

Lindon City

Planning Commission

Staff Report



December 10, 2024

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, December 10, 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 11/26/2024

3. Public Comment

4. Development Agreement Amendment – WICP West Orem 4 LLC – 625 N. 2800 W.

WICP Commercial requests and amendment to their development agreement that was entered into with Lindon City on June 13, 2024 (#67:013:0004) (30 minutes)

5. 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: 12/6/2024 **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 26, 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: Rob Kallas, Vice-Chairperson
Invocation: Scott Thompson, Commissioner
Pledge of Allegiance: Ryan Done, Commissioner

PRESENT

Rob Kallas, Vice-Chairperson
Scott Thompson, Commissioner
Jared Schauers, Commissioner
Karen Danielson, Commissioner
Sharon Call, Commissioner
Ryan Done, Commissioner
Brittain Corbett, City Planner
Britni Laidler, City Recorder

EXCUSED

Steve Johnson, Chairperson
Michael Florence, Community Dev. Director
Mike Marchbanks, Commissioner

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 November 12, 2024 were reviewed.

COMMISSIONER THOMPSON MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 12, 2024 AS PRESENTED. COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

3. **PUBLIC COMMENT** – Vice-Chairperson Kallas called for comments from any audience member who wishes to address any issue not listed as an agenda item. The following comments were made:

Jim Anderson & Mel Olson: Jim Anderson stated that he is purchasing property from Mel Olson and stated they are here to discuss the access road behind the home. Mr. Olson gave some history on the current road and access easement, stating that the current road and driveway have been approved by the city. He stated that with Mr. Anderson purchasing the property they were informed he would have to widen the driveway from 12 ft to 16 ft. Mr. Olson stated he was here to support the new owner of the property not having to do that, since the current driveway should be grandfathered in.

Dave Gardner: stated he was speaking on behalf of his neighbors who were also present. He stated that his property backs up to what is slated as a Major Connector Road on the city Master Plan. They are feeling the crunch of this due to the fact that the property North of them in Pleasant Grove is now up for sale. He stated that the city purchased the right-of-way in order to

eventually allow this road to be put in, however, the slope of the easement runs through houses that are currently there. He voiced frustration that the Future Land Use Master Plan doesn't make sense with the impact it will have on these homes. He stated he is concerned that this road doesn't have funding, and thinks the city should stop putting money towards a road that shouldn't go in due to logistics.

CURRENT BUSINESS –

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)

Brittain Corbett, City Planner, presented this item and noted the applicant Kade Rogers is present. Mr. Rogers is requesting a conditional use permit approval to operate a one-employee massage therapy business within Necks to Heaven which is a chiropractic office located at 199 N 290 W Unit 125. Mr. Corbett noted that Mr. Rogers will be the only full-time employee within his massage business, and it is expected that this business will have a minimal impact and will be compatible with the wellness and chiropractic clinic that it will be associated with.

Mr. Corbett then went over the code requirements, with discussion regarding the following requirements and as to why they are not compliant at this moment:

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
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

Vice-Chairperson Kallas 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 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
MESSAGE 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.
COMMISSIONER DONE SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

COMMISSIONER KALLAS	AYE
COMMISSIONER SCHAUERS	AYE
COMMISSIONER THOMPSON	AYE
COMMISSIONER CALL	AYE
COMMISSIONER DANIELSON	AYE
COMMISSIONER DONE	AYE

THE MOTION CARRIED UNANIMOUSLY.

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.

Brittain Corbett, City Planner, presented this item. Mr. Corbett noted that the Public Facilities (PF) zone under City Code Title 17.40.110 was created around 2002. He noted that although the PF zone was established at that time Lindon City did not adopt a formal zoning ordinance and Lindon City is proposing that the planning commission recommend to the city council the adoption of Title 17.53 – Public Facilities Zone. Mr. Corbett stated that the purpose of the Public Facilities (PF) zoning district is to provide areas within the city for land use and facilities that are developed and maintained for public or quasi-public uses. He noted that 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. He then presented the Permitted Uses under 17.53.020 as follows:

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

2 13. Other government facilities

4 Vice Chairperson Kallas inquired about #13 on the list and what that would encompass.
Mr. Haws, City Attorney, stated it is a catch-all in case there is something the city may not have
6 thought of yet that would fit into this use. Mr. Corbett closed by stating that staff sees the
importance of adopting a zoning ordinance to accompany the established Public Facilities zone.
8 The ordinance would focus on public uses and facilities that provide essential services and
benefits to Lindon City residents and businesses.

10
COMMISSIONER DANIELSON MOVED TO OPEN THE PUBLIC HEARING.
12 COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.
THE MOTION CARRIED.

14 Vice-Chairperson Kallas asked if there was any public present that would like to make
any comments. The following public comments were made:

16 Rob Moon: wanted to know a little more about the area in the far east of Lindon, stating that the
potential road that may go in that area has the possibility of bringing more traffic to the area and
18 noted that it would be a disruption to the area along with tax values.

Vice-Chairperson Kallas informed Mr. Moon that this would be a more suitable comment
20 for the next agenda item and encouraged him to give a comment at that time.

Jordan Russell: stated he lives in Orem and near Maeser Preparatory School and inquired what
22 this zone change would entail, and the upcoming expansion of 1600 N. He wanted to know if
this would keep it from having a less invasive impact. General discussion followed.

24 Mr. Corbett noted that Maeser and Alpine School District had let the city know they are
in favor, or this Ordinance change and zoning.

26 COMMISSIONER CALL MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT VOTED IN
28 FAVOR. THE MOTION CARRIED.

Commissioner Done asked staff about how Charter schools would be affected. Mr. Haws
30 stated this won't affect them unless they want to change their use. He stated what this zone will
do is protect these locations to maintain as a public use area, and if the landowner wants to
32 change the use, it will have to go through the process which would allow the city to put thought
into what could go to make sure to do what is best for the city.

34 Vice-Chairperson Kallas called for any further comments or discussion from the
Commission. Hearing none he called for a motion.

36 COMMISSIONER SCHAUERS MOVED TO RECOMMEND APPROVAL OF
ORDINANCE AMENDMENT 2024-15-O AS PRESENTED. COMMISSIONER DANIELSON
38 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
COMMISSIONER KALLAS AYE
40 COMMISSIONER SCHAUERS AYE

2 COMMISSIONER THOMPSON AYE
COMMISSIONER CALL AYE
4 COMMISSIONER DANIELSON AYE
COMMISSIONER DONE AYE
6 THE MOTION CARRIED UNANIMOUSLY.

8 **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 –
10 **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
12 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
14 properties.

16 Brittain Corbett, City Planner, presented this item stating that Lindon City established the
Public Facilities zone under city code Title 17.40.110, and the Public Facilities zoning district
18 was created around 2002. Since that creation, many of the city's parks and facilities have been
zoned as Public Facilities and noted the Public Facilities zone applies to properties that are
20 publicly or quasi-publicly owned. He stated that 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
22 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. He also noted that the
24 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
26 provide continued amenities. Mr. Corbett then stated that parks, community and civic centers,
aquatic center, cemetery, horse transfer station and foothill open space, water tanks, secondary
28 irrigation ponds and detention area are currently zones under the Public Facilities. He then noted
that the following properties and uses are proposed to be rezoned from their current zoning to the
30 Public Facilities zone:

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

38 Mr. Corbett then presented the proposed map to the commission and the purpose of the
40 proposed zone change as follows:

- Aligning with the General Plan: Lindon City is updating the zoning map to align with the
42 Future Land Use Map, which designates the majority of the properties as either as
Community Facility or Open Space districts.
- 44 • Consistent Zoning Practices: Lindon City has historically zoned publicly or quasi-
publicly owned properties as Public Facilities. This proposal continues that practice.

- 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.

Vice Chairperson Kallas called for any further comments or discussion. Hearing none, he called for a motion to open the public hearing

COMMISSIONER DANIELSON MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER DONE SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.
THE MOTION CARRIED.

Vice-Chairperson Kallas asked if there was any public present that would like to make any comments. The following public comments were made:

Rob Moon: Mr. Moon stated he has concern that this would allow it to be sold for development. He wants to make sure that this preserves the neighborhood and protects the community, not just the city. He closed by stating he opposes this, stating he doesn't think we need to change anything unless there is something specific needing to go there.

David Gardner: voiced concern for the sensitive hillside zone and what this added layer of zoning would do, and possible changes it would make.

Greg Harrison: stated that his property backs the area previously discussed and wants to know what possible use could actually go there, since the slope is so large.

Landon Harsh: asked if a road would be considered a public use facility.

Mike Millett: wants to know if this zone change would have any impact on his property just north of the piece of property previously mentioned in prior public comment.

Ileana Gardner: voiced frustration stating that she would like each piece of property to be voted on individually.

Gabriella Sabrilla: stated she lives by Maeser and asked for clarification on if this would have any impact on her property.

COMMISSIONER THOMPSON MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER DANIELSON SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

Commissioner Thompson stated that he is in favor of this because he sees this as added
safeguard for the citizens to protect these lands for open use or for continued public use.
Commissioner Schauers stated he is happy to see citizens come out to the meeting and voiced
that he doesn't see this causing any issue of concern for issues brought up during public
comment. Commissioner Schauers stated the commission tends to be pro-property owner use,
and city council is the same. Commissioner Thompson stated the hardest part of planning
commission is having something coming before them, that they don't want, but it is zoned for it
so they have to let it pass. He closed by stating this agenda item helps give them the protection
they need to help protect neighborhoods.

Vice-Chairperson Kallas called for any further comments or discussion from the
Commission. Hearing none he called for a motion.

COMMISSIONER DANIELSON MOVED TO RECOMMEND APPROVAL OF
ORDINANCE AMENDMENT 2024-16-O AS PRESENTED. COMMISSIONER CALL
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COMMISSIONER KALLAS	AYE
COMMISSIONER SCHAUERS	AYE
COMMISSIONER THOMPSON	AYE
COMMISSIONER CALL	AYE
COMMISSIONER DANIELSON	AYE
COMMISSIONER DONE	AYE

THE MOTION CARRIED UNANIMOUSLY.

7. Community Development Director Report

- Misc. City Updates

ADJOURN –

COMMISSIONER THOMPSON MOVED TO ADJOURN THE MEETING AT 7:50
PM. COMMISSIONER DONE SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

Approved, December 10, 2024

Steven Johnson, Chairperson

Michael Florence, Community Development Director

Item: 4 **Proposed Amendment to the Orem West 4 Development Agreement (WICP Commercial)**

Date: December 10, 2024

Project Address: 625 N. 2800 W.

Applicant: Mark Weldon

Property Owner: WICP WEST
OREM #4 LLC

General Plan: Flex-Commercial

Current Zone: Mixed Commercial

Parcel ID: 67:013:0004

Size: 3.99 acres

Type of Decision: Legislative

Council Action Required: Yes, the
planning commission is the
recommending body

Presenting Staff: Michael Florence

Motion

I move to recommend (approval, denial, or continue) of Resolution 2024-35-R to amend the Orem West 4 Development Agreement.

