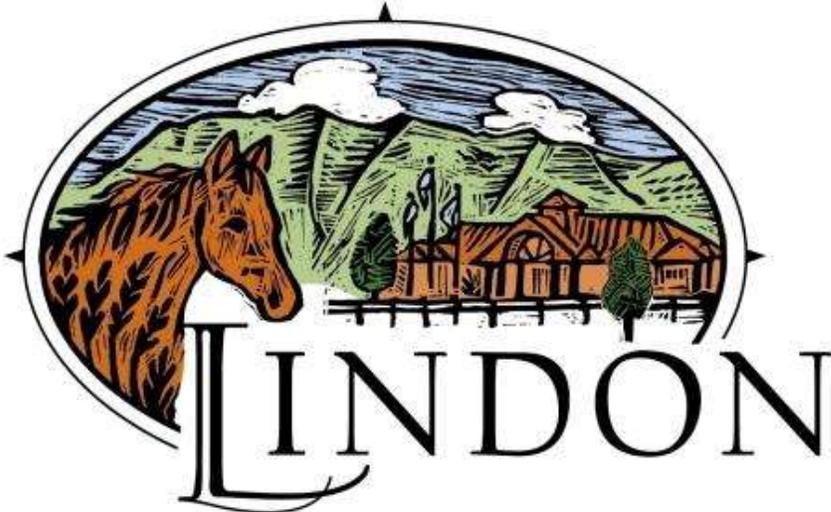


Lindon City Council Staff Report



Prepared by Lindon City
Administration

March 1, 2016

Notice of Meeting of the Lindon City Council



The Lindon City Council will hold a regularly scheduled meeting beginning at **7:00 p.m.** on **Tuesday, March 1, 2016** in the Lindon City Center council chambers, 100 North State Street, Lindon, Utah. The agenda will consist of the following:

REGULAR SESSION – 7:00 P.M. - Conducting: Mayor Jeff Acerson

Pledge of Allegiance: By Invitation
Invocation: Randi Powell

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



(Review times are estimates only)

1. **Call to Order / Roll Call**
2. **Presentations and Announcements**
 - a) Comments / Announcements from Mayor and Council members (5 minutes)
 - b) **Presentation:** Lindon Character Connection – Kathy Allred will present to the Mayor and City Council the accomplishments and activities that have occurred during the 2015 Lindon Character Connection program. (5 minutes)
3. **Approval of minutes:** February 16, 2016 (5 minutes)
4. **Consent Agenda** – No Items
5. **Open Session for Public Comment** (For items not on the agenda) (10 minutes)
6. **Major Subdivision — Lindon Hidden Meadows Subdivision, Plat B (~800 E. Center Street)** (20 minutes)

Danny Bentley requests preliminary approval of a six (6) lot subdivision, including dedication of public street(s), at approximately 800 East Center Street in the Single Family Residential (R1-20) zone. The Planning Commission recommends approval.

7. Council Reports:

- | | |
|--|--|
| <ul style="list-style-type: none"> A) MAG, COG, UIA, Utah Lake Commission, ULCT, NUVAS, Budget Committee B) Public Works, Irrigation/water, City Buildings C) Planning, BD of Adjustments, General Plan, Budget Committee D) Parks & Recreation, Trails, Tree Board, Cemetery E) Public Safety, Court, IHC Outreach, Lindon Days F) Admin., Community Center, Historic Comm., UV Chamber, Budget Committee | <ul style="list-style-type: none"> (20 minutes) - Jeff Acerson - Van Broderick - Matt Bean - Carolyn Lundberg - Randi Powell - Jacob Hoyt |
|--|--|

8. Administrator's Report

(10 minutes)

Adjourn

This meeting may be held electronically to allow a council member to participate by video conference or teleconference. Staff Reports and application materials for the agenda items above are available for review at the Lindon City Offices, located at 100 N. State Street, Lindon, UT. For specific questions on agenda items our staff may be contacted directly at (801)785-5043. 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 801-785-5043, giving at least 24 hours notice.

Posted By: Kathy Moosman
Time: ~11:45 a.m.

Date: February 26, 2016
Place: Lindon City Center, Lindon Police Dept, Lindon Community Center

REGULAR SESSION – 7:00 P.M. - Conducting: Mayor Jeff Acerson

Pledge of Allegiance: By Invitation

Invocation: Randi Powell

Item 1 – Call to Order / Roll Call

March 1, 2016 Lindon City Council meeting.

Jeff Acerson
Matt Bean
Van Broderick
Jake Hoyt
Carolyn Lundberg
Randi Powell

Staff present: _____

Item 2 – Presentations and Announcements

- a) Comments / Announcements from Mayor and Council members.
- b) **Presentation:** Lindon Character Connection – Kathy Allred will present to the Mayor and City Council the accomplishments and activities that have occurred during the 2015 Lindon Character Connection program.

Item 3 – Approval of Minutes

- Review and approval of City Council minutes: **February 16, 2016**

2 The Lindon City Council held a regularly scheduled meeting on **Tuesday, February 16,**
4 **2016, beginning at 7:00 p.m.** in the Lindon City Center, City Council Chambers, 100
North State Street, Lindon, Utah.

6 **REGULAR SESSION** – 7:00 P.M.

8 Conducting: Jeff Acerson, Mayor
Pledge of Allegiance: Zack Bentley, Boy Scout
10 Invocation: Matt Bean, Councilmember

12 **PRESENT** **ABSENT**

12 Jeff Acerson, Mayor
14 Matt Bean, Councilmember
Randi Powell, Councilmember
16 Van Broderick, Councilmember
Carolyn Lundberg, Councilmember
18 Jacob Hoyt, Councilmember

20 **Staff Present**

Adam Cowie, City Administrator
22 Cody Cullimore, Chief of Police
Hugh Van Wagenen, Planning Director
24 Brandon Snyder, Associate Planner
Brian Haws, City Attorney
26 Mark Christensen, City Engineer
Kathryn Moosman, City Recorder

- 28
- 30 1. **Call to Order/Roll Call** – The meeting was called to order at 7:00 p.m.
- 32 2. **Presentations/Announcements** –
- 34 a) **Mayor/Council Comments** – There were no announcements at this time.
- 36 3. **Approval of Minutes** – The minutes of the regular meeting of the City Council meeting of February 2, 2016 were reviewed.

38 COUNCILMEMBER POWELL MOVED TO APPROVE THE MINUTES OF
THE CITY COUNCIL MEETING OF FEBRUARY 2, 2016 AS AMENDED.
COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE WAS
40 RECORDED AS FOLLOWS:

42 COUNCILMEMBER POWELL	AYE
COUNCILMEMBER BEAN	AYE
COUNCILMEMBER BRODERICK	AYE
44 COUNCILMEMBER LUNDBERG	AYE
COUNCILMEMBER HOYT	AYE

46 THE MOTION CARRIED UNANIMOUSLY.

2 4. **Consent Agenda** – No items.

4 5. **Open Session for Public Comment** – Mayor Acerson called for any public
comment not listed as an agenda item.

6
8 **Patrice Snyder:** Ms. Snyder mentioned the city recycling program and questioned if the
implementation of a glass recycling bin is an option. She also suggested to perhaps email
those residents specifically who are not currently recycling to encourage them to do so.
10 Mayor Acerson commented that the city has been promoting recycling and it is trending
upward through education and promotion. Councilmember Powell stated she brought up
12 glass recycling at the last Council meeting for discussion.

14 Councilmember Lundberg commented that some cities have the “opt-out”
program where every service address in the city automatically receives a recycling can
and if they don’t want to use it they can the city to have it removed. Lindon City
16 currently uses the “opt-in” version where those who wish to recycle can call the city to
request it for a nominal fee. She noted the city has been doing a marketing campaign
18 including monthly newsletter articles to encourage and promote recycling in the city.

