

2 The Lindon City Council held a regularly scheduled meeting on **Monday, November 16,**
4 **2020, at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State
Street, Lindon, Utah.

6 **REGULAR SESSION – 5:15 P.M.**

8 Conducting: Jeff Acerson, Mayor

Invocation: Carolyn Lundberg

10 Pledge of Allegiance: Attendee

12 **PRESENT**

EXCUSED

Jeff Acerson, Mayor

14 Carolyn Lundberg, Councilmember

Jacob Hoyt, Councilmember

16 Van Broderick, Councilmember – via remotely

Randi Powell, Councilmember

18 Mike Vanchiere, Councilmember – via remotely

Adam Cowie, City Administrator

20 Mike Florence, Planning Director – via remotely

Kathryn Moosman, City Recorder – via remotely

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

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

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

32 COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER BRODERICK AYE

34 COUNCILMEMBER HOYT AYE

COUNCILMEMBER VANCHIERE AYE

36 COUNCILMEMBER POWELL AYE

THE MOTION CARRIED UNANIMOUSLY.

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3. **COUNCIL REPORTS:**

40 **Councilmember Broderick** – Councilmember Broderick reported several residents
42 reach out to him who mentioned how much they enjoy living here in Lindon. They also
related how much they like the dumpsters and the leaf pick up program noting they are
44 great programs and hope they continue. He also gave a shout out to the Mayor on his help
with the leaf pickup program.

2 **Councilmember Vanchiere** – Councilmember Vanchiere reported he attended the North
4 Pointe Solid Waste District Board meeting today where they approved the 2021 budget;
6 things seem to be going well there with a nice surplus. The Planning and Zoning
8 department is also going well noting they do a great job. He will also be attending an
upcoming developer meeting on the 700 North Corridor along with Councilmember
Lundberg.

10 **Councilmember Hoyt** – Councilmember Hoyt reported he also had several residents
12 reach out to thank him on the leaf pick up program. He also reported the pickleball courts
14 at Creekside Park and Pheasant Brook Park are close to being done. He noted the Parks
and Recreation department is moving into their slower time. They have cancelled youth
sports for the time being due to the recent Governor’s announcement.

16 **Councilmember Lundberg** – Councilmember Lundberg reported they had a meeting
18 today with developers on 700 North. She noted the IBI Group will be presenting at the
20 next planning commission meeting. They have gone through the plan with Mike Florence
22 noting he is doing a great job. They will be kicking off an exploratory committee which
will be a great group to discuss potential improvements to the arena. She also received an
email from Sherriff Mike Smith noting he had some interesting comments. This may be
something we have as a discussion item on the next agenda.

24 **Councilmember Powell** – Councilmember Powell reported she attended the engineering
26 meeting along with the Mayor and Adam Cowie at public works where they had an
informative discussion/update on Center Street. She noted she appreciates staff and their
hard work. She also mentioned a concern at the fire department with trucks off-loading
cars in the center lane on State Street. She noted that there have been several incidents
where there have been cars unloading in front of the fire department which could
potentially cause a lot of problems. Mr. Cowie stated he will follow up with the police
department on this issue. She also mentioned another resident reached out about the south
entrance to Walmart by the Dollar Tree in order to access 700 North. She would
encourage the council to look at this issue as it could cause potential injury and poses a
serious safety issue. She also mentioned the Holy Cow Boutique will be starting
tomorrow and will run through Saturday. She also questioned if there has there been any
interaction with residents on the governor’s new mandates on enforcement noting she
would encourage promoting education. City Attorney, Brian Haws stated we will not be
issuing citations but will be promoting education. He added officers respect but will
enforce private property rights.

40 **Mayor Acerson** – Mayor Acerson had nothing to report.

42 4. **Administrator’s Report:** Mr. Cowie reported on the following items followed by
44 discussion.

46 **Misc. Updates:**

- Next council meetings: December 7th & December 21st
- Police Chief hiring status update - Lt. Edwards is interim chief

- 2 • January newsletter assignment: Mike Florence
- 3 • City wide Fall Cleanup: November 13th – 22nd
- 4 • Mayor’s Thanksgiving Dinner event cancelled this year due to Coronavirus
- 5 • December 7th Christmas Tree Lighting 6pm, Broadcast only of tree lighting
- 6 • Well #4 rehabilitation project scheduled to start in the next couple of weeks
- 7 and expect the work to last several months
- 8 • Center Street improvements being evaluated in anticipation of temple
- 9 • Misc. Items

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11 **5. Presentations and Announcements:**

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

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14 **6. Open Session for Public Comment** – Mayor Acerson called for any public
15 comment not listed as an agenda item. There were several residents in attendance
16 who addressed the council as follows:

17 Lindon resident, Ms. Morris commented on the pickle ball courts stating they are
18 having trouble at Hollow Park with people not following the rules. Commissioner Hoyt
19 stated he will speak with the Parks and Recreation Director to let them know there are
20 some issues with the rules and policies not being adhered to. Mr. Cowie stated there is a
21 non-emergency dispatch number for the police department and they will respond.

