

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **December 8, 2015 beginning at 7:00 p.m.** at the Lindon City Center, City Council
Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Sharon Call, Chairperson
Invocation: Rob Kallas, Commissioner
10 Pledge of Allegiance: Bob Wily, Commissioner

12 **PRESENT** **ABSENT**

Sharon Call, Chairperson
14 Bob Wily, Commissioner
Rob Kallas, Commissioner
16 Matt McDonald, Commissioner
Mike Marchbanks, Commissioner
18 Hugh Van Wagenen, Planning Director
Brandon Snyder, Associate Planner
20 Kathy Moosman, City Recorder

22 **Special Attendee:**
Councilmember Matt Bean

24

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

26

2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of November 10,
28 2015 were reviewed.

30 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
REGULAR MEETING OF NOVEMBER 10, 2015 AS PRESENTED.

32 COMMISSIONER WILY SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

34

3. **PUBLIC COMMENT** –

36

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

40 **CURRENT BUSINESS** –

42 4. **Public Hearing** – ***Ordinance Amendment – LCC 17.18 off Street Parking, LCC***
44 ***17.48 Commercial Zones.*** City Staff recommends amending City Code regarding
setbacks for off-street parking space setbacks in relation to landscaping requirements
46 in Commercial zones.

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

6 Hugh Van Wagenen, Planning Director, led the discussion by explaining there is a
potential conflict between LCC 17.18.090 (off-street parking may not be located in a
8 front or side yard setback) and LCC 17.48.030(4)(20 feet of landscaping is required along
public frontages in commercial zones). He noted the conflict arises when a property line,
10 from where front and side yard setbacks are measured, is not immediately adjacent to the
starting measurement point for landscape strip measurements along public frontages. He
12 stated that landscape strips begin measurements from back of walk in commercial zones
and back of curb in industrial zones.

14 Mr. Van Wagenen further explained if both codes are strictly adhered to, some
property owners could have a 30 ft. landscape requirement. He mentioned it has not been
16 the practice of the Community Development Department to strictly interpret LCC
17.18.090 as long as the required landscaping was met.

18 Mr. Van Wagenen went on to say the potential risk in allowing parking to be
within the front yard setback even with the landscaping requirement being met, is that a
20 road may be widened in the future and the 20 ft. landscaping strip would no longer be 20
ft. This is mostly a risk along state roads that have very wide right of ways beyond where
22 existing sidewalks exist. He added that major State corridors in Lindon are State Street,
Geneva Road, and the North County Boulevard (700 North) and feels these areas may
24 pose some potential concerns and may someday be impacted.

Mr. Van Wagenen then referenced the examples of potential code conflict, the
26 approved site plans for Performance Motors, NuStar and Ordinance 2015-28-O followed
by some general discussion. Mr. Van Wagenen commented that staff recommends the
28 proposed ordinance amendments in order to eliminate the potential code conflict. He
noted this item is really just trying to clean up some potentially conflicting code to match
30 with city practices. He added there are some applications that are waiting to see how this
issue will be resolved.

32 Chairperson Call observed that it appears it will be up to staff to decide whether
there is sufficient landscaping and buffering. Mr. Van Wagenen confirmed that statement
34 and confirmed this needs to be cleaned up so there is no question as to how it is applied.
Chairperson Call mentioned that it sounds like when these unique situations come up, and
36 even though it says the Land Use Authority will make those decisions, that it will still be
brought back to the Commission for the exceptions. Mr. Van Wagenen clarified that the
38 Planning Commission is the Land Use Authority for site plans and explained the
definition of the Land Use Authority as it can change with any given application and in
40 this situation the exceptions will be brought back to the Commission. Commissioner
Wily commented that it appears this will bring the ordinance into conformance.

