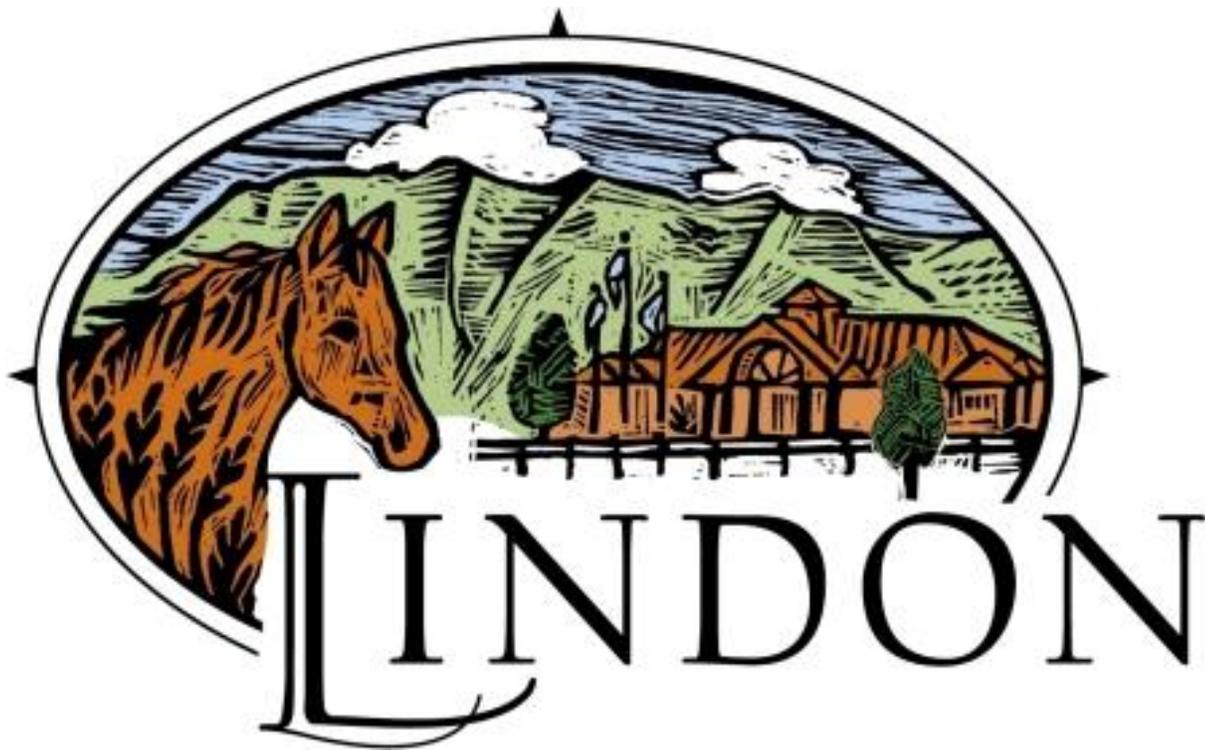


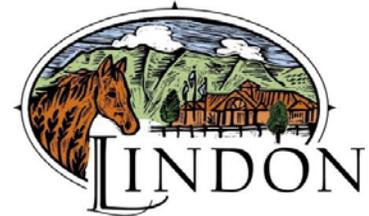
Lindon City Planning Commission Staff Report



February 24, 2015

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, February 24, 2015** in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at **7:00 P.M.** This meeting may be held electronically to allow a commissioner to participate by video or teleconference. The agenda will consist of the following:

AGENDA

Invocation: By Invitation

Pledge of Allegiance: By Invitation



Scan or click here for link to download agenda & staff report materials.

1. Call to Order

2. Approval of minutes from February 10, 2015

3. Public Comment

*(Review times are estimates only.)
(20 minutes)*

4. Conditional Use Permit — Happy Valley Derby Darlins, approx. 1922 West 200 North

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

(20 minutes)

5. Home Occupation Permit Review — Udall Swim Lessons, approx. 44 South 400 East

The Planning Commission will review the Udall Swim Lessons home occupation permit for compliance with Lindon City Code requirements and consider attaching conditions to the business to ensure compatibility with the surrounding neighborhood.

(0 minutes)

6. Continued to March 10 Planning Commission Meeting — Site Plan — Spring Gardens Senior Community, approx. 800 West 700 North

This item is continued to the March 10, 2015 Planning Commission Meeting. Russ Watts of Watts Enterprises seeks site plan approval of an elderly care facility (Spring Gardens Senior Community) at approximately 700 North 800 West in the General Commercial (CG) zone. Recommendations will be made to the City Council at the next available meeting.

(20 minutes)

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.

(15 minutes)

8. Public Hearing — Zone Map Amendment, approx. 15 North to 10 South State Street

Lindon City requests 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, 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.

(15 minutes)

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.

(15 minutes)

10. Pubic 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.

11. New Business (Reports by Commissioners)

12. Planning Director Report

Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801) 785-7687. City Codes and ordinances are available on the City web site found at www.lindoncity.org. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours notice.

Posted By: Jordan Cullimore

Date: February 20, 2015

Time: ~11:00 am

Place: Lindon City Center, Lindon Public Works, Lindon Community Center

Item I: Call to Order

February 24, 2015 Planning Commission meeting.

Roll Call:

Sharon Call

Rob Kallas

Mike Marchbanks

Matt McDonald

Andrew Skinner

Bob Wily

Item 2: Approval of Minutes

Planning Commission – Tuesday, February 24, 2015

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **February 10, 2015 at 8:00 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: Bob Wily, Commissioner
10 Pledge of Allegiance: Matt McDonald, Commissioner

12 **PRESENT** **ABSENT**
Sharon Call, Chairperson
14 Mike Marchbanks, Commissioner
Rob Kallas, Commissioner
16 Bob Wily, Commissioner
Matt McDonald, Commissioner
18 Andrew Skinner, Commissioner
Hugh Van Wagenen, Planning Director
20 Jordan Cullimore, Associate Planner
Kathy Moosman, City Recorder

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

- 26
1. **CALL TO ORDER** – The meeting was called to order at 8:00 p.m.
 - 28
 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of January 27,
30 2015 were reviewed.

32 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
REGULAR MEETING OF JANUARY 27, 2015 AS PRESENTED. COMMISSIONER
34 WILY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
MOTION CARRIED.

- 36
3. **PUBLIC COMMENT** –
38

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

42 **CURRENT BUSINESS** –

- 44 4. **Amended Site Plan** – *Scott's Provo GM, approx. 347 South 1250 West.* Andrew
Mandy Ogaz of Scott's Miracle-Gro requests site plan approval for the addition
46 of a 1,768 square foot modular office building to the existing site at
approximately 347 South 1250 West in the Light Industrial (LI) zone.

48

2 Jordan Cullimore, Associate Planner, opened the discussion by giving a brief
summary of this agenda item. He explained this is a request by Andrew Mandy Ogaz of
4 Scott's Miracle-Gro who is requesting site plan approval for the addition of a 1,768
square foot modular office building to the existing site at approximately 347 South 1250
6 West in the Light Industrial (LI) zone.

8 Mr. Cullimore explained the applicant recently took over the existing Wolf
Mountain facility. He noted there are existing structures and uses on the property that will
continue to be used and operated by Scott's. He noted this proposal amends the existing
10 site by increasing the total building square footage on the lot by 14.7%. Mr. Cullimore
went on to say when such an increase of square footage occurs, the Lindon City Code
12 (LCC) requires that the proposed building comply with current architectural treatment
requirements, and that the site comply with current parking standards and the site is
14 located within the Light Industrial (LI) zone.

16 Mr. Cullimore then gave a summary on the parking noting the number and
configuration of parking complies with Code requirements as follows:

- 18 • Required: 22 spaces; 1 ADA
- 20 • *The site plan shows they have provided: 22 spaces; 1 ADA*
- 22 • Required Bicycle Stalls: 2
- *The site plan shows a bike rack will be provided*

24 Mr. Cullimore then referenced the interior parking lot landscaping requirement as
follows:

- 26 • The Code requires 40 square feet of interior landscaping per stall for a total of 880
square feet of interior landscaping. The Code also requires 1 interior tree per 10
stalls, for a total, in this case, of 3 trees.
- 28 • The submitted site plan does not specifically indicate that this requirement has
been met. The applicant has informed staff that an updated site plan showing
30 compliance will be presented to the Planning Commission at the February 10th
Planning Commission meeting. This may need to be a condition upon approval.

32 Mr. Cullimore then referenced the architectural standards followed by discussion:

- 34 • The Light Industrial zone requires that at least 25% of the exterior of the building
be covered with brick, decorative block, stucco, wood, or other similar materials
as approved by the Planning Commission. This building does have the wood slats
36 so in that regard it meets the requirement.
- 38 • The exterior finish of the proposed structure is composed of wood. The applicant
will provide illustrations of the exterior building materials at the next Planning
Commission meeting.

40 Mr. Cullimore then referenced an aerial photo of the site and surrounding area,
42 photographs of the existing site and the site plan followed by some general discussion.

44 At this time, Chairperson Call invited Mr. Shane Williams, representative for the
applicant, forward to address the Commission. Chairperson Call asked if Mr. Williams
46 had any additional comments to add to Mr. Cullimore's summary. Mr. Williams stated
that they responded to all of the comments sent back on the plans and expressed his only
48 concern is that it seems, per the engineer's comments on the plans, that this application is
being treated like a new lot or site plan and not just a trailer being brought to the site.

2 Mr. Cullimore stated they will work with the city engineer to address those
3 technical issues on the back end. Commissioner Kallas asked if city code allows a trailer
4 to be brought in without a foundation and footings. Mr. Cullimore stated that it doesn't
5 state specifically in the light industrial zone and it doesn't speak to foundations or
6 otherwise but state code has requirements for modular structures. He stated that may be
7 something to discuss with the building official as to what the requirements are in order
8 for it to qualify as a permanent structure.

9 Mr. Williams commented that they have changed their direction noting the reason
10 they are bringing the trailer in is because the existing warehouse had an office built inside
11 (not by permit and not by code) so they encouraged them to take it out and to build
12 something up to code inside and they chose to go with a trailer instead due to time
13 restraints. Mr. Williams explained they are also considering building a permanent fixture
14 (the trailer is a temporary solution) but they do not have a timeline as yet. Mr. Williams
15 stated the trailer is scheduled to arrive on February 17th.

16 Chairperson Call commented if this is not going to be the permanent structure
17 then it seems there should be some type of a timeline for determination. Mr. Cullimore
18 suggested continuing this item to address these issues as they may need to issue a
19 temporary site plan and then address the actual improvements later.

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

22
23 COMMISSIONER KALLAS MOVED TO CONTINUE THE APPLICANT'S
24 REQUEST FOR SITE PLAN APPROVAL OF A 1,768 SQUARE FOOT BUILDING
25 AT 347 SOUTH 1250 WEST (TEMPORARY BUILDING) TO GIVE STAFF TIME TO
26 ANALYZE THE CODE TO SEE IF IT MEETS THE REQUIRED STANDARDS AND
27 TO WORK OUT THE DETAILS. COMMISSIONER MARCHBANKS SECONDED
28 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

29 CHAIRPERSON CALL	AYE
30 COMMISSIONER WILY	AYE
31 COMMISSIONER KALLAS	AYE
32 COMMISSIONER MARCHBANKS	AYE
33 COMMISSIONER SKINNER	AYE

34 THE MOTION CARRIED UNANIMOUSLY.

- 35 5. **Public Hearing** – *Ordinance Amendment, Lindon City Code 17.49.070 & 17.50.070*
36 *Architectural Design*. Lindon City requests approval of an amendment to Lindon
37 City Code 17.49.070 & 17.50.070. The proposed amendment will modify
38 architectural requirements in the Light industrial (LI) and Mixed Commercial (MC)
39 zones.
40

41 COMMISSIONER SKINNER MOVED TO OPEN THE PUBLIC HEARING.
42 COMMISSIONER MCDONALD SECONDED THE MOTION. ALL PRESENT
43 VOTED IN FAVOR. THE MOTION CARRIED.
44

45 Mr. Cullimore led this agenda item by giving a brief overview stating on August
46 26, 2014, the Planning Commission considered different types of concrete tilt-up
47 buildings and discussed Lindon City's architectural standards for such buildings in the
48

2 Mixed Commercial (MC) and Light Industrial (LI) zones. At that time the Commission
4 determined that it would be in the public’s best interest to adjust the standards to ensure
6 structures will be well designed and to also be aesthetically pleasing. Following
8 discussion the Commission recommended the following changes:

6 Recommendations for the LI zone:

- 8 1. Allow bare concrete buildings as long as such buildings incorporate additional
10 architectural accents.
- 12 2. Allow painted or colored concrete buildings as long as the individual colors are
14 consistently shaded. Do not require additional accents for painted or colored
16 concrete buildings.

14 Recommendations for the MC zone:

- 16 1. Prohibit bare concrete buildings.
- 18 2. Allow painted or colored concrete buildings as long as the color shades are
20 consistent. Require that the buildings also incorporate additional architectural
22 accents.

20 Mr. Cullimore noted that the proposed amendment seeks to codify and clarify the
22 Commission’s recommendations. Mr. Cullimore then referenced the proposed
24 amendment followed by some general discussion.

24 Chairperson Call commented that she believes this is what was discussed
26 previously and she has a good understanding of this issue. Commissioner McDonald
28 mentioned the only thing he can see that may arise in the code is the term “consistent”
and he feels it is vague and could be subjective. Mr. Cullimore commented that it is a
directive and we won’t know until it is built how it will look. Mr. Van Wagenen stated it
is hard to police the code and interpret it as it is in the “eye of the beholder”.

30 Commissioner Kallas brought up the previous item and mentioned that the spirit
32 of the whole ordinance is to get something nice built, and pointed out that we need to
34 make sure we are not opening doors for a lot of trailers in the industrial areas. Mr. Van
36 Wagenen re-iterated they will have discussion with the building official on making the
38 trailer permanent. There was then some lengthy discussion regarding this issue.
Commissioner McDonald stated he is fine with these changes but feels it may need some
clarification as to include a mix of elements. Commissioner Kallas agreed but would
recommend looking at what the current ordinance is regarding modular foundations. Mr.
Cullimore pointed out with this item they are considering the architectural standards
(wood) in the industrial zone and if they feel this is a good change they could strike it
right now or look into it further.

40 Commissioner Marchbanks commented that in most places wood exteriors are not
42 appropriate but there are some themes and facades that lend themselves to wood
exteriors, like the Linden Nursery Barn, for example. Mr. Cullimore stated that is why he
feels this should be looked at further to perhaps define what type of wood etc.

