

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **March 23, 2021 beginning at 6:00 p.m.** at the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 6:00 P.M.**

8 Conducting: Sharon Call, Chairperson
9 Invocation: Jared Schauers, Commissioner
10 Pledge of Allegiance: Scott Thompson, Commissioner

12 <u>PRESENT</u>	<u>EXCUSED</u>
13 Sharon Call, Chairperson	13 Mike Marchbanks, Commissioner
14 Rob Kallas, Commissioner	
15 Steven Johnson, Commissioner	
16 Scott Thompson, Commissioner	
17 Jared Schauers, Commissioner	
18 Renee Tribe, Commissioner	
19 Mike Florence, Planning Director	
20 Anders Bake, Associate Planner	
21 Kathryn Moosman, City Recorder	

22 **Special Attendee:**

24 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 March 9, 2021 were reviewed.

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

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

40 **CURRENT BUSINESS** –

- 42 4. **Amended Site Plan – Scott’s Miracle Gro – 347 South 1250 West.**
43 Scott’s Miracle Gro requests Amended Site Plan approval for an office trailer on
44 the property at 347 South 1250 West. This item was continued by the Planning
45 Commission on February 10, 2015. The property is located in the Light Industrial
46 (LI) zone.

2 Mike Florence, Planning Director led this agenda item by stating this item was
originally reviewed by the Planning Commission on February 10, 2015 where the
4 commission continued the site plan approval. The item was continued due to discussion
that the office trailer may only be temporary and whether the applicant should have
6 applied for a temporary site plan approval, whether the building code allowed a trailer to
be installed that wasn't on a foundation, and if all the development standards were being
8 met. In 2016, Hugh Van Wagenen provided a list of items to the manager at that time of
what needed to be completed in order to receive approval. Those items were as follows:

- 10 a) Finish any building permit requirements per the Lindon City Building Official
- b) Sign the stormwater maintenance agreement as part of your site approval
- 12 c) Return to the planning commission to get approval of your site plan, including
architectural standards of the zone

14
16 Mr. Florence stated this item was not brought before the commission at the March
9, 2021 meeting because the City was still reviewing the building plans for the office
trailer. Over the past six years it has been very difficult in getting a representative of
18 Scott's Miracle Gro to respond to information about the office trailer and getting updated
building plans. However, the current manager has been very responsive and has helped
20 move this project along.

22 Mr. Florence noted the office trailer was missing the appropriate manufacturers
identification tag so the architect had to do a new analysis of the trailer to ensure it was
constructed to building codes or proper improvements drawn on the building plans to
24 make ensure the office trailer meets building code requirements as the trailer is intended
to be permanent. The site plan calls out that a new storm drain box needs to be installed
26 for the site. He noted Lindon City has approved the updated building plans and is ready
to release those once the planning commission gives their final site plan approval.

28 Mr. Florence commented that City staff appreciates the current manager and his
ability to correct these overdue requirements. However, due to the length of time that it
30 has taken Scott's Miracle Gro to respond to City requests, it is recommended that the
motion of site plan approval be contingent upon the applicant completing the required
32 building and site improvements. If those improvements are not completed within six
months, then the planning commission will hold a progress review meeting. If the
34 improvements are not completed by the six-month period, then the recommendation may
be that the business license be suspended until the building and site improvements are
36 corrected. Mr. Florence then presented an Aerial photo, building elevations and the Site
Plan followed by discussion. He then turned the time over to the applicant for comment.

38 The applicant stated he was not aware that the trailer was out of compliance but
he then contacted the city and started working with them. He then went over what was
40 done seven years ago and the listed items. He noted they were asking for a foundation
and at that time the trailer was not permanent. He pointed out that a lot of the issues that
42 had to do with the parking lot have been resolved. He noted they currently have a water
cooler. He indicated that the issues he is aware of are now resolved and he will continue
44 to work with the building inspector. He would appreciate keeping the six months to
have time to deal with business needs and to work on these issues.

46 After some additional discussion, the Commission was in agreement the six-
month extension is permitted as long as the applicant continues to make every effort to
48 do the improvements as to be in compliance.

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 APPROVE THE APPLICANT'S
REQUEST FOR AMENDED SITE PLAN APPROVAL AT 347 S. 1250 W. WITH THE
8 FOLLOWING CONDITIONS: 1. THE APPLICANT WILL SCHEDULE BUILDING
INSPECTIONS OF THE OFFICE TRAILER WITHIN SIX MONTHS OF THE
10 ISSUANCE OF THE BUILDING PERMIT; 2. DUE TO THE OFFICE TRAILER
CURRENTLY BEING OCCUPIED FOR NEARLY SIX YEARS WITHOUT
12 OCCUPANCY OR BUILDING PERMIT APPROVAL BY THE CITY, THE
PLANNING COMMISSION IS GRANTING APPROVAL CONTINGENT UPON THE
14 APPLICANT RECEIVING A FINAL CERTIFICATE OF OCCUPANCY BY LINDON
CITY WITHIN SIX MONTHS OF BUILDING PERMIT ISSUANCE. IF A
16 CERTIFICATE OF OCCUPANCY IS NOT GRANTED WITHIN SIX MONTHS, NO
OCCUPANCY WILL BE ALLOWED IN THE OFFICE TRAILER BUILDING AND
18 THE APPLICANT SHALL RETURN TO THE PLANNING COMMISSION FOR
PROGRESS REVIEW OF THE SITE PLAN. 3. DUE TO THE SITE PLAN BEING
20 REVIEWED BY THE PLANNING COMMISSION IN EXCESS OF SIX YEARS, SITE
PLAN APPROVAL IS CONTINGENT UPON THE APPLICANT INSTALLING THE
22 SITE IMPROVEMENTS AS PER THE APPROVED ENGINEERING PLANS WITHIN
SIX MONTHS OR THE APPLICANT SHALL RETURN TO THE PLANNING
24 COMMISSION FOR A PROGRESS REVIEW OF THE SITE PLAN. 4. ALL ITEMS
OF THE STAFF REPORT. COMMISSIONER THOMPSON SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

