi: After a quick review, Engineering has found that the geotech report and perc test are not included with the application. We will need those before we can take this to the technical review meeting this week. We have another meeting this afternoon and may find more items missing, but I thought I would let you know what we have so far.

----- Forwarded message -----

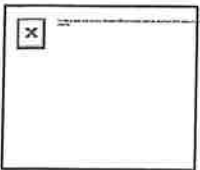
From: Kody Potter <kpotter@orem.org>
Date: Mon, Aug 21, 2023 at 12:37 PM
Subject: Re: FW: Holiday Oil - Site Plan Submittal
To: Cheryl Vargas <chvargas@orem.org>, Jason Bench <jwbench@orem.org>
Cc: Taggart Bowen <trbowen@orem.org>

Jason and Cheryl,

There are two things missing in the submittal from our side of things:

1. Geotechnical Report.
2. Percolation Test and test hole bore where the storm tech system will be installed. Showing the elevation of the groundwater and the infiltration rate of the soil from the percolation test.

Thanks,
Kody



Kody Potter, PE | City of Orem

Private Development Engineer Section Manager

kpotter@orem.org | 801-724-3524 | www.orem.org

~~1500~~ 2000 Geneva Rd

EXHIBIT B

City of Orem DRC

August 24, 2023

Holiday Oil – 1981 South Geneva Road – Site Plan

General:

13

Drainage Report pg. 11	0.5" Retention volume over whole site should be 3,746 CF. Update calculation. - Updated
Geotechnical Report pg. 1	It has been observed that the groundwater elevations in existing storm drain structures in this area within the last few years has raised. A new bore pit to needed to check current groundwater elevations and verify storm drain design will work properly. See new letter from CMT dated 9/1/2023. Retention system adjusted accordingly.
Site Plan - C300 GRADING AND DRAINAGE PLAN	Correct value for slope - Updated
Site Plan - C300 GRADING AND DRAINAGE PLAN	Include detail Added to C604
Site Plan - C300 GRADING AND DRAINAGE PLAN	Label Curb Cut, reference detail - Site plan keyed note 33. Section added to grading plan
Site Plan - C300 GRADING AND DRAINAGE PLAN	Label Curb Cut, reference detail - Site plan keyed note 33. Section added to grading plan
Site Plan - C100 DEMOLITION PLAN	Should we say "Abandon and Cap" at Mainline? – Note has been updated
Site Plan - C300 GRADING AND DRAINAGE PLAN	Solid Lid – Note has been updated
Site Plan - C300 GRADING AND DRAINAGE PLAN	0.5" Retention volume over whole site should be 3,746 CF. Update calculation. Updated
Site Plan - C300 GRADING AND DRAINAGE PLAN	Geotech Report says groundwater elevation is at 7.5' below existing ground. That would be ~ 4519.50. Redesign based on groundwater elevations so stone and chambers are not in groundwater. Also a new bore pit needs to be done to verify current groundwater elevations. See redline comment in Geotechnical Report. See new letter from CMT dated 9/1/2023. Retention system adjusted accordingly.
Site Plan - C300 GRADING AND DRAINAGE PLAN	Provide cross sections – callout to detail has been added
Site Plan - C601 DETAILS	And SD-2 – Added to C605
Site Plan - C400 UTILITY PLAN	Install Orem Corridor Light - Added

3

Sewer:

Site Plan - C201 UDOT ACCESS PLAN	Manhole needed to accessible for Maintenance. The wall need to 4" away from the manhole. – Note has been added to utility plan C400
Site Plan - C201 UDOT ACCESS PLAN	This sewer line will be private and need to be reflected on the plan. – labels on utility plan have been updated
Site Plan - C201 UDOT ACCESS PLAN	Grease interceptor and sampling manhole maybe required. Contact Dylan Hanseen 801-229-7491 – No food prep. in store – we didn't do one on the other HO in Orem

26

Water:

