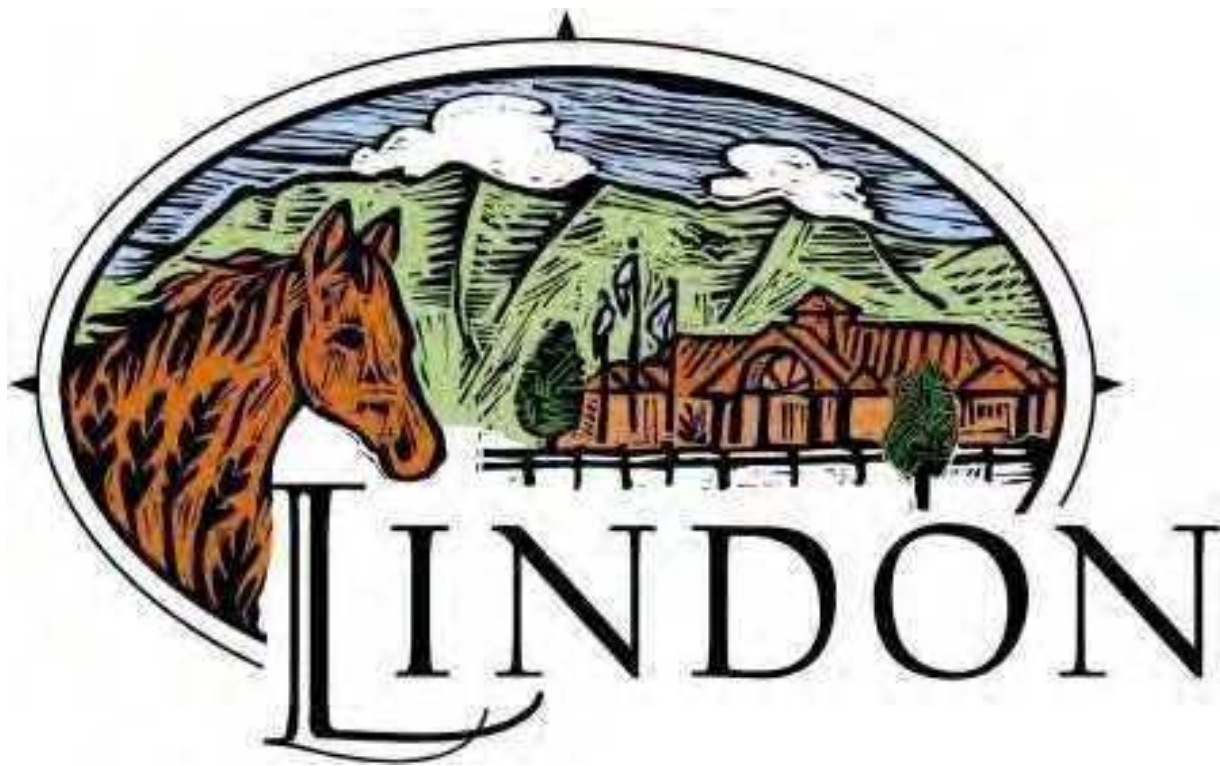


Lindon City Planning Commission Staff Report



April 27, 2021

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, April 27, 2021**, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at **6:00 p.m.** This meeting may be held electronically to allow a commissioner to participate by video or teleconference. Meetings are broadcast live at www.youtube.com/LindonCity. The agenda will consist of the following items:

Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



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

1. Call to Order

2. Approval of minutes

Planning Commission 4/8/2021

3. Public Comment

4. Alteration of a Non-Conforming Use – Chris Olsen – 688 West 200 South

Chris Olsen requests Planning Commission approval to Alter a Non-conforming Use in order to add an addition to an existing single-family home that does not meet current property setback requirements. The property is located in the Residential (R1-20) Zone. (10 minutes)

5. Conditional Use Permit – Vet IQ – 585 North State Street

Vet IQ requests Conditional Use Permit approval to operate a walk-in veterinarian clinic inside Walmart at 585 North State Street in the General Commercial (CG) Zone. (10 minutes)

6. Planning Director Report

- General City Updates

Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801) 785-7687. City Codes and ordinances are available on the City web site found at www.lindoncity.org. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours' notice.

The above notice/agenda was posted in three public places within Lindon City limits and on the State <http://www.utah.gov/pmn/index.html> and City www.lindoncity.org websites.

**The duration of each agenda item is approximate only*

Posted By: Kathryn Moosman, City Recorder

Date: 4/23/2021 **Time:** 5:00 pm

Place: Lindon City Center, Lindon Police Station, Lindon Community Center

Notice of Meeting
Lindon City Planning Commission



Item 1 – Call to Order

Sharon Call
Mike Marchbanks
Rob Kallas
Steve Johnson
Scott Thompson
Jared Schauers
Renee Tribe

The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, April 8, 2021 beginning at 6:00 p.m.** at the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 6:00 P.M.

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

PRESENT

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

EXCUSED

Mike Marchbanks, Commissioner

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

2. APPROVAL OF MINUTES –The minutes of the regular meeting of the Planning Commission meeting of March 23, 2021 were reviewed.

COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MARCH 23, 2021 AS PRESENTED.
COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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.

CURRENT BUSINESS –

4. Plat Amendment – Kirkland Estates Plat P – 1124 E. 20 S. and 1140 E. 20 S.
Chad Harrington and Lee Chestnut seek plat amendment approval to relocate an existing public utility easement from its current location on the property to the rear portion of their property. This property is located in the residential (R1-12) zone.

