

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
4 **February 24, 2015 at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100  
North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Sharon Call, Chairperson  
Invocation: Rob Kallas, Commissioner  
10 Pledge of Allegiance: Bob Wily, Commissioner

12 <b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>
Sharon Call, Chairperson	Andrew Skinner, Commissioner
14 Rob Kallas, Commissioner	
Mike Marchbanks, Commissioner – arrived 7:53	
16 Bob Wily, Commissioner	
Matt McDonald, Commissioner	
18 Hugh Van Wagenen, Planning Director	
Jordan Cullimore, Associate Planner	
20 Kathy Moosman, City Recorder	

22 **Special Attendee:**  
Matt Bean, Councilmember

- 24
1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.
  - 26 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of February 10,  
28 2015 were reviewed.

30 COMMISSIONER WILY MOVED TO APPROVE THE MINUTES OF THE  
REGULAR MEETING OF FEBRUARY 10, 2015 AS CORRECTED OR AMENDED.  
32 COMMISSIONER MCDONALD SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

34 3. **PUBLIC COMMENT** –

36  
38 Chairperson Call called for comments from any audience member who wished to  
address any issue not listed as an agenda item. There were no public comments.

40 **CURRENT BUSINESS** –

- 42 4. **Conditional Use Permit** – *Happy Valley Derby Darlins, approx. 1922 West 200*  
44 *North.* Charlotte Malan of Happy Valley Derby Darlins requests approval of a  
conditional use permit for roller derby practice facility and game venue at  
approximately 1922 West 200 North in the Light Industrial (LI) zone.

46  
48 Jordan Cullimore, Associate Planner, opened the discussion by giving a brief  
summary of this agenda item. He explained this is a request by Charlotte Malan of

2 Happy Valley Derby Darlins for approval of a conditional use permit for roller derby  
practice facility and game venue located at approximately 1922 West 200 North in the  
4 Light Industrial (LI) zone.

6 Mr. Cullimore then gave some background explaining Ms. Malan proposes to  
operate a roller derby practice facility and game venue at the location identified above.  
He noted that this use is classified under "Roller Skating & Blading" in Lindon's  
8 Standard Land Use Table which is conditionally permitted in the Light Industrial (LI)  
zone. Mr. Cullimore stated the business description is also included in the packets. He  
10 noted that from a zoning perspective they are proposing to do 2 to 4 practices per week  
(mostly after 6 pm) as well as 1 to 2 games per week after 5 pm.

12 Mr. Cullimore then discussed parking noting they have 30 parking stalls on site  
with the potential of overflow parking. He noted that Ms. Malan spoke with Chief  
14 Building Official, Phil Brown today to make sure they adhere to all building code  
requirements. Mr. Brown noted he does not have any concerns from the building side.  
16 They have sufficient bathroom facilities and will not require a sprinkling system.

18 Mr. Cullimore then referenced the applicable laws and standards of review as follows:

- 20 • State Code defines a conditional use as "a land use that, because of its unique  
characteristics or potential impact on the municipality, surrounding neighbors, or  
22 adjacent land uses, may not be compatible in some areas or may be compatible  
only if certain conditions are required that mitigate or eliminate the detrimental  
impacts."
- 24 • 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  
26 the reasonably anticipated detrimental effects of the proposed use in accordance  
with applicable standards." Once granted, a conditional use permit runs with the  
28 land.
- 30 • State Code further provides that a conditional use permit application may be  
denied only if "the reasonably anticipated detrimental effects of a proposed  
32 conditional use cannot be substantially mitigated by the proposal or the  
imposition of reasonable conditions to achieve compliance with applicable  
standards." Utah Code § 10-9a-507.
- 34 • Additionally, the Lindon City Code provides that a conditional use may be denied  
when:
  - 36 ○ "Under circumstances of the particular case, the proposed use will be  
detrimental to the health, safety, or general welfare of persons residing or  
38 working in the vicinity, or injurious to property or improvements in the  
vicinity, and there is no practical means available to the applicant to  
40 effectively mitigate such detrimental effects;" or,
  - 42 ○ "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."

44 Mr. Cullimore then mentioned items to consider as follows:

- 46 • The applicant's business description.
- 48 • The applicant will operate primarily in the evening hours, which will be  
complimentary to the adjacent and surrounding office and industrial uses that  
occur primarily during daytime work hours.

