

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **January 12, 2016 beginning at 7:00 p.m.** at the Lindon City Center, City Council  
4 Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Sharon Call, Chairperson  
9 Invocation: Matt McDonald, Commissioner  
10 Pledge of Allegiance: Mike Marchbanks, Commissioner

12 <b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>
Sharon Call, Chairperson	Charlie Keller, Commissioner
14 Bob Wily, Commissioner	
Rob Kallas, Commissioner	
16 Matt McDonald, Commissioner	
Mike Marchbanks, Commissioner	
18 Hugh Van Wagenen, Planning Director	
Brandon Snyder, Associate Planner	
20 Kathy Moosman, City Recorder	

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

24 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of December 8,  
25 2015 were reviewed and the Joint Work Session meetings of 12/9/14, 1/30/15,  
26 4/14/15, 4/21/15, 5/26/15, and 12/8/15 were reviewed.

28 COMMISSIONER WILY MOVED TO APPROVE THE MINUTES OF THE  
29 REGULAR MEETING OF DECEMBER 8, 2015 AS PRESENTED. COMMISSIONER  
30 MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.  
31 THE MOTION CARRIED.

32 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE  
33 JOINT WORK SESSION MEETINGS OF 12/9/14, 1/30/15, 4/14/15, 4/21/15, 5/26/15,  
34 AND 12/8/15 AS PRESENTED. COMMISSIONER WILY SECONDED THE  
35 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38 3. **PUBLIC COMMENT** –

40 Chairperson Call called for comments from any audience member who wished to  
41 address any issue not listed as an agenda item. There were no public comments.

42 **CURRENT BUSINESS** –

44 4. **\*Continued Public Hearing** – *General Plan Land Use Map Amendment – MS*  
45 *Properties. This item is continued until the January 26, 2016 Planning Commission*  
46 *Meeting and will not be reviewed tonight.* The applicant is requesting a General Plan  
47 Land Use Map Amendment from Mixed Commercial to Industrial or Commercial to

Industrial on several parcels in the vicinity of Geneva Road, from approximately 400 South to 500 North.

Hugh Van Wagenen, Planning Director, stated this item has been continued until the January 26, 2016 Planning Commission Meeting and will not be reviewed tonight. He noted that although third party notices were mailed appropriately, a newspaper notice was not published in accordance with public hearing requirements and the applicant is considering including other properties not currently represented in the application.

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

COMMISSIONER MCDONALD MOVED TO CONTINUE THE GENERAL PLAN LAND USE MAP AMENDMENT (AGENDA ITEM #4) TO THE NEXT MEETING. COMMISSIONER WILY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER WILY	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER MCDONALD	AYE

THE MOTION CARRIED UNANIMOUSLY.

5. **\*Continued Site Plan:** *West Lindon Business Park, 730 North 2800 West. This item is continued until the January 26, 2016 Planning Commission Meeting and will not be reviewed tonight.* Ed Daley requests site plan approval for two office/warehouse buildings, 21,567 and 36,686 square feet respectively, located in the Mixed Commercial (MC) zone.

Mr. Van Wagenen stated this item is also continued until the January 26, 2016 Planning Commission Meeting and will not be reviewed tonight. He noted this will allow a subdivision request to be noticed and presented at the same time as the site plan application in addition to allowing the site plan to receive some minor modifications before it is presented to the Planning Commission.

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

COMMISSIONER KALLAS MOVED TO CONTINUE THE SITE PLAN FOR WEST LINDON BUSINESS PARK (AGENDA ITEM #5) UNTIL THE NEXT MEETING. COMMISSIONER MCDONALD SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER WILY	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER MCDONALD	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 2 6. **Conditional Use Permit** – *Adventure Academy Childcare, 442 North 400 East.*  
4 Sharae Wallentine requests approval of a conditional use permit (CUP) for child day  
care and preschool services in the Single Family Residential (R1-20) zone. The  
6 proposal will serve a maximum of 16 children.