Mike Florence, Planning Director led this agenda item by stating Chad Harrington and D. Lee Chestnut are requesting a plat amendment to realign an existing Public Utility Easement adjacent to the rear property line. He noted a plat amendment for a majority of the properties along 20 South was completed in 2018 where each homeowner purchased

property to extend their rear yard. When the plat was amended, the rear easement wasn't changed due to existing underground utilities and where those were thought to be located. With the proposed plat amendment for Lots 53 and 54 it was found that the underground utilities were not actually located in the existing easement. He stated Mr. Harrington would like to construct an accessory structure over the exiting easement. Since the underground utilities are not in the existing easement the utility companies will relocate their utilities to the proposed new easement.

Mr. Florence indicated the applicants own the two properties that are part of the plat amendment application. He noted the proposed plat only modifies the location of the public utility easement and does not change any lot lines. The proposed plat amendment is located in the Residential R1-12 zone. He then referenced the table showing the subdivision and lot requirements for a residential lot in the R1-12 zone and all are in compliance.

Mr. Florence commented that the City Engineer has completed a review of the plat and all issues have been resolved. He then referenced an Aerial Image with Parcels, Proposed Plat, and Current Kirkland Estates Plat "P" subdivision plat followed by discussion.

Following some additional discussion, the Commission was in agreement this is a pretty straightforward request and were in agreement to approve the Plat Amendment with the conditions as listed in the motion.

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

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

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

THE MOTION CARRIED UNANIMOUSLY.

5. Conditional Use Permit – Alas Towing – 973 West 240 North. 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.

2 Mr. Florence also led this agenda item by explaining the applicant, Carolos Alas
(who is in attendance), is seeking Conditional Use Permit approval for the property
4 located at 973 West 240 North for auto repair and towing services as part of a vehicle
dealership in the Light Industrial (LI) Zone. He further explained this action is to review
6 a conditional use permit for auto repair and towing services as part of a vehicle dealership
business, and conditions to mitigate the impacts of a proposed use. He noted this item
8 was continued at the March 23, 2021 planning commission meeting in order to review
any outstanding code violations on the property prior to issuing a conditional use permit.

10 Mr. Florence indicated that City staff performed an inspection on March 24th and
found numerous inoperable vehicles, vehicles being stored on the public street, and auto
12 parts being stored in the lot. He stated Staff returned for a progress inspection on April
2nd, and also discussed parking requirements with the applicant. City staff then
14 performed a final inspection on April 5th, and found the property to be in substantial
compliance, however, there are still a few inoperable and wrecked vehicles in the back
16 storage yard.

Mr. Florence stated the applicant has also installed privacy slats along the public
18 street and south property line with the adjacent business. The property next door, Geo
Automotive, shares the building and was also found to be out of compliance with zoning
20 codes and most of the conditions that were approved with the 2017 conditional use permit
by the planning commission. He pointed out the business owner has until April 22nd to
22 bring the property into compliance with zoning requirements and the conditional use
permit.

24 Mr. Florence noted Geo Automotive was approved with the following conditions:

- 26 ○ Provide written consent from the property owner granting Geo Auto customers
and employees access to and use of the interior restroom;
- 28 ○ No more than ten (10) inoperable vehicles or those being parked for repairs for
longer than seventy-two hours shall be kept on the property, and shall be kept
30 only in the rear gravel storage area per Lindon City Code 17.06.040. (This
excludes any vehicles that are stored within the building);
- 32 ○ Install view obscuring slats in the chain link fence of the rear gravel storage area
to obscure the storage of such vehicles from the adjacent public street per Lindon
City Code 17.06.040;
- 34 ○ No outdoor storage in the very Southwest Corner of the site (currently fenced off)
where the storm drain catch basin is located; and
- 36 ○ Provide written consent from the property owner granted Geo Auto (customers
and employees) access to and use of six (6) parking stalls in the asphalted and
38 striped parking lot.

40 Mr. Florence went on to say City staff has brought up the issues with Geo
Automotive so the planning commission could compare conditions of approval. He
42 explained in discussing the business description with the applicant, the business is hoping
to tow vehicles to the site, repair the vehicles and then sale them as a dealership. If the
44 applicant is towing vehicles to the site and will need to gain title then vehicles would be
stored longer than those being repaired.

46 Mr. Florence indicated Alas Towing will be using one of two commercial units in
the existing building at 973 West 240 North. The subject business will occupy the East
48 half of the building and property. They would like to use the front of the property for

2 vehicle display and the rear yard of the property for vehicle repair and storage for towing
while seeking title to the vehicles.

4 Mr. Florence then referenced the Lindon City Code Section 17.49.090 (2.) that
States the following regarding outdoor storage:

- 6 1. No person shall store junk, partially or completely dismantled vehicles, or
salvaged materials in any industrial, manufacturing, or research and development
8 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
10 standards.
 - 12 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.
 - 14 b. None of these materials shall be stacked in a manner to exceed the fence
height.
 - 16 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:
 - 18 i. The proposed fence/landscape screen provides an adequate buffer
for the adjoining residential use;
 - 20 ii. The appearance of the fence/landscape screen will not detract from
the residential use and /or non-residential use of the property;
 - 22 iii. The proposed fence/landscape screen will shield the residential use
from noise, storage, traffic or any other characteristic of the non-
24 residential use that is incompatible with residential uses.
 - 26 iv. The Planning Commission may waive or adjust this
fence/screening requirement upon findings that the fence is not
28 needed to protect adjacent residential uses from adverse impacts
and that such impacts can be mitigated in another appropriate
30 manner. The applicant is proposing to store vehicles that are being
worked on in the rear yard of the subject property. The rear yard is
32 fenced on all sides with a chain link fence. There are no properties
with a residential zone or use near this property. The Planning
34 Commission will need to consider whether or not to authorize
outdoor storage and a fence that is not site obscuring. The existing
36 landscaping and site where previously approved. There are no
proposed changes to the site or building.

