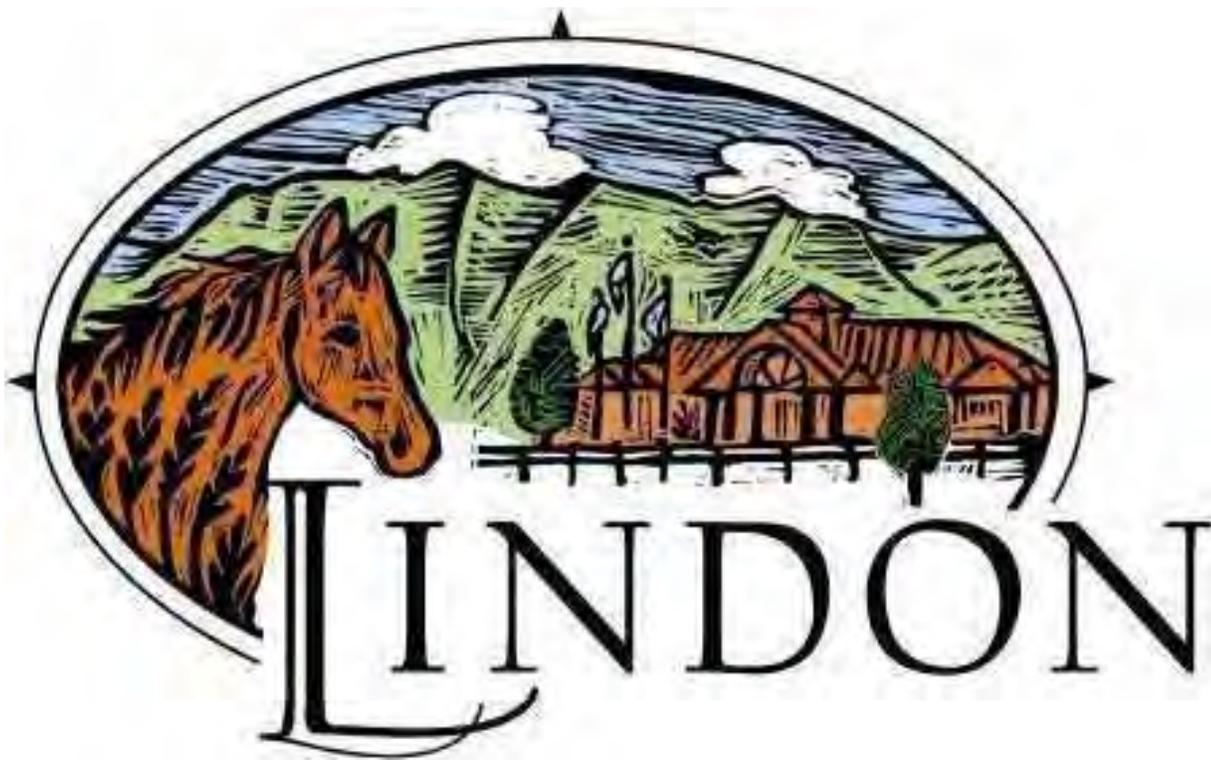


# **Lindon City Planning Commission Staff Report**



**September 8, 2020**

# Notice of Meeting

## Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, September 8, 2020, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at 6:00 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 8/11/2020
3. Public Comment
4. Conditional Use Permit – F45 Training – 259 N. 290W.  
Alicia and Keith Halladay requests conditional use permit approval to operate an F45 exercise training gym in the Commercial General zone. (15 minutes)
5. Conditional Use Permit – Home Occupation Child Day Care – 1532 W. 630 N.  
Norma Moreno requests conditional use permit approval to operate a home occupation child day care in the Residential R3 zone. (15 minutes)
6. Major Subdivision – Lindon Treasury Plat D – 200 W. W. 110 S.  
Jeremy Ackley requests Major Subdivision approval for a four lot single family home subdivision in the Residential R1-20 zone. (15 minutes)
7. R2 Overlay and Accessory Apartment Ordinance Amendment – Lindon City  
Lindon City requests a recommendation to the city council to amend Title 17.46 and amend sections pertaining to the R2 Overlay and Accessory Apartments. (15 minutes)
8. Concept Review – Approximately 550-570 North State Street (Norton Property)  
Amy Johnson requests concept review for residential and commercial development for the property located at approximately 570 N. State Street. A Concept Review allows applicant 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 (15 minutes)
9. New Business from Commissioners
10. Planning Director Report
  - Discussion on new shed at the community center
  - 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.

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



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

Posted By: Kathryn Moosman, City Recorder

Date: 9/4/2020

Time: 5:00 pm

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

**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

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
4 **August 11, 2020 beginning at 6:00 p.m.** at the Lindon City Center, City Council  
Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 6:00 P.M.**

8 Conducting: Sharon Call, Chairperson  
Invocation: Scott Thompson  
10 Pledge of Allegiance: Jared Schauers

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

22 **Special Attendee:**  
Councilmember Vanchiere

- 24
1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.
  - 26 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the  
28 Planning Commission meeting of July 14, 2020 were reviewed.

30 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES  
OF THE REGULAR MEETING OF JULY 14, 2020 AS PRESENTED.  
32 COMMISSIONER SCHAUERS 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 wishes to address any issue not listed as an agenda item.  
There were no public comments.

38 **CURRENT BUSINESS** –

- 40
4. **Major Subdivision – Lindon Hollow – 122 N. Main St.** Jessica and Mark  
42 McCann request Major Subdivision approval to subdivide existing parcels into  
five lots at 122 North Main street in the Low Density Residential (R1-20) zone.

44

48 Mike Florence, Planning Director, led this agenda item by giving a brief summary  
stating the applicant, Marc and Jessica McCann are seeking preliminary major  
subdivision approval for a 5-lot single family home subdivision. He noted on June 1,  
50 2020 the City Council, with a recommendation from the planning commission, adopted a

2 new public road cross section and amendment to the “hammer head” turnaround that  
applies only to the “Hollow” area. He indicated the property owners and the city have  
4 signed an easement for a detention area at the bottom of the “hollow” for future City  
water detention needs.

6 Mr. Florence stated they have been working on this issue for a while and staff  
feels they have come up with a good proposal. Chairperson Call pointed out it seems we  
8 have worked through these issues including the non-conforming lot by consolidating the  
two existing lots. Mr. Florence confirmed that statement.

10 Mr. Florence re-iterated that Lindon City and the applicants have been working  
for quite some time on this subdivision application and the City believes that the current  
12 proposal is the best option after working through many iterations of development  
proposals. He indicated the proposed subdivision maintains the character of the  
14 “Hollow” while also providing sufficient access to future homeowners, and meeting a  
water detention need of the City.

16 Mr. Florence stated in analyzing Lot 1, staff believes that the proposal meets the  
non-conforming use requirements of Title 17.16.030. He explained the applicants are  
18 proposing to combine two non-conforming lots and bring Lot 1 into compliance as much  
as reasonably possible due to hillside site constraints, and the City’s need for a detention  
20 area. He further explained the planning commission will need to grant approval for the  
non-conforming lot which has been included in the motion. City code 17.16.030 states  
22 the following:

24 17.16.030 - Amendments, additions, enlargements and moving of nonconforming  
parcels or uses.

- 26 1. All nonconforming parcels, lots, buildings, structures, or uses shall not be added  
to, enlarged in any manner, moved to another location on the lot, or have parcel  
28 lines moved, changed, or adjusted, except as provided by subsection 2 of this  
section.
- 30 2. The Planning Commission may authorize the expansion, alteration, or  
enlargement of a nonconforming use, structure, building, parcel, or lot, or  
32 movement of parcel lines, only after holding a public hearing and finding that:
  - 34 a. the expansion, alteration or enlargement of the nonconforming building,  
structure, parcel, lot, or use will to reasonable extent bring the property,  
building, structure, parcel, lot or use as close as reasonably possible to  
36 conformance with requirements and regulations of the zone in which the  
nonconformity is located; and
  - 38 b. the proposed change does not impose any unreasonable burden upon the  
lands located in the vicinity of the nonconforming use or structure or  
40 violate the development policies adopted in the Lindon City Master Plan;  
and
  - 42 c. the use, building, or structure, existing or proposed, will be brought into  
44 compliance, where possible, with design and architectural standards of  
the zone where proposed.

46 Mr. Florence stated the City Engineer is working through any technical issues  
related to the plat and civil engineering plans and will ensure all engineering related  
48 issues are resolved before final approval is granted.

2 Mr. Florence then presented an aerial photo, plat, site improvement map and  
applicable road profiles followed by some general discussion.

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

6  
8 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND TO THE  
CITY COUNCIL APPROVAL OF THE APPLICANT'S REQUEST FOR  
PRELIMINARY APPROVAL OF THE HOLLOW SUBDIVISION WITH THE  
10 FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK  
WITH THE CITY STAFF TO MAKE ALL FINAL CORRECTIONS TO THE  
12 ENGINEERING DOCUMENTS AND PLAT; 2. PRIOR TO PLAT RECORDING THE  
APPLICANT WILL PROVIDE STAFF WITH A FINAL PLAT MYLAR TO INCLUDE  
14 NOTARIZED SIGNATURES OF OWNER'S CONSENT TO DEDICATION, OBTAIN  
SIGNATURE OF ALL ENTITIES INDICATED ON THE ATTACHED SUBDIVISION  
16 PLAT; 3. COMPLETE (OR POST AN ADEQUATE IMPROVEMENT COMPLETION  
ASSURANCE), WARRANT AND POST REQUIRED WARRANTY ASSURANCE  
18 FOR ALL REQUIRED PUBLIC INFRASTRUCTURE IMPROVEMENTS; 4. THE  
PLANS AND PLAT WILL MEET AND BE CONSTRUCTED AS PER THE  
20 RELEVANT SPECIFICATIONS AS FOUND IN THE LINDON CITY  
DEVELOPMENT MANUAL; 5. THE PLANNING COMMISSION APPROVES LOT 1  
22 OF THE HOLLOW SUBDIVISION AS A NON-CONFORMING LOT AND MEETS  
THE REQUIREMENTS FOUND IN LINDON CITY CODE 17.16.030(2)(B). 6. PRIOR  
24 TO FINAL APPROVAL THE APPLICANT SHALL PLACE PERMANENT SURVEY  
MONUMENTS IN THE SUBDIVISION; 7. ALL ITEMS OF THE STAFF REPORT.  
26 COMMISSIONER THOMPSON SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

28 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
30 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER THOMPSON	AYE
32 COMMISSIONER SCHAUERS	AYE

THE MOTION CARRIED UNANIMOUSLY.

34  
36 5. **Site Plan – Autumn Grove #2 – 75 N. 1550 W.** Lindon OW, LLC requests  
preliminary Site Plan approval to construct an office/warehouse building on the  
vacant property at 75 North 1550 West in the Light Industrial (LI) zone.

38  
40 Anders Bake, Associate Planner, led this agenda item by giving a brief overview  
stating the applicant Ryan Bybee is requesting site plan approval to construct an  
office/warehouse building on the vacant property located at 75 North 1550 West in the  
42 Light Industrial (LI) zone. He explained the planning commission will be evaluating  
whether the site plan and building meet Title 17 regarding development regulations.

44 Mr. Bake indicated the applicant proposes to construct a 97,000 sq. ft. office  
warehouse building on a vacant property. The subject property is located in the Autumn  
46 grove Business Park Plat A subdivision. He noted the applicant received Planning  
Commission approval for the Autumn Grove Business Park Plat A subdivision on  
48 February 13, 2018. On December 11, 2018 the applicant received Site Plan approval for

2 an office warehouse building on the property to the north of the subject property which  
was recently completed. He added that the parking standards are based on the zone and  
4 the different uses in the building and their respective square footage.

6 Mr. Bake went on to say traffic circulation vehicles will be able to access the  
parking and overhead doors at the back of the building from two drive approaches on  
1550 West. The parking and main entrances in the front of the building can be accessed  
8 from two additional drive approaches on 1550 West. The access to the rear of the  
building that also serves as a parking aisle does not meet the parking aisle width  
10 requirement of 22 feet. He pointed out this issue has been addressed in staff review  
comments and will be corrected prior to final approval.