- 2 • The parking ratio for the proposed use is “one (1) per three and one-half) (3 ½)  
4 person capacity in the building or facility, based on maximum use of all facilities  
6 at the same time.”
  - 8 ○ If this were a new site plan tailored specifically to the proposed use, the Code  
10 would require 21 parking spaces for a facility with a 75 person maximum and  
12 43 spaces for a facility with a 150 person maximum.
  - 14 ○ The applicant has indicated that the current site has 30 on-site parking stalls  
available to the use, and the applicant is also proposing that the undeveloped  
portion of the site identified in attachment 6 could be used for overflow  
parking if needed.
- 16 • Staff has conferred with Chief Building Official Phil Brown. Mr. Brown indicated  
18 that there won’t be any unresolvable building code issues created by the use, and  
20 that he will ensure building code compliance before issuing a business license.

22 Mr. Cullimore then referenced an aerial photo of the area and site, photographs of  
24 the site, the business description, proposed site/floor plan and the approved site plan for  
26 previous use followed by discussion. Mr. Cullimore then turned the time over to Ms.  
28 Malan for discussion. Ms. Malan commented that they feel they will be a great addition  
to Lindon.

Chairperson Call mentioned the overflow parking area and asked if it is lawn and  
also if it counts towards the landscaping requirement. Mr. Cullimore stated it is a  
developed site and they have their 20 ft. landscaping buffer and all other landscaping  
requirements are met. Ms. Malan added that the dirt/grass area is not landscaped with  
sod or anything. Chairperson Call commented, per the staff report, there will be no  
increase in light or traffic noise increases but only at certain times. Ms. Malan stated they  
will be there most of the time in the evenings and on Saturdays when the other businesses  
are closed.

Commissioner Wily questioned if they plan to build an oval in the facility and  
also if it is state regulated. Ms. Malan stated there is a flat track on the polished concrete  
floor and they hope to add some bleachers for spectators during game time (within the  
safety distance) noting the rules are set by the governing body and the flat track  
guidelines etc. and they will ensure they are within all safety guidelines. Ms. Malan  
commented the league was founded in 2011 with the league age being 18 and over. She  
noted it is the fastest growing women’s sport in the world and they are really excited to  
be in Lindon. They may add a junior league at a later date but that would not change the  
volume or the parking requirements.

Commissioner Kallas questioned staff what the previous use was and if the site  
was under a conditional use permit. Mr. Cullimore stated the previous use was “Studies  
Weekly” and it was under a conditional use permit. Commissioner Kallas also inquired  
what happens when another conditional use permit is issued to a location and if there are  
two CUP’s associated with the property at that point. Mr. Cullimore confirmed that  
statement adding that it is use specific depending on the use that comes in and the  
conditions that apply. Commissioner McDonald mentioned the business plan that lists  
the 75 participants and 150 spectators (short 13 stalls) and questioned if there are  
sufficient parking stalls. Ms. Malan stated they will use the overflow area (dirt area and  
shoulder) for additional parking and noted she will be checking with the neighboring  
business to work out something with them to use their parking as overflow in the

2 evenings on game nights just in case they need more parking as they do not operate at  
night. Chairperson Call asked if there needs to be a specific on condition on the  
4 additional parking if needed. Mr. Cullimore stated a condition for the additional parking  
could be added up front if the Commission feels it is necessary and if they feel it will be  
6 detrimental to the surrounding uses which would make it a reasonable condition.

8 Mr. Cullimore further stated if there are any complaints or issues regarding  
overflow parking from the adjacent owners, the Commission can review the conditions  
and impose additional conditions if needed. Commissioner Kallas asked Ms. Malan if she  
10 feels she can obtain a permission letter from the adjacent business. Ms. Malan confirmed  
that statement stating because they are a non-profit organization, the only time they  
12 would need the overflow parking would be when they have bouts which will only be  
once or twice a month. Chairperson Call called for any further comments or discussion.  
14 Hearing none she called for a motion.

