

2 The Lindon City Planning Commission held a regularly schedule meeting on **Tuesday,**
3 **February 22, 2011** beginning at 7:00 p.m. in the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Matt Bean, Chairperson

6 Invocation: Mark Johnson

7 Pledge of Allegiance: Ron Anderson

8 **PERSENT**

9 **ABSENT**

10 Matt Bean, Chairperson

Woodworth Mataele, Assistant Planner

11 Ron Anderson, Commissioner

12 Christian Burton, Commissioner

13 Sharon Call, Commissioner

14 Gary Godfrey, Commissioner

15 Mark Johnson, Commissioner

16 Adam Cowie, Planning Director

17 Debra Cullimore, City Recorder

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19 The meeting was called to order at 7:00 p.m.

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21 **APPROVAL OF MINUTES** – The minutes of the meeting of February 8, 2011 were
22 reviewed.

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25 COMMISSIONER CALL MOVED TO APPROVE THE MINUTES OF THE
26 MEETING OF FEBRUARY 8, 2011. COMMISSIONER BURTON SECONDED THE
27 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 **PUBLIC COMMENT** –

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30 Chairperson Bean called for comments from any audience member who wished to
31 address an issue not listed as an agenda item. There was no public comment.

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33 **CURRENT BUSINESS** –

- 34
35 1. **Accessory Apartment** – *Dean & Carolyn Lundberg – 77 East 640 North.* This is
36 a request by Mr. and Mrs. Lundberg for approval of a ‘breeze way’ to
37 accommodate their proposed accessory apartment. Currently, detached accessory
38 apartments are not permitted unless by Planning Commission approval the
39 apartment is ‘substantially attached to the main dwelling by covered walkways,
40 covered breezeways, and covered porches....not more than a distance of fifteen
41 (15’) feet.’ (LCC 17,46,100 (l)(i))

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43 Dean Lundberg was present as the representative for this application. Mr. Cowie
44 explained that this is a request for approval of an accessory apartment attached to the
45 main dwelling with a breezeway. City Ordinance requires Planning Commission

2 approval of the proposed breezeway attachment to the main dwelling. He reviewed the
3 typical accessory apartment approval process which does not require Planning
4 Commission review or approval. Staff reviews applications submitted for accessory
5 apartments. If it is determined that the applications meets Ordinance requirements,
6 neighboring property owners within 350 feet are notified that the application will be
7 approved unless a protest is filed. Mr. Cowie noted that neighboring property owners
8 were notified by mail of this application, and that no comments or concerns have been
9 received. This application requires Planning Commission approval due to the breezeway
10 attachment to the main dwelling.

11 Mr. Cowie went on to review the plans submitted for this application, including
12 the floor plan for the apartment. He noted that the plan is in compliance with all
13 ordinance requirements, including square footage and parking standards. The
14 Commission also reviewed architectural drawings for the structure, which will be similar
15 to the existing main dwelling, including rock and stucco treatments.

16 Chairperson Bean invited Mr. Lundberg to comment. Mr. Lundberg confirmed
17 that the exterior will match the main dwelling. Commissioner Call inquired as to whether
18 the accessory apartment would be rented or used as part of the home. Mr. Lundberg
19 stated that his aging mother will occupy the accessory apartment.

20 Chairperson Bean asked the Commission if there were any specific concerns
21 regarding the breezeway and/or compliance with specific ordinance requirements.
22 Commissioner Johnson noted that the ordinance is somewhat vague regarding the
23 breezeway attachment, and that it would be appropriate to give the benefit of any doubt to
24 the applicant. The Commission discussed the breezeway design, including the maximum
25 15 foot separation width, which in this case was measured from the eaves. He noted that
26 the width is slightly more from wall to wall, but that the code does not specify where the
27 width must be measured from. Proposed clarification to this requirement will be
28 discussed in the next agenda item.

