

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, May 9,**
3 **2023 beginning at 6:00 p.m.** at the Lindon City Center, City Council Chambers, 100 North
4 State Street, Lindon, Utah.

REGULAR SESSION – 6:00 P.M.

6 Conducting: Sharon Call, Chairperson
8 Invocation: Scott Thompson, Commissioner
9 Pledge of Allegiance: Steve Johnson, Commissioner

PRESENT

12 Sharon Call, Chairperson
13 Rob Kallas, Commissioner
14 Mike Marchbanks, Commissioner
15 Scott Thompson, Commissioner
16 Steven Johnson, Commissioner
17 Jared Schauers, Commissioner
18 Michael Florence, Community Development Director
19 Mary Barnes, City Planner
20 Britni Laidler, Deputy Recorder

EXCUSED

Kathryn Moosman, City Recorder
Brian Haws, City Attorney
Karen Danielson, Commissioner

22 1. **CALL TO ORDER** – The meeting was called to order at 6:02 p.m.

24 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the Planning
26 Commission meeting of April 25, 2023 were reviewed.

28 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
REGULAR MEETING OF APRIL 25, 2023 AS PRESENTED. COMMISSIONER
30 THOMPSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
MOTION CARRIED.

32 3. **PUBLIC COMMENT** – Chairperson Call called for comments from any audience
member who wishes to address any issue not listed as an agenda item. There were no
public comments.

34 COMMISSIONER KALLAS MOVED TO AMEND THE AGENDA ORDER AND
BEGIN WITH ITEM 5 THEN MOVE ON TO ITEM NUMBER 4, AND THEN RESUME THE
36 REGULAR AGENDA ORDER. COMMISSIONER JOHNSON SECONDED THE MOTION.
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38 **CURRENT BUSINESS** –

40 5. **Plat Amendment – The Hollows Amended Plat “A” – 75 E. 200 N.** Kirk Williamson
requests a plat amendment to modify the property line between 75 E. 100 N. and 98 E.
100 N. (Parcel ID #'s 68:029:0005 and 68:029:0004)

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Mike Florence, Community Development Director presented this item. Mark McCann is representing Kirk Williamson tonight on this agenda item. Kirk Williamson is petitioning to adjust a lot line between two lots 4 and 5 of the Hollow Subdivision. Mr. Williamson owns both lots. A new home is currently under construction at 75 E. 100 N. (Lot 4) and needs a larger side yard setback to meet the city setback requirement of 10'. The lot line will be moving 3 ft. Lot 4 will increase from 96,328 sq ft to 97,118 sq ft. Lot 5 will decrease from 24,171 sq ft to 23,093 sq ft.

After general discussion, Chairperson Call called for any further comments or discussion from the public. Hearing none she called for a motion.

COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANTS REQUEST FOR PLAT AMENDMENT APPROVAL OF THE HOLLOW SUBDIVISION PLAT "A" AMENDED WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH CITY STAFF TO MAKE ALL TECHNICAL CORRECTIONS AS NECESSARY TO THE PLAT PRIOR TO RECORDING; 2. THE APPLICANT WILL OBTAIN ALL NECESSARY UTILITY NOTIFICATIONS PRIOR TO FINAL PLAT APPROVAL; 3. PRIOR TO PLAT RECORDING, THE APPLICANT WILL UPDATE THE FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNERS' CONSENT TO DEDICATION; AND OBTAIN SIGNATURES OF ALL ENTITIES INDICATED ON THE SUBDIVISION PLAT ATTACHED HERETO; AND 4. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER THOMPSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

COMMISSIONER CALL	AYE
COMMISSIONER JOHNSON	AYE
COMMISSIONER SCHAUERS	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER THOMPSON	AYE

4. Alteration of a Non-Conforming Building – Jesse Friel – 190 N. 400 E. The applicant is requesting an alteration of a non-conforming building to encroach with basement walkout stairs into the side yard street setback (Parcel ID #14:072:0033)

Mary Barnes, city planner presented this item. The applicant Jesse Friel was unable to appear through virtual link, the commission decided to proceed with the item, and if needed they could continue to another date if commission needed further questions answered. Ms. Barnes presented an aerial photo, street view and site plan to the commission. The applicant is seeking approval from the Planning Commission for an Alteration to a non-conforming use. The original home located at 190 N 400 E was constructed in 1975, and has a 20 ft street side setback, and a 7 ft side setback on the interior side setback of the home. According to the current residential setback code, the side street setback for a home must be 30 ft, and the side setback must be 10 ft. However, this setback code was officially adopted in 1985, after the home was constructed. Due to the setback code being adopted after the house was constructed, this building is grandfathered.

