

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **April 24, 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: Rob Kallas, Commissioner
7 Pledge of Allegiance: Mike Marchbanks, Commissioner

8 **PRESENT**

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

8 **ABSENT**

9 Adam Cowie, Planning Director

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

19 **APPROVAL OF MINUTES** – The minutes of the regular meeting of April 10, 2012
20 were reviewed.

21 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
22 REGULAR MEETING OF APRIL 10, 2012 AS CORRECTED OR AMENDED.
23 COMMISSIONER GUNNELL SECONDED THE MOTION. ALL PRESENT VOTED
24 IN FAVOR. THE MOTION CARRIED.

25 **PUBLIC COMMENT** –

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

28 **CURRENT BUSINESS** –

- 29 **1. Conditional Use Permit:** *Fleet Services of Utah – 1546 & 1548 West 200*
30 *South.* This is a request by Frank Brennan with ‘Fleet Services of Utah’ for
31 approval of a conditional use permit. The applicant is proposing to operate a
32 general automotive/truck repair shop in the LI (Light Industrial) zone of
33 Lindon. Currently, the Standard Land Use Table requires this type of land use
34 in the LI zone to acquire a conditional use permit to operate.

35 Chairperson Call invited the applicant, Frank Brennan, with Fleet Services of
36 Utah, forward. Mr. Mataele opened the discussion by explaining this application for a
37 Conditional Use Permit has been submitted by Frank Brennan, with Fleet Services of

Utah. He went on to say that the applicant would like to relocate his business from Orem to Lindon at approximately 1546 and 1548 West 200 South. Mr. Mataele noted the applicant is proposing to operate a general automotive/truck repair shop, and currently the Standard Land Use Table requires this type of automotive use in the LI (Light Industrial) zone to acquire a conditional use permit to operate in this location. Mr. Mataele further stated Fleet Services of Utah has been in operation for the past 16 years in Orem City, and are now looking to relocate to the former John Deere site in Lindon. The proposed business would operate Monday through Friday from 7 am to 5 pm with a total of three to five employees including a manager. Mr. Mataele noted the applicant anticipates they will be working on roughly 90 to 120 vehicles (cars, trucks, and trailers) per month with mainly general maintenance and repairs. Mr. Mataele further noted that the applicant does not feel there will be an increase in light, noise, odor, dust, or pollution generated by their proposed business. Mr. Mataele stated that staff feels there is adequate off-street parking provided for this land use, and also feels there is adequate storage. Mr. Mataele added that because this is a business coming in without any additions to the structure, or any new proposed structures, there are not any requirements for landscaping that would be triggered at this time.

Mr. Mataele then showed photos of the site and building location. He then asked if there were any questions or comments regarding this conditional use permit. Chairperson Call commented that the questions she had were answered by Mr. Mataele regarding the proposed location. She echoed Mr. Mataele in stating this is an existing structure and existing use and permitted in the LI (Light Industrial) zone, so any additional landscaping requirements would not be triggered, and the architectural standards are good; there is also adequate parking and storage at the location. Commissioner Anderson mentioned the 90-120 vehicles worked on per month and inquired how long the vehicles will be at the location. Mr. Brennan replied that the vehicles they will be working on are mostly commercial vehicles, so there is a need to repair them as quickly as possible to get them back on the road, preferably same day.

Commissioner Anderson stated that there have been issues in the past with automotive repair businesses leaving vehicles on the street for long periods of time which can become a nuisance to neighboring businesses. Mr. Brennan added there is a lot of space in the back of the building for parking and all of the repair work is done inside; he added that he does not anticipate having vehicles parked on the road for any length of time. Mr. Brennan further noted the vehicles may be on the road briefly until they bring them inside for repair. Mr. Brennan stated he takes great pride in his business and keeps the area cleaned up, and wants to be a contributing business to Lindon. Commissioner Gunnell questioned the applicant if the overhead door on the west side will be used for access for the large trucks. Mr. Brennan replied the large overhead door on the north side will be primarily used for the large trucks. Commissioner Marchbanks questioned if any of the doors line up as to have a drive through bay. Mr. Brennan confirmed the north and south bays can be driven through. Commissioner Lundberg asked if the applicants business will provide towing service. Mr. Brennan replied they will not provide towing.

Chairperson Call asked if there were any further questions or comments. Being no further comments she called for a motion.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE
2 CONDITIONAL USE PERMIT FOR FLEET SERVICES OF UTAH.

