

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **March 8, 2011** beginning at 7:00 p.m. in the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Mark Johnson, Vice Chairperson

6 Invocation: Christian Burton

7 Pledge of Allegiance: Angie Neuwirth

8 **PRESENT**

ABSENT

9 Ron Anderson, Commissioner
10 Christian Burton, Commissioner
11 Sharon Call, Commissioner
12 Gary Godfrey, Commissioner
13 Mark Johnson, Commissioner
14 Angie Neuwirth, Commissioner
15 Adam Cowie, Planning Director
16 Woodworth Mataele, Assistant Planner
17 Debra Cullimore, City Recorder

Matt Bean, Chairperson

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

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

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22 COMMISSIONER GODFREY MOVED TO APPROVE THE MINUTES OF
23 THE MEETING OF FEBRUARY 22, 2011. COMMISSIONER NEUWIRTH
24 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
25 CARRIED.

26 **OPEN SESSION** –

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28 Commissioner Johnson called for comments from any audience member who
29 wished to address an issue not listed as an agenda item. There was no public comment.

30 **CURRENT BUSINESS** -

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38 1. **Plat Amendment** - *Lindon Hills Plat G – 813 East 400 North, 425 North 835*
39 *East, 437 North 835 East.* This is a request by Gary Worthington for approval of
40 a re-plat of the three existing subdivision lots in the R1-12 residential zone. The
41 request consists of adjusting property lines between three adjacent parcels and
42 recording a new plat titled ‘Lindon Hills Plat G’ to officially recognize the
43 property line adjustments. All required setbacks and minimum lot sizes will be
44 maintained. Recommendations from the Planning Commission will be made to
45 the City Council for final approval.

2 Mr. Cowie explained that the applicant for this item, Gary Worthington, had a
scheduling conflict and was not able to attend this meeting. Mr. Cowie stated that Mr.
4 Worthington suggested that the application be considered in his absence if the
Commission felt comfortable with the request. The Commission determined that it
would be appropriate to proceed with this agenda item.

6 Mr. Cowie stated that this is a request to adjust a property line between three
parcels. Mr. Worthington is the owner of two of the subject parcels, one with an existing
8 home that is scheduled for demolition and one with an existing home where the
Worthingtons are currently living. Following demolition of the existing home, a new
10 home will be constructed on lot. The Worthingtons will then vacate the existing home
and move into the new home. The other affected parcel is owned by Clayton Jones, who
12 was present in the audience. Mr. Cowie noted that a previous property line adjustment
was completed without the City's knowledge or approval. This application will follow
14 the proper procedure to correct the new property line with a subdivision plat.

16 Mr. Cowie went on to review the proposed plat. He noted that all structures on
the affected properties will meet required setbacks. All three parcels are in compliance
with minimum lot size requirements. Mr. Cowie also reviewed photographs of the
18 subject properties and structures.

20 Commissioner Johnson asked Mr. Jones if he had any questions or concerns. Mr.
Jones stated that he had no concerns. Commissioner Johnson called for further comments
or discussion. Hearing none, he called for a motion.

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24 COMMISSIONER CALL MOVED TO APPROVE THE LINDON HILLS PLAT
G PRELIMINARY PLAT AND RECOMMEND APPROVAL TO THE CITY
COUNCIL. COMMISSIONER GODFREY SECONDED THE MOTION. ALL
26 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 28 2. **Temporary Site Plan** - *Provo River Constructors ~190 North 2000 West*. This is
a request by Greg Neff with Provo River Constructors for approval of a temporary
30 concrete crushing operation location in the LI (light industrial) zone. The
applicant's operation is in association with the I-15 Core road expansion and
32 therefore is requesting a twelve (12) month exception to operate until the project
is completed. The I-15 Core project extends from Lehi to Spanish Fork.

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36 Gregg Neff of Provo River Constructors and Project Engineer for the I-15 Core
project was present as the representative for this application. Mr. Neff explained that the
site will be used for crushing operations associated with the freeway project. He noted
38 that there are several areas being used for this purpose along the 26 mile route. He
observed that locating the crushing sites as close as possible to the freeway project
40 minimizes the transport distance. Materials removed from the freeway are crushed, with
some materials being reused in the project. Materials which are not reusable are recycled
42 through other companies.

44 Mr. Cowie explained that temporary site plans are typically approved through the
Development Review Committee. However, this specific use is not listed as a permitted
use in this zone. Previous revisions to the temporary site plan ordinance lists five specific
46 uses which qualify for temporary site plan approval. All other uses are not permitted for

2 temporary site plans. Due to the unique circumstances associated with this application,
3 staff felt it was beyond their authority to approve or deny the application. Mr. Cowie
4 noted that the use has been in operation on this site for quite some time, and that no
5 complaints have been received. The applicant has requested temporary site plan approval
6 for 12 months.

