

2 The Lindon City Planning Commission held a regularly schedule meeting on **Tuesday,**  
3 **August 27, 2013 at 7:00 p.m. beginning with a Work Session at 6:00 p.m.** at the  
4 Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

6 **WORK SESSION – 6:00 p.m.**

8 Conducting: Sharon Call, Chairperson

10 **PRESENT**

10 Sharon Call, Chairperson  
12 Ron Anderson, Commissioner  
12 Del Ray Gunnell, Commissioner  
14 Carolyn Lundberg, Commissioner  
14 Mike Marchbanks, Commissioner  
16 Vaughan Austin, Commissioner  
16 Hugh Van Wagenen, Planning Director

**ABSENT**

Rob Kallas, Commissioner

18 The work session was called to order at 6:00 p.m.

20 **WORK SESSION** – *The Planning Commission will meet onsite to tour a Home Occupation*  
22 *Business run by Mr. Shawn Madsen. The property is located at 314 East 450 North. Mr.*  
*Madsen’s Home Occupation Permit will be reviewed during the regular session.*

24 The Planning Commission held a work session to tour Woodworks, Inc., a home  
26 occupation business run by Shawn. The work session was held on Mr. Madsen’s  
property. Mr. Van Wagenen commented that the tour of the facility provided the  
commissioners with the following information and insight:

- 28
- 30 1. History of property.
  - 32 2. Tour of shop and spray booth.
  - 34 3. 90% spray efficiency, latest equipment.
  - 36 4. OSHA standards & equipment overview.
  - 38 5. MSDS sheet: material safety data sheet; chemical information from  
34 manufacturers Health rating, nothing higher than two (2): temp or minor  
injury may occur if misuse occurs.

36 Mr. Van Wagenen stated that following the tour of the facility the commission  
38 will have more discussion at the regular session regarding the business operations and the  
information obtained at the work session.

40 The work session was adjourned at 6:50 p.m.

42 **REGULAR SESSION – 7:00 P.M.**

44 Conducting: Sharon Call, Chairperson  
46 Pledge of Allegiance: Ron Anderson, Commissioner  
48 Invocation: Del Ray Gunnell, Commissioner

**PRESENT**

**ABSENT**

2 Sharon Call, Chairperson  
Ron Anderson, Commissioner  
4 Del Ray Gunnell, Commissioner  
Carolyn Lundberg, Commissioner  
6 Mike Marchbanks, Commissioner  
Vaughan Austin, Commissioner  
8 Hugh Van Wagenen, Planning Director  
Kathryn Moosman, City Recorder  
10 Special Attendee:  
Matt Bean, Councilmember

Rob Kallas, Commissioner

- 12 1. **CALL TO ORDER** – The meeting was called to order at 7:05 p.m.
- 14
- 16 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of July 9, 2013 were reviewed.

18 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES  
OF THE REGULAR MEETING OF JULY 9, 2013 AS AMENDED. COMMISSIONER  
20 AUSTIN SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
MOTION CARRIED.

- 22 3. **PUBLIC COMMENT** –

24  
26 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.

28 **CURRENT BUSINESS** –

- 30 4. **REVIEW AND ACTION**: *Home Occupation Permit: The Woodworks, Inc. 314*  
32 *East 450 North*. A complaint has been lodged against the Woodworks, Inc. which  
is a home occupation business run by Mr. Shawn Madsen. The Planning  
Commission will be reviewing Mr. Madsen’s permit to determine if it is  
34 compatible with the surrounding neighborhood.

36 Mr. Van Wagenen led the discussion by giving a brief overview of this item. He  
further explained that the Planning Commission had a work session to tour Mr. Madsen’s  
38 operation and property prior to the meeting tonight. He also referenced letters sent from  
Mr. Madsen’s neighbors and also from Kerry McClellan, Orem City Fire Inspector and  
40 others.