26 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
28 COMMISSIONER JOHNSON	AYE
COMMISSIONER THOMPSON	AYE
30 COMMISSIONER SCHAUERS	AYE
COMMISSIONER TRIBE	AYE

32 THE MOTION CARRIED UNANIMOUSLY.

34 **5. Minor Subdivision – Keeneland Park Plat D – Approximately 1071 E. 100**

36 N. Brad Norton requests Minor Subdivision approval to create a one-lot
subdivision out of a portion of an existing parcel at approximately 1071 East
100 North in the Residential (R1-12) Zone.

38
42 Mr. Florence opened this agenda item by explaining the applicant, Brad Norton, is
seeking minor subdivision approval to create a one lot subdivision out of a portion of an
existing parcel. He noted the remaining 22.4 acres of the parcel will continue to remain
44 vacant and will not be subdivided. Mr. Florence then referenced the Lot Size and
subdivision Requirements noting all requirements are met.

46 Mr. Florence stated Staff has determined that the proposed subdivision complies,
or will be able to comply before final plat approval, with all remaining land use
48 standards. He added the City Engineer is addressing engineering standards and all
engineering issues will be resolved before final plat approval is granted. Mr. Florence
50 indicated that due to the depth of the street, 100 North lacks the proper turnaround area

2 for emergency vehicles and noted a temporary asphalt Cul-de-sac will be installed as part
of the subdivision. He added Staff feels all requirements are met on this one lot
4 subdivision. He also read the conditions of approval as listed in the motion. Mr. Florence
then presented an aerial photo and the subdivision plat followed by some general
6 discussion.

8 Following the discussion, the Commission was in agreement this is a pretty
straightforward request and were in agreement to approve the Keeneland Park Plat D
Minor Subdivision with the conditions as listed in the motion.

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

12
14 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR THE KEENELAND PARK PLAT D, ONE LOT MINOR
SUBDIVISION APPROVAL WITH THE FOLLOWING CONDITIONS: 1. THE
16 APPLICANT WILL CONTINUE TO WORK WITH THE CITY ENGINEER TO
MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING DOCUMENTS AND
18 PLAT; 2. COMPLETE (OR POST AN ADEQUATE IMPROVEMENT COMPLETION
ASSURANCE), WARRANT AND POST REQUIRED ASSURANCE FOR ALL
20 REQUIRED PUBLIC INFRASTRUCTURE IMPROVEMENTS; 3. PRIOR TO PLAT
RECORDING, THE APPLICANT WILL UPDATE THE FINAL PLAT MYLAR TO
22 INCLUDE NOTARIZED SIGNATURES OF OWNERS' CONSENT TO
DEDICATION; AND OBTAIN SIGNATURES OF ALL ENTITIES INDICATED ON
24 THE SUBDIVISION PLAT ATTACHED HERETO; 4. THE PLANS AND PLAT WILL
MEET AND BE CONSTRUCTED AS PER SPECIFICATIONS AS FOUND IN THE
26 LINDON CITY DEVELOPMENT MANUAL; 5. ALL ITEMS OF THE STAFF
REPORT. COMMISSIONER TRIBE SECONDED THE MOTION. THE VOTE WAS
28 RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
30 COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
32 COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE
34 COMMISSIONER TRIBE	AYE

THE MOTION CARRIED UNANIMOUSLY.

36

6. Minor Subdivision – Patch Subdivision Plat “A” – 44 South 400 East

38 Cameron Patch requests Minor Subdivision approval to create a two-lot
subdivision at 44 South 400 East in the Residential (R1-20) Zone.

40

42 Anders Bake, Associate Planner led this agenda item by giving a brief overview
stating the applicant, Cameron Patch, is seeking minor subdivision approval to create two
lots out of an existing parcel. He noted the Patch Subdivision Plat “A” will be creating
44 two lots (lot 1 and lot 2) out of the property located at 44 South 400 East with lot one
being eligible for the construction of a new single-family home development. The
46 remaining 3.09 acres will become lot two and will continue to be used for the existing
single-family home.

2 Mr. Bake indicated the Lot Size Requirements and Subdivision Requirements are
met and in compliance. Mr. Bake stated Staff has determined that the proposed
4 subdivision complies, or will be able to comply before final plat approval, with all
remaining land use standards. He added that the City Engineer is addressing the
6 engineering standards and all engineering issues will be resolved before final plat
approval is granted.

