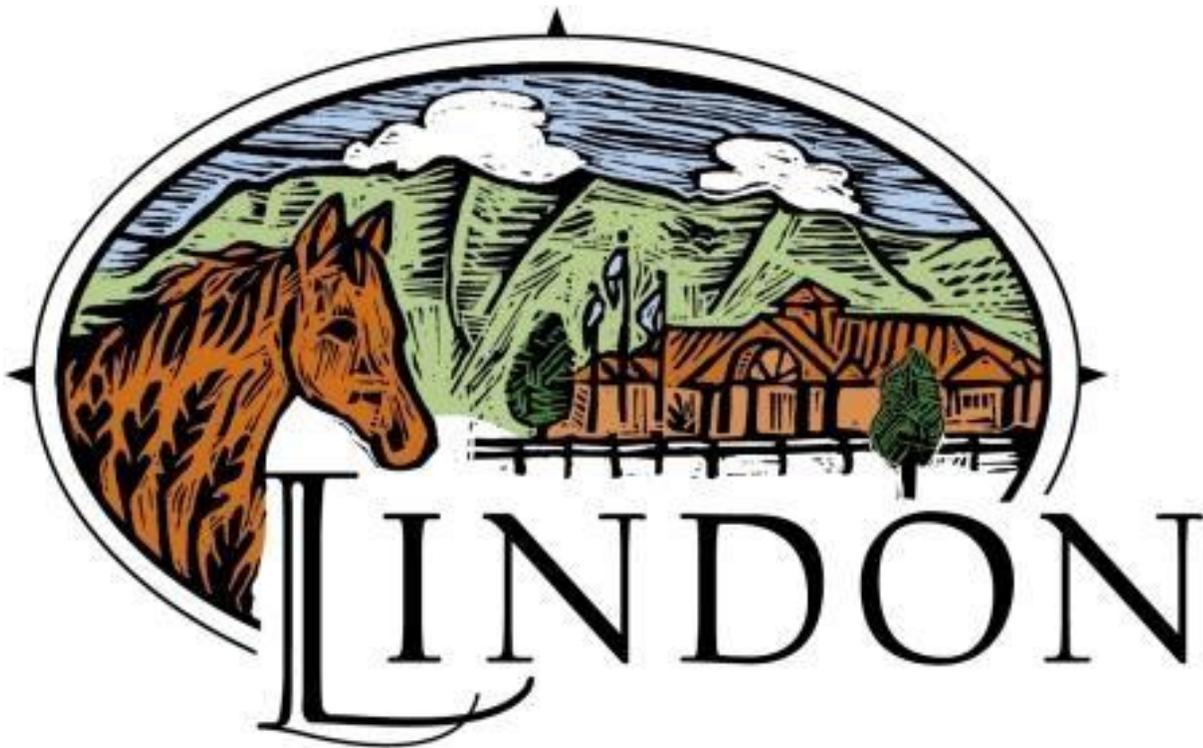


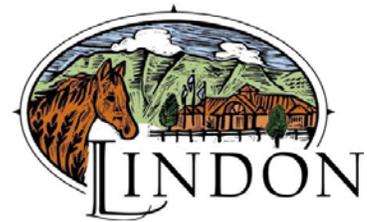
# **Lindon City Planning Commission Staff Report**



May 9, 2017

# Notice of Meeting

## Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, May 9, 2017**, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at **7:00 p.m.** This meeting may be held electronically to allow a commissioner to participate by video or teleconference. The agenda will consist of the following:

### AGENDA

Invocation: By Invitation

Pledge of Allegiance: By Invitation

#### 1. Call to Order

#### 2. Approval of minutes

Planning Commission 04/11/2017

#### 3. Public Comment

(25 minutes)

#### 4. Public Hearing — General Plan Amendment, ~725 North 2800 West

Mark Weldon, WICP West Orem #3 (3/4), LLC, requests a General Plan Land Use Map Amendment from Commercial to Mixed Commercial, on property (~north 5.5 acres) located at ~725 North 2800 West, and identified by Utah County Parcel ID #13:063:0085.

Recommendations will be forwarded to the City Council. (Pending Ordinance 2017-3-O).

(20 minutes)

#### 5. Public Hearing — Zone Map Amendment, ~725 North 2800 West

Mark Weldon, WICP West Orem #3 (3/4), LLC, requests approval of a Zone Map Amendment from General Commercial Auto (CG-A8) to Mixed Commercial (MC), on property (~north 5.5 acres) located at ~725 North 2800 West, and identified by Utah County Parcel ID #13:063:0085. Recommendations will be forwarded to the City Council. (Pending Ordinance 2017-4-O).

(15 minutes)

#### 6. Conditional Use Permit — Dastrup Auto Inc., 475 North State Street

Devin Dastrup, Dastrup Auto Inc., requests conditional use permit approval for auto lube & tune-up type services, to be located at 475 North State Street, and identified by Utah County Parcel ID #14:067:0052, in the General Commercial Auto (CG-A) zone.

#### 7. New Business from Commissioners

#### 8. Planning Director Report

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.