12 Mr. Bake indicated the current landscaping plan does not completely meet some of  
the city code requirements for landscaping in the Light Industrial Zone and interior  
14 parking lot landscaping. The Light Industrial zone requires a 20 -foot landscape strip  
behind the back of curb and along street frontages with trees planted every 30 feet. The  
16 interior parking lot landscaping must also consist of 75 percent living vegetation. He  
pointed out the issues with the landscaping plan have been addressed in staff review  
18 comments and will meet code requirements before staff gives final approval of the plans;  
the plan has a mix of trees which meet the Lindon City Tree Planting Guide.

20 Mr. Bake went on to say the Light Industrial zone's architectural design  
requirements state that precast concrete or concrete tilt-up buildings are permitted in the  
22 Light Industrial zone, subject to the following standards: Painted or colored concrete  
exteriors are permitted if the shade of each color is consistent and if the building is also  
24 finished with additional architectural details such as entrance canopies, wrought iron  
railings and finishes, shutters, multi-level porches, metal shades, and metal awnings.

26 Mr. Bake noted the proposed building has a painted precast concrete exterior with  
various shades of black and gray. Aluminum storefront awnings are provided in six  
28 locations on the street facing sides of the building. He made not that the minimum  
development size for the Light Industrial zone is one acre and the required building  
30 setback is 20 feet from the property lines. The lot at 75 North 1550 West is 4.66 acres  
and the proposed building location meets setback requirements.

32 Mr. Bake stated the City Engineer is working through technical issues related to  
the site plan and will conduct a final review if the planning commission grants final site  
34 plan approval.

36 Mr. Bake indicated staff believes that this development will be an amenity to  
Lindon City and will provide employment opportunities to the area. Staff will continue  
to work with the applicant and their engineers to ensure that review comments are  
38 addressed and that the site meets city requirements. He added the recommended  
conditions will ensure that revisions to the landscaping plan will also be added to meet  
40 city code requirements.

42 Mr. Bake then presented an Aerial photo, Site plan, Landscaping Plan, building  
elevations and Colored building renderings followed by some general discussion.

44 Chairperson Call asked staff if they will follow through with the landscaping and  
parking issues to ensure they are in compliance. Mr. Bake confirmed that statement.

46 Commissioner Thompson pointed out this site plan application appears to be  
pretty straightforward and appears to meet the requirements.

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

2 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S  
3 REQUEST FOR SITE PLAN APPROVAL WITH THE FOLLOWING CONDITIONS:  
4 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY ENGINEER  
5 TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING DOCUMENTS; 2.  
6 THE PLANS WILL MEET DEVELOPMENT SPECIFICATIONS AS FOUND IN THE  
7 LINDON CITY DEVELOPMENT MANUAL; 3. FINAL DESIGN WILL MEET THE  
8 TITLE 17 STANDARDS FOR INDUSTRIAL BUILDINGS; 4. THE SITE PLAN WILL  
9 MEET ALL PARKING REQUIREMENTS FOUND IN SECTION 17.18 OF THE  
10 LINDON CITY CODE; 5. THE PROJECT WILL MEET ALL LIGHT INDUSTRIAL  
11 LANDSCAPING AND INTERIOR PARKING LOT LANDSCAPING  
12 REQUIREMENTS AS FOUND IN SECTIONS 17.49.060 AND 17.18.085 OF THE  
13 LINDON CITY CODE; THE APPLICANT WILL COMPLY WITH ALL BONDING  
14 REQUIREMENTS, IF APPLICABLE; AND 6. ALL ITEMS OF THE STAFF REPORT.  
15 COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS  
16 RECORDED AS FOLLOWS:

17 CHAIRPERSON CALL	AYE
18 COMMISSIONER KALLAS	AYE
19 COMMISSIONER MARCHBANKS	AYE
20 COMMISSIONER THOMPSON	AYE
21 COMMISSIONER SCHAUERS	AYE

22 THE MOTION CARRIED UNANIMOUSLY.

- 24 6. **Major Subdivision – Coco Development – 1350 W. 200 S.** Sean Shah/Coco  
25 Development requests Major Subdivision approval to divide an existing building  
26 into twenty commercial condominium units at 1350 West 200 South in the Light  
27 Industrial (LI) zone.

28  
29 Mr. Florence explained since the July planning commission meeting, the owners of  
30 the business park (Matt Kelly and Steve Guymon) have met and are finalizing the  
31 business park easement agreements and parking. He indicated it appears that the parking  
32 will be shared among lots 2, 3, and 4. He noted all building will meet the minimum  
33 parking ratios according to Lindon City Code.

34 Mr. Florence stated Coco Development, LLC is petitioning for a plat amendment  
35 to the Jacobson Subdivision Plat "D." He noted the only change to the plat is that there  
36 is an existing loading dock on the east side of Lot 2 which encroaches into the cross  
37 parking/access and drainage easement. Coco Development, LLC recently purchased the  
38 building and lot 2 and they want to make sure that the plat accurately reflects the  
39 existing site. He added the other property owners in the Jacobson Subdivision will need  
40 to sign the plat. Coco Development, LLC intends to create commercial condominiums  
41 with the building on lot #2. He also stated they have also paid to develop the CC&R's  
42 along with input from the other property owners.

43 Mr. Florence indicated the City Engineer is working through any technical issues  
44 related to the plat and will conduct a final review if the planning commission approves  
45 the plat amendment.

46 Mr. Florence noted the Jacobson Commercial Subdivision Plat D was recorded  
47 February 21, 2006. The proposed plat amendment modifies the existing plat to account  
48 for the existing loading dock which is located in the cross parking/access and drainage

2 easement on lot 2. Mr. Florence then presented an aerial image with parcels, the  
proposed plat amendment and the current plat followed by discussion.

4 Chairperson Call pointed out it appears any potential issues have been worked  
through and it appears that all requirements are in compliance.

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

8  
10 COMMISSIONER MARCHBANKS MOVED APPROVE THE APPLICANT'S  
12 REQUEST FOR PRELIMINARY APPROVAL OF JACOBSON SUBDIVISION PLAT  
14 "D" AMENDED WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT  
16 WILL CONTINUE TO WORK WITH CITY STAFF TO MAKE ALL TECHNICAL  
18 CORRECTIONS AS NECESSARY TO THE PLAT PRIOR TO RECORDING; 2.  
PRIOR TO PLAT RECORDING, THE APPLICANT WILL UPDATE THE FINAL  
PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNERS'  
CONSENT TO DEDICATION; AND OBTAIN SIGNATURES OF ALL ENTITIES  
INDICATED ON THE SUBDIVISION PLAT ATTACHED HERETO; 3. ALL ITEMS  
OF THE STAFF REPORT. COMMISSIONER SCHAUERS SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

- 26  
28 **7. Plat Amendment – Coco Development – 1350 W. 200 S.** Sean Shah/Coco  
Development requests Plat Amendment approval to amend the Jacobson  
Commercial Subdivision Plat D at 1350 West 200 South in the Light Industrial  
30 (LI) zone. applicants are seeking preliminary major subdivision approval for a  
20-unit commercial condominium

32  
34 Mr. Florence explained this plat amendment noting the unit's range in size from  
1,149 square feet to 3,825 square feet and the existing building has a total square footage  
of 37,700 square feet. The applicant is proposing to create the individual units and make  
36 improvements to those units. Mr. Florence stated Condominium developments follow  
Utah Code Title 57 Chapter 8 for dividing property as well as Lindon City major  
38 subdivision requirements and processes;

40 Mr. Florence further explained this item was continued from the July planning  
commission in order for the plat amendment to be considered by all owners of the  
business park 2. He noted the applicant has provided letters from both an architect and  
42 an attorney stating that the application follows the Utah Condominium Code Title 57  
Chapter 8. The proposed development meets the one-acre minimum lot size requirement  
44 for the LI zone. The applicant has also provided a Condominium Declaration as well as  
Covenants, Conditions and Restrictions (CC&R's) for the development with a  
46 condominium plat including sheets identifying both the internal floor area and vertical  
space.

2 Mr. Florence stated the City Engineer is working through any technical issues  
related to the plat and civil engineering plans and will ensure all engineering related  
4 issues are resolved before final approval is granted.

6 Mr. Florence then presented an aerial photo, condominium plat, site  
improvement plan, existing parking analysis, proposed parking plan and compliance  
letters followed by discussion.

8 Chairperson Call commented this item has been worked through previously and  
all questions appear to have been addressed.

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

12  
14 COMMISSIONER SCHAUERS MOVED TO RECOMMEND APPROVAL TO  
THE CITY COUNCIL THE APPLICANT’S REQUEST FOR PRELIMINARY  
16 APPROVAL OF THE BRIXTON HEIGHTS CONDOMINIUM PLAT WITH THE  
FOLLOWING CONDITIONS. 1. THE APPLICANT WILL CONTINUE TO WORK  
WITH CITY STAFF TO MAKE ALL FINAL CORRECTIONS TO THE PLAT FOR  
18 RECORDING; 2. PRIOR TO PLAT RECORDING THE APPLICANT WILL  
PROVIDE STAFF WITH A FINAL PLAT MYLAR TO INCLUDE NOTARIZED  
20 SIGNATURES OF OWNER’S CONSENT TO DEDICATION AND OBTAIN  
SIGNATURES OF ALL ENTITIES INDICATED ON THE ATTACHED  
22 SUBDIVISION PLAT; 3. THE PLANS AND PLAT WILL MEET AND BE  
CONSTRUCTED AS PER THE RELEVANT SPECIFICATIONS AS FOUND IN THE  
24 LINDON CITY DEVELOPMENT MANUAL; 4. FINAL CC&R’s FOR THE  
BUSINESS PARK WILL BE RECORDED WITH THE SUBDIVISION PLAT; 5. ALL  
26 ITEMS OF THE STAFF REPORT. COMMISSIONER THOMPSON SECONDED  
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

28 CHAIRPERSON CALL AYE  
COMMISSIONER KALLAS AYE  
30 COMMISSIONER MARCHBANKS AYE  
COMMISSIONER THOMPSON AYE  
32 COMMISSIONER SCHAUERS AYE  
THE MOTION CARRIED UNANIMOUSLY.

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

38 Alan Walker, Pool Manager, updated the commissioners on a shed they are  
wanting to purchase with the “Cares Act” money. He noted there are two things relevant  
40 that relate to Covid-19 and that is the storage and the building storage facility at the  
community center. They are proposing to locate it in the parking lot of the community  
42 center and extending that back so the Police and Parks departments can also have  
supplies stored there. He noted they are getting the numbers together for a brick and  
44 mortar storage shed. He asked if this is something the commission would agree to. He  
pointed out they are also getting a bid on a “tough shed” (which would be temporary) to  
46 house the covid items. He noted this is all in preparation if Covid-19 continues so we are  
stockpiled. He indicated these funds need to be spent by November 1, 2020.

2 Following some general discussion, the Commission was in agreement a  
4 temporary shed will be fine for now, but they would like to see a brick and mortar  
building in place down the road. Mr. Walker thanked the Commission stating he will get  
that information back to the City Administrator.

6 Chairperson Call called for any further comments or discussion from the  
commission, hearing none she moved on to the next agenda item.

8  
9. **Planning Director Report** –

- 10 • General City updates

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

14 **ADJOURN** –

16  
18 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE  
MEETING AT 6:50 PM. COMMISSIONER SCHAUERS SECONDED THE MOTION.  
20 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22 Approved – September 8, 2020

24 \_\_\_\_\_  
26 Sharon Call, Chairperson

28 \_\_\_\_\_  
Michael Florence, Planning Director

## Item 4: Conditional Use Permit – F45 Training Gym

Date: 9/8/2020  
Applicant: Alicia and Keith Halladay  
Presenting Staff: Anders Bake

General Plan: Commercial  
Current Zone: General Commercial (CG)

Property Owner: WILLES LABS LLC  
Address: 259 North 290 West  
Parcel ID: 48:368:0016  
Lot Size: 0.973 acres

Type of Decision: Administrative  
Council Action Required: No



### MOTION

I move to (*approve, deny, continue*) **the applicant's request** for a conditional use permit to use the property located at 259 North 290 West Lindon Utah for an exercise studio with the following conditions:

1. Hours of operation will be limited to 5:00 AM to 9:00 PM;
2. Customer parking will be limited to the designated stalls assigned to your building; and
3. All items of the staff report.

