

2 The Lindon City Planning Commission held a regularly scheduled meeting on  
3 **Wednesday, June 24, 2009** beginning at 7:00 p.m. in the Lindon City Center, City  
4 Council Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Gary Godfrey, Chairperson

6 Invocation: Christian Burton

7 Pledge of Allegiance: Sharon Call

8 **PRESENT**

**ABSENT**

10 Gary Godfrey, Chairperson

Matt Bean, Commissioner

12 Ron Anderson, Commissioner

Christian Burton, Commissioner

14 Sharon Call, Commissioner

Mark Johnson, Commissioner

16 Adam Cowie, Planning Director

Woodworth Mataele, Assistant Planner

18 Debra Cullimore, City Recorder

20 The meeting was called to order at 7:00 p.m.

22 **APPROVAL OF MINUTES** – The minutes of the meeting of June 10, 2009 were  
24 reviewed.

26 COMMISSIONER ANDERSON MOVED TO APPROVE THE MINUTES OF  
28 THE MEETING OF JUNE 10, 2009. COMMISSIONER JOHNSON SECONDED THE  
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 **PUBLIC COMMENT** -

32 Chairperson Godfrey called for comments from any resident present who wished  
to address an issue not listed as an agenda item. There was no public comment.

34 **CURRENT BUSINESS** –

- 36 1. **Conditional Use Permit** – *Mister T's Auto – 415 South Geneva Road*. This is a  
38 request by Tim Pont for approval of a Conditional Use Permit to operate an auto-  
repair (body and mechanical) shop in the Light Industrial (LI) Zone. The Lindon  
40 City Standard Land Use Table requires this type of land-use to acquire a  
Conditional Use Permit to operate in the LI zone.

42 Tim Pont was present as the representative for this application. Mr. Mataele  
44 explained that this is a request for a Conditional Use Permit for an auto repair shop in the  
LI zone. The Lindon City Standard Land Use Table currently requires a Conditional Use  
46 Permit for this use in this zone. The existing building, located at 415 South Geneva  
Road, was previously operated as an auto repair business. However, an active business

license has not been issued for the business since 2007, causing the business to lose its legal non-conforming use status.

Mr. Mataele stated that the business expects to employ approximately seven individuals, with operating hours of 9:00 a.m. to 5:00 p.m. Monday through Friday. He presented photographs of the site, as well as surrounding properties. Mr. Pont clarified that he purchased the assets of the business, but is leasing only a portion of the lot. He outlined the area included in his business which extends 60 feet from the front of the building, and east of the building to the fence line. He stated that this business will occupy approximately 1/3 of the overall lot area.

Chairperson Godfrey inquired as to who has control of the remainder of the lot. Mr. Pont stated that his business will share the lot with a towing company and salvage yard, Two Dudes Towing. Commissioner Call asked if the vehicles currently parked on the site are associated with Mr. Pont's business, or the towing business. Mr. Pont stated that the majority of vehicles on the portion of the lot included in his lease are not associated with his business, and that the owner of the towing company has agreed to remove all vehicles from the area by July 1, 2009. He stated that approximately 15 vehicles on the site will be associated with his business, including employee vehicles and vehicles under repair.

Commissioner Anderson asked Mr. Cowie if Two Dudes Towing has a valid business license. Mr. Cowie stated that there are several legal businesses operating on this single lot. He clarified that City ordinance does not prohibit multiple uses on a single lot. He reiterated that if a business is a legal non-conforming use, a valid business license must be maintained in order to maintain the legal non-conforming status. If a business license is expired for a period of 6 months, the use must go through appropriate approval processes to continue the use on that site.

Commissioner Call asked if this is a new business, or an existing business relocating from another site. Mr. Pont stated that auto repair has been a hobby, but that this is a new business venture.

Mr. Cowie noted that an inspection of the paint booth is required prior to issuance of a Certificate of Occupancy or a business license. He stated that staff has no other significant concerns regarding this application. Chairperson Godfrey called for further comments or discussion. Hearing none, he called for a motion.

COMMISSIONER BURTON MOVED TO APPROVE THE MISTER T'S AUTO CONDITIONAL USE PERMIT. COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2. **Site Plan** – *Candle Light Media (Windy Gate)* – 272 West 200 North. This is a review of the 'Candle Light Media' site plan, which was approved on April 8, 2009. The applicant has made some adjustment to the architectural elevation plans that were previously approved. Because of these alterations, the applicant has been asked to return to the Planning Commission for approval of these changes.

