

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **June 12, 2018 beginning at 7:00 p.m.** at the Lindon City Center, City Council  
4 Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 7:00 P.M.**

8 Conducting: Sharon Call, Chairperson  
9 Invocation: Steve Johnson, Commissioner  
10 Pledge of Allegiance: Mike Vanchiere, Commissioner

12 **PRESENT** **EXCUSED**

13 Sharon Call, Chairperson  
14 Rob Kallas, Commissioner  
15 Mike Marchbanks, Commissioner  
16 Charlie Keller, Commissioner  
17 Steven Johnson, Commissioner  
18 Mike Vanchiere, Commissioner  
19 Hugh Van Wagenen, Planning Director  
20 Brandon Snyder, Associate Planner  
21 Kathy Moosman, Recorder

22

23 1. **CALL TO ORDER** – The meeting was called to order at 7:00 p.m.

24

25 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the  
26 Planning Commission meeting of April 24, 2018 were reviewed.

28 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES  
29 OF THE REGULAR MEETING OF APRIL 24, 2018 AS PRESENTED.  
30 COMMISSIONER KELLER SECONDED THE MOTION. ALL PRESENT VOTED IN  
31 FAVOR. THE MOTION CARRIED.

32

33 3. **PUBLIC COMMENT** – Chairperson Call called for comments from any  
34 audience member who wished to address any issue not listed as an agenda item.  
35 There were no public comments.

36

37 **CURRENT BUSINESS** –

38

39 4. **Discussion Item — Lindon City General Plan, Streets and Transportation.**  
40 Noah Gordon, Lindon City Engineer, and Hugh Van Wagenen, Lindon City  
41 Planning & Economic Development Director, will review the Streets and  
42 Transportation section with the Planning Commission. This is an informative  
43 discussion item only. No motions will be made.

44

45 Noah Gordon, Lindon City Engineer, and Hugh Van Wagenen, Lindon City  
46 Planning & Economic Development Director, were in attendance to review the Streets  
and Transportation section of the General Plan with the Planning Commission.

2 Mr. Gordon began by explaining the Streets and Transportation section of the  
Lindon City General Plan (Transportation Plan) is designed to provide the goals and  
4 guidelines necessary for the planning of safe and efficient movement of people and goods  
in the City. He noted transportation policies impact current and future land use and  
6 transportation planning. Mr. Gordon pointed out through implementation of the Lindon  
City Street Master Plan Map, the Alternative Transportation Master Plan Map and  
8 applicable capital facilities plans, the City can ensure comprehensive and coordinated  
transportation planning efforts.

10 Mr. Gordon stated the primary purpose of the transportation plan is to balance  
future demands generated by the Land Use element with future roadway improvements,  
12 thereby developing a long-range transportation system plan which would efficiently  
support future land development. Mr. Gordon commented the Goals of the Transportation  
14 Plan are a balanced circulation system, safe and efficient movement of vehicles and  
pedestrians, reinforce land development patterns and City priorities, and enhance regional  
16 circulation facilities (coordination with UDOT and MAG). Mr. Gordon also noted the  
alternative modes of transportation are mass transit, transit nodes and bicycle routes.

18 Mr. Gordon indicated we can use this information to secure right-of-way, help  
determine impact of outlying development on existing streets and for the long-range  
20 financial impact and search for funding sources (Gas tax, TUF, etc.). He noted to  
remember to use it as a planning tool but added most actual improvements will be tied to  
22 future growth. And to also remember that transportation needs are based on build-out  
conditions of the land use map, so if the land use changes these may not be all the needs  
24 in the future and the only constant is change. Mr. Gordon then referenced recent activities  
including the Geneva Road / 200 South Intersection and the Lindon Heritage Trail.

26 Mr. Gordon went on to say the recommendations in this plan represent street  
capital improvements that could ultimately be needed if Lindon's entire planning area is  
28 fully developed according to the General Plan Land Use Map. He pointed out it is  
important to emphasize that the results do not necessarily suggest all needs in the next  
30 five, ten, or even twenty years. He noted also inherent in a long-range projection is the  
potential for variation due to unforeseen economic, political, social, and technological  
32 changes.

Following the presentation, Chairperson Call thanked Mr. Gordon for the valuable  
34 information. She called for any comments or discussion from the Commission. Hearing  
none she moved on to the next agenda item.