44 Commissioner Kallas re-iterated that he feels that staff should research the ordinance to
46 make sure we are not opening the door for a lot of modular trailers in the light industrial
48 areas. Mr. Van Wagenen agreed that the changes could be made tonight or continue the
item and perhaps tweak the code so there is a mix of elements and not just the 25%
requirement of anything, as Commissioner McDonald suggested, and noted that

2 historically this body has been sensitive to the person building the building. Mr.
Cullimore stated he will bring back language for that potential.

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

6

8 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF
ORDINANCE AMENDMENT #2015-6-O AS PRESENTED WITH STAFF CHANGES
AS NOTED. COMMISSIONER MCDONALD SECONDED THE MOTION. THE
10 VOTE WAS RECORDED AS FOLLOWS:

12	CHAIRPERSON CALL	AYE
12	COMMISSIONER WILY	AYE
14	COMMISSIONER KALLAS	AYE
14	COMMISSIONER MARCHBANKS	AYE
16	COMMISSIONER SKINNER	AYE

16 THE MOTION CARRIED UNANIMOUSLY.

18 6. **Public Hearing** – *Ordinance Amendment, Lindon City Code 17.48 Commercial*
20 *Zone.* Lindon City requests approval of an amendment will modify minimum lot
or development size along the 700 north commercial corridor.

22 Mr. Cullimore gave a brief summary of this item explaining there have been
several discussions of changing the minimum lot size on 700 north among the Planning
24 Commission, City Council and staff regarding how to best promote high quality, orderly
development along 700 North in Lindon. He noted this amendment proposes to increase
26 the minimum lot size along 700 North commercial corridor to one (1) acre to discourage
piece mill development to achieve these goals. He explained this also proposes a
28 requirement to preserve access from lots on 700 North to the specified access points that
are identified in the 700 North Access Management Plan.

30 Mr. Cullimore noted with the current lot standard someone could come in a sub-
divide and create ½ acre lots as long as they provided access to all of them. He then
32 presented photos depicting the area in question. He noted the changes being proposed is
to increase the minimum lot size to an acre, apply all of the dimensional standards in the
34 existing commercial table, and provide ingress and egress access points. Mr. Cullimore
then referenced the proposed amendment followed by discussion.

36 Commissioner Kallas voiced his concerns that one acre may be too small. Mr.
Van Wagenen commented that staff feels, depending on how it is developed, that some
38 business owners want to own their own pad and some are happy with leasing, so the
question is what do we want to constrict by putting on minimum lot sizes. Commissioner
40 Kallas stated he see that point but what we don't want is a lot of one acre parcels along
the frontage with the back areas turning into multi-use buildings etc. Mr. Cullimore
42 noted, per prior discussions, they are trying to find some middle ground to have control
but to also have flexibility. Commissioner Marchbanks commented that we don't want to
44 prohibit people from owning an acre but more of the planning and cohesiveness so it will
all come together. He further noted that perhaps an acre does feel too small and maybe
46 this ordinance isn't getting where we want it to be from a planning standpoint because he
doesn't want to exclude ownership for even less than an acre; fast food businesses and
48 gas stations can locate on ¾ of an acre.

2 Mr. Cullimore questioned if this will be a stop-gap measure or disaster planning
or to put a moratorium on it. Commissioner Kallas stated there needs to be a well written
4 plan for the area and he is afraid if this is changed to one acre it could be a disaster,
because once something is built you have lost your potential to maximize the highest and
6 best use for the property.

8 Mr. Van Wagenen stated that “plan” can mean a lot of different things and that is
why staff brought this issue to the bodies to get a directive and understanding of what
they have in mind as they do not want to plan out of fear of what development they want.
10 Commissioner Kallas commented that he would feel better by just saying there is a
minimum of 5 acre lots and then have some type of exception in place where they could
12 sell off a pad site. Commissioner Marchbanks agreed stating we don’t want to tie
developer’s hands by not being able to sell site pads. Mr. Cullimore stated one option that
14 was looked at is the potential of identifying a master site planned area that would restrict
the one and two lot developments. Commissioner Kallas commented that he would feel
16 better about this option rather than the one acre parcel. There was then some lengthy
discussion by the Commission regarding this issue.

18 Mr. Van Wagenen mentioned that because we do have an Access Management
Plan we know where all the access points are. Commissioner Skinner commented that
20 coming up with a comprehensive plan that addresses these kinds of issues may help us
feel comfortable but it is more than just a 10 minute discussion. He questioned if there is
22 a way for staff to have a bit more time to present more ideas to draw from which would
help him to determine what the best comprehensive approach is. Mr. Cullimore
24 commented that it sounds like there is a desire to go to a master planned site plan
concept. Mr. Van Wagenen again pointed out what does “plan” mean, as there can be
26 many dimensions.

28 Commissioner McDonald questioned if 5 acres is enough and how many 5 acre
parcels are located there and mentioned that he does like the included egress portion.
Commissioner Marchbanks pointed out the reality is there are limited accesses there and
30 questioned if we are getting too concerned of solving a problem before it happens.
Chairperson Call commented that she agrees with Commissioner Kallas to have the 5
32 acre parcels and the master planning approach option. Commissioner Kallas would
suggest that staff do some research as to what other cities have done on freeway access
34 corridors.

36 Commissioner Marchbanks voiced his concerns that we don’t want to put an
ordinance in place that excludes ownership of acreage within the development, but it has
to be planned based on accesses and noted he feels the land owners will ensure that it is 5
38 acre parcels. Commissioner Wily commented that it’s a nice idea that the access points
will drive the development, but if someone comes in with a good idea he would hope the
40 city would certainly consider changing the access points. Mr. Van Wagenen stated that
the access points are under UDOT control and the city cannot change them.
42 Commissioner Wily commented that he does not expect that the landowners will be that
patient and could and would do something precipitous if a one acre limit was imposed.
44 Mr. Van Wagenen stated staff is understanding the message tonight and this is good
conversation to have to give staff direction and they will go back and take a look and
46 bring back some options including some minimum acreage size and master plan options.

48 Chairperson Call called for any public comments. Hearing none she called for a
motion to close the public hearing.

2 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.
3 COMMISSIONER WILY SECONDED THE MOTION. ALL PRESENT VOTED IN
4 FAVOR. THE MOTION CARRIED.

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

8
9 COMMISSIONER MCDONALD MOVED TO RECOMMEND
10 CONTINUATION OF ORDINANCE #2015-5-O FOR FURTHER DISCUSSION.
11 COMMISSIONER MARCHBANKS THE MOTION. THE VOTE WAS RECORDED
12 AS FOLLOWS:

13 CHAIRPERSON CALL	AYE
14 COMMISSIONER WILY	AYE
15 COMMISSIONER KALLAS	AYE
16 COMMISSIONER MARCHBANKS	AYE
17 COMMISSIONER SKINEER	AYE
18 THE MOTION CARRIED UNANIMOUSLY.	

20 **7. New Business: Reports by Commissioners –**

22 Chairperson Call mentioned a resident who wants to submit an application for a
23 swim lesson business who will be contacting Mr. Cullimore. Mr. Cullimore stated that
24 he is aware of this issue and stated that he sent her an email outlining to her what they
25 will recommend to the Commission to ensure she is not exceeding the home occupation
26 requirements and will follow up on this issue. Chairperson Call also asked how the
27 Council felt about the car lot issue that was forwarded to them. Councilmember Bean
28 stated that the Council was overall positive but wanted to reduce the current zone at the
29 7-Eleven spot and recommended bringing the issue back before the Commission.

30 Commissioner Wily thanked Mr. Van Wagenen and Mr. Cullimore for arranging
31 the Ivory Tour and noted that it was very beneficial. Mr. Van Wagenen asked the
32 Commission if the format of the work session was good for everyone or if there would be
33 a better more productive way to approach it. Commissioner Skinner stated that he felt it
34 was helpful. Commissioner Marchbanks thought it was helpful to have a joint session
35 with the Council and it was very informative. Commissioner McDonald felt it was
36 beneficial for Ivory also.

37 Chairperson Call suggested a tour of the new Osmond facility, either as a group or
38 individually, would be beneficial. Mr. Van Wagenen stated that he would be happy to
39 arrange a tour if wanted. The Commission was in agreement to have Mr. Van Wagenen
40 arrange a tour of the Osmond Facility. Commissioner Kallas mentioned that the Osmond
41 facility is already at full capacity.

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

44 **8. Planning Director Report–**

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

- 48 1. Test of City Emails

Item 3: Public Comment

1 - Subject _____
Discussion

2 - Subject _____
Discussion

3 - Subject _____
Discussion

Item 4: Conditional Use Permit — Happy Valley Derby Darlins, approx. 1922 West 200 North

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

<p>Applicant: Charlotte Malan Presenting Staff: Jordan Cullimore</p> <p>Zone: Light Industrial (LI)</p> <p>Property Owner: North Mountain Properties Parcel ID: 46:580:0005 Parcel Address: 1922 West 200 North</p> <p>Type of Decision: Administrative Council Action Required: No</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none">1. Whether to approve the applicant's request for a conditional use permit to operate a roller derby practice facility and game venue.2. Whether to impose reasonable conditions to mitigate potential detrimental impacts. <p><u>MOTION</u></p> <p>I move to (<i>approve, deny, continue</i>) the applicant's request for a conditional use permit to operate a roller derby practice facility and game venue at the location requested, with the following conditions (if any):</p> <ol style="list-style-type: none">1.2.3.
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BACKGROUND

1. The applicant's proposes to operate a roller derby practice facility and game venue at the location identified above. This use is classified under "Roller Skating & Blading" in Lindon's Standard Land Use Table.
2. "Roller Skating & Blading" is conditionally permitted in the Light Industrial (LI) zone.
3. The applicant's business description is included in attachment 4.

ANALYSIS

Applicable laws and standards of review

- 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 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."
- 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 the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." Once granted, a conditional use permit runs with the land.
- State Code further provides that a conditional use permit application may be denied only if "the reasonably anticipated detrimental effects of a proposed 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.
- Additionally, the Lindon City Code provides that a conditional use may be denied when:

- "[U]nder 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 improvements in the vicinity, and there is no practical means available to the applicant to effectively mitigate such detrimental effects;" or,
- "[T]he 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."

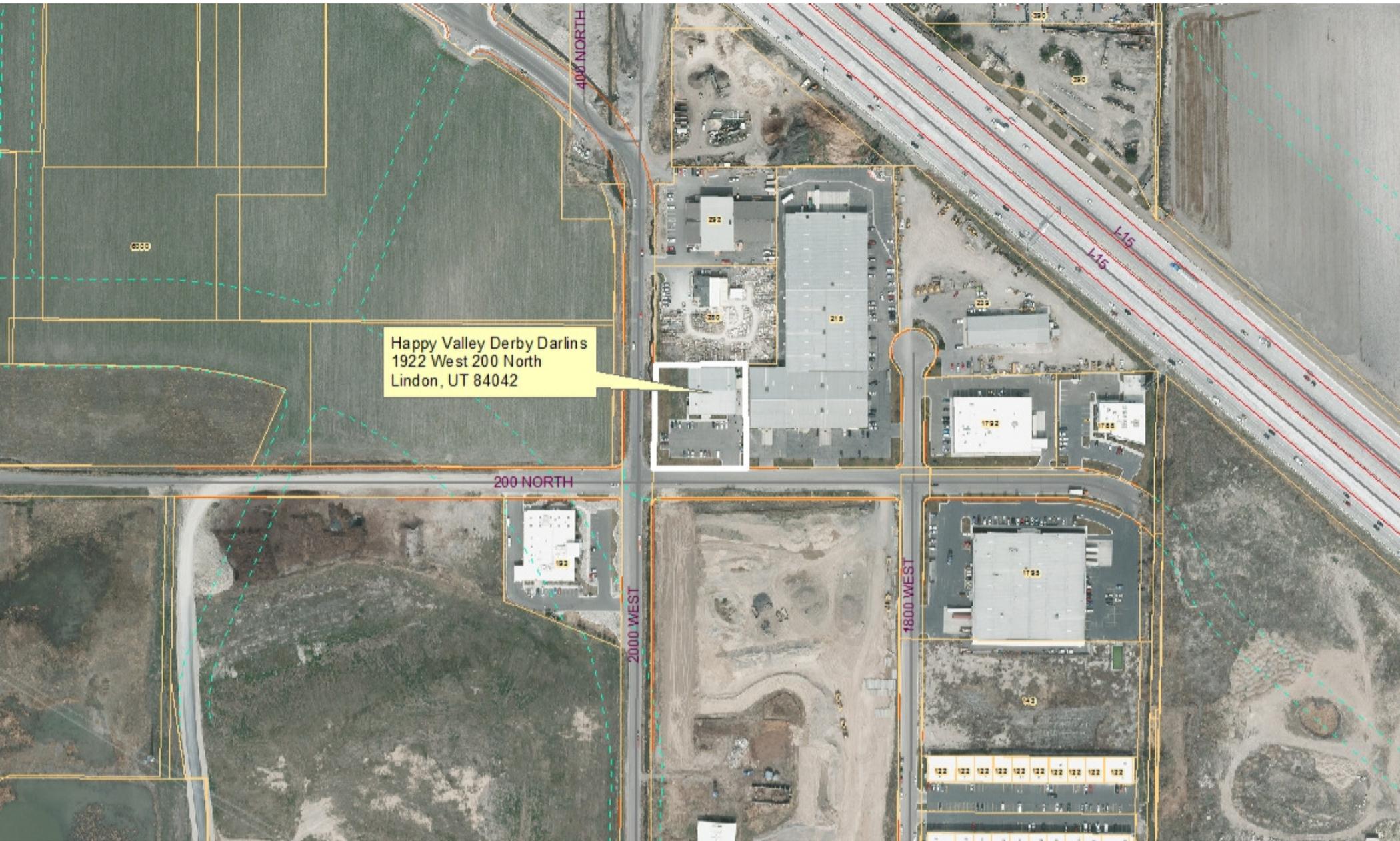
Items to Consider

- The applicant's business description is attached. Please review.
- 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.
- The parking ratio for the proposed use is "one (1) per three and one-half (3 ½) person capacity in the building or facility, based on maximum use of all facilities at the same time."
 - If this were a new site plan tailored specifically to the proposed use, the Code would require 21 parking spaces for a facility with a 75 person maximum and 43 spaces for a facility with a 150 person maximum.
 - 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 use for overflow parking if needed.
- Staff has conferred with Chief Building Official Phil Brown. Phil indicated that there won't be any unresolvable building code issues created by the use, and that he will ensure building code compliance before issuing a business license.

