

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **November 22, 2011** beginning at 7:00 p.m. in the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Matt Bean, Chairperson
6 Invocation: Ron Anderson, Commissioner
7 Pledge of Allegiance: Sharon Call, Commissioner

8 **PRESENT**

9 Matt Bean, Chairperson
10 Ron Anderson, Commissioner
11 Carolyn Lundberg, Commissioner
12 Sharon Call, Commissioner
13 Angie Neuwirth, Commissioner
14 Del Ray Gunnell, Commissioner
15 Woodworth Mataele, Planner II
16 Kathryn Moosman, City Recorder

8 **ABSENT**

9 Adam Cowie, Planning Director
10 Chris Burton, Commissioner

17 The meeting was called to order at 7:05 p.m.

19 **APPROVAL OF MINUTES** – The minutes of the regular meeting of October 25, 2011
20 were reviewed.

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23 COMMISSIONER CALL MOVED TO APPROVE THE MINUTES OF THE
24 REGULAR MEETING OF OCTOBER 25, 2011 AS CORRECTED OR AMENDED.
25 COMMISSIONER GUNNELL SECONDED THE MOTION. ALL PRESENT VOTED
26 IN FAVOR. THE MOTION CARRIED.

27 **PUBLIC COMMENT** –

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

31 **CURRENT BUSINESS** –

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35 1. **Conditional Use Permit** – *LDS 21st Ward Building, Parking Lot Expansion – 325*
36 *North Canal Drive.* This is a request by Carl Green, representing the Church of
37 Jesus Christ of Latter Day Saints, for approval of a conditional use
38 permit/amended sit plan to expand an existing parking lot at the Lindon 21st Ward
39 building in the R1-20 zone. The project will add 50 new parking stalls through
40 construction of three new parking areas and will then re-stripe some areas with
41 existing parking stalls. No new structures or changes to the building will occur as
42 part of this application.

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44 Chairperson Bean invited the applicants, Darrell Gandy representing the LDS
45 Church and Rod Davis from McNeil Engineering, forward. Mr. Mataele opened the
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2 discussion by explaining this is an application for a conditional use permit submitted by
the LDS Church to amend the existing parking at the LDS Chapel on Canal Drive. He
4 went on to say that the applicants are proposing to amend the existing site plan by adding
a total of 50 stalls in three different locations with some re striping done also. Mr.
6 Mataele added this application is pretty straight forward because they are just adding
additional parking to the existing chapel location. One of the locations they are
8 considering is off of 300 north and canal drive on the east side with 20 proposed parking
stalls, and an additional 20 parking stalls on the north with the alteration they will utilize
10 an additional 3 stalls. This summarizes the primary proposal and after reviewing the
application, it appears the applicant does meet the current landscaping requirement
12 recently adopted by the Planning Commission and the City Council. Mr. Mataele then
showed the proposed different locations and noted the plans that were resubmitted by the
applicant showing the additional required interior landscaping and the additional trees as
14 well as the perimeter landscaping.

16 Mr. Mataele further noted that the Chapel is currently located in the R1-20 zone
with homes surrounding the property, and after the application was reviewed by staff and
the City Engineer, it appears the applicants meet all the requirements in the city code. He
18 also noted there is a letter included in the commission packets that was sent to the City by
Brian Gubler, a neighbor to the north of the chapel, indicating some concerns he has with
20 this proposal. Mr. Mataele then asked if there were any questions. There were not any
questions or comments at this time.

22 Chairperson asked the applicants if they had anything to add or any special
concerns or issues regarding this requested parking expansion. Mr. Gandy commented
24 that the biggest concern is the parking issues, as they have had several complaints by the
city to remove the cars off of the street because of safety hazards; that is the main reason
26 for the request to expand. He also noted that the city had reported as many as 50 cars
have been parking on the street, and they would like to have alleviated. Mr. Gandy stated
28 that is how they arrived at the number of additional stalls needed.

30 Mr. Davis explained that safety is a problem especially during the winter months
with people having to park on the street and walking to the building; which increases the
32 chance of people tripping and falling on the road. He went on to say one of the proposed
sites is not where the Brian Gubler property is located; it is on the other side of the
pavilion and would eliminate the ball field. Mr. Gandy further discussed they had looked
34 at several options, including parking below the canal road, but in order to facilitate that
they would have to put in an extensive retaining wall, which is very expensive. He
36 further noted that they have tried to squeeze in what they could to get the 50 additional
stalls.

