

2 The Lindon City Planning Commission held a regularly scheduled meeting on  
3 **Wednesday, January 24, 2007**, beginning at 7:00 p.m. in the Lindon City Center, City  
4 Council Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Jim Peters, Chairperson

6 Invocation: Gary Godfrey

7 Pledge of Allegiance: Jim Peters

8 **PRESENT**

**ABSENT**

10 Jim Peters, Chairperson

Julie Bryner, Commissioner

12 Ron Anderson, Commissioner

Matt Bean, Commissioner

14 Gary Godfrey, Commissioner

Ken Miller, Commissioner

16 Marilyn Simister, Commissioner

Adam Cowie, Planning Director

18 Matt Brady, Planning Intern

Debra Cullimore, Deputy Recorder

20 The meeting was called to order at 7:02 p.m.

22 Chairperson Peters welcomed Scout Troops 434 and 1202 to the meeting.

24 **APPROVAL OF MINUTES** – The minutes of the January 10, 2007 meeting were  
26 reviewed.

28 COMMISSIONER MILLER MOVED TO APPROVE THE MINUTES OF THE  
30 JANUARY 10, 2007 MEETING. COMMISSIONER SIMISTER SECONDED THE  
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

32 **PUBLIC COMMENT** –

34 Chairperson Peters called for public comment from any resident present who  
36 wished to address an issue not listed as an agenda item. There was no public comment.

**CURRENT BUSINESS** –

- 38 1. **Design Review** – Timbercreek Farms Plat “D” – approximately 600 West 10  
40 North. This is a request by Scott Mitchell for review of options on a proposed  
42 multiple lot subdivision in the R1-20 zone. General feedback will be given  
regarding the proposal, but no official motion will be made as part of this Design  
44 Review.

46 Scott Mitchell was present to discuss this item with the Commission. Mr. Cowie  
explained that this is a request for review of options for a proposed multiple lot

subdivision in the R1-20 zone. Mr. Mitchell has submitted a subdivision application with several different configuration options. One option would extend the 10 North cul-de-sac and allow construction of five subdivision lots. Mr. Mitchell has expressed a preference for an alternate configuration which would include three lots, one of which would be a deep lot. Mr. Cowie noted that the Deep Lot ordinance specifies that a deep lot can not be used to maximize lots in a development, but that in this case, use of a deep lot would actually create fewer lots than if a through street is required. Mr. Cowie pointed out that use of a deep lot in this particular situation may create less of an impact on neighboring properties.

Commissioner Simister inquired as to whether the proposed deep lot meets the requirements of the deep lot ordinance relative to lot size and frontage. Mr. Cowie stated that the lot dimensions are in compliance with ordinance requirements. He noted that the only challenge may be a provision which states that deep lots can not be included in initial subdivision applications. He again pointed out that Mr. Mitchell has adequate property to install a full street width, but that this configuration would in fact increase density and have a greater impact on surrounding properties.

The Commission went on to discuss the impact of both configurations on neighboring properties. Mr. Cowie pointed out that a deep lot would likely not be approvable on the Phil Brown property if this deep lot is allowed due to the 500 foot separation requirement for deep lots accessed from the same street. Mr. Mitchell stated that Mr. Brown is aware that this proposed deep lot may preclude a deep lot on his property in the future, but that he has expressed a preference for the deep lot configuration on this application, as it creates less impact on access to his property at this time.

Commissioner Anderson noted that during recent review and revision of the Deep Lot ordinance, the Planning Commission recommended to the City Council that deep lots be allowed as part of initial subdivision applications in circumstances such as this when use of a deep lot would create less density. The City Council did not accept this recommendation, and current ordinance specifies that deep lots can not be allowed as part of initial subdivision applications. Mr. Cowie suggested that language could be added to the ordinance which would allow deep lots in circumstances where the deep lot is not being used to maximize development.

Mr. Cowie reviewed overhead photographs of the area, which show other properties which may not be developable without the use of deep lots. The Commission reviewed specific deep lot requirements related to frontage, emergency vehicle access, and fire hydrant locations.

Following further discussion, it was the general feeling of the Commission that use of a deep lot in this situation would create less density and less impact on neighboring properties. The Commission suggested that Mr. Mitchell discuss this matter with the City Council to determine if deep lot development would be allowable based on current ordinance requirements. Mr. Cowie suggested that Mr. Mitchell may want to pursue an ordinance change request which would allow legal development of deep lots as part of initial subdivision applications if specific criteria are met. Mr. Mitchell thanked the Commission for their time and input.

2           2. **Public Hearing/Major Subdivision** – Lindon Harbor Industrial Condominiums –  
1250 West 220 South. This is a request by Dennis Franco for approval of a 9-unit  
4           condominium subdivision. The nine units are housed in two buildings located in  
the LI zone, and are currently leased to individual tenants.

