

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **November 25, 2014 at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100  
4 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

7 Conducting: Sharon Call, Chairperson  
8 Invocation: Bob Wily, Commissioner  
9 Pledge of Allegiance: Andrew Skinner, Commissioner

10 **PRESENT**

11 Sharon Call, Chairperson  
12 Bob Wily, Commissioner  
13 Mike Marchbanks, Commissioner  
14 Rob Kallas, Commissioner  
15 Andrew Skinner, Commissioner  
16 Hugh Van Wagenen, Planning Director  
17 Jordan Cullimore, Associate Planner  
18 Kathy Moosman, City Recorder

10 **ABSENT**

11 Matt McDonald, Commissioner

19 Special Attendee:

20 Matt Bean, Councilmember

- 21
- 22
- 23
- 24 1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.
- 25
- 26 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of November 11,  
27 2014 were reviewed.

28

29 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES  
30 OF THE REGULAR MEETING OF NOVEMBER 11, 2014 AS WRITTEN.  
31 COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED  
32 IN FAVOR. THE MOTION CARRIED.

33 3. **PUBLIC COMMENT** –

34

35 Chairperson Call called for comments from any audience member who wished to  
36 address any issue not listed as an agenda item. Val Killian addressed the Commission at  
37 this time. Mr. Killian stated he is here to stand for the purpose of launching his objection  
38 to the Commission’s approval of the minutes from November 11, 2014 Planning  
39 Commission meeting, wherein they have approved the application made by the  
40 Reflections Recovery Center. He noted that he realizes this application has been  
41 approved but he would like the minutes to reflect that his objection has been made for the  
42 purposes of preserving our objections on the record to all administrative remedies and to  
43 notify the Commission that he will be appealing this decision. Chairperson Call called for  
44 any other public comment. Hearing none she moved on to the next agenda item.

45 **CURRENT BUSINESS** –

2 4. **Conditional Use Permit:** *Planet Power Toys, 165 South State Street.* Lynn Clingo  
4 of Planet Power Toys, LLC requests approval of a conditional use permit to operate a  
6 licensed dealer for sales and service of automobiles, boats, RVs, adult and youth  
ATVs and UTVs, scooters, dirt bikes and motorcycles at 165 South State Street in the  
General Commercial (CG-A) zone.

8 Jordan Cullimore, Associate Planner, opened the discussion by giving a brief  
overview of this agenda item. He explained this is a request Lynn Clingo of Planet  
10 Power Toys, LLC who is requesting approval of a conditional use permit to operate as a  
licensed dealer for sales and service of automobiles, boats, RVs, adult and youth ATVs  
12 and UTVs, scooters, dirt bikes and motorcycles at 165 South State Street in the General  
Commercial (CG-A) zone. He stated that Planet Power Toys has operated in Lindon for a  
14 number of years off of 200 South, in the Light Industrial zone, and they are looking to  
relocate to 165 South State Street (the vacant Diamond Glass building) located in the  
16 General Commercial zone.

18 Mr. Cullimore then gave some background stating the applicant's uses are  
classified in Lindon City's Standard Land Use Table as the following:

- 20 a) Motorcycles, Personal ATV, Personal Water Craft, & Snowmobile,  
Sales and Service (Conditionally Permitted Use)
- 22 b) Used Cars/Trucks – Used Vehicle Sales Lots (Permitted Use)
- c) Marine Craft & Accessories (Conditionally Permitted Use)

