

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **March 27, 2012** beginning at 7:00 p.m. in the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Sharon Call, Chairperson
6 Invocation: Ron Anderson, Commissioner
7 Pledge of Allegiance: Angie Neuwirth, Commissioner

8 **PRESENT**

ABSENT

9 Sharon Call, Chairperson
10 Ron Anderson, Commissioner
11 Del Ray Gunnell, Commissioner
12 Angie Neuwirth, Commissioner
13 Carolyn Lundberg, Commissioner
14 Mike Marchbanks, Commissioner
15 Rob Kallas, Commissioner
16 Adam Cowie, Planning Director
17 Woodworth Mataele, Planner II
18 Kathryn Moosman, City Recorder

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

20
21 **APPROVAL OF MINUTES** – The minutes of the regular meeting of February 28, 2012
22 were reviewed.

23
24
25 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
26 REGULAR MEETING OF FEBRUARY 28, 2012. COMMISSIONER MARCHBANKS
27 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
28 CARRIED.

29
30 **PUBLIC COMMENT** –

31 Chairperson Call called for comments from any audience member who wished to
32 address any issue not listed as an agenda item. There were no public comments.

33
34
35 **CURRENT BUSINESS** –

- 36
37
38 **1. Cont. Amended Site Plan: *Fellowship Bible Church – 375 N. State Street.***
39 This item was continued from the previous Commission meeting. This is a
40 request by Fellowship Bible Church to amend the type of fencing along their
41 south property line, which separates the subject lot from the neighboring
42 residential properties. The applicant is proposing to amend the required seven
43 foot (7') tall cement block wall to allow a different type of site obscuring
44 fencing adjacent to residential properties. The Planning Commission by code
has the ability to waive or adjust the fence/screening requirement.

2 Pastor Michael Thorpe and Chris Dotson, from the Fellowship Bible Church,
were in attendance as representatives on this agenda item. Planning Director, Adam
4 Cowie, began the discussion by explaining in the previous meeting with the Planning
Commission it was recommended that the applicants investigate different types of
6 masonry fencing to see if other less expensive masonry fencing was an option. The
applicant feels that the other masonry fencing options are still a financial burden for the
8 intended use on the site. They believe the use of the site as a church (not a commercial
use) should also be considered in regards to the fencing requirement. Mr. Cowie then
10 showed some photos, that the applicants provided, of other fencing at various churches
around Lindon and Orem which border residential uses. The applicants are requesting
12 modification to the fence requirement to allow chain link with site obscuring slats, as has
been allowed at other church sites in the area. They have expressed to staff that the use
14 of the site prior to their new building was for a church, which has had chain link fencing
that has been adequate for many years. Mr. Cowie further explained the applicants also
16 believe that since other churches are allowed in residential zones and not considered a
commercial use, that they should be treated similarly. They also believe their new chapel
18 has not changed the use of the property to a commercial use which would warrant the
masonry fence, even though their site is zoned CG (General Commercial). Mr. Cowie
then referenced the applicant letter explaining the request.

20 Mr. Cowie further discussed that since the Fellowship Bible Church site plan was
approved there have been changes to the parking ordinance which requires all new non-
22 residential uses (including churches) to install 6' masonry fencing and tree-lined
landscaping between non-residential parking facilities and adjacent residential lots or
24 uses regardless of zoning. Mr. Cowie noted that this code can also be waived or modified
by the Commission. Mr. Cowie then showed some photos of the area and the existing
26 fence.

28 Mr. Cowie pointed out that if there is a finding by the commission for making an
exception there are specific standards that the Planning Commission needs to review
(LCC 17.48.040 items a, b & c in the code). Mr. Cowie further noted that he would
30 encourage the Commission to discuss those items in detail as they consider other fencing
options. There was then some discussion between the Commissioners and Mr. Cowie
32 regarding the uses between the zones on the property. Commissioner Neuwirth stated
that she has a hard time imposing the masonry fence regulation on the site because it is
34 not a commercial use and it is a permitted use in a residential zone.

