

Lindon City Planning Commission Staff Report



October 24, 2014

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, October 28, 2014** 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



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1. **Call to Order**
2. **Approval of minutes from September 23, 2014**
3. **Public Comment**

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

4. **Public Hearing — General Plan Amendment — Colmena Group, approx. 600 South & Geneva Rd.**
Bryan Stevenson of Colmena Group requests a General Plan map amendment to change the General Plan designation of property located at approximately 600 South and Geneva Road from Commercial to Light Industrial. The applicant intends to establish retail and office\warehousing uses on the site. Recommendations will be made to the City Council at their next available meeting after Planning Commission review.

(20 minutes)

5. **Public Hearing — Zone Map Amendment — Colmena Group, approx. 600 South & Geneva Rd.**
Bryan Stevenson of Colmena Group requests a Zone Map amendment to change the zoning designation of property located at approximately 600 South and Geneva Road from General Commercial A8 (CG-A8) to Light Industrial (LI). The applicant intends to establish retail and office\warehousing uses on the site. Recommendations will be made to the City Council at their next available meeting after Planning Commission review.

6. **New Business (Reports by Commissioners)**
7. **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
Time: ~11:00 am

Date: October 24, 2014
Place: Lindon City Center, Lindon Public Works, Lindon Community Center

Item I – Call to Order

October 24, 2014 Planning Commission meeting.

Roll Call:

Ron Anderson
Sharon Call
Rob Kallas
Mike Marchbanks
Matt McDonald
Andrew Skinner
Bob Wily

Item 2 – Approval of Minutes

Planning Commission – Tuesday, September 23, 2014.

The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, September 23, 2014 at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 7:00 P.M.

Conducting: Sharon Call, Chairperson
Invocation: Bob Wily, Commissioner
Pledge of Allegiance: Andy Skinner, Commissioner

PRESENT

ABSENT

Sharon Call, Chairperson
Mike Marchbanks, Vice Chairperson
Ron Anderson, Commissioner
Rob Kallas, Commissioner
Bob Wily, Commissioner
Matt McDonald, Commissioner
Andrew Skinner, Commissioner
Hugh Van Wagenen, Planning Director
Jordan Cullimore, Associate Planner
Brian Haws, City Attorney
Kathy Moosman, City Recorder

Special Attendee:
Councilmember Matt Bean

1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.

2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of September 9, 2014 were reviewed.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 9, 2014 AS WRITTEN.

COMMISSIONER WILY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

3. **PUBLIC COMMENT** –

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

CURRENT BUSINESS –

4. **Site Plan** – *Reflections Recovery Center, 145 South 200 East.* Ron Wentz of Reflections Recovery Center seeks site plan approval for a residential substance use disorder and mental health recovery center for up to 24 residents at 145 South 200

east in the R1-20 (Single Family Residential) zone. Recommendations will be made to the City Council at their next available meeting after Planning Commission review.

Hugh Van Wagenen, Planning Director, opened the discussion by giving some background of this agenda item. He explained this is a site plan review for approval of a 7,822 square foot residential substance use disorder and mental health recovery center (Reflections Recovery Center). He further explained the applicant is requesting a reasonable accommodation from Lindon City Code 17.70.040(6) to allow 24 residents instead of 4 residents in the facility. He noted this issue will also go before the City Council following recommendation from the Planning Commission. He went on to say there is an Lindon City Ordinance in place that covers this issue, but there are several paragraphs in the ordinance that are not applicable due to the Federal Americans with Disabilities Act and the Fair Housing and Regulations Act, which City Attorney, Brian Haws will go over to make sure it is understood what is applicable and what is not applicable for consideration in making a decision.

He commented, regarding this application, there is still information not yet received by staff, building and fire codes (which was started yesterday with the chief building official) and financial details of the operation that are currently under review with no business plan proposed and if 24 residents is necessary to financially operate the facility. Because of these issues that need review and vetting, Mr. Van Wagenen stated that staff would strongly recommend that this item be continued to the next Planning Commission meeting to be held on October 14th. He re-iterated that Lindon City Attorney, Brian Haws, is in attendance to help the Commission and the audience understand which parts of the code are applicable and what is a reasonable accommodation.

Mr. Van Wagenen then referenced a memorandum from Brian Haws, Lindon City Attorney, addressing standards to follow and factors to consider when making a reasonable accommodation determination. He noted the purpose of the memorandum is to provide a legal opinion regarding the application of Reflections Recovery Center to establish a group home, it requests for reasonable accommodation under the Fair Housing Act and the Americans with Disabilities Act, and the application of City's Development Code in dealing with the regulation of housing for persons with disabilities. He pointed out that in dealing with the current application and request, it is important to understand the historical and legal background the City is obligated to in order to consider in making its determination in deciding this matter. Mr. Van Wagenen then turned the time over to Mr. Haws.

Mr. Haws opened the discussion by describing the legal environment and background for regulation of disability housing. He explained that up until May 2013, Utah state law allowed municipalities to place several unique regulations on residential facilities for persons with a disability. These regulations included reasonable dispersal requirements, occupancy limits, and security and supervision requirements. Lindon's current ordinance was drafted and adopted under these state provisions and incorporated many of these provisions in its terms and conditions, however, since 2005 there have been numerous federal cases in which many similar provisions from other states have been successfully challenged and struck down as violating the Federal Fair Housing Act and the Americans with Disabilities Act. These state and federal laws greatly restrict the ways in which a municipality may regulate residential facilities for persons with a

disability. Mr. Haws then referenced for discussion the federal laws that will have to be considered, the Fair Housing Act and the Americans with Disabilities Act. He went on to say the purpose behind these Acts and Statutes was to eliminate discrimination that reduce the availability of residential housing for persons with disabilities. He noted the original Fair Housing Act prohibited discrimination in housing on the basis of a person's race, color, religion, sex, or national origin. However, in 1988 Congress amended the Act to also include prohibitions on housing discrimination based on a person's disability or familial status.

Mr. Haws further discussed that since then, federal courts have handed down hundreds of rulings interpreting and applying the FHAA in a variety of housing contexts. Mr. Haws pointed out that it is important to understand that under federal law, the terminology that is used for a person with a disability is anyone who has a physical or mental condition that has a significant impact on a major life function. He noted that case after case has litigated this and it is very clear that those individuals that are suffering from addictions to substance abuse fall under that definition of disabled.

Mr. Haws explained that the Americans with Disabilities Act makes it clear that those who are currently consuming or participating in active use of these substances do not fall within that definition or category. It is those who are going through the process of rehabilitation and trying to overcome that addiction that fall within that definition. He further explained the uses that are being sought in this current application clearly falls under the statute; which statute prohibits us from discriminating against anyone with a disability in these housing operations. Mr. Haws went on to say that this applies to municipalities also, not just landlords, renters or people who are selling etc. in acting and enforcing zoning laws.

Mr. Haws then defined discrimination stating that it doesn't mean there is a bad intent, it simply means that we treat someone differently than we do others. He mentioned the law does allow us to treat people with disabilities differently if we do it for their benefit; an exception that will help them. He did note, if the radius restriction is put in, and in order to ensure that we are not creating a defacto group home zone (so many clustered together that it loses its residential nature), there has been a court that has upheld this stating it is a legitimate purpose that is designed to benefit the disabled person. In our particular situation (without the clustering of group homes) our radius restriction may not be applicable or enforceable.

Mr. Haws stated the other part of the federal law is that we can treat everybody exactly the same, but still be found to have violated the Fair Housing Act and Americans with Disabilities Act if we refuse to provide a reasonable accommodation for persons with disabilities. For example, our limit on the number of residents for group homes is four (4), which is the same number imposed on everyone who is not related. City code allows four (4) unrelated individuals to live together and count as a family, so we treat everybody the same that way. The question is, how is it possible that we have to even consider 24 residents. This is where the Americans with Disabilities Act comes in again and says that accommodations have to be made to persons with disabilities if it is reasonable and necessary. Mr. Haws further discussed that in order for a group to live in the home they want to live in it must be shown that there is an accommodation that the City can make that will allow them to do that, and that this accommodation is it necessary and reasonable, and that it will not fundamentally alter the residential nature of the neighborhood. It is the burden of the Applicant to make the request for the

accommodation and to show that the request for up to 24 residents meets these standards. That is a decision where all of the facts need to be gathered and looked at. Reasonable accommodation is a very fact intensive question. We have to determine if it is necessary that they are able to have the full 24 residents they are asking for. Mr. Haws added a caveat stating an economic factor is an appropriate factor for someone to claim it is necessary.

