

2 The Lindon City Planning Commission held a regularly scheduled meeting on
3 **Wednesday, February 25, 2009** beginning at 7:00 p.m. in the Lindon City Center, City
4 Council Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Gary Godfrey, Chairperson

6 Invocation: Ron Anderson

7 Pledge of Allegiance: Matt Bean

8 **PRESENT**

ABSENT

10 Gary Godfrey, Chairperson

11 Ron Anderson, Commissioner

12 Matt Bean, Commissioner

13 Chris Burton, Commissioner

14 Sharon Call, Commissioner

15 Mark Johnson, Commissioner

16 Jim Peters, Commissioner

17 Adam Cowie, Planning Director

18 Woodworth Mataele, Assistant Planner

19 Debra Cullimore, City Recorder

21 The meeting was called to order at 7:00 p.m.

23 **APPROVAL OF MINUTES** – The minutes of the meeting of February 11, 2009 were
24 reviewed.

25 COMMISSIONER PETERS MOVED TO APPROVE THE MINUTES OF THE
26 MEETING OF FEBRUARY 11, 2009. COMMISSIONER CALL SECONDED THE
27 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

29 **PUBLIC COMMENT** –

31 Chairperson Godfrey called for comments from any resident who wished to
32 address an issue not listed as an agenda item. There was no public comment.

34 **CURRENT BUSINESS** –

- 36
- 38 1. **Annual Review of Group Home Facility** – *Housing Authority of Utah County –*
39 *365 East 400 North*. This is a required annual review of a group home owned by
40 the Housing Authority of Utah County. The facility was approved to provide
41 housing for up to three physically disabled adults. No changes are proposed to
42 the facility as this is only a review of the current use to ensure conformance with
43 City Code and conditions of approval.

44
45 Gene Carley of the Housing Authority of Utah County (HAUC) was present as
46 the representative for this review. Mr. Cowie explained that this group facility is located

2 at the entrance to Hollow Park at 365 East 400 North. HAUC is the owner of the facility,
and the property where the facility is located is leased from the City. Mr. Carley has
submitted verification of liability insurance for HAUC, as well as the contract service
4 provider at the facility, Danville Services.

6 Mr. Cowie reviewed the terms of this use. He stated that the facility was
approved in 2003 to provide housing and services for up to three disabled adults.
Conditions of the approval included:

- 8 1. The occupancy of the home be limited to three adult persons with disabilities.
- 10 2. That the park access in front of the home be painted red and signed for no
stopping or parking (the 2006 review determined that this item had not been
12 completed, but would not be required unless parking along the entrance road
becomes a problem.)
- 14 3. That the number of parking spaces be reviewed upon complaint.

14 Mr. Cowie clarified that the intent of the annual review process is to ensure that the
facility is a beneficial part of the community and does not present a burden to the health,
16 safety or welfare of the community.

18 Chairperson Godfrey invited Mr. Carley to report to the Commission. Mr. Carley
explained that the facility was designed to meet affordable housing needs in the
community, particularly for people with disabilities. He stated that all three residents
20 currently living at the facility participate in sheltered workshop employment programs
during weekday hours, and are typically at work from 8:00 am to 3:00 pm Monday
22 through Friday.

24 Mr. Carley explained that services are provided for residents of the facility
through a contract with Danville Services. Danville provides meal, transportation,
recreation and sheltered workshop services for residents. Residents of the facility are
26 referred to HAUC by the State Division of Services for People with Disabilities. Mr.
Carley stated that there is little turnover in occupancy of the facility, and that residents
28 typically live at the home on a long term basis. He stated that he is unaware of any
criminal activity at the home, or any complaints associated with the facility.

30 Commissioner Peters inquired as to staffing at the facility. Mr. Carley stated that
Danville provides all staffing at the home, and that there is always a staff member on site
32 when any residents are at home. Staff provides transportation to and from work, and one
staff member is on site during nighttime sleeping hours.

34 The Commission discussed the red curb requirement associated with the original
approval. Commissioner Anderson observed that there does not appear to be a need for
36 the red curbing at this time, but that the City will continue to monitor parking at the
facility, and that red curbing will be required if parking becomes problematic.

38 Chairperson Godfrey asked if the liability insurance also covers vehicles and third
parties at the site. Mr. Carley confirmed that the insurance policy does cover vehicles
40 and third parties.

42 The Commission felt that the facility is in compliance with City Code, as well as
conditions of approval for this use. Chairperson Godfrey thanked Mr. Carley for the
service provided at the facility.

- 44
- 46 2. **Annual Review of Group Home Facility** – *Lindon Care & Training Center –
680 North State Street*. This is a required annual review of a group home for

2 disabled adults owned by RHA Community Services of Utah. The facility
provides housing for multiple tenants. No changes are proposed to the facility as
this is only a review of the current use to ensure conformance with City Code.

4

6 Mike Long and Debbie Woodward were present as representatives for this
application. Mr. Cowie stated that this group home is located at 680 North State Street in
the CG zone. The facility provides housing and training to more than 60 disabled adults.
8 The facility is owned by RHA Community Services of Utah.

10 Mr. Cowie noted that Lindon Care received approval in 2006 to construct a new
office building located north of the group home. Lindon Care has indicated that
additional landscaping which was a requirement of the office building approval will be
12 installed in the existing parking area in the spring of 2009.

14 Mr. Cowie explained that the City has access to additional information due to our
own Police Department responding to calls at Lindon Care. He noted that Chief Cody
Cullimore and City Attorney, Brian Haws, were present to address concerns or answer
16 questions regarding potential safety issues at the facility. Chief Cullimore reported that
police officers have responded to 599 emergency calls to Lindon Care since 2001. He
18 stated that there are a broad variety of calls, including assaults, medical emergencies, and
missing persons. He noted that a large volume of calls occurred in 2008 as a result of one
20 problematic resident at the facility who assaulted staff members as well as other
residents. Chief Cullimore requested some explanation as to the screening process and
22 acceptance policy at the facility to ensure that the facility is operating in a safe manner
and does not present a threat to the community.

