

2 The Lindon City Planning Commission held a regularly scheduled meeting on
3 **Wednesday, May 9, 2007** in the Lindon City Center, City Council Chambers, 100 North
4 State Street, Lindon, Utah.

5 Conducting: Jim Peters, Chairperson

6 Invocation: Ken Miller

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 Mike Gotfredson, Planning Intern

Debra Cullimore, Deputy Recorder

20 The meeting was called to order at 7:04 p.m.

22 **APPROVAL OF MINUTES** – The minutes of the regular meeting of April 25, 2007
24 were reviewed.

26 COMMISSIONER MILLER MOVED TO APPROVE THE MINUTES OF THE
28 MEETING OF APRIL 25, 2007. COMMISSIONER SIMISTER SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 **PUBLIC COMMENT** –

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

36 **CURRENT BUSINESS** –

- 38 1. **Site Plan Review** – *Jacobson Commercial – 120 South 1380 West*. This is a
40 request by Boyd Jacobson for approval of an industrial office/warehouse
development in the LI zone. Three individual buildings will be constructed on the
vacant lot that is located at approximately 120 South 1380 West.

42 Boyd and Maxine Jacobson were present as the representatives for this
44 application. Mr. Cowie explained that this is a request for approval of a new office
warehouse in the LI zone. The proposed site is vacant, but street improvements including
46 required landscaping and white vinyl two rail fence have been installed on 1380 West.
Three separate buildings are proposed on the site. Access to the lot will be provided from

two driveway locations off of 1380 West. Individual units will be sold or leased to businesses.

Mr. Cowie presented an overhead view of the site, as well as concept architectural elevation drawings. The proposed buildings will be constructed of split face block and stucco. Each unit will include an individual entrance door.

Mr. Cowie suggested that the Commission discuss several staff concerns with the applicant. He noted that there is some concern regarding the location of unit #8 in relation to the curb. He observed that the current proposed configuration allows adequate width for only one way traffic. Mr. Jacobsen commented that he would like to maintain traffic flow in that area. He suggested the possibility of some reduction in the required 20 foot landscaping strip adjacent to unit #8 if an equivalent amount of landscaping is provided in another area of the site.

Mr. Cowie observed that the proposed location of the loading dock for unit #7 may not allow adequate access for deliveries. He suggested that the Commission discuss the loading dock location to make sure that there is adequate space to accommodate necessary traffic flow.

Mr. Cowie noted that the proposed parking stalls are located immediately against the building with no sidewalk or curb stops. The City Engineer would encourage some sort of spacing between the parking and the building to allow for pedestrian access to the building entrance.

Mr. Cowie stated that proposed architectural elevations more than meet the standards for the LI zone. Existing landscaping is also in compliance with current ordinance requirements.

Mr. Cowie explained that utility easements previously located around the lot are no longer required. Mr. Jacobsen has gone through the proper procedure to vacate existing utility easements. Proposed buildings can now technically be built to a zero lot line and be in compliance with City code.

Chairperson Peters asked Mr. Jacobsen to address the limited access adjacent to unit #8. Mr. Jacobsen stated that the current width of the drive area is twelve feet. He noted that he would be willing to provide additional landscaping in other areas in order to provide adequate width for two way traffic. He suggested that a five to six foot reduction in the landscaping requirement adjacent to the drive area would provide adequate width for two way traffic.

Commissioner Anderson asked Mr. Cowie if the Commission has authority to waive or alter landscaping requirements. Following review of the City Code, Mr. Cowie stated that there is no provision in the ordinance which allows modification of the 20 foot landscaping requirement. He noted that the only area where exceptions to this requirement have been permitted is along the freeway frontage in the area of the gas line easement.

Commissioner Godfrey suggested that the floor plan be reconfigured with an angled corner to allow two way drive access. Mr. Jacobsen stated that square footage would be lost if the corner were angled. He also noted that there would be a significant additional expense to angle the corner of the building. Mr. Cowie noted that a width of 24 feet is typically required by the engineers to allow safe two way traffic access.

Chairperson Peters suggested the possibility of installation of a removable pole in the drive area which would restrict traffic flow, but would allow controlled access when

2 necessary. Commissioner Anderson noted that the area would not likely be used as a
main thoroughfare.

4 Chairperson Peters asked Mr. Jacobsen to address the proposed loading dock
location. Mr. Jacobsen stated that he will remove the loading dock from the site plan to
address concerns. Commissioner Simister suggested relocating the loading dock to the
6 end of the building rather than the rear of the building to provide better access. Mr.
Jacobsen stated that relocation of the loading dock may be a possibility.