8 Mr. Bake the presented an Aerial Photo and Subdivision Plat followed by some
general discussion. He also read the conditions of approval as listed in the motion.

10 Following some additional discussion, the Commission was in agreement to
approve the Patch Subdivision Plat A Minor Subdivision request with the conditions as
12 listed in the motion.

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

16 COMMISSIONER SCHAUERS MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR TWO LOT MINOR SUBDIVISION APPROVAL LOCATED AT 44 S.
18 400 E. WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT WILL
CONTINUE TO WORK WITH THE CITY ENGINEER TO MAKE ALL FINAL
20 CORRECTIONS TO THE ENGINEERING DOCUMENTS AND PLAT; 2.
COMPLETE (OR POST AN ADEQUATE IMPROVEMENT COMPLETION
22 ASSURANCE), WARRANT AND POST REQUIRED ASSURANCE FOR ALL
REQUIRED PUBLIC INFRASTRUCTURE IMPROVEMENTS; 3. PRIOR TO PLAT
24 RECORDING, THE APPLICANT WILL UPDATE THE FINAL PLAT MYLAR TO
INCLUDE NOTARIZED SIGNATURES OF OWNERS' CONSENT TO
26 DEDICATION; AND OBTAIN SIGNATURES OF ALL ENTITIES INDICATED ON
THE SUBDIVISION PLAT ATTACHED HERETO; 4. THE PLANS AND PLAT WILL
28 MEET AND BE CONSTRUCTED AS PER APPLICABLE SPECIFICATIONS AS
FOUND IN THE LINDON CITY DEVELOPMENT MANUAL; 5. ALL ITEMS OF
30 THE STAFF REPORT. COMMISSIONER JOHNSON SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

32 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
34 COMMISSIONER JOHNSON	AYE
COMMISSIONER THOMPSON	AYE
36 COMMISSIONER SCHAUERS	AYE
COMMISSIONER TRIBE	AYE

38 THE MOTION CARRIED UNANIMOUSLY.

40 **7. Conditional Use Permit – Alas Towing – 973 West 240 North.**

42 Carlos Alas requests Conditional Use Permit approval for the property located
at 973 West 240 North for auto repair and towing services as part of a vehicle
dealership in the Light Industrial (LI) Zone.

44 Mr. Bake opened this agenda item by giving an overview stating this action is to
46 review a conditional use permit for an auto repair and towing services as part of a vehicle
dealership business, and conditions to mitigate the impacts of a proposed use. The
48 applicant, Carlos Alas is requesting conditional use permit approval to perform auto

2 repair and towing services as part of a vehicle dealership business at 973 West 240 North.
He pointed out the Standard Land Use Table requires that businesses doing an
4 automobile repair in the Light Industrial Zone obtain a Conditional Use Permit. Towing
services are not listed in the Standard Land Use Table but past towing businesses have
6 been required to receive a Conditional Use Permit from the city. He added notices were
mailed on March 12, 2021 to adjoining property owners in accordance with Lindon City
8 Code and Staff has received no public comments at this time.

Mr. Bake noted Alas Towing will be using one of two commercial units in the
10 existing building at 973 West 240 North. The subject business will occupy the East half
of the building and property. They would like to use the front of the property for vehicle
12 display and the rear yard of the property for vehicle storage. Mr. Bake then referenced
Lindon City Code Section 17.49.090 in regards to outdoor storage as follows:

- 14 1. No person shall store junk, partially or completely dismantled vehicles, or
salvaged materials in any industrial, manufacturing, or research and development
16 zone, except as authorized by the Planning Commission or City Council, and as
shown on an approved site plan, amended or original, meeting the following
18 standards:
 - 20 a. Any such authorized storage shall be done entirely within a building or an
area enclosed by a site obscuring fence no less than six feet (6') in height.
 - 22 b. None of these materials shall be stacked in a manner to exceed the fence
height.
 - 24 c. In all zones the Planning Commission may approve a landscaping screen in
lieu of a fence, a fence other than a site obscuring fence or approve a fence
height greater than six feet (6') if it makes the following findings:
 - 26 i. The proposed fence/landscape screen provides an adequate buffer for
the adjoining residential use;
 - 28 ii. The appearance of the fence/landscape screen will not detract from the
residential use and /or non-residential use of the property;
 - 30 iii. The proposed fence/landscape screen will shield the residential use
from noise, storage, traffic or any other characteristic of the non-
32 residential use that is incompatible with residential uses.

34 Mr. Bake made note that the Planning Commission may waive or adjust this
fence/screening requirement upon findings that the fence is not needed to protect adjacent
36 residential uses from adverse impacts and that such impacts can be mitigated in another
appropriate manner.

38 Mr. Bake indicated the applicant is proposing to store vehicles that are being
worked on in the rear yard of the subject property. The rear yard is fenced on all sides
40 with a chain link fence and there are no properties with a residential zone or use near this
property. He pointed out the Planning Commission has the authority to consider whether
42 or not to authorize outdoor storage approval and a fence that is not site obscuring (chain
link). He noted the existing landscaping and site where previously approved and there are
44 no proposed changes to the site or building.