ATTACHMENTS

1. Aerial photo of the area
2. Aerial photo of the site
3. Photographs of the site
4. Business Description
5. Proposed Site/Floor Plan
6. Approved Site Plan for Previous Use

Attachment 1



Attachment 2

280

2000 WEST

1922

215

Attachment 3





Attachment 4

Happy Valley Derby Darlins

Written Description of the Proposed Use

Happy Valley Derby Darlins is a not-for-profit, roller derby league. We will be using the warehouse located at 1922 W 200 N in Lindon as our practice facility and venue for games that are open to the public. We will be practicing two to four days per week, usually after 6pm, but may occasionally have daytime practices. One to two times per month we will have games that are open to the public. These games will usually be Friday, Saturday, or Sunday after 5pm.

On practice nights we will expect occupancy of no more than 75 people and the paved parking lot will accommodate the anticipated traffic. When we have games that are open to the public we expect occupancy of about 150 people. The paved parking, dirt lot on the west side of the building, and the shoulder on the street will provide sufficient parking. The league members carpool as much as possible in order to cut down on excessive parking needs.

Happy Valley Derby Darlins was formed in January 2011 and was in Spanish Fork for the last three and a half years. The building we leased is being demolished in order to make way for new construction and we looking forward to establishing ourselves in Lindon.

There will be a slight increase in traffic just before and after games, one to two times per month, but only because it is a low-traffic area. There will not be any increase in light and any noise increase shall be minimal since all activities will be contained inside the building. There will not be any adverse effects on any of the neighboring businesses and properties.

There are three bathrooms on site that will be sufficient for our needs.

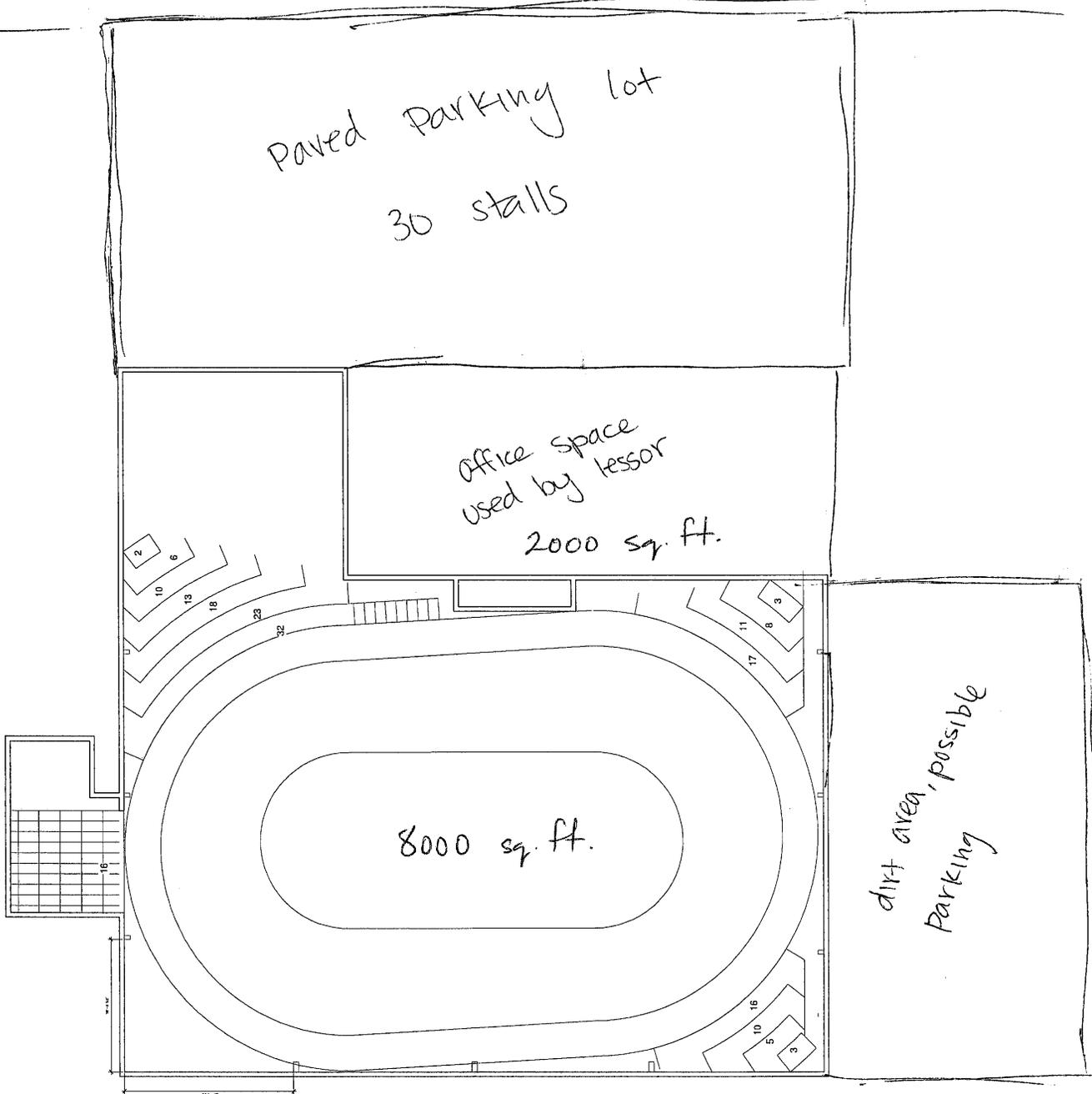
Community Development
Lindon City

FEB 10 2015

RECEIVED

Street

Street



Community Development
Lindon City

FEB 10 2015

RECEIVED



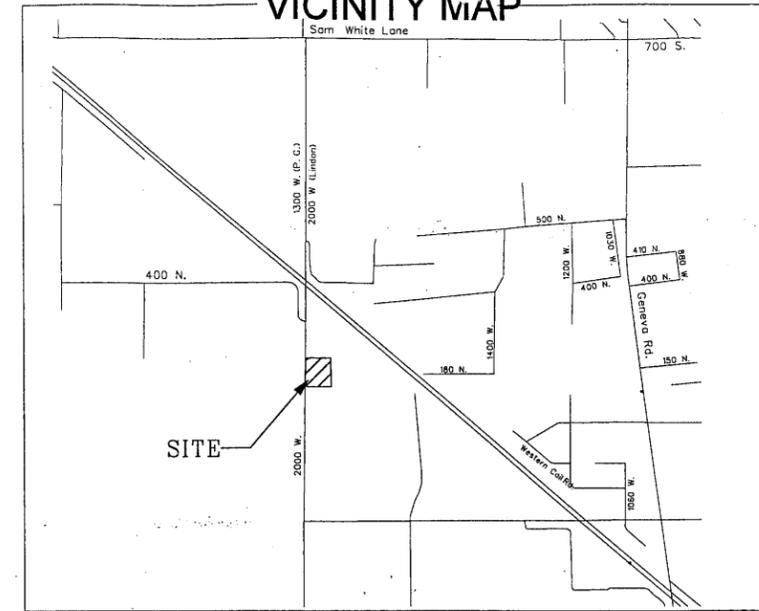
AREA TABULATIONS

TOTAL SITE AREA- 1.00 ACRE (43,560 SQ.FT.)
 LANDSCAPE AREA- 16,990 SQ.FT.
 IMPERVIOUS AREA- 26,570 SQ.FT.

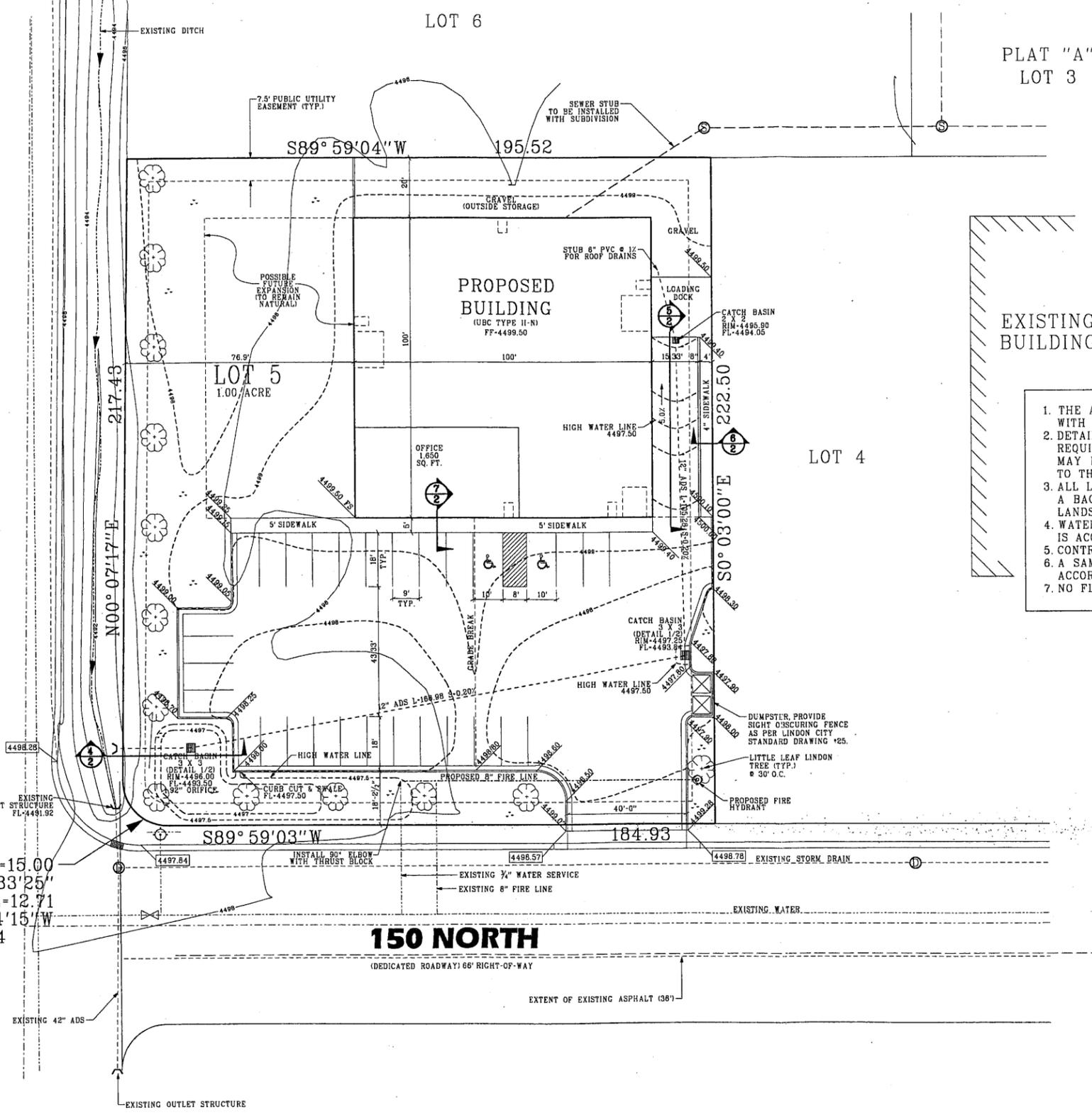
PARKING TABULATIONS

OFFICE AREA- 1650 SQ.FT.
 WAREHOUSE AREA- 8350 SQ.FT.
 PARKING REQ'D
 OFFICE 1/300 SQ.FT.- 6 STALLS
 WAREHOUSE 1/750 SQ.FT.- 12 STALLS
 PARKING PROVIDED- 28 STALLS

VICINITY MAP



2000 WEST STREET
 66' RIGHT-OF-WAY



EXISTING BUILDING

NOTES

1. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL REQUIREMENTS OF THE "AMERICANS WITH DISABILITIES ACT" (ADA).
2. DETAILED FIRE PROTECTION PLANS SHALL BE SUBMITTED WITH THE BUILDING PLANS. ADDITIONAL REQUIREMENTS MAY BE IDENTIFIED DURING THE PLAN REVIEW BY THE FIRE DEPARTMENT, WHICH MAY BE MANDATED BY THE UNIFORM FIRE CODE. PLAN REVIEWS MUST BE COMPLETED PRIOR TO THE BUILDING PERMIT BEING ISSUED.
3. ALL LANDSCAPED AREAS SHALL HAVE AN AUTOMATIC, UNDERGROUND SPRINKLING SYSTEM WITH A BACKFLOW PREVENTION DEVICE AND A BACKFLOW PREVENTION DEVICE TO THE BUILDING, UNLESS LANDSCAPING IS SERVED BY THE SECONDARY WATER SYSTEM.
4. WATER METERS ARE TO BE LOCATED BEHIND BACK OF WALK OR BACK OF CURB IN AN AREA THAT IS ACCESSIBLE, NOT LOCATED BEHIND FENCED AREAS OR UNDER COVERED PARKING.
5. CONTRACTOR TO VERIFY LOCATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION.
6. A SAMPLING MANHOLE AND HOLDING TANK (GREASE TRAP) SHALL BE INSTALLED IN ACCORDANCE WITH CITY STANDARDS AS REQUIRED BY THE CITY.
7. NO FLOOR DRAINS ARE TO BE INSTALLED IN THE BUILDING.

LEGEND

- SANITARY SEWER
- STORM DRAIN
- WATER
- ⊕ WATER VALVE
- ⊙ SEWER MANHOLE
- ⊙ STORM MANHOLE
- ⊙ EXISTING FIRE HYDRANT
- ◆ STREET LIGHT
- 3' x 3' CATCH BASIN
- FS-100.00 EXIST. GRADES
- PROG. GRADES
- ⊙ EXISTING WATER METER
- GRASS AREA
- PROPOSED CONTOURS
- ⊙ LITTLE LEAF LINDON

RECEIVED
 MAY 15 2001
 LINDON CITY
 COMMUNITY DEVELOPMENT

150 NORTH
 (DEDICATED ROADWAY) 66' RIGHT-OF-WAY

DEVELOPER

ED RICKERS
 372 NORTH 1130 EAST
 LINDON, UTAH 84042
 (801) 427-3327

ENGINEER

LEI CONSULTING ENGINEERS
 3302 NORTH MAIN
 SPANISH FORK, UT 84660
 (801) 798-0555

PROJECT NAME

MIDVALLEY COMMERCE CENTER
 LINDON, UTAH

DATE BY
 5/7/01 JSB
 REVISION
 UPDATES AS PER CITY
 3302 No. Main St.
 Spanish Fork, UT 84660
 801-798-0555 Fax 801-798-9393
 Consulting Engineers and Surveyors, Inc.

MIDVALLEY COMMERCE CENTER - LOT 5

SITE PLAN

PROJECT# 2001-192
 SCALE 1" = 20'
 SHEET 1 OF 2

DESIGNER BTG
 DATE 4/16/2001
 DRAWN BY JSB

PAGE
1

Item 5: Home Occupation Review — Udall Swim Lessons, approx. 44 South 400 East

The Planning Commission will review the Udall Swim Lessons home occupation permit for compliance with Lindon City Code requirements and consider attaching conditions to the business to ensure compatibility with the surrounding neighborhood.