8 Brandon Snyder, Associate Planner, led this discussion by giving a brief  
background of this agenda item. He explained that Sharae Wallentine is in attendance  
10 tonight to request approval of a conditional use permit (CUP) for child day care and  
preschool services in the Single Family Residential (R1-20) zone. Mr. Snyder noted the  
12 proposal will serve a maximum of 16 children. He then referenced an aerial photo of the  
property. He noted the residence is located at 442 North 400 East and has an unfinished  
14 basement. He then went through the findings of fact noting the residence is owner  
occupied and the home was constructed with a Lindon City building permit #1697 in  
2015. He noted the Lindon City Standard Land Use Table by Zone indicates that Child  
16 Day Care - 5 to 16 children (4 or less not regulated) requires a conditional use permit in  
the R1-20 zone. He mentioned that required third party public notices per Lindon City  
18 Code were mailed and no public comments have been received by staff at this time.

20 Mr. Snyder explained that Ms. Wallentine has been approved by the Utah  
Department of Health for a Family Child Care License. The license permits the licensee a  
22 total capacity of 16 children. The license also indicates that this number includes the  
provider's own children under the age of four; the applicant has two children, which  
neither is under the age of four. He noted Ms. Wallentine is also required to maintain the  
24 State license and is considering providing care for children between the ages of 3 months  
to 11 years old. Mr. Snyder further explained Ms. Wallentine's proposed site has already  
26 passed the Lindon City final fire inspection.

28 Mr. Snyder noted a Lindon City business license is required after Planning  
Commission approval of a Conditional Use Permit is given, but prior to providing child  
day care and is required to maintain it. Ms. Wallentine has already applied for a Lindon  
30 City home occupation business license. He noted a home occupation does allow for  
additional care givers that are required by the State. He added the intent of a home  
32 occupation is to be secondary to the residential use of the property.

34 Mr. Snyder went on to say that Utah State Code defines a conditional use as "a  
land use that, because of its unique characteristics or potential impact on the  
municipality, surrounding neighbors, or adjacent land uses, may not be compatible in  
36 some areas or may be compatible only if certain conditions are required that mitigate or  
eliminate the detrimental impacts." He further noted that Section 10-9a-507 of the Utah  
38 State Code requires municipalities to grant a conditional use permit "if reasonable  
conditions are proposed, or can be imposed, to mitigate the reasonably anticipated  
40 detrimental effects of the proposed use in accordance with applicable standards." Once  
granted, a conditional use permit runs with the land. State Code further provides that a  
42 conditional use permit application may be denied only if "the reasonably anticipated  
detrimental effects of a proposed conditional use cannot be substantially mitigated by the  
44 proposal or the imposition of reasonable conditions to achieve compliance with  
applicable standards."

46 He then referenced Lindon City Code Section 17.20.060 that provides that a  
conditional use may be denied when the following applies:

- Under circumstances of the particular case, the proposed use will be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity, and there is no practical means available to the applicant to effectively mitigate such detrimental effects;" or,
- The applicant cannot or does not give the Planning Commission reasonable assurance that conditions imposed incident to issuance of a conditional use permit will be complied with."

Ms. Wallentine addressed the Commission at this time. She stated they are licensed with the State for up to 16 children and plan to employ one to two part-time employees. She stated they have widened their driveway to accommodate their own vehicles along with employee and client vehicles. She pointed out that the road they live on is wider than most and it has enough space between the sidewalk and the road for clients to park and safely walk their children up to the house if the driveway is full. They can also fit up to five cars on the driveway at a time, not including their own vehicles.

Ms. Wallentine stated they will operate between the hours of 7:30 am to 5:30 pm with most drop offs occurring between the hours of 7:30 am to 10:00 am and pickups between 3:00 pm and 6:00 pm. They will be using their kitchen, family room, front room, three bedrooms for infant naps, bathrooms, upstairs loft and bedroom; not all of these spaces will be used at the same time. They are also in the process of building a back yard play facility. Commissioner McDonald stated this appears to be a pretty straightforward request. Chairperson Call agreed stating she had no further questions.