7 Mr. Cowie went on to review the site plan, including drive access, a portable
8 restroom facility and sediment fencing. He presented photographs of the site. The
9 applicant has acquired the storm water permit relative to the project. Mr. Cowie noted
10 that there are currently three similar uses in the area which are existing non-conforming
11 uses. He noted that the nuisance abatement ordinance would apply to this temporary use,
12 and that specific problems could be addressed if issues arise. Mr. Neff noted that UDOT
13 oversees all aspects of the I-15 project, and that the contractor is obligated to address
14 compatibility issues if they arise.

15 Commissioner Call expressed concern regarding noise and dust impacts to
16 neighboring properties and businesses. She felt that if the temporary use is approved,
17 conditions of approval should include mitigation of dust and noise from the site.
18 Commissioner Godfrey inquired as to whether there is an existing asphalt crushing
19 business in the area. Mr. Cowie stated that there is an existing non-conforming asphalt
20 crushing business in the area.

21 Commissioner Godfrey asked if the property will be returned to original condition
22 when the freeway project is completed. Mr. Neff stated that they will comply with the
23 wishes of the property owner for restoration or improvements to the property owner, and
24 that the site will likely either be graded smooth and capped with gravel, or reseeded with
25 native seed for erosion control. He noted that this particular property owner has
26 requested that the property be graded, but that due to the proximity of the site to the
27 Proctor Ditch, approval from the Army Corp of Engineers is required. An application has
28 been submitted, and a decision will be made before the end of the year.

29 Commissioner Johnson inquired as to whether neighboring property owners have
30 been noticed regarding this application. Mr. Cowie stated that noticing of neighboring
31 property owners is not required for temporary site plans, and that neighbors have not
32 been noticed. Commissioner Anderson noted that neighboring property owners would
33 likely be understanding of this use due to the association with the freeway project.

34 Following further discussion, the Commission felt that while it would be
35 reasonable to allow this temporary use, the current ordinance would not allow approval at
36 this time, as this use is not permitted. The Commission felt that it would be reasonable to
37 continue this application and consider ordinance revisions which would provide some
38 flexibility for the Commission to consider other uses not specifically listed in the
39 temporary site plan ordinance. Mr. Cowie stated that continuing this application to the
40 March 22, 2011 Planning Commission meeting would allow proper notice of potential
41 ordinance changes, and would also allow time for noticing of neighboring property
42 owners. Commissioner Johnson called for further comments or discussion. Hearing
43 none, he called for a motion.

44 COMMISSIONER GODFREY MOVED TO CONTINUE THE PROVO RIVER
CONSTRUCTORS TEMPORARY SITE PLAN APPLICATION. COMMISSIONER

2 ANDERSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.
3 THE MOTION CARRIED.

- 4 3. **Continued Public Hearing** - Ordinance amendments – LCC Section 17.46 R2-
5 Overlay. This item had been continued from the February 22, 2011, Planning
6 Commission meeting. This is a City initiated review of proposed changes to
7 Lindon City’s R2-Overlay ordinance section. Recommendations from the
8 Planning Commission will be made to the City Council for final approval.

10 COMMISSIONER GODFREY MOVED TO OPEN THE PUBLIC HEARING.
11 COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT
12 VOTED IN FAVOR. THE MOTION CARRIED.

14 Mr. Mataele stated that this Public Hearing was continued from the February 22,
15 2011 meeting. LCC Section 17.46 establishes standards for multi-family dwellings
16 through the R2-Overlay, including accessory apartments. During previous review of
17 proposed ordinance revisions, the Commission requested additional review of
18 landscaping and architectural standards for R2 Overlay projects.

19 Proposed landscaping revision would require landscaping improvements to the
20 full front and street side yard setbacks, with a minimum of 70% living materials. A
21 minimum of 40% of the lot would require landscaping improvements. Mr. Cowie noted
22 that specific living materials are not defined in the ordinance. The 70% standard allows
23 for 30% xeroscape materials, such as rock or bark in flowerbeds. Commissioner Call felt
24 that R2 projects should have a higher landscaping standard than typical residential
25 development due to potential negative impacts on residential neighborhoods, and that
26 specific materials should be defined in the ordinance. Mr. Cowie will add a section to
27 ordinance revisions defining acceptable landscape materials, such as grass, trees, bushes,
28 and groundcover vegetation. Commissioner Godfrey suggested that the percentage of
29 living materials be increased to 80%, or that the percentage requirement be removed due
30 to the addition of acceptable living materials. Mr. Cowie will draft revisions which do
31 not include a specific percentage of living materials, but more clearly defines acceptable
32 living materials.

