

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **August 11, 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: Andrew Skinner, Commissioner  
10 Pledge of Allegiance: Matt McDonald, Commissioner

12 **PRESENT** **ABSENT**  
13 Sharon Call, Chairperson  
14 Bob Wily, Commissioner  
15 Matt McDonald, Commissioner  
16 Mike Marchbanks, Commissioner  
17 Rob Kallas, Commissioner  
18 Andrew Skinner, Commissioner  
19 Hugh Van Wagenen, Planning Director  
20 Jordan Cullimore, Associate Planner  
21 Kathy Moosman, City Recorder

22 **Special Attendee:**  
23 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 July 14, 2015  
29 2015 were reviewed.

30  
31 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES  
32 OF THE REGULAR MEETING OF JULY 14, 2015 AS PRESENTED.  
33 COMMISSIONER SKINNER SECONDED THE MOTION. ALL PRESENT VOTED  
34 IN FAVOR. THE MOTION CARRIED.

36 3. **PUBLIC COMMENT** –

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

40 **CURRENT BUSINESS** –

- 41  
42  
43 4. **Alteration of Nonconforming Use** – *Mitchell X, approx. 1400 West 300 South.* Scott  
44 Mitchell requests approval of an alteration of a nonconforming use (rock product  
45 recycling & concrete batching) at approximately 1400 West 300 South in the Light  
46 Industrial Zone (LI) zone.

2 Jordan Cullimore, Associate Planner, gave a historical overview of this agenda  
item noting the current property owner, Mike Dunn, previously received approval of a  
4 conditional use permit on June 6, 2006 to operate a concrete and asphalt crushing  
operation in the Light Industrial Zone. The use was approved subject to certain  
6 conditions. He noted these conditions are listed in the minutes of the City Council  
meeting in which the CUP was approved. He then referenced the approved site and how  
8 it should have developed over a 3 year period, pointing out that several of the conditions  
were never fulfilled, but the operation continued in noncompliance.

10 Mr. Cullimore went on to say that at some point after June 2006, the City Council  
amended the Lindon City Standard Land Use Table to prohibit concrete and asphalt  
12 crushing in the Light Industrial zone. Therefore, Mr. Dunn's operation, as approved by  
the City Council in June 2006, subsequently became a legal nonconforming use in the LI  
14 zone due to enforcement issues throughout the years as it wasn't the easiest piece to  
control.

16 Mr. Cullimore commented that Mr. Dunn has currently wound down his  
operations on the parcels and the current applicant, Scott Mitchell with Mitchell X, is  
18 planning to purchase the lots. For several reasons Mr. Mitchell is requesting approval to  
alter the existing nonconforming use so that he can continue to conduct concrete crushing  
20 as an ancillary use to his excavation operations that are conducted from his business at  
1455 West 200 South. He added that Mr. Mitchell is also requesting permission to add a  
22 small concrete batching plant on the site.

24 Mr. Cullimore pointed out that the Planning Commission does not have the  
authority to approve concrete batching since that use was never legally permitted and it is  
currently not permitted. They may, however, consider whether to allow the existing  
26 concrete and asphalt crushing operation to be modified.

28 Mr. Cullimore explained that State law defines a nonconforming use as a use of  
land that "legally existed before the current land use designation that has been maintained  
continuously since the time the land use ordinance governing the land changed" and that  
30 "does not conform to the regulations that now govern the use of the land." He added that  
the presumption is that nonconforming uses should be eventually eliminated, however,  
32 State law allows municipalities to provide for "the establishment, restoration,  
reconstruction, extension, alteration, expansion, or substitution of nonconforming uses"  
34 according to standards identified in the municipal code. Accordingly, Lindon City Code  
subsection 17.16.030(2) allows the Planning Commission to "authorize the expansion,  
36 alteration, or enlargement of a nonconforming use only after holding a public hearing and  
finding" the following:

- 38 a) the expansion, alteration or enlargement of the nonconforming use will to  
reasonable extent bring the use as close as reasonably possible to conformance  
40 with requirements and regulations of the zone in which [the] nonconformity is  
located; and,
- 42 b) the proposed change does not impose any unreasonable burden upon the lands  
located in the vicinity of the nonconforming use or violate the development  
44 policies adopted in the Lindon City Master Plan; and,
- 46 c) the use, building, or structure, existing or proposed, will be brought into  
compliance, where possible, with design and architectural standards of the zone  
where proposed.