- 36
- 38 **5. Plat Amendment — Kirkland Estates Subdivision, Plat P, 1124 E. 20 S.** Lee  
Chestnut requests plat amendment approval of the proposed seven (7) lot  
Kirkland Estates Subdivision, Plat P (Including a vacation of lot 52 of Plat M, lots  
40 50-51 of Plat K, and lots 46-49 of Plat L, in the Kirkland Estates Subdivision.)  
The proposed plat amendment will add additional acreage to the rear of the  
42 existing lots. The subject properties are located at approximately 1124 E. 20 S. –  
Lindon in the Single-Family Residential (R1-12) zone.

44

46 Brandon Snyder, Associate Planner, led this discussion by stating Chad  
Herrington is in attendance representing the applicant for this item. He then gave some  
background of this item noting the proposed plat amendment creates a seven (7) lot  
48 subdivision by way of amending/vacating lot 52 of Plat M, lots 50-51 of Plat K, and lots

2 46-49 of Plat L, in the Kirkland Estates Subdivision. He noted the proposed plat  
4 amendment will add additional acreage to the rear of the existing lots and is not creating  
any new lots.

6 Mr. Snyder then went over the lot requirements noting the minimum lot size in  
the R1-12 zone is 12,000 sq. ft. (lots range from 15,800 to 30,200 sq. ft.). The minimum  
8 lot frontage requirement is 50 feet (measured along public street) and all lots comply.  
And the minimum lot width is 100 feet (measured at front yard setback) and all lots  
10 comply. He noted the City Engineer is currently addressing engineering standards and all  
engineering issues will be resolved before final plat approval is granted. He added the  
12 applicant is also addressing the water standards. Mr. Snyder then referenced the proposed  
subdivision and an aerial photo of the existing property lines followed by discussion. Mr.  
14 Snyder stated this is a pretty straightforward proposal and staff has no concerns or issues.  
He then turned the time over to the Mr. Herrington for comment.

16 Mr. Herrington gave a brief history of the property explaining the subdivision was  
created in 1992 noting there was recording errors with three strips that was part of the  
18 problem in this taking so long to rectify the recording issues with quit claim deeds etc. He  
noted it will be good to have all neighbors split it up evenly and to own it legally.

20 Nancy Madsen and Lee Wilkerson were in the audience and commented their  
property borders the property in question stating they will follow this issue and the  
22 impact it may have to their property. Bruce Cormack stated his property also borders the  
property in question. He asked for the property dimensions. Mr. Herrington gave the  
24 dimensions stating it is approximately 35 ft.

26 Commissioner Kallas suggested to include in the motion a condition stating if  
there are any overlapping structures when divided the lines will need to be redrawn to  
28 comply with the setbacks.

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

30 COMMISSIONER KELLER MOVED TO APPROVE THE APPLICANT'S  
REQUEST FOR APPROVAL OF A SEVEN (7) LOT SUBDIVISION TO BE KNOWN  
32 AS KIRKLAND ESTATES SUBDIVISION, PLAT P WITH THE CONDITION THAT  
WHEN SURVEYED ALL EXISTING STRUCTURES MUST MEET THE CURRENT  
34 CITY SETBACKS AND CODES AND IF THEY NEED TO ADJUST THE  
PROPERTY LINES SO IT MEETS CITY CODE IT SHOULD BE DONE AT THAT  
36 TIME. COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE  
VOTE WAS RECORDED AS FOLLOWS:

38 CHAIRPERSON CALL AYE  
COMMISSIONER MARCHBANKS AYE  
40 COMMISSIONER KALLAS AYE  
COMMISSIONER KELLER AYE  
42 COMMISSIONER JOHNSON AYE  
COMMISSIONER VANCHIERE AYE  
44 THE MOTION CARRIED UNANIMOUSLY.

46 6. **Public Hearing — Ordinance Amendment, Lindon City Code Title 17**  
**Zoning.** Lani Podzikowski requests approval of an amendment to Lindon City  
48 Code Title 17 Zoning, to adopt a Residential Business District Overlay zone.

2 Recommendations will be forwarded to the City Council for final approval.  
3 (Pending Ordinance 2018-7-O).

4

5 COMMISSIONER VANCHIERE MOVED TO OPEN THE PUBLIC  
6 HEARING. COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL  
7 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

8

9 Hugh Van Wagenen, Planning Director, opened this agenda item by stating  
10 Krishelle Travis is in attendance representing the applicant. He explained this is a request  
11 for a new section of code to be added to Title 17 called Residential Business Overlay  
12 (RBO) zone. He indicated this ordinance would give greater allowances than current  
13 home occupation standards in regards to parking, hours of operation, and clients. Unlike  
14 the home occupation ordinance, however, only certain properties will be eligible for the  
15 overlay based on frontage, size, and proximity to collector roads and commercial zones.  
16 Additionally, any property desiring to use the RBO zone would need to apply for a Zone  
17 Map change to apply the overlay to a specific property. He pointed out although this  
18 request only deals with the zoning text and not the zoning map, it is important to  
19 understand why the applicant is making the request and how it pertains to her property.