22 Lindon resident, Mr. Thomas asked about the recent metering problem. Mr. Cowie
23 stated this situation has been resolved noting it was a computer error. He will give Mr.
24 Thomas a call to have further discussion noting the utility clerk will also follow up.

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26 **7. Consent Agenda Items** – There were no consent agenda items presented for
27 approval.
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30 **CURRENT BUSINESS**

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32 **8. Public Hearing — Zone Change - Linden Nursery Property; Ordinance**
33 **#2020-15-O.** The City Council will consider a recommendation from the Planning
34 Commission to amend the Lindon City zoning map to Planned Residential
35 Development Overlay for the Linden Nursery property located at 535, 531 and
36 477 North State Street.

37 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
38 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL PRESENT
39 VOTED IN FAVOR. THE MOTION CARRIED.
40

41 *At this time Councilmember Hoyt recused himself from this agenda item due*
42 *to a conflict of interest.*
43

44 Mike Florence, Planning Director led this discussion item by explaining South
45 Haven Development is proposing a 58-unit townhome development (6.33 Acres) on the
46

2 rear portion of the Linden Nursery property. He noted the City passed an amendment to
the Planned Residential Overlay Zone in August 2020. The Planned Residential
4 Development Overlay Zone (ordinance section 17.76.040) requires that the following
items be submitted as part of a zone map amendment application:

- 6 • Concept site plan;
- Building elevations; and
- 8 • Renderings showing the proposed project for the subject site.

10 Mr. Florence explained the PRD ordinance also requires that “any concept plan
presented to the Planning Commission and City Council for approval shall first be
12 reviewed by the Development Review Committee to ensure the proposal is technically
feasible.” Mr. Florence then referenced a summary of the PRD site requirements. He
14 noted some of these items will be refined when the applicant files for site plan and
subdivision approval. Mr. Florence also presented for discussion a summary of the PRD
16 building requirements, noting some of these items will also be refined when the applicant
files for site plan and subdivision approval.

18 Mr. Florence went on to say South Haven Development held a pre-application
meeting with UDOT on November 3rd regarding development access. The developer is
20 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
22 and 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.

24 Mr. Florence noted the planning commission recommended approval with the
condition that the density be based off of the property behind the 300’ commercial depth
26 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,
28 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,
30 measured from State Street to the project street, is 154 feet.

Mr. Florence pointed out regarding the rear yard setbacks of the interior units; the
32 PRD ordinance requires a 30-foot rear yard setback. He noted this setback may be
modified by the land use authority where design items such as common open space or
34 similar design feature is proposed. He informed the council they will need to give
direction on whether to reduce this setback with the proposed common open space. He
36 indicated that 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
38 Residential Development Overlay. Mr. Florence stated the developer is still working on
final plans which may modify the number of units, building configuration, design or
40 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 and the city council will be the
42 final land use authority for the major subdivision.

Mr. Florence noted as required per City Code, public notices were mailed to
44 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
46 Safety, and Community Center buildings.

2 Mr. Florence then presented an Aerial Photo, Site Plan, Renderings, Surrounding
Area General Plan Land Use Map, Surrounding Area Zoning Map, Adopting Ordinance,
4 Planning Commission Meeting Minutes and the Planned Residential Development
Overlay Zoning Ordinance followed by discussion.

6 There was then some additional discussion by the council in regards to the road
plan. Councilmember Broderick commented that traffic has been a key issue and
8 currently this plan makes the access purely off of State Street. He doesn't want to see
future development be able to tie something in that increases traffic where they don't
10 want it to be. Mr. Cowie stated that theoretically that could happen, but the city would
have to approve that; we can't see into the future of roads. Mr. Florence stated one
12 comment at the planning commission meeting was about Gillman Lane and the traffic
issues there and also the width of the road and if this project would impact Gillman Lane.

