

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **July 27, 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: Steve Johnson, Commissioner
10 Pledge of Allegiance: Jared Schauers, Commissioner

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

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

24 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
26 Planning Commission meeting of July 13, 2021 were reviewed.

28 COMMISSIONER THOMPSON MOVED TO APPROVE THE MINUTES OF
30 THE REGULAR MEETING OF JULY 13, 2021 AS PRESENTED. COMMISSIONER
KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
MOTION CARRIED.

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

36 **CURRENT BUSINESS** –

38 4. **Minor Subdivision Approval – Millhaven Development – 578 N. 800 E.** The
40 applicant requests Minor Subdivision approval to consolidate the two existing
42 parcels on the property into one lot at approximately 578 N. 800 E. (Parcel
numbers: 14:074:0184, 14:072:0272)

44 Mike Florence, Planning Director led this agenda item by stating this item was
46 reviewed at the last meeting and now the applicant is back for subdivision approval. He
also made note that the flag portion is 4.27 acres which is not what is included in the staff
report. He also pointed out that all requirements are met and the setbacks are met. Mr.
48 Florence explained the applicant is seeking minor subdivision approval to create a one lot
subdivision out of two existing parcels. This property was approved in 2007 for a flag lot

subdivision. However, the applicant at that time failed to record the subdivision plat and any entitlements expired. He stated at the July 13, 2021 the planning commission reviewed and approved the hillside exemptions to construct a home on this property. Mr. Florence then read the conditions as listed in the motion.

Mr. Ernie Taylor commented his property is the lot above this proposed parcel. He asked if this is one lot and how high the house will be. The applicant confirmed it is one lot and will be a 2- story house and will be under the 35 ft. requirement and is below grade. The applicant stated they will be doing some retaining on the house side and leaving the existing retention to protect from any drainage and slough off.

Following some additional discussion, the Commission was in agreement this appears to be a pretty straightforward request. Chairperson Call pointed out the details were worked out at the last meeting and all issues appear to be resolved. The commission was in agreement this meets all requirements with no apparent concerns and were in agreement to approve 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 KALLAS MOVED TO APPROVE THE APPLICANT'S REQUEST FOR THE HONEYCOMB HEIGHTS, ONE LOT MINOR SUBDIVISION APPROVAL WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING DOCUMENTS AND PLAT; 2. COMPLETE (OR POST AN ADEQUATE IMPROVEMENT COMPLETION ASSURANCE), WARRANT AND POST REQUIRED ASSURANCE FOR ALL REQUIRED PUBLIC INFRASTRUCTURE IMPROVEMENTS; 3. 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; 4. THE PLANS AND PLAT WILL MEET AND BE CONSTRUCTED AS PER SPECIFICATIONS AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL; 5. 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

THE MOTION CARRIED UNANIMOUSLY.

5. Minor Subdivision Approval – Rhino Realty, LLC – 570 N. State Street

The applicant requests Minor Subdivision approval for a one lot subdivision located at 570 N. State Street (Parcel numbers: 14:067:0187 and a portion of 14:068:0304)

Anders Bake, Associate Planner, led this agenda item by explaining for site plan approval, the planning commission will be evaluating whether the site plan meets Title

2 17 Development Regulations. He explained the applicant is seeking minor subdivision
4 approval to create one lot out of the existing parcel with ID# 14:067:0187 and a portion
6 of the parcel with ID# 14:068:0304. The applicant is proposing to construct a parking
area including proposed landscaping at 580 North State Street for the display of Low
Book Sales' vehicles followed by discussion.

8 Following some additional discussion, the Commission was in agreement this
meets all requirements and were in agreement to approve this request 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 for the minor subdivision approval.