20 Mr. Van Wagenen then gave a brief history noting in 2016, the applicant, Ms.  
21 Podzikowski purchased the property on the corner of Main Street and 200 South (172  
22 South Main). He noted at that time the property had an old home on it and the property  
23 was split zoned with a small corner being residential and the majority commercial. With  
24 plans to build a new home and operate her existing dance company from the home, Ms.  
25 Podzikowski felt at the time the property was a good fit with its proximity to commercial  
26 operations and businesses and also adjacent to Orem City.

27 Mr. Van Wagenen further explained that Ms. Podzikowski was able to demolish  
28 the old home and build a new home under City ordinances in addition to the small corner  
29 of the property being residential. He noted at that time, new construction of a home after  
30 demolition of an existing home did not require any public improvements. Upon  
31 completion of the home, Ms. Podzikowski obtained a home occupation license and began  
32 operating her dance company. Not long after operations began, City Staff was confronted  
33 to the number of students and staff was beyond the home occupation allowances. After  
34 many discussions with City Staff on potential solutions to the situation, Ms. Podzikowski  
35 decided to apply for a new ordinance; the draft is before the Commission tonight. He then  
36 turned the time over to Ms. Travis for comment.

37 Ms. Travis explained her children attend Ms. Podzikowski's dance school and  
38 she is a land developer for DR Horton and volunteered her services to assist Ms.  
39 Podzikowski as she has a vested interest. Ms. Travis stated the home was built to comply  
40 with residential standards, not commercial standards, so they have been working with the  
41 Building Department to draft a list of items that need to be corrected to bring it into  
42 compliance with commercial operation standards or for the occupancy dedicated within  
43 the building once the zone is overlaid. She noted Ms. Podzikowski's is prepared to make  
44 these changes once the overlay is in place.

45 Mr. Van Wagenen went on to say the creation of a new zoning ordinance is  
46 always met conservatively due to unintended consequences, so to alleviate the concern  
47 about proliferation of this zone, the parameters for property to be eligible are included in  
48 the following text:

- 2 1. *Site requirements for zone eligibility:*  
3 a) *Property must have a minimum of fifty (50) feet of street frontage along a major*  
4 *collector road as identified by the Lindon City Street Master Plan Map.*  
5 b) *Property must be a minimum of 30,000 square feet.*  
6 c) *Property must be adjacent to or across the street from a non-residential zone or*  
7 *within a non-residential zone.*

8

9 Mr. Van Wagenen then referenced the map showing which properties within the  
10 City would be eligible to apply the zone. He indicated that even with eligibility  
11 established, an applicant would need approval from the City before the overlay would be  
12 in place. He then referenced the highlights of the ordinance as follows:

- 13 1. Public improvement requirements can be waived by the City Council.  
14 2. All building and fire codes must be met based on desired occupancy (this can  
15 require significant upgrades if using a residence for certain commercial purposes).  
16 3. Business owner must live on-site as primary resident

17 Permitted Uses are:

- 18 a) Barbers, cosmetologists, manicurists.  
19 b) Culinary, Bakery, Food Preparation.  
20 c) Consultant or Professional Services with additional employees or contractors.  
21 d) Contractor, “handyperson”, and landscape or yard maintenance contractor;  
22 subject to the special conditions that no construction materials or equipment  
23 will be stored on the premises outside of an approved structure.  
24 e) Pre-School  
25 f) Home instruction including, but not limited to, in-home lessons such as:  
26 musical instruments, voice, dance, acting, graphic arts, art, and educational  
27 subjects, swimming, tennis, and other athletic instruction.  
28 g) Other permitted uses include any land use permissions in the underlying zone.  
29 4. Rear Yard Setbacks are 20 feet to residential zones and 10 feet to non-residential  
30 zones.  
31 5. Minimum of eight feet of landscaping is required adjacent to public rights of way.  
32 6. Operating hours are from 7:30 am to 9:00 pm.  
33 7. Ten patrons are allowed per hour for most businesses with preschool and home  
34 instruction patrons allowed based on occupancy of the structure as determined by  
35 building and fire code.  
36 8. Up to five employees not residing on the property are allowed.  
37 9. Off-street parking requirements are based on type of use  
38 10. Only one permanent sign allowed with parameters for temporary signs

39 Mr. Van Wagenen then referenced for the Ordinance 2018-8-O Residential  
40 Business Overlay Zone draft, the Map of properties that meet parameters to request the  
41 overlay and the Current Zoning Map of 172 South Main followed by some general  
42 discussion.

