

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **June 8, 2010** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers,  
4 100 North State Street, Lindon, Utah.

5 Conducting: Gary Godfrey, Chairperson

6 Invocation:

7 Pledge of Allegiance:

8 **PRESENT**

**ABSENT**

9 Gary Godfrey, Chairperson

10 Ron Anderson, Commissioner

11 Matt Bean, Commissioner

12 Chris Burton, Commissioner

13 Sharon Call, Commissioner

14 Mark Johnson, Commissioner

15 Angie Neuwirth, Commissioner

16 Adam Cowie, Planning Director

17 Woodworth Mataele, Assistant Planner

18 Debra Cullimore, City Recorder

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

20 **APPROVAL OF MINUTES** –

21 COMMISSIONER MOVED TO APPROVE THE MINUTES OF THE  
22 MEETING OF MAY 25, 2010. COMMISSIONER SECONDED THE MOTION. ALL  
23 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24 **PUBLIC COMMENT** –

25 Chairperson Godfrey called for comments from any audience member who  
26 wished to address an issue not listed as an agenda item. There was no public comment.

27 **CURRENT BUSINESS** –

- 28 1. **Conditional Use Permit** – *Ready, Set, Learn! Preschool – 657 East 400 North.*

29 This is a request by Sandra Houghton for a Conditional Use Permit for a  
30 preschool in the R-120 zone. The applicant intends to have a maximum of 15  
31 students ranging from the ages of 3-4 year old. The applicant intends to operate  
32 Monday through Friday, 9:00 a.m. to 11:00 a.m. The Lindon City Standard Land  
33 Use Table requires this type of land use in the residential zone to acquire a  
34 Conditional Use Permit.

35 Sandra Houghton was present as the representative for this application. Mr.  
36 Mataele explained that this is an application for a home based pre-school located at 657

2 East 400 North in the R1-20 zone. The Lindon City Standard Land Use Table requires  
3 this use in this zone to acquire a Conditional Use Permit. The applicant is proposing to  
4 operate the preschool Monday through Friday from 9:00 a.m. to 11:00 a.m. A maximum  
5 of 15 students ages three and four will attend the school.

6 Mr. Mataele presented photographs of the site, as well as floor plan of the area of  
7 the home which will be used as a preschool. The area was previously used as a legal  
8 accessory apartment, and includes restroom and kitchen facilities. Mr. Mataele noted that  
9 the home is located on a collector street, 400 North, and that traffic impact on that street  
10 is expected to be minimal. Ms. Houghton noted that she plans to allow drop off and pick  
11 up during 15 minute time frames to avoid all vehicles being at the site at the same time,  
12 which should minimize potential traffic impacts.

13 Chairperson Godfrey called for public comment from audience members. There  
14 was no public comment.

15 Mr. Mataele explained that the State does not regulate or require licensing of  
16 preschools if instruction or care time does not exceed four hours per day, in which case  
17 the facility would fall under day care regulations. Chairperson Godfrey requested  
18 clarification as to number of students, whether the proposal is for 15 total students or 15  
19 in each age group. Ms. Houghton explained that up to 15 students could be enrolled in  
20 each age group, with two of those children being her own children.

21 Commissioner Call expressed concern regarding the lack of fencing around the  
22 yard area. She noted that there may be safety concerns associated with the adjacent  
23 collector street, as well as the nearby canal. Ms. Houghton stated that she plans to install  
24 fencing at some point in the future, but that there are not funds available to install fencing  
25 at this time. She assured the Commission that the children would be closely supervised  
26 when engaged in outdoor activities. Chairperson Godfrey asked if outdoor playtime  
27 would be included in activities. Ms. Houghton stated that free play time would not be  
28 part of the daily schedule. She explained that there is a small patio area in front of the  
29 school that would be used for some craft activities, but that any outdoor activities would  
30 be structured and closely supervised.

31 Commissioner Anderson noted that there is an elevation change from the subject  
32 property to the canal, and that a child would have to climb a hill to access the canal.  
33 Commissioner Neuwirth noted that sessions are 90 minutes in length, and that any  
34 outdoor time would be likely be minimal. Ms. Houghton clarified that this is an  
35 academic pre-school, and that free play time would be very minimal.