6           COMMISSIONER GODFREY MOVED TO OPEN THE PUBLIC HEARING  
TO CONSIDER SUBDIVISION AND ORDINANCE CHANGE REQUESTS.  
8           COMMISSIONER SIMISTER SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

10           Mr. Cowie stated that he had spoken with the applicant for this item, Dennis  
12           Franco, earlier in the day. Mr. Franco informed Mr. Cowie that he would be unable to  
attend the meeting, but that he felt the Commission could proceed with review of this  
14           application in his absence. Mr. Cowie observed that this request is a simple subdivision  
application with no significant staff concerns. He felt that it would be appropriate to  
16           proceed without the applicant present. The Commission agreed that review of this  
application at this time would be appropriate.

18           Mr. Cowie reviewed the application. He stated that this is a request for a 9-unit  
condominium subdivision located in two existing buildings located off of 1250 West in  
20           the LI zone. The subdivision will allow each unit to be sold separately. Mr. Cowie  
reviewed photographs of the building and surrounding property which shows a metal  
22           building with a block wainscot, as well as required parking and landscaping  
improvements. Commissioner Anderson inquired as to whether the parking and  
24           landscaped areas would be shown as common area on the plat. Mr. Cowie stated that all  
areas other than the building will be specified as common areas on the plat, and that a  
26           condominium association will be responsible for common areas. Commissioner  
Anderson asked if existing parking is in compliance with requirements. Mr. Cowie stated  
28           that required parking was based on warehouse area measurements, which requires one  
parking space per 1000 square feet of warehouse space. He stated that parking can be  
30           reviewed to make sure it is adequate for current uses on the site.

32           Chairperson Peters called for further comments or discussion. Hearing none, he  
called for a motion.

34           COMMISSIONER MILLER MOVED TO APPROVE THE LINDON HARBOR  
INDUSTRIAL CONDOMINIUMS MAJOR SUBDIVISION PRELIMINARY PLAT AT  
36           1250 WEST 220 SOUTH AND RECOMMEND APPROVAL TO THE CITY  
COUNCIL WITH THE FOLLOWING RECOMMENDATION:

38           1.           THAT PARKING ON THE SITE BE REVIEWED TO DETERMINE  
WHETHER AVAILABLE PARKING IS ADEQUATE TO MEET  
40           THE NEEDS OF EXISTING USES.

42           COMMISSIONER SIMISTER SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

44           3. **Public Hearing** – Ordinance change to LCC 17.32.100 and 17.04.180 – Lot  
width to depth ratios. This is a request by Tom Maxfield for the review of

2 proposed changes to LCC 17.32.100 and 17.04.180 which deals with lot width to  
depth ratios.

4 Tom Maxfield was present as the representative for this application. Mr. Cowie  
explained that this is a request for wording changes to section 17.32.100 and 17.04.180 of  
6 the Lindon City Code relative to required width to depth ratios for subdivision lots.  
Existing ordinance requirements allow a width to depth ratio at a maximum of 3 to 1.  
8 The applicant is proposing an increase in the ratio to allow 3.5 to 1. Mr. Cowie explained  
that the intent of the width to depth ratio is to prevent development of exceptionally deep,  
10 narrow lots which may require reconfiguration or deep lots to accommodate future  
development.

12 Mr. Cowie reviewed the layout of this proposed development. The proposed  
development would consist of 4 lots, each with 100 foot frontage. The property for the  
14 proposed development is 327 feet deep. Therefore, if current ordinance requirements are  
met, a 27 wide remnant parcel would be left at the rear of the development. Mr. Maxfield  
16 is requesting the proposed ordinance change to allow a depth of 327 feet on the parcels in  
this proposed development in order to eliminate the remnant parcel at the rear of the lots.

18 Commissioner Anderson asserted that the use of deep narrow lots is a good option  
in maintaining open space and areas which can accommodate barns or small pastures.  
20 Chairperson Peters suggested the possibility of allowing a percentage increase in the  
width to depth ratio in specific situations rather than increasing the allowable ratio for all  
22 lots. Commissioner Anderson felt that a deeper lot would be preferable to a remnant  
parcel in this particular situation. He observed that in some situations, width to depth  
24 ratio restrictions may increase density if roadway installation is required for development  
of property which does not meet current requirements. He noted that if road construction  
26 is required for development, developers would be more likely to subdivide property into  
smaller lots to offset the cost of road improvements. Commissioner Godfrey observed  
28 that open space at the rear of deep narrow lots which is not visible from the road may not  
create an open aesthetic appearance, and may appear to be as dense as smaller lots.

