

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **May 23, 2017 beginning at 7:00 p.m.** at the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 7:00 P.M.**

8 Conducting: Sharon Call, Chairperson
9 Invocation: Mike Vanchiere, Commissioner
10 Pledge of Allegiance: Charlie Keller, Commissioner

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

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

24 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the Planning
26 Commission meetings of May 9, 2017 were reviewed.

28 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES
30 OF THE REGULAR MEETING OF MAY 9, 2017 AS PRESENTED.
COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

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

36 **CURRENT BUSINESS –**

38 **4. Public Hearing — General Plan Amendment, 2100 West 600 South.**
Lindon City Corp. requests a General Plan Land Use Map Amendment from
40 Public Facilities to Light Industrial, on 14.5 acres identified by Utah County
Parcel ID #17:023:0012. Recommendations will be forwarded to the City
42 Council (Pending Ordinance #2017-5-O).

44 COMMISSIONER VANCHIERE MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER KELLER SECONDED THE MOTION. ALL PRESENT VOTED IN
46 FAVOR. THE MOTION CARRIED.

48 Hugh Van Wagenen, Planning Director, gave an overview explaining this is a
request to change the General Plan Land Use Map on City owned property from Public

2 Facilities to Light Industrial in anticipation of the property being sold to a private party
4 for development of a self-storage project. He noted Lindon City purchased the property
6 in 1999 from PacifiCorp with the intent to create a regional park near the Historic Geneva
8 Resort. In the spring of 2015 the City Council began a review of City owned property,
10 including this property that could possibly be sold in order to meet ongoing financial
12 obligations, such as the newly constructed Public Safety Building. In September of 2015
14 the property was listed for sale to gauge private interest in a purchase. After receiving
16 several offers, the City Council found an acceptable offer from a developer interested in
18 developing storage units. He pointed out as part of the purchase agreement, the property
20 designation needs to be changed from Public Facilities to Light Industrial.

12 Mr. Van Wagenen stated the General Plan currently designates the property under
14 the category of Public Facilities. This category includes public infrastructure for water,
16 storm water systems, sewer systems, public parks, and other City owned buildings. The
18 applicant requests that the General Plan designation of the property be changed to Light
20 Industrial, which accommodates manufacturing, industrial processes, and warehousing
uses not producing objectionable effects. The Light Industrial designation also allows
some appropriate related retail uses such as gasoline service stations.

The Relevant General Plan policies to consider in determining whether the requested
change will be in the public interest as follows:

- 22 a) It is the purpose of the *industrial (R&D, Light and Heavy)* to provide for
24 employment and manufacture of materials which are essential to the economy of
Lindon City and to provide areas in appropriate locations where a combination of
research and development, manufacturing, and industrial processing and
warehousing may be conducted.
- 26 b) The goal of *industrial* development is to promote employment opportunities,
28 quality businesses, and environmentally clean industrial and technology
development which will provide a diversified economic base and will
30 complement
32 local retail, commercial, and industrial establishments in harmony with the
community's overall country image and identity as reflected in the Community
Vision Statement.

i. Objectives of this goal are to:

- 34 1. Encourage the development of high quality, aesthetically pleasing business park
36 areas incorporating major landscape features.
- 38 2. Identify those areas most appropriate for business park development in future
40 growth areas, such as major highway access areas.
- 42 3. Establish and enforce standards with respect to environmental concerns such as;
noise, air quality, odor and visual.
- 44 4. Increase the city's business base in the technology sector, building on the existing
46 base and growing technology infrastructure, and consider expanding the
Research and Development zones.

c. Applicable city-wide land use guidelines:

- 44 i. The relationship of planned land uses should reflect consideration of existing
46 development, environmental conditions, service and transportation needs, and
fiscal impacts.
- 48 ii. Transitions between different land uses and intensities should be made gradually
with compatible uses, particularly where natural or man-made buffers are not
available.

2 iii. Commercial and industrial uses should be highly accessible, and developed
4 compatibly with the uses and character of surrounding districts.

6 Mr. Van Wagenen then presented for discussion an aerial photo of the proposed
8 area to be re-classified, the current General Plan Land Use Map, the ALTA Survey with
 exact property request, the Conceptual Site Plan and Draft ordinance 2017-5-O. He then
 turned the time over to Adam Cowie, City Administrator for comment.

10 Mr. Cowie noted early in 2015 the City Council, when evaluating the public safety
12 building financing, had discussed in open meetings the sale of city owned properties. On
14 April 30, 2015 an open house was held where they showed that this was something they
16 were considering. The Council continued to discuss other properties to sale for possible
18 ways to fund the Public Safety Building. He noted the bonds weren't known at that time
20 and they were exploring all options. They had a decent turnout at the open house and met
22 with the public in 2015. He went on to say as the City Council continued to talk about
24 this they had evaluated the parks master plan and looked at areas intended to be
 developed as parks. He then showed the parks map from 2011 noting one significant
 change. As part of the Ivory Homes development they will be building a 10 acre park and
 as the City Council considered park space on the west side of town this was part of the
 consideration. Mr. Cowie stated there are 55 plus acres of developed park space and with
 this improved park space and trails and a fair amount of open space there is over 100
 acres in Lindon. The current General Plan indicates to try to have a minimum of 4 acres
 of park space per resident and Lindon currently has 11 acres per resident which is well
 beyond the goal for park space for Lindon City.

