

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
4 **July 14, 2020 beginning at 6:00 p.m.** at the Lindon City Center, City Council
Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 6:00 P.M.**

8 Conducting: Sharon Call, Chairperson
Invocation: Jared Schauers
10 Pledge of Allegiance: Mike Marchbanks

12 **PRESENT** **EXCUSED**

Sharon Call, Chairperson
14 Mike Marchbanks, Commissioner
Rob Kallas, Commissioner
16 Steven Johnson, Commissioner
Scott Thompson, Commissioner
18 Jared Schauers, Commissioner
Renee Tribe, Commissioner
20 Mike Florence, Planning Director
Anders Bake, Associate Planner
22 Brian Haws, City Attorney
Kathryn Moosman, City Recorder

24 **Special Attendee:**
26 Councilmember Vanchiere

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

30 2. **APPROVAL OF MINUTES** –The minutes of the regular meeting of the
32 Planning Commission meeting of June 23, 2020 were reviewed.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES
34 OF THE REGULAR MEETING OF JUNE 23, 2020 AS AMENDED.
COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED
36 IN FAVOR. THE MOTION CARRIED.

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

42 **CURRENT BUSINESS** –

44 4. **Minor Subdivision – Lindon’s Edge – 126 South Main Street.** Davis Design
Build requests Minor Subdivision approval to subdivide existing parcels into three
46 lots at 126 South Main street in the General Commercial (CG) zone.

2 Anders Bake, Associate Planner, led this agenda item by giving a brief summary
stating the applicant, Davis Design Build is petitioning to subdivide the existing parcels
4 into three lots. He noted one lot will contain the Castle Park event venue and two lots will
contain the Lindon's Edge office park that is currently under construction. He indicated
6 on February 12, 2019 The Planning Commission approved a plat amendment application
that would have combined the existing parcels into one lot but this plat was never
8 recorded. The plans have been replaced with the proposed three-lot subdivision. Mr.
Bake then referenced the Lot Requirements in the General Commercial Zone and the
10 Subdivision Requirements noting all requirements are met and are in compliance.

Mr. Bake stated the City Engineer is working through any technical issues related
12 to the plat and will conduct a final review if the planning commission approves the
subdivision. Mr. Bake then presented an Aerial Image with the Parcels and the Plat 3 Site
14 plan for discussion. He also read through the conditions to be included in the proposed
motion.

16 Commissioner Kallas asked the applicant if they are not changing the plans or the
scope of the project. The applicant was insistent that their request to subdivide did not
18 affect their overall plan for the project and that they fully intend on building the project as
it was approved with original bid and Site Plan approval.

20 Jeremy Ackley, neighboring resident in attendance expressed his biggest concern
is that this could be completely different than what was approved. As a neighbor he
22 doesn't want to see something come in and encroach commercial into the residential area.
He noted he is personally okay with the development they are proposing but he is not
24 okay if their circumstances change and they sell lot three to somebody else and they build
a monstrosity. He also indicated there are other neighbors that have concerns.

26 Commissioner Johnson commented we as a city don't have the ability to require a
deed restriction because it is a permitted use as the rights are established and we can't
28 force them to make it a condition of approval.

Mr. Ackley expressed it is his fear that if three separate parcels are approved as
30 one; this would actually negate the way it was approved. There was then some general
discussion regarding the financing and condominimizing of the project, building heights
32 and deed restrictions.

City Attorney, Brian Haws commented they can always come back and amend
34 their plans; they have that potential. Commissioner Kallas pointed out whomever may
come in would have to go through the approval process. Commissioner Marchbanks
36 stated he doesn't see anything different than what was in the approval process and they
knew they wouldn't plan on building all the buildings at the same time as part of the
38 staging; he doesn't see any change.

Following some additional discussion, the Commission was in agreement to
40 approve the minor subdivision as presented with the conditions as listed.

Chairperson Call called for any further comments or discussion from the
42 Commission. Hearing none she called for a motion.

44 COMMISSIONER THOMPSON MOVED TO APPROVE THE APPLICANT'S
REQUEST FOR MINOR SUBDIVISION APPROVAL OF LINDON'S EDGE PLAT
46 "A" AT 126 SOUTH MAIN STREET WITH THE FOLLOWING CONDITIONS: 1.
THE APPLICANT WILL CONTINUE TO WORK WITH CITY STAFF TO MAKE
48 ALL TECHNICAL CORRECTIONS AS NECESSARY TO THE ENGINEERING

DOCUMENTS AND 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; AND OBTAIN SIGNATURES OF ALL ENTITIES INDICATED ON THE SUBDIVISION PLAT ATTACHED HERETO; 3. THE PLAT WILL MEET RELEVANT SPECIFICATIONS AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL; 4. PRIOR TO SELLING ANY OF THE LOTS, THE APPLICANT WILL EITHER RECORD SITE MAINTENANCE AND SHARED PARKING DOCUMENTS OR FILE FOR A CONDOMINIUM PLAT TO ALSO INCLUDE THE CONDOMINIUM DECLARATION AND COVENANTS, CONDITIONS AND RESTRICTIONS; 5. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER TRIBE SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

- 5. Plat Amendment – Jacobson Subdivision Plat D.** Sean Shah with Coco Development requests a plat amendment to the Jacobson Subdivision. Located at 1350 West 200 South in the Light Industrial (LI) zone.

