

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **September 14, 2021 beginning at 6:00 p.m.** at the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

6 **REGULAR SESSION – 6:00 P.M.**

8 Conducting: Sharon Call, Chairperson
9 Invocation: Jared Schauers, Commissioner
10 Pledge of Allegiance: Scott Thompson, Commissioner

12 **PRESENT** **EXCUSED**

13 Sharon Call, Chairperson
14 Rob Kallas, Commissioner
15 Mike Marchbanks, Commissioner
16 Steven Johnson, Commissioner
17 Scott Thompson, Commissioner
18 Jared Schauers, Commissioner
19 Renee Tribe, Commissioner
20 Mike Florence, Economic Development Director
21 Mary Barnes, Associate Planner
22 Kathryn Moosman, City Recorder

24 **Special Attendee:**
25 Councilmember Vanchiere

26

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

28

29 **2. APPROVAL OF MINUTES** –The minutes of the regular meeting of the
30 Planning Commission meeting of August 17, 2021 were reviewed.

32 COMMISSIONER KALLAS MOVED TO APPROVE THE MINUTES OF THE
33 REGULAR MEETING OF AUGUST 17, 2021 AS AMENDED. COMMISSIONER
34 THOMPSON SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR.
35 THE MOTION CARRIED.

36

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

40

41 **CURRENT BUSINESS** –

42

43 **4. Alteration of a Non-conforming Use – Cliff Fano – 89 N. 800 W.**
44 Cliff Fano requests approval from the planning commission for an Alteration of a
45 Non-conforming front setback to construction to two additions to the existing
46 home at 89 N. 800 W.

2 Mike Florence, Economic Development Director, led this agenda item by stating
the applicant, Mr. Cliff Fano is in attendance to request approval to construct a new two
4 car garage and kitchen addition to an existing single-family home that does not meet
current front yard setback requirements for the Residential (R1-20) Zone. He noted the
6 existing front setback is 25 feet and the R1-20 zone requires a 30-foot front setback and
all other setbacks will be met. Mr. Florence pointed out the Lindon City Code gives the
8 Planning Commission the ability to approve additions to nonconforming buildings that
bring the nonconforming building as close as reasonably possible to conformance with
10 requirements and regulations of the zone in which the nonconformity is located.

Mr. Florence explained the applicant is petitioning to maintain the 25' setback for
12 the two additions due to structural engineering requirements. The applicant will also be
maintaining the non-conformance and not increasing it. The south wall is part of the
14 original home that was built with brick back in 1918. He noted that moving the new
structure back 5ft would leave the homeowner with the following challenges:

- 16 • <24 inch opening to move between the addition and the original home.
 - 18 i. Total measurement from front of the home to the brick wall is 7ft 8 inches
 - 20 ii. Move new wall 5ft to the west to meet city requirement, remaining area to
brick wall, 2ft 8 inches.
 - 22 iii. Remove 8 inches (rough est.) for 2x6 frame for new east wall, exterior
siding and drywall. Remaining distance to brick wall, 24 inches.
- 24 • The engineers recommend that the homeowner not alter that south wall, as they
risk compromising the integrity/strength of the wall and how it supports the
26 current second floor.
 - 28 i. To address this, the plans have a 'new wall' that will support the new addition
on the south (living room/kitchen) and the north (garage) independent of the
current structure.

Mr. Florence stated Lindon City Code Section 17.16 regulates nonconforming
30 buildings and uses and would apply to the existing building located at 89 N. 800 W.
because the building does not meet current front yard setback requirement. An analysis of
32 how the following code sections would apply to the existing building and proposed
addition are provided in the staff report.

Mr. Florence explained the proposed building addition qualifies to be reviewed
34 and considered for approval under the requirements in section 17.16 of the City Code. He
noted the home was built in 1918 and preceded any city adopted zoning ordinances. The
36 applicant is not increasing the non-conformance and to the reasonable extent possible
bringing the home into compliance. Due to the age of the home and the interior
38 improvements that need to be made, the structural engineers recommend that the
additions not be moved to increase the setback to 30 feet.

