

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **June 25, 2013** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers,  
4 100 North State Street, Lindon, Utah.

5 Conducting: Sharon Call, Chairperson  
6 Invocation: Carolyn Lundberg, Commissioner  
7 Pledge of Allegiance: Del Ray Gunnell, Commissioner

8 **PRESENT**

9 Sharon Call, Chairperson  
10 Ron Anderson, Commissioner  
11 Del Ray Gunnell, Commissioner  
12 Carolyn Lundberg, Commissioner  
13 Rob Kallas, Commissioner  
14 Hugh Van Wagenen, Planning Director  
15 Kathryn Moosman, City Recorder

8 **ABSENT**

9 Vaughan Austin, Commissioner  
10 Mike Marchbanks, Commissioner

- 18 1. **CALL TO ORDER** – The meeting was called to order at 7:05 p.m.  
20 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of June 4,  
21 2013 and June 11, 2013 were reviewed.

22 COMMISSIONER GUNNELL MOVED TO APPROVE THE MINUTES OF  
24 THE SPECIAL MEETING OF JUNE 4, 2013 AND THE REGULAR MEETING OF  
25 JUNE 11, 2013 AS AMENDED. COMMISSIONER KALLAS SECONDED THE  
26 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 3. **PUBLIC COMMENT** –

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

32 **CURRENT BUSINESS** –

- 34 4. **PUBLIC HEARING**: *Zoning Map Amendment: Senior Housing Facility*  
35 *Overlay, 65 South Main Street.* This continued item is a request by Matt Gneiting  
36 for a zoning map amendment for property generally located at 65 South Main  
37 Street. The amendment would place a Senior Housing Facility Overlay Zone on  
38 the subject property which is currently zoned General Commercial (CG).  
39 Recommendations will be made to the City Council at their next available  
40 meeting after review by the Planning Commission.

41 COMMISSIONER ANDERSON MOVED TO OPEN THE PUBLIC HEARING.  
42 COMMISSIONER GUNNELL SECONDED THE MOTION. ALL PRESENT VOTED  
43 IN FAVOR. THE MOTION CARRIED.

44 Mr. Van Wagenen opened the discussion by explaining this is a continued item  
45 for a zoning map amendment for property generally located at 65 South Main Street. The

2 amendment would place a Senior Housing Facility Overlay Zone on the subject property  
3 which is currently zoned General Commercial (CG). Mr. Van Wagenen noted that until  
4 this time, the zoning map amendment has been continued because LCC 17.75 Senior  
5 Housing Facility Overlay, the ordinance governing the zone, had not been recommended  
6 to the City Council. He added that now that ordinance language has been recommended  
7 to the Council, it is appropriate to consider this zoning map amendment which has been  
8 an item on the agendas for the past several meetings and possibly make a

9 recommendation to the City Council as to whether this overlay zone should be applied to  
10 this particular property.  
11 Mr. Van Wagenen further explained that the map has changed from its first  
12 inception to include all of the Kay Rogers property, not just the vacant parcels, which Mr.  
13 Rogers is in agreement to. This avoids split zoning the parcel where Mr. Rogers home  
14 sits but also allows for a future access point to any proposed development.

15 Mr. Van Wagenen noted one of the major concerns, as this application was  
16 previously before the Planning Commission, was the proposed southern access to the  
17 subject property. This access caused concern because of its proximity to State Street and  
18 because it is located between the Abbott and Lewis homes. Mr. Van Wagenen stated the  
19 applicant has consulted with staff and come up with an idea to mitigate these concerns.  
20 He added that this southern access could be used strictly as an emergency access road  
21 rather than access for daily use. He went on to say this would provide two points of  
22 ingress/egress for emergency services but also mitigate safety concerns by keeping daily  
23 traffic from entering the site right off of State Street. Additionally, the developer would  
24 have options to landscape the access with pavers so that it creates a nice buffer for the  
25 Abbott and Lewis homes. City Engineer, Mark Christensen, and Chief Cullimore were in  
26 agreement with the proposed accesses. There was then some general discussion regarding  
27 the proposed access issues.

28 Mr. Van Wagenen stated that staff feels it would be advantageous if the Abbott  
29 and Lewis property were to be included in the overlay zone, independent of any request  
30 by the developer, in case the residents want to sell to the senior housing project in the  
31 future, and will also give them additional options. He noted that after discussion, staff  
32 recommends that the Lewis parcel be included in the overlay zone; Mrs. Abbott is not  
33 interested in having her property included as part of the overlay zone.

34 Mr. Van Wagenen added that the northern access would act as the principle  
35 entrance/exit. This would allow more time and space for any vehicle to enter the property  
36 from Main Street after turning off of State Street. Mr. Van Wagenen stated that the land  
37 on which this overlay is being proposed is surrounded by commercial uses and residential  
38 uses with one school immediately adjacent and another school across Center Street.  
39 Chairperson Call asked for any public input at this time.

