

2 The Lindon City Planning Commission held a regularly scheduled meeting on Thursday,
3 **February 15, 2007**, beginning at 7:00 p.m. in the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Jim Peters, Chairperson

6 Invocation: Ken Miller

7 Pledge of Allegiance: Jim Peters

8 **PRESENT**

ABSENT

10 Jim Peters, Chairperson

12 Ron Anderson, Commissioner

Matt Bean, Commissioner

14 Julie Bryner, Commissioner

Gary Godfrey, Commissioner

16 Ken Miller, Commissioner

Marilyn Simister, Commissioner – *arrived 7:10 p.m.*

18 Adam Cowie, Planning Director

Matt Brady, Planning Intern

20 Debra Cullimore, Deputy Recorder

22 The meeting was called to order at 7:00 p.m.

24 **APPROVAL OF MINUTES** – The minutes of the regular meeting of January 24, 2007
26 were reviewed.

28 COMMISSIONER MILLER MOVED TO APPROVE THE MINUTES OF THE
30 JANUARY 24, 2007 MEETING. COMMISSIONER ANDERSON SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32 **PUBLIC COMMENT** –

34 Chairperson Peters called for comments from any resident present to address an
issue not listed as an agenda item. There was no public comment.

36 **CURRENT BUSINESS** –

- 38 1. **Major Subdivision/Public Hearing** – *Sweeten Subdivision – Approximately 40*
40 *South 450 West.* This is a request by Dustin Sweeten for approval of a 5-lot
42 subdivision in the R1-20 zone. Two lots currently have dwellings on them, so
only 3 new building lots will be part of this subdivision. This request consists of
an extension of the 450 West roadway and cul-de-sac.

44 COMMISSIONER GODFREY MOVED TO OPEN THE PUBLIC HEARING
TO CONSIDER THE SWEETEN SUBDIVISION PRELIMINARY PLAT

2 APPLICATION. COMMISSIONER MILLER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4 Dustin Sweeten was present as the representative for this application. Mr. Cowie
reviewed this item for the Commission. He stated that this is a request for a five lot
6 major subdivision plat, which includes two existing homes and three new building lots.
The three existing lots will be subdivided into five new lots. The subdivision plat will
8 also extend the existing 450 West cul-de-sac to the north. During design review of this
proposed subdivision request, the Planning Commission and City Council expressed
10 concern regarding the alignment of the existing cul-de-sac. The City Engineer also
recommended that the existing cul-de-sac be realigned in order to address traffic safety
12 concerns. The current proposal submitted by the applicant shows both sides of the road
straightened, with existing sidewalks left in place, and new curb and gutter structures
14 along the proposed roadway. Landscaping is proposed in the area between the existing
sidewalk and the new curb and gutter structures. Mr. Cowie stated that the existing street
16 right-of-way will not be vacated, and that utilities currently located in the existing cul-de-
sac will remain in place. He noted that there may be concerns regarding who will be
18 responsible for maintenance of the planter strips. He stated that there is an assumption
the adjacent property owners will take responsibility, but suggested that the Commission
20 discuss maintenance issues with the applicant.

Mr. Cowie noted that the center line radius of the roadway is shown at 115 feet,
22 which is less than the minimum 150 feet required by the Policy Manual. The City
engineer felt that the 115 foot measurement would be acceptable due to the short distance
24 of the curve and the limited amount of traffic on the street, but recommended installation
of an advisory 20 mile-per-hour speed limit sign. Mr. Cowie noted that the intent of the
26 smaller radius is to minimize impact on neighboring properties.

Mr. Cowie also noted that a remnant parcel of property will be deeded to the
28 neighboring property owner. The City has contacted Utah County regarding the re-plat
of the adjacent lot. The County gave approval for recording a deed that connects the
30 remnant parcel to the larger parcel.

The Commission reviewed the layout of the proposed subdivision, including lot
32 lines, access points to lots, and setbacks of existing structures on various lots. Mr. Cowie
noted that the preliminary plat has been reviewed by the City Engineer, and that all lots
34 appear to be in compliance with ordinance requirements.

