

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Thursday,**
3 **December 15, 2011** beginning at 7:00 p.m. in the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Matt Bean, Chairperson
6 Invocation: Carolyn Lundberg, Commissioner
7 Pledge of Allegiance: Angie Neuwirth, Commissioner

8 **PRESENT**

9 Matt Bean, Chairperson
10 Ron Anderson, Commissioner
11 Carolyn Lundberg, Commissioner
12 Sharon Call, Commissioner
13 Angie Neuwirth, Commissioner
14 Adam Cowie, Planning Director
15 Woodworth Mataele, Planner II
16 Kathryn Moosman, City Recorder

8 **ABSENT**

9 Chris Burton, Commissioner
10 Del Ray Gunnell, Commissioner

17 The meeting was called to order at 7:05 p.m.

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20 **APPROVAL OF MINUTES** – The minutes of the regular meeting of November 22,
21 2011 were reviewed.

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24 COMMISSIONER ANDERSON MOVED TO APPROVE THE MINUTES OF
25 THE REGULAR MEETING OF NOVEMBER 22, 2011 AS CORRECTED OR
26 AMENDED. COMMISSIONER LUNDBERG SECONDED THE MOTION. ALL
27 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 **PUBLIC COMMENT** –

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30 Chairperson Bean called for comments from any audience member who wished to
31 address any issue not listed as an agenda item. Councilmember Bayless was in
32 attendance to present Chairperson Bean with a plaque in recognition of his years of
33 service on the Planning Commission. Councilmember Bayless stated she is honored to
34 have had the opportunity to watch Chairperson Bean work at the Planning Commission
35 meetings and further stated that she has developed great trust and respect for Chairperson
36 Bean. She then thanked Chairperson Bean for all of his hard work and dedication to the
37 City and the residents of Lindon. Councilmember Bayless further noted that
38 Chairperson Bean will continue to be a great asset to the City in his newly elected
39 position on the City Council, and stated that he will do a great job and will continue to
40 serve the City well in that capacity. Councilmember Bayless expressed her appreciation
41 to Chairperson Bean and congratulated him on his win and encouraged him to go forth
42 and serve. Chairperson Bean commented that he has enjoyed serving on the planning
43 commission and will miss the associations he has made; he then expressed his thanks and
44 appreciation to the Commission and to Councilmember Bayless.

2 Chairperson Bean called for any further public comments. There were no further
comments.

4 **CURRENT BUSINESS** –

- 6 1. **Site Plan Amendment** – *Castle Park – 110 South Main Street*. This is a request
by Eric Barzeele for approval of an amended site plan approval for ‘Castle Park’
8 located in the CG (Commercial) zone. Since the applicant’s original site plan
approval earlier this year, the City has made some changes to its’ parking
10 ordinance, which addresses interior landscaping, to allow the Planning
Commission flexibility to approval alternative existing buffers along off-street
12 parking perimeters. “The Planning Commission has flexibility to grant exceptions
to this landscape screening standard if existing vegetation or other existing
14 screening is found to meet the intent of the screening requirements found in this
section” (LLC 17.18.085). The applicant is applying to amend their site plan to
16 allow their existing perimeter wall to replace the required landscaping.

18 Chairperson Bean invited the applicants forward. Eric and Amy Barzeele were in
attendance for this agenda item. Mr. Cowie opened the discussion by stating that this is a
20 request by Eric Barzeele for approval of an amended site plan approval for “Castle Park
Reception Center” located in the CG (Commercial) zone. Mr. Cowie further discussed
22 since the applicant’s original site plan approval earlier this year, the City has made some
changes to its parking ordinance, which addresses interior landscaping, and would allow
24 the Planning Commission flexibility to approve alternative existing buffers along off –
street parking perimeters. Mr. Cowie further stated that the Planning Commission has the
26 flexibility to grant exceptions to this landscape screening standard if existing vegetation
or other existing screening is found to meet the intent of the screening requirements
28 found in section (LLC 17.18.085). Mr. Cowie noted that the applicant is applying to
amend their site plan to allow their existing perimeter wall to replace the required
30 landscaping buffer.

