

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, August**
3 **22, 2023 beginning at 6:00 p.m.** at the Lindon City Center, City Council Chambers, 100 North
4 State Street, Lindon, Utah.

REGULAR SESSION – 6:00 P.M.

6 Conducting: Sharon Call, Chairperson
8 Invocation: Karen Danielson, Commissioner
9 Pledge of Allegiance: Jared Schauers, Commissioner

10 **PRESENT**

EXCUSED

11 Sharon Call, Chairperson Scott Thompson, Commissioner
12 Rob Kallas, Commissioner
13 Mike Marchbanks, Commissioner – arrived at 6:11
14 Steven Johnson, Commissioner
15 Jared Schauers, Commissioner
16 Karen Danielson, Commissioner
17 Michael Florence, Community Development Director
18 Mary Barnes, Associate Planner
19 Brian Haws, City Attorney
20 Britni Laidler, Deputy Recorder

- 21 1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.
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23 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the Planning
24 Commission meeting of July 11, 2023 were reviewed.
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27 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
28 REGULAR MEETING OF JULY 11, 2023 AS PRESENTED. COMMISSIONER
29 DANIELSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
30 MOTION CARRIED.

- 31 3. **PUBLIC COMMENT** – Chairperson Call called for comments from any audience
32 member who wishes to address any issue not listed as an agenda item. There were no
33 public comments.

34 **CURRENT BUSINESS** –

- 35 4. **Conditional use permit approval - Home Occupation daycare 948 E. 50 N.** Leslie
36 Doxy requests conditional use permit approval to operate a home occupation daycare
37 located at 948 E. 50 N. (Parcel Number 44:073:0012).
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39 Mary Barnes, Associate Planner presented this item to review a conditional use permit for
40 an in-home preschool business and conditions to mitigate the impacts of a proposed use. She
41 stated Mr. Doxy is present to represent the applicant. Ms. Barnes stated the applicant is
42 requesting approval for a conditional use permit to be able to use a portion of their home for an
in-home preschool business called Small Smiles.

Ms. Barnes explained that a home occupation business must follow the regulations found in section 17.04.400 of the Lindon City Code. She noted Lindon City’s code used to have a minimum requirement regarding the maximum number of children in a residential daycare, however, in March 2022 an ordinance amendment was approved to remove that requirement so that residential daycare capacities and regulations can be governed by the Utah Department of Health and Human Services. According to the state, a provider that cares for children within a residential home for less than 4 hours a day is not required to be licensed with the State.

She went on to say that Small Smiles will operate for approximately 2.5-4 hours per day, from 9:00 a.m. through 11:30 a.m. Monday through Friday. Small Smiles will have 7 children with ages ranging from 3 (three) to 5 (five) years old. She noted after checking with an employee at the Child Care Licensing office, this means that Small Smiles does not need a childcare license. The 7 children will be within the preschool area, which is 716 sq ft located above a detached garage that has already been built on property.

According to home occupation standards the applicant must obtain a home occupation business license which will be approved and released if this conditional use permit is approved. Ms. Barnes then presented the terms of the conditional use permit as follows:

Required Standards	Compliant
Obtain a home occupation business license.	Yes - The applicant has applied for a home occupation business license which will be issued if the applicant receives conditional use permit approval.
Be clearly incidental to and secondary to the residential use of the dwelling unit and not occupy more than five hundred (500) square feet or twenty-five percent (25%) of the total floor space of such dwelling unit, whichever is less. This requirement does not apply to accessory buildings approved as part of a home occupation	Yes – The applicant has provided a floor plan of the upper floor of a detached garage that identifies that the entire floor area, 716 sq ft, will be used for the preschool. This area is part of an accessory building, the preschool is not actually taking up space within the home.
Be carried on entirely within the dwelling unit or accessory structure	Yes
Be carried on by one or more of the residents of the immediate family who reside in the dwelling unit.	Yes
Have no more than one (1) employee or part-time equivalent to one (1) employee who does not live in the dwelling unit work at the home.	Yes – Small Smiles will have one employee that will work at this preschool with the applicant.
Not have any external evidence of the home occupation (except as may be required by state law or city ordinance) nor any exterior displays, displays of goods, nor advertising signs (except as allowed by this section) visible from outside of the dwelling unit.	Yes
No more than six (6) motorized nonfarm vehicles shall be parked at the residence at	Yes – All children attending the preschool will be dropped off and picked up at the

any time, provided all of the vehicles can be parked legally, either in normal parking places on the lot occupied by the residence without parking in front of any other property.	home. The applicant has provided a site plan showing 6 possible parking spaces on the property, and a drop off/pickup area that will only be in front of the property
The home occupation must not generate more than five (5) vehicles of traffic to the residence during any hour	Yes – Small Smiles will only be in session for 2.5- 4 hours a day, from 9 AM – 11:30 AM. The traffic impact will be minimal.
The home occupation shall not generate any traffic before 7:30 a.m. or after 6:00 p.m.	Yes – Drop-off times will begin at 8:45 AM, and pick-up will end at 12 PM at the latest.

