

Lindon City Planning Commission Staff Report



November 26, 2024

Notice of Meeting
Lindon City Planning Commission



Item 1 – Call to Order

Sharon Call
Mike Marchbanks
Rob Kallas
Steve Johnson
Scott Thompson
Jared Schauers
Karen Danielson
Ryan Done

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, November 26, 2024**, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at **6:00 p.m.** This meeting may be held electronically to allow a commissioner to participate by video or teleconference. Meetings are broadcast live at www.youtube.com/LindonCity. The agenda will consist of the following items:

Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



Scan or click here for link to download agenda & staff report materials.

1. Call to Order

2. Approval of minutes

Planning Commission 11/12/2024

3. Public Comment

4. Conditional Use Permit – KR Therapy – Lindon Legacy Office Building at 199 N. 290 W.

The applicant is requesting conditional use permit approval to operate a massage establishment in the General Commercial zone at 199 N 290 W Unit 125. (#48:388:0125) (10 minutes)

5. Public Hearing for a recommendation to the Lindon City Council to adopt ordinance 17.53 regarding regulations for the established Public Facilities zone.

Lindon City has previously established a Public Facilities land use zoning district in Title 17.40. Lindon City now seeks a recommendation to the City Council to adopt zoning ordinance regulations for the established Public Facilities zone as Title 17.53. (20 minutes)

6. Public Hearing for a recommendation to the Lindon City Council to amend the Lindon City zoning map from LI, CG, R1-12, R1-20, AFPD, and RMU-E to PF – Multiple Parcels

Lindon City is seeking a recommendation to the City Council to rezone public school, city, and quasi publicly owned properties and facilities to the Public Facilities zoning district to be consistent with other properties and facilities on the Lindon City zoning map. Please note, the proposed change will not affect the current use of the properties. (See Staff Report for parcels). (20 minutes)

7. Planning Director Report

- General City Updates

Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801) 785-7687. City Codes and ordinances are available on the City web site found at <http://www.lindon.gov/>. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Britni Laidler at 785-5043, giving at least 24 hours' notice.

The above notice/agenda was posted in three public places within Lindon City limits and on the State <http://www.utah.gov/pmn/index.html> and City <http://www.lindon.gov/> websites.

**The duration of each agenda item is approximate only*

Posted By: Britni Laidler, City Recorder

Date: 11/21/2024 Time: 5:00 pm

Place: Lindon City Center, Lindon Police Station, Lindon Community Center

The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, November 12, 2024 beginning at 6:00 p.m.** at the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 6:00 P.M.

Conducting: Steve Johnson, Chairperson
Invocation: Sharon Call, Commissioner
Pledge of Allegiance: Jared Schauers, Commissioner

PRESENT

EXCUSED

Steve Johnson, Chairperson
Rob Kallas, Commissioner
Scott Thompson, Commissioner
Jared Schauers, Commissioner
Karen Danielson, Commissioner
Sharon Call, Commissioner
Mike Marchbanks, Commissioner
Michael Florence, Community Development Director
Brittain Corbett, City Planner
Britni Laidler, City Recorder

1. CALL TO ORDER – The meeting was called to order at 6:00 p.m.

2. APPROVAL OF MINUTES –The minutes of the regular meeting of the Planning Commission meeting of October 15, 2024 were reviewed.

COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF OCTOBER 15, 2024 AS PRESENTED WITH NOTED CHANGES. COMMISSIONER DANIELSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

3. PUBLIC COMMENT – Chairperson Johnson called for comments from any audience member who wishes to address any issue not listed as an agenda item. There were no public comments.

CURRENT BUSINESS –

4. Conditional Use Permit – Willis Diesel — 1302 W 300 S. The applicant is requesting conditional use permit approval to operate an auto repair business for light diesel trucks in the Light Industrial zone at 1302 W 300 S (Parcel ID: 45:420:0024)

Brittain Corbett, City Planner, presented this item noting that the applicant Trevin Willis was present to answer any questions the commission may have. Mr. Corbett stated that the applicant is applying for a conditional use permit for an auto repair business in Lindon at 1302 W. 300 S. suite 5, and noted the Standard Land Use Table requires that businesses doing vehicle repair in the Light Industrial Zone obtain a Conditional Use Permit. The applicant had

previously been given approval for a conditional use permit in June 2021 at 1279 W 300 S; Since then, the business has moved and subsequently moved back to Lindon this year.

Mr. Corbett then stated that all work on the vehicles will be done entirely indoors with the outdoor space only used for temporary storage of the vehicles. There are currently 3 parking stalls and one handicapped parking stall on the property, which is the appropriate number of stalls for the business. Mr. Corbett noted that it is expected that this business will have a minimal impact on surrounding properties and will be compatible with other uses in the Light Industrial Zone.

Commissioner Marchbanks inquired about what business was previously at this location, and it was stated it was a landscaping business. Chairperson Johnson then asked if there had been any complaints from when they were in Lindon previously. Mr. Florence, Community Development Director, noted that there had been some complaints, however, with this new location it will help mitigate the concerns that were brought up from the previous location.

Following some general discussion, Chairperson Johnson called for any further comments or discussion from the Commission. Hearing none he called for a motion.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE APPLICANT'S REQUEST FOR A CONDITIONAL USE PERMIT TO USE THE PROPERTY LOCATED AT 1302 W 300 S FOR AN AUTO REPAIR BUSINESS, WITH THE FOLLOWING CONDITIONS: 1. VEHICLES MAY NOT BE STORED OUTDOORS FOR LONGER THAN 72 HOURS UNLESS THE OWNER IS WAITING ON DELIVERY OF PARTS; 2. NO AUTOMOBILE PARTS WILL BE STORED OUTSIDE OF THE BUILDING; 3. NO AUTOMOTIVE FLUIDS WILL BE CHANGED IN THE OUTDOOR STORAGE AREA. IF VEHICLES ARE FOUND TO BE LEAKING FLUIDS APPROPRIATE MEASURES WILL BE MADE SO THAT FLUIDS DON'T ENTER THE STORM WATER EASEMENT OR BASIN; 4. THE APPLICANT WILL COMPLY WITH ALL OF THE LIGHT INDUSTRIAL SPECIAL PROVISIONS REQUIREMENTS FOUND IN SECTION 17.49.090 OF THE LINDON CITY CODE; AND 5. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER CALL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON JOHNSON	
COMMISSIONER KALLAS	AYE
COMMISSIONER SCHAUERS	AYE
COMMISSIONER THOMPSON	AYE
COMMISSIONER CALL	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER DANIELSON	AYE

THE MOTION CARRIED UNANIMOUSLY.

