

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **October 22, 2013 at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100  
4 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

7 Conducting: Sharon Call, Chairperson  
8 Pledge of Allegiance: Rob Kallas, Commissioner  
9 Invocation: Del Ray Gunnell, Commissioner

10 **PRESENT**

**ABSENT**

12 Sharon Call, Chairperson  
13 Ron Anderson, Commissioner  
14 Del Ray Gunnell, Commissioner  
15 Carolyn Lundberg, Commissioner  
16 Rob Kallas, Commissioner  
17 Mike Marchbanks, Commissioner  
18 Hugh Van Wagenen, Planning Director  
19 Kathryn Moosman, City Recorder  
20 Special Attendee: Councilmember Bean

- 22 1. **CALL TO ORDER** – The meeting was called to order at 7:05 p.m.  
24 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of October 8,  
26 2013 were reviewed.

28 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE  
29 REGULAR MEETING OF OCTOBER 8, 2013 AS AMENDED. COMMISSIONER  
30 MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.  
31 THE MOTION CARRIED.

- 32 3. **PUBLIC COMMENT** –

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

36 **CURRENT BUSINESS** –

- 38 4. **REVIEW:** *Valdez Painting, 452 South Lindon Park Drive.* This is a request by  
40 the Planning Commission to review a sample of a proposed architectural  
41 treatment that Valdez Painting would like to use on their new storage building.

42 Hugh Van Wagenen, Planning Director, gave a brief overview of this agenda  
44 item. He explained this is a request by the Planning Commission to review a sample of a  
45 proposed architectural treatment that Valdez Painting would like to use on their new  
46 storage building. Mr. Van Wagenen explained that the site plan for this building was  
47 considered at the previous Planning Commission meeting and approved with the  
48 condition that the proposed treatment would be presented at the October 22<sup>nd</sup> meeting.

2 Mr. Van Wagenen noted at the previous meeting, Val Killian, representing Valdez  
Painting, expressed willingness to present a sample of the concrete painting treatment,  
4 which treatment was also previously approved to be used on another on-site building, but  
has not, to date, been applied.

6 Mr. Killian was in attendance to present the sample of the concrete painting  
treatment to the Commission. After reviewing the sample and following some general  
discussion, the Commission were in agreement that the sample meets their approval. The  
8 Commission also agreed to allow Mr. Killian to spray both buildings at the same time in  
the spring. Chairperson Call asked if there would be any type of follow-up to ensure the  
10 buildings were painted. Mr. Van Wagenen noted that before the final certificate of  
occupancy is issued, staff will do a final inspection and site plan review to make sure that  
12 everything covered in this meeting is complete and adhered to.

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

16 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE  
ARCHITECTURAL TREATMENT AS PRESENTED FOR THE VALDEZ PAINTING  
18 STORAGE BUILDING SITE PLAN THAT WILL BE THE SAME AS THE OFFICE  
BUILDING THAT WAS PREVIOUSLY APPROVED AND TO BE COMPLETED IN  
20 A TIMELY MANNER AS THE SEASON PERMIT. COMMISSIONER ANDERSON  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

22 CHAIRPERSON CALL AYE  
COMMISSIONER ANDERSON AYE  
24 COMMISSIONER GUNNELL AYE  
COMMISSIONER LUNDBERG AYE  
26 COMMISSIONER KALLAS AYE  
COMMISSIONER MARCHBANKS AYE

28 THE MOTION CARRIED UNANIMOUSLY.

- 30 5. **CONDITIONAL USE PERMIT:** *Erick Johnson, 730 North State Street.* This is  
32 a request by Erick Johnson to operate a gym at the above address in the General  
Commercial (CG) zone. Gymnasiums and Athletic Clubs are conditionally  
34 permitted in the CG zone.

36 Mr. Van Wagenen opened the discussion by giving a brief summary of this  
agenda item and noted this is a request by Erick Johnson for a Conditional Use Permit to  
operate a gym/health club in the General Commercial zone. Mr. Van Wagenen noted that  
38 Gymnasiums & Athletic Clubs are conditionally permitted in the CG zone. He added that  
Mr. Johnson operates a Crossfit gym and is looking to re-locate in Lindon.

40 Mr. Van Wagenen explained that according to the applicant, there are eight (8)  
parking spaces available in front of the building for gym use, along with additional  
42 parking in the rear of the building. Mr. Van Wagenen noted with the state widening  
project all street parking will no longer be available. He added that the hours of  
44 operation will be from 6 a.m. to 10 p.m., with some closed hours during the afternoon.  
Mr. Van Wagenen further explained that Mr. Johnson will only be utilizing a portion of  
46 the building where the old appliance repair shop was previously located. Mr. Van  
Wagenen suggested that the Commission may want to review hours of operation,

2 parking, number of clients at any given time, or any other issue that may affect the health,  
welfare, or safety of local business and residents regarding this application.

4 Mr. Johnson addressed the Commission at this time. He explained what a  
Crossfit gym entails. He noted that it is not a standard type gym, and they also focus on  
6 gymnastics. He added that they plan to have about 10-15 clients at the facility at any one  
time with classes typically running one hour. He added that they currently have 20-25  
8 clients enrolled, with no more than 5-6 clients per class. Mr. Johnson stated that he feels  
there is currently plenty of parking at the facility. Mr. Van Wagenen then referenced a  
10 map showing the facility area and the parking stalls. There was then some general  
discussion regarding the parking at the facility. Mr. Van Wagenen stated the Planning  
12 Commission may impose conditions on this use in this zone. He added that once a  
Conditional Use Permit has been granted, it runs with the land, not the owner.

14 Chairperson Call asked if there were further discussion or comments. Hearing  
none she called for a motion.

16 COMMISSIONER KALLAS MOVED TO APPROVE THE CONDITIONAL  
USE PERMIT TO OPERATE A GYMNASIUM/ATHLETIC CLUB AT 730 NORTH  
18 STATE STREET WITH THE CONDITION THAT THE FACILITY PROVIDE A ONE  
TO ONE PARKING RATIO BASED ON STUDENT CLASS SIZE, NOT INCLUDING  
20 STAFF. COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:

22 CHAIRPERSON CALL AYE  
COMMISSIONER ANDERSON AYE  
24 COMMISSIONER GUNNELL AYE  
COMMISSIONER LUNDBERG AYE  
26 COMMISSIONER KALLAS AYE  
COMMISSIONER MARCHBANKS AYE  
28 THE MOTION CARRIED UNANIMOUSLY.

- 30 6. **PUBLIC HEARING:** *Ordinance Amendment, LCC Standard Land Use Table.*  
This is a request Creig Fryer to amend the SLU table to allow mini-storage in the  
32 General Commercial (CG) zone on lots that do not have frontage on an arterial  
roadway. Recommendations will be made to the City Council at the next available  
34 meeting.

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

40 Mr. Van Wagenen explained this is a request by Creig Fryer to amend the  
Standard Land Use table to allow Vault Security Storage - Mini-Storage in the General  
42 Commercial (CG) zone on lots that do not have frontage on an arterial roadway. He noted  
that the Fryers came before the Commission previously regarding this issue. He noted  
44 that recommendations will be made to the City Council following review by the Planning  
Commission.

46 Mr. Van Wagenen noted that currently, there are four (4) roadways classified in  
the Lindon Street Master Plan Map as arterial roadways: State Street, 700 North, Geneva

2 Road, and 600 South. He added the General Commercial zone runs mostly parallel to  
3 State Street and 700 North.

4 Mr. Van Wagenen then referenced a map (included in the packets) that gives an  
5 idea of the properties (highlighted on map) that would be affected by this ordinance  
6 change. He noted, after doing some research, there are approximately 90 parcels, all  
7 varying in size, on which mini-storage units would be permitted. Although these parcels  
8 do not have arterial frontage, some are more visible from the arterial road than others, he  
9 referenced the parcel near Wal-Mart and the area near the Tri-City Medical Center.

