

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **October 8, 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: Carolyn Lundberg, Commissioner  
9 Invocation: Ron Anderson, Commissioner

10 **PRESENT**

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

10 **ABSENT**

11 Del Ray Gunnell, Commissioner

- 19 1. **CALL TO ORDER** – The meeting was called to order at 7:05 p.m.  
20  
21 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of September  
22 24, 2013 were reviewed.  
23

24  
25 COMMISSIONER LUNDBERG MOVED TO APPROVE THE MINUTES OF  
26 THE REGULAR MEETING OF SEPTEMBER 24, 2013 AS AMENDED.  
27 COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED  
28 IN FAVOR. THE MOTION CARRIED.  
29

30 3. **PUBLIC COMMENT** –

31  
32 Chairperson Call called for comments from any audience member who wished to  
33 address any issue not listed as an agenda item. There were no public comments.  
34

35 **CURRENT BUSINESS** –

- 36  
37 4. **PLAT AMENDMENT:** *Murdock Cars of Lindon, 452 South Lindon Park Drive.*  
38 This is a request by New Concepts Construction, Inc., for a two lot plat  
39 amendment approval in the Planned Commercial-1 (PC-1) and Planned  
40 Commercial-2 (PC-2) zones. The amendment will adjust a common property line.  
41

42  
43 Hugh Van Wagenen, Planning Director, gave a brief overview of this agenda  
44 item. He explained this is a request by Kevin Hunt (who is in attendance) with New  
45 Concepts Construction, Inc. for approval of a two (2) lot plat amendment to be known as  
46 Murdock Cars of Lindon Subdivision. He noted that one lot is located in the Planned  
47 Commercial-1 (PC-1) zone and the other lot is located in the Planned Commercial-2 (PC-  
48 2) zone. Mr. Van Wagenen stated that this amendment is shifting a property line that will

2 exchange about 0.2 acres between two adjacent owners. Also, the amendment will add  
3 the one (1) acre detention basin/parking lot to the Murdock lot. Mr. Van Wagenen  
4 explained that the applicant's needs are increasing and they have negotiated with the  
5 Miller Company to obtain some more land for their lot (plus or minus 18 feet). He noted  
6 that the length of the cars stalls is getting exchanged. He went on to say that the new lots  
7 still meet requirements and applicable ordinances for subdivision lots, and staff is making  
8 sure the landscaping requirements etc. is met. Mr. Van Wagenen stated that this plat  
9 amendment is pretty straightforward and recommendations will be made to the City  
10 Council at their next available meeting.

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

13  
14 COMMISSIONER KALLAS MOVED TO APPROVE THE PLAT  
15 AMENDMENT TO BE KNOWN AS MURDOCK CARS OF LINDON SUBDIVISION  
16 AND RECOMMEND APPROVAL TO THE CITY COUNCIL. COMMISSIONER  
17 ANDERSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
18 FOLLOWS:

18	CHAIRPERSON CALL	AYE
19	COMMISSIONER KALLAS	AYE
20	COMMISSIONER LUNDBERG	AYE
21	COMMISSIONER MARCHBANKS	AYE
22	COMMISSIONER ANDERSON	AYE

23 THE MOTION CARRIED UNANIMOUSLY.

- 24  
25 5. **SITE PLAN:** *Intermountain Turbine, 270 South 1060 West.* This is a request by  
26 Marty Barber for site plan approval of an 11,588 square foot building in the Light  
27 Industrial (LI) zone. This will be a second building on the 1.64 acre property.  
28

29 Mr. Van Wagenen opened the discussion by giving a brief summary of this  
30 agenda item and noted this is request by Marty Barber for site plan approval for an  
31 11,588 square foot building that will connect to an existing building via a proposed  
32 canopy. He further explained that the new building is a steel structure with split faced  
33 masonry block covering the majority of three sides of the building. Mr. Van Wagenen  
34 then referenced photos provided of the existing building. He stated that the proposed  
35 elevations and added that the block is to be painted light grey and medium grey in order  
36 to match the existing building. He noted that staff has no major concerns with this  
37 application and it is pretty straightforward. He further noted that it meets all landscaping  
38 and interior landscaping requirements.

39 Chairperson Call invited the applicants forward. Marty Barber, Darrell  
40 Christensen and John Davis were in attendance to address the Commission regarding this  
41 site plan application. Mr. Barber commented that Intermountain Turbine is a service  
42 center for Honeywell Corporation; they have been in business for 20 years, and in the  
43 same location since 1999. He noted they specialize in repairing one type of helicopter  
44 engine.

