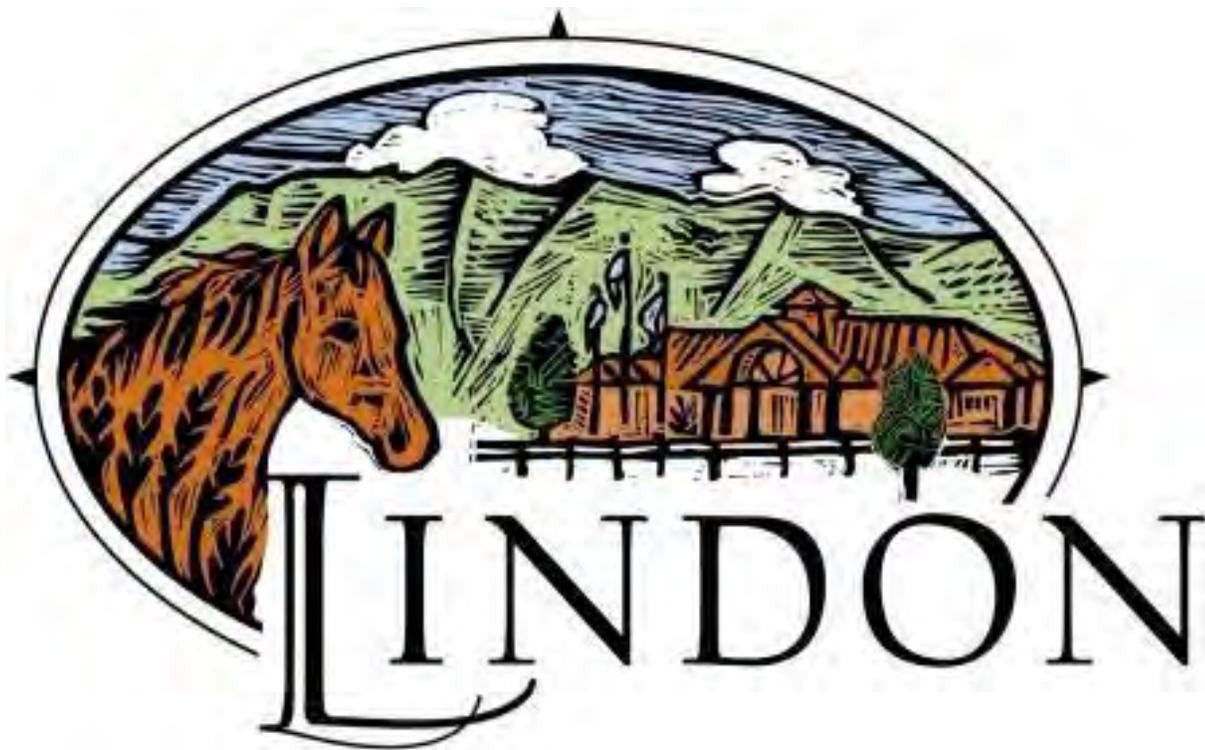


# **Lindon City Planning Commission Staff Report**



May 23, 2017

# Notice of Meeting

## Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, May 23, 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 05/09/2017

#### 3. Public Comment

(15 minutes)

#### 4. Public Hearing — General Plan Amendment, ~2100 West 600 South

Lindon City Corp. requests a General Plan Land Use Map Amendment from Public Facilities to Light Industrial, on 14.5 acres identified by Utah County Parcel ID #17:023:0012. Recommendations will be forwarded to the City Council. (Pending Ordinance 2017-5-O).

(15 minutes)

#### 5. Public Hearing — Zone Map Amendment, ~2100 West 600 South

Lindon City Corp. requests a Zone Map Amendment from Public Facilities to Light Industrial, on 14.5 acres identified by Utah County Parcel ID #17:023:0012. Recommendations will be forwarded to the City Council. (Pending Ordinance 2017-6-O).

(45 minutes)

#### 6. Recess to Lindon City Council Meeting

(15 minutes)

#### 7. Continued 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).

(15 minutes)

#### 8. Continued 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)

#### 9. Concept Review — Valley Properties LLC, ~2400 West 400 North

Mark Ringger request review of a possible zone change from General Commercial (CG-A8) to Mixed Commercial on 32 acres identified by Utah County Parcel ID #14:059:0048 to accommodate a 300,000 square foot doTerra distribution warehouse.

(20 minutes)

#### 10. Accessory Apartment Appeal Review — Samuel Smith, 319 West 200 South

Staff has received a request for the Planning Commission to review the approval of an accessory apartment applied for by Samuel Smith in the Residential-Single Family (R1-20) zone.

#### 11. New Business from Commissioners

#### 12. Planning Director Report



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

# Notice of Meeting

## *Lindon City Planning Commission*



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 19, 2017

**Time:** 2:00 p.m.

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

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

May 23, 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**

May 9, 2017 Planning Commission Minutes



2 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  
4 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  
6 still providing the applicant a chance to speak to the application and receive feedback.  
Located on the Lindon border with American Fork (interchange) and this property is  
8 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  
10 rezoned in 2015 from General Commercial to Mixed Commercial (on upper portion) in  
order to accommodate development of a flex office/warehouse project.

12 Mr. Van Wagenen noted the current development proposal would construct a flex  
office/warehouse if the General Plan and zoning designations were approved. Flex  
14 office/warehouse typically serves businesses that require space in which light assembly,  
packaging, and shipping activities will occur. The conceptual layout shows this land as  
16 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  
18 application would allow to happen while Building #4 would be an additional office on the  
corner of 600 North (PG Boulevard) and 2800 West.

20 Mr. Van Wagenen further explained 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  
22 requests 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  
24 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  
26 that the General Plan designation be changed to Mixed Commercial to permit the zone  
change and allow the desired uses. Mr. Van Wagenen also presented an aerial photo of  
28 the proposed area to be re-classified and the conceptual site plan followed by some  
general discussion.

30 Mr. Van Wagenen stated the General Plan currently designates the property under  
the category of Commercial. This category includes retail and service oriented  
32 businesses, and shopping centers that serve community and regional needs. The applicant  
requests that the General Plan designation of the property be changed to Mixed  
34 Commercial, which includes the uses in the General Commercial designation, as well as  
light industrial and research and business uses. Mr. Van Wagenen also reviewed for  
36 discussion the relevant General Plan policies to consider in determining whether the  
requested change will be in the public interest. Mr. Van Wagenen then turned the time  
38 over to Mr. Thorsen for comment.

40 Mr. Thorsen spoke to the application noting Mr. Van Wagenen summed it up  
well. He noted the main reason for request is because of the proposed development to the  
north. The office warehouse will basically be a transition with dock facing dock and  
42 office facing office. If the area to the north is zoned the same as these properties there  
wouldn't be the need for a zone change request.

44 Commissioner Marchbanks commented that it makes sense to let them make their  
own buffer with the transition and he doesn't see any reason why the seller can't do their  
46 own transition. Chairperson Call expressed her concerns with giving up any commercial  
property as we are trying to boost our commercial base and that area could be valuable

2 and she would like to see it retained as commercial. Commissioner Kallas also voiced his  
4 concerns that if this piece of property is down-zoned to make accommodations for this  
6 development. Were just moving the development closer to the road and traffic (truck) is  
8 an issue and will continue to be a problem. Mr. Thorsen stated more so than zoning of  
10 what is to the north is what's been approved to be built there and the developer to the  
12 north has docks facing south. Mr. Van Wagenen asked if the concerns are because the  
zone is getting downgraded or is the type of building or the use. Commissioner Kallas  
stated this concern is the use adding the building itself looks very nice. Commissioner  
Marchbanks commented there will be less traffic (trips) than if this were a proposed 3  
story office building. There was then some general discussion regarding traffic issues,  
including ingress and egress, and the alignment of the Vineyard Connector and the future  
signalized light.

14 Ed Daley, business owner in attendance, expressed his concerns if the road (2800  
16 West) goes through to the corner piece it will create a problem for them. He mentioned  
the UDOT traffic study done and the traffic flow onto Pleasant Grove Blvd. and will be a  
major bottleneck with a lot of congestion and will need some improvements; this issue  
18 may force them to leave Lindon.

20 Mr. Van Wagenen explained the reasoning behind the road stating it is the  
opinion of the City Engineer that he is very interested in allowing traffic to get out on  
2800 west, but agreed with Mr. Daley that it will cause additional traffic as the road is  
undersized. He noted that American Fork City owns the west side of road and the east  
side of the road is in Lindon. He noted that any developers will have to widen the road to  
24 accommodate the traffic and the road itself would not stay in its current condition; this  
would be the same for the American Fork side.

26 There was also discussion on what other developments could go on that piece.  
Commissioner Wily commented he understands there is a general feeling there is too  
28 much flex space going in but this is not taking any of the Lindon Village space and seems  
appropriate for that piece and will be a good transition.

30 Chairperson Call mentioned she has talked to several City Council members who  
have expressed their concerns of the amount of flex office space going in. We have given  
32 some feedback with some commissioners having reservations in changing the general  
plan with other feeling it would be appropriate. Mr. Van Wagenen stated this issue will  
34 come before the Commission on May 23<sup>rd</sup> and asked if there are any issues or concerns  
that need to be addressed by staff or the applicant before that time. This is just a concept  
36 review tonight and a recommendation to the city council will be made on the 23<sup>rd</sup>.  
Commissioner Johnson asked for the minutes for the reasoning on the previous zone  
38 change. Mr. Van Wagenen stated he will send the minutes out to the Commission.

40 Chairperson Call asked if there were any further comments. Hearing none she  
called for a motion to continue this item.

42 COMMISSIONER KELLER MOVED TO CONTINUE THIS ITEM DUE TO A  
PUBLIC HEARING NOTICING ERROR, TO THE MAY 23, 2017 PLANNING  
44 COMMISSION MEETING. COMMISSIONER MARCHBANKS SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

46 CHAIRPERSON CALL AYE  
COMMISSIONER KALLAS AYE

2 COMMISSIONER MARCHBANKS AYE  
COMMISSIONER WILY AYE  
4 COMMISSIONER KELLER AYE  
COMMISSIONER JOHNSON AYE  
6 THE MOTION CARRIED UNANIMOUSLY.

8 **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  
10 Amendment from General Commercial Auto (CG-A8) to Mixed Commercial  
(MC), on property (~north 5.5 acres) located at ~725 North 2800 West, and  
12 identified by Utah County Parcel ID #13:063:0085. Recommendations will be  
forwarded to the City Council (Pending Ordinance 2017-4-O).

14  
16 Hugh Van Wagenen, Planning Director explained due to a public hearing noticing  
error that did not announce this public hearing item in a local newspaper, this item cannot  
18 be acted upon until the May 23, 2017 meeting. Mr. Van Wagenen stated this was  
discussed in the previous item and recommended making a motion to continue this item  
to the next meeting.

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

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

26  
28 Chairperson Call asked if there were any further comments. Hearing none she  
called for a motion to continue this item.

30 COMMISSIONER KALLAS MOVED TO CONTINUE THIS ITEM DUE TO A  
PUBLIC HEARING NOTICING ERROR, TO THE MAY 23, 2017 PLANNING  
32 COMMISSION MEETING. COMMISSIONER KELLER SECONDED THE MOTION.  
THE VOTE WAS RECORDED AS FOLLOWS:

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

40  
42 **6. Conditional Use Permit — Dastrup Auto Inc., 475 North State Street**  
Devin Dastrup, Dastrup Auto Inc., requests conditional use permit approval for  
44 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.

46

2 Brandon Snyder, Associate Planner, led this discussion by inviting the applicant,  
Devin Dastrup, forward. He began by giving some background of this application noting  
4 Mr. Dastrup is requesting a 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  
6 #14:067:0052, in the General Commercial Auto (CG-A) zone.

8 Mr. Snyder explained that Mr. Dastrup is requesting approval for auto lube &  
tune-up type services. The applicant is looking to lease out portions of the rear garage. He  
10 noted tenants who have expressed interest offer the following services: safety and  
emissions inspections (no repairs), auto window tinting, audio/video shop, and car  
12 detailing. Mr. Snyder noted 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.  
14 He noted Mr. Dastrup is not proposing any changes to the site and the minimum parking  
and site requirements of Lindon City Code are met.

16 Mr. Snyder explained Mr. Dastrup will be utilizing the existing garage and rear  
asphalt parking area and the existing garage was constructed in 1987. The existing garage  
18 is currently being remodeled to add ADA compliant restrooms and offices. The site plan  
for Dastrup Auto was approved by the Planning Commission May 10, 2016, with the  
20 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  
22 the west end of the property.

24 Mr. Snyder stated third party public notices required per city code were mailed on  
April 27, 2017 and no public comments have been received by Staff at this time. He  
noted that Lindon City Code indicates that the Commercial Ordinance is established to  
26 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  
28 service uses may be located. He then went over the applicable laws and standards of  
review followed by some general discussion. He then turned the time over to Mr.  
30 Dastrup for comment.

32 Mr. Dastrup referenced his business plan noting their intent is to have a  
conditional use permit to be allowed to lease out two spaces out of their shop. They  
currently have two offices, each with a bathroom. The west office will be leased with the  
34 westerly shop space and the east office will be leased with the one or two bays just east of  
that office. They also have an interest to lease this space from a few different companies.  
36 The first being Utah County Emissions and Inspections and they do safety and emissions  
testing for a lot of the local dealers. Joe Ward is the owner and operator of this business.  
38 He doesn't have any employees and really doesn't need any employees for what he does.  
Joe typically comes to work, then drives to a local dealer and leaves his car there and  
40 brings their car back to his location for inspections. He then returns and trades them out  
for the next car and so forth; he has never had a vehicle over night.

42 Mr. Dastrup explained the second company who has an interest in leasing does  
automotive tint. They would have vehicles dropped off for the tint to be applied. They  
44 would have on to two bays depending on the lease agreement. Parking would be less than  
4-5 cars at the most. The third company they have received interest in is an auto detailing  
46 business. They would have vehicles dropped off for detail and the customer would come  
3-4 hours later to pick it up.

2 Mr. Dastrup then explained the following measures they have taken to make sure  
things are kept professional and clean as follows:

- 4 • Floor drains have been installed in all three of these bays, along with a grease trap  
6 and sampling manhole.
- 8 • All utilities will be included in the rental price agreement. This will ensure their  
businesses will never have issues with utilities.
- 10 • Hours of operation will be limited to 7am-8pm. Their hours of operation are  
currently 9am-7pm.
- 12 • All of the office space that has been built out is ADA compliant.
- 14 • The office space has an all new HVAC system for comfort including central air  
conditioning and heat.
- 16 • There is plenty of space for parking in the back half of the property for these types  
of businesses.
- 18 • There is a compliant dumpster/surround for garbage which will be included in the  
lease.
- 20 • All electrical has been updated and up to code.
- 22 • All lighting will be updated to LED for low energy consumption just like our  
business and parking lights have been.
- 24 • There are five (5) fire extinguishers in the shop and will require the tenants to get  
one for themselves.
- There is an added a bathroom on the far east side of the shop for our employees  
use.

26 Mr. Dastrup concluded by stating this leased space will add sales tax revenue for  
the city along with adding reputable businesses. He pointed out that any business  
28 practices that take away from a peaceful area will not be allowed. He added they do not  
want them to distract from their business in the least and anything that may detract from  
30 that will not be allowed. There was then some general discussion by the Commission  
regarding this request.

32 Chairperson Call asked if there were any further questions or comments from the  
Commission. Hearing none she called for a motion.