14 Councilmember Vanchiere pointed out that the commission discussed this
thoroughly and nothing gave them excessive concerns. They agreed to get the zone
16 change through and then the details can be hammered out later.

Councilmember Powell referenced Exhibit 3 on the renderings on the garage and
18 asked if they are flush. Mr. Florence stated they will get into more detail on that issue and
he doesn't know if they are flush or not but they will know more when it goes to the
20 planning commission.

Councilmember Lundberg asked if the current density is accurate. Mr. Florence
22 confirmed that statement stating the developer can go up to 10 units (the site plan may
see more units) but this is what is being proposed right now.

24 Councilmember Broderick stated that is an interesting comment that it can
change. He realizes this is meeting the density now, but he has concerns about the
26 possibility of more density in that area as it is feeling congested and with the possibility
that they can switch and go to more units makes him uncomfortable. Councilmember
28 Lundberg asked if they are going to a slightly larger unit as to be more spread out and a
little nicer. Councilmember Broderick pointed out there are still open space requirements
30 as well.

Councilmember Vanchiere stated he would suggest that if the ordinance is going
32 to pass, and they are allowed up to 10 units per acre, he doesn't see it as a serious concern
if the developer adds one or two more units to maximize the development as they have to
34 adhere to all other requirements as well; he doesn't feel that would not be a noticeable
difference.

36 Councilmember Broderick pointed out the developer already wants them to make
two concessions on setbacks to get the density they want and that makes him
38 uncomfortable.

Councilmember Powell stated she is understanding the particular dimensions on
40 this particular property is to access all the parameters of the ordinance; she would agree
with Councilmember Broderick at this point.

42 Mr. Cowie asked for clarification on encroachment on property across the street
and to determine if the city is being consistent. Mr. Florence confirmed that the road at
44 lease is still encroaching. Councilmember Vanchiere pointed out we took out the area
within the 300 ft. setback and allowed the density to be based on what is behind the 300
46 ft. line.

2 Councilmember Lundberg mentioned Mr. Platts comments at the planning
commission meeting. She pointed out this is an odd triangle shape to accommodate traffic
4 and feels there is the need for a little more flexibility because of the shape.

6 Mayor Acerson called for any public comments at this time. There were several in
attendance who addressed the council as follows:

8 **Jeff Southard:** Mr. Southard clarified this plan is the same concept presented many
times over the past 12 months so he is surprised at the comments on encroachment. The
10 zone was created with the 300 ft. line and they were told it was written for the ability to
encroach on that line and to not worry about that; that is what they were told by the
12 planning commission and the city council. He has been here for all the meetings and they
haven't changed anything. This is the same amount of density that would be allowed.
14 They are hoping the city council will have some sympathy and desire to not kill the
existing nursery.

16 Mr. Southard went on to say the reason they presented this plan is because the
Platts have been business owners in Lindon for over 25 years and they are trying to keep
18 their business viable and that is why they are selling the back portion of their property.
He pointed out this is the same conceptual road plan they have been presenting for the
20 past year. They would love the road to be north of the red barn so they are negotiating
with UDOT. Mr. Southard stated they have no desire and would be opposed to anything
22 going south as this plan is the best way for the neighborhood and for the surrounding
neighborhoods; it is not on the master road plan. They had discussion at the planning
24 commission meeting and they are exploring a couple of other options as the road may
change a little. He pointed out they have to meet the open space and architectural
26 guidelines in the final site plan approval. Conceptually they know the project is viable. It
is not a secret that it is what has been discussed since the beginning (10 units to the acre)
28 and they are hoping and expecting the zone will be applied here tonight as they have
worked through the vast majority of the technical issues.

30 Councilmember Broderick commented on where the existing barn is and the area
north of that and what happens to that piece of property if they happen to sell the barn
32 and if it will become a usable commercial piece. Mr. Southard confirmed it will become
a viable parcel. He added the north parcel may fit a small strip mall that could possibly
34 work there. He re-iterated they are trying to allow for the Platts to keep their existing
business and also keep the north piece viable for potential future development and to
36 make the most of the odd shape of the property.

38 **Gainell Rogers:** Ms. Rogers stated she has children that live in similar units as what is
being proposed in Eagle Mtn. and Saratoga Springs. She questioned why are we
40 considering these types of developments in Lindon. We are a small city and have prided
ourselves with large lots and low density; we have met the high-density requirements for
42 the state and especially on State Street. Councilmember Powell states she understands the
concerns but this particular site is not viable economically and it is site specific.

