

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **October 27, 2020 beginning at 6:00 p.m.** at the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 6:00 P.M.**

8 Conducting: Sharon Call, Chairperson
9 Invocation: Jared Schauers
10 Pledge of Allegiance: Rob Kallas

12 **PRESENT** **EXCUSED**
13 Sharon Call, Chairperson
14 Mike Marchbanks, Commissioner - electronically
15 Rob Kallas, Commissioner
16 Steven Johnson, Commissioner
17 Scott Thompson, Commissioner - electronically
18 Jared Schauers, Commissioner
19 Renee Tribe, Commissioner - electronically
20 Mike Florence, Planning Director
21 Anders Bake, Associate Planner
22 Kathryn Moosman, City Recorder

24 **Special Attendee:**
25 Councilmember Vanchiere

- 26
- 27 1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.
 - 28 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
29 Planning Commission meeting of October 13, 2020 were reviewed.

30

31 COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF
32 THE REGULAR MEETING OF OCTOBER 13, 2020 AS PRESENTED.
33 COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT
34 VOTED IN FAVOR. THE MOTION CARRIED.

- 35
- 36 3. **PUBLIC COMMENT** – Chairperson Call called for comments from any
37 audience member who wishes to address any issue not listed as an agenda item.
38 There were no public comments.

39 **CURRENT BUSINESS** –

40

41 *At this time, Michael Florence, Planning Director stated the applicant for agenda*
42 *item number four will be late, so he asked the commission to amend the agenda order to*
43 *begin with agenda item number five and then resume the agenda order with item four.*

- 44
- 45 5. **Public Hearing – For a recommendation to amend the Lindon City zoning**
46 **map to Planned Residential Development Overlay for the Linden Nursery**
- 47
- 48

2 **property located at 535, 531 and 477 N. State Street.** South Haven
Development requests a recommendation from the Lindon City Planning
4 Commission for a zoning map amendment. To rezone the Lindon Nursery
property to the Planned Residential Development Overlay zone for the property
6 located at 535, 531 and 477 N. State Street (Parcel numbers 45:244:0001,
14:067:0057, 14:067:0140)

8
COMMISSIONER SCHAUERS MOVED TO OPEN THE PUBLIC HEARING.
10 COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

12
Michael Florence, Planning Director, led this agenda item by giving a brief
14 overview stating South Haven Development is proposing a 58-unit townhome
development on the rear portion of the Linden Nursery property. He explained the City
16 passed an amendment to the Planned Residential Overlay Zone in August of 2020. The
Planned Residential Development Overlay Zone requires that the following items be
18 submitted as part of a zone map amendment application:

1. Concept site plan;
2. Building elevations;
3. Renderings showing the proposed project for the subject site.
4. The PRD ordinance also requires that “any concept plan presented to the
22 Planning Commission and City Council for approval shall first be reviewed
24 by the Development Review Committee to ensure the proposal is
technically feasible.”

26
Mr. Florence then presented for discussion a summary of the PRD site
28 requirements. He noted some of the items will be refined when the applicant files for site
plan and subdivision approval.

30 Mr. Florence further explained the Development Review Committee (City
Engineering and Planning Department) has reviewed the proposal and finds that the
32 proposed development is technically feasible. He added from the provided plan and
information, the site plan meets minimum road widths, parking and open space
34 requirements. He indicated for access to the development, the applicant still needs to hold
a pre-application meeting with UDOT (according to the developer this is scheduled for
36 November 3rd) to make sure the two accesses will be allowed and then submit for final
approval from UDOT.

38 Mr. Florence noted there are some minor items like trees, lighting, fencing, and
clarification on open space that still needs to be provided and these items can be resolved
40 with the site plan approval. He also pointed out the proposed plan has a number of homes
encroaching into the 300-foot commercial setback. He reminded the commission that
42 with a previous concept plan for the Norton property their feedback was to not count the
encroaching residential area into the overall density. Mr. Florence then directed the
44 commission to review the merits based on the information presented and determine
whether or not to allow the encroaching buildings and density.

