

The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, April 23, 2024 beginning at 6:00 p.m.** at the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 6:00 P.M.

Conducting: Steve Johnson, Chairperson
Invocation: Steve Johnson, Chairperson
Pledge of Allegiance: Karen Danielson, Commissioner

PRESENT

Steve Johnson, Chairperson
Rob Kallas, Commissioner
Mike Marchbanks, Commissioner
Jared Schauers, Commissioner
Sharon Call, Commissioner
Karen Danielson, Commissioner
Michael Florence, Community Development Director
Brian Haws, City Attorney
Britni Laidler, City Recorder

EXCUSED

Scott Thompson, Commissioner

1. CALL TO ORDER – The meeting was called to order at 6:00 p.m.

2. APPROVAL OF MINUTES –The minutes of the regular meeting of the Planning Commission meeting of April 9, 2024 were reviewed.

COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 9, 2024 AS PRESENTED. COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

3. PUBLIC COMMENT – Chairperson Johnson called for comments from any audience member who wishes to address any issue not listed as an agenda item. There were no public comments.

CURRENT BUSINESS –

4. Design Review Approval – Church of Jesus Christ of Latter-Day Saints – 610 W. 100 S. The applicant requests Design Review approval to construct a steeple on the chapel building located at 610 W. 100 S. The purpose of the planning commission review for this application is due to the height of the proposed steeple. The Lindon City code allows a steeple to be up to a height of 55’ in height. Heights greater than 55’ must be approved by the planning commission. The applicant is proposing a 72’ steeple. (14:066:0059).

Mike Florence, Community Development Director presented this item noting that Jim Robock was present to represent the applicant. He stated that The Church of Jesus Christ of

2 Latter-Day Saints is petitioning to construct a roof steeple on the chapel located at 610 W. 100 S.
Mr. Florence then presented designs of the steeple to the commission, noting that the applicant is
4 requesting a height of 72' for the steeple, which is higher than allowed 55'. He then presented the
Lindon city code in regards to the height of the steeple as follows:

- 6 • 17.04.230 Penthouse or roof structures for the housing of elevators, stairways, tanks,
8 ventilating fans or similar equipment required to operate and maintain the building, and
attached structures such as fire or parapet walls, skylights, towers, steeples, chimneys,
10 wireless or television masts, theater lofts, or similar structures may be erected 10 (10) feet
above the zone height limits, but no space above the height limit shall be allowed for
12 purposes of providing additional floor space, nor shall such increased height be in
violation of any other ordinance or regulation of Lindon City. *A church may have*
14 *architectural features, similar to those listed above, erected up to 50% of the building*
height or 20' above the zone height limit, whichever is greater. (Ord. 2010-4, amended,
16 2010; Ord. 2003-3, amended, 2003; Ord. 111 §1, amended, 1985; Prior code §12-101-25)
- 18 • 17.44.100 No lot or parcel of land in the R1-20 and R1-12 zones shall have a building or
structure used for dwelling which exceeds a maximum average height of thirty-five feet
20 (35'), measuring the four (4) corners of the structure from finished grade to the highest
point of the roof structure. The planning director and chief building official shall be
22 responsible for designating and identifying the four (4) corners of a structure. *The height*
of churches in some cases may exceed thirty-five feet (35') and shall be reviewed and may
24 *be approved by the planning commission if the planning commission finds that no*
neighboring property owner will be substantially damaged by the approval of such. No
26 dwelling shall be erected to a height less than one (1) story above grade.

28 Mr. Florence noted that the roof height of the existing chapel is 28' and the height limit in
the R1-20 zone is 35'. He referenced Lindon ordinance 17.04.230 which allows an architectural
30 feature, such as a steeple, to be erected up to 50% of the building height or 20' above the zone
limit height, whichever is greater. Using the zone limit height of 35' the steeple under that code
32 could be up to 55' in height. He then stated however, ordinance 17.44.100 allows the planning
commission to approve heights greater than allowed in the zone if the planning commission finds
34 that no neighboring property owners will be substantially damaged by the approval.

