The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, January 28, 2025 beginning at 6:00 p.m**. at the Lindon City Center, City Council Chambers, 100 North State Street, Lindon, Utah.

REGULAR SESSION – 6:00 P.M.

Conducting:	Steve Johnson, Chairperson
Invocation:	Jared Schauers, Commissioner
Pledge of Allegiance:	Scott Thompson, Commissioner

PRESENT	**EXCUSED**
Steve Johnson, Chairperson	
Rob Kallas, Vice-Chairperson	
Scott Thompson, Commissioner	
Mike Marchbanks, Commissioner	
Jared Schauers, Commissioner	
Karen Danielson, Commissioner	
Sharon Call, Commissioner	
Ryan Done, Commissioner – *alternate*	
Michael Florence, Community Dev. Director	
Brittain Corbett, City Planner	
Britni Laidler, City Recorder	

1. **CALL TO ORDER** – The meeting was called to order at 6:00 p.m.

2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the Planning Commission meeting of December 10, 2024 were reviewed.

COMMISSIONER CALL MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF DECEMBER 10, 2024 AS PRESENTED. COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

CURRENT BUSINESS –

4. **Fence and Height Exception Request – Sports Court – 279 W 110 S.** Matt Libutti is requesting an exception from the planning commission on the sport court in their backyard. Modifications to allowed sport court fence height and setbacks can be given through planning commission approval. (Parcel ID: 45:800:0012)

Mike Florence, Community Development Director, presented this item and noted Julianne Libutti was present to represent the applicant. Mr. Florence stated that the applicant recently constructed a new home on the property and added a sports court as part of the project,

he noted that the applicant also owns the property directly west and lived in the existing home while the new home was being built, and stated they have no intention of selling the existing home to the west currently. Mr. Florence stated that the city noticed the sports court while doing the final building inspections for the home and notified the owner that the sport court didn't meet the rear yard setback requirement for when a sport court has a fence taller than 7'. The applicant then filed this application for a modification request as allowed in Title 17.44.150. Mr. Florence noted that the sport court is located in the rear Public Utility Easement (PUE) and the owner is currently working with the different utility companies to vacate the rear PUE along that property line.

Mr. Florence then presented the Ordinance requirements in 17.44.150 to the commission as follows:

1. Sport Courts. Outdoor sport courts are permitted when in compliance with the following conditions:
    a. Lighting of sport courts shall be contained within the sport court boundaries and shall not be directed onto another's property.
    b. Sport court fencing shall not be taller than twelve (12) feet.
    c. Sport court fencing when taller than seven (7) feet shall maintain a minimum ten (10) foot setback from rear and side yard property lines. Any sight obscuring materials used on such fencing shall be maintained and kept in good repair. Sport court fencing shall not be allowed in the required thirty (30) foot front yard setback.
    d. The Planning Commission may modify the height of sport court fencing to be taller than twelve (12) feet and the setback requirement to be less than ten (10) feet when the following findings are made:
        i. The proposed height and/or setback modification is necessary to provide privacy and protection of private property interests.
        ii. The appearance and/or setback of the fence will not detract or cause aesthetic damage to neighboring property owners.
        iii. The proposed height and/or setback modification will not cause a public safety hazard.
        iv. The proposed additional height is necessary to provide an adequate buffer for the adjoining land owners' use.

Mr. Florence then turned the time over to the applicant to answer any questions the commission may have. Commissioner Kallas inquired about how close the fence line is to the other property they currently own. Ms. Libutti stated that it is 14ft. Commissioner Call stated that even if the applicant does end up selling the property, the added height of the fence will help with providing an adequate buffer for that adjoining landowner, and so she sees no issue with the height of the fence that is currently 10'.

Following general discussion, Chairperson Johnson called for any further comments or discussion from the Commission. Hearing none he called for a motion.