42 Chairperson Call asked if there were any questions or comments from the
Commission. Hearing none she called for a motion.
44

46 COMMISSIONER MARCHBANKS MOVED TO RECOMMEND APPROVAL
OF ORDINANCE AMENDMENT #2015-28-O WITH NO CONDITIONS.
COMMISSIONER WILY SECONDED THE MOTION. THE VOTE WAS
48 RECORDED AS FOLLOWS:

2 CHAIRPERSON CALL AYE
COMMISSIONER WILY AYE
4 COMMISSIONER KALLAS AYE
COMMISSIONER MARCHBANKS AYE
6 COMMISSIONER MCDONALD AYE
THE MOTION CARRIED UNANIMOUSLY.

8
Chairperson Call asked if there were any public comments. Hearing none she
10 called for a motion to close the public hearing.

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

16 5. **Site Plan/Conditional Use Permit: Trio Design, 500 North 2000 West.** Trio Design
18 on behalf of the LDS Church, requests site plan and conditional use permit approval
for a church building located in the Mixed Commercial (MC) zone.

20 Brandon Snyder, Associate Planner, led this discussion. He commented that
Robert Marshall and Matt Brown are in attendance as representatives of this application.
22 He explained that the applicant is proposing to construct a single story church facility
noting that the property is currently vacant. Mr. Snyder commented that the Lindon City
24 Standard Land Use Table indicates that a church is a conditional use in the Mixed
Commercial (MC) Zone. Mr. Snyder further explained that the intent of the Mixed
26 Commercial (MC) zone is to provide areas within the City where low intensity light
industrial, research and development, professional and business services, retail and other
28 commercial related uses may be located. He noted the property has frontage onto 2000
West (major collector) and 500 North (minor collector). Mr. Snyder mentioned that the
30 third party notice was provided on November 24, 2015, to the adjoining property owners
in accordance with Lindon City Code Section 17.14.50 and staff has received no public
32 comment.

Mr. Snyder further discussed that city staff reviewed the proposal and provided
34 review comments (feedback and corrections) on November 5, 2015. He noted the City
Engineer is working through the technical issues related to the site and will ensure that all
36 engineering related issues are resolved before final approval is granted. The Fire Marshal
has indicated that the submitted plans for the new Lindon Stake center meet the fire code
38 requirements for accessing the building and it shows that the building will be sprinkled.
He added that the sprinkler and fire alarm contractors will need to submit their plans for
40 this building that will be sent to the Fire Marshal and also for third party review.

Mr. Snyder went on to say the MC zone requires that a landscaped strip twenty
42 (20 ft.) in width shall be planted with grass along all public street frontages. The
measurement of the twenty (20 ft.) in landscaping will be measured from the back of
44 walk, or back curb if no sidewalk exists. The MC zone also requires landscaped berms
within the required landscaped strips along public street frontages. The berms shall vary
46 in height and shall be sculptured with enclaves, protrusion, etc. Berms shall be at least
from two and one-half (2½) to four (4 ft.) in height with an average of three and one-half
48 (3½) feet. He noted the applicant is updating the plans to meet this requirement.

2 Mr. Snyder further discussed that Lindon City Code Section 17.18.085 (Interior
4 Landscaping Required) requires that any parking lot adjacent to a residential use be
screened and shall provide a minimum 10' landscaped buffer from the parking lot to the
adjacent residential use. He noted the applicant is proposing to increase this distance.

6 Mr. Snyder commented that Lindon City Code Section 17.50.090 (Parking
8 Requirements) requires that all parking areas shall be set back a minimum of twenty feet
(20') from all dedicated public streets and ten feet (10') from exterior boundaries of the
zone. He noted that this site has 10 ft. plus of additional depth beyond the existing and
10 proposed row improvements along 2000 West. He added that the applicant and City Staff
have been in discussion with UDOT to determine the need for the additional row.