40 **Bill Lewis:** Mr. Lewis inquired how large in acreage will this make the overlay. Mr. Van  
41 Wagenen replied that all included it would be just under 5 acres, including the Abbotts.  
42 Without the Abbott property it would be approximately 4.3 acres.

43 **Matt Gneiting:** Mr. Gneiting commented that they could put in a low breakaway gate,  
44 as to not be so visually obstructive. He also suggested that they could make the 55 wide  
45 sections be landscaped much like a park setting, and use the bricks that grass can grow up  
46 through and still be driven on (drivable grass). This could be a very attractive as it would  
47 provide a park like setting for the residents (with benches and a walkway), beautifies the  
48

2 area for the current residents and provides an attractive visual gateway and makes it  
visually appealing.

4 **Bill Lewis:** Mr. Lewis commented that a walkway for the residents of the facility would  
be great access instead of using the road in that area which would be easier to get in and  
6 out of. He also agreed that a fence that is not quite as high as the 7' wall may be better;  
maybe a 4' or 5' fence would provide separation but not be so confining.

8  
10 There was then some additional discussion regarding the fence issue.  
Commissioner Anderson commented that the language on the fence should have been  
12 addressed in the ordinance. He commented that Mr. Van Wagenen should suggest to the  
Council some language similar to what is in place between residential and commercial  
14 and give some leeway in the site plan. Mr. Van Wagenen stated that a recommendation  
to allow some flexibility for the Planning Commission to approve something different,  
when it comes to the site plan approvals will be recommended.

16 Chairperson Call then listed the concerns of the City Council as follows;

- 18 1. Commercial zone would continue to “bubble up” within the overlay zone. Mr.  
Van Wagenen noted that this issue is not a concern at this point in considering  
20 this map.  
22 2. Concerns regarding allowing certain types of businesses to develop around the  
facility. Mr. Van Wagenen noted that this issue should not be a concern  
regarding the “buffer zone” in regards to this map.

24  
26 Chairperson Call called for any further public comments at this time.

28 **Bill Lewis:** Mr. Lewis asked for clarification; if the size of the overlay zone or the site  
plan would be considered in the number of residents at the facility. Chairperson Call  
30 confirmed that the site plan would determine the number of residents at the facility.

32 Chairperson Call asked if there were any further public comments. Hearing none  
she called for a motion to close the public hearing.

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

38 Chairperson Call commented that her biggest concern is that the City Council  
voted to continue the item because they had not had a chance to review the changes from  
40 the Planning Commission discussion, so they did not approve the ordinance, as they  
wanted more time to review for possible changes and to provide staff with the changes  
42 they may recommend.

44 Commissioner Lundberg asked Chairperson Call if the City Council feelings are  
favorable to have some sort of a senior housing overlay ordinance created within the city.  
Chairperson Call confirmed that statement. Commissioner Lundberg further stated that it  
46 appear this is a pre-cursor of what the overlay will be and determines what the rules of  
the overlay will be. She noted that all parties are in agreement and they would like to see  
48 this overlay occur, how that overlay will be ruled is yet to be confirmed.

2 Commissioner Kallas commented that the Commission can move forward with  
this amendment and if the Council doesn't approve the zone then they also deny the map.  
Commissioner Anderson noted that Mr. Gneiting has met with the Council and  
4 Commission a total of six times. He further noted the main concern of the Planning  
Commission, without seeing the site plan, was the access, and he feels a lot better with  
6 the new access which is safer and more workable. Commissioner Anderson stated that he  
would recommend passing this on to the Council and let them work on both. The  
8 Commission was in agreement to approve the zoning map amendment and pass it on the  
City Council.

10 Chairperson Call noted one concern she has is with the City Council indicating  
that they would make the changes they feel to the ordinance and then send it back to the  
12 Commission again. Mr. Van Wagenen did say there was that discussion by the City  
Council of sending the ordinance back to the Commission and Councilmember Walker  
14 said if it was sent back to the Planning Commission there would have to be specifics.  
Ultimately, the City Council decided not to send it back to the Planning Commission. He  
16 added that the Council will keep it in their own body for discussion and make the changes  
they feel are appropriate.

18 Chairperson Call mentioned the emails sent to the City Council from residents  
and inquired if the Planning Commission should get a copy for review. Mr. Van  
20 Wagenen replied that he will get the Commission a copy of the resident emails.