38 Chairperson Bean asked what the typical meeting block is and how it compares to
similar uses of other buildings related to parking spaces. Mr. Davis compared the Church
40 on Center Street which has 180 parking stalls; this proposed church has 195, which is
normal size. He went on to say that typically churches have around 190 to 210 parking
42 stalls, with Stake Centers having approximately 280 to 300 parking stalls. Commissioner
Lundberg inquired how many stalls would affect Mr. Gubler. Mr. Davis replied that
44 approximately 20 stalls could possibly affect Mr. Gubler's property. Mr. Gandy noted,
as they see it, this would enhance the use of the pavilion. Mr. Davis commented that the
46 gated access road is only open on Sunday, otherwise it is locked.

2 Commissioner Neuwirth asked if the LDS Church owned the property or if they
had purchased it from Mr. Gubler. Mr. Gandy indicated that Mr. Gubler had purchased
4 the property after the Church was already there. Chairperson Bean inquired if Mr. Gubler
has an agreement with church to access the road. Mr. Gandy stated that he was not
6 certain about the agreement, but thought there was a joint use agreement, and he would
try to locate that agreement. He further noted that the Church maintains the road.
8 Commissioner Call commented that she happened to be at the church and has observed
the parking issues, and realizes the concerns in Mr. Gubler's letter and understands these
concerns need to be addressed. She went on to say she was curious why the LDS Church
10 chose to put several singles wards in a family neighborhood because of the increased
traffic. Mr. Gandy stated that he was not sure, on the ecclesiastical side, why they chose
12 to merge the singles with a family ward, but thought it might be that the Church on Canal
Drive has a good size parking area, and noted that some of the surrounding churches have
14 smaller parking areas. Commissioner Neuwirth commented that Mr. Gubler's concerns
are between him and the property owner. She further commented that required trees along
16 the perimeter may be an option for the car lights on the access road shining onto his
property. Mr. Gandy stated that they have agreed to put in trees along the perimeter, and
18 noted that they will not be installing any additional lighting. He also noted that there is
currently a 6 ft foot fence in place that will provide privacy. Commissioner Call
20 reiterated that the parking issue is a big problem.

22 Chairperson Bean noted that the church made the decision to put two single wards
in one building to keep them together to congregate and have some overlap; which was a
deliberate decision by the Church. He also commented that this is a difficult situation,
24 but is happy to see that something is being done with the parking situation. He further
noted that it appears where they propose to add the additional parking is the best possible
26 location, given the slope and the grade on canal drive that was an issue. Mr. Davis
agreed that they had several options but they were very expensive because they would
28 require a retaining wall. Commissioner Gunnell asked if there would ever be a future
expansion with a second chapel going in where the ball field is. Mr. Davis replied that
30 there has not been any discussion on a second chapel. Commissioner Anderson
commented that this proposal would alleviate a lot of the safety issues and he agrees that
32 this is probably the best fit that they could do.

34 Chairperson Bean then opened the meeting to public comment. Chelsea Gubler, a
neighboring property owner voiced her concerns. She basically stated that their
disappointment comes from wanting the "little bit of country" feel and that is why they
36 chose to move to Lindon in the first place. Mrs. Gubler further discussed that the
proposed parking lot invades their privacy and the setbacks are only 10 feet from their
38 fence. She further noted that the access road is very busy and if the gate is not locked the
cars speed through. Mrs. Gubler also noted that along with the parking issue, there are
40 increased incidences because of the singles issues, and the young people don't think
about their children in the area. She suggested that taking down the pavilion might be
42 considered for the parking. She also noted that they have never seen a ballgame at the
ball field since they have lived there. She further discussed that she understands the
44 walking issue and feels it not a problem and should not be a concern. Ideally, they would
prefer to see the single wards moved, or have the parking stalls where the ball field is

2 instead and this won't affect people's homes or valuation or privacy. It would be more
beneficial and that is what we are pushing for.