38 Mr. Florence stated since the last planning commission, the applicant has removed
a number of inoperable vehicles from the property and clean up all of the auto parts there
40 were being stored outdoors. He noted the main concern is making sure the applicant
keeps the property in compliance in the future. He added that Staff will perform at least a
42 yearly compliance inspection to ensure the business is meeting the conditions of
approval. Mr. Florence also mentioned in regards to the fencing along Geneva Road, that
44 was the responsibility of Geo Automotive to install privacy slats. Mr. Florence indicated
that City staff has given Geo Automotive notice that the slats need to be installed prior to
46 April 22, 2021.

2 Mr. Florence then presented an Aerial Image, Violations as of March 24th, Property
as of April 5th, Parking exhibit, Business description, Site description, Site and Floor
4 Plan, and the Liquid Waste Storage and management Plan followed by discussion.

6 Mr. Alas and his representative addressed the commission at this time and spoke
on his business model. He noted they have talked with the landlord and started the
process about the parking issue and asphaltting the lot to display the vehicles. He
8 indicated they also plan to continue working on cleaning up the area. Mr. Florence stated
there are about 15 or 16 cars currently parked at the lot. He added the applicant may have
10 to find somewhere else to display the cars until he negotiates the parking with the
property manager.

12 Chairperson Call commented it appears the only thing they can do right now is
work on the vehicles that are towed there until the parking issue is resolved. There was
14 then some discussion on the number of vehicles that can be allowed. The Commission
agreed to allow no more than 15 inoperable vehicles or those being parked for repair, and
16 that any number above 15 must be removed within 72 hours and must be parked only in
the rear gravel area (this excludes any vehicles that are stored within the building).

18 Following some additional discussion, the Commission was in agreement to
approve this Conditional Use Permit 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
COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S
24 REQUEST FOR A CONDITIONAL USE PERMIT TO USE THE PROPERTY
LOCATED AT 973 WEST 240 NORTH FOR AUTO REPAIR AND TOWING
26 SERVICES WITH THE FOLLOWING CONDITIONS: 1. WITHIN SIXTY (60) DAYS
THE APPLICANT SHALL OBTAIN HARD-SURFACED PARKING AS PER TITLE
28 17.18. 2. NO AUTOMOBILE PARTS WILL BE STORED OUTSIDE OF THE
BUILDING; 3. ALL WORK WILL BE PERFORMED WITHIN THE BUILDING; 4.
30 THE APPLICANT WILL COMPLY WITH THE SUBMITTED WASTE
MANAGEMENT PLAN FOR USED OILS AND OTHER LIQUIDS; 5. THE
32 APPLICANT WILL COMPLY WITH ALL OF THE LIGHT INDUSTRIAL ZONE
REQUIREMENTS FOUND IN SECTION 17.49 OF THE LINDON CITY CODE; 6.
34 FOR VEHICLES BEING REPAIRED, NO MORE THAN FIFTEEN (15)
INOPERABLE VEHICLES OR THOSE BEING PARKED FOR REPAIR. ANY
36 NUMBER ABOVE FIFTEEN (15) VEHICLES MUST BE REMOVED WITHIN
SEVENTY-TWO (72) HOURS AND SHALL BE PARKED ONLY IN THE REAR
38 GRAVEL STORAGE AREA PER LINDON CITY CODE 17.06.040. (THIS
EXCLUDES ANY VEHICLES THAT ARE STORED WITHIN THE BUILDING); 7.
40 FOR VEHICLES TOWED TO THE SITE, VEHICLES WILL BE PARKED ONLY IN
THE REAR GRAVEL STORAGE AREA PER LINDON CITY CODE 17.06.040.
42 (THIS EXCLUDES ANY VEHICLES THAT ARE STORED WITHIN THE
BUILDING); 8. FOR THE PURPOSES OF MAINTAINING SAFE ACCESS AND TO
44 PROMOTE UNCLUTTERED SITES, ALL OUTDOOR PARKING AREAS, INCLUDE
THE GRAVEL PARKING AREA BEHIND THE BUILDING, MUST BE PARKED IN
46 A MANNER THAT ALL INDIVIDUAL VEHICLES CAN BE RELOCATED
WITHOUT THE NECESSITY OF FIRST RELOCATING OTHERS AND; 9. ALL

ITEMS OF THE STAFF REPORT. COMMISSIONER TRIBE SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

5. Amended Site Plan – Dastrup Auto – 475 North State Street. Dastrup Auto requests amended site plan approval to construct an addition of approximately 2,000 square feet to an existing garage at the North side of their property in the General Commercial (CG) Zone.

Anders Bake, Associate Planner led this agenda item by giving a brief overview stating the applicant is requesting amended site plan approval to construct an addition of approximately 2,000 square feet to an existing garage at the North side of their property. He noted this building will continue to be used for auto shop and office purposes for the Dastrup Auto business. He added the application also proposes changes to the underground utilities that will run to the building.

Mr. Bake indicated the existing building was on the property when Dastrup Auto received their original site plan approval in 2016. The building façade is primarily corrugated metal siding. The applicant is proposing to change the street facing side of the existing building, and proposed addition, to a steel exterior with four feet of brick across the bottom portion. He noted the subject property is located at 475 N. State Street, in the General Commercial-A Zone.

Mr. Bake stated the existing building has a corrugated metal exterior and the applicant is proposing to change the street facing side of the existing building, and proposed addition, to a steel exterior with four feet of brick across the bottom portion. He noted the proposed location of the building meets the building setback requirements for the General Commercial Zone.