43 Ms. Travis stated they are proposing that this ordinance change will function for  
44 other locations also and this is a major home occupation which the city lacks and the  
45 trend is for a need for something like this. They would like it to be a tool for others to  
46 use also and for it to work on a broad forum; to look and act like residential but with a  
47 higher use. She pointed out that financially it is not a commercial business which is also a  
48

2 consideration. She noted that they looked at several other city's that have major home  
occupations and she feels the city can feel good about this change. She noted Ms.  
4 Podzikowski believes she was open and honest when purchasing this property and it was  
sold to her as a commercial lot. She noted Ms. Podzikowski was not aware until after  
6 purchase that it had a residential component.

8 Commissioner Kallas commented that it seems awkward to have to create a new  
zone for one person. He feels we don't want home-based businesses that create parking  
and traffic issues. Chairperson Call commented this would be a city-wide ordinance but  
10 this ordinance is written so only 10 patrons per hour can be there so she doesn't see how  
this fits the requested need. Ms. Travis stated there are exceptions for studios and  
12 preschools that have a higher demand based on occupancy; she also staggers her classes  
and it is more of a drop off and pick up situation. Chairperson Call also asked how the  
14 traffic would be monitored. Mr. Van Wagenen stated visually and from information from  
the operator. Commissioner Vanchiere asked about the surface parking as to not generate  
16 dust etc. Mr. Van Wagenen stated staff will monitor the parking issues also.

18 There was then some general discussion regarding the parking lot (roadbase),  
traffic, etc. Ms. Travis pointed out that Ms. Podzikowski is doing all she can and is more  
than willing and prepared to make the required changes and improvements to the  
20 property. Commissioner Marchbanks pointed out that Ms. Podzikowski didn't do  
anything that she wasn't supposed to do at the time.

22 Following some additional discussion Chairperson Call asked if there were any  
public comments. Hearing none she called for a motion to close the public hearing.  
24

26 COMMISSIONER VANCHIERE MOVED TO CLOSE THE PUBLIC  
HEARING. COMMISSIONER JOHNSON SECONDED THE MOTION. ALL  
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28  
30 Commissioner Kallas commented that he would like to see more restrictive  
wording in the ordinance with respect to other parcels within the city. Commissioner  
Johnson expressed that waiving actual city improvements causes him some concerns.

32 Commissioner Marchbanks commented that the tools are here to approve or deny  
so in the future when anyone applies for an overlay zone the City Council will make the  
34 final decision. Chairperson Call stated she has concerns with a case by case review and  
decision on the improvements and that it is very flexible. She also expressed her thoughts  
36 on requiring curb and gutter. Chairperson Call pointed out that recommendations from  
the Planning Commission will be forwarded on to the City Council.

38 Mr. Van Wagenen stated he will talk with the City Attorney regarding some of  
these concerns and bring it back before the Commission. He then directed the  
40 Commission to continue the item for further discussion.

42 Chairperson Call asked if there were any further comments or discussion.  
Hearing none she called for a motion.

44 COMMISSIONER KALLAS MOVED TO CONTINUE THE APPLICANTS  
REQUEST IN ORDER TO GATHER FURTHER INPUT FROM THE CITY  
46 ATTORNEY. COMMISSIONER MARCHBANKS SECONDED THE MOTION.  
THE VOTE WAS RECORDED AS FOLLOWS:  
48 CHAIRPERSON CALL AYE

2 COMMISSIONER MARCHBANKS AYE  
COMMISSIONER KALLAS AYE  
4 COMMISSIONER KELLER AYE  
COMMISSIONER JOHNSON AYE  
6 COMMISSIONER VANCHIERE AYE  
THE MOTION CARRIED UNANIMOUSLY.

8

7. **Plat Amendment — Murdock Cars of Lindon Subdivision, Plat C, 530 S.**

10 **Lindon Parkway.** Kevin Hunt, Murdock Auto Group, requests plat amendment  
approval of the proposed one (1) lot Murdock Cars of Lindon Subdivision, Plat C.  
12 The proposal will vacate and combine lots 201 and 202 of the Murdock Cars of  
Lindon Subdivision, Plat B The subject property is located at 530 South Lindon  
14 Parkway - Lindon in the Planned Commercial (PC-1 and PC-2) zones.

