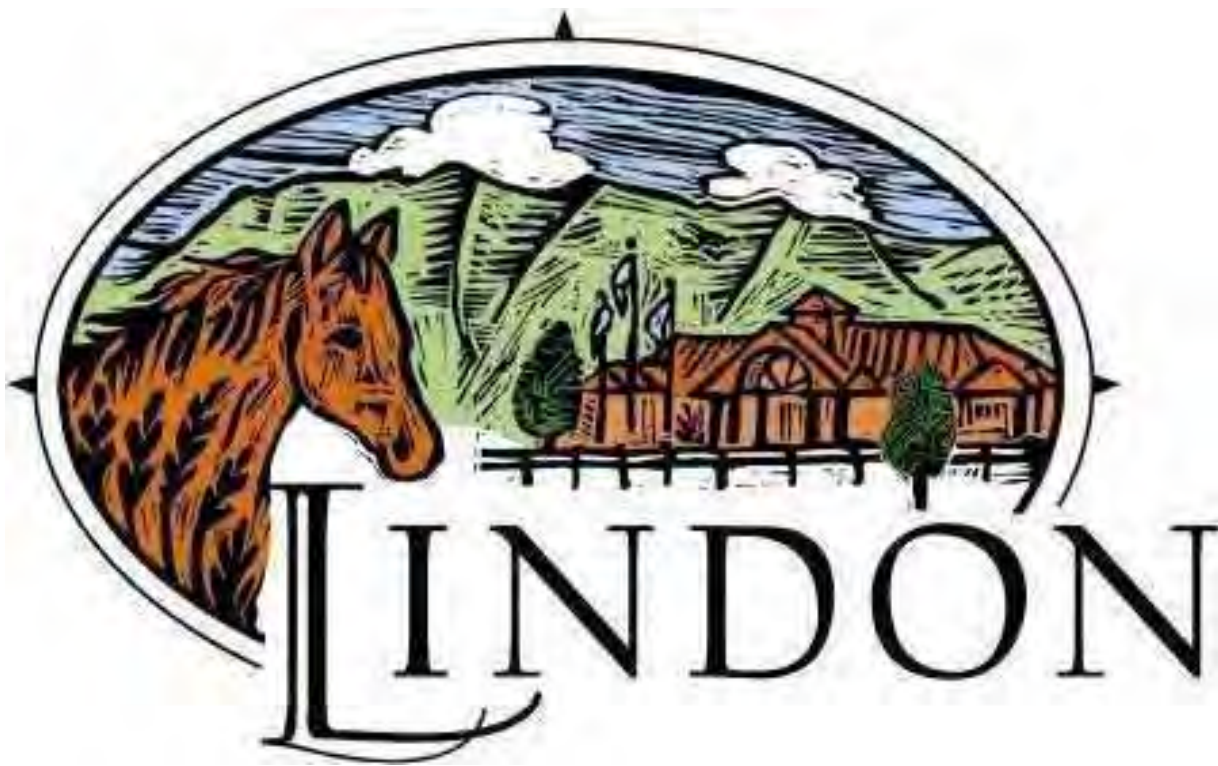


Lindon City Planning Commission Staff Report



May 12, 2020

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on Tuesday, May 12, 2020, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at 6:00 p.m. Due to Covid-19, the meeting will be broadcast electronically through Facebook Live at www.facebook.com/lindoncity. Through Facebook Live, the public will be able to make comments and ask questions. Please contact the Community Development Department with any questions. The agenda will consist of the following items:

Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



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

1. Call to Order
2. Approval of minutes
Planning Commission 4/28/2020
3. Public Comment
4. Public Hearing for an amendment to the Lindon City Appendix A Standard Land Use Table to allow Medical, Dental, & Health Clinic Services/small, outpatient type services as a permitted use the Light Industrial zone. Application is made by ALX Family Health.
(20 minutes)
5. Concept Review – Approximately 550-570 North State Street (Norton Property)
BRS Consulting requests concept review for residential and commercial development for the property located at approximately 550-570 N. State Street. A Concept Review allows applicant to receive planning commission feedback and comments on proposed projects. No formal approvals or motions are given, but general suggestions or recommendations are typically provided (20 minutes)
6. New Business from Commissioners
7. Planning Director Report
- General City updates

Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801) 785-7687. City Codes and ordinances are available on the City web site found at www.lindoncity.org. 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 websites.

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

Posted By: Kathryn Moosman, City Recorder

Date: 5/8/2020

Time: 5:00 pm

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

Lindon City
100 North State Street
Lindon, UT 84042-1808



TEL 801-785-7687
FAX 801-785-4510
www.lindoncity.org

Item 1- Call to Order

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

2 The Lindon City Planning Commission held a regularly scheduled *electronic meeting* on
4 **Tuesday, April 28, 2020 beginning at 6:00 p.m.** at the Lindon City Center, City
Council Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 6:00 P.M.**

8 Conducting: Sharon Call, Chairperson
Invocation: Sharon Call

10

PRESENT

EXCUSED

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

24 1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.

26 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
28 Planning Commission meeting of April 14, 2020 were reviewed.

30 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF
THE REGULAR MEETING OF APRIL 14, 2020 AS PRESENTED. COMMISSIONER
32 JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
MOTION CARRIED.

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

38 **CURRENT BUSINESS** –

40 4. **Public Hearing for a zone map amendment to Residential Business Overlay**
zone for the property located at 172 South. Main Street. Application is made
42 by Mike Podzikowski with Island Dance Studio. Parcel # 14:069:0236

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

2 Anders Bake, Associate Planner, led this agenda item by giving an overview
stating the applicant is requesting to rezone the subject property to apply the Residential
4 Business District Overlay (RBO) to the property. The purpose of the request is to allow
the applicant to continue using the property as their residence while also allowing them to
6 legally operate their business. The applicant's business, Island Dance Studio, has been in
operation for approximately three years at the property and provides dance lessons for up
8 to 45 students at a time.

10 Mr. Bake stated the applicants request to apply the Residential Business District
Overlay (RBO) to the property will allow the applicant to legally operate their business
from the property if the requirements in the ordinance are followed. He noted the
12 ordinance requires that the applicant receive site plan approval, a building permit, and a
business license to demonstrate that the requirements in the ordinance are being met.

14 Mr. Bake stated in 2016, Ms. Podzikowski purchased the property on the corner of
Main Street and 200 South (172 South Main). At that time, the property had an old home
16 on it and the property was split zoned with a small corner residential and the majority
commercial. With plans to build a new home and operate her existing dance company
18 from the home, Ms. Podzikowski felt the property was a good fit with its proximity to
commercial operations. He noted Ms. Podzikowski was able to demolish the old home
20 and build a new home allowing under City ordinances due to the small corner of the
property being residential. He added that construction of a new home after demolition of
22 an existing home does not require upgrading public improvements.

24 Mr. Bake indicated upon completion of the home, Ms. Podzikowski obtained a
home occupation license and began operating her dance company. Not long after
operations began, City Staff became aware that the number of students and
26 contracted staff was well beyond the home occupation allowances. The home occupation
requirements limit the space used by the business to 500 square feet, additional staff to
28 one nonresident, and the traffic generated by the business to five vehicles per hour. The
applicant would not be able to continue operation of their business the way they currently
30 are under these requirements.