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Ms. Barnes then presented the site plan referencing the designated parking spots. The drop off and pick up location is at the front of the property. The applicant has worked with staff to ensure no drop off or pick up would be in front of any neighbor’s property in the cul-de-sac.

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Ms. Barnes indicated that conditions have been added to mitigate any traffic impacts that could occur in the future, and to also require a Child Care License with the state if it is required in the future. The home occupation code states that all home occupation permits are reviewable upon written complaint to the planning commission, where the planning commission shall have the authority to attach more conditions to make it compatible with the surrounding neighborhood or revoke the home occupation permit if the home occupation is no longer compatible with the neighborhood. The conditional use permit code states that if a person violates a conditional permit, a planning commission hearing shall be held to review the conditions and violations.

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Ms. Barnes further explained that the information provided by the applicants shows that they will be able to comply with the home occupation requirements in the city code. The applicants have provided parking on the property and limit their students to reduce the traffic impacts on the neighborhood. The business description states that the noisiest time would be around 10 a.m., when the students go outside. The business owner has stated they will be monitoring noise levels.

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Ms. Barnes stated after sending out notices on August 11th in accordance with Lindon City Code Section 17.14.50 Third Party Notice, the city received two phone calls. One from a concerned resident about the traffic impact on the cul-de-sac. After explaining that there will be only 7 students for 2.5-4 hours a day, the resident was satisfied that the traffic impact would be minimal. The second neighbor responded in favor of this conditional use permit. Staff believes that this preschool will have a low impact on the neighborhood, due to the small number of students and its short hours of operation. She pointed out if issues do arise within the neighborhood, the commission will be able to review the conditions and modify them if needed.

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Commissioner Johnson inquired about the 6-vehicle limit and clarification on the parking spots and whether it includes homeowner parking spots also. It was confirmed and the applicant states they only have 2 vehicles with multiple garages to park them in as to keep the designated spots available. Commissioner Call inquired about the potential of some of the kids walking. Mr. Doxy explained they will meet all the children at the curb, which keeps the cars for being there for any extended amount of time.

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Commissioner Kallas inquired about the typical route most people take to their home. The applicant discussed the potential routes people can take to his home and explained that the impact of added traffic in the area would be minimal.

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2 Ms. Barnes then presented an Aerial image, Floor Plan, Site Plan and the Business
description followed by some general discussion.

4 Chairperson Call called for any further discussion or comments from the commission.
Hearing none she called for a motion.

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8 COMMISSIONER JOHNSON MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR A CONDITIONAL USE PERMIT TO USE THE RESIDENTIAL PROPERTY
10 LOCATED AT 948 E 50 N FOR AN IN-HOME PRESCHOOL BUSINESS, WITH THE
FOLLOWING CONDITIONS: 1. THE APPLICANT WILL COMPLY WITH THE HOME
12 OCCUPATION REQUIREMENTS FOUND IN LINDON CITY CODE SECTION 17.04.400;
2. THE BUSINESS WILL BE OPERATED BY A RESIDENT OF THE HOME; 3. THE
14 BUSINESS WILL BE OPERATED ENTIRELY WITHIN AN ACCESSORY BUILDING ON
THE PROPERTY; 4. NO MORE THAN 6 VEHICLES MAY BE PARKED AT THE
16 RESIDENCE AT ONE TIME; 5. THE BUSINESS WILL NOT GENERATE MORE THAN
FIVE VEHICLES OF TRAFFIC TO THE RESIDENCE DURING ANY HOUR. THE HOME
18 OCCUPATION SHALL NOT GENERATE ANY TRAFFIC BEFORE 7:30 A.M. OR AFTER
6:00 P.M.; 6. DROP OFF/PICK UP FOR THE STUDENTS WILL ONLY OCCUR ON THE
PROPERTY, OR DIRECTLY IN FRONT OF THE PROPERTY; 7. WHERE APPLICABLE,
20 THE BUSINESS WILL COMPLY WITH THE UTAH DEPARTMENT OF HEALTH AND
HUMAN SERVICES CHILD CARE LICENSING REQUIREMENTS, INCLUDING
22 OBTAINING A CHILD CARE LICENSE IF THE HOURS OF OPERATION INCREASE TO
MORE THAN 4 HOURS A DAY; 8. THE APPLICANT WILL CONTINUALLY MAINTAIN
24 A LINDON CITY HOME OCCUPATION LICENSE; AND 9. ALL ITEMS OF THE STAFF
REPORT. COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS
26 RECORDED AS FOLLOWS:

28	COMMISSIONER CALL	AYE
	COMMISSIONER JOHNSON	AYE
	COMMISSIONER SCHAUERS	AYE
30	COMMISSIONER MARCHBANKS	AYE
	COMMISSIONER KALLAS	AYE
32	COMMISSIONER DANIELSON	AYE

34 **5. Public hearing for a recommendation to the Lindon City Council for an**
amendment to the Lindon City Sign Code Title 18.03 to allow pole signs in the PC-1
36 **zone.** Doug Smith Kia is requesting an amendment to the city sign code to allow pole
signs in the PC-1 zone.

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40 COMMISSIONER SCHAUERS MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

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44 Mike Florence, Community Development Director presented this item stating the
applicant is petitioning the Planning Commission and City Council for an amendment to the city
sign code to allow pole signs in the Planned Commercial-1 (PC-1) zone. He noted the new Doug
46 Smith Kia is under construction at 499 S. Lindon Park Drive next to the Home Depot. He went
on to present the Planned Commercial-1 zone and show it consisting of 6 properties, which

2 include Murdock Hyundai, Larry H. Miller Lexus, Doug Smith Kia, Home Depot, Discount Tire
and Les Schwab Tire. He pointed out that of those six businesses 3 of them have pole signs along
4 the freeway. Pole signs are currently only permitted along I-15 in the T-Travel Influence District
(T-Zone). The T-Travel influence district is an overlaid district which is applied to the land
6 extending for five hundred (500) feet in either direction from the center of the freeway right of
way. The T-zone allows signs to have a maximum square footage of 250 square feet and
8 maximum height of 35' or 25' feet above the I-15 grade level at a point perpendicular to the sign,
whichever is greater.

10 Mr. Florence further explained that Lindon City worked with Doug Smith Kia to recruit
them to move their business to Lindon City. The Lindon City Redevelopment Agency also
12 worked with the dealership on a tax incentive as part of their relocation. City staff feels like it
would be a good idea to allow pole signs for the businesses in the PC-1 zone because many of
14 these businesses are the top sales tax producers for the city. It is anticipated that Doug Smith Kia
will be included as one of the top sales tax producers when they open next year. Mr. Florence
16 then turned the time over to the applicant for comment.

Dave Smith was in attendance as representative for this agenda item. He stated Doug
18 Smith Kia is proposing a 35' tall sign with a maximum square footage of 152 square feet.
Commissioner Danielson asked about the location and where the pole would be placed, Mr.
20 Smith stated it would be located in the southwest corner of the lot. Commissioner Schauers asked
if it would be an electronic sign or a stationary sign. Mr. Smith stated it would be a stationary
22 sign where the Kia logo would light up at night.

Chairperson Call stated she understands the need for these pole signs, and asked about
24 other looks the pole sign could have. Mr. Florence presented the signs at other locations in the
area. Dave Smith explained to the commission the constraints they have with the Kia standards
26 for signage. Mr. Florence stated there has been discussion with Doug Smith Kia regarding
whether Kia would allow a pole cover to help hide the pole and to make the sign more attractive.
28 Doug Smith Kia has reached out to Kia to see if this is something they will support.

Commissioner Kallas stated he sees the practicality of the height versus a shorter pole
30 sign and with a monument design. Dave Smith stated the larger sign would help drive business to
the location.

32 Ms. Barnes then presented the Draft ordinance and the Proposed sign followed by some
general discussion.

34 Following some additional discussion, Chairperson Call called for any further public
comments or discussion. Hearing none she called for a motion to close the public hearing.
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COMMISSIONER JOHNSON MOVED TO CLOSE THE PUBLIC HEARING.
38 COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

40 Chairperson Call called for any further comments or discussion from the Commission.
Hearing none she called for a motion.
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COMMISSIONER MARCHBANKS MOVED TO RECOMMEND APPROVAL OF
44 ORDINANCE 2023-12-O AS PRESENTED. COMMISSIONER JOHNSON SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

46 CHAIRPERSON CALL AYE

2 COMMISSIONER JOHNSON AYE
COMMISSIONER SCHAUERS AYE
4 COMMISSIONER MARCHBANKS AYE
COMMISSIONER KALLAS AYE
6 COMMISSIONER DANIELSON AYE

8 **6. Public hearing for a recommendation to the Lindon City Council to amend the**
Lindon City Zone Map for the Property located at 625 N. 2800 W. from CG-A8 to
10 **Mixed Commercial.** Mark Weldon has is requesting a zone change for the above
reference property to amend the zoning from CG-A8 to Mixed Commercial. (Parcel
12 Number (67:013:0004)

14 COMMISSIONER MARCHBANKS MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER DANIELSON SECONDED THE MOTION. ALL PRESENT VOTED IN
16 FAVOR. THE MOTION CARRIED.