16 Mr. Snyder stated Kevin Hunt representing the Murdock Auto Group is in  
attendance for this agenda item. Mr. Snyder explained the proposed plat amendment will  
18 combine two lots to create a one (1) lot subdivision and will not create any new lots; the  
previous plat was recorded in December of 2015. He noted this application follows the  
20 recent change to the Lindon City Standard Land Use Table that permits vehicle service  
centers in conjunction with a new vehicle dealership (Lot #202 is currently in the PC-1  
22 zone with Lot #201 being currently in the PC-2 zone).

Mr. Snyder further explained Lindon City Code (LCC) 17.33.040(1)(e), requires  
24 that “*the plat amendment will not result in a property that is in more than one zone (split  
zoning), unless that property was already in more than one zone.*” He pointed out the  
26 requested condition is listed in the staff packet to address this code requirement. He noted  
with input from the Planning Commission, staff can begin the process to address the  
28 conditions. There was then some discussion regarding the listed conditions as follows: 1.  
prior to the plat being recorded that the parent parcels be rezoned to the same zoning  
30 designation or that the zoning text (city code) be amended doing away with the split  
zoning prohibition and 2. verify the address.

32 Mr. Snyder explained the minimum lot size in both the PC-1 and PC-2 zones is 1  
acre (lot is 9.29 acres). He also explained the differences between PC-1 (new dealerships  
34 but not used) and PC-2 (conditional use permit) and primary and secondary uses. He  
noted the City Engineer is currently addressing engineering standards and all engineering  
36 issues will be resolved before final plat approval is granted. Mr. Snyder then referenced  
the proposed subdivision and an aerial photo of the existing property lines followed by  
38 discussion.

Mr. Snyder then turned the time over to the applicant for comment. Mr. Hunt  
40 stated at one time the PC-2 area was the Miller Used Car Facility and was purchased and  
rebranded to Hyundai. Their shop is overwhelmed and the plan is to make the Mercedes  
42 store a customer service center. There is also a prospect that Hyundai Equus will be a  
break off line and they are potentially preparing for the future if that takes place.

44 Chairperson Call asked if there were any further comments or discussion.  
Hearing none she called for a motion.

46

COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANTS  
48 REQUEST FOR APPROVAL OF A ONE (1) LOT SUBDIVISION, TO BE KNOWN

2 AS THE MURDOCK CARS OF LINDON SUBDIVISION, PLAT C, WITH THE  
4 FOLLOWING CONDITIONS (IF ANY): 1. PRIOR TO THE PLAT BEING  
6 RECORDED THAT THE PARENT PARCELS BE REZONED TO THE SAME  
8 ZONING DESIGNATION OR THAT THE ZONING TEXT (CITY CODE) BE  
10 AMENDED DOING AWAY WITH THE SPLIT ZONING PROHIBITION, AND 2.  
12 VERIFY THE ADDRESS. COMMISSIONER MARCHBANKS SECONDED THE  
14 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL AYE

10 COMMISSIONER MARCHBANKS AYE

COMMISSIONER KALLAS AYE

12 COMMISSIONER KELLER AYE

COMMISSIONER JOHNSON AYE

14 COMMISSIONER VANCHIERE AYE

THE MOTION CARRIED UNANIMOUSLY.

16  
18 **8. Public Hearing — Ordinance Amendment, Lindon City Standard Land Use**

**Table.** Jacob McHargue, Vineyard City, requests approval of an amendment to  
20 the Lindon City Standard Land Use Table to allow overhead power poles/lines  
(less than 35K) to be permitted west of the commuter railroad tracks.

22 Recommendations will be forwarded to the City Council for final approval.  
(Pending Ordinance 2018-8-O).

24 COMMISSIONER VANCHIERE MOVED TO OPEN THE PUBLIC  
HEARING. COMMISSIONER KELLER SECONDED THE MOTION. ALL PRESENT  
26 VOTED IN FAVOR. THE MOTION CARRIED.

28 Mr. Van Wagenen stated Chris Wilson, Assistant City Engineer, representing  
30 Vineyard City is in attendance for this agenda item. Mr. Van Wagenen then gave a brief  
background noting the growth of Vineyard City requires additional Rocky Mountain  
32 Power lines from a local substation to service the area. He explained this service is  
designed to cross Lindon City property at the Geneva Park property near the boat harbor.  
34 He then referenced the map showing the proposed power line run. He noted due to the  
demands of growth, time factors are of the essence to build the new line.

36 Mr. Van Wagenen further explained that Lindon's Standard Land Use Table does  
not permit above ground electrical utility lines that are less than 35 kilovolts (the line  
38 requested is 12.5 kV which would violate city ordinance). Mr. Van Wagenen also stated  
in order to facilitate the construction of the needed lines, Vineyard City is requesting a  
40 change to the Standard Land Use Table to allow the lines west of the UTA commuter  
railroad tracks that are less than 35kV.