Mr. Florence then presented an Aerial photo, Street View Photo, Picture by
42 property owner that shows where the additional would go and impact of 24-inch opening,
Site plan, proposed main floor plan and the Proposed building elevations followed by
44 some general discussion.

Following some additional discussion with the applicant, the Planning
46 Commission was in agreement to approve this request for an Alteration of a Non-
conforming front setback to construct two additions to the existing home located at 89
48 North 800 West with the conditions as listed in the motion.

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

4
6 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE
7 APPLICANT'S REQUEST TO ALTER A NONCONFORMING USE WITH THE
8 FOLLOWING CONDITIONS: 1. THE HOME ADDITIONS BE APPROVED WITH A
9 25' FRONT SETBACK; 2. THE APPLICANT WILL CONTINUE TO WORK WITH
10 THE BUILDING OFFICIAL TO MAKE ALL FINAL CORRECTIONS TO THE
11 BUILDING PLANS; 3. ALL ITEMS OF THE STAFF REPORT. COMMISSIONER
12 THOMPSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

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

20 THE MOTION CARRIED FOUR TO TWO

22 **5. Minor Subdivision – doTerra Lindon Subdivision Plat “B” – 2010 W. 400 N**
23 Valley Properties, LLC requests minor subdivision approval for a two-lot
24 subdivision at 2010 W. 400 N. (Parcel Number 37:340:0001)

28 Mr. Florence led this agenda item by explaining Richard Doxey and McKay
Brown are in attendance representing doTerra. They are proposing a two-lot minor
30 subdivision of the existing office and warehouse buildings and to place them on separate
lots. The proposed lot sizes are as follows: Lot 2: 19.668 acres and Lot 3: 17.967 acres

32 Mr. Florence stated the plat shows 30' wide private access easements in order to
access both of the properties. He explained there will also be an access agreement signed
34 between the two properties. According to the agreement, both properties will share the
long-term maintenance of the access easement that will run with the land. There will also
36 be a utility agreement for those utilities that cannot be separated. Mr. Florence noted the
City Engineer is working through technical issues related to the plat and will ensure all
38 plat related issues are resolved before final approval is granted.

Mr. Florence indicated because the development was originally constructed to be
40 one business complex with an office call center and distribution warehouse most of the
utilities are tied between the buildings. The applicant has provided a list of items included
42 in the staff report and the status of where they are at in separating the utilities. He noted
for those utilities that cannot be separated the owners will have an agreement in place for
44 long-term maintenance and cost sharing.

Mr. Florence then presented the subdivision plat, proposed easement agreement
46 and proposed utility agreement followed by some general discussion.

Following some additional discussion, the Commission agreed this is a pretty
48 straightforward request and were in agreement to approve this minor subdivision
application with the conditions as listed in the motion.

50 Chairperson Call called for any further comments or discussion from the

2 Commission. Hearing none she called for a motion.

4 COMMISSIONER SCHAUERS MOVED TO APPROVE THE APPLICANT'S
6 REQUEST FOR MINOR SUBDIVISION APPROVAL AT 2010 W. 400 N. WITH THE
8 FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK
10 WITH THE CITY STAFF TO MAKE ALL FINAL CORRECTIONS TO THE PLAT; 2.
12 THE PLAT WITH LOT LAYOUTS IS APPROVED AS PROVIDED IN THE STAFF
14 REPORT; 3. PRIOR TO PLAT RECORDING, THE APPLICANT WILL PROVIDE
16 STAFF WITH A FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES
AND OBTAIN SIGNATURE OF ALL ENTITIES INDICATED ON THE ATTACHED
SUBDIVISION PLAT; 4. THE ACCESS AND UTILITY EASEMENT AGREEMENTS
WILL BE RECORDED AT A SIMILAR TIME AS THE SUBDIVISION PLAT WITH
THE UTAH COUNTY RECORDERS OFFICE, AND 5. ALL ITEMS OF THE STAFF
REPORT. COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE
VOTE WAS RECORDED AS FOLLOWS:

18 CHAIRPERSON CALL	AYE
18 COMMISSIONER MARCHBANKS	AYE
20 COMMISSIONER KALLAS	AYE
20 COMMISSIONER JOHNSON	AYE
22 COMMISSIONER THOMPSON	AYE
22 COMMISSIONER SCHAUERS	AYE
24 COMMISSIONER TRIBE	AYE
THE MOTION CARRIED UNANIMOUSLY.	

