

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **June 28, 2022 beginning at 6:00 p.m.** at the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 6:00 P.M.**

8 Conducting: Steven Johnson, Vice Chair
9 Invocation: Rob Kallas, Commissioner
10 Pledge of Allegiance: Mike Marchbanks, Commissioner

12 <u>PRESENT</u>	12 <u>EXCUSED</u>
13 Steven Johnson, Commissioner	13 Sharon Call, Chairperson
14 Rob Kallas, Commissioner	14 Scott Thompson, Commissioner
15 Mike Marchbanks, Commissioner	15 Renee Tribe, Commissioner
16 Jared Schauers, Commissioner	
17 Mike Florence, Planning Director	
18 Mary Barnes, Planner II	
19 Kathryn Moosman, City Recorder	

- 20 1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.
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23 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
24 Planning Commission meeting of June 14, 2022 were reviewed.

26 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
27 REGULAR MEETING OF JUNE 14, 2022 AS PRESENTED. COMMISSIONER
28 MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.
29 THE MOTION CARRIED.

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

34 **CURRENT BUSINESS** –

- 35
36 4. **Site Plan Approval – Swig – 296 N State St.** The applicant requires site plan
37 approval for walk-up and drive-through soda shop within the existing City Park
38 Retail development.

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40 Mary Barnes, Planning II, led this agenda item by explaining the applicant
41 proposes to construct a small walk-up and drive through Swig soda shop. She noted this
42 is a part of the 3-building City Park Retail development, which includes a Beans and
43 Brews, and is just south of the new Tagg N Go. The planning commission approved the
44 City Park Retail site plan on November 9th, 2021. Swig submitted their site plan
45 separately, as “building B” of the overall development. There will be a walkway from the
46 State St sidewalk to invite pedestrians to the walk-up window, and 2 drive through lanes.
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2 Ms. Barnes explained the access to the subject property will be from 200 N and
State St through the shared access easement with the neighboring Tagg N Go
4 development. The applicant has worked with City Staff to provide adequate space in their
parking lot for backing up out of the parking stalls. Additionally, the drive through meets
6 width and access requirements.

8 Ms. Barnes further explained the landscaping for the overall site was approved on
November 9th as a part of the City Park Retail application. At that time, the landscaping
was completely in compliance with Lindon's commercial landscaping code. However,
10 after approval, UDOT required the State Street shoulder to be widened, to leave space for
car stacking for the Tagg N Go. Therefore, City Park Retail submitted an amended site
12 plan application, to petition the planning commission for a reduced landscaping strip
along State St. This amended site plan application was approved on January 11th, 2022
14 by the planning commission.

16 Ms. Barnes noted the proposed plan meets the minimum lot size requirement of
20,000 square feet, Swig's lot is 26,751 sq ft. A 7 ft masonry wall has been constructed
on the east side of the property, as required by City Code, with a 10 ft landscaping
18 barrier. Landscaping and trees will be planted in the barrier area. The streetlights will be
installed as per the City Park retail construction set. The streetlights will match the
20 current lights on State Street and be spaced 100' apart, as required by the commercial
design standards. Additionally, street lights will be put on 200 North and all building
22 setback requirements are met.

24 Ms. Barnes stated the buildings in the Commercial General zone are required to
meet the Lindon Commercial Design Standards. Under the commercial design standards,
commercial development should pick one of three building forms: one-part commercial
26 block, two-part commercial block, and central block buildings. The Swig building aligns
with the one-part commercial block building, with some key differences. She then
28 referenced the standards for such buildings in the Commercial Design Standards.

30 Ms. Barnes stated the City Engineer is working through technical issues related to
the site plan and will conduct a final review if the planning commission grants final site
plan approval.

32 Ms. Barnes indicated the property is located in flood zone A, (as seen in exhibit 7
in the staff report). She noted according to floodplain regulations, buildings must have a
34 ft. freeboard above the base flood elevation. The Swig building has a base flood elevation
(BFE) of 4649.54, therefore, the building will be built at a first-floor elevation (FFE) of
36 4650.54. According to Lindon City Code 17.62.190, the floodplain administrator reviews
and makes the final decision on floodplain development permits.

