

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
January 18, 2023

The following items are discussed in these minutes:

- PRELIMINARY PLAT – Approving the preliminary and final plat for Majestic Heights, Plat C located generally at 437 South 800 East in the R8 zone. - Approved
- PUBLIC HEARING – Amending Lot 19 of Lott’s Lots Subdivision, Plat A and approving Lott’s Lots Subdivision, Plat A Amended located generally at 1895 North 800 West in the R8 zone. - Approved
- PUBLIC HEARING – Amending portions of Section 22-8-8 (A) *General Zone Development Standards* pertaining to overall height requirements for a parapet wall for municipal buildings located in a C2 zone. -Positive recommendation forwarded, vote 4:3.
- PUBLIC HEARING – Amending portions of Chapter 4 (Housing) of the Orem General Plan including updating Section 4.4.2 pertaining to Moderate Income Housing Strategies. -Positive recommendation forwarded, the motion passed unanimously.

STUDY SESSION

Place: City Council Conference Room

At 3:33 p.m. Chair Sakar called the Study Session to order.

Those present: Haysam Sakar, Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Mike Carpenter and Helena Kleinlein, Planning Commission members; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Cheryl Vargas and Makayla Wagstaff, Associate Planners; Grant Allen and Matt Taylor, Senior Planners; Sam Kelly, City Engineer

Those excused: Terry Peterson, City Council Liaison and Steve Earl, Legal Counsel

The Commission and staff briefly reviewed agenda items and minutes from the December 7, 2022 meeting. The meeting was adjourned at 4:26 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

Place: Orem City Council Chambers

At 4:30 p.m. Chair Sakar called the Planning Commission meeting to order and asked Mr. Carpenter, Planning Commission member, to offer the invocation.

Those present: Haysam Sakar, Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Mike Carpenter and Helena Kleinlein, Planning Commission members; Ryan L. Clark, Development Services Director; Jason W. Bench, Planning Division Manager; Cheryl Vargas and Makayla Wagstaff, Associate Planners; Grant Allen and Matt Taylor, Senior Planners; Sam Kelly, City Engineer

Those excused: Terry Peterson, City Council Liaison and Steve Earl, Legal Counsel

Chair Sakar asked Ms. Vargas to introduce **Agenda Item 3.1:** [\(click here for recording\)](#)

Agenda Item 3.1 is a request by Steve Harris for the Planning Commission to approve the preliminary and final plat for Majestic Heights, Plat C located generally at 437 South 800 East in the R8 zone.

Planning Commission minutes for January 18, 2023



Staff Presentation: Currently, the lots are lots of record with nuisance strips along the rear property line. The owners are looking to combine each lot with its associated nuisance strip to clean up the property lines.

There will be no physical changes to any of the buildings or the properties. All changes will be on paper to clean up the property lines to remove nuisance strips and plat the two lots.

[Section 17-5-2](#) (Final Plat)

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission approve the preliminary and final plat for Majestic Heights, Plat C located generally at 437 South 800 East in the R8 zone.

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

Chair Sakar called for a motion on this item.

Planning Commission Action: Mr. Sakar moved to approve the preliminary and final plat for Majestic Heights, Plat C located generally at 437 South 800 East in the R8 zone. Mr. Low seconded the motion. Those voting aye: Haysam Sakar, Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Mike Carpenter and Helena Kleinlein. The motion passed unanimously.

Chair Sakar asked Ms. Vargas to introduce **Agenda Item 3.2:** [\(click here for recording\)](#)

Agenda Item 3.2 is a request by Kaylee Butterfield for the Planning Commission to amend Lot 19 of Lott's Lots Subdivision, Plat A and approve Lott's Lots Subdivision, Plat A Amended located generally at 1895 North 800 West in the R8 zone.



Staff Presentation: The applicant is seeking to split the lot currently located at 1895 North 800 West into two lots, creating a flag lot in the rear.

Each of the new lots meet the minimum lot size requirement for the R8 zone of 8,00 square feet. The new Lot 1 will be 8,614 square feet and the new Lot 2 will be 12,883 square feet. Lot 2 meets the deep lot requirement of 8,00 square feet plus 125% (10,000 square feet), not including the stem of the lot (see [Section 17-8-1 Deep lot \(or Flag Lot\) Development](#), [Section 22-6-8 Residential Zones](#) and [Section 17-5-2 Final Plat](#)). The current home on Lot 1 still meets the required lot setbacks of the zone.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission amend Lot 19 of Lott's Lots Subdivision, Plat A and approve Lott's Lots Subdivision, Plat A Amended located generally at 1895 North 800 West in the R8 zone.