10 Mr. Van Wagenen noted that some additional criteria could be put on this use to  
11 minimize location in the SLU. Mr. Van Wagenen noted that as staff was discussing this  
12 issue, it was discussed that this could be handled similarly to the way the CGA zone was  
13 handled and perhaps create a new zone that could be require review upon request every  
14 application rather than opening it up completely. Mr. Van Wagenen commented that if  
15 this route is taken, re-noticing would have to be done and change up would have to be  
16 done on what has been presented tonight. He added this is another option or alternative to  
17 allow storage units on this type of ground, but there would have to be more of a review  
18 process, because it would require a zone change rather than opening it up completely to  
19 all parcels (by changing the SLU). Mr. Van Wagenen noted this action is based on  
20 direction from the Commission and Council's, and the Fryer's request, to see how to  
21 allow storage units on parcels of this nature.

22 Chairperson Call inquired if this is passed as it is right now would it be difficult to  
23 deny another applicant if they came in with a request. Mr. Van Wagenen confirmed that  
24 statement and noted that if an applicant came in and the application met the code it could  
25 not be denied. Chairperson Call commented that she does not want to see it opened up to  
26 89 possible parcels. Mr. Van Wagenen stated that most of the parcels are already  
27 developed but it would give them the option of the use.

28 Commissioner Kallas asked for clarification of the term "vault storage" and if  
29 there are any minimal requirements as far as what the structure can be built of. Mr. Van  
30 Wagenen commented that "vault storage" is anything that is locked and secured. He also  
31 noted that the building (if it is in the commercial zone) would have to meet the  
32 commercial design guidelines, but there is not a standard for that type of use specifically.  
33 Commissioner Anderson commented that, in reality, most people are not going to use  
34 state street frontage ground for storage units, as they could buy ground cheaper  
35 elsewhere. He added that he feels storage units have a bad name because of what people  
36 were building 20 or 30 years ago were the tin sided building types that didn't look good,  
37 and currently they have to be built to mixed commercial standards so they look a lot  
38 better, however he would not want to see a lot of storage units on state street.

39 Chairperson Call inquired about the issue of having to review each application  
40 upon request. Mr. Van Wagenen stated this would happen if a new zone was created, for  
41 example, CGS (General Commercial Storage Zone), and therefore anytime someone  
42 wanted to apply the new zone to a parcel there would have to be a zone change process  
43 and get approval. Chairperson Call commented that she likes that idea, as there would  
44 be an option to deny it and review it on a case by case basis and then a determination  
45 would be made. Commissioner Kallas agreed that he would like to look at it on a case by  
46 case basis. Commissioner Anderson stated that he thinks the Commissioners agree that this  
47 is a good place for storage units, but to not open it up completely. Commissioner  
48 Lundberg asked if these will be used for individual self storage. Mr. Fryer confirmed that  
49 statement. He added that none of the units will have electricity or water. He further noted

2 that there will be an office in the front with housing for staff. Creig Fryer then presented  
his rough layout for the Commission to review. Mr. Fryer noted the parcel is 1.6 acres  
and proposing 15 larger units (20x50) and possibly adding smaller units on the inside.  
4 He added they plan on using split block so the units will look nice.

6 Chairperson Call inquired what would be needed to create a new CGS zone, so  
that each request could be reviewed on an individual basis. Mr. Van Wagenen replied that  
noticing would have to be done along with review of the code and land use table to get  
8 the CGS language into a new ordinance and the standard land use table. Chairperson Call  
also asked if once the new zone was in place would it apply to the Fryer's property and  
10 request. Mr. Van Wagenen confirmed that statement. Commissioner Lundberg  
mentioned the code for storage units used in a town in Washington that may be  
12 considered for reference. Mr. Van Wagenen noted that he will look at the language in  
that code. Commissioner Lundberg stated that she will email the code to the  
14 Commissioner's and to Mr. Van Wagenen. Chairperson Call commented that she feels  
this item should be continued to allow staff time to make appropriate changes to present  
16 to the Commission at the next meeting. Mr. Fryer noted they would like to see this  
approved as soon as possible to allow them to move forward by the end of the year. Mr.  
18 Van Wagenen stated that he is confident this could be wrapped up by the end of the year.  
Following some additional general discussion Chairperson Call called for a motion.

20  
22 COMMISSIONER KALLAS MOVED TO CONTINUE THE REQUEST FOR  
AN ORDINANCE AMENDMENT TO LCC STANDARD LAND USE TABLE TO  
24 ALLOW VAULT SECURITY STORAGE – MINI STORAGE IN THE GENERAL  
COMMERCIAL ZONE ON PROPERTY THAT HAS NO ARTERIAL ROAD  
FRONTAGE AND GIVE DIRECTION TO STAFF TO WRITE A NEW CGS  
26 (GENERAL COMMERCIAL STORAGE) ZONE TO PRESENT AT THE NEXT  
PLANNING COMMISSION MEETING. COMMISSIONER MARCHBANKS  
28 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

30 CHAIRPERSON CALL AYE  
COMMISSIONER ANDERSON AYE  
COMMISSIONER GUNNELL AYE  
32 COMMISSIONER LUNDBERG AYE  
COMMISSIONER KALLAS AYE  
34 COMMISSIONER MARCHBANKS AYE  
THE MOTION CARRIED UNANIMOUSLY.

36  
38 7. **PUBLIC HEARING:** *Ordinance Amendment, LCC Standard Land Use Table.*

This is a City initiated request to amend the SLU table to make Bed & Breakfast  
Facilities a non-permitted use in residential zones throughout the City.

40 Recommendations will be made to the City Council at the next available meeting.

42 Mr. Van Wagenen opened the discussion by explaining this is a City initiated  
request to amend the Standard Land Use table to make Bed & Breakfast Facilities a non-  
44 permitted use in residential zones throughout the City. He added that recommendations  
will be made to the City Council at their next available meeting.

46 Mr. Van Wagenen mentioned that earlier this year, a resident applied for a  
Conditional Use Permit to operate a Bed & Breakfast in her home in the R1-12 zone. He  
48 noted this request concerned several neighbors as well as Commissioners and Council

Members who did not realize the effect of allowing Bed & Breakfast facilities as a conditional use in residential neighborhoods.

Mr. Van Wagenen stated that based on these concerns, the City is considering removing “Residential Bed & Breakfast Facility — 3 rooms or less” as a conditional use in residential zones. He noted that essentially this will strike any Bed & Breakfast facilities in residential zone. Mr. Van Wagenen noted that this item is pretty straightforward and a good way to go about addressing this issue. There was then some general discussion regarding this agenda item.

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

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE ORDINANCE AMENDMENT TO LCC STANDARD LAND USE TABLE WHICH PROHIBITS FUTURE RESIDENTIAL BED & BREAKFAST FACILITIES – 3 ROOMS OR LESS – IN RESIDENTIAL ZONES AND RECOMMEND APPROVAL TO THE CITY COUNCIL. COMMISSIONER GUNNELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER GUNNELL	AYE
COMMISSIONER LUNDBERG	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE

THE MOTION CARRIED UNANIMOUSLY.

8. **PUBLIC HEARING:** *Ordinance Amendment, LCC 17.48.040 Commercial Fencing.* This is a City initiated request to omit the white vinyl ranch fencing requirements along public street frontages in commercial zones within the City. Recommendations will be made to the City Council at the next available meeting.

Mr. Van Wagenen opened the discussion by explaining this is a City initiated request to omit the white vinyl ranch fencing requirements along public street frontages in commercial zones. He noted there has been previous discussion regarding the white vinyl fencing. He explained there are several spots in the code that refer to this white fence. One of which is the commercial design guidelines and also one in the landscape strip portion of the commercial zone and a few other handouts etc. He noted if the commission were to move forward with this amendment tonight, there may be a more vigorous discussion at the Council level. He added that it is probably prudent to obtain more feedback before taking this to the Council. He added that this request would completely omit the requirement for the vinyl ranch fence. There was then some general discussion regarding this issue.