24 Mr. Long stated that Lindon Care has been in operation since the early 1980's.
The facility provides housing and training for 66 residents. All residents have a diagnosis
26 of mental retardation with development disabilities, and some residents have physical
disabilities as well. He stated that he has been associated with the facility since 1990, and
28 that in that time he is not aware of any incident in which an individual at the facility
caused any type of harm to a member of the community. He noted that some residents
30 admitted to the facility have displayed problematic behaviors due to an underlying mental
illness which was not identified during the initial screening process. He stated that to the
32 best of his recollection, there have been five to six such individuals at the facility over the
past seven or eight years. Mr. Long stated that in such cases, the facility will work to
34 discharge the resident to an appropriate facility with the capability to serve the individual
as quickly as possible.

36 Mr. Long explained that the behavior of the individual who lived at the facility in
2008, who was referred to by Chief Cullimore, was being appropriately treated using
38 specific behavior management techniques. Following an inspection conducted by a state
agency, restraint techniques were disallowed for this individual, and her behavior became
40 unmanageable. The facility immediately began the discharge process to move the
individual to an appropriate facility.

42 Mr. Long explained that there is some difficulty in the addressing severe behavior
issues. He stated that the Utah County Jail will no longer accept individuals with
44 disabilities who have violated laws, and that placement in mental health facilities is
difficult to obtain as well. He noted that due to budget cuts at the state level, placement
46 of individuals at the state Developmental Center has also been impacted.

2 Mr. Long stated that the facility is currently staffed at a ratio of 1-5 during
daytime hours, and 1-12 during sleeping hours. He noted that the state requires staffing
4 of 1-16 during sleeping hours. He stated that staffing includes a full professional team,
including a psychologist, a psychiatrist and a medical director. Mr. Long clarified that
6 Lindon Care is a facility designed to manage behavior issues, that the professional staff
specializes in serving individuals with a dual diagnosis, and that all staff are trained in
non-violent intervention techniques.

8 Mr. Long stated that based on the action taken at the state level to significantly
restrict behavior management technique, the facility is much more cautious during the
10 screening process. He stated that no individual is admitted to the facility if there is any
indication of any kind of dangerous behaviors.

12 Mr. Long asserted that the vast majority of police and other emergency calls to
the facility come from residents who have ready access to the pay phone at the site, or
14 have personal cell phones which are not restricted or monitored. He also asserted that the
vast majority of calls from staff at the facility are legitimate emergency or medical calls.

16 Mr. Long noted that the company has paid and contracted for removal of the west
parking area in front of the building and installation of additional landscaping in that
18 area. Improvements will be completed this spring, and will include landscaping,
berming, and fencing.

20 Commissioner Peters stated that the City has received information that the
particular individual who was discussed earlier may have been readmitted to the facility.
22 Mr. Long stated that this individual would not be readmitted to the facility under any
circumstances.

24 Commissioner Peters asked if there is any way staff could monitor or restrict
phone usage if an excessive amount of nuisance calls are being generated by residents.
26 Mr. Long stated that residents have the right to have access to a phone, and restricting
that right would require action by the Human Rights Committee. Ms. Woodward stated
28 that residents have been informed that if an unfounded call is placed to the police, the
police may issue citations for making a false report. Mr. Long noted that Pleasant Grove
30 police officers would typically call the facility after any call for service to make sure
there was in fact an emergency.

32 Commissioner Peters inquired as to whether it appears calls from the care facility
are increasing or decreasing in recent months. Chief Cullimore reported that in the
34 reporting period from 2001, calls to the facility averaged 90 per year. In the seven
months since the Lindon Police Department began service, there have been just less than
36 100 calls, with only two abandoned 911 calls. Chief Cullimore commented that Lindon
Care provides a valuable service in the community. He suggested that more involvement
38 from Lindon Care staff in managing problematic situation would be helpful in resolving
concerns of the Police Department and the City.

40 Mr. Haws explained that problematic situations are difficult to manage once the
City becomes involved. He clarified that any criminal violations must be adjudicated
42 through District court rather than Lindon Justice Court due to competency issues. He
expressed an understanding of the process which must be followed once a problematic
44 individual is accepted at the facility. He observed that the main concern of the City
would be to avoid admitting such individuals in the future.

2 Chief Cullimore explained that the dilemma facing the City is that once the Police
3 Department is involved in a situation, the Lindon Justice Court will not accept the case,
4 the Utah County Jail will not accept the person and Wasatch Mental Health will not
5 accept the person. He clarified that when officers respond, their only course of action is
6 to assist staff in de-escalating the situation and leave the violator at the facility.

7 Commissioner Call inquired as to the screening process which must be followed
8 to restrict residency at the facility. Mr. Long stated that the facility has the ability to deny
9 residency to any individual, but that if a resident is accepted at the facility and problems
10 arise, a specific process must be followed to relocate the individual. Ms. Woodward
11 explained that during the screening process, the facility makes an effort to collect as
12 much information as possible about the individual applying for services to determine
13 whether Lindon Care is the appropriate placement. Mr. Long noted that the facility was
14 able to deal effectively with residents with behavioral issues until intervention methods
15 were restricted by the state. At the time the state imposed those restrictions, staff was
16 instructed by state personnel to contact the police and have the individual arrested for any
17 offenses. As a result, the police were responding to the site three to four times per day.

18 Chairperson Godfrey observed that the state instructed the facility to handle the
19 situation through the police department, and that the police have no recourse or resources
20 to handle the situation. Mr. Long clarified that federal regulations allow an appropriate
21 response, including intervention methods which were being used at the facility. He stated
22 that this action was the interpretation of one state surveyor. He explained that state
23 funding to the facility would be terminated if the facility did not comply with the
24 instructions, which would have resulted in closure of the facility and loss of housing for
25 the other 65 residents. Mr. Long stated that administrative staff of the company will be
26 meeting with the state in early March to discuss the issue.

27 Commissioner Peters acknowledged that this is a very difficult situation. He
28 stated that the purpose of this annual review is to determine whether the facility poses
29 any type of threat or creates any kind of detrimental effect on the community. He
30 observed that a great deal of City resources appear to be directed toward this facility, and
31 that it seems there may be problems with no solutions. He inquired as to plans the
32 facility may have to address the problems and make the facility acceptable to the
33 community.