24 Mr. Cullimore then presented the analysis referencing applicable laws and standards  
for review as follows:

- 26 • State Code defines a conditional use as "a land use that, because of its unique  
28 characteristics or potential impact on the municipality, surrounding neighbors, or  
adjacent land uses, may not be compatible in some areas or may be compatible  
30 only if certain conditions are required that mitigate or eliminate the detrimental  
impacts."
- 32 • Section 10-9a-507 of the State Code requires municipalities to grant a conditional  
use permit "if reasonable conditions are proposed, or can be imposed, to mitigate  
34 the reasonably anticipated detrimental effects of the proposed use in accordance  
with applicable standards." Once granted, a conditional use permit runs with the  
land.
- 36 • State Code further provides that a conditional use permit application may be  
denied only if "the reasonably anticipated detrimental effects of a proposed  
38 conditional use cannot be substantially mitigated by the proposal or the  
imposition of reasonable conditions to achieve compliance with applicable  
40 standards." Utah Code § 10-9a-507.
- 42 • Additionally, the Lindon City Code provides that a conditional use may be denied  
when:
  - 44 o Under circumstances of the particular case, the proposed use will  
be detrimental to the health, safety, or general welfare of persons  
residing or working in the vicinity, or injurious to property or  
46 improvements in the vicinity, and there is no practical means

available to the applicant to effectively mitigate such detrimental effects;" or,

- o "The applicant cannot or does not give the Planning Commission reasonable assurance that conditions imposed incident to issuance of a conditional use permit will be complied with."

Mr. Cullimore noted some items to consider is that the applicant has entered into an agreement with the property owner to the south, the Orval and Vonda Skousen) to use the vacant, undeveloped parcel as additional display area for the business. In March 2007, the owners of the undeveloped parcel entered into an agreement with Lindon City to install the required 20' landscaped strip along the State Street frontage. The landscaping was never installed and stated this requirement should be included as a condition of approval. Mr. Cullimore also noted the sidewalk along the frontage of the lot is in severe disrepair. The sidewalk will need to be replaced now that the site is being developed.

He further noted the applicant is proposing to surface the display area with gravel. The Code does not require display areas to be paved, but the City Engineer has indicated that the surface should not be one that will easily track onto the public right of way because of pollution and safety concerns. He stated the City Engineer recommends, as a condition of approval, that the applicant surface the display area with material that will not track material or debris from the site onto the public right of way. Other than that issue he had no other concerns.

Mr. Cullimore stated the business will have 3-4 employees on site during business hours. He added the code requires the business to provide access to eight parking spaces, one of which must be an accessible space. Currently, the location of parking spaces is difficult to identify on the site. Mr. Cullimore stated the Commission may consider, as a condition of approval, requiring the applicant to repaint lines for the required number of parking spaces. Mr. Cullimore explained that the Commission may also consider inventory storage and display locations because of the size and bulk of the RV's and boats etc. Mr. Cullimore then presented an aerial photo of the site along with additional photographs of the site, the business proposal, proposed site plan and floor plan followed by some general discussion. Mr. Cullimore invited the applicant to address the Commission at this time.

Mr. Clingo, representing Planet Power Toys, addressed the Commission at this time. He explained that Planet Power Toys has been in operation in since 2006 with the last five years being located in Lindon as a licensed dealer for sales and service of automobiles, boats, adult and youth ATV's and UTV's as well as scooters, dirt bikes and motorcycles. Mr. Clingo further stated it is their desire to continue this business at the proposed new location at 165 South State Street in Lindon. He added they have four fulltime employees for sales, service and office duties. He noted the area has been cleaned up and looks considerably better. He stated they will be having more discussion with the Skousen's regarding their agreement regarding use of their yard. There was then some general discussion regarding this agenda item including the parking location and storage of the larger vehicles and parking. Mr. Cullimore reminded the Commission that a Conditional Use Permit runs with the land. Commissioner Kallas mentioned his concerns that this proposal is vague and there are issues with landscaping, with the sidewalk needing repair, no asphalt and issues with a piece of property. He voiced his concerns that they are asking for approval of a Conditional Use Permit with all these