42 Mr. Van Wagenen indicated staff is comfortable with this request due to the fact  
of the limited area of impact and the fact that Lindon has initiated a boundary change  
44 with Vineyard City to place this property in Vineyard. This boundary change stems from  
Lindon's sale of city owned property to Vineyard for their public works yard. The  
46 ordinance request is based on timing, as the power line needs to get constructed as soon  
as possible, but the Lindon/Vineyard border adjustment may take months to go into  
48 effect. Mr. Van Wagenen then presented the proposed power line agreement, location of  
commuter railroad tracks, Lindon/Vineyard boundary adjustment, types of power lines

2 graphic, street view of existing are where the new lines are proposed and Ordinance  
2018-8-O followed by some general discussion. He then turned the time over to Mr.  
4 Wilson for comment.

6 Mr. Wilson informed the Commission that the powerline project would be a direct  
benefit to Vineyard City. He noted one main reason for the tight construction timeline is a  
8 permit deadline that Rocky Mountain Power has to make the railroad crossing. He also  
indicated that missing this deadline would result in additional costs to the project; this  
10 project has been open for over a year. Following discussion, the majority of the  
Commission agreed it is important to be good neighbors with Vineyard, however, there  
12 were also some concerns in accommodating Rocky Mountain Power, who has not been  
cooperative to work with in clearing up some parcel issues in the area. The Commission  
14 also asked staff to reach out to Rocky Mountain Power and see what can be done with  
this issue. Staff confirmed they will contact Rocky Mountain Power.

16 Chairperson Call asked if there were any public comments. Hearing none she  
called for a motion to close the public hearing.

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

22 Chairperson Call asked if there were any further comments or discussion.  
Hearing none she called for a motion.

24  
26 COMMISSIONER VANCHIERE MOVED TO RECOMMEND APPROVAL  
OF ORDINANCE AMENDMENT 2018-8-O AS PRESENTED. COMMISSIONER  
KELLER SECONDED THE MOTION. THE VOTE WAS RECORDED AS  
28 FOLLOWS:

30 CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
32 COMMISSIONER KELLER	AYE
COMMISSIONER JOHNSON	AYE
34 COMMISSIONER VANCHIERE	AYE

THE MOTION CARRIED UNANIMOUSLY.

36  
38 **9. Conditional Use Permit — G&N Custom Auto Body and Paint, 225 (215)  
South 800 West.** Gary Groves, G&N Custom Auto Body and Paint, requests  
conditional use permit (CUP) approval for general auto/vehicle repair services to  
40 be located at 225 (215) South 800 West, in the Light Industrial (LI) zone.

42 Mr. Snyder opened this agenda item by giving some background noting the  
applicant, Gary Groves, G&N Custom Auto Body and Paint (who is in attendance) has  
44 requested approval for an auto body and paint shop. He noted Mr. Groves has a pending  
business license and building permit applications submitted. He explained the services to  
46 be provided would include body and panel repair, custom body work, paint, restorations,  
and repairing wrecked cars. Mr. Snyder stated the Planning Director has indicated that  
48 these uses would fall under “General auto/vehicle repair.” The Lindon City Land Use

2 Table indicates that “General auto/vehicle repair” is a conditional use in the LI zone. He  
reminded the Commission the purpose of the of the LI zoning district is to provide areas  
4 in appropriate locations where light manufacturing, industrial processes and warehousing  
not producing objectionable effects may be established, maintained, and protected. The  
6 regulations of this district are designed to protect environmental quality of the district and  
adjacent areas.

8 Mr. Snyder pointed out that city records indicate three open/active business  
licenses for this location: Revved Auto Sales (Used Vehicle Sales Lot and office only.),  
10 R&R Foodservices (Food Truck Commissary Kitchen), and Action Auto Sales (Used  
Vehicle storage only. Off-site sales lot). He then referenced the map outlining business  
12 locations on the property. He pointed out the site has an existing structure (home) on the  
corner used in association with the used car sales and the food truck commissary. The  
14 existing south storage/maintenance building to be used by the applicant was constructed  
in 1992. The building was used for storage and equipment maintenance by Mitchell  
16 Excavation (the building is 3,000 sq. ft.). He also referenced the listed conditions  
included in the staff report.

18 Mr. Snyder further explained the minimum parking requirements for Auto Repair  
is 1/300 sq. ft. office and 5/service bays. New parking lots must be asphalt or concrete  
20 however, the Planning Commission may approve specific conditions allowing vehicle  
storage of operable or inoperable vehicles beyond ten vehicles and for longer than  
22 seventy-two hours when approved as part of a Conditional Use Permit. He added that  
Third Party Public Notices were mailed on June 1, 2018 and no public comments have  
24 been received to date. He then turned the time over to the applicant for comment.

