

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 2,**
4 **2016, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100
North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Van Broderick, Mayor Pro tem

Pledge of Allegiance: Bentley Cossack

10 Invocation: Jake Hoyt, Councilmember

12 **PRESENT**

Van Broderick, Councilmember

14 Randi Powell, Councilmember

Matt Bean, Councilmember

16 Carolyn Lundberg, Councilmember

Jacob Hoyt, Councilmember

18 Adam Cowie, City Administrator

Cody Cullimore, Chief of Police

20 Hugh Van Wagenen, Planning Director

Brandon Snyder, Associate Planner

22 Kathryn Moosman, City Recorder

ABSENT

Jeff Acerson, Mayor

24 **PLANNING COMMISSIONERS**

Rob Kallas

26 Bob Wily

Sharon Call

28 Charlie Keller

Matt McDonald

30 Mike Marchbanks

32 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.

34 2. **Presentations/Announcements** –

a) **Mayor/Council Comments** – There were no announcements at this time.

36

38 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council
meeting of January 19, 2016 were reviewed.

40 COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF
THE CITY COUNCIL MEETING OF JANUARY 19, 2016 AS PRESENTED.

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

44 COUNCILMEMBER POWELL AYE

COUNCILMEMBER BEAN AYE

46 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER LUNDBERG AYE

2 COUNCILMEMBER HOYT AYE
THE MOTION CARRIED UNANIMOUSLY.

4
6 4. **Consent Agenda** – No items.

8 5. **Open Session for Public Comment** – Mayor pro tem Broderick called for any public comment not listed as an agenda item. There were no public comments.

10 **CURRENT BUSINESS**

12 6. **Public Hearing - Street Master Plan Amendment, 700 N. 2800 W.,**
14 **Ord#2016-1-O.** Staff requests approval of a Street Master Plan Map
16 amendment (Ordinance 2016-1-O) to remove a master planned road located at
18 approximately 700 North 2800 West in Mixed Commercial and General
Commercial zones. The road was planned to give access to an interior parcel,
but recent development activity has shown adequate access is available from
600 North. The Planning Commission recommends approval of the change.

20 COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING.
22 COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

24 Hugh Van Wagenen, Planning Director, opened the discussion by explaining this
26 is a staff initiated request for a Street Master Plan Map amendment to remove a master
28 planned road located at approximately 700 North 2800 West in the Mixed Commercial
30 and General Commercial zones (Lindon/Pleasant Grove interchange). He noted the road
32 was planned to give access to an interior parcel (#14:054:0127), but recent development
34 activity has shown adequate access is available from 600 North. With a 6-0 vote the
Commission recommended approval of the amendment to the City Council. They
acknowledged access to parcel #14:054:0127 is not ideal, but the property is developing
without the street in question being available. Mr. Van Wagenen noted he will refer to
parcel #14:054:0127 as #127 for the purposes of this discussion.

34 Mr. Van Wagenen further explained that the roadway was added to the Street
36 Master Plan after the Vineyard Connector alignment was approved by UDOT and it was
38 added to their plans. Construction of the Vineyard Connector will require the
realignment of the Pleasant Grove/Lindon interchange as it heads west. That realignment
may affect the access to parcel #127 and the road in question was placed on the Plan in
order to preserve access to parcel.

40 Mr. Van Wagenen noted that development activity on that parcel has shown that
42 the parcel can be accessed via 600 North and the cul-de-sac will not be needed to provide
44 access to the parcel. The street in question traverses two other properties in order to serve
46 parcel #14:054:0127; parcel #s 13:063:0085 and 13:063:0095. Both parcels
#13:063:0085 and #13:063:0095 have frontage on 2800 West and do not need this
roadway to develop and to access their respective properties. Parcel #13:063:0095 is
developing and having a master planned road on the property does affect the design of
the site. The street in question is designated as a local street on the Plan and UDOT has

2 allowed this to go forward with a few minor changes. Typically streets on the master plan
4 serve the grid network and the general public at large, but this street is very decisive in its
6 ability to serve the parcel. Mr. Van Wagenen then referenced an aerial photo of the
8 proposed area where the street is planned with affected properties identified and the
10 traffic circulation for Parcel #127. At this time Mr. Van Wagenen called for any
12 questions or comments from the Council.

8 Councilmember Lundberg inquired about the possibility so stubbing an opening
10 to the parcel that is developing to accept a road at some point down the road to leave that
12 as an option instead of fully eliminating the road. That would not require that the road
14 goes in right now as we don't know how these parcels will develop and what the needs
16 will be in the future. Mr. Van Wagenen referenced the map including the drive aisle
18 entrance on the property line and stubs stating any future connection could feasibly
20 connect with that driveway in the future; they do not see the need for a city mandated
22 road at this point. He noted the way the property is developing there is one building
24 approved (based on improvements with the U-turn pocket) with a second building the
26 developer would like to put on line, but they are in the middle of a joint traffic study with
28 UDOT and American Fork City which is moving forward not only short-term but long-
30 term when the Vineyard Connector realigns the interchange as the connector comes
32 through; this is an ongoing process and the developer is aware that this is the case.
34 Councilmember Powell asked if there has been any contact or interest with the property
36 owner. Mr. Van Wagenen stated they have not had any direct communication with the
38 property owner (currently under Jaqueline Dowdy) and the Hammond's group that owns
40 a lot of the ground; there are a lot of hoops to jump through.

26 Councilmember Lundberg asked how this will be addressed in the future if they
28 do become landlocked why we are eliminating a road vs. stubbing to accept a road
30 sometime in the future. Mr. Van Wagenen replied if the second building were to come
32 online something would have to be done regardless and that is being evaluated.
34 Councilmember Broderick asked if the triangular property were to be cut in half and sold
36 what would that potentially bring. Mr. Van Wagenen stated at that point it would
38 become a landlocked piece and unless there were cross access agreements they would not
40 be able to do that; access would have to be maintained at some point.

34 Mr. Van Wagenen stated if the road stays on the Plan there is no timeline as to
36 when it will be constructed to serve parcel #127 even though the site is already
38 developing. He noted that access to the site is not ideal, but it is functional; Lindon,
40 UDOT and the developer have worked to confirm this during that site's approval process.
42 The street does not appear necessary for parcel #127 to develop and if the road is
44 removed from the Plan, parcels #13:063:0085 and #13:063:0095 will not have the
46 encumbrance of a road that was contemplated to serve only one parcel. He noted the
Lindon City Engineer endorses removal of the street from the Master Plan under these
circumstances.

42 Mayor Pro tem Broderick called for any public comments at this time. Several
44 residents in attendance addressed the Council as follows:

46 **Eric Anthony:** Mr. Anthony asked how emergency vehicles would enter or exit in a safe
and efficient manner and how these issues will be mitigated. Mr. Van Wagenen stated he
has not talked to the emergency services but supposes they would make the same

2 maneuver as everyone else noting there is a center median. Chief Cullimore stated he
4 would anticipate any assistance would be handled either by our services or Pleasant
6 Grove that would come down the boulevard; it would be extremely rare. Mr. Anthony
8 also asked what the cost is to the owners of the small parcel to keep the road on the
10 master plan. Mr. Van Wagenen explained that the design that is currently in is an office
12 warehouse building with a truck court and if the road remains the City Engineer has
14 issues with the trucks stopping on the road and backing in and feels it may need an entire
16 re-design. Mr. Cowie stated if the road goes in on the south side of the small parcel the 25
18 ft. of road improvements will create road frontage which will have a setback from the
20 buildings and they will be losing (as a property owner) 45 ft. of buildable area which is a
22 big impact.