5. Preliminary Plat Approval – Road Dedication – 1200 W. The applicant is seeking preliminary plat approval for the 1200 W road dedication from Wheatgrass Lane to 500 N. The road dedication is part of the Anderson Farms Development.

Mike Florence, Community Development Director, presented this item and noted that the applicant was unable to attend. He stated that earlier this year the planning commission approved Parcel H in Anderson Farms which is the final single-family/townhome phase of the development, and that Ivory Development is now proposing to dedicate the portion of 1200 W. that is adjacent to Parcel H. Mr. Florence noted that the road dedication encompasses the road area from Wheat Grass Lane to 500 N. and that this portion of the road dedication was required as part of Parcel H in the Anderson Farms Master Development Agreement. He closed by stating that the remaining portion of 1200 West is required to be dedicated as part of the multi-family phase of the Anderson Farms development and then presented the transportation plan to the commission.

Commissioner Call asked for clarification on whether this was part of the original development agreement. Mr. Florence clarified that it was and gave some background to that. Mr. Florence also stated that the city is working with UDOT to get a traffic signal put in to help relieve the traffic congestion that happens in that area from businesses at rush hour.

Following some general discussion Chairperson Johnson called for any further comments or discussion from the Commission. Hearing none he called for a motion.

COMMISSIONER THOMPSON MOVED TO APPROVE THE APPLICANT'S REQUEST FOR PRELIMINARY 1200 W. ROAD DEDICATION PLAT APPROVAL WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING DOCUMENTS AND PLAT; 2. PRIOR TO PLAT RECORDING, THE APPLICANT WILL UPDATE THE FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNERS' CONSENT TO DEDICATION; AND OBTAIN SIGNATURES OF ALL ENTITIES INDICATED ON THE SUBDIVISION PLAT ATTACHED HERETO; 3. PRIOR TO RECORDING THE PLAT, THE APPLICANT WILL CORRECT AND CONSOLIDATE ALL DEEDS AND PARCELS THAT ENCOMPASS THE REMAINING PORTION OF 1200 W. THAT WILL BE PART OF THE FUTURE ROAD DEDICATION; 4. THE PLANS AND PLAT WILL MEET AND BE CONSTRUCTED AS PER APPLICABLE SPECIFICATIONS AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL; AND 5. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER DANIELSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON JOHNSON	
COMMISSIONER KALLAS	AYE
COMMISSIONER SCHAUERS	AYE
COMMISSIONER THOMPSON	AYE
COMMISSIONER CALL	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER DANIELSON	AYE
THE MOTION CARRIED UNANIMOUSLY.	

6. Concept Review – Thorton Farm – 374 West Lakeview Road. The applicant has applied for a concept review to construct 47 small-lot single family homes on the Thorton

2 farm property (Parcel ID: 14:068:0140). A Concept Review allows applicants to receive
4 planning commission feedback and comments on proposed developments. No formal
approvals or motions will be given, but general feedback is typically provided.

6 Mike Florence, Community Development Director, presented this item noting that the
applicant Ross Holliday with LandEx Development was present to answer any questions the
8 commission may have. Mr. Florence stated that in 2022, the planning commission and city
council reviewed 3 concept proposals from a different developer, and at that time the feedback
10 provided was that the council was not interested in allowing smaller lots. He reminded the
commission that the property is currently zoned Residential R1-20, and the applicant is
12 proposing to develop 47 detached single-family lots that range in size from 3,431 to 7,283 square
feet with a density of 7.67 units per acre. The future land map shows a major collector road is
14 planned to go through the property. He noted that the city does have a need for a detention basin
in this vicinity, and previous proposals showed a detention basin on the Thorton property,
16 however the developer has been discussing options for other options for the detention basin with
the city. Mr. Florence noted that the applicant would be required to construct the street
18 connections from behind the Fellowship Bible Church to 400 W. and to Gillman Lane and noted
that the city signed an agreement with the Fellowship Bible Church where the City purchased the
20 ground under the older building where the church meets, and the City will be responsible for the
street connection improvements from 400 N. to the Thorton property.

22
Mr. Florence then turned the time over to the applicant Mr. Holliday to give a
24 presentation to the commission on the proposed plan for the property. This presentation showed
potential types of homes that would go on this property. Following the presentation
26 Commissioner Thompson asked what the price of the homes would be for this development, to
which Mr. Holliday stated they would range from \$575,000 to \$625,000.

28
Commissioner Thompson stated that Lindon is lacking this type of housing, however he
30 questions the density. Commissioner Call stated her concern for the cost of development falling
on the consumer, making it hard for people to get into homes, so then they end up with an
32 unaffordable home. Commissioner Thompson then inquired about the detention pond. Mr.
Holliday answered Commissioner Thompsons questions about other potential locations for that.
34 Commissioner Kallas then asked the applicant why the lots are so small and asked about the
potential for quarter-acre lots in this area. Commissioner Schauers stated that he would like to
36 also see some quarter-acre lots to have some transition from the smaller lots to the larger lots
surrounding the property.

38
Mr. Florence then presented some emails they received from neighboring lots for the
40 commission to review. Chairperson Johnson asked if there was any public comment at this time.
The following comments were made:

- 42
- **David Holbrook** stated that he would like a transition from the smaller lots to the larger
44 lots as discussed earlier. He then requested sidewalks to have s a walkable area to help
with safety. He then closed with stating that the event center in the area is a problem
46 where the overflow parking tends to be the church, so he requests some walking ability
from the church to the event center.