Summary of Key Issues

1. Whether to recommend approval to the Lindon City Council for a request to amend the development agreement with WICP Commercial for the development at 625 N. 2800 W.

Overview

- February 5, 2024, the Lindon City Council approved a zone change for the property located at 625 N. 2800 W. from CG-A8 to Mixed Commercial. The request received a positive recommendation from the planning commission.
- The City Council also approved a development agreement on February 5, 2024 that was signed by the developer on June 13, 2024.
- The development agreement was approved with three conditions (See Exhibit 5):
 - The building had specific design and material standards as shown in the agreement exhibit.
 - The site plan was approved as per the layout in the development agreement
 - Sufficient grease traps be installed to adequately support a potential restaurant use.
- The applicant is approved to construct a 58,644 square foot building.
- The approved building layout allows for 4 semi-truck loading docks on the west side of the building.
- The purpose of the proposed amendment to the development agreement is that the developer is requesting to add three additional docks on the north side of the building. The developer would then reduce the west side loading docks to three.
- YouTube link to the February 5, 2024, city council meeting.
<https://www.youtube.com/watch?v=81s6CavsMKQ> (Starts at minute 23:25)

Surrounding Zoning and Land Use

North: MC – Mountain Tech North 3

East: CG-A8 – Mountain Tech North 2

South: RC – Wilson Tech 5

West: Planned Industrial – Vacant lot in American Fork

Development History

This particular property has seen multiple proposals over the last few years. In 2017, the property received site plan approval from the planning commission for two retail/restaurant buildings. Those buildings were never constructed.

In 2024, after multiple meetings with the planning commission and city council the developer was granted a zone change from CG A-8 to Mixed Commercial. The developer also signed a development agreement with the city to construct a commercial office/warehouse building that allowed loading docks on the west side of the building. With this area planned for future transportation growth with the Vineyard Connector the council felt it was important to have a well-designed building that could promote commercial uses while also being flexible and allow for warehouse space. The project has not yet come to the planning commission for final site plan approval. The developer is now requesting to amend the development agreement to allow for loading docks on the north side of the building.

General Plan

The current general plan designation for this area is flex-commercial. The general plan states: These areas provide an attractive setting for a wide range of commercial retail, office, wholesale, and service uses. They should be developed as part of a well-planned, campus-like setting, and they should have clear and consistent urban design, streetscape, architectural, and site design standards to ensure a unified and high-quality appearance.

The general plan vision for this area is for something that is a high-quality product, while also tying in that wide range of commercial retail and service uses. In this Flex-Commercial general land use map area, almost all buildings have been office, wholesale, and warehouse use. Ensuring this specific property stays commercial would help to further the idea of a wide range of uses.

Staff Analysis

WICP Commercial has made a significant investment in this area. In this quadrant of the city, they have constructed four office buildings and six office/warehouse buildings. A few differences between the approved and proposed buildings:

- The proposed building will have docks and overhead doors on the north side of the building
- There is less roof articulation on the proposed building because the building shell height has been increased and the sections of the building with the “pop out” and articulating roof parapet remained the same height.
- There are less door and window canopies being proposed on the new building.

If the agreement is recommended for approval by the commission, then staff recommends that the commission have the developer continue to work with city staff to ensure the building design meets the same architectural standards as currently approved and before it goes to city council for final review.

City staff believe that the commission needs to evaluate whether the proposed changes meet the city council's intent in trying to promote commercial uses for this building and site. The city council approved a development agreement to ensure a more commercial design for the building and potentially attract a commercial user but also allow the flexibility of a warehouse portion of the building. The commission should also consider when recommending an amendment to the development agreement what the benefit to the city will be if the agreement is amended. The city will see new economic development and jobs growth but there will also be increased semi-truck traffic. The commission should discuss with the developer how commercial goals are being furthered for this site.

Exhibits

1. Site Aerial Photo
2. Proposed Site Plan and Building Elevations
3. Approved Site Plan and Building Elevations
4. Proposed development agreement and Resolution
5. Currently Approved Development Agreement
6. February 5, 2024 city council meeting minutes
7. September 18, 2023 city council meeting minutes

Exhibit 1: Aerial Map



Autodesk Docs://2023556_WICP Orem North Building 4/A23_2023556_WICP Orem North Building 4_CENTRAL.rvt
11/19/2024 2:21:30 PM



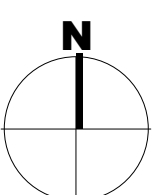
2575 W 400 N
LONDON, UTAH 84042

REAL

SITE

PR001

SCALE: 1" = 20'-0"





EXTERIOR RENDERING - SOUTH ENTRY



EXTERIOR RENDERING - SOUTHWEST



EXTERIOR RENDERING - NORTHEAST



SOUTH ELEVATION



MHTN
ARCHITECTS
MHTN Architects, Inc.
420 East South Temple
Suite 100
Salt Lake City, Utah 84111
Telephone (801) 595-6700
Telefax (801) 595-6717
www.mhtn.com

MOUNTAIN TECH NORTH 4

WICP COMMERCIAL

2575 W 400 N
LINDON, UTAH 84042

©2019 MHTN ARCHITECTS, INC.

Confidentiality Notice:
This document is intended for use on the Project identified herein by individuals and companies involved in the design, permitting, bidding and construction of the Project. MHTN Architects, Inc. grants limited rights to distribute and reproduce this document for this express purpose only. Distribution, printing or copying this document for purposes other than those indicated is strictly prohibited. If a digital copy of this document is received in error, please delete it.

REAL

HTN PROJECT NO. 2023556

believed domains in 30 to 40. Do not create contents of this domain

REVISIONS

NO.	DATE	DESCRIPTION
-----	------	-------------

NO.	DATE	DESCRIPTION

ISSUE

PERMIT SET

27 JUNE 2024

SHEET NAME
CR MEMO

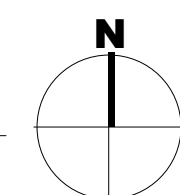
3D VIEWS

SHEET NUMBER _____

A011

A211

1211





A211

RESOLUTION NO. 2024-35-R

A RESOLUTION APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN WICP OREM WEST #4 LLC AND LINDON CITY FOR PROPERTY LOCATED AT 625 N. 2800 W. AND SETTING AN EFFECTIVE DATE.

WHEREAS, August 2023 WICP Orem West #4 LLC filed a land use application to amend the zoning for the property located at 625 N. 2800 W. (Parcel Number 67:013:0004) from Commercial General A-8 to Mixed Commercial; and

WHEREAS, On February 5, 2024 the City Council approved the amended zoning from CG A-8 to Mixed Commercial and approved a development agreement at the same meeting; and

WHEREAS, WICP Orem West #4 LLC signed the development agreement on June 13, 2024; and

WHEREAS, WICP Orem West #4 LLC made application on November 20, 2024 to request an amendment to the approved and signed development agreement; and

WHEREAS, WICP Orem West #4 LLC has prepared renderings and site plan exhibits to specify the building design, exterior building materials, and site layout and amenities of the proposed development; and

WHEREAS, the City Council finds that the resulting development will result in benefits to the City and its residents by, among other things, requiring the orderly development of the property as part of the overall development plan and meeting the commercial intent of the area and zoning for future tenants; and

WHEREAS, the City Council finds that the resulting development is consistent with the Lindon City General Plan for providing an attractive setting for a wide range of commercial retail, office, wholesale and service uses. That the development is part of a well-planned campus-like setting with clear and consistent urban design, streetscape, architectural, and site design standards to ensure a unified and high-quality appearance; and

WHEREAS, the City Council has reviewed the amended development agreement and has found its terms and conditions to be acceptable; and

WHEREAS, the City Council has received a favorable recommendation from the Lindon City Planning Commission for the zoning amendment.

NOW, THEREFORE, be it resolved by the Lindon City Council, that Mayor Carolyn Lundberg is hereby authorized to review the Amended Master Development Agreement for Anderson Farms, including all exhibits, and if found to be consistent with the terms and conditions presented this night, including such modifications as have been noted on the record, if any, to then sign and

deliver said Agreement to Ivory Development LLC, making such Agreement lawfully binding upon
Lindon City.

PASSED AND RECORDED THIS _____ DAY OF _____, 2024.

Carolyn Lundberg
Mayor

ATTEST:

Britni Laidler
Lindon City Recorder

WHEN RECORDED, RETURN TO:

Lindon City
100 N. State Street
Lindon, UT 84042

This First Amendment to the Development Agreement (“Agreement”) is made and entered into this _____ day of _____, 2024 (“Effective Date”), by and between WICP WEST OREM 4 LLC (“Developer”) and the City of Lindon (“City”), a Utah municipal corporation and Utah political subdivision, regarding development of real property located at 625 North 2800 West (Parcel Number 67:013:0004), Lindon Utah (“Property”). See Exhibit A.

RECITALS

WHEREAS: the parties entered into a development agreement effective June 17, 2024 (the “Development Agreement”) under the City Code as effective as of the date that the development agreement was signed by the City;

WHEREAS: the parties seek to amend the Development Agreement subject to Vested Rights as defined therein except as expressly modified in the Amendment; and

WHEREAS: On _____, 2024 the Lindon City Council approved an amendment to the WICP West Orem 4 Agreement, Resolution 2024-__-R, and authorized the mayor to sign and deliver the Development Agreement to WICP West OREM 4 LLC.

AMENDMENT

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

This agreement is made pursuant to the following facts and in light of good and valuable consideration, with which the parties agree to and acknowledge:

1. Definitions. All capitalized terms used but not otherwise defined herein shall have the same meanings assigned such terms in the Agreement.
2. Exhibit Updates. The developer has submitted a site plan (Exhibit B) and building renderings (Exhibit C) that incorporates two recessed and one ground level dock on the north side of the proposed building. These docks are in addition to the docks previously approved in the initial agreement on the west side of the building but decreases the number of docks on the west side of the building from four (4) to three (3).

3. Subordination of Conflicting Terms. In the event of a conflict in the terms and conditions of this First Amendment with the terms and conditions of the Development Agreement, the terms and conditions of this First Amendment shall be binding and govern the conduct of the parties.
4. No Other Changes. All provisions in the Development Agreement as it may have been previously amended not specifically amended by this First Amendment shall remain in full force and effect.
5. Counterparts. This First Amendment may be executed in any number of counterparts, each of which when so executed and delivered, shall be deemed an original, but with all such counterparts being taken together to constitute a single original.

[signatures on following page]

IN Witness WHEREOF, the parties have executed the Amendment as of the day and year first above written:

CITY OF LINDON

A Utah municipal corporation

Carolyn Lundberg, Mayor

Attest:

Britni Laider
Lindon City Recorder

STATE OF UTAH)
 :ss.
COUNTY OF UTAH)

On the ____ day of _____, 2024, appeared before me Carolyn Lundberg, personally known to me or identified on the basis of satisfactory evidence to be the Mayor of Lindon who acknowledged to me that she executed the forgoing instrument on behalf of Lindon City.

