

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **February 23, 2021 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: Scott Thompson, Commissioner
10 Pledge of Allegiance: Steven Johnson, Commissioner

12 **PRESENT** **EXCUSED**

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

24 **Special Attendee:**
Councilmember Vanchiere

26
28 1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.

30 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
Planning Commission meeting of February 9, 2021 were reviewed.

32 COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF
THE REGULAR MEETING OF FEBRUARY 9, 2021 AS PRESENTED.
34 COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

36
38 3. **PUBLIC COMMENT** – Chairperson Call called for comments from any
audience member who wishes to address any issue not listed as an agenda item.
There were no public comments.

40
42 **CURRENT BUSINESS** –

44 4. **Plat Amendment – Pear Tree Estates Plat “B” – 134 West 600 North.** Jason
Taylor requests plat amendment approval to amend an existing lot in the Pear
Tree Estate Subdivision Plat A and Parcel A of the Lexington Cove Parcel A at
46 134 West 600 North to consolidate the lot and parcel into one lot. in the
Residential (R1-20) zone.

48

2 Anders Bake, Associate Planner led this agenda item by stating the applicant Jason
Taylor is requesting plat amendment approval from the Planning Commission to amend
4 an existing lot in the Pear Tree Estate Subdivision Plat A and Parcel A of the Lexington
Cove Parcel A at 134 West 600 North to consolidate the lot and parcel into one lot. The
6 purpose for the plat amendment is to consolidate the property owned by the applicant into
one buildable lot that can legally be used for the construction of a house.

8 Mr. Bake went on to say Lindon City Code 17.32.00 references Utah Code for
requirements amending a subdivision plat. He also referenced Utah Code 10-9a-608,
10 noting an applicant may petition the Land Use Authority (Planning Commission) to join
two or more of the petitioner fee owner's contiguous lots.

12 Mr. Bake stated the applicant owns all of the properties that are part of the plat
amendment application. The proposed plat includes a vacation of Lot 4 Pear Tree Estates
14 Plat "A" and Parcel A Lexington Cove Plat "A" (these vacations have been noted on the
proposed plat). The proposed plat amendment is located in the Residential R1-20 zone.
16 He then referenced the table showing the reviews on the subdivision and lot requirements
for a residential lot in the R1-20 zone noting all requirements are met. He then read the
18 conditions listed in the motion.

Mr. Bake noted the City Engineer has completed a review of the plat and all issues
20 have been resolved. He then presented an Aerial Image with Parcels, Proposed Plat,
Current Lexington Cove Plat "A" and Current Pear Tree Estates Plat "A" followed by
22 discussion. Chairperson Call pointed out this plat amendment meets all requirements and
appears to be a pretty straightforward request.

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

26
COMMISSIONER THOMPSON MOVED APPROVE THE APPLICANT'S
28 REQUEST FOR PLAT AMENDMENT APPROVAL OF THE PEAR TREE ESTATES
PLAT "B" SUBDIVISION WITH THE FOLLOWING CONDITIONS: 1. THE
30 APPLICANT WILL CONTINUE TO WORK WITH CITY STAFF TO MAKE ALL
TECHNICAL CORRECTIONS AS NECESSARY TO THE PLAT PRIOR TO
32 RECORDING; 2. PRIOR TO PLAT RECORDING, THE APPLICANT WILL UPDATE
THE FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF
34 OWNERS' CONSENT TO DEDICATION; AND OBTAIN SIGNATURES OF ALL
ENTITIES INDICATED ON THE SUBDIVISION PLAT ATTACHED HERETO; 3.
36 ALL ITEMS OF THE STAFF REPORT. COMMISSIONER KALLAS SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

38 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
40 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER JOHNSON	AYE
42 COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE
44 COMMISSIONER TRIBE	AYE

THE MOTION CARRIED UNANIMOUSLY.

5. Hillside Protection District Overlay Development – 608 North 800 East.

48 Brandon Jones requests Planning Commission approval for an exemption or relief

2 from hillside slope and setback requirements of the Hillside Protection District
4 Overlay zoning ordinance for the property at 608 North 800 East.

8 Mike Florence, Planning Director, led this agenda item by explaining the
10 applicant, Brandon Jones is requesting that the Planning Commission approve an
12 exemption or relief from hillside slope and setback requirements of the Hillside
14 Protection District Overlay zoning ordinance for the property located at 608 North 800
16 East.

