

2 The Lindon City Planning Commission held a regularly scheduled meeting on
3 **Wednesday, March 14, 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: Matt Bean

7 Pledge of Allegiance: Jim Peters

8 **PRESENT**

ABSENT

9 Jim Peters, Chairperson

Marilyn Simister, Commissioner

10 Ron Anderson, Commissioner

Debra Cullimore, Deputy Recorder

11 Matt Bean, Commissioner

12 Gary Godfrey, Commissioner

13 Ken Miller, Commissioner

14 Adam Cowie, Planning Director

15 Matt Brady, Planning Intern

16 The meeting was called to order at 7:01 p.m.

17 **APPROVAL OF MINUTES** – The minutes of the regular meeting of February 28, 2007
18 were reviewed.

19 COMMISSIONER MILLER MOVED TO APPROVE THE MINUTES OF THE
20 MEETING OF FEBRUARY 28, 2007. COMMISSIONER GODFREY SECONDED
21 THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

22 **PUBLIC COMMENT** –

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

25 **CURRENT BUSINESS** –

- 26 1. **Conditional Use Permit** – *Rental Toys, LLC – 25 North 1400 West, Suite A*. This
27 is a request by Evan Stevens of Rental Toys, LLC for approval of a Conditional Use
28 Permit to operate a rental business for ATV's, boats, and personal watercraft. The
29 proposed business is in the LI zone adjacent to the freeway.

30 Evan Stevens was present as the representative for this application. Mr. Cowie
31 explained that this is a request for a Conditional Use Permit to operate an ATV, boat, and
32 personal watercraft rental business. The proposed business will be located at 25 North
33 1400 West in the LI zone. The Standard Land Use Table requires a Conditional Use
34 Permit for sales of recreational vehicles. Staff felt that the use was similar enough that it
35 would be appropriate to require a Conditional Use Permit for this use. The use will be
36 located in an existing building adjacent to the freeway. There are two separate buildings

2 located on the site, with several units in each building. The applicant has provided a
3 summary of the business for review by the Commission. Information from the business
4 website was also provided for review by the Commission. Mr. Cowie went on to discuss
5 suggested review items as follows:

- 6 1. Storage of equipment and trailers, and whether indoor or outdoor
7 storage is anticipated.
- 8 2. Whether sufficient parking is provided on the site for this proposed
9 use and neighboring uses. The applicant has indicated that the
10 majority of business at the site will be drop-off and pick-up, and that
11 a large amount of parking will not be necessary.
- 12 3. Clarify that display of merchandise is not permitted within the 10'
13 landscape space along the freeway right-of-way, and that display of
14 merchandise in the parking lot area is not allowed. Mr. Cowie noted
15 that it appears that this building was constructed prior to
16 implementation of current requirements, including the 10' landscape
17 strip and architectural treatment requirements. According to current
18 policy, no storage or display is allowed in the 10' landscaped area.

19 Chairperson Peters invited the applicant to respond to the concerns expressed by
20 Mr. Cowie. Mr. Stevens stated that he is not particularly concerned with parking at the
21 site. He stated that all storage will be inside the 6,000 square foot facility the business
22 will occupy. He noted that pick up time for equipment is 7:00 a.m. and drop off time is
23 6:00 p.m. the last day of the rental period. Mr. Stevens stated that he anticipates
24 approximately three vehicles at the site at any given time.

25 Chairperson Peters inquired as to the nature of neighboring uses which share the
26 common parking area. Mr. Stevens reviewed the layout of the site, and the types of uses
27 in neighboring businesses.

28 Commissioner Anderson requested that the applicant review the anticipated traffic
29 pattern for pick-up and drop-off of equipment. Mr. Stevens stated that employees will
30 bring equipment to the garage type doors where customers will pick up the trailers.
31 Commissioner Bryner asked if there is more than one drive entrance available for the
32 business. Mr. Stevens stated that only one drive entrance is available, but that there are
33 two garage doors.

34 Chairperson Peters requested discussion with the applicant regarding display of
35 merchandise in the 10' landscape area adjacent to the freeway. Mr. Stevens stated that he
36 had originally planned to display merchandise in the area along the freeway frontage to
37 increase exposure, but that he had been informed that displays are not allowed in the 10'
38 landscape area. He stated that he is willing to comply with current display requirements.

39 Commissioner Anderson inquired as to proposed signage for the business. Mr.
40 Stevens stated that a sign permit application has been submitted, and that proposed
41 signage will be well within the 10% wall coverage limits for signage.

42 Chairperson Peters noted that Conditional Use Permits are reviewable upon
43 complaint, and that if complaints are received from neighboring uses regarding parking
44 or other issues, the business will be required to address concerns adequately or the
45 Conditional Use may be subject to revocation. Mr. Stevens stated that he is aware of the
46 nature of the Conditional Use Permit.