36 Chairperson Call asked Pastor Thorpe if a chain link fence is what is being
proposed. Pastor Thorpe confirmed that statement. He went on to say the issue of
durability was the biggest concern from the neighbors, and noted that the proposed chain
38 link fence is a 7' "church grade" fence with installed privacy slats.

40 Chairperson Call stated that she does not have a problem with a chain link fence
with privacy slats, but worried if the slats would break or weather over time and
deteriorate. Pastor Thorpe stated that the current fencing with slats has been there for
42 more that 17 years and has held up very well. Commissioner Anderson asked what the
definition of "church grade" fencing is. Pastor Thorpe replied he assumes it is a nicer,
44 more durable 7' fence, and what is typically installed around churches in the area.
Chairperson Call asked if the applicants have considered putting shrubbery along the
46 fence for site obscuring purposes. Pastor Thorpe stated that they have considered putting

2 in shrubbery along the fence. Chairperson Call asked if Pastor Thorpe had discussed the
chain link option with the neighbors. Pastor Thorpe replied that he had not talked to the
4 neighbors about the chain link option, but had attempted to contact them; he added the
biggest concern with the neighbors was with the durability and privacy issues.

6 Commissioner Lundberg asked if the applicants had looked at pre-cast fencing
and if it was cost prohibitive. Pastor Thorpe confirmed they had looked at pre-cast
8 fencing and it was very expensive. Chairperson Call asked what the estimate was for the
chain link fence. Pastor Thorpe stated that the estimate (including slats and installation)
10 was around \$10,000, unless the additional fencing is required. Mr. Cowie mentioned that
a copy of a letter from one of the neighbors is included in the commission packets, and
12 the same residents were noticed for this meeting as the previous meeting. Chairperson
Call asked for any additional comments.

14 Mrs. Johnson, a neighboring resident, addressed the commission. As Mrs.
Johnson had just arrived to the meeting, Chairperson Call summarized what the
applicants are proposing. She explained that instead of the previous proposed vinyl
16 fencing they are now proposing a 7' "church grade" chain link fence with privacy slats.

18 Mrs. Johnson asked how good a chain link fence would be for noise. Chairperson
Call stated that it would not do much for noise, but she felt there would not be much
noise from a church use. Chairperson Call added that it would provide an adequate
20 buffer, and also shield the church from the residential use from storage or traffic.
Commissioner Lundberg asked about typical usage of the facility and if there are any
22 other uses of the congregation besides the Sunday services. Pastor Thorpe replied that
aside from Sunday services, they have a Wednesday night activity for the kids. On a
24 smaller level they also have bible study and choir practice on some Tuesday evenings.
Pastor Thorpe noted that the Church and Los Hermanos share their parking lots.

26 Commissioner Lundberg asked what the current maximum occupancy of their
building is and the potential occupancy with the new building. Pastor Thorpe stated that
28 capacity is currently 160 and could potentially double later. Commissioner Lundberg
questioned the usage of the building to date, with traffic, noise etc. and if these have been
30 issues for Mrs. Johnson. Mrs. Johnson replied they have not had any problems with
traffic or noise. Chairperson Call asked Mrs. Johnson to consider that this is a
32 commercial property used as a church facility, not as a commercial facility.
Commissioner Gunnell asked Mr. Cowie if there have been any other churches developed
34 since the code was changed. Mr. Cowie replied there has not. Commissioner Gunnell
noted that he appreciates Mrs. Johnson's concerns, and noted that a church would be a
36 better neighbor as far as the noise issue. Mrs. Johnson agreed that a church is the best
neighbor as opposed to a commercial use. Mrs. Johnson reiterated that privacy and noise
38 are the biggest concerns along with the safety and durability of the fence. Chairperson
Call asked if there were any further questions or comments.