**Posted By:** Hugh Van Wagenen

**Date:** May 5, 2017

**Time:** 3:30 p.m.

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



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

## **Item I: Call to Order**

May 9, 2017 Lindon City Planning Commission Meeting

### **Roll Call:**

Sharon Call  
Steve Johnson  
Rob Kallas  
Charlie Keller  
Mike Marchbanks  
Mike Vanchiere  
Bob Wily

## **Item 2: Approval of Minutes**

April 11, 2017 Planning Commission Minutes

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
4 **April 11, 2017 beginning at 7:00 p.m.** at the Lindon City Center, City Council  
Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Sharon Call, Chairperson  
Invocation: Mike Marchbanks, Commissioner  
10 Pledge of Allegiance: Rob Kallas, Commissioner

12 **PRESENT** **EXCUSED**

Sharon Call, Chairperson  
14 Rob Kallas, Commissioner  
Mike Marchbanks, Commissioner  
16 Bob Wily, Commissioner  
Charles Keller, Commissioner  
18 Steven Johnson, Commissioner  
Mike Vanchiere, Commissioner  
20 Hugh Van Wagenen, Planning Director  
Kathy Moosman, City Recorder

22

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

24

2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the  
26 Planning Commission meetings of March 14, 2017, and March 28, 2017 were  
reviewed.

28

COMMISSIONER KELLER MOVED TO APPROVE THE MINUTES OF THE  
30 REGULAR MEETING OF MARCH 14, 2017 AND MARCH 28, 2017 AS  
PRESENTED. COMMISSIONER KALLAS SECONDED THE MOTION. ALL  
32 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

38

**CURRENT BUSINESS** –

40

4. **Site Plan Amendment — Wadley Farms, 47 East 400 North.** Alan Colledge  
42 requests amended site plan approval for a 5,500 square foot addition to the  
Wadley Farms Castle, to be located at approximately 47 East 400 North (Utah  
44 County Parcel #14:071:0160) in the Commercial Farm zone.

46 Hugh Van Wagenen, Planning Director, opened this discussion by inviting the  
applicant, Alan Colledge, forward. He began by giving some background of this

2 application noting this is an amended site plan application for an approximately 5,000  
4 square foot addition to an existing approximately 9,000 square foot building know as the  
6 Castle with new total square footage of about 14,500 square feet. The site is located in  
8 the Commercial Farm (CF) zone which allows commercial buildings up to 35 feet in  
10 height with architectural elements as high as 45 feet. The “Castle” is an event center  
building essentially constructed to accommodate large groups at one time. He then  
presented an aerial photo showing the north side of the existing structure where the  
proposed addition wing will be and the view looking south. He noted the addition will  
match the Castle as it currently exists.

12 Mr. Van Wagenen stated they are providing vehicle parking for up to 1,645  
14 persons with 470 ADA spaces (2% of total) with 20 Bicycle spaces (8% of total vehicle  
16 spaces or 16 max) is not required in the CF zone. He noted the Commercial Farm zone  
18 requires a six (6) foot high site obscuring fence to be constructed and maintained along  
any property line between a residential use or residential zone and a commercial building  
in the CF zone when the commercial building is closer than 30' from the property line.  
The fence shall be placed along the property line at an area parallel to the commercial  
building and shall extend a minimum of 50' along the property line from both directions  
from the ends of the building. There is also an existing eight (8) foot masonry wall  
20 extends beyond the required 50 feet for the new addition. A chain link fence with a site  
22 obscuring fabric also extends from the southern end of the existing building to the  
masonry wall.

24 Mr. Van Wagenen went on to say any commercial structure closer than 30' to a  
26 residential use or residential zone shall provide a minimum 10' wide tree-lined buffer  
from the commercial building to the adjacent residential use or zone. Trees shall be  
planted at least every 10' along the buffer area adjacent to the residential use or  
residential zone. He noted there are no plans for a tree-lined buffer have been provided  
28 for the new addition. Mr. Van Wagenen then referenced the rendering and picture of  
existing building. He noted the Commercial Farm zone does not have any architectural  
standards. He noted there are no changes to any utility or other surface improvements that  
30 require engineering review on this amendment.

32 Mr. Van Wagenen further stated staff received an email from a neighbor who  
34 wished to remain anonymous. The email stated concerns about the expanding nature of  
the commercial operations of Wadley Farms including the expanding parking lot,  
continued construction, and noise from events on the farm. He added that there were also  
36 letters submitted today showing support of the addition and the farm.

38 Mr. Van Wagenen then referenced for discussion an aerial photo of the site and  
surrounding area, photographs of the existing site and building, the parking plan,  
architectural rendering and elevations, and the fencing and screening diagram. He then  
40 turned the time over to Mr. Colledge for his presentation and comment.

42 Mr. Colledge gave a brief presentation showing the history of Wadley Farms  
including their long term goals to maintain the history and legacy of the property. He  
noted they need more space in the Castle for storage and for entertaining larger  
44 audiences. They are also considering the idea of a “farm to table” concept and perhaps  
have a small restaurant. In the last three months they have hosted several entertainment  
46 personalities including the “piano guys” and Lexi Walker and Jenny Oaks. This helps to

2 make a unique venue for Lindon and helps to maintain the “little bit of country” feel in  
the city.

4 Chairperson Call questioned the tree buffer. Mr. Colledge explained the properties  
he owns and the borderlines. He noted they are putting pine trees in on the left (other  
6 side of the fence) that will obscure and provide a buffer. Mr. Van Wagenen read the code  
language pertaining to landscaping in the Commercial Farm zone and the intent of the  
8 code to provide the buffer. He noted the landscape easement on the flag lot is in favor of  
the farm lot and castle and what is maintained there. Commissioner Marchbanks  
10 questioned if there could be a landscape easement being that he owns both properties and  
would it be a permanent solution that couldn’t go away. Chairperson Call asked if that  
12 would need to be a condition of approval. Mr. Van Wagenen confirmed that statement.