20 Mr. Cowie stated as a reminder, when they looked into a glass recycling program
Republic Waste indicated they would have to retrofit a container at the cost of \$1000 to
upgrade and it would then be \$325 for each pickup/empty (approx. every 3-6 months). He
22 noted that all residents are notified about recycling through the utilities bill list. Mayor
Acerson stated the Council will consider looking further into the option of glass
24 recycling.

26 Mayor Acerson called for any further public comment. Hearing none he moved
on to the next agenda item.

28 **CURRENT BUSINESS**

30 6. **Public Hearing—FY 2015-16 Budget Amendment, Resolution #2016-6-R.**
The Council will review and consider proposed amendments to the FY2015-16
32 budget as presented by City Finance Director, Kristen Colson.

34 COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT
36 VOTED IN FAVOR. THE MOTION CARRIED.

38 Adam Cowie, City Administrator mentioned that several recent changes and
updates were significant enough that it was prudent to amend the budget accordingly
40 prior to these funds being expended or accrued. He then turned the time over to Kristen
Colson, Lindon City Finance Director, to present the budget amendment report.

42 Ms. Colson then presented the amended budget line items for discussion. She
noted they will be reviewing budget items much more carefully in the coming months.

- 44 • Development in Lindon City is coming in at an elevated pace higher than
anticipated which is increasing revenues which in turn is also causing an
46 increased need for plan review services.
- Interest earnings are also higher than originally budgeted (more cash on

2 hand earning interest).

- 4 • Lindon Days Car Show raised \$5,000 which they donated to Lindon City Police for additional emergency preparedness expenses.
- 6 • Lindon is spending more on public noticing than budgeted.
- 8 • Unanticipated cost of about \$9,700 for the demolition of the tithing office.
- 10 • Repairs to the Chief Building Official's truck were budgeted in the 2015FY, but repairs will be done in the 2016FY.
- 12 • Cost for writing the new Building Permit program is costing more than anticipated.
- 14 • Cost for doing a lighting study at the pool was not originally budgeted for (\$4,000 under the PARC Tax Fund).
- 16 • PARC Tax was budgeted to fund the installation of the sidewalk by the arena on Main Street, in the 2015FY, but was paid for in the 2016FY. The cost was \$22,865 (the bill didn't come until December). Staff has decided to postpone moving the playground at Meadow Park to Creekside Park and replacing it with a new pad and playground. This project was budgeted for \$70,000 and will be re-evaluated this summer.
- 18 • The \$5,000 contribution of PARC Tax funds for Fryer Park playground was not originally budgeted for.
- 20 • Cost for the tennis and pickle ball courts is more than anticipated. Staff is recommending changing the location of the courts from Pheasant Brook Park to Hollow Park. (Increased revenues and postponing the playground at Lindon View Trailhead Park will offset the increased cost of the courts).
- 22 • Reconditioning the pressure reducing stations was budgeted in the 2015FY, but will be done in the 2016FY instead with the cost anticipated to be \$50,000. This will be offset \$22,000 by postponing the rebuild of the traveling screen with a net increase of \$28,000.
- 24 • Revenues and expenses are anticipated to increase in the Recreation fund since the city will now be running the little league baseball program in-house.
- 26 • The changes in revenues and expenses are balanced and offset by changes in the use of, or appropriation to, the fund balances.

34 Ms. Colson concluded by stating the overall city wide revenues increased
36 \$205,500 and expenses decreased \$5,300 with some carry over that increased expenses
38 \$74,265. The use of fund balance (savings) increased \$40,500 appropriating or adding to
the fund balance increased \$177,000. Ms. Colson called for any questions at this time.

40 Councilmember Hoyt asked if the lighting study at the pool was paid with PARC
tax funds. Ms. Colson confirmed that statement. Councilmember Lundberg asked if there
42 is there a cost difference in what was originally planned to move the pickle ball courts
from Pheasant Brook Park to Hollow Park. Ms. Colson stated Heath Bateman estimated
44 \$60,000 (without bids) but when the engineers got involved it was closer to \$125,000 but
the increase doesn't have anything to do with the location.

46 Mayor Acerson called for any public comments or discussion. Hearing none he
called for a motion to close the public hearing.

2 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
4 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6 Mayor Acerson called for any further comments or discussion from the Council.
Hearing none he called for a motion.

8
10 COUNCILMEMBER HOYT MOVED TO APPROVE THE FISCAL YEAR
2015-16 BUDGET AMENDMENTS AS PRESENTED IN RESOLUTION #2016-6-R.
12 COUNCILMEMBER POWELL SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

- 14 COUNCILMEMBER POWELL AYE
- 14 COUNCILMEMBER BEAN AYE
- 16 COUNCILMEMBER BRODERICK AYE
- 16 COUNCILMEMBER LUNDBERG AYE
- 18 COUNCILMEMBER HOYT AYE

18 THE MOTION CARRIED UNANIMOUSLY.

20 **7. Review & Action—Bid Award, Lindon City Public Safety Building.**

22 Competitive bids for the Lindon City Public Safety Building were received on
February 11, 2016 with Warner & Associates Construction, Inc. being the low
24 bidder with a bid of \$3,657,991.86 (includes base bid and recommended
alternate bid items). Staff recommends awarding the project to the low bidder.

26 Mr. Cowie opened this discussion by giving some background of this agenda
item. He stated Lindon City solicited bids to construct a combined fire/police public
28 safety building consisting of approximately 17,500 sq. /ft. of office space, living quarters,
and equipment bays. There were 9 bidders that were prequalified with the low bidder
30 being Warner & Associates. He noted that four of the bigger companies passed on the
submitting a bid. He added that staff feels good about the bid number.

32 Mr. Cowie then referenced the base bids only as follows:

- 34 \$3,606,753.53 Warner & Associates Construction
- \$3,646,350.00 Valley Design & Construction
- \$3,735,677.13 Ellsworth Paulson Construction
- 36 \$3,753,600.00 Bud Mahas Construction
- \$3,999,927.74 Zwick Construction

38
40 Mr. Cowie stated Warner & Associates Construction, Inc. is the low bidder on
both the base bid and inclusion of the selected alternate bid items. With inclusion of the
42 police department being fully finished and all the alternates being selected, the total bid is
almost exactly the same as estimates for building and site work costs that were presented
44 to the Council on November 17, 2015. He noted that the given the bid pricing meets
estimated costs, staff is recommending moving forward with the bid award subject to the
46 city obtaining final contract documents from the contractor, and receiving acceptable
financing. The market pricing and closing date for the direct placement bond is expected

2 to occur on March 3, 2016. The contractor will be required to complete the total project
by December 22, 2016 with all landscaping installed no later than October 1, 2016.

4 Mr. Cowie asked the Council for direction on the north Aquatics (grassy area)
parking lot alternate at a cost of \$35,091.54 for a net increase of 11 new parking spaces,
6 and also the alternate for the majority of site work, drive entrances, and Aquatics parking
lot to be completed by May 28th at a cost of \$8,840.00 (items are both included in the
8 total recommended bid amount). He noted that staff recommends approving the alternate
as the cost is worth it for the season at the aquatics center to make it user friendly.