COMMISSIONER KALLAS MOVED TO APPROVE THE APPLICANT'S REQUEST TO MODIFY THE SPORTS COURT SETBACK REQUIREMENT FOUND IN 17.44.150 FOR THE PROPERTY LOCATED AT 279 W. 110 S. WITH THE FOLLOWING CONDITIONS: A) THE REAR SETBACK MAY BE MODIFIED TO GO UP TO THE PROPERTY LINE AS LONG AS THE PUBLIC UTILITY EASEMENT IS APPROVED BY ALL UTILITY COMPANIES; B) THE FENCE IS APPROVED AT 10' FOR THE SPORT COURT; AND C) ALL ITEMS OF THE STAFF REPORT. COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

5. **Major Subdivision Recommendation – Bylund Farms Phase 1 – Approx. 271 N 400 E.** The applicant is requesting preliminary approval to subdivide six (6) single family home lots in the R1-20 zone at approximately 271 N 400 E. This is the first of three (3) planned phases. (Parcel ID: 14:071:0317, 14:071:0366)

Brittain Corbett, City Planner, presented this item and noted that the applicant Jeremiah Larson was present to answer any questions the commission may have. He began by stating that the applicant is seeking preliminary major subdivision approval for Phase 1 of a three-phase single family residential development. He noted that the lots include the existing 1.45 acre property and home, with 4 typical lots, and 1 flag lot. Mr. Corbett stated that on August 22, 2007, the Davis family applied for a 6-lot subdivision but amended their to only build the one single-family dwelling. He noted that city staff met with the applicants around a year later to discuss this and the city could not compel the applicant to dedicate and/or improve the master planned street and at the time, one dwelling on the property did not justify requiring street dedication or improvements.

Mr. Corbett then discussed the flag lot on lot 4, which is a unique flag lot, and the ordinance requirements regarding flag lots to the commission. He then addressed the current sewer easement that will need to be extended to allow for additional utilities to be put in regarding this subdivision. Mr. Corbett then presented phase 2 and phase 3 to the commission, so they could see what the final project may look like, noting that when those phases are ready, they will again come to the commission for final approval. It was noted by Mr. Corbett that public comments received by the city regarding this development, many concerns were regarding phases 2 and 3. The concerns with phase 1 were for potential traffic flow that would be added to 400 East and 200 North.

Commissioner Call inquired if this phase will include all the road improvements on Bylund Lane, to make it a public road. It was stated that the developer will be making all those improvements with this phase. Commissioner Thompson inquired about the flag lot and what

kind of home could go on there with the odd shape and setback requirements. General discussion followed. Commissioner Thompson then inquired about what types of homes will being going on these lots. The applicant stated that they will be high end custom homes. Commissioner Thompson then inquired about fire department access. Mr. Florence stated Orem Fire Department will be the ones to review and see what needs to be done to allow access, noting that a fire hydrant may be required along the driveway.

Chairperson Johnson asked if there were any public comments from those citizens in attendance. The following comments were made:

- Mike Schwartz – asked for clarification as to what the setback requirements would be for the flag lot that backs up to his property. It was noted that 30 ft for a rear setback, and 10 ft for a side setback.

- Ward Ireland – asked for clarification on the plans regarding the utility easements and the planned lot sizes.

- Greg Lupus – inquired about the sewer extension and what that will entail. He then voiced concern with the current property being vacant and unkept. Mr. Lupus then closed with voicing concerns for the added traffic on 200 N since it is a smaller road, and has concerns for the public safety of those who travel on that road.

Commissioner Call then inquired when they plan to start developing. Mr. Larson stated that they will start fairly quickly once subdivision phase 1 is approved. Mr. Florence noted that the Public Works Director was watching online and wanted to make sure that there would be access allowed for the Public Works Department to be able access to sewer manholes, storm and utility valves with required equipment. Mr. Florence then noted that one condition to think about is the flag lot not being a city street and noting that commission is ok with it as a driveway to flag lot.

Chairperson Johnson called for any further comments or discussion from the Commission. Hearing none he called for a motion.