2 Mr. Cullimore re-iterated that Mr. Mitchell would like to purchase the parcels on  
4 which the nonconforming use has been authorized and he would like to move the  
6 concrete crushing operation so that it will also be conducted on the parcel. He noted the  
8 primary reason Mr. Mitchell has given for moving the operation is so that it will not  
10 impact the operations of the adjacent property owner, who recently built a large  
12 office/warehouse building next door as he wants to be a good neighbor. Mr. Cullimore  
14 explained that when the initial operation was approved for asphalt and concrete crushing,  
16 several conditions were imposed to help mitigate potentially detrimental impacts to  
18 surrounding uses. The initial application was reviewed under the Standard Land Use  
Table's compatibility standards since the use was not classified at the time of application.  
At that time, the Planning Commission determined that the proposed use was not  
compatible with surrounding uses, but on appeal, the City Council approved the  
application subject to the conditions identified, and due to various circumstances that the  
Planning staff cannot fully identify, the conditions were never completed. And now the  
circumstances on the parcel have changed, the biggest issue of which is that the proposed  
public road was realigned so that it will no longer run along the north of the operation as  
identified along with various factors that led to non-compliance.

Mr. Cullimore then addressed each of the imposed conditions to consider which  
of the conditions still applies, and if any of them still need to be completed to fulfill the  
intent of the original conditions. Mr. Cullimore stated that staff has discussed the  
proposal with Mr. Mitchell regarding how the proposed alteration will comply with the  
requirements in LCC 17.16.030(2). He then referenced Mr. Mitchell's proposal to the  
Code requirements as follows (Mr. Mitchell's proposals are italicized and bolded):

- a) the expansion, alteration or enlargement of the nonconforming use will to  
reasonable extent bring the use as close as reasonably possible to conformance  
with requirements and regulations of the zone in which the nonconformity is  
located;

***The applicant proposes to bring the use into closer conformance with zone requirements and regulations by moving it further (at least 100 feet) from the use to the west that may be impacted by the crushing operations. He is also willing to install a landscaping strip along the south of the operation to provide a buffer between the existing use and the area adjacent to the Lindon Heritage Trail.***

- b) the proposed change does not impose any unreasonable burden upon the lands  
located in the vicinity of the nonconforming use or violate the development  
policies adopted in the Lindon City Master Plan;

***The applicant plans to significantly scale down the extent of the operation and he feels that it will not impose an unreasonable burden upon adjacent properties.***

- c) the use, building, or structure, existing or proposed, will be brought into  
compliance, where possible, with design and architectural standards of the zone  
where proposed.

***No additional structures will be built as part of the alteration.***

Mr. Cullimore stated if the Planning Commission finds that the above conditions  
are met, staff recommends that the following conditions be imposed to ensure that the use  
becomes more conforming as a result of the alteration:

- 2 1. The use may not be conducted within 100 feet of the eastern property boundary adjacent to Martin Snow's parcel.
- 4 2. The use may only be conducted as an ancillary use to Mitchell X's primary use.
- 6 3. The approved alteration will not run with the land and must be discontinued once Mitchell X abandons crushing operations on the additional parcel.
- 8 4. 3.7 shares of North Union water must be turned in to meet City requirements.
- 10 5. The applicant shall provide a landscaped buffer along the southern boundary line adjacent to the Lindon Heritage Trail.

12 Mr. Cullimore then referenced for discussion an aerial photo of the existing parcels, minutes from the City Council Meeting in which the crushing operation was approved, the original three year plan for the site and the Mr. Mitchell's proposal. He then called for any questions or comments from the Commission and turned the time over to Mr. Mitchell.

