

2 The Lindon City Council and Planning Commission held a Joint Meeting on **Thursday,**  
3 **July 7, 2011** beginning at 6:00 p.m. in the Lindon City Center, City Council Chambers,  
4 100 North State Street, Lindon, Utah.

6 Conducting: James A. Dain, Mayor

8 **PRESENT**

**ABSENT**

10 James A. Dain, Mayor  
11 Bruce Carpenter, Councilmember  
12 Lindsey Bayless, Councilmember  
13 Jerald I. Hatch, Councilmember  
14 Bret Frampton, Councilmember  
15 Matt Bean, Planning Commission Chairperson  
16 Ron Anderson, Planning Commissioner  
17 Chris Burton, Planning Commissioner  
18 Sharon Call, Planning Commissioner  
19 Del Ray Gunnell, Planning Commissioner  
20 Ott H. Dameron, City Administrator  
21 Adam Cowie, Planning Director  
22 Kathryn Moosman, City Recorder

Mark L. Walker, Councilmember  
Carolyn Lundberg, Planning Commissioner  
Angie Neuwirth, Planning Commissioner

24 The meeting was called to order at 6:07 p.m.

26 The Lindon City Council and the Lindon City Planning Commission held a Joint Work  
27 Session to discuss the Creekside Retirement Subdivision located at approximately 500  
28 North 1700 West in the R3-) zone. No motions will be made in this work session.

30 **DISCUSSION** –

32 Mayor Dain opened the joint work session by welcoming everyone in attendance.  
33 He went on to say that this meeting was called to address the proposed plat amendment  
34 for Creekside Retirement Plat A, and wanted the Planning Commission to understand that  
35 the meeting was not called in an attempt by the City Council to sway the Planning  
36 Commission on this issue. He went on to say that they thought it was important to  
37 understand the early agreements that were made on the development and to have a  
38 knowledgeable base as to what agreements were originally decided upon.

39 Mayor Dain asked the three council members in attendance that were involved in  
40 this particular project at its inception if they would like to give their perspectives on the  
41 issues.

42 Councilmember Bayless commented that there is, in fact, a strong opinion  
43 regarding this issue and a lot of time and work has gone into this development; and after  
44 a number of applications, they ended up working with Fieldstone Development because  
45 they were willing to make this an affordable place to live. She went on to say that there  
46 are a lot of great residential areas in Lindon, but with very few areas that are affordable.

2 She noted that as they went into this issue there was a lot of discussions and many  
4 versions of this project; and they were willing to have some moderate income and  
6 affordable senior housing for Lindon residents who wanted to stay in Lindon but couldn't  
8 handle the ½ acre parcels, and that they were, in fact, in favor of having a semi-retirement  
10 community. They agreed and were willing to do this. And it became clear that they  
12 would sell, but under the agreement they would have age limitations that would be for  
14 senior couples and single individuals. She also noted that the decision was made to allow  
16 twin homes and narrow the profile of the streets so that it would be possible to make it  
18 marketable and for the developer to also make a profit; and that this is what the City  
Council was hoping for, a pleasant senior living development with parks and other  
amenities. These were the things that were negotiated for. Councilmember Bayless went  
on to say that how and why things have fallen apart is a long story, but basically it is due  
to the financial aspects and the changing of hands; and that is what happened, by  
allowing the area to develop with twin homes and smaller lots to market for seniors who  
did not want big yards, but wanted parks for their grandkids, less traffic flow and  
narrower roads, and also with a maximum of 2 vehicles per home. Councilmember  
Bayless stated that the City Council compromised in a lot of ways to make it possible for  
seniors to have this offered to them.

20 Councilmember Carpenter stated that the original concept was to create a  
22 different kind of community that was affordable and that would also offer access for the  
24 elderly. These were the primary considerations. Also, if it was just single family homes  
26 with that kind of density, and with the HOA arrangements, they would have narrower  
28 streets and all those things the developer felt would be important to help develop this  
30 area, and it would create a population that wouldn't be at all like the rest of the city. He  
32 noted that the only distinction would be age, senior population, and perhaps, to some  
34 extent, low income. He also stated that our position is that we are required by the State,  
36 to have affordable housing initiatives in place, and, with the absence of that, we could be  
subject to law suits. He went on to say that they did, in fact, believe the developers, but  
with the nature of the property, particularly with the water table, the only way to make it  
affordable with large lots, would be to build expensive homes; and in that location they  
wouldn't sell and the only way to make them affordable would be to have higher density.  
He also noted if they had come in and proposed this was to be like the rest of the  
development, with the same lot sizes and full street widths, we might have accepted that.  
Councilmember Carpenter also stated that with the new proposal, he was reluctant to  
dismiss the narrow street profile and any type of increased daily trips etc., whether it was  
red striped or not, the residents would park there and it would create problems.

