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

Conducting: Mark Johnson, Vice Chairperson

Invocation: Christian Burton

Pledge of Allegiance: Angie Neuwirth

**PRESENT**

Ron Anderson, Commissioner
Christian Burton, Commissioner
Sharon Call, Commissioner
Gary Godfrey, Commissioner
Mark Johnson, Commissioner
Angie Neuwirth, Commissioner
Adam Cowie, Planning Director
Woodworth Mataele, Assistant Planner
Debra Cullimore, City Recorder

**ABSENT**

Matt Bean, Chairperson

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

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

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

**OPEN SESSION** –

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

**CURRENT BUSINESS** -

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

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 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 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 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 the proper procedure to correct the new property line with a subdivision plat.

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 subject properties and structures.

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.

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 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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 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 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.

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 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 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 through other companies.

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 uses which qualify for temporary site plan approval. All other uses are not permitted for
temporary site plans. Due to the unique circumstances associated with this application, staff felt it was beyond their authority to approve or deny the application. Mr. Cowie noted that the use has been in operation on this site for quite some time, and that no complaints have been received. The applicant has requested temporary site plan approval for 12 months.

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

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

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

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

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

COMMISSIONER GODFREY MOVED TO CONTINUE THE PROVO RIVER CONSTRUCTORS TEMPORARY SITE PLAN APPLICATION. COMMISSIONER
3. **Continued Public Hearing** - Ordinance amendments – LCC Section 17.46 R2-Overlay. This item had been continued from the February 22, 2011, Planning Commission meeting. This is a City initiated review of proposed changes to Lindon City’s R2-Overlay ordinance section. Recommendations from the Planning Commission will be made to the City Council for final approval.

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

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

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

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

Mr. Mataele went on to review proposed architectural standards for R2 projects. Proposed revisions are intended to maintain the single family residential look of R2 projects. Ordinance revisions provide references to specific architectural styles which 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
financial drain on the City’s budget, and that the pool is a wonderful amenity to provide to residents.

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

**PLANNING DIRECTOR’S REPORT –**

Mr. Cowie reported on the following items:

1. The City Council awarded the bid for the Community Center remodel project to R4 Constructors. Construction is expected to begin as soon as next week. The contractor anticipates a two month project.

2. The Commission reviewed economic development pamphlets which were printed and distributed using grant funding awarded to the City by the Economic Development Corporation of Utah (EDCU). Eight hundred pamphlets were mailed to a variety of commercial businesses outside the State in an effort to attract business to Lindon. The list of businesses was provided by UDCU.

**ADJOURN –**

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

Approved – March 22, 2011

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Mark Johnson, Vice Chairperson

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Adam Cowie, Planning Director