34 Mr. Long stated that staffing 1-1 can be used in problematic situations. He
35 reiterated that the individual who caused the situation in 2008 no longer resides at the
36 facility. He stated that it is not the intent of the facility to provide services to any
37 individual who poses a threat to the community. He explained that residents at the
38 facility have freedom of egress, and are not restricted from accessing the community. He
39 stated that some missing person reports have been generated due to the failure of
40 residents to sign themselves out of the facility when they go into the community.
41 However, additional training has been conducted with residents and staff to make sure
42 proper procedure is followed to prevent future unfounded missing person calls.

43 Commissioner Peters noted that it appears that calls to the facility are increasing.
44 Chief Cullimore observed that some calls are placed by residents who may perceive an
45 action taken by another resident to be a crime, when in fact no crime has been committed.
46 Mr. Long suggested that it may be possible to remove the pay phone at the facility. He
47 clarified that if the phone is available, access can not be restricted, and that staff has no

2 authority to restrict use of personal cell phones. Mr. Long will investigate the possibility
of having the pay phone removed.

4 Chairperson Godfrey inquired as to the result if residents were ticketed for
making false reports. Chief Cullimore explained that ticketing is not an option, and the
Lindon Justice Court Judge will not accept these individuals in Justice Court. Mr. Long
6 stated that residents of the facility have been ticketed in the past. Mr. Haws clarified that
in the past, residents have appeared before the Judge, but no fine was ever imposed. He
8 stated that the Judge is no longer willing to accept cases involving residents of Lindon
Care based on concerns regarding the competency of the individuals.

10 Chairperson Godfrey asked if calling the facility when a 911 call is received to
verify an emergency situation would be an option. Chief Cullimore stated that it is not
12 practical to expect Orem dispatchers to take the time to call the facility. He further
explained that a response from an officer to any 911 or emergency call is the appropriate
14 response to ensure that there is not an emergency situation. He clarified that it is not
possible to verify who you are speaking to on the phone, and that a perpetrator may be
16 the one answering the phone. The only way to assure the safety of residents is to respond
to each 911 call received by dispatch.

18 Chairperson Godfrey asked if there are residents who depend on the pay phone to
stay in contact with family members. Mr. Long stated that some residents do use the
20 phone to contact maintain contact with their family, but that other phones are available
for residents to use which can be monitored more closely.

22 Chief Cullimore requested clarification on what action staff members at the
facility are permitted to take in the event of a police response. He stated that officers
24 have been told on several occasions that staff members are not permitted to enter the
rooms of residents without permission from the resident. Ms. Woodward stated that staff
26 members have access to rooms and can restrain individuals if they are threat to
themselves or other residents. She stated that all staff members are certified within the
28 first 90 days of employment in behavior management and restraint techniques. She stated
that staff has full access to the facility and has the authority to intervene in crisis
30 situations.

32 Chief Cullimore asked if staff members have the ability to leave the facility and
assist in the search in the case of a missing person. Mr. Long stated that staff can leave to
assist provided adequate staff remains at the facility. He noted that professional staff
34 members are also on call 24 hours a day to assist with emergencies. He stated that staff
members have been trained to not call the police for a missing person unless a thorough
36 search of the facility and the surrounding area has been completed by staff. If the
missing person is not located in an hour, the police are contacted at that time.

38 Commissioner Peters asked Chief Cullimore if in his opinion this facility poses
any threat to the community. Chief Cullimore stated that there have been individuals
40 residing at the facility, and specific situations which may have posed a threat to the
community. He reiterated that Lindon Care does provide a valuable and necessary
42 service, but that additional cooperation between staff members and the police will be
necessary to address the concerns.

44 Chairperson Godfrey noted that it seems important that Mr. Long convey to state officials
that their ordered solutions, such as calling the police, are not viable solutions. He
46 suggested that a representative of the Police Department attend the March meeting.

2 Mr. Long stated that the facility will continue to address the needs of residents to
the best of their ability. He stated that a small percentage of residents are causing the
majority of problems. He noted that the facility has a new management team, and that
4 additional training will be conducted regarding appropriate responses to emergency
situations. Mr. Haws suggested that all parties meet to gain a better understanding of
6 each other's positions and limitations. Commissioner Peters suggested that the
Commission receive a report in 60 days regarding what cooperative effort between the
8 Police Department and the facility will be used to manage the situation. Chairperson
Godfrey suggested that a 90 day period may be more appropriate. Chief Cullimore
10 agreed that some resolution should be reached in 90 days, at which time he will report the
status of the situation to the Commission.

12 Chairperson Godfrey observed that the mandate of the Commission is to ensure
the safety of the community. Commissioner Peters agreed that the Commission is
14 responsible to consider the safety of the community. Mr. Long stated that in his opinion,
residents at this facility do not present any danger to the community. Commissioner
16 Peters noted that the requirements for permitted group homes stated that no individual at
the facility presents a danger to other residents of the home, or the community in general.

18 Following further discussion, the Commission agreed to meet with Mr. Long,
Chief Cullimore and Mr. Haws in 90 days to discuss action which has been taken to
20 mitigate problems at the facility.

- 22 3. **Annual Review of Group Home Facility** – *Heritage Youth Services – Timpview*
Residential Treatment Center. This is a required annual review of a juvenile
24 group home approved for up to 12 youth not over the age of 18. The facility
provides housing and social activities for the youth and is located at 200 North
26 Anderson Lane in the HI zone. No changes are proposed to the facility as this is
only a review of the current use to ensure conformance with City Code.

28 Lynn Loftin, Administrative Director of Programs, and Corbin Lindy, Business
30 Administrator, were present as the representatives for this review. Mr. Cowie explained
that this is a residential group home for up to twelve youth not over the age of 18. He
32 stated that the City is not aware of any complaints from neighbors or other issues
associated with this facility. He stated that the ordinance governing youth group homes
34 specifically stated that no residents can be under treatment for drug or alcohol addiction,
and no sex offenders can reside at the facility.

36 Mr. Cowie reviewed conditions of the Conditional Use Permit for this facility as
set forth by the Planning Commission in 2005 as follows:

- 38
- Occupancy is limited to 12 youth.
 - No sex offenders reside at the home.
 - 40 • An alarm system on the windows and doors is installed (completed and
inspected in 2005).
 - 42 • No on-site schooling.
 - 15 mph speed limit signs be posted on Anderson Lane (completed 2005).
 - 44 • A sign directing traffic to the group home be installed (so kids aren't
dropped off at the neighboring Anderson residence).