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

COMMISSIONER MCDONALD MOVED TO RECOMMEND APPROVAL OF THE APPLICANT'S REQUEST FOR A CONDITIONAL USE PERMIT TO PROVIDE CHILD DAY CARE AND PRESCHOOL SERVICES IN THE APPLICANT'S RESIDENCE LOCATED AT 442 NORTH 400 EAST IN THE SINGLE FAMILY RESIDENTIAL (R1-20) ZONE WITH NO ADDITIONAL CONDITIONS. COMMISSIONER WILY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER WILY	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER MCDONALD	AYE

THE MOTION CARRIED UNANIMOUSLY.

7. **Conditional Use Permit Modification** – *Avalon Senior Apartments, 179 North State Street.* Jeff Southard of Southhaven Homes requests a change to the timing of installation of the fencing requirement along the northern border of Avalon Senior Apartments adjacent to the vacant commercial lot owned by A Perfect Development. The request is to install fencing once it is known what type of development will be occurring on the vacant property.

2 Mr. Van Wagenen led this discussion by giving a brief background of this agenda  
item. He explained that Jeff Southard of Southhaven Homes is requesting a change to the  
4 timing of installation of the fencing requirement along the northern border of his property  
and adjacent to the vacant commercial piece to the north owned by A Perfect  
6 Development. This request is to install the fencing once it is known what type of  
development will be occurring on the vacant property. He noted when the SHFO zone  
8 was created, there was discussion on fencing requirements, and at that time, both the  
Commission and Council ultimately felt that such projects should be fenced around their  
10 entire perimeter, regardless of adjacent uses or zones.

Mr. Van Wagenen reminded the Commission that Mr. Southard recently received  
12 approval to modify the fencing code of the Senior Housing Facilities Zone to allow the  
Planning Commission the ability to approve exceptions to fencing requirements in this  
14 zone. He noted that senior housing projects are considered conditional uses and any  
modification of a conditional use needs to be approved by the Planning Commission.

16 Mr. Van Wagenen went on to say that one building of the Avalon Senior Housing  
project is nearly complete and they are finalizing the site improvements. Mr. Southard  
18 would like the fencing requirement along his north border adjacent to the vacant  
commercial property be delayed until it is known what will develop on the vacant  
20 property. If approved, the request would allow an appropriate type of fence to be installed  
that compliments both developments in the future with regards to type, material, color,  
22 etc. The Senior Housing Facilities Overlay code was recently modified to allow the  
Planning Commission to approve delayed timing of fence construction based on  
24 appropriate circumstances and Mr. Southard is asking that the Planning Commission  
exercise that ability in this instance (on the Avalon project, this would specifically apply  
26 to its northern border). Mr. Southard has indicated that he has spoken to Brigham  
Ashton, the owner of the adjacent commercial property to the north about delaying the  
28 installation of any fence and Mr. Ashton is in agreement with this request.

Mr. Van Wagenen then referenced the Avalon site plan showing the area in  
30 question and an aerial image of the requested affected area followed by discussion. He  
then turned the time over to Mr. Southard for comment.

32 Mr. Southard referenced the wall (fence) he put up along with Jared Osmond on  
his facility. He noted he walked the property with Mr. Ashton (within the last 6 weeks)  
34 who indicated since they don't know what they are developing on his property and since  
they don't know what will be developed there may require some type of retaining wall  
36 then it couldn't be put in near the property line after they have put in the 8 ft. fence. Mr.  
Southard stated that initially he didn't think he had to do the fence but in clarifying with  
38 staff the ordinance indicates he does have to put in the fence so that is why he has  
initiated this request. He noted they are asking for a delay in the timing based on  
40 whenever the adjacent property develops, which could be 5 months or 5 years, they just  
don't know. The type of fence that would go there is a possible issue also as there is  
42 wrought iron currently in place, but dependent on the use and what develops it may be  
they will want to install an 8 ft. wall. Mr. Southard pointed out they are not asking to  
44 push that burden on to whomever develops, but they are assuming there is way to record  
some type of document with the county so the public record shows whose burden it is so  
46 it doesn't shift to someone else.

