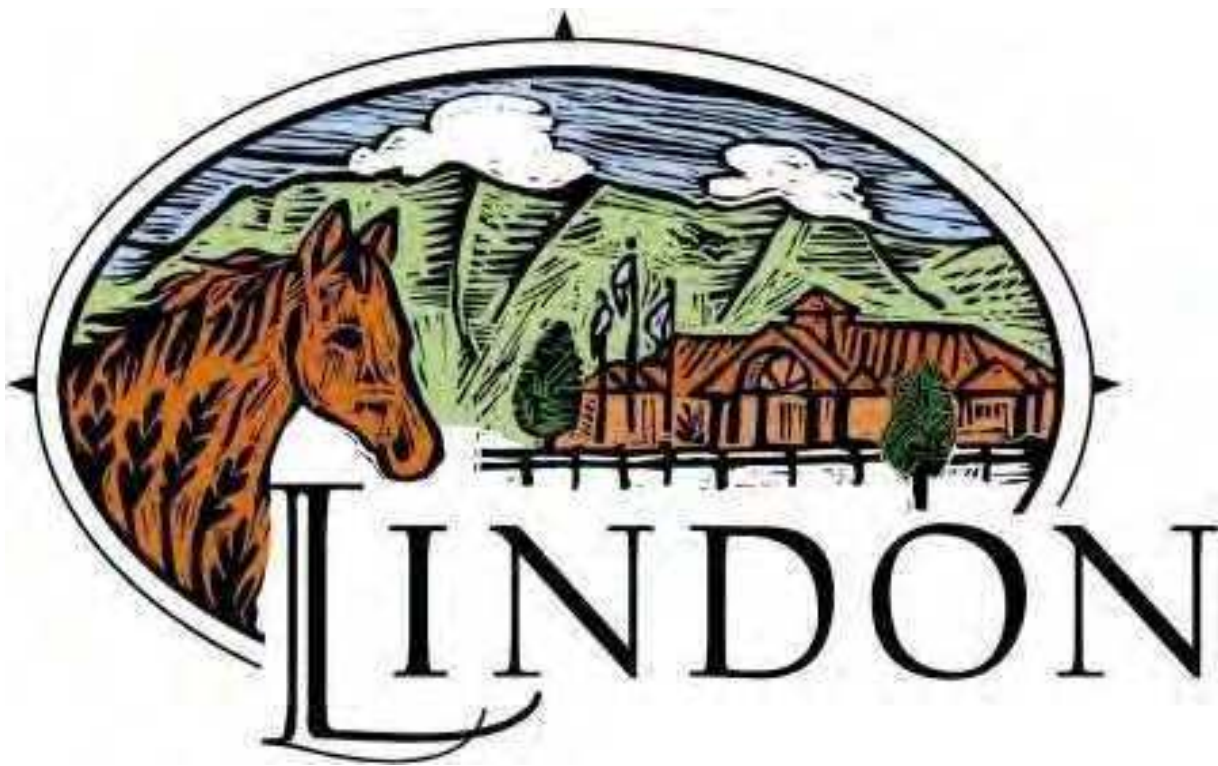


Lindon City Planning Commission Staff Report



November 29, 2022

Notice of Meeting
Lindon City Planning Commission



Item 1 – Call to Order

Sharon Call
Mike Marchbanks
Rob Kallas
Steve Johnson
Scott Thompson
Jared Schauers
Renee Tribe

Notice of Meeting

Lindon City Planning Commission



The Lindon City Planning Commission will hold a regularly scheduled meeting on **Tuesday, November 29, 2022**, in the Council Room of Lindon City Hall, 100 North State Street, Lindon, Utah. The meeting will begin at **6:00 p.m.** This meeting may be held electronically to allow a commissioner to participate by video or teleconference. Meetings are broadcast live at www.youtube.com/LindonCity. The agenda will consist of the following items:

Agenda

Invocation: By Invitation

Pledge of Allegiance: By Invitation



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

1. Call to Order

2. Approval of minutes

Planning Commission 11/15/2022

3. Public Comment

4. Miscellaneous Application Approval – Smith Sports Court Setback Modification – 242 E. 600 N.

The applicant requests a sports court setback modification from the planning commission, pursuant to Lindon City Code 17.44.150. (Parcel ID #40:312:0010) (10 minutes)

5. Minor Subdivision Approval – Timber Creek Estates Plat B – 740 W. 100 S.

The applicant requests minor subdivision approval for a two-lot subdivision for Timber Creek Estates Plat B at 740 W. 100 S. (Parcel ID #14:066:0087) (20 minutes)

6. Planning Director Report

- General City Updates

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.

**The duration of each agenda item is approximate only*

Posted By: Kathryn Moosman, City Recorder

Date: 11/23/2022 **Time:** 5:00 pm

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

The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday, November 15, 2022 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: Sharon Call, Chairperson
Invocation: Jared Schauers, Commissioner
Pledge of Allegiance: Rob Kallas, Commissioner

PRESENT

EXCUSED

Sharon Call, Chairperson
Rob Kallas, Commissioner
Mike Marchbanks, Commissioner
Steven Johnson, Commissioner
Scott Thompson, Commissioner
Jared Schauers, Commissioner
Renee Tribe, Commissioner
Mike Florence, Economic Development Director
Brian Haws, City Attorney
Mary Barnes, Associate Planner
Kathryn Moosman, 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 October 25, 2022 were reviewed.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF OCTOBER 25, 2022 AS AMENDED. COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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.

CURRENT BUSINESS –

4. **Major Subdivision Approval – Anderson Farms Plat H – Ivory Development, LLC.**
The applicant requests major subdivision approval for a 42-lot single family residential subdivision located in the Anderson Farms Planned Development (AFPD) zone. The subdivision is part of the Anderson Farms master development agreement with Ivory Development, LLC. (Parcel IDs #14:063:0120, #14:063:0119, #14:063:0116).

2 Mary Barnes, Associate Planner, led this agenda item stating Ivory Development is
seeking preliminary subdivision plat approval for Plat H, which is in Parcel H of the master
4 development agreement; Plat H is a 42-lot detached single family home phase of the
development

6 Ms. Barnes explained Plat H will be the 7th phase of the Anderson Farms development.
She noted in 2016, the City Council signed a Master Development Agreement with Ivory
8 Development and as a summary, the development agreement addresses items such as the total
number of units, types of units for each phase, setbacks, park space and development
10 infrastructure. The Anderson Farms development has a maximum residential count of 500 single
family homes (detached single family and townhomes), and 380 multi-family units.

12 Ms. Barnes stated staff is recommending an additional condition to be added in the
motion that the applicant will present the two phased plat H as has happened in the past (not
14 included staff report) for the next city council meeting.

Ms. Barnes then referenced the Subdivision Requirements and Development Agreement
16 Requirements for Parcel H noting all requirements are met. She noted the City Engineer is
working through technical issues related to the plat and civil engineering plans and
18 will ensure all engineering related issues are resolved before final approval is granted.

Ms. Barnes then presented an Aerial photo, Anderson Farms Plat H, Landscaping plan –
20 500 N, Plat H Phased Plan, and the Anderson Farms modified development layout followed by
discussion. Chairperson Call pointed out this is outlined in the development agreement and is
22 pretty straightforward.

Following some additional discussion, the Commission was in agreement to recommend
24 approval to the city council this major subdivision for Ivory Farms Plat H with the additional
condition to be included in the motion that the applicant will present the two phased Plat H
26 development plan to the city council at the next meeting as recommended by staff.

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

COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL TO THE
30 CITY COUNCIL THE APPLICANT'S REQUEST FOR PRELIMINARY MAJOR
SUBDIVISION APPROVAL OF ANDERSON FARMS PLAT H WITH 42 LOTS WITH THE
32 FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH
THE CITY ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING
34 DOCUMENTS AND PLAT; 2. PRIOR TO PLAT RECORDING, THE APPLICANT WILL
PROVIDE STAFF WITH A FINAL PLAT MYLAR TO INCLUDE NOTARIZED
36 SIGNATURES OF OWNER'S CONSENT TO DEDICATION, AND OBTAIN SIGNATURE
OF ALL ENTITIES INDICATED ON THE ATTACHED SUBDIVISION PLAT; 3.
38 COMPLETE (OR POST AN ADEQUATE IMPROVEMENT COMPLETION ASSURANCE),
WARRANT AND POST REQUIRED ASSURANCE FOR ALL REQUIRED PUBLIC
40 INFRASTRUCTURE IMPROVEMENTS; 4. THE PLANS AND PLAT WILL MEET AND BE
CONSTRUCTED AS PER APPLICABLE SPECIFICATIONS AS FOUND IN THE LINDON
42 CITY DEVELOPMENT MANUAL; 5. ALL ITEMS FOR PARCEL H FOUND IN THE
DEVELOPMENT AGREEMENT WILL BE COMPLETED; 6. THE APPLICANT WILL
44 PRESENT THE TWO PHASED PLAT H DEVELOPMENT PLAN TO THE CITY COUNCIL
AT THE NEXT CITY COUNCIL MEETING AND 7. ALL ITEMS OF THE STAFF REPORT.