<p>Applicant: Sarah Udall Presenting Staff: Jordan Cullimore</p> <p>Zone: Single Family Residential (R1-20)</p> <p>Property Owner: Marc & Ruth Udall Parcel ID: 14:070:0080 Parcel Address: 44 South 400 East</p> <p>Type of Decision: Administrative Council Action Required: No</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none">1. Whether to impose reasonable conditions to mitigate potential detrimental impacts the surrounding neighborhood character. <p><u>MOTION</u></p> <p>I move to attach (<i>no conditions, the following conditions</i>) to the Udall Swim Lessons Home Occupation Permit:</p> <ol style="list-style-type: none">1.2.3.
---	---

BACKGROUND

1. Ms. Udall has been operating a successful swim lesson business under a valid business license from the dwelling located at 44 South 400 East for many years during the summer months. Recently, Lindon City has received complaints that the business has become too big for the residential setting in which it operates.
2. Staff has observed the traffic generated by the business on multiple occasions. On July 3, 2014 at 1:40pm, staff observed 11 vehicles in front of, and across the street from, the dwelling as well as 3 additional vehicles parked around the corner on Center Street. Several vehicles were actively loading and unloading children. This scenario has been representative of what occurs throughout the day when the business is operating.

ANALYSIS

Applicable law and standard of review

- Lindon City Code (LCC) subsection 17.04.400(5)(j) states that “all Home Occupation permits are reviewable upon written complaint to the Planning Commission.”
- 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 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.”

Items to Consider

- After receiving complaints about the business, staff requested that the business operator submit a business plan showing how they plan to comply with Code requirements. The submitted business plan is provided in attachment 4.

- Upon reviewing the business plan, staff determined that it could not comply with Home Occupation requirements at the levels described. Staff's analysis and recommendations are found in attachment 5. Consequently, staff scheduled the business operator for review by the Planning Commission to consider attaching potential conditions.

RECOMMENDATION

Staff recommends attaching the following conditions to the Udall's Swim Lessons business:

1. No more than 9 vehicles parked at the residence at any time.
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.

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.

ATTACHMENTS

1. Aerial photo of the site
2. Photographs of the site
3. Home Occupation Requirements (LCC 17.04.400)
4. Business plan submitted by applicant for compliance review.
5. Staff's analysis of applicant's business description.

Attachment 1



CENTER

400 EAST

343

345

365

389

14

439

320

426

35

56

70

95

95

55

85

85

90





Attachment 3

Section 17.04.400 Home occupation requirements

1. The purpose and intent of this section of the Lindon City Code is to allow occupations, professions, activities, or uses that are clearly customary, incidental, and secondary to the residential use of the property and which do not alter the exterior of the property or affect the residential character of the neighborhood.
2. No home occupation shall be conducted without first obtaining a home occupation permit pursuant to this chapter and a business license pursuant to this chapter and the Lindon City Code chapter regulating businesses.
3. The Planning Director may grant a home occupation permit in the residential zones, provided the use applied for meets all of the standards set forth in this Section.
4. A home occupation permit shall be obtained from the Planning Director before such home occupation is established. The permit shall have a fee as established per the Lindon City Fee Schedule.
5. As a matter of public policy, the City believes that commercial and industrial activities should be conducted in zones where such activities are specifically permitted. However, limited business activities may be conducted within residences located in any zone in the City if the business activity strictly complies with all of the following requirements:
 - a. Be clearly incidental to and secondary to the residential use of the dwelling unit and not occupy more than five hundred (500) square feet or twenty-five percent (25%) of the total floor space of such dwelling unit, whichever is less. This requirement does not apply to accessory buildings approved as part of a home occupation.
 - b. Be carried on entirely within the dwelling unit or accessory structure solely by one (1) or more of the residents of the immediate family who reside in the dwelling unit or employees as permitted in 5(c). For the purposes of this section, a carport, patio, or breeze way is not considered to be part of the dwelling unit. (This provision shall not prohibit the Utah State requirement for outside use by licensed day care/preschool facilities.)
 - c. Home occupations may have up to one (1) employee or part time equivalent to one (1) employee who does not live in the dwelling unit work at the home. Only one (1) non-resident employee shall work from the home at any given time. Such employee working at the home or coming to the home and moving to another job site associated with the home occupation shall be provided an off street parking stall on the home occupation owner's property. This employee shall be provided and required to use such parking on the business owner's property and off of a public street.
 - d. Not have any external evidence of the home occupation, (except as may be required by State law or City ordinance) nor any exterior displays, displays of goods, nor advertising signs (except as allowed by this section) visible from outside of the dwelling unit. It shall not be permitted to conduct any activity outside the dwelling unit or to store materials or products outside the dwelling unit unless it is within an accessory structure approved as part of the home occupation.
 - e. Not have more than six (6) vehicles parked at the residence at any time, provided all of the vehicles can be parked legally, either in normal parking places on the lot occupied by the residence without parking in front of any other property. The six (6) vehicles specified above shall include the vehicles owned or operated by the residents, visitors or any other person using or visiting the home. Exceptions to this requirement may be granted by the Planning Director provided the applicant can clearly demonstrate that additional vehicles can be parked legally, either in normal parking places on the lot occupied by the residence containing the home occupation or by the curb directly in front of the residence without parking in front of any other property. In addition to the foregoing, the home occupation must not generate more than five (5) vehicles of traffic to the residence during any hour. The home occupation shall not generate any traffic before 7:30 a.m. or after 6:00 p.m. nor shall

any vehicle weighing in excess of twenty four thousand (24,000) pounds, gross weight, travel to the residence for the purpose of servicing the home occupation.

- f. Not emit noise, odor, dust, fumes, vibration, smoke, electrical interference or other interference with the residential use of adjacent properties.
- g. Comply with all City building and fire codes.
- h. Obtain a home occupation permit and a business license from the City.
- i. Shall have no more than one (1) sign, not larger than two and one-half (2.5) square feet, attached to the main dwelling unit. The sign shall be aesthetically pleasing and made of similar materials and colors as the building to which it is attached. The sign shall not be directly lit.
- j. Home occupation owners shall be good neighbors and mindful of possible impacts their activities have on the residential character of the neighborhood. All Home Occupation permits are reviewable upon written complaint to the Planning Commission. The Planning Commission, in reviewing such complaints, shall have the authority to attach conditions to a home occupation to make it compatible with 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.

(Ord. 2002-23, Amend, 08/20/2002; Ord. 99-23, Add, 10/04/2000)

Attachment 4

To: Jordan Cullimore
Associate Planner
Lindon City Planning and Zoning

I am writing concerning the swim business that we have been licensed by the city to run. Because of past complaints, I was very careful to make it known to my swim lesson attendees, the rules outlined in the ordinance pertaining to home businesses. At the beginning of my first session, I thought I was in compliance with the ordinance. With parking stalls, talking with the neighbors, and informing parents, I thought all the rules were being met. I apologize for misinterpreting the code section where having parents drop off kids counts as one of the cars that could be in front of the residence within the hour. I have tried to correct all of these problems for my second session, which I am currently running. I will finish this week for the summer. I am only doing two sessions this year instead of my usual five. As for this session, I have made sure that only four cars are outside the front of the house for a minimum of one hour. I have emailed out a parking map to each parent. Having them help me comply with the city ordinance. I have attached a copy of it.

To address the issue of Jay walking I have instructed all students not to park on the east side of 400 E. It is a very busy street and not everyone drives the speed limit. I have contacted the neighbors on the same side of the street as our house. They are all fine having a couple cars park in front of their houses, two in front of Palmer's, two in front of Christensen's, and three outside of Nyman's.

Also, to stop the drop offs and pick ups, I made a walking path that cuts through our pastures on Center Street into the pool area. This has cut down much of the congestion the swim lessons have generated to the front of the house. Many students that are only coming for a half hour are parking along our pastures on Lindon Center Street and walking through.

My hours of operation have been the longest I have ever done and I do not plan on doing them for that length of time in the future. This summer I have started at 8am and finished at 6pm. I do not take a lunch. Every half hour the classes change. I have the same group of swimmers for a two-week session -10 days. This is my second session this summer and my last. I finish on 24 July.

I have four to ten students in a class. It depends on the ability level. I have had about 120-140 students each session. I teach swimming to all ages. I do not take them younger than three years old because motor skills aren't developed enough to really swim.

I plan for next year to have all my advanced classes be 45 minutes which will help cut down the higher turnover. This year however I had already made my classes to be 30mins. I will also change my rates for next year. This year I have been doing \$60 per student per session and I will also put a cap on the amount of students attending each class.

I feel that I am providing a needed service to those in the community and have only heard positive feedback from all those who have ever taken lessons from me. Thank you for being willing to work with me in my endeavor to help those in the community learn a life saving skill.

Sincerely,

Sarah Udall

Swim Lesson Parking



C
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400 East

NO Parking on this side of the street!

Attachment 5

Sarah,

Thank you for submitting your business plan this past July. Unfortunately, if you were to continue to operate your swim lessons at the levels described in your business plan, you would not be able to comply with the requirements in 17.04.400(5)(e), related to vehicles and traffic. Lindon City Code section 17.04.400(5)(j) states that "home occupation permits are reviewable upon written complaint to the Planning Commission. The Planning Commission in reviewing such complaints, shall have the authority to attach conditions to a home occupation to make it compatible with the surrounding neighborhood." Consequently, we will need to schedule you for a Planning Commission meeting to have the Commission review the business to determine if additional conditions need to be imposed to ensure compatibility with the residential character of the neighborhood.

Currently, the home occupation ordinance limits the number of vehicles at the residence to 6, which includes resident and customer vehicles. These vehicles must be legally parked, and the ordinance specifically prohibits parking in front of other residences, regardless of whether adjacent residents have granted permission. Regarding the angled parking that you have configured in front of your home, the Lindon Chief of Police, and the Planning Director, have indicated that as long as vehicles do not extend into the street shoulder any more than a parallel parked vehicle would, they can approve the configuration.

The Planning Director has discretion to raise the vehicle limit on the property if the property owner can show there is sufficient room on the lot to park more vehicles legally. The Planning Director feels comfortable raising the total vehicle limit, at any time, to 9, but the Code additionally states that the business cannot generate more than 5 vehicles of traffic to the residence per hour. To ensure that you will be able to comply with these requirements at all times, staff will recommend to the Commission that the following conditions be imposed:

1. No more than 9 vehicles parked at the residence at any time.
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.

Hopefully these conditions will allow you to continue to operate your business without negatively affecting the residential character of the neighborhood. We agree that you provide a valuable service to the community, and we are committed to resolving the issue in a manner that will benefit everyone affected.

After receiving your business description we researched home occupation ordinances in other municipalities. Some cities have "major home occupations" (as opposed to "minor home occupations") that allow higher levels of traffic, but it seems that Lindon's ordinance already allows levels that could be designated as "major" in other cities. We presented our findings to the Planning Commission and asked whether they would be interested in amending the ordinance to allow higher levels, but they felt the current requirements were reasonable.

The Planning Commission meets every 2nd and 4th Tuesday at 7:00pm. The next meeting will be January 27. Meetings in February will be on the 10th and the 24th. Please let me know when you would like us to schedule you for a review with the Planning Commission to discuss your options. Also, feel free to call or write if you have questions.

Regards,

Jordan Cullimore
Associate Planner

**Item 6: Continued to March 10 Planning Commission Meeting —
Site Plan — Spring Gardens Senior Community, approx.
800 West 700 North**

This item is continued to the March 10, 2015 Planning Commission Meeting. Russ Watts of Watts Enterprises seeks site plan approval of an elderly care facility (Spring Gardens Senior Community) at approximately 700 North 800 West in the General Commercial (CG) zone. Recommendations will be made to the City Council at the next available meeting.

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.

<p>Applicant: Alan Cutler Presenting Staff: Jordan Cullimore</p> <p>Type of Decision: None Council Action Required: No</p>	<p><u>SUMMARY OF KEY ITEMS</u></p> <ol style="list-style-type: none">1. This is a concept review to receive feedback from the Planning Commission regarding the applicant's proposal. <p><u>MOTION</u> No motion necessary.</p>
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OVERVIEW

A detailed description of the applicant's proposal and a concept site plan are included in attachment 3.

MOTION

No motion necessary.

ATTACHMENTS

1. Aerial of land involved in the concept review with zoning
2. Photos of the existing lots
3. Applicant's Proposal & Concept Site Plan

523

R&B

500

400 WEST

600 South

R1-20

470 SOUTH

CG

551

561

595

425

369

347

343

325

311

303

455

453

322

308

384

473

355

341

327

315

301

289

277

420

271

263

1785

1773

1761

1036

1035

1717

1705

1693

1681

1663

1770 NORTH

1026

1022

1025

1021

1748

1732

1030 WEST

1748





APPLICATION FOR CONCEPT PLAN REVIEW
LINDON CITY

Date: 2-10-15

From: Alan Cutler, Broker 801-368-5388
Hometown Properties
386 W. Center, Orem UT 84057

To: Lindon City Council

Ladies and Gentlemen of the City Council,

By way of introduction, I am a small-time developer with many years of experience in construction and design, having taught in the BYU Construction Management Department in years past focusing on Real Estate Development. I have designed and built many custom homes in California and Utah.

When I tried to help my kids find a home to buy in Lindon, I realized that there is little affordable housing in the City under \$300,000. I decided to look into doing a small development project here since that's the price range that younger families with one or two children can afford given current favorable interest rates. I soon learned that land costs are extremely high and densities so low that doing an affordable housing project wasn't practical – especially given that your R-2 overlay is 'filled up'.

Then I discovered the 2 orphan lots shown on the attached map owned by Peck Ormsby, developers of the Karl Maeser School immediately to the east. When the Maeser project was rezoned to CG, it was reasonable to extend the CG zone to 400 West with Home Depot across the street. This created 2 legal non-conforming 10,000 SF lots with single family residential on either side – all within the CG zone.

As you will see from the topo map attached, the terrain is difficult to design around with a 6' elevation change to get from the street up to a building pad level, with the overall grade change 24' front to back property line. The existing homes to the south have chosen to absorb the grade change by setting garage floors at street level, requiring a full 9' flight of ascending stairs from driveway to main house floor. This design, in my opinion, is architecturally obsolete and development of the two vacant lots – even if developed for single family homes – would still require figuring out a way to get on top of the pad and into a garage – and more importantly, how to get cars out. Using a residential 30' setback, a residential driveway would look like a steep boat ramp with cars *backing* into 400 West, a busy collector street. I'm not sure how Public Works would feel about that.