### OVERVIEW

1. The applicants are proposing to use the property located at 259 North 290 West Lindon Utah for an exercise studio that will be offering small group exercise classes by appointment only.
2. The proposed use of the property is most similar to the category "Gymnasium and Athletic Clubs" in the Lindon City Standard Land Use Table. This use is listed as a Conditional Use in the General Commercial zone. The applicant will be required to obtain a Conditional Use Permit from the Planning Commission before they can receive a business license.
3. Notices were mailed on August 28, 2020 to adjoining property owners in accordance with Lindon City Code Section 17.14.50 Third Party Notice. Staff has received no public comments at this time.

### SURROUNDING ZONING AND LAND USE

North: CG – Commercial/Office buildings  
East: CG – Commercial/Office buildings  
South: CG – Commercial/Office buildings  
West: R1-20 – Residential

## DEVELOPMENT STANDARDS

### Building, Site, and Landscaping

The applicant will be using a previously constructed building on a property that meets architectural and site requirements for the General Commercial zone. The property is about one acre and has two commercial buildings. The applicant will be using the East building closest to 290 West street and the other building behind it is used as a dental studio. The applicant is not planning to do any construction on the building exterior or site. (see attachment 1)

The applicant plans to add bathrooms and storage space to the interior of the building. (see attachment 2)

### Parking

The applicant's **business will not** exceed the parking requirements for the property and the applicant does not propose any changes to the parking lot at this time. The business has 36 parking spaces allotted to their building which is shared with the other building on the lot.

## STAFF ANALYSIS

It is expected that this business will have a minimal impact on surrounding properties and will be compatible with other uses in the General Commercial Zone. The nature of the business and the by appointment only classes will limit the traffic impact that this business will have on surrounding properties.

## EXHIBITS

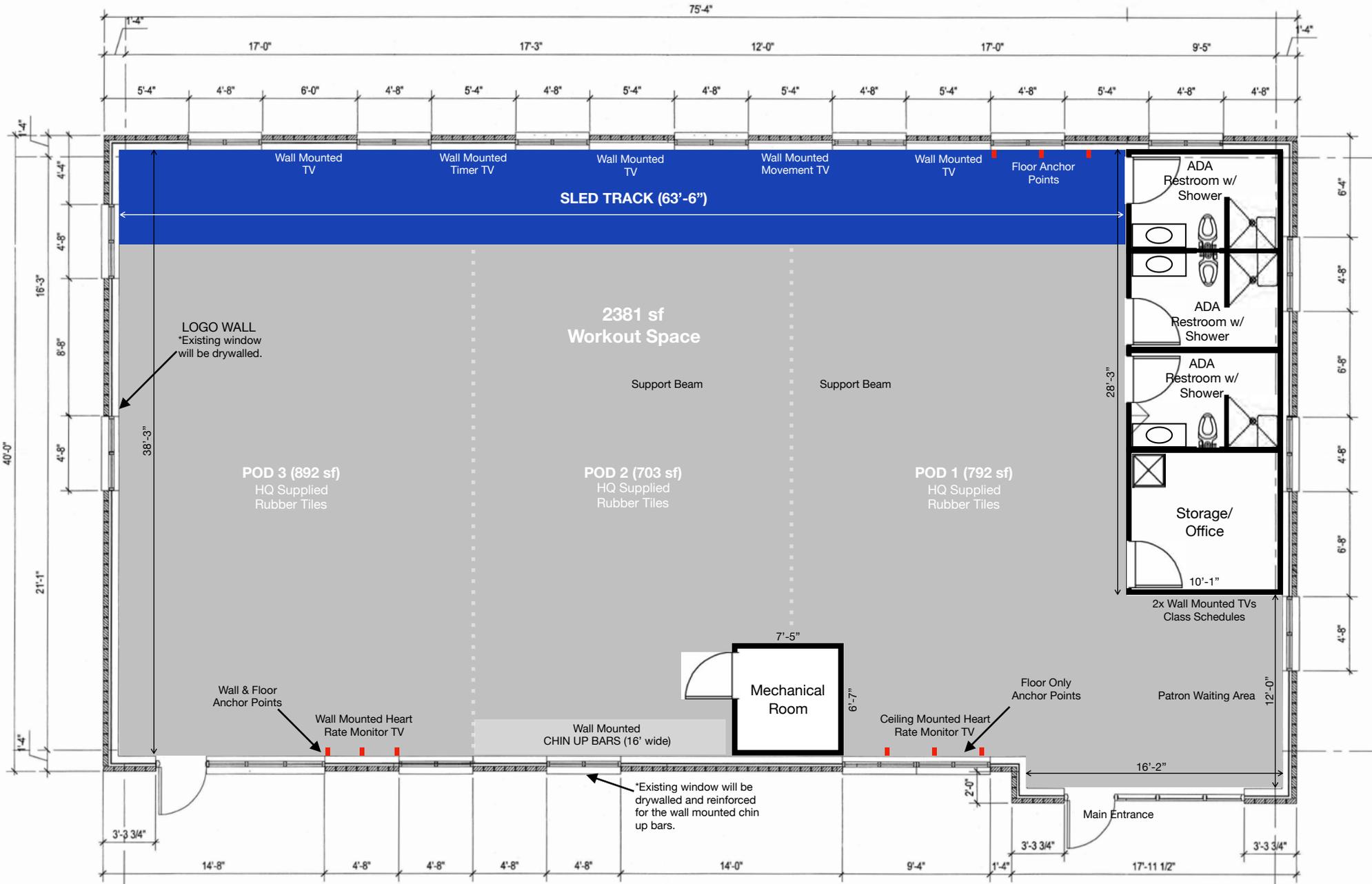
1. Aerial photo of the site showing parking locations
2. Proposed building floor plan
3. Business description



 Parking

 Building in question

# F45 Training Lindon Proposed Layout



**Other measurements:**

- Existing drop ceiling is 11'-5" above floor
- Ceiling is 16' high with exposed ceiling
- Windows are 3'-3" above the floor (top of windows is 9'-7" above floor)

August 21, 2020

Lindon Planning & Development  
100 North State St.  
Lindon, UT 84042

Dear Planning Committee,

We are applying to locate an F45 Training Studio at 259 N. 290 W. Lindon. F45 Training is a global fitness franchise specializing in innovative, high-intensity group workouts. This location will be a branded exercise studio offering small group classes by appointments only.

We have 36 parking spaces allotted to our building and our neighboring business, the dental studio. Our hours of operation will be from 5am to 9pm.

Sincerely yours,

Keith and Alicia Halladay

## Item 5: Conditional Use Permit – In Home Child Care Business Norma Moreno

Date: 9/8/2020  
Applicant: Norma Moreno  
Presenting Staff: Anders Bake

General Plan: Residential High  
Current Zone: Residential (R3)

Property Owner: Norma Moreno  
Address: 1532 W. 630 N.  
Parcel ID: 65:260:0009  
Lot Size: 0.22 acres

Type of Decision: Administrative  
Council Action Required: No



### SUMMARY OF KEY ISSUES

To review a conditional use permit for an in home child care business and conditions to mitigate the impacts of a proposed use.

### MOTION

I move to (*approve, deny, continue*) **the applicant's request** for a conditional use permit to use the residential property located at 1532 West 630 North for an in home child care business, with the following conditions:

1. The applicant will comply with the Home Occupation Requirements found in Lindon City Code Section 17.04.400;
2. No more than 6 vehicles may be parked at the residence at one time;
3. The business will be operated by a resident of the home;
4. No more than 500 square feet or twenty-five percent of the total floor space, whichever is less, shall be used for the child care business;
5. The applicant will meet all requirements to maintain a child care license with the Utah Department of Health;
6. Hours of operation will be limited to Monday to Saturday from 7:30 A.M. to 5:30 P.M.;
7. Parents/guardians will be required to sign a pick-up/drop-off contract which requires them to follow speed limit, noise levels and respecting nearby residents;
8. The applicant will continually maintain a State of Utah child care license and Lindon City Home Occupation license; and
9. All items of the staff report.

## OVERVIEW

1. Norma Moreno requests conditional use permit approval to operate an in home child care business at 1532 West 630 North. The Lindon City Standard land Use Table indicates that Child Day Care – 5 to 16 children (4 or less not regulated) requires a conditional use permit in the residential (R3) zone.
2. The applicant has been approved by the Utah Department of Health for a Family Child Care License. The license permits the licensee a total capacity of 16 children. The applicant is required to maintain their state license in addition to their Lindon City home occupation business license.
3. The applicant has applied for a home occupation business license which can be approved after Conditional Use Permit approval is granted. A home occupation business must follow the regulations found in section 17.04.400 of the Lindon City Code.
4. Notices were mailed on August 28, 2020 to adjoining property owners in accordance with Lindon City Code Section 17.14.50 Third Party Notice. Staff have received no comments at this time.

## SURROUNDING ZONING AND LAND USE

North: Lindon Village Commercial – Vacant

East: R3 – residential

South: R3 – residential

West: R3 – residential

## HOME OCCUPATION STANDARDS

The Home Occupation requirements in the Lindon City Code section **17.04.400** state that **“The purpose and intent of this section... is** to allow gainful occupations, professions, activities, or uses that are clearly customary, incidental, and secondary to the residential use of the property and which do not alter the exterior of the property or affect the residential character of the neighborhood.”

The following table identifies the requirements in section 17.04.400 of the Lindon City Code and whether or not the proposed business is in compliance with these requirements:

Required Standards	Compliant
Obtain a home occupation business license.	Yes - The applicant has applied for a home occupation business license which will be issued if the applicant receives conditional use permit approval.
Be clearly incidental to and secondary to the residential use of the dwelling unit and not occupy more than five hundred (500) square feet or twenty-five percent (25%) of the total floor space of such dwelling unit, whichever is less.	Yes – The applicant has provided a floor plan of the home and identifies two rooms and a bathroom that will be used for the business. The total area used will be 400 square feet.
Be carried on entirely within the dwelling unit or accessory structure	Yes
Be carried on by one or more of the residents of the immediate family who reside in the dwelling unit.	Yes

Have no more than one (1) employee or part-time equivalent to one (1) employee who does not live in the dwelling unit work at the home.	Yes – The homeowner and applicant will be the only person operating the business.
Not have any external evidence of the home occupation (except as may be required by state law or city ordinance) nor any exterior displays, displays of goods, nor advertising signs (except as allowed by this section) visible from outside of the dwelling unit.	Yes
no more than six (6) motorized nonfarm vehicles shall be parked at the residence at any time, provided all of the vehicles can be parked legally, either in normal parking places on the lot occupied by the residence without parking in front of any other property.	Yes – The applicant has outlined staggered pick up and drop of times in her business description that will prevent the need for more than 6 vehicles to be parked at one time.
The home occupation must not generate more than five (5) vehicles of traffic to the residence during any hour.	The applicant will need to adjust and coordinate drop off times so that the business can be compliant with this requirement. Staff will need to monitor this as the business operation begins.
The home occupation shall not generate any traffic before 7:30 a.m. or after 6:00 p.m.	Yes – Drop-off times are staggered between 7:30 a.m. to 10:00 a.m. Pick-up times are staggered between 4:30 p.m. and 5:45 p.m.

#### CONDITIONAL USE PERMIT STANDARDS

1. Utah State Code § 10-9a-103 defines a conditional use as "a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts."
2. Section 10-9a-507 of the Utah State Code requires municipalities to grant a conditional use permit "if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards."
3. State Code further provides that a conditional use permit application may be denied only if "the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards." Utah State Code § 10-9a-507.
4. Lindon City Code Section 17.20.060 provides that a conditional use may be denied when:
  - a. "Under circumstances of the particular case, the proposed use will be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, and there is no practical means available to the applicant to effectively mitigate such detrimental effects;" or,
  - b. "The applicant cannot or does not give the Planning Commission reasonable assurance that conditions imposed incident to issuance of a conditional use permit will be complied with."

### CHILD CARE BUSINESS STANDARDS

1. The Utah Department of Health regulates child care centers and family child care providers in the state of Utah. Ms. Moreno currently holds a license with the Utah Department of Health.

This License allows for the following:

Child care is provided in a private home for up to 16 children (unless otherwise determined by the city), including the provider's own children less than four years old. Providers must be at least 18 years old. Two qualified caregivers are required when there are more than eight children in care and when there are more than two children less than two years old in care. With two caregivers, providers can care for up to (but not more than) four children less than two years old. A compliant outdoor play area is required.

