

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
November 15, 2023

The following items are discussed in these minutes:

- PRELIMINARY PLAT – Approving the preliminary plat for Mecham, Plat B located generally at 425 North 600 West in the R7.5 zone. - Approved
- PUBLIC HEARING – REZONE – Amending Article 22-5-3(A) and the zoning map of the City of Orem by enacting Article 22-11-65 and Appendix ZZ of the Orem City code and by rezoning the property located generally at 1350 East 740 North from the R12 zone to the PD52 zone (approximately 6 acres). - Continued
- PUBLIC HEARING – Considering a proposed settlement agreement between Wright Development Group and the City of Orem regarding development of the property located generally at 841 South State Street (former Meadow Gold property). - Negative Recommendation

STUDY SESSION

Place: City Council Conference Room

At 3:30 p.m. Ms. Komen called the Study Session to order.

Those present: Haysam Sakar, Gerald Crismon, Madeline Komen, Mike Carpenter, James Hawkes, Helena Kleinlein, and Murray Low, Planning Commission members; Ryan L. Clark, Assistant City Manager/Development Services Director; Jason W. Bench, Assistant Development Services Director; Gary McGinn, Legal Counsel; Makayla Wagstaff, Associate Planner; Grant Allen and Matt Taylor, Senior Planners; John Dorny, Transportation Engineer; Terry Peterson, City Council Liaison;

Those excused: Cheryl Vargas, Associate Planner; Sam Kelly, City Engineer;

The Commission and staff briefly reviewed agenda items and minutes from the November 1, 2023 meeting.

Mr. Dorny led a discussion regarding the previous Active Transportation Study.

The meeting was adjourned at 4:25 p.m. to the City Council Chambers for the regular meeting.

REGULAR MEETING

Place: Orem City Council Chambers

At 4:34 p.m. Ms. Komen called the Planning Commission meeting to order and asked Ms. Kleinlein, Planning Commission member, to offer the invocation.

Those present: Haysam Sakar, Gerald Crismon, Madeline Komen, Mike Carpenter, James Hawkes, Helena Kleinlein, and Murray Low, Planning Commission members; Ryan L. Clark, Assistant City Manager/Development Services Director; Jason W. Bench, Assistant Development Services Director; Gary McGinn, Legal Counsel; Makayla Wagstaff, Associate Planner; Grant Allen and Matt Taylor, Senior Planners; John Dorny, Transportation Engineer; Terry Peterson, City Council Liaison; Steve Earl, City Attorney (via Zoom);

Those excused: Cheryl Vargas, Associate Planner; Sam Kelly, City Engineer;

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

PRELIMINARY PLAT – Approving the preliminary plat for Mecham, Plat B located generally at 425 North 600 West in the R7.5 zone.

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Staff Presentation:

The applicant is proposing to split one lot into two lots creating a deep lot. Lot 1 will be 10,018.8 square feet meeting the 7,500 square foot minimum requirement for the R7.5 zone. Lot 2 will also be 10,018.8 square feet meeting the zone's minimum lot size requirement. Deep Lots must be 125% of the zone's minimum square footage requirement which in the R7.5 zone is 9,375 square feet.

There is an existing garage on Lot 1 that will be removed to provide room for an access easement to Lot 2. There is also a shop on Lot 2 that will be removed.

Recommendation:

Staff recommends the Planning Commission approve the preliminary plat for Mecham, Plat B located generally at 425 North 600 West in the R7.5 zone.

Ms. Komen asked the Planning Commission members if they had any questions for Mr. Bench.

Ms. Komen invited the applicant to come forward. The applicant came forward, explained the proposed project.

Ms. Komen called for a motion on this item.

Planning Commission Action:

Mr. Hawkes moved to approve the preliminary plat and final plat for Mecham, Plat B located generally at 425 North 600 West in the R7.5 zone. Mr. Low seconded the motion. Those voting aye: Haysam Sakar, Gerald Crismon, Madeline Komen, Mike Carpenter, James Hawkes, Helena Kleinlein, and Murray Low. Motion passed unanimously.

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

PUBLIC HEARING – REZONE – Amending Article 22-5-3(A) and the zoning map of the City of Orem by enacting Article 22-11-65 and Appendix ZZ of the Orem City code and by rezoning the property located generally at 1350 East 740 North from the R12 zone to the PD52 zone (approximately 6 acres).

Planning Commission Action:

Ms. Komen motioned to continue this item to the December 6, 2023 meeting. Mr. Hawkes seconded the motion. Those voting aye: Haysam Sakar, Gerald Crismon, Madeline Komen, Mike Carpenter, James Hawkes, Helena Kleinlein, and Murray Low. Motion passed unanimously.

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

PUBLIC HEARING – Considering a proposed settlement agreement between Wright Development Group and the City of Orem regarding development of the property located generally at 841 South State Street (former Meadow Gold property).

Staff Presentation:

In 2018, five State Street Districts were enacted with specific zoning requirements for each District. The property at 841 South State Street was in the Arts District. While the property in question was in the Arts District, the owner had several meetings with staff over a period of a couple years regarding the zoning requirements for a multi-story structure with commercial and retail business on the first floor and residential apartments above. The applicant submitted a site plan application in July 2021 for a mixed-use project consisting of seven stories with a height of approximately 79 feet. Shortly thereafter, a moratorium on the development of residential units in the State Street District zones was put in place and the project was stopped.

