

CITY OF OREM
PLANNING COMMISSION MEETING MINUTES
August 17, 2022

The following items are discussed in these minutes:

- **SITE PLAN** – Approving the site plan of McDonald’s located at 650 East 800 South in the PD34 zone - Approved
- **PUBLIC HEARING** – Amending Northgate Plaza Retail Condominiums, Unit 1 Phase 1 by approving Northgate Plaza Retail Condominiums, Phase 1 Amended located generally at 966 West 800 North in the PD22 zone – Approved
- **PUBLIC HEARING** – REZONE - Amending Section 22-5-3(A) and the zoning map of the City of Orem by rezoning the property located at approximately 258 N 800 E from the R8 zone to the R6.5 zone – Positive recommendation to City Council
- **PUBLIC HEARING** – TEXT AMENDMENT - Amending portions of Sections 22-14-8(A)(1) and 22-14-8(A)(2) (*Moving a House, Building or other Structure*) pertaining to inspection fees and personnel who approves site and building plans – Positive recommendation to City Council
- **PUBLIC HEARING** – Vacating Washburn Park, Plat B and approving Washburn Park, Plat B Amended located generally at 860 West 1250 South in the HS zone - Approved

STUDY SESSION

Place: City Council Conference Room

At 3:45 p.m. Chair Sakar called the Study Session to order.

Those present: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Tina Okolowitz, Amber Pope and Haysam Sakar, Planning Commission members; Ryan L. Clark, Development Services Director; Cheryl Vargas and Rachel Stevens, Associate Planners; Grant Allen, Senior Planner; Sam Kelly, City Engineer; Aaron McKnight, Legal Counsel and Terry Peterson, City Council Liaison

Those excused: Amber Pope, Planning Commission member; Jason W. Bench, Planning Division Manager and Matt Taylor, Senior Planner

The Commission and staff briefly reviewed the current agenda items and minutes from the July 20, 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. Chair Sakar called the Planning Commission meeting to order and asked Mr. Low, Planning Commission member, to offer the invocation.

Those present: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Tina Okolowitz, Amber Pope and Haysam Sakar, Planning Commission members; Ryan L. Clark, Development Services Director; Cheryl Vargas and Rachel Stevens, Associate Planners; Grant Allen, Senior Planner; Sam Kelly, City Engineer; Aaron McKnight, Legal Counsel and Terry Peterson, City Council Liaison

Those excused: Amber Pope, Planning Commission member; Jason W. Bench, Planning Division Manager and Matt Taylor, Senior Planner

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

Agenda Item 3.1 is a request by Darrin Perkes, Dominion Engineering, for the Planning Commission to approve the site plan of McDonald’s located at 650 East 800 South in the PD34 zone.

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

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Staff Presentation: The applicant is proposing to construct a fast food restaurant with a drive-thru off of 800 South within the University Place property on an existing pad location (Lot 205). This is located on the northeast area of the University Place property. Access to this project will be from the existing access off of 800 South. There will be no direct access to 800 South from this location.

Architecture: The exterior of the main building will be Hardie plank siding with metal wall panels and aluminum battens that are wood grain. The roof will be flat with metal fascia. This meets the building materials requirements outlined in Section [22-11-47\(H\)\(7\)](#). Link to [PD34 zone](#):

Building Materials. All buildings shall be completed on all sides with acceptable finishing materials. The following materials are acceptable: brick, stone, cultured stone, fluted block, colored textured block, EIFS, glass, stucco, metal, cementitious fiberboard, wood and other materials of comparable quality. However, sheet metal, corrugated metal, PVC and vinyl siding shall be prohibited except for trim, soffits, fascia, mansards and similar architectural features.

Drive-thru: Vehicles will enter and exit the drive-thru from the south end of the property. They will then go north all the way around the building and then order and stop at the drive-thru window heading south again. Stacking will be all around the building and, if necessary, into the parking lot. There will be no stacking on 800 South. They will also modify some of the existing islands in the parking lot to provide more space for accessing the drive-thru.

Parking: For retail space, 3.6 parking stalls are required for every one thousand (1,000) square feet of gross leaseable area. This building is four thousand four hundred eighty-six (4,486) square feet and requires seventeen (17) parking spaces. They are providing twelve (12) parking spaces plus five (5) additional shared stalls provided per overall development agreement ([22-11-47\(N\)\(1\)\(a\)](#)):

Retail space. Three and six tenths (3.6) parking stalls shall be provided for every one thousand (1000) square feet of gross leaseable area (as defined in Section [22-15-2](#)) of retail space.

The five (5) additional parking spaces will be located in the University Place parking area of the Costco parking lot. The lease line of Costco cuts through the large parking lot to the north of Costco and not all those spaces are on the Costco lot (refer to attached plans for details on shared parking location).

