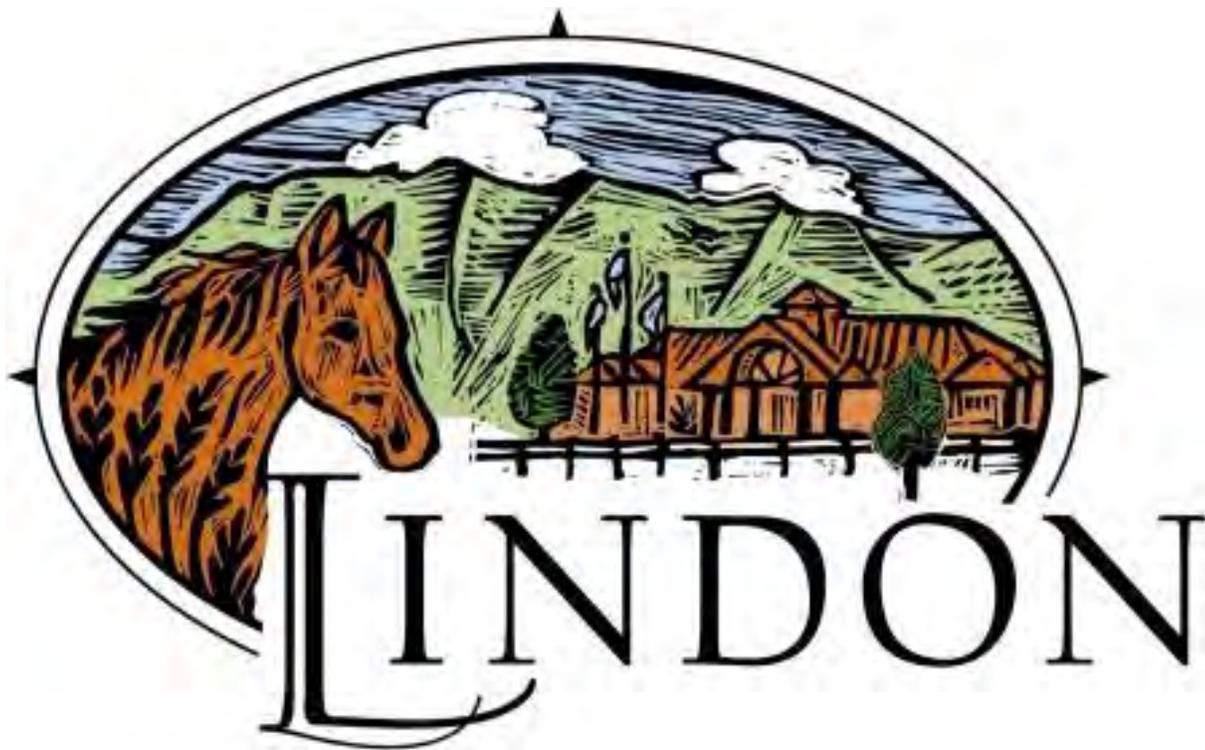


Lindon City Planning Commission Staff Report



November 25, 2014

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, November 25, 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



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

1. Call to Order

2. Approval of minutes from November 11, 2014

3. Public Comment

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

4. Conditional Use Permit — Planet Power Toys, 165 South State Street

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

(20 minutes)

5. Public Hearing — Ordinance Amendment, LCC 17.72 Care Facility Overlay

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

(20 minutes)

6. Minor Subdivision — Spring Gardens, approx. 700 North 800 West

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

(20 minutes)

7. Major Subdivision — Lexington Cove, approx 650 North Locust Ave.

Jason Brown requests preliminary approval of a nine (9) lot residential subdivision, including dedication of public streets, at approximately 650 North Locust Avenue in the Single Family Residential (R1-20) zone. Recommendations will be made to the City Council at the next available meeting after Planning Commission review.

(20 minutes)

8. Site Plan — Kids Village, 200 North State Street

Ann Whittaker of Kids Village requests site plan approval of a private school on a 1.02 acre site at approximately 200 North State Street in the General Commercial (CG) zone.

(20 minutes)

9. Minor Subdivision — Pen Subdivision, approx. 400 North Canal Drive

Pat Nelson requests preliminary approval of a two (2) lot residential subdivision at approximately 400 North Canal Drive in the Single Family Residential (R1-20) zone.

10. Concept Review — Lindon Washburn Jewel, approx. 550 North Geneva Road

Paul Mugerian requests feedback on a planned development proposal at approximately 550 North Geneva Road. Currently, the majority of the parcel is zoned Mixed Commercial (MC). A strip on the east side of the parcel is zoned Single Family Residential (R1-20). No official motions will be made.

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: November 21, 2014

Time: ~11:00 am

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

Item I – Call to Order

November 25, 2014 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, November 11, 2014

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **November 11, 2014 at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

7 Conducting: Sharon Call, Chairperson
8 Invocation: Andy Skinner, Commissioner
9 Pledge of Allegiance: Ron Anderson, Commissioner

10 **PRESENT**

11 Sharon Call, Chairperson
12 Ron Anderson, Commissioner
13 Mike Marchbanks, Commissioner
14 Rob Kallas, Commissioner
15 Matt McDonald, Commissioner
16 Andrew Skinner, Commissioner
17 Hugh Van Wagenen, Planning Director
18 Jordan Cullimore, Associate Planner
19 Cody Cullimore, Chief of Police
20 Kathy Moosman, City Recorder

10 **ABSENT**

11 Bob Wily, Commissioner

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

22 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of October 28,
23 2014 and August 12, 2014 were reviewed.

24
25
26
27 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
28 REGULAR MEETING OF OCTOBER 28, 2014 AND THE WORK SESSION OF
29 AUGUST 12, 2014 AS WRITTEN. COMMISSIONER SKINNER SECONDED THE
30 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

31 3. **PUBLIC COMMENT** –

32
33 Chairperson Call called for comments from any audience member who wished to
34 address any issue not listed as an agenda item. There were no public comments.

35
36
37 **CURRENT BUSINESS** –

38
39 4. **Continued Item – Site Plan:** *Reflections Recovery Center, 145 South 200 East.* Ron
40 Wentz of Reflections Recovery Center seeks site plan approval for a residential
41 substance abuse disorder and mental health recovery center for up to 16 residents at
42 145 South 200 East in the R1-20 (Single Family Residential) zone. This item was
43 continued from the September 23, 2014 Planning Commission meeting.

44
45 ***NOTE:** The Planning Commission will act as the final land use authority for this*
46 *item and will make a final decision on the application. The City Council initially*
47 *invoked section 17.08.090 of the Lindon City Code to become the final land use*
48

2 *authority for the item. However, the City Council has reassigned the Planning*
3 *Commission as the final land use authority for this application. The City Council*
4 *will act as the appeal authority if the final decision for the Planning Commission*
5 *is appealed.*

6 Hugh Van Wagenen, Planning Director, opened the discussion by giving a brief
7 overview of this agenda item. He explained this is a request by Ron Wentz of
8 Reflections Recovery Center who is seeking site plan approval for a residential substance
9 abuse disorder and mental health recovery center for up to 16 residents at 145 South 200
10 East in the R1-20 (Single Family Residential) zone (approx.1.3 acres). Mr. Van
11 Wagenen noted this item was continued from the September 23, 2014 Planning
12 Commission meeting. He explained that tonight the Commission will be considering site
13 plan approval and in addition to that a reasonable accommodation request that the
14 applicants have put forward. He further explained, to be clear up front, this item was
15 continued and at that time the City Council had invoked section 17.08.090 of the Lindon
16 City Code of what would have made them the final land use authority on this matter,
17 however, since that time they have changed their direction and have re-assigned the
18 Planning Commission to be the final land use authority which makes the City Council the
19 appeal authority on anything that happens here tonight.

20 Mr. Van Wagenen stated this is a site plan application for approval of a 7,822
21 square foot residential substance use disorder and mental health recovery center.
22 He noted the applicant is requesting a reasonable accommodation from Lindon City Code
23 17.70.040(6) to allow 16 residents instead of 4. Current code requires a maximum of four
24 (4) individuals in any one of these facilities and are permitted in the residential zone at
25 this point the reasonable accommodation is the question; the applicants are requesting
26 approval for 16 individuals. Mr. Van Wagenen noted in the last meeting there was a
27 question on the reasonable accommodation and regarding what is reasonable and
28 necessary for that accommodation.

29 Mr. Van Wagenen then referenced the existing code briefly and recommended
30 conditions as follows (included in the packets):

- 31 1. (Paragraph 3) The applicant has passed pre-certification standards through the
32 Utah State Division of Licensing and Department of Human Services. The
33 facility will receive a license after final inspection. Staff recommends that the
34 Planning Commission require, as a condition of approval, that the applicant
35 submit the license to the City within sixty (60) days of site plan approval.
- 36 2. (Paragraph 5) The applicant has submitted plans, which have been reviewed
37 by staff. No significant structural changes have been proposed. Landscaping
38 and surfacing alterations will accommodate on-site parking required by the
39 Lindon City Code, while maintaining a character that is conducive to
40 residential settings. A review of aerial photography indicates that it is not
41 uncommon on residential lots in Lindon for a dwelling to have a parkable
42 surface in a side yard that extends into the rear yard of the dwelling.

43 Mr. Van Wagenen explained the applicant's floor plan identifies 7 sleeping
44 rooms. Residents will not have their own vehicles, and there will be anywhere from 2-
45 6 employees on premise at any time. The applicant has indicated that visitors will
46 visit only occasionally, and not in large numbers. The site plan proposes 9 employee
47 spaces, 6 guest spaces, and an additional 2 ADA accessible spaces for a total of 17
48

2 off-street parking spaces in the rear yard of the dwelling. The proposed number of
spaces satisfies Lindon City Code requirements and appears sufficient to
accommodate the facility's parking needs.

4 Mr. Van Wagenen then discussed the reasonable accommodation request. He noted
as part of the reasonable accommodation request staff sent out financial information from
6 the applicant to a third party, Lewis, Young, Robertson & Burningham Inc. (LYRB), a
financial consultant, to determine whether the requested accommodation is necessary to
8 allow the facility to succeed. LYRB's analysis has indicated that 16 occupants is
necessary for the facility to have a chance to be financially successful.

10 Mr. Van Wagenen also noted for reference the attachments included in the packets
as follows:

- 12 1. City Attorney's Memo on Request for Reasonable Accommodation
- 14 2. Staff's Analysis of Reasonable Accommodation Request
- 14 3. LYRB's Financial Analysis of Reflections Recovery Center
- 16 4. Fence Examples
- 16 5. Engineer's Opinion on Traffic Effect
- 18 6. Additional Documents Submitted after the September 23, 2014 Planning
Commission meeting
- 20 7. Additional Documents Submitted before the September 23, 2014 Planning
Commission meeting

22 Mr. Van Wagenen then referenced a memorandum from Lindon City Attorney
Brian Haws addressing standards to follow and factors to consider when making a
24 reasonable accommodation determination. Staff has also prepared a memorandum
applying the recommended standards to the applicant's request for reasonable
26 accommodation from section 17.70.040 to allow up to 16 unrelated individuals to reside
in the home. The conclusion of the memorandum is to approve the site plan and grant the
28 requested reasonable accommodation to house up to 16 unrelated, disabled individuals in
the home.

30 Mr. Van Wagenen noted that other than the request to house 16 unrelated,
disabled individuals in the facility, the applicant's request for site plan approval complies
32 with Lindon City Code (LCC) requirements. Mr. Van Wagenen stated the applicant has
requested an accommodation under the Federal FHA and ADA from the four occupant
34 limit required by LCC 17.70.040(6). The requested accommodation is to allow up to 16
unrelated, disabled individuals to live together in the facility. An analysis of the request
36 for accommodation has concluded that the request is reasonable and necessary to allow
disabled individuals equal opportunity to choose to live in residential housing. Mr. Van
38 Wagenen then turned the time over to Jody Burnett, Legal Counsel for the City in
addition to the City Attorney, to discuss the reasonable accommodation process and how
40 it functions within our city code.

42 Mr. Burnett thanked the Commission for the opportunity to assist them in what is
a difficult and challenging decision. He stated that he is an attorney with a law firm in
Salt Lake City, Williams and Hunt, that represents local governments in both land use
44 and zoning disputes that typically involves Fair Housing Act issues. He noted that he has
a lot of background in this issue and has handled more of these cases than any other
46 attorney in the state.

2 Mr. Burnett then presented a quick introduction with respect to the Fair Housing
Act and how that overlay affects the decision making compared to more typical land use
4 applications. He explained this is not like any other type of land use issue as it is not
entitled to the same presumptive validity and substantial deference from the court in the
6 event of a challenge in this type of an area. He noted we have to understand that there are
special rules that apply to reasonable accommodation. He stated that understanding this
8 particular type of facility begins with the acceptance of the fact that that recovering
substance abusers are persons with a disability and they are subject and entitled to
protections of the Fair Housing Act.

10 Mr. Burnett explained that these types of short term treatment facilities are their
residence or dwelling of choice (for purposes of applying the Fair Housing Act) even
12 though it may be a 60 or 90 day in-house treatment program. In addition to the fact that a
facility of this nature may be operated as a for-profit business is not really relevant. The
14 focus is actually on the individual resident and not the analysis and the focus is that the
housing of choice is available to that type of resident. The courts have recognized these
16 group living arrangements are often the only realistic option the recovering substance
abuser has which is why a lot of these cases involve these types of facilities.

18 Mr. Burnett then mentioned there are three (3) ways to get in trouble with the Fair
Housing Act as follows:

- 20 1. Have an ordinance that is subject to challenge as being intentionally or
inherently discriminatory (which is not being challenged here).
- 22 2. Have an ordinance that may be reasonable in content but neutral in its face but
applied in a way that has an impact subscribed on a particular target
24 population (which is not an issue here).
- 26 3. An applicant saying they are not challenging any otherwise reasonable content
neutral land use base regulations but just asking for a reasonable
28 accommodation from it (which is seen most typically).

30 Mr. Burnett further explained that in addition to the straightforward site plan
review component that is being considered tonight with the focus being the reasonable
accommodation component, they are asking for the accommodation from the normal
32 presumptive limit of four (4) unrelated persons living together in a Single Family
Residential zone, to 16 persons. He noted the Fair Housing Act can involve claims for
34 damages, costs and attorney's fees so there is risk involved and it is something that has to
be taken very seriously and should be reviewed and considered very carefully.

36 Mr. Burnett then discussed individual circumstances. He stated he senses the
perception that this situation may be different if Lindon City had a different or better
38 ordinance. He stated that this is not the case and there is no magic bullet here, and the city
ordinance is as good as any he has seen. And regardless of what the ordinance says, the
40 Fair Housing Act overlay requires that the Commission consider this.

42 He stated the city has a good ordinance that incorporates a lot of the concepts of
the Fair Housing Act that is already a part of the ordinance (reflected in the staff report),
without imposing "ad hoc" conditions that addresses some of these concerns, i.e., no
44 resident can be an active user of alcohol or drugs, can't have a resident that poses a direct
threat or immediate harm to people or violent, etc. These things are already incorporated
46 in the ordinance; it is a good ordinance so it does not make a difference.

