

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **August 12, 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: Rob Kallas, Commissioner
10 Pledge of Allegiance: Matt McDonald, Commissioner

12 **PRESENT**

ABSENT

Sharon Call, Chairperson
14 Mike Marchbanks, Commissioner
Ron Anderson, Commissioner
16 Rob Kallas, Commissioner
Bob Wily, Commissioner
18 Matt McDonald, Commissioner
Andrew Skinner, Commissioner
20 Hugh Van Wagenen, Planning Director
Jordan Cullimore, Associate Planner
22 Kathy Moosman, City Recorder

- 24 1. **CALL TO ORDER** – The meeting was called to order at 7:05 p.m.
26 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of July 22, 2014
were reviewed.

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30 COMMISSIONER WILY MOVED TO APPROVE THE MINUTES OF THE
REGULAR MEETING OF JULY 22, 2014 AS WRITTEN. COMMISSIONER
32 SKINNER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.
THE MOTION CARRIED.

34 3. **PUBLIC COMMENT** –

36 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.

38 **CURRENT BUSINESS** –

- 40
42 4. **Compatibility Determination** – *O’Neal Aquatics, 31 S. 1550 W.* JoD and Rob Jones
of O’Neal Aquatics request review of an unlisted land use category (swim lessons) to
44 determine if the use is compatible with uses permitted in the Light Industrial (LI)
zone. The applicant proposes to operate a business conducting swim lessons in
46 warehousing space located at 31 South 1550 West in the Light Industrial (LI) zone.
Recommendations will be made to the City Council at their next available meeting
after Planning Commission review.

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2 Jordan Cullimore, Associate Planner, led the discussion by giving a brief
summary of this agenda item stating the applicants, JoD and Rob Jones of O'Neal
4 Aquatics is requesting review of an unlisted land use category (swim lessons) to
determine if the use is compatible with uses permitted in the Light Industrial (LI) zone.
6 The applicant proposes to operate a business conducting swim lessons in warehousing
space located at 31 South 1550 West in the Light Industrial (LI) zone. He noted that
recommendations will be made to the City Council at their next available meeting after
8 Planning Commission review.

10 Mr. Cullimore explained the business will be located at 31 South 1550 West,
which is in the Light Industrial (LI) zone (Larry McColm business park) Mr. Cullimore
then passed out a letter from Mr. McColm and noted the business will conduct private,
12 one-on-one swim lessons for infants and children. He further explained the applicants are
moving from their home business in Cedar Hills and looking to operate in a commercial
14 setting. He stated the business model will operate with anywhere from 1-6 instructors in
the pool at a time with typical hours of operation will be from 9 am to 8 pm, Monday
16 through Friday; and 9 am to 5 pm on Saturdays. Lessons are 20 minutes long and there
will be no free swim time. Customers are asked to leave the pool after the lesson
18 concluded. The applicant indicated and estimates that the business will need up to 18
parking spaces to accommodate customers. The parking requirement for similar uses
20 (parking group 6800) at this location would be 16 spaces. Mr. Cullimore stated the
landlord has expressed a willingness to allow parking for this use on the site, and on the
22 site to the north, which is under the same ownership as the tenant's site.

24 Mr. Cullimore explained that the General Plan identifies the Light Industrial land
use category as suitable in areas where manufacturing, industrial processes, and
warehousing uses not producing objectionable effects may be established. He added that
26 some related retail uses are appropriate for this designation. He noted the stated purpose
of the Light Industrial (LI) zone is to provide areas in appropriate locations where light
28 manufacturing, industrial processes, and warehousing not producing objectionable effects
may be established, maintained, and protected. The current uses permitted and
30 conditionally permitted in the LI zone are listed in the Standard Land Use Table
(attachment 6). He noted that staff believes that the most similar uses to the proposed use
32 are listed under parking group 6800.

34 Mr. Cullimore further explained that Section III of the Standard Land Use Table
recognizes that the table does not anticipate all uses that may seek to locate in Lindon.
Accordingly, Section III provides a mechanism to classify un-codified land uses as
36 permitted, conditionally permitted, or not permitted on a site-specific basis. He directed
the Planning Commission to consider the following standards and then make a
38 recommendation to the City Council regarding whether the proposed use is "compatible
and harmonious" with the zone in which the applicant proposes to establish the use as
40 follows:

- 42 1. Volume and type of sales, retail, wholesale; size and type of items sold and nature
of inventory on the premises;
- 44 2. Any processing done on the premises; assembly, manufacturing, smelting,
warehousing shipping and distribution; and dangerous, hazardous, toxic or
explosive materials used in processing;
- 46 3. The nature and location of storage and outdoor display of merchandise; enclosed,
open, inside or outside the principal building; and predominant types of items
48 stored - business vehicles, work in process, inventory and merchandise,