16 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S  
REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A ROLLER DERBY  
18 PRACTICE FACILITY AND GAME VENUE AT THE LOCATION REQUESTED  
WITH THE CONDITION THAT THE APPLICANT OBTAIN A LETTER FROM THE  
20 ADJOINING PROPERTY OWNER OR BUSINESS ALLOWING THEM TO USE  
PARKING AS AN OVERFLOW SITUATION OR THAT THEY MAKE SOME  
22 ACCOMODATIONS FOR ADDITIONAL PARKING WEST OF THE BUILDING (13  
ADDITIONAL STALLS) WHICHEVER THEY CHOOSE. COMMISSIONER WILY  
24 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
26 COMMISSIONER WILY	AYE
COMMISSIONER KALLAS	AYE
28 COMMISSIONER MCDONALD	AYE

THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

- 30  
32 5. **Home Occupation Permit Review** – *Udall Swim Lesson, approx. 44 South 400*  
34 *East.* The Planning Commission will review the Udall Swim Lesson Home  
occupation permit for compliance with Lindon City Code requirements and consider  
attaching conditions to the business to ensure compatibility with the surrounding  
neighborhood.

36  
38 Mr. Cullimore led this agenda item by giving a brief overview stating the  
Planning Commission will be reviewing the Udall Swim Lesson Home occupation permit  
tonight for compliance with Lindon City Code requirements and they will also consider  
40 attaching conditions to the business to ensure compatibility with the surrounding  
neighborhood.

42 Mr. Cullimore then gave some background stating Ms. Udall has been operating a  
successful swim lesson business under a valid business license from the dwelling located  
44 at 44 South 400 East for many years during the summer months and providing a great  
service to the community. He mentioned the issue is that recently the City has received  
46 some complaints that the business has become too big and popular for the residential  
setting in which it operates. He noted that staff has observed the traffic generated by the  
48 business on multiple occasions and observed 11 vehicles in front of, and across the street

2 from, the dwelling as well as 3 additional vehicles parked around the corner on Center  
Street. Several vehicles were actively loading and unloading children. He noted that it  
4 appears this scenario has been representative of what occurs throughout the day when the  
business is operating.

6 Mr. Cullimore stated Ms. Udall has taken measures to reduce it from last summer  
but the code indicates when complaints are received on a use the Planning Commission  
8 has the authority to attach conditions on home occupations to make it compatible with the  
surrounding location and neighborhood.

10 Mr. Cullimore then referenced the applicable laws and standards of review as follows:

- 12 • Lindon City Code (LCC) subsection 17.04.400(5)(j) states that “all Home  
Occupation permits are reviewable upon written complaint to the Planning  
14 Commission.”
- 16 • When reviewing such complaints, the Code states that the Commission has the  
authority to “attach conditions to a home occupation to make it compatible with  
18 the surrounding neighborhood. If the Planning Commission makes a finding that  
the home occupation is not compatible with the surrounding neighborhood they  
shall have the authority to revoke such permit.”

20 Mr. Cullimore then mentioned items to consider as follows:

- 22 • After receiving complaints about the business, staff requested that the business  
operator submit a business plan showing how they plan to comply with Code  
24 requirements. The submitted business plan is provided in attachment 4.
- 26 • Upon reviewing the business plan, staff determined that it could not comply with  
Home Occupation requirements at the levels described. Staff’s analysis and  
28 recommendations are attached. Consequently, staff scheduled the business  
operator for review by the Planning Commission to consider attaching potential  
conditions.

30 Mr. Cullimore stated staff recommends attaching the following conditions to the Udall’s  
32 Swim Lessons business:

- 34 1. No more than 9 vehicles parked at the residence at any time.
- 36 2. Limit the number of sessions per day to 1 per hour, 8:00am to 6:00pm, with no  
more than 5 students per session.

38 Mr. Cullimore noted that staff feels that the proposed conditions will allow the  
business to continue to operate at a reasonable level without negatively affecting the  
residential character of the neighborhood. Mr. Cullimore then referenced an aerial photo  
40 and photographs of the site, home occupation requirements (LCC 17.04.400), the  
business plan submitted by the applicant for compliance review and staff’s analysis of  
42 applicant’s business description followed by some general discussion.