2 Mr. Van Wagenen stated more than likely recording a document (notice  
document) with approval from the city may be an option to make it clear in the future.  
4 Commissioner Kallas commented when this issue was reviewed before he was  
uncomfortable with changing the ordinance to accommodate this request, however, he  
6 liked what the Commission did by changing the ordinance as to delay it. Personally he  
doesn't have a problem with delaying it but he feels when it is developed and there  
8 should be a recorded agreement that states it needs to come before the Commission to  
determine what kind of fence will be put in; he is comfortable with that provision.

10 Chairperson Call agreed stating the Commission talked about that at the last  
meeting and she would like to have some kind of an approval process when the fence is  
12 put in and there should be some kind of documentation stating it is the property owner's  
responsibility. Commissioner Wily suggested it would be good to have a letter from  
14 Brigham Ashton stating he is in agreement so there is something official on record at the  
city. Mr. Southard stated he believed Mr. Ashton was noticed about the public meeting  
16 but he will ask for something in writing. Commissioner Wily thinks it would be  
beneficial and in both parties best interest to have a letter on file.

18 Chairperson Call asked if this is authorizing a delay and if it should come back  
before this body for approval before the fencing is put in. Commissioner Kallas  
20 questioned if the property goes undeveloped for 10 years and then there is a desire to  
build something different than what the ordinance allows would he be required to come  
22 back before this body. Mr. Southard agreed that makes sense but only if the fence doesn't  
meet the ordinance and noted that seems to be reasonable.

24 Mr. Van Wagenen confirmed that the current ordinance requires a site obscuring  
fence. Chairperson Call questioned if they approve the delay with a conditional use  
26 permit with a waiver what conditions would need to be imposed other than the  
documentation agreement with Brigham Ashton. Commissioner McDonald stated, for  
28 clarification, he went back to the prior minutes that stated Mr. Van Wagenen asked Mr.  
Southard to obtain a statement in writing from Mr. Ashton verifying that the adjacent  
30 property owner is not being impacted; he feels this would be a good condition to include  
in the motion. Mr. Southard would suggest having the letter from Mr. Ashton and also  
32 something recorded on his property so there are two different documents in place.

Mr. Van Wagenen stated a notice recorded on the Avalon property that states at  
34 the time when the property to the north is developed there will be a fence  
required/installed would be beneficial; he will work with Mr. Southard on the language  
36 but that is the intent. Commissioner Wily asked if it will be filed on both properties so  
both are aware so there will be a paper trail. Mr. Van Wagenen confirmed that statement.

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

40  
42 COMMISSIONER WILY MOVED TO RECOMMEND APPROVAL OF THE  
APPLICANT'S REQUEST FOR A CONDITIONAL USE PERMIT MODIFICATION  
44 FOR AVALON SENIOR APARTMENTS LOCATED AT 179 NORTH STATE  
STREET WITH THE FOLLOWING CONDITIONS 1. THE APPLICANT PROVIDE A  
46 LETTER TO THE CITY FROM THE PROPERTY OWNER TO THE NORTH  
AGREEING TO THE FENCING REQUIREMENT DELAY AND 2. A NOTICE BE  
PREPARED BY STAFF AND FILED ON BOTH THE APPLICANT'S PROPERTY  
48 AND THE PROPERTY TO THE NORTH INDICATING THAT THE OBLIGATION

2 OF BUILDING THE FENCE (WHENEVER IT IS BUILT) BELONGS TO THE  
3 APPLICANT OR HIS SUCCESSOR. COMMISSIONER MARCHBANKS  
4 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL AYE

6 COMMISSIONER WILY AYE

COMMISSIONER KALLAS AYE

8 COMMISSIONER MARCHBANKS AYE

COMMISSIONER MCDONALD AYE

10 THE MOTION CARRIED UNANIMOUSLY.

12 8. **Site Plan** – *Children’s Corner Pediatric Dental and Taylor Orthodontics, 195 North*  
13 *State Street.* Rob Taylor requests site plan approval for an office building to be  
14 located at 195 North State Street in the General Commercial (CG) zone.