10 Mr. Cowie noted that previously anticipated amounts of approximately \$120k to
\$200k still remain for Furnishings, Fixtures, and Equipment (FF&E) including
12 appliances, IT & phone systems, and security systems. These items are traditionally not
part of a construction bid and the responsibility of the owner. He noted they are in
14 process of obtaining bids on several of these items. The majority of anticipated
contingency funds will be available for possible change orders. He explained that
16 depending on bids for FF&E items they anticipate total bonding needs of approximately
\$2.7 million with the remainder of the project paid in cash. He stated he will bring it to
18 the committee on March 3rd which consists of Mayor Acerson, Councilmember Bean and
Councilmember Hoyt. There was then some general discussion by the Council regarding
20 this issue.

Mr. Cowie gave a breakdown noting the bid includes the combined building costs
22 and the site work, he noted that more detail and contract documents will be coming from
the contractor when awarded. He pointed out that based on rough number approximately
24 \$500,000 could be assigned to RDA funds.

26 Mayor Acerson asked for the Council's thoughts at this time.

28 Councilmember Hoyt stated he is comfortable with the RFP process and
understands the obligation to award to the low bidder, but he still has concerns with
30 the financing and would prefer putting more down, but he is fine in this process of
awarding the bid as they are two separate items.

32 Councilmember Bean agreed with Councilmember Hoyt's statement.

34 Councilmember Broderick also agreed with Councilmember Hoyt's statement but
36 he would not select alternate one or alternate two (he would include the police
finish).

38 Councilmember Lundberg commented that she feels the parking will be needed at
40 some point in the future and that it doesn't close the option to add it later with cash
funds and do less bonding.

42 Councilmember Powell commented that she would like to move forward and is in
44 favor of taking out option one and leaving in numbers 3, 4, and 5.

46 Councilmember Broderick asked Mr. Cowie what the new amount is without
the two alternates. Mr. Cowie stated that brings the bid award total down to

2 \$3,622,900.32. Mr. Cowie pointed out when this project was designed in 2013 it
 4 was estimated at just over 7 million. Mayor Acerson stated that initially this project
 was double this amount and as Council we have worked collectively to really
 tighten this up and yet still have a first class facility.

6 Mayor Acerson called for any further discussion or comments from the Council.
 Hearing none he called for a motion.

8
 10 COUNCILMEMBER POWELL MOVED TO AWARD THE LOW BID FOR
 THE LINDON CITY PUBLIC SAFETY BUILDING TO WARNER & ASSOCIATES
 12 CONSTRUCTION, INC. IN THE AMOUNT OF \$3,622,900.32 SUBJECT TO THE
 CITY RECEIVING FINAL CONTRACT DOCUMENTS AND OBTAINING
 14 ACCEPTABLE FINANCING (NOT ACCEPTING ALTERNATE NUMBER ONE OR
 TWO). COUNCILMEMBER BRODERICK SECONDED THE MOTION. THE VOTE
 WAS RECORDED AS FOLLOWS:

16 COUNCILMEMBER POWELL AYE
 COUNCILMEMBER BEAN AYE
 18 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER LUNDBERG AYE
 20 COUNCILMEMBER HOYT AYE
 THE MOTION CARRIED UNANIMOUSLY.

- 22
 24 **8. Public Hearing—Ordinance Amendment, 17.41 Anderson Farms Planned
 Development Zone; Ordinance #2016-7-O.** Ivory Development requests the
 26 creation of the Anderson Farms Planned Development Zone ordinance. The
 purpose of the zone is to encourage efficient use of land and resources and to
 28 provide flexibility in the City's zoning scheme in order to allow for unique,
 innovative, and well planned developments not otherwise provided for under
 30 one of the City's other existing zoning classifications. The Planning
 Commission recommended approval.

32 COUNCILMEMBER POWELL MOVED TO OPEN THE PUBLIC HEARING.
 34 COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT VOTED IN
 FAVOR. THE MOTION CARRIED.

36 Hugh Van Wagenen, Planning Director, led this agenda item by giving a brief
 background of this agenda item. He explained that over a year ago, Ivory Development
 38 approached the City regarding a master planned residential community west of Geneva
 Road, adjacent to the Creekside community, on the Anderson Dairy Farm (named
 40 Anderson Farms). He noted that Lindon City does not currently have a zoning ordinance
 that allows for master planned communities of the size, scope, and housing products that
 42 Ivory Development is proposing and this ordinance creates the framework for the
 Anderson Farms community to be implemented.

44 Mr. Van Wagenen explained the purpose of the Anderson Farms Planned
 Development Zone (PD Zone) is to encourage efficient use of land and resources and to
 46 provide flexibility in the City's zoning scheme in order to allow for unique, innovative,

2 and well planned developments not otherwise provided for under one of the City's other
existing zoning classifications.

4 Mr. Van Wagenen stated this zone is not intended to be available city wide, but
rather is restricted to a specific geographic area of Lindon as identified in the ordinance.
6 He noted the ordinance itself will only be applied to areas identified on the Lindon City
Zoning Map as the Anderson Farms Planned Development Zone. Mr. Van Wagenen
8 stated there is currently no such designation on the Zoning Map, but that request is
coming in a later agenda item. The PD Zone ordinance requires a development agreement
10 that essentially fills in the framework with the details of the project.

12 Mr. Van Wagenen went on to say the Anderson Farms Master Development
Agreement is a supplemental document that is required by this ordinance but is not part
of the code language itself; Ivory is requesting approval of that agreement at a later
14 agenda item. He noted for this item, Lindon City Code language that will become
Chapter 17.41 is all that is under consideration tonight. He added that most residential
16 zoning designations in Lindon allow for accessory apartments to be created if certain
requirements are met and due to the nature of the PD Zone incorporating smaller lots and
18 setbacks, accessory apartments are not allowed in this zone. Mr. Van Wagenen then
reviewed the draft ordinance in its entirety.

20 Mr. Van Wagenen further explained this highlights things that are more fully
explained and vetted in the development agreement itself and this is part of the larger
22 scope of the Anderson Farms project that Ivory is proposing. This item is the ordinance
itself and the next item is the development agreement and lastly the zone map amendment
24 that will apply this ordinance and the agreement to the land use. They are all separate
agenda items but they dovetail together in this review. Over the course of the Ivory
26 Development's proposal to the city he would ask that the Council keep several things in
mind, generally, as far as the overall concept.

28 He mentioned that Mr. Chris Gamvroulas, President of Ivory Development, will
give a short presentation regarding the project and will serve as an introduction to all
30 three agenda items. He pointed out one concern the city has is bringing retail
development to 700 North corridor which has been considered in this project proposal;
32 retailers want to see rooftops that will bring the retail in. He also mentioned the sewer lift
station, sales tax distribution, population growth and buildout, parks and trails, utility
34 maintenance, property taxes, traffic issues and a future Trax station potential. He then
turned the time over to Mr. Gamvroulas for his presentation.

36 Chris Gamvroulas gave his PowerPoint presentation at this time. He stated there
has been a progression of thought at how this project has evolved over time which is part
38 of the process. He then referenced the newest concept plan and exhibits. He stated the
property to the north has lots platted and he will address the commercial in more detail
40 later. He mentioned when they were first approached by city staff about that commercial
area it was to gauge their interest in giving up some of the area. They thought there were
42 some real benefits to this piece of property with a larger scale that could become a
catalyst for this part of Lindon City. He noted it is very unusual to have a large user
44 (bricks and mortar retail stores) as they are falling away and people are going to Amazon
not Walmart; unless it is a regional center. To have a big user step up that is a legitimate
46 player in this market makes sense to find some common ground and overall it will be a
very good partnership.

2 Mr. Gamvroulas then referenced the latest exhibits (300 units dropped). He
pointed out the smaller lots noting they made the decision to break those apart and
4 change the density a little bit. He pointed out the road connection with the points of
access that were designed in when 700 North was built. When they started laying out the
6 commercial area they saw the mass and scale of this type of user which is very different
than a use that goes on a 500 ft. deep pad; this is a very large scale building/box.

