

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**  
3 **June 10, 2014 at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100  
4 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Mike Marchbanks, Chairperson

Invocation: Bob Wily, Commissioner

10 Pledge of Allegiance: Brody Wynn, Boy Scout

12 **PRESENT**

Mike Marchbanks, Vice Chairperson

14 Ron Anderson, Commissioner

Rob Kallas, Commissioner

16 Bob Wily, Commissioner

Hugh Van Wagenen, Planning Director

18 Jordan Cullimore, Associate Planner

Kathy Moosman, City Recorder

**ABSENT**

Sharon Call, Chairperson

20 1. **CALL TO ORDER** – The meeting was called to order at 7:05 p.m.

22 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of May 27, 2014  
24 were reviewed.

26 COMMISSIONER WILY MOVED TO APPROVE THE MINUTES OF THE  
28 REGULAR MEETING OF MAY 27, 2014 AS AMENDED. COMMISSIONER  
ANDERSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.  
THE MOTION CARRIED.

30 3. **PUBLIC COMMENT** –

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

36 **CURRENT BUSINESS** –

38 4. **Conditional Use Permit** – *Banzai Skatepark, 220 South 1250 West.* Jase Bennett  
40 requests approval of a conditional use permit to operate an indoor skatepark in a  
structure located at 220 South 1250 West in the Light Industrial (LI) zone. Indoor  
42 skateboard parks are conditionally approved in the LI zone.

44 Jordan Cullimore, Associate Planner, led the discussion by giving a brief  
summary of this agenda item stating the applicants, Jase Bennett and Grant McCarty are  
46 in attendance to request approval of a conditional use permit to operate an indoor  
skatepark in a structure located at 220 South 1250 West in the Light Industrial (LI) zone.  
48 Indoor skateboard parks are conditionally approved in the LI zone.

2 Mr. Cullimore stated that the proposed indoor skatepark is privately-owned. He  
noted that indoor skateboard parks are conditionally permitted in the LI zone so they will  
4 need a conditional use permit to operate and, if approved, the permit will run with the  
land (specifically unit 230 South) and is applicable to the entire parcel (both buildings).  
6 Mr. Cullimore then referenced for review an aerial photo of the site, photographs of the  
exiting site and the skatepark floor plan.

8 Mr. Cullimore explained that the internal dimensions of the space are 50' x 60'  
and the hours of operation will be from 12:00 pm to 8:00 pm, Monday through Saturday.  
10 He added the skatepark's target demographic is 8-20 year old males and females. He also  
stated they expect to serve 20 paying customers/day, average \$200/day in product sales,  
12 and \$50 a day in services (lessons) and entry fees. The business also expects to average  
one party or special event per week (which would not go beyond 8 pm. Mr. Cullimore  
14 further explained the space has access to 20 parking stalls, 10 of which are dedicated to  
the facility, and 10 more that are shared with the rest of the complex, with access to 3  
16 ADA accessible spaces on the site. He went on to say for the first year of operation, there  
will be one employee during operating hours. Mr. Cullimore stated that presently, the  
18 facility contains one unisex restroom and building code requires this type of a facility to  
limit occupancy of the space at any given time to no more than 15 individuals at any  
20 given time (and can use the adjacent restroom) so the number of occupants may be  
increased, as approved by the Chief Building Official, if separate restroom facilities are  
22 provided at a later time.

24 Mr. Cullimore explained that State Code defines a conditional use as the  
following:

26 *" a land use that, because of its unique characteristics or potential impact on the*  
*municipality, surrounding neighbors, or adjacent land uses, may not be compatible in*  
28 *some areas or may be compatible only if certain conditions are required that mitigate or*  
*eliminate the detrimental impacts."*

30 He went on to say that Section 10-9a-507 of the State Code requires  
32 municipalities to grant a conditional use permit "if reasonable conditions are proposed, or  
can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed  
34 use in accordance with applicable standards." Once granted, a conditional use permit runs  
with the land. He added that State Code further provides that a conditional use permit  
36 application may be denied only if "the reasonably anticipated detrimental effects of a  
proposed conditional use cannot be substantially mitigated by the proposal or the  
38 imposition of reasonable conditions to achieve compliance with applicable standards."  
Utah Code § 10-9a-507.