45 Commissioner Lundberg asked if the proposed building will look similar to the  
46 existing building. Mr. Barber confirmed that it will look similar including a canopy for  
47 protection from the weather. Chairperson Call inquired if the plans exceed the required  
48 25% minimum of the exterior to be covered with brick, decorative block, stucco, wood,

2 or other similar materials. Mr. Barber confirmed they exceed this requirement by quite a  
lot. Commissioner Kallas commented that he thinks it will work very well, especially  
4 where the building is located in relationship to the freeway. However, he did question  
staff if it is in the spirit of the code if other buildings, that might be visible from the  
freeway, would have the block on them so people driving through our community would  
6 see a more attractive presentation. Mr. Van Wagenen then referenced the code that deals  
with architectural treatments in answer to the question.

8 LCC 17.49.070 states:

10 1. Twenty-five percent (25%) minimum of the exterior of all buildings (except as  
permitted in 17.40.070(2)) shall be covered with brick, decorative block, stucco, wood, or  
12 other similar materials as approved by the Planning Commission. Colored pre-cast  
concrete or colored tilt-up buildings also meet the architectural treatment requirement.  
14 (These architectural treatment standards are not applicable in the HI zone).

Thirty Percent.

16 a. With the consent of the property owner, the Planning Commission may allow  
some or all of the required architectural treatment on a proposed building or  
18 addition to be transferred to a pre-existing building or structure, or transferred to  
one or more sides of a proposed structure, which may be more visible from a  
20 public street. Said transfer of architectural treatment would need to improve the  
overall visual character of the area in a greater manner than if the treatment is  
22 only applied to the less visible building, addition, or side of the structure being  
considered. No net loss of treatment should occur. When considering a transfer of  
24 the architectural treatment, the Planning Commission should be conscious of  
visual site lines of adjacent buildings and properties to determine if they would be  
26 negatively impacted by a Planning Commission decision to allow transfer of the  
architectural treatment on the proposed structures. This site plan meets the  
28 requirements for the landscape strip, interior parking lot landscaping, and other  
applicable criteria.

30  
32 There was then some general discussion regarding the referenced code.  
Commissioner Kallas commented that there doesn't seem to be any problems and no  
negative impacts. Commissioner Anderson commented that he doesn't see a problem  
34 either as the freeway is so high. Commissioner Lundberg inquired if this will affect the  
access to the billboard. Mr. Barber stated that the billboard access will not be affected.

36 Mr. Van Wagenen added that the site plan meets the requirements for the  
landscape strip, interior parking lot landscaping, and other applicable criteria.

38 Chairperson Call commented that this site plan appears to fit within the ordinance.

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

42 COMMISSIONER LUNDBERG MOVED TO APPROVE THE SITE PLAN  
FOR INTERMOUNTAIN TURBINE BUILDING TWO (2) WITH NO CONDITIONS.  
44 COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

46 CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
48 COMMISSIONER LUNDBERG	AYE

COMMISSIONER MARCHBANKS        AYE  
2 COMMISSIONER ANDERSON        AYE  
THE MOTION CARRIED UNANIMOUSLY.

4  
6        6. **SITE PLAN:** *Valdez Painting Storage Building, 339 South Geneva Road.* This  
8        request by Tony Valdez for site plan approval of a 2,400 square foot stand-alone  
storage building in the Light Industrial (LI) zone. This will be a third building on  
the 2.13 acre property.

10        Mr. Van Wagenen explained this is a request by Tony Valdez for site plan  
12        approval for a 2,400 square foot storage building. He noted that the new building is a  
steel structure with painted concrete on the base that will match the office building in  
14        front. He then referenced the proposed elevations. He went on to say this is a 19%  
increase in overall building square footage on the site, and, as such, the building needs to  
16        meet architectural standards. Mr. Van Wagenen then referenced the applicable code as  
follows:

18        LCC 17.49.070 states:

20        Twenty-five percent (25%) minimum of the exterior of all buildings (except as permitted  
22        in 17.40.070(2)) shall be covered with brick, decorative block, stucco, wood, or other  
similar materials as approved by the Planning Commission. Colored pre-cast concrete or  
24        colored tilt-up buildings also meet the architectural treatment requirement. (These  
architectural treatment standards are not applicable in the HI zone).

24        Thirty Percent.

26        a. With the consent of the property owner, the Planning Commission may allow  
28        some or all of the required architectural treatment on a proposed building or  
addition to be transferred to a pre-existing building or structure, or transferred to  
30        one or more sides of a proposed structure, which may be more visible from a  
public street. Said transfer of architectural treatment would need to improve the  
32        overall visual character of the area in a greater manner than if the treatment is  
only applied to the less visible building, addition, or side of the structure being  
34        considered. No net loss of treatment should occur. When considering a transfer of  
the architectural treatment, the Planning Commission should be conscious of  
36        visual site lines of adjacent buildings and properties to determine if they would be  
negatively impacted by a Planning Commission decision to allow transfer of the  
architectural treatment on the proposed structures.

38        Mr. Val Killian was in attendance representing the applicant, Mr. Valdez. Mr.  
40        Killian noted the new storage building will be used for sandblasting equipment. Mr. Van  
Wagenen showed photos of the site noting that it has been cleaned up a lot since Mr.  
42        Valdez has occupied the facility. He further explained that this site plan is almost  
identical to the plan previously seen by the Commission with the exception of the new  
44        2,400 square foot building. He added that there are no additional landscape requirements  
because the overall percentage of the existing square footage on the site is not over 10  
46        percent. Mr. Van Wagenen added that this site plan application is pretty straightforward.  
He noted the applicants have proposed that the 25% required treatment will match what  
48        the Commission previously approved on the front building when the site plan came  
through before.

2 Mr. Killian then described the treatment process noting that it is very durable and  
3 matches the same balance that will be in the front of the building. Mr. Van Wagenen  
4 added that there is not a photo of what was previously approved, as Mr. Valdez has not  
5 yet put the treatment on the front office building from the previous application. There  
6 was then some general discussion regarding this issue.

7 Chairperson Call noted that code states that brick, decorative block, stucco, wood,  
8 or other similar materials or colored pre-cast concrete or colored tilt-up, colored precast  
9 base or tilt up be used, and questioned if the proposed painted base fits the ordinance.  
10 Mr. Killian commented that the Commission previously approved the painted base  
11 (which has not been done yet). He noted that the building will not be seen from the  
12 freeway and there is virtually no way to see it from the street. Chairperson Call  
13 commented that it would be helpful if the Commissioners could see a picture or sample  
14 of what the building will look like.

15 Commissioner Anderson commented that he does not have a problem with the  
16 location, but he does have an issue if allowing this sets a precedent. Mr. Killian stated  
17 that they understood that they needed to have 25% decorative element on the front of the  
18 building and because it was approved then, they are asking that the Commission also  
19 approve it for the new building. Commissioner Kallas commented that this is a very  
20 visible building and the Commission made exception for them on the first site plan and  
21 stated that the code should be followed. Mr. Killian stated that what Mr. Valdez has done  
22 to maintain the site, given his type of facility, he sees nothing wrong with a painted steel  
23 building provided it is maintained properly. Mr. Killian further stated that the exceptions  
24 were made before, so now, in reality, the code is being followed because the Planning  
25 Commission opted to accept it and allowed it to happen. Commissioner Kallas pointed  
26 out that does not set a precedent for the future.

27 Commissioner Lundberg commented that she would appreciate seeing a sample of  
28 the building material. She also agrees that the size of the building is an issue. Mr. Killian  
29 stated that he will get a material sample for the Commissioners to review. Mr. Van  
30 Wagenen commented that there may be an exception to the type of material or other  
31 similar materials, based on the code, that are used in the same outcome are a possibility.  
32 Commissioner Marchbanks asked what Mr. Valdez' timeline is for completing the  
33 treatment on the building. Mr. Killian was not sure of the timeline, but he added that he  
34 could certainly obtain a sample. He stated that Mr. Valdez has all intentions of  
35 completing the building. He further stated that he would like to see approval tonight as to  
36 be able to continue with the project.

37 Commissioner Anderson commented that the Commission has gone overboard  
38 with allowing Mr. Valdez to bring the other building up to code by finishing up the  
39 painting, and without seeing a sample it is hard to grant approval. Commissioner Kallas  
40 noted that the delays are Mr. Valdez' fault not the Commissions. Mr. Killian stated that  
41 Mr. Valdez appreciates the Commission and noted he has greatly improved the site and  
42 wants to continue to be a good member to the base of Lindon City. Mr. Killian went on to  
43 say that he does not want to appear adversarial, that was not his intent, but, the reality is  
44 that what was previously approved does have some precedent.

45 Commissioner Kallas commented that the fact that this was previously approved,  
46 whether we like it or not, sets a precedent that has to be followed throughout the city.  
47 Mr. Killian stated that the realities are if there are two buildings on the same piece of  
48 ground, owned by the same person, and one building was approved, and something else  
is approved for the other building, is just not right, and seems counterproductive to now

ask for something totally different. Commissioner Lundberg pointed out that they are not asking for something totally different, they are just asking for Mr. Valdez to perform upon what he promised to do. She went on to say, that it is not unreasonable, if Mr. Valdez has had an opportunity to put the finish on, for the Commissioners to see it and feel good about it, and now they are looking at doing a much larger structure; the Commission is not trying to delay his operation. Mr. Killian reiterated that he would be happy to get a material sample for the Commissioners to review. At this time Chairperson Call observed that the Commission could continue this item or approve it with conditions.

