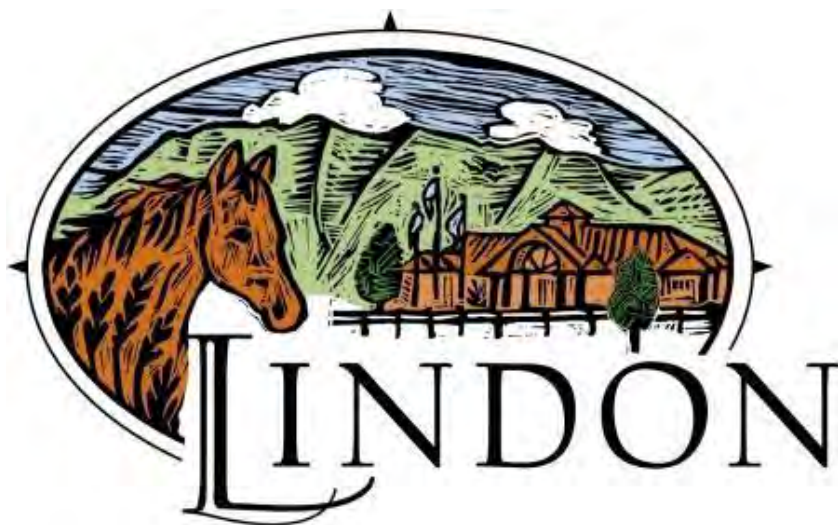


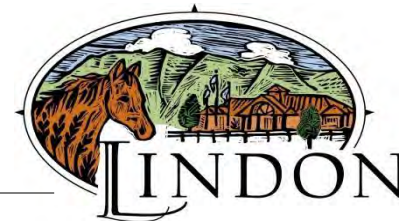
Lindon City Council Staff Report



Prepared by Lindon City
Administration

November 16, 2020

Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a meeting beginning at **5:15 p.m. on Monday, November 16, 2020** in the Lindon City Center Council Chambers, 100 North State Street, Lindon, Utah. Meetings are broadcast live at www.youtube.com/user/LindonCity. The agenda will consist of the following:

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



REGULAR SESSION – 5:15 P.M. - Conducting: Jeff Acerson, Mayor

Invocation: Carolyn Lundberg

Pledge of Allegiance: By invitation

(Review times are estimates only)

- 1. Call to Order / Roll Call** *(2 minutes)*
- 2. Approval of Minutes:** The minutes of the regular City Council meeting of November 2, 2020 will be reviewed. *(5 minutes)*
- 3. Council Reports** *(10 minutes)*
- 4. Administrator's Report** *(10 minutes)*
- 5. Presentations and Announcements**
 - a) Comments / Announcements from Mayor and Council members. *(5 minutes)*
- 6. Open Session for Public Comment** *(For items not on the agenda)* *(10 minutes)*
- 7. Consent Agenda** — *(Items do not require public comment or discussion and can all be approved by a single motion.) There are no consent agenda items for approval.* *(5 minutes)*
- 8. Public Hearing — Zone Change; Linden Nursery Property; Ordinance #2020-15-O.** The City Council will consider a recommendation from the Planning Commission to amend the Lindon City zoning map to Planned Residential Development Overlay for the Linden Nursery property located at 535, 531 and 477 North State Street. *(45 minutes)*
- 9. Review & Action — Anderson Farms Plat G Major Subdivision Approval – Ivory Development, LLC.** Request for major subdivision approval of a 25-lot single family residential subdivision located in the Anderson Farms Planned Development (AFPD) zone. The subdivision is part of the Anderson Farms master development agreement with Ivory Development, LLC. Parcel numbers: 14:063:0100, 14:063:0047. The Planning Commission recommended approval to the city council. *(20 minutes)*

Adjourn

All or a portion of this meeting may be held electronically to allow a council member to participate by video conference or teleconference. Staff Reports and application materials for the agenda items above are available for review at the Lindon City Offices, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our staff may be contacted directly at (801)785-5043. City Codes and ordinances are available on the City web site found at www.lindoncity.org. 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 Kathryn Moosman, City Recorder at 801-785-5043, giving at least 24 hours-notice.

CERTIFICATE OF POSTING:

I certify that the above notice and agenda was posted in three public places within the Lindon City limits and on the State (<http://pmn.utah.gov>) and City (www.lindoncity.org) websites.

Posted by: /s/ Kathryn A. Moosman, City Recorder

Date: November 11, 2020; Time: 2:30 p.m.; Place: Lindon City Center, Lindon Police Dept., Lindon Community Development

Meetings are broadcast live at www.youtube.com/user/LindonCity

REGULAR SESSION – 5:15 P.M. - Conducting: Jeff Acerson, Mayor

Invocation: Carolyn Lundberg

Pledge: By invitation

Item 1 – Call to Order / Roll Call

November 16, 2020 Lindon City Council meeting.

Jeff Acerson

Carolyn Lundberg

Van Broderick

Jake Hoyt

Mike Vanchiere

Randi Powell

Staff present: _____

Item 2 – Approval of Minutes

- Review and approval of City Council minutes: **November 2, 2020**

The Lindon City Council held a regularly scheduled meeting on **Monday, November 2, 2020, 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: Jeff Acerson, Mayor

Invocation: Jeff Acerson

Pledge of Allegiance: Jeff Acerson

PRESENT

Jeff Acerson, Mayor

Carolyn Lundberg, Councilmember

Van Broderick, Councilmember

Randi Powell, Councilmember – Via electronically

Adam Cowie, City Administrator – Via electronically

Brian Haws, City Attorney

Kathryn Moosman, City Recorder

EXCUSED

Mike Vanchiere, Councilmember

Jacob Hoyt, Councilmember

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

2. **Approval of Minutes** – The minutes of the regular City Council meeting of October 19, 2020 were reviewed.

COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 19, 2020 AS AMENDED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER POWELL AYE

THE MOTION CARRIED UNANIMOUSLY.

3. COUNCIL REPORTS:

Councilmember Broderick – Councilmember Broderick reported he was contacted by a resident requesting information regarding neighboring horses and what is permitted by city code in regards to nuisances. He thanked staff for obtaining the information that was forwarded on to the resident.

Councilmember Vanchiere – Councilmember Vanchiere was absent.

Mayor Acerson – Mayor Acerson had nothing to report.

Councilmember Hoyt – Councilmember Hoyt was absent.

Councilmember Lundberg – Councilmember Lundberg reported the Halloween Flashlight Candy Search that was held at Briar Park was a great success with a huge turnout. She commended the Parks and Recreation Department for doing a great job.

Councilmember Powell – Councilmember Powell had nothing to report.

4. Administrator's Report: Mr. Cowie reported on the following items followed by discussion.

Misc. Updates:

- Next council meetings: November 16th & December 7th – Mr. Cowie asked if we should we use zoom over the next few weeks given the high number of cases in the county. Mayor Acerson said he is okay with an anchor location. He noted recently he went through a briefing with the ULCT and it was very insightful. He pointed out we know what we need to do to follow the guidelines as to be able to meet safely. He will share the report with the council and then they can decide at that point. The council was in agreement with that suggestion.
- Status update on Police Chief vacancy – Closed last Wednesday. There have been 40 applications submitted and they are working on the process with scoring and ranking with the intent to send questions to the top 10-15 candidates.
- December newsletter assignment: Heath Bateman
- General Election: Tuesday, November 3rd
- City wide Fall Cleanup: November 13th – 22nd
- Mayor's Thanksgiving Dinner event cancelled this year due to Coronavirus
- December 7th Tree Lighting 6pm Broadcast only of tree lighting; Council meeting conflict – how to handle in the future
- Utility billing / water meters
- Misc. Items

5. Presentations and Announcements:

- a) Comments/Announcements from Mayor and Council members.

6. Open Session for Public Comment – Mayor Acerson called for any public comment not listed as an agenda item.

Lindon resident, Tammy Asay, addressed the council at this time. She explained an issue with an Orem resident who parks his truck on the Lindon side of 200 south. She explained it is a large truck (with a trailer attached sometimes) that is there almost 24/7. He has plenty of space to park at his residence. She noted they have called the police several times as this is posing a safety hazard in the neighborhood as it blocks the vision when turning onto 200 south from the subdivision.

Ms. Asay stated this has been ongoing for the past several years. There are 100's of cars in and out of the subdivision daily and it poses a safety issue. She noted the truck

will be parked between the fire hydrant and the curb. They as neighbors don't know what to do as this is a safety hazard. She questioned if the curb could be painted red at that location to prevent parking. Mr. Cowie stated code allows for parking on the street for up to 48 hours as long as the vehicle is moved periodically. He stated he will check with the city engineer to see if there is a clear vision issue. Mayor Acerson added they check with the engineer and the attorney for the safety and legal aspects to see what can be done to mitigate the issue.

Mayor Acerson called for any further public comments. Hearing none he moved on to the next agenda item.

7. **Consent Agenda Items** – There were no consent agenda items presented for approval.

CURRENT BUSINESS

8. **Discussion Item — Short-Term Rentals.** The Council will continue the discussion of options for regulating short-term rentals within the City.

Mike Florence, Planning Director led this discussion item by explaining he is following up from a previous discussion in looking at a possible general ordinance for short-term rentals. He noted Staff needs direction on what the council wants to do whether to on this issue and whether to hold off for now and monitor things. Councilmember Lundberg mentioned an email she received this past week from Airbnb stating they sent out an email to “super hosts” that they are banning events and parties on their platform. She noted she is aware of a “super host” in her neighborhood (homeowner occupied) that feels they are very responsible.

Councilmember Lundberg went on to say there are half dozen platforms that you can find now and we don't know whether they will use the “good neighbor” practices or not, but hopefully that will occur. The question is how much we want to regulate this and if the industry is regulating it sufficiently. We need to consider owner occupied vs non-owner occupied, business licenses, etc.; these are the questions that have been raised. The question is if there is a problem that needs to be addressed and can it be mitigated through the ordinances currently on the books?

Mr. Florence pointed out the only complaint he has received is one across from Wadley Farms and he sent letter to them and didn't receive a response (mailed to Virginia) and a local address that was returned. He noted since their last discussion only two people have called to see what city regulations are. Councilmember Powell commented she also received a complaint from a resident in her neighborhood; they are not official complaints at this point but concerns rather than complaints. Mr. Florence stated the justification most cities were licensing for is that they are operating a commercial business out of the home.

Councilmember Powell added she appreciates the time staff has put into the report. She would like to continue discussing this issue as some basic guideline and ordinance structure needs to be put into place so we are not “chasing” them.

Mayor Acerson suggested a full council would be beneficial in this discussion in regards to what we decide on regulating short term rentals and also the impacts on the community.

Councilmember Lundberg agrees we need some rudimentary basic framework and then watch how the ebb and flow of the industry may go. The question is do we have a problem yet and if so, do we need a short-term rental ordinance? The two areas that stick out the most to her are the event parties and to protect the interests and endeavors and also to protect the neighbors who may be impacted by unauthorized parties, and whether they are owner occupied or not.

Councilmember Powell commented the consumer who is taking advantage of the property assumes the owner is meeting a benchmark and that may not be the actual circumstance. She is concerned we are not providing a full scope of protection for the resident and yet also the consumer. Mr. Florence stated the business license is the enforcement mechanism, but we can address that at a later date.

Councilmember Broderick commented he would like to see the parking issue under control and to see they are kept off the street and also to limit the number of people in the units and no events; that would need to be defined. However, he does not want it to be too burdensome but keep it easy to do with a few guidelines.

Following the discussion Mr. Florence stated he will put some discussion points together on the following items and bring it back before the Council.

1. Limit commercial business operating from a short-term rental like events and parties
2. Set parking requirements
3. Limit number of units
4. Comply with local codes
5. Have a local contact
6. Put together general discussion points and bring back to the council for review prior to writing an ordinance

Mayor Acerson called for any further comments or discussion from the Council. Hearing none he moved on to the next agenda item.

9. Review & Action — Discontinue Emergency Declaration, Resolution #2020-25-R. The City Council will review and consider Resolution #2020-25-R to discontinue Lindon City's emergency status.

Mr. Cowie explained on March 23, 2020, the Mayor proclaimed a declaration of a public emergency in Lindon City in response to the Covid-19 pandemic and the Council passed Resolution #2020-10-R on May 4, 2020, extending the declaration. Mr. Cowie noted Resolution #2020-10-R was a continuing resolution that extended the Declaration of a Local Emergency until such time as the City Council found it reasonable and prudent to terminate the Declaration.

Mr. Cowie further explained the Utah State Department of Health has established the State of Utah's Transmission Index and has deemed Utah County as a high level of

transmission area, and they also established state mandated requirements and standards that must be followed in Utah County in response to the pandemic.

Mr. Cowie went on to say that on October 19, 2020, Utah County terminated the County's Public Health Order previously issued on September 22, 2020, finding that the state's new Transmission Index covered and replaced the County's order and assuming that all residents in Utah County are expected and advised to follow the health orders issued by the State.

Mr. Cowie further explained if the City Council finds that Lindon City residents are expected to follow the health orders of the State of Utah, and in light of the actions of the State of Utah, the Council may find the prior declaration of a local emergency is no longer necessary and that it is reasonable to terminate the declaration so that Resolution #2020-10-R does not continue as an open-ended resolution.

Following some general discussion, the Council was in agreement to approve the resolution to discontinue Lindon City's emergency status as presented.

Mayor Acerson called for any further discussion from the Council. Hearing none he called for a motion.

COUNCILMEMBER BRODERICK MOVED TO APPROVE RESOLUTION #2020-25-R TO DISCONTINUE LINDON CITY'S EMERGENCY STATUS AS PRESENTED. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
 COUNCILMEMBER LUNDBERG AYE
 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER POWELL AYE
 THE MOTION CARRIED UNANIMOUSLY.

Mayor Acerson called for any further comments or discussion from the Council. Hearing none he moved on to the next agenda item.

10. Closed Session — Closed Executive Session. The City Council will enter into a closed executive session to discuss the potential sale or purchase of real property per Utah Code 52-4-205. This session is closed to the general public.