Commissioner Anderson asked Mr. Sweeten if he will work with property owners
36 to install the landscaping between the existing sidewalk and the new curb and gutter
structures. Mr. Sweeten stated that he will install the landscaping and irrigation system at
38 his expense, and that he anticipates that adjacent property owners will maintain the
landscaped area. Commissioner Godfrey expressed concern regarding the assumption
40 that property owners will be responsible for maintenance of the landscaped areas. He felt
that it may be inappropriate to impose maintenance requirements on property not owned
42 by the residents. Mr. Cowie pointed out that on all subdivision lots, a two foot right-of-
way is located behind the sidewalk, and that this area is typically maintained by property
44 owners.

Chairperson Peters called for public comment. Lindon resident Randy Jensen
46 commented that he owns the property west of lot 5 of this proposed subdivision. Mr.

2 Jensen inquired as to whether a 7.5 foot utility easement will be located on the west
boundary of lot 5. Mr. Cowie stated that a 7.5 foot utility easement will be located on the
4 boundary of lot 5, and that 7.5 foot utility easements are a standard requirement for all
subdivision lots. He noted that there may not be any utilities located in the easement
6 initially, but that the required easement provides an area for installation of utility lines in
the future if necessary.

8 Mr. Jensen also inquired as to the location of what appears to be an abandoned
irrigation ditch in the area. Resident Paul Swenson explained that the structure Mr.
Jensen was referring to is a drainage system designed to address surface water concerns
10 in the area. Mr. Swenson inquired as to what direction drainage from this proposed
subdivision will flow. Mr. Sweeten stated that drainage will flow to the south and into
12 the existing storm water system.

14 The Commission discussed concerns regarding maintenance of the landscaped
area by adjacent property owners. Commissioner Bean suggested that it may be
appropriate to require a written agreement with property owners in order to insure that the
16 area will be adequately maintained. Chairperson Peters observed that it would be to the
advantage of the property owners to maintain the landscaped area, as it will be connected
18 to the front yard area of adjacent homes. Mr. Sweeten expressed concern that such
agreements are not required in relation to easements typically located behind the sidewalk
20 on subdivision lots. He felt that it may not be fair to place a requirement for a written
agreement on this particular right-of-way when it is not a requirement in other areas.
22 Commissioner Godfrey suggested that the subdivision application be approved, but that
Mr. Sweeten provide some documentation to staff that maintenance of the landscaped
24 area has been discussed with adjacent property owners, and that property owners are
willing to perform the required maintenance.

26 Chairperson Peters called for further public comment. There was no additional
public comment. He called for further comments or discussion from the Commission.
28 Hearing none, he called for a motion.

30 COMMISSIONER BRYNER MOVED TO CLOSE THE PUBLIC HEARING
TO CONSIDER THE SWEETEN SUBDIVISION PRELIMINARY PLAT
32 APPLICATION. COMMISSIONER SIMISTER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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36 COMMISSIONER BRYNER MOVED TO APPROVE THE SWEETEN
SUBDIVISION PRELIMINARY PLAT AND RECOMMEND APPROVAL TO THE
CITY COUNCIL WITH THE FOLLOWING RECOMMENDATIONS:

- 38 1. THAT THE DEVELOPER INSTALL SOD, A SPRINKLING SYSTEM AND
40 DRIVEWAY IMPROVEMENTS IN THE AREA BETWEEN THE EXISTING
SIDEWALK AND THE NEW CURB AND GUTTER STRUCTURES AS
DISCUSSED.
- 42 2. THAT AN ADVISORY SPEED LIMIT SIGN OF 20 MILES PER HOUR BE
POSTED ACCORDING TO ENGINEERING RECOMMENDATIONS.

