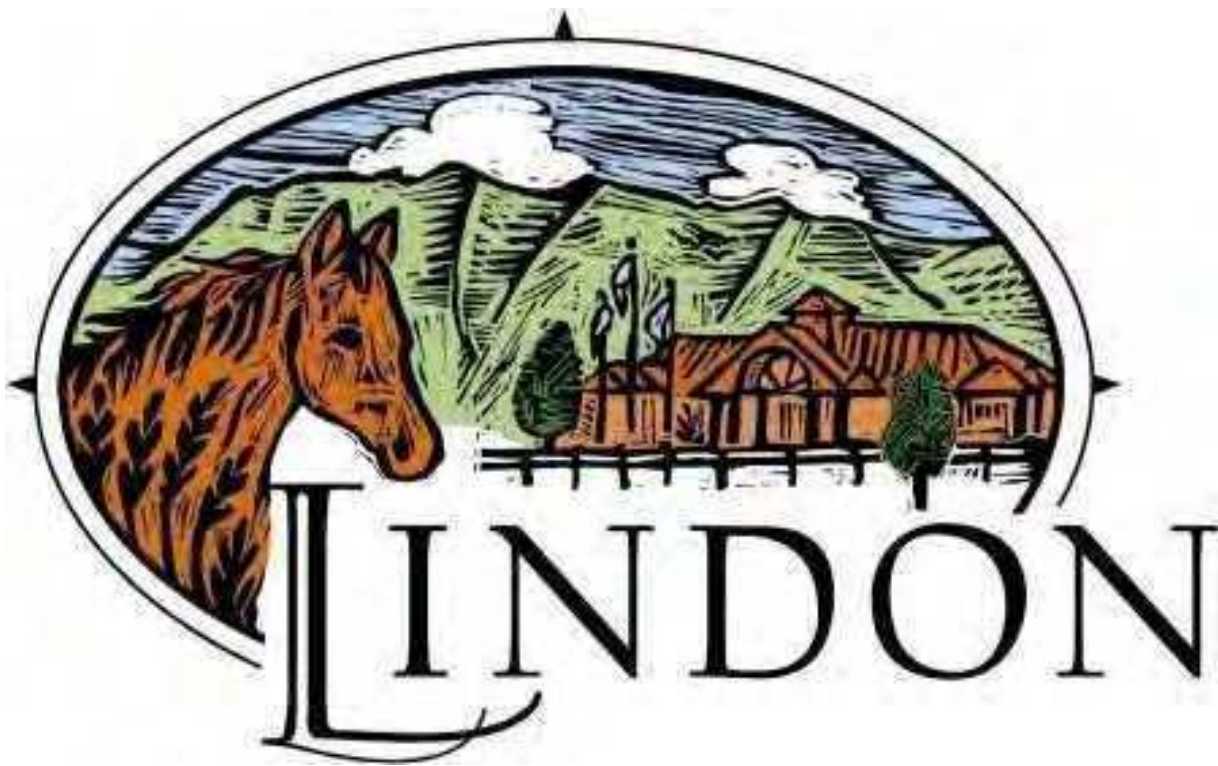


Lindon City Planning Commission Staff Report



May 11, 2021

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, May 11, 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 4/27/2021

3. Public Comment

4. Public hearing for a recommendation to the City Council to amend the Lindon City zoning map to General Commercial–A for the property located at approximately 550 N. State Street.

Rhino Realty LLC (Low Book Sales) requests a recommendation from the Lindon City Planning Commission for a Zoning Map Amendment at approximately 550 N. State Street (Parcel number 14:067:0187 and a portion of 14:068:0304). The Zone Map Amendment request is to change the zoning on the property to General Commercial–A.

(20 minutes)

5. Public hearing for a recommendation to the Lindon City Council to amend the Standard Land Use Table for Wedding/Event Reception Center uses.

Lindon City requests a recommendation from the Lindon City Planning Commission to set a 300-foot buffer between Wedding/Event Reception Centers and any area zoned primarily for residential uses as measured from property line to property line and to remove Wedding/Event Reception Centers uses as an allowed use in the CG-S zone.

(15 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: 5/7/2021 **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 27, 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: Mike Marchbanks, Commissioner
Pledge of Allegiance: Steven Johnson, Commissioner

PRESENT

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

EXCUSED

Renee Tribe, Commissioner
Scott Thompson, 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 April 8, 2021 were reviewed.

COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 8, 2021 AS AMENDED. COMMISSIONER JOHNSON 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. 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

Anders Bake, Associate Planner led this agenda item by stating the applicant Chris Olsen, who is in attendance, is requesting 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. Mr. Olsen intends to use the addition for a single-family home and for the current home to be used as an accessory apartment. He noted the

2 Lindon City Code gives the Planning Commission the ability to approve additions to
nonconforming buildings that bring the nonconforming building as close as reasonably
4 possible to conformance with requirements and regulations of the zone in which the
nonconformity is located. He pointed out that the proposed addition will comply with
6 current setback and all other residential building requirements.