COUNCILMEMBER POWELL MADE A MOTION TO ENTER INTO A CLOSED EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE POTENTIAL SALE OR PURCHASE OF REAL PROPERTY. THIS SESSION IS CLOSED TO THE GENERAL PUBLIC PER UTAH CODE 52-4-205. COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
 COUNCILMEMBER LUNDBERG AYE
 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER POWELL AYE
 THE MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER BRODERICK MADE A MOTION TO CLOSE THE EXECUTIVE SESSION AND MOVE INTO THE REGULAR CITY COUNCIL

2 SESSION. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL
4 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6 **Adjourn –**

8 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
10 AT 7:35 PM. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
12 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14 Approved – November 16, 2020

16 _____
18 Kathryn Moosman, City Recorder

20 _____
Jeff Acerson, Mayor

Item 3 - COUNCIL REPORTS:*(10 minutes)*

- A) MAG, COG, UIA, Utah Lake Comm., ULCT, NUVAS, IHC Outreach, County Board of Health - Jeff Acerson
- B) Police/Fire/EMS, Emergency Mgmt., Irrigation Co. Representative/Board member, City Buildings - Van Broderick
- C) Public Works/Engineering, Historic Commission, Administration, Building Const. & Inspection - Randi Powell
- D) PG/Lindon Chamber of Commerce, Economic Development, Lindon Days - Carolyn Lundberg
- E) Planning Commission/BOA, Planning/Zoning, General Plan, Transfer Station/Solid Waste Board - Mike Vanchiere
- F) Parks, Trails, and Recreation, Cemetery, Tree Advisory Board - Jake Hoyt

Item 4 - ADMINISTRATOR'S REPORT*(10 minutes)***Misc. Updates:**

- Next council meetings: December 7th & December 21st
- Police Chief hiring status update
- January newsletter assignment: Mike Florence
- City wide Fall Cleanup: November 13th – 22nd
- Mayor's Thanksgiving Dinner event cancelled this year due to Coronavirus
- December 7th Tree Lighting 6pm, Broadcast only of tree lighting
- Well #4 rehabilitation project scheduled to start in the next couple of weeks and expect the work to last several months
- Center Street improvements being evaluated in anticipation of temple
- Misc. Items

Item 5 – Presentations and Announcements

- a) Comments / Announcements from Mayor and Council members.

Item 6 – Open Session for Public Comment *(For items not on the agenda - 10 minutes)*

Item 7 – Consent Agenda – Consent agenda may contain items which have been discussed beforehand and/or do not require significant discussion, or are administrative in nature, or do not require public comment. The Council may approve all Consent Agenda items in one motion, or may discuss individual items as needed and act on them separately.

There are no consent agenda items for approval.

- 8. Public Hearing — Zone Change; Linden Nursery Property; Ordinance #2020-15-O.** The City Council will consider a recommendation from the Planning Commission to amend the Lindon City zoning map to Planned Residential Development Overlay for the Linden Nursery property located at 535, 531 and 477 North State Street. *(45 minutes)*

Sample Motion: I move to (approve, deny, continue) Ordinance #2020-15-O to amend the Lindon City zoning map to Planned Residential Development Overlay for the Linden Nursery property located 535, 531 and 477 North State Street (as presented, or with changes).

Zoning Map Amendment - 535 N. State Street

Date: November 16, 2020

Project Address: 535, 531 and
477 N. State Street
Applicant: South Haven
Development

Property Owner: Edward and
Valerie Platt, Bowling Green LLC,
and Central Bank

General Plan: Commercial
Current Zone: General
Commercial

Parcel ID: 45:244:0001,
14:067:0057, 14:067:0140
Size: 11.7 Acres

Presenting Staff: Michael
Florence
Type of Decision: Legislative
Council Action Required: Yes
Planning Commission
Recommendation: 6-1 in favor



Summary of Key Issues

1. Whether to approve or deny a request to amend the Lindon City Zoning Map for the Lindon Nursery property to be rezoned to the Planned Residential Development Overlay Zone.

Overview

1. South Haven Development is proposing a 58-unit townhome development on the rear portion of the Linden Nursery property;
2. The City passed an amendment to the Planned Residential Overlay Zone in August 2020.
3. The Planned Residential Development Overlay Zone (ordinance section 17.76.040) requires that the following items be submitted as part of a zone map amendment application:
 - Concept site plan;
 - Building elevations; and
 - Renderings showing the proposed project for the subject site.
4. The PRD ordinance also requires that “any concept plan presented to the Planning Commission and City Council for approval shall first be reviewed by the Development Review Committee to ensure the proposal is technically feasible.”

Motion

I move to (*approve, deny, or continue*) ordinance 2020-15-O to amend the Lindon City zoning map to Planned Residential Development Overlay for the properties located at 535, 531 and 477 N. State Street (parcel numbers 45:244:0001, 14:067:0057, 14:067:0140).

Surrounding Zoning and Land Use

North: GC and R1-20 – Commercial businesses and single-family homes

East: GC – Linden Nursery and barn

South: CG-A and R1-20 – Auto dealership and single-family homes

West: R1-20 – Single family homes

Zoning – Site Requirements

Below is a summary of the PRD site requirements. Some of these items will be refined when the applicant files for site plan and subdivision approval.

PRD Ordinance Requirements	Proposal
Property size – minimum one acre	11.7 acres
Existing commercial	Linden Nursery
Townhome project size	6.33 acres
Number of units	58
Density – shall not exceed an average density of 10 units per acre	9.16
State Street setback – 300’	The applicant is showing residential homes within the 300’ commercial setback The Planning Commission and City Council may consider a reduction in this depth upon evaluating the following: - Viable commercial options remain for the site; - A commercial lot is irregularly shaped; - The reduction does not limit future redevelopment opportunities of the commercial property
Residential building setbacks 30’ rear setback from existing single family 25’ front setback 16’ side yard setbacks 20’ corner side yard setbacks - Front and rear setbacks may be modified where design items such as common open space or other design features are proposed	The concept plan meets the front (25’) and side (16’) yard setback requirements. The PRD ordinance requires 30’ rear setbacks. The proposal shows interior units sharing a 30’ rear setback. The rear setback may be modified by the land use authority where design items such as common open space or similar design feature is proposed. Setbacks from abutting single family residential may not be reduced (17.76.080 (6)(b)(5)).
Perimeter Fence – 7’ masonry or concrete	The plan shows a perimeter privacy fence.
Open Space/Landscaping – 20% common open space. The land use authority can approve private rear yard	The project plan shows 32% with both private fenced and common open space. Open spaces do need to be designed to be an integral part of any development. Majority of open spaces shall not be located in perimeter outlying areas of the development

Parking • 2 parking spaces per unit • .5 spaces per unit for visitor parking • 65% of units have a 2-car garage • 50% of driveways may be counted toward visitor parking requirement	• Parking meets the PRD ordinance • 58 units require 145 parking stalls • 38 two car garage units • 20 one car garage units • Each driveway holds either one or two vehicles • 15 off-street visitor stalls are required and the plan shows 19
Trees – planted every 30 feet when abutting single family homes	Trees are planted every thirty feet on the West property line but will need to be added to the South property line where abutting a residential zone.
Lighting plan – a lighting plan for streets and a photometric study are required	The applicant has internal street lighting. Other items of the lighting plan will be provided with site plan approval
Pedestrian connections – • Development must connect each separate building with internal concrete walkways • One pedestrian access to a public street	The plan shows a perimeter trail connecting the buildings and a sidewalk out to State Street.
Access and streets • 29' for public streets	The plan shows two access point out to State Street. The streets will be public and meet the minimum 29' asphalt width requirement. The applicant held a pre-application meeting with UDOT on November 3 rd to discuss access requirements

Zoning – Building Requirements

Below is a summary of the PRD building requirements. Some of these items will be refined when the applicant files for site plan and subdivision approval.

PRD Ordinance Requirements	Proposal
Height – 2 stories with a maximum height of 35 feet	Two stories. Overall building height not provided
Building Types and Variety • At least two different building types shall be included in projects larger than two acres and with multiple buildings. Buildings shall be differentiated from other building types through type of building, variations to building materials, color, rooflines, and the use of architectural features such as awnings, light fixtures and eave details • Ordinance (17.76.030) calls out different building types as detached single family, twin homes, tri-plex, multi-unit buildings and townhouses.	The plan shows a combination of 4, 5 and 6 plex buildings.

Architectural and Façade Design – • More than a single-color application and more than a single material application • 60% primary building materials (wood clapboard, cementitious fiber board, wood board and batten, wood siding, brick, stone • 30% maximum EIFS or Stucco • Wall variation and recesses • Buildings shall incorporate a variety architectural elements • Eaves and rooflines are encouraged • Garage doors are recessed, consistent with the building design, front loading garages shall include windows • Stucco-textured foam trim moldings shall not be the only application to enhance facades • All windows along a front façade shall incorporate at least two of the following: - o Mullions and/or transoms - o Trim or molding of a different color - o Canopies, shutters, awnings - o Recessed inset by 2 inches	Building rendering are provided in the exhibit section. A complete review the building facades and material treatments will be completed with the site plan approval. The exterior material appears to be a hardi-board material It appears that a second material may need to be provided to the front façade on the buildings The renderings show trim materials around the doors and windows The garage doors are of a coordinating color and have windows The rendering does not show stucco or EIFS on the front façade Windows incorporate mullions, transoms and trim
The front façade of any residential building shall not face or front the rear yard of a single-family home	All front facades face a public street
Roof Pitch – all buildings shall have a pitched roof consistent with the overall architectural style of the building	Pitched roof
Frontage, Orientation and Entrances • Buildings front onto a public street • Building shall have expansive windows, entryways, balconies, terraces, or other architectural design features oriented to the street • Building entrances shall be the primary feature of the front façade and identify access to the individual units • Stoops or front porches raised a minimum of one foot	All building front onto a public street. The applicant has done a good job with the window and entry requirements of addressing the main feature of the home.

Staff Analysis

The Development Review Committee (Engineering, Fire and Planning Departments) has reviewed the proposal and finds that the proposed development is technically feasible. From the provided plan and information, the site plan meets minimum road widths, parking, and open space and maximum density requirements. At this point, the City has not reviewed any utility plans, which will be provided with site plan approval.

South Haven Development held a pre-application meeting with UDOT on November 3rd regarding development access. The developer is still working out the final design and then will submit for formal approval from UDOT.

There are some minor items like trees, lighting, and fencing that still need to be provided. These items can be resolved with the site plan approval.

The proposed plan has a number of homes encroaching into the 300-foot commercial setback. The planning commission recommended approval with the condition that the density be based off of the property behind the 300' commercial depth requirement. Since the commission meeting, South Haven Development has provided additional information that the housing and street area on the north side of the property, that encroaches into the commercial area, is less than the commercial area with no housing behind the Linden Nursery building. The commercial depth north of the barn, measured from State Street to the project street, is 154 feet. The commission will need to review the merits of this application and decide whether or not to allow the encroachment.

Regarding the rear yard setbacks of the interior units, the PRD ordinance requires a 30-foot rear yard setback. This setback may be modified by the land use authority where design items such as common open space or similar design feature is proposed. The city council will need to give direction on whether to reduce this setback with the proposed common open space.

The adopting ordinance contains language that allows the developer to continue to refine and modify their site plan in compliance with Title 17.76 – Planned Residential Development Overlay. The developer is still working on final plans which may modify the number of units, building configuration, design or streets. If the zone change is approved, the planning commission will be the final land use authority for site plan and conditional use permit approval. The city council will be the final land use authority for the major subdivision.

Public Notices

Public Hearing Notices, required per Lindon City Code section 17.14, were mailed to properties within 800 feet and each affected entity. The notice was also published in the Daily Herald, on the State Public Notice website, and posted at Lindon City Hall, Public Safety, and Community Center buildings.

Exhibits

1. Aerial Photo
2. Site Plan
3. Renderings
4. Surrounding Area General Plan Land Use Map
5. Surrounding Area Zoning Map
6. Adopting Ordinance
7. Planning Commission Meeting Minutes
8. Planned Residential Development Overlay Zoning Ordinance

Exhibit 1 – Aerial Photo



Exhibit 3 - Renderings





Exhibit 4 – General Plan - Vicinity Map

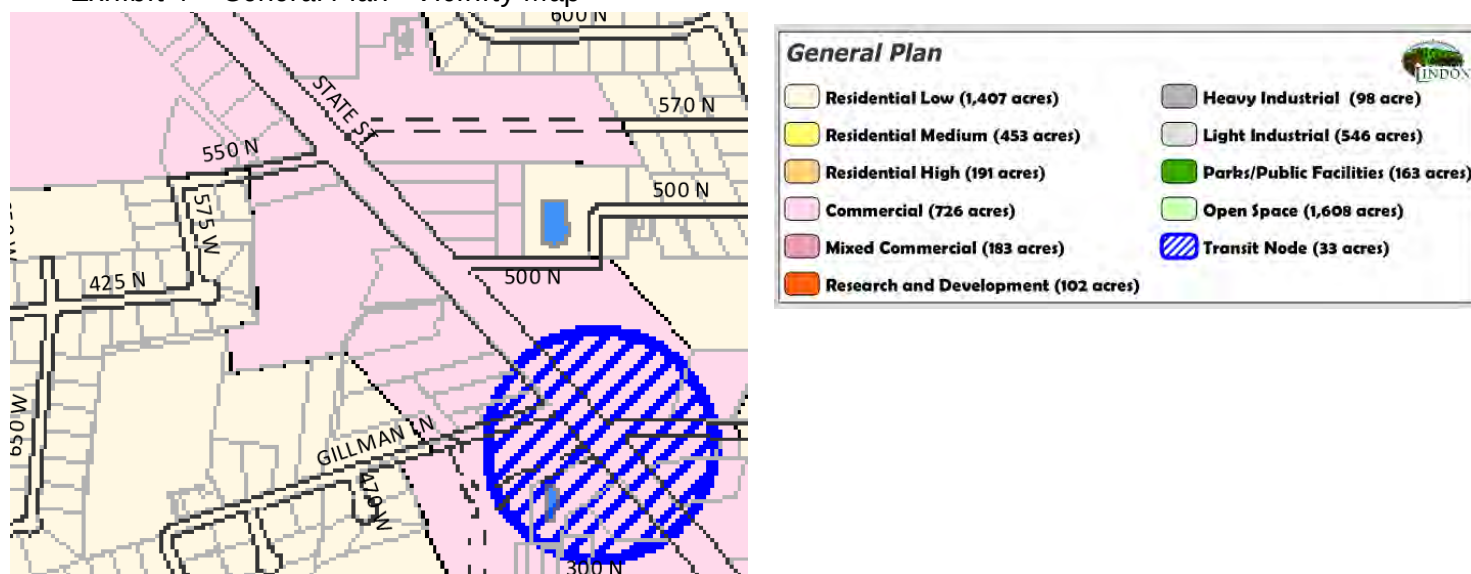
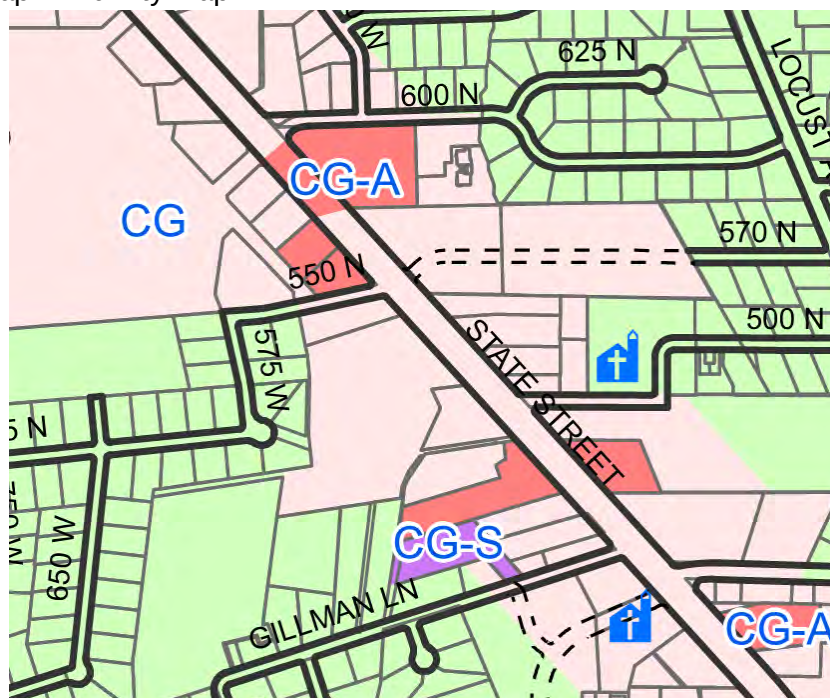


Exhibit 5 – Zoning Map – Vicinity Map



ORDINANCE NO. 2020-15-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING THE ZONING MAP TO INCLUDE THE PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRD) ZONE ON PROPERTY IDENTIFIED BELOW 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 September 25, 2020, South Haven Development submitted an application to amend the Lindon City Zoning Map of approximately 11.7 acres to include the Planned Residential Development Overlay District (PRD) zone; and

WHEREAS, the City Council finds that certain changes are desirous in order to implement the City's general plan goals of providing a variety of housing types where appropriate, and innovative development patterns and building methods that will result in more affordable housing should be encouraged; and

WHEREAS, the City Council finds that certain changes are desirous in order to implement the City's general plan goal of providing transitions between different land use and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available; and

WHEREAS, the City Council finds that certain changes are desirous in order to implement the City's general plan goal of considered density increases only upon demonstration of adequate infrastructure and resource availability.