18 Mr. Florence commented the Hillside Protection Zone requirements are applicable
20 to residential development of all parcels and lots located in the city having an average
22 slope in excess of twenty (20) percent, as defined in this chapter (17.57.030(2). Title
24 17.57.030(3) allows an applicant to file an application to request an exemption or relief
26 from specific requirements of the Hillside Protection Zone. He noted the Planning
28 Commission is the final land use authority on granting an exemption or relief of the
30 Hillside Protection Zone code requirements.

32 Mr. Florence went on to say the Meadows at Bald Mountain subdivision plat was
34 recorded in 2001. A geotechnical investigation was completed as part of the original
36 Meadows at Bald Mountain Subdivision Plat A that allowed for the approval of the
38 subdivision plat. The Meadows at Bald Mountain Subdivision Plat A calls out primary
40 building site parameters for developing on the lot. He noted in 2016, the Planning
42 Commission approved an exemption or relief for this property to reduce the side yard
44 setbacks from 20 feet to 10 feet. A geotechnical report was submitted in 2016 for
46 approval of setback modification. City Engineer, Noah Gordon, pointed out this is one of
48 the last places in the city this overlay will apply to. He added the proposed grating should
make things better and noted the telephone poles makes it a little difficult to have a back
yard.

30 Mr. Florence stated the applicant has applied for exemption or relief regarding the
32 following two items:

- 34 a) 17.57.050 – No development shall be allowed on or within fifty (50) feet slopes in
36 excess of forty (40) percent, areas subject to land sliding, or other high-hazard
38 geological areas as determined by a soils report or geology report produced
pursuant to the requirements of this chapter.
- 40 b) 17.57.040(2) - No development shall be permitted on property having an average
42 slope in excess of 30%, as defined in this chapter.

44 Mr. Florence noted the Lindon City Engineering and Planning Department have
46 reviewed the provided geotechnical report and find no exception as outlined in the code.
48 Mr. Florence also pointed out that staff finds that the geotechnical report addressed, with
recommendations, items that are requested for exemption and relief. He added that the
geotechnical engineer has provided an opinion as to the effects of the applicant's
proposal on the health, safety, and welfare of the general public and nearby residents, and
on the safety of the property and improvements in the area and seismic conditions appear
to be stable. He indicated that the re-grading of the site to have a slope of 30% or less will
meet the requirements of the Hillside Protection zone and Staff has found that the
landscape plan needs to be updated as per the requirements found on the Meadows at
Bald Mountain Plat A.

2 Mr. Florence went on to say at some point in the past, the lot had been terraced
4 with boulders to act as a retaining wall along the slope of the property and as part of this
6 development those boulders will be removed. He then referenced the Google Street View
8 showing the neighboring properties that have cut into the hillside for their landscaping.
10 He noted, according to the applicant, the slope grading will help to better match the
hillside slopes to the properties on either side of this lot. Mr. Florence also read the
conditions as listed in the motion. Mr. Florence then presented an Aerial photo, the
applicant letter, Street view picture of the property, Geotechnical report and the Meadows
at Bald Mountain subdivision plat followed by discussion.

12 Commissioner Kallas asked staff if the city would have any responsibility with
14 runoff/drainage from the hills above with the slope and if there are concerns with this
particular house or is there a waiver the homeowner must sign. Mr. Florence stated there
is not a waiver but stated he can confer with the city attorney regarding a possible waiver.
16 Mr. Gordon said it's not the typical runoff that is a concern but to ensure the grading is
done when it is dry and to ensure the vegetation is established so the hillside itself doesn't
end up in the back yard. Mr. Gordon also pointed out that the soils report is pretty clear.

18 Following some additional discussion, the commission was in agreement to
approve this request with the conditions as listed in the motion.

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

22
24 THE PLANNING COMMISSION FINDS THAT GRANTING THE
26 REQUESTED EXEMPTION(S) OR RELIEF WILL NOT BE INJURIOUS TO THE
HEALTH, SAFETY, AND WELFARE OF THE GENERAL PUBLIC OR NEARBY
RESIDENTS, WILL NOT CREATE AN UNDUE HAZARD TO PROPERTY AND
IMPROVEMENTS, AND WILL BE CONSISTENT WITH THE PURPOSES OF THIS
28 CHAPTER IDENTIFIED IN SECTION 17.57.010.