30 Commissioner Simister inquired as to the possibility of a variance for this  
particular application rather than an ordinance change. Mr. Cowie explained that  
32 variance requests are heard by the Board of Adjustments, and that very specific criteria  
established by the State must be met in order to grant a legal variance. He stated that this  
34 development would not meet the requirements for a variance.

36 Commissioner Godfrey suggested the possibility of deeding the remnant parcel to  
the adjacent property owner. Mr. Cowie stated that the possibility had been discussed  
with Mr. Maxfield. However, the remnant parcel includes a ditch and fence line area,  
38 which may require piping at some time in the future, and may be affected by wetlands  
requirements. Mr. Maxfield did not feel that the neighboring property owner would be  
40 interested in acquiring the parcel due to nature of property.

42 Commissioner Bean expressed agreement with Commissioner Godfrey regarding  
aesthetics issues related to deep narrow lots. He stated that it would be his preference to  
see lots with more frontage, but that the economic reality is that wider frontage is not  
44 always proposed by developers. Commissioner Godfrey noted that while it is not the  
responsibility of the Planning Commission to maximize the profitability of development,  
46 he would be comfortable with allowing a percentage increase in width to depth ratios on

specific applications if it is determined that it would be in the best interest of the community to allow the increase. Commissioner Simister expressed concern that allowing deeper lots may precipitate a future deep lot application for development of the rear portion of the parcels. Commissioner Anderson noted that in this case, each lot has only 100 feet of frontage, which would not allow future deep lot development.

Chairperson Peters called for further comments or discussion. Hearing none, he called for a motion.

COMMISSIONER SIMISTER MOVED TO RECOMMEND TO THE CITY COUNCIL A REVISION TO THE LINDON CITY CODE WHICH WOULD ALLOW THE PLANNING COMMISSION AND THE CITY COUNCIL TO APPROVE UP TO A 20% INCREASE IN THE ALLOWABLE WIDTH TO DEPTH RATIO FOR SUBDIVISION LOTS IF IT IS DETERMINED THAT DOING SO WOULD BE THE BEST USE OF THE PROPERTY AND IN THE BEST INTEREST OF THE CITY AND SURROUNDING PROPERTIES.

The Commission discussed the specific language of the recommendation. Commissioner Godfrey felt that more specific requirements for allowing an increase in the width to depth ratio should be included in the language. Chairperson Peters observed that if requirements become too specific, it eliminates the ability of the Planning Commission and City Council to consider feasible options for development. Following further discussion regarding specific language:

COMMISSIONER MILLER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

|                       |     |
|-----------------------|-----|
| CHAIRPERSON PETERS    | AYE |
| COMMISSIONER ANDERSON | AYE |
| COMMISSIONER BEAN     | NAY |
| COMMISSIONER GODFREY  | NAY |
| COMMISSIONER MILLER   | AYE |
| COMMISSIONER SIMISTER | AYE |

THE MOTION CARRIED (4-2) WITH ONE ABSENT.

Commissioner Bean expressed that he was concerned that the language in the recommendation is too open ended and may have the same effect as removing the ratio requirements altogether.

Commissioner Godfrey felt that the recommended allowable percentage increase of 20% is too high. He felt that the ratio serves an important purpose in orderly development of the City.

- Public Hearing** – Minor Subdivision – Maxfield Meadows Plat “A” – Approximately 247 North 800 West. This is a request by Tom Maxfield for approval of a one-lot subdivision in the R1-20 zone, on the south side of Pheasant Brook Park.

2 Tom Maxfield was present as the representative for this application. Mr. Cowie  
3 explained that Mr. Maxfield has submitted a subdivision application for a one lot  
4 subdivision in the R1-20 zone on the south side of Pheasant Brook Park. The application  
5 submitted by Mr. Maxfield is for a lot which measures 100 feet by 300 feet, and is in  
6 compliance with current ordinance requirements. However, as discussed during review  
7 of the previous agenda item, Mr. Maxfield is requesting that the lot dimensions be  
8 increased to 100 feet by 327 feet to eliminate a 27 foot wide remnant parcel at the rear of  
the property.

10 Commissioner Godfrey inquired as to the Master Planned trail section adjacent to  
11 this property. Mr. Cowie explained that the Master Plan shows a ten foot wide future  
12 trail section on 800 West adjacent to this subdivision lot. He noted that the intent of the  
13 trail is to extend past Pheasant Brook Park and onto 700 North at some point in the  
14 future. Mr. Cowie explained that curb, gutter, and sidewalk structures were installed by  
15 Salisbury Homes as part of the Pheasant Brook subdivision, and that if required, the trail  
16 section associated with this subdivision would create only a small section of trail in the  
17 sidewalk area. He noted that this trail section was included in the 2006 Trails Master  
18 Plan. Mr. Cowie suggested that the Commission discuss whether the trail section should  
19 be installed as part of this project, if the developer should pay a bond amount to the City  
20 for future installation of the trail section, or if the trail section is not a concern at this  
time. Mr. Cowie recommended that a bond amount be paid, and that the trail section be  
installed at a future date.

