

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **June 11, 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: Sharon Call, Chairperson
Invocation: Mike Marchbanks, Commissioner
10 Pledge of Allegiance: Steven Johnson, Commissioner

12 <u>PRESENT</u>	<u>EXCUSED</u>
Sharon Call, Chairperson	Scott Thompson, Commissioner
14 Mike Marchbanks, Commissioner	
Rob Kallas, Commissioner	
16 Steven Johnson, Commissioner	
Jared Schauers, Commissioner	
18 Mike Florence, Planning Director	
Brian Haws, City Attorney	
20 Noah Gordon, City Engineer	
Kathryn Moosman, Recorder	

22
24 **Special Attendee:**
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
30 Planning Commission meeting of May 28, 2019 were reviewed.

32 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES
OF THE REGULAR PLANNING COMMISSION MEETING OF MAY 28, 2019 AS
34 AMENDED. COMMISSIONER KALLAS SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

40 **CURRENT BUSINESS** –

- 42 4. **Continuing Business - The Wild Oak Site Plan Approval - Lee Johnson.**
44 Application for site plan approval for a new reception center located at 450 W.
Gillman Lane. (Utah County Parcel # 14-067-0051), in the Lindon City General
Commercial Storage (CG-S) zone.

46
48 Michael Florence, Lindon City Planning Director, gave a brief overview of this
agenda item explaining the applicant, Mr. Lee Johnson made site plan application

2 approval for a new reception center located at 450 West Gillman Lane. Mr. Florence
explained that tonight, the planning commission will be evaluating whether the site plan
4 and building meet Title 17 development regulations and Commercial Design Standards.
At this time, Carly and Derick Olson came forward as representatives of the application.

6 Mr. Florence stated the applicant proposes to remodel an existing storage building
at 450 West Gillman Lane for use as a Reception Center. He noted the building currently
8 does not have any water or sewer utilities to the building and the utilities will be added to
the building and property along with a fire hydrant at the entrance of the property.

10 Mr. Florence stated the planning commission continued this item from the May
21, 2019 meeting to give the applicant time to update the site and building design
12 requirements as well as for city staff to evaluate the safety concerns on Gillman Lane and
the intersection at Gillman Lane and State Street of which Mr. Florence discussed.

14 Mr. Florence stated the applicant's site plan meets vehicle parking requirements
of one stall per 3½ person capacity in the building of facility, based on maximum use of
16 all facilities at the same time. He indicated in receiving updated square footage
calculations from the applicant's architect, the parking was increased from 61 on-site
18 stalls to 68. Mr. Florence explained the site plan provides adequate site circulation for the
proposed use and all drive isles meet parking lot specifications. A hammerhead turn-
20 around is proposed and has been approved by the fire marshal.

22 Mr. Florence noted the applicant has removed all perimeter light poles from the
site plan and will mainly be using building lighting. The only lighting not attached to the
building are entry lights mounted on the entry gate and some ground level lighting
24 pointed up to the oak tree near the building entrance. All building door entry lighting will
be low level lights. Lights for the parking lot and outdoor space will be directed at a 45-
26 degree angle to limit light trespassing onto adjoining properties. He pointed out since the
exterior perimeter light poles were removed staff did not find it necessary to require a
28 photometric study.

30 Mr. Florence went on to say that the planning commission may still make this a
requirement if found to be necessary. Staff could review the photometric study with the
building plans and if it is found that lighting is causing an impact then staff has
32 recommended a condition that the applicant will redirect lighting or find other means of
shielding the lighting from adjoining properties. He then showed photos of the proposed
34 lighting plan.

36 Mr. Florence commented that the proposed reception center shares a west, south
and portions of an east property line with a residential use and zone. The applicant is
proposing a 7' masonry fence along all property lines shared with residential properties.
38 The applicant will also be providing 10' of landscaping behind the masonry fence where
adjacent to residential. He noted since the ditch is near the property line, the fence may
40 need to be moved back slightly so that the city has the appropriate width to maintain the
ditch and to pipe the ditch in the future. He noted staff will finalize with the applicant the
42 final details of the location of the fence.

44 Mr. Florence indicated the site and landscape plans have been updated from the
previous plans reviewed by the planning commission. He noted the applicant will be
providing a minimum of 20 feet of landscaping along Gillman Lane as well as curb,
46 gutter and sidewalk improvements. He stated that the landscape plan meets the final site
landscape percentages. He added a final review of all required trees and vegetation will
48 be completed with the final plan review.