Greg and Elisa Brough were present as the representatives for this Site Plan discussion. Mr. Cowie explained that the Site Plan was previously approved by the

2 Planning Commission, but that the applicant has made significant changes to the  
3 architectural elevations, requiring additional review and approval by the Commission.  
4 The elevations previously showed brick and stucco elements with colors similar to the  
5 City Center, including red brick and lighter stucco accents. The applicant is now  
6 proposing removing all brick from the elevations, and using a stucco finish with pre-cast  
7 concrete keystones. Mr. Cowie presented a photograph submitted by the applicant  
8 showing an existing building with similar elevations.

9 Ms. Brough stated that the architect for this project specializes in commercial  
10 stucco buildings. She asserted that the proposed elevations create a simple, elegant look  
11 which will not become dated. She outlined specific architectural details, including dark  
12 window trim, and precast accents around windows and doors, as well as wrought iron  
13 railings, keystones, gables and columns.

14 Commissioner Call noted that the Commercial Design Guidelines specify stucco  
15 as an acceptable accent material, but that stucco is not listed as a primary elevation  
16 material. She observed that while the proposed stucco elevations do not technically meet  
17 the letter of the Guidelines, the additional details proposed by the applicant may make the  
18 proposed elevations acceptable. Chairperson Godfrey agreed that the details and accents  
19 proposed by the applicant effectively address dimensional issues associated with typical  
20 stucco elevations which result in large plain walls which may be unattractive. He felt that  
21 the proposed elevations were in substantial compliance with the intent of the Commercial  
22 Design Guidelines. Commissioner Anderson agreed that the proposed details are  
23 acceptable, and create the effect intended by the Guidelines.

24 Chairperson Godfrey called for further comments or discussion. Hearing none, he  
25 called for a motion.

26 COMMISSIONER CALL MOVED TO APPROVE THE CANDLE LIGHT  
27 MEDIA AMENDED ARCHITECTURAL ELEVATION PLANS. COMMISSIONER  
28 JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE  
29 MOTION CARRIED.

30 **NEW BUSINESS** – Reports by Commissioners

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32 Commissioner Johnson inquired as to specific animal rights in residential zones in  
33 the City. Mr. Cowie directed Commissioner Johnson to Chapter 6 of the Lindon City  
34 Code for specific animal regulations.

35 Chairperson Godfrey inquired as to whether staff feels it would be overly  
36 burdensome to applicants for the Commission to require colored elevation drawings for  
37 review prior to final site plan approval. Mr. Cowie stated that costs for colored  
38 elevations have been investigated, and that staff is working on a policy to require colored  
39 elevations to be submitted as part of a site plan application approval process.

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41 Chairperson Godfrey asked if the existing impound yard associated with the Two  
42 Dudes Towing business is a permitted use in the LI zone. Mr. Cowie stated that he will  
43 investigate whether a valid business license has been issued for the use, and whether it is  
44 a permitted or legal non-conforming use. Staff will follow up on any necessary  
45 enforcement issues. Mr. Cowie noted that planned expansion of Geneva Road will result  
46 in significant impacts to this property, and may generate a change in use on the site.

2 **PLANNING DIRECTOR'S REPORT –**

4 Mr. Cowie reported on the following items;

- 6 1. The City Council approved the Sam White condominium plat as  
recommended by the Planning Commission.
- 8 2. FlowRider fees have been reduced to \$10 for an all day pass during public  
swim hours. Private sessions are still available for groups of 3-15 riders at a  
cost of \$20 per rider before and after public swim hours.
- 10 3. The City Council adopted an operating budget for the 2009/2010 fiscal year  
during the June 16 City Council meeting. He noted that this is a tight budget  
12 year, and that there will be no significant Capital Improvement projects  
completed this year. In addition, five vacant positions are not being filled at  
14 this time, and no employee pay raises will be given this year.
- 16 4. The Commission reviewed the revised meeting schedule approved by the City  
Council, which moves Planning Commission from the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday  
18 of each month to the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month. The change will be  
effective in September 2009.

20 **ADJOURN –**

22 COMMISSIONER JOHNSON MOVED TO ADJOURN THE MEETING AT  
7:57 P.M. CHAIRPERSON GODFREY SECONDED THE MOTION. ALL PRESENT  
24 VOTED IN FAVOR. THE MOTION CARRIED.

26 Approved – July 8, 2009

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32 Gary Godfrey, Chairperson

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Adam Cowie, Planning Director