22 Commissioner Anderson noted that in the interest of fairness, it may not be  
23 appropriate to require removal of the curb, gutter and sidewalk structure in order to install  
24 the trail section. He explained that in his view, the developer incurred significant  
25 expense to install the existing curb, gutter, and sidewalk in compliance with City  
26 standards, and that it does not make sense to require that the existing structures be  
27 removed and the trail section be installed by the developer since existing structures were  
28 installed in compliance with previous requirements. Chairperson Peters noted that he has  
29 installed curb, gutter, and sidewalk structures in other areas of the City as part of  
30 development projects. He agreed that it may not be fair to require removal of existing  
31 structures and installation of trail sections at the expense of the developer in similar  
32 circumstances. Commissioner Godfrey observed that it is not practical to assume that  
33 once various structures or facilities are installed, the City will never make changes or  
34 improvements to the Master Plan. Commissioner Anderson felt that if the City  
35 determines that existing facilities which were installed by developers in compliance with  
36 existing City standards should be removed and new facilities installed, it should be done  
at the City's expense.

38 Commissioner Simister inquired as to the estimated cost for installation of the  
39 trail section. Mr. Cowie stated that he is unsure of the cost of trail installation. He noted  
40 that this area will be fairly low priority for installation of the trail, due to the existing  
41 curb, gutter, and sidewalk structure, and that extensions of the trail section may not be  
42 installed in the area for a number of years.

44 Commissioner Simister commented that Salisbury Homes, and not Mr. Maxfield  
45 installed the existing curb, gutter, and sidewalk structures. Mr. Maxfield stated that while  
46 he did not pay for installation of the structure, he paid for the curb, gutter, and sidewalk  
as part of the purchase agreement for the property.

2 Commissioner Godfrey inquired as to what leeway the Commission has in  
making specific requirements. Mr. Cowie explained that the standard for development in  
4 the City is to require Master Planned improvements as part of development. He noted  
that there have been exceptions made to Master Plan requirements if it is shown that  
6 specific improvements are not currently necessary. He also observed that this is a unique  
situation due to the existing curb, gutter, and sidewalk structures.

8 Mr. Cowie noted that the decision of the Planning Commission on this matter will  
be a recommendation to the City Council who will make the final decision regarding  
required improvements. He noted that if a trail section were to be required, it would be a  
10 very small section of trail located in the sidewalk area, and that installation of the trail at  
this time does not seem reasonable.

12 Chairperson Peters called for further comments or discussion. Hearing none, he  
called for a motion.

14  
16 COMMISSIONER ANDERSON MOVED TO APPROVE THE MAXFIELD  
MEADOWS PLAT "A" SUBDIVISION PRELIMINARY PLAT AND RECOMMEND  
APPROVAL TO THE CITY COUNCIL WITH THE FOLLOWING  
18 RECOMMENDATIONS:

- 20 1. THAT IF APPROVED, ORDINANCE CHANGES RELATIVE TO  
WIDTH TO DEPTH RATIOS APPLY TO THIS SUBDIVISION.
- 22 2. THAT THE TRAIL LOCATION BE NOTED ON THE PLAT, BUT  
THAT THE DEVELOPER NOT BE REQUIRED TO INSTALL OR  
BOND FOR THE TRAIL SECTION AT THIS TIME.

24 COMMISSIONER BEAN SECONDED THE MOTION. THE VOTE WAS  
RECORDED AS FOLLOWS:

|                        |     |
|------------------------|-----|
| 26 CHAIRPERSON PETERS  | AYE |
| COMMISSIONER ANDERSON  | AYE |
| 28 COMMISSIONER BEAN   | AYE |
| COMMISSIONER GODFREY   | AYE |
| 30 COMMISSIONER MILLER | AYE |
| COMMISSIONER SIMISTER  | NAY |

32 THE MOTION CARRIED (5-1) WITH ONE ABSENT.

34 Commissioner Simister felt that the developer should be required to give some  
consideration to installation of the Master Planned trail section adjacent to the  
36 development. She felt that trail installation or bonding may be required if more lots were  
developed, and that it may be appropriate to make some requirement of the developer  
38 concerning installation of the trail section.

40 COMMISSIONER SIMISTER MOVED TO CLOSE THE PUBLIC HEARINGS  
TO CONSIDER SUBDIVISION AND ORDINANCE CHANGE APPLICATIONS.  
42 COMMISSIONER MILLER SECONDED THE MOTION. ALL PRESENT VOTED IN  
FAVOR. THE MOTION CARRIED.