WHEREAS, on October 27, 2020, the Planning Commission held a properly noticed public hearing to hear testimony regarding the zoning map amendment; and

WHEREAS, after the public hearing, the Planning Commission further considered the proposed ordinance and recommended that the Council adopt the recommended zone map amendment and conceptual site plan;

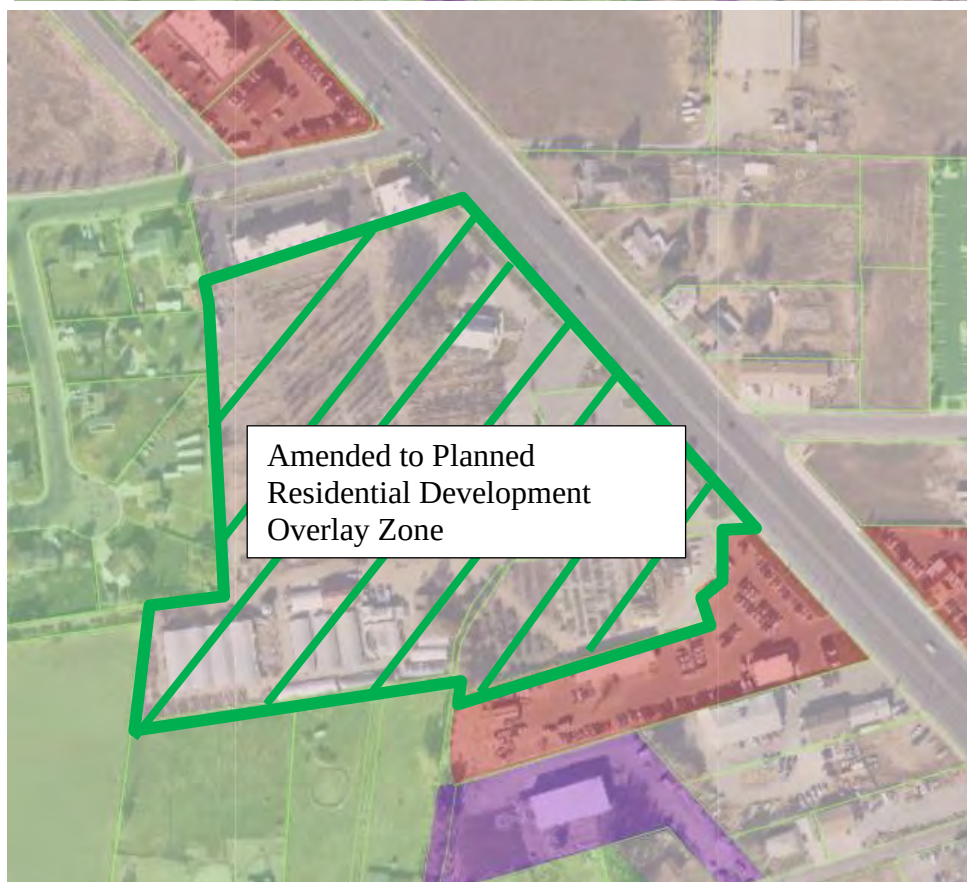
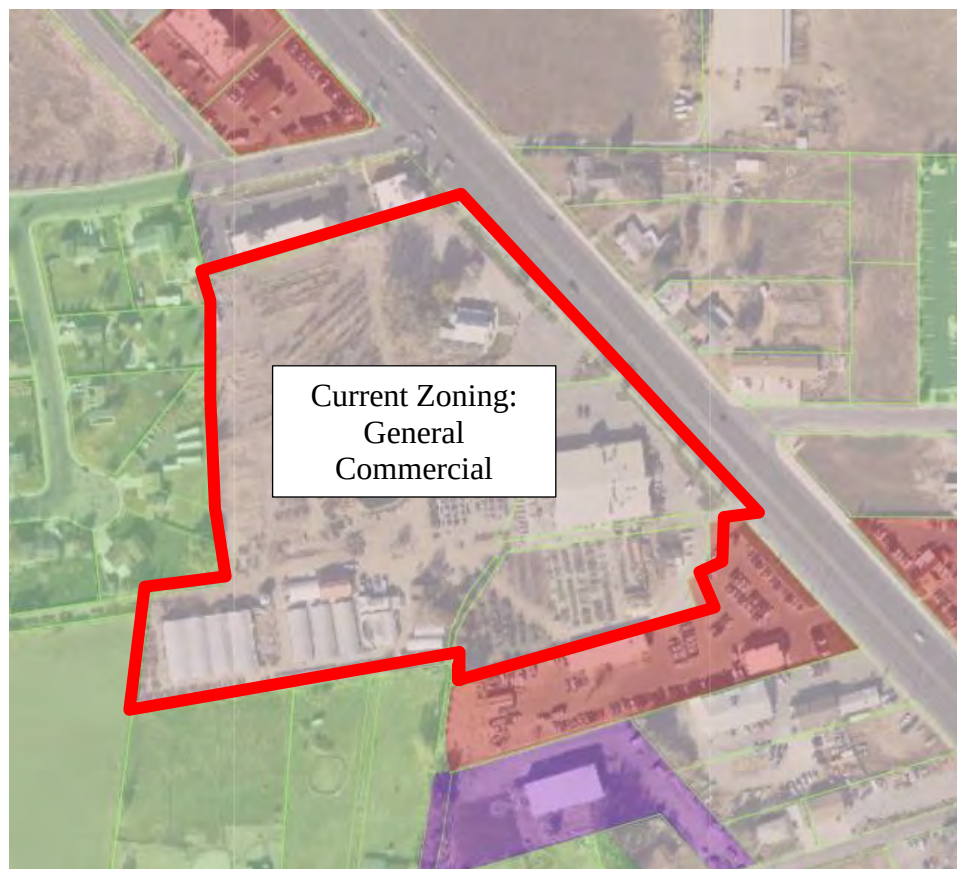
WHEREAS, the Council held a public hearing on November 10, 2020, to consider the recommendation and the Council received and considered all public comments that were made therein.

WHEREAS, the Planning Commission and City Council understand that the attached concept plan is a general layout and design of buildings, open space, parking, access and roads for the rear portion of the Linden Nursery Property. That the general concept plan was reviewed by the Lindon City Development Review Committee, Planning Commission and City Council as part of the zoning map amendment application. That the general concept plan may be refined and modified through the site plan, conditional use, and subdivision approval process and in accordance with Title 17.76 – Planned Residential Development Overlay ordinance.

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
45:244:0001, 14:067:0057, 14:067:0140	Valerie and Edward Platt, Central Bank, Bowling Green LLC	535, 531 and 477 N. State Street







TOWNHOME CONCEPT
LONDON, UTAH

SOUTH HAVEN HOMES

TOTAL E 600 N.
DEVELOPER: 84097
(801) 800-1992

Northern
ENGINEERING INC.
ENGINEERING AND ARCHITECTURE
CORPORATION



DATE	10/1/2019
BY	J. L. HARRIS
CHECKED BY	J. L. HARRIS
SCALE	AS SHOWN
DATE	10/1/2019
BY	J. L. HARRIS
CHECKED BY	J. L. HARRIS
SCALE	AS SHOWN
DATE	10/1/2019
BY	J. L. HARRIS
CHECKED BY	J. L. HARRIS
SCALE	AS SHOWN

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 _____ day of _____, 2020

Jeff Acerson, Mayor

ATTEST:

Kathryn A. Moosman,
Lindon City Recorder

SEAL

Planning Commission Meeting Minutes

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
 4 **October 27, 2020 beginning at 6:00 p.m.** at the Lindon City Center, City Council
 Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 6:00 P.M.**

8 Conducting: Sharon Call, Chairperson
 Invocation: Jared Schauers
 10 Pledge of Allegiance: Rob Kallas

12 **PRESENT** **EXCUSED**

Sharon Call, Chairperson
 14 Mike Marchbanks, Commissioner - electronically
 Rob Kallas, Commissioner
 16 Steven Johnson, Commissioner
 Scott Thompson, Commissioner - electronically
 18 Jared Schauers, Commissioner
 Renee Tribe, Commissioner - electronically
 20 Mike Florence, Planning Director
 Anders Bake, Associate Planner
 22 Kathryn Moosman, City Recorder

24 **Special Attendee:**
 Councilmember Vanchiere

26

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

28

2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of the
 30 Planning Commission meeting of October 13, 2020 were reviewed.

32 COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF
 THE REGULAR MEETING OF OCTOBER 13, 2020 AS PRESENTED.

34 COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT
 VOTED IN FAVOR. THE MOTION CARRIED.

36

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

40

42 **CURRENT BUSINESS** –

42

*At this time, Michael Florence, Planning Director stated the applicant for agenda
 44 item number four will be late, so he asked the commission to amend the agenda order to
 begin with agenda item number five and then resume the agenda order with item four.*

46

5. **Public Hearing – For a recommendation to amend the Lindon City zoning
 48 map to Planned Residential Development Overlay for the Linden Nursery**

2 **property located at 535, 531 and 477 N. State Street.** South Haven
 Development requests a recommendation from the Lindon City Planning
 4 Commission for a zoning map amendment. To rezone the Lindon Nursery
 property to the Planned Residential Development Overlay zone for the property
 6 located at 535, 531 and 477 N. State Street (Parcel numbers 45:244:0001,
 14:067:0057, 14:067:0140)

8

COMMISSIONER SCHAUERS MOVED TO OPEN THE PUBLIC HEARING.
 10 COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN
 FAVOR. THE MOTION CARRIED.

12

Michael Florence, Planning Director, led this agenda item by giving a brief
 14 overview stating South Haven Development is proposing a 58-unit townhome
 development on the rear portion of the Linden Nursery property. He explained the City
 16 passed an amendment to the Planned Residential Overlay Zone in August of 2020. The
 Planned Residential Development Overlay Zone requires that the following items be
 18 submitted as part of a zone map amendment application:

1. Concept site plan;
2. Building elevations;
3. Renderings showing the proposed project for the subject site.
4. The PRD ordinance also requires that “any concept plan presented to the
 Planning Commission and City Council for approval shall first be reviewed
 by the Development Review Committee to ensure the proposal is
 technically feasible.”

26

Mr. Florence then presented for discussion a summary of the PRD site
 28 requirements. He noted some of the items will be refined when the applicant files for site
 plan and subdivision approval.

Mr. Florence further explained the Development Review Committee (City
 Engineering and Planning Department) has reviewed the proposal and finds that the
 32 proposed development is technically feasible. He added from the provided plan and
 information, the site plan meets minimum road widths, parking and open space
 34 requirements. He indicated for access to the development, the applicant still needs to hold
 a pre-application meeting with UDOT (according to the developer this is scheduled for
 36 November 3rd) to make sure the two accesses will be allowed and then submit for final
 approval from UDOT.

Mr. Florence noted there are some minor items like trees, lighting, fencing, and
 clarification on open space that still needs to be provided and these items can be resolved
 40 with the site plan approval. He also pointed out the proposed plan has a number of homes
 encroaching into the 300-foot commercial setback. He reminded the commission that
 42 with a previous concept plan for the Norton property their feedback was to not count the
 encroaching residential area into the overall density. Mr. Florence then directed the
 44 commission to review the merits based on the information presented and determine
 whether or not to allow the encroaching buildings and density.

Mr. Florence went on to say regarding the rear yard setback, the PRD ordinance
 requires a 30-foot rear yard setback. He indicated this setback may be modified by the
 48 land use authority where design items such as common open space or similar design

feature is proposed. He further stated the planning commission will need to give a recommendation on whether to reduce this setback with the proposed common open space. Mr. Florence noted public hearing notices, as required per Lindon City Code were mailed to properties within 800 feet and each affected entity. The notice was also published in the Daily Herald, on the State Public Notice website, and posted at Lindon City Hall, Public Safety, and Community Center buildings.

Mr. Florence also presented an aerial photo, site plan, renderings, surrounding area general plan land use map, surrounding area zoning map, and the planned residential development overlay zoning ordinance followed by discussion.

Chairperson Call expressed her concern with the number of units in the 300 ft. setback. She pointed out in reviewing the two properties the city council and planning commission have been adamant on the 300 ft setback. To have that amount of property in front isn't consistent in what we have been requiring on other developments. We have to ask if the reduction limits commercial properties and we need to make sure the commercial development isn't limited. She also mentioned another concern is how the green space is being measured as she wants to ensure the green space is usable area. She also mentioned the architectural designs noting the purpose was to have the two types of architectural design and she is concerned with this concept they all look the same.

The applicant, Mr. Jeff Southard addressed the commission at this time. He commented he is here for zone change approval and as part of that process they need to show the concept review. He pointed out they are not here tonight for a site plan or architectural approvals. He noted they have provided a design that meets the requirements, but they are expecting that they will get into more detail when they come in for the site plan approval after the zone change is approved.