- 2
- 4 • **Lori Esteban** stated that she wanted to first let the Thorntons that she wants them to
6 benefit from the sale of their property and that she thinks it's unfair that the road needs to
8 go through their property. She then voiced concerns with reception center and where
these road closures will happen on Gillman Ln. to help reduce the flow of traffic for
safety for that area. She then closed by stating that other neighbors she has talked with
would be happier with 25 homes verses 45.
 - 10 • **Brett Cook** stated it doesn't seem fair that citizens who want to build on their property
12 have to stay withing the 10ft easement requirements, however these homes would get
away with smaller.

14 Mr. Florence then presented concerns he received from city engineers noting that those
things would need to be looked into further. Commissioner Call stated she has concerns with the
16 plan as-is, with density being an issue. Commissioner Danielson voiced her agreement, stating it
would be nice to see a little transition. The applicant then asked the commission for feedback
18 regarding the western side of the property, and if they would like to see larger lots there, lot sizes
and favorable options were then discussed.

20 Following some general discussion Chairperson Johnson called for any further comments or
22 discussion from the Commission. Hearing none he moved on to the next agenda item.

24 7. Community Development Director Report

- 24 • Public Facility Zone proposal at next meeting
- 26 • Misc. City Updates

28 **ADJOURN** –

30 COMMISSIONER KALLAS MOVED TO ADJOURN THE MEETING AT 8:20 PM.
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

32
34 Approved, November 26, 2024

36
38 _____
40 Steven Johnson, Chairperson

42
44 _____
Michael Florence, Community Development Director

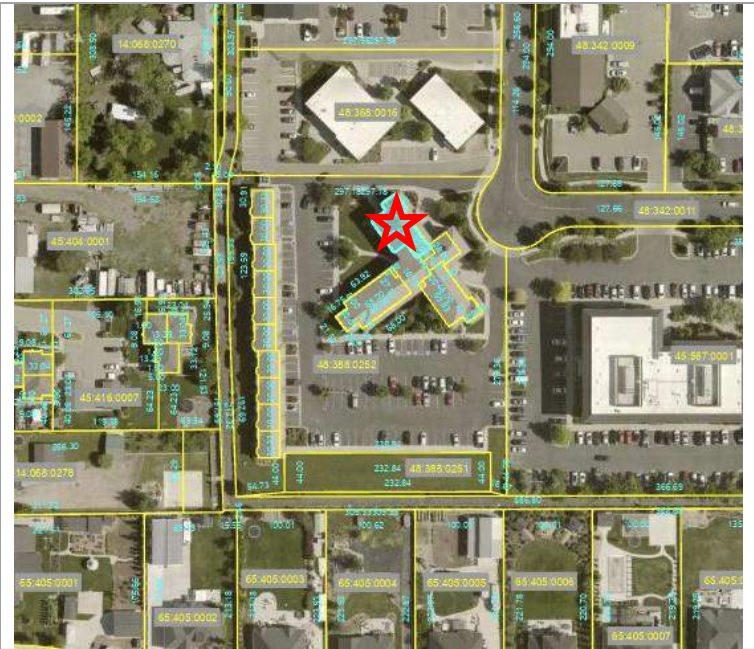
Item 4: Conditional Use Permit – KR Therapy – Massage Therapy Business

Date: November 26, 2024
Applicant: Kade Rogers
Presenting Staff: Brittain Corbett

General Plan: General Commercial
Current Zone: General Commercial

Property Owner: Legacy Lindon LLC
Address: 199 N 290 W Unit 125
Parcel ID: 48:388:0125
Lot Size: .05 acre (of total 2.3 acres)

Type of Decision: Administrative
Council Action Required: No



SUMMARY OF KEY ISSUES

To review a conditional use permit for a massage therapy business, pursuant of Lindon City Code 5.30 Massage Establishments.

MOTION

I move to (*approve, deny, continue*) the applicant's request for a conditional use permit to use the property located at 199 N 290 W, Unit 125 for a massage therapy business, with the following conditions:

1. The applicant will comply with all of the Massage Establishments requirements found in section 5.30 of the Lindon City Code;
2. The applicant will continually maintain all professional licensing with the State of Utah;
3. All regulations, codes and ordinances of the State of Utah and Lindon City will continually be followed; and
4. All items of the staff report.

OVERVIEW

1. Kade Rogers requests conditional use permit approval to operate a one-employee massage therapy business within Necks to Heaven—a chiropractic office—at 199 N 290 W Unit 125.
2. Kade will be the only full-time employee within his massage business.
3. Notices were mailed on November 15, 2024 to adjoining property owners in accordance with Lindon City Code Section 17.14.50 Third Party Notice. Staff has received no public comment at this time.

SURROUNDING ZONING AND LAND USE

North: **CG** – General Commercial (training gym and event venues)

East: **CG** – General Commercial (urgent care and spine physician)

South: **CG and R1-20** – General Commercial and Single-family homes (payroll business)

West: **CG and R1-20** – General Commercial and Single-family homes (small office and business spaces)

Code Requirements

Ordinance Amendment 2022-1-O, or LCC 5.30 Massage Establishments, was officially passed by the City Council on February 7th, 2022, after a recommendation from the planning commission. The following table presents the requirements from 5.30:

