

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **November 12, 2019 beginning at 7:00 p.m.** at the Lindon City Center, City Council
Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 7:00 P.M.**

8 Conducting: Rob Kallas, Vice Chair
Invocation: Jared Schauers, Commissioner
10 Pledge of Allegiance: Scott Thompson, Commissioner

12 **PRESENT** **EXCUSED**

Sharon Call, Chairperson
14 Mike Marchbanks, Commissioner – arrived 8:10pm
Rob Kallas, Commissioner
16 Steven Johnson, Commissioner
Scott Thompson, Commissioner
18 Jared Schauers, Commissioner
Renee Tribe, Commissioner
20 Mike Florence, Planning Director
Anders Bake, Associate Planner
22 Kathy Moosman, City Recorder

24 1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.

26 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
28 Planning Commission meeting of October 22, 2019 were reviewed.

30 COMMISSIONER THOMPSON MOVED TO APPROVE THE MINUTES OF
THE REGULAR MEETING OF OCTOBER 22, 2019 AS PRESENTED.
32 COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

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

38 **CURRENT BUSINESS** –

40 4. **Public Hearing – A recommendation to the Lindon City Council to amend**
42 **City Code 17.48 to increase the allowable building height limit for the**
Planned Commercial -1 zone – Miller Family Real Estate LLC. Miller Family
44 Real Estate, LLC requests Ordinance Amendment approval to increase the
allowable building height in the Planned commercial-1 zone from 48 feet to 60
46 feet and related technical amendments.

2 COMMISSIONER THOMPSON MOVED TO OPEN THE PUBLIC HEARING.
3 COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL PRESENT VOTED
4 IN FAVOR. THE MOTION CARRIED.

6 Mike Florence, Planning Director, led this agenda item by explaining Miller
7 Family Real Estate, LLC is proposing a new 51,112 square foot office building at 424 S.
8 Lindon Park Drive. He noted the applicant is petitioning the planning commission for a
9 recommendation to increase the allowable height in the PC-1 zone from 48 feet to 60 feet
10 and to remove the requirement that mechanical equipment be included in the overall
11 height measurement of the building.

12 Mr. Florence stated the purpose of the request is that the applicant has a tenant that
13 is requiring a specific amount of parking stalls for the site. He pointed out that due to the
14 size of the site and building square footage, the applicant is proposing to meet the
15 potential tenant's parking requirement by constructing parking at ground level under the
16 building with three stories of office above.

17 Mr. Florence explained the potential businesses parking demand meets city
18 parking standards. The applicant is proposing parking at 5.30 stalls per 1,000 square feet
19 of office floor area which is 263 stalls. For high density office uses the city parking code
20 allows 4 stalls per 1,000 square feet of office space (204 stalls). The City parking code
21 also allows an applicant to go up 130% (city code 17.18.078) of the minimum which
22 would be 5.2 stalls per 1,000 square feet (265 stalls).

23 Mr. Florence further explained that under the current code the PC-1 and PC-2
24 development standards are grouped together. The proposed amendment would separate
25 the development standards for PC-1 and PC-2 zones in relationship to height
26 requirements. He noted the PC-2 zone would remain at the existing 48' height
27 requirement. Currently, the surrounding zoning and areas have a combination of 1, 2 and
28 3 story buildings.

29 Mr. Florence went on to say the PC-1 and PC-2 zones require that mechanical
30 appurtenances be included in measuring the overall height of the building. The PC-1 and
31 PC-2 zones are the only two zones in the city where this development standard is
32 required. All other zones call out a maximum height and then the code section 17.04.230
33 applies as follows:

34 o 17.04.230 - *Height limitations – Exceptions.*

35 *Penthouse or roof structures for the housing of elevators, stairways, tanks,*
36 *ventilating fans or similar equipment required to operate and maintain the building, and*
37 *attached structures such as fire or parapet walls, skylights, towers, steeples, chimneys,*
38 *wireless or television masts, theater lofts, or similar structures may be erected 10 (10)*
39 *feet above the zone height limits, but no space above the height limit shall be allowed for*
40 *purposes of providing additional floor space, nor shall such increased height be in*
41 *violation of any other ordinance or regulation of Lindon City. A church may have*
42 *architectural features, similar to those listed above, erected up to 50% of the building*
43 *height or 20' above the zone height limit, whichever is greater.*

44
45 Mr. Florence then referenced the height comparison table per zone followed by
46 some general discussion. Mr. Florence mentioned the adjacent Canopy Business Park has
47 been a very successful office development for Lindon City. The city is happy to see a
48 proposal for this site that will bring new jobs and development to the area. Staff feels like

2 the increased height itself should not have a significant impact on the area. The PC-1
4 zone is not adjacent to residential zones and the increased height may be acceptable when
closer to the 1600 South interchange.