36 Chairperson Johnson asked for any public comment from the citizens present. The
following comments were made:

38 Mike Helm – Mr. Helm stated he has worked in the billboard industry for 20 years, and they live
40 and die by codes, and his issue is that the steeple is permitted to go up to 55' in the code.
However, they are asking for an exception to go to 72'. Mr. Helm then stated that he is
42 concerned with this steeple obstructing his view of Timpanogos Mountain, he continued to say
he would rather the steeple be the 55' that is allowed, and not the 72' to help maintain some of
44 his view. He closed by stating if we are not going to give the same exceptions to citizens, we
shouldn't give it to a steeple that isn't even usable space
46

2 David Toussaint – Mr. Toussaint stated that his home is right across the street from the Church,
noting that it has been there all this time, and the current steeples haven't faltered in any way,
4 and wants to know why it needs to have a new steeple now. He then voiced that the steeple
would obstruct the view for him and surrounding neighbors.

6
Commissioner Call inquired why they need to add a steeple at this time. Mr. Robock
8 addressed those questions stating it is for two reasons, the first is to make it more structurally
sound, and the second is to standardize all churches. Commissioner Kallas then asked for
10 clarification on the amount above code this steeple would be going. Mr. Florence stated it would
be an increase of 17' above of what is currently permitted.

12
Chairperson Johnson asked for clarification on the code and what is built into the code
14 versus what is not. Brian Haws, City Attorney, addressed those questions for greater
clarification, noting the exception in 17.44.10 has written in, that the planning commission can
16 go above the allowed, as long as they do not find that any neighboring property owner will be
substantially damaged by the approval of such. Mr. Robock then presented to the commission a
18 rendering of the view from a corner near the church where he had rendered the steeple on top to
show what he stated would be a lack of obstruction. The commission took time to review those
20 pictures, with general discussion following.

22 Mr. Helm then addressed the commission again, noting the confusion with the code. He
stated that the beauty of the planning commission is to enforce code. Mr. Toussaint then
24 addressed the commission again stating that the view from the whole neighborhood would be
impacted by this steeple, and the commission needs to consider the whole neighborhood.
26 Commissioner Kallas stated that he doesn't see the steeple to be distracting from the view, noting
that the objection appears to be more on principle than the view. Commissioner Marchbanks
28 stated that he remembered when that specific church was built, and the neighborhood at that time
was upset that it didn't get a steeple at that time, now that it is getting one, there are people upset
30 about it. Commissioner Schauers stated that the difference between 55' verses 72' presents a
minimal change to the view, so he doesn't find this as substantially damaging. General
32 discussion amongst the commission followed.

34 Chairperson Johnson called for any further comments or discussion from the
Commission. Hearing none he called for a motion.

36
COMMISSIONER DANIELSON MOVED TO APPROVE THE APPLICANT'S
38 REQUEST DESIGN REVIEW AT 610 W. 100 S WITH THE FOLLOWING FINDINGS: 1.
NO NEIGHBORING PROPERTY OWNER WILL BE SUBSTANTIALLY DAMAGED BY
40 THE APPROVAL OF THE STEEPLE ON THE CHAPEL BUILDING; 2. THE HEIGHT OF
THE STEEPLE AT 72' IS APPROVED AS PRESENTED; AND 3. ALL ITEMS OF THE
42 STAFF REPORT. COMMISSIONER CALL SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

44 CHAIRPERSON JOHNSON	AYE
COMMISSIONER KALLAS	AYE
46 COMMISSIONER SCHAUERS	AYE
COMMISSIONER MARCHBANKS	NAY

2 COMMISSIONER CALL AYE
COMMISSIONER DANIELSON AYE
4 THE MOTION CARRIED UNANIMOUSLY.

6 *Commission Marchbanks voiced the reasoning for his Nay vote as to show he is sympathetic to
the principle that they brought up, and to support his neighbors.*

8
10 **5. Site Plan Approval – 120 S. 1200 W.** The applicant requests site plan approval from the
Lindon City Planning Commission to construct a new office, retail and indoor air gun
range. (Parcel 14:065:0018)

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14 Mr. Florence presented this item noting that the applicant was present. He continued by
stating that the applicant is seeking site plan and conditional use permit approval for a new air
gun business and building, noting that they will be moving their existing business from Orem to
16 Lindon. The building will have retail, office, warehouse, and air gun range areas. He reminded
the commission that at the end of 2023 the planning commission and city council amended
18 Appendix A Standard Land Use Table to allow for gun ranges in the Heavy Industrial Zone as a
conditional use. Mr. Florence then went over the requirements for parking, site landscaping and
20 building and architectural design.