26 **6. Site Plan Approval – Miller Family Real Estate, LLC– 544 S. Lindon Park**
28 **Drive** Miller Family Real Estate, LLC requests site plan approval for a new
vehicle car wash and detailing bays at 544 S. Lindon Park Drive (Parcel
46:786:0003)

30
32 Mary Barnes, Associate Planner led this agenda item by stating the applicant,
Natalie Nickles is in attendance representing Miller Family Real Estate and is seeking an
amendment to their site plan and conditional use permit that was granted by the planning
34 commission on April 14, 2020 (the Lot size is 4.4 acres). She noted the proposal is to
add an automatic car wash and detail bays to the vehicle dealership site. She explained
36 this site received original site plan approval from the City in 2003 and is currently
undergoing a large remodel and facelift of the existing building and façade. She added
38 the car wash will not be open to the public and will only service vehicles by Larry H.
Miller Lexus.

40 Ms. Barnes pointed out that car washes are not permitted in the PC-1 zone,
however vehicle service centers are allowed as a conditional use for new vehicle
42 dealerships. She noted staff feels that since is proposed car wash and detail bays are
associated with the dealership and will service vehicles that are for sale or purchased
44 from the dealership that is can be considered a service center use of the dealership.

46 Ms. Barnes indicated the city recently approved a similar proposal at the adjacent
Murdoch Hyundai site. She added that staff has included as a condition of approval that
the car wash will need to be continually associated as a service center to the dealership

2 and not open for general public use and the car wash cannot be sold to be a stand-alone
business.

4 Ms. Barnes further explained the proposed car wash is to be a split faced masonry
block building with a decorative banding. She noted no landscape percentage will be lost
6 with the addition of the car wash and the applicants are proposing to add some additional
landscape around the car wash. She added final review will be completed with the
8 building permit submittal. She stated the City Engineer is working through technical
issues related to the civil engineering plans and will ensure all engineering related issues
10 are resolved before final approval is granted.

Ms. Barnes indicated Staff believes the car wash building is architecturally
12 compatible with the area and also the existing building. She noted both the PC-1 zone and
the adjacent Research and Business zones require higher architectural standards and the
14 main focus of the lot will still be the vehicle display area. She pointed out that with the
architectural and site design standards, a car wash can be a great amenity to the business
16 and continue to draw business to Lindon and the dealership.

Ms. Barnes then presented an Aerial Photo, Site plan, Car wash elevations and
18 Dealership renderings for reference only followed by some general discussion.

Following some additional discussion with the applicant the Commission was in
20 agreement this will be a good addition to the dealership and was in agreement to approve
this amended site plan request with the conditions as listed in the motion.

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

24
COMMISSIONER JOHNSON MOVED TO APPROVE THE APPLICANT'S
26 REQUEST FOR AMENDED SITE PLAN APPROVAL WITH THE FOLLOWING
CONDITIONS: 1. THE DEVELOPER WILL CONTINUE TO WORK WITH THE
28 CITY ENGINEER TO MAKE FINAL TECHNICAL CHANGES TO THE
ENGINEERING DOCUMENTS; 2. THE PRIMARY USE OF THE PROPERTY WILL
30 REMAIN AS A VEHICLE SALES LOT AND THE CAR WASH AS AN ACCESSORY
SERVICE CENTER USE; 3. THE CAR WASH WILL BE USED FOR DEALERSHIP
32 VEHICLE DETAILING ONLY. THE CAR WASH WILL BE ASSOCIATED AS A
SERVICE CENTER TO THE DEALERSHIP AND NOT OPEN FOR GENERAL
34 PUBLIC USE. THE CAR WASH WILL NOT BE SEPARATELY SOLD OR USED AS
A STAND-ALONE BUSINESS; 4. THE APPLICANT WILL MEET THE BUILDING
36 DESIGN AND MATERIALS REQUIREMENT OF 17.48.100; 5. ALL ITEMS OF THE
STAFF REPORT. COMMISSIONER THOMPSON SECONDED THE MOTION. THE
38 VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
40 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
42 COMMISSIONER JOHNSON	AYE
COMMISSIONER THOMPSON	AYE
44 COMMISSIONER SCHAUERS	AYE
COMMISSIONER TRIBE	AYE
46 THE MOTION CARRIED UNANIMOUSLY.	

