

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, July 1, 2014**
at **7:00 p.m.** in the Lindon City Center, City Council Chambers, 100 North State Street,
Lindon, Utah.

4 **REGULAR SESSION** – 7:00 P.M.

6 Conducting: Randi Powell, Mayor Pro Tem
8 Pledge of Allegiance: Hugh Van Wagenen, Planning Director
Invocation: Matt Bean, Councilmember

10 **PRESENT**

12 Randi Powell, Councilmember
Matt Bean, Councilmember
14 Van Broderick, Councilmember
Jacob Hoyt, Councilmember
16 Carolyn Lundberg, Councilmember
Hugh Van Wagenen, Planning Director
18 Cody Cullimore, Chief of Police
Kathryn Moosman, City Recorder

ABSENT

Jeff Acerson, Mayor
Adam Cowie, City Administrator

20 **1. Call to Order/Roll Call** – The meeting was called to order at 7:04 p.m.

22 **2. Presentations/Announcements** –

24 a) **Mayor/Council Comments** – Mayor Pro Tem Powell mentioned that ex
26 Lindon Mayor, Kenneth McMillan, has recently passed away.

28 **3. Approval of Minutes** – The minutes of the regular meeting of the City Council of
30 June 17, 2014 were reviewed.

COUNCILMEMBER BRODERICK MOVED TO APPROVE THE MINUTES
32 OF THE MEETINGS OF JUNE 17, 2014 AS AMENDED. COUNCILMEMBER
HOYT SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

40 **4. Consent Agenda** – No items.

42 **5. Open Session for Public Comment** – Mayor Pro Tem Powell called for any public
44 comment not listed as an agenda item. Frank Anderson addressed the Council at this
time. Mr. Anderson announced that the postponed “Lindon Hero’s Gala” has a
46 tentative date of Saturday, October 4, 2014 and will be held at the Community

Center. He noted a community kick-off will start August 25th and will run through September 12th. He noted at this point they have three sponsors lined up to handle the publicity. Mr. Anderson stated their goal is to raise \$12,000 for the CERT Emergency Police Vehicle. Mayor Pro Tem Powell commented that she appreciates Mr. Anderson's efforts and asked him to keep the Council updated. Mr. Anderson also asked the Council for permission to put a banner outside of the Community Center to promote the Gala. Mayor Pro Tem Powell stated that she will contact the City Administrator regarding the banner.

Mayor Pro Tem Powell called for any further public comments or questions in the open session. Hearing none she moved on to the next agenda item.

CURRENT BUSINESS

- 6. Public Hearing– *Ordinance Amendment, MC Landscaping and Size Requirements.*** City staff requests approval of Ordinance #2014-10-O, and amendment to LCC 17.05.060 and 17.05.080 modifying landscaping and minimum zone size requirements in the Mixed Commercial (MC) Zone. The Planning Commission recommended approval.

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

Hugh Van Wagenen, Planning Director, gave a brief summary of this city initiated agenda item stating that City staff requests approval of Ordinance #2014-10-O, an amendment to LCC 17.05.060 and 17.05.080 modifying landscaping and minimum zone size requirements in the Mixed Commercial (MC) Zone. The Planning Commission recommended approval.

Mr. Van Wagenen then presented an overview stating the landscaping requirements along frontage roads in the mixed commercial (MC) zone refer to required landscape strips but do not give specifics regarding the strip itself. He noted this update will provide clarification regarding the size and potential landscaping options within the required landscape strip. He explained the amendment also brings the MC zone requirements into conformance with the CG and LI zone landscape strip requirements.

Mr. Van Wagenen further explained that amending the minimum MC zone size from the 30 minimum acre (which is a little bit restrictive) to 10 (approved by the Commission) acres will give the City greater flexibility in rezoning the property that may be suitable for the flex office/warehousing space that is in high demand. He added the MC zone also provides transition opportunities between commercial and other uses that may enhance areas that buffer these commercial corridors.

Mr. Van Wagenen pointed out that after review the Planning Commission recommended approval of the ordinance amendments in a 4-0 vote. He noted that during the meeting, they recommended the minimum zone acreage change from the staff suggested 15 acres to 10 acres. He noted this decision was based on recent MC zone site plan concepts on 5-10 acre parcels and increases flexibility in applying the zone. Mr. Van Wagenen noted that staff has no concerns with the recommended change from the

2 Planning Commission. Mr. Van Wagenen then referenced the proposed changes to LCC
17.50.060 and LCC 17.50.080 followed by some general discussion.

