

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **July 12, 2011** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers,
4 100 North State Street, Lindon, Utah.

5 Conducting: Matt Bean, Chairperson
6 Invocation: Ron Anderson, Commissioner
7 Pledge of Allegiance: Del Ray Gunnell, Commissioner

8 **PRESENT**

ABSENT

9 Matt Bean, Chairperson
10 Ron Anderson, Commissioner
11 Sharon Call, Commissioner
12 Angie Neuwirth, Commissioner
13 DelRay Gunnell, Commissioner
14 Adam Cowie, Planning Director
15 Woodworth Mataele, Assistant Planner
16 Kathryn Moosman, City Recorder

Christian Burton, Commissioner
Carolyn Lundberg, Commissioner

17 The meeting was called to order at 7:05 p.m.

18 **APPROVAL OF MINUTES** – The minutes of the meeting of June 14, 2011 were
19 reviewed.

20 COMMISSIONER CALL MOVED TO APPROVE THE MINUTES OF THE
21 MEETING OF JUNE 14, 2011 AS AMENDED. COMMISSIONER NEUWIRTH
22 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
23 CARRIED.

24 **PUBLIC COMMENT** –

25 Chairperson Bean called for comments from any audience member who wished to
26 address any issue not listed as an agenda item. There was no public comment.

27 **CURRENT BUSINESS** –

- 28
- 29 1. **Cont. Plat Amendment** – *Creekside Retirement Subdivision Plat A –southeast*
30 *corner of 500 N & 1700 W* –This item was continued from the June 28, 2011
31 Planning Commission meeting. This is a request by Steve Maddox for approval
32 of a plat amendment to the Creekside Retirement Subdivision, Plat A, which is
33 located in the R3-0 zone. The applicant is proposing to amend the current age
34 restriction and change the building footprints to allow detached single family
35 homes. Recommendations will be made to the City Council.

36 Chairperson Bean invited Mr. Maddox to come forward to address the issues
37 continued from the last Planning Commission meeting. Mr. Cowie stated that the
38

2 Planning Commission continued the discussion with Mr. Maddox, from the last
4 Planning Commission meeting, regarding the Creekside Retirement Development and
6 their proposal to modify the plat to allow single family residents to be housed there;
8 the current development agreement with the City indicates that it will be a retirement
community. He went on to say, that there are a few requested items to be addressed
from the last meeting that have been brought back before the Commission. Those
items needing to be defined are as follows:

- 10 1. 10% minimum of the twin homes would go on the plat with a limited
common area.
- 12 2. The new plat identifies the 35 additional off street parking spaces.
- 14 3. Red curbing in front of the hydrants.
- 16 4. Entrances are also shown as red striped on both sides and the perimeter
is also red curbed.
- 18 5. The age restriction has also been lifted.
- 20 6. Street lights have been identified.
- 22 7. 30% of the units are moderate income as required by the State.
- 24 8. The clarifications on the agreement and the changes in wording on the
new agreement that was requested have been completed.

26 Mr. Cowie commented that the new plat is the only thing that has been submitted
28 by the applicant at this point in time and that a copy is in the staff report.

30 Chairperson Bean thanked Mr. Maddox for the new plat. He noted where the twin
32 homes are located and so they can have some percentage of those in the subdivision, so
34 the existing twin home wouldn't be the only one there. He also noted that the additional
36 parking appears to be there and that there are currently 15 stalls in the subdivision, but
noted that it has been increased to the 35 as discussed.

38 Chairperson Bean then asked members of the commission if there were any
40 questions or comments as they review the new plat. Mr. Maddox addressed the
42 commission stating that the language has not been submitted at this time, and that they
44 currently have not solicited the services of an attorney. In addition, the language will be
46 modified and the age restriction stricken and clean it up with council from the City, so it
reads as per the Planning Commission requirements. Mr. Maddox stated that they agree
with everything other than the age restrictions. Chairperson Bean thanked Mr. Maddox
for the clarification.

