

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **November 28, 2017 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: Sharon Call, Chairperson
Invocation: Charlie Keller, Commissioner
10 Pledge of Allegiance: Bob Wily, Commissioner

12 <u>PRESENT</u>	<u>EXCUSED</u>
Sharon Call, Chairperson	Hugh Van Wagenen, Planning Director
14 Rob Kallas, Commissioner	
Mike Marchbanks, Commissioner	
16 Bob Wily, Commissioner	
Charlie Keller, Commissioner	
18 Steven Johnson, Commissioner	
Mike Vanchiere, Commissioner	
20 Brandon Snyder, Associate Planner	
Kathy Moosman, City Recorder	

22 **Special Attendee:**
24 Matt Bean, Councilmember

- 26 1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.
28 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
Planning Commission meeting of November 14, 2017 were reviewed.

30 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
32 REGULAR MEETING OF NOVEMBER 14, 2017 AS PRESENTED.
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT
34 VOTED IN FAVOR. THE MOTION CARRIED.

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

40 **CURRENT BUSINESS** –

- 42 4. **Conditional Use Permit — Garon Thorne, Elite Audio, 732 N. State Street.**
Garon Thorne, Elite Audio, requests conditional use permit approval for auto lube
44 & tune-up (vehicle window tint, vehicle audio/video/electronics), to be located at
732 N. State Street, in the General Commercial (CG) zone.

46

2 *Mr. Snyder requested a change in the agenda order at this time. The Commission*
4 *was in agreement to amend the agenda order to listen to agenda item number six first*
 and then item number five.

6 Brandon Snyder, Associate Planner, led this discussion by explaining the
8 applicant, Garon Thorne (who is in attendance), has requested approval for auto lube &
10 tune-up type services (vehicle window tint, vehicle audio/video/ electronics). He noted
12 the applicant’s business plan is included in the staff packet. Mr. Snyder explained that the
14 Planning Director has determined that these types of uses are most closely associated
 with Auto Lube & Tune-up services and the Lindon City Land Use Table indicates that
 “Auto Lube & Tune-up” is a conditional use in the CG zone. He noted Mr. Thorne is not
 proposing any changes to the site and will be utilizing the existing garages and front/rear
 parking areas.

16 Mr. Snyder then gave a brief history stating the existing office and garages (north
18 portion) were remodeled in 1997 with a rear garage addition added in 2005. The site
20 (north portion) was last reviewed by the Planning Commission for Cross-fit
22 (gymnasium/athletic club) and a conditional use permit was approved on October 22,
24 2013. He added that third party public notices were mailed on November 18, 2017 with
26 only one comment received back today that was not opposed to this application. Mr.
28 Snyder then turned the time over to the Mr. Thorne for comment.

30 Mr. Thorne stated he has been cleaning up the location along with the owner of
32 the building as it has been vacant for a long while. Mr. Thorne then explained the
34 proposed use noting they will be doing window tinting, clear paint protection (with mild
36 soap) and speaker change outs etc. with the majority of their work being done with dealer
38 related work. He explained it is a very clean operation and they will not generate a lot of
40 traffic. He noted there will be five improved stalls in the front with areas for open parking
42 in the back (not public parking) at this location only (as there are two units). He plans on
44 re-stripping the front stalls (to be more parallel). Mr. Snyder stated he will need to submit
46 a striping plan if the striping will be different than what was previously approved. Mr.
48 Thorne stated he has been in this industry for a long time but this is the first time going
 out on his own.

34 *At this time Commissioner Vanchiere disclosed, for the record, that he just*
36 *financed this building so he is very familiar with it.*

38 There was then some additional general discussion by the Commission on the past
40 uses at this property location. Chairperson Call stated this appears to meet the
42 requirements for this conditional use.

