

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **January 27, 2015 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.

8 Conducting: Sharon Call, Chairperson  
9 Invocation: Mike Marchbanks, Commissioner  
10 Pledge of Allegiance: Rob Kallas, Commissioner

12 <b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>
Sharon Call, Chairperson	Matt McDonald, Commissioner
14 Mike Marchbanks, Commissioner	
Andrew Skinner, Commissioner	
16 Rob Kallas, Commissioner	
Bob Wily, Commissioner	
18 Hugh Van Wagenen, Planning Director	
Jordan Cullimore, Associate Planner	
20 Kathy Moosman, City Recorder	

- 22 1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.
- 24 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of January 13,  
25 2015 were reviewed.

26  
27 COMMISSIONER WILY MOVED TO APPROVE THE MINUTES OF THE  
28 REGULAR MEETING OF JANUARY 13, 2015 AS PRESENTED. COMMISSIONER  
29 MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.  
30 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  
39 4. **Site Plan** – *Lindon Tech Center, Approx. 600 North 2000 West.* Andrew  
40 Bollschweiler requests site plan approval of an 81,884 square foot office/warehouse  
41 on Lot 1 and an 81,883 square foot office/warehouse on Lot 2 of the Lindon Tech  
42 Center subdivision at approximately 600 North 2000 West in the Mixed Commercial  
43 (MC) zone.

44  
45 Hugh Van Wagenen, Planning Director, opened the discussion by giving a brief  
46 summary of this agenda item. He explained this is a request by Andrew Bollschweiler  
47 (who is in attendance) for site plan approval of a two phase office/warehouse project  
48 consisting of two buildings of 81,884 square feet each on approximately 11 acres with

2 one 81,884 square foot office/warehouse located on Lot #1 and an 81,883 square foot  
office/warehouse located on Lot #2 of the Lindon Tech Center subdivision located at  
4 located at approximately 600 North 2000 West in the Mixed Commercial (MC) zone.

6 Mr. Van Wagenen explained that a northern portion of this site was re-zoned from  
General Commercial to Mixed Commercial (even though a large portion was already  
8 mixed commercial) several months ago that was based on a concept given at the time of a  
similar office/warehouse project; the orientation has changed from that concept but the  
10 general spirit still applies. He noted that most office/warehouse uses are permitted or  
conditionally permitted in the MC zone. He added that the project will be built in two  
12 phases with phase one consisting of the building along the 2000 West frontage and phase  
two consisting of the building directly to the east of phase one depending on how long it  
takes to get the tenants in line.

14 Mr. Van Wagenen re-iterated that these buildings will be about 81,884 square feet  
each and on separate lots of 5.65 acres and 5.61 acres respectively. He noted the next  
16 agenda item to be discussed is the subdivision application. Mr. Van Wagenen stated the  
parking standards have been met for both buildings and there is adequate bike parking  
18 stalls provided (16 stalls on each building); a parking summary is included in the staff  
report.

20 He further explained that in the Mixed Commercial Zone warehousing uses  
require one parking stall per 500 square feet while office uses require one stall per 350  
22 square feet. Bicycle parking is required at an 8% ratio to the total number of parking  
stalls up to 16 bike stalls. ADA parking spaces are based on the total number of vehicles  
24 spaces. The square footage and correlating parking requirements for each building is  
below:

26

- **Building One**

28 *Office: 20,000 square feet (57 stalls)*

*Warehouse: 61,884 square feet (124 stalls)*

30 *Total Parking Required/ Provided:*

*181/181 Total ADA Spaces Required/Provided:*

32 *6/6 Total Bicycle Spaces Required/Provided: 14/16*

- **Building Two**

34 *Office: 21,000 square feet (60 stalls)*

*Warehouse: 60,884 square feet (122 stalls)*

36 *Total Parking Required/Provided: 182/182*

*Total ADA Spaces Required/Provided: 6/6*

38 *Total Bicycle Spaces Required/Provided: 14/16*

40 Mr. Van Wagenen commented that the proposed location is south of the Forever  
Green building on 700 North. He noted the 20 ft. standard landscape strip along the  
42 frontage has been provided. Mr. Van Wagenen stated that Mr. Bollschweiler is making a  
unique request tonight in regards to the overall interior landscaping.

44 Mr. Van Wagenen explained that subsection 17.48.030(4) requires a 20 foot  
landscaped berm along public street frontages, of which at least 70% is planted in grass.  
46 He noted the Code also requires that trees be planted within the strip every 30 feet on  
center. Building #1 is located along the public frontage of 2000 West and has the required

2 landscape strip with grass and trees every 30 feet on center. Building #2 does not have  
any public street frontage.

4 Mr. Van Wagenen further explained that the interior landscaping must be  
provided at 40 square feet per required stall. He mentioned that although each building is  
6 providing sufficient on-site parking, the interior landscaping requirement is not being met  
on each site respectively. He noted that Mr. Bollschweiler is proposing to make up the  
8 deficiencies in interior landscaping for Buildings #1 and #2 with the construction of the  
future phase three office building project so that the site as a whole meets the  
10 requirements. Mr. Van Wagenen then referenced a summary of required and provided  
interior parking lot landscaping per building as shown below.

12 • **Building One**

*Interior Parking Lot Landscaping Required/Provided (40 square feet per stall):  
14 4,208/7,240 square feet Deficient: 3,032 square feet.*

16 • **Building Two**

*Interior Parking Lot Landscaping Required/Provided (40 square feet per stall):  
18 6,440/7,280 square feet Deficient: 840 square feet.*

20 Mr. Van Wagenen pointed out that the total deficiency for the two sites is 3,872  
square feet. He noted that in order to ensure that the deficient landscaping is made up in  
phase three, the applicant is proposing to place a note on the required plat indicating the  
22 minimum landscaping requirements for each lot, which would include the 3,872 square  
feet of interior landscaping in addition to whatever is required by the provided parking  
24 stalls for that phase. Mr. Van Wagenen gave the following example, a note on the plat  
could state, “Lot #3 (phase three) to provide the following minimum parking lot  
26 landscaping area: what is required by code (40 square feet per stall) plus an additional  
3,872 square feet of parking lot landscaping.”

28 Mr. Van Wagenen further discussed that the Code requires a minimum of 15% of  
each lot be maintained in permanent landscaped open space. Building #1 and Building #2  
30 are deficient in this area with Building #1 providing 10.13% (24,922 square feet of  
36,904 square feet required) and Building #2 providing 11.33% (27,711 square feet of  
32 36,682 square feet required). Mr. Van Wagenen re-iterated that the applicant is proposing  
that these deficiencies be made up in future phase three of the overall project and be  
34 ensured by placing a note on the plat. He noted the total deficiency is 20,953 square feet  
of landscaped open space. He added that Phase three is a 202,986 square foot lot and will  
36 require a minimum of 30,448 square feet of overall landscaping. If phase three is allowed  
to “absorb” the deficiencies in phases one and two, the plat note could state, “Lot #3 to  
38 provide the following minimum overall landscaping area: 51,401 square feet (20,953  
square feet plus 30,448 square feet).

40 Mr. Van Wagenen further discussed that all other landscaping requirements have  
been met for both buildings, including landscape buffers from adjacent zones and  
42 landscaping around the buildings. Mr. Van Wagenen explained that the MC zone the  
architectural design requirement states that all structures shall be aesthetically pleasing,  
44 well-proportioned building that blend with the surrounding property and structures. All  
structures in the zone shall have finished of brick, decorative block, stucco, wood,  
46 concrete tilt-up or other materials and designs approved within the Lindon City  
Commercial Design Guidelines, or as otherwise approved by the Planning Commission.  
48 Both Building #1 and Building #2 are virtually identical. The building materials proposed

2 for the exterior of the structure include grey concrete tilt-up panels with varying  
3 sandblasting applied, 5% black tinted concrete tilt-up panels, and aluminum accent  
4 canopies. The building height is 40 feet high which is within the 48 foot limit. Mr. Van  
5 Wagenen stated that the biggest question tonight is if the Commission is comfortable  
6 allowing the landscaping to be shifted to future Phase 3, outside of this question, height is  
7 met, parking itself is met and the overall landscaping for buildings #1 and #2 is met.

8 Mr. Van Wagenen added that the City Engineer is working through technical  
9 issues related to the site and will ensure all engineering related issues are resolved before  
10 final approval is granted. Mr. Van Wagenen then referenced an aerial photo of the site  
11 and surrounding area, photographs of the existing site, site plan documents, architectural  
12 rendering and elevations and the landscaping plan. Mr. Van Wagenen then turned the  
13 time over to Mr. Bollschweiler followed by some general discussion.

14 Mr. Bollschweiler commented that Phase 3 is not being presented tonight but they  
15 will be submitting that within a week so it will end up being built concurrently with  
16 Building #1 so the landscaping discussed will be put in at the same time. Commissioner  
17 Kallas inquired what the reasoning is for so much landscaping being deferred. Mr.  
18 Bollschweiler stated it is because of the layout and they are trying to get as much parking,  
19 per city ordinance, as possible and also to keep more open space and to stay away from  
20 the residential as much as possible. Mr. Van Wagenen stated that in industrial zones the  
21 parking standards are different and the lot size and layout plays a role.

22 Chairperson Call mentioned they are naming the project "Lindon Tech Center"  
23 and inquired what they will be doing in the buildings. Mr. Bollschweiler stated that  
24 buildings one and two will be office warehouse (specs) and Building three will be strictly  
25 office; they do not know what will be in there at this time; 1/3 of Building one is already  
26 leased.

27 Commissioner Kallas asked who will control the signage criteria of the building  
28 and if that will be approved through the city. Mr. Van Wagenen confirmed that statement.  
29 Mr. Bollschweiler noted that the elevation plan shows where the signage will go and  
30 where it is intended to go and as part of the leasing it will need to be approved.  
31 Commissioner Kallas asked what controls the city has regarding signage and what is put  
32 in their CC&R's and what signage is allowed. Mr. Van Wagenen stated that the only  
33 thing the city has jurisdiction over is included in Title 18 of the Lindon City Code;  
34 CC&R's are outside of city jurisdiction but a sign permit is required from the city and is  
35 approved by staff.

36 Chairperson Call asked for input on the change and exception on the interior  
37 landscaping issue. Commissioner Kallas commented that all the landscaping is in the  
38 back where no one can see it but it does provide a buffer against the residential area and  
39 questioned if it would be better served where the public can see it. Mr. Van Wagenen  
40 then pointed out on the screen exactly where the landscaping will be located.

41 Chairperson Call expressed her opinion where this is all one campus and as long  
42 as the interior landscaping, as a whole, is adequate and meets the ordinance she feels  
43 comfortable with this; if the buildings were individual and not one campus she may feel  
44 differently. Chairperson Call stated that she has no other concerns. Commissioner Wily  
45 agreed that he is fine with this and it looks like it will be a nice project.

46 Commissioner Marchbanks pointed out that there could end up being separate  
47 owners from either of the two other buildings. He added that he doesn't have a problem  
48 with less landscaping in the industrial areas as it saves water and he has no problem if it

2 is blatantly included on the plat. He added that he thinks it would be more appropriate to  
4 go heavy on the landscaping around the Class A office than the industrial area as it may  
not be a campus forever; the theme is set in stone as it is built and there should not be any  
concerns about who ends up owning it.

6 Chairperson Call called for any further comments or discussion. Hearing none she  
called for a motion.

8  
10 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE  
11 APPLICANT'S REQUEST FOR A TWO-PHASE SITE PLAN APPROVAL OF TWO  
12 81,884 SQUARE FOOT OFFICE/WAREHOUSE BUILDINGS REFERRED TO AS  
13 LINDON TECH CENTER WITH THE FOLLOWING CONDITIONS: 1. LINDON  
14 TECH CENTER SUBDIVISION NEEDS TO BE APPROVED AND RECORDED.  
15 AND 2. ANY DEFICIENCIES IN LANDSCAPING ON PHASES 1 AND 2 NEED TO  
16 BE REMEDIATED IN THE FUTURE PHASE 3 THROUGH NOTES ON THE LINDON  
17 TECH CENTER SUBDIVISION PLAT 3. COMMISSIONER SKINNER  
18 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

18 CHAIRPERSON CALL AYE  
19 COMMISSIONER WILY AYE  
20 COMMISSIONER KALLAS AYE  
21 COMMISSIONER MARCHBANKS AYE  
22 COMMISSIONER SKINNER AYE  
23 THE MOTION CARRIED UNANIMOUSLY.

- 24  
25 5. **Minor Subdivision** – *Lindon Tech Center, Approx. 600 North 2000 West.* Andrew  
26 Bollschweiler requests preliminary approval of a three (3) lot subdivision, including  
27 dedication of public right of way at approximately 600 North and 2000 West in the  
28 Mixed Commercial (MC) zone.

30 Mr. Van Wagenen led this agenda item by explaining this is a request by Andrew  
31 Bollschweiler (who is attendance) for preliminary approval of a three (3) lot subdivision,  
32 including dedication of public right of way at approximately 600 North and 2000 West in  
the Mixed Commercial (MC) zone.

34 Mr. Van Wagenen then gave a brief overview stating the northern portion of the  
35 project was recently rezoned from CG to MC based on a similar concept for an  
36 office/warehouse project. He noted that most office/warehouse uses are permitted or  
37 conditionally permitted in the MC zone. He pointed out that the previous item just  
38 approved on the agenda was a phased site plan application for the two of the three lots.  
39 Mr. Van Wagenen stated as part of that application, the applicant is desiring to make up  
40 for landscaping deficiencies on lots one and two by placing appropriate notes on lot three  
of this plat. He noted that all of the actual square foot percentages will be verified by staff  
42 prior to recording of the plat.

44 Mr. Van Wagenen noted that the minimum lot size in the MC zone is 1 acre  
(43,560 sq. ft.) and the lots created by this subdivision will be 5.6 acres (Lot 1), 5.6 acres  
(Lot 2) and 4.7 acres (Lot 3). He added that Lots 1 and 3 meet the required public street  
46 frontage of 100 feet and Lot 2 fronts on a private right of way as described in easement  
notes One and Three; this is allowed per LCC 17.04.180.

2 Mr. Van Wagenen went on to say that staff has determined that the proposed  
subdivision complies with all remaining land use standards. He noted the street  
4 dedication along 2000 West is part of the subdivision and street improvements, including  
pavement widening and curb, gutter, and sidewalk installation and will be constructed (all  
6 the way along the north property line down to the intersection at 500 North) with  
approval of the plat. Mr. Van Wagenen stated that the City Engineer is addressing  
8 engineering standards and all engineering issues will be resolved before final approval is  
granted. Mr. Van Wagenen the referenced an aerial photo of the proposed subdivision  
10 and the preliminary plan followed by some general discussion.

Chairperson Call pointed out there has already been discussion on the landscaping  
12 requirement so this appears that the major issue here it whether to approve the 3 lot  
subdivision because these lots do meet the minimum lot size, frontage requirement, land  
14 use standards, street dedication.

Chairperson Call called for any further comments or discussion. Hearing none she  
16 called for a motion.

18 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S  
REQUEST FOR APPROVAL OF A THREE LOT SUBDIVISION TO BE KNOWN AS  
20 LINDON TECH CENTER WITH THE FOLLOWING CONDITION: 1.  
APPROPRIATE MINIMUM REQUIREMENTS FOR INTERIOR PARKING LOT  
22 LANDSCAPING AND OVERALL LANDSCAPING TO MEET OVERALL SITE  
REQUIREMENTS ARE RECORDED ON THE PLAT. COMMISSIONER  
24 MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
FOLLOWS:

26 CHAIRPERSON CALL	AYE
COMMISSIONER WILY	AYE
28 COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
30 COMMISSIONER SKINNER	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 32  
34 6. **Public Hearing** – *Zone Map Amendment, approx. 53 North State Street.* Brandon  
Pierce requests approval of a zone map amendment to reclassify Utah County  
36 Parcel ID #14:069:0266 from General Commercial (CG) to General Commercial  
A (CG-A) to allow used automobile sales on the lot.

38 COMMISSIONER WILY MOVED TO OPEN THE PUBLIC HEARING.  
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT  
40 VOTED IN FAVOR. THE MOTION CARRIED.

42 Jordan Cullimore, Associate Planner, led this agenda item by explaining Brandon  
Pierce (who is in attendance) is requesting approval of a zone map amendment to  
44 reclassify Utah County Parcel ID #14:069:0266 from General Commercial (CG) to  
General Commercial A (CG-A) to allow used automobile sales on the lot.

46 Mr. Cullimore explained the principle difference between the General  
Commercial (CG) and General Commercial A (CG-A) zones is that the CG does not  
48 allow used car sales, while the CG-A does. He noted that the applicant currently operates

2 a used car lot (Performance Motors) at 17 North State Street in Lindon (just to the north  
of the subject property). Recently, the landlord of the property where Performance  
4 Motors currently operates informed the applicant that they would like to redevelop the  
site and potentially add additional buildings to maximize its use potential which means  
6 that Performance Motors will need to find a new location to operate.