Mr. Bake pointed out the subject business will have six parking stalls available for
46 customers and employees in the front of the building and this meets the parking code
requirement for auto repair. He noted the applicant has provided a business description
48 outlining the services that he plans on providing at the subject property. This will include

2 selling, washing, detailing, and repairing all makes and models of vehicles. The applicant
has also provided a site plan and liquid waste storage and management plan for his
4 business. He noted it is expected that this business will have a minimal impact on
surrounding properties and will be similar to surrounding businesses in the Light
6 Industrial zone.

8 Mr. Bake then presented an Aerial Image, Business description, Site description,
Site and Floor Plan and the Liquid Waste Storage and management Plan followed by
discussion. He also read the motion with the conditions for approval. Mr. Bake then
10 turned the time over to the applicant for comment.

12 The applicant, Carlos Alas addressed the commission at this time. Mr. Alas
explained his business stating they will be selling, washing, detailing and repairing all
makes and models of vehicles mainly trucks. Their goal is to make a dealership line that
14 everybody will be looking for right off of Geneva Road focusing on mainly selling
vehicles at best market prices and exceptional customer service with quality guaranteed.
16 Mr. Alas stated their hours of operation will be 8am to 6pm Monday thru Saturday with a
total of 2 employees. Their business activities are from buying and selling vehicles,
18 fixing and repairing to washing and detailing. They have been in business for 15 years
with previous locations in Lehi and Orem. He noted the demand for parking will be light
20 to none with estimated customers at one time will be from 1-5 people in or around the
building. They will be leasing the building and they only do maintenance and repair.

22 Mr. Alas indicated they will be using a variety of oil products for example, engine
oil, automatic transmission fluid, brake fluid, gear oil, power steering fluid and engine
24 coolant or antifreeze. Where there is a need to replace these fluids the waste fluids are to
be stored in an approved oil container approved for oil waste storage. The use of mobile
26 catch containers will be placed under any vehicle having fluids drained at which time
these containers are full they will be evacuated into proper waste containers. Mr. Alas
28 added if the event of a spill of any of these fluids floor dry is in stock and on hand to
absorb the fluids and then be disposed of into waste container the floor would then be
30 degreased to prevent any slipping hazard; Alas Truck Sales have a great concern for the
environment and will not pollute drains or water systems with any hazardous wastes.

32 There was then some general discussion including where the cars will be
displayed (in front of the parking) parking for customers, and the issue of the site
34 obscuring fence. Scott Hayman, neighboring tenant of the property in question addressed
the commission at this time. He stated his business is ServePro on the right of the
36 building in question. He noted they were required to have a site obscuring fence around
the dumpster when they got approval. He expressed his concerns with the parking and
38 the narrowness of the road and parking lot if the applicant parks cars in that location as
you cannot drive two cars down the road (240 North) the way it is right now. He added
40 he is 100% in favor of approval of this Conditional Use Permit but only if the area is
cleaned up. Mr. Alas pointed out that some of the cars at the location are abandoned and
42 are not his. He added he has called the police about the vehicles.

44 Chairperson Call pointed out the commission needs to decide if we are willing to
allow the chain link fence instead of the site obscuring fence and to make an exception or
require slats. Mr. Florence noted we may need to work with the applicant to clean up the
46 site so it may be a good idea to have the site obscuring slats. Chairperson Call added that
perhaps part of the condition should be that the back yard should have to be cleaned up.
48 Mr. Florence stated the commission could continue this item to give some time to

2 research and work with the police dept. to get the abandoned vehicles moved and to get
the area cleaned up and have everything in line before approval.

4 Following some general discussion, the Commission was in agreement to
continue this conditional use permit request for two weeks in order to gather more
6 information in regards to adding slats to the fence (work with the landlord), get the
abandoned cars removed (with the police dept.) and clean up the area to have room for
8 storage.

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

12 COMMISSIONER THOMPSON MOVED TO CONTINUE THE APPLICANT'S
REQUEST FOR A CONDITIONAL USE PERMIT FOR THE PROPERTY LOCATED
14 AT 973 WEST 240 NORTH FOR AUTO REPAIR AND TOWING SERVICES AS
PART OF A VEHICLE DEALERSHIP FOR TWO WEEKS IN ORDER TO GATHER
16 MAKE CHANGES AS DISCUSSED. COMMISSIONER KALLAS SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

24 THE MOTION CARRIED UNANIMOUSLY.

26 **8. Conditional Use Permit – Sunshine Tots Preschool – 341 West 120 South**
Kathi and Joe Slade request Conditional Use Permit approval for the
28 residential property located at 341 West 120 South for an in-home preschool
business in the residential (R1-20) zone.

30
32 Mike Florence, Planning Director stated the applicant has rescinded this
conditional use permit application for an in-home preschool business and the conditions
34 to mitigate the impacts of this proposed use will not be presented at this time. He pointed
out they cannot operate this business at this time to the general public as they don't have
a business license or a conditional use permit.

36 Chairperson Call called for any comments or discussion from the Commission.
Hearing none she called moved on to the next agenda item.