I decided to take a fresh look at the 'best practices' way to develop the lots while ignoring the current zoning use or density limitations, and see if we could propose something that might appeal to the City. After consultation with your planning staff on Jan 29 regarding possible uses of the land, I proposed a plan with one attached wall twin-home on each lot, developed under a new PUD ordinance to be proposed, allowing the shared drive concept shown on the plan. This will allow construction of 4 – 1700 Sf, 3 Br, 2-1/2 Ba family homes with full 2 car garages, priced in the range of \$300,000. The plan takes advantage of the lots' topography and views while distributing the grade change over the full two lots to the advantage of both properties. A concept rendering is attached.

Thank you for your consideration.

KARL N

17-016-0042

N 87°38'21" E 150.14'

FUTURE LOT
0.28 ACRES

FUTURE LOT
0.27 ACRES

10' P.U.E.

S 89°39'07" W 112.61'

17-016-0103

N 00°44'59" E *223.46'

10' P.U.E.

17-016-0117

400 WEST STREET

N 60°09'34" W 208.10'

ROCK RETAINING WALL (SEE GRADING PLAN)

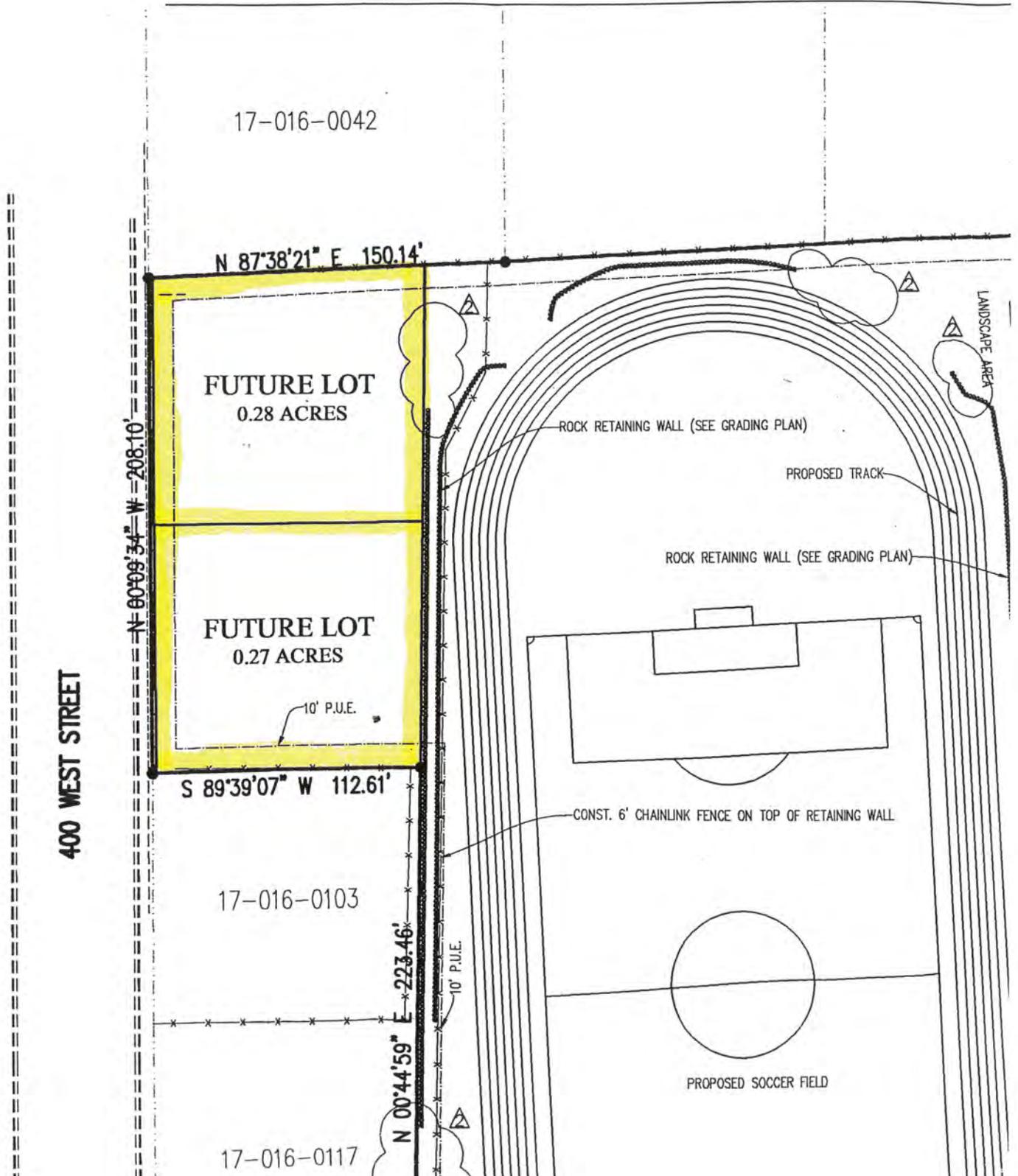
PROPOSED TRACK

ROCK RETAINING WALL (SEE GRADING PLAN)

CONST. 6' CHAINLINK FENCE ON TOP OF RETAINING WALL

PROPOSED SOCCER FIELD

LANDSCAPE AREA



Stream Bedrock

18" SD 18" SD

208.10

4670

112.75

114.95

BOTTOM OF WALL=83.00
TOP OF WALL=87.00

BOTTOM OF WALL=87.00
TOP OF WALL=91.00

BOTTOM OF WALL=82.00
TOP OF WALL=87.00

BOTTOM OF WALL=87.00
TOP OF WALL=91.50

BOTTOM OF WALL=85.00
TOP OF WALL=91.00

BOTTOM OF WALL=82.00
TOP OF WALL=84.00

BOTTOM OF WALL=85.00
TOP OF WALL=90.00

BOTTOM OF WALL=82.00
TOP OF WALL=83.00

BOTTOM OF WALL=81.50
TOP OF WALL=82.00

BOTTOM OF WALL=85.00
TOP OF WALL=89.50

BOTTOM OF WALL=86.00
TOP OF WALL=89.50

BOTTOM OF WALL=87.00
TOP OF WALL=89.50

3:1 SLOPE

0.076

0.076

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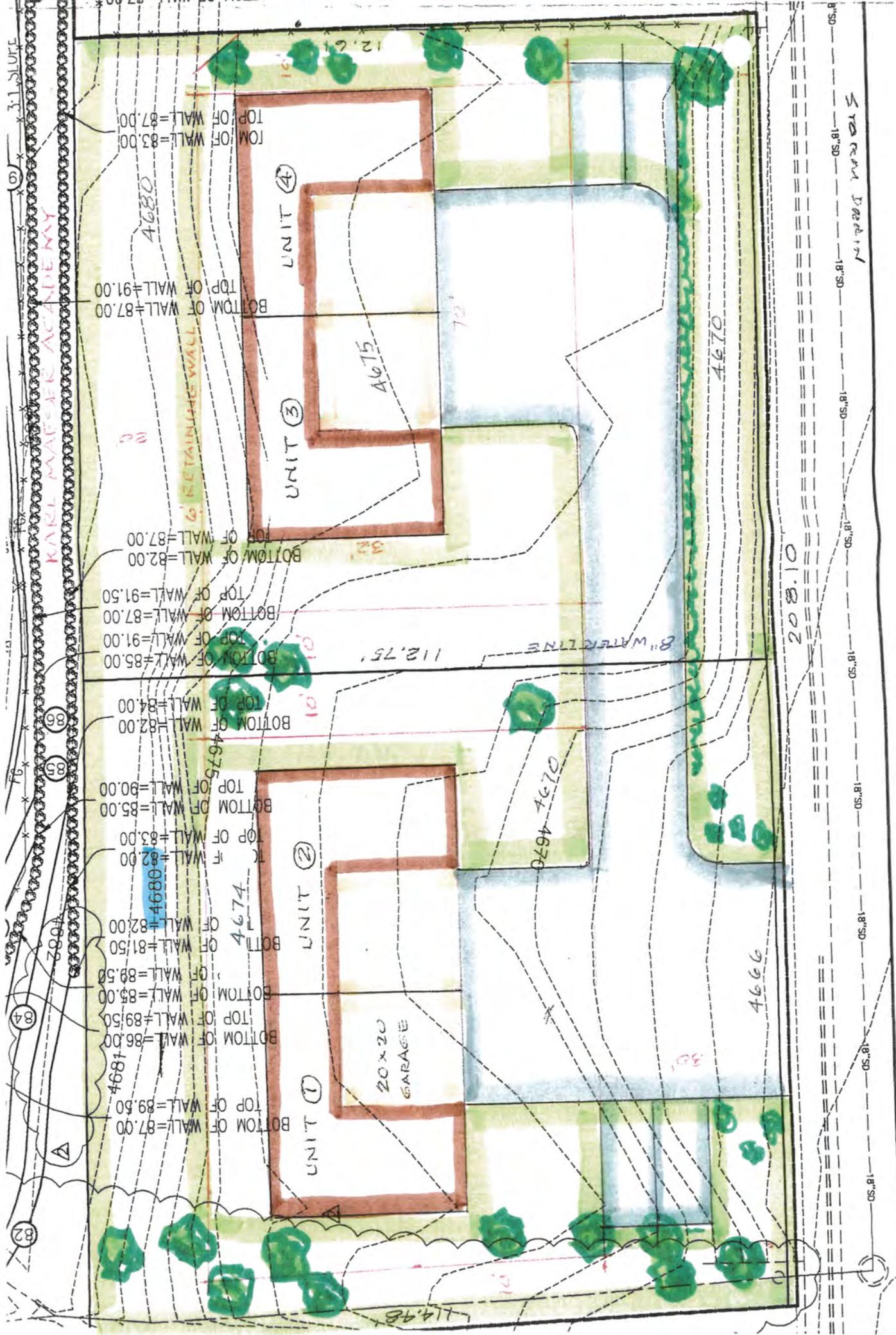
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82 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



Prepared By: A.G. CUTLER 2015
 HICKETOWN PROPERTIES
 OREM, UT - 801-368-5388

STORM DRAIN

208.10

4666

4670

4674 4670

114.98

20x20 GARAGE

UNIT 1

UNIT 2

UNIT 3

UNIT 4

BOTTOM OF WALL=87.00 TOP OF WALL=89.50
 BOTTOM OF WALL=86.00 TOP OF WALL=89.50
 BOTTOM OF WALL=85.00 TOP OF WALL=89.50
 BOTTOM OF WALL=82.00 TOP OF WALL=82.00
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 BOTTOM OF WALL=87.00 TOP OF WALL=91.00
 BOTTOM OF WALL=83.00 TOP OF WALL=83.00
 TOP OF WALL=87.00

6' RETAINING WALL

8" WATERLINE

3.11 SLURRY
 KARL MAFFER ACAD/EMMY
 82 84 85 86

Item 8: Public Hearing — Zone Map Amendment, 15 North to 10 South State Street

Lindon City requests 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, 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.

<p>Applicant: Lindon City Presenting Staff: Jordan Cullimore</p> <p>General Plan: Commercial Current Zone: General Commercial (CG-A) Requested Zone: General Commercial (CG)</p> <p>Property Owner(s): MP Corp; Kiran Kamdar; 7-Eleven Inc Addresses: 15 North; 10 South; 25 South State Street Parcel IDs: 14:069:029; 14:069:0152; 14:069:0241 Lot Sizes: 1.3 acres; 0.93 acre; 1.25 acres</p> <p>Type of Decision: Legislative Council Action Required: Yes</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <p>1. Whether to recommend approval of a request to change the zoning designation of the subject lots from General Commercial (CG-A) to General Commercial (CG).</p> <p><u>MOTION</u></p> <p>I move to recommend to the City Council (<i>approval, denial, continuance</i>) of Ordinance 2015-7-O to change the zoning designation of the subject lots from General Commercial (CG-A) to General Commercial (CG) with the following conditions (if any):</p> <ol style="list-style-type: none">1.2.3.
---	---

BACKGROUND

While reviewing the Performance Motors rezone request, the City Council identified a few lots that are zoned CG-A, but are not being used as used car lots. Members of the Council approved the Performance Motors rezone request and directed staff to initiate a zone map amendment to reclassify the lots not being used as car lots to CG to ensure the size of the CG-A does not grow too large. The lots to be rezoned are outlined in attachment 1.

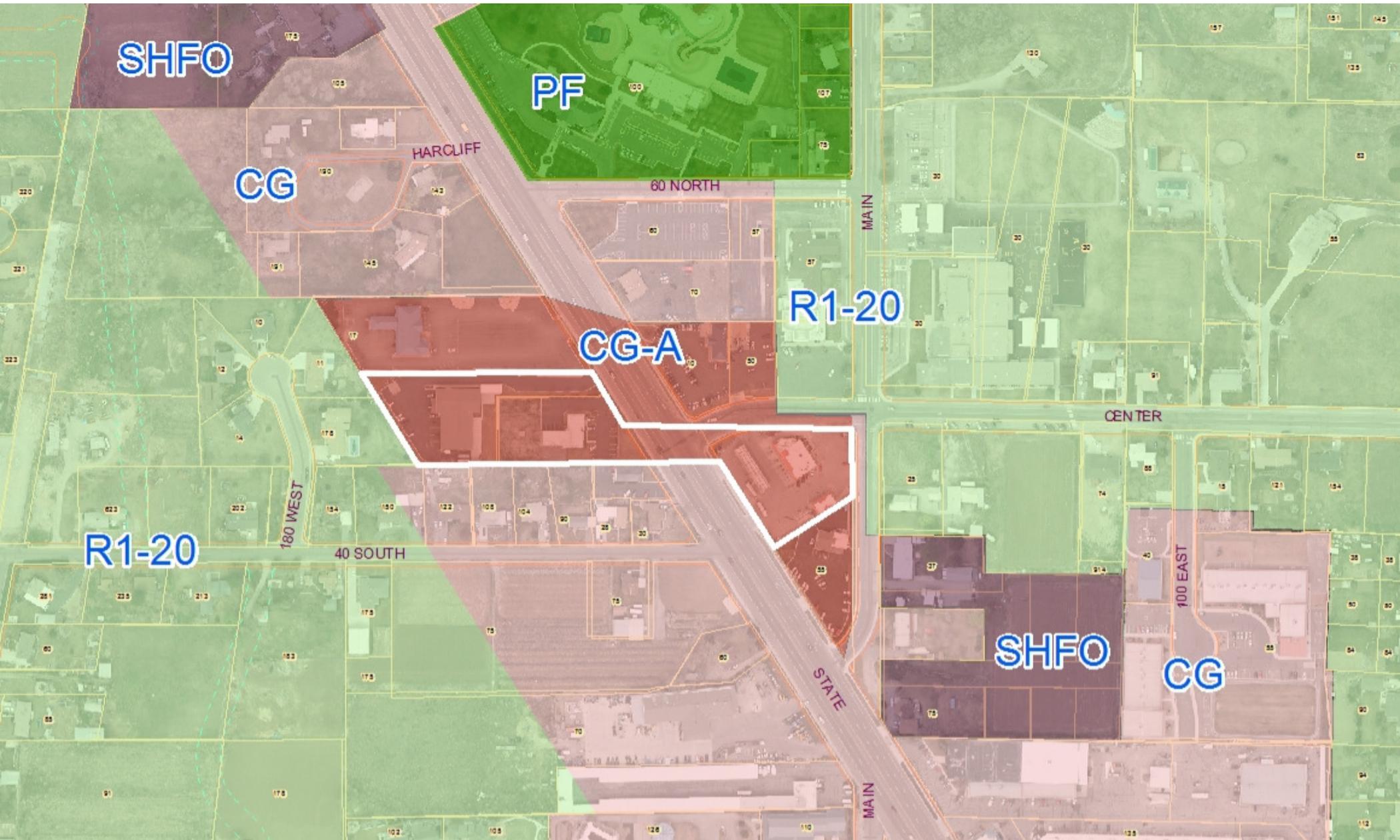
ANALYSIS

- Subsection 17.04.090(2) of the Lindon City Code establishes the factors to review when considering a request for a zone change. The subsection states that the “planning commission shall recommend adoption of a proposed amendment only where the following findings are made:
 - The proposed amendment is in accord with the master plan of Lindon City;
 - Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of the division.”
- 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.” Commercial zones include the CG, CG-A, CG-A8, CG-S, PC-1, and PC-2 zones.