34  
36 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE  
APPLICANT'S REQUEST FOR A CONDITIONAL USE PERMIT FOR AUTO LUBE  
AND TUNE-UP TYPE SERVICES, TO BE LOCATED AT 475 NORTH STATE  
38 STREET, IN THE GENERAL COMMERCIAL AUTO (CG-A), WITH NO  
CONDITIONS. COMMISSIONER JOHNSON SECONDED THE MOTION. THE  
40 VOTE WAS RECORDED AS FOLLOWS:

42 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER WILY	AYE
44 COMMISSIONER KELLER	AYE
COMMISSIONER JOHNSON	AYE
46 THE MOTION CARRIED UNANIMOUSLY.	

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- 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.
  - May 23 Joint Meeting; Geneva Park property sale
  - Pool passes
  - General plan survey
  - U of U student project

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

**ADJOURN** –

COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE MEETING AT 8:45 P.M. COMMISSIONER KELLER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – May 23, 2017

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

\_\_\_\_\_  
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 Public Facilities to Light Industrial ~2100 West 600 South

**Applicant:** Lindon City Corp.  
**Presenting Staff:** Hugh Van Wagenen

**General Plan:** Public Facilities  
**Current Zone:** Public Facilities

**Property Owner:** Lindon City Corp.  
**Address:** ~2100 West 600 South  
**Parcel ID:** 17:023:0012  
**Area Size:** ~14.5 acres requested change

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

### **SUMMARY OF KEY ITEMS**

1. Whether to recommend approval of a request to change the General Plan designation of the subject property from Public Facilities to Light Industrial.

### **MOTION**

I move to recommend (approval, denial, continue) of Ordinance 2017-5-O with the following conditions (if any):

- 1.



### **OVERVIEW**

This is a request to change the General Plan Land Use Map on City owned property from Public Facilities to Light Industrial in anticipation of the property being sold to a private party for development of a self-storage project.

Lindon City purchased the property in 1999 from PacifiCorp with the intent to create a regional park near the Historic Geneva Resort. In the Spring of 2015 the City Council began a review of City owned property, including this property, that could possibly be sold in order to meet

ongoing financial obligations, such as the newly constructed Public Safety Building. In September of 2015 the property was listed for sale to gauge private interest in a purchase. After receiving several offers, the City Council found an acceptable offer from a developer interested in developing storage units (see attachment #4). As part of the purchase agreement, the property designation needs to be changed from Public Facilities to Light Industrial.

### **FINDINGS OF FACT**

1. The General Plan currently designates the property under the category of Public Facilities. This category includes public infrastructure for water, storm water systems, sewer systems, public parks, and other City owned buildings.
2. The applicant requests that the General Plan designation of the property be changed to Light Industrial, which accommodates manufacturing, industrial processes, and warehousing uses not producing objectionable effects. The Light Industrial designation also allows some appropriate related retail uses such as gasoline service stations.

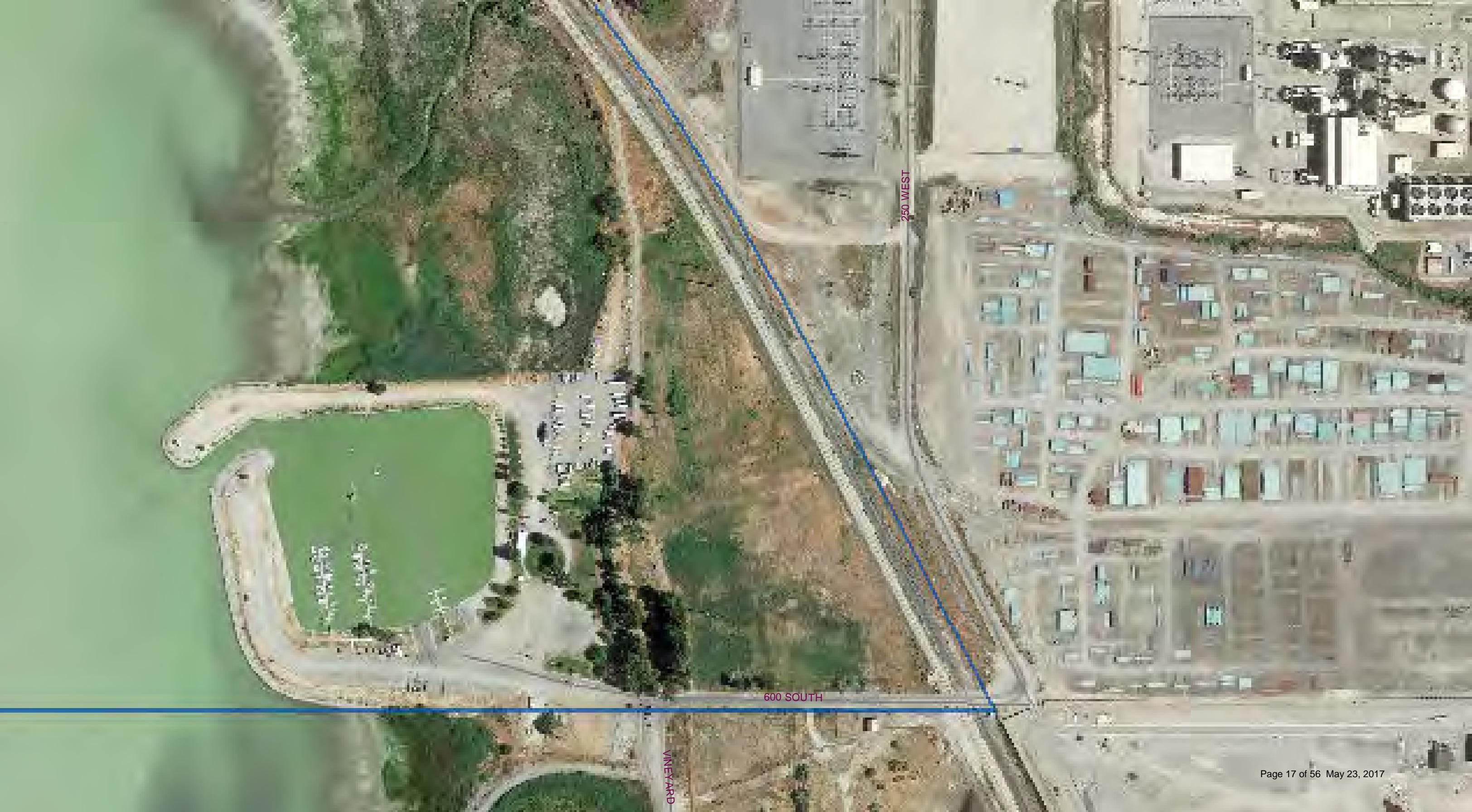
### **ANALYSIS**

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 *industrial (R&D, Light and Heavy)* to provide for employment and manufacture of materials which are essential to the economy of Lindon City and to provide areas in appropriate locations where a combination of research and development, manufacturing, and industrial processing and warehousing may be conducted.
  - b. The goal of *industrial* development is to promote employment opportunities, quality businesses, and environmentally clean industrial and technology development which will provide a diversified economic base and will complement local retail, commercial, and industrial establishments in harmony with the community's overall country image and identity as reflected in the Community Vision Statement.
    - i. Objectives of this goal are to:
      1. Encourage the development of high quality, aesthetically pleasing business park areas incorporating major landscape features.
      2. Identify those areas most appropriate for business park development in future growth areas, such as major highway access areas.
      3. Establish and enforce standards with respect to environmental concerns such as; noise, air quality, odor and visual.
      4. Increase the city's business base in the technology sector, building on the existing base and growing technology infrastructure, and consider expanding the Research and Development zones.
  - c. 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. Current General Plan Land Use Map
3. ALTA Survey with exact property request
4. Conceptual Site Plan
5. Draft ordinance 2017-5-O



250 WEST

600 SOUTH

VINEYARD

DEED DESCRIPTIONS

Beginning at a point North 89°58'00" West, 1,688.16 feet along the one quarter Section line from the East one quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian, and running thence North 89°58'00" West 359.04 feet; thence North 02°00' East 16.50 feet; thence North 89°58'00" West 541.89 feet; thence North 5°49'38" West 219.29 feet; thence North 11°30'08" West 165.19 feet; thence North 02°00' East 406.72 feet; thence South 89°58'00" East 62.97 feet; thence North 3°00'00" West 534.20 feet; thence North 3°59'08" West 445.38 feet; thence along a 5,797.658 foot radius curve to the right 795.537 feet (chord bears South 30°33'00" East 794.913 feet); thence South 26°34'08" East 1,226.08 feet to the point of beginning and being in the Lot 2 and Lot 3 of said Section 6.

Less and excepting therefrom those lands conveyed to the Utah Transit Authority by that certain Warranty Deed recorded June 30, 2009 as Entry No. 71844:2009 of Official Records, described as follows: Beginning at the point of intersection of the Westerly right-of-way of Union Pacific Railroad, the Southeast corner of the grantor's property, and a point in a fence line, said point being South 89°03'53" West 1708.64 feet along the Section line and South 00°56'07" East 2604.10 feet from the Northeast corner of said Section 6; thence South 89°07'59" West 39.16 feet; thence North 27°30'11" West 1160.94 feet; thence 723.79 feet along the arc of a 5,644.65 foot radius curve to the left, chord bears North 31°10'35" West 723.29 feet through a central angle of 07°20'48"; thence North 04°53'09" West 69.44 feet to said railroad right-of-way; thence along said railroad right-of-way the following (2) two courses: 788.44 feet along of 5,679.65 foot radius curve to the right, chord bears South 31°28'47" East 787.80 feet, through central of 07°57'13"; thence South 27°30'11" East 1178.49 feet to the point of beginning.

Also less and excepting any lands lying Northerly and Easterly of the property described above and on that certain Warranty Deed recorded June 30, 2009 as Entry No. 71844:2009 of Official Records.

SURVEY DESCRIPTIONS

Parcel 1

Commencing at a point located North 00°45'11" West along the Section line 21.51 feet and West 1748.53 feet from the East quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°39'26" West 669.87 feet; thence North 09°35'57" West 246.63 feet; thence North 19°49'29" West 199.24 feet; thence South 78°55'43" West 98.74 feet; thence North 00°02'00" East 355.60 feet; thence South 89°58'00" East 64.06 feet; thence North 03°00'00" West 555.46 feet; thence North 03°59'08" West 270.76 feet; thence along the arc of a 5644.65 foot radius curve to the right 680.68 feet (chord bears South 30°42'52" East 680.26 feet); thence South 27°15'36" East 1160.94 feet to the point of beginning.

Area = 632,171 sq. ft. or 14.51 Acres

Parcel 2

Commencing at a point located North 00°45'11" West along the Section line 17.50 feet and West 2418.43 feet from the East quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°39'26" West 170.26 feet; thence North 05°49'38" West 220.82 feet; thence North 11°30'08" West 165.19 feet; thence North 00°02'00" East 406.72 feet; thence South 89°58'00" East 62.97 feet; thence North 03°00'00" West 534.20 feet; thence North 03°59'08" West 305.26 feet; thence along the arc of a 5644.65 foot radius curve to the right 40.02 feet (chord bears South 33°57'58" East 40.02 feet); thence South 03°59'08" East 270.76 feet; thence South 03°00'00" East 355.46 feet; thence North 89°58'00" West 64.06 feet; thence South 00°02'00" West 355.60 feet; thence North 78°55'43" East 98.74 feet; thence South 19°49'29" East 199.24 feet; thence South 09°35'57" East 246.63 feet to the point of beginning.

Area = 89,832 sq. ft. or 2.06 Acres

Parcel 3

Commencing at a point located North 00°45'11" West along the Section line 0.98 feet and West 1688.14 feet from the East quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 89°58'00" West 50.09 feet; thence North 27°15'36" West 27.96 feet; thence North 89°22'34" East 50.19 feet; thence South 26°34'08" East 28.43 feet to the point of beginning.

Area = 1,264 sq. ft.

CERTIFICATION

This survey is made for the benefit of: THE CITY OF LONDON, HONEY BADGER HOLDINGS, LLC together with its successors and assigns and UTAH FIRST TITLE INSURANCE AGENCY INC.;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 5, 8, 13, 14, 17, and 20 of Table A thereof.

Date of Plat or Map: November 4, 2016

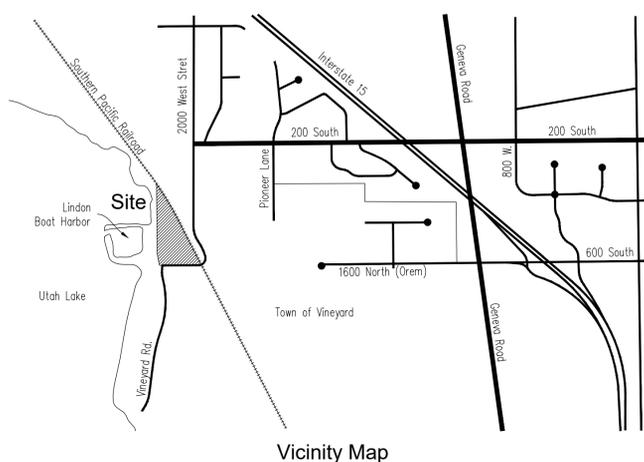
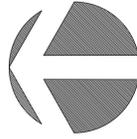
Roger D. Dudley, PLS #147089