COMMISSIONER THOMPSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

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

THE MOTION CARRIED UNANIMOUSLY

5. Minor Subdivision Approval – Aspen Ridge Plat C – Around 341 S 280 W. The applicant requests minor subdivision approval for one single family residential lot with Aspen Ridge Plat “C” at 341 S 280 W (Parcel ID #17:016:0147)

Ms. Barnes also presented this item stating the applicant, Joe Martel (who is in attendance) is seeking minor subdivision approval to create one lot out of an existing parcel. The Aspen Ridge Subdivision Plat “C” will be creating one lot out of the property at 341 South 280 West. Lot 4 will be used for the construction of a new single-family home. A minor subdivision for 352 S 280 W, or Aspen Ridge Plat B, was approved in November 2021 and all public improvements were installed for Plat B. She noted in order to remain in greenbelt, the applicant will be subdividing the remaining 3.6 acres, one lot at a time. Ms. Barnes then referenced the Lot Size Requirements (Residential) and the Subdivision Requirements noting all requirements are met.

Ms. Barnes noted staff has determined that the proposed subdivision complies, or will be able to comply before final plat approval, with all remaining land use standards. The City Engineer is addressing engineering standards and all engineering issues will be resolved before final plat approval is granted. Ms. Barnes also presented an Aerial Photo and the Subdivision Plat followed by discussion.

Following some additional discussion, the Commission was in agreement to approve this minor subdivision for Aspen Ridge Plat C as recommended by staff.

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

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE APPLICANT’S REQUEST FOR ONE LOT MINOR SUBDIVISION APPROVAL LOCATED AT 341 S. 280 W. WITH THE FOLLOWING CONDITIONS: 1. THE APPLICANT WILL CONTINUE TO WORK WITH THE CITY ENGINEER TO MAKE ALL FINAL CORRECTIONS TO THE ENGINEERING DOCUMENTS AND PLAT; 2. COMPLETE (OR POST AN ADEQUATE IMPROVEMENT COMPLETION ASSURANCE), WARRANT AND POST REQUIRED ASSURANCE FOR ALL REQUIRED PUBLIC INFRASTRUCTURE IMPROVEMENTS; 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; 4. THE PLANS AND PLAT WILL MEET AND BE CONSTRUCTED AS PER APPLICABLE SPECIFICATIONS AS FOUND IN THE

LINDON CITY DEVELOPMENT MANUAL; 5. ALL ITEMS OF THE STAFF REPORT.
COMMISSIONER TRIBE SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

CHAIRPERSON CALL	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER JOHNSON	AYE
COMMISSIONER THOMPSON	AYE
COMMISSIONER SCHAUERS	AYE
COMMISSIONER TRIBE	AYE
THE MOTION CARRIED UNANIMOUSLY	

6. Public Hearing for a Recommendation to the Lindon City Council to amend the Lindon City Standard Land Use Table as found in Appendix A. Lindon City proposes to amend the standard land use table to prohibit extended stay hotels and motels in all zones of the city.

COMMISSIONER THOMPSON MOVED TO OPEN THE PUBLIC HEARING.
COMMISSIONER MARCHBANKS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mike Florence, Community Development Director, led this agenda item stating the Lindon City is considering an amendment to Appendix A: Standard Land Use table to prohibit extended stay hotels and motels in all commercial zones and to amend associated definitions of hotel, motel, extended stay hotel and motel. He stated Hotels, Tourist Courts, Bed and Breakfast and Motels are currently permitted uses in the PC-1, PC-2, CG, CG-A, CG-A8, CG-S, MC, LVC, and R&B zones. He noted they are currently prohibited in the HI, LI and LI-W zones.

Mr. Florence indicated the city has carefully evaluated and researched extended stay hotel models and has several concerns in how extended stay hotel/motel uses may impact the community and city services. He added the city encourages hotels in the commercial zones; however, extended stay hotels are primarily marketed for long-term stays and temporary housing. In addition, extended stay hotels can also see a disproportionate number of calls for emergency services leading to a fiscal impact on city finances and resources. He noted the general plan's land use guidelines recommend that the city consider service and fiscal impacts of potential uses. He pointed out that these hotels also attract clientele that do not always have a positive influence on the hotel or surrounding areas and it often becomes difficult to attract good economic development in the areas that surround extended stay hotels.

Mr. Florence explained that extended stay hotels/motels offer accommodations ranging from one night to undetermined periods of time. This may include monthly or yearly extended stays with no expected departure date. He indicated that Forbes.com looked at extended stay hotels across the country and identified an average national length of stay of 1.7 years. Other articles seem to indicate that the average length of stay ranges from a week to months. One major concern for the city is that in many cases extended stay hotels/motels can turn into de-facto or long-term housing and do not meet the intent of being a temporary overnight lodging hotel or motel that is envisioned for the city. For practical purposes, units can become the primary residence for individuals. Many of the extended stay hotel/motels also market to college students

2 looking for off campus housing; the longer a person stays in the hotel the greater discount they receive.

4 Mr. Florence indicated there are articles and reports showing that individuals, families, and college students move to extended stay hotels for financial reasons. Many individuals cannot
6 afford to pay the first and last month apartment rental deposit. Extended stay hotels can become an alternative to homelessness. Most often long-term tenants are good working-class populations
8 that would like to afford permanent housing but cannot, at the time, pass a credit or background check. He pointed out that in some situations, individuals may have bad credit and cannot qualify
10 to rent an apartment until their credit is repaired. At times, people get into a cycle where they pay so much to live in the extended stay hotel that they cannot afford to save up for an apartment. He
12 noted some extended stay hotel/motel websites refer to their locations as temporary housing. Throughout the country, many non-profit housing groups also use extended stay hotels to
14 provide temporary housing assistance for those in crises and have nowhere else to reside.

Mr. Florence further explained the city needs to look at the extended stay hotel/motel
16 viability over the long-term. The city has found that extended stay hotels/motels frequently change ownership and are purchased as investments by other hotel chains, investment groups or
18 development firms. Most of the extended stay developments use the franchise name but are owned by an outside development firm or franchisee. Mr. Florence stated when it comes to
20 enforcement, city staff has found that the franchises rarely take any responsibility in helping to enforce extended stay hotel/motel issues or violations with their name. Over the past few years
22 older or outdated extended stay hotels have been purchased by multi-family developers on a larger scale than previously seen and are converting hotel/motel units into micro apartments. He
24 noted extended stay units already have the layout and amenities needed for an apartment unit.

Mr. Florence then went over Permitted Uses noting Hotels, tourist courts, bed and
26 breakfast and motels are currently permitted uses in the PC-1, PC-2, CG, CG-A, CG-A8, CG-S, MC, R&B, and LV zones. Other residential uses that the city allows in these zones are youth
28 rehabilitation, assisted living facilities, care facilities and care taker residence. It appears that extended stay hotels would conflict with the allowable uses in commercial zones if tenants are
30 allowed to use all the extended stay units as apartments, temporary housing, or off-campus housing.

Mr. Florence indicated that the planning commission and city council have been
32 consistent in their decision for many years to not allow housing uses in the Lindon Village zone. The Lindon City General plan and 700 N. masterplan encourages hotels but do not encourage
34 residential uses. The city does not believe that hotels/motels that are entirely used for extended stay or temporary housing meet the intent of the general plan and 700 N. master plan. The city
36 has drafted the ordinance amendment so that temporary lodging hotels may have less than 30% of the units as extended stay units. This keeps the primary use of the hotel for temporary lodging.
38 If a hotel has 30% or greater of the units as extended stay units then the hotel would be defined
40 as an extended stay hotel.

Mr. Florence also spoke on Transient Room Taxes stating a hotel/motel in the State of
42 Utah pays both a sales tax and a transient room tax. According to the State of Utah Tax Commission, temporary lodging is the use of accommodations in a hotel or motel for less
44 than 30 consecutive days. Lodging stays of 30 consecutive days or longer are exempt from sales tax and transient room tax. He mentioned a concern for Lindon City is losing the sales and
46 transient room tax for tenants who stay longer than 30 days. It appears that some extended stay franchise only signs a tenant to a 28-day contract and then renews that contract every 28 days.