### STAFF ANALYSIS

The **applicant's** business description shows that they will make considerable efforts to minimize the impacts that this business may have on the surrounding neighborhood.

### EXHIBITS

1. Business description
2. Utah Health Department license
3. Interior Building layout
4. Aerial photo of the site and surrounding area

# FAMILY CHILD CARE



LICENSE # F20-79365

NORMA MORENO

Lindon UT, 84042

801-921-3190

*Natwins92@icloud.com*

## **Description:**

This business is an In-Home Childcare license through Office of Childcare. The business runs within my home. I provide care for children and in infants. I am licensed to provide care for up to 16 children at a time.

Utah Office Of Childcare Licensing Record: <https://ccl.utah.gov/ccl/#/facilities/79365>

## **Hours of operation:**

Monday to Friday 7:30 a.m. to 5:30 p.m.

Saturday - Occasionally (as parents needed)

Sunday – Closed

## **Site Plan/ Noise:**

As depicts on the site plan the outdoor activities for the children will take place within the confines of the fenced and gated rear yard. Activities in the backyard are schedule to occur between 10:30 a.m. – 11:30 a.m. in the morning and 4:00 p.m. – 5:15 p.m. in the afternoon. Provider is aware at all times of noise levels of the children in care.

## **Traffic/Parking:**

Children are picked-up and dropped-off at different times depending on their parents'/guardians' schedule. Parking in the driveway. The available parking proved adequate for the picked-up and dropped-off of the children in my current home.

Childcare parents'/guardians are required to sign a pick up/drop-off contract which requires them to follow speed limit, noise levels and respecting nearby residents. Parents are notified monthly (via email) of my pick-up and drop-off standards. The pick-up and drop-off times are staggered throughout the morning and afternoon in order to prevent any vehicular congestion at or around my residence. The time it takes for parents to pick-up and drop-off is typically three (3) minutes and does not exceed five (5) minutes. Drop-off times are staggered between 7:30 a.m. to 10:00 a.m. in the morning. Pick-up times are staggered between 4:30 and 5:45p.m. in the later afternoon. I do not believe my business will have a substantial adverse effect to adjacent residents, noise, traffic or other public facilities. My home Child care is being limited to 16 children as per the Utah Office of Childcare which I have kept in complete compliance with.

# UTAH DEPARTMENT OF HEALTH



## LICENSE FOR FAMILY CHILD CARE

**Facility:** **Moreno, Norma**  
**Address:** 1532 W 630 N, Lindon, UT 84042  
**Licensee:** Norma Moreno  
**Total Approved Capacity:** 16  
This number includes the provider's own children under the age of four. Local ordinances may further limit your maximum allowed capacity.

**Date Issued:** 08/12/2020  
**LicenseNo:** F20-79365  
**Date of Expiration:** 08/31/2021



CHILD CARE LICENSING PROGRAM

*Norma Moreno*  
PROGRAM ADMINISTRATOR

This document must be posted in a conspicuous place, and is not transferable to any other owner, director, or location.



700 North

1700 West

14,000 SQ FT  
110V/3 PHASE W/3 WIRING PER 3 PHASE COMMUNITY...  
1960 to 2017, 2001 - 2010 work  
Entry 0-2001-1000



630 North

590 North

## Item 6: Lindon Treasury Plat D Major Subdivision Approval Approximately 200 W. 110 S.

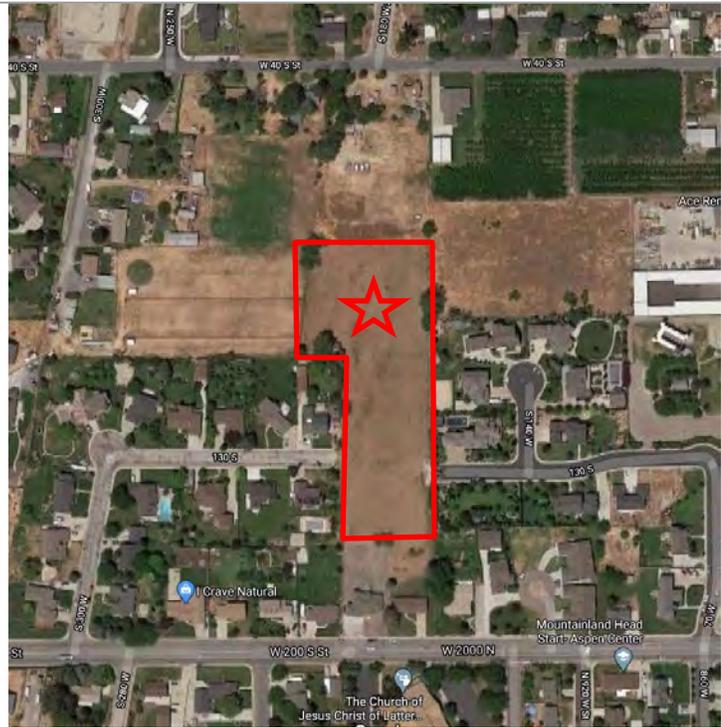
Date: September 8, 2020

Applicant: Jeremy Ackley  
Presenting Staff: Michael Florence

General Plan: Residential Low  
Current Zone: Residential R1-20

Property Owner: Jeremy Ackley  
Parcel ID's: 14:069:0312

Type of Decision: Administrative  
Council Action Required: Yes



### SUMMARY OF KEY ISSUES

1. Mr. Ackley is seeking preliminary major subdivision approval for a 4-lot single family home development;
2. The planning commission and city council recently approved a previous phase of this subdivision which is being developed by a different owner.

### OVERVIEW

1. The proposed 4-lot subdivision meets the minimum lot size and infrastructure requirements for the R1-20 zone;

### MOTION

**I move to recommend (approval, denial, or continue) of the applicant's request for preliminary approval of Lindon Treasury Plat D. with the following conditions:**

1. The applicant will continue to work with the city staff to make all final corrections to the engineering documents and plat;
2. Prior to plat recording the applicant will provide staff with a final plat mylar to include notarized **signatures of owner's consent to dedication, obtain signature of all entities indicated on the attached subdivision plat;**
3. Complete (or post an adequate improvement completion assurance), warrant and post required warranty assurance for all required public infrastructure improvements;
4. The plans and plat will meet and be constructed as per the relevant specifications as found in the Lindon City Development Manual;
5. Prior to final approval the applicant shall place permanent survey monuments in the subdivision;
6. All items of the staff report

Surrounding Zoning and Land Use

North: Residential R1-20 – Single Family

South: Residential R1-20 – Single Family

East: Residential R1-20 – Single Family

West: General Commercial – Equipment rental business, indoor storage and commercial businesses

Lot Requirements – Residential (R1-20) Zone

Required	Compliant
Minimum lot size: 20,000 square feet	Lots range in size from 21,611 square feet to 27,288 square feet

Subdivision Requirements

Required	Complaint
No single lot shall be divided by municipal or county boundary lines, roads, alleys, or other lots.	Yes
All residential lots shall front on a public street	Yes
Side lot lines shall be at right angles or radial to street lines.	Yes
The street layout shall conform to the master plan	Yes
Minimum right-of-way width for Minor streets	<b>Yes, 50' street cross sections are provided</b>
Minor streets maximum grade: 12%	1.83%
Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public	Yes
Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of 15 feet apportioned equally in abutting properties.	Yes
Underground utilities and piped sanitary sewerage shall be provided by the subdivider.	Yes
No lot shall be created which is more than three times as long as it is wide.	Yes
Street lights	Yes

Engineering Requirements

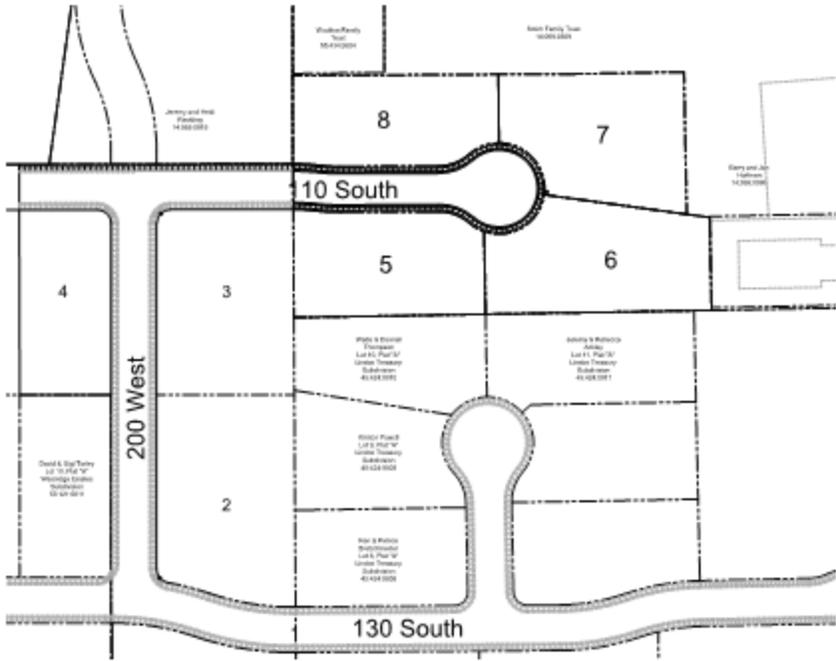
The City Engineer is working through technical issues related to the plat and civil engineering plans and will ensure all engineering related issues are resolved before final approval is granted.

EXHIBITS

1. Aerial photo
2. Vicinity map
3. Plat



# Lindon Treasury Plat D

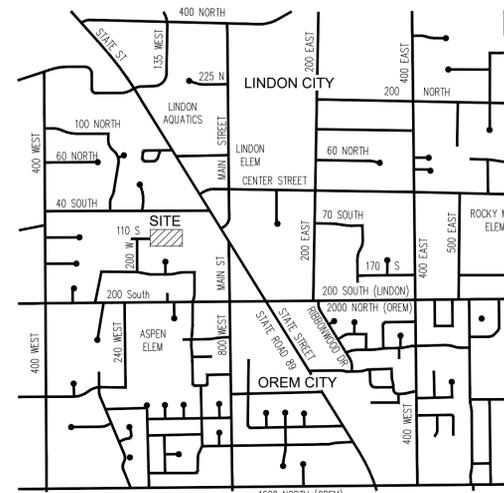




NORTH  
1" = 30'

# Plat "D", Lindon Treasury Subdivision

Located in the Southeast quarter of Section 33,  
Township 5 South, Range 2 East, Salt Lake Base  
& Meridian. (NAD 27)



Vicinity Map

### Surveyor's Certificate

I, Roger D. Dudley, do hereby certify that I am a registered land surveyor, and that I hold certificate No. 147082 in accordance with Utah Code, Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I further certify that at the request of the owner of the below-described land, I performed a survey of said land in accordance with Section 17-23-17 of the Utah Code; that the boundary description below correctly describes the land surface upon which will be constructed Plat "D", Lindon Treasury Subdivision, that I have verified all measurements, and that the reference markers shown on said plat are located as shown and are sufficient to readily retrace or reestablish this survey.

### Boundary Description

Commencing at a point located South 89°45'18" West along the Section line 674.37 feet and North 745.13 feet from the Southeast corner of Section 33, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°00'40" West along Plat "A", Lindon Treasury Subdivision 457.26 feet to the Northwest corner of Lot 10, Plat "A", Lindon Treasury Subdivision; thence North 0°19'01" West along Plat "C", Lindon Treasury Subdivision 265.09 feet; thence North 89°40'29" East 301.59 feet; thence North 88°59'25" East 126.80 feet; thence South 01°09'37" East 155.91 feet; thence South 82°10'58" East 25.31 feet; thence South 01°09'37" East 101.84 feet to the point of beginning.

Area = 115,691 sq.ft. or 2.66 Acres  
Number of Lots = 4

Basis of Bearing is South 89°45'18" West along the Section line from the Southeast corner to the South quarter corner of said Section 33.

Date \_\_\_\_\_ Professional Land Surveyor  
(see seal below)

### Owner's Dedication

The undersigned owners ("owner" without regard to number or gender) of the above-described land hereby certifies that: owner has caused a survey to be made of said land and to be prepared for the same. Owner hereby consents to the concurrent dedication of the plat and Declaration and hereby submits the described land to the provisions and requirements of the declaration, owner hereby dedicates any public streets reflected on the map for the use by the general public.