Mr. Cowie then provided two maps, one of the plans approved and finalized by
32 the City Council in June, and the second map being the amended site plan, that the
Barzeeles are requesting approval for tonight. Mr. Cowie further discussed in the
34 previous ordinance there was a required 10 ft landscape buffer that had some vague
language that did not specify the size of trees etc. on the landscaping strip that was
36 required between any parking area adjacent to a residential use or a residential zone. The
new ordinance (LLC 17.18.085) had some additional language added and would still
38 require a 10 ft. landscape strip, which was also required in the previous ordinance, with
the narrowed spacing on the trees to be required every 10 ft. instead of 15 ft., and it also
40 clarified the caliper and height of the trees. Mr. Cowie again mentioned that the Planning
Commission has the flexibility to create an exception to the landscape screening standard.
42 Mr. Cowie also stated, technically, since this is a new application and site plan, all of the
other items that were reviewed in June have to be re-addressed. He further noted that the
44 City Council granted this request in June with several exceptions as follows:

- 2 1. That the applicant enter into a stormwater agreement with the city
3 regarding treatment and storage of stormwater from main street.
- 4 2. That a cross easement between the separate parcels located at 110 and 126
5 south Main Street be recorded on the parcels.
- 6 3. That a reduction in landscaping strip requirements on 130 south from
7 twenty feet to twelve feet as currently exists is permitted.
- 8 4. That a landscape screen consisting of a chain link fence and an associated
9 planted hedge similar to what currently exists on the site may be used in
10 lieu of the required seven foot fencing separating commercial from
11 residential uses. No white two rail fence will be required on main street or
12 130 south.
- 13 5. That the final parking configuration receive final engineering approval,
14 which may include minor modifications to the configuration reviewed by
15 the City Council.

16 Mr. Cowie asked the Commission if they were still comfortable with these items.
17 He further noted that staff would recommend the items that were approved by the City
18 Council be considered as part of a motion. Mr. Cowie asked if there were any questions
19 on any of the items. Commissioner Neuwirth asked how wide the space is between the
20 fence and the curb on main street and if the City Council had looked at options regarding
21 the sidewalk, and if it would be required at some time in the future. Mr. Cowie stated
22 that it is not yet determined, and the Barzeeles are responsible for the improvements, but
23 different options on this issue are still being evaluated by the City Council.

24 Mr. Cowie asked if there were any other questions. Commissioner Call stated
25 that in the letter from City Attorney, Brian Haws, he had mentioned, and seemed to
26 stress, the 6" curbing issue. Mr. Cowie stated that the 6" curbing issues is outside of the
27 other exceptions, and noted that issue was updated in the parking ordinance. Mr. Cowie
28 then reviewed the exceptions and updates in the new parking ordinance vs. the old
29 ordinance.

30 Mr. Cowie then went over a few other changes in the ordinance. The perimeter
31 landscaping and the provision to allow for the 4' additional landscaping required along
32 the street frontages which could count towards the interior landscaping. Mr. Cowie
33 noted that those were the principle changes that would impact this site as far as the
34 parking ordinance. Mr. Cowie then noted the email in the packets from a neighbor
35 regarding emergency access.

36 Chairperson Bean stated that there are several issues here to address, the curbing
37 and the landscaping around the perimeter. He then commented that the existing property
38 has a unique issue regarding storm water and a curb could be more detrimental, and he is
39 concerned about the authority with the existing ordinance, and what the commission can
40 do. There was then some discussion among the Commissioners and Mr. Cowie regarding
41 curbing. Mr. Cowie then read the section of the ordinance regarding the 6" high curbing.
42 Commissioner Lundberg stated that it does not say curb and gutter and stated that
43 flexibility is appropriate here; she also commented that the language is not specific
44 enough to define the curb. Chairperson Bean advised the Barzeeles to have their
45 engineers look at these issues. Mr. Barzeele replied that their engineers have looked at it
46 and it was well discussed. Chairperson Bean further noted that this is an interesting

2 situation to grant an exception to a standard, but he feels the Commission does not have
the authority based on the language of the ordinance, and he will not vote yes.