42 Mr. Van Wagenen explained that in June of this year, a citizen complaint was  
received regarding Mr. Shawn Madsen’s home occupation emitting a strong lacquer odor.  
Mr. Madsen has owned and operated a cabinet making business in this location since  
44 1989. At that time, Mr. Madsen applied for a building permit to build an accessory  
building for the express purpose of using it as a woodworking shop. The building permit  
46 was approved. There are also records from a Planning Commission meeting in 1989  
giving approval for Mr. Madsen to operate the business as a home occupation. Today, the  
48 business is also utilizing an old barn for the purposes of a spray booth. He went on to say

2 the City does not have any records approving the expansion of the business into the barn  
3 or the operation of a spray booth. Mr. Van Wagenen commented that the City has  
4 exchanged communications with Mr. Madsen and the complainant. He noted that  
5 pertinent copies of those exchanges are also attached. Phil Brown, Lindon's Chief  
6 Building Official, has been the primary City contact throughout this process. Mr. Van  
7 Wagenen stated that after some time it was determined that a resolution to the issue  
8 would be best placed before the Planning Commission.

9 Mr. Van Wagenen noted that Lindon City Code 17.04.400.5(j) gives the Planning  
10 Commission authority to review all home occupations upon receipt of a written  
11 complaint. He further noted that the Commission may attach conditions to a home  
12 occupation or revoke a permit if the occupation is not compatible with the surrounding  
13 neighborhood. Mr. Van Wagenen stated that the current operation does not meet today's  
14 home occupation regulations and is therefore considered non-conforming. The Lindon  
15 City Code in affect at the time Mr. Madsen applied for the permit is attached in the  
16 packets. He added there is no mention on the number of employees, hours of operation,  
17 delivery regulations, etc. that exist in today's code. He also mentioned a copy of an email  
18 sent to staff today (not included in packet but provided to each commissioner).

19 Mr. Van Wagenen then referenced the documents included in the packets as follows:

- 20 1. Citizen complaints
- 21 2. Email exchanges between Mr. Madsen and the City
- 22 3. 1989 Planning Commission Meeting Minutes
- 23 4. 1986 Lindon City Code Home Occupation Definition
- 24 5. Shop Building Permit, 1989
- 25 6. 1998 Business License (oldest license on record)
- 26 7. 2013 Business License

27 Mr. Van Wagenen further explained that the Planning Commission had a work  
28 session to tour Mr. Madsen's operation and property prior to the meeting tonight. They  
29 toured the finishing room (spray booth), the shop, and a barn that was converted to a  
30 spraying operation. He also referenced letters and emails sent from Mr. Madsen's  
31 neighbors and also from Kerry McClellan, Orem City Fire Inspector and others. Mr. Van  
32 Wagenen then turned the time over to Mr. Madsen.

33 Mr. Madsen commented that he would like to hear the emailed complaint sent  
34 today from Mr. Tebbs. Mr. Van Wagenen then read the original written complaint from  
35 Mr. Tebbs and also the emailed complaint to the Planning Commission. Chairperson  
36 Call then noted that this is not a public hearing but considering the circumstances the  
37 Commission will hear public comment. Mr. Van Wagenen also read the code portion  
38 from the letter written from the Mr. & Mrs. Tebbs.

39 Mr. Madsen then gave his presentation as follows: He expressed his appreciation  
40 to his neighbors and friends who are in support of him and his family. He noted that this  
41 situation came as a complete shock and surprise. He further noted that he has not met  
42 Randi Powell (who filed the complaint on behalf of Mr. Tebbs) and he wishes that she  
43 and Mr. & Mrs. Tebb's would have contacted him first before filing a complaint with the  
44 city, as he feels this issue could have been solved without having it go this far. He noted  
45 that he had to obtain statements from his neighbors and friends.

46 Mr. Madsen then gave a brief history of his business and how it got started. He  
47 began studying mill working and cabinetry in 1989. His father suggested that he start his  
48