44 Chairperson Call asked if there were any further comments or discussion.
46 Hearing none she called for a motion.

48 **COMMISSIONER MARCHBANKS MOVED TO APPROVE THE**
 APPLICANT’S REQUEST FOR A CONDITIONAL USE PERMIT FOR AUTO LUBE
 & TUNE-UP (VEHICLE WINDOW TINT, AUDIO, VIDEO, ELECTRONICS), TO BE
 LOCATED AT 732 NORTH STATE STREET, IN THE GENERAL COMMERCIAL
 (CG), WITH THE CONDITION THAT THE APPLICANT WORK WITH STAFF
 WHEN RE-STRIPING THE PARKING STALL LINES AND ANY OTHER

2 CHANGES TO BE APPROVED BY STAFF. COMMISSIONER KELLER
3 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

4 CHAIRPERSON CALL AYE
5 COMMISSIONER KALLAS AYE
6 COMMISSIONER MARCHBANKS AYE
7 COMMISSIONER WILY AYE
8 COMMISSIONER KELLER AYE
9 COMMISSIONER JOHNSON AYE
10 COMMISSIONER VANCHIERE AYE
11 THE MOTION CARRIED UNANIMOUSLY.

12
13 **6. Minor Subdivision — Mountain Hollow Subdivision, Plat B, 92 West 225**
14 **North.** Mike Frost requests preliminary plan approval of a two (2) lot residential
15 minor subdivision, at approximately 92 West 225 North in the Single Family
16 Residential (R1-20) zone.

17
18 Mr. Snyder invited the applicant, Mike Frost, who was in attendance forward. Mr.
19 Snyder gave some background of this item explaining these two lots were originally
20 proposed with Mountain Hollow Plat A, which was recorded in 2006. He noted the
21 developer at that time determined to delay development and identified these lots at Plat
22 B. Lot 12 has an existing home and fronts on 135 West while Lot 11 will be a new
23 building lot. He then went over the R1-20 requirements noting the requirements have
24 been met. He explained that 225 North is already improved and utilities were stubbed
25 into Lot 11 as part of Plat A. He pointed out that road widening, curb, gutter, and a 10-
26 foot asphalt trail improvement are required on 135 West along Lot 12. However, due to
27 lack other improvements along 135 West, the City Council has authorized that a cash
28 payment can be collected in lieu of the improvements being constructed with the money
29 collected being used toward a future street improvement project on 135 West.

30 Mr. Snyder further explained the home on Lot 12 is setback approximately 8 feet
31 from the property line which doesn't meet current code and this nonconformity will be
32 readily apparent whenever full street improvements are constructed. He noted a 15-foot
33 storm drain, sewer, and public utility easement runs along the southern borders of the
34 lots. He stated that the City Engineer is addressing engineering standards and all
35 engineering issues will be resolved before final approval is granted.

36 Mr. Snyder then presented the Mountain Hollow Plat B Improvement Plans
37 showing future public improvements and an aerial photo of the proposed subdivision
38 properties followed by discussion. Chairperson Call stated this appears to meet the
39 frontage, lot size and width.

40 Chairperson Call asked if there were any further comments or discussion. Hearing
41 none she called for a motion.

42
43 COMMISSIONER KALLAS MOVED TO APPROVE TO THE APPLICANT'S
44 REQUEST FOR PRELIMINARY PLAN APPROVAL OF A RESIDENTIAL MINOR
45 SUBDIVISION TO BE KNOWN AS MOUNTAIN HOLLOW PLAT B, WITH NO
46 CONDITIONS. COMMISSIONER WILY SECONDED THE MOTION. THE VOTE
47 WAS RECORDED AS FOLLOWS:

48 CHAIRPERSON CALL AYE

2 COMMISSIONER KALLAS AYE
COMMISSIONER MARCHBANKS AYE
4 COMMISSIONER WILY AYE
COMMISSIONER KELLER AYE
6 COMMISSIONER JOHNSON AYE
COMMISSIONER VANCHIERE AYE
8 THE MOTION CARRIED UNANIMOUSLY

10 **5. Public Hearing—Street Master Plan Amendment, 480 North 2500 West**

Lindon City Planning Staff requests approval of an amendment to the Lindon City Street Master Plan Map to remove a master planned road located at approximately 480 North 2500 West. The proposal is west of I-15 Exit 275 on properties identified by parcel numbers: 13:063:0104, 13:079:0016, 14:059:0040, 14:059:0026, and 14:059:0048. Recommendations will be forwarded to the City Council.

