

2 The Lindon City Planning Commission held a regularly scheduled meeting on
3 **Wednesday, October 10, 2007** beginning at 7:00 p.m. at the Lindon City Center, City
4 Council Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Jim Peters, Chairperson
6 Invocation: Sam Harris, Boy Scout
7 Pledge of Allegiance: Boy Scout Troop 25

8 **PRESENT**

ABSENT

9
10 Jim Peters, Chairperson
11 Ron Anderson, Commissioner
12 Matt Bean, Commissioner
13 Julie Bryner, Commissioner
14 Gary Godfrey, Commissioner
15 Ken Miller, Commissioner
16 Adam Cowie, Planning Director
17 Debra Cullimore, City Recorder

Mark Johnson, Commissioner

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19 The meeting was called to order at 7:03 p.m.

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21 **APPROVAL OF MINUTES** – The minutes of the regular meeting of September 12,
22 2007 were reviewed.

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24 COMMISSIONER MILLER MOVED TO APPROVE THE MINUTES OF THE
25 SEPTEMBER 12, 2007 MEETING. COMMISSIONER GODFREY SECONDED THE
26 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

27
28 **PUBLIC COMMENT** –

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30 Chairperson Peters invited the patrol leader of the Boy Scout Troop present in the
31 audience to introduce other scouts. The Scouts were introduced as Spencer Hulsey,
32 David Rapier, Sam Harris, Travis Byron, and Westin Ware. Chairperson Peters then
33 called for comments from any resident present who wished to address an issue not listed
34 as an agenda item. There was no public comment.

35
36 **CURRENT BUSINESS** –

- 37
38 1. **Concept Review** – *Nature's Way Products, Inc.* – *Approximately 2300 West 400*
39 *North.* This is a request by Lon Heiner, of Nature's Way, to discuss desired
40 zoning needs and future development concepts for a new office and
41 manufacturing facility that is anticipated to open in Lindon during the year 2011.
42 The subject property consists of approximately 31 acres, immediately southwest
43 of the Pleasant Grove/Lindon freeway exit, and is currently zoned General
44 Commercial (CG). No motion will be made on this concept review.

2 Lon Heiner was present as the representative for this application. Mr. Cowie
3 explained that the applicant has discussed this project during DRC meetings, and that the
4 project is expected to take several years to complete. Staff felt that due to the size and
5 scope of the project, discussion with the Planning Commission and City Council about
6 details of the project, including current zoning of the proposed site, would be prudent as
7 plans are finalized by the applicant.

8 Mr. Cowie explained that the proposed site is located southwest of the Pleasant
9 Grove/Lindon I-15 Interchange. The current zoning of the site is CG (commercial), with
10 MC(mixed commercial) being located immediately south adjacent to the proposed site.
11 Mr. Cowie also noted that several Master Planned roadways are shown on the current
12 map. He explained that the roadways were included on the Master Plan at the request of
13 the previous property owner to provide access to interior portions of the land.

14 Mr. Cowie noted that the existing Nature's Way facility located in Springville is
15 approximately 240,000 square feet, and that this proposed facility will be approximately
16 225,000 square feet. He noted that the facility has been designed around overhead power
17 line easements located on the property. Mr. Cowie observed that the proposed facility
18 will leave a remnant parcel to the north of the site which could be further subdivided and
19 used for other activities in the future.

20 Mr. Cowie observed that the current commercial zoning is primarily intended for
21 office or retail type uses. The proposed business will consist mainly of office,
22 manufacturing and distribution uses. He suggested that the Commission discuss the
23 feasibility of rezoning the property for mixed commercial use, which allows most retail
24 and commercial uses found in the commercial zone, as well as the proposed type of
25 manufacturing and distribution use.

26 Chairperson Peters inquired as to the intent of the developer regarding the
27 remnant parcel to the north. Mr. Heiner stated that the property will likely be subdivided
28 and sold in the future, and that access to the north site can be provided through cross
29 easements.