46 Mr. Florence went on to say regarding the rear yard setback, the PRD ordinance
requires a 30-foot rear yard setback. He indicated this setback may be modified by the
48 land use authority where design items such as common open space or similar design

2 feature is proposed. He further stated the planning commission will need to give a
3 recommendation on whether to reduce this setback with the proposed common open
4 space. Mr. Florence noted public hearing notices, as required per Lindon City Code were
5 mailed to properties within 800 feet and each affected entity. The notice was also
6 published in the Daily Herald, on the State Public Notice website, and posted at Lindon
7 City Hall, Public Safety, and Community Center buildings.

8 Mr. Florence also presented an aerial photo, site plan, renderings, surrounding
9 area general plan land use map, surrounding area zoning map, and the planned residential
10 development overlay zoning ordinance followed by discussion.

11 Chairperson Call expressed her concern with the number of units in the 300 ft.
12 setback. She pointed out in reviewing the two properties the city council and planning
13 commission have been adamant on the 300 ft setback. To have that amount of property in
14 front isn't consistent in what we have been requiring on other developments. We have to
15 ask if the reduction limits commercial properties and we need to make sure the
16 commercial development isn't limited. She also mentioned another concern is how the
17 green space is being measured as she wants to ensure the green space is usable area. She
18 also mentioned the architectural designs noting the purpose was to have the two types of
19 architectural design and she is concerned with this concept they all look the same.

20 The applicant, Mr. Jeff Southard addressed the commission at this time. He
21 commented he is here for zone change approval and as part of that process they need to
22 show the concept review. He pointed out they are not here tonight for a site plan or
23 architectural approvals. He noted they have provided a design that meets the
24 requirements, but they are expecting that they will get into more detail when they come
25 in for the site plan approval after the zone change is approved.

26 Mr. Southard commented for the last year he has been presenting concepts and
27 they have shown they need to encroach somewhat, but they are not going to the 300 ft.
28 line on the south end. He noted they have existing commercial on State Street that they
29 are trying to work with where the Norton property is a clean slate and very different. He
30 added, based on other applicants that have come through, there is room for additional
31 viable commercial the way it is; they are trying to work with an existing retail
32 commercial use and the shape of the property dictates how we do this.

33 Mr. Southard pointed out it would be detrimental to Linden Nursery if some of
34 those units were pulled out and put to the south; Linden Nursery has been a good Lindon
35 friend and supporter for 25 years. He noted they can tweak some things on the site plan
36 but they don't need to be hung up on those items tonight as this is not site plan approval
37 but they are happy to change up colors if need be. He noted the farmhouse look is
38 currently very popular right now. There was then some discussion on the concepts and
39 he spoke on the zone change being allowed noting they have a way to meet the
40 ordinance. Mr. Florence clarified that tri-plex's are allowed but they are just turned so
41 the doors face the street.

42 Commissioner Johnson commented in interpreting the 300 ft. line, the line is not
43 as important as the density around the line. He feels we need to calculate the acreage
44 behind the 300 ft line. Mr. Southard stated that never came up over discussions of the
45 last year with the city council and the planning commission asking if this is a new
46 requirement or something they are coming up with now? Commissioner Marchbanks
commented that he recalls we addressed that and saw it as a fair swap of the line and

2 doesn't recall this layout being a problem. Mr. Southard stated he will verify that so
there is not any over-density and he is happy to run the numbers.

4 Commissioner Schauers stated this issue came up in discussions on the Norton
property about keeping the 300 ft. buffer in relations to the other development that may
6 be coming forward.

8 Commissioner Thompson commented the commercial owner is also the seller
noting that may play into it. Commissioner Marchbanks agreed that does play into this.
Commissioner Thompson added we have been talking about this pointing out that Mr.
10 Southard hasn't presented anything that didn't cut into the setback on that end and Mr.
Southard has been consistent from the very beginning.

12 Chairperson Call commented that the 300 ft. setback being too encroached on is
something the City Council felt very strongly about. Commissioner Kallas stated we
14 have had conversations on that but it wouldn't increase the density.

16 Chairperson Call called for any public comments at this time. There were several
in attendance who addressed the commission as follows:

18 **Devin Dastrup:** Mr. Dastrup commented he has a hard time visually how the north end
would be a totally viable commercial use with this design even if the uses are changed
20 and who would come in and repurpose it for commercial purposes. He doesn't see an
issue with the swap that extends into the 300 ft. mark (south to the north). He also would
22 be curious on how deep other commercial properties on State Street are and their uses.

