

2 The Lindon City Council regularly scheduled meeting on **Monday, September 20, 2021,**
4 **at 5:15 pm** in the Lindon City Center, City Council Chambers, 100 North State Street,
Lindon, Utah.

6 **REGULAR SESSION – 5:15 P.M.**

8 Conducting: Jeff Acerson, Mayor
Invocation: Mike Vanchiere
10 Pledge of Allegiance: Chief Brower

12 **PRESENT** **EXCUSED**

Jeff Acerson, Mayor
14 Van Broderick, Councilmember
Jake Hoyt, Councilmember
16 Carolyn Lundberg, Councilmember
Mike Vanchiere, Councilmember
18 Randi Powell, Councilmember
Adam Cowie, City Administrator
20 Mike Florence, Planning Director
Brian Haws, City Attorney
22 Mike Brower, Chief of Police
Kathryn Moosman, City Recorder

24
1. **Call to Order/Roll Call** – The meeting was called to order at 5:15 p.m.

26
27 **Approval of Minutes** – The minutes of the regular City Council meeting of August 16,
28 2021 were reviewed.

30 COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF
THE REGULAR CITY COUNCIL MEETING OF AUGUST 16, 2021 AS AMENDED
32 OR CORRECTED. COUNCILMEMBER HOYT SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

34 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
36 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER POWELL AYE
38 COUNCILMEMBER VANCHIERE AYE
THE MOTION CARRIED UNANIMOUSLY.

40
2. **Presentations and Announcements:**

- 42 a) Comments/Announcements from Mayor and Council members.
b) Discussion Item: The Council met with Senator Michael Kennedy to
44 receive updates on legislative matters and discuss issues of common
interest.

46 Senator Kennedy spoke on redistricting stating this is currently happening and
hopefully he will be back next year to represent Lindon. He stated as a State Senator he

2 represents 100,000 people and it is a great privilege. He noted the challenge here is there
are a lot of things happening and he always wants to be a resource to ensure the
4 government is working for them. Senator Kennedy then gave out his cell phone number
(385-268-9458) pointing out he needs all hands-on deck to help him do his job well and
6 he needs everyone's eyes and ears on the important issues. He also spoke on the
expansion of 1600 North. He mentioned he serves as a doctor here in Lindon and agrees
8 that 1600 North is a problem in regards to safety issues and accidents etc. He also
addressed a potential death trap by Premiere Family Medical. There are also issues on
10 400 North. He asked if there is any possibility that the traffic light could be moved. He
understands that State Street is not a local street, but as businesses continue to expand can
12 they work together for traffic shifting. Mr. Cowie stated UDOT does not want 2 traffic
lights so close together. He added UDOT is up in the air on this issue but they have made
14 some headway. Mr. Cowie explained this has been on the master plan for 20 plus years.
He added with the Fellowship Bible Church agreement, they must give notice (city owns
16 the property) and it will be developed then. He added the newer portion was built with
the city purchase of the land. Mr. Cowie said they have talked with UDOT to have a
18 second signal at 400 North and our right of way is substantially undersized, so there are
obstacles there.

20 Councilmember Powell expressed her thanks to Senator Kennedy for being here
and for his service. She mentioned the number of dead deer on the roads pointing out
22 that only one DWR employee handles most of the county and they do this as a courtesy.
She asked how can we get more funding from the DWR to pick up road kill? Senator
24 Kennedy said he would have to do some research on that issue and will get back to her.

Councilmember Broderick spoke on the water challenges in Utah noting we know
26 that secondary water metering will be required in 2035 and asked if he anticipates that
date moving up. Senator Kennedy confirmed that statement adding we must be careful
28 on how we use our water. He noted metering has constraints and water is our top
resource and we need the highest and best use of water. He noted with the funding aspect
30 he is not part of that conversation but agrees extra funding is needed.

Councilmember Lundberg spoke on the influx of refugees into the state and asked
32 what update he has on bringing in those folks. Senator Kennedy stated he has concerns
because we are in the middle of a pandemic and we need to ensure the government can
34 run the refugee services well. Governor Cox has opened his arms to refugees but we need
more funding; most of the refugees end up in Salt Lake County. He has concerns health
36 wise with the pandemic and the need to ensure all are thoroughly vetted. He would
expect the Governor to hold deep reservations about that issue. He added these people
38 will be great citizens and we will all grow; this state is willing to reach out, but we must
be careful with intent and desires.

40 Councilmember Vanchiere mentioned that there are more and more mandates on
the state. He understands the state has a solid plan, but at what point does the state say no
42 to these mandates. Senator Kennedy stated he is assuming he is referring to the recent
mandate on vaccines. He thinks it's a matter of who should be in charge of the citizens.
44 Local control is what he is about and he maintains that in his public service; to make
decisions for health and wellbeing. He noted they have had conversations in the house
46 but the senate does close its caucus. The reality is to stop making decisions in personal
health. A lot of states will be filing lawsuits but they will ultimately go to the supreme

2 court; this issue will be determined in the courts not in the capitol. The Mayor and
4 Council thanked Senator Kennedy for coming, for his service and for the good
conversation.

- 6 a) Fire Chief Sanderson and Fire Chief Earl and Lon Meyers EMS Chief were in
attendance to give the 3rd quarter updates to the council.

8
10 Fire Chief Sanderson and Fire Chief Earl spoke on day-to-day operations, recent
promotions, and covered fire responses. They have had 45 calls on everything related to
12 fires. Some of the significant calls were a young lady stuck on a ledge up dry canyon and
a small fire on forest service property. They noted it is a pleasure working with Mike
14 Florence in the planning department in DRC meetings etc. and they enjoy working out of
the beautiful Lindon fire station. They have had 66 fire inspections since April. They are
currently working on a new prevention program noting fire prevention week starts
16 October 4th and they will be at Orem City Park. They also spoke on fireworks season and
their concerns with forest service property noting those are considered red burn areas
18 with no fires allowed at all; they are mitigating by setting up brush fire controls. As far
as prevention goes, they try to get the word out to help people understand the dangers of
20 fire season.

22 Lon Meyers, Assistant EMS Chief stated he covers anything medical wise in the
fire dept. He noted he has a fondness for Lindon and has been here since 2008 and it is a
wonderful place to be. He noted April 1st to June 30 they had 137 calls for medical
24 service which includes traffic accidents. July 1st to present they have had 129 calls; these
are all medical calls. They do track response times and those numbers are getting better.
26 Chief Sanderson stated he will generate that response time report and get it to the council;
90 seconds is the goal.

28 Mayor Acerson and the council thanked them for the service they render and to
keep up the great work!

30 3. COUNCIL REPORTS:

32 **Councilmember Broderick** – Councilmember Broderick reported he attended the North
34 Union Canal meeting where they had the ongoing discussions in looking for the water
study to come back. He also mentioned the 2035 requirement for secondary metering
36 noting more funding is coming to the state and those dates will move up. He reported he
will be attending the September 22nd Provo Bench Irrigation meeting and will report back
38 to the council.

40 **Councilmember Vanchiere** – Councilmember Vanchiere reported he will be attending
along with Mr. Florence, the EDCU meeting at Thanksgiving Point and also the Urban
42 Land Use Training conference in October. He is so impressed with how well the
planning department is run and how responsive they are and well respected by developers
44 and contractors; Lindon is a great city to work with. He also asked about the buildings to
the north of Home Depot. Mr. Cowie stated they are proposing office warehouse that is
46 pending and there is interest from another auto dealer and he will keep the council posted.
Councilmember Vanchiere stated the North Pointe Solid Waste Transfer station is doing

2 well and they are in the middle of the master plan being commissioned. He noted at a
4 future point they will have a presentation from the Transfer Director, Neil Schwendiman.

6 **Councilmember Hoyt** – Councilmember Hoyt reported the recent PG/Lindon Chamber
8 of Commerce golf tournament was well represented. He expressed his thanks to all who
10 participated. He had a conversation with Mr. Cowie on sales tax numbers that are
12 looking great. He noted to keep this in mind as we look at zoning issues etc. Heath
14 Bateman, Parks & Recreation Director stated the slide is doing great and is 2 weeks out
from completion. There are a lot of events happening at Parks & Recreation with fall
activities for Lindon City. There are currently 43 different activities this fall which is a
wide variety of programs. The upcoming Halloween block party and movie in the park
are fun events where they will be giving out pumpkins. There will also be trunk or treat
on October 29th and he encouraged anyone that can to participate.

16 **Councilmember Powell** – Councilmember Powell spoke on the recent safety drill and
18 handed out badges to the council. She reported the Tabitha Way boxes are looking better
20 and expressed her thanks to Heath Bateman. She mentioned the Holy Cow Boutique
22 begins tomorrow at the Community Center which is always a fun, well attended event in
24 the city. She also spoke about the fencing by Walmart with the weeds and etc. that is an
eyesore on State Street. Mr. Cowie stated that is private property noting it is a recurring
problem but he will reach out to the Walmart manager. She noted the engineering
coordination meeting was canceled. She also wished all the candidates for the upcoming
election good luck on their campaigns.

26 **Councilmember Lundberg** – Councilmember Lundberg acknowledged the funeral of
28 Lindon City Finance Director, Kristine Colson's husband John Colson, noting the service
30 was very uplifting and he led an exemplary life. She gave her condolences to Kristen and
32 the family. She also mentioned the PG/Lindon Chamber of Commerce Golf tournament
34 noting there was a great turnout with lots of support from local businesses with good
education happening there. She also mentioned the 9/11 drill noting it was a great success
36 with a lot of Everbridge adoption. She also mentioned the noise at the Hollow Park
pickle ball courts. She would like to see staff come forward with suggestions so we can
make an investment so residents are not impacted; a standard amenity that goes into the
court to mitigate the noise. She also reported she attended the Tree Board meeting where
they identified different species and where to plant the trees. She also mentioned the
upcoming League meetings to be held September 29th to October 2nd.

38 **Mayor Acerson** – Mayor Acerson reported he attended the Utah Lake Commission
40 meeting last week where the state water representative indicated we are not in a great
42 position with water but better than they thought. Most reservoirs are at 50% which is not
too bad considering the heat; we need to pray for a lot of snow.

44 **Administrator's Report:** Mr. Cowie reported on the following items followed by
discussion.

46 **Misc. Updates:**

- Next regular council meetings: September 20th & October 4th

- The new Associate Planner, Mary Barnes was introduced
 - September 2021 newsletter assignment (due last week of August): Chief Mike Brower
 - August 21st - BIG Block Captain Training Event (train-the-trainer Everbridge + rotating groups).
 - For city leaders, faith leaders, block captains, community members.
 - Labor Day Holiday – Monday, September 6th - City Offices Closed
 - Monday, Sept. 13th at 6:00pm - Lindon City Drill
 - September 24th - Utah County Vaccination Clinic 9-11am - City Council Chambers
 - 2021 Election info:
 - o October 7th – Last Day to Withdraw
 - o General Election vote-by-mail ballots mailed week of Oct 11th
 - o Thursday, October 14th Meet the Candidate night prior to General election
 - o General Election Day: November 2nd
 - Misc. Items
4. **Open Session for Public Comment** – Mayor Acerson called for any public comment not listed as an agenda item. Hearing none he moved on to the next agenda item.
5. **Consent Agenda Items** – There were no consent agenda items presented for approval.

CURRENT BUSINESS

6. **Review & Action — City Center Roofing Project.** The City Council will review and consider approval of the roofing material options for the city center roofing project.

Adam Cowie, City Administrator led this agenda item by explaining the Facilities Manager, Alex Roylance is attendance to answer any questions regarding this item. Mr. Cowie also presented some samples.

Mr. Cowie noted the current metal roof on City Hall has either oxidized or lost much of the paint on many of the metal roofing panels. This condition gives the building a very unappealing and unprofessional look. He noted this condition will continue to worsen over time to the point that eventually many, if not all of the metal panels will become bare metal. The existing pipe and venting penetrations were not installed with proper flanging elements. The current flashing elements have rubber that is degrading, resulting in holes that leak during storms.

Possible remedies and recommendations are as follows:

- Staff recommends that we remove the existing metal roofing and replace it with 30-year architectural shingles, install proper ventilation covers over all roof penetrations, install new membrane over flat roof areas, and install new seamless rain gutter system. This solution will be the most economical, will provide a long-

- 2 lasting solution, and will give the building a refreshed and professional look.
- Another solution would be to remove the existing metal roofing, install new metal
4 roofing, install proper ventilation covers over all roof penetrations, and install
6 new seamless rain gutter system. This solution would return the building to its
original look. However, this solution is much more expensive than shingles.
 - Staff have explored the option of re-painting the existing roof and repairing the
8 ventilation penetration issues. The cost of doing so is not significantly less than
installing a shingle roof, and the paint manufacturer will only warranty their
10 product for two years. This seems like an inefficient fix.
 - Finally, we could leave the metal roof alone and make no adjustments to its
12 appearance or function. With this option we would still need to address the
ventilation penetration issues.

14 Bids received for the project: Mr. Cowie noted Staff reached out to several local roofing
16 contractors for prices to address this project. Contractors were asked to bid using the
following parameters:

- Replace metal roof with shingles
 - a. Remove existing roof, dispose of all materials.
 - 20 b. 30-year Owens Corning Duration shingles, Onyx Black
 - c. Synthetic roofing felt.
 - 22 d. Ice and water shield underlayment.
 - e. Install ridge vents.
 - 24 f. Metal drip edge and metal flashing at all seams and edges.
 - g. New turtle vents at all penetrations.
 - 26 h. 60 mil TPO installed on flat roof sections.
 - i. Aluminum seamless rain gutters and downspouts for entire building.
- Replace old metal roof with existing metal roof
 - a. Remove existing roof, dispose of all materials
 - b. Synthetic underlayment
 - 32 c. Ice and water drip edge
 - d. New 26 gauge standing seam metal roof
 - 34 e. New metal flashings
 - f. Turtle shell vent covers
 - 36 g. Replace existing snow guards
 - h. Aluminum seamless rain gutter and downspout replacement

38 Mr. Cowie stated we received bids from three contractors for this project. They are as
40 follows:

Contractor	Shingle Price	Metal Price	Gutters
42 Liberty Roofing	\$54,444	\$127,656	\$4,056
Red Peaks Roofing	\$53,500	\$102,000	No-bid
44 A-1 Roofing	\$64,091.72	\$119,231.50	\$11,128.25

2 Mr. Cowie stated staff recommends that we select Liberty Roofing to install
shingles and rain gutters on the City Hall. He noted we have worked with Liberty
4 Roofing in the past and have found them to be very reliable and provide very high-quality
work. Total project cost would be \$58,500. He pointed out the Mayor and Council have
6 already approved \$55,000 in the FY 2022 budget for roof work and gutters.

Following some additional discussion, the Council was in agreement to take care
8 of the required roofing improvements this year and in the spring revisit this issue and
budget for the entire roofing project. They also agreed it should be the metal roofing in
10 order to keep the character of the building and to also reach out for additional bids.

Mayor Acerson called for any further comments or discussion from the council.
12 Hearing no further comments, he called for a motion.

14 COUNCILMEMBER VANCHIERE MOVED TO TAKE CARE OF THE
REQUIRED ROOFING IMPROVEMENTS AND IN THE SPRING REVISIT THIS
16 ISSUE AND BUDGET FOR THE ENTIRE ROOFING PROJECT.

COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS
18 RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK AYE

20 COUNCILMEMBER HOYT AYE

COUNCILMEMBER LUNDBERG AYE

22 COUNCILMEMBER POWELL AYE

COUNCILMEMBER VANCHIERE AYE

24 THE MOTION CARRIED UNANIMOUSLY.

26 **7. Public Hearing — Residential Overlay Zone Change; Ordinance #2021-17-O.**

Elwood Holdings requests approval from the Lindon City Council for a zoning
28 map amendment to the Planned Residential Development Overlay at
approximately 550 N. State Street and 310 West 500 North. (Parcel numbers:
30 14:068:0304, 14: 067:0187 (portion), 14: 067:0169, 14:068:0277. The Planning
Commission recommended approval to the city council.

32 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
34 COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE MOTION
CARRIED UNANIMOUSLY.

36 *Councilmember Hoyt recused himself at this time due to a conflict of interest.*
38

Mike Florence, Economic Development Director, led this agenda item by stating
40 the applicant's previous zone amendment application was denied by the Lindon City
Council on June 7, 2021. He explained that Lindon City Code 17.04.090 (9) allows the
42 planning commission and city council to consider a new application for development
within six months of being denied when a substantial change of conditions has been made
44 since the submittal of the earlier application and a new land use application is submitted.
Elwood Holdings LLC is proposing to develop 3.81 acres of the commercial frontage
46 along State Street and 500 N. and 6.75 acres of residential (a combination of townhomes
and detached single-family). He noted Elwood Holdings LLC has reduced the overall

2 number of residential units/lots from 71 to 65. This is a density decrease from 9.2 units
per acre to 8.47 units per acre. The applicant has reduced the number of townhome
4 units/lot from 58 to 46.

Mr. Florence indicated the applicant has also increased the number of single-
6 family home units/lots from 13 to 19. He stated the planning commissions original
recommendation was on a plan that was significantly different with the number of units
8 and development design than the plan the city council denied. The planning commission
gave a recommendation on a plan with 76 units; 72 townhomes and 4 single family lots.
10 The plan that the City Council denied included 58 townhomes and 13 single family lots.
With the reduction in the number of units and the change in design of the development
12 that the planning commission and city council reviewed; the City feels that the intent of
Lindon City Code 17.04.090(9) is being met by the substantial change in conditions.
14 Therefore, the planning commission and city council can review a new application within
the six-month denial period. The Planned Residential Development Overlay Zone
16 (ordinance section 17.76.040) requires that the following items be submitted as part of a
zone map amendment application: Concept site plan; building elevations; and renderings
18 for the subject site.

Mr. Florence then referenced a summary of the PRD site requirements. He noted
20 some of these items will be refined when the applicant files for site plan and subdivision
approvals. He noted the applicant has proposed both detached single-family and
22 townhome building types for the site. The townhomes are divided into both four and five
plex buildings.

Mr. Florence stated with the previous zone change the applicant provided a traffic
24 impact study of the access points from the site. The traffic study and accompanying
addendum is on file with Lindon City. The city did not request that the traffic study be
26 updated since a lesser number of units is proposed for this development. The current
design of the development is similar to what the traffic engineer used for the initial study
28 and subsequent addendum for traffic distribution. The report identified that with 76 units
the development would generate 951 net new weekday daily trips. That breaks down to
30 approximately 475.5 trips leaving the site and 475.5 trips returning each day. The report
then broke down the highest peak times during which times the most traffic would be
32 coming to and leaving the site. Those peak times were identified from 7:45-8:45 a.m. and
34 4:45-5:45 p.m. He noted the full reports are on file with the Lindon City Planning
Department.

Mr. Florence indicated the traffic engineer then determined that during the peak
36 times traffic distribution should be similar since the residential use still remains but with
less units. The traffic engineer estimated with 76 units that during the peak period times,
38 the site would generate upon completion and full occupancy; 53 net new weekday a.m.
and 64 net new weekday p.m. peak hour vehicle trips. This calculation assumes
40 approximately 4-6 a.m. peak vehicles using 570 N. and 500 N. entering and leaving the
development and 4-6 p.m. peak hours using those streets. The traffic study looked at the
42 intersection Level of Service at four different time periods: existing, regional growth,
background forecast, and analysis of future conditions. He added the City and Planning
44 Commission went through this report extensively during the original application review;
the traffic study and addendum are on file with the city.
46

2 Mr. Florence further explained as staff has reviewed the updated application from
the applicant, there are significant changes in the reduction of townhomes and increase in
4 single family homes. The project does transition better to the existing single family home
neighborhood and creates a more stable neighborhood. With the decrease in units/lots, it
6 is assumed that there will also be a subsequent decrease in the amount of traffic generated
from the development. The PRD ordinance requires that “any concept plan presented to
8 the Planning Commission and City Council for approval shall first be reviewed by the
Development Review Committee to ensure the proposal is technically feasible.”

10 He added the DRC Committee has reviewed the plan and the development is
technically feasible. Further civil engineering plans, subdivision plats, building
12 renderings and other technical documents will be submitted with the subdivision, site
plan and conditional use permit application if the zone change is approved by the City
14 Council. He noted the planning commission also discussed traffic calming on 550 N.
from the new development to the existing homes. He pointed out this was not a condition
16 of approval but city staff and the developer will evaluate the alternative.

Mr. Florence then presented an Aerial photo, Proposed zone map amendment
18 changes, General Plan Land Use Map – vicinity, Site plan, Commercial and residential
renderings, Planning Commission meeting minutes and the Proposed ordinance followed
20 by some general discussion.

Mayor Acerson called for any public comment at this time. There were several in
22 attendance to address the council as follows.

24 **Cole Hooley:** Mr. Hooley asked when and how did the city become vulnerable to
litigation with this decision as it may be a driving factor in bringing it back onto the
26 agenda before the 6 months embargo in regards to the substantial change as it seems to
shift things from a legislative decision to a litigious decision. He also asked about the
28 other parts of the city that this overlay could be utilized by other developers and what
would prevent them from applying and potential litigation in moving forward in other
30 places in the city.

City Attorney, Brian Haws stated there was contact made with numerous
32 discussions regarding litigation on the merits of pursuing litigation and the City felt pretty
confident in their position. Part of those discussions, of which he cannot go into detail
34 because it was part of the closed session, in general, was that the determination was made
to go back to the drawing board was a better approach than litigation. So, a new concept
36 with a lower density was proposed that was a better approach than litigation. Whenever
you get into litigation there is no guarantee and there are always costs and the time and
38 resources involved. These were the factors that were considered.

Mayor Acerson asked Mr. Florence to comment on the level of concern of the
40 potential of this coming to other areas of the city and the risk of other developers coming
in. Mr. Florence commented when drafting the ordinance, they identified 3 or 4
42 properties in the city this could apply to. He pointed out with feedback they could look at
the ordinance again and evaluate other options; the intent was to cut these deep lots. In
44 regards to other developers coming in, it would require a zone change and it would be a
process. He added we have learned some things going through this process. Several
46 councilmembers voiced their concerns that they would like to see this revisited going
forward as there may be potential unintended consequences.

2 **Mark Wright:** Mr. Wright commented that the council revisited the density. He would
ask that the council revisit and reconsider closing off and making a cul-de-sac that will
4 support the traffic flow without punching through 570 North; this is very frustrating. Mr.
Haws stated we cannot address that tonight as that would take an amendment to the
6 general plan and that is not on tonight's agenda.

8 **Tracy Stewart:** Ms. Stewart stated she would like to see the cul-de-sac revisited too.
She expressed that this is very frustrating to now live in Lindon with 65 new homes that
10 will bring so much traffic onto their street; this was to be their forever home. She would
like to see them put a pork chop in as most of the traffic will go on 570 north. She would
12 encourage the council look at the traffic and to not allow any basement apartments.

14 Mayor Acerson called for any further public comments. Hearing none he called
for a motion to close the public hearing.

16 COUNCILMEMBER POWELL MOVED TO CLOSE THE PUBLIC HEARING.
18 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE MOTION
CARRIED UNANIMOUSLY.

20 Councilmember Powell commented this has been a very long process with a lot of
22 good comments made along this journey and the council has tried to include everyone in
this process. She also acknowledged all the hands that have made this possible. She
24 expressed that she will always be mindful of the impact to 570 North, but this matter has
already been closed and taken care of in prior agendas. She would like this to not impact
26 570 North. Going forward she will push 100% for no ADU's on this project and to make
sure to have ample traffic control on 570 North and evaluate traffic mitigation. As this
28 goes forward, she feels it is the best use scenario before them but she wishes this wasn't
impacting 570 North.

30 Councilmember Lundberg stated she is likewise committed to minimize traffic
flow and taking mitigation measures. She is happy to see the overall count go down from
32 10 to 8.47 and doing a staggered approach to the neighborhoods. She likes the creation of
additional parking stalls and the other things that have been created. The quality of
34 product and renderings from Alpine Homes will be great and will be bringing in great
neighbors and families to the community. She does have a heavy heart that this has been
36 the most difficult issue this year with a lot of differing opinions. She hopes this will be a
partnership in a development that will exceed their expectations.

38 Councilmember Vanchiere commented that there are no guarantees to the future
but we are committed that the ADU issue will be resolved as to not impact this
40 development negatively, but someone will not be happy. He feels the traffic pattern is a
good one. He realizes this will affect seven families and that is unfortunate. He genuinely
42 believes that time will tell that there will not be negative impacts with the traffic. He
appreciates all the thought and work that has gone into this and appreciates all the
44 opinions heard from the community.

Councilmember Broderick echoed the council's comments that have been made.
46 He agreed this has been a long process and he has fought for things on this plan from
where it began. He is pleased with the transitions from ½ acre lots to townhomes. He

2 believes this is the best solution of what could be there. He likes the extra open space and
the reduction in density to a number that is better as the density was a big deal to him. He
4 feels the public has been heard. He has visited the property many times and they take this
very seriously and they know there will be impacts. This has been a painful and difficult
6 process but good progress has been made.

Mayor Acerson called for any further discussion or comments from the Council.
8 Hearing none he called for a motion.

10 COUNCILMEMBER VANCHIERE MOVED TO APPROVE ORDINANCE
#2021-17-O TO AMEND THE LINDON CITY ZONING MAP TO PLANNED
12 RESIDENTIAL DEVELOPMENT OVERLAY AS IDENTIFIED ON EXHIBIT 7 FOR
THE PROPERTIES LOCATED AT APPROXIMATELY 550 N. STATE STREET AND
14 310 W. 500 N. WITH THE FOLLOWING CONDITIONS: 1. TO THE EXTENT
ALLOWED BY LAW, ELLWOOD HOLDINGS LLC WILL INCLUDE TERMS
16 WITHIN THE CONDITIONS COVENANTS AND RESTRICTIONS FOR THE
DEVELOPMENT WHICH WILL LIMIT THE NUMBER OF RESIDENTIAL UNITS
18 THAT CAN BE RENTED OUT AND BE OCCUPIED BY NON-OWNER
RESIDENTS. THE APPLICANT AND THE CITY SHALL WORK TOGETHER IN
20 GOOD FAITH DURING SUBDIVISION AND SITE PLAN APPROVAL AND COME
TO AN AGREEMENT AS TO WHAT RENTAL RESTRICTIONS SHALL BE MOST
22 APPROPRIATE FOR THE ANTICIPATED DEVELOPMENT; AND 2. ALL ITEMS
OF THE STAFF REPORT AND 3. CITY ENGINEERING DEPARTMENT AND
24 POLICE DEPARTMENT REVIEW POTENTIAL TRAFFIC CALMING MEASURES.
COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
26 RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK AYE

28 COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER POWELL AYE

30 COUNCILMEMBER VANCHIERE AYE

THE MOTION CARRIED UNANIMOUSLY.

32 **8. Public Hearing — Zone Map Amendment; 800 West Storage Units;**

34 **Ordinance #2021-7-O.** Lindon Self Storage, LLC requests approval for a zoning
map amendment to change property from R1-20 to LI (Light Industrial) at
36 property located at approximately 860 W 200 S. The Planning Commission
recommended approval to the City Council.

38 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
40 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE MOTION
CARRIED UNANIMOUSLY.

42 Mr. Florence stated this proposed development originally received major
44 subdivision approval from the City Council on May 17, 2016 for a 46-unit self-storage
condominium project on the front portion of the subject property located in the Light
46 Industrial zone. Since their original approval, the applicants' entitlements expired due to
inactivity of the project.

2 Mr. Florence stated the applicant is now proposing a similar project but has
expanded it to include additional property to the north. The proposed development will
4 now consist of 75 storage units. The additional property to the north is currently zoned
R1-20. The total acreage is 3.85 acres. The requested portion for the rezone is 1.61 acres.
6 The applicant is proposing a 7' masonry fence for areas of the development that are
abutting a residential use. Development access will be from an existing easement on 200
8 S. and through the parking lot of the existing business. There will be an emergency fire
department access with a locked gate through the residential property at 136 S. 800 W.
10 He noted this is a two-part application.

Mr. Florence indicated the planning commission approved a minor subdivision to
12 consolidate the property into one lot and correct a subdivision for the adjacent single-
family home located at 122 S. 800 W. that was done incorrectly. The commission also
14 conditioned site plan approval upon the applicant receiving the zone change and
subdivision approval. He noted tonight the City council will be reviewing the zone
16 change request for the north portion of the property from Residential R1-20 to Light
Industrial. Mr. Florence stated the planning commission recommended approval to the
18 city council. He added if this zone change is approved, the council will then consider
major subdivision approval to subdivide the individual storage units into commercial
20 condominiums (next agenda item).

He went on to say in September of 2018 the BMC property, which is west of the
22 subject property at 145 South Geneva Road, received zone map amendment approval to
change a portion of their property from Residential (R1-20) to Light Industrial (LI).
24 These properties are both designated as Mixed Commercial in the Lindon City General
Plan which supports the proposed zone change.

Mr. Florence then went over the Planning Commission questions and responses
26 from the applicants noting the planning commission had a number of questions in
relationship to the CC&R's. long-term maintenance and management of the project. Mr.
28 Florence stated the subject property has a Mixed Commercial designation in the Lindon
General Plan Map. He pointed out that Storage units are a permitted use in the Mixed
30 Commercial zone

Mr. Florence went on to say Lot 2 does not have public street frontage but does
32 have a 60-foot-wide access from 200 South that goes through the property at 850 W. 200
S. The property at 850 W. 200 S. meets the 100' frontage requirement. This access was
34 previously approved by the Planning Commission and City Council in 2016. He noted the
Orem Fire Department approved the proposed access as well as an emergency access
36 from 800 West that uses a 20' easement through the property at 136 S. 800 W. The plat
dedicates 33' of Lot 1 to Lindon City for right-of-way.
38

Mr. Florence stated the City Engineering Department does not recommend
40 installing curb, gutter and sidewalk at this time because none of the other adjacent
properties on the eastside of 800 West have these improvements. Parking Storage units
42 are categorized as "Business Services" and the parking requirement is one parking stall
for every 200 square feet of floor area. For this calculation only the office is considered.
44 However, the applicant provided additional parking above the requirement.

Mr. Florence further explained that this site provides one easement access from
46 200 South that goes through the property at 850 W. 200 S. The site plan provides the
turning radiuses and demonstrates that there is adequate room to drive around each of the

2 storage unit buildings. These have been approved by the city engineering and fire
departments. The site also provides an emergency access that is accessed from 136 South
4 800 West through an easement and gate; this access will be available for emergency
vehicles only.

6 Mr. Florence stated the Lindon City Code section 17.49.060 requires that “Unless
otherwise approved by the Planning Commission, a landscaped strip twenty (20) feet in
8 width shall be planted with grass and maintained in a living, growing condition along all
public street frontages.” The proposed site plan does not have public street frontage and
10 the applicant is not proposing any landscaping on the property. The applicant has
submitted a letter to the city requesting that they not be required to meet the landscaping
12 requirements. He noted the Site Plan shows that a 7-foot masonry fence will be
constructed along all property lines adjacent to a residential zone or a residential use as
14 required by the City Code in the Light Industrial zone. A chain link fence will be
installed along all other property lines and a gate will be installed at the property’s
16 entrance. Buildings in the Light Industrial Zone are required to have an exterior with a
minimum of 25% brick, decorative block, stucco, wood, or other similar materials as
18 approved by the Planning Commission.

Mr. Florence noted the office building for this project has a combination of
20 synthetic stone siding, hardy-board siding, wood trim and fenestration. The storage unit
buildings have a combination of split face block and smooth block exterior with metal
22 roll up doors in the front of each building. Development Setbacks The buildings on the
proposed site plan meet development setback requirements with a 20-foot front setback
24 and a 40-foot building setback from surrounding residential property lines. Conditions,
Covenants & Restrictions

26 Mr. Florence stated the CC&R’s for the development are on file with the Lindon
City Community Development Department. He added that Public Hearing and Planning
28 Commission Meetings Public Hearing Notices, required per Lindon City Code section
17.14, were published in the Daily Herald and on the State public notice website on
30 May 13, 2021 and neighbor notices were sent on May 14th. The planning commission
also held three meetings on this application on May 25, June 22, August 17.

32 He then presented the Surrounding Area Zoning Map, Proposed site plan,
building elevations, Property photos, previously approved 2016 site plan and the Zone
34 change ordinance followed by discussion.

36 Mayor Acerson called for any public comments. Hearing none he called for a
motion to close the public hearing.

38 COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER VANCHIERE SECONDED THE MOTION. THE MOTION
40 CARRIED UNANIMOUSLY.

42 There was then some additional discussion with the developer including access
easements, security and safety issues, CC&R’s, HOA and maintenance, signed
44 agreements, parking issues and nuisance mitigation. Following the discussion, the
Council was in agreement to approve this ordinance amending the Lindon City zoning
46 map from residential to light industrial at 860 West 200 South as presented by staff.

2 Mayor Acerson called for any further discussion or comments from the Council.
Hearing none he called for a motion.

4
6 COUNCILMEMBER POWELL MOVED TO APPROVE ORDINANCE 2021-7-
O TO AMEND THE LINDON CITY ZONING MAP FROM RESIDENTIAL (R1-20)
8 TO LIGHT INDUSTRIAL (LI) AT APPROXIMATELY 860 WEST 200 SOUTH
(PARCEL NUMBER 14:065:0219) AS PRESENTED. COUNCILMEMBER
LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS
10 FOLLOWS:

COUNCILMEMBER BRODERICK AYE

12 COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER HOYT AYE

14 COUNCILMEMBER POWELL AYE

COUNCILMEMBER VANCHIERE AYE

16 THE MOTION CARRIED UNANIMOUSLY.

18 **9. Review & Action — Major Subdivision; Lindon Self Storage Plat “B” and**
“C”. Lindon Self Storage, LLC requests major subdivision approval from the city
20 council for 75 storage unit commercial condominiums located at approximately
850 W. 200 So. (Parcels 14:065:0219, 14:065:0213, 14:065:0188, 14:065:0212).
22 The planning commission made a recommendation for approval to the city
council.

24
Mr. Florence explained this item by stating the proposed development received
26 approval on May 10, 2016 for a 46-unit self-storage condominium project on the subject
property. Since their original approval, the applicants’ entitlements expired due to
28 inactivity of the project. The applicant is now proposing a similar project but with
additional property included to the project and 75 storage unit condominiums. The
30 applicant is proposing that the subdivision be divided into two separate plats. Plats “B”
and “C”.

32 Mr. Florence stated staff is working through any technical issues related to the
plat and will ensure all engineering related issues are resolved before final approval is
34 granted. He then referenced the Condominium plats and the Attorney letter followed by
some general discussion.

36 Following some additional discussion with the developer, the Council was in
agreement to approve this major subdivision for 75 storage unit commercial
38 condominiums with the conditions as listed in the motion.

Mayor Acerson called for any further discussion or comments from the Council.
40 Hearing none he called for a motion.

