

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **September 9, 2014 at 7:00 p.m.** at the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Mike Marchbanks, Vice Chair
9 Invocation: Rob Kallas, Commissioner
10 Pledge of Allegiance: Bob Wily, Commissioner

12 **PRESENT**
13 Mike Marchbanks, Vice Chairperson
14 Ron Anderson, Commissioner
15 Rob Kallas, Commissioner
16 Bob Wily, Commissioner
17 Matt McDonald, Commissioner
18 Andrew Skinner, Commissioner
19 Jordan Cullimore, Associate Planner
20 Kathy Moosman, City Recorder

ABSENT
Sharon Call, Chairperson
Hugh Van Wagenen, Planning Director

22 **Special Attendee:**
23 Councilmember Matt Bean

- 24 1. **CALL TO ORDER** – The meeting was called to order at 7:10 p.m.
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26 2. **APPROVAL OF MINUTES** – The minutes of the regular meeting of August 26,
27 2014 were reviewed.

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29 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
30 REGULAR MEETING OF AUGUST 26, 2014 AS WRITTEN. COMMISSIONER
31 WILY SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
32 MOTION CARRIED.

34 3. **PUBLIC COMMENT** –

35 Vice Chair Marchbanks called for comments from any audience member who
36 wished to address any issue not listed as an agenda item. There were no public
37 comments.
38

40 **CURRENT BUSINESS** –

- 42 4. **Plat Amendment** – *Bishop Corner Plat “B”*. Lindon City requests approval of a
43 Plat Amendment to Bishop Corner Plat “A” to create Bishop Corner Plat “B”. A new
44 building lot will be designated, but no new lots will be created.

45 Jordan Cullimore, Associate Planner, opened the discussion by giving a brief
46 summary of this agenda item stating Lindon City requests approval of a Plat Amendment

2 to Bishop Corner Plat "A" to create Bishop Corner Plat "B". He noted that a new
3 building lot will be designated but no new lots will be created.

4 Mr. Cullimore then gave some background and history of the "Bishop's Tithing
5 House" noting it was designated as a public area, not a residential building lot, with the
6 idea that it would be a community gathering place, which was no longer viable after the
7 purchase of the Community Center. Mr. Cullimore stated it was determined that it would
8 be to the public's best interest to turn it into a residential building lot and to sell it as
9 such. He went on to explain the Lindon City Board of Adjustment recently considered a
10 City-initiated request to reclassify Lot 2 of the subdivision known as Bishop Corner Plat
11 "A" (tithing house) from a substandard, unbuildable lot to a legal, nonconforming,
12 buildable residential lot. He noted the Board of Adjustment approved the request on July
13 2, 2014 pursuant to Lindon City Land Use Application 13-004-8 to be changed from a
14 non-conforming public area to a legal conforming buildable lot which was granted.

15 Mr. Cullimore stated this current request is an administrative request for a plat
16 amendment to Bishop Corner Plat "A" and to create Bishop Corner Plat "B" to make it a
17 legal non-conforming buildable lot. He noted the Board of Adjustment conditioned the
18 setbacks making the rear setback 40 ft. and the front setback 20 ft. as opposed to a 30/30
19 setback and will be treated as a 15,000 square ft. 1/3 acre lot. Mr. Cullimore further
20 explained that Lindon City is now requesting that the Planning Commission approve a
21 plat amendment to reflect the Board of Adjustment's variance approval. Mr. Cullimore
22 then referenced the existing subdivision plat and proposed plat amendment.

23 Commissioner Kallas asked if the LDS Church had any interest in the tithing house for
24 historical purposes. Mr. Cullimore stated that the Church did not have any interest in this
25 particular location and it is not protected by the national register. There was then some
26 additional general discussion by the Commission regarding this plat amendment.

27 Vice Chair Marchbanks called for any further discussion regarding this agenda
28 item. Hearing none he called for a motion.

29 COMMISSIONER ANDERSON MOVED TO APPROVE THE APPLICANT'S
30 REQUEST FOR APPROVAL OF A PLAT AMENDMENT WITH NO
31 CONDITIONS. COMMISSIONER KALLAS SECONDED THE MOTION. THE
32 VOTE WAS RECORDED AS FOLLOWS:

33 VICE CHAIR MARCHBANKS AYE
34 COMMISSIONER ANDERSON AYE
35 COMMISSIONER KALLAS AYE
36 COMMISSIONER WILY AYE
37 COMMISSIONER MCDONALD AYE
38 COMMISSIONER SKINNER AYE

39 THE MOTION CARRIED UNANIMOUSLY.

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41 5. **Public Hearing** – *Ordinance Amendment, LCC 17.38 Completion Bonds*. Lindon
42 City requests an amendment to Lindon City Code 17.38 Bonds for Completion of
43 Improvement to Real Property.