24 Mayor Pro tem Broderick called for any further public comments or discussion.
26 Hearing none he called for a motion to close the public hearing.

28 COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.
30 COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED
32 IN FAVOR. THE MOTION CARRIED.

34 Councilmember Lundberg asked for clarification if staff feels confident that this
36 parcel is amenable to eliminating the road and if there is enough access at the bottom
38 triangle and if the owner has indicated any plans at this point (depending on future
40 development) be appropriated to have a connecting road. Mr. Van Wagenen stated staff
42 is comfortable removing the road and it is functional and it works and the owners are
44 planning on moving forward without the roadway and it seems they can do that with
46 intersection improvements. Some property owners feel it is advantageous to have a lot of
frontage and if there is not a road on the master plan it doesn't preclude them from
having a roadway, but it is up to the property owner how they develop their site.

Mayor Pro tem Broderick called for any further comments or discussion from the
Council. Hearing none he called for a motion.

COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE
2016-1-O TO REMOVE THE STREET IDENTIFIED AT APPROXIMATELY 700
NORTH 2800 WEST FROM THE STREET MASTER PLAN WITH NO
CONDITIONS. COUNCILMEMBER BEAN SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER HOYT	AYE

THE MOTION CARRIED UNANIMOUSLY.

7. **Public Hearing - Zone Map Amendment, CG-A to CG; Ord#2016-4-O**
Lindon City Council requested a Zone Map amendment to reclassify the
following parcels from General Commercial-Auto (CG-A) to General
Commercial, to not allow used automobile sales on the lots with the following

2 Utah County parcel ID numbers: 453710016, 453710018, 372370002,
4 140700310, 140700040, 140700041, 140700199, 140700257. The Planning
Commission recommends approval of the change.

6 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
8 COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

10 Mr. Van Wagenen led this discussion by giving some background of this agenda
12 item. He stated over the last several months the Planning Commission and City Council
14 have been discussing used vehicle sales along State Street. These discussions stemmed
16 from concept reviews receive from applicants looking to change zoning designations on
18 specific lots to allow used vehicles sales. He noted there were concerns that there are too
many used vehicle dealerships were locating along State Street. A request from the City
Council that stemmed from those discussions was to consider rezoning existing CG-A
lots that do not currently operate a used vehicle sales business. He referenced the eight
lots identified that fit that description.

20 Mr. Van Wagenen stated the Planning Commission voted 6-0 to recommend
22 approval of the zone change request with the exception of parcels owned by Skip Dunn
Investments LC (37:237:0002) and Key West Properties LLC (14:070:0199). Both
24 property owners expressed opposition to the proposal to staff. Mr. West was also in
attendance at the Planning Commission Meeting and expressed his concerns. Both
owners' lots are adjacent to existing car lots and it is feasible that their lots could be part
of an expanded operation in the future.

26 Mr. Van Wagenen stated that additionally there was discussion among the
28 Commission about not having a specific CG-A zone, but rather having specific site
requirements for car lots. They also discussed if a property/owner can meet those
30 requirements then they should be able to have a car lot without a zone restriction. The
Planning Commission is currently considering an ordinance that addresses site specific
32 requirements for car lots. Mr. Van Wagenen mentioned there are currently seven used
vehicle dealers on State Street in Lindon with sixteen properties currently zoned CG-A.
He also noted that used vehicle sales business do create sales tax for Lindon.

34 Mr. Van Wagenen then referenced the following table that summarizes sales tax
36 contributions to the City from the seven used car dealerships from July 2014 to October
2015 (prepared by Finance Director, Kristen Colson):

38 Total Auto Tax Rec'd	\$335,090.53
Total Sales Tax Rec'd	\$4,729,377.86
% from Auto sales	7.09%
40 Median per dealer per month	\$2,847.18
Average per dealer per month	\$4,528.88

42 Mr. Van Wagenen noted the difference in the median and average monthly sales
44 tax numbers. He mentioned this indicates there are one or two dealers that are producing
46 far more sales tax than the remaining dealerships. Mr. Van Wagenen then referenced for
discussion Subsection 17.04.090(2) of the Lindon City Code that establishes the factors
to review when considering a request for a zone change.

2 Councilmember Powell asked for clarification if these numbers reflect all car
dealerships or just used cars sales. Mr. Van Wagenen stated the numbers reflect only used
4 auto sales (6 of the 7 are represented).

6 Mr. Van Wagenen also explained the stated purpose of the General Commercial
Zone is to “promote commercial and service uses for general community shopping.”
Further, the “objective in establishing commercial zones is to provide areas within the
8 City where commercial and service uses may be located.” Commercial zones include the
CG, CG-A, CG-A8, CG-S, PC-1, and PC-2 zones. Mr. Van Wagenen then presented the
10 Map of Properties under consideration of rezone of the Current Zone Map and Ordinance
2016-4-O followed by some general discussion.

12 Mayor Pro tem Broderick called for any public comments or discussion at this
time. Several attendees addressed the Commission as follows:

14
Eric Anthony: Mr. Anthony stated the previous council’s tried to establish a different
16 type of philosophy for State Street. It was their intent to make the drive through Lindon
more peaceful and beautiful. This had to do with the type of signage and the plan was to
18 landscape it with trees and wider areas along State Street. Their desire was to move in an
opposite direction of Orem City to the South that lacked beautiful landscaping. The
20 council at that time set the limit at five possible used car dealership with the desire, in the
long term, to bring in different types of businesses along State Street to add a different
22 type of appeal. Some owners of used car lots at the time were able to squeeze in a couple
of more dealerships, which was unfortunate to the council at that time.

24 Mr. Anthony noted the philosophy was to support and sustain those existing used
car lots because they wanted a good relationship with them, but they did not want to
26 expand it with the idea that in the future they could make it more beautiful and attractive.
He would hope that the council will think about the use of State Street in a more desirable
28 method that creates Lindon’s gateway attractive and one that is not lined with businesses
that don’t align with the vision of Lindon; he would hope the council will try to avoid
30 that. Mr. Anthony added that this may be good to list but may not be extensive enough
maybe the numbers should be doubled (of possible retractions).

32
Amy Summers: Ms. Summers asked how many properties are currently zoned for used
34 car sales. Mr. Van Wagenen stated there are currently 15 properties in the zone.

36 Councilmember Powell mentioned other locations (between 1600 North Orem
and Main Street in Pleasant Grove – 2.7 miles) and also those in Lindon noting there are
38 a lot of these types of businesses (used cars lots) on a small stretch of State Street; we
only have control over one. When looking at the whole landscape of this stretch of road it
40 elicits concerns. She also questioned the sales tax numbers as she sees a discrepancy. Mr.
Cowie clarified Councilmember Powell’s calculations are correct.