6 Mr. Florence noted one of the main considerations that the commission should
8 consider is what effect the proposed amendment will have on the building meeting the
10 requirements of the commercial design standards. There are a number of constraints with
the size of the property, tenant parking demands, and building size. With the exception of
the southeast corner lobby and the northeast mechanical room, the rest of the building is
open to parking and parking entrances under the building.

12 Mr. Florence commented while the planning commission is not giving site plan
14 approval at this time, the ordinance amendment plays into future site plan review. He
16 indicated the applicant has been made aware of the listed commercial design standard
18 requirements (not an exhaustive list) and is willing to address those before site plan
approval. If the commission makes a recommendation to the city council to amend the
height then the applicant should be prepared to address the following Commercial Design
Standard items (not an exhaustive list) pertaining to the ground floor and building
architecture when the proposed development returns for site plan approval:

- 20 • 5.2.1 – Massing and Orientation
 - 22 ○ Give the greatest consideration in terms of design emphasis and detailing to the
street facing façade.
 - 24 ○ Buildings on corner sites shall orient to both streets, these buildings are
encouraged to have an entrance situated at or near the corner.
- 24 • 5.2.4 – Exterior Walls and Surfaces – Building Materials
 - 26 ○ Scale, texture, detailing, and fenestration should be greatest at the ground floor,
where the level of visibility and adjacency to pedestrian activity is greatest.
- 28 • 5.2.6 – Windows and Doors/Fenestration
 - 30 ○ Avoid blank facades with no fenestration.
 - 32 ○ The ground floor of the primary façade shall be 60% fenestration at the pedestrian
level.
 - 34 ○ A significant amount of the primary ground story façade facing public streets,
easements and other right-of-way corridors should be transparent glazing, to
enhance the pedestrian environment, to connect the building interior to the
outside, and to provide ambient lighting at night.

36 Mr. Florence indicated in regards to removing the requirement that mechanical
38 equipment be included in the overall height, staff feels that it would be best to be
consistent throughout the code with the same requirements. However, any rooftop
40 mechanical equipment will still need to be screened, meet the requirement of city code
and be architecturally compatible with the design of the building. The proposed
42 ordinance language is very similar to current ordinance requirements in the Commercial
Design Standards and Regional Commercial zone.

44 **Commercial Design Standards:** *Rooftop mechanical units are desirable where possible,*
46 *and should be screened from view with integrated architectural elements (walls,*
parapets, etc.).

2 **Regional Commercial Zone:** *All mechanical equipment incidental to any building,*
3 *including roof mounted mechanical equipment, shall be screened so as to be an integral*
4 *part of the architectural design of the building to which it is attached or related.*
5 17.54.030

6 Mr. Florence then presented the zoning map of PC-1 and PC-2 districts, an aerial
7 photo, pictures of the site and area, proposed ordinance language, proposed building
8 renderings and the zoning map followed by discussion. He then turned the time over to
9 the applicant for comment.

10 Mr. Greg Flynn with Larry Miller Real Estate Group was in attendance as
11 representative of this item. Mr. Flynn stated they have had this land for quite a while and
12 they have wanted to put a dealership in but now they are taking this opportunity to take
13 the vacant land and build an office building that is allowed in that zone. He noted they
14 are essentially looking at what the market is looking for and how to meet the needs. He
15 noted as they were looking at the parking, they want the additional parking underneath
16 that gets the parking ratio up. They are competing with Lehi and Draper for the same
17 tenants and realize they need to be a little higher with the higher density. They are
18 constrained with this lot at this point and if they raise it up, they can get to the number
19 that can attract the type of tenant they are looking for and that will make sense there. Mr.
20 Flynn noted the rough rendering and conceptual drawing has been shifted a little because
21 of the easements and pushed a little to the west but it gets close to the generic building
22 look. He stated they will bring a better rendering when they come back with the site plan.

23 Commissioner Thompson asked what the intent of the property across the street
24 is; was it for an auto dealership as well. Mr. Florence stated he is not sure of the intent of
25 that property but it is zoned PC1 as well.