18 Mary Barnes presented this item. The parties present representing the applicant are
Robert Pinon, Lauren Weldon and Steve Sumsion. She noted the applicant wishes to build a new
20 58,644 sq ft flex office/warehouse building at this location which would be called Mountain
Tech 4. The current zoning, CG-A8, is for commercial, retail, office, and service uses. It does not
22 allow a flex office/warehouse. An MC zone change would allow for a flex office/warehouse use.
The applicant has provided a concept rendering of the proposed building for commission to
24 review.

Ms. Barnes stated in 2017, the property to the north, 675 N 2800 W, was rezoned to MC
26 for a flex office/warehouse project named Mountain Tech North 3. The original site plan
approval for Mountain Tech North 3, showed two retail/restaurant spaces on the property in
28 discussion. The planning commission and city council at that time had considerable conversation
regarding the future commercial on this lot. In the ensuing years, these retail buildings were
30 never built, and a parking lot was constructed. Recently, the applicant has told city staff that
retail would not work in this location due to the following: 1. A retail center has already been
32 established on the other side of I-15. 2. The proximity of this site to the Timpanogos Special
Service District facility (sewer plant) and the sewer smells that come from the facility. 3. A new
34 office/warehouse building helps existing tenants stay in Lindon and expand. 4. An
office/warehouse is going in west of this location in American Fork.

36 Ms. Barnes then addressed the parking stall requirements and issues stating the current
Mountain Tech North 3 is required to have 218 stalls, but currently only has 135 stalls on the
38 property. This was allowed due to a note on the plat that states that parking areas on Lot 4 (the
subject property) were to be for the benefit of both lots. The extra 83 stalls that would have been
40 required for Mountain Tech North 3 were located on the subject property through this shared
parking note on the plat. The proposed new building would require 117 stalls minimum, and the
42 applicant wants to provide 94 stalls. For the existing and proposed building the parking code
would require 335 stalls minimum. The applicant is proposing a total of 232 stalls for both
44 buildings, 138 stalls for the existing building and 94 stalls for the proposed building. She
explained while any parking reductions would need to be provided at the site plan process this is
46 something that the planning commission should still consider with the zone change

2 Ms. Barnes explained the developer also owns surrounding properties which could be
used for shared parking, but that would need to be considered at the site plan approval and
4 language would need to be recorded on the properties for shared parking allowances. Lindon’s
current shared parking code states that the shared parking spaces need to be within 350’ of the
6 building or use and should have a safe and convenient pedestrian connection. She pointed out
that an analysis must be provided to show that the peak parking times of both properties occur at
8 different times, and the area will be large enough for the anticipated demands of both uses.

Ms. Barnes then presented the Vineyard Connector aspect of this property, and the future
10 arterial road that is planned to run to the southwest of this property and that will run from
Vineyard to Lehi, with the potential of the small corridor of 600 N between I-15 and the
12 Vineyard Connector; this would mean that commercial business in this area could be valuable in
the future. City staff believes that this zone change request needs to be evaluated carefully.
14 Although retail may not be booming at the moment, when the Vineyard Connector is
constructed, this becomes a much more important intersection and corridor for Lindon.

16 Mr. Barnes then noted that staff has mentioned to the applicant that, if possible, to make
the southwest corner of the building a little more retail commercial in appearance; this is the
18 corner that is the closest to the Vineyard Connector. That way, commuters on the Vineyard
Connector will be able to see commercial looking buildings, instead of another large, industrial
20 warehouse. Ms. Barnes concluded that the general plan does call for a mix of uses in this area,
and city staff believes that this property would be Lindon’s last change for retail uses in this area.

22 Ms. Barnes then presented the Surrounding Area Zoning Map, the Ordinance amending
the zoning, Proposed Mountain Tech North, Site Plan and Elevations, Original site plan from
24 first re-zone, showing an office, Approved site plan from 2017, showing two retail/restaurant
buildings, Subdivision plat, 2023 street master plan and the 2017 Planning commission meeting
26 minutes – Site Plan Approval followed by some general discussion.

Commissioner Danielson stated she hasn’t noticed any smell issues since they got new
28 equipment at the sewage plant and asked if this would still be an issue where this location is.
Lauren Weldon stated there are still some smell issues, and they currently have tenants trying to
30 break their lease due to this issue.