16 Commissioner McDonald asked about the scale down proposal from Mr. Dunn's operation and what Mr. Mitchell plans on crushing/recycling. Mr. Cullimore stated from their understanding, Mr. Dunn's operation got out of control and was recycling items outside of the scope of what was originally permitted. He noted that Mr. Mitchell has cleaned up the property a lot in the past 3 or 4 months. Mr. Mitchell stated he plans to recycle topsoil and rock and perhaps some asphalt and concrete every 2 or 3 months; it will be under 10% of what has been currently happening at the site. Commissioner McDonald expressed his only concern is with the neighboring properties and the noise, dust, etc. that may impact them. Mr. Mitchell stated will do his best to control the dust and noise issues and it will not pose a problem. Mr. Cullimore stated the code already regulates nuisance issues.

28 Commissioner Marchbanks commented that he likes the idea of centralizing the crushing equipment into the center of the property and to the west to mitigate any nuisance issues. He further noted that Mr. Mitchell will be using this for his own operations and he feels it won't pose a problem. He also thinks that site obscuring fencing would work rather than requiring landscaping. Mr. Mitchell stated he would prefer not to take care of landscaping. Mr. Cullimore pointed out that whichever buffer the Commission decides on can be added as a condition. There was then some general discussion regarding fencing and buffers and also what type of fencing will be along the trail.

36 Chairperson Call asked the applicant what he is willing to do as far as the buffer. Mr. Mitchell stated his opinion is that he shouldn't be required to add a buffer when other neighboring properties are not, but he would be willing to share the expense on fencing with the city. He added that there is currently a chain link fence in place but it doesn't have slats. Commissioner Marchbanks mentioned that he is not sure the fence needs to be site obscuring. Commissioner Kallas expressed his concerns that the previous owner disregarded the imposed conditions, and while he believes Mr. Mitchell will conform to what is asked of him, but he may have to pay the price. Mr. Mitchell stated he feels he has paid the price the past three years. Commissioner Kallas also believes that whatever standards are decided need to be done fairly quickly as the previous owner had three years to comply and didn't do it and it didn't encourage his performance. He added that he thinks it's a shame to have a public trail without a buffer which won't encourage the public to use the trail.

2 Chairperson Call asked if there were any public comments. John Woods, resident  
in attendance commented that that the trail east to Geneva Road has chain link fence only  
4 or no fence at all, and it seems unfair to require a buffer for one person and not for  
another. Mr. Mitchell commented that he plans on having the property cleaned up and  
6 make it a lot nicer than the current condition. Commissioner Marchbanks stated that he is  
comfortable with what is being proposed with just a chain link fence and questioned if  
8 this should be postponed to the next meeting to allow the Commissioners the opportunity  
to go down and look at the property in question and to bear in mind that the property will  
10 be organized and cleaned up from its current state. Commissioner Kallas suggested  
adding some of the crushed concrete materials adjacent to the fence to keep the weeds  
12 down and keep it attractive and clean and it wouldn't be a large cost. Chairperson Call  
stated she likes the idea of a weed barrier. Chairperson Call observed the conditions for  
14 Mitchell X discussed are as follows:

- 16 1. As presented - The use may not be conducted within 100 feet of the eastern  
property boundary adjacent to Martin Snow's parcel
- 18 2. As presented - The use may only be conducted as an ancillary use to Mitchell  
X's primary use.
- 20 3. Eliminated
- 22 4. As presented -3.7 shares of North Union water must be turned in to meet City  
requirements.
- 24 5. Chain link fence along trail with commercial grade weed barrier and ballast.
6. Dust control to meet state requirements.
7. 9 month compliance period.

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

28 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND APPROVAL  
TO THE CITY COUNCIL THE APPLICANT'S REQUEST TO ALTER THE  
30 EXISTING NONCONFORMING USE BASED ON THE CONDITIONS LISTED BY  
MR. CULLIMORE. COMMISSIONER SKINNER SECONDED THE MOTION. THE  
32 VOTE WAS RECORDED AS FOLLOWS:

|                          |     |
|--------------------------|-----|
| 34 CHAIRPERSON CALL      | AYE |
| COMMISSIONER MARCHBANKS  | AYE |
| COMMISSIONER KALLAS      | AYE |
| 36 COMMISSIONER WILY     | AYE |
| COMMISSIONER SKINNER     | AYE |
| 38 COMMISSIONER MCDONALD | AYE |

THE MOTION CARRIED UNANIMOUSLY.