32 Mr. Bake went on to say after many discussions with City Staff on potential
solutions, Ms. Podzikowski decided to apply for a new ordinance that would allow them
to continue using the property as their residence while also allowing them to legally
34 operate their business. The applicant submitted an application on May 19, 2017 to create
the Residential Business District Overlay zone. The application was reviewed by the
36 Planning Commission on June 12, 2018, July 10, 2018, and August 14, 2018 before
receiving a favorable recommendation to the City council. The overlay zone then
38 received City Council approval on August 21, 2018. Staff contact the property owners in
2019 to request that they file for the RBO zone change and bring the property into
40 compliance.

42 Mr. Bake commented since that time the applicant has met with city staff multiple
times to discuss the site plan and building requirements that need to be applied to this
property in order to operate their business under the Residential Business District Overlay
44 zone. The applicant is now requesting to apply the Residential Business District Overlay
zone to their property. They will then be required to receive site plan approval and a
46 building permit to ensure that the requirements of this zone will be met.

48 Mr. Bake indicated the subject parcel at 172 South Main Street is currently
designated in Lindon's General Plan as Commercial. The General Plan states that the

2 purpose of the commercial area to provide areas in appropriate locations where a
4 combination of business, commercial, entertainment, and related activities may be
6 established, maintained, and protected. Commercial use areas should be located along
8 major arterial streets for high visibility and traffic volumes. The proposed zone map
10 amendment would change the zoning of this parcel to the Residential Business District
12 Overlay but leaving the General Commercial zone as the base zone. He noted Lindon
14 City code states that the purpose of the RBO residential/business district overlay is to
16 allow small scale instruction, service, and office uses oriented to the local area within
18 residential neighborhoods along higher volume streets and/or within or adjacent to
20 nonresidential zones.

22 Mr. Bake pointed out development is intended to be pedestrian oriented while
24 acknowledging the need for automobile access and parking. The standards for the district
26 are intended to promote appropriately scaled building and site design that focuses on
28 compatibility with existing uses. He added the RBO is not intended to replace home
30 occupation permits available in residential zones throughout the city as outlined in
32 Section 17.04.400. The Residential Business District Overlay zone allows for the
34 following permitted uses upon receipt of a business license and pursuant to the standards
36 specified in the section:

- 38 a) Barbers, cosmetologists, manicurists.
- 40 b) Culinary, bakery, food preparation.
- 42 c) Consultant or professional services with additional employees or contractors.
- 44 d) Contractor, “handyperson,” and landscape or yard maintenance contractor; subject
46 to the special conditions that no construction materials or equipment will be
48 stored on the premises outside of an approved structure.
- 49 e) Preschool.
- 50 f) Home instruction including, but not limited to, in-home lessons such as: musical
51 instruments, voice, dance, acting, graphic arts, art, and educational subjects,
52 swimming, tennis, and other athletic instruction.
- 53 g) Other permitted uses include any land use permissions in the underlying zone.

54 Mr. Bake then presented an Aerial Photo, Minutes from the August 14, 2018
56 Planning Commission, August 21, 2018 City Council Minutes and the Surrounding Area
58 Zoning Map followed by discussion.

60 Chairperson Call spoke on letter received from Eric Barzeele, neighboring
62 property owner, indicating his concerns of the overlay zone itself. She pointed out this
64 overlay zone is already created and in place, so that is not the issue tonight; just if it
66 complies with all the requirements. She added what we are doing tonight is to determine
68 if we can apply this property to this zone.

70 Commissioner Kallas expressed his concern that this issue has gone on for so
72 long. He asked for confirmation if this zone is applied to that property this will allow
74 them to live at the property and operate the business. Mr. Bake confirmed that statement
76 adding it would make it legal and they would be required to comply with all the
78 requirements of the zone.

80 Mr. Florence clarified the zoning ordinance has been created, but they will be
82 recommending to apply the overlay zone to the council. He noted the applicant is
84 working through the building plans that will bring the home into compliance to get a
86 building permit that will bring the building up to code.

2

Chairperson Call called for any public comments at this time. There was a comment from the applicant representative as follows:

8

Krishelle Travis addressed the commission at this time. She explained they are representing the applicants. They are working with the building official and plans are ready to be submitted for a building permit. She also spoke on the phasing of the improvements so they can be done in a matter that complies with the zone.

10

12

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

14

16

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

18

20

Following some additional discussion, the commission was in agreement this appears to meet the requirements for the zone change.

22

Brian Haws, City Attorney, pointed out this is just at the recommendation phase and clarified this is just an overlay and a default to the underlying zoning. If the applicant doesn't agree to the requirements of the site plan, they can decide how they want to proceed and if they want to go on with their application to the City Council for consideration.

24

26

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

28

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COMMISSIONER JOHNSON MOVED TO RECOMMEND APPROVAL OF ORDINANCE 2020-9-O TO AMEND THE LINDON CITY ZONING MAP AT 172 SOUTH MAIN STREET (PARCEL ID NUMBER 14-069-0236) TO RESIDENTIAL BUSINESS DISTRICT OVERLAY (RBO), WITH THE FOLLOWING CONDITION(S): 1. THE APPLICANT COMPLIES WITH ALL SITE PLAN, BUILDING PERMIT, AND BUSINESS LICENSE REQUIREMENTS FOR THE RESIDENTIAL BUSINESS DISTRICT OVERLAY (RBO) AND 2. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER SCHAUERS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

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THE MOTION CARRIED UNANIMOUSLY.

48

5. Site plan approval for Mike Podzikowski with Island Dance Studio – 172

50

South Main Street Mike Podzikowski requests site plan approval to operate a dance studio under the Residential Business Overlay zone. Parcel # 14:069:0236

2 Mr. Bake, opened this agenda item by giving a brief summary explaining the
applicant is now requesting site plan approval to use the property for a residential unit
4 and to operate their business according to the provisions in the Residential Business
District Overlay Zone. City staff is recommending that site plan approval be contingent
6 upon the Planning Commission and City Council approving the Residential Business
District Overlay zone. He noted the applicant's business, Island Dance Studio, has been
8 in operation at the property for about three years.

10 Mr. Bake stated the Residential Business District Overlay Zone allows for home
instruction including in-home dance lessons as a permitted use. The applicant will be
required to obtain a building permit to ensure that the building meets commercial
12 building requirements. Site improvements on this property will include additional
landscaping around the parking area and the installation of curb, gutter, and sidewalk
14 along 200 South and Main Street. Due to financial constraints during this COVID-19
period, the applicant may provide a site phasing plan that would need to be approved by
16 the planning commission.

18 Mr. Bake indicated the subject property is at the Northwest corner of Main Street
and 200 South. The street frontages along this property currently do not have curb, gutter,
or sidewalk. Site Plan approval requires that the applicant provide these street
20 improvements. The sidewalk will align with the existing sidewalk in front of the
neighboring residential property on 200 South and the future sidewalk that will be
22 installed on Main street as part of the Lindon's Edge development. The applicant will
also be installing a Washington Postlite street light as required in the Lindon City
24 Development Manual.

26 Mr. Bake stated the Residential Business District Overlay Zone requires that all
front and corner side yards shall be maintained in landscaping with vegetation in a living,
healthy condition. A minimum of eight feet (8') of landscaping, measured from back of
28 walk, is required adjacent to all public rights-of-way, with seventy percent (70%) of the
said landscaping covered with living vegetation and trees planted every thirty feet (30')
30 on center. An 8-foot-wide landscaped strip is included on the applicants plans along 200
South and Main street. This strip will be covered in sod and will have maple trees planted
32 every 20 feet on center. The landscaping requirements also state that if the parking areas
are within twenty-four feet of the property line, additional landscape buffering or fencing
34 shall be required to shield the parking area. The applicant is proposing more intensive
landscaping in the eight-foot landscape strip to provide an additional buffer.