8 Mr. Gamvroulas mentioned they worked on the roundabout that really had a focal
point, but they realized early on that they needed to place it to manage the traffic in and
10 out of this community. Their traffic engineer has looked at this location and they feel it is
far enough away that there will not be a stacking problem. They put in some townhomes
12 with the depth of lots being “skooched” up and also the road so the lots are 120 ft. deep
with a 45 ft. rear yard setback; this is part of the buffering for both parties. There will also
14 be a nice tree lined center median Blvd. Down on the lower piece are 76 lots (average of
8,000 square ft.) next to the active adult community which is quite a bit denser. They
16 matched the density to the neighbor to the west (Fieldstone). The aging population is a
very real thing in this market, so they put this in with the idea that this really could be a
18 “cradle to the grave” type of community that connects the neighbors.

Mr. Gamvroulas then touched on the buffering factor between the industrial users
20 on the borders. He noted they are trying to be a good neighbor. He added they will put in
an 8 ft. masonry wall along the lots with trees and landscaping. The homes will be built
22 with an extra insulation factor and triple paned windows to mitigate any sound etc.
through the construction of the home and distance. The very closest home is 160 ft.
24 which is a good distance and is also separated by a road. In addition, they have agreed
(included in the MDA) to disclose adjacent property uses that will be recorded on any
26 plat within the property (presented to every purchaser). He then read the entire disclosure
document (very common disclosure).

28 Mr. Gamvroulas then referenced the townhomes. He stated they are adjacent to
the 15 acre park with a nice large green space. They each have an attached 2 car garage,
30 and a 20 ft. driveway (4 parking spaces each) plus guest parking. He added this will be a
really nice gathering place and residents really like the raised garden planter beds that are
32 very popular.

Mr. Gamvroulas then addressed the north side that has had the most conversation
34 because it is the densest. Whether the number is right or not remains to be seen as they
are still trying to work it out. They are using the feathering effect of two story townhome
36 style up to three and four stories. He mentioned that he received a plan today to present
that they feel addresses some of the concerns they have heard. Mr. Gamvroulas pointed
38 out that this area, overall, in the grand scheme of things, is not a little bit of country and
not a place for ½ acre estate lots as it is industrial on two sides. They planned this with
40 the idea for a very easy pedestrian connection to get these neighbors integrated into the
larger community.

42 Mr. Gamvroulas then showed the large box for scale on the sketch. He noted the
sketch shows townhomes (3 story) and the 2 story and the 4 story buildings. He stressed
44 to keep in mind this is just a concept plan. They are looking at ways that this can still
work and also create some open space. They are also trying to make the project
46 economically viable and respond to the concerns heard from members of the City
Council and Planning Commission.

2 Mr. Gamvroulas then discussed the design of the park (14.7 acres) which will
 4 benefit the community as a whole; including a park pavilion. He also mentioned the great
 6 amenities including Club Ivory, clubhouse, park pavilions, common green, pool, a nice
 8 crossing island, roundabout, entry monument (3), permanent mounted gate, basketball
 10 courts (2), swing sets, pickle ball courts (4), softball field, soccer field, trails, including a
 new sewer lift station. They are willing to have discussion if the Council wants the Club
 Ivory removed the property will be reutilized. He also went over the street tree planting
 plan that ties neighborhoods together including a nice drive and landscaped trail and bike
 trail.

12 Mr. Gamvroulas stated they understand and acknowledge that there is a lot of
 14 density on this property and a lot of infrastructure but that is how you pay for that. The
 16 Sewer lift station will take two existing, aging sewer lift stations offline at the cost of
 18 more than 1.5 million that the city would otherwise have to replace. This is a
 comprehensive re-design of the city's sewer facilities that has to go in upfront. He noted
 another major part of this is the 15 acre park. They proffered to donate that land to the
 city to build the park and receive park impact fee credits; because it is a regional park and
 in the master plan and is eligible for park impact fees.

20 Mr. Gamvroulas noted they are aware there is a risk involved to them in building
 22 this park and they have accepted that and it is also in the development agreement. He
 24 then explained the way this works. They are taking out building permits and paying the
 26 city park impact fees and the city will collect those fees and place them in an escrow
 account and Ivory will keep paying those to the city which is the city's assurance that the
 park gets built. At 60 % of the building permits the park has to be complete. He noted
 they are buying all the land and donating that upfront and advancing the second half of
 that money, so the park will come online much sooner than if the city were to build it;
 this is a very big ticket item.

28 Mr. Gamvroulas stated this is the same presentation he gave to the Planning
 30 Commission and they advanced a recommendation to the Council to approve the plan
 32 with a couple of conditions being the traffic study and number of units. Mr. Gamvroulas
 34 re-iterated they are trying to be responsive to the concerns and thoughts on what is the
 36 right number of units and he understands that some members of the Council and
 38 Commission feel the number is too high or the design feels too dense. To demonstrate
 that they are not completely "tone deaf" they came up with a design that would change
 the number of apartments from 447 to 380. The Development Agreement contemplates
 that the number of units is what's vested but the plan itself isn't vested necessarily; this
 will be worked out with the Council in good faith. He feels confident they will come up
 with a design that meets both the economic need for Ivory and the design components for
 the City.

40 Mr. Gamvroulas then presented and explained the plan/sketch on the screen. He
 42 noted they have run the numbers and they feel this re-design will work and they feel the
 44 final details can be worked out with Ivory and city staff. He noted they want to be good
 partners and members of the community. Mr. Gamvroulas concluded by thanking the
 Council noting they will continue to move forward in good faith to work through the final
 issues and will continue to stay engaged.

46 Mr. Van Wagenen reminded the Council the ordinance is the only thing to
 consider in context at this time.

2 Councilmember Hoyt asked for an update regarding an LDS Church being built in
the area. Mr. Gamvroulas stated the church was initially not interested in a church there.
4 He noted Ivory had contemplated a meeting house site but it was too small for what the
LDS Church was looking for so it would have to go back to the drawing board and they
6 would be willing to discuss this further. Mr. Van Wagenen pointed out the possible
church site on the plan.

8
Darrin Jones: Mr. Jones, LDS Church representative, stated they purchased the ground
10 with the intention to build there but it wasn't their first choice as they would prefer
something in the middle closer to the residential area. They have talked to Mr.
12 Gamvroulas and they feel he is amenable to maybe swapping property etc. and they will
continue the conversations.

14
Councilmember Powell expressed her appreciation for Ivory's thoughtful
16 alternative brought before the Council tonight. She noted they are still offering a lot of
nice amenities with this plan.

18
Mayor Acerson called for any public comment at this time. There were several
20 attendees that addressed the Council as follows:

22 **Steve Tumblin:** Attorney representing Universal Industrial Sales (UIS). Mr. Tumblin
pointed out that UIS has contributed millions of dollars to Lindon City for many years
24 through businesses, community projects, employment, and schools. They have been
involved with this issue since last October when the Master Plan was changed and they
26 were told to come back for the zoning issue, so they that is why they are here tonight. He
stated they have taken a position from the beginning that they are not opposed to the
28 development but they are opposed from the standpoint of the potential consequences of
the development.

30 Mr. Tumblin stated UIS has a 40 million dollar (one building alone) interest in
maintaining the zoning and their business here and they do not like being put in a position
32 where they will be subject to lawsuits or complaints or feeling like an unwelcome
neighbor. They acknowledge that the developer has made concessions to allay these
34 concerns and they are important and helpful, however the concept that it is not what you
put next to each other but whether they play well together is a nice thought but
36 questioned if that is really how it will happen. They are one player to 3,000 other players
and what percentage will be happy with this; some will be unhappy. With respect to the
38 setbacks, it sounds like a big setback (½ football field) but that includes a road. Fifty 50
yards seems like a lot but is not that far away, however, they appreciate that there are
40 constraints (8 ft. wall). The fact remains that the residents will still be looking at an
industrial building.