12 Mr. Snyder stated that Lindon City Code Section 17.50.050 (Fencing) requires
14 that a 7' masonry or concrete fence shall be constructed and maintained between a non-
residential development and a residential use or a residential zone. He pointed out that the
Planning Commission may modify this requirement if it makes the following findings:

- 16 a) The proposed fence/landscape screen provides an adequate buffer for the adjoining
residential use;
- 18 b) The appearance of the fence/landscape screen will not detract from the residential use
and/or non-residential use of the property;
- 20 c) The proposed fence/landscape screen will shield the residential use from noise,
22 storage, traffic or any other characteristic of the non-residential use that is
incompatible with residential uses.
- 24 d) The Planning Commission may waive or adjust this fence/screening requirement
upon findings that the fence is not needed to protect adjacent residential uses from
adverse impacts and that such impacts can be mitigated in another appropriate manner
- 26 e) The applicant is proposing that the existing 6' vinyl fence be allowed to remain
28 adjacent to the four residences to the east of the site. The applicant has proposed an
increase landscaped buffer and setback on the east side to meet the findings. Lindon
City Code Section 17.18.080 (Parking lot maintenance and design) requires a fence of
30 at least 6' between any off-street parking lot adjacent to a residential use or residential
zone.

32
34 Mr. Snyder mentioned that the building exterior is to be brick, which complies
with Lindon City Code and the applicant will be submitting color and materials sample
for code compliance.

36 Mr. Snyder then referenced the applicable laws and standards of review as follows:

- 38 • State Code defines a conditional use as "a land use that, because of its unique
40 characteristics or potential impact on the municipality, surrounding neighbors, or
adjacent land uses, may not be compatible in some areas or may be compatible
42 only if certain conditions are required that mitigate or eliminate the detrimental
impacts."
- 44 • Section 10-9a-507 of the State Code requires municipalities to grant a conditional
use permit "if reasonable conditions are proposed, or can be imposed, to mitigate
46 the reasonably anticipated detrimental effects of the proposed use in accordance
with applicable standards." Once granted, a conditional use permit runs with the
land.

- 2 • State Code further provides that a conditional use permit application may be
4 denied only if "the reasonably anticipated detrimental effects of a proposed
6 conditional use cannot be substantially mitigated by the proposal or the
 imposition of reasonable conditions to achieve compliance with applicable
 standards." Utah Code § 10-9a-507.

8 Mr. Snyder noted that staff recommends approval of the proposed CUP and site
10 plan contingent upon addressing all of the outstanding staff review comments. He then
 called for any questions or comments.

12 Chairperson Call asked if they are requesting the fencing requirement so the
14 fencing matches the residential fencing in the area. Mr. Marshall stated they would like
16 to match the same vinyl fence on the east side so they have a visual screen to the storage
18 sheds to the south, plus they like the Lindon two rail fencing as to have a continual visual
20 with the white vinyl and if the city would consider that as a tradeoff. He added they do
22 understand that the two rail fence is no longer a requirement by the city. Commissioner
 Kallas asked if there has been any consideration about putting an approach on 2000 West
 for egress purposes. Mr. Marshall stated they will control more of the access on 500
 North. Mr. Brown mentioned one item discussed with the city engineers and UDOT was
 that UDOT sees 2000 West as being a key connector when the Vineyard Connector goes
 through and they anticipate seeing additional traffic between 700 North and the Vineyard
 Connector.

24 Commissioner Wily inquired about the landscaping plan and if they are planning
26 on low water usage there. Mr. Marshall confirmed they will be using a low water usage
 palette. Chairperson Call asked if the proposed landscaping meets the requirements. Mr.
 Snyder confirmed the plan meets the requirements. Chairperson Call observed that this
 appears to meet city ordinances. Mr. Snyder confirmed that statement.

28 Commissioner McDonald asked for clarification that this conforms to everything
30 except the fencing issue where it borders the residential. Mr. Snyder confirmed that
32 statement. Chairperson Call commented that the code requires that masonry or concrete
34 should be used on the fencing. Mr. Snyder stated that the Planning Commission may
36 modify this requirement and after review and staff felt that as it was proposed was an
 appropriate use. Commissioner Marchbanks stated that he has no objection to the vinyl
 fencing and pointed out that the Commission is comfortable without them using the two
 rail fence; it is their decision though. He added that typically in Lindon other church sites
 don't use masonry walls.