30 Commissioner Bryner asked if the business includes any retail component. Mr.
31 Heiner stated that there is no retail component. Commissioner Miller asked if the site in
32 Springville would remain operational. Mr. Heiner stated that the facility in Springville is
33 leased, and that the lease will terminate in 2012. This proposed site is expected to be
34 operational in late 2011. The site in Springville will be vacated at that time.

35 Mr. Cowie invited Mr. Heiner to give a brief overview of the Nature's Way
36 business. Mr. Heiner stated that the business manufactures botanical medicines which
37 help the body build up natural defenses. Due to the need for a high education component,
38 the products are sold only at high end health food stores and are not mass marketed. The
39 company is privately held through a German parent company. This site will serve as the
40 corporate headquarters for the company, and will distribute products throughout North
41 America. He explained that products received at the manufacturing facility are dry
42 milled products which are put into capsules and distributed from this site. The operation
43 is overseen by the Food and Drug Administration, and is required to meet standards set
44 by the FDA.

45 Mr. Heiner explained that it is the intent of the company to begin construction of
46 the site in 2008. He stated that he has received a copy of the Commercial Design
47 Guidelines adopted by the City, and that the developer would like to work cooperatively

2 with the City during the design process to make sure the project is in compliance with
3 design protocols and standards.

4 Commissioner Anderson observed that the current zoning on the site is not
5 compatible with the proposed manufacturing use. He suggested that the zoning of the
6 site be addressed before specific design standards are discussed. The Commission
7 reviewed zoning and ownership of surrounding properties. Mr. Cowie noted that there
8 are no pending development applications in the area.

9 Commissioner Bryner questioned whether allowing a manufacturing use to locate
10 on this site may preclude other retail uses which may not want to locate adjacent to a
11 manufacturing use. Chairperson Peters observed that there are situations in neighboring
12 cities where clean manufacturing and retail uses have located in the same area
successfully.

13 Commissioner Bryner inquired as to the size of the remnant parcel which is
14 expected to be subdivided for future development. Mr. Cowie estimated the size to be
15 approximately eleven to twelve acres. Commissioner Bean asked if the applicant would
16 be willing to provide a full width street to create access to north parcel. Mr. Heiner stated
17 that appropriate access would be provided to the north parcel.

18 Commissioner Bryner observed that a large amount of landscaping is proposed
19 for the site, and that it would create a pleasing appearance from the freeway. Mr. Heiner
20 commented that the facility produces natural products, and that the developer wants to
21 create and aesthetically “green” appearance.

22 Commissioner Anderson observed that the area was originally zoned for
23 commercial use based on anticipated retail businesses wanting to locate adjacent to the
24 freeway. He noted that retail areas in Orem and American Fork may reduce the number
25 of retail businesses which will ultimately locate in Lindon. He noted that the Mixed
26 Commercial zone has higher architectural and landscaping requirements than the
27 Commercial zone. He felt that rezoning the property to allow this proposed use would
28 probably not be detrimental to other development in the area.

29 Mr. Cowie commented that necessary infrastructure improvements in this
30 particular area may be burdensome for smaller developments, such as strip malls or
31 smaller retail outlets. He noted that this project may be instrumental in attracting smaller
32 retail uses to the area as infrastructure become more readily available at less expense.

33 Commissioner Bryner inquired as to how long the current Commercial zoning has
34 been in place on this parcel. Mr. Cowie stated that the area was zoned for commercial
35 use in the 2000 General Plan. Commissioner Bryner inquired as to whether any
36 development plans for retail uses had been submitted during that time. Mr. Cowie stated
37 that there have not been any retail development plans submitted. He noted that over the
38 next ten years, there may be additional traffic corridors, such as the Vineyard Connector
Highway, constructed in the area, which may stimulate commercial growth in the area.

39 Commissioner Godfrey asked Mr. Heiner what level of employment opportunities
40 would be available at the facility. Mr. Heiner stated that the facility will employ 300 –
41 325 employees, including labor positions at approximately \$12 per hour, as well as
42 chemists, microbiologists and corporate positions.