Witness my hand and official seal:

NOTARY

My Commission Expires _____

WICP WEST OREM 4 LLC

Developer

Printed _____

Its: _____

STATE OF UTAH)
 :ss.
COUNTY OF UTAH)

On the ____ day of _____, 2024, appeared before me _____,
personally known to me or identified on the basis of satisfactory evidence to be the
_____, of WICP West Orem 4 LLC, who acknowledged to me the that
he/she executed the forgoing instrument on behalf of WICP West Orem 4 LLC.

Witness my hand and official seal:

NOTARY

My Commission Expires _____

STATE OF UTAH)

:ss.

COUNTY OF UTAH)

On the ____ day of _____, 2024, personal appeared before me
_____, in his/her individual capacity as
_____, of WICP WEST OREM 4 LLC, being duly sworn by me, did say
that he/she was duly authorized by the company to sign the foregoing instrument in behalf of said
company.

NOTARY

My Commission Expires _____

EXHIBIT B OF THE FIRST AMENDMENT

Site Plan

EXHIBIT C OF THE FIRST AMENDMENT

Building Rendering and Materials



WHEN RECORDED, RETURN TO:

Lindon City
100 N. State Street
Lindon, UT 84042

ENT 41695-2024 PG 1 of 23
ANDREA ALLEN
UTAH COUNTY RECORDER
2024 Jun 25 09:54 AM FEE 40.00 BY TM
RECORDED FOR LINDON CITY

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is made and entered into this 17 day of June, 2024, by and between WICP WEST OREM 4 LLC ("Developer") and the City of Lindon ("City") regarding development of real property located at 625 North 2800 West (Parcel Number 67:013:0004), Lindon Utah ("Property"). See Exhibit A.

RECITALS

This agreement is made pursuant to the following facts and in light of good and valuable consideration, with which the parties agree to and acknowledge:

- A. Developer owns real property located at 625 North 2800 W. Parcel Number 67:013:0004) which consists of 3.9876 acres and is more particularly described on Exhibit A, attached hereto and incorporated here by reference (the "Property").
- B. The Property is currently zoned as Commercial General A-8.
- C. In August of 2023, the Developer submitted a land use application to amend the zoning of the property to Mixed Commercial.
- D. On February 5, 2024 the Lindon City Council approved a zone map amendment as shown on ordinance 2024-1-0 attached hereto as Exhibit B, subject to and conditioned upon the terms and conditions of this agreement.
- E. The Developer is willing to design and construct the building elevations and site in accordance with Exhibits C and D, attached hereto.
- F. The City Council has further authorized the Mayor of Lindon City to execute and deliver this agreement on behalf of the City.
- G. The City has the authority to enter into this agreement pursuant to Utah Code Section 10-9a-102(2) and relevant municipal ordinances and desire to enter into this agreement with the Developer for the purpose of guiding the development of the Property in accordance with the terms and conditions of this Agreement and in accordance with applicant City ordinances.
- H. The Parties desire to enter into this Agreement to specify the rights and responsibilities of the Developer to develop the Property as expressed in this Agreement and the rights and

responsibilities of the City to allow and regulate such development pursuant to the requirements of this Agreement.

- I. The Parties understand and intend that this agreement is a “development agreement” with the meaning of, and entered into pursuant to, the terms of Utah Code Ann.,

AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants and promises of the parties contained herein, the parties agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are hereby incorporated into this Agreement as a substantive part hereof.
2. General Terms. The City approves the zoning map amendment from Commercial General A-8 to Mixed Commercial as shown in Exhibit B with the following terms and conditions.
 - a. The building will be constructed with the design and materials as shown in Exhibit C.
 - b. The site will be constructed with the layout as shown in Exhibit D.
 - c. Sufficient grease traps be installed to adequately support a potential restaurant use.
3. Reserved Powers. The parties agree that the City reserves certain legislative powers to amend its Development Code to apply standards for development and construction generally applicable throughout the City. It is the intent of the Parties to vest the Developer with specific land use rights specifically defined in this Agreement and to require compliance by the Developer, their successors, heirs, designees, or assigns, with all other generally applicable standards, conditions, and requirements enacted to protect the health, safety, and welfare of the current and future residents of the City.
4. Binding Effect. This Agreement shall run with the land and be binding upon and inure to the benefit of the successors, heirs, designees, and assigns of the parties hereto, and to an entity resulting from reorganization, consolidation, or merger of any party hereto. All rights, responsibilities and obligations under this Agreement shall be assumed by an successors or assigns or the Developer as a condition to the sale or assignment of any portion of the Property.
5. Integration. This agreement constitutes the entire agreement and understanding between the parties, and supersedes any previous agreement, representation, or understanding between the parties relating to the subject matter hereof; provided however, that the Development Code of the City shall govern procedures and standards for approval of all improvements and development contemplated herein.
6. Modifications In Writing. This Agreement may not be modified except by an instrument in writing signed by the parties hereto.

7. Governing Law. This Agreement shall be interpreted, construed, and enforced according to the laws of the State of Utah.
8. Cost of Enforcement. In the event of default on the part of any party this is Agreement, the defaulting party shall be liable for all costs and expenses incurred by the non-defaulting party in enforcing the provisions of this Agreement, whether or not legal action is instituted.
9. Notices. Any notices, requests and demands required or desired to be given hereunder shall be in writing and shall be served personally upon the party for whom intended, or if mailed, by certified mail, return receipt requested, postage prepaid, to such party at its address shown below:

To the Developer: WICP West Orem 4 LLC
625 N. 2800 W.
Lindon, UT 84042

To the City: Lindon City
Attention, Brian Haws
100 N. State
Lindon, UT 84042

LINDON CITY

DATED June 17th, 2024

WICP WEST OREM 4 LLC

DATED JUNE 13, 2024

By: Carolyn Lundberg
CAROLYN LUNDBERG
Lindon City Mayor

By: Lauren Wilch
WICP WEST OREM 4 LLC - Lauren Wilch
Its: Manager

Attest:

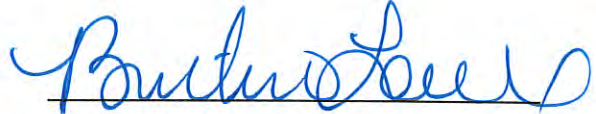
Britni Laidler
Britni Laidler, City Recorder



STATE OF UTAH)
 SS
COUNTY OF UTAH)

On this 17 day of June, 2024, personally appeared before me,
Carolyn Lundberg, known to be the individual described who executed
the within and foregoing instrument, and who duly acknowledged to me that he executed the
same.




Notary Public

STATE OF UTAH)

:SS.

COUNTY OF UTAH)

On the 13 day of June, 2024, personal appeared before me
Lauren Weldon, in his/her individual capacity as
Manager, of WICP WEST OREM 4 LLC, being duly sworn by me, did say
that he/she was duly authorized by the company to sign the foregoing instrument in behalf of said
company.

Shelly Church
NOTARY
My Commission Expires 05-03-2025

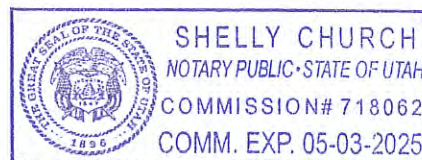


EXHIBIT A

Legal Description

Parcel Number: 67:013:0004

LOT 4, PLAT B, MOUNTAIN TECH SUB AREA 3.988 AC.



EXHIBIT B

Zone Map Amendment Ordinance 2024-01-O

ORDINANCE NO. 2024-01-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING THE ZONING MAP ON PROPERTY IDENTIFIED BELOW FROM COMMERCIAL GENERAL A8 (CG-A8) TO MIXED COMMERCIAL (MC) 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 August 7, 2023, a land use application was submitted to Lindon City by WICP Orem West #4 LLC to rezone approximately 3.99 acres from Commercial General A-8 (CG-A8) to Mixed Commercial (MC); and

WHEREAS, on August 22, 2023, 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 Mixed Commercial (MC); and

WHEREAS, the City Council finds that certain changes are desirous in order to implement the City's general plan goals of expanding the range of commercial goods, services, and employment opportunities available within the community; and

WHEREAS, WICP Orem West #4 LLC has prepared renderings and site plan exhibits to specify the building design, exterior building materials, and site layout and amenities of the proposed development as included Lindon City Resolution 2024-06-R; and