18 COMMISSIONER KELLER MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED
20 IN FAVOR. THE MOTION CARRIED.

22 Mr. Snyder gave an overview of this agenda item explaining staff is requesting approval of a Street Master Plan Map amendment to remove master planned roads located at approximately between 400 and 600 North near 2800 West in Regional Commercial and General Commercial zones. He noted the future roadways were identified based on the original concept alignment of the Vineyard Connector and its connection to I-15. A recent study identifies an alternative alignment that would have less impact on developable land in the area and provide cost savings by preserving existing infrastructure. Additionally, WICP Commercial Properties and doTERRA own parcels and prefer not to have 480 North on the map, as demonstrated by recent development concepts.

32 Mr. Snyder went on to explain Horrocks Engineering recently produced a study of the future Vineyard Connector facility as sponsored by Utah Department of Transportation Region 3. The study had input from UDOT, Mountainland Association of Governments, Vineyard Town, Lindon City, and American Fork City. For the Lindon portion of the Vineyard Connector, a new connection between I-15 and the Vineyard Connector was proposed and studied. Following the study recommendations, the new alignment was principally agreed to by UDOT and Lindon City. The new alignment utilizes the existing I-15 Exit 275 off-ramp infrastructure, saving potentially millions of dollars in not having to realign the off-ramp per the previous plan.

42 Mr. Snyder stated the new alignment removes the necessity of future local road connections by utilizing existing roadways. The new alignment also frees up acres of land for development, increasing the tax base for Lindon City. The new alignment does affect a parcel owned by Property Reserve Inc., by adding roadway across the property to make the new connection. The new alignment does necessitate a new local road connection from 2800 West to 400 North, but still has significantly less impact than the current plan. Parcels that have roadways being recommended for removal still have existing road

2 frontage available to enable development of the property and all parcels affected retain
development possibilities.

4 Mr. Snyder then referenced an aerial photo showing the existing Street Master
Plan, the Current Street Master Plan for identified area off Exit 275, the roads being
6 recommended for removal from plan, the proposed connection between I-15 and future
Vineyard Connector, the proposed Street Master Plan for area identified, the doTERRA
8 concept plan, the WICP Commercial Properties concept plan, and Ordinance 2017-18-O
followed by discussion. Chairperson Call called for any public comment at this time.

10 Mr. Mark Weldon spoke on behalf of this item. He also presented a visual map of
his campus and mentioned his investments. He noted that Lindon City sent a letter UDOT
12 with a 30-day response time as a development is pending. He also pointed out they
recently paid \$50,000 for impact fees to Lindon City for the Mtn. Tech development. He
14 mentioned in consideration of investing this kind of money, with a sewer plant to the
west, he met with the UDOT State Representative and his argument was, if they are
16 going to do this, and if it is cheaper and costs less to shift it (if they go with the
interconnector) to ruin one piece of property which they will have to take as opposed to
18 their other plan. He stated this could be shifted to run parallel to the railroad tracks and
then make a slightly larger bridge over as opposed to going through their property.

20 Mr. Weldon voiced their frustration that after making these investments, that
UDOT has ignored their own self-imposed deadline (30 days) and they are holding them
22 back. His point to them was to either use eminent domain (buy/condemn the property) or
give approval or there will be legal consequences. They do not want to be held up and
24 they never would have bought the property if they were going to ignore them. There
have been no answers and they have been harmed economically as they have spent an
26 awful lot of money. They have designed a beautiful new building that competes with the
Pleasant Grove developments, and they have worked hard together to bring in Jive
28 Communications.

30 Mr. Weldon stated they are appealing that everyone will do the right thing and
move on or to buy their property and they will pick another site. Every day is costing
them \$1,800; for them to wait it is time consuming and costly. UDOT has not answered
32 the Lindon Planning Director, Hugh Van Wagenen, and is ignoring the city. At some
point they have to protect their legal rights. Normally they would go with any city
34 recommendations but UDOT is ignoring the city. Mr. Weldon pointed out when they
developed Lindon Tech (west side) they did the road improvements that were supposed
36 to be \$125,000 and the costs ended up being \$475,000 because of moving the high
tensions power lines etc.; everything has been costing more and he is losing money.

