

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **December 14, 2010** beginning at 7:00 p.m. in the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Gary Godfrey, Chairperson

6 Invocation: Mark Johnson

7 Pledge of Allegiance: Christian Burton

8 **PRESENT**

ABSENT

10 Gary Godfrey, Chairperson

Matt Bean, Commissioner

12 Ron Anderson, Commissioner

Sharon Call, Commissioner

Christian Burton, Commissioner

14 Mark Johnson, Commissioner

Angie Neuwirth, 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 November 9, 2010 were
24 reviewed.

26 COMMISSIONER NEUWIRTH MOVED TO APPROVE THE MINUTES OF
28 THE MEETING OF NOVEMBER 9, 2010. COMMISSIONER BURTON SECONDED
THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 **PUBLIC COMMENT** –

32 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.

34 **CURRENT BUSINESS** –

- 36 1. **Site Plan** – *Bed of Roses – 139 South State Street*. This is a request by Ginger
38 Romriell with ‘Bed of Roses’ for approval of a site plan to construct a small
(~250 sq/ft) detached flower shop located in the parking lot of the strip mall at
40 139 South State in the CG zone. Flowers and miscellaneous retail items will be
sold from the building.

42 Ginger Romriell was present as the representative for this application. Mr.
44 Mataele explained that this is request to construct an accessory structure at 139 South
State Street in the South Towne Center strip mall development. The structure would
46 house a retail floral shop, which would sell other miscellaneous retail items as well. The
business owner occupies a unit in the strip mall, but feels that the proposed location for

2 the accessory structure will provide additional visibility to the business which could
3 increase sales. The facility is proposed to be approximately 250 square feet with no
4 water or restroom facilities. The accessory structure will share restroom facilities with
5 the strip mall unit occupied by the Bed of Roses. Staff recommends that as a condition of
6 approval that a perpetual agreement to allow restroom use in the strip mall suite be
7 recorded to ensure the availability of restroom facilities in the future. Compliance with
8 ADA and other site plan requirements will be verified at the time the building permit is
issued.

10 Mr. Mataele noted that architectural guidelines for the Commercial Zone state a
11 preference for masonry materials to be used on exterior elevations. He presented
12 photographs of structures similar to that proposed by Ms. Romriell, which show a cottage
13 style structure using white hearty board façade materials. Mr. Mataele also presented
14 photographs of the site. He noted that existing parking appears to be adequate.

14 Chairperson Godfrey invited Ms. Romriell to address the Commission. Ms.
15 Romriell introduced her business partner, Jana Ford. She explained that Bed of Roses
16 floral shop has been open for three years in the strip mall. She stated that retail business
17 in the mall is slow, but that she would like to continue to operate in Lindon rather than
18 relocating to Pleasant Grove or Orem. She stated that the intent of the accessory structure
19 is to improve visibility from State Street, and draw attention and increase traffic to all
20 businesses located in the mall. She stated that the style of the structure was researched,
21 and that the style and colors are expected to draw attention to the area.

22 Ms. Romriell explained that all inventory in the accessory structure will be pre-
23 made, and that items from other retailers in the mall will also be sold from this location.
24 Commissioner Burton suggested the possibility of a drive through window. Ms. Romriell
25 stated that she had considered a drive through, but that she determined that the business
26 will sell high quality products, and that a drive through window may detract from the
27 look and feel the business is trying to create.

28 Commissioner Anderson inquired as to whether the business will continue to
29 occupy the suite in the mall as well as the accessory building. Ms. Romriell stated that
30 all retail sales will be done through the accessory building, but that a unit in the mall will
31 house storage for the business, as well as wedding rental and consulting services. She
32 stated that the business will maintain a presence in the strip mall. She noted that existing
33 signage will be maintained as well. She also explained that her agreement with the
34 property owner requires that the accessory structure be removed and the parking area be
35 restored if the business is discontinued in the strip mall.