2 own company on his property, so he went to the city to see how to get things going with  
the shop and business. He received permission to operate at that location from all of the  
4 neighbors 23 years ago (as requested by the Planning Commission). He applied and  
received the building permit and built the shop. Mr. Madsen noted that he had all of the  
6 required inspection throughout construction. He added that he has the original plans for  
the spray room at the shop and he has been operating at the same location for the past 23  
8 years. He went on to say that he has copies of business licenses back to 1994. Mr.  
Madsen stated that when his Dad retired he turned another barn into a work shop. His  
10 father also sold his rear property a few years ago Mr. Madsen obtained a variance and  
took possession of his Dad's workshop. Mr. Madsen explained that several years ago he  
12 was given notice to receive approval he had to have a fire inspection each year, which he  
14 complied with. Mr. Madsen stated that a few years ago, his neighbor Jerry Tebbs saying  
that he wasn't happy with the odors and was worried that it may be killing his trees. He  
16 stated that he apologized and installed a new exhaust pipe and he thought that was the  
end of the matter. He noted that Phil Brown, Chief Building Official, then informed him  
18 this past June that there was a complaint filed about the odor issue. At that time he  
checked into ways to rectify the situation and implemented an "odor mask" that makes  
20 turns the odor into a vanilla smell. Three weeks later Mr. Brown called and informed him  
that he did not have permission to spray in the shop and informed him to stop spraying  
and asked him to submit a proposal for a solution.

22 He also requested mediation with Mr. Brown and Mr. Tebbs to resolve the issue,  
but they were never able to get together. Mr. Madsen noted that the time spent spraying is  
24 very minimal, approximately three minutes from start to finish with three coats so a total  
of 9 minutes when the trigger is pulled. He timed a minute by minute account by volume.  
And he sprayed for 191 minutes averaging out to 6.4 minutes a day on an average month.  
26 He also addressed the complaint of the noise of delivery trucks. He noted that deliveries  
happen typically once a week from a box truck and another 2 to 3 times a week in a  
28 pickup truck and the other delivery is in a 4 door sedan typically once a week. He noted  
they rarely work weekends or holiday. Mr. Madsen further explained that when first met  
30 Mr. Tebbs he did in fact tell what his operation was. And regarding the complaint about  
vegetables and trees his plants grow very well with no issues or problems with things  
32 growing. He added that there is not sticky film on trailers, roofs, fences etc. and the spray  
dries very quickly. Hopefully can take comments.

34 He did go up and down both streets and talked to almost all neighbors and told them  
about the dilemma and got letters from them stating if they have concerns with noise,  
36 odors or traffic. Every neighbor supported him with what he is doing and had no  
complaints whatsoever. His request tonight is that the commissioners evaluate these  
38 statements made tonight if they are true or not true. He feels bad that issue came up at all  
and feels this should have come up ten years ago if there was a problem before investing  
40 his whole life into his business and to have his family situated at location with nothing  
but a big "thumbs up" from the city. It is his opinion that everyone has always known  
42 what he did at his place and he would ask that this commission honor the previous  
decisions of the Planning Commission.

44 At this time Chairperson Call called for public comments. There were several  
citizens in attendance to address the commission as follows:

46  
48 **Gustavo Ensuzza:** Mr. Ensuzza commented that he has lived next door to the Madsen's in  
Lindon for 13 years, and noted it is a pleasure to live here. He added that before moving

2 here he checked with all the neighbors before buying the house and noticed that all of the  
3 people were very nice people. He noted that he has no issues with Mr. Madsen's shop  
4 and is in support of his shop staying there.

6 **Rochelle Steveridge:** Ms. Steveridge commented that she lives directly across the street  
7 from the Madsen's. She then read a letter written by her husband (included in packets).  
8 Ms. Steveridge added that she has never smelled any odors from the Madsen shop and  
she is in support of the Madsen's operation.

10 **Michael Alvarez:** Mr. Alvarez manages property near the Madsen's shop. He noted that  
11 he hears no noise unless he is a few feet from the shop. He further noted that he has not  
12 smelled any odors and there is nothing wrong with their fruit trees. They have never seen  
13 a truck, and he is always home. Mr. Alvarez stated that he feels there are not any  
14 problems with their operation.