43 Following further discussion, the majority of the Commission felt that Mr. Heiner
44 should proceed with a rezoning request application. Commissioner Godfrey stated that
45 while he has some concern about the rezoning and possible reduction in tax revenues, he
46

would approach the issue with an open mind. The remainder of the Commission felt that the rezoning request would not be detrimental and would likely be approved by the Commission. Mr. Cowie invited Mr. Heiner to meet with the City Council on Tuesday, October 16th, to discuss possible rezoning of the property, and other issues associated with this project. Chairperson Peters noted that the Planning Commission is advisory to the City Council, and that it would be beneficial to receive input from the Council prior to submitting a rezoning application. Mr. Heiner thanked the Commission for their time.

2. **Public Hearing** – *Alteration of Non-conforming Building – Mike Anderson – 455 East 200 North.* This is a request by Mike Anderson for approval to enlarge a residential accessory structure that has a non-conforming rear setback. The property is located in the R1-20 residential zone at 455 East 200 North.

Mike Anderson was present as the representative for this application. Mr. Cowie explained that this request is relative to a garage structure which was destroyed by fire approximately one month ago. He explained that the garage structure which was destroyed was a non-conforming structure due to the existing 10 foot setbacks. He stated that non-conforming structures which are destroyed by natural causes can be rebuilt using the same building footprint. He explained that adding to or enlarging the non-conforming use requires approval from the City. Mr. Anderson is proposing an attached 40 foot by 30 foot addition on the west side of the rebuilt structure. The rebuilt structure exceeds 20 feet in height, which would require a 30 foot rear setback. The setback to the rear property line is currently 10 feet. Mr. Cowie stated that it would be necessary to move the addition forward 20 feet to meet the required rear setback.

Mr. Cowie presented air photos of the site. He also presented photographs of the rebuilt garage structure which is currently under construction. He noted that the non conforming use ordinance specifically states that any expansion or enlargement must bring the non conforming use as close as reasonably possible into conformance with current ordinance requirements. Due to the height of the reconstructed building, a thirty foot setback would be required to bring any expansion into compliance with current requirements.

The Commission discussed various options for construction of the expansion area. Mr. Anderson noted that the current ordinance specifies that accessory buildings must be separated from the main dwelling by six feet, but does not specify the distance between accessory buildings. He inquired as to the possibility of constructing a separate building immediately adjacent to the larger structure if the walls were one hour fire rated. He noted that this would technically create a separate structure under 20 feet in height, allowing a 20 foot rather than a 30 foot setback. Mr. Cowie explained that while the ordinance may not specify a separation distance between accessory buildings, requirements of the International Building Code adopted by the City must be met. He explained that fire rating requirements are extensive and may not be applicable to this particular structure.

Mr. Cowie reviewed two alternatives for legal construction of the structure expansion. The first alternative would slide the covered area forward towards the street such that the point that is 20 feet above ground is 30 feet from the rear property line. This would cause the front of the covered area to be in front of the structure by

2 approximately 9 feet 4 inches. The second alternative would slide the covered area
forward towards the street such that the support columns are 30 feet from the rear
4 property line. This would move the covered area forward such that the cover would be
20 feet in front of the structure. Mr. Cowie stated that the second alternative would be
6 the only feasible way to allow construction of the expansion based on current ordinance
requirements.

8 Commissioner Anderson observed that the Planning Commission does not have
authority to grant a variance, and that it would be necessary to bring the structure into
10 compliance with existing code requirements. Mr. Cowie explained that this project
would not meet the criteria for a variance to be granted by the Board of Adjustments. He
12 noted that the location of the expansion would likely be considered a “self imposed
hardship” which was not created by any physical constraints on the property. He felt that
approval of a variance on this project would be very unlikely.

14 Chairperson Peters noted that the City received one written comment regarding
this project. He called for a motion to open a Public Hearing.