4 Mayor Pro Tem Powell asked if this action is needed to add clarification from
section to section and general ordinance housekeeping. Mr. Van Wagenen confirmed this
6 city initiated action is just to clean the ordinance up. Mayor Pro Tem Powell and
Councilmember Lundberg pointed out several grammatical errors in the document. There
was then some general discussion regarding this agenda item.

8 Mayor Pro Tem Powell called for any public comments or any further comments
or questions from the Council. Hearing none she called for a motion.

10
12 COUNCILMEMBER HOYT MOVED TO APPROVE THE AMENDMENTS
TO LINDON CITY CODE 17.50.060 AND LINDON CITY CODE 17.50.080 AS
14 PRESENTED IN ORDINANCE #2014-10-O SUBJECT TO THE GRAMMATICAL
CHANGES AS DISCUSSED. COUNCILMEMBER BEAN SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER POWELL AYE
17 COUNCILMEMBER BEAN AYE
18 COUNCILMEMBER BRODERICK AYE
19 COUNCILMEMBER HOYT AYE
20 COUNCILMEMBER LUNDBERG AYE
THE MOTION CARRIED UNANIMOUSLY.

22
24 **7. Public Hearing** – *General Plan Amendment, Approx. 750 N 2800 W.* Ed Daley of
National Packaging Innovations requests a General Plan map Amendment to change
26 the General Plan designation of Utah County Parcel #13:063:057 (located at
approximately 750 North 2800 West) from Commercial to Mixed Commercial. The
28 applicant intends to establish h office/warehousing uses on the site. The Planning
Commission recommended approval by Ordinance #2014-11-O.

30 Mr. Van Wagenen led the discussion by explaining Ed Daley of National
Packaging Innovations (who was in attendance) is requesting a General Plan map
32 Amendment to change the General Plan designation of Utah County Parcel #13:063:057
(located at approximately 750 North 2800 West) from Commercial to Mixed
34 Commercial. He noted the applicant intends to establish office/warehousing uses on the
site (approximately 5 acres).

36 Mr. Van Wagenen then presented an overview stating the applicant proposes to
develop the parcel with a site configuration similar to the site plan concept in attachment
38 #4 (included in the packets). He explained the structures' architectural design will be
similar to the structures portrayed in attachment #5 (included in the packets). He further
40 explained the complex will likely serve businesses that require office/warehousing space
in which light assembly, packaging, and shipping activities will occur. Mr. Van Wagenen
42 noted the applicant's proposed use is not allowed in the CG zone, but it is in the MC
zone; consequently, the applicant requests that the lot be rezoned to the MC zone. Mr.
44 Van Wagenen explained that City Code requires that any zone change must be consistent
with the City's General Plan Designation. Mr. Van Wagenen went on to say that the
46 General Plan mirrors the current zoning, so the applicant is requesting that the General

2 Plan designation be changed to permit the zone change and allow their proposed use. Mr.
3 Van Wagenen commented that the Planning Commission recommended approval of the
4 request with a 4-0 vote.

5 Mr. Van Wagenen then presented the findings of fact as follows:

- 6 1. The General Plan currently designates the property under the category of
7 Commercial. This category includes retail and service oriented businesses, and
8 shopping centers that serve community and regional needs.
- 9 2. The applicant requests that the General Plan designation of the property be
10 changed to Mixed Commercial, which includes most uses in the General
11 Commercial designation, as well as light industrial and research and business
12 uses.

13 Mr. Van Wagenen then presented the analysis as follows:

- 14 1. Relevant General Plan policies to consider in determining whether the requested
15 change will be in the public interest:
 - 16 a. It is the purpose of the commercial area to provide areas in appropriate locations
17 where a combination of business, commercial, entertainment, and related
18 activities may be established, maintained, and protected.
 - 19 b. Commercial use areas should be located along major arterial streets for high
20 visibility and traffic volumes.
 - 21 c. The goal of commercial development is to encourage the establishment and
22 development of basic retail and commercial stores which will satisfy the ordinary
23 and special shopping needs of Lindon citizens, enhance the City's sales and
24 property tax revenues, and provide the highest quality goods and services for area
25 residents.
 - 26 i. Objectives of this goal are to:
 - 27 1. Expand the range of retail and commercial goods and services
28 available within the community.
 - 29 2. Promote new office, retail, and commercial development along
30 State Street and 700 North.
 - 31 d. Applicable city-wide land use guidelines:
 - 32 i. The relationship of planned land uses should reflect
33 consideration of existing development, environmental conditions,
34 service and transportation needs, and fiscal impacts.
 - 35 ii. Transitions between different land uses and intensities should be
36 made gradually with compatible uses, particularly where natural or
37 man-made buffers are not available.
 - 38 iii. Commercial and industrial uses should be highly accessible,
39 and developed compatibly with the uses and character of
40 surrounding districts.