16 Mr. Snyder led this discussion by giving a brief background of this agenda item.  
17 He explained that Rob Taylor (who is attendance) is requesting site plan approval for an  
18 office building to be located at 195 North State Street in the General Commercial (CG)  
19 zone. He noted Mr. Taylor is proposing to construct a 12,000 square foot two story office  
20 building on the lot located at 195 N. State Street; the building will have 6,000 square feet  
21 per level. The structure will include two suites used for orthodontic and pediatric dental  
22 services, which are both permitted uses in the General Commercial (CG) zone. The site’s  
23 main access and parking lot (19 stalls) will be off of State Street. Additional parking (8  
24 stalls) is provided off of 200 North to the west of the building, by way of a recorded  
25 shared parking lot agreement.

26 Mr. Snyder explained that the intent of the General Commercial (CG) zone is to  
27 provide areas within the City where commercial and service uses may be located (LCC  
28 Section 17.48.010 General Provisions) and site plan review is required for all new  
29 development within a non-residential zone per Lindon City code Section 17.17.110. Mr.  
30 Snyder noted that the planning staff, the city engineer and the applicant are working  
31 through the technical issues related to the site and city staff will ensure that all issues are  
32 resolved before final engineering approval is granted. He noted that a third party notice  
33 was provided on December 29, 2015 to the adjoining property owners in accordance with  
34 Lindon City Code and staff has received no written public comment at this time.

35 Mr. Snyder further explained that the CG Zone requires that a landscaped strip  
36 twenty (20) feet in width shall be planted with grass along all public street frontages. The  
37 landscaping plan complies with these and all other landscaping requirements except the  
38 berming noted below. The noted the CG zone requires landscaped berms within the  
39 required landscaped strips along public street frontages and unless otherwise approved by  
40 the Planning Commission, the landscaped berm shall be at least three (3) feet high along  
41 all public street frontages. He added that the landscaping requirements concerning  
42 berming can be changed and/or altered upon approval of the Planning Commission at the  
43 site plan review stage of an application. He noted that Mr. Southard (adjacent property  
44 owner) is requesting there be no berm along 200 North due to the topography and  
45 existing meandering sidewalk. He is also proposing retaining walls near the building and  
46 parking lot along 200 North.

47 Mr. Snyder mentioned that Lindon City code requires that the architectural  
48 character, street scape, site design and other amenities in the CG zone be consistent with

2 the Lindon City Commercial Design Guidelines and all sides of the buildings shall  
receive design consideration consistent with the Commercial Design Guidelines. He  
4 noted the building exterior is to be brick with trim and accents in stucco and aluminum  
and this proposal complies with the Commercial Design Guidelines. Mr. Snyder then  
6 referenced for discussion the site plan, landscaping plan, elevations and the colored  
rendering. He then turned the time over to Mr. Taylor for comment.

8 Commissioner Kallas asked if the parking agreement is perpetual. Mr. Taylor  
confirmed that statement stating it is an easement. Commissioner McDonald asked if the  
10 entrance is in the back. Mr. Taylor confirmed that statement. Chairperson Call asked how  
many offices they plan to occupy at the location. Mr. Taylor stated there are two suites  
12 (2,500 sq. ft. each). Chairperson Call stated she has no further questions at this time and  
thinks this will be a very nice addition to the city. Commissioner Marchbanks agreed  
14 stating this looks great to him. Commissioner Wily commented that he agrees this looks  
beautiful and will be a nice addition. Chairperson Call stated she has no problem with the  
16 berming issue adding that it should be included as a condition in the motion. Chairperson  
Call directed the applicant to work the technical issues out with staff. Mr. Taylor  
18 confirmed they will work with city staff and noted they are hoping to start in the spring.  
He then thanked the Commission for their time and consideration in this matter.