44 Mr. Cullimore noted that Ms. Udall contacted staff today indicating with the  
residents residing at the home there are potentially 7-9 vehicles at the home in the  
summer months (before any lessons). Mr. Cullimore added with that in mind, if they can  
46 accommodate additional parking the Planning Director would be comfortable with raising  
that recommendation of 9 vehicles to potentially 14 vehicles at any given time if they can  
48 show they can fit the vehicles in front of their house or on the lot. The other condition

2 they would recommend would be to ensure compliance with the 5 vehicles per hour and  
limit the number of sessions per day to 1 per hour 8am-6pm, with no more than 5  
4 students per session which would ensure the amount of vehicles per hour would not be  
exceeded. Ms. Udall commented that they have not advertised their business in over 10  
6 years because they get their business by word of mouth and their reputation and with  
many clients travelling long distances. She mentioned she will be downsizing the amount  
8 of clients and sessions this year (8 students per hour) in order to still be able to make a  
living.

10 Commissioner Kallas questioned if the issue here is the street parking or the  
amount of cars coming to the residence. Mr. Cullimore stated the biggest issue is the  
12 traffic and noted we do not have the discretion to modify that issue. Mr. Cullimore stated  
the only way to modify that would be through an ordinance amendment that would cover  
14 all home occupations in the city and would state that all occupations would go from 5  
vehicles of traffic to 8 vehicles of traffic but that would allow the same accommodations  
16 to all home occupation businesses in residential areas in the city. Mr. Cullimore noted  
that the code allows angled parking on residential streets under permission from the Chief  
18 of Police and the City Administrator. He noted that staff spoke with Chief Cullimore  
who indicated that he is comfortable with the angled parking as long as they are not  
20 extending into the street right of way any further than a paralleled parking vehicle would.

Commissioner McDonald asked if this is coming back before the Commission  
22 because of complaints to impose more specific regulations. Chairperson Call commented  
that it sounds like we don't really have a choice regarding the 5 vehicles of traffic other  
24 than providing an ordinance change that would involve all home occupations.  
Commissioner Wily commented that the City Council would determine that final  
26 decision. Commissioner Kallas asked Ms. Udall if her reason for coming tonight is to  
ask for additional parking per hour. Ms. Udall confirmed that statement.

28 Mr. Cullimore explained that as far as the 5 vehicles are concerned the Director  
feels comfortable accommodating for up to 14 vehicles so Ms. Udall could have her 9  
30 vehicles for the home and an additional 5 vehicles for the business. He re-iterated staff  
has no authority to modify the 5 vehicles per hour. Ms. Udall stated she has changed her  
32 business plan to do 45 minute lessons and to keep the class size small (4 in a class for  
younger children). Mr. Cullimore pointed out that the question is, as far as 5 vehicles per  
34 hour, is if the Commission feels comfortable in every instance if more kids are in the  
classes that it will be limited to 5 people; which could be the additional more specific  
36 condition which would also ensure there wouldn't be more than 5 vehicles.

Commissioner Kallas commented that he feels it should be limited to the number of cars  
38 not students.

At this time, Chairperson Call took a comment from a resident in attendance.  
40 Boyd Walker, neighbor to the property in question, stated he lives across the street from  
the Udall's and he appreciates the family and noted that he does not want to cause any  
42 trouble. He mentioned that this business has gotten bigger over the years and this issue  
has been ongoing. He noted that he has had people parking in front of his mailbox and on  
44 his lawn. He stated the Udall's said they would not have swimming lessons when the  
parents were away on a mission. Mr. Walker noted they didn't have near the trouble with  
46 parking last year. He added that there have been horns honking all day long and it is not  
conducive to a residential area. There is also a rental in the house along with the business

2 which adds more cars. He mentioned that he feels this adds a lot more traffic on the road  
which causes safety issues and he is surprised there hasn't been an accident.

4 Ms. Udall stated that since the first complaint from Mr. Walker they have put up a  
map and sent it out to the clients and cones in front of his house (past 5 years). She noted  
6 the other neighbors have given their permission to park in front of their houses.

8 Chairperson Call expressed her thoughts that the restrictions they are imposing on  
this conditional use permit should reduce the traffic issues along with cutting the amount  
of students in half. Chairperson Call stated she sees the additional conditions as follows:

- 10 1. One class per hour
- 12 2. Not more than 5 cars per hour (which is already a condition in code).