Mr. Bake further explained that City Code Section 17.16 regulates nonconforming
8 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
10 analysis of how the following code sections would apply to the existing building and
proposed addition are provided as follows:

12 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
14 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
16 title or future amendment. The City Council declares that nonconforming buildings,
structures and uses are generally incompatible with permitted uses, conditional uses and
18 conforming buildings and structures in the zones involved. Being such, nonconforming
buildings, structures and uses shall not be enlarged, modified, moved or otherwise
20 changed, except as provided herein. The existing building was lawful at the time of
construction but has become nonconforming because of the build setbacks. Mr. Bake
22 indicated this ordinance would apply to the building at 688 West 200 South.

Mr. Bake went on to read the code section stating all nonconforming parcels, lots,
24 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
26 provided by subsection 2 of this section. The Planning Commission may authorize the
expansion, alteration, or enlargement of a nonconforming use, structure, building, parcel,
28 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,
30 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
32 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.

Mr. Bake noted all other requirements for the zone will be met. The proposed
34 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
36 Lindon City Master Plan; and the proposed change does not appear to add any additional
burdens to the area or create any violations. The use, building, or structure, existing or
38 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
40 design and architectural standards for the Residential zone. Additions, enlargements,
alterations, or expansions of nonconforming uses, upon compliance with code section
42 17.16.030 and shall be permitted on neighboring properties of the existing
nonconforming use. Such parcels or lots shall be adjoining and share a common parcel
44 boundary line and shall not be divided by a city street.

Mr. Bake indicated the proposed building addition qualifies to be reviewed and
46 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
48

2 other building and zoning requirements for a residential property will be met. He noted
the existing building was constructed before current setback requirements were put in
4 place and is 12 ft. from the front property line and about 22 ft. from the back of the
sidewalk along 200 South. Mr. Bake then presented an Aerial photo, Street View Photo
6 and the Site plan followed by discussion.

Following some additional discussion, the Commission was in agreement this is a
8 pretty straightforward request and were in agreement to approve the Alteration of a Non-
Conforming Use 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
COMMISSIONER MARCHBANKS MOVED APPROVE THE APPLICANT'S
14 REQUEST TO ALTER A NONCONFORMING USE WITH THE FOLLOWING
CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE
16 BUILDING OFFICIAL TO MAKE ALL FINAL CORRECTIONS TO THE BUILDING
PLANS; 2. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY
18 ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING
DOCUMENTS; 3. THE BUILDING PLANS WILL MEET ALL REQUIREMENTS
20 FOR A LEGAL ACCESSORY APARTMENT; 4. THE PLANS WILL MEET
RELEVANT DEVELOPMENT SPECIFICATIONS AS FOUND IN THE LINDON
22 CITY DEVELOPMENT MANUAL; AND 5. ALL ITEMS OF THE STAFF REPORT.
COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS
24 RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
26 COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
28 COMMISSIONER JOHNSON	AYE
COMMISSIONER SCHAUERS	AYE
30 THE MOTION CARRIED UNANIMOUSLY.	

32 **5. Conditional Use Permit – Vet IQ – 585 North State Street.** Vet IQ requests
Conditional Use Permit approval to operate a walk-in veterinarian clinic
34 inside Walmart at 585 North State Street in the General Commercial (CG)
Zone.
36

Mr. Bake also led this agenda item by explaining the applicant, Vet IQ is seeking
40 approval from the Planning Commission for a conditional use permit to operate a walk-in
veterinarian clinic inside of the Lindon Walmart. He noted Vet IQ is proposing to use one
42 of the available tenant spaces for the quick service veterinarian clinic. He noted the
proposed use of the property falls under the category "Veterinarian Services, Animal
44 Hospitals – small animals only" in the Lindon City Standard Land Use Table. He pointed
out that this use is listed as a Conditional Use in the General Commercial zone.

46 Mr. Bake indicated the applicant will be required to obtain a Conditional Use
Permit from the Planning Commission before they can receive a business license. He
48 added that notices were mailed on April 16, 2021 to adjoining property owners in
accordance with Lindon City Code and Staff has received no public comments at this
50 time.

2 Mr. Bake further explained the applicant plans to do some interior construction to
the tenant space inside of Walmart. The space is about 550 square feet and will be used
4 for the veterinarian office only; there are no restroom facilities in this space. He noted a
floor plan for the office and its location within the Walmart building are included in the
6 staff report.

8 Mr. Baked went on to say the applicant has provided a business description with
their application stating they are requesting to put a walk in veterinary quick service
clinic in one of the tenant spaces located in Walmart. They currently have several of
10 these types of clinics 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,
12 grooming, or overnight stays.”