42 Councilmember Bean commented this particular item is to pull the zone
designation from certain locations and we will have more of that later on the agenda with
44 the idea of adding some to the zone. H noted this is a good discussion but it may be more
appropriate later in the agenda. We are talking about pulling some out of the zone and
46 that will lead to what Councilmember Powell is discussing, but what does the issue of

2 sales tax have to do with this item at hand. Mr. Van Wagenen stated staff added the sales
tax item to this portion of the agenda.

4 Councilmember Powell stated she brought it up now because she doesn't feel like
she can backtrack. She brought the sales tax issue up because whether we should keep or
6 delete it or keep it as is means something, even at this portion of the agenda to know
whether we want to be able to allow something to be auto friendly or another type of
8 business.

10 Councilmember Lundberg agreed with Councilmember Powell stating we need to
look at this holistically and approach it very carefully. She respects the planning
commission's opinion but she would be opposed to eliminating the CG-A zone. She feels
12 the council needs to review these types of applications because of the limited space on
State Street and we need to have a good mix of businesses there as to not develop a
14 cluster and she feels there is no amount of sales tax revenue that would make it worth it
to her to make State Street unattractive or to lose our quality of life; she feels we need to
16 keep a balance.

18 Councilmember Hoyt stated he had the opportunity to attend the last planning
commission meeting and the ordinance that will come to the council will coincide with
these three agenda items tonight. He feels this ordinance will protect the city from getting
20 too many lots or the right kinds of lots. He is not sure the council should necessarily
deem used auto sales as something that lowers our quality of life or the aesthetics of State
22 Street. If it is done correctly they can be a real asset to State Street and the community.

24 Mayor Pro tem Broderick called for any public comment. Hearing none he called
for a motion to close the public hearing.

26 COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.
COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED
28 IN FAVOR. THE MOTION CARRIED.

30 Mayor Pro tem Broderick called for any further comments or discussion from the
Council. Councilmember Lundberg asked for clarification on the suggested parcels
32 to be removed with this action. Mr. Van Wagenen stated the following parcels are
under review and would be included:

34
45:371:0016 579 N State St
36 45:371:0018 571 N State St
14:070:0310 146 S State St
38 14:070:0040 150 S State St
14:070:0041 190 S State St
40 14:070:0257 123 E 200 S

42 Councilmember Hoyt mentioned his concerns that just a letter was sent out to
business and property owners regarding this change because to change their zoning
44 without their knowledge could be frustrating or may limit future tenants. He is aware a
few of them had comments but the majority were fine with it. Mr. Van Wagenen stated
46 there is a reason they aren't selling cars is because the site is not conducive for it so the
owners are not too concerned.

2 Following some additional discussion Mayor Pro tem Broderick called for any
4 further comments or discussion from the Council. Hearing none he called for a motion.

6 COUNCILMEMBER POWELL MOVED TO APPROVE ORDINANCE
8 2016-4-O TO CHANGE THE ZONING DESIGNATION OF THE SUBJECT LOTS
10 FROM GENERAL COMMERCIAL (CG-A) TO GENERAL COMMERCIAL (CG)
12 WITH NO CONDITIONS. COUNCILMEMBER LUNDBERG SECONDED THE
14 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

10 COUNCILMEMBER POWELL AYE
12 COUNCILMEMBER BEAN AYE
14 COUNCILMEMBER BRODERICK AYE
16 COUNCILMEMBER LUNDBERG AYE
18 COUNCILMEMBER HOYT AYE
20 THE MOTION CARRIED UNANIMOUSLY.

- 22 8. **Public Hearing - Zone Map Amendment, CG to CG-A, Utah Valley Auto**
24 **Brokers, Ord#2016-5-O.** Jeff Peterson requests approval of a Zone Map
26 amendment to reclassify Utah County Parcel ID #14:068:0263, owned by
28 Intermountain Fire Place Store, LLC from General Commercial (CG) to General
30 Commercial A (CGA), to allow used automobile sales on the lot at 460 North
32 State Street. The Planning Commission recommends approval of the change
34 with conditions.

36 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
38 COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT VOTED IN
40 FAVOR. THE MOTION CARRIED.

42 Mr. Van Wagenen opened this agenda item by explaining Jeff Peterson (who is in
44 attendance) is requesting approval of a Zone Map amendment to reclassify Utah County
Parcel ID #14:068:0263, owned by Intermountain Fire Place Store, LLC from General
Commercial (CG) to General Commercial A (CGA), to allow used automobile sales on
the lot at 460 North State Street (1.3 acres). He noted the Planning Commission
recommends approval of the change with conditions.

Mr. Van Wagenen further explained that the principle difference between the
General Commercial (CG) and General Commercial A (CG-A) zones is that the CG does
not allow used car sales, while the CG-A does. The property in question was home to
Hearth and Home stone products until the business moved nearly two years ago. Since
that time, the property has been unoccupied. He noted the Commission felt this site is a
good candidate for a used car lot based on frontage, acreage, and location. However, they
are in the process of reviewing Ordinance 2016-3-O which governs car lot site
requirements. The commission was also very clear that any adopted standards under that
ordinance are to be applied to an operating lot on this site. He noted a draft copy of the
ordinance is included in the staff packets.

- Subsection 17.04.090(2) of the Lindon City Code establishes the factors to review when considering a request for a zone change. The subsection states that the

2 “planning commission shall recommend adoption of a proposed amendment only
where the following findings are made:

- 4 ○ The proposed amendment is in accord with the master plan of
Lindon City;
- 6 ○ Changed or changing conditions make the proposed amendment
reasonably necessary to carry out the purposes of the division.”

8
Mr. Van Wagenen noted the stated purpose of the General Commercial Zone is to
10 “promote commercial and service uses for general community shopping.” Further, the
“objective in establishing commercial zones is to provide areas within the City where
12 commercial and service uses may be located.” Commercial zones include the CG, CG-A,
CG-A8, CG-S, PC-1, and PC-2 zones.

14 Mr. Van Wagenen then referenced an aerial photo of the proposed area to be re-
classified, the street view of the proposed area to be reclassified, current zoning of the
16 area and Ordinance 2016-3-O Car Lot Site Requirements Draft and Ordinance 2016-5-O
followed by some general discussion. He then turned the time over to Mr. Peterson to
18 speak on his application.

Mr. Peterson addressed the council at this time. Mr. Peterson commented they
20 have out grown their current location in Orem and they feel this is a perfect site for an
auto dealership and it would serve them well. He noted they will sell only 2012 or newer
22 cars and they plan to carry 25 to 35 vehicles and they are hoping to expand to 40 to 50
cars. They keep their cars nice and will keep the site very nice and it will look nice on
24 State Street. They will also be happy to comply with any additional requirements.

Councilmember Lundberg asked Mr. Peterson if they plan on removing the
26 current fencing to make more room for cars and what are their plans for the storage in the
back. Mr. Peterson said they will move the fence back eventually when needed so
28 anything that is not ready to show will be located behind the fence. Mr. Peterson added
they plan to use the storage buildings for detailing and other types of things.

