

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

4 *Note: A Joint Work Session with the City Council was held prior to this regularly  
6 scheduled meeting. The Work Session minutes were completed as a separate  
document to allow review and approval by the City Council and the Planning  
8 Commission.*

10 Conducting: Jim Peters, Chairperson

Invocation: Matt Bean

12 Pledge of Allegiance: Jim Peters

14 **PRESENT**

**ABSENT**

16 Jim Peters, Chairperson

Ron Anderson, Commissioner

18 Matt Bean, Commissioner

Julie Bryner, Commissioner

20 Gary Godfrey, Commissioner

Mark Johnson, Commissioner

22 Ken Miller, Commissioner

Adam Cowie, Planning Director

24 Debra Cullimore, City Recorder

26 The meeting was called to order at 7:05 p.m.

28 **APPROVAL OF MINUTES** – The minutes of the regular meeting of October 10, 2007  
were reviewed.

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32 COMMISSIONER MILLER MOVED TO APPROVE THE MINUTES OF THE  
MEETING OF OCTOBER 10, 2007. COMMISSIONER JOHNSON SECONDED THE  
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 **PUBLIC COMMENT** –

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

40 **CURRENT BUSINESS** –

- 42 1. **Action Item** – *Sport Court Fence Height/Setback Waiver Request – 94 South Dry*  
44 *Canyon Drive and 76 South Kings Peak Drive.* This is a request by Dan Rasband  
for a waiver of the fence height requirement/setbacks for a proposed sport court in  
the R1-12 zone. Waiver authority is granted to the Planning Commission under  
46 LCC 17.44.160(2)(d).

2 Dan Rasband was present as the representative for this item. Mr. Cowie  
3 explained that this is a request for approval of a reduced setback for a 10 foot high fence  
4 that will surround a tennis court/sport court in the R1-12 zone. Mr. Rasband has entered  
5 into an agreement with a neighboring property owner to build the tennis court across the  
6 property line. The structure currently consists of only the concrete pad. The owners are  
7 requesting to install a 10 foot fence around three sides of the court with a set back of less  
8 than ten feet. Current ordinance requires a minimum 10 foot setback to allow installation  
9 of a 10 foot fence. The existing setback will allow a fence up to 7 feet in height.

10 Mr. Rasband stated that he asked the contractor several times if a permit of any  
11 kind would be required to complete the sport court, and the contractor had stated that no  
12 permit would be necessary. Mr. Rasband stated that he was unaware of fencing  
13 restrictions at the time the sport court was constructed.

14 Mr. Cowie distributed a letter received earlier in the day from neighboring  
15 property owners, the Denny's. Mr. Rasband commented that his relationship with the  
16 Denny's has been somewhat confrontational due to conflicts regarding using their  
17 undeveloped property to access the rear of his lot. According to Mr. Rasband, he  
18 obtained permission to use the Denny property to access his property, but that permission  
19 was subsequently withdrawn, and the Denny's alleged that he had caused damage to their  
20 undeveloped lot. The Commission took several minutes to review the letter, which  
21 expressed concern that the Denny property may be adversely impacted if the fence were  
22 allowed at the proposed location at a height of 10 feet. They felt that the fence would  
23 obscure the view of the mountains from their lot. Mr. Rasband commented that other  
24 neighboring property owners have expressed verbal support of the fence in the proposed  
25 location at the proposed height.

26 Chairperson Peters reviewed the criteria specified in the ordinance which would  
27 allow the Planning Commission to approve a modification to fencing requirements. The  
28 ordinance specifies that:

29 The Planning Commission may modify the height of sport court fencing to be  
30 taller than twelve feet and the setback requirement to be less than ten feet when  
31 the following findings are made:

- 32 • The proposed height and/or setback modification is necessary to provide  
33 privacy and protection of private property interests.
- 34 • The appearance and/or setback of the fence will not detract or cause  
35 aesthetic damage to neighboring property owners.
- 36 • The proposed height and/or setback modification will not cause a public  
37 safety hazard.
- 38 • The proposed additional height is necessary to provide an adequate buffer  
39 for the adjoining land.

