



CITY OF OREM
PLANNING COMMISSION MEETING
56 North State Street, Orem, Utah
October 5, 2022

*This meeting may be held electronically
to allow a Commission member to participate.*

3:30 PM PRE-MEETING – AGENDA REVIEW, CITY COUNCIL CONFERENCE ROOM, 56
NORTH STATE STREET, OREM, UT

- 1 **Discussion: Reviewing minor amendments to Map 6: *Proposed Tails and Bike Lanes* of the City of Orem Parks, Recreation, Trails and Open Space Master Plan (See page 62). Details of the proposed amendments will be provided during the discussion.**
Link to the Master Plan: <http://orem.org/wp-content/uploads/2021/12/Master-Plan.pdf>

4:30 PM REGULAR SESSION – CITY COUNCIL CHAMBERS

1. CALL TO ORDER
2. INVOCATION/INSPIRATIONAL THOUGHT: BY INVITATION
3. 4:30 PM SCHEDULED ITEMS
 - 3.1 **SITE PLAN – Approving the site plan of Nickelmania located at 1000 North State Street in the C2 zone.**
 - 3.2 **PUBLIC HEARING – Amending Lot S, of Phase 1, Timpanogos Research Technology Park and approving The Summit at Canyon Park Condominiums located at approximately 500 E Timpanogos Parkway in the PD6 zone.**
4. MINUTES REVIEW AND APPROVAL
 - 4.1 **Review and approve meeting minutes from September 21, 2022**
5. ADJOURN

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL PLANNING COMMISSION MEETINGS.
If you need a special accommodation to participate in the Planning Commission 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	Planning Commission October 5, 2022	
Prepared By: Cheryl Vargas		
Applicant: Michelle Poulson	SITE PLAN – Approving the site plan of Nickelmania located at 1000 North State Street 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/pan

SITE INFORMATION:

- General Plan Designation: **Community Commercial**
- Current Zone: **C2**
- Acreage: **1.18**
- Neighborhood: **Orem North**

ACTION:

The Planning Commission is the final approving authority regarding the plat amendment request.

REQUEST: The applicant requests the Planning Commission approve the site plan of Nickelmania located at 1000 North State Street in the C2 zone.

BACKGROUND:

The applicant is proposing to construct an addition and remodel of an existing building located at 1000 North State Street. The use of the building will be changed from an existing preschool to an arcade game center.

The applicant wants to add an additional building adjacent to the existing building. The exterior of the new building will be of similar material and style to the existing building. The parking and landscaping will meet all city requirements.

Because this property is within the State Street corridor, it will have to meet the setback requirements of a fifteen foot planter strip from back of curb, have an eight-foot sidewalk and then have an additional fifteen foot setback ([22-8-8](#)).

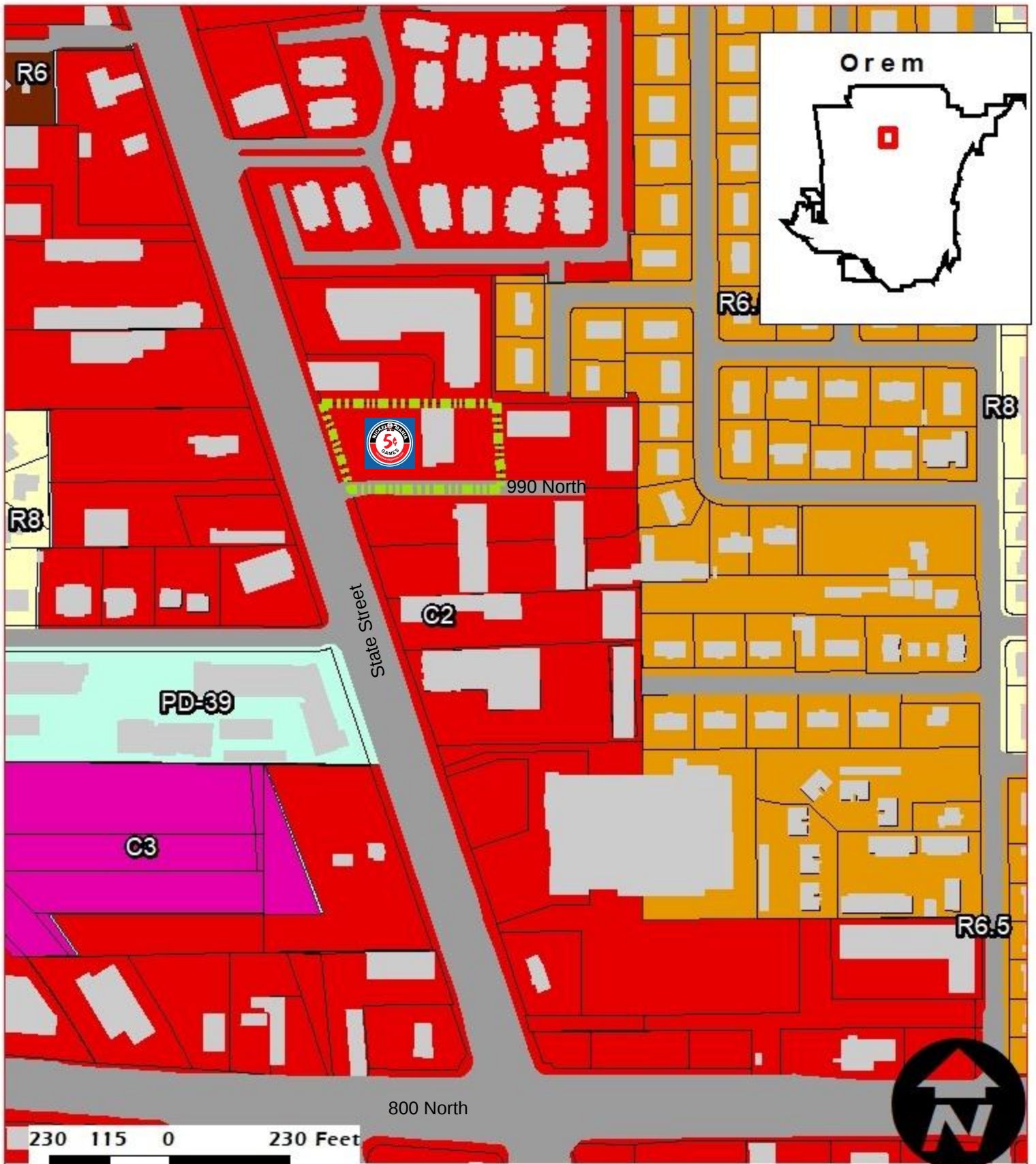
Architecture: The exterior of the main buildings will be CMU in Natural with Charcoal accents and laser cut metal panels around window, doors and as accents. The roof will be flat with a parapet. This meets the building materials requirements outlined in [Section 22-8-8\(5\)\(d\)](#).

Parking: One parking stall is required for every two hundred fifty (250) square feet of gross leaseable area. This building has 14,092 square feet and at two hundred fifty (250) square feet per gross leaseable area that would require fifty-seven (57) parking spaces ($14,092 / 250 = 56.4$). They are providing fifty-eight (58). ([22-15-4\(B\)\(2\)](#))

RECOMMENDATION: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission approve the site plan of Nickelmania located at 1000 North State Street in the C2 zone.



Nickelmania



◆ Site Plan
C2
1.18 Acres

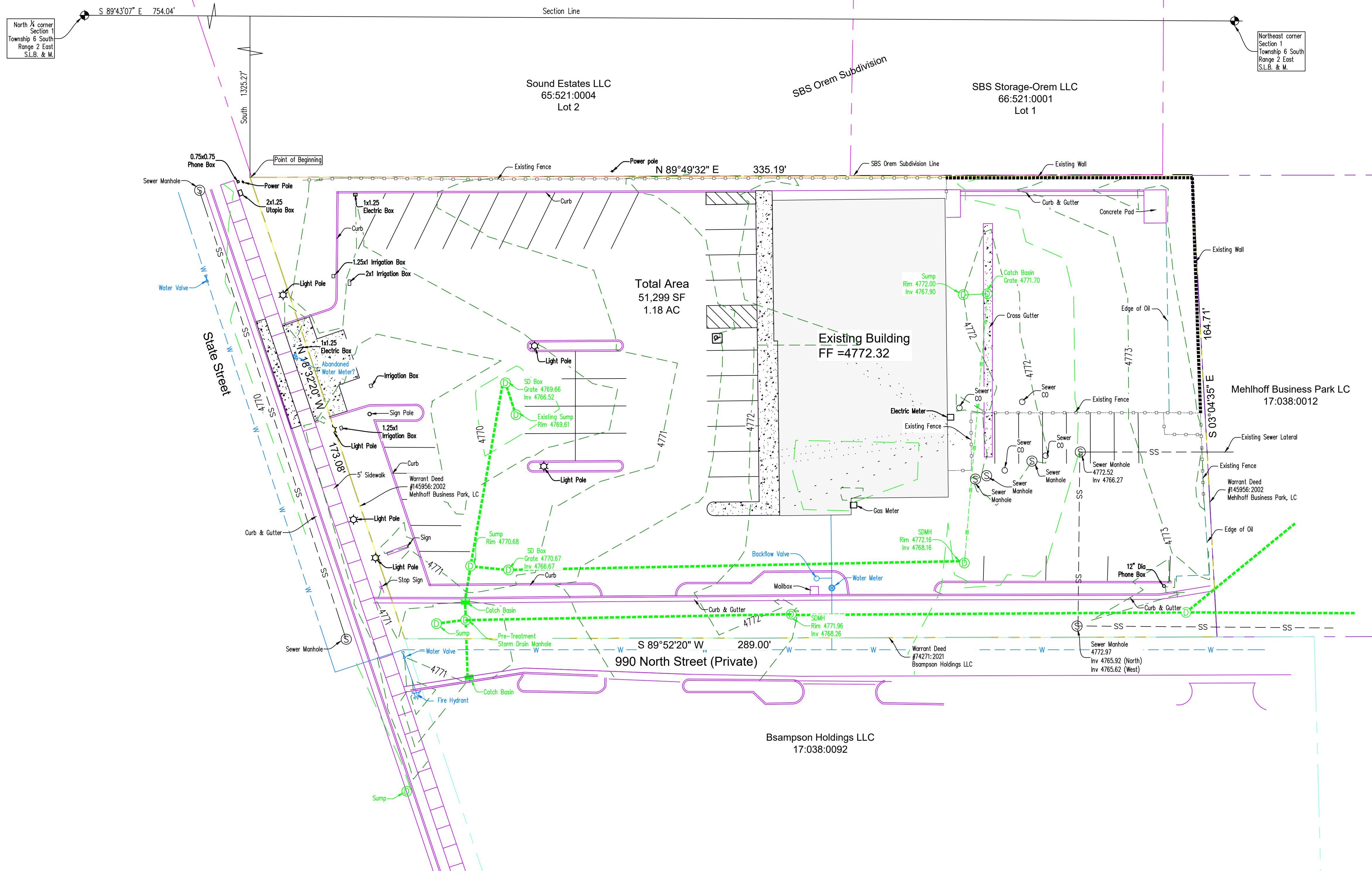
NEIGHBORHOOD
Orem North

Legend
1000 N State Street
Buildings
Parcels

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED FOR ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH REGION ENGINEERING & SURVEYING



Existing Site Plan



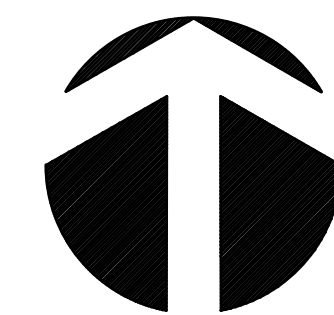
SURVEY DESCRIPTION

Commencing at a point located South 89°43'07" East along the Section line 754.04 feet and South 1325.27 feet from the North quarter corner of Section 10, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 89°49'32" East along SBS Orem Subdivision 335.19 feet; thence South 03°04'35" East 164.71 feet; thence South 89°52'20" West 289.00 feet; thence North 18°32'20" West along State Street 173.08 feet to the point of beginning.

AREA=51,299 sq feet or 1.18 acres

Surveyors Notes

1. The Basis of Bearing for this survey is the Utah State Plane Coordinate System.
4. All site utilities (sewer, water, gas, telephone, power, etc.) are connected to public systems along State Street and 990 North.
5. Direct access to this site is available to State Street and 990 North. State Street is a UDOT public street.
6. Gross Land Area = 51,299 square feet or 1.18 Acres
8. There are no wetlands on the subject site.
9. Said described property is located within an area having a Zone Designation "X" by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map 49049C0330F, with a date of identification of 6-19-2020, which is the current Flood Insurance Rate Map for the community in which said property is situated.