38

40 **9. Public hearing for a recommendation to amend the Lindon City zoning**
map to Planned Residential Development Overlay and a portion to
General Commercial–A for the property located at approximately 550 N.
42 **State Street and 310 W. 500 N.** Elwood Holdings and Rhino Realty LLC
request a recommendation from the Lindon City Planning Commission for a
44 Zoning Map Amendment at approximately 550 N. State Street and 310 W.
500 N. (Parcel numbers 14:068:0304, 14:067:0187, 14:067:0169,
46 14:068:0277). The Zone Map Amendment request is to change the zoning on
the property to the Planned Residential Development Overlay and a portion to

2 General Commercial–A. This item was continued by the Planning
Commission at their March 9, 2021 meeting.

4

6 *Commissioner Johnson noted for the public record that he lives in the subject
area. He commented the City Attorney has reviewed this and has indicated that because
there is no financial gain or otherwise, he does not have a conflict of interest with this
8 agenda item and will not need to recuse himself.*

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

14 Mike Florence, Planning Director opened this agenda item by giving an overview
stating this item is for a Zone Map Amendment to recommend approval or denial to the
16 City Council for a request to amend the Lindon City Zoning Map from Commercial
General to Commercial General-A and the Planned Residential Development Overlay for
18 the development area. This is also for the General Plan Street Master Plan Map
Amendment. The applicant is proposing to connect the 570 North and extend it to State
20 Street.

22 Mr. Florence explained that Elwood Holdings LLC is proposing to develop 3.924
acres of the commercial frontage along State Street and 500 N. as commercial tenant
space. They are also proposing to construct townhomes and 4 single family homes on
24 7.589 acres. Rhino Realty LLC, is petitioning to rezone 1.917 acres of commercial
frontage along State Street for an expansion to the Low Book Sales vehicle dealership.
26 The Lindon City General Plan Street Masterplan calls out extending 570 N. to State
Street as a future local road.

28 Mr. Florence commented that the City passed an amendment to the Planned
Residential Overlay Zone in August 2020. The Planned Residential Development
30 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
32 elevations; and renderings for the subject site. The PRD ordinance also requires that “any
concept plan presented to the Planning Commission and City Council for approval shall
34 first be reviewed by the Development Review Committee to ensure the proposal is
technically feasible.”

36 Mr. Florence pointed out the Lindon City Planning and legal Departments
reviewed the question from the last meeting on whether Low Book Sales may proceed
38 without the Planned Residential Development Overlay zone. It is staff’s determination
that the Planned Residential Development Overlay zone should apply to the CG-A zone
40 proposed by Rhino Realty for the Low Book Sales expansion. He noted that Title 17.48
groups all of the General Commercial zone together and the GC zones have the same
42 zoning site requirements.

44 Mr. Florence stated it is staff’s opinion that the zone change application needs to
address the two parcels as a whole. This more accurately reflects the concept plans that
were previously reviewed by the planning commission and city council and gives the
46 necessary tools to reach the development goals that were contemplated when the Planned
Residential Development Overlay zoning ordinance was amended and adopted.

2 Mr. Florence pointed out the Planned Residential Development Overlay Zone
3 may be applied to lots or parcels only in the General Commercial (CG) zone after
4 application and approval of a zone map amendment by the City Council after a
5 recommendation from the planning commission.

6 Mr. Florence noted the Commercial Ordinance is established to promote
7 commercial and service uses for general community shopping. The objective in
8 establishing commercial zones is to provide areas within the City where commercial and
9 service uses may be located. These zones include the General Commercial Zones (CG,
10 CG-A, CG-A8, CG-S), Lindon Village Commercial Zone and the Planned Commercial
11 (PC-1 and PC-2) Zones.

12 Mr. Florence then referenced a summary of the PRD site requirements noting
13 some of these items will be refined when the applicant files for site plan and subdivision
14 approvals. Mr. Florence stated the applicant has proposed both townhome and twin home
15 building types for the site. The townhomes are divided into both four and five plex
16 buildings.

17 Mr. Florence noted at the last meeting the applicants presented their results from a
18 traffic study that the developer initiated at the request of the City due to traffic counts.
19 With 570 N. now proposed to be connected, the applicant should provide updated and
20 expected traffic distribution patterns and percentages. The traffic engineer provided in the
21 report the trip distribution numbers during peak times as follows:

- 22 • To/from the north on Highway 89: 60%
- 23 • To/from the east on 600 N: 5%
- 24 • To/from the east on 500 N: 5%
- 25 • To/from the south on Highway 89: 30%

26 Mr. Florence indicated the applicant has corrected some of the concerns from the
27 last planning commission meeting regarding open space calculations and encroachment
28 into the 300-foot commercial setback area. Staff has heard from two residents regarding
29 the proposed connection to 570 North. Residents are concerned that they will now be the
30 main eastern access. He noted with the change in the site plan, it would be acceptable for
31 the planning commission to request additional information on traffic distribution to
32 understand potential traffic impacts. He pointed out it is important to preserve the
33 residential character of each of the surrounding single-family neighborhoods. He noted
34 that city staff would have liked to see the single-family homes remain as a building type
35 to transition better into the existing neighborhood on 570 North.

36 Mr. Florence then presented an Aerial photo, Proposed zone map amendment
37 changes, Surrounding Area General Plan Land Use Map, Surrounding Area Zoning Map,
38 General Plan Street Master Plan Map, Site plan, Commercial and residential renderings
39 and the Planned Residential Development Overlay Zoning Ordinance followed by some
40 general discussion.