40 Chairperson Peters explained that the letter received from the neighboring  
41 property owners raises concerns that the fence will detract from their property. Mr.  
42 Rasband stated that if the setback on the fence were increased an additional three feet, the  
43 fence could be a maximum of 12 feet high. He stated that the proposed 10 foot fence will  
44 not affect the view of the mountains from the Denny property. Chairperson Peters  
45 suggested that Mr. Rasband mark the proposed 10 foot fence height, and possibly put up  
46 one section of ten foot fence to clarify to the Denny's what the final result of the fence  
47 would be, and then discuss concerns with them. Commissioner Godfrey observed that

2 installation of a shorter fence may be problematic if balls go over the fence into the  
Denny property.

4 Commissioner Anderson suggested that Mr. Rasband have other affected  
neighboring property owners submit written comments to the City regarding the  
requested fence height, and document their support of the proposed fence.

6 Commissioner Bryner observed that the Denny property is currently a vacant lot,  
and that as such it is not feasible to control construction around the property or disruption  
8 of potential views. She noted that homes built on the hill above the Rasband property  
already obstruct the view of the mountains, and that the proposed fence will not cause a  
10 significant negative impact to the Denny property. Commissioner Godfrey stated that he  
would be uncomfortable drawing the conclusion that there would be no significant  
12 negative impact without seeing how the fence would look at the proposed height.  
Commissioner Bryner stated that she visited the site, and that she does not feel that the  
14 Denny's have a valid complaint. She noted that when constructed, the home on the  
Denny property will likely be higher than the sport court fence.

16 Chairperson Peters noted that one of the findings which apply to fencing  
modifications specifically relates to the rights of neighboring property owners. He  
18 suggested that this item be continued to allow Mr. Rasband adequate time for further  
discussion with neighboring property owners. Commissioner Godfrey agreed that the  
20 written comments received from the Denny's can not be discounted, and must be taken  
into consideration. Commissioner Bryner felt that the balance between aesthetic damage  
22 and providing an adequate buffer to neighboring property owners was somewhat  
contradictory. Commissioner Bean felt that it would not be appropriate to allow a  
24 modification to height requirements without meeting all criteria specified in the  
ordinance.

26 Mr. Rasband inquired as to the possibility of installing a 7 foot fence along the  
common boundary with the Denny property. The Commission clarified that the fence  
28 height would be required to be consistent around the perimeter of the sport court  
structure. Mr. Rasband requested that this item be continued to allow him time to discuss  
30 options with the neighboring property owners. Chairperson Peters called for a motion.

32 COMMISSIONER BRYNER MOVED TO CONTINUE THE REQUEST BY  
DAN RASBAND FOR THE 10 FOOT HIGH SPORT COURT FENCING AS  
34 REQUESTED, AND RECOMMEND THAT MR. RASBAND MEET WITH  
NEIGHBORING PROPERTY OWNERS TO DISCUSS THE PROPOSED FENCE  
36 AND RESOLVE CONCERNS REGARDING POSSIBLE NEGATIVE IMPACTS TO  
THE DENNY PROPERTY. IF MR. RASBAND SUBMITS WRITTEN STATEMENTS  
38 FROM ALL AFFECTED NEIGHBORING PROPERTY OWNERS THAT THEY  
HAVE NO OBJECTION TO INSTALLATION OF THE REQUESTED FENCE AT A  
40 CONSISTENT HEIGHT AROUND THE ENTIRE PERIMETER OF THE SPORT  
COURT, FINAL APPROVAL MAY BE COMPLETED AT STAFF LEVEL WITHOUT  
42 THE NEED FOR FURTHER PLANNING COMMISSION REVIEW.  
COMMISSIONER ANDERSON SECONDED THE MOTION. ALL PRESENT  
44 VOTED IN FAVOR. THE MOTION CARRIED.