42 Mr. Tumblin went on to say there is currently no legal obligation to these
hypothetical residents but in a few years they will have a concerted interest in
44 maintaining the value of their properties and will be participants in the process of public
municipal administration. The fact is that some of these residents will be calling the city
46 and complaining about the industrial businesses and trying to get rid of the noisy, stinky,
dirty factories. Mr. Tumblin pointed out that Ivory is a great developer that builds high

2 quality homes, but people buying nicer homes will be more likely to complain. He noted
 4 that some will be great neighbors but those are not the ones who will be calling for
 6 stricter enforcement or suing them (legitimately or ill-legitimately) and making them look
 8 like the “bad guys” which is bound to happen. These people are not present here tonight
 10 to hear the City Council and Planning Commission talk about how much they support
 12 their corporate citizens in the city; they are not present to hear that argument. They more
 14 than likely will not have read the warning on the plat that they are buying a house across
 16 from an industrial operation. They won’t remember that it was UIS that submitted the
 18 traffic study that showed the likelihood of backups that will create traffic and safety
 20 problems. These new resident will not have to figure out how to replace millions of
 dollars in the city and county budget if UIS is pressured to leave, all they will know is
 that they paid a lot for a house with issues from the industrial businesses.

14 Mr. Tumblin informed the Council they have requested that the Master Plan be
 16 changed back to show heavy and light industrial use. Mr. Tumblin then read the new
 18 ordinance. Mr. Tumblin stated if the City is committed to moving forward with this
 20 development then to say what is actually happening which is the City has decided that no
 transition buffer is required other than a wall and that the inevitable conflicts are going to
 happen and are those residents worth it.

Mr. Tumblin then defined three specific points as follows:

- 22 1. UIS has paid for and submitted to the city a traffic engineering study (100 pages)
 24 that demonstrates the intersection at 500 north will be a problem. He then quoted
 26 from the study. The city response was that the City Engineer has looked at the
 study and to not worry about it that it was ok. This issue must be addressed before
 moving forward to keep our citizens safe.
- 28 2. The current plan shows the road going through property on Anderson Lane which
 is on property currently owned by UIS which is very disconcerting. This issue
 must be addressed before moving forward.
- 30 3. As far as he can tell, the accommodations made by the developer, even though
 32 they appreciate them, are unenforceable by UIS. If a developer in a future city
 Council decides to eliminate those parts of the development agreement or, for
 34 example, fails to give the proper notice to the new residents that they are moving
 next to an industrial area, UIS may have no ability to challenge that. Section 19 of
 36 the development agreement provides that UIS will not have any rights to enforce
 the provisions of the agreement. This issue must be addressed before moving
 38 forward.

40 In summary, Mr. Tumblin stated if their overall objection is not persuasive, they
 42 feel the Council should at least delay approval until these specific issues presented are
 addressed and resolved.

44 City Engineer, Mark Christensen, stated both traffic studies done by Ivory and
 46 UIS suggests that there is a need for signalization at the 500 North intersection on
 Geneva Road and confirmed that it is closer to 700 north than would meet the UDOT
 guidelines. Mr. Christensen stated they are interested in UDOT responding to the
 question of whether a signal will be allowed there at some point, but they do not know

2 the answer to that question yet. He noted there is a meeting with UDOT scheduled for
next week.

4

Councilmember Broderick asked for clarification of what the UDOT warrants are
6 for signalization. Mr. Christensen confirmed there are a variety of warrants related to
congestion and safety and they will be looking at all of them. Mr. Hales, with Hales
8 Engineering, mentioned there are signal warrants, peak hours, 4 hour warrants, 8 hour
warrants, rail crossing warrants, and lastly, what we don't want, if a crash warrant is met
10 and if there is a safety need they will certainly look at it.

Police Chief, Cody Cullimore stated he is not aware of a large number of
12 accidents at 500 north and Geneva Road. 700 North and Geneva Road is the most
dangerous intersection in the city followed by 600 south Geneva Road. There is a large
14 volume of traffic on that road and heavy traffic because of the industrial uses in the area.

Councilmember Lundberg asked Mr. Hales, when calculating the impact of the
16 number of traffic users, what the multiplier on industrial/commercial vs. apartments is as
both those uses will impact additional traffic. Mr. Hales stated he would have to refer to
18 the manual and can get that specific number to her, but generally single family residential
are 6-10 trips per day and apartments/townhomes are 6-7 trips per day with Industrial
20 having a lower trip count at about 3-4 trips per day generally.

Councilmember Broderick asked Mr. Christensen what information he still needs
22 from UDOT and what is being done with traffic size and potential mitigation attempts if
traffic is satisfactory for him to make a recommendation. Mr. Christensen confirmed
24 there are still some issues and questions to work through with the biggest question
hinging on what the State determines on 500 north. He noted the impact analysis was
26 based on the proposed units and they haven't gotten the final numbers yet. There was
then some additional discussion regarding the traffic study and signalization.

28 Mr. Gamvroulas commented that the traffic study is intended to be a tool for staff
to be able to make some recommendations on how things fit together and not intended to
30 be the determining factor on whether there is development on this property.

There was then some discussion of required road dedication for Anderson Lane.
32 Mr. Van Wagenen pointed out it is not required with this project and is a separate issue.

34 **Tyler Buswell:** Mr. Buswell, with Ivory, pointed out in the State of Utah after 10 years of
public use, the road can be owned but the public has access rights. He noted they have
36 never been involved with UIS and the dedication of the road but helped the Anderson's
who want their portion of the road improved.

38

Councilmember Hoyt asked Mr. Haws if there is any liability with the city having
40 and "E" or an "F" grade rating if the development is approved and if there is an increased
amount of crashes on the 500 north intersection. Mr. Haws stated he would have to look
42 at that closer, but generally speaking he doesn't believe there would be liability because
this is a phased plan and they are working with UDOT to get a signal there and the
44 potential is significantly reduced because it has not been ignored. Mr. Haws added that
the City would have to enforce it. Mr. Hales stated it is the same with any zoning
46 ordinance, the City has to enforce it. Mr. Haws confirmed that is a fair statement.

2 Councilmember Broderick asked about any instances where an industrial business
has been pushed out from residential complaints etc. Mr. Haws stated he is not aware of
4 any specific instance of that occurring. He noted in State Code there is a strong position
requiring the developer to record the disclosure and to provide actual notice to the
6 potential buyers that help assist in that defense because they can point out that the buyer
had actual notice. Mr. Gamvroulas would suggest including the disclosure in the CC&R's
8 not just on the plat. Councilmember Hoyt asked what the time frame is for the update on
the General Plan. Mr. Van Wagenen stated it will be started in the fall of 2016.

10 Mr. Haws mentioned he would be a little concerned about going forward without
bringing to the table the resources that we normally expand when doing the review of the
12 general plan. He has a letter that he will be sending to the Council articulating the
concerns about looking at the general plan without having a good idea of what specific
14 uses are being asked for. He would suggest to the Planning Commission to deny the
request right now until we have the resources set aside to do the general plan.

16 Mayor Acerson asked if we submit a request is there a time table for approval or
denial. Mr. Haws confirmed that once the plan is submitted the Planning Commission has
18 the obligation to make a recommendation either for or against it. If the Planning
Commission recommends that it not be approved and the City Council agrees the
20 application is denied without opening it to a public hearing. If denied they cannot bring
another application for six months (according to statute) without showing there is a
22 substantial change. He re-iterated this information is included in the letter that will be
going out to the Council in the next few days.