38 A neighboring resident in attendance (who lives on 500 North) commented that he
40 is comfortable with the vinyl fencing as the vinyl would be much easier for him to put a
42 gate in (if he chooses) than in a 7' masonry fence. He would rather have vinyl than a
44 block wall as it would be much easier for him and would also look nice. Mr. Marshall
 mentioned, for clarification, that one of the city engineers comments dealt with 2000 west
 and the landscape buffer so the plan that has been resubmitted they are now 16 ft. off of
 the property line and 32 ft. from the sidewalk that is being put in (landscaping) so that is
 where this amendment would come in because if UDOT widens the road they will only
 be roughly 16 ft. rather than the full 20 ft. at that location.

46 Chairperson Call asked if there were any questions or comments from the
48 Commission. Hearing none she called for a motion.

2 COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S
3 REQUEST FOR A CONDITIONAL USE PERMIT AND FOR SITE PLAN
4 APPROVAL FOR A NEW CHURCH TO BE LOCATED AT 1955 WEST 500 NORTH
5 IN THE MIXED COMMERCIAL (MC) ZONE WITH THE CONDITION THAT THE
6 APPLICANT INSTALL A 6 FOOT VINYL FENCE ON THE SOUTH SIDE OF THE
7 PROPERTY TO MATCH THE FENCE ON THE EAST. COMMISSIONER
8 MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS
9 FOLLOWS:

10	CHAIRPERSON CALL	AYE
	COMMISSIONER WILY	AYE
12	COMMISSIONER KALLAS	AYE
	COMMISSIONER MARCHBANKS	AYE
14	COMMISSIONER MCDONALD	AYE

15 THE MOTION CARRIED UNANIMOUSLY.

16

17 6. **Public Hearing** – *Ordinance Amendment, LCC 17.75 Senior Housing Facility*
18 *Overlay*. Jeff Southard of Southhaven Homes requests a change to the fencing
19 requirement for senior housing facilities so that fencing would not be required along
20 adjacent commercial properties.

21 COMMISSIONER MCDONALD MOVED TO OPEN THE PUBLIC
22 HEARING. COMMISSIONER WILY SECONDED THE MOTION. ALL PRESENT
23 VOTED IN FAVOR. THE MOTION CARRIED.
24

25 Mr. Van Wagenen also led this discussion by giving a brief background of this
26 agenda item. He explained that when the SHFO zone was created, there was discussion
27 on fencing requirements. At the time, both the Commission and Council ultimately felt
28 that such projects should be fenced around their entire perimeter, regardless of adjacent
29 uses or zones.

30 Mr. Van Wagenen explained that Jeff Southard (who is in attendance) is
31 developing the Avalon Senior Living project at 179 North State Street and building one is
32 nearly complete. He noted the project is finalizing site improvements and Mr. Southard
33 would like the existing fencing requirement to be altered in reference to adjacent
34 commercial properties. He went on to say that the existing code states that site obscuring
35 fencing is required of a SHFO project regardless of the adjacent use or zone. He stated
36 that Mr. Southard would like to strike that requirement where SHFO projects abut
37 adjacent commercial development.

38 Mr. Van Wagenen further explained that on the Avalon project, this would
39 specifically apply to its northern border. He noted that Mr. Southard has indicated that he
40 has spoken to Brigham Ashton, the owner of the adjacent commercial property to the
41 north about the ordinance change. He explained that the SHFO zone is an overlay only
42 allowed in commercial zones and will, more than likely, always have commercial
43 neighbors. Mr. Van Wagenen mentioned that this ordinance change would apply zone
44 wide, not just to the example project. He added that it is possible to give the Planning
45 Commission the ability to review and waive the requirement during a site plan review
46 rather than striking the requirement altogether.