In witness hereof we have hereunto set our hands this \_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_.

### Acknowledgement

STATE OF UTAH } S.S.  
COUNTY OF UTAH }  
The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, who represented that he is the owner of the above-described property and has the authority to execute this instrument.

My Commission Number \_\_\_\_\_ Signed (a Notary Public Commissioned in Utah)

My Commission Expires \_\_\_\_\_ Print name of Notary

### Acceptance by Legislative Body

The City of Lindon, County of Utah, approves this Subdivision subject to the Conditions and Restrictions stated herein, and hereby accepts the dedication of all streets, easements and other parcels of land intended for perpetual use of the public this \_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_.

Mayor \_\_\_\_\_ Planning Commission Chair \_\_\_\_\_  
Planning Director \_\_\_\_\_ City Engineer \_\_\_\_\_  
City Attorney \_\_\_\_\_ City Recorder \_\_\_\_\_  
Attest \_\_\_\_\_

### Conditions of Approval

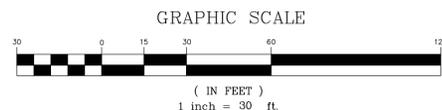
Plat "D"

## Lindon Treasury Subdivision

Lindon City, Utah County, Utah

Scale: 1" = 30 Feet

Curve	Radius	Length	Chord	Bearing	Delta
C1	225.00'	28.49'	28.47'	N 86°30'35" W	71°5'18"
C2	175.00'	22.73'	22.72'	S 86°36'14" E	72°6'35"
C3	50.00'	36.14'	35.36'	N 68°58'12" E	41°24'35"
C4	50.00'	36.13'	35.35'	S 68°58'02" W	41°24'16"
C5	50.00'	85.65'	75.56'	N 41°5'24" W	98°08'51"
C6	50.00'	88.40'	77.33'	N 58°28'06" E	101°18'09"
C7	50.00'	19.17'	19.05'	S 59°5'53" E	21°57'53"
C8	50.00'	36.14'	35.36'	N 69°37'14" W	41°24'35"
C9	225.00'	29.23'	29.21'	S 86°36'14" E	72°6'35"
C10	175.00'	22.16'	22.14'	N 86°30'35" W	71°5'18"
C11	200.00'	25.32'	25.31'	N 86°30'35" W	71°5'18"
C12	200.00'	25.98'	25.96'	S 86°36'14" E	72°6'35"



**Occupancy Restriction Notice**  
It is unlawful to occupy any building within this subdivision without first having obtained a certificate of occupancy issued by the City.

**Notice of Lindon City Housing Ordinance**  
All potential buyers of lots within this plat are hereby notified of the Lindon City R2 Overlay Ordinance. Under this ordinance there is potential for small, localized multifamily housing projects in this neighborhood consisting of single family planned unit developments, duplexes, triplexes and accessory apartments. Conditions Covenants and Restrictions (C.C.&R's) which prohibit this type of housing in specific subdivisions are considered illegal and in violation of Lindon City Code. Please contact the Lindon City Planning Department at (801) 785-7687 for details regarding this Ordinance.

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL	COUNTY RECORDER
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## Item: 7 - Ordinance Amendment – R2 Overlay and Accessory Apartment Ordinance

**Date:** September 8, 2020

**Applicant:** Lindon City

**Presenting Staff:** Michael Florence

**Type of Decision:** Legislative

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

**Motion**

I move to recommend (*approval, denial, to continue*) (of) ordinance amendment 2020-14-O (*as presented, or with changes*).

**Overview:**

At a joint planning commission and city council meeting on August 11, 2020 staff presented proposed changes to the R2 Overlay and accessory apartment ordinance.

Under the current ordinance, an accessory apartment is identified under the R2 Overlay Zone. City staff are proposing to divide the ordinance into two sections which will be the R2 Overlay and the Accessory Apartment sections.

Under the R2 Overlay zone, the city is divided into 18 districts. Each district, is allowed a specific number of R2 units depending on acreage and calculation per district. See attached map. The R2 Overlay Zone also counts accessory apartments towards the overall total unit count for each district. However, the number of accessory apartments can exceed the district unit count with no limits to the number of accessory apartments. Currently, all but five districts are full and don't allow additional R2 Overlay developments. For the most part, the districts are full due to the number of accessory apartments rather than R2 Overlay developments.

District	Total Acres	Max # of Units	Approved Units	# of Units that are not Accessory Apartments	Estimate of number of available lots in each district
1	123	29	48	2	3
2	245	59	70	0	3
3	151	36	20	0	5
4	114	27	44	26	2
5	160	38	41	13	6
6	64	15	38	2	0
7	75	18	29	11	0
8	84	20	12	2	1
9	65	15	22	2	1
10	99	23	14	4	4
11	165	39	84	54	5
12	68	16	34	10	1
13	109	26	42	10	2
14	70	16	33	11	1
15	196	47	67	10	3
16	176	43	42	28	3
17	265	63	4	8	3
18	55	13	54	54	0
<b>Totals</b>		<b>543</b>	<b>698</b>	<b>247</b>	<b>43</b>

### Proposed R2 Overlay Changes

- Under sections 17.46.010 and 17.46.050 the ordinance calls out R2 Overlay projects as conditional use. Staff is proposing to change 17.46.030 from permitted to conditional to be consistent with other code sections.
- Staff is proposing to remove accessory apartments from the overall district calculation since there is no limit and accessory apartments can exceed the district limit.
- Staff is proposing to change how the number of units are calculated for each district. Staff evaluated the number of R2 Overlay developments in each district, the 750' required buffer between R2 Overlay units, and available parcels. The proposal is to set a number of allowed R2 Overlay unit per district. There are a few districts that staff are proposing to remain closed due to the number of existing R2 Overlay developments.

The way the below calculations works, for example, is District 1 currently has two units and the City would allow two additional units for a total of 4 in that district.

District 1: 4 (+2)	District 7: 11 (+0)	District 13: 12 (+2)
District 2: 24 (+2)	District 8: 4 (+2)	District 14: 13 (+2)
District 3: 2 (+2)	District 9: 4 (+2)	District 15: 17 (+2)
District 4: 26 (+0)	District 10: 6 (+2)	District 16: 30 (+2)
District 5: 15 (+2)	District 11: 54 (+0)	District 17: 4 (+0)
District 6: 2 (+0)	District 12: 10 (+0)	District 18: 54 (+0)

### Proposed Accessory Apartment Changes

- To ensure the proper code reference are made throughout the code, staff has referenced section 17.14.150 which does not allow accessory apartments in the Anderson Farms Planned Development Zone. See 17.46.100(2)(a)
- Allows that one accessory parking stall be located within the front setback. See 17.46.100(2)(c)
- Removes the requirement that the path, sidewalk or walkway have to be hard surfaced 17.46.100(2)(c)
- Removes the noticing and appeal requirement prior to an accessory apartment being approved. Replaces the language with a requirement that the city will send a notice to surrounding property owners once the accessory apartment has been approved. See 17.46.100(5)

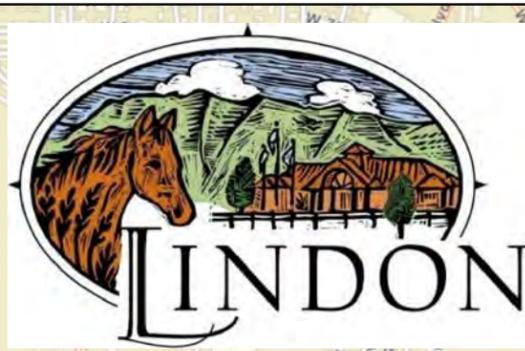
### Analysis

City staff has tried to simplify both the R2 Overlay requirements for the district calculations as well as requirements for accessory apartments. Particularly, since the City does not have a limit on the number of accessory apartments, staff finds it better to clearly state how many R2 Overlay units are allowed per district. This will allow some additional units in districts that were otherwise closed due to accessory apartments.

The planning commission should evaluate the attached maps to ensure that they are comfortable with the number of units per district.

### Exhibits

Draft 17.46 Ordinance change  
Current R2 Overlay Map  
Proposed R2 Overlay Map

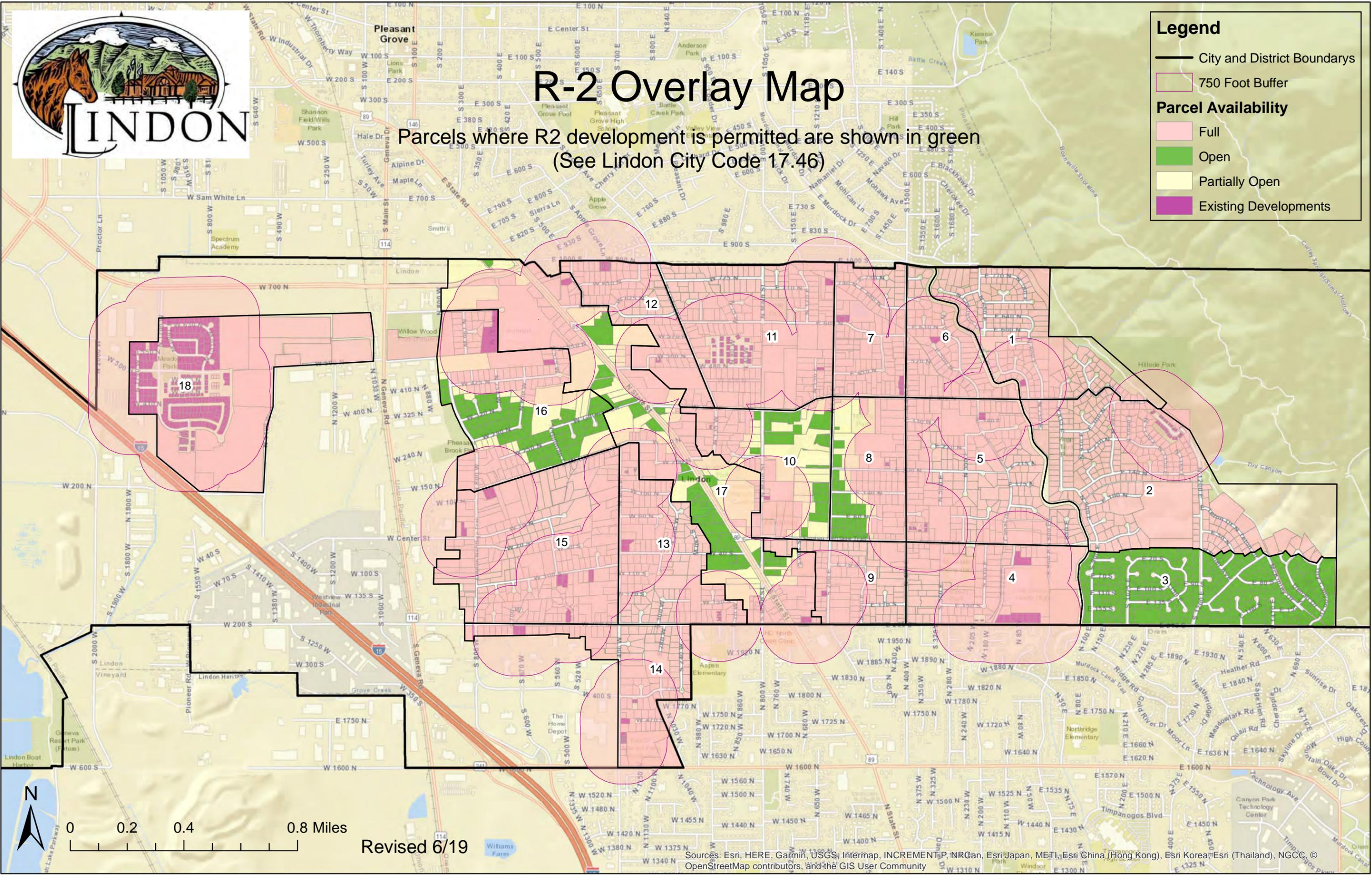


# R-2 Overlay Map

Parcels where R2 development is permitted are shown in green  
(See Lindon City Code 17.46)