29 Commissioner Call asked Mr. Cowie if there were any staff concerns related to
30 this application. Mr. Cowie stated that he has no specific concerns. He noted that no
31 responses from neighboring property owners have been received, and that the application
32 meets all ordinance requirements. Chairperson Bean called for further comments or
33 discussion. Hearing none, he called for a motion.

34 COMMISSIONER CALL MOVED TO APPROVE THE LUNDBERG
35 ACCESSORY APARTMENT APPLICATION WITH THE BREEZEWAY DESIGN AS
36 PRESENTED. COMMISSIONER JOHNSON SECONDED THE MOTION. ALL
37 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38 2. **Public Hearing** – *Ordinance amendments – LCC Section 17.46 – R2 Overlay.*

39 This is a City initiated review of propose changes to Lindon City’s RS-Overlay
40 ordinance section. Recommendations from the Planning Commission will be
41 forwarded to the City Council for final action.
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43 COMMISSIONER ANDERSON MOVED TO OPEN THE PUBLIC HEARING.
44 COMMISSIONER GODFREY SECONDED THE MOTION. ALL PRESENT VOTED
45 IN FAVOR. THE MOTION CARRIED.
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2 Mr. Cowie explained that the Lundberg and Clyde R2 Overlay applications have
brought several inconsistencies in the R2-Overlay Ordinance to the attention of the City.
4 He noted that the City ordinance includes references to State statutes. Language will be
changed to refer to the State statute without specific State code sections.

6 Mr. Cowie went on to review ordinance language specific to R2 projects as
Conditional Use Permits. He noted that the case law requires approval of Conditional Use
8 applications with conditions to mitigate any relevant concerns. He observed that
Conditional Uses are reviewable upon complaint, and that it is not possible to revoke
10 approval of a duplex, for example. He felt that a Conditional Use designation may not be
appropriate to the use. He suggested that language be added to clarify specific
12 requirements, such as fencing, landscaping which give the Commission specific authority
to impose requirements, rather than a Conditional Use which goes beyond issues not
14 specifically listed in the Code. Mr. Cowie noted that if a condition or denial is reviewed
by the Courts, the Court will consider whether any specific condition is capricious or
16 arbitrary, and will generally rule on the side of the applicant if a requirement is not
specific in the ordinance. Commissioner Anderson felt that if R2 projects are not
18 Conditional Uses, it would limit the ability of the Commission to address concerns with
specific applications. He felt that R2 projects should continue to be reviewed as
20 Conditional Uses, but that the Commission should use restraint in imposing unnecessary
conditions. Following further discussion, it was the general feeling of the Commission
22 that R2 projects should be held to a higher development standard, and that it would be
appropriate to retain the Conditional Use status for R2 projects, excluding accessory
24 apartments.

The Commission went on to review the R2-Overlay District map, and availability
26 in each district. Mr. Cowie noted that an additional district will be added to the map in
the area of the Creekside Meadows subdivision. Mr. Cowie reviewed the formula used to
28 calculate the number of permitted units in each district. The map also shows the required
750 foot buffer zone for each R2 project. He noted that the buffer zones do not apply to
30 accessory apartments. Mr. Cowie explained that one unit of an accessory apartment and
the main dwelling must be owner occupied, while multi-unit R2 projects not attached to a
32 single family dwelling can be rented and do not require owner occupancy.

Mr. Cowie reviewed requirements for certification by owners that R2 projects
34 meet moderate income housing guidelines. He noted that the R2 requirements run with
the property not the owner, and that documents are recorded on the property to clarify
36 requirements to future owners. The Commission discussed calculation of moderate
income housing rates. Mr. Cowie explained that requirements are established by HUD,
38 and that the exact amount fluctuates and it is established by the median income specific
to each state. Commissioner Godfrey suggested that moderate income housing
40 requirements be included on the City website. Mr. Cowie will follow up on the
suggestion.

42 The Commission went on to review specific ordinance requirements for R2
projects, including setbacks, fencing, landscaping and parking. The Commission
44 discussed landscaping requirements, which currently require 40% of the lot to be
landscaped. The Commission suggested that the requirement include landscaping in the
46 full property frontage to the front setback line. Mr. Cowie will include amended

2 landscape requirements in additional reviews prior to action by the Planning
Commission.

