The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, May 22, 2012** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

Conducting: Sharon Call, Chairperson
Invocation: Del Ray Gunnell, Commissioner
Pledge of Allegiance: Angie Neuwirth, Commissioner

**PRESENT**
Sharon Call, Chairperson
Ron Anderson, Commissioner
Del Ray Gunnell, Commissioner
Carolyn Lundberg, Commissioner
Mike Marchbanks, Commissioner
Angie Neuwirth, Commissioner
Rob Kallas, Commissioner
Mr. Cowie Cowie, Planning Director
Woodworth Mataele, Planner II
Kathryn Moosman, City Recorder

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

**APPROVAL OF MINUTES** – The minutes of the regular meeting of May 8, 2012 were reviewed.

COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF MAY 8, 2012 AS AMENDED. COMMISSIONER GUNNELL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

**PUBLIC COMMENT** –

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

**CURRENT BUSINESS** –

1. **Site Plan: Nicolson Construction Shop – 150 North Geneva Road.** This is a request by David L. Nicolson with Nicolson Construction for approval of a site plan to construct a new building on their property in the LI (Light Industrial) zone. The new structure would be used as a shop for their business. The applicant’s application includes the new structure, landscaping, parking, dust collector, etc.

Chairperson Call invited Mark Clement, with Nicolson Construction forward.

Mr. Clement was in attendance to represent the applicant, David L. Nicolson, on this
agenda item. Mr. Mataele opened the discussion by explaining this is a request for approval of a Site Plan by Nicolson Construction to construct a new 17,000 sq/ft building on their property which is located in the LI (Light Industrial) zone. Mr. Mataele stated that the existing buildings on the site have been demolished and the applicant did go through the proper procedures to obtain the required permits. Mr. Mataele noted the proposed new structure would be used as a shop for their business, which would also provide an office and warehouse space. Mr. Mataele then showed photos of the site prior to the demolition and he also showed the site plan that was submitted. He also presented color palettes and example materials submitted by the applicant that will be utilized on the building. Mr. Mataele went on to say that the applicant’s application includes the new structure, landscaping, parking and dust collector.

Mr. Mataele explained the site plan requires that the applicant provide and meet current city code requirements. These requirements include off-street parking, landscaping strip, interior landscaping, and architectural standards. He added that the applicant appears to meet the landscaping requirements per LLC 17.49.060 (3) “Landscaping Strip” and LLC 17.18.85, “Interior Landscaping Required” with the provided landscape strip and interior landscaping. Mr. Mataele stated that additionally, the applicant’s plans indicate the required off-street parking, per LLC 17.18 on their plans. Mr. Mataele further explained that the applicant has also addressed the required architectural design as called for in LLC 17.49.070. Mr. Mataele stated the applicant has proposed that the architectural design be completely applied to the front of the building where it is visible, and the remaining required treatment be applied to the remaining three sides as stucco. Mr. Mataele noted as per code, this proposed architectural design transfer requires Planning Commission approval.

Chairperson Call commented that she visited the site and it appeared they were digging a hole for the building, but that was where the old buildings had been demolished; and they are just getting ready for the new site preparation for the final approval. Mr. Clement confirmed that was where the buildings were demolished; he added that he did obtain the proper permits for the demolition. Chairperson Call also pointed out that the architectural treatment could be transferred to the front of the building instead of all 4 sides, which only made up 19% and that is the reason they are putting the 2 ft. on the other sides to make up the 25%, because it wasn’t quite enough. Commissioner Lundberg commented that the stucco finish will look nicer than just a concrete foundation.