30 Councilmember Broderick asked if they have purchased the property or lease it. Mr.
Peterson stated they will be renting from the owner, Mr. Tuckett. Councilmember Hoyt
32 asked if they have plans to asphalt portions of the property. Mr. Peterson stated they will
asphalt, or use cement; but they will comply to meet all requirements. He added as the
34 business grows they plan to potentially asphalt as it is extremely expensive. Mr. Van
Wagenen reminded the council if this is zoned CG-A another tenant could come in a
36 reconfigure the property; keep in mind the big picture of the zone change allowing used
car sales. Mayor Pro tem Broderick called for any public comment at this time.

38
Eric Anthony: Mr. Anthony mentioned the previous ordinance just passed had the
40 purpose of removing certain properties to reduce the number of locations where used cars
can be sold, so this action seems counterproductive as these next two discussion items are
42 about adding additional used car facilities along State Street thus continuing the
monopoly of used car lots along the highway; this seems against the philosophy of what
44 Lindon residents want to see on State Street no matter how attractive. He would rather
keep the uniqueness of Lindon by not adding more used cars sales.

2 Mayor Pro tem Broderick called for any further public comment. Hearing none
he called for a motion to close the public hearing.

4 COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.
6 COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

8
10 Councilmember Powell stated she has great respect for those who want to bring
quality businesses to Lindon along with the property owners, but she feels adding
additional used car lot facilities is not beneficial along this corridor. She also appreciates
12 the guidelines and standards that are being looked at but she has reservations about
adding additional lots no matter how high the quality is.

14 Councilmember Lundberg stated there is only a 1.5 mile stretch on State Street
through Lindon and she is concerned about keeping a good mix with a variety of services
16 and businesses and feels it is difficult at some point, when there are too many of one type
of use with clustering and once it is there it is difficult to pull back. It is also difficult
18 because the council appreciates having the sales tax revenue in the city but we need to
keep a balance as we already have 9 or 10 sites either inactive or that could be used
20 without being reviewed by the council; this is a concern.

Councilmember Hoyt stated he understands these opinions as we do have a
22 limited stretch on State Street that is a very important traffic artery and showcase for the
city. He noted it may be his familiarity with the proposed ordinance that causes him to be
24 more comfortable with this and the next proposal. He feels that Low Book Sales is a
beautiful asset to the city. His sense is, with this ordinance, that this property and the
26 following property would be subject to guidelines that protects the city and by taking the
zoning away from six properties and by adding two more we are still net four and
28 because of that he is comfortable with the request. In addition, there are certain
properties that lend themselves well to used auto lot sales. With the ordinance in place
30 and with a used car dealership set up the way we would like it he would be comfortable
with.

32 Councilmember Lundberg asked Councilmember Hoyt if he has a limit/number in
his mind even if the whole corridor is filled with beautiful car dealerships as per the
34 ordinance guidelines; is there ever too many. Councilmember Hoyt stated he feels there is
a limit. He mentioned a concept to consider is to let the market dictate and he feels we
36 are close, but by taking away six away and adding two; it is very subjective.
Councilmember Lundberg also asked where is the line drawn as the limit needs to be
38 identified so staff can know what to advise applicants or discourage other businesses
from coming in because it looks like “auto row.”

40 Councilmember Powell mentioned that we may be putting the “cart before the
horse” with these applicants without having thoroughly reviewed the proposed draft
42 ordinance #2016-3-O (lot requirement). Councilmember Lundberg agreed with that
statement stating the applicants need to understand the potential costs of required
44 improvements which could be a determining factor. Councilmember Powell noted her
thoughts are not dash or elevate either of the applicant’s hopes but to perhaps continue
46 this item until the council has taken care of the ordinance first.

2 Mr. Van Wagenen stated it was the intent to bring it before the council at the
3 same time but the planning commission continued the ordinance and did not continue
4 these other items. He advised the council if this is continued to please keep in mind the
5 ordinance will affect if they want used car sales or not, regardless of the standards. If that
6 is the case it shouldn't influence the decision as to make the applicant's wait. If the
7 ordinance is going to have relevance, as far as requirements of this site in particular, then
8 he would suggest continuing the item.

9 Councilmember Bean feels with improved standards a used car lot can look nice
10 on State Street. He is comfortable doing this and agrees with Councilmember Hoyt that
11 the number designated by the council can be subjective and he is not sure that we may
12 come to an agreement as to what that number should be. He would also suggest to look
13 at any future applications very carefully if the two applications are approved tonight. He
14 feels confident about the ordinance that if the applicant's feel they can't conform to the
15 ordinance language they would not be submitting an application.

16 Mayor Pro tem Broderick commented that he has become much more comfortable
17 with the idea of what is coming under the ordinance that defines what has to be on the lot
18 that will keep State Street looking good and inviting to other businesses. He also feels it
19 is the government's job to preserve the rights of individuals so he would be in favor of
20 this action.

21 Mayor Pro tem Broderick called for any further comments or discussion from the
22 council. Hearing none he called for a motion.

23 COUNCILMEMBER POWELL MOVED TO DENY ORDINANCE 2016-5-O
24 WITH THE FOLLOWING CONDITIONS 1. ANY REQUIREMENTS THAT ARE
25 APPROVED UNDER ORDINANCE 2016-3-O BE APPLIED TO A CAR LOT ON
26 THIS SITE. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE
27 VOTE WAS RECORDED AS FOLLOWS:

28 COUNCILMEMBER POWELL	AYE
29 COUNCILMEMBER BEAN	NAY
30 COUNCILMEMBER BRODERICK	NAY
31 COUNCILMEMBER LUNDBERG	AYE
32 COUNCILMEMBER HOYT	NAY
33 THE MOTION FAILED.	

34 Mayor Pro tem Broderick stated the motion failed. He called for another motion at
35 this time.

36 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE 2016-5-O
37 WITH THE FOLLOWING CONDITION 1. ANY REQUIREMENTS THAT ARE
38 APPROVED UNDER ORDINANCE 2016-3-O BE APPLIED TO A CAR LOT ON
39 THIS SITE. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE
40 WAS RECORDED AS FOLLOWS:

41 COUNCILMEMBER POWELL	NAY
42 COUNCILMEMBER BEAN	AYE
43 COUNCILMEMBER BRODERICK	AYE
44 COUNCILMEMBER LUNDBERG	NAY

2 COUNCILMEMBER HOYT AYE
THE MOTION CARRIED THREE TO TWO.

4
6 9. **Public Hearing - Zone Map Amendment, CG to CG-A, Dastrup Auto, Ord#2016-6-O.** Devin Dastrup requests approval of a Zone Map amendment to reclassify Utah County Parcel ID #14:067:0052 from General Commercial (CG) to General Commercial A (CG-A), to allow used automobile sales on the lot at 475 North State Street. The Planning Commission recommends approval of the change with conditions.

12 COUNCILMEMBER LUNDBERG MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER BEAN SECONDED THE MOTION. ALL PRESENT
14 VOTED IN FAVOR. THE MOTION CARRIED.

16 Mr. Van Wagenen led this discussion by stating Devin Dastrup (who is
attendance) is requesting approval of a Zone Map amendment to reclassify Utah County
18 Parcel ID #14:067:0052 from General Commercial (CG) to General Commercial A (CG-
A), to allow used automobile sales on the lot located at 475 North State Street (3.2 acres).
20 He noted this item is similar to the request that was just considered.

