

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
4 **August 14, 2018 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: Steve Johnson, Commissioner

12 <b><u>PRESENT</u></b>	<b><u>EXCUSED</u></b>
Sharon Call, Chairperson	Mike Vanchiere, Commissioner
14 Rob Kallas, Commissioner	
Mike Marchbanks, Commissioner	
16 Charlie Keller, Commissioner	
Steven Johnson, Commissioner	
18 Hugh Van Wagenen, Planning Director	
Brandon Snyder, Associate Planner	
20 Kathy Moosman, 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  
26 Planning Commission meeting of July 10, 2018 were reviewed.

28 COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF  
THE REGULAR MEETING OF JULY 10, 2018 AS PRESENTED. COMMISSIONER  
30 KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
MOTION CARRIED.

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

36 **CURRENT BUSINESS** –

38 4. **Public Hearing — Residential Business Overlay Ordinance.** Lani Podzikowski  
requests approval of an amendment to Lindon City Code Title 17 Zoning, to  
40 adopt a Residential Business District Overlay zone. Recommendation(s) will be  
forwarded to the City Council for final approval. (Pending Ordinance 2018-7-O)  
42 (Item continued from 6/12/18)

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

2 Hugh Van Wagenen led this agenda item by stating this item was last discussed at  
the June 12, 2018, Commission meeting. At that time the Commission requested that the  
4 Commercial Farm zone to not be considered non-residential in determining parameters  
for location of the Residential Business Overlay. That requested change has been made to  
6 the proposed ordinance. He noted the Commission also requested that the City Attorney,  
Brian Haws, review the ordinance language allowing exemptions to public infrastructure  
8 improvements. He noted the new language from Mr. Haws has been added to the  
ordinance language per the Commission's request as follows:

10 *"It is clearly within the City Council's authority to grant waivers, but as pointed  
out to avoid situations where there might be a claim bias or favoritism it is advisable to  
12 lay out conditions upon which a waiver can be granted. I have inserted some conditions  
for you to consider. These come from some other cities from around the country I found  
14 that had sidewalk waivers and I which think provide reasonable factors for the council to  
consider. The 4th condition is a catch all that is based on the same kind of standards used  
16 when the board of adjustments granting a variance."*

18 Mr. Van Wagenen then read Mr. Haws suggested language that has been added to the  
draft ordinance as follows:

- 20 a) Property may be required to have street improvements including curb, gutter, and  
sidewalk along all street frontage; however, an exception may be granted for any  
22 or all of these improvements by city council at the time of zoning approval.
- 24 i. The city council may grant a waiver of the street improvements only if it  
makes a written finding that one of the following conditions exist on the  
proposed property:
- 26 1. Potential pedestrian traffic in area is so minimal that improvements are  
not warranted or needed to ensure public health and safety;
- 28 2. Properties surrounding the proposed property are without curb, gutter,  
and sidewalks and requiring street improvements would result in  
30 disconnected or isolated improvements;
- 32 a. A waiver under this condition may only be granted upon the execution of a  
development agreement to install the improvements at a later date as required  
in this Section.
- 34 3. The natural topography or vegetation preexisting in the area are desirable  
to maintain and can be done without creating unreasonable risks to  
36 pedestrians; or
- 38 4. The requirement to construct the improvements would cause an  
unreasonable hardship for the applicant that is not necessary to carry out  
the purpose this Chapter.
- 40 a. To grant a waiver under this condition the city council must  
further find that;
- 42 i. There are special circumstances unique to the proposed property which do not  
generally apply to other similar properties;
- 44 ii. The asserted hardship was not self-imposed and
- 46 iii. Granting the waiver is within the spirit of this Chapter, will not be contrary to the  
public interest, and substantial justice will be done.

48 Mr. Van Wagenen stated this is a request for a new section of code to be added to

2 Title 17 called Residential Business Overlay (RBO) zone. He pointed out that the  
4 ordinance gives greater allowances than current home occupation standards in regards to  
6 parking, hours of operation, and clients. Unlike the home occupation ordinance, however,  
8 only certain properties will be eligible for the overlay based on frontage, size, and  
10 proximity to collector roads and commercial zones. Additionally, any property desiring to  
use the RBO zone would need to apply for a Zone Map change to apply the overlay to a  
specific property. Although this request only deals with the zoning text and not the  
zoning map, it is important to understand why the applicant is making the request and  
how it pertains to her property.

12 Mr. Van Wagenen then gave a brief history explaining in 2016, Ms. Podzikowski  
14 purchased the property on the corner of Main Street and 200 South (172 South Main). At  
16 the time, the property had an old home on it and the property was split zoned with a small  
18 corner residential and the majority commercial. With plans to build a new home and  
20 operate her existing dance company from the home, Ms. Podzikowski felt the property  
was a good fit with its proximity to commercial operations. Ms. Podzikowski was able to  
demolish the old home and build a new home under City ordinances allowing such, in  
addition to the small corner of the property being residential. At the time, new  
construction of a home after demolition of an existing home did not require any public  
improvements. Upon completion of the home, Ms. Podzikowski obtained a home  
occupation license and began operating her dance company.

22 Mr. Van Wagenen noted not long after operations began, City Staff became aware  
24 that the number of students and contracted staff was well beyond the home occupation  
26 allowances. After many discussions with City Staff on potential solutions to the situation,  
Ms. Podzikowski decided to apply for a new ordinance (the draft is before the  
commission tonight).

28 Mr. Van Wagenen stated the creation of a new zoning ordinance is always met  
30 conservatively as unintended consequences are feared. To alleviate the concern about  
proliferation of this zone, parameters for property to even be eligible are included in the  
text as follows:

32 *2. Site requirements for zone eligibility:*

- 34 a) *Property must have a minimum of fifty (50) feet of street frontage along a major  
collector road as identified by the Lindon City Street Master Plan Map.*
- 36 b) *Property must be a minimum of 30,000 square feet.*
- 38 c) *Property must be adjacent to or across the street from a non-residential zone or  
within a non-residential zone. For purposes of this ordinance, the Commercial  
Farm zone is not considered a non-residential zone.*

40 Mr. Van Wagenen then referenced the map showing the properties within the City  
42 that would be eligible to apply to the zone. Even with eligibility established, an applicant  
would need approval from the City before the overlay would be in place.

44 Highlights of the ordinance are as follows:

- 46 1. Public improvement requirements can be waived by the City Council.
- 48 2. All building and fire codes must be met based on desired occupancy (this can  
require significant upgrades if using a residence for certain commercial purposes).
- 3. Business owner must live on-site as primary resident
- 4. Permitted Uses are:
  - a. Barbers, cosmetologists, manicurists.

- 2 b. Culinary, Bakery, Food Preparation.
  - 4 c. Consultant or Professional Services with additional employees or
  - 6 d. Contractor, “handyperson”, and landscape or yard maintenance
  - 8 contractor; subject to the special conditions that no construction
  - 10 materials or equipment will be stored on the premises outside of an
  - 12 approved structure.
  - 14 e. Pre-School
  - 16 f. Home instruction including, but not limited to, in-home lessons such
  - 18 as: musical instruments, voice, dance, acting, graphic arts, art, and
  - 20 educational subjects, swimming, tennis, and other athletic instruction.
  - 22 g. Other permitted uses include any land use permissions in the
  - 24 underlying zone.
- 26 5. Rear Yard Setbacks are 20 feet to residential zones and 10 feet to non-residential
  - 28 zones.
  - 30 6. Minimum of eight feet of landscaping is required adjacent to public rights of way.
  - 32 7. Operating hours are from 7:30 am to 9:00 pm.
  - 34 8. Ten patrons are allowed per hour for most businesses with preschool and home
  - 36 instruction patrons allowed based on occupancy of the structure as determined by
  - 38 building and fire code.
  - 40 9. Up to five employees not residing on the property are allowed.
  - 42 10. Off-street parking requirements are based on type of use
  - 44 11. Only one permanent sign allowed with parameters for temporary signs

26 Mr. Van Wagenen then referenced Ordinance 2018-8-O Residential Business  
28 Overlay Zone draft with Attorney edits, Updated Map of properties that meet parameters  
30 to request the overlay, and the Current Zoning Map of 172 South Main followed by  
32 discussion.

30 Chairperson Call pointed out, based on Mr. Haws information, this doesn’t fit  
32 under the criteria to grant a waiver and for the improvements to not be required at the  
34 time of the zoning application. She also asked, as far as direction to the property owner,  
36 what they would have to do at this point (if not approved) with the action taken with the  
38 overlay in the city and what it does to this specific property. Mr. Van Wagenen replied  
40 the property remains as is with a residential home on it, but it would need a business there  
42 to come into compliance with existing code. Commissioner Kallas asked how many  
44 locations in the city this overlay zone could potentially apply to. Mr. Van Wagenen said  
46 there are 14 properties that would have to make a request to the City Council for a  
48 rezone, but it is not guaranteed and is fairly limited. He added that even with eligibility  
established, an applicant would need approval from the City before the overlay would be  
in place.

42 Commissioner Kallas stated he can think of a number of properties that adjoin  
44 residential that have been required to put in improvements. He feels it seems a little  
46 unfair that some should have to comply and not others. If they are in business for a  
commercial use he feels they should do a pro forma to see the costs involved to determine  
if it is going to work and then act accordingly.

48 Ms. Travis explained they are not trying to find a way to get out of doing the  
improvements as they are more than willing to do improvements this is just another tool

2 in the cities box to make the transition in areas that are different from a commercial use;  
this is not a full commercial use. She added the City Council and Planning Commission  
4 have the leverage to have the discretion to approve it if they meet the criteria that the city  
attorney has laid out. And for the most part, if applied, those standards would be  
6 applicable.

Chairperson Call then read the conditions provided by the City Attorney noting  
8 she struggles a little bit with the unreasonable hardship aspect. Ms. Travis re-iterated they  
want to make the improvements but it is a timing issue and they would agree to sign a  
10 development agreement. There are circumstances involved with the property and other  
items to look at and they are willing to do that.

12 Commissioner Johnson asked if there has been any thought on the applicant's part  
if this is not approved that she may have to apply for a commercial zone. Ms. Travis  
14 stated they haven't discussed that, but part of what she is looking for is to be able to have  
her home on the site as well. Commissioner Kallas inquired if there is any way to  
16 accomplish what the applicant wants to do and the city wants her to do without doing a  
new overlay zone. Ms. Travis expressed that this is a good negotiation tool for the city  
18 that allows for opportunities not only for this location but for the future as well. She  
recognizes there is compromise on both sides. She noted Ms. Podikowski and the dance  
20 studio brings a positive influence to the neighborhood and she is more that willing to  
meet the requirements.

22 Commissioner Keller stated he understands that they will still put in the  
improvements and requirements, but it doesn't have the commercial setbacks. He feels it  
24 would be a good transition from residential to commercial.

Chairperson Call asked if there were any public comments at this time. Angie  
26 Neuwirth expressed her concerns about safety issues at this location as there is not a safe  
pedestrian walkway. Scott Thompson asked what types of home businesses would trigger  
28 this overlay. Chairperson Call stated with this issue it is because of the volume of  
students and the parking requirements and the fact that part of the property is commercial  
30 and part of the property is residential.

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

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

38 Mr. Van Wagenen referenced the map showing residential properties on 800 west  
that are adjacent to the commercial zones and a collector roadway followed by  
40 discussion. Commissioner Marchbanks suggested removing the language "across the  
street" and use the word "adjacent" instead (first page of ordinance, Paragraph C). He  
42 feels there may be more attraction to the City Council to approve this if it falls along  
those properties that come in conjunction with those along the state street corridor and  
44 that would also limit the number of properties that would meet the criteria. Commissioner  
Johnson suggested adding "adjacent to general commercial." There was then some  
46 general discussion regarding the language change.

48 Chairperson Call asked if we were to approve this ordinance and this applicant  
comes back in would they still be subject to the improvements and subject to a

2 development agreement. Mr. Van Wagenen stated they will look at that when the  
application comes in. Commissioner Kallas asked if we make these changes would the  
4 applicant meet all other requirements. Mr. Van Wagenen confirmed there is work to do  
but it could be handled through staff.

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

8  
10 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND TO THE  
CITY COUNCIL APPROVAL OF THE APPLICANT’S REQUEST FOR  
12 ORDINANCE 2018-7-O WITH THE CONDITION THAT ADJACENT PROPERTIES  
ONLY WOULD HAVE TO BE IN THE GENERAL COMMERCIAL ZONE ALONG  
THE STATE STREET CORRIDOR. COMMISSIONER KELLER SECONDED THE  
14 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL AYE

16 COMMISSIONER MARCHBANKS AYE

COMMISSIONER KALLAS AYE

18 COMMISSIONER KELLER AYE

COMMISSIONER JOHNSON AYE

20 THE MOTION CARRIED UNANIMOUSLY.

22 Commissioner Kallas expressed that he voted aye but he feels work should be  
done to get commercial uses in commercial zones. Commissioner Johnson agreed and  
24 feels this is a good transition but he would hope that this will help these to eventually  
become commercial.

- 26  
28 5. **Site Plan — doTERRA Call Center.** doTERRA International requests approval  
for a 203,108 s.f. call center on 13.5 acres located in the Regional Commercial  
zone at 2320 West 400 North.

30  
32 Hugh Van Wagenen, Planning Director, gave a brief overview of this item stating  
the applicant proposes to construct a 203,000 s.f. call center, adjacent to the recently  
approved distribution center. He noted Mr. Mark Ringer and Mr. Neil Valentiner are  
34 present as representatives of this application. He noted the facility will house up to 2,300  
employees across different shifts. There is still remaining acreage on the overall site for a  
36 future building and parking. He added the applicant has completed a traffic impact study  
regarding both the doTERRA Call Center and Distribution Center. The study shows that  
38 upon opening, the street intersection at 2800 West 600 North (attachment 6) will have an  
“F” level of service for anyone going to and leaving the doTERRA site in the am and pm  
40 hours, meaning vehicles will have to wait longer than 50 seconds to get through the  
intersection. The report states a signal will be warranted when doTERRA begins  
42 operations. Until a signal is installed, a four-way stop may be beneficial, but has its  
drawbacks for traffic existing the freeway. Also, it was suggested that a round-about  
44 option deserved further study. Additionally, the report recommended the City promote  
services that could benefit the employees in the area, reducing the need to drive during  
46 the daytime hours. Lindon staff has already begun working with UDOT to identify  
solutions to the forthcoming problem.

2 Mr. Van Wagenen went on to say the parking standards are based on the zone and  
the different uses in the building and their respective square footage. The RC zone  
4 requires a 16-20 foot landscape strip behind the meandering five (5) foot sidewalk along  
street frontages. Trees are to be planted every 30 feet in the landscape strip with 30% to  
6 be evergreens and the plan has a mix of evergreen and deciduous trees. The RC zone  
requires an 8-12-foot parkstrip between the curb and the meandering sidewalk along  
8 street frontages with trees every 30 feet. However, due to a conflict with a storm drain  
line, all the trees have been pushed behind the sidewalk and the parkstrip is called out as  
10 sod on the plans.

Mr. Van Wagenen stated the code requires that all buildings in the RC zone  
12 provide appropriate articulation, variation in rooflines, and avoid flat looking  
wall/facades and large, boxy buildings. The building footprint is 63,088 square feet and is  
14 generally one big rectangle with little articulation and little variation in rooflines. Please  
discuss this with the applicant. Code requires primary building materials (60% or  
16 greater), unless otherwise approved by the Planning Commission, to be masonry  
materials such as brick, stone, or decorative concrete block. Fenestration (windows and  
18 doors) can be counted toward the 60% primary building materials. Currently, 56% of the  
primary entrance elevation is glass windows/doors. The remaining 44% of the building is  
20 a metal faced composite wall panel. Metal is not a listed primary or secondary building  
material but may be approved upon Planning Commission review. 44% of the front  
22 building elevation that is metal is a champagne color. Champagne could be considered an  
earth tone color due to its similarity to beige.

Mr. Van Wagenen noted the proposed structure satisfies the setbacks (30 feet  
24 from all property lines and 50 feet from UDOT rights of way) and height requirements  
(80 feet) in the RC zone. The City Engineer is working through technical issues related to  
26 the site and will ensure all engineering related issues are resolved before final approval is  
granted. Mr. Van Wagenen then presented an Aerial photo of the site and surrounding  
28 area, Site Plan, Landscaping, Proposed Building Elevations, Architectural Renderings,  
30 and the 2800 West 600 North intersection followed by discussion. Mr. Van Wagenen  
then turned the time over to the applicant for comment.

Commissioner Kallas asked if there is enough parking on the project without  
32 decking. Mr. Valentiner clarified when the call center opens there will be a total of 2,400  
34 employees and they will plan on the parking for that, and there will be signaling at the  
intersection and they will be working with UDOT. Chairperson Call expressed her  
36 biggest concern is the building mass and the rectangle size with very little articulation.  
However, she feels they will be a great contributor to the community but it is a large box  
38 building.

Commissioner Kallas pointed out the stairwells create some of the elements they  
40 want to see and sometimes the straight lines look good. Mr. Valentiner stated they have  
addressed it to create some variation in the building as the lower level is recessed that  
42 makes the building flow well. They have created a lantern effect at night where the stairs  
look like they are floating and they have transparent glass so you can see right through it  
44 to become a window. They have 12” thick walls with recessed windows creating a  
shadow line. They understand the concerns, but when you have a big building you need  
46 to make it breathe as a structure and make it flow. He also explained in detail the  
building elements and landscaping.

2 Mr. Ringer then explained the site plan and building layout and amenities. He  
pointed out the top third floor will remain unfinished at this time. He noted the building  
4 is meant to house the employees and to hopefully keep them at doTerra for years. He also  
further explained the parking requirements and model with the plan being to pick up  
6 more property for parking. He noted they have contacted UTA to facilitate mass transit  
needs in the area for both the existing campus and this new facility. Mr. Van Wagenen  
8 stated the plans still need to be finalized so the parking needs will be worked through and  
staff will make sure the requirements are completed and to also include it in the motion.

10 Commissioner Keller commented that it appears the conditions in the motion  
seems to cover everything. The only concern he can see is if we are comfortable with the  
12 rooftops and articulation of the building but he feels it is sufficient. Commissioner  
Marchbanks expressed that this is a beautiful building and will be a nice addition to the  
14 area. Following discussion, the Commission were in agreement to accept the building  
materials as presented and that the building will be a beautiful addition to the city.

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

18  
20 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S  
REQUEST FOR SITE PLAN APPROVAL WITH THE FOLLOWING CONDITIONS:  
22 1. STREET DEDICATION AND SIDEWALK/STREET LIGHT AND STORM  
WATER EASEMENTS BE EXECUTED AND 2. VEHICLE AND BIKE PARKING  
REQUIREMENT BE MET BY STAFF AND 3. COMPLY WITH ALL ENGINEERING  
24 REQUIREMENTS AS DETERMINED BY THE CITY. COMMISSIONER  
MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
26 FOLLOWS:

28 CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
30 COMMISSIONER KELLER	AYE
COMMISSIONER JOHNSON	AYE

32 THE MOTION CARRIED UNANIMOUSLY.

- 34 6. **Major Subdivision — Estates at Anderson Farms.** Ken Watson, on behalf of  
Ivory Development LLC, request major subdivision approval for a 51-lot  
36 subdivision on 17.5 acres in the Anderson Farms Planned Development Zone.  
Recommendations will be forwarded to the City Council for final approval.

38  
40 Mr. Van Wagenen gave some background of this item explaining this is the  
seventh plat of the Anderson Farms Planned Development which was approved by  
Development Agreement between Lindon City and Ivory Development, LLC in June of  
42 2016. Estates consists of 56 units in what is considered Parcel E of the Anderson Farms  
concept plan. He noted the Development of Anderson Farms is governed by the  
44 Anderson Farms Master Development Agreement and all standards are referred to here  
are a part of that Agreement. The average lot size is 10,242 s.f. with the largest lot being  
46 14,797 s.f. and the smallest being 8,244 s.f. These lots are consistent with the concept  
plan. Parcel A is an access road to the sewer lift station and regional park. Setbacks are:  
48 20-foot front, 20-foot rear, 6/10-foot side yards for a total of 16 feet between Homes.

2 This is consistent with the concept plan. 56 lots are one more lot than what is shown on  
the concept plan for Parcel E (55). However, Gardens at Anderson Farms (Parcel F),  
4 which has also been applied for, has four fewer lots than the concept plan. He noted that  
staff will ensure the overall units (865) for the project do not exceed approvals per the  
6 Development Agreement.

8 Mr. Van Wagenen indicated new roads will be built to serve the subdivision and  
curb, gutter and five-foot sidewalks will be installed along the new local streets in  
addition to six-foot planter strips. The eastern edge of the subdivision border Anderson  
10 Lane (not to be confused with Anderson Boulevard). The Development Agreement  
requires certain improvements to Anderson Lane in conjunction with this plat: "It will  
12 include grading and slag/asphalt improvements along Anderson Lane." Mr. Van  
Wagenen then went over the Development Agreement Requirements followed by  
14 discussion. He noted the park amenities are associated with building permits issued not  
the lots recorded. He then turned the time over to Mr. Watson for comment.

16 Mr. Watson stated they have sold 26 units in plat A and are just starting to build  
the townhomes. He would encourage the Commission to visit the site. The park is  
18 coming but not until 60% of all permits are in and they haven't gotten to that point as yet.

20 Mr. Van Wagenen then presented an Aerial photo of the proposed subdivision,  
Overall Anderson Farms Concept Plan, Estates Concept Plan, Preliminary Estates at  
Anderson, Farms Plat A, Concept and Preliminary Plat Comparison, and the 55-foot  
22 Right of Way Local Street Cross Sections followed by some general discussion.

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

26 COMMISSIONER KELLER MOVED TO RECOMMEND TO THE CITY  
COUNCIL APPROVAL OF THE APPLICANT'S REQUEST FOR APPROVAL OF A  
28 56-LOT RESIDENTIAL SUBDIVISION TO BE KNOWN AS ESTATES AT  
ANDERSON FARMS WITH THE FOLLOWING CONDITIONS: 1. COMPLY WITH  
30 ASPECTS OF DEVELOPMENT AGREEMENT AS LISTED IN THE STAFF REPORT  
AND 2. RENAME THE STREETS LISTED AS BROOKVIEW IN ORDER TO AVOID  
32 CONFUSION WITH PLATS A AND B OF ORDINANCE 2018-12-O WITH NO  
CONDITIONS. COMMISSIONER MARCHBANKS SECONDED THE MOTION.

34 THE VOTE WAS RECORDED AS FOLLOWS:

36 CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
38 COMMISSIONER KELLER	AYE
COMMISSIONER JOHNSON	AYE

40 THE MOTION CARRIED UNANIMOUSLY.

42 7. **Major Subdivision — Gardens at Anderson Farms.** Ken Watson, on behalf of  
Ivory Development LLC, request major subdivision approval for a 65-lot  
44 subdivision on 12.7 acres in the Anderson Farms Planned Development Zone.  
Recommendations will be forwarded to the City Council for final approval.

46 Mr. Van Wagenen opened this agenda item by stating this is the sixth plat of the  
48 Anderson Farms Planned Development which was approved by Development Agreement

2 between Lindon City and Ivory Development, LLC in June of 2016. He noted Gardens at  
Anderson Farms consists of 65 units in what is considered Parcel F of the Anderson  
4 Farms concept plan. Parcel F is identified as an “Active Adults Community.”  
Development of Anderson Farms is governed by the Anderson Farms Master  
6 Development Agreement and all standards are referred to here are a part of that  
Agreement. Although not required by the Development Agreement, a 6-foot pedestrian  
8 access way in the southwest corner (Lots 131/132) of the development would provide  
more direct access to the surrounding area and regional park. He explained in the concept  
10 plan, this parcel shows individually owned pad sites, like a townhome or condo, with  
common space in between each pad. However, this application has privately owned lots  
12 without the common space and be part of an HOA. The concept plan shows 65 units and  
the current application has 62 lots, a 3-unit reduction so the home site configuration has  
14 been slightly adjusted.

Mr. Van Wagenen stated the average lot size is 6,495 s.f. with the largest lot  
16 being 14,579 s.f. and the smallest being 4,866 s.f. He noted Mr. Watson has indicated the  
lot lines will be adjusted slightly to optimize rear yard space with total unit count  
18 remaining within the parameters of the Development Agreement. He pointed out that  
new roads will be built to serve the subdivision with curb, gutter and five-foot sidewalks  
20 will be installed along the new local streets in addition to six-foot planter strips. Mr. Van  
Wagenen then went over the Development Agreement Requirements (as binding in  
22 place) followed by discussion. He then turned the time over to Mr. Watson for  
comment. Mr. Watson explained the reduction of units and the new phase which will be  
24 all ramblers with no two-story units. They will be age targeted for 55 and over and will  
be part of the overall HOA and will be done in one plat.

Mr. Van Wagenen then presented an Aerial photo of the proposed subdivision,  
26 Overall Anderson Farms Concept Plan, Active Adult Concept Plan, Preliminary Gardens  
at Anderson Farms Plat A, Concept and Preliminary Plat Comparison, 55-foot Right of  
28 Way Local Street Cross Section, Exhibit J for Anderson Lane, and the 47.5-foot Right of  
Way Anderson Lane Cross Section followed by discussion.

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

34 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND TO THE  
CITY COUNCIL APPROVAL OF THE APPLICANT’S REQUEST FOR APPROVAL  
36 OF A 62-LOT SENIOR LIVING RESIDENTIAL SUBDIVISION TO BE KNOWN AS  
GARDENS AT ANDERSON FARMS PLAT A WITH THE FOLLOWING  
38 CONDITIONS: 1. PROVIDE CONDITIONS, COVENANTS, AND RESTRICTIONS  
VERIFYING THIS IS A 55+ SENIOR LIVING COMMUNITY AND 2. COMPLY  
40 WITH ASPECTS OF DEVELOPMENT AGREEMENT AS LISTED IN THE STAFF  
REPORT AND 3. PROVIDE A 6-FOOT PEDESTRIAN ACCESS WAY BETWEEN  
42 LOTS 131 AND 132 FROM ORCHARD LANE TO ANDERSON BOULEVARD IF  
POSSIBLE. COMMISSIONER KELLER SECONDED THE MOTION. THE VOTE  
44 WAS RECORDED AS FOLLOWS:

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

2 COMMISSIONER JOHNSON AYE  
THE MOTION CARRIED UNANIMOUSLY.

4  
8. **Public Hearing — Ordinance Amendment, Lindon City Code 8.20 Public Nuisances.** Lindon City requests approval of an amendment to Lindon City Code Section 8.20.030 Nuisance – Definition subsection (2)(cc) Inappropriate Noise. The proposal would address potential hours during which Inappropriate Noises are not allowed. Recommendations will be forwarded to the City Council for final approval. (Pending Ordinance 2018-9-O) (Item continued from 6/12/18)

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

16 Mr. Van Wagenen explained this item was continued from the June 12<sup>th</sup> meeting at the Commission’s request. He noted noise complaints are not uncommon but are not particularly frequent either. However, the existing nuisance code regarding Inappropriate Noise does not have any defined quiet hours, but rather leaves the time frame open to interpretation based on “noise that is substantially incompatible with the time and location where created.” He noted city staff prefers to have defined hours from 10:30 pm to 7:00 am where it is very clear that inappropriate noise is not permitted. This not only helps with enforcement but with public education also.

24 Mr. Van Wagenen indicated concern was expressed by Commissioner Keller that these restrictions would not be favorable to businesses with 24-hour production shifts, especially those far away from residential areas. The Commission agreed to continue the item so that staff could do additional research into the concern. He noted staff’s initial effort to modify the ordinance was to add relatively little text but have defined quiet hours. Several other cities have a much more specific and lengthier code dealing with noise issues. Additionally, several sections of the Lindon City Code deal with noise and quiet hours for specific uses such as: a) 17.30.070 as follows:

32 *All grading and excavation in or contiguous to residential neighborhoods shall be carried on between the hours of seven a.m. to five-thirty p.m. The zoning administrator may waive this requirement if it is shown that restricting the hours of operation would unduly interfere with the development of the property and it is shown that other properties or neighborhood values would not be adversely affected. Receiving areas located within one hundred fifty feet (150') of a residential zone shall be located inside an approved building or in an area enclosed on three (3) sides and covered with a roof. Access to receiving docks shall be from the front of the building or from the side of the building, provided the side of the building is not oriented toward an adjacent residential zone. Receiving areas shall be signed to indicate the hours the receiving area is operational and shall be signed to prohibit engine idling when the receiving area is closed. Receiving areas adjacent to a residential zone shall not operate between the hours of 10:00 p.m. and 6:00 a.m. unless provisions can be made to bring merchandise into the store through the front or side of the store not oriented toward a residential area. Materials, such as pallets, store fixtures, and other similar items shall not be stored in the receiving area. Any and all venting of the receiving areas shall be to the interior.*

- 2 Mr. Van Wagenen then went over code section 17.51.145 Noise Limits as follows:
1. Noise levels, as measured in decibels, from any commercial event/activity shall  
4 be limited to the following levels:
    - a) Eighty-five (85) dBA between 7:00 a.m. and 10:00 p.m.
    - 6 b) Fifty-five (55) dBA between 10:00 p.m. and 7:00 a.m.
  2. Devices used to measure noise levels shall:
    - 8 a) Be set to the “A” frequency weighting and “slow” response characteristic; and
    - b) Be placed at any point on the property line.
  - 10 3. Any noise level greater than the approved levels above may be allowed through  
12 the issuance of a special event permit as approved by Lindon City. (Ord. 2017-16  
14 §1, adopted, 2017) With this in mind, staff has added language that considers  
16 noise in and adjacent to residential zones and a line dealing with other sections of  
18 code that may differ from this noise regulation. The requested change allows staff  
to give clear information to the public and a clear timeframe to enforce quiet  
hours. The added language does not take away the ability of the City to enforce  
other noise disturbances outside of those hours if such a situation should develop.  
The suggested language is shown in italics below:

8.20.030(2)

20 *cc. Inappropriate Noise.* It shall be unlawful for any person to make, permit,  
22 continue, or cause to be made, or to create any unreasonable loud and disturbing  
24 noise in the City. Any noise which is substantially incompatible with the time and  
26 location where created to the extent that it creates an actual or imminent  
28 interference with peace and good order of persons of ordinary sensibilities shall  
30 be prohibited. *Quiet hours for residential zones and properties adjacent to  
residential zones shall be between 10:30 pm and 7:00 am for construction  
projects, public and private events, and any other activity with the propensity to  
create noise that may impact others in an adverse manner. Exceptions to quiet  
hours may be obtained upon approval from the City Administrator, or his/her  
designee. If this section is in conflict with another section of City Code, the more  
restrictive section shall apply.*

32  
34 Chairperson Call called for any public comment at this time. There were several  
in attendance who addressed the Commission as follows:

36 Angie Neuwirth stated she lives close to the Lindon Nursery event center where  
weddings and receptions are held. She noted there is excessive noise (music) from the  
38 event center seven days a week. Joe Walker stated he lives adjacent to the center noting  
the noise is going on until after 11pm. He has been a Lindon resident for the past 21  
40 years and this is unacceptable. He has called the police at least 20 times due to the  
complaints. He questioned where in the policy does it protect the rights for citizens as this  
42 is a huge nuisance. He noted the nursery leases it out so they say they have no control  
over those who rent it.

44 Mr. Van Wagenen stated staff is asking for direction in making tweaks to the  
ordinance as to have something more detailed and specific as to educate the public and  
46 also be easier to enforce. Chairperson Call asked where we have made regulations on  
sound and noise in the commercial farm zone is there anything we can do for other areas  
48 in the city. Mr. Van Wagenen confirmed that statement. Commissioner Kallas pointed  
out that having a noise ordinance doesn't mean everything has to shut down at 10pm but

2 the noise decibel levels do. Following some additional discussion, the Commission was  
in agreement to continue this item for further discussion and research in crafting the  
4 ordinance and moving forward.

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

8 COMMISSIONER KELLER MOVED TO CLOSE THE PUBLIC HEARING.  
10 COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN  
FAVOR. THE MOTION CARRIED.

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

14  
16 COMMISSIONER KALLAS MOVED TO CONTINUE ORDINANCE  
AMENDMENT 2018-9-O TO ALLOW STAFF TO DO FURTHER RESEARCH.  
18 COMMISSIONER KELLER SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

20 CHAIRPERSON CALL	AYE
22 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER KELLER	AYE
COMMISSIONER JOHNSON	AYE

24 THE MOTION CARRIED UNANIMOUSLY.

26 9. **New Business: Reports by Commissioners** – Chairperson Call called for any  
28 new business or reports from the Commissioners.

30 Chairperson Call mentioned a resident brought up the issue of entrances going into  
the Avalon and Osmond Senior living facilities that are very dark and difficult to enter at  
32 night and are a safety hazard and if there is anything the city can do to require businesses  
to provide lighting units for safety concerns. Mr. Van Wagenen stated he will check into  
34 this issue and he would also suggest talking to the management. Commissioner Keller  
mentioned with the secondary water going in at the new Ivory development if there is any  
36 chance of it going in to the Fieldstone area also. Mr. Van Wagenen stated it is getting  
stubbed in so the possibility is there but the logistics are a little harder. Commissioner  
38 Kallas said he has heard a lot of complements on the recent Lindon Days celebration.  
Commissioner Johnson mentioned there was a resident community meeting on the  
Norton property regarding the proposed storage units.

40 10. **Planning Director Report** – Mr. Van Wagenen reported on the following item  
42 followed by discussion.

- 44 • American Planning Association Utah Chapter Fall Conference, Sandy,  
October 4<sup>th</sup> - 5<sup>th</sup>
- 46 • Mt. Tech IV Grand Opening, RSVP needed. September 13<sup>th</sup>, 3-5pm
- 48 • Treatment Center Hearing (staff only) August 16<sup>th</sup>

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

4 **ADJOURN** –

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

12 Approved – August 28, 2018

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Sharon Call, Chairperson

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18 \_\_\_\_\_  
20 Hugh Van Wagenen, Planning Director