24 **Ed Platt:** Mr. Platt commented the goal of the ordinance is to protect the commercial
use of the ground. Linden Nursery is already established and viable and if it were to go
26 back to 300 ft. all along we take away the space we need for the nursery and hurt the
nursery by going back 300 ft. from north to south; the way it is now is to protect the
28 nursery and they are compensating for that. If our goal is to protect the commercial
value of the land and if we insist on sticking to the 300 ft. all along, we will hurt the
30 existing commercial operations.

32 **Ben Platt:** Mr. Platt stated they have consistently messaged the city council and the
planning commission the message; deeper in commercial on the south side and
34 shallower on the north side and that is the trade-off. He pointed out in the meetings he
has attended they have been okay on that principle and guideline. He stated from their
36 due diligence they know that and communicated that to the city council and the planning
commission to protect the viability of the nursery. They also knew it couldn't be a hard
38 line and they said that is okay too; some give and take on the line was the message they
received from both the city council and the planning commission. Mr. Platt stated they
40 are coming to the commission tonight for the overlay not the site plan details so there
will be some fine tuning. In general, they will encroach on the north a little bit but give a
42 lot on the south to make this work. They need to make the nursery viable and also create
a development that gives the highest and best use of the land. He re-iterated the give and
44 take were communicated, understood and expected.

46 **Lori Esteban:** Ms. Esteban asked if the setbacks on the back side of the property were
not the 30 ft. as indicated. Mr. Florence explained the 30 ft setbacks will apply that
48 borders residential. Ms. Esteban also commented it is their hope that the trees will be

2 every 30 ft. and she didn't see that. Mr. Florence confirmed the trees will be there and
4 these things will be refined in the site plan. Ms. Esteban also requested there be enough
6 lighting on the border of their property as it is a huge concern for her. Traffic issues are
8 also a big concern and she wants to know what is being done to address this issue. She
10 noted Gillman Lane cannot take any more traffic and this will be a negative impact and
12 the city needs to address it. And in the forefront, to protect the traffic concerns on
14 Gillman Lane with speed bumps or to reopen Lakeview Road to mitigate these concerns.
16 She has been very disappointed as the council has not addressed this issue. Parking is
18 also an issue that needs to be addressed with the new reception center on Gillman Lane
20 and the Red Barn.

22 **LaDawn Edwards:** Ms. Edwards pointed out the issues coming from the reception
24 center as it technically fits but she has concerns if these issues are not addressed
26 originally this will just add layers of complicated problems. She stated she likes what
28 the nursery has done with the walking trails and the buffer zone they created, but she
30 does feel there are technicalities within the development itself, but the developers have
32 been working with the neighbors with feedback on those issues which is great. Ms.
34 Edwards stated she thinks the ordinance itself should pass and they should be able to
36 apply it to their property, but she thinks the concern is that these longer-term issues
38 won't be addressed without causing more problems; she is very pleased in working with
40 the Linden Nursery.

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

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

30 Commissioner Tribe expressed she thinks this is completely reasonable and feels
32 they have taken a very conscientious approach in what they have done and she would be
34 in support of approval.

36 Chairperson Call stated she will vote for approval at this point but there are some
38 things that need to be worked out. She thinks the 300 ft. line needs to be determined. She
40 also wants to know how the open space is being calculated. She would like to see the
42 UDOT recommendation or approvals on access before being willing to vote for a zone
44 change. She would like to see a concept of how tri-plex's will look rather than all cookie
46 cutter. She believes we need to be very careful on how this will impact the residents.

48 Commissioner Johnson stated he wants to see that the density calculates correctly
and try to mitigate the impact on the existing residential because in creating the
ordinance how do we mitigate, as much as possible, the impacts on the existing
residents; this needs to be addressed for every neighborhood as we are changing
something dramatically. He feels these things can be overcome if they are addressed
through a traffic study and maybe speed bumps on Gillman Lane and perhaps the
Salisbury development. He stated he is fine with the overlay zone approval, but once the
zone is approved our ability to tweak things is gone and our leverage is gone. He
doesn't want to hold up a project but agrees we need to be careful to apply it in a

2 consistent way that makes sense and to mitigate the issues on the residents with the
density and traffic issues.