14 Mr. Baked commented that 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
16 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. He noted
18 Veterinarian businesses are license with the Utah State Department of Occupational and
Professional Licensing Division.

20 Mr. Bake then presented the business location in the Walmart building, proposed
tenant space floor plan and the owner consent form followed by discussion. He then
22 turned the time over to the applicant for comment.

24 The applicant stated the clients will bring their pets in through an existing exit door
at the back of the space and will check in at that location so the pets will not be coming
through the store. This has been a successful operation in other Walmart locations. There
26 are almost 500 nationwide with 150 on the books this year alone. It works well so clients
can drop off their pet and shop and then pick them up. They work with local veterinarian
28 offices and refer for surgery or any serious pet issues; they will have three employees.

Following some additional discussion, the Commission was in agreement to
30 approve the applicants request for a Conditional Use Permit with the conditions as listed
in the motion.

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

34
COMMISSIONER JOHNSON MOVED TO APPROVE THE APPLICANT’S
36 REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A WALK-IN
VETERINARIAN CLINIC AT 585 NORTH STATE STREET WITH THE
38 FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK
WITH THE BUILDING OFFICIAL TO MAKE ALL FINAL CORRECTIONS TO THE
40 BUILDING PLANS; 2. THE BUSINESS WILL CONTINUALLY MEET ALL STATE
AND LOCAL LICENSING REQUIREMENT FOR A VETERINARIAN BUSINESS;
42 AND 3. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER MARCHBANKS
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

44 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
46 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER JOHNSON	AYE
48 COMMISSIONER SCHAUERS	AYE

2 THE MOTION CARRIED UNANIMOUSLY.

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

8 Chairperson Call asked Mr. Florence for an update on the zone change with the
Norton property.

10 Mr. Florence reviewed what happened at the city council meeting in regards to the
Norton property, noting the item was continued. He added the city council will hold a
discussion meeting next Monday with the developer where no motions will be made. He
12 added that he is certain there will be discussion on 570 North and also on the buffers.

14 Councilmember Vanchiere spoke on the motions that were taken at the meeting
noting 570 North is the main issue. He pointed out that Brighton Builders has pulled out
of the project due to concerns of construction costs. He noted another big issue is that the
16 developer has several commercial projects on the board that understandably they can't
divulge at this time. He also noted that Low Book Sales is going to split from the
18 developer and apply for their own application. Mr. Florence confirmed they have
submitted an application. He indicated that the purpose of the upcoming meeting is to
20 discuss what is wanted with the developer. He added that he doesn't believe the council
wants the project shut down, but wants to clarify and mitigate some of the main issues
22 and impacts on the neighborhoods.

24 **6. Planning Director Report** – There was no further reports from the director at
26 this time.

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

30 **ADJOURN** –

32 COMMISSIONER SCHAUERS MADE A MOTION TO ADJOURN THE
MEETING AT 7:07 PM. COMMISSIONER MARCHBANKS SECONDED THE
34 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

36 Approved – May 11, 2021

38

40

Sharon Call, Chairperson

42

44

Michael Florence, Planning Director

Item: 4 **Public Hearing – Zoning Map Amendment** **~ 550 North State Street**

Date: May 11, 2021

Project Address: approximately
550 North State Street
Applicant: Rhino Realty LLC
Property Owner: NORTON,
SCOTT L (ET AL)

General Plan: Commercial
Current Zone: General
Commercial (CG)

Parcel ID: 14:067:0187 and a
portion of 14:068:0304
Size: 1.917 Acres

Type of Decision: Legislative
Council Action Required: Yes
Presenting Staff: Anders Bake



Summary of Key Issues

1. Whether to recommend approval of a request to change the Zoning Map designation of the subject property from General Commercial (CG) to General Commercial-A (CG-A).

Overview

1. The applicant is requesting to rezone the subject parcel from General Commercial to General Commercial-A for the expansion of the Low Book Sales dealership. Used automobile dealerships are not permitted in the General Commercial Zone but are permitted in the General Commercial-A Zone.
2. The zoning map amendment request was originally part of the Lindon Heights development with Elwood Holdings LLC that included an application for a zone change to the General Commercial-A and the Planned Residential Development (PRD) Overlay zones for a residential townhome and commercial development. The applicant, Rhino Realty LLC (Low Book Sales), has decided to separate their request for a Zone Map amendment from Elwood Holdings LLC who is proposing other commercial uses on State Street and residential townhomes. This request will now be considered separately from the Lindon Heights project and not relate to Elwood Holdings LLC zone map amendment and general plan street masterplan amendment request.
3. If the planning commission and city council vote to approve the rezone request the applicant will be required to come back for site plan and subdivision approval from the planning commission.