38 Councilmember Hatch stated that the development was never designed for people  
40 to park on the street. He also stated that he had concerns with decreasing the ½ acre lot  
42 size ordinance, and thought there would be a lot of citizens also not in favor of decreasing  
44 the ½ acre lot sizes. So with the negotiations going back and forth concerning affordable  
46 housing, the Council thought maybe it might work to put some at Creekside. He noted  
that this was done as a test area, and that it has not been expanded at all. When they were  
done, we as a Council were still not totally comfortable with how they did it, (note: since,  
it has turned into a wonderful community). Councilmember Hatch also noted, when the  
new developers took over the senior citizen portion of the development, they came to the  
planning commission and council and wanted to change a lot of the stipulations that were

originally part of the agreement that allowed for the whole development to happen in the first place.

Councilmember Carpenter stated that Fieldstone made it clear that they didn't build that kind of a home and had no intention of doing so; but, they could appreciate it in this part of the development and that is why they agreed to the development agreement, with the expectation that they would sell to someone who would do that kind of development; the original buyer could not make it work, or it was delayed and the economy went sour.

Mayor Dain commented that what we have now is this development plan with all the concessions that were allowed, and now the new developers just want to come in and say "thanks for all the concessions, but I just want to make it look like the rest of Fieldstone and make them into single family homes." Councilmember Bayless commented that she understood that they want to build Single Family Homes, but on the lot sizes that were intended for twin homes.

Commissioner Burton stated that Council worked very hard for 6 years and only 3 homes have been built, and that this is just not working. He also stated that we need to get going on the parking issues and deal with the parking. He went on to say that there are people on the hillside who are retired and who want a smaller home and still be able to stay in Lindon, and he thought that this would be workable. Councilmember Carpenter noted that it is clearly a bigger market if you open it up to anyone, and it becomes quite affordable and attracts a lot of people who are looking to get into a home of any kind. He also stated that if you really want single family dwellings you could combine 2 or 3 lots into one. He then asked Mr. Cowie what the size of the lots are. Mr. Cowie replied they are about 5,000 square feet or about half the size of the lots in the Fieldstone Development.

Mayor Dain suggested building on every other lot and then to abandon every other one. Commissioner Anderson suggested pulling out more parks for parking, and to make sure that it is just for retirees. He also noted that the residents that are living there are frustrated because the bank doesn't do much to keep the property cleaned up, and that maybe the City should get a little more involved.

Commissioner Gunnell also stated that he is frustrated that the bank doesn't make much effort to maintain the property and do something with it, and that the residents call the City and they can't do anything about it because it is bank owned (Central Bank).

Commissioner Bean stated his concerns about parking, but he is a little bit less tempted to go down a road of saying even if it is red striped then people would still park there anyway. He also pointed out that if we approached every city policy like that we would not have any city laws or code, because we would say that people are just going to break them anyway. Mr. Cowie stated that this would be a private road that the City would not maintain it and that it would be referred back to the HOA.

Mayor Dain commented that people get into an HOA, the streets deteriorate and 2 to 3 owners later the street doesn't work and they are asking the City to please take it and fix it; and this is a concern. He also stated that it was suggested to the developer to reduce the density by cutting the lots in half and see how it works, and by making the driveways larger with more off street parking etc; but there doesn't seem to much economic incentive to do it, and that is not the City's responsibility either.

2 Councilmember Carpenter stated that in some ways we are denying the problem  
by potentially approving this application, and that may create a true liability for us with  
4 creating a dense situation with inadequate roads, and they may come back and say that  
the City approved this and then it will become a true liability.

6 Mayor Dain stated that for a HOA to be successful we need to police it and if it is  
not it could become like an ill designed trailer park with parking lining the streets etc. He  
went on to say that he feels that the parking would be the biggest problem.

8 Councilmember Carpenter stated that he appreciates the priority to complete the  
development rather than worry about what will happen if kids move in. Mayor Dain  
10 commented that he just doesn't want this to be an eyesore and would love to see  
something happen down there, even though it is not a good market for seniors right now.  
12 Marketing to seniors is currently not a good economic plan. Councilmember Carpenter  
stated that from a builder's perspective they are ahead of the game and they will sell at  
14 the highest price per ratio of ground and that we should not be too accommodating at that  
point.

16 Mayor Dain pointed out one place where there has been success. The twin homes  
by Oak Canyon Jr. High School that had the required circular drive that created the off  
18 street parking mandate. Councilmember Frampton commented that did indeed work.  
Councilmember Carpenter commented that it did require a big setback and an adequate  
20 drive to not park in the street. Commissioner Call asked about the comparison of Green  
Valley Condos street width to Creekside. Mr. Cowie stated that the density is similar and  
22 the street width is close. Councilmember Frampton commented that there would still be  
a lot of retirees and could be a very nice neighborhood with bigger units with full  
24 basements with a nice lot size so there is plenty of room. Commissioner Anderson  
inquired about entry level housing and if it could be a mix. Councilmember Frampton  
26 stated that it needs to be sent back to Planning Commission again for more discussion.