26 Chairperson Call commented as far as the higher height goes, she doesn't
27 question that because it's not adjacent to a residential zone and close to I15 and it doesn't
28 block the views of other businesses. Her biggest concern is the first story where you drive
29 in because it doesn't meet the architectural icons and also because that is the view from
30 Lindon Park Drive. She also brought up that the building materials and fenestration on
31 the first floor don't meet the architectural guidelines the city has set up with the ambient
32 lighting and those kinds of things. She realizes what we are approving tonight is just the
33 ordinance amendment for the increased height.

34 Vice Chair Kallas mentioned when the applicant comes back with a plan all these
35 things will be closely looked at. Mr. Flynn commented this is at a very early stage and it
36 is hard to tell and the exact materials haven't been fully vetted. Mr. Florence clarified that
37 the PC1 zone is only located in that area and roof antennas have a maximum height of 10
38 ft.

39 Vice Chair Kallas asked if there were any further public comments or discussion.
40 Hearing none he called for a motion to close the public hearing.

41 **COMMISSIONER CALL MOVED TO CLOSE THE PUBLIC HEARING.**
42 **COMMISSIONER TRIBE SECONDED THE MOTION. ALL PRESENT VOTED IN**
43 **FAVOR. THE MOTION CARRIED.**

44
45 Vice Chair Kallas called for any further comments or discussion from the
46 Commission. Hearing none he called for a motion.
47
48

2 COMMISSIONER SCHAUERS MADE A MOTION TO RECOMMEND TO
THE CITY COUNCIL APPROVAL OF ORDINANCE AMENDMENT 2019-20-O AS
4 PRESENTED. COMMISSIONER JOHNSON SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

6 CHAIRPERSON CALL AYE
COMMISSIONER KALLAS AYE
8 COMMISSIONER JOHNSON AYE
COMMISSIONER MARCHBANKS AYE
10 COMMISSIONER THOMPSON AYE
COMMISSIONER SCHAUERS AYE
12 COMMISSIONER TRIBE AYE

THE MOTION CARRIED UNANIMOUSLY.

14
16 **5. Site Plan Amendment – Doterra Warehouse – approximately 2300 W. 400 N.**

Doterra International requests Site Plan Amendment approval to allow the
Planning Commission to review proposed changes to the external design of the
18 Doterra Warehouse. Parcel #14:059:0048. Continued from October 22, 2019
Planning Commission meeting.

20
24 Mike Florence, Planning Director, led this discussion by stating the applicant Phil
Hadderlie representing Doterra International is in attendance for this application. He
explained that Doterra International is completing their warehouse and call center for
26 their new site in Lindon. Doterra changed the exterior colors and paint design from what
was originally approved by the planning commission. Since the planning commission
28 was the land use authority on this item, it is staff's recommendation that the planning
commission should provide approval of the change in color and fence design. He noted at
30 the October 22, 2019 meeting the planning commission requested that the architect for
Doterra update the renderings for commission review as follows:

32 17.54.050 Texture, Colors, Finishes.

- 34 a) Avoid large areas of the same color and/or materials with no relief. Conversely,
avoid the use of too many materials and/or colors, which may create busy or
incongruous façades.
- 36 b) Earth tones are generally preferred over harsh or loud colors, except where more
vibrant colors are used as accents to the primary colors. A color palette of Utah
38 earth tones as found in the Lindon City Commercial Design Standards is to be
used as a reference guide to color selections in developments.
- 40 c) Simplicity is encouraged regarding color. Excessive amounts of different colors
should not be used. Brighter colors are recommended for use as accents only.
- 42 d) Vary colors and materials to break up the monotony in larger developments.

44 Mr. Florence stated Mr. hadderlie has provided a lot of updated renderings for this
application and they have been working to get this situation corrected. He then turned the
46 time over to Mr. Hadderlie for comment.

48 Mr. Hadderlie commented one thing they talked about was a way of softening the
top of the building and to bring the band back so it will tie the whole building together
and soften some things and that is what they have done. He pointed out on the renderings
50 the top is painted all the way around. He mentioned it cost Doterra about \$35,000 to

2 make that change but Doterra is committed to doing that. He then explained the colors
noting they are recommending just the gray color (showed color) that is different than all
4 the other grays and they feel this will cap the building off. He also referenced the updated
second rendering with the new colors that shows the new color scheme. This is what they
6 are seeking approval for.

8 Following some general discussion, the Commission expressed their appreciation
on the work Doterra has done in complying with their requests noting it looks much nicer
than it did before and it is a change for the better.

10 Vice Chair Kallas called for any further comments or discussion from the
Commission. Hearing none he called for a motion to continue.