12
14 COMMISSIONER THOMPSON MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR MINOR SUBDIVISION APPROVAL WITH THE FOLLOWING
16 CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY
ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING
18 DOCUMENTS AND PLAT; 2. COMPLETE (OR POST AN ADEQUATE
IMPROVEMENT COMPLETION ASSURANCE), WARRANT AND POST
20 REQUIRED ASSURANCE FOR ALL REQUIRED PUBLIC INFRASTRUCTURE
IMPROVEMENTS; 3. PRIOR TO PLAT RECORDING, THE APPLICANT WILL
22 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
24 4. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER SCHAUERS
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

THE MOTION CARRIED UNANIMOUSLY.

32
6. Site Plan Approval – Rhino Realty, LLC – 570 N. State Street

34 The applicant requests site plan approval to expand the Low Book Sales auto
dealership lot at 570 N. State Street. (Parcel numbers: 14:067:0187 and a portion
36 of 14:068:0304)

38 Mr. Bake stated this item was presented in conjunction with the previous minor
subdivision item. He explained this site plan meets lot size requirements (residential) and
40 all other subdivision requirements. He also read the conditions as listed in the motion.

42 Mr. Bake noted the parking standards are based on the zone and the different uses
in the building and their respective square footage. The parking requirements section of
the Lindon City Code states that Automotive retail uses requires one parking stall per 250
44 square footages of the showroom and office space plus one per employee. He noted the
original Low Book Sales property meets this requirement with 181 parking stalls for sales
46 vehicles and 20 customer parking spaces. The subject property will add 191 additional
stalls to Low Book Sales which will be primarily used for vehicle display.

2 Mr. Bake stated access to the subject property will be from the existing Low Book
Sales property at 590 North State Street which has public street access onto State Street
4 and 600 North. The landscaping plan does not provide a sufficient number of trees in the
landscaped buffer in addition to other landscaping requirements that are not being met as
6 described. Mr. Bake indicated the Planning Commission may approve some parts of the
landscaping plan that is presented according to section 17.48.030 of the Lindon City
8 Code which states the following: *"Landscaping requirements concerning berming, trees,
and landscape materials can be changed and/or altered (with regard to location and
10 design) upon approval of the planning commission at the site plan review stage of an
application. No net loss of landscaping should occur with any approved alterations.
12 Other landscaping layouts consistent with the Lindon commercial design standards may
also be considered by the planning commission."*

14 Mr. Bake stated the proposed plan meets the minimum lot size requirement of one
acre with the site being 1.917 acres. He noted the City Engineer is working through
16 technical issues related to the site plan and will conduct a final review if the planning
commission grants final site plan approval.

18 Mr. Bake stated City staff believes that this development will be an amenity to
Lindon City and the additional display area will allow Low Book Sales to have the space
20 available for their business needs. He pointed out the applicant's plan will require minor
engineering changes and several changes to the proposed landscaping. He indicated Staff
22 did send comments to the applicant with the needed landscaping corrections, but the most
recent plan does not meet all of the requirements in the city code. He pointed out the
24 elements of the landscaping plan that cannot be modified by the Planning Commission
will need to be included in a revised plan and required as a condition of approval.

26 Mr. Bake then presented an Aerial photo, Subdivision plat, Site plan and
landscaping plan followed by some general discussion. He then turned the time over to
28 the applicant for comment.

Mr. Steve Tobias spoke on the landscaping noting they have already addressed
30 lesser trees on State Street as it is their sales window. He spoke on the 20% landscaping
that they have met. He added there is not a lot of interior parking as it is not a customer-
32 based lot it is an employee lot. He pointed out trees attract birds and birds make a mess.
If they start adding more interior landscaping it makes less truck parking which increases
34 sales and therefore increases tax revenue.

Chairperson Call stated the planning commission does not have the discretion of
36 changing requirements in the ordinance on reducing the landscaping. Mr. Florence
confirmed the interior trees can go on the perimeter and the planning commission can
38 reduce the 75% requirement of the vegetation. Commissioner Thompson agreed we are
bound by the ordinance. Chairperson Call asked Mr. Tobias if they will be willing to
40 work with staff on this requirement. Mr. Tobias confirmed they will work with staff to
meet all requirements as to be in compliance. Mr. Bake then read the ordinance portion
42 on the required landscaping. Commissioner Kallas asked if there will be adequate
employee parking on site and if that requirement will be met. Mr. Tobias replied they are
44 making adjustments in phase one to accommodate all employee parking.