2 This way the hotel can still charge the sales and transient room tax. This may technically meet
4 the requirement to continue to charge these taxes but still creates a long-term housing concern
for Lindon's commercial zoning requirements.

6 Mr. Florence also discussed Crime Rates stating Lindon city has reached out to the
chiefs of police of surrounding communities where extended stay hotels are located. Comments
8 were made that, specifically the economy or budget, extended stay hotels in their communities
create a disproportionate number of calls for emergency services. On many occasions, the police
10 departments are responding daily to these extended stay hotels. The comment was made that
good management of the extended stay hotels makes a difference. However, with these hotels
often changing hands to different investor's the management policies can change as well.

12 Mr. Florence then presented the Proposed ordinance amendments to the Lindon City
Code Appendix A Standard Land Use Table and the Utah Tax Commission Publication followed
14 by discussion. Brian Haws, City Attorney stated this action is well within city discretion to
regulate what goes in their commercial zones.

16 Chairperson Call called for any public comments. Mr. Michael Coutlee stated his seller
purchased the property and the City had IBI do a masterplan on the property with
18 recommendations as there may be some hotels there. He questioned what rights does his seller
have and where does this stop? He expressed that he is doing a lot of work to bring development
20 to the city and feels he is getting slapped in the face; he has been on this project for 6 years in
January.

22 COMMISSIONER MARCHBANKS MOVED TO CLOSE THE PUBLIC HEARING.
COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN
24 FAVOR. THE MOTION CARRIED.

26 Following some additional discussion, the Commission was in agreement to recommend
to the City Council approval to amend the Lindon City Standard Land Use Table as found in
28 Appendix A as recommended by staff.

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

32 COMMISSIONER KALLAS MOVED TO RECOMMEND APPROVAL TO THE
CITY COUNCIL ORDINANCE AMENDMENT 2022-19-O AS PRESENTED BY STAFF.
COMMISSIONER MARCHBANKS SECONDED THE MOTION. THE VOTE WAS
34 RECORDED AS FOLLOWS:

CHAIRPERSON CALL	AYE
36 COMMISSIONER MARCHBANKS	AYE
COMMISSIONER KALLAS	AYE
38 COMMISSIONER JOHNSON	AYE
COMMISSIONER THOMPSON	AYE
40 COMMISSIONER SCHAUERS	AYE
COMMISSIONER TRIBE	AYE
42 THE MOTION CARRIED UNANIMOUSLY	

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

2 Chairperson Call mentioned she has been approached by some residents about the clean-
4 up at Locust and 400 North. Mr. Florence stated code enforcement is aware and is working on
the issue. Commissioner Johnson also mentioned garbage pickup by Oak Canyon Jr. High
6 school that really backs up traffic when dropping kids to school and if that could be coordinated
better. Commissioner Kallas mentioned signs remaining on main street when the work is
8 complete. Mr. Florence stated he will check into these issues.

10 **8. Planning Director Report - General City updates.**

12 Mr. Florence mentioned projects coming to upcoming commission meetings. 1) A one lot
subdivision on 100 south and a flag lot on 400 north. 2) Storage unit project has been bought out
14 and an office warehouse building wants to go in now on 200 south. 3) A Gym on 700 north;
they have submitted renderings.

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

20 **ADJOURN –**

22 COMMISSIONER MARCHBANKS MADE A MOTION TO ADJOURN THE
MEETING AT 7:32 PM. COMMISSIONER JOHNSON SECONDED THE MOTION. ALL
24 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26 Approved – November 29, 2022

28
30 _____
Sharon Call, Chairperson

32
34 _____
Michael Florence
Community Development Director

Item: 4 Miscellaneous Application – Smith Sport Court Setback Modification – 242 E 600 N

Date: November 29, 2022

Project Address: 242 E 600 N
Presenting Staff: Mary Barnes

Applicant: Samuel Smith
Property Owner: Samuel and Alison Smith

General Plan: Residential Low
Current Zone: R1-20 (Residential)

Parcel ID: 40:312:0010

Type of Decision: Administrative
Council Action Required: No



Summary of Key Issues

The applicant wants to modify the setback requirement of his sports court.

Overview

1. The applicant wants to build a pickleball/half-basketball court in the southeast corner of his property.
2. According to LCC 17.44.150, sport court fencing shall maintain a minimum 10 ft setback from rear and side property lines, however, the Planning Commission has the authority to modify that requirement when specific requirements are met.
3. The applicant is requesting a modification to the requirement to allow the sport court in question to be placed along the side and rear property lines of 242 E 600 N.
4. The rear setback is adjacent to a private land and does not abut the rear yard of another residential property.
5. The sports court fencing will be 10 ft tall, which will necessitate a building permit from the building department, and inspections.

Ordinance requirements.

17.44.150

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.

Code Compliance

Requirement	Explanation	Compliant?
The proposed height and/or setback modification is necessary to provide privacy and protection of private property interests.	This court will be approximately 32 ft from the closest dwelling to the east (276 E 600 N), approximately 122 ft from the closest dwelling to the west (224 E 600 N), and approximately 165 ft from the closest dwelling to the south (566 N 200 E). There is a private lane to the south that further separates the court from the properties to the South.	Yes
The appearance and/or setback of the fence will not detract or cause aesthetic damage to neighboring property owners.	At this time, the east neighbor (276 E 600 N) has expressed to the applicant that they are in favor of this modification	Yes
The proposed height and/or setback modification will not cause a public safety hazard.	None identified	Yes
The proposed additional height is necessary to provide an adequate buffer for the adjoining land owners' use.	Additional height is not being considered for this modification.	N/A

Staff Analysis

Staff believes that this modification will not significantly affect the neighborhood, and it will not damage the image of the neighborhood. Permitting this modification will allow Mr. Smith to use his private property as he sees fit.

Motion

I move to (approve, deny, or continue) the applicants request to modify the sports court setback requirement found in 17.44.150 for the property located at 242 E. 600 N. with the following conditions:

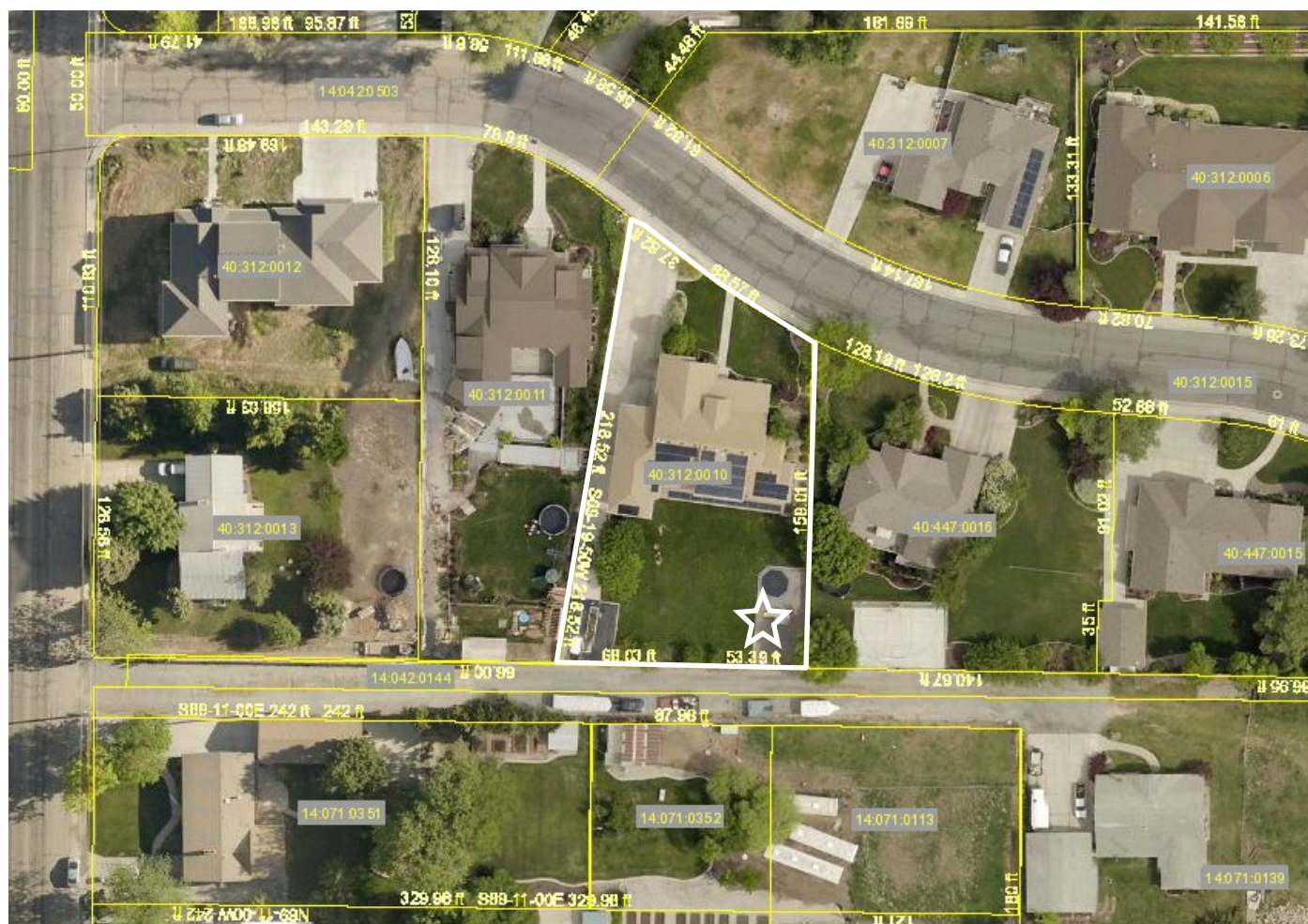
- a) The applicant will apply for a building permit for the 10 ft fencing;
- b) The sport court lighting will not shine into another's property; and
- c) All items of the staff report.