8 Mr. Cullimore stated the applicant's business has done well in Lindon, and he  
would like to stay in Lindon and continue to contribute and operate in the community.  
Mr. Cullimore stated the property that is located directly south of the current location of  
10 Performance Motors would serve the Mr. Pierce's needs but it is not zoned to allow used  
car sales; Mr. Pierce is requesting that the lot be rezoned from CG to CG-A to allow him  
12 to improve the site, construct a new building, and continue to operate Performance  
Motors in Lindon. The applicants have also provided a conceptual model showing what  
14 the building will look like. Mr. Cullimore gave made mention of an email sent by Mrs.  
Elsa Marie Johnson that was not included in the staff report. This issue will go on to the  
16 City Council.

18 Mr. Cullimore stated that subsection 17.04.090(2) of the Lindon City Code  
establishes the factors to review when considering a request for a zone change. The  
subsection states that the "planning commission shall recommend adoption of a proposed  
20 amendment only where the following findings are made:

- 22 • The proposed amendment is in accord with the master plan of Lindon City;
- 24 • Changed or changing conditions make the proposed amendment reasonably  
necessary to carry out the purposes of the division."
- 26 • The stated purpose of the General Commercial Zone is to "promote commercial  
and service uses for general community shopping." Further, the "objective in  
28 establishing commercial zones is to provide areas within the City where  
commercial and service uses may be located." Commercial zones include the CG,  
CG-A, CG-A8, CG-S, PC-1, and PC-2 zones.

30 Mr. Cullimore then referenced an aerial photo of the proposed area to be re-  
classified, photographs of the proposed area to be reclassified, photographs of the current  
32 Performance Motors site, the current zoning of the area, the conceptual site plan and  
Performance Motors financial information from 2012-2014 followed by some general  
34 discussion by the Commission.

36 Mr. Pierce then showed the conceptual model, (approximately 1,000 square feet  
per level). He stated that he has been in the used car business for 20 years and feels he  
provides a good service. He noted they average between 35 and 50 cars on the lot and  
38 they service their own cars and do light repairs. He went on to say they buy late model  
cars (lease returns) that are still under warranty so they do not require a lot of repairs. Mr.  
40 Pierce explained that their bays will all face west so the parking is in the front of the  
building and there will be plenty of customer parking. He noted there are an additional  
42 two employees besides himself. He mentioned that they currently lease the building they  
are in and they need to do something different whether it be in Lindon or somewhere  
44 else. He noted that the concerns of Mrs. Johnson are all issues with the previous owner.

46 Chairperson Call opened the meeting to public comment at this time. Several  
residents in attendance addressed the Commission as follows:

2 **Lila Perry:** Ms. Perry stated that she is Mrs. Johnson's daughter. She mentioned that  
they did not initially realize which property was being referenced, they thought it was the  
4 property east of them which might make the email seem confusing. She also mentioned  
their concerns about a light that is a nuisance and also the noise issues and the lack of  
6 privacy are major issues. Ms. Perry stated they have had many issues with the noise and  
have had to call the police at midnight.

8

10 **David Erickson:** Mr. Erickson mentioned that he is the seller of the property and noted  
that he has a lot of roots in Lindon. He explained the Johnson family created a piece  
there and made the parcel knowing there would be something commercial there someday.  
12 He expressed his opinion that whatever is developed at that location there will be  
something that will bother someone close by. He noted that this is second potential buyer  
14 with the first being turned down by the city and questioned what to do to alleviate the  
issue of nearby residential properties being bothered by the impact commercial  
16 development on State Street; because of this he is hoping this request is approved.

18 **Karen Rowley:** Ms. Rowley mentioned that as far as the other home that adjoins the  
property to the north is concerned, it will be demolished soon so there will be another  
20 piece of commercial property. She also commented that it is her understanding that noise  
is allowed during daylight hours. She expressed that she feels everyone should be  
22 considerate in this matter.

24 **Elsa Marie Johnson:** Mrs. Johnson commented that she is aware that there would be  
commercial business next to her at some point and she is not saying that they can't have  
26 anything there, but a used car lot is not a nice building with a lot of cars and they will be  
really close to her property. She understands that Lindon already has 6 used car lots on  
28 State Street in Lindon and it was her understanding that there used to be a limit of 5 used  
car lots. Mr. Cullimore explained there is a separate zone now that allows for used car  
30 lots and there is not a maximum limit anymore.

32 Mr. Pierce commented that all of these issues happened before he was there and  
noted they will close at 7 pm and they will do everything they can to be good neighbors.  
34 He added that the bay doors will be shut quite often and they will work to resolve the  
light issue; they will be respectful to the neighbors. Mrs. Johnson agreed they have been  
36 good neighbors; much better than the previous owners.

38 Chairperson Call asked Councilmember Bean opinion on the expansion of used  
car lots in the city. Councilmember Bean commented that this issue has ebbed and  
flowed over the years with past Councils having specific feelings about this issue.  
40 Chairperson Call expressed her concern that if this is re-zoned and Mr. Pierce left the  
property then it could change. Mr. Pierce then gave a summary of the previous owner  
42 (Kevin Gallagher) and what transpired at that time. Commissioner Marchbanks asked  
what the current landlords are intending to do with the property when Mr. Pierce moves.  
44 Mr. Pierce stated he understands that they would like to sell it.

46 **Don Blackholder:** Mr. Blackholder, agent for Mr. Pierce, explained when they started on  
this property two years ago the tax assessment was \$19,200 a year and he was asked by  
48 the present owners to appeal the tax assessment at the county. He stated that he explained

2 to the party hearing the appeal that this property next door is so far back off the road and  
4 even though it is a nice building, it can't support itself as a car lot as the value is in the  
6 building and land the two uses are incompatible for each other. It was used as a car lot  
8 for almost 5 years until the city revoked the automotive status for the use and the county  
10 saw the large lot of the blacktop with the building in the back of the property and the  
12 county realized the property had been wounded by a large building in the back of a lot  
and reduced the property taxes to \$12,000. In the end the best thing is to do away with a  
car lot there and construct two buildings and do an office complex. He suggested this to  
the new owners and they are taking it under consideration. Mr. Blackholder stated the  
current owner would like to transfer the car lot rights to the adjacent property and this  
would be an ideal property for Mr. Pierce.

14 **Mrs. Johnson:** Ms. Johnson voiced her opinion and concern that there are  
16 already too many used car lots in the city and in her opinion she would rather see  
18 something nice like the Osmond Senior Center instead. She also voiced her concerns that  
with a new building with windows that overlook right into her yard and inhibits her  
privacy.

20 Chairperson Call called for any comments or discussion. Hearing none she called  
22 for a motion to close the public hearing.

24 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.  
26 COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

28 Commissioner Kallas inquired what is planned for the thin piece of side property  
30 and if it will remain there. Mrs. Johnson commented that they use it as a driveway when  
32 needed. Ms. Perry then gave a brief history of the family property. Commissioner  
34 Marchbanks pointed out that the applicant is proposing a relatively low profile building  
with only a few windows in the back without a pitched roof. His concern is that the  
existing zoning could actually allow a 3-story office building which would have a lot of  
windows overlooking her property. He noted that her property sits lower and with a 7 ft.  
wall this may be the best neighbor possible looking at the options and with the least  
impact; it also sounds like Mr. Pierce has been a good neighbor.

36 Commissioner Kallas would suggest that Mr. Pierce keep Mrs. Johnson's  
38 concerns in mind when implementing the lighting on the new building. Mr. Van  
40 Wagenen stated they will address the lighting issue appropriately. Commissioner Skinner  
42 commented that it sounds like Mr. Pierce has been a good neighbor and good for Lindon  
and he personally likes the idea of used car lots being congregated rather than spread  
throughout the city. There was then some additional general discussion by the  
Commission. Chairperson Call stated this issue will go to City Council who will make  
the final determination.

44 Chairperson Call called for any comments or discussion. Hearing none she called  
46 for a motion.

48 COMMISSIONER WILY MOVED TO RECOMMEND TO THE CITY  
COUNCIL APPROVAL OF ORDINANCE #2015-4-O TO CHANGE THE ZONING

2 DESIGNATION OF THE LOT IDENTIFIED BY UTAH COUNTY PARCEL  
#14:069:0266 FROM GENERAL COMMERCIAL (CG) TO GENERAL  
4 COMMERCIAL A (CG-A) WITH NO CONDITIONS. COMMISSIONER SKINNER  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

6 CHAIRPERSON CALL AYE  
COMMISSIONER WILY AYE  
8 COMMISSIONER KALLAS AYE  
COMMISSIONER MARCHBANKS AYE  
10 COMMISSIONER SKINEER AYE  
THE MOTION CARRIED UNANIMOUSLY.

- 12  
14 7. **Minor Subdivision** – *Westlind Industrial Park, approx. 1450 West 70 South.* Jill  
Einerson requests preliminary subdivision approval of a 3 lot industrial  
16 subdivision, with common area, at approximately 1450 West 70 South in the  
Light Industrial (LI) zone.

18 Mr. Cullimore led this agenda item by explaining this is a request by Jill Einerson  
(who is in attendance) and requesting preliminary subdivision approval of a 3 lot  
20 industrial subdivision, with common area, at approximately 1450 West 70 South in the  
Light Industrial (LI) zone.

22 Mr. Cullimore stated that Ms. Einerson represents one of the current tenants of the  
property, and would like to purchase their unit from the current property owner. He noted  
24 that to do this transaction, the existing building must be condominiumized to create  
unique parcel IDs for the units that will enable the units to be separately owned. Mr.  
26 Cullimore stated there will be no additions or modifications to the building, and the  
existing site will not be reconfigured. He noted the effect of the plat will be to simply  
28 create two units within the structure that may be separately owned. He mentioned that  
each unit will include an undivided interest in the identified common area.

30 Mr. Cullimore explained that since there will be no exterior additions or  
modifications to the site or structures, staff has determined that the proposed subdivision  
32 complies, or will be able to comply before final approval, with applicable land use  
standards. He mentioned that the City Engineer is addressing engineering standards and  
34 all engineering issues will be resolved before final approval is granted. Mr. Cullimore  
noted that staff will ensure that the final plat complies with all requirements of the Utah  
36 Condominium Ownership Act. Mr. Cullimore stated this is a pretty straightforward  
request.

38 Mr. Cullimore then referenced an aerial photo of the proposed subdivision,  
preliminary plan and photos of the existing site and structure followed by some general  
40 discussion. Commissioner Marchbanks commented that he visited the proposed  
subdivision site and stated they have done a beautiful job and it makes sense of what they  
42 are trying to do as a business owner and he feels it brings continuity and consistency and  
will be an advantage.

44 Chairperson Call called for any additional comments or discussion. Hearing none  
she called for a motion.

46  
48 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE  
APPLICANTS REQUEST FOR APPROVAL OF A TWO UNIT INDUSTRIAL

2 CONDOMINIUM SUBDIVISION WITH THE CONDITION THAT ALL  
3 CONDOMINIUM CODES, STATE GUIDELINES AND BUILDING CONDITIONS  
4 BE MET AND FOLLOWED THROUGH WITH STAFF. COMMISSIONER KALLAS  
5 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

6 CHAIRPERSON CALL AYE  
7 COMMISSIONER WILY AYE  
8 COMMISSIONER KALLAS AYE  
9 COMMISSIONER MARCHBANKS AYE  
10 COMMISSIONER SKINNER AYE  
11 THE MOTION CARRIED UNANIMOUSLY.