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45 COMMISSIONER KALLAS MOVED TO OPEN THE PUBLIC HEARING.
46 COMMISSIONER MCDONALD SECONDED THE MOTION. ALL PRESENT
47 VOTED IN FAVOR. THE MOTION CARRIED.

2 Mr. Cullimore, Associate Planner, led the discussion by explaining Lindon City
requests an amendment to Lindon City Code 17.38 Bonds for Completion of
4 Improvement to Real Property. He noted that City staff is in the process of consolidating
and making necessary changes to these ordinances to reflect changes in Utah State Code.

6 Mr. Cullimore went on to say this has been a work in progress for some time and
will continue to be. He mentioned that the ordinance before the Commission tonight is
8 still in draft form. He also directed the Commission to take the time to read the draft and
provide any feedback to staff. Mr. Cullimore then directed the Commission to continue
10 this item at this time until a further meeting when the document is closer to its final form.
Mr. Cullimore re-iterated, if there are any comments from the Commissioners or the
12 general public, staff will be happy to receive them. Mr. Cullimore then referenced the
proposed amendment.

14 Vice Chair Marchbanks called for any discussion from the Commission. Hearing
none he called for a motion.

16 COMMISSIONER KALLAS MOVED TO RECOMMEND CONTINUATION
OF THE PROPOSED ORDINANCE AMENDMENT TO LCC 17.38 COMPLETION
18 BONDS AS PRESENTED. COMMISSIONER SKINNER SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

20 VICE CHAIR MARCHBANKS	AYE
COMMISSIONER ANDERSON	AYE
22 COMMISSIONER KALLAS	AYE
COMMISSIONER WILY	AYE
24 COMMISSIONER MCDONALD	AYE
COMMISSIONER SKINNER	AYE

26 THE MOTION CARRIED UNANIMOUSLY.

28 6. **Public Hearing** – *Ordinance Amendments, LCC 17.32 Subdivisions; LCC 17.58*
Dedication of Subdivisions; LCC 17.66.020 Subdivision recordation. Lindon City
30 requests amendments to the Lindon City Code to make general revisions to LCC
17.32, Subdivisions; LCC 17.58, Dedication of Subdivisions; and LCC 17.66.0220,
32 Subdivision Recordation.

34 Mr. Cullimore gave a brief summary of this agenda item stating Lindon City is
requesting amendments to the Lindon City Code to make general revisions to LCC 17.32,
36 Subdivisions; LCC 17.58, Dedication of Subdivisions; and LCC 17.66.020, Subdivision
Recordation. He noted that City staff is in the process of consolidating and making
38 necessary changes to these ordinances to reflect changes in Utah State Code. He went on
to say this has been a work in progress for a period of time and will continue to be.

40 Mr. Cullimore commented that the ordinance before the Commission tonight is
still in draft form. He also directed the Commission to please take the time to read the
42 draft and provide any feedback to staff. He explained, regarding the motion for the item,
that staff is requesting that the item be continued until a further meeting when the
44 document is closer to its final form. Mr. Cullimore re-iterated, if there are any comments
from the Commissioners or the public, staff will happy to receive them at this time. Mr.
46 Cullimore then referenced the proposed amendment.

48 Vice Chair Marchbanks called for any discussion from the Commission. Hearing
none he called for a motion.

COMMISSIONER SKINNER MOVED TO RECOMMEND CONTINUATION
OF THE PROPOSED ORDINANCE AMENDMENTS TO LCC 17.32
SUBDIVISIONS; LCC 17.58 DEDICATION OF SUBDIVISIONS; LCC 17.66.020
SUBDIVISION RECORDATION AS PRESENTED. COMMISSIONER MCDONALD
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

VICE CHAIR MARCHBANKS	AYE
COMMISSIONER ANDERSON	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER WILY	AYE
COMMISSIONER MCDONALD	AYE
COMMISSIONER SKINNER	AYE

THE MOTION CARRIED UNANIMOUSLY.

7. **Public Hearing** – *Ordinance Amendment, LCC 17.44.140 Accessory Buildings.*
Lindon City requests an amendment to Lindon City Code 17.44.140, Accessory
Buildings, to allow reduced setbacks for certain accessory structures on corner lots in
residential zones.

Mr. Cullimore led the discussion by explaining Lindon City requests an
amendment to Lindon City Code 17.44.140, Accessory Buildings, to allow reduced
setbacks for certain accessory structures on corner lots in residential zones. He noted this
action is initiated in an effort to improve the code and to find ways to add flexibility and
predictability. He mentioned one item that comes up frequently to the planning
department staff involves setback requirements for accessory buildings, specifically
corner lots. He then referenced a photos depicting a corner lots in the city. Mr. Cullimore
noted that currently accessory buildings in Lindon cannot be built on the front yard
setback of a lot.