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

22  
COMMISSIONER MARCHBANKS MOVED TO APPROVE THE  
24 APPLICANT'S REQUEST FOR SITE PLAN APPROVAL WITH THE NOTATION  
THAT THE BERM REQUIREMENT BE WAIVED. COMMISSIONER MCDONALD  
26 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL AYE

28 COMMISSIONER WILY AYE

COMMISSIONER KALLAS AYE

30 COMMISSIONER MARCHBANKS AYE

COMMISSIONER MCDONALD AYE

32 THE MOTION CARRIED UNANIMOUSLY.

34 9. **Discussion Item/Work Session** – *Ivory Development Anderson Farms*. The  
Planning Commission will discuss various aspects of the proposed Master  
36 Development Agreement between Lindon City and Ivory Development (Ivory  
Homes) and associated concept plans for the Anderson Farms residential  
38 development. This is a discussion item and work session for Commission members.  
No public comment will be taken at this time. Future public meetings will be held on  
40 this item in which public comment will be taken.

42 Mr. Van Wagenen led this discussion by stating this is an opportunity for the  
Planning Commission to discuss the Anderson Farms Master Planned Community as  
44 proposed by Ivory Development. He noted this is a discussion item, not a public hearing,  
so no public comment and no action will be taken by the Commission regarding the Ivory  
46 project tonight. He noted there will be future public hearings held where the public will  
be able to comment on the application/project.

2 Mr. Van Wagenen then gave some background noting the project encompasses  
about 137 acres with single family homes, townhomes, active adult homes, apartments  
4 and a regional park. In total, approximately 921 units are planned for the community.  
Total build out would take about 10 years. Over a year ago, Ivory Development  
6 approached the City regarding a master planned residential community west of Geneva  
Road, adjacent to the Creekside community, on the Anderson Dairy Farm. Since that  
8 time, there have been numerous work sessions with Ivory Development, City Staff, the  
Planning Commission and City Council to review and comment on a concept plan  
10 developed by Ivory Development. There was also a public open house earlier this year in  
which Ivory Development presented the concept to the Creekside neighborhood. He then  
12 referenced the latest exhibits for the draft development agreement for the project. Mr.  
Van Wagenen also referenced the table showing the meetings including dates and  
14 locations.

Mr. Van Wagenen explained tonight the Planning Commission will be discussing  
16 the various aspects of the proposed Master Development Agreement between Lindon  
City and Ivory Development (Ivory Homes) and associated concept plans for the  
18 Anderson Farms residential development. He further explained this discussion was  
spurred by the City Council's desire to discuss the project without being "presented to"  
20 with no time limit and no public input etc., with the desire to just have a discussion and  
get everything out on the table; the Council wanted the Commission to have the same  
22 opportunity. He noted there will be no direction from staff on what to discuss, but they  
would encourage the Commission to discuss and converse on issues they would like to  
24 cover with no interruptions with no decisions being made. Mr. Van Wagenen noted that  
Ken Watson with Ivory Development is in attendance to listen and to get a feel for what  
26 they are thinking about on the project and noted staff is also available to answer any  
questions. He re-iterated there will be no public comment. Mr. Van Wagenen mentioned  
28 the Commission may want to discuss some target issues such as single family doors,  
traffic, parking, and buffering to the industrial. He then turned the time over to the  
30 Commission for discussion.

Commissioner Kallas commented that the plan changed a little from the last  
32 session with the commercial (off of 700 North) being expanded deeper into the project.  
He asked Mr. Van Wagenen to expand on the development of that request and explain  
34 what the thinking is on that issue. Mr. Van Wagenen pulled up the exhibit on the screen  
for reference. He noted that there has been interest from a developer that would  
36 accommodate at least one big box user on the parcel for commercial use and would also  
make better road access/accommodation for traffic in the area. There was then some  
38 discussion of HOA's and management of the different areas of the project.

Chairperson Call commented that she was aware of the commercial expansion  
40 area but was not aware of the additional townhomes until she heard it in a presentation at  
the 700 North Committee meeting and questioned how many additional townhomes are  
42 being proposed; which, in her opinion, has a financial aspect. Mr. Van Wagenen stated  
there are 42 units with 57 single family homes in that area. Commissioner Marchbanks  
44 pointed out it is not only financial as there are some logistics there as well because of  
buffering issues; it changes the dynamic.