Motion

I move to recommend (*approval, denial, continue*) of ordinance 2020-6-O to amend the Lindon City zoning map from General Commercial to General Commercial-A at approximately 550 north State Street with parcel number 14:067:0187 and a portion of 14:068:0304.

Surrounding Zoning and Land Use

North: CG – Low Book Sales

East: CG – Elwood Holdings property

South: CG – Elwood Holdings property

West: CG – Commercial buildings

Zoning

1. Properties in the General Commercial-A Zone follow the same development requirements as properties in the General Commercial Zone found in Section 17.48 of the Lindon City Code. The only difference between these two zones is that “Used Vehicle Sales Lots” are not permitted in the General Commercial Zone but are a permitted use in the General Commercial-A Zone.
2. The Low-Book Sales property to the North of the subject property is in the General Commercial-A Zone. There are currently twelve properties in the State Street Corridor with the General Commercial-A zoning designation.
3. The subject property has a Commercial designation in the Lindon General Plan Map.
4. The minimum lot size for a lot in the CG-A zone is 20,000 square feet which this property will meet.

Lot Requirements (General Commercial-A)

1. The General Commercial-A Zone requires a minimum lot size of 20,000 square feet. The subject parcel meets this requirement with 83,504 square feet.

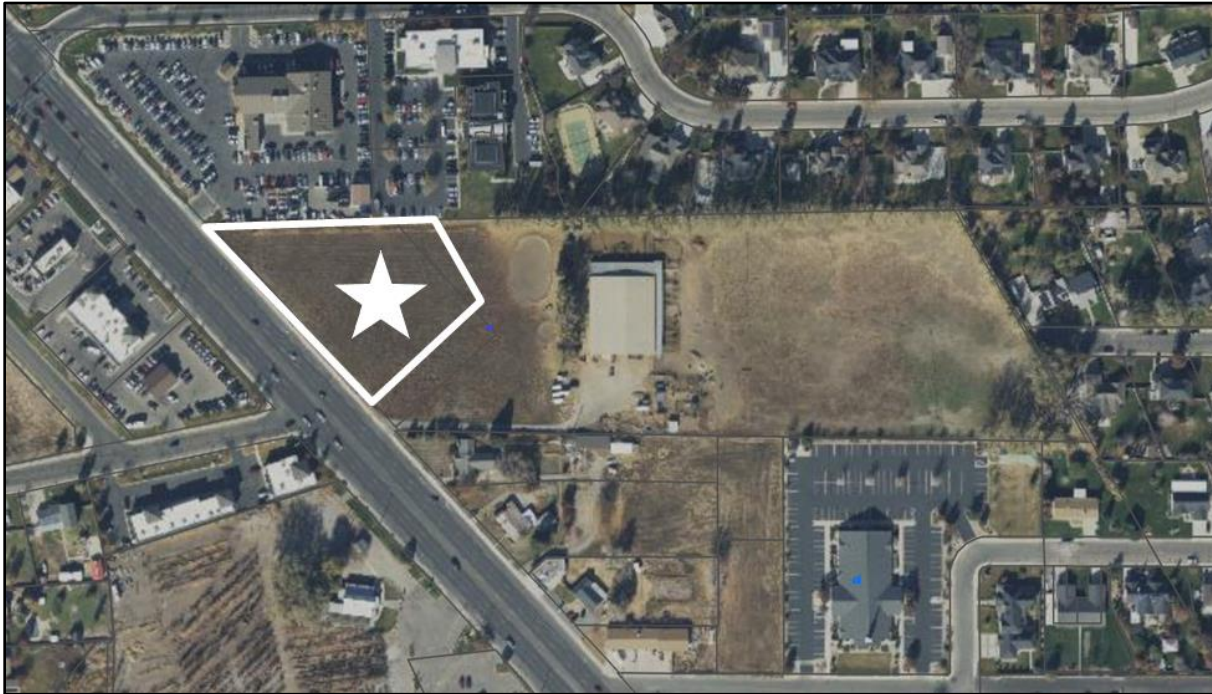
All property owners of the subject property have signed their consent for the applicant to make this application

Public Hearing Notices, required per Lindon City Code section 17.14, were published in the Daily Herald on April 28, 2020. No public comments have been received at this time.