28 Mayor Dain commented that it is a new proposal from the same developer. He  
also stated that the density needed to be significantly reduced. Councilmember Carpenter  
asked Mr. Cowie if he could get the width of green valley compared to creekside. He  
30 noted that the Green Valley worked out well and that it has been that way most of the  
time with the narrow street profile and the close proximity of the homes and with a strong  
32 HOA. Mr. Cowie replied that Green Valley is 30 ft of asphalt and Creekside is 28 ft. He  
also noted that there are other streets in the city that are 28 ft., Lakeview road, Center  
34 Street at 800 East, and other smaller segments, but it is the density that is the difference.

36 Commissioner Call commented that it appears that there would have to be a really  
strong HOA like Green Valley has, and one of the things they have seen is that the initial  
residents fit the profile but then as they sell they keep it as an investment and they start  
38 renting them and then you get a whole different profile living there. Councilmember  
Bayless asked Mr. Cowie how the lots in Green Valley compare to Creekside. Mr.  
40 Cowie said he would get that information, he also stated that they are platted individually,  
with a condo pad and a limited common area but are also part of the HOA.

42 Mayor Dain gave an example of a development in Orem off of 1600 north called  
Northridge, which is a very large, mature, multi-family development that has very narrow  
44 streets with an HOA that probably never existed or failed. He noted that the streets are so  
small that a school bus would have a hard time getting through.

2 Commissioner Call asked if the City Council would prefer that the property stay  
vacant rather than have anything but a retirement community come in. Mayor Dain  
replied no, they would not like to see the property vacant. They would like to have it  
4 with substantially reduced density or to go back to a retirement community.

6 Commissioner Gunnell commented that it is just a business for these developers.  
Councilmember Bayless added that the developers would make more money with two  
dwellings as opposed to one. She went on to say that there is nothing wrong with that,  
8 but the developers leave and don't have an interest in what they have built and leave the  
City to deal with what is left; that is a big concern. If they can make a profit and still  
10 leave a good product that is the ideal situation.

12 Councilmember Carpenter commented that there are successful town homes on  
plats as small as Creekside and with common parking that is sufficient, and with a strong  
HOA. Councilmember Bayless asked Mr. Cowie if he had an answer on the comparison  
14 of Green Valley to Creekside. Mr. Cowie replied that that Green Valley is, on average,  
approximately 4000 Square feet with a 25-30 ft. backyard area. Creekside are about 3300  
16 square feet with a backyard area of about 20 ft from the back of the house to the back of  
the fence. Councilmember Bayless asked Mr. Cowie about the distance between the  
18 proposed detached single family homes. Mr. Cowie replied that it is between 5-10 ft.  
Commissioner Bean pointed out that the minimum lot size needs to be addressed and  
20 propose that issue to the developer. Councilmember Bayless added that the utilities may  
pose a problem also.

22 Commission Anderson stated that the HOA is the key and that it is important that  
the City doesn't get involved. He went on to say that it is one thing to approve it now  
24 and then to sell it down the road and then basically turn it into what we are talking about  
now, or try to make a nicer product from the start. Mayor Dain noted that he sees a  
26 vision of lots so small that there is only a driveway for parking with 2 stalls and that is it,  
which is not much room. Councilmember Carpenter stated that this has all been pointed  
28 out to the developer; the ultra narrow streets, the lower density issue and more off street  
parking and the developer has come back with trivial changes.

30 Mayor Dain suspected that if the developer comes back to City Council with no  
lower density that it won't be a long discussion. He also added that he doesn't think that  
32 the object for today's meeting was to come up with a solution but rather to see that  
everyone is on board regarding the original agreement. The Mayor went on to say that  
34 the Planning Commission has a tough job to do. And he also added that he thought this  
issue had enough baggage to call a joint meeting.

36 Commissioner Call stated that she really appreciated hearing the input from  
Council and how they see this issue. Mr. Cowie inquired about enforcement, and if it  
38 would be their direction to push the age limitation from staff, because we currently do not  
track age when applying for a building permit. Mayor Dain stated that that would be an  
40 HOA function and it would be mandated as an active retirement community and  
marketed that way. Mayor Dain went on to say that the developer needs to change the  
42 design of the development or show a legitimate plan with more parking or take three lots  
and turn them into two.

44 In conclusion, Mayor Dain stated that this is a quandary with difficult decisions to  
be made, and reiterated that the purpose of the joint session was not to sway decisions but

2 to give a general idea of what the City Council is thinking on this issue. Mayor Dain then  
3 thanked everyone for coming and appreciated their input.

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7 COUNCILMEMBER FRAMPTON MOVED TO ADJOURN THE MINUTES  
8 OF THE JOINT SESSION OF JULY 7, 2011 WITH CORRECTIONS.  
9 COUNCILMEMBER HATCH SECONDED THE MOTION. ALL PRESENT VOTED  
10 IN FAVOR. THE MOTION CARRIED.

12 **ADJOURN** –

14 The meeting was adjourned at 7:05 p.m.

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Approved – August 16, 2011

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Kathryn A. Moosman, City Recorder

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James A. Dain, Mayor

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Approved – August 23, 2011

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Kathryn A. Moosman, City Recorder

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 Matt Bean, Chairperson

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