41 Amy Johnson, representing Brighton Homes stated they took advice and public
42 comment to remove the road backing the commercial property on the 300 ft. line. and
43 have a more ease of traffic as that was a top concern. The general plan has that road
44 going through and connecting to State Street so they followed that. She pointed out it is
45 important to continue to provide the housing type they were looking for with larger
46 models with the larger footprint and twin homes to have more options. They understand
47
48

2 the commercial is very important and they are in negotiations right now and they are
working towards that end. They have doctors and dentists that want to rent space there
4 but they are hung up on when we can get through the city process. They are trying to
make it right to begin with the largest obstacle. Tenants are ready to build now and they
6 are providing the commercial tenant and the tax revenue dollars. She noted the client
who is looking to purchase is specifically looking at this because of the doors they will
8 be adding as part of the development and they may go somewhere else if they don't
allow the units to be back there. She pointed out they are following the PRD ordinance
10 on the overlay. They have talked extensively with the neighbors and they believe this
plan provides for those concerns with parking, larger green space etc. and they feel this
12 is the best plan they have designed and they appreciate the feedback.

Steve Tobias stated as part of the commercial area they have the Low Book Sales
14 addition (Truck Depot). He pointed out that the whole objective of commercial is to
generate tax revenue for the city. He believes this will be a wonderful addition to the
16 city and to the frontage and will allow him to double his sales and triple the sales tax
revenue to the city. He then presented their new "Truck Depot" portion of the
18 presentation noting it will provide 3 times the current sales tax revenue. He also
presented the explanation of the one-month performance of cars vs. trucks sales and the
20 generation of the increase in sales tax revenue of over \$280,000; the typical truck sale is
\$45,000. Adding these two acres will accomplish this goal.

22 The Traffic Engineer spoke at this time. He mentioned two things considered in
the addendum. He noted the site plan is updated to show connection on 570 N. Also,
24 that it is too heavily weighted towards State Street. He also provided a sheet that shows
connectivity to take into account these concerns brought up in the original hearing. The
26 comparison shows that the results would remain consistent in what was shown with a
slight improvement. He noted the average daily trips were provided in the original
28 traffic study (951). He feels the distribution is more heavily weighted towards Locust
Avenue than what will actually be developed there. The volumes will change with the
30 trip distribution assumptions; trips to the east will be minor. He pointed out the traffic
studies are done with the best practices used all over the country. The peak hours are
32 worst case scenarios for the roadways, and all other times the networks will perform
better than indicated; the impact on residents will be very minor. The commercial will
34 draw from residential areas. Ms. Johnson commented that she feels this is the best
option/plan for the city vs. all commercial and it will have less traffic.

36 Chairperson Call stated the number one purpose of the planned residential
overlay is to allow for appropriate housing transitions from commercial to low density
38 single family residential. Also, the land use consideration is to avoid land uses that
adversely impact the residential areas. She feels strongly there should be transitions into
40 the single-family housing and a duplex is not an adequate transition if the road (570) is
opened up there is not a transition. Her other concern is the consideration of the
42 architectural on the buildings and that there is no change from the last plan; she would
want to see the actual site plan. Ms. Johnson stated they have the architect's working on
44 that now and they are making the adjustments, but the zone change approval is what
they are doing now. She noted the commission approved the Linden Nursery zone
46 change and they are going through the exact same steps now and feels it's a little bit
uneven.

2 Chairperson Call called for any public comment at this time. She advised them to
address the commission directly and to keep their comments under three minutes. There
4 were several attendees who addressed the commission as follows:

6 **Linda Fletcher:** Ms. Fletcher stated they live on 570 North. She commented the way the
plan is now the traffic will come straight down their road. She expressed that this
8 proposal will put too much traffic onto their road and will be very hazardous because
there is horse property etc. and also because of all the schools and churches in the area
10 and onto their road.

12 **Gerhard Fletcher:** Mr. Fletcher commented that the old plan made more sense and the
new one doesn't make any sense at all and doesn't work. They bought their lot because
14 it was a dead-end street and if the street goes through, he will have to move.

16 **Kelly Alvord:** Mr. Alvord stated he lives on 570 North. He thanked the commission
for the concerns raised regarding this issue. He feels the main thing here is the
18 significance of the density. The overlay allows for 10 per acre, but what you are hearing
is everyone complaining about the amount of traffic and that is due to the density. The
20 nursery (across the street) only has access to state street and will not put traffic into
neighborhoods like this proposal will. His biggest concern is that everyone will come on
22 570 North as it is approved right now and it will have a huge impact to their
neighborhood. Their property values will go down with no transition and it will affect
24 their home values and they will decrease significantly if approved.

26 **Mark Wright:** Mr. Wright stated they just purchased a home on 570 North and it is
currently configured as a cul-de-sac. He made the decision to buy on a quiet street with
28 animals and found it to be desirable. He would appreciate it to remain as a cul-de-sac.
He pointed out that it seems that very little would be changed with a loop rather than a
30 pass through in that plan. He stated the few homes that are on 570 North will pay a deep
price and it is a form of taxation in essence to basically lose what they have today.