26 Mr. Cowie then presented several additional photos of the property in question. He
28 further explained as part of the sale the city realized the historical aspects of the property,
30 so they plan to keep the cottonwood trees and some additional acreage by the trail and
32 they will retain ownership. The field to the east is what is being proposed to be sold. He
34 pointed out there is a significant power line holding the easement where there can be no
36 development for structures under the power lines. He noted a historical marker was put
 down there many years ago. The property is under ownership of the state and leased to
 the marina. There is an existing asphalted trail that the city will retain and will connect to
 the Utah Lakeshore Trail that the County will take on and maintain. He then showed a
 video of what the city intends to keep. He pointed out the older trees there have been an
 issue with maintenance and falling etc., and they will have to do more maintenance when
 doing the improvements (1.6 acres). He noted with some other areas to the north the city
 would retain the trail.

38 Mr. Cowie stated the UTA Trax borders the north and also the Union Pacific
40 Route. He presented an example of the approximate area of what they intend to retain.
42 He noted there are two railroad lines to the east. The Vineyard Connector (5 lane
44 highway) and they have now identified that it may be a 7 lane highway. The realities are
46 that it may be a 10 to 20 window and when constructed travelers would come up and over
 the railroad tracks with an elevated freeway that will ramp down and turn off the side
 road to the marina and park area. He pointed out that the city has the heritage trail and
 they are proposing to retain an easement by the trail. He added that the overpass may
 look like the recently completed overpass in Vineyard on 800 North.

48 Mr. Cowie mentioned the City Council looked at this when they met in August and
 September and decided to list the property to gauge the market. A few ideas came to the
 city and one was accepted in November of 2016 and they agreed to extend an offer of a

2 2.7 million purchase price. They discussed using the funds through budget discussions of
4 paying off debt (Public Safety Building) and a level of funding to pay off the bond and
6 save 300,000 on the bond and free up 200,000 a year over 10 years. Their interest is to
8 pay down debt and free up monies for other things in the city. Mr. Cowie pointed out this
10 hearing is before the Planning Commission tonight and there may be a lot of questions
12 that will be more appropriate for the City Council session so it may be best to hold off
14 during the Planning Commission portion and wait to address those questions to the City
16 Council. Mr. Cowie called for any questions at this time. He pointed out the code states
18 the City Council can declare properties as surplus so they do have the first item to
20 consider declaring this as surplus property or not and then consider the zone changes.

12 Commissioner Keller asked if it is necessary for the zone change to sell the
14 property. Mr. Cowie confirmed that statement in order for them to build on it and there is
16 a clause in the agreement with the buyers that it is contingent on the zone change.

16 Chairperson Call commented that she understands that prior to their meeting the
18 buyer requested it be changed to mixed commercial from light industrial. She stated that
20 they indicated they thought it would be better for their future plans for the storage units;
either one permits that use and it is more of a commercial type of property and they
thought it would be a better use. Mr. Cowie stated if they intend to sell the property a
mixed commercial use would be less intensive use and more beneficial for the city.

22 Commissioner Vanchiere asked Mr. Van Wagenen about the general plan policies
24 to consider and the objectives and goals. Mr. Van Wagenen read the objectives and goals.
26 Commissioner Vanchiere also asked if they change to commercial would it be much
28 different than what is listed in the staff report. Mr. Van Wagenen stated it would be a less
30 intense use than industrial zones with a business park type development with service,
32 retail, and a little transition from manufacturing to more of a commercial base.
34 Commissioner Vanchiere questioned if storage units would meet that goal to promote
36 employment opportunities etc. He also talked about environmental clean industrial
38 development noting it is hard to understand why this would be a desirable thing down
40 there and he is struggling if that is the best use for the property when given the objectives
of the new zone.

32 Commissioner Keller questioned the need to change the zone right now as it seems
34 like a conflict of interest. Mr. Cowie stated it is not a conflict of interest but the Planning
36 Commission is deciding what it should be zoned if sold and determine what is the best fit
38 in general and what you envision should be there. Mr. Cowie pointed out the realtor is
40 here tonight and they are buying a viable developable property. Commissioner
Marchbanks asked if the property sale is contingent upon the development of storage
units; he agreed there could be better uses for the property. Mr. Cowie stated it is
contingent on being able to build there. They considered an RV Park and a wrecking
yard; both were evaluated.