NORTH
1" = 20'

region Engineering
& Surveying

1776 N. State St. #110

Orem, UT 84057

P: 801.376.2245

regiondesignllc.com

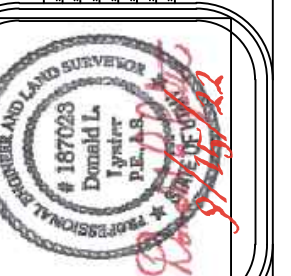


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REVISIONS
DATE

ARCHITECTURAL COALITION

1991 South State Road Springville, UT 84663 Ph: 801-491-0275



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NICKELMANIA ADDITION & REMODEL

MICHELLE POULSON

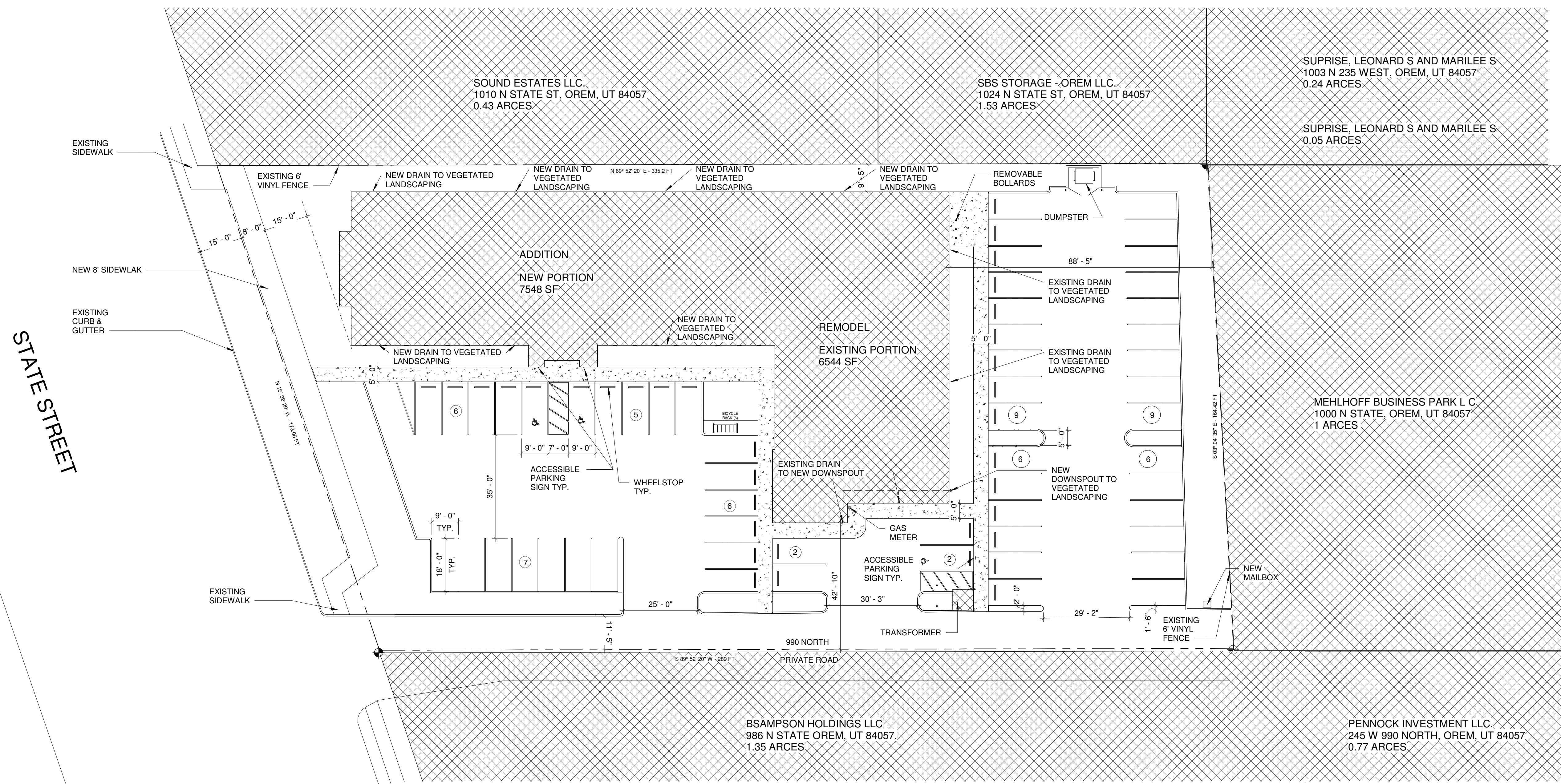
1000 N STATE STREET OREM, UTAH

SHEET NO.
EX-01

EXISTING SITE

DATE
September 15, 2022

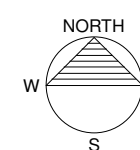
Proposed Site Plan



ARCHITECTURAL SITE PLAN

SCALE 1" = 20'-0"

1.16 ARCES



SITE TABULATION TABLE

SITE TABULATION TABLE			
	SQUARE FOOTAGE	ACREAGE	PERCENT OF TOTAL AREA
TOTAL AREA	50530	1.16	100
TOTAL BUILDING AREA	14092	0.32	28
TOTAL IMPERVIOUS AREA	26156	0.6	52
TOTAL LANDSCAPED AREA	10161	0.24	20
TOTAL PARKING SPACES	58 STALLS		

PARKING CALCULATIONS

PARKING CALCULATIONS						
USE	AREA	per _____ FORMULA City Code 14.37.060	SPACES REQUIRED	SPACES PROVIDED	ADA SPACES per IBC Table 1106.	
ARCADE	14092 SF	ONE STALL SHALL BE REQUIRED FOR EVERY 250 SQUARE FEET OF GROSS LEASEABLE AREA.	57	58	3	

NOTES:

The fire protection items (fire hydrants, water mains, access roads, etc.) shown on this site plan are preliminary only. Detailed fire protection plans shall be submitted with the building plans. Plan reviews by the City of Orem Fire Prevention Bureau shall be completed prior to the issuance of a building permit. The plan reviews by the City of Orem Fire Prevention Bureau may identify additional fire protection requirements mandated by the International Fire Code. Fire hydrant foot valves shall be installed at the connection point with the main water lines

All roof drainage shall be routed through vegetated landscaping before entering on-site storm water management facilities.

All construction shall conform to the City of Orem construction standards and specifications unless the improvement is within the UDOT right-of-way, in which case the construction shall conform to UDOT construction standards and specifications.

At the time of construction, the City of Orem may determine based on professional experience and judgment and at its sole discretion the need for the Owner/Developer to pay for, remove, and replace any existing substandard improvements such as curbs, gutters, sidewalks, drive approaches, driveways, decorative concrete, wheelchair ramps, etc., or any unused drive approaches

No driveway or drive access may be located within twenty-five feet (25') of an existing fence which is greater than three feet (3') in height.

A sampling manhole and fat and oil separator/grease trap shall be installed in accordance with the City of Orem Standards and Specifications

All signage shall comply with the requirements of the Orem City Code.

All utilities, including water and sewer laterals, water and sewer mains, storm water drains, storm water sumps, sewer manholes, water valves, etc., Water laterals or mains shall not be located under covered parking areas and shall be installed according to Chapter 21 of the Orem City Code

REVISIONS
DATE

- 1
- 2
- 3
- 4

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NICKELMANIA ADDITION & REMODEL

MICHELLE POULSON

1000 N State Street

SHEET NO.

A-0.7

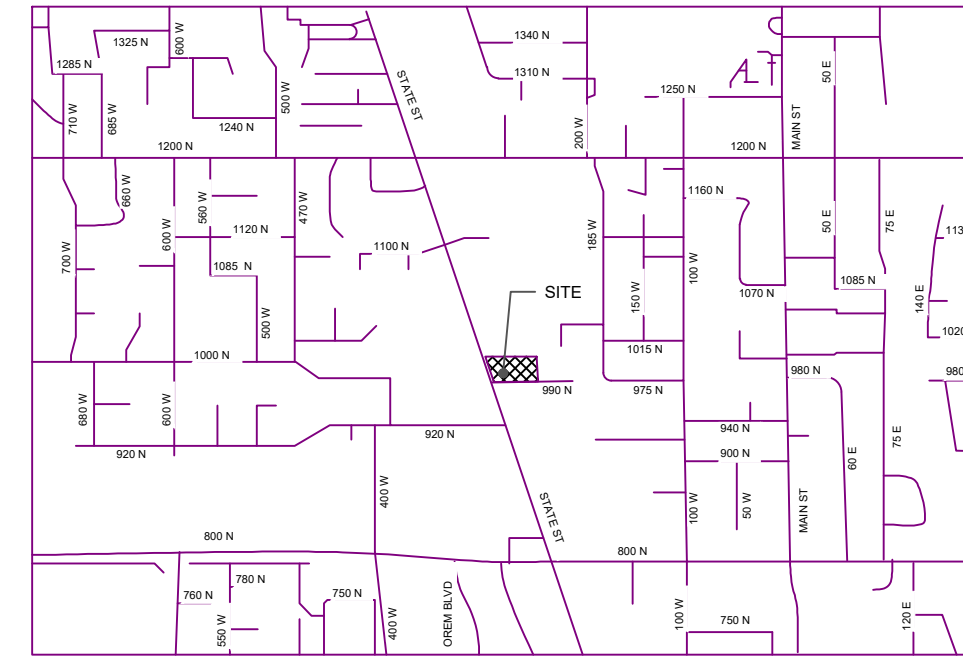
DATE
7/27/2022



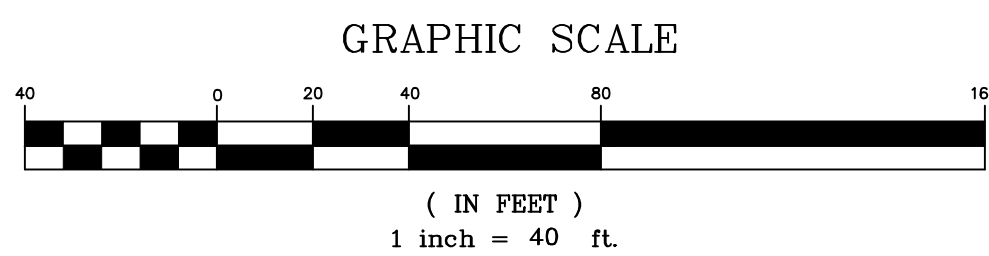
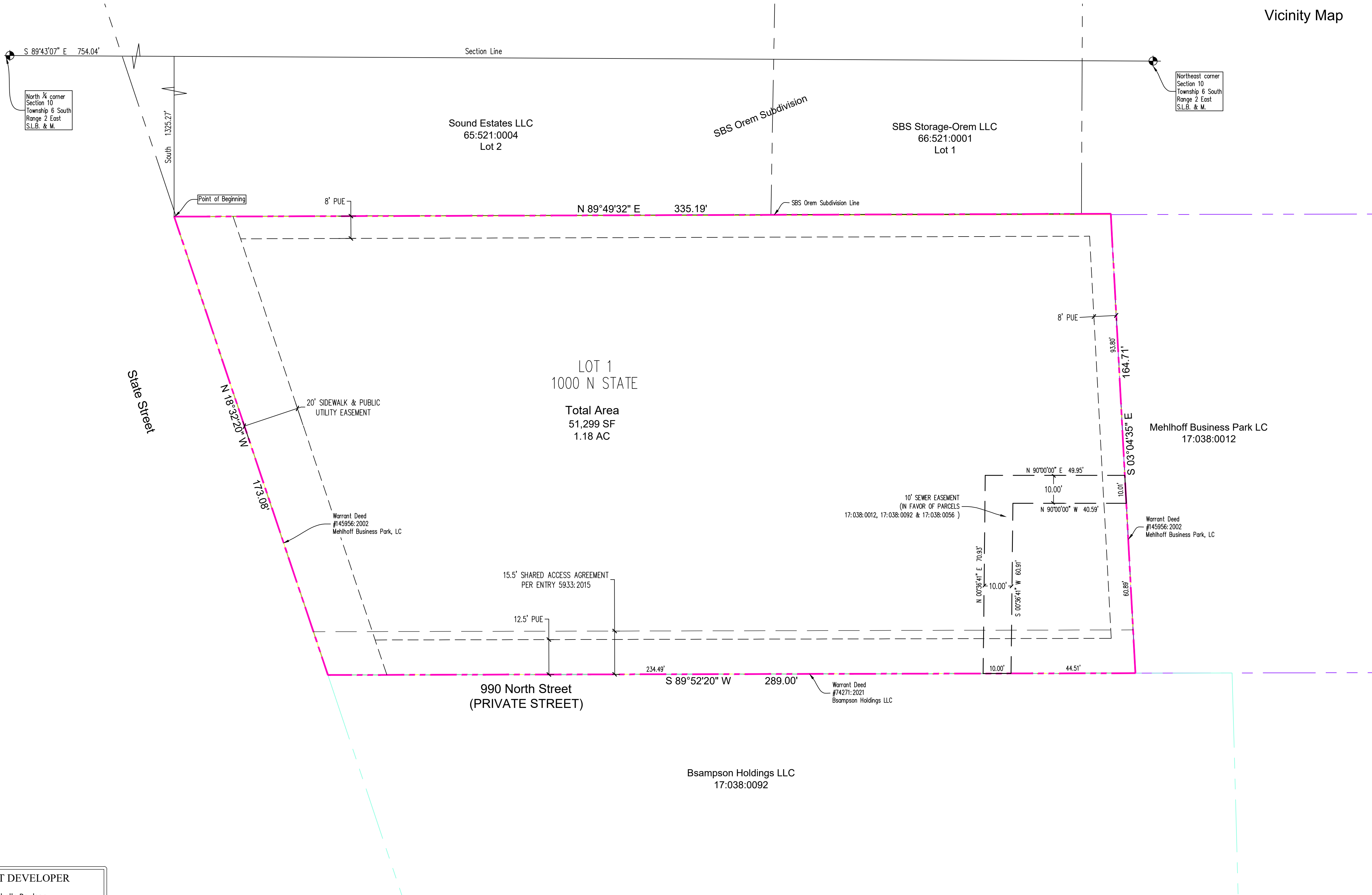
NICKELMANIA COMMERCIAL DEVELOPMENT

1000 NORTH STATE STREET
OREM, UTAH 84057

Proposed Plat



Vicinity Map



Note:

All on-site sewer is private and
will be maintained by the owner.

Surveyor's Certificate

I, Robbin J. Mullen, do hereby Certify that I am a Professional Land Surveyor, and that I hold Certificate No. 368356, as prescribed under the laws of the State of Utah. I further certify by authority of the owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into Lots, Blocks, Streets, and Easements and the same has been correctly surveyed and staked on the ground as shown on this plat and that this plat is true and correct.

Boundary Description

SURVEY DESCRIPTION

Commencing at a point located South 89°43'07" East along the Section line 754.04 feet and South 1325.27 feet from the North quarter corner of Section 10, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 89°49'32" East along SBS Orem Subdivision 335.19 feet; thence South 03°04'35" East 164.71 feet; thence South 89°52'20" West 289.00 feet; thence North 18°32'20" West along State Street 173.08 feet to the point of beginning.

AREA=51,299 sq feet or 1.18 acres

Basis of Bearing is South 89°43'07" East along the Section line from the North Quarter Corner of Section 10, to the Northeast Corner of Section 3.

Date

Professional Land Surveyor
(See Seal below)

Owner's Dedication

Know all men by these presents that we, all of the undersigned owners of all the property described in the Surveyor's Certificate hereon and shown on this map, have caused the same to be subdivided into Lots, Blocks, Streets, and Easements and do hereby dedicate the streets and other public areas as indicated hereon for perpetual use of the public.

In witness hereof we have hereunto set our hands this ____ day of _____, A.D. 20____.

Acknowledgement

STATE OF UTAH } S.S.
COUNTY OF UTAH }

On the ____ day of _____, A.D. 20____, personally appeared before me the signers of the foregoing dedication who duly acknowledge to me that they did execute the same.