24 Mayor Acerson questioned if the Council moves forward and approves the
ordinance amendment and once that is in place does it just lay the ground work for
26 anything to move forward; and it may not move forward. Mr. Haws confirmed that
statement. He also would recommend that the approval of the ordinance be conditioned
28 on approval of the MDA (Master Development Agreement). There was some additional
discussion regarding the ordinance framework. Mr. Van Wagenen pointed out that the
30 terms and details of the MDA will be discussed in the next agenda item.

32 Mayor Acerson called for any further public comment at this time.

34 **Bryce Childs:** Mr. Childs, General Manager and representative of the Good Fellow
Corporation addressed the Council. He noted their business is an industrial facility that
36 has heavy machinery in their yard and for obvious reasons they have concerns about the
ordinance amendment because of the noise and heavy equipment that they move in and
38 out of their property. Mr. Childs publicly stated they are opposed to this ordinance
amendment. He added that a lot of their concerns may have more significance when it
40 comes to the master development agreement. Mr. Childs mentioned they appreciate
Councilmember Hoyt pointing out that there are currently no proposed barriers between
42 their industrial facility and the townhomes scheduled on the map (Parcel C) he then read
the verbiage. He noted they have 600-800 ft. of property along the line where the
44 townhomes will be and they have concerns not only from a nuisance standpoint (visually
and noise) but as a safety concern also.

46

2 Councilmember Hoyt asked Mr. Childs if the 8 ft. wall would mitigate their
concerns. Mr. Childs stated the wall would somewhat mitigate their concerns but they
4 would prefer a “non-climbing wall.” Mr. Gamvroulas stated they will implement
landscaping and perhaps some trees to soften the wall which may also mitigate the
6 climbing factor.

Mayor Acerson called for any further public comment. Hearing none he called
8 for a motion to close the public hearing.

10 COUNCILMEMBER LUNDBERG MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER POWELL SECONDED THE MOTION. ALL
12 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

14 Mayor Acerson called for any further comments or discussion from the council.
Hearing none he called for a motion.

16 COUNCILMEMBER BEAN MOVED TO APPROVE ORDINANCE
18 AMENDMENT 2016-7-O WITH THE FOLLOWING CONDITIONS: 1) UPON
APPROVAL OF THE ANDERSON FARMS MASTER DEVELOPMENT
20 AGREEMENT AND 2) THE ANDERSON FARMS ZONE MAP AMENDMENT BE
APPROVED. COUNCILMEMBER POWELL SECONDED THE MOTION. THE
22 VOTE WAS RECORDED AS FOLLOWS:

- 24 COUNCILMEMBER POWELL AYE
- COUNCILMEMBER BEAN AYE
- COUNCILMEMBER BRODERICK AYE
- 26 COUNCILMEMBER LUNDBERG AYE
- COUNCILMEMBER HOYT AYE

28 THE MOTION CARRIED UNANIMOUSLY.

30 **9. Public Hearing—Development Agreement, Anderson Farms Planned**
Development Zone; Resolution #2016-7-R. Ivory Development requests
32 approval of the Development Agreement regarding the Anderson Farms
residential project. If approved, the Agreement would become part of the
34 Anderson Farms Planned Development Zone ordinance. The Agreement
includes relevant maps and exhibits that speak to the Anderson Farms project.
36 In total there are 500 single family units, both attached and detached, and 450
multi-family apartment units allowed by the agreement. There is also a 14 acre
38 public park being proposed. The Planning Commission recommended approval.

40 COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING.
COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT
42 VOTED IN FAVOR. THE MOTION CARRIED.

44 Mr. Van Wagenen led this discussion by stating this Development Agreement
provides details for the Anderson Farms project and gives assurances to both Ivory
46 Development and Lindon City regarding the community’s finished product.

Mr. Van Wagenen stated the Development Agreement consists of not only
48 agreement language, but several exhibits as well. He noted the exhibits give a visual

2 reference to the concept plan and associated amenities and infrastructure associated with
 4 the project. He then referenced the summary of the agreement and gave an overview of
 the exhibits (included in the staff report).

6 Mr. Van Wagenen pointed out that the project will be implemented in several
 8 phases and is a multi-year project that could extend 10 years and beyond and when built
 10 out, the approximately 950 units will accommodate around 3,000 people. Mr. Van
 12 Wagenen mentioned several issues city staff is working through and to include in the
 motion if approved as conditions are 1) Traffic study and 2) Pressure Irrigation system
 and 3) Sample language to include at the end of section 4.3 4) 8 ft. Masonry wall 5) Zone
 map change to be approved 6) Apartment layout and units be agreed upon and 7)
 Disclosure included in the CC&R's. Mr. Van Wagenen then called for any questions or
 comments from the Council at this time.

14 **Councilmember Lundberg:** Asked Mr. Van Wagenen to pull up Option B for reference
 16 and discussion. She expressed her appreciation to Ivory and staff for listening and for
 18 being creative in addressing their concerns. She really likes what they are potentially
 offering here to reduce the apartments from 450 down to 380 and realizes there are some
 20 legitimate tradeoffs that comes with that. She pointed out one of the values that Lindon
 prides itself on is open space (double the national average of parks per resident) with a
 22 wonderful infrastructure of parks and trails. She is pleased that Ivory has offered this
 amenity. She then reviewed the parks and trails inventory and the Master Plan and
 24 Capital Facilities Plan that includes a list of the 20 locations that are identified as
 trailheads and parks. She pointed out under this master plan there are four (4) pocket or
 26 small neighborhood parks that are under three (3) acre size with roughly four (4) five (5)
 acre parks and six (6) other locations identified on the master plan in the 12-31 acre range
 and zero parks in the 5-12 acre size. So there is the potential of having a 10 acre park that
 28 fills that void (mid-size park). She really appreciates that the wonderful amenities are
 essentially still there other than some parking stalls which has been resolved. She pointed
 30 out that Fieldstone already has a park.

32 Councilmember Lundberg noted she had some Fieldstone residents express some
 concern about creating a large scale regional park that had to be accessed by traffic
 coming into their neighborhood and this will mitigate that somewhat. The costs to
 34 maintain a 15 acres vs. a 10 acre park long term for the city is significant yet we are still
 gaining a great park and not losing any amenities. With the ratio of apartments at 450
 36 units and looking at the impact demographically she is not worried about the quality that
 Ivory is bringing, but nearly half the doors are rental apartments and add in the 174
 38 Fieldstone adult community and we are still at 40%. Demographically she would like to
 see that ease off and balance out a little bit with the single family type homes. One
 40 resident also pointed out that to be fair the multi-family component/townhomes should be
 included as well, as it sits now if 450 rental apartments are approved and an additional
 42 167 townhomes that would represent 66% of the overall project. She also feels that
 reducing the apartments down to 380 the traffic count reduces which would potentially
 44 benefit our industrial neighbors and traffic impact by approximately 420-500 trips per
 day by dropping 70 apartment units.

46 Councilmember Lundberg expressed that this Council represents Lindon and they
 want to ultimately put together a community that the residents of Lindon will buy into

2 and also preserve those Lindon values that include open space and also a family oriented,
 4 safe environment. She feels this is a great trade off to balance the density and
 demographics and yet still keep the open space and Lindon values.