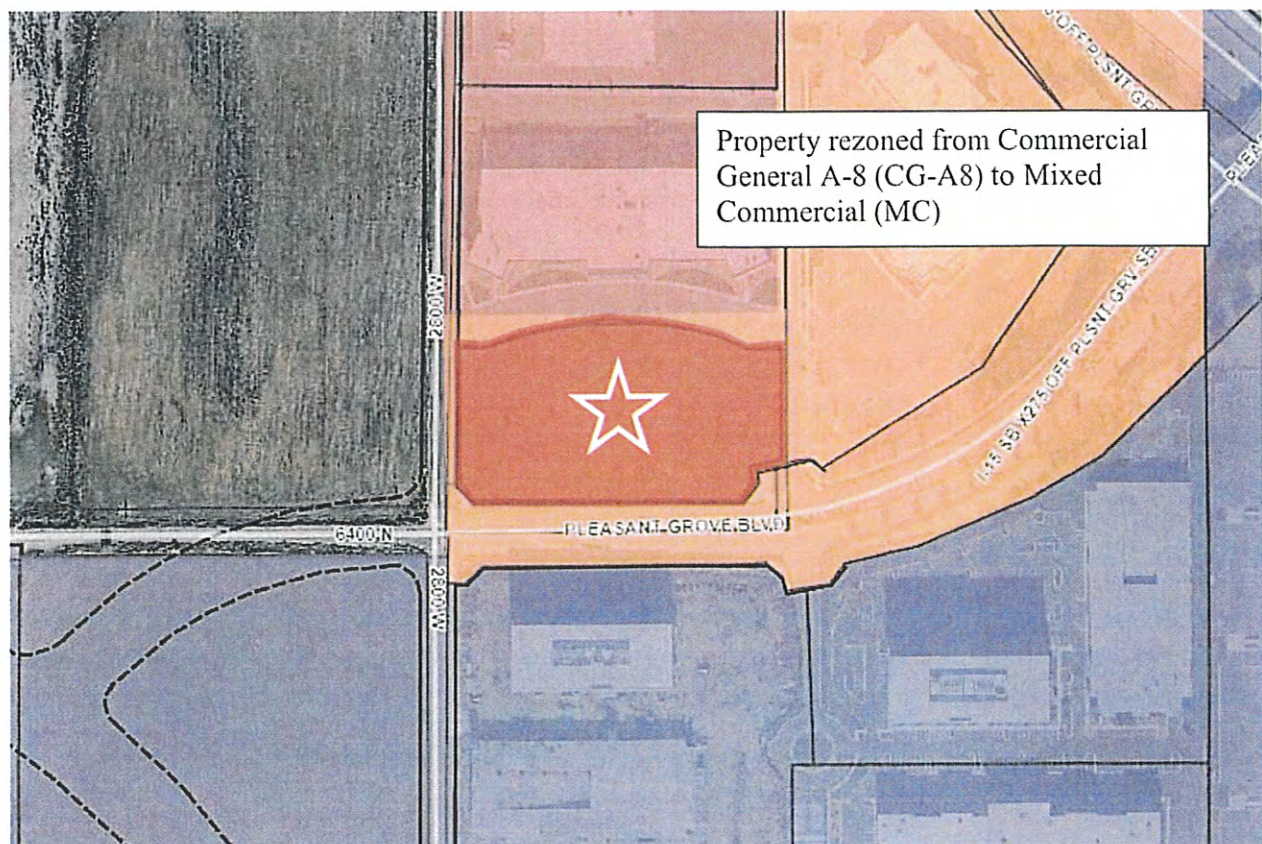
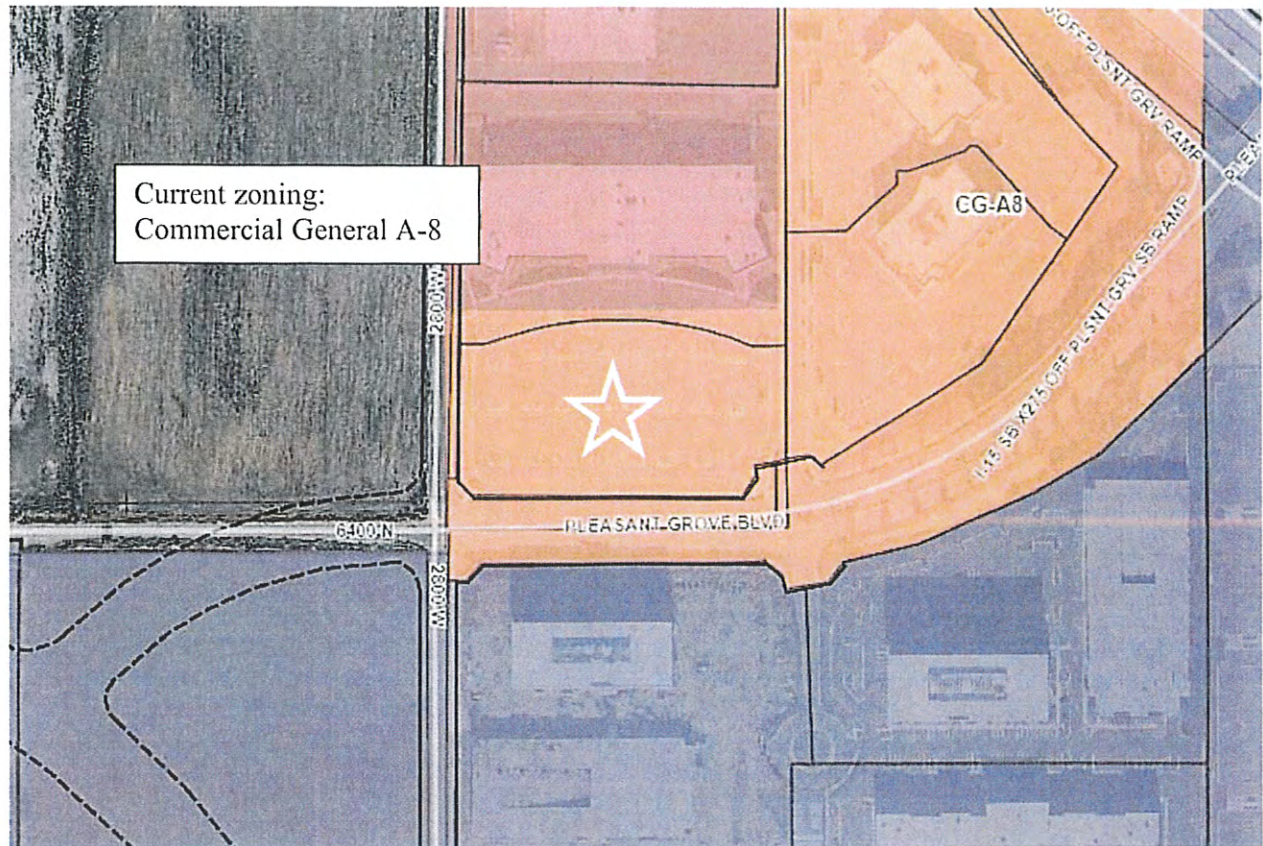
WHEREAS, the City Council finds that certain changes are desirous in order to implement the City's general plan goal of developing commercial uses that are highly accessible, and developed compatibly with the uses and character of the surrounding districts; and

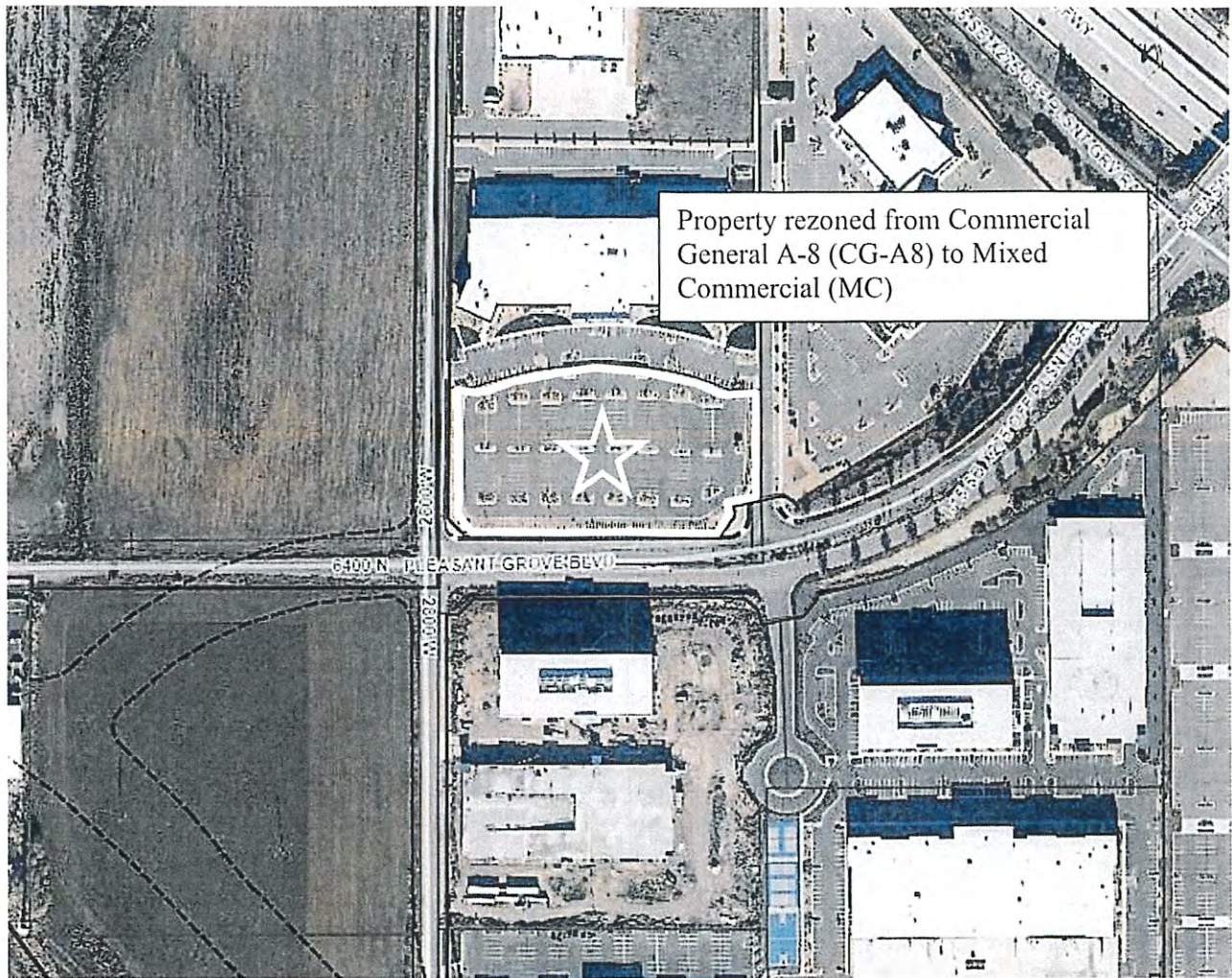
WHEREAS, the Council held a public hearing on September 18, 2023, to consider the recommendation and the Council received and considered all public comments that were made therein; and

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:

Parcel ID	Property Owner	Address
67:013:0004	WICP WEST OREM #4 LLC	625 N. 2800 W.





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 provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this 5 day of February, 2024.

Carolyn Lundberg
Carolyn Lundberg, Mayor

ATTEST:

Britni Laidler
Britni Laidler
Lindon City Recorder

SEAL

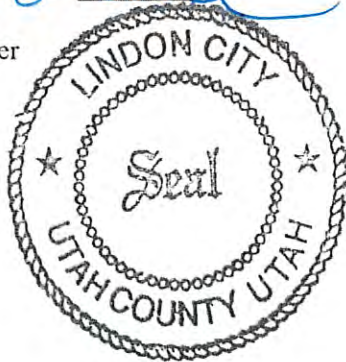


EXHIBIT C

Building Rendering and Materials



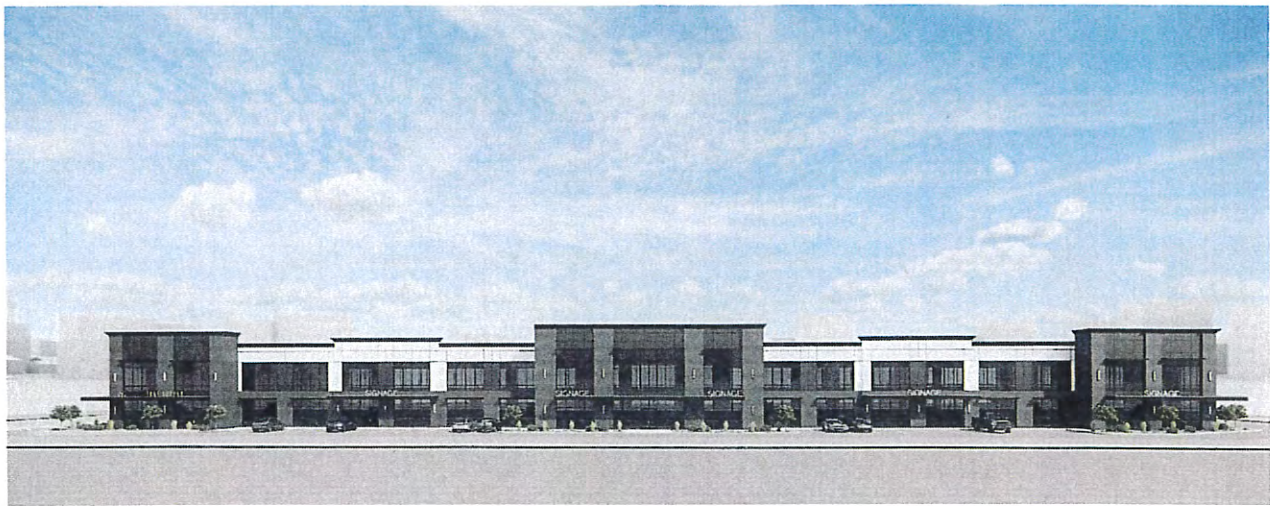
EXTERIOR RENDERING - SOUTH ENTRY



EXTERIOR RENDERING - SOUTHEAST



EXTERIOR RENDERING - SOUTHWEST



SOUTH ELEVATION

MHTN
ARCHITECTS
300 W. 1000 N., SUITE 100
OREM, UT 84403
PHONE: 801.225.8877
WWW.MHTN.ARCHITECTS.COM

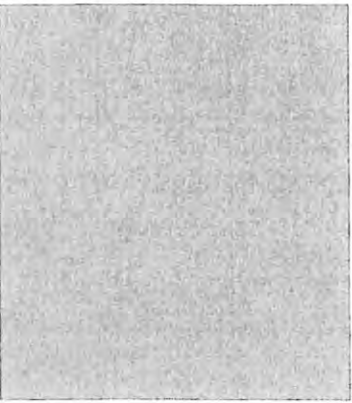
MARK WELDON
WICP OREM NORTH BUILDING 4
2575 W 400 N
LONDON, UTAH 84042

DATE: 11/15/2023
DRAWN BY: J. WELDON
CHECKED BY: M. WELDON
PROJECT NO: 2023-001

DATE: 11/15/2023
DRAWN BY: J. WELDON
CHECKED BY: M. WELDON
PROJECT NO: 2023-001

DATE: 11/15/2023
DRAWN BY: J. WELDON
CHECKED BY: M. WELDON
PROJECT NO: 2023-001

A211



ALPOLIC ACM PANEL - METALLIC SILVER

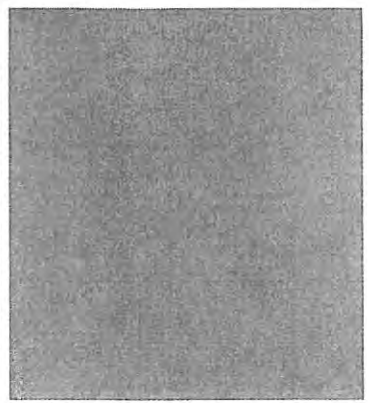
PAINT - WHITE



ALUMINUM MULLIONS - BLACK



TERRAZZO - GLACIER



TINTED GLAZING - CRYSTAL GRAY



MHTN
ARCHITECTS
MHTN ARCHITECTS, INC.
1015 East 1000 North
Salt Lake City, Utah 84143
Phone: 313.333.3333
www.mhtn.com

MARK WELDON

WICP OREM NORTH BUILDING 4

2575 W 400 N
LONDON, UTAH 84042

THIS DOCUMENT IS THE PROPERTY OF MHTN ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF MHTN ARCHITECTS. THE USER AGREES TO HOLD MHTN ARCHITECTS HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES, INCLUDING ATTORNEY'S FEES, THAT MAY BE ASSERTED AGAINST MHTN ARCHITECTS BY ANY THIRD PARTY AS A RESULT OF THE USER'S MISUSE OF THIS DOCUMENT.

DATE: 07/11/2023
DRAWN BY: J. WELDON
CHECKED BY: M. WELDON
IN CHARGE: M. WELDON

DATE: 07/11/2023
DRAWN BY: J. WELDON
CHECKED BY: M. WELDON
IN CHARGE: M. WELDON

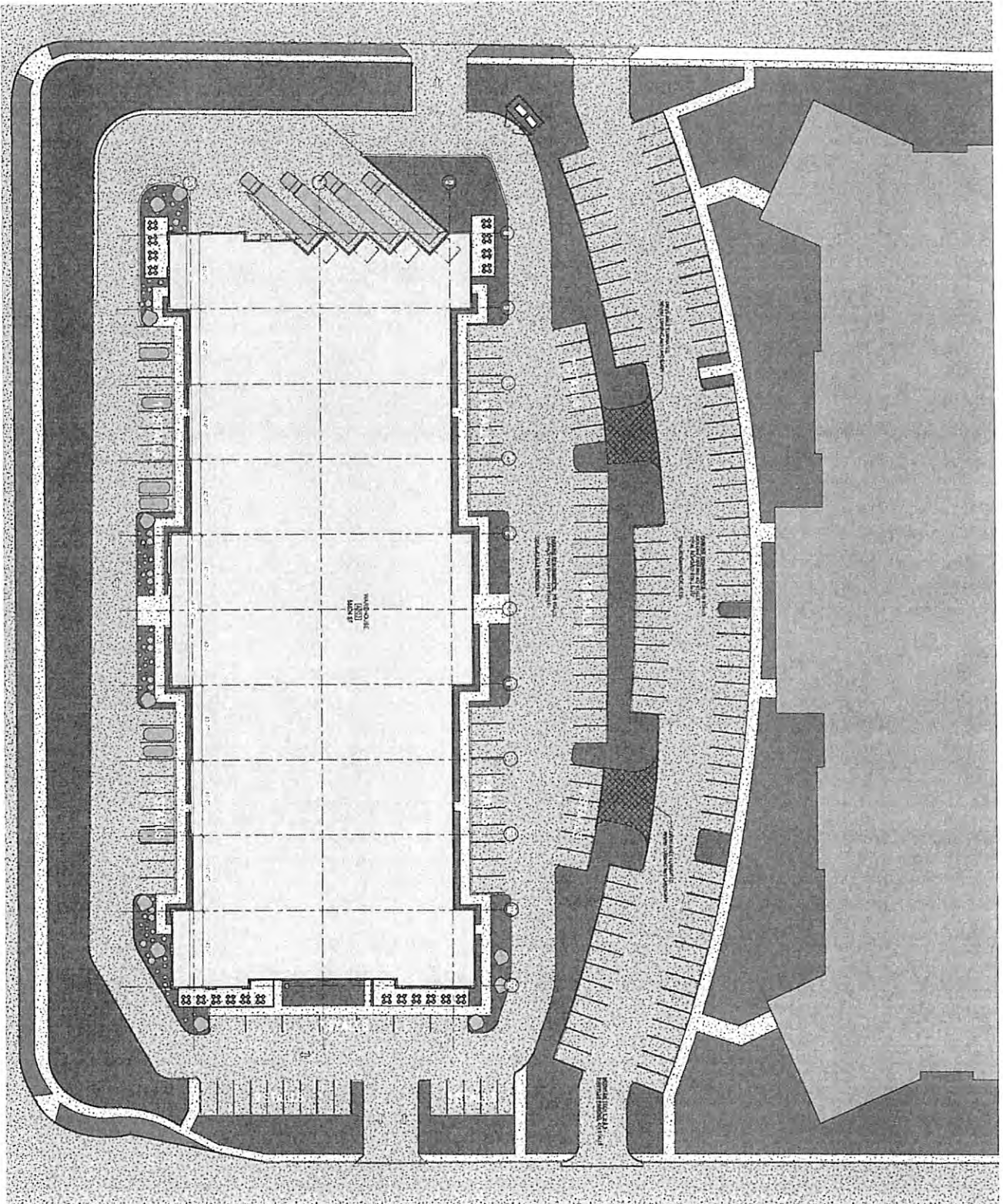
A212

EXHIBIT D

Site Plan Design

Revised: 09/10/2024 BY: [Name] [Title] [Firm] WICP OREM NORTH BUILDING 4 2575 W 400 N LINDON, UT 84042
09/10/2024 11:47 AM

FIRST FLOOR PLAN
SCALE: 1"=20'-0"



A101

WICP OREM NORTH BUILDING 4
FIRST FLOOR
PLAN - OVERALL
09/10/2024
11:47 AM

MARK WELDON

WICP OREM NORTH BUILDING 4

2575 W 400 N
LINDON, UTAH 84042



MHTN
ARCHITECTS
1000 N. 1000 E.
SUITE 100
LINDON, UT 84042
PHONE: 801.734.1234
WWW.MHTNARCHITECTS.COM

AFFIDAVIT OF POSTING

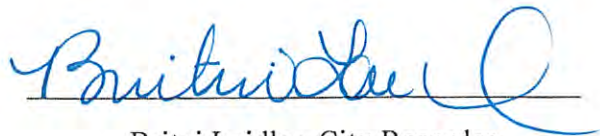
STATE OF UTAH }
 }ss.
 COUNTY OF UTAH }

I, Britni Laidler, City Recorder of Lindon City, Utah do hereby certify and declare that I posted the attached ordinance in three public places on the 6th day of February 2024.

The three public places are as follows:

1. Lindon City Police Department
2. Lindon City Community Development
3. Lindon City Center

I further certify that the agenda of the meeting of the City Council containing the notice of public hearing was published and posted according to law, and that copies of the ordinance so posted were true and correct copies of the original.


 Britni Laidler, City Recorder

The foregoing instrument was acknowledged before me this 6 day of February, 2024 by Britni Laidler.

My Commission expires:

05-03-2025

Notary Public



Residing at: Utah County



CERTIFICATE OF PASSAGE

STATE OF UTAH }
 }ss.
COUNTY OF UTAH }

I, Britni Laidler, City Recorder of Lindon City, Utah do hereby certify and declare that the above and foregoing is a true, full and correct copy of the ordinance passed and adopted by the City Council of Lindon City, Utah on the 6th day of February 2024 entitled:

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH AMENDING THE ZONING MAP ON PROPERTY IDENTIFIED BELOW FROM COMMERCIAL GENERAL A8 (CG-A8) TO MIXED COMMERCIAL (MC) AND PROVIDING FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate seal of Lindon City, Utah, This 6th day of February 2024.



