

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
March 6, 2024

The following items are discussed in these minutes:

- **PLAT AMENDMENT** – Vacating Lot 2 of Elysian Fields, Plat B and Lot 1 of Elysian Fields, Plat C and approving Elysian Fields, Plat F located generally at 962 North 1000 East in the R12 zone - Approved
- **PLAT AMENDMENT** – Vacating Lot 1 of Hills Hidden, Plat A and approving Hills Hidden, Plat B located generally at 170 West 1600 South in the R8 zone - Approved
- **PLAT AMENDMENT** – Vacating Geneva Heights Terrace, Plat C Amended and approving Geneva Heights Terrace, Plat C Second Amended located generally at 586 North 1060 West in the R7.5 zone - Approved
- **PUBLIC HEARING-REZONE** – Enacting Article 22-11-66 (PD-53 zone) and Appendix OO of the Orem City code and amending Article 22-5-3 (A) and the zoning map of the City of Orem by rezoning the property located generally at 1960 North State Street from the C2 zone to the PD-53 zone (approximately 6.8 acres) – Positive Recommendation to City Council

STUDY SESSION

Place: City Council Conference Room

At 3:40 p.m. Chair Komen called the Study Session to order.

Those present: Mike Carpenter, Gerald Crismon, James Hawkes, Helena Kleinlein, Madeline Komen, Murray Low and Haysam Sakar, Planning Commission members; Jason W. Bench, Assistant Development Services Director; Cheryl Vargas and Makayla Wagstaff, Associate Planners; Matt Taylor, Senior Planner; Taggart Bowen, Acting City Engineer and Gary McGinn, Legal Counsel

Those excused: Ryan Clark, Assistant City Manager/Development Services Director; Grant Allen, Senior Planner; John Dorny, Transportation Engineer; David Spencer, City Council Liaison

- Planning Commission training by Gary McGinn
- A continuation of the discussion on outdoor lighting, positive and negative impacts and potential regulations by Matt Taylor

The Commission and staff briefly reviewed agenda items and minutes from the February 21, 2024 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 4:38 p.m. Chair Komen called the Planning Commission meeting to order and asked Mr. Hawkes, Planning Commission member, to offer the invocation.

Those present: Mike Carpenter, Gerald Crismon, James Hawkes, Helena Kleinlein, Madeline Komen, Murray Low and Haysam Sakar, Planning Commission members; Jason W. Bench, Assistant Development Services Director; Cheryl Vargas and Makayla Wagstaff, Associate Planners; Matt Taylor, Senior Planner; Taggart Bowen, Acting City Engineer and Gary McGinn, Legal Counsel

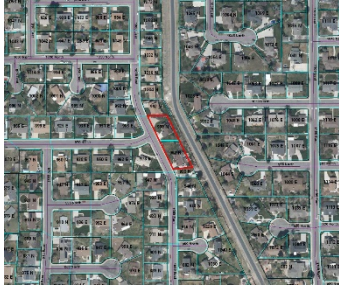
Those excused: Ryan Clark, Assistant City Manager/Development Services Director; Grant Allen, Senior Planner; John Dorny, Transportation Engineer; David Spencer, City Council Liaison

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

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

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Agenda Item 3.1 is a request by Lee H. Radebaugh for the Planning Commission to vacate Lot 2 of Elysian Fields, Plat B and Lot 1 of Elysian Fields, Plat C and approve Elysian Fields, Plat F located generally at 962 North 1000 East in the R8 zone.



Staff Presentation: The applicant is requesting to amend the lot line between the properties located at 980 North and 962 North 1000 East. The two property owners are related and this adjustment will reflect the intent of the property lines.

This change will only affect these two properties. There is a thirty (30) foot CUWCD (Central Utah Water Conservancy District) easement and a five (5) foot street light easement that run along this property line that will remain. By adjusting the property line to the south, it will be more consistent with their fence lines and sprinkler systems.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission vacate Lot 2 of Elysian Fields, Plat B and Lot 1 of Elysian Fields, Plat C and approve Elysian Fields, Plat F located generally at 962 North 1000 East in the R8 zone.