Robert Pinon addressed the commission at this time stating he wants the commission to
32 consider the quadrant the WICP has developed. He then touched base on the economic impact
and potential benefits this project can bring to help Lindon grow economically. Mr. Pinon then
34 stated this area doesn’t have the retail draw as it does further east. He pointed out that area is a
good destination for offices and warehouses. He noted that this will eventually become a
36 throughfare, and it will take all corners to help slow down traffic from the freeway and he also
presented how they will do that. He then explained their vision for this location. Mr. Pinon also
38 addressed the parking situation discussed earlier and discussed their plans to remedy this issue
through a potential “cross parking” agreement. Steve Sumsion reminded the commission of the
40 successful history this developer has had. He pointed out this plan also keeps a consistent
presentation of quality construction in the area that will attract major companies that will also
42 help keep traffic away from city center and closer to I-15.

Commissioner Kallas stated that they are looking towards the future of the Vineyard
44 Interchange and what it could be as things grow in that area, and commented that he thinks the
building looks nice, but also pointed out that truck loading in the front of the building would be
46 what is first seen on the interchange.

2 Mr. Florence reminded the commission that we need to be careful with this and the issues
it could potentially have. He also wants to ensure that the commission really thinks about this
4 zone change. If we do choose to make the zone change, we know that Mr. Weldon will bring
great things there, but we need to really think about it before making a final decision.

6 Commissioner Call stated she has concerns about the office warehouse change, and
referenced that it was previously promised that there would be retail there back in 2017. She then
8 asked the applicant if all the warehouse businesses were at capacity. Mr. Pinon stated they are
currently 98% full at this time. Commissioner Call stated she knows there isn't a lot going on
10 with the Vineyard Connector now, but that doesn't mean that won't change in the future.

12 Commissioner Schauers asked for clarification on the American Fork parcel next to the
parcel in question. It was clarified that it is currently zoned as industrial within American Fork.
There was then some general discussion on the likelihood of retail in that area.

14 Chairperson Call called for any further public comments or discussion. Hearing none she
called for a motion to close the public hearing.

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18 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

20 Commissioner Kallas stated that saving one parcel for commercial in the area doesn't
make sense, and there needs to be mass to make it work, so he has no problem with the change.
22 Commissioner Marchbanks voiced that he is for the change and his worry is more with the future
of UDOT taking that building out to widen the road. Commissioner Johnson voiced that he has
24 debated back and forth on this topic, and he agrees it does seem strange to put commercial
amongst all the industrial in that area and he doesn't have an issue with the flex zone.
26 Commissioner Schauers stated there could be more tenants in those areas besides just for people
going to work etc. He added there could be family fun venues such as bounce houses, or indoor
28 trampoline parks etc. He sees that as commercial use that could be down there, and not just
restaurants. Commissioner Danielson agreed retail could be hard in that area.

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

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34 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF
ORDINANCE 2023-15-O TO AMEND THE LINDON CITY ZONING MAP FROM
COMMERCIAL GENERAL A8 (CG-A8) TO MIXED COMMERCIAL (MC) AT 625 N 2800
36 W (PARCEL NUMBER 67:013:0004). COMMISSIONER MARCHBANKS SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

38	COMMISSIONER CALL	NAY
	COMMISSIONER JOHNSON	AYE
40	COMMISSIONER SCHAUERS	AYE
	COMMISSIONER MARCHBANKS	AYE
42	COMMISSIONER KALLAS	AYE
	COMMISSIONER DANIELSON	AYE

2 *Commissioner Call explained the reason for her nay vote. She has concerns about the office*
3 *warehouse change, and the fact that it was previously promised that there would be retail back*
4 *in 2017 and she knows there isn't a lot going on at Vineyard Connector now, but that doesn't*
5 *mean that won't change in the future.*

6 **7. Public hearing for a recommendation to the Lindon City Council for an**
7 **amendment to Lindon City Code 17.48.025 to allow residential as a permitted use**
8 **in the Lindon Village zone.** Michael Coutlee requests and amendment to the Lindon
9 Village zoning ordinance.

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11 COMMISSIONER JOHNSON MOVED TO OPEN THE PUBLIC HEARING.
12 COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN
13 FAVOR. THE MOTION CARRIED.