Commissioner Call commented that she was not present at the last meeting for
discussion and asked Mr. Maddox for information she may have missed. Mr. Maddox
commented that he has been before the Planning Commission and City Council twice
before, not as a voting member, just for clarification, and he feels that it is fairly clear that
there are emotions and opinions about why there should not be a situation where the age
restriction is lifted. He noted that there have been conversations with residents and he
understands why they feel that they were abandoned. Curtis Miner, from the Curtis
Miner Architectural firm, and whose parents live in the development, encouraged a
neighborhood meeting with not only Creekside but the adjoining community, to look for
a solution to these issues.

2 Mr. Maddox said that Edge Homes does not want to build what the market won't
bear. He went on to say that one year ago, when this was presented, the market
4 conditions were not conducive. Market conditions today are 14% worse than they were
a year ago, and all leads point to conditions not improving in the near future either. It
6 may be as long as 5 years, and 5 years is along time for residents to wait for the situation
to improve. Mr. Maddox feels that they have given the concessions needed to obtain a
peaceful and quiet mixed community and also to be in the City's best interest.

8 Mr. Maddox commented that the bottom line is that this is not a project where
they are asking for an exception to be made in the case; but this is a project where some
10 of the residents living there do not meet the age restrictions as they stand right now. He
also noted that the Mayor indicated that the City is not in the business of policing,
12 meaning they would not evict residents, because of age restrictions, who are currently
living there. Nevertheless, there were enough concessions regarding the density and road
14 widths and some other considerations, that they felt it would be better addressed as a
retirement community. Mr. Maddox went on to say that it was brought up last week that
16 parking, where there is a higher density, is a big consideration, and he did try to create
additional parking (20 Stalls) from the input from the Planning Commission, and he
18 hopes that this is closer to what is acceptable to the residents and the City Council. Mr.
Maddox also stated that something needs to be done because of problems with vagrants,
20 vandalism, weeds, dumping and with an inoperable HOA that should be taking care of
the issues and they currently are not. Mr. Maddox stated the he represents Central Bank,
22 but bigger than that he represents Edge Homes.

24 Commissioner Call inquired what changes have been made from the original plat
and what exactly is different. Mr. Maddox listed the changes as follows:

- 26 1. Added 10% of units as twin homes, so that the twin home that is there would not
be isolated.
- 28 2. Added additional parking in front of the park and on the north and south ends
(gathering area).
- 30 3. Added red curbing to circulate traffic.
- 32 4. Consolidation of units and putting them back into twin homes added additional
parking in the center.
- 34 5. Connectivity of streets.

36 Commissioner Call asked what the estimated square footage is, including the
basement, of the homes they are proposing to put in. Mr. Maddox replied that they are
approximately 3,400 sq. ft. including the basement, for an average home. He also added
38 that the distance between buildings is 10-15 ft. Commissioner Call also inquired about
the size of the backyards. Mr. Maddox replied that there are currently zero, (no
40 backyard), which was one of the concessions, which will allow the ability to fence with a
hatch area of approximately 25 ft x 10-12 ft, and will have a limited common area in the
42 backyard that will allow rights to a garden and/or patio area, or have it fenced for a pet
etc. Commissioner Call inquired about the price range for the moderate income housing.
44 Mr. Maddox replied that it would be between 200-250,000 dollars, but also noted that a
home at cost with restrictions for resale may be lower. Commissioner Call also asked

2 Mr. Maddox how the HOA would be put into place to control some of these issues with
3 this kind of density.

4 Mr. Maddox stated that he has been involved in over 2200 units in situations just
5 like this and they do not turn them over to the homeowner until the culture is established
6 and until there are only one or two units left in the project. He also noted that he has
7 every vested interest in this project to not only see that it is started correctly but ended
8 correctly too, and will see to it that the bylaws are adhered to, i.e., parking, trash, etc., and
9 only when the culture is established, and it is solvent, will they turn it over to the
10 professional HOA President of the Association. Mr. Maddox noted that he has seen
11 several that have maintained them exactly the same and some that actually have even
12 stricter restrictions in place in this market. It is typical where they are dependant on the
13 neighbors for yards and maintenance of the yards and maintenance of the units and so it
14 is set up that the money is pulled into a fund so it can operate very efficiently and
effectively.