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

24 COMMISSIONER KALLAS MOVED TO APPROVE THE ZONING MAP  
AMENDMENT REQUEST FOR THE SENIOR HOUSING FACILITY OVERLAY TO  
26 BE APPLIED ON PROPERTY GENERALLY LOCATED AT 65 SOUTH MAIN  
STREET, ACCORDING TO THE ATTACHED MAP, WITH THE CONDITION THAT  
28 THE SOUTHERN RESTRICTION ACCESS INCLUDE THE ROGERS AND LEWIS  
PROPERTY IN THE OVERLAY. COMMISSIONER ANDERSON SECONDED THE  
30 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

32 CHAIRPERSON CALL	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER GUNNELL	AYE
34 COMMISSIONER LUNDBERG	AYE
COMMISSIONER KALLAS	AYE

36 THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

- 38 5. **PUBLIC HEARING:** *Ordinance Amendment: Title 18 Signs.* This is a request  
by Vivint and High Tech Signs for an amendment to LCC Title 18 Signs  
40 regarding spacing and size of additional monument signs on single parcels and  
commercial properties.

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

46 Mr. Van Wagenen gave some background by explaining that this item is a request  
48 by Vivint and High Tech Signs for an amendment to LCC Title 18 Signs regarding

spacing and size of additional monument signs on single parcels and commercial properties. He noted the applicants currently have a building permit application for a monument sign that does not meet city sign regulations. Mr. Van Wagenen stated that Vivint would like the sign code to allow a second monument sign to be 8 feet by 8 feet (64 square feet) with a minimum separation distance of only 80 feet between signs. He noted the attached sign ordinance for the requested language change.

Mr. Van Wagenen noted that Vivint has recently moved one of their operations into the Modus Media buildings located on 500 South 500 West. He added that staff received a building permit application from Hightech Signs, on behalf of Vivint, for a monument sign 8 feet tall by 8 feet wide (64 square feet) to be located on the west drive entrance of the 600 South street frontage. However, there is an existing monument sign on the other side of the drive entrance that is used by Aquatherm, another company housed in the same complex. Mr. Van Wagenen further noted that the sign is located approximately 80 to 85 feet from the proposed Vivint sign and is about 6 feet tall by 11 feet wide (66 square feet). Mr. Van Wagenen then referenced the following city code regarding monument signs:

**Lindon City Code 18.03.030 Monument Signs (9) states:**

*Each parcel or commercial complex may have one monument sign, however, one additional monument six feet (6') in height and thirty six square feet (36') in area may be approved where the parcel or commercial complex has more than two hundred feet (200') of frontage on a dedicated street, or has frontage on two (2) or more dedicated streets...The minimum distance between two (2) monument signs on the same parcel or commercial complex shall be one hundred feet (100').*

Mr. Van Wagenen commented that although the parcel has over 200 feet of frontage and frontage on two dedicated streets, Vivint's sign application does not meet the 100 feet of separation distance and is greater in size than what code currently allows. After staff informed Hightech Signs that their sign application did not meet current code, they consulted with Vivint and decided to apply for this ordinance amendment.

Mr. Van Wagenen commented that after reading all of the background information it is important to be reminded that the Commission's decision is whether or not to amend the sign code to allow additional monument signs to be 8 feet tall and 64 square feet in area and within 80 feet of another monument sign anywhere a parcel or commercial complex has more than 200 feet of frontage on a dedicated street or has frontage on two (2) or more dedicated streets. Mr. Van Wagenen stated that the decision is not about the Vivint sign specifically, but rather about the means by which the Vivint sign, as applied for, may be permitted.

Mr. Van Wagenen noted that he did a drive through the city and with the exceptions of Wallaby's/China Village on State Street and 7-11 Gas Station (formerly Walker's) on 700 North, staff is unaware of any commercial complexes in the City that have more than one monument sign.

The applicant, Pamela Clark, was in attendance to address the Commission. Ms. Clark noted that she has been making signs for 23 years and stated that it is not uncommon for a municipality to have to tweak sign ordinances as a city grows. Ms. Clark added that the reason this issue came up is because there are buildings that come in and think they will conform to them so they comply to an ordinance that has been written to conform to that expectation that a particular business will stay in a building, and when

2 that business changes it is always left up in the air on how to accommodate different  
3 tenants. Ms. Clark stated when they designed this particular sign they were conscientious  
4 of the need to create a presence that is appropriate for the square footage of the property  
5 and the business without competing or overwhelming the other businesses in the same  
6 complex. Ms. Clark stated that they don't take this issue lightly as they rarely ask for an  
7 ordinance change. Ms. Clark stated this ordinance change will allow them to create more  
8 square footage and it will visually balance the Aquatherm sign. Ms. Clark further noted  
9 that the sign will provide direction for truck access and will give a better visual for the  
10 drivers and deliveries into the facility. Mr. Van Wagenen then showed photos depicting  
11 several monument signs for visual reference. There was then some lengthy general  
12 discussion regarding this request.

13 Chairperson Call asked if there were any public comments. Hearing none she  
14 called for a motion to close the public hearing.