- 2 construction materials, scrap and junk, and bulk materials, ores, powders and
liquids;
- 4 4. Number and density of employees and customers, per unit area of site and
buildings in relation to business hours and employment shifts;
- 6 5. Business hours the use is in operation or open for business, ranging from seven
days a week, 24 hours a day to once to several times a year, such as sports
stadiums or fairgrounds;
- 8 6. Transportation requirements, including modal split for people and freight, by
volume, type and characteristics of traffic generation to and from the site, trip
10 purposes, and whether trip purposes can be shared with other uses on the site;
- 12 7. Parking characteristics, turn over and generation, ration of the number of spaces
required per unit area or activity, and potential for shared parking with other uses;
- 14 8. Predilection of attracting or repelling criminal activities to, from or other
premises;
- 16 9. Amount and nature of nuisances generated on the premises- noise, smoke, odor,
glare, vibration radiation, and fumes; and
- 18 10. Any special public utility requirements for serving the use-water supply, waste
water output, pre-treatment of wastes and emissions recommended or required,
and any significant power structures and communication towers or facilities.
- 20

22 Mr. Cullimore stated the City Council, upon recommendation from the Planning
Commission and after consideration of the above standards, will classify a specific use as
permitted, conditionally permitted, or not permitted. Mr. Cullimore then referenced an
24 aerial photo of the site and photographs of the site, the business description, site plan,
proposed floor plan and the Standard Land Use Table followed by some general
26 discussion.

28 Chairperson Call invited the applicants forward at this time for any additional
comments. Ms. Jones commented that they have children and parents literally coming
30 from all over the world for private swim lessons. She started doing this as a passion to
teach these little kids to swim and then found in this week alone that people are traveling
32 far distances just to be here. They truly understand this and it is amazing what these kids
are doing and they are teaching a life skill. Ms. Jones clarified that safety comes first at
all times and she has taught for 35 years. She added that this is their first commercial
34 facility and Lindon is where they hope to make their home. Ms. Jones stated it is a large
commercial heavy grade (steel) pool (24 x 46) and is above ground.

36 Commissioner Anderson asked if they will have restroom and change room
facilities at the location. Ms. Jones confirmed they will be adding an office and change
38 rooms; the restrooms are already there. Chairperson Call commented that she drove by
the unit and asked about the possible issues of ventilation, humidity, mold etc. Ms. Jones
40 stated that this is the first warehouse in Utah that is “green” with perfect heating and
ventilation including solar panels etc. She chose this location because of the good safety
42 etc. Commissioner Marchbanks observed that staffs approach would be to include it in
the table. Mr. Cullimore confirmed that statement and noted there will be further
44 discussion. Chairperson Call asked if there are any other permits required from the health
department or state permits regarding use with a pool. Ms. Jones replied that she has not
46 heard of any other required permits in the past but she makes sure she is in compliance.
Commissioner Kallas asked staff if they know if there are any required inspections from
48 the health department. Mr. Cullimore stated public pools must comply with certain rules

2 and standards. He suggested that Ms. Jones contact the health department to make sure
3 they are following protocol. Commissioner Kallas pointed out if the pool is already in
4 place why are they asking for approval now. Mr. Cullimore stated there was some mis-
5 communication between Mr. McColm (owner) and the city about when it would be
6 approved to occupy the location and the applicants did not know they needed a business
7 license, so when they applied the process was instigated.

8 Mr. Van Wagenen stated that what is being determined tonight is recommending
9 something to the city council that allows these types of businesses to operate with any
10 applicable conditions; a category does not need to be classified at this time. Mr.
11 Cullimore added that tonight the decision will be to classify this specific use as permitted,
12 conditionally permitted, or not permitted.

13 Chairperson Call voiced one of her concerns with a permitted use that goes with
14 the property is that the applicants have gone to a lot of effort to ensure this is done
15 properly but if it is a permitted use or a conditional use someone else could follow and
16 their business may not be to the same standards. Chairperson Call added that she does
17 not see any issues with any of the specific listed standards. She would recommend
18 implementing a conditional use permit with some conditions included as to have some
19 controls if another user comes to that facility and tries to do a similar business.

20 Commissioner Anderson agreed with Chairperson Call's recommendation.
21 Commissioner McDonald questioned if there is there any liability for the city or is the
22 liability entirely the responsibility of the applicant. Mr. Cullimore stated from a liability
23 perspective it would be treated as any other use and full responsibility would be to the
24 operator. Commissioner Kallas added that he would recommend adding a condition that
25 some research be done as to what entities would regulate the operations of the business
26 and ensure that all state/county regulations are in compliance.