41 Mr. Van Wagenen then referenced the General Plan Map Amendment, Aerial
42 photos of the proposed area to be re-classified, photographs of the existing site, the
43 conceptual site plan, the conceptual architectural renderings and the CG to MC Land Use
44 Comparison followed by some general discussion.
45
46

2 Mayor Pro Tem Powell invited the applicants forward at this time. Mr. Daley
summarized the basis of the application by stating they feel this is a good transitional use
4 of the property that does compromise the commercial uses to the south intersection. He
noted they recognize that this is some of Lindon's prime ground and they will do what
they can to help protect that. Councilmember Lundberg asked if they will be leasing the
6 units. The applicant stated they will be owner occupied. Mayor Pro Tem Powell
commented that she appreciates the new design philosophy of putting the bay doors back
8 to back. Mr. Daley commented that they tried to minimize the view off of the freeway
and confirmed they will have signage on the building. Mr. Van Wagenen then gave a
10 historical background of the area for the Council's information. Councilmember Bean
commented that based on what this is, and the area around it, this could take away an
12 opportunity for the city for commercial development. Councilmember Lundberg asked
for clarification of what their company does. Mr. Daley stated they are a full-line
14 packaging distributor that supports a lot of multi-level marketing companies. He noted
they currently have 13 employees. Mr. Daley mentioned an issue with the neighboring
16 property with unsightly debris on the back of their building. Mayor Pro Tem Powell
stated that there are ordinances for these issues and to follow up with Mr. Van Wagenen
18 with any concerns or issues. Mayor Pro Tem Powell inquired if the proposed colors will
be more aesthetically warmer than what is shown. Mr. Daley confirmed the colors will
20 be warmer and will look nice.

22 Following some additional discussion, Mayor Pro Tem Powell called for any
further comments or questions from the Council. Hearing none she called for a motion.

24 COUNCILMEMBER BRODERICK MOVED TO APPROVE THE
APPLICANT'S REQUEST TO CHANGE THE GENERAL PLAN LAND USE MAP
26 DESIGNATION OF THE LOT IDENTIFIED BY UTAH COUNTY PARCEL
#13:063:0057 FROM COMMERCIAL TO MIXED COMMERCIAL, ACCORDING TO
28 ORDINANCE #2014-11-O. COUNCILMEMBER HOYT SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

30 COUNCILMEMBER POWELL AYE
COUNCILMEMBER BEAN AYE
32 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER HOYT AYE
34 COUNCILMEMBER LUNDBERG AYE
THE MOTION CARRIED UNANIMOUSLY.

36
38 **8. Public Hearing:** *Zone Map Amendment, Approx. 750 N 2800 W.* Ed Daley of
National Packaging Innovations requests a Zone Map Amendment to change the
40 zoning designation of Utah County Parcel #13:063:057 (located at approximately
750 North 2800 West) from General Commercial A8 (CG-A8) to Mixed Commercial
42 (MC). The applicant intends to establish h office/warehousing uses on the site. The
Planning Commission recommended approval by Ordinance #2014-12-O.

44 Mr. Van Wagenen presented an overview stating the applicant, Mr. Daley,
proposes to develop the parcels with a site configuration similar to the attached site plan
46 concept in the previous item. He noted the structures' architectural design will be similar

2 to the structures portrayed in attachment #4 in the previous item (just approved). He
4 noted the complex will likely serve businesses that require office/warehousing space in
6 which light assembly, packaging, and shipping activities will occur. Mr. Van Wagenen
8 stated the applicant's proposed use is not allowed in the CG-A8, but it is in the MC zone,
and consequently, the applicant requests that the lot be rezoned to the MC zone, subject
to approval of a supporting General Plan Map Amendment. He noted the Planning
Commission recommended approval of the request with a 4-0 vote. He commented that
this action will allow the applicant to move ahead with the site plan.

10 Mr. Van Wagenen then presented the Findings of Fact as follows:

- 12 1. The current general plan designation does not permit the subject lots to be
14 rezoned from CG to MC. This item is contingent upon the approval, by the City
Council, of the previous item involving the General Plan designation of the lot.