SURVEYOR'S NOTES

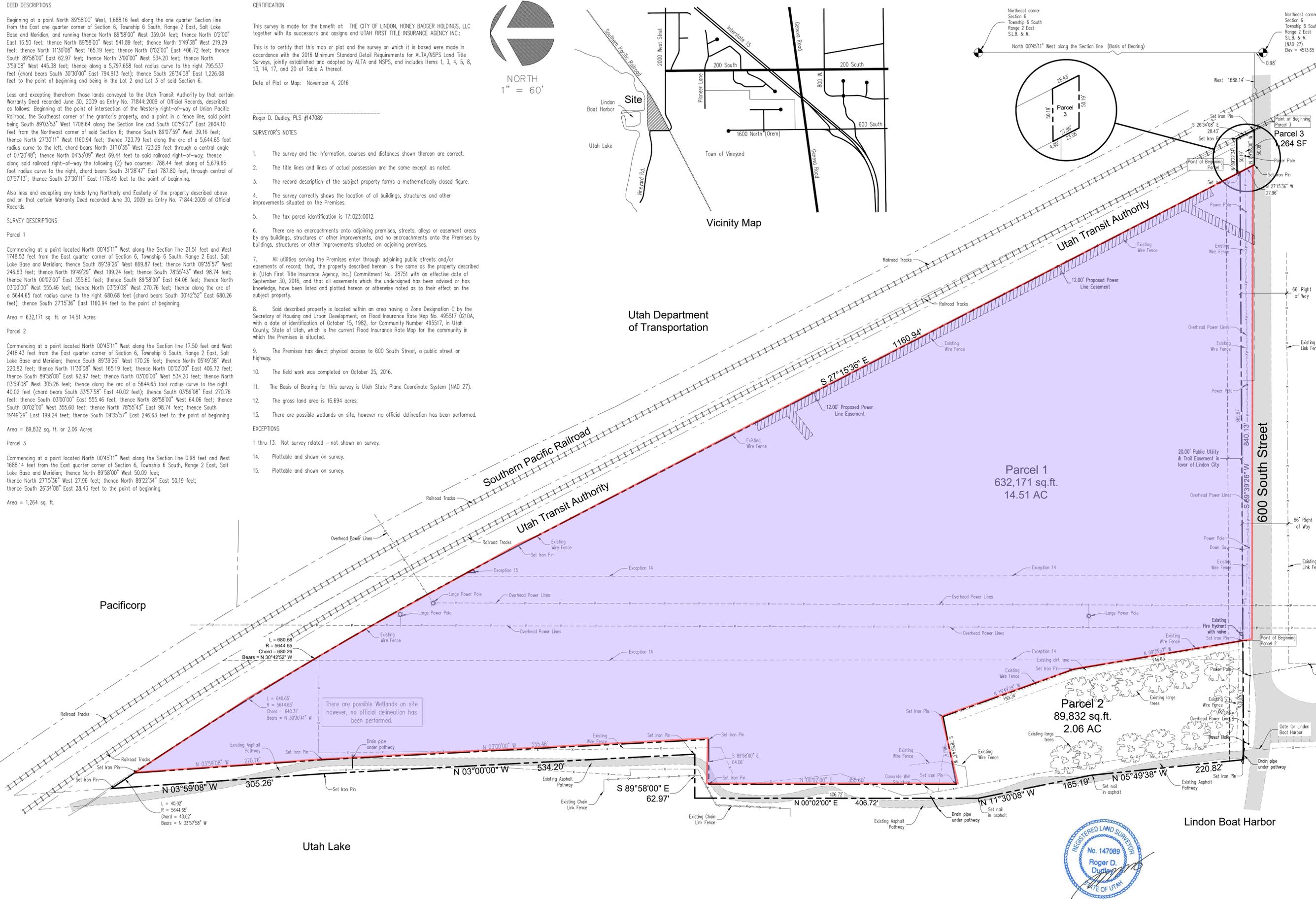
- 1. The survey and the information, courses and distances shown thereon are correct.
2. The title lines and lines of actual possession are the same except as noted.
3. The record description of the subject property forms a mathematically closed figure.
4. The survey correctly shows the location of all buildings, structures and other improvements situated on the Premises.
5. The tax parcel identification is 17:023:0012.
6. There are no encroachments onto adjoining premises, streets, alleys or easement areas by any buildings, structures or other improvements, and no encroachments onto the Premises by buildings, structures or other improvements situated on adjoining premises.
7. All utilities serving the Premises enter through adjoining public streets and/or easements of record; that, the property described hereon is the same as the property described in (Utah First Title Insurance Agency, Inc.) Commitment No. 28751 with an effective date of September 30, 2016, and that all easements which the undersigned has been advised or has knowledge, have been listed and plotted hereon or otherwise noted as to their effect on the subject property.
8. Said described property is located within an area having a Zone Designation C by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 495517 0210A, with a date of identification of October 15, 1982, for Community Number 495517, in Utah County, State of Utah, which is the current Flood Insurance Rate Map for the community in which the Premises is situated.
9. The Premises has direct physical access to 600 South Street, a public street or highway.
10. The field work was completed on October 25, 2016.
11. The Basis of Bearing for this survey is Utah State Plane Coordinate System (NAD 27).
12. The gross land area is 16,694 acres.
13. There are possible wetlands on site, however no official delineation has been performed.

EXCEPTIONS

- 1 thru 13. Not survey related - not shown on survey.
14. Plottable and shown on survey.
15. Plottable and shown on survey.



Utah Department of Transportation



DUDLEY AND ASSOCIATES
ENGINEERS PLANNERS SURVEYORS
353 EAST 1200 SOUTH, OREM, UTAH
801-224-1252

ALTANSPS Land Title Survey
The City of London
Utah
Lindon City

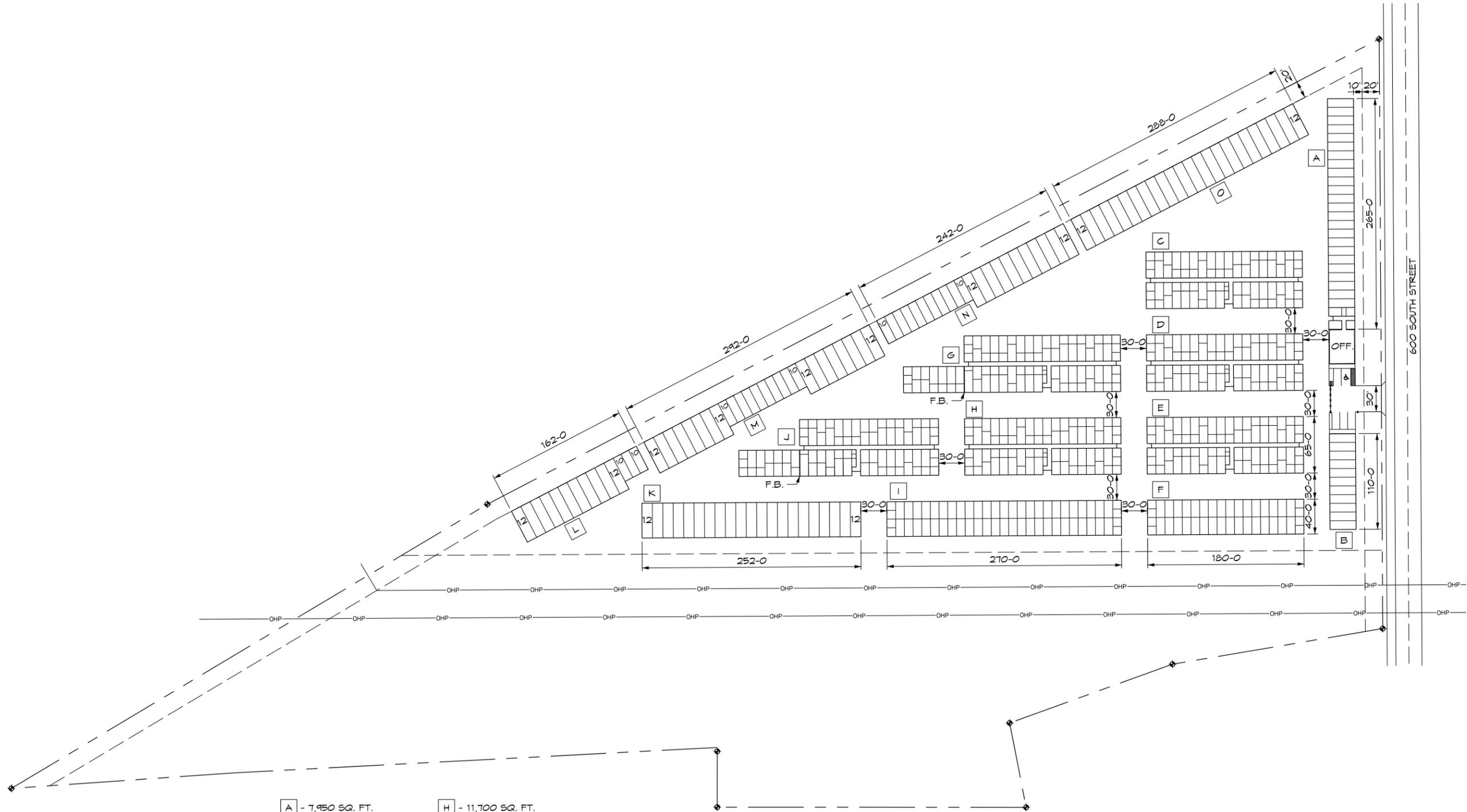
Revisions
11-28-2016

Date
11-4-2016
Scale
1" = 60'
By
TD
Tracing No.
L - 14239

Sheet No.
C - 1.0

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REVISION				
SYM.	DESCRIPTION	DATE	APPROVAL	CAD
1	STORAGE LAYOUT PROPOSAL	12-16-16	LB	TMN



- A - 7,950 SQ. FT.
- B - 3,300 SQ. FT.
- C - 11,700 SQ. FT.
- D - 11,700 SQ. FT.
- E - 11,700 SQ. FT.
- F - 7,200 SQ. FT.
- G - 13,800 SQ. FT.
- H - 11,700 SQ. FT.
- I - 10,800 SQ. FT.
- J - 12,500 SQ. FT.
- K - 10,800 SQ. FT.
- L - 6,810 SQ. FT.
- M - 10,680 SQ. FT.
- N - 8,850 SQ. FT.
- O - 11,520 SQ. FT.

TOTAL STORAGE - 151,010 SQ. FT.



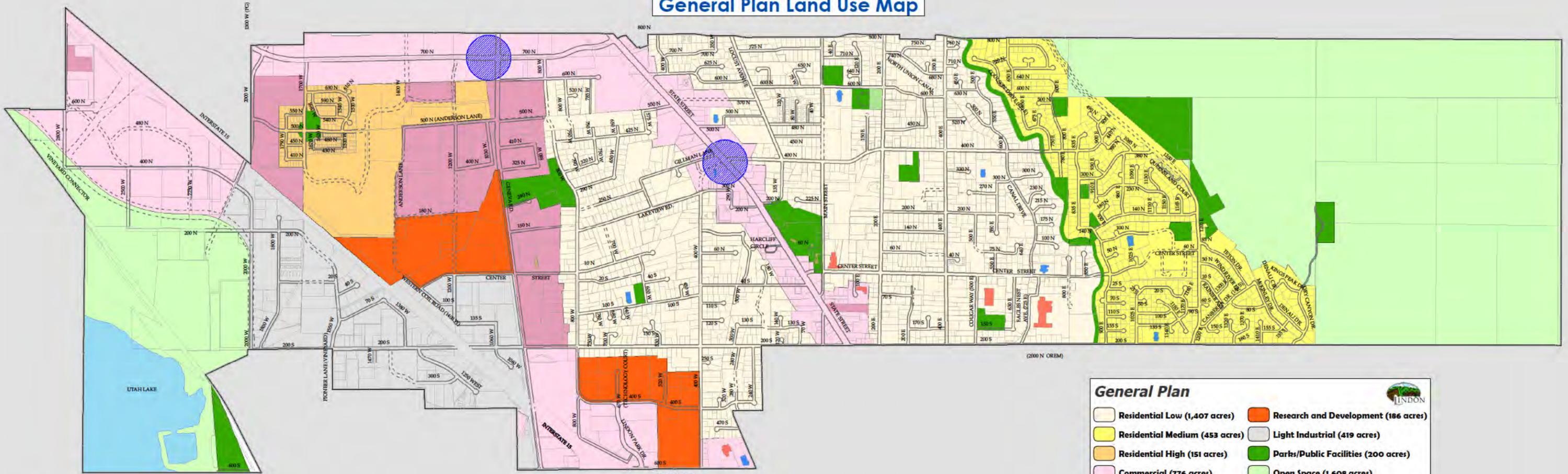
**STORAGE LAYOUT**



DRAWN BY: TATE NIELSEN  
 CHECKED: [ ]  
 CHECKED: [ ]  
 ENGINEER: LYNN BARNETT  
 ADDRESS: P.O. BOX 1248  
 1199 S. MAIN  
 CENTERVILLE, UT  
 84014  
 PHONE: (801) 244-2450  
 FAX: (801) 244-2434  
 DO NOT SCALE DRAWING

<b>HARBOR STORAGE KITCHEN LINDON, UTAH</b>		<b>STORAGE LAYOUT</b>		BARNETT STRUCTURES COPYRIGHT ©				
						SCALE	SIZE	SHEET
		1" : 60'	D	1 OF 1	Page 19 of 56	May 23, 2017	SL	1

# Lindon City General Plan Land Use Map



General Plan	
	Residential Low (1,407 acres)
	Residential Medium (453 acres)
	Residential High (151 acres)
	Commercial (776 acres)
	Mixed Commercial (312 acres)
	Research and Development (186 acres)
	Light Industrial (419 acres)
	Parks/Public Facilities (200 acres)
	Open Space (1,608 acres)
	Transit Node (33 acres)



**ORDINANCE NO. 2017-5-O**

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING PORTIONS OF THE LINDON CITY GENERAL PLAN LAND USE MAP FROM PUBLIC FACILITIES TO LIGHT INDUSTRIAL AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City finds it is necessary to amend portions of the Lindon City General Plan Land Use Map, specifically the property generally located at 2100 West 600 South, otherwise identified by a portion of Utah County Parcel #17:023:0012 (See map labeled as Exhibit A) from Public Facilities to Light Industrial, finding that approval of such would benefit the City; and

WHEREAS, the City finds it is necessary to amend the General Plan Land Use Map to accommodate a growing industry within the City; and

WHEREAS, the property in question is currently adjacent to Industrial property and associated uses; and

WHEREAS, the Planning Commission recommended adoption of revised provisions, and the revision of such provisions will assist in carrying out general plan goals related to the promotion of businesses and industry within the City, and said changes are compatible with land use guidelines as found in the General Plan; and

WHEREAS, a public hearing was held May 23, 2017 to receive public input and comment; and

WHEREAS, the Council held a public hearing May 23, 2017 to consider the request; and

WHEREAS, the current General Plan Land Use Map should be amended to provide such provisions to the Municipal Code of Lindon City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, the Lindon City General Plan Land Use Map is hereby amended and will read as follows:

**SECTION I:**

See Exhibit A showing parcel changing from Public Facilities to Light Industrial on the Lindon City General Plan Land Use Map.



**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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jeff Acerson, Mayor

ATTEST:

SEAL

\_\_\_\_\_  
Kathryn A. Moosman,  
Lindon City Recorder

## Item 5: Public Hearing — Zoning Map Amendment Public Facilities to Light Industrial ~2100 West 600 South

**Applicant:** Lindon City Corp.  
**Presenting Staff:** Hugh Van Wagenen

**General Plan:** Public Facilities  
**Current Zone:** Public Facilities

**Property Owner:** Lindon City Corp.  
**Address:** ~2100 West 600 South  
**Parcel ID:** 17:023:0012  
**Area Size:** ~14.5 acres requested change

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

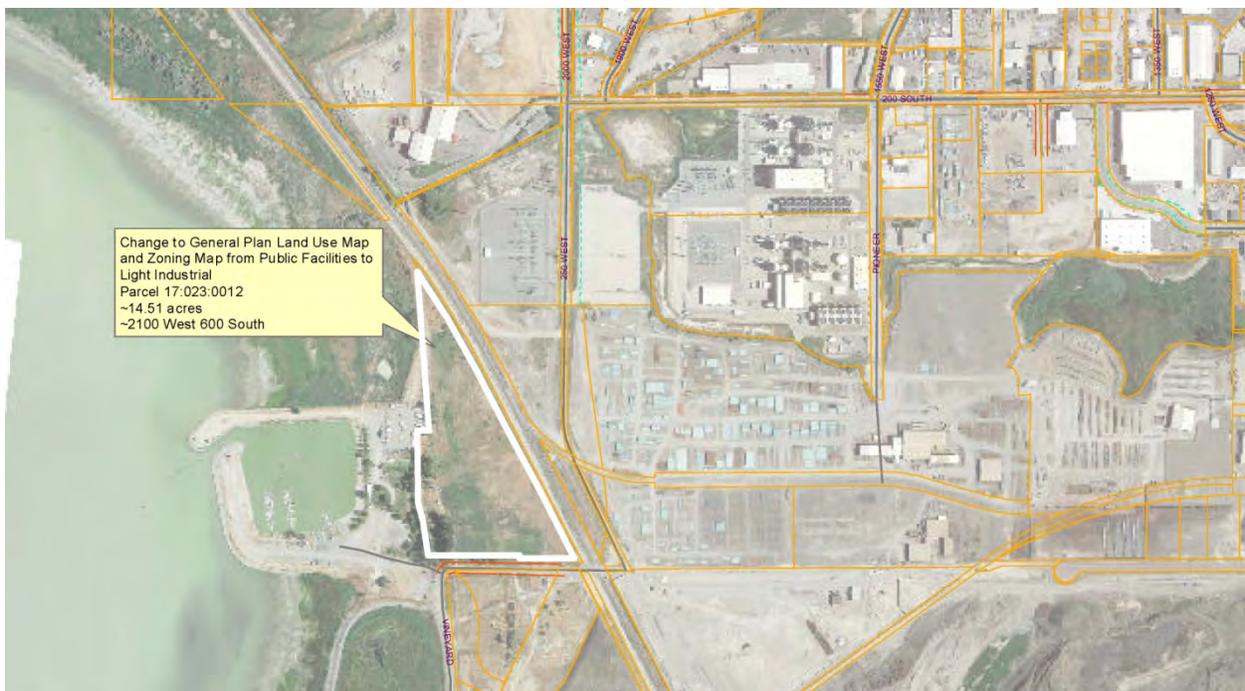
### **SUMMARY OF KEY ITEMS**

1. Whether to recommend approval of a request to change the Zoning Map designation of the subject property from Public Facilities to Light Industrial.