Mr. Haws stated that the burden is upon the applicant to prove that this request for accommodation is necessary. Once the burden has been met (necessary and reasonable), then we move on to the second prong which is “is it reasonable”? Where the courts will be looking at this to see if it will have a significant impact on the residential character of the neighborhood, or alter what the city’s intent and design was in establishing this zone. Once the applicant has met that burden, and we still have questions or concerns, then the burden shifts to the city where the Commission will have to use the “Quasi-Judicial” function where judgment calls will be made in making a recommendation. He went on to say the codes have been established and now there is a request for an accommodation from those codes (excluding the radius, per state statute and case law, which he feels in this present case is not enforceable).

Mr. Haws further discussed that it is now the Commission’s obligation to look at this and determine if it is necessary and if it is reasonable, and if they find it is not, the City has to come in with very clear and convincing evidence as to why it doesn’t meet the burden. He noted that all of the facts have not been gathered, but once they have been gathered and reviewed the Commission will make a recommendation to the City Council. He noted that public input is very important to this process but it is also important to understand that the courts have articulated that this is not a referendum (a vote to the citizens) as to whether or not this requested accommodation is necessary or reasonable. Opinions from both the City and the citizens need to be backed by good solid facts and research and need to be taken into consideration, but the courts are very carefully in scrutinizing the reasons and the facts. Mr. Haws then discussed land-regulation context. He noted the FHAA prohibits three types of discrimination: (1) disparate treatment, (2) disparate impact, and (3) failure to make reasonable accommodation.

Mr. Haws concluded by stating given the current state of the law, it really is not a question of whether or not the City must make some accommodation to its current requirements, it is clear that the City must do this. It is really a question of what is necessary to accommodate the applicants based on the service they provide to disabled persons and what is a reasonable accommodation that does not go so far as to alter the neighborhood so as to fundamentally change its residential nature. There was then some general discussion by the Commission with Mr. Haws regarding this issue.

Mr. Van Wagenen then presented the site plan including photos depicting the site. Mr. Van Wagenen addressed the following applicable Lindon City Code sections addressing group homes for persons with a disability followed by discussion (staff analysis is included in italics).

He then referenced Section 17.70.040 *Group Home for Persons with Disabilities*

- *The applicant has submitted a land use application for site plan approval of a residential treatment facility in an existing dwelling in the Single Family Residential (R1-20) zone.*

- 2 • *The applicant has indicated that the facility will only serve individuals that are considered disabled under Federal guidelines.*
- 4 • *The applicant has passed pre-certification standards through the Utah State Division of Licensing and Department of Human Services. The facility will receive a license after final inspection. Staff recommends that the Planning Commission require, as a condition of approval, that the applicant present the license to the City upon issuance.*
- 6 • *The applicant is currently working with Building and Fire Inspection Officials to achieve compliance with this requirement. Staff recommends that the item be continued so that Building and Fire Inspection Officials have the opportunity to fully review the submitted plans, and can verify that the applicant will meet applicable code requirements.*
- 8 • *The applicant has submitted plans, which are currently under review. Staff recommends that the item be continued to allow adequate time to review the plans for compliance with this requirement.*
- 10 • *The applicant has submitted calculations showing compliance with the bedroom floor area requirements. The applicant is requesting a reasonable accommodation from the 4 person occupancy limitation. The applicant is requesting that the facility be allowed to house up to 24 residents. The Planning Commission needs to review this request according to the standards presented by Lindon's City Attorney in the memorandum below.*
- 12 • *The applicant's floor plan identifies 7 sleeping rooms. The site plan proposes 8 stalls for visitor and handicap parking on a concrete surface in the rear yard. The applicant is proposing an additional 9 stalls for employees and overflow on compacted gravel. The Planning Commission needs to discuss whether a hard surface, other than compacted gravel will be required.*
- 14 • *The proposed site plan indicates that compliant fencing will be installed. Staff has requested a sample of the fence style and design for review by the Planning Commission.*
- 16 • *The proposed site plan does not identify any portion of the required front or side yard as parking area. The Planning Commission needs to determine whether the proposed parking area changes the residential character of the property.*
- 18 • *The applicant has verified that they will provide applicable proof of insurance. Staff recommends that this requirement be included as a condition of site plan approval.*
- 20 • *The applicant has indicated that the facility will not admit persons with a history of sexual offence or violence. Staff recommends this as a*

condition of approval. The applicant also states that the facility is monitored continually.

Mr. Van Wagenen re-iterated that in addition to the recommendations identified above, Staff recommends that the item be continued to the next regularly scheduled Planning Commission meeting to be held on October 14, 2014 for the following reasons:

1. To allow Lindon City's Attorney adequate time to review financial statements submitted by the applicant to verify financial viability of the operation at different occupancy levels.
2. To allow Building and Fire Code Officials adequate time to review the submitted plans to determine whether the facility will be able to achieve building, safety, and fire code compliance.
3. The conclusions identified from items #2 and #3 above will assist the Planning Commission in making a determination regarding the applicant's request for reasonable accommodation.

Chairperson Call invited the applicants forward at this time to address the Commission. Ron Wentz, Business Director, and Dave Cox, Program Director, representing Reflections Recovery Center were present for discussion. Mr. Wentz began by thanking the Commission for the opportunity to speak tonight and also thanked city staff for their assistance in the application process. Mr. Wentz stated that drug and alcohol abuse has reached epidemic proportions with Utah having the 8th highest drug mortality rate in the entire nation. The Utah Department of substance abuse and mental health annual report shows the current treatment system is only serving 16% of the current need, which means there are 76,000 adults in Utah that are in need of treatment but are not receiving it. He noted they are here tonight to seek approval to become part of the answer to this catastrophe. He added that it is shown that the most efficient therapy and longest lasting recovery is accomplished within a residential setting which is paramount in successful re-entry into society. Mr. Wentz stated they are trying to achieve that medium where they can meet all of the city codes and yet still maintain the residential nature of use. He explained this site was chosen because it is ideally situated on the edge of a residential zone adjacent to a commercial zone and is a beautiful and spacious home, on 1.3 acres. It has over 8,800 square feet of living area, including 9 bedrooms consisting of two wings for separate male and female accommodations, 6 1/2 bathrooms and plenty of room which allows residents the comfort and personal space needed for successful therapy and recovery.

Mr. Wentz explained there will be a six foot high, full privacy fence installed around three sides of the property; each side yard and the back yard, in accordance with Lindon City regulations and code. The property will be manicured and maintained to the upmost standard. Adequate illumination for safety and all lighting will be kept shielded to prevent glare onto neighboring properties. There will not be any signage and residents will be allowed privacy and respect during the healing and recovery process.

Mr. Wentz went on to say those working at Reflections Recovery Center will exceed the State's requirements for a residential facility. Competent staff will be on the premises 24/7 to provide supervision and direction. He noted that Reflections Recovery Center will be subject to City, State and Federal licensing requirements. This will include

the appropriate number of licensed professional staff as well as standard policies and operational practices.

Mr. Wentz further discussed that today's abuser has become more suburban with successful careers and has more disposable income. These are people seen in the community as leaders and role models. Pride and personal standards keep them from entering the "normal" facility while their checkbook limits them from the super high end facilities. Many times the only solution they can see is to continue down the dead end road they have been traveling. Reflections will fill the needs of these clients. The facility, staff, program and overall image will allow them to start down the road of recovery while still maintaining their dignity and personal standards. The typical resident will be over eighteen (18) years of age, of mixed gender, have a primary diagnosis of a drug and/or alcohol addiction, who are actively seeking help and recovery. The main focus will be on the professional segment, 20 to 40 years old, of middle to upper middle class. This segment is highly self-motivated to regain control of their lives, generally of a higher caliber, very predictable and extremely safe.

Mr. Wentz explained that all residents are given a thorough evaluation by a State Licensed Clinician prior to acceptance. The clients overall health, mental and emotional status as well as required level of care, are established during this assessment. Reflections will not grant admittance to anyone with a history of violent crimes or sexually oriented offences. Reflections will accept those with minor legal issues, on an individual basis and circumstance, as long as that person is seriously motivated to receive treatment and not simply avoiding legal consequences. Those who are in need of moderate to severe detoxification will only be admitted after hospitalization and medical clearance.

Mr. Wentz commented that all potential clients will undergo a therapeutic assessment. Those requiring detoxification will be referred to an appropriate facility until they are medically cleared for residential treatment. Reflections will not admit a client with a primary diagnosis other than substance abuse. They will offer 30 day, 60 day and 90 day programs. Each resident is clinically assessed to determine which program is appropriate for them. Residents usually elect to stay additional time because they are pleased with the progress they are making and want to continue the learning and personal growth. The average stay at similar programs is 60 days.