(Notary's full name) _____ A notary public commissioned in Utah _____ (Commission number)

My Commission Expires _____

(signature)

Acceptance by the City of Orem

The City of Orem, County of Utah, approves this subdivision and hereby accepts the dedication of all Streets, Easements, and other parcels of land intended for public purposes for the perpetual use of the public. Signed this ____ day of _____, A.D. 20____.

Approved: _____ City Engineer

Approved: _____ City Recorder

Occupancy Restriction Notice

The City of Orem has an Ordinance which restricts the occupancy of buildings within this subdivision. Accordingly, it is unlawful to occupy any building located within this subdivision without first having obtained a Certificate of Occupancy issued by the City.

Planning Commission Approval

Approved this ____ day of _____, 20____, by the Orem City Planning Commission.

Director-Secretary

Chairman, Planning Commission

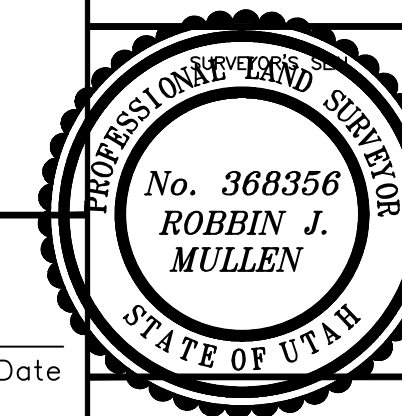
Resolution No.

Plat " A "

NICKELMANIA COMMERCIAL DEVELOPMENT

Subdivision

Orem City, _____ Utah County, Utah
Scale: 1" =20 Feet



NOTARY PUBLIC SEAL

CITY-COUNTY ENGINEER SEAL

CLERK-RECORDER SEAL

Approved as to Form

City Attorney

Date

PROJECT DEVELOPER

Michelle Poulson
9525 south 4800 west Payson, Utah 84651
801-471-8238
michellepoulson@yahoo.com

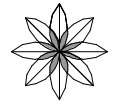
PROJECT ENGINEER & SURVEYOR

REGION ENGINEERING & SURVEYING
1776 NORTH STATE STREET #110
OREM, UTAH 84057
PH - 801.376.2245

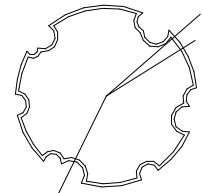
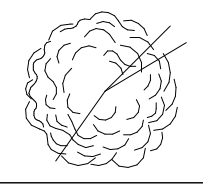
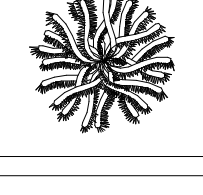
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Landscape Plan

PLANT SCHEDULE

SHRUBS:				
SYMBOL:	BOTANICAL NAME:	COMMON NAME:	CONTAINER:	QUANTITY:
	Stipa Tenuissima	Mexican Feather Grass	3 gallon	54
	Hemerocallis Fulva var. Tiger Lily	Daylily Hemerocallis	1 gallon	53
	Pinus Mugo	'Dwarf Mugo Pine'	3 gallon	50
	Prunus Laurocerasus var. 'Otto Luyken'	Otto Luyken Dwarf Cherry Laurel	5 gallon	26
	Euonymus alatus 'compactus'	Burning Bush	5 gallon	23

Notes: All plant material suggested came from meridiancity.org/planning/files/TVTreeSelectionGuide.pdf. All selections came from consideration of site conditions. This includes using plant material that is conducive to thrive in the hardiness zones determined by the USDA Zones, soil conditions, space, shade limitations, drainage, insects, disease resistance along with aesthetics and over all design appeal. Descriptions of the specimens which were selected will be included with the details on how to prep the site for planting the various plants.

TREES:						
SYMBOL:	TREE CLASS:	BOTANICAL NAME:	COMMON NAME:	CONTAINER:	SIZE:	QUANTITY:
	Class (II): (See detail information on L-2.0)	PLANTANUS X ACERIFOLIA	LONDON PLANE TREE	Ball and Burlap (B&B)	3" Caliper	6
	Class (II): (See detail information on L-2.0)	PRUNUS x YEDOENSIS	YOSHINO CHERRY	Ball and Burlap (B&B)	3" Caliper	12
	Class (I): Conifers (See detail information on L-2.0)	PINUS FLEXILIS	LIMBER PINE	Ball and Burlap (B&B)	8' - 10'	6

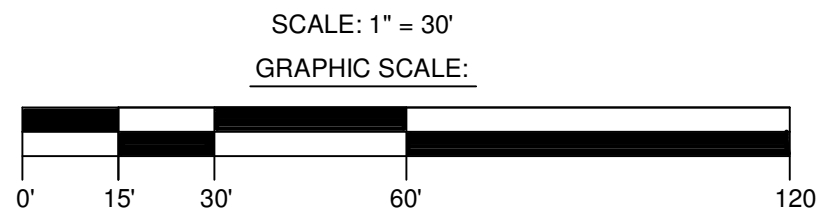
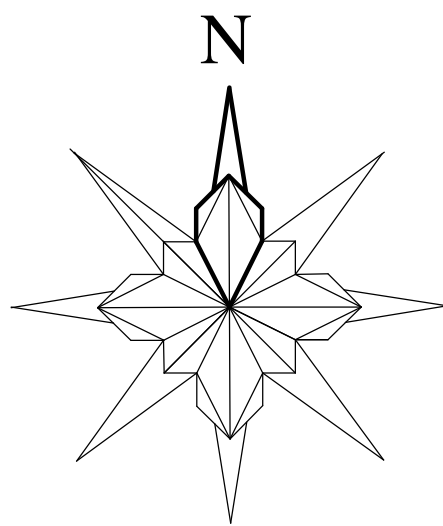
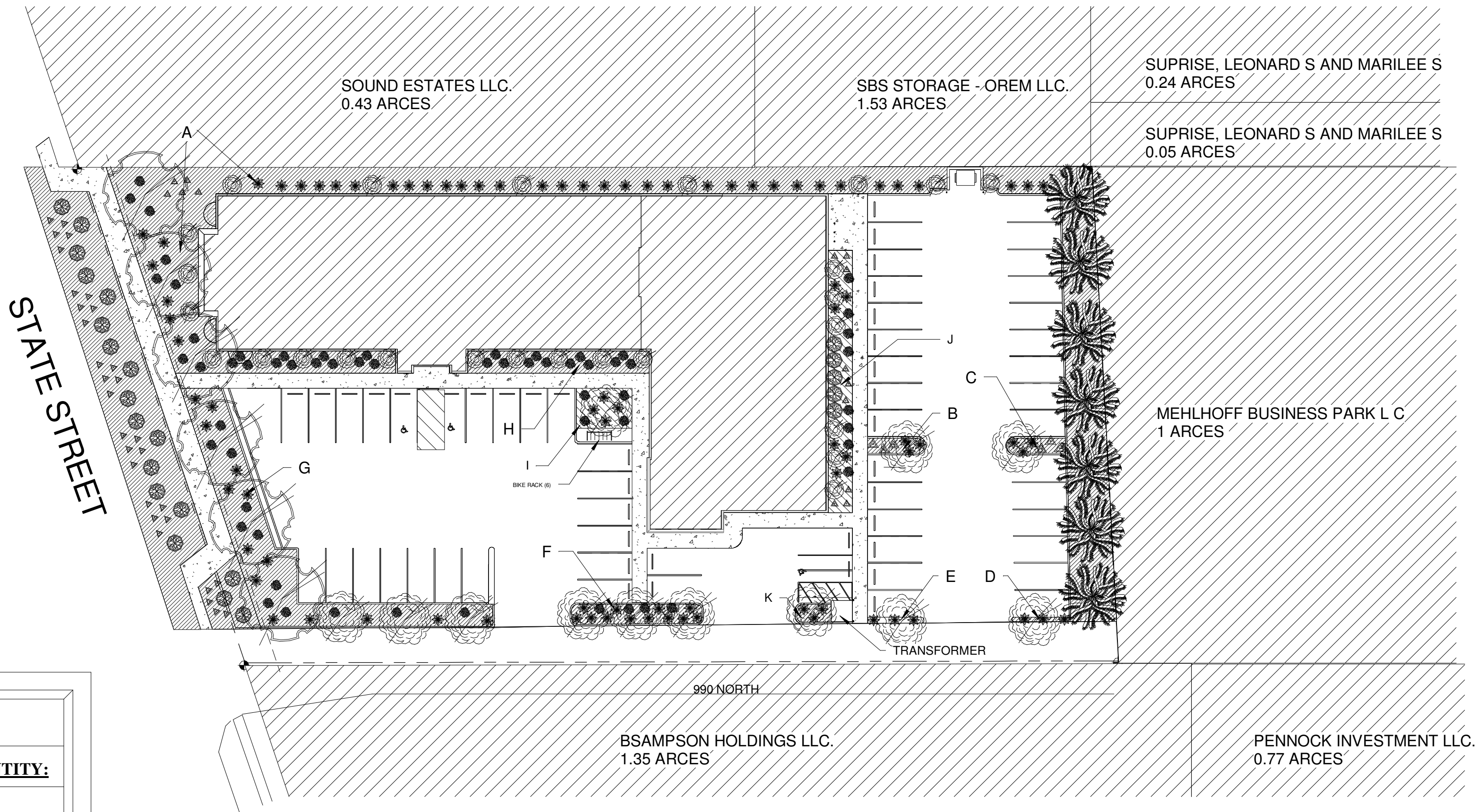
NOTES: PERVIOUS AREAS VEGITATED WITH 4" MIN. DECORATIVE ROCK WITH WEED BARRIER PINNED DOWN OVERLAPPING SEAMS 4" MIN.

A: 6,262 SQ'
B: 91 SQ'
C: 91 SQ'
D: 28 SQ'
E: 36 SQ'
F: 277 SQ'
G: 1,609 SQ'
H: 440 SQ'
I: 245 SQ'
J: 695 SQ'
K: 66 SQ'

A - K TOTAL AREA OF LANDSCAPE TO BE MAINTAINED: 9,840 SQ'
ALL AREAS WILL BE COVERED WITH A DECORATIVE ROCK.
ACKNOWLEDGING WATER CONSERVANCY WHILE STILL PROVIDING A NICE CLEAN APPERANCE.

ARCHITECTURAL LANDSCAPE PLAN

SCALE 1" = 30'-0"



REVISIONS
DATE
▲
▲
▲

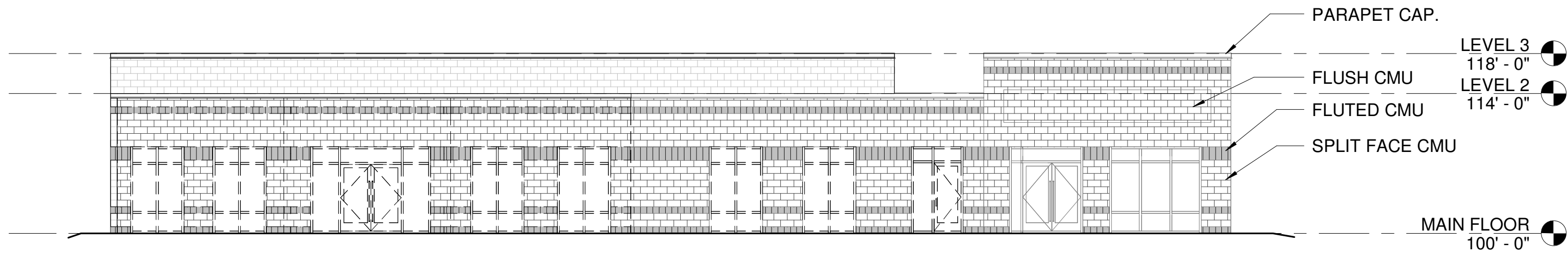
GUILFORD RAND, ARCHITECT
1991 South State Road Springville, UT 84663 PH: 801-491-0275

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Guilford A. Rand
Architect
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ARCHITECT.

NICKELMANIA ADDITION & REMODEL
MICHELLE POULSON
1000 N State Street OREM, UT

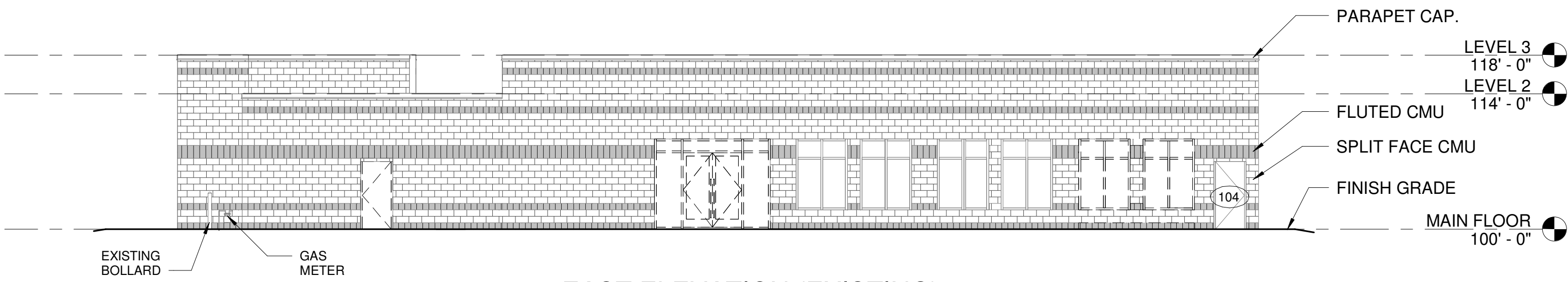
SHEET NO.
L-1.0
DATE
7/27/2022

Elevations



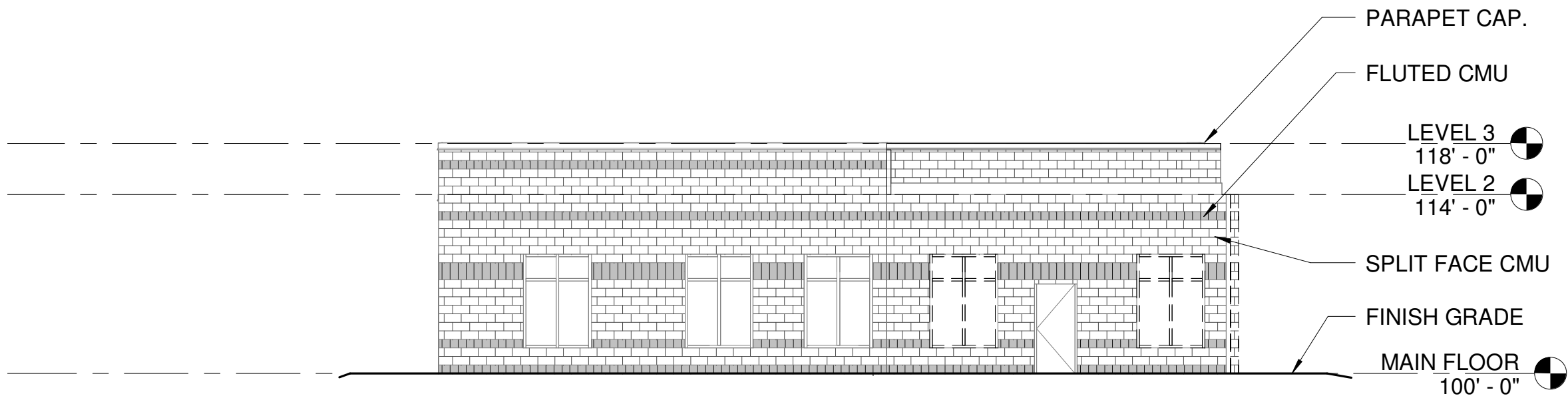
WEST ELEVATION (EXISTING)