36 Mr. Bake went on to say the parking requirements in the Residential Business
District Overlay Zone differ from those in commercial zones. Section 17.42.100 states
38 that "parking spaces in an RBO zone are exempted from the surfacing, striping, and
interior landscaping requirements as found in Chapter 17.18, but shall be provided with a
40 dustless, hard surface material such as compacted gravel, asphalt, or concrete and shall be
provided with a similar hard surfaced access from a public street." The proposed site
42 plan has a gravel surface for the parking lot and does not include striping for the parking
spaces. Railroad ties will be used at the ends of the parking stalls and along the border of
44 the proposed parking lot. The ties will be secured to the ground with a 1-foot long metal
stake placed at each end of the railroad tie and a paint mark will be placed on the railroad
46 ties to indicate the location of each parking spot.

48 Mr. Bake noted the interior parking lot landscaping that is normally required in
parking lots is not required in this zone. There will only be landscaping along the

2 perimeter of the parking lot. Two ADA compliant parking stalls and an accessible route
to the building entrance will also be provided. He pointed out that a home instruction
4 business in the Residential Business District Overlay Zone requires one parking stall per
six students on site at peak operational hours. Staff has been told that the maximum
6 number of students that will be in the building at a time is 45 students, requiring 7 stalls.
The building official may identify a new occupancy once building plans have been
8 submitted for review. The parking lot contains 40 stalls which should provide plenty of
space for customers no matter the occupancy. The applicant's business has already been
10 in operation for three years at the property and the city has not received any complaints
regarding parking issues.

12 Mr. Bake commented for home instruction businesses in this zone, a plan showing
pick up and drop off zones with the associated traffic patterns must be submitted and
14 requires city engineer review and approval. The applicant has provided documents
showing their traffic circulation plan which have been approved by the city engineer.
16 Customers will enter the property from Main Street and drop off or pick up students in a
designated area that is at the south end of the building. Customers will then exit the
18 property onto 200 South.

20 Mr. Bake indicated that Lindon City Code requires that after site plan approval
from the Planning Commission an applicant has twelve months to obtain final
engineering approval of the plans and then twenty-four months to be issued a building
22 permit for construction. The City Code allows for an exception to the expiration timeline
through phased developments of Site Plans with Planning Commission approval. A
24 phased development can split a project into phases and requires that each successive
phase be completed within twenty-four months of the previous phase with all phases of
26 the site plan being completed within six years. The City Engineer has approved the most
recent revision of the site plan and will conduct a final review if the planning commission
28 grants site plan approval.

30 Mr. Bake pointed out it has taken a number of years since the City adopted the
RBO zone to get the applicants to file for the zone change and site plan approval and staff
feels like this project is now moving in a good direction. This proposed Site Plan will
32 allow the applicant to operate their business and comply with the zoning requirements of
the Residential Business District Overlay Zone.

34 He noted the home was constructed as a single-family home but a majority of the
home and garage are now being used for the dance studio. The building official has met
36 with the applicant a number of times about bringing the home into compliance. The
proposed improvements will allow the property to meet the site requirements of the RBO
38 zone. The street improvements and additional landscaping will be a benefit to the area
and help provide a transition between commercial and residential activities.

40 Mr. Bake then presented an Aerial photo, Parking Plan, Traffic Flow Plan, Site
Plan and Landscaping Plan followed by some general discussion. Mr. Bake also read the
42 conditions included in the motion.

44 Commissioner Thompson stated he has a problem with the phasing plan, and
questioned whether or not we should be waiving anything that is safety related to a later
date, as that may open the city up to liability; anything safety related should be done first.

46 Commissioner Kallas stated he has the same concerns with the phasing and feels
allowing 5 years is too long and not reasonable. They have been operating for three years
48 in violation of the code and he cannot agree to have five more years.

2 Krishelle Travis addressed the phasing stating they understand the comments
noting safety is of utmost importance to the applicants. They will be putting the ADA
4 stalls in and the routes to the building as to be compliant. She noted the phasing is
because of the costs incurred and with the Covid 19 pandemic happening and everything
6 shutting down in March, they just can't do the whole thing at once. The projection is
based on costs and cash flow and when the covid restrictions are lifted and they can go
8 back to normal operations. The restrictions of Covid 19 will have a dire impact on the
dance studio business. They are working on how this will work with social distancing but
10 there are some hurdles to be crossed. She added with loans they will do the Phase 1
improvements and a portion of curb, gutter, and sidewalk. They have broken it into
12 phases so construction can happen as well. They want these improvements made as soon
as possible based on what their cash flow will allow. This is the worst-case scenario and
14 when the final bids come in to combine the phases, they believe overall project will cost
approximately \$150,000 total and they need to make up about \$75,000 of that and that's
16 why they are needing the phases.

18 Chairperson Call stated she understand the phases and that Covid has had an
impact, but she would like to see that time shortened on the phasing to three years and
reevaluate it at that point; this has been operating for so long out of compliance prior to
20 Covid. Commissioner Kallas agreed he would like to see the time frame shortened and
feels the street improvements should be completed.

22 Commissioner Thompson asked the city attorney what he advises regarding and
liability issues. City Attorney, Brian Haws, stated the only part he would be concerned
24 with would be the ADA requirements that would need to be taken care of and are in the
first phase. He pointed out there are plenty of locations in the city operating without
26 sidewalk and we do need to get those in. Any liability to the city would be a stretch, but
there may be liability to the property owner.

28 Chairperson Call asked the commission what would be a reasonable time frame
they would consider. The improvements need to be done as soon as they can. The
30 commission understands things are going on with the Covid 19 and suggested perhaps a
three-year time frame and then evaluate them on the progress made.

32 Commissioner Kallas commented that \$150,000 is not huge amount for a
commercial investment. Personally, he thinks the improvements should be completed
34 within two years as it just shouldn't take that long. Commissioner Thompson stated he
would be comfortable with two years for everything.

36 Mr. Florence suggested the option of two years and then they could come back
with a progress report and ask for an extension due to a possible covid resurgence and
38 recession and with an option to amend things if needed; the ordinance allows for a
phasing plan.

40 Chairperson Call stated that we need to look at what Covid 19 has done to small
business owners and at least give an option to come back in two years and to work with
42 the applicant. Mr. Florence said another option would be to bond for the curb gutter
sidewalk and lighting.

44 Krishelle Travis asked Mr. Florence if there are certain time frames in the code to
comply with. It is her understanding that the phasing was based on the code and if this
46 phasing plan is adopted, they would have had two years to complete the phases but
couldn't exceed six years. Mr. Florence confirmed that statement and read the code. Mr.
48 Florence then read comments off Facebook live at this time.

2 Applicant, Kelli Podikowski commented they want to get this done as fast as
possible, and if not for the Covid 19 virus three years would have been fine, but four
4 years would be safer; they want to be able to afford to do it all. They don't want to extend
it and the plan is, as long as they have the finances in place, they will get it done and they
6 hope to bounce back when the Covid restrictions are lifted and the city opens up.

Chairperson Call stated she is empathetic of the situation but feels like there needs
8 to be a shorter time frame and then amend it if need be so there is a definite end in sight.

Ms. Podikowski added they don't know what is going to happen with Covid, and
10 they understand the Commission has their job to do, but we can't see the future and they
had to use up their reserves because of the shut down due to the virus.