44 **Lindon Resident:** Stated this is a sign of the times, but he would hope for single family
46 residential here. There are needs for this, but he feels as a community this should be done
with a measured approach as we need to preserve the feeling of Lindon. It is important

2 that we measure what we want Lindon to be and preserve that. He would hope the
council would take that into consideration.

4 **Ben Platt:** Mr. Platt stated his family owns the Linden Nursery property. He pointed out
6 that they are not trying to undermine the values of our community. He and his family
stand for family and freedom and the principles of the constitution. He understands the
8 concerns of the residents and what Lindon stands for. Realistically, we will have to face
these questions over and over again in the future of what Lindon stands for. The work
10 that has gone into this up to this point has been a lot with neighbors, city staff, the
citizens etc. He also thanked the city council for all the work they have done to facilitate
12 this discussion. The key question today is are we going to apply the overlay or not so
they can invest into their property and invest in Lindon to keep Lindon principles at the
14 top.

Councilmember Vanchiere expressed his perspective that the concept he is
16 struggling with is that these areas have been specifically identified as something other
than single family residences and they have created the zone based on months of public
18 feedback and feedback from the planning commission and city council. He is perplexed
as to why we are getting cold feet now as the developer has met or will meet all
20 conditions. He agrees we are not opening pandora's box here and we cannot define what
will happen in the future, so why are we going back to the same questions and concerns
22 that have been so thoroughly discussed. He personally believes the property owner has
rights within reason, and based on public input and based on the planning commission
24 and city council input, there is not much more we can do here. Why are we at this point
and now second guessing it as this is why we set up this zone to address the needs. But
26 practically speaking, in the foreseeable future, we have a pretty good handle on how
those area should develop that meets the needs; the ordinance has been crafted in such a
28 way that the concerns of the citizens, planning commission and the city council are taken
into account.

30 Mayor Acerson clarified we are not opposing the view here but how we balance
Lindon as it has been in the past and how it will be going into the future. We must have
32 sensitivity in how we navigate going forward and take that into consideration and make
sure we are weighing that in all together and doing our due diligence; it is a recurring
34 discussion and in the forefront.

Councilmember Lundberg stated she appreciates all the input heard on this issue.
36 Primarily what we are hoping is that this partnership will bring a beautiful and a quality
community here to Lindon and also provide the opportunity for private home ownership.
38 She noted they have proposed open space so it will have the neighborhood feel. She
pointed out that Lindon values are open space and community. The Linden Nursery is a
40 heritage with family values and she wants to see this generational business continue and
be healthy and viable. However, personally she would have like to have seen eight units
42 per acre, but if they are quality townhomes that we can be proud of to attract good home
buyers with a good partnership.

44 Councilmember Broderick stated he is sensitive to the land owner and what this
investment can mean for them. This process has been ongoing for a long time and he has
46 enjoyed the reach out to the neighbors most impacted and that their concerns have been
addressed. We need to follow the guidelines but this project doesn't completely follow

2 the guidelines that were set up; there is leeway the council can take and build into it but
that is not a given.

4 Councilmember Powell stated she appreciates the time, effort and energy gone
into this process. She would like to maintain as much of our Lindon values and heritage
6 as possible. The conversations we have had are valuable with all entities and it means a
lot and she is grateful for all the comments made; she likes not having the rear load as she
8 believes quality is very important.

10 At this time Mr. Florence clarified that this PRD zone applies to the entire
property not just where the residential is.

12 Mayor Acerson called for any further public comment. Hearing none he
called for a motion to close the public hearing.

14 COUNCILMEMBER LUNDBERG MOVED TO CLOSE THE PUBLIC
16 HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

22 COUNCILMEMBER VANCHIERE MOVED TO APPROVE ORDINANCE
#2020-15-O TO AMEND THE LINDON CITY ZONING MAP TO PLANNED
24 RESIDENTIAL DEVELOPMENT OVERLAY FOR THE LINDEN NURSERY
PROPERTY LOCATED 535, 531 AND 477 NORTH STATE STREET WITH PARCEL
26 NUMBERS LISTED AS PRESENTED. COUNCILMEMBER LUNDBERG
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER BRODERICK	NAY
30 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER VANCHIERE	AYE

32 THE MOTION CARRIED 3 TO 1.

34 *Councilmember Broderick explained his nay vote stating it is due to the exceptions
36 requested by the developer as discussed.*

38 **9. Review & Action — Anderson Farms Plat G Major Subdivision Approval –
Ivory Development, LLC.** Request for major subdivision approval of a 25-lot
40 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:
42 14:063:0100, 14:063:0047. The Planning Commission recommended approval to
the city council.