15 Commissioner Call asked about the bylaws. Mr. Maddox stated that they have
16 been filed and are deemed voided, so he wants to get back on track and have the
17 modifications in place that were talked about last week. Commissioner Neuwirth
18 inquired as to who the actual owner is and who is paying most of the dues, and at what
19 point does Edge Homes get involved and assume the maintenance. Mr. Maddox replied
20 that it is the day they begin construction, and until then it is Central Bank. Commissioner
21 Neuwirth went on to voice her concerns about the current owner's situation and the City
22 Councils point of view and the current market situation, but she also has concerns that
23 they can't leave it as is with the current home owners and Central Bank not stepping up
24 and doing the maintenance.

25 Mr. Maddox noted that he had spoken with Phil Brown, Chief Building Official,
26 about weed abatement etc. He also noted that Central Bank is just one of many that are
27 delinquent and in this same situation. Commissioner Neuwirth observed that after
28 reading the new proposal, she feels that the City Council gave up the density and the
29 street widths, and does understand the need for a retirement community, but with the
30 current market that would be hard to fill right now. She also stated that she thought a
31 better environment could be created and thought that a middle ground could be met.

32 Commissioner Gunnell pointed out that he felt like Mr. Maddox was asking a lot
33 of the Commission. Mr. Maddox commented that he felt this would be a solution to the
34 problem and would be willing to invest in the community and try to help these residents
35 that are in a quandary, and in a bad situation, and that this is incumbent on the Planning
36 Commissioners of Lindon City to help find a solution. Commissioner Gunnell stated that
37 he has lived in Lindon for 25 years and has seen the mistakes made in the community that
38 residents have had to live with, and does not want to make a decision that residents will
39 not like 5 years from now. He went on to say that he thought it should be replatted to
40 comparable lot sizes. He also suggested re-platting it to the comparable lot sizes of the
41 Fieldstone Development and to decrease the density and abandon the common area and
42 the corner lots. He also thought that there may be a better solution than the high density
43 that is requested.

44 Chairperson Bean said he realizes the value of the property is based on the income
45 that it can produce, and it would be difficult to walk away from or try to re-plat and
46 reduce the density, but that appears to have been the request of the City Council from the

beginning. He also pointed out what would change with the City Council regardless of what the Planning Commission recommends is that this is single family vs. retirement. The number of units is problematic, and there are some on the City Council and Planning Commission who are sensitive as to what it requires to make this project pencil out. This is an obstacle unless it is addressed somehow by the owners; it will be difficult to get around. Chairperson Bean stated to Mr. Maddox that he realized he was here a year ago, and that he had talked about removal of the two units, and adding curbing on the interior streets and adding some parking, and a couple of other things, but other than those items, it appears that nothing significant other than the parking has been changed since last year outside of conditions being worse now.

Mr. Maddox replied that this whole situation is worse for the residents than it was a year ago, he does not have a vested interest financially and that Central Bank's position is to re-plot and to go back to density. Central Bank is the most solvent bank in Utah and their position is to hold and deal with it in 5 or 6 years, when the market may allow for it or maybe 10 years, whatever the time frame may be. He went on to say that the travesty in all of this is that the residents are living there without an option and are handcuffed. Chairperson Bean stated that it is a difficult situation.

Commissioner Anderson asked if Central Bank has lived up to the HOA and if the development agreement had been a little more specific would there be any legal action that could be taken to make Central Bank live up to the HOA or pay any fees. Mr. Maddox stated yes, they have lived up to their obligation as land owner and that is really all that they are obligated to, which is weed abatement, and that they do own a portion of the street but not all of it and that they are not required to plow the streets.