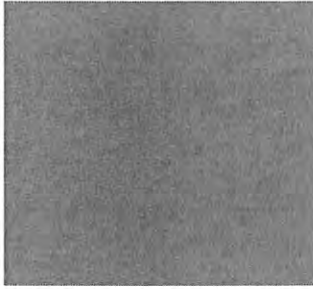
Britni Laidler, City Recorder

(SEAL)



EXHIBIT C

Building Rendering and Materials

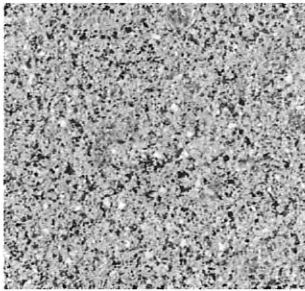


ALPOLIC ACM PANEL - METALIC SILVER

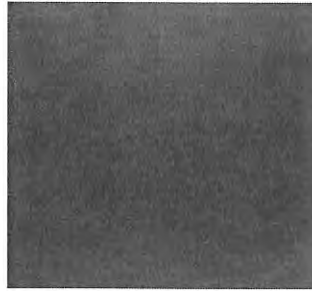
PAINT - WHITE



ALUMINUM MULLIONS - BLACK



TERRANEO - GLACIER



TINTED GLAZING - CRYSTAL GRAY



MARK WELDON
WICP OREM NORTH BUILDING 4
2575 W 400 N
LINDON, UTAH 84042

DATE
CONCEPT SET
17 JULY 2023
QUESTIONS
MATERIALS

A212

EXHIBIT D

Site Plan Design



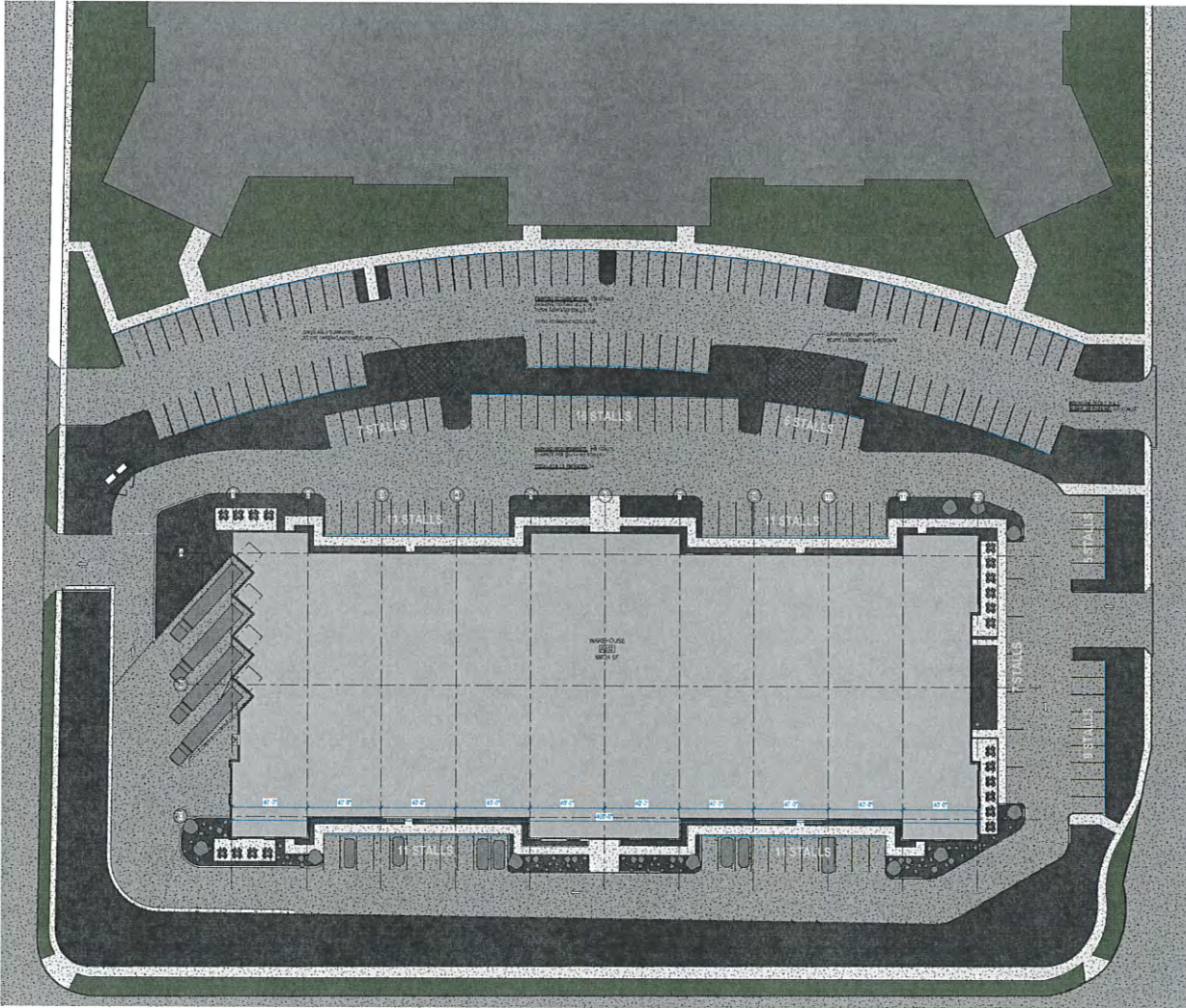
MARK WELDON
WICP OREM NORTH BUILDING 4
2575 W 400 N
LINDON, UTAH 84042

DATE	17 JULY 2023
BY	MARK WELDON
CHECKED BY	MARK WELDON
APPROVED BY	MARK WELDON

PROJECT NAME	WICP OREM NORTH BUILDING 4
PROJECT ADDRESS	2575 W 400 N, LINDON, UT 84042
CLIENT	WICP OREM NORTH BUILDING 4
DESIGNER	MARK WELDON
DATE	17 JULY 2023

CONCEPT SET
17 JULY 2023
FIRST FLOOR PLAN - OVERALL

A101



E1 FIRST FLOOR PLAN
SCALE: 1" = 20'-0"

The Lindon City Council regularly scheduled meeting on **Monday, February 5, 2024**, at **5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 5:15 P.M.

Conducting:	Carolyn Lundberg, Mayor
Invocation:	Carolyn Lundberg, Mayor
Pledge of Allegiance:	Jake Hoyt, Councilmember

PRESENT

EXCUSED

Carolyn Lundberg, Mayor
Van Broderick, Councilmember
Jake Hoyt, Councilmember
Steve Stewart, Councilmember
Cole Hooley, Councilmember
Lincoln Jacobs, Councilmember
Adam Cowie, City Administrator
Brian Haws, City Prosecutor
Mike Florence, Community Dev. Director
Britni Laidler, City Recorder

1. Call to Order/Roll Call – The meeting was called to order at 5:15 p.m.

2. Presentations and Announcements:

a) Comments / Announcements from Mayor and Council members.

3. **Open Session for Public Comment** – Mayor Lundberg called for any public comments. Hearing none she moved onto the next item.

4. COUNCIL REPORTS:

Councilmember Hoyt – Councilmember Hoyt reported that after a update from Chief Brower he was made aware that there have been quite a lot of drug, alcohol, assault, and theft arrest in Lindon the past few weeks. He then proceeded to say that we may not feel like we have all of this going on in our city, and he believes it is because of the great work our police department does. Councilmember Hoyt then continued to say that he recently spoke with an officer in another city who stated that Lindon Police Department is held in high regard with a lot of respect for Chief Brower. He noted that it was great to hear nothing but nice things about our police department. Councilmember Hoyt then closed by stating there is a Chamber Gala on February 8th and encouraged councilmembers to attend if available.

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44

7. Consent Agenda Items

- a) Mayor Lundberg presented the 2024 Arbor Day Proclamation declaring May 3, 2024 as Arbor Day.

COUNCILMEMBER HOYT MADE A MOTION TO APPROVE THE 2024 ARBOR DAY PROCLAMATION AS PRESENTED. COUNCILMEMBER BRODERICK SECONDED. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

CURRENT BUSINESS

- 8. Public Hearing — (Continued from September 18, 2023) - Ordinance #2024-1-O; Mark Weldon Zone Change.** The Council will review a recommendation by the Lindon City Planning Commission for approval of Ordinance #2024-1-O to change the Zoning Map designation of the subject property from Commercial General-A8 (CG-A8) to Mixed Commercial (MC) with architectural standards approved through an associated Development Agreement.

COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER STEWART SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mike Florence, Community Development Director presented this item with a brief overview of the property stating that in 2017, the property directly behind the current proposal was rezoned to Mixed Commercial to construct another flex office/warehouse project. During that original zone change a concept plan was shown of the property in discussion with an office building. He then noted that during the site plan approval the applicant later presented a plan that showed two 4,800 sq ft restaurant/retail buildings on the subject property. At that time, the planning commission approved the site plan with the restaurant buildings.

The applicant now would like to build a new 58,624 sq ft building at this location. However, the current zoning, CG-A8, is for commercial, retail, office, and service uses and does not allow a flex office/warehouse. Mr. Florence then reminded the council that this is a continuance from the September 18, 2023 city council meeting. The continuance was to allow the applicant to make changes discussed at that September meeting. He noted that the applicant has redesigned the facades of the building to look less industrial and presented renderings to the council and went over the changes that were made to give a more retail appearance.

2 Mr. Florence then presented the parking requirements, stating that the proposed
building will need approximately 118 parking stalls to meet the city parking
4 requirements. However, the applicant is only providing 94 stalls stating that the applicant
would like the city to consider a shared parking arrangement for all the buildings owned
6 by the applicant in this area. He noted that the total parking spaces the applicant currently
has is 837 for the 3 existing buildings and the proposed building and would meet the city
8 code. Mr. Florence did note that the applicant may need to install some additional
pedestrian walkways to meet the city code for the shared parking and pedestrian access.

10 Councilmember Hooley stated he had recently gone down to that area and noted
12 he saw some office vacancies, and inquired about the potential businesses they anticipate
going in. Lauren Weldon and Delana Downton were present representing the applicant.
14 Ms. Weldon gave a brief update on the potential businesses looking into going there to
the council. Ms. Downton addressed the vacancy stating that the only office vacancy they
16 had was recently filled. Councilmember Hooley then asked about navigation of parking
and the potential for crosswalks to make the shared parking safer. Councilmember Jacobs
18 stated that he finds the distance between the parking lots was minimal and noted he liked
the curb appeal and what they have done. Mayor Lundberg asked the applicant if they are
20 planning to install the industrial grease traps in the corner units for those potential
restaurant businesses. Ms. Weldon confirmed that they do plan on installing those.
22 Councilmember Jacobs inquired how the city can capture the importance of those being
installed into this site plan, with Mr. Haws, City Attorney stating that we would be able
24 to add that as a provision. Councilmember Broderick asked the applicant if they are also
planning on installing grease hoods in those units. Ms. Weldon stated that is something
26 they require the tenants to install.

28 Councilmember Hoyt stated he loves what the applicant has done in the area and
is a big fan of flex space. He noted that that in the past flex space had the lowest vacancy
30 rate in the state, however retail is now taking over as the lowest. He then proceeded to
say that Lindon is blessed with great sales tax revenue, which allows them to keep
32 property taxes low. Councilmember Hoyt stated that for him personally, it was never
about the architectural appearance as much as it was about potential opportunity cost. He
34 stated that by changing this to mixed commercial he feels that we miss out on getting full
retail in that area and the sales tax revenue from that. Councilmember Hoyt then stated
36 that he has to think about this property having the opportunity to become a great retail
location, especially when the Vineyard connector comes through.

38 Mayor Lundberg stated she loves what councilmember Hoyt voiced and believes
40 what the applicant has presented allows for the ability to bring retail into that area. She
then proceeded to reference a conversation she recently had with someone in regard to
42 their small business growing into needing a warehouse and storefront. Mayor Lundberg
stated that she sees this building as a possibility to be innovative and help generate sales
44 tax for the city in a different type of way than they have done before.

2 Following general discussion, Mayor Lundberg called any other public comment,
4 hearing none she called for a motion to close the public hearing.

6 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC
8 HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

10 Mr. Cowie presented to the council a comparison of property tax value as opposed
12 to sales tax revenue. He noted that property with just a parking lot brings in less tax
14 revenue than that same property with a building structure on it. Councilmember Hoyt
asked for potential sales tax revenue for the location in discussion. Mr. Cowie stated he
couldn't give an actual estimate, however, was able to present other properties in that
area and the tax revenue they bring. General discussion followed.

16 Mayor Lundberg called for any further discussion or comments from the Council.
18 Hearing none she called for a motion.