He further explained Reflections Recovery Center is a closed campus where residents are restricted to Reflections property at all times. Passes are typically restricted to activities such as doctor appointments, church attendance, or time with family. The resident must be accompanied by family, facility staff, ecclesiastical leader or someone approved by clinical staff.

Mr. Wentz stated that Lindon City code requires a monitored fire panel installed in the residence. The Fire Department will regularly review the property for safety and code compliance. Reflections Recovery Center will be governed by State licensing requirements. There will be supervision 24/7 along with cameras monitoring the residents, facility and grounds at all times. Reflections is located within 0.7 mile of the Lindon City Police Department and Lindon City Fire Department. They will be subject to regular and frequent drug testing. Failure to conform to a drug and alcohol free environment will result in immediate discharge from the facility. Mr. Wentz stated that Reflections Recovery Center will maintain a zero tolerance policy.

He noted the Reflections Recovery Center will look, act and feel just like any other residence in the neighborhood. There will not be a noticeable difference with the number of vehicles at the facility. Residents are not allowed private vehicles at

Reflections. Parking is based on city requirements with visitor, staff and ADA parking behind the structure and privacy fence out of view. There will not be a noticeable increase in daily traffic from the Center. All visitor, staff and handicapped ADA parking will be provided off-street behind the building and full privacy fencing.

Mr. Wentz concluded by stating Reflections Recovery Center places enormous emphasis on being involved in community outreach programs, service organizations, drug and alcohol prevention education and suicide prevention awareness. This not only benefits the community but also instills pride, a sense of belonging and accomplishment within the Center and its residents. Numerous studies show there is no evidence to suggest that property values have been negatively affected by residential treatment centers. Studies show that there is no correlation between crime and the presence of substance treatment centers. Other types of businesses such as convenience stores and pawnshops tend to have more crime associated with them. Chairperson Call thanked the applicants for their comments at this time. She called for questions or comments from the Commission at this time.

Commissioner Kallas inquired if the applicants have other facilities. Mr. Wentz replied this is their first facility but they have been involved with other treatment centers. Chairperson Call asked what treatment centers they have been involved with. Mr. Cox stated they have been involved with the Steps Recovery Center in Payson and the ARC of Little Cottonwood located in Sandy. Chairperson Call also asked what other types of addictions they plan to treat at the facility. Mr. Cox replied that the term "dual diagnosis" includes depression, anxiety, etc., which is secondary to the substance abuse diagnosis. Chairperson Call also asked what their intended fee schedule will be. Mr. Cox stated they have tried to keep the fee structure very affordable (approx. \$9,500 per month) which is the low end and makes it affordable for the average middle class person who cannot afford the high end treatment facilities (there will be no court mandated residents). Chairperson Call inquired what the average length of stay is. Mr. Cox stated the average stay is 60 days based on criteria. Commissioner Anderson asked for further definition of "closed campus." Mr. Cox stated residents will not be allowed off of the property. Mr. Cox then explained what a typical day of treatment at the center is like, they do not have a lot of time when they are not in a class so there is not a lot of opportunity to leave the campus and if they do leave they must be escorted; if they leave unsupervised they will be removed from the program. Commissioner Anderson also asked what the staffing levels will be and if it will be similar to youth group homes. Mr. Wentz replied it is the State mandated requirements (1 per 8); they will actually plan to have more staff than is required. Commissioner Skinner asked if they anticipate a lot of traffic in taking the clients to the different programs and activities. Mr. Cox informed him they plan to use two 15 passenger vans where all of the clients can come and go as a group.

Commissioner Kallas commented with all the controls they will have on the residents to prevent them from leaving the property, what is the importance of the facility being in a residential setting. Mr. Cox stated it is because so much of the property itself is not institutionalized, and the fact that they are in a residential setting and community and that it is not a sterile environment like a hospital. He went on to say that studies have shown that it is a much better experience for not only the client but for the neighborhood when the neighborhood becomes involved and interact as a community to work with the clients, which benefits both. Commissioner Wily commented that there must be thousands of facilities like this throughout the country and asked Mr. Wentz to cite what the experience has been in integrating them into a residential setting.

Mr. Wentz stated the most recent study took 50 studies and did a synopsis; which showed there was no need to do further studies as they have all come to the same conclusion which states these facilities are good and beneficial. He further stated that he feels the fears and concerns of the citizens are a fear of the unknown and the negative stigma associated with substance abuse. He noted that when residents can see what benefits these facilities have and the people that are helped it may change that negativity. Mr. Wentz expressed that they want to be pro-active and a part of the community. He urged the citizens to read their provided information that may give them a different perspective.

Chairperson Call pointed out that it appears that one of the main things to consider here tonight is the number of residents. She noted that several models have been cited that this model of 24 residents is the optimum number, but she is aware of many other residential treatment centers that operate successful program with less residents (8 clients); is that the reason to be financially viable. Mr. Wentz replied it is a combination of several things, they are not in a \$750,000 home and they are not unreasonable. Chairperson Call asked if they realized, when buying the home; that the numbers they want are a lot higher than what the code allows. Mr. Wentz stated they realized that and noted they are not unreasonable as they are seeking to help those who need help that cannot afford it. He noted that 12% of their gross will be pushed directly towards scholarship treatments.

Commissioner Kallas asked for clarification if the fact that this industry is related closely to the Disabilities Act trumps the zoning. Mr. Haws confirmed that statement if there can be a reasonable accommodation when going through the factors. He noted it's the fact that the individuals fall within the definition of disabled according to the ADA (in regards to occupancy, no other zoning requirements). Commissioner McDonald inquired how often the clientele will be drug tested and what the policy is if someone tests positive. Mr. Wentz replied that they will be tested at least 3 times a week depending on the substance used. If they have a positive test they will face expulsion from the program until they are clean and then will possibly re-admit.

At this time Chairperson Call opened the meeting to public comment. Several residents in attendance addressed the Commission as follows:

Spencer Killian: Mr. Killian commented that he lives directly east of the property in question. Mr. Killian then read a letter from residents that was emailed to the Commission earlier today. He added his personal comments stating that he has lived in Lindon for one year. He also noted that he sees the need for Recovery Centers but would prefer they be located further from schools and residential areas. He expressed his concerns that this facility will change the look and feel of the neighborhood and will compromise the privacy and safety of the children and residents. Mr. Killian further noted that he moved to Lindon because of the rural feel and closeness of the community and he feels a Recovery Center will change the look and feel of the neighborhood; with so many clients in the center it will be similar to having a hotel in his neighborhood. He would also worry about what the curious kids would see and hear as they observe what is going on in the backyard. He noted the amount of land between the privacy fence and the structure would do very little to obscure the facility and they would need a 20 foot high fence to obscure anything in the backyard. He also has concerns that this would devalue his home with an addiction recovery center in his backyard. Mr. Killian concluded by

requesting that this center not be allowed to open. He also thanked the Commission for hearing their comments.

Renee Condie: Ms. Condie commented that they (citizens) are aware that there are substance abuse problems but as concerned citizens they obtained a copy of the city code which states this recovery center is in violation of at least 3 or 4 city codes. She stated that they have gotten together a petition with over 100 signatures of citizens who are in opposition. She then read the code sections pertaining to this issue. Ms. Condie noted the second code section states that in no case should a group have no more than 4 residents at any given time. Ms. Condie noted after looking at the ADA and Fair Housing Acts she will focus on the total number of residents in the group house. Ms. Condie stated the public notice stated there are 22 proposed beds in this facility; she inquired why the large numbers and noted the applicant maintains that is the optimal number for group therapy and counseling. She mentioned that she checked with a few local facilities and they seem to differ in these numbers. She asked what the optimal group size is for patients with drug and alcohol rehabilitation. The results are as follows:

- Utah Valley Regional Medical Center: 5-10
- Mapleton Mountain Recovery Center: 6-10
- Willow Tree Recovery/Pleasant Grove: 16

Ms. Condie referenced the building code stating group home occupancy below 15 can be considered residential in the code but more than 15 is considered institutionalized. This should be considered in the code and to realize it may be reasonable to have the lower number of residents. Ms. Condie stated the residents of the facility are not just residents of Lindon they could be from anywhere in the country. No one else bears the increased ramification from these group homes but the neighborhood itself. Ms. Condie concluded by asking for a reasonability standard for the number of occupants that should be applied to assure the residential quality and character of the neighborhood be maintained. She noted that there are many more people who are really concerned that this is a 3 story facility as the residents can look over into other peoples home. If this continues forward she would also propose that all the bedrooms be located in the basement so they are not watching to see what is going on in neighboring homes. Ms. Condie stated the Mr. Haws said to rely on specific dates and exact codes and things have to be proven to be reasonable and necessary. She suggested that Lindon City perhaps needs more time to step back and refer to specialized lawyers in city code and land management before making a decision. She thanked the Commission for their time and stated that she hopes everyone can work together and come to a good conclusion.

