The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, June 8, 2010** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

**Conducting:** Gary Godfrey, Chairperson  
**Invocation:**  
**Pledge of Allegiance:**

**PRESENT**  
Gary Godfrey, Chairperson  
Ron Anderson, Commissioner  
Matt Bean, Commissioner  
Chris Burton, Commissioner  
Sharon Call, Commissioner  
Mark Johnson, Commissioner  
Angie Neuwirth, Commissioner  
Adam Cowie, Planning Director  
Woodworth Mataele, Assistant Planner  
Debra Cullimore, City Recorder

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

**APPROVAL OF MINUTES** –  
COMMISSIONER MOVED TO APPROVE THE MINUTES OF THE MEETING OF MAY 25, 2010. COMMISSIONER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

**PUBLIC COMMENT** –  
Chairperson Godfrey called for comments from any audience member who wished to address an issue not listed as an agenda item. There was no public comment.

**CURRENT BUSINESS** –  
1. **Conditional Use Permit** – **Ready, Set, Learn! Preschool – 657 East 400 North.**  
This is a request by Sandra Houghton for a Conditional Use Permit for a preschool in the R-120 zone. The applicant intends to have a maximum of 15 students ranging from the ages of 3-4 year old. The applicant intends to operate Monday through Friday, 9:00 a.m. to 11:00 a.m. The Lindon City Standard Land Use Table requires this type of land use in the residential zone to acquire a Conditional Use Permit.

Sandra Houghton was present as the representative for this application. Mr. Mataele explained that this is an application for a home based pre-school located at 657
East 400 North in the R1-20 zone. The Lindon City Standard Land Use Table requires this use in this zone to acquire a Conditional Use Permit. The applicant is proposing to operate the preschool Monday through Friday from 9:00 a.m. to 11:00 a.m. A maximum of 15 students ages three and four will attend the school.

Mr. Mataele presented photographs of the site, as well as floor plan of the area of the home which will be used as a preschool. The area was previously used as a legal accessory apartment, and includes restroom and kitchen facilities. Mr. Mataele noted that the home is located on a collector street, 400 North, and that traffic impact on that street is expected to be minimal. Ms. Houghton noted that she plans to allow drop off and pick up during 15 minute time frames to avoid all vehicles being at the site at the same time, which should minimize potential traffic impacts.

Chairperson Godfrey called for public comment from audience members. There was no public comment.

Mr. Mataele explained that the State does not regulate or require licensing of preschools if instruction or care time does not exceed four hours per day, in which case the facility would fall under day care regulations. Chairperson Godfrey requested clarification as to number of students, whether the proposal is for 15 total students or 15 in each age group. Ms. Houghton explained that up to 15 students could be enrolled in each age group, with two of those children being her own children.

Commissioner Call expressed concern regarding the lack of fencing around the yard area. She noted that there may be safety concerns associated with the adjacent collector street, as well as the nearby canal. Ms. Houghton stated that she plans to install fencing at some point in the future, but that there are not funds available to install fencing at this time. She assured the Commission that the children would be closely supervised when engaged in outdoor activities. Chairperson Godfrey asked if outdoor playtime would be included in activities. Ms. Houghton stated that free play time would not be part of the daily schedule. She explained that there is a small patio area in front of the school that would be used for some craft activities, but that any outdoor activities would be structured and closely supervised.

Commissioner Anderson noted that there is an elevation change from the subject property to the canal, and that a child would have to climb a hill to access the canal. Commissioner Neuwirth noted that sessions are 90 minutes in length, and that any outdoor time would be likely be minimal. Ms. Houghton clarified that this is an academic pre-school, and that free play time would be very minimal.

Commissioner Johnson inquired as to staffing of the school. Ms. Houghton stated that she would be the only staff member. She explained that she previously taught for Challenger Schools, and that the curriculum she plans to use is very structured.

Commissioner Johnson asked about planning for emergency situations which may divert her attention away from the group to an individual. Ms. Houghton stated that her husband has a flexible work schedule and will be on site at some times. She will also keep a cell phone with her at all times to contact a neighbor to assist in any emergencies which may arise. She stated that she does not anticipate any problems with supervision of the children.

Chairperson Godfrey noted that his wife ran a preschool from their home for a number of years. He observed that preschools provide a valuable service in the community, but noted that children did not always respond to instructors as expected. He
shared concerns expressed by Commissioner Call regarding potential safety issues associated with 400 North Street and the nearby irrigation canal. Commissioner Anderson stated that if the proposed use was a daycare facility, he would share the concern. He noted that the preschool sessions are much shorter and a much more controlled environment than a daycare service. Ms. Houghton stated that the patio area is partially fenced, and that outdoor activities could be limited to that area until fencing is installed in other areas.

Commissioner Johnson asked Chairperson Godfrey how many children were present at the preschool operated by his wife. Chairperson Godfrey stated that there were 20 children in each class with two instructors. He noted that the Commission would not have authority to regulate the number of children in the preschool, but that it would be a parental decision. Commissioner Anderson agreed that the number of students would be somewhat self-regulating based on the comfort level of parents.

Chairperson Godfrey suggested that in lieu of installing fencing around the entire site that fencing around the patio area be completed. Ms. Houghton expressed agreement with this suggestion. Chairperson Godfrey called for further comments or discussion. Hearing none, he called for a motion.