33 The Commission went on to discuss approval of R2 projects as Conditional Uses,
34 and the ability of the Commission to impose conditions to mitigate concerns.
35 Commissioner Godfrey noted that if R2 projects were not designated Conditional Uses,
36 the Commission would have the authority to deny an application due to unresolved
37 concerns. Mr. Cowie explained that if R2 projects are not a Conditional Use,
38 applications would either comply with ordinance requirements and be approved, or not
39 meet ordinance requirements and not be permitted. The Conditional Use designation
40 allows the Commission flexibility in addressing specific concerns related to a particular
41 application. Following discussion, the Commission felt that it would be reasonable to
42 maintain the Conditional Use status of R2 projects.

43 Mr. Mataele went on to review proposed architectural standards for R2 projects.
44 Proposed revisions are intended to maintain the single family residential look of R2
45 projects. Ordinance revisions provide references to specific architectural styles which
46 would be permitted, and prohibits other styles which may not be compatible in residential

neighborhoods. The ordinance also references the color palette found in the Commercial Design Guidelines for acceptable exterior colors. Elevation drawings will be required with R2 applications as part of the review and approval process.

Mr. Mataele and Mr. Cowie presented photographs of multi family development in other communities with only one street facing garage. The design of the structures is more similar to single family dwellings than traditional duplex or triplex structures with multiple street facing garage and front door entrances. Commissioner Anderson expressed concern that cost of construction for the proposed design may conflict with the intent of the R2 Overlay to provide moderate income housing options in the community. Commissioner Johnson agreed with cost concerns and compatibility with moderate income housing requirements. Mr. Cowie will investigate cost estimates for the proposed design to help the Commission determine if it would be financially feasible as a requirement. The Commission felt that the definition of permitted architectural styles for R2 project would provide some protection to neighborhoods without overregulation of specific designs for each individual project.

Commissioner Neuwirth inquired as to whether accessory apartments are required to meet moderate income standards. Mr. Cowie stated that accessory apartments are not required to meet moderate income standards. The Commission discussed accessory apartment requirements, as well as the requirement that property owners sign an affidavit that one unit of the accessory apartment and the main dwelling will be owner occupied. Mr. Cowie noted that there are some enforcement issues associated with illegal accessory apartments and that enforcement is handled on a case by case basis as the City is made aware of violations.

Mr. Cowie noted that R2 projects, including accessory apartments, are currently permitted only in residential zones. He observed that existing residential uses located in commercial would not be permitted to construct accessory apartments. The Commission felt that it would be appropriate to allow accessory apartments in existing residential uses located in commercial zones.

Commissioner Johnson called for further comments or discussion from the Commission. Hearing none, he called for a motion to continue the Public Hearing.

COMMISSIONER NEUWIRTH MOVED TO CONTINUE THE PUBLIC HEARING TO CONSIDER ORDINANCE REVISION TO LCC 17.46, R2 OVERLAY. COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

NEW BUSINESS – Reports by Commissioners

Commissioner Call commented on a newspaper article regarding financial profit at the Lindon Aquatics Center. Councilmember Bayless was present in the audience, and explained that projections prior to construction of the Aquatics Center indicated that the City would likely subsidize operational costs of the pool. However, admission and programming fees at the pool have exceeded operational costs during both seasons of operation. Councilmember Bayless noted that debt service for the bond used to build the aquatics center are paid using sales tax revenue, and that property taxes have not been used in relation to the aquatics center. She observed that the facility has not been a

2 financial drain on the City's budget, and that the pool is a wonderful amenity to provide
3 to residents.

4 Commissioner Anderson reported that a shed was loaded onto a trailer as part of a
5 home demolition project on 500 North. The trailer has been parked on the roadside for
6 several weeks. Mr. Cowie will pass the report along to Code Enforcement and the Police
7 Department for follow-up.

8 **PLANNING DIRECTOR'S REPORT** –

10 Mr. Cowie reported on the following items:

- 12 1. The City Council awarded the bid for the Community Center remodel project to
13 R4 Constructors. Construction is expected to begin as soon as next week. The
14 contractor anticipates a two month project.
- 16 2. The Commission reviewed economic development pamphlets which were printed
17 and distributed using grant funding awarded to the City by the Economic
18 Development Corporation of Utah (EDCU). Eight hundred pamphlets were
19 mailed to a variety of commercial businesses outside the State in an effort to
20 attract business to Lindon. The list of businesses was provided by UDCU.

22 **ADJOURN** –

24 COMMISSIONER CALL MOVED TO ADJOURN THE MEETING AT 9:03
25 P.M. COMMISSIONER BURTON SECONDED THE MOTION. ALL PRESENT
26 VOTED IN FAVOR. THE MOTION CARRIED.

28 Approved – March 22, 2011

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33 Mark Johnson, Vice Chairperson

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39 Adam Cowie, Planning Director