Commissioner Marchbanks also suggested planting climbing ivy instead of trees.  
14 Commissioner Keller questioned if there are any other options. Mr. Van Wagenen stated  
he is not an arborist so he is not sure what species would fit in that space etc., but it could  
16 be researched. He explained the stated purpose is to create the visual buffer and the code  
is pretty clear about what the standard is. Commissioner Kallas stated he doesn’t believe  
18 it’s reasonable to expect trees to be planted there as they will not thrive. Commissioner  
Kallas also suggested researching other options including the ivy covered trellis etc. Mr.  
20 Van Wagenen stated if there is a landscape easement done it would need a property  
description of the area of the land being preserved that would mirror what is in the  
22 ordinance and in the event the property is sold that easement would remain and it would  
not remove any square footage from the property but would restrict it to that landscape  
24 easement.

Commissioner Wily questioned if Mr. Colledge decides to sell the residential lot  
26 and remove the easement couldn’t he come in and ask that the easement be removed and  
provide some alternative buffering. Mr. Van Wagenen confirmed that is a possibility.

28 Chairperson Call asked how the condition would be worded. Mr. Van Wagenen  
stated the condition of approval should state that the 10 ft. wide landscape easement  
30 adjacent to the castle be provided on the property with serial #403750001 and be  
reviewed by staff before being recorded. Mr. Colledge disclosed the lot behind him is his  
32 retirement and he is not sure how this easement would be handled by the Bank of Utah.  
He added that he could certainly plant the English Ivy that would make a great green  
34 screen buffer and he will also put in the trees. Commissioner Keller questioned if this  
ordinance we are dealing with now is fairly new. Mr. Van Wagenen stated it has been on  
36 the books for 6 years. At this time Chairperson Call asked if there were any other public  
comments.

38 Russell Rogers, a neighbor to the property in question, asked why the buffer has  
to obscure the building as it is a nice looking building. Chairperson Call stated it is  
40 because it is commercial up against residential and it is what the ordinance states.

Neighbor, Ben Woods, commented that he loves the view of their buildings and  
42 the whole Wadley Farms properties.

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

46 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT’S  
REQUEST FOR A 5,500 SQUARE FOOT ADDITION TO THE COMMERCIAL

2 BUILDING WITH THE CONDITION THAT THE LANDSCAPING REQUIREMENT  
4 EAST OF THE BUILDING BE LOOKED AT AND IF THERE IS NO FEASIBLE  
6 SOLUTION THEN TO GRANT A VARIANCE ON THE EAST SIDE ONLY DUE TO  
8 THE NATURE OF THE STRUCTURE AND ALSO THAT IT IS MEETING THE  
10 SPIRIT OF THE CODE. COMMISSIONER MARCHBANKS SECONDED THE  
12 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

8	CHAIRPERSON CALL	AYE
	COMMISSIONER KALLAS	AYE
10	COMMISSIONER MARCHBANKS	AYE
	COMMISSIONER WILY	AYE
12	COMMISSIONER KELLER	AYE
	COMMISSIONER JOHNSON	AYE
14	COMMISSIONER VANCHIERE	AYE

16 THE MOTION CARRIED UNANIMOUSLY.

18 **5. Site Plan Amendment – MS Industrial Properties, 1325 West 500 North.**

20 Robert Tubman, MS Industrial Properties, requests site plan approval for the  
22 Press Brake Building addition (for indoor pipe storage), to be located at 1325  
West 500 North, in the Light Industrial (LI) zone. The site plan and conditional  
use permit were previously approved by the Planning Commission on January  
11, 2011.

24 Mr. Van Wagenen led this discussion by inviting the applicant, Mr. Robert  
26 Tubman representing MS Industrial Properties, forward. He began by giving some  
background of this application noting that Mr. Tubman is proposing to construct an  
28 addition of 40,950 sq. ft., (8 acres) to the existing warehouse (Press Brake Building ). The  
applicant has indicated that the purpose of the expansion is for indoor storage only and  
30 that there is no increase in employees. He noted there is still room to the south of the  
building for future parking spaces. He explained the intent of the Light Industrial (LI)  
32 zone is to provide areas in appropriate locations where light manufacturing, industrial  
processes and warehousing not producing objectionable effects may be established,  
maintained, and protected.

34 Mr. Van Wagenen stated the regulations of this district are designed to protect  
36 environmental quality of the district and adjacent areas. The property was development  
under prior approvals for site plan and conditional use permit and subdivision. He then  
referenced the conditions of approval from January 11, 2011, included the following:

- 38 a) Evergreen trees be installed every fifteen feet along both frontages,
- 40 b) That 64 paved parking stalls are provided, (That number was determined to be  
adequate based off of the anticipated employees and that the south area can  
provide for future expansion of parking if necessary.)
- 42 c) That lighting be lowered, shielded and contained to the site on the north side of  
the building,
- 44 d) Accent stripe (as applicable) be an earth tone, not bright red,
- e) That the windows on the north elevation be tinted, and
- 46 f) That the architectural treatments be shifted to the north elevation.

2 Mr. Van Wagenen noted the Planning Staff, the City Engineer and the applicant  
4 are working through issues related to the site and City Staff will ensure all issues are  
6 resolved before final Engineering approval is granted. He noted third party notices were  
provided on March 31, 2017 to the adjoining property owners in accordance with city  
code and staff has received no public comment at this time.