42 Mr. Van Wagenen mentioned the Vineyard Connector noting Vineyard has light
44 industrial around it and the substation, transfer station and power plant. He noted part of
46 mixed commercial is to provide services, mini storage and to provide a service that
people need. They are trying to get a feel for the surrounding areas and to keep in mind
when looking at the general plan and what it will look like when the Vineyard Connector
comes through.

48 Commissioner Johnson questioned if the 11 acre per resident is included in this
parcel. Mr. Cowie confirmed that statement. Commissioner Johnson stated as he looks
at this he sees the lake as a valuable resource and benefit to the city that we don't have

2 anywhere else and feels we need to try to foresee the use for the property. On the other
hand he questions if it makes sense to have a park there with the Vineyard Connector
4 coming in; he likes parks and open space and if we take it away what will we replace it
with and what is the intent.

6 Mr. Cowie stated that would be a good question to ask the Council. He then
showed a concept plan done by an intern that was presented to the Council in 2010 but
8 was not approved. He stated the Geneva Resort was historical with a dance pavilion and
water slides that continued through the late 1930's and was burned in 1935 and the
10 property cleared; he also showed some historical photos. The area the city intends to
keep is where the hotel once stood and the dance pavilion. He then presented the concept
12 plan done in 2010.

14 Mr. Cowie noted as part of this consideration tonight the Parks Director is here to
answer any questions and also the City Attorney. Commissioner Vanchiere stated he is
not against rezoning and the City Council has had amazing foresight in paying off the
16 debt and he thanked the Council for letting them voice their opinions.

18 Commissioner Marchbanks commented that he feels the historical part is an issue.
The previous council and mayor had the foresight to buy the property that was a good
thing but things change and time changes things. There is a lot of history in that area and
20 it was good to see that it was purchased. He went on to say there was real prudence in
keeping the part that of the parcel and with the Vineyard Connector coming in it makes
22 him sure this is the right decision. From a planning perspective and the reality of the
overpass there he doesn't see the entire parcel as being a good park for city residents.
24 The fact that it is buried by the industrial is something that he doesn't see changing; we
don't have a crystal ball and things change with time.

26 Chairperson Call opened the meeting to public comment at this time. She asked to
keep the comments brief and address the Commission. As far as the sale of the property
28 goes that is nothing the Planning Commission is involved in, the Commission is only
involved in the General Plan and Zone Change. Several in attendance addressed the
30 Commission as follows:

32 **Randi Powell:** Ms. Powell asked about the validity of the public notice noting the parcel
number is not on the public notice. It is vague and the parcel number doesn't go to the
34 right parcel; there is no legal description or address attached to that property.

36 Mr. Van Wagenen stated this is a really unique stretch of Lindon roads that is
surrounded by Vineyard. He added it can be difficult when typing in an address and it
38 does say approximate on the public notice and Google maps cannot be relied on and signs
are not necessary to make an official roadway. Brian Haws, City Attorney, stated when
40 considering the notice of public hearing the public was made aware that they could look
at all documents and the address listed is the address the city keeps for that property.

42 **Jim Dain:** Mr. Dain asked for clarification on the public hearing notice stating the notice
specifically states light industrial and can it be changed. Brian Haws, City Attorney
44 pointed out the Planning Commission can make any recommendation they want and
where there was discussion and comments it doesn't prohibit them from considering the
46 zone change.

48 Mayor Dain mentioned he is very passionate about this property and issue. He
pointed out that the overpass in Vineyard didn't destroy their property and he doesn't feel

2 it takes away from the parks and investment made in Vineyard. He also asked Mr. Cowie
4 about the acres per resident that was talked about earlier in the meeting. Mr. Cowie stated
6 the study was done in 2011. Mr. Van Wagenen stated there will be 860 doors in the
8 Ivory Development, so they are looking approximately 3,000 new residents. Mr. Dain
10 noted there are three former Mayors represented here tonight and all are not in favor of
12 selling this parcel. Because of the commitment Larry Ellertson made with Utah Power &
14 Light we wouldn't have this property and it was sold to be another park for the residents
16 of Lindon. He also mentioned the financial aspect and that selling this to retire debt is
18 not a reason to have to sell. This has been a good investment and we are not in a crisis in
20 the city and we have never sold park property to retire debt there are other options. The
22 Planning Commission recommendation carries a lot of clout. We can use more parks on
24 the west side for ball fields etc and the destination of Utah Lake will be huge and it is
26 going to be a gem and they are doing incredible things at the lake as we speak. They are
investing money around the boat harbor; this will be a recreational point.