Mr. Burnett then discussed three (3) points from the legal memorandum to consider as follows:

1. The 2013 change in state law which was simplified to state that you can only regulate residential facilities for people with disabilities to the extent that it is consistent with the federal Fair Housing Act. It is important to understand this is clearly a residential facility for persons with disabilities and it is allowed in this zone and must be allowed in any zone where single family dwellings are allowed; the only issue is number of occupants, which is the limited nature of this conversation.
2. Some of the issues being argued is more applicable in the context where an applicant is challenging provisions of an ordinance as being facially or inherently discriminatory (which is not the case here) and which may be perceived as unconstitutional. They are saying in order to provide housing of choice, and make it available, we need a reasonable accommodation being based primarily on financial viability or necessity; which is a tough concept because naturally people are questioning is this just to guarantee the operator of the facility makes a profit. Mr. Burnette stressed that this is not the case because if they are not able to keep their doors open then that housing of choice, as a practical matter, will not be available to that entire population and we have to take that into account.
3. There has been a reliance on some cases that are not comparable or analogous to this situation. Primarily, with respect to the notion, that somehow the four (4) person presumption enjoys some kind of status that doesn't require there be an inquiry about financial viability. Mr. Burnett strongly disagrees with that notion and would advise the Commission to make that inquiry and consider the evidence presented before them tonight. He feels this is qualitatively different because of a Draper City case he handled they did exactly the same thing and were sued successfully in federal court and eventually settled the case for \$650,000 with damages, costs and attorney's fees. These are the kinds of implications if this is not handled carefully and thoughtfully. He noted some of the cases being relied on, with respect to that, primarily is the case from St. George (Cinnamon Hills Facility). Mr. Burnett stated he hopes to help the Commission understand how a complete and total prohibition on any residential use in a commercial zone and a complete and total prohibition against staying in a motel for periods of longer than 29 days is qualitatively different than how many people can live in a single family dwelling in a residential zone. He suggested thinking in terms of land use impacts and, for example, the large family down the street with teenage drivers and cars parked on the street 24/7 and objectively it has the same type of land use impacts as the number of unrelated persons living together. He is not challenging that limit but in terms of the issue if we need to grant a reasonable accommodation from that; it is very qualitatively different than the total prohibition. Nobody in St. George can make residential uses in a commercial zone and nobody in St. George can stay in a motel longer than 29 days, there is not a differentiation between status and those definitions in terms of how many people can reside in a single family residence. He highlighted the Wisconsin Community Services case regarding the Health Clinic which is completely different than the situation we are facing here.

2 Mr. Burnett re-iterated there is no question that this use is allowed in the single
3 family residential zone, the only question is the number of un-related persons living
4 together based on the information submitted by the applicant and the independent
5 consultants, Lewis, Young, Robertson & Burningham (LYRB) who reviewed the
6 revenues and the cost projections, and per their review, they feel the applicants need the
7 16 applicants to be financially viable. Mr. Burnett concluded by stating the above
8 analysis of the request for accommodation indicates that the request is reasonable and
9 necessary to allow disabled individuals equal opportunity to choose to live in residential
10 housing. Mr. Burnett asked if there any questions at this time. There were presently no
11 questions by the Commission. Mr. Van Wagenen then then turned the time over to the
12 applicants for discussion noting that questions may be asked of staff at any time during
the discussion.

13 The applicants, Ron Wentz and Dave Cox addressed the Commission at this time.
14 They thanked the Commission for allowing them the opportunity to speak again on
15 behalf of this application. They also acknowledged and expressed appreciation to the
16 Commission and staff for the assistance and help on this application. Mr. Wentz noted
17 they would like to re-address several points from the initial discussion as some have
18 changed slightly and some issues seem to require clarification and others have been mis-
19 interpreted or taken completely out of text. He explained they have reduced the
20 requested amount of residents to 16 people with the hope that would improve community
21 perspective on the situation and still allow the center to go forward. Mr. Wentz also
22 mentioned a couple of clarifications. The residential group size vs. the therapeutic group
23 size are two separate issues. The ideal residential group consists of 16-24 individuals and
24 the ideal therapeutic group ranges from 5-24 individuals. Most therapeutic groups operate
25 best around 8-10 individuals. They will be using those therapeutic groups within the
26 residential group. They will use all models but the ideal group size is 16 to 24 for a
residential living facility.

27 Mr. Wentz stressed that the key issue here is that their clients suffer from the
28 disease of addiction, they are middle class people who need help; they are our friends,
29 family and neighbors, and frankly it could be anyone in this room. Mr. Wentz stated their
30 clients are motivated people who are asking for help and it is their hope to provide it. He
31 then addressed the concerns regarding safety issues. He noted they will not admit anyone
32 who poses a threat to the community and will only allow clients the state of Utah will
33 allow. They will be under 24/7 supervision and they will also have surveillance cameras
34 to monitor residents that will promote security in the community and it will also protect
35 clients from false accusations. He noted clients must have approval to leave the campus
36 at all times and be accompanied by someone from the facility for the safety of the client.
37 Clients will follow a strict and demanding schedule from 6:30 am to 10:30 pm. If a
38 resident is expelled or voluntarily chooses to leave the facility they must be released to a
39 responsible family member and taken by staff to an appropriate destination where proper
40 authorities will be called for assistance.

41 Mr. Wentz noted there was also a question brought up previously about failure
42 rates. He stated at Reflections they prefer to talk about success rates. He then referenced
43 supporting statistics from www.drugabuse.gov. Lastly, Mr. Wentz addressed the question
44 of property values being affected. He noted that numerous studies have shown there is
45 no evidence to suggest that property values have been negatively affected by
46 residential treatment centers. He also referenced a study Dr. Arens (included in the
47 packets) where he concludes that no matter which neighborhoods surveyed, the strong
48

2 opposition to community residences was not a predictor of the subsequent widespread
3 acceptance. After experience with a community residence in their “backyards,” the
4 overwhelming majority of respondents were able to say that the group home residents
5 were good neighbors; they had no problems; and the homes did not have a negative
6 impact on their property values.

7 Mr. Wentz concluded by stating it is their hope that the Commission sees the
8 solutions, the educational contributions, and the positive impact the Reflections Recovery
9 Center will bring to Lindon City and it is their hope they approve this application.

10 Chairperson Call mentioned the last time the applicants were in they indicated
11 that for the program to be financially viable they would need 24 residents and now, with
12 the information provided they are indicating 16 residents will make their program
13 financially viable and why the difference now. Mr. Wentz stated they made the decision
14 to go to 16 residents knowing that 24 residents would be the ideal number for a return on
15 the investment, which makes it clear they are not in this just for the money. He went on to
16 say to go to the 24 residents would mean jumping up to the industrial zone with the
17 changes that would happen with the building codes and costs involved. He noted they
18 plan on being here for a long time and the community should be more receptive to 16
19 than 24. Looking at the financials there is not a lot of profit there over and above the
20 standard occupancy to make this work but they feel they can make it work. He noted they
21 are also looking out for the city and are eager to have the neighborhood behind them
22 because they want to be part of the community.

23 Chairperson Call also inquired what screening tools they plan on using. Mr. Cox
24 replied that screening starts with an assessment and other criteria that needs to be met
25 PAI (personality assessment inventory). Other screening tools include masters level
26 therapist basic assessment and a basic background check is required.

27 Commissioner Marchbanks inquired if clients will be admitted who have drug
28 related felony charges or any degree of drug trafficking. Mr. Cox stated there are
29 different types of clients admitted but not these types and they would be referred to a
30 different type of program. Mr. Cox added that their policies and procedure prohibit that
31 any clients convicted of sexual or violent crimes are not permitted to the program. The
32 group they want is more of professional middle class people with a cohesive environment
33 to encourage the growth and success rate.

34 Commissioner Anderson asked, with the scope of people identified, do they feel
35 there will be enough clients within that market to keep the occupancy rate high enough to
36 be profitable. Mr. Cox confirmed that statement. He noted that one of the big problems is
37 there is an associated stigma adding if he didn't work with these people on a day to day
38 basis he would have this stigma also. This stigma prevents a lot of people from getting
39 help because they are afraid they will be judged or criticized. Hopefully this will be a
40 place they can go to get their help and feel comfortable with like residents that they can
41 communicate with; there are plenty of people out there that need and want the help.

42 Commissioner Anderson mentioned the Juvenile Youth home city located near his
43 home noting that he has had some of these same concerns over the years. He noted there
44 have been a lot of operators at the facility that states what types of youth will be there and
45 then to keep the facility to full capacity the criteria changes on the types of youth
46 allowed. He added that city code prohibits some types of clients at these facilities.
47 Commissioner Anderson also inquired if they have purchased the home. Mr. Cox
48 confirmed they have bought the home. Commissioner Anderson noted when the youth

home was purchased and not run through investors they did some upgrades and now keep it up and run it right; before it was very run down and was not operated well.

Commissioner Anderson asked if they will have that commitment to keep the facility nice. Mr. Wentz stated that part of their plan is not to rely on just new residents coming in but a program where they can build a name and take people from other facilities; which is a draw, along with the nice neighborhood and upscale home. This is what they are counting on and that is their marketing plan. They also plan on continuing to do upgrades on the facility.

Commissioner Kallas agreed with Mr. Wentz that most people are affected by friends or relatives who have problems and need this help, but in the spirit of accuracy, he asked what percentage of those who will be going to this facility are there because of use of illegal drugs and if they have been prosecuted for a crime. Mr. Wentz stated that all of the residents will be at the facility because of use of illegal drugs, noting that they are not career criminals. Commissioner Kallas stated he would just like clarification on their clients and if they are assigned to not leave the facility. Mr. Wentz confirmed their facility will be a closed campus. Mr. Cox mentioned this is a facility where they come in to get their lives on track and because of different situations it is best they are kept on a closed campus to focus on treatment and life changing criteria. This is best for the clients and the community and it brings respect for the neighbors.

Commissioner McDonald asked about the financial analysis that was done for Lindon City and what is the revenue side of the equation. He questioned if they charged a little more per month would it change the financial structure and the overall feel to bring the amount of residents down. Mr. Wentz stated part of the reason their fee looks low is because of the program they are doing. Some of the programs that are charging up to \$20,000 per month have twice as many “masters” and the facilities on their level are coming in at their rate to give the level of care and that is where they have to stay. Chairperson Call inquired if dropping the amount of residents to 16 will affect the type of professionals they can attract to assist with therapy at the facility. Mr. Cox stated they will be able to attract very qualified, high-end professionals.

Chairperson Call opened the meeting to public comment at this time even though this is not a public hearing. She asked residents to keep the comments brief and to address the Commission only and to provide input only; this is not a question and answer period.

Jean Hansen: Ms. Hansen thanked the Commission for the opportunity to speak tonight. She mentioned that she currently sits on a City Council at a large city to the north. She understands the concerns of the commission and residents regarding this type of facility and the number of residents they are asking for. She noted she has had the privilege of reviewing the plans, the security involved and the research done with this treatment facility and this is one of the reasons she can speak in favor of it. They are providing a needed service. There will be trained professionals and staff on hand 24/7 to provide treatment for middle class individuals. Ms. Hansen also spoke on a personal level as to why she is in favor of this treatment facility noting she has had a family member who needed this type of treatment but succumbed due to his addiction at the age of 36 who was a husband and father. He got addicted to pain medication following a surgery, he did not ask or search to be addicted to prescription drugs and did seek treatment several times. They were not the type of family that you would think would have a son addicted

2 to drugs. This problem could affect anyone in this room tonight. Ms. Hansen stated there
4 is embarrassment and failure associated with addiction but it should not be a stigma any
6 longer. She understands and knows first-hand the trauma and long term effects this can
have on a family. We as citizens, family, friends and loved ones need to stand together to
help those seeking help. This facility is one way to help those who cannot see any way
out of the terribly cycle they are involved in.

8 **Val Killian:** Mr. Killian expressed that all residents in attendance tonight are sympathetic
10 to the problem of addiction and the pain it causes and agrees that there is a need for
12 treatment, but they are neighbors too and they also have the right to not be discriminated
14 against and also have the right to demand the law be fully in favor of them as much as it
16 is for the applicants. Mr. Killian noted a letter emailed to the Commission and mentioned
18 that he is aware that the city is afraid of a lawsuit if they deny this application or keep the
20 occupancy at four (4) residents (which is what the city code allows). Mr. Killian then
22 referenced 3 letters that were responded to in the plan check process from Mr. Yeomen
24 with FHS. He concluded by stating if the Planning Commission is empowered to make
this decision tonight they should be very concerned about any kind of an accident or any
kind of a judgment or a need of not being able to access portions of that building as the
city may get sued. They know the Reflections is trying to be a residential business, but in
reality they are a commercial business and function like a regular business with profit
being their motive. They should be able to meet all of the obligations and restrictions
required to make their building commercially viable with respect to the ADA and the life
safety standards.

26 **Tom Robinson:** Mr. Robinson stated that he received a notice from the city as he has
28 two properties in the area. There are a number of things the Reflections Recovery Center
30 has said, stated or put into writing that they have backtracked on; all relating to the
32 numbers. Mr. Robinson stated the requested 16 beds to make a profit is wrong and he
34 feels they can make a profit with far less than 16 beds. He also mentioned that the success
36 rate or failure rate information is available from the Department of Veterans Affairs. He
would encourage the Commission to consider, before make a decision that they
understand that much of the information given to them comes down to a trust issue and
just by suggesting it does mean it is exactly what they are stating. He concluded by
stating he will do his best to make sure that everyone in Lindon knows the City Council
“punted” on this issue and pushing this issue onto the Planning Commission was wrong.

38 **Josephine Robinson:** Ms. Robinson approached the Commission and read a declaration
40 prepared by Karena Jackson. (She presented a copy of the declaration to the
Commission). She suggested to the Commission to request the names of the ‘masters’
who will be working at the facility.

42 **Justin Hydeman:** Mr. Hydeman, attorney with Hydeman and Associates, made mention
44 of a memorandum previously sent to the Commission from his office regarding the laws
46 applicable to this issue. He noted that he will be discussing several disagreements. He
48 also echoed Mr. Killian’s comments. He noted there is a struggle here that was not
created by the people in this room. There were other options and other houses that could
have been purchased and other locations, but instead they chose to locate here and now
they are being faced with this highly charged issue, so much so that the City Council

2 decided to “punt” this issue to the Commission because they didn’t want to make this
3 decision. The applicants are hiding behind the idea that they will have handicapped
4 individuals that qualify for federal protection. In so doing, there is an issue that raised
5 that has not been addressed that they have the burden of proof for presenting evidence
6 and there is nothing in the record for them to look at. They are not handicapped
7 individuals if they are using or on drugs. The applicants claim they will have checks set
8 up to secure the facility but the first time they find drugs in one of their patients does that
9 mean they are not entitled to this exemption any longer and the Commission would have
10 to go in and take that away. It is obvious they are newly recovering addicts and they have
11 provided the commission with nothing that supports the idea that they are off of drugs,
12 simply by saying they are off and that declaration means they qualify for this exemption.
13 It is their burden to establish that and he sees nothing.