ATTACHMENTS

1. Aerial photo of the proposed area to be re-classified.

Attachment 1



Item 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.

Applicant: Lindon City
Presenting Staff: Jordan Cullimore

Type of Decision: Legislative
Council Action Required: Yes

SUMMARY OF KEY ISSUES

1. Whether it is in the public interest to recommend approval of the proposed amendment to the City Council.

MOTION

I move to recommend (*approval, denial, continuation*) of ordinance amendment 2015-8-0 (*as presented, with changes*).

DISCUSSION & ANALYSIS

Recent amendments to State Law have changed how local governments review property line adjustments. The proposed amendments in attachment 1 and 2 have been recommended by Lindon City Attorney Brian Haws. The amendments bring Lindon City's rules into conformance with existing State Law.

ATTACHMENTS

1. Proposed changes to LCC 17.33
2. Proposed changes to LCC 17.34

Chapter 17.33 Amending a Recorded Plat

Sections:

- 17.33.010 Purpose
- 17.33.020 When these regulations apply
- 17.33.030 Application requirements
- 17.33.040 Review process and requirements for approval
- 17.33.050 Adjustment of boundaries between adjacent lots (Lot Line Adjustment)
- 17.33.~~050~~060 Recording an approval

Section 17.33.010 Purpose

A plat amendment is any a change or alteration to a recorded plat that does not create any new parcels or lots, not including the adjustment of boundaries between adjacent lots. (The change may be a-the relocation of multiple property lines, or-the elimination of a property line within the plat, a change in notations or lot numbers on the plat, a change of the title or name of the plat, etc.) A plat amendment is an alternative to having to go through a subdivision application process in order to amend a recorded plat when no new parcels or lots will be created. These regulations will ensure that:

1. A plat amendment does not result in properties that violate the requirements of this Title or other currently adopted zoning and development standards of Lindon City; and
2. A plat amendment does not alter the coverage or availability of existing utility services to existing lots or parcels.

Section 17.33.020 When these regulations apply

A plat amendment is required to change or alter an existing subdivision plat in any way - when said changes or alterations do not create additional lots or parcels, excluding adjustment of boundaries between adjacent lots. Changes or alterations that create additional lots or parcels and/or initiate installation of new public improvements (other than utility relocations) constitute a subdivision, not a plat amendment, and are subject to the subdivision approval process.

Section 17.33.030 Application requirements

Application submittal requirements shall be followed as listed in the Land Development Policies, Standard Specifications and Drawings manual (Development Manual). The submittal requirements for subdivisions shall apply unless specific requirements for Plat Amendments are shown.

Section 17.33.040 Review process and requirements for approval

Plat Amendments are reviewed by Staff, the City Engineer, and the Land Use Authority in the same manner and process as a subdivision plat per LCC 17.32, and as outlined in the Development Manual. A request for a plat amendment may-shall be denied by the Land Use Authority, if it is determined that the application fails to meet requirements found within Lindon City Code. In addition to any requirements required as part of a typical subdivision plat review, the following items shall be met:

A. Properties.

1. For purposes of this subsection, the plat amendment will not cause any involved properties to move out of conformance with any of the regulations of this Title (become non-conforming), except as follows:
 - a. If a property or lot is already out of conformance with a regulation in this Title, the plat amendment will not cause the property or lot to move further out of conformance with the regulation(s);

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2. The plat amendment will not result in the creation of a flag lot;
 3. No new building lot or additional housing units will result from the amendment;
 4. The plat amendment does not result in remnant land that did not previously exist;
 5. The plat amendment will not result in a property that is in more than one zone (split zoning), unless that property was already in more than one zone;
- B. Utility Services and Lot Improvements.
1. The availability of utility services to the properties or lots must be maintained with no new utility services being installed other than utility relocations (i.e., realignment of property lines that require relocation of utility stubs).
 2. Water shares must be submitted per LCC Section 17.32.270 for any acreage or lots within the plat for which water shares have not already been turned into the City;
 3. A plat amendment that results in new street frontage being added to an existing lot or parcel is acceptable as long as the new street frontage will not result in the creation of any new lots or parcels and the new street frontage already has all typically required public improvements installed (curb, gutter, sidewalk, utilities, etc.). If any new public improvements are necessary along unimproved street frontages (not just relocation of existing utilities) and are to be included within the amended plat, then the request needs to go through a subdivision application – not a plat amendment.

17.33.050 Adjustment of boundaries between adjacent lots (Lot Line Adjustment)

1. The owners of record of adjacent lots in a recorded plat may exchange title to portions of those lots through a Lot Line Adjustment (LLA) if the exchange of title is approved by the Land Use Authority as provided in this subsection.
 - a. Applicants requesting an LLA shall not be required to follow the submittal requirements listed in the Land Development Policies, Standard Specifications, and Drawings Manual (Development Manual), but shall submit such documents and information requested by Staff to determine the effects of the adjustment and the resulting lots.
2. A request for an LLA shall be reviewed by Staff. The City Engineer and the Lindon City Planning Director shall constitute the Land Use Authority for approving such requests.
 - a. The Land Use Authority may approve a request for an LLA if the resulting lots meet the requirements of this Title.
 - b. The Land Use Authority shall deny a request for an LLA if it is determined that the application fails to meet Lindon City Code requirements.
 - c. If the Planning Director and the City Engineer, in their sole discretion, determine that an LLA request presents a difficult question or would create a unique or unanticipated result, they may refer the request to the Planning Commission for final decision.
 - i. Upon referral of an LLA request, the Planning Commission shall become the Land Use Authority.
 - d. If the Land Use Authority denies an LLA request, the applicant may file an appeal pursuant to LCC 17.09.
 - i. The Planning Commission shall be the Appeal Authority on Lot Line Adjustment requests.
 - A. If the original request was referred by Staff to the Planning Commission the City Council shall act as the Appeal Authority on appeal.
3. Upon approval of an LLA request, Planning Director shall execute a Notice of Approval to be recorded with the Utah County Recorder's Office.
 - a. The Notice of Approval shall contain the following:
 - i. the signatures of all property owners involved;

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- ii. an acknowledgment for each party executing the notice in accordance with the provisions of U.C.A. Title 57, Chapter 2a; and
 - iii. descriptions of both the original lots and the lots created by the exchange of title.
- b. It shall be the applicant's responsibility to provide the legal description required in the Notice of Approval and to secure the signatures of all the property owners.

Section 17.33.050060 Recording an ~~approval~~ plat amendment

The Approval and recording process for plat amendments will be the same as an approval for a subdivision plat as found within LCC 17.32 and the Development Manual.

Chapter 17.34 ~~Property Line Adjustment~~ Parcel Boundary Adjustment

Sections:

- 17.34.010 Purpose
- 17.34.020 When these regulations apply
- 17.34.030 Application requirements
- 17.34.040 Review process and Requirements for approval
- 17.34.050 Recording an approval

Section 17.34.010 Purpose

A ~~Property Line~~ Parcel Boundary Adjustment (PLAPBA) is the relocation or elimination of a common property line between two or more abutting properties that are not part of a platted subdivision lot. A PLA-PBA does may not create any new parcels or lots. Pursuant to Utah Code Section 10-9a-523, a PBA may be executed by a boundary line agreement or quit claim deed and these transactions are not subject Land Use Authority review. The resulting parcels, however, are still subject to compliance with the requirements of this Title or other adopted Lindon City zoning and development standards. The regulations of this Chapter are designed to ensure that:

1. ~~A PLA does not result in properties that violate the requirements of this Title or other currently adopted zoning and development standards of Lindon City~~ the developed parcels modified or altered by a PBA continue to comply with City requirements for parcel size and acreage, street frontage, water shares regulations, and parcel improvements; and
2. ~~a PLA-PBA~~ does not alter the coverage or availability of existing utility services to existing lots or parcels.

Section 17.34.020 When these regulations apply

A ~~PLA-PBA does not require Land Use Authority approval, but a parcel that may be modified or altered by a PBA must comply with the provisions of this Title. Lindon City may require a property owner to bring parcels into compliance with this Title and Chapter through a zoning enforcement action, including denial of permits or licenses, the issuance of stop work orders, or red tagging the lot.~~ is required to relocate or remove a common property line between two or more properties that are not part of platted lots. Amendments to property lines that are part of a platted subdivision lot may not be completed through a PLAPBA, but instead ~~require an amendment of the plat as outlined in~~ shall follow the requirements set forth in LCC 17.33.

~~Section 17.34.030—Application requirements~~

~~Application submittal requirements shall be followed as listed in the Land Development Policies, Standard Specifications and Drawings manual (Development Manual).~~

~~Section 17.34.040—Review process and Requirements for approval~~

~~PLA's are reviewed through a non-discretionary, administrative procedure by the Land Use Authority. A request for a PLA may be denied by the Land Use Authority, or designee, if it is determined that the application fails to meet requirements found within this division or violates any other regulations within Lindon City Code. A request for PLA will be approved if all of the following are met:~~

~~A. Properties.~~

1. ~~For purposes of this subsection, the PLA will not cause any involved properties to move out of conformance with any of the regulations of this Title (become non-conforming), except as follows:~~

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- ~~a. If a property or lot is already out of conformance with a regulation in this Title, the PLA will not cause the property or lot to move further out of conformance with the regulation(s);~~
 - ~~2. The PLA will not result in the creation of a flag lot;~~
 - ~~3. No new building lot or additional housing units will result from the adjustment;~~
 - ~~4. All adjoining property owners consent to the new lot lines by signing the application;~~
 - ~~5. The lot line adjustment does not result in remnant land that did not previously exist;~~
 - ~~6. The PLA will not result in a property that is in more than one zone (split zoning), unless that property was already in more than one zone;~~
 - ~~7. A PLA that results in new street frontage being added to an existing lot or parcel is acceptable as long as the new street frontage will not result in the net effect of creating any new lots or parcels.~~
- ~~B. Utility Services and Lot Improvements.~~

Section 17.34.030 Review of Resulting Parcels

Upon learning that a lot has been modified or altered by a PBA and fails to comply with requirements for parcel size and acreage, street frontage, water shares regulations, and parcel improvements as set forth in this Title, the City may require the property owner to bring the parcel into compliance with this Title and other zoning and development standards that shall include, but not be limited to, the following:

1. Separate Utility Services. The availability of separate utility services to ~~the all~~ properties or lots must be maintained. If the availability of separate utility services are not maintained to all parcels, the property owner whose property lacks access to separate utility services shall be responsible for establishing such availability. Lindon City may deny licenses and permits or otherwise prohibit the use of the property or red tag a parcel until separate utility services are provided to the parcel.;
2. Water Shares. Water shares must be submitted per LCC Section 17.32.270 for any acreage of the properties for which water shares have not already been turned into the City. Lindon City may deny licenses and permits or otherwise prohibit the use of the property or red tag a parcel until the required water shares are provided as required.
3. Street Improvements. No new lot or public improvements (curb, gutter, sidewalk, etc.) are required if a PLA-PBA creates additional street frontage that is added to an existing parcel or lot unless the frontage of the existing lot contains improvements, in which case the improvements shall be extended from the existing point where the improvements end and shall be continued across any unimproved street frontage within the lot. Improvement plans and an improvement bond will be required prior to approval. Payment of any additional fees for engineering reviews of improvement plans and/or bonds will be the responsibility of the applicant. Lindon City may deny licenses and permits or otherwise prohibit the use of the property or red tag the parcel until such improvements are made.

Section 17.34.050—Recording an approval

~~Within 30 days of written approval of the PLA the notice of approval certifying that the PLA satisfies all applicable ordinances and resolutions of Lindon City shall be recorded with the Utah County Recorder. Recording fees will be paid by the applicant as per the Lindon City Fee Schedule and fees adopted by Utah County. The notice of approval does not convey title. In order to convey title, the adjoining property owner(s) will need to prepare and record a quit claim deed, warranty deed, or other acceptable instrument in the office of the Utah County Recorder.~~

Section 17.34.050 Illegal Parcels

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Any lot or parcel modified or altered by a PBA so as to violate any provisions of this Title, or any other Lindon City zoning or development standards, shall become an illegal lot or parcel and any use thereon shall become an illegal, non-conforming use. Such illegal parcels or uses created by Parcel Boundary Adjustments are not grandfathered parcels or uses as provided in LCC Chapter 17.16 because the modifications or alterations resulting in the illegal or nonconforming status of the parcels are the result of actions of private property owners and not governmental acts of Lindon City.

Item 10: Public Hearing — Ordinance Amendment, LCC 17.38 Bond for Completion of Improvements to Real Property

City Staff requests an ordinance amendment to Lindon City Code Section 17.38 in order to clarify bonding requirements for both public and private improvements and to align City Code with Utah State Code.

Applicant: City Staff
Presenting Staff: Hugh Van Wagenen

Zones Affected: All

Type of Decision: Legislative
Council Action Required: Yes

SUMMARY OF KEY ISSUES

1. Whether it is in the public interest to approve the proposed amendment.

MOTION

I move to recommend (*approval, denial, continuance*) to the City Council of the proposed ordinance amendment to 17.38 (as presented, with changes).