Wright Development Group then filed a lawsuit against the City challenging the validity of the moratorium. Since that time, City staff and the owner of the property have conducted negotiations regarding a possible settlement of the lawsuit for the consideration of the Planning Commission and City Council. The proposed settlement agreement would allow a residential development on the property with the following elements:

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1. **Building Height.** A maximum building height of 52 feet (top of parapet) and four stories with a limited exception for a rooftop structure enclosing the stairway, elevator and lobby in the location shown in Exhibit “B” of the settlement agreement which may have a maximum height of 64 feet.
2. **Number of Residential Units.** A maximum of 311 residential units.
3. **Required Parking.** A requirement that the project have at least 650 parking stalls. The proposed agreement includes a requirement that residents can’t be charged a fee, deposit or other charge to use the onsite parking stalls.
4. **Conformance with Building Elevations.** A requirement that the project be built in substantial conformance with the layout and elevations shown in the settlement agreement including conformance with all setbacks, landscaping, and design elements shown in the proposed settlement agreement.
5. **Materials.** Except as otherwise provided, all buildings shall be completed on all sides with brick, split-face block, glass, stone, fiber cement, aluminum composite material panel systems (but not including aluminum siding) and wood. Stucco, and Exterior Insulation and Finishing Systems (EIFS) shall only be permitted as trim on ground level façades and shall only be allowed on up to a maximum of 20% of a street-facing façade and up to a maximum of 90% of a non-street facing façade. Standing seam metal (but no other metals) may be used for awnings. Sheet metal and corrugated metal and other metal finishes are only permitted for soffits, fascia, and similar minor architectural features (less than or equal to 5% coverage on any given elevation).
6. **Compliance with All Other Standards.** A requirement that the development conform to all other standards and requirements of the proposed settlement agreement.

The proposed settlement agreement represents a possible compromise between the original seven-story development originally proposed by the owner and the City’s moratorium prohibiting residential units on the property. If the City Council approves the settlement agreement, the lawsuit that was filed against the City will be dismissed. If the settlement agreement is not approved, it is anticipated that the litigation between the parties will likely continue with ultimate judgment to be rendered by the court.

Recommendation:

Staff recommends the Planning Commission consider the proposed settlement agreement between Wright Development Group and the City and provide a recommendation to the City Council regarding the proposed settlement agreement regarding development of the property at 841 South State Street.

Ms. Komen asked the Planning Commission members if they had any questions for Mr. Bench.

Mr. Sakar asked about the traffic study, and if the full movement was part of the settlement agreement.

Mr. Crismon asked when the traffic study was completed.

Mr. Low asked if the small corner properties are part of the affected property.

Ms. Kleinlein asked if the parking is not adequate where the parking would overflow to.

Mr. Bench addressed the questions.

Ms. Komen invited the applicant to come forward. Logan Johnson came forward. Addressed that the traffic study was completed about a month ago, and that the resulting analysis will be included in the proposed plan – even though they are not officially part of the settlement agreement. In response to the concern of the parking being inadequate. Mr. Johnson addressed that the project is intentionally overparked in response to requests made by the City Council.

Mr. Hawkes asked if the size of the apartments is the same as originally proposed.

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Mr. Johnson stated that the exact unit sizes have not been fleshed out. However, it is tentatively anticipated that there will be a mix of studio, 1-bedroom, 2-bedroom, and 3-bedroom units.

Mr. Hawkes asked why with the concern for affordable housing, why this project would not offer units for sale.

Mr. Johnson stated that he believes the owner of the project was not interested in a for sale product. Believes that the development agreement does not close the door on the option of a for sale product.

Ms. Kleinlein asked about why the retail was removed.

Mr. Johnson stated that he believes the retail was removed due to struggling to find strong retail tenants and that retail generates more traffic than residential on a per square foot basis, likely was removed as part of the negotiations.

Mr. Earl addressed the question about the removed retail space. During negotiations it was determined that the project would be less impactful to the neighborhood if the parking was moved to along State Street, as part of this move the retail was removed. It also was part of a trade-off of removing the commercial element in exchange for additional parking being provided. Thereby being less impactful to the neighborhood.

Mr. Crismon asked about the application filed on August 17, 2023.

Mr. Johnson stated that the application is the one being discussed today.

Ms. Komen opened the public hearing.

The following came forward during the public hearing: ([click here for recording](#))

Scott Swain
Ken Temple
Spencer Humiston
Gary Cry
Cynthia Barlow
Tamara Rodriguez
Chad Brown
Jose Alvarez
Ralph Olson
Bailey
Jasmine Harrison
Ken Hornberger
Heather Fry
Annette Olson
Bruce Palmer
Bertalee Barron
Linda Shelton
Rebecca Armstrong
Jessica
Ben Proctor
Natalie Proctor
Shelly Farley

Ms. Komen closed the public hearing.

Planning Commission members discussed amongst themselves and with staff. Mr. Johnson also came forward to address comments which were made during the public hearing. Discussion continued between Planning Commission members, staff, and the applicant. ([click here for recording](#))

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Ms. Komen called for a motion on this item.

Planning Commission Action:

Mr. Carpenter moved to forward a negative recommendation to the City Council regarding the proposed settlement agreement regarding development of the property at 841 South State Street. Mr. Crismon seconded the motion.

Those voting aye: Haysam Sakar, Gerald Crismon, Madeline Komen, Mike Carpenter, James Hawkes, and Helena Kleinlein. Abstaining: Murray Low. Motion passed.

Minutes: The Planning Commission reviewed the minutes from the November 1, 2023 meeting. Ms. Komen called for a motion to approve the minutes for the November 1, 2023 meeting. Mr. Sakar moved to approve the meeting minutes for November 1, 2023. Ms. Kleinlein seconded. Those voting aye: Haysam Sakar, Gerald Crismon, Madeline Komen, Mike Carpenter, James Hawkes, Helena Kleinlein, and Murray Low. Motion passed unanimously.

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

Adjourn: 6:39 p.m.

Ryan L. Clark
Planning Commission Secretary

Approved: December 6, 2024