44 COMMISSIONER SIMISTER SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

2 2. **Design Review** – *Hatfieldadelphia (Reception Center) and possible vacation of*
3 *Main Street at approximately 130 South Main Street.*

4 Ron Hatfield was present to address the Commission regarding this Design
5 Review request. Mr. Cowie stated that this is a request to discuss the possibility of
6 vacating a portion of Main Street located adjacent to the property owned by Mr. Hatfield.
7 A cul-de-sac drive access would be installed in the area of the current section of Main
8 Street. Mr. Cowie noted that the section of Main Street in question presents potential
9 safety issues due to the angle of the intersection with State Street, as well as the deep dip
10 located at the State Street access point. Mr. Cowie noted that the City has discussed the
11 possible vacation with Fire Chief, Mark Sanderson, and that Chief Sanderson had no
12 preference as to the whether the road section is vacated or remains open. Mr. Cowie
13 noted that the request has not been discussed extensively with the City engineer, and that
14 no engineering recommendation has been provide at this time.

15 Mr. Cowie noted that the second issue associated with this proposed project
16 relates to the existing Hatfield residence which has historically been used for wedding
17 receptions, family reunions and other functions on a voluntary basis without charge. Mr.
18 Hatfield has submitted an application for a business license to run a commercial reception
19 center in the existing building. Mr. Cowie noted that the property is currently zoned
20 commercial, but the change to commercial use would require Mr. Hatfield to submit a
21 site plan for approval and bring the site into compliance with existing commercial
22 standards. Mr. Cowie explained that the proposed reception center building was
23 constructed to commercial standards, but that other elements of the site may require
24 modification to meet current requirements.

25 Mr. Cowie noted that a rezone request was granted last year for a portion of the
26 Hatfield property, and that a slight mapping error will need to be corrected to align the
27 boundary line with the property line. He pointed out a small triangular parcel located
28 across the section of Main Street on State Street, which is also owned by Mr. Hatfield. A
29 small hair salon, as well as a residential structure currently being used as an office, are
30 located in the triangular parcel.

31 Mr. Cowie went on to review photographs of the area, including the area of Main
32 Street proposed for vacation, existing structures on the Hatfield property, and the
33 connection of Main Street to State Street. Mr. Cowie noted that the rear entrance to the
34 Wells Fargo Bank is currently accessed from Main Street, and would be accessed from
35 the cul-de-sac if Main Street is vacated.

36 Commissioner Anderson asked if Mr. Hatfield has discussed the possible vacation
37 with representatives of Wells Fargo. Mr. Hatfield stated that he has discussed the
38 possibility with Roger Williams of Wells Fargo, and that Mr. Williams has indicated that
39 he is not opposed to the vacation provided that a rear access is maintained from the cul-
40 de-sac. According to Mr. Hatfield, Mr. Williams felt that the section of Main Street does
41 present safety concerns, and that improvements to lighting and storm drainage associated
42 with upgrades to the Hatfield property would be beneficial to the area. Chairperson
43 Peters asked if other affected property owners have been contacted regarding this
44 proposal. Mr. Hatfield stated that he has also discussed the proposal with David Lee, the
45 owner of the property on the corner of 200 South. Mr. Lee indicated to Mr. Hatfield that
46 he has abandoned his plan to use the property as a commercial site, and that he has no

objection to the proposed vacation of Main Street. Mr. Hatfield reported that he has not yet discussed the proposal with the owners of the Johnson home, but will contact them if it appears he will proceed with the road vacation request.

Chairperson Peters inquired as to what access will be provided to the Hatfield property if Main Street is vacated. Mr. Hatfield stated that there is an existing legal access from State Street which will be maintained for possible use in the future, but that the lots will be accessed from the cul-de-sac. He noted that State Street access may be used in the future if the small triangular parcel adjacent to State Street is developed. Mr. Cowie noted that UDOT will typically honor historical access points from State Street, and that access to State roads is regulated by permits issued by the State.

Chairperson Peters asked for clarification regarding compensation to the City if the road is vacated. Mr. Cowie explained that typically, if a roadway is vacated, the area is signed over to adjacent property owners, and that compensation to the City is not a requirement.