40  
42 5. **Public Hearing:** *Ordinance Amendment – LCC 17.49 Industrial Zones, Frontage*  
*Setbacks.* John Williams of Intermountain Precision Casting requests approval of an  
44 amendment to LCC 17.49 Industrial Zones to modify setback requirements in the LI  
zone. The Commission will consider the request and make a recommendation to the  
City Council.

46

2 COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING.  
3 COMMISSIONER WILY SECONDED THE MOTION. ALL PRESENT VOTED IN  
4 FAVOR. THE MOTION CARRIED.

6 Hugh Van Wagenen, Planning Director, gave some background of this agenda  
7 item explaining that recently, Mr. Williams (who is in attendance) of Intermountain  
8 Precision Casting applied for and was approved to build a new building adjacent to their  
9 existing building at 1156 West 400 North in the LI zone. He noted this building is for an  
10 expansion of their current operation. Mr. Van Wagenen stated that when construction was  
11 to begin the foundation was staked and it was realized that there was a discrepancy  
12 between the architectural site layout and the civil engineered site layout. He noted the  
13 architect was measuring setbacks from back of walk while the engineer, appropriately,  
14 measured from the property line. However, the building was designed from the  
15 architectural site layout which ultimately placed the building into the required front  
16 setback area and there was not enough room to move some large equipment. So, when  
17 this was discovered, the City and Mr. Williams discussed several different scenarios to  
18 try and remedy the situation, including an alteration of the architectural plans.

19 Mr. Van Wagenen further explained that the building is unique in its design to  
20 accommodate the needs of Intermountain Precision Casting and had very little “wobble  
21 room” to make adjustments and to make the matter more complicated, the lot is only  
22 20,000 square feet which is small for an industrial property. He noted that it is also a  
23 corner lot, requiring a 20 foot setback along both frontages. As this situation was  
24 explored, the idea of modifying the setback along “street side yards” was introduced. Mr.  
25 Williams felt this would be a good solution to their current problem of encroachment.

26 Mr. Van Wagenen further explained that currently, all frontages in the LI zone  
27 require a 20 foot building setback from the property line, regardless of building  
28 orientation so corner lots with frontage on two roads are restricted to smaller building  
29 footprints than lots not on a corner which are able to go to a zero lot line. Mr. William’s  
30 is requesting to modify “street side yard” setback to 15 feet, enabling a slightly larger  
31 building footprint. Mr. Van Wagenen stated that staff feels that a modification of 5 feet  
32 would have minimal impacts on the look of the streetscape and would not impact the safe  
33 site distance requirements for intersections. It would allow properties on corner lots to  
34 utilize slightly more of their property which is otherwise a disadvantage to do greater  
35 setback requirements.

36 Mr. Van Wagenen further explained there is also a 20’ landscape strip  
37 requirement along all frontages and any approval of a modified setback would may affect  
38 the 20’ requirement on some developments. He added that typically, in the LI zone the  
39 landscape strip is measured from the back of the curb and not the property line. So, most  
40 developments will be able to have a full 20’ landscape strip and still build a footprint  
41 within 15’ of the property line. This will be the case with Intermountain Precision  
42 Casting’s new site. Mr. Van Wagenen stated that if approved, the change would affect the  
43 entire LI zone, not just Intermountain Precision Casting’s property.

44 Mr. Van Wagenen then presented for discussion the current zone map, an aerial  
45 photo of the Intermountain Precision Casting Site, Intermountain Precision Casting Site  
46 Plans and Ordinance #2015-18-O. He then turned the time over to Mr. Williams for  
comment.

2 Mr. Williams commented that he bought the property 30 years ago with the idea  
that that they would expand in the future. They are at that point now and realized the  
4 codes had changed and they need to scale back. Commissioner Wily asked staff if they  
could waive the requirement. Mr. Van Wagenen stated that would have required a  
6 variance and unfortunately, staff feels a request for a variance would not have met the  
requirements and would have been denied.

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

10  
12 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF  
ORDINANCE 2015-18-O TO THE CITY COUNCIL AS PRESENTED.

