

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **June 25, 2019 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: Jared Schauers, Commissioner
10 Pledge of Allegiance: Rob Kallas, Commissioner

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| 12 <u>PRESENT</u> | <u>EXCUSED</u> |
| 13 Sharon Call, Chairperson | 13 Scott Thompson, Commissioner |
| 14 Mike Marchbanks, Commissioner | 14 Steven Johnson, Commissioner |
| 15 Rob Kallas, Commissioner | |
| 16 Jared Schauers, Commissioner | |
| 17 Renee Tribe, Commissioner | |
| 18 Mike Florence, Planning Director | |
| 19 Brian Haws, City Attorney | |
| 20 Anders Bake, Associate Planner | |
| 21 Kathryn Moosman, Recorder | |

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

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25 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
26 Planning Commission meeting of June 11, 2019 were reviewed.

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28 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
29 REGULAR MEETING OF JUNE 11, 2019 AS AMENDED. COMMISSIONER
30 MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.
31 THE MOTION CARRIED.

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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.

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37 **CURRENT BUSINESS** –

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39 4. **Conditional Use Permit** — Conditional Use Permit approval for outdoor
40 construction material storage – Nicolson Construction. Application for
41 conditional use permit located at 1550 W. 20 S. (Utah County Parcel #
42 14:061:0081), in the Lindon City Light Industrial (LI) zone.

43
44 Anders Bake, Associate Planner, led this discussion by giving a brief overview of
45 this item explaining Nicolson Construction is requesting approval to use a portion of the
46 property located at 12 South 1550 West for outdoor storage. Mr. Bake commented that
47 this will primarily be used for a storage area for scaffolding and construction equipment
48 on the lot. He noted Mr. William Osterberg was in attendance representing the applicant.

2 Mr. Bake stated city staff determined that this use relates most similarly to the
trade of “Lumber & Construction Materials (outdoor storage is permitted)” in the
4 Standard Land Use Table. This category is listed as a conditional use in the Light
Industrial zone, requiring Nicolson Construction to apply for a Conditional Use Permit.
6 He indicated there is an existing 12,500 sq. ft. warehouse building on the property that
was constructed in 2015 and is being used by Woods Crane Service.

8 Mr. Bake explained the construction yard will be located in the west portion of
the property behind the Woods Crane Service building and storage yard. The yard will be
10 accessed on the south side from a private access that extends off of 20 South. He noted
the applicant plans to install a chain link fence around the roughly 2-acre area they will
12 be using for their outdoor storage yard and no other changes to the property or existing
building are proposed at this time.

14 Mr. Bake stated the applicant is not required to install a masonry wall due to the
fact that they are not adjacent to residential properties and the proposed chain link fence
16 will meet Light Industrial zoning requirements. He stated notices were mailed on June
14th, 2019 to adjoining property owners in accordance with Lindon City Code and staff
18 has received no public comments at this time. He indicated Woods Crane Service has 15
parking stalls on the property which meets current requirements. The proposed storage
20 yard will only be used for the pickup and drop off of equipment and will not need any
designated parking stalls.

22 Mr. Bake further explained the property currently meets the landscaping strip and
tree requirements along 1550 West and the dedicated portion of 20 South. The proposed
24 storage yard does not have frontage on a public street and therefore will not be required
to install landscaping at this time. There is an existing concrete tilt-up office building on
26 the site and the applicant does not propose any changes to the existing building at this
time.

28 Mr. Bake went on to say the proposed use for this site will have a minimal impact
on surrounding properties and is similar to other uses in the Light Industrial Zone. He
30 then presented an aerial photo of the site and surrounding area, the street view photo and
the site plan followed by discussion. Mr. Bake also referenced the listed conditions and
32 motion.

34 Chairperson Call expressed her concern about the condition that states the
equipment will be stored in an organized manner noting that is subjective.

36 Commissioner Kallas asked why Nicolson applied for the conditional use permit
but the building and property is owned by Woods Crane, so why isn't the property owner
38 the applicant. Mr. Florence explained the conditional use permit runs with the land and
they signed the application knowingly letting Mr. Nicolson use part of the property and
they have consented to the application as the property owner.