8 Commissioner Simister inquired as to parking requirements for the proposed
buildings. Mr. Cowie stated that the warehouse areas require one parking stall per 1000
10 square feet, and office areas require one stall per 350 square feet. The Commission
discussed the proposed location of parking stalls immediately adjacent to the building.
12 Commissioner Simister noted that the concern is not the amount of parking, but the need
for pedestrian access between parking stalls and the building. Mr. Cowie suggested that
14 the Commission could direct staff to finalize the parking plan with the applicant and the
City Engineer.

16 The Commission returned to discussion regarding the width of the drive area
adjacent to unit #8. Commissioner Godfrey stated that he thought there had been some
18 concessions regarding the location of required landscaping on other site plans. Mr.
Cowie stated that exceptions have been made only along the freeway frontage and on
20 some pre-existing lots where current requirements are not feasible. He stated that an
ordinance change would be required to allow a variation from current requirements on
22 new construction projects. The Commission discussed various options to provide
adequate width in the drive area. Mr. Cowie noted that there may be more than 20 feet of
24 existing landscaping, and that a reduction to the required 20 feet may provide enough
additional width to allow two-way traffic in the drive area. Mr. Cowie suggested that
26 conditions related to width of the drive area be included in the motion.

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

30 COMMISSIONER ANDERSON MOVED TO APPROVE THE JACOBSON
COMMERCIAL SITE PLAN WITH THE FOLLOWING CONDITIONS:

- 32 1. THAT A PERMANENT BARRIER BE PLACED BETWEEN THE CORNER
34 OF UNIT #8 AND THE ADJACENT LANDSCAPED AREA TO PREVENT
VEHICULAR ACCESS.
- 36 2. THAT STAFF APPROVE THE FINAL PARKING PLAN, SPECIFICALLY
38 THE LOCATION OF DOORWAYS IN RELATION TO PARKING STALLS
AND THE USE OF PARKING BLOCKS TO CREATE PEDESTRIAN
ACCESS TO THE BUILDING FROM THE PARKING STALLS.
- 40 3. THAT STAFF APPROVE THE LOCATION OF THE LOADING DOCK
42 ASSOCIATED WITH UNIT #7 IF THE LOADING DOCK IS INCLUDED IN
THE SITE PLAN.
- 44 4. THAT STAFF CONSULT WITH THE CITY ENGINEER TO DETERMINE A
MINIMUM WIDTH FOR TWO WAY TRAFFIC ADJACENT TO UNIT #8,
AND WHETHER ADEQUATE WIDTH CAN BE PROVIDED BASED ON
THE CURRENT CONFIGURATION.

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

4 Mr. Cowie suggested that Mr. Jacobson attend an upcoming DRC meeting to
work out details of the site plan. Commissioner Godfrey inquired as to why this item was
6 not continued for further review after revisions rather than approval with direction for
staff to finalize the details of the site plan. Mr. Cowie stated that this item could have
8 been continued, but that project revisions can cause significant delays due to turnaround
time from area engineers. The Commission also felt that it would be appropriate to
10 consider ordinance revisions which may allow relocation of landscaped areas of the site if
required square footage is met.

- 12
- 14 2. **Public Hearing** – *Water Ordinance Changes – LCC Section 13, 19, 17.32.270*
and 17.66. This is a City initiated ordinance change to update existing language
16 and to allow administrative approval of “payment in lieu” of turning in the
required water shares. Sections updated all deal with the requirement to turn in
18 water for new development or connection to the secondary irrigation system.
Recommendations from the Planning Commission will be forwarded to the City
Council.

20

22 COMMISSIONER MILLER MOVED TO OPEN THE PUBLIC HEARING TO
CONSIDER WATER ORDINANCE CHANGES. COMMISSIONER SIMISTER
24 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

26 Mr. Cowie explained that this is a City initiated review of Ordinance requirements
related to turning in of water shares associated with development. He stated that recent
28 large development projects in the City have been unsuccessful in acquiring adequate
water shares to allow for the development due to lack of water shares available on the
30 open market. Developers have been granted relief petitions to allow cash payment in lieu
of turning in water shares. The City Council has directed staff to prepare ordinance
32 changes to LCC Sections 13.19, 17.32.270 and 17.66 to allow an option for applicants to
pay cash payment in lieu of shares without going through the relief petition process. The
34 City will use the cash payments to purchase and maintain water stock in the Jordanelle
Reservoir that can be used in the secondary water system to meet the needs of the
36 community. Funds could also be allocated to meet other needs associated with the water
system.