20 COUNCILMEMBER BRODERICK TO APPROVE ORDINANCE 2024-01-O
22 TO AMEND THE LINDON CITY ZONING MAP FROM COMMERCIAL GENERAL
A8 (CG-A8) TO MIXED COMMERCIAL (MC) AT 625 N 2800 W (PARCEL
NUMBER 67:013:0004). COUNCILMEMBER STEWART SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

24 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER HOYT	NAY
26 COUNCILMEMBER STEWART	AYE
COUNCILMEMBER HOOLEY	AYE
28 COUNCILMEMBER JACOBS	AYE

THE MOTION CARRIED UNANIMOUSLY.

30 **9. Review & Action – Resolution #2024-6-R approving a Development**
32 **Agreement associated with the Mark Weldon (WICP) Zone Change.** The
34 Council will review and consider Resolution 2024- 6-R approving a Development
36 Agreement between WICP Orem West #4 LLC and Lindon City for property
improvements & development standards located at 625 N. 2800 W., Lindon.

38 Mike Florence presented this item stating the purpose of the development
40 agreement is to outline the development responsibilities of the developer with the zone
change. He noted that the development agreement will only apply to the property located
at 625 N. 2800 W.

42 Mayor Lundberg called for any further discussion or comments from the Council.
44 Hearing none she called for a motion.

2 COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION
2024-06-R AS PRESENTED WITH THE AMENDEDMENT TO REQUIRE
4 SUFFICIENT GREASE TRAPS TO ADEQUATELY SUPPORT POTENTIAL
RESTAURANT USE. COUNCILMEMBER JACOBS SECONDED THE MOTION.
6 THE VOTE WAS RECORDED AS FOLLOWS:
COUNCILMEMBER BRODERICK AYE
8 COUNCILMEMBER HOYT NAY
COUNCILMEMBER STEWART AYE
10 COUNCILMEMBER HOOLEY AYE
COUNCILMEMBER JACOBS AYE
12 THE MOTION CARRIED UNANIMOUSLY.

14 **10. Review & Action - Resolution #2024-3-R Amending street name in Anderson
Farms development.** The Council will consider a request to correct a street name
16 labeling error. City staff request that a section of Briarwood Lane, between
Ledgebrook Lane and Anderson Blvd, be renamed to Wheatgrass Lane. No
18 residential addresses are impacted by this change.

20 Mike Florence presented this item stating that the purpose of this request is to
change the street name in the Anderson Farms development. He noted that Ivory
22 Development realized that they have two different streets with the name Briarwood Lane,
noting that the street in discussion is located between Anderson Boulevard and
24 Ledgebrook Lane. The portion of Briarwood Lane that is proposed to be changed does
not have any homes that address from it and this portion of the street will also match up
26 with the new Wheat Grass Lane that connects Anderson Boulevard to 1200 W.

28 Mayor Lundberg called for any further discussion or comments from the Council.
Hearing none she called for a motion.

30 COUNCILMEMBER HOYT MOVED TO APPROVE RESOLUTION 2024-3-R AS
32 PRESENTED. COUNCILMEMBER JACOBS SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:
34 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
36 COUNCILMEMBER STEWART AYE
COUNCILMEMBER HOOLEY AYE
38 COUNCILMEMBER JACOBS AYE
THE MOTION CARRIED UNANIMOUSLY.

40 **11. Public Hearing: Resolution #2024-4-R; FY2023-24 Budget and Fee Schedule
update.** The Council will review and consider updates to the FY23-24 budget and
42 fee schedule as presented.
44

The Lindon City Council regularly scheduled meeting on Monday, September 18, 2023, at 5:15 pm in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 5:15 P.M.

Conducting: Carolyn Lundberg, Mayor
Invocation: Jake Hoyt, Councilmember
Pledge of Allegiance: Logan Hughes

PRESENT

Carolyn Lundberg, Mayor
Jake Hoyt, Councilmember
Van Broderick, Councilmember
Randi Powell, Councilmember
Mike Vanchiere, Councilmember
Adam Cowie, City Administrator
Brian Haws, City Attorney
Mike Florence, Community Development Dir.
Mary Barnes, Associate Planner
Kathryn Moosman, City Recorder

EXCUSED

Daril Magleby, Councilmember

1. **Call to Order/Roll Call** – The meeting was called to order at 5:15 p.m.

2. **Presentations and Announcements:**

- a) Oath of Office Ceremony: Officer Tanner Hughes was given the oath of office by the city recorder. Chief Brower introduced Officer Tanner and his fiancé. The Mayor and Council welcomed Officer Tanner to Lindon City.
- b) Comments / Announcements from Mayor and Council members.
Councilmember Vanchiere mentioned several months ago he was approached about traffic issues on 2000 west and asked what the status is with the traffic study. Mr. Cowie stated he will follow up with the city engineer on this issue.

3. **Open Session for Public Comment** – Mayor Lundberg called for any public comments. There were no public comments.

4. **COUNCIL REPORTS:**

Councilmember Hoyt – Councilmember Hoyt reported he received an update from the Chief of Police noting he appreciates the police department. Several business owners reached out about Officer Clegg that specifically went above and beyond. The business community appreciates the police department in keeping the city safe. Next Friday Parks & Rec are having the movie in the park with pumpkins being given away. Also the

2 COUNCILMEMBER VANCHIERE AYE
THE MOTION CARRIED UNANIMOUSLY

4
6 **9. Public Hearing — Ordinance #2023-15-O; Mark Weldon Zone Change.** The
Council will review a recommendation by the Lindon City Planning Commission
8 for approval of Ordinance #2023-15-O to change the Zoning Map designation of
the subject property from Commercial General-A8 (CG-A8) to Mixed
Commercial (MC).

10
12 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

14
16 Mary Barnes, Associate Planner led this agenda item by noting the applicant Mr.
Mark Weldon is present for this discussion. Mr. Weldon is requesting the change the
Zoning Map designation of the subject property from Commercial General-A8 (CG-A8)
18 to Mixed Commercial (MC). He wants to build a new 58,644 sq ft flex office/warehouse
building at this location. The current zoning, CG-A8, is for commercial, retail, office, and
20 service uses and does not allow a flex office/warehouse.

22 Ms. Barnes gave a brief history stating that before 2014, most of this area was
zoned CG-A8. In 2015, the property at 730 N. 2800 W. was rezoned to Mixed
24 Commercial to accommodate the development of a flex office/warehouse project. In
2017, the property at 675 N. 2800 W. was rezoned to Mixed Commercial to construct
26 another flex office/warehouse project known as Mountain Tech North 3. During the
original zone change in 2017, a concept plan was shown of the subject property. During
28 the site plan approval of Mountain Tech North 3, the applicant later presented a plan that
showed two 4,800 sq ft restaurant/retail buildings on the property. At that time, the
30 planning commission approved the site plan with the restaurant buildings. In the ensuing
years, these retail buildings were never built, and a parking lot was constructed. Recently,
32 the applicant has told city staff that retail would not work in this location due to the
following reasons:

- 34
- A retail center has already been established on the other side of I-15,
 - 36 • The proximity of this site to the Timpanogos Special Service District facility
(sewer plant) and the sewer smells that come from the facility.
 - A new office/warehouse building helps existing tenants stay in Lindon and
 - 38 expand.
 - Office/warehouse is going in to the west in American Fork
- 40

42 Ms. Barnes then pointed out the important aspect of this request, with the future
arterial Vineyard Connector Road that is planned to run to the southwest of this property.
With 600 N connecting I-15 and the Vineyard Connector. Commercial in this area could
44 be valuable in the future. This road starts in Vineyard then runs through Lindon,
eventually looping to connect with Pioneer Crossing in Lehi. It's intended to carry

2 commuters more efficiently through the area. Construction on the segment from the
existing Vineyard Connector to 1600 N in Orem commenced in February 2023
4 This arterial could bring unprecedented opportunity to the small 600 N corridor, which
would be the closest connection from I-15 to the future Vineyard Connector. Therefore,
6 the uses on this street need to be carefully planned to ensure that the use on this property
will meet the future.

8
10 Ms. Barnes went on to say the current General Plan designation for this area is
flex-commercial stating: These areas provide an attractive setting for a wide range of
commercial retail, office, wholesale, and service uses. They should be developed as part
12 of a well-planned, campus-like setting, and they should have clear and consistent urban
design, streetscape, architectural, and site design standards to ensure a unified and high-
14 quality appearance. The general plan vision for this area is for something that is a high-
quality product, while also tying in that wide range of commercial retail and service uses.

16
18 She noted the applicant has provided a concept rendering of the proposed building
and presented it to the council. Currently, the subject property is a parking lot with 319
parking stalls. The proposed building for this property is a 58,644 sq ft office/warehouse
20 building, extremely similar to Mountain Tech North 3. It would be a 38 ft tall building
with 4 semi-truck loading bays. Mountain Tech North 3 is required to have 218 stalls, but
22 only has 133 stalls on the property. This was allowed due to a note on the plat that states
that parking areas on Lot 4 (the subject property) were to be for the benefit of both lots.
24 The extra 85 stalls that would have been required for Mountain Tech North 3 were
located on the subject property through this shared parking note on the plat. The proposed
26 new building would require 117 stalls minimum, and the applicant wants to provide 94
stalls. For the existing and proposed building the parking code would require 335 stalls
28 minimum. City staff does not have all square footage details on the proposed building to
give an accurate count. The applicant is proposing a total of 232 stalls for both buildings,
30 138 stalls for the existing building and 94 stalls for the proposed building. While any
parking reductions would need to be provided at the site plan process, this is something
32 that the City Council should still consider with the zone change. If the zone change is
approved, the developer could request a parking reduction for both buildings during the
34 site plan approval process.

36 The developer also owns surrounding properties which could be used for shared
parking but that would need to be considered at site plan approval and language would
38 need to be recorded on the properties for shared parking allowances. Lindon's current
shared parking code states that the shared parking spaces need to be within 350' of the
40 building or use and should have a safe and convenient pedestrian connection. An analysis
must be provided to show that the peak parking times of both properties occur at different
42 times, and the area will be large enough for the anticipated demands of both uses.

44 Mr. Barnes stated that on August 22, 2023, a majority of the planning commission
recommended approval for this zone change noting that some planning commissioners

2 stated that a building matching the surrounding buildings would be a good fit for the area.
Some commission members voiced that it was strange to put commercial amongst all the
4 industrial in that area, and that retail would be difficult. She then stated the discussion
then centered on if the proposed building would be a good fit of the area in the future.
6 While there could be issues with a retail/commercial use at the moment, it's highly
possible that a retail/commercial use will be well-suited in the area when the Vineyard
8 Connector comes through. Six out of seven commissioners voted to recommend
approval, and one commissioner voted against that recommendation. The reason stated
10 was that a retail/commercial use was previously promised in 2017, and while there is not
a lot going on with the Vineyard Connector right now, the future will bring new
12 opportunities to the area.