42 COUNCILMEMBER HOYT MOVED TO APPROVE THE APPLICANT’S
REQUEST FOR APPROVAL OF THE LINDON SELF STORAGE CONDOMINIUM
44 SUBDIVISION PLATS “B AND C” WITH THE FOLLOWING CONDITIONS: 1. THE
APPLICANT WILL CONTINUE TO WORK WITH CITY STAFF TO MAKE ALL
46 FINAL CORRECTIONS TO THE PLAT PRIOR TO RECORDING; 2. THE
SECONDARY EMERGENCY ACCESS EASEMENT WILL BE RECORDED PRIOR

2 TO THE RECORDING OF THE PLAT OR INCLUDED ON THE PLAT WITH THE
SIGNATURE OF OWNER'S CONSENT; 3. PRIOR TO PLAT RECORDING THE
4 APPLICANT WILL PROVIDE STAFF WITH A FINAL PLAT MYLAR TO INCLUDE
NOTARIZED SIGNATURES OF OWNER'S CONSENT AS IDENTIFIED ON THE
6 ATTACHED SUBDIVISION PLAT; 4. THE PLAT WILL MEET THE APPLICABLE
REQUIREMENTS AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL
8 AND UTAH CODE TITLE 57 CHAPTER 8 FOR CONDOMINIUMS; 5. FINAL
COVENANTS, CONDITIONS AND RESTRICTIONS WILL BE RECORDED WITH
10 THE SUBDIVISION PLATS; AND 6. ALL ITEMS OF THE STAFF REPORT.
COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
12 RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK AYE

14 COUNCILMEMBER LUNDBERG AYE

COUNCILMEMBER HOYT AYE

16 COUNCILMEMBER POWELL AYE

COUNCILMEMBER VANCHIERE AYE

18 THE MOTION CARRIED UNANIMOUSLY.

20 **10. Concept Review — Accessory Apartments; Anderson Farms Development**
(Ivory Homes). The Lindon City Council will hear information presented
22 followed by discussion regarding accessory apartments in the Anderson Farms
Development (Ivory Homes). Not action will be taken for this concept review.
24

Mr. Florence led this discussion item by explaining Peter Gabriel is in attendance
26 as representative for Ivory Homes for this concept review. Mr. Florence noted with the
recent changes in Utah Code, Ivory Homes would like to discuss the ability to allow
28 Accessory Dwelling Units as part of the Anderson's Farm development. He noted when
the City adopted the Anderson Farms Planned Development zone the city excluded R2
30 Overlay uses from the zone. Accessory apartments were included as part of the R2
Overlay.

32 Mr. Florence explained Ivory Homes has developed a few model home types
which come with Internal Accessory Apartment units already built into the home. The
34 city ordinance currently prohibits Internal Accessory Dwelling Units on lots less than
6,000 square feet and in the Fieldstone and Anderson Farms Developments. City staff
36 have attached, as exhibits a few of the most recent subdivision plats where development
is occurring so the City Council can review lot frontage width and lot sizes.

38 Mr. Florence then presented the ADU Concept Plans, Anderson Farms Plat E
Phase, Anderson Farms Plat E Phase 2, Anderson Farms Estates Phase 1, Anderson
40 Farms Estate Phase 2 and the Anderson Farms Plat G (future) followed by some general
discussion. He then turned the time over to the applicant for comment.

42 Mr. Peter Gabriel, representing Ivory Homes, gave his presentation to the council
at this time including information of the challenges associated with ADU's. He explained
44 that retrofitted ADU's frequently have design issues with lot placement, architectural
consistency, utility design, parking placement, and the high cost of construction. He
46 noted the average cost of new detached units is under \$100,000. He also pointed out there

2 is the issue of difficult enforcement with owner occupancy and nightly rentals being enforced by the City.

4 Mr. Gabriel then explained that new build ADU's mitigate through up-front design, units are designed & built harmoniously with the primary residence, whole
6 home/ADU financing, buyer's finance together with the primary residence and community enforcement. He pointed out that homes in new communities are more likely
8 to have CC&R and HOA enforcement. He also showed the types of units (selected by homeowner) including multi-generational units in their general catalog and explained
10 each one and how they will fit into the neighborhood (Anderson Farms). He expressed that this is something Ivory Homes would like to add as an option to their catalog and
12 they believe it will bring a value to the community and the impact will be significantly reduced when it is built up front and done thoughtfully. In conclusion, Mr. Gabriel asked
14 if this the council would be in favor of lifting this restriction from the Anderson Farms Development.

16 Councilmember Lundberg commented she would not want this to be carte blanche and it would have to be carefully planned to certain lots. She does like the multi-
18 generational units.

20 Councilmember Hoyt commented there are great things happening at Anderson Farms but he feels the roads are very tight. As far as ADU's, he likes the predesigned idea because it flows so much better. He questioned if there are any negotiation options
22 on the commercial piece and if that is still on the table (which it may not be). If not, he may be on board on the lots over 10,000 sq. ft. He also likes the multi-generational floor
24 plan option however; he feels like it's very tight on a density standpoint.

26 Councilmember Broderick agrees this would add a lot of congestion. He also agrees a planned ADU unit is the best way to go, but that doesn't mean it will work here. He would struggle greatly with this and he would be a hard no.

28 Councilmember Powell commented she would like to see a garage door front. She does like the idea of preplanning for an ADU. She would echo what Councilmember
30 Hoyt said about 500 North that it is really tight down there. This would be the only reason to consider an ADU. She dislikes the density, but it makes sense in the area for
32 putting rooftops on 700 North. She would also like to see the townhomes for sale.

34 Councilmember Vanchiere commented this all came forth before his time on the council. He is prepared to listen and learn and be involved with further discussions.

36 Mr. Gabriel stated this would just be an option in the catalog and this would not be looking at doubling what is left. He added if the council is interested to see how this works out, they are finishing up three homes in Midvale and would be happy to give a
38 tour to show them how they work out in practical use. The Mayor and Council thanked Mr. Gabriel for coming and for the presentation and good information.

40 Mayor Acerson called for any further discussion or comments from the Council. Hearing none he moved on to the next agenda item.
42

44 **11. Review & Action — Major Subdivision for the Lindon's Edge Office**

46 **Condominium Plat "A";** Lindon's Edge, LLC requests major subdivision approval at 140 S. Main to subdivide to existing buildings that are under construction and two future buildings into commercial condominium office units.