Tom Robinson: Mr. Robinson stated that he is a retired chief financial officer from the VHA where he worked for over 12 years. He commented that his question is what the failure rate is; the VHA has those figures. Mr. Robinson stated he has 15 grandchildren that live within 3 blocks of this proposed facility and he is not happy about it. He noted he has big concerns because he knows the failure rate and the Commission should find this out. He commented that this type of facility in a residential area will work but has to work with the right number of staff and doctors on staff 24/7. He expressed his concerns that this is their first facility of this type and is just not enough information. And if this type a facility is going to be brought to Lindon don't have a first timer come in.

2 **Paul Russell:** Mr. Russell stated that he lives across the street from the proposed facility.
He noted that his comments are not directed to people who have disabilities as they need
4 a place to be treated, but there are plenty of places in the commercial zones that treat
people successfully. He noted that living on 200 east they are back to back to the
6 commercial zone already. They have been encroached from behind and now they will be
encroached on the other side. Mr. Russell commented that the complexion of their
8 neighborhood is continuing to change and they do not want to see commercial on both
sides and it will impact the neighborhood greatly and he has concerns.

10
12 **Kerian Ross:** Ms. Ross commented that the applicant mentioned they chose this location
knowing the city code would not allow the volume of people at the facility. She
questioned if Lindon City would consider putting a nursing home in this same location, in
14 terms of density, as it changes the aspect of the residential area. Lindon is supposed to be
a “little bit of country” and this will significantly change this and have a huge impact on
16 the area. She also questioned what would stop the applicants from choosing to change
their entrance requirements to allow court mandated residents in. She noted if this goes
18 through she would like to know that there will be something in place that will stop them
from making this a higher level rehab center.

20
22 **Mark Robinson:** Mr. Robinson commented that he works from home and is about to
purchase his home and he has talked to a real estate agent that informed him this recovery
center would affect the value of the home and property. He noted that he has 4 boys. He
24 also noted that he has a history with working with and growing up with people with
substance abuse issues. He stated that he does not have a problem with these homes but
26 he is concerned about the look and feel of this facility in the neighborhood. He went on to
say that this will certainly change the feel and residential nature of the neighborhood. He
28 moved from the east coast to Lindon because he liked the country setting and if this is
approved this facility will be a business out of his back window. He voiced his biggest
30 concerns stating this is about the security and surveillance around the facility and that
would encroach on the residential neighborhood and also safety issues and that this
32 would change the value of his home.

34 **Chris Clark:** Mr. Clark commented that he lives next door to the proposed facility. Mr.
Clark also stated that he believes in helping others who want to clean up their lives. He
36 further stated that the windows of the facility are 35 ft. from his back gate and there is not
one corner of his back lot that those windows don’t look at. He noted the he has eleven
38 grandchildren that visit and play in his backyard and he is concerned for safety reasons.
He went on to say for anyone to say this will not fundamentally change the residential
40 nature of the neighborhood is absurd. He added that to say that this will not change the
value of the properties is ridiculous. He made one more point that based on the figures
42 given, this proposed facility is equivalent to having a 6 person family moving in or out
every 2 weeks in the neighborhood with alcohol or drug problems.

44
46 **Dave Phlegl:** Mr. Phlegl voiced his many concerns about putting this facility in their
neighborhood. He noted that in the past city code has not been in compliance with other
issues as well, and this code has not been in compliance since 2013. Now we have this
48 facility supposedly coming into our neighborhood that has not been under the code and

we are here tonight because we are doing something that hasn't been done before that didn't fix that portion of the code. He stated that the city government must resolve this. There have been a lot of things talked about his evening and from what he has heard this company does not have a track record and they have not presented any record to prove they are legitimate. To summarize, this is a bunch of rich people coming to our city to dry out and is no benefit to our city in any way. This does not fit in with Lindon values and we the citizens do not need this business here, let them go to Las Vegas.

Paul Peterson: Mr. Peterson has lived in Lindon for 43 years. He expressed his concerns that this facility will de-value his property and he is also concerned about the amount of traffic and also the parking situation. Another concern is that these people with substance abuse problems can fall off the wagon, and what if someone escapes, steals a gun and goes to one of the schools. Mr. Peterson commented that putting something like this in a residential area is just wrong and these concerns need to be considered.

William Hardy: Mr. Hardy stated that he moved to Lindon 13 years ago. He also stated that he cannot understand why this facility is even being considered with three (3) schools in the area. He also agrees with the comment to see what their success rate is and to consider their track record.

Val Killian: Mr. Killian commented that it is evident that the citizens do not want this facility to go in but we also value the need for treatment. Mr. Killian stated that the site plan only shows the fence going half way up around the backyard. If they choose to do this he would suggest an 8 ft. fence with cement and have it go the entire distance of the property with no openings where the gate can be secured and controlled at the front of the driveway (which will not make it look residential). He also mentioned the parking situation and noted that the van parking will accommodate almost twice as much and will not be covered which will be visible (so it will be a commercial looking building). Mr. Killian also brought up the fact that residents will not be able to sell their property if this facility goes in. There are 2 acres of prime developable land and they will not put in nice homes and be able to sell them with an alcohol recovery center behind them. This will also have a major impact on the Stratton's property who are not in favor of this going in. Mr. Killian voiced his opinion that these people are very naïve with respect to what they can do to the code. The reality is as soon as they step above the margin and go to the 24 units they step up from a residential code to an institutional code and it must be enforced. Mr. Killian then presented a document (submitted as part of the public record) that lists the major criteria that have to be applied. Mr. Killian concluded by stating the city must deny this project and he would suggest to serve the citizens by hiring an attorney to help them defend their rights to live in this city and pay taxes and continue to be "a little bit of country."

Justin Hydeman: Mr. Hydeman commented that he has great respect for Mr. Haws and appreciates his analysis but he has several points in which he differs with him or that have not been addressed in the analysis that he would recommend to the Commission. He mentioned an opinion handed down by the Utah Supreme Court in 2008 called CRT vs. Draper. Mr. Hydeman then read the opinion. Mr. Hydeman stated that per this opinion he does not believe this would be an administrative action but a legislative action and one

that would be subject to voters and something the Commission should consider closely because there would be a material change in the law, particularly with the zoning in the area. Mr. Hydeman went on to say the bigger issue is how to comply with federal law. He agrees the analysis offered to this point regarding the Fair Housing Act is “spot on” but he does not think the Fair Housing Act applies. The reason for that is there has been no analysis offered to this Commission on the difference between a dwelling and shelter. There is significant case law that indicates a shelter is a place where persons have no desire to maintain a permanent residence. The only time the Fair Housing Act applies is if it is, in fact, a dwelling, and it has been clearly stated that this is a 30, 60, 90 day program, so therefore ADA does not apply and the analysis that the Commission should come under is directly under its current R1-20 zoning. Failure to do that exposes this Commission and exposes the city. He would strongly encourage that there be legal analysis on that particular point. Mr. Hydeman would also agree with the previous statement because it is a 3 story building there must be an elevator and fire sprinkler systems. It is also important for the Commission to look at the fact if there is a reasonable accommodation that can be made that does not place them in this particular place; they were not forced to buy this building, they could go to other areas in the city where the zoning would accommodate this use. They chose not to go to another area and they chose a location in an area that does not allow for the use they want to engage in; this is something they will have to deal with. At the end of the day this Commission has heard an overwhelming rejection of this proposal by the citizenry in the surrounding area. As a result of that, this Commission should take a very dim view of this proposal, particularly in light of the opportunity to avoid the entanglements associated with the ADA and Fair Housing Acts. He concluded by thanking the Commission for allowing him to comment on behalf of these individuals.

Chairperson Call closed the public comment portion of the meeting at this time. She called for any additional discussion from the Commissioners. She reminded the Commission that staff has recommended continuance of this agenda item.