12 Krishelle Travis explained the reason it has taken so long with the time constraint
is they have been working out the compliance issues with the building official and it has
14 taken time back and forth. And this would allow them the time to save the money as to
not have to ask for the extension. No one was able to forecast the Covid 19 pandemic and
16 it has put a wrench in that; this is the situation they are in. She would offer a compromise
to agree to a time frame of 2 ½ years from this approval with an option to extend 12
18 months based on recovery and income flow to the business. And also, that the extension
would be based on financial restrictions.

20 Chairperson Call stated she does not want to set a time frame on an extension.
Commissioner Kallas suggested a 2-year timeframe and then come back for review for a
22 possible extension. Chairperson Call feels the commission would consider the
circumstances for an extension. Chairperson Call asked the commissioners if they would
24 consider if the 4 phases are finished within first 2 years and have the owners come back
and then consider an extension. Commissioner Thompson stated that sounds reasonable
26 with phase one being done immediately.

The applicant, Mike Podikowski commented he feels they could do all four
28 phases in two years as finances will allow. He explained part of the reason for the delay is
the new zone overlay created which was a process that has taken some time. They have
30 been seeking to get this done since they moved in. They are trying to meet all
requirements because their property is straddling the commercial and residential zones
32 and that is why it is a complicated issue. He feels that everything said here tonight seems
reasonable. The reason they structured this way is because of the 6-year phased language
34 in the code/ordinance. If they put in the 6-year figure from when they started that would
give three additional years which he feels isn't unreasonable because of the Covid 19
36 pandemic. He pointed out they don't have any classes right now and are hoping by the
fall it will pick up unless there is a second wave of Covid in the fall. So, within two to
38 three years they realistically should be done, and they want it done as soon as possible.
He also agrees it is a good idea to coordinate with the Lindon City Edge to do the
40 sidewalk etc. at the same time and they are seeking a bid. Ms. Podikowski added they are
ready to go as soon as possible and are just waiting for bids and approvals.

42 Chairperson Call commented she certainly hopes things can improve in a timely
manner and they understand this is a very difficult situation.

44 Krishelle Travis also mentioned there is a deed that needs to be exchanged and
executed prior to them being able to implement the plan. Mike Florence stated he is
46 aware of the deed and the City Engineer has the deed that needs to be recorded.

48 Commissioner Kallas asked what the code says about separation to the west and
this property and if there should be a block wall as it appears the existing wall is vinyl.

2 Mr. Florence stated the code doesn't say anything about the fencing and they are not
required to do fencing.

4 Commissioner Tribe suggested, because she has been a small business owner, and
she appreciates the complexities and challenges with revenues etc. Due to the virus, you
6 cannot social distance with their business and would be a unique function of what they
are offering. She would like this to be wrapped up by December of 2022 (2 1/2 years).
8 She pointed out that small businesses are such an important backbone to our city and
country and feels we need to support them in what they are doing for the community.

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

12

14 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR SITE PLAN APPROVAL WITH THE FOLLOWING CONDITIONS:
16 1. SITE PLAN APPROVAL IS CONTINGENT UPON ZONE MAP AMENDMENT
APPROVAL FROM THE LINDON CITY COUNCIL TO REZONE THE PROPERTY
18 TO THE RESIDENTIAL BUSINESS DISTRICT OVERLAY ZONE (RBO); 2. THE
PLANS WILL MEET RELEVANT SPECIFICATIONS AS FOUND IN THE LINDON
CITY DEVELOPMENT MANUAL; 3. THE APPLICANT WILL COMPLY WITH
20 ALL BONDING REQUIREMENTS; 4. THE APPLICANT WILL ENSURE THAT
CUSTOMERS FOLLOW THE PROPOSED PICK UP AND DROP OF
22 REQUIREMENTS AS EXPLAINED IN THE STAFF REPORT; 5. THE APPLICANT
WILL OBTAIN A BUILDING PERMIT AND MEET COMMERCIAL BUILDING
24 REQUIREMENTS FOR THE PRIMARY STRUCTURE ON THE PROPERTY; 6. THE
BUSINESS WILL COMPLY WITH THE MAXIMUM OCCUPANCY
26 REQUIREMENTS FOR THE PRIMARY STRUCTURE; 7. THE APPLICANT WILL
CONTINUALLY HOLD A BUSINESS LICENSE WITH LINDON CITY AND WILL
28 COMPLY WITH THE ADDITIONAL BUSINESS LICENSE REQUIREMENTS FOR
THE RBO ZONE; 8. THE APPLICANT WILL HAVE ALL IMPROVEMENTS IN BY
30 DECEMBER 31, 2022; AND 9. ALL ITEMS OF THE STAFF REPORT.

32 COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

34 CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
36 COMMISSIONER JOHNSON	AYE
COMMISSIONER THOMPSON	AYE
38 COMMISSIONER SCHAUERS	AYE
COMMISSIONER TRIBE	AYE

40 THE MOTION CARRIED UNANIMOUSLY.

42 6. **Public Hearing:** Ordinance amendment to Title 17.76 Planned Residential
Development Overlay Zone.

44

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

48

2 Mr. Florence stated this item will need to be continued as several individuals have
requested this be forwarded to a future meeting as they want to add comment in a face to
4 face public hearing. He noted these individuals have no issues against the ordinance or
specific code section. Mr. Florence noted he spent 2 hrs. in a meeting with Mr. Southard
6 going through the ordinance, but not one property owner contacted him. Chairperson Call
stated she does not want to see this ordinance crafted to accommodate one property
8 owner. Mr. Florence stated this cannot go to the city council until the May 18th meeting.

Mr. Florence then went over the summary of changes in the ordinance from the
10 feedback from the planning commission at the last meeting as follows:

- 17.76.030 –
 - o Allow triplexes as a building type;
 - o Increase the single-family lot square footage from 4,000 to 5,000 square feet.
Ivory development is approved for 5,000 square foot lots and the homes that they
14 are building are approximately 2,000 sq. ft;
 - o Clarify subdivision language;
 - o Require that building permits and construction commenced for at least 25% of
18 the approved commercial square footage prior to releasing building permits for
residential construction.
- 17.76.080(7) – clarification that setbacks are measured from the property line.
- 17.76.080(9) - Staff did not change the seven-foot fence requirement but made it a
22 minimum seven-foot requirement. Staff did call a number of pre-cast fencing companies
and the ones that staff called do not make a seven-foot pre-cast fence. However, the
24 ordinance would allow a developer to do a block fence at seven feet.
- 17.76.080(10)(i) – added that accent elements such as trellises, arches, arbors, columns,
26 or low monument features shall be used to demarcate entrances to the development,
common open spaces and paseos. Alternative accent elements may be approved by the
28 land use authority. See example below.
- 17.76.080(11) – clarified that homeowners associations and housing units are to control
30 lighting instead of apartments.
- 17.76.080(12) – the two-car garage requirement was reduced to 65% from the
32 discussion at the last planning commission meeting.
- 17.76.080(12) – staff has studied the issue of guest parking and felt like the requirement
34 of allowing 75% of the visitor parking on driveways was too high. Staff looked at the
following example:
 - o 74 units requires 185 parking stalls (2.5 stalls per unit). The current code
36 requires 2.0 stalls per unit and .5 guest stalls per unit. 148 stalls for the units and
38 37 guest stalls
 - o 37 guest stalls with 75% allowed on the driveway leaves only 10 guest stalls not
40 parked on a driveway. Staff recommends reducing that to 50% which would
require 18 guest stalls not on driveways for 74 units. This is a 4 unit to 1stall ratio
42 which is then similar to other developments such as Anderson Farms.
- 17.76.080(20) – requires, to the extent possible, that developments make at least one
44 pedestrian access connection to a public street right-of-way.
- 17.76.080(22) – requires access to be identified on the site plan and subdivision plans.
46 New public streets shall follow the Lindon City Streets Master Plan Map. Projects may
be accessed through existing of new commercial uses when appropriate easements or

2 land is secured for access. Proposed developments shall not remove existing single-
family homes for access connections to adjacent neighborhoods.