Mr. Bake stated it is expected that the addition to this building will not increase the parking demand for the property. The parking requirement for this property with the proposed building addition is 64 parking stalls and the site will exceed the parking requirements with 113 stalls available. The site currently has 20 feet of landscaping along state street and the landscaping was previously approved for this site. There is 5,200 square feet of landscaping on the site which exceeds the 20% landscaping requirements of commercial sites. The building relocation will not affect the landscaping requirements for this site and there are no proposed changes to the landscaping on the site.

Mr. Bake pointed out the proposed building addition and site changes will allow Dastrup Auto to make better use of their property and improve their business services. The existing building appears to be in good condition and will be brought more into compliance with the building material requirements in the commercial Design Standards.

Mr. Bake then presented an Aerial photo, Site plan and Building elevations followed by discussion. He also read the conditions listed in the proposed motion.

2 Chairperson Call expressed her concerns from a letter received that the lighting on
the building is not going towards the west and south of the building, especially the bright
4 LED lights that are not wrapped as they are currently having problems in the residential
areas.

6 Mr. Dastrup explained the existing lighting was replaced through the Rocky
Mountain Power incentive program and they came in and replaced the lighting and noted
8 the new lighting will point downwards. He added he will follow the code and be in
compliance. He pointed out extending the new building to the south will also help block
10 the lighting from the residential area. They don't have any plans for parking lot lights.

Mr. Dastrup also mentioned the trees he was required to remove and the masonry
12 fence that he put up for a buffer; he tries to be a good neighbor. He also brought up that
city code requires if you add on more than 20% of the building size it has to be brought
14 up to the design standards. He asked if the metal siding is up to the design standards as
the existing building is a metal constructed building and what the percentage is; he wants
16 to confirm it meets code before he orders the materials. Mr. Florence confirmed it meets
the code requirement.

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
COMMISSIONER JOHNSON MOVED TO APPROVE THE APPLICANT'S
24 REQUEST FOR AMENDED SITE PLAN APPROVAL WITH THE FOLLOWING
CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE
26 BUILDING OFFICIAL TO MAKE ALL FINAL CORRECTIONS TO THE BUILDING
PLANS; 2. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY
28 ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING
DOCUMENTS; 3. THE PLANS WILL MEET RELEVANT DEVELOPMENT
30 SPECIFICATIONS AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL;
AND 4. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER KALLAS
32 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

40
42 **6. Public Meeting 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.
44 State Street and 310 W. 500 N.** Elwood Holdings and Rhino Realty LLC
request a recommendation from the Lindon City Planning Commission for a
46 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,
48 14:068:0277). The Zone Map Amendment request is to change the zoning on

2 the property to the Planned Residential Development Overlay and a portion to
3 General Commercial–A. This item was continued by the Planning
4 Commission at their March 23, 2021 meeting.

6 COMMISSIONER JOHNSON MOVED TO OPEN THE PUBLIC HEARING.
7 COMMISSIONER TRIBE SECONDED THE MOTION. ALL PRESENT VOTED IN
8 FAVOR. THE MOTION CARRIED.

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

17 Mr. Florence explained that Steve Tobias and Mr. Preece (civil engineer) with
18 Elwood Holdings LLC is in attendance to propose to develop 3.924 acres of the
19 commercial frontage along State Street and 500 N. as commercial tenant space. They are
20 also proposing to construct residential on 7.67 acres. He noted Rhino Realty LLC, is
21 petitioning to rezone 1.917 acres of commercial frontage along State Street for an
22 expansion to the Low Book Sales vehicle dealership. The Lindon City General Plan
23 Street Masterplan calls out extending 570 N. to State Street as a future local road. The
24 applicant has provided two site plan options for review: Option #1 shows 570 not
25 connecting and Option #2 shows 570 connecting.

26 Mr. Florence then referenced a summary of the PRD site requirements. He noted
27 some of these items will be refined when the applicant files for site plan and subdivision
28 approvals.

- 29 1. Option #1 – 76 units. A combination of townhome buildings (4 & 6 plex
30 buildings) and two twin home buildings Option #2 – 76 units. A combination of
31 townhome buildings (4 & 6 plex buildings) and 4 single family homes Traffic
32 Impact Study City staff has attached the traffic study addendum that was
33 presented at the March 23rd planning commission meeting. Staff Analysis As
34 staff has reviewed the two proposed site plans, each one has characteristics that
35 benefit the future community or surrounding neighborhood. Option #1 provides
36 nearly $\frac{3}{4}$ of an acre of common open space and individual private rear yards.
- 37 2. Option #2 – provides a better road network that will help to distribute traffic more
38 evenly throughout the development and surrounding neighborhood. However,
39 Option 2 does remove nearly all common open space. As the commission reviews
40 the plans, the Planned Residential Development ordinance requires that open
41 space be an integral part of the development. This can happen in a number of
42 ways through common or private open space but should not be look at as an
43 afterthought.

44 Mr. Florence indicated City staff did request a modification to Option #1 that
45 showed it connecting to 570 N. with additional single-family homes as a transition but
46 the developer did not provide this as an option. Staff feels like the planning commission
47 needs to make a recommendation on whether to connect 570 N. However, staff can still
48

2 provide both site plan options to the City Council for their review if the planning
commission feels like it is appropriate.

4 Mr. Florence then presented an Aerial photo, Proposed zone map amendment
changes, Surrounding Area General Plan Land Use Map, Surrounding Area Zoning Map,
6 General Plan Street Master Plan Map, Option #1 site plan, Option #2 site plan,
Commercial and residential renderings and the March 23rd traffic study addendum
8 followed by discussion. He then turned the time over to the applicant for comment.

