

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, January 8, 2019**, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at **7:00 p.m.** This meeting may be held electronically to allow a commissioner to participate by video or teleconference. The agenda will consist of the following:

AGENDA

Invocation: By Invitation

Pledge of Allegiance: By Invitation

1. Call to Order

2. Approval of minutes

Planning Commission 12/11/2018

3. Public Comment

4. Subdivision Plat Amendment Approval—Tom Gardner, (15 minutes) 37 N. 800 E. and 775 E. Center Street.

Tom Gardner, requests Subdivision Plat Amendment Approval of the Lindon Hidden Meadows Subdivision to consolidate three existing parcels into two lots located in the R1-20 zone. (Parcel #'s 14:073:0240, 14:073:0239, 45:6511:0015)

5. Open Public Meeting Presentation - City Attorney, Brian Haws

6. Proposed ordinance amendment to Title 17.44.090 regarding allowed projections into required corner side yard setbacks. This item is for information and discuss only and will be presented at the planning commission meeting.

7. New Business from Commissioners

8. Planning Director Report

Adjourn

Staff Reports and application materials for the agenda items above are available for review at the Lindon City Planning Department, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our Staff may be contacted directly at (801) 785-7687. City Codes and ordinances are available on the City web site found at www.lindoncity.org. The City of Lindon, in compliance with the Americans with Disabilities Act, provides accommodations and auxiliary communicative aids and services for all those citizens in need of assistance. Persons requesting these accommodations for City-sponsored public meetings, services programs or events should call Kathy Moosman at 785-5043, giving at least 24 hours notice.

The above notice/agenda was posted in three public places within Lindon City limits and on the State <http://www.utah.gov/pmn/index.html> and City www.lindoncity.org websites.

Posted By:

Date: January 4, 2019

Time: 9:30 a.m.

Place: Lindon City Center, Lindon Police Station, Lindon Community Center



Scan or click here for link to download agenda & staff report materials.

Item 4: Lindon Hidden Meadows Subdivision Plat Amendment — Tom Gardner – 37 N. 800 E.

Date: 8 January 2019

Applicant: Tom Gardner

Presenting Staff: Michael Florence

General Plan: Residential Low

Current Zone: Residential R1-20

Property Owner: Tom Gardner

Address: 37 N. 800 E.

Parcel ID: 14:073:0240,
14:073:0239, 45:6511:0015

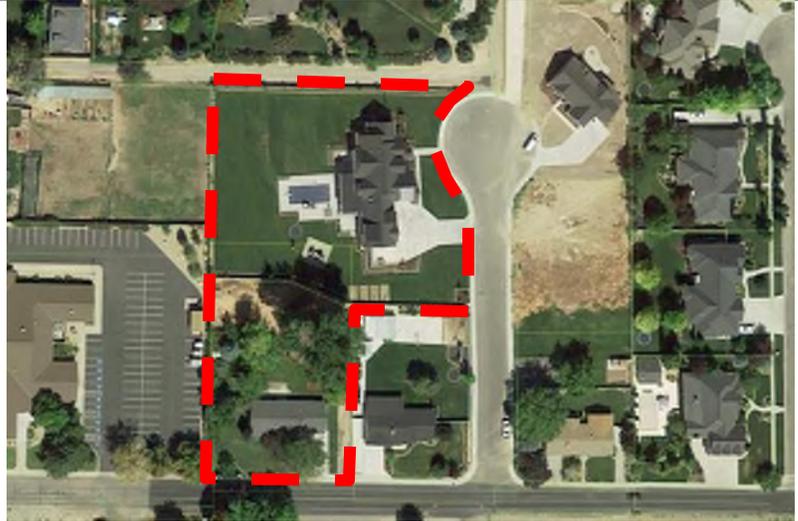
Existing Parcel Sizes: .71, .16,
1.2 acres

Proposed Lot Sizes: .70, 1.36
acres

Type of Decision:

Administrative

Council Action Required: No



OVERVIEW

1. Mr. Gardner is petitioning to consolidate three parcels he owns into two lots. This approval is amending a portion of the Lindon Hidden Meadows Subdivision Plat B that was approved in 2016.
2. The property is zoned Residential R1-20
3. Both buildable lots have single family homes constructed on the property

Surrounding Zoning and Land Use

North: R1-20 – Single Family Residence

South: R1-20 – Single Family Residence

East: R1-20 – Single Family Residence

West: R1-20 – Single Family Residence/church

Subdivision Standards

Lindon City Code 17.32.00 references Utah Code for requirements amending a subdivision plat. Under Utah Code 10-9a-608, an applicant may petition the Land Use Authority (Planning Commission) to join two or more of the petitioner fee owner's contiguous lots.