30 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE
32 APPLICANT'S REQUEST FOR APPROVAL OF A HILLSIDE EXEMPTION OR
RELIEF ON LOT 7 OF THE MEADOWS AT BALD MOUNTAIN SUBDIVISION
PLAT A IN RELATION TO SECTIONS 17.57.050 AND 17.57.040(2) AND AS
FOUND IN THE LINDON CITY ZONE CODE WITH THE FOLLOWING
34 CONDITIONS: 1. THE SITE WILL BE CONSTRUCTED AS PER THE "SPECIFIC
MEASURE RECOMMENDED BY THE GEOTECHNICAL ENGINEER TO
36 MITIGATE THE IMPACTS OF THE PROPOSAL" AS FOUND IN THE ATTACHED
GEOTECHNICAL REPORT; 2. THE SITE WILL BE GRADED AS PER THE
38 APPROVED GRADING PLANS; 3. A SOILS REPORT BE SUBMITTED WITH THE
BUILDING PLANS FOR REVIEW BY THE LINDON CITY BUILDING OFFICIAL;
40 4. ALL MITIGATION RECOMMENDATIONS BE IMPLEMENTED; 5. THE
GRADING AND DRAINAGE PLAN BE CONSTRUCTED AS APPROVED BY THE
42 LINDON CITY ENGINEER; 6. PRIOR TO A BUILDING PERMIT BEING ISSUED,
THE LANDSCAPE PLAN BE UPDATED TO MEET THE VEGETATION TYPE AND
44 DISTANCE REQUIREMENTS AS ESTABLISHED BY SLOPE PERCENTAGE ON
THE MEADOWS AT BALD MOUNTAIN PLAT; 7. THE DEVELOPMENT WILL
46 MEET RELEVANT BUILDING SITE REQUIREMENTS AT FOUND IN 17.57; AND
8. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER SCHAUERS
48 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

10
 12 **6. Conditional Use Permit – Rocco’s Tire Service – 732 North State Street.**

Ronald Mann requests Conditional Use Permit approval to operate an automobile tire, lube, and tune up business at 732 North State Street in the General Commercial (CG) zone.

16 Mr. Bake led this agenda item by stating Ronald Mann is requesting conditional use permit approval to operate an automobile tire, lube, and tune up business located at 18 732 North State Street. He noted the Standard Land Use Table requires that businesses doing an automobile tire, lube, and tune up business in the General Commercial Zone 20 obtain a Conditional Use Permit. The proposed business will perform all work indoors and within their unit. Mr. Bake stated notices were mailed on February 12, 2021 to 22 adjoining property owners in accordance with Lindon City Code and Staff has received no public comments back at this time.

24 Mr. Bake stated they will be using the North half of the existing building at 732 North State Street. The unit is designed for auto related uses with two overhead doors in 26 the front of the building. He noted the area behind the building is enclosed with a chain link fence with privacy slats abutting residential properties. The Lindon City Code 28 Section 17.48.040 requires a seven-foot-high masonry or concrete fence along any property line between a non-residential development and a residential use or a residential 30 zone.

Mr. Bake noted the Planning Commission may approve a fence other than a masonry fence if it makes the following findings:

- a) The proposed fence/landscape screen provides an adequate buffer for the adjoining residential use.
- b) The appearance of the fence/landscape screen will not detract from the residential use and/or nonresidential use of the property.
- c) The proposed fence/landscape screen will shield the residential use from noise, storage, traffic or any other characteristic of the nonresidential use that is incompatible with residential uses.

40 Mr. Bake advised the Planning Commission that they may waive or adjust this 42 fence/screening requirement upon findings that the fence is not needed to protect adjacent residential uses from adverse impacts and that such impacts can be mitigated in another 44 appropriate manner. He added the Planning Commission will also need to determine whether or not the existing fencing will be adequate for the proposed use.

46 Mr. Bake added Rocco’s Tire Services will have four parking stalls available for employee use in the front of the building and about 15 stalls available for customer use in

2 the rear of the building; this meets the parking code requirement of 12 stalls for the commercial unit.

4 Mr. Bake stated the applicant has provided a business description outlining the services that he plans on providing at the subject property. This will include tire change and reconditioning work for local automobile dealerships. The applicant has also provided a site plan and liquid waste storage and management plan for his business. It is expected that this business will have a minimal impact on surrounding properties with all work being performed inside the building. He noted the previous businesses that have used this property performed work similar to what Rocco's Tire Services. Mr. Bake then read the conditions as listed in the proposed motion.

12 Mr. Bake also presented photographs of the property at 732 North State Street, business description, Liquid Waste Storage and management Plan, and the Site and Floor Plan followed by some general discussion. He then turned the time over to the applicant for comment.

16 The applicant, Ronald Mann, addressed the commission at this time. He stated he owns and operates his current business in Sandy. He noted his business started up with him doing automotive services for friends and family while he had another day job. He indicated that a friend and owner of Planet Auto Sales inquired of his services (Planet Auto Sales is a used car dealership in the city of Lindon). He stated he is applying for a Conditional Use Permit for an automotive business to be located in Lindon and to be in close proximity to Planet Auto Sales. The address of the building is 732 North State Street in Lindon and is currently owned by Jarrod and Ashley Richins.