Commissioner Anderson went on to say that he agrees that it needs to be replatted and add in the parking spaces, he also noted that the intention is not to have all entry level homes. He then stated that in Lindon, there are high density areas; on 1 acre there may be two tri-plexes, but they are spread throughout town and noted that this is concentrated all in one area. City policy has tried to avoid this in the past, and we realize that it would be hard to come in and take a lot out, but this is so extremely dense. Green Valley is the only development with an HOA that has come to the City and actually worked.

Commissioner Call voiced her concerns that a 3,400 square foot home is not a small home on that size of a lot, and asked if the "Sleepy Ridge Development" in Orem has the same lot sizes. Mr. Maddox replied that they are identical in size and pointed out that there are 185 units that have been sold to Utah Valley University students and also to retirees. He also noted that the homes at Sleepy Ridge are 3,600 square feet total, and that the residents love the homes and the lot size. Commissioner Call also commented that homes large enough for large families opens up issues with density, and without a controlled environment, this type of development will decline after the first 5 or 10 years when the original homeowner is gone.

Mr. Maddox replied that that is a concern with any development, and that it lends itself to a segment of people who do not want to live on ½ acre lots. Most places have reduced roads for speed issues anyway. The Green Valley Development has less frontage with more community parking. He went on to say that he agrees with the high density issue, and that it would cost a lot of money to tear out what is there. And the real question from the residents is "what now".

2 Mr. Maddox went on to say that something really needs to move forward
regarding this situation because it is becoming a dumping ground. He stated say that he
4 appreciated everyone’s time and efforts on behalf of the residents. He also stated that he
thought that people would move in if the age restrictions were lifted and pointed out that
singles pretty much live the same lifestyle as retirees.

6 Chairperson Bean commented that with the history of this development, while
sympathetic, and based on previous meetings, he has not seen enough significant changes
8 to approve at this time; they will recommend sending it on to the next City Council
meeting on August 2, 2011. Chairperson Bean called for further concerns, comments or
10 discussion from the Commission. Hearing none, he called for a motion.

12 COMMISSIONER NEUWIRTH MOVED TO APPROVE THE CREEKSIDE
PLAT AMENDMENT AND RECOMMENDED APPROVAL TO THE CITY
14 COUNCIL, COMMISSIONER ANDERSON SECONDED THE MOTION. THE VOTE
WAS RECORDED AS FOLLOWS:

16 COMMISSIONER ANDERSON	AYE
COMMISSIONER NEUWITH	AYE
18 CHAIRPERSON BEAN	NAY
COMMISSIONER CALL	NAY
20 COMMISSIONER GUNNELL	NAY

THE MOTION WAS DENIED (3-2) WITH TWO ABSENT.

- 22
2. **Concept Plan: Ultimate Sports Park – 300 North Geneva Rd** – This is a
24 request by Cade Schaerrer for review of a concept plan for an indoor sports
complex, which would be located in the LI (Light Industrial) zone. The
26 applicant intends to provide a venue for year around athletic activities such as
football, baseball, and lacrosse with a commercial use aspect attached. This
28 item will be forwarded to the City Council for review at their next available
meeting.

30

Chairperson Bean welcomed the applicants to approach the Commission. Cade
32 Schaerrer and Chris Olsen approached the bench. Mr. Mataele stated that Mr. Olsen is
the current owner of the property of a proposed indoor sports park in the LI (Light
34 Industrial) area off of 350 North and Geneva Road, adjacent to Pheasant Brook Park.
This would be an indoor venue for year round athletic activities, such as football,
36 baseball, soccer and lacrosse. He went on to say that the east portion is listed on the
parks and trails master plan and is not currently owned by the City. What they are
38 proposing is to partnership with the City by completing the expansion with the City
purchasing the property.

40 Mr. Mataele stated that this is a unique project as it has an air supported
structure that will cover the fields. He then showed several pictures of domes showing
42 other indoor fields. He also noted that the applicants wanted to get input and feedback
before actually putting in an application and going before the City Council. He noted
44 that this proposed structure is 50,000 square feet with a 70 ft. high dome. Currently
the code for LI zone is 48 ft. maximum.