Mr. Southard commented for the last year he has been presenting concepts and they have shown they need to encroach somewhat, but they are not going to the 300 ft. line on the south end. He noted they have existing commercial on State Street that they are trying to work with where the Norton property is a clean slate and very different. He added, based on other applicants that have come through, there is room for additional viable commercial the way it is; they are trying to work with an existing retail commercial use and the shape of the property dictates how we do this.

Mr. Southard pointed out it would be detrimental to Linden Nursery if some of those units were pulled out and put to the south; Linden Nursery has been a good Lindon friend and supporter for 25 years. He noted they can tweak some things on the site plan but they don't need to be hung up on those items tonight as this is not site plan approval but they are happy to change up colors if need be. He noted the farmhouse look is currently very popular right now. There was then some discussion on the concepts and he spoke on the zone change being allowed noting they have a way to meet the ordinance. Mr. Florence clarified that tri-plex's are allowed but they are just turned so the doors face the street.

Commissioner Johnson commented in interpreting the 300 ft. line, the line is not as important as the density around the line. He feels we need to calculate the acreage behind the 300 ft line. Mr. Southard stated that never came up over discussions of the last year with the city council and the planning commission asking if this is a new requirement or something they are coming up with now? Commissioner Marchbanks commented that he recalls we addressed that and saw it as a fair swap of the line and

2 doesn't recall this layout being a problem. Mr. Southard stated he will verify that so
there is not any over-density and he is happy to run the numbers.

4 Commissioner Schauers stated this issue came up in discussions on the Norton
property about keeping the 300 ft. buffer in relations to the other development that may
6 be coming forward.

8 Commissioner Thompson commented the commercial owner is also the seller
noting that may play into it. Commissioner Marchbanks agreed that does play into this.
Commissioner Thompson added we have been talking about this pointing out that Mr.
10 Southard hasn't presented anything that didn't cut into the setback on that end and Mr.
Southard has been consistent from the very beginning.

12 Chairperson Call commented that the 300 ft. setback being too encroached on is
something the City Council felt very strongly about. Commissioner Kallas stated we
14 have had conversations on that but it wouldn't increase the density.

Chairperson Call called for any public comments at this time. There were several
16 in attendance who addressed the commission as follows:

18 **Devin Dastrup:** Mr. Dastrup commented he has a hard time visually how the north end
would be a totally viable commercial use with this design even if the uses are changed
20 and who would come in and repurpose it for commercial purposes. He doesn't see an
issue with the swap that extends into the 300 ft. mark (south to the north). He also would
22 be curious on how deep other commercial properties on State Street are and their uses.

24 **Ed Platt:** Mr. Platt commented the goal of the ordinance is to protect the commercial
use of the ground. Linden Nursery is already established and viable and if it were to go
26 back to 300 ft. all along we take away the space we need for the nursery and hurt the
nursery by going back 300 ft. from north to south; the way it is now is to protect the
28 nursery and they are compensating for that. If our goal is to protect the commercial
value of the land and if we insist on sticking to the 300 ft. all along, we will hurt the
30 existing commercial operations.

32 **Ben Platt:** Mr. Platt stated they have consistently messaged the city council and the
planning commission the message; deeper in commercial on the south side and
34 shallower on the north side and that is the trade-off. He pointed out in the meetings he
has attended they have been okay on that principle and guideline. He stated from their
36 due diligence they know that and communicated that to the city council and the planning
commission to protect the viability of the nursery. They also knew it couldn't be a hard
38 line and they said that is okay too; some give and take on the line was the message they
received from both the city council and the planning commission. Mr. Platt stated they
40 are coming to the commission tonight for the overlay not the site plan details so there
will be some fine tuning. In general, they will encroach on the north a little bit but give a
42 lot on the south to make this work. They need to make the nursery viable and also create
a development that gives the highest and best use of the land. He re-iterated the give and
44 take were communicated, understood and expected.

46 **Lori Esteban:** Ms. Esteban asked if the setbacks on the back side of the property were
not the 30 ft. as indicated. Mr. Florence explained the 30 ft setbacks will apply that
48 borders residential. Ms. Esteban also commented it is their hope that the trees will be

every 30 ft. and she didn't see that. Mr. Florence confirmed the trees will be there and these things will be refined in the site plan. Ms. Esteban also requested there be enough lighting on the border of their property as it is a huge concern for her. Traffic issues are also a big concern and she wants to know what is being done to address this issue. She noted Gillman Lane cannot take any more traffic and this will be a negative impact and the city needs to address it. And in the forefront, to protect the traffic concerns on Gillman Lane with speed bumps or to reopen Lakeview Road to mitigate these concerns. She has been very disappointed as the council has not addressed this issue. Parking is also an issue that needs to be addressed with the new reception center on Gillman Lane and the Red Barn.

LaDawn Edwards: Ms. Edwards pointed out the issues coming from the reception center as it technically fits but she has concerns if these issues are not addressed originally this will just add layers of complicated problems. She stated she likes what the nursery has done with the walking trails and the buffer zone they created, but she does feel there are technicalities within the development itself, but the developers have been working with the neighbors with feedback on those issues which is great. Ms. Edwards stated she thinks the ordinance itself should pass and they should be able to apply it to their property, but she thinks the concern is that these longer-term issues won't be addressed without causing more problems; she is very pleased in working with the Linden Nursery.

Chairperson Call called for any further comments or discussion from the Commission. Hearing none she called for a motion to close the public hearing.

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

Commissioner Tribe expressed she thinks this is completely reasonable and feels they have taken a very conscientious approach in what they have done and she would be in support of approval.

Chairperson Call stated she will vote for approval at this point but there are some things that need to be worked out. She thinks the 300 ft. line needs to be determined. She also wants to know how the open space is being calculated. She would like to see the UDOT recommendation or approvals on access before being willing to vote for a zone change. She would like to see a concept of how tri-plex's will look rather than all cookie cutter. She believes we need to be very careful on how this will impact the residents.

Commissioner Johnson stated he wants to see that the density calculates correctly and try to mitigate the impact on the existing residential because in creating the ordinance how do we mitigate, as much as possible, the impacts on the existing residents; this needs to be addressed for every neighborhood as we are changing something dramatically. He feels these things can be overcome if they are addressed through a traffic study and maybe speed bumps on Gillman Lane and perhaps the Salisbury development. He stated he is fine with the overlay zone approval, but once the zone is approved our ability to tweak things is gone and our leverage is gone. He doesn't want to hold up a project but agrees we need to be careful to apply it in a

consistent way that makes sense and to mitigate the issues on the residents with the density and traffic issues.

Commissioner Schauers commented on the zone change stating he is in favor of allowing the zone change on this property and to review the site plan later.

Commissioner Thompson stated this has been a long process so it is important to look at the density as a condition of approval so it pencils out. He added that Southhaven Homes has done a great job in mitigating any problems to be in compliance and he would be in favor of the overlay zone approval.

Commissioner Marchbanks stated he is fine with the zone change overlay approval.

Commissioner Kallas stated he will vote yes for the overlay approval, but he has concerns with the swapping of the southeast corner. He thinks we should calculate what the density is west of the 300 ft. line, but he would also want to make sure once we do this to help the commercial to make sure we don't give it up.

Chairperson Call asked the commission if they would be opposed to continuing this item tonight as to have clarification on how the density is calculated and some of the issues so it is clear cut rather than make conditions. She noted she is not in opposition, but she would like to see how things pencil out. Mr. Florence pointed out if it is continued it will come back to the commission on November 10th.

At this time Mr. Florence stated he is hearing the following concerns to be addressed as follows:

1. Calculate the density for the area behind the 300' setback
2. Calculate the square footage for the area encroaching in front of the 300' commercial setback and the area behind the Linden Nursery which isn't being used for housing to make sure they are similar in size.
3. Recalculate the common open space per the PRD code
4. Provide feedback to City staff from the UDOT pre-application meeting
5. Ensure the plan meets the requirement for the two building types

Following some additional discussion, the commission was in agreement to not continue the item and move forward with a motion for the zone change.

Chairperson Call called for any further comments or discussion from the Commission. Hearing none she called for a motion.

COMMISSIONER KALLAS MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF ORDINANCE 2020-15-O TO AMEND THE LINDON CITY ZONING MAP FROM GENERAL COMMERCIAL TO PLANNED RESIDENTIAL DEVELOPMENT OVERLAY FOR THE PROPERTIES LOCATED AT 535, 531 AND 477 NORTH STATE STREET (PARCEL NUMBERS 45:244:0001, 14:067:0057, 14:067:0140) WITH THE RECOMMENDATION TO THE CITY COUNCIL THAT 1. THE DENSITY BE CALCULATED AS TO WHAT IT WOULD BE BEHIND THE 300 FT. COMMERCIAL SETBACK AND 2. THE 30 FT. SETBACK BETWEEN THE INTERIOR UNITS BE LOOKED AT TO MAKE SOME ADJUSTMENTS TO WORK FOR THE DEVELOPER. COMMISSIONER SCHAUERS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL

AYE

2 COMMISSIONER KALLAS AYE
 COMMISSIONER MARCHBANKS AYE
 4 COMMISSIONER JOHNSON NAY
 COMMISSIONER THOMPSON AYE
 6 COMMISSIONER SCHAUERS AYE
 COMMISSIONER TRIBE AYE
 8 THE MOTION CARRIED UNANIMOUSLY.

10 *Commissioner Johnson explained his dissenting vote emphasizing his desire that*
 12 *the city council address and mitigate the issues in regards to traffic on the existing*
neighborhood.

14 **4. Conditional Use Permit – Wheel Pro – 1545 West 200 South.** Jordan Quinney
 16 representing Wheel Pro requests conditional use permit approval to operate an
 auto repair and powder coating business at 1545 W. 200 S. in the Light Industrial
 zone.

18
 Anders Bake, Associate Planner, led this agenda item by giving a brief summary
 22 stating the applicant, Jordan Quinney, who is in attendance and representing Wheel Pro is
 requesting a conditional use permit approval to operate an alloy wheel repair and
 24 customization shop that will include powder coating at 1545 West 200 South Unit 500.
 Mr. Bake noted the Standard Land Use Table requires that businesses doing vehicle
 26 repair in the Light Industrial Zone obtain a Conditional Use Permit. The City has
 previously approved powder coating business as conditional uses in the Light Industrial
 28 Zone. He added that the proposed business, Wheel Pro, will perform all work indoors and
 within their unit. He stated notices were mailed on October 16, 2020 to adjoining
 30 property owners in accordance with Lindon City Code and staff has received no public
 comments back at this time.

32 Mr. Bake further explained Mr. Quinney will be using a commercial unit in the
 Burbridge Industrial Subdivision that was recorded in March 2008 and the building was
 34 constructed in April 2017; the building and site comply with Lindon City Code
 requirements. He stated Mr. Quinney is not planning to do any construction on the
 36 building and will not be required to make any changes to the building or site. There are
 12 parking stalls available on the property that are shared between each of the units. The
 38 business will have one person working and the shop at a time and repair work will be
 done by appointment only.

40 Mr. Bake noted based on the business description that was provided, it is expected
 that this business will have a minimal impact on surrounding properties and will be
 42 compatible with other uses in the Light Industrial Zone. Mr. Bake then presented the
 business description, site and floor plan and photos of the building followed by
 44 discussion. He then turned the time over to Mr. Quinney for comment.

Mr. Quinney explained his business (Wheel Pro) is an alloy wheel repair and
 46 customization shop. Their services include welding cracked wheels, powder coating,
 painting and straightening bends on wheels. He noted his customers will be able to pull
 48 their car in the shop where the wheels will be removed and we will provide the services
 needed by appointment, which will help keep the parking lot clear. Hours of operation

will be 9-5, Monday through Friday. He indicated there will be only one or two workers at the shop each day.

Mr. Quinney went on to say that Wheel Pro was established in November of 2014, and has until now, only been mobile. All of the work was done in mobile trailers throughout Utah, Salt Lake, and Davis counties. They are excited to be able to expand their services and grow their business through use of this shop. For the last 3 years he has done powder coating, painting, and welding in a metal shed in his backyard, often late at night and has never had any complaints of any kind. There will be minimal impacts their services will have on the surrounding businesses and the environment. He noted the Powder booth and paint booth have filtration systems that comply with industry standards to minimize dust from powder or paint.

Following some general discussion, the commission was in agreement to approve the conditional use permit application as presented.

Chairperson Call called for any further comments or discussion from the Commission. Hearing none she called for a motion.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE APPLICANT'S REQUEST FOR A CONDITIONAL USE PERMIT TO USE THE PROPERTY LOCATED AT 1545 W. 200 S. UNIT 500 FOR AN AUTO REPAIR AND POWDER COATING 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. 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 4. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER JOHNSON	AYE
COMMISSIONER SCHAUERS	AYE
COMMISSIONER TRIBE	AYE

THE MOTION CARRIED UNANIMOUSLY.

6. New Business: Reports by Commissioners –

Chairperson Call called for any new business or reports from the Commissioners. There were no new reports from the commission at this time.

Chairperson Call called for any further comments or discussion from the commission, hearing none she moved on to the next agenda item.

7. Planning Director Report –

2 Mr. Florence presented the Draft of the 700 North Small Area Plan followed by
some general discussion. Chairperson Call called for any further comments or
4 discussion. Hearing none she called for a motion to adjourn.

6 **ADJOURN** –

8 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE
MEETING AT 8:20 PM. COMMISSIONER TRIBE SECONDED THE MOTION.
10 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

12 Approved – November 10, 2020

14
16

Sharon Call, Chairperson

18
20

Michael Florence, Planning Director

ORDINANCE NO. 2020-8-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLE 17.76 PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRD OVERLAY) ZONE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the 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 General Plan that a variety of housing types should be provided where appropriate, and innovative development patterns and building methods that will result in more affordable housing should be encouraged; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that the relationship of planned land uses should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that transitions between different land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that growth should be guided to locations contiguous to existing development to provide city services and transportation in a cost-effective and efficient manner; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that density increases should be considered only upon demonstration of adequate infrastructure and resource availability; and

WHEREAS, on April 28, 2020 and June 9, 2020 the Planning Commission held properly noticed public hearings to hear testimony regarding the ordinance amendment; and

WHEREAS, after the June 9, 2020 public hearing, the Planning Commission further considered the proposed ordinance amendment and recommended that the City Council adopted the attached ordinance; and

WHEREAS, the City Council held a public hearing on July 20, 2020, to consider the recommendation and the City 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: Amendment. Amend Lindon City Code Section 17.76 as follows:

Chapter 17.76

PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRD OVERLAY) ZONE

Sections:

- 17.76.010 Purpose.
- 17.76.020 Applicability.
- 17.76.030 Permitted Uses, Building Types, and Densities.
- 17.76.040 Site Plan and Conditional Use Approval
- 17.76.050 Final Plat and Improvement Drawings.
- 17.76.060 Building Permits
- 17.76.070 Completion and Maintenance of Site
- 17.76.080 Development Standards and Requirements

17.76.010 Purpose.

1. The Planned Residential Development Overlay Zone promotes the following purposes:
 - a. Create diverse and quality housing options in Lindon City.
 - b. Effectively develop unique commercial lots and parcels that do not naturally accommodate traditional commercial development patterns;
 - c. Allow for appropriate housing transitions from commercial properties to low density single family residential;
 - d. Improve the design and livability of residential buildings in the Planned Residential Development Overlay Zone.
 - e. To preserve the commercial tax base and intent of the General Commercial zone.
2. The purposes of the Planned Residential Development Overlay are accomplished by:
 - a. Allowing densities higher than a typical low-density residential development, as identified in the Lindon City Land Use Map;
 - b. Establishing standards for landscaping, building and site design, public safety, parking, aesthetics, traffic circulation, fencing, lighting, and other similar site improvements; and
 - c. Requiring standards that enable Planned Residential Developments to fit into the surrounding development.