Mr. Clement commented that their company is an exterior finishing contractor; they also carry a general contractor license, but noted their primary business is efface, stucco and plaster, so the building will look really nice. Chairperson Call asked how they will be landscaping. Mr. Clement stated they will be hiring a professional landscaper. Commissioner Anderson inquired if they own both of the separate lots. Mr. Clement confirmed they own both of the lots. Commissioner Neuwirth asked if they plan on continuing to have access between the two lots. Mr. Clement confirmed they will have access between the two lots. Commissioner Lundberg inquired if this site plan will trigger curb and gutter improvements. Mr. Cowie noted the road is unique, and not a public road and they are working on an easement; so street improvements are not required at this time. Mr. Clement added if the city takes over the road they are willing to put in the improvements.
Commissioner Kallas asked if the power is on at the lot and if it will be required to be buried. Mr. Clement replied that there is an easement from Rocky Mountain Power and there are no obstructions; there is currently temporary power at the site. He also confirmed the power will be underground. Commissioner Neuwirth asked if they are putting the stucco all around the building and if they would be willing to put it to the side that faces Geneva Road. Mr. Clement replied that he did not have a problem with that and reiterated that they will make the building aesthetically appealing. Commissioner Anderson asked when they remove the fencing if they will also remove the fence on Geneva Road. Mr. Clement replied they will not remove the fence on Geneva Road. He added the only place it will be opened up will be around the parking lot. Commissioner Lundberg asked what their plan for roof water is with the increased size of the building, (about 17,000 sq/ft.) Mr. Clement replied the building has about 2,600 sq/ft in office space, and about 14,000 in the warehouse; he added the mass water will meet the 100 year flood requirements in the structure. Mr. Cowie stated the storm water issues have been addressed with the City Engineer as part of the application process. Commissioner Kallas asked for clarification on the power and if the code requires that the power from the pole be buried. Mr. Cowie replied if the source is from an overhead line the code does not require it to be buried. The requirement would be the same as a residential home and the code does limit new overhead lines. Commissioner Anderson commented that this will be a big improvement at the site.

Chairperson Call asked if there were any additional questions. Hearing none she called for a motion. She noted a recommendation of approval does not need to go to the City Council.

COMMISSIONER ANDERSON MOVED TO APPROVE THE NICOLSON CONSTRUCTION SITE PLAN WITH THE CONDITION THAT THE ARCHITECTURAL DESIGNS BE MET BY TRANSFERRING A REQUIRED PORTION TO THE FRONT OF THE BUILDING WITH THE REMAINDER MAKING THE 25% TO GO AROUND THE REST OF THE BUILDING. COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

2. **Conditional Use Permit:** *Wasatch Ornamental Iron – 350 North Geneva Road.* This is a request by Melvin Radmall with Wasatch Ornamental Iron for approval of a conditional use permit to operate a steel fabrication business in the LI (Light Industrial) zone. The Lindon City Standard Land Use Table requires this type of operation to acquire a C.U.P to operate within the LI zone.
Chairperson Call invited the applicant, Melvin Radmall forward. Mr. Mataele opened the discussion by explaining this is a request by Melvin Radmall with Wasatch Ornamental Iron for approval of a conditional use permit to operate a steel fabrication business in the LI (Light Industrial) zone. The proposed site was formally known as the “BL Steel Property”, but has sat vacant for many years and has lost its legal non-conforming use. Mr. Mataele noted the Lindon City Standard Land Use Table requires this type of operation to acquire a C.U.P. to operate within the LI zone.

Mr. Mataele explained the proposed land use is for welding and fabrication of metals to be used for building materials through methods of cutting, bending, and assembling. Mr. Mataele further explained that the proposed business is anticipated to operate primarily from 6 a.m. to 6 p.m. with the occasional twenty four (24) hour operation to meet demands. He went on to say there will be a total of 17-20 employees working at this location. Mr. Mataele added that the applicant feels that there will be no additional increase of traffic, lighting, noise, odors or pollution generated by this proposed use. Additionally, there will be no discharge into the city sewer system by Wasatch Ornamental Iron. Mr. Mataele then showed some aerial photos of the business and the site area and indicated there is a city park behind the property.

Mr. Mataele then suggested the following items be included as conditions (per the building official).

1. Include fire and building inspections of existing buildings.
2. Mobile office not be used until it is brought into compliance with all building codes.