40 Chairperson Call noted that she feels that the church would not impose a problem
with noise, and installing a quality chain link fence with quality privacy slats would
42 provide privacy and also the required buffer. Pastor Thorpe noted that the fence will be
installed professionally, and will be durable and offer privacy; they will also possibly put
44 in a landscape barrier at a later date. Pastor Thorpe added the intention is to maintain
durability and privacy, and to make it look nice. Pastor Thorpe stated that they have also
46 addressed the storm water requirements with Paul Miller, Lindon City Storm Water

Supervisor, and covered vegetation will be needed to keep runoff at a minimum, so the elevation will remain the same; this will need to be resolved before the certificate of occupancy is issued.

Chairperson Call then asked Mr. Cowie if the commission can require the fencing to be extended along the double fenced area also. Mr. Cowie confirmed that the commission can require fencing be extended along the double fence line; the Commission can use their discretion on that issue. Commissioner Marchbanks noted that he feels the double fence needs to be removed and have the new fencing installed simultaneously. Commissioner Marchbanks noted that the site plan shows extensive landscaping and asked Mr. Cowie if the landscaping will be required. Mr. Cowie confirmed that adequate landscaping is required.

Chairperson Call asked if there were any further questions or comments. Being no further comments she called for a motion. Mr. Cowie suggested for clarification to include in the motion any findings to vary from the masonry fence per LCC 17.48.040 items a, b and c.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE AMENDED SITE PLAN FOR FELLOWSHIP BIBLE CHURCH WITH THE CONDITION OF REQUIRING A 7' COMMERCIAL GRADE CHAIN LINK FENCE WITH PRIVACY SLATS IN LIEU OF A MASONRY FENCE SO AS TO PROVIDE AN ADEQUATE BUFFER THAT MEETS LCC 17.48.040(a) AND, FINDING THAT THE APPEARANCE OF THE CHAIN LINK FENCE WITH SLATS AND SITE PLAN LANDSCAPING DOES NOT DETRACT FROM THE RESIDENTIAL USE PER LCC 17.48.040(b), AND THE REQUIRED LANDSCAPING SHALL BE INSTALLED PER SITE PLAN SPECIFICATIONS, AND THE OLD FENCE SHALL BE REMOVED AND REPLACED WITH THE NEW FENCE, ALL OF WHICH WILL SATISFY LCC 17.48.040(c). COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER NEUWIRTH	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER LUNDBERG	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER GUNNELL	AYE

THE MOTION CARRIED UNANIMOUSLY.

- 2. Minor Subdivision: *Speed Subdivision Plat "A" – 139 South 400 East.* This is a request by Sue Speed for approval of a two-lot minor subdivision titled 'Speed Subdivision, Plat "A"'. The two lots will consist of one lot containing the existing Speed home that faces 400 East, and a second new building lot behind the Speed home facing 500 East. Both lots will meet the minimum 20,000 sq/ft lot size. Recommendations from the Planning Commission will be made to the City Council for final approval.**

2 The applicant, Sue Speed, was in attendance to address this agenda item along
with a representative from Dudley and Associates. Mr. Cowie opened the discussion by
explaining the applicant is proposing to subdivide her property, which would include
4 splitting 2 parcels in the R1-20 residential zone; both parcels will exceed the lot size.

6 Mr. Cowie noted the applicant currently has an interested buyer in the property.
He went on to say that currently there are not any street improvements as far as curb,
gutter and sidewalk. Mr. Cowie noted that street improvements would be required, with
8 the applicant having the option of paying into the City sidewalk fund to use at a future
date. Mr. Cowie stated this is a simple, straightforward request and this item will need
10 recommendation to go to the City Council for approval. He added there are no concerns
from staff regarding this minor subdivision.