26 Mr. Graves commented that the cars will be stored inside overnight and no scrap  
or garbage will be left outside. He stated the shop and surrounding areas will be kept  
very clean and nice. Mr. Graves indicated they will not work past 8:00 pm and the bay  
28 doors will not be open to keep the noise down as to not bother the neighbors. Mr. Graves  
stated he always strives to keep a clean shop and a nice appearance because if the shop  
30 and building is not clean you cannot attract customers. He noted Action Auto in the back  
is on a month to month lease and if they become an issue they will be removed. He  
32 stated they have done all the required paperwork and obtained a bond.

34 Chairperson Call pointed out one of the conditions is that they will put in a 6 ft.  
view obscuring fence on the rear gravel storage area that would limit the view of the cars.  
Mr. Graves indicated they will comply with all conditions. There was then some general  
36 discussion regarding the listed conditions.

38 Chairperson Call asked if there were any further comments or discussion.  
Hearing none she called for a motion.

40 COMMISSIONER VANCHIERE MOVED TO APPROVE THE APPLICANT’S  
REQUEST FOR A CONDITIONAL USE PERMIT FOR GENERAL  
42 AUTO/VEHICLE REPAIR, TO BE LOCATED AT 225 SOUTH 800 WEST, IN THE  
LIGHT INDUSTRIAL (LI) ZONE, WITH THE FOLLOWING CONDITIONS: 1. NO  
44 OUTDOOR STORAGE OF PARTS OR VEHICLES BEING SERVICED/UNDER  
REPAIR TO THE SOUTH, EAST, AND NORTH OF THE BUILDING; 2. NO MORE  
46 THAN TEN (10) INOPERABLE VEHICLES OR THOSE BEING PARKED FOR  
REPAIRS FOR LONGER THAN SEVENTY-TWO HOURS SHALL BE KEPT ON  
48 THE PROPERTY, AND THEY SHALL BE KEPT ONLY IN A REAR GRAVEL

2 STORAGE AREA PER LINDON CITY CODE (LCC) 17.06.040. (THIS EXCLUDES  
4 ANY VEHICLES THAT ARE STORED WITHIN THE BUILDING); 3. SUBMIT AN  
6 INDUSTRIAL WASTE QUESTIONNAIRE AND COORDINATE WITH PUBLIC  
8 WORKS REGARDING SWPPP COMPLIANCE; 4. LIMIT HOURS OPEN TO THE  
10 PUBLIC TO 7 AM TO 7 PM AND BAY DOORS TO REMAIN CLOSED AFTER 8  
12 PM. 5. INSTALL VIEW-OBSCURING FENCE NO LESS THAN 6' IN HEIGHT  
14 AROUND THE REAR GRAVEL STORAGE AREA (WEST OF BUILDING) TO  
16 OBSCURE THE STORAGE OF SUCH VEHICLES FROM THE ADJACENT PUBLIC  
18 STREET PER LCC 17-06-040, AND 6. PROVIDE ADEQUATE PARKING STALLS  
20 FOR CUSTOMERS AND EMPLOYEES BASED ON THE NUMBER OF BAYS  
BEING USED. COMMISSIONER MARCHBANKS SECONDED THE MOTION.  
THE VOTE WAS RECORDED AS FOLLOWS:

14	CHAIRPERSON CALL	AYE
	COMMISSIONER MARCHBANKS	AYE
16	COMMISSIONER KALLAS	AYE
	COMMISSIONER KELLER	AYE
18	COMMISSIONER JOHNSON	AYE
	COMMISSIONER VANCHIERE	AYE
20	THE MOTION CARRIED UNANIMOUSLY.	

22 **10. Public Hearing — Ordinance Amendment, Lindon City Code 8.20 Public**  
24 **Nuisances.** Lindon City requests approval of an amendment to Lindon City Code  
26 Section 8.20.030 Nuisance – Definition subsection (2)(cc) Inappropriate Noise.  
The proposal would be to add hours (10 pm to 7 am) during which Inappropriate  
Noises are not allowed. Recommendations will be forwarded to the City Council  
for final approval. (Pending Ordinance 2018-9-O).

28 COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING.  
30 COMMISSIONER KELLER SECONDED THE MOTION. ALL PRESENT VOTED IN  
FAVOR. THE MOTION CARRIED.