Following some additional discussion regarding the employee parking and the
46 landscaping requirements the Commission was in agreement to approve this request with
the added condition in the motion stating the applicant will work with staff on the
48 landscaping and in designating employee parking in accordance with Lindon City Code.

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

4
6 COMMISSIONER JOHNSON MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR SITE PLAN APPROVAL WITH THE FOLLOWING CONDITIONS:
8 1. AN UPDATED LANDSCAPING PLAN WILL SHOW THAT 40 SQUARE FEET
PER PARKING STALL OF INTERIOR PARKING LOT LANDSCAPING WILL BE
10 PROVIDED AND THAT 75% OF THE INTERIOR PARKING LOT LANDSCAPING
CONSISTS OF LIVING VEGETATION ACCORDING TO SECTION 17.18.085 OF
12 THE LINDON CITY CODE; 2. THE APPLICANT WILL CONTINUE TO WORK
WITH THE CITY ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE
14 ENGINEERING DOCUMENTS; 3. THE PLANS WILL MEET DEVELOPMENT
SPECIFICATIONS AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL;
16 4. THE APPLICANT WILL COMPLY WITH ALL BONDING REQUIREMENTS, IF
APPLICABLE; AND 5. THE APPLICANT WILL WORK WITH CITY STAFF IN
18 DESIGNATING EMPLOYEE PARKING ON THE SITE IN ACCORDANCE WITH
LINDON CITY CODE AND 6. ALL ITEMS OF THE STAFF REPORT.

COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS
20 RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
22 COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
24 COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE

26 THE MOTION CARRIED UNANIMOUSLY.

28 **7. Site Plan Approval – Lindon Fizz - Shelby Homes – 195 N. State Street**

The applicant requests site plan approval to construct a 3-unit commercial
30 building located at 195 N. State Street. (Parcel numbers 14:069:0292)
Mr. Florence

32
Mr. Bake stated for site plan approval for this agenda item, the planning
34 commission will be evaluating whether this site plan and building meet Title 17
development regulations and commercial design standards. The applicant, who is in
36 attendance, is proposing to construct a new commercial retail building on the vacant
property at 105 North State Street.

38 Mr. Bake explained the parking standards are based on the zone and the different
uses in the building and their respective square footage. As far as staff understands, only
40 unit 1 is leased for a Fizz soda drive thru. He noted the parking requirement for an
“eating and drinking establishment” is one stall per 2 seats or one per 100 square feet of
42 floor area. The Fizz unit will not have any indoor seating area but will have two outdoor
tables requiring 4 parking stalls for the unit. The other two units do not have a specified
44 use at this time and will be required one stall per 350 feet of floor area under the “other
retail” category. The site requires a total of 14 stalls; 16 stalls are provided on the
46 proposed site plan. He noted the Landscaping Standards are met and the Site
Requirements are also met and in compliance.

2 Mr. Bake further explained the proposed plan meets the minimum lot size
requirement of 20,000 square feet and this site is 29,758 square feet. The Buildings in
4 the Commercial General zone are required to meet the Lindon Commercial Design
Standards. Under the commercial design standards, commercial development should pick
6 one of three building forms: one-part commercial block, two-part commercial block, and
central block buildings; the proposed building most aligns with the one-part commercial
8 block building. He also referenced the standards for such a building in the Commercial
Design Standards.

10 Mr. Bake noted the City Engineer is working through technical issues related to
the site plan and will conduct a final review if the planning commission grants final site
12 plan approval. He added that City staff believes that this development will be an amenity
to Lindon City. He noted the applicant has provided a plan that will allow for the
14 development of a State Street property that has significant development difficulties due to
the properties shape and setback requirements.