Exhibits

1. Aerial Photo
2. Surrounding Area Zoning Map
3. Surrounding Area General Plan Land Use Map
4. Legal Description and exhibit

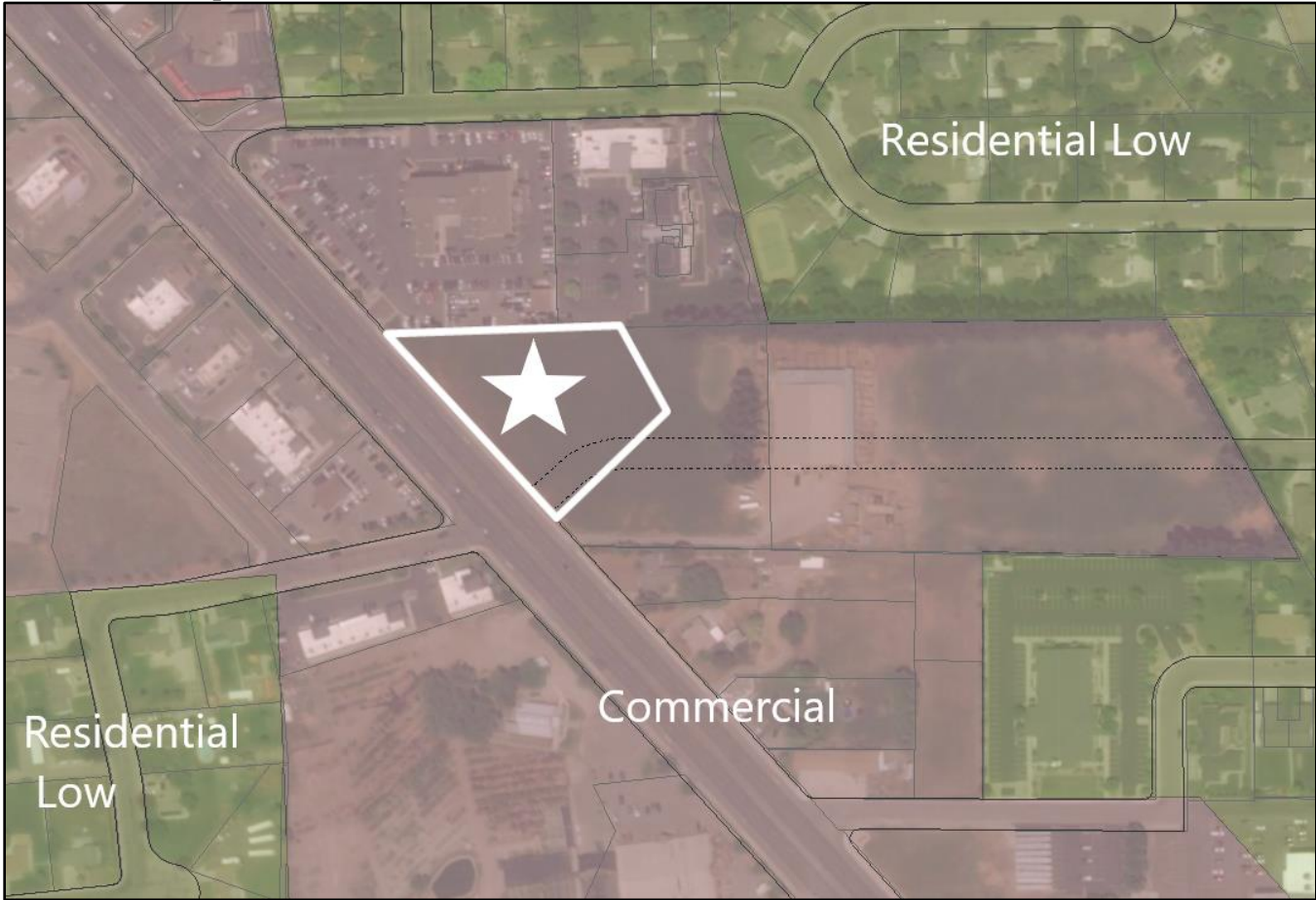
Aerial Photo

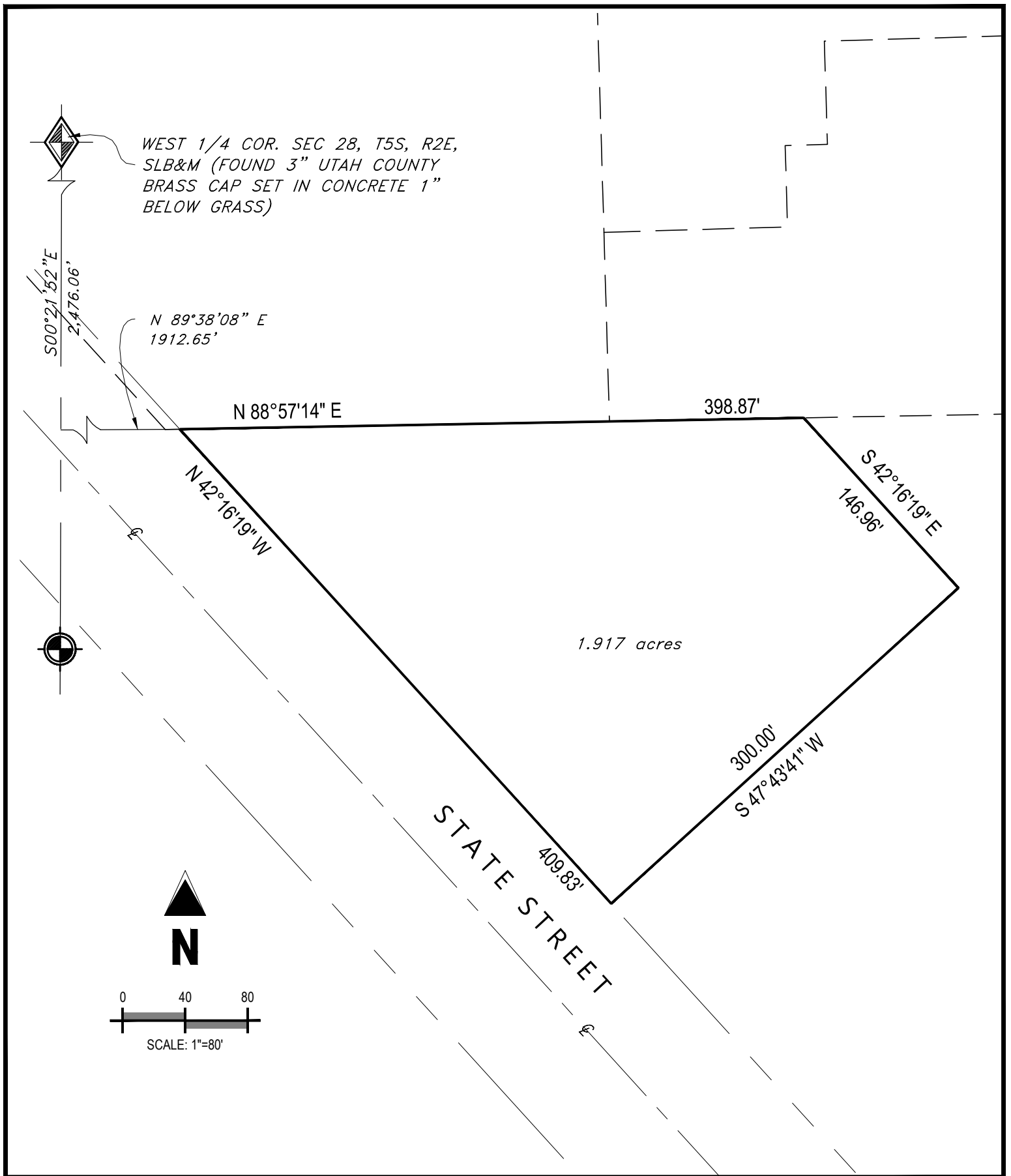


Zoning Map



General Plan Map





Approx 300 North & State Street
London, UT

Exhibit B

Project No: RHR0001

Drawn By: JRA

Checked By: JRA

Date: 05/07/2021

Galloway

6162 S. Willow Drive, Suite 320
Greenwood Village, CO 80111
303.770.8884
GallowayUS.com

Item: 5 - Ordinance Amendment – Lindon City Standard Land Use Table

Date: May 11, 2021

Applicant: Lindon City

Presenting Staff: Michael Florence

Type of Decision: Legislative

Council Action Required: Yes, the planning commission is the recommending body on this application.

MOTION

I move to recommend to (*approve, deny, continue*) ordinance amendment 2021-5-O (as *presented, with changes*).

Overview:

- The Lindon City Council requested City staff to evaluate how to reduce incompatible conflicts between residential uses and future Wedding/Event Reception Center uses. Many of these conflicts are associated with parking in residential areas, building light spillover, outdoor music, and hours of operation. Uses in commercial zones typically do not have limits on hours of operation.
- Lindon City Community Development Department frequently receives complaints about conflicts between Wedding/Event Reception Centers and residential uses. Staff feels like a better buffer between residential and future reception/event center uses will help to resolve these conflicts.
- The current buffering requirement is a 7' masonry fence between a commercial and residential use or zone.
- The City is proposing a buffer separation of a minimum 500 feet from any area zoned primarily for residential use as measured from property line to property line.
- The City is also proposing to remove Wedding/Event Reception Center uses from the Commercial General – Storage zone. The intent of the CG-S zone was to allow for storage units in a commercial zone and the City adopted specific design standards for storage units in the CG-S zone.