10-9a-608. Vacating, altering, or amending a subdivision plat.

(2) Unless a local ordinance provides otherwise, the public hearing requirement of Subsection (1)(c) does not apply and a land use authority may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if:

(a) the petition seeks to:

- (i) join two or more of the petitioner fee owner's contiguous lots;
- (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
- (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;
- (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
- (v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - (A) owned by the petitioner; or
 - (B) designated as a common area; and

(b) notice has been given to adjacent property owners in accordance with any applicable local ordinance.

Engineering Requirements

The City Engineer is working through technical issues related to the plat and will conduct a final review if the planning commission approves the plat amendment.

FINDINGS OF FACT

- The applicant, Tom Gardner, owns all three parcels which will be amended as part of the application for two lots;
- No new building lots will be created from the subdivision amendment;
- The proposed subdivision amendment is located in the R1-20 zone and meets the minimum lot size and frontage requirements;
- Lindon Hidden Meadows Subdivision Plat B was approved in 2016.

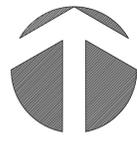
MOTION

I move to (*approve, deny, continue*) the applicant's request for preliminary approval of an amendment to the Lindon Hidden Meadows Subdivision Plat with the following condition:

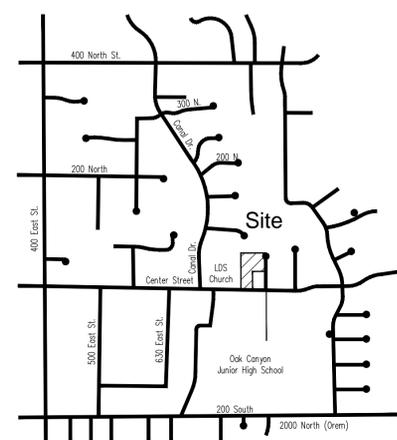
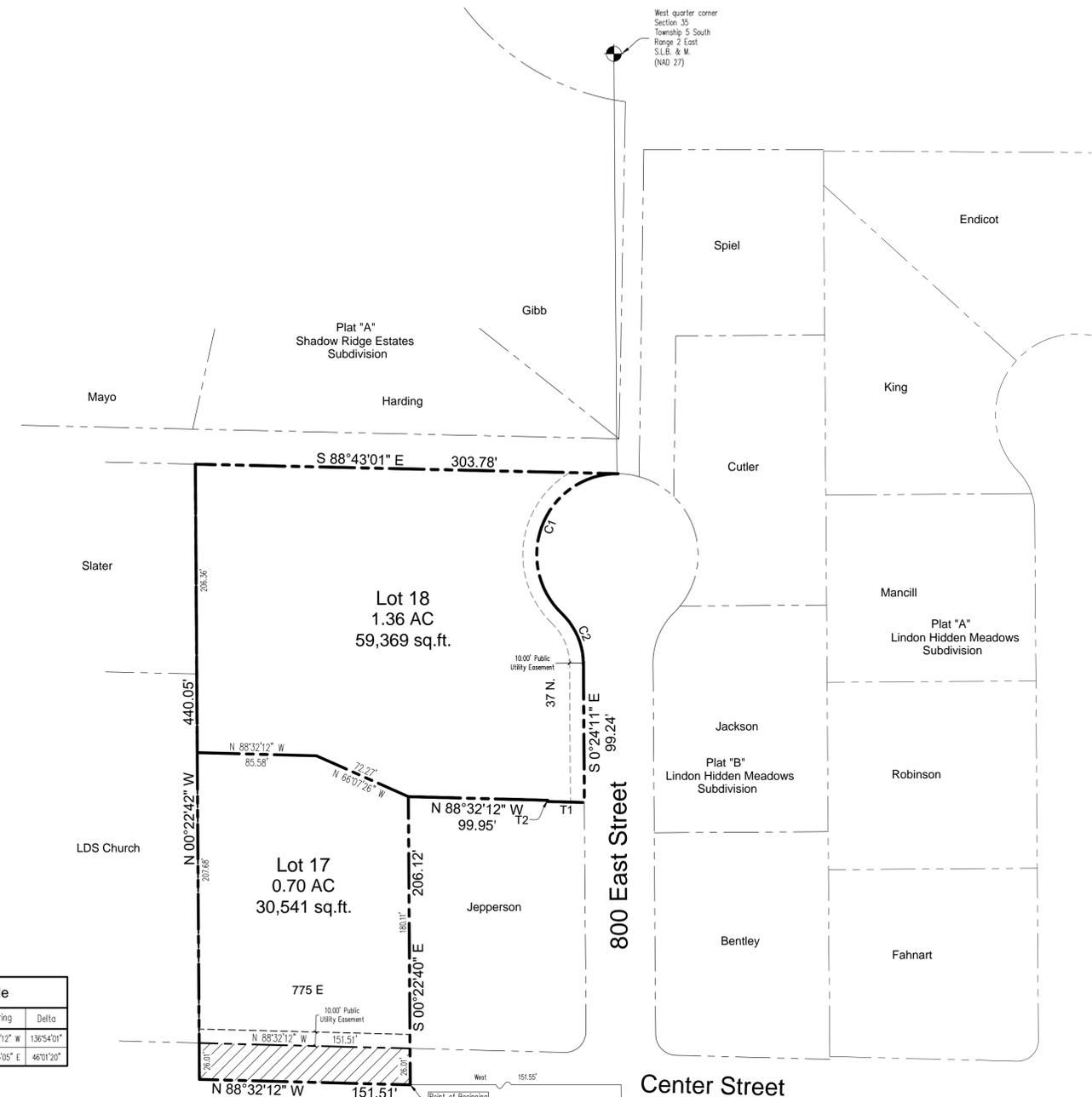
1. The applicant will continue to work with City staff to make all technical corrections as necessary to the plat prior to recording;
2. Prior to plat recording and occupancy of any new development within this plat, the applicant must update the final plat Mylar to include notarized signatures of owners' consent to dedication consistent with item one above; and obtain signatures of all entities indicated on the subdivision plat attached hereto;
3. All items of the staff report.