17.76.020 Applicability.

1. The Planned Residential Development Overlay Zone may be applied to ~~any~~ lots or parcels only in the General Commercial (CG) Zone after application and approval of a zone map amendment by the City Council after a recommendation from the Planning Commission.

17.76.030 Permitted Uses and Building Types

1. *Permitted Uses.* In addition to uses permitted or conditionally permitted in the underlying General Commercial (GC) zone, a Planned Residential Development is a conditionally permitted use in the Planned Residential Development Overlay Zone and is not permitted in any other zone.
2. Planned Residential Development's may include the following building types: detached single family, twin homes, tri-plex, multi-unit buildings and townhouses. All Individual residential units shall be subdivided into separate lots or condominium units;

- a. The minimum lot size for detached single family shall be five thousand (5,000) square feet with fifty (50) feet of frontage.
 - b. Multi-unit buildings shall be limited to a maximum of four (4) units per building.
 - c. Townhomes building types shall be limited to a maximum of six (6) units in a single row within a single building.
- 3. In order to preserve the intent of the General Commercial zone, building permits from Lindon City shall be obtained and construction commenced for at least twenty-five (25) percent of the approved commercial square footages prior to releasing building permits for residential construction.
- 4. Accessory apartments are not permitted in the Planned Residential Development Overlay Zone

17.76.040 Zone Map Amendment, Site Plan and Conditional Use Permit Approval.

- 1. **Zone Map Amendment.** An application to apply the Planned Residential Development Overlay Zone shall include a concept site plan, building elevations, and renderings showing the proposed project for the subject site. Any concept plan presented to the Planning Commission and City Council for approval shall first be reviewed by the Development Review Committee to ensure the proposal is technically feasible.
- 2. **Site Plan.**
 - a. Proposed development in the Planned Residential Development Overlay Zone shall first submit a Land Use Application for site plan approval. The applicant shall provide all requirements of the site plan to the City before the City considers the application submitted and before action is taken. The application for a site plan shall include all necessary fees and documentation required by this Chapter.
 - b. The applicant shall submit the site plan for a Planned Residential Development according to site plan submittal requirements-outlined in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual (Development Manual). In addition to the items required in the Development Manual, a complete application shall include building elevations and renderings, open space percentages and landscape plan, site circulation, and project size and density. At that time the applicant shall pay a fee in an amount established in the most recently adopted Lindon City Consolidated Fee Schedule. No development, construction, revisions, or additions shall take place on the site until the Planning Commission has approved the site plan, the site plan is considered finalized by the City, and the developer has obtained the appropriate permits. Applicants for amended site plans for Planned Residential Developments shall follow the same procedures, pay the same fees, and be bound by the same development standards and requirements as applicants for site plans for Planned Residential Developments. The Planning Director or designee has the authority to make minor amendments to the site plan where such amendments are in compliance with the ordinance and the site plan is not materially altered.
 - c. The procedure for site plan approval shall be as follows:
 - i. **Development Review Committee.** The Planning Department shall forward the proposed site plan to the Development Review Committee for initial review. The Development Review Committee shall review the site plan, civil engineering, and architectural designs while considering whether it complies with the Lindon General Plan and all City ordinances, resolutions, and policies. The site plan and architectural designs shall comply with the Lindon General Plan and all City

ordinances, resolutions, and policies before the Planning Commission can review the application.

- ii. Planning Commission. The Planning Commission shall review the site plan and be the land use authority for all site plans for Planned Residential Developments. The Planning Commission shall consider whether the proposed site plan complies with City ordinances, resolutions, policies, development manual and the General Plan when reviewing a site plan for a Planned Residential Development.
- d. The applicant shall not amend or change any approved site plan without first following the procedure for approval of site plans.
- e. The Planning Commission may impose conditions or require further studies ~~on~~ of the site plan to mitigate dangerous hazards or evaluate impacts to public infrastructure or surrounding neighborhoods where there is substantiated evidence that a real safety hazard exists.

17.76.050 Final Plat and Improvement Drawings.

1. The form and contents of the final plat and improvement drawings, where applicable, shall contain all of the requirements found in Title 17.32 – Subdivisions-Special Requirements and the Lindon City Development Manual. The final plat shall also contain the following information:
 - a. A designation of common areas, limited common areas, and private ownership areas.
 - b. For condominiums, three dimensional drawings of buildings and building elevations. In the case where the Planned Residential Development is a condominium project, the developer shall submit a written statement by an attorney and architect who are licensed to practice in Utah. This written statement shall be the attorney's and architect's opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the office of the Utah County Recorder has recorded the condominium declaration and final plat, the proposed project will be a validly existing and lawful condominium project in all respects.
 - c. Plat restrictions, lot restrictions, and other information required by the Planning Commission or City Council.
2. Planned Residential Development site plans may be built in phases as long as each phase of a Planned Residential Development complies with all of the requirements of this ordinance. A phase of a Planned Residential Development may not be less than twenty thousand (20,000) square feet.
3. The Planning Director shall approve the final plat of the Planned Residential Development provided he/she finds that:
 - a. The applicant has redrawn the site plan to incorporate all the requirements as approved by the Planning Commission and City Council and has submitted the corrected site plan with the final plat.

- b. The applicant has incorporated all of the improvements and conditions of the approved site plan into the final plat.
 - c. The City Engineer has marked the construction drawings of the Planned Residential Development as finalized.
- 4. The City shall record the final plat after it obtains all of the required signatures and after it receives all of the required bonds, fees, and documents.
- 5. The procedure for subdivision shall be as follows:
 - a. The site plan must be approved by the Planning Commission before the final plat can be approved.
 - b. Subdivision approval shall be approved by the appropriate land use authority as found in 17.09.
 - c. The developer shall submit a Land Use Application for final plat approval of all or part of the Planned Residential Development together with all required fees. The final plat shall be prepared by the developer's surveyor and engineer.
 - d. The Development Review Committee shall review the final plat and give their recommendations to the Planning Director.
 - e. The Planning Director is the final approving authority, after receiving approval from the Planning Commission and City Council, for final plats and shall approve the application request if it meets the requirements of the approved site plan and all applicable City ordinances.
 - f. All applications shall meet the expiration time lines as found in 17.12.210

17.76.060 Building Permits.

The City shall not issue a building permit for any project until the final plat has been recorded by the City.

17.76.070 Completion and Maintenance of Site.

Every Planned Residential Development shall conform to the approved site plan. The applicant or any other person or entity shall not add any buildings or make any improvements or changes to a Planned Residential Development that did not appear on the approved site plan. The applicant and subsequent owners and applicable associations shall maintain all improvements shown on the site plan in a neat and attractive manner. Failure to complete or maintain a Planned Residential Development in accordance with this Chapter and with the approved site plan is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to complete or maintain a Planned Residential Development in accordance with this Chapter and with the approved site plan.

17.76.080 Development Standards and Requirements.

The City requires the following development standards for all Planned Residential Developments.

1. *Compliance with Lindon City Code.* A proposed Planned Residential Development shall comply with the requirements of this Chapter, the Lindon City Development Manual, and with all applicable Lindon City Code provisions and with conditions imposed by the Land Use Authority.
2. *Density.* A Planned Residential Development shall not exceed an average density of ten (10) dwelling units per gross acre. Development phases with a density above ten (10) units to the acre shall be located adjacent to commercial uses. Densities shall be ten (10) units or less as a transition to low density single family residential.
3. *Height.* No lot or parcel of land in a Planned Residential Development approved pursuant to the Planned Residential Development Overlay Zone shall have a building or structure used for dwelling which exceeds two (2) stories with a maximum height of thirty-five (35) feet, measuring the four (4) corners of the building from finished grade to the highest point of the roof structure. The Planning Director and Chief Building Official shall be responsible for designating and identifying the four corners of a building. No dwelling shall be erected to a height less than one (1) story above grade.
4. *The Planned Residential Development ordinance allows two development options:*
 - a. *Option one:*
 - i. *Minimum Area.* The minimum area required for any Planned Residential Development shall be twenty thousand (20,000) square feet.
 - ii. *Maximum Area.* The maximum allowable size shall be one (1) acre.
 - iii. *Number of units.* The maximum number of units is ten (10) units per development.
 - iv. *State Street Setback.* To preserve the commercial intent, use and zoning along State Street, a three hundred (300) foot setback from State Street is required.
 - b. *Option two:*
 - i. *Minimum Area. One (1) acre*
 - ii. *Maximum Area. No maximum but must be in connection with a commercial use as found in (b)(iii).*
 - iii. *Commercial Required.* Residential development shall only be allowed in connection with existing or new commercial uses. Residential uses shall be located on the rear portion of the lot and behind any commercial use.
 - iv. *State Street Setback:* To preserve the commercial intent, use and zoning along State Street, a three hundred (300) foot setback shall be required and residential uses are not allowed within this setback, unless a reduction is grant as follows:
 1. The Planning Commission and City Council may consider a reduction in this depth upon evaluating the following:
 - a. Viable commercial options remain for the site;
 - b. A commercial lot is irregularly shaped;
 - c. The reduction does not limit future redevelopment opportunities of the commercial property.

5. *Building Types and Variety.* At least two different building types shall be included in projects larger than two acres and with multiple buildings. Buildings shall be differentiated from other building types through type of building, variations to building materials, color, rooflines, and the use of architectural features such as awnings, light fixtures and eave details
6. *Setbacks.* The following building setbacks, as measured from property lines, for primary buildings shall apply in the Planned Residential Development zone:
 - a. For residential developments one acre or less not including an existing or new commercial use as part of the project
 - i. *Front Setback.* 25 feet
 - ii. *Rear Setback.* 30 feet
 - iii. *Side Setbacks.* For attached units the setback between buildings is 10 feet and 6 feet for a combined side yard setback of sixteen (16) feet. For interior units with common walls the setback is zero (0) feet. For detached buildings the side setback is six (6) feet for a combined side yard setback of twelve (12) feet.
 - b. For residential developments proposed for a property with new or existing commercial uses the below setbacks are required.
 - i. buildings shall be setback a minimum thirty (30) feet from the abutting property line of any single-family residential or R1-20 zone and any commercial building.
 - ii. *Side Setbacks:* 10 feet and 6 feet for a combined side yard setback of sixteen (16) feet. For interior units with common walls the setback is zero (0) feet. When abutting the property line of any single-family residential the side yard shall be increased to thirty (30) feet.
 - iii. *Corner side setbacks* 20 feet.
 - iv. *Front:* 25 feet. The front setback may be modified by the land use authority where design items such as common open space, paseos or similar design feature is proposed.
 - v. *Rear:* 30. The rear setback may be modified by the land use authority where design items such as common open space or similar design feature is proposed. Setbacks from abutting single family residential may not be reduced.
7. *Utilities.* Compliance with the Development Manual and applicable Lindon City Code provisions regarding utility connections to residential units is required. The public sewer system and the public water supply shall serve all dwellings. All utilities shall be underground. The developer shall individually meter natural gas and electricity for each individual dwelling. No water or sewer lines shall be located under covered parking areas. Wall-mounted and ground-based meters, HVAC, and utility equipment serving a building shall be located as close to each other as possible and fully screened from view. Screening shall either be incorporated aesthetically into the design of the building, fencing or screened by landscaping.
8. *Fences.*

- a. *Perimeter Fences.* A minimum seven (7) foot masonry or concrete perimeter fence shall be required as a buffer when abutting single family residential or commercial uses.
 - b. *Patio/Limited Common Area Fences.* A patio or limited common area adjacent to the rear of a dwelling unit may be enclosed with a six-foot (6') high fence.
- 9. *Landscaping and Open Space.*
 - a. All land within a Planned Residential Development not covered by buildings, driveways, sidewalks, structures, and patios shall be designated as common area and shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. All required setback areas adjacent to public streets shall be landscaped. All landscaping shall have a permanent underground sprinkling system.
 - b. Development greater than one acre shall include common open space, according the following standards:
 - i. At a minimum, twenty (20) percent of the development site, excluding roads or private driveways and required setback areas, shall be in common open space. Setback areas that are in usable size segments and where a common amenity is provided can be counted towards the common open space requirement. The land use authority may approve a reduction in the open space requirement by twenty-five (25) percent of the required open space square footage if the site is within one quarter mile, as measured at the closest property lines, of an existing Lindon City park or trail. Private balconies, porches, patios of a minimum sixty (60) square feet may be counted towards a maximum of ten (10) percent of the required open space percentage;
 - ii. Open spaces shall include both active and passives spaces including plazas, courtyards, paseos, landscaped detention basins, playgrounds, pavilions, pools, spa, pool deck, or other areas that can be made into useable areas, and interior spaces available to residents as common area such as a clubhouse;
 - iii. Open spaces shall be designed to be an integral part of any development. A majority of the required open space shall be consolidated into a primary central and common open space area. Alternative and innovative open space options may be presented to the land use authority for consideration which accomplish the similar goal of open space being integral part of any development. Buildings shall be designed around the common open space edge. Majority open spaces shall not be located in perimeter outlying areas of the development;
 - iv. Where appropriate, the planning commission may approve individual private yard areas in place of common open space. However, development with private open space shall have no loss of the required open space percentage:
 - 1. Rear-loaded buildings shall provide private open space through porches, balconies, and small front yards;

2. Front-loaded units may provide private open space as enclosed rear yards.

- v. Trees shall be planted along any property line abutting single family residential with trees planted as a buffer every thirty (30) feet. Trees shall be a minimum two (2) inch caliper, measured one (1) foot above the ground and shall be at least six (6) feet in height. Tree species shall be planted as found in the Lindon City Tree Planting Guide. An eight (8) foot landscaped area shall be provided for trees to be planted and allow for future tree growth. It shall be the responsibility of the property owner to maintain the trees in a healthy manner and to replace any trees that have died in order to maintain the buffer.
- vi. Accent elements such as trellises, arches, arbors, columns, or low monument features shall be used to demarcate entrances to the development, common open spaces and paseos. Alternative accent elements may be approved by the land use authority

10. *Lighting Plan.* All Planned Residential Development's shall include a lighting plan and photometric study for parking lots, pedestrian walkways and buildings. The lighting plan shall be designed to:

- a. discourage crime;
- b. enhance the safety of the residents and guests of the Planned Residential Development;
- c. prevent glare onto adjacent properties; and enhance the appearance and design of the project.