12  
13 8. **Minor Subdivision** – *Ostler Industrial Park, approx. 124 South 1800 West.*  
14 Brian Pittard requests preliminary subdivision approval of a 2 lot industrial  
15 subdivision at approximately 124 South 1800 West in the light Industrial zone.

16  
17 Mr. Cullimore led this agenda item by explaining this is a request by Brian Pittard  
18 and who is requesting preliminary subdivision approval of a 2 lot industrial subdivision at  
19 approximately 124 South 1800 West in the light Industrial zone. Mr. Cullimore stated  
20 that Rob Webber representing the contractor and Mr. Pittard are in attendance to answer  
21 and questions.

22 Mr. Cullimore explained that the existing lot is a 2.018 acre industrial site with an  
23 existing industrial structure. He noted the northernmost area of the site is currently  
24 undeveloped. The property owner would like to subdivide the existing lot and develop the  
25 resulting undeveloped lot with another industrial structure. He noted that the site plan for  
26 lot 2 will be discussed at the next agenda item. Mr. Cullimore further explained the  
27 minimum lot size in the LI zone is 1 acre (43,560 sq. ft.). Lot 1 of the proposed  
28 subdivision will be 1.02 acres and lot 2 will be exactly 1.00 acre and both lots will have  
29 sufficient frontage along a public street that will meet code requirements.

30 Mr. Cullimore went on to say that staff has determined that the proposed  
31 subdivision complies, or will be able to comply before final approval, with all remaining  
32 land use standards. He noted that the required curb and gutter already exist along the  
33 frontage of both proposed lots and the landscaping will be addressed with the site plan  
34 application. Mr. Cullimore stated the City Engineer is addressing engineering standards  
35 and all engineering issues will be resolved before final approval is granted.

36 Mr. Cullimore then referenced an aerial photo of the proposed subdivision,  
37 preliminary plan and site photos followed by some general discussion. Mr. Cullimore  
38 stated that this is a pretty straightforward subdivision as it meets all code requirements.  
39 Chairperson commented that she see no issues with this subdivision and has no concerns.

40 Chairperson Call called for any comments or discussion. Hearing none she called  
41 for a motion.

42  
43 COMMISSIONER WILY MOVED TO APPROVE THE APPLICANT'S  
44 REQUEST FOR APPROVAL OF A TWO LOT INDUSTRIAL SUBDIVISION WITH  
45 NO CONDITIONS. COMMISSIONER SKINNER SECONDED THE MOTION. THE  
46 VOTE WAS RECORDED AS FOLLOWS:

47 CHAIRPERSON CALL AYE  
48 COMMISSIONER WILY AYE

2 COMMISSIONER KALLAS AYE  
COMMISSIONER MARCHBANKS AYE  
4 COMMISSIONER SKINNER AYE  
THE MOTION CARRIED UNANIMOUSLY.

6

8 9. **Site Plan** – *Mix Right, approx. 124 South 1800 West.* Brian Pittard requests  
10 site plan approval of a 9,375 square foot industrial building on lot 2 of the  
proposed Ostler Industrial Park Plat “G” at approximately 124 South 1800  
West in the light Industrial zone.

12 Mr. Cullimore stated this is the site plan of the proposed building in the  
subdivision previously approved. He then gave a brief summary stating the applicant,  
14 Mr. Pittard, proposes to construct a 9,375 square foot industrial building on lot 2 of Ostler  
Industrial Park Plat “G”. He noted the lot is located in the Light Industrial zone. Mr.  
16 Cullimore then referenced the parking standards explaining the industrial building will  
include 1,375 square feet of office space and 8,000 feet of warehouse.

18 Mr. Cullimore explained that the parking ratio for office space is 1/350 sq. ft. and  
the ratio for warehouse space is 1/1000 square feet. Consequently, the required number of  
20 spaces is 12, which includes 1 ADA accessible stall. He noted that Mr. Pittard is  
proposing 18 parking stalls, which satisfies the parking requirement and additionally, the  
22 Code requires 2 bicycle parking stalls. He added the site plan proposes to install 2 bicycle  
parking stalls, and meets the requirement.

24

*He then referenced the summary of parking requirements as follows:*

- 26 • Vehicle Spaces Required: 12
- Vehicle Space Provided: 18
- 28 • Bicycle Spaces Required: 2
- Bicycle Spaces Provided: 2

30

Mr. Cullimore then referenced the landscaped strip along the frontage explaining  
32 that the Light Industrial zone requires a 20’ landscaped strip along all street frontages  
with trees planted within the strip every 30’ on center. He further explained with the  
34 interior landscaping the Code requires that interior landscaping must be provided at 40  
square feet per required stall. He note the site has 18 parking stalls, which will require at  
36 least 720 square feet of interior landscaping, exclusive of the required landscaped strip  
along street frontage. Mr. Cullimore went on to say the submitted landscaping plan does  
38 not propose any interior landscaping; code also requires 1 interior tree per 10 required  
stalls. Mr. Cullimore mentioned that since the site plan does not propose interior  
40 landscaping, this requirement is not being met so staff recommends, as a condition of  
approval, that the applicant comply with interior landscaping requirements before final  
42 approval is granted.

Mr. Cullimore then referenced the architectural standards stating the Code  
44 requires that all buildings in the Light Industrial Zone must be “aesthetically pleasing,  
well- proportioned buildings which blend with the surrounding property and structures.”  
46 He noted that specifically, the following is required:

- 48 • A minimum of 25% of the exterior of the building must be covered with brick,  
decorative block, stucco, wood, or other similar materials as approved by the

2 Planning Commission. The Planning Commission may also approve ribless,  
metal, flat-faced, stucco embossed, metal sandwich panel buildings when the  
4 Commission finds that such buildings are aesthetically pleasing. The Commission  
may also allow that this architectural treatment be transferred to a more visible  
6 side of the building if the transfer improves the overall visual character of the area  
and if no net loss of treatment occurs.

- 8 • In the present case, the entire east elevation of the building, which faces the public  
street will be finished with ribless, metal, flat-faced, stucco embossed, metal  
10 sandwich paneling. The remaining three sides of the building each have less than  
25% of the required architectural treatment, but when all 4 walls are considered  
12 together, 40% of the building is finished with the required architectural treatment.  
The Planning Commission may approve the proposed transfer of much of the  
14 architectural treatment to the front of the building if the Commissioners feel the  
transfer improves the overall visual character. The applicant submitted a board  
16 illustrating the materials that will be displayed at Planning Commission for  
review.

18  
20 Mr. Cullimore went on to say that Code requires buildings in the LI zone to be  
earth-tone colors. Colored elevations of the building will be displayed at the Planning  
Commission meeting for compliance review. He noted the proposed structure meets  
22 setback and height requirements of the LI zone. He added that the City Engineer is  
working through technical issues related to the site and will ensure all engineering related  
24 issues are resolved before final approval is granted. There was then some lengthy general  
discussion regarding this issue. Mr. Cullimore stated some of these issues can be worked  
26 out with the City Engineer at a development review meeting for further discussion.  
Chairperson Call mentioned that as long as a condition is included in the motion some of  
28 these issues can be worked out with staff. Mr. Cullimore confirmed that statement.

30 Mr. Cullimore then referenced an aerial photo of the site and surrounding area,  
photos of the site, the site plan, and the earth-tone color palette.

32 Chairperson Call called for any comments or discussion. Hearing none she called  
for a motion.

34 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE  
36 APPLICANTS REQUEST FOR SITE PLAN APPROVAL WITH THE CONDITION  
THAT THE MINIMUM INTERIOR LANDSCAPE REQUIREMENTS ARE MET  
WITH STAFF AND THAT THE APPLICANT WORK OUT THE ADJUSTMENT  
38 BETWEEN THE LANDSCAPING AND PARKING ISSUES AND MEET ALL  
CONDITIONS. COMMISSIONER KALLAS SECONDED THE MOTION. THE  
40 VOTE WAS RECORDED AS FOLLOWS:

42 CHAIRPERSON CALL	AYE
COMMISSIONER WILY	AYE
COMMISSIONER KALLAS	AYE
44 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER SKINNER	AYE
46 THE MOTION CARRIED UNANIMOUSLY.	

2 10. **Minor Subdivision** – *Ruf Subdivision, approx., 1200 West 700 North*. Ben  
4 Davis of UVM Building, LLC requests preliminary approval of a two (2) lot  
6 commercial subdivision at approximately 1200 West 700 North in the General  
Commercial (CG) zone.

8 Mr. Cullimore led this agenda item by explaining Ben Davis of UVM  
10 Building, LLC (who is in attendance) is requesting preliminary approval of a two  
12 (2) lot commercial subdivision at approximately 1200 West 700 North in the  
14 General Commercial (CG) zone. Mr. Cullimore then gave some background  
stating the existing lot is a 2.27 acre parcel. The applicant wishes to subdivide the  
lot for future development. Curb and Gutter improvement currently exist along 700  
North.

14 Mr. Cullimore then discussed the lot requirements as follows:

- 16 • Minimum lot size in the CG zone is 20,000 square feet (0.46 acre). Lot 1 of the  
proposed subdivision will be exactly 1.0 acre and lot 2 will be exactly 1.26 acres.
- 18 • Both lots will have frontage along a public street.

20 Mr. Cullimore commented that staff has determined that the proposed subdivision  
22 complies, or will be able to comply before final approval, with all remaining land use  
standards. He noted that required curb and gutter already exist along the frontage of both  
24 proposed lots and the sidewalk will be installed upon approval of the subdivision. He  
pointed out that 700 North is a limited access street and cross-access easements must be  
provided to accommodate ingress and egress on these lots. He added that the City  
26 Engineer is addressing engineering standards and all engineering issues will be resolved  
before final approval is granted.

28 Mr. Davis stated that they are addressing the cross easement issues with staff.  
Mr. Davis then addressed the proposed use of the facility stating it will be a mortuary and  
30 they are hoping to start as soon as possible. There was then some general discussion  
regarding this agenda item. Mr. Cullimore stated this is a pretty straightforward  
32 subdivision application. Mr. Cullimore then presented an aerial photo of the proposed  
subdivision, site photo and the preliminary plan for reference.

34 Chairperson Call called for any comments or discussion. Hearing none she called  
for a motion.

36  
38 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE  
APPLICANT’S REQUEST FOR APPROVAL OF A TWO LOT COMMERCIAL  
SUBDIVISION WITH THE CONDITIONS THAT THEY MEET ALL STAFF  
40 GUIDELINES AND BUILDING REQUIREMENTS. COMMISSIONER SKINNER  
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

42 CHAIRPERSON CALL	AYE
COMMISSIONER WILY	AYE
44 COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
46 COMMISSIONER SKINNER	AYE

THE MOTION CARRIED UNANIMOUSLY.

48

2 11. **Public Hearing** – *Ordinance Amendment, Lindon City Code 17.04.090.*  
Lindon City requests preliminary approval of an amendment to Lindon City  
4 Code 17.04.090. The proposed amendment would define when amendment  
proceedings are formally initiated.

6  
8 COMMISSIONER WILY MOVED TO OPEN THE PUBLIC HEARING.  
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

10  
12 Mr. Cullimore led this agenda item by explaining Lindon City requests  
preliminary approval of an amendment to Lindon City Code 17.04.090. The proposed  
amendment would define when amendment proceedings are formally initiated.

