

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **August 22, 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, Chair
9 Invocation: Bob Wily, Commissioner
10 Pledge of Allegiance: Rob Kallas, Commissioner

12 **PRESENT** **EXCUSED**

13 Sharon Call, Chairperson
14 Bob Wily, Commissioner
15 Rob Kallas, Commissioner
16 Mike Marchbanks, Commissioner
17 Charlie Keller, Commissioner
18 Steven Johnson, Commissioner
19 Mike Vanchiere, Commissioner
20 Hugh Van Wagenen, Planning Director
21 Brandon Snyder, Associate Planner
22 Kathy Moosman, City Recorder

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

- 26
- 27 1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.
 - 28
 - 29 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the Planning
30 Commission meeting of July 25, 2017 and the joint work sessions from July 11,
31 2017 and August 1, 2017 were reviewed.

32

33 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES
34 OF THE REGULAR MEETING OF JULY 25, 2017 AND THE JOINT WORK
35 SESSIONS FROM JULY 11, 2017 AND AUGUST 1, 2017 AS AMENDED OR
36 CORRECTED. COMMISSIONER WILY SECONDED THE MOTION. ALL
37 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

42 **CURRENT BUSINESS** –

- 43
- 44 4. **Public Hearing — Ordinance Amendment, Lindon City Code (LCC)**
45 **17.04.400.** Marc Udall, Dry Canyon Ranch, requests an amendment to LCC
46 17.04.400, regulating Home Occupation requirements, to allow for Summer

2 Physical Education lessons to have more vehicular traffic than what is currently
4 allowed by ordinance.

6 COMMISSIONER VANCHIERE MOVED TO OPEN THE PUBLIC HEARING.
8 COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT
10 VOTED IN FAVOR. THE MOTION CARRIED.

12 Hugh Van Wagenen, Planning Director, gave a brief background of this agenda
14 item noting the applicant, Marc Udall, is in attendance representing this request. Mr. Van
16 Wagenen stated this is an ordinance amendment and could be applicable city wide but is
18 for a particular property and for their circumstance and is located at 440 South 400 East.

20 He then gave a brief background noting in 2014 the city received reports that the
22 swim business occupation was operating out of the parameters of the conditions imposed
24 (traffic and parking). In February of 2015 the Planning Commission reviewed this issue
26 again based on reports that came in and the conditions place on this home occupation. In
28 that 2015 meeting there were two (2) conditions placed as follows: 1. no more than one
30 class conducted per hour and no more than 5 vehicles of traffic per hour and 2. with the
32 number of residents they could have 14 vehicles overall total at any given time. In 2016
34 and 2017 staff received additional reports that the number of vehicles was exceeding that
36 number per hour (5) and they notified the Udall's and since that time have had
38 discussions about what the code allows and doesn't allow. This has led to their request of
40 this ordinance amendment (seasonal physical education). Mr. Van Wagenen then
42 referenced the bullet points of changes to the actual code and gave an overview of the
44 draft. He also showed an aerial view of the property in question and the applicants
46 submitted parking rendering (perpendicular parking). He then turned the time over to Mr.
48 Udall for comment.

Mr. Udall stated they have been conducting swimming lessons for almost 30
years and they are pleased to provide instruction to young people. He noted his wife has
had the opportunity to work with his daughter Sarah and he has provided the venue for
the lessons. He brought up the issue of installing a parking lot in his pasture noting they
do have the property that they could build a parking lot, but the pool has leaked and the
past year they had to put in a new pool, so they are strapped financially for money right
now. He also pointed out they currently have enough legal parking and that is where they
are at and hope to continue.

Chairperson Call stated the biggest concern is from the neighbors feeling the
parking is causing congestion in the neighborhood, particularly on the other side of 400
East. Mr. Udall stated they can park 23 cars on their property with 14 cars out front
(including the driveway) and they have encouraged people to park on Center Street while
waiting. He pointed out they have adjusted their lesson times and if they extended the
lessons longer than an hour that would alleviate part of the congestion problem but the
smaller kids get fatigued if lessons are longer than an hour.