DISCUSSION & ANALYSIS

In a nutshell, the proposed amendment to LCC 17.38 Bonds for Completion of Improvements to Real Property is an update that reflects current State Code with regards to when a bond is required, the bond amount, and the length of time the bond can be held.

The ordinance addresses two types of bond circumstances, or Improvement Completion Assurances: bonds can be posted by a developer with the City when (1) required public improvements are not complete but the applicant would like their plat recorded and (2) when required public or private improvements are not complete but the applicant would like their certificate of occupancy.

Also addressed is the length and time of the Improvement Warranty, which is a guarantee of workmanship on the public improvements. The City cannot ask for more than a 10% warranty and its duration is one year from acceptance of the improvements by the City.

This is an item that will be passed to the City Council following a Planning Commission recommendation.

ATTACHMENTS

1. Redlined ordinance amendment
2. Clean ordinance amendment

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Chapter 17.38

BONDS FOR COMPLETION OF IMPROVEMENTS TO REAL PROPERTY

Sections:

- 17.38.010 ~~Improvement completion bonds~~ Completion Assurances and Improvement Warranties
gGenerally
- 17.38.015 Definitions
- 17.38.020 ~~Bond for off-site improvements~~ Improvement Completion Assurances for Public Improvements
- 17.38.030 ~~Bond for on-site improvements~~ Improvement Completion Assurances for Private Improvements
- 17.38.040 Required Forms

Section 17.38.010 ~~Improvement completion bonds generally~~ Improvement Completion Assurances and Improvement Warranties Generally

All required landscaping or infrastructure improvements shall be completed prior to any plat recordation or development activity unless the applicant requests to post an Improvement Completion Assurance under the terms of this chapter. In all cases shall the Improvement Warranty be posted prior to any plat recordation or development activity. If desiring to record a plat (in the case of subdivision improvements being incomplete) or obtain a certificate of occupancy (in the case of land developments in which a certificate of occupancy is requested before all required improvements are completed) Any person or entity subdividing, improving, building upon or otherwise developing real property (hereinafter "developer") shall post for the benefit of Lindon City an ~~improvement completion bond~~ Improvement Completion Assurance and Improvement Warranty in such amount and of adequate security, as set forth hereinafter, insuring the timely and proper completion of all improvements required by the Lindon City Code, the Lindon City Development Review Committee ("DRC"), and all applicable building codes, standards and specifications.(Ord. 2000-2, Amended, 10/04/2000)

Section 17.38.015 Definitions

1. "Improvement Completion Assurance" means an irrevocable letter of credit, escrow bond, cash bond, or combination bond posted by a developer to guarantee the proper completion of required improvements.
2. "Improvement Warranty" means a an irrevocable letter of credit, escrow bond, cash bond, or combination bond posted by a developer to unconditionally warrant that accepted improvements comply with the approved plans and the municipality's written standards for design, materials, and workmanship, and are and will remain free of defects (or will be repaired or replaced at no cost to the City) within the improvement warranty period.
3. "Public Improvements" (for the purpose of this ordinance) means:
 - a. Utility installations, including piping of culinary and irrigation water, sanitary sewer, storm drainage, and other required utilities as established by Lindon City;
 - b. Utility improvements required for service by the following utilities, but not provided by the utility company: power, telephone, natural gas, cable television, and telecommunications.
 - c. Roads, grading, curb, gutter, sidewalks, trails, street lights, erosion control, and related items;

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d. Any other improvement that may or may not appertain to an individual lot being developed but which benefits the property or that the DRC reasonably deems necessary to the development of the property; required by or promised to the City; required by ordinance or statute; shown on plans approved by the City; or required by the City Engineer, the DRC or the Legislative Authority as part of the land development process.

4. "Private Improvements" means:

a. Parking, storm drain, landscaping, fencing.

b. Any other improvement on the property that was promised to the City, required by City ordinances, shown on plans approved by the City, or that was required by the DRC, City Engineer, Building Official or Legislative Authority as part of the land development or building approval process.

Section 17.38.020 ~~Bond~~ ~~for off site improvements~~ Improvement Completion Assurance for Public Improvements

1. ~~Prior to, and as a condition for obtaining approval of~~ When required infrastructure improvements are not complete and the applicant requests recordation of a subdivision plat, approval of a building permit, or conditional use permit, any developer making "Off-Site Public Improvements," as defined below above, to real property shall post an ~~improvement completion bond~~ Improvement Completion Assurance for the proper and timely installation and completion of all such Off-Site Public Improvements. The Improvement Completion Assurance shall be executed by agreement between the City and the developer, with the City Administrator, or other designated City representative, having authority to enter into said agreement.
2. ~~For the purposes of this ordinance, Off-Site improvements shall include:~~
 - a. ~~Utility installations, including piping of culinary and irrigation water, sewer connections, storm drainage, and other required utilities as established by Lindon City;~~
 - b. ~~Roads, grading, curb, gutter, sidewalks, grading, and erosion control;~~
 - c. ~~Any other improvement that may or may not appertain to an individual lot being developed but which benefits the property or that the DRC reasonably deems necessary to the development of the property and any improvements required by or promised to the City; required by ordinance or statute; shown on preliminary plats, final plats and construction drawings approved by the City; or required by the city engineer or the DRC as part of the plat approval process.~~
3. ~~The Improvement Completion Bond Assurance shall guarantee that all required improvements will:~~
 - a. ~~Be constructed in accordance with the City's construction standards and specifications and as represented in the construction drawing approved by the city engineer.~~ Be constructed in accordance with the City's construction standards and specifications; as represented in the construction drawing approved by the City Engineer; as promised to the City; and as required by the City Engineer, the DRC or the Legislative Authority.
 - b. ~~Be completed and pass city inspection within one (1) year of the date that the final plat is recorded or building permit is issued, except that required improvements for plats or building permits recorded between October 1 and March 31 must be completed by the next October 1. For example, the required improvements for a plat recorded on February 6, 1990~~ 2015 ~~must be completed by October 1, 1990~~ 2015. The purpose of this requirement is to give the City an opportunity to collect on the bond and complete required asphalt and concrete improvements before the asphalt batch plants close for the winter and before the weather prohibits the completion of the improvements. The City may retain and use the Improvement Completion ~~Bond~~ Assurance for work not timely completed ~~where no extension was granted to the developer~~. The developer may request extensions from the DRC and such extensions shall be granted for good cause shown.
 - c. ~~Remain free from defects for a period of two (2) years following the date that all improvements pass City inspection, or until April 15th of the following year, whichever time period is longer. The purpose of this warranty is to assure that the improvements will last through at least two (2) full~~

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winters. The developer shall repair or replace any improvements which are or become defective during this time period. ~~Subdivision public improvements shall remain free from defects for a period of two (2) years following the date that all improvements pass City inspection.~~

4. Further, the Improvement Completion Bond will guarantee that all repairs to, or replacements of, the required improvements will be made to the satisfaction of the DRC and the city engineer. The DRC may require the developer to guarantee and warrant that any repairs will remain free of defects for a period of six (6) months following the date that the repairs pass City inspection, or until April 15th of the following year, whichever time period is longer. The City may retain the Improvement Completion Bond until the repairs have lasted through the warranty period, and may take action against the bond if necessary to properly complete the repairs. The Improvement Completion Bond shall not be released until the DRC has certified in writing that the promised performance is completed and the warranty period has expired. Site plans shall be released at the end of the warranty period.
53. The Improvement Completion Bond Assurance guaranteeing the timely and proper installation of required improvements shall be equal in value to at least one hundred and ten percent (110 100%) of the cost of the required improvements of what it would cost the City to have the required improvements constructed, as estimated by the City Engineer. This estimated cost is intended to include all costs associated with the City having the required improvements constructed, including costs such as engineering costs, inspection costs, administrative costs, and collection costs, including court costs and attorney's fees. The purpose of the bond is to enable the City to make or complete the required improvements in a timely manner in the event of the developer's inability or failure to do so. The City need not complete the required improvements before collecting on the bond. The City may, in its sole discretion, delay taking action on the bond and allow the developer to complete the improvements if it receives adequate assurances that the improvements will be completed in a timely and proper manner. ~~The additional ten percent (10%) will be used to make up any deficiencies in the bond amount and will reimburse the City for administrative costs and collection costs, including court costs and attorney's fees.~~ The City shall not release more than 90% of the Improvement Completion Assurance until the following have been completed:
 - a. A certificate of final acceptance of required improvements has been issued by the Lindon City Public Works Department.
 - b. The Developer has submitted record drawings to the City.
 - c. The Developer has posted the Improvement Warranty for the amount required in 17.38.020(5).
4. The Improvement Completion Assurance may be posted before beginning construction or during construction. If it is posted during construction, the costs established by the City Engineer for those improvements already constructed and accepted by the City may be deducted from the required bond amount.
5. The Improvement Warranty is required and:
 - a. Shall guarantee that all required improvements will remain free from defects for a period of one (1) year following the date that a certificate of final acceptance of required improvements has been issued by the Lindon City Public Works Department. The developer shall repair or replace any improvements which are or become defective during this time period. Subdivision public improvements shall remain free from defects for a period of one (1) year following the date that all improvements pass City inspection.
 - i. The DRC may require a warranty period beyond one (1) year in order to protect the public health, safety, and welfare if there is substantial evidence:
 - A. of prior poor performance by the developer; or
 - B. that the area upon which the infrastructure will be constructed contains suspect soil and the City has not otherwise required the developer to mitigate the suspect soil.
 - b. Shall be in the amount of ten percent (10%) of the lesser of the:
 - i. City Engineer's original estimated cost of completion of required improvements; or

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next October 1. For example, the required improvements for an occupancy permit issued on February 6, 1990 2015 must be completed by October 1, 1990 2015. The purpose of this requirement is to give the City an opportunity to collect on the Bond and complete any required asphalt and concrete improvements before the asphalt batch plants close for the winter and before the weather prohibits the completion of the improvements. The City may retain and use the Improvement Completion Bond Assurance for work not timely completed ~~where no extension was granted to the developer~~. The developer may request extensions from the DRC and such extensions shall be granted for good cause shown.

- ~~e. Remain free from defects for a period of one (1) year following the date that all improvements pass City inspection, or until April 15th of the following year, whichever time period is longer. The purpose of this warranty is to assure that the improvements will last through at least one (1) full winter. The developer shall repair or replace any improvements that are or become defective during this time period. Public improvements in subdivisions shall remain free from defects for a period of two (2) years following the date that all improvements pass City inspection.~~
- ~~d. All repairs or replacements shall be made to the satisfaction of the DRC. The DRC may require the developer to guarantee and warrant that any repairs remain free from defects for a period of six (6) months following the date that the repairs pass City inspection, or until April 15th of the following year, whichever time period is longer. The DRC may retain the Improvement Completion Bond until the repairs have lasted through the warranty period, and may take action on the bond if necessary to properly complete the repairs. The Improvement Completion Bond shall not be released until the DRC has certified in writing that the promised performance is completed and the warranty period has expired.~~

3. The Developer retains full responsibility for failure or defects of Private Improvements. Any failure in materials or workmanship of a Private Improvement after the item passes inspection is not the responsibility of the City. The City's review and concern for Private Improvements is that they pass inspection if specific code requirements apply to the item, and/or the improvements meet substantial conformance with an approved plan at the time of inspection.

- 34. The Improvement Completion Bond Assurance guaranteeing the timely and proper installation of required improvements shall be equal in value to at least one hundred percent (100%) of the cost of what it would cost the City to have the required improvements constructed, as estimated by the City Engineer. This estimated cost is intended to include all costs associated with the City having the required improvements constructed, including costs such as engineering costs, inspection costs, administrative costs, and collection costs, including court costs and attorney's fees. The purpose of the bond is to enable the City to make or complete the required improvements in a timely manner in the event of the developer's inability or failure to do so. The City need not complete the required improvements before collecting from or foreclosing on the bond. The City may, in its sole discretion, delay taking action on the bond and allow the developer to complete the improvements if it received adequate assurances that the improvements will be completed in a timely and proper manner.
- 45. The bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination bond in favor of the City. The requirements relating to each of these types of bonds are detailed in the approved bond form as maintained by the Development Review Committee. The City must approve any bond submitted pursuant to this section. The City reserves the right to reject any of the bond types if it has a rational basis for doing so. Letters of credit shall be from a federally insured bank or financial institution and shall be submitted on one (1) of the forms set forth in this section or as approved by the DRC. Escrow bonds shall be held by a federally insured bank, credit union, or similar financial institution or a title insurance underwriter authorized to do business in the State of Utah.
- 56. The City shall have the sole right to enforce the Improvement Completion Bond Assurance. Private parties shall not be third-party beneficiaries of the Improvement Completion Bond Assurance.
(Ord. 2000-2, Add, 10/04/2000, XX/XX/2015)

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1. Any person posting an Improvement Completion ~~Bond~~ Assurance or Improvement Warranty shall use the original stamped forms listed below and maintained by the DRC. ~~No copies or facsimile reproduction as acceptable:~~
 - a. DRC Form #1 - Improvement Completion ~~Bond~~ and Warranty Agreement Form.
 - b. DRC Form #2 - Irrevocable Letter of Credit Form.
 2. The DRC shall have power to create, maintain, and amend such forms as necessary to fulfill the purposes of this ordinance.
(Ord. 2000-2, Add, 10/04/2000, XX/XX/2015)

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Chapter 17.38

4

BONDS FOR COMPLETION OF IMPROVEMENTS TO REAL PROPERTY

6

Sections:

8

17.38.010 Improvement Completion Assurances and Improvement Warranties Generally

17.38.015 Definitions

10

17.38.020 Improvement Completion Assurances for Public Improvements

17.38.030 Improvement Completion Assurances for Private Improvements

12

17.38.040 Required Forms

14

Section 17.38.010 Improvement Completion Assurances and Improvement Warranties Generally

16

All required landscaping or infrastructure improvements shall be completed prior to any plat recordation or development activity unless the applicant requests to post an Improvement Completion Assurance under the terms of this chapter. In all cases shall the Improvement Warranty be posted prior to any plat recordation or development activity. If desiring to record a plat (in the case of subdivision improvements being incomplete) or obtain a certificate of occupancy (in the case of land developments in which a certificate of occupancy is requested before all required improvements are completed) any person or entity subdividing, improving, building upon or otherwise developing real property (hereinafter "developer") shall post for the benefit of Lindon City an Improvement Completion Assurance and Improvement Warranty in such amount and of adequate security, as set forth hereinafter, ensuring the timely and proper completion of all improvements required by the Lindon City Code, the Lindon City Development Review Committee ("DRC"), and all applicable building codes, standards, and specifications. (Ord. 2000-2, Amended, 10/04/2000, XX/XX/2015)

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Section 17.38.015 Definitions

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1. "Improvement Completion Assurance" means an irrevocable letter of credit, escrow bond, cash bond, or combination bond posted by a developer to guarantee the proper completion of required improvements.