2 **7. Major Subdivision – Lindon’s Edge Office Condominiums Plat “A” – 140 S.**
3 **Main** Lindon’s Edge, LLC requests major subdivision approval at 140 S. Main to
4 subdivide the two existing buildings that are under construction and two future
5 office buildings into commercial condominium units (Parcel 45:759:0002).

6
7 Mr. Florence led this agenda item by stating the applicant, Steve Davies is in
8 attendance for this item. He began by giving a brief overview stating the planning
9 commission previously approved this project for site plan on February 12, 2019 and
10 minor subdivision approval on July 14, 2020. He noted the overall office development
11 consists of fourteen office buildings with each building divided into three units (buildings
12 A and B are nearing completion).

13 Mr. Florence indicated Mr. Davies is now requesting major subdivision approval
14 to convert the two nearly complete office buildings and two yet to be completed buildings
15 to commercial condominium units. He stated it is expected that the planning commission
16 and city council will approve future commercial condominiums for the remainder of the
17 buildings at a future date. He pointed out that condominium developments follow Utah
18 Code Title 57 Chapter 8 for dividing property as well as Lindon City major subdivision
19 requirements and processes.

20 Mr. Florence then went over the lot requirements and subdivision requirements
21 noting all in are compliance. Mr. Florence stated City staff are working through any
22 technical issues related to the plat and will ensure all engineering related issues are
23 resolved before final approval is granted.

24 Mr. Florence then presented the condominium plat, site plan and the attorney
25 letter followed by some general discussion. Mr. Davies explained the types of small
26 business that may come in to buy these condominium units. He noted the first two
27 buildings are already under contract.

28 Following some additional discussion with the applicant the Commission was in
29 agreement to approve this request as presented with the conditions as listed in the motion.

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

32
33 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL OF
34 THE APPLICANT’S REQUEST FOR PRELIMINARY APPROVAL OF THE
35 LINDON’S EDGE OFFICE CONDOMINIUM PLAT “A” WITH THE FOLLOWING
36 CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH CITY
37 STAFF TO MAKE ALL FINAL CORRECTIONS TO THE PLAT FOR RECORDING;
38 2. PRIOR TO PLAT RECORDING THE APPLICANT WILL PROVIDE STAFF WITH
39 A FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNER’S
40 CONSENT TO DEDICATION AS IDENTIFIED ON THE ATTACHED
41 SUBDIVISION PLAT; 3. PRIOR TO RECORDING THE APPLICANT WILL
42 PROVIDE STAFF WITH A FINAL SET OF CC&R’S AND BYLAWS TO INCLUDE
43 NOTARIZED SIGNATURES; 4. THE PLAT WILL MEET THE APPLICABLE
44 REQUIREMENTS AS FOUND IN THE LINDON CITY DEVELOPMENT MANUAL;
45 5. FINAL COVENANTS, CONDITIONS AND RESTRICTIONS WILL BE
46 RECORDED WITH THE SUBDIVISION PLAT; 6. ALL ITEMS OF THE STAFF
47 REPORT. COMMISSIONER TRIBE SECONDED THE MOTION. THE VOTE WAS
48 RECORDED AS FOLLOWS:

2 CHAIRPERSON CALL AYE
COMMISSIONER MARCHBANKS AYE
4 COMMISSIONER KALLAS AYE
COMMISSIONER JOHNSON AYE
6 COMMISSIONER THOMPSON AYE
COMMISSIONER SCHAUERS AYE
8 COMMISSIONER TRIBE AYE
THE MOTION CARRIED UNANIMOUSLY.