Mr. Van Wagenen explained the principle difference between the General
22 Commercial (CG) and General Commercial A (CG-A) zones is that the CG does not
allow used car sales, while the CG-A does. The property in question was home to Patch's
24 Majestic Metals before an unfortunate fire burned the building to the ground several
years ago and since that time there have been some business operations in the back, but
26 nothing has happened along the frontage. Dastrup Auto is currently located in Orem, but
is looking to locate in Lindon at this location. He noted the property was recently
28 purchased and is now owned by Dastrup Auto, Inc.

Mr. Van Wagenen explained the Planning Commission felt this site is a good
30 candidate for a used car lot facility based on frontage, acreage, and location. However,
they are in the process of reviewing Ordinance 2016-3-O which governs car lot site
32 requirements. The commission was also very clear that any adopted standards under that
ordinance are to be applied to an operating lot on this site. The draft copy of the
34 ordinance is included in the staff packets for reference.

Mr. Van Wagenen then presented an aerial photo of the proposed area to be re-
36 classified, the applicant's proposed site plan and the current zoning of the area followed
by discussion. He then turned the time over to the applicant for comment.

38 Mr. Dastrup referenced the site plan noting the parcel they have purchased. He
noted the intended use is for a used car dealership including a shop. He added this is a
40 light industrial use with an existing home on the property to use as an office. He noted
they plan to use a white vinyl fence and implement the 20 ft. landscaping strip and
42 streetlights, noise and light pollution will be minimal. He stated that he has talked with
the neighbors and expressed their plans to them and the neighbors seem supportive and
44 favorable and they feel it will be an improvement to the site. Mr. Dastrup then went over
his site plan followed by some general discussion.

46 Mr. Dastrup expressed as he redevelops this into a used car lot facility he will
follow all ordinance and code requirements. He added in developing the property they

2 will be making slight changes and however the ordinance ends up it will be fairly easy to
4 comply as their property will have to be adapted. They plan to put in beautiful proper
6 landscaping and it is well within their intentions and they also plan to have a nice
8 backdrop to State Street which will improve the property and will be an attractive asset to
Lindon. They will also be putting in security fencing. Mr. Dastrup explained the existing
structure and the slab, footings and foundation. They will develop the front first to
display the cars and sales floor and may pave over the whole front area. They may also
remove the large overgrow, “trash” trees and put in new “clean” trees.

10 Mr. Van Wagenen reminded the council that the site plan will come before the
12 planning commission for review and approval. He also mentioned a letter submitted to
14 the commission prior to the meeting (copies distributed) from the Mr. & Mrs. Esteban
16 expressing their concerns with the site plan, traffic, noise and light pollution. Mr. Dastrup
18 stated he will also reach out to the Esteban’s to address their concerns. Mr. Dastrup
mentioned that staff has been very helpful throughout this process to ensure this is done
right. He added they are prepared to make this very beautiful and appropriate and
something Lindon will be proud of.

18 Mayor Pro tem Broderick called for any public comment at this time. There were
several attendees that addressed the council at this time as follows:

20
22 **Tyler Dastrup:** Mr. Dastrup stated he is excited about the ordinance as it will help them
24 as business owners to make their property look good and to be successful. The potential
ordinance that is in place will help their business as a whole and they would not bring in
anything that would take away from the city. He believes this ordinance will help their
dealership go above and beyond of what it could be without it.

26
28 **Eric Anthony:** Mr. Anthony commented that Lindon is very unique city and has a lot of
30 benefits other cities don’t have. The property rates are higher and there is a higher tax
base. He noted Lindon has had a lot of opportunity with a healthy visionary council who
32 could see the benefits of what Lindon could become being such an attractive area; a lot of
communities can’t be patient or afford to see what a city can become. He voiced his
34 concerns that if you ask the average person what they see in Lindon and it should not be
the image of used car lots. Mr. Anthony stated the council should have the foresight to
have a good variety of businesses in Lindon and to find a balance. He strongly opposes
this and feels it is a foolish mistake.

36
38 **Neal Dastrup:** Mr. Dastrup commented they started their business started in 1995 and he
40 can assure the council with confidence (from talking to other dealers) that Lindon is not
known as the city where people go to buy cars.

42 Mayor Pro tem Broderick called for any public comment. Hearing none he called
for a motion to close the public hearing.

44 COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.
46 COUNCILMEMBER BEAN SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

2 Councilmember Powell stated it is obvious where she stands on this issue but she
wants the applicant to understand that no matter how this falls, she has confidence that
4 they are quality businessmen and despite what her vote reflects this is not a personal
attack on what they may bring to Lindon; personally, she has met her limit.

6 Councilmember Lundberg concurred with Councilmember Powell and feels their
intent is to improve the site and reaching out to the property owners is commendable. She
8 would ask the councilmembers who approved the past ordinance change does this
constitute, if this property is added, to look at the State Street zone map, and ask by a
10 straw poll if we have reached the saturation point for our 1.5 mile stretch.

12 Councilmember Broderick stated he has no number but would like to review the
applications as they come in and give a fair review of what they are proposing.
Councilmember Bean stated he is close to his saturation limit and does not want to
14 approve very many more. He added there is one area on the west side that he would like
to have seen taken out. Councilmember Hoyt stated he agrees with Councilmember Bean,
16 at the same time there are certain properties in Lindon that lend themselves better to a
used car dealership but he wouldn't want to close the door. This particular site is an
18 eyesore and a little bit of a re-development. He feels this will be an improvement but he
is also getting close to his limit and agrees to what has been said. Mr. Van Wagenen
20 stated there are 12 areas zoned on State Street. There was then some additional discussion
regarding this issue.

22 Mayor Pro tem Broderick called for any further discussion. Hearing none he
called for a motion.

24
26 COUNCILMEMBER POWELL MOVED TO DENY ORDINANCE 2016-6-O
WITH THE FOLLOWING CONDITION 1. ANY REQUIREMENTS THAT ARE
APPROVED UNDER ORDINANCE 2016-3-O BE APPLIED TO THE CAR LOT ON
28 THIS SITE.

30 THE MOTION DIED FOR LACK OF A SECOND.

32 Mayor Pro tem Broderick called the motion dead for lack of a second. He then
called for another motion.

34
36 COUNCILMEMBER LUNDBERG MOVED TO APPROVE ORDINANCE
2016-6-O WITH THE FOLLOWING CONDITIONS 1. ANY REQUIREMENTS THAT
ARE APPROVED UNDER ORDINANCE 2016-3-O BE APPLIED TO THE CAR LOT
38 ON THIS SITE AND 2. THAT THE NUMBER OF PARCELS FOR THE CG-A ZONE
BE CAPPED TO 12.

40
42 Mr. Van Wagenen stated this may be cleaner if staff came back with an additional
ordinance to address condition number two as this item is strictly for a zone change for
44 this specific parcel. It is not the best to codify that motion coupled with this request. He
advised the council that he can come back with something specific or choose to insert
46 language into the draft ordinance before them, or bring the prepared ordinance back to
the council.