4 Mr. Florence stated we need to ensure the ordinance both transitions properly
from commercial uses to low-density single family and creates the type of development
6 envisioned for Lindon. Regarding the 5,000 square foot lot size, another option for the
city would be to allow a maximum density for single family but consider a “cluster” type
8 development around open space similar to Daybreak. Mr. Florence noted he did not have
sufficient time to research this approach so it is not identified in the ordinance. He
10 pointed out for the draft ordinance, the items in “red” are the changes discussed at the
April 14th meeting. The items in “blue” are updates since the last meeting.

12 Mr. Florence then read public comments from Facebook live at this time
including the following comments on the following items:

- 14 • Noticing
- Parking ratio requirements
- 16 • Where this will be permitted
- If this is only tied to commercial
- 18 • This seems like it would be a huge change for Lindon
- Should land owners be notified
- 20 • This is a far-reaching ordinance and needs public input

22 Chairperson Call asked who was noticed as it is important the neighbors are
noticed and they can have the opportunity to provide input. Mr. Florence said it was
24 noticed on the state and city website and in the newspaper. Due to Covid we have signs
posted referencing to go those avenues; he personally sent invites out also.

26 Mr. Florence noted staff was approached by the developer of the Norton Property
and they asked if the city would consider allowing live/work townhome units on State
28 Street since they would have a commercial component and added to the ordinance as
well. He noted he would prefer they come back to the Commission with their concept
30 plan for discussion. The Commission was in agreement they would need to see the
concept plan to know more information. Mr. Florence stated he will advise them to come
32 back to the Commission with a concept plan for review and consideration.

34 There was then some general discussion by the Commission regarding the
ordinance changes made agreeing they are reflective of the last conversation. Following
discussion, the Commission was in agreement this item should be continued until the
36 time we can have a public meeting in person so those impacted can make comment and
express their concerns and to allow staff the time to make any additional changes.

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

40
42 COMMISSIONER KALLAS MOVED TO CONTINUE THE PUBLIC
HEARING UNTIL A FUTURE DATE SO THE COMMISSION CAN MEET IN
PERSON IN A PUBLIC MEETING TO ALLOW PUBLIC INPUT TO BE HEARD.
44 COMMISSIONER THOMPSON SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

46 CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
48 COMMISSIONER KALLAS	AYE

2 COMMISSIONER JOHNSON AYE
COMMISSIONER THOMPSON AYE
4 COMMISSIONER SCHAUERS AYE
COMMISSIONER TRIBE AYE
6 THE MOTION CARRIED UNANIMOUSLY.

8 7. **Public Hearing:** Ordinance amendment to Title 17.62 Flood Damage Prevention
ordinance and adopting pending FEMA Flood Insurance Study and Flood
10 Insurance Rate Maps.

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

16 Mr. Florence led this discussion item by explaining the National Flood Insurance
Program (NFIP) is a voluntary program that cities elect to participate in and is
18 administered by the Federal Emergency Management Agency (FEMA). According the
NFIP website: the NFIP program aims to reduce the impact of flooding on private and
20 public structures. It does so by providing affordable insurance to property owners, renters
and businesses and by encouraging communities to adopt and enforce floodplain
22 management regulations.

Mr. Florence noted these efforts help mitigate the effects of flooding on new and
24 improved structures. Overall, the program reduces the socio-economic impact of disasters
by promoting the purchase and retention of general risk insurance, but also of flood
26 insurance. FEMA has recently updated their Flood Insurance Study and Flood Insurance
Rate Map for Utah County and incorporated areas, such as Lindon. The study and maps
28 become effective on June 19, 2020. Before this date and to remain in the NFIP program,
Lindon City is required to update its Flood Damage Prevention ordinance to meet the
30 minimum program requirements and recognize the newest studies and maps published by
FEMA.

32 Mr. Florence noted this ordinance affects only those locations in Special Flood
Hazard Areas or areas that the Lindon or another agency has studied and know of
34 potential flooding risks. The Utah Division of Emergency Management provided two
model ordinances for communities to follow. One ordinance was similar to Lindon's
36 current minimum standards ordinance and the other was a higher standard ordinance.

Mr. Florence explained as the city planning director and engineer evaluated the
38 two ordinances and they felt the higher standards ordinance outlined review processes
better, provided more definitions, and suggested design standards that should be
40 considered when building structures in a Special Flood Hazard Area. City staff did not
include all of the higher standards in the model ordinance, only those that could be
42 reasonably applied to Lindon's specific circumstances.

44 **Mr. Florence noted the ordinance update adds the new sections to the code required
by FEMA as follows:**

- 46
- Stop work order process for a property owner who builds in a floodplain without obtaining a Floodplain Development Permit; See 17.62.160

- 2 • Penalties section for constructing, locating, extending, converting or altering a
4 building in the floodplain without obtaining a Floodplain Development Permit;
See 17.62.170
- 6 • Perquisite requirements for when the Board of Adjustment can grant a variance.
See 17.62.220
- 8 • Requiring notice to adjacent communities, Utah Division of Water Resources, and
FEMA prior to altering or relocating a watercourse that requires a State of Utah
permit; See 17.62.240
- 10 • New manufactured homes are required to be installed using methods and practices
12 that minimize flood damage and sets forth minimum construction requirements.
See 17.62.270(7)
- 14 • Recreational vehicles being used for habitation can only be onsite for two weeks
within a six-month period. This is consistent with Lindon City Code 17.64.020.
See 17.62.270 (8)
- 16 • An enclosure is an enclosed walled-in area below the lowest floor of an elevated
18 building and are used for building access, parking and storage. An example would
be a parking garage. See 17.62.207(9)
- 20 • Shallow flooding areas are locations with one to three feet of flooding where a
22 known channel doesn't exist and that are unpredictable. The ordinance requires
specific construction requirements for Flood Zones AO and AH. Lindon City
24 currently does not have these two zones. However, City staff felt that if FEMA
ever adopted these zones in the City then Lindon would already be prepared with
ordinance. See 17.62.280

26 **The Utah Division of Emergency Management has recommended that Utah**
 28 **communities consider adopting a number of “higher standards” then what is**
 typically required by the Flood Damage Prevention ordinance. Below is a list of
 those recommendations:

- 30 • 17.62.040 add additional definitions which makes the code easier to use in order
to find how a term in the ordinance is defined. Staff have reviewed each of
definitions in the ordinance update.
- 32 • Best Available Data is existing flood data information that the community has that
34 may not be on the flood Insurance Rate Map. These are areas that have been
studied by other agencies, the State or Community and are known to be flood
hazard areas. The higher standard allows communities to apply the Flood Damage
36 Prevention ordinance to these areas. See 17.62.040 and 17.62.060;
- 38 • Freeboard is a factor of safety that is expressed in feet above the flood level. For
example, in ordinance 17.62.270 city staff are recommending a one-foot
40 freeboard requirement above the Base Flood Elevation. The Utah Division of
Emergency Management recommends, at a minimum, the City adopt the one-foot
Freeboard Requirement among all of the higher standards; 17.62.070 states that
42 land annexed into Lindon would be regulated by the City's floodplain ordinance;
- 44 • 17.62.190 adds to the responsibilities of the floodplain administrator with the
following requirements.
- 46 • Sections 11 and 12 don't apply unless FEMA designates floodplain zones A-30,
AE or AH. Staff feels like these sections should be added through in case FEMA
ever does come back and designate these areas in Lindon;