2 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S  
3 REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A VEHICLE  
4 DEALERSHIP LOCATED AT 165 SOUTH STATE STREET IN THE GENERAL  
5 COMMERCIAL (CG-A) ZONE WITH THE FOLLOWING CONDITIONS: 1. STAFF  
6 ENSURES THAT THE LANDSCAPING MEETS THE STANDARDS ON THE  
7 EXISTING BUILDING AND 2. THE SIDEWALKS MEET THE STANDARDS AND  
8 3. THE PARKING LOT IS STRIPED TO IDENTIFY THE PROPER NUMBER OF  
9 STALLS (ADA AND REGULAR STALLS) FOR THE OPERATION AND 4. THE  
10 SOUTH PARCEL BE ALLOWED TO BE USED AS AN OVERFLOW LOT UNTIL  
11 SUCH TIME AS THEY CAN DETERMINE WHETHER THEY ARE GOING TO USE  
12 IT OR NOT, AND IF THAT DETERMINATION IS MADE THEY RETURN BY  
13 APRIL 30, 2015 WITH A REQUEST TO ADD THIS TO THE CONDITIONAL USE  
14 PERMIT AND A PLAN TO SEE THAT THE LANDSCAPING, SIDEWALK AND  
15 ALL OTHER CONDITIONS LISTED BY STAFF BE MET AND 5. THE LARGER  
16 RV'S AND BOATS BE DISPLAYED IN THE REAR PORTION OF THE LOT NO  
17 CLOSER TO THE STREET THAN IN THE CURRENT LOCATION IN THE BACK  
18 OF THE EXISTING BUILDING. COMMISSIONER MARCHBANKS SECONDED  
19 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

20 CHAIRPERSON CALL AYE  
21 COMMISSIONER WILY AYE  
22 COMMISSIONER KALLAS AYE  
23 COMMISSIONER MARCHBANKS AYE  
24 COMMISSIONER SKINNER AYE  
25 THE MOTION CARRIED UNANIMOUSLY.

26 5. **Public Hearing** – *Ordinance Amendment, LCC 17.72 Care Facility Overlay*. Russ  
27 Watts of Watts Enterprises proposes an amendment to Lindon City Code (LCC)  
28 17.72, Care Facility Overlay, to allow additional, related occupants in some rooms.  
29 The proposed amendment would raise the total allowable occupancy to a large care  
30 facility from 90 to 105 residents. Recommendations will be made to the city Council  
31 at the next available meeting after Planning Commission review.

32 COMMISSIONER MARCHBANKS MOVED TO OPEN THE PUBLIC  
33 HEARING. COMMISSIONER WILY SECONDED THE MOTION. ALL PRESENT  
34 VOTED IN FAVOR. THE MOTION CARRIED.

35  
36  
37 Mr. Cullimore opened this discussion by giving a brief overview of this agenda  
38 item. He explained this is a request by Russ Watts of Watts Enterprises who is proposing  
39 an amendment to Lindon City Code (LCC) 17.72, Care Facility Overlay, to allow  
40 additional, related occupants in some rooms. He noted this proposed amendment would  
41 raise the total allowable occupancy to a large care facility from 90 to 105 residents. He  
42 added that recommendations will be made to the city Council at the next available  
43 meeting after Planning Commission review tonight.

44 Mr. Cullimore explained Mr. Watts is requesting an amendment to the definitions  
45 section of the Care Facility Overlay Zone. He explained that in the coming months, the  
46 applicant will present to the Commission a site plan for approval of an assisted living  
47 facility at approximately 700 North and 800 West, which is in the General Commercial

2 (CG) zone. Currently, the Lindon City Code allows assisted living facilities to  
3 accommodate up to 90 residents that require assistance with daily living activities. Mr.  
4 Cullimore stated the applicant would like to provide accommodations for up to 15  
5 additional residents who are related to the facility residents, but that do not require care  
6 themselves. He noted that currently, the Code does not permit such living arrangements.

7 He further explained the proposed amendment keeps the maximum number of  
8 residents requiring care in a large care facility at 90, but increases the overall allowable  
9 occupancy of a large care facility to accommodate up to 15 additional live in residents, as  
10 long as they are relatives of, and live with, the care facility patients. Their business model  
11 is that they provide care for individuals and also accommodations for spouses or other  
12 related family members that will reside in the same room. Mr. Cullimore then presented  
13 the proposed amendment, the applicant's submitted request and photos of their Heber  
14 City facility followed by some general discussion.