6 **Councilmember Powell:** Expressed her appreciation to Ivory for all of the time and
 effort put into Option B. Councilmember Powell pointed out that she did not have any
 8 problem with Option A, but knowing there are concerns she would absolutely be happy
 to endorse Option B. She also appreciates what Mr. Gamvroulas has done to
 10 accommodate other members of the Council who were not happy with the high density.
 Overall her biggest concerns are that we have enough rooftops to draw the retail that we
 12 need and down the line, hopefully a UTA stop and light rail station. She mentioned the
 density and quoted Commissioner McDonald who appropriately stated in the work
 14 session “really what’s the difference, as far as Lindon, between the numbers of doors in
 that parcel?” That is why she doesn’t have a problem; it’s the way it is configured that
 16 has always been the bottom line for her. However, if this accommodates more of the
 Council as to achieve a vote then she is in favor; she is still comfortable with Option A or
 18 a combination of Option A and Option B.

20 **Councilmember Broderick:** Stated he appreciates and agrees with Councilmember
 Lundberg and how she articulated her thoughts on the density issue. He pointed out that
 22 he has been pretty vocal regarding the 7.5 side yard setback as he is trying to avoid the
 clutter and to maintain a little more open space. He added that a development of this
 24 magnitude has never come to Lindon before and feels this could only happen at this
 particular location in the city.

26
 28 At this time there was some general discussion with Mr. Gamvroulas regarding
 portions of the Development Agreement for clarification including commercial
 development time frames.

30
 32 **Councilmember Bean:** Stated he would like to see a larger park as it was a large area on
 the general plan, but given where we are at this point, with the tradeoffs discussed, he is
 fine with the 380 units and the smaller park. At some point he would like to have
 34 discussion on more parking if needed when looking at the park amenities. He also likes
 the fact (with the tradeoffs) that we are keeping the lift station and the commercial area
 36 which he feels are very important factors; he’s amenable to the tradeoffs as discussed.

38 **Councilmember Hoyt:** Commented this has been a long process with a lot of thought put
 into it by everyone involved. He expressed that he wants to help local business owners
 40 and he also wants to bring businesses to 700 north. He pointed out that his was the only
 nay vote on the general map amendment because of his concerns with the buffer,
 42 although he realizes that Ivory put a lot of buffers in place to help mitigate these issues.
 From the comments he has heard here tonight and from several industrial business
 44 owners who have approached them he feels with the Council changing the zone we have
 done a bit of a disservice to these businesses. This concerns him and he questioned if we
 46 have gone far enough to help and protect our business citizens that have been in Lindon
 for many years. He feels this obligation to them and he isn’t sure he is there yet. He

2 mentioned the density on the apartments stating he certainly likes the 380 unit number
 4 more than 447, but he is still not there. From the beginning he has voiced his opinion that
 6 he is just not comfortable with that much density. He would like to see something more
 8 like the Fruitland Heights Development with 15-20 per acre. Even coming down to 380
 10 units we are still at 27 per acre which is still too high for what he envisions as “a little bit
 12 of country.”

8 Mayor Acerson called for any public comment or questions at this time.

10 **Steve Tumblin:** Mr. Tumblin clarified that his previous comments reflect on all three
 12 agenda items pertaining to the Anderson Farms Development.

14 **Ron Anderson:** Mr. Anderson expressed his appreciation for the time and effort put into
 16 this process. He mentioned that his family has been here a long time and they appreciate
 18 being in Lindon. He gave a brief history noting there was an annexation 37 years ago
 20 (900 acres) with a lot of people for and against it and they were under a lot of pressure
 22 because they were the swing vote, and even though Lindon didn't have a sewer at the
 time or anything else they went along with the annexation. When the Mayor came to
 them about building 700 North to get the freeway access, they sold the ground and by the
 time it was all done they ended up giving away property, 2 railroad crossings, over an
 acre of easements and plus they have to pay an impact fee for the road.

24 Mr. Anderson stated they can't say they have generated a lot of tax money but for
 26 years they have tried to work with the city. The reason they are not zoned residential is
 because 4 years ago the city brought up a city initiated zone change and they met with
 Mayor Dain and Ott Dameron at that time and asked them to hold off on the change.
 They stated they weren't doing anything right now and to hold off until something
 28 developed that was compatible with the residential came in by the freeway, which never
 happened. His point is that they are the buffer for everybody as they are the last to
 30 develop. They are currently in 4 general plans and 3 zoning plans, so they can't make
 anyone happy, the residential neighbors don't want industrial and the industrial neighbors
 32 want it to stay vacant.

34 Mr. Anderson stressed they certainly don't want to hurt UIS and are not asking
 them to leave or trying to drive them out or keeping them from expanding. He mentioned
 36 there has been a lot of misinformation circulated about this and they have actually been
 approached by businesses asking why they are trying to make it so that can't develop
 their property or to drive them out. They have never asked for a zoning change on
 38 anyone's property. He feels the businesses have valid points but throughout this process
 he feels that Ivory has tried to work on the buffers to mitigate any issues and he hopes it
 40 is sufficient and he believes it is. He feels the traffic issue needs to be studied as it is a
 concern. He feels a left turn lane on Anderson Lane would alleviate some of the
 42 problems; but they didn't create the problem. When the city annexed the property they
 agreed to maintain the road at the same level the County had but nothing has been done
 44 for the past 10 years. He feels they have been a good neighbor and it is his hope that this
 works out for everyone but they realize that everyone is not going to be happy.

2 Mayor Acerson called for any further public comment. Hearing none he called
for a motion to close the public hearing.

4 COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.
6 COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

8 Mayor Acerson called for any further discussion or comments from the Council.
10 Hearing none he called for a motion.

12 COUNCILMEMBER POWELL MOVED TO APPROVE RESOLUTION 2016-
7-R THE ANDERSON FARMS MASTER DEVELOPMENT AGREEMENT AS IT
14 STANDS (OPTION A) WITH THE INCLUSION OF THE FOLLOWING
CONDITIONS 1. THE REFERENCED PARAGRAPH BE ADDED TO THE END OF
16 SECTION 4.3 AND 2. THE PRESSURIZED IRRIGATION SYSTEM BE
FUNCTIONAL AND 3. AN EIGHT (8) FOOT MASONRY WALL BE INSTALLED
18 ALONG THE (GOODFELLOW) PROPERTY AND 4. SECTION 3.2 – ADDING THE
FIVE (5) YEAR SUNSET AGREEMENT AND 5. INCLUSION OF THE
20 DISCLOSURE DOCUMENT IN THE CC&R’S AND 6. TRIPLE PANE WINDOWS
ON THE ADJACENT INDUSTRIAL WEST SIDE.
22 THE MOTION DIED FOR LACK OF A SECOND.