2           2. **Conditional Use/Site Plan:** *Smart Car Dealership and Building Addition to the*  
3           *Mercedes Benz of Lindon facility.* This is a request by Miller Family Real Estate  
4           (Larry H. Miller) for approval of a building addition that will be added to the  
5           Mercedes-Benz of Lindon dealership building. The addition (approximately  
6           1,800 square feet) is proposed to house a new “Smart Car” dealership. This  
7           property is within the PC-1 zone.

8           Curtis Sampson, Manager of Mercedes Benz of Lindon, was present as the  
9           representative for this application. Mr. Cowie stated that this is a request by Miller  
10          Family Real Estate and the Mercedes-Benz dealership to construct a small addition to the  
11          existing Mercedes dealership to accommodate a ‘Smart Car’ dealership on the same site.  
12          A new automobile franchise requires approval of a Conditional Use Permit in the PC-1  
13          zone. Mr. Cowie noted that there will be only minor modifications to the existing site  
14          plan. The new area will consist of approximately 1200 additional square feet.

15          Mr. Sampson gave a brief overview of the Smart Car franchise. He stated that  
16          there are only 50 dealerships in the United States, with this dealership being the only one  
17          in Utah and surrounding states. He noted that the engineering and technology in the  
18          vehicles is done by Mercedes, and that the vehicles are built in France. He stated that  
19          vehicles will range in price from \$12,000 to \$16,500.

20          Mr. Sampson noted that the City allowed development of the Larry H. Miller used  
21          car dealership with the understanding that the company would pursue a new car franchise  
22          for the site as soon as possible. He explained that the Smart Car franchise is not  
23          appropriate for the used car site, due to the limited amount of space which will be  
24          required to house the franchise. He observed that since the Smart Cars are manufactured  
25          by Mercedes-Benz, it makes sense to house the two franchises together at the same  
26          facility. He noted that Smart Cars are a new market in the United States, and that Lindon  
27          is very fortunate to have been chosen as the site for this dealership.

28          Chairperson Peters inquired as to the crash test rating for the Smart Cars. Mr.  
29          Sampson stated that cars are not rated until dealerships open. He explained that cars are  
30          bought from dealerships to ensure that test results are accurate and reflect the level of  
31          safety consumers can expect.

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

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35                   COMMISSIONER BRYNER MOVED TO APPROVE THE REQUEST BY  
36                   MILLER FAMILY REAL ESTATE/MERCEDES-BENZ OF LINDON FOR  
37                   APPROVAL OF A NEW ‘SMART CAR’ DEALERSHIP THAT WILL BE ADDED TO  
38                   THE EXISTING MERCEDES-BENZ BUILDING. COMMISSIONER MILLER  
39                   SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION  
40                   CARRIED.

41           3. **Public Hearing** – *Minor Subdivision – Olsen Industrial Park, Plat A – 520 South*  
42           *800 West.* This is a request by the Sunroc Corporation and Chris Olsen, of  
43           Mountain States Steel, for approval of a one-lot subdivision in the LI zone. This  
44           site is currently the location of the Sunroc truss manufacturing facility – which is  
45           leased from Mountain States Steel. This subdivision will facilitate ownership of  
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2 the property and facilities for Sunroc Corporation. Minor site improvements,  
landscaping, and street improvements are proposed in order to bring the property  
4 nearer to conformance with existing ordinances. Any recommendation will be  
forwarded to the City Council for final approval.

6 COMMISSIONER MILLER MOVED TO OPEN THE PUBLIC HEARING TO  
CONSIDER THE OLSEN INDUSTRIAL SUBDIVISION, PLAT A, REQUEST, AND  
8 PARKING OF OVERSIZED VEHICLES ORDINANCE AMENDMENTS.  
COMMISSIONER BEAN SECONDED THE MOTION. ALL PRESENT VOTED IN  
10 FAVOR. THE MOTION CARRIED.

12 Tony Christopherson of Sunroc Corporation and Chris Olsen of Mountain States  
Steel were present as the representatives for this application. Mr. Cowie explained that  
14 the property is currently owned by Mountain State Steel and leased by Sunroc. The  
proposed subdivision will facilitate purchase of the property and facilities by Sunroc  
16 Corporation. Parking lot improvements and landscaping along 800 West, as well as  
street improvements, will be completed to bring the property closer to conformance with  
18 existing ordinance.