- 44  
46 5. **Amendment to Conditional Use Permit** – Pinnacle Learning Centers – 383  
West Lakeview Road. This is a request by Joseph Nielsen to amend the existing

2 Conditional Use Permit for Pinnacle Learning Centers to allow for an increase in  
the number of students permitted at the site from 40 to 70 students at a time.

4 Colin Jensen was present as the representative for this application. Mr. Jensen  
stated that he is the Principal of Pinnacle Learning Center. Mr. Cowie explained that this  
6 is a request to amend an existing Conditional Use Permit for Pinnacle Learning Center  
located in the old City building at 400 West Lakeview Drive. Mr. Cowie noted that the  
8 existing Conditional Use was approved for a maximum of 40 students at the site in order  
to determine whether traffic safety concerns for drop off and pick up of students has been  
10 adequately addressed. Mr. Cowie noted that no complaints regarding traffic impact have  
been received by the City from neighboring property owners, and that the applicant has  
12 established a drop off and pick up route, including appropriate striping, as requested by  
the Planning Commission. This request is to increase the number of students in each  
14 session to a maximum of 70. Mr. Cowie noted that the facility is currently operating only  
a morning session, but that an afternoon session may be added in the future. Mr. Cowie  
16 also noted that the owner of the facility is applying to remodel a portion of the facility,  
and that the legal occupancy limit of the building following the remodel is unclear. He  
18 suggested that total occupancy be determined based on building code requirements  
determined by the Chief Building Official.

20 Chairperson Peters noted that an increase to seventy students in two sessions  
could create as many as four times the number of students at the site each day. Mr.  
22 Cowie noted that the Conditional Use was originally approved to allow two sessions, and  
that the applicant had the option to apply for an increase in the allowable number of  
24 students if it is determined that the current number of students has not been problematic.

Mr. Jensen noted that the facility does not operate every day, and that current  
26 sessions are held from 8:00 a.m. to noon Tuesday, Wednesday, and Thursday. He noted  
that some additional elective classes are currently being offered in the afternoon, but that  
28 attendance at the afternoon classes is very low at this time.

Commissioner Simister noted that the minutes of the approval of the original  
30 Conditional Use Permit application indicate that if 12 hours or less of instruction per  
week are provided, State education requirements are not applicable. She asked Mr.  
32 Jensen if an increase in hours would trigger implementation of State requirements. Mr.  
Jensen stated that the facility is not accredited, and that the parents and the facility  
34 determine curriculum standards. Commissioner Simister observed that there may be  
State requirements for operation of the facility, and that it would be appropriate to  
36 determine whether the facility is compliance with any applicable laws or standards.

Chairperson Peters called for public comment on this application. Doug  
38 Christensen expressed concern that it may not be appropriate to expand the existing  
business due to the location of the facility in a residential zone. Sandra Christensen  
40 expressed concern regarding the safety of students at the facility with an increase in  
vehicles at the site each day. Mr. Jensen noted that students are not allowed outside the  
42 facility at any time without adult supervision.

Chairperson Peters inquired as to the vision of the future growth of the facility.  
44 Mr. Jensen stated that the facility would reach a “break even” point with 60 students at  
the facility. He stated that the facility is not large enough to accommodate more than the

requested 70 students per session, and that if the number of students expands beyond 70, relocation to a larger facility would be necessary.

Chairperson Peters asked Mr. Cowie if he is aware of any particular State regulation which may be applicable to this business. Mr. Cowie stated that he is unaware of any specific regulations, and that requirements for private schools differ from requirements for charter or public schools. Commissioner Simister stated that minutes of the previous approval imply that if the instruction is provided in excess of twelve hours per week, compliance with State regulations would be required. Mr. Cowie observed that it would not be feasible for the City to effectively monitor the number of students at the facility for any given number of hours. Commissioner Simister felt that it is the City's responsibility to determine whether the facility is operating legally, and in compliance with State requirements prior to allowing an increase in the number of students or the number of operating hours. Mr. Cowie noted that the facility has a valid business license with the City, and that licensing information is forwarded to the State for review. Mr. Jensen explained that this is not an accredited facility, and that the parents of the students are responsible for the education of their children. Mr. Cowie suggested that if verification of State regulations is required, that the applicant be responsible to provide documentation to the City, rather than the City taking responsibility to determine applicable standards.

Chairperson Peters called for further comments or discussion. Hearing none, he called for a motion.