Chair Komen asked if the Planning Commission had any questions for Ms. Wagstaff.

Chair Komen invited the applicant to come forward. Mitch Brown, MW Brown Engineering, introduced himself.

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. Low moved to vacate Lot 2 of Elysian Fields, Plat B and Lot 1 of Elysian Fields, Plat C and approve Elysian Fields, Plat F located generally at 962 North 1000 East in the R8 zone. Mr. Hawkes seconded the motion. Those voting aye: Mike Carpenter, Gerald Crismon, James Hawkes, Helena Kleinlein, Madeline Komen, Murray Low and Haysam Sakar. The motion passed unanimously.

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

Agenda Item 3.2 is a request by Forrest Phillips for the Planning Commission to vacate Lot 1 of Hills Hidden, Plat A and approve Hills Hidden, Plat B located generally at 170 West 1600 South in the R8 zone.



Staff Presentation: The applicant is proposing to divide one lot into two. The lots will then both be able to be built upon. There is already a house on the lot which will be lot 3 of the new subdivision (the lot to the south). The new property line complies with the required setbacks for this house. Lot 4 (the lot to the north) is vacant, and the applicant has expressed a desire in their application for a home to be built on this lot. Both new lots comply with the minimum required square footage in the R8 zone (8,000 square feet). Lot 3 is 10,188 square feet and lot 4 is 9,478 square feet.

There were questions regarding the slope of these lots and the ability to build on them. The applicant worked with the city engineers and it was determined that a home could safely be built on lot 4 given that certain steps are taken in the building process – such as a retaining wall.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission vacate Lot 1 of Hills Hidden, Plat A and approve Hills Hidden, Plat B located generally at 170 West 1600 South in the R8 zone.

Chair Komen asked if the Planning Commission had any questions for Ms. Wagstaff.

Chair Komen invited the applicant to come forward. The applicant was not present.

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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. Carpenter moved to vacate Lot 1 of Hills Hidden, Plat A and approve Hills Hidden, Plat B located generally at 170 West 1600 South in the R8 zone. Mr. Sakar seconded the motion. Those voting aye: Mike Carpenter, Gerald Crismon, James Hawkes, Helena Kleinlein, Madeline Komen, Murray Low and Haysam Sakar. The motion passed unanimously.

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

Agenda Item 3.3 is a request by Jake McCuistion for the Planning Commission to vacate Geneva Heights Terrace, Plat C Amended and approve Geneva Heights Terrace, Plat C Second Amended located generally at 586 North 1060 West in the R7.5 zone.



Staff Presentation: The applicant is requesting to amend the public utility easement (PUE) on the north side of Lot 1 in order to build a retaining wall. They have received vacation letters from all five utility companies and were able to get permission to vacate a portion of the easement and granted permission to encroach on the other portion of the easement.

Due to the change in elevation between Lot 1 and the property to the north, a retaining wall is required; however, Orem City ordinance does not allow a retaining wall to be built on top of a public utility easement. Rocky Mountain Power has power lines in the northeast portion of the property and was only able to grant permission to encroach in that area. CenturyLink/Lumen had cables on the north west portion of the property and only granted permission to encroach in that area. There was also an irrigation canal that was abandoned in this area.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission vacate Geneva Heights Terrace, Plat C Amended and approve Geneva Heights Terrace, Plat C Second Amended located generally at 586 North 1060 West in the R7.5 zone.

Chair Komen asked if the Planning Commission had any questions for Ms. Wagstaff.

Chair Komen invited the applicant to come forward. Jake McCuistion introduced himself.

There was a discussion regarding the retaining wall which is 5.5 feet high and an engineered wall.