16 **Rulon Madsen:** Mr. Madsen commented that they have been up board from day one  
17 with the City with their operation. He has done a great job to keep overhead down and  
18 has made a good living for his family and employees. There has never been an  
19 overbearing odor to drive him in the house. He still has a swamp cooler that draws air  
20 into his home and has never had an odor in the house. There has never been any negative  
21 effect to trees, lawns, shrubs. He commends Shawn and there are so many who will  
22 attest to the work he has done and he is an asset in the community. He has been in  
23 compliance with everything necessary and is still willing to be compliant and he will do  
24 what he needs to do to be compliant. Mr. Madsen stated that he hopes that the  
25 commission will look at this with that in mind. He wishes that Mr. Tebbs would have  
26 come to him in the first place and supports him

28 **Greg Fryer:** Mr. Fryer stated that they have not had any problems with trees or odors,  
29 noise nothing. His kids walk nearby with no problems. No problems with the noise of  
30 cars or trucks. He feels that one complaint and want to shut down his business down is  
31 ridiculous as he has been there long before any complaints and he will resolve any  
32 problems as requested.

34 **Jerry Tebbs:** Mr. Tebbs stated that he and Mr. Madsen had a conversation about the  
35 vent blowing. He added that this issue has nothing to do with the Madsen family or their  
36 character, as they are great people. He stated that this issue is a health and safety issue.  
37 Their goal is not to hurt the Madsen's in fact he congratulates them on their success, but  
38 he feels it is time to move the business to an industrial area. Mr. Tebbs explained that his  
39 place is 13 ft. from the vent. His concern is that the inversion last winter was so bad that  
40 the odors coming out of the vent was stagnating in his pasture. At that time he made a  
41 comment to his friend about the odors and he suggested checking with the city to see  
42 what they could do about the issue. Mr. Tebbs commented that the bottom line is that he  
43 cares about his neighbors, and he is not throwing arrows at the Madsen's, but he would  
44 love to know that the vent would take care of it. He added that he is ok with the noise but  
his main concern is the odor.

46 Mr. Tebbs also mentioned that he is not sure the vent fixed the problem. He also  
47 reviewed the Lindon City business guidelines and feels that Mr. Madsen does not comply  
48 and his business is disrupting the community. Mr. Tebbs further stated that he is here

2 tonight to communicate and ask for help, and noted that they have not asked anyone other  
than their friends, Dave and Randi Powell for advice. Mr. Tebbs reiterated that he feels  
4 this business needs to be in a commercial or industrial work zone. He noted that he knew  
there was a business there when they moved there but he didn't know it was so big.

6 **Laura Tebbs:** Ms. Tebbs commented that she feels like her family can't be outside  
because of the health risks involved from the chemical smell and stated that a business  
8 needs to be in a business area. Ms. Tebbs noted that when the wind blows the odor goes  
west towards their home. She further stated that when they bought the home it had been  
10 empty and the previous owner didn't go outside as much as they do, as they bought the  
property for the yard. She added that this is not a personal issue

12 **Ron Moosman:** Mr. Moosman commented that he lives one house away from the  
14 Madsen's and he has never had a problem with odors, noise, traffic or any other issue.  
He has no complaints and he has lived by the Madsen's since they have been in operation  
16 at that location.

18 **Dean Adams:** Mr. Adams state that his kids played and spent time in their back lawn  
and had family parties, as did the Meacham's (previous owners) and they never had any  
20 issues or problems with odors.

22 Chairperson Call commented that the Planning Commission visited the site and  
they evaluated the noise, odors and vents, number of employees, issues etc.  
24 Commissioner Lundberg summarized the issues in question are the following:

- 26 1 **Noise:** Commissioner Gunnell felt that the noise was minimal. Commissioner  
Austin felt that it was not extremely loud. Mr. Madsen stated that the fire  
28 inspector indicated that the stack should be 30 ft. away and a suppression system  
added.
- 30 2. **Odor:** Commissioner Lundberg stated that there is an odor and it was  
uncomfortable for her. Chairperson Call agreed that she could smell the odor  
32 also. She agreed that moving the sprayer to a different location may make a  
difference. Commissioner Lundberg suggested looking at property lot lines and  
34 other barriers that could be put in place such as fast growing trees etc.  
Chairperson Call asked how long the odor lingers. Mr. Madsen stated the odor  
36 lingers only minutes. Mr. Madsen also noted that he lives on the property with  
his family and if he thought there was a health issue he would stop. He also  
38 thought that maybe moving the stack 30 ft. will make a difference. Chairperson  
Call suggested to possibly considering an addition also. Mr. Madsen agreed that  
40 is an option. Commissioner Marchbanks commented if Mr. Madsen is willing to  
move the stack to meet the 30 ft. he doesn't see the need to require an addition  
42 and he does not want to make the business larger. Commissioner Anderson noted  
that this is a preexisting use but he does need to get into compliance with the fire  
44 code as it is a safety issue and moves the stack the 30 ft. he should be in  
compliance and fit into the neighborhood.
- 46 3. **Size of the operation:** Mr. Madsen noted that is the most employees he has had  
at a time is four and he usually has just two employees.