SCALE 1" = 10'-0"



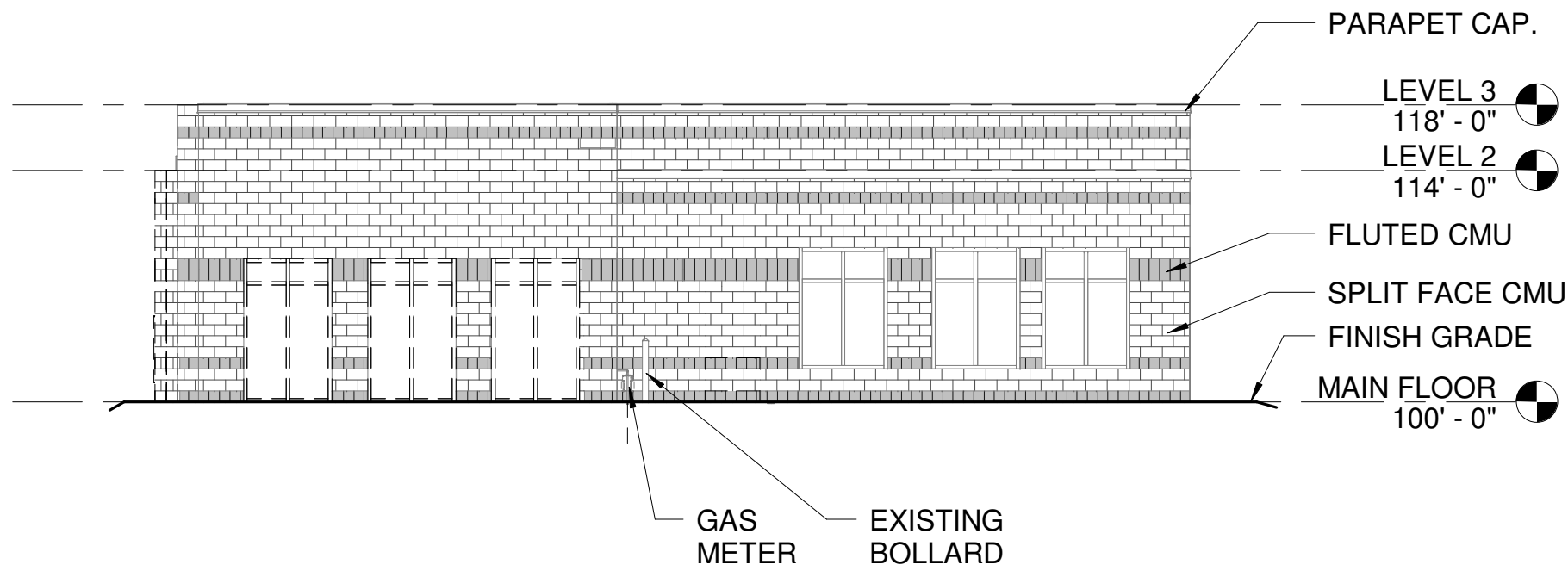
EAST ELEVATION (EXISTING)

SCALE 1" = 10'-0"



NORTH ELEVATION (EXISTING)

SCALE 1" = 10'-0"



SOUTH ELEVATION (EXISTING)

SCALE 1" = 10'-0"

REVISIONS
DATE

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PH: 801-491-0275

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NICKELMANIA ADDITION & REMODEL

MICHELLE POULSON

1000 N State Street
OREM, UT

SHEET NO.

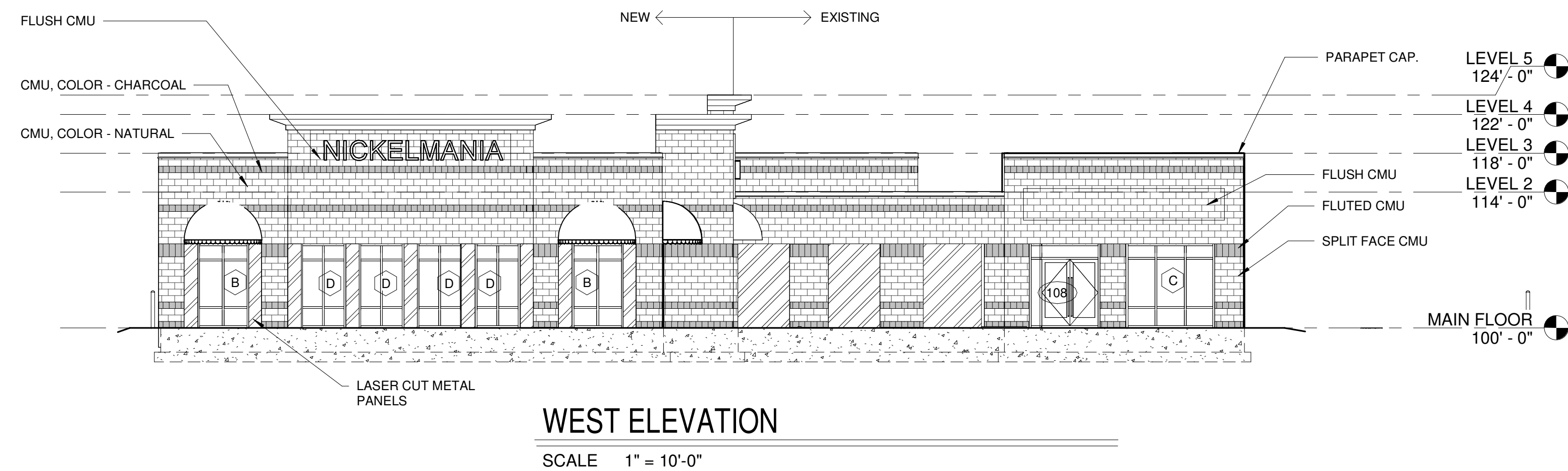
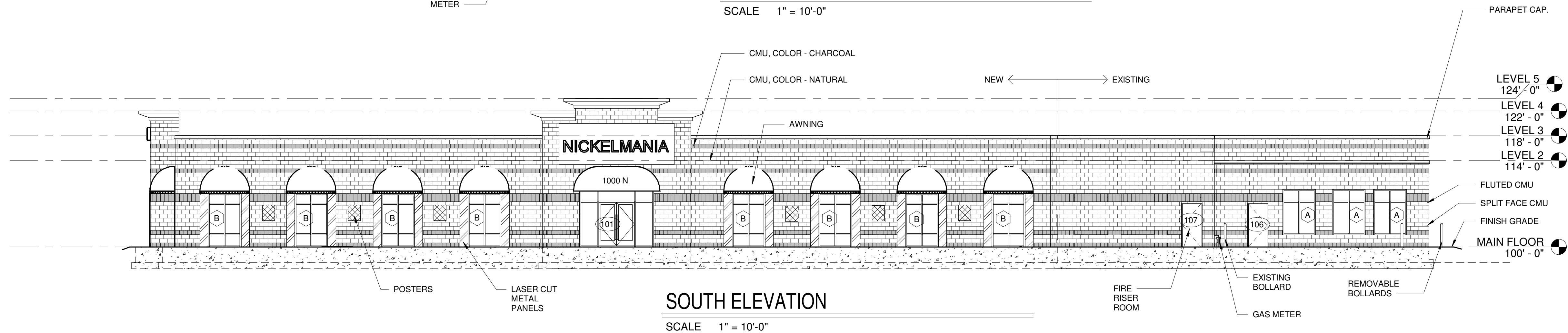
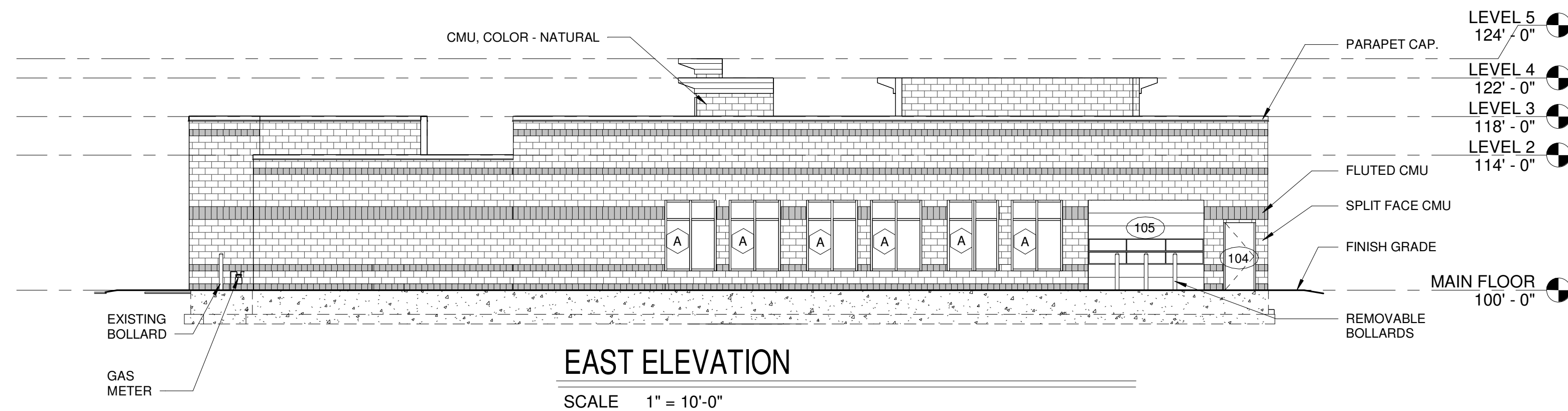
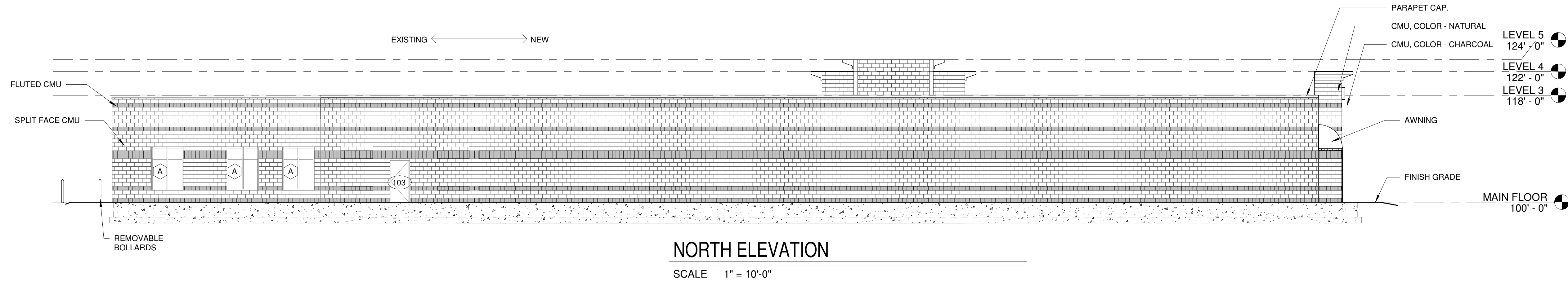
A-2.1

DATE

7/27/2022

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Elevations (continued)



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DATE

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NICKELMANIA ADDITION & REMODEL