12
14 COMMISSIONER JOHNSON MOVED TO APPROVE THE APPLICANTS
REQUEST FOR AMENDED SITE PLAN APPROVAL WITH THE CHANGE IN
COLORS AND FENCING MATERIALS AS PRESENTED. COMMISSIONER
16 THOMPSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

18 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
20 COMMISSIONER JOHNSON	AYE
COMMISSIONER MARCHBANKS	AYE
22 COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE
24 COMMISSIONER TRIBE	AYE

THE MOTION CARRIED UNANIMOUSLY.

26

6. Concept Review – South Haven Development – 531 N. State Street

28 South Haven Development requests concept review of a proposal to allow for 99
residential units on approximately 6 acres of the Linden Nursery property. Parcel
30 #45:244:0001. *A Concept Review allows applicants to receive Planning
Commission feedback and comments on proposed projects. No formal approvals
32 or motions are given, but general suggestions or recommendations are typically
provided.*

34

Anders Bake, Associate Planner, led this discussion by giving a brief overview of
36 this item explaining the applicant is seeking concept review feedback for a proposed
multifamily project on the Linden Nursery property at 531 North State Street. He noted
38 the concept plan includes 99 residential units in mostly 12-plex and 6-plex buildings on
about 6 acres. The plan also provides 209 parking stalls and amenities that include sports
40 courts, a pool, a clubhouse, a tot lot, and open space.

Mr. Bake noted staff has reviewed this proposal and found that the City currently
42 does not have a zone that would support this development proposal. In addition, the
commission and council should carefully consider how the proposed use would be
44 compatible as a transition from commercial to low density residential. He pointed out the
City has a number of deep commercial lots on State Street where commercial may not
46 fully develop and should be studied further for the correct development types.

2 Mr. Bake indicated if the Council and Commission decide to give direction to
move forward with this development the applicant, at a minimum, will need to apply for
4 the following entitlements as part of the development review process as follows:

- 6 1. An Ordinance Amendment to create a new zone, or modify an existing zone, that
will allow for several multifamily buildings on a single property. The Ordinance
8 Amendment will also need to include regulations regarding lot dimensions,
setbacks, landscaping, parking, and other relevant aspects of multifamily
developments.
- 10 2. A Zone Map amendment to apply a new multifamily zone to the subject property.
- 12 3. Subdivision Approval.
4. Site Plan Approval.

14 Mr. Bake then presented the Concept Plan and an Aerial Image followed by some
general discussion. He then turned the time over to the applicants for comment.

16 Mr. Jeff Southard and Mr. Ben Platt (Lindon Nursery) were in attendance
representing this item. Mr. Southard noted they are here looking for feedback. He
18 explained as they looked at this parcel and as the market has shifted and changed, we are
not building a lot of homes in Lindon so all of that property west of the frontage was used
20 to grow and store their landscaping materials. So, as things have shifted it doesn't make
sense (tax wise) to keep the back of the property to grow trees and shrubs. He pointed out
22 this commercial zone applied to that parcel is significantly deeper than the parcels around
it.

24 Mr. Southard stated they are basically asking for the back portion (if it had been
done on a 500 ft depth or similar) that this probably would have been zoned residential.
26 But when the zoning was applied along state street it was just applied based on how the
parcel shapes were. All of the front would stay nursery and would be retail use by the
28 nursery, but they don't need everything in the back.

Mr. Southard stated this would have to be a mix of density to make it worthwhile
30 to development it. They need to sell it at a certain price, but they can't build it without a
certain density. He noted these would be market rate, for sale housing not apartments.
32 They would not be low income tax credit or anything like that it would just be whatever
the market would bear. But they would be affordable compared to the single family
34 residential that is typical in Lindon; something that younger couples and families could
afford. This would be a mix of townhomes and condos. They are just trying to figure out
36 what would make sense density wise; this can be a lengthy process but this is how it
starts and they are just looking for feedback.

38 Commissioner Tribe asked if the townhomes will be two-story. Mr. Southard
confirmed they will be two-story with garages. These will also have a private fenced
40 backyard to provide some personal space. These would be managed by an HOA, but
individually owned. Commissioner Thompson asked about the use of the Red Barn as an
42 event center and if that will continue as the city recently updated the noise ordinance.

Mr. Platt stated they were leasing the barn out but now they have taken over
44 ownership. They know they want to remain as Lindon Nursery but looking at
development and strategy being a 12-acre nursery on state street is not sustainable. They
46 can shift the inventory to match what homeowners are asking for. But they have to look
at their property to see what the highest best use of the property is. The barn is such a

2 historical and iconic part that they want the barn to stay for sure, but how they use the
barn they are still debating that as a family.