40 Commissioner Kallas also inquired what other storage items could be stored in that
area. Mr. Florence stated the zoning use states construction equipment and materials can
42 be stored (vehicle storage is a different use) and it must be equipment materials related.
Brian Haws, City Attorney pointed out that is a defined term in the code. Commissioner
44 Kallas expressed he has some concerns that we are not approving something different
down the road. Mr. Florence replied if that is the case, the new applicant would have to
46 come before the commission to amend the conditions. Commissioner Kallas also
mentioned the chain-link fence requirement and if it should be included in the conditions.
48 Mr. Bake stated the requirement is included on the site plan.

2 Following some additional discussion, Chairperson Call stated she has no other
4 concerns because of the site location and due to the fact that staff will have to monitor the
6 conditions so it will not be a public nuisance. She added if there are any complaints this
and organized and adhere to all conditions and requirements.

8 Chairperson Call called for any further comments or discussion from the
10 Commission. Hearing none she called for a motion.

12 COMMISSIONER SCHAUERS MOVED TO APPROVE THE APPLICANTS
14 REQUEST FOR A CONDITIONAL USE PERMIT TO USE A PORTION OF THE
16 PROPERTY LOCATED AT 12 SOUTH 1550 WEST FOR OUTDOOR
18 CONSTRUCTION MATERIAL STORAGE, WITH THE FOLLOWING
CONDITIONS: 1. THE PROPERTY WILL BE MAINTAINED FREE OF WEEDS,
20 GARBAGE AND DEBRIS AT ALL TIMES 2. THE PROPERTY WILL BE USED FOR
STORAGE OF CONSTRUCTION EQUIPMENT ONLY 3. CONSTRUCTION
EQUIPMENT WILL BE STORED IN AN ORGANIZED MANNER AND WILL NOT
CREATE A PUBLIC NUISANCE 4. ALL ITEMS OF THE STAFF REPORT.
22 COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

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| 22 CHAIRPERSON CALL | AYE |
| COMMISSIONER KALLAS | AYE |
| 24 COMMISSIONER MARCHBANKS | AYE |
| COMMISSIONER SCHAUERS | AYE |
| 26 COMMISSIONER TRIBE | AYE |

28 THE MOTION CARRIED UNANIMOUSLY.

- 30 5. **Public Meeting:** For consideration to remove condition of approval number three
for the Mountain Tech South Lot 4 minor subdivision granted on April 9, 2019.
32 The subdivision is located at approximately 400 N 2800 W. (Utah County Parcel
67:056:0004), in the Lindon City Regional Commercial zone.

34 Mike Florence, Planning Director, led this discussion by giving an update stating
with the recommendation from the planning commission, the city council adopted
36 ordinance amendment 17.32.120. He noted this ordinance amendment allows arterial and
major collectors to remain on the General Plan Street Master Plan Map when property is
38 subdivided. He pointed out that Lindon City Code section 17.32.120 currently requires
the street layout of all subdivisions to conform to the City's General Plan and the Lindon
40 City Street Master Plan Map.

42 Mr. Florence explained that enforcing this requirement is generally in the best
interest of the residents of Lindon City, as it provides predictability and applies sound
44 planning and engineering to the development of City streets. However, there may be
limited times where the street master plan map calls for an arterial or major collector, but
46 circumstances and conditions related to an application for a development would not
require a developer to construct an arterial or major collector roadway at the time of
application.

2 Mr. Florence indicated UDOT has expressed that it is important for when they
seek road funding that future streets be on the City's master plan. He noted it is
4 important to give the Land Use Authority the ability to act in these limited circumstances
and to approve a land use applications street layout that may vary from the street master
6 plan map, if there is a compelling public purpose to do so.

8 Mr. Florence explained the Mountain Tech South Lot 4 Subdivision was approved
with condition number three as stated below:

3. The applicant will file an application to amend the Lindon City Street Master Plan
10 Map and Lindon City staff will recommend that the planning commission and city
council approve the change application to move the master plan road to
12 accommodate a 66 foot roadway matching the current road alignment and as set
forth in the applicant's submitted plats 1, 2, 3, and 4. Lindon City staff also
14 agrees to process the change application with a goal of having a final decision
within 60 to 90 days and to process the application as expeditiously as possible
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18 Mr. Florence went on to say upon a recommendation from the planning
commission the City Council amended ordinance 17.32.120 to allow arterial and major
collectors to remain on the General Plan Street Master Plan map when property is
20 subdivided. A compelling public purpose exists to allow the Mountain Tech South Lot 4
subdivision to proceed without condition number three of amending the General Plan and
22 the Lindon City Street Master Plan Map.