2 Mr. Van Wagenen then referenced the Avalon site plan showing the potentially
4 affected area, the Avalon aerial image of potentially affected area and the aerial image of
6 the one other property zoned SHFO and the proposed PRD Amendment to 17.76.110
followed by discussion. Mr. Van Wagenen then turned the time over to Mr. Southard for
comment.

8 Mr. Southard referenced the site plan at this time pointing out the existing
10 masonry wall and the trail access. He stated they are requesting the change adjacent to the
12 vacant property. He also explained that he has met with Brigham Ashton on site and they
14 have discussed this issue several times. He noted that Mr. Ashton indicated that he does
16 not know what is going to develop on his property in the future. He and Mr. Ashton both
agreed that until they know what is going to develop there it would make sense to wait to
see what the most appropriate fencing option would be along with grading and slope
issues for retaining purposes. Mr. Southard pointed out there if there is a retaining wall
there that would also change whatever fence they put in or he may want to leave it open
(similar to Osmond's) dependent on what develops there and what the land use is and
what is appropriate and what makes the most sense.

18 Mr. Southard re-iterated they are requesting the zone change (on the one area) so
20 they can hold off on the fencing until they know what develops on Mr. Ashton's
22 property. He indicated they will be putting a fence in now in the other areas. He noted
24 they also plan to work in conjunction with Mr. Ashton as to have some flexibility. There
was then some general discussion regarding the fencing issue. Following discussion Mr.
Southard stated, for the record, that he would be happy to have the responsibility for the
fencing, whatever it may be upon Avalon Senior Housing.

26 Chairperson Call mentioned her concerns that this would not only be changing the
28 zoning on this property but also the property on the other senior housing projects,
however, we have no idea of what commercial development is going to go in.
30 Commissioner Wily asked if there is a way to change the ordinance to allow for a waiver.
Mr. Van Wagenen then read a portion of the ordinance language stating the language
32 could be tweaked. Chairperson Call asked when new uses of the adjacent property come
up how can the fencing requirement be controlled. Mr. Van Wagenen questioned at what
point is it the role of the city to protect or make sure the fencing happens; these are things
to consider.

34 Commissioner Kallas asked for clarification if we are changing the wording on
36 the fencing requirement in a senior housing zone. Mr. Van Wagenen confirmed that
statement. He added that in essence it is the senior housing zone but commercial in
38 nature in the sense that it is not single family homes. There was then some general
discussion regarding the intent and purpose of the ordinance language and whose
responsibility or burden it is for the fencing. Following discussion the Commissioner
40 agreed to ensure that the responsibility is clear in the ordinance language. Chairperson
Call stated she is not comfortable changing the ordinance for this property and other
42 properties in the senior housing overlay zone.

44 There was then some additional discussion regarding possible future uses on the
vacant property and fencing options regarding this issue. Commissioner Marchbanks
46 asked Mr. Van Wagenen if it is a possibility to give Mr. Southard a waiver until we know
what the outcome of the property is and not change the ordinance. Commissioner
48 McDonald asked for some background of the senior housing overlay zone. Mr. Van
Wagenen then described the origination and reason behind the senior overlay zone.

2 Commissioner Kallas questioned if leaving the ordinance the way it is currently worded
4 doesn't give the opportunity to have some flexibility in this situation without changing
6 the ordinance. Mr. Southard stated the question is can they change it after the site plan
8 approval has been received. Commissioner Kallas commented that a matter of changing
10 the zone to fit a specific need does not make sense. Chairperson Call agreed with that
12 statement. Commissioner Kallas suggested using some language to the effect that any
exception to the fence height, location, and time of installation shall be discussed and
approved by the Planning Commission. Commissioner Marchbanks stated that would
give the ability to do exactly what they have been discussing here tonight. Mr. Southard
stated material use would still have to be included. Chairperson Call pointed out this item
will need to also go to the City Council for approval.