- 2 • Supervision ratio be no less than one staff to four youth between the hours of 6:00 am and 11:00 pm, and be reduced to a ratio of one staff to six youth between the hours of 11:00 pm and 6:00 am.
- 4 • The site shall be open to visitation by police and city officials without notice.
- 6 • Training be provided for employees and residents regarding the speed limit requirements and illegal trespassing on the neighboring private property.
- 8 • The Conditional Use Permit be reviewed annually or upon change of Program Directors.
- 10 • That all other requirements and limits as per city ordinance are adhered to.

12 Mr. Cowie stated that the facility appears to be in compliance with all conditions at this time. Mr. Loftin noted that the facility is currently staffed at a 1-4 ratio.

14 Chairperson Godfrey asked the representatives if any residents at the facility present any type of threat to the community, or to other residents at the facility. Mr. Loftin stated that he completes the screening process for program participants personally, and that he is unaware of any threats or problematic situations. He explained that all of the youth at the facility are privately placed by families, and that the goal of the program is to reunite the youth with their families.

20 Chairperson Godfrey inquired as to the type of treatment provided at the facility. Mr. Loftin stated that many of the youth are somewhat socially awkward, with many of them coming from adoption situations. He stated that there is a high level of ADHD issues, some sexual problems related to pornography, and other emotional and social issues. He stated that a small number of residents are referred to the program through the Department of Child and Family Services (DCFS). He explained that none of the residents are placed in the program by court order. He stated that the program includes both individual and family therapy and education to better prepare the youth to deal with the challenges of life.

30 Commissioner Call inquired as to what type of intervention is allowed at the facility in crisis situations. Mr. Loftin stated that no mechanical restraints are used at the facility, but that staff members are trained to intervene at whatever level is necessary based on specific circumstances. Commissioner Call inquired as to whether residents are allowed to access the community as they please. Mr. Loftin stated that all residents are juveniles, and they are carefully supervised and monitored at all times during community outings.

36 Commissioner Bean asked if schooling is conducted off-site as discussed in previous reviews. Mr. Loftin stated some instruction is done on site, with a number of off site activities, including skiing and camping trips. He stated that parents also take residents out for family activities.

40 Commissioner Anderson noted that during previous reviews, Mr. Loftin has reported that all residents were privately placed, and that some residents are now referred to the program through DCFS. He inquired as to any additional risk associated with the current residents. Mr. Loftin explained that youth referred to the program through DCFS are typically adopted children who have experienced abuse or neglect prior to their adoption. He stated that many of the children have significant emotion and social issues, and that the program works with the child and the family to resolve the issues and reunite

2 the family. He stated that in the majority of cases, the parents of DCFS clients retain
3 their parental rights. He clarified that this program is not used in lieu of detention or
4 other punishment for troubled youth. Program participants are privately placed and
privately funded.

6 Chairperson Godfrey requested clarification regarding instruction which is taking
place on-site. Mr. Loftin explained program instruction takes place seven days a week,
and all activities are education on some level. He stated that the program includes a
8 private accredited off-site high school where the majority of formal class work takes
place. He observed that the nature of the program requires some creativity in addressing
10 educational issues. Chairperson Godfrey observed that the off-site schooling requirement
was originally imposed based on problems with previous programs at the facility.
12 Commission Anderson agreed that it was beneficial to him and other neighbors to have
residents of previous programs gone from the area during the day due to the high number
14 of incidents involving residents. He stated that participants in this program are well
supervised, and he has not experienced any problems. He felt that there was no problem
16 with the way the condition was written, but felt that some on-site instruction would not be
problematic. He felt that it may be appropriate to leave the restriction as a part of the
18 Conditional Use Permit in case of problems with future owners or programs.

20 Chairperson Godfrey stated that he felt uncomfortable imposing a requirement
that the City did not intend to enforce. Mr. Loftin agreed that it would be their preference
to be in compliance with all listed requirements. Following further discussion, the
22 Commission agreed to amend the off-site education requirement to read:

24 “Any on-site instruction must be an accessory use and not a primary function of the
facility.”

26
28 Chairperson Godfrey inquired as to the frequency of runaways from the facility.
Mr. Loftin stated that at time the youth may become angry and upset, but staff is usually
successful in talking them through the situation. He stated that if a resident leaves the
30 facility without permission, they will typically call their family who will get them back to
the facility or notify staff where the child is.

32 Commissioner Call noted that Mr. Loftin had commented that many of the
residents have problems with addiction to pornography. She inquired as to whether any
34 of them are acting out as a result of the addiction. Mr. Loftin stated that there is some
level of acting out, but that none of the residents are adjudicated or court placed into the
36 program, and none are listed on the sex offender registry. Mr. Loftin reiterated that this
is a private placement program, and that any applicants who present an unacceptable risk
38 would be excluded during the screening process.

40 The Commission expressed appreciation to Mr. Loftin and Mr. Lindy for the
professional operation of this program, and their contribution to the community. This use
will be reviewed again in one year.

- 42
44 4. **Public Hearing** – *General Plan Land Use Map Change – Multiple properties on
SE corner of Lakeview and & 400 West.* This is a request by Ray Taylor and
46 other surrounding property owners near the SE corner of Lakeview & 400 West
for a change to the General Plan Land Use Map designation from Residential Low

2 to Commercial. The applicants are requesting the change to be able to utilize
their properties for low intensity commercial uses. Recommendations will be
made to the City Council for final approval.

4
6 COMMISSIONER PETERS MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

8
10 Chairperson Godfrey observed that the next two agenda items are inter-related.
He suggested that they be discussed jointly, and then separate motions made for each
item. Mr. Cowie explained that this a General Plan Land Use Map change request, and
12 that the next item is the associated zone change request. The subject property is located
at the intersection of 400 West and Lakeview Drive. The subject properties consist of
14 Mr. Taylor's property, the old City Hall building, the old Public Works building, and the
Christiansen property. The subject property is currently zoned for residential use, and the
16 request is to rezone the area for commercial use.