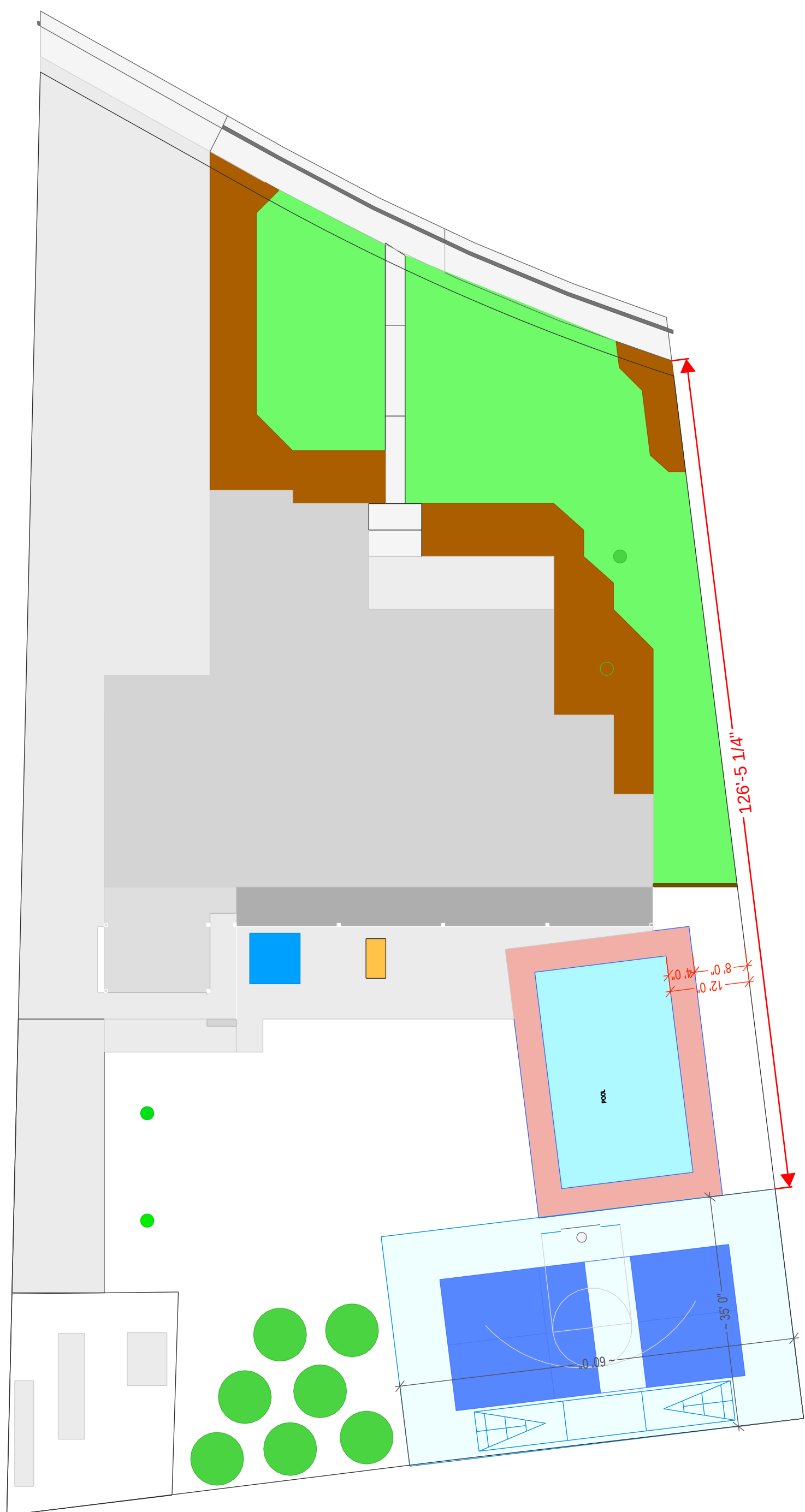
Exhibits

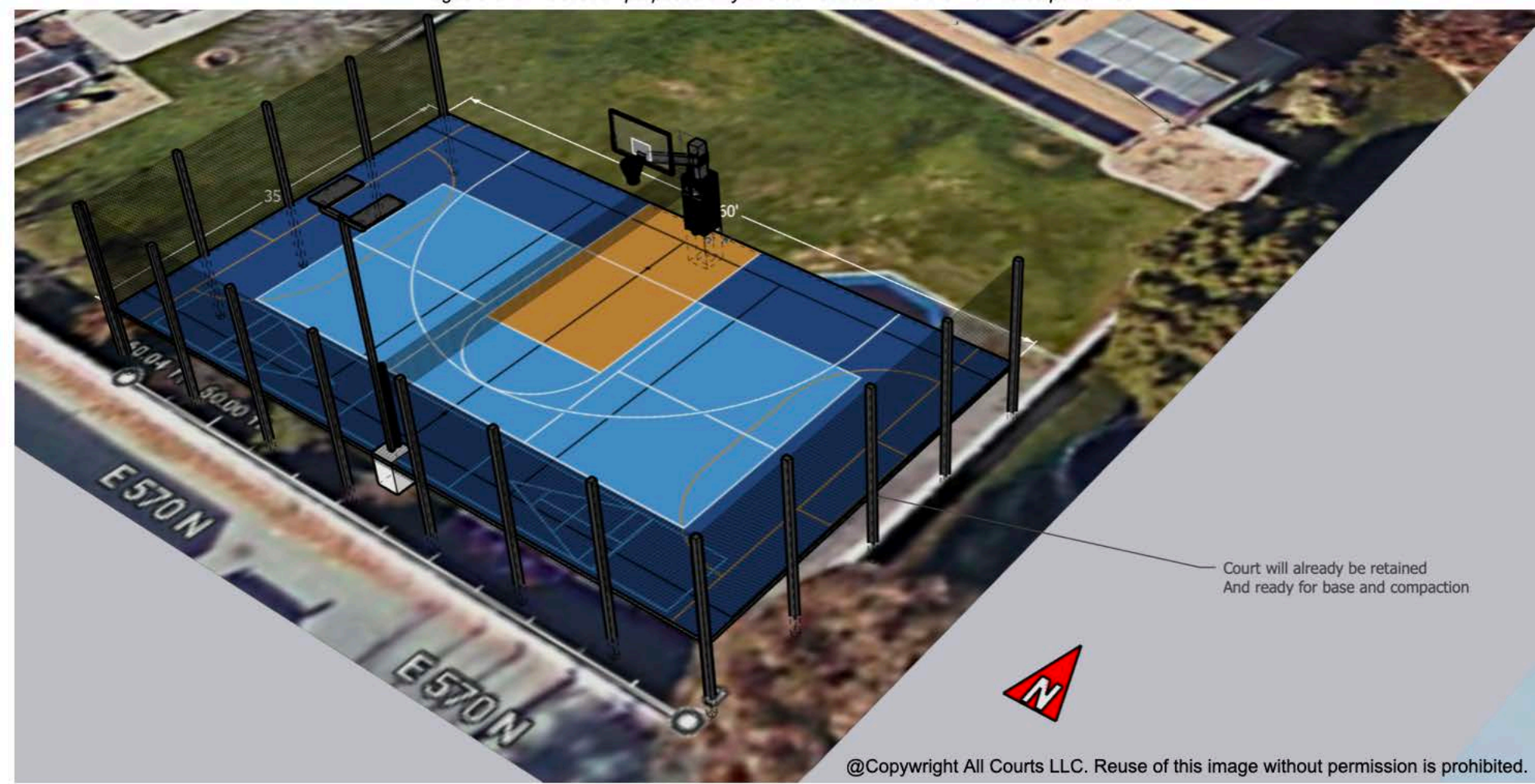
- 1. Aerial photo
- 2. Site Plan
- 3. Elevation