14 COMMISSIONER MCDONALD SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

|                            |     |
|----------------------------|-----|
| 16 CHAIRPERSON CALL        | AYE |
| 16 COMMISSIONER MARCHBANKS | AYE |
| 16 COMMISSIONER KALLAS     | AYE |
| 18 COMMISSIONER WILY       | AYE |
| 18 COMMISSIONER SKINNER    | AYE |
| 20 COMMISSIONER MCDONALD   | AYE |

22 THE MOTION CARRIED UNANIMOUSLY.

24 6. **Public Hearing** – *General Plan Amendment, Lindon Tech Phase 2.* Mark Weldon of  
WICP West Lindon requests approval of a General Plan Map amendment to change  
26 the land use designation of a portion of the lot at approximately 1800 West 700 North  
(parcel #14:057:0057) from Commercial to Mixed Commercial. The Commission  
will consider the request and make a recommendation to the City Council.

28  
30 Mr. Van Wagenen also led this discussion by explaining Andrew Bollschweiler is  
in attendance representing the applicant, Mr. Weldon. He gave some background  
32 explaining that the applicant submitted a concept plan before the City Council prior to  
making an official General Plan change application. After meeting with the Council, the  
applicant felt confident enough to officially request the General Plan Map change  
34 proposed here tonight. He noted the applicant proposes to subdivide and develop the  
parcel with a site configuration similar to the site plan concept included in the staff report  
36 (attachment 3). The concept shows a 50,000 s.f. two-story office building fronting on 700  
North with a 90,000 s.f. office/warehouse fronting on 1700 West (9.8 acres). He noted  
38 the current designation of General Commercial allows for office services, but does not  
permit office/warehousing uses. The parcel is currently split designated CG/MC and this  
40 request would change where the split in the designation occurs, moving the MC line  
approximately 480 feet to the north. Mr. Van Wagenen noted that whenever a parcel is  
42 split designated, the more restrictive designation applies; in this case that is the General  
Commercial designation.

44 Mr. Van Wagenen explained this request will prepare the parcel to be subdivided  
along the new line and until that time, even upon approval of this item, the prevailing  
46 General Plan designation will be General Commercial on the entire parcel. He noted that  
City Code requires that any zone change must be consistent with the City's General Plan  
48 Designation and the current General Plan designation is Commercial. He further

2 explained the applicant is requesting that the General Plan designation be changed to  
Mixed Commercial to permit the zone change to allow their desired uses; the General  
4 Plan currently designates the property under the category of Commercial. Mr. Van  
Wagenen stated this category includes retail and service oriented businesses, and  
6 shopping centers that serve community and regional needs. He re-iterated that the  
applicant requests that the General Plan designation of the property be changed to Mixed  
8 Commercial, which accommodates low intensity light industrial, research and  
development, professional and business services, retail and other commercial relate uses.

10 Mr. Van Wagenen then referenced the relevant General Plan policies to consider in  
determining whether the requested change will be in the public interest as follows:

- 12 a. It is the purpose of the commercial area to provide areas in appropriate locations  
14 where a combination of business, commercial, entertainment, and related  
activities may be established, maintained, and protected.
- 16 b. Commercial use areas should be located along major arterial streets for high  
visibility and traffic volumes.
- 18 c. The goal of commercial development is to encourage the establishment and  
development of basic retail and commercial stores which will satisfy the ordinary  
20 and special shopping needs of Lindon citizens, enhance the City's sales and  
property tax revenues, and provide the highest quality goods and services for area  
residents.

22 i. Objectives of this goal are to:

- 24 1. Expand the range of retail and commercial goods and services  
available within the community.
- 26 2. Promote new office, retail, and commercial development along  
State Street and 700 North.

28 d. Applicable city-wide land use guidelines:

- 30 i. The relationship of planned land uses should reflect consideration  
of existing development, environmental conditions, service and  
transportation needs, and fiscal impacts.
- 32 ii. Transitions between different land uses and intensities should be  
made gradually with compatible uses, particularly where natural or  
man-made buffers are not available.
- 34 iii. Commercial and industrial uses should be highly accessible, and  
developed compatibly with the uses and character of surrounding  
36 districts.

38 Mr. Van Wagenen then presented an aerial photo of the proposed area to be re-  
classified with existing General Plan designation, photographs of the existing site, exhibit  
40 A, the conceptual site plan with proposed General Plan change, the conceptual  
architectural renderings and Ordinance #2015-19-O followed by discussion. He then  
42 turned the time over to Mr. Bollschweiler for comment.