### **MOTION**

I move to recommend (approval, denial, continue) of Ordinance 2017-6-O with the following conditions (if any):

- 1.



### **OVERVIEW**

This is a request to change the Zoning Map on City owned property from Public Facilities to Light Industrial in anticipation of the property being sold to a private party for development of a self-storage project.

Lindon City purchased the property in 1999 from PacifiCorp with the intent to create a regional park near the Historic Geneva Resort. In the Spring of 2015 the City Council began a review of

City owned property, including this property, that could possibly be sold in order to meet ongoing financial obligations, such as the newly constructed Public Safety Building. In September of 2015 the property was listed for sale to gauge private interest in a purchase. After receiving several offers, the City Council found an acceptable offer from a developer interested in developing storage units (see attachment #4). As part of the purchase agreement, the property designation needs to be changed from Public Facilities to Light Industrial.

### **FINDINGS OF FACT**

1. The General Plan currently designates the property under the category of Public Facilities. This category includes public infrastructure for water, storm water systems, sewer systems, public parks, and other City owned buildings.
2. The applicant requests that the General Plan designation of the property be changed to Light Industrial, which accommodates manufacturing, industrial processes, and warehousing uses not producing objectionable effects. The Light Industrial designation also allows some appropriate related retail uses such as gasoline service stations.

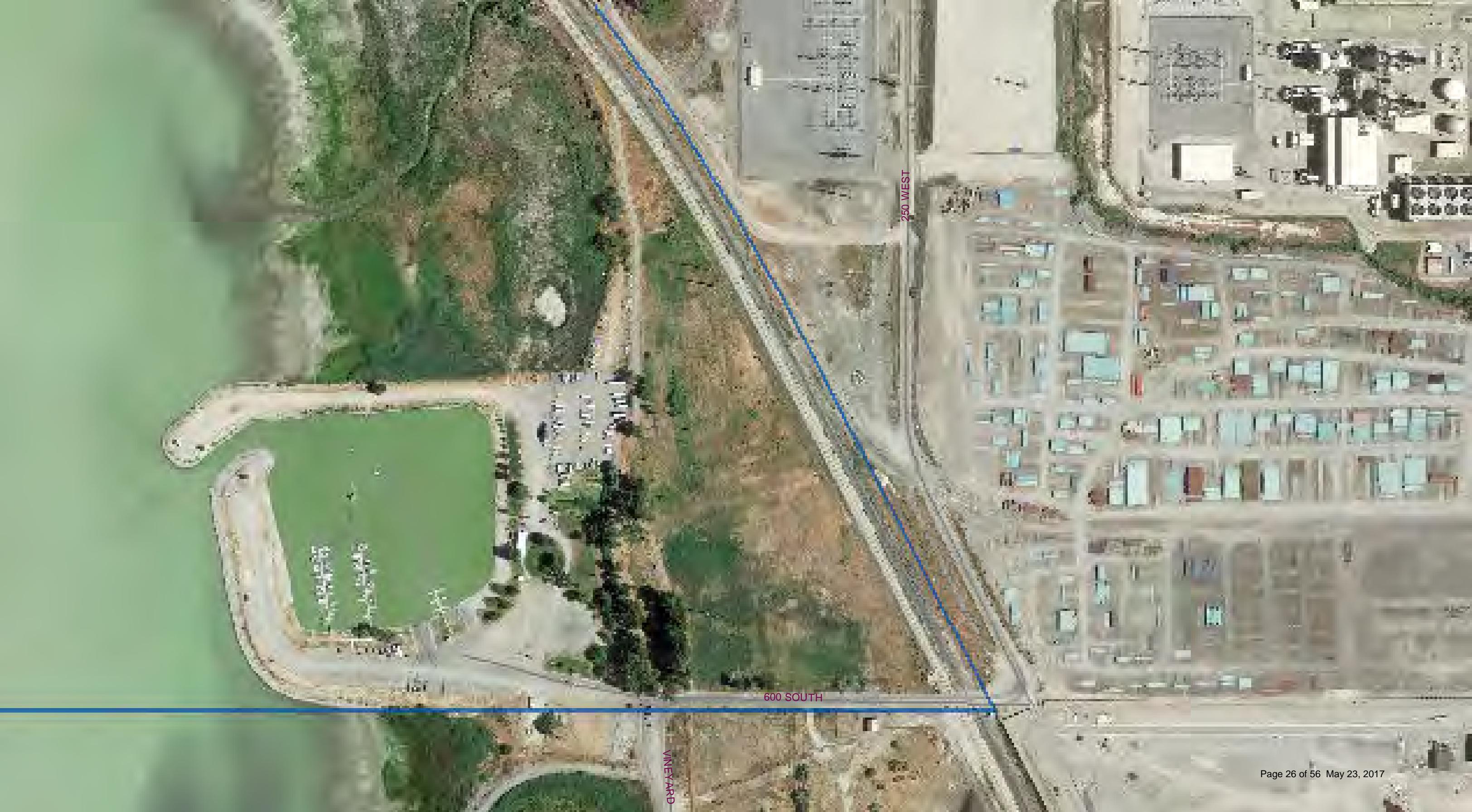
### **ANALYSIS**

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 *industrial (R&D, Light and Heavy)* to provide for employment and manufacture of materials which are essential to the economy of Lindon City and to provide areas in appropriate locations where a combination of research and development, manufacturing, and industrial processing and warehousing may be conducted.
  - b. The goal of *industrial* development is to promote employment opportunities, quality businesses, and environmentally clean industrial and technology development which will provide a diversified economic base and will complement local retail, commercial, and industrial establishments in harmony with the community's overall country image and identity as reflected in the Community Vision Statement.
    - i. Objectives of this goal are to:
      1. Encourage the development of high quality, aesthetically pleasing business park areas incorporating major landscape features.
      2. Identify those areas most appropriate for business park development in future growth areas, such as major highway access areas.
      3. Establish and enforce standards with respect to environmental concerns such as; noise, air quality, odor and visual.
      4. Increase the city's business base in the technology sector, building on the existing base and growing technology infrastructure, and consider expanding the Research and Development zones.
  - c. 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.

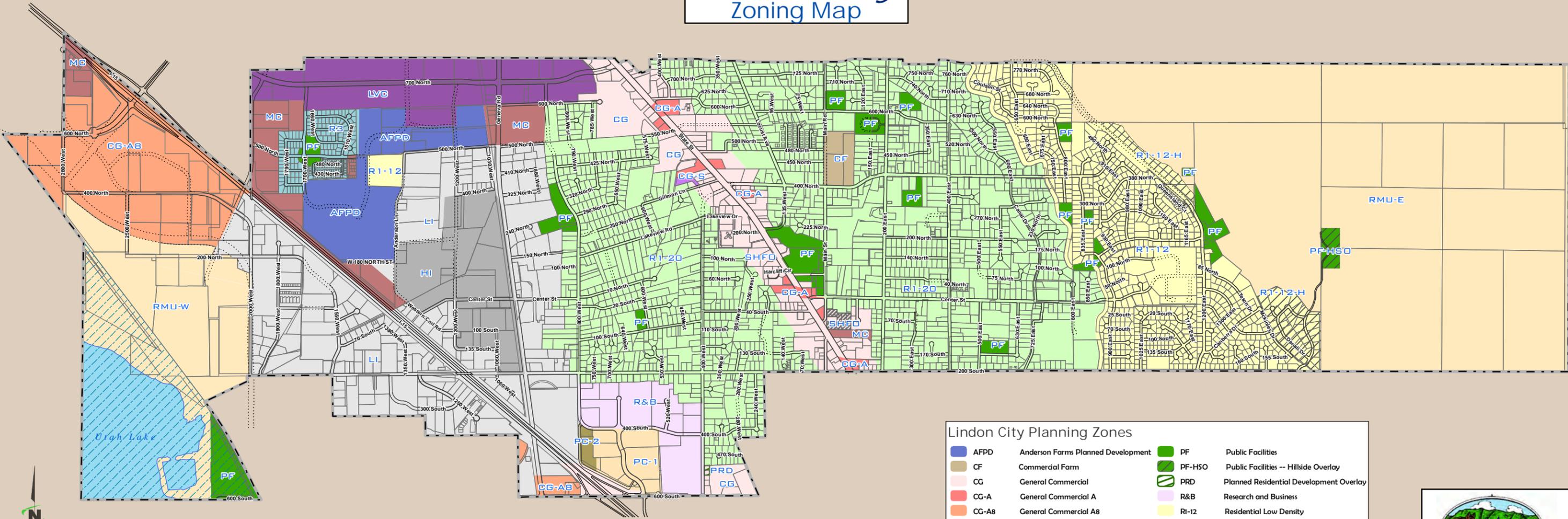
- ii. Transitions between different land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available.
- iii. Commercial and industrial uses should be highly accessible, and developed compatibly with the uses and character of surrounding districts.

**ATTACHMENTS**

1. Aerial photo of the proposed area to be re-classified
2. Current Zoning Map
3. ALTA Survey with exact property request
4. Conceptual Site Plan
5. Draft ordinance 2017-6-O



# Lindon City Zoning Map



0 1000 2000 4000 Feet

**Lindon City Planning Zones**

AFPD	Anderson Farms Planned Development	PF	Public Facilities
CF	Commercial Farm	PF-HSO	Public Facilities -- Hillside Overlay
CG	General Commercial	PRD	Planned Residential Development Overlay
CG-A	General Commercial A	R&B	Research and Business
CG-A8	General Commercial A8	R1-12	Residential Low Density
CG-S	General Commercial Storage	R1-12-H	Residential Low Density -- Hillside Overlay
HI	Heavy Industrial	R1-20	Residential Very Low Density
LI	Light Industrial	R3	Residential High Density
LVC	Lindon Village Commercial	RMU-E	Recreational Mixed Use -- East
MC	Mixed Commercial	RMU-W	Recreational Mixed Use -- West
PC-1	Planned Commercial - 1	SHFO	Senior Housing Facility Overlay
PC-2	Planned Commercial - 2	SPOD	Utah Lake SPOD



Printed: 2/28/2017

DEED DESCRIPTIONS

Beginning at a point North 89°58'00" West, 1,688.16 feet along the one quarter Section line from the East one quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian, and running thence North 89°58'00" West 359.04 feet; thence North 02°00' East 16.50 feet; thence North 89°58'00" West 541.89 feet; thence North 54°38' West 219.29 feet; thence North 11°30'08" West 165.19 feet; thence North 02°00' East 406.72 feet; thence South 89°58'00" East 62.97 feet; thence North 3°00'00" West 534.20 feet; thence North 3°59'08" West 445.38 feet; thence along a 5,797.658 foot radius curve to the right 795.537 feet (chord bears South 30°33'00" East 794.913 feet); thence South 26°34'08" East 1,226.08 feet to the point of beginning and being in the Lot 2 and Lot 3 of said Section 6.

Less and excepting therefrom those lands conveyed to the Utah Transit Authority by that certain Warranty Deed recorded June 30, 2009 as Entry No. 71844:2009 of Official Records, described as follows: Beginning at the point of intersection of the Westerly right-of-way of Union Pacific Railroad, the Southeast corner of the grantor's property, and a point in a fence line, said point being South 89°03'53" West 1708.64 feet along the Section line and South 00°56'07" East 2604.10 feet from the Northeast corner of said Section 6; thence South 89°07'59" West 39.16 feet; thence North 27°30'11" West 1160.94 feet; thence 723.79 feet along the arc of a 5,644.65 foot radius curve to the left, chord bears North 31°10'35" West 723.29 feet through a central angle of 07°20'48"; thence North 04°53'09" West 69.44 feet to said railroad right-of-way; thence along said railroad right-of-way the following (2) two courses: 788.44 feet along of 5,679.65 foot radius curve to the right, chord bears South 31°28'47" East 787.80 feet, through central of 07°57'13"; thence South 27°30'11" East 1178.49 feet to the point of beginning.

Also less and excepting any lands lying Northerly and Easterly of the property described above and on that certain Warranty Deed recorded June 30, 2009 as Entry No. 71844:2009 of Official Records.

SURVEY DESCRIPTIONS

Parcel 1

Commencing at a point located North 00°45'11" West along the Section line 21.51 feet and West 1748.53 feet from the East quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°39'26" West 669.87 feet; thence North 09°35'57" West 246.63 feet; thence North 19°49'29" West 199.24 feet; thence South 78°55'43" West 98.74 feet; thence North 00°02'00" East 355.60 feet; thence South 89°58'00" East 64.06 feet; thence North 03°00'00" West 555.46 feet; thence North 03°59'08" West 270.76 feet; thence along the arc of a 5644.65 foot radius curve to the right 680.68 feet (chord bears South 30°42'52" East 680.26 feet); thence South 27°15'36" East 1160.94 feet to the point of beginning.

Area = 632,171 sq. ft. or 14.51 Acres

Parcel 2

Commencing at a point located North 00°45'11" West along the Section line 17.50 feet and West 2418.43 feet from the East quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence South 89°39'26" West 170.26 feet; thence North 05°49'38" West 220.82 feet; thence North 11°30'08" West 165.19 feet; thence North 00°02'00" East 406.72 feet; thence South 89°58'00" East 62.97 feet; thence North 03°00'00" West 534.20 feet; thence North 03°59'08" West 305.26 feet; thence along the arc of a 5644.65 foot radius curve to the right 40.02 feet (chord bears South 33°57'58" East 40.02 feet); thence South 03°59'08" East 270.76 feet; thence South 03°00'00" East 355.46 feet; thence North 89°58'00" West 64.06 feet; thence South 00°02'00" West 355.60 feet; thence North 78°55'43" East 98.74 feet; thence South 19°49'29" East 199.24 feet; thence South 09°35'57" East 246.63 feet to the point of beginning.

Area = 89,832 sq. ft. or 2.06 Acres

Parcel 3

Commencing at a point located North 00°45'11" West along the Section line 0.98 feet and West 1688.14 feet from the East quarter corner of Section 6, Township 6 South, Range 2 East, Salt Lake Base and Meridian; thence North 89°58'00" West 50.09 feet; thence North 27°15'36" West 27.96 feet; thence North 89°22'34" East 50.19 feet; thence South 26°34'08" East 28.43 feet to the point of beginning.