Commissioner Bryner inquired as to any type of outdoor storage that is anticipated. Mr. Stevens stated that equipment associated with the use is very expensive, and that it is not his intention to store any equipment outdoors.

Commissioner Bryner requested further review of neighboring uses. Mr. Stevens reviewed the names and location of neighboring uses, including Just 4 Fun Motor Sports. Commissioner Bryner expressed concern regarding possible conflicts with neighboring uses if large trucks deliver products during drop off or pick up times. Mr. Cowie stated that he is unaware of any type of semi truck deliveries to neighboring uses. He noted that the parking area is probably not large enough to accommodate semi trucks. Mr. Stevens noted that equipment is frequently rented for up to two weeks, and that drop-off and pick-up of each piece of equipment will not take place on a daily basis, but will be somewhat sporadic.

Mr. Cowie explained that neighboring property and business owners within 300 feet were noticed regarding this application.

Commissioner Anderson inquired as to what procedure will be followed if multiple trailers are dropped off during a short period of time on any given day. Mr. Stevens stated that equipment will immediately be moved inside and prepared for rental the following day. He stated that equipment will not be left in the parking area for a significant amount of time.

Commissioner Bryner inquired as to whether equipment is cleaned on the site. Mr. Stevens explained that customers are required to clean the equipment prior to returning it. If equipment is returned unclean, it is taken off site for cleaning, and customers are charged an additional fee for services.

Commissioner Bean inquired as to whether gasoline will be stored on site. Mr. Stevens stated that gas tanks are full when equipment is picked up, and that customers are required to return the equipment with a full gas tank. If refueling is required after equipment is returned, customers are charged an additional fee and the equipment is taken to a gas station for refueling. Mr. Stevens expressed an interest in storing some fuel on site in anticipation of expected cost increases for fuel during the summer months, but clarified that on site fuel storage is not proposed at this time. Mr. Cowie explained that inspection from the Fire Marshall would be required for on site fuel storage. Mr. Cowie noted that a fire inspection of the site is also required before a business license is issued.

Commissioner Godfrey expressed some concern regarding traffic patterns in relation to the larger boats and trailers available for rental. Mr. Stevens noted that a neighboring business currently has a trailer in the parking area, and that traffic flow patterns would be improved if the trailer were to be removed. Commissioner Bean encouraged Mr. Stevens to investigate whether the trailer location violates any lease agreements, and whether it may be possible to have it removed or relocated to another area.

Commissioner Bean inquired as to whether there is any precedent regarding outdoor display of this type of merchandise. Mr. Cowie stated that City ordinance requires that specific display areas be approved as part of site plan approval. Mr. Cowie clarified that while storage areas can be approved in parking areas if adequate space is available, outdoor displays are not permitted in the 10' landscape area.

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

4 COMMISSIONER MILLER MOVED TO APPROVE THE CONDITIONAL
6 USE PERMIT APPLICATION FOR RENTAL TOYS LLC WITH THE FOLLOWING
6 CONDITIONS:

- 8 1. THAT THERE BE NO OUTDOOR STORAGE OR DISPLAY IN THE
8 PARKING AREA.
- 10 2. THAT ANY FUTURE GASOLINE STORAGE BE REVIEWED AND
10 APPROVED BY THE CITY AND THE FIRE MARSHALL.
- 12 3. THAT NO STORAGE BE PERMITTED IN THE 10' LANDSCAPE STRIP
12 AREA ADJACENT TO THE FREEWAY.

14 COMMISSIONER ANDERSON SECONDED THE MOTION. ALL PRESENT
14 VOTED IN FAVOR. THE MOTION CARRIED.

- 16 2. **Public Hearing. Minor Subdivision** – *Dirker Farms, Plat "F" – 45 South 200*
18 *East*. This is a request by Rick Murano for approval of a 2-lot minor subdivision in
18 the R1-20 zone. An existing home is located on one of the proposed lots, so only
20 one new building lot will be established at approximately 221 East 70 South. Both
20 lots will be required to meet the 20,000 square foot minimum lot size.

22 COMMISSIONER GODFREY MOVED TO OPEN THE PUBLIC HEARING
24 TO CONSIDER THE DIRKER FARMS PLAT "F" PRELIMINARY SUBDIVISION
24 PLAT. COMMISSIONER MILLER SECONDED THE MOTION. ALL PRESENT
26 VOTED IN FAVOR. THE MOTION CARRIED.

28 The applicant, Rick Murano, was not present at the meeting at this time. Mr.
28 Cowie stated that this is a fairly simple subdivision request, and that there are no
30 significant staff concerns related to this application. He suggested that the Commission
30 proceed with review of the application without the applicant present. The Commission
32 agreed that it would be appropriate to proceed with review of this item without the
32 presence of the applicant.