44 Mr. Bollschweiler referenced the site plan noting in the last discussion with the  
City Council they talked about the pre-cast wall, the continuous landscaping and also the  
truck access. He noted the back of the building will be truck docks and doors. He added  
46 that the first building is under construction right now and the second building is currently  
in for permits. Commissioner Kallas asked if they would consider turning the building  
48 180 degrees and closer to the property line so the nicer side of the building is facing the

2 street and the residential homes with the truck docks in between the two buildings. Mr.  
Bollschweiler replied there is a possibility that would work but it would change the  
4 building size significantly as there would not be the shared parking with the second  
building. He added that would also be difficult to do because a lot of the underground  
6 work has already been put in between buildings one and two.

8 Kandice Bartholomew, resident in attendance, asked if the trucks will be entering  
the building on the residential side as there are noise and safety issues to be considered.  
Mr. Bollschweiler stated that all truck traffic will have to enter on that side because of the  
10 truck access (off of 2000 west). He also explained where the 8' screening wall will be to  
obscure the truck traffic and noise.

12 Commissioner Marchbanks mentioned he has the same concerns as  
Commissioner Kallas stating if they would bring in an elevation facing the residential  
14 that would be beneficial. He also feels the residents will be less impacted by this use than  
a high end commercial use as all the traffic will go to the west. There was then some  
16 additional discussion regarding flipping the buildings. Mr. Bollschweiler re-iterated that  
the problem is there is \$200,000 worth of ground work that has already been completed  
18 and in the ground. Commissioner Marchbanks commented that it would be easier for the  
developer to put a façade or fake windows above the 8 ft. fence area rather than to tear  
20 out any underground work. Mr. Bollschweiler stated they would be willing to put in high  
windows.

22 Chairperson Call pointed out that this particular agenda item is for a general plan  
map amendment to bring the line up only and some of these site plan items will be  
24 covered later. Mr. Bollschweiler stated that he did not come prepared to discuss the look  
and elevations tonight. Mr. Van Wagenen stated to keep in mind with zone changes (next  
26 agenda item) that conditions can be placed so if there are architectural issues because of  
the nature of the request with the general plan. Mr. Bollschweiler commented that they  
28 want to do whatever is best and they are open to any suggestions and they are also open  
to putting in additional landscape buffers as they want to be good neighbors.

30 Chairperson Call called for any further comments or questions from the  
Commissioners. Hearing none she called for a motion.

32  
34 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND TO THE  
CITY COUNCIL APPROVAL OF THE APPLICANT'S REQUEST TO CHANGE THE  
GENERAL PLAN AS IDENTIFIED BY ORDINANCE #2015-19-O WITH THE  
36 FOLLOWING CONDITIONS 1. THAT THE PARCEL BE SUBDIVIDED AND 2.  
THAT ADDITIONAL GUIDELINES BE CONSIDERED ON THE EAST SIDE OF  
38 THE BUILDING FACING THE RESIDENTIAL SUBDIVISION INCLUDING  
FACADES AND LANDSCAPING. COMMISSIONER WILY SECONDED THE  
40 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

48

2 7. **Public Hearing** – *Zone Map Amendment – Lindon Tech Phase 2*. Mark Weldon of  
4 WICP West Lindon requests approval of a Zone Map amendment to change the  
6 zoning designation of a portion of the lot at approximately 1800 West 700 North  
8 (parcel #14:057:0057) from General Commercial (CG) to Mixed Commercial (MC).  
The Commission will consider the request and make a recommendation to the City  
Council.

10 Mr. Van Wagenen explained this item is a follow up to the previous general plan  
12 agenda item that was just approved. Mr. Van Wagenen explained this is the same request  
14 and a conforming action.

12 Chairperson Call called for any comments or questions from the Commissioners.  
14 Hearing none she called for a motion.