14 Mr. Hydeman noted a case that hasn’t been fully addressed that is remarkably
15 similar. He then the read the case (Brian Woods Inc. vs. Howard County, 1997). He
16 stated his point is the financial viability is not a basis for a reasonable accommodation
17 and it is not a proper analysis. It should not and cannot be the basis for this decision. He
18 concluded by respectful disagreement, they are expressly authorized to look at those
19 rehabilitation cases because the act was presented and approved in conjunction that law
20 and that is how it is interpreted. It is simply wrong to say this number is a reasonable
21 accommodation when the only basis for it is so they can be financially viable. They have
22 the burden to prove it and they have failed and as a result the Commission should reject
23 this because it is inappropriate to consider or elevate the rights of one group above
24 another group who also have legitimate rights that should merit serious consideration.
25 They created the problem by purchasing a facility in an area they knew before buying
26 was not zoned for this type of use and they have to live with the fact that this variance is
27 not appropriate. That is the analysis we should undertake, not whether financial viability
28 is the issue at hand.

29 **Travis Barney:** Mr. Barney commented that he is the Vice Chair of this District and the
30 qualified spokesman for this group. He noted these residents are here tonight because
31 they are emotionally charged and feel neglected and thrown under the bus. He added they
32 are all well educated about what we are facing here tonight. Mr. Barney commented that
33 this is not an issue of whether or not we care about people, this is about money and profit
34 and business, plain and simple. Mr. Barney stated that all the same rules should have to
35 apply to everyone. This community treats each other kindly and he is offended that
36 someone would come to his town and tell him he is a bad person because he won’t allow
37 them to make money down the street. They claim they want to be part of the community
38 but they don’t want to abide by the ordinances this community has deemed appropriate
39 and then insult us by stating we are insensitive to those with disabilities. They have been
40 threatened to approve this or they will go to court. They have rights as citizens and they
41 do not take their responsibilities lightly. He understands prescription pain medication
42 and addictions, but that is not what this is about. As an American citizen he says no to
43 this facility and would say if you don’t like it go to another town. This is about one thing
44 only, someone coming to our town and telling us how to play the game; they must play
45 by the same rules as everyone.

46 **Corrine:** She inquired if there is a different type of licensing procedure or
47 accommodation for mental health issues as opposed to addiction. She also inquired about
48

2 the issue of reasonable accommodation and if once this facility is open can it come
3 back in 5 or 10 years, she feels this is a slippery slope argument but is something that
4 needs to be considered. The applicant indicated visitors will only visit periodically and
5 not in large number but she does not understand the mechanism that would force them to
6 stick to that; she trusts that there will be more visitors or a different type of resident in the
7 home.

8 **Lance Tomasero:** Mr. Tomasero stated that at age 12 he became addicted to drugs and
9 alcohol and had been hiding it the entire time. He was educated then married and had a
10 daughter and it got to point that he could no longer hold a job. He expressed that he
11 understands the neighbors' concerns, but it is because of this type of program that he got
12 his family and his life back and is a contributing member of society now; this is not about
13 profit. Everyone has this issue in your community whether or not you want to believe it.
14 He re-iterated that he feels this is NOT about profit, they are only here to help and would
15 hope the Commission will consider what they can do for the community and look at the
16 success stories.

18 **Doug Conteras:** He commented that he is an addiction medicine physician and a
19 professional who benefitted from treatment 12 years ago. He noted he will be one of the
20 Master level clinicians at this facility. He stated that some of the accusations heard
21 tonight are absurd and are not true. He feels there is a lot of fear and discrimination in the
22 room tonight and a lot of misinformation. He is a member of this community and
23 contributes to the community. He noted that he has run multiple treatment centers in this
24 state and he has not had one complaint in two years and he can testify to that.

26 **Mark Robinson:** Mr. Robinson made three points for consideration. He voiced his
27 concerns about the way the neighborhood will look and feel and the parking situation. In
28 the applicants submission to the Planning Commission that they looked at aerial
29 photography with commercial size parking space and he could not find one backyard that
30 had that size of a backyard for parking in a residential area. Mr. Robinson stated that he
31 understands the physical difficulties of an ADA condition. He came here with an ADA
32 chronic protected disease and where his financial feasibility is and justifiable
33 accommodation and what will his family get. He feels if we open this up to all ADA
34 protected disabilities having financial feasibility that allows us to break code and the only
35 way the FHA applies and what reasonable accommodation will we give to those suffering
36 from depression. Will you give reasonable accommodations to those with ADA
37 disabilities and give exceptions for everyone. He stated that he has the utmost respect for
38 people with addictions, but where do we draw the line on what ADA protected illness to
39 justify reasonable accommodation. If we make one exception we have to allow that for
40 all.

42 **William Barney:** Mr. Barney commented if this facility is approved tonight you are
43 taking away a right from the people. He would encourage the Commission to limit this to
44 four (4) people if approved. He stated that making someone profitable by destroying a
45 neighborhood is wrong. He also pointed out that not one Councilmember is here tonight.
46 He would encourage the Commission to make the right choice.

2 **Renee Condie:** Ms. Condie expressed that all in attendance tonight are aware that
3 people have these types of issues and problems and they are not against recovery centers.
4 She stated that the citizens rely on the city to set up the rules and they should be equitable
5 for everyone in the city and all have had to abide by the same rules. It is not fair that they
6 should have more rights than every other citizen in the city has been required to do.

7 **Russell Stay:** Mr. Stay commented that he lives on the east side of town and they have
8 concerns about this issue too. They have only heard from central Lindon residents and the
9 only individuals heard from tonight in support of this request are nonresidents. Lindon
10 residents input are those who should matter. His concern is financial viability leads to a
11 logical, potential, occupancy issue. If they want to expand this logic would allow them to
12 petition for a higher number which could be a slippery slope. He is also concerned about
13 the fact that they don't have viability and in fact if we deny this they would be looking at
14 other ways to decrease costs and increase profitability. He also has concerned about
15 policing the claims but what are the provision. He stated it also goes against common
16 sense that the property values will not decrease; it goes against reason. Important that the
17 petitioners realize that given the request you will never be a welcome neighbor.

18 **Errol Porter:** Mr. Porter stated that he is the Principle of Timpanogos Academy. He
19 voiced his concern that their literature they have provided is nothing definitive or solid.
20 He also stated that he has asked for a variance for his school several times and has been
21 denied because it is against the code, why should they be granted a variance and why is
22 this being considered at all. He feels we should all have to play by the same rules, codes
23 and ordinances. He noted that this facility should not be located within 500 ft. of the
24 school and he has concerns for the safety of the school children.

25 **Jean Larsen:** Mr. Larsen expressed his concerns that this is a moving target and the plan
26 has not been thought out and has been adjusted for convenience sake and justifying the
27 break-even point are we going to underwrite their strategy. The marketing plan doesn't
28 work and should the citizens have to ensure their financial vitality; it is really all about
29 the money. Let's call it the way it is so the city of Lindon isn't lassoed with this
30 problematic plan.

31 **Wayne Johnson:** Mr. Johnson stated that his son is bi-polar and has been in and out of
32 treatment with the money coming from with Medicaid for his treatment. He mentioned
33 that to have this kind of facility down the street is not right as there are other locations
34 rather than a residential neighborhood. He does not feel that this has been thought
35 through carefully. He feels there will be trouble on that street and would ask they think it
36 through before making a decision.

37 **Matt Anderson:** Mr. Anderson commented that he has lived in Lindon for 8 years and
38 works for a pharmaceutical company. He stated there are people around us at all times
39 that continue to struggle with substance abuse issues. He noted that lack of treatment
40 facilities and lack of understanding from others is an issue. Mr. Anderson voiced his
41 opinion that this center will provide people with hope and an opportunity and a chance to
42 make their lives better in a serene environment. He expressed that 16 beds includes more
43 people who are trying to improve their lives and feels the residents and neighbors should
44 try to provide a beacon around the treatment center to show that our community cares.

2 **Val Killian:** In conclusion Mr. Killian encouraged the Commission to vote for four (4)
4 persons not the requested 16. He also would encourage them to vote to uphold what the
citizens of Lindon want and let the City Council who was elected officials bear the
burden of writing or rewriting the code.

6 Chairperson Call closed the meeting to public comment at this time.
Commissioner Kallas asked staff about the comment of the 500 ft. requirement from a
8 school. Mr. Burnett stated that it is clearly illegal and you cannot uphold arbitrary
separation requirements as it shows no threat or harm and cannot be enforced. He re-
10 iterated that the Commission is making a land use decision tonight. Utah code provides
the reasonability to license programs to operate facilities for persons with disabilities that
12 shall rest with the Department of Human Services and are pre-empted from doing that so
you cannot base a decision on any assessment of the clinical effectiveness of the
14 program.

16 Commissioner Kallas also asked in making a reasonable consideration what limit
do we make it to and are we obligated to come back later and review it again. Mr. Burnett
18 stated that is a case by case determination as the analogies have been drawn. There was
then some general discussion regarding the issue of reasonable accommodation.
Chairperson Call brought up the concern that all areas of the building need to be
20 accessible. Mr. Burnett stated that is a building code issue. He noted that the
Commission is reviewing site plan approval for a reasonable accommodation and the
22 only reason it segway's into any kind of building code issues is the issue under the FHA
about the exterior look and feel of the home not changing the fundamental character of
24 the neighborhood; whatever the building codes are they have to comply with.

26 Chairperson Call asked about staffing. Mr. Cox stated it is mandated by the state
of Utah that here will be a certain staff in place. He asked Marilee, who is a master
clinician, who was in attendance to address the Commission at this time.

28 **Marilee:** She commented that as far as staffing goes without a master level in this highly
30 regulated industry and a high level of medical, licensed staff they would not obtain a
license and move forward without it. It is also impossible to think they would bring
32 adolescents into the facility as this will be licensed as an adult facility. She added that
Mr. Cox is a man of high character and it is his job, as a therapist, to create a safe place to
34 recover. She stated that both mental health issues and drug addictions must be treated
together, and the nature of the work requires the patients to be stable. No controlled
36 substances are allowed and you will not find these substances in a rehabilitation facility.
She also noted that criminal behaviors and not tolerated. And to say that the four (4)
38 persons is not a therapeutic milieu, 8-20 residents is what is recommended and saying it
would not be is supported by any psychological evidence. She concluded by stating this
40 is a great work and a spiritual work and people can and do recover.

42 Chairperson Call asked staff to explain the appeals process and if it can be
appealed to the City Council. Mr. Van Wagenen stated any decision made tonight can be
44 appealed to the City Council; the applicant and the citizens have the right to appeal it to
the City Council. Mr. Van Wagenen stated he does not believe there is an application
46 fee.

2 Chairperson Call stated they can also determine what conditions to place on the
3 application. She recommended a condition that they are required to pass precertification
4 standards to the Utah State Division of Licensing and Human Services within 60 days of
5 site plan approval. Commissioner Kallas asked staff if they have to have the licensing in
6 place before they can operate. Mr. Burnett confirmed that statement. He stated that a lot
7 of the conditions are already covered and required in the code. Commissioner Anderson
8 asked if part of that licensing would have to be certified by the state before they can
9 operate. Mr. Burnett confirmed that statement. Mr. Wentz stated there are many steps
10 and details to being licensed to operate and they have to re-certify every year. This is a
11 very highly regulated and they will be monitored or “policed” by the State of Utah.

12 Commissioner Skinner commented that the issue here is really the number of
13 occupants based on financial viability. Mr. Burnett confirmed that statement.
14 Commissioner Skinner questioned, in effect, is the Commission not being asked to
15 guarantee financial profitability legally. Mr. Burnett stated yes, in an indirect way, but it
16 is really focused on the potential residents in making that housing of choice available to
17 them. Financial viability is a legitimate basis for making a reasonable accommodation
18 and if we can’t establish that it be a viable operation and deny a reasonable
19 accommodation and based on that then we are in jeopardy as we are making the housing
20 of choice less readily available to the person who has protected status.

21 Mr. Wentz stated from their standpoint on financial viability, they are not asking
22 anyone to guarantee them an income. From their side of the fence financial viability is
23 used to limit the number of clients that they can have; the third party review (hired by the
24 city) verified the numbers. A citizen in attendance inquired what is legal for the city to
25 do to better represent the concerns of the citizens. Mr. Burnett stated that essentially land
26 use regulations have been adopted and they are obligated to comply with the FHA and
27 the numbers are based on the actual evidence to contradict the evidence the Planning
28 Commission has in terms of the financial viability issue (which was reviewed by LYRB)
29 and they need to make a decision tonight after hearing public comment even though this
30 was not a public hearing. There was then some additional discussion regarding this issue.

31 Chairperson Call stated that with the information they have the Planning
32 Commission needs to determine the motion and what conditions will be placed on the
33 motion and determine the conditions if approved. There was then some discussion on the
34 recommended conditions by staff.

35 Chairperson Call called for any further discussion. Hearing none she called for a
36 motion with the conditions as discussed. Commissioner Anderson expressed that this is a
37 difficult issue that has not been handled lightly. He stated the city has consulted outside
38 experts and legal counsel and the City is in a position legally to follow what the experts
39 have directed the Commission to do.

40 COMMISSIONER ANDERSON MOVED TO APPROVE THE APPLICANTS
41 REQUEST FOR SITE PLAN APPROVAL OF THE REFLECTIONS RECOVERY
42 CENTER AND GRANT THE APPLICANTS REQUEST FOR REASONABLE
43 ACCOMMODATION FROM LINDON CITY CODE 17.70.040(6) TO ALLOW UP TO
44 16 UNRELATED, DISABLED INDIVIDUALS TO RESIDE IN THE DWELLING AT
45 145 SOUTH 200 EAST, LINDON, UTAH SUBJECT TO THE FOLLOWING
46 CONDITIONS: 1. HOME WILL NOT OPERATE WITH OUT FIRST OBTAINING
47 ALL REQUIRED LICENSING. 2. NOTICE OF THE ACCOMMODATION SHALL
48 BE RECORDED WITH UTAH COUNTY AND; 3. THIS REASONABLE

2 ACCOMMODATION TO LCC 17.70.040(6) ALLOWS 16 UNRELATED, DISABLED,
3 INDIVIDUALS TO OCCUPY THE DWELLING AND; 4. THE REASONABLE
4 ACCOMMODATION TERMINATES WHEN THE DWELLING IS NO LONGER
5 USED AS A HOME FOR PERSONS WITH A DISABILITY AND; 5. THIS
6 REASONABLE ACCOMMODATION DOES NOT RUN WITH THE LAND AND; 6.
7 THE DWELLING MUST BE OPERATED TO COMPLY WITH BUILDING,
8 HEALTH, AND SAFETY REQUIREMENTS, INCLUDING STATE OR LOCAL
9 LICENSING LAWS WHERE APPLICABLE. COMMISSIONER MARCHBANKS
10 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

10 CHAIRPERSON CALL AYE
11 COMMISSIONER ANDERSON AYE
12 COMMISSIONER KALLAS AYE
13 COMMISSIONER MARCHBANKS AYE
14 COMMISSIONER MCDONALD AYE
15 COMMISSIONER SKINNER AYE
16 THE MOTION CARRIED UNANIMOUSLY.