27 Following discussion regarding possible conditions Mr. Cullimore stated that staff
28 is hearing the Commission would recommend the following conditions be included in the
29 motion if approved:

- 30 1. Identify applicable regulating authorities as soon as practicable and provide
31 documentation of compliance with all applicable regulations within 60 days
32 of approval.
- 33 2. Regular one-on-one swim lessons and limited group sessions not to exceed
34 three one-hour sessions per week with no more than 18 people per group
35 session.
- 36 3. No open public swim sessions.

37 Following some additional general discussion, Chairperson Call called for a
38 motion.

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41 COMMISSIONER KALLAS MOVED TO RECOMMEND TO THE CITY
42 COUNCIL THAT "SWIM LESSONS" BE CLASSIFIED AS PERMITTED AT 31
43 SOUTH 1550 WEST UNIT #112 IN THE LIGHT INDUSTRIAL ZONE WITH THE
44 FOLLOWING CONDITIONS 1. IDENTIFY APPLICABLE REGULATING
45 AUTHORITIES AS SOON AS PRACTICAL AND PROVIDE DOCUMENTATION
46 OF COMPLIANCE WITH ALL APPLICABLE REGULATIONS WITHIN 60 DAYS
47 OF APPROVAL AND 2. REGULAR ONE-ON-ONE SWIM LESSONS AND
48 LIMITED GROUP SESSIONS NOT TO EXCEED THREE ONE-HOUR SESSIONS

PER WEEK WITH NO MORE THAN 18 PEOPLE PER GROUP SESSION AND 3.
NO OPEN PUBLIC SWIM SESSIONS. COMMISSIONER SKINNER SECONDED
THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	ABSTAIN
COMMISSIONER WILY	AYE
COMMISSIONER MCDONALD	AYE
COMMISSIONER SKINNER	AYE

THE MOTION CARRIED 6:0 WITH ONE IN ABSTENTION.

5. **Conditional Use Permit** – Julia’s Jamboree Preschool, 1124 E. 230 N. Julia Howard of Julia’s Jamboree Preschool requests approval of a conditional use permit to operate a preschool for 3-5 year old children at 1124 East 230 North in the Single Family Residential (R1-12) zone. The proposed preschool will serve a maximum of 12 students per session for 2 sessions per day, 5 days per week.

Mr. Cullimore, led the discussion by explaining that Julia Howard of Julia’s Jamboree Preschool, is requesting approval of a conditional use permit to operate a preschool for 3-5 year old children at 1124 East 230 North in the Single Family Residential (R1-12) zone. He noted because of some miscommunication the applicant is not in attendance at the meeting tonight.

Mr. Cullimore stated that Child Day Care facilities serving 5 to 16 children are conditionally permitted in the R1 zone. The preschool will educate 3-5 year old children. He noted the applicant will serve up to 12 children per session for two session per day, five days a week. Mr. Cullimore stated the two sessions will be from 9:15 am to 11:45 am and from 12:30 pm to 3:00 pm and students will be dropped off and picked up no more than 10 minutes before and after each class.

Following some additional general discussion regarding this item the commission was in agreement to continue this item in order for the applicant to be present for discussion. At this time Chairperson Call called for a motion to continue this item.

COMMISSIONER MARCHBANKS MOVED TO CONTINUE THE APPLICANT’S REQUEST FOR A CONDITIONAL USE PERMIT TO OPERATE PRESCHOOL LOCATED AT 1124 EAST 230 NORTH IN THE SINGLE FAMILY RESIDENTIAL (R1-12) ZONE IN ORDER FOR THE APPLICANT TO BE IN ATTENDANCE. COMMISSIONER WILY SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

6. **Public Hearing** – *General Plan Map Amendment, Approx. 750 N 2800 W.* Lindon City requests a General Plan map amendment to change the General Plan designation of Utah County Parcel #13:063:0057 (location at approximately 750 North 2800 West) from Mixed Commercial to Commercial. This item was continued from the July 22, 2014 Planning Commission meeting. Recommendations will be made to the City Council at their next available meeting after Planning Commission Review.