Code Requirement	Exact Code Language	Compliant?
Conditional Use Permit	"Massage Establishments shall only be allowed a Conditional Use in the CG, CG-A, CG-A8, CG-S, and MC zones within Lindon City"	The applicant is currently working towards this requirement
Current business license	"It is unlawful for any person to operate... a Massage Establishment without... obtaining a Massage Establishment Business License"	The applicant is currently working towards this requirement
State License for Massage Therapy for owner and employees	"It is unlawful for any person to operate a Massage Establishment or engage in the business of a masseur... without first being licensed by the State of Utah as a Massage Therapist or Apprentice"	Yes
Statement/proof verifying the applicant is 21+	"Statement or verification that the applicant for a Massage Establishment Business License is of at least 21 years of age"	Yes
Statement describing the services to be provided	"Statement describing the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted and what fees and rates the applicant will charge for massages"	Yes
Statement with employee rules and regulations	"Statement describing what rules, regulations, or employment guidelines the applicant will implement to ensure compliance with state and local regulations"	Yes
Statement with license/permit history of applicant for the previous five (5) years	"Statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application"	Yes
Written disclosures of crimes from owner and employees	"Written disclosures of all convictions of crimes involving moral turpitude within the past five (5) year of the applicant and all employees"	N/A
DRC meeting for zoning and fire code	"All applicants shall be referred to the DRC for zoning approval and to determine compliance of the premises with the fire code"	The applicant is currently working towards this requirement

Lindon Police Dept to search for outstanding warrants	"All applicants shall be referred to the Lindon City Police Department for a search for any outstanding warrants and a criminal history for the applicant and each employee providing massage services;"	N/A, see background check requirement.
Background check for Utah and any other state that applicant has resided in within the last five (5) years	"Individuals desiring a Massage Establishment Business License shall complete a background check. In the event that licensee or any employee is or has been the resident of another state within the last five (5) years, background checks must be conducted for that state(s)."	Yes
Utah driver's license	"Individuals desiring a Massage Establishment Business License shall possess a current State of Utah driver's license or identification card."	Yes
Proof of United States citizenship	"Individuals desiring a Massage Establishment Business License shall be a citizen of the United States or be authorized to work within the United States by United States Department of Homeland Security."	Yes

STAFF ANALYSIS

The applicant has met all the requirements for a Massage Establishment Business license, the final step is this conditional use permit. This will be a one-employee massage establishment. It is expected that this business will have minimal impact and will be compatible with the wellness and chiropractic clinic that it will be associated with.

EXHIBITS

1. Aerial Image
2. Business description
3. Lindon City Code 5.30 Massage Establishments

Exhibit 1: Aerial Image



As a licensed massage therapy business, we are committed to adhering to all state and local regulations to ensure a safe and professional environment for both clients and staff. Our business will implement strict compliance measures, including employee background checks, proper licensure verification, and ongoing training on safety, hygiene, and ethical standards. We will maintain a clean and sanitary facility that meets all health department guidelines, and follow any relevant employment guidelines to support fair labor practices. Additionally, our staff will be trained to follow professional boundaries and ethical standards as outlined by state massage therapy regulations. These policies will be reviewed and updated regularly to reflect any changes in local and state laws.

The business will provide professional massage therapy services including

Swedish

Deep tissue

Trigger point therapy

Assisted stretching

Cupping

The fees for said services will be

30 minutes- 40\$

1 hour - 85\$

1 hour and 30 minutes - 110\$

Exhibit 3:

**CHAPTER 5.30
MESSAGE ESTABLISHMENTS**

SECTION:

- 5.30.010 DEFINITIONS.**
- 5.30.020 ZONING - CONDITIONAL USE PERMITTED REQUIRED**
- 5.30.030 LICENSE REQUIRED – APPLICATION.**
- 5.30.040 QUALIFICATIONS OF THE LICENSEE.**
- 5.30.050 SANITATION OF PREMISES.**
- 5.30.060 EMPLOYEES, INDEPENDENT CONTRACTORS AND LESSEES.**
- 5.30.070 HOURS OF OPERATION.**
- 5.30.080 LICENSE FEES.**
- 5.30.090 DISPLAY OF STATE AND CITY LICENSES.**
- 5.30.100 TRANSFER OF OWNERSHIP OF BUSINESS LICENSE PROHIBITED.**

- 5.30.110 PROHIBITED ACTS.**
- 5.30.120 DENIAL, SUSPENSION OR REVOCATION.**
- 5.30.130 APPEALS.**
- 5.30.140 VIOLATIONS.**

5.30.010 DEFINITIONS.

For the purposes of this Chapter, the words set out in this Section shall have the following meanings:

1. “Massage” means the same as Practice of Massage Therapy as defined in Utah Code § 58-47b-102, as may be amended.
 - a. “Massage” as used in this Section does not mean the manual or mechanical manipulation of soft tissue of the body by a licensed physician, chiropractor, or physical therapist.
2. “Massage Apprentice” means an individual licensed by the State of Utah under the Utah Massage Therapy Practice Act as a Massage Apprentice to work under the direct supervision of a licensed Massage Therapist.
3. “Massage Establishment” means any location, place, area, structure, or business used for the practice of Massage or instructing Massage for either a fee, a gratuity, or as a free service or as demonstrations.
 - a. “Massage Establishment” does not include the offices or facilities of a licensed physician, chiropractor, or physical therapist.
4. “Massage Establishment Business License” means a business license issued pursuant to the provisions of this Chapter.
5. “Massage Therapist” means an individual licensed by the State of Utah under the Utah Massage Therapy Practice Act as a Massage Therapist.
6. “Specified Anatomical Areas” means the same as defined in Section 8.30.040 of the Lindon City Code, as may be amended.
7. “Specified Sexual Activities” means the same as defined in Section 8.30.040 of the Lindon City Code, as may be amended.

5.30.020 ZONING - CONDITIONAL USE AND HOME OCCUPATION PERMIT REQUIRED.

1. Message Establishments shall only be allowed as a Conditional Use in the CG, CG-A, CG-A8, CG-S, and MC zones within Lindon City.
2. A Message Establishment may be permitted as a home occupation subject to the following conditions:
 - a. A home occupation for message therapy must comply with all conditions and requirements set forth in this Chapter;

- b. A home occupation for Massage Therapy must comply with all conditions set forth Section 17.04.400 of the Lindon City Code;
- c. A home occupation for Massage Therapy shall not be allowed to have any employees or part-time equivalent employees. All Massage Therapy services provided in association with the home occupation shall be provide only by the home occupation permit holder.