Mr. Madsen concluded by stating that he honestly was not aware that his business was causing discomfort and would ask that in the future if there is a problem to please let him know (an inversion etc.) and he will do his best to be a good neighbor and if there is a problem or ever an issue he will shut it down immediately.

Brian Haws, City Attorney, pointed out that imposing the condition to move the stack 30 ft. doesn't mitigate the odor, and if the odor is an issue imposing a condition that doesn't resolve that odor does not mean the commission can't come back at a later date and review the issue again. He further stated there is no vesting of a right to continue if the odor issue continues. The Commission must evaluate the health, welfare and safety of the persons residing in the area. There is also a nuisance ordinance that must be followed. There was then some general discussion regarding this home occupation permit.

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

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE HOME OCCUPATION PERMIT FOR THE WOODWORKS, INC. LOCATED AT 314 EAST 450 NORTH WITH THE FOLLOWING CONDITIONS 1. THE STACK BE MOVED A MINIMUM OF 30 FT. FROM ANY PROPERTY LINES TO COME INTO FIRE CODE COMPLIANCE 2. THE SPRAY BUILDING COME INTO COMPLIANCE WITH THE CURRENT FIRE CODE STANDARDS AND ANY OTHER CITY BUILDING CODE AND STANDARDS. COMMISSIONER AUSTIN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER GUNNELL	AYE
COMMISSIONER LUNDBERG	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER AUSTIN	AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

5. **CONCEPT REVIEW**: *Storage Units on Gillman Lane*. This is a concept being proposed by Craig Fryer for mini-storage units located at 439 West Gillman Lane. Currently, the property is split-zoned residential and commercial, although it has been used as a commercial piece of property. Storage units are not permitted under either zoning designation.

Mr. Van Wagenen gave a brief overview of this concept review. He noted this is requested by Brad Fryer to review a storage unit concept in what is now the General Commercial (CG) zone. Mr. Van Wagenen explained that technically, the parcel is split zoned R1-20 and CG but has an existing commercial building on the premises, and storage units are not currently permitted in the CG zone. However, storage units are permitted in the Mixed Commercial (MC) and Light Industrial (LI) zones.

Mr. Van Wagenen further explained that zone changes into the MC or LI zones require a minimum zone area of 30 acres and parcels must have 100 feet of frontage on a public road; this parcel is 1.6 acres and has 65 feet of frontage. Mr. Van Wagenen added that a sketch of the plan is provided for the Commissioners to review. He noted that no motion is necessary for a concept review.

Chairperson Call invited the applicants, Craig Fryer and Brad Fryer forward.  
2 Brad Fryer commented that his father Craig, has been a resident of Lindon City for the  
4 past 69 years and has strong roots in the community. He then read a prepared statement  
6 to the Commission. Mr. Fryer noted that they would like to see the zone changed back to  
8 a commercial zone to allow them to develop some storage units on their property on 30  
10 West Gillman Lane. He added that the property is a tax burden and they can't keep  
12 paying high taxes on property they can't do anything with as it is landlocked. Mr. Van  
Wagenen commented that it is an interesting piece of property with the location. Mr.  
Van Wagenen referenced a sketch plan submitted by the Fryer's of what they would like  
to do on the property. Mr. Van Wagenen commented that no motion will be made as this  
is only a concept review for feedback. There was then some general discussion regarding  
this concept review for storage units.