4 Mr. Southard stated this is probably the 5th concept plan he has had with them
where we didn't have the barn, or moved the barn so it is his understanding they want to
6 keep the barn so they have tried to incorporate that into the concept plan.

8 Mr. Southard stated today the condos would be in the \$235,000 to \$240,000 range
and the townhomes would be in the \$265,000 to \$270,000 range; what it would be
tomorrow is hard to tell.

10 Chairperson Call expressed her concerns with the high density. She noted the
candidates that just won election have indicated that this is exactly what they don't want.
12 They want in-fill areas to go in, and they are not opposed to having some spread
throughout the city to fill that requirement, but they don't want a lot of density in one
14 specific area; they are not opposed to in-fill areas. When the Ivory Development was
approved it was on the basis that it would be that one area only with that type of product.

16 She can't imagine residents would be happy with this type of development in
their neighborhood. Maybe twin homes or 4-plexes spread throughout would work better
18 so it wouldn't have the impact. She is not saying we don't need to put some things in
Lindon but to have them scattered was a big issue with the Council. However, she is not
20 saying this isn't a nice concept just not in that area. Mr. Southard stated he will be
meeting with the Council with this concept.

22 Commissioner Thompson commented that 99 units will bring a lot of traffic and
the neighbors will not be happy with the additional traffic without a traffic signal there.
24 They will also be overlooking an elk farm and this may pose an issue with noise etc.;
there are a variety of issues. However, he does like the idea of more affordable housing.

26 Commissioner Tribe suggested some nice twin homes for less density may work.
Mr. Southard stated that doesn't pencil out (highest and best use) and this is not a good
28 location for high end homes; it's really not a great piece of property.

30 Mr. Platt stated one of the reasons they reached out to Mr. Southard is because
they had been studying this proposal as they want to define who their neighbors will be.
Lindon Nursery is still a long-term strategy for his family. They love the nursery business
32 and they want to stay in it but they want to define who their neighbors are. So, it is highly
in their best interest to help shape and define this, so they are proactively working
34 through proposals etc.

36 At this time, Vice Chair Kallas asked the commissioners to give their comments
on this concept.

38 Commissioner Johnson commented that he is probably a little different than the
other commissioners. He feels we don't have the rooftops to support retail on state street.
In his opinion we need something like this so state street will develop otherwise business
40 won't be viable. His personal opinion is we need something like this and it makes perfect
sense. It may be a little higher density than he would like, but these are weird shape
42 properties; he is in favor of the concept but the density is a little high for him. Lindon
needs more rooftops as we are out of land.

44 Commissioner Schauers commented he is generally in favor to develop in this
area and he is okay with the higher density. He questioned the road going in and out. Mr.
46 Southard explained the entrances and exits noting the road would be wide enough to have
a left-hand turn.

2 Commissioner Tribe mentioned this may be a lifestyle place where younger
people can live and build their careers. She appreciates that the applicants are
4 conscientious of Lindon as they live here and are conscience of how we want it to look
and feel. However, she does feel the density is a little high.

6 Commissioner Thompson likes the fact that this is off of state street and he is not
opposed with something coming off of state street. He likes the concept if the city says
8 they want the density; there would be issues to deal with.

10 Commissioner Marchbanks commented in concept he is open to the idea and feels
this is an option that should be explored.

12 Commissioner Kallas stated he has concerns with all the traffic on the one road
that would be a real safety and traffic issue with 99 units. He thinks this may be an uphill
battle. Personally, he doesn't like to see code amendments just to make something work.

14 Vice Chair Kallas stated he hopes the comments have helped the applicants
tonight and reminded them the council will have further questions.

16 Vice Chair Kallas called for any further comments or discussion from the
Commission. Hearing none he moved on to the next agenda item.

18
20 5. **New Business: Reports by Commissioners** – Vice Chair Kallas called for any
new business or reports from the Commissioners.

22 Chairperson Call mentioned an email received from Jeremy Washburn with
information on the proposed storage units. Concerned that no more storage units are
24 allowed. Commissioner Johnson mentioned and email about building rentals for
employees followed by discussion.

26 6. **Planning Director Report** –

- 28 • General City Updates

30 Vice Chair Kallas called for any further comments or discussion. Hearing none he
called for a motion to adjourn.

32 **ADJOURN** –

34
36 COMMISSIONER THOMPSON MADE A MOTION TO ADJOURN THE
MEETING AT 9:00 PM. COMMISSIONER MARCHBANKS SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38
40 Approved – November 26, 2019

42
44 _____
Sharon Call, Chairperson

46 _____
Michael Florence, Planning Director