Area = 1,264 sq. ft.

CERTIFICATION

This survey is made for the benefit of: THE CITY OF LINDON, HONEY BADGER HOLDINGS, LLC together with its successors and assigns and UTAH FIRST TITLE INSURANCE AGENCY INC.;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 3, 4, 5, 8, 13, 14, 17, and 20 of Table A thereof.

Date of Plat or Map: November 4, 2016

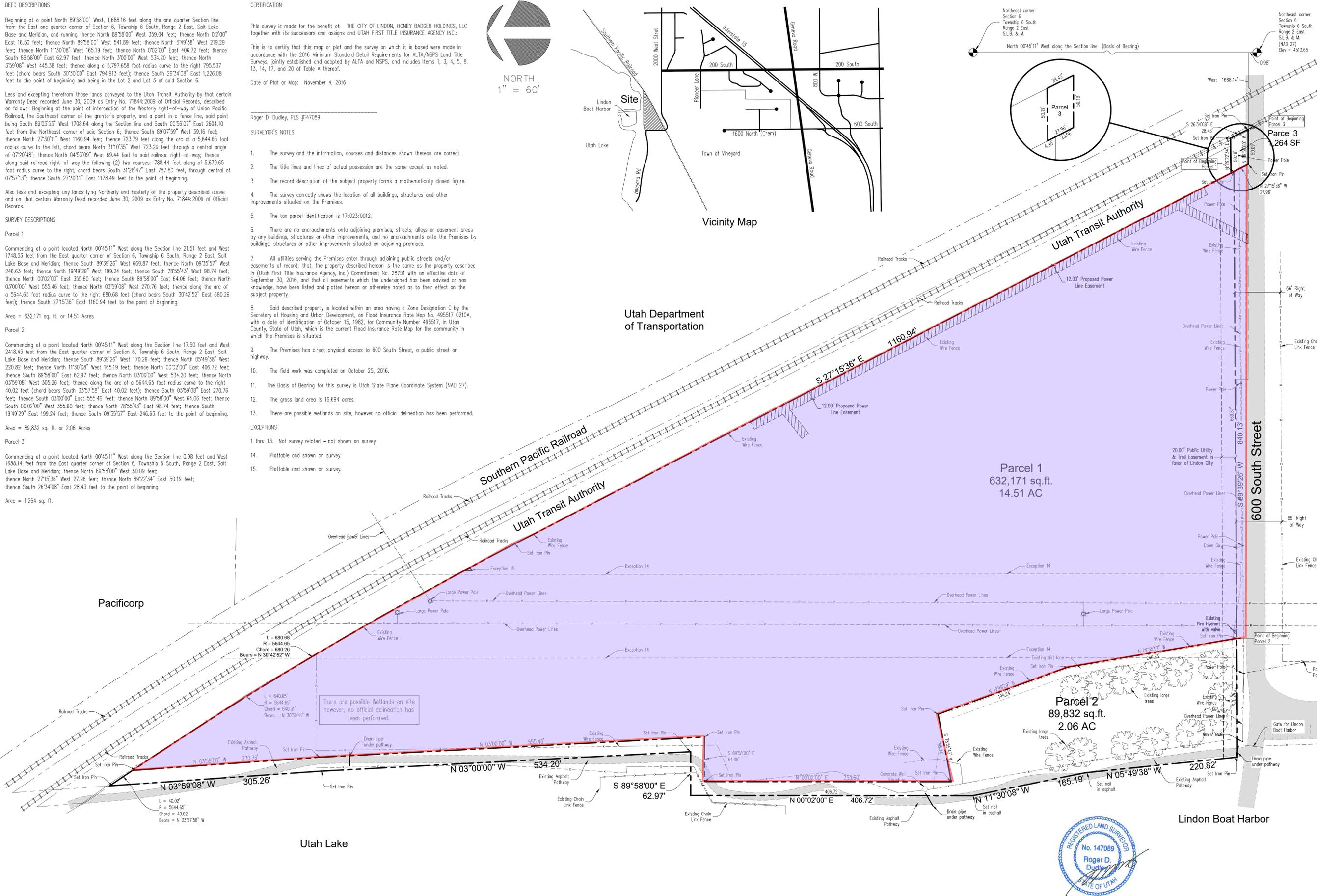
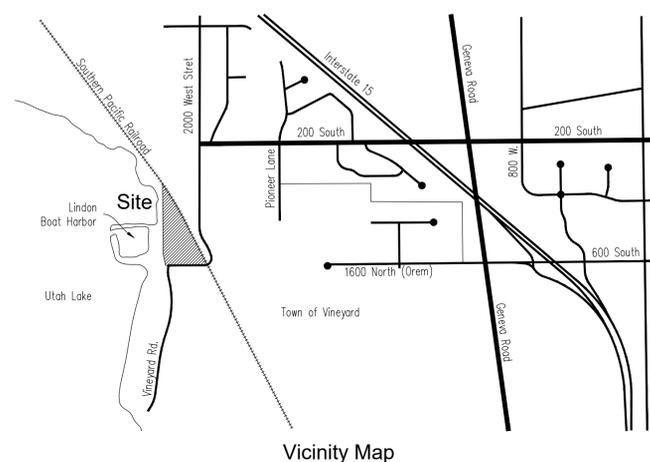
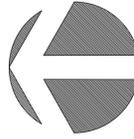
Roger D. Dudley, PLS #147089

SURVEYOR'S NOTES

- 1. The survey and the information, courses and distances shown thereon are correct.
2. The title lines and lines of actual possession are the same except as noted.
3. The record description of the subject property forms a mathematically closed figure.
4. The survey correctly shows the location of all buildings, structures and other improvements situated on the Premises.
5. The tax parcel identification is 17:023:0012.
6. There are no encroachments onto adjoining premises, streets, alleys or easement areas by any buildings, structures or other improvements, and no encroachments onto the Premises by buildings, structures or other improvements situated on adjoining premises.
7. All utilities serving the Premises enter through adjoining public streets and/or easements of record; that, the property described hereon is the same as the property described in (Utah First Title Insurance Agency, Inc.) Commitment No. 28751 with an effective date of September 30, 2016, and that all easements which the undersigned has been advised or has knowledge, have been listed and plotted hereon or otherwise noted as to their effect on the subject property.
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11. The Basis of Bearing for this survey is Utah State Plane Coordinate System (NAD 27).
12. The gross land area is 16,694 acres.
13. There are possible wetlands on site, however no official delineation has been performed.

EXCEPTIONS

- 1 thru 13. Not survey related - not shown on survey.
14. Plottable and shown on survey.
15. Plottable and shown on survey.



DUDLEY AND ASSOCIATES ENGINEERS PLANNERS SURVEYORS 353 EAST 1200 SOUTH, OREM, UTAH 801-224-1252

ALTANS/NSPS Land Title Survey The City of Lindon Utah

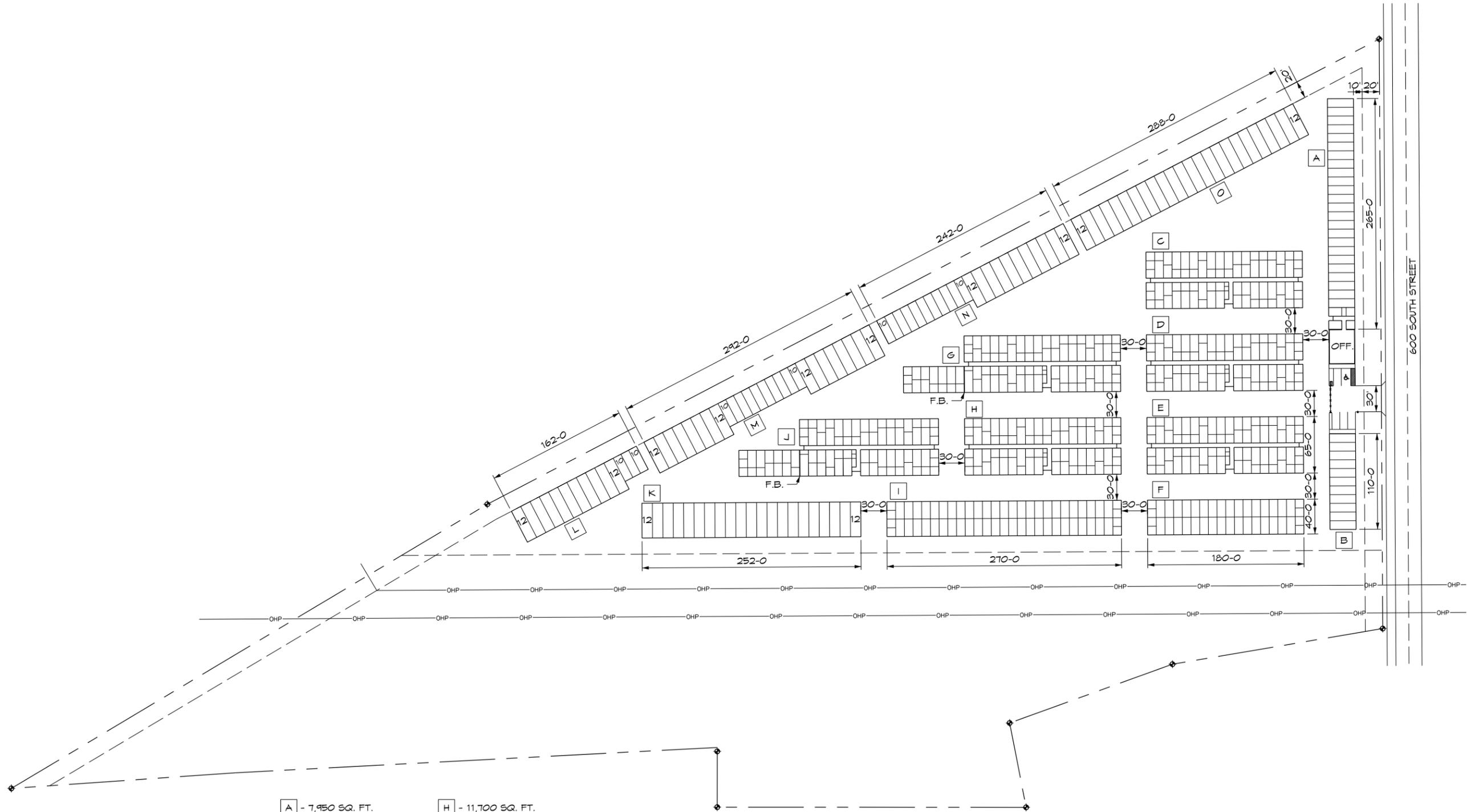
Revisions 11-28-2016

Date 11-4-2016 Scale 1" = 60' By TD Tracing No. L - 14239

Sheet No. C - 1.0

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REVISION				
SYM.	DESCRIPTION	DATE	APPROVAL	CAD
1	STORAGE LAYOUT PROPOSAL	12-16-16	LB	TMN



- A - 7,950 SQ. FT.
- H - 11,700 SQ. FT.
- B - 3,300 SQ. FT.
- I - 10,800 SQ. FT.
- C - 11,700 SQ. FT.
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- M - 10,680 SQ. FT.
- G - 13,800 SQ. FT.
- N - 8,850 SQ. FT.
- O - 11,520 SQ. FT.

TOTAL STORAGE - 151,010 SQ. FT.



**STORAGE LAYOUT**



DRAWN BY: TATE NIELSEN  
 CHECKED: [ ]  
 CHECKED: [ ]  
 ENGINEER: LYNN BARNETT  
 ADDRESS: P.O. BOX 1248  
 1199 S. MAIN  
 CENTERVILLE, UT  
 84014  
 PHONE: (801) 244-2450  
 FAX: (801) 244-2434  
 DO NOT SCALE DRAWING

<b>HARBOR STORAGE KITCHEN LINDON, UTAH</b>		<b>STORAGE LAYOUT</b>		BARNETT STRUCTURES COPYRIGHT ©				
				SCALE	SIZE	SHEET	PROJECT #	DRAWING
		1" : 60'	D	1 OF 1	Page 29 of 56	May 23, 2017	SL	1

**ORDINANCE NO. 2017-6-O**

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING PORTIONS OF THE LINDON CITY ZONING MAP FROM PUBLIC FACILITIES TO LIGHT INDUSTRIAL AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City finds it is necessary to amend portions of the Lindon City Zoning Map, specifically the property generally located at 2100 West 600 South, otherwise identified by a portion of Utah County Parcel #17:023:0012 (See map labeled as Exhibit A) from Public Facilities to Light Industrial, finding that approval of such would benefit the City; and

WHEREAS, the City finds it is necessary to amend the Zoning Map to accommodate a growing industry within the City; and

WHEREAS, the property in question is currently adjacent to Industrial property and associated uses; and

WHEREAS, the Planning Commission recommended adoption of revised provisions, and the revision of such provisions will assist in carrying out general plan goals related to the promotion of businesses and industry within the City, and said changes are compatible with land use guidelines as found in the General Plan; and

WHEREAS, a public hearing was held May 23, 2017 to receive public input and comment; and

WHEREAS, the Council held a public hearing May 23, 2017 to consider the request; and

WHEREAS, the current Zoning Map should be amended to provide such provisions to the Municipal Code of Lindon City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, the Lindon City Zoning Map is hereby amended and will read as follows:

**SECTION I:**

See Exhibit A showing parcel changing from Public Facilities to Light Industrial on the Lindon City Zoning Map.



**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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
 Jeff Acerson, Mayor

ATTEST:

\_\_\_\_\_  
 Kathryn A. Moosman,  
 Lindon City Recorder

SEAL

## Item 7: 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 property from Commercial to Mixed Commercial.

### **MOTION**

I move to recommend (approval, denial, continue) Ordinance 2017-3-O with the following conditions (if any):

- 1.



### **OVERVIEW**

This item was reviewed but not acted on in the May 9, 2017 Planning Commission meeting. 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. Meeting minutes from the June 24, 2014 and July 14, 2015 Planning

Commission meetings were requested to understand and review why the property directly north of the subject property was reclassified as Mixed Commercial property. Those minutes can be accessed at [www.lindoncity.org](http://www.lindoncity.org) and have been provided to the Planning Commission.

The current development proposal would construct a flex office/warehouse as part of a corporate campus concept (see attachment #3) 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 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. A parking deck is also being envisioned on the site.

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.