18 Commissioner Marchbanks asked for more discussion at this time. He noted this
19 is valid because there have been some things that the Commission hasn't been able to do
20 before as a Commission. Commissioner Marchbanks then read the sample order of
21 conditions and would recommend that they be included in the motion. Commissioner
22 Marchbanks also expressed that they have come full circle on this issue and he has spent
23 time visiting some of these facilities on a personal level to obtain an intervention and
24 treatment for a close family friend. He noted as they looked at facilities it was difficult to
25 find a facility that was affordable and that met the criteria that was needed. He noted the
26 facility they found is similar to what the applicants are putting forth. He agrees that all
27 codes need to be followed and enforced and building and ADA codes complied with. He
28 feels the Commission has been schooled and their hands are tied and based on the
29 information given to them and the legal counsel provided and he feels they have no
30 choice but to move forward.

31 Commissioner Kallas asked to amend the motion by adding the five (5) conditions
32 listed by staff in the sample order be included in the motion. Chairperson Call asked
33 Commissioner Anderson to restate the motion including the five (5) conditions listed in
34 the sample order.

36 5. **Conditional Use Permit** – *Planet Power Toys, 165 South State Street*. Lyunn Clingo
37 of Planet power Toys, LLC requests approval of a conditional use permit to operate
38 as a licensed dealer for sales and service of automobiles, boats, RVs, adult and youth
39 ATV's and UTVs. scorpion Stevenson of Coleman Group requests a Zone Map
40 amendment to change the zoning designation of property located at approximately
41 600 South and Geneva Road from General Commercial A8 (CG-A8) to Light
42 Industrial (LI). The applicant intends to establish retail and office/warehousing uses
43 on the site. Recommendations will be made to the City Council at their next available
44 meeting after Planning Commission review.

46 Mr. Cullimore advised the Commission that this items has been tabled for two
47 weeks and Staff is recommending continuance until the next meeting at this time.
48

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

4 COMMISSIONER KALLAS MOVED TO CONTINUE THE APPLICANT'S
6 REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE A VEHICLE
DEALERSHIP LOCATED AT 165 SOUTH STATE STREET IN THE GENERAL
8 COMMERCIAL (CG-A) ZONE TO THE NEXT PLANNING COMMISSION
MEETING. COMMISSIONER SKINNER SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

10 CHAIRPERSON CALL AYE
COMMISSIONER ANDERSON AYE
12 COMMISSIONER KALLAS AYE
COMMISSIONER MARCHBANKS AYE
14 COMMISSIONER MCDONALD AYE
COMMISSIONER SKINNER AYE
16 THE MOTION CARRIED UNANIMOUSLY.

18 5. **New Business (Reports by Commissioners) –**

20 Chairperson Call called for any new business or reports from the Commissioners.
Commissioner Kallas inquired when the light will be constructed on Center Street. Mr. Van
22 Wagenen stated the light will be constructed this season but he does not have an update
but it will still happen.

24 6. **Planning Director Report–**

26 Mr. Van Wagenen gave an update on several items. The Ivory Homes
28 Development meeting will be held on November 20th at 1:00 pm. There will also be a
Joint work session with the City Council (2 hours) at 6 pm and will be held before the
30 Planning Commission meeting that will begin at 8:00 pm on Dec 9th. Mr. Van Wagenen
also thanked the Commission for handling themselves very well in a difficult situation
32 tonight and expressed his appreciation for their good work. Chairperson Call called for
any further comments or discussion. Hearing none she called for a motion to adjourn.

34 **ADJOURN –**

36
38 COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE
MEETING AT 10:40 P.M. COMMISSIONER SKINNER SECONDED THE MOTION.
40 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

42 Approved – November 25, 2014

44 _____
46 Sharon Call, Chairperson

48 _____
Hugh Van Wagenen, Planning Director

Item 3 – Public Comment

1 - Subject _____
Discussion

2 - Subject _____
Discussion

3 - Subject _____
Discussion

Item 4: Conditional Use Permit — Planet Power Toys, 165 South State Street

Lynn Clingo of Planet Power Toys, LLC requests approval of a conditional use permit to operate as a licensed dealer for sales and service of automobiles, boats, RVs, adult and youth ATVs and UTVs, scooters, dirt bikes and motorcycles at 165 South State Street in the General Commercial (CG-A) zone. 14-045-1.

<p>Applicant: Lynn Clingo Presenting Staff: Jordan Cullimore</p> <p>Zone: General Commercial (CG-A)</p> <p>Parcel ID: 14:070:0260 & 14:070:0262 Parcel Address: 165 South State Street</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 vehicle dealership.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 vehicle dealership located at 165 South State Street in the General Commercial (CG-A) zone 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 uses are classified in Lindon City's Standard Land Use Table as the following:
 - a. Motorcycles, Personal ATV, Personal Water Craft, & Snowmobile, Sales & Service (Conditionally Permitted Use)
 - b. Used Cars/Trucks – Used Vehicle Sales Lots (Permitted Use)
 - c. Marine Craft & Accessories (Conditionally Permitted Use)
2. The applicant has applied for a Conditional Use Permit to conduct uses a. and c. above, in addition to use b.

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 has entered into an agreement with the property owner to the south (Utah County Parcel # 14:070:0262) to use the vacant, undeveloped parcel as additional display area for the business. In March 2007, the owners of the undeveloped parcel entered into an agreement with Lindon City to install the required 20' landscaped strip along the State Street frontage. The landscaping was never installed. This requirement should be included as a condition of approval. The sidewalk along the frontage of the lot is also in severe disrepair. The sidewalk will need to be replaced now that the site is being developed.
- The applicant is proposing to surface the display area with gravel. The Code does not require display areas to be paved, but the City Engineer has indicated that the surface should not be one that will easily track onto the public right of way because of pollution and safety concerns. Staff recommends, as a condition of approval, that the applicant surface the display area on parcel 14:070:0262 with material that will not track material or debris from the site onto the public right-of-way.
- The business will have 3-4 employees on site during business hours. The Code requires the business to provide access to eight parking spaces, one of which must be an accessible space. Currently, the location of parking spaces is difficult to identify on the site. The Commission may consider, as a condition of approval, requiring the applicant to repaint lines for the required number of parking spaces.
- The Commission may also consider inventory storage and display locations.

MOTION

I move to (*approve, deny, continue*) the applicant's request for a conditional use permit to operate a vehicle dealership located at 165 South State Street in the General Commercial (CG-A) zone with the following conditions, if any:

- 1.
- 2.
- 3.

ATTACHMENTS

1. Aerial photo of the site
2. Photographs of the site
3. Business Proposal
4. Proposed Site Plan
5. Floor Plan













Attachment 3



1342 W. 200 S., LINDON, UTAH 84020 – 801-796-8000

October 29, 2014

To Whom It May Concern:

Planet Power Toys has been in operation in since 2006, the last five years in Lindon as a licensed dealer for sales and service of Automobiles, Boats, Adult and Youth ATV's and UTV's as well as Scooters, Dirt Bikes and Motorcycles.

It is our desire to continue this business at our new location: 165 S. State Street, Lindon, Ut. 84042

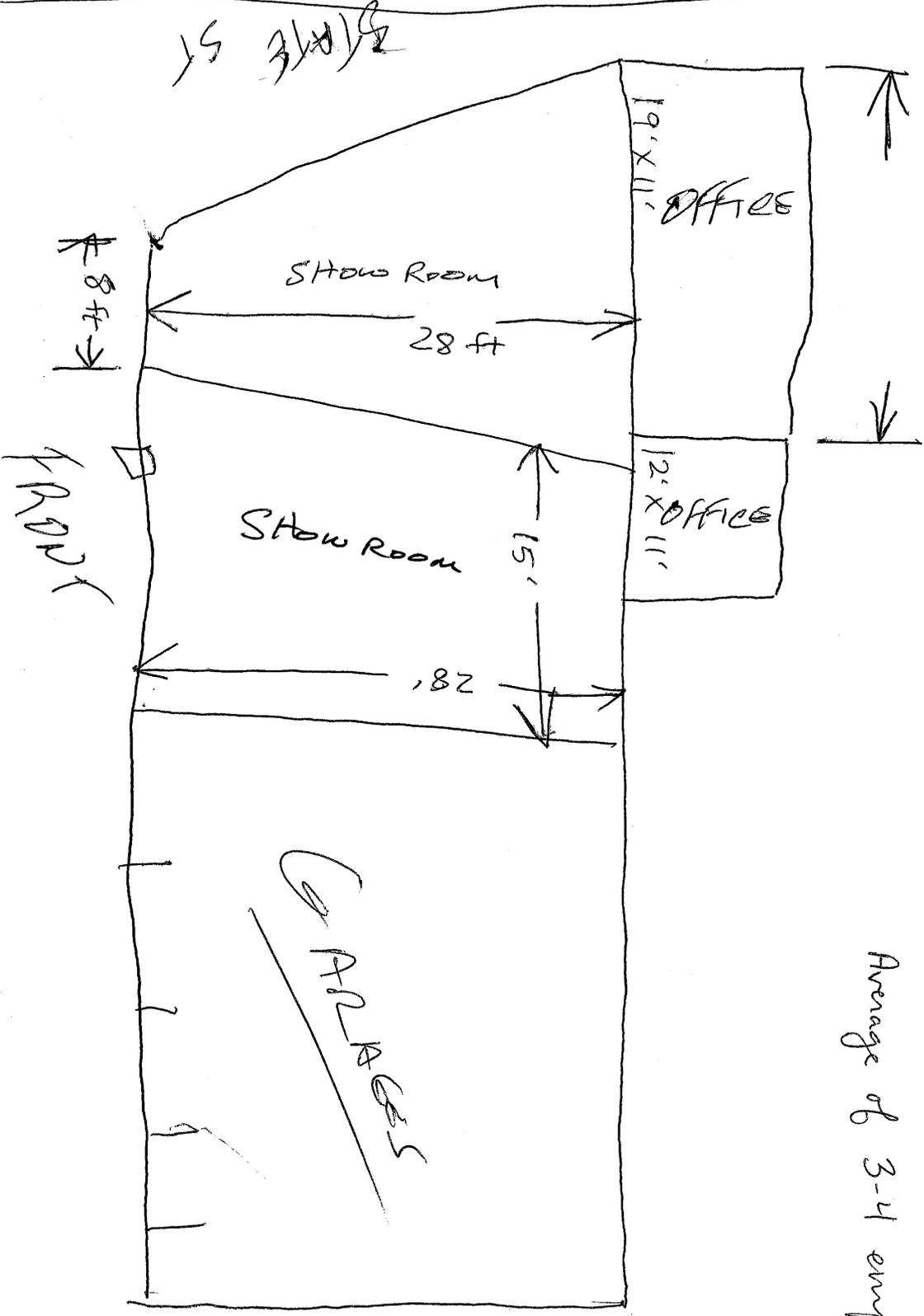
We have four fulltime employees, sales, service and office.

Regards,

A handwritten signature in black ink, appearing to read "Lynn Clingo", written in a cursive style.

Lynn Clingo





PLANET POWER TOR
 165 S. STATE
 LINCOLN

Average of 3-4 employees.

Item 5: Public Hearing — Ordinance Amendment, LCC 17.72 Care Facility Overlay

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

<p>Applicant: Watts Enterprises Presenting Staff: Jordan Cullimore</p> <p>Zones Affected: General Commercial (CG) & Mixed Commercial (MC)</p> <p>Type of Decision: Legislative Council Action Required: Yes</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <p>1. Whether it is in the public interest to recommend approval of the proposed amendment to the City Council.</p> <p><u>MOTION</u></p> <p>I move to recommend (approval, denial, continuation) of the proposed ordinance amendment to 17.72.010 (as presented, with changes).</p>
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SUMMARY

The applicant is requesting an amendment to the definitions section of the Care Facility Overlay Zone. In the coming months, the applicant will present to the Commission a site plan for approval of an assisted living facility at approximately 700 North and 800 West, which is in the General Commercial (CG) zone. Currently, the Lindon City Code allows assisted living facilities to accommodate up to 90 residents that require assistance with daily living activities. The applicant would like to provide accommodations for up to 15 additional residents who are related to the facility residents, but that do not require care themselves. Currently, the Code does not permit such living arrangements.

The proposed amendment in attachment 2 keeps the maximum number of residents requiring care in a large care facility at 90, but increases the overall allowable occupancy of a large care facility to accommodate up to 15 additional live in residents, as long as they are relatives of, and live with, the care facility patients.

MOTION

I move to recommend (*approval, denial, continuation*) of the proposed ordinance amendment to 17.72.010 (*as presented, with changes*).

ATTACHMENTS

1. Proposed amendment
2. Applicant's submitted request
3. Photos of a Heber City facility developed by the same owner, operator, and contractor

Attachment 1

ORDINANCE NO. 2014-19-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING SECTION 17.72.010 OF THE LINDON CITY CODE TO ALLOW ADDITIONAL, RELATED OCCUPANTS IN LARGE CARE FACILITIES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the vision of the Lindon City General Plan (the "General Plan") is to...; and

WHEREAS, an objective of the General Plan is to ensure...; and

WHEREAS, the Lindon City Council (the "Council") recognizes the value of...; and

WHEREAS, the Lindon City Planning Commission has recommended (approving/denying) an amendment to section 17.72.010 of the Lindon City Code; and

WHEREAS, a public hearing was held on DATE, to receive public input and comment regarding the proposed amendment to allow additional, related occupants in large care facilities; and

WHEREAS, no adverse comments were received during the hearing; and

WHEREAS, the Council held a public hearing on DATE to consider the recommendation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

SECTION I: LCC 17.44.140 of the Lindon City Code is hereby amended to read as follows:

Section 17.72.010 Definitions.

1. "Care Facility" means assisted living centers, rest homes, nursing homes, convalescent facilities, retirement centers, and other facilities of this type and nature, and shall be defined as facilities which provide assistance with daily living activities for the elderly and other protected classes (as per the Federal Fair Housing Act and the Americans with Disabilities Act) which include food preparation (common kitchen facility), bathing, dressing and personal hygiene; supervision of self- administration of medications; laundry service including personal laundry; housekeeping; and 24 hour staffing. Such facilities shall be required to be licensed by the State of Utah and conform to the requirements of the Division of Human Services or successor agency as Type I or Type II facilities intended for the occupancy by two or more persons. For the purposes of this section, Lindon City shall classify the facilities as follows;
 - a. Small facility shall provide care for three (3) to sixteen (16) qualifying residents.
 - b. Large facility shall provide care for more than sixteen (16) qualifying residents, but not more than ninety (90) qualifying residents. A large facility may also accommodate up to fifteen (15) non-qualifying residents. A non-qualifying resident must reside in the same room as the qualifying resident to whom he or she is related.
2. "Qualifying resident" means an elderly individual, or an individual who is a member of a protected class as defined by the Federal Fair Housing Act and the American with Disabilities Act, who requires assistance with daily living activities.
3. "Non-qualifying resident" means an individual who is not a qualifying resident as defined in this Chapter, but is a spouse or immediate relative of a qualifying resident.