14 Mr. Van Wagenen then presented the Analysis and Conclusions as follows:

- 16 • Subsection 17.04.090(2) of the Lindon City Code establishes the factors to review
18 when considering a request for a zone change. The subsection states that the
"planning commission shall recommend adoption of a proposed amendment only
20 where the following findings are made:
 - 22 ○ The proposed amendment is in accord with the master plan of Lindon
City;
 - 24 ○ Changed or changing conditions make the proposed amendment
reasonably necessary to carry out the purposes of the division."
- 26 • 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 City where
commercial and service uses may be located."
- 28 • The purpose of the Mixed Commercial Zone is to "provide areas in appropriate
30 locations where low intensity light industrial (contained entirely within a
building), research and development, professional and business services, retail
and other commercial related uses not producing objectionable effects may be
32 established, maintained, and protected.

34 Mr. Van Wagenen then referenced the Zoning Map Amendment Language and
36 directed the Council to reference the previous items for other relevant documents.

38 Councilmember Lundberg commented that the Council likes the concept brought
40 before them by the applicant but is not so sure they would like any concept that is
allowed in the mixed commercial zone. She further commented that without having
42 security on the property that they own the property that perhaps the Council should
consider that the zone change be contingent upon ownership, and if they don't acquire
44 ownership it falls back to a commercial zone. Mr. Van Wagenen stated that is a
possibility, but it could also be monitored by staff, and if it didn't change hands staff
could bring it back before the Council.

46 Councilmember Lundberg voiced her concerns that once it is rezoned someone
else could come before the Council with a whole different concept that they would not

2 particularly like without the wherewithal to deny things that fall within that zone; all
contingencies should be looked at. Mr. Van Wagenen stated that it could be contingent
4 with ownership and if it changes hands there is a 30 day time period before the ordinance
is codified. Councilmember Bean commented that any parcel can change hands at any
6 time in a zone. Mr. Van Wagenen stated that he will check with the City Attorney from a
legal standpoint. There was then some discussion regarding time frames on initiating the
8 project and moving forward. The applicant stated if the sale falls through within 30 days
they will let staff know and they will know fairly soon.

10 Councilmember Bean commented then the Council could make their own
decision and if they make the contingency part of the motion that the applicant notify
12 staff regarding the ownership. Mr. Van Wagenen stated that this is one way to monitor
this but if there is a change a city initiated re-zone could be facilitated. He noted once the
14 building is established there, and if National Packaging moves elsewhere, the building
will be there and anything allowed in a mixed commercial zone will be an allowed use.
16 Mr. Van Wagenen suggested, if this is a concern, to have staff keep in contact with the
applicants, and if the sale falls through to let staff know to get the change as an agenda
item at the next City Council meeting.

18 At this time Mayor Pro Tem Powell called for any public questions or comments.
Hearing none she called for a motion to close the public hearing.

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

24
26 Mayor Pro Tem Powell called for any further comments or questions from the
Council. Hearing none she called for a motion.

28 COUNCILMEMBER BEAN MOVED TO APPROVE THE APPLICANT'S
REQUEST TO CHANGE THE ZONING DESIGNATION OF THE LOT IDENTIFIED
30 BY UTAH COUNTY PARCEL #13:063:0057 FROM GENERAL COMMERCIAL A8
(CG-A8) TO MIXED COMMERCIAL (MC), ACCORDING TO ORDINANCE #2014-
32 12-O WITH THE CONDITION THAT THE APPLICANT HAS AGREED TO NOTIFY
THE CITY IN CASE THE PROPERTY IS NOT TRANSFERED AS EXPECTED.

34 COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

36 COUNCILMEMBER POWELL AYE

COUNCILMEMBER BEAN AYE

38 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER HOYT AYE

40 COUNCILMEMBER LUNDBERG AYE

THE MOTION CARRIED UNANIMOUSLY.

42 **9. COUNCIL REPORTS:**

44 **Councilmember Powell** – Councilmember Powell reported that she attended the ribbon
46 cutting for the new “Forever Green” business with Councilmember Broderick,

2 Councilmember Lundberg and Mayor Acerson (who did a great job speaking at the
event), and noted this business will be a good asset to the City. Councilmember Powell
4 also reviewed the Lindon Days assignments followed by some lengthy discussion.
Following discussion it was agreed to come to the next meeting with ideas for
6 councilmember shirts and a parade route vehicle.

8 **Councilmember Bean** – Councilmember Bean reported that he and Councilmember
Lundberg met today with a representative of one potential developer for the 700 north
10 corridor. Councilmember Bean commented that he would hope, as a Council that we
consider looking at the corridor again and continue down that road. Councilmember Bean
also reported they are looking at some replacements on the Planning Commission.