22 Mr. Florence noted that the building has storefront windows, good fenestration, and entry
canopies. He stated that the building walls also articulate and are not flat along the length of the
building, he closed by noting there will also be a small cornice treatment along the roof line
24 which also articulates.

26 Commissioner Call asked for clarifications on some landscaping requirements and
minimum lot size. Mr. Florence then addressed those items.

28 Chairperson Johnson called for any further comments or discussion from the
Commission. Hearing none he called for a motion.

30 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S REQUEST
FOR CONDITIONAL USE PERMIT APPROVAL LOCATED AT 120 S. 1200 W. WITH THE
FOLLOWING CONDITIONS: 1. THE INDOOR GUN RANGE WILL BE USED FOR AIR
32 GUNS ONLY; 2. THE INDOOR GUN RANGE WILL BE OPERATED IN ACCORDANCE
WITH NATIONALLY RECOGNIZED STANDARDS AND OPERATING PRACTICES
34 REGARDING NOISE, PUBLIC HEALTH, AND SAFETY; 3. ANY WASTE FROM THE
SHOOTING RANGE WILL BE PROPERLY AND SAFELY DISPOSED; AND 4. ALL
36 ITEMS OF THE STAFF REPORT. COMMISSIONER MARCHBANKS SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

2 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE APPLICANT'S
4 REQUEST FOR SITE PLAN APPROVAL LOCATED AT 120 S. 1200 W. WITH THE
6 FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH
8 THE CITY ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING
10 PLANS; 2. THE PLANS WILL MEET DEVELOPMENT SPECIFICATIONS AS FOUND IN
12 THE LINDON CITY DEVELOPMENT MANUAL; 3. IF REQUIRED, COMPLETE (OR
14 POST AN ADEQUATE IMPROVEMENT COMPLETION ASSURANCE), WARRANT AND
16 POST REQUIRED WARRANTY ASSURANCE FOR ALL REQUIRED PUBLIC
INFRASTRUCTURE IMPROVEMENTS; 4. FINAL BUILDING AND SITE DESIGN WILL
MEET THE REQUIREMENTS OF THE HEAVY INDUSTRIAL ZONE AND APPLICABLE
DEVELOPMENT REQUIREMENTS AS FOUND IN TITLE 17 OF THE LINDON CITY
CODE; 5. THE SITE WILL MEET LANDSCAPE REQUIREMENTS; 6. ALL ITEMS OF THE
STAFF REPORT. COMMISSIONER DANIELSON SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

CHAIRPERSON JOHNSON AYE
COMMISSIONER KALLAS AYE
COMMISSIONER SCHAUERS AYE
COMMISSIONER MARCHBANKS AYE
COMMISSIONER CALL AYE
COMMISSIONER DANIELSON AYE
THE MOTION CARRIED UNANIMOUSLY.

- 24
26 **6. Continued Public hearing for a recommendation to the Lindon City Council to**
28 **amend 17.02 – definitions and create and adopt ordinance 17.02.410 establishing a**
30 **small-scale market farm.** Brian and Chelsea Beutler request a recommendation from the
planning commission to the city council to adopt a new ordinance that would allow small
scale urban farms (market farms), seasonal and pick-your-own horticultural sales, and
educational classes in a residential zone.

32 Mike Florence stated that he reached out to the applicant, and noted the applicant has
34 come down with illness. The commission agreed they wanted to continue the item to allow the
applicant to be present.

36 COMMISSIONER KALLAS MOVED TO CONTINUE THIS ITEM OF ORDINANCE
2024-6-O TO ALLOW THE APPLICANT TO BE PRESENT. COMMISSIONER CALL
38 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON JOHNSON AYE
40 COMMISSIONER KALLAS AYE
COMMISSIONER SCHAUERS AYE
42 COMMISSIONER MARCHBANKS AYE
COMMISSIONER CALL AYE
44 COMMISSIONER DANIELSON AYE
THE MOTION CARRIED UNANIMOUSLY.

7. Planning Director Updates

- General City Updates

New Business

Commissioner Danielsson voiced concern with parking on 700 N. Mr. Florence stated code enforcement has been working on this. Commissioner Call stated that the 1600 North project has moved up and UDOT is now buying houses on that street. General discussion followed.

ADJOURN –

COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE MEETING AT 7:15 PM. COMMISSIONER DANIELSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved, May 14, 2024

Steven Johnson, Chairperson

Michael Florence, Community Development Director