- 2 • Section 13 allows the floodplain administrator to require an encroachment
4 analysis when a floodway has not been designated by FEMA but is reasonably
believed to cause an adverse impact. The encroachment analysis will create a
baseline of existing conditions and determine potential impacts;
- 6 • Section 14 allows for inspections;
 - 8 ○ Section 15 allows for Best Available Data to be used if there is an area not
designated on a floodplain map and has been studied that there are floodplain
issues;
 - 10 ○ Section 16 allows the floodplain administrator to require FEMA map revisions
if a project is reasonably believed to cause adverse impacts;
 - 12 ○ Section 17 if fill is placed in a Special Flood Hazard Area that it should not
result in any net loss of natural floodplain storage or increase in water surface
14 elevations during the base flood.
- 16 • 17.62.210 allows for the City to request floodplain elevation certificates during
construction phases to ensure that structures are constructed to the correct
elevation when built in a Special Flood Hazard Area;
- 18 • 17.62.220 does not allow for a variance to reduce the one-foot Freeboard
requirement;
- 20 • 17.62.250 requires that if structures located in a Special Flood Hazard Area makes
substantial improvements to a structure or a structure is damaged up to 50% of the
22 market value then the structure needs to meet the Flood Damage Prevention
ordinance. The thought in this is that if additions or repairs exceed 50% of the
24 market value of the structure then it should be brought up to code. This would
limit property owners from making significant additions to their home or restoring
26 a home if damaged 50% or greater in a flood event;
- 28 • 17.62.270(3) – requires to the extent practicable that non-residential structures,
walkways, driveways, and roadways be located not less than the Base Flood
Elevation and with dry land access. This requirement ensures that property
30 owners can safely leave their property and emergency personnel can access the
property as well.;
- 32 • 17.62.270(4) allows for wetproofing of commercial, industrial and non-residential
structures. Wetproofing is a design of flood resistant materials and allows for
34 automatic entry and exit of flood waters through the use of opening. Building
also need to properly anchored to resist floatation;
- 36 • 17.62.270(5) requires an agreement with the city that if a structure is wetproofed
it won't be later converted to residential use;
- 38 • 17.62.270(6) allows for a residential or commercial crawlspace if it meets FEMA
regulations and standards set out in the ordinance;
- 40 • 17.62.270(10) sets requirements for accessory structures that are constructed in
specific floodplain zones

42
44 Mr. Florence then presented the Pending Flood Insurance Rate Map sections for
Lindon City, the Draft Flood Damage Prevention Ordinance and the Draft Flood Damage
Prevention Ordinance with “redline” changes followed by discussion. He noted the
46 Commission will be making a recommendation to the City Council. He added the City
Engineer will be in attendance to answer any questions at that time.

2 Brian Haws, City Attorney, stated he has reviewed the ordinance and it is
3 consistent with what our sister cities are doing as well. He commented that Mr. Florence
4 has done a lot of hard work and has done a great job in drafting this ordinance.

5 Following some additional discussion, the Commission thanked Mr. Florence for
6 his hard work on the plan and ordinance and were in agreement to recommend approval
7 of the ordinance to the City Council.

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

10
11 COMMISSIONER THOMPSON MOVED TO CLOSE THE PUBLIC HEARING.
12 COMMISSIONER SCHAUERS SECONDED THE MOTION. ALL PRESENT VOTED
13 IN FAVOR. THE MOTION CARRIED.

14
15 Chairperson Call called for any further comments or discussion from the
16 Commission. Hearing none she called for a motion.

17
18 COMMISSIONER THOMPSON MOVED TO RECOMMEND TO THE CITY
19 COUNCIL APPROVAL OF ORDINANCE AMENDMENT 2020-7-O AS
20 PRESENTED. COMMISSIONER TRIBE SECONDED THE MOTION. THE VOTE
21 WAS RECORDED AS FOLLOWS:

22 CHAIRPERSON CALL	AYE
23 COMMISSIONER MARCHBANKS	AYE
24 COMMISSIONER KALLAS	AYE
25 COMMISSIONER JOHNSON	AYE
26 COMMISSIONER THOMPSON	AYE
27 COMMISSIONER SCHAUERS	AYE
28 COMMISSIONER TRIBE	AYE

29 THE MOTION CARRIED UNANIMOUSLY.

- 30
31 8. **New Business: Reports by Commissioners** – Chairperson Call called for any
32 new business or reports from the Commissioners.

33
34 Chairperson Call mentioned the Public Works Director, Brad Jorgensen, has
35 resigned and has accepted a position at the Provo River Water Users Association. Noah
36 Gordon, City Engineer, is acting as the temporary Public Works Director and they will be
37 conducting interviews to fill the vacant position soon.

38
39 Chairperson Call called for any further comments or discussion from the
40 commission, hearing none she moved on to the next agenda item.

- 41 9. **Planning Director Report** –
42 • General City updates.

43
44 Chairperson Call called for any further comments or discussion. Hearing none she
45 called for a motion to adjourn.

46
47 **ADJOURN** –
48

2 COMMISSIONER THOMPSON MADE A MOTION TO ADJOURN THE
MEETING AT 8:40 PM. COMMISSIONER KALLAS SECONDED THE MOTION.
4 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6 Approved – May 12, 2020

8

10 _____
Sharon Call, Chairperson

12

14 _____
Michael Florence, Planning Director

Item: 4 - Ordinance Amendment – ALX Family Health Lindon City Standard Land Use Table

<p>Date: May 12, 2020 Applicant: ALX Family Health, Blake Rapier Presenting Staff: Anders Bake</p> <p>Type of Decision: Legislative</p> <p>Council Action Required: Yes, the planning commission is the recommending body on this application.</p>	<p><u>MOTION</u> I move to recommend to (<i>approve, deny, continue</i>) ordinance amendment 2020-10-O (<i>as presented, with changes</i>).</p>
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Overview:

- Blake Rapier on behalf of ALX Family Health is proposing an amendment to Appendix A Standard Land Use Table to make “Medical, Dental, & Health Clinic Services / small outpatient type services” a permitted use in the Light Industrial zone.
- “Medical, Dental, & Health Clinic Services / small outpatient type services” are currently permitted in the Mixed Commercial, Research and Business, and General Commercial Zones. They are not permitted in the Residential, Recreational Mixed Use, Planned Commercial, and Industrial Zones.

Permitted Primary Uses	Residential	Mixed Rec.		Commercial							Industrial			R & B
		(R1-12, R1-20, R3)	RMU-W	RMU-E	PC-1	PC-2	CG	CG-A	CG-A8	CG-S	MC	HI	LI	
Medical, Dental, & Health Clinic Services / small, outpatient type services	N	N	N	N	N	P	P	P	P	P	N	P	P	P

- The applicant is proposing this amendment in order to receive a business license to operate his **Family health business at 245 South 1060 West in Lindon’s Light Industrial zone. The applicant has provided a business description that is attached to this report. (see exhibit 1)**

Staff Analysis:

- After reviewing the Standard Land Use Table, city staff has found that there are uses similar in impact to a medical, dental, or health clinic and permitted in the Light Industrial zone. These include professional office uses, massage therapy/personal care health spas, and veterinarian services. Staff feels that a medical, dental, or health clinic will not cause a negative impact on surrounding light industrial properties and that the uses permitted in the light industrial zone will not cause a negative impact to a clinics business or its customers. Staff recommends approving the proposed change to the Standard Land Use Table.