14 Mr. Cullimore gave a brief summary stating this ordinance amendment was  
initiated because of a recommendation from Lindon City Attorney, Brian Haws. Utah  
16 State Code 10-9a-509(1)(a)(ii) states the following:

18 (1)(a)(ii) Except as provided in Subsection (1)(b), an applicant is entitled to  
approval of a land use application if the application conforms to the requirements  
of the municipality's land use maps, zoning map, a municipal specification for  
20 public improvements applicable to a subdivision or development, and an  
applicable land use ordinance in effect when a complete application is submitted  
and all application fees have been paid, unless:

- 22
- 24 a. the land use authority, on the record, finds that a compelling,  
countervailing public interest would be jeopardized by approving the  
application; or
  - 26 b. in the manner provided by local ordinance and before the application is  
submitted, the municipality has formally initiated proceedings to amend its  
28 ordinances in a manner that would prohibit approval of the application as  
submitted.

30  
32 Mr. Cullimore explained that when determining whether existing or proposed  
requirements apply to a specific application, the local municipality may define when  
amendment proceedings have been “formally initiated”. He noted if the municipality has  
34 formally initiated amendment proceedings before an applicant submits an application for  
approval, the application will be subject to the proposed requirements if the amendment  
36 is subsequently approved.

38 Mr. Cullimore noted that Mr. Haws represents another municipality in Utah  
County that has not specifically defined when amendment proceedings are formally  
initiated, and the ambiguity has resulted in litigation. Lindon’s Code does not presently  
40 define when amendment proceedings are formally initiated, therefore, Mr. Haws has  
recommended that we include a definition in the Code to avoid similar issues.

42 Mr. Cullimore then referenced the proposed amendment followed by some  
general discussion. Chairperson Call called for any comments or discussion. Hearing  
44 none she called for a motion to close the public hearing.

46 COMMISSIONER SKINNER MOVED TO CLOSE THE PUBLIC HEARING.  
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT  
48 VOTED IN FAVOR. THE MOTION CARRIED.

2

Chairperson Call called for any comments or discussion. Hearing none she called for a motion.

4

6

COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE AMENDMENT TO 17.04.090 AS PRESENTED AND RECOMMEND APPROVAL TO THE CITY COUNCIL. COMMISSIONER WILY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

8

10

CHAIRPERSON CALL AYE

COMMISSIONER WILY AYE

12

COMMISSIONER KALLAS AYE

COMMISSIONER MARCHBANKS AYE

14

COMMISSIONER SKINNER AYE

THE MOTION CARRIED UNANIMOUSLY.

16

**12. Election of Planning Commission Chair and Vice-Chair** – The Commission will hold elections for the positions of Chair and Vice-Chair for 2015.

18

20

Mr. Cullimore led this agenda item by explaining the Commission will hold elections for the positions of Chair and Vice-Chair for 2015. Mr. Van Wagenen then noted that the election for Chair and Vice-chair are held annually as outlined in LCC 17.08.050 Planning Commission Policies and Procedures:

22

24

1. Organization

26

a. Quorum - A quorum of at least four Planning Commission members must be present to hold a meeting and conduct business according to a legally prepared and posted agenda.

28

b. Chairman and Vice Chairman - The annual election of the Chairman and Vice Chairman shall take place once each year. Nominations for each office shall be received from the voting Commission members. The Chairman and Vice Chairman shall serve for a term of one year. In the event of absence or disability of the Chairman, the Vice Chairman shall preside. In the absence of both, the members shall appoint a Chairman for the meeting. The Vice Chairman shall succeed the Chairman for the period of the unexpired term if he or she vacates office before the term is completed. A new Vice Chairman shall be elected at the next regular meeting.

30

32

34

36

38

Chairperson Call asked Mr. Van Wagenen how he would like the Commission to handle the election process. Mr. Van Wagenen stated that it can be done formally with a paper ballot or informally. He noted the current chair of the Planning Commission is Sharon Call and the current Vice-chair is Mike Marchbanks.

40

42

Following some general discussion by the Commission it was determined to have Chairperson Call remain and Chair and Mike Marchbanks remain Vice-Chair of the Planning Commission for 2015.

44

46

Chairperson Call called for any comments or discussion. Hearing none she called for a motion.

48

2 COMMISSIONER KALLAS MOVED TO RE-ELECT SHARON CALL AS  
4 CHAIR AND MIKE MARCHBANKS AS VICE CHAIR OF THE LINDON CITY  
6 PLANNING COMMISSION FOR 2015. COMMISSIONER SKINNER SECONDED  
8 THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

6 CHAIRPERSON CALL AYE  
8 COMMISSIONER WILY AYE  
10 COMMISSIONER KALLAS AYE  
12 COMMISSIONER MARCHBANKS AYE  
14 COMMISSIONER SKINNER AYE  
16 THE MOTION CARRIED UNANIMOUSLY.

18 **13. New Business (Reports by Commissioners) –**

20 Chairperson Call brought up the upcoming ICO tour. Mr. Van Wagenen stated he  
22 will send out the tour details tomorrow. Commissioner Skinner asked for an update on  
24 the controversial group home that was recently approved. Mr. Cullimore stated that it was  
26 approved and they put up the fence and fire suppression system and they are moving  
28 along and waiting for the state license.

30 Chairperson Call called for any further comments or discussion. Hearing none she  
32 moved on to the next agenda item.

34 **14. Planning Director Report–**

36 Mr. Van Wagenen reported on the following items followed by discussion:

- 38 1. ICO Apartment Tour

40 Chairperson Call called for any further comments or discussion. Hearing none she  
42 called for a motion to adjourn.

44 **ADJOURN –**

COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE  
MEETING AT 9:40 P.M. COMMISSIONER SKINNER SECONDED THE MOTION.  
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – February 10, 2015

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

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