8 Mr. Van Wagenen explained the existing landscaping was previously installed in  
10 conformance with the requirements of the LI zone and per the requirements of the  
12 conditional use permit approval of 2011. He noted the applicant is proposing to install an  
14 eight (8') foot Owell pre-cast masonry wall along both street frontages behind the street  
16 frontage landscaping. The north and west building exterior elevations will be entirely of  
insulated (metal sandwich) panel walls to match the existing, which complies with  
Lindon City Code materials and percentages requirements as they are the elevations that  
are the most visible to the street and adjoining residential areas (minimum 25% brick,  
decorative block, stucco, or wood). The south elevation will continue the exposed pre-  
fabricated metal wall. Mr. Tubman has noted they will match the existing colors. The  
elevations will also include tinted windows to match the existing windows.

18 Mr. Van Wagenen then referenced for discussion the site plan and elevations. He  
20 then turned the time over to Mr. Tubman for comment. Mr. Tubman commented that  
22 staff has done an excellent job presenting the submitted information. He stated the Owell  
24 pre-cast wall will be a neutral tone stain (tan) which is very common and meant to blend  
26 in. Commissioner Vanchiere asked what percentage of outside storage (when complete)  
will be able to be housed inside. Mr. Tubman stated everything west of the existing  
building will go in the Press Brake Building. He then described the development of the  
fabrication process noting it is fluid and constantly moving. Commissioner Vanchiere  
commented that he visited the site and it appears to be clean, orderly and well maintained  
for this type of business.

28 Chairperson Call then went over the prior conditions with Mr. Tubman including  
30 discussion on the painted band, parking stalls and lighting. She noted that staff has  
32 recommended if there is an increase of employees the parking issue will need to be  
brought back before the Commission for review. Mr. Tubman stated that is not a  
problem.

34 Ron Anderson, neighboring property owner commented he is not here tonight to  
36 oppose. He noted he was in the meeting when this was originally done and it was his  
38 understanding (from the minutes) that the band was not going to be put on the building at  
all and if it was to be put on they were to use earth tone color not the bright red; but they  
were under the assumption that it was agreed it wouldn't be there at all. He noted that he  
and the neighbors would rather not have a band at all. Mr. Van Wagenen said it very well  
could have been a condition if a band was going on that it would be earth tone color and  
not red. Mr. Anderson said he was under the assumption that they agreed there would not  
be a band at all.

42 There was some then some discussion of the cross traffic with Mr. Van Wagenen  
44 stating he believes it is good and they will have the engineers check it. Mr. Anderson  
46 stated as far as the parking is concerned that is not a problem, however it could become  
an issue with semi trucks parking on the street. He has concerns that by closing it in it  
will force more storage on the street and more semi trucks unloading on the street and  
that could become a safety issue. Mr. Tubman pointed out the truck off loading is done

2 with a magnetic crane in the center access on the north side; there is no truck loading  
4 done and there is a proposed entrance above the southwest for the benefit of EMS. There  
was then some general discussion including truck loading off loading and travel routes.

6 Commissioner Vanchiere asked (from an economic development standpoint) what  
percentage of their sales is non local. Mr. Tubman replied the State of Utah and  
California are top two customers.

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

10  
12 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE  
APPLICANT’S REQUEST FOR SITE PLAN APPROVAL OF A WAREHOUSE  
14 ADDITION OF APPROXIMATELY 41,000 SQ. FT., TO BE LOCATED AT 1325  
WEST 500 NORTH, IN THE LIGHT INDUSTRIAL (LI) ZONE, WITH THE  
16 FOLLOWING CONDITIONS 1. ANY CHANGE IN USE OR AN INCREASE IN  
EMPLOYEES WHICH RESULTS IN AN INCREASE OF REQUIRED ON-SITE  
18 PARKING WILL REQUIRE THE APPLICANT TO BRING AN AMENDED SITE  
PLAN BACK BEFORE THE PLANNING COMMISSION FOR REVIEW OF  
ADDITIONAL PARKING IMPROVEMENTS AND INTERIOR LOT  
20 LANDSCAPING. COMMISSIONER JOHNSON SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:

22 CHAIRPERSON CALL AYE  
COMMISSIONER KALLAS AYE  
24 COMMISSIONER WILY AYE  
COMMISSIONER KELLER AYE  
26 COMMISSIONER JOHNSON AYE  
COMMISSIONER VANCHIERE AYE

28 THE MOTION CARRIED UNANIMOUSLY.

30 *Commissioner Johnson was excused from the meeting at this time (8:15 pm).*

32 6. **Concept Review — McCann Main Street Development.** Marc McCann  
request review of possible subdivision options for property located at 122 N.  
34 Main, adjacent to the Lindon Hollow.

36 Mr. Van Wagenen led this discussion by inviting the applicant, Marc McCann,  
forward. He began by giving some background of this application noting Mr. McCann is  
38 requesting feedback on possible subdivision options for his property located at 122 N.  
Main, adjacent to the Lindon Hollow. He also has met with staff several times over the  
40 past several years regarding this issue and the City Engineer suggested that Mr. McCann  
come before the Commission/Council in a concept review. He noted that Mr. McCann is  
42 interested in developing the property into four buildable lots on a private lane and leaving  
large portions of the Hollow untouched. Currently, City Code requires private roads to be  
44 built to public standards (appropriate width) in the eventuality that the road is taken over  
by the City. He pointed out that this concept does not meet current City Code and a  
46 concept that has a standard local public street has also been submitted. This proposal has  
six lots and two that would be located in directly in the Hollow.