38 Section 3.19 will be amended to refer to the City wide fee schedule to set the
price for cash payment in lieu of water shares. Cash payment amount will be calculated
40 at 95% of the current market rate based on quotes from three water brokers.

42 Commissioner Simister inquired as to how it is possible for the City to purchase
shares if they are not available to developers on the open market. Mr. Cowie explained
44 that the City committed to buying into the Jordanelle water system ten years ago, and that
payment is now due. He noted that some types of water shares are not accessible to the
Lindon City water system and can not be used in the community, but that the Jordanelle
46 shares can be accessed for use in the secondary irrigation system.

2 Commissioner Simister inquired as to the amount of water available during
drought years through the Jordanelle system. Mr. Cowie explained that the City is not
4 purchasing a specific amount of water, but rather a percentage of available water. The
same percentage will be available each year, but the actual amount of water may vary
based on weather conditions.

6 Commissioner Simister inquired as to whether the existing shares and shares
obtained from the Jordanelle system are adequate to provide for the needs of the
8 community at build out. Mr. Cowie explained that paper shares are adequate for the
secondary system. He clarified that culinary water is access through an underground well
10 system rather than through surface water sources. He stated that well water for the
culinary system is sufficient to provide for needs of the community at build out.

12 Commissioner Anderson expressed concern that the City may lose water rights if
beneficial use is not documented. Mr. Cowie stated that the City Engineer, Dave
14 Thurgood, has reviewed use of the Jordanelle shares extensively, and recommended that
cash payment be accepted to purchase and maintain the Jordanelle shares. He explained
16 that the Jordanelle shares can not be lost due to non-use, and will provide a stable long
term water source.

18 Chairperson Peters noted that proposed ordinance revisions still require approval
of the Planning Commission for a relief petition. Mr. Cowie clarified that the relief
20 petition process actually refers to relief from connecting to the secondary water system,
rather than relief from turning in required water shares. He noted that with the exception
22 of the extreme east side of the City, relief petitions will not likely be submitted for future
development. He noted that new development is required to connect to the secondary
24 system, but that existing residential areas with existing water service may choose not to
connect to the secondary system.

26 The Commission discussed language changes which would clarify requirements
and make language consistent throughout the ordinance. Chairperson Peters called for
28 further comments or discussion. Hearing none, he called for a motion.

30 COMMISSIONER MILLER MOVED TO CLOSE THE PUBLIC HEARING TO
CONSIDER WATER ORDINANCE AMENDMENTS. COMMISSIONER SIMISTER
32 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
CARRIED.

34 COMMISSIONER GODFREY MOVED TO APPROVE REVISIONS TO LCC
36 SECTION 13, 19, 17.32.270 AND 17.66 WITH LANGUAGE CHANGES AS
DISCUSSED. COMMISSIONER MILLER SECONDED THE MOTION. THE VOTE
38 WAS RECORDED AS FOLLOWS:

40 CHAIRPERSON PETERS	AYE
COMMISSIONER ANDERSON	NAY
COMMISSIONER BEAN	AYE
42 COMMISSIONER GODFREY	AYE
COMMISSIONER MILLER	AYE
44 COMMISSIONER SIMISTER	AYE

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

2 Commissioner Anderson explained that he voted against the motion due to
4 concerns regarding the change in policy to not accept certain water shares for and
6 development, and to accept cash payment as a general practice. He also noted that a
8 significant number of Southfield Water shares are still in use in the City, but that cash
10 payment is based on North Union shares, which are equivalent to seven acre feet per
12 share. He noted that the cost of this requirement to developers makes affordable housing
14 projects difficult. He felt that water shares which have historically been used in Lindon
16 should continue to be accepted rather than only accepting cash payment to purchase new
18 shares of Jordanelle water as a general practice.

3. **Discussion** – *LCC Section 17.64; Trailer Houses*. This is a City initiated
discussion on possible ordinance changes to the “Trailer Houses” section of the
ordinance that would allow limited habitation of an RV or trailer on residential
lots. The City has had residents interested in allowing friends or relatives to
temporarily stay in RV’s on their property, but the requested use is currently
prohibited throughout the City. Direction will be given to staff, but no official
motion will be made on this item.