14 Commissioner Kallas stated that there is a reason for the code and for us to put  
limitations as far as how many students per hour seems useless. He went on to say the  
reason for the restriction is to protect the neighbors as long as the car impact is not over  
16 what the code permits. He added that the spirit of the code is if it gets over a certain point  
it is time to move to a commercial location. Chairperson Call commented that she  
18 doesn't want to impose strict restrictions without trying something else first.  
Commissioner McDonald agreed with Commissioner Kallas that the additional  
20 conditions could help and would show an effort, but he thinks the regulation of the 5 car  
per hour needs to be met and needs to fit in the business plan. Chairperson Call stated  
22 that she likes the condition of one session per hour and not more than 5 vehicles  
specifically for the business. She noted if there are any additional complaints and it is not  
24 working then the Commission may need to address this issue again. Commissioner  
Marchbanks commented that the suggested conditions sound reasonable.

26 Beverly Udall, resident in attendance, asked if they will be allowed to have 14  
cars coming and going every hour. She commented that other people park on the street  
28 too not just the residents or the clients. She asked who will be mandating who comes and  
goes at the residence. Chairperson Call stated that mandating who comes and goes is not  
30 the intent.

32 Mr. Van Wagenen commented that they will have to take the business owner's  
word as being honest and responsible and staff will be observing at times and it will not  
be hard to see who is and isn't related to the business. Commissioner Marchbanks  
34 commented that we will surely won't count the residents of the home.

36 Following some additional discussion regarding this issue Chairperson Call called  
for a motion.

38 COMMISSIONER WILY MOVED TO ATTACH THE FOLLOWING  
CONDITIONS TO THE UDALL SWIM LESSONS HOME OCCUPATION PERMIT 1.  
40 NO MORE THAN 5 VEHICLES OF TRAFFIC PER HOUR AND 2. LIMIT THE  
NUMBER OF SESSIONS PER DAY TO 1 PER HOUR, 8:00 AM TO 6:00 PM.  
42 COMMISSIONER MCDONALD SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

44 CHAIRPERSON CALL	AYE
COMMISSIONER WILY	AYE
46 COMMISSIONER KALLAS	NAY
COMMISSIONER MCDONALD	AYE
48 COMMISSIONER MARCHBANKS	AYE

2 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

4 *Commissioner Kallas explained the reason for his nay vote stating that he personally*  
6 *feels if the applicant wants to run two sessions per hour he doesn't have a problem with*  
8 *that however, he does think this is a good motion that addresses the issues in an effort to*  
10 *solve the problem.*

- 12 6. **Item Continued to March 10<sup>th</sup> Planning Commission Meeting** – *Site Plan,*  
14 *Spring Gardens Senior Community, approx. 800 West 700 North.* \*This item has  
16 been continued to the March 10, 2015 Planning Commission Meeting. Russ Watts  
18 of Watts Enterprises seeks site plan approval of an elderly care facility (Spring  
20 Gardens Senior Community) at approximately 700 North 800 West in the General  
22 Commercial (CG) zone. Recommendations will be made to the City Council at  
24 the next available meeting.

Mr. Cullimore noted this agenda item has been continued to the March 10, 2015  
meeting. Chairperson Call called for any comments or discussion. Hearing none she  
moved on the next agenda item.

7. **Concept Review** – *Alan Cutler Twin Homes, approx. 520/530 South 400 West.*  
Alan Cutler requests feedback on a proposal to adopt a PUD ordinance that would  
allow construction of 2 twin homes (4 units total) at 520/530 South 400 West in the  
General Commercial (CG) zone.

Mr. Cullimore led this agenda item by giving a brief overview stating Alan Cutler  
is requesting feedback on a proposal to adopt a PUD ordinance that would allow  
construction of 2 twin homes (4 units total) at 520/530 South 400 West in the General  
Commercial (CG) zone. Mr. Cullimore stated a detailed description of the applicant's  
proposal and a concept site plan are included in the packet. He noted that no motion is  
necessary as this is a concept review only.

Mr. Cullimore then referenced an aerial photo of the land involved in the concept  
review with zoning and photos of the existing lots and the applicant's Proposal &  
Concept Site Plan followed by discussion. He noted there are two legal non-conforming  
lots in question and are 1/4 acre lots and while are zoned general commercial but are  
being marketed as residential lots. He then turned the time over to Mr. Cutler for  
comment.