All Planned Residential Development homeowners' associations and housing units are required to control and meter all outside lighting shown on the lighting plan except for front and back door lighting. The lighting plan shall designate which lighting shall be commonly metered to the association or owner.

11. *Parking.* There shall be a minimum of two (2) parking spaces provided for each dwelling. At a minimum, sixty-five (65) percent of the residential units shall have a garage capable of parking two (2) vehicles. Required off-street parking spaces shall not be permitted within the street-side yard setbacks. There shall be a minimum of one half ($\frac{1}{2}$) parking space for each dwelling for guest parking within the development. Guest parking shall be located on the same lot or parcel of the dwellings served. With approval of the land use authority, a development may count building unit driveways up to fifty (50) percent of the required spaces toward meeting the guest parking requirement. All parking spaces shall measure at least nine (9) feet by eighteen feet (18'). Developers shall pave with asphalt and/or concrete all parking spaces, parking areas, and driveways and provide proper drainage. Drainage shall not be channeled or caused to flow across pedestrian walk ways. The architecture of all covered parking structures shall be the same as the architecture of the main buildings within the Planned Residential Development.

- a. Direct access to each parking space shall be from a private driveway and not from a public street unless otherwise granted by the Planning Commission based on the following guidelines:
 - i. Topography or other development constraints on the project area are such that a private drive is impractical to serve the project.
 - ii. Traffic volumes, safety, and visibility on the public roadway will not create a dangerous situation for direct parking stall access.
 - iii. No more than six (6) units shall directly access any public roadway.

12. *Irrigation Systems.*

- a. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within one hundred (100) feet of a proposed subdivision, complete plans for relocation or covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
- b. All pressure irrigation systems in or within one hundred (100) feet of a proposed subdivision shall be identified and otherwise color-coded as to pipe and valve color to meet state standards and regulations.

13. *Solid Waste Receptacles.* All solid waste receptacles which are not located within a building, shall be enclosed on at least three sides with the similar materials as used on the exterior of the main buildings within the Planned Residential Development. Central waste receptacles shall only be permitted within a trash enclosure which meets standards found in the Development Manual. Trash enclosures shall be located in the side or rear of the dwelling units, but not the Streetside, and must be accessible for garbage trucks.

14. *Architectural and façade Designs.* The treatment of building design, materials and exteriors shall be architecturally and aesthetically pleasing and have unique individual, feel and sense of place, while still being architecturally compatible with the surrounding buildings and properties. Buildings within developments shall have a variety of building materials to architecturally set them apart and to create unique and separate buildings. Both vertical and horizontal elements shall be used, as appropriate, to give variety and architectural detail. Side facades of buildings shall typically receive equal design consideration, particularly when fronting common open spaces, public or private streets, and development entrances. The following architectural design requirements shall be applied:

- a. Buildings shall contain more than a single-color application and more than a single material application;
- b. Building Materials
 - i. The following materials may be used as the primary exterior materials of a building consisting of at least sixty (60) percent: wood clapboard, cementitious fiber board, wood board and batten, wood siding, brick, stone, or similar material as approved by the land use authority. The following secondary materials may be

used: cementitious fiber board, brick, wood, stone, glass, architectural metal panel, or similar material as approved by the land use authority.

- ii. EIFS or stucco may be used for up to thirty (30) percent on the front façade of a building and forty (40) percent of a side façade when facing a public or private street, development entrance or common open space. EIFS and stucco do not have a maximum percentage on the remaining side and rear facades when not fronting on a public or private street, development entrance or common open space.
 - c. Each building shall include varied wall plains, recesses, or similar façade design to incorporate wall variation.
 - d. Changes in materials and color shall correspond to variations in building mass or shall be separated by a building element.
 - e. Buildings shall incorporate a variety of materials and architectural elements to provide variation among the building types.
 - f. Eaves and rooflines are encouraged to emphasize vertical proportions. They shall be broken up with gables, building projections, and articulation to emphasize the individual quality of the units.
 - g. Garage doors shall be designed consistent with the overall style of the building. Material, pattern, and, color to be coordinated with the architectural style. Garages shall be recessed from wall plane. Where garage doors are flush with facades, the facade shall feature upper level building projections and decorative building elements such as trellises to provide interest and relief. For buildings with front loading garages, garage doors shall include windows to add variety to the door.
 - h. Stucco-textured foam trim molding shall not be used as the only application to enhance building facades
 - i. All windows along the front façade shall incorporate at least two of the following:
 - i. mullions and/or transoms;
 - ii. trim or molding at least four inches in width. The trim or molding shall have a different color from the buildings primary color;
 - iii. canopies, shutters, or awnings, proportional to window size;
 - iv. recessed inset from the front façade by at least two (2) inches.
 - j. the front façade of any residential building shall not face or front the rear yard or side yard of a single-family home
15. *Roof Pitch.* All buildings shall have a pitched roof consistent with the overall architectural style of the building.
16. *Homeowner's Association.* The applicant shall establish a home owners association for every Planned Residential Development containing common or limited common property, with more than one owner for the purpose of maintaining the Planned Residential Development. The

homeowner's association, the individual property owners, and tenants shall maintain the ~~PRD~~ Planned Residential Development in accordance with the approved site plan.

17. *Existing Homes.* No Planned Residential Development shall include an existing single-family dwelling. If a single-family dwelling exists on the property where a Planned Residential Development is proposed, the applicant shall plat separately a lot containing the home. The plat shall comply with the requirements of the Lindon City Development Manual.

18. Each attached unit must contain enhanced sound attenuation and sound mitigation construction;

19. *Pedestrian Connections.*

- a. The project site plan and development must connect each separate building with internal concrete walkways to provide safe and convenient pedestrian access to common areas and amenities. The width of internal walkways that are adjacent to parking stalls shall be no less than five feet. The width of internal walkways that are not adjacent to parking stalls shall be no less than four feet.
- b. To the extent possible, developments shall make at least one pedestrian access connections to a public street right-of-way.

20. *Frontage, Orientation and Entrances.*

- a. Building entrances shall, to the extent feasible, front onto streets, private driveways designed as streets or common open spaces. Where an end unit fronts onto a street or private driveway designed as a street, center block residences may front onto a common open space, courtyard, paseos or landscaped pedestrian way;
- b. In order to create neighborhood connections, all residential buildings shall have expansive windows, entryways, balconies, terraces or other architectural design features which are oriented to the street, pedestrian way or common open spaces.
- c. Building entrances shall be the primary feature of the front façade and identify access to individual units;
- d. Stoops or front porches, raised a minimum of one (1) foot above the adjacent grade, shall be provided at entrances that face a street, paseo, common open space area, or other public space.

21. *Access and Streets.*

- a. Development access shall be identified on the site plan and subdivision plans. New public streets shall follow the Lindon City Streets Master Plan Map. Projects may be accessed through existing or new commercial developments when appropriate easements or land is secured for access. Proposed developments shall not remove existing single-family homes for access connections to adjacent neighborhoods.
- b. The minimum width for private streets shall be twenty-four (24) feet if residential buildings are less than thirty (30) feet in height. For residential buildings thirty (30) feet or greater in height, the minimum private street width is twenty-six (26) feet. Where a street includes public utilities, the minimum street width shall be twenty-nine (29) feet, constructed to a public street standard as found in the Lindon City Development Manual,

and dedicated to Lindon City. Hard surfacing for both private and public streets shall not include the gutter when determining minimum street widths.

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 _____ day of _____, 2020.

Jeff Acerson, Mayor

ATTEST:

Kathryn A. Moosman,

Lindon City Recorder

SEAL

- 9. Review & Action — Anderson Farms Plat G Major Subdivision Approval – Ivory Development, LLC.** Request for major subdivision approval of a 25-lot single family residential subdivision located in the Anderson Farms Planned Development (AFPD) zone. The subdivision is part of the Anderson Farms master development agreement with Ivory Development, LLC. Parcel numbers: 14:063:0100, 14:063:0047. The Planning Commission recommended approval to the city council. *(20 minutes)*

Sample Motion: I move to (approve, deny, continue) the Anderson Farms Plat G Major Subdivision (as presented, or with changes).

Anderson Farms Major Subdivision Approval – Parcel G/Plat G

Date: November 16, 2020

Project Location: Parcel G,
Anderson Farms Planned
Development Zone

Applicant: Ivory Development,
LLC

Property Owner: Ivory Land
Corporation

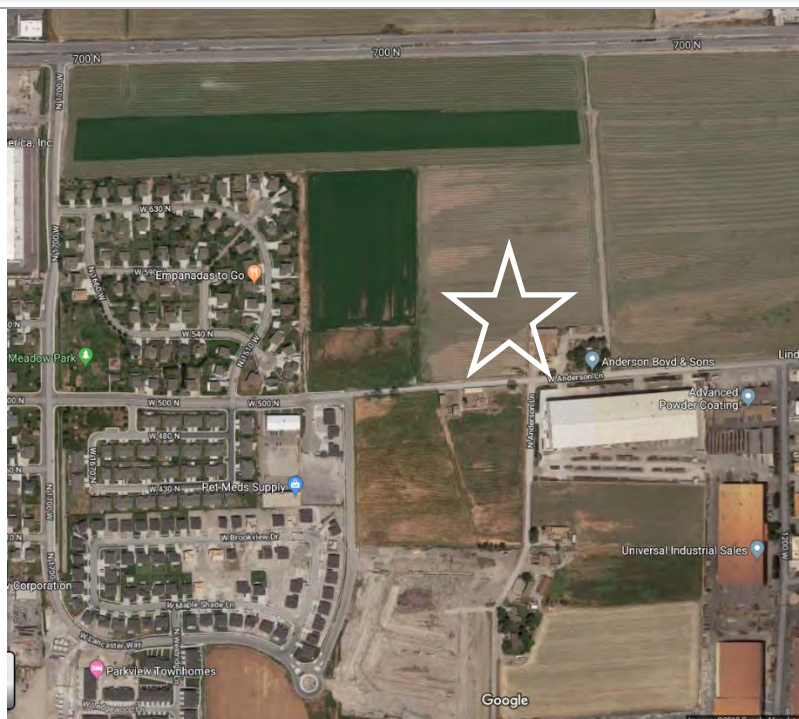
General Plan: Residential High
Current Zone: Anderson Farms
Planned Development Zone

Size: 7.5 acres

Parcel numbers: 14:063:0100,
14:063:0047

Type of Decision: Administrative
Council action required: Yes

Planning Commission
Recommendation: Unanimous



Summary of Key Issues

1. Ivory Development, LLC is seeking preliminary subdivision plat approval for Parcel G/Plat G.
2. Parcel G is a 25-lot single family home development;

Overview

1. Parcel G/Plat G will be the 6th phase of the Anderson Farms development;
2. In 2016, the City Council signed a Master Development Agreement with Ivory Development;
3. As a summary, the development agreement addresses items such as the total number of units, types of units for each phase, setbacks, park space and development infrastructure;
4. The Anderson Farms development has a maximum residential count of 500 single family homes (detached single family and townhomes), and 380 multi-family units;

Motion

I move to (*approve, deny, or continue*) the applicant's request for preliminary approval of Anderson Farms subdivision Parcel G/ Plat G with 25 lots and 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 provide staff with a final plat mylar to include notarized signatures of owner's consent to dedication, and obtain signature of all entities indicated on the attached subdivision plat;
3. Complete (or post an adequate improvement completion assurance), warrant and post required assurance for all required public infrastructure improvements;
4. The plans and plat will meet and be constructed as per applicable specifications as found in the Lindon City Development Manual;
5. All items for Parcel G found in the development agreement will be completed; and
6. All items of the staff report.

Surrounding Zoning & Land Use

North: Anderson Farms PD zone – agriculture

South: R1-12 – Single family residential and agriculture

East: Anderson Farms PD zone – agriculture

West: Anderson Farms PD zone – soon to be under construction

Lot Size Analysis

Lots sizes	6,646 to 13,862
Average lot size	8,990
Density	4.8 units per acre

Subdivision Requirements

Required	Compliant
No single lot shall be divided by municipal or county boundary lines, roads, alleys, or other lots.	Yes
All residential lots shall front on a public street.	Yes
Side lot lines shall be at right angles to street lines unless approved by planning commission and/or city council	No.
The street layout shall conform to the master plan	Yes. The proposed street matches the road cross-sections of the development agreement
Minimum right-of-way width for Minor streets:	Yes. meets development agreement. Interior residential streets are 55'
Minor streets maximum grade: 12%	Yes.
Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public	Yes.
Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of 15 feet apportioned equally in abutting properties.	Yes.
Underground utilities and piped sanitary sewerage shall be provided by the subdivider.	Yes. Provided as shown in engineering plans.
Streetlights	Yes. Plans will need to be updated with calls out per city development manual

Development Agreement Requirements for Parcel G

(a) Recording of this Plat will require the following concurrent improvements:	Compliance
Anderson Blvd. will be completed from 700 North to the 500 North connection including all improvements and Landscaping within the right of way;	Anderson BLVD is currently under construction
The connection from 500 North to Anderson Blvd.	Yes
Full northern round-about improvements, including Landscaping;	It was decided by the City that this round-about would not be constructed
(iv) Full storm water basin detention improvements, including landscaping, will be completed for the basin that will serve this Parcel;	Yes.