34 Mr. Cowie explained that this is a request for a two lot subdivision for Dirker
34 Farms, Plat "F", which will create one new 20,000 square foot building lot. Curb and
36 gutter improvements are already installed along the frontage of the proposed lot, and all
36 sidewalk bonding, street dedication, and other improvements to the road frontages have
38 occurred as part of previous subdivision plats. The existing home meets current 30 foot
38 rear yard setback requirements with the new property line location. Mr. Cowie also noted
40 that the existing structure on the lot will be removed prior to construction of the dwelling.
40 He explained that the subdivision request meets all code requirements.

42 Commissioner Bryner inquired as to when sidewalk improvements will be
42 installed. Mr. Cowie explained that sidewalk improvements have been bonded for, but
44 will not be installed until after construction of the home is complete. He stated that
44 sidewalk improvements are typically installed after construction is complete to ensure
46 that curb cuts are in the appropriate location for drive accesses. All improvements will be
46 installed prior to issuance of a final occupancy permit.

2 Chairperson Peters called for public comment on this item. There was no public
comment. He called for further comments or discussion from the Commission. Hearing
none, he called for a motion.

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6 COMMISSIONER GODFREY MOVED TO CLOSE THE PUBLIC HEARING
TO CONSIDER THE DIRKER FARMS PLAT "F" PRELIMINARY SUBDIVISION
8 PLAT. COMMISSIONER MILLER SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

10 COMMISSIONER ANDERSON MOVED TO APPROVE THE DIRKER
12 FARMS PLAT "F" SUBDIVISION PRELIMINARY PLAT AT 45 SOUTH 200 EAST
AND RECOMMEND APPROVAL TO THE CITY COUNCIL WITH THE
FOLLOWIN RECOMMENDATION:

- 14 1. THAT ALL SIDEWALK IMPROVEMENTS BE INSTALLED IN
16 FRONT OF BOTH HOMES PRIOR TO ISSUANCE OF A FINAL
OCCUPANCY PERMIT.

18 COMMISSIONER BRYNER SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

- 20 3. **Site Plan – Carter Construction** – *1302 West 300 South*. This is a request by
22 Dennis Carter for approval of a new site plan with two proposed office/warehouse
buildings and a fenced storage yard. The subject property is located in the LI zone.

24 Jerry Hamling and Dennis Carter were present as the representatives for this
26 application. Mr. Cowie reviewed this application for the Commission. He stated that the
request is for site plan approval for two new office/warehouse buildings in the LI zone.
28 Both buildings will be located on Lot 24, Plat D, of the Lindon Harbor Industrial Park
Subdivision. New landscaping and a small asphalt parking area will be installed in front
30 and between the buildings. A fenced, hard surface graveled parking and storage area is
proposed for the rear and side of the structures. Storm water detention will also be located
32 at the rear of the storage area. Concept elevations were provided for review by the
Planning Commission. Split faced block is proposed for the building elevations.

34 Commissioner Anderson commented on the gravel parking and storage area. He
inquired as to whether the paved parking area is adequate to meet the needs of the
36 proposed use. Mr. Cowie noted that several other businesses in the area have been
approved with gravel parking areas. Mr. Carter noted that the primary use of the gravel
38 area is not expected to be parking, and that very little dust will be generated from the low
traffic volume.

40 Commissioner Anderson inquired as to any outside storage planned for the site.
Mr. Carter stated that no outdoor storage is planned. Trailers will be parked behind the
42 fenced area when not in use. Mr. Carter stated that the existing fence is chain link
without slats. Mr. Cowie clarified that sight obscuring fence is required only for storage
44 of specific items, such as junk or dismantled cars or debris. Mr. Carter clarified that the
trailers will be parked in the fenced area periodically, but will be removed for use
frequently.

2 Commissioner Godfrey inquired as to whether the applicant is aware of
3 architectural standards and landscaping requirements. Mr. Carter stated he is aware of
4 current standards. Commissioner Godfrey inquired as to what type of tree is planned for
5 the site. Mr. Carter stated that the engineer included the tree in the drawing, but that he is
6 unsure of the specific type of tree. Commissioner Godfrey explained that the tree board
7 has established a list of acceptable trees for new development. Mr. Carter expressed a
8 willingness to select a tree type from the list of approved trees.

9 Chairperson Peters inquired as to whether ADA parking requirements are met. Mr.
10 Cowie stated that the required ADA parking stall is included on the plan.

11 Commissioner Godfrey inquired as to the nature of the business proposed at the
12 site. Mr. Hamblin stated that the facility will house an acoustic ceiling tile business.

13 The Commission went on to review proposed architectural elements for the building
14 façade. Commissioner Godfrey noted that the site plan does not show split faced block
15 on the rear elevation. Mr. Carter clarified that all four building faces will be constructed
16 of split faced block. Commissioner Bryner inquired as to the location of the restrooms
17 inside the facility. Mr. Carter stated that the interior plan is very preliminary, and that the
18 final location of restrooms has not yet been determined.