4 Another resident, Betty Manley was in attendance and commented that this
proposal will create a conflict for Mrs. Gubler her family. She further noted that quite
6 often cars don't obey the laws and speed through very fast, and they do have kids to
worry about. Commissioner Gunnell asked Mrs. Gubler if they have been working with
8 the church on the roadway. Mrs. Gubler replied that they have been trying to get to the
responsible party. Commissioner Anderson stated that the commission does not have the
10 authority to tell the Church which wards to put in the building. Mr. Gandy stated that the
decision makers are the stake presidents and noted that the young single adult's stake
leaders are also involved. Mr. Gandy also stated that he is sympathetic to the residents
12 concerns and would encourage them to talk to their ecclesiastical leaders.

14 Mrs. Manley further discussed that the increased traffic is now coming past the
Gubler's driveway and increases safety issues for their family. She also asked if there is
a way to have the gate locked and have a different access. Mr. Gandy replied that the
16 gate should be locked all days of the week except Sunday's or for a large activity. Mrs.
Manley asked if there could be signs installed. Mr. Gandy replied that it is a private drive
18 owned by the church, and she would need to talk to the church. Commissioner Lundberg
inquired how firm the Church is on installing the 50 stalls. Mr. Davis replied that the
20 minimum is 50; they are actually putting in 44 stalls and then doing some re striping.
There was further discussion between the commissioners and the residents in attendance
22 regarding the parking issues. Commissioner Gunnell stated that the applicants basically
meet the criteria so the commission really has no choice but to approve the conditional
24 use permit; he further noted that nuisance and safety are the real issues. Chairperson
Bean asked if there were any other comments or questions. Being no further questions or
26 comments Chairperson Bean called for a motion.

28 COMMISSIONER ANDERSON MOVED TO APPROVE THE
CONDITIONAL USE PERMIT FOR THE "LDS 21ST WARD BUILDING PARKING
30 LOT EXPANSION" WITH NO CONDITIONS. COMMISSIONER NEUWIRTH
SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
32 CARRIED.

- 34 2. **Plat Amendment** – *Glacier Mountain Estates Plat" B"* – This is a request by
36 Delane Donithorne for approval of an amended subdivision plat titled Glacier
Mountain Estates, Plat B in the R1-20 zone. The re-plat is necessary to slightly
38 adjust property lines between two existing lots in order to accommodate a future
detached garage on the Donithorne property. Recommendations from the
40 Planning Commission will be forwarded to the City Council for final approval.

42 Chairperson Bean invited applicant forward. Delaine Donithorne was in
attendance to address the commission. Mr. Mataele opened the discussion by explaining
44 the applicant is proposing to change the property lines on 2 lots in Glacier Mountain
Estates Plat A. He is also proposing to build a detached garage and needs some
46 adjustments to the current property line. Mr. Mataele also noted that adjusting the
property lines slightly but the adjacent property will still maintain the required 20,000 ft

2 minimum lot size in the area in the R-120 zone. He further noted that they are working
4 with public works to relocate some utilities for pressurized irrigation south of property.
6 Mr. Mataele stated that this is a very straightforward application. He then showed some
8 photos of the current property, which showed the proposed adjustment line between the
two properties in order to have his garage in the rear of the property. Mr. Mataele
further stated that no other utilities are affected by this re-plat, and both city staff and the
City Engineer have reviewed this application and they do not have any concerns with this
proposal.

10 Mr. Donithorne commented that he wants to be a good neighbor and noted that he
12 has talked to his surrounding neighbors and that he would not start on this project until he
14 had all approvals in place from the City. He further noted that he has contacted a
professional landscaping company to move the secondary water line and no trees or
fences will change and will meet city requirements for the setbacks. Mr. Donithorne
also stated that he has been working with public works on the utilities issue, and he has
hired a surveyor to re-plat the property.

16 Chairperson Bean asked if there were any further comments or questions. Being
18 none he called for a motion.

20 COMMISSIONER CALL MOVED TO APPROVE THE PLAT AMENDMENT
22 FOR GLACIER MOUNTAIN ESTATES PLAT”B” WITH NO CONDITIONS.
COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

- 24 3. **Public Hearing**– *Ordinance Change – LCC 13.23 – Storm Drainage; 17.56.120*
26 *– Hillside Development; 17.56.130- Shallow groundwater area development*
28 *standards; and 17.57.150 – Grading, Storm Water Pollution Prevention Plan, and*
30 *drainage plan – Review and Approval.* This is a city initiated request for review
and approval of several sections of the Lindon City Code pertaining to storm
water management and storm water regulations within the code. These changes
are in conformance with newly required standards imposed upon the city by the
Environmental Protection Agency (EPA). Mark Christensen, City Engineer, will
be present to give a brief overview and address questions on the items.
Recommendations from the Planning Commission will be forwarded to the City
Council for final approval.