COMMISSIONER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
4 RECORDED AS FOLLOWS:

CHAIRPERSON CALL AYE

6 COMMISSIONER ANDERSON AYE

COMMISSIONER KALLAS AYE

8 COMMISSIONER LUNDBERG AYE

COMMISSIONER MARCHBANKS AYE

10 COMMISSIONER GUNNELL AYE

COMMISSIONER NEUWIRTH AYE

12 THE MOTION CARRIED UNANIMOUSLY.

- 14 2. **Concept Review:** *Goodfellows – 390 North 2000 West*. This item is a request
16 for review by Rich Hansen with K&L Dirt Company, LC. The applicant is
18 proposing to construct an addition to their existing building within the MC
20 (Mixed Commercial) zone in Lindon, which would essentially double its
22 building size. This addition would trigger architectural standards for the
24 exterior of the building in the MC zone. The addition would be a metal
structure with a portion consisting of a framed porch to match the existing
building. The applicant is looking for feedback as to possibly waiving the
architectural standard or permitting the proposed design/materials to meet the
architectural requirement.

Mr. Mataele opened the discussion by explaining this proposed concept review is
26 a request for review by the applicant, Rich Hansen, with K & L Dirt Company LLC, who
28 was in attendance to receive feedback from the Planning Commission. Mr. Mataele
noted the applicant is proposing to possibly construct an addition to the existing building
at 390 North and 2000 West, which is just south of the Fieldstone Development and East
30 of I-15. He went on to say these additions will double the structure that is currently in
existence. Mr. Mataele noted this type of addition, according to the City Code, requires
32 architectural standards to be implemented on the structure, if it goes through as a site
plan.

34 Additionally, the applicant's proposed addition would be subject to the amended
site plan requirements, if they move forward with a site plan application. Mr. Mataele
36 noted as Per Lindon City Code Section 17.17.130, the addition would require the site to
be brought into substantial compliance with all current city codes and ordinance
38 (landscaping, parking, water drainage, fencing, etc.). Mr. Mataele added that this section
allows the "Land Use Authority" or the Planning Commission, to modify, adjust, or make
40 variances to the requirements if they feel it meets the listed requirements.

Mr. Mataele further discussed these architectural standards are required in the
42 mixed commercial zone, but in the commercial zone it is not required but recommended.
Mr. Mataele added that the City sent letters out to the top 20 businesses (per tax revenue)
44 in the city to encourage businesses to stay in Lindon, and the applicant did receive one of
those letters. The applicant has noted that is part of the reason he has approached staff

2 and the Planning Commission for feedback on this issue. Mr. Mataele then showed some
3 photos of the existing structure and the proposed addition.

4 Mr. Hansen thanked the commission for the letter he received from the City and
5 appreciates the feeling of being welcome. Mr. Hansen noted they have been number one
6 in their industry for 12 of the 14 years he has been with the company. Mr. Hansen went
7 on to say they are expanding and growing, and they would like to stay here in Lindon, but
8 they need to build a cost effective building that would still look good. Mr. Hansen noted
9 they currently have 25 employees and they are hiring 8 more. He added that before they
10 invest in this project they would like feedback from the Commission to make sure their
11 investment is viable. Mr. Hansen also noted that they would like the variance on the
12 architectural standards so the addition will match the existing building.

13 Commissioner Kallas asked the applicant to explain his manufacturing process.
14 Mr. Hansen noted they buy “Bear Cone Crushers” or “Shaker Screens” and then build a
15 chassis around that as per customer specifications. They use a lot of heavy plate and
16 heavy beams. There are two (2) programmable plasma tables that can burn the plate
17 automatically, so they can cut out custom parts and build cone and screen chassis’s and
18 custom rock crushers. Commissioner Kallas inquired with the addition of the building, if
19 the model will change at all. Mr. Hansen noted with the new building they can build the
20 body here as opposed to having them shipped in, which will make the workmanship
21 better. The new building will also facilitate two (2) overhead cranes. Commissioner
22 Neuwirth asked if the applicant anticipates more noise created from the cranes and the
23 process. Mr. Hansen replied that he does not anticipate creating more noise.

24 Chairperson Call mentioned that when the building was originally built it was
25 permitted, as far as the design of the building. She also asked the applicant what kind of
26 hardship this would create on his business if the commission required him to be in
27 compliance with the architectural standards and designs of the mixed commercial zone
28 that are in place right now. Mr. Hansen replied that the cost of the building expansion
29 would increase by \$150,000, which is not really the problem; but with the equipment they
30 use at the facility, the walls of the building can get damaged and to replace masonry walls
31 would be very costly. Additionally they would like the addition to match the existing
32 building.