Mr. Cowie stated that there are several items relative to this subdivision which the  
20 Commission should review and discuss. He noted that the applicant is proposing a  
narrower road width of approximately 28 feet of asphalt instead of the standard 34 foot  
22 width. The narrower width is necessary due to an existing City owned pump house  
located in front of the building. The engineers have no significant concerns with the  
24 reduced road width due to the limited traffic flow on the roadway which primarily serves  
only the Sunroc site. In addition, a cul-de-sac may be installed as part of the future I-15  
26 expansion.

Mr. Cowie explained that due to the current height of the freeway, and planned  
28 expansion of the freeway in the future, installation of required landscaping along the  
freeway frontage does not appear to be reasonable. The applicant has expressed a  
30 willingness to relocate the required landscaping and trees along the 800 West roadway  
north of the Sunroc site. The intent of relocating the trees is that the trees would be more  
32 visible and create a buffer for the steel yard and truss manufacturing facilities. If trees  
were required along the freeway frontage, they would not be visible from the freeway due  
34 to the steep slope.

Commissioner Bryner inquired as to the length of the 28 foot width roadway  
36 section. Mr. Cowie stated that the 28 foot width would extend the entire length of the  
site. He noted that the east half of the roadway was completed as part of the Larry H.  
38 Miller used car dealership, and that the other side of the roadway will be completed as  
part of this subdivision.

Mr. Cowie also noted that Mountain States Steel submitted a phased landscaping  
40 plan. Installation of landscaping along 800 West will complete the final phase of the  
approved landscaping plan. Mr. Christopherson reviewed specific landscaping elements  
42 proposed for 800 West, including staggered trees, rock, and sod and sprinklers in the flat  
44 area.

Commissioner Miller inquired as to what type of traffic is expected on the 28 foot  
46 roadway. Mr. Christopherson stated that the majority of traffic to the site is large

2 delivery trucks. He noted that it would most likely be necessary to limit on street parking  
3 to accommodate the delivery trucks. He noted that there is no retail component at the  
4 site, and that other than delivery trucks, traffic and parking on the roadway is generated  
5 almost entirely by employees. Commissioner Bryner inquired as to whether the City  
6 would be responsible to restrict parking on the roadway. Mr. Cowie stated that red  
7 curbing would be completed as a City project.

8 Chairperson Peters called for public comment. Doug Christensen noted that  
9 residents on Lakeview Drive were under the impression that a 28 foot roadway provided  
10 adequate emergency vehicle access without red curbing. Commissioner Bryner noted  
11 that the difference in traffic flow in a residential area as compared with the traffic flow in  
12 this commercial area must be addressed differently to assure that safety issues have been  
adequately addressed.

13 Commissioner Godfrey observed that relocating the required landscaping to the  
14 proposed area on 800 West would create the greatest visual impact where it could be seen  
15 by residents. He inquired as to the willingness of the applicant to remove the gravel  
16 treatment and install additional sod in the corner landscaped area located to the north east  
17 of the Sunroc building adjacent to 800 West. Mr. Christopherson stated that he would be  
18 willing to increase sod areas as requested.

19 Commissioner Bryner suggested that trees also be added to the detention basin  
20 area on the east side of 800 West. Commissioner Bean noted that the detention basin is  
21 not part of the subdivision plat, and that trees on the detention basin can not be required.  
22 Mr. Christopherson stated that he would be willing to install five to six trees on the  
23 detention basin area if the Public Works Department approved installation of the trees.