40 Mr. Cullimore explained that the Lindon City Code provides that a conditional  
use may be denied when the following occur:

- 42 1. Under circumstances of the particular case, the proposed use will be  
detrimental to the health, safety, or general welfare of persons residing or  
44 working in the vicinity, or injurious to property or improvements in the  
vicinity, and there is no practical means available to the applicant to  
46 effectively mitigate such detrimental effects;" or,

- 2           2. The applicant cannot or does not give the Planning Commission  
3           reasonable assurance that conditions imposed incident to issuance of a  
4           conditional use permit will be complied with."

6           Mr. Bennett mentioned that the unisex bathroom in their adjacent unit can be used  
7           or a doorway can be made if required. They can also build another restroom if directed by  
8           the Commission. Commissioner Kallas inquired if code would allow them to use one  
9           restroom in an operation like this. Mr. Cullimore confirmed that statement and noted that  
10          they will have to meet the building code requirements and will work that out with Phil  
11          Brown, Lindon City Chief Building Official. Mr. Bennett mentioned that they lease both  
12          adjacent warehouses. Commissioner Anderson inquired what kind of parking  
13          requirements are they anticipating. Mr. Bennett stated that there are 10 more parking  
14          stalls than what was mentioned before, so there are plenty of parking stalls. Vice  
15          Chairperson Marchbanks commented that this facility is not a heavy use parking lot as he  
16          frequents the area frequently.

17          Commissioner Kallas asked if there is any lighting in the parking lot. Mr. Bennett  
18          confirmed there is lighting in the parking lot with four lights on each building so the  
19          lighting is sufficient. Commissioner Wily inquired if most of their business will be for  
20          open skate use. Mr. Bennett confirmed that statement. Mr. Bennett stated that this  
21          skatepark is a smaller size (5 ft.), wooden bowl as opposed to a concrete bowl.

22          Following some additional general discussion by the Commission, Vice  
23          Chairperson Marchbanks called for a motion.

24                COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S  
25                CONDITIONAL USE PERMIT TO OPERATE AN INDOOR SKATEPARK IN A  
26                STRUCTURE (UNIT 230 SOUTH) LOCATED AT 220 SOUTH 1250 WEST IN THE  
27                LIGHT INDUSTRIAL (LI) ZONE WITH THE FOLLOWING CONDITIONS 1. THE  
28                USE BE LIMITED TO UNIT 230 SOUTH BECAUSE OF CONCERNS RELATED TO  
29                PARKING, LIGHTING, AND OTHER IMPACTS ON ADJOINING UNITS. IF THE  
30                SKATE PARK OPERATOR ATTEMPTS TO LOCATE IN A DIFFERENT UNIT ON  
31                THE PREMISES THE OPERATOR WILL NEED TO APPLY FOR A SEPARATE  
32                CONDITIONAL USE PERMIT AND 2. DAILY HOURS OF OPERATION MAY NOT  
33                EXTEND BEYOND THE HOURS OF 10:00 AM AND 9:00 PM AND 3. THE  
34                OPERATOR MUST MAKE ARRANGEMENTS TO ACCOMMODATE A SECOND  
35                RESTROOM FACILITY. COMMISSIONER WILY SECONDED THE MOTION.

36                THE VOTE WAS RECORDED AS FOLLOWS:

37                VICE CHAIRPERSON MARCHBANKS     AYE

38                COMMISSIONER ANDERSON             AYE

39                COMMISSIONER KALLAS                AYE

40                COMMISSIONER WILY                    AYE

41                THE MOTION CARRIED UNANIMOUSLY.

- 42
- 43           5. **Concept Review** – *American Legacy publishing Office/Warehouse with flagpole.*  
44           Kevin Carter, of American Legacy Publishing, requests feedback on a proposal to  
45           receive approval for and subsequently construct an office/warehousing facility with a  
46           500 foot flagpole on property in Lindon. No official motions will be made.