16 Mr. Bake then presented an Aerial photo with zoning, Site plan, Landscaping Plan
and Building elevations followed by discussion. He then turned the time over to the
18 applicant for comment. Mr. Homes addressed the commission at this time and explained
his business model. He noted they meet the parking requirements and it will be a drive
20 thru establishment with no food sales.

Ms. Sonia Johnson, attendee, stated she lives on the residential property to the
22 south of this proposal. She asked in regards to the landscaping standards if there will be a
minimum 10 ft. landscape buffer in accordance with the city code. Mr. Bake confirmed
24 will be the 10 ft. landscape buffer. He added it will be 15ft. to the nearest parking stall
and will have a 7ft. masonry wall on the south property line (at Ms. Johnson's grade). He
26 also pointed out the City Engineer has reviewed the plans and is satisfied with the storm
retention. Mr. Florence read the code section pertaining to this issue. Chairperson Call
28 suggested adding a condition in the motion stating the applicant will continue to work
with the city engineer to make all final corrections to the engineering documents
30 including the retaining masonry wall to the south

Following some additional discussion with the applicant, the Commission was in
32 agreement all architectural requirements are met and is in compliance with the code. The
Commission agreed this will be a nice amenity to the city and were in agreement to
34 approve this request with the conditions as listed in the motion.

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

38 COMMISSIONER THOMPSON MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR SITE PLAN APPROVAL WITH THE FOLLOWING CONDITIONS:
40 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY ENGINEER
TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING DOCUMENTS
42 INCLUDING MODIFCATIONS TO THE MASONRY WALL TO THE SOUTH; 2.
THE PLANS WILL MEET DEVELOPMENT SPECIFICATIONS AS FOUND IN THE
44 LINDON CITY DEVELOPMENT MANUAL; 3. FINAL DESIGN WILL MEET THE
COMMERCIAL DESIGN STANDARDS FOR COMMERCIAL SITES AND
46 BUILDINGS; 4. THE APPLICANT WILL COMPLY WITH ALL BONDING
REQUIREMENTS, IF APPLICABLE; AND 5. ALL ITEMS OF THE STAFF REPORT.

COMMISSIONER JOHNSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL AYE

COMMISSIONER KALLAS AYE

COMMISSIONER JOHNSON AYE

COMMISSIONER THOMPSON AYE

COMMISSIONER SCHAUERS AYE

THE MOTION CARRIED UNANIMOUSLY.

8. Concept Review – Matthew Pinder – 200 N. State Street (approximately)

Matthew Pinder request concept review to construct 3 drive-thru buildings at approximately 200 N. State Street. (Northeast corner). A Concept Review allows applicants to receive planning commission feedback and comments on proposed developments. No formal approvals or motions are given, but general feedback is typically provided.

Mr. Florence led this discussion item by stating the applicant, Matthew Pinder along with Brett Johnson (who are in attendance) are requesting a concept review to construct 3 drive-thru buildings at approximately 200 N. State Street from 20' to 8'. (Northeast corner). He noted a Concept Review allows applicants to receive planning commission general feedback and comments on proposed developments with no formal approvals or motions given.

Mr. Florence explained the property will be subject to the requirements of the General Commercial zone as well as the Commercial Design Standards. He noted the applicant has provided a concept site plan for the property but has not provided renderings of the proposed buildings, but they will need to meet the commercial design standards. He explained the Commercial General zone, 17.48.030, requires a 20' landscape strip along all public street frontages; the 20' landscape strip is measured at the back of the sidewalk. He noted unless otherwise approved by the planning commission, a landscaped berm at least three feet (3') high and twenty feet (20') wide shall be planted with grass and maintained in a living, growing condition along all public street frontages.

Mr. Florence indicated the measurement of the twenty feet (20') in landscaping will be measured from the back of walk, or back curb if no sidewalk exists. Areas with meandering sidewalks will have the twenty feet (20') measured from back of curb but may not count sidewalk width as part of the twenty feet (20') in landscaping requirement unless otherwise approved in a subdivision cross section. A minimum width of five feet (5') of the landscaping shall be on private property adjacent to the street right-of-way. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass. He pointed out a planting or landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the non-grass areas shall be submitted and approved by the planning director.

Mr. Florence went on to say trees shall be planted thirty feet (30') on center, centered ten feet (10') from the edges of the strip in all required landscaped and bermed areas. He pointed out that the landscaping requirements concerning berming, trees, and landscape materials can be changed and/or altered (with regard to location and design) upon approval of the planning commission at the site plan review stage of an application. No net loss of landscaping should occur with any approved alterations. He added that

2 other landscaping layouts consistent with the Lindon commercial design standards may
also be considered by the planning commission. Mr. Florence then presented an Aerial
4 Image and the Concept Site Plan followed by some general discussion. He then turned
the time over to the applicants for comment.

6 The applicants explained their concept at this time noting there will be a Beans
and Brew and another soda shop involved and they are in negotiation with a potential
8 other tenant on the north. Chairperson Call expressed her concerns with cutting off 12 ft
on the side next to 200 north to allow the 3 buildings. She pointed out it is not just the
10 landscaping but the issue of giving a good setback off the street. The applicant stated
there is space for three buildings and with the land base and economics it won't work
12 with two. The applicants noted they are reallocating landscaping to other areas of the
property. They also spoke on the double drive thru areas. They have also had some
14 discussion with UDOT regarding curb cut requirements. Mr. Florence stated the City
Engineer does not want to approve this unless they have an access to State Street. He
16 added along with site plan approval they would also need to do a subdivision application.

Chairperson Call expressed her biggest concern is in making an exception of the
18 20 ft. on one side because of its proximity to 200 North and problems with traffic backup
and 3 businesses in that small of a property.

20 Commissioner Thompson pointed out the traffic engineer does not want to
approve unless there is access on State Street so he would suggest continuing to work
22 with UDOT. The applicant clarified the City Engineer has reservations approving without
the UDOT curb cut.

24 Commissioner Johnson expressed his personal opinion is that his is not much to
give up to get these types of businesses that will bring revenue to the city. This is an
26 interesting parcel and we have needed something at that location for a long time; this
is the concept that people are going to and he feels the issues can be mitigated in other
28 ways.

The applicants then referenced what they have done in West Haven noting they
30 look like stand-alone retail drive thru buildings; this helps to bring building costs down
and this is the way retail is going.

32 Commissioner Kallas stated his concerns with all the traffic with delivery's etc.
and cars backed up for 3 businesses coming through one drive thru with no access on
34 State Street and also the setbacks.

Chairperson Call stated she wants to make sure they have an entrance off of State
36 Street before she would consider decreasing the 20 ft. setback and to ensure that the
buildings are in compliance with the code. Commissioner Thompson stated he would
38 want to see the overall site plan with the modifications and to also see them work with
UDOT. He does not want to set a precedent to others; but he would not be a hard no.
40 Commissioner Schauers stated there has to be a better rationale and a stronger argument
than just the economics for him. Commissioner Kallas stated he agrees with
42 Commissioner Schauers and he does feel there are other options there.

There was then some additional discussion with the applicant's regarding this
44 concept review. Chairperson Call commented that she thinks the commission has given
sufficient feedback to the applicants and hopes they can get things worked out with
46 UDOT and find a way to make things work.

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

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

Chairperson Call mentioned tonight is Anders Bake last meeting with the Commission. Mr. Bake stated he and his family are moving to Texas to get his MBA at Texas A&M University. The Commission expressed their appreciation to Mr. Bake for his good works for the city stating he will be missed. Mr. Bake expressed his appreciation to the Commission and for the friendships made and for all he has learned from them. Chairperson Call also mentioned the upcoming league meetings in September in Taylorsville.

10. Planning Director Report – General City Updates.

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

ADJOURN –

COMMISSIONER JOHNSON MADE A MOTION TO ADJOURN THE MEETING AT 8:05 PM. COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – August 17, 2021

Sharon Call, Chairperson

Michael Florence, Planning Director