Site Plan - C400 UTILITY PLAN	Existing water line - updated
Site Plan - C400 UTILITY PLAN	Existing tee and valve - updated
Site Plan - C100 DEMOLITION PLAN	Delete existing 6" water valve at tee. – added to note.
Site Plan - C100 DEMOLITION PLAN	Delete existing water meters and water services at 16" water main. - updated
Site Plan - C100 DEMOLITION PLAN	According to the Utah division of water rights there are two water wells on this property. They must be capped by a state licensed well driller and a report from the well driller must be submitted to the city. – keyed note 14 added
Site Plan - C400 UTILITY PLAN	Maintain 10' of separation from existing sewer line and new fire hydrant. - updated
Site Plan - C400 UTILITY PLAN	Install 6" Bend- updated
Site Plan - C400 UTILITY PLAN	Install 8" x 6" reducer- updated
Site Plan - C400 UTILITY PLAN	10'-0"- updated
Site Plan - C400 UTILITY PLAN	X- updated
Site Plan - C400 UTILITY PLAN	Connect landscape to new 1.5" service line not to existing water main. - updated
Site Plan - C400 UTILITY PLAN	X- updated
Site Plan - C400 UTILITY PLAN	X- updated
Site Plan - C400 UTILITY PLAN	Label existing water main at 16" PVC. - updated
Site Plan - C400 UTILITY PLAN	Install 16" x 6" tapping tee with 6" water valve. - updated

Site Plan - C400 UTILITY PLAN	This water line does not continue north. - updated
Site Plan - C400 UTILITY PLAN	X- updated
Site Plan - C400 UTILITY PLAN	X- updated
Site Plan - C400 UTILITY PLAN	X- updated
Site Plan - C400 UTILITY PLAN	X- updated
Site Plan - C400 UTILITY PLAN	X- updated
Site Plan - C400 UTILITY PLAN	Add note: All 1.5" and larger water meters are to be installed at the time of service installation. - updated
Site Plan - C400 UTILITY PLAN	W-21- updated
Site Plan - C601 DETAILS	Use construction drawing w-21- updated
Site Plan - C601 DETAILS	Include City of Orem construction drawings W-11 and W-22. - updated
Site Plan - L100 LANDSCAPE PLAN	Maintain 3' horizontal and 10' vertical separation from all trees, shrubs, and deep rooted vegetation from water meter and fire hydrants. - updated

16 **Storm Water:**

Site Plan - C300 GRADING AND DRAINAGE PLAN	Provide information on this SD pipe as the City of Orem does not own or maintain this pipe. include ownership info on this pipe? Show off site outfall location of this pipe? Permission to drain into this pipe must be obtained from the owners. What is the condition? Is this a SD line or irrigation line? Without verification that this pipe is viable, the proposed development will need to retain the 100 year storm event or connect to the existing storm drain line on the west side of Geneva Road. Street drainage would also need to be addressed. Overflow connection to storm drain on west side of Geneva road added to retention system outlet.
Site Plan -C300 GRADING AND DRAINAGE PLAN	Label any storm drain infrastructure on the south side of 2000 South Orem/2000 North Provo as being owned by Provo City. - updated
Site Plan -C300 GRADING AND DRAINAGE PLAN	Drain dumpster pad into landscaping. Show necessary spot elevations and drainage arrows including a drainage hole if necessary. - updated
Site Plan -C300 GRADING AND DRAINAGE PLAN	Include slope and arrows on the proposed curb and gutter. - updated

Site Plan -C400 UTILITY PLAN	Show existing storm drain infrastructure. - updated
Site Plan - COVER SHEET	Use the address of 1981 South Geneva Rd Use the same address across all documents. Causes confusion in filing and legal agreements. - updated
Site Plan - C300 GRADING AND DRAINAGE PLAN	Where does roof water drain to? Drain to vegetation if feasible. Waterway also flows to the West...water sheet flows then to the curb cut? The manhole to the West will have a solid lid. – Canopy drains down columns to an surface flows to the gutter and inlets to landscaping.
SW Questionnaire pg. 1	Southwest- updated
SW Questionnaire pg. 1	Apply these redlines to prompt #8 and change the answer for prompt #2 to address how the project affects Orem's SW system. Larger storm events that exceed....will overflow into Geneva Rd and enter the SW system. - updated
SW Questionnaire pg. 1	Geneva Road- updated
SW Questionnaire pg. 3	The response can be simple. Such as "LID has been implemented throughout this project through vegetated drainage swales, curb cuts, and an underground retention system. These systems will allow much of the stormwater to remain on site and mimic pre-hydrological conditions. - updated
SW Questionnaire pg. 4	There will be no impact to upstream properties and minimal impact to downstream properties. - updated
SW Questionnaire pg. 4	Say see attached and add this language to the existing LTSWMP if not given in LTSWMP attached. - updated
SW Questionnaire pg. 16	Update this sheet based on redline comments from site plan. - updated
SW Questionnaire pg. 16	These are not catch basins. They are flared end sections. You can call one inlet and the other outlet to indicate direction of water flow. - updated
SW Questionnaire pg. 37	Provide a BMP map. It is the grading and drainage sheet with all other utilities removed and follow the instructions from the questionnaire prompt. - updated