16 COMMISSIONER WILY MOVED TO RECOMMEND TO THE CITY  
18 COUNCIL APPROVAL OF THE APPLICANTS REQUEST TO CHANGE THE  
20 ZONING MAP AS IDENTIFIED BY ORDINANCE #2015-20-O WITH THE  
22 CONDITION THAT THE GENERAL PLAN MAP CHANGE BE APPROVED BY  
24 THE CITY COUNCIL. COMMISSIONER MARCHBANKS SECONDED THE  
26 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

|                            |     |
|----------------------------|-----|
| 22 CHAIRPERSON CALL        | AYE |
| 24 COMMISSIONER MARCHBANKS | AYE |
| 26 COMMISSIONER KALLAS     | AYE |
| 28 COMMISSIONER WILY       | AYE |
| 30 COMMISSIONER SKINNER    | AYE |
| 32 COMMISSIONER MCDONALD   | AYE |

THE MOTION CARRIED UNANIMOUSLY.

30 8. **Public Hearing** – *Ordinance Amendment – LCC 17.50, MC Minimum Zone Area*.  
32 Lindon City requests an amendment to LCC 17.50 Mixed Commercial, to remove the  
34 minimum zone area for the MC Zone. The Commission will consider the request and  
36 make a recommendation to the City Council.

34 Mr. Cullimore led this discussion by explaining that currently, the Lindon City  
36 Code requires a minimum zone area of 10 acres which means that the zone can only be  
38 applied to areas that contain at least 10 contiguous acres. He noted the General Plan  
40 indicates that the Mixed Commercial Zone includes general Commercial, low intensity  
42 light industrial, and research and business uses. Because the Mixed Commercial zone in  
general requires quality architectural and landscaping standards, and because it requires  
most uses to be conducted indoors, it serves as a complimentary zone to the General  
Commercial Zone and a transitional zone between the General Commercial and Light  
Industrial or between the Light Industrial and other uses.

44 He stated that last year, the minimum zone area of the Mixed Commercial was  
46 reduced from 30 to 10 acres to allow it to be applied more flexibly as the justifications  
don't carry very well. He noted this issue has come up on several occasions and it can be  
a barrier and they will use it when necessary.

48 Mr. Cullimore explained that since then, staff has had additional discussions that  
have concluded that the justifications for a minimum zone area are not necessarily  
applicable relative to the Mixed Commercial because there are other measures related to

2 landscaping, architecture, etc., that ensure uses in the Mixed Commercial Zone are  
compatible with surrounding uses. Mr. Cullimore stated that staff is proposing to remove  
4 the minimum zone area for the Mixed Commercial Zone so that it can be applied flexibly  
and without unnecessary restriction. There was then some general discussion regarding  
6 this ordinance amendment.

8 Chairperson Call called for any further comments or questions from the  
Commissioners. Hearing none she called for a motion.

10 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF  
ORDINANCE AMENDMENT #2015-21-O AS PRESENTED WITH CHANGES BY  
12 STAFF. COMMISSIONER MCDONALD SECONDED THE MOTION. THE VOTE  
WAS RECORDED AS FOLLOWS:

|                         |     |
|-------------------------|-----|
| 14 CHAIRPERSON CALL     | AYE |
| COMMISSIONER MARCHBANKS | AYE |
| 16 COMMISSIONER KALLAS  | AYE |
| COMMISSIONER WILY       | AYE |
| 18 COMMISSIONER SKINNER | AYE |
| COMMISSIONER MCDONALD   | AYE |

20 THE MOTION CARRIED UNANIMOUSLY.

22 9. **Public Hearing** – *LCC 17.04 & 17.44, Accessory Bldg. Standards.* Lindon City  
Requests amendments to LCC 17.04 & 17.44 to modify dimensional requirements for  
24 accessory buildings in residential zones. The Commission will consider the request  
and make recommendations to the City Council.

26

Mr. Cullimore explained that this is similar to the last request as there have been  
28 requests regarding accessory buildings. He noted the Lindon City Code currently  
addresses accessory building dimensional requirements in two separate places in the  
30 Code. He noted that this is a City initiated request to bring all the requirements into the  
same section so everything is easier to find. He added that upon reviewing the two  
32 separate sections, staff would like discussion on whether the requirements in LCC  
17.04.260 (general and supplemental provisions) are necessary, or if the remaining  
34 requirements in LCC 17.04.270 and LCC 17.44 (single family residential) are sufficient  
to achieve the desired result.