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2. "Improvement Warranty" means a an irrevocable letter of credit, escrow bond, cash bond, or combination bond posted by a developer to unconditionally warrant that accepted improvements comply with the approved plans and the municipality's written standards for design, materials, and workmanship, and are and will remain free of defects (or will be repaired or replaced at no cost to the City) within the improvement warranty period.

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3. "Public Improvements" (for the purpose of this ordinance) means:

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a. Utility installations, including piping of culinary and irrigation water, sanitary sewer, storm drainage, and other required utilities as established by Lindon City;

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b. Utility improvements required for service by the following utilities, but not provided by the utility company: power, telephone, natural gas, cable television, and telecommunications.

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c. Roads, grading, curb, gutter, sidewalks, trails, street lights, erosion control, and related items;

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d. Any other improvement that may or may not appertain to an individual lot being developed but which benefits the property or that the DRC reasonably deems necessary to the development of the property; required by or promised to the City; required by ordinance or statute; shown on plans approved by the City; or required by the City Engineer, the DRC or the Legislative Authority as part of the land development process.

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4. "Private Improvements" means:

- 2 a. Parking, storm drain, landscaping, fencing.
- 4 b. Any other improvement on the property that was promised to the City, required by City
ordinances, shown on plans approved by the City, or that was required by the DRC, City Engineer,
6 Building Official or Legislative Authority as part of the land development or building approval
process.

Section 17.38.020 Improvement Completion Assurance for Public Improvements

- 8 1. When required infrastructure improvements are not complete and the applicant requests recordation of a
subdivision plat, approval of a building permit or conditional use permit, any developer making "Public
10 Improvements," as defined above, to real property shall post an Improvement Completion Assurance for
the proper and timely installation and completion of all such Public Improvements. The Improvement
12 Completion Assurance shall be executed by agreement between the City and the developer, with the City
Administrator, or other designated City representative, having authority to enter into said agreement.
- 14 2. The Improvement Completion Assurance shall guarantee that all required improvements will:
 - 16 a. Be constructed in accordance with the City's construction standards and specifications; as represented
in the construction drawing approved by the City Engineer; as promised to the City; and as required
by the City Engineer, the DRC or the Legislative Authority.
 - 18 b. Be completed and pass city inspection within one (1) year of the date that the final plat is recorded or
building permit is issued, except that required improvements for plats recorded or building permits
20 issued between October 1 and March 31 must be completed by the next October 1. For example,
the required improvements for a plat recorded on February 6, 2015 must be completed by October
22 1, 2015. The purpose of this requirement is to give the City an opportunity to collect on the bond
and complete required asphalt improvements before the asphalt batch plants close for the winter and
24 before the weather prohibits the completion of the improvements. The City may retain and use the
Improvement Completion Assurance for work not timely completed. The developer may request
26 extensions from the DRC and such extensions shall be granted for good cause shown.
- 28 3. The Improvement Completion Assurance guaranteeing the timely and proper installation of required
improvements shall be equal in value to at least one hundred percent (100%) of what it would cost the
City to have the required improvements constructed, as estimated by the City Engineer. This
30 estimated cost is intended to include all costs associated with the City having the required
improvements constructed, including costs such as engineering costs, inspection costs, administrative
32 costs, and collection costs, including court costs and attorney's fees. The purpose of the bond is to
enable the City to make or complete the required improvements in a timely manner in the event of the
34 developer's inability or failure to do so. The City need not complete the required improvements before
collecting on the bond. The City may, in its sole discretion, delay taking action on the bond and allow
36 the developer to complete the improvements if it receives adequate assurances that the improvements
will be completed in a timely and proper manner. The City shall not release more than 90% of the
38 Improvement Completion Assurance until the following have been completed:
 - 40 a. A certificate of final acceptance of required improvements has been issued by the Lindon City Public
Works Department.
 - b. The Developer has submitted record drawings to the City.
 - 42 c. The Developer has posted the Improvement Warranty for the amount required in 17.38.020(5).

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4. The Improvement Completion Assurance may be posted before beginning construction or during construction. If it is posted during construction, the costs established by the City Engineer for those improvements already constructed and accepted by the City may be deducted from the required bond amount.

5. The Improvement Warranty is required and:

a. Shall guarantee that all required improvements will remain free from defects for a period of one (1) year following the date that a certificate of final acceptance of required improvements has been issued by the Lindon City Public Works Department. The developer shall repair or replace any improvements which are or become defective during this time period. Subdivision public improvements shall remain free from defects for a period of one (1) year following the date that all improvements pass City inspection.

i. The DRC may require a warranty period beyond one (1) year in order to protect the public health, safety, and welfare if there is substantial evidence:

A. of prior poor performance by the developer; or

B. that the area upon which the infrastructure will be constructed contains suspect soil and the City has not otherwise required the developer to mitigate the suspect soil.

b. Shall be in the amount of ten percent (10%) of the lesser of the:

i. City Engineer's original estimated cost of completion of required improvements; or

ii. developer's reasonable, proven cost of completion of required improvements.

c. Shall be executed by agreement between the City and the developer, with the City Administrator, or other designated City representative, authorized to enter into said agreement.

d. Must be posted before the City will record the subdivision plat (in the case of improvements associated with a subdivision) or before the City will issue a Certificate of Occupancy (in the case of improvements not associated with a subdivision).

6. Further, the Improvement Warranty will guarantee that all repairs to, or replacements of, the required improvements will be made to the satisfaction of the DRC, the Public Works Department, and the City Engineer. The Public Works Director or his authorized designee may require the developer to guarantee and warrant that any repairs will remain free of defects for a period of six (6) months following the date that the repairs pass City inspection, or until April 15th of the following year, whichever time period is longer. The City may retain the Improvement Warranty until the repairs have lasted through the warranty period, and may take action against the bond if necessary to properly complete the repairs. The Improvement Warranty shall not be released until the Public Works Director or his authorized designee has certified in writing that the promised performance is completed and the warranty period has expired.

7. The Improvement Completion Assurance and Improvement Warranty shall be an irrevocable letter of credit, escrow bond, cash bond or combination bond in favor of the City. The requirements relating to each of these types of bonds are detailed in the approved bond form as maintained by the Development Review Committee. The City must approve any bond submitted pursuant to this section. The City reserves the right to reject any of the bond types if it has a rational basis for doing so. Letters of credit shall be from a federally insured bank or financial institution and shall be submitted on one of the forms set forth in this section or as approved by the DRC. Escrow bonds shall be held by a federally insured bank, credit union, or similar financial institution or a title insurance underwriter authorized to do

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business in the State of Utah.

- 2 8. The City shall have the sole right to enforce the Improvement Completion Assurance and Improvement
4 Warranty. Private parties shall not be third- party beneficiaries of the Improvement Completion
6 Assurance or Improvement Warranty.
- 6 9. Whenever a temporary turn-around is approved as part of a subdivision and in anticipation of a future
8 through road being constructed, the applicant constructing the temporary turn-around shall post a cash
10 payment to the City equal in amount, as estimated by the City Engineer, to the cost of removing the
temporary turn-around and construction of the required street improvements along the street frontage
where the temporary turn-around will have previously existed. This cash payment will be applied to
construction costs at the time the through road is constructed.

(Ord. 2000-2, Amended, 10/04/2000, XX/XX/2015)

12 Section 17.38.030 Improvement Completion Assurance for Private Improvements

- 14 1. Any developer making private improvements to real property that are not completed at the time of
16 application for an occupancy permit shall post an Improvement Completion Assurance for the proper
and timely installation of all such Private Improvements. The Improvement Completion Assurance shall
be executed by agreement between the City and the developer, with the City Administrator, or other
designated City representative, having authority to enter into said agreement.
- 18 2. The Improvement Completion Assurance shall guarantee that all required improvements will:
 - 20 a. Be constructed in accordance with the City's construction standards and specifications and the plans
approved by the City Engineer and Building Official, as promised to the City, and as required by the
DRC, City Engineer, Building Official and Legislative Authority.
 - 22 b. Be completed and pass City inspection within one (1) year of the date that the occupancy permit is
24 issued. Improvements required between November 1 and March 31 must be completed by the next
26 October 1. For example, the required improvements for an occupancy permit issued on February
28 6, 2015 must be completed by October 1, 2015. The purpose of this requirement is to give the City
an opportunity to collect on the bond and complete any required asphalt improvements before the
asphalt batch plants close for the winter and before the weather prohibits the completion of the
improvements. The City may retain and use the Improvement Completion Assurance for work not
30 timely completed. The developer may request extensions from the DRC and such extensions shall be
granted for good cause shown.
- 32 3. The Developer retains full responsibility for failure or defects of Private Improvements. Any failure in
34 materials or workmanship of a Private Improvement after the item passes inspection is not the
responsibility of the City. The City's review and concern for Private Improvements is that they pass
inspection if specific code requirements apply to the item, and/or the improvements meet substantial
conformance with an approved plan at the time of inspection.
- 36 4. The Improvement Completion Assurance guaranteeing the timely and proper installation of required
38 improvements shall be equal in value to at least one hundred percent (100%) of the cost of what it would
cost the City to have the required improvements constructed, as estimated by the City Engineer. This
40 estimated cost is intended to include all costs associated with the City having the required improvements
constructed, including costs such as engineering costs, inspection costs, administrative costs, and
42 collection costs, including court costs and attorney's fees. The purpose of the bond is to enable the City
to make or complete the required improvements in a timely manner in the event of the developer's
inability or failure to do so. The City need not complete the required improvements before collecting

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2 from or foreclosing on the bond. The City may, in its sole discretion, delay taking action on the bond and
allow the developer to complete the improvements if it received adequate assurances that the
improvements will be completed in a timely and proper manner.

4 5. The bond shall be an irrevocable letter of credit, escrow bond, cash bond or combination bond in favor of
the City. The requirements relating to each of these types of bonds are detailed in the approved bond form
6 as maintained by the Development Review Committee. The City must approve any bond submitted
pursuant to this section. The City reserves the right to reject any of the bond types if it has a rational
8 basis for doing so. Letters of credit shall be from a federally insured bank or financial institution and
shall be submitted on one (1) of the forms set forth in this section or as approved by the DRC. Escrow
10 bonds shall be held by a federally insured bank, credit union, or similar financial institution or a title
insurance underwriter authorized to do business in the State of Utah.

12 6. The City shall have the sole right to enforce the Improvement Completion Assurance. Private parties
shall not be third-party beneficiaries of the Improvement Completion Assurance.

14 (Ord. 2000-2, Add, 10/04/2000, XX/XX/2015)

Section 17.38.040 Required Forms

16 1. Any person posting an Improvement Completion Assurance or Improvement Warranty shall use the
original stamped forms listed below and maintained by the DRC.

18 a. DRC Form #1 — Improvement Completion and Warranty Agreement Form.

b. DRC Form #2 — Irrevocable Letter of Credit Form.

20 2. The DRC shall have power to create, maintain, and amend such forms as necessary to fulfill the purposes
of this ordinance.

22 (Ord. 2000-2, Add, 10/04/2000, XX/XX/2015)

Item 1 I: New Business (Planning Commissioner Reports)

Item 1 – Subject _____
Discussion

Item 2 – Subject _____
Discussion

Item 3 – Subject _____
Discussion

Item 12: Planning Director Report

- Light Industrial Architectural Standards Generally

Adjourn

Annual Reviews				
APPLICATION NAME	APPLICATION DATE	APPLICANT INFORMATION	PLANNING COMM.	CITY COUNCIL
			DATE	DATE
Annual review - Lindon Care Center 680 North State Street (File # 05.0383.8) administrator@lindoncare.com	Existing use.	Lindon Care Center Manager: Christine Christensen 801-372-1970.	March 2015 Last Reviewed: 3/14	N/A
<i>Annual review of care center to ensure conformance with City Code. Care center is a pre-existing use in the CG zone.</i>				
Annual review of CUP - Housing Authority of Utah County - Group home. 365 E. 400 N. (File # 03.0213.1) lsmith@housinguc.org	Existing CUP	Housing Auth. Of Utah County Director: Lynell Smith 801-373-8333.	March 2015 Last Reviewed: 3/14	N/A
<i>Annual review of CUP to ensure conformance with City Code. Group home at entrance to Hollow Park was permitted for up to 3 disabled persons.</i>				
Heritage Youth Services - Timpview Residential Treatment Center. 200 N. Anderson Ln. (File # 05.0345) info@heritageyouth.com info@birdseyvertc.com	Existing CUP	HYS: Corbin Linde, Lynn Loftin 801-798-8949 or 798-9077	March 2015 Last Reviewed: 3/14	N/A
<i>Annual review required by PC to ensure CUP conditions are being met. Juvenile group home is permitted for up to 12 youth (16 for Timp RTC) not over the age of 18.</i>				

Grant Applications	
Pending	Awarded
Bikes Belong - Trail construction grant. Requested amount: \$10,000 o Status: NOT SELECTED FOR 2010. WILL RE-APPLY IN 2015.	MAG Bicycle Master Plan Study Awarded funds to hire consultant to develop bicycle master plan to increase safety and ridership throughout the city.
Land and Water – Trail construction grant. Requested amount: \$200,000 o Status: NOT SELECTED. RE-APPLY IN 2015.	EDC Utah 2014 — Awarded matching grant to attend ICSC Intermountain States Idea Exchange 2014.
Hazard Mitigation Grant / MAG Disaster Relief Funds- (pipe main ditch)	CDBG 2014 Grant – Senior Center Computer Lab (\$19,000)
FEMA Hazard Mitigation Grant – (pipe Main Ditch)	

Planning Dept - Projects and Committees			
On-going activities (2014 yearly totals)	Misc. projects	UDOT / MAG projects	Committees
Building permits Issued: 228 New residential units: 53	2010-15 General Plan implementation (zoning, Ag land inventory, etc.)	700 North CDA	Utah Lake Commission Technical Committee: Bi-Monthly
New business licenses: 74	Lindon Hollow Creek-Corps of Eng., ditch relocation	Lindon Bicycle Master Plan	MAG Technical Advisory Committee: Monthly
Land Use Applications: 64 Drug-free zone maps: 27	Lindon Heritage Trail Phase 3		Lindon Historic Preservation Commission: Bimonthly Utah APA Fall Conference Committee

Lindon City

Legend

- Conditional Use Permit
- Building Under Construction
- Site Plan
- Commercial Subdivision
- Residential Subdivision