2 The applicant requests approval to construct a new basement entrance in the grandfathered
street side setback. According to 17.44.090, unenclosed stairs are permitted to encroach into a
4 side yard setback no more than 4 ft. The proposed basement entrance will encroach 4 ft into the
20 ft setback. This project will not actually expand or enlarge the north side of the home and will
6 shrink the current nonconforming setback, therefore making the building more nonconforming.
This agenda item would allow the applicant to alter the home and put in a basement entrance that
8 encroaches 4 ft into the side setback, which is permitted in 17.44.090.

10 There is an existing fence that currently helps to block the view of that side yard, staff
believes that this alteration of a nonconforming use will not bring the building into further
12 nonconformance, and it will allow the property owner to use his property as he sees fit. A
complaint was received by the city and discussed. This entrance is being done as an extra
14 entrance due to a pool being installed on the home's property, allowing for easier access to
bathrooms. Staff have let the applicant know if they decide to use this for an actual accessory
16 apartment, they will need to follow the city requirements to proceed with that. Parking situation
discussed in the instance that the applicant ever decides to make an accessory apartment.
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After some general discussion, Chairperson Call called for any further comments or
20 discussion from the Commission. Hearing none she called for a motion.

22 COMMISSIONER SCHAUERS MOVED TO APPROVE THE APPLICANT'S
REQUEST TO ALTER A NONCONFORMING BUILDING AT 190 N. 400 E. WITH THE
24 FOLLOWING CONDITIONS: 1. THE BASEMENT ENTRANCE BE APPROVED TO
ENCROACH INTO A 20' SIDE STREET SETBACK BY FOUR FEET; 2. THE APPLICANT
26 WILL CONTINUE TO WORK WITH THE BUILDING OFFICIAL TO MAKE ALL FINAL
CORRECTIONS TO THE BUILDING PLANS; 3. ALL ITEMS OF THE STAFF REPORT.
28 COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

30 COMMISSIONER CALL	AYE
COMMISSIONER JOHNSON	AYE
32 COMMISSIONER SCHAUERS	AYE
COMMISSIONER MARCHBANKS	AYE
34 COMMISSIONER KALLAS	AYE
COMMISSIONER THOMPSON	AYE
36 THE MOTION CARRIED.	

38 **6. Site Plan and Minor Subdivision Approval – Anderson Farms Apartments –**
Approx 1200 W. 500 N. ICO Development requests two lot minor subdivision approval
40 and site plan approval for 380 apartments as part of the Anderson Farms Planned
Development Zone (Parcel ID # 14:064:0155)
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Mr. Florence let the commission know that this agenda item is continued and that it will be
44 brought back at a future meeting. Mr. Florence explained the cause of the continuance is due to
the city not having enough information on traffic flow due to an outdated traffic impact study
46 from 2016. The city stated UDOT will require the updated study since 1200 W. will connect to

2 700 N., which is owned by UDOT. The city felt like if the study is required then it should know
3 more about potential traffic flow and the potential warrants for a traffic light.

4 **NEW BUSINESS:**

6 Commissioner Call asked for an update on the Tim Clyde property and the ombudsman
7 protocol. Commissioner Thompson asked Mr. Florence for an update on the Anderson Blvd.
8 fence that was approved in City Council. Mr. Florence stated it has been installed and showed an
9 aerial shot of the location of the new fence. Commissioner Call stated she had heard there was an
10 extension date on the Temple completion, and it was stated it has been pushed back to 2025. She
11 then inquired about the Songbird development, and Mr. Florence stated that a bank had reached
12 out about going in there.

14 **7. Planning Director Report - General City updates.**

- 16 • Next Planning Commission meeting is May 23rd
- 17 • Public Hearing on the General Plan June 13th
- 18 • Next meeting will have a lot of info in Staff Report with the Wadley Farms
19 conditional use permits, parcel changes, and ordinance amendments. Mr. Florence
20 gave the commission an overview of those items they will be seeing.

22 After general discussion, Chairperson Call called for any further comments or discussion
23 from the commission. Hearing none she called for a motion to adjourn.

24 **ADJOURN** –

26 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE MEETING AT
27 6:52 PM. COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT
28 VOTED IN FAVOR. THE MOTION CARRIED.

30 Approved May 23, 2023

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37 Sharon Call, Chairperson

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41 Michael Florence, Community Development Director