44 Mr. Florence explained Parcel G/Plat G will be the 6th phase of the Anderson
46 Farms development. In 2016, the City Council signed a Master Development Agreement
with Ivory Development. As a summary, the development agreement addresses items

2 such as the total number of units, types of units for each phase, setbacks, park space and
development infrastructure. The Anderson Farms development has a maximum
4 residential count of 500 single family homes (detached single family and townhomes),
and 380 multi-family units. The planning commission recommended approval.

6 Mr. Florence then spoke on the Surrounding Zoning & Land Use, Lot Size
Analysis, Subdivision Requirements and the Development Agreement Requirements for
8 Parcel G followed by discussion. Mr. Florence also presented an Aerial photo, and the
Parcel G Plat Anderson Farms development layout followed by discussion. He then
10 turned the time over to the applicant for comment.

Mr. Ken Watson addressed the council and gave an update on the project. He
12 noted they have installed a pipe across Anderson Blvd. so Mr. Ron Anderson can take
his irrigation water. He added that weather permitting, they will be finishing the asphalt
14 and the road will be open; they are putting sidewalks in and have done as much as
possible. They just finished installing curb and gutter today on Plat E. They will begin
16 putting road base in and will prepare for paving next week (weather permitting); this plat
is another one they want to continue with on the development. He noted they are putting
18 in the median top soil to get ready to landscape next spring. At that point will connect
the phases to the west side of the existing subdivision and tie it all together. He pointed
20 out this is good for marketing and good for the city to have the road system in.

Mr. Watson further explained a change on the master plan noting they will work
22 with staff on how that will be done. They are also working on 500 North and the
walking path from Anderson Lane west to Anderson Blvd. He noted they met with Mr.
24 Thorne about his property last week noting the discussion went well and they will see
what he does as they have provided him with access to his farm operation.

Mr. Watson also spoke on the open space on the path. He added the engineering
26 department has reviewed it and gone through the first red lines and they have a plan that
will be successful to the community. This is similar to the Ivory “states development”
28 and the Ivory “signature estates” to provide the larger type homes. Mr. Watson pointed
30 out the park is well under construction. They are also working on the drainage system
and are hoping to keep it up during the winter months so it is done early next year, but
32 he doesn’t have an exact date. He added they are meeting all city specifications.

Following some general discussion regarding the update and information
34 presented the council was in agreement to approve the request with the conditions as
listed in the motion.

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

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COUNCILMEMBER LUNDBERG MOVED TO APPROVE THE
40 APPLICANT’S REQUEST FOR PRELIMINARY APPROVAL OF ANDERSON
FARMS SUBDIVISION PARCEL G/ PLAT G WITH 25 LOTS AND THE
42 FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK
WITH THE CITY ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE
44 ENGINEERING DOCUMENTS AND PLAT; 2. PRIOR TO PLAT RECORDING, THE
APPLICANT WILL PROVIDE STAFF WITH A FINAL PLAT MYLAR TO INCLUDE
46 NOTARIZED SIGNATURES OF OWNER’S CONSENT TO DEDICATION, AND
OBTAIN SIGNATURE OF ALL ENTITIES INDICATED ON THE ATTACHED

2 SUBDIVISION PLAT; 3. COMPLETE (OR POST AN ADEQUATE IMPROVEMENT
COMPLETION ASSURANCE), WARRANT AND POST REQUIRED ASSURANCE
4 FOR ALL REQUIRED PUBLIC INFRASTRUCTURE IMPROVEMENTS; 4. THE
PLANS AND PLAT WILL MEET AND BE CONSTRUCTED AS PER APPLICABLE
6 SPECIFICATIONS AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL;
5. ALL ITEMS FOR PARCEL G FOUND IN THE DEVELOPMENT AGREEMENT
8 WILL BE COMPLETED; AND 6. ALL ITEMS OF THE STAFF REPORT.

COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS
10 RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

12 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER HOYT AYE

14 COUNCILMEMBER VANCHIERE AYE

COUNCILMEMBER POWELL AYE

16 THE MOTION CARRIED UNANIMOUSLY.

18 **Adjourn –**

20 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
AT 7:35 PM. COUNCILMEMBER VANCHIERE SECONDED THE MOTION. ALL
22 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24 Approved – December 7, 2020

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Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor