

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **May 13, 2014 at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100 North
State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Sharon Call, Chairperson
Invocation: Del Ray Gunnell, Commissioner
10 Pledge of Allegiance: Mike Marchbanks, Commissioner

12 **PRESENT** **ABSENT**

Sharon Call, Chairperson
14 Ron Anderson, Commissioner
Del Ray Gunnell, Commissioner
16 Rob Kallas, Commissioner
Mike Marchbanks, Commissioner
18 Bob Wily, Commissioner
Hugh Van Wagenen, Planning Director
20 Jordan Cullimore, Associate Planner
Kathryn Moosman, City Recorder

22 **Special Attendee:**
24 Matt Bean, Councilmember

- 26 1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.
28 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of April 8, 2014
were reviewed.

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32 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
REGULAR MEETING OF APRIL 8, 2014 AS AMENDED. COMMISSIONER
34 WILY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
MOTION CARRIED.

36 3. **PUBLIC COMMENT** –

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

40 **CURRENT BUSINESS** –

- 42
44 4. **Concept Review** – *White Horse Subdivision, Approximately 97 North 400 West.*
Matt Lepire, on behalf of DR Horton, requests review of a proposed 27-lot
46 subdivision in the R1-20 zone at approximately 97 N. 400 W. The Commission will
provide feedback on the layout of the subdivision prior to the submission of a final
48 subdivision application to the City. Not official motions will be made.

2 Jordan Cullimore, Associate Planner, led the discussion by giving a brief
summary of this agenda item stating this is a request by Matt Lepire with DR Horton to
4 review a proposed 25-lot subdivision in the R1-20 zone at approximately 97 N. 400 W.
on approximately 10 acres. Mr. Cullimore noted that the applicants would like feedback
6 from the Commission on the layout of the subdivision prior to submitting a final
subdivision application to the City. Mr. Cullimore explained that concept reviews are
8 non-binding and provide the applicant an opportunity to receive feedback and no motion
is required.

10 Mr. Cullimore re-iterated that the applicants haven't submitted a formal
application but will be submitting their application to subdivide property off of 400 west
that will be connecting on 10th north. Mr. Cullimore then showed the concept plan to the
12 Commission and noted because of the geography of the area and the street network, it is a
unique street configuration as to give frontage and access to all of the lots. Mr. Cullimore
14 stated the applicant would like to familiarize the Commission with the project as a
concept plan so when they submit the formal application they will be familiar with the
16 concept

18 Mr. Cullimore mentioned that from a connectivity perspective, the pedestrian
access is an issue and they would like to know if the Commission feels comfortable with
the proposed layout or if they would like to see an improved pedestrian walkability and
20 connectivity by potentially doing a pedestrian path somewhere or if they feel comfortable
with it as proposed. Mr. Cullimore stated that the City Council has reviewed this
22 Concept Plan at a previous meeting. He went on to say that from a subdivision regulation
standpoint this street layout meets all requirements.

24 Chairperson Call invited the applicants forward at this time. Chairperson Call
asked Mr. Lepire to describe what type of homes they plan on building. Mr. Lepire stated
26 that all lots meet the 20,000 square foot minimum (½ acre lots) with no special conditions
and they will also meet the current zoning. He also stated that they plan to build on most
28 of the lots. Mr. Lepire noted that they don't have the price point is still conceptual, but it
is estimated to be around the \$450,000 range. Mr. Lepire stated the homes will be
30 approximately 2,000 to 2,800 square feet. Mr. Cullimore mentioned that the area is not
in a flood zone and the homes can have basements.

32 There was then some discussion regarding the potential of land locking
neighboring land owners to the west and looking at possibly extending the cul-de-sac to
34 keep the same sort of design. Mr. Lepire commented that they currently working with
the adjacent land owners and they feel confident that they are on board. Mr. Lepire
36 added that they have tried to be sensitive to the needs of the property owners.

38 There was then some additional general discussion by the Commission regarding
this concept plan. Commissioner Kallas inquired if the storm drainage has been
engineered. Mr. Lepire replied that the storm drainage has not been engineered yet and
40 they have not gotten into the design aspect because they are leaving it open to wait to
hear the comments from the Commission and the City Council; that will be their next
42 step as they move forward.

44 Chairperson Call asked if there were any public comment at this time. Jack Reese,
resident in attendance, commented that he attended the City Council meeting last week
and stated that he has some concerns regarding land locking the property. He noted that
46 he owns the property to the west of the proposed development. He stated that currently
there is an existing lane, a driveway and a bridge that goes across his property and into
48 the property being developed, and his concern is that the development will block it off

2 and it will not be developable. Mr. Reese suggested looking at other options to preserve
an access and he feels this would be in the best interest of the property owners in the long
run.

4 Mr. Lepire stated that this issue was discussed at City Council and as far as
accessing of the creek, they don't know if the current bridge is a legal access, so as far as
6 creating an access point, that is something they will need to look into. He noted that the
way they have currently designed this, the development to the west will more than likely
8 have to purchase two to possibly four homes to do a truly complete development. With
that in mind, it is not really landlocked, because if they took that exact same concept all
10 of that land would be landlocked. In other words, with all of the land they are proposing
to develop, if they didn't buy the existing homes that were there and create an access
12 point, that land would also be landlocked (where the homes are now). Mr. Cullimore
mentioned that the LDS Church owns a large parcel on Lakeview Road that they had
14 progressed with a proposed site plan for a church several years ago that was put on hold,
but it still may happen in the future and that is something to be aware of; to potentially
16 preserve the access.

18 Mr. Reese mentioned, as far as tying in with his parcel to the west, that his
neighbor, Phil Brown is building a large structure on his property to the south of his
property and Ryan Gardner is also building a large garage structure directly west of his
20 property, so that would leave his property isolated if there is not a cul-de-sac. He
reiterated that his concern is the access into his property. He added that he feels at this
22 point it would be an easy matter to stub out an access where the existing access is. Mr.
Cullimore commented to keep in mind that this is a concept review only and the parties
24 are welcome to discuss these issues. Mr. Lepire stated they would be open for discussion
and to take these issues into consideration.

26 Chairperson Call said it appears the two property owners will have to work out
the access issues before the site plan is submitted. Mr. Lepire said this is not a public
28 access road but he would be happy to talk to Mr. Reese to solve this issue collectively.
Mr. Van Wagenen suggested that Mr. Reese provide a sketch of what he envisions for the
30 property for the Commission to review and consider with the application.

32 Chairperson Call commented that it looks like this development fits within the
zoning requirements. She also suggested that the applicant work with City staff on the
storm drainage issues. Mr. Lepire confirmed he will be working with staff on these
34 issues as they move forward. He noted that they feel this will be a good development for
the area. He added they plan on bringing an application forward to the next meeting and
36 they will work with Mr. Reese and the homeowners to work these issues out.

38 Following some additional general discussion by the Commission, Chairperson
Call moved on to the next agenda item.

40 5. **Site Plan** – *Taco Bell Restaurant, 571 N. State Street.* Desert De Oro Foods, Inc.
requests site plan approval for a 2,111 square foot Taco Bell Restaurant in the
42 General Commercial (CG-A) Zone. The new building will be located on a 0.74 acre
lot.

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46 Mr. Cullimore opened the discussion by explaining this is a request by Desert De
Oro Foods, Inc. for site plan approval for a 2,111 square foot Taco Bell Restaurant in the
General Commercial (CG-A) Zone. He noted that the new building will be located on a

32,440 square foot lot. Mr. Cullimore then presented the analysis of the site plan followed by some general discussion.

Landscaping Requirements – LCC 17.48.030

- The landscaping plan complies with Commercial landscaping requirements.

Parking Requirements – LCC 17.18

- Parking spaces required: 21
 - Spaces provided: 34
- Bicycle stalls required: 4
 - Stalls provided: 6
- The proposed configuration for vehicle and bicycle parking meets Code requirements.