5.30.030 LICENSE REQUIRED – APPLICATION.

1. **Massage Establishment Business License Required:** It is unlawful for any person to operate, conduct, carry on or maintain a Massage Establishment without meeting the requirements of this Chapter and obtaining a Massage Establishment Business License as required by this Chapter.
2. **State License Required:** It is unlawful for any person to operate a Massage Establishment or to engage in the business of a masseur or the practice of massage therapy in the city without first being licensed by the State of Utah as a Massage Therapist or Massage Apprentice.
3. **Requirements for the Issuance of a Massage Establishment Business License:** Every person desiring a Massage Establishment Business License shall file an application to the business license authority of the city. The application shall contain the following information:
 - a. A statement and verification that the applicant for a Massage Establishment Business License is of at least twenty-one (21) years of age;
 - b. A statement describing the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises and what fees and rates the applicant will charge for massages and other services.
 - c. A statement describing what rules, regulations or employment guidelines, if any, the applicant will implement to ensure compliance with state and local regulations;
 - d. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant has previously operated or is seeking to operate, in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked, or suspended, or has had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the date, the name of the issuing or denying jurisdiction and state in full the reasons for the denial, revocation, or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application;
 - e. Written disclosures of all convictions of crimes involving moral turpitude within the past five (5) years of the applicant and all employees;
 - f. Proof that the applicant and all employees are licensed by the State of Utah as Massage Therapists or Massage Apprentices; and
 - g. Contact information for a responsible owner and/or operator who may be reached during all business hours.
4. **Investigation of Licensee and Premises:** All applications for a Massage Establishment Business License shall be referred to:
 - a. The Development Review Committee for zoning approval and to determine compliance of the premises with the provisions of the fire code;
 - b. The Lindon City Police Department for a search for any outstanding warrants and a criminal history for the applicant and each employee providing massage services;
 - c. The Utah County Health Department for investigation of the sanitary condition of the premises and compliance with applicable health regulations.
5. **Obligation to Update Required Information:** Any change in the information required to be submitted under this Chapter, including the name and DOPL license number of each new employee providing massage services, shall be filed, in writing, with the City Recorder within fourteen (14) days of such a change occurring.

5.30.040 QUALIFICATIONS OF THE LICENSEE.

Each individual desiring a Massage Establishment Business License shall:

1. Be an individual at least twenty-one (21) years of age.
2. Have no convictions of crimes involving moral turpitude within the past five (5) years.
3. Possess a current State of Utah driver's license or identification card.
4. Be a citizen of the United States or be authorized to work within the United States by United States Department of Homeland Security.
5. Submit copies of current license issued by the State of Utah for each Massage Therapist or Massage Apprentice employed at the Massage Establishment.
6. Complete background checks for licensee and all employees. In the event that licensee or any employee is or has been the resident of another state within the last five (5) years, background checks must be conducted for that state(s).

5.30.050 SANITATION OF PREMISES.

Each Massage Establishment shall maintain its premises in compliance with state and county health regulations and shall ensure all patrons are provided with clean, sanitary, and opaque coverage capable of covering the patron's Specified Anatomical Areas. No common use of such coverings shall be permitted, and reuse of such coverings is prohibited unless they have been adequately cleaned and laundered. In addition, no owner, operator, managing employee, manager, employee, or masseur should administer a massage unless the patron has, at a minimum, a clean, opaque covering over their Specified Anatomical Areas.

5.30.60 EMPLOYEES, INDEPENDENT CONTRACTORS AND LESSEES.

1. The owner and operator of a Massage Establishment shall be responsible for all activities and services provide in or on the establishment's premises, regardless of whether or not a Massage Therapists or Massage Apprentice is an employee, independent contractor, or is otherwise a third-party lessee who has rented space within the Massage Establishment. Any violation of this Chapter by any of employee, independent contractor or lessee shall constitute a violation of the Chapter by the owner and operator of the Massage Establishment.
2. The owner and operator of a Massage Establishment shall be responsible to maintain current contact information, including residential addresses, and proof of licensure by the State of Utah for all employees, independent contractors, or lessees who provide massages or other services at the Massage Establishment.

5.30.070 HOURS OF OPERATION.

Massage Establishments may not be open or operated between the hours of 10:00 PM and 6:00 AM.

5.30.080 LICENSE FEES.

Licensing fees for a Massage Establishment Business License shall be the same as for other business licenses issued by the city and shall be paid pursuant to Section 5.04.130 of the Lindon City Code.

5.30.090 DISPLAY OF STATE AND CITY LICENES.

1. Every Massage Establishment licensed under this Chapter shall display its Massage Establishment Business License in a conspicuous place on the premises.
2. Every Massage Therapist or Massage Apprentice, while on the premises of a licensed Massage Establishment, shall maintain in his or her possession or immediate presence his or her state issued Massage Therapist or Massage Apprentice license or have it conspicuously displayed on the premises.

5.30.100 TRANSFER OF OWNERSHIP OF BUSINESS LICENSE PROHIBITED.

Massage Establishment Business Licenses granted under this Chapter shall not be transferable.

5.30.110 PROHIBITED ACTS.

The following acts are prohibited:

1. It is unlawful for any person to practice or engage in or attempt to practice or engage in massage, without first being licensed by the State of Utah as a Massage Therapist or Massage Apprentice.
2. It is unlawful for any Massage Establishment to employ or contract with, for the purpose of performing massage, any individual who is not licensed by the State of Utah as a Massage Therapist or Massage Apprentice.
3. It is unlawful to serve, store, allow to be consumed any alcoholic beverage on the licensed premises of a Massage Establishment.
4. It is unlawful for a Massage Therapist, a Massage Apprentice, an employee, or an independent contractor of a Massage Establishment to touch, massage, or apply any instrument or device, or offer to touch, massage, or apply any instrument or device, to the Specified Anatomical Areas of any person while on the premises of a Massage Establishment.
5. It is unlawful for a Massage Therapist, Massage Apprentice, employee, independent contractor, or customer of the Massage Establishment to display to any other person any Specified Anatomical Area or to engage in any Specified Sexual Activities while on the premises of the Massage Establishment.
6. It is unlawful for a premise licensed as a Massage Establishment to be used for the purpose of housing, sheltering or harboring, or cause to permit the same to be used as living or sleeping quarters by employees or other persons.
7. With the exception of bathrooms, dressing rooms, or any other room used for dressing purposes, no owner, operator, responsible managing employee, manager or licensee in charge of or in control of any Massage Establishment shall permit any person in any area within the Massage Establishment which is used in common by the patrons, or which can be viewed by patrons from such an area, unless the person's Specified Anatomical Areas are fully covered. Further, no owner, operator, responsible managing employee, manager, or licensee in charge of or in control of a Massage Establishment shall permit any person to be in any room with another person unless all the person present have their Specified Anatomical Areas completely covered.
8. It is unlawful for any owner, operator, or other person in charge of or in control of a Massage Establishment to permit any masseur or employee to be on the premises of a Massage Establishment during its hours of operation or while performing, or available to perform, any task or service associated with the operation of a massage business, unless the masseur or employee is fully covered from the center of the kneecap to the base of the neck, excepting the hands and arms. Such covering must be of opaque material and maintained in a clean and sanitary condition.
9. It is unlawful for a Massage Establishment to hold itself out as a licensed facility or to advertise massage services to the public without being properly licensed by both Lindon City and the State of Utah.
10. It is unlawful for any person to hold themselves out as a licensed Massage Therapist or to advertise massage services to the public without being properly licensed by the State of Utah.
11. It is unlawful for any owner, operator, responsible managing employee, manager, licensee, or lessee in charge of or in control of a Massage Establishment to allow such establishment and its related massages and operations to be conducted in violation of the Utah Massage Therapy Practice Act, as set forth in Title 58, Chapter 47b of the Utah Code, as may be amended.

5.30.120 DENIAL, SUSPENSION OR REVOCATION.

1. Conditions of Denial, Suspension or Revocation: Any Massage Establishment Business License issued by the city may be suspended or revoked, and any application for any business license or for the renewal of any business license may be denied, by the business license authority upon a finding of a violation of the City Code or conviction of any of the following with respect to the licensee or licensee's operator or agent:
 - a. A violation of or a conviction for violating any ordinance regulating or governing the Massage Establishment for which said license was granted; or
 - b. A violation of or conviction for violating any other city ordinance or law of the state which affects the health, welfare or safety of its residents, including, but not limited to, a public

nuisance, and which violation or conviction relates to the business so licensed or to be licensed;
or

- c. A violation of or conviction for violating an ordinance which violation or conviction resulted from the operation of the business so licensed; or
 - d. Any material misrepresentation or any fraud perpetrated on the licensing authority through application for, or operation of, said business.
2. Other Grounds Not Precluded: These violations shall not limit, but shall be in addition to, any other grounds for the denial, suspension or revocation of any license as provided for by ordinance or law.
 3. Procedure: Prior to the denial, suspension, or revocation of any Massage Establishment Business License the following procedures must be satisfied:
 - a. Hearing Required: No suspension, revocation or denial of the renewal of a license by the city may until a hearing is first held before the business license authority, or an appointed hearing examiner.
 - b. Reasonable Notice: Notice of the time and place of the hearing, together with notice of the nature of the charges or complaints sufficient to reasonably inform the licensee or applicant and to enable him/her to answer such charges and complaints, shall be served upon the licensee or applicant personally or by mailing a copy to the licensee or applicant at his or her last known address.
 - c. A licensee or applicant shall have the right to appear at the hearing in person or by counsel, or both, present evidence, present argument on the licensee's or applicant's behalf, cross examine witnesses, and in all proper ways defend the licensee's or applicant's position.

5.30.130 APPEALS.

1. An applicant or license holder who has a Massage Establishment Business License denied, suspended or revoked, may appeal the decision to the City Administrator.
2. Notice of an appeal shall be filed with the City Administrator within fourteen (14) days of the decision denying or revoking the license.
3. The notice of appeal shall identify the appellant and set forth the grounds for the appeal.
 - a. If a notice fails to state the grounds for the appeal it may be summarily denied.
 - b. An appellant must present every theory of relief it is claiming to preserve that theory for review.
4. They may hear the appeal or may appoint an appeals officer to hear the appeal.
5. Upon receipt of an appeal, the City Administrator or appeals officer shall set an informal hearing as soon as practically possible (but not later than thirty (30) days after receipt of the request) in which the appellant and interested parties may address the city's decision.
6. The appellant has the burden of proving the city's decision was made in error.
7. The City Administrator or appeal officer shall review factual matters on the record and shall be limited to reviewing documents and information presented to the city licensing authority during the application or suspension/revocation process.
8. Any decision by the City Administrator or appeals officer shall:
 - a. Be issued in writing within fourteen (14) days of the meeting at which the appeal was heard;
 - b. Set forth the findings of the City Administrator or designated appeals officer; and
 - c. Be delivered in person or by first-class mail to the appellant.

5.30.140 VIOLATIONS.

Any person, firm, or corporation violating any provisions of this Chapter shall be guilty of a class B misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or

portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted.

Item: 5 - Ordinance Amendment – Public Facilities Zoning Ordinance

Date: November 26, 2024

Applicant: Lindon City

Presenting Staff: Brittain Corbett

Type of Decision: Legislative

Council Action Required: Yes, the planning commission is the recommending body on this application.

MOTION

I move to recommend (*approval, denial, or continue*) of ordinance amendment 2024-15-O (*as presented, or with changes*).