2 Mr. Florence explained that buildings in the General Commercial Storage zone
are required to meet the Lindon Commercial Design Standards. Under the commercial
4 design standards commercial development should pick one of three building forms: one-
part commercial block, two-part commercial block, and central block buildings. The
6 proposed building most aligns with the one-part commercial block building. He then
referenced the standards for such a building in the Commercial Design Standards.

8 Mr. Florence stated the City Engineer is working through all technical issues
related to the site plan and will conduct a final review if the planning commission grants
10 site plan approval tonight. Mr. Florence clarified that the Wild Oak Reception Center is a
permitted use in the General Commercial Storage Zone and the updated site and
12 landscape plans appear to meet all city regulations. He also pointed out that a final review
will be completed prior to issuance of a building permit.

14 Mr. Florence also brought up that staff had requested that the applicant work with
Dastrup Auto to see if they could work out an agreement for additional parking and
16 according to the applicant, they were unable to come to an agreement. The applicant does
however meet the parking standard of providing 68 stalls for the reception center use. If
18 parking becomes a problem, according to City Code 17.18.010, Lindon City has the
ability to require additional parking for uses that have regularly over-flowed their
20 minimum required parking spaces when such overflow has created a nuisance or safety
hazard within the community. Such over-flow parking issues shall be considered a
22 nuisance by the City, and if left uncorrected, may result in the revocation of an active
business license.

24 Mr. Florence went on to say the planning commission requested that the city
engineer and police department conduct a review of Gillman Lane to determine what
26 safety improvements could be made to improve the street. The recommendation for
Gillman Lane to is add “no parking – tow away zone” signs along the street so if vehicles
28 park along Gillman Lane then the police department will have authority to tow vehicles.
It will be the responsibility of the applicant to pay for these signs and will need to work
30 with the planning director and city engineer to determine distance to install the signs.

32 Mr. Florence stated Staff also recommends that a sign(s) be installed either on the
reception center property or across the street directing vehicles to exit to State Street. In
regards to the intersection of State Street and Gillman Lane, city staff have been
34 discussing options with UDOT on possible design improvements to this area. UDOT has
provided feedback to the City on the proposals and has asked that the city now put an
36 engineering design together for UDOT to evaluate. He noted this item will continue to be
worked out as the City and UDOT come up with a final plan.

38 Mr. Florence then presented an aerial photo, updated building elevations, updated
site plan, updated landscaping plan, first and second level floor plans, parking
40 calculations, and lighting plan followed by discussion.

42 Chairperson Call mentioned the conditions and if the parking is not deemed to be
adequate should it be a condition included in the motion. Mr. Florence stated it is already
44 included in the code. Chairperson Call stated residents have concerns with the noise and
she understands that there is a noise ordinance (nuisance) in place and one in process that
goes further, and if anything about the noise issue should be included as a condition.

46 Brian Haws, City Attorney explained this is a conditional use and the city is
limited on conditions that can be put in as there is already a mechanism in place to take
48 care of any noise through the nuisance ordinance that is currently in place. He is not

2 concerned about putting that in as a condition as the applicant will be required to follow
the noise ordinance just like any other business in the city.

4 Commissioner Schauer asked staff how many signs will be required and what are
the costs as that may be problematic for the applicant. Mr. Florence said that has not
6 been determined yet and will need to be evaluated. Ms. Olson stated it would be great to
know a cap as to add it to their budget. She noted they will also put a map on their
8 website and pointed out google maps leads through State Street. Mr. Haws stated they
will work with the city engineer to come up with a number as it goes with the parking
10 requirements and overflow use of the streets as this street can't take any overflow.

12 Commissioner Kallas asked about the condition of directing traffic back out to
State Street and what mitigating measures will UDOT take regarding the right in and
right out. Mr. Haws stated UDOT is working with the city on the State Street access and
14 perhaps reconstructing the drive approach; they can't do anything without UDOT's
approval.

16 Mr. Olson pointed out they can only control their controllables. He indicated that
Mr. Florence has been very helpful with the site plan and they will be happy to continue
18 to work with staff to fulfill all of the requirements. Ms. Olson commented that she has
worked with a lot of weddings and with 68 parking stalls (and is one of the max) she is
20 very confident with their parking and that they won't have the overflow parking issues.

22 Chairperson Call stated even though this is not a public hearing she will hear
public comment at this time.

24 **Lori Estevan:** Ms. Estevan stated the parking lot lighting is not the issue it is the street
lights. She asked if the city will be putting more lights in on Gillman Lane. Mr. Florence
26 stated at this point there will not be any new street lights going in. Ms. Estevan noted
when Dastrup came in they removed the trees and it became very exposed and now the
28 noise travels through and without the tree buffer it is worse. She hopes they will be
putting in trees on the west side too so that will not be such a problem.

30 Mr. Olson stated they love the trees that border the ditch and they will also have a
32 7ft masonry fence to provide a buffer; they don't want to cut down any trees. Ms. Olson
added their goal is to have it be secluded so it looks like a garden area.

34 **Jennifer Gardner:** Ms. Gardner stated she is not understanding where any overflow
36 parking can go. And with the noise, safety and traffic issues, she just can't see this
working out.

38 Chairperson Call clarified that per city code they can't require any more parking.

40 **Angie Neuwirth:** Ms. Neuwirth mentioned the overflow parking at the Noah's event
42 center. She also pointed out that the city will need to fix the corner to address the traffic
flow. She pointed out that Google maps takes you down 400 West and Lakeview and
44 onto Gillman Lane. If you're in Orem it will take you on State Street which is a concern
due to the amount of traffic generated. Until a resolution is found to create some sort of a
46 lane to the traffic light the only solution to this problem is to create a good left turn for
northbound traffic. There will also be a noise issue and because it is commercial it can be
48 at a higher level of 65 decibels and if it can cross at 70 decibels that is not okay. If that is

2 how it is going to be there needs to be some controls to mitigate the noise issue; the city
code is what needs to be changed.

4 Ms. Olson clarified that the majority of the music will be inside and they will do
their best to control the noise and follow the nuisance ordinance.

6 Chairperson Call stated it appears the applicants are trying really hard to do
everything they can as to not have a tremendous impact on the neighborhood and they
8 have taken measures to work with the residents to mitigate the concerns. She added the
city is working with UDOT to mitigate safety concerns with the traffic etc. and the
10 commission is just looking to see if it meets the code.

12 **Sandra Christensen:** Ms. Christensen stated Google maps takes you up 800 West or
400 West and Lakeview to Gillman Lane not through State Street. The traffic coming
14 from the south to the north would have to make a U-turn on State Street which will be a
big safety concern; Gillman Lane is already too narrow for two cars.

16 **Darrin Jones:** Mr. Jones asked at what point in time will the city gather information
18 from UDOT on a traffic study and how does the process work and do we wait to approve
the construction.

20 Mr. Florence stated he talked to UDOT about the right in and right out and they
22 will put the engineering design together and require a traffic study so it all works
together. They will put some designs together and make some recommendations. He
24 pointed out this is more of a general problem and not the applicant's problem or
responsibility; we will look at this as a city directive.

26 **Arian Kocherhans:** Ms. Kocherhans stated her concerns is for her neighborhood and for
the safety of her neighbors. She believes that this can't be approved before a traffic study
is done as this is a very serious issue. They also need to redo the red curb paint by Los
30 Hermanos.

32 **Annie Hansen:** Ms. Hansen stated they called the city and UDOT and were told that it
wasn't Lindon City's responsibility to paint red curb on no parking areas so they did it
34 themselves.

36 Commissioner Kallas asked staff to explain to the residents the process of how a
road gets widened with curb and gutter when properties develop. Mr. Florence explained
38 if it is a new road the standard width is 50 ft. for the road profile and when a developer
come in, they dedicate it on the plat and are required to install curb, gutter and sidewalk.
40 Commissioner Kallas stated he is hearing that some of the residents on Gillman bonded
for curb, gutter and sidewalk improvements. He added that really the issue is that the road
42 is so narrow; can we reject this project because the road is not wide enough. Mr. Florence
pointed out that Gillman Lane is a public street and you can run into issues with existing
44 uses.

46 **Kevin Gillman:** Mr. Gillman stated he had to give up 5 ft. of his frontage to the city for
future curb and gutter improvements.

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2 Mr. Haws clarified it comes down to the nature of the application that this is a
4 permitted use and the city is restricted on what kind of conditions can be imposed and
6 what we can do. Any conditions imposed have to be reasonably related to the scope. To
8 address these issues and to make this applicant address these issues would not pass the
Nolan/Dolan Standard constitutional question that would force the applicant to make
improvements on the Lane. We can't hold back their application because it is a permitted
use why the city works it out.

10 Chairperson Call pointed out the events at the center are only held for short time
12 periods with a few hour blocks several times a week; it will not be an all-day impact
14 every day. Commissioner Johnson agreed the applicant did a great job in addressing the
16 concerns and updating their plan. He also understands the comments heard tonight and
the issues with Gillman Lane. He would recommend to address the city council to get
these issues resolved. He pointed out that we can't hold up any application that meets the
code and there is an appropriate way to address the issue as their hands are tied. He
appreciates everything that has been done and comments heard and the applicant has met
the code.

18 Commissioner Kallas commented that the city is turning a little more
20 development than country and with that comes growing pains. There are a number of
22 streets in the city that are half streets and hard to maneuver and someday they will be full
24 streets. Our codes are not out of line, but we are having growing pains and having issues
with a few streets. He agrees the applicants are trying to meet the codes and he believes
they have. There is a definite issue with Gillman Lane and it needs to be made wider and
safer but that will come in time.

26 Commissioner Marchbanks stated this has been a hard issue. He believes with
28 every application they hear the concerns about potential traffic issues; which is the most
legitimate issue. This also brings to the forefront that we need to prioritize, from the
30 city's standpoint, areas that need to be focused on and remediated in the city to be safer.
He believes the applicant's true intent is to not bring an unsafe facility or problems into
32 the area and they are doing this responsibly. This is a small event center compared to
some in the city and it dictates the required parking. We understand the legal
ramifications and it meets the code with the changes made. He feels we need to be good
neighbors and make this an amenity rather than a distraction.

34 Chairperson Call stated she appreciates the residents being here and their
36 concerns are the commission's number one concern as to what can be done to mitigated
the issues but we need to act on this and she believes it will be a nice reception center.

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

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48 COMMISSIONER JOHNSON MOVED TO APPROVE THE
APPLICANT'S REQUEST FOR SITE PLAN APPROVAL WITH THE FOLLOWING

2 CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY
ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING
4 DOCUMENTS; 2. THE APPLICANT WILL WORK WITH THE CITY ON
PROVIDING THE APPROPRIATE WIDTH FOR A STORM DRAIN/IRRIGATION
6 ACCESS AND MAINTENANCE EASEMENT; 3. THE PLANS WILL MEET
RELEVANT SPECIFICATIONS AS FOUND IN THE LINDON CITY
8 DEVELOPMENT MANUAL; 4. THE APPLICANT WILL COMPLY WITH ALL
BONDING REQUIREMENTS; 5. FINAL DESIGN WILL MEET THE COMMERCIAL
10 DESIGN STANDARDS; 6. DUE TO THE NARROW WIDTH OF GILLMAN LANE
AND THE POTENTIAL FOR OVERFLOW PARKING ON THE STREET THE
12 APPLICANT WILL PAY FOR NO PARKING SIGNS FOR A DISTANCE TO BE
DETERMINED BY THE PLANNING DIRECTOR AND CITY ENGINEER; 7. IF
14 LIGHTING IS FOUND TO CAUSE AN IMPACT ON ADJOINING PROPERTIES IT
WILL BE REDIRECTED OR MEASURES TAKEN TO MINIMIZE IMPACTS; 8.
16 APPLICANT WILL WORK WITH STAFF TO INSTALL APPROPRIATE SIGNS
DIRECTING VEHICLES TO STATE STREET WHEN LEAVING THE RECEPTION
18 CENTER; 9. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER SCHAUERS
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

20 CHAIRPERSON CALL AYE
COMMISSIONER KALLAS AYE
22 COMMISSIONER MARCHBANKS AYE
COMMISSIONER JOHNSON AYE
24 COMMISSIONER SCHAUERS AYE

THE MOTION CARRIED UNANIMOUSLY.

26

28 5. **Public Hearing** - Recommendation to the Lindon City Council to amend Lindon
City Code Chapter 17.32.120 regarding subdivisions conforming to the City's
General Plan and Lindon City Street Master Plan Map. Application is made by
30 Lindon City.

32 COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT
34 VOTED IN FAVOR. THE MOTION CARRIED.

36 Mr. Florence gave a brief overview of this item explaining Lindon City is
proposing an amendment to the subdivision code to allow arterial and major collectors to
38 remain on the General Plan Street Master Plan Map when property is subdivided;
17.32.120 currently requires the street layout of all subdivisions to conform to the City's
40 General Plan and the Lindon City Street Master Plan Map. Mr. Florence noted that
enforcing this requirement is generally in the best interest of the residents of Lindon City,
42 as it provides predictability and applies sound planning and engineering to the
development of City streets. However, there may be limited times where the street
44 master plan map calls for an arterial or major collector, but circumstances and conditions
related to an application for a development would not require a developer to construct an
46 arterial or major collector roadway at the time of application. UDOT has expressed that it
is important for when they seek road funding that future streets be on the City's master
48 plan.

2 Mr. Florence added it may still be in the best interest of Lindon City to continue
to identify the location and alignment of the right-of-way for the future arterials and/or
4 major collectors; it is important to give the Land Use Authority the ability to act in these
limited circumstances and to approve a land use applications' street lay out that may vary
6 from the street master plan map, if there is a compelling public purpose to do so.

8 Brian Haws, City Attorney, commented there are certain times that developers
will propose a development, and because of the scope and the size and location of
10 existing roads the city can't force them to build an arterial or collector road. Under the
current ordinance the developer has to do a general plan amendment to get it fixed. But in
12 certain circumstances, and what we are encountering with Mark Weldon's development,
it is in the city's best interest to leave the master plan as it is and not require him to build
those roads at that time. We do have to find that there are compelling reasons to do that
14 and to meet the public's best interest.

Mr. Florence then read the code as follows:

16 1. The Street layout shall conform to the Lindon City General plan and official Lindon
City Street Master Plan Map adopted by the planning commission and city council.

18 a. Upon the finding of a compelling public purpose, the Land Use Authority may
approve a subdivision plan with a street layout that varies from the street master
20 plan map, provided that there is an existing roadway which provides adequate
traffic flow and street connectivity to and from the proposed subdivision and
22 maintaining the street master plan map's current configuration serves the public
purpose of identifying the location and alignment of the right-of-way of future
24 arterials and major collectors.

26 b. A land use application which do not require a subdivision approval, but which
still requires approval of a street design and/or construction as part of the
application process under Chapter 17.17 of this Title, shall likewise have a street
28 lay that conforms to the Lindon City General Plan and official Lindon City Street
Master Plan Map, subject to the provisions of subsection (1)(a) of this Section.

30 At this time, Chairperson Call asked if there were any public comments or discussion.
32

34 Angie Neuwirth asked for clarification that the width won't be there for the future
development, but they just don't have to install the actual improvements.

36 Mr. Haws confirmed that statement pointing out this lets us continue to designate
where the arterial will go. The alternative is if we don't amend this to allow this
exception then we have to amend the master planned road. This will allow us to let them
38 develop without the city having to purchase the road; this is restricted to arterial roads
and will be on a case by case analysis. Commissioner Kallas commented that this is a
40 good move to protect the city and the developer.

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

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

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

4
6 COMMISSIONER JOHNSON MOVED TO RECOMMEND APPROVAL TO
THE CITY COUNCIL ORDINANCE AMENDMENT 2019-10-O AS PRESENTED
WITH TYPO CHANGES AS RECOMMENDED. COMMISSIONER MARCHBANKS
8 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL AYE

10 COMMISSIONER KALLAS AYE

COMMISSIONER MARCHBANKS AYE

12 COMMISSIONER JOHNSON AYE

COMMISSIONER SCHAUERS AYE

14 THE MOTION CARRIED UNANIMOUSLY.

16 6. New Business: Reports by Commissioners – Chairperson Call called for any
new business or reports from the Commissioners.

18
20 Chairperson Call mentioned that entrance to the pool is free between 6-8 am.
There was also some general discussion regarding the proposed reception center that was
discussed tonight. Chairperson Call also mentioned a resident at 992 East 140 North
22 informed her there is a speedbump sign on her road and the neighbor's tree west of
property blocks the sign. Mr. Florence stated he will check into the issue.

24 7. Planning Director Report –

- 26 • Next city council meeting the council will re-appoint Steve Johnson
- 28 • July 23rd meeting who will be attending? He will send out an email to follow
up on attendance.

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

32 ADJOURN –

34
36 COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE
MEETING AT 8:45 PM. COMMISSIONER SCHAUERS SECONDED THE MOTION.
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38
40 Approved – June 25, 2019

42 _____
Sharon Call, Chairperson

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46 _____
Michael Florence, Planning Director