19 The Commission then discussed proposed detention. Mr. Carter explained that the
20 area surrounding the detention basin will be graded appropriately, and will drain into the
21 gravel detention basin. The Commission discussed specific grading and contouring. Mr.
22 Cowie stated that storm drainage and detention will be reviewed and receive final
23 approval from the City engineer.

24 Commissioner Bryner inquired as to whether employees will be parked at the site.
25 Mr. Carter stated that employees typically report to the job site, but that employees may
26 occasionally report to this site to pick up or drop off equipment.

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

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30 COMMISSIONER BEAN MOVED TO APPROVE THE CARTER
31 CONSTRUCTION SITE PLAN WITH THE FOLLOWING CONDITION:

- 32 1. THAT ALL FOUR BUILDING ELEVATIONS BE CONSTRUCTED OF SPLIT
33 FACED BLOCK.

34 COMMISSIONER MILLER SECONDED THE MOTION. ALL PRESENT VOTED IN
35 FAVOR. THE MOTION CARRIED.

36 **NEW BUSINESS** – Reports by Commissioners

37
38 Commissioner Godfrey reported a parking problem on private property at the
39 corner of 400 North and 200 East. He noted that a large number of passenger and
40 recreational vehicles are currently parked at that location. Commissioner Bean inquired
41 as to whether parking can be restricted on the site. Mr. Cowie stated that it is his
42 understanding that the property owner also owns all the vehicles on the site, and that
43 parking is in compliance with City ordinance. Commissioner Godfrey expressed concern
44 regarding the appearance of the site. He stated that it appears that it may be a commercial
45 business overflow. He noted that the lot has double frontage, and that one access should
46 be restricted. He felt that the appearance of the site is not acceptable in a residential

2 zone. Mr. Cowie will review ordinance requirements to determine whether any action
3 can be taken to regulate parking on the site. Mr. Cowie will also inform the Code
4 Enforcement Officer of the concern and request that he follow up with the property
5 owner if appropriate.

6 Chairperson Peters commented on a new construction home on 600 North. Mr.
7 Cowie stated that the Chief Building Official is aware of the situation and will take
8 appropriate action.

9 Commissioner Anderson commented on the Tree Amigos business, and the ADA
10 accessible restroom at the site. Mr. Cowie stated that the business owner obtained all
11 necessary permits and inspections for the restrooms. He noted that all improvements on
12 the site are in compliance with requirements of Planning Commission approval.

13 **PLANNING DIRECTOR'S REPORT** –

14 Mr. Cowie reported on the following items.

- 15 1. The regular meeting of March 28, 2007 will begin at 6:00 p.m. City Attorney
16 Brian Haws will present required annual training to the City Council, Planning
17 Commission and Board of Adjustments.
- 18 2. The High Ridge Court and Homesteads at Coulson Cove subdivision applications
19 were approved by the City Council with the same requirements as recommended
20 by the Planning Commission.
- 21 3. In 2004, the Planning Commission approved a site plan for Artistic Stone. The
22 approved site plan included the existing warehouse building, as well as a future
23 office building as Phase II. The minutes reflect a discussion related to the office
24 building, but the office building was not part of the motion for approval. The
25 business owner has now submitted appropriate applications to construct the office
26 building. The current proposal is for a slightly larger building, as well the
27 appropriate additional parking areas. The City engineer has expressed the opinion
28 that no additional engineering will be necessary for the proposed facility. Mr.
29 Cowie inquired as to whether the Planning Commission felt that any further
30 review would be necessary. Commissioner Godfrey asked if staff felt that there
31 may be any outstanding issues that it may be appropriate for the Commission to
32 address. Mr. Cowie stated that it appears that all ordinance requirements will be
33 met on the plan as submitted. Commissioner Bean asked if Planning Commission
34 review would be a procedural requirement. Mr. Cowie stated that typically, a
35 project this size would be presented for Planning Commission review and
36 approval. However, due to the fact that this structure was shown on the plan
37 which was initially approved, further review and approval would not be required.
38 Following further discussion, it was the consensus of the Commission that no
39 further review would be necessary for construction of the office building.
- 40 4. The Commission discussed the elevations of the Noah's Center building. It was
41 the general feeling of the Commission that the building was not built in
42 compliance with approved plans. Mr. Cowie explained that he has reviewed
43 minutes from both the Planning Commission and City Council approval of the
44 project, and that it appears that the building was built according to approved
45 plans.

2 **ADJOURN** –

4 COMMISSIONER BRYNER MOVED TO ADJOURN THE MEETING AT 8:23
6 P.M. COMMISSIONER MILLER SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

8 APPROVED – March 28, 2007

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Jim Peters, Chairperson

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Adam Cowie, Planning Director

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