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18 COMMISSIONER ANDERSON MOVED TO OPEN THE PUBLIC HEARING
TO CONSIDER AN ALTERATION OF A NON-CONFORMING USE.
20 COMMISSIONER MILLER SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

22 Chairperson Peters stated that the letter received by the City is in reference to the
impact on the roadway during construction, and that the complaints addressed in the letter
24 were not specific to the building. He called for further public comment. There was no
additional public comment.

26 Mr. Anderson agreed that this specific situation is not the result of hardship, but is
based on the desires of the family to build a specific structure. He agreed that variance
28 criteria would not be met for this project. Councilmember Lindsey Bayless was present
in the audience. She agreed that there would not be a way to allow construction of the
30 expansion area legally without meeting set back requirements.

32 Mr. Anderson again requested that the Commission consider allowing him to fire
rate the walls of the two structures, and to build the expansion as a separate structure.
The height of the expansion structure would then be less than 20 feet, and would allow a
34 20 foot rather than a 30 foot setback. He noted that he has discussed this possibility with
Mr. Cowie and Chief Building official, Phil Brown, but that it appears that they have not
36 reached a conclusion regarding this possibility. Mr. Cowie stated that a final decision
regarding building the expansion as a separate structure would be up to the Chief
38 Building Official. He agreed that if it is detached, it would not technically be an
expansion of the existing building and would be allowed a smaller setback.

40 Chairperson Peters observed that only the second alternative appears to meet
current requirements. Commissioner Godfrey agreed that the second alternative meets
42 the criteria to allow an expansion of a non-conforming use, and that it would bring the
structure further into compliance. Chairperson Peters called for a motion.

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46 COMMISSIONER GODFREY MOVED TO APPROVE THE REQUEST BY
MIKE ANDERSON FOR AN ALTERATION OF A NON-CONFORMING

ACCESSORY BUILDING LOCATED AT 455 EAST 200 NORTH, SPECIFICALLY
2 ALTERNATIVE #2 WHICH WILL SLIDE THE COVERED AREA FORWARD
TOWARDS THE STREET SUCH THAT THE SUPPORT COLUMNS ARE 30 FEET
4 OFF THE REAR PROPERTY LINE. THIS WOULD MOVE THE COVERED AREA
FORWARD SUCH THAT THE COVER WOULD BE 20 FEET IN FRONT OF THE
6 STRUCTURE, NOTING THAT THE EXPANSION BRINGS THE EXISTING
BUILDING INTO FURTHER COMPLIANCE WITH EXISTING ORDINANCE SET
8 BACK REQUIREMENTS. COMMISSIONER ANDERSON SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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12 Mr. Anderson stated that he will pursue the possibility of building the structures
immediately adjacent to each other with fire rated walls. If that option is approved by the
Chief Building Official, the expansion will be built as a separate structure under 20 feet
14 in height with a 20 foot setback.

- 16 3. **Public Hearing** – *Ordinance Amendment to LCC 10.16.260 (Parking Oversized*
Vehicles Ordinances). This item was continued from the September 12, 2007
18 Planning Commission meeting. This is a City initiated review of LCC 10.16.260
to facilitate enforcement on parking of oversized vehicles in the residential zone.
20 Recommendations by the Planning Commission will be forwarded to the City
Council for final approval.

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24 COMMISSIONER GODFREY MOVED TO OPEN THE PUBLIC HEARING
TO CONSIDER AMENDMENTS TO LCC 10.16.260, PARKING OF OVERSIZED
VEHICLES. COMMISSIONER MILLER SECONDED THE MOTION. ALL
26 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

28 This item was continued from the September 12, 2007 Planning Commission
meeting. This is a City initiated review of proposed changes to the ‘Parking of Oversized
30 Vehicles’ ordinance. This issue came to light due to complaints received regarding
parking and storage of semi-trucks in residential zones. Suggested changes were
32 proposed to allow on-site storage of personal RV’s, trailer, etc so that these types of
vehicles and/or trailers would be exempted from the ordinance. It was the intent of the
34 discussion to draft the ordinance in such a way as to prohibit commercial truck and trailer
storage and parking, but not limit commonly owned vehicles found within a typical
36 residential zone (RV’s, horse and boat trailers, etc.)