Exhibit 1: Aerial Photo

This aerial photograph shows a residential neighborhood with several properties. The properties are outlined in yellow, and their lot numbers are displayed in blue boxes. A white star is placed on the property with lot number 40-312-0010. The surrounding area includes roads, trees, and other houses. The lot numbers visible are 40-312-0006, 40-312-0007, 40-312-0010, 40-312-0011, 40-312-0012, 40-312-0013, 40-312-0015, 40-447-0015, 14-071-0351, 14-071-0352, 14-071-0113, and 14-071-0139. The white star is located on the property with lot number 40-312-0010.







Court will already be retained
And ready for base and compaction



Item: 5 Minor Subdivision Approval – Timber Creek Estates Plat B – 740 W. 100 S.

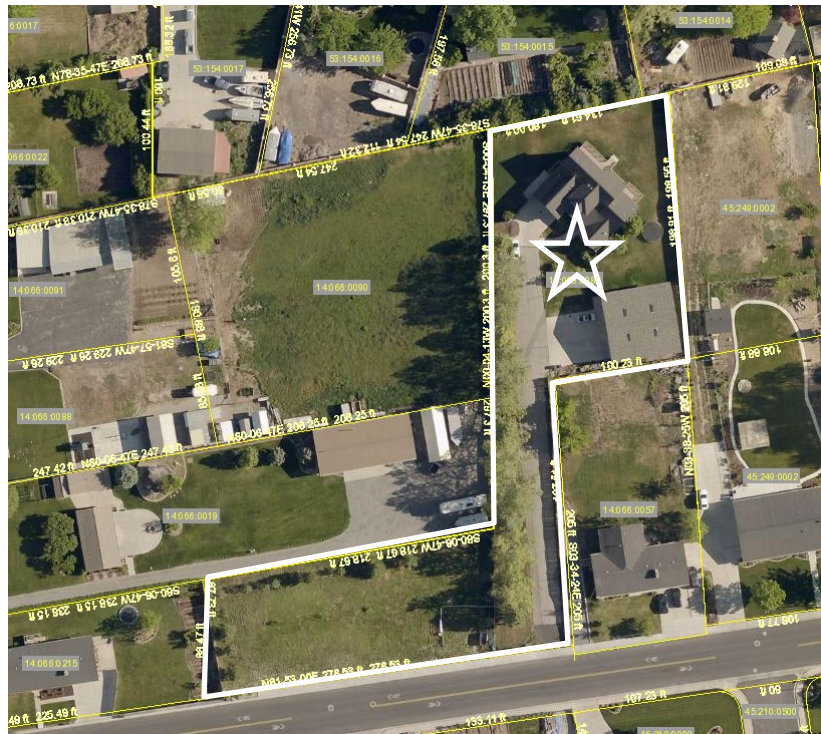
Date: November 29, 2022

Applicant: Lucas Collier
Presenting Staff: Mary Barnes

Property Owner: Lucas and Whitney Collier
Project Address: 740 W. 100 S.
Parcel ID: 14:066:0087
Size: 1.32 acres

General Plan: Residential Low
Current Zone: R1-20
(Residential)

Type of Decision:
Administrative
Council Action Required: No



Summary of Key Issues

1. The applicant is seeking minor subdivision approval to create a two-lot subdivision of which one lot will be a flag lot.

Overview

1. The Timber Creek Estates Plat B will create a two-lot subdivision at 740 W 100 S, Lindon. Lot 18 is currently vacant and is proposed as a 20,000 square foot lot and Lot 19 is creating a new flag lot for the existing home on the property.
2. Originally, proposed lot 18 was used as a horse property
3. In 1997, a variance for the depth of Lot 18 was granted to the Munsons, who were the owners at the time, by the Lindon City Board of Adjustment. Variances run with the land and will be discussed further in this report.

Motion

I move to (*approve, deny, continue*) the applicant's request for minor subdivision approval located at 740 W. 100 S. with the following conditions:

1. The applicant will continue to work with the City Engineer to make all final corrections to the engineering documents and plat;
2. Complete (or post an adequate improvement completion assurance), warrant and post required assurance for all required public infrastructure improvements;
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;
4. The plans and plat will meet and be constructed as per applicable specifications as found in the Lindon City Development Manual;
5. If the lot lines are modified from the presented plat, that the plat be brought back to the planning commission for reconsideration.
6. All items of the staff report.

Surrounding Zoning & Land Use

North: R1-20 - Residential

East: R1-20 - Residential

South: R1-20 - Residential

West: R1-20 – Residential

Lot Size Requirements (Residential)

Required	Lot 18	Lot 19	Compliant with City Standards
Minimum Lot Size: 20,000 square feet	20,007 sq. ft.	37,373 sq. ft.	Yes
Minimum Lot Width: 100 feet	224 ft	134 ft	Yes
Minimum Lot Depth: 100 feet	87 ft – 94 ft (Please see variance document)	387 ft	Yes, with variance
Minimum public street frontage: 50 feet, 25 ft for a flag lot	224 feet	52 ft	Yes

Subdivision Requirements

Required	Compliant
No single lot shall be divided by municipal or county boundary lines, roads, alleys, or other lots.	Yes
All residential lots shall front on a public street. Side lot lines shall be at right angles to street lines.	Yes
Sidewalks, curbs and gutters shall be provided on both sides of all streets to be dedicated to the public	Yes
Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of 10 feet apportioned equally in abutting properties.	Yes – Public Utility Easements are indicated along some boundary lines (please see Public Utility Easements Uses – Lot 19 for more information)
Underground utilities and piped sanitary sewerage shall be provided by the subdivider.	Yes
No lot shall be created which is more than three times as long as it is wide.	Yes

Public Utility Easements – Lot 19

17.32.320 (11) states: “For purposes of determining the setbacks of the flag lot, the front property line shall be the nearest line that is most parallel with the street from which the driveway accesses. Orientation of the dwelling is not regulated.” Therefore, the setbacks for a flag lot are as follows:

- Front Yard – 30 ft
- Rear Yard – 30 ft
- Side Yard – 15 ft (side yard setbacks shall be 15 feet on each side yard of the dwelling unit (17.32.320))

The accessory building on Lot 19 shown on the aerial map was built in 1997, and the flag lot code and setbacks were adopted in 1999. It's clear that the accessory building is encroaching into the “front” setback of Lot 19, and it would encroach into the customary 5 ft public utility easement, as it is less than 5 ft away from the “front” (south) fence line and the eastern fence line. Therefore, the accessory building is a nonconforming use, because it was lawful before the current code was adopted. 17.16.030 states: “All nonconforming uses shall not be added to, altered, moved... without approval from the Planning Commission”. As it stands, the subdivision approval will not be adding to, altering, or moving this nonconforming use, therefore, the nonconforming status of this accessory building does not need to be discussed.

Because this building has already been built where the public utility easement would routinely be placed, the City Engineer has recommended that the PUE along the front (south) property line and the eastern property line not be required on the plat.

Fence/Property Line Discrepancies

While reviewing the plat, staff noted that the existing 740 W 100 S parcel has a few fence/property line discrepancies that will need to be cleaned up before final staff approval. It appears that the lot lines don't follow the fence lines and overlap. The discrepancies are marked in red in the aerial map exhibit. The issue is that the square footage of the lot 18 does not truly reflect the actual square footage, because the fence lines are within the property lines. As of right now, the applicant has expressed that he intends to move the fence lines to meet the property lines, and will be reaching out to neighbors. However, if these fence lines are not moved, and the property lines get moved instead, this plat will be brought back to a future planning commission for reconsideration.