12 **Chief Cullimore** – Chief Cullimore reported that they have collected a dozen flags for
14 the upcoming Flag Retirement Ceremony to be held during Lindon Days. He also
reported on the recent Mayors Open House held at the Fieldstone Development. Chief
16 Cullimore also reported on the issue of the swallows in the ditch at Fieldstone and noted
that they are a protected species so they can't harm the birds. They will need a permit
18 from the US Fish and Wildlife to try to remove them. Chief Cullimore reported that the
final report on Josh Boren is complete. He noted that the Media has filed GRAMA
20 requests. The reports show the investigation is complete and they will have sit down
interviews with the media; the Police Department has no concerns about the procedures
22 that were followed. Chief Cullimore commented that if there are any inquiries to refer
them to him.

24 Chief Cullimore also reported that it was a good collaboration of police work that
solved the AmBank robberies with a cooperative effort with the Utah County Sherriff's
26 Department. He noted they are preparing charges to charge the suspects federally. He
noted it was very fortunate that no one was hurt worse in these incidents. Chief Cullimore
28 also complimented his department for their diligent efforts in solving the crime.

30 **Councilmember Hoyt** – Councilmember Hoyt passed out the NUVAS report (North
Utah Valley Animal Shelter) of the assessment for the past fiscal year for the Councils
32 review.

34 **Councilmember Broderick** – Councilmember Broderick reported that Matt McDonald
is willing to be a representative on the Planning Commission and asked if the potential
36 representative are interviewed. Mr. Van Wageningen commented that they do not interview
in a formal way but look at geographic locations as to have a fair representation of the
38 city. Mr. Van Wageningen noted that he will contact Mr. McDonald.

40 **Councilmember Lundberg** – Councilmember Lundberg reported that the Fryer Park
path is complete. She noted that she talked to some of the neighbors and the contractor
42 did a great job and did extra work on some adjacent private property and kept the
worksite clean and they should be commended. Councilmember Lundberg reported that
44 she also attended the "Forever Green" grand opening and commented that they are a
potential good community partner and they have turned the building into a nice use.
46 Councilmember Lundberg also reported that Judy Johns, Lindon resident, would like the

option to purchase a cremated size plot vs. a full plot. She inquired if the City has ever considered having a section of the cemetery designated for cremation, which would use less space; currently we don't accommodate that. She also mentioned the letter sent today from Mr. Arnoff and noted that he made some valid points. Councilmember Lundberg commented that she and Councilmember Bean met today with David Adams, a broker who represents a group of investors who owns 42 acres on 700 north. She noted that Mr. Adams is in alignment with what the city's vision is and he would like to bring a higher end development to the corridor. They also discussed some of the visions the city has for the area and they want to pursue and to get the Council on board. She noted they have a 3 to 5 year plan and they are willing to not "piece mill". There was then some lengthy discussion regarding the 700 north corridor development.

Mayor Acerson – Mayor Acerson was absent from the meeting.

Administrator's Report:

Mr. Van Wagenen reported on the following items:

Misc Updates:

- June City newsletter is online
- Project Tracking List
- Reminder of Fireworks restrictions. Restriction maps are available on the city website home page
- Mayor's Open House – Great turn-out in the Fieldstone neighborhood
- Jeff W. code compliance update
- Impact fee studies – updates needed. Getting cost estimates from finance and engineering consultants
- Employee performance evaluations, compensation, and benefit study. Outline of expected process.
- Eagle project planned for new flag pole at Fire Station house property
- UTOPIA/UIA Board meeting updates
- Misc. Items: Landfill report from Jerald Hatch; Bicycle/Pedestrian master plan update; Tithing Office variance

Upcoming Meetings & Events:

- Newsletter Assignment: Councilmember Bean – July newsletter article. *Due by last week in June.*
- June 30th at Dusk. Movies in the Park. Meadow Park (1700 W 500 N)
- July 16th at Dusk. Movies in the Park. Creekside Park (100 S 600 W)
- Aug 4th – 9th: Lindon Days festival.
- Aug 5th at Dusk – Movies in the Park. City Center Park (200 N State)
- Sept 5th at Dusk – Movies in the Park. Citizenship Park (500 N 800 E)

Future Items:

- Recycling program updates
- Employee Policy Manual updates

- Performance evaluations, compensation, and benefit studies
- Impact Fee and Utilities rate studies
- Economic Development plan/policies

2

4

Mayor Pro Tem Powell called for any further comments or discussion from the Council. Hearing none she called for a motion to adjourn.

6

8 **Adjourn** –

10

COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING AT 9:00 P.M. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

12

14

Approved – July 15, 2014

16

18

Kathryn Moosman, City Recorder

20

22

24

Randi Powell, Mayor Pro Tem