MICHELLE POULSON

1000 N State Street
OREM, UT

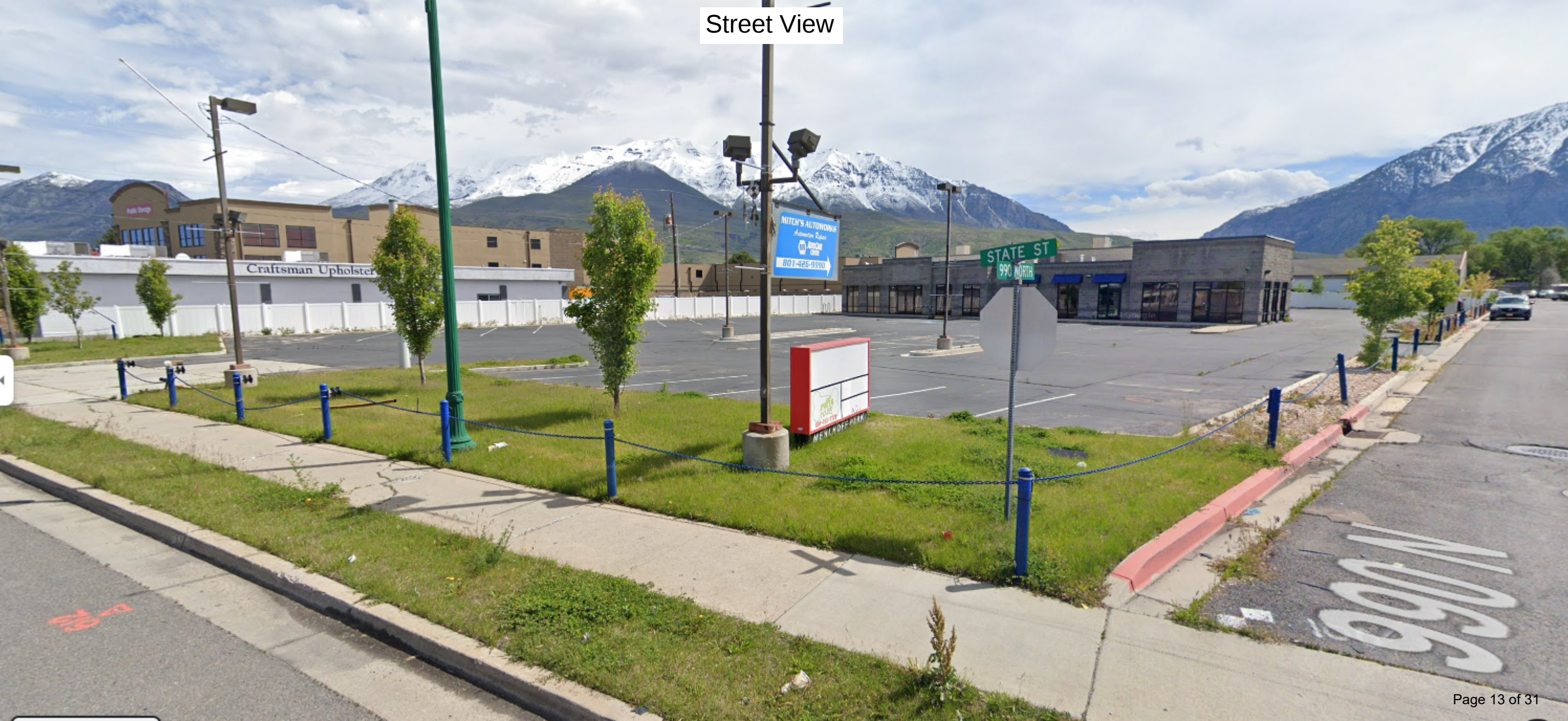
SHEET NO.
A-2.2

DATE
7/27/2022

962 West 800 North, Orem Utah, 84057
PH: 801-491-0275

Page 12 of 31

Street View



Item #: 3.2	Planning Commission October 5, 2022	
Prepared By: Rachel Stevens		
Applicant: Brook Hintze	PUBLIC HEARING – Amending Lot S, of Phase 1, Timpanogos Research Technology Park and approving The Summit at Canyon Park Condominiums located at approximately 500 E Timpanogos Parkway in the PD6 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/pa

SITE INFORMATION:

- General Plan Designation:

Professional Services

- Current Zone: **PD6**
- Acreage: **.33**
- Neighborhood: **Windsor**

ACTION:

The Planning Commission is the approving authority regarding this request.

REQUEST:

The applicant requests the Planning Commission amend Lot S, of Phase 1, Timpanogos Research Technology Park and approve The Summit at Canyon Park Condominiums located at approximately 500 E Timpanogos Parkway in the PD6 zone.

BACKGROUND:

The applicant is seeking to convert the existing building at 500 E Timpanogos Parkway into 10 office condos and 3 common areas. This will allow the owner of the building to individually sell each unit. It would provide businesses an opportunity to own an asset in real estate as opposed to leasing a space.

As part of the condominium conversion application, the applicant provided a survey map, a site plan, a copy of the declarations and bylaws, a written statement by a Utah licensed attorney, a property report, a building inspection report, and proof of notice to tenants. ([See Section 22-16-2](#)).

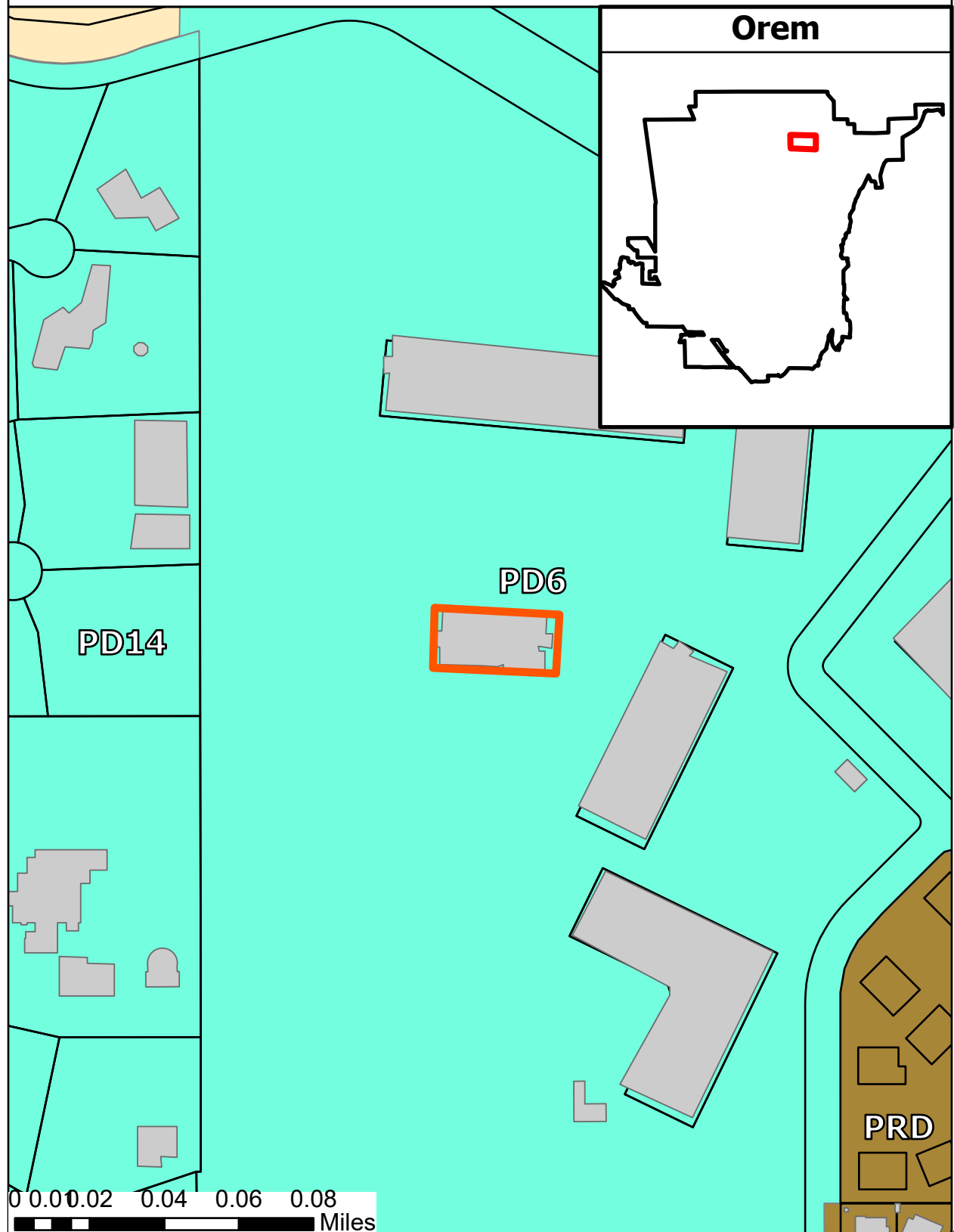
RECOMMENDATION:

Staff recommends the Planning Commission consider amending Lot S, of Phase 1, Timpanogos Research Technology Park and approving The Summit at Canyon Park Condominiums located at approximately 500 E Timpanogos Parkway in the PD6 zone.





The Summit at Canyon Park Condominiums



Condominium Conversion
PD6 Zone

**Neighborhood:
Windsor**

- Legend
- 500 E Timpanogos Pkwy
 - Parcels
 - Building Outline

THE SUMMIT AT CANYON PARK CONDOMINIUMS

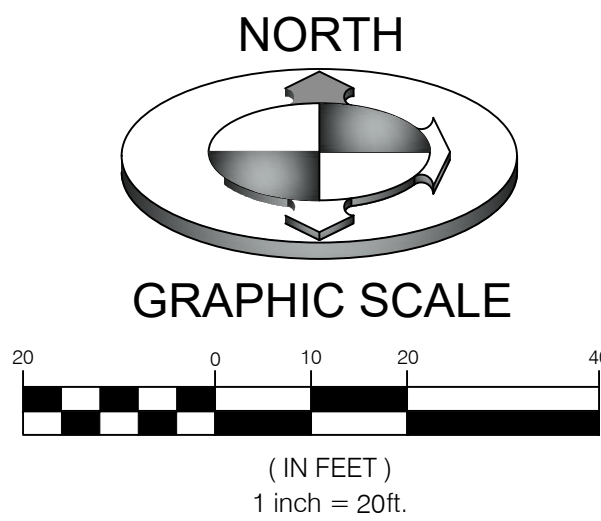
AMENDING LOT S, OF PHASE 1, TIMPANOGAS RESEARCH TECHNOLOGY PARK

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2,

TOWNSHIP 6 SOUTH, RANGE 2 EAST,

SALT LAKE BASE AND MERIDIAN

OREM, UTAH COUNTY, UTAH

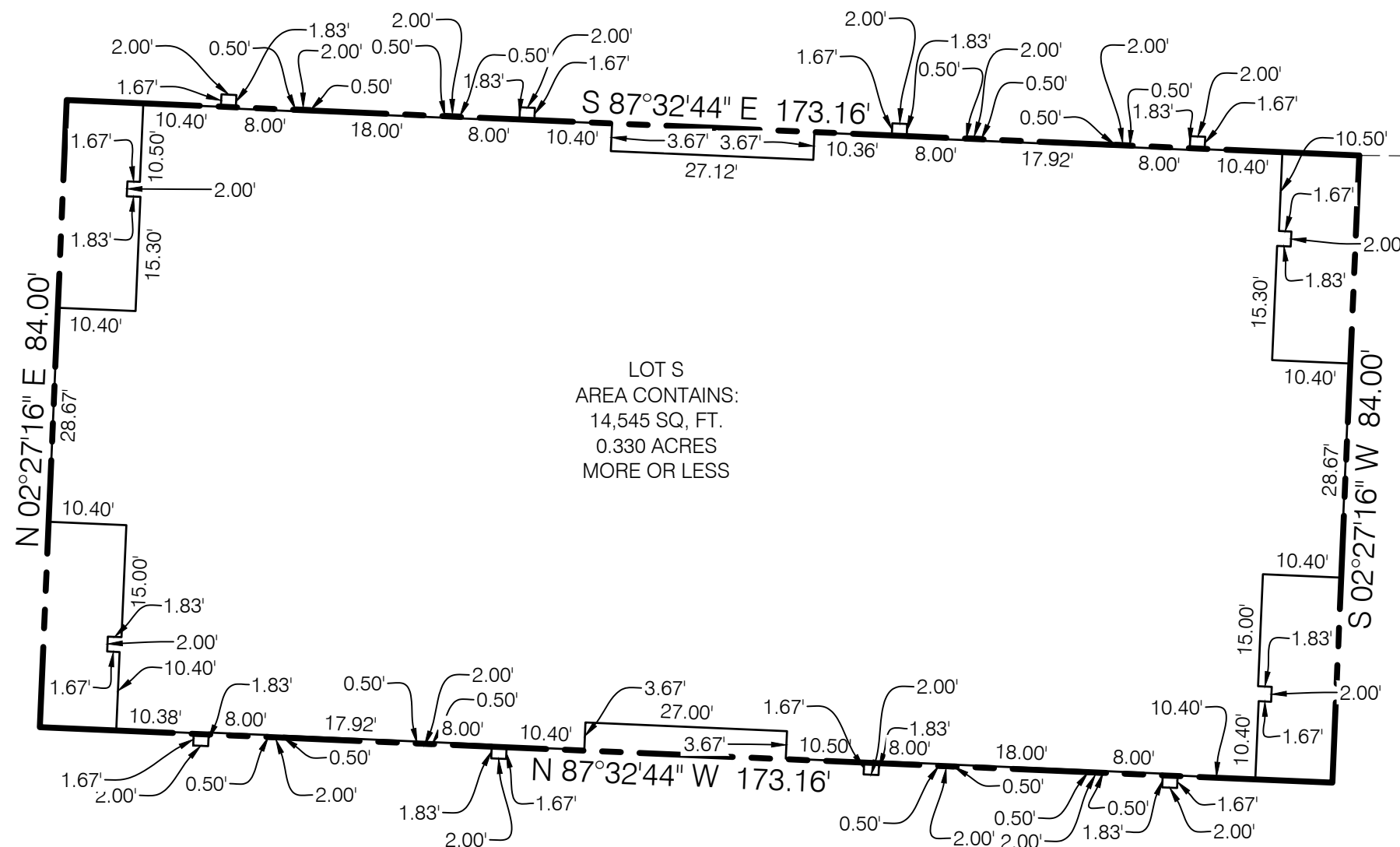


EAST TIMPANOGAS PKWY
(PRIVATE ROAD)

EAST QUARTER CORNER OF SECTION 2,
TOWNSHIP 6 SOUTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN
(FOUND BRASS CAP)

DEPARTMENT REVIEW
SEWER /DATE 09/21/2022
WATER /DATE 09/21/2022
STORM DRAIN /DATE 09/21/2022
TRAFFIC _____ /DATE _____
STREET LIGHTS /DATE 09/21/2022
FIRE MARSHAL /DATE 09/21/2022
STREETS /DATE 09/21/2022