Exhibits

1. ALX Family Health Business Description
2. Map of ALX Family Health location
3. Lindon City Zoning Map

ALX Family Health.

We are a family clinic owned by family! We are a small clinic with just 2-3 medical providers. We will not be growing larger than this. We practice Family Medicine. I have been practicing since 2006. The other provider has been practicing since 1998.

We focus on taking care of the family's medical and health needs. We have had multiple practices and have learned how to streamline the business side of medicine but instead of lining a CEO's pockets we pass this on to the patient.

We take Medicare and Medicaid. We also have the lowest cash pay price around for those families with no insurance or with high deductible insurance plans.

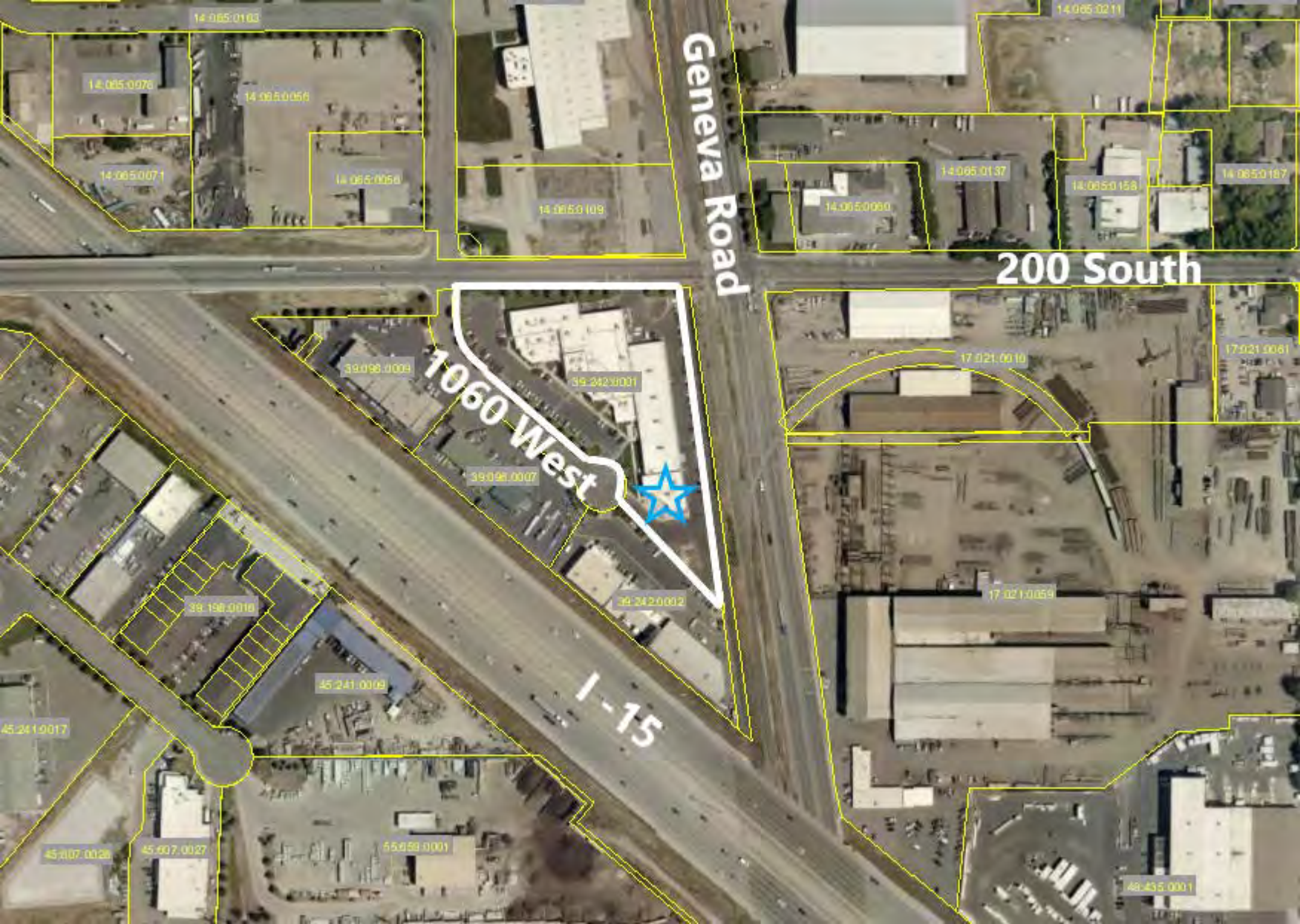
We also understand the times and offer telemedicine for a lower price than insurance companies charge for their own telemedicine services.

It is easy to lose sight of why one would get into medicine and thus we see many roadblocks for patients in health care. We remember we got into medicine for the patient and for people. We are removing the roadblocks and making sure families get the care they need.

We see, and take care of, pediatrics all the way through to geriatrics. This will all be on an outpatient basis. We will obviously be on call but office visits will be between 9am-5pm Monday through Friday. Only minor procedures will take place at the office. We do not deliver babies, but we do all other General Medical practices.

We will not store any pharmaceuticals onsite. All laboratory specimens are run off site through labcorp. There will be no onsite laboratory work.

We feel that we would add a great benefit to the Lindon area.