18 Mr. Cowie noted that a future connection from 400 West to 400 North was left on
the Master Plan after a series of public meetings. At the time the City considered leaving
the roadway on the Master Plan, the General Plan for the Thornton property was changed
20 to Commercial use, while the current zoning remains split through the property, with a
portion being zoned from commercial use and portion for residential use.

22 Mr. Cowie noted that following discussion with staff and Mr. Taylor, it was the
general feeling that higher impact retail uses would not be appropriate for this area due to
24 the close proximity to existing residential uses. This proposal is for a Commercial Low
(CL) zone, which is limited to approximately ten approved uses.

26 Mr. Cowie presented photographs of the subject properties. He noted that the old
City Hall building has been used for office type businesses, and that owner of the
28 building has maintained an active business license since he purchased the property, so
technically the City would be required to issue a business license for a commercial use in
30 the facility.

32 Mr. Cowie noted that Mr. Taylor signed and submitted the application for this
request. He stated that the owners of the two parcels formerly owned by the City
submitted written comments expressing agreement with the requested zone change. He
34 noted that the Christiansen's have not responded, but that they were present at the
meeting.

36 Commissioner Peters asked whether the current residential use on the
Christiansen property would become a non-conforming use if the zone change were to be
38 approved. Mr. Cowie explained that the residential use could be maintained in the
commercial zone as long as that use is continued. He noted that the home occupation
40 business cabinet shop currently operational on the Christiansen property could not
continue in this zone without the associated residential use.

42 Mr. Cowie read a list of possible uses proposed in the CL zone, which include
low traffic, low impact type uses. He outlined specific uses as follows:

- 44
- Assisted Living Facilities – small – Conditional Use
 - Caretaker Facilities – accessory to main uses only – Conditional Use
 - Professional Office
- 46

- Photographic Services – including commercial
- Beauty and Barber Shops
- Child Day Care – 5 to 12 children
- Commercial Daycare – Conditional Use
- Catering Services
- Medical, Dental, and Health Clinic Services – small, outpatient type services
- Medical and Dental Laboratories
- Private Primary and Secondary Schools – Conditional Use
- Art Galleries

Mr. Cowie explained that the intent of the proposed permitted uses is to allow businesses that would not negatively impact the surrounding residential neighborhood. He noted that the maximum height of 35 feet has been duplicated from the current residential standards, and that required setbacks and landscaping standards found in the General Commercial would extend to the CL zone.

Mr. Cowie explained that there is no statute which compels the Commission to approve a zone change request. He stated that this is a legislative decision which allows the City to make changes as deemed appropriate to the overall well being of the community. He stated that the Commission may consider public input as part of the decision.

Mr. Cowie went on to explain that the Christiansen's have expressed that they feel that due to the location of their property and the old City Hall building, a General Commercial zone may be more appropriate, as it will have less impact on the neighboring residential neighborhood and would not necessarily increase traffic on 400 West.

Chairperson Godfrey invited Mr. Taylor to address the Commission. Mr. Taylor stated that he is also representing neighboring property owners, Robert Shelton and Terry Miller, who were unable to attend the meeting. Mr. Taylor explained that he recently submitted an application for an Elderly Group Home facility to the City. He observed that the Planning Commission recommended approval of the application to the City Council, but that the City Council ultimately denied the application. He stated that it is his intention to find an appropriate use for this unique property which will be beneficial to the neighborhood.

Mr. Taylor noted that neighboring property owner, Joy Lee, submitted comments that she is in favor of the proposed zone change. Property owners Robert Shelton and Terry Miller are also in favor of the proposed zone change on their properties. Mr. Cowie noted that comments submitted by Ms. Lee indicate that she is generally in favor of some type of revitalization and beautification in the area.

Doug Christiansen stated that he has lived on this property in Lindon for 23 years. He stated that he and his family are active in the community and have an understanding of the direction of the City. He stated that he understands the current connection between his residence and the associated Home Occupation Business license. He asserted that approving a General Commercial zone on his property would allow him to sell the property at high enough price to allow him to relocate both his residential use and his cabinet shop to appropriate locations. He noted that the adjacent property in Old Station Square is zoned for commercial use. He observed that neither the CL nor the CG zoning appears to affect the current use.

2 Commissioner Bean inquired as to whether Mr. Christiansen felt the CL zoning
would be detrimental to his property. Mr. Christiansen asserted that the limited number
4 of permitted uses the CL zone would limit his ability to market his property. He noted
that there is a number of professional office type uses already located in the adjacent
6 commercial development. Mr. Christiansen noted that if at some point he decides to sell
his property and relocate his residence and his business, it will be necessary to generate
8 enough money to relocate both uses. Mr. Christiansen noted the he is not opposed to the
CL zoning, but that he would prefer a CG designation.

10 Commissioner Peters asked Mr. Christiansen if he would consider any waiver of
the required 40 foot setback from adjacent commercial uses to his residential use. Mr.
Christiansen stated that he would open to discussion regarding specific requirements
12 related to the CL zone. Commissioner Peters noted that the required 40 foot setback from
neighboring residential zones or uses may restrict development of the commercial lots
14 due to the size of the buildable area.

16 Sandra Christiansen observed the exact use may determine what appropriate
setbacks may be from the residential use. Chairperson Godfrey noted that once a zone is
approved, and permitted uses are identified, regulation of those uses is not subjective but
18 is dictated by the ordinance requirements. Mr. Cowie noted that it may be possible to
combine multiple properties in the zone for one project, increasing the buildable area.

20 Chairperson Godfrey called for public comment. Steve Smith stated that he
resides at 165 North 400 West. He stated that he appreciates the fact that there are
22 different perspectives on any issue, and that Mr. Taylor has made some legitimate points
regarding needed improvements in the area. Mr. Smith observed that there could be
24 potential problems if the area is rezoned for any type of commercial use and properties
are combined to allow a large development. He stated that in his opinion, Mr. Taylor
26 bought the property as an investment, but that residential homes in the area are also
investments. Mr. Smith stated that he does not feel that the surrounding residential
28 neighborhood is responsible to help Mr. Taylor profit from his investment, and that
commercial development on this property will adversely affect surrounding residential
30 property values. Mr. Smith observed that there are many acres of undeveloped
commercial property in the City, and that the only reason to rezone this property is to
32 meet individual needs and desires of the property owners. He expressed opposition to the
requested zone change.