4 Commissioner Schauers commented on the zone change stating he is in favor of
allowing the zone change on this property and to review the site plan later.

6 Commissioner Thompson stated this has been a long process so it is important to
look at the density as a condition of approval so it pencils out. He added that Southhaven
8 Homes has done a great job in mitigating any problems to be in compliance and he
would be in favor of the overlay zone approval.

10 Commissioner Marchbanks stated he is fine with the zone change overlay
approval.

12 Commissioner Kallas stated he will vote yes for the overlay approval, but he has
concerns with the swapping of the southeast corner. He thinks we should calculate what
14 the density is west of the 300 ft. line, but he would also want to make sure once we do
this to help the commercial to make sure we don't give it up.

16 Chairperson Call asked the commission if they would be opposed to continuing
this item tonight as to have clarification on how the density is calculated and some of the
18 issues so it is clear cut rather than make conditions. She noted she is not in opposition,
but she would like to see how things pencil out. Mr. Florence pointed out if it is
20 continued it will come back to the commission on November 10th.

22 At this time Mr. Florence stated he is hearing the following concerns to be
addressed as follows:

1. Calculate the density for the area behind the 300' setback
- 24 2. Calculate the square footage for the area encroaching in front of the 300'
commercial setback and the area behind the Linden Nursery which isn't being
26 used for housing to make sure they are similar in size.
3. Recalculate the common open space per the PRD code
- 28 4. Provide feedback to City staff from the UDOT pre-application meeting
5. Ensure the plan meets the requirement for the two building types

30 Following some additional discussion, the commission was in agreement to not
32 continue the item and move forward with a motion for the zone change.

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

36 COMMISSIONER KALLAS MOVED TO RECOMMEND TO THE CITY
COUNCIL APPROVAL OF ORDINANCE 2020-15-O TO AMEND THE LINDON
38 CITY ZONING MAP FROM GENERAL COMMERCIAL TO PLANNED
RESIDENTIAL DEVELOPMENT OVERLAY FOR THE PROPERTIES LOCATED
40 AT 535, 531 AND 477 NORTH STATE STREET (PARCEL NUMBERS 45:244:0001,
14:067:0057, 14:067:0140) WITH THE RECOMMENDATION TO THE CITY
42 COUNCIL THAT 1. THE DENSITY BE CALCULATED AS TO WHAT IT WOULD
BE BEHIND THE 300 FT. COMMERCIAL SETBACK AND 2. THE 30 FT.
44 SETBACK BETWEEN THE INTERIOR UNITS BE LOOKED AT TO MAKE SOME
ADJUSTMENTS TO WORK FOR THE DEVELOPER. COMMISSIONER
46 SCHAUERS SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

48 CHAIRPERSON CALL

AYE

2 COMMISSIONER KALLAS AYE
COMMISSIONER MARCHBANKS AYE
4 COMMISSIONER JOHNSON NAY
COMMISSIONER THOMPSON AYE
6 COMMISSIONER SCHAUERS AYE
COMMISSIONER TRIBE AYE
8 THE MOTION CARRIED 6 to 1.

10 *Commissioner Johnson explained his dissenting vote emphasizing his desire that*
12 *the city council address and mitigate the issues in regards to traffic on the existing*
neighborhood.

14 4. **Conditional Use Permit – Wheel Pro – 1545 West 200 South.** Jordan Quinney
16 representing Wheel Pro requests conditional use permit approval to operate an
auto repair and powder coating business at 1545 W. 200 S. in the Light Industrial
zone.

18
22 Anders Bake, Associate Planner, led this agenda item by giving a brief summary
stating the applicant, Jordan Quinney, who is in attendance and representing Wheel Pro is
24 requesting a conditional use permit approval to operate an alloy wheel repair and
customization shop that will include powder coating at 1545 West 200 South Unit 500.
26 Mr. Bake noted the Standard Land Use Table requires that businesses doing vehicle
repair in the Light Industrial Zone obtain a Conditional Use Permit. The City has
previously approved powder coating business as conditional uses in the Light Industrial
28 Zone. He added that the proposed business, Wheel Pro, will perform all work indoors and
within their unit. He stated notices were mailed on October 16, 2020 to adjoining
30 property owners in accordance with Lindon City Code and staff has received no public
comments back at this time.