COMMISSIONER CALL MOVED TO APPROVE THE READY, SET LEARN! PRESCHOOL CONDITIONAL USE PERMIT WITH THE FOLLOWING CONDITION:

1. THAT CHILDREN BE KEPT INDOORS EXCEPT THE SIDE PATIO AREA UNTIL FENCING IS INSTALLED AROUND THE OUTDOOR PLAY AREA.

Chairperson Godfrey suggested that the motion be amended to state that children be kept inside unless an outdoor fenced area is provided. He noted that if existing fencing around the outdoor patio area is completed, this would meet the requirement without installation of fencing around the entire yard. Commissioner Call amended her motion as follows:

COMMISSIONER CALL MOVED TO APPROVE THE READY, SET LEARN! PRESCHOOL CONDITIONAL USE PERMIT WITH THE FOLLOWING CONDITION:

1. THAT CHILDREN BE KEPT INDOORS UNLESS A FENCED AREA IS PROVIDED OUTDOORS.

COMMISSIONER BURTON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

2. **Site Plan** – UIS Office Building – 433 North 1030 West. This is a request by Craig Whitely with MS Business Properties Group 2 LLC for approval of a site plan. The applicant intends to construct a 17,000 square foot, two story office building to house their business. The applicant’s plans show landscaping, architectural treatment, parking, garbage enclosure, etc. which are required for approval of a site plan.
Craig Whitely was present as the representative for this application. Mr. Mataele explained that this is a request by MS Business Properties Group for a site plan to construct a 17,000 square foot office building in the LI zone at 433 North 1030 West on a parcel which is currently vacant. The developer intends to use the south portion of the existing lot at this time, with a potential future expansion of facilities to the north, or a subdivision of the north portion at some time in the future. Proposed landscaping and parking are in compliance with City ordinance. Mr. Mataele presented drawings of architectural elevations which meet architectural design standards for the zone.

Commissioner Neuwirth inquired as to whether the ground would be excavated down to street grade. Mr. Whitely stated that the lot is nearly level, and that finished grade will be approximately one foot above street grade.

Commissioner Call inquired as to what type of offices would be located at this site. Mr. Whitely explained that the company currently has facilities in several locations, and that all operations would be consolidated to this site. The company manufactures signage for freeway projects. The new facility will include a reception area for customers as well as office space and a conference room.

Commissioner Neuwirth observed that the proposed facility will have a different architectural feel than other facilities located in the industrial area along Geneva Road. Commissioner Anderson noted that the property has always gone above and beyond requirements to keep his facilities aesthetically pleasing. The Commission reviewed specific architectural features proposed for the facility.

Chairperson Godfrey asked Mr. Whitely if he had any additional information for the Commission. Mr. Whitely stated that unless the Commission had specific questions he had nothing further to add. Chairperson Godfrey called for further questions, comments or discussion from the Commission. Hearing none, he called for a motion.

COMMISSIONER NEUWIRTH MOVED TO APPROVE THE UIS OFFICE BUILDING SITE PLAN. COMMISSIONER ANDERSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

NEW BUSINESS – Reports by Commissioners

Commissioner Call asked for a report regarding the water contamination issue which occurred the previous day on the east side of the City. Mr. Cowie explained that a debris flow and flooding in Dry Canyon resulted in flood water infiltrating the water system through an overflow pipe. A boil order was issued for the City east of 1200 East pending necessary cleaning and repairs to the system and results of bacterial testing of the water. Results of the testing were expected by noon on June 9th. If water test results are acceptable, the boil order will be lifted. The situation which caused the contamination has been resolved.

Commissioner Call requested additional information regarding an article she read in the paper which indicated that the City Council gave the Code Enforcement Officer direction that code enforcement issues would only be addressed if neighbors filed a formal complaint. Councilmember Bayless was in the audience and clarified that the City Council discussed several problematic areas in the City which the Code Enforcement Officer is working with the property owners to resolve. The Council
discussed the fact that it takes time to correct such problems, and that improving the appearance of the community is a process. She explained that if residents have particular concerns about a specific situation, there is a process in place for them to report the concern to the City. However, the City has ordinances in place which give the Code Enforcement Officer the tools necessary to address problematic situations proactively without a formal complaint from residents. The City Council gave direction to the Code Enforcement Officer to not take an aggressive approach to code enforcement issues, but to make an effort to work with property owners over time to improve conditions.

Commissioner Burton commented on the Memorial Day Flag Ceremony held at the cemetery under the direction of the Police Department. He commented that it was a great display of patriotism and he was happy to be a part of it.

**PLANNING DIRECTOR’S REPORT** –

Mr. Cowie reported on the following items.

1. A Planning Commission meeting will not be held on June 22 due to the Primary Election on that day. The next regularly scheduled Planning Commission meeting will be July 13, 2010.

2. The General Plan Committee has begun work on revision to the General Plan. The Committee includes six residents appointed by the City Council. The Plan is reviewed and revised every five years. The Planning Commission is expected to review preliminary recommendations in September. An Open House for public review and comment is planned for November 30, 2010. Public input will also be solicited through a survey during Lindon Days. Final approval of the 2010-2015 General Plan is expected in approximately January 2011 after thorough review by the Planning Commission and the City Council.

**ADJOURN** –

COMMISSIONER BURTON MOVED TO ADJOURN THE MEETING AT 8:06 P.M. COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – July 13, 2010

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Gary Godfrey, Chairperson

Adam Cowie, Planning Director