Commissioner Kallas asked in regards to occupancy of what the determination is of who can reside at the center and if that can be changed. Mr. Haws stated it would have to come back and go through review process again because it goes into the question of reasonable accommodation; they could not change it on their own without any consideration from the City. Commissioner Anderson asked if that could it be included as a condition to not allow court mandated individuals to the center. Mr. Haws stated that the approvals that will be given are giving accommodations, and in those accommodations conditions are given that make those accommodations reasonable and if they don't follow those conditions then another analysis would have to be done. Commissioner Kallas also inquired if this goes forward could there be a request to expand the facility. Mr. Van Wagenen stated they would have to go through the same approval process. Commissioner Kallas asked what tax revenue the city would derive from an operation like this. Mr. Van Wagenen stated it is not a retail establishment so there is not sales tax involved; just property tax. Commissioner Kallas questioned if the revenue that will be received from the group home residents is not taxed. Mr. Van Wagenen stated is a service. Commissioner Kallas referenced Mr. Hydeman's comments and questioned if that is something to review with Mr. Haws.

Mr. Haws stated he is assuming he is questioning the transitional nature and that it is not a permanent residence. Commissioner Kallas confirmed that statement. Mr. Haws mentioned that he did find one case from a New Jersey State Court that upheld that position, but that there were many more cases that did not uphold that argument. Mr. Haws confirmed that he would be happy to sit down with Mr. Hydeman to discuss which cases Mr. Hydeman is referring to and is open for discussion. Mr. Haws noted they have been in communication and have been seeking out a lot of help on this issue. They have contacted Jody Burnett, who is the leading expert regarding group homes and will be working very closely with him.

Chairperson Call had additional questions. She noted that Mr. Killian's comment that this would be considered an institutional use because of the number of residents. Mr. Haws confirmed that under the building code it would fall under institutional code. Mr. Haws stated the main reason they are asking to postpone this item is to have the time to for staff to verify all the building codes and go through that process. Chairperson Call also asked the applicant what they predict will be the percent of occupancy they expect to have. Mr. Wentz stated they expect 80% occupancy, which is the industry standard.

Chairperson Call reminded the Commission that staff is recommending continuance on this item to allow staff and the City Attorney the time necessary to research the points brought up by the residents. She noted that staff recommends making a motion to continue based on the Chief Building Official's review and also review of the financials. She noted the next meeting will be held three weeks from tonight which will also give the residents additional time to research or investigate this issue. Chairperson Call then thanked the applicants and the residents in attendance for their comments and input.

Chairperson Call called for any further discussion regarding this agenda item. Hearing none she called for a motion.

COMMISSIONER ANDERSON MOVED TO CONTINUE THE APPLICANT'S REQUEST FOR SITE PLAN APPROVAL OF REFLECTIONS RECOVERY CENTER TO ALLOW TIME FOR THE CHIEF BUILDING OFFICIAL TO REVIEW THE BUILDING AND FIRE PLANS AND THE FINANCIAL ANALYSIS. COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

| | |
|-------------------------|-----|
| CHAIRPERSON CALL | AYE |
| COMMISSIONER ANDERSON | AYE |
| COMMISSIONER KALLAS | AYE |
| COMMISSIONER MARCHBANKS | AYE |
| COMMISSIONER WILY | AYE |
| COMMISSIONER MCDONALD | AYE |
| COMMISSIONER SKINNER | AYE |

THE MOTION CARRIED UNANIMOUSLY.

5. Continued Public Hearing – Ordinance Amendment, LCC 17.38 Completion Bonds.
Lindon City requests an amendment to Lindon City Code 17.38 Bonds for Completion of Improvement to Real Property.

COMMISSIONER ANDERSON TO OPEN THE PUBLIC HEARING.
COMMISSIONER SKINNER SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

Mr. Van Wagenen led the discussion by explaining Lindon City is requesting an amendment to Lindon City Code 17.38 Bonds for Completion of Improvement to Real Property. He noted that City staff is in the process of consolidating and making necessary changes to these ordinances to reflect changes in Utah State Code.

Mr. Van Wagenen went on to say this has been a work in progress for some time and will continue to be. He mentioned that one of the reasons the ordinance is before them in draft form tonight is because they are trying to get ahead of the curve because large new developments may be coming down the road and they want to make sure they are in compliance with state law. He also directed the Commission to take the time to read the draft and provide any feedback to staff. Mr. Van Wagenen then directed the Commission to continue this item at this time until a further meeting when the document is closer to its final form. Mr. Van Wagenen re-iterated, if there are any comments from the Commissioners or the general public, staff will be happy to receive them. Mr. Van Wagenen then referenced the proposed amendment.

Chairperson Call called for any discussion from the Commission. Hearing none he called for a motion.

COMMISSIONER ANDERSON MOVED TO RECOMMEND
CONTINUATION OF THE PROPOSED ORDINANCE AMENDMENT TO LCC 17.38
COMPLETION BONDS AS PRESENTED. COMMISSIONER KALLAS SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

| | |
|-------------------------|-----|
| CHAIRPERSON CALL | AYE |
| COMMISSIONER ANDERSON | AYE |
| COMMISSIONER KALLAS | AYE |
| COMMISSIONER MARCHBANKS | AYE |
| COMMISSIONER WILY | AYE |
| COMMISSIONER MCDONALD | AYE |
| COMMISSIONER SKINNER | AYE |

THE MOTION CARRIED UNANIMOUSLY.

6. **Continued Public Hearing** – *Ordinance Amendments, LCC 17.32 Subdivisions; LCC 17.58 Dedication of Subdivisions; LCC 17.66.020 Subdivision recordation.*
Lindon City requests amendments to the Lindon City Code to make general revisions to LCC 17.32, Subdivisions; LCC 17.58, Dedication of Subdivisions; and LCC 17.66.0220, Subdivision Recordation.

Mr. Van Wagenen gave a brief summary of this agenda item stating Lindon City is requesting amendments to the Lindon City Code to make general revisions to LCC 17.32, Subdivisions; LCC 17.58, Dedication of Subdivisions; and LCC 17.66.020, Subdivision Recordation. He noted that City staff is in the process of consolidating and making necessary changes to these ordinances to reflect changes in Utah State Code. He went on to say this has been a work in progress for a period of time and will continue to be so in preparation for future development.

Mr. Van Wagenen commented that the ordinance before the Commission tonight is still in draft form. He also directed the Commission to please take the time to read the draft and provide any feedback to staff. He explained, regarding the motion for the item, that staff is requesting that the item be continued until a further meeting when the document is closer to its final form.

Chairperson Call called for any discussion from the Commission. Hearing none she called for a motion.

COMMISSIONER MARCHBANKS MOVED TO RECOMMEND CONTINUATION OF THE PROPOSED ORDINANCE AMENDMENTS TO LCC 17.32 SUBDIVISIONS; LCC 17.58 DEDICATION OF SUBDIVISIONS; LCC 17.66.020 SUBDIVISION RECORDATION AS PRESENTED. COMMISSIONER WILY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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|-------------------------|-----|
| CHAIRPERSON CALL | AYE |
| COMMISSIONER ANDERSON | AYE |
| COMMISSIONER KALLAS | AYE |
| COMMISSIONER MARCHBANKS | AYE |
| COMMISSIONER WILY | AYE |
| COMMISSIONER MCDONALD | AYE |
| COMMISSIONER SKINNER | AYE |

THE MOTION CARRIED UNANIMOUSLY.

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

COMMISSIONER ANDERSON MOVED TO CLOSE THE PUBLIC HEARING. COMMISSIONER SKINNER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

7. New Business (Reports by Commissioners) –

Chairperson Call called for any new business or reports from the Commissioners. Chairperson Call mentioned there are some high weeds on an area of Center Street where the street narrows, which makes the road seem even narrower and poses a safety issue. Mr. Van Wagenen stated he will check into the issue. Chairperson Call also gave a summary of the recent bike tour in Boulder, Colorado followed by some general discussion.

8. Planning Director Report–

Mr. Van Wagenen had no items to report at this time. Chairperson Call called for any further comments or discussion. Hearing none she called for a motion to adjourn.

ADJOURN –

COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE MEETING AT 10:00 P.M. COMMISSIONER SKINNER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – October 14, 2014

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Sharon Call, Chairperson

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Hugh Van Wagenen, Planning Director

Item 3 – Public Comment

1 - Subject _____
Discussion

2 - Subject _____
Discussion

3 - Subject _____
Discussion

Item 4: Public Hearing — General Plan Amendment — Colmena Group, approx. 600 South & Geneva Rd.