52 | ~~2.4.~~ For the purposes of this section all assisted living centers, rest homes, nursing
53 | homes, elderly group care facilities, convalescent facilities, and other facilities of this
54 | type and nature, shall be referred to as "Care Facilities" or "facility."

55 | ~~3.5.~~ This section shall not apply to group homes for elderly, group homes for person
56 | with a disability, or juvenile group homes, transitional victim homes, as regulated in
57 | Section 17.70. This section shall also not apply to a family member caring for other
58 | family members where there is a relationship of child, sibling, parent, grandparent, aunt,
59 | uncle, niece, or nephew. (Ord 2007-11, amended 10/10/2007, Ord. no. 2004-2,
60 | 01/20/2004)

61 |
62 | **SECTION II:** The provisions of this ordinance and the provisions adopted or incorporated by
63 | reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or
64 | unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall
65 | nevertheless be unaffected and continue in full force and effect.
66 |

67 | **SECTION III:** Provisions of other ordinances in conflict with this ordinance and the provisions
68 | adopted or incorporated by reference are hereby repealed or amended as provided herein.
69 |

70 | **SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as
71 | provide by law.
72 |

73 | PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this
74 | _____ day of _____, 2014.
75 |

76 |
77 |
78 | _____
79 | Jeff Acerson, Mayor
80 |

81 |
82 |
83 | ATTEST:
84 |

85 | _____
86 | Kathryn A. Moosman,
87 | Lindon City Recorder
88 |

89 |
90 | SEAL

October 28, 2014

Adam Cowie
City Administrator
Lindon City
100 North State Street
Lindon, Utah 84042

Re: Request to Amend Chapter 17.72 - Care Facility Overlay Code

Dear Mr. Cowie:

Watts Enterprises requests an amendment to Chapter 17.72 - Care Facility Overlay of the Lindon City Code. The proposed amendment would keep the maximum number of rooms in a care facility at ninety (90) but would allow for some rooms to be double occupied to let married couples or immediate family relatives live together.

Section 17.72.010.1.b is proposed to be amended as shown below. The proposed revisions to this section of the code are highlighted in italics.

Section 17.72.010.1.b. - Definitions

Large facility shall provide care for more than sixteen (16) residents, but not more than ninety (90) *resident rooms. A total of one hundred and five (105) residents my live in a large facility, however the total number of resident rooms shall not exceed ninety (90). A maximum of 15 rooms may be double occupied with residents that are married or an immediate relative.*

We appreciate your consideration of this code amendment. The demand for assisted care facility accommodations that allow married couples to live together is growing and will be needed in the proposed Lindon facility.

Respectfully,



Paul Berg, P.E.

Attachment 3















Item 6: Minor Subdivision — Spring Gardens, approx. 700 North 800 West

Russ Watts of Watts Enterprises seeks preliminary approval of a one (1) lot subdivision, including dedication of public right of way, at approximately 700 North 800 West in the General Commercial (CG) zone. File 14-047-8.

<p>Applicant: Watts Enterprises Presenting Staff: Jordan Cullimore</p> <p>General Plan: Commercial Current Zone: General Commercial (CG)</p> <p>Property Owner: Spring Gardens of Lindon, LC Address: ~700 North 800 West Parcel ID: 14:053:0126 Lot Sizes: 3.14 acres</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 a one lot commercial subdivision in the CG zone. <p><u>MOTION</u></p> <p>I move to (<i>approve, deny, continue</i>) the applicant's request for approval of a one lot commercial subdivision with the following conditions (if any):</p> <ol style="list-style-type: none">1.2.3.
--	---

BACKGROUND

1. This subdivision does not create any new lots. The primary purpose of the subdivision is to dedicate a portion of the lot to Lindon City for required public right-of-way.

DISCUSSION & ANALYSIS

Lot Requirements

- Minimum lot size in the CG zone is 20,000 square feet (.46 acre). The existing lot is 3.14 acres, and the resulting lot after dedication will be 3.13 acres.

Other Requirements

- Staff has determined that the proposed subdivision complies, or will be able to comply before final approval, with all remaining land use standards.
- The City Engineer is addressing engineering standards. All engineering issues will be resolved before final approval is granted.

MOTION

I move to (*approve, deny, continue*) the applicant's request for approval of a one lot commercial subdivision with the following conditions (if any):

- 1.
- 2.
- 3.

ATTACHMENTS

1. Aerial photo of the proposed subdivision.
2. Photographs of the existing site.
3. Preliminary plan.

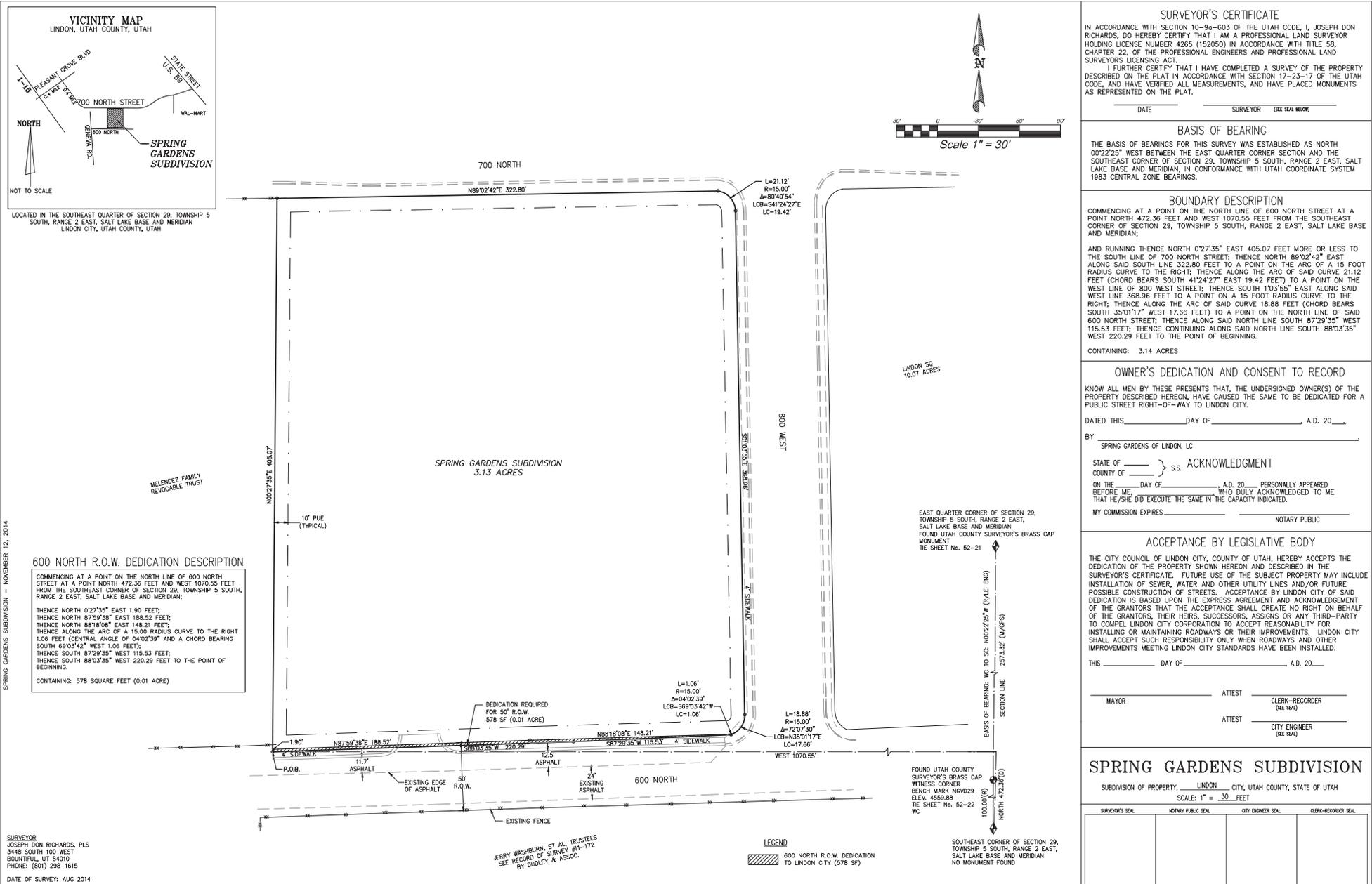
Attachment 1







Attachment 3



Item 7: Major Subdivision — Lexington Cove, approx. 650 North Locust Avenue

Jason Brown requests preliminary approval of a nine (9) lot residential subdivision, including dedication of public streets, at approximately 650 North Locust Avenue in the Single Family Residential (R1-20) zone. Recommendations will be made to the City Council at the next available meeting after Planning Commission review. 14-058-0.

<p>Applicant: Jason Brown Presenting Staff: Jordan Cullimore</p> <p>General Plan: Residential Low Current Zone: Single Family Residential (R1-20)</p> <p>Property Owner: Jason Brown Address: ~650 North Locust Avenue Parcel IDs: 14:049:0326; 14:049:0327; 39:202:0001; 49:708:0003; 49:708:0004; 49:708:0005 Subdivision Acreage: 6.75 acres</p> <p>Type of Decision: Administrative Council Action Required: Yes</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none">1. Whether to approve a nine lot residential subdivision in the Single Family Residential (R1-20) zone. <p><u>MOTION</u></p> <p>I move to recommend (<i>approval, denial, continuance</i>) of the applicant's request for approval of a nine lot residential subdivision with the following conditions (if any):</p> <ol style="list-style-type: none">1.2.3.
--	---

BACKGROUND

1. This is a request to create nine lots and dedicate a new public street in the Single Family Residential (R1-20) zone.

DISCUSSION & ANALYSIS

Lot Requirements

- Minimum lot size in the R1-20 zone is 20,000 square feet (.46 acre). Each lot in the proposed subdivision will satisfy the minimum area requirement.

Other Requirements

- Staff has determined that the proposed subdivision complies, or will be able to comply before final approval, with all remaining land use standards in LCC 17.32.
- The City Engineer is addressing engineering standards. All engineering issues will be resolved before final approval is granted.

MOTION

I move to (*approve, deny, continue*) the applicant's request for approval of a two lot residential subdivision with the following conditions (if any):

- 1.
- 2.
- 3.

ATTACHMENTS

1. Aerial photo of the proposed subdivision.
2. Photographs of the existing site.
3. Preliminary plan.

Attachment 1









Item 8: Site Plan — Kids Village, 200 North State Street

Ann Whittaker of Kids Village requests site plan approval of a private school on a 1.02 acre site at approximately 200 North State Street in the General Commercial (CG) zone.

<p>Applicant: Ann Whittaker Presenting Staff: Jordan Cullimore</p> <p>General Plan: Commercial Current Zone: General Commercial (CG)</p> <p>Property Owners: A Perfect Development, LLC Address: 200 North State Street Parcel ID: 48:358:0012 Lot Size: 1.02 acres</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 site plan for a 21,036 square foot private school in the CG zone. <p><u>MOTION</u></p> <p>I move to (<i>approve, deny, continue</i>) the applicant's request for site plan approval of Kids Village Private School with the following conditions (if any):</p> <ol style="list-style-type: none">1.2.3.
---	---

BACKGROUND

1. This is a site plan application for a 21,036 square foot private school that will serve children from Pre-K to third grade.
2. The site is located in the General Commercial (CG) zone. Private primary schools are conditionally permitted in the CG zone. Conditions may be placed on the use if the Commission determines that the use will produce detrimental impacts that need to be mitigated.

DISCUSSION & ANALYSIS

Parking Standards

The required parking ratio for K-8 schools is 2 parking stalls per employee. The applicant has indicated that the facility will have 15 employees, which would place the total required number of parking stalls at 30. The site plan proposes 30 stalls to satisfy the parking requirement. Two of the stalls will be ADA accessible.

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

Summary of Parking Requirements

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

Landscaping Standards

Landscaped Strip Along Frontage

Subsection 17.48.030(4) requires a 20 foot landscaped berm along public street frontages, of which at least 70% is planted in grass. The Code also requires that trees be planted within the strip every 30 feet on center. The landscaping plan proposes the required landscaped strip, but the proposed materials do

not appear to meet the specific Code requirements. The Code allows the Planning Commission discretion in approving modifications to the required landscaped strip. The Planning Commission should discuss modifications in light of Subsection 17.48.030(4)(d), which states the following:

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

Interior Landscaping

Interior landscaping must be provided at 40 square feet per required stall. The site has 30 required parking stalls, which will require at least 1,200 square feet of interior landscaping, exclusive of the required landscaped strip along street frontage. Staff has requested a breakdown of landscaping square footage to verify compliance with landscaping requirements. This breakdown was not provided before distribution of the staff report. The issue will be discussed further at the Planning Commission meeting.

Total Open Space Requirement

The Code requires that a minimum of 20% of the lot be maintained in permanent landscaped open space. Compliance with this requirement needs to be verified upon receipt of the landscaping square footage breakdown.

Architectural Standards

Lindon's Commercial Design guidelines, which govern architectural treatments in the CG zone, identify masonry building materials, such as brick, stone, and colored decorative concrete block as the preferred primary building material; and brick, stone, colored decorative concrete block, stucco, wood/cement fiber siding, and timbers as secondary materials.

An architect's rendering of the structure and elevation details are included in attachment 4. The building materials proposed for the exterior of the structure include natural stone veneer, cement fiber board, stucco, simulated timber framed members, and cedar shake roofing. It is staff's opinion that the combination of the proposed materials properly satisfy the building materials requirements of the Commercial Design Guidelines.

Engineering Requirements

The City Engineer is working through technical issues related to the site and will ensure all engineering related issues are resolved before final approval is granted.

MOTION

I move to (*approve, deny, continue*) the applicant's request for site plan approval of Kids Village Private School with the following conditions (if any):

- 1.
- 2.
- 3.