36 COMMISSIONER ANDERSON MOVED TO OPEN THE PUBLIC HEARING.
38 COMMISSIONER GUNNELL SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED

40 Mr. Mataele opened the discussion by stating that this is a City initiated ordinance
42 change that was drafted by Mark Christensen, City Engineer and the City Attorney, Brian
Haws. Mr. Mataele further discussed that this ordinance change is required by the State
44 of Utah to include the changes into their ordinances to comply with the EPA
requirements. Mr. Mataele then went through some of the proposed changes. Mr.
Christensen was in attendance and gave an overview to note the main changes. He went
46 on to say the EPA has passed laws in past years, and the State is charged with enforcing

2 those laws. The State Division of Water Quality is part of the Department of
3 Environmental Quality and they issue the City of Lindon and other cities a permit to
4 discharge storm water into Utah Lake and the City has to comply with their requirements
5 in order to be authorized to discharge the storm water. Mr. Christensen added that part of
6 their requirements is having the ordinances to give us authority to enforce their rules.
7 And so most of what is the changes here addressed are made to comply with their
8 requirement. There are three main things they require our ordinance to address as
9 follows:

- 10 1. Storm water pollution that occurs during construction.
- 11 2. Storm water pollution that occurs after the site is constructed and
12 perpetually operating.
- 13 3. Illicit discharge, which are things that going into the storm drainage
14 system that shouldn't be there. The City is charged with identifying and
eliminating illicit discharge.

15 Mr. Christensen then noted the main points of the ordinance changes are that they
16 have tightened up the requirements of who has to get a permit from the EPA before they
17 do construction. And the requirement now is that every development that disturbs more
18 than one acre of land has to get a permit from the State which commits them to take steps
19 to minimize the pollution caused by storm water. They have also said that not only is it
20 one acre or less, if there is a development with a smaller area that is part of a larger
21 development, like a subdivision, each of the lots, regardless of size, the owner of the lot
22 has to get a permit from the State.

23 Mr. Christensen noted another main point in the ordinance is once a year every
24 development has to be inspected to make sure they are in compliance with requirements
25 to minimize storm water pollution. He went on to say the State allows that the city has
26 the ability, rather than inspecting it themselves every year, to require that the owners
27 inspect it every year and the city will inspect every 5 years. Mr. Christensen further
28 added that if they do that they have to get an agreement with the owner of the land that
29 they agree to do the inspection. Mr. Christensen stated the main point of the ordinance is
30 that we are requiring a storm water maintenance agreement that must be entered into by
31 the developer that states they will comply. There was then some further discussion
32 between Mr. Christensen and the commission regarding this issue. Mr. Christensen
33 further stated that the State requires that the City has to encourage it and the ordinance
34 does mention this. Mr. Christensen added that he will identify some of these things in the
35 land use development manual.

36 Chairperson Bean asked if there were any further comments or questions. Being
37 none he called for a motion.

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39 COMMISSIONER NEUWIRTH MOVED TO APPROVE THE ORDINACNE
40 CHANGE – LCC 13.23 – STORM DRAINAGE; 17.56.120 – HILLSIDE
41 DEVELOPMENT; 17.56.130- SHALLOW GROUNDWATER AREA
42 DEVELOPMENT STANDARDS;AND 17.57.150 – GRADING, STORM WATER
43 POLLUTION PREVENTION PLAN, AND DRAINAGE PLAN – REVIEW AND
44 APPROVAL AND GIVE RECOMMENDATION TO THE CITY COUNCIL.
45 COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT VOTED IN
46 FAVOR. THE MOTION CARRIED.

2 4. **Public Hearing:** *LCC 17.08 Planning Commission*. This is a city initiated request
4 for approval of changes to LCC 17.08 to add rules and procedures for Planning
6 Commission meetings. New Utah State legislation requires that municipalities
8 adopt meeting rules and procedures for the Planning Commission by ordinance.
Recommendations from the Planning Commission will be forwarded to the City
Council for final approval.