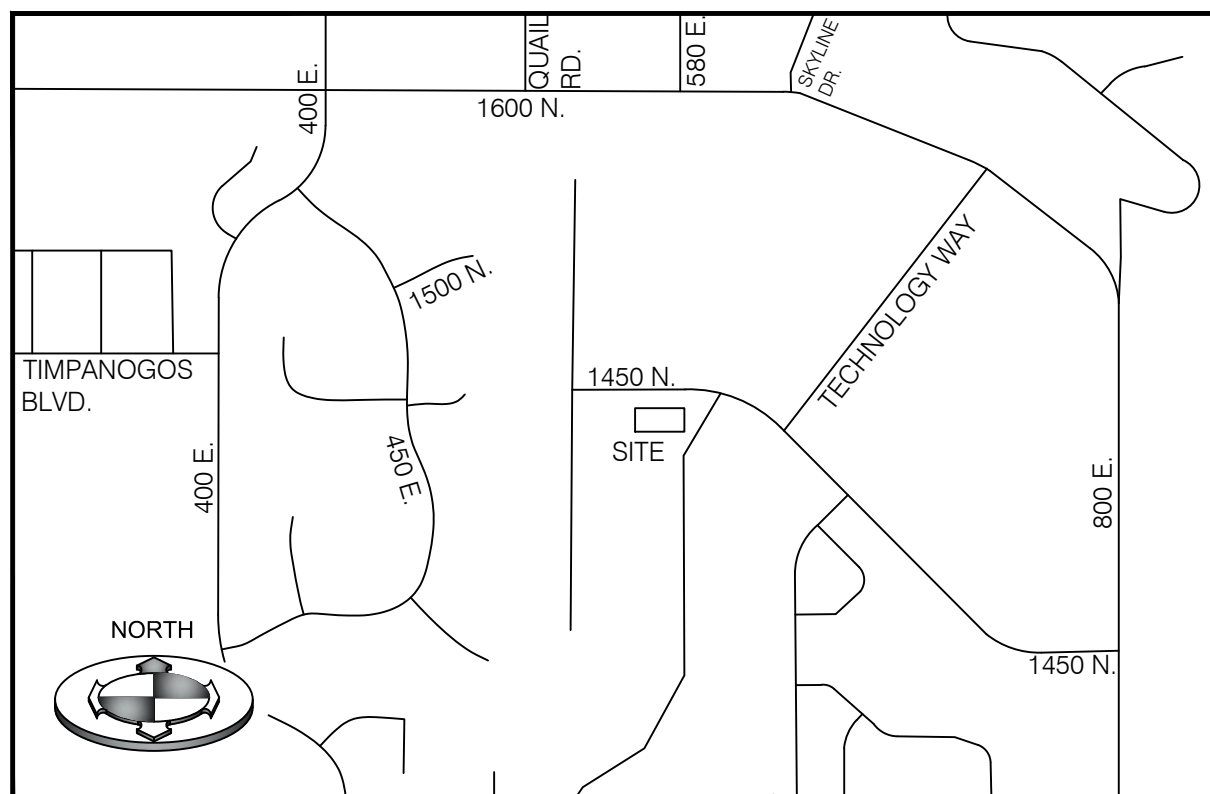
Recieved On
190922



N 89°32'01\"/>

SOUTHEAST CORNER OF SECTION 2,
TOWNSHIP 6 SOUTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN
(FOUND BRASS CAP)

VICINITY MAP



LEGEND & ABBREVIATIONS

- SECTION CORNER OR QUARTER CORNER (FOUND)
-
- SECTION LINE
- BOUNDARY LINE
- ADJACENT PROPERTY
- STREET CENTERLINE
- P.U.E. - PUBLIC UTILITY EASEMENT
- RIGHT OF WAY
- FIRE HYDRANT

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS BETWEEN THE SOUTHEAST CORNER AND THE EAST QUARTER CORNER OF SECTION 2, TOWNSHIP 6 SOUTH, RANGE 2 EAST, SALT LAKE BASE AND MERIDIAN WITH A BEARING OF NORTH 01°00'22\"/>

FLOOD ZONE DESIGNATION

SUBJECT PROPERTY DELINEATED AS ZONE "X" BY F.E.M.A. FLOOD INSURANCE RATE MAP: COMMUNITY PANEL MAP NO. 49049C0333F, EFFECTIVE JUNE 19, 2020.

ZONE

PC (PLANNED COMMUNITY)

PROJECT ADDRESS

510 E. TIMPANOGAS PKWY.
OREM, UT 84097

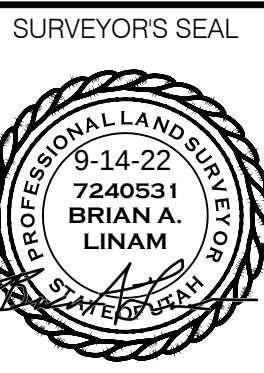
APPROVED AS TO FORM

APPROVED THE ____ DAY OF _____, A.D. 2022.

CITY ATTORNEY



**BENCHMARK
ENGINEERING &
LAND SURVEYING**
9138 SOUTH STATE STREET SUITE # 100
SANDY, UTAH 84070 (801) 542-7192
www.benchmarkcivil.com



NOTARY PUBLIC SEAL

CLERK - RECORDER SEAL

SURVEYOR'S CERTIFICATE

I, BRIAN A. LINAM DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT, UTAH CODE ANNOTATED, 1993 AS AMENDED CERTIFICATE NUMBER 7240531. I FURTHER CERTIFY THAT BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, UPON WHICH HAS BEEN CONSTRUCTED, HEREAFTER KNOWN AS BUILDING THE SUMMIT AT CANYON PARK CONDOMINIUMS, A UTAH CONDOMINIUM PROJECT. IN ACCORDANCE WITH THE UTAH CONDOMINIUM OWNERSHIP ACT, I FURTHER CERTIFY THAT THE CONDOMINIUM PLAT FOR SAID PROJECT IS ACCURATE AND COMPLIES WITH THE PROVISION OF SECTION 57-11-13 (1) OF THE UTAH CONDOMINIUM OWNERSHIP ACT.

BOUNDARY DESCRIPTION

LOT S, AS CONTAINED WITHIN PHASE I, TIMPANOGAS RESEARCH TECHNOLOGY PARK (A PLANNED UNIT DEVELOPMENT), OREM, UTAH, AS THE SAME IS IDENTIFIED IN THE PLAT MAP FOR PHASE I, TIMPANOGAS RESEARCH & TECHNOLOGY PARK (A PLANNED UNIT DEVELOPMENT), OREM, UTAH, RECORDED ON APRIL 13, 2000, IN THE UTAH COUNTY RECORDERS OFFICE, STATE OF UTAH, AS ENTRY NO. 29305.2000, MAP NO. 8505-98, AND IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TIMPANOGAS RESEARCH & TECHNOLOGY PARK (A PLANNED UNIT DEVELOPMENT), RECORDED ON APRIL 13, 2000 IN THE UTAH COUNTY RECORDERS OFFICE, STATE OF UTAH, AS ENTRY NO. 29306.2000 (AS SAID DECLARATION MAY HAVE BEEN AMENDED OR SUPPLEMENTED).

TOGETHER WITH THE UNDIVIDED OWNERSHIP INTEREST IN THE COMMON AREAS WHICH IS APPURTENANT TO SAID LOTS AS MORE PARTICULARLY DESCRIBED IN SAID DECLARATION AND SAID PLAT MAP (AS SAID DECLARATION AND PLAT MAP MAY HAVE BEEN AMENDED OR SUPPLEMENTED).

THE ABOVE DESCRIBED ENTIRE TRACT OF LAND CONTAINS 35,134 SQUARE FEET OR 0.807 ACRES, MORE OR LESS.

12 UNITS

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) OF SAID TRACT OF LAND DESCRIBED HEREON DO HEREBY CERTIFY THAT WE CONSENT TO THE RECORDATION OF THIS CONDOMINIUM PLAT IN ACCORDANCE WITH UTAH CODE ANNOTATED 57-M3, SUBDIVIDING THE LAND INTO CONDOMINIUM OWNERSHIP, AND CREATING UNITS, COMMON AREAS, LIMITED COMMON AREAS AND EASEMENTS ALL AS SET FORTH HEREIN TO HEREAFTER BE KNOWN AS

BUILDING S OFFICE CONDOMINIUMS AMENDING LOT S, OF PHASE 1, TIMPANOGAS RESEARCH TECHNOLOGY PARK

UTILITY DEDICATION

BY EXECUTION OF THIS PLAT, THE OWNER(S) SHOWN BELOW DOES HEREBY GRANT AND CONVEY TO THE CITY AND OTHER PUBLIC UTILITY COMPANIES, A PERMANENT EASEMENT AND RIGHT OF WAY IN AND TO THOSE AREAS REFLECTED ON THE MAP AND DEFINED IN THE DECLARATION OF CONDOMINIUM APPLICABLE TO THIS PROJECT AS "COMMON AREA" (INCLUDING PRIVATE STREETS AND PRIVATE DRIVEWAYS) FOR CONSTRUCTION AND MAINTENANCE OF APPROVED PUBLIC UTILITIES AND APPURTENANCES TOGETHER WITH RIGHT OF ACCESS THERETO.

RESERVATION OF COMMON AREAS

BY EXECUTION OF THIS PLAT, THE OWNER(S) SHOWN BELOW DOES HEREBY RESERVE ALL AREAS SHOWN ON THIS PLAT OR DESCRIBED IN THE DECLARATION OF CONDOMINIUM AS "COMMON AREA" FOR THE COMMON ENJOYMENT OF ALL OWNERS AND SUCH OWNERS GUESTS AND INVITEES AS SPECIFICALLY DESCRIBED IN THE DECLARATION OF CONDOMINIUM APPLICABLE TO THE PROJECT. IN WITNESS WHEREOF, THE OWNER(S) HAVE HEREUNTO SET OUR HANDS THIS ____ DAY OF _____, A.D. 20 ____

BY: _____
ITS: _____

ACKNOWLEDGMENT

STATE OF UTAH } S.S.
County of Salt Lake }
ON THIS ____ DAY OF _____, IN THE YEAR 20____, BEFORE ME _____, A
NOTARY PUBLIC, PERSONALLY APPEARED _____ THE MANAGING MEMBER OF
_____, LLC PROVED ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE
PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO IN THE FOREGOING OWNERS DEDICATION AND
CONSENT REGARDING BUILDING S OFFICE CONDOMINIUMS AND WAS SIGNED BY HIM/HER ON BEHALF
OF SAID _____, LLC AND ACKNOWLEDGED THAT HE/SHE/THEY EXECUTED THE
SAME.
MY COMMISSION EXPIRES: _____ COMMISSION NUMBER: _____
(DATE)

PRINT NAME

(SIGNED) A NOTARY PUBLIC
COMMISSIONED IN UTAH

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF THE CITY OF OREM, COUNTY OF UTAH, APPROVES THIS DEDICATION PLAT, AND HEREBY ACCEPTS THE DEDICATION OF ALL EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR THE PUBLIC PURPOSE OF THE PERPETUAL USE OF SAID PUBLIC.
THIS ____ DAY OF _____, A.D. ____.

ATTEST: _____
CITY ENGINEER _____ CLERK-RECORDER (SEE SEAL BELOW)

PLANNING COMMISSION APPROVAL

APPROVED THIS ____ DAY OF _____, A.D. 20____, BY THE OREM CITY PLANNING COMMISSION.

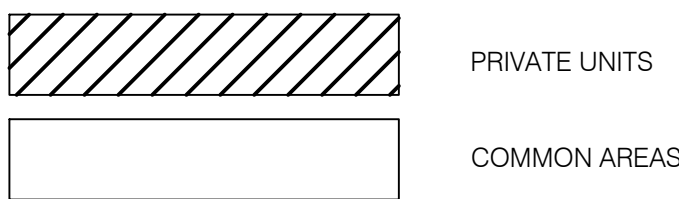
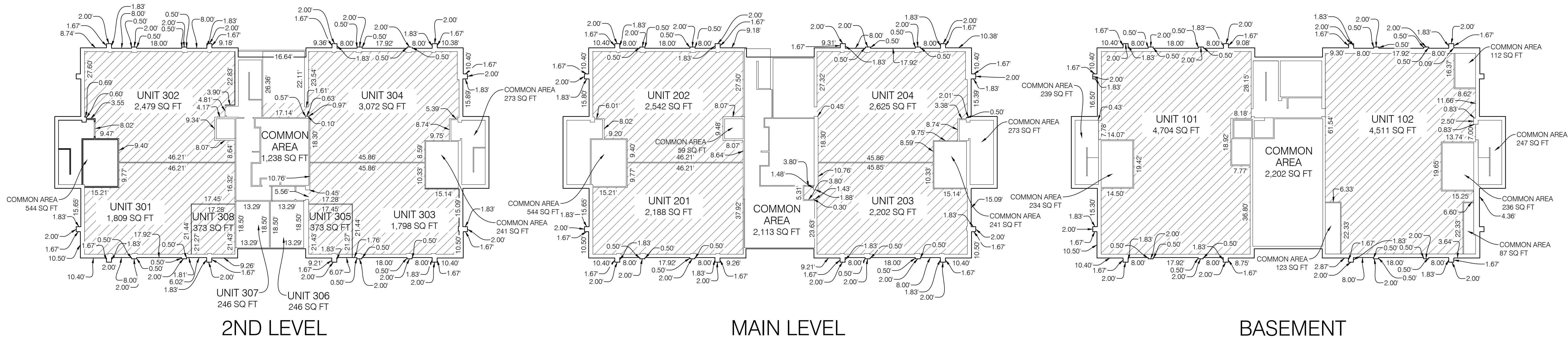
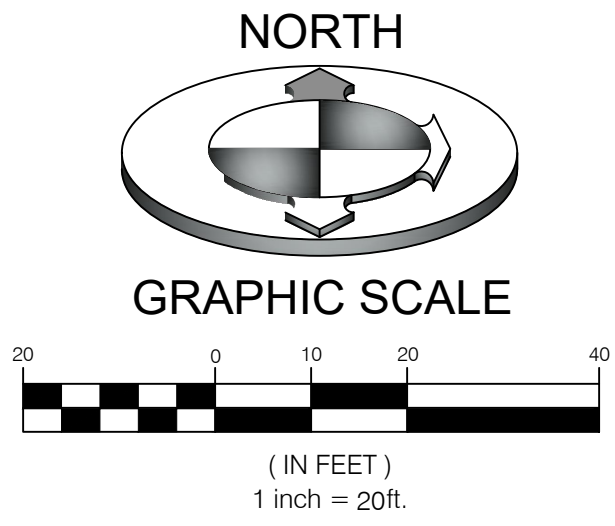
DIRECTOR / SECRETARY _____ PLANNING COMMISSION CHAIR _____

THE SUMMIT AT CANYON PARK CONDOMINIUMS AMENDING LOT S, OF PHASE 1, TIMPANOGAS RESEARCH TECHNOLOGY PARK

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2,
TOWNSHIP 6 SOUTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN
OREM, UTAH COUNTY, UTAH

SHEET 1 OF 2

THE SUMMIT AT CANYON PARK CONDOMINIUMS
AMENDING LOT S, OF PHASE 1, TIMPANOGAS RESEARCH TECHNOLOGY PARK
LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2,
TOWNSHIP 6 SOUTH, RANGE 2 EAST,
SALT LAKE BASE AND MERIDIAN
OREM, UTAH COUNTY, UTAH



 BENCHMARK CIVIL	BENCHMARK ENGINEERING & LAND SURVEYING 9138 SOUTH STATE STREET SUITE # 100 SANDY, UTAH 84070 (801) 542-7192 www.benchmarkcivil.com	SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CLERK - RECORDER SEAL

The Summit at Canyon Park

Explanation of Use and Purpose

To whom it may concern:

The intent of this letter is to inform you of the purpose and future of the property located at 500 East Timpanogos Parkway. Formerly part of the Canyon Park Tech Center project.