24 Mr. Florence stated 400 North and 2800 West are existing public rights-of-way
that currently provides adequate traffic flow and street connectivity to and from the
proposed subdivision. He also noted maintaining the street master plan map's current
26 configuration serves the public purpose for identifying the future alignment of the
Vineyard Connector arterial and major collector for the realignment of 400 North and
28 2800 West.

30 Brian Haws, City Attorney, stated this will allow Mr. Weldon to move forward
with his project without meeting this condition because the code has been amended to
allow that to go forward. It also allows the master planned road to be on there for future
32 UDOT purposes.

34 Mr. Weldon stated his main concern has been that they have been to UDOT three
times since the last planning commission meeting and they won't get back to him. He
noted the good news is they have brought another 800 jobs to the area and the office
36 building is filled with the second building to be filled soon. These high costs involved
and issues with UDOT have been frustrating and the reality is there will never be a
38 highway there unless UDOT builds a bridge. Mr. Weldon stated they need to keep
moving forward (with a permit) as they have made commitments to other businesses and
40 this action will be beneficial. Mr. Haws made note that the city has refunded Mr. Weldon
the \$650 application fee for the zone change. Mr. Weldon thanked Mr. Haws, Mr.
42 Florence and the building/planning department and staff for their assistance in this
matter.

44 Chairperson Call called for any further comments or discussion from the
Commission. Hearing none she called for a motion.
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48 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE REMOVAL
OF CONDITION NUMBER THREE FROM THE MOUNTAIN TECH SOUTH LOT 4

2 MINOR SUBDIVISION APPROVAL AS GRANTED ON APRIL 9, 2019 AND TO
4 ALLOW THE VINEYARD CONNECTOR FUTURE ARTERIAL ROAD TO REMAIN
6 IDENTIFIED ON THE LINDON CITY STREET MASTER PLAN MAP WITH THE
8 FINDINGS OF FACT AS SPECIFIED IN THE STAFF REPORT. COMMISSIONER
10 KALLAS SECONDED THE MOTION. THE VOTE WAS RECORDED AS
12 FOLLOWS:

8 CHAIRPERSON CALL AYE
COMMISSIONER KALLAS AYE
10 COMMISSIONER MARCHBANKS AYE
COMMISSIONER SCHAUERS AYE
12 COMMISSIONER TRIBE AYE
THE MOTION CARRIED UNANIMOUSLY.

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

18 Chairperson Call welcomed new Commissioner Renee Tribe to serve on the
Commission and asked Ms. Tribe to introduce herself. Ms. Tribe gave a brief
20 introduction stating she is excited to serve and learn new things noting she went through
the orientation process. She is from the bay area and has lived in Lindon for the past 20
22 years with her husband and 5 children. She has been involved with Timpanogos
Academy, Lindon Days, Pleasant Grove High School and started a Lacrosse League and
24 helped build the Board and get it sanctioned. She has also worked in the financial
services world.

26 Chairperson Call mentioned the Wild Oak Reception Center and asked for an
update. Mr. Haws explained they are doing more study in regards to a connection south
28 of Los Hermanos and what they can do to make the existing road as safe as possible. This
is what the citizens were hoping to see, but some property owners are not willing to sell.
30 Mr. Haws stated they are working with UDOT on this issue to address the safety
concerns. Mr. Florence stated the applicants are doing general cleanup and the
32 engineering plans are done and they are just finishing up a few things (4 items).
Chairperson Call asked if they will be able to open the reception center prior to the
34 improvements being made on the road. Mr. Haws confirmed other than the signs being
put up they will be able to open.

36 Chairperson Call also asked how the City Council moved forward with the urban
deer abatement program. Mr. Haws reviewed the steps being taken for the urban deer
38 removal plan. He explained the meeting will need to be noticed and hold a public hearing
and also get approval from the DWR. The City Council directed them to move forward
40 with a plan with the “trap and kill” method to help maintain the deer population with the
opportunity to place traps on private property. He noted they are drafting a plan to present
42 to the DWR with waivers of liability and it will come back to the Council the first part of
August and they plan to implement the plan the first part of September.

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46 5. **Planning Director Report** –

- General City updates
- APA Training, he will send out an email reminder.

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

4 **ADJOURN** –

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8 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE
MEETING AT 8:00 PM. COMMISSIONER MARCHBANKS SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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12 Approved – August 27, 2019

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Sharon Call, Chairperson

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Michael Florence, Planning Director