24 Mr. Mann stated the nature of his business is to inspect and service vehicles for the used car dealership. He added the process is the dealers will purchase cars and trucks through various auctions in and out of state. The vehicles will then be dropped off to the shop where he will inspect these cars or trucks for maintenance and safety issues. Once approved, he will then perform the necessary lube and tune. Most of the cars purchased by Planet Auto are vehicles in the \$9k-\$18k price range with miles of 30k to 90k and they sell mostly the small economic cars and most will just need lube and tune. They would also like to build a relationship with the customers that have purchased cars by providing them light maintenance (fluid changes, tune-ups, brakes, and tires). The location works really well for them being that it is close to the dealership.

34 Mr. Mann stated the portion that will be used for the business is roughly 900 square feet. The hours of operation will be from 9:00 am to 5:00 pm. The number of parking stalls they will use will be four in front of the building (employee) and about 15 in the rear (customer). He noted all liquid waste that is removed from the vehicles is collected in either 20 gallon stand up metal waste containers or floor oil drain pans. These waste containers are then rolled and fluids transferred to a polyethylene tank at the rear of the building and once the tank reaches 75% capacity, the tank is then emptied and taken by Tri-state oil recycling. He pointed out there are no drains inside the building and because of this, they will use a combination of absorbent mats and powder to contain and absorb all spilled fluids. From their experience in the automotive industry and understanding the importance of preventing hazard waste getting into the environment, they will make it a high priority to maintain these standards and they will not allow any waste fluids drain to the gutter.

48 Following some additional discussion, the commission was in agreement to approve this request with the conditions as listed in the motion.

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

4
6 COMMISSIONER JOHNSON MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR A CONDITIONAL USE PERMIT TO USE THE PROPERTY
LOCATED AT 732 NORTH STATE STREET FOR AN AUTOMOBILE TIRE, LUBE,
8 AND TUNE UP BUSINESS, WITH THE FOLLOWING CONDITIONS: 1. NO
AUTOMOBILES OR AUTOMOBILE PARTS WILL BE STORED OUTSIDE OF THE
10 BUILDING; 2. ALL WORK WILL BE PERFORMED WITHIN THE BUILDING; 3.
THE BUSINESS OPERATION WILL BE LIMITED TO VEHICLE DETAILING,
12 LUBE, AND TIRE CHANGES AND TUNEUPS 4. HOURS OF OPERATION WILL
BE FROM 9:00 AM TO 7:00 PM; 5. THE APPLICANT WILL COMPLY WITH ALL
14 OF THE COMMERCIAL ZONE REQUIREMENTS FOUND IN SECTION 17.48 OF
THE LINDON CITY CODE; AND 6. ALL ITEMS OF THE STAFF REPORT.
16 COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

18 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
20 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER JOHNSON	AYE
22 COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE
24 COMMISSIONER TRIBE	AYE

THE MOTION CARRIED UNANIMOUSLY.

26
28 **4. New Business: Reports by Commissioners** – Chairperson Call called for any
new business or reports from the Commissioners.

30 Commissioner Johnson asked about the mayor's property on state street and if it is
under contract. Mr. Florence stated it has been 4 or 5 months since he has heard that
32 someone was looking at the that particular property. Mr. Florence also mentioned some
potential items that may be on the agenda at the March 9th meeting; the Norton property
34 and the Linden Nursery site improvements in preparation for development behind the
facility, (Scott's Miracle Grow will be adding a large shed to the property). There was
36 then some general discussion regarding the Norton Property potential agenda item.

Mr. Florence also gave a quick summary for discussion on the email sent out
38 regarding the study of single-family property values in Salt Lake County when located
within a ½ mile radius of a high-density residential development. Mr. Florence also spoke
40 on state requirements in regards to accessory apartments noting we will have to look at
updating the city ordinance. Councilmember Vanchiere also gave a brief update from the
42 Budget Kick Off meeting that was held on February 17th.

Chairperson Call called for any further comments or discussion. Hearing none she
44 moved on to the next agenda item.

46 **5. Planning Director Report** – There was no director report at this time.

2 Chairperson Call called for any further comments or discussion from the
commission. Hearing none she called for a motion to adjourn.

4 **ADJOURN** –

6 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE
8 MEETING AT 7:35 PM. COMMISSIONER TRIBE SECONDED THE MOTION.
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

10 Approved – March 9, 2021

12
14

Sharon Call, Chairperson

16
18

Michael Florence, Planning Director