The planning commission made a recommendation for approval to the city

2 council.

4 Mr. Florence opened this agenda item by stating the planning commission
6 previously approved this project for site plan on February 12, 2019 and minor subdivision
8 approval on July 14, 2020. He noted the overall office development consists of fourteen
10 office buildings with each building divided into three units; buildings A and B are
nearing completion. The developer is now requesting major subdivision approval to
convert the two nearly complete office buildings and two yet to be completed buildings to
commercial condominium units.

12 Mr. Florence noted it is expected that the planning commission and city council
14 will approve future commercial condominiums for the remainder of the buildings at a
future date. He noted condominium developments follow Utah Code Title 57 Chapter 8
for dividing property as well as Lindon City major subdivision requirements and
processes.

16 Mr. Florence stated City staff are working through any technical issues related to
18 the plat and will ensure all engineering related issues are resolved before final approval is
granted. Mr. Florence then presented the Condominium plat, Site plan and Attorney
letter followed by some general discussion. He noted the Conditions, Covenants and
20 Restrictions and bylaws for the condominium subdivision are being reviewed by the
applicant's attorney.

22 Following some additional discussion, the Council agreed this is a pretty
24 straightforward request and were in agreement to approve this major subdivision
condominium request with the conditions as listed in the motion.

26 Mayor Acerson called for any further discussion or comments from the Council.
Hearing none he called for a motion.

28 COUNCILMEMBER VANCHIERE MOVED TO APPROVE THE
30 APPLICANT'S REQUEST FOR APPROVAL OF THE LINDON'S EDGE OFFICE
CONDOMINIUM PLAT "A" WITH THE FOLLOWING CONDITIONS: 1. THE
32 APPLICANT WILL CONTINUE TO WORK WITH CITY STAFF TO MAKE ALL
FINAL CORRECTIONS TO THE PLAT FOR RECORDING; 2. PRIOR TO PLAT
34 RECORDING THE APPLICANT WILL PROVIDE STAFF WITH A FINAL PLAT
MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNER'S CONSENT TO
DEDICATION AS IDENTIFIED ON THE ATTACHED SUBDIVISION PLAT; 3.
36 PRIOR TO RECORDING THE APPLICANT WILL PROVIDE STAFF WITH A
FINAL SET OF CC&R'S AND BYLAWS TO INCLUDE NOTARIZED
38 SIGNATURES; 4. THE PLAT WILL MEET THE APPLICABLE REQUIREMENTS
AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL; 5. FINAL
40 COVENANTS, CONDITIONS AND RESTRICTIONS WILL BE RECORDED WITH
THE SUBDIVISION PLAT; 6. ALL ITEMS OF THE STAFF REPORT.

42 COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

44 COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER HOYT	AYE
46 COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER POWELL	AYE

2 COUNCILMEMBER VANCHIERE AYE
THE MOTION CARRIED UNANIMOUSLY.

4
6 **12. Review & Action — New Employee Position and Job Reclassifications.** The

City Council will review and consider a recommendation to amend the job pay range for the Building Inspector position and approve pay ranges for Building Inspector 1, 2 and 3 positions so as to enable a candidate to be hired at any of the three positions based on experience and qualifications. The Council will also consider a proposal to create and fill a new Assistant Finance Director position in the Administration Department.

12 Mr. Cowie led this agenda item by explaining staff is making a recommendation to amend the job pay range for the Building Inspector position and approve pay ranges for Building Inspector category 1, 2 and 3 positions (levels) so as to enable a candidate to be hired at any of the three positions based on experience and qualifications.

14 Mr. Cowie also spoke on the request that the Council consider a proposal to create and fill a new Assistant Finance Director position in the Administration Department to assist the Finance Director, Kristen Colson in budgetary duties and may also supervise the personnel in the Finance Department as well.

16 Following some additional discussion, the Council was in agreement to approve this request for the new employee position and job reclassifications as recommended by staff.

18 Mayor Acerson called for any further discussion or comments from the Council. Hearing none he called for a motion.

20
22 COUNCILMEMBER POWELL MOVED TO APPROVE THE NEW
24 EMPLOYEE POSITION AND JOB RECLASSIFICATIONS AS RECOMMENDED
26 BY STAFF. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER LUNDBERG AYE

32 COUNCILMEMBER HOYT AYE

COUNCILMEMBER BRODERICK AYE

34 COUNCILMEMBER POWELL AYE

COUNCILMEMBER VANCHIERE AYE

36 THE MOTION CARRIED UNANIMOUSLY.

38 **13. Closed Executive Session —** The City Council will enter into a closed executive session to discuss pending or imminent litigation per Utah State Code 52-4-205.

40 This session is closed to the public.

42 COUNCILMEMBER VANCHIERE MOVED TO ENTER INTO A CLOSED
EXECUTIVE SESSION. COUNCILMEMBER HOYT SECONDED THE MOTION.
44 THE VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER BRODERICK AYE

46 COUNCILMEMBER HOYT AYE

COUNCILMEMBER POWELL AYE

2 COUNCILMEMBER LUNDBERG AYE
COUNCILMEMBER VANCHIERE AYE
4 THE MOTION CARRIED UNANIMOUSLY.

6 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE EXECUTIVE
SESSION AND RECONVENE THE LINDON CITY COUNCIL MEETING.
8 COUNCILMEMBER HOYT SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

10 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
12 COUNCILMEMBER POWELL AYE
COUNCILMEMBER LUNDBERG AYE
14 COUNCILMEMBER VANCHIERE AYE
THE MOTION CARRIED UNANIMOUSLY

16

Mayor Acerson called for any further comments from the Council. Hearing none
18 he called for a motion to adjourn.

20 **Adjourn** –

22 COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT
9:45 PM. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL
24 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26 Approved – October 4, 2021

28

30

Kathryn Moosman, City Recorder

32

34

Jeff Acerson, Mayor