Traffic: A Traffic Impact Study (TIS) was completed that addressed the traffic impacts associated with the proposed McDonald's development. The purpose of the study was to analyze traffic operations at key intersections for existing (2021) and future (2026) conditions, with and without the proposed project, and to recommend mitigation measures as needed. After review by the City Engineer, the TIS was accepted and the proposed site plan reflects any related items of the Traffic Impact Study.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission approve the site plan of McDonald's located at 650 East 800 South in the PD34 zone.

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

Chair Sakar invited the applicant to come forward. Darrin Perkes, Dominion Engineering introduced himself. There were a few parking related questions from the Planning Commission for Mr. Perkes (see video for details)

Chair Sakar called for a motion on this item.

Planning Commission Action: Chair Sakar moved to approve the site plan of McDonald's located at 650 East 800 South in the PD34 zone. Mr. Hawkes seconded the motion. Those voting aye Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Tina Okolowitz, and Haysam Sakar. The motion passed unanimously.

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

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

Agenda Item 3.2 is a request by Dave Tuomisto for the Planning Commission to amend Northgate Plaza Retail Condominiums, Unit 1 Phase 1 by approving Northgate Plaza Retail Condominiums, Phase 1 Amended located generally at 966 West 800 North in the PD22 zone.



Staff Presentation: The applicant is proposing an addition of approximately two hundred fifty-four (254) square feet to the kitchen area on the south side of Milagros Restaurant, which is Unit 1 of the multi-unit building. Because they are taking space that is Common Area, they have to amend the current condominium plat.

In addition to enlarging the kitchen area on the south side of Milagros, they will add a drive-up window. There is an existing lane that runs from the parking lot on the north around the building to the south. They will use this lane to access the new drive-up window. See Section [\(17-5-10\)](#).

The proposed amendment meets all applicable requirements and existing parking exceeds the minimum parking requirements. See Section [22-11-35\(L\)\(4\)\(b\)](#).

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission amend Northgate Plaza Retail Condominiums, Unit 1 Phase 1 by approving Northgate Plaza Retail Condominiums, Phase 1 Amended located generally at 966 West 800 North in the PD22 zone.

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

Chair Sakar invited the applicant to come forward. Julie Smith introduced herself.

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.

Planning Commission Action: Mr. Low moved to amend Northgate Plaza Retail Condominiums, Unit 1 Phase 1 by approving Northgate Plaza Retail Condominiums, Phase 1 Amended located generally at 966 West 800 North in the PD22 zone. Ms. Okolowitz seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Tina Okolowitz, and Haysam Sakar. The motion passed unanimously.

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

Agenda Item 3.3 is a request by McKay Matthews for the Planning Commission to amend Section 22-5-3(A) and the zoning map of the City of Orem by rezoning the property located at approximately 258 N 800 E from the R8 zone to the R6.5 zone.



Staff Presentation: The applicant owns approximately 0.77 acre of land and requests a zoning map amendment to approximately 0.36 acre of land from R8 to R6.5. The 0.36 acre they are requesting to be rezoned is on the west side of the property fronting 800 East street. The applicant wishes the east side of the property to remain R8. Link to Rezone code [\(22-1-5, Orem City Code\)](#).

The existing parcel has 132 feet of frontage along 800 E. In order to fit two lots along 800 E the lot needs to be rezoned from R8 to R6.5. Lot 1 would be 8,684 square feet with 66.23 feet of frontage. The existing home and garage would remain on lot 1. Lot 2 would be 7,156 square feet

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with 67.77 feet of frontage. Lots 1 and 2 would share the existing driveway for access. The concept plan has been included in the staff report for your review.

This request is for the rezone only, not the preliminary and final plat. If the City Council approves the rezone application, the applicant will need to apply for a preliminary and final plat. Link to Review and approval procedure ([Section 17-4-5, Orem City Code](#)).

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission forward positive a recommendation to the City Council to amend Section 22-5-3(A) and the zoning map of the City of Orem by rezoning the property located at approximately 258 N 800 E from the R8 zone to the R6.5 zone.

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

Chair Sakar invited the applicant to come forward. McKay Matthews introduced himself. There was a discussion regarding the rezone of the two west lots and future plans for the two east lots (see video for details).

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. The following individuals came forward:

Roger Toone
Garrett Bodily

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. Hawkes moved to forward positive a recommendation to the City Council to amend Section 22-5-3(A) and the zoning map of the City of Orem by rezoning the property located at approximately 258 N 800 E from the R8 zone to the R6.5 zone. Ms. Okolowitz seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Tina Okolowitz, and Haysam Sakar. The motion passed unanimously.

Chair Sakar asked Ms. Stevens 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 Sections 22-14-8(A)(1) and 22-14-8(A)(2) (*Moving a House, Building or other Structure*) pertaining to inspection fees and personnel who approves site and building plans.