2 Jordan Cullimore, Associate Planner, opened the discussion by explaining this is a  
request by Kevin Carter, representing American Legacy Publishing, who is in attendance,  
4 and requests feedback on a proposal to receive approval for and subsequently construct  
an office/warehousing facility with a 500 foot flagpole on property in Lindon. He noted  
that no official motions will be made on this agenda item.

6 Mr. Cullimore explained that the specific viable site has not been selected, but the  
applicant currently has a facility in Lindon and he would like to remain in Lindon. Mr.  
8 Cullimore stated that LCC Title 18 currently regulates flagpole height. He referenced that  
the relevant provisions are highlighted in the packets. Mr. Cullimore stated that as  
10 currently written, the ordinance would not allow the applicant to construct a 500 ft.  
flagpole. Consequently, the provisions regulating flagpole height would need to be  
12 amended to allow a flagpole at the height proposed. He went on to say the applicant is  
seeking input from the Commission regarding the possibility of passing an amendment  
14 proposal that would permit flagpoles to be constructed to the desired height (500 ft.) in  
Lindon. Mr. Cullimore added that no motion is necessary for this concept review. He  
16 also referenced LCC Title 18/relevant provisions, the conceptual renderings and structure  
comparison for scale followed by some general discussion.

18 Mr. Carter stated the engineering estimates (from Colonial Flag) the cost at  
\$250,000 this is not a pride issue but it fits their product and would be a memorial park  
20 with an amphitheater etc. and has been a desire of the owner. He noted that safety is a  
definite priority. He also mentioned that this would be a great “fieldtrip destination” for  
22 school kids. Mr. Carter commented that this flagpole would be a great landmark for  
Lindon and the State. Commissioner Wily inquired if the flag would be luminated at  
24 night. Mr. Carter confirmed that they would plan on luminating the flag at night. They  
will also take the flag down during bad weather.

26 Vice Chairperson Marchbanks commented that he would be open minded to this  
concept but stated they would have to comply with the site and engineering requirements  
28 etc. He also noted that there is a big concern with safety at this height. Commissioner  
Anderson agreed that safety is a big concern with him as well. Commissioner Wily  
30 commented that he feels this would be a nice landmark addition to the city.  
Commissioner Kallas expressed that he has an issue with the height and was concerned it  
32 could become an albatross.

34 Following some additional general discussion by the Commission, Vice  
Chairperson Marchbanks moved on to the next agenda item.

36 6. **NEW BUSINESS** – Reports by Commissioners.

38 Vice Chairperson Marchbanks called for any new business or reports from the  
Commissioners. There was some discussion on the recent issue of the brightness of the  
40 changeable copy (billboard) sign in the city. Commissioner Kallas mentioned the  
Osmond Senior Housing project followed by some general discussion regarding the 3<sup>rd</sup>  
42 phase of the development. Commissioner Wily mentioned the recent Rossi application  
discussion by the City Council and noted that it was a good discussion similar to the  
44 discussion had by the Commission. He added that the Council voted unanimously for the  
master plan and the discussion on zoning. Vice Chairperson Marchbanks asked if there  
46 were any other comments or discussion from the Commissioners. Hearing none he  
moved on to the next agenda item.

7. **PLANNING DIRECTOR'S REPORT**–

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3 Mr. Van Wagenen reported on the following items followed by some general  
4 discussion.

- 5 • Pleasant Grove/Lindon Interchange
- 6 • Lindon Pool Party
- 7 • Center Traffic Signal
- 8 • Osmond Assisted Living Update

10 Vice Chairperson Marchbanks called for any further comments or discussion.  
11 Hearing none he called for a motion to adjourn.

12 **ADJOURN** –

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14 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE  
15 MEETING AT 9:20 P.M. COMMISSIONER WILY SECONDED THE MOTION.  
16 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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18 Approved – June 24, 2014

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23 Mike Marchbanks, Vice Chairperson

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28 Hugh Van Wagenen, Planning Director