2 Councilmember Lundberg commented that she has met her saturation limit and
she would not be amenable to this unless the number can be capped in the CG-A zone.
4 Following some discussion the Council agreed to look at this issue further.

6 *Councilmember Lundberg withdrew her motion at this time.*

8 Mayor Pro tem Broderick called for any further comments. Hearing none he
called for a motion.

10
12 COUNCILMEMBER HOYT MOVED TO APPROVE ORDINANCE 2016-6-O
WITH THE FOLLOWING CONDITION 1. ANY REQUIREMENTS THAT ARE
14 APPROVED UNDER ORDINANCE 2016-3-O BE APPLIED TO THE CAR LOT ON
THIS SITE. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER POWELL NAY
COUNCILMEMBER BEAN AYE
18 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER LUNDBERG NAY
20 COUNCILMEMBER HOYT AYE
THE MOTION CARRIED THREE TO TWO.

22
24 *Mayor Pro tem Broderick called for a five minute break at 9:00 pm.*

26 **10. Joint Work Session / Discussion - Ivory Homes; Anderson Farms**

Development. The City Council and the Planning Commission will discuss
28 aspects of the proposed Ivory Homes development west of Geneva Road and
South of 700 North. Items of discussion may include proposed density,
30 setbacks, overall plan design, area-wide impacts, etc. As this is a discussion
item only no public comment will be taken. No formal action will be taken at
this time.

32
34 Mr. Cowie led this joint discussion by stating the Anderson Farms development
proposal by Ivory Homes will be heard tonight in this public meeting with the City
Council and Planning Commission. Mr. Cowie explained that staff will lead the
36 discussion on various topics and noted he may ask for a straw poll vote on specific items
in an effort to see how comfortable the group is with the specifics of the proposal and if
38 possible, he would like to find common ground on several issues prior to the proposal
coming to a final vote as there on varying opinions by this group. Mr. Cowie then
40 referenced a summary overview sheet of the proposed Master Development Agreement,
general impacts from the development, and reviewed the exhibits to the agreement that
42 have been provided in the staff packets. He noted no public comment will be taken as this
item is for discussion only.

44 Mr. Cowie stated that the Council and Planning Commission may ask questions of
Ivory's representatives if desired but no formal decisions will be made on these items. It
46 is hopeful that clear direction and a possible consensus on the development can be made

2 for or against these specific issues tonight. Mr. Cowie noted the MDA draft is
conceptual in nature and intended to be a guiding document and just laying out the terms.

4
6 Mr. Cowie then referenced for discussion the following MDA Summary issues:

- 6 • *Units (1.2.25)*
 - 8 ○ *500 single family units which includes detached single family
homes and townhomes*
 - 10 ○ *450 apartments (multi-family)*
- 12 • *Concept plan is a guide but may change as long as any change substantially conforms to
intent of concept plan (3.1)*
- 14 • *Apartment concept is very rough and parties agree to work together to establish design and
development issues at a later date (3.4)*
- 16 • *Development standards can be adjusted from time to time and still be applicable to Anderson
Farms (4.3)*
- 18 • *Agreement expires upon build out or 20 years (4.5)*
- 20 • *Park construction (6.1.1)*
 - 22 ○ *Park will be complete prior to completion of 60% of single family residential
units (280 units)*
- 24 • *Maintenance (6.2)*
 - 26 ○ *City responsible for Regional Park, Trails, sidewalks, streets,
storm water detention ponds*
 - 28 ○ *HOA responsible for everything else*
- 30 • *Private streets in Parcel C (townhomes) and Parcel I (apartments) (6.3)*
- 32 • *Sewer/Ground Water Lift station cost sharing (7.3)*
 - 34 ○ *Ivory will finance construction*
 - 36 ○ *City will reimburse for any upsizing*
 - 38 ○ *Final cost responsibility will be determined following construction*
 - 40 • *Ivory is responsible for costs as if they built infrastructure to only
service their project*
 - 42 • *City is responsible for everything else*
 - 44 ○ *City plans on imposing a Ground Water Lift Station Utility Fee within
the project to cover costs of operation, maintenance, etc.*
- 46 • *Infrastructure Phasing (7.4)*
 - 48 ○ *Each phase will build appropriate infrastructure to sustain itself without
reliance on future phases being built*
- 50 • *Buffering to Industrial Zone:*
 - 52 ○ *Parcels E and F (7.4.4 and 7.4.5)*
 - 54 • *Eight foot tall wall*
 - 56 • *Triple pane windows facing industrial*
 - 58 ○ *Parcels G and H (7.4.6 and 7.4.7)*
 - 60 • *Eight foot tall wall*
 - 62 • *Triple pane windows facing industrial*

- 2 • Landscaping along 500 North
- 4 • Units set back 160 feet from existing industrial building on 500 North
- 6 • Seller disclosure regarding adjacent zoning and uses (7.6) to any future buyers
- 6 • Impact Fees (9.1)
 - 8 ○ Park impact fees held in escrow until the Regional Park is completed; fees are then released to the developer (guarantee to the city)
 - 10 ○ Sewer, storm water, culinary water, secondary water, public safety, and road impact fees are credited to developer for any "system improvements." No credit given for project improvements.
- 12 • Pressure Irrigation system to be provided (9.8) for residential development. Significant amount of construction. JUB is contracted.

14 Following the MDA overview Mr. Cowie stated there has been a lot of tweaks
 16 and changes but staff feels they have covered all of the big issues; this is conceptual in
 nature in a lot of aspects.

18 Mr. Cowie then asked the group for discussion to gauge opinions on several
 reoccurring items to consider as follows:

- 20 1) Density in general numbers (apartments, townhomes, and housing in general)
 22 current plan is 447 units. He reiterated they have presented lower story buildings
 closer to the residential (stair-stepping effect). He noted Ivory will have to come
 24 back with a site plan so the layouts may change, heights etc. He asked the group
 how they feel about the overall numbers of doors (assuming traffic is acceptable
 per the traffic study). There was then some discussion by the group as follows:

26 **Chairperson Call:** Commented that it seems apparent as these discussions have gone on
 28 that the majority of the city council and planning commission feel comfortable, however
 she has concerns with the sheer numbers of apartments/condos (high density types). She
 30 likes the idea of the feathered approach. Her other concern is that there is now higher
 density behind the extended commercial area as a result of a concession.
 32 Chairperson Call also asked when the architectural standards will be reviewed. Mr.
 Cowie replied the townhome projects and apartments will have to come forward for site
 34 plan approval to the Council and Commission (per the MDA).

36 **Councilmember Broderick:** Mentioned the high density and traffic flow and asked
 when the traffic study will be completed as this is one way for him to define the density.
 38 Mr. Cowie stated Ivory has submitted and provided a traffic survey and it has been
 reviewed by the City Engineer. Mr. Cowie will forward the study to the council when
 40 completed and the City Engineer can address this issue with the council.

42 **Commissioner Kallas:** Commented that everyone wants the apartments to stay high
 quality as to stay full so it will remain nice. If it stays empty that will tend to bring down
 44 the demand and we may start seeing things we don't want to see. He feels if we try to
 limit the density it makes them less desirable and if we are trying to limit density to feel
 46 better about it we may be damaging the value of area overall.