**Legend**

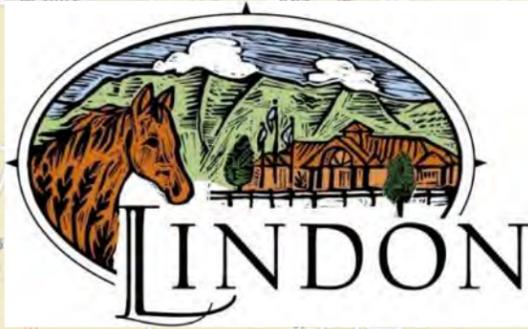
- City and District Boundaries
- 750 Foot Buffer
- Parcel Availability**
- Full
- Open
- Partially Open
- Existing Developments



0 0.2 0.4 0.8 Miles

Revised 6/19

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

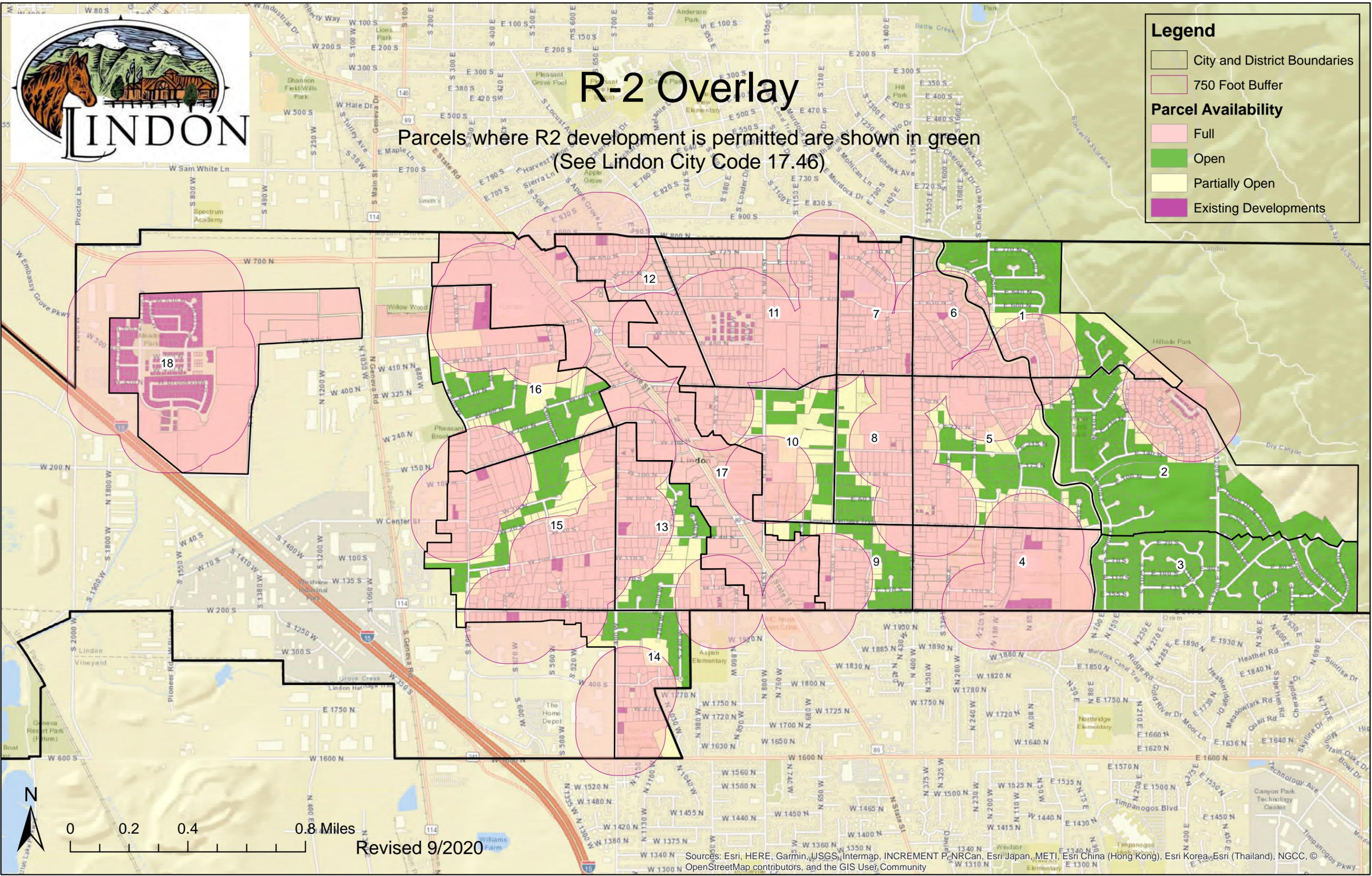


# R-2 Overlay

Parcels where R2 development is permitted are shown in green  
(See Lindon City Code 17.46)

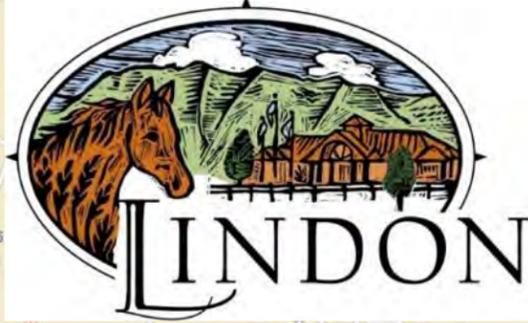
**Legend**

- City and District Boundaries
- 750 Foot Buffer
- Parcel Availability**
- Full
- Open
- Partially Open
- Existing Developments



Revised 9/2020

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

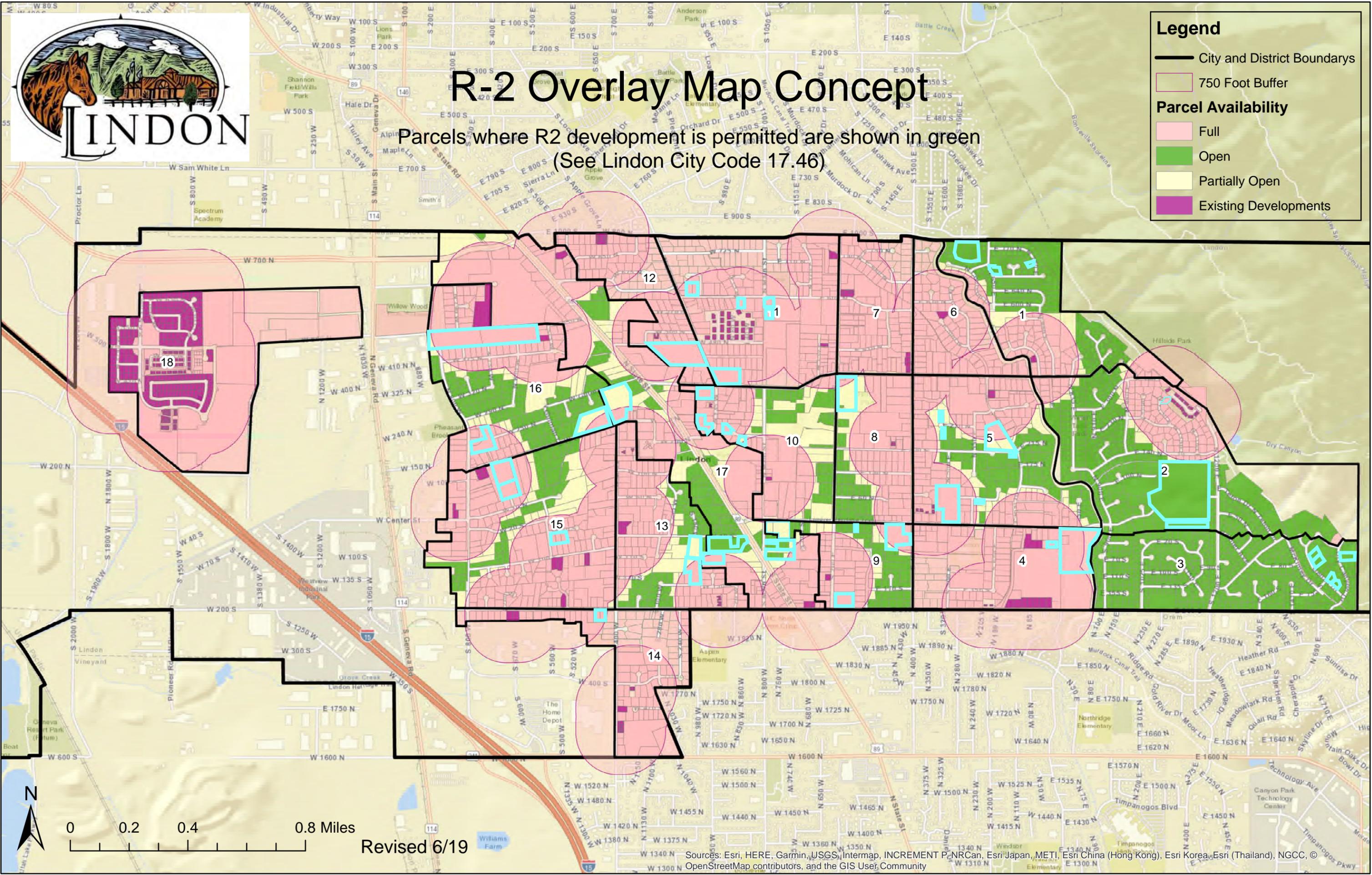


# R-2 Overlay Map Concept

Parcels where R2 development is permitted are shown in green  
(See Lindon City Code 17.46)

**Legend**

- City and District Boundaries
- 750 Foot Buffer
- Parcel Availability**
- Full
- Open
- Partially Open
- Existing Developments



Revised 6/19

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

ORDINANCE NO. 2020-8-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING TITLE 17.76 PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRD OVERLAY) ZONE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council is authorized by state law to enact and amend ordinances establishing land use regulations; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that a variety of housing types should be provided where appropriate, and innovative development patterns and building methods that will result in more affordable housing should be encouraged; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that the relationship of planned land uses should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that transitions between different land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that growth should be guided to locations contiguous to existing development to provide city services and transportation in a cost-effective and efficient manner; and

WHEREAS, the proposed amendment is consistent with the goal of the General Plan that density increases should be considered only upon demonstration of adequate infrastructure and resource availability; and

WHEREAS, on April 28, 2020 and June 9, 2020 the Planning Commission held properly noticed public hearings to hear testimony regarding the ordinance amendment; and

WHEREAS, after the June 9, 2020 public hearing, the Planning Commission further considered the proposed ordinance amendment and recommended that the City Council adopted the attached ordinance; and

WHEREAS, the City Council held a public hearing on July 20, 2020, to consider the recommendation and the City Council received and considered all public comments that were made therein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lindon, Utah County, State of Utah, as follows:

**Section I:** Amendment. Amend Lindon City Code Section 17.76 as follows:

## Chapter 17.76

### PLANNED RESIDENTIAL DEVELOPMENT OVERLAY (PRD OVERLAY) ZONE

#### Sections:

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- 17.76.030 Permitted Uses, Building Types, and Densities.
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#### 17.76.010 Purpose.

1. The Planned Residential Development Overlay Zone promotes the following purposes:
  - a. Create diverse and quality housing options in Lindon City.
  - b. Effectively develop unique commercial lots and parcels that do not naturally accommodate traditional commercial development patterns;
  - c. Allow for appropriate housing transitions from commercial properties to low density single family residential;
  - d. Improve the design and livability of residential buildings in the Planned Residential Development Overlay Zone.
  - e. To preserve the commercial tax base and intent of the General Commercial zone.
2. The purposes of the Planned Residential Development Overlay are accomplished by:
  - a. Allowing densities higher than a typical low-density residential development, as identified in the Lindon City Land Use Map;
  - b. Establishing standards for landscaping, building and site design, public safety, parking, aesthetics, traffic circulation, fencing, lighting, and other similar site improvements; and
  - c. Requiring standards that enable Planned Residential Developments to fit into the surrounding development.

#### 17.76.020 Applicability.

1. The Planned Residential Development Overlay Zone may be applied to ~~any~~ lots or parcels only in the General Commercial (CG) Zone after application and approval of a zone map amendment by the City Council after a recommendation from the Planning Commission.