32 **Cole Hooley:** Mr. Hooley stated he lives on 700 North. He also concurs with the other
34 comments heard here tonight. It seems that traffic is a central tenant of the discussion,
and the one primary goal is to not have a negative imprint on the residents. He noted the
36 staff report points to data from residents and he does not see the benefit of the current
development to the local residents; it is a tax benefit to the city. This ends up feeling
38 like a negotiated deal by a citizen for a large sum of money to a developer and the
residents have to live with it forever. He expressed that this proposal would be a
40 monumental shift in the community and encouraged the commission to please oppose
this based on the fact of the traffic and the density. This has morphed and changed over
42 the past decade with how arbitrary these lines are; this is not the best solution for the
local residents.

44 **Kim Martin:** Mr. Martin stated he lives on 500 North. He appreciates the changes
46 displayed on the current proposal. He wanted to point out that 500 North was a dead end
at one time and now is a through street. He is a little confused about the traffic report
48 that has changed because of the commercial. He would submit to you that 570, 500 and

2 600 North that maybe half of the traffic could go east that the streets are just not wide
4 enough and it would be really tight (with parked vehicles and he would encourage the
6 commission to take that into consideration. This will bring an undue pressure on them
8 and their property values have been compromised since the street has opened up. It
10 would be better to disperse the traffic; the whole problem, inherently, is the amount of
density and with the commercial that would be creating a real problem in the
neighborhood. He understands the rights of the property owner to make money, but there
is an inherent conflict and major concerns with the increased traffic whatever that
number is coming down 500 North.

12 **Austin Johnson:** Mr. Johnson commented he lives on 570 North. He pointed out that
14 that six of these homes have accessory apartments in the basements. He pointed out that
16 with many of the homes on the north there is only one way to go and that would be 570
North. He does like the transition and buffer of changing from twin home, and
townhomes to single family and then to their homes.

18 **Patrick Leichty:** Mr. Leichty expressed his appreciation to the commission for their
20 work. He commented that the number of homes there is a concern. As a subdivision in
22 the city the new residents will need more accesses. He lives on 500 North and sharing
his road is good. Next time he buys a home he will research it as it was part of the city
24 plan but they didn't look into that; the amount of density is a real concern as others have
said.

26 **Shauni Keith:** Ms. Keith stated she lives on 600 North. She questioned where do we go
28 from here as we keep hearing the same comments and questions with traffic concerns
etc. as they would all like to know. When the commercial comes in it will affect her and
will affect all of them in different ways.

30 Chairperson Call called for any further public comments. Hearing none she
called for a motion to close the public hearing.

32
34 COMMISSIONER THOMPSON MOVED TO CLOSE THE PUBLIC
HEARING. COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

36
38 Commissioner Johnson expressed it is the Planning Commission's duty and goals
to make sure we have developed areas for commercial and to carefully limit any
40 negative impacts of commercial facilities on neighboring land uses, particularly
residential development. The identity of Lindon should be strengthened by land uses
42 that contribute to the unique character of the community. The transition between
different land uses and intensities should be made gradually with compatible uses,
44 particularly where natural man-made buffers are not available. The goal of housing and
residential areas in Lindon City is to provide a housing and living environment that
46 supports and complements the unique rural quality and character of Lindon City. He
is grateful to have that guidance when making these decisions and to follow that
48 guidance as a commission. He expressed his concerns about the traffic into residential

2 areas as he has said on the record. He voted against the Linden Nursery zone change
because of the impact on Gillman Lane. In all aspects he agrees that the best use of this
4 property is residential because it is so deep. He does struggle with the density because of
how it impacts the current residential owners. We need those types of things to lessen
6 the impact on the current residential and that is why we have government to analyze
these things in the interest of all parties. He is very concerned what happens and feels
8 for the developers as it is a constant struggle to please everyone. He believes the current
plan without other mitigation puts way too much burden on 570 North, but he does
10 appreciate that they took care of the other little things they asked them to take care of. If
density could be reduced it would solve a lot of the problems. We get fixated on the
12 residential but the commercial should be driving this and that should be the key to this
whole development. He would like to see some evidence from the developer that this
14 will really happen on the commercial side as it should be in the forefront of the
discussion.

16

Commissioner Tribe clarified that we are talking about the zoning and not the
18 entire layout of the residential portion. Mr. Florence clarified the commission needs to
focus on the rezoning but city code does require a concept plan. He pointed out the
20 commission is making a recommendation to the city council as they are the final
authority. He added when this comes back to the commission, they will be in the
22 administrative role to follow what the code says. Commissioner Tribe pointed out that
the PRD stated it shall not exceed 10 units per acre but, that does not mean every single
24 unit will have families and that will vary on the traffic impact as not everyone has kids
or leaves at the same time and this development may have a lot of empty nesters. She
26 added she would like to see a newer concept with nice twin homes as there is a market
for that; the nature of people is to want less yard as they get older.

28

Commissioner Schauers stated he appreciates that Commissioner Johnson is part
30 of this discussion and has every right to be here and he knows he will follow the law; it
is meaningful. He personally feels residents are better off with residential than
32 commercial in this location. He also believes that property values will be less impacted
if commercial was there. He thinks they are just trying to have a transition zone
34 between them and State Street. He also agrees that the traffic on 570 North may be
problematic, but feels it may take care of itself and will reroute. He feels for the
36 developers having to redesign again but it may be another option and is part of the
process.