Steve Tobias thanked the planning staff for all of the hard work on this issue and
10 he appreciates the comments and suggestions of the planning commission and they have
incorporated a lot of those changes. Mr. Tobias stated as a developer they prefer Option
12 #1 as it has a lot of nice features and has 20 homes that are backing a park which people
really love. He pointed out that all other aspects of the ordinance have been met; the
14 architectural renderings, the commercial 300 ft. setback, the variation in housing styles,
the landscaping and the fencing. Mr. Preece added they have tried to make both options
16 flexible enough so if they want to connect to 570 that either option can accommodate
that. Commissioner Johnson asked if there an option on Option #2 to not have the road
18 go through. Mr. Preece confirmed that statement noting either one could work. They are
open to either side and it could be engineered with either option. They wanted to
20 incorporate the comments that they have heard and hopefully they have.

Chairperson Call commented she prefers Option #2 and the reason is because she
22 likes having the single-family homes as a buffer. She likes the road on Elwood Place that
goes down through because it helps to offset some of the traffic so that if 570 were
24 opened it would take the brunt of the traffic and would make it more shared on the traffic.
She likes that the single-family homes provide a good buffer. She agreed the open space
26 needs to be an integral part of the development. She likes Option #1 (open space) but
likes Option #2 better. She also mentioned the 24 ft. setback on some of the units. Mr.
28 Florence confirmed that is only on a few of the units as the rest have a 30 ft. setback.
There was then some general discussion regarding the options presented including
30 density, transitions, buffers and traffic.

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

34 **Linda Fletcher:** Ms. Fletcher commented that they were the first ones there on 570
North. It was a dead-end street when they got their building permit 40 years ago and the
36 plan showed a cul-de-sac; if you go back, you can see that. There are too many homes
and even with the new plan you would have too much traffic and she can see a lot of
38 accidents happening and it would pose an endangerment; there are just too many homes
proposed there.

40 **Gerhard Fletcher:** Mr. Fletcher commented it was a dead-end street when they built
there. He suggested just putting up a wall there as there are people that live on 570 and to
42 leave them alone.

44 **Mark Wright:** Mr. Wright stated he is a new home owner on 570 North and he
46 purchased at the end of February. His realtor did some due diligence and he was told that
it would remain a dead-end street as it is today. He added that he recognizes the difficult
48 job of the commission, but 570 North has existed as a dead-end street for almost 50 years.

2 He and his neighbors will be outnumbered and there is just a few of them. He bought the
home for the horse property and it's already busy without this new traffic and with that
4 much population the traffic will be very dangerous. When it was put on the master plan
there were not 70 homes on the end of that street.

6
JoAnn Martin: Ms. Martin stated she lives on 500 North. She commented that she likes
8 Option #2 and asked if they would entertain any green space on that plan. She feels this
will disperse the traffic better.

10
Cole Hooley: Mr. Hooley stated he sent out 100 flyers and did a survey of the neighbors
12 in homes from 500 N. to 800 N. and from Locust to State Street. Mr. Hooley then read
the comments and statistics from the survey. Regarding the use of the land, 98% of the
14 respondents wouldn't have high density at all and they would take commercial. They
would be okay with 4.5 units per acres as less density is quite significant. And when
16 asked what option they would take... 45% said they would vote no on both options. He
said he would be happy to provide his survey data with the planning dept.

18
Chairperson Call called for any further public comments. Hearing none she
20 called for a motion to close the public hearing.

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

26 Mr. Florence clarified that the commission is the recommending body to the city
council on the zone change and the general plan. The developer will go through the same
28 presentation with the city council.

Commissioner Tribe commented she sees the value in having 570 N. open as it
30 would connect the community. She would like to see more green space or fewer units/and
or larger units and charge more, as there is a big market for that. She pointed out that you
32 can't assume that every unit will have a lot of children because of the price point. She
would prefer Option #2 with reduced density.

34 Commissioner Kallas commented that he understands the concerns of density and
he is not sure reducing it will make a lot of difference in the traffic as he is convinced
36 most traffic will go out 570 N. and he has concerns with that. He also pointed out that
the commercial doesn't create as much traffic as 75 residential units will, and he has
38 some problems with that. He is also not convinced we need the buffer of homes and to
use that for open space. He feels the way this is laid out with these homes, the people that
40 have kids will go out 570 N. and if it was closed they would go to 500 or 600 North.
There might be a lane closure there in the future but we don't know what will happen.
42 He thinks the better option would be to have more options to spread the traffic rather than
route it all through one road.

44 Chairperson Call commented that the way this is written there is a rezone and then
the general plan street master plan after, so there are two separate motions. She
46 commented we have voiced the many concerns and differing of opinions on this issue and
it has been documented and recorded for the city council to have access to. Her own

2 opinion is that she is not feeling good about approving this tonight with all the differing
of opinions as there are on this issue.

4 Commissioner Thompson expressed his opinion that he prefers Option #2 with
reduced density.

6 Commissioner Schauers pointed out this is meeting the ordinance so it is hard to
ask them to reduce the density. He also thinks that long term 570 North being open is
8 much better for safety and traffic flows. He thinks the product is much more attractive
with the nice amenities with the common courtyard etc.

10 Commissioner Johnson commented if we are putting language in about open
space and if the road is going through, he would like to see more of a buffer and more of
12 a gradual transition that steps it down a bit.

14 Mr. Tobias stated at this point they need a decision. He said they could do a
gradual transition and perhaps create a nice playground area.