Variance History – Lot 18

The following list will outline the variance history for 740 W 100 S:

- In 1997, James and Ann Munson applied for a variance for the depth of Lot 18. Lot 18, at its shallowest end, is about 87 ft deep, and the Lindon City residential code requires that all lots in the R1-20 zone be 100' deep. Originally, the idea behind subdividing this property would be to put a cul-de sac down the existing driveway, as seen in the 1997 Proposed Subdivision exhibit.
- On 5/15/1997, this depth variance was approved. After extensive research of the City archives, staff has concluded that the minutes from this meeting were not preserved. We do not know why or how the 1997 Board of Adjustments justified this decision, or if any conditions were included. All we have is a note that states: Approved 5/15/1997.
- In June 1997, James Munson applied for a concept map and subdivision, to create the subdivision seen on the 1997 Proposed subdivision exhibit. This subdivision was intended to open up the back property and provide a way for surrounding property owners to develop their land. However, it was never brought to the planning commission, and therefore, never approved. There are no review documents to suggest that it was reviewed, and no further documentation on why it was not completed.
- Over the years, many potential buyers have come to the city to ask if Lot 18 could be subdivided, but the city has consistently said no, because of the obvious depth problem. The depth variance document was only recently uncovered from the city records, after research into the history of this property. With this document, and with the note confirming approval, it seems that a depth variance was granted in 1997. Therefore, Lot 18 can be subdivided, despite the depth issue.
- Neighboring property owners suggest that the lot depth variance was tied to the road being constructed. The city has no records of this condition of approval.

To be able to realistically build a single-family home on this lot, the applicant will most likely have to apply for a variance on the rear 30 ft setback. Without a setback variance, due to the reduced depth, the buildable area on this lot is too small.

Flag Lot Access

The Lindon City Flag Lot Ordinance, 17.32.320(2) requires that flag lots only be permitted when the following two circumstances exist:

- a. At the time of application, development using standard public streets is not possible. The property has specific constraints that limit access, public street frontage, and/or construction of a standard public roadway. These abnormal constraints may be restrictive topography, constraints caused by built environment, irregular lot configuration, ownership limitations, environmental constraints such as wetlands, springs, ditches, or canals, etc.
- b. Development using standard public streets is possible, but not in the best interest of the public.

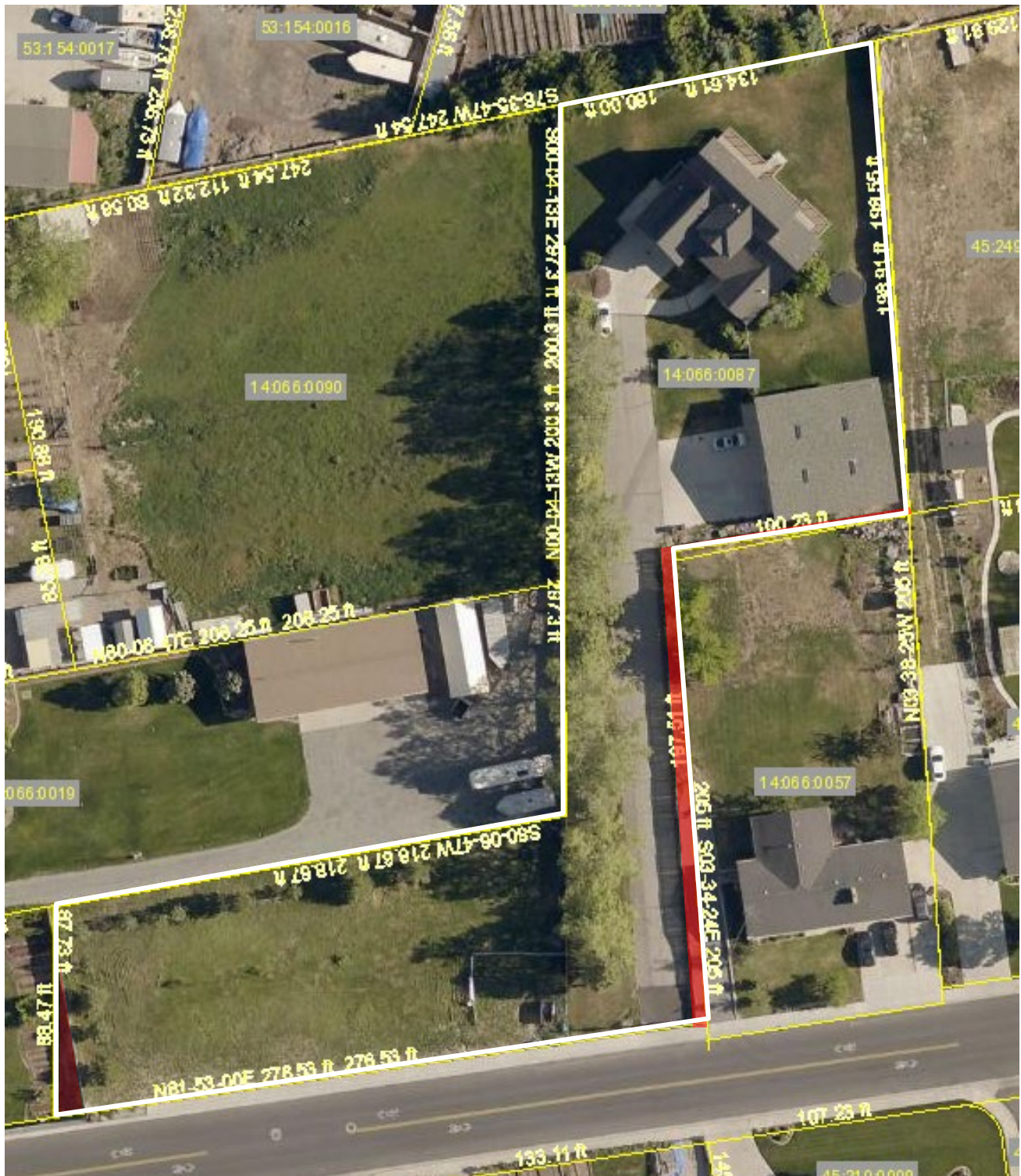
The Lindon City Streets Master Plan Map does not identify this location for a proposed public street. Currently, the width of the staff portion of the flag lot is 52' at 100 S. but narrows to approximately 46' so there is not sufficient width for a public street. The city understands that this may limit the future development potential of the vacant parcel to the west of the flag lot (14:066:0090). However, if the owner decides in the future to develop that property it would be feasible to work with the owner of the flag lot and adjoining property owner to gain the necessary width to construct a public street and develop the property.

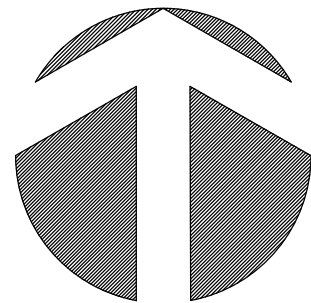
Other Requirements

1. Staff has determined that the proposed subdivision complies, or will be able to comply before final plat approval, with all remaining land use standards, with the addition of the variance.
2. The City Engineer is addressing engineering standards. All engineering issues will be resolved before final plat approval is granted.

Exhibits

1. Aerial Photo
2. Subdivision Plat
3. 1997 Variance Document
4. 1997 Proposed Concept Subdivision Plan





1" = 30'

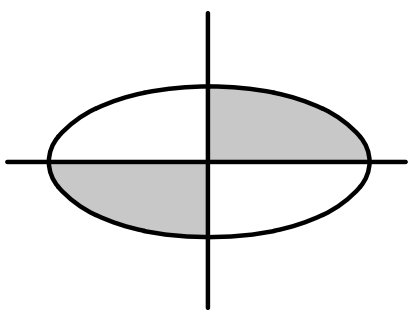
West 1/4 corner
Section 33
Township 5 South
Range 2 East
S.L.B. & M.