Commissioner Kallas asked what the current condition of the building is and if it is sitting on axels. Commissioner Marchbanks commented the building is a module and is not on a foundation. Mr. Cowie noted that the Chief Building Official, Phil Brown, has concerns about the safety of the building as it has not been used for 3 years. Mr. Radmall stated he is in the process of purchasing the property. Commissioner Gunnell asked if they are planning on bringing all of their operation to Lindon. Mr. Radmall confirmed they will be relocating all of the operation from Pleasant Grove to Lindon; he added he would also like to be able to use the office building. Chairperson Call asked if the inspection would include the metal building also. Mr. Cowie confirmed that it would include the metal building also. Commissioner Neuwirth asked if a business license would trigger the inspection. Mr. Cowie confirmed that statement. Mr. Cowie advised the Commission that they can impose any conditions they feel are important or necessary for approval on this Conditional Use Permit. Mr. Cowie noted the applicant’s request is to use the building “as is” for their fabrication business. He commented that usually a conditional use permit does not trigger site improvements. Commissioner Anderson stated if the applicant is going to use the office building they should make it permanent, and that may trigger landscaping requirements to be required in front of the office itself.

Commissioner Lundberg asked the applicant if he plans on subletting the office space. Mr. Radmall stated they will not sublet the office. She also asked if this will be a wholesale operation or if they will have retail customers. Mr. Radmall replied that their business deals with construction companies (mostly wholesale). He added they are looking for more space for the business. Commissioner Lundberg asked if the extra land will be used for vehicles or will it be left vacant until future expansion. Mr. Radmall
stated they will use the vacant space primarily for outdoor storage with the opportunity to expand. Mr. Radmall noted if they expand the first expansion will be the offices. Commissioner Kallas inquired if there is a fence between the property and the park. Mr. Cowie replied that there is a field fence in place. Mr. Cowie then read the performance standards for a conditional use from the code to the commissioners. Commissioner Kallas asked if the fabricating will be done indoors. Mr. Radmall confirmed that all of the fabrication will be done indoors. There was then some general discussion between the commissioners, Mr. Radmall and Mr. Cowie regarding this issue.

Chairperson Call voiced her concerns regarding the office being a temporary building and also the issue of the safety and fire inspections of building. She also mentioned her concern of the fence on one side of the ballpark and feels it may need a buffer. Chairperson Call suggested that the Commission may continue the item as to obtain the inspections, or issue a conditional use permit with conditions. Mr. Cowie noted if the applicant wants to use the office building as a permanent building, as being proposed, would the commission want to impose conditions. Chairperson Call observed, after discussion between the Commissioners, the possible conditions as follows:

1. Required Fire and Building Inspections, to obtain occupancy on both buildings.
2. A two (2) year time frame to meet the architectural design on the office building, including the landscaping requirements, or remove the existing building and build a new structure; also the requirement of a 6 ft. chain link fence.

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


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

THE MOTION CARRIED UNANIMOUSLY.

3. **Public Hearing:** Zone Creation: LLC 17.48 – Commercial Zones (CG-A, CG-A6, & CG-A8). This is a city initiated item to look into possible zone
changes/creation to permit a limited amount of used auto sales within specific locations of the current CG (General Commercial) zone. Currently, the Lindon Standard Land Use table does not permit this type of land use within the CG zone. This item would review the creation of a possible new zone to accommodate this use as well as possible changes in height limits within specific areas of the City. Recommendations from the Planning Commission will be made to the City Council for final approval.

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

Adam Cowie, Planning Director, opened the discussion by explaining this item was previously discussed at the last meeting to review some ideas on the creation of a possible zone creation. Mr. Cowie further explained that one issue that was previously brought up was the consideration of the increase in lot size, which would be easy to do, but needs more discussion. Mr. Cowie noted what will be discussed and reviewed in this public hearing is creating new commercial zones along State Street and 700 North. Mr. Cowie then showed the map indicating the four (4) areas (as a CGA) on the map. Mr. Cowie explained in a subsequent meeting they would bring back the Standard Land Use Table where they will actually add in these zones. He noted the only change in those areas would be used auto sales that would be permitted instead of prohibited. Mr. Cowie went on to say there was some discussion in the last meeting on 700 North. He added staff will be suggesting recommendations and they are asking for feedback from the commission.