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15 Mike Florence also presented this item. He noted the property owners on the north side of
16 700 N. have submitted an ordinance amendment application to petition the planning commission
17 and city council to allow residential as a permitted use in the Lindon Village Zone. He explained
18 the city adopted the 700 N. Small Area Plan in April 2021 which sets forth a vision to create a
19 gateway to the city that provides a high-quality commercial destination center. Lindon City's
20 recent General Plan adopted discussed in depth of the importance of this corridor as a
21 commercial gateway to Lindon City. The General Plan Goals are as stated: 1. Establish a new
22 700 N. Commercial Gateway on 700 N. as the "commercial destination of the community." 2.
23 Prioritize 700 N. for economic development, while ensuring that it is an iconic corridor for the
24 community. 3. Utilize the recommendations in the 700 N. Small Area Plan and prioritize this
25 area for commercial development. Mr. Florence then gave a brief background history of the
26 different districts in this location. He then turned the time over to the applicant for comment.

27 At this time, Michael Coutlee who represents the property owner, provided a concept
28 plan showing 102 condominiums, 80 townhomes and reserved commercial lots to the
29 commission. Mr. Coutlee then presented his view for the Lindon Village Zone change. He stated
30 a vision of retail on the main level with office and residential living above. He went on to point
31 out that all "old school" downtowns were like this. He then stated all the developers he has met
32 with are looking for this sort of mixed use. He then went on to point out what was happening in
33 Provo, where they have added 11,000 units in downtown Provo alone. He said when visiting
34 there he has never had a problem finding parking, and he believes this is because the people that
35 are shopping and walking there also live there. This means they don't have to drive to experience
36 it, they just need to go down their stairs.

37 He then went on to discuss University Place in Orem, which has 809 units. He recently
38 attended a concert at University Place and noticed there were a lot of people walking around and
39 visiting the area. This is what he is wanting to bring to this 700 N. site. Mr. Coutlee then asked
40 the commission to draw attention to the renderings of townhomes in the concept plan. Mr.
41 Coutlee stated the number of homes in that area could be controlled through a density limit and
42 that limit could help him get a developer in there.

43 Mr. Florence proceeded to address the commission stating allowing an ordinance
44 amendment for residential as a permitted use, as requested, removes the city's ability to regulate
45 the number of residential units and maintain the intent of the zone to provide for commercial
46 development. As it stands, this proposal affects the entire Lindon Village Zone and both sides of

2 the 700 N. corridor. Under the proposal by the property owners the entire Lindon Village Zone
could be residential. This is one of Lindon's last remaining commercial zones in Lindon so
4 commercial should be the priority and the city should be presented with a well-designed
commercial component.

6 Mr. Florence then said that the city understands that it will receive proposals for
residential uses in this corridor. However, those plans should be part of a coordinated
8 development plan that identifies the primary focus of commercial development and designed in a
manner that creates gathering areas and a live-work-play community. Once the city receives a
10 development plan that meets the vision and goals of the corridor, then the city should work with
a developer on rezoning and amending its ordinances to allow the development plan. Other
12 zoning applications would need to be applied for by the applicant so that residential development
would apply to this applicant's property only.

14 Mr. Florence then presented the 700 N. Vision, 700 N. Goals, 700 N. District Map and the
Developer Concept Plan followed by some general discussion.

16 Chairperson Call asked for any public comment. Resident DeAnn Terry began with
asking about the Midtown Plaza in Orem and why it took so long to take off. She stated she loves
18 the concept of the commercial on bottom and residential above. Mr. Coutlee explained what
happened at the Midtown Plaza in Orem and why it took so long to complete. He did point out
20 that the occupancy rate there right now is 98%.

Commissioner Schauers commented he went with his family to University Place and how
22 busy it was. He stated it might be good for the commission and city council to go explore these
places to see what they are like and what they don't want. This would help with the commercial
24 and housing ideas in the 700 N. area and to not be totally opposed to the idea.

Commissioner Call stated she doesn't believe it has ever been said they wouldn't allow
26 some residential in that area. Her opposition with the ordinance change is that it will remove the
city's ability to regulate the residential numbers. She stated the zone change (both north and
28 south) on 700 N. could be residential.

Mr. Florence stated that the zone change as written could pose this situation. Mr. Coutlee
30 stated that wasn't the intention of the applicant, and then asked how it could be written to allow
this potential vision. Mr. Florence stated they could look at different options and come up with a
32 different application to amend the change to the zone. Mr. Coutlee stated they would be
comfortable tabling this item and coming back with a clear view of what they want. Mr. Florence
34 directed the applicant to come up with a plan of what the developer wants to do and then bring it
back to the commission and council for review.

36 Commissioner Kallas voiced the difference between this situation and the University
Place development, stating when they went to University Place they had a vision, it wasn't just to
38 change the zone before the vision was presented. He stated at this moment he is not comfortable
changing this ordinance.