Commissioner Anderson mentioned that the Council was trying to push the recurring theme with the white vinyl fencing to make Lindon unique. He inquired if the white fencing is not used could another recurring theme be used or something to give people a choice. Mr. Van Wagenen commented that the question is if this is accomplishing what it set out to do, and if it is a unnecessary burden on businesses and developers that might push people from developing in Lindon. Commissioner Marchbanks commented that he would prefer to strike the language and give business

owners the opportunity to choose for themselves and to be architecturally creative. He added that this has limited the look in the commercial zones. He further noted that the vinyl fencing is hard to maintain, especially in the winter months when the vinyl gets cold and brittle and breaks easily. Mr. Van Wagenen stated another option to striking it all is to use the work “may” rather than the work “shall” in the language, which would encourage the fencing rather than require it. He then referenced the possible strikeout on the code as shown below.

**Lindon City Code 17.48.040 Fencing and Screening**

~~2. All required landscaping that abuts frontage on a dedicated street in the CG, PC 1 and PC 2 zones shall contain a continuous white vinyl ranch style two (2) rail fence. The fence shall be three (3) feet tall with post dimensions of five (5) inches by five (5) inches with rail dimensions of two (2) inches by six (6) inches. The posts shall be installed eight (8) feet on center with two (2) rails between posts. The fence shall be placed adjacent to State Street and any other dedicated streets in the CG zone and PC 1 and PC 2 zones in a continuous fashion. Placement of the fence shall typically be two (2) feet behind the sidewalk within the required landscaping strip. Any variation to the location of this fence requirement, 17.48.040 (2), may be granted by the Planning Commission.~~

Following some additional discussion regarding this agenda item the Commissioners were in agreement to use the work “may” rather than the word “shall” in the language. Chairperson Call asked if there were any public questions or comments. Councilmember Bean commented that he feels the Commission is heading in a good direction with this issue. Hearing no further comments she called for a motion to close the public hearing.

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

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

COMMISSIONER ANDERSON MOVED TO CONTINUE THE ORDINANCE AMENDMENT TO LINDON CITY CODE 17.48.040 COMMERCIAL FENCING AND SCREENING UNTIL THE FIRST OF THE YEAR TO ALLOW STAFF TIME TO DO MORE RESEARCH. COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER GUNNELL	AYE
COMMISSIONER LUNDBERG	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE

THE MOTION CARRIED UNANIMOUSLY.

9. **NEW BUSINESS** – Reports by Commissioners.

Chairperson Call called for any new business or reports from the Commissioners.  
2 Chairperson Call noted that the Mayor's Open House went well and she appreciated all of  
the City staff, Commissioners and Council who attended. Commissioner Kallas asked  
4 about the status of the Noah's building on 700 North. Mr. Van Wagenen stated that  
Noah's is not an event center any longer and it will be used for office space. He added  
6 that the new owners will be modifying the building and changing the use. Chairperson  
Call called for any other comments or reports from the Commissioners. Hearing none  
8 she moved on to the next agenda item.

10 **10. PLANNING DIRECTOR'S REPORT –**

12 Mr. Van Wagenen reported on City Council updates as follows:

- 14 • City Council items:
  - Murdock Cars of Lindon Plat Amendment
- 16 • Lindon Senior Housing on Main
- 18 • Signatures needed
- 20 • Planner job opening
- 22 • City Events
  - Meet the candidates night, Oct. 24, 7 pm, Community Center
  - Halloween Carnival, Oct. 30, 6 pm, Pioneer Park
- Questions on previous applications/developments

24 Chairperson Call asked if there were any other comments or discussion from the  
Commissioners. Hearing none she called for a motion to adjourn.

26 **ADJOURN –**

28 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE  
MEETING AT 8:55 P.M. COMMISSIONER GUNNELL SECONDED THE MOTION.  
30 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32 Approved – November 12, 2013

34  
36 \_\_\_\_\_  
38 Sharon Call, Chairperson

40  
42 \_\_\_\_\_  
44 Hugh Van Wagenen, Planning Director