34 Scott Cullimore asserted that the question before the Commission is whether this
requested zone change is beneficial for the community as a whole. He agreed that there
36 are vacant commercial and office facilities available in the adjacent commercial
development. Mr. Cullimore felt that if an application had been submitted for a specific
38 commercial development which could potentially access through the adjacent
commercial development, and would not significantly impact the neighboring residential
40 uses, the Commission may be able to consider that specific use. He felt that a
commercial zone may be appropriate at some time in the future when the 400 North
42 extension is complete, but that it is not an appropriate action at this time.

44 Richard Griffith expressed agreement with Mr. Smith and Mr. Cullimore. He
asserted that any commercial development on the subject property would be detrimental
to the property values of the surrounding residential neighborhoods. He noted that it is a

question of “where you draw the line” when encroaching into residential areas with commercial development.

Chairperson Godfrey asked Mr. Cullimore if he would prefer to have the property remain in the current condition, or improved with low impact commercial uses. Mr. Cullimore stated that if an application for a specific use were submitted, it would be appropriate to consider the proposal. He felt that any change to the Master Plan should be based on a specific development rather than speculation of development. Chairperson Godfrey inquired as to Mr. Cullimore’s feelings regarding a Master Plan change which would allow consideration of future applications based on the Master Plan. Mr. Cullimore asserted that there is adequate vacant commercial property available in the City for the proposed uses, and that expanding commercial areas is not necessary. He noted that the subject properties are blighted, and that the City should enforce clean up of the properties. He felt that this proposal is not organized, will not promote orderly development, and is not ready to be approved.

Mr. Taylor stated that he has discussed this proposal with several neighboring property owners who have expressed support of redevelopment and beautification of the area. He stated making a profit is not his only motivation, and that he would like to do something beneficial for the community and the neighborhood. He stated that he felt strongly that this site would be an appropriate site for the elderly group home which was denied by the City Council. He stated that if the City determined that it was an inappropriate use, he would be willing to develop the property in another way deemed appropriate by the City. He observed that the old City facilities are not residential in nature, and that the requested zone change will help clean up the area.

Mr. Smith inquired as to why the old City facilities could not be demolished, and the property used for residential development. Mr. Christiansen asserted that clean up and redevelopment of the properties would require the amount of capital which would typically be associated with commercial development. Mr. Smith also noted that at the time the City was considering whether to leave the 400 North extension on the Master Plan, he spoke in opposition to the street extension to protect his residential property.

Mr. Griffith inquired as to how many surrounding property owners were noticed regarding this application. Mr. Cowie stated that neighboring property owners shown on Utah County records within 300 feet of the subject property received individual notices.

Mr. Taylor stated that he has owned this property for approximately two years. He stated that he has had the property on the market as residential property, and that he has lowered the price in an effort to sell the property. He stated that he has approached the City with several options for development. He stated that he wants the development to be a benefit to the community and the neighborhood.

Mr. Cullimore stated that he is requesting that the City not expand commercial property further into residential areas. He felt that this proposal was premature, and that the current residential zoning should remain in place.

Commissioner Bean asked Mr. Cullimore his impression of the Elderly Group home which was proposed by Mr. Taylor. Mr. Cullimore stated that he did not attend the public hearing for that application, due to the fact that it was his impression that the proposal was a permitted use. He stated that he was surprised when the City Council denied the application. He stated that he was opposed to the elderly home, but felt he had no recourse.

2 Commissioner Bean stated that he shares the concerns expressed by residents
regarding potential future uses if the property is rezoned without specific development
4 plans. He stated that he was generally not opposed to the elderly group home. He stated
that he would feel more comfortable approving a General Plan or zone change on the
6 property knowing what development was under consideration. Commissioner Peters
agreed that as the 400 West street connection is completed in the future, this may be an
8 appropriate commercial area, but that a proposal for a specific development would be
appropriate before approving a zone change.

10 Commissioner Anderson observed that if all four properties are combined for one
larger development, the surrounding neighborhood may be more significantly impacted
12 than if each parcel develops individually. Commissioner Call asked if the permitted CL
uses would allow a large development. Chairperson Godfrey observed that if all four lots
were combined, the result could be a larger development.

14 Commissioner Burton stated that he was uncomfortable approving this application
without the other affected property owners present to give their views, particularly given
16 the limitations imposed on the properties based on required setbacks for commercial uses.
Mr. Cullimore stated that his concerns related to the proposed group home were based on
18 the size of the property in relation to the size of the structure and associated setbacks.
Mr. Smith stated that if the only development were the group home, it may not be an
20 adverse impact on the residential neighborhood. He noted that the Lee tri-plexes are
located on that street, and that the cumulative effect is unacceptable.

22 Mr. Taylor stated that he is willing to develop the property as dictated by the City.
He observed that the Planning Commission and City Council have approval authority
24 over specific projects regardless of the zoning, and that details of development could be
addressed at the appropriate time.

26 Chairperson Godfrey called for additional public comment. Hearing none, he
called for a motion to close the Public Hearing.

28
30 COMMISSIONER ANDERSON MOVED TO CLOSE THE PUBLIC
HEARING. COMMISSIONER JOHNSON SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32
34 Chairperson Godfrey called for further comments or discussion from the
Commission. Commissioner Peters noted that the Commission recommended approval
36 of the elderly group home, and the City Council subsequently denied the application. He
felt that it would be appropriate to recommend denial of the application with the
understanding that the City Council has the final authority to approve or deny the request.
38 Chairperson Godfrey called for a motion.

40 COMMISSIONER PETERS MOVED TO DENY THE GENERAL PLAN
LAND USE MAP CHANGE FROM RESIDENTIAL LOW TO COMMERCIAL AND
42 RECOMMEND DENIAL TO THE CITY COUNCIL. COMMISSIONER ANDERSON
SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
44 CARRIED.

2 5. **Public Hearing** – *Zoning Map and Ordinance 17.48 Change – Multiple*
3 *properties on SE corner of Lakeview & 400 West.* This is a request by Ray Taylor
4 and other surrounding property owners near the SE corner of Lakeview and 400
5 West for a change to the Zoning Map designation from R1-20 (Single-family
6 residential) to CL (Limited Commercial). The zoning change coincides with
7 ordinance changes to LCC 17.48 in order to reflect the newly proposed CL zone.
8 The applicants are requesting the change to be able to utilize their properties for
9 low intensity commercial uses. Recommendations will be forwarded to the City
10 Council for final approval.