Back Development and Alta Commercial (sister companies, same ownership) purchased the building a little over a year ago. Back/Alta has a 15 year history of purchasing underutilized properties. Our model and process will take these slightly aging properties and through improvements and the condominium process, revitalize them. We then take the property to market and sell the units to businesses who see the value of ownership over leasing.

For the mentioned property, we are going to rebrand it to be known as The Summit at Canyon Park. Shortly after the purchase of the building, we went through an evaluation to determine what improvements were needed. We have in the master plan: painting the exterior and updating the interior common space (flooring, paint, LED lighting system). Some of these improvements have been done (paint, flooring, interior lighting) and others are still in the bid/planning phase.

Our purpose and proposed use is to create an office condo facility where businesses who prefer to own an asset in real estate as opposed to leasing/renting space that does not generate value and equity can come and own their condo unit. The entire ~ 35,667 sq ft. building will be divided into smaller units which allow smaller users the affordability to own a piece of a much larger, nicer facility. It creates synergy within the building with like-minded ownership.

Our experience from past projects tells us that from an outside perspective, it will in no way impact the neighborhood or community around us. The building was intended to be an office building from its creation. It will continue to serve that purpose, but with owner users instead of leased tenants. In effect, all else will remain constant from the past.

If there are further questions or concerns, please feel free to reach out to us for more explanation.

Thank you for your consideration.

Sincerely,
Back Development
Alta Commercial

JDHATCH LEGAL SOLUTIONS, PLLC

Justin D. Hatch

Attorney at Law

10388 S. Liffey Lane

South Jordan, UT 84009

jdhatchlegalsolutions@gmail.com

(801) 819-6179

June 22, 2022

Re: Condominium Conversion Application for The Summit at Canyon Park

To Whom It May Concern:

My name is Justin Hatch, and I am an attorney licensed to practice in the State of Utah. My State Bar Number is 12544.

I have reviewed the following materials for The Summit at Canyon Park Condominium, located at 500 Timpanogos Parkway, Orem, Utah 84097, and the associated application for condominium conversion:

- Inspection Report dated June 15, 2022, from C&H Inspections
- Survey Map
- The Declaration of Condominium for the Summit Office Condominiums dated May 30, 2022
- Utah Code Ann. Sec. 57-8-1, et seq.

It is my legal opinion that the Condominium Declaration, the record of survey map and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (U.C.A. Sec. 57-8-1, et seq.), as well as all applicable federal, state and local laws and ordinances and that when the condominium declaration and survey map have been recorded in the office of the Utah County Recorder, that the proposed project will be a validly existing and lawful condominium project in all respects.

Very truly yours,

/s/ Justin D. Hatch

Attorney at Law

Date Called In: 05-04-2022		City of Orem 56 N State Street Orem, UT 84057 PHONE # (801) 229-7060 FAX # (801) 229-7061 glbeardall@orem.org COMPLIANCE INSPECTION REPORT		
Date Inspect On: 05-06-2022 ☒ AM ☐ PM				
OWNER NAME: BACK Development LLC			OWNER email: brook@altacommercial.com	
OWNER/BUILDER:			Requested by:	
ADDRESS: 500 East Timpanogos Parkway, Building S, Timpanogos R&T Park PUD , Orem			Phone #:	
PERMIT #: 22-514			Email:	
Description: Need to schedule a Property Condition report for DRC to convert into office condos. 14 units			Permit Type: Other (C)	
INSPECTION OF ITEMS LISTED BELOW:				
Inspections 1. ☒ Consultation Passed: 05/06/22 2. ☒ Final Passed: 05/06/22				
CONDITION OF INSPECTION:				
☒ PASS <u>1,2</u>		☐ PARTIAL PASS _____		☐ NO PASS _____
ITEMIZED AND DESCRIBED AS FOLLOWS:				
Consultation Well maintained functional and ok for condominium ownership per state allowed recording of spaces.				
Final It's: Changes to building requiring permits shall be obtained for construction.				
2022-05-06 12:03:19 DATE & TIME		Gary Beardall SIGNATURE OF DESIGNATED COMPLIANCE INSPECTOR		



CITY OF OREM
DRAFT PLANNING COMMISSION MEETING MINUTES
September 21, 2022

The following items are discussed in these minutes:

- APPEAL – Extending the approval of the preliminary plat for Hernandez Plat A - Approved
- PUBLIC HEARING – Enacting Section 22-6-9(M) *Residential Preschool (SLU Code 6265)* and Standard Land Use Code 6265 *Residential Preschool* – Positive Recommendation to City Council
- PUBLIC HEARING – Amending Section 22-6-9(F)(8) *Home Day Care Services- Child & Adult (SLU Code 6263)* pertaining to outdoor play areas; and Enacting Section 22-6-9(G)(14) *Commercial Day Care Services (SLU Codes 6261 and 6262)* pertaining to outdoor play areas - Positive Recommendation to City Council
- PUBLIC HEARING – Enacting Section 22-11-64 PD-51 (*River District – 720 North 1550 East*) Zone, and Appendix “YY” of the Orem City Code, and amending Article 22-5-3(A) and the zoning map of the City of Orem by changing the zone of 3.15 acres from the Business Park (BP) zone to the PD51 zone at approximately 720 North 1550 East – No Recommendation to City Council
- PUBLIC HEARING – Amending a portion of Appendix A of the Orem City Code by amending the Standard Land Use (SLU) Code 5811 *Fast Food* and making such use permitted in the Business Park (BP) zone and amending Section 22-9-8(1) *Miscellaneous Regulations for Manufacturing and Research and Development Zones* to allow fast food restaurants with a drive-thru and to make architectural standards consistent throughout the west side development project areas in the Business Park (BP) zone located at approximately 800 North and University Avenue - Positive Recommendation to City Council
- PUBLIC HEARING – Amending portions of Chapter 4 (Housing) of the Orem General Plan including updating Section 4.1 Population Demographics, Section 4.2 Existing Conditions, and enacting Section 4.4.2 pertaining to Moderate Income Housing Strategies - Positive Recommendation to City Council

STUDY SESSION

Place: City Council Conference Room

At 3:30 p.m. Vice-Chair Komen called the Study Session to order.

Those present: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low and Tina Okolowitz, 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, Senior Planners; Sam Kelly, City Engineer; Aaron McKnight, Legal Counsel and Terry Peterson, City Council Liaison

Those excused: Haysam Sakar, Planning Commission member

The Commission and staff briefly reviewed agenda items and minutes from the September 7, 2022 meeting and adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

Place: Orem City Council Chambers

At 4:30 p.m. Vice-Chair Komen called the Planning Commission meeting to order and asked Ms. Okolowitz, Planning Commission member, to offer the invocation.

Those present: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low and Tina Okolowitz, 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

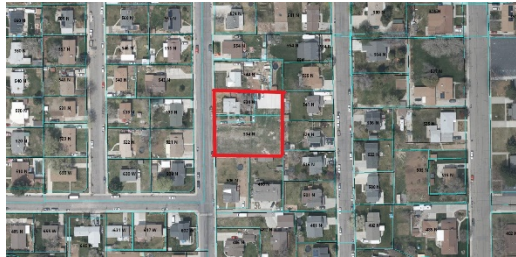
DRAFT Planning Commission minutes for September 21, 2022

Taylor, Senior Planners; Sam Kelly, City Engineer; Aaron McKnight, Legal Counsel and Terry Peterson, City Council Liaison

Those excused: Haysam Sakar, Planning Commission member

Vice-Chair Komen asked Ms. Stevens to introduce **Agenda Item 3.1:** ([click here for recording](#))

Agenda Item 3.1 is a request by Ramon and Rosalia Hernandez for the Planning Commission to approve the preliminary plat for Hernandez Plat A, located generally at 534 North 600 West in the R7.5 zone.



Staff Presentation: On September 15, 2021 the applicant came before the Planning Commission with a request to subdivide their property into two lots. Section 17-4-7 *Validity of preliminary plat approval* states that the preliminary plat is approved for one (1) year and that the Planning Commission may grant one (1) year extensions ([Section 17-4-7](#)). The applicant request the Planning Commission grant an extension of approval for their preliminary plat for an additional year.

The proposed plat still complies with all the applicable ordinances for Preliminary Plats ([Section 17-4-3](#)). It also still meets the requirements for the R7.5 zone. Lot 1 contains 7510 square feet and has an existing home which will remain. Lot 2 contains 18,615 square feet and shall have improvements installed. Both of the lots will front on 600 West ([Section 22-6-8](#)).

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission

Vice-Chair Komen asked if the Planning Commission had any questions for Ms. Stevens.

Vice-Chair Komen invited the applicant to come forward. Rosalia Hernandez introduced herself.

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

Planning Commission Action: Mr. Hawkes moved to extend the approval of the preliminary plat for Hernandez Plat A for an additional year, located generally at 584 North 600 West in the R7.5 zone. Ms. Komen seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low and Tina Okolowitz. The motion passed unanimously.

Vice-Chair Komen asked Ms. Stevens to introduce **Agenda Item 3.2:** ([click here for recording](#))

Agenda Item 3.2 is a request by Business Licensing for the City to enact Section 22-6-9(M) *Residential Preschool (SLU Code 6265)* and Standard Land Use Code 6265 *Residential Preschool*.

Staff Presentation: Business Licensing requests the city enact a new land use code for Residential Preschools. Currently, residential preschools are being regulated and enforced under Home Day Care Services (SLU Code 6263). ([See Section 22-6-9\(F\)](#)).

Enacting a new land use code will allow for better regulation and enforcement of residential preschools.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission consider a recommendation to the City Council to enact Section 22-6-9(M) *Residential Preschool (SLU Code 6265)* and Standard Land Use Code 6265 *Residential Preschool*.

Vice-Chair Komen asked if the Planning Commission had any questions for Ms. Stevens.

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

DRAFT Planning Commission minutes for September 21, 2022

Vice-Chair Komen invited the applicant to come forward. Bridgett Pace, Business Licensing, introduced herself.

Vice-Chair Komen 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, Vice-Chair Komen closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, she called for a motion on this item.

Planning Commission Action: Mr. Hawkes moved to forward a positive recommendation to the City Council to enact Section 22-6-9(M) *Residential Preschool (SLU Code 6265)* and Standard Land Use Code 6265 *Residential Preschool*. Mr. Low seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low and Tina Okolowitz. The motion passed unanimously.

Vice-Chair Komen asked Ms. Stevens to introduce **Agenda Item 3.3:** ([click here for recording](#))

Agenda Item 3.3 is a request by Development Services for the City to amend Section 22-6-9(F)(8) *Home Day Care Services-Child & Adult (SLU Code 6263)* pertaining to outdoor play areas; and Enacting Section 22-6-9(G)(14) *Commercial Day Care Services (SLU Codes 6261 and 6262)* pertaining to outdoor play areas.

Staff Presentation: Development Services requests the City Council amend the Home Day care requirements pertaining to play areas. The proposed language would require play areas to be fully enclosed and require a self-closing and self-latching gate. It would also require outdoor play areas to have a soft-surface area for children to play on. ([See Section 22-6-9\(F\)](#)).

Development Services also proposes a new ordinance regarding Commercial Day Care Services. It would require commercial day cares to have a play area that is fenced with self-closing and self-latching gates. It would not allow play areas and play structures to be located in parking lots or on top of other hard surfaces. ([See Section 22-6-9\(G\)](#)).

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission consider a recommendation to the City Council to amend Section 22-6-9(F)(8) *Home Day Care Services-Child & Adult (SLU Code 6263)* pertaining to outdoor play areas; and Enact Section 22-6-9(G)(14) *Commercial Day Care Services (SLU Codes 6261 and 6262)* pertaining to outdoor play areas.

Vice-Chair Komen asked if the Planning Commission had any questions for Ms. Stevens.

Vice-Chair Komen 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, Vice-Chair Komen closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, she called for a motion on this item.

Planning Commission Action: Mr. Low moved to forward a positive recommendation to the City Council to amend Section 22-6-9(F)(8) *Home Day Care Services-Child & Adult (SLU Code 6263)* pertaining to outdoor play areas; and Enact Section 22-6-9(G)(14) *Commercial Day Care Services (SLU Codes 6261 and 6262)* pertaining to outdoor play areas. Mr. Crismon seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low and Tina Okolowitz. The motion passed unanimously.

Vice-Chair Komen asked Ms. Stevens to introduce **Agenda Item 3.4:** ([click here for recording](#))

Agenda Item 3.4 is a request by Julie Smith for the City to enact Section 22-11-64 PD-51 (*River District – 720 North 1550 East*) Zone, and Appendix “YY” of the Orem City Code, and amend Article 22-5-3(A) and the zoning map of the City of Orem by changing the zone of 3.15 acres from the Business Park (BP) zone to the PD51 zone at approximately 720 North 1550 East.

Staff Presentation: This item was continued from the September 7, 2022 meeting.

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

DRAFT Planning Commission minutes for September 21, 2022

A Public Hearing for the enactment of Section 22-11-64 PD51 (*River District – 720 North 1550 East*) and Appendix “YY” of the Orem City Code and the changing of the zoning map of the City of Orem was held September 7, 2022. It was determined that more time was needed for the Planning Commission to discuss this item and to see whether Provo approved their portion of the project. The item was continued to September 21, 2022.

On September 14, 2022, Provo City Planning Commission sent a positive recommendation (5-0 vote) to their City Council to approve the General Plan Map Amendment, Concept Plan and Zone Map Amendment (with the condition a Development Agreement is signed). Here is the link: [Provo Recommendation](#)

The applicant is proposing this rezone and map amendment from the Business Park zone to the PD51 zone so they can build a planned development of attached residential dwelling units, consistent with the property to the south which is located in the Provo City boundaries. If the rezone is approved, they will come back to the Planning Commission at a future date for approval of the site plan and improvements.

The proposed zone is designed to be applied only to Lot 2 as designated in Appendix YY of the Orem City Code.

Units: There will be twenty-five (25) units in the residential portion of the new development. This will be the area that is being rezoned to the PD51 zone. The townhouse style units will be two or three stories high. The area to the north will remain the Business Park (BP) zone. There will be a private street that each of the units will access.