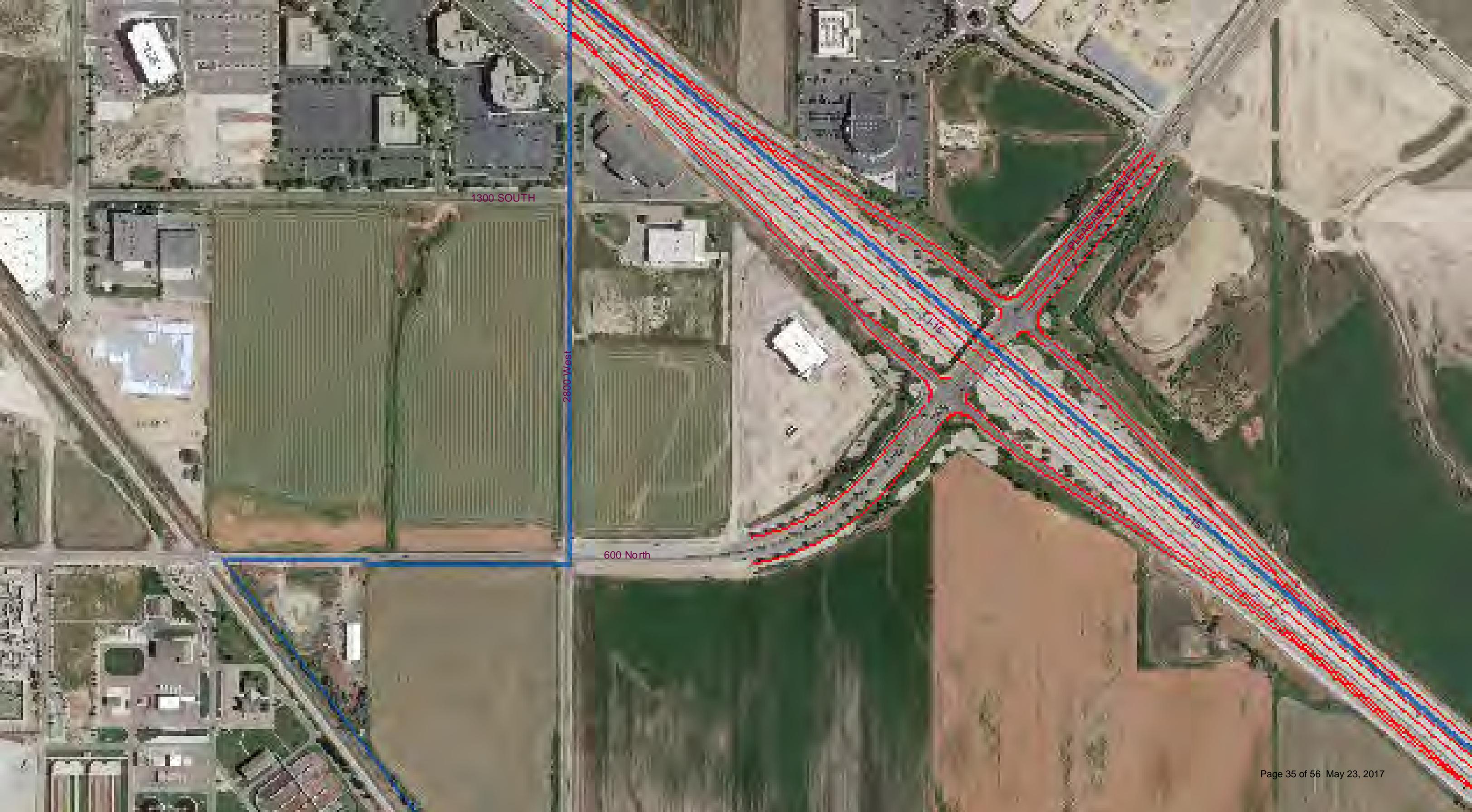
### **ANALYSIS**

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. Current General Plan Land Use Map
3. Conceptual Site Plan.
4. Draft Ordinance 2017-3-O



1300 SOUTH

2800 West

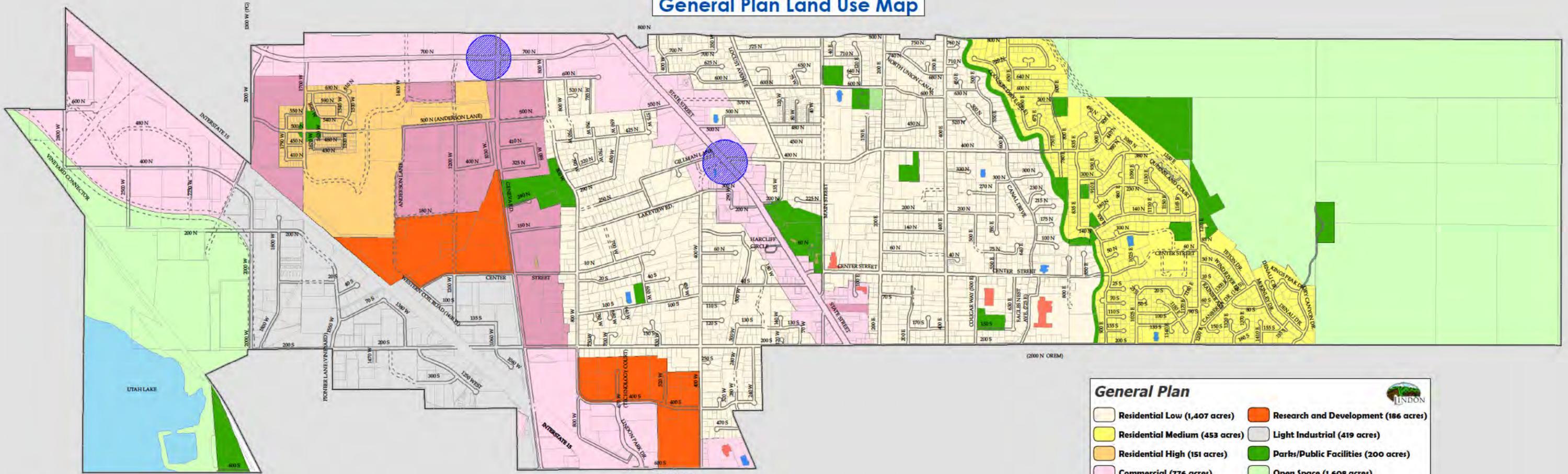
600 North

I-15

PLEASANT CROFT

I-15

# Lindon City General Plan Land Use Map

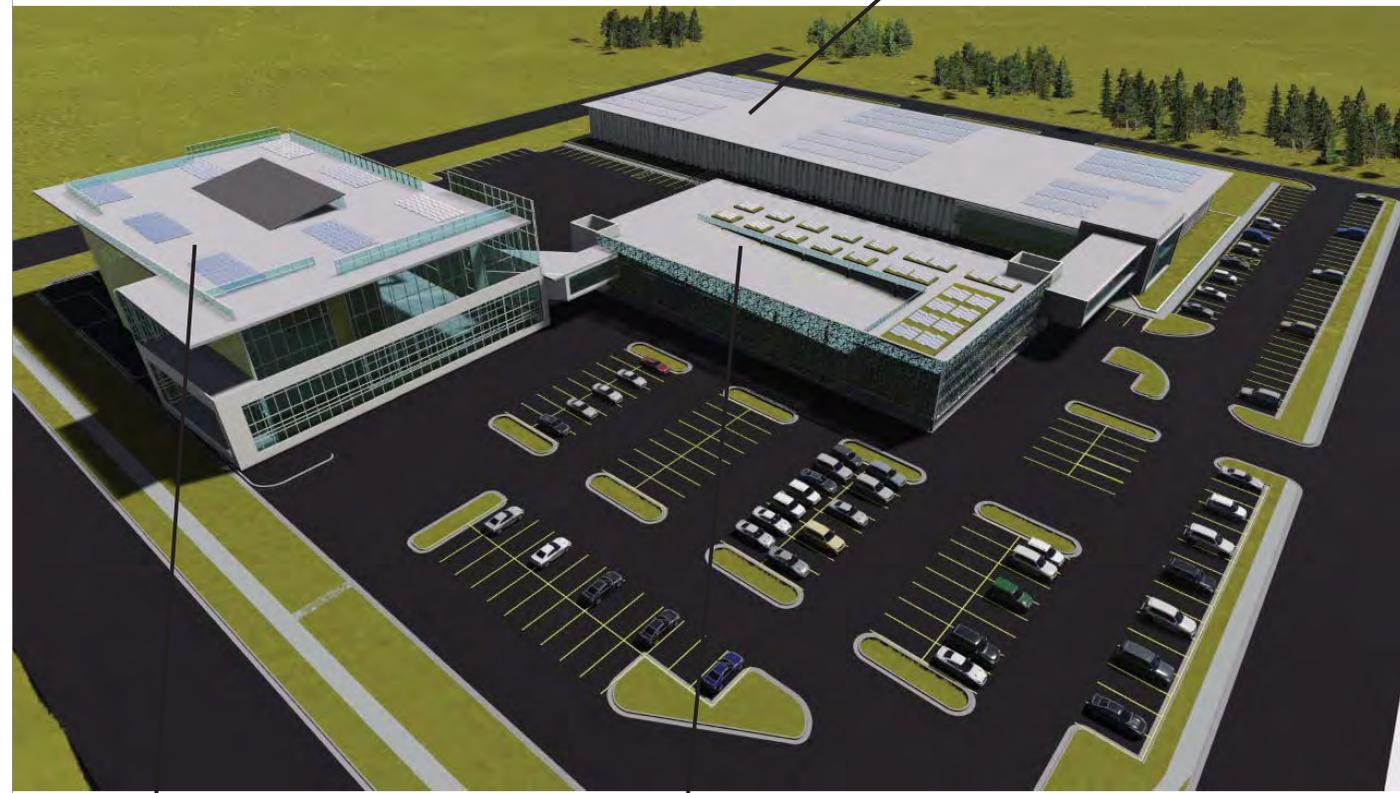


General Plan	
	Residential Low (1,407 acres)
	Residential Medium (453 acres)
	Residential High (151 acres)
	Commercial (776 acres)
	Mixed Commercial (312 acres)
	Research and Development (186 acres)
	Light Industrial (419 acres)
	Parks/Public Facilities (200 acres)
	Open Space (1,608 acres)
	Transit Node (33 acres)





Office & Warehouse



Office Building:  
4 stories  
Modern materials and open feel

Parking Structure  
with Designed Facades, Building Connections and  
Solar Panels and other renewal technologies

Existing Tech companies on Open Edge Campus, East  
of Power Innovations



Warehouse & Office space:  
Modern materials, R&D open feel,  
Flexible Floor Plan



Office Building:  
4 stories  
Modern Materials, Transparency, Pedestrian Connection,  
Timeless Beauty.

## ORDINANCE NO. 2017-3-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING PORTIONS OF THE LINDON CITY GENERAL PLAN LAND USE MAP FROM COMMERCIAL TO MIXED COMMERCIAL AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City finds it is necessary to amend portions of the Lindon City General Plan Land Use Map, specifically the property generally located at 725 North 2800 West, otherwise identified by a portion of Utah County Parcel #13:063:0085 (See map labeled as Exhibit A) from Commercial to Mixed Commercial, finding that approval of such would benefit the City; and

WHEREAS, the City finds it is necessary to amend the General Plan Land Use Map to accommodate a growing industry within the City; and

WHEREAS, the property in question is currently adjacent to Mixed Commercial property and associated uses; and

WHEREAS, the Planning Commission recommended adoption of revised provisions, and the revision of such provisions will assist in carrying out general plan goals related to the promotion of businesses and industry within the City, and said changes are compatible with land use guidelines as found in the General Plan; and

WHEREAS, a public hearing was held May 23, 2017 to receive public input and comment and no adverse comments were received; and

WHEREAS, the Council held a public hearing June 6, 2017 to consider the request; and

WHEREAS, the current General Plan Land Use Map should be amended to provide such provisions to the Municipal Code of Lindon City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, the Lindon City General Plan Land Use Map is hereby amended and will read as follows:

### **SECTION I:**

See Exhibit A showing parcel changing from Commercial to Mixed Commercial on the Lindon City General Plan Land Use Map.



**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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jeff Acerson, Mayor

ATTEST:

\_\_\_\_\_  
Kathryn A. Moosman,  
Lindon City Recorder

SEAL

## Item 8: 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**

I move to recommend (approval, denial, continue) Ordinance 2017-4-O with the following conditions (if any):

- 1.



### **OVERVIEW**

This item was reviewed but not acted on in the May 9, 2017 Planning Commission meeting. 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. Meeting minutes from the June 24, 2014 and July 14, 2015 Planning Commission meetings were requested to understand and review why the property directly north

of the subject property was reclassified as Mixed Commercial property. Those minutes can be accessed at [www.lindoncity.org](http://www.lindoncity.org) and have been provided to the Planning Commission.

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 #3) 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. A parking deck is also being envisioned on the site.

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**

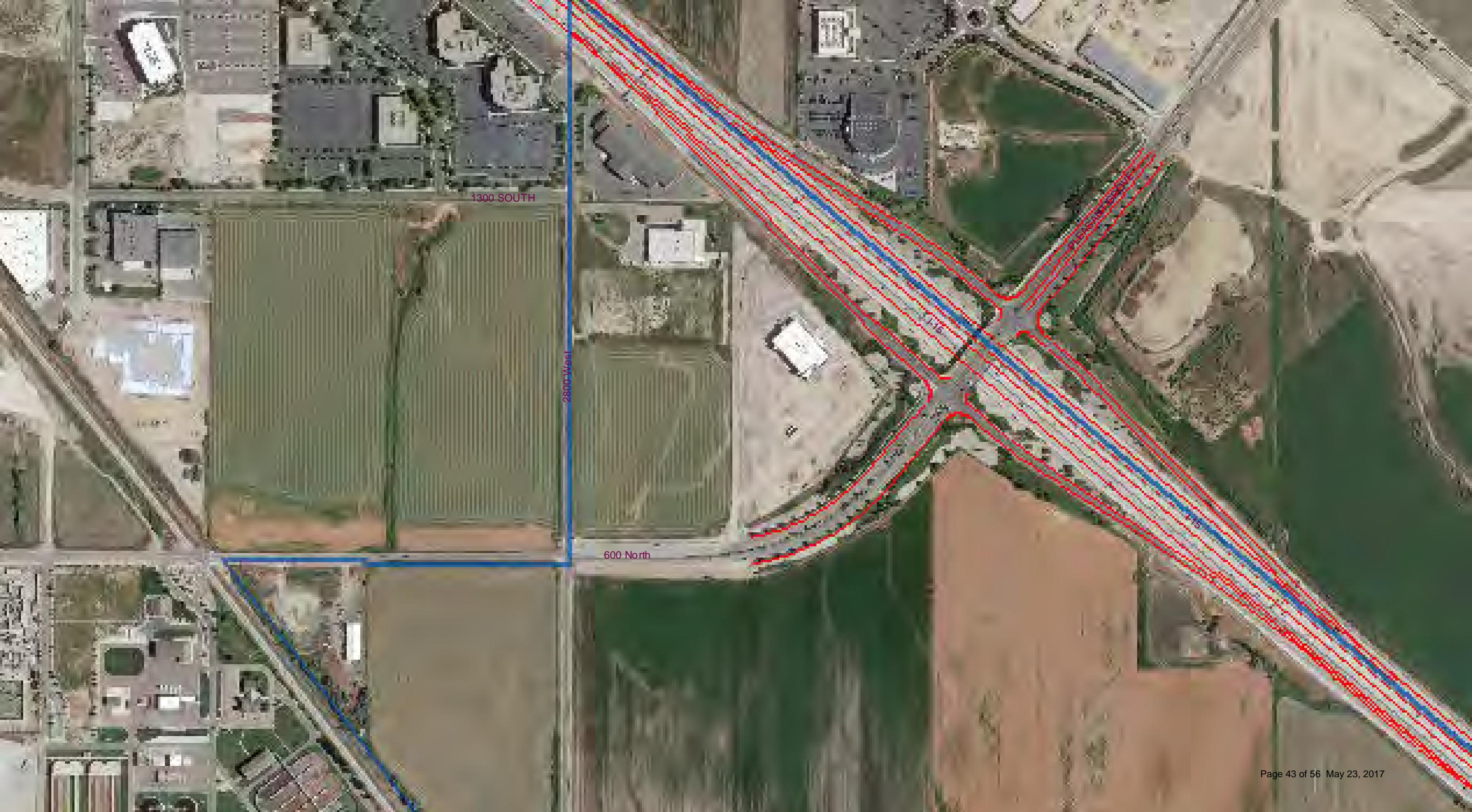
1. The current general plan designation does not permit the subject lots to be rezoned from CG to MC. This item is contingent upon the approval, by the City Council, of Item 7 involving the General Plan designation of the property.