15 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.  
16 COMMISSIONER ANDERSON SECONDED THE MOTION. ALL PRESENT  
17 VOTED IN FAVOR. THE MOTION CARRIED.

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

20 CHAIRPERSON CALL MOVED TO APPROVE THE ORDINANCE  
21 AMENDMENT TITLED LCC 18.03.030 MONUMENT SIGNS WITH THE  
22 ADDITION OF SECTION 9A THAT STATES THE SECOND ALLOWABLE  
23 MONUMENT SIGN MAY BE 8 FEET IN HEIGHT AND 64 SQUARE FEET IN  
24 AREA IF THE PARCEL OR COMMERCIAL COMPLEX HAS MORE THAN 500  
25 FEET OF FRONTAGE ON A DEDICATED PUBLIC STREET WITH THE MINIMUM  
26 DISTANCE BETWEEN THE TWO MONUMENT SIGNS THAT MEET MAY BE 80  
27 FEET. COMMISSIONER ANDERSON SECONDED THE MOTION. THE VOTE  
28 WAS RECORDED AS FOLLOWS:

29 CHAIRPERSON CALL	AYE
30 COMMISSIONER ANDERSON	AYE
31 COMMISSIONER GUNNELL	AYE
32 COMMISSIONER LUNDBERG	AYE
33 COMMISSIONER KALLAS	AYE

34 THE MOTION CARRIED UNANIMOUSLY WITH TWO ABSENT.

- 35 6. **TRAINING:** *Planning Commission – Conditional Use Permits.* Lindon City  
36 Staff will review Planning Commission responsibilities and authority as outlined  
37 in Lindon City Code 17.08 and other resources.

38 Mr. Van Wagenen gave a summary of LCC 17.09 and noted that it designates the  
39 Planning Commission as the final land use authority on Conditional Use Permits (CUPs).  
40 Mr. Van Wagenen noted this training will aid the Commission in their decisions as  
41 conditional uses are considered. He further noted that Lindon City Code 17.20, 17.22,  
42 and 17.24 regulate conditional uses within Lindon City. He added that these sections are  
43 not included in this report but may be found on the city website.

2 Mr. Van Wagenen further explained that this training is not meant to go into great  
3 depth of what is in the City Code, rather, it is meant to give an overview of the Planning  
4 Commission's responsibilities and authority when reviewing CUPs. He went on to say  
5 that Utah State Code defines a conditional use as "a land use that, because of its unique  
6 characteristics or potential impact on the municipality, surrounding neighbors, or adjacent  
7 land uses may not be compatible in some areas or may be compatible only if certain  
8 conditions are required that mitigate or eliminate the detrimental impacts." It is the  
9 Planning Commission's responsibility to place reasonable conditions to mitigate or  
10 eliminate detrimental impacts from conditional uses.

11 Mr. Van Wagenen stated, in essence, conditional uses are permitted uses that can  
12 only be denied if "reasonable anticipated detrimental effects of a proposed conditional  
13 use cannot be substantially mitigated by the proposal or by the imposition of reasonable  
14 conditions to achieve compliance with applicable standards." The Utah League of Cities  
15 and Towns has developed an informative outline, which is attached, of standards for  
16 granting conditional uses.

17 Mr. Van Wagenen noted that staff will review this outline with the Commission.  
18 LCC 17.08 is the code chapter that outlines policies and procedures for the Planning  
19 Commission. He added that this training will give an overview of that code section. Mr.  
20 Van Wagenen further noted that there are also additional resources included in the  
21 packets that refer to meeting procedures. Mr. Van Wagenen added to ask questions and  
22 staff will do their best to answer them. Mr. Van Wagenen then reviewed the "Standards  
23 for Granting Conditional Uses" Procedures and Guidelines with the Commission  
24 followed by some general discussion.

25 Chairperson Call asked if there were any further comments. Hearing none she  
26 moved on to the next agenda item.

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

28 Chairperson Call called for any new business or reports from the Commissioners.  
29 Chairperson Call mentioned an interesting article in the newspaper regarding the city  
30 budget in comparison to other cities budgets, and suggested that the Commissioners  
31 review the article for their information. Chairperson Call called for any new business  
32 or reports from the Commissioners. Hearing none she moved on to the next agenda  
33 item.  
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35 8. **PLANNING DIRECTOR'S REPORT** –

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

- 37 ● City Council Items:
  - 38 ○ Senior Housing Facility Overlay
- 39 ● Digital Reports
  - 40 ○ \$400 will be given in July
  - 41 ○ Hope to transition to all digital by September

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

**ADJOURN** –

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COMMISSIONER LUNDBERG MADE A MOTION TO ADJOURN THE MEETING AT 9:30 P.M. COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – July 9, 2013

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Sharon Call, Chairperson

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Hugh Van Wagenen, Planning Director