38 Ms. Barnes noted City staff believes that this development will be an amenity to
Lindon City. The site will serve the residents of Lindon and people who are passing
40 through on State Street. Adding a popular use like Swig, along with a walk-up window
for pedestrians and two drive through lines, will encourage motorists to stop and enjoy
42 Lindon City. Regarding the material percentages, staff feels like the proposed materials
offer an attractive design and should be considered for approval from the planning
44 commission.

46 Ms. Barnes then presented an Aerial photo, Approved Plat, Site plan, Parking
Exhibit, Landscaping Plan, building elevations, Floor plan and Floodplain map followed
by some general discussion.

2 Mr. Bardell Faux addressed the commission at this time. Mr. Faux expressed his
concerns with the development and spoke about the other side of his property where the
4 wall is being built. Their concern is that on their side of the wall, prior to the trench
being dug for the wall, they pulled the top soil off the property but they also pulled their
6 topsoil too; the fence and the property line are not the same. Their topsoil has been
removed, so he talked to the builder and told them their topsoil had been removed. The
8 building indicated they hadn't determined where the line is, and said when it is done, they
will replace the topsoil that was removed; if they just backfill along the trench the topsoil
10 has already been removed.

12 Mr. Faux stated he would like it added into the specifications that his property be
restored as it was before the topsoil was removed and before the wall was there. He
pointed out the wall behind the car wash had not been backfilled. He noted they did
14 install a French drain on their side, but they didn't restore any topsoil at all.

16 Mr. Faux then showed a sample of what they brought in pointing out it isn't
topsoil. He noted the wall is not straight and where it's not straight it was replaced with
the bad soil (rocks). He stated on their side of the wall behind the carwash where it slopes
18 down, they made a berm that is up against the wall, so they have lost 8 ft. of their pasture.
He noted they did remove that off the pasture, but he spent two days shoveling. Mr. Faux
20 stated he is asking that the original topsoil, or something similar, be brought back in at
whatever point they go in to do it. He noted he did have a good meeting with Connor, the
22 representative with the Carwash and he indicated they will be putting in the trees as
agreed upon.

24 Mr. Florence confirmed they need to make Mr. Faux whole and staff will review
everything before granting occupancy approval. Staff will ensure they follow up and
26 ensure that Mr. & Mrs. Faux are made whole. He will also reach out to the overall
developer and have them speak with Mr. Faux.

28 Following some additional discussion, the commission was in agreement to
approve this Site Plan Approval with the conditions as listed in the motion.

30 Vice Chair Johnson called for any further comments or discussion from the
Commission. Hearing none he called for a motion.

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36 COMMISSIONER SCHAUERS MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR SITE PLAN APPROVAL WITH THE FOLLOWING CONDITIONS:
38 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY ENGINEER
TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING DOCUMENTS; 2.
40 THE PLANS WILL MEET DEVELOPMENT SPECIFICATIONS AS FOUND IN THE
LINDON CITY DEVELOPMENT MANUAL; 3. FINAL EXTERIOR MATERIAL
42 DESIGN IS APPROVED AS PROPOSED AND WILL MEET THE COMMERCIAL
DESIGN STANDARDS FOR COMMERCIAL SITES AND BUILDINGS IN ALL
44 OTHER ASPECTS; 4. THE APPLICANT WILL COMPLY WITH ALL BONDING
REQUIREMENTS, IF APPLICABLE; AND 5. ALL ITEMS OF THE STAFF REPORT.
COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS

46 RECORDED AS FOLLOWS:

48	COMMISSIONER JOHNSON	AYE
	COMMISSIONER KALLAS	AYE
	COMMISSIONER MARCHBANKS	AYE
50	COMMISSIONER SCHAUERS	AYE

2 THE MOTION CARRIED UNANIMOUSLY

4 **5. Moderate Income Housing Report - Discussion.** The planning commission will
6 hear information presented on the upcoming Moderate Income Housing Plan,
state requirements, and possible strategies for moderate income housing.

8 Mr. Florence led this discussion item by stating in 2019, the Utah Legislature
10 passed Senate Bill 34 which required a majority of municipalities in the state to adopt a
moderate-income housing plan which was required to include a minimum of three
12 affordable housing strategies. He noted the strategies that the City adopted in 2019 were
as follows:

- 14 • Create or allow for, and reduce regulations related to, accessory dwelling units in
- 16 • residential zones
- 18 • Reduce impact fees related to low and moderate-income housing
- 20 • Preserve existing moderate-income housing
- 22 • Utilize strategies that preserve subsidized low to moderate-income units on a
long-term basis
- 24 • Allow for alternative housing types or moderate-income residential development
in commercial and mixed-use zones, commercial centers, or employment centers

26 Mr. Florence pointed out during the 2022 Utah legislative session the legislature
passed House Bill 462 which added the following requirements:

- 28 • Review and update Moderate Income Housing Element of the General Plan by
October 1, 2022. The legislature amended the scope and wording of a number of
30 the strategies so the city is required to review the strategies and adopt new
strategies if needed.
- 32 • Adopted an implementation and benchmark section for each strategy.
Implementation elements must include a timeline that has specific benchmarks for
34 each chosen strategy, but provides flexibility for the municipality to make
adjustments.
- 36 • Menu items remain at 3 for cities without fixed guideway transit and 5 for those
with fixed guideway transit (one of which is required to be the adoption of Station
Area Plan). If a city selects 5 (or 6 for fixed rail cities), then those cities would
qualify for enhanced prioritization of state TIF/TTIF and ARPA local match
program funds

38 Mr. Florence noted for the past two months, the city has been working with the
40 general plan committee on prioritization of strategies. The committee did a “deep dive”
into each one of the strategies and came up with recommended strategies for the planning
commission and city council to consider as part of their update.

42 Mr. Florence stated as a reminder to the commission, when reviewing the
affordable housing policies for the city, the legislature requires that the city keep in mind
44 the following items as adopted in State code (10-9a-403).

- 46 ○ “Moderate income housing (MIH)” means housing occupied or reserved for
occupancy by households with a gross household income equal to or less than
48 80% of the median gross income for households of the same size in the county in
which the city is located.

- 2 ○ In drafting the moderate-income housing element, the planning commission:
 - 4 ■ shall consider the Legislature's determination that municipalities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing:
 - 6 ● to meet the needs of people of various income levels living, working, or desiring to live or work in the community; and
 - 8 ● to allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life;
 - 10 ● Exhibit 3 from the Utah League of Cities and towns identifies all of the strategies and also compares each new strategy to its former wording.

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Mr. Florence then referenced a break-down of each of the strategies that were adopted by the City in 2019 with comments related to the 2022 strategies.

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Mr. Florence also presented the top Moderate Income Housing Strategy Recommendations from the General Plan Committee, Lindon Housing Presentation and the Utah League of Cities and Towns Housing Presentation followed by discussion.

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Mr. Florence then presented for discussion the Top Moderate-Income Housing Strategies from the June Committee Meeting as follows:

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- 22 E. Create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones
- 24 R. Eliminate impact fees for any accessory dwelling unit that is not an internal accessory dwelling unit as defined in Section 10-9a-530
- 26 F. Zone or rezone for higher density or moderate-income residential development in commercial or mixed-use zones near major transit investment corridors, commercial centers, or employment centers.
- 28 L. Reduce, waive, or eliminate impact fees related to moderate income housing
- 30 Tied - A and G
- 32 A. Rezone for densities necessary to facilitate the production of moderate-income housing
- 34 G. Amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors
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Following some additional discussion regarding this item Mr. Florence stated he will bring this back at a future meeting for further discussion.

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

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6. New Business: Reports by Commissioners – Vice Chair Johnson called for any new business or reports from the Commissioners. There was no new business at this time.

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7. Planning Director Report – General City Updates.

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2 Vice Chair Johnson called for any further comments or discussion from the
commission. Hearing none he called for a motion to adjourn.

4 **ADJOURN** –

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8 COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE
MEETING AT 6:55 PM. COMMISSIONER SCHAUERS SECONDED THE MOTION.
10 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

12 Approved – July 12, 2022

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16 Steven Johnson, Vice Chair

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Michael Florence, Planning Director