2 Mr. Van Wagenen noted that the Hollow is designated as a Sensitive Area within  
the City and is subject to additional regulations for development. In addition to these  
4 concepts Mr. Van Wagenen also discussed information from the City Engineer including  
issues with the floodplain and detention. He noted Lots 1 and 2 would have some  
6 challenges and additional reviews to make those buildable lots if that's the direction Mr.  
McCann chooses to go. He added the existing house is being demolished so adjustments  
8 to the flood plain have been made (FEMA) to portions of the property. He reminded the  
Commission these issues will have to be addressed regardless of how the property  
10 develops.

Mr. Van Wagenen then presented for discussion an aerial showing existing lot  
12 lines and sensitive area, the preferred concept with private lane and the alternate concept  
with public roadway. Mr. Van Wagenen then turned the time over to the applicant for  
14 comment.

Mr. McCann stated this is a dream of their family to develop the property into  
16 something beautiful for the property and the Hollow. They are looking to clean up the  
hollow and its image to mirror the area. They plan to clean up the old buildings and in the  
18 future develop beautiful estate lots and homes that will be in their family only. There are  
legal restrictions stating no one outside the family can build on the property (per their  
20 family trust). He then discussed the layouts presented. He noted the Hollow is a Lindon  
tradition and they have no plans to not make it anything but what it is now. He stated the  
22 concept of putting in a private road is because if they put in a public road it will push  
back the lots and encroach in on the Hollow space as it goes down the hill and it will  
24 encourage street parking from the school. They don't want to overpopulate it but have  
the maximum number of family lots without infringing on the beauty of the Hollow and  
26 to have a natural wild environment that is peaceable and enjoyable for years to come.

Commissioner Wily asked when they got the flood plain adjusted by FEMA did  
28 they request that the south be excluded. Mr. McCann replied that the flood plain map he  
has shows the current lines and was tested and they decided which sections would be  
30 excluded and recorded it; this was done a year prior to the concept. They want to keep the  
hollow as a sensitive area for everyone to enjoy.

Chairperson Call pointed out her understanding is that this property is  
32 developable but there are a lot of regulations and "hoops" to jump through. Her other  
concern is that the private road doesn't meet city code and city standards and at some  
34 point there may be an expectation that the city maintain the road. Mr. Van Wagenen then  
pointed out private roads and drives throughout the city. There was then some general  
36 discussion including the hammerhead and the maintenance and responsibility of private  
roads.  
38

Commissioner Kallas questioned lot #2 and access to the lot. Mr. McCann  
40 explained there will be a driveway off the lane to the house. Mr. Van Wagenen stated  
there are challenges to lots 1 and 2 with the flood zone and they may not be viable lots.  
42 He pointed out other examples of similar situations with private lanes noting whatever  
happens with utilities would have to be very clear. Commissioner Kallas commented that  
44 there are private lanes serving 3-8 homes in other areas and they are usually very nice and  
maintained by the homeowners; sometimes we get in the cookie cutter mentality and he  
46 feels we should consider this concept.

2 Commissioner Marchbanks agreed pointing out this concept is not too dissimilar  
4 to Commissioner Kallas' private lane. He feels this is different than other examples  
6 mentioned because this would truly be a private lane. Chairperson Call pointed out there  
8 would have to be changes made in the roads, frontage, utilities etc., from what the current  
10 code is. She went on to say as far as feedback what she is hearing from the Commission  
12 that they are not necessarily opposed but there would be a lot of hurdles to cross; the  
14 flood plain would be an issue and is still identified as sensitive land. Mr. Van Wagenen  
16 stated it would have to be adjusted and if Mr. McCann is pushing for code revisions  
18 would the commission be favorable. Chairperson Call observed from the discussion that  
20 the Commission would be open to consider the changes to accommodate the request. Mr.  
22 McCann stated he plans on taking this concept review to the City Council. He also  
24 thanked the Commission for their time and feedback.

26 Chairperson Call asked if there were any further comments or discussion.  
28 Hearing none she moved on to the next agenda item.

- 30 7. **General Discussion — Lindon City General Plan.** Staff will present  
32 information regarding the Lindon City General Plan update, specifically  
34 introducing the pending survey for review. No formal action will be taken at  
36 this time.

38 Mr. Van Wagenen opened this discussion by introducing the pending survey  
40 questions for the General Plan update. Mr. Van Wagenen then went over the survey  
42 questions followed by some general discussion. Following discussion the Commission  
44 was in agreement to strike item (H) Prohibit development of vacant lands on question #7  
46 and remove survey question #9 Land use buffering question. They also agreed to clarify  
the verbiage on questions including "Animal Rights". There was also some discussion on  
clarification of relaxing the ½ acre minimum lot sizes.

Mr. Van Wagenen noted there were approximately 740 responses from the last  
survey. He noted that once the survey is ready it will be open quite awhile and they will  
use several venues to get it out to the citizens to get a good cross section of feedback.

Following the review of the survey questions, the Commission was in agreement  
that the survey includes some very good questions and will obtain a good cross section of  
information from residents.

Chairperson Call asked if there were any further questions or comments from the  
Commission. Hearing none she called moved on to the next agenda item.

3. **New Business: Reports by Commissioners** – Chairperson Call called for any  
new business or reports from the Commission. There were no comments.

4. **Planning Director Report** – Mr. Van Wagenen reported on the items listed  
below followed by general discussion.