Summary of Key Issues

- Lindon City established the Public Facilities zone under city code Title 17.40.110.
- The Public Facilities zoning district was created around 2002.
- Although the PF zone was established under Title 17.40.110, Lindon City did not adopt a formal zoning ordinance.
- Lindon City is proposing that the planning commission recommend to the city council the adoption of Title 17.53 – Public Facilities Zone

Overview

The purpose of the Public Facilities (PF) zoning district is to provide areas within the city for land uses and facilities that are developed and maintained for public or quasi-public uses. The uses in this zone are operated for the benefit of the community and provide basic services and essential support services. The Public Facilities zone is also intended to both preserve land uses and facilities that have historically been used by Lindon residents as public uses and to promote future areas that provide continued amenities.

17.53.020 - Permitted Uses

The following public uses are permitted in the Public Facilities zone

1. Parks, open space, and accessory facilities
2. Community center
3. Civic center
4. Public safety facilities
5. Aquatics center
6. Cemetery
7. Public schools
8. Trails and trailhead parking lots
9. Water tanks and ponds
10. Public detention/retention areas
11. Cultural facilities and offices
12. City utility facilities
13. Other government facilities

General Plan

General Plan Community Facilities Goal 6 states the following: ensure civic, school, park, open space, utility and other non-residential uses match the land use vision and principles

Staff Analysis

Staff emphasizes the importance of adopting a zoning ordinance to accompany the established Public Facilities zone. The ordinance would focus on public uses and facilities that provide essential services and benefits to Lindon City residents and businesses.

Exhibits

1. Adopting Ordinance

ORDINANCE NO. 2024-15-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, ESTABLISHING TITLES 17.53 – PUBLIC FACILITIES ZONE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lindon City Council is authorized by state law to enact and amend ordinances establishing land use regulations; and

WHEREAS, the proposed amendment is consistent with the goal of the Lindon City General Plan to ensure civic, school, park, open space, utility and other non-residential uses match the land use vision and principles; and

WHEREAS, on November 26, 2024, the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

WHEREAS, after the public hearing, the Planning Commission further considered the proposed ordinance amendment and recommended that the City Council adopt the attached ordinance; and

WHEREAS, the Council held a public hearing on _____, 2024, to consider the recommendation and the Council received and considered all public comments that were made therein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

SECTION I: Amend Lindon City Code section as follows:

17.53.010 – Purpose

The Public Facilities (PF) zoning district is established to provide areas within the city for land uses and facilities that are developed and maintained for public or quasi-public uses. The uses in this zone are operated for the benefit of the community and provide basic services and essential support services. The Public Facilities zone is also intended to both preserve land uses and facilities that have historically been used by Lindon residents as public uses and to promote future areas that provide continued amenities.

17.53.020 - Permitted Uses

The following public uses are permitted in the Public Facilities zone

1. Parks, open space, and accessory facilities
2. Community center
3. Civic center
4. Public safety facilities
5. Aquatics center
6. Cemetery
7. Public schools
8. Trails and trailhead parking lots
9. Water tanks and ponds
10. Public detention/retention areas
11. Cultural facilities and offices
12. City utility facilities
13. Other government facilities

SECTION II: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

SECTION III: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

SECTION IV: This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day of _____, 2024.

Carolyn Lundberg, Mayor

ATTEST:

Britni Laidler,
Lindon City Recorder

SEAL

Items 6: Public Facilities Zoning Map Amendments

Date: November 26, 2024

Applicant: Lindon City

Presenting Staff: Brittain Corbett

Type of Decision: Legislative

Council Action Required: Yes, the planning commission is the recommending body on this application.

City File Number: 24-032-3

MOTION

I move to recommend (approval, denial, or continue) of ordinance amendment 2024-16-O (as presented, or with changes).

Summary of Key Issues

- Lindon City established the Public Facilities zone under city code Title 17.40.110.
- The Public Facilities zoning district was created around 2002.
- Since its creation, many of the city's parks and facilities have been zoned as Public Facilities.
- The Public Facilities zone applies to properties that are publicly or quasi-publicly owned.

Overview

The purpose of the Public Facilities (PF) zoning district is to provide areas within the city for land uses and facilities that are developed and maintained for public or quasi-public uses. The uses in this zone are operated for the benefit of the community and provide basic services and essential support services. The Public Facilities zone is also intended to both preserve land uses and facilities that have historically been used by Lindon residents as public uses and to promote future areas that provide continued amenities.

The following properties and uses are proposed to be rezoned from their current zoning to the Public Facilities zone:

- Parks: two parks at the Anderson Farms development
- Trails: Murdock Canal Trail and Lindon Heritage Trail
- Public School Properties and facilities
- Lindon Public Work property
- Detention Basins
- Well and Sewer Lift Station Properties
- Foothill Open Spaces

Properties in Lindon currently zoned under the Public Facilities designation include:

- Parks, community and civic centers, aquatic center, cemetery, horse transfer station and foothill open space, water tanks, secondary irrigation ponds, and detention areas.

General Plan

General Plan Community Facilities Goal 6: ensure civic, school, park, open space, utility and other non-residential uses match the land use vision and principles

The General Plans Future Land Use Map designates most of the proposed rezoning areas as either Community Facilities or Open Space. The purpose of the Future Land Use Map is to guide future zoning and development amendments. The proposed zoning changes align with the Lindon City General Plan.

- Link to the Lindon City Future Land Use Map:
https://media.rainpos.com/442/Future_Land_Use_Map_pdf.pdf

Current Zoning

For reference, the current Lindon City Zoning Map can be accessed here:

- <https://lindon.maps.arcgis.com/apps/View/index.html?appid=cd31119e0e574c3899e8648e078e614f>

Staff Analysis

The purpose of the proposed zone changes is threefold.

1. Aligning with the General Plan: Lindon City is updating the zoning map to align with the Future Land Use Map, which designates the majority of the properties as either as Community Facility or Open Space districts.
2. Consistent Zoning Practices: Lindon City has historically zoned publicly or quasi-publicly owned properties as Public Facilities. This proposal continues that practice.
3. Preservation of Intent for Public Schools: The rezoning of publicly funded school properties and facilities to the Public Facilities zone is consistent with the General Plan. This designation helps preserve the intent of these properties. If a public school were to close, the Public Facilities zone would allow for continued discussion regarding future use, rather than automatically applying residential zoning, as is the case with current school properties in Lindon. Many cities along the Wasatch Front, including Provo, Orem, Midvale, Cottonwood Heights, Holladay, West Jordan, Salt Lake City, and South Salt Lake, have similarly zoned school properties as Public Facilities. Both Alpine School District and Maeser Academy have reached out to city staff and have no concerns about the rezoning of their school or facility properties.