### **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. Current Zoning Map
3. Conceptual Site Plan
4. Draft Ordinance 2017-4-O



1300 SOUTH

2800 West

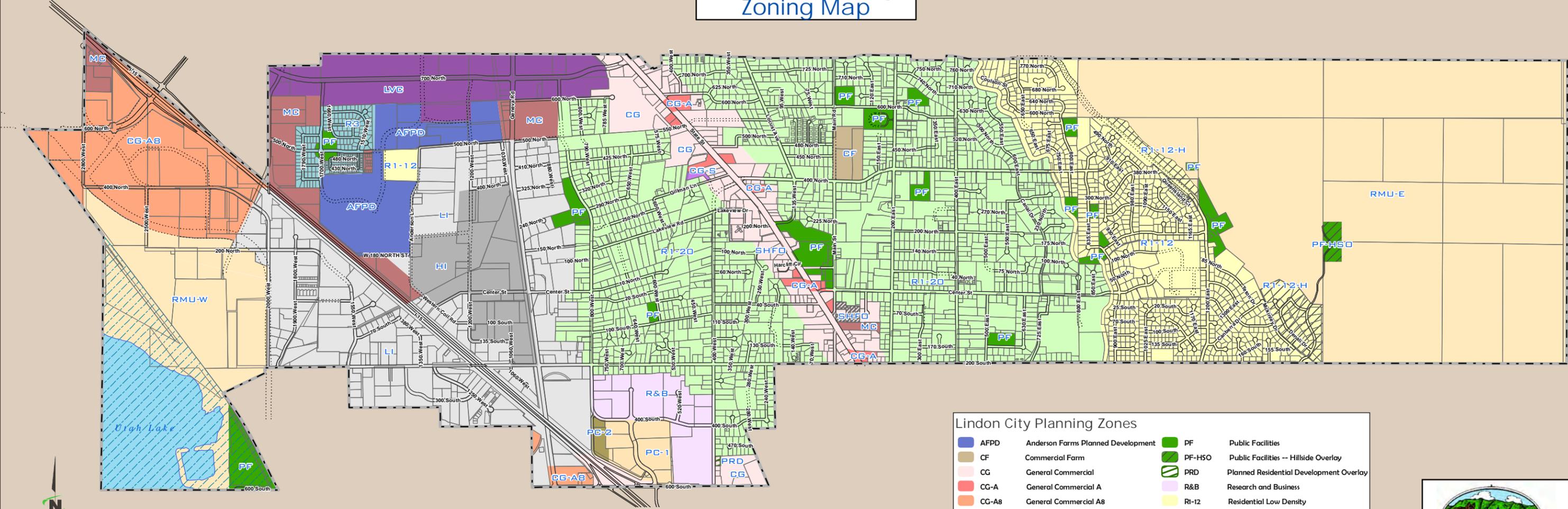
600 North

I-15

PLEASANT CROFT

I-15

# Lindon City Zoning Map

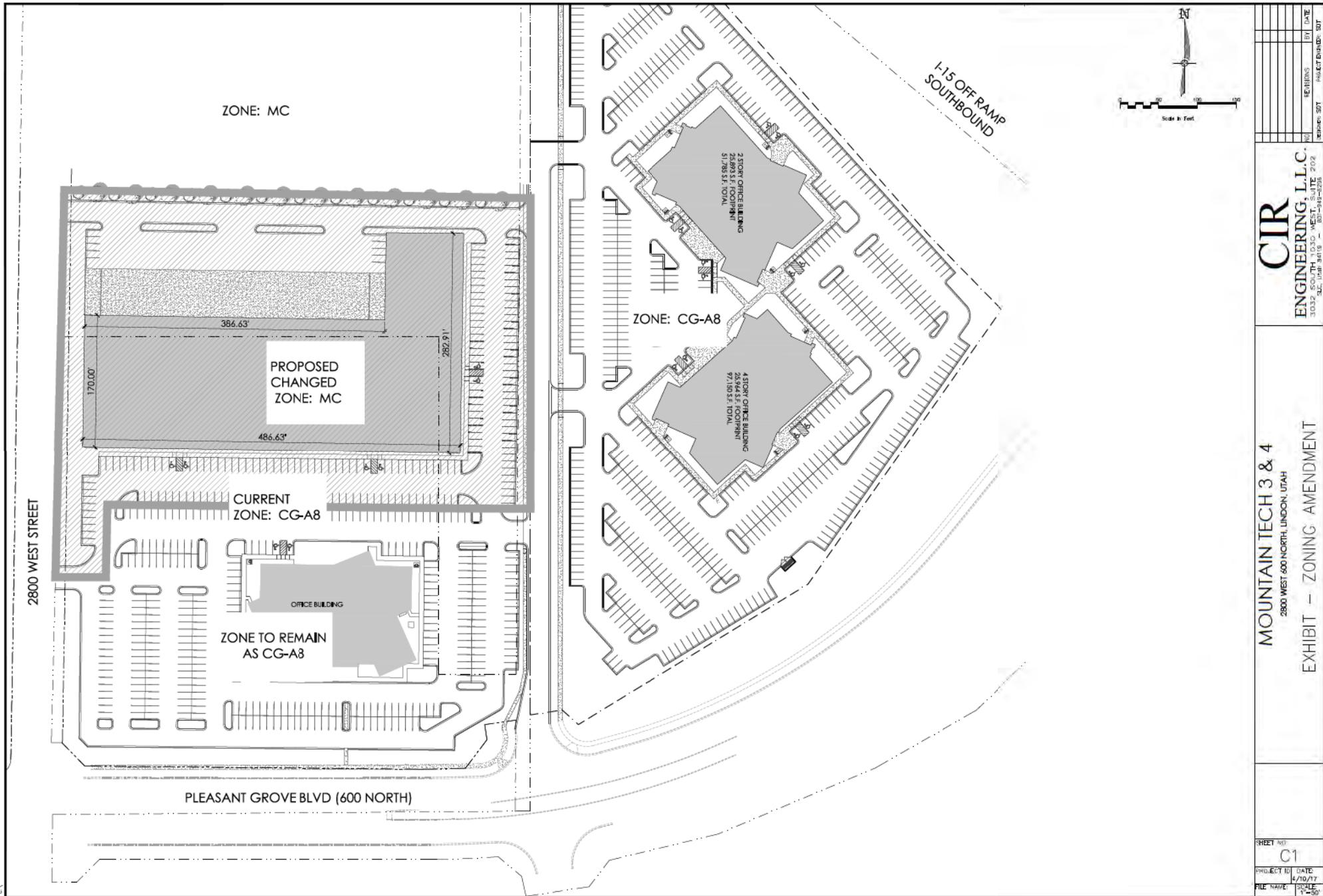


**Lindon City Planning Zones**

	Anderson Farms Planned Development		Public Facilities
	Commercial Farm		Public Facilities -- Hillside Overlay
	General Commercial		Planned Residential Development Overlay
	General Commercial A		Research and Business
	General Commercial A8		Residential Low Density
	General Commercial Storage		Residential Low Density -- Hillside Overlay
	Heavy Industrial		Residential Very Low Density
	Light Industrial		Residential High Density
	Lindon Village Commercial		Recreational Mixed Use -- East
	Mixed Commercial		Recreational Mixed Use -- West
	Planned Commercial - 1		Senior Housing Facility Overlay
	Planned Commercial - 2		Utah Lake SPOD



Printed: 2/28/2017



DATE	BY
REVISIONS	NO.
PROJECT NUMBER	SHEET

**CIR**  
**ENGINEERING, L.L.C.**  
 3105 SOUTH 1000 WEST, SUITE 202  
 SALT LAKE CITY, UTAH 84119  
 TEL: 313-493-1234  
 FAX: 313-493-1235

**MOUNTAIN TECH 3 & 4**  
 2800 WEST 600 NORTH, LINDON, UTAH  
**EXHIBIT - ZONING AMENDMENT**

SHEET NO.	C1
PROJECT ID	DATE
FILE NAME	SCALE

Office & Warehouse



Office Building:  
4 stories  
Modern materials and open feel

Parking Structure  
with Designed Facades, Building Connections and  
Solar Panels and other renewal technologies

Existing Tech companies on Open Edge Campus, East  
of Power Innovations



Warehouse & Office space:  
Modern materials, R&D open feel,  
Flexible Floor Plan

Office Building:  
4 stories  
Modern Materials, Transparency, Pedestrian Connection,  
Timeless Beauty.

## ORDINANCE NO. 2017-4-O

AN ORDINANCE OF THE CITY COUNCIL OF LINDON CITY, UTAH COUNTY, UTAH, AMENDING PORTIONS OF THE LINDON CITY ZONING MAP FROM COMMERCIAL TO MIXED COMMERCIAL AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Municipal Council of Lindon City finds it is necessary to amend portions of the Lindon City Zoning Map, specifically the property generally located at 725 North 2800 West, otherwise identified by a portion of Utah County Parcel #13:063:0085 (See map labeled as Exhibit A) from General Commercial to Mixed Commercial, finding that approval of such would benefit the City; and

WHEREAS, the City finds it is necessary to amend the Zoning Map to accommodate a growing industry within the City; and

WHEREAS, the property in question is currently adjacent to Mixed Commercial property and associated uses; and

WHEREAS, the Planning Commission recommended adoption of revised provisions, and the revision of such provisions will assist in carrying out general plan goals related to the promotion of businesses and industry within the City, and said changes are compatible with land use guidelines as found in the General Plan; and

WHEREAS, a public hearing was held May 23, 2017 to receive public input and comment and no adverse comments were received; and

WHEREAS, the Council held a public hearing June 6, 2017 to consider the request; and

WHEREAS, the current Zoning Map should be amended to provide such provisions to the Municipal Code of Lindon City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Lindon City, Utah County, State of Utah, the Lindon City Zoning Map is hereby amended and will read as follows:

### **SECTION I:**

See Exhibit A showing parcel changing from Commercial to Mixed Commercial on the Lindon City Zoning Map.



**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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
 Jeff Acerson, Mayor

ATTEST:

\_\_\_\_\_  
 Kathryn A. Moosman,  
 Lindon City Recorder

SEAL

## Item 9: Concept Review — Valley Properties LLC ~2400 West 400 North

Mark Ringger requests concept review of a possible zone change from General Commercial (CG-A8) to Mixed Commercial (MC), on 32 acres identified by Utah County Parcel ID #14:059:0048, to accommodate a 300,000 square foot doTerra distribution warehouse.

**Applicant:** Mark Ringger  
**Presenting Staff:** Brandon Snyder

**Type of Decision:** None  
**Council Action Required:** No

### **SUMMARY OF KEY ITEMS**

1. This is a concept review to receive feedback from the Planning Commission and City Council regarding the applicant's proposal.

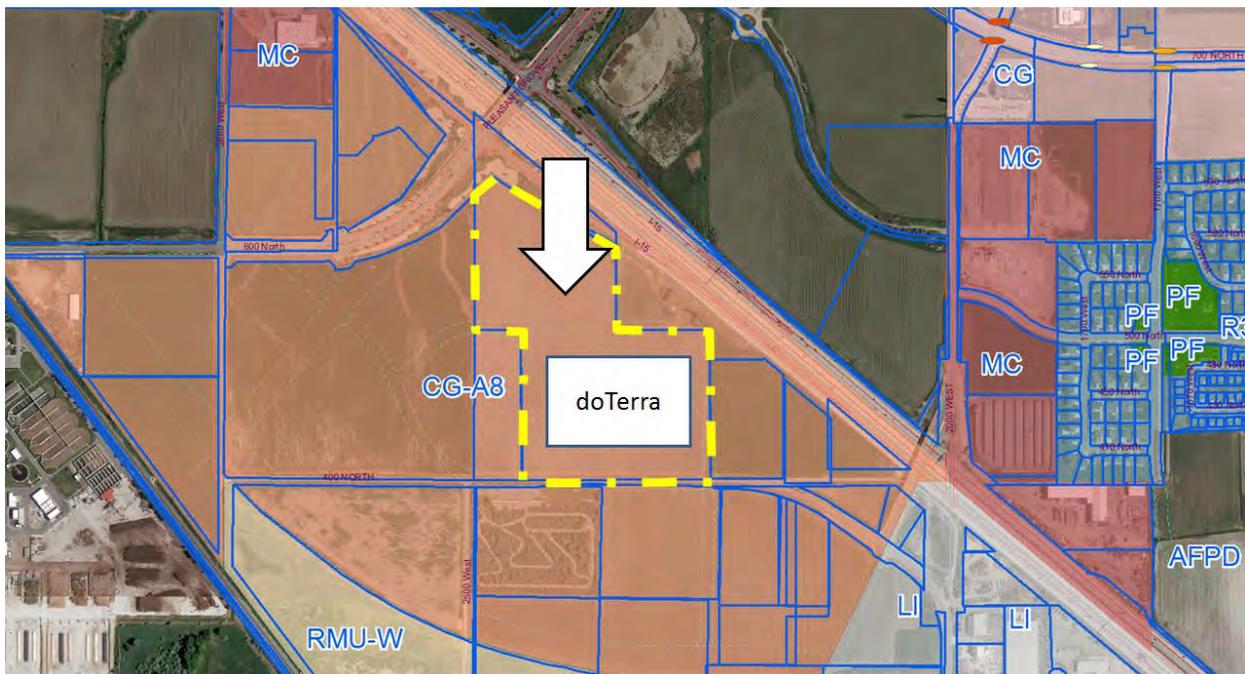
### **MOTION**

No motion necessary.

### **OVERVIEW**

A Concept Review allows applicants to quickly receive Planning Commission and/or City Council feedback and comments on proposed projects. No formal approvals or motions are given, but general suggestions or recommendations are typically provided. Although not mandatory, a Concept Review is recommended for all large development projects.

The proposal is located at approximately 2400 West 400 North. In addition to the rezoning of the property, the proposal would also require a change to the General Plan Land Use map from Commercial to Mixed Commercial.



(Present zoning)

The Lindon City Codes indicate the following:

LCC 17.48.010 General provisions.

...The objective in establishing commercial zones is to provide areas within the City where commercial and service uses may be located. These zones include the General Commercial Zones (CG, CG-A, CG-A8, CG-S), Lindon Village Commercial Zone and the Planned Commercial (PC-1 and PC-2) Zones.

LCC 17.50.010 General provisions.