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

14
16 COMMISSIONER KALLAS MOVED TO APPROVE THE SPEED MINOR
SUBDIVISION PLAT "A" AND RECOMMEND APPROVAL TO THE CITY
COUNCIL. COMMISSIONER LUNDBERG SECONDED THE MOTION. THE
18 VOTE WAS RECORDED AS FOLLOWS:

20 CHAIRPERSON CALL AYE
COMMISSIONER KALLAS AYE
COMMISSIONER NEUWIRTH AYE
22 COMMISSIONER ANDERSON AYE
COMMISSIONER LUNDBERG AYE
24 COMMISSIONER MARCHBANKS AYE
COMMISSIONER GUNNELL AYE

26 THE MOTION CARRIED UNANIMOUSLY.

- 28 **3. Plat Amendment:** *Gillman Farms Plat B – 592 & 584 W Gillman Lane.* This
is a request by Deny Farnworth and Cameron Larsen for approval of a re-plat
30 of two parcels within the Gillman Farm Subdivision in order to adjust
property line boundaries between their two lots. The new subdivision plat will
32 be titled Gillman Farm, Plat B. recommendations from the Planning
Commission will be made to the City Council for final approval.

34
36 The applicants, Deny Farnsworth and Cameron Larsen, were in attendance to
address this agenda item. Mr. Mataele opened the discussion by explaining that this plat
amendment is very straightforward and noted that the plan shows both lots as part of the
38 original plat, Gillman Farms Plat "A". The applicants are proposing to do some property
line adjustments and the new subdivision will be titled Gillman Farms Plat "B". Mr.
40 Mataele then showed some photos of the property. He noted the applicants could
maintain their existing lot size of 20,000 sq. ft. and also the setbacks. Mr. Mataele stated
42 that the applicants are proposing these property adjustments to clean up some property
lines and further noted that this item will go before the City Council for final approval.

44 Mr. Farnworth commented the property was originally included with another
parcel on the original homestead; they built a home in the back of the property and now
46 need to clean up the property lines.

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

4 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE PLAT
6 AMENDMENT FOR GILLMAN FARMS PLAT "B" AND RECOMMEND
8 APPROVAL TO THE CITY COUNCIL. COMMISSIONER ANDERSON
10 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

8 CHAIRPERSON CALL AYE

COMMISSIONER KALLAS AYE

10 COMMISSIONER NEUWIRTH AYE

COMMISSIONER ANDERSON AYE

12 COMMISSIONER LUNDBERG AYE

COMMISSIONER MARCHBANKS AYE

14 COMMISSIONER GUNNELL AYE

THE MOTION CARRIED UNANIMOUSLY.

- 16
- 18 **4. Conditional Use Permit:** *Questar Regulator Station – 415 South Geneva Road.* This is a request by Mark Johnson with Questar Gas Company for approval of a natural gas regulator station that will consist of a fenced area containing a 13'x16' equipment building and some above-ground gas piping systems. By city code, gas pressure control stations require a conditional use permit in the LI zone.

24 Mr. Mataele opened the discussion by stating this Conditional Use Permit
26 application from Mark Johnson, with Questar Gas Company, is for a Natural Gas
28 Regulator which is required to be in the LI (Light Industrial) zone. Mr. Mataele noted
30 that by city code, gas pressure control stations require a conditional use permit in the LI
32 zone. Mr. Mataele stated the proposal is for a fenced area containing a 13 x 16 ft.
34 equipment building with some above ground gas piping systems. He also noted the City
36 would not be proposing a separate lot, and no additional improvements are required. Mr.
38 Mataele added this would also be a permanent easement existing on the property. Mr.
40 Mataele stated the proposed property is located alongside Geneva Road and behind the
Harley Davidson shop. Mr. Mataele then showed the proposed plan that was submitted
by the applicant. He further explained that the applicant has proposed the structure will
be fenced and gated. Mr. Mataele then showed some additional photos submitted by the
applicant of the proposed site and the structure. Mr. Mataele noted that staff feels after
reviewing the application, and because it not inhabitable space, and used mainly for
equipment, the architectural standards may not apply for this specific proposal, although
the ordinance does require 25% architectural standards be applied to any structure in the
LI (Light Industrial) zone. Mr. Mataele added that the Planning Commission can discuss
and review that issue.