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

18 COMMISSIONER THOMPSON MOVED TO RECOMMEND APPROVAL OF
ORDINANCE 2021-3-O TO AMEND THE LINDON CITY ZONING MAP FROM
20 GENERAL COMMERCIAL TO GENERAL COMMERCIAL-A AND TO THE
PLANNED RESIDENTIAL DEVELOPMENT OVERLAY AS PRESENTED ON
22 APRIL 8, 2021 AND RECOMMEND THE CONSIDERATION OF OPTION NUMBER
TWO AS PRESENTED FOR THE PROPERTIES LOCATED AT APPROXIMATELY
24 550 N. STATE STREET AND 310 W. 500 N. (14:068:0304, 14:067:0187, 14:067:0169,
14:068:0277) WITH THE FOLLOWING CONDITIONS: 1. WITH A DECREASE IN
26 DENSITY AS TO ALLOW FOR MORE OPEN SPACE AND COMMON AREAS
AND FACILITIES AND 2. INCREASE THE BUFFER/TRANSITION BETWEEN
28 THE RESIDENTIAL HOMES ON 570 NORTH TO THE DEVELOPMENT.
COMMISSIONER TRIBE SECONDED THE MOTION. THE VOTE WAS
30 RECORDED AS FOLLOWS:

32 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	NAY
34 COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE
36 COMMISSIONER TRIBE	AYE
THE MOTION CARRIED FIVE TO ONE.	

38
40 *Commissioner Johnson explained his nay vote stating it is due to his concerns of
the impacts to the current residents.*

42 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF
ORDINANCE 2021-4-O TO AMEND THE LINDON CITY GENERAL PLAN
44 STREET MASTERPLAN MAP TO TERMINATE 570 NORTH SUGGESTED IN
OPTION NUMBER TWO AT APPROXIMATELY 300 WEST WITH A CUL-DE-SAC.
46 COMMISSIONER JOHNSON SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

48 CHAIRPERSON CALL	NAY
---------------------	-----

2 COMMISSIONER KALLAS AYE
COMMISSIONER JOHNSON AYE
4 COMMISSIONER THOMPSON NAY
COMMISSIONER SCHAUERS NAY
6 COMMISSIONER TRIBE NAY
THE MOTION FAILED FOUR TO TWO.

8

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

14 CHAIRPERSON CALL AYE
COMMISSIONER KALLAS NAY
16 COMMISSIONER JOHNSON NAY
COMMISSIONER THOMPSON AYE
18 COMMISSIONER SCHAUERS AYE
COMMISSIONER TRIBE AYE
20 THE MOTION CARRIED FOUR TO TWO.

22 7. **New Business: Reports by Commissioners** – Chairperson Call called for any
new business or reports from the Commissioners. There was no new business
24 from the commissioners.

26 8. **Planning Director Report** – There was no director report at this time.

28 Mr. Florence gave an update on the city council's approval of the 700 North
Master Plan. He showed the changes they made on the plan including the visioning
30 amenities the flexibility included in the plan.

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

34 **ADJOURN** –

36 COMMISSIONER SCHAUERS MADE A MOTION TO ADJOURN THE
MEETING AT 9:00 PM. CHAIRPERSON CALL SECONDED THE MOTION. ALL
38 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

40 Approved – April 27, 2021

42

44 _____
Sharon Call, Chairperson

46

48 _____
Michael Florence, Planning Director

Item: 4 **Alteration of a Nonconforming Use – Chris Olsen** **688 West 200 South**

Date: April 27, 2021

Project Address: 688 West 200 South

Parcel ID: 140660103

Applicant: Chris Olsen

Property Owner: Chris Olsen

General Plan: Residential

Current Zone: Residential (R1-20)

Type of Decision: Administrative

Council Action Required: No

Presenting Staff: Anders Bake



Summary of Key Issues

1. The applicant seeks approval from the Lindon City Planning Commission for an Alteration of a Non-Conforming Use.

Overview

1. The applicant requests approval to construct an addition to an existing single-family home that does not meet current property setback requirements for the Residential (R1-20) Zone. The applicant intends to use the addition for a single-family home and for the current home to be used as an accessory apartment.
2. The Lindon City Code gives the Planning Commission the ability to approve additions to nonconforming buildings that bring the nonconforming building as close as reasonably possible to conformance with requirements and regulations of the zone in which the nonconformity is located. The proposed addition will comply with current setback and all other residential building requirements.

Motion

I move to (*approve, deny, continue*) the applicant's request to alter a nonconforming use with the following conditions:

1. The applicant will continue to work with the Building Official to make all final corrections to the building plans;
2. The applicant will continue to work with the City Engineer to make all final corrections to the engineering documents;
3. The building plans will meet all requirements for a legal accessory apartment;
4. The plans will meet relevant development specifications as found in the Lindon City Development Manual; and
5. All items of the staff report.

Surrounding Zoning and Land Use

North: Residential (R1-20) – single-family residential

East: Residential (R1-20) – single-family residential

South: Residential (R1-20) – single-family residential

West: Residential (R1-20) – single-family residential

Development Standards

Building Setbacks

The current building setback requirements for a dwelling in the Residential (R1-20) Zone are explained in the following table as well as the existing setbacks for the home at 688 West 200 South and the proposed addition:

Required	Existing Setbacks	Proposed Addition Setbacks
Front: 30 feet	12 feet	34.8 feet
Rear: 30 feet	250 feet	190 feet
West Side: 10 feet	4.6 feet	17 feet
East Side: 10 feet	138 feet	63 feet

Altering a nonconforming use

The Lindon City Code Section 17.16 regulates nonconforming buildings and uses and would apply to the existing building at 688 West 200 North because the building does not meet current front and side yard setback requirements. An analysis of how the following code sections would apply to the existing building and proposed addition are provided in bold:

17.16.010 Purpose and Intent

In the zones established by this title or amendments that may later be adopted, there exist lots, buildings and structures, and uses of lots, buildings and structures, which were lawful before this title was passed or amended but which would be prohibited, regulated or restricted under the terms of this title or future amendment. The City Council declares that nonconforming buildings, structures and uses are generally incompatible with permitted uses, conditional uses and conforming buildings and structures in the zones involved. Being such, nonconforming buildings, structures and uses shall not be enlarged, modified, moved or otherwise changed, except as provided herein.