38 Mr. Weldon clarified that everyone is using the road and they haven't asked for
any help. They paid Lindon City \$80,000 for street lights and there are still no street
40 lights. He is out of money to buy land to just give it away that makes it very difficult; at
some point when does that end. They know when they develop they will have to fix the
42 side roads to a degree, and they are not disputing that, but the other section has an overall
impact on the overall costs and makes the economics even tighter.

44 Commissioner Keller asked Mr. Weldon at this time if he is opposed/against the
removal of these street roads from the general plan (as pertains to what is being addressed
46 tonight). Mr. Weldon stated what he was told at the UDOT meeting (where the City of
Lindon was in attendance) that they want to remove those roads, but with removing them
48 they still want to adopt the new plan. He agreed they want to remove the interconnector

2 (non-funded) with no plan or land purchased to do it and they are in support of that but
they don't agree that they will donate more land.

4 At this time Mr. Snyder referenced the exhibit showing the deletions and added
roads outlined on the map. Mr. Weldon stated they are ready to execute on the plan they
6 have all been working on. As it sits today, UDOT has no funding and no money and they
don't want to buy or condemn the property, they just want to hold the property; he wants
8 them to either buy the property or not have it on the map, one way or the other.

10 Mr. Weldon commented they will pay a penalty for the other plan and they would
expect to be compensated for the property purchased at fair market value. He questioned
12 if the yellow portion is truly needed as they gave them an interconnector, PG Blvd. and
the access roads that run parallel to I-15. Why would they want to approve this plan today
if they don't know what is really happening? For the planning commission and city
14 council to go ahead and approve this he questions if the city would have the money to
buy the property from him?

16 Commissioner Kallas questioned if the Commission were to recommend to the city
council approval of the removal of the roads on the upper area, and they didn't address
18 the yellow portion right now, would he be bringing in a development plan that would
include the corner. Mr. Weldon stated they have cut out that corner for right now, but
20 there is an economic impact as now you don't have the square footage and how rentable
will it be or if it could be retainage property and give the right to Lindon City.

22 Mr. Weldon stated they are anxious to get going and they need to break ground on
Mtn. Tech 3 & 4. He pointed out the city wants tax revenue and there will be restaurants
24 for all the jobs and employees that will be coming to occupy these buildings.

26 Chairperson Call confirmed that the Commission is only considering in the motion
the removal of the roads. Mr. Snyder read the motion and clarified it contains the option
to either approve, deny or continue. He added the ordinance itself contains the additions
28 or subtractions and the commission can amend the motion to remove the second part of
the sentence and give the recommendation specific to the ordinance listed or to the
30 changes and modifications identified in the staff report instead of removal.

32 Chairperson Call asked if there were any further comments or discussion. Hearing
none she called for a motion to close the public hearing.

34 COMMISSIONER VANCHIERE MOVED TO CLOSE THE PUBLIC
HEARING. COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL
36 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38 At this time Chairperson Call asked the Commission if they want to amend the
motion or continue it. Commissioner Vanchiere commented that he doesn't see the
40 benefit of continuing if it can be corrected to what they want it to say. Commissioner
Kallas stated he would like a little more clarification as it is all more complicated due to
42 the fact that UDOT hasn't responded. There was then some general discussion regarding
this issue and what to include in the motion.

44 Chairperson Call stated she would like to hear what the Planning Director has to
say about this matter and to discuss this issue with him. Mr. Snyder agreed the
46 Commission has the option to continue to gather more information or if it would be
helpful to have Mr. Van Wagenen reach out to UDOT one more time to get a response or
48 have the City Engineer weigh in on any concerns.

2 Commissioner Wily questioned why would the city have to decide that now
because undoubtedly there will be alternatives with the frontage road. Even when
4 looking at the ordinance it doesn't mention the additions only as exhibit b.