33 Commissioner Anderson commented that the earth tone colors of the building
34 are to their benefit as it blends in. He added that when the building was originally built it
35 was in a Light Industrial zone and the requirement at that time was 25% masonry block.
36 He went on to say a variance was issued at that time to do the straight metal building
37 because they were going to do a lot of landscaping and architectural improvements on the
38 front of the building, a lot of which did not happen. Commissioner Anderson added that
39 since Mr. Hansen has been in charge of the operation they have made some
40 improvements at the site and he has been a good neighbor. Commissioner Anderson
41 noted is not advocating that they be required to do any more than what is necessary, and
42 does not want to drive the business out of Lindon, but he feels there should be some kind
43 of trade off with landscaping requirements etc, as to at least meet the light industrial
44 standards. Commissioner Kallas inquired if the building material is the biggest concern
45 or if any of the other requirements are of specific concern. Mr. Hansen replied that it is
46 mainly the building material, and he feels the rest could be worked out. Commissioner
47 Neuwirth commented that she feels these issues could be worked through and does not

2 feel a financial hardship should be imposed for this type of business. Commissioner
3 Gunnell asked if there had been any complaints from neighbors and asked what the hours
4 of operation are and if they work a graveyard shift. Mr. Hansen noted they operate from
5 7 a.m. to 5 p.m. and he has not had any complaints.

6 Commissioner Lundberg noted that one of the reasons why the area was
7 transitioned from Light Industrial to Mixed Commercial was to try to phase out that area
8 developing as industrial; but there will always be an element of some of those industrial
9 properties mixed with the newer commercial properties, so she feels there should be some
10 flexibility on working with the applicant in finding a good compromise. Commissioner
11 Neuwirth added that she wouldn't want to see the business leave the city and the building
12 sit vacant. Commissioner Kallas stated that he feels that in many communities the
13 freeway areas are some of the more beautiful areas, and Lindon is trying to become one
14 of those communities; and if the applicant showed a willingness to improve in some of
15 these other areas they may get the concession of the building material.

16 Chairperson Call noted she feels the current metal building with the earth tone
17 colors and with the patio, landscaping and curb and gutter etc., would look nice, and in
18 her opinion it would be very difficult to require that the original building be in
19 compliance with all of the architectural designs of the new standard. She went on to say
20 that the City always wants to encourage good businesses to stay in Lindon. Mr. Hansen
21 added that they have poured over 400 yards of concrete in the back of the building due to
22 some ground contamination issues, as to be in compliance.

23 Commissioner Neuwirth commented that she would like to see the business stay
24 in Lindon and feel these issues can be worked through. Chairperson Call added that the
25 commission does have some flexibility. Commissioner Marchbanks added the leeway
26 comes from this being an existing structure that looks nice; but he would like to see the
27 applicant upgrade the landscaping which would change the look of the building. He went
28 on to say that would be enough reason for the commission to allow the building permit to
29 go to the same standard it was when the building was originally built. Commissioner
30 Marchbanks also inquired if Lindon is point of sale. Mr. Hansen confirmed that
31 statement.

32 Commissioner Kallas asked the applicant if they anticipate their sales volume to
33 be larger with the new addition. Mr. Hansen replied that overall their gross income has
34 about reached what they are going to do, but it will increase for Lindon City.

35 Chairperson Call asked if there were any other comments. She went on to say
36 that she thinks the commission has provided some input and the applicant has a good idea
37 on how the commission feels regarding this issue. Chairperson Call noted that this item
38 will not have to go to the City Council. Mr. Mataele noted staff will run this issue by the
39 City Attorney. He also asked the commission if they would entertain a possible
40 ordinance change. The Commission was in agreement that they would consider an
41 ordinance change.

42 Chairperson Call then thanked the applicant for coming and for their contributions
43 to the City. Chairperson Call asked if there were any other questions or comments.
44 Hearing none she moved on to the next agenda item.

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

4 Chairperson Call mentioned that the billboard proposal issue did not pass the
6 senate because of a time issue. Councilmember Bean was in attendance and he
8 mentioned a good article in the Deseret News regarding billboards that would be
beneficial for the commissioners to review. He also noted that billboards will be an issue
in Lindon at some point in the future.

10 **PLANNING DIRECTOR’S REPORT** –

12 Mr. Mataele reported on City Council updates as follows:

- 12 ● The Commission reviewed the Project Tracking List.
- 14 ● The street vacation of a portion of Main Street was approved by the City
Council.
- 16 ● Upcoming items: Continued Discussion with Timpview boys group
home and will come back to the Planning Commission.

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

22 **ADJOURN** –

24 COMMISSIONER NEUWIRTH MADE A MOTION TO ADJOURN THE
26 MEETING AT 8:07 P.M. COMMISSIONER MARCHBANKS SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 Approved – May 8, 2012

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Sharon Call, Chairperson

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Adam Cowie, Planning Director