Chairperson Bean also stated that this may require an ordinance change.

4 Chairperson Bean asked the applicants if this imposes an economic impact with
the parking, the trail, or other major impacts. The applicants replied that the parking on
6 north side would impact them but they would still have to have the parking.

8 Commissioner Anderson asked if the new site plan parking lot would remain as is. Mr.
Barzeele confirmed that it would stay the same and further stated that the family owns the
parking lot. Commissioner Lundberg asked if private homes would be affected by
10 creating the new parking lot, and if the neighbors had an opinion. The applicants stated
that the neighbors have been there a long time and they have not had complaints; there is
12 also a high solid fence between them and the neighbors like the way it is. Commissioner
Lundberg stated, in her opinion, the applicants should be allowed to move the parking lot.
14 She further stated that the intent of the ordinance is to avoid a concrete desert, and they
provide a park atmosphere.

16 Commissioner Anderson inquired if there had been anyone else that had been
required to put in the interior landscaping to make a safer layout, if so, he would be in
18 favor. Commissioner Neuwirth asked when the gate will be in. The applicants replied
that there is currently a gate. Chairperson Bean also questioned if the City Attorney had
20 looked at this issue and made an interpretation. Mr. Cowie noted an attached email that
discussed the interpretation by City Attorney, Brian Haws. Mr. Cowie further discussed
22 that with the applicant's proposed amendment to their original site plan, the applicant is
also subject to all other changes and requirements that have been added or changed to the
24 city code since their approval.

Chairperson Bean asked if there were any other comments or questions. Being no
26 further questions or comments Chairperson Bean called for a motion.

28 COMMISSIONER CALL MOVED TO APPROVE THE AMENDED CASTLE
PARK SITE PLAN WITH THE FOLLOWING CONDITIONS 1. 6" CURBING
30 INSTALLED. 2. PERIMETER 10' LANDSCAPING BUFFER BETWEEN THE
RESIDENTIAL ZONE/USE BE WAIVED AS THE 8-10 FT EXISTING FENCE
32 MEETS THE BUFFER IN LIEU OF THE LANDSCAPING. 3. THAT THE
PREVIOUS FIVE CONDITIONS OF APPROVAL FROM THE CITY COUNCIL
34 APPLY. COMMISSIONER ANDERSON SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

36 CHAIRPERSON BEAN NAY
COMMISSIONER CALL AYE
38 COMMISSIONER NEUWIRTH AYE
COMMISSIONER ANDERSON AYE
40 COMMISSIONER LUNDBERG AYE

THE MOTION CARRIED WITH 4 AYES AND ONE NAY.

- 42
2. **Public Hearing** – *Ordinance Change – LCC Appendix A – Standard Land Use*
44 *Table* – This is a city initiated request for review and approval of changes to
athletic studios (e.g. martial arts, fencing, etc.) in the LI (Light Industrial) zone.
46 Currently the 'Lindon Standard Land Use Table' requires any athletic studios or

2 similar uses to acquire a conditional use permit prior to operation in LI zone. Staff
feels that this should be changed to a permitted use in the LI zone as is the case in
4 the CG zone. Recommendations from the Planning Commission will be
forwarded to the City Council for final approval.