4 The Commission discussed architectural requirements for R2 projects, which
were discussed extensively during review of the Tim Clyde R2-Overlay application. The
6 Commission discussed possible detrimental impacts to neighborhoods resulting from
locating higher density housing units in typical residential neighborhoods. Mr. Cowie
8 suggested that if the Commission feels strongly about imposing architectural
requirements that language should be specific rather than general to prevent the
perception that conditions may be arbitrary. He noted that the requirement that rent for
10 R2 units be established in compliance with moderate income housing guidelines should
be a consideration in imposing conditions which may impact the financial feasibility of
12 the project. Chairperson Bean suggested the possibility of including a reference to the
Commercial Design Guidelines architectural standards, such as color palette and façade
14 materials. Following further discussion, the general feeling of the Commission was that
some architectural standard should be required for R2 projects to protect the integrity of
16 residential neighborhoods. Mr. Cowie will draft specific but moderate architectural
requirements for review by the Commission.

18 Commissioner Godfrey was excused at 8:41

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22 Mr. Cowie went on to review square footage and owner occupancy requirements
for R2 projects. He noted that proposed revisions specify that any detached R2 project
24 attached to the main dwelling by a breezeway must measure no more than 15 feet from
wall to wall. Existing language specifies a maximum separation of 15 feet, but does not
specify where the measurement is to be taken from. Mr. Cowie also reviewed
26 requirements for single family units with a second kitchen. He explained that the
property owner is required to sign a document stating that the second kitchen does not
28 constitute a separate dwelling, and that the unit will not be rented. The document is
recorded on the property for the protection of future owners.

30 Chairperson Bean called for public comment. Councilmember Bayless was
present in the audience. She was in agreement with the Commission that R2 projects can
32 create an impact on residential neighborhoods. She felt that language which prevented
situations where an R2 project may be totally out of character with the neighborhood
34 would be beneficial, but noted that establishing specific standards and requirements
would be difficult. She suggested wording that would require R2 project to be
36 compatible in the neighborhood would be reasonable.

38 Chairperson Bean called for further public comment. There was no additional
public comment. He called for further comments or discussion from the Commission.
Hearing none, he called for a motion.

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42 COMMISSIONER NEUWIRTH MOVED TO CLOSE THE PUBLIC
HEARING, AND TO CONTINUE REVIEW OF LCC 17.46 – R2 OVERLAY, TO A
FUTURE MEETING. COMMISSIONER CALL SECONDED THE MOTION. ALL
44 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

46 **NEW BUSINESS** – Reports by Commissioners

2 Commissioner Call noted that she received a letter from Lindon resident, Ben
4 Nolte, regarding fundraising for improvements to Squaw Hollow Park. Councilmember
6 Bayless explained that the City Council has approved the plans for improvements to the
8 park, and that Mr. Nolte has established a 501(c)(3) organization to raise and administer
funds for the project. She clarified that the neighborhood has expressed a desire to raise
the funds for the improvements, as there are no City funds available for the project at this
time. The improvements will be donated to the City after completion.

10 Commissioner Johnson inquired as to the status of the whale structure at the car
wash business located on State Street, which was discussed some time ago. Mr. Cowie
12 stated that the whale structure has been installed in compliance with sign ordinance
requirements.

14 **PLANNING DIRECTOR'S REPORT** –

16 Mr. Cowie reported on the following items:

- 18 1. Group homes will be included in future emergency preparedness and response
drill as requested by the Commission.
- 20 2. The Community/Senior Citizens Center remodel project bid period ends on
March 3, 2011. A number of bids are anticipated.

22 **ADJOURN** –

24 COMMISSIONER JOHNSON MOVED TO ADJOURN THE MEETING AT
9:16 P.M. COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL
26 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 Approved – February 22, 2011

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Matt Bean, Chairperson

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Adam Cowie, Planning Director