38 Mr. Cowie stated that as he reviewed this ordinance more carefully, he found it
difficult to exempt recreational type vehicles and prohibit commercial type vehicles in
residential zones. He noted that changes to this ordinance will have an impact on other
40 ordinances which deal with the same issues. He commented that there may be some
conflict for home based businesses if all commercial vehicles are prohibited in residential
42 zones. He suggested that additional research be completed prior to making final
recommendations regarding possible ordinance amendments.

44 Mr. Cowie presented photographs of various situations in the City which may be
violations of the ordinance if specific vehicles are prohibited. He noted that current
46 ordinance allows storage of recreational vehicles on private property provided the vehicle

2 is not parked in the front setback. He observed that many residential properties do not
4 have adequate access to the rear of the property to allow storage at the rear of the lot, and
4 driveways.

6 The Commission went on to discuss various possible ordinance revisions which
8 may be considered. They discussed the possibility of limiting allowable wheel base of
10 vehicles and possible conflicts to those requirements, as well as the possibility of
12 requiring a sight obscuring fenced area for storage of commercial vehicles associated
12 with home based businesses. Chairperson Peters noted that he owns a tractor which is
12 parked at his residence. He inquired as to whether a sight obscuring fence would be
12 required for storage of the tractor. The Commission discussed a possible exemption for
12 vehicles intended for agricultural use.

14 Commissioner Bean noted that large recreational or commercial vehicles stored
16 on the street may create safety concerns. He noted that streets are not owned by the
16 property owners, and were intended to provide transportation corridors and not storage
18 areas. He felt that on street vehicle storage should be prohibited, and that it would be
18 reasonable for the City to require storage of vehicles only on private property. He felt
18 that it would be necessary to define storage as opposed parking of vehicles.

20 The Commission discussed the current number of complaints received regarding
22 parking and storage issues. Mr. Cowie noted that the majority of complaints are received
22 regarding semi trucks parked in residential zones. The Commission discussed that other
24 situations may be under reported due the reluctance of neighbors to file complaints which
24 may cause problems in their neighborhoods.

24 Chairperson Peters called for further comments or discussion. There was no
26 additional comment. Mr. Cowie will draft additional ordinance revisions for review at a
26 future meeting. Chairperson Peters called for a motion to continue this item.

28 COMMISSIONER GODFREY MOVED TO CONTINUE THE PUBLIC
30 HEARING TO CONSIDER AMENDMENTS TO LCC 10.16.260, PARKING OF
30 OVERSIZED VEHICLES. COMMISSIONER BRYNER SECONDED THE MOTION.
32 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 32 4. **Work Session** – *Lindon City Commercial Design Guidelines*. This is a City
34 initiated work session to review the Lindon City Commercial Design Guidelines
36 and discuss proper application of the guidelines and/or possible changes that need
36 to occur to improve upon the design standards.

38 Mr. Cowie stated that he would like the Commission to review photographs of
40 various building styles and determine whether they meet the requirements of the
40 Commercial Design Guidelines (CDG). He noted that it will be beneficial during review
42 of applications if the Commission is able to quickly come to agreement as to whether a
42 design is in compliance with the CDG, or be able to make recommendations as to specific
42 changes which would be necessary to come into compliance with requirements.

44 The Commission went on to review photographs of various developments and
44 discuss specific architectural elements in relation to the CDG.

2 Mr. Cowie noted that the primary architectural style which appears to be
3 acceptable to the Planning Commission is an Alpine style, which includes elements such
4 as timber and stone. He noted that the CDG currently allow a wide variety of
5 architectural styles provided that certain criteria are met. Commissioner Bean observed
6 that the Commission should trust that if Mr. Cowie forwards an application to the
7 Planning Commission for review, he must feel that the application is in substantial
8 compliance with standards. Mr. Cowie stated that if he brings an application to the
9 Planning Commission which he felt was reasonably close to meeting CDG standards, and
10 the application is continued for further review for three meetings, it is an indication that
11 he and the Commission are interpreting the guidelines differently.