ATTACHMENTS

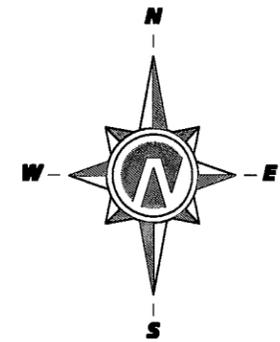
1. Aerial photo of the site and surrounding area.
2. Photographs of the existing site.
3. Site Plan Documents
4. Architectural Rendering & Elevations
5. Landscaping Plan

Attachment 1









(24"x36")
SCALE 1" = 20'
(11"x17")
SCALE 1" = 40'

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD DIST.	CHORD BRG.	DELTA
C1	68.93'	169.00'	68.45'	S78°14'40"W	23°22'08"
C2	28.80'	21.00'	27.36'	N72°47'28"W	81°17'58"
C3	40.61'	8554.52'	40.81'	N32°00'17"W	0°16'19"

TELECOMMUNICATION NOTE:

1. TELECOMMUNICATION CONDUIT SHALL BE INSTALLED TO SERVE THIS SITE. RUN THE CONDUIT TO THE SITE FROM AN EXISTING SERVICE BOX AT A NEARBY SITE AS SHOWN ON THE UTOPIA DESIGN. RUN THE CONDUIT WITHIN THE PUBLIC RIGHT OF WAY OR SECURE EASEMENTS TO RUN IT ON PRIVATE PROPERTY. LAY THE CONDUIT AT A MINIMUM DEPTH OF 24"
2. INSTALL ONE ORANGE 3/4" DIA. SDR-11 HDPE CONDUIT MEETING ASTM 3035, OR IN DIFFERENT QUANTITIES AND SIZES AS SHOWN IN THE UTOPIA DESIGN. TWELVE (12) GAUGE SOLID THIN TRACER WIRE SHALL BE INSTALLED INSIDE ALL CONDUITS ACCORDING TO NESC STANDARDS. TELECOMMUNICATIONS CONDUIT SHALL INCLUDE A 3" CAUTION TAPE INSTALLED IN THE PIPELINE TRENCH APPROXIMATELY 12" BELOW THE GROUND SURFACE, WITH WORDS "CAUTION: FIBER OPTIC CABLE" PRINTED ON IT.

GENERAL SITE PLAN NOTES:

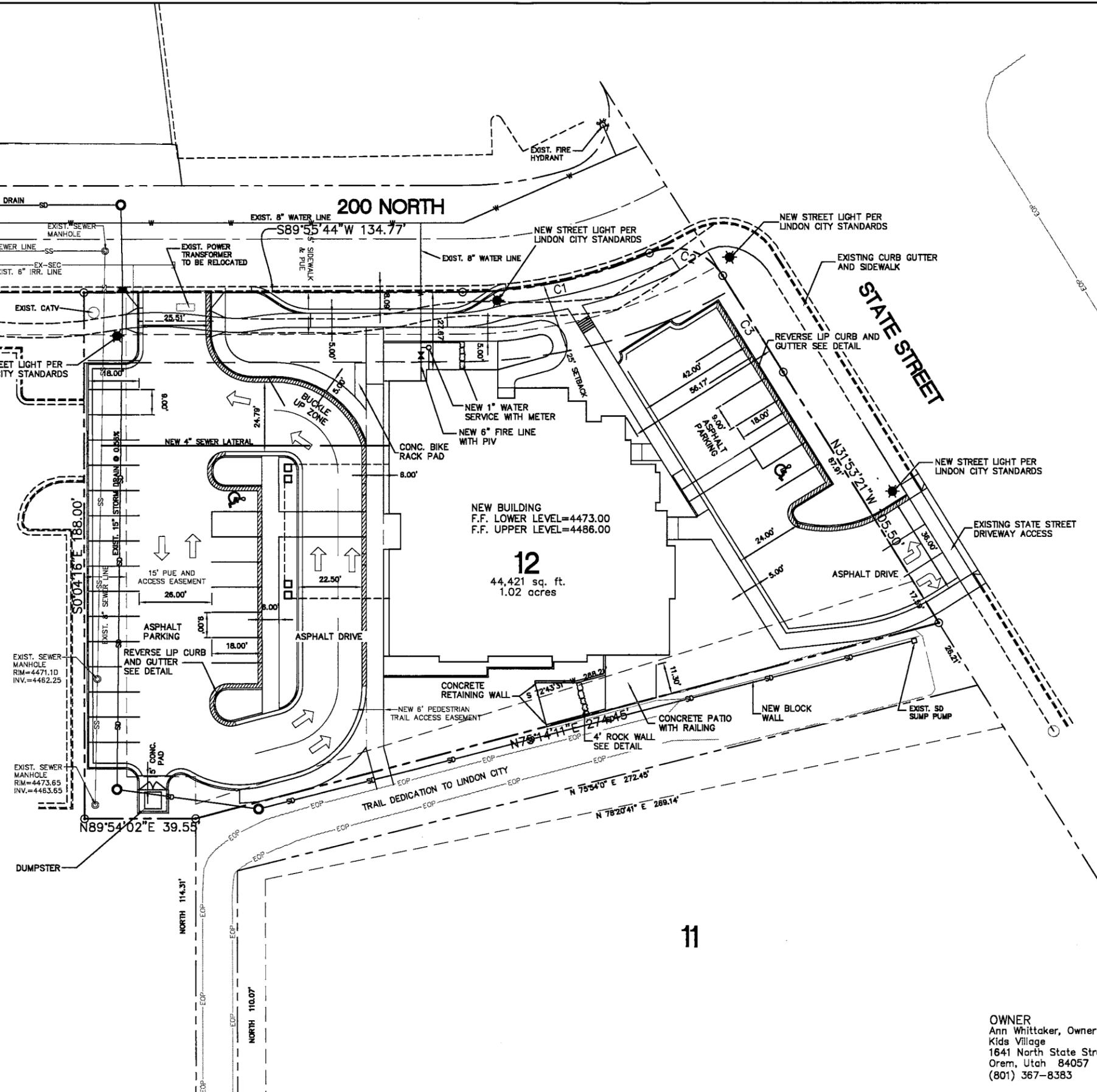
1. THE APPLICANT IS RESPONSIBLE FOR COMPLIANCE WITH ALL REQUIREMENTS OF THE "AMERICANS WITH DISABILITIES ACT" (ADA)
2. ALL LANDSCAPED AREAS SHALL HAVE AN AUTOMATIC, UNDERGROUND SPRINKLING SYSTEM WITH A BACK FLOW PREVENTION DEVICE AND A BACK FLOW PREVENTION DEVICE IN THE BUILDING, UNLESS LANDSCAPING IS SERVED BY THE SECONDARY WATER SYSTEM.
3. 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.
4. LINDON STANDARD SPECIFICATIONS AND DRAWINGS APPLY TO CONSTRUCTION OF PUBLIC IMPROVEMENTS THAT WILL BE OWNED OR MAINTAINED BY LINDON CITY AND TAKE PRECEDENCE OVER OTHER STANDARDS.

BUILDING TABULATION

1. BUILDING SQUARE FOOTAGE
LEVEL 1=10,571
LEVEL 2=10,465
TOTAL =21,036
2. BUILDING IBC OCCUPANCY TYPE = "E"
3. IFC CONSTRUCTION TYPE = V-B
4. NEW BUILDING WILL BE FIRE SPRINKLED.

SITE TABULATION

1. SITE SQUARE FOOTAGE
LANDSCAPING=8,727
IMPERVIOUS=35,694
TOTAL =44,421
2. PARKING = 2 PARKING STALLS PER EMPLOYEE TOTAL OF 30
ADA PARKING STALLS=2



LEGEND

- SET SUBDIVISION MONUMENT
- FOUND BRASS CAP
- FOUND ALUMINUM CAP
- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN
- SET 5/8" IRON PIN
- SET 1/2" IRON PIN
- CALCULATED POINT, NOT SET
- EXISTING POWER POLE
- EXISTING STREET LIGHT
- EXISTING FIRE HYDRANT
- PROPERTY BOUNDARY
- CENTERLINE
- RIGHT-OF-WAY LINE
- SECTION LINE
- EASEMENT
- EXISTING DEED LINE
- EDGE OF PAVEMENT
- CHP
- EXISTING OVER HEAD POWER
- EXISTING FENCE LINE
- EXISTING DITCH
- EXISTING SANITARY SEWER W/MANHOLE

OWNER
Ann Whittaker, Owner
Kids Village
1641 North State Street
Orem, Utah 84057
(801) 367-8383

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.

NO.	REVISIONS	BY	DATE	DESIGNED BY:	DATE:
5					
4					
3					
2					
1					

Northern ENGINEERING INC
ENGINEERING—LAND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

KIDS VILLAGE

SITE AND UTILITY PLAN
LINDON, UTAH 84042

JOB NO.
14-035
SHEET NO.
2



Community Development
Linden City

NOV 10 2014

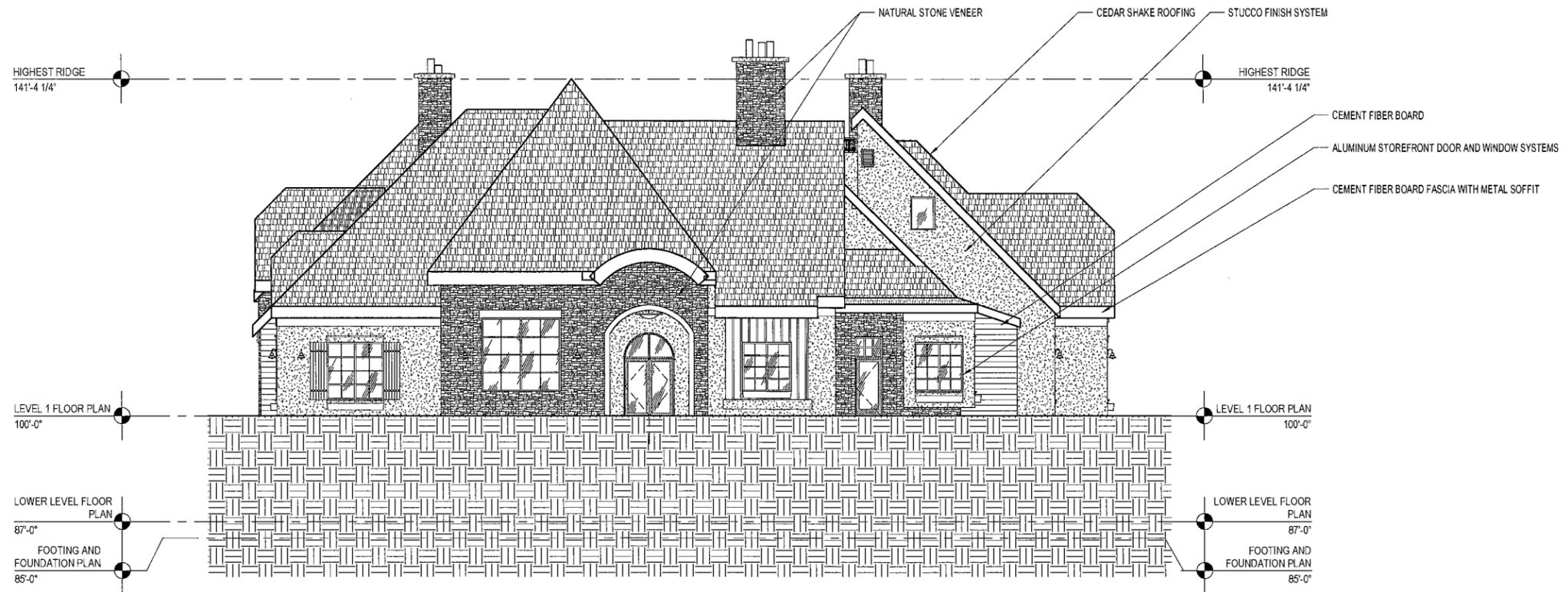
RECEIVED

KID'S VILLAGE
200 NORTH & STATE ST.
LINDEN, UT 84042

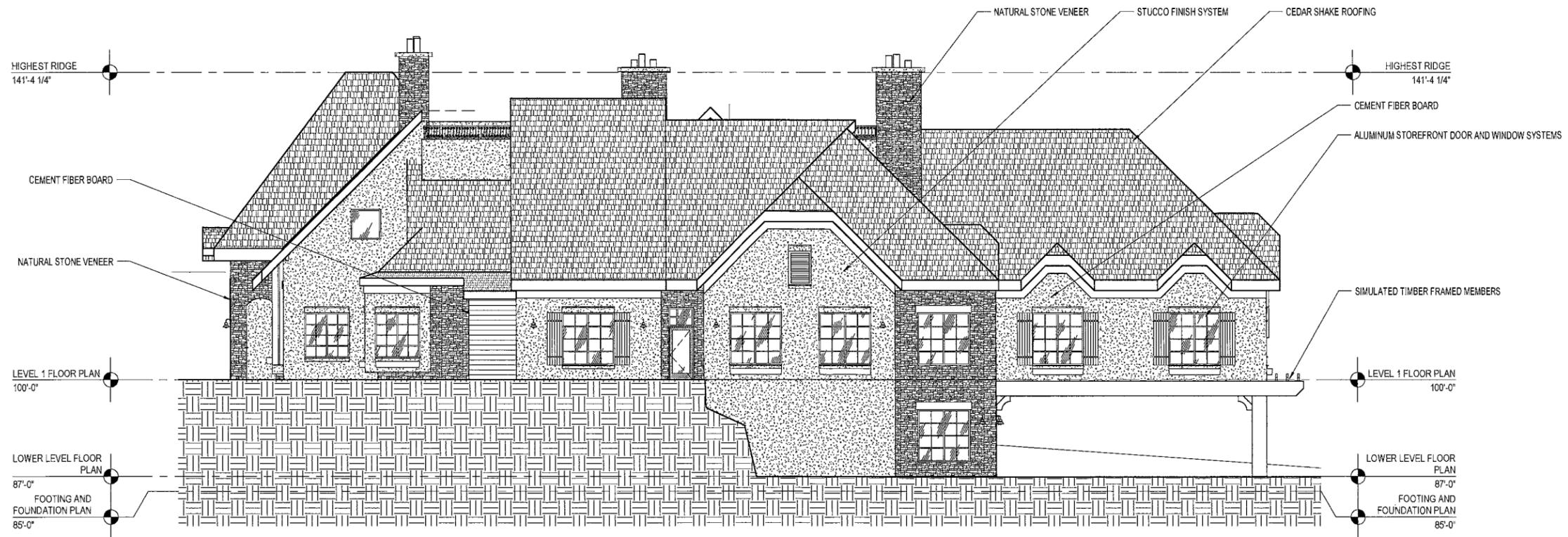
10 NOVEMBER 2014

CMA
CURTIS MINER
ARCHITECTURE

233 SOUTH PLEASANT GROVE BLVD.
SUITE #105
PLEASANT GROVE, UTAH 84062
PHONE: (801) 769-3000
FAX: (801) 769-3001
cma@cmastah.com