Mr. Van Wagenen re-iterated that the city has been approached by a developer,  
46 but if it doesn't pan out Ivory can go back to the original concept. Commissioner Kallas  
asked what Ivory would prefer. Mr. Van Wagenen replied it is dependent on the  
48

2 commercial piece as there are pros and cons. Chairperson Call asked if the large  
commercial user doesn't come in she would prefer that it go back to the single family  
4 home concept/plan rather than the additional townhomes. Mr. Van Wagenen stated that  
option "c" is not available at this time. He added there certainly has been a big push from  
6 the city to reserve that commercial space as it could be very beneficial from a tax  
base/service base perspective. Commissioner McDonald expressed his opinion on the  
8 deeper commercial end that even though it is unknown, as we look at the entire 700  
North Corridor, and assuming the potential commercial user is significant, it could be the  
10 "launching pad" to draw others; we should do something or it stays as it is and he is not  
opposed.

12 Commissioner Marchbanks commented that it sounds like the flow of the phasing  
allows the city to vet the commercial out a little further; he doesn't have a problem with  
14 the plan the way it is and feels the traffic flow would probably be better. Commissioner  
McDonald agreed with that statement. He also asked if the traffic study has been  
16 completed. Mr. Van Wagenen stated the City Engineer is still reviewing the traffic study  
as it is about understanding what improvements at what stage of the development i.e.,  
18 when do the roads get built, when does the traffic escalate, traffic light installation, etc.;  
the commercial piece will change the traffic patterns. Ultimately the City Engineer feels  
20 comfortable that all issues can be addressed to handle the traffic load in the development  
as anticipated for the project. There was then some discussion regarding the traffic study  
22 and traffic issues.

Chairperson Call asked if the current plan shows the townhomes feathering into  
24 the apartments rather than the three stories right on the street of the 10 ft. setback. Mr.  
Van Wagenen referenced exhibit F and noted he does not believe the plan has changed so  
26 the plan reflects the number of units shown on the existing exhibit. Commissioner Wily  
asked for an update on the pump station issue. Mr. Van Wagenen stated the Council did  
28 not discuss the pump station at the last meeting but noted staff is getting more  
comfortable with the idea to make it happen, but no official decision has been made as  
30 yet. Commissioner Wily also asked about the issues of residential adjacent to the  
industrial areas and if that issue has been resolved with buffering measures etc. Mr. Van  
32 Wagenen stated Ivory is being proactive with this issue including the implementation of  
an 8 ft. wall, triple paned glass, setbacks of the homes, landscaping, road positioning etc.  
34 to mitigate these issues.

Chairperson Call stated one of her biggest concerns is the buffering and if Ivory  
36 can provide a definitive list of what they will do for buffering these areas to protect both  
the residents and the industrial business owners would be very beneficial. There was  
38 then some discussion on setbacks and buffering issues and options. Chairperson Call  
further stated she has had real concerns with the 5 ft. setbacks all along and likes that it  
40 has been increased to 6 ft.; but she would like to see more. Commissioner Kallas  
commented that he is not sure 1 ft. makes a big difference as those who are moving in  
42 realize this and feels they are looking for a larger home not necessarily a larger lot.  
Commissioner Wily agreed stating he really doesn't have an issue with the 5 ft. setback  
44 simply because when they toured the Ivory properties where they saw examples he  
thought they looked great and feels they would be very marketable; it is just something  
46 new to Lindon. Chairperson Call expressed her concerns at how this overall project will  
impact the community and how it will change the feel of Lindon. There was then some  
48 discussion regarding the Alpine School District and their decision to not build a school in

2 the area at this time but they are considering remodeling the Lindon Elementary school  
into a “super school.” Mr. Van Wagenen stated it may be helpful to have Mark  
4 Christensen come to have a discussion with the Planning Commission regarding the  
traffic study and traffic impacts.