COMMISSIONER SIMISTER MOVED TO CONTINUE THE APPLICATION FOR AN AMENDMENTED CONDITIONAL USE PERMIT FOR PINNACLE LEARNING CENTER UNTIL SUCH TIME AS THE APPLICANT PROVIDES DOCUMENTATION TO THE CITY THAT THE FACILITY IS IN COMPLIANCE WITH ANY STATE REGULATIONS REGARDING PRIVATE SCHOOLS, AND WHETHER THE FACILITY IS OPERATING LEGALLY. COMMISSIONER MILLER SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

|                       |     |
|-----------------------|-----|
| CHAIRPERSON PETERS    | AYE |
| COMMISSIONER ANDERSON | NAY |
| COMMISSIONER BEAN     | NAY |
| COMMISSIONER GODFREY  | NAY |
| COMMISSIONER MILLER   | AYE |
| COMMISSIONER SIMISTER | AYE |

THE MOTION FAILED DUE TO A TIE VOTE.

Chairperson Peters called for an alternate motion.

COMMISSIONER GODFREY MOVED TO APPROVE THE APPLICATION FOR AN AMENDED CONDITIONAL USE PERMIT FOR PINNACLE LEARNING CENTER WITH THE FOLLOWING REQUIRMENTS:

1. THAT THE BUILDING OFFICIAL ESTABLISH MAXIMUM OCCUPANCY OF THE BUILDING FOLLOWING REMODELING TO DETERMINE AN APPROPRIATE NUMBER OF STUDENTS ALLOWED AT THE FACILITY.

2 IF THE NUMBER IS LOWER THAN THAT REQUESTED BY THE  
3 APPLICANT, MAXIMUM OCCUPANCY AS DETERMINED BY THE  
4 BUILDING OFFICIAL WILL BECOME THE MAXIMUM ALLOWABLE  
5 OCCUPANCY.

6 2. THAT THE APPLICANT PROVIDE STAFF WITH DOCUMENTATION  
7 THAT THE FACILITY IS IN COMPLIANCE WITH STATE  
8 REQUIREMENTS REGARDING PRIVATE SCHOOLS.

9 COMMISSIONER ANDERSON SECONDED THE MOTION. THE VOTE WAS  
10 RECORDED AS FOLLOWS:

|    |                       |     |
|----|-----------------------|-----|
| 10 | CHAIRPERSON PETERS    | NAY |
|    | COMMISSIONER ANDERSON | AYE |
| 12 | COMMISSIONER BEAN     | AYE |
|    | COMMISSIONER GODFREY  | AYE |
| 14 | COMMISSIONER MILLER   | AYE |
|    | COMMISSIONER SIMISTER | NAY |

16 THE MOTION CARRIED (4-2) WITH ONE ABSENT.

18 Commissioner Godfrey noted that, while not a part of the motion, he encourages  
19 adult supervision of students outside the facility at all times.

20

21 6. **Public Hearing** – Ordinance Change to LCC title 18 (Sign Ordinance). This is a  
22 review of proposed changes to the sign ordinance, specifically LCC 18.03.  
23 Various changes including those for monument signs, banner signs, and  
24 temporary sign time limits are proposed. The Planning Commission will forward  
25 a recommendation to the City Council at their next regularly scheduled meeting.

26

27 COMMISSIONER MILLER MOVED TO OPEN THE PUBLIC HEARING TO  
28 CONSIDER PROPOSED CHANGES TO LCC TITLE 18 (SIGN ORDINANCE).  
29 COMMISSIONER SIMISTER SECONDED THE MOTION. ALL PRESENT VOTED  
30 IN FAVOR. THE MOTION CARRIED.

31 Mr. Cowie explained that the proposed ordinance changes were initiated by the  
32 City at the request of the City Council. He noted that proposed changes were discussed  
33 by the Planning Commission during the regular meeting of January 10, 2007. Mr. Cowie  
34 explained that proposed changes deal with temporary signage, such as banner signs and  
35 balloon signs. Mr. Cowie noted that the Planning Commission requested that some  
36 language be included in the revisions which would limit the number of allowable banner  
37 signs at individual businesses. He stated that the Code Enforcement Officer expressed  
38 concern regarding a limit based on size of the lot or street frontage, which would be  
39 difficult to determine or enforce on each lot. Mr. Cowie suggested a uniform limit of two  
40 balloon signs and five banner signs per site at any time.

41 Chairperson Peters called for public comment. Curtis Sampson of Mercedes Benz  
42 of Lindon approached the Commission. Mr. Sampson noted that a used car facility is  
43 under construction adjacent to the I-15 corridor. Mr. Cowie showed an overhead  
44 photograph of the existing Larry H. Miller dealerships, as well as the location of the used  
45 car dealership currently under construction. Mr. Sampson noted that a triangular section  
46

of property will be located at the south end of the used car site. He stated that he would like to install a flag pole in the triangular section. Mr. Sampson went on to explain that due to the location of the proposed flag pole adjacent to the I-15 corridor, and the height of pole signs in the area, he would like the flagpole to exceed the current allowable height. He asserted that the flagpole should be the highest visible structure as a matter of respect, but that it is his intent to draw attention to the dealerships with the flag. He requested that the Commission consider allowing a flag pole between 80 and 110 feet in height. Mr. Sampson stated that a flag pole in compliance with current standards would not create the desired effect, and that if a minimum height of 80 feet is not allowed, a flag pole will not be installed.