Mr. Cutler mentioned that he submitted a written explanation to the Commission  
and hoped they had a chance to read it. He noted that the city does not have a PUD  
ordinance in place and he would like to help construct a PUD ordinance to accommodate  
something like this proposed project. Mr. Cutler stated there is a ready market for  
affordable housing like this in Lindon and this is a reasonable idea to consider. He noted  
that the topography of the land is really difficult to design around with a 6' elevation  
change to get from the street up to a building pad level, and with the overall grade change  
24' front to back property line. He added that the homes will be 1,800 square feet and top  
of the line housing in the price rand of \$300,000. There will also be unobstructed  
beautiful views both east and west. He added that the plan takes advantage of the lots  
topography and views while disturbing the grade change over the full two lots to the  
advantage of both properties. These will be prime units that will sell very quickly.

2 Commissioner McDonald commented that this property was re-zoned from  
residential to commercial as he feels it is very unlikely that anything commercial will  
4 locate there. Commissioner Kallas asked staff if a PUD is implemented if it wouldn't  
open it up to the whole city. Mr. Cullimore confirmed that statement, noting we could  
6 create a very specific zone just for these two parcels. Chairperson Call commented that  
she does not see any reason that a single family home could go in as easily as these twin  
8 homes and not have the need for a new ordinance. Mr. Cutler stated the point is well  
taken but the lots have development problems and issues; they may also be widening  
10 1600 north in the future.

12 Commissioner Marchbanks commented that he is familiar with the topography as  
he actually built the house south of the property in question. He thinks this is a clever  
proposal and he is not opposed to the idea, but it will involve a PUD. There was then  
14 some general discussion regarding the engineering and topography etc. of the layout.

16 Commissioner Marchbanks also inquired if this would be a city initiated or  
developer initiated PUD overlay. Mr. Cullimore stated the applicant is just wanting to  
get feedback to see if he wants to propose such an ordinance and how it would be  
18 received. Chairperson Call stated, if so, she would want it to be site specific rather than  
city wide. Mr. Cullimore stated that it would be zone specific and applied to these lots  
20 only and to look at others on a case by case basis. Chairperson Call added where this is a  
concept review it would have to go to the City Council. Mr. Cullimore would recommend  
22 this going on to the City Council.

24 Mr. Cullimore noted that Mr. Cutler is just looking for confirmation as a  
developer to continue on to the next step, stating he feels they will build some beautiful  
units that will hopefully set a trend on that street and he would like to acquire the rest of  
26 the properties on the street and keep going as it is a rational use for a difficult piece of  
property along a collector street. Chairperson Call stated that would be a concern. She  
28 noted that she feels the Commission has given sufficient feedback and they would  
suggest that Mr. Cutler go before the Council for their determination. Mr. Cutler thanked  
30 the Commission for their time and consideration in this matter.

32 Chairperson Call called for any comments or discussion. Hearing none she  
moved on to the next agenda item.

- 34 8. **Public Hearing** – *Zone Map Amendment, approx. 15 North to 10 South State*  
36 *Street.* Lindon City requests approval of a Zone Map Amendment from General  
Commercial A (CG-A) to General Commercial (CG) on properties identified by  
38 Utah County Parcel ID numbers 14:069:0229, and 14:069:0152, and 14:069:0241,  
located from approximately 15 North to 25 South State Street. Recommendations  
will be made to the City Council at the next available meeting.

40  
42 COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING.  
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

44  
46 Mr. Cullimore led this agenda item by giving a brief overview stating Lindon City  
requests approval of a Zone Map Amendment from General Commercial A (CG-A) to  
48 General Commercial (CG) on properties identified by Utah County Parcel ID numbers  
14:069:0229, and 14:069:0152, and 14:069:0241, located from approximately 15 North

2 to 25 South State Street. Recommendations will be made to the City Council at the next  
available meeting.