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

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27 COMMISSIONER BRYNER MOVED TO APPROVE THE OLSEN  
28 INDUSTRIAL SUBDIVISION, PLAT A, PRELIMINARY PLAT AND RECOMMEND  
APPROVAL TO THE CITY COUNCIL WITH THE FOLLOWING CONDITIONS:

- 29 1. THAT 28 FEET OF ASPHALT BE PERMITTED ON THE 800 WEST  
30 ROADWAY WIDTH INSTEAD OF THE TYPICAL 34 FEET OF ASPHALT.
- 31 2. THAT BOTH SIDES OF THE STREET BE 'RED-CURBED' TO PROHIBIT  
32 ON-STREET PARKING.
- 33 3. THAT REQUIRED TREES ALONG THE FREEWAY FRONTAGE BE  
34 LOCATED ALONG 800 WEST AS SHOWN ON THE SUBMITTED PLAN,  
35 AND THAT THE TREES BE EVENLY SPACED AND CONTINUE NORTH  
36 ALONG THE WEST SIDE OF 800 WEST TO PROVIDE SCREENING FOR  
37 THE MOUNTAIN STATES STEEL STORAGE YARD.
- 38 4. THAT THE APPLICANT REMOVE THE GRAVEL AND INSTALL SOD IN  
39 THE CORNER LANDSCAPED AREA LOCATED TO THE NORTHEAST OF  
40 THE SUNROC BUILDING AND ADJACENT TO 800 WEST.
- 41 5. THAT THE CITY ACCEPT THE OFFER OF THE APPLICANT TO PLANT  
42 UP TO FIVE TREES ALONG THE WEST EDGE OF THE DETENTION  
43 BASIN PARK IF APPROVED BY PUBLIC WORKS STAFF.

44 COMMISSIONER GODFREY SECONDED THE MOTION. ALL PRESENT VOTED  
45 IN FAVOR. THE MOTION CARRIED.  
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4. **Continued Public Hearing** – *Ordinance Amendment to LCC 10.16.260 (Parking Oversized Vehicles Ordinance)*. This item was continued from the October 10, 2007 Planning Commission meeting. This is a City initiated review of LCC 10.16.260 to facilitate enforcement on parking of oversized vehicles in residential zones. Final recommendations by the Planning Commission will be forwarded to the City Council for final approval.

10 Mr. Cowie reviewed proposed changes which were incorporated following  
12 discussion at previous Planning Commission meetings. He noted that revisions are  
14 intended to define commercial vehicles and specify size limits allowed in residential  
16 zone. He noted that the specified vehicles would not be allowed to park in residential  
18 zones unless a six foot sight obscuring fence is installed, or the vehicle is parked in an  
20 enclosed structure.

16 Proposed revisions define a “large vehicle” as any vehicle which exceeds 25 feet  
18 in length. Exceptions to the large vehicle definition include; agricultural vehicles not  
20 parked on the street but located on the property behind the 30 foot setback, any pick-up  
22 truck less than 25 feet long that is used for personal, commercial, or agricultural use, any  
24 vehicle actively involved in permitted construction, landscaping, or development of the  
26 property, vehicles associated with a state of emergency at the site or in the area, and any  
28 vehicle involved in temporary parking for dropping off, moving in, deliveries, or similar  
30 uses.

24 Proposed revisions specify that parking and storing of recreational vehicles, boats,  
26 and trailers in residential areas is permitted provided the following conditions are met;  
28 that the vehicle does not exceed 25 feet in length or a load capacity of 12,000 pounds,  
30 storage is not permitted in the front 30 foot setback of the property, and no recreational  
32 vehicles may be parked or kept on the public street for a period exceeding 48 hours. At  
34 the end of the permitted period of time, the vehicle must be removed from its location  
36 and not re-locate on any public street within the City limits for the period of an additional  
38 48 hours.

32 Commissioner Anderson observed that based on proposed revisions, large motor  
34 homes could not be parked in residential zone. Chairperson Peters noted that he has  
36 observed multiple violations of existing ordinance requirements in relation to parking of  
38 recreational vehicles in the front setback of homes. Mr. Cowie explained that the current  
40 ordinance prohibits parking of recreational vehicles in the front setback, but that  
42 enforcement of that specific ordinance requirement is based on specific safety concerns  
44 or complaints. He stated that while the ordinance is not aggressively enforced, it  
provides the necessary tools to address problematic situations.