Mr. Cullimore explained this action would allow property owners to get better use
out of their property while ensuring traffic and safety concerns are also considered. Mr.
Cullimore stated what staff is proposing in this amendment will essentially allow the
property owner to encroach or receive a setback exception, in what they would consider
their backyard, of up to 15 ft. of a front lot line. Mr. Cullimore further explained it is also
the assumption by staff if there are more flexible rules and options in place, residents will
be more inclined to obtain a permit in consideration of the safety concerns of the city. He
then referenced the proposed language of the ordinance amendment followed by some
general discussion.

Vice Chair Marchbanks called for any public comments at this time. Bill Petris,
resident in attendance, addressed the Commission at this time. Mr. Petris commented
that he feels the ordinance language is well written that will allow flexibility and will also
allow staff to scrutinize and determine, case by case, what should be allowed. Vice Chair
Marchbanks commented that he feels this ordinance amendment will encourage people to
obtain a permit the legal/right way as to be in compliance. There was then some
additional discussion by the Commission regarding heights and setbacks. Following
discussion it was determined to leave the setback at 15 ft. and to not have the building
height exceed 12 ft. Mr. Cullimore pointed out that currently the Planning Director and
City Engineer can increase the setback if they feel there are traffic or safety concerns. He
would suggest making a condition that they may also modify the height of the building or

2 even deny it based on the same concerns. Vice Chair Marchbanks called for any further
public comments. Hearing none he called for a motion to close the public hearing.

4 COMMISSIONER ANDERSON MOVED TO CLOSE THE PUBLIC
HEARING. COMMISSIONER WILY SECONDED THE MOTION. ALL PRESENT
6 VOTED IN FAVOR. THE MOTION CARRIED.

8 Vice Chair Marchbanks called for any further comments from the Commission.
Hearing none he called for a motion.

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12 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF
THE PROPOSED ORDINANCE AMENDMENT TO 17.44.140 ACCESSORY
BUILDINGS AS PRESENTED WITH THE FOLLOWING CHANGES 1. IN SECTION
14 “AII” NOT TO EXCEED 12 FEET IN HEIGHT AND 2. IN SECTION “C” THAT THE
PLANNING DIRECTOR AND CITY ENGINEER CAN DETERMINE IF THE
16 PROPOSED SETBACK AND/OR HEIGHT DOES NOT SATISFY THE CRITERIA
LISTED IN “3B” IN SECTION C. COMMISSIONER MCDONALD SECONDED THE
18 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

20 VICE CHAIR MARCHBANKS AYE
COMMISSIONER ANDERSON AYE
COMMISSIONER KALLAS AYE
22 COMMISSIONER WILY AYE
COMMISSIONER MCDONALD AYE
24 COMMISSIONER SKINNER AYE
THE MOTION CARRIED UNANIMOUSLY.

26
28 **8. New Business (Reports by Commissioners) –**

30 Vice Chair Marchbanks called for any new business or reports from the
Commissioners. Commissioner Skinner mentioned that he has heard that an amusement
32 park may be coming near the 700 North Corridor and if the plans for this will affect the
forward thinking about the vision of the corridor. Vice Chair Marchbanks commented
34 the proposed amusement/theme park “Evermore” is actually located in Pleasant Grove
and hopefully it will be a positive addition and is done right. Mr. Cullimore stated that
36 this park is supposedly going to be a destination event location. Commissioner Kallas
asked for an update on the new Noah’s building. Mr. Cullimore stated that it is moving
38 forward and almost everything is set in place; however, there is an issue with the ditch in
the area that is being worked out. Commissioner Kallas also inquired about the status of
40 the recently reviewed DR Horton Development. Mr. Cullimore stated after receiving
feedback from the Planning Commission and City Council, DR Horton feels they cannot
42 make the suggested smaller lots work in the development, so they have retracted the
application at this time.

44 **9. Planning Director Report–**

46 Mr. Cullimore had nothing to report.

2 Vice Chair Marchbanks called for any further comments or discussion. Hearing
none he called for a motion to adjourn.

4 **ADJOURN** –

6 VICE CHAIR MARCHBANKS MADE A MOTION TO ADJOURN THE
MEETING AT 8:15 P.M. COMMISSIONER SKINNER SECONDED THE MOTION.
8 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

10 Approved – September 23, 2014

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Mike Marchbanks, Vice Chairperson

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Jordan Cullimore, Associate Planner