Commissioner Simister inquired as to whether Mr. Hatfield would be responsible for installation of curb, gutter, and sidewalk improvements on the site. Mr. Cowie stated that commercial development requirements include installation of curb, gutter, and sidewalk structures by the developer. Mr. Cowie also noted that a 20 foot landscaping strip along the property frontage would be required, and that the Commercial Design Guidelines adopted by the City for State Street and 700 North would be applicable to this project. Mr. Hatfield noted that he is currently under grounding utility lines on the site at his expense. UTOPIA lines are also being installed on the site. Mr. Hatfield stated that he is willing to bring the site into compliance with current standards. He asserted that his property represents a significant amount of State Street frontage, and that required improvements will be a significant benefit to the City. Commissioner Bryner inquired as to Mr. Hatfield's plans for the small triangular parcel located adjacent to State Street. Mr. Hatfield noted that the parcel is very small and has limited development options. He stated that the area may eventually consist of landscaping improvements which will improve the State Street frontage of his property.

Commissioner Godfrey inquired as to whether all structures on the site, including the amusement type structures, would be required to come into compliance with Commercial Design Guideline standards. Mr. Cowie stated that the amusement structures may not be considered commercial structures, but that the main structure would be required to come into compliance.

The Commission went on to discuss possible access configurations for all lots in the area owned by Mr. Hatfield, as well as access to surrounding properties.

Mr. Hatfield explained that this request to change the use of the property to a commercial use is a result of the number of visitors at the site each year. He asserted that the site hosts up to 200 visitors each week for various events, and that he anticipates approximately 10,000 visitors this year. He explained that the facilities have been used by visitors without charge, but that with the number of visitors and public awareness of the site increasing, maintenance and other costs have increased as well. He noted that specific events may still take place on the site free of charge for family and friends, but that other events should share in the cost of insurance and maintenance.

Commissioner Godfrey inquired as to whether accident data is available for the State Street, Main Street intersection. He asserted that if evidence is available which

2 supports the claim that the intersection presents a safety concern, there may be
3 justification for vacation of the roadway. Mr. Hatfield stated that he has collected data
4 from Orem City and UDOT regarding current and projected traffic flow in the area. He
5 also noted that UDOT typically prefers a reduction in the number of intersections and
6 accesses to State Street, as well as control of ingress and egress from State Street at
7 intersections controlled by traffic lights. He stated that more extensive studies can be
8 completed if the road vacation option is pursued further. Commissioner Anderson agreed
9 that it would be necessary to substantiate the need for the road closure if Main Street is
10 vacated in order to address questions and concerns which may be voiced by residents
11 who use the roadway. Commissioner Godfrey expressed that the idea of increasing
12 traffic in relation to road closures seems somewhat counter-intuitive. Mr. Hatfield
13 asserted that if the existing road were presented as part of new development, the current
14 alignment would not be approved. Mr. Cowie confirmed that the existing roadway does
not meet current standards.

15 Commissioner Simister inquired as to the possibility of realigning the roadway at
16 a ninety degree angle with State Street to address safety concerns. Mr. Cowie observed
17 that realignment of the roadway would represent a significant expense which may not be
18 justified by the limited traffic flow on the street.

19 Commissioner Bryner asked about the existing parking stalls on the site. Mr.
20 Hatfield stated that existing parking stalls are not visible from the street. Mr. Cowie
21 explained that required parking will be reviewed during site plan approval.

22 Commissioner Simister observed that there is a small section of residentially
23 zoned property owned by Mr. Hatfield surrounded by commercial property which is also
24 owned by Mr. Hatfield. She suggested that it may be beneficial to rezone the small
25 residential area to commercial in order to avoid an "island" of residential property. Mr.
26 Hatfield expressed that he would not be in opposition to rezoning the residential
27 properties for commercial use, and that the matter could be discussed further as
28 development plans proceed.

29 Mr. Hatfield also noted that drainage in the area currently flows onto his property.
30 He explained that construction of the proposed cul-de-sac would allow installation of
adequate storm drainage which would flow into the existing system on 200 south.