Chairperson Call voiced her concerns that changing the Standard Land Use Table  
14 that would allow anything commercial to have storage units could open it up along State  
16 Street. Commissioner Marchbanks inquired what the options are to remediate a piece of  
18 property that has been used this way for a lot of years. He further stated that he would  
20 suggest re-addressing the land use table, as there will most likely be pieces like this  
22 parcel that come up that are unique and don't really have a front door to the retail  
24 corridor, and yet, need to be something other than a non-use. Commissioner Lundberg  
26 suggested a buffer area between the residential and commercial zones could be an option  
as it is lacking frontage to the main corridor. Mr. Van Wagenen stated if it has been used  
as a warehousing facility then he would need more details regarding business licenses'  
issued etc. Mr. Van Wagenen commented that it seems the Commission is open to any  
suggestions from the applicants. Chairperson Call noted that it appears that there will  
have to be an ordinance change or a change in the Standard Land Use Table.

Mr. Van Wagenen went on to say that based on the history and if there are  
26 business license uses, the Planning Commission serves as a board that can permit the  
28 expansion of a non conforming use and the applicants can make that case before the  
30 Commission, but they will need the evidence to back it up. Commissioner Marchbanks  
32 suggested asking City Attorney, Brian Haws, for his opinion, and based on that they  
34 would be inclined to grant the non conforming use that already exists. Chairperson Call  
commented that they may be able to consider an expansion of a non-conforming (storage  
unit) use as it would be the easier way to go. She noted the applicants would have to  
provide more information and also some type of site plan.

Mr. Van Wagenen gave a brief summary of the applicant's second item for  
36 consideration regarding property they own and are looking to subdivide on Locust  
38 Avenue. They are requesting smaller lots than the 20,000 sq. ft. lots that are currently  
40 zoned. They would like to have a few 1/3 acre lots and a couple of 1/2 acre lots, to get  
42 more lots in the subdivision. Mr. Van Wagenen commented that this would have to be an  
44 ordinance change. Chairperson Call commented that there would have to be some work  
done to accomplish this and suggested to run it by the City Council.

Chairperson Call asked if there were further discussion or comments. Hearing  
none she moved on to the next agenda item.

- 46 6. **CONCEPT REVIEW:** *Avalon Senior Housing*. This is a concept being  
48 proposed by Jeff Southard for age 55 and older senior living apartments located at  
175 North State Street. The property is currently split-zoned commercial and  
residential, although it is being used as a commercial piece of property. The city



2 recently passed an ordinance allowing for senior housing facilities to be located  
in commercial zones.

4 Mr. Van Wagenen opened the discussion by explaining this is a concept being  
proposed by Jeff Southard for age 55 and older senior living apartments located on the  
6 back three (3) acres at 175 North State Street (formerly Somewhere Inn Time). The  
property is currently split-zoned commercial and residential, although it is being used as a  
8 commercial piece of property. Mr. Van Wagenen noted the City recently passed an  
ordinance allowing for high density senior housing facilities to be located in commercial  
10 zones. He added no motion is necessary for a concept review and is for feedback only.

12 Mr. Van Wagenen noted that as soon as the City Council approved and senior  
housing facility overlay zone Mr. Southard contacted Mr. Van Wagenen about a three (3)  
acre parcel behind the “Somewhere Inn Time” property.

14 Mr. Southard addressed the commission at this time. He presented his site plan  
and explained how his concept ties in with Mr. Osmond’s concept of his assisted living  
16 facility and how his three (3) acre parcel would be used. The zone approved from the  
City Council allows 30 units per acre, so they have 3.000 acres and with that, 90 units,  
18 that would maximize the density allowed in the zone in two different buildings. They  
have had design review meetings with engineers, architects and staff and have worked  
20 extensively on building layouts, engineering, utility flows, etc. Mr. Southard noted  
(regarding access) that there would be a crash gate with pavers in the grass that would  
22 support the weight of a fire engine and also a secondary access was created for safety  
reasons but not a through way for traffic to either site. Mr. Van Wagenen noted that the  
24 ordinance just drafted requires a 7’ high site obscuring fence around the perimeter of a  
project, but the Planning Commission can modify or give exception to that requirement.