15 Commissioner Marchbanks asked if the current code has changed and if the intent  
16 of the smaller facility (3-16) could be located in a residential area. Mr. Cullimore stated  
17 the ordinance does not allow these facilities to be located in a residential area, even the 3-  
18 16 person facilities. Commissioner Marchbanks stated that he understood that the  
19 ordinance was created to only allow 16 if in a residential area and inquired when it  
20 changed. Mr. Cullimore stated he is not too familiar with the history of the ordinance but  
21 there are specific requirements between a small facility and a large facility. Mr.  
22 Cullimore stated that issue may be something to "clean up" in the ordinance. There was  
23 then some additional discussion regarding this issue.

24 Russ Watts and Ken Berg were in attendance as representatives of this agenda  
25 item for discussion. Mr. Watts noted it has been their experience that there are situations  
26 where there is a need for family members to reside with their loved ones in assisted care  
27 facilities. Mr. Watts noted they are requesting this change to Chapter 17.72- Care  
28 Facility Overlay of the Lindon City Code. He noted the proposed amendment would  
29 keep the maximum number of rooms in a care facility at ninety (90) but would also allow  
30 for some rooms to be double occupied to let married couples or immediate family  
31 relatives live together, which is a definite growing need in the community.

32 Mr. Watts expressed his appreciation for the Commissioners consideration of this  
33 code amendment. He re-iterated that the demand for assisted care facility  
34 accommodations that allow married couples to live together is growing and will be  
35 needed in this proposed Lindon facility. There was then some additional discussion by  
36 the Commission regarding this requested amendment. The Commission was in agreement  
37 that keeping families together is important and these types of facilities will accommodate  
38 that. Staff noted they have no real concerns with this proposed amendment.

39 Chairperson Call called for any public comments or discussion. Hearing none she  
40 called for a motion to close the public hearing.

41 **COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.**  
42 **COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT**  
43 **VOTED IN FAVOR. THE MOTION CARRIED.**

44  
45 Chairperson Call called for any further comments or discussion. Hearing none she  
46 called for a motion.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE APPLICANT'S REQUEST FOR AN ORDINANCE AMENDMENT TO 17.72.010 AS PRESENTED AND RECOMMEND APPROVAL TO THE CITY COUNCIL.

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

CHAIRPERSON CALL	AYE
COMMISSIONER WILY	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER SKINNER	AYE

THE MOTION CARRIED UNANIMOUSLY.

6. **Minor Subdivision** – *Spring Gardens, approximately 700 North 800 West.* Russ Watts of Watts Enterprises requests preliminary approval of a one (1) lot commercial subdivision including dedication of public right of way, at approximately 700 North 800 West in the General Commercial (CG) zone.

Mr. Cullimore led this discussion by giving a brief overview of this agenda item. He explained this is also a request by Russ Watts of Watts Enterprises for preliminary approval of a one (1) lot commercial subdivision including dedication of public right-of-way, at approximately 700 North 800 West in the General Commercial (CG) zone. Mr. Cullimore then presented the aerial photo of the proposed subdivision, photographs of the existing site, and the preliminary plan followed by some general discussion.

Mr. Cullimore then gave additional background stating this subdivision does not create any new lots. He noted the primary purpose of the subdivision is to dedicate a portion of the lot to Lindon City for required public right-of-way. Mr. Cullimore explained the minimum lot size in the CG zone is 20,000 square feet (.46 acre). The existing lot is 3.14 acres, and the resulting lot after dedication will be 3.13 acres. He noted that staff has determined that the proposed subdivision complies, or will be able to comply before final approval, with all remaining land use standards. He added that the City Engineer is currently addressing engineering standards and all engineering issues will be resolved before final approval is granted. Mr. Cullimore stated this application is pretty straightforward and staff has no major concerns. Chairperson Call stated that it appears this subdivision is in compliance with all requirements.

Chairperson Call called for any further comments or discussion. Hearing none she called for a motion.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE APPLICANT'S REQUEST FOR APPROVAL OF A ONE LOT COMMERCIAL SUBDIVISION WITH NO CONDITIONS. COMMISSIONER WILY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER WILY	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER SKINNER	AYE

THE MOTION CARRIED UNANIMOUSLY.

7. **Major Subdivision** – *Lexington Cove, approximately 650 North Locust Ave.* Jason Brown requests preliminary approval of a nine (9) lot residential subdivision, including dedication of public streets, at approximately 650 north Locust Avenue in the Single Family Residential (R1-20) zone. Recommendations will be made to the City council at the next available meeting after planning commission review.