36 Chairperson Godfrey noted that more detailed drawings are typically reviewed
37 during site plan application approval. Mr. Cowie explained that this site plan is very
38 simple given that existing parking is adequate, and no utilities other than electricity are
39 proposed. He stated that engineering was not required for this site plan.

40 Commissioner Johnson declared a possible conflict of interest on his part, due to
41 the fact that Bed of Roses is a client of his accounting firm. He asked Ms. Romriell to
42 outline areas which will be landscaped around the accessory structure. Ms. Romriell
43 stated that landscaping will be added in front of the handrail and on the south end of the
44 structure. Landscaping will be flush with the parking area. Commissioner Johnson noted
that there will be a net increase in landscaped area.

2 Chairperson Godfrey asked the Commission if there were any concerns regarding
3 compliance with architectural guidelines. Commissioner Anderson noted that Fieldstone
4 Homes is using similar material on new residential structures, and that the look creates
5 more visual interest than stucco in his opinion. Commissioner Neuwirth felt that the size
6 and style of the structure would provide an accent look to the surrounding structures.

7 Chairperson Godfrey expressed concern regarding setting a precedent in allowing
8 structures without restroom facilities. He noted that other businesses, such as Tree
9 Amigos, have been denied permanent structures due to the lack of restroom facilities.
10 Mr. Cowie explained that the requirement to record a restroom access agreement will
11 address concerns regarding restroom facilities. He noted that Tree Amigos in particular
12 did not have access to any restroom facilities in the immediate area. He explained that
13 there are no code requirements for restroom facilities in a 250 square foot structure.
14 Commissioner Anderson felt that as long as the accessory structure is tied to a permanent
15 facility in the strip mall, the concern regarding access to restroom facilities would be
16 addressed.

17 Chairperson Godfrey called for public comment on this application. Randy Hoyte
18 stated that he is representing another business in the mall, Warburtons. He felt that the
19 proposed structure would make the parking area more attractive and would increase
20 visibility. He stated that his business has no concern with the proposed structure. Ms.
21 Romriell stated that she has signatures from other business owners in the mall indicating
22 support of the proposal as well.

23 Commissioner Neuwirth inquired as to whether a motion to approve this site plan
24 should include a condition that the building is removed if the business vacates the strip
25 mall. Mr. Cowie stated that this application is for a permanent site plan, and that as long
26 as a restroom agreement is recorded the structure could be occupied by any permitted
27 use.

28 Chairperson Godfrey inquired as to any concerns the Commission may have with
29 this type of use perpetuating in other locations across the City. Commissioner Johnson
30 felt that if the use is in compliance with ordinance requirements, similar structures would
31 not be problematic. Mr. Cowie noted that if ordinance requirements are met, similar
32 structures could not be prohibited in other locations. Commissioner Burton felt that a
33 proliferation of similar structure may not be desirable. Mr. Cowie explained that there is
34 a significant financial investment involved in this type of application, including a \$2,000
35 site plan application fee, and that proliferation of similar structure will be somewhat self
36 governing.

37 Chairperson Godfrey reiterated his concern regarding a possible precedent in
38 allowing structures without restroom facilities, as well as a perception that other
39 applicants who were denied may have been treated unfairly. Mr. Cowie stated that he
40 would follow up with the Chief Building Official regarding specific requirements for this
41 and other applications and report back to the Commission. Chairperson Godfrey called
42 for further comments or discussion. Hearing none, he called for a motion.

43 COMMISSIONER ANDERSON MOVED TO APPROVE THE BED OF
44 ROSES SITE PLAN APPLICATION WITH THE FOLLOWING CONDITIONS:

- 45 1. THAT AN AGREEMENT ALLOWING PERPETUAL USE OF RESTROOM
46 FACILITIES FOR TENANTS AND CUSTOMERS OF THE ACCESSORY

STRUCTURE AT A STRIP MALL SUITE BE RECORDED WITH UTAH COUNTY.