16 Mr. Dain mentioned the professional survey question in 2010 (#22) asked
18 residents what they think about a pasture, farm or vacant lot in Lindon and the responses
20 of the only 7% of the residents stated they would want to sell city owned property.
22 Regarding the expense of improvement, we don't need to do it all at once and we don't
24 need to spend a lot of money we can just get it ready and phase into the public use as we
26 don't have to find all the money for improvements at once. He believes there are donors
who would like to step up and he feels there are some out there. He stated this property is
his as much as it is yours and it belongs to the citizens of Lindon and to look to the future
and don't get stuck in the present as there are plenty of budget mechanisms to lower the
debt without selling off this asset. There will be lots of opportunities to create revenue
through growth and development without selling this property.

28 He stated Larry Ellertson was Lindon City Mayor when the property was
30 purchased and if was not for his connection with Utah Power & Light the City wouldn't
32 own this property. It was sold at a bargain price from Utah Power & Light because they
34 thought it would be a park for the citizens of Lindon. The property was bought for just
36 under ½ million and it is now worth 2.7 million. The city is not in a crisis that we can't
38 manage the debt. The city has never sold park property to retire debt; we need to manage
40 and develop resources to retire debt; this property is a rainy day fund and it's not raining.
If the Planning Commission gives a zone change it moves forward and if not it stops and
their recommendation carries clout. The city always needs more parks and this could
develop into ball fields for youth. He also noted the destination of Utah Lake is vital and
this property is going to be gem and will be surrounded by a million people. They are
doing incredible things with the lake as we speak as there is money invested in the Provo
River Delta. This is not going to be a cesspool it will be a destination point and a resource
and gem and needs to be preserved and the future of Utah Lake is bright.

42 **Commissioner Ellertson:** Mr. Ellertson stated he has personal experience on both sides
44 of this transaction long-term for the residents of Lindon. With the uses that are coming
46 you don't have to do a lot to make it usable as the lake will be usable. There is an interest
48 in an Education Center. This property was intended for the residents of Lindon and was
not contractual. He asked the Commission to use their integrity and pleaded with them to
consider at the time the intent was to contend with the trail around the lake which will be
completed shortly (and the Heritage Trail). We are getting a nexus and now isn't the
time to abandon ship. He doesn't believe selling an asset for the future when there are

2 other ways to bring debt down. This is not surplus property it has a purpose and a need
4 and he would encourage the Commission to remember what that purpose is and was and
to consider the long term effects of this action.

6 **Lindsey Bayless:** Ms. Bayless endorsed everything said tonight. She is a resident of the
west side of Lindon and her family owns property west of Geneva Road. There is a
8 higher density level coming in and it is hard to see potential park property. Knowing
there will be a lot of people moving to Lindon on the west side we will have fewer
10 recreational locations and why are you considering selling the property we already own
that was intended for the residents. This will be greatly regretted down the road if this is
12 sold now as there is so much going on with recreational use.

14 **Randi Powell:** Ms. Powell echoed all the comments before her tonight. There is a diverse
background here but there is one thing in common and that's this parcel. She was on the
16 council at the time this was discussed and there is a solid enough budget that we don't
need to sell this. She knows about the Ivory Development 10 acre park and knowing this
18 parcel was available on the west side was very important in that decision. Changing the
zoning would make it so any site approval plats can be put in and whatever is allowed in
20 mixed commercial. She mentioned that she talked to the developer of the property and
was told they were amenable to other options and not set on purchasing the whole thing
22 and he was workable. She implored the Planning Commission to please not change this
zoning as this is a legacy for the future of Lindon and so many would echo what she is
24 saying; don't let this legacy be taken away and your recommendation is not taken lightly.
It was mentioned in 10 to 20 years the Vineyard Connector will go in but what can
26 happen in that time. It could be something so beautiful and beneficial to the city and the
lake.

28
30 **Eric Anthony:** Mr. Anthony stated he is here to share his emotion. He likes trees and he
moved to Lindon so his boys could play with ordinary people. They have a tradition of
32 growing vegetable and trees. He has lived here 22 years and continues to invest and
restore and has a vision for the future. He even buys and plants trees for the neighbors
(sycamore trees) on the street as they give a feeling of peace. We have this incredible
34 place where we could do all kinds of things with; he would like to see a tree park to be a
refuge from the storms of life and somewhere to go and escape. We are less than five
36 minutes to a beautiful park by a beautiful lake. The spot proposed to save is just 3
Lindon lots and he would beg to consider that this is a gem and an emotional draw. It is
38 the only opportunity that starts from a 12,000 ft. mountain and goes to a 30 mile lake. We
need to develop Lindon with beautiful parks and trails system that gets to a pristine lake.
40 Where there is not vision the people perish and we need a vision for the people.

42 **Carren Breton:** Ms. Breton stated she walks the trail everyday on this property and she
feels it should be left alone; be proactive and leave things alone.

44
46 **Russell Stay:** Mr. Stay commented that we have one marina and one choice piece of
property and like so many who have donated time we do everything we can to preserve it.
The open space in the city is disappearing way to fast.