40 The Commission discussed proposed revisions in relation to parking of school  
42 buses in residential zones. Commissioner Godfrey observed that the majority of school  
44 buses are now parked at the bus garage site. Commissioner Anderson noted that in the  
past, a large number of complaints were received regarding school buses parked in  
residential zones, but that complaints have been reduced significantly since buses are  
now stored at the bus garage.

2 Following further discussion regarding parking of recreational vehicles in  
residential zones, Mr. Cowie asked for a general consensus of the Commission as to  
4 whether parking of recreational vehicles in residential zones should be included in  
ordinance revisions. The majority of the Commission felt that parking of large  
6 recreational vehicles should not be prohibited in residential zones. Commissioner  
Godfrey felt that problematic parking of recreational vehicles in residential zones would  
8 be adequately addressed by clarifying the 48 hour restriction as proposed. The  
Commission discussed possible language changes which would exempt recreational  
vehicles from restrictions other than on street parking for a maximum of 48 hours.

10 The Commission continued discussion regarding parking of school buses in  
residential zones. They also discussed size restrictions for trucks, and the possibility of  
12 restricting parking in residential zones of vehicles which require a CDL to operate. Mr.  
Cowie will draft proposed revisions based on this discussion for further review at a future  
14 date. Chairperson Peters called for a motion to continue this public hearing.

16 COMMISSIONER GODFREY MOVED TO CONTINUE THE PUBLIC  
HEARING TO CONSIDER PROPOSED REVISIONS TO THE PARKING OF  
18 OVERSIZED VEHICLES ORDINANCE. COMMISSIONER MILLER SECONDED  
THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

26 Mr. Cowie noted that there seem to be several architectural styles which are  
generally acceptable to the Commission based on their interpretation of the Design  
28 Guidelines. He suggested that this discussion focus on defining architectural styles or  
elements which would not be acceptable. The Commission reviewed photographs of  
30 various buildings with a variety of architectural styles, and discussed elements which  
they felt were in compliance with the Design Guidelines, and elements which they felt  
32 would not be acceptable.

The Commission also discussed specific language changes which may clarify  
34 architectural requirements relative to elements such as glass, variations in the building  
façade of larger structures, and treatments to corners, rooflines and windows.  
36 Commissioner Godfrey suggested that the Commission have an opportunity to review  
photographs with an architect. He noted that that Commissioners may not know the  
38 proper terminology to clearly define elements which are acceptable and unacceptable,  
and that consulting with an architect may help the Commission clarify requirements. Mr.  
40 Cowie will investigate the possibility of inviting an architect to future Commercial  
Design Guideline discussions.

42 **NEW BUSINESS** – Reports by Commissioners

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46 Commissioner Johnson reported that adequate barriers need to be installed on the  
vacated section of Lakeview Drive to prevent vehicles from driving through the area.

2 Mr. Cowie stated that the property owner is aware of the situation and is addressing the concern.

4 **PLANNING DIRECTOR'S REPORT** –

6 Mr. Cowie reported on the following items:

- 8 1. Approximately 20 residents attended an Open House the previous evening to discuss recreation and aquatics facilities in Lindon. Commissioner Godfrey suggested that Open House events be held on two consecutive evenings to allow residents with a scheduling conflict on one night to attend the other night. Mr. Cowie will forward the suggestion to the City Council.
- 12 2. Cody Cullimore was appointed as Chief of Police by the City Council to oversee the creation and administration of the new police department. Chief Cullimore will start work with the City on November 5, 2007 to begin preparations for the July 1, 2008 start date.
- 14 3. Commissioners were encouraged to attend a Planners Workshop hosted by URMMA if possible.

18 **ADJOURN** –

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22 COMMISSIONER GODFREY MOVED TO ADJOURN THE MEETING AT 10:30 P.M. COMMISSIONER BRYNER SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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26 APPROVED – November 14, 2007

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32 Jim Peters, Chairperson

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Adam Cowie, Planning Director