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

Chair Sakar called for a motion on this item.

Planning Commission Action: Mr. Hawkes moved to amend Lot 19 of Lott's Lots Subdivision, Plat A and approve Lott's Lots Subdivision, Plat A Amended located generally at 1895 North 800 West in the R8 zone. Mr. Crismon seconded the motion. Those voting aye: Haysam Sakar, Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Mike Carpenter and Helena Kleinlein. The motion passed unanimously.

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

Planning Commission minutes for January 18, 2023

Chair Sakar asked Ms. Vargas to introduce **Agenda Item 3.3:** [\(click here for recording\)](#)

Agenda Item 3.3 is a request by Development Services for the Planning Commission to amend Section 22-8-8 (A) pertaining to the overall height of a parapet wall located within the C2 zone pertaining to municipal buildings.



Staff Presentation: The Development Services Department requests the Planning Commission review and make a recommendation to the City Council to amend Section 22-8-8 (A) of the Orem City Code pertaining to the overall height of a parapet wall in a C2 zone.

Currently, the maximum height in the C2 zone is 35 feet if located within 100 feet of a residential zone and 48 feet if located greater than 100 feet from a residential zone. The overall height of a parapet wall is included in the overall height requirements.

In connection with the development of the new City Center municipal building, the architects suggest an overall height of the building to be 48 feet to maximize the ceiling space in the Council Chambers and in other areas of the building. As a result, the parapet wall will be an additional four (4) feet above the 48-foot maximum height.

The proposed ordinance amendment allows the additional four feet of parapet walls to extend an additional four (4) feet above the maximum height requirement for municipal buildings only. This allows additional flexibility of building design, however, is limited to municipal buildings located in a C2 zone.

The proposed amendments pertain to parapets only. All other requirements would remain the same.

Recommendation: The Development Review Committee recommends the Planning Commission forward a positive recommendation to the City Council amending Section 22-8-8 (A) *General Development Standards* pertaining to parapet wall heights in the C2 zone for municipal buildings only.

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

Mr. Hawkes asked if there is a standard height for a parapet. Mr. Bench addressed the question.

Mr. Sakar asked if parapets are required. Mr. Bench addressed the question.

Ms. Kleinlein asked if there is an alternative to a parapet. Mr. Clark addressed the question.

Mr. Low asked what potential future buildings this code change could also apply to. Mr. Bench and Mr. Clark addressed the question.

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

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

Planning Commission Action: Mr. Low moved to forward a positive recommendation to the City Council to amend Section 22-8-8 (A) *General Development Standards* pertaining to parapet wall heights in the C2 zone for municipal buildings only. Mr. Hawkes seconded the motion. Those voting aye: Haysam Sakar, James Hawkes, Madeline Komen and Murray Low. Those voting nay: Helena Kleinlein, Mike Carpenter, and Gerald Crismon.

Planning Commission minutes for January 18, 2023

Chair Sakar asked Mr. Allen to introduce **Agenda Item 3.4:** ([click here for recording](#))

Agenda Item 3.4 is a request by Development Services for the Planning Commission to amend portions of Chapter 4 (Housing) of the Orem General Plan including updating Section 4.2 Existing Conditions, and enacting Section 4.4.2 pertaining to Moderate Income Housing Strategies.

Staff Presentation: In October 2022, Orem City amended the General Plan pursuant to Utah Code Annotated (UCA) 10-9a-403(2)biii. In November of 2022, Orem City received a letter of non-compliance from the State of Utah Division of Workforce Services outlining corrective actions for the Moderate Income Strategies adopted in October 2022.

Orem City is proposing updating the General Plan, Section 4.4.2 Moderate Income Strategies to address these corrective actions:

- Deficiency Corrective Action 1: Update the general plan to include the exact language from the code 10-9a-403(2)(b)(iii) for strategies E and X.
- Deficiency Corrective Action 2: Update the moderate income housing element of the general plan to include at least one additional strategy to meet the minimum required five strategies for a community with a fixed guideway public transit station.
- Deficiency Corrective Action 3: The City must update the moderate income housing element of the general plan to identify specific benchmarks or measures and timelines for Strategies 4.4.2a Accessory Apartments and 4.4.2b Affordable Senior Housing to support implementation.
- Deficiency Corrective Action 4: When the City updates the moderate income housing element of the general plan to include at least one additional strategy to meet the minimum required five strategies for a community with a fixed guideway public transit station, the City must also identify benchmarks, measures, and timelines for any strategies added to the plan.

Orem City will also adopt the following additional moderate income housing strategy, and will be added in Section 4.4.2 under 4.4.2e Impact Fees.