The existing building was lawful at the time of construction but has become nonconforming because of the build setbacks. This ordinance would apply to the building at 688 West 200 South.

17.16.030 Amendments, Additions, Enlargements and Moving or Nonconforming Parcels or Uses

1. All nonconforming parcels, lots, buildings, structures, or uses shall not be added to, enlarged in any manner, moved to another location on the lot, or have parcel lines moved, changed, or adjusted, except as provided by subsection 2 of this section.
2. The Planning Commission may authorize the expansion, alteration, or enlargement of a nonconforming use, structure, building, parcel, or lot, or movement of parcel lines, only after holding a public hearing and finding that:

- a. the expansion, alteration or enlargement of the nonconforming building. structure, parcel, lot, or use will to reasonable extent bring the property, building, structure, parcel, lot or use as close as reasonably possible to conformance with requirements and regulations of the zone in which the nonconformity is located; and

The proposed addition meets all setback requirements for a dwelling in the Residential (R1-20) Zone. All other requirements for the zone will be met.

- b. the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or structure or violate the development policies adopted in the Lindon City Master Plan; and

The proposed change does not appear to add any additional burdens to the area or create any violations.

c. the use, building, or structure, existing or proposed, will be brought into compliance, where possible, with design and architectural standards of the zone where proposed.

The existing building and proposed addition meet design and architectural standards for the Residential zone.

3. Additions, enlargements, alterations, or expansions of nonconforming uses, upon compliance with 17.16.030, shall be permitted on neighboring properties of the existing nonconforming use. Such parcels or lots shall be adjoining and share a common parcel boundary line and shall not be divided by a city street.

Staff Analysis

The proposed building addition qualifies to be reviewed and considered for approval under the requirements in section 17.16 of the Lindon City Code. Staff has determined the proposed addition will meet all setback requirements and that all other building and zoning requirements for a residential property will be met. The existing building was constructed before current setback requirements were put in place and is 12 feet from the front property line and about 22 from the back of the sidewalk along 200 South.

Exhibits

1. Aerial photo
2. Street View Photo
3. Site plan





Item 5: Conditional Use Permit – Vet IQ 585 North State Street

Date: April 27, 2021

Project Address: 585 North State Street

Parcel ID: 45:371:0021

Applicant: Vet IQ

Property Owner: WAL MART STORES
INC

General Plan: Commercial

Current Zone: General Commercial (CG)

Type of Decision: Administrative

Council Action Required: No

Presenting Staff: Anders Bake



MOTION

I move to (*approve, deny, continue*) the applicant's request for a conditional use permit to operate a walk-in veterinarian clinic at 585 North State Street with the following conditions:

1. The applicant will continue to work with the Building Official to make all final corrections to the building plans;
2. The business will continually meet all state and local licensing requirement for a veterinarian business; and
3. All items of the staff report.

OVERVIEW

1. Vet IQ seeks approval from the Lindon City Planning Commission for a conditional use permit to operate a walk-in veterinarian clinic inside Walmart. Vet IQ is proposing to use one of the available tenant spaces for the quick service veterinarian clinic.
2. The proposed use of the property falls under the category "Veterinarian Services, Animal Hospitals – small animals only" in the Lindon City Standard Land Use Table. This use is listed as a Conditional Use in the General Commercial zone. The applicant will be required to obtain a Conditional Use Permit from the Planning Commission before they can receive a business license.
3. Notices were mailed on April 16, 2021 to adjoining property owners in accordance with Lindon City Code Section 17.14.50 Third Party Notice. Staff has received no public comments at this time.

SURROUNDING ZONING AND LAND USE

North: **CG** – commercial retail uses

East: **CG** – commercial retail uses

South: **R1-20** – Residential and agriculture

West: **R1-20** – Residential

DEVELOPMENT STANDARDS

The applicant plans to do some interior construction to their tenant space inside of Walmart. The space is about 550 square feet and will be used for a veterinarian office only. There are no restroom facilities in this space. A floor plan for the office and its location within the Walmart building are attached to this report.

BUSINESS DESCRIPTION

The applicant has provided the following business description with their application:

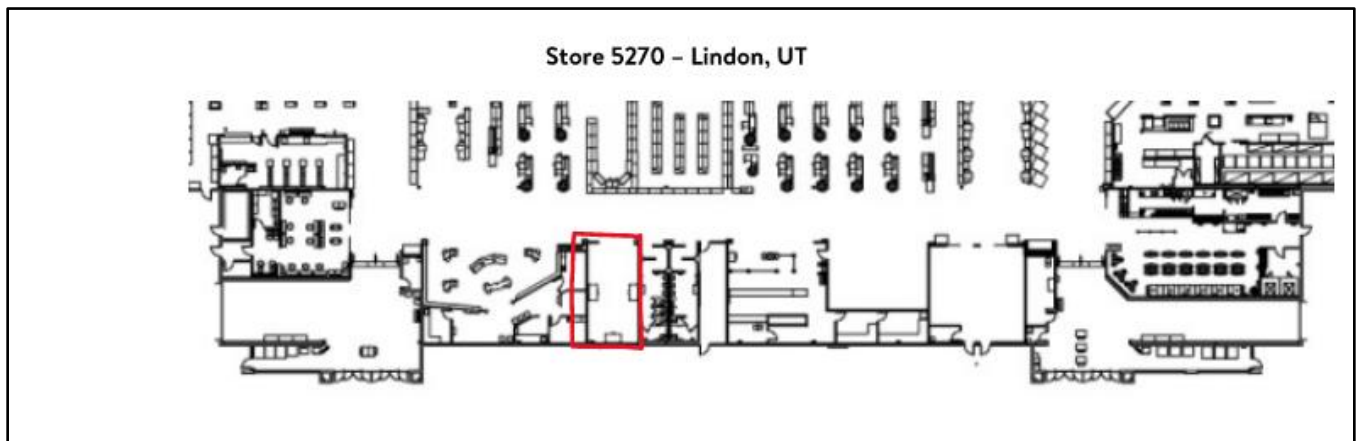
“We are requesting to put a walk in veterinary quick service clinic in one of the tenant spaces located in Walmart. We currently have these in several other Wal Marts across the nation. Our only services offered are well checks, vaccinations, and nail trims. We do not offer Boarding, surgeries, grooming, or overnight stays.”