Mr. Cowie stated they are looking at CG-A6 and possibly a height increase to a 60 ft. height limit. He further stated that the CG-A8 would be the change in used auto sales and would allow up to an 80 ft. height limit. Mr. Cowie mentioned that Pleasant Grove had a proposal from Embassy Hotels, which was originally 13 stories and is now down to 10 stories. American Fork who technically borders Lindon also does not have a height limit. Mr. Cowie further noted that Orem City and along 1600 North the height limit is 90 feet high. Mr. Cowie commented on the 80 ft issue, and mentioned something that was looked at in the past was the Harley Davidson water tower, which was 65 ft. high, and from the freeway level the additional height would be a benefit for the businesses. He added that in other areas there is no change in height and it will stay at 48 ft. There was then some general discussion between Mr. Cowie and the Commission on building heights, lot sizes and setbacks.

Commissioner Kallas stated that 700 North is going to be one of the major entrances to the city and it would be good to have some really nice development there (University Parkway type of image) rather than a lot of little things. Chairperson Call asked if there was any objection to the zone creation, with the new commercial zones, and mapped out areas. Mr. Cowie stated what staff did essentially was strike out parts of page 2 and added a table that has listed the items. Chairperson Call pointed out that all that is presented tonight is the creation of the new zones and the mapped areas. Commissioner Kallas suggested checking with the Tree Board to say that trees shall be planted every 30 ft. on center, which is old school and groupings are much more
desirable than every 20 or 30 ft. Mr. Cowie stated they could check with the Tree Board regarding that issue. There was then some discussion on the 2 rail vinyl fencing on 700 North and whether to strike it from the ordinance or not. Mr. Cowie inquired, for future reference, if the fencing should be taken out. The majority of the commissioners were in agreement to strike the two rail white vinyl fencing requirement from the ordinance. There was then some general discussion on allowing additional used auto sales on State Street and 700 North.

Mr. Cowie confirmed the following items agreed on by the commission:

1. 80 ft. height limit on the West side of freeway.
2. 60 ft. height limit along 700 North.
3. No change on lot size and extend to Pleasant Grove on 700 North.
4. Strike #2 on section 17.

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

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE CITY INITIATED ZONE CHANGE CREATING THE NEW COMMERCIAL ZONES AS LISTED IN THE PROPOSAL WITH THE CHANGES THAT HAVE BEEN DISCUSSED AND RECOMMENDED BETWEEN STAFF AND THE PLANNING COMMISSION WITH THE CLARIFICATION ON THE MOTION THAT ALL REFERENCE TO THE TWO RAIL VINYL FENCING REQUIREMENT BE STRICKEN FROM THE ORDINANCE. COMMISSIONER NEUWIRTH SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

4. **Public Hearing:** *Ordinance Amendment: LCC 17.50.070 – Mixed Commercial.* This is a city initiated item to look into possible ordinance amendment to the Lindon City Code Section 17.50 – Mixed Commercial. These proposed changes would clarify the current language and address the architectural requirements within the MC zone. Recommendations from the Planning Commission will be made to the City Council for final approval.

Adam Cowie, Planning Director opened the discussion by stating this item has been previously discussed and is pretty straightforward. He explained what had been discussed by the commission in the mixed commercial zone was striking out that the metal buildings were prohibited and added in to reference the commercial design guidelines, but also give the Planning Commission the flexibility to give approval outside of the manual, or as otherwise approved by the Planning Commission. Chairperson Call
asked if there were any questions or public comment. Hearing none she called for a motion.

COMMISSIONER NEUWIRTH MOVED TO APPROVE THE ORDINANCE AMENDMENT LCC 17.50.070 MIXED COMMERCIAL AND RECOMMEND APPROVAL TO THE CITY COUNCIL. COMMISSIONER LUNDBERG SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL AYE
COMMISSIONER KALLAS AYE
COMMISSIONER LUNDBERG AYE
COMMISSIONER LUNDBERG AYE
COMMISSIONER MARCHBANKS AYE
COMMISSIONER GUNNELL AYE
COMMISSIONER NEUWIRTH AYE
THE MOTION CARRIED UNANIMOUSLY.

COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING. COMMISSIONER GUNNELL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

5. Work Session: LCC Title 6 – Animal Ordinance. This is a work session to discuss amendments to the LCC Chapter 6 – Animal Ordinance. This discussion would help tighten up the current language within this ordinance and review the current allotted amounts of animals permitted within the specific lots sizes in Lindon. There will be no motion made, purely a work session to discuss this ordinance section.

Adam Cowie, Planning Director, opened the work session by explaining this is intended to be a discussion item with no official motions required. He noted this is a big ordinance to review and there is a lot of clarification that could be made to the ordinance.

Mr. Cowie explained that there have been a few complaints about a specific issue with some cows on a piece of property in a residential neighborhood. Mr. Cowie noted this issue triggered the discussion of perhaps clarifying or adding changes to the numbers of animals, sizes etc. in the ordinance. Mr. Cowie then provided a memo regarding this issue to the commission, of which a similar memo was provided to the City Council. He then reviewed some of the items that may need to be addressed. Mr. Cowie noted there are certain definitions that may need to be added or clarified as follows: immature animals vs. mature animal, continuous vs. temporary, and cow vs. steer, exotic animals, beekeeping and aviary’s.

Mr. Cowie stated staff will also be looking at reformatting some sections of the code. Mr. Cowie then provided a handout of a reference table to the commission. He then referenced the table and noted something like the table is what he anticipates they will try to do as far as defining the number of animals. He added the way the code is currently written is very confusing and difficult to follow. Mr. Cowie stated the objective is to make the code more readable by adding tables or figures as needed. He added there is a lot of ambiguous and subjective sections and his goal, as administrator of the code, is to make it as objective as possible. Mr. Cowie noted things that are difficult to enforce
are smells and odors. He went on to say the code currently requires conditional uses on some animals and needs to be reviewed. Mr. Cowie further noted that the quantity of animals and corral size is an issue that has been discussed with the city council and may be something to review. Mr. Cowie stated that the code should be as objective as possible. He added there have been a small amount of complaints on animals comparatively. Mr. Cowie noted the issue of rooster noise comes up quite a lot and should be looked at. He added the clarification of the allowance of exotic and wild animals should also be reviewed. Mr. Cowie also mentioned the noise ordinance issue with animals. He noted that the police enforce between the hours of 7 a.m. to 10 p.m. and he suggested adding specific times for the noise ordinance if there is a nuisance or problem and this discussion needs to occur. Mr. Cowie reiterated opinions of the commission are needed and there is not a rush as this is a big issue and this is a large ordinance to cover. He added the intent is to bring a draft with some of the changes and recommendations back to the City Council. He noted he would like feedback on the number of animals allowed per lot size and see if they are appropriate. Mr. Cowie then reviewed the reference table and there was some general discussion between the commission and Mr. Cowie regarding the table and the animal ordinance.

In summary, Mr. Cowie directed the commission to consider the number of animals allowed after discussion on the table. He also suggested taking the information given tonight and to drive around town and look at the large animals in the different areas of the city and come back to the next meeting with feedback. He reiterated that almost all of these issues are entirely complaint based, except for the issues of noise, smells, odors and flies on large animals. Mr. Cowie noted they will plan to continue the public hearing at the next meeting.

Chairperson Call asked if there were any further comments. Hearing none she moved on to the next agenda item.

NEW BUSINESS – Reports by Commissioners.

Chairperson Call called for any new business or reports from the Commissioners. Chairperson Call confirmed that the Memorial Day celebration will be held at 9:00 a.m. on Monday, May 28th at the Lindon cemetery. She also asked about pool passes being made available for the commissioners. Mr. Cowie stated that he will check with Heath Bateman on this issue.

Chairperson Call asked if there were any other new business or discussion. Being none she moved on to the next agenda item.

PLANNING DIRECTOR’S REPORT –

Mr. Cowie reported on City Council updates as follows:

- The Commission reviewed the Project Tracking List.
- Upcoming items:
  1. Continued Discussion with Timpview boy’s group/waiting on items from the City Attorney.
Chairperson Call asked if there were any other comments or discussion. Being none she called for a motion to adjourn.

**ADJOURN** –

COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE MEETING AT 10:55 P.M. COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – June 12, 2012

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Sharon Call, Chairperson

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Adam Cowie, Planning Director