Commercial Design Guidelines

- Site Design
 - The design guidelines encourage buildings to be setback no more than 50. This building will be setback approximately 62 feet to accommodate a 2-way driveway that will facilitate traffic flow through the drive-thru. It is staffs opinion that this configuration satisfies the intent of the Design Guidelines by balancing site design with safety considerations.
- Building Materials
 - The design guidelines encourage brick, stone, and colored decorative concrete block as primary materials with stucco, wood/cement fiber siding and timbers as secondary materials.
 - The materials used on the building include earth-toned E.I.F.S (“synthetic stucco”), stone wall wainscoting, and a metal slat wall and valance.

Ryan Taylor, representing Desert De Oro Foods, Inc. was in attendance representing Desert De Oro Foods Inc. Mr. Cullimore showed the current site location, site plan and elevations and also the materials to be used. Mr. Cullimore noted they will share an access with the strip mall and they are working on a cross easement agreement in the area. He went on to say that they meet all of the standard site plan requirements. Mr. Cullimore noted that Lindon City Code requires a landscape berm (which their plan does not include) but with Planning Commission approval that can be waived. Mr. Cullimore stated they will provide a pedestrian walkway. He further stated that all of the parking standards are met.

Chairperson Call asked what the main reason would be for the Commission to waive the berm. Mr. Cullimore stated that because of the slope it would not be ADA compliant, but they would still have the required landscaping (he referenced the landscape plan). Mr. Cullimore noted that this plan also meets the Commercial Design Guidelines. He then presented photos of the building design and elevations. Commissioner Kallas asked if the property has been purchased or if it will be leased. Mr. Van Wagenen replied that it is being leased by Desert De Oro Inc.

Chairperson Call commented that it seems this site plan meets the landscaping and parking requirements and also the Architectural Design Guidelines. Commissioner Anderson commented that the metal look is a departure from what was used in the past but he understands that it is used more frequently now and he would just like to ensure

2 that it fits in with the guidelines and the ordinances. Mr. Van Wagenen stated the design
is consistent with the guidelines and agreed metal is not encouraged as a building
4 material but it is an architectural feature. He noted that a lot of the aspects of the building
that do meet the guidelines. Mr. Cullimore then read the section of the code.

6 Skip Dunn, property owner in attendance, addressed the Commission at this time.
Mr. Dunn commented that he owns the property next to the site location and noted that he
has a few concerns. Mr. Dunn stated that when he bought the property (which is not part
8 of the Walmart annexation) there was a 12 ft. section of ground that joins his ground in
the back of the property that he does not have control over (or owns) but takes care of
10 (per his conditional use permit). He noted that he does not have control of the sprinkling
system (controlled through Walmart) and when Taco Bell comes in the sprinkling system
12 will be abandoned. Mr. Dunn stated that he would like to xerospace the area but that has
previously been denied by the City.

14 Mr. Dunn stated that the retaining wall is another concern. He noted that he
would like to see the elevations to make sure they are not undermining the retaining wall
and ensure that it will compliment his property. He stated that he would like to see
16 someone take care of the 12 ft. strip or have Walmart deed him the ground and, if so, he
will continue to take care of it as he does not want it to be a blithe to his property or the
18 City. Mr. Dunn also inquired about the white 2 rail fence on his property stating it is hard
to maintain. Chairperson Call stated the fencing requirement has been removed from the
20 ordinance and he may remove the fence if he wishes. Mr. Dunn added that he feels that
this development will be a great addition to the City.

22 Chairperson Call stated that City Staff will work with Mr. Dunn and Walmart on
the landscaping strip behind his property. Chairperson Call commented that these issues
24 will not affect the site plan discussed tonight. Mr. Cullimore directed the Commission to
consider the option of waiving the berm in the motion.

26 Chairperson Call called for any further discussion or comments from the
28 Commissioners. Hearing none she called for a motion.

30 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE REQUEST
FOR SITE PLAN APPROVAL BY DESERT DE ORO FOODS, INC., FOR A 2,111
32 SQUARE FOOT TACO BELL RESTAURANT LOCATED AT 571 NORTH STATE
STREET WITH THE CONDITION THAT THE BERM IS WAIVED IN THE FRONT
34 20 FEET TO ALLOW FOR ADA ACCESS AND ALSO BE SUBJECT TO THE
EASEMENT RIGHT OF WAY ACCESS WITH WALMART. COMMISSIONER
36 GUNNELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

38 CHAIRPERSON CALL AYE
COMMISSIONER ANDERSON AYE
40 COMMISSIONER MARCHBANKS AYE
COMMISSIONER KALLAS AYE
42 COMMISSIONER WILY AYE
THE MOTION CARRIED UNANIMOUSLY.

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46 6. **Site Plan** – *Woods Crane Service, 1550 West 20 South*. KBR Construction requests
site plan approval for a 14,900 square foot office/warehouse building in the Light
Industrial (LI) Zone. The new building will be located on a 4.6 acres lot.

2 Hugh Van Wagenen, Planning Director, opened the discussion by explaining this
3 is a request by KBR Construction for site plan approval for a 14,900 square foot office
4 warehouse building in the Light Industrial (LI) Zone. He noted that the new building will
5 be located on a 4.6 acres lot. Mr. Van Wagenen then passed out a new amended site plan
6 showing some minor changes. Mr. Van Wagenen then presented photos of the site plan
7 location. Mr. Van Wagenen stated that Buck Robinson, representing KBR Construction
8 is in attendance along with Tucker Woods, representing Woods Crane Service, to address
9 the Commission.

10 Mr. Van Wagenen then presented the analysis of the site plan followed by discussion:
11 *Landscaping Requirements – LCC 17.49.060*

- 12 • The landscaping plan complies with LI zone landscaping requirements. The 20
13 foot landscape strip is being provided along the 1550 West frontage with
14 associated trees planted every 30 feet on center. There is an existing storm water
15 ditch along the 20 South frontage. Landscaping along that frontage will
16 incorporate the existing ditch and trees will be planted in consideration of the
17 open ditch.

18 *Parking Requirements – LCC 17.18*

- 19 • Parking spaces required: 10 stalls for warehouse, 5 for office: 15 Total
 - 20 ○ Spaces provided: 20
- 21 • Bicycle stalls required: 2
 - 22 ○ Stalls provided: 2
- 23 • The proposed configuration for vehicle and bicycle parking meets Code
24 requirements.

25 *Interior Parking Lot Landscaping Requirements – LCC 17.18.085*

- 26 • 40 square feet of landscaping required for every stall; $20 * 40 = 800$ square feet
 - 27 ○ 850 square feet shown on plan. However, a portion shown on plan does
28 not meet requirement to be considered interior parking lot landscaping.
29 This can be remedied by increasing another area of landscaping on the
30 plan or by reducing the number of parking stalls on-site. Either way, only
31 a small modification will be required to meet code.

32 *Architectural Design Guidelines – LCC 17.49.070*

- 33 • Exterior
 - 34 ○ The Planning Commission may approve ribless, metal, flat-faced, stucco
35 embossed, metal sandwich panel buildings when the Planning
36 Commission finds that the building is aesthetically pleasing, adequately
37 trimmed, contrasted with different colors, is proportioned, blends in with
38 surrounding property and has a similar look to that achieved by
39 17.49.070(1). The exterior appearance of such buildings shall primarily be
40 of earth tone colors.
 - 41 ○ The building elevations show a stucco embossed, flat-faced, metal
42 sandwich panel building with a four foot exposed concrete foundation
43 with a pattern. The color appears to be gray.

44
45 Mr. Van Wagenen commented that this development will be a nice improvement
46 from what is currently at the location. He then turned the time over to Mr. Robinson and
47 Mr. Tucker. Commissioner Kallas asked if there has been any thought to tie it in with the

existing building. Mr. Robinson stated that they plan on matching the other building exactly. Commissioner Marchbanks commented that it will look much better and be an improvement in the area. Mr. Van Wagenen stated that their department has been contacted by business owners regarding the dust issue from the cranes in the area. Chairperson Call stated that she will accept public comment at this time.