Commissioner Marchbanks agreed that there are two choices to consider as follows: 1. Continue this item in order to see a sample or 2. Approve the item with conditions, subject to seeing either the final product on the existing building or a sample. Commissioner Marchbanks also noted that permission to proceed could be given as to not hold up the applicant's project. Commissioner Marchbanks went on to say that he is optimistic that once the sample is seen, the Commission will be fine with the building, but he understands that it is hard to determine when the final product has not been seen. Commissioner Lundberg agreed with Commissioner Marchbanks that she would be comfortable with approval, so Mr. Valdez can move forward on the plans, and to see a sample in a few weeks. Mr. Van Wagenen suggested adding a time line if conditions are imposed.

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

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE SITE PLAN FOR VALDEZ PAINTING STORAGE BUILDING WITH THE FOLLOWING CONDITIONS: 1. A SAMPLE OF THE FINISH MATERIAL BE PRESENTED AND 2. FINAL APPROVAL IS GIVEN AT THE NEXT PLANNING COMMISSION MEETING TO BE HELD ON OCTOBER 22, 2013 AT WHICH TIME, AFTER REVIEW OF THE FINAL PRODUCT, THE CONDITIONS MAY BE REMOVED. COMMISSIONER LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

7. **CONDITIONAL USE PERMIT:** *Northwest Fence Storage, 225-241 South 1250 West.* This is a Conditional Use Permit request by Northwest Fence & Supply for approval of a storage yard in the Light Industrial (LI) zone. The yard will cover two lots on about 2 acres.

Mr. Van Wagenen opened the discussion by explaining this is a request by Aaron Judkins (who was in attendance) for approval of a Conditional Use Permit for outdoor storage of fencing materials for Northwest Fence & Supply. He noted that they had to relocate and would like to transfer some of their equipment to this site that they own. Mr. Van Wagenen that the site will be slightly graded and they have had gravel fill

2 brought in to keep the dirt tracking down. He then referenced photos depicting the site  
and the type of materials to be stored.

4 Mr. Judkins addressed the Commission at this time. He commented that their yard  
is very impeccable and very clean and organized. He noted that they were going to add  
6 lights to the sight to minimize theft potential but the costs were too high. There was then  
some general discussion regarding this agenda item. Chairperson Call pointed out that  
8 the two sites Mr. Judkins is proposing will need to be changed with the conditional use  
motion.

10 Commissioner Lundberg suggested including all 4 sites so Mr. Judkins would not  
have to come back before the Commission. Mr. Van Wagenen reminded the Commission  
that Conditional Use Permits run with the property not with the owner (in the event that  
12 Mr. Judkins leases some parcels). Commissioner Anderson commented that some  
specific conditions should be included in the motion, as far as height, type of storage,  
14 whether site obscuring etc.

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

18 COMMISSIONER ANDERSON MOVED TO APPROVE THE  
CONDITIONAL USE PERMIT FOR NORTHWEST FENCE AND SUPPLY'S  
20 OUTDOOR STORAGE YARD LOCATED AT 255/279 SOUTH 1250 WEST WITH  
THE FOLLOWING CONDITIONS: 1. THAT IT WILL BE USED FOR THE  
22 STORAGE OF NEW FENCING MATERIALS AND 2. IF OTHER TYPES OF  
FENCING MATERIALS THAT ARE CONSIDERED JUNK OR UNSIGHTLY ARE  
24 STORED THEY WILL BE SURROUNDED BY A SITE OBSCURING CHAIN LINK  
FENCE. COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS  
26 RECORDED AS FOLLOWS:

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

34 8. **NEW BUSINESS** – Reports by Commissioners.

36 Chairperson Call called for any new business or reports from the Commissioners.  
Chairperson Call mentioned the Mayor's Open House to be held on Thursday, October  
38 17<sup>th</sup> at 6:30 p.m. at her residence. She encouraged the Planning Commissioner's to  
attend.

40 Commissioner Lundberg commented that she noticed in the news today that the  
Salt Lake County Council unanimously agreed to write a letter to Governor Herbert  
42 urging him to exercise his authority to close down "Stericycle", a medical waste  
incinerator facility in North Salt Lake. She noted that the facility is suspected of going  
44 out of bounds with emitting harmful pollutants into the air and also with their conditional  
uses; this issue could potentially be quite controversial.

46 Following some additional general discussion Chairperson Call called moved on  
to the next agenda item.

48

9. **PLANNING DIRECTOR'S REPORT** –

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

- City Council items:
  - Lindon Business Park Plat C
  - Avalon Senior Housing
- Drafts of vinyl fence and Bed and Breakfast ordinance next meeting; missed newspaper notice
- Meet the Candidates Night will be held on October 24<sup>th</sup> at the Community Center
- Voter information pamphlet will be coming in the mail

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

**ADJOURN** –

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

Approved – October 22, 2013

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

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