36 Mr. Cullimore then referenced the code sections applicable to accessory  
buildings. He then showed photos depicting accessory buildings in the city. There was  
38 then some lengthy general discussion regarding this ordinance amendment. Following  
discussion Mr. Cullimore also proposed moving section 17.04 into 17.44 so it is all in one  
40 place. Chairperson Call commented that if approved how this would affect the particular  
application. Mr. Cullimore stated with the particular application they are entitled to opt  
42 to go with the new requirements and would be in compliance.

44 Chairperson Call called for any comments or questions from the Commissioners.  
Hearing none she called for a motion.

46 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND APPROVAL  
TO THE CITY COUNCIL ORDINANCE AMENDMENT #2015-22-O AS  
48 PRESENTED WITH THE CHANGE OF MOVING SECTION 17.04.270 TO

2 INCORPORATE SECTION 17.44. COMMISSIONER WILY SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- 4 CHAIRPERSON CALL AYE
- COMMISSIONER MARCHBANKS AYE
- 6 COMMISSIONER KALLAS AYE
- COMMISSIONER WILY AYE
- 8 COMMISSIONER SKINNER AYE
- COMMISSIONER MCDONALD AYE

10 THE MOTION CARRIED UNANIMOUSLY.

12 10. **Public Hearing** – *Ordinance Amendment – Commercial and Industrial Landscaping.*

14 This item was continued from a previous Planning Commission meeting. Lindon City  
requests approval of an Ordinance Amendment to LCC chapters 17.47 Research and  
16 Business Zone, 17.48 Commercial zones, and 17.50 Mixed Commercial to allow  
more water wise landscaping options. The Commission will consider the request and  
make a recommendation to the City Council.

18  
20 Mr. Cullimore opened this discussion by explaining the Planning Commission  
and staff have previously discussed allowing more water wise landscaping options in  
required landscaping strips along street frontages in commercial and industrial zones and  
22 this ordinance attempts to provide these options. He noted when this item was presented  
to the Planning Commission several weeks ago, they requested that staff conduct further  
24 research on some issues.

26 Mr. Cullimore then referenced the proposed modifications including living  
vegetation, decorative rock, bark, white quartz rock, ground cover and xeriscapes  
followed by some lengthy general discussion. Commissioner Kallas stated he would like  
28 to see this item continued to allow staff to do further research on 700 north and also the  
area by Home Depot and to come up with wording in the ordinance to allow more  
30 uniformity in certain areas.

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

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

38 Chairperson Call called for any further comments or questions from the  
Commissioners. Hearing none she called for a motion.

40  
42 COMMISSIONER KALLAS MOVED TO CONTINUE THE ORDINANCE  
AMENDMENT TO THE NEXT AVAILABLE PLANNING COMMISSION MEETING  
TO ALLOW STAFF TO CONDUCT FURTHER RESEARCH. COMMISSIONER  
44 MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
FOLLOWS:

- 46 CHAIRPERSON CALL AYE
- COMMISSIONER MARCHBANKS AYE
- 48 COMMISSIONER KALLAS AYE

2 COMMISSIONER WILY AYE  
COMMISSIONER SKINNER AYE  
4 COMMISSIONER MCDONALD AYE  
THE MOTION CARRIED UNANIMOUSLY.

6  
8 **11. New Business: Reports by Commissioners –**

Chairperson Call called for any new business or reports by the Commissioners.  
10 Commissioner Kallas mentioned that several residents have inquired about the yard sale  
12 at Data Pad (Lindon business) located on State Street as it is very unsightly and has been  
ongoing for over a month. Mr. Van Wagenen stated they have had inquiries about this  
14 issue and will follow up on the issue. Chairperson Call mentioned the earlier work  
session presentation and questioned where it goes from here. Mr. Cullimore stated that  
16 all of the elements are largely in the guidelines. There was then some general discussion  
regarding the presentation.

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

20 **12. Planning Director Report–**

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

- **Ivory Update**

24  
Chairperson Call called for any further comments or discussion. Hearing none she  
26 called for a motion to adjourn.

28 **ADJOURN –**

30 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE  
MEETING AT 9:53 P.M. COMMISSIONER MARCHBANKS SECONDED THE  
32 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34  
36 Approved – August 25, 2015

38  
40 \_\_\_\_\_  
Sharon Call, Chairperson

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