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

Mr. Cullimore led the discussion by stating on July 1, 2014, the City Council approved a General Plan designation change on the subject property from Commercial to Mixed Commercial. He noted that members of the Council indicated that they were willing to change the General Plan designation of the property because they believed that the specific office/warehouse project presented by the applicant was in the public interest. He stated after approval was granted, the project fell through. Mr. Cullimore explained this is an action to revert the General Plan designation to Commercial and staff recommends this action. Commissioner Marchbanks inquired if they are looking for property elsewhere. Mr. Van Wagenen confirmed they are actually looking for property in Lindon.

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

COMMISSIONER WILY MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE APPLICANT’S REQUEST TO CHANGE THE GENERAL PLAN DESIGNATION OF THE LOT IDENTIFIED BY UTAH COUNTY PARCEL #13:063:0057 FROM MIXED COMMERCIAL TO COMMERCIAL. COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

7. **Public Hearing** – *Zone Map Amendment, Approx. 750 N 2800 W.* Lindon City requests a Zone map amendment to change the zoning designation of Utah County Parcel #13:063:0057 (location at approximately 750 North 2800 West) from Mixed Commercial (MC) to Commercial A8 (CG-A8). This item was continued from the July 22, 2014 Planning Commission meeting. Recommendations will be made to the City Council at their next available meeting after Planning Commission Review.

Mr. Cullimore gave a brief summary by explaining on July 1, 2014, the City Council approved a Zone Map Amendment that changed the zoning of the subject

2 property from Commercial A8 (CG-A8) to Mixed Commercial (MC). Members of the
3 Council indicated that they were willing to change the zoning of the property because
4 they believed that the specific office/warehouse project presented by the applicant was in
5 the public interest. After approval was granted, the project fell through. This is an action
6 to revert the zoning to Commercial A8 (CG-A8).

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

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10 COMMISSIONER ANDERSON MOVED TO CLOSE THE PUBLIC
11 HEARING. COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL
12 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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14 Chairperson Call asked if there were any further comments or discussion from the
15 commission. Hearing none she called for a motion.

16 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND TO THE
17 CITY COUNCIL APPROVAL OF THE APPLICANT'S REQUEST TO CHANGE THE
18 ZONING DESIGNATION OF THE LOT IDENTIFIED BY UTAH COUNTY PARCEL
19 #13:063:0057 FROM MIXED COMMERCIAL (MC) TO GENERAL COMMERCIAL
20 A8 (CG-A8). COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE
21 WAS RECORDED AS FOLLOWS:

22 CHAIRPERSON CALL	AYE
23 COMMISSIONER ANDERSON	AYE
24 COMMISSIONER KALLAS	AYE
25 COMMISSIONER MARCHBANKS	AYE
26 COMMISSIONER WILY	AYE
27 COMMISSIONER MCDONALD	AYE
28 COMMISSIONER SKINNER	AYE

29 THE MOTION CARRIED UNANIMOUSLY.

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

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33 Chairperson Call called for any new business or reports from the Commissioners.
34 Chairperson Call mentioned that she is interested in the recent Council discussion
35 regarding the White Horse Subdivision. Mr. Van Wagenen commented that the Council
36 was hesitant to do any smaller lots in that area of the city even with the proposed layout.
37 There was a suggestion to perhaps eliminate 2 or 3 lots. There was also a concern of how
38 the smaller lots (where the building footprint would be) would influence the larger lots
39 animal rights because of distance requirements between corrals and animal enclosures.
40 Staff has not heard anything back from DR Horton since that meeting. Chairperson Call
41 also mentioned the Council discussion on the Primos restaurant beer license application.
42 Mr. Van Wagenen stated the application was continued to the next meeting because
43 children and parents use the parking lot to access the Timpanogos Academy; there is the
44 likelihood of approval if the gates remain closed, but that is up to the owner (Leonard
45 Lee). She also mentioned that she read that the Community Center recently received a
46 grant to expand the computer lab. Commissioner Kallas asked for an update on the issue
47 of the street light on Center Street. Mr. Van Wagenen stated that UDOT will be putting
48 in the light and it is currently in the design phase and should be in place sometime this

year. Commissioner Wily mentioned that they broke ground for the new Taco Bell.
Commissioner Kallas commended staff on another great Lindon Days and commented
that it seemed a high percentage of residents got involved. Chairperson Call called for
any further comments. Hearing none she moved on to the next agenda item.

9. PLANNING DIRECTOR'S REPORT–

Mr. Van Wagenen reported on the following items followed by some general
discussion by the Commission.

- MC architectural standards update
- Fall APA/Western Planner Conference
- Disclosure forms
- Photos

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

ADJOURN –

COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE
MEETING AT 9:20 P.M. CHAIRPERSON CALL SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – August 26, 2014

Sharon Call, Chairperson

Hugh Van Wagenen, Planning Director