EXHIBITS

1. Utah County Parcel Map
2. Proposed subdivision plat



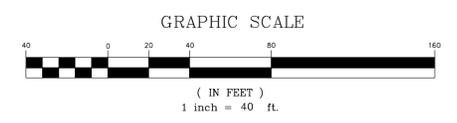
NORTH
1" = 40'



Vicinity Map

Curve Data Table					
Curve	Radius	Length	Chord	Bearing	Delta
C1	58.00'	138.59'	107.89'	S 22°01'12" W	136°54'01"
C2	50.00'	40.16'	39.09'	S 23°25'05" E	46°01'20"

Line Table		
Line	Length	Direction
T1	26.55'	N 88°31'51" W
T2	0.91'	N 00°38'09" W



A Geotechnical Report was performed on March 4, 2016 by CMT Engineering Laboratories. Project No. 8340

1476.68' North 00°24'25" West along the Section line (Basis of Bearing)

West quarter corner Section 35 Township 5 South Range 2 East S.L.B. & M. (NAD 27)

Southwest corner Section 35 Township 5 South Range 2 East S.L.B. & M. (NAD 27)

Surveyor's Certificate

I, Roger D. Dudley, do hereby certify that I am a registered land surveyor, and that I hold certificate No. 147082 in accordance with Utah Code, Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I further certify that at the request of the owner of the below-described land, I performed a survey of said land in accordance with Section 17-23-17 of the Utah Code; that the boundary description below correctly describes the land surface upon which will be constructed Plat "C", Lindon Hidden Meadows Subdivision. That I have verified all measurements, and that the reference markers shown on said plat are located as shown and are sufficient to readily retrace or reestablish this survey.

Boundary Description

Commencing at a point located North 00°24'25" West along the Section line 1476.68 feet and West 151.55 feet from the Southwest corner of Section 35, Township 5 South, Range 2 East Salt Lake Base and Meridian; thence North 88°32'12" West 151.51 feet; thence North 00°22'42" West partially along the Easterly boundary of Plat "A", Hal Richins Subdivision and Plat "B" Lindon Hidden Meadows Subdivision 440.05 feet; thence South 88°43'01" East along southerly boundary of Plat "A", Shadow Ridge Estates Subdivision to 800 East Street; thence along the arc of a 58.00 foot radius curve to the left 138.59 feet (chord bears South 22°01'12" West 107.89 feet); thence along the arc of a 50.00 foot radius curve to the right 40.16 feet (chord bears South 23°25'05" East 39.09 feet); thence South 00°24'11" East 99.24 feet; thence North 88°31'51" West 26.55 feet; thence North 00°38'09" West 0.91 feet; thence North 88°32'12" West 99.95 feet; thence South 00°22'40" East 206.12 feet to the point of beginning.

Area = 93,849 sq.ft. or 2.15 Acres

Basis of Bearing is North 00°24'25" West along the Section line from the Southwest corner to the West quarter corner of said Section 33. NAD27.

Date _____ Surveyor _____ (See Seal Below)

Owner's Dedication

The undersigned owners ("owner" without regard to number or gender) of the above-described land hereby certifies that owner has caused a survey to be made of said land and to be prepared for the . Owner hereby consents to the concurrent recordation of the plat and Declaration and hereby submits the described land to the provisions and requirements of the declaration, owner hereby dedicates any public streets reflected on the map for the use by the general public.