The Commission discussed the circumstances related to the existing flag pole at the Low Book Sales site. Mr. Cowie noted that the pole was installed prior to obtaining required permits. Subsequent to approval of the Low Book Sales flag pole, code requirements related to flag poles were amended significantly, and now allow flag poles at a maximum height which exceeds the allowable building height in any zone by ten feet. Current standards would allow a flag pole on this site at a maximum height of 58 feet.

The Commission went on to discuss the specifics of this request. Mr. Cowie noted that this dealership is located in the PC-2 zone. He suggested the possibility that different standards for flag poles could be applied specifically to the PC-2 zone.

Commissioner Bean noted that the location of this proposed flag pole adjacent to I-15 appears to be a more appropriate location than State Street. Commissioner Godfrey felt that if the proposed flag pole would be appropriate at this specific location, it may also be appropriate to allow others in the T-zone adjacent to the freeway. Mr. Cowie noted that an ordinance change to allow taller flag poles in the T-zone would include all properties with freeway frontage. He suggested a separation distance in order to control the number of flags on the freeway corridor. Following review of overhead photographs of the I-15 corridor, the Commission determined that a separation distance of  $\frac{3}{4}$  of a mile would allow several larger flag poles to locate in the T-zone without a proliferation which may be problematic for aesthetic and safety reasons.

The Commission then returned to discussion regarding other proposed changes to the sign ordinance. Mr. Cowie clarified that the 50 day time limit specified in the proposed changes is a combined fifty days for all types of temporary signage rather 50 days for each type of temporary signage.

Commissioner Bean inquired as to how proposed standards would be applied to strip-mall type developments. Mr. Cowie stated that each business in the mall would be allowed to use temporary signage for 50 days per calendar year.

Mr. Sampson expressed concern that the proposed 50 day limit may not be adequate to meet the advertising needs of some businesses. He noted that businesses typically do promotional events on weekends. He suggested that temporary signage be allowed on Saturday and Sunday each week. He agreed that while temporary signage is most effective if used in "short bursts," 50 days per year may not be adequate. Chairperson Peters noted that current ordinance allows use of temporary signage for only 30 days per calendar year, and that it is the intent of the proposed increase to 50 days is to allow greater flexibility for businesses while eliminating over use of temporary signage.

2 Chairperson Peters suggested that Mr. Sampson attend the City Council review of this  
item and provide input regarding proposed changes.

4 Commissioner Godfrey expressed concern regarding the enforceability of the  
proposed standards. Mr. Cowie noted that the Code Enforcement Officer has been able  
6 to track and enforce the current 30 day limit, and that the same procedure will be  
followed for the proposed 50 day limit.

8 The Commission then discussed the use of small party type balloons for  
promotional events. Following discussion, it was the general feeling that due to the size  
of the balloons, regulation by ordinance would not be necessary, and that use of small  
10 balloons could be enforced based on a common sense approach.

12 Chairperson Peters called for further comments or discussion. Hearing none, he  
called for a motion.

14 COMMISSIONER ANDERSON MOVED TO APPROVE PROPOSED  
CHANGES TO LCC TITLE 18 (SIGN ORDINANCE) AND RECOMMEND  
16 APPROVAL TO THE CITY COUNCIL WITH THE FOLLOWING  
RECOMMENDATION:

- 18 1. THAT THE FLAG POLE SECTION OF THE SIGN ORDINANCE BE  
AMENDED TO ALLOW FLAG POLES UP TO 100 FEET IN HEIGHT WITH  
20 A SEPARATION DISTANCE OF  $\frac{3}{4}$  MILE IN THE T-ZONE.

22 COMMISSIONER SIMISTER SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

24 COMMISSIONER GODFREY MOVED TO CLOSE THE PUBLIC HEARING  
TO CONSIDER PROPOSED CHANGES TO LCC TITLE 18 (SIGN ORDINANCE).  
26 COMMISSIONER SIMISTER SECONDED THE MOTION. ALL PRESENT VOTED  
IN FAVOR. THE MOTION CARRIED.

- 28  
30 7. **Discussion Item** – Manufacturing Uses in the Standard Land Use Table. Upon  
request of the Planning Commission, this is a discussion of manufacturing uses as  
32 listed in the Standard Land Use Table. Currently, several indoor manufacturing  
activities are permitted only by issuance of a conditional use permit and there  
34 have been some discussion of permitting small-scale, indoor manufacturing uses  
that have no adverse impacts without the need for a CUP. No motion will be  
made on this item.