Section Line

East 269.47'

Point of Beginning

Southwest corner
Section 33
Township 5 South
Range 2 East S.L.B. & M.
NAD 27 Elev 4576.37



Prepared by:

Dudley and Associates, Inc.
353 East 1200 South
Orem, Utah 84058
office 801-224-1252
fax 801-224-1264

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

Timber Creek Estates "B"

Located in a portion of the Southwest
quarter of Section 33, Township 5 South,
Range 2 East, Salt Lake Base and Meridian
Lindon City, Utah County Utah

Timber Creek Estates
Plat "A"
Lot 13

Timber Creek Estates
Plat "A"
Lot 14

Timber Creek Estates
Plat "A"
Lot 15

Timber Creek Estates
Plat "A"
Lot 16

Timber Creek Estates
Plat "A"
Lot 17

Whiteley Asset
Protection Trust

Hill Family Trust
07-18-2020

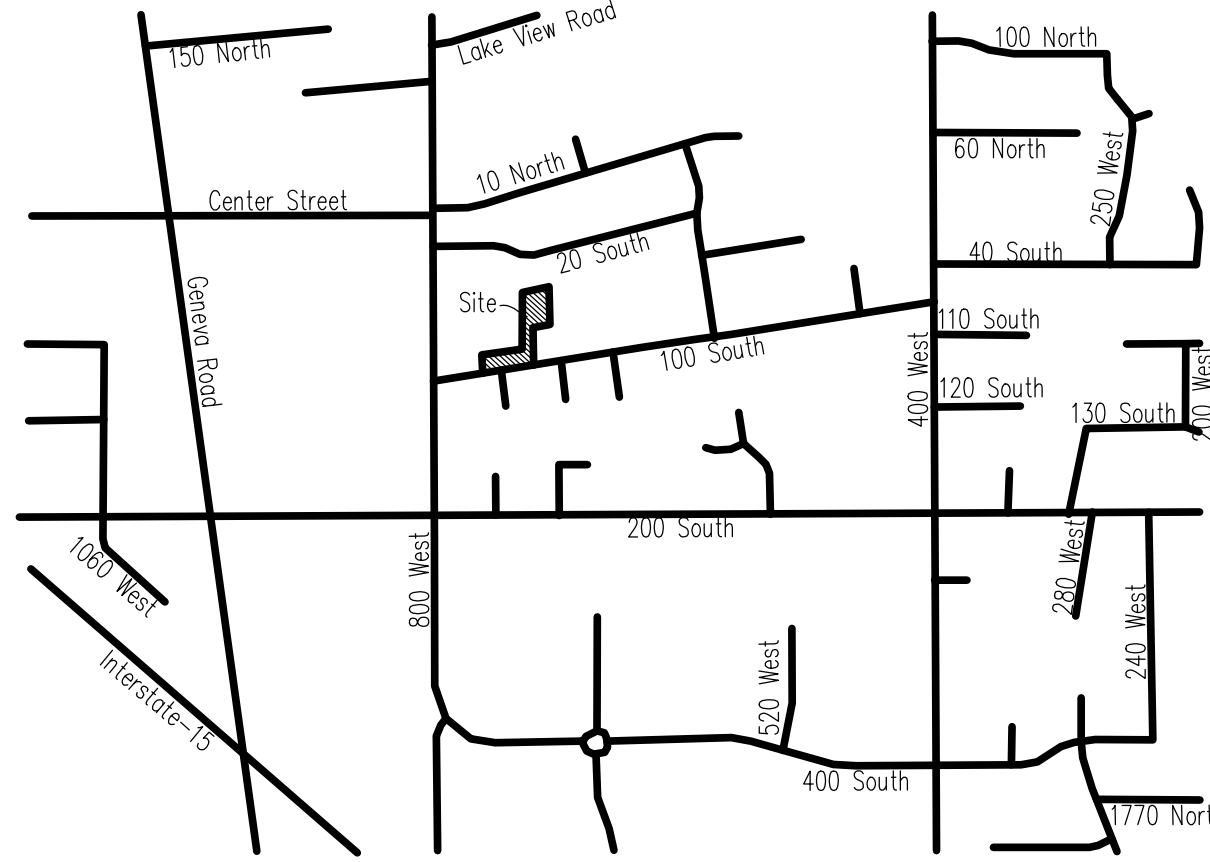
Last 4 Properties LLC

Carol C White
Family Trust 03-27-2018

Lot 19
37,373 SF
740 West

Lot 18
20,007 SF

100 South Street



Vicinity Map

Note:

The Lindon City Flag Code (13.32.320) (7) states the following:
Construction of residences and accessory buildings on flag lots shall
be limited to a maximum building height of 35 ft from finished grade.

A geotechnical study was not performed for this subdivision

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.

Notice of Lindon City Housing Ordinance

All potential buyers of lots within this plot 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.

Conditions of Approval

Surveyor's Certificate

I, _____, do hereby certify that I am a registered Land Surveyor and that I hold a license, Certificate No. _____, in accordance with the Professional Engineers and Land Surveyors Licensing Act found in Title 58, Chapter 22 of the Utah Code. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described below, have subdivided said tract of land into lots, streets, and easements, have completed a survey of the property described on this plat in accordance with Utah Code Section 17-23-17, have verified all measurements, and have placed monuments as represented on the plat. I further certify that every existing right-of-way and easement grant of record for underground facilities, as defined in Utah Code Section 54-8a-2, and for other utility facilities, is accurately described on this plat, and that this plat is true and correct to the best of my knowledge.

Boundary Description

Commencing at a point located North 00°04'13" West along the Section line 850.32 feet and East 269.47 feet from the Southwest corner of Section 33, Township 5 South, Range 2 East, Salt Lake Base and Meridian; thence North 80°06'47" East 218.67 feet; thence North 00°04'13" West 297.30 feet; thence North 78°35'47" East along Timber Creek Estates Subdivision 134.61 feet; thence South 03°51'37" East 198.91 feet; thence South 81°36'47" West 100.23 feet; thence South 03°50'37" East 197.51 feet; thence South 81°53'00" West along 100 South Street 277.15 feet; thence North 00°04'13" West 87.81 feet to the point of beginning.

AREA=57,380 sq. ft. or 1.32 acres

Basis of Bearing North 00°04'13" West along the Section line (NAD 27)

Date

Surveyor

(See Seal Below)

Owner's Dedication

Know all men by these presents that we, all of the undersigned owners of all the property described in the Surveyor's Certificate hereon and shown on this map, have caused the same to be subdivided into Lots, Blocks, Streets, and Easements and do hereby dedicated the streets and other Public areas as indicated hereon for perpetual use of the public.

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

Acknowledgement

STATE OF UTAH }
COUNTY OF UTAH } S.S.

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who represented that he is the _____ of the _____ 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 of Legislative Body

The City of Lindon, County of Utah, approves this Subdivision subject to the Conditions and Restrictions stated hereon, 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

City Engineer

Clerk / Recorder

Community Development Director

Chairman, Planning Commission

Plat " B "

Timber Creek Estates

LINDON CITY Subdivision UTAH COUNTY, UTAH
SCALE: 1" = 30 Feet

SURVEYORS SEAL

NOTARY PUBLIC
SEAL

CITY ENGINEERS
SEAL

CLERK-RECORDER
SEAL

OFFICE USE ONLY

Date Filed _____
 Legal (2) _____
 Site Plan (5) _____
 Floor Plan (2) _____
 Elevations (2) _____

Application # _____
 Meeting Date _____
 Sec/Twp/Rnge _____
 Fee \$200 200.00 paid 4/14/97
 Existing Zoning _____

Planner Initials/Comments:

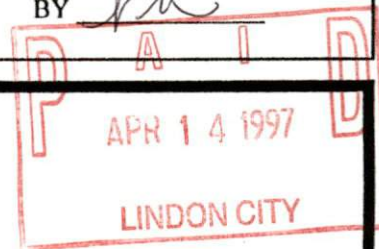
Reference Files:

Receipt # 3.97545

BY km



LINDON CITY VARIANCE APPLICATION FEE: \$200.00 APPLICANT: Please Type or Print



Property Owner's Name: JAMES & ANN MUNSON Telephone: 229-1428
 Applicant's Name: JAMES MUNSON Telephone: _____
 Name of Contact Person: JAMES MUNSON Telephone: _____
 Correspondence
 To Be Sent To: JAMES & ANN MUNSON Telephone: _____
 Address: 1561 North 1040 West Assessor's
OREM UT 84057 Parcel Number: _____
 (City) (State) (ZIP)

Property Address or Nearest Cross Streets: 740 SOUTH WEST 100 SOUTH LINDON

PLEASE BRIEFLY DESCRIBE PURPOSE OF REQUEST: VARIANCE FOR MINIMUM DEPTH

PLEASE ANSWER THE FOLLOWING:

1. What special circumstances or conditions exist, applicable to the property or building referred to in the application, which you believe justify a change of restrictions (exceptional narrowness, shallowness, shape or topography)?
2. Explain any other special circumstances or hardships (not pertaining to the lot) which you believe justify a change in restrictions.
3. Explain why the granting of this application is necessary for the preservation and enjoyment of substantial property rights.
4. Explain how the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
5. Explain how the granting of this application will not adversely affect the Lindon City Master Plan.

(I, We), the undersigned, swear and say that (I am, We are) the owner(s) of record on the Tax Rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Lindon City Code; that the information on the attached legal description, all plans, drawings, and sketches attached hereto and all the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted.