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: Ms. Kleinlein moved to vacate Geneva Heights Terrace, Plat C Amended and approve Geneva Heights Terrace, Plat C Second Amended located generally at 586 North 1060 West in the R7.5 zone. Mr. Hawkes seconded the motion. Those voting aye: Mike Carpenter, Gerald Crismon, James Hawkes, Helena Kleinlein, Madeline Komen, Murray Low and Haysam Sakar. The motion passed unanimously.

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

Agenda Item 3.4 is a request by David Vincent for the Planning Commission to forward a recommendation to the City Council to enact Article 22-11-66 (PD-53) and Appendix OO of the Orem City code and amend Article 22-5-3 (A) and the zoning map of the City of Orem by rezoning the property located generally at 1960 North State Street from the C2 zone to the PD-53 zone (approximately 6.8 acres).

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Staff Presentation: The applicant is proposing to create the PD-53 zone and rezone the property at approximately 1960 North State Street to the PD-53 zone from the C2 zone.

The new PD-53 zone will be similar to the current C2 zone with some changes to setbacks, landscaping and parking standards. Rezoning this property to the PD-53 zone will also limit what can be built on the site as any development will be tied to the proposed concept plan. The concept plan shows the proposed layout of the site as well as building elevations. If in the future someone wanted to develop the site differently than what is shown in the proposed concept, they would need to come through the rezone process again to amend the proposed concept plan.

Setbacks: The C2 zone requires the setback from the back of a sidewalk along State Street to be 15 feet (22-8-8), the PD-53 zone requires the setback from the back of a sidewalk along state street to be 10 feet. The PD-53 text requires that buildings and parking lots comply with the 10' setback, however, allows a drive-through aisle for one building to encroach into the setback as long as it is still at least 1 foot from the required sidewalk.

All other setbacks remain the same as the C2 zone, which are as follows:

- From an adjoining nonresidential property – 0'
- From an adjoining residential property – 10' or equal to the height of that portion of the building (with a maximum building height of 35' unless the building is setback at least 100' from the property line. If setback at least 100' from a residential property line, the building may be 48' tall).

Landscaping: Currently along State Street planter strips are required to be 15' wide and trees are to be spaced at least every 40' in the planter strips. In the PD-53 zone the planter strips along State Street would be 10' wide and trees would be required to be spaced at least every 50'. All other standards relating to the planter strips and landscaping are the same as required for other zones along State Street (22-8-8(B)(2)).

Parking: In the C2 zone buildings with less than 10,000 square feet of gross floor area are required to have one parking stall for every 250 square feet of gross floor area. Buildings with 10,000 square feet or more of gross floor area are required to have one stall for every 250 square feet of gross leasable area. In the PD-53 zone buildings with less than 10,000 square feet of gross floor area are required to have one parking stall for every 255 square feet of gross floor area. Buildings with 10,000 square feet or more of gross floor area are required to have one stall fore very 255 square feet of gross leasable area.

Building Height: In the PD-53 zone buildings may have a maximum height of 48 feet if they are setback at least 100 feet from an adjoining residential zone. If they are setback less than 100 feet from a residential zone the maximum height allowed is 35 feet, though the setback is required to be equal to the height of that portion of the building. (For instance, if a building is 15 feet tall at the edge of the roof and 25 feet at the peak of the roof, then the edge of the roof must be at least 15 feet from the property line, and the peak of the roof must be at least 25 feet from the property line.)

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 Article 22-11-66 (PD-53) and Appendix OO of the Orem City code and amend Article 22-5-3 (A) and the zoning map of the City of Orem by rezoning the property located generally at 1960 North State Street from the C2 zone to the PD-53 zone (approximately 6.8 acres).

Chair Komen asked if the Planning Commission had any questions for Ms. Wagstaff. Mr. Carpenter asked how much parking would be lost in the change to PD53. Ms. Wagstaff said the total proposed for the PD53 zone is 347. In the C2 zone 353 would be required. There is a difference of six (6) stalls. Mr. Low asked about landscaping. Mr. Bench said the existing site is improved along the frontage of State Street which is ten (10) feet. They want to keep what is existing to maintain as much parking as possible. There was a discussion on the parking lot and possible changes.