#### 17.76.030 Permitted Uses and Building Types

1. *Permitted Uses.* In addition to uses permitted or conditionally permitted in the underlying General Commercial (GC) zone, a Planned Residential Development is a conditionally permitted use in the Planned Residential Development Overlay Zone and is not permitted in any other zone.
2. Planned Residential Development's may include the following building types: detached single family, twin homes, tri-plex, multi-unit buildings and townhouses. All Individual residential units shall be subdivided into separate lots or condominium units;

- a. The minimum lot size for detached single family shall be five thousand (5,000) square feet with fifty (50) feet of frontage.
  - b. Multi-unit buildings shall be limited to a maximum of four (4) units per building.
  - c. Townhomes building types shall be limited to a maximum of six (6) units in a single row within a single building.
3. In order to preserve the intent of the General Commercial zone, building permits from Lindon City shall be obtained and construction commenced for at least twenty-five (25) percent of the approved commercial square footages prior to releasing building permits for residential construction.
  4. Accessory apartments are not permitted in the Planned Residential Development Overlay Zone

#### 17.76.040 Zone Map Amendment, Site Plan and Conditional Use Permit Approval.

1. **Zone Map Amendment.** An application to apply the Planned Residential Development Overlay Zone shall include a concept site plan, building elevations, and renderings showing the proposed project for the subject site. Any concept plan presented to the Planning Commission and City Council for approval shall first be reviewed by the Development Review Committee to ensure the proposal is technically feasible.
2. **Site Plan.**
  - a. Proposed development in the Planned Residential Development Overlay Zone shall first submit a Land Use Application for site plan approval. The applicant shall provide all requirements of the site plan to the City before the City considers the application submitted and before action is taken. The application for a site plan shall include all necessary fees and documentation required by this Chapter.
  - b. The applicant shall submit the site plan for a Planned Residential Development according to site plan submittal requirements-outlined in the Lindon City Land Development Policies, Standard Specifications and Drawings Manual (Development Manual). In addition to the items required in the Development Manual, a complete application shall include building elevations and renderings, open space percentages and landscape plan, site circulation, and project size and density. At that time the applicant shall pay a fee in an amount established in the most recently adopted Lindon City Consolidated Fee Schedule. No development, construction, revisions, or additions shall take place on the site until the Planning Commission has approved the site plan, the site plan is considered finalized by the City, and the developer has obtained the appropriate permits. Applicants for amended site plans for Planned Residential Developments shall follow the same procedures, pay the same fees, and be bound by the same development standards and requirements as applicants for site plans for Planned Residential Developments. The Planning Director or designee has the authority to make minor amendments to the site plan where such amendments are in compliance with the ordinance and the site plan is not materially altered.
  - c. The procedure for site plan approval shall be as follows:
    - i. **Development Review Committee.** The Planning Department shall forward the proposed site plan to the Development Review Committee for initial review. The Development Review Committee shall review the site plan, civil engineering, and architectural designs while considering whether it complies with the Lindon General Plan and all City ordinances, resolutions, and policies. The site plan and architectural designs shall comply with the Lindon General Plan and all City

ordinances, resolutions, and policies before the Planning Commission can review the application.

- ii. Planning Commission. The Planning Commission shall review the site plan and be the land use authority for all site plans for Planned Residential Developments. The Planning Commission shall consider whether the proposed site plan complies with City ordinances, resolutions, policies, development manual and the General Plan when reviewing a site plan for a Planned Residential Development.
- d. The applicant shall not amend or change any approved site plan without first following the procedure for approval of site plans.
- e. The Planning Commission may impose conditions or require further studies ~~on~~ of the site plan to mitigate dangerous hazards or evaluate impacts to public infrastructure or surrounding neighborhoods where there is substantiated evidence that a real safety hazard exists.

#### 17.76.050 Final Plat and Improvement Drawings.

1. The form and contents of the final plat and improvement drawings, where applicable, shall contain all of the requirements found in Title 17.32 – Subdivisions-Special Requirements and the Lindon City Development Manual. The final plat shall also contain the following information:
  - a. A designation of common areas, limited common areas, and private ownership areas.
  - b. For condominiums, three dimensional drawings of buildings and building elevations. In the case where the Planned Residential Development is a condominium project, the developer shall submit a written statement by an attorney and architect who are licensed to practice in Utah. This written statement shall be the attorney's and architect's opinion that the condominium declaration, the subdivision plat and the other supporting documentation comply in all respects with the Utah Condominium Ownership Act (UCA Sec. 57-8-1, et seq.) as well as all applicable federal, state and local laws and ordinances and that when the office of the Utah County Recorder has recorded the condominium declaration and final plat, the proposed project will be a validly existing and lawful condominium project in all respects.
  - c. Plat restrictions, lot restrictions, and other information required by the Planning Commission or City Council.
2. Planned Residential Development site plans may be built in phases as long as each phase of a Planned Residential Development complies with all of the requirements of this ordinance. A phase of a Planned Residential Development may not be less than twenty thousand (20,000) square feet.
3. The Planning Director shall approve the final plat of the Planned Residential Development provided he/she finds that:
  - a. The applicant has redrawn the site plan to incorporate all the requirements as approved by the Planning Commission and City Council and has submitted the corrected site plan with the final plat.

- b. The applicant has incorporated all of the improvements and conditions of the approved site plan into the final plat.
    - c. The City Engineer has marked the construction drawings of the Planned Residential Development as finalized.
  4. The City shall record the final plat after it obtains all of the required signatures and after it receives all of the required bonds, fees, and documents.
  5. The procedure for subdivision shall be as follows:
    - a. The site plan must be approved by the Planning Commission before the final plat can be approved.
    - b. Subdivision approval shall be approved by the appropriate land use authority as found in 17.09.
    - c. The developer shall submit a Land Use Application for final plat approval of all or part of the Planned Residential Development together with all required fees. The final plat shall be prepared by the developer's surveyor and engineer.
    - d. The Development Review Committee shall review the final plat and give their recommendations to the Planning Director.
    - e. The Planning Director is the final approving authority, after receiving approval from the Planning Commission and City Council, for final plats and shall approve the application request if it meets the requirements of the approved site plan and all applicable City ordinances.
    - f. All applications shall meet the expiration time lines as found in 17.12.210

#### 17.76.060 Building Permits.

The City shall not issue a building permit for any project until the final plat has been recorded by the City.

#### 17.76.070 Completion and Maintenance of Site.

Every Planned Residential Development shall conform to the approved site plan. The applicant or any other person or entity shall not add any buildings or make any improvements or changes to a Planned Residential Development that did not appear on the approved site plan. The applicant and subsequent owners and applicable associations shall maintain all improvements shown on the site plan in a neat and attractive manner. Failure to complete or maintain a Planned Residential Development in accordance with this Chapter and with the approved site plan is a violation of the terms of this Chapter. The City may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise, for failure to complete or maintain a Planned Residential Development in accordance with this Chapter and with the approved site plan.

#### 17.76.080 Development Standards and Requirements.

The City requires the following development standards for all Planned Residential Developments.

1. *Compliance with Lindon City Code.* A proposed Planned Residential Development shall comply with the requirements of this Chapter, the Lindon City Development Manual, and with all applicable Lindon City Code provisions and with conditions imposed by the Land Use Authority.
2. *Density.* A Planned Residential Development shall not exceed an average density of ten (10) dwelling units per gross acre. Development phases with a density above ten (10) units to the acre shall be located adjacent to commercial uses. Densities shall be ten (10) units or less as a transition to low density single family residential.
3. *Height.* No lot or parcel of land in a Planned Residential Development approved pursuant to the Planned Residential Development Overlay Zone shall have a building or structure used for dwelling which exceeds two (2) stories with a maximum height of thirty-five (35) feet, measuring the four (4) corners of the building from finished grade to the highest point of the roof structure. The Planning Director and Chief Building Official shall be responsible for designating and identifying the four corners of a building. No dwelling shall be erected to a height less than one (1) story above grade.
4. *The Planned Residential Development ordinance allows two development options:*
  - a. *Option one:*
    - i. *Minimum Area.* The minimum area required for any Planned Residential Development shall be twenty thousand (20,000) square feet.
    - ii. *Maximum Area.* The maximum allowable size shall be one (1) acre.
    - iii. *Number of units.* The maximum number of units is ten (10) units per development.
    - iv. *State Street Setback.* To preserve the commercial intent, use and zoning along State Street, a three hundred (300) foot setback from State Street is required.
  - b. *Option two:*
    - i. *Minimum Area. One (1) acre*
    - ii. *Maximum Area. No maximum but must be in connection with a commercial use as found in (b)(iii).*
    - iii. *Commercial Required.* Residential development shall only be allowed in connection with existing or new commercial uses. Residential uses shall be located on the rear portion of the lot and behind any commercial use.
    - iv. *State Street Setback:* To preserve the commercial intent, use and zoning along State Street, a three hundred (300) foot setback shall be required and residential uses are not allowed within this setback, unless a reduction is grant as follows:
      1. The Planning Commission and City Council may consider a reduction in this depth upon evaluating the following:
        - a. Viable commercial options remain for the site;
        - b. A commercial lot is irregularly shaped;
        - c. The reduction does not limit future redevelopment opportunities of the commercial property.

5. *Building Types and Variety.* At least two different building types shall be included in projects larger than two acres and with multiple buildings. Buildings shall be differentiated from other building types through type of building, variations to building materials, color, rooflines, and the use of architectural features such as awnings, light fixtures and eave details
6. *Setbacks.* The following building setbacks, as measured from property lines, for primary buildings shall apply in the Planned Residential Development zone:
  - a. For residential developments one acre or less not including an existing or new commercial use as part of the project
    - i. *Front Setback.* 25 feet
    - ii. *Rear Setback.* 30 feet
    - iii. *Side Setbacks.* For attached units the setback between buildings is 10 feet and 6 feet for a combined side yard setback of sixteen (16) feet. For interior units with common walls the setback is zero (0) feet. For detached buildings the side setback is six (6) feet for a combined side yard setback of twelve (12) feet.
  - b. For residential developments proposed for a property with new or existing commercial uses the below setbacks are required.
    - i. buildings shall be setback a minimum thirty (30) feet from the abutting property line of any single-family residential or R1-20 zone and any commercial building.
    - ii. *Side Setbacks:* 10 feet and 6 feet for a combined side yard setback of sixteen (16) feet. For interior units with common walls the setback is zero (0) feet. When abutting the property line of any single-family residential the side yard shall be increased to thirty (30) feet.
    - iii. *Corner side setbacks* 20 feet.
    - iv. *Front:* 25 feet. The front setback may be modified by the land use authority where design items such as common open space, paseos or similar design feature is proposed.
    - v. *Rear:* 30. The rear setback may be modified by the land use authority where design items such as common open space or similar design feature is proposed. Setbacks from abutting single family residential may not be reduced.
7. *Utilities.* Compliance with the Development Manual and applicable Lindon City Code provisions regarding utility connections to residential units is required. The public sewer system and the public water supply shall serve all dwellings. All utilities shall be underground. The developer shall individually meter natural gas and electricity for each individual dwelling. No water or sewer lines shall be located under covered parking areas. Wall-mounted and ground-based meters, HVAC, and utility equipment serving a building shall be located as close to each other as possible and fully screened from view. Screening shall either be incorporated aesthetically into the design of the building, fencing or screened by landscaping.
8. *Fences.*

- a. *Perimeter Fences.* A minimum seven (7) foot masonry or concrete perimeter fence shall be required as a buffer when abutting single family residential or commercial uses.
  - b. *Patio/Limited Common Area Fences.* A patio or limited common area adjacent to the rear of a dwelling unit may be enclosed with a six-foot (6') high fence.
9. *Landscaping and Open Space.*
- a. All land within a Planned Residential Development not covered by buildings, driveways, sidewalks, structures, and patios shall be designated as common area and shall be permanently landscaped with trees, shrubs, lawn, or ground cover and maintained in accordance with good landscaping practice. All required setback areas adjacent to public streets shall be landscaped. All landscaping shall have a permanent underground sprinkling system.
  - b. Development greater than one acre shall include common open space, according the following standards:
    - i. At a minimum, twenty (20) percent of the development site, excluding roads or private driveways and required setback areas, shall be in common open space. Setback areas that are in usable size segments and where a common amenity is provided can be counted towards the common open space requirement. The land use authority may approve a reduction in the open space requirement by twenty-five (25) percent of the required open space square footage if the site is within one quarter mile, as measured at the closest property lines, of an existing Lindon City park or trail. Private balconies, porches, patios of a minimum sixty (60) square feet may be counted towards a maximum of ten (10) percent of the required open space percentage;
    - ii. Open spaces shall include both active and passives spaces including plazas, courtyards, paseos, landscaped detention basins, playgrounds, pavilions, pools, spa, pool deck, or other areas that can be made into useable areas, and interior spaces available to residents as common area such as a clubhouse;
    - iii. Open spaces shall be designed to be an integral part of any development. A majority of the required open space shall be consolidated into a primary central and common open space area. Alternative and innovative open space options may be presented to the land use authority for consideration which accomplish the similar goal of open space being integral part of any development. Buildings shall be designed around the common open space edge. Majority open spaces shall not be located in perimeter outlying areas of the development;
    - iv. Where appropriate, the planning commission may approve individual private yard areas in place of common open space. However, development with private open space shall have no loss of the required open space percentage:
      1. Rear-loaded buildings shall provide private open space through porches, balconies, and small front yards;

2. Front-loaded units may provide private open space as enclosed rear yards.

- v. Trees shall be planted along any property line abutting single family residential with trees planted as a buffer every thirty (30) feet. Trees shall be a minimum two (2) inch caliper, measured one (1) foot above the ground and shall be at least six (6) feet in height. Tree species shall be planted as found in the Lindon City Tree Planting Guide. An eight (8) foot landscaped area shall be provided for trees to be planted and allow for future tree growth. It shall be the responsibility of the property owner to maintain the trees in a healthy manner and to replace any trees that have died in order to maintain the buffer.
- vi. Accent elements such as trellises, arches, arbors, columns, or low monument features shall be used to demarcate entrances to the development, common open spaces and paseos. Alternative accent elements may be approved by the land use authority

10. *Lighting Plan.* All Planned Residential Development's shall include a lighting plan and photometric study for parking lots, pedestrian walkways and buildings. The lighting plan shall be designed to:

- a. discourage crime;
- b. enhance the safety of the residents and guests of the Planned Residential Development;
- c. prevent glare onto adjacent properties; and enhance the appearance and design of the project.