36 Commissioner Johnson inquired as to staffing of the school. Ms. Houghton stated  
37 that she would be the only staff member. She explained that she previously taught for  
38 Challenger Schools, and that the curriculum she plans to use is very structured.  
39 Commissioner Johnson asked about planning for emergency situations which may divert  
40 her attention away from the group to an individual. Ms. Houghton stated that her  
41 husband has a flexible work schedule and will be on site at some times. She will also  
42 keep a cell phone with her at all times to contact a neighbor to assist in any emergencies  
43 which may arise. She stated that she does not anticipate any problems with supervision  
44 of the children.

45 Chairperson Godfrey noted that his wife ran a preschool from their home for a  
46 number of years. He observed that preschools provide a valuable service in the  
community, but noted that children did not always respond to instructors as expected. He

2 shared concerns expressed by Commissioner Call regarding potential safety issues  
3 associated with 400 North Street and the nearby irrigation canal. Commissioner  
4 Anderson stated that if the proposed use was a daycare facility, he would share the  
5 concern. He noted that the preschool sessions are much shorter and a much more  
6 controlled environment than a daycare service. Ms. Houghton stated that the patio area is  
7 partially fenced, and that outdoor activities could be limited to that area until fencing is  
8 installed in other areas.

9 Commissioner Johnson asked Chairperson Godfrey how many children were  
10 present at the preschool operated by his wife. Chairperson Godfrey stated that there were  
11 20 children in each class with two instructors. He noted that the Commission would not  
12 have authority to regulate the number of children in the preschool, but that it would be a  
13 parental decision. Commissioner Anderson agreed that the number of students would be  
14 somewhat self-regulating based on the comfort level of parents.

15 Chairperson Godfrey suggested that in lieu of installing fencing around the entire  
16 site that fencing around the patio area be completed. Ms. Houghton expressed agreement  
17 with this suggestion. Chairperson Godfrey called for further comments or discussion.  
18 Hearing none, he called for a motion.

19 COMMISSIONER CALL MOVED TO APPROVE THE READY, SET LEARN!  
20 PRESCHOOL CONDITIONAL USE PERMIT WITH THE FOLLOWING  
21 CONDITION:

- 22 1. THAT CHILDREN BE KEPT INDOORS EXCEPT THE SIDE PATIO AREA  
23 UNTIL FENCING IS INSTALLED AROUND THE OUTDOOR PLAY AREA.  
24

25 Chairperson Godfrey suggested that the motion be amended to state that children  
26 be kept inside unless an outdoor fenced area is provided. He noted that if existing  
27 fencing around the outdoor patio area is completed, this would meet the requirement  
28 without installation of fencing around the entire yard. Commissioner Call amended her  
29 motion as follows:

30 COMMISSIONER CALL MOVED TO APPROVE THE READY, SET,  
31 LEARN! PRESCHOOL CONDITIONAL USE PERMIT WITH THE FOLLOWING  
32 CONDITION:

- 33 1. THAT CHILDREN BE KEPT INDOORS UNLESS A FENCED AREA IS  
34 PROVIDED OUTDOORS.

35 COMMISSIONER BURTON SECONDED THE MOTION. ALL PRESENT VOTED  
36 IN FAVOR. THE MOTION CARRIED.

- 37  
38 2. **Site Plan** – *UIS Office Building – 433 North 1030 West*. This is a request by  
39 Craig Whitely with MS Business Properties Group 2 LLC for approval of a site  
40 plan. The applicant intends to construct a 17,000 square foot, two story office  
41 building to house their business. The applicant's plans show landscaping,  
42 architectural treatment, parking, garbage enclosure, etc. which are required for  
43 approval of a site plan.  
44

2 Craig Whitely was present as the representative for this application. Mr. Mataele  
3 explained that this is a request by MS Business Properties Group for a site plan to  
4 construct a 17,000 square foot office building in the LI zone at 433 North 1030 West on a  
5 parcel which is currently vacant. The developer intends to use the south portion of the  
6 existing lot at this time, with a potential future expansion of facilities to the north, or a  
7 subdivision of the north portion at some time in the future. Proposed landscaping and  
8 parking are in compliance with City ordinance. Mr. Mataele presented drawings of  
9 architectural elevations which meet architectural design standards for the zone.