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The question was asked at to why change to a PD zone. Mr. Bench said the setback requirement is one reason. The City is in favor of this because it is tied to a concept plan. In the C2 zone they can do what they want within the requirements of the zone. The PD zone ties the project to specific elevations, concept, materials, etc. the PD zone ties the project to this concept. Allows city greater specificity of what will be built there.

Chair Komen invited the applicant to come forward. Dave Ensign, Engineer, and Justin Heppler, AJC Architects, introduced themselves. Mr. Ensign said they consider the PD zone a minor change from the C2 zone. They will be eliminating one (1) of three (3) curb cuts which is a benefit to the neighborhood. They tried to use materials compatible to the existing Kneaders building. The existing building is twelve (12) feet from the property line. The new buildings will be one hundred (100) feet from the property line.

Mr. Hawkes asked why they delayed in coming to the City with this project. Mr. Ensign said seven (7) years ago they thought they would locate the corporate headquarters there. That need has been filled in another location. Ms. Komen asked what type of businesses they plan on going in these new buildings. Mr. Ensign said medical, dental, general office types of businesses.

Mr. Low asked if a traffic study was done. John Dorny, Traffic Engineer, said yes, they did a traffic study. He said anything on State Street will fail and this project was a level F. It does not fail at the signalized intersection at 2000 North. There was nothing glaring in the study that couldn't be dealt with. The traffic study was done based on medical, dental and office uses. These are typically not an 8:00 a.m. and 5:00 p.m. facility. That type of office has traffic all day long with no typical a.m. or p.m. rush.

Mr. Sakar said the applicant could come in with this same site plan for the C2 zone. Mr. Heppler said yes, but they are asking for flexibility along State Street. Mr. Bench said there are other PD zones throughout the City with minor exceptions. On State Street if the City required an additional five (5) feet to push back for landscaping, that would affect the parking on this project. The City gets a benefit in knowing what will be there. In the C2 zone they could potentially lose twenty-two (22) parking stalls along State Street. Mr. Low asked if the City has run into parking issues with these types of commercial office type buildings. Mr. Bench said he was not aware of any like this, that are office and retail uses, with parking issues. With this project, parking should not be an issue with cars coming and going.

The footprint of the two (2) new buildings is smaller than the old Allen's building that will be demolished. The south end of the lot is currently vacant. Ms. Komen asked how is the lighting with the parking behind the buildings. Mr. Heppler said the project would meet the required City code standards for lighting of the parking lot.

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.

Phillip Greenland
Keith Walker
Laurel Barney

Chair Komen closed the public hearing and asked if the Planning Commission had any more questions for the applicant or staff.

There was a discussion of questions raised by public comments. Chair Komen called for a motion on this item.

Planning Commission Action: Mr. Low moved to forward a positive recommendation to the City Council to enact Article 22-11-66 (PD-53) and Appendix OO of the Orem City code and amend Article 22-5-3 (A) and the zoning map of the City of Orem by rezoning the property located generally at 1960 North State Street from the C2 zone to the PD-53 zone (approximately 6.8 acres). Mr. Hawkes seconded the motion. Those voting aye: James Hawkes, Helena Kleinlein, Madeline Komen, Murray Low and Haysam Sakar. Those voting Nay: Mike Carpenter. Those abstaining: Gerald Crismon.

Minutes: The Planning Commission reviewed the minutes from the previous meeting. Chair Komen then called for a motion to approve the minutes of February 21, 2024. Mr. Hawkes moved to approve the meeting minutes for

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

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February 21, 2024. Ms. Kleinlein seconded the motion. Those voting aye: Mike Carpenter, Gerald Crismon, James Hawkes, Helena Kleinlein, Madeline Komen, Murray Low and Haysam Sakar. The motion passed unanimously.

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

Adjourn: 6:19 p.m.

Ryan L. Clark
Planning Commission Secretary

Approved: March 20, 2024