40 After some general discussion, Chairperson Call called for any further public comments or
discussion. Hearing none she called for a motion to close the public hearing.

42
44 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

2 Commissioner Kallas reiterated that he isn't comfortable changing ordinance the way it is
written. Mr. Coutlee asked what he can do to get this going. Mr. Florence stated that if Mr.
4 Coutlee works with the developer and gets things on paper, they can then bring it to the
commission for potential approval.

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

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10 COMMISSIONER KALLAS MOVED TO RECOMMEND TO DENIAL OF
ORDINANCE 2023-13-O AS PRESENTED. COMMISSIONER DANIELSON SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

12	COMMISSIONER CALL	AYE
	COMMISSIONER JOHNSON	AYE
14	COMMISSIONER SCHAUERS	AYE
	COMMISSIONER MARCHBANKS	AYE
16	COMMISSIONER KALLAS	AYE
	COMMISSIONER DANIELSON	AYE

18 **8. Public hearing for a recommendation to the Lindon City Council to amend Title**
17.02 and adopt ordinance 17.04.420 regarding requirements for portable storage
20 **containers.** Lindon City requests a recommendation to the Lindon City Council to
define portable storage container and adopt regulations and standard for portable storage
22 containers.

24 COMMISSIONER MARCHBANKS MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED IN
26 FAVOR. THE MOTION CARRIED.

28 Mr. Florence led this agenda item by stating Lindon City made an application for a
portable storage container ordinance on May 17, 2023 and then discussed this item with the
30 planning commission as a pending ordinance on June 13, 2023. He noted the purpose of the
ordinance is to establish standards for placing portable storage containers in residential,
32 commercial/industrial and agricultural zones. Lindon City has recently seen an increased use for
the desire to use portable storage containers as accessory buildings and city staff feels like with
34 the interest in using portable storage containers as accessory buildings, the city should draft
standards so that these structures are compatible with the zones where they are being located.
36 The draft ordinance allows for both temporary and permanent use of storage containers
depending on how they are being used. Temporary is allowed for when someone is remodeling
38 their home, emergency situations, firework stands, or shipping/receiving merchandise for
commercial/industrial businesses.

40 Mr. Florence then presented the terms of Ordinance 17.04.420 regarding requirements for
portable storage containers and went over each aspect of the ordinance. He then proceeded to
42 present what other cities are doing for their storage containers ordinances.

44 Commissioner Kallas asked why Lindon wants to permit these storage containers, when so
many other cities prohibit them. Mr. Florence stated this came to light with a code enforcement
issue. Commissioner Kallas doesn't know why Lindon would want to permit these and believes

2 if the city were to permit these, there would need to stricter rules. He then stated the ones he has
4 the residents in those neighborhoods.

6 Commissioner Call asked for clarification on the containers that are already on lots being
8 required to improve them for this ordinance. Mr. Haws, City Attorney stated that any resident
10 that has gone through the channels and gotten a permit to use them as a structure would be
12 grandfathered in. Commissioner Kallas asked how many of those have gotten a building permit.
14 Mr. Florence stated in his time with the city he knew of only one. Commissioner Danielson
16 inquired if neighbors have had any concerns or issues with the one that had gotten a permit. Mr.
18 Florence stated he hadn't heard of any complaints.

20 Commissioner Marchbanks gave insight on his view, voicing that some neighbors may
22 enjoy their neighbors putting their stuff into a container instead of left on the property in view.
24 Mr. Florence stated if there were still things the commission would like to consider, they can
26 always bring it back with those changes. Commissioner Schauers expressed his opinion that
28 there is a place for these containers and there should be an ability for people to have them with a
30 permit.

32 Resident, DeAnn Terry addressed the commission with input on this topic. She then
34 asked for clarification on the "Green Belt" definition and her concern with that situation. She
36 then let the commission know that the situation she is dealing with at her property isn't getting
better. She worries that if we don't make the rules tight that there will be people that will take
them and run with them. Mr. Florence clarified how the draft ordinance is currently written and
stated if the commission wants to change the setbacks, then it will need to come back before the
commission. Mr. Haws stated he does see that there needs to be different requirements to protect
the abuse of this for potential use on greenbelt property. Ms. Terry stated she would like to see
stricter terms within this ordinance and to have things be more specific within the ordinance.

After some general discussion Chairperson Call called for any further public comments or
discussion. Hearing none she called for a motion to close the public hearing.

30 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.
32 COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

34 At this time, Mr. Florence went over the changes he noted that needed to be changed in
36 the ordinance. These were as follows: 1. Setback requirements. 2. Screening requirements. 3.
Look further into the greenbelt requirements. 4. Potential of prohibiting containers on certain
smaller lot sizes.