2 Mr. Schaerrer expressed his feelings that a place like this would keep kids
3 busy, where they could go anytime and practice. The purpose is to get kids playing in
4 an organized manner, where it is safe and also be able to learn things about life, and
5 sports is a great way to accomplish this. He went on to say that this could potentially
6 be the best sports complex in Northern America and that he does have foundations that
7 are willing to donate to this project. Mr. Schaerrer noted that they just wanted to get a
8 feel and find out what the Planning Commission thinks before they invest in the
9 project. He indicated that the biggest issue here is the height of the structure, but that
10 is what makes it unique. It will give the feel of a live game situation, and it will also
11 be able to be used in the winter months. He also noted that this would draw people
12 here and be a great boost to the economy and bring in local businesses.

13 Commissioner Neuwirth asked the size of the field. Mr. Schaerrer replied that
14 there are two fields inside that are 90 ft. to 60 ft. and they are arena style. He also
15 noted that the commercial aspect would be very beneficial. It would bring in retail,
16 i.e., physical therapy, sporting goods, chiropractic, anytime fitness, massage etc. What
17 they want to do is get kids' playing, that is the ultimate goal.

18 Commissioner Gunnell asked which area the city would purchase. Mr.
19 Schaerrer replied that it is 7 acres. Mr. Olsen commented that it would be in the best
20 interest of the City to build out. He also noted that it would be a nice facility and
21 would add to the community and give kids a great place to go. Mr. Olsen also
22 commented that he feels this is an overall good project that would meet a lot of needs.
23 He also noted that this was cohesive and went together nicely, and could be a good
24 opportunity for the community and bring in a lot of revenue.

25 Commissioner Neuwirth stated that it seems like a good move for that area but
26 is a little concerned about the traffic from future ball fields and the detention basin.
27 Mr. Cowie noted that this is just a preliminary concept and the detention basin was
28 designed to accommodate future ball fields. Mr. Cowie also stated that this would
29 require an ordinance change to allow a building to exceed the 48 ft. height limit, so
30 there may be specific regulations that would have to be adopted to allow that, also, in
31 our heavy industrial zone the height limit is 50 ft., (which is 2 feet higher than the LI)
32 so it would need the additional 20 ft. because of the dome. He went on to say that this
33 is the plan that was approved by the City Council when Pheasant Brook was being
34 developed, and the intent was to eventually develop and purchase the east side of Mr.
35 Olsen's property. Mr. Cowie stated that with the General Plan review that was done a
36 few weeks ago, that has actually not been finalized by the City Council yet, looked at
37 the entire area out to Geneva Road and the Planning Commission has recommended
38 that it be added to the General Plan with a potential park area, so it seems in
39 conformance that we would expand that area. Mr. Cowie noted that Mr. Schaerrer has
40 met with the Mayor and Mr. Cowie and staff, and stated that there are concerns with
41 the height requirements and architectural standards with the bubble, but there is an
42 interest to explore the partnership, and recommends sending it to City Council for the
43 next meeting. Mr. Cowie also commented that there are financial issues and an
44 agreement with the City to consider, but the general concept and general layout is
45 good.

46 Commissioner Call concluded that the main issues on this project would be
47 financial issues and the height of the dome and the impact on the neighborhood. Mr.

2 Schaerrerr noted that his opinion is that most people would want something there and
would think that it would be a beneficial addition to Lindon City. Commissioner
4 Neuwith brought up the parking issues. Mr. Schaerrerr noted that there would be over
300 parking spaces available with easy access off of Geneva Road, and also from the
freeway.

6 Commissioner Gunnell asked Mr. Schaerrerr if there would be more than one
dome. He replied that there would only be one dome (70ft). Mr. Cowie noted that the
8 indoor dome at BYU is 100 ft. in height. Mr. Schaerrerr also noted that the dome at the
American Fork Fitness Center is 65 ft. in height. Commissioner Anderson commented
10 that he thought that this would potentially be a good project and an asset to the
community.