32 Mr. Bake further explained Mr. Quinney will be using a commercial unit in the
Burbridge Industrial Subdivision that was recorded in March 2008 and the building was
34 constructed in April 2017; the building and site comply with Lindon City Code
requirements. He stated Mr. Quinney is not planning to do any construction on the
36 building and will not be required to make any changes to the building or site. There are
12 parking stalls available on the property that are shared between each of the units. The
38 business will have one person working and the shop at a time and repair work will be
done by appointment only.

40 Mr. Bake noted based on the business description that was provided, it is expected
that this business will have a minimal impact on surrounding properties and will be
42 compatible with other uses in the Light Industrial Zone. Mr. Bake then presented the
business description, site and floor plan and photos of the building followed by
44 discussion. He then turned the time over to Mr. Quinney for comment.

46 Mr. Quinney explained his business (Wheel Pro) is an alloy wheel repair and
customization shop. Their services include welding cracked wheels, powder coating,
painting and straightening bends on wheels. He noted his customers will be able to pull
48 their car in the shop where the wheels will be removed and we will provide the services
needed by appointment, which will help keep the parking lot clear. Hours of operation

2 will be 9-5, Monday through Friday. He indicated there will be only one or two workers
at the shop each day.

4 Mr. Quinney went on to say that Wheel Pro was established in November of
2014, and has until now, only been mobile. All of the work was done in mobile trailers
6 throughout Utah, Salt Lake, and Davis counties. They are excited to be able to expand
their services and grow their business through use of this shop. For the last 3 years he has
8 done powder coating, painting, and welding in a metal shed in his backyard, often late at
night and has never had any complaints of any kind. There will be minimal impacts their
10 services will have on the surrounding businesses and the environment. He noted the
Powder booth and paint booth have filtration systems that comply with industry standards
12 to minimize dust from powder or paint.

14 Following some general discussion, the commission was in agreement to approve
the conditional use permit application as presented.

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

18 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE
APPLICANT’S REQUEST FOR A CONDITIONAL USE PERMIT TO USE THE
20 PROPERTY LOCATED AT 1545 W. 200 S. UNIT 500 FOR AN AUTO REPAIR AND
POWDER COATING BUSINESS, WITH THE FOLLOWING CONDITIONS: 1.
22 VEHICLES MAY NOT BE STORED OUTDOORS FOR LONGER THAN 72 HOURS
UNLESS THE OWNER IS WAITING ON DELIVERY OF PARTS; 2. NO
24 AUTOMOBILE PARTS WILL BE STORED OUTSIDE OF THE BUILDING; 3. THE
APPLICANT WILL COMPLY WITH ALL OF THE LIGHT INDUSTRIAL SPECIAL
26 PROVISIONS REQUIREMENTS FOUND IN SECTION 17.49.090 OF THE LINDON
CITY CODE; AND 4. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER
28 KALLAS SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

30 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
32 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER JOHNSON	AYE
34 COMMISSIONER SCHAUERS	AYE
COMMISSIONER TRIBE	AYE
36 THE MOTION CARRIED UNANIMOUSLY.	

38 **6. New Business: Reports by Commissioners –**

40 Chairperson Call called for any new business or reports from the Commissioners.
There were no new reports from the commission at this time.

42
44 Chairperson Call called for any further comments or discussion from the
commission, hearing none she moved on to the next agenda item.

46 **7. Planning Director Report –**

2 Mr. Florence presented the Draft of the 700 North Small Area Plan followed by
some general discussion. Chairperson Call called for any further comments or
4 discussion. Hearing none she called for a motion to adjourn.

6 **ADJOURN** –

8 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE
MEETING AT 8:20 PM. COMMISSIONER TRIBE SECONDED THE MOTION.
10 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

12 Approved – November 10, 2020

14
16 _____
Sharon Call, Chairperson

18
20 _____
Michael Florence, Planning Director