42 Mr. Johnson noted they would be putting a 7' barbed wire chain link fence around
44 the building site and have gated access. Chairperson Call asked if the building will be
46 used for storage. Mr. Johnson replied that the facility is used occasionally for equipment
but not for the storage of materials. Mr. Johnson then described in some detail the
description and uses of the facility and he noted they plan to have it constructed by

summer of 2012. Chairperson Call noted that she feels it does not make sense to put architectural treatment to this facility, and she does not see how this building can meet the architectural standards. Mr. Cowie stated that staff does not feel that applying the architectural standards to the facility is necessary since it is not a habitable structure and other similar utility sheds have been permitted in various zones without specific architectural treatments. However, the LI zoning ordinance indicates that all buildings will meet the architectural standard (LCC 17.49.070). He added that other similar structures in the city built prior to the ordinance do not meet the standard and that is not the intent on this building. Commissioner Kallas asked about using a split face block on the building. Mr. Johnson stated if the commission requires that it would not be a problem. There was also some discussion regarding required landscaping at the facility. Mr. Cowie noted that the property is an easement not a parcel, and there is some flexibility in the code. Mr. Cowie then read a portion of the code regarding the landscape strip and the T-zone. Chairperson Call suggested that the 10' landscaping strip not be required because the property is an easement not a parcel and it does not meet the intent of the ordinance. Mr. Johnson added that he will resubmit a new site plan showing the new right of way, and a new building plan showing the split face block.

There was some discussion between the Commissioners and Mr. Johnson about the issue of freeway traffic and the possibility of a vehicle hitting the location and the safety hazard it could impose. Chairperson Call asked if there were any further questions or comments. Being no further comments she called for a motion.

COMMISSIONER KALLAS MOVED TO APPROVE THE CONDITIONAL USE PERMIT FOR THE QUESTAR REGULATOR STATION WITH THE CONDITION OF A 25% ARCHITECTURAL GRADE BLOCK WALL ON ALL SIDES OF THE BUILDING AND THAT THERE IS NO NEED FOR LANDSCAPING ALONG THE FREEWAY AS THE DEVELOPMENT IS ON AN EASEMENT, AND DOES NOT CONSIST OF THE ENTIRE PARCEL. COMMISSIONER NEUWIRTH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER NEUWIRTH	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER LUNDBERG	AYE
COMMISSIONER MARCHBANKS	NAY
COMMISSIONER GUNNELL	NAY

THE MOTION CARRIED WITH 5 AYES AND 2 NAYS.

Commissioner Marchbanks and Commissioner Gunnell stated their reasons for not approving the Conditional Use Permit as they would like to see the item subject to staff review, engineering and approval.

- 5. Concept Review:** *Steve Lundquist. Used Autos in CG zone – 17 North State Street.* This item is a request to review the proposal by Steve Lundquist to permit used auto dealerships within the CG (General Commercial) zone in Lindon. Although there are a few legal nonconforming dealerships that

2 currently exist, the Lindon Standard Land Use Table prohibits additional used
3 auto dealerships from locating within the CG zone. This item will also go
4 before the City Council for review at a future date.

5
6 Mr. Cowie explained this is a Concept Review for discussion only and does not
7 require a motion. Mr. Cowie further explained the current ordinance prohibits used
8 autos dealerships from locating in the CG (General Commercial) zone. He further noted
9 that the code does say that a new dealership could locate in the CG (General
10 Commercial) zone. Mr. Cowie further explained that the applicant is looking at
11 purchasing the old Utah Auto Sales building located on 17 North State Street, and use it
12 as an office facility and also a used auto dealership. Mr. Cowie added that this item
13 would require an ordinance change and staff has encouraged the applicant to go to City
14 Council for discussion and feedback. There was then some discussion between the
15 commissioners regarding used car lots in the commercial zone. Mr. Cowie noted that
16 staff feels car dealerships are one of the highest sales tax producing businesses in the city,
17 regardless of new or used cars.