1 EAST ELEVATION
202 SCALE: 1/8" = 1'-0"



2 NORTH ELEVATION
202 SCALE: 1/8" = 1'-0"

KID'S VILLAGE

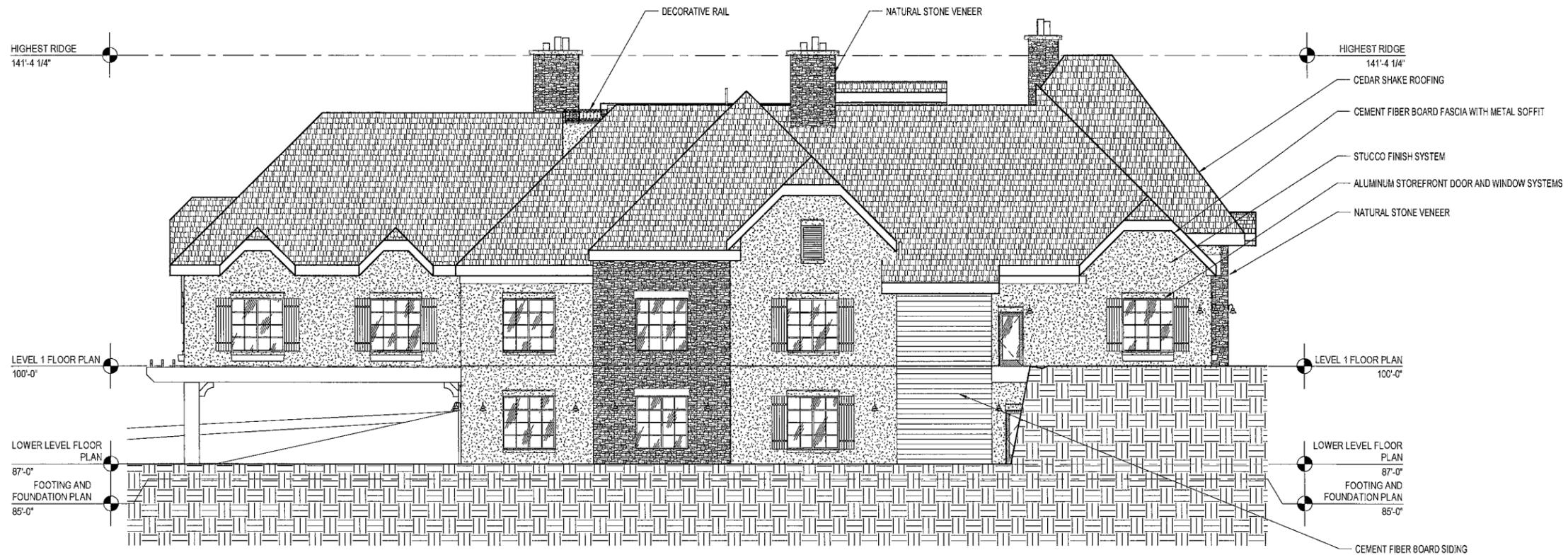
200 NORTH & STATE ST.
LONDON, UT 84042

10 NOVEMBER 2014

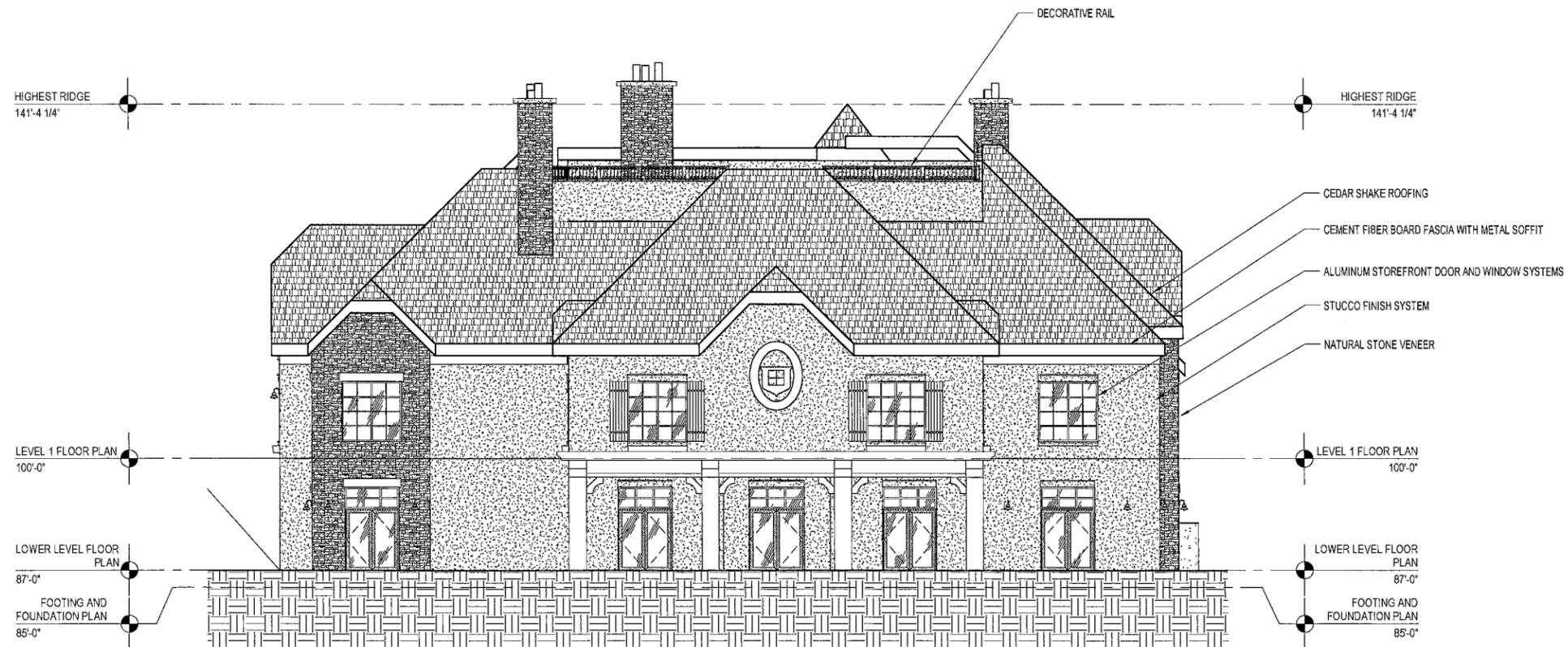


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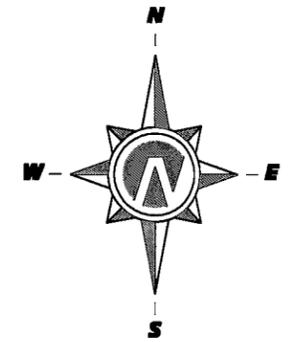
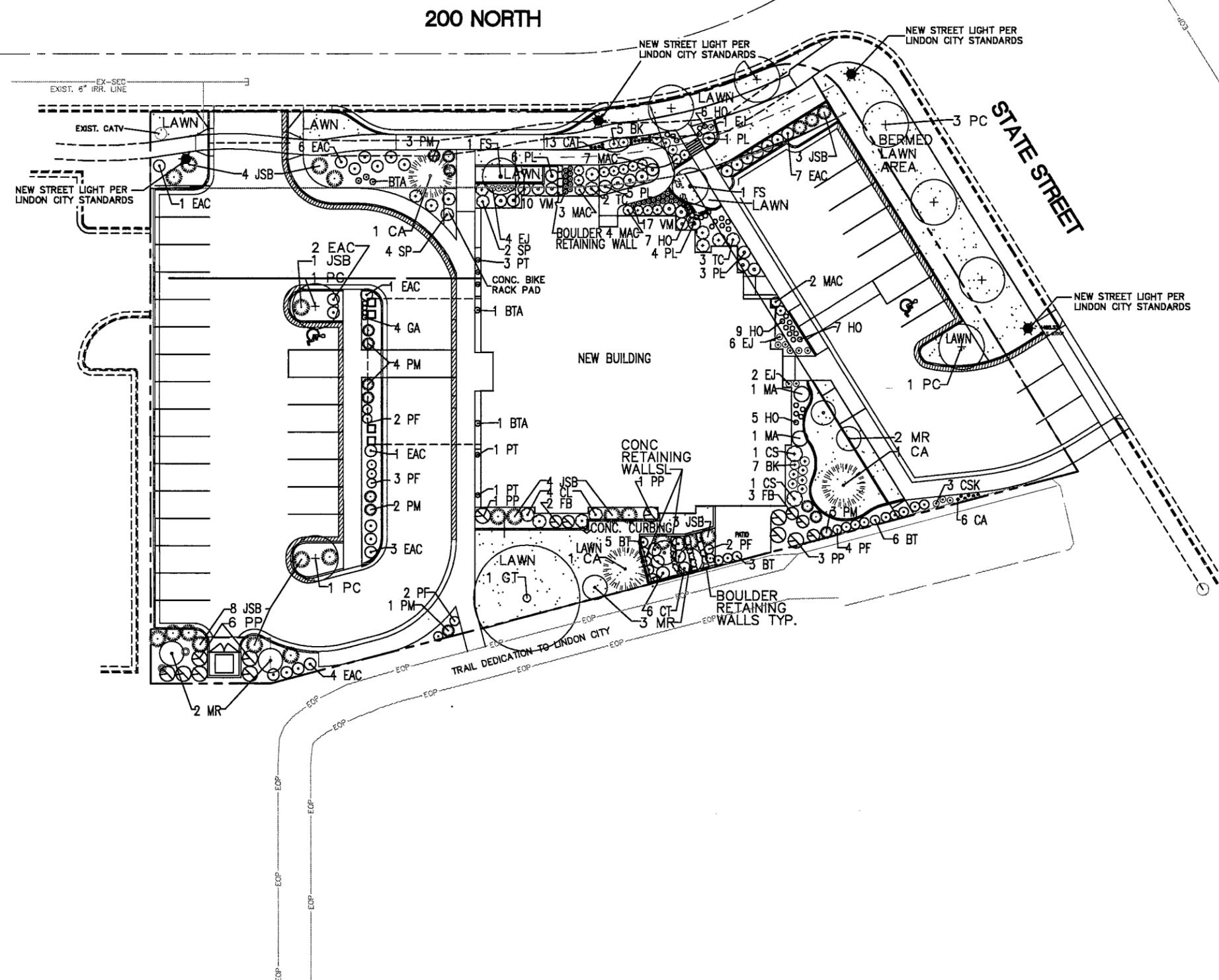
1 SOUTH ELEVATION
203 SCALE: 1/8" = 1'-0"



2 WEST ELEVATION
203 SCALE: 1/8" = 1'-0"

KID'S VILLAGE
200 NORTH & STATE ST.
LINDON, UT 84042
10 NOVEMBER 2014

CMA
CURTIS MINER
ARCHITECTURE
233 SOUTH PLEASANT GROVE BLVD.
SUITE #105
PLEASANT GROVE, UTAH 84062
PHONE: (801) 769-3000
FAX: (801) 769-3001
cma@cmautah.com



(24"x36")
 SCALE 1" = 20'
 (11"x17")
 SCALE 1" = 40'

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.

5		DESIGNED BY: RICHARD HUIJSH	DATE: 10/15/2014
4		DRAWN BY: RICHARD HUIJSH	DATE: 10/15/2014
3		CHECKED BY:	DATE:
2		APPROVED:	DATE:
1		COGO FILE:	DATE:
NO.	REVISIONS	BY	DATE



Northern ENGINEERING INC
 ENGINEERING—LAND PLANNING
 CONSTRUCTION MANAGEMENT

1040 E. 800 N.
 OREM, UTAH 84097
 (801) 802-8992

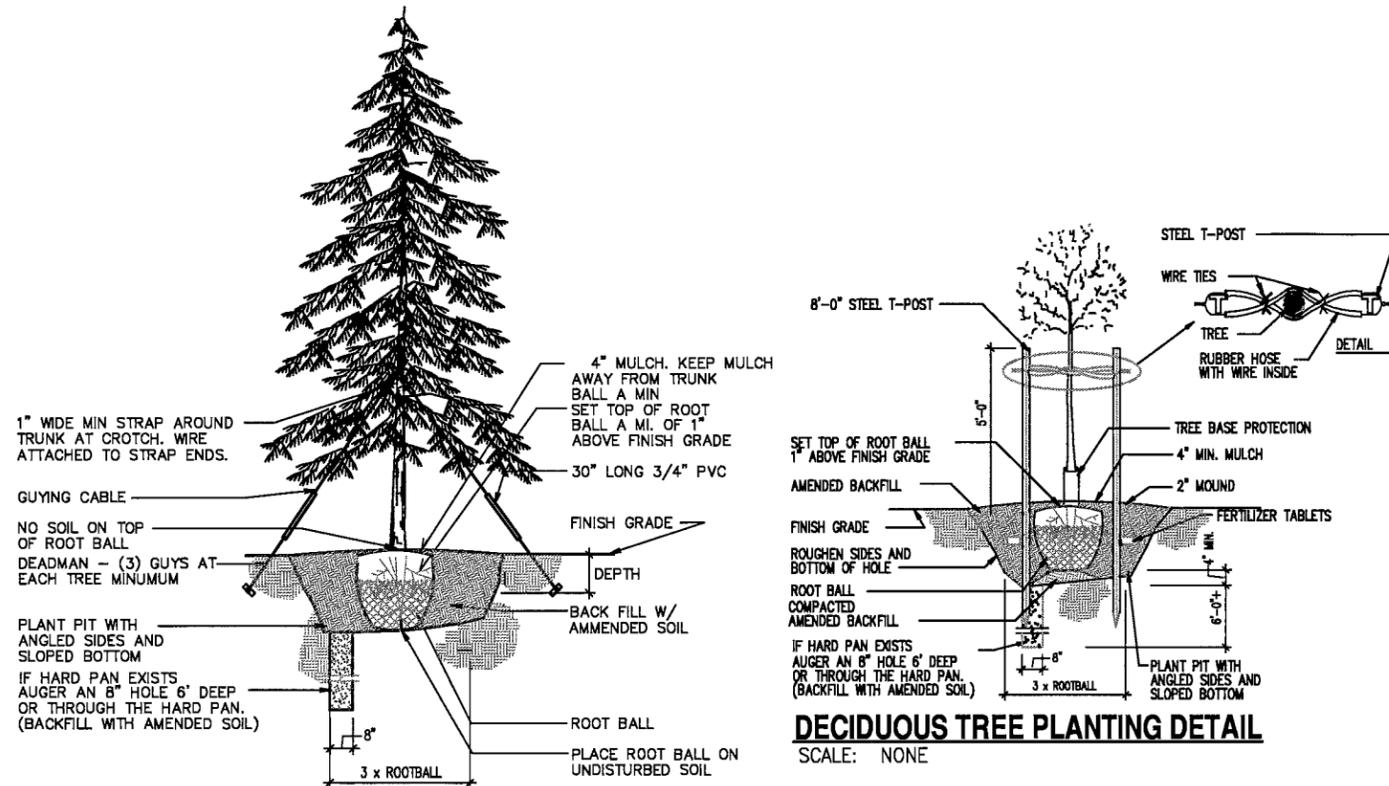
KIDS VILLAGE

LANDSCAPE PLAN

JOB NO.
14-035

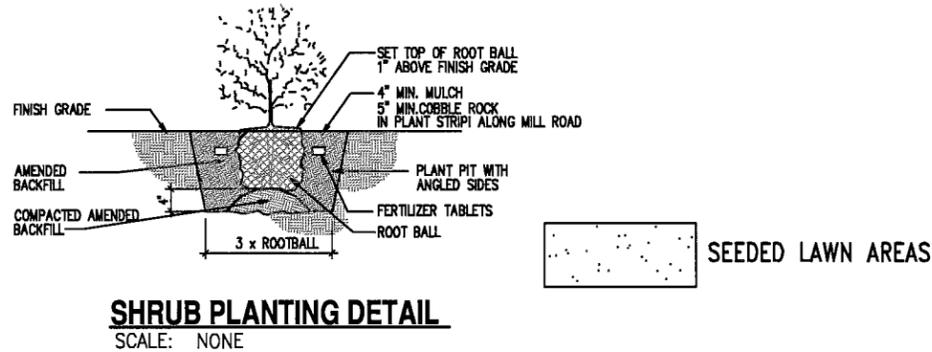
LINDON, UTAH 2014 65 of 78

SHEET NO.
L-1



LANDSCAPE NOTES:

- 1: TOP DRESS ALL INTERIOR SHRUB AREAS AND TREE AREAS WITH 4" DEEP SHREDDED BARK MULCH. MULCH SHALL BE APPLIED AFTER PRE-EMERGENT AND WEED BARRIER FABRIC HAS BEEN APPLIED. WEED BARRIER FABRIC TO ALLOW MAXIMUM AIR AND WATER PENETRATION.
- 2: PROVIDE A 6' DIAMETER MULCH AREA AROUND EVERGREEN TREES AND A 4' DIAMETER AROUND DECIDUOUS TREES.
- 3: VERIFY LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.
- 4: ALL PLANT MATERIAL SHALL BE HEALTHY STOCK, FREE FROM DISEASE AND DISFIGUREMENT, HAVING FULL NATURAL SHAPES.
- 5: PLANT MATERIAL SHALL BE THE SAME SPECIES AND SIZE AS DESCRIBED IN THE PLANT SCHEDULE.
- 6: ALL TREES AND SHRUBS TO BE PLANTED ACCORDING TO DETAILS.
- 7: ALL LANDSCAPED AREA TO BE IRRIGATED WITH AN AUTOMATED IRRIGATION SYSTEM THAT MEETS CITY CODES.
- 8: PROVIDE 4" THICK TOPSOIL FOR ALL LAWN AREAS AND 12" THICK TOPSOIL FOR SHRUB AREAS.
- 9: PROVIDE 6" WIDE CONCRETE EDGING BETWEEN LAWN AND SHRUB BEDS.