All Planned Residential Development homeowners' associations and housing units are required to control and meter all outside lighting shown on the lighting plan except for front and back door lighting. The lighting plan shall designate which lighting shall be commonly metered to the association or owner.

11. *Parking.* There shall be a minimum of two (2) parking spaces provided for each dwelling. At a minimum, sixty-five (65) percent of the residential units shall have a garage capable of parking two (2) vehicles. Required off-street parking spaces shall not be permitted within the street-side yard setbacks. There shall be a minimum of one half (1/2) parking space for each dwelling for guest parking within the development. Guest parking shall be located on the same lot or parcel of the dwellings served. With approval of the land use authority, a development may count building unit driveways up to fifty (50) percent of the required spaces toward meeting the guest parking requirement. All parking spaces shall measure at least nine (9) feet by eighteen feet (18'). Developers shall pave with asphalt and/or concrete all parking spaces, parking areas, and driveways and provide proper drainage. Drainage shall not be channeled or caused to flow across pedestrian walk ways. The architecture of all covered parking structures shall be the same as the architecture of the main buildings within the Planned Residential Development.

- a. Direct access to each parking space shall be from a private driveway and not from a public street unless otherwise granted by the Planning Commission based on the following guidelines:
  - i. Topography or other development constraints on the project area are such that a private drive is impractical to serve the project.
  - ii. Traffic volumes, safety, and visibility on the public roadway will not create a dangerous situation for direct parking stall access.
  - iii. No more than six (6) units shall directly access any public roadway.

12. *Irrigation Systems.*

- a. Where an existing irrigation system consisting of open ditches is located on or adjacent to or within one hundred (100) feet of a proposed subdivision, complete plans for relocation or covering or other safety precautions shall be submitted with an application for preliminary approval of a plat.
- b. All pressure irrigation systems in or within one hundred (100) feet of a proposed subdivision shall be identified and otherwise color-coded as to pipe and valve color to meet state standards and regulations.

13. *Solid Waste Receptacles.* All solid waste receptacles which are not located within a building, shall be enclosed on at least three sides with the similar materials as used on the exterior of the main buildings within the Planned Residential Development. Central waste receptacles shall only be permitted within a trash enclosure which meets standards found in the Development Manual. Trash enclosures shall be located in the side or rear of the dwelling units, but not the Streetside, and must be accessible for garbage trucks.

14. *Architectural and façade Designs.* The treatment of building design, materials and exteriors shall be architecturally and aesthetically pleasing and have unique individual, feel and sense of place, while still being architecturally compatible with the surrounding buildings and properties. Buildings within developments shall have a variety of building materials to architecturally set them apart and to create unique and separate buildings. Both vertical and horizontal elements shall be used, as appropriate, to give variety and architectural detail. Side facades of buildings shall typically receive equal design consideration, particularly when fronting common open spaces, public or private streets, and development entrances. The following architectural design requirements shall be applied:

- a. Buildings shall contain more than a single-color application and more than a single material application;
- b. *Building Materials*
  - i. The following materials may be used as the primary exterior materials of a building consisting of at least sixty (60) percent: wood clapboard, cementitious fiber board, wood board and batten, wood siding, brick, stone, or similar material as approved by the land use authority. The following secondary materials may be

used: cementitious fiber board, brick, wood, stone, glass, architectural metal panel, or similar material as approved by the land use authority.

- ii. EIFS or stucco may be used for up to thirty (30) percent on the front façade of a building and forty (40) percent of a side façade when facing a public or private street, development entrance or common open space. EIFS and stucco do not have a maximum percentage on the remaining side and rear facades when not fronting on a public or private street, development entrance or common open space.
  - c. Each building shall include varied wall plains, recesses, or similar façade design to incorporate wall variation.
  - d. Changes in materials and color shall correspond to variations in building mass or shall be separated by a building element.
  - e. Buildings shall incorporate a variety of materials and architectural elements to provide variation among the building types.
  - f. Eaves and rooflines are encouraged to emphasize vertical proportions. They shall be broken up with gables, building projections, and articulation to emphasize the individual quality of the units.
  - g. Garage doors shall be designed consistent with the overall style of the building. Material, pattern, and, color to be coordinated with the architectural style. Garages shall be recessed from wall plane. Where garage doors are flush with facades, the facade shall feature upper level building projections and decorative building elements such as trellises to provide interest and relief. For buildings with front loading garages, garage doors shall include windows to add variety to the door.
  - h. Stucco-textured foam trim molding shall not be used as the only application to enhance building facades
  - i. All windows along the front façade shall incorporate at least two of the following:
    - i. mullions and/or transoms;
    - ii. trim or molding at least four inches in width. The trim or molding shall have a different color from the buildings primary color;
    - iii. canopies, shutters, or awnings, proportional to window size;
    - iv. recessed inset from the front façade by at least two (2) inches.
  - j. the front façade of any residential building shall not face or front the rear yard or side yard of a single-family home
15. *Roof Pitch.* All buildings shall have a pitched roof consistent with the overall architectural style of the building.
16. *Homeowner's Association.* The applicant shall establish a home owners association for every Planned Residential Development containing common or limited common property, with more than one owner for the purpose of maintaining the Planned Residential Development. The

homeowner's association, the individual property owners, and tenants shall maintain the ~~PRD~~ Planned Residential Development in accordance with the approved site plan.

17. *Existing Homes.* No Planned Residential Development shall include an existing single-family dwelling. If a single-family dwelling exists on the property where a Planned Residential Development is proposed, the applicant shall plat separately a lot containing the home. The plat shall comply with the requirements of the Lindon City Development Manual.

18. Each attached unit must contain enhanced sound attenuation and sound mitigation construction;

19. *Pedestrian Connections.*

- a. The project site plan and development must connect each separate building with internal concrete walkways to provide safe and convenient pedestrian access to common areas and amenities. The width of internal walkways that are adjacent to parking stalls shall be no less than five feet. The width of internal walkways that are not adjacent to parking stalls shall be no less than four feet.
- b. To the extent possible, developments shall make at least one pedestrian access connections to a public street right-of-way.

20. *Frontage, Orientation and Entrances.*

- a. Building entrances shall, to the extent feasible, front onto streets, private driveways designed as streets or common open spaces. Where an end unit fronts onto a street or private driveway designed as a street, center block residences may front onto a common open space, courtyard, paseos or landscaped pedestrian way;
- b. In order to create neighborhood connections, all residential buildings shall have expansive windows, entryways, balconies, terraces or other architectural design features which are oriented to the street, pedestrian way or common open spaces.
- c. Building entrances shall be the primary feature of the front façade and identify access to individual units;
- d. Stoops or front porches, raised a minimum of one (1) foot above the adjacent grade, shall be provided at entrances that face a street, paseo, common open space area, or other public space.

21. *Access and Streets.*

- a. Development access shall be identified on the site plan and subdivision plans. New public streets shall follow the Lindon City Streets Master Plan Map. Projects may be accessed through existing or new commercial developments when appropriate easements or land is secured for access. Proposed developments shall not remove existing single-family homes for access connections to adjacent neighborhoods.
- b. The minimum width for private streets shall be twenty-four (24) feet if residential buildings are less than thirty (30) feet in height. For residential buildings thirty (30) feet or greater in height, the minimum private street width is twenty-six (26) feet. Where a street includes public utilities, the minimum street width shall be twenty-nine (29) feet, constructed to a public street standard as found in the Lindon City Development Manual,

and dedicated to Lindon City. Hard surfacing for both private and public streets shall not include the gutter when determining minimum street widths.

**SECTION II:** The provisions of this ordinance and the provisions adopted or incorporated by reference are severable. If any provision of this ordinance is found to be invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the balance of the ordinance shall nevertheless be unaffected and continue in full force and effect.

**SECTION III:** Provisions of other ordinances in conflict with this ordinance and the provisions adopted or incorporated by reference are hereby repealed or amended as provided herein.

**SECTION IV:** This ordinance shall take effect immediately upon its passage and posting as provide by law.

PASSED and ADOPTED and made EFFECTIVE by the City Council of Lindon City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_

Jeff Acerson, Mayor

ATTEST:

\_\_\_\_\_

Kathryn A. Moosman,

Lindon City Recorder

SEAL

## Item 8: Concept Review — Amy Johnson

Date: September 8, 2020  
Applicant: Amy Johnson  
Presenting Staff: Michael Florence

Location: Approximately  
570 N. State St.  
General Plan: Residential  
Low and Commercial  
Current Zone: Commercial  
General  
Size: 10.3 acres

Type of Decision: None  
Council Action Required:  
No



### SUMMARY OF KEY ISSUES

- The applicant is requesting concept review feedback as a mixed commercial site for commercial business and residential uses;
- The applicant participated in many of the public meetings on the Planned Residential Development Overlay ordinance.
- Specifically, the applicant is requesting concept feedback on the below bullet points:
  - The applicant would like to decrease the commercial depth requirement from 300 feet to 250 feet for two reasons:
    - The commercial tenants that the applicant is trying to attract to the site only needs a 250-foot commercial depth. For a majority of the lost commercial space the applicant is proposing a 50-foot landscape buffer and amenity space to be used by the residential development.
    - The south portion of the project is irregularly shaped because the applicant does not own all of the State Street commercial frontage. The applicant is proposing a decrease of this commercial depth.
  - The applicant is proposing decreased front setbacks on the townhomes.
    - The ordinance requires 25-foot front setbacks.
    - The proposed setbacks are between 10-20 feet.
    - The ordinance allows decreased front setbacks when common open space is proposed.
    - The purpose for the request is that the applicant would like to construct larger townhome buildings on the property and due to site constraints is having difficulty meeting the front setback requirement.
    - Parking on driveways less than 20' feet won't be allowed. The applicant is providing 23 visitor stalls for those buildings that don't have 20-foot driveways. The roads that are 29 feet in width will be public streets and will allow parking on one side of the street.

## Planned Residential Ordinance Requirements

### 17.76.080(4)(b)

State Street Setback: To preserve the commercial intent, use and zoning along State Street, a three hundred (300) foot setback shall be required and residential uses are not allowed within this setback, unless a reduction is grant as follows:

1. The Planning Commission and City Council may consider a reduction in this depth upon evaluating the following:
  - a. Viable commercial options remain for the site;
  - b. A commercial lot is irregularly shaped;
  - c. The reduction does not limit future redevelopment opportunities of the commercial property.

### 17.76.080(6)

Front: 25 feet. The front setback may be modified by the land use authority where design items such as common open space, paseos or similar design feature is proposed.

## EXHIBITS

1. Proposed Concept Plan
2. Planned Residential Development Ordinance