COMMISSIONER MARCHBANKS MOVED TO APPROVE OF THE APPLICANT'S REQUEST FOR PRELIMINARY APPROVAL OF THE BYLUND FARMS PHASE 1 MAJOR SUBDIVISION WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY STAFF TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING DOCUMENTS AND PLAT FOR RECORDING; 2. THE PHASE 1 PLAT WITH LOT LAYOUTS IS PRELIMINARILY APPROVED AS PROPOSED AND PLANNING COMMISSION APPROVES NOT HAVING A PUBLIC ROAD AS ACCESS TO THE FLAG LOT; 3. PRIOR TO PLAT RECORDING, THE APPLICANT WILL PROVIDE STAFF WITH A FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNER'S CONSENT TO DEDICATION, AND OBTAIN SIGNATURE OF ALL ENTITIES INDICATED ON THE ATTACHED SUBDIVISION PLAT; 4. COMPLETE (OR POST AN ADEQUATE IMPROVEMENT COMPLETION ASSURANCE), WARRANT AND POST REQUIRED WARRANTY ASSURANCE FOR ALL REQUIRED PUBLIC

INFRASTRUCTURE IMPROVEMENTS; 5. THE PLANS AND PLAT WILL MEET AND BE CONSTRUCTED AS PER APPLICABLE SPECIFICATIONS AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL AND SUBDIVISION ORDINANCE; 6. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER DANIELSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

6. **Concept Review – Lindon Heights Commercial Area – 550 N State Street** The applicant has applied for a concept review to construct two (2) stand-alone drive-thru restaurants, three live-work units and three (3) commercial units (Parcel ID: 45:819:0002). A Concept Review allows applicants to receive planning commission feedback and comments on proposed developments. No formal approvals or motions will be given, but general feedback is typically provided.

Mike Florence, Community Development Director, presented this item and noted that Heath Johnson was present representing the applicant. Mr. Florence began by stating that concept reviews are to provide general feedback to the applicant and no decision will be made or voted on at the meeting. He noted that the purpose of the concept review is that the applicant is proposing to construct three live-work units within the 300’ commercial buffer in the irregular shaped area of the lot. He stated that the Planned Residential Development zoning ordinance requires a 300’ commercial setback from State Street to preserve the commercial intent of the zoning along the corridor.

Mr. Florence stated that even though the three units are proposed to be live-work units the city would need to amend the Planned Residential Development Overlay ordinance to allow housing within the 300’ commercial setback and the three units would meet the maximum density of 10 units required in the zone. He also noted that the irregular shape of this parcel is 73’ in width so it is difficult to develop.

Commissioner Call inquired about the 300 ft commercial setback requirements for greater clarification. Commissioner Chairperson Johnson then asked who would regulate the live-work units, and if an ordinance would regulate which businesses would be allowed in there. General discussion followed. Commissioner Marchbanks stated that there would need to be a modification to allow the live-work units, and stated he has seen this work in other locations and thinks it would be a good addition to this area. Commissioner Kallas stated he doesn’t tend to see these live-work units working out. Mr. Johnson stated he is seeing these becoming more popular and a valuable unit that tends to be picked up quickly when for sale. Mr. Johnson stated that this is a unique area that fits in with the guidelines with general discussion following.

Chairperson Johnson stated that he wanted to make sure that if the ordinance is amended, he wants it to stay in this area and not affect potential other areas. Mr. Florence addressed that inquiry. Commissioner Call stated she isn't ready to start making changes to ordinances in order to get things developed, stating it feels too soon. General discussion followed. Commissioner Marchbanks stated he is ok with the idea of the live-work concept and thinks this is a perfect spot for it. Commissioner Done stated he agrees and thinks it is a great opportunity for new business owners. General discussion followed.

Chairperson Johnson called for any further comments or discussion from the commission. Hearing none he proceeded to the next agenda item.

7. Community Development Director Report

- Next meeting February 10th (Monday meeting)
- Misc. City Updates

ADJOURN –

COMMISSIONER KALLAS MOVED TO ADJOURN THE MEETING AT 7:50 PM. COMMISSIONER THOMPSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved, February 25, 2025

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Steve Johnson, Chairperson

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Michael Florence, Community Development Director