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

10 Mr. Mataele opened the discussion by stating that this is a city initiated request
for review and approval of changes to athletic studios e.g. (martial arts, fencing, etc.) in
12 the light industrial (LI) zone and will go to the City Council with recommendations from
the Planning Commission. Currently the 'Lindon Standard Land Use Table' requires any
14 athletic studios or similar uses to acquire a conditional use permit prior to operation in LI
zone. He further discussed that the city has received business license applications in the
16 past for these types of land uses proposed to be located in the LI zone. Due to their size,
use, and hours of operations, these uses are perceived to be low impact to the LI zone
18 with the occasional issues of parking in the evening hours or weekends during recital s or
tournaments. These parking issues are usually resolved by shared parking primarily with
20 businesses that operate at different hours than these subject land uses. Currently, these
uses are permitted in the CG (General Commercial) zone, but require a \$500.00
22 application fee for a conditional use permit to operate in the LI zone; similar to large
manufacturing uses or mechanical shops.

24 Mr. Mataele went on to say that staff feels that these uses should be permitted in
the LI zone, and as such should be changed on the "Standard Land Use Table". He
26 further stated that recommendations from the Planning Commission will be forwarded to
the City Council for final approval. This would be specific only to these 3 land uses in
28 the Standard Land Use Table, martial arts studios, art and music schools and dance
schools.

30 Mr. Mataele noted that they have been issuing a Conditional Use permit in the LI
zone at a cost of \$500.00 for these types of businesses. Mr. Mataele added that these
32 types of businesses also tend to locate in an existing facility that has shared parking, and
parking becomes the only issue that is of concern. Mr. Mataele also stated that staff has
34 been reviewing the applications as they come through with the business licenses, along
with the Building Official; he further noted that parking is one of the issues that are
36 carefully reviewed. Mr. Mataele noted that this ordinance amendment will not require a
public meeting or the application fee and staff feels that this is not necessary and these
38 businesses have never been denied in the past. Mr. Mataele asked if there were any
questions. Commissioner Anderson stated he felt staff could approve these just as easily
40 as the planning commission at a business license level. Commissioner Lundberg
suggested adding gymnastics and tumbling to the list and commented that the
42 Commission should self regulate.

44 Chairperson Bean asked if there were any further comments or questions. Being
none he called for a motion.

2 COMMISSIONER NEUWIRTH MOVED TO APPROVE THE ORDINANCE
CHANGE TO “LCC APPENDIX A” OF THE STANDARD LAND USE TABLE
4 WITH THE ADDITION OF GYMNASTICS AND TUMBLING ADDED TO
DANCING SCHOOLS AND RECOMMENDED APPROVAL TO THE CITY
6 COUNCIL. COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

8 3. **Public Hearing**– *Ordinance Change – LCC 17.46 – R2 Overlay*. This is a city
initiated request for approval of changes to LCC 17.46 R2-Overlay to permit
10 detached accessory apartments within Lindon. Currently, Lindon City Code only
permits attached accessory apartments and prohibits detached units. The proposed
12 changes cover requirements that would govern the approval of such units if
permitted. Recommendations from the Planning Commission will be forwarded to
14 the City Council for final approval.

16 Mr. Cowie opened the discussion by stating that this is a city initiated request and
had previously been to the Planning Commission as a concept review and the City
18 Council. Mr. Cowie mentioned that the majority of the City Council agreed, with only
one councilmember who opposed. Mr. Cowie highlighted the issues and tried to cover it
20 all the issues. He noted Page 2 of the ordinance and covered what was added to clearly
define what the detached accessory apartment entails, and he also stated what an owner
22 occupied definition is.

24 Mr. Cowie then went discussed some of the other changes regarding detached
accessory apartments. He noted that it has been made to be a little more difficult to do a
detached accessory apartment to help deter the desire to subdivide the property and to
26 push a future city council to allow smaller lot sizes. He also discussed that this change
would put a cap on rental rates. Commissioner Call questioned the guideline and stated
28 she feels the amounts of rent are very generous, and she questioned how does the city
monitors what they can charge for rent. Mr. Cowie replied that a form has been drafted
30 (that the homeowner will sign) that states the homeowner is aware of the HUD
requirements and standards and that they will comply within those guidelines.