48

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

4
6 COMMISSIONER VANCHIERE MOVED TO CLOSE THE PUBLIC
HEARING. COMMISSIONER KELLER SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

8
10 Commissioner Keller pointed out that approval or denial this will go to the City
Council and they can take action. Commissioner Johnson commented that with this being
12 such an important issue he would suggest having more time for discussion and to gather
the facts. Mr. Van Wagenen explained the contract extension as to see what site plan
14 comes forward. The most recent extension is June 1st and in order to avoid another
extension and the thought was to move forward to sell it as to accomplish the deadline.

16 Commissioner Johnson stated the discussion tonight is on the general plan and
then the zoning. Looking at the general plan they are taking a public facility out of the
18 general plan without replacing it with anything. He has a difficult time changing the
general plan for that reason and for the historical aspects of the property with the thought
20 that the lake may come back to be a beautiful place for the citizens to enjoy he feels it
could be a gem with the harbor there; we can't buy a piece of property to replace it for
what it sold for. He has a hard time changing the master plan and removing the park.

22 Chairperson Call commented she is struggling with this issue and it also isn't a
decision made lightly by the City Council and was weighed in many directions. She also
24 mentioned the interesting comment about the feasibility of actually producing a gem at
the lake with some of the surroundings i.e., railroad tracks, landfill, utility lines etc. She
26 has had many discussions with the current city council who she respects and their ability
to make decisions based on whether it could actually happen.

28 Commissioner Vanchiere stated paying off debt made sense to him but after
hearing the impassioned pleas of the members of the community he is now torn between
30 the two. Commissioner Keller agreed he is also torn between the two knowing some of
the facts and after studying the issue. He is to the mindset that once we lose the ground
32 we will never get it back and it would be hard to replace; he doesn't think we need more
storage units in the city.

34 Commissioner Marchbanks commented that he feels there have been some great
comments from former visionaries tonight but he personally doesn't see it as a great park
36 because of the triangular shape. He noted when the city is looked at by the county by
costs per services per capita (compared to cities of similar size) we are at the top of the
38 chart but he would be totally in favor if the dollars that came out of it (if everyone
thought we didn't need to retire the debt) but feels it is also important to keep the small
40 part they are holding back and improve it.

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

44 COMMISSIONER KELLER MOVED TO RECOMMEND DENIAL OF
APPROVAL OF ORDINANCE 2017-5-O. COMMISSIONER JOHNSON SECONDED
46 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

48 CHAIRPERSON CALL NAY
COMMISSIONER MARCHBANKS NAY
COMMISSIONER VANCHIERE AYE

2 COMMISSIONER KELLER AYE
COMMISSIONER JOHNSON AYE

4
6 THE MOTION FAILED DUE TO LACK OF MAJORITY AND NO SUBSTITUTE
MOTION AND IS THEREFORE AN EFFECTUAL DENIAL.

8 **5. Public Hearing — Zone Map Amendment, ~2100 West 600 South**
Lindon City Corp. requests a Zone Map Amendment from Public Facilities to
10 Light Industrial, on 14.5 acres identified by Utah County Parcel ID #17:023:0012.
Recommendations will be forwarded to the City Council (Pending Ordinance
12 2017-6-O).

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

18 Hugh Van Wagenen, Planning Director, explained because this has been well
represented in the previous item and would take public comment and he would
20 recommend making a motion on the zone map amendment. Chairperson Call called for
any public comment at this time.

22
24 **Russell Stay:** Mr. Stay stated the Planning Commission has the ability to block this by
voting against the changing the zoning. He would hope that the commission would vote
no and make the right recommendation and he would also hope the city council will take
26 the recommendation into account.

28 **Eric Anthony:** Mr. Anthony stated you as a Commission can change your mind.

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

32
34 COMMISSIONER KELLER MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

36
38 Chairperson Call asked if there were any further comments. Hearing none she
called for a motion.

40 COMMISSIONER KELLER MOVED TO RECOMMEND DENIAL OF
ORDINANCE 2017-6-O. COMMISSIONER JOHNSON SECONDED THE MOTION.
42 THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL NAY
44 COMMISSIONER MARCHBANKS AYE
COMMISSIONER VANCHIERE AYE
46 COMMISSIONER KELLER AYE
COMMISSIONER JOHNSON AYE

48 THE MOTION CARRIED FOUR TO ONE.

2 6. **Recess to Lindon City Council.** The Planning Commission will recess and the
4 Lindon City Council will call the Lindon City Redevelopment Agency to order,
 and review and approve the RDA minutes.

6 COMMISSIONER KELLER MOVED TO RECESS THE MEETING OF THE
LINDON CITY PLANNING COMMISSION AT 8:51 P.M. COMMISSIONER
8 VANCHIERE SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
MOTION CARRIED.

10

 COUNCILMEMBER HOYT MOVED TO ADJOURN THE MEETING OF THE
12 LINDON CITY COUNCIL AND RE-CONVENE THE MEETING OF THE LINDON
CITY PLANNING COMMISSION MEETING AT 11:00 P.M. COUNCILMEMBER
14 SWEETEN SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
MOTION CARRIED.

16

 7. **Continued Public Hearing — General Plan Amendment, 725 North 2800
18 West.** Mark Weldon, WICP West Orem #3 (3/4), LLC, requests a General Plan
Land Use Map Amendment from Commercial to Mixed Commercial, on
20 property (~north 5.5 acres) located at 725 North 2800 West, and identified by
Utah County Parcel ID #13:063:0085. Recommendations will be forwarded to
22 the City Council (Pending Ordinance 2017-3-O).

24 Mr. Van Wagenen stated the applicant, Mr. Weldon is not in attendance for this
item and would recommend continuing this general plan amendment to the next planning
26 commission meeting.

 Chairperson Call asked if there were any questions or comments from the
28 Commission. Hearing none she called for a motion.

30 COMMISSIONER KELLER MOVED TO CONTINUE ORDINANCE #2017-3-
O TO THE NEXT PLANNING COMMISSION MEETING. COMMISSIONER
32 JOHNSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

34 CHAIRPERSON CALL AYE
COMMISSIONER MARCHBANKS AYE
36 COMMISSIONER VANCHIERE AYE
COMMISSIONER KELLER AYE
38 COMMISSIONER JOHNSON AYE
THE MOTION CARRIED UNANIMOUSLY.

40

 8. **Continued Public Hearing — Zone Map Amendment, 725 North 2800 West.**
42 Mark Weldon, WICP West Orem #3 (3/4), LLC, requests approval of a Zone
Map Amendment from General Commercial Auto (CG-A8) to Mixed
44 Commercial (MC), on property (~north 5.5 acres) located at ~725 North 2800
West, and identified by Utah County Parcel ID #13:063:0085. Recommendations
46 will be forwarded to the City Council (Pending Ordinance 2017-4-O).

2 Hugh Van Wagenen, also recommended continuing this item to the next planning
commission meeting. Chairperson Call asked if there were any further questions or
4 comments from the Commission. Hearing none she called for a motion.

6 COMMISSIONER KELLER MOVED TO CONTINUE ORDINANCE #2017-4-
O TO THE NEXT PLANNING COMMISSION MEETING. COMMISSIONER
8 VANCHIERE SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

10 CHAIRPERSON CALL AYE
COMMISSIONER MARCHBANKS AYE
12 COMMISSIONER VANCHIERE AYE
COMMISSIONER KELLER AYE
14 COMMISSIONER JOHNSON AYE
THE MOTION CARRIED UNANIMOUSLY.

16 **9. Concept Review — Valley Properties LLC, ~2400 West 400 North.**

18 Mark Ringger request review of a possible zone change from General Commercial
(CG-A8) to Mixed Commercial on 32 acres identified by Utah County Parcel ID
20 #14:059:0048 to accommodate a 300,000 square foot DoTerra distribution
warehouse.

22
24 Hugh Van Wagenen, explained a Concept Review allows applicants to quickly
receive Planning Commission and/or City Council feedback and comments on proposed
26 projects. He noted no formal approvals or motions are given, but general suggestions or
recommendations are typically provided. And although not mandatory, a Concept Review
is recommended for all large development projects. The proposal is located at
28 approximately 2400 West 400 North (32 acres west of I-15). In addition to the rezoning
of the property, the proposal would also require a change to the General Plan Land Use
30 map from Commercial to Mixed Commercial.

32 He then referenced the Lindon City Codes LCC 17.48.010 General provisions
noting the objective in establishing commercial zones is to provide areas within the City
where commercial and service uses may be located. These zones include the General
34 Commercial Zones (CG, CG-A, CG-A8, CG-S), Lindon Village Commercial Zone and
the Planned Commercial (PC-1 and PC-2) Zones.

36 Mr. Van Wagenen also referenced LCC 17.50.010 General provisions that
indicates the objective in establishing the Mixed Commercial (MC) zone is to provide
38 areas within the City where low intensity light industrial, research and development,
professional and business services, retail and other commercial related uses may be
40 located. Mr. Van Wagenen then turned the time over to the applicants for comment.

42 Mr. Ringger explained he is representing DoTerra on this proposal. He addressed
several issues and explained what DoTerra is. He noted they started the company in 2008
44 and are a 1.3 billion dollar company. On their campus they have 1,900 employees some
of whom are Lindon residents and many top executives are also Lindon residents. They
are a direct selling company and their growth speaks to the stability of their company.
46 They are unique as they promote their products over the business probability which is key
to their growth. Mr. Ringger stated they are investing in the next few weeks on their
48 Pleasant Grove project (fulfillment center). He also spoke to the economic benefits to
Lindon as the current tax structure allows point of sale transactions and a large number is

2 sold in Utah and they would estimate \$75,000 in sales tax revenue in Lindon per year. He
added that the property tax revenue they estimate at \$45,000 per year to Lindon.

4 Mr. Ringger stated he feels this is an opportunity for Lindon. The project will take
18 months to complete and they would plan to begin construction this summer and be
6 able to generate this revenue for the city. They are a stable, successful company and want
to be a long term community partner for the people of Lindon. Phil Hadderlie, architect
8 for DoTerra spoke at this time on the project and presented the concept and proposed site
plan. He also spoke on the architectural elements and elevations noting it will be a very
10 nice building and up to DoTerra standards. They are sensitive to what is envisioned in
that area of the city and they are willing to invest substantial funds to make this a
12 desirable building in this part of the city. Chairperson Call agreed DoTerra is a great
company and the reputation is there and what they are proposing looks very nice. It is a
14 large parcel and she does have some concerns of changing the zone and if they do go out
of business will there be a huge warehouse without the use for something revenue
16 generating. She did point out this would affect what goes in around the building very
positively. Following some general discussion by the Commission they were in
18 agreement this would appear to be a win win situation for both DoTerra and Lindon City
and feel generally comfortable with the proposal as it may also generate a retail aspect in
20 the area.

Chairperson Call commented asked if there were any further questions or
22 comments from the Commission. Hearing none she called moved on to the next agenda
item.

24 **10. Accessory Apartment Appeal Review — Samuel Smith, 319 West 200**

26 **South.** Staff has received a request for the Planning Commission to review the
approval of an accessory apartment applied for by Samuel Smith in the
28 Residential-Single Family (R1-20) zone.

30 Brandon Snyder, Associate Planner, explained this agenda item noting the
existing residence was built in 1969. The parcel has existed in the current configuration
32 since at least 1977. He noted that Lindon City records indicate that a building permit was
issued in 1997 to reroof the home and repair the deck. A carport was recently removed
34 from the side of the home. Since it was constructed, access to the home has been by way
of a gravel lane to the south of the home from 280 West Street. The applicant has
36 requested staff and now the Planning Commission to approve an accessory apartment.
The applicant also proposes to use the basement as a two-bedroom accessory apartment
38 with the parking and the main entrance are located on the side of the home (south).
Lindon City Code (LCC) 17.46.100, indicates that accessory apartments are allowed in
40 conjunction with owner occupied single-family homes in residential zones. General
requirements include: location, number, parking, size, building codes, entrances,
42 addressing and ownership.

Mr. Snyder stated a preliminary review by staff found that the accessory
44 apartment could be approved due to it complying with the general requirements. The
Code also indicates that as part of the approval process, notices are to be sent to adjoining
46 property owners. The notice summarizes the nature of the request, gives the location of
the apartment, lists the approval criteria with an indication that the City intends to issue
48 the permit, and informs the property owners that they may request that the accessory
apartment application be reviewed by the Planning Commission if they feel that the

2 application does not meet the approval criteria. He further explained that any interested
party requesting Planning Commission review shall state how the application does not
4 meet the ordinance criteria. Upon submittal to the Planning Department of a written
request for Planning Commission review, the Planning Commission shall hear the item at
6 their next regularly scheduled meeting and shall review the request to determine
compliance with the approval criteria as found within LCC 17.46. The Planning
8 Commission shall then approve, continue, or deny the application.

10 Mr. Snyder noted that staff completed the initial review of the building permit and
notices were provided on April 25, 2017 and has received two letters at this time. The
12 first letter was received May 4th which indicates a number of concerns with the proposal
and the use of the gravel lane. The second letter was received May 8th and raises similar
concerns. The letters concerns include issues with parking, entrances, building codes, and
14 addressing. Both letters reference a letter sent by an attorney to the applicant concerning
their use of the lane. He noted that staff has discussed the lane with the City Attorney
16 Brian Haws and in his opinion, the concerns over the lane are a private matter and are to
be resolved between the private parties. He has indicated to the Planning Commission
18 that if the application otherwise meets the requirements of our code he would advise that
the Planning Commission not let this lane question be the determining factor on whether
20 or not to approve the request. He also wanted to stress that the granting approval for an
accessory apartment is not a statement by the city as to the validity of Maxine Smith's
22 claims or the scope of the easement, but that in moving forward it is at the applicant's risk
as to whether or not the private easement will allow them continued access to the home
24 and accessory apartment and that the grant of approval confers no rights relating to the
scope of the easement.

26 Mr. Snyder stated generally speaking, the City Attorney did not believe that
adding an accessory apartment to an existing home would be found to be such a
28 significant change in the use or the burden placed upon an easement that a court would
find that it exceeded the scope of an easement allowing access for residential purposes.
30 He then referenced City Code 17.46.100 Accessory Apartments. Mr. Snyder then turned
the time over to the Maxine Smith (person who made the appeal) for comment.

32 Maxine Smith addressed the Commission at this time. Ms. Smith gave a brief
history of the property in question (including issues with ingress, easements and
34 boundaries). She explained there have been issues with the 16 ft. right of way and a lot of
concerns with the home that has been repossessed and sold many times. She noted this is
36 a dirt right of way that they have maintained for 45 years and the city says this is a civil
matter.

38 Ms. Smith stated they have a problem with ordinances that haven't been addressed.
No one has ever changed whose name should be on it and the County has said it is
40 landlocked. There are concerns with how many use the lane. How many people is the city
going to allow to use a 16 ft. right of way? This is an issue of traffic that they have no
42 control over on a dirt road. She has been to the city to talk to Mr. Van Wagenen and Mr.
Cowie after the home came under foreclosure and she asked about the accessory
44 apartment issue. She spoke with a lawyer who indicated this does not meet the state
requirements. She pointed out that over the years with the problems of maintenance it
46 does not meet city ordinances.

48 Mr. Sam Smith stated they bought the home in March and have been in contact
with the building official to bring it up to code as to make it a legal accessory apartment.

2 DeAnn Smith stated she knows the history of the house and the road. Their
concern is with Lindon City not following the ordinances but they don't have an issue
4 with new owners. She also gave a history of previous owners of the home and issues with
the use of the dirt lane in the future. They want the city to be able to respond (police dept)
6 as they will not now; they stop at the asphalt. Ms. Smith then referenced the letter she
submitted. Chairperson Call stated the Commission received and read the submitted
8 letters. Ms. Smith stated this accessory apartment doesn't comply with code and has
concerns of what happens if the home sells. She re-iterated they have done total
10 maintenance of the road. Ms. Smith stated Lindon City will be liable if something
happens to a person or property because of these issues. If this is granted they need to
12 know and be guaranteed that the police department will respond and take action and not
dismiss it. Chairperson Call stated it appears the major concerns are with the use of the
14 narrow road, adequate parking and the entrance to the apartment and if it meets code and
the police department access to the road and responding. There was then some general
16 discussion regarding this issue.

18 Mr. Snyder pointed out that any and all issues related to the right of way are not up
for discussion tonight and is a civil matter that will need to be worked out between the
parties involved. Brian Haws, City Attorney, commented he has read the letters and there
20 is a lot of history there and he has looked at the deeds and there is an ingress and egress
to the property. He noted the scope of that is a civil dispute and what he has seen there is
22 a right of way into this property but generally speaking adding an accessory apartment to
a residential access easement would overburden but if it meets everything else and if the
24 permit is granted the applicant runs the risk that a civil court judge may see it differently
and feels it may overburden the easement. If this is the only factor in dispute he would
26 recommend not holding up this application.

28 Chairperson Call stated she appreciates the fact that the applicants are making sure
their apartment is legal and complies with city code. Ms. Smith re-iterated that the city is
not following the city codes. Chairperson Call stated that the Chief Building Official
30 ensures that the codes regarding accessory apartments are followed. Mr. Snyder stated
the only item needed in the motion is the addressing issue. Mr. Snyder stated he is willing
32 to review the codes with the applicant to ensure that all requirements are met relating to
accessory apartments. Mr. Haws stated regarding the road issues it is a civil matter based
34 on the easement that they own to have legal access. He added that he feels there is an
opportunity here to work together to resolve the dispute and find some good ground for a
36 solid easement.

38 Chairperson Call asked if there were any further questions or comments from the
Commission. Hearing none she called for a motion.

40 COMMISSIONER VANCHIERE MOVED TO APPROVE THE APPLICANTS
REQUEST FOR APPROVAL OF A BASEMENT ACCESSORY APARTMENT TO BE
42 LOCATED AT 319 WEST 200 SOUTH IN THE SINGLE FAMILY RESIDENTIAL
(R1-20) ZONE WITH THE CONDITION THAT THE ADDRESSING ISSUE BE
44 RESOLVED. COMMISSIONER KELLER SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

46 CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
48 COMMISSIONER VANCHIERE	AYE
COMMISSIONER KELLER	AYE

2 COMMISSIONER JOHNSON AYE
THE MOTION CARRIED UNANIMOUSLY.

4
6 11. **New Business: Reports by Commissioners** – Chairperson Call called for any
new business or reports from the Commission. There were no comments.

8 12. **Planning Director Report** – Mr. Van Wagenen reported on the items listed
below followed by general discussion.

- 10 • Home occupation ordinance for major home occupation overlay zone.

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

14 **ADJOURN –**

16
18 COMMISSIONER KELLER MADE A MOTION TO ADJOURN THE
MEETING AT 12:25 AM. COMMISSIONER JOHNSON SECONDED THE MOTION.
20 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22 Approved – June 13, 2017

24 _____
Sharon Call, Chairperson

26
28 _____
Hugh Van Wagenen, Planning Director