Commissioner Vanchiere commented that he drove to the site twice now and
when granted permission to do certain things they have violated the conditions placed at
that time (not intentionally). He mentioned another issue is that it is so close to the
intersection as to pose a concern and it seems congested with more vehicles.

Chairperson Call called for any public comment at this time. Several in
attendance addressed the Commission as follows:

2 **Boyd Walker:** Mr. Walker stated this has been an ongoing issue with the amount of cars
4 coming and going. He noted they have had letters from the postal service that they can't
6 deliver the mail because it is blocked. There are cars parked in his driveway and this
poses a safety hazard in a residential area. He would suggest that Mr. Udall have their
client's park in their vacant property and to open the gate and let them park in his pasture.

8 Mr. Udall brought up another home business in the city and how much traffic they
10 generate.

12 **Mike Jorgensen:** Mr. Jorgensen stated he lives across from the Udall's. He noted they
14 would be willing to let the Udall's patron's park in front of their pasture as they have 400
feet on 400 East where they can park. They are in favor of seeing the lessons continue.

16 **Joshua Udall:** Mr. Udall stated he understands there is a congestion/parking issue here
18 but there has never been any traffic accidents or safety evidence documented over this
period of time. He pointed out the safest option is to keep the kids on their side of the
street for pick up.

20 **Emily Miller:** Ms. Miller stated her kids take lessons at the Udall's and they usually
22 walk to swimming lessons. She hopes this can be worked out as to continue with the
24 lessons because the Udall's have been a great benefit to the community. She pointed out
her son's preschool in town has the same issue with traffic and everyone just deals with
it.

26 Mrs. Udall stated the day in question (a Saturday on the 4th of July weekend)
28 when the police came. She noted there was a garage sale the same day across the street
and they had hay delivered, so this was a particularly bad day for traffic and a lot of that
they didn't have control over. Mr. Udall stated they learned from that day. He also spoke
30 on the pasture issue noting city code says it needs to be at least gravel and have a
sidewalk and that is not financially feasible for them right now. Mrs. Udall stated they
32 didn't have a problem but only on that one particular makeup day. She pointed out that
sometimes there is only 3 to 5 cars and most people park on Center Street (12 parking
34 places) and they are also done by 2 or 3 in the afternoon.

36 Mr. Van Wagenen clarified there is a distinction between problem days and days
that are out of violation with the existing conditions and ordinances.

38 Mr. Udall commented the first time the complaints came in they were on an LDS
mission and out of the state and now they are here to address these compliance
40 complaints.

42 **Tom Robinson:** Mr. Robinson stated he knows of a number of people in Lindon who
44 give voice lessons (every ½ hour until 6:30 pm) with cars pulling in and out on canal
drive and 400 east and he doesn't understand why this is a problem (with the Udall's)
when there are just as many cars at the voice lessons as there are at the Udall's.

46 **John Roylance:** Mr. Roylance stated if parking is the issue here, he also told the Udall's
48 they are welcome to have their patron's park in front of their house also as it is available.

2 **Kathleen Gunderson:** Ms. Gunderson commented they have four parking stalls that the
Udall's can use. She noted the good the Udall's have done for the community in teaching
4 these kids is phenomenal. She also questioned if the parking allowance can be changed
depending on how much property you have; she feels these issues can and should be
6 mitigated.

8 **Mary Canseda:** Ms. Canseda pointed out that over the years the traffic on 400 East has
gotten worse and the traffic is not all the Udall's. She doesn't see that it's a big problem.
10 She teaches music lessons and has to work out the parking. She feels if we work together
and be patient with one another these issues can be worked through. The parking isn't
12 significant and not any different than what you would see with a family gathering or
another function.

14 **Shelley Savage:** Ms. Savage asked for clarification that the ordinance currently states
16 they can have five cars per hour and if they are proposing to change it to 13 cars per hour.
Mr. Van Wagenen clarified a home occupation can generate up to five vehicles per hour
18 for the business and this amendment would change it to 13 per lesson (per hour) as many
as 14 vehicles to be parked on site (physical education requests); dealing with both
20 parking and dropping off and this would only be from June 1 to August 30. She is just
trying to understand these issues pointing out there are other home occupations that are
22 busier and generate more traffic and parking issues than the Udall's.

24 Mr. Udall pointed out that this is just seasonal. The issue of congestion is that the
road has gotten busier but the stop sign provides a fair amount of protection. The amount
26 of congestion and traffic they add to the street is negligible and there's is just a small
amount that is spread out over the whole year. They also encourage people who are
28 willing to park on Center Street. There is no other way to do it as they have permission of
14 cars already. They are asking for this change as to have it a little more consistent with
30 the way people pick up and drop off. He concluded by stating they would like to
continue providing lessons but they are not sure how many more years they will be able
32 to do it.

34 Chairperson Call reminded them that this is not just about that particular day. She
added that she has also driven to the area in question.

36 **Beverly Udall:** Ms. Udall stated she is hearing this is about safety and parking issues. In
30 years of providing lessons there have not been any safety issues or an accident in 30
38 years and that should be considered. The parking sounds like it is not an issue either in
terms of keeping the lessons going with neighbors offering parking spaces. In all the
40 time she lived there she never saw anyone parked where they shouldn't be.

42 Mr. Udall stated when they had a complaint and didn't have lessons for one year in
order to address the issues and come into compliance, they weren't trying to circumvent
44 the rules; they changed things and thought they were in compliance.

46 Mr. Van Wagenen pointed out that even if the neighbors are willing to let parking
happen on their street frontage in front of their homes it would still have to be written
48 into code if this is something the Commission wants to take into consideration.

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

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

8
10 Commissioner Kallas agrees the Udall's providing lessons is a good service to the
community, but pointed out that people live in residential neighborhoods for a reason and
12 as a Planning Commission they have to be aware of that. He added when a non
conforming use is put into a neighborhood that causes a lack of quiet enjoyment for the
14 neighbors they have to consider that. He noted whatever the Commission does now with
this ordinance change will apply throughout the city. He feels we need to look at this
16 closely and find a way to mitigate, in some degree, the parking issue because the more
people parking on the street the more the neighbors lose that quiet enjoyment. He
18 commented that it appears this may be resolved by making a parking lot in the pasture; he
can see both sides of this issue.

20 Commissioner Johnson observed that the bigger issues with traffic would not be
changed by having a parking lot. He noted he had a similar issue with his home
22 occupation tax business (seasonal) and at times they may have been out of compliance
that he was conscious of, and that is one reason they built their business. He stated he is
24 torn as a Commissioner as he knows what it is like to be in this situation and to have your
livelihood based on it with no other place to go, but there is the concern of the traffic
26 comings and goings more than the actual parking issue and he would like to look at ways
to mitigate those concerns.

28
30 Chairperson Call stated she has the same issues with the traffic more than the
parking issue. Commissioner Kallas stated he is more concerned with the parking and
allowing it in a residential zone.

32
34 Mr. Udall pointed out they tried to craft the ordinance so these concerns would be
addressed noting this is seasonal swim lessons under summer physical education. They
36 have permission to have 14 cars and they have the frontage and most homes don't have
the frontage (as far as the ordinance being city wide).

38 Commissioner Vanchiere asked Mr. Udall if he is at capacity with the number of
lessons. Mr. Udall stated they are at instructor capacity.

40
42 Commissioner Johnson commented if they pick up and drop off at different times
that would help mitigate his concerns and to utilize a buffer; as far as the ordinance goes
they have plenty of parking. He would like to find a way to make it a smoother transition.

44
46 Chairperson Call stated she would like to figure out how to mitigate these issues as
to allow them to continue with their home occupation. She pointed out this is city wide so
we need to be careful when considering this issue. Mr. Van Wagenen then referenced

2 the redlined items of the draft ordinance and asked for any items that generate concerns
as follows:

- 4 a. Shall only operate on a seasonal basis between Jun 1 and August 30
- 6 b. May have up to fourteen (14) individuals on site for a lesson inclusive of staff
and students (e.g. one (1) employee and thirteen (13) students)
- 8 c. Shall only conduct one lesson per hour
- 10 d. Shall not begin before 7:30 am nor terminate after 6:00 pm
- 12 e. May generate up to thirteen (13) vehicles of traffic to the resident per lesson (a
vehicles dropping off and picking up the same student counts as one vehicle)
- 14 f. May have up to fourteen (14) motorized non-farm vehicles parked at the
resident provided that additional vehicles can be parked legally, either in
normal parking places on the lot occupied by the residence containing the
home occupation or by the curb directly in front of the residence without
parking in front of any other property.
- 16 g. If lessons are conducted outside the seasonal dates outlined in paragraph 6(a)
the business must comply with paragraph 5(e) with regards to parking and
18 vehicles of traffic per hour.

20 There was then some general discussion by the Commission on ways to mitigate
these issues.

22
24 Mr. Udall pointed out they crafted a policy statement and included the parking
diagram to give to the patrons to show them where the parking is and they do direct them
to park in these allotted areas. He also pointed out if these cannot be mitigated they will
26 be forced to close.

28 Mr. Van Wagenen pointed out this is the ordinance being proposed before the
Commission tonight and asked if there are any modifications.

30
32 Mr. Udall stated they will be happy to adjust the lesson times if that will help
mitigate any issues and help spread it out.

34 Commissioner Wily observed that the Commission is really trying to bend over
backwards to make this ordinance amendment work as this is really a lifesaving service
36 and it would be a shame to see it close. He also pointed out the ordinance is crafted to
preserve the residential nature of neighborhoods. He noted because they have been so
38 successful and have so many loyal followers and grown, he would suggest (as a home
occupation grows) to either scale back the operation or would advise to relocate to a
40 commercial location that is designed for commercial traffic flow; he feels this can't be
narrowly crafted just for this particular situation but there may be some wiggle room on
42 the way the trips are counted with drop off and pick up.

44 Mr. Udall stated this can be crafted differently if need be with some more thought
and suggestions considered to make it work as to be in compliance. Mr. Van Wagenen
46 clarified the vehicle trips generated by the home occupation is what's in question.
Chairperson Call stated this motion will be a recommendation to the City Council.

2 Following some additional discussion the majority of the Commissioners felt the
proposed changes would alter the residential feel of the neighborhood.

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

6
8 COMMISSIONER VANCHIERE MOVED TO RECOMMEND DENIAL TO
THE CITY COUNCIL THE APPLICANT’S REQUEST FOR ORDINANCE
AMENDMENT #2017-12-O. COMMISSIONER WILY SECONDED THE MOTION.
10 THE VOTE WAS RECORDED AS FOLLOWS:

12 CHAIRPERSON CALL	AYE
12 COMMISSIONER KALLAS	AYE
14 COMMISSIONER MARCHBANKS	AYE
14 COMMISSIONER WILY	AYE
16 COMMISSIONER KELLER	AYE
16 COMMISSIONER JOHNSON	NAY
16 COMMISSIONER VANCHIERE	AYE

18 THE MOTION CARRIED SIX TO ONE.

- 20 5. **Alteration of a non-conforming use (LCC 17.16.030) — Priddis Music, 790**
22 **North 200 East.** Richard Priddis, Priddis Music, requests approval of an
alteration of a nonconforming use (music recording studio in a single-family
24 residential zone) to allow other commercial business activities at 790 North 200
East, in the Residential Single Family (R1-20) zone.

26 Brandon Snyder, Associate Planner, explained the applicant, Mr. Rick Priddis
(who is in attendance) has expressed interest in selling his property which is a unique
28 parcel. He gave a brief overview noting it is unclear to potential buyers on which uses the
City may consider allowing at the site other than residential and a music recording studio.
30 Mr. Priddis received approval of a conditional use permit by the Lindon City Planning
Commission for Priddis Music on October 13, 1999. The Lindon City ordinances in
32 effect at that time (October 1998), allowed Professional Offices (when harmonious with
the general character of the district where located), in the residential zones by way of a
34 conditional use permit. Presently Lindon City Codes no longer allow professional offices
in the residential zones.

36 Mr. Snyder stated Mr. Priddis and staff have discussed the concern that the
proposal would not comply with the current home occupation regulations. Concerns
38 include the following: number of employees, hours of operation, and number of vehicular
trips/traffic generated, and parking. He noted the Lindon City Standard Land Use Table
40 provides for the regulation and administration of land uses in the various zones in the
City. Section II of the Land Use Table describes the purpose and intent of the R1-20 as
42 follows: R1-20 (Residential-Low). It is the purpose of this zone to provide areas of low
density, residential neighborhoods of essentially spacious and un-crowded character to
44 promote the benefits of open, rural atmosphere, and to provide for areas where larger
animals are permitted. He noted the final decision is with the Planning Commission and
46 does not need to go to the Council. He also referenced letters received by staff regarding
this issue. He mentioned things to consider are hours of operation, limiting noise, limiting

2 activities to indoors, considering occupancy restrictions, parking, odors, and if necessary
restricting outdoor storage.

4 Mr. Snyder stated Mr. Priddis has provided a list of potential uses for
consideration as directed by the Council pointing out that staff does not support the
6 consideration of car maintenance or a wood shop. He noted that church, day care, and
school uses are already listed as conditional uses in the residential zone. He also
8 mentioned that because one business plan or specific use is not under consideration it is
difficult to anticipate potential restrictions or conditions to address nuisances or impacts
10 on the residential neighborhood, (i.e. hours of operation, limiting noise, activities limited
to indoors, occupancy, parking, odors/noxious emanations, and restricting outdoor
12 storage). It is also unclear at this time if the applicant or future owners will utilize the
existing residence as a dwelling unit or an office. These concerns were discussed with the
14 City Attorney, who has provided the following response,

*“With that being said, I believe that it is clear that the new proposed use of the property
16 (as a chiropractic clinic) is sufficiently different and distinct from the current use that it
could not be reasonably designated as a continuation of the existing nonconforming use.
18 As such, there is not an absolute right to the proposed (clinic) use as there would be if a
new owner were seeking to continue to use the property as a recording studio. While
20 there is no “per se” right to the proposed use, as mentioned above, §17.16.030 of the
City code does grant some discretion to the Planning Commission to allow a
22 nonconforming use to be altered. This language can be interpreted as providing an
avenue for a non-conforming use to be changed from one use to another, but again, this
24 exercise of this authority is completely discretionary, (as indicated by the use of the term
“may” in place of “shall”) and no applicant can force the Planning Commission to
26 exercise that authority on their behalf. Furthermore, this discretion is limited in that the
Planning Commission may only exercise this right upon making findings that the specific
28 conditions set forth in subparts a to c. have been met. Therefore, even if the Commission
is inclined to allow an alteration to the existing nonconforming use; they may only do so
30 after these requirements have been satisfied.”*

Mr. Snyder further explained State law defines a nonconforming use as a use of
32 land that “legally existed before current land use designation that has been maintained
continuously since the time the land use ordinance governing the land changed” that
34 “does not conform to the regulations that now govern the use of the land.” Generally
speaking, the presumption is that nonconforming uses should be eventually eliminated,
36 however, State law allows municipalities to provide for “the establishment, restoration,
reconstruction, extension, alteration, expansion, or substitution of nonconforming uses”
38 according to standards identified in the municipal code. Accordingly, Lindon City Code
subsection 17.16.030(2) allows the Planning Commission to “authorize the expansion,
40 alteration, or enlargement of a nonconforming use only after holding a public hearing and
finding” the following:

- 42 a. the expansion, alteration or enlargement of the nonconforming use will to
reasonable extent bring the use as close as reasonably possible to conformance
44 with requirements and regulations of the zone in nonconformity is located; and,
- 46 b. the proposed change does not impose any unreasonable burden upon the lands
located in the vicinity of the nonconforming use or violate the development
policies adopted in the Lindon City Master Plan; and,

2 c. the use, building, or structure, existing or proposed, will be brought into
4 compliance, where possible, with design and architectural standards of the zone
where proposed.

6 Mr. Snyder also pointed out the Lindon City General Plan indicates it is Lindon
8 City's community vision to provide for a strong, positive civic image and identity within
a clean and attractive physical setting which seeks to preserve a high quality, open, rural
10 living atmosphere which is also receptive to compatible services and amenities provided
by some elements of urban living.

12 He further stated that Lindon City Codes also states all nonconforming parcels,
lots, buildings, structures, or uses shall not be added to, enlarged in any manner, moved
14 to another location on the lot, or have parcel lines moved, changed, or adjusted, except as
provided by subsection 2 of this section. The Planning Commission may authorize the
expansion, alteration, or enlargement of a nonconforming use, structure, building, parcel,
16 or lot, or movement of parcel lines, only after holding a public hearing and finding that:

- 18 a) the expansion, alteration or enlargement of the nonconforming building. structure,
parcel, lot, or use will to reasonable extent bring the property, building, structure,
20 parcel, lot or use as close as reasonably possible to conformance with
requirements and regulations of the zone in which the nonconformity is located;
and
- 22 b) b. the proposed change does not impose any unreasonable burden upon the lands
located in the vicinity of the nonconforming use or structure or violate the
24 development policies adopted in the Lindon City Master Plan; and
the use, building, or structure, existing or proposed, will be brought into
26 compliance, where possible, with design and architectural standards of the zone
where proposed.

28 He then referenced the applicant's Proposal, Lindon City Code 17.04.400 Home
30 occupations, the Priddis Music Site Plan, and the Priddis Music Staff Report and Minutes
(1999). Mr. Snyder then went over LCC section 17.04.400 Home occupation
32 requirements followed by discussion. He then turned the time over to the Mr. Priddis for
comment.

34 Mr. Priddis gave a background of the property stating he owns property on the end
of 200 East (an old orchard warehouse). He noted he purchased it when it was a real "eye
36 sore" and he spent a lot of time and money fixing it up. He also bought the Valley Center
Playhouse property next door and now regrets it as it is making it more difficult to sell it
38 now. He has been trying to sell the property (as the music industry has changed since
then) and it is zoned residential and since he has been there the restrictions are tighter and
40 prospective buyers can't get around the regulations. Mr. Priddis explained they have a
parking lot and a tiny house that was built in 1945 (600 ft. footprint) with a big
42 warehouse behind it; the value is \$755,000 dollars (per county records). The only buyers
who will consider purchasing it will need it for commercial as the house is so small. He
44 is feeling frustrated and he hasn't been given much hope on how to move things along.
He explained a Chiropractor came along several months ago and tried to buy it and now
46 he is backing out because it is taking so long and he is just looking for a solution. He has
worked hard to fix it up and he can't go month after month with buyers trying to get to
48 the city and in the meantime he needs to sell the his property; he would like this

2 streamlined to speed up the process. He is not asking to reverse everything but he is asking
4 for help and hopes the neighbors will understand and hopes there is a use that may apply

6 There was then some discussion regarding uses that may be compatible at the area
8 in question. Chairperson Call then called for any public comment at this time even though
this is not a public hearing. There were several in attendance who addressed the
Commission as follows:

10 **Steve Peck:** Mr. Peck, neighboring resident, stated Mr. Priddis' property is beautiful and
12 looks nice and is not unseemly. Their concerns are when it starts to take on a commercial
14 feel and looks like a retail property (with signs etc.) their values diminish and they lose
the neighborhood feel. Something that has a commercial flavor may be a problem, but he
did commend Mr. Priddis on the beautiful property and what they have done with it.

16 **Angela Hendricks:** Ms. Hendricks stated she lives next door to the property in question.
18 She has concerns that the city took a commercial lot and turned it into a residential lot.
20 The city has approved to start changing it to more residential by allowing homes to be
22 built. She pointed out they worked closely with city to meet city requirements to build
24 their home to make it residential and went through a lot to turn their commercial lot into a
residential lot to appease the city. It is her understanding that the city has encouraged that
the area be more residential. She has concerns with privacy if it turns more commercial
and also with the traffic on 200 east with the speeding in that area. These things should be
taken into consideration and to not change things for one person.

26 **Bill Henegar:** Mr. Henegar pointed out that this is zoned residential. He then read the
28 city code section regarding the single family residential zone. By allowing commercial
30 activity in this area violates the code and setting a precedent is not good and will
32 proliferate commercial businesses in residential zones. It is not the city's role to solve or
resolve or protect businesses from their own decisions. They want to be allowed their
quality of life in their residential neighborhood.

34 **Scott Larsen:** Mr. Larsen stated he is curious about what it would take to convert Mr.
36 Priddis' property back to a residential property. Hannah Priddis stated it would cost about
38 \$150,000 to \$200,000. She noted that Mr. Priddis has been there longer than most of the
neighbors who are commenting. He shouldn't be restricted from selling his property and
the city can make requirements to still allow another business to operate in the same
manner as Mr. Priddis has been operating for all these years.

40 **Tammy Northrop:** Ms. Northrop stated they built their house in 1991. Mr. Priddis
42 started the business in his home and expanded they have been good neighbors and have
44 done a beautiful job but the difference is they have lived on the property and maintained
46 it to the standard it is and before that it was residential. And now with him leaving they
would like to see it go back to residential. She also pointed out that whatever business
comes in will most likely not live at the home and not be a neighbor but a business. The
neighbors want to keep the standard as residential and want it to continue as residential.

2 **Michael Jones:** Mr. Jones asked if the Planning Commission can revoke a non
4 conforming use license. Chairperson Call pointed out there are some conditional uses that
6 are allowed as far as residential zones and conditional use permits continue with the
property.

8 **Don De St. Jeor:** Mr. De St. Jeor stated even though Mr. Priddis has been an exemplary
10 neighbor, a new commercial business may not be. He feels the concerned neighbors don't
have a voice and feels the city should listen to their concerns and give them their due
process.

12 **Suzanne Henegar:** Ms. Henegar expressed her concerns when the owner is not living on
14 site it may be open to anyone and could elicit vandalism etc. She also asked with the next
16 proposal if the neighbors will be notified. Mr. Snyder confirmed anyone within 300 ft.
will be notified.

18 Mr. Van Wagenen pointed out that this has been a situation that has worked for 20
years with him living on site and Mr. Priddis has been part of the community. The
20 question to ask is why this has worked and been compatible these past years. He
suggested putting together a list of things that fit into this envelope to distill why it works
22 and if these conditions be implied to anyone who buys the property and how it has been
operated. Mr. Priddis stated certain adjustments can be made based on what the city
24 attorney says and based on the uses, so this may be enough for right now and opens it up
a little more; this has been established so if someone comes along the process will all go
smoother. Chairperson Call then read the current conditions placed on the property.

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

28
30 COMMISSIONER WILY MOVED TO DENY THE APPLICANT'S REQUEST
TO ALTER THE EXISTING NONCONFORMING USE. COMMISSIONER KALLAS
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

40
42 6. **Public Hearing — Zone Map Amendment & Ordinance Adoption, 400 North
2800 West, LCC 17.54 Regional Commercial (RC) Zone (Continued from PC
meeting 07/25/2017).** Lindon City requests review and approval of a Zone Map
44 Amendment from General Commercial Auto (CG-A8) to Regional Commercial
(RC), on multiple parcels located at approximately 400 North 2800 West. Lindon
46 City also requests approval of an amendment to Lindon City Code by way of
adopting 17.54 Regional Commercial Zoning Ordinance, to address development
48 regulations, activities and uses in the RC zone. These items may be continued for

2 further review. Recommendations will be forwarded to the City Council for final
approval. (Pending Ordinance 2017-#__-O).

4

COMMISSIONER WILY MOVED TO OPEN THE PUBLIC HEARING.
6 COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

8

Hugh Van Wagenen explained this item noting the Regional Commercial zone will
10 have design standards similar to commercial zones, but may also allow warehouse and
distribution uses. So the City is requesting approval of a Zone Map amendment to
12 reclassify the following parcels from General Commercial-Auto (CG-A8) to Regional
Commercial. He noted this item was reviewed and continued from the July 25, 2017
14 Planning Commission meeting. Overall intent is to allow uses in the mixed commercial
or light industrial zone but with higher landscaping requirements. He then referenced the
16 changes (in red) on the ordinance amendment since the last discussion. He also presented
photos of different landscaping options.

18 There was then some lengthy discussion on the Ordinance items including the
overall landscaping (is 30% too high) the use of water wise landscaping in the park strips
20 (70% plant coverage or less) grass not required, street cross section, right of way,
sidewalk easements and the dock doors able to face public streets if screened properly.
22 There was then some additional discussion with Mr. Mark Weldon and Doterra
representative, Phil Hadderlie, concluding with several suggested changes as follows:

- 24 • Doterra - questions on dock doors
- 26 • Mr.Weldon - overall site percentage of open space and landscaping and
minimum landscaping percentages

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

30

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

34

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

38 COMMISSIONER KALLAS MOVED TO CONTINUE ORDINANCE 2017-11-
O FOR FURTHER DISCUSSION. COMMISSIONER VANCHIERE SECONDED THE
40 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COMMISSIONER KALLAS	AYE
42 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KELLER	AYE
44 COMMISSIONER JOHNSON	AYE
COMMISSIONER VANCHIERE	AYE
46 THE MOTION CARRIED UNANIMOUSLY.	

2 being presented. He noted it is hoped that this review will lay the groundwork for
4 discussing the General Plan update that is coming forward. He then read the excerpts
6 from the current General Plan so the Commission will become familiar with the purpose
8 and goals of the different non-residential land use designations in the City. There was
10 then some general discussion by the Commission regarding this section review of the
12 General Plan.

14 Chairperson Call called for any further comments. Hearing none she moved on to
16 the next agenda item.

18 9. **New Business: Reports by Commissioners** – Chairperson Call called for any
20 new business or reports from the Commissioners. She questioned air bed and
22 breakfasts and if they are allowed in the city in residential areas and if there is a
24 special zoning. Mr. Van Wagenen stated there is nothing specific on the books but
if they want to rent out their home or apt. there is a permit to do that. There is not
an ordinance regulating it outside of the accessory apt. ordinance regulation short
term rentals.

18 10. **Planning Director Report** – Mr. Van Wagenen reported on the following items
20 followed by discussion.

- 22 • Lindon Days – August 7-12
- 24 • APA-Utah Fall Conference at Park City October 5 & 6, 2017
- General Plan Survey

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

28 **ADJOURN** –

30 COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE
32 MEETING AT 11:05 PM. COMMISSIONER KELLER SECONDED THE MOTION.
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 Approved – September 12, 2017

36
38 _____
Sharon Call, Chairperson

40
42 _____
Hugh Van Wagenen, Planning Director