14 Mr. Van Wagenen asked Mr. Southard if he could get something in writing from
16 Mr. Ashton verifying that the adjacent property owner is not being impacted. Mr.
18 Southard agreed he could get verification. He noted they are hoping for their certificate
of occupancy within a month. Following discussion the Commission agreed on the
language changes indicated on the screen by Mr. Van Wagenen. Mr. Van Wagenen stated
they will work with Mr. Southard to get the certificate of occupancy with meeting
schedules and timing etc.

20 Chairperson Call asked if there were any further questions or comments from the
22 Commission. Hearing none she called for a motion.

24 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF
26 ORDINANCE AMENDMENT #2015-29-O TO THE CITY COUNCIL WITH THE
28 CHANGE THAT ANY EXCEPTIONS TO FENCE HEIGHT, MATERIAL,
LOCATION AND TIMING OF INSTALLATION SHALL BE APPROVED BY THE
PLANNING COMMISSION. COMMISSIONER MARCHBANKS SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

30 CHAIRPERSON CALL	AYE
32 COMMISSIONER WILY	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER MCDONALD	AYE

34 THE MOTION CARRIED UNANIMOUSLY.

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

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

44 8. **New Business: Reports by Commissioners** – Chairperson Call called for any
comments or discussion from the Commissioners.

46 Chairperson Call asked if Lindon offers any insurance that homeowners can
48 purchase for breakage of a water main pipe etc., and if not does the city have someone
they would refer them to for this issue. Mr. Van Wagenen replied that he doesn't think

2 the city offers insurance, but he will check into that issue and get back. Chairperson Call
4 also inquired about the 700 North committee that Commissioner Wily has agreed to sit
6 on. She mentioned that Councilmember Lundberg also asked her to sit on the committee.
Chairperson Call stated she will accept unless someone else is willing or wants to be on
the committee. Following discussion by the Commission Chairperson Call agreed to sit
on the committee.

8 Commissioner Wily asked what the outcome was at the last City Council meeting
regarding the discussion on the public safety building site plan. Mr. Van Wageningen
10 replied that the site plan was approved but the elevations were continued. He noted the
Council also discussed a pitched roof on the tower, stone vs. stucco and also reducing the
12 cost by \$100,000 etc. He stated that basically Councilmember Powell and
Councilmember Lundberg thought the building was very flat and straight and wanted it
14 more similar to the City Building. Commissioner Kallas asked for an update on the
Center Street traffic light. Mr. Van Wageningen stated they had a meeting with UDOT
16 about the light on Center Street and they indicated they are waiting for the questar project
to be completed before installation. Mr. Van Wageningen then introduced Charlie Keller,
18 potential Planning Commissioner, who is also observing the meeting tonight.

Chairperson Call called for any further comments or discussion. Hearing none she
20 moved on to the next agenda item.

22 **11. Planning Director Report-**

24 Mr. Van Wageningen reported on the following items followed by discussion:

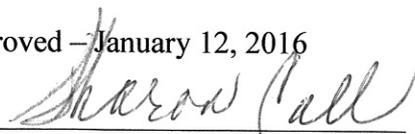
- 26 • Nudge project on Geneva Road.
- 60 foot height limit on 700 North.
- 28 • Employee Christmas Party on December 23 at noon.
- Discussion on the Ivory Development and if the 5 ft. setback makes the project
viable.
- 30 • Discussion on a possible 60 ft. height limit. The Commission was in agreement it
is something to consider.

32
Chairperson Call called for any further comments or discussion. Hearing none she
34 called for a motion to adjourn.

36 **ADJOURN -**

38 COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE
MEETING AT 9:30 P.M. COMMISSIONER MCDONALD SECONDED THE
40 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

42 Approved – January 12, 2016

44 
Sharon Call, Chairperson

46 
Hugh Van Wageningen, Planning Director