Bryan Stevenson of Colmena Group requests a General Plan map amendment to change the General Plan designation of property located at approximately 600 South and Geneva Road from Commercial to Light Industrial. The applicant intends to establish retail and office\warehousing uses on the site. Recommendations will be made to the City Council at their next available meeting after Planning Commission review. File 14-042-6.

| | |
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| <p>Applicant: Bryan Stevenson of Colmena Group Presenting Staff: Jordan Cullimore</p> <p>General Plan: Commercial Current Zone: General Commercial A8 (CG-A8)</p> <p>Property Owner(s): Anderson Geneva Development, Inc. Address: ~600 South Geneva Rd. Parcel ID: 38:425:0008 Lot Size: 5.83 acres</p> <p>Type of Decision: Legislative Council Action Required: Yes</p> <p>Related Item: File 14-043-3</p> | <p><u>SUMMARY OF KEY ITEMS</u></p> <ol style="list-style-type: none">1. Whether to recommend approval of a request to change the General Plan designation of the subject lots from Commercial to Light Industrial. <p><u>MOTION</u></p> <p>I move to recommend to the City Council (<i>approval, denial, continuance</i>) of the applicant's request to change the General Plan designation of the lots identified by Utah County Parcel #38:425:0008 from Commercial to Light Industrial, with the following conditions (if any):</p> <ol style="list-style-type: none">1.2.3. |
|--|---|

OVERVIEW

The applicant proposes to develop the parcels with a site configuration similar to the site plan concept in attachment 4. The southernmost structure that fronts along 600 South will be a gasoline service station. The northernmost structure will be office/warehousing space and will have an architectural design similar to the design portrayed in attachment 5. Further details about the applicant's proposal are in attachment 3 below.

The current zoning (CG-A8) allows for gasoline service stations, but does not permit office/warehousing uses. Initially, staff advised the applicant that the mixed commercial general plan/zone designations would best accommodate their proposal. Upon further review, it was identified that the minimum zone area for the Mixed Commercial zone is 15 acres. This request would not satisfy the 15 acre requirement. Consequently, staff advised the applicant that a general plan/zone change to Light industrial would comply with code requirements and still allow the applicant to develop the site according to their plans.

City Code requires that any zone change must be consistent with the City's General Plan Designation. The current General Plan designation is Commercial. The applicant is requesting that the General Plan designation be changed to Light Industrial to permit the zone change and allow their desired uses.

FINDINGS OF FACT

1. The General Plan currently designates the property under the category of Commercial. This category includes retail and service oriented businesses, and shopping centers that serve community and regional needs.
2. The applicant requests that the General Plan designation of the property be changed to Light Industrial, which accommodates manufacturing, industrial processes, and warehousing uses not producing objectionable effects. The Light Industrial designation also allows some appropriate related retail uses such as gasoline service stations.

ANALYSIS

1. Relevant General Plan policies to consider in determining whether the requested change will be in the public interest:
 - a. It is the purpose of the industrial to provide for employment and manufacture of materials which are essential to the economy of Lindon City and to provide areas in appropriate locations where a combination of research and development, manufacturing, and industrial processing and warehousing may be conducted.
 - b. The goal of industrial development is to promote employment opportunities, quality businesses, and environmentally clean industrial and technology development which will provide a diversified economic base and will complement local retail, commercial, and industrial establishments in harmony with the community's overall country image and identity as reflected in the Community Vision Statement.
 - i. Objectives of this goal are to:
 1. Encourage the development of high quality, aesthetically pleasing business park areas incorporating major landscape features.
 2. Identify those areas most appropriate for business park development in future growth areas, such as major highway access areas.
 3. Establish and enforce standards with respect to environmental concerns such as; noise, air quality, odor and visual.
 4. Increase the city's business base in the technology sector, building on the existing base and growing technology infrastructure, and consider expanding the Research and Development zones.
 - c. Applicable city-wide land use guidelines:
 - i. The relationship of planned land uses should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts.
 - ii. Transitions between different land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available.
 - iii. Commercial and industrial uses should be highly accessible, and developed compatibly with the uses and character of surrounding districts.

MOTION

I move to recommend to the City Council (*approval, denial, continuance*) of the applicant's request to change the General Plan designation of the lots identified by Utah County Parcel #38:425:0008 from Commercial to Light Industrial, with the following conditions (if any):

- 1.
- 2.
- 3.

ATTACHMENTS

1. Aerial photo of the proposed area to be re-classified.
2. Photographs of the exiting site.
3. Applicant's Proposal.
4. Conceptual Site Plan.
5. Conceptual Architectural Renderings.

Subject Property of Request

LI

PC-1

PC-2

CG

CG-A8

GENEVA

600 SOUTH

600 South











MEMORANDUM

TO: Lindon City
FROM: Colmena Group
DATE: 10/14/14
SUBJECT: Lindon Parcel Geneva Road and 1600

To whom it may concern:

Attached you will find a Land Use Application for a Zone change on parcel # 38-425-0008. It is proposed that the current zoning (CG-A8) be changed to Mixed Commercial zoning. The following is an explanation of the request.

Summary:

The subject site is approximately 5.8 acres located along Geneva Road and 1600 N on the NW corner of the intersection. The parcel is the only parcel located in Lindon City in the Eastlake Industrial/Business Park the others are all located in Vineyard. The uses in the park are considered to be Industrial, Transportation and Warehousing with a component of Office included in the buildings. There has been a recent increase of interest in the area and the users looking are primarily seeking space that is similar to the current uses.

Colmena Group is currently under contract with Anderson Development Company to buy the subject parcel. As part of our planning for the parcel, we have had discussions with a well known Gas Station operator to put a service station on the corner of the site. This would be a great addition to the area and will provide a nice entry way into the Eastlake Park. Gas Stations are currently permitted uses under CG-A8 zoning. As evidenced by the site plan (attached) you can see that the remaining 4 acres of the parcel are located in the back of the site with no access along Geneva Road. Under the current zoning the site is only permitted to have retail or office space. In our discussions with retailers and office users there is

no interest to be located along Geneva Road with no access while next to Heavier Industrial users. This creates a problem for office users also for the same reasons.

One segment of the market that thrives in conditions like this are Flex Office/Warehouse tenants. They are companies such as Zija who recently located a large facility 200 yards away along 1600 N. They are a perfect fit for that site and have created a great looking building while at the same time allowing the company to perform office and distribution out of the same facility.

We hope to have the same uses approved on this parcel through a Mixed Commercial rezoning. This would be the best use for the site while integrating with the current uses in the area. It is much more consistent with the other current uses and the projected uses in the future in the Eastlake Park.

We have included renderings of the contemplated buildings to be located behind the gas station. They are high quality looking buildings that look like a retail storefront with windows and architectural themes on the façade. The front portion of the buildings will be used as office space while the back of the buildings will be warehousing and distribution space for small companies who will occupy 5-10K square feet of space each. This will be a benefit to the area and will raise the bar for the remainder of the project. They will be a great addition to the area while providing jobs and work locations west of I-15.

We look forward to any questions, comments or discussion.