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial							Industrial			R&B
		(R1-12, R1-20, R3)	RMU -W	RMU -E	PC -1	PC -2	CG	CG -A	CG -A8	CG -S	MC	HI	LI	LI -W	
6200	Wedding/ <u>Event Reception Centers (Must be located at least 500 feet away from any area zoned primarily for residential use as measured from property line to property line. Distance restriction does not apply in a Commercial Farm Zone.)</u>	N	N	N	N	N	P	P	P	<u>PN</u>	P	N	N	N	N

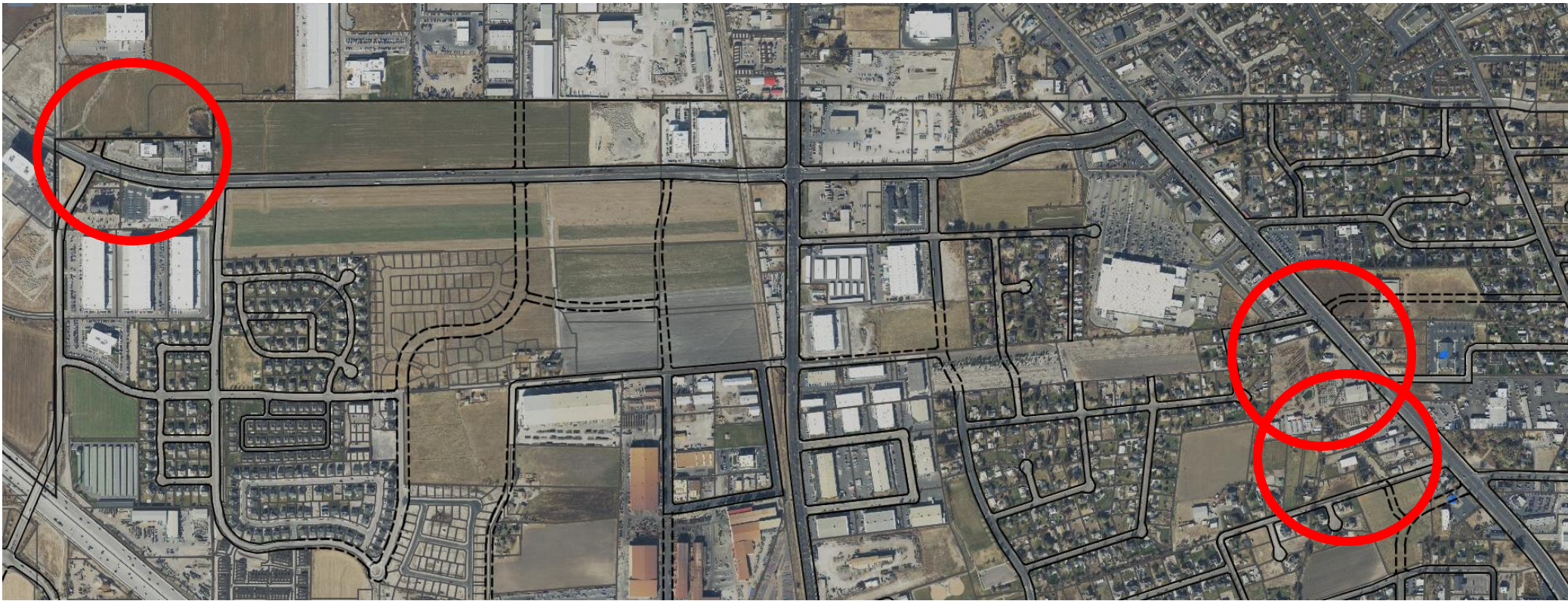
Staff Analysis:

Lindon City has become a popular location for Wedding/Event Reception Center business. There are currently eight such businesses located in the City. The City wants to promote business in the community but staff feels like the City also needs to have buffering standards in place to ensure compatibility with neighboring residential uses. The City was recently approached by another Wedding/Event Reception Center use that potentially could have had a significant impact on a surrounding residential neighborhood.

The City is recommending that receptions centers continue as a permitted use in all commercial zones with the exception of the Commercial General-Storage zone.