2 **Councilmember Powell:** Commented she feels this comes down to location as this is the
4 only place in the city she would be comfortable with this project. She is comfortable with
6 it for several reasons. She feels the millennials don't want larger lots with the
8 maintenance involved and the access it provides. This would be the only place in Lindon
like this and to be a well-planned out community it needs the density; she is ok with the
numbers per acre.

10 **Commissioner Marchbanks:** Agreed with Commissioner Kallas' statement as far as the
12 number of units, but he would like it shown on the plat that we will transition and to
blend or feather the 2 story on up and adjust the numbers if need be.

14 **Commissioner McDonald:** Feels this development will bring desirable types of
16 businesses to 700 North and perhaps a Trax station. This will also give the Fieldstone
18 development neighbors as they are isolated in the community. He also asked when it
comes down to 325 units vs. 450 how does that make it more "Lindon." Does it all boil
down to open space? He questioned if this doesn't pencil out for Ivory will they pull
completely out and then what do we get; we don't want that area to be piece meal.

20 **Commissioner Wily:** Mentioned that Ivory builds the market better than anyone else and
22 they know what is going to sell and what will be attractive; Ivory builds a beautiful
24 product. He feels this will be a plus to the community; this whole community with a mix
with the apartments and the feathering it will be good.

26 **Councilmember Bean:** Commented that he feels pretty comfortable but he senses there
28 were several on the council that are not. That is one of the purposes for the meeting
tonight to flesh out some of that and to get a feel for where others stand.

30 **Commissioner Keller:** Commented he feels density is needed but has concerns about
32 parking. He wonders where that number is to bring and support development along the
700 North Corridor.

34 **Councilmember Lundberg:** Stated she feels apartments are appropriate and she is not
36 against them in the location and she feels this will spur development on the 700 North
38 Corridor with a potential TOD. However, she feels we need to look at what kind of a
40 community do we want there and the elements that make people want to stay. She is just
42 seeing so many rooftops and concrete and not enough open space. She gave examples of
other complexes. She would be more comfortable with the numbers down around 325
doors vs. 450 units. We are breaking the mold here in Lindon and we are taking on one of
the biggest apartment complexes in the ICO portfolio. She is open to density but it is a
matter of finding the "sweet spot." It is about design not height; there is a scale and
enormity you cannot escape and the question is if that is right for Lindon.

44 **Chairperson Call:** Agreed with Councilmember Lundberg's statement; it comes down to
46 density and how high/stacked the apartments are.

2 **Councilmember Bean:** Also agreed with Councilmember Lundberg’s statement and he
4 would also like to see a little more open space. He likes the townhomes with some open
6 space there. This is subjective (one number from another) but right now he would feel
8 more comfortable with 25 units per acre. He realizes that this is a significant concession
10 that Ivory has done to make it potentially possible for a major retailer to come in that will
12 jumpstart 700 North commercially. He also realizes that we don’t know what is going to
14 happen here as we may possibly get a Trax station but it would be good to have the doors
16 here for whatever develops on 700 North. He appreciates that Ivory needs to make this
18 work but he is not sure what that number is to make it work so everyone in this group
20 feels comfortable.

22 **Mayor Pro tem Broderick:** Commented he feels a lot of this is based on the traffic
24 study. He understands that the doors help the development but he would be comfortable
with the 25 units per acre.

26 **Chairperson Call:** Would like to see the number lowered to 25 units per acre.

28 **Councilmember Lundberg:** If the amount of units are allowed there needs to be
30 flexibility with design to create more open space to create more of a park like setting vs.
32 just asphalt and buildings. She added she is pleased with the work that Ivory has done
34 with this master planned community and because of the amenities they are bringing she
36 feels there is enough doors to bring development to 700 North without building the
38 biggest building with the most units as to maintain Lindon values.

40 **Councilmember Hoyt:** Stated he appreciates all the comments heard tonight. He then
42 read Lindon City’s mission statement included in the city budget as follows:

44 *Lindon City’s mission is to provide high quality, cost-effective services to our
community now and in the future, while preserving and enriching Lindon City’s identity
as “A Little Bit of Country.”*

46 *In addition, the Mayor and City Council strive to:*

- *Enhance livability by maintaining open space, developing and expanding the City’s parks and trails systems, planning for low density housing, and promoting cohesion throughout the community.*
- *Support economic development by attracting quality businesses that complement our community as well as addressing the needs of current businesses and commercial developments.*
- *Evaluate and improve aging infrastructure, as well as provide for future growth.*
- *Conduct City operations so as to avoid, eliminate, reduce, transfer and manage risks and thus provide a safe environment in which to work, live and play.*
- *Provide accountable, progressive, responsive, and open government while treating our residents, businesses, employees and visitors with fairness, respect and honesty.*

48 Councilmember Hoyt noted that he is personally a little more “old school”
46 Lindon. He feels 450 units seems so much for a city that has never done anything like
this project before; it seems like a lot to “bite off.” This would be unique to Lindon and

2 he is not sure that the density is right for Lindon as there are citizens that have the “open
space feel” expectation. However, he does agree with a lot of what has been said and
4 feels this will bring commercial development to the 700 North Corridor. He pointed out
that he has had this opinion from the beginning of this project, but he is open to
6 discussion because there is a lot of potential and Ivory is a great builder. The number is
subjective, but he feels that 25 units per acre is pushing the envelope.

8
Councilmember Powell: Pointed out that that not too many millennials can come back
10 to Lindon and afford a home on ½ acre lot; this development will provide that
opportunity. She doesn’t have a problem with the number because of this master plan and
12 that fact that it will bring development to the corridor.

14 Following discussion Mr. Cowie summarized that he is hearing in general the
majority of the group would like to see less density but there is not a specific number.
16 There was then some discussion regarding building height including maximum heights
with four story buildings and feathering.

18
Mr. Cowie observed he is seeing the majority of the City Council would like to
20 see a fewer number of doors, and the majority of the Planning Commission is
comfortable with the higher number of doors; we need to come to a consensus. Mr.
22 Cowie stated he is also hearing the group is generally comfortable with the apartments
but would they would like to find the “sweet spot.” He suggested looking for the
24 Planning Commission recommendations and go from that point. Mr. Cowie mentioned
the items heard tonight that need to be included in the agreement with their design are as
26 follows: 1) stair stepping occurs going from the 2, 3, and 4 stories and 2) 4 story height is
not a big concern and 3) aesthetics and 4) taller buildings are ok if they provide for more
28 open space and 5) shorter buildings with less open space are not desirable. There was
then some additional discussion by the group at this time.

30
Mayor Pro tem Broderick allowed Mr. Tony Crupa, with Coldwell Bankers, to
32 address the group at this time.

34 **Tony Crupa:** Mr. Crupa commented that he appreciates the comments heard tonight. He
stated this is a simple issue with retailers and per all the studies completed, if the rooftops
36 aren’t there and if they don’t have density they will go elsewhere. This is a prime
opportunity for Lindon with great freeway access, but without the rooftops and density
38 the big boxes won’t come; these are the facts. There was then some general discussion.