10
12 **8. Minor Subdivision – City Park Retail Subdivision – Approximately 250 N. State Street.** Worth Partners Development, requests minor subdivision approval for a three-lot subdivision at approximately 250 N. State (Parcels 14:068:0201, 14:068:0035, 14:068:0119, 14:068:0120)
14

16 Mr. Florence stated the applicants, Bret & Julie Jones are seeking minor subdivision approval for a three-lot subdivision at approximately 250 N. State. He noted the applicants are working on plans to soon apply for site plan approval of 4 commercial buildings/uses; the plat shows two 30' wide private access easements to access the three lots. Mr. Florence then referenced the Lot Requirements in the Light Industrial West Zone and the Subdivision Requirements noting all requirements are met.

22 Mr. Florence noted the City Engineer is working through technical issues related to the plat and will ensure all plat related issues are resolved before final approval is granted. Mr. Florence then presented an Aerial photo and Subdivision Plat followed by some general discussion.

26 Mr. Jones commented they have businesses lined up for lots 2 and 3. They have a coffee user on the south end of lot 3 and a soda shop tenant on the south end of lot 2 and a hair cutter on the north end of lot 2. He stated they will come back for site plan approval at the next meeting. He noted after taking the commission's suggestions and comments from the last meeting there will only be the two drive throughs now, one from State Street and also 200 North.

32 Following some additional discussion, the Commission agreed this is a much better access plan and were in agreement to approve this minor subdivision request with the conditions as listed in the motion.

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

38 COMMISSIONER THOMPSON MOVED TO APPROVE THE APPLICANT'S REQUEST FOR MINOR SUBDIVISION APPROVAL AT APPROXIMATELY 250 N. STATE 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; 2. THE PLAT WITH LOT LAYOUTS IS APPROVED AS PROVIDED IN THE STAFF REPORT; 3. COMPLETE (OR POST AN ADEQUATE IMPROVEMENT COMPLETION ASSURANCE), WARRANT AND POST REQUIRED ASSURANCE FOR ALL REQUIRED PUBLIC INFRASTRUCTURE IMPROVEMENTS; 4. PRIOR TO PLAT RECORDING, THE APPLICANT WILL UPDATE THE FINAL PLAT MYLAR TO INCLUDE NOTARIZED SIGNATURES OF OWNERS' CONSENT TO

2 DEDICATION; AND OBTAIN SIGNATURES OF ALL ENTITIES INDICATED ON
THE SUBDIVISION PLAT ATTACHED HERETO; AND 5. ALL ITEMS OF THE
4 STAFF REPORT. COMMISSIONER MARCHBANKS SECONDED THE MOTION.
THE VOTE WAS RECORDED AS FOLLOWS:

6	CHAIRPERSON CALL	AYE
	COMMISSIONER MARCHBANKS	AYE
8	COMMISSIONER KALLAS	AYE
	COMMISSIONER JOHNSON	AYE
10	COMMISSIONER THOMPSON	AYE
	COMMISSIONER SCHAUERS	AYE
12	COMMISSIONER TRIBE	AYE

THE MOTION CARRIED UNANIMOUSLY.

14
16 **9. New Business: Reports by Commissioners** – Chairperson Call called for any
new business or reports from the Commissioners.

18 Chairperson Call asked for an update on the rehab center located on 200 South as
she has had some inquiries about it. Mr. Florence gave a quick update stating there is a
20 lawsuit between some local residents and the facility operator over the CC&R's but they
are working through those issues and we will see where it ends up.

22
24 **10. Planning Director Report** – General City Updates.

26 Chairperson Call called for any further comments or discussion from the
commission. Hearing none she called for a motion to adjourn.

28 **ADJOURN** –

30 COMMISSIONER THOMPSON MADE A MOTION TO ADJOURN THE
MEETING AT 7:20 PM. COMMISSIONER KALLAS SECONDED THE MOTION.
32 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 Approved – September 28, 2021

36
38 _____
Sharon Call, Chairperson

40
42 _____
Michael Florence, Planning Director