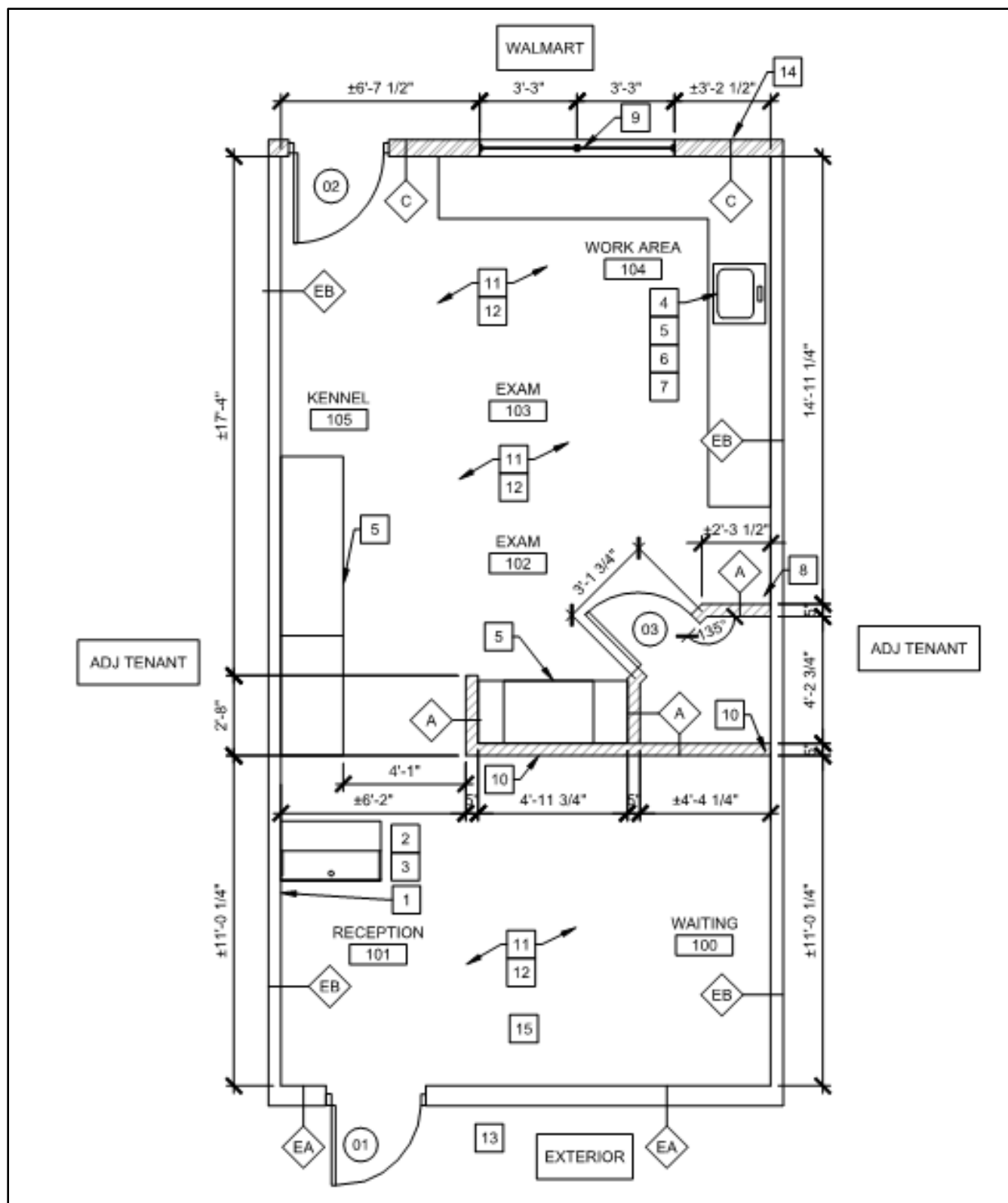
STAFF ANALYSIS

It is expected that this business will have a minimal impact on surrounding properties and will be compatible with other uses in the General Commercial Zone. The business should not create a traffic or parking impact that is above average for this type of tenant space in Walmart. City Staff feel that this business will be able to comply with all Conditional Use Permit requirements. Veterinarian businesses are licensed with the Utah State Department of Occupational and Professional Licensing Division.

EXHIBITS

1. Business location in the Walmart building
2. Proposed tenant space floor plan
3. Owner Consent Form





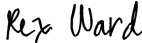
Lindon City
100 North State Street
Lindon, UT 84042-1808



TEL 801-785-7687
FAX 801-785-4510
www.lindoncity.org

Owner Consent Form

The undersigned, Walmart Stores Inc (print name of owners),
being the owner(s) of the property located at 585 N State St, Lindon UT 84042,
here by authorizes Vet IQ to file a
Land Use Application and to sign all necessary forms and submittals required in connection to
said application(s) for the property located at the aforementioned address.

DocuSigned by:

E4C4CBBB5B7F405...
Signature of Owner

Signature of Owner

On _____ day of _____, 2021, personally appeared before me
_____ who being duly sworn did say that they are the owner(s) of
the property described above and did acknowledge to me that they did execute the same.

Notary Public