- Utah APA Conference (Brigham City, UT April 20-21, 2017)
- Legislative session
- 700 North overlay work (UDOT project)

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

4 **ADJOURN** –

6  
8 COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE  
MEETING AT 9:30 P.M. COMMISSIONER KELLER SECONDED THE MOTION.  
10 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

12 Approved – April 25, 2017

14 \_\_\_\_\_  
Sharon Call, Chairperson

16  
18 \_\_\_\_\_  
Hugh Van Wagenen, Planning Director

**Item 3: Public Comment**

**1** - Subject \_\_\_\_\_  
Discussion

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**2** - Subject \_\_\_\_\_  
Discussion

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**3** - Subject \_\_\_\_\_  
Discussion

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## Item 4: Public Hearing — General Plan Map Amendment, Mountain Tech 3/4, ~725 North 2800 West

**Applicant:** Mark Weldon  
**Presenting Staff:** Hugh Van Wagenen

**General Plan:** Commercial  
**Current Zone:** General Commercial A8 (CG-A8)

**Property Owner:** WICP West Orem #3  
**Address:** ~725 North 2800 West  
**Parcel ID:** 13:063:0085  
**Area Size:** ~5.5 acres requested change

**Type of Decision:** Legislative  
**Council Action Required:** Yes

**Related Item:** File 17-014-3

### SUMMARY OF KEY ITEMS

1. Whether to recommend approval of a request to change the General Plan designation of the subject lot from Commercial to Mixed Commercial.

### MOTION

*Due to a public hearing noticing error, this item cannot be acted upon at this time and will need to be continued to the May 23, 2017 meeting.*



### OVERVIEW

*Due to a public hearing noticing error that did not announce this in a local newspaper, this item cannot be acted upon until the May 23, 2017 meeting. However, notices were sent to surrounding property owners announcing the item would be discussed on May 9. Additionally, the applicant is eager to get some feedback on the proposal. With that in mind, staff recommends that this item be treated as a concept review which would allow the proper noticing to take place while still providing the applicant a chance to speak to the application and receive feedback.*

Located on the Lindon border with American Fork this property is currently surrounded by General Commercial property to the south and east and Mixed Commercial property to the north. The Mixed Commercial property to the north was rezoned in 2015 from General Commercial to Mixed Commercial in order to accommodate development of a flex office/warehouse project.

The current development proposal would construct a flex office/warehouse if the General Plan and zoning designations were approved. Flex office/warehouse typically serves businesses that require space in which light assembly, packaging, and shipping activities will occur. The conceptual layout (see attachment #2) shows this land as part of the larger Mountain Tech campus. Building 1 is operational (office) with building 2 (office) under construction. Building 3 would be the flex space that this application would allow to happen while Building 4 would be an additional office on the corner of 600 North (PG Boulevard) and 2800 West.

The applicant's proposed use for the flex building is not allowed in the CG zone, but it is in the MC zone. The applicant will request the appropriate zoning under the next item on the agenda. City Code requires that any zone change must be consistent with the City's General Plan Designation. The current General Plan designation is Commercial, so the General Plan map must first be modified for the rezone request to be possible. Accordingly, the applicant is requesting that the General Plan designation be changed to Mixed Commercial to permit the zone change and allow the desired uses.

### **FINDINGS OF FACT**

1. The General Plan currently designates the property under the category of Commercial. This category includes retail and service oriented businesses, and shopping centers that serve community and regional needs.
2. The applicant requests that the General Plan designation of the property be changed to Mixed Commercial, which includes the uses in the General Commercial designation, as well as light industrial and research and business uses.

### **ANALYSIS**

1. Relevant General Plan policies to consider in determining whether the requested change will be in the public interest:
  - a. It is the purpose of the commercial area to provide areas in appropriate locations where a combination of business, commercial, entertainment, and related activities may be established, maintained, and protected.
  - b. Commercial use areas should be located along major arterial streets for high visibility and traffic volumes.
  - c. The goal of commercial development is to encourage the establishment and development of basic retail and commercial stores which will satisfy the ordinary and special shopping needs of Lindon citizens, enhance the City's sales and property tax revenues, and provide the highest quality goods and services for area residents.
    - i. Objectives of this goal are to:

1. Expand the range of retail and commercial goods and services available within the community.
  2. Promote new office, retail, and commercial development along State Street and 700 North.
- d. Applicable city-wide land use guidelines:
- i. The relationship of planned land uses should reflect consideration of existing development, environmental conditions, service and transportation needs, and fiscal impacts.
  - ii. Transitions between different land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available.
  - iii. Commercial and industrial uses should be highly accessible, and developed compatibly with the uses and character of surrounding districts.

**ATTACHMENTS**

1. Aerial photo of the proposed area to be re-classified.
2. Conceptual Site Plan.

WICP West Orem request to change  
General Plan and Zoning Maps  
from General Commercial to Mixed Commercial  
~725 North 2800 West, Linton





## Item 5: Public Hearing — Zone Map Amendment Mountain Tech 3/4, ~725 North 2800 West

**Applicant:** Mark Weldon  
**Presenting Staff:** Hugh Van Wagenen

**General Plan:** Commercial  
**Current Zone:** General Commercial A8  
(CG-A8)

**Property Owner:** WICP West Orem #3  
**Address:** ~725 North 2800 West  
**Parcel ID:** 13:063:0085  
**Area Size:** ~5.5 acres requested change

**Type of Decision:** Legislative  
**Council Action Required:** Yes

**Related Item:** File 17-013-3

### SUMMARY OF KEY ITEMS

1. Whether to recommend approval of a request to change the zoning map of the subject property from Commercial to Mixed Commercial.