10 Commissioner Neuwirth inquired as to whether the ground would be excavated  
11 down to street grade. Mr. Whitely stated that the lot is nearly level, and that finished  
12 grade will be approximately one foot above street grade.

13 Commissioner Call inquired as to what type of offices would be located at this  
14 site. Mr. Whitely explained that the company currently has facilities in several locations,  
15 and that all operations would be consolidated to this site. The company manufactures  
16 signage for freeway projects. The new facility will include a reception area for customers  
17 as well as office space and a conference room.

18 Commissioner Neuwirth observed that the proposed facility will have a different  
19 architectural feel than other facilities located in the industrial area along Geneva Road.  
20 Commissioner Anderson noted that the property has always gone above and beyond  
21 requirements to keep his facilities aesthetically pleasing. The Commission reviewed  
22 specific architectural features proposed for the facility.

23 Chairperson Godfrey asked Mr. Whitely if he had any additional information for  
24 the Commission. Mr. Whitely stated that unless the Commission had specific questions  
25 he had nothing further to add. Chairperson Godfrey called for further questions,  
26 comments or discussion from the Commission. Hearing none, he called for a motion.

27 COMMISSIONER NEUWIRTH MOVED TO APPROVE THE UIS OFFICE  
28 BUILDING SITE PLAN. COMMISSIONER ANDERSON SECONDED THE  
29 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 **NEW BUSINESS** – Reports by Commissioners

31  
32 Commissioner Call asked for a report regarding the water contamination issue  
33 which occurred the previous day on the east side of the City. Mr. Cowie explained that a  
34 debris flow and flooding in Dry Canyon resulted in flood water infiltrating the water  
35 system through an overflow pipe. A boil order was issued for the City east of 1200 East  
36 pending necessary cleaning and repairs to the system and results of bacterial testing of the  
37 water. Results of the testing were expected by noon on June 9<sup>th</sup>. If water test results are  
38 acceptable, the boil order will be lifted. The situation which caused the contamination  
39 has been resolved.

40  
41 Commissioner Call requested additional information regarding an article she read  
42 in the paper which indicated that the City Council gave the Code Enforcement Officer  
43 direction that code enforcement issues would only be addressed if neighbors filed a  
44 formal complaint. Councilmember Bayless was in the audience and clarified that the  
45 City Council discussed several problematic areas in the City which the Code  
46 Enforcement Officer is working with the property owners to resolve. The Council

2 discussed the fact that it takes time to correct such problems, and that improving the  
4 appearance of the community is a process. She explained that if residents have particular  
6 concerns about a specific situation, there is a process in place for them to report the  
8 concern to the City. However, the City has ordinances in place which give the Code  
Enforcement Officer the tools necessary to address problematic situations proactively  
without a formal complaint from residents. The City Council gave direction to the Code  
Enforcement Officer to not take an aggressive approach to code enforcement issues, but  
to make an effort to work with property owners over time to improve conditions.

10 Commissioner Burton commented on the Memorial Day Flag Ceremony held at  
12 the cemetery under the direction of the Police Department. He commented that it was a  
great display of patriotism and he was happy to be a part of it.

14 **PLANNING DIRECTOR'S REPORT** –

16 Mr. Cowie reported on the following items.

- 18 1. A Planning Commission meeting will not be held on June 22 due to the Primary  
20 Election on that day. The next regularly scheduled Planning Commission meeting  
22 will be July 13, 2010.
- 24 2. The General Plan Committee has begun work on revision to the General Plan.  
26 The Committee includes six residents appointed by the City Council. The Plan is  
reviewed and revised every five years. The Planning Commission is expected to  
review preliminary recommendations in September. An Open House for public  
review and comment is planned for November 30, 2010. Public input will also be  
solicited through a survey during Lindon Days. Final approval of the 2010-2015  
General Plan is expected in approximately January 2011 after thorough review by  
the Planning Commission and the City Council.

28 **ADJOURN** –

30 COMMISSIONER BURTON MOVED TO ADJOURN THE MEETING AT 8:06  
32 P.M. COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

34 Approved – July 13, 2010

36  
38 \_\_\_\_\_  
Gary Godfrey, Chairperson

40  
42  
44 \_\_\_\_\_  
Adam Cowie, Planning Director