Mr. Cullimore explained this is a request by Jason Brown who is requesting preliminary approval of a nine (9) lot residential subdivision, including dedication of public streets, at approximately 650 North Locust Avenue in the Single Family Residential (R1-20) zone (known locally as the Fryer piece). He noted that recommendations will be made to the City council at the next available meeting after Planning Commission review tonight.

Mr. Cullimore then gave some background stating this is a request to create nine lots and dedicate a new public street in the Single Family Residential (R1-20) zone. Mr. Cullimore explained the minimum lot size in the R1-20 zone is 20,000 square feet (.46 acre). He noted each lot in the proposed subdivision will satisfy the minimum area requirement. He discussed that staff has determined that the proposed subdivision complies, or will be able to comply before final approval, with all remaining land use standards in LCC 17.32. He noted there is no need to amend the master plan.

Mr. Cullimore then gave the Commissioners a submitted letter from a property owner (Mr. Fowles) for reference. Mr. Cullimore stated as far as code requirements are concerned this is a master planned street and from a city perspective it preserves access and meets the intent. Staff feels all lots meet frontage and area requirements. He added because this is a downhill subdivision there will be an easement for sewer and storm drainage. Commissioner Marchbanks feels this is a pretty straightforward subdivision. Chairperson Call commented that these appear to be very nice lots in this subdivision.

Mr. Cullimore added the City Engineer is addressing engineering issues with the applicant and all engineering issues will be resolved before final approval is granted. Mr. Cullimore then presented an aerial photo of the proposed subdivision, photographs of the existing site and the preliminary plan followed by some general discussion.

Chairperson Call called for any further comments or discussion. Hearing none she called for a motion.

COMMISSIONER MARCHBANKS MOVED TO RECOMMEND APPROVAL OF THE APPLICANT’S REQUEST FOR APPROVAL OF A NINE LOT RESIDENTIAL SUBDIVISION WITH NO CONDITIONS. COMMISSIONER SKINNER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER WILY	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER SKINNER	AYE
THE MOTION CARRIED UNANIMOUSLY.	

8. **Site Plan** – *Kids Village, 200 North State Street*. Ann Whitaker of Kids Village requests site plan approval of a private school on a 1.02 acre site at approximately 200 North State Street in the General Commercial (CG) zone.

Mr. Cullimore led the discussion by giving a brief overview of this agenda item. He explained this is a request by Ann Whitaker of Kids Village who is requesting site plan approval of a private school on a 1.02 acre site at approximately 200 North State Street in the General Commercial (CG) zone (Old Station Square subdivision). Their current location is in Orem off of 1600 North.

Mr. Cullimore then gave some background explaining this is a site plan application for a 21,036 square foot private school that will serve children from Pre-K to third grade. He noted the site is located in the General Commercial (CG) zone. Private primary schools are conditionally permitted in the CG zone. Conditions may be placed on the use if the Commission determines that the use will produce detrimental impacts that need to be mitigated. Mr. Cullimore explained the required parking ratio for K-8 schools is 2 parking stalls per employee. He noted the applicant has indicated that the facility will have 15 employees, which would place the total required number of parking stalls at 30. The site plan proposes 30 stalls to satisfy the parking requirement and two of the stalls will be ADA accessible.

Mr. Cullimore noted that additionally, the Code requires 2 bicycle parking stalls. The site plan currently identifies a concrete bike rack pad, but it does not specify the number of spaces that will be provided. The applicant will need to clarify that at least 2 spaces will be provided.