Transportation:

TIS pg. 1	Submit the TIS to UDOT for review and approval. – HO has submitted TIS to UDOT with application
-----------	---

Planning (1st Review):

Site Plan - C200 SITE PLAN	Please provide proposed floor plan for the c-store. – See attached
----------------------------	--

Site Plan -C200 SITE PLAN	Show required number of parking stalls and required number of ADA stalls. - updated
Site Plan -C200 SITE PLAN	The setback of the building from the property line needs to be equal to the height. Per the elevations the edge of the building is just over 14 feet high. Thereby this needs to be at least 14 feet away from the property line. - updated
Site Plan -C200 SITE PLAN	Please relocated dumpster away from residential properties to the north, possibly to by Geneva Road. - updated
Site Plan -C603 DETAILS	On site plan the fence is noted as being 7' tall. Update to match the site plan. - updated
Site Plan -A200 EXTERIOR ELEVATIONS	Show that the building is at least as far away from the property line as the height at this point. The portion of the building that is 27' high needs to be at least 27' away from the property line. - updated
Site Plan -A200 EXTERIOR ELEVATIONS	Roofing material will need to match what is shown in the development agreement. - updated

How to Resubmit:

1. **A response document is required with the next submission.** Each redline from above needs to be listed and have a response outlining how you have addressed it. If this required documentation is not included in the next submission and it does not address *every* redline item, the DRC will not accept the resubmission. Additionally, **each change made from the previous submission needs to be clouded on the plans** on the resubmitted plans.
2. **A complete set of plans is required for every submission.** No partial set(s) of plans will be accepted.
3. As DRC meetings are held from Tuesday to Tuesday, **the deadline for resubmission is Monday at 12pm.** No submission made after that deadline will be accepted for that week of DRC.
4. Please email your complete resubmission to mkwagstaff@orem.org and chvargas@orem.org. No paper copies will be accepted at this time.
5. **Remember:** Your initial submission fees covered three rounds of review. A \$623 fee will be charged if redlines have not been resolved by the fourth review.

Miscellaneous Information:

1. Please feel free to contact any of the following individuals for any questions you may have. If you feel it is necessary, you may request to schedule a meeting with any of them:
 - a. Cheryl Vargas - Associate Planner – 801.229.7183 - chvargas@orem.org
 - b. Makayla Wagstaff – Associate Planner – 801.229.7239 – mkwagstaff@orem.org
 - c. Kody Potter – Engineer – 801.724.3524 – kpotter@orem.org
2. You may submit a building permit fee prior to receiving site plan approval or having a subdivision plat recorded. However, doing so requires a \$700 nonrefundable fee. This fee will not go towards the building permit fee.
3. **A Long Term Storm Water Management Plan (LTSWMP or "Plan") may be required for your project.** Contact Chelsea Lindsey at 801-229-7574 or by email cdlindsey@orem.org, to find out if a Plan will be required. If a Plan is required, you will need to fill out the Storm Water Questionnaire. Once the Storm Water Questionnaire is reviewed and finalized, it will become your LTSWMP. An accompanying Storm Water Inspection and Maintenance Agreement (SWIMA) will be emailed to you

with the Final version of the LTSWMP. The SWIMA will need to be signed, notarized and recorded before any occupancy permit will be issued.

A StormWater Pollution Prevention Plan (SWPPP) template must be submitted to Orem City on or before pre-construction. SWPPP templates can also be found at <http://www.waterquality.utah.gov/UPDES/stormwater.htm>. If the area of disturbance is over ONE acre, then a Utah Pollution Discharge Elimination System (UPDES) Permit number will need to be acquired with a Notice of Intent. If needed, contact Danny Spray at 801.229.7573 for more information.