12 Mr. Olsen commented that the dome would be separate from the commercial
structures and that the entrance to the dome would be through doors. Commissioner
14 Gunnell expressed concerns about the fire issues. Mr. Cowie stated that Orem Fire
Department has ladder trucks and would provide fire services. Chairperson Bean
16 inquired if there would be problems with excavation and the water table. Mr.
Schaerrerr replied that there could be issues regarding those items and they would have
18 to plan for that.

20 Mr. Cowie asked Mr. Schaerrerr if a 50 ft. dome would be doable or if it had to
be 70 ft.. Mr. Schaerrerr replied that it would be hard to do without the 70 ft. height, if
not, they may have to go to a steel building, but the dome would be the ideal situation.
22 He also noted that a 60 – 65 ft dome may suffice.

24 Chairperson Bean asked if there were any other questions or comments. He
also stated that this looked like it would be a great project and that they would send it
on to the next City Council meeting. He then thanked the applicants for coming and
26 presenting this concept for review.

- 28 3. **Action Item: Election of new Planning Commission Vice Chair**– At the
beginning of each calendar year the Planning Commission nominates and votes
30 on a new Chair and Vice Chair. The current Chair is Matt Bean. Mark
Johnson was acting as the current Vice Chair. Due to the release of Mark
32 Johnson as a Commissioner, there is a vacancy for Vice Chair that needs to be
filled. New nominations and votes will be made, with the new appointment
34 being effective at the July 26, 2011 Planning Commission meeting.

36 Chairperson Bean accepted nominations by members for the appointment of
the new Planning Commission Vice Chair and votes will be made with the new
38 appointment being effective at the July 26, 2011 Planning Commission meeting.

40 Commissioner Anderson then nominated Commissioner Call for Vice Chair.
Commissioner Call nominated Commissioner Neuwirth. Commissioner Neuwirth
42 nominated Christian Burton (absent). Chairperson Bean asked if there were any other
nominations, being none he called for a motion.
44

46 COMMISSIONER NEUWIRTH MOVED TO APPROVE COMMISSIONER
SHARON CALL AS PLANNING COMMISSION VICE CHAR, COMMISSIONER

ANDERSON SECONDED THE MOTION. THE VOTE WAS RECORDED AS
FOLLOWS:

COMMISSIONER ANDERSON	AYE
COMMISSIONER NEUWITH	AYE
CHAIRPERSON BEAN	AYE
COMMISSIONER CALL	AYE
COMMISSIONER GUNNELL	AYE

THE MOTION WAS UNANIMOUS WITH TWO ABSENT.

NEW BUSINESS – Reports by Commissioners

Commissioners gave no reports at this meeting.

PLANNING DIRECTOR'S REPORT –

Mr. Cowie reported on the following items:

1. Review of the Tracking list and noted that items keep coming in.
2. Proposed land purchase of 12 acres in the commercial zone.
3. Planning Commission meeting on August 2nd is cancelled because of Lindon Days, so there is only one meeting in August on the 23rd.
4. Filing dates for the election closes on July 15, 2011 at 5:00.
5. Recommendations on Main Street were approved by the City Council, with a new alignment being worked on by Mark Christensen.
6. Barbara Jones will start on August 1, 2011 as the new Administrative Secretary in Community Development.

Councilmember Bayless was in attendance and asked the Commission, on behalf of the Mayor, if anyone would be available to help cook breakfast on Saturday, August 2nd for Lindon Days. Mayor Dain will be out of the country, so he will not be able to attend. Chairperson Bean, and Commissioners Anderson and Gunnell stated that they will check their calendars and let Councilmember Bayless know if they are available.

ADJOURN –

COMMISSIONER CALL MOVED TO ADJOURN THE MEETING AT 9:15 P.M. COMMISSIONER NEUWIRTH SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Approved – July 26, 2011

Matt Bean, Chairperson

Adam Cowie, Planning Director