(v) Pressurized irrigation system, including source, for the Project and a connection to the existing City pressurized irrigation system subject to Section 9.8.	Yes, this Parcel G will be connected to pressurized irrigation
It will also include the Trails and Landscaping connecting 500 North to Anderson Blvd.	Yes, will be installed with this phase
Piping of the ditch along the Trail in order to construct the Trail.	Yes
Sewer will be designed to allow flow to the future Sewer/Ground Water Lift Station when that facility is online. Sewer connection in 500 North is only temporary until future lift station is online.	Yes, the sewer will connect to the lift station
All improvements on 500 North as shown on Exhibit J2 adjacent to the subdivision.	Yes, will be installed with this phase
This Phase will include the following improvements and restrictions along the south side of this Parcel adjacent to 500 North right-of-way: • Eight foot (8') tall masonry wall/fence along the rear yard of any Residential Dwelling Unit; • Trees and other landscaping between the eight foot (8') tall wall/fence and the 500 North right-of-way road improvements; • All Residential Dwelling Units will be set back at least One Hundred and Sixty feet (160') from the current industrial building located on the property south of the 500 North right-of-way; and • For all Residential Dwelling Units which back onto the 500 North right-of-way, all windows facing the 500 North right-of-way shall be installed with triple pane glass.	• Yes, identified on the site plan • Yes, identified on the site plan • Yes, setbacks will be confirmed when building plans are submitted • Yes, windows will be confirmed when building plans are submitted

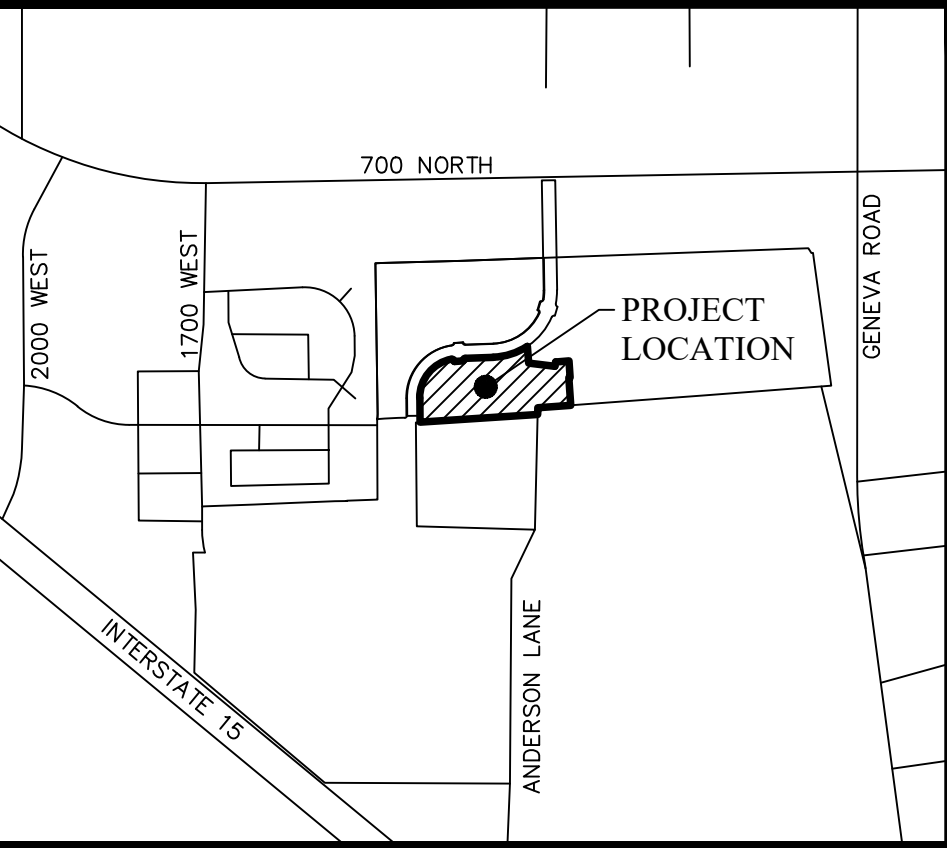
Exhibits

Aerial photo

Parcel G Plat

Anderson Farms development layout



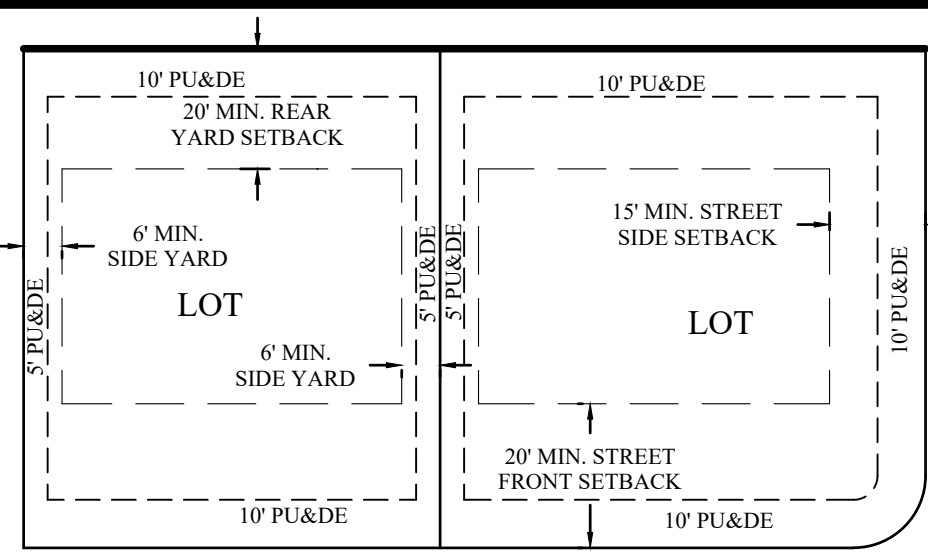


VICINITY MAP
N.T.S.

LEGEND

- BOUNDARY
- SECTION LINE
- EASEMENT
- RIGHT-OF-WAY LINE
- BUILDING SETBACK
- EXISTING PROPERTY LINE
- SECTION MONUMENT (FOUND)
- STREET MONUMENT (TO BE SET)
- BOUNDARY MARKERS
- AREA TO BE CONVEYED TO LINDON CITY AND DEDICATED AS PUBIC ROW

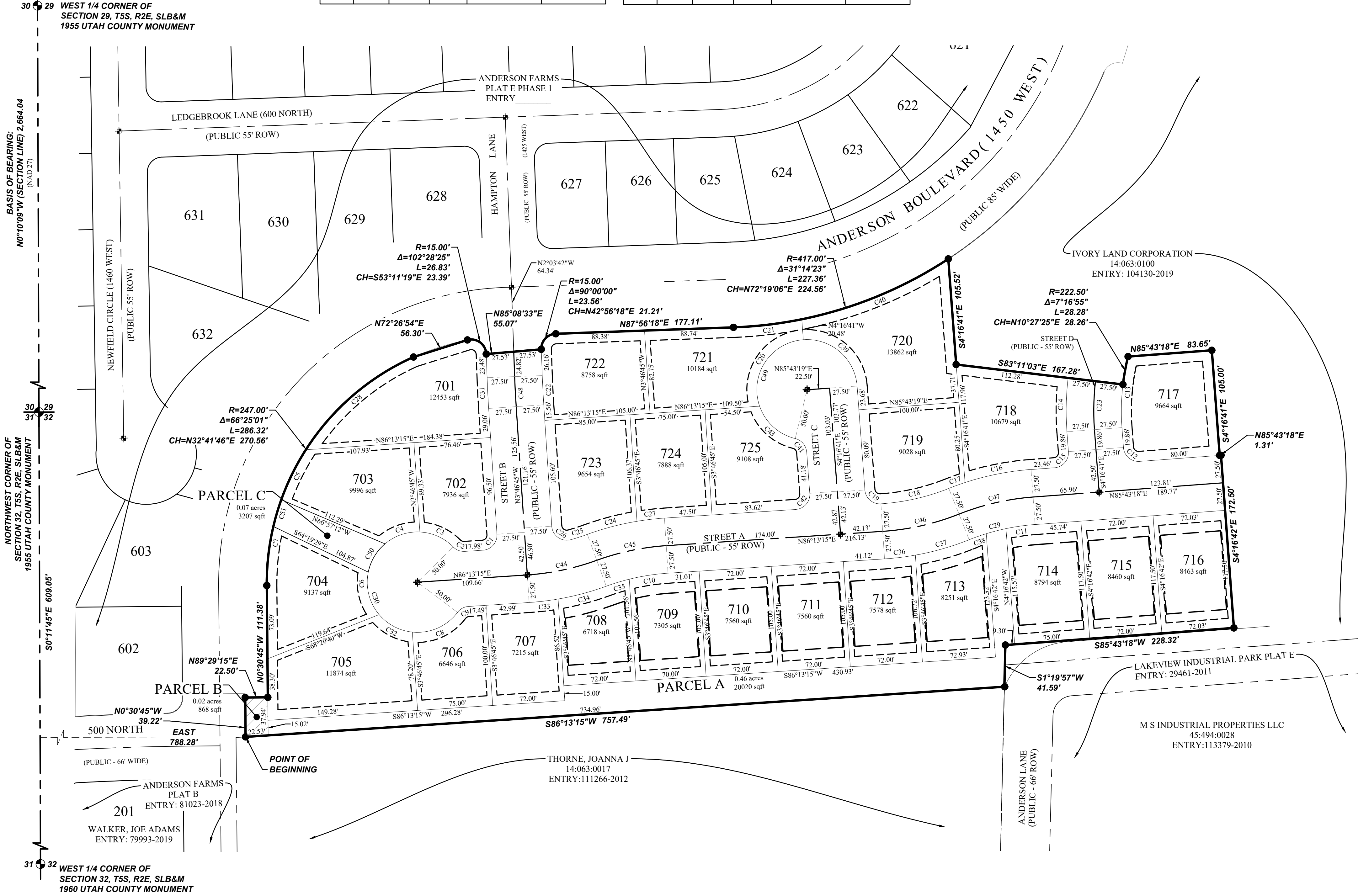
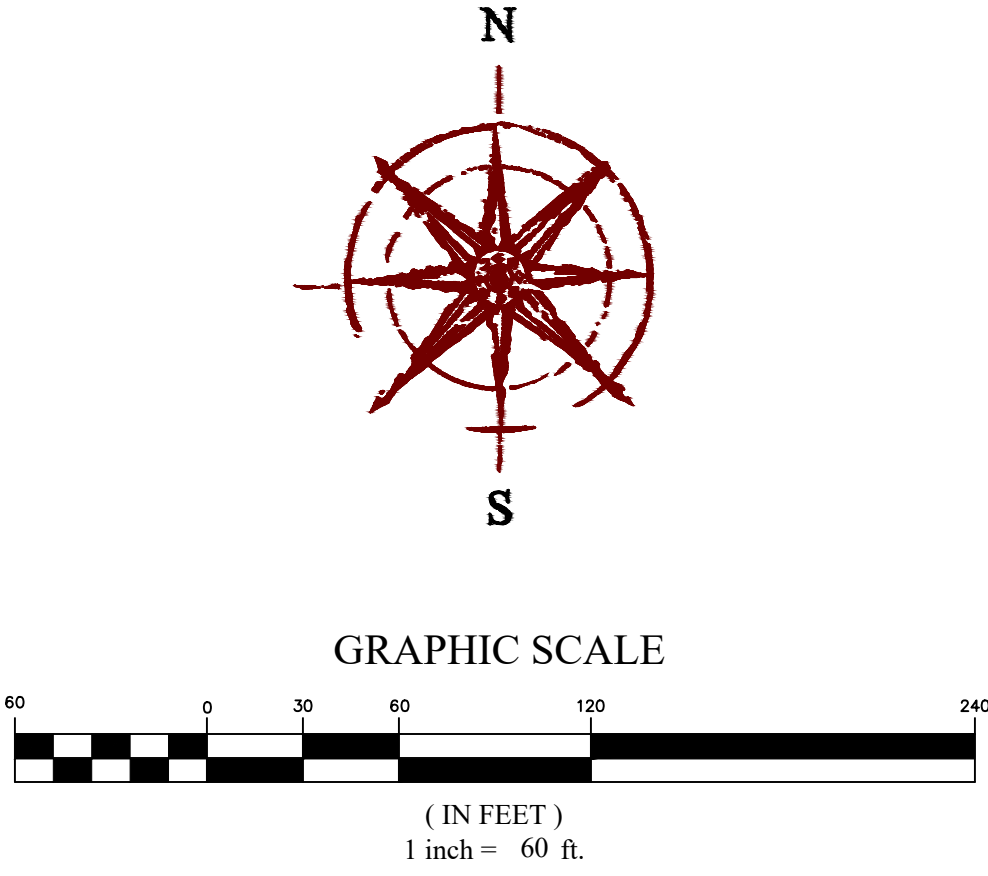
- NOTES**
- PUBLIC UTILITY EASEMENTS ARE 10' UNLESS NOTED OTHERWISE.
 - #5 REBAR & CAP TO BE SET AT ALL REAR LOT CORNERS.
 - NAIL TO BE SET IN TOP OF CURB AT PROJECTION OF SIDE LOT LINES IN LIEU OF SETTING FRONT LOT CORNERS.
 - POTENTIAL PURCHASERS OF PROPERTY LEGALLY DESCRIBED BY THIS PLAT ARE ADVISED TO FAMILIARIZE THEMSELVES WITH ALL NOTES, LOT INFORMATION, EASEMENTS, AND OTHER PERTINENT INFORMATION CONTAINED WITH THIS PLAT AND ALSO WITH ANY CONDITIONS, COVENANTS AND RESTRICTIONS (CC&R'S) DOCUMENTS RECORDED AGAINST LAND LEGALLY DESCRIBE BY THIS PLAT. FAILURE TO ADHERE TO THESE NOTES, EASEMENT, CC&R'S OR OTHER DOCUMENTS RECORDED AGAINST THE LAND COULD RESULT IN FINANCIAL LOSSES TO OR CHANGES IN EXPECTED PROPERTY USE OF THE PROPERTY OWNER. PROPERTY OWNERS AND PURCHASERS ARE RESPONSIBLE TO REVIEW AND FOLLOW ALL NOTES, EASEMENTS, CC&R'S, AND OTHER RECORDED DOCUMENTS RELATED TO THIS PLAT, AS CURRENTLY EXISTING OR AS MAY FROM TIME TO TIME BE CHANGED AND/OR AMENDED.
 - SEWER AND LAND DRAIN LATERALS ARE PRIVATE FROM THE METER TO THE HOME. SECONDARY WATER IS PRIVATE FROM THE METER TO THE HOME. MAINTENANCE OF ALL PRIVATE PORTIONS OF THE LATERALS ARE THE RESPONSIBILITY OF ANDERSON FARMS MASTER ASSOCIATION.
 - (XXX.XX) EASEMENT MEASUREMENT.
 - ALL PRIVATE RIGHT OF WAYS ARE DEDICATED AS PUBLIC UTILITY, DRAINAGE, AND LINDON CITY UTILITY EASEMENTS.
 - PARCELS A AND C ARE TO BE OWNED BY LINDON CITY AND MAINTAINED BY THE HOA
 - PARCEL B IS CONVEYED TO LINDON CITY AND DEDICATED AS PUBLIC RIGHT-OF-WAY
 - ANDERSON FARMS MASTER ASSOCIATION
13894 SOUTH BANGERT PARKWAY, Suite 200
DRAPER, UT. 84020



TYPICAL BUILDING SETBACKS
N.T.S.