26 Mr. Southard went on to say that he has worked closely with Mr. Osmond to  
ensure their concept of having apartments for seniors and an assisted living facility next  
28 door will work great. This is a great location and concept. He added that this concept  
will be a four (4) story building to accommodate 30 units per acre. Chairperson Call  
30 voiced her concerns that a similar building was just approved, and she doesn’t want to see  
too many of these types of facilities in the same area in Lindon, that is why there was a  
32 proposed buffer zone. She noted the City Council wanted these to be site specific so they  
negated the buffer. Chairperson Call commented when Mr. Osmond came before the  
34 commission the first time his concept was initially more of a cottage type feel behind the  
existing building, not another 90 unit 4 story building. She agrees that these facilities are  
36 need but she would hate to see two of the same type of facilities, with this type of impact,  
so close to each other. Mr. Southard noted that they put an offer in on Mr. Gneiting’s  
38 property on Friday (not under contract yet), however, he does like the area by Mr.  
Osmond’s proposed facility better and feels it is better suited to this type of project. He  
40 noted that they will also have a market analysis performed. Commissioner Marchbanks  
commented that he likes this site better than Mr. Gneiting’s site because of the  
42 topography. Mr. Southard then noted some of the proposed amenities as follows:

- 44 1. Common Areas
2. Pavilion’s
- 46 3. Dog Park
4. Garden Boxes
5. Exercise/game areas
- 48 6. Family Rooms

2 Mr. Van Wagenen then discussed the highlights of the senior housing overlay  
3 ordinance approved by the Council. Mr. Southard noted they came with a concept review  
4 for feedback and will go to the Council next; and they have made their application for site  
5 plan and he feels Lindon is overdue for these types of facilities. Mr. Southard concluded  
6 that he is as committed to Lindon as anyone and he would ensure that this project would  
7 be done right. There was then some additional general discussion regarding this issue.

8 Chairperson Call asked if there were further discussion or comments. Hearing  
9 none she moved on to the next agenda item.

- 10 7. **PUBLIC HEARING**: *Zoning Map Amendment- Senior Housing Facility*  
11 *Overlay, 175 North State Street.* This is a request by Jared Osmond to rezone  
12 4.85 acres currently zoned General Commercial (CG) to Senior Housing Facility  
13 Overlay zone. Rezoning the property to that designation will allow senior  
14 housing facilities as a conditional use on the property.

15 COMMISSIONER ANDERSON MOVED TO OPEN THE PUBLIC HEARING.  
16 COMMISSIONER GUNNELL SECONDED THE MOTION. ALL PRESENT VOTED  
17 IN FAVOR. THE MOTION CARRIED.  
18

19 Mr. Van Wagenen opened the discussion by explaining this is a request by Jared  
20 Osmond to rezone 4.85 acres currently zoned General Commercial (CG) to Senior  
21 Housing Facility Overlay zone. He noted that rezoning the property to that designation  
22 will allow senior housing facilities as a conditional use on the property. Mr. Van  
23 Wagenen then presented photos submitted by the applicant for review.

24 The applicant, Jared Osmond, was in attendance to address the Commission at  
25 this time. He noted that watching this project unfold he has seen that these properties  
26 work because of the demographic who lives there. He noted that this is in a commercial  
27 zone, and there is a great need for a campus like this to exist and a great way to  
28 accommodate seniors. Most assisted living is private pay and the majority of them are  
29 too expensive and he is proposing something that will be affordable. He doesn't feel the  
30 height of the building will be an issue or look out of place. He also feels this will be a  
31 great project with a lot of congregate areas and many good amenities; this campus makes  
32 sense. Mr. Osmond noted this is more than business; it is something he feels very  
33 strongly about and this site makes more sense all the way around. He further stated that  
34 he does not know what else could be put in there and he is asking for approval to have a  
35 campus here, which will be one of the first in Utah.

36 Commissioner Lundberg expressed that she is in support of the location, the  
37 amenities, and the thoughtfulness of the quality of living that the residents will have and  
38 it is a demographic that needs to be serve; she is in favor of moving forward. Mr. Van  
39 Wagenen noted that wherever one of these projects lands there will be high traffic issues  
40 because they are on major corridors. Commissioner Gunnell commented that he would  
41 like to hear more public comment on this issue. There was then some additional general  
42 discussion regarding this zoning map amendment for senior housing facility overlay.