### MOTION

*Due to a public hearing noticing error, this item cannot be acted upon at this time and will need to be continued to the May 23, 2017 meeting.*



### OVERVIEW

*Due to a public hearing noticing error that did not announce this in a local newspaper, this item cannot be acted upon until the May 23, 2017 meeting. However, notices were sent to surrounding property owners announcing the item would be discussed on May 9. Additionally, the applicant is eager to get some feedback on the proposal. With that in mind, staff recommends that this item be treated as a concept review which would allow the proper noticing to take place while still providing the applicant a chance to speak to the application and receive feedback.*

Located on the Lindon border with American Fork this property is currently surrounded by General Commercial property to the south and east and Mixed Commercial property to the north. The Mixed Commercial property to the north was rezoned in 2015 from General Commercial to Mixed Commercial in order to accommodate development of a flex office/warehouse project.

The current development proposal would construct a flex office/warehouse if the General Plan and zoning designations were approved. Flex office/warehouse typically serves businesses that require space in which light assembly, packaging, and shipping activities will occur. The conceptual layout (see attachment #2) shows this land as part of the larger Mountain Tech campus. Building 1 is operational (office) with building 2 (office) under construction. Building 3 would be the flex space that this application would allow to happen while Building 4 would be an additional office on the corner of 600 North (PG Boulevard) and 2800 West.

The applicant's proposed use for the flex building is not allowed in the CG zone, but it is in the MC zone. Consequently, the applicant requests that the lot be rezoned to the MC zone, subject to approval of a supporting General Plan Map amendment.

### **FINDINGS OF FACT**

1. The current general plan designation does not permit the subject lots to be rezoned from CG to MC. This item is contingent upon the approval, by the City Council, of Item 4 involving the General Plan designation of the property.

### **ANALYSIS & CONCLUSIONS**

- Subsection 17.04.090(2) of the Lindon City Code establishes the factors to review when considering a request for a zone change. The subsection states that the "planning commission shall recommend adoption of a proposed amendment only where the following findings are made:
  - The proposed amendment is in accord with the master plan of Lindon City;
  - Changed or changing conditions make the proposed amendment reasonably necessary to carry out the purposes of the division."
- The stated purpose of the General Commercial Zone is to "promote commercial and service uses for general community shopping." Further, the "objective in establishing commercial zones is to provide areas within the City where commercial and service uses may be located."
- The purpose of the Mixed Commercial Zone is to "provide areas in appropriate locations where low intensity light industrial (contained entirely within a building), research and development, professional and business services, retail and other commercial related uses not producing objectionable effects may be established, maintained, and protected.

### **ATTACHMENTS**

1. Aerial photo of the proposed area to be rezoned.
2. Conceptual Site Plan.

WICP West Orem request to change  
General Plan and Zoning Maps  
from General Commercial to Mixed Commercial  
~725 North 2800 West, Lindon





## Item 6: Conditional Use Permit — Dastrup Auto Inc. 475 North State Street

Devin Dastrup, Dastrup Auto Inc., requests conditional use permit approval for auto lube & tune-up type services, to be located at 475 North State Street, and identified by Utah County Parcel ID #14:067:0052, in the General Commercial Auto (CG-A) zone.

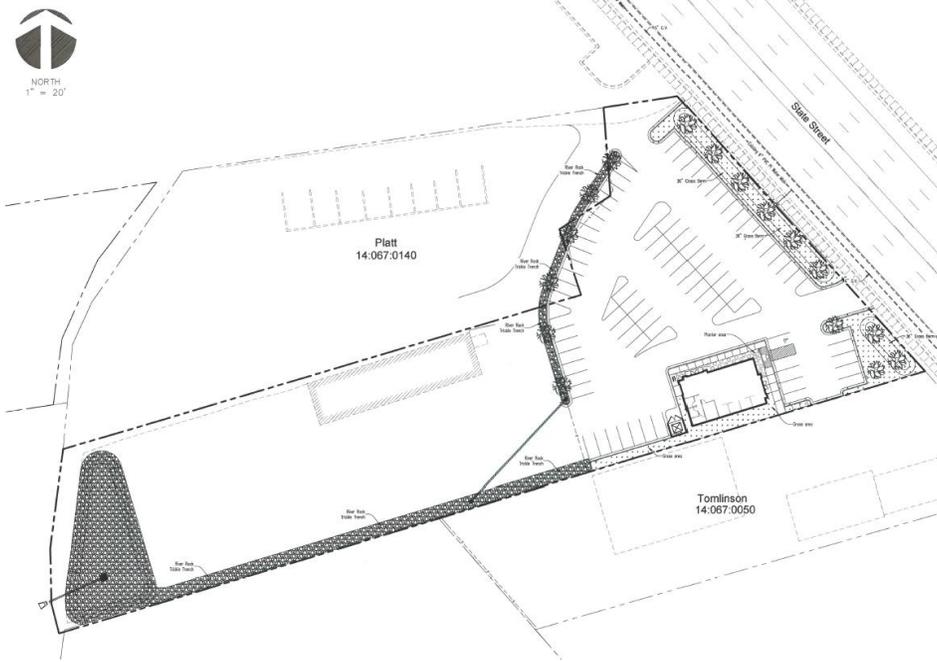
<p><b>Applicant:</b> Devin Dastrup, Dastrup Auto Inc. <b>Presenting Staff:</b> Brandon Snyder</p> <p><b>General Plan:</b> Commercial <b>Zone:</b> General Commercial Auto (CG-A)</p> <p><b>Property Owner:</b> Dastrup Auto Inc. <b>Address:</b> 475 North State Street <b>Parcel ID:</b> 14-067-0052 <b>Lot Size:</b> 2.289 acres</p> <p><b>Type of Decision:</b> Administrative <b>Council Action Required:</b> No</p>	<p><b><u>SUMMARY OF KEY ISSUES</u></b></p> <ol style="list-style-type: none"> <li>Whether to approve the applicant's request for a conditional use permit.</li> <li>Whether to impose reasonable conditions to mitigate potential detrimental impacts.</li> </ol> <p><b><u>MOTION</u></b> I move to (<i>approve, deny, continue</i>) the applicant's request for a conditional use permit for auto lube &amp; tune-up type services, to be located at 475 North State Street, in the General Commercial Auto (CG-A), with the following conditions (if any):</p> <ol style="list-style-type: none"> <li></li> <li></li> </ol>
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### OVERVIEW