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

40 COMMISSIONER KALLAS MOVED TO RECOMMEND A CONTINUANCE OF
42 ORDINANCE 2023-16-O TO LET STAFF MAKE CHANGES. COMMISSIONER JOHNSON
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:
44 COMMISSIONER CALL AYE
COMMISSIONER JOHNSON AYE
COMMISSIONER SCHAUERS AYE

2 COMMISSIONER MARCHBANKS AYE
COMMISSIONER KALLAS AYE
4 COMMISSIONER DANIELSON AYE

6 **9. Public hearing for a recommendation to the Lindon City Council to amendment**
7 **Title 44 Single Family Residential. Lindon City requests a recommendation to the**
8 Lindon City Council to incorporate by reference all single family zoning districts as well
as adopt and clarify single family development requirements for the Anderson Farms
10 Planned Development, R3 Overlay, and Planned Residential Development single family
zones.

12
13 COMMISSIONER MARCHBANKS MOVED TO OPEN THE PUBLIC HEARING.
14 COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

16
17 Mary Barnes presented this item stating that Chapter 17.44 of the Lindon City only covers
18 the R1-20 and R1-12 zones, which are the more traditional single-family zones within the city.
Since the creation of 17.44, three other zones have been added to the city code with their own,
20 albeit often smaller, single family residential uses. These three zones are: 1. The Anderson Farms
Planned Development zone (AFPD) (17.41). 2. R3-Overlay zone (R3) (17.45). 3. The Planned
22 Residential Development Overlay zone (PRD) (17.76). She noted all three of these new zones
have single-family residential components to them, but they are not included in the single-family
24 residential code chapter.

25 Ms. Barnes stated instead of amending 17.41, 17.45, and 17.76 with the same information,
26 staff is proposing to add the single-family components of each of these zones to Chapter 17.44,
while also providing for some requirements that are more tailored towards smaller single-family
28 lots. In the Anderson Farms Development Agreement, it states that anything that is not
specifically covered in the development agreement will be governed by the city code. Therefore,
30 some of the requirements within 17.44 Single Family Residential have been applied to the AFPD
homes. However, this has become an issue because 17.44 was created for the R1 zones, which
32 have larger lots and setbacks. She noted that absolutely no changes are being made to the
requirements in the R1-20 and R1-12 zone and that this ordinance amendment is simply adding
34 language about the other single-family zones in the city.

35 Ms. Barnes went on to say that this ordinance amendment only affects strictly the single-
36 family residential lots within these three zones. A benefit to this ordinance amendment will be
that if a home builder, developer, or future resident is looking for the requirements to build a
38 single-family home in one of these zones, it will be easy to find the requirements because they
are easily laid out in one single-family residential code chapter. This ordinance amendment
40 includes the “general provision” of projections into yards, which is in found in 17.04.220.
Currently, this general provision does not reflect the current code. The amendment will simply
42 refer to 17.44.090 for the projections into yards code.

43 Ms. Barnes then presented the terms of the ordinance, with attention to the setback
44 requirements. Commissioner Kallas inquired if there have been a lot of requests for the terms of
this ordinance. Ms. Barnes noted there have been quite a few in the past year. She then went on

2 to present what other cities currently do and showed that those numbers are all over the place, so
it really is up to each city to decide what works best for them.

4 Mr. Florence let the commission know that Ms. Barnes has done a lot of research on this
and has visited a lot of developments to make sure they have as much information as they can to
6 make sure they aren't harming anyone in the future with this ordinance. Commissioner Call
expressed their appreciation for all the hard work staff does.

8 After some general discussion, Chairperson Call called for a motion to close the public
hearing.

10
12 COMMISSIONER JOHNSON MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

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

16
18 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND APPROVAL OF
ORDINANCE AMENDMENT 2023- 14-O PRESENTED WITH ANY MENTIONED
CHANGES. COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS
20 RECORDED AS FOLLOWS:

22 COMMISSIONER CALL	AYE
COMMISSIONER JOHNSON	AYE
COMMISSIONER SCHAUERS	AYE
24 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
26 COMMISSIONER DANIELSON	AYE

28 **10. Planning Director Report - General City updates.**

- Fall Conference in Ogden. He will send out more information this week
- What to expect at next Planning Commission meeting on Sept 12, 2023

32 Chairperson Call called for any further comments or discussion from the commission.
Hearing none she called for a motion to adjourn.

34 **ADJOURN** –

36
38 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE MEETING AT
8:45 PM. COMMISSIONER DANEILSON SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

40
42 Approved, September 12, 2023

44 _____
Sharon Call, Chairperson

2

Michael Florence, Community Development Director

4