*He then gave a summary of parking requirements as follows:*

- Vehicle Spaces Required: 30
- Vehicle Space Provided: 30
- Bicycle Spaces Required: 2
- Bicycle Spaces Provided: Likely at least 2 (need clarification)

Mr. Cullimore then referenced the landscaping standards noting subsection 17.48.030(4) requires a 20 foot landscaped berm along public street frontages, of which at least 70% is planted in grass. The Code also requires that trees be planted within the strip every 30 feet on center. The landscaping plan proposes the required landscaped strip, but the proposed materials do not appear to meet the specific Code requirements. Mr. Cullimore stated the Code allows the Planning Commission discretion in approving modifications to the required landscaped strip. The Planning Commission should discuss modifications in light of Subsection 17.48.030(4)(d), which states the following:

*Landscaping requirements concerning berming, trees, and landscape materials can be changed and/or altered (with regard to location and design) upon approval of the Planning Commission at the site plan review stage of an application. No net loss of landscaping should occur with any approved alterations [emphasis added]. Other landscaping layouts consistent with the Lindon Commercial Design Guidelines may also be considered by the Planning Commission.*

2 Mr. Cullimore further explained the interior landscaping must be provided at 40  
4 square feet per required stall. The site has 30 required parking stalls, which will require at  
6 least 1,200 square feet of interior landscaping, exclusive of the required landscaped strip  
8 along street frontage. He noted that staff has requested a breakdown of landscaping  
10 square footage to verify compliance with landscaping requirements. This breakdown was  
not provided before distribution of the staff report. Mr. Cullimore noted the Code  
requires that a minimum of 20% of the lot be maintained in permanent landscaped open  
space. He went on to say compliance with this requirement needs to be verified upon  
receipt of the landscaping square footage breakdown.

12 Mr. Cullimore discussed that Lindon's Commercial Design guidelines, which  
14 govern architectural treatments in the CG zone, identify masonry building materials, such  
16 as brick, stone, and colored decorative concrete block as the preferred primary building  
material; and brick, stone, colored decorative concrete block, stucco, wood/cement fiber  
siding, and timbers as secondary materials. He noted that staff feels this proposal meets  
the Commercial Design Guidelines. There was then some additional general discussion  
regarding this proposed site plan.

18 Mr. Cullimore mentioned that an architect's rendering of the structure and  
20 elevation details are included in the packets. He noted the building materials proposed for  
the exterior of the structure include natural stone veneer, cement fiber board, stucco,  
simulated timber framed members, and cedar shake roofing. He noted it is staff's opinion  
22 that the combination of the proposed materials properly satisfy the building materials  
requirements of the Commercial Design Guidelines. He commented that the City  
24 Engineer is working through technical issues related to the site and will ensure all  
engineering related issues are resolved before final approval is granted. Mr. Cullimore  
26 then presented an aerial photo of the site and surrounding area, photographs of the  
existing site, site plan documents, architectural rendering and elevations and the  
28 landscaping plan followed by additional discussion.

30 The applicant, Ann Whitaker of Kids Village, expressed her appreciation to the  
Commission for their consideration of this proposal noting this will be a nice facility and  
a good addition to Lindon City. Ms. Whitaker's engineer also gave a brief summary of  
32 this site plan and the proposed facility. He also spoke on the architectural rendition and  
the landscaping conditions. He noted a key benefit to this project is that it is connected to  
34 the public trail where they can also utilize the tunnel to get to the park which is a great  
use for this property. There was then some additional discussion regarding the Kids  
36 Village school operations. Commissioner Marchbanks commented that he feels this  
proposed site plan will be a great use at this location and complemented Kids Village as a  
38 great school and a great operation and feels this will be a great addition to the city.

40 Chairperson Call called for any further comments or discussion. Hearing none she  
called for a motion.

42 COMMISSIONER WILY MOVED TO APPROVE THE APPLICANT'S  
44 REQUEST FOR SITE PLAN APPROVAL OF KIDS VILLAGE PRIVATE SCHOOL  
WITH NO CONDITIONS. COMMISSIONER MARCHBANKS SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

46 CHAIRPERSON CALL AYE  
COMMISSIONER WILY AYE

COMMISSIONER KALLAS AYE  
2 COMMISSIONER MARCHBANKS AYE  
COMMISSIONER SKINNER AYE  
4 THE MOTION CARRIED UNANIMOUSLY.

6 9. **Minor Subdivision** – *Pen Subdivision, approximately 400 North Canal Drive.* Pat  
Nelson requests preliminary approval of a two (2) lot residential subdivision at  
8 approximately 400 North Canal Drive in the Single Family Residential (R1-20) zone.