2. THAT ARCHITECTURAL FEATURES BE COMPLETED AS PRESENTED. COMMISSIONER NEUWIRTH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON GODFREY	NAY
COMMISSIONER ANDERSON	AYE
COMMISSIONER BURTON	AYE
COMMISSIONER JOHNSON	AYE
COMMISSIONER NEUWIRTH	AYE

THE MOTION CARRIED (4-1) WITH TWO ABSENT.

2. **Discussion Item** – *Utah Lake Shoreline Protection Overlay Zone*. This is a request by the Utah Lake Commission for Lindon City to review and provide feedback on the proposed Utah Lake Shoreline Protection Overlay Zone model ordinance. This model ordinance is intended to be used as a framework for each member city to establish their own shoreline protection area to further the purposes of the Utah Lake Commission and improve the various qualities of Utah Lake. Lindon City is one of the founding members of the Utah Lake Commission and an active participant in its committees and leadership. No motion will be made on this item.

Mr. Cowie explained that the intent of the Overlay Zone is to protect natural amenities along the shoreline, and to preserve open space and recreational uses as development occurs along the shores of Utah Lake. Mr. Cowie noted that he serves on the technical advisory board for the Utah Lake Commission, and Mayor Dain serves on the governing board of the Commission. Mr. Cowie explained that the only significant impact to Lindon will be the trail easement, as no private development is anticipated in the area due to public ownership of property and zoning which permits only mixed recreational uses in proximity to the lake shore. Mr. Cowie noted that the City Council will review this model ordinance as well. Prior to adopting a Lindon City Ordinance, language will be amended to address specific issues and needs within the City. Critical features around the perimeter of the lake will be inventoried to ensure they are protected as property develops.

3. **Action Item** – *Approval of 2011 Annual Public Meeting Schedule*. The Planning Commission will review and possibly approve the proposed 2011 public meeting schedule. The City has previously reviewed and approved the proposed meeting schedule.

Mr. Cowie explained that the City Council has approved the 2011 annual meeting schedule. The Commission discussed the possibility of changing meeting nights to Wednesdays in the future.

2 COMMISSIONER BURTON MOVED TO APPROVE THE 2011 ANNUAL
MEETING SCHEDULE. COMMISSIONER NEUWIRTH SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

4 **NEW BUSINESS** – Reports by Commissioners

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7 Commissioner Johnson requested clarification regarding fencing requirements on
8 corner residential lots. Mr. Cowie reviewed ordinance requirements regarding clear
vision areas and setbacks.

10 **PLANNING DIRECTOR’S REPORT** –

12 Mr. Cowie reported on the following items:

- 14 1. The Commission reviewed the Project Tracking List. Mr. Cowie noted that
16 additional Planning Department activities, such as grant applications, have
been added to the list.
- 18 2. Approximately 50 residents attended the General Plan and Community Survey
Open House. The results of the survey will be considered by the General Plan
20 Committee in making recommendations to the Planning Commission and City
Council.
- 22 3. The City Council approved temporary sign locations for businesses impacted
by the 200 South bridge closure associated with the I-15 Core project.
- 24 4. UDOT is working to create the North County Blvd., which will include
Lindon’s 700 North. Maintenance would become the responsibility of the
state at the time the roadway becomes a state road.
- 26 5. UDOT is moving ahead with widening of State Street through Lindon. ADA
ramps will be upgraded, and sidewalk will be installed in areas where there is
28 currently no sidewalk. The project will be advertised for bids in January, with
construction beginning in spring of 2011. The project will include
30 realignment of the west side of the 400 North intersection. Old growth trees
will be removed due to their proximity to travel lanes and possible safety
32 concerns.
- 34 6. Maeser Academy is operating in their new facility on 600 South.

36 **ADJOURN** –

38 COMMISSIONER NEUWIRTH MOVED TO ADJOURN THE MEETING AT
8:27 P.M. COMMISSIONER JOHNSON SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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42 Approved – January 11, 2011

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Adam Cowie, Planning Director

Gary Godfrey, Chairperson