11 COMMISSIONER BEAN MOVED TO DENY THE ZONING MAP CHANGE
12 FROM R1-20 (SINGLE FAMILY RESIDENTIAL) TO CL (LIMITED
13 COMMERCIAL) ON THE SUBJECT PROPERTY AND RECOMMEND DENIAL TO
14 THE CITY COUNCIL. COMMISSIONER ANDERSON SECONDED THE MOTION.
15 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

16 6. **Site Plan** – *Candlelight Media – 272 West 200 North.* This is a request by
17 Gregory & Elisa Brough of Candlelight Media for approval of a new office/retail
18 building in the CG zone in the Old Station Square Subdivision. The applicants
19 intend to use a portion of the new building for office, retail, and storage for their
20 own business with future office or retail space available within the building.
21

22 Gregory and Eliza Brough were present as representatives for this application.
23 Mr. Cowie explained that the next two agenda items are related to the same subject
24 property. He explained that the applicant has purchased the south half of lot 8 in the Old
25 Station Square subdivision. The proposed lot will meet the 20,000 square foot minimum
26 for the zone. The north half of the existing lot 8 will be joined with lot 14 of the existing
27 subdivision, and will be approved under a separate subdivision application at a later date.

28 Mr. Cowie went on to outline shared access points with this lot and the
29 neighboring lots. He explained that due to the contour and ground slopes of the lot, the
30 proposed structure will have the appearance of a single story structure from the street
31 view, and will have a daylight basement in the rear. The proposed use will be a mix of
32 retail and office space located in the same building.

33 Mr. Cowie noted that this subdivision is has unique characteristics due to the
34 meandering sidewalk. He explained that the 50 foot road right-of-way typically contains
35 the sidewalk, but in this area the road width is measured from back of curb to back of
36 curb. Landscaping requirements for this zone call for a 20 foot landscape strip, which
37 can not include the sidewalk area, unless approved by the Planning Commission. Mr.
38 Cowie asked the Commission to consider whether they felt it would be appropriate to
39 allow the meandering sidewalk area to be included in the minimum landscaping
40 requirements. He noted that two existing businesses, the dental office and the hair
41 school, have each been required to provide a 20 foot landscaped area behind the curb
42 which included the sidewalk.

43 Mr. Cowie went on to review shared access points with the lot to the north. He
44 explained that the existing entrance from State Street is approved by UDOT, and will be a
45 shared access point for multiple adjacent lots.
46

Mr. Cowie then reviewed the proposed floor plan and elevations for the structure. He noted that the elevations are not yet finalized, but that the concept drawing shows a significant amount of relief. He stated that the applicants were provided with the Commercial Design Guidelines, and that in addition to the relief on the façade, the design also includes a pitched roof and earth tone colors.

Ms. Brough explained that if the Commission determines that the sidewalk can be included in the required landscaping which will provide more buildable area, it will be possible to include additional details on the building elevations. She noted that the proposed use on the top floor facing the street is a fine arts retails business. She stated that merchandise will likely sell better if the building is located closer to the street.

Chairperson Godfrey inquired as to whether elevation details would be reviewed further in the future. Mr. Cowie stated that he could bring final elevations for review at the time the building permit is issued. Commissioner Peters asked if final approval of the building elevations could be a condition of approval of this application. Mr. Cowie indicated that the Commission could require further review of final elevations prior to final approval of the application.

Chairperson Godfrey noted that parking is shown on the site plan at the sides and rear of the building, with no parking in the front of the building. He asked if there would be sidewalk access from the parking areas to the front entrances. He noted that the only pedestrian or ADA access to the entrance would be up the sloped driveway, which has approximately a four to five foot rise. Ms. Brough indicated that no sidewalk access is currently shown on the plan. She stated that the retail use will be a low volume business and will not produce a high amount of vehicle or pedestrian traffic. Chairperson Peters expressed concern regarding the lack of pedestrian access from the parking areas to the front entrance.

Commissioner Johnson stated that he does not have any concerns related to including the sidewalk in the 20 foot landscape area. He inquired as to whether the parking area on the west side of the building is level or sloped. Mr. Brough stated that the parking lot is level, and will butt up to the curb on the Evan's Hair College parking lot. Mr. Cowie noted that parking appears to meet ordinance requirements.

Mr. Cowie noted that during previous discussions, the City has expressed to the developer that the structures and parking in this area should be designed to discourage cut through traffic from State Street to Lakeview Drive. Mr. Brough stated that the site plan is being designed to discourage cut through traffic.

Chairperson Godfrey asked if parking and landscaping requirements are met on the site plan as shown. Mr. Cowie stated that the site plan appears to meet minimum requirements. He noted that the City engineer will approve the final percentages. Commissioner Peters asked if landscaped islands in the parking area are required to be a minimum size. Following review of the City Code, it was determined that parking island size is not specified.

Chairperson Godfrey stated that he would like to see more details of the elevations, particularly the side and rear elevations. Ms. Brough stated that the side and rear elevations will be designed similar to the front elevation. The Commission discussed pedestrian access to the second story from the rear parking area, and whether access would be provided through exterior stairs or a ground level entrance and interior stairs. Commissioner Burton inquired as to any requirements for an elevator to comply with

2 ADA regulations. Mr. Cowie stated that an elevator would not be required in this building.

4 The Commission continued to discuss architectural elevation details, as well as pedestrian access to the front entrances, as well as second floor access from the rear parking area. Following further discussion, the majority of the Commission felt that it would be appropriate to continue this site plan application for further review as details are finalized. Chairperson Godfrey called for a motion to continue.

8
10 COMMISSIONER PETERS MOVED TO CONTINUE THE CANDLELIGHT MEDIA SITE PLAN APPLICATION WITH THE FOLLOWING RECOMMENDATIONS:

- 12 1. THAT THE APPLICANT PROVIDE ADDITIONAL ARCHITECTURAL DETAILS FOR THE FOUR BUILDING ELEVATIONS.
14 2. THAT THE APPLICANT PROVIDE CLARIFICATION REGARDING PEDESTRIAN ACCESS FROM THE PARKING AREA TO THE BUILDING
16 ENTRANCES.