10 Mr. Cullimore explained that Pat Nelson (who is in attendance along with Roger  
Dudley, Engineer) is requesting preliminary approval of a two (2) lot residential  
12 subdivision at approximately 400 North Canal Drive in the Single Family Residential  
(R1-20) zone. He also gave some background stating this subdivision creates two  
14 residential lots out of one currently existing residential lot in the Single Family (R1-20)  
zone. He noted there may be some bearing differences between the proposed plat and  
16 what is existing on Canal Drive. He noted the City Engineer is currently working with the  
applicant to resolve these discrepancies. If discrepancies are identified, the plat may  
18 include dedication of public right-of-way, while currently none is proposed.

Mr. Cullimore presented the analysis stating the minimum lot size in the R1-20  
20 zone is 20,000 square feet (.46 acre) and the existing lot is 1.06 acres. The subdivision  
will create two new lots. Lot 1 will be 23,342 square feet and lot 2 will be 22,907 square  
22 feet in area. He noted that curb, gutter, and sidewalk improvements already exist along  
street frontage. Mr. Cullimore also covered the other requirements explaining the  
24 proposed subdivision identifies an existing shed that, if left in its current position, will not  
comply with residential setback requirements. Mr. Cullimore stated that staff  
26 recommends, as a condition of approval, that the building be either removed or moved to  
comply with existing setback requirements. Mr. Dudley spoke at this time on behalf of  
28 the application. He noted that all issues have been worked out with the city engineer.

Mr. Cullimore added that staff has determined that the proposed subdivision  
30 complies, or will be able to comply before final approval, with all remaining land use  
standards. Mr. Cullimore went on to say the City Engineer is addressing engineering  
32 standards and has no concerns. He noted all engineering issues will be resolved before  
final approval is granted. Mr. Cullimore then presented an aerial photo of the proposed  
34 subdivision, photographs of the existing site and the preliminary plan followed by some  
general discussion. Mr. Cullimore noted there are no recommended conditions that need  
36 to be included in the motion from staff's perspective

Chairperson Call called for any further comments or discussion. Hearing none she  
38 called for a motion.

40 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S  
REQUEST FOR APPROVAL OF A TWO LOT RESIDENTIAL SUBDIVISION WITH  
42 NO CONDITIONS. COMMISSIONER MARCHBANKS SECONDED THE MOTION.  
THE VOTE WAS RECORDED AS FOLLOWS:

44 CHAIRPERSON CALL AYE  
COMMISSIONER WILY AYE  
46 COMMISSIONER KALLAS AYE  
COMMISSIONER MARCHBANKS AYE



2 who live there to promote commercial use as to have a long time visible frontage. He  
4 commented that they do recognize this is a complete change of venue from what this  
6 piece has been designed for and used in the past. They would like to create a community  
8 feel with green space on the west side of State Street that is affordable. They would also  
10 possibly incorporate a splash pad with a clubhouse feel to enhance the green space that  
12 would draw other community members into the surrounding areas. There was then some  
14 additional discussion regarding this concept review.

8 Chairperson Call stated her concerns about possible development on the west side  
10 and noted she has concerns of approving any other high density projects until some other  
12 particular projects are determined. Mr. Hill stated that he knows of the proposed  
14 development and agrees with that statement. He stated this building concept has a lot to  
16 consider and if this would be Lindon's needs for affordable housing. They have found  
18 there is a need and there is a large issue right now that needs the options of new life and  
20 growth and new business potential on the west side. He would propose this concept not to  
22 be as condensed as Pleasant Grove's areas but with green and open space. Mr. Mugerian  
24 stated if you want to live in Lindon you have to buy a home, they would like to give the  
26 opportunities to others to have all the amenities and wonderful things that go in a thriving  
28 community for younger families that are affordable without having to buy a home. He  
30 noted they are proposing a three story not a four story building. Their hope is also to be  
32 considerate to the existing residents in the area. There was then some additional  
34 discussion regarding this concept review.