14 Ms. Barnes stated that city staff believes that this zone change request needs to be
evaluated carefully. Although retail may not be booming at the moment, when the
16 Vineyard Connector is constructed, this becomes a more important intersection and
corridor for Lindon. Approving this zone change could mean possibly losing the
18 commercial potential in this area. Currently, there are tens of thousands of square footage
of office and warehouse on this side of the Pleasant Grove interchange. This could be the
20 only intersection where retail could be constructed. An idea that staff has mentioned to
the applicant is to possibly make the southwest corner of the building a little more retail
22 commercial look. This is the corner that is the closest to the Vineyard
Connector. That way, commuters on the Vineyard Connector will be able to see what is
24 hopefully a more commercial looking building, instead of another large, industrial
warehouse. Finally, the general plan does call for a mix of uses in this area. Staff believes
26 that this property would be Lindon's last change for retail uses in this area.

28 Ms. Barnes then presented the following to the council: 1) Surrounding Area
Zoning Map, 2) Ordinance amending the zoning, 3) Proposed Mountain Tech North 4 Site
30 Plan and Elevations, 4) Original site plan from first re-zone, showing an office, 5)
Approved site plan from 2017, showing two retail/restaurant buildings and parking
32 surplus, 6) Mountain Tech 1,2 site plan showing parking surplus, 7) Subdivision plat,
2023 street master plan, 8) 2017 Planning commission meeting minutes – Site Plan
34 Approval, and 9) 2023 Planning commission meeting minutes – Zone Change
Recommendation
36

38 Ms. Barnes then turned the time over to the applicant for comment. Mark Weldon
began with saying that WICP has invested millions of dollars in the Lindon community,
and if they had more land in Lindon they would continue to do so. Mr. Weldon stated
40 WICP has provided thousands of jobs with great tenants that come to their properties.
They take pride in active management approach and care for the property. He noted they
42 have the pleasure and pain of paying over 2 million dollars in property taxes each year.

44 He then let the council know that due to covid there have been changes in
businesses stating that right now they have 720 unused parking spaces, in which he plans

2 on bringing solar charging to that area, which will bring a retail to that area. He stated
that they have tried to put retail restaurants there but there has been a lot of push back.

4
6 Mr. Weldon noted that this office warehouse will never be an office, it will be a
warehouse. He let the council know of potential tenants, and the potential retail of it,
8 along with his planned use of screen walls. He stated he doesn't see the inner connector
happening anytime soon, due to funding with UDOT. He stated his plans also for part of
10 the building for indoor pickleball courts, tennis courts and recreational area for use
among the tenets at a discount. He then addressed the topic of parking, and his plan to do
EV-solar, which would bring in a retail aspect with revenue to the city.

12
14 Public comment from Delana stating that the biggest pushback of retail is the
smell of sewer, and the issues that could bring to retail in that area.

16 Councilmember Powell stated her biggest concerns and with parking and location
of the truck bays. She voiced she has high concern with parking, stating she understands
18 they have adjacent parking lots that could be used, however having someone who is
physically challenge not having close parking could cause issue.

20
22 Mayor Lundberg asked the council how they feel about the zone change from
commercial to mixed commercial.

24 Councilmember Hoyt stated that the applicant has built some beautiful buildings
and he loves what he has done down there. He then stated that in reference to property
26 taxes, Lindon only gets 10.6% of that, and Lindon has not raised that once since Mr.
Weldon began building in Lindon. Councilmember Hoyt then asked for staff input on
28 Lindon Connector outlook. Mr. Florence stated he sees it at 8-10 years out and noted it
has been extended through Vineyard. Mr. Florence did note he has not spoken to UDOT
30 on it and wants to make sure that the council evaluates this item this carefully.

32 Councilmember Hoyt noted he worries about the opportunity cost stating that
recently he and the mayor talked with a major retailer about coming to Lindon and the
34 700 N area. That retailer stated they aren't eyeing the 700 N area; they instead have their
eyes on the area in discussion close to the Vineyard Connector. Mr. Weldon then voiced
36 his views on the corridor, and the issues with the sewer plant smell again. He let the
council know of the things he has done for his tenants to mitigate the smell in those
38 buildings.

40 Mr. Weldon then continued to let the council know more on the parking situation,
and how right now they are at a 7:1 ratio on that. He then proceeded to talk about the
42 issues with the imminent domain in that area for the corridor, and why he doesn't see the
corridor happening anytime soon. Mayor Lundberg stated that there is already in the
44 works for smell mitigation at the sewer plant in the next 2 to 4 years. She then stated

2 phase 1 has already started on the corridor, but as stated earlier there is no exact date for
4 that happening.

6 Councilmember Vanchiere discussed opportunity costs not only for the city but
8 for landowner also. He also noted he would love to see it got retail, but voiced concern
10 for the market right now. He then touched base on the parking situation, stating there are
12 a lot of parking spots now, but what could happen in the future if those buildings fill up
14 and parking then becomes an issue. Mr. Weldon stated he voluntarily built a parking deck
on current property, that if parking became an issue in the future, he would build another
parking deck. Councilmember Vanchiere stated he wants to see something that could go
with the property if down the road it was sold, something that allows for parking does not
become an issue in that instance.

16 Mayor Lundberg asked Mr. Weldon what his plans are if warehouse demand
18 softens, could this building have flexibility to convert to retail uses. She voiced that she
20 sees this area having a good retail ability when Utah City goes in. Mr. Weldon voiced his
view, and how he plans to keep that area going with use of the buildings in the future if
warehouse demand slows.

22 Mayor Lundberg called for any further public comments. Hearing none she called
for a motion to close the public hearing.

24 COUNCILMEMBER POWELL MOVED TO CLOSE THE PUBLIC HEARING.
26 COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

28 Following some additional discussion, Mayor Lundberg called for a motion.

30 COUNCILMEMBER BRODERICK MOVED TO APPROVE ORDINANCE
2023-15-O TO AMEND THE LINDON CITY ZONING MAP FROM COMMERCIAL
32 GENERAL A8 (CG-A8) TO MIXED COMMERCIAL (MC) AT 625 N 2800 W
(PARCEL NUMBER 67:013:0004) AS PRESENTED. COUNCILMEMBER
34 VANCHIERE SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

36 COUNCILMEMBER HOYT	NAY
COUNCILMEMBER BRODERICK	AYE
38 COUNCILMEMBER POWELL	NAY
COUNCILMEMBER VANCHIERE	AYE
40 THE MOTION TIED WITH 2 AYES AND 2 NAYS	

42 At this time, Mayor Lundberg stated rather than place her vote right now to break
44 the tie, she directed the council to have more discussion with the option presented by Mr.
Florence to continue this item.

2 Councilmember Hoyt stated he has always been for slower growth for the right
things. He stated that everything down there has been pieced out already, and this is
4 almost the last piece out there for retail. He feels with the Vinyard Connector, this is still
a prime retail location within the next 10 years.

6 Councilmember Powell voiced that she loves what the applicant produces and
8 what he has done down there. She, however, still feels this location is a prime retail
location and does not want to be short sighted with this. She feels there is a need for us to
10 preserve a commercial component down there and would like to hold steady to what the
zone currently is.

12 Mayor Lundberg stated she has worked in public service for 12 years. She looked
14 at the original intent of this corner and stated an appreciation of what the applicant has
brought to the community. However, looking at the General Plan and the intent of the
16 General Plan, she is asking how we can allow this corner to have other opportunities
besides just warehouse. She then asked staff if there is room for more of a commercial
18 feel on the frontage with conditional use. Mr. Florence stated if the zone is changed to
mixed commercial it will follow the mixed commercial design standards. Mr. Sumsion,
20 in presence repressing the applicant interjected stating that perhaps approve zone change
with conditions to be met that meet staff standards. Mr. Haws, City Attorney voiced his
22 concern with imposing conditions on a zone change stating the city would have to come
up with a different zone. He noted that trying to do this tonight would be problematic.

24 Mr. Weldon addressed the council letting them know the property next to them in
26 American Fork is zoned for industrial, so that property could be full of warehouses that
don't look like what he has done. He then went on to explain the needs of this tenants and
28 what works best for them, stating he is wanting to build here to give more opportunities
for his tenants, and potentially longer commitments.

30 Mayor Lundberg began by declaring a potential conflict of interest with Mr.
32 Sumsion. Mr. Haws stated that by voicing conflict and it being in the past she has met
requirements. She then went on to state that she appreciates Mr. Weldon and what he has
34 brought to Lindon. Mayor Lundberg then stated she looks at long game and recognizes
opportunity cost. In the past places that didn't seem like an opportunity, eventually
36 became something that worked out great. She went on to state she appreciates the
applicant providing an area for tenants to keep them in Lindon. However, the design
38 presented seems to have too much of a warehouse feeling, and there are Commercial
standards for a reason, so it can pivot with new retail in future. Mayor Lundberg then
40 stated she feels interchange will happen sooner, due to the growth around the area and
she would like that area to still be available to be used for commercial use. She then
42 asked Mr. Weldon if there would be a potential path, where there would be a win-win for
both sides down the road.

2 Mr. Weldon went on to explain the solar parking vision, and the potential to have a
4 small coffee shop or something along those lines for those who use the charging stations,
6 could go use that retail area. He then stated he would love to work with staff to design
something different to fulfill those requirements for potential retail.

8 Mayor Lundberg stated she would like to see whatever comes to that location to
be used commercially. That is the intent of a commercial zone and she noted she would
10 like to look at a potential hybrid option with a commercial and warehouse. Mr. Florence
stated he would have to do a development agreement. Mr. Sumsion proposed we table
12 his discussion for 2 weeks to get a general visual the council can review.

14 Mayor Lundberg called for any further discussion or comments from the Council.
Hearing none she called for a motion.

16 COUNCILMEMBER BRODERICK MOVED TO CONTINUE ORDINANCE
2023-15-O TO AMEND THE LINDON CITY ZONING MAP FROM COMMERCIAL
18 GENERAL A8 (CG-A8) TO MIXED COMMERCIAL (MC) AT 625 N 2800 W
(PARCEL NUMBER 67:013:0004) AS PRESENTED. COUNCILMEMBER
20 VANCHIERE SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

22 COUNCILMEMBER HOYT	AYE
COUNCILMEMBER BRODERICK	AYE
24 COUNCILMEMBER POWELL	NAY
COUNCILMEMBER VANCHIERE	AYE
26 THE MOTION CARRIED 3 TO 1	

28 **10. Review & Action — Ordinance #2023-19-O; Avalon Zone Change.** The
Council will review a recommendation by the Lindon City Planning Commission
30 for approval of Ordinance #2023-19-O to add a Senior Housing Facility Overlay
(SHFO) over the existing Commercial General (CG) zone of the subject property.
32

34 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.
36

38 Mary Barnes opened this agenda item by stating that the applicant, Craig Nielson,
for this zone change owns the existing Avalon Apartments and is proposing to extend the
SHFO directly north to the subject property. If the zone change is approved by City
40 Council, the applicant will move forward with a site plan and conditional use permit
application for a 3-story, 30-unit senior housing apartment building on the subject
42 property. This new building would have only 1-bedroom units.

44 Ms. Barnes noted that the planning commission unanimously recommended
approval on September 12, 2023, after considerable discussion. Some of the main