12 The Commission discussed various architectural styles and elements which may
13 or may not be acceptable based on the CDG. They also discussed other development
14 components, such as landscaping and streetscapes, which add to the overall design of a
15 development. They discussed ways to keep guidelines broad enough to allow diversity in
16 individual project, while creating and aesthetically pleasing commercial corridor. Mr.
17 Cowie encouraged the Commission to pay attention to architectural styles and design
18 elements of existing structures as they travel around the valley. He stated that the CDG
19 document can be amended as necessary to simplify the site plan approval process. The
20 Commission will discuss the CDG further at future meetings, and make recommendations
21 for possible revisions to the document.

22 **NEW BUSINESS** – Reports by Commissioners

24 Commissioner Bean reported a possible sign ordinance violation at a restaurant in
25 the City. Mr. Cowie stated that the Code Enforcement Officer is aware of the situation.

26 Commissioner Godfrey inquired as to the status of a report he made regarding
27 maintenance problems around real estate signs. Mr. Cowie stated that the City has
28 contacted the realtors, and received very little response. He stated that the City is working
29 through the process of bringing the signs into compliance.

30 Commissioner Anderson commented on a rock wall which has been constructed
31 on commercial property adjacent to Geneva Road. Mr. Cowie stated that the Code
32 Enforcement Officer has met with the property owner regarding advertising and
33 improvements on the site.

34 Commissioner Anderson also asked if additional rooftop mechanical units were
35 added to the Maeser Preparatory Academy when the building was remodeled. Mr. Cowie
36 stated that he will review the site plan. He noted that the City has no authority to impose
37 restrictions on the building while it is being used as a school, but that screening of new
38 mechanical units could be required before the building can be used for a commercial
39 business.

40 Commissioner Bryner asked about what method the City uses to determine the
41 location for installation of street lights in the City. Mr. Cowie explained that residents
42 can request installation of street lights if specific criteria are met. He noted that
43 developers of new subdivisions are required to install street lights at intersection.
44 Commissioner Bryner observed that Orem City installed street lights throughout the City.
45 She asked why the City does not do a city-wide lighting project. Mr. Cowie explained
46 that Orem City created a city-wide Special Improvement District to install street lights,

and that without creation of a Special Improvement District, installation of lights throughout the city is cost prohibitive.

Commissioner Anderson suggested that it may be appropriate to consider raising the speed limit on 700 North. Councilmember Bayless stated that the speed limit may be increased when the roadway is completed to the full width.

PLANNING DIRECTOR'S REPORT –

Mr. Cowie reported on the following items:

1. Amendments to the Trailer House Ordinance were approved by the City Council.
2. Amendments to the Flag Lot Ordinance were approved by the City Council.
3. A Planner's Workshop will be held Wednesday, October 17, 2007 in the Orem City Public Safety Training Room. The training is hosted by Utah Risk Management Mutual Association. Commissioners were encouraged to attend if possible.
4. A Regional Transportation and Planning Public Open House will be held Wednesday, October 24, 2007 at the Orem Senior Friendship Center. Representatives of UDOT, UTA, and MAG will have booths set up to provide information on current and planned projects. Cities will also be represented at the event.
5. The October 24, 2007 Planning Commission meeting will begin with a Work Session with the City Council at 6:00 p.m. to discuss zoning in the area surrounding the R3-Overlay.
6. The Commission reviewed a summary of sales tax revenue figures.
7. The Tim Clyde zone change application was denied by the City Council.
8. The Pennant Hills subdivision application was continued indefinitely at the request of the applicant.

ADJOURN –

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

Approved – October 24, 2007

Jim Peters, Chairperson

Adam Cowie, Planning Director