32 Mr. Cowie stated that this ordinance change will only apply for new apartments.
He further noted on Page 7 the purpose statement has been added in that states there is a
34 need for smaller families, seniors, grown children in the home, companionship, etc. Mr.
Cowie noted that the detached accessory apartment will have the same set backs as the
36 primary home. There was then some discussion between the Commissioners and Mr.
Cowie regarding breezeway requirements, corner lots, and setbacks.

38 Mr. Cowie stated that the maximum allowed size of a detached apartment will be
800 sq. ft. with a two space garage, and noted that this will fit better in the residential
40 zone. Mr. Cowie concluded that the Commission agreed on the following items:

- 42 1. Limiting the breezeway to an 18 ft. limit.
2. Size of the dwelling (living) space of (800 sq.ft.)
- 44 3. Strike the garage on a detached accessory apartment.
4. Setbacks: Add diagram on corner lots with exceptions.
5. Utilities: Same utility connection as primary residence except sewer.
- 46 6. Affidavit and agreement form to sign for an owner occupant.

2 Mr. Cowie stated he will bring these items back to the Planning Commission with
a diagram. Chairperson Bean asked if there were any further comments or questions.
Being none he called for a motion.

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

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10 COMMISSIONER NEUWIRTH MOVED TO CONTINUE THE ORDINANCE
CHANGE LCC 17.46 R2 OVERLAY. COMMISSIONER CALL SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 12
14 4. **Discussion Item:** *Zone Map Change – West Lindon.* This is an discussion item to
review possible zone changes to the west part of Lindon (along 700 North,
16 between Geneva Rd and Interstate 15) to reflect the general plan changes just
approved by the City. This discussion item will also be forwarded to the City
Council at a future date.

18
20 Mr. Mataele explained that this is a discussion item to review a possible zone
change to the west part of Lindon. He further noted that this item has been to the
Planning Commission and City Council for feedback. He noted that the City had just
22 completed and adopted the changes to the Lindon General Plan last month, with the
majority of the changes to the General Plan Land Use map accruing on the west side of
24 Lindon; staff felt that this would be a good time to review the current zoning map. It is
the intent to start a discussion with the Commission and Council on thoughts of possibly
26 changing the current zoning map to reflect these changes. The City Council approved the
general plan map and the land use map which had big changes. Mr. Mataele noted that
28 the changes have been reflected on the zoning map as well. He then showed the changes
that were approved on the general plan map and the zoning map. Mr. Cowie stated that
30 the question is when to make the change, and instructed the Commission to think about it
and this discussion item can be brought back to the Commission at the next meeting.

32 Chairperson Bean asked if there were any other comments or questions. Being
none he called for a motion.

34
36 **NEW BUSINESS** – Reports by Commissioners

38 Chairperson Bean asked if there were any reports from the Commission.
Commissioner Call noted an article in the paper about the gun laws changing in Lindon.
Chairperson Bean asked if there was any other business. Being none he moved on to the
40 next item.

42 **PLANNING DIRECTOR'S REPORT** –

44 Mr. Cowie reported on City Council updates as follows:

- 46 ● Glacier Mountain Estates Plat A Amendment was approved.

- Storm Water Ordinance Change was approved.
- Planning Commission Ordinance Change was approved.
- Farewell Open House of Outgoing Council Members went well.
- Christmas Tree Lighting was held on the 5th of December at 6:30 at the Community Center and went very well with a good turnout.
- Lindon City Christmas Party will be held on December 22, 2011 at 12:00 noon at the Community Center.
- The City Council have accepted two new Planning Commissioners.
- The Council will recognize Chris Burton at the next City Council meeting.

Chairperson Bean asked if there was any other new business. Being none he called for a motion to adjourn.

ADJOURN –

COMMISSIONER CALL MADE A MOTION TO ADJOURN THE MEETING AT 11:00 P.M. COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – January 10, 2012

Matt Bean, Chairperson

Adam Cowie, Planning Director