10 Mr. Mataele explained that this request is similar to the city initiated change but is
12 dictated by the state to adopt policies and procedures. He went on to say that the booklet
14 was not part of the ordinance. Mr. Mataele noted that biggest change is adding the policy
and procedures that were the most important and basic, organization, meetings, chairs,
agendas etc. Chairperson Bean inquired about the removal of a member if they have an
unexcused absence twice, and to define what an unexcused absence is. Mr. Mataele
stated that staff will define that issue.

16 Chairperson Bean asked if there were any other comments or questions. Being
none he called for a motion.

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20 COMMISSIONER NEUWIRTH MOVED TO CLOSE THE PUBLIC
HEARING. COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED

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24 COMMISSIONER ANDERSON MOVED TO APPROVE LINDON CITY
CODE 17.08 PLANNING COMMISSION AND RECOMMEND APPROVAL TO THE
26 CITY COUNCIL. COMMISSIONER LUNDBERG SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 5. **Action Item:** *Review and Approval of 2012 Meeting Schedule*–This is an action
30 item to review the recommended 2012 meeting schedule for the Lindon City
Planning Commission. The City Council has previously reviewed the schedule
and approved it as presented.

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34 Mr. Mataele presented the 2012 Meeting Schedule for approval. Mr. Mataele
36 reviewed the schedule with the commission to ensure there are no major conflicts or
corrections needed. He also noted that there will not be any city meetings scheduled on
holidays, during Lindon Days, or on election night in November. Chairperson Bean asked
if there were any further comments or questions. Being none he called for a motion.

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40 COMMISSIONER CALL MOVED TO APPROVE THE 2012 MEETING
SCHEDULE. COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

42 **NEW BUSINESS** – Reports by Commissioners

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46 Chairperson Bean asked if there were any reports from the Commission.
Commissioner Neuwirth mentioned an item with the minutes and asked to have

2 commission discussion included in the minutes. Mr. Mataele stated that the discussion
3 can be included and also that the tapes of the minutes are accessible if needed.
4 Commissioner Call stated that there has been a lot of discussion from neighbors
5 regarding Center Street going through. Mr. Mataele stated that the piping will be done
6 but the road will not go through for another 1 to 2 years; but it has been on the master
7 plan, and will likely be pushed up on the priority list. Commissioner Call also noted that
8 a Lindon City sign by Kneaders is in need of repair.

9 Commissioner Lundberg commented on the LDS Church needing 2 accesses, and
10 also inquired if that is required of schools also. She further discussed that Maeser
11 Academy accesses are very hard to get in and out of, and feels it is a real safety concern.
12 Mr. Mataele stated that would be an issue to address the school as a parent. This issue
13 was further discussed between the commissioners.

14 Chairperson Bean then asked if there were any other new business. Being
15 none he moved on to the next item.

16 **PLANNING DIRECTOR'S REPORT** –

17 Mr. Mataele reported on City Council updates as follows:

- 20 ● Thanksgiving Day Dinner at the Community Center on Thanksgiving Day
21 from 11:00 to 2:00.
- 22 ● Congratulations to Matt Bean who received the most votes in the General
23 Election, followed by Randi Powell and Jeff Acerson.
- 24 ● Chris Burton resigned from the planning commission due to conflicts
25 with meeting times. We appreciate his years of service and will recognize
26 him at the December 20th Council meeting. Council is considering two
27 new appointments for the planning commission to fill the spots vacated by
28 Matt Bean and Chris Burton.
- 29 ● Wadley Farms – Commercial Farm Zone, Zone Change, and Conditional
30 Use Permit were all approved by the City Council.
- 31 ● December 8th at 2:30 p.m. at the City Center will be the farewell open
32 house for the outgoing councilmember's.
- 33 ● Castle Park – possible site plan amendments / SID for street improvements
34 to be determined.
- 35 ● 2011 General plan was approved by the Council with some minor wording
36 changes.
- 37 ● Christmas tree lighting will be held on the 5th of December at 6:30 at the
38 Community Center.

39 Chairperson Bean asked if there was any other new business. Being none he
40 called for a motion to adjourn.

ADJOURN –

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COMMISSIONER NEUWIRTH MADE A MOTION TO ADJOURN THE
MEETING AT 9:25 P.M. COMMISSIONER LUNDBERG SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – December 15, 2011

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Matt Bean, Chairperson

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Adam Cowie, Planning Director