Mike Florence, Planning Director, led this agenda item by giving an overview stating the applicant Sean Shah with Coco Development is requesting a plat amendment to the Jacobson Subdivision Plat "D." He noted the only change to this plat is that there is an existing loading dock on the east side of Lot # 2 which encroaches into the cross parking/access and drainage easement. He further explained that Coco Development, recently purchased the building and lot and they want to make sure that the plat accurately reflects the existing site. He added the other property owners in the Jacobson Subdivision will also need to sign the plat and Coco Development intends to create commercial condominiums with the building on lot #2. He noted he has provided some public information from three other property owners who have concerns that they have not been updated on parking, access and different items regarding this plat. He noted the next agenda item would be requesting approval to condominimize.

Mr. Florence then referenced division 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 amend 10-9a-608. Vacating, altering, or amending a subdivision plat. (1) (a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to request a subdivision amendment. (b) Upon filing a written petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if

approved by the land use authority, record a plat in accordance with Section 109a-603 that:

- (i) depicts only the portion of the subdivision that is proposed to be amended;
- (ii) includes a plat name distinguishing the amended plat from the original plat;
- (iii) describes the differences between the amended plat and the original plat; and
- (iv) includes references to the original plat.

Mr. Florence noted the Jacobson Commercial Subdivision Plat D was recorded February 21, 2006 and the proposed plat amendment modifies the existing plat to account for the existing loading dock which is located in the cross parking/access and drainage easement on lot 2. He then presented the Aerial Image with Parcels, Proposed Plat Amendment and the Current Plat followed by discussion.

Mr. Florence stated if the planning commission approves the plat amendment tonight the City Engineer will be working through any technical issues related to the plat and will conduct a final review.

Mr. Florence clarified on this first item the commission is the final legislative authority but the next item they would be giving a recommendation for preliminary approval to the city council on the condominium request.

At this time there were several owners in attendance who indicated they have no intention of “raining on their parade”, but they want the opportunity to work out some of the issues and they want the chance to do that as there a variety of issues and impacts that need to be resolved. They need some time to work on the CC& R’s and come to a resolution on these matters.

Following some additional discussion, Mr. Florence recommended continuing this item and the next agenda item as well. He added Staff has no concerns with the issue of the dock but does have concerns that the other three property owners may not be on board and may need more discussion.

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

COMMISSIONER KALLAS MOVED TO CONTINUE THE APPLICANT’S REQUEST FOR PRELIMINARY APPROVAL OF JACOBSON SUBDIVISION PLAT “D”. COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY.

- 6. Major Subdivision – Coco Development – 1350 West 200 South.** Sean Shah with Coco Development requests Major Subdivision approval to divide an existing building into twenty commercial condominium units at 1350 West 200 South in the Light Industrial (LI) zone.

2 Mr. Florence explained this item will also need to be continued as indicated in the
previous agenda item as discussed.

4 Chairperson Call called for any further comments or discussion from the
Commission. Hearing none she called for a motion.

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8 COMMISSIONER MARCHBANKS MOVED TO CONTINUE THE
APPLICANT'S REQUEST FOR PRELIMINARY APPROVAL OF THE BRIXTON
HEIGHTS CONDOMINIUM PLAT. COMMISSIONER TRIBE SECONDED THE
10 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

12	CHAIRPERSON CALL	AYE
12	COMMISSIONER KALLAS	AYE
14	COMMISSIONER MARCHBANKS	AYE
14	COMMISSIONER JOHNSON	AYE
16	COMMISSIONER THOMPSON	AYE
16	COMMISSIONER SCHAUERS	AYE
18	COMMISSIONER TRIBE	AYE

18 THE MOTION CARRIED UNANIMOUSLY.

- 20 7. **New Business: Reports by Commissioners** – Chairperson Call called for any
22 new business or reports from the Commissioners. There was no new business to
report.

24 Chairperson Call called for any further comments or discussion from the
commission, hearing none she moved on to the next agenda item.

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28 8. **Planning Director Report** –
• General City updates

30 Chairperson Call called for any further comments or discussion. Hearing none she
called for a motion to adjourn.

32 **ADJOURN** –

34 COMMISSIONER SCHAUERS MADE A MOTION TO ADJOURN THE
MEETING AT 7:37 PM. COMMISSIONER THOMPSON SECONDED THE
36 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

38 Approved – August 17, 2020

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Sharon Call, Chairperson

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Michael Florence, Planning Director