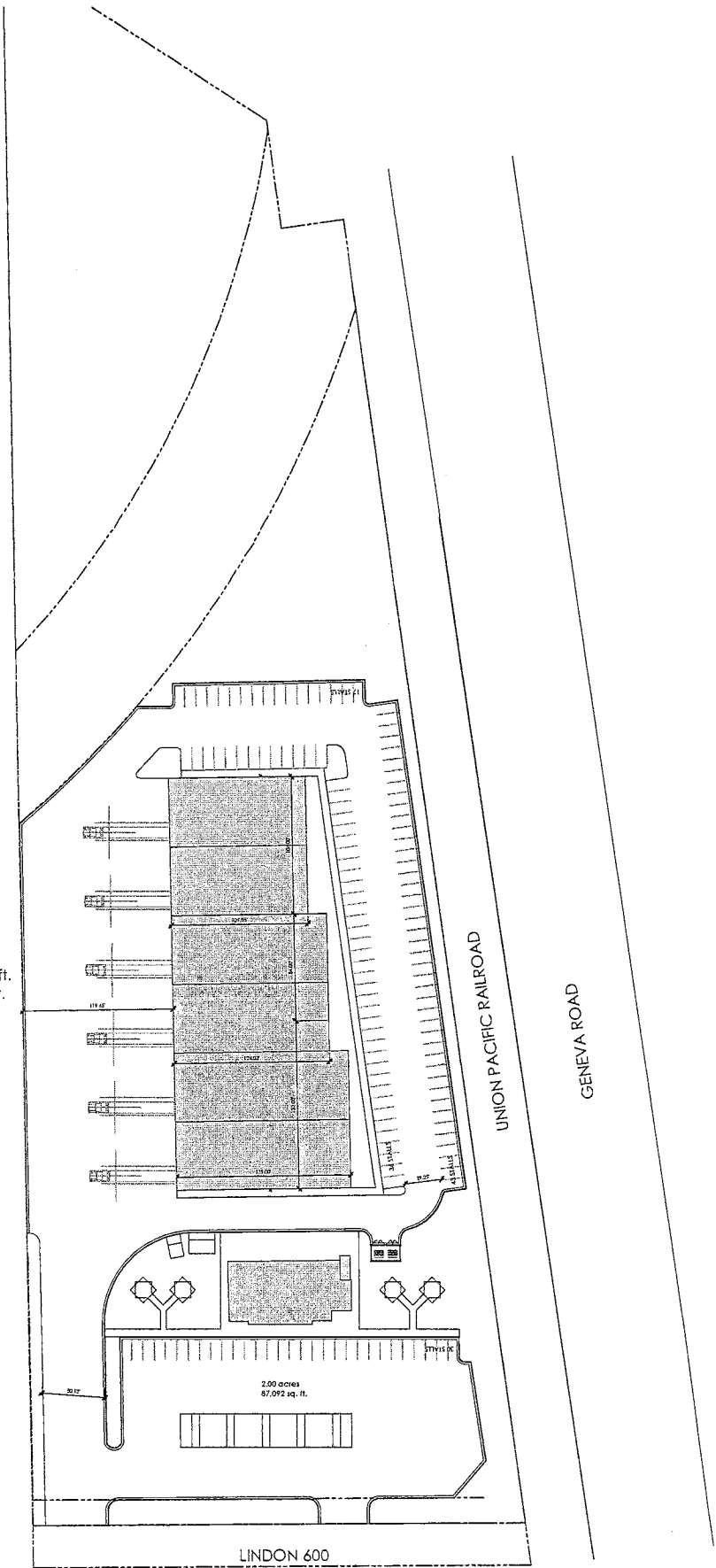
Sincerely,

A handwritten signature in black ink, appearing to read 'Bryan Stevenson', with a long horizontal line extending to the right.

Bryan Stevenson

Colmena Group

LOT AREA: 165,093 sq. ft.
BUILDING FOOTPRINT: 40,185 sq. ft.



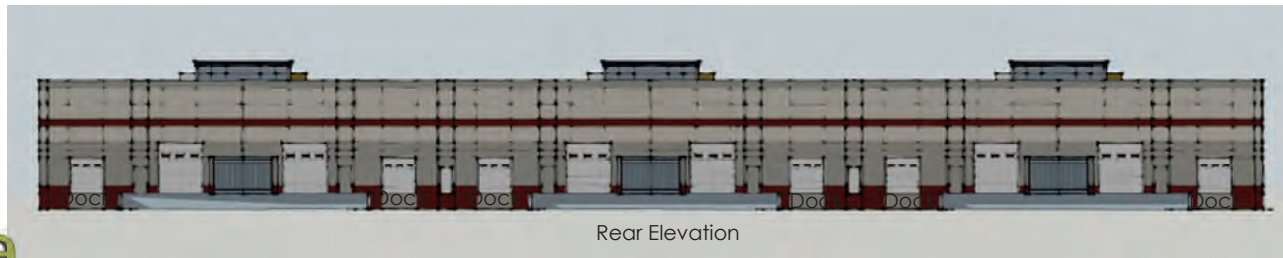
32'-0"



Front Elevation



Typical Entry



Rear Elevation

Item 5: Public Hearing — Zone Map Amendment — Colmena Group, approx. 600 South & Geneva Rd.

Bryan Stevenson of Colmena Group requests a Zone Map amendment to change the zoning designation of property located at approximately 600 South and Geneva Road from General Commercial A8 (CG-A8) to Light Industrial (LI). The applicant intends to establish retail and office\warehousing uses on the site. Recommendations will be made to the City Council at their next available meeting after Planning Commission review. File 14-043-3.

| | |
|--|---|
| <p>Applicant: Bryan Stevenson of Colmena Group Presenting Staff: Jordan Cullimore</p> <p>General Plan: Commercial Current Zone: General Commercial A8 (CG-A8)</p> <p>Property Owner(s): Anderson Geneva Development, Inc. Address: ~600 South Geneva Rd. Parcel ID: 38:425:0008 Lot Size: 5.83 acres</p> <p>Type of Decision: Legislative Council Action Required: Yes</p> <p>Related Item: File 14-042-6</p> | <p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none">1. Whether to recommend approval of a request to change the Zoning designation of the subject lots from General Commercial A8 (CG-A8) to Light Industrial (LI). <p><u>MOTION</u></p> <p>I move to recommend to the City Council (<i>approval, denial, continuance</i>) of the applicant's request to change the zoning designation of the lots identified by Utah County Parcel #38:425:0008 from General Commercial A8 (CG-A8) to Light Industrial (LI) with the following conditions (if any):</p> <ol style="list-style-type: none">1.2.3. |
|--|---|

OVERVIEW

The applicant proposes to develop the parcels with a site configuration similar to the site plan concept in attachment 4. The southernmost structure that fronts along 600 South will be a gasoline service station. The northernmost structure will be office/warehousing space and will have an architectural design similar to the design portrayed in attachment 5. Further details about the applicant's proposal are in attachment 3 below.

The current zoning (CG-A8) allows for gasoline service stations, but does not permit office/warehousing uses. Initially, staff advised the applicant that the mixed commercial general plan/zone designations would best accommodate their proposal. Upon further review, it was identified that the minimum zone area for the Mixed Commercial zone is 15 acres. This request would not satisfy the 15 acre requirement. Consequently, staff advised the applicant that a general plan/zone change to Light Industrial would comply with code requirements and still allow the applicant to develop the site according to their plans. This is a request to change the zoning from General Commercial A8 (CG-A8) to Light Industrial (LI).

FINDINGS OF FACT

1. The current general plan designation does not permit the subject lot to be rezoned from CG-A8 to LI. This item is contingent upon the approval, by the City Council, of Item 4 involving the General Plan designation of the lot.

ANALYSIS & CONCLUSIONS

- 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.”
- The purpose of the Light Industrial Zone is to “provide areas in appropriate locations where light manufacturing, industrial processes and warehousing not producing objectionable effects may be established, maintained, and protected.”

MOTION

I move to recommend to the City Council (*approval, denial, continuance*) of the applicant’s request to change the zoning designation of the lots identified by Utah County Parcel #38:425:0008 from General Commercial A8 (CG-A8) to Light Industrial (LI) with the following conditions (if any):

- 1.
- 2.
- 3.

ATTACHMENTS

1. Aerial photo of the proposed area to be re-classified.
2. Photographs of the existing site.
3. Applicant’s Proposal.
4. Conceptual Site Plan.
5. Conceptual Architectural Renderings.

Subject Property of Request

LI

PC-1

PC-2

CG

CG-A8

GENEVA

600 SOUTH

600 South











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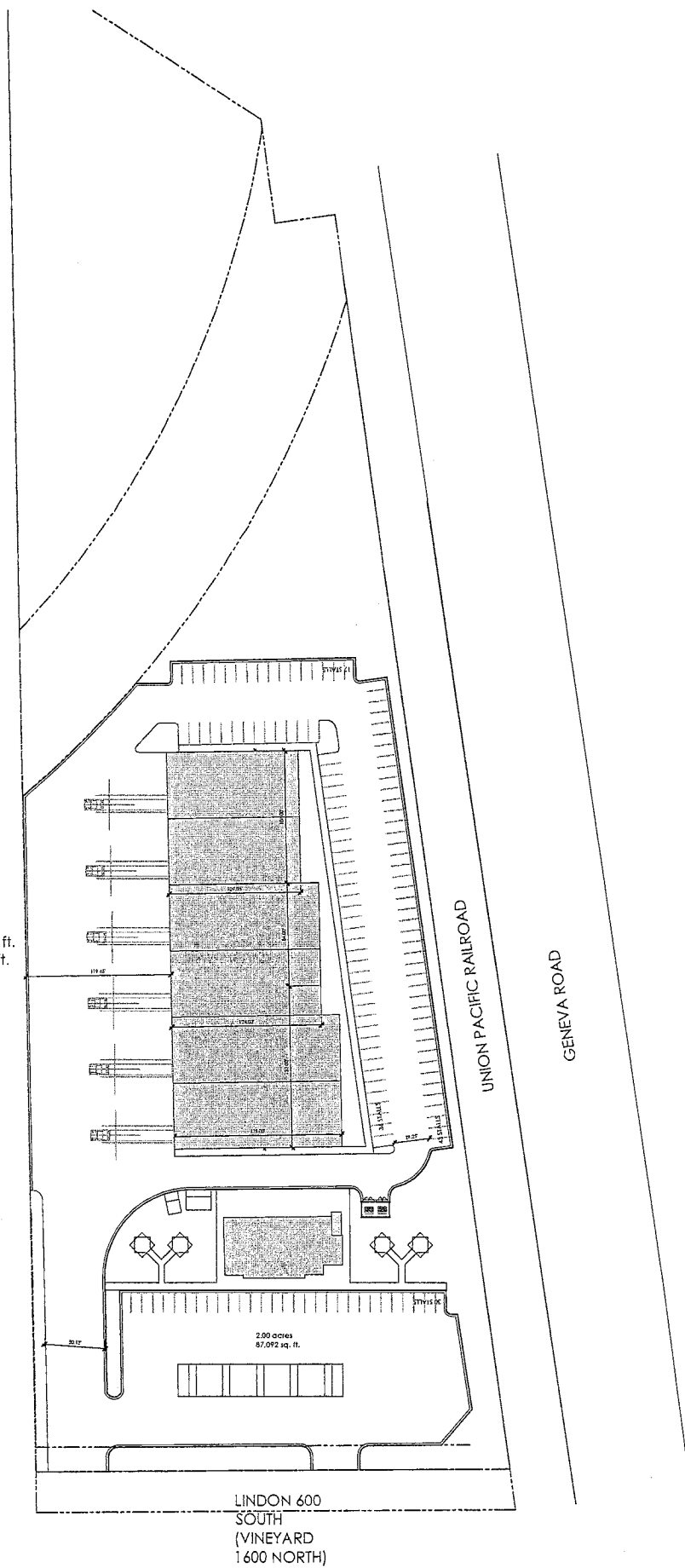
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Bryan Stevenson