31 Commissioner Anderson and Chairperson Peters observed that closure of the
32 section of Main Street has been discussed several times in the past. Chairperson Peters
33 commented that vacation of the roadway without compensation to the City may create a
34 loss to the public. He suggested that some form of compensation be discussed in the
35 future if the vacation option is pursued. Mr. Hatfield expressed a willingness to approach
36 the road vacation issue in a manner which would be fair to the City and to residents.

37 Chairperson Peters reviewed items of concern as discussed during this review.
38 He noted that the Commission would like to see a well defined access plan, a potential
39 rezoning of the residential property, and implementation of the Commercial Design
40 Guidelines. The Commission again discussed the legal access from to the site from State
41 Street and the "practical" access which will be established from the proposed cul-de-sac.

42 Commissioner Bryner felt that the project may have some merit, but that it is
43 incumbent upon the City to confirm that there is justification for the road closure other
44 than the potential benefit to Mr. Hatfield for the road vacation. Commissioner Godfrey
45 agreed that it would be important to confirm that safety issues actually exist and are not
46

2 simply a perception, and that supporting data should be used in making a final decision
3 regarding the road vacation. He also felt that if the road vacation is granted, fair
4 compensation to the City should be provided by Mr. Hatfield. It was the general feeling
5 of the Commission that if information regarding the road can be substantiated, and fair
6 compensation established, vacation of the roadway may be considered.

7 Mr. Hatfield stated that he will return to the Planning Commission for further
8 review and discussion, and will make a formal proposal with additional data regarding
9 the potential road vacation. Mr. Cowie suggested that Mr. Hatfield also discuss this
10 proposal with the City Council before submitting a formal application.

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12 3. **Discussion Item** – *Manufacturing Uses in the Standard Land Use Table*. Upon
13 request of the Planning Commission, this is a discussion of manufacturing uses as
14 listed in the Standard Land Use Table. Currently, several Indoor manufacturing
15 activities are permitted only by issuance of a condition use permit and there has
16 been some discussion of permitting small-scale, indoor manufacturing uses that
17 have no adverse impacts without the need for a CUP. No motion will be made on
18 this item.

19 Mr. Cowie explained that manufacturing uses are currently under review at the
20 request of the Planning Commission. He noted that review of recent applications for
21 indoor manufacturing uses in the LI which require conditional use approval have raised
22 some questions as to why conditional use approval is required for such uses.

23 Commissioner Anderson noted that during previous discussion of this item, it was
24 expressed that it may be beneficial for City officials to be aware of new businesses in
25 order to address citizen inquiries. He suggested the possibility that some uses be made
26 permitted, but that the City request that new businesses attend a Planning Commission
27 meeting to give an informational report on the businesses in order to keep the Planning
28 Commission informed. Chairperson Peters suggested that Mr. Cowie could provide a
29 report similar to the project tracking list which would provide information on permitted
30 uses locating in Lindon.

31 Chairperson Peters commented that Conditional Uses are presumptively
32 approvable with appropriate conditions. Mr. Cowie explained that Conditional Uses can
33 be denied only if there is a finding that health, safety and welfare issues associated with
34 the business can not be mitigated with conditions.

35 The Commission went on to review specific proposed changes to the Standard
36 Land Use Table, including permitted and conditional manufacturing uses in LI and MC
37 zones. They discussed specific uses, as well as permitted sizes for various uses, such as
38 food manufacturing and breweries. The Commission discussed a separate designation for
39 small, retail arts and crafts type operations as opposed to large wholesale manufacturing
40 uses. The Commission also recommended that language be added to specify that any
41 permitted use include indoor storage and production only. Any use with outdoor storage,
42 outdoor production, or emissions would require a Conditional Use Permit.

43 The City Council will review the recommendations of the Planning Commission,
44 after which a Public Hearing will be held by the Planning Commission to take public
45 comment on proposed changes. Final recommendations will then be forwarded to the
46 City Council for review and approval.