6 Mr. Van Wagenen then asked the Commission how they feel about another joint  
work session with the City Council and if they feel it would be necessary. Following  
8 discussion the Commission was in agreement that another joint session is not necessary  
and feel that all the important questions have been addressed. Mr. Van Wagenen stated  
10 the development agreement will be coming when finalized for a vote, most likely in  
February. Chairperson Call expressed her opinion that some of the language and  
12 terminology in the development agreement is very subjective. Mr. Van Wagenen stated it  
is a difficult balancing act.

14 Commissioner Kallas commented that everyone is hopeful that this will be a great  
development and a pride of the city and the developer will do a good job. We have to  
16 trust that they will do a good job and he feels it will look much better than mixed  
industrial in that area and he feels it is hard to restrict them or direct them anymore.  
18 Commissioner Wily agreed with that statement. Commissioner Marchbanks commented  
the advantage is that we know that Ivory is a company with a 40 year track record that  
20 has had no disasters and history shows us that; we know what we are getting with Ivory.

Commissioner McDonald commented that the specifics should be left to the  
22 professionals, meaning we can’t restrict them too much and the market will dictate what  
they do; he sees a lot of positives though. Chairperson Call agrees it will be a nice  
24 development. Chairperson Call commented that Councilmember Hoyt mentioned in the  
last meeting that Pleasant Grove and Highland have issued moratoriums on apartment  
26 buildings in their cities and banks have stopped lending for them. Several of the  
Commissioners stated they have not heard that specific information. There was then some  
28 discussion on moratoriums on apartments in other cities and the demand for that type of  
housing. Commissioner Marchbanks commented that the demographics have changed  
30 immensely and they are being absorbed which shows there is a change in lifestyles and  
demographics.

32 Mr. Van Wagenen concluded by giving a quick review stating some of the  
concerns of the Council are setbacks, the number of apartment doors vs. single family  
34 homes, traffic flow, parking, street parking and buffering. Chairperson Call commented  
that she feels the City Council has some of the same concerns as this body and are  
36 addressing those concerns and ultimately they have the final vote. Following some  
additional discussion the Commission was in agreement that additional joint work  
38 sessions are not warranted and to move forward with the project towards a vote.

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

42 **8. New Business: Reports by Commissioners** – Chairperson Call called for any  
comments or discussion from the Commissioners.

44  
Chairperson Call asked when the Ivory Development Agreement will be coming  
46 before the Commission. Mr. Van Wagenen stated it may be coming before the  
Commission sometime in February. Chairperson Call also mentioned the discounts on  
48 purchased library cards from Pleasant Grove and Orem City. She questioned if there

2 could be a similar reimbursement negotiated with the Pleasant Grove Recreation Center.  
Mr. Van Wagenen replied that Lindon City would have to set it up so there would be no  
4 negotiating. Mr. Van Wagenen stated he will bring the issue up in staff meeting. He did  
point out that Lindon has a recreation center. Chairperson Call also asked when the  
6 Commission will be voting on the Chairperson position. Mr. Van Wagenen stated that  
will be done at the next meeting. Commissioner Marchbanks brought up the issue of  
8 used car lots on State Street followed by discussion. Commissioner Kallas asked if the  
Spring Gardens Senior Care Facility that is under construction on 700 north is being built  
10 as it was approved as it appears to be very large. Mr. Van Wagenen stated that it is being  
built according to approved plans.

12 Chairperson Call called for any further comments or discussion. Hearing none she  
moved on to the next agenda item.

14  
16 **11. Planning Director Report**– Mr. Van Wagenen reported on the following items  
followed by discussion:

- Charlie Keller will be at the next meeting.
- 18 • Ordinances reviewed on January 8<sup>th</sup> were approved by the Council.
- League training will be held on January 23<sup>rd</sup> in Provo.

20  
22 Chairperson Call called for any further comments or discussion. Hearing none she  
called for a motion to adjourn.

24 **ADJOURN** –

26 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE  
MEETING AT 9:30 P.M. COMMISSIONER WILY SECONDED THE MOTION.  
28 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 Approved – January 26, 2016

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

34  
36 \_\_\_\_\_  
Hugh Van Wagenen, Planning Director