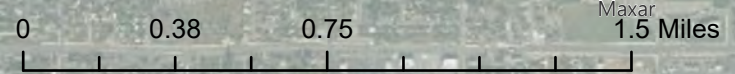
Exhibits

1. Map identifying properties that are currently zoned with the Public Facilities designation and those which are proposed.
2. Ordinance amending the zoning to Public Facilities



PF Zone (current)

Parcels to be rezoned: Public Facilities



ORDINANCE NO. 2024-16-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING THE ZONING MAP ON PROPERTIES IDENTIFIED BELOW TO PUBLIC FACILITIES (PF) AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council is authorized by state law to amend the Lindon City zoning map; and

WHEREAS, on November 6, 2024, a land use application was submitted by Lindon City to rezone the properties identified below; and

WHEREAS, on November 26, 2024, the Planning Commission held a properly noticed public hearing to hear testimony regarding the ordinance amendment; and

WHEREAS, after the public hearing, the Planning Commission further considered the proposed rezone, and recommended that the City Council adopt the zone map amendment of Public Facilities (PF); and

WHEREAS, the City Council finds that certain changes are desirous in order to implement the city's general plan goal of ensuring civic, school, park, open space, utility and other non-residential uses match the land use vision and principles; and

WHEREAS, the City Council find that certain changes are desirous in order to align the general plans Future Land Use Map and Zoning Map; and

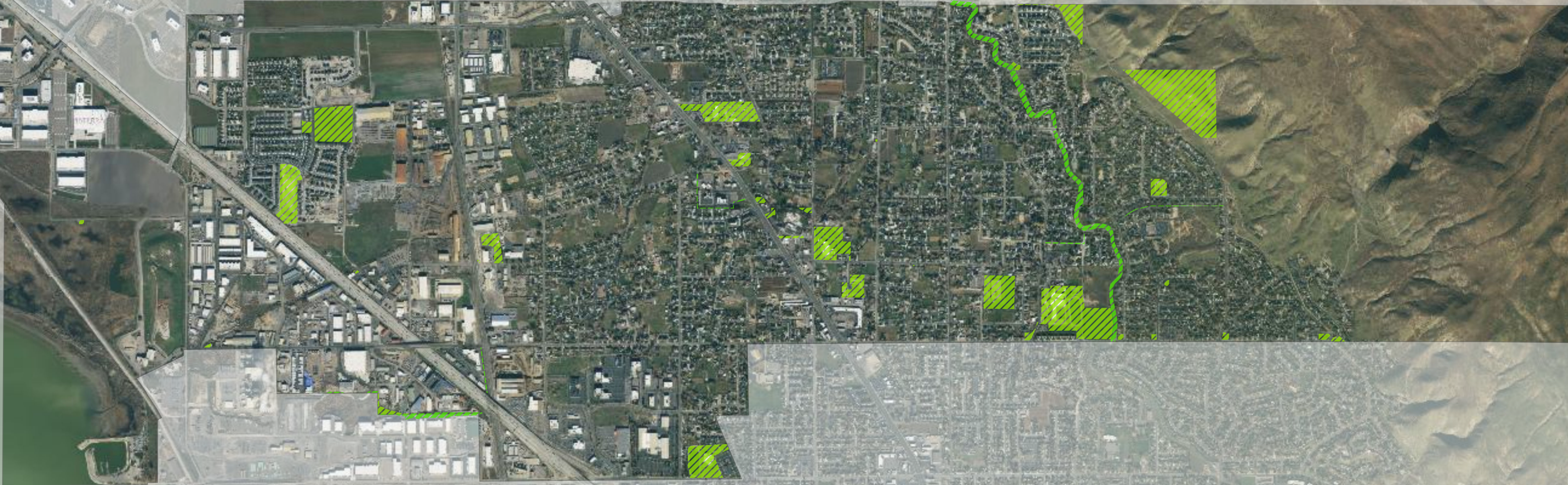
WHEREAS, the Council held a public hearing on December __, 2024, to consider the recommendation and the Council received and considered all public comments that were made therein; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

SECTION I: The Lindon City Zoning Map is hereby amended as follows:

14:045:0109	14:073:0217	14:070:0118
14:074:0042	14:073:0183	14:070:0082
14:074:0215	34:625:0248	14:070:0083
14:074:0012	14:063:0102	14:070:0285
14:068:0276	14:063:0106	53:345:0004
14:073:0136	14:063:0109	46:967:0003
14:073:0184	14:063:0121	46:803:0002
14:073:0186	14:062:0091	14:065:0057
14:073:0145	14:062:0095	49:813:0003
14:073:0160	14:062:0097	14:068:0301
14:074:0062	14:070:0081	14:061:0020

14:062:0039	36:808:0500	44:073:0500
45:241:0023	36:808:0500	44:073:0500
45:241:0025	36:808:0500	44:084:0500
45:241:0019	36:928:0034	49:196:0021
14:068:0005	44:072:0119	36:507:0500
14:069:0042	14:074:0070	44:241:0041
14:069:0306	14:074:0100	36:562:0054
14:073:0157	41:698:0001	39:242:0003
14:073:0216	14:042:0184	48:342:0013
45:079:0042	14:071:0339	48:358:0013
14:074:0032	14:070:0506	48:368:0019
36:445:0037	14:074:0134	



 Parcels to be rezoned: Public Facilities

0 0.38 0.75 1.5 Miles

Maxar

SECTION II: The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

SECTION III: Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

SECTION IV: This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this _____ day of _____, 2024.

Carolyn Lundberg, Mayor

ATTEST:

Britni Laidler,
Lindon City Recorder

SEAL