- 2 4. **Annual Planning Commission Training Session.** This is an annual opportunity
for the Planning Commission members to receive and discuss training on various
4 land use topics and procedural items. Topics such as ethics, State land use
updates to LUDMA, meeting procedures, etc. may be discussed.

6 Mr. Cowie provided training to the Commission regarding legislative actions and
administrative actions. He explained that legislative decisions involve the creation of city
8 policy and ordinance, and are issues the courts have given cities broad discretion on.
Legislative decisions are not based on substantial evidence, and allow cities to address
10 the unique character and needs of the community.

Administrative actions involve the application of legislative actions, are well
12 defined, and are based on requirements specified in codes or ordinances. Government
bodies can not rewrite policies specified by code during review of applications. He
14 explained that administrative actions do not allow a significant amount of discretion on
the part of the City.

16 The Commission went on to discuss various actions taken by the Commission,
and what specific actions constitute legislative actions as opposed to administrative
18 actions. Written materials and case studies were provided for further review by the
Commission.

20 **NEW BUSINESS** – Reports by Commissioners

22 Chairperson Peters inquired as to whether the concrete fence at the Noah’s Center
24 was approved on the site plan. Mr. Cowie stated that a fence was shown on the site plan,
but that fencing material was not specified.

26 Chairperson Peters commented on the need for an RV dump in the City. He noted
that there is only one dump in the City, and that there is a need for more. Mr. Cowie
28 suggested that Chairperson Peters discuss his concern with City Administrator, Ott
Dameron.

30 Commissioner Bryner commented that the McKinley Drive trail is still unsightly.
She inquired as to whether any maintenance is planned for the area. Mr. Cowie stated
32 that he has not been involved in conversations regarding the trail, but that he will convey
Commissioner Bryner’s concerns.

34 **PLANNING DIRECTOR’S REPORT** –

36 Mr. Cowie reported on the following items:

38 The City Council approved changes to the Sign Ordinance which increase time
limits for temporary signage to 75 days per calendar year, but prohibit upright banner
40 signs. The City Council directed staff to notify affected business and receive input prior
to enforcement of the new standards. The City Council approved flag poles in the T-zone
42 at a height of 100 feet with a ¾ mile radius separation distance as recommended by the
Planning Commission.

44 Changes to the required width to depth ratio for lots was approved by the City
Council as recommended by the Planning Commission. Revisions will allow the
46 Planning Commission and City Council to approve up to a 20% increase in the depth of

lots if it is deemed to be the best use of the property and in the best interest of the City and surrounding properties.

A work session will be scheduled with the Planning Commission and City Council to discuss possible revisions to the Deep Lot Ordinance which would allow deep lots as part of initial subdivision applications if the deep lot is not used to maximize development potential.

The City Council approved a boundary adjustment between Lindon City and Pleasant Grove City which aligns boundary lines with property lines.

The City has signed an Interlocal Agreement to participate with the Utah Lake Commission. There is a financial commitment for the City based on lake frontage.

The City Council recommended that neighbors be noticed regarding a potential zone change on the northwest and southwest corners of 800 West and 200 South from Residential to Light Industrial. A notice of public hearing will be published in the newspaper as well. A final decision will be made following input from residents at the Public Hearing.

The City has entered into an agreement with the Forest Service regarding restroom facilities at the Dry Canyon Trail Head. The Forest Service will install the facilities, and the City will be responsible for routine maintenance.

The Heritage Trail will be completed in two phases. The first phase will be on Lakeview Drive from 800 West to 400 West, and on Center Street from Main Street to Canal Drive. Phase I construction is expected to begin in early summer of 2007, with completion in fall of 2007. Phase II will include the State Street tunnel and the trail from 400 West to Main Street. Bids for Phase II will be taken in spring of 2008, with completion of the trail anticipated in fall of 2008.

ADJOURN –

COMMISSIONER BRYNER MOVED TO ADJOURN THE MEETING AT 11:40 P.M. COMMISSIONER SIMISTER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

APPROVED – February 28, 2007

Jim Peters, Chairperson

Adam Cowie, Planning Director