36  
38 Mr. Cowie explained that during the Planning Commission meeting of January  
10, 2007, a question arose as to whether Conditional Use approval of indoor  
40 manufacturing uses in the LI zone is necessary, or whether such uses should be listed as  
permitted in the Standard Land Use Table and approved on a staff level. Commissioner  
42 Godfrey felt that it may be a benefit to businesses if the Planning Commission reviews  
applications as Conditional Uses, due to the fact that Commissioners will be aware of  
44 what businesses are locating in the City. He noted that an awareness of new businesses  
will enable the Commissioners to respond to citizen inquiries regarding new businesses in  
46 the community. Commissioner Simister felt that it is appropriate to continue review of  
most uses in the LI zone. She explained that Commissioners each bring their own

perspective to reviews, and that review by the Commission may identify possible issues which staff may not be aware of.

Mr. Cowie suggested a possible method of screening applications beyond the staff level which may not include Conditional Use approval. He suggested the possibility of noticing neighboring property owners regarding applications for uses in the LI zone. Following receipt of the notice, property owners would be given a ten day period to notify the City of any potential complaints or concerns regarding the proposed use. If no responses are received, the application could be approved at a staff level. If any responses are received, a Planning Commission review of the application would then take place to address problems or concerns with the application.

Following further discussion, the Commission did not come to any conclusion regarding review of manufacturing uses in the LI zone. Mr. Cowie suggested that Commissioners give the matter further consideration for discussion at the next Planning Commission meeting.

8. **Discussion Item** – Zone Change: R1-20 to LI – Northwest and Southwest Corners of 800 West and 200 South. This is a request by staff for discussion of a possible zoning change. There are several parcels in the subject area that fall within the R1-20 zone on the border of the LI zone, which have existing non-conforming uses that would fit well in the LI zone. No motion will be made on this item.

Mr. Cowie showed photographs of the property and structures located at the northwest and southwest corners of 800 West and 200 South. He noted that Scott Mitchell is currently operating a business out of an existing residential dwelling on the southwest corner. He noted that the current zone line is not consistent with the property line. Mr. Cowie explained that uses on both the northwest and southwest corners are existing non-conforming uses in a residential zone. He requested feedback from the Commission regarding a possible zone change from residential to light industrial for both parcels given the current uses and structures.

Chairperson Peters inquired as to whether neighboring residential properties and uses have been contacted regarding the possible zone change. Mr. Cowie stated that residential property owners have not been contacted at this time, but that proper noticing and hearings would be held if the City felt a zone change may be appropriate.

The Commission discussed the properties in relation to the neighboring residential and LI uses. Commissioner Anderson noted that it is not likely that a future residential use would locate on the southwest corner due to the proximity to the Mountain States Steel site.

Following further discussion, Commissioners had varying opinions as to whether the zone change would be appropriate. Chairperson Peters suggested that current zoning remain in place until applications for future uses are received. The Commission could then review the zoning based on the proposed use and determine what would be most beneficial to the City and surrounding property owners. The possible zone change may be discussed further at a future date.

#### **NEW BUSINESS** – Reports by Commissioners

2 The Commission questioned the xeroscape landscaping materials used in the  
4 median on 700 North. Commissioner Godfrey noted that the landscaping does not appear  
6 to be consistent with City landscaping standards for developers. Mr. Cowie explained  
8 that aesthetic, maintenance and safety issues were considered in the median landscaping  
elements based on recommendations from a landscape architect. He noted that the  
appearance of landscape features will improve significantly in the spring.

10 **PLANNING DIRECTOR'S REPORT** –

12 Mr. Cowie reported that an application has been received for a pet grooming  
14 business in the CG zone. He noted that this specific use is not listed in the Standard Land  
16 Use Table. He inquired as to whether the Commission had any concerns regarding this  
proposed use. Following discussion, the Commission felt that a pet grooming business  
would not create any significant impact on neighboring uses, and there would not be any  
significant concerns with the proposed use.

18 The Commission reviewed information provided in binders which were  
20 distributed at this meeting for use in review of applications. Mr. Cowie stated that the  
22 binders include the Community Vision Statement, the General Plan Maps, a summary of  
major zoning requirements, the Standard Land Use Table, zoning maps, air photos of the  
City, and Planning Commission Rules and Procedures. Mr. Cowie explained that the  
intent of the binders is to answer common questions regarding land use applications, and  
to expedite the approval process.

24 **ADJOURN** –

26 CHAIRPERSON PETERS MOVED TO ADJOURN THE MEETING AT 11:04  
28 P.M. COMMISSIONER MILLER SECONDED THE MOTION. ALL PRESENT  
VOTED IN FAVOR. THE MOTION CARRIED.

30 APPROVED – February 15, 2007

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Jim Peters, Chairperson

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Adam Cowie, Planning Director