43 Chairperson Call asked if there were any further public comments. Hearing none  
44 she called for a motion to close the public hearing.  
45

46

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

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

COMMISSIONER ANDERSON MOVED TO APPROVE THE REQUEST FOR A ZONING MAP AMENDMENT FOR SENIOR HOUSING FACILITY OVERLAY LOCATED AT 175 NORTH STATE STREET FROM GENERAL COMMERCIAL TO SENIOR HOUSING FACILITY OVERLAY ZONE AND RECOMMEND APPROVAL TO THE CITY COUNCIL. COMMISSIONER LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	NAY
COMMISSIONER ANDERSON	AYE
COMMISSIONER GUNNELL	NAY
COMMISSIONER LUNDBERG	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER AUSTIN	AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

8. **MINOR SUBDIVISION:** *Osmond Senior Subdivision Plat A, 175 North State Street.* This is a request by Jared Osmond for a two (2) lot subdivision on 4.85 acres in the General Commercial zone generally located at 175 North State Street.

Mr. Van Wagenen led the discussion by explaining this is a request by Jared Osmond for a two (2) lot subdivision on 4.85 acres in the General Commercial zone generally located at 175 North State Street. The intent of the subdivision is to allow Osmond Senior Living to operate an assisted care facility on the front 1.85 acres with Avalon Senior Housing utilizing the back three (3) acres for senior apartments. There was then some general discussion regarding this minor subdivision.

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

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINOR SUBDIVISION FOR OSMOND SENIOR TWO LOT SUBDIVISION PLAT A ON PROPERTY LOCATED AT 175 NORTH STATE STREET. COMMISSIONER ANDERSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER GUNNELL	AYE
COMMISSIONER LUNDBERG	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER AUSTIN	AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

9. **PUBLIC HEARING:** *Ordinance Amendment – 17.32.350 Public Utility Lots.*

2 This is a city initiated request to adopt ordinance language governing subdivision  
4 lots to be used for public utility purposes. This ordinance would exempt such lots  
from certain subdivision requirements, including minimum lot size.

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

10 Mr. Van Wagenen gave some background by explaining that this is a city initiated  
12 item to adopt ordinance language governing subdivision lots to be used for public utility  
14 purposes. He further explained this ordinance would exempt such lots from certain  
subdivision requirements, including minimum lot size. There was then some general  
discussion regarding this ordinance amendment.

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

18 COMMISSIONER MARCHBANKS MOVED TO CLOSE THE PUBLIC  
20 HEARING. COMMISSIONER AUSTIN SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

26 COMMISSIONER MARCHBANKS MOVED TO CONTINUE THE  
ORDINANCE AMENDMENT FOR 17.32.350 PUBLIC UTILITY LOTS.  
28 COMMISSIONER ANDERSON SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

30 CHAIRPERSON CALL	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER GUNNELL	AYE
32 COMMISSIONER LUNDBERG	AYE
COMMISSIONER MARCHBANKS	AYE
34 COMMISSIONER AUSTIN	AYE

THE MOTION CARRIED UNANIMOUSLY WITH ONE ABSENT.

36

38 10. **NEW BUSINESS** – Reports by Commissioners.

40 Chairperson Call called for any new business or reports from the Commissioners.  
Chairperson Call mentioned an article about Lindon City in CNN money magazine that  
42 listed Lindon as the 29<sup>th</sup> best city to live in America (population under 20,000) she also  
mentioned an article comparing Highland to Lindon which was a very business friendly  
article.

44 Chairperson Call called for any further new business or reports from the  
Commissioners. Hearing none she moved on to the next agenda item.

46

48 11. **PLANNING DIRECTOR'S REPORT** –

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

- 2           •       • City Council items:
  - 4                     ○ Senior Housing Facility Overlay
  - 4                     ○ PARC Tax
  - 6           • Electronic document set-up
  - 6           • Ordinance review?
    - 8                     ○ white vinyl fence
    - 8                     ○ bed and breakfasts

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

**ADJOURN** –

COMMISSIONER AUSTIN MADE A MOTION TO ADJOURN THE MEETING AT 11:50 P.M. COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – September 10, 2013

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Sharon Call, Chairperson

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Hugh Van Wagenen, Planning Director