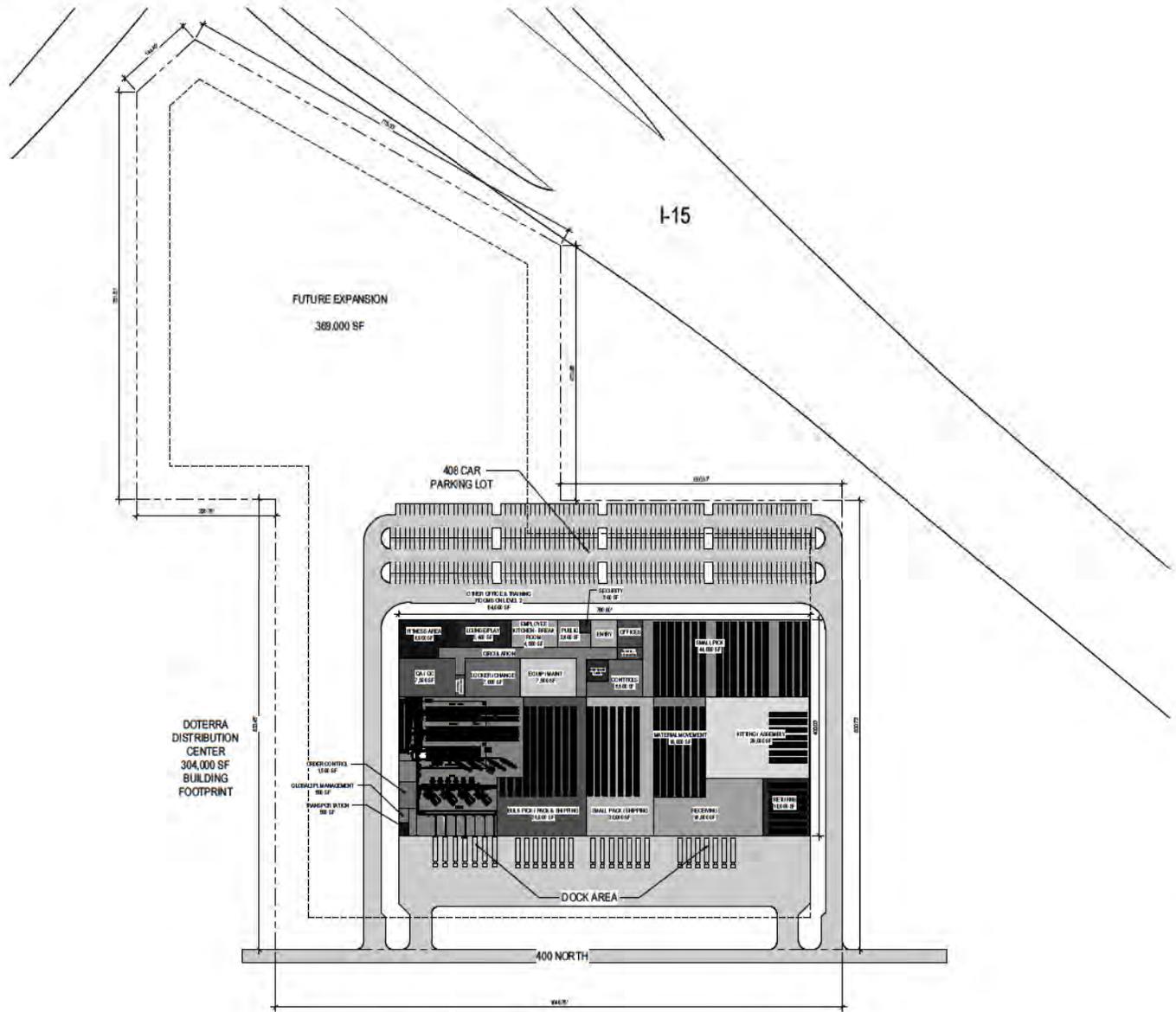
1. The objective in establishing the Mixed Commercial (MC) zone is to provide areas within the City where low intensity light industrial, research and development, professional and business services, retail and other commercial related uses may be located.

**MOTION**

No motion necessary.

**ATTACHMENTS**

1. Concept Plan (Additional information will be provided by the applicant at the Planning Commission meeting)



DOTERRA  
DISTRIBUTION  
CENTER  
304,000 SF  
BUILDING  
FOOTPRINT

FUTURE EXPANSION  
369,000 SF

408 CAR  
PARKING LOT

I-15

400 NORTH

**PLAN - SITE - OVERALL - OPTION E**  
SCALE 1/8" = 1'-0"

REV	DATE	DESCRIPTION

VCBO NUMBER: 1700  
CLIENT NUMBER: 0000  
DATE: 2016.05.04

**DOTERRA DISTRIBUTION CENTER**

OWNER NAME  
PROJECT ADDRESS, CITY, STATE  
PROJECT PHASE

# Item 10: Accessory Apartment Appeal Review – Samuel Smith 319 West 200 South

Staff has received a request for the Planning Commission to review the approval of an accessory apartment in the Residential-Single Family (R1-20) zone. Samuel Smith and Jocelyn Harding, request approval of an accessory apartment (Building Permit #2307-2017). The applicants intend to use a portion of the residence (basement) as an accessory apartment in accordance with Lindon City Code (17.46.100). The property is located at 319 West 200 South.

<p><b>Applicant:</b> Samuel Smith and Jocelyn Harding  <b>Presenting Staff:</b> Brandon Snyder</p>	<p><b><u>SUMMARY OF KEY ISSUES</u></b></p>
<p><b>General Plan:</b> Residential Low  <b>Zone:</b> R1-20 Residential</p>	<p>1. Whether the request complies with applicable land use requirements.</p>
<p><b>Property Owner:</b> Samuel Smith and Jocelyn Harding  <b>Address:</b> 319 West 200 South  <b>Parcel ID:</b> 17-016-0010  <b>Lot Size:</b> 0.31 acre</p>	<p><b><u>MOTION</u></b></p>
<p><b>Type of Decision:</b> Administrative  <b>Council Action Required:</b> No</p>	<p>I move to (<i>approve, deny, continue</i>) the applicant's request for approval of a basement accessory apartment, to be located at 319 West 200 South, in the Single-Family Residential (R1-20) zone, with the following conditions (if any):</p> <ol style="list-style-type: none"> <li>1. Addressing</li> <li>2.</li> </ol>

**BACKGROUND**

The existing residence was built in approximately 1969. The parcel has existed in the current configuration since at least 1977. Lindon City records indicate that a building permit was issued in 1997



to reroof the home and repair the deck (BP #2513-97). A carport was recently removed from the side of the home. Since it was constructed, access to the home has been by way of a gravel lane to the south of the home from 280 West street. The applicant has requested staff and now the Planning Commission to approve an accessory apartment. The applicant proposes to use the basement as a two-bedroom accessory apartment. Parking and the main entrance are located on the side of the home (south).

Lindon City Code (LCC) 17.46.100, indicates that accessory apartments are allowed in conjunction with owner occupied single-family homes in residential zones. General requirements include: location, number, parking, size, building codes, entrances, addressing and ownership. A preliminary review by staff found that the accessory apartment could be approved due to it complying with the general requirements. The Codes also indicate that as part of the approval process, notices are to be sent to adjoining property owners. The notice summarizes the nature of the request, gives the location of the apartment, lists the approval

criteria with an indication that the City intends to issue the permit, and informs the property owners that they may request that the accessory apartment application be reviewed by the Planning Commission if they feel that the application does not meet the approval criteria. Any interested party requesting Planning Commission review shall state how the application does not meet the ordinance criteria. Upon submittal to the Planning Department of a written request for Planning Commission review, the Planning Commission shall hear the item at their next regularly scheduled meeting and shall review the request to determine compliance with the approval criteria as found within LCC 17.46. The Planning Commission shall then approve, continue, or deny the application.



## **REVIEW PROCESS**

### **Public Comment**

Staff completed the initial review of the building permit and notices were provided on April 25, 2017. Staff has received two letters at this time. The first letter was received May 4<sup>th</sup> which indicates a number of concerns with the proposal and the use of the gravel lane. The second letter was received May 8<sup>th</sup> and raises similar concerns. The letters concerns include: parking, entrances, building codes, and addressing. Both letters reference a letter sent by an attorney to the applicant concerning their use of

the lane. Staff has discussed the lane with the City Attorney Brian Haws. In his opinion, the concerns over the lane are a private matter and are to be resolved between the private parties. He has indicated to the Planning Commission that if the application otherwise meets the requirements of our code he would advise that the Planning Commission not let this lane question be the determining factor on whether or not to approve the request. He also wanted to stress that the granting of approval for an accessory apartment is not a statement by the city as to the validity of the Maxine Smith's claims or the scope of the easement, but that in moving forward it is the applicant's risk as to whether or not the private easement will allow them continued access to the home and accessory apartment and that the grant of approval confers no rights relating to the scope of the easement.

Generally speaking, the City Attorney did not believe that adding an accessory apartment to an existing home would be found to be such a significant change in the use or the burden placed upon an easement that a court would find that it exceeded the scope of an easement allowing access for residential purposes.

Staff will go through the permit and LCC 17.46.100, during the Planning Commission meeting.

**ATTACHMENTS**

1. City Code
2. Additional information to be provided at the Planning Commission meeting.

## 17.46.100 Accessory Apartments.

This section establishes requirements and regulations regarding accessory apartments.

1. *Purpose Statement.* It is the intent of the R2 Overlay Zone to allow accessory apartments in conjunction with owner occupied single family homes in residential zones, where such single family homes were not approved as part of an R2 Overlay project. The purpose of the accessory apartment provisions are to:

- a. Provide a mix of housing options that responds to changing family needs and smaller households;
- b. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
- c. Provide a broader range of affordable housing;
- d. Create new housing units within existing residential zones while respecting the look and scale of single-family dwelling development within Lindon.

2. *General Requirements for all Accessory Apartments.*

a. *Location.* Accessory apartments shall be allowed only in conjunction with owner occupied single-family dwellings, but shall not be approved in conjunction with other R2 Overlay projects.

b. *Number of Accessory Apartments.* A maximum number of one (1) accessory apartment shall be allowed in conjunction with each owner occupied single family dwelling.

c. *Parking.* A single family dwelling with an accessory apartment shall provide at least four total off-street parking stalls (2 for the single-family dwelling and 2 for the accessory apartment). Parking stalls within a garage or carport utilized by the single-family dwelling shall not count toward the two additional required parking stalls for the accessory apartment, or vice versa, unless the garage is sized for more than two vehicles and an accessible route from the garage parking to the accessory apartment can be maintained. No required parking shall be within the front or street-side yard setback. Tandem (end-to-end) parking in a side-yard may be acceptable for the required parking. Parking areas and driveways shall be provided with a dustless, hard surface material such as asphalt, concrete, compacted gravel, masonry, or concrete pavers. A hard surfaced path, sidewalk, or walkway shall be provided from the accessory apartment entrance to the required accessory apartment off-street parking stalls.

d. *Size Restrictions.* The size of an accessory apartment shall be at least three hundred (300) square feet and shall not contain more than three (3) bedrooms.

e. *Building Code.* All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling.

f. *Building Entrances.* A single-family dwelling approved with an accessory apartment shall not have a separate entrance at the front of the building or side of the building facing the street where the sole purpose of the entrance is to provide access to the accessory apartment. Entrances to detached accessory apartments shall also not face a street unless the detached accessory apartment is placed behind the primary residence so that the entrance is not substantially visible from the street. The purpose of this requirement is to preserve the single-family residential appearance of the single-family dwelling and/or the detached accessory apartment.

g. New or existing garages and accessory buildings substantially attached to the main dwelling by covered walkways, covered breeze ways, and covered porches may include an accessory apartment. In such

instances, the garage/accessory building shall not be more than a distance of eighteen feet (18') from the main dwelling unit measured linearly between the foundation lines of the two structures, and the apartment may not exceed 60% of the footprint of the primary residence livable floor area, but in no case shall it exceed on thousand two hundred (1,200) square feet of maximum livable floor area.

h. *Apartment address.* The address of the accessory apartment shall be clearly posted so as to be seen from the public street.

i. *Ownership.* An accessory apartment shall not be sold separately, or subdivided from the principal dwelling unit, parcel, or lot.

### 3. *Additional Requirements for Detached Accessory Apartments.*

a. *Height Restrictions.* Detached accessory apartments are limited to one (1) single-story above grade with a maximum height not to exceed the height of the primary residence or twenty feet (20') high, whichever is less. Building height is determined by averaging the measurements of the four (4) corners of the structure 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 structure and determining building height.

b. *Setbacks.* A detached accessory apartment must meet the same setbacks as the primary residence for the underlying zone in which it is located, except that it shall be set back at least 10' further from a front-facing façade of the primary residence which faces a street. Detached accessory apartments on the street-side yard of corner lots are only required to be set back 10' further than the front-facing façade of the primary residence. No additional setback applies to street-side yard areas. See Table 17.46B.

c. *Size limit.* The detached accessory apartment may be attached to or part of other accessory structures, but in no case shall the maximum livable floor area of the detached accessory apartment exceed one thousand (1,000) square feet.

d. *Exterior design.* Architectural features of the detached accessory apartment shall be designed and constructed to be compatible with the character and materials used on the exterior of the primary residence.

e. *Utilities.* Except for sewer service, all public and private utility services to the detached accessory apartment shall be provided through utility lines which service the primary residence. Additional utility meters, utility laterals, or secondary service hook-ups are not permitted except as approved by the Chief Building Official and/or the Public Works Director in cases where options to provide utilities through the primary residence service laterals are not feasible or cause significant hardship to the applicant.

4. *Accessory Apartment Permit.* Any person constructing or causing the construction of a residence that has an accessory apartment or any person remodeling or causing the remodeling of a residence for an accessory apartment, or any person desiring an accessory apartment shall obtain a building permit from the City. Before the permit is issued the applicant shall:

a. Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, and the location of parking stalls.

b. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses and other criteria required by the Chief Building Official.

5. The City shall evaluate the permit and shall approve or deny the application based on the criteria as outlined in LCC [17.46.100](#). If the application meets all requirements, the City shall mail notice to owners of record within 300'

of the subject property. This notice shall summarize the nature of the request, give the location of the apartment, list the approval criteria with an indication that the City intends to issue the permit, and inform the property owners that they may request that the **accessory apartment** application be reviewed by the **Planning Commission** if they feel that the application does not meet the approval criteria. Any interested party requesting **Planning Commission** review shall submit a written request to the **Planning Commission** within fourteen (14) days after the date of the notice received and shall state how the application does not meet the ordinance criteria. If no written request for **Planning Commission** review is received by the City within 14 days after the date of the notice, the permit for the **accessory apartment** can be issued.

6. Upon submittal to the Planning Department of a written request for **Planning Commission** review, the **Planning Commission** shall hear the item at their next regularly scheduled meeting and shall review the request to determine compliance with the approval criteria as found within LCC 17.46. The **Planning Commission** shall then approve, continue, or deny the application.

7. Upon issuance of the **accessory apartment building** permit, the applicant shall pay fees in accordance with the currently adopted Lindon City Fee Schedule.

8. *Affidavit and Agreement Requirements.* The following affidavits and agreements shall be required prior to issuance or final approval of a **building permit** for an **accessory apartment**:

a. The owner of any **single-family dwelling** requesting an **accessory apartment** shall sign an affidavit therein stating that the **primary dwelling** and/or the **accessory apartment** on the **lot** or **parcel** will be **owner occupied**. This affidavit shall be recorded against the property and run with the land and be binding on future successors of the property; and

b. The owner shall provide documentation that the **accessory apartment** rental rates will meet the “moderate income housing” definition as per Utah State Code. On a form approved by the City, a certification regarding the owner’s understanding of the moderate income housing requirements and an agreement to abide by said requirements shall be signed by the owner and recorded against the property and shall run with the land and be binding on future successors of the property.

c. The provisions of subsection b. above shall apply to any **accessory apartment** which was approved by Lindon City after February 1, 2012. (Ord. 2012-2, amended, 2012; Ord. 2008-6, amended, 2008; Ord. 2008-1, amended, 2008; Ord. 2001-10, amended, 2001; Ord. 2000-13, amended, 2000; Ord. 99-22, amended, 2000; Ord. 98-13, amended, 2000)

## Item 1 I: 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 12: Planning Director Report**

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**Adjourn**