[Signature] (and) Ann Munson
 Property Owner Property Owner
 _____ (and) _____
 Property Owner Property Owner

SUBSCRIBED AND SWORN to before me this _____ day of _____, 19____.

My Commission Expires:

NOTARY PUBLIC

LINDON CITY CORPORATION
383 WEST LAKEVIEW ROAD
LINDON, UTAH 84042

PHONE: (801)785-5043

RECEIPT NO: 3.97545

APRIL 14, 1997

MUNSON, JAMES & ANN

PLANNING/ZONING FEES-VARIANCE

200.00

TOTAL:

\$ 200.00

CASH
AMOUNT APPLIED:

200.00
200.00

CHANGE TENDERED

\$ 0.00

Introduction.

Jim and Ann Munson request a variance be given to build a home on the front portion of a lot they own in Lindon. They will be building a road on their property that could enable other property owners to split and sell their property and make a little cul-de-sac across the street from another subdivision. It would also keep this property from becoming land locked. The property owners do not currently wish to do this but would like to in the future. The building of this road would enable the Munsons to build another home on the front of their property.

Purpose of Request.

The purpose of this request is to ask the Board of Adjustments to approve a variance on the minimum depth of property from 100 feet to 87 feet 9 inches (Actual field measurement of 91 feet). The depth varies the measurement given is the minimum depth the farthest east portion of the lot measures 99 feet 6 inches.

Responses to questions 1 through 5 on the Variance Application.

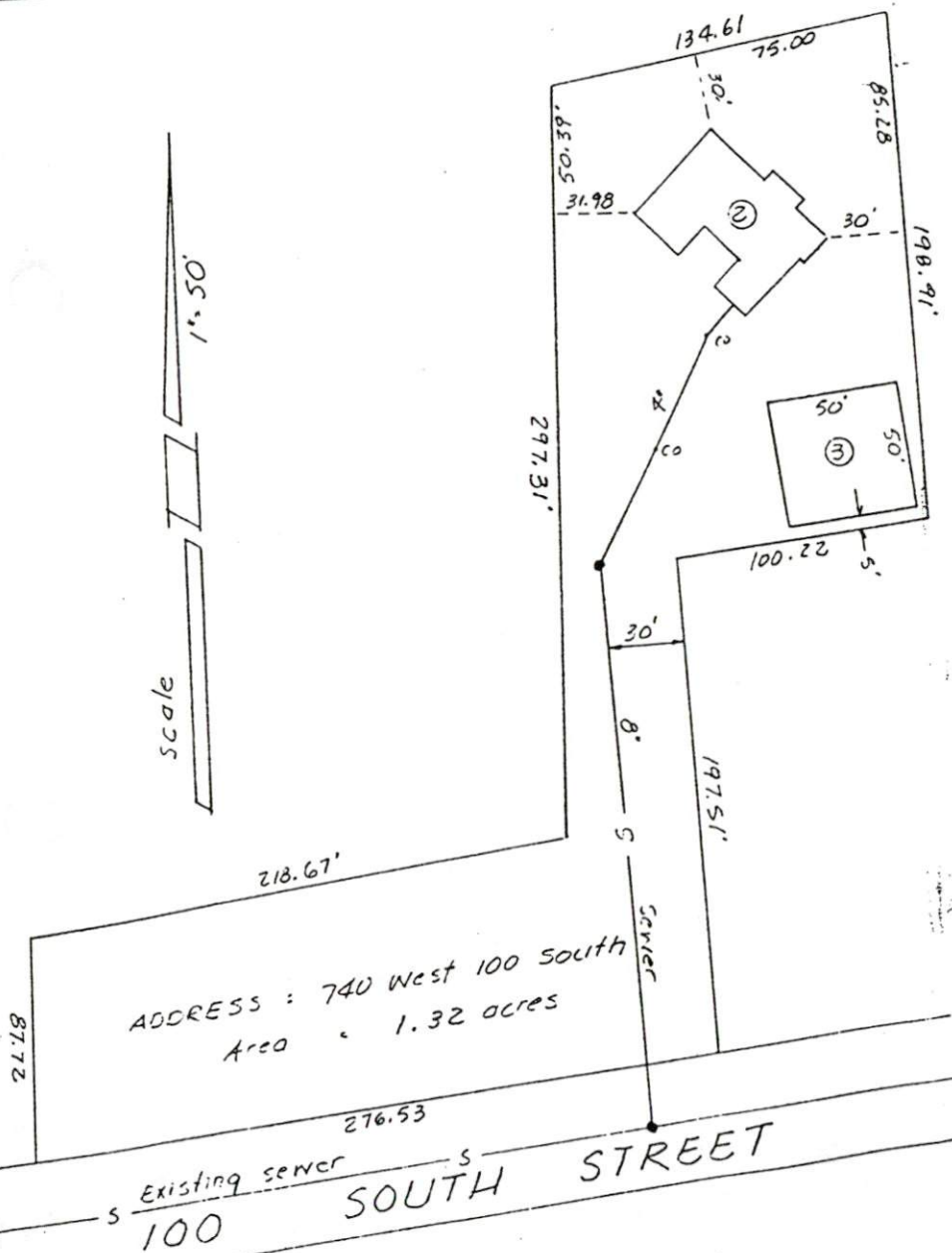
1. The lot is an odd shaped lot we have not seen any other lots in Lindon shaped in this manner. The best way to describe it is a double flag shaped lot. In order to build on the frontage portion of the lot we need to provide a road to the back portion of the lot. This would be done. The road would meet minimum requirements for the City.

2. The portion we are requesting a variance on would be an asset to the community as a house and not a vacant field collecting trash. The lot directly west has a home built on it which has the same depth as the lot we are requesting a variance for.

3. Granting of this application would enhance the property rights of all homes in the area. It would do this by allowing a home to be built on a lot that would otherwise be detrimental to the neighborhood in the future.

4. The granting of this application would be a benefit to the persons residing in the neighborhood. Far from being injurious it would add to the improvements taking place currently. There is a small subdivision being built directly south of the lot in question. The future home owners, and families moving into those homes have less to fear from a nice home than a vacant field with barb wire fences.

5. The spirit of the low density residential lot is one of size. The lot in question would meet the size requirements for a lot in Lindon it does not meet the depth requirements. As stated earlier it would be on a lot that would look much like the home directly west. It would enhance the property values of the homes around it and meet the spirit of low density housing.



NOTES

1. All work shall conform to Lindon City Standard Specification, Drawings, and ordinances.
2. Proposed home - see accompanying plans
3. Proposed Garage / Shop - shall be either block or steel. Plans shall be submitted prior to construction.

CURRENT

SITE PLAN
FOR
JIM MUNSON
LINDON, UTAH

DESIGNED BY JM
DRAWN BY DCA
CHECKED BY
SCALE 1" = 50'

ALLEN CONSULTING SURVEYORS
532 North State Street
Lindon, Utah 84042
785-0857

DRAWING NO. S-1
SHEET 1 OF 1
PROJ. NO. 97011
DATE JAN 97

Homeowner
Notification

April 29, 1997

Dear Homeowner,

The purpose of this letter is to inform you that Ann and Jim Munson have applied for a variance in the depth of a lot. This lot is located at 740 West 100 South in Lindon. They are required by City ordinance to notify you of the request.

The request for variance is scheduled to take place May 15, 1997 at 7:00 P.M. the office is located at Lindon City Hall, 383 West Lakeview Road, Lindon Utah. This meeting will take place before the board of Adjustments. Any interested parties are invited to attend.

By reading and signing this letter you acknowledge your notification of this request for variance, and the meeting scheduled to hear the request.

Sincerely,

Ann & Jim Munson

Ann and Jim Munson

<i>Wayne Whiteley</i>	<i>79 So. 800 W</i>
<i>Zed E. Johnson</i>	<i>85 So. 800 W</i>
<i>Dean R. Johnson</i>	<i>710 W. 100 So.</i>
<i>Laure Hanning</i>	<i>680 W. 100 So.</i>
<i>Jim N.H.</i>	<i>780 W. 100 So.</i>
<i>Andy Frost</i>	<i>775 W. 100 So.</i>
<i>RL</i>	<i>118 S. 740 W.</i>

Homeowner
Notification

April 29, 1997

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Sincerely,

Ann and Jim Munson

Bill Vagstad

360-5206

690 W. 100 So.

Front cover reads: Approved 5/15/97

CITY OF LONDON

PRELIMINARY PLAT
MUNSON

LINDOM

SCALE: 1" = 50' FEET