22 Mr. Mugerian stated they are not looking at sheer numbers for the investors but  
24 for a community environment. It would be managed professionally as to be accountability  
26 which is critical. Mr. Dudley stated the main idea is to get a perception of where Lindon  
28 City feels would be a great place for affordable housing in Lindon to allow residents to  
30 stay close to families; which opportunity is not here now; which is a challenge.  
32 Commissioner Kallas commented the fabric of the city when he moved here 22 years ago  
34 was single family housing on a 1/2 acre lot and he feels most residents still embrace that.  
36 He noted that he hears and understands the comments made tonight but he stated there are  
38 things they may face with this concept. There are a lot of people who are concerned about  
40 Lindon approving too many multi housing units especially those that may be rented and  
42 be transient housing; the Fieldstone development was an attempt to that type of housing  
44 even though it was on smaller lots. He feels there would be resistance.

34 Commissioner Wily agreed that rooftops are needed and helpful in getting a  
36 younger demographic in that area of the city. He noted that he is not opposed to some  
38 higher density housing for the reasons expressed by the applicants, as there are not any  
40 available in the city and to date none have been approved, however there are some in the  
42 concept phase. He would say bring in the concept for more discussion. The applicant  
44 asked if the pushback would come from the older generation and if that would be a  
46 concern and if there is there a common ground that could be met and are there any  
potential ideas that could be presented? Commissioner Kallas stated there was a recent  
development proposal (DR Horton) that was recently rejected by the City Council.  
Commissioner Marchbanks noted he is a lifelong resident and noted the jump from 1/2  
acres to 40-50 per acre is a quantum leap. They are open to future needs and aware of the  
demand in the city but he is not sure that will pencil out. He would like to see something  
in between and not so drastic. Mr. Mugerian stated that is something to consider and they

2 may find some common ground to find some transition. He added that he could see this at  
3 90% capacity after being built within 6 months. There was then some additional general  
4 discussion by the Commission regarding this concept. Chairperson Call commented that  
5 the Commission has given them some feedback and stated that none of the  
6 Commissioners is saying not to bring anything back before the Commission; however,  
7 she did state that she feels there may be some opposition. Commissioner Marchbanks  
8 commented that the property is in high demand for the use that it is already zoned for. He  
9 suggested maybe twin homes or town homes may be a buffer and an option. He noted  
10 there is currently not a zone for what they are proposing. Mr. Hill stated that they  
11 recognize they are treading new waters. At this time, the applicants thanked the  
12 Commission for their input and consideration in this matter.

13 Chairperson Call called for any further comments or discussion. Hearing none she  
14 moved on the next agenda item.

15 **11. New Business (Reports by Commissioners) –**

16 Chairperson Call called for any new business or reports from the Commissioners.  
17 Chairperson Call questioned the comment at the open session. She also asked about  
18 improvements at the recovery facility. Mr. Van Wagenen stated the Reflections facility  
19 has obtained a permit for a residential remodel and regardless of what it becomes all of  
20 the improvements are valid. Chairperson Call also asked when the appeal will be heard.  
21 Mr. Van Wagenen stated it will be on December 16<sup>th</sup> and they can appeal within 10 days  
22 of approval of the minutes. He also noted they need to address specific issues in the  
23 appeal.  
24

25 **12. Planning Director Report–**

26 Mr. Van Wagenen reported on the following items followed by discussion:

- 27 • Mayor's Thanksgiving Dinner – Thursday, Nov. 27 – Contact Kathy  
28 Moosman if you'd like to donate.
- 29 • Lindon Tree Lighting – December 1<sup>st</sup> at 6:00pm
- 30 • CC/PC Joint Work Session with Ivory Homes – December 9<sup>th</sup> at 6:00pm

31  
32 Chairperson Call called for any further comments or discussion. Hearing none she  
33 called for a motion to adjourn.  
34

35 **ADJOURN –**

36 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE  
37 MEETING AT 10:25 P.M. COMMISSIONER MARCHBANKS SECONDED THE  
38 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.  
39

40  
41 Approved – December 9, 2014

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43 \_\_\_\_\_  
44 Sharon Call, Chairperson

45  
46 \_\_\_\_\_  
47 Hugh Van Wagenen, Planning Director