40 Mr. Cowie brought up setbacks. Mr. Van Wagenen distributed photos of different
side setbacks for comparison. Mr. Cowie asked the group what setbacks they are
42 comfortable with. Following discussion the majority of the group was comfortable with the
6 ft. side setbacks. Following discussion the group was comfortable with the provided
44 buffering. He also observed it seems we are pushing for higher design standards and
guidelines.

2 Mr. Cowie observed, in general, it appears the group is much closer to a consensus
than he thought and he thanked Ivory for all of their work on the project and the agreement.
4 He noted the City Engineer and City Attorney will be in attendance at the Planning
Commission meeting to answer any questions or concerns. Mr. Cowie stated he will send
6 an updated draft of the MDA to the Council and the Commission and he would also advise
the Commission to vote how they feel.

8
10 *At this time, Ross McClintock invited the group to the Utah Valley Symposium to be
held on Tuesday, February 23, 2016 at the Provo City Convention Center from 8-12.
Robert Grow will be speaking. Mr. Van Wagenen stated he will send the invitation to the
12 group.*

14 Following some additional discussion Mayor Pro tem Broderick moved on to the
next agenda item.

16
18 **11. Continued Item: Review & Action — Support for Adoption of 2015
International Energy Conservation Code (IECC) for Utah, Resolution
#2016-5-R.** This item was continued from the January 19, 2016 meeting. The
20 City Council will review and consider a request by Mayor Pro tem Broderick
and the Mountainland Association of Governments Executive Council to
22 approve Resolution 2016-5-R showing support for the State Legislature to
adopt the 2015 International Energy Conservation Code (IECC) which
24 contains more energy efficient building code requirements that will assist in
reducing air pollution from homes and buildings.

26
28 Mr. Cowie led this discussion by explained this item is continued from the last
meeting. He then gave a brief background of this item stating Mayor Acerson attended a
Mountainland Association of Governments (MAG) meeting in which the majority of
30 members supported a request by Mayor Curtis of Provo to be more proactive in
promoting air quality improvements throughout the Wasatch Front by consideration of
32 the attached resolution. MAG, Utah County, Utah County Health Department, and some
local businesses are members of the Utah Valley Clean Air Task Force. The task force
34 actively evaluates and implements solutions to reduce air pollution during the inversion
season. Over the last two years the task force has encouraged residents of Utah Valley to
36 reduce automobile emissions. The task force is also looking for solutions to reduce
pollution from homes and buildings, which studies show account for up to 39% of the
38 pollutants in the air. The task force has determined that one way to reduce potential
pollutants from homes and buildings is to adopt more energy-efficient building codes.

40 Mr. Cowie went on to say the task force has asked MAG member cities, including
Lindon, to support adoption of the 2015 International Energy Conservation Code as part
42 of a planned update to the state building code by the Utah legislature in the upcoming
legislative session. The Chief Building Official from Lindon, Phil Brown, has indicated
44 this code update is being evaluated by State building code committees and expects some
version of it to be adopted this summer. He did not oppose of the resolution supporting
46 the building code changes and felt the proposed changes would be negligible to the City's
inspection program. Per the Council's prior request, references to supporting unspecified

2 'other air quality improvements' have been removed from the Resolution and has taken
out the loose language about air quality specific to IECC.

4 Mr. Cowie mentioned that Councilmember Broderick sent the following message
to staff after investigating the issue further. "I am in support of the resolution. The home
6 builders association is working closely with the state, and still making a few adjustments,
but they are supportive. This has been a good joint effort of business and government to
8 come up with good solutions."

10 Councilmember Broderick mentioned he had the opportunity to speak with the
Homebuilder's Association and they have been working closely with the state on this
issue and the resolution and are tweaking some of the requirements and are in support of
12 this action. Therefore he is in support of this action.

14 Following some additional discussion Mayor Pro tem Broderick called for a
motion.

16 COUNCILMEMBER BEAN MOVED TO APPROVE RESOLUTION 2016-5-R
WITH NO CONDITIONS. COUNCILMEMBER POWELL SECONDED THE
18 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

20 COUNCILMEMBER POWELL	AYE
20 COUNCILMEMBER BEAN	AYE
22 COUNCILMEMBER BRODERICK	AYE
22 COUNCILMEMBER LUNDBERG	AYE
24 COUNCILMEMBER HOYT	AYE

24 THE MOTION CARRIED UNANIMOUSLY.

26 12. COUNCIL REPORTS:

28 **Councilmember Hoyt** – Councilmember Hoyt reported they are still seeking members
for the Community Center Advisory Board and the Historic Preservation Commission.

30 **Councilmember Powell** – Councilmember Powell reported that she attended the
32 Community Outreach meeting and met the new hospital administrator. She also reported
she will be attending the next Youth Court that will be held on February 13th.

34 **Chief Cullimore** – Chief Cullimore nothing to report at this time.

36 **Councilmember Broderick** – Councilmember Broderick reported he will be attending
38 the upcoming canal stockholders meeting and noted it is becoming a better water year.
He noted he also appreciated the updates on the Public Works Director position.

40 **Councilmember Bean** – Councilmember Bean reported that he appreciates all the work
42 by the Planning Commission on the Ivory Development and also the Council's input
tonight; he feels it was a good beneficial discussion.

44 **Councilmember Lundberg** – Councilmember Lundberg reported that the 700 North
46 Corridor Committee has met three times. They have identified a name for the corridor
and the boundaries and discussed perhaps creating a special zone with different standards

2 other than the CG zone. They are in the process of tweaking it and will be presenting it to
4 the council. They plan to use particular uses just for that corridor with a harmonizing
6 architectural theme that will be discussed at next meeting. She also attended the
transportation meeting in Orem and mentioned she received a letter regarding the signage
on 1-15 that she will forward to the council.

8 **Mayor Acerson** – Mayor Acerson was absent from the meeting.

10 **Administrator’s Report:**

Mr. Cowie reported on the following items followed by discussion.

12 **Misc. Updates:**

- 14 • January City newsletter
- 16 • March newsletter article: Jake Hoyt. Article due to Kathy Moosman last week in
February.
- 18 • 2016 Legislative updates
- Public Safety Building: Pre-bid meeting held Jan 28th. Bids due Feb 11th
- 20 • Public Works Director Vacancy after Don Peterson’s retirement in April.
- Misc. Items

22 **Upcoming Meetings & Events:**

- 24 • February 9th at noon – Engineering coordination meeting at Public Works. Mayor
Acerson and Councilmember Broderick will attend.
- 26 • February 9th – Planning Commission to review Ivory Development proposal in
public hearing
- 28 • February 11th at 6:00pm. – Budget kick-off meeting. Dinner/work session
- February 15th – City offices closed for Presidents Day
- 30 • March 5th at 6pm – Little Miss Lindon Pageant at Oak Canyon Jr. High School
- March 29th at noon. Budget Committee working lunch meeting

32 Mayor Pro tem Broderick called for any further comments or discussion from the
34 Council. Hearing none he called for a motion to adjourn.

36 **Adjourn –**

38 COUNCILMEMBER POWELL MOVED TO ADJOURN THE MEETING AT
11:50 PM. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

40 Approved – February 16, 2016

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Kathryn Moosman, City Recorder