The applicant has requested approval for auto lube & tune-up type services. The applicant is looking to lease out portions of the rear garage. Tenants who have expressed interest offer the following services: safety and emissions inspections (no repairs), auto window tinting, audio/video shop, and car detailing. The applicant's business plan is attached. The Planning Director has determined that these types of uses are most closely associated with Auto Lube & Tune-up services. The Lindon City Land Use Table indicates that "Auto Lube & Tune-up" is a conditional use in the CG-A zone. (Other auto related uses include: Auto Wash = P, General Auto/Vehicle Repairs = N, and Tire Shop/Tire Sales/Tire Services = C.) The applicant is not proposing any changes to the site. The minimum parking and site requirements of Lindon City Code are met. The applicant will be utilizing the existing garage and rear asphalt parking area. The existing garage was constructed in 1987. The existing garage is currently being remodeled to add ADA compliant restrooms and offices. (Refer to Building Permit #2191-2017). The site plan (16-022-2) for Dastrup Auto was approved by the Planning Commission May 10, 2016, with the following conditions: the property line easements between the Dastrup property and the Linden Nursery property are in place, and that a block/concrete/masonry wall be built on the west end of the property.



Third Party Public Notices required per Lindon City Code section 17.14.50 were mailed on April 27, 2017. No public comments have been received by Staff at this time.



Lindon City Code 17.48.010, indicates that the Commercial Ordinance is established to promote commercial and service uses for general community shopping. The objective in establishing commercial zones is to provide areas within the City where commercial and service uses may be located.

#### **ANALYSIS**

##### *Applicable laws and standards of review*

- State Code 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."
- Section 10-9a-507 of the 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." Once granted, a conditional use permit runs with the land.
- 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 Code § 10-9a-507.
- Lindon City Code Section 17.20.060 provides that a conditional use may be denied when:
  - "[U]nder 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,
  - "[T]he 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."

## Business Plan

Carolyn- Attached is a copy of the floor plan as well as the site plan.

Our intention with this conditional use permit is to be allowed to lease out two spaces in our shop. As you can see, we have built two offices, each with a bathroom. The west office will be leased with the westerly shop space and the east office will be leased with the one or two bays just east of that office.

We currently have interest to lease this space from a few different companies. The first is Utah County Emissions and Inspections. They do Safety and Emissions testing for a lot of the local dealers. Joe Ward, is the owner and operator of this business. He doesn't have any employees and really doesn't need any for what he does. Joe typically comes to work, then drives to a local dealer, leaves his car there and brings their car back to his location for inspections. He then returns and trades it out for the next car. And so forth. He has never had a vehicle over night.

The second company who has expressed interest does automotive tint. They would have vehicles dropped off, for the tint to be applied. They would have 1-2 bays depending on our lease agreement. Parking would be less than 4-5 cars at the most.

The third company we have received interest in is an auto detailing business. They would have vehicles dropped off for detail and the customer would come 3-4 hours later to pick it up.

We have taken the following measures to make sure things are kept professional and clean.

Floor drains have been installed in all three of these bays, along with a grease trap and sampling manhole.

All utilities will be included in the agreed rent price. This will insure their business's will never have issues with utilities.

Hours of operation will be limited to 7am-8pm. Our hours of operation are 9am-7pm currently.

All of the office space that has been built out is ADA compliant.

The office space has an all new HVAC system for comfort. Including central air conditioning and heat.

We have plenty of space for parking in the back half of the property for these types of business's.

We have a compliant dumpster/surround for garbage which will be included in the lease.

All electrical has been updated and up to code.

All lighting will be updated to LED for low energy consumption just like our business and parking lights have been.

We have 5 fire extinguishers in the shop and will require the tenants to get one for them selves.

We have also added a bathroom on the far east side of the shop for our employees use.

This leased space will add sales tax revenue for the city along with reputable businesses. Any business practices that take away from a peaceful area will not be allowed. We do NOT want them to distract from our business in the least. Anything that may, will not be allowed.

Devin Dastrup  
Dastrup Auto Inc  
475 N State St.  
Lindon, UT 84042  
[www.dastrupauto.com](http://www.dastrupauto.com)







## Item 7: New Business (Planning Commissioner Reports)

Item 1 – Subject \_\_\_\_\_  
Discussion

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Item 2 – Subject \_\_\_\_\_  
Discussion

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Item 3 – Subject \_\_\_\_\_  
Discussion

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## **Item 8: Planning Director Report**

- **May 23 Joint Meeting; Geneva Park property sale**
- **Pool passes, general plan survey, U of U student project**

**Adjourn**