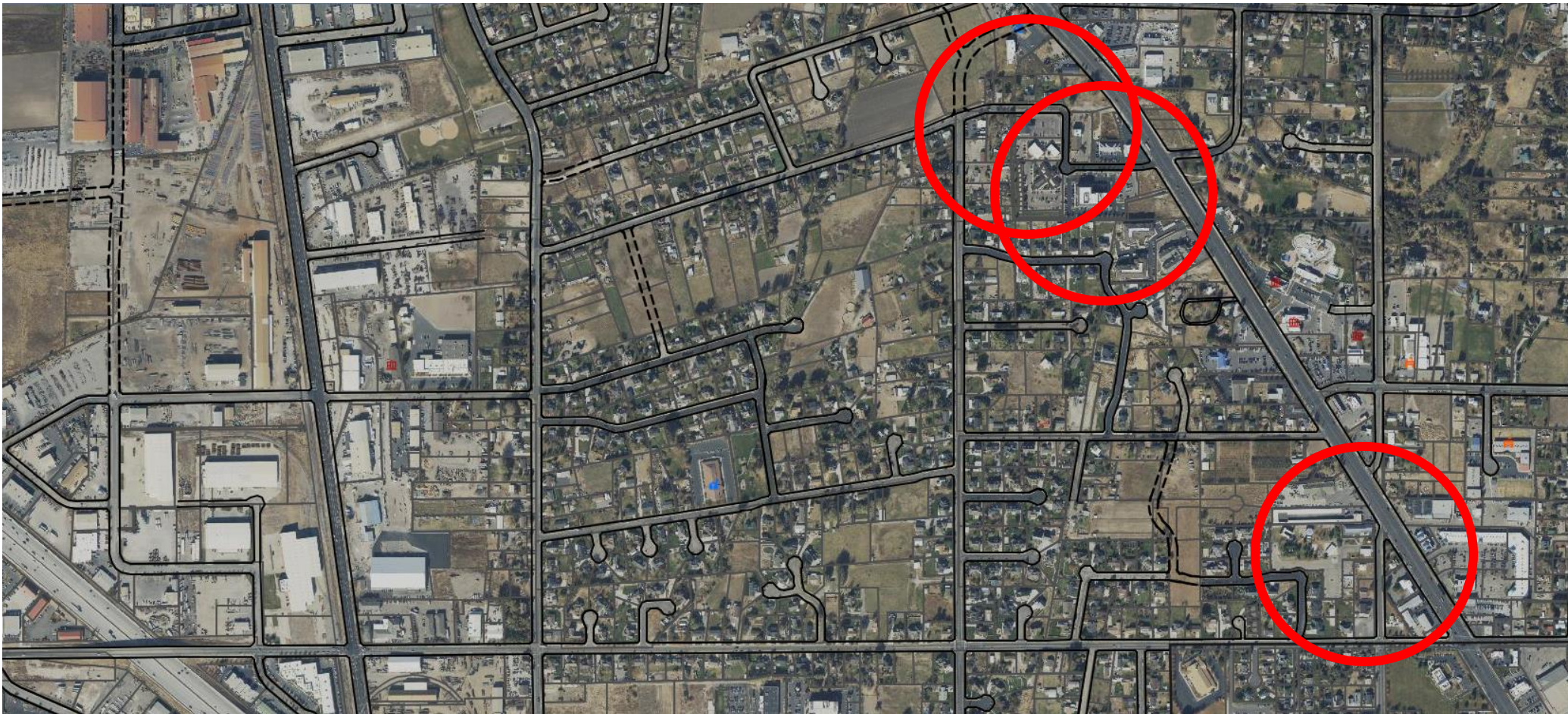
Exhibits

- 500' radius map
- Adopting ordinance



*Map does not include properties zoned Commercial Farm

○ Approximate 500' Radius



*Map does not include properties zoned Commercial Farm

○ Approximate 500' Radius

Ordinance No. _____

AN ORDINANCE AMENDING APPENDIX A, THE STANDARD LAND USE TABLE, OF THE LINDON CITY CODE, AS IT RELATES TO THE USE OF PROPERTY AS WEDDING/EVENT RECEPTION CENTERS.

WHEREAS, the Lindon City Council has received and reviewed comments from citizens regarding the impact of wedding or event reception centers on residential uses within the City; and

WHEREAS, the City Council finds that traffic, parking, lights, music, and other noises and disturbances associated with this type of land use have a significant and detrimental impact on residential users when such reception centers are located in close proximity to areas zoned primarily for residential use; and

WHEREAS, The Council desires to continue to allow reception centers to be a permitted use, provided they are located in areas with a sufficient separation from residential uses so as to significantly mitigate these negative impacts.

NOW THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah as follows:

PART ONE: Amendment of Appendix A, Standard Land Use Table, of the Lindon City Code.

That Section of the Standard Land Use Table which identifies Wedding Reception Centers as a permitted use in the CG, CG-A, CG-A8, CG-S and MC zones of Lindon City is hereby amended as follows:

Parking Group	Permitted Primary Uses	Residential	Mixed Rec.		Commercial							Industrial			R&B
		(R1-12, R1-20, R3)	RMU -W	RMU -E	PC -1	PC -2	CG	CG -A	CG -A8	CG -S	MC	HI	LI	LI -W	
6200	Wedding/Event Reception Centers <u>(Must be located at least 300 feet away from any area zoned primarily for residential use as measured from property line to property line. Distance restriction does not apply in a Commercial Farm Zone.)</u>	N	N	N	N	N	P	P	P	~~PN~~	P	N	N	N	N

PART TWO: Severability

Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

PART THREE: Effective Date.

This ordinance shall take effect immediately upon its passage and posting as provided by law.

PASSED AND APPROVED AND MADE EFFECTIVE by the City Council of Lindon
City, Utah, this ____ day of _____ 2021.

_____,
JEFF ACERSON,
Lindon City Mayor

ATTEST:

_____,
Kathy Moosman
City Recorder