4 Mr. Cullimore explained that in reviewing the Performance Motors rezone  
request, the City Council identified a few lots that are zoned CG-A, but are not being  
6 used as used car lots. He noted that members of the Council approved the Performance  
Motors rezone request and directed staff to initiate a zone map amendment to reclassify  
8 the lots not being used as car lots to CG to ensure the size of the CG-A does not grow too  
large. Mr. Cullimore further explained that Subsection 17.04.090(2) of the Lindon City  
10 Code establishes the factors to review when considering a request for a zone change. The  
subsection states that the “Planning Commission shall recommend adoption of a  
12 proposed amendment only where the following findings are made:

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

16 Mr. Cullimore commented that the stated purpose of the General Commercial  
Zone is to “promote commercial and service uses for general community shopping.”  
18 Further, the “objective in establishing commercial zones is to provide areas within the  
City where commercial and service uses may be located.” Commercial zones include the  
20 CG, CG-A, CG-A8, CG-S, PC-1, and PC-2 zones. Mr. Cullimore then referenced an  
aerial photo of the proposed area to be re-classified followed by some general discussion.

22 Chairperson Call called for any public comment at this time. Els Marie Johnson  
and her daughter, Lila Perry, stated they are in attendance just to get an update of what is  
24 going on with this issue as they were sent a notice. Chairperson Call stated they have  
expanded the CG-A zone behind her house so they are not wanting to increase the zone  
26 overall so it is being decreased in another place as to be minimally detrimental to the  
properties in the area. Ms. Johnson stated she had no further questions.

28 Councilmember Bean gave some perspective stating the Council was not  
concerned with the issue of car lots taking over State Street but that there were currently  
30 enough lots now and because we have increased the size of the zone. He personally  
didn’t feel it was necessary to include the 7-eleven piece either, but if it ever looks like it  
32 could become a car lot he would be open to putting it back in the zone in the future. He  
added that the whole area was put into this zone as to not make it into pieces.

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

36  
38 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND TO THE  
CITY COUNCIL APPROVAL OF ORDINANCE AMENDMENT #2015-7-O TO  
CHANGE THE ZONING DESIGNATION FO THE SUBJECT LOTS FROM  
40 GENERAL COMMERCIAL (CG-A) TO GENERAL COMMERCIAL (CG) WITH NO  
CONDITIONS. COMMISSIONER WILY SECONDED THE MOTION. THE VOTE  
42 WAS RECORDED AS FOLLOWS:

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

48 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

2

9. **Public Hearing** – *Ordinance Amendment, LCC 17.33 Plat Amendments & 17.34 PLA.* Lindon City requests approval of an Ordinance Amendment to LCC 17.33 Amending a Recorded Plat & 17.34 Property Line Adjustment to modify lot line and parcel boundary adjustment rules and procedures. Recommendations will be made to the City Council at the next available meeting.

8

Mr. Cullimore led this agenda item by giving a brief overview stating Lindon City is requesting approval of a Zone Map Amendment from General Commercial A (CG-A) to General Commercial (CG) on properties identified by Utah County Parcel ID numbers 14:069:0229, and 14:069:0152, and 14:069:0241, located from approximately 15 North to 25 South State Street. He noted that recommendations will be made to the City Council at the next available meeting.

Mr. Cullimore then gave some background explaining that recent amendments to State Law have changed how local governments review property line adjustments he also explained the process. He stated the proposed amendments have been recommended by Lindon City Attorney Brian Haws. He noted that these amendments will bring Lindon City’s rules into conformance with existing State Law. Mr. Cullimore then referenced the proposed changes to LCC 17.33 and the proposed changes to LCC 17.34 followed by some additional general discussion. Chairperson Call commented that this action appears to just be bringing the ordinance in compliance with state laws. Mr. Cullimore confirmed that statement.

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

26

COMMISSIONER MARCHBANKS MOVED TO RECOMMEND APPROVAL OF ORDINANCE AMENDMENT #2015-8-O AS PRESENTED. COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- CHAIRPERSON CALL AYE
- COMMISSIONER WILY AYE
- COMMISSIONER KALLAS AYE
- COMMISSIONER MCDONALD AYE
- COMMISSIONER MARCHBANKS AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

10. **Public Hearing** – *Ordinance Amendment, LCC 17.38 Improvement Completion Bonds.* Lindon City requests approval of an Ordinance Amendment to LCC 17.38 Bonds for Completion of Improvements to Real Property. Recommendations will be made to the City Council at the next available meeting.