Colmena Group

LOT AREA: 165,093 sq. ft.
 BUILDING FOOTPRINT: 40,185 sq. ft.



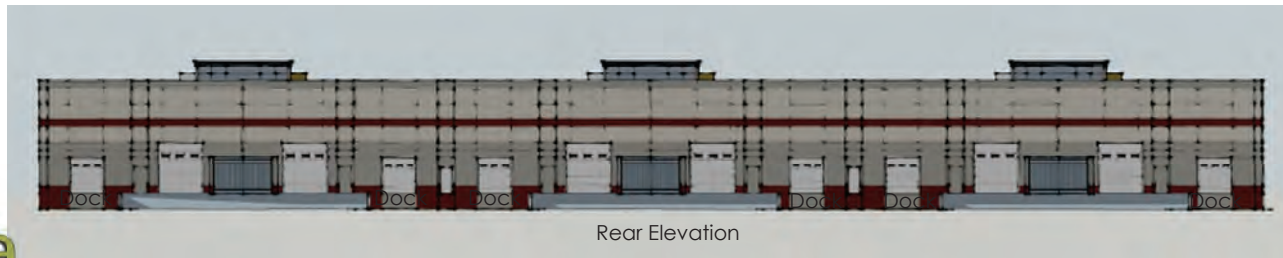
32'-0"



Front Elevation



Typical Entry



Rear Elevation

Item 6: New Business (Planning Commissioner Reports)

Item 1 – Subject _____
Discussion

Item 2 – Subject _____
Discussion

Item 3 – Subject _____
Discussion

Item 7: Planning Director Report

Adjourn

| APPLICATION NAME | APPLICATION DATE | APPLICANT INFORMATION | PLANNING COMM. | CITY COUNCIL |
|---|---------------------------------------|-----------------------|--|--------------|
| | | | DATE | DATE |
| Ordinance changes: LCC 17.38 'Bonds for Completion of Improvements to Real Property' | January 2014 | City Initiated | Mar. 11 | TBD |
| <i>City initiated ordinance changes needed to bring code into compliance with current practices and State laws.</i> | | | | |
| Zone Change: Old Town Square | Feb 1, 2012 | Scott Larsen | Feb. 14, continued | Pending |
| <i>Request for approval of a zone change for two parcels located at 873 West Center Street from R1-20 (Residential Low) to LI (Light Industrial).</i> | | | | |
| Property Line Adjustment: LBA Rentals | Mar 12, 2012 | Lois Bown-Atheling | N/A | N/A |
| <i>Request for approval of a property line adjustment to clean up existing parcels lines for five parcels in the CG zone at 162 & 140 South Main Street. This project is in conjunction with the Castle Park project.</i> | | | | |
| Ordinance changes: LCC 17.32, 17.58, 17.66.020 'Subdivisions' | Nov. 2012 | City Initiated | Nov. 13, Dec. 11, Jan. 8, Jan. 22 | TBD |
| <i>City initiated ordinance changes needed to bring code into compliance with current practices and State laws.</i> | | | | |
| Site Plan: Lindon Senior Apartments | Sept. 2013 | Matt Gneiting | TBD | TBD |
| <i>Request for site plan approval for senior housing apartments on State & Main</i> | | | | |
| Amended Site Plan: Wasatch Ornamental Iron | June 2014 | Melvin Radmall | N/A | N/A |
| <i>Request for staff approval of a 16x18 machine cover in the LI zone located at 310 North Geneva Road.</i> | | | | |
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| NOTE: This Project Tracking List is for reference purposes only. All application review dates are subject to change. | | | | |
| <u>PC / CC Approved Projects - Working through final staff & engineering reviews (site plans have not been finalized - or plat has not recorded yet):</u> | | | | |
| Stableridge Plat D | Tim Clyde – R2 Project | | Old Station Square Lots 11 & 12 | |
| AM Bank – Site Plan | Joyner Business Park, Lot 9 Site Plan | | Olsen Industrial Park Sub, Plat A (Sunroc) | |
| Lindon Gateway II | Freeway Business Park II | | Lindon Harbor Industrial Park II | |
| West Meadows Industrial Sub (Williamson Subdivision Plat A) | Keetch Estates Plat A | | Highlands @ Bald Mountain Phased Sub | |
| Craig Olsen Site Plan | Valdez Painting Site Plan | | Eastlake @ Geneva North Sub. | |
| LCD Business Center | Avalon Senior Living Site Plan | | Lakeside Business Park Plat A | |
| Long Orchard Subdivision | Sonic Plastics Site Plan | | Green Valley Subdivision | |
| Interstate Gratings Site Plan | Noah's Life Site Plan | | Noah's Life Subdivision | |
| Bishop Corner Plat B | | | | |

| Board of Adjustment | | |
|---------------------|------------------|--------------|
| Applicant | Application Date | Meeting Date |
| | | |
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| 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 |
| Annual review of care center to ensure conformance with City Code. Care center is a pre-existing use in the CG zone. | | | | |
| 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 |
| 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. | | | | |
| Heritage Youth Services - Timpview Residential Treatment Center. 200 N. Anderson Ln. (File # 05.0345) info@heritageyouth.com info@birdseyertc.com | Existing CUP | HYS: Corbin Linde, Lynn Loftin 801-798-8949 or 798-9077 | March 2015 Last Reviewed: 3/14 | N/A |
| 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. | | | | |

| Grant Applications | |
|---|--|
| Pending | Awarded |
| Bikes Belong - Trail construction grant. Requested amount: \$10,000 Status: NOT SELECTED FOR 2010. WILL RE-APPLY IN 2014. | 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 Status: NOT SELECTED. RE-APPLY IN 2014. | Utah Heritage Foundation - Lindon Senior Center Awarded 2013 Heritage Award in the Category of Adaptive Use Project. |
| Hazard Mitigation Grant / MAG Disaster Relief Funds- (pipe main ditch) | CDBG 2013 Grant - Senior Center Van (\$50,000). Funds dispersed July 2013 |
| FEMA Hazard Mitigation Grant - (pipe Main Ditch) | EDC Utah 2014 - Awarded matching grant to attend ICSC Intermountain States Idea Exchange 2014. |
| | CDBG 2014 Grant - Senior Center Computer Lab (\$19,000) |
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| Planning Dept - Projects and Committees | | | |
|---|---|----------------------------|--|
| On-going activities (2014 yearly totals) | Misc. projects | UDOT / MAG projects | Committees |
| Building permits Issued: 176 New residential units: 43 | 2010-15 General Plan implementation (zoning, Ag land inventory, etc.) | 700 North CDA | Utah Lake Commission Technical Committee: Bi-Monthly |
| New business licenses: 62 | Lindon Hollow Creek-Corps of Eng., ditch relocation | Lindon Bicycle Master Plan | MAG Technical Advisory Committee: Monthly |
| Land Use Applications: 43 | Lindon Heritage Trail Phase 3 | | Lindon Historic Preservation Commission: Bimonthly |
| Drug-free zone maps: 21 | Gateway RDA improvements | | North Utah County Transit Study Committee Monthly |
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