In witness hereof we have hereunto set our hands this ____ day of _____ A.D. 20 ____.

Thomas L. Gardner _____ Malislee Gardner _____

Acknowledgement

STATE OF UTAH } S.S.
COUNTY OF UTAH }
The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____ who represented that he is the owner of the above-described property and has the authority to execute this instrument.

My Commission Number _____ Signed (a Notary Public Commissioned in Utah)
My Commission Expires _____ Print name of Notary _____

Acceptance by Legislative Body

The City of Lindon, County of Utah, approves this Subdivision subject to the Conditions and Restrictions stated herein, and hereby accepts the dedication of all streets, easements and other parcels of land intended for perpetual use of the public this ____ day of _____, A.D. 20 ____.

Mayor _____
City Attorney _____
Attest _____

Planning Commission Approval

Approved this ____ day of _____ A.D. 20 ____ by the Lindon City Planning Commission.
Director - _____ Chairman, Planning Commission

Conditions of Approval

Plat " C "

Lindon Hidden Meadows Subdivision

Including a Vacation of Lot 15, Plat "B" Lindon Hidden Meadows Subdivision

Lindon City, _____ Utah County, Utah
Scale: 1" = 40 Feet

Notice of Lindon City Housing Ordinance

All potential buyers of lots within this plat are hereby notified of the Lindon City R2 Overlay Ordinance. Under this ordinance there is potential for small, localized multifamily housing projects in this neighborhood consisting of single family planned unit developments, duplexes, triplexes and accessory apartments. Conditions Covenants and Restrictions (C.C.&Rs) which prohibit this type of housing in specific subdivisions are considered illegal and in violation of Lindon City Code. Please contact the Lindon City Planning Department at (801) 785-7687 for details regarding this Ordinance.

Occupancy Restriction Notice

It is unlawful to occupy any building within this subdivision without first having obtained a certificate of occupancy issued by the City.

City Engineer's Certificate

I _____ as the Lindon City Engineer, have inspected the foregoing plat and legal description and find them to be correct, and do hereby give the approval of said plat on this ____ day of ____ 20 ____
Lindon City Engineer (see seal)

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	CLERK-RECORDER SEAL
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Item 5: Proposed Ordinance Amendment to Title 17.44.090

Date: 8 January 2019

Applicant: Lindon City

Presenting Staff: Michael Florence

Lindon City is proposing to make a general amendment to Title 17.44.090 regarding deck projections into a residential corner side yard setback. This item will be for discussion and feedback only with no action taken by the planning commission.

17.44.090 Projections into Yards.

1. The following structures may be erected on or project into any required yard setback:
 - a. Fences and walls in conformance with the Lindon City Code and other City codes or ordinances;
 - b. Necessary appurtenances for utility service.
 2. The structures listed below may project into a minimum front, side, or rear yard not more than the following distances:
 - a. The following may project into a minimum front, side or rear yard not more than twenty-four (24) inches: Cornices, eaves, belt courses, sills, buttresses, or other similar architectural features; fireplace structures and bays (provided that they are not wider than eight (8) feet, measured generally parallel to the wall of which they are a part), awnings and planting boxes or masonry planters.
 - b. The structures listed below may project into a rear yard not more than twelve (12) feet: A shade structure or uncovered deck (which does not support a roof structure, including associated stairs and landings) extending from the ~~main floor level and/or ground level~~ **first story** of a building, provided such structure is open on at least three (3) sides, except for necessary supporting columns and customary architectural features.
 - c. The following may project into a front, side or rear yard (above or below grade) not more than four feet as long as they are uncovered (not supporting a roof structure): unenclosed stairways, balconies, landings, and fire escapes. (Ord. 2009-3, amended, 2009; Ord. 2003-15, amended, 2003; Ord. 111 §1, amended, 1985; Prior code §12-111-8)
 - d. Properties with a corner street side yard setback of at least thirty (30) feet, an uncovered deck located at and accessible from the first story or below the first story, inclusive of stairs, may project not more than twelve (12) feet into a required street side yard setback.*
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Amend and add the following definitions

“Basement” means a *floor level below the first story in a building* which floor is more than twelve inches (12") below the average level of the adjoining ground, but where no more than one-half (½) of its floor-to- ceiling height is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement and as a half-story for the purpose of side yard determination.

First Story – The ground floor level and lowest Story, not including basement, in a building provided the floor level is not more than four feet (4') below Final Grade for more than fifty percent (50%) of the perimeter.

Story - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Ground Floor – The first story of a building other than the basement