42

Hugh Van Wagenen led this agenda item by giving a brief overview stating this is a request by Lindon City for approval of an Ordinance Amendment to LCC 17.38 Bonds for Completion of Improvements to Real Property. He noted that recommendations will be made to the City Council at their next available meeting. He added that this item is similar to the previous item as we are trying to come into compliance with state code and to clean up the ordinance.

2 Mr. Van Wagenen stated that the proposed amendment to LCC 17.38 Bonds for  
3 Completion of Improvements to Real Property is an update that reflects current State  
4 Code with regards to when a bond is required, the bond amount, and the length of time  
5 the bond can be held. He noted the ordinance addresses two types of bond circumstances,  
6 or Improvement Completion Assurances: bonds can be posted by a developer with the  
7 City when (1) required public improvements are not complete but the applicant would  
8 like their plat recorded and (2) when required public or private improvements are not  
9 complete but the applicant would like their certificate of occupancy. Mr. Van Wagenen  
10 stated that also addressed is the length and time of the Improvement Warranty, which is a  
11 guarantee of workmanship on the public improvements. He mentioned the City cannot  
12 ask for more than a 10% warranty and its duration is one year from acceptance of the  
13 improvements by the City. He noted this is an item that will be forwarded on to the City  
14 Council following recommendation from the Planning Commission. There was then  
15 some general discussion regarding this agenda item.

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

18  
19 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL TO  
20 THE CITY COUNCIL THE PROPOSED ORDINANCE AMENDMENT #2015-9-O TO  
21 17.38 AS PRESENTED. COMMISSIONER MARCHBANKS SECONDED THE  
22 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

23 CHAIRPERSON CALL	AYE
24 COMMISSIONER WILY	AYE
25 COMMISSIONER KALLAS	AYE
26 COMMISSIONER MCDONALD	AYE
27 COMMISSIONER MARCHBANKS	AYE

28 THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

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

31  
32 COMMISSIONER MCDONALD MOVED TO CLOSE THE PUBLIC  
33 HEARING. COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT  
34 VOTED IN FAVOR. THE MOTION CARRIED.

35  
36 **11. New Business: Reports by Commissioners –**

37  
38 Commissioner Kallas asked if it is the position of staff that every development in  
39 the City have curb, gutter and sidewalk. He noted that it is aesthetically pleasing in the  
40 right areas and questioned if the City would ever think of a different cross section than  
41 Orem City. Mr. Van Wagenen stated that when Adam Cowie was Planning Director they  
42 had discussions about not requiring the cross section, but he has not heard that it was ever  
43 really seriously considered. He noted there are issues with storm water and the grass  
44 swelling etc., and there was a push from the state to adopt their policies; but they are in  
45 the guidelines but they are only recommendations. He added that Lindon also has a high  
46 water table so it is hard for water to permeate and there are also safety concerns and

2 concerns with the character of the neighborhood. Commissioner Marchbanks pointed out  
that it can become a safety issue without sidewalks.

4 Commissioner Kallas also mentioned that there are very few park strips in the city  
and he would prefer to see more. Mr. Van Wagenen agreed stating park strips help with  
6 streetscapes, are a buffer for pedestrians and also help with storm water runoff as well.  
Mr. Van Wagenen stated that he talked about this issue with staff and it could be  
8 discussed in a public meeting.

Chairperson Call mentioned an article that talked about cities that have not  
10 implemented a water conservation plan and Lindon was on the list. Mr. Van Wagenen  
referred to Mr. Cowie's quote in the paper followed by some discussion. Commissioner  
12 Wily asked about the 5 acre parcel on 700 north. Mr. Van Wagenen stated that issue will  
be coming back to the Commission in two weeks. Commissioner McDonald mentioned  
14 an email sent to Mr. Van Wagenen regarding his visit to the Ivory Development in  
Spanish Fork. He noted that he measured it and the setbacks are 12 ft. and some had a  
16 curb at 17 ft. There was then some general discussion regarding this issue.

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

20 **12. Planning Director Report**–

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

- 24 1. Light Industrial Architectural Standards Generally

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

28 **ADJOURN** –

30 COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE  
MEETING AT 9:45 P.M. COMMISSIONER KALLAS SECONDED THE MOTION.  
32 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 Approved – March 10, 2015

36

38 \_\_\_\_\_  
Sharon Call, Chairperson

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42 \_\_\_\_\_  
Hugh Van Wagenen, Planning Director