Mr. Cowie explained that this item is the result of an Open Session discussion
held during a recent City Council meeting with a resident regarding visitors staying in an
RV on private property. Current City ordinance does not allow habitation of trailers for
any period of time. No action was taken on this particular matter because the resident
reported that the guests were actually sleeping in the house rather than in the trailer. The
Council determined that if the trailer was not being used for sleeping, it was not
technically being lived in. However, the Council felt that there should be some
discussion regarding limited use of trailers by guests for short periods of time.

Chairperson Peters commented on the need for sewer dump stations for RV’s in
the City. He noted that limited dump facilities make it difficult for owners of RV’s to
properly dispose of sewer waste.

The Commission discussed various aspects of guest use of RV’s at Lindon
residences. They discussed appropriate time periods, as well as where vehicles could be
parked when being used by guests. The Commission also discussed enforceability of
ordinance requirements, and whether enforcement should be pro-active or complaint
based. Following further discussion, the majority of the Commission felt that use of
RV’s by visitors should be allowed for two weeks per calendar year. On street parking of
RV’s can not exceed the 48 hours currently allowed for on street parking of vehicles.
Use of trailers by visitors will be allowed only in the residential zone, and only on lots
with an established residence. Habitation will be defined as using the RV for sleeping.
Mr. Cowie will draft ordinance revisions for further discussion and review at a future
meeting.

NEW BUSINESS – Reports by Commissioner

Chairperson Peters commented on a report he recently read in the APA
publication pertaining to laws governing Sexually Oriented Businesses. He explained
that the article outlines protected “free speech” aspects of SOB’s, as well certain aspects

2 of the business which can be regulated by the City. Mr. Cowie reviewed the Table of
Contents of the City SOB ordinance. He noted that specific aspects which are regulated
4 by the City are outlined in the ordinance. Chairperson Peters will forward a list of
protected items and non-protected items to Mr. Cowie. Mr. Cowie will discuss possible
6 ordinance revisions with the City Attorney.

8 Commissioner Godfrey commented on construction signs on 400 North. He
noted that the signs have been in place for some time, but that construction has not yet
10 begun. He observed that placement of the signs prior to construction has encouraged
motorists to drive around the signs. He expressed concern that this may condition a
12 response for drivers to dismiss signs in the future and enter construction sites. Mr. Cowie
will follow up on the report.

14 Commissioner Simister inquired as to whether Mr. Cowie had researched whether
new State statute requirements are applicable to the charter school on State Street. Mr.
16 Cowie reported that the application for this project was submitted prior to adoption of the
new State statute, and that new standards are not applicable. He explained that new
standards allow cities some additional oversight on safety and hazardous conditions.
18 However, required inspections do not have to be completed by the City building official,
but can be completed by any licensed inspector.

20 Commissioner Godfrey reported that lights are being left on past the agreed time
at Low Book Sales on some occasions. He also reported that semi trucks are parking in
22 the roadway to off load vehicles at the Larry H. Miller auto dealerships. Mr. Cowie will
follow up on the reports.

24 **PLANNING DIRECTOR'S REPORT** –

26 Mr. Cowie reported on the following items:

- 28 1. The City Council approved the Lauren Subdivision application with no
conditions.
- 30 2. UDOT and UTA reported to the City Council on the status of the I-15 widening
project, the Mountain View Corridor project, and the Commuter Rail project
32 during the City Council meeting on May 1, 2007.
- 34 3. The City website is receiving a significant number of visitors each day, and
appears to be an effective communication tool.
- 36 4. Approximately 85 Lindon residents attended the Arbor Day tree planting event at
Pheasant Brook Park on Saturday May 5, 2007. Thirty eight trees were planted
38 during the event.
- 40 5. Commissioner Anderson asked for information regarding a newspaper article he
read which stated that the City is considering purchase of the LDS meeting house
42 on Main Street. Councilmember Bayless was present at the meeting, and reported
that the matter is being reviewed by the First Presidency of the LDS Church. Mr.
Cowie explained that if the City is able to purchase the building, it will be used as
44 a Senior Citizen Center, as well as meeting rooms and other facilities for
community events.

46 **ADJOURN** –

2 COMMISSIONER GODFEY MOVED TO ADJOURN THE MEETING AT
9:01 P.M. COMMISSIONER SIMISTER SECONDED THE MOTION. ALL
PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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6 APPROVED – May 23, 2007

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Jim Peters, Chairperson

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Adam Cowie, Planning Director