Curve Table				
CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION
C1	15.00	90°00'00"	23.56	S41°13'15"W
C2	15.00	49°10'04"	12.87	N69°11'43"W
C3	50.00	42°36'50"	37.19	N65°55'09"W
C4	50.00	42°59'55"	37.52	S71°16'26"W
C5	247.00	12°54'09"	55.62	N26°08'50"E
C6	50.00	51°44'52"	45.16	S14°17'33"E
C7	247.00	13°45'22"	59.30	N06°21'56"E
C8	50.00	58°45'27"	51.28	N66°25'34"E
C9	15.00	49°10'04"	12.87	N61°38'13"E
C10	222.50	10°05'32"	39.19	N81°10'29"E
C11	222.50	7°33'20"	29.34	N81°56'38"E
C12	15.00	90°00'01"	23.56	N49°16'41"W
C13	222.50	18°22'34"	71.36	N04°54'36"E
C14	277.50	11°05'38"	53.73	S01°16'08"W
C15	15.00	89°59'59"	23.56	S40°43'19"W
C16	277.50	13°52'26"	67.20	S78°47'05"W
C17	277.50	3°33'06"	17.20	S70°04'19"W
C18	222.50	17°55'29"	69.61	S77°15'31"W
C19	15.00	89°30'04"	23.43	N49°01'43"W
C20	50.00	104°48'18"	91.46	S33°19'10"W

Curve Table				
CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION
C21	417.00	9°25'24"	68.58	N83°13'36"E
C22	972.50	1°43'03"	29.15	N02°55'14"W
C23	250.00	11°05'38"	48.41	S01°16'08"W
C24	277.50	10°34'23"	51.21	S75°14'51"W
C25	222.50	4°26'28"	17.25	S72°10'53"W
C26	15.00	101°49'08"	26.66	N54°41'19"W
C27	277.50	5°41'13"	27.54	S83°22'39"W
C28	247.00	33°18'23"	143.58	N49°15'05"E
C29	222.50	5°14'03"	20.33	N75°32'57"E
C30	50.00	278°20'08"	242.89	S03°46'45"E
C31	1027.50	1°43'03"	30.80	S02°55'14"E
C32	50.00	44°01'19"	38.42	S62°10'43"E
C33	277.50	6°00'01"	29.06	N83°13'14"E
C34	277.50	10°15'35"	49.69	N75°05'27"E
C35	222.50	6°10'04"	23.95	N73°02'41"E
C36	277.50	6°23'22"	30.95	N83°01'35"E
C37	277.50	11°32'07"	55.87	N74°03'50"E
C38	222.50	4°38'09"	18.00	N70°36'51"E
C39	50.00	90°00'00"	78.54	N49°16'41"W
C40	417.00	21°48'59"	158.78	N67°36'24"E



Curve Table				
CURVE	RADIUS	DELTA	LENGTH	CHORD DIRECTION
C41	15.00	72°04'47"	18.87	S40°19'05"E
C42	15.00	90°29'56"	23.69	S40°58'17"W
C43	50.00	57°16'29"	49.98	S47°43'14"E
C44	250.00	16°15'36"	70.95	N78°05'27"E
C45	250.00	16°15'36"	70.95	N78°05'27"E
C46	250.00	17°55'29"	78.21	N77°15'31"E
C47	250.00	17°25'32"	76.03	N77°00'32"E
C48	1000.00	1°43'03"	29.98	S02°55'14"E
C49	50.00	252°04'47"	219.98	N49°40'55"E
C50	50.00	38°11'39"	33.33	N30°40'38"E
C51	247.00	6°27'08"	27.82	N16°28'11"E

SURVEYOR'S CERTIFICATE

I, Spencer W. Llewellyn, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 10516507 in accordance with Title 58, Chapter 22 of Utah State Code. I further certify by authority of the owner(s) that I have completed a Survey of the property described on this Plat in accordance with Section 17-23-17 of said Code, and have subdivided said tract of land into lots, blocks, streets, and easements, and the same has, or will be correctly surveyed, staked and monumented on the ground as shown on this Plat, and that this Plat is true and correct.

Spencer W. Llewellyn
Professional Land Surveyor
Certificate No. 410516507

Date _____

BOUNDARY DESCRIPTION

A portion of the NW1/4 of Section 32, Township 5 South, Range 2 East, Salt Lake Base and Meridian, Lindon City, Utah, more particularly described as follows:
Beginning at a point on the Easterly line of ANDERSON FARMS PLAT "B", according to the Official Plat thereof recorded August 24, 2018 as Entry No. 81022-2018 in the Office of the Utah County Recorder, located S00°11'45"E along the Section line 609.05 feet and East 788.28 feet from the Northwest Corner of Section 32, T5S, R2E, SLB&M; thence N00°30'45"W along said plat 39.22 feet to the Southerly line of that Real Property described in Deed Entry No. 2805:2020 of the Official Records of Utah County; thence along said deed the following nine (9) courses: 1) N89°29'15"E 22.50 feet; 2) N00°30'45"W 111.38 feet; 3) along the arc of a curve to the right with a radius of 247.00 feet a distance of 286.32 feet through a central angle of 66°25'01" Chord: N32°41'46"E 270.56 feet; 4) N72°26'54"E 56.30 feet; 5) Southeasterly along the arc of a non-tangent curve to the right having a radius of 15.00 feet (radius bears: S14°23'32"E) a distance of 36.83 feet through a central angle of 102°28'25" Chord: S53°11'19"E 23.39 feet; 6) N85°08'33"E 55.07 feet; 7) Northeasterly along the arc of a non-tangent curve to the right having a radius of 15.00 feet (radius bears: N87°56'18"E) a distance of 23.56 feet through a central angle of 90°00'00" Chord: N42°56'18"E 21.21 feet; 8) N87°56'18"E 177.11 feet; 9) along the arc of a curve to the left with a radius of 417.00 feet a distance of 227.36 feet through a central angle of 31°14'23" Chord: N72°19'06"E 224.56 feet; thence S04°16'41"E 105.52 feet; thence S83°11'03"E 167.28 feet; thence Northerly along the arc of a non-tangent curve to the right having a radius of 222.50 feet (radius bears: S83°11'03"E) a distance of 28.28 feet through a central angle of 07°16'55" Chord: N10°27'25"E 28.26 feet; thence N85°43'18"E 83.65 feet; thence S04°16'41"E 105.00 feet; thence N85°43'18"E 1.31 feet; thence S04°16'42"E 172.50 feet; thence S85°43'18"W 228.32 feet; thence S01°19'57"W 41.59 feet to the Northerly line of that Real Property described in Deed Entry No. 111266:2012 of the Official Records of Utah County; thence S86°13'15"W along said deed 757.49 feet to the point of beginning.

Contains: 7.50 acres +/-
(NAD 27)

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENT THAT WE, THE UNDERSIGNED OWNER(S) OF THE ABOVE DESCRIBED TRACT OF LAND, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PARCEL, AND STREETS TO BE HEREAFTER KNOWN AS

ANDERSON FARMS PLAT G

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNER(S) ALSO HEREBY CONVEY TO ANY AND ALL PUBLIC UTILITY COMPANIES A PERPETUAL, NON-EXCLUSIVE EASEMENT OVER THE PUBLIC UTILITY EASEMENTS SHOWN ON THIS PLAT, THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE, AND OPERATION OF UTILITY LINES AND FACILITIES.

IN WITNESS WHEREOF _____ HAVE HEREUNTO SET _____ HAND THIS ____ DAY OF _____ A.D. 20 ____

CHRISTOPHER P. GAMVROULAS
PRESIDENT, IVORY DEVELOPMENT LLC

LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF UTAH
S.S.
COUNTY OF _____

ON THE ____ DAY OF _____ A.D. 20____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AN FOR THE COUNTY OF SALT LAKE, IN SAID STATE OF UTAH, CHRISTOPHER P. GAMVROULAS, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE PRESIDENT OF IVORY DEVELOPMENT LLC, A UTAH LLC AND THAT HE SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: _____ A NOTARY PUBLIC COMMISSIONED IN UTAH RESIDING IN _____ COUNTY

MY COMMISSION No. _____ PRINTED FULL NAME OF NOTARY _____

ACCEPTANCE BY LEGISLATIVE BODY

THE CITY COUNCIL OF LINDON CITY, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS ____ DAY OF _____, 20____.

APPROVED BY MAYOR _____ APPROVED BY CITY ATTORNEY _____

APPROVED BY CITY ENGINEER (SEE SEAL BELOW) _____ ATTEST BY CITY RECORDER (SEE SEAL BELOW) _____

PLANNING COMMISSION CHAIR _____ PLANNING DIRECTOR _____

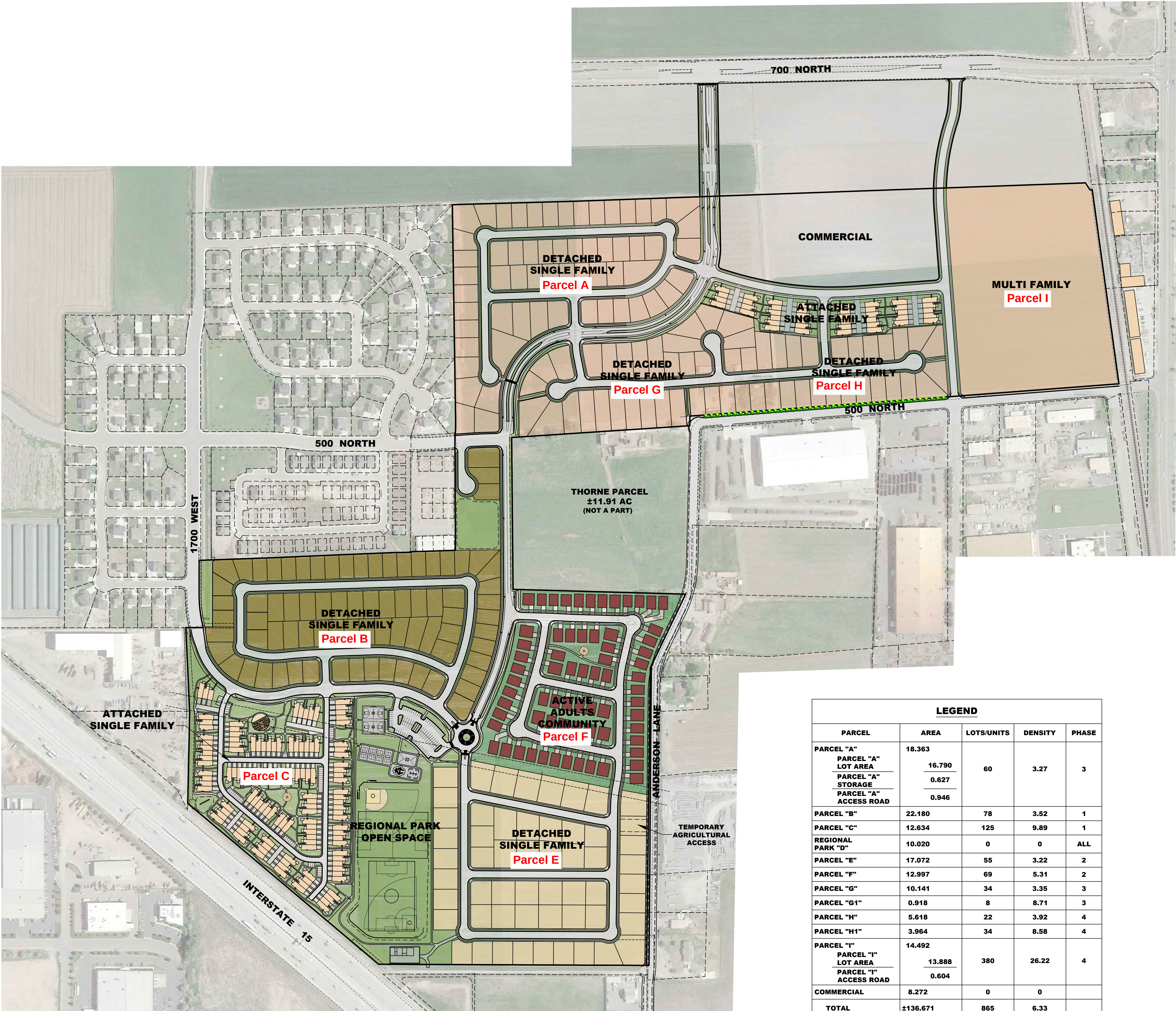
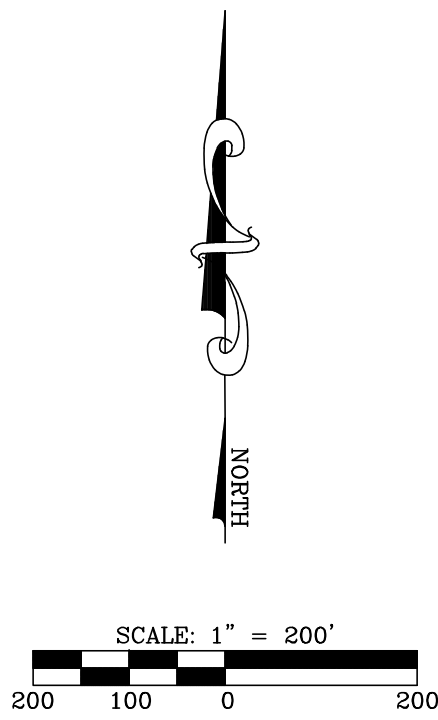
OCCUPANCY RESTRICTION NOTICE
IT IS UNLAWFUL TO OCCUPY ANY BUILDING LOCATED WITHIN THIS SUBDIVISION WITHOUT FIRST HAVING OBTAINED A CERTIFICATE OF OCCUPANCY ISSUED BY THE CITY.

CONDITIONS OF APPROVAL

FOR REVIEW ONLY

FOCUS
ENGINEERING AND SURVEYING, LLC
6949 SOUTH HIGH TECH DRIVE, SUITE 200
MIDVALE, UT 84047 PH: (801) 352-0075
www.focusutah.com

OWNER/DEVELOPER
IVORY DEVELOPMENT LLC
3340 NORTH CENTER STREET
LEHI, UTAH 84070
(801) 407-6800
CONTACT: KEN WATSON



LEGEND				
PARCEL	AREA	LOTS/UNITS	DENSITY	PHASE
PARCEL "A"	18.363	60	3.27	3
PARCEL "A" LOT AREA	16.790			
PARCEL "A" STORAGE	0.627			
PARCEL "A" ACCESS ROAD	0.946			
PARCEL "B"	22.180	78	3.52	1
PARCEL "C"	12.634	125	9.89	1
REGIONAL PARK "D"	10.020	0	0	ALL
PARCEL "E"	17.072	55	3.22	2
PARCEL "F"	12.997	69	5.31	2
PARCEL "G"	10.141	34	3.35	3
PARCEL "G1"	0.918	8	8.71	3
PARCEL "H"	5.618	22	3.92	4
PARCEL "H1"	3.964	34	8.58	4
PARCEL "I"	14.492	380	26.22	4
PARCEL "I" LOT AREA	13.888			
PARCEL "I" ACCESS ROAD	0.604			
COMMERCIAL	8.272	0	0	
TOTAL	±136.671	865	6.33	

IVORY HOMES

3340 NORTH CENTER STREET
LEHI, UT. 84043
(801) 407-6800

ADJOURN