- UCA 10-9A-403(2)biii (L) reduce, waive, or eliminate impact fees related to moderate income housing;
- In 2022, Orem City eliminated impact fees for internal accessory dwelling units in accordance with State law. Orem will consider reducing or waiving impact fees for developments in the Affordable Senior Housing (ASH) Overlay Zone. Staff will research existing developments in the ASH zone during the first quarter 2023. Staff will prepare a fiscal impact study which will determine how much impact fees have been paid from prior developments in the ASH zone and the impact of reducing or waiving future ASH development impact fees. This study will be prepared for discussion with the City Council during the Second/third quarter of 2023 and anticipates presenting the results of the study to the City Council during the fourth quarter of 2023.

Recommendation: Staff recommends the Planning Commission forward a positive recommendation to the City Council amending portions of Chapter 4 (Housing) of the Orem General Plan updating Section 4.4.2 pertaining to Moderate Income Housing Strategies.

Chair Sakar asked if the Planning Commission had any questions for Mr. Allen.

Chair Sakar asked Mr. Crismon to bring forward his concern regarding the wording of the proposed text. Mr. Allen and Mr. Clark addressed the concern.

Planning Commission members discussed aspects of the proposed text and the circumstances surrounding this item.

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

Planning Commission minutes for January 18, 2023

Mr. Crismon presented concerns regarding the language pertaining to reporting illegal accessory apartments. Mr. Low inquired if it would be preferred to add more support for accessory apartments. Mr. Crismon expressed that he would like to see accessory apartments encouraged. Ms. Komen addressed Mr. Crismon's concerns by suggesting a future conversation on how to support accessory apartments in Orem. Mr. Allen, Mr. Bench and Planning Commission members discussed the concerns and alternative options to the proposed text.

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

When no one came forward, Chair Sakar closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff. When none did, he called for a motion on this item.

Ms. Kleinlein asked if there were implementation changes to strategies three and four. Mr. Allen addressed the question.

Mr. Low asked if the strategy which is being added needs to have a more specific implementation plan. Mr. Allen addressed the question.

Ms. Kleinlein asked about the expansion of Geneva Road. Mr. Sakar and Mr. Low added comments surrounding the question. Mr. Clark addressed the question and comments. Mr. Kelly addressed the question highlighting that the State funding would be used for much more than just roads.

Ms. Kleinlein asked about how they as the Planning Commission relate to the state on this issue. Mr. Low, Mr. Hawkes and Mr. Sakar addressed the question. Mr. Kelly commented regarding what projects would be impacted by the loss of state funding, including that the Geneva Road expansion would likely still happen but other projects would not.

Mr. Crismon asked to make a change to the proposed text to have the paragraph pertaining to the Neighborhood Improvement Team addressing illegal accessory apartments be removed and replaced with items to encourage accessory apartments. Mr. Bench and Mr. Allen addressed the comment.

Ms. Komen commented regarding the possibility that even the requirements we are being asked to meet now may change. She also suggested a work session with the City Council surrounding accessory apartments and other planning issues.

Mr. Hawkes commented regarding the potential for the state to add additional measures to regulate housing. Mr. Carpenter and Ms. Komen added additional comments.

Chair Sakar called for a motion on this item.

Planning Commission Action: Ms. Komen moved to forward a positive recommendation to the City Council to amend portions of Chapter 4 (Housing) of the Orem General Plan updating Section 4.4.2 pertaining to Moderate Income Housing Strategies with the modification that we strike from strategy number 1 the wording “ and how to report illegal units”. Mr. Hawkes seconded the motion. Those voting aye: Haysam Sakar, Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Mike Carpenter and Helena Kleinlein. The motion passed unanimously.

Mr. Clark informed the Planning Commission that they will be getting the opportunity to be more involved in some planning efforts soon.

Minutes: The Planning Commission reviewed the minutes from the previous meeting. Chair Sakar then called for a motion to approve the minutes of December 7, 2022. Mr. Low moved to approve the meeting minutes for December 7, 2022. Mr. Hawkes seconded the motion. Those voting aye: Haysam Sakar, Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Mike Carpenter and Helena Kleinlein. The motion passed unanimously. ([click here for recording](#))

Planning Commission minutes for January 18, 2023

Adjourn: Chair Sakar called for a motion and moved to adjourn. Mr. Sakar moved to adjourn. Ms. Komen seconded the motion. Those voting aye: Haysam Sakar, Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Mike Carpenter and Helena Kleinlein. The motion passed unanimously.

Adjourn: 5:27 p.m.

Ryan L. Clark
Planning Commission Secretary

Approved: February 1, 2023