18 The applicant, Steve Lundquist, addressed the commission at this time. He
19 explained his proposed concept for the property. He reiterated that the property (approx.
20 67,000 sq. ft.) was originally designed and built for commercial use as an auto dealership.
21 He noted he has had dialogue with the Larry H. Miller Group and Gene Harvey Chevrolet
22 regarding bringing vehicles to the property for the purpose of a used auto dealership to
23 help defray the costs of servicing the debt of the mortgage on the property. Mr.
24 Lundquist added that his intent is to first and foremost fill the office with like minded
25 people who are in professional services. Mr. Lundquist stated that he is open to
26 suggestion from the commission to make the space work and to realize his investment in
27 the property. Mr. Lundquist noted that he will do everything needed to bring the building
28 into compliance. He added the property is currently owned by Hacienda Properties.

29 There was then some general discussion between the commission and Mr.
30 Lundquist regarding used auto dealerships in the CG (General Commercial) zone and the
31 uses at the facility. Mr. Cowie advised the commission to keep in mind, with this
32 discussion; this action could initiate an ordinance change that would open up used auto
33 dealerships at any spot in the city, not just at this one location. Mr. Cowie noted the
34 applicant would have to apply for an ordinance change to amend the Standard Land Use
35 Table to make it a permissible or conditional use.

36 Commissioner Anderson and Commissioner Lundberg noted that the property is a
37 good location for a car dealership and that is what the building was originally built for,
38 and would be the best use for the property. Chairperson Call stated that she agrees with
39 Commissioner Kallas and Commissioner Marchbanks, and would recommend that this
40 item be forwarded to the City Council. Commissioner Neuwirth, Commissioner
41 Lundberg and Commission Gunnell were not opposed as well. Mr. Lundquist requested
42 the Commission waive the \$650.00 ordinance change fee. Mr. Cowie stated that issue
43 needs to be addressed with the City Council.

44 Chairperson Call asked if there were any further questions or comments. There
45 were no further comments. Chairperson Call then thanked the applicant for his interest.
46 Mr. Lundquist thanked the Commission for their time and consideration.

2 **NEW BUSINESS** – Reports by Commissioners.

4 Chairperson Call asked if there were any reports from the Commission. There were
no new reports from the Commissioners.

6 **PLANNING DIRECTOR’S REPORT** –

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

- 10 ● The Commission reviewed the Project Tracking List.
- 12 ● The Open House regarding the Murdock Canal Crossing at Center Street
will be held on April 4th from 6 - 8 p.m. in the Council Chambers.
- 14 ● The City Council has directed staff to review the animal ordinance, as it
has had several complaints. Mr. Cowie noted they have looked at the
16 changes per the City Council, which consists of mainly language and
wording changes with some clarification.
- 18 ● The Commission will review site plan changes for the Castle Park
Reception Center at the next meeting.
- 20 ● The narrowing of Main Street on the General Plan will also be reviewed at
the April 10th meeting.
- 22 ● Mr. Cowie noted that he met with the Timpview Boys Group Home along
with Chief Cullimore and Brian Haws, City Attorney, to discuss the
24 definition item from the last meeting. This item will be brought back
before the commission.
- 26 ● The I-15 Core fencing standards will be researched and brought back at a
later meeting.
- 28 ● The Easter Egg Hunt will be held on Saturday, April 7th at 9:00 a.m.

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

32 **ADJOURN** –

34 COMMISSIONER LUNDBERG MADE A MOTION TO ADJOURN THE
MEETING AT 9:50 P.M. COMMISSIONER MARCHBANKS SECONDED THE
36 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38 Approved – April 10, 2012

40
42 _____
Sharon Call, Chairperson

44
46 _____
Adam Cowie, Planning Director