The new PD51 zone will be more than five hundred (500) feet from 800 North as is required for a new PD zone containing a residential use ([22-11-1\(3\)](#)). It is actually close to one thousand (1,000) feet from 800 North.

Since this is currently zoned BP, a PD zone is an option for this development containing residential uses ([22-11-1\(3\)](#)).

Materials: The exterior finishing materials of wood siding, stone and standing seam metal roofs are proposed (see proposed ordinance text).

Height: Structures in the PD51 zone can be up to three stories and no higher than forty feet above grade. The applicant proposes a height of thirty-six feet nine inches (36’9”) as noted on the elevations (see proposed ordinance text).

Parking: The development is required to have 2.5 spaces per unit per [22-7-12\(J\) Planned Residential Developments \(PRD\)](#) of the Orem City Code. For the twenty-five units they are proposing, they would be required to provide sixty-three (63) parking spaces. They are providing eighty-eight (88), fifty are covered (garages) and thirty-eight are not covered.

Traffic: The City, UDOT, and the developer recognize that there will need to be some traffic mitigation measures installed at the intersection of 800 N and 1550 East. UDOT, in conjunction with the City, hired a consultant to study this intersection in 2015, along with other intersections to the west. The study has been attached to this staff report. At the time of the study, the intersection at 1550 East and 800 North, in its current configuration, operates at failing level of service in the pm peak.

There have been discussions with UDOT, the developer, and Orem about the safety of this intersection and all parties understand that there will need to be a joint funded project to address the safety concerns.

Development on the parcel would be required to conform the standards outlined in the PD51 zone and the concept plan and exhibits outlined in Appendix YY of the Orem City Code. Future changes will require Planning Commission and City Council approval.

Concept Plan Details

Height	Maximum height is 36’9”
--------	-------------------------

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

DRAFT Planning Commission minutes for September 21, 2022

Parking	63 Required - 88 Provided
Materials	wood siding, stone and standing seam metal roofs
# of Units	(25) 2- and 3-story units

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission forward a recommendation to the City Council to enact Appendix YY 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 3.15 acres from the Business Park (BP) zone to the PD51 zone at approximately 720 North 1550 East.

Vice-Chair Komen asked if the Planning Commission had any questions for Ms. Stevens. ([see video for details](#))

Vice-Chair Komen invited the applicant to come forward. Jim Ivory, Folger Pratt, introduced himself. He presented a slide show of the project ([see video for details](#)).

Vice-Chair Komen opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone ([see video for details](#))

Lynette Kern

Brian Bird

Greg Bird

Kelly Brown

Jim Ivory – responded to resident questions ([see video for details](#))

Ron Woolley

A discussion regarding the intersection at 800 North 1550 East was held. No matter what project goes in to this area the traffic problems will have to be addressed. ([see video for details](#))

A discussion regarding whether or not the rezone was necessary was held.

A discussion was held regarding the continuation of the Provo River trail and making it accessible to the public ([see video for details](#))

Vice-Chair Komen closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, she called for a motion on this item.

Planning Commission Action: Mr. Hawkes moved to forward a positive recommendation to the City Council to enact Appendix YY 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 3.15 acres from the Business Park (BP) zone to the PD51 zone at approximately 720 North 1550 East. Ms. Komen seconded the motion. Those voting aye: James Hawkes, Madeline Komen and Tina Okolowitz. Those voting nay: Gerald Crismon and Murray Low The motion passed but because there were not four (4) votes either way, a neutral recommendation will be sent to the City Council.

Vice-Chair Komen asked Ms. Stevens to introduce **Agenda Item 3.5:** ([click here for recording](#))

Agenda Item 3.5 is a request by Julie Smith for the City to amend a portion Appendix A of the Orem City Code to amend Standard Land Use Code 5811 *Fast Food* and make such use permitted in the Business Park (BP) zone and

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amend Section 22-9-8(1) *Miscellaneous Regulations for Manufacturing and Research and Development Zones* to allow fast food restaurants with a drive-thru and to make architectural standards consistent throughout the west side development project areas in the Business Park (BP) zone located at approximately 800 North and University Avenue.

Staff Presentation: A Public Hearing to amend Appendix A of the Orem City Code by amending the Standard Land Use (SLU) Code 5811 *Fast Food* and making such use a permitted use in the Business Park (BP) zone was held September 7, 2022. It was determined that more time was needed for the Planning Commission to discuss this item and to see whether Provo approved their portion of the project. The item was continued to September 21, 2022 to move together with the rezone and enactment of Appendix “YY”.

On September 14, 2022, Provo City Planning Commission sent a positive recommendation (5-0 vote) to their City Council to approve the General Plan Map Amendment, Concept Plan and Zone Map Amendment (with the condition a Development Agreement is signed). Here is the link: [Provo Recommendation](#)

The applicant proposes changes to the Business Park zone located at approximately 800 North and University Avenue to allow development west of the Provo River to be consistent throughout the west side development.

The applicant is also proposing to amend the SLU Code 5811 *Fast Food* to allow restaurants with a drive-thru in the BP zone.

22-9-8. Miscellaneous Regulations for Manufacturing and Research and Development Zones.

~~1.~~ **H.** The following additional requirements shall apply to development in the BP zone:

- a. No more than thirty percent (30%) of the gross leaseable area (as defined in section 22-15-2) of any building may be devoted to retail uses. However, buildings that are used solely as a restaurant and have at least 3,000 square feet are excluded from this restriction.
- b. ~~No restaurant may have a drive-through.~~
- c. For the BP zone area located at approximately 800 North and University Avenue, all development west of the Provo River shall ~~have an architectural and design theme consistent with the existing office building. be consistent throughout each individual project area.~~ For development east of the Provo River the architectural and design theme may be different from the west side of the river but shall be consistent throughout the east side development.

SLU		R5	R6	R6.5	R7.5	R8	R12	R20	OS5\ ROS	PO	C1	C2	C3	HS	M1	M2	CM	BP
5811	Fast Food	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	NP

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission forward a recommendation to the City Council to amend a portion Appendix A of the Orem City Code to amend Standard Land Use Code 5811 *Fast Food* and make such use permitted in the Business Park (BP) zone and amend Section 22-9-8(1) *Miscellaneous Regulations for Manufacturing and Research and Development Zones* to allow fast food restaurants with a drive-thru and to make architectural standards consistent throughout the west side development project areas in the Business Park (BP) zone located at approximately 800 North and University Avenue.

Vice-Chair Komen asked if the Planning Commission had any questions for Ms. Stevens. ([click here for recording](#))

Vice-Chair Komen invited the applicant to come forward. Jim Ivory, Folger Pratt, introduced himself.

Vice-Chair Komen opened the public hearing and invited those from the audience who had come to speak to this item to come forward to the microphone:

Lynette Kern

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Discussion was held regarding allowing drive-thru restaurants and whether the rezone was necessary ([click here for recording](#))

Vice-Chair Komen closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, she called for a motion on this item.

Planning Commission Action: Ms. Okolowitz moved to forward a positive recommendation to the City Council to amend a portion Appendix A of the Orem City Code to amend Standard Land Use Code 5811 *Fast Food* and make such use permitted in the Business Park (BP) zone and amend Section 22-9-8(1) *Miscellaneous Regulations for Manufacturing and Research and Development Zones* to allow fast food restaurants with a drive-thru and to make architectural standards consistent throughout the west side development project areas in the Business Park (BP) zone located at approximately 800 North and University Avenue. Mr. Hawkes seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low and Tina Okolowitz. The motion passed unanimously.

Vice-Chair Komen asked Mr. Allen to introduce **Agenda Item 3.6:** ([click here for recording](#))

Agenda Item 3.6 is a request by Development Services for the City to amend portions of Chapter 4 (Housing) of the Orem General Plan including updating Section 4.1 Population Demographics, Section 4.2 Existing Conditions, and enacting Section 4.4.2 pertaining to Moderate Income Housing Strategies.

Staff Presentation: Pursuant to Utah Code Annotated (UCA) 10-9a-403(2)biii, Orem City is amending portions of Chapter 4 (Housing) of the Orem City General Plan to adopt the following four moderate income housing strategies and implementation plan for each item. The proposed amendment and text-strikeout are included as part of the staff report.

- (E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;

Accessory apartments are already adopted into Orem's municipal code and part of the Development Services process. Orem City continues to provide all requirements for legal accessory apartments online. We also continue to advise residents who ask about their options. Orem monitors the number of legal apartments by annual report of existing legal apartments. Currently, there are 722 legal accessory apartments in Orem. It is anticipated that approximately 26 additional accessory units will be approved in the next year.

- (X) demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80% of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10% or more of new residential development;

In 2012, the City approved the Affordable Senior Housing (ASH) Overlay Zone to assist income restricted seniors. The City provides all information on our website and works collaboratively with the Utah County Housing Authority to provide new affordable senior housing units. Orem plans to continue to educate developers on regulations for developing in the Affordable Senior Housing Overlay (ASH) zone. The ASH overlay zone allows up to four units to be constructed on a single parcel. The tenant of each unit is restricted to those over the age of 60 and at or less than 80% of the median income of the Orem/Provo MSA.

- (Q) create a housing and transit reinvestment zone pursuant to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;

A developer has approached the City and has met with Staff, the Mayor and members of the council as to the feasibility of an HTRZ Zone. The next step in this process is for the Developer to hire a consultant for a study of the HTRZ estimated to take 6-8 months. In 2023, following the study, the Developer, Consultant and City will consider the next steps as required from the HTRZ Act.

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- (V) develop and adopt a station area plan in accordance with Section 10-9a-403.1;

In accordance with Utah Code Annotated (UCA) 10-9a-403.1, Orem City has outlined Station Area Plans for the transit stations in Orem into two phases: Phase 1 will begin with the revision and update of the existing station area plan for the Orem Frontrunner Station. Phase 2 will create a station area plan for the Lakeview, Main Street and University Place Bus Rapid Transit (BRT) stations.

Additionally, staff is proposing to update Section 4.1 Population Demographics with updated demographic charts with 2020 Census Data and modify a portion of Section 4.2 Existing Conditions to match current zoning.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission forward a recommendation to the City Council to amend portions of Chapter 4 (Housing) of the Orem General Plan updating Section 4.1 Population Demographics, Section 4.2 Existing Conditions, and enacting Section 4.4.2 pertaining to Moderate Income Housing Strategies.

Vice-Chair Komen asked if the Planning Commission had any questions for Mr. Allen. There was a discussion regarding the State mandate, penalties if Orem does not comply, previous strategies and meeting the State's requirements now. ([click here for recording](#))

Vice-Chair Komen 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, Vice-Chair Komen closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, she called for a motion on this item.

Planning Commission Action: Mr. Low moved to forward a positive recommendation to the City Council to amend portions of Chapter 4 (Housing) of the Orem General Plan updating Section 4.1 Population Demographics, Section 4.2 Existing Conditions, and enacting Section 4.4.2 pertaining to Moderate Income Housing Strategies. Ms. Okolowitz seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low and Tina Okolowitz. The motion passed unanimously.

Mr. Clark: The applications for Heritage Park and Hillcrest Park will be coming before the Planning Commission for site plan approval in the next six weeks or so. Site clearing and grubbing are underway at Hillcrest Park and the portions of the school that will be demolished should start to come down around October 17th. ([click here for recording](#))

Minutes: The Planning Commission reviewed the minutes from the previous meeting. Vice-Chair Komen then called for a motion to approve the minutes of September 7, 2022. Mr. Hawkes moved to approve the meeting minutes for September 7, 2022. Ms. Komen seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low and Tina Okolowitz. The motion passed unanimously.

Adjourn: Vice-Chair Komen called for a motion and moved to adjourn. Ms. Okolowitz seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low and Tina Okolowitz. The motion passed unanimously.

Adjourn: 6:12 p.m.

Ryan L. Clark
Planning Commission Secretary

Approved:
Property owner comment received 9.20.22:

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Cheryl and Jason, my name is Matt Heaton. I own the large office building located at 727 North 1550 East in Orem. It is the 4 story building located directly south of the gas station at the mouth of Provo canyon.

I am writing today regarding the Orem City proposed zoning changes for Ryan Smith's plans to add approximately 50 new housing units in Orem City, and between 198-208 new housing units in Provo directly on the border of Orem/Provo.

The proposed changes in Orem affect approximately 15 acres of land and approximately 13 acres in Provo. The issue I am concerned about is that most building owners around the perimeter of these projects were not notified in any valid way. Some owners received a mailing, however many others received no notification of any kind. This is unacceptable as my office building alone has value greater than \$25 million, and these proposed changes affect several hundred million dollars of real estate.

There is an Orem City planning commission meeting tomorrow 9/21/2022 that no surrounding building owners were notified about. Zero notices for the meeting tomorrow have been sent to any property owners. These owners will have no say. I was only made aware personally of this meeting because I proactively reached out to Steve Earl who told me about this meeting's existence. We were made aware of a meeting on Tuesday the 27th, but by that time the planning commission will have already voted. That feels extremely disingenuous to have the planning meeting tomorrow with no notice of any kind.

Collectively, the owners of the surrounding commercial office buildings have serious concerns about the proposed development. We would like a 120 day continuance of this matter so that we may assess the information about traffic patterns from Udot, the potential to enhance or decrease our own property values, and to address other concerns about density of the project and parking issues.

Orem City has been provided much of this vital information about the project, but we as the property owners have not been given any chance to see or review any of that information. We are asking for a continuation of 90 days to be able to see the information. The city proceeding with this vote to rezone these lots from commercial to "mixed use" and from "mixed use" back to commercial impacts hundreds of millions of dollars of property value and takes none of the concerns of the property owners into account. We would simply like a voice, and to have access to the same information that Orem City and Udot have access.

Lastly, if possible could you please forward/provide this letter to the planning commission and to the Orem City council so that they could see our concerns as the property owners? I would do that myself, but was told that I need to send it to you and that only you could forward it on to them for review. Is this correct?

Please consider the continuance of this issue for 120 days, and for information sharing so that we can all move forward together in a positive way. We aren't looking to kill the project. We love the city of Orem and want it to grow and develop. We just want to be part of the process that affects our own businesses and personal lives.

If you have any questions at all please feel free to contact me directly.

Thank you,
Matt Heaton
(801) 836-7666 Cell
matt@acedatacenters.com