14-065-0103

14-065-0076

14-065-0056

14-065-0071

14-065-0056

14-065-109

14-065-0211

14-065-0137

14-065-0158

14-065-0187

14-065-0090

Geneva Road

200 South

1060 West

39-098-0009

39-242-0001

39-098-0007

39-242-0002

17-021-0010

17-021-0061

39-198-0018

45-241-0009

17-021-0059

I-15

45-241-0017

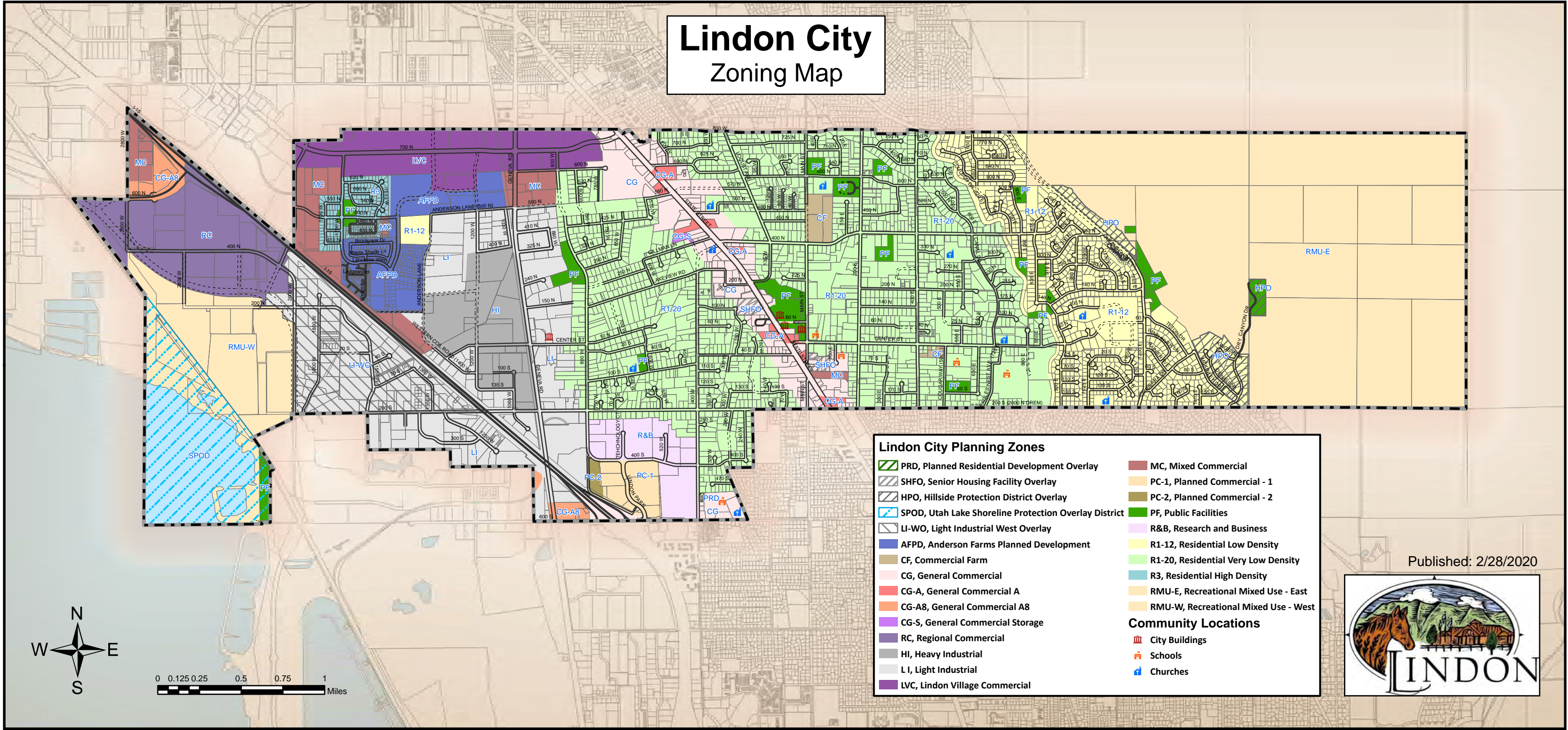
45-807-0028

45-607-0027

55-059-0001

48-435-0001

Lindon City Zoning Map



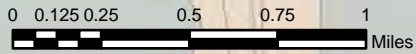
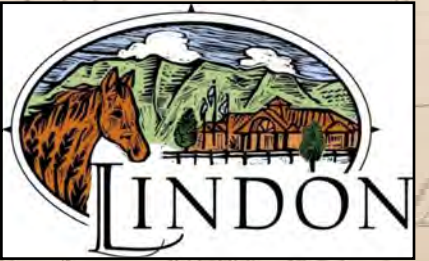
Lindon City Planning Zones

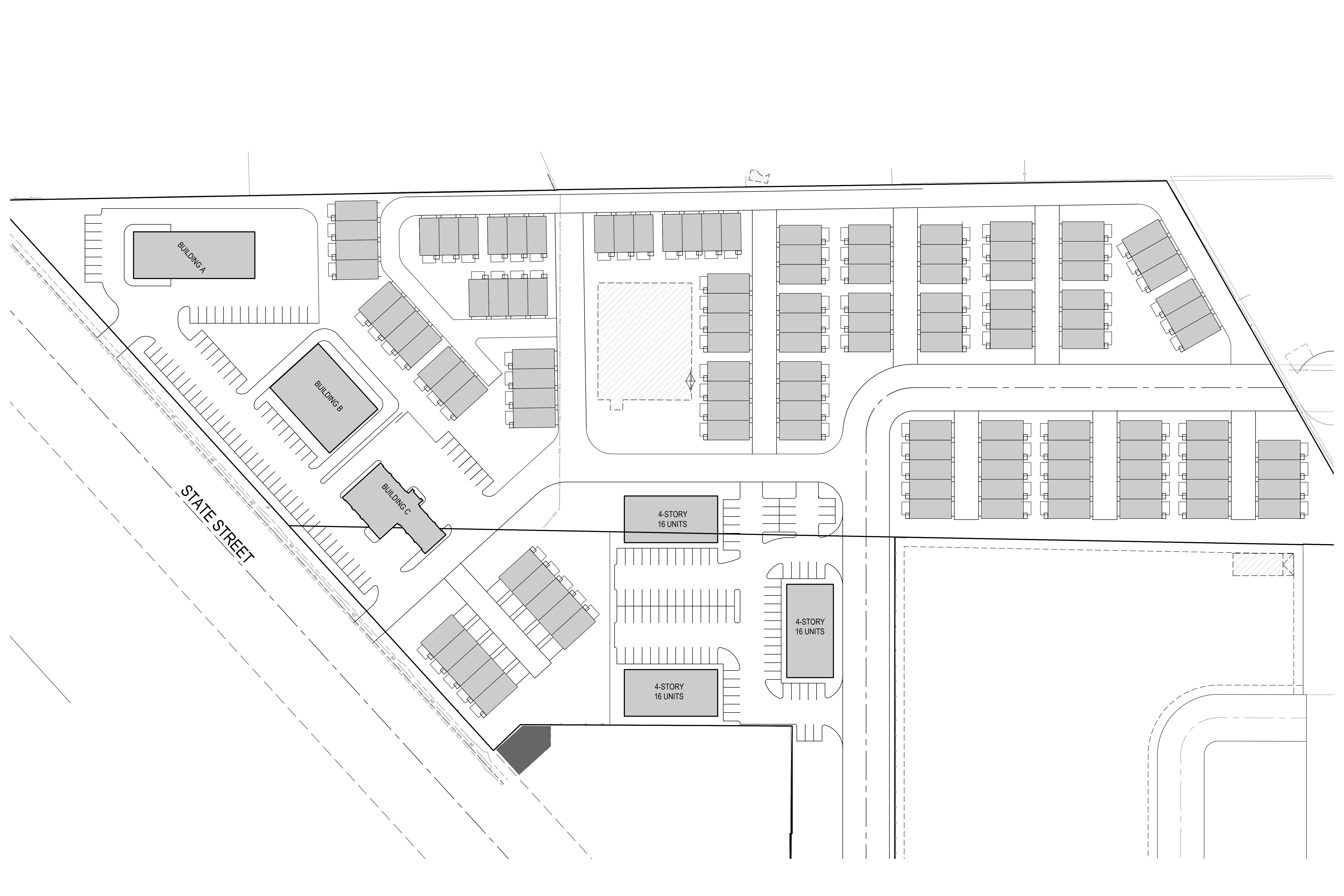
PRD, Planned Residential Development Overlay	MC, Mixed Commercial
SHFO, Senior Housing Facility Overlay	PC-1, Planned Commercial - 1
HPO, Hillside Protection District Overlay	PC-2, Planned Commercial - 2
SPOD, Utah Lake Shoreline Protection Overlay District	PF, Public Facilities
LI-WO, Light Industrial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

Community Locations

- City Buildings
- Schools
- Churches

Published: 2/28/2020







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CLIENT:
Steve Tobias

REVISIONS:

LINDON MIXED USE

LINDON, UT

PROJECT FILE:
DATE PLOTTED:
5/29/18
PROJECT MANAGER
B Prece

CONCEPT 5/29/18
CONCEPT PLAN

C100