Staff Presentation: During a general review of the Orem City Code, Development Services found a discrepancy between the Code and annual budget approved by the City Council. The fees for all building permits are reviewed and changed each year (Link to [City of Orem Adopted Budget, Appendix B](#)). The proposed language will eliminate the discrepancy between the adopted budget and Orem City Code. (Link to Section [22-14-8](#)).

22-14-8. Moving a House, Building or other Structure.

- A. No house, building or other structure of any kind shall be brought into the City nor shall any house, building or other structure be moved from one lot in the City to another lot within or outside the City until all of the following conditions have been met:
1. If the home, building or structure is to be moved to a lot in the City, the person desiring to move the structure must apply to the Department of Development Services and pay a ~~pre-inspection fee as adopted by City Council~~ ~~fifty dollar (\$50.00) fee~~ to have the structure and the proposed site of the structure inspected by the City before it is moved to determine all of the changes or improvements necessary to bring the structure and site into compliance with the City's current applicable codes (zoning, building, electrical, plumbing, etc.) relating to that structure and site.
 2. Detailed site and building plans must be submitted to and approved by the ~~building-inspector~~ ~~City Building Official~~ which specify all of the modifications and improvements necessary to bring the structure and site into compliance with all applicable City codes. The requirements for the building shall be identical to the

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requirements for any newly constructed building. The site plan which is submitted must be drawn to scale and show all relevant dimensions. In addition, the site plan shall indicate all adjacent lots as well as all structures and improvements on those lots.

3. When moving a building to a lot requires site plan review, approval of a site plan prepared according to the requirements of Section 22-14-20 or 22-14-21 of the Orem City Code must first be obtained. If the building is to be moved to a lot in a residential zone and site plan review is not required, approval of a plot plan meeting the building permit requirements of CHAPTER 7 and Section 22-1-4 of the Orem City Code must first be obtained from the Zoning Administrator.
4. The appropriate fees must be paid to the City and a building permit must be obtained.
5. All necessary dedications of property must be made to the City as required by the City ordinances or resolutions.
6. The applicant shall post a cash bond with the City in an amount determined by the City to be the cost of making all of the changes and improvements necessary to bring the structure and sites (both the vacated site and the proposed site) into compliance with all of the applicable City codes. This bond is posted to ensure that all necessary changes and improvements are made within six (6) months after the date the structure is moved into or within the City.

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission forward a positive recommendation to the City Council to amend portions of portions of Sections 22-14-8(A)(1) and 22-14-8(A)(2) (*Moving a House, Building or other Structure*) pertaining to inspection fees and personnel who approves site and building plans.

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

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.

Planning Commission Action: Ms. Komen moved to forward a positive recommendation to the City Council to amend portions of portions of Sections 22-14-8(A)(1) and 22-14-8(A)(2) (*Moving a House, Building or other Structure*) pertaining to inspection fees and personnel who approves site and building plans. Mr. Hawkes seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Tina Okolowitz, and Haysam Sakar. The motion passed unanimously.

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

Agenda Item 3.5 is a request by David Washburn, Washburn Management for the Planning Commission to vacate Washburn Park, Plat B and approve Washburn Park, Plat B Amended located generally at 860 West 1250 South in the HS zone.



Staff Presentation: The existing Washburn Park, Plat B has a sewer line easement in favor of Orem City. This is actually a private sewer line and the easement should be in favor of Lots 1, 2 and 3, as the City will not maintain this line. Washburn Park, Plat B Amended will correct that label. See Section [\(17-5-10\)](#).

Recommendation: The Development Review Committee determined this request complies with the Orem City Code. Staff recommends the Planning Commission vacate Washburn Park, Plat B and approve Washburn Park, Plat B Amended located generally at 860 West 1250 South in the HS zone.

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

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.

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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.

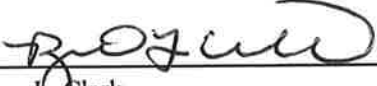
Planning Commission Action: Mr. Low moved to vacate Washburn Park, Plat B and approve Washburn Park, Plat B Amended located generally at 860 West 1250 South in the HS zone. Chair Sakar seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Tina Okolowitz, and Haysam Sakar. The motion passed unanimously.

Councilman Peterson made a comment regarding the Economic Development Strategic Plan. ([click here for recording](#)):

Minutes: The Planning Commission reviewed the minutes from the previous meeting. Chair Sakar then called for a motion and moved to approve the meeting minutes for July 20, 2022. Ms. Okolowitz seconded the motion. Those voting aye: Gerald Crismon, James Hawkes, Madeline Komen, Murray Low, Tina Okolowitz, and Haysam Sakar. The motion passed unanimously.

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

Adjourn: 5:20 p.m.



Ryan L. Clark
Planning Commission Secretary

Approved: