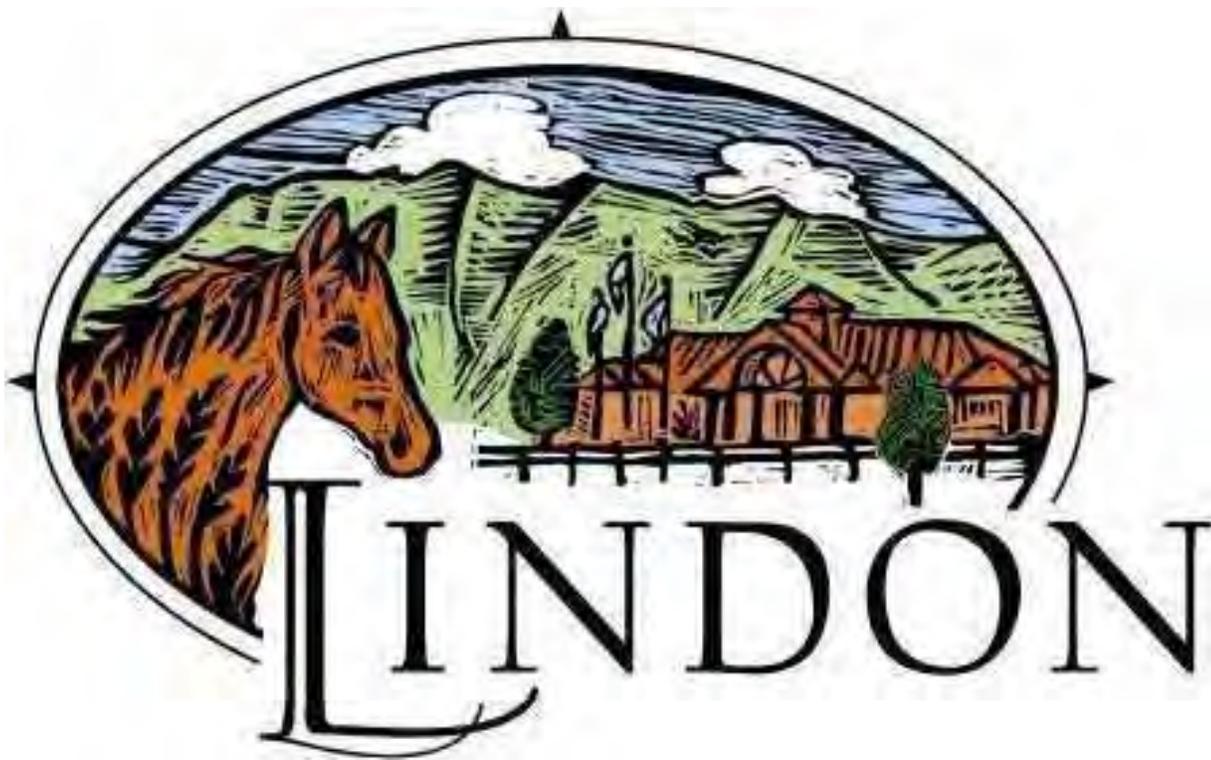


# **Lindon City Planning Commission Staff Report**



**November 12, 2019**

**Notice of Meeting**  
***Lindon City Planning Commission***



**Item 1 – Call to Order**

Sharon Call  
Mike Marchbanks  
Rob Kallas  
Steve Johnson  
Scott Thompson  
Jared Schauers  
Renee Tribe

# Notice of Meeting

## Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, November 12, 2019, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at 7:00 p.m. This meeting may be held electronically to allow a commissioner to participate by video or teleconference. The agenda will consist of the following items:

### Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



Scan or click here for link to download agenda & staff report materials.

1. Call to Order
2. Approval of minutes  
Planning Commission 10/22/2019
3. Public Comment
4. Public hearing for a recommendation to the Lindon City Council to amend City Code 17.48 to increase the allowable building height limit for the Planned Commercial-1 zone – Miller Family Real Estate LLC  
Miller Family Real Estate, LLC requests Ordinance Amendment approval to increase the allowable building height in the Planned commercial-1 zone from 48 feet to 60 feet and related technical amendments. (20 minutes)
5. Site Plan Amendment – Doterra Warehouse – approximately 2300 W. 400 N.  
Doterra International requests Site Plan Amendment approval to allow the Planning Commission to review proposed changes to the external design of the Doterra Warehouse. Parcel #14:059:0048. Continued from October 22, 2019 Planning Commission meeting. (15 minutes)
6. Concept Review – South Haven Development – 531 N. State Street  
South Haven Development requests concept review of a proposal to allow for 99 residential units on approximately 6 acres of the Linden Nursery property. Parcel #45:244:0001. *A Concept Review allows applicants to receive Planning Commission feedback and comments on proposed projects. No formal approvals or motions are given, but general suggestions or recommendations are typically provided.* (20 minutes)
8. New Business from Commissioners
9. Planning Director Report  
- General City updates

### Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801) 785-7687. City Codes and ordinances are available on the City web site found at [www.lindoncity.org](http://www.lindoncity.org). The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours notice.

The above notice/agenda was posted in three public places within Lindon City limits and on the State <http://www.utah.gov/pmn/index.html> and City [www.lindoncity.org](http://www.lindoncity.org) websites.

*\*The duration of each agenda item is approximate only*

**Notice of Meeting**  
***Lindon City Planning Commission***



Posted By: Kathryn Moosman, City Recorder

Date: 11/8/2019

Time: 5:00 pm

Place: Lindon City Center, Lindon Police Station, Lindon Community Center

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **October 22, 2019 beginning at 7:00 p.m.** at the Lindon City Center, City Council  
4 Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 7:00 P.M.**

8 Conducting: Sharon Call, Chairperson  
9 Invocation: Rob Kallas, Commissioner  
10 Pledge of Allegiance: Scott Thompson, Commissioner

12 <b><u>PRESENT</u></b>	<b><u>EXCUSED</u></b>
Sharon Call, Chairperson	Renee Tribe, Commissioner
14 Mike Marchbanks, Commissioner	
Rob Kallas, Commissioner	
16 Steven Johnson, Commissioner	
Scott Thompson, Commissioner	
18 Jared Schauers, Commissioner	
Mike Florence, Planning Director	
20 Anders Bake, Associate Planner	
Brian Haws, City Attorney	
22 Kathy Moosman, City Recorder	

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

26 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the  
28 Planning Commission meeting of October 8, 2019 were reviewed.

30 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES  
32 OF THE REGULAR MEETING OF OCTOBER 8, 2019 AS PRESENTED.  
COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

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

38 **CURRENT BUSINESS** –

40 4. **Public Hearing – A recommendation to the Lindon City Council to amend**  
42 **the Lindon City Development Manual for a new public street cross-section.**  
Lynn Walker requests Ordinance Amendment approval to amend the Lindon City  
44 Development Manual to create a new public street cross section option for  
Lindon’s local streets.

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

2 Anders Bake, Associate Planner, led this discussion by stating Mr. Todd Dudley  
is in attendance representing the applicant tonight. He noted the applicant is requesting an  
4 Ordinance Amendment approval to amend the Lindon City Development Manual to  
create a new public street cross section that would be available for all new local streets.  
6 He added the commission will make a recommendation to the city council.

8 Mr. Bake stated the applicant is planning to apply for subdivision approval at a  
future day for his property at approximately 850 East Center street and would like to use  
the proposed cross-section for this subdivision. The proposed cross-section design  
10 includes an 8-foot park strip between the back of the street curb and the sidewalk which  
is similar to approved cross-sections in nearby cities. In the proposed cross-section the  
12 private property line will be 2 feet behind the back of the curb. The remaining 6 feet of  
park strip and the 5-foot sidewalk will be within a public sidewalk easement and not be  
14 part of the public right of way. He noted a number of cities in Utah County have gone to  
this cross-section as a development option and pointed out the public still has the same  
16 access rights as if the sidewalk were in the public right-of-way.

18 Mr. Bake then referenced a Cross-Section Comparison and table comparing the  
city's current street standards with the proposed cross-section requirements  
He also presented the Current Street Standards and Proposed Street Cross Section  
20 Renderings. He noted the proposed cross-section amendment to the Development Manual  
will give future developments in Lindon the opportunity to implement alternative street  
22 requirements. He pointed out the decrease in asphalt width from 34 feet to 30 feet will  
continue to give personal vehicles and emergency vehicles adequate traveling space with  
24 parking permitted on both sides the of the street. He indicated a slightly narrower road  
and larger sidewalks, that are separated from the road, will increase pedestrian comfort  
26 and safety in neighborhoods that implement the proposed cross-section.

28 Mr. Bake then referenced the Cross-Section Comparison Renderings, Proposed  
Development Manual Cross-Section Amendment and Future Walker Farms Subdivision  
Property followed by some general discussion including who maintains the park strips.  
30 Mr. Florence stated we currently don't have standards for maintenance of park strips and  
that may be something we should discuss at a future date. He then turned the time over to  
32 Mr. Dudley for comment.

34 Mr. Dudley stated they are going to do some CC&R's in this development for  
specific types of roof pitches etc., and they will also do some landscaping. He  
commented that it does seem like when everything is new everyone takes care of it, but it  
36 can change as time goes on; this is a really nice, attractive street and well taken care of.  
He pointed out the amount they will be paying for these lots he can't imagine that they  
38 won't take care of the park strip. Following discussion, the commission was in  
agreement with CC&R's in place that will help to ensure the park strip will be nice and  
40 well taken care of as there is a lot of investment made and they will be very nice high-end  
homes. Mr. Dudley also mentioned how surrounding cites handle park strips and cross  
42 sections requirements. Commissioner Kallas said he likes this proposal but he worries  
about the maintenance and enforcement of the park strip.

44 Commissioner Kallas also asked if there is any way to make this when a  
developer comes in to develop a subdivision that they are required to put the city streets  
46 in the way they are now. In other words, would they all default to the way they are now,  
but if the developer could show that this would be a benefit to the subdivision, would we  
48 approve it. Mr. Haws stated from a legal perspective they would need some type of

2 parameters to qualify it or dis-qualify it so it's not just hit and miss on how this is  
4 applied. Mr. Florence stated they could make a recommendation that it is added to the  
6 ordinance in the motion. Mr. Haws confirmed that statement. Commissioner Marchbanks  
8 suggested sending this on to the city council with a recommendation that we clarify and  
10 define "local street" so there are no ambiguities. Mr. Florence explained we would need  
12 to do an ordinance amendment and it would have to come back to the commission. He  
noted with a recommendation we could start working on the definitions before the site  
plan comes before the commission. Mr. Dudley stated what he is hearing the cross  
section is good it's just the definition we are trying to establish, so would he be safe in  
preparing his drawings with this cross section. The commission confirmed that  
statement.

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

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

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

COMMISSIONER KALLAS MADE A MOTION TO RECOMMEND TO THE  
CITY COUNCIL APPROVAL OF ORDINANCE AMENDMENT 2019-19-O AS  
PRESENTED WITH ONE RECOMMENDATION THAT STATES "LOCAL STREET  
AS DEFINED BY CITY ORDINANCE." COMMISSIONER MARCHBANKS  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE

THE MOTION CARRIED UNANIMOUSLY.

**5. Site Plan Amendment – Doterra Warehouse – approximately 2300 W. 400 N.**  
Doterra International requests Site Plan Amendment approval to allow the  
Planning Commission to review the external design of the Doterra Warehouse  
which differs from the design that the Planning Commission approved at their  
April 10, 2018 meeting. Parcel #14:059:0048.

Mike Florence, Planning Director, led this discussion by stating the applicant Phil  
Hadderlie representing Doterra International is in attendance for this application. He  
explained Doterra is completing their warehouse and call center for their new site in  
Lindon. He indicated that Doterra changed the exterior colors and paint design from what  
was originally approved by the planning commission. Since the planning commission  
was the land use authority on this item, it is staff's recommendation that the planning  
commission should provide approval of the change in color and paint design on the

2 warehouse building. He noted the fencing along 400 North was also modified from what  
4 was originally approved by the planning commission and this should also be reviewed by  
the planning commission tonight.

6 Mr. Florence indicated City staff was not made aware of changes to the paint  
colors and fencing until after the changes had been made. According the architect, the  
8 color and paint design was changed to match the color of the new call center office  
building and to also set this project apart from the Pleasant Grove campus. The fence was  
10 changed due to their budget not supporting the fence that was originally proposed. While  
the primary color (Early Evening) is lighter than what is called out on the color palette,  
12 staff feels like it can be considered an earth tone color. In addition, the ordinance allows  
for accent colors which the purple (Palisade Orchid) could be considered.

Mr. Florence then referenced the Regional Commercial Code as follows:

14 Texture, Colors, Finishes.

- 16 a) Avoid large areas of the same color and/or materials with no relief. Conversely,  
avoid the use of too many materials and/or colors, which may create busy or  
incongruous façades.
- 18 b) Earth tones are generally preferred over harsh or loud colors, except where more  
vibrant colors are used as accents to the primary colors. A color palette of Utah  
20 earth tones as found in the Lindon City Commercial Design Standards is to be  
used as a reference guide to color selections in developments.
- 22 c) Simplicity is encouraged regarding color. Excessive amounts of different colors  
should not be used. Brighter colors are recommended for use as accents only.
- 24 d) Vary colors and materials to break up the monotony in larger developments.

26 Mr. Florence also presented the 2018 architectural approval plan, photos of  
current plan, colors provided by the applicant, adopted Lindon City color palette and  
28 fence information followed by some general discussion.

30 Chairperson Call expressed her disappointment because the commission made a  
lot of concessions, and the paint and style of paint and the look that it gave was part of  
32 the reason why they made those concessions that they felt would “dress it up” and make  
it so it didn’t have that warehouse type look. She also mentioned the fact that it was not  
brought back before they went ahead and made changes; she feels this was a bit of a bait  
34 and switch.

36 Mr. Hadderlie stated the colors changed during the design and he wasn’t cued into  
the fact. He is here to apologize for that and they are really not trying to do the “bait and  
switch” but feels the new color scheme was a fresh new way of looking at the building.  
38 He noted the color scheme was a place holder design as a hold-over from the Pleasant  
Grove campus that they did. He added the colors and the way they are applied to the  
40 building pattern is identical and has not changed from the renderings with the same  
elements and same patterns; just different colors (without the dark band on the top) but  
42 they can talk about adding that back in, and it doesn’t have to be the purple it could be the  
gray accent color if that would help to soften it. He pointed out the gray color is the same  
44 as the neighbor to the east; they feel the accent colors (earth tones) follow the letter of the  
code.

46 Mr. Hadderlie explained, in reference to the fence, it was a precast concrete fence  
on the original drawings approved by the city. The texture of the fence is a dry stacked  
48 stone look instead of the custom pattern but the other fence was five times more

2 expensive than this fence because it required custom walls. He pointed out they did use a  
4 local provider and has the natural look to it. That was a concession they had to dial back

6 Chairperson Call pointed out what was approved and what is presented now is a  
8 huge change. She also brought up the fact that the commission has required that others in  
the city that have done this type of thing have been required to change it and her feelings  
are that we can't require it of some and not others. To just change the whole paint design  
and fencing doesn't seem right.

10 Commissioner Kallas stated he doesn't mind the fence but the checkerboard look  
12 just doesn't work. Mr. Hadderlie pointed out that the checkerboard was shown on the  
original renderings and mentioned that purple and gray is the DoTerra branding and is  
part of why they changed the color; the pattern was approved on the rendering.  
14 Chairperson Call mentioned in talking to several of the city council members who looked  
at this, and because of how hard they have tried to strengthen the architectural guide  
16 lines, they were quite concerned.

18 Commissioner Thompson suggested to meet a compromise to have them go back  
and get their architectural detail to see what it looks like and give a rendering that better  
shows the detailed look. Commissioner Marchbanks commented that part of the reason it  
20 looked better is because it is architecturally drawn with mature landscaping etc., and to be  
fair you would almost need to take this and turn it into an artist's rendering to really  
22 compare the two. There was then some general discussion regarding the colors and color  
palette.

24 Commissioner Thompson expressed his concerns of changing the colors without  
prior approval and if we can come to some compromise as to not set a precedent. He  
26 would like to see it dressed up a bit and to bring back a new artist's rendering with the  
changes. Mr. Hadderlie asked if they would like to see a rendering or if he can photoshop  
the changes. Chairperson Call stated that would be fine. Mr. Florence stated he will get  
28 this on the next planning commission meeting agenda in two weeks. Mr. Hadderlie stated  
he would push for a temporary certificate of occupancy pending getting this resolved.  
30 Chairperson Call stated she would also need a definite commitment on the changes. Mr.  
Haws suggested the commission put it in as a condition noting that is our leverage and  
32 there are steps you can take even if you go to an injunction (which we don't like to do).  
He liked the suggestion of the getting the temporary certificate pending the final  
34 certificate of occupancy.

36 Chairperson Call called for any further comments or discussion from the  
Commission. Hearing none she called for a motion to continue.  
38

40 COMMISSIONER THOMPSON MOVED TO CONTINUE THIS ITEM IN  
ORDER FOR THE APPLICANT TO BRING BACK A NEW RENDERING FOR  
REVIEW. COMMISSIONER SCHAUERS SECONDED THE MOTION. THE VOTE  
42 WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
44 COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
46 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER THOMPSON	AYE
48 COMMISSIONER SCHAUERS	AYE

2 THE MOTION CARRIED UNANIMOUSLY.

4 **6. Continued Public Hearing – A recommendation to the Lindon City Council**  
6 **to amend the Lindon City Zoning Code to create regulations for medical**  
8 **cannabis production establishments and pharmacies and to establish the**  
10 **Light Industrial West Overlay Zone.** An amendment to the Lindon City zoning  
code enacting 17.79 Cannabis Production Establishments and Medical Cannabis  
Pharmacies and establishing the Light Industrial West Overlay zoning district and  
amending related sections of the Standard Land Use Table, 17.40.010, 17.49, and  
17.18.

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

16 Mr. Florence led this discussion by giving a brief overview of this item explaining  
18 this item was continued from the October 8, 2019 planning commission meeting to give  
time for city staff to notice the property owners in the proposed Light Industrial West  
20 Overlay area of the zone change. He noted the Utah State Legislature has enacted  
Chapter 41a of Title 4 of the Utah Code, allowing for the establishment of Cannabis  
22 Production Establishments and requiring municipalities to allow Cannabis Production  
Establishment to be maintained as a permitted use in at least one agricultural or industrial  
24 zone and has set specific requirements associated with such a use.

Mr. Florence explained the Utah State Legislature has enacted Chapter 61a of  
26 Title 26 of the Utah Code, requiring municipalities to allow Medical Cannabis  
Pharmacies to be maintained as a permitted use in any zone not established primarily for  
28 residential use and has set specific requirements associated with such use.

Mr. Florence further explained Chapter 41a of Title 4 and Chapter 61a of Title 26  
30 of the Utah Code allows Lindon City to enact regulations and conditions upon Cannabis  
Production Establishments and Cannabis Pharmacies and to specify which zoning district  
32 will be designated for Cannabis Production Facilities as a permitted use. He noted the  
City is proposing to create a new overlay zone titled Light Industrial – West Overlay, and  
34 is proposing that Cannabis Production Establishments will be permitted within this  
overlay. If the City does not adopt an ordinance designating at least one zone where  
36 Cannabis Production Facilities are permitted uses, then, by default under the state law,  
Cannabis Productions Facilities are deemed to be permitted uses in all industrial and  
38 agricultural zones within the city.

Mr. Florence went on to say City staff are proposing amendment to the Standard  
40 Land Use Table, and Chapters 17.18, 17.40, 17.49, 17.25, 17.79 establishing the Light  
Industrial West zoning district. He indicated State code allows municipalities to regulate  
42 or limit outdoor cultivation of cannabis in industrial zones and city staff are proposing  
that outdoor cultivation be prohibited in the Light Industrial - West overlay. The City will  
44 also be noticing all property owners within this proposed zoning overlay designation area  
of the proposed zone changes. Chairperson Call called for any public comment at this  
46 time.

Todd Fugal, attendee, asked if there will be restrictions near residential areas so  
48 these facilities can't be close to schools etc. Brian Haws, City Attorney stated it can't be

2 within 600 ft. of a residential zone or within 1,000 ft. of those community locations  
(schools, parks, churches etc.); they measure that by a pedestrian route (walking  
4 distance). He indicated the zone they are creating on the west side of I15 won't come  
anywhere near the 1,000 or 600 ft. to any of those types of locations.

6 Mr. Fugal stated he understands this situation in that these need to be allowed  
somewhere, so an overlay needs to be created so it is not concentrated as much as it  
8 would be, but he doesn't see the point of creating an overlay as it seems to concentrate it  
more than necessary. Mr. Haws explained the State is only giving out eight licenses.  
10 There are seven regional districts and the goal is to get one dispensary in each of those  
seven districts. They are trying to disburse them and if there is more than one in the city  
12 you can go and talk to the State and they will take that into consideration in the licensing.  
There is no guarantee, but there are provisions that allows the municipality to get zoning  
14 approval to address that; frankly getting one in is probably what we will see and if there  
is an issue, we can enforce it. There was then some general discussion on the boundaries.  
16 Following some general discussion, the commission was in agreement to make  
adjustment to the boundary to reduce the south boundary to 200 South. Chairperson Call  
18 asked if there were any further public comments or discussion. Hearing none she called  
for a motion to close the public hearing.

20  
22 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.  
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

24  
26 Chairperson Call called for any comments or discussion from the Commission.  
Hearing none she called for a motion with condition number one added back in.

28 COMMISSIONER THOMPSON MOVED TO RECOMMEND APPROVAL OF  
ORDINANCE 2019-17-O AS PRESENTED. COMMISSIONER MARCHBANKS  
30 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

32 CHAIRPERSON CALL	AYE
32 COMMISSIONER KALLAS	AYE
34 COMMISSIONER JOHNSON	AYE
34 COMMISSIONER MARCHBANKS	AYE
36 COMMISSIONER THOMPSON	AYE
36 COMMISSIONER SCHAUERS	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 38  
40 **7. Public Hearing – A recommendation to the Lindon City Council to amend  
the Lindon City Zoning Map to create the Light Industrial West Overlay  
zone.** Lindon City requests approval for a zoning Map Amendment to apply the  
42 Light Industrial West Overlay zone to all properties currently zoned Light  
Industrial which are located West of I-15.

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

2 Mr. Florence noted everything was covered in the previous presentation item and  
he doesn't feel the need to discuss it further. However, there was some brief additional  
4 discussion regarding easily defined boundaries. Mr. Haws suggested making the  
recommendation to the city council that the boundary be west of the I15 corridor and  
6 North of 200 South. Following some brief discussion, the commission was in agreement  
it makes a much cleaner boundary and to make the boundary change recommendation to  
8 the city council noting the council will make the final determination.

Chairperson Call called for any further public comments. Hearing none she  
10 called for a motion to close the public hearing.

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

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

18  
COMMISSIONER MARCHBANKS MADE A MOTION TO RECOMMEND  
20 APPROVAL OF ORDINANCE 2019-18-O TO AMEND THE LINDON CITY  
ZONING MAP AND APPLY THE LIGHT INDUSTRIAL WEST OVERLAY ZONING  
22 DISTRICT TO ALL LIGHT INDUSTRIAL ZONED PROPERTIES WEST OF  
INTERSTATE 15 AND NORTH OF 200 SOUTH. COMMISSIONER JOHNSON  
24 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
26 COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
28 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER THOMPSON	AYE
30 COMMISSIONER SCHAUERS	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 32  
34 5. **New Business: Reports by Commissioners** – Chairperson Call called for any  
new business or reports from the Commissioners.

36 Chairperson Call thanked Brian Haws for his attendance and for his good advice  
and information he brings to the meetings. She also asked about a resident that wants to  
38 subdivide their property located at 885 East 490 North. She noted the resident has talked  
to the planning staff and they are wondering if they can subdivide. Mr. Florence stated  
40 they may not have enough rear yard but they may be able to do an accessory dwelling;  
there is not enough to subdivide. Commissioner Johnson asked about another property  
42 with a similar situation on Locust Avenue. Mr. Florence said they would have to do some  
research on that location.

44  
46 6. **Planning Director Report** –

- General City Updates
- UDOT Grant applied for 700 North for additional planning

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

4

**ADJOURN** –

6

8 COMMISSIONER CALL MADE A MOTION TO ADJOURN THE MEETING  
AT 9:02 PM. COMMISSIONER THOMPSON SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

10

Approved – November 12, 2019

12

14

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Sharon Call, Chairperson

16

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18 Michael Florence, Planning Director

## Item: 4 - Ordinance Amendment Height Amendment for the PC-I Zone

**Date:** November 12, 2019

**Applicant:** Miller Family Real Estate, LLC

**Presenting Staff:** Michael Florence

**Type of Decision:** Legislative

**Council Action Required:** Yes, the planning commission is the recommending body on this application.

### Motion

I move to recommend (*approval, denial, to continue*) (of) ordinance amendment 2019-20-O (*as presented, or with changes*).

### Overview:

Miller Family Real Estate, LLC is proposing a new 51,112 square foot office building at 424 S. Lindon Park Drive. The applicant is petitioning the planning commission for a recommendation to increase the allowable height in the PC-1 zone from 48 feet to 60 feet and to remove the requirement that mechanical appurtenances be included in the overall height measurement of the building.

### Purpose of Request

- The purpose of the request is that the applicant has a tenant that is requiring a specific amount of parking stalls for the site. Due to the size of the site and building square footage, the applicant is proposing to meet the potential tenant's parking requirement by constructing parking at ground level under the building with three stories of office above.
- The potential businesses parking demand meets city parking standards. The applicant is proposing parking at 5.30 stalls per 1,000 square feet of office floor area which is 263 stalls. For high density office uses the city parking code allows 4 stalls per 1,000 square feet of office space (204 stalls). The City parking code also allows an applicant to go up 130% (city code 17.18.078) of the minimum which would be 5.2 stalls per 1,000 square feet (265 stalls).
- Under the current code the PC-1 and PC-2 development standards are grouped together. The proposed amendment would separate the development standards for PC-1 and PC-2 zones in relationship to height requirements. The PC-2 zone would remain at the existing 48' height requirement.
- Currently, the surrounding zoning and areas have a combination of 1, 2 and 3 story buildings.
- The PC-1 and PC-2 zones require that mechanical appurtenances be included in measuring the overall height of the building. The PC-1 and PC-2 zones are the only two zones in the city where this development standard is required. All other zones call out a maximum height and then code section 17.04.230 applies:
  - *17.04.230 - Height limitations – Exceptions.*  
*Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and attached structures such as fire or parapet walls, skylights, towers, steeples, chimneys, wireless or television masts, theater lofts, or similar structures may be erected 10 (10) feet above the zone height limits, but no space above the height limit shall be allowed for purposes of providing additional floor space, nor shall such increased height be in violation of any other ordinance or regulation of Lindon City. A church may have architectural features, similar to those listed above, erected up to 50% of the building height or 20' above the zone height limit, whichever is greater.*

### **Height Comparison Table Per Zone**

<b>Zone</b>	<b>Height Requirement</b>
Research and Business	No building shall be constructed to a height exceeding three (3) stories with a maximum height of forty-eight (48) feet.
Commercial General	48'
Commercial General – A	48'
Commercial General – A8	80'
Commercial General - S	48'
PC-1 and PC-2	No building or structure shall be higher than forty-eight feet (48') including mechanical appurtenances, which shall be properly screened, above the average grade of the street/sidewalks adjacent to the property within the PC-1 Zone.
Lindon Village	48'
Mixed Commercial	48'
Regional Commercial	No building shall be constructed to a height exceeding eighty feet (80').

### **Analysis**

The adjacent Canopy Business Park has been a very successful office development for Lindon City. The City is happy to see a proposal for this site that will bring new jobs and development to the area. Staff feels like the increased height itself should not have a significant impact on the area. The PC-1 zone is not adjacent to residential zones and the increased height may be acceptable when closer to the 1600 S. interchange.

One of the main considerations that the commission should deliberate is what effect the proposed amendment will have on the building meeting the requirements of the commercial design standards. There are a number of constraints with the size of the property, tenant parking demands, and building size. With the exception of the southeast corner lobby and the northeast mechanical room, the rest of the building is open to parking and parking entrances under the building. While the planning commission is not giving site plan approval at this time, the ordinance amendment plays into future site plan review. The applicant has been made aware of the listed commercial design standard requirements (not an exhaustive list) and is willing to address those before site plan approval. If the commission makes a recommendation to the city council to amend the height then the applicant should be prepared to address the following Commercial Design Standard items (not an exhaustive list) pertaining to the ground floor and building architecture when the proposed development returns for site plan approval:

- 5.2.1 – Massing and Orientation
  - Give the greatest consideration in terms of design emphasis and detailing to the street facing façade.
  - Buildings on corner sites shall orient to both streets, these buildings are encouraged to have an entrance situated at or near the corner.
- 5.2.4 – Exterior Walls and Surfaces – Building Materials
  - Scale, texture, detailing, and fenestration should be greatest at the ground floor, where the level of visibility and adjacency to pedestrian activity is greatest.
- 5.2.6 – Windows and Doors/Fenestration
  - Avoid blank facades with no fenestration.
  - The ground floor of the primary façade shall be 60% fenestration at the pedestrian level.
  - A significant amount of the primary ground story façade facing public streets, easements and other right-of-way corridors should be transparent glazing, to enhance the pedestrian environment, to connect the building interior to the outside, and to provide ambient lighting at night.

In regards to removing the requirement that mechanical appurtenances be included in the overall height, staff feels that it would be best to be consistent throughout the code with the same requirements. However, any rooftop mechanical equipment will still need to be screened, meet the requirement of 17.04.230, and be architecturally compatible with the design of the building. The proposed ordinance language is very similar to current ordinance requirements in the Commercial Design Standards and Regional Commercial zone.

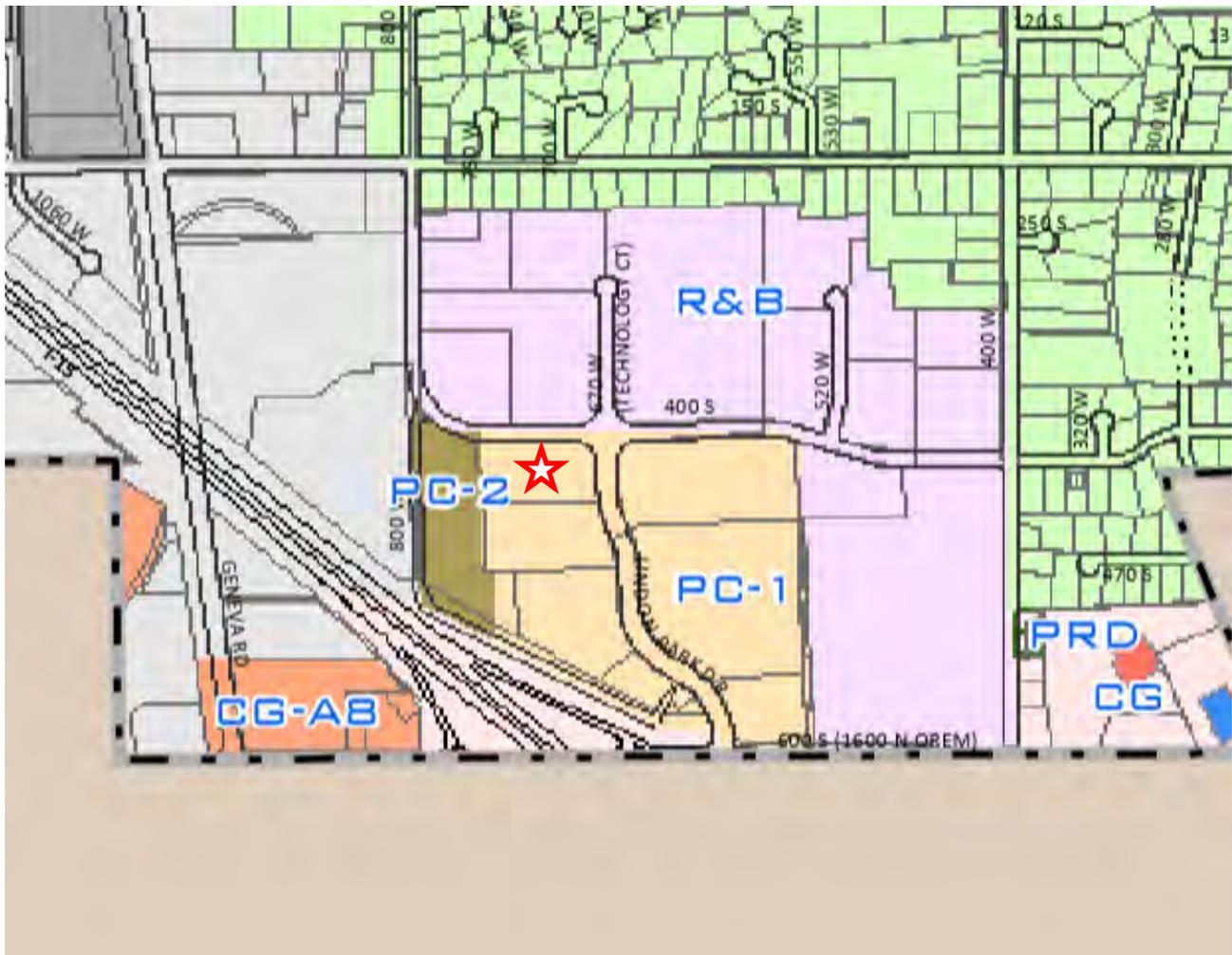
*Commercial Design Standards: Rooftop mechanical units are desirable where possible, and should be screened from view with integrated architectural elements (walls, parapets, etc.).*

*Regional Commercial Zone: All mechanical equipment incidental to any building, including roof mounted mechanical equipment, shall be screened so as to be an integral part of the architectural design of the building to which it is attached or related. 17.54.030*

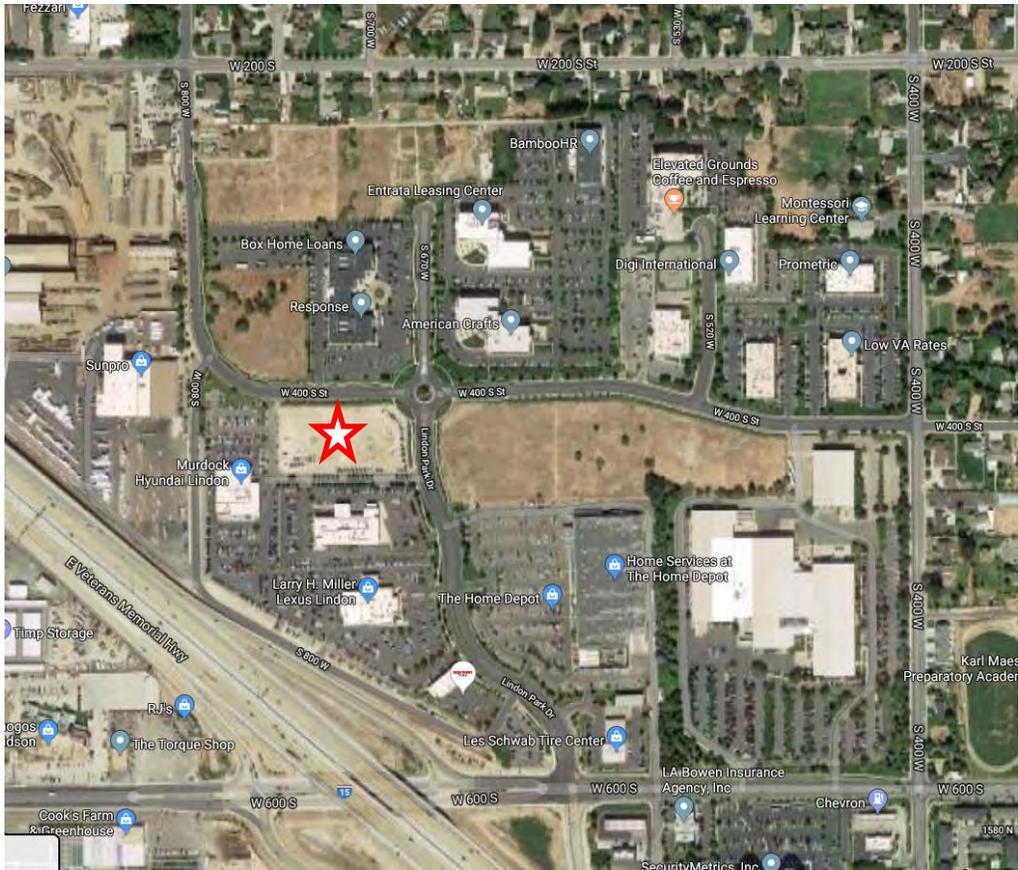
### Exhibits

- Zoning map of PC-1 and PC-2 districts
- Aerial photo
- Pictures of the site and area
- Proposed ordinance language
- Proposed building renderings

#### Zoning Map



# Aerial Photo



# Existing Site



Existing Site and Surrounding Area



**CHAPTER 17.48**

**COMMERCIAL ZONES**

Sections:

- 17.48.010 General provisions.
- 17.48.020 Zone area and dimensional standards.
- 17.48.025 Lindon Village commercial (LVC) zone.
- 17.48.030 Landscaping within the general commercial zones (CG, CG-A, CG-A8, CG-S).
- 17.48.040 Fencing and screening.
- 17.48.050 Storage and merchandise.
- 17.48.060 Maintenance of premise.
- 17.48.070 Site lighting.
- 17.48.080 Architectural design.
- 17.48.090 Special provisions.
- 17.48.100 Planned commercial zone.
- 17.48.200 Vehicle sales lots.

**17.48.010 General Provisions**

The Commercial Ordinance is established to promote commercial and service uses for general community shopping. The objective in establishing commercial zones is to provide areas within the City where commercial and service uses may be located. These zones include the General Commercial Zones (CG, CG-A, CG-A8, CG-S), Lindon Village Commercial Zone and the Planned Commercial (PC-1 and PC-2) Zones. For a full list of permitted uses in these zones, refer to the Standard Land Use Table in Appendix A.

**17.48.020 Zone Area and Dimensional Standards**

Refer to Table 17.48.020 below for general area and dimensional standards in the various CG zones.

	CG	CG-A	CG-A8	CG-S	PC-1	PC-1, PC-2	LVC
Min lot size	20,000 sq/ft	20,000 sq/ft	20,000 sq/ft	20,000 sq/ft	1 acre	1 acre	20,000 sq/ft
Front setback	20'	20'	20'	20	30'	30'	20'
Side or rear yard setback when adjacent to a nonresidential zone	0'	0'	0'	0'	0'	0'	0'
Side or rear yard setback when adjacent to a residential use or a residential zone	40'	40'	40'	40'	50'	50'	40'
Street side yard	20'	20'	20'	20'	30'	30'	20'

setback (corner lot)							
Minimum structure height	10'	10'	10'	10'	14'	14'	10'
Maximum structure height	48'	48'	80'	48'	60'	48'	48'

**17.48.025 Lindon Village Commercial (LVC) Zone**

1. *Purpose.* The purpose of this section is to ensure that the Lindon Village commercial zone is developed cohesively. In addition to the planning requirements identified below for individual districts, it is intended that each district will develop in context and with consideration of adjacent districts to create a consistent and coherent development corridor. To accomplish this goal, the following principles are encouraged:

- a. Transportation networks should be interconnected within and between districts. Networks should provide multiple routes to and from destinations, and should consider pedestrian, bicycle, and vehicle users.
- b. Development should include high quality architectural treatments and amenities that create a desirable, comfortable, and consistent experience. Development design should include gathering places and thoroughfares that include continuous tree cover, ample sidewalks, appropriate street furniture and lighting, and supportive building frontages.
- c. The general plan identifies district 15 and the surrounding area, which includes districts 11 through 20, as a future transit node. These districts should be designed and developed to be transit ready by placing a special emphasis on pedestrian orientation. Design and amenities in these districts should create a pleasant pedestrian experience.
- d. All development in the Lindon Village commercial zone shall comply with the Lindon City commercial design standards. For further guidance on implementing the principles identified above, consult Section II on streetscape considerations, Section III on site design, and Section V on architectural character.

2. *Permitted Land Uses.* Permitted, conditional, and nonpermitted uses in the LVC zone mirror those uses as reflected in the standard land use table for the general commercial (CG) zone with the exception of the following uses which are not permitted in the LVC zone:

- a. Motor vehicles/trucks/marine – new vehicle dealership;
- b. Used cars/trucks – used vehicle sales lots;
- c. Auto lube and tune-up;
- d. Auto tire shops/tire sales/tire services;
- e. Light equipment rental and leasing – automobile and light-truck rental;
- f. Indoor gun ranges;
- g. Assisted living facilities – large or small as defined by Chapter 17.72.

3. *Sales Tax Production Required.* On corners at full movement intersections Figure 1 identifies general areas approximately one (1) acre in size (identified by letters a through u).

- a. Any project or business utilizing these identified areas shall have a sales tax producing component, wherein said sales tax is collected in and of benefit to Lindon City.

b. These areas can be developed as standalone pad sites or in conjunction with a larger project within a development district (outlined in Subsection 4 of this section).

c. Verification of sales tax production shall be required prior to any final site plan approval and subsequent business license approval.

d. Upon recommendation from the planning commission, the city council may allow these identified areas to move within a district or between districts in a multi-district development or grant exceptions to this requirement altogether after finding that a project is of more benefit to the public than sales tax production.

4. *District Plans.* The following applies to the areas identified in Figure 1 at the end of this section:

a. Figure 1 divides the 700 North Commercial Corridor into twenty-three (23) development districts. An applicant proposing to develop any portion of a 700 North Commercial Corridor development district must either develop the entire district as a single, coherently planned site, or, if the proposed site involves only a part of the district in which it is located, the following shall be submitted:

i. A district plan showing:

A. The location of the proposed site as it forms part of the entire district; and

B. A future street system, lot configurations, and building orientations that demonstrate how the balance of the undeveloped area could be developed in a way that will preserve access and corridor visibility for the remaining undeveloped part of the district.

b. The land use authority shall approve a district plan with each site plan approved on the 700 North Commercial Corridor (see Figure 1). The approved district plan shall become a basis or standard for future development within the applicable district. It is anticipated that a district plan may evolve in response to subsequent development. An applicant may propose modifications to an existing district plan, and the land use authority may approve requested modifications, that promote quality and orderly development.

5. Standards for landscaping, fencing and screening, storage and merchandise, maintenance of premises, site lighting, and special provisions in the LVC zone shall be the same as the CG zones.

**Figure 1. LVC Districts (1 – 23) and Sales Tax Production Corners (a through u) Map**



**17.48.030 Landscaping within the General Commercial Zones (CG, CG-A, CG-A8, CG-S)**

1. Landscaping Objectives. Landscaping plans shall be prepared with a view toward accomplishing the following design objectives (plans will be approved or denied based on how well these objectives are satisfied).

a. Enhance the visual environment by:

- i. Adding visual interest through texture, color, size, shape, etc., and
  - ii. Enhancing perspective by framing views, complementing architecture, screening and creating points of interest and activity.
- b. Ensure public safety by:
- i. Guiding the circulation of cars and people,
  - ii. Controlling access to parking lots,
  - iii. Making traffic diverters prominent, and
  - iv. Creating street identification by varying the species, height, and location of landscaping.
- c. Minimize noise and glare.
- d. Conserve energy.
- e. Complement architecture by landscaping around buildings.
- f. Screen areas of low visual interest.

2. *Overall Landscaping Plan.* With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and locations of trees and shall also identify areas to be sod or other types of vegetation or ground cover. Additional interior parking lot landscaping may be required per Chapter 17.18.

3. *Open Space.* A minimum of twenty percent (20%) of each lot shall be maintained in permanent landscaped open space.

4. *Landscaping Strip.* Unless otherwise approved by the planning commission, a landscaped berm at least three feet (3') high and twenty feet (20') wide shall be planted with grass and maintained in a living, growing condition along all public street frontages.

a. The measurement of the twenty feet (20') in landscaping will be measured from the back of walk, or back curb if no sidewalk exists. Areas with meandering sidewalks will have the twenty feet (20') measured from back of curb but may not count sidewalk width as part of the twenty feet (20') in landscaping requirement unless otherwise approved in a subdivision cross section. A minimum width of five feet (5') of the landscaping shall be on private property adjacent to the street right-of-way.

b. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the nongrass areas shall be submitted and approved by the planning director.

c. Trees shall be planted thirty feet (30') on center, centered ten feet (10') from the edges of the strip in all required landscaped and bermed areas.

d. Landscaping requirements concerning berming, trees, and landscape materials can be changed and/or altered (with regard to location and design) upon approval of the planning commission at the site plan review stage of an application. No net loss of landscaping should occur with any approved alterations. Other landscaping layouts consistent with the Lindon commercial design standards may also be considered by the planning commission.

5. *Trees.* Recommended trees may be found in the list of tree species located in the Lindon City tree planting guide and, unless otherwise specified, shall be at least two-inch (2") caliper, measured one foot (1') above the ground and

shall be at least six feet (6') in height when planted.

6. *Sprinkling and Irrigation.* All plantings shall be serviced by an acceptable underground automatic irrigation or sprinkler system, and maintained in a healthful living condition. Dead plant materials shall be replaced as necessary within the first year of planting.

7. Concrete curbing shall be provided between landscaped areas and off-street parking areas that is as at least six inches (6") higher than the parking areas.

#### **17.48.040 Fencing and Screening**

1. A masonry or concrete fence seven feet (7') high shall be constructed and maintained along any property line between a nonresidential development and a residential use or a residential zone. The fence shall be constructed and maintained by the owner of the nonresidential development. Perimeter fencing shall not exceed eight feet (8') in height without approval by the planning commission. In all commercial zones the planning commission may approve a landscaping screen in lieu of a fence, a fence other than a masonry fence or approve a fence height greater than eight feet (8') if it makes the following findings:

- a. The proposed fence/landscape screen provides an adequate buffer for the adjoining residential use.
- b. The appearance of the fence/landscape screen will not detract from the residential use and/or nonresidential use of the property.
- c. The proposed fence/landscape screen will shield the residential use from noise, storage, traffic or any other characteristic of the nonresidential use that is incompatible with residential uses. The Planning Commission may waive or adjust this fence/screening requirement upon findings that the fence is not needed to protect adjacent residential uses from adverse impacts and that such impacts can be mitigated in another appropriate manner.

#### **17.48.050 Storage and Merchandise**

1. The storage of merchandise outside an approved building shall be in an area approved as a part of the site plan and shall be within an area enclosed with a sight obscuring fence of at least six feet (6') in height. However, promotional displays, vehicle sales lots, and plant materials may be displayed outside of an approved building or enclosed area so long as they are placed adjacent to a building wherein the business displays the bulk of its goods for sale.

2. This subsection shall not apply to temporary site plans under Chapter 17.17.

3. Landscaped areas and parking lots shall not be used for the displaying of merchandise.

4. Stacking of merchandise or materials of any kind shall not be allowed to protrude above required walls or fence lines unless approved by a temporary use permit.

5. No outdoor storage can be placed without any required fencing first being installed.

6. For outdoor storage areas required to be visually obscured, the planning commission may approve a landscaping screen in lieu of a fence, a fence other than a sight obscuring fence or approve a fence height greater than six feet (6') if it makes the following findings:

- a. The proposed fence/landscape screen provides an adequate buffer for the adjoining uses.
- b. The appearance of the fence/landscape screen will not detract from adjoining uses and/or use of the property.
- c. The proposed fence/landscape screen will shield the adjoining uses from noise, storage, traffic or any other

characteristic of the storage use that is incompatible with adjoining uses.

d. The planning commission may waive or adjust this fence/screening requirement upon findings that the fence is not needed to protect adjacent uses from adverse impacts and that such impacts can be mitigated in another appropriate manner.

#### **17.48.060 Maintenance of Premise**

1. No excessive or offensive noise, dust, odor, smoke, or light shall be emitted which is discernible beyond the site or parcel boundary lines in question, except that which emanates from the movement of motor vehicles. Premises shall be maintained in such a manner so as to avoid unreasonable interference with adjacent uses and to avoid public nuisances.
2. No person shall store junk, unlicensed and/or inoperable vehicles, partially or completely dismantled vehicles, or salvaged materials in any commercial zone outside a building.
3. All solid waste storage facilities shall be enclosed with a masonry wall and constructed as per adopted city standards. The minimum access width to a solid waste storage facility shall be fifteen feet (15').
4. No trash, rubbish, or weeds shall be allowed to accumulate on any lot in the CG, PC-1 or PC-2 zones. The space around buildings and structures in these zones shall be kept free from refuse, debris, and weeds. All waste shall be concealed from view from adjacent property.
5. The architecture, appearance, and aesthetics of all buildings, structures, and edifices in all commercial zones shall be maintained to reasonable upkeep and maintenance standards.

#### **17.48.070 Site Lighting**

1. On-site lighting shall be designed to discourage the occurrence of graffiti and enhance a crime prevention environment and shall not glare into adjacent residential areas. Lighting in parking areas shall not glare into adjacent residential areas.
2. Street lights shall be installed on all public roads according to standards established in the land development policies, standard specification and drawings manual.

#### **17.48.080 Architectural Design**

1. Architectural character, streetscape, site design and other amenities in the CG, CG-A, CG-A8, or CG-S zones shall be consistent with the Lindon City commercial design standards as presently constituted and as may be amended from time to time.
2. All sides of the buildings shall receive design consideration consistent with the commercial design guidelines, particularly where exposed to vehicular traffic or adjoining properties.

#### **17.48.090 Special Provisions**

1. The requirements of this section shall run with the land and be binding on successors, owners and tenants so long as the buildings are occupied or the use exists.
2. The owners of a commercial development which contains more than one (1) parcel of record or which has more than one (1) owner may be required by the approving authority to submit documents to the city for approval which assure unified control of the development.
3. Any person who desires to occupy vacant floor space, or to change the use of the floor space shall be required to first obtain a certificate of occupancy from the city. Any person constructing or altering a building in the commercial zones shall first obtain a building permit from the city for such construction or alteration and then shall

obtain a certificate of occupancy from the city before the building being constructed or altered is occupied.

4. If the city determines that the developer, tenant, manager, owner or any other interested person, firm or corporation has failed to maintain the premises consistent with all applicable zoning, health, safety, and building codes and ordinances, the city shall so notify said persons, firms or corporation by written notice specifying the deficiency complained of, and unless such failure is corrected to the satisfaction of the city within thirty (30) days, such failure or deficiency shall be deemed to constitute a “public nuisance” which may be abated in any lawful manner including but not limited to the manner set forth in Title 10, Chapter 8, Utah Code Annotated 1953, as amended.

#### **17.48.100 Planned Commercial Zone**

Approximately between 600 South and 200 South, and 400 West and I-15.

1. *Purpose.* The purposes of the PC Zones are:

- a. To provide for development of regional commercial centers that can accommodate retail, office, and service uses in areas that are convenient to the traveling public while protecting the character and quality of adjacent residential areas and the overall community of Lindon.
- b. To provide aesthetic controls for building architecture and site development.
- c. To provide development guidelines to ensure effective and safe traffic control and movement while creating an aesthetically pleasing traffic environment.

2. Uses within the PC-1 and PC-2 Zones shall be allowed as outlined in Appendix A, Standard Land Use Table of the Lindon City Code as presently constituted and as may be amended from time to time.

3. *Site Development Standards.*

a. *Building and Fence Setback.* The building setback and fence setback from any dedicated street shall be thirty feet (30').

b. *Building Heights.* No building or structure for the PC-1 Zone shall be higher than sixty feet (60'), and for the PC-2 Zone forty-eight feet (48') ~~including mechanical appurtenances, which shall be properly screened,~~ above the average grade of the street/sidewalks adjacent to the property within the PC-1 Zone. All mechanical equipment incidental to any building, including roof mounted mechanical equipment, shall be screened so as to be an integral part of the architectural design of the building to which it is attached or related.

c. *Building Design and Materials.* The architecture, design theme, and construction materials of the building's front elevation shall be applied to all exterior walls of the building. The rear of the building and any portion of the building that traditionally gets less attention to aesthetics shall be enhanced by the same architecture and design theme as those portions of the building that get high visibility from the public, except exterior building striping or similar decor shall not be installed on the rear or side exterior building walls directly adjacent to residential areas. Building exterior materials shall be eighty-five percent (85%) brick, decorative stone, fluted block, colored textured block, concrete tilt-up that meets the specific architectural theme for the development, glass and wood. Sheet metal and corrugated metal shall be prohibited, except for trim, soffits, fascia, mansards and similar architectural features. Other materials may be used if approved by the planning commission.

d. *Building Orientation.* No building front shall face toward an adjacent residential zone. The only building accesses permitted with orientation toward adjacent residential zones shall be emergency accesses only as required by the currently adopted building and fire codes.

4. *Landscaping.*

a. *Landscaping Objectives.* Landscaping plans shall be prepared with a view toward accomplishing the following design objectives (plans will be approved or denied based on how well these objectives are satisfied):

i. Enhance the visual environment by:

1. Adding visual interest through texture, color, size, shape, etc., and
2. Enhancing perspective by framing views, complementing architecture, screening and creating points of interest and activity.

ii. Ensure public safety by:

1. Guiding the circulation of cars and people,
2. Controlling access to parking lots,
3. Making traffic diverters prominent, and
4. Creating street identification by varying the species, height, and location of landscaping.

iii. Minimize noise and glare.

iv. Conserve energy.

v. Complement architecture by landscaping around buildings.

vi. Screen areas of low visual interest.

b. *Overall Landscaping Plan.* With the application for site plan approval, an overall landscaping plan shall be submitted. Landscaping plans shall show details on specific types and location of trees and shall also identify areas to be sod or other types of vegetation or ground cover. Additional 'interior parking lot landscaping' may be required per Chapter 17.18.

c. *Open Space.* A minimum of twenty percent (20%) of each lot shall be maintained in permanent landscaped open space.

d. *Landscaping Strip.* Unless otherwise approved by the planning commission, a landscaped berm at least three feet (3') high and twenty feet (20') in width shall be planted with grass and maintained in a living, growing condition along all public street frontages.

i. The measurement of the twenty feet (20') in landscaping will be measured from the back of walk, or back curb if no sidewalk exists. Areas with meandering sidewalks will have the twenty feet (20') measured from back of curb but may not count sidewalk width as part of the twenty feet (20') in landscaping requirement.

ii. Thirty percent (30%) of the landscaping strip may consist of decorative rock, bark, mulch, and/or other ground covers other than grass. A planting/landscaping plan detailing types of ground covers, weed barriers, sprinklers, etc., in the nongrass areas shall be submitted and approved by the planning director.

iii. Trees shall be planted thirty feet (30') on center, centered ten feet (10') from the edges of the strip in all required landscaped and bermed areas.

iv. Landscaping requirements concerning berming, trees, and landscape materials can be changed and/or altered (with regard to location and design) upon approval of the planning commission at the

site plan review stage of an application. No net loss of landscaping should occur with any approved alterations. Other landscaping layouts consistent with the Lindon City commercial design standards may also be considered by the planning commission.

e. *Trees*. Recommended trees may be found in the list of tree species located in the Lindon City Tree Planting Guide and, unless otherwise specified, must be at least two-inch (2") caliper, measured one foot (1') above the ground and shall be at least six feet (6') in height when planted.

f. *Sprinkling and Irrigation*. All plantings shall be serviced by an acceptable underground automatic irrigation or sprinkler system, and maintained in a healthful living condition. Dead plant materials shall be replaced as necessary within the first year of planting.

g. Concrete curbing shall be provided between landscaped areas and off-street parking areas that is at least six inches (6") higher than the parking areas.

#### 5. *Screening and Lighting*.

a. A masonry or concrete fence seven feet (7') high, shall be constructed and maintained along any property line between a nonresidential development and a residential use or a residential zone. The fence shall be constructed and maintained by the owner of the nonresidential development. Perimeter fencing shall not exceed eight feet (8') in height without approval by the planning commission. In all commercial zones the planning commission may approve a landscaping screen in lieu of a fence, a fence other than a masonry fence or approve a fence height greater than eight feet (8') if it makes the following findings:

i. The proposed fence/landscape screen provides an adequate buffer for the adjoining residential use;

ii. The appearance of the fence/landscape screen will not detract from the residential use and/or nonresidential use of the property;

iii. The proposed fence/landscape screen will shield the residential use from noise storage, traffic or any other characteristic of the nonresidential use that is incompatible with residential uses;

iv. The planning commission may waive or adjust this fence/screening requirement upon findings that the fence is not needed to protect adjacent residential uses from adverse impacts and that such impacts can be mitigated in another appropriate manner.

b. *Lighting*. Freestanding lighting fixtures of at least eight feet (8') in height and not to exceed twenty feet (20') in height and producing at least one (1) foot-candle of illumination shall be installed and maintained along the street right-of-way lines and designed to shine away from residential developments. The lighting shall be designed to discourage the occurrence of graffiti and enhance a crime prevention environment and shall not glare into adjacent residential areas. Lighting in parking areas shall not glare into adjacent residential areas.

#### 6. *Special Provisions*.

a. *Outside Storage and Display Areas*. The storage of merchandise or other material outside an approved building is prohibited. Outside display areas shall be approved as a part of the site plan. Landscaped areas shall not be used for the display of merchandise nor storage of materials unless approved by a temporary use permit.

b. *Receiving Areas (Docks)*. 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.

c. *Solid Waste Areas.* Solid waste dumpsters located within one hundred fifty feet (150') from any adjacent residential zone shall be located in an enclosure, the materials of which shall be approved by the city as a part of the site plan. Pick up of solid waste shall not occur between the hours of 10:00 p.m. and 6:00 a.m.

d. *Site Maintenance.* Except for snow removal, all common area maintenance of the site shall be between the hours of 6:00 a.m. and 10:00 p.m. Snow removal may be conducted on the site any time as necessary.

e. *Certificate of Occupancy.* No certificate of occupancy shall be issued for any building on any portion of a development until the landscaping is in place or a bond, cash deposit, or equivalent is deposited with the city conditioned on and guaranteeing the installation of all landscaping shown on the approved site plan. All landscaped areas shall be maintained in a neat, clean, orderly and slightly condition. This shall include proper pruning, lawn mowing, weeding, removal of litter, fertilizing, replacing of dead plants and the regular watering of all plants. Failure to maintain the landscaping as provided herein shall be a violation of this chapter and enforceable as provided by law.

#### **17.48.200 Vehicle Sale Lots**

Sales lots for automobiles, RVs, boats, trailers, motorcycles, ATVs, and similar vehicles shall only be conducted in appropriate zones according to the standard land use table and shall be fully improved to comply with current city standards, including fully paved display area, permanent sales office built to the current building code, landscaping, streetlights and permanent signage. Sales lots must be located on property that is zoned for such use. The following additional standards shall also apply:

1. Minimum Lot Size: One (1) acre.
2. Minimum Frontage on a Public Street: Two hundred feet (200'); double frontage lots may count all frontage toward this requirement.
3. Parking Spaces:
  - a. See Chapter 17.18, Off-Street Parking, for minimum number of stalls for employees and customers.
  - b. Dimensions shall meet requirements set forth in Section 17.18.020, Size of parking spaces and aisles.
  - c. Stalls must be clearly designated as "Customer" or "Employee" with an upright pole sign designating customer and employee parking spaces in order to differentiate from display stalls. These spaces shall not be used for parking vehicles which are for sale or for the display of any merchandise.
4. Parking Lot: See Section 17.18.080, Parking lot maintenance and design.
5. Display Spaces:
  - a. Dimensions shall meet requirements set forth in Section 17.18.020, Size of parking spaces and aisles, and be striped.
  - b. All automobiles and other vehicles which are for sale at the auto lot shall be parked in the automobile showroom or in a parking space which is specifically designated for displaying merchandise for sale.
  - c. All vehicles for sale shall be parked and stored solely within the automobile lot.
6. Display Lot: See Section 17.18.080, Parking lot maintenance and design.

7. Display Area:

- a. No merchandise shall be permitted to be stored on any required landscaped area, drive access, sidewalk or other public right-of-way or in any manner deemed a safety hazard to the general public.
- b. No merchandise displayed shall exceed ten feet (10') in height as measured from the grade of the nearest public sidewalk.

8. Buildings:

- a. Minimum one thousand (1,000) square foot building is required.
- b. Existing buildings transitioning to a vehicle sales office must be brought up to current commercial design standards.

9. Storage: All parts and material incidental to the operation of dealership must be stored in a designated area and concealed from public view.

East Elevation



South and East Elevations



West and North Elevation



North Elevation



## Item: 5 Amended Site Plan Approval – doTerra Warehouse Building

Date: November 12, 2019

Project Address: 2010 W. 400 N.

Applicant: DoTerra International  
Property Owner: Valley Properties, LLC

General Plan: Commercial  
Current Zone: Regional Commercial

Parcel ID: 14:059:0048, 14:059:0026

Type of Decision: Administrative

Council Action Required: No

Presenting Staff: Michael Florence



### Summary of Key Issues

1. DoTerra International is completing their warehouse and call center for their new site in Lindon. DoTerra changed the exterior colors and paint design from what was originally approved by the planning commission. Since the planning commission was the land use authority on this item, it is **staff's** recommendation that the planning commission should provide approval of the change in color and fence design.
2. At the October 22, 2019 meeting the planning commission requested that the architect for doTerra update the renderings for commission review.

### Regional Commercial Code

17.54.050

#### 3. Texture, Colors, Finishes.

- a. Avoid large areas of the same color and/or materials with no relief. Conversely, avoid the use of too many materials and/or colors, which may create busy or incongruous façades.
- b. Earth tones are generally preferred over harsh or loud colors, except where more vibrant colors are used as accents to the primary colors. A color palette of Utah earth tones as found in the Lindon City Commercial Design Standards is to be used as a reference guide to color selections in developments.
- c. Simplicity is encouraged regarding color. Excessive amounts of different colors should not be used. Brighter colors are recommended for use as accents only.
- d. Vary colors and materials to break up the monotony in larger developments.

### Motion

I move to (*approve, deny, continue*) **the applicant's request for** amended site plan approval with the change in colors and fencing materials as presented.

### Exhibits

1. Photos of current painting/Colors of proposed changes

Original Design



Proposed Update



Original Design



Proposed Update



Original Design



Proposed Update



Current Design



Proposed Update



Current Design



Proposed Update



Current Design



Proposed Update



Current Design



Proposed Update



Current Design



Proposed Update



Updated Fence Design



## Item 6: Concept Review — South Haven Development 531 N. State St.

Date: November 12, 2019  
Applicant: South Haven  
Development  
Presenting Staff: Anders Bake

Location: 531 N. State St.  
General Plan: Commercial  
Current Zone: Commercial  
General  
Size: 9 acres

Type of Decision: None  
Council Action Required: No



### Overview

1. Concept reviews are to provide general feedback only and no decision will be made or voted on at the meeting.
2. The applicant is seeking concept review feedback for a proposed multifamily project on the Linden Nursery property at 531 North State Street.
3. The concept plan includes 99 residential units in mostly 12-plex and 6-plex buildings on about 6 acres.
4. The plan also provides 209 parking stalls and amenities that include sports courts, a pool, a clubhouse, a tot lot, and open space.
5. Staff has reviewed this proposal and found that the City currently does not have a zone that would support this development proposal. In addition, the commission and council should carefully consider how the proposed use would be compatible as a transition from commercial to low density residential.
6. The City has a number of deep commercial lots on State Street where commercial may not fully develop and should be studied further for the correct development types.

### Future Project Entitlement

If the council and commission decide to give direction to move forward with this development the applicant, at a minimum, will need to apply for the following entitlements as part of the development review process:

1. An Ordinance Amendment to create a new zone, or modify an existing zone, that will allow for several multifamily buildings on a single property. The Ordinance Amendment will also need to include regulations regarding lot dimensions, setbacks, landscaping, parking, and other relevant aspects of multifamily developments.
2. A Zone Map amendment to apply a new multifamily zone to the subject property.
3. Subdivision Approval.
4. Site Plan Approval.

### Exhibits

1. Concept Plan
2. Aerial Image

1 2 3 4 5

A

B

C

D

1 2 3 4 5



UNIT COUNT	
<b>TOTAL UNITS</b>	<b>99</b>
PARKING	
<b>PARKING REQUIRED</b>	<b>198 TOTAL STALLS</b>
<b>PARKING PROVIDED</b>	<b>209 TOTAL STALLS</b>
LOT SIZE	
<b>TOTAL ACREAGE</b>	<b>6.68 ACRES</b>



**FIVE DEGREES DESIGN**  
 1457 EAST 840 NORTH  
 OREM, UTAH 84097  
 801.850.4583  
 chris@fivedegreesdesign.com

DATE: 01 OCTOBER 2019  
 PROJECT #: 19-099  
 DRAWN BY: ROW  
 CHECKED BY: BCH

REVISIONS

PROJECT

**SOUTH HAVEN HOMES**

ADDRESS:  
 535 NORTH STATE STREET  
 LINDON, UT 84042

**ARCHITECTURAL**

ARCHITECTURAL SITE PLAN

**AS101**

D1 ARCHITECTURAL SITE PLAN  
 SCALE: 1" = 40'-0"

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