6 There was then some additional general discussion regarding the options.
Chairperson Call re-iterated that she would like to hear Mr. Van Wagenen's opinion on
what he has researched and put together regarding this issue.

8 Mr. Weldon stated it is premature to make any decisions to the future other than
for them to say either buy, condemn or get off of their property because they want to start
10 to develop Mtn. Tech 3 & 4 and Mtn. Tech south immediately; he re-iterated they will
litigate if they don't get an answer.

12 Commissioner Vanchiere pointed out we are all in agreement to remove the
proposed roads and questioned why we would hold that up tonight as the alignment of the
14 other street is altogether another issue that will have to be addressed when the research is
done, and that is not ready and will that decision be made at a later date. Commissioner
16 Johnson pointed out the concern is once it is there and Mr. Weldon starts building we
can't change the master plan.

18 Commissioner Kallas commented the state could attend a site plan meeting and he
feels it is precipitous to bring the state to the table. Commissioner Marchbanks asked the
20 Commission what they think about taking off the yellow piece and eliminating everything
in the way of development and let UDOT deal with the modification with retention in the
22 future, however long that may be. Commissioner Kallas stated we don't want to back
ourselves in corner where the city may have to buy the property; he is not sure the city is
24 prepared to do that. Mr. Snyder then pointed out the options on the map.

Chairperson Call reiterated that she would like to hear the Planning Director's
26 input as to why these decisions were made and what his thoughts are behind it; therefore,
she would recommend continuing the item as this group would hear the information
28 before the city council.

Commissioner Marchbanks would suggest, at the least, (as UDOT is not willing to
30 respond) to approve the elimination so the City and Mr. Weldon can take that back to
UDOT to show we are serious about moving forward.

32 Chairperson Call asked if there were any further comments or discussion. Hearing
none she called for a motion.

34
36 COMMISSIONER WILY MOVED TO RECOMMEND APPROVAL OF
ORDINANCE # 2017-18-O TO REMOVE THE STREETS IDENTIFIED IN THE
STAFF REPORT FROM THE STREET MASTER PLAN WITH THE ADDITIONAL
38 REMOVAL OF THE YELLOW PORTION SPECIFICALLY AS REFERENCED IN
EXHIBIT B AS DISCUSSED. COMMISSIONER MARCHBANKS SECONDED THE
40 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

42 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
44 COMMISSIONER WILY	AYE
COMMISSIONER KELLER	AYE
46 COMMISSIONER JOHNSON	AYE
COMMISSIONER VANCHIERE	AYE
48 THE MOTION CARRIED UNANIMOUSLY	

2 6. **New Business: Reports by Commissioners** – Chairperson Call called for any
4 new business or reports from the Commissioners. Chairperson Call mentioned she
6 will be absent from the meeting on December 12th. She also mentioned a memo
8 sent from Commissioner Wily regarding the use of consent agenda items. Mr.
10 Wily reported on uses of a consent agenda calendar to remove formalities and
12 expedite items on the agenda. Following some discussion, the Commission agreed
14 to consider the use of consent agenda items by doing a “test run” to see if any
future items would qualify. Commissioner Keller questioned if there is an
ordinance in the city regarding Airbnb’s. Mr. Snyder stated there is not and they
have been cautioned to be very careful in regards to Airbnb’s. They have talked
with the city attorney about this issue as there have been lawsuits with property
rights etc.

16 7. **Planning Director Report** – Mr. Snyder reported on the following items
followed by discussion.

- 18 • Christmas Tree Lighting Ceremony – December 4, 2017 at 6:30 PM at
the Lindon Community Center (25 N Main St)
- 20 • 2018 Meeting Schedule
- 22 • 2018 Planning Commission Chair and Vice-Chair (PC Meeting
December 12, 2017)

24 Chairperson Call called for any further comments or discussion. Hearing none she
called for a motion to adjourn.

26 **ADJOURN** –

28 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE
30 MEETING AT 8:55 PM. COMMISSIONER JOHNSON SECONDED THE MOTION.
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32 Approved – December 12, 2017

34
36 _____
38 Sharon Call, Chairperson

40 _____
Hugh Van Wagenen, Planning Director