32  
34 Mr. Van Wagenen led this discussion by giving some background of this item  
noting noise complaints are not uncommon but are not particularly frequent in the city  
either. However, the existing nuisance code regarding *Inappropriate Noise* does not have  
36 any defined quiet hours, but rather leaves the time frame open to interpretation based on  
“noise that is substantially incompatible with the time and location where created.” Mr.  
38 Van Wagenen stated City staff prefers to have defined hours from 10:30 pm to 7:00 am  
makes it is very clear that inappropriate noise is not permitted during those hours. This  
40 helps not only with enforcement, but also with public education.

42 Mr. Van Wagenen stated the requested change allows staff to give clear  
information to the public and a clear timeframe to enforce quiet hours. He pointed out the  
44 added language does not take away the ability of the City to enforce other noise  
disturbances outside of those hours if such a situation should develop. He then referenced  
the suggested language as follows:  
46 8.20.030(2)  
*cc. Inappropriate Noise.*

2 *It shall be unlawful for any person to make, permit, continue, or cause to be made, or to*  
4 *create any unreasonable loud and disturbing noise in the City. Any noise which is*  
6 *substantially incompatible with the time and location where created to the extent that it*  
8 *creates an actual or imminent interference with peace and good order of persons of*  
10 *ordinary sensibilities shall be prohibited. Quiet hours shall be between 10:30 pm and*  
12 *7:00 am for construction projects, public and private events, and any other activity with*  
14 *the propensity to create noise that may impact others. Exceptions to quiet hours may be*  
16 *obtained upon approval from the City Administrator, or his/her designee.*

18 There was then some general discussion regarding the presented information  
20 including instances regarding construction noise and limiting their ability to operate. Mr.  
22 Van Wagenen pointed out the more defined hours are easier to enforce. He also stated  
24 variances or exceptions can be granted for industrial areas. Following additional  
discussion, the Commission was in agreement to continue the item for more discussion.  
Mr. Van Wagenen stated staff will massage this further and review the nuances and bring  
it back before the Commission.

18 Chairperson Call asked if there were any public comments. Hearing none she  
called for a motion to close the public hearing.

20 COMMISSIONER KALLAS MOVED TO CLOSE THE PUBLIC HEARING.  
22 COMMISSIONER VANCHIERE SECONDED THE MOTION. ALL PRESENT  
24 VOTED IN FAVOR. THE MOTION CARRIED.

26 Chairperson Call asked if there were any further comments or discussion.  
Hearing none she called for a motion.

28 COMMISSIONER KELLER MOVED TO CONTINUE ORDINANCE  
30 AMENDMENT 2018-9-O. COMMISSIONER MARCHBANKS SECONDED THE  
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

32 CHAIRPERSON CALL	AYE
34 COMMISSIONER MARCHBANKS	AYE
36 COMMISSIONER KALLAS	AYE
COMMISSIONER KELLER	AYE
COMMISSIONER JOHNSON	AYE
COMMISSIONER VANCHIERE	AYE

THE MOTION CARRIED UNANIMOUSLY.

38  
40 11. **New Business: Reports by Commissioners** – Chairperson Call called for any  
new business or reports from the Commissioners.

42 Chairperson Call asked for an update on the Planning Commissioner vacancy. Mr.  
44 Van Wagenen stated he and the City Council representative will be interviewing two  
46 candidates next week but the position is technically still open. She also asked about the  
status on the group home on 200 South. Mr. Van Wagenen gave an update stating staff is  
still reviewing documents from the applicant and it is still in process. She also asked for  
an update on the selling of the Geneva Park property. Mr. van Wagenen stated there has

2 not been not any further pushback or additional comments from citizens and it appears to  
be moving forward.

4 Commissioner Johnson mentioned they are charging now for green waste at the  
Timpanogos Special Service District. He also mentioned the transportation summit was  
6 very enlightening and he feels we need to make wise choices as to not have gridlock.

8 Commissioner Kallas mentioned the dance studio review earlier tonight and what  
the thoughts are of when staff should weigh in. Mr. Van Wagenen stated it can be a  
10 delicate balance in trying to recognize what may help individuals without being  
detrimental to the public.

12 12. **Planning Director Report** – Mr. Van Wagenen reported on the following items  
followed by discussion.

- 14
- Intern
  - Pool Passes
  - 16 • Movies in the Park

18 Chairperson Call called for any further comments or discussion. Hearing none she  
called for a motion to adjourn.

20

**ADJOURN** –

22

24 COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE  
MEETING AT 10:25 PM. COMMISSIONER KELLER SECONDED THE MOTION.  
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – July 10, 2018

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Sharon Call, Chairperson

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Hugh Van Wagenen, Planning Director