38

Commissioner Thompson gave kudos to the developer as this plan is better but
40 agrees there are still some issues that need to be worked out like the traffic calming
efforts. This is a better plan and he likes that we are dispersing the traffic but it still
42 needs to do better with the traffic and the parking issues withing the development but to
prohibit street parking. He agrees the transition could be a bit better and the community
44 as whole would say they are really trying to work with them by reducing the density just
a little bit; all these issues are affected by the density. He feels they are getting closer but
46 not there yet.

2 Commissioner Kallas commented that this is a hard issue. He pointed out that
4 many years ago, the city took State Street and drew a line 500 ft. on either side for
6 commercial development. The times have changed and we don't have that many
8 developers that need 500 ft. so, the city looked at that and amended that 500 ft. line. The
10 property owners along State Street have been paying a lot of taxes on these properties
12 over the years because of that 500 ft. line and at some point, they want to get a return on
14 their property. We considered changing it to 300 ft. but what happens to the 200 ft. that
16 is in between the residential areas. So, this has put everyone in an awkward situation.
18 The only thing you can infill this with is something in between ½ acre lots and
20 commercial and that is what is being proposed (high density housing).

22 He believes this will not affect property values and he has not seen property
24 values go down because of these types of development. He does want to ensure that this
26 development is nice so they don't become blighted areas down the road and they
28 maintain the integrity of the development. He pointed out that 570 North has never been
30 a cul-de-sac. The development will affect those roads and will affect everyone and there
32 is no way around it. No matter what they do it will affect someone. He thinks when
34 these projects were proposed to them, he was for it because he believes the owners do
36 deserve the right to develop their property but also need to minimize the impact on
38 residential. He is struggling with putting 570 North through. He is leaning towards the
40 approval of the zone change and feels they are not quite there yet on the project, but
42 agrees the commission will be very tough on the site plan.

24 Chairperson Call expressed that she is not opposed to the residential and believes
26 it is the best use and the best thing for the current residents, but she wants to make sure it
28 done right. She is not that opposed to 570 North opening but feels there needs to be
30 some buffering and to also have some traffic calming measures there. She thinks the
32 transition should be gradual. The commercial needs to drive the residential and she feels
34 it isn't necessary for residential to go in to get the commercial.

36 Mr. Florence advised the commission that under city code they have 45 days to
38 make a recommendation to the city council. So, there is just one more meeting to make
40 a decision and recommendation to the council. If this is to be continued, he asked that
42 they be specific on items to be changed. Some items discussed were equal traffic volume
44 distribution, east end transition of the development, 570 North options, adequate
46 buffering, traffic calming measures, parking etc. that can be accomplished through
48 reduced density and as much information on the commercial that can be provided.

38 Commissioner Johnson reiterated that he wants to see that we carefully limit any
40 negative impacts of commercial facilities on neighboring land uses particularly
42 residential development. The identity of Lindon should be strengthened by land uses
44 that contribute to the unique character of the community. The transition between
46 different land uses and intensities should be made gradually with compatible uses
48 particularly where natural man-made buffers are not available. The goal of housing and
residential areas in Lindon city is to provide a housing and living environment that
supports and complements the unique rural quality and character of Lindon City.

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

2 COMMISSIONER THOMPSON MOVED TO RECOMMEND
CONTINUATION OF ORDINANCE 2021-3-O TO AMEND THE LINDON CITY
4 ZONING MAP FROM GENERAL COMMERCIAL TO GENERAL COMMERCIAL-A
AND TO THE PLANNED RESIDENTIAL DEVELOPMENT OVERLAY AS
6 IDENTIFIED ON EXHIBIT 2 FOR THE PROPERTIES LOCATED AT
APPROXIMATELY 550 N. STATE STREET AND 310 W. 500 N. (14:068:0304,
8 14:067:0187, 14:067:0169, 14:068:0277) AND COME BACK WITH A PLAN THAT
SHOWS 570 NORTH CLOSED OR A PLAN THAT TRANSITIONS
10 APPROPRIATELY WITH HOUSING, TRAFFIC, PARKING AND DENSITY.
COMMISSIONER TRIBE SECONDED THE MOTION. THE VOTE WAS
12 RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
14 COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
16 COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE
18 COMMISSIONER TRIBE	AYE

THE MOTION CARRIED UNANIMOUSLY.

20
22 COMMISSIONER THOMPSON MOVED TO RECOMMEND
CONTINUATION OF ORDINANCE 2021-4-O TO AMEND THE LINDON CITY
GENERAL PLAN STREET MASTERPLAN MAP TO TERMINATE 570 NORTH AT
24 APPROXIMATELY 300 WEST WITH A CUL-DE-SAC. COMMISSIONER TRIBE
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

26 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
28 COMMISSIONER JOHNSON	AYE
COMMISSIONER THOMPSON	AYE
30 COMMISSIONER SCHAUERS	AYE
COMMISSIONER TRIBE	AYE

32 THE MOTION CARRIED UNANIMOUSLY.

34 **10. New Business: Reports by Commissioners** – Chairperson Call called for any
new business or reports from the Commissioners. There was not any new
36 business at this time.

38 **11. Planning Director Report** – There was no director report at this time.

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

42 **ADJOURN** –

44
46 COMMISSIONER TRIBE MADE A MOTION TO ADJOURN THE MEETING
AT 9:40 PM. COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – April 8, 2021

Sharon Call, Chairperson

Michael Florence, Planning Director