PLANT LEGEND

KEY	QUAN.	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS	TYPE
TREES						
CA	3	CEDRUS ATLANTICA 'GLAUCA'	BLUE ATLAS CEDAR	6' TALL	GUYED	EVG
GT	1	GLEDITSIA TRIACANTHOS 'IMPERIAL'	IMPERIAL HONEY LOCUST	2" CAL.	STAKED	DEC
FS	2	FAGUS SYLVATICA 'DARK PURPLE'	COLUMNAR PURPLE BEECH	6, TALL	GUYED	EVG
MR	7	MALUS RED BARON	RED BARON CRAB APPLE	2" CAL.	STAKED	DEC
PC	6	PYRUS CALLERYANA 'CHANTICLEER'	'CLEVELAND SELECT'	2" CAL.	STAKED	DEC
SHRUBS						
BT	20	BERBERIS THUNBERGII ATROPURPUREA 'ROSE GLOW'	ROSE GLOW BARBERRY	5 GAL	4' O.C.	DEC
BTA	5	BERBERIS THUNBERGII ATROPURPUREA 'NANA' 'CRIMSON PYGM'	CRIMSON PYGM BARBERRY	5 GAL	4' O.C.	DEC
BK	12	BUXUS KOREANA 'WINTERGREEN'	WINTERGREEN BOXWOOD	5 GAL.	4' O.C.	EVG
CS	0	CORNUS SERICEA	RED OSIER DOGWOOD	5 GAL.	5' O.C.	DEC
CSK	6	CORNUS SERICEA 'KELSEY'	KELSEY DOGWOOD	5 GAL.	2' O.C.	DEC
CT	6	COTONEASTER DAMMERI 'LOWFAST'	LOWFAST COTONEASTER	5 GAL.	4" O.C.	DEC
CAT	25	COTONEASTER APICULATA 'TOM THUMB'	TOM THUMB COTONEASTER	1 GAL.	3" O.C.	DEC
CL	0	COTONEASTER LUCIDUS	PEKING COTONEASTER	5 GAL.	5" O.C.	DEC
EAC	25	EUONYMOUS ALATAS 'COMPACTA'	DWARF BURNING BUSH	1 GAL.	4' O.C.	DEC
EJ	13	EUONYMOUS JAPONICA 'MICROPHYLLA'	BOXLEAF EUONYMOUS	5 GAL.	2' O.C.	EVG
FB	5	FORSYTHIA VIRIDISSIMA 'BRONXENSIS'	DWARF BRONX	5 GAL	3' O.C.	DEC
JSB	23	JUNIPERUS SABINA 'BROADMOOR'	BROADMOOR JUNIPER	5 GAL	4' O.C.	EVG
JSD	0	JUNIPERUS COMMUNIS DEPRESSA	BLUEBERRY DELIGHT JUNIPER	1 GAL	4' O.C.	EVG
MA	2	MAHONIA AQUIFOLIUM	OREGON GRAPE	5 GAL.		EVG
MAC	16	MAHONIA AQUIFOLIUM 'COMPACTA'	COMPACT OREGON GRAPE	5 GAL.	3' O.C.	EVG
PM	9	PINUS MUGHO MUGUS 'PUMILIO'	DWARF MUGO PINE	5 GAL.	4' O.C.	EVG
PF	13	POTENTILLA FRUTICOSA 'DAKOTA SUNSPOT'	SUNSPOT CINQUEFOIL	5 GAL.	3' O.C.	DEC
PP	11	PRUNUS CISTENA	PURPLE SAND CHERRY	5 GAL	5' O.C.	DEC
PL	19	PRUNUS LAUROCERASUS 'OTTO LUYKENS'	OTTO LUYKENS LAUREL	5 GAL	4' O.C.	EVG
RA	0	RHUS AROMATICA 'GROW LOW'	GROW LOW SUMAC	5 GAL	5' O.C.	DEC
SP	6	SYRINGA PATULA 'MISS KIM'	MISS KIM LILAC	5 GAL	4' O.C.	DEC
TC	5	TAXUS CUSPIDATA DENSIFORMIS	DENSE JAPANESE YEW	5 GAL	4' O.C.	EVG
PERENNIAL/ GROUND COVER/ VINES/ PERENNIAL						
GA	4	GALLARDIA ARISTATA	BLANKET FLOWER	1 GAL	18" O.C.	DEC
HO	34	HOSTA LANCEIFOLIA 'LANCELEAF'	LANCELEAF HOSTA	1 GAL	18" O.C.	DEC
VM	13	VINCA MINOR 'BOWLES,	PERIWINKLE	1 GAL	18" O.C.	DEC
PT	5	PARTHENOCCISSUS TRICUSPIDATA	BOSTON IVY	1 GAL	4' O.C.	DEC

THESE DRAWINGS, OR ANY PORTION THEREOF, SHALL NOT BE USED ON ANY PROJECT OR EXTENSIONS OF THIS PROJECT EXCEPT BY AGREEMENT IN WRITING WITH NORTHERN ENGINEERING, INC.

5		DESIGNED BY: RICHARD HUIJH	DATE: 10/10/2014
4		DRAWN BY:	DATE: 10/10/2014
3		CHECKED BY:	DATE:
2		APPROVED:	DATE:
1		COGO FILE:	DATE:
NO.	REVISIONS	BY	DATE



Northern ENGINEERING INC
ENGINEERING-LAND PLANNING
CONSTRUCTION MANAGEMENT

1040 E. 800 N.
OREM, UTAH 84097
(801) 802-8992

KIDS VILLAGE

LANDSCAPE DETAILS/ LEGEND

JOB NO.
14-035

LINDON, UT 84042 2014 66 of 78

SHEET NO.
L-2

Item 9: Minor Subdivision — Pen Subdivision, approx. 400 North Canal Drive

Pat Nelson seeks preliminary approval of a two (2) lot residential subdivision at approximately 400 North Canal Drive in the Single Family Residential (R1-20) zone. 14-050-0.

<p>Applicant: Pat E. Nelson Presenting Staff: Jordan Cullimore</p> <p>General Plan: Residential Low Current Zone: Single Family Residential (R1-20)</p> <p>Property Owner: Dean & Reva Perry Address: 390 North Canal Drive Parcel ID: 14:072:0213 Lot Sizes: 1.06 acres</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 a two lot residential subdivision in the Single Family Residential (R1-20) zone. <p><u>MOTION</u></p> <p>I move to (<i>approve, deny, continue</i>) the applicant's request for approval of a two lot residential subdivision with the following conditions (if any):</p> <ol style="list-style-type: none">1.2.3.
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BACKGROUND

1. This subdivision creates two residential lots out of one currently existing residential lot in the Single Family (R1-20) zone.
2. There may be some bearing differences between the proposed plat and what is existing on Canal Drive. The City Engineer is currently working with the applicant to resolve these discrepancies. If discrepancies are indentified, the plat may include dedication of public right-of-way, while currently none is proposed.

DISCUSSION & ANALYSIS

Lot Requirements

- Minimum lot size in the R1-20 zone is 20,000 square feet (.46 acre). The existing lot is 1.06 acres. The subdivision will create two new lots. Lot 1 will be 23,342 square feet and lot 2 will be 22,907 square feet in area.
- Curb, gutter, and sidewalk improvements already exist along street frontage.

Other Requirements

- The proposed subdivision identifies an existing shed that, if left in its current position, will not comply with residential setback requirements. Staff recommends, as a condition of approval, that they building be either removed or moved to comply with existing setback requirements.
- Staff has determined that the proposed subdivision complies, or will be able to comply before final approval, with all remaining land use standards.
- The City Engineer is addressing engineering standards. All engineering issues will be resolved before final approval is granted.

MOTION

I move to (*approve, deny, continue*) the applicant's request for approval of a two lot residential subdivision with the following conditions (if any):

- 1.
- 2.
- 3.

ATTACHMENTS

1. Aerial photo of the proposed subdivision.
2. Photographs of the existing site.
3. Preliminary plan.

Attachment 1







Item 10: Concept Review — Lindon Washburn Jewel, approx. 550 North Geneva Road

Paul Mugerian requests feedback on a planned development proposal at approximately 550 North Geneva Road. Currently, the majority of the parcel is zoned Mixed Commercial (MC). A strip on the east side of the parcel is zoned Single Family Residential (R1-20). No official motions will be made.

<p>Applicant: Paul Mugerian 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

Application Description: Great Concept Review Project, a place where Lindon's children can start and move forward in their lives. Unique Lindon housing that fills a need and in the right place.

The applicant will bring materials involving their proposal to present to the Planning Commission.

MOTION

No motion necessary.

ATTACHMENTS

1. Aerial of land involved in the concept review



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

Mayor's Thanksgiving Dinner – Thurs., Nov. 27 – Contact Kathy Moosman if you'd like to donate.

Lindon Tree Lighting – December 1 @ 6:00pm

CC/PC Joint Work Session with Ivory Homes – December 9 @6:00pm

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>				
Reasonable Accommodation: Reflections Recovery	Sept. 2014	Ron Wentz	TBD	TBD
<i>Request for a reasonable accommodation from four to sixteen individuals for group living facilities for disabled persons. 145 S 200 E</i>				
Miscellaneous: UIS Detention Basin Upgrade	Sept. 2014	MS Properties	N/A	N/A
<i>Request for staff approval of an upgrade to a detention basin at 433 N 1030 W.</i>				
Property Line Adjustment	Oct. 2014	Steven Merrill	N/A	N/A
<i>Request for a property line adjustment at 455 E 500 N. Staff approved.</i>				
General Plan Map Amendment: Colmena Group	Oct. 2014	Bryan Stevenson	Oct. 28	Nov. 5
<i>Request for a General Plan Map Change from General Commercial to Light Industrial at ~600 South Geneva Road</i>				
Zone Map Amendment: Colmena Group	Oct. 2014	Bryan Stevenson	Oct. 28	Nov. 5
<i>Request for a Zone Map Change from General Commercial A8 to Light Industrial at ~600 South Geneva Road.</i>				
Conditional Use Permit: Planet Power Toys	Oct. 2014	Lynn A. Clingo	Nov. 11	N/A
<i>Request to operate a personal recreational vehicle dealership in the General Commercial Zone at 165 South State. ATVs, Boats, RVs, Used Cars.</i>				
Ordinance Amendment: LCC 17.72, Care Facility Overlay	Oct. 2014	Russ Watts	Nov. 25	TBD
<i>Request to amend LCC 17.72 to allow additional, related occupants in care facilities.</i>				
Minor Subdivision: Lindon Spring Gardens	Oct. 2014	Russ Watts	Nov. 25	N/A
<i>Request for approval of a 1 lot subdivision at 700 N 800 W.</i>				
Major Subdivision: Lexington Cove	Nov. 2014	Jason Brown	Nov. 25	TBD
<i>Request for approval of a 9 lot subdivision at approx. 650 N Locust Ave.</i>				
Site Plan: Kids Village	Nov. 2014	Ann Whittaker	Nov. 25	N/A
<i>Request for site plan approval of a private school at 200 N. State Street.</i>				
Minor Subdivision: Pen Subdivision	Nov. 2014	Pat Nelson	Nov. 25	N/A
<i>Request for approval of a 2 lot subdivision at approximately 400 North Canal Dr.</i>				
NOTE: This Project Tracking List is for reference purposes only. All application review dates are subject to change.				
PC / CC Approved Projects - Working through final staff & engineering reviews (site plans have not been finalized - or plat has not recorded yet):				
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	Avalon Senior Living Site Plan		Lakeside Business Park Plat A	
LCD Business Center	Sonic Plastics Site Plan		Green Valley Subdivision	
Long Orchard Subdivision	Noah's Life Site Plan		Noah's Life Subdivision	
Interstate Gratings Site Plan				
Bishop Corner Plat B				

Board of Adjustment		
Applicant	Application Date	Meeting Date
Black Scot Development	10.13.14	11.12.14

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 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 o 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)	EDC Utah 2014 - Awarded matching grant to attend ICSC Intermountain States Idea Exchange 2014.
FEMA Hazard Mitigation Grant - (pipe Main Ditch)	CDBG 2014 Grant - Senior Center Computer Lab (\$19,000)

Planning Dept - Projects and Committees			
On-going activities (2014 yearly totals)	Misc. projects	UDOT / MAG projects	Committees
Building permits Issued: 201 New residential units: 50	2010-15 General Plan implementation (zoning, Ag land inventory, etc.)	700 North CDA	Utah Lake Commission Technical Committee: Bi-Monthly
New business licenses: 69	Lindon Hollow Creek-Corps of Eng., ditch relocation	Lindon Bicycle Master Plan	MAG Technical Advisory Committee: Monthly
Land Use Applications: 43 Drug-free zone maps: 21	Lindon Heritage Trail Phase 3 Gateway RDA improvements		Lindon Historic Preservation Commission: Bimonthly North Utah County Transit Study Committee Monthly