Larry McColm, property owner, was in attendance. Mr. McColm stated that he owns the buildings to the east of the proposed site. He noted that he thinks this will be an improvement, but voiced his concern that he is hoping that the ground will be covered with paving, heavy gravel or something similar to keep the dust down from the heavy cranes as it is an issue. Mr. Robinson commented that these improvements will make it look a lot better and the cranes will be moving on asphalt and concrete which should alleviate the dust problem. Mr. McColm also inquired about the chain link fencing. Mr. Robinson stated that they will be discussing the re-alignment of the fencing; he added that there will not be any chain link fencing in the front anymore.

Mr. McColm also inquired about 200 south and stated that it would be helpful to make it connect for access issues and they desperately need an access road to the west in the area. He inquired if the City could assess this area to alleviate the limited access and other associated problems. Mr. Van Wagenen commented that a Special Improvement District may be an option (where the property owners would collectively fund the infrastructure) among other options. There was then some general discussion regarding the issue of 200 south going through or connecting for access purposes. Chairperson Call stated that the property owners will need to work with staff on these issues and discuss the options.

Mr. Van Wagenen commented that the Commission could choose to approve this site to be subdivided into its own lot leaving the remainder piece untouched, and to also make it clear that no more frontage would need to be dedicated or approved (which would require additional engineering work and a separate application). Chairperson Call stated, at this point, if the site plan is approved, planning staff will still need to meet with the property owners to find a resolution regarding access. Chairperson Call directed the applicant to follow-up with staff on the road options. Chairperson Call also commented that it appears that this will be a nice development that will improve the area.

Following some additional general discussion by the Commission, Chairperson Call called for a motion.

COMMISSIONER KALLAS MOVED TO APPROVE THE REQUEST FOR SITE PLAN APPROVAL OF A 14,900 SQUARE FOOT OFFICE/WAREHOUSE BUILDING IN THE LIGHT INDUSTRIAL (LI) ZONE WITH THE FOLLOWING CONDITION: ALLOW THE APPLICANT TO IMPROVE THE SITE NO FURTHER THAN WHERE THE ROAD IS IMPROVED. COMMISSIONER WILY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER WILY	AYE

THE MOTION CARRIED UNANIMOUSLY.

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

2 Chairperson Call called for any new business or reports from the Commissioners.
Chairperson Call mentioned that the Lindon bike plan was noticed in the Daily Herald
4 newspaper. She also mentioned the things that Provo City is doing to promote the use of
bikes during bike week. Chairperson Call then gave a recap of the recent bike tour in
6 SLC.

8 At this time Mr. Van Wagenen presented outgoing Commissioner, Del Ray
Gunnell, with a plaque in appreciation for his three years of service on the Planning
Commission. Mr. Van Wagenen expressed his thanks, on behalf of the Commissioners, to
10 Commissioner Gunnell for all of his work and dedication to the Commission and wished
him well in his future endeavors. Commissioner Gunnell thanked the Commission for
12 their friendship over the years and stated that it has been a pleasure to work with them.

14 Chairperson Call asked if there were any other comments or discussion from the
Commissioners. Hearing none she moved on to the next agenda item.

16 **8. PLANNING DIRECTOR'S REPORT**–

18 Mr. Van Wagenen reported on the following items:

- 20 • 700 North Master Plan. Discussion on moratorium
- 22 • Discussion on smaller lots in existing R1-20 zone
- Bike plan update
- NUCTS update
- 24 • Commissioner Del Ray Gunnell is leaving.

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

28 **ADJOURN** –

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32 COMMISSIONER ANDERSON MADE A MOTION TO ADJOURN THE
MEETING AT 10:20 P.M. COMMISSIONER GUNNELL SECONDED THE MOTION.
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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36 Approved – May 27, 2014

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40 Sharon Call, Chairperson

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Hugh Van Wagenen, Planning Director