18 COMMISSIONER BEAN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

20 CHAIRPERSON GODFREY NAY
22 COMMISSIONER ANDERSON AYE
24 COMMISSIONER BEAN AYE
COMMISSIONER BURTON AYE
COMMISSIONER CALL AYE
COMMISSIONER JOHNSON AYE

26 THE MOTION CARRIED (6-1).

- 28 7. **Public Hearing** – *Minor Subdivision – Old Station Square, Plat F, Lot 19 – 272 West 200 North.* This is a request by Gregory & Elisa Brough of Candlelight Media for approval of a minor subdivision plat consisting of one lot in the CG zone. The applicants intend to subdivide the existing lot within the Old Station Square Subdivision. Recommendations will be forwarded to the City Council for
30 final action.
32

34 COMMISSIONER PETERS MOVED TO OPEN THE PUBLIC HEARING. COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED
36 IN FAVOR. THE MOTION CARRIED.

38 Mr. Cowie reiterated that this subdivision application is for Old Station Square, Plat “F”, lot 19. The proposed 27,432 square foot lot will be located in the CG zone. Mr.
40 Cowie recommended that the Commission specify that the north portion of the lot will be reconfigured and the new subdivision plat be finalized to make sure necessary shared
42 accesses are maintained. He noted that cross access easements and storm water easement will be shown on the final plat. Chairperson Godfrey called for a motion.
44

2 COMMISSIONER ANDERSON MOVED TO APPROVE THE OLD STATION
3 SQUARE, PLAT F, LOT 19 SUBDIVISION APPLICATION, AND RECOMMEND
4 APPROVAL TO THE CITY COUNCIL WITH THE FOLLOWING CONDITIONS:

- 4 1. THAT THE NORTH HALF LOT 8 BE RECONFIGURED AND RECORDED
5 AS A SEPARATE SUBDIVISION PLAT.
- 6 2. THAT CROSS EASEMENTS AND STORM WATER EASEMENTS ARE
7 SHOWN ON THE FINAL PLAT.

8 COMMISSIONER PETERS SECONDED THE MOTION. ALL PRESENT VOTED IN
9 FAVOR. THE MOTION CARRIED.

- 10 8. **Public Hearing** – *Ordinance Change to LCC Title 18 (Sign Ordinance)*. This is a
11 City initiated ordinance change to the sign ordinance with specific changes
12 proposed for the pole sign and monument sign regulations within the PC-1 and
13 PC-2 zones. Recommendations will be forwarded to the City Council for final
14 action.

15
16 Mr. Cowie explained that this is a City initiated ordinance change to Title 18 of
17 the Lindon City Code. He explained that Murdock Hyundai has expressed interest in
18 purchasing the existing Larry H. Miller used car dealership located in the P-2 zone. He
19 noted that Hyundai sales are still profitable in the slow economy, and the City Council
20 feels it would be beneficial for the business to locate in the City. Proposed amendments
21 include a provision to allow a second pole sign on the site, as well as an off site
22 monument sign.

23 Mr. Cowie explained that the street frontage for this site is technically on 800
24 West, which is not a well traveled street. The site is accessed from cross easements to the
25 north and the east. Proposed ordinance revisions permit an off site monument sign if the
26 principle access to the site is through an easement. Mr. Cowie recommended that this
27 revision be applied to all non-residential zones, as it will likely benefit any commercial
28 use without adequate street access.

29 Mr. Cowie explained that current ordinance allows a second pole sign if a
30 separation distance of 500 feet from other pole signs is maintained. Proposed revisions
31 will require a 100 foot separation distance. This provision will be applied only to
32 properties located in the PC-1 and PC-2 zones which are also located in the T-zone
33 adjacent to the freeway, which is limited to very few properties.

34 Mr. Cowie went on to explain that the City Council has given preliminary
35 approval to deed the detention pond area currently owned by the City to Hyundai to use
36 as part of the business site if specific conditions are met. Commissioner Bean observed
37 that the proposed revisions to the sign ordinance appear to be a fairly low impact method
38 of offering some incentive to the business to locate in Lindon. Chairperson Godfrey
39 called for a motion.

40
41 COMMISSIONER BURTON MOVED TO APPROVE ORDINANCE
42 CHANGES TO LCC SECTION 18.03.030 – SIGN REGULATIONS BY SIGN TYPE,
43 AND RECOMMEND APPROVAL TO THE CITY COUNCIL. COMMISSIONER
44 CALL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
45 MOTION CARRIED.

2 **NEW BUSINESS** – Reports by Commissioners

4 Commissioners had no items to report.

6 **PLANNING DIRECTOR’S REPORT** –

8 Mr. Cowie reported on the following items:

- 10 1. The City Council held a public meeting to discuss concerns expressed by
12 residents regarding bee keeping in the City. Representatives of the Utah County
Beekeepers Association attended the meeting to present information and answer
14 questions. After lengthy discussion, the City Council decided to not regulate bee
16 keeping at this time.
- 18 2. The City Council approved ordinance amendments to the Residential Zone and
Fencing Requirements as recommended by the Planning Commission. The
20 Council discussed installation of fencing immediately behind the sidewalk as
22 requested by the Commission, but felt that the two foot setback should be
24 maintained to allow for maintenance work and safe pedestrian and bicycle travel
on the sidewalk.
- 26 3. The Commission discussed the process of approving site plans, including
architectural elevations. Mr. Cowie noted that at the time of site plan approval,
architectural elevations are typically conceptual. He explained that the
Commercial Design Guidelines are currently under review, and revisions which
simplify standards will be reviewed by the Planning Commission and forwarded
to the City Council at future meetings.
- 28 4. The Commission discussed appropriate procedures when considering a zone
change.

30 **ADJOURN** –

32 CHAIRPERSON GODFREY MOVED TO ADJOURN THE MEETING AT
11:50 P.M. COMMISSIONER BEAN SECONDED THE MOTION. ALL PRESENT
34 VOTED IN FAVOR. THE MOTION CARRIED.

36 Approved – March 11, 2009

38
40 _____
42 Gary Godfrey, Chairperson
44
46 _____

Adam Cowie, Planning Director