24 Mayor Acerson called the motion dead for lack of a second. He then called for an
alternate motion.

26 COUNCILMEMBER LUNDBERG MOVED TO APPROVE RESOLUTION
28 2016-7-R THE ANDERSON FARMS MASTER DEVELOPMENT AGREEMENT
WITH THE FOLLOWING CONDITIONS 1. THE FOLLOWING SENTENCE BE
30 ADDED TO THE END OF SECTION 4.3: FURTHERMORE, THE PARTIES
UNDERSTAND AND AGREE THAT DUE TO THE NATURE OF THIS MDA AND
32 THE PERIOD OF TIME ANTICIPATED TO FULLY DEVELOP THE PROJECT, THE
PARTIES AGREE TO WORK TOGETHER IN GOOD FAITH TO ADDRESS
34 ENGINEERING AND DESIGN ISSUES, INCLUDING TRAFFIC FLOWS, THAT
RELATE TO INADEQUATE OR UNSAFE SERVICE OF THE PROJECT AND
36 MAKE APPLICABLE AND REASONABLE MODIFICATIONS TO THE EXHIBITS
ATTACHED TO THIS MDA AS MAY BE NECESSARY. NOT WITHSTANDING
38 THE FOREGOING, THE PLANS AND DESIGNS SET FORTH IN THE EXHIBITS
WILL NOT BE MODIFIED SO AS TO REQUIRE (i) THE OVERSIZING OR
40 “UPSIZING” OF UTILITY LINES OR DESIGN CAPACITIES IN ORDER TO
PROVIDE FOR OR TO EXPAND SERVICES OUTSIDE OF THE PROJECT OR (ii)
42 SYSTEM IMPROVEMENTS, WITHOUT THE EXPRESS WRITTEN CONSENT OF
THE DEVELOPER, IN ITS SOLE AND ABSOLUTE DISCRETION AND 2. CITY
44 STAFF AND IVORY COME TO AN AGREEMENT ON BUILDING THE
PRESSURIZED IRRIGATION SYSTEM TO BE FUNCTIONAL BY THE SECOND
46 IRRIGATION SEASON AND MAKING THE NECESSARY CHANGES TO
SECTION 9.8. THAT UPON THE FINALIZING OF THIS LANGUAGE, THE

2 MAYOR WOULD BE AUTHORIZED TO SIGN THE MDA ON BEHALF OF THE
 CITY AND 3. AN EIGHT FOOT MASONRY WALL BE INSTALLED ALONG THE
 4 MIXED COMMERCIAL PROPERTY (GOODFELLOW) TO THE WEST AND
 TRIPLE PANE WINDOWS ON ADJACENT TOWNHOMES AND 4. THE
 6 ANDERSON FARMS ZONE MAP CHANGE BE APPROVED AND 5. OPTION B:
 380 APARTMENT UNITS WITH THE 10 ACRE PARK AND NO CLUB IVORY
 8 AND 6. SECTION 3.2 - ADD THE 5 YEAR WINDOW TO ALLOW COMMERCIAL
 TO HAPPEN AND 7. DISCLOSURE LANGUAGE BE ADDED TO THE CC&R’S.
 10 COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS
 RECORDED AS FOLLOWS:

12 COUNCILMEMBER POWELL AYE
 COUNCILMEMBER BEAN AYE
 14 COUNCILMEMBER BRODERICK AYE
 COUNCILMEMBER LUNDBERG AYE
 16 COUNCILMEMBER HOYT NAY

THE MOTION CARRIED FOUR TO ONE.

18

20 **10. Public Hearing—Zone Map Amendment, Anderson Farms Planned**
Development Zone; Ordinance #2016-8-O. Ivory Development requests a
 zone map amendment from Light Industrial and Mixed Commercial to
 22 Anderson Farms Planned Development Zone on the following parcels identified
 by Utah County Tax IDs #14:063:0061, #14:050:0006, #14:063:0048,
 24 #14:063:0046, #14:063:0047, #14:053:0042, #14:064:0012, #14:063:0068. The
 Planning Commission recommended approval.

26

COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING.
 28 COUNCILMEMBER POWELL SECONDED THE MOTION. ALL PRESENT VOTED
 IN FAVOR. THE MOTION CARRIED.

30

Mr. Van Wagenen explained the Anderson Farms project requires an ordinance
 32 amendment (17.41 Anderson Farms Planned Development Zone) and a development
 agreement (Anderson Farms Master Development Agreement) in addition to identifying
 34 the project area on the Zoning Map. He noted this request would create the geographic
 parameters (outline) that would be governed by the Anderson Farms Planned
 36 Development Zone and Anderson Farms Master Development Agreement. He added that
 the entire project is about 137 acres, some of which is zoned Light Industrial and some of
 38 which is zoned Mixed Commercial. The General Plan was recently changed on these
 parcels to Residential-High, which refers to a density of greater than 3.6 dwelling units
 40 per acre. Mr. Van Wagenen then referenced the map showing the requested Zoning Map
 change.

42 Mayor Acerson called for any public comment. Hearing none he called for a
 motion to close the public hearing.

44

COUNCILMEMBER POWELL MOVED TO CLOSE THE PUBLIC HEARING.
 46 COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT VOTED IN
 FAVOR. THE MOTION CARRIED.

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Mayor Acerson called for any further discussion or comments from the Council. Hearing none he called for a motion.

COUNCILMEMBER POWELL MOVED TO APPROVE THE APPLICANT’S REQUEST TO CHANGE THE ZONING MAP FROM MIXED COMMERCIAL AND LIGHT INDUSTRIAL TO ANDERSON FARMS PLANNED DEVELOPMENT ZONE ACCORDING TO ORDINANCE 2016-8-O WITH THE FOLLOWING CONDITION 1. THAT THE ANDERSON FARMS MASTER DEVELOPMENT AGREEMENT BE EXECUTED. COUNCILMEMBER BEAN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

- COUNCILMEMBER POWELL AYE
- COUNCILMEMBER BEAN AYE
- COUNCILMEMBER BRODERICK AYE
- COUNCILMEMBER LUNDBERG AYE
- COUNCILMEMBER HOYT NAY

THE MOTION CARRIED FOUR TO ONE.

Mayor Acerson called for a five minute break at this time (11:15 pm).

11. Public Hearing—Zone Map Amendment, Light Industrial to Residential Single Family (R1-12); Ordinance #2016-9-O. Lindon City is requesting a zone map amendment from Light Industrial to Residential Single Family (12,000 square foot lots) on parcel #14:063:0017. The lot is currently in agricultural use. The Planning Commission recommended approval.

Councilmember Powell, Councilmember Hoyt and Councilmember Broderick were present at 11:22 pm. Councilmember Bean and Councilmember Lundberg followed at 11:25 pm.

COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

Mr. Van Wagenen led this discussion by explaining this is a city initiated request and related to the Ivory/Anderson Farms Development project and is in close proximity to it (12 acres) owned by the Kent & JoAnn Thorne. This request is to rezone the parcel in order to coordinate residential development with existing homes in the area and the proposed concept plan being developed by Ivory Development. The proposed rezone will also bring the zoning closer to matching the general plan designation. He noted in a 6-0 vote, the Planning Commission recommended approval with the condition that the Thornes be notified of the pending change via certified mail of which a letter was sent on 2/11/16 and they have also tried to reach them by phone.

Mr. Van Wagenen stated they have been in touch with Kent & JoAnn Thorne’s son, Johnathon Thorne, who indicated they would like to know more about what the implications are for their property, especially regarding the taxes. A letter was submitted today and at minimum the Thorne’s would like this item continued until they can sit

2 down with staff and have a discussion. Because this is an agricultural piece and it is in
 4 the green belt status with 12 acres the zone change doesn't affect their property tax
 6 designation or the ability to use it as an agricultural piece, but they want to look into it
 as per their request and staff does not have a problem with continuing this item.

8 Mayor Acerson called for any public comment at this time.

10 **Martin Snow:** Mr. Snow questioned why the Thornes weren't notified. Mr. Van
 Wagenen stated over the course of the Ivory conversations they reached out to the
 12 Thornes and notices were sent with the initial public hearing with the Planning
 Commission and they received no response. He verified the address with Johnathan
 14 Thorne today who stated his parents are currently out of town. He noted the Planning
 Commission wanted to make sure the notices were received so they were sent the notices
 16 certified mail. Mr. Snow said they contacted the Thornes who indicated they didn't know
 anything about it and that is why they sent the letter.

18 Mr. Cowie stated staff has tried to contact them by phone and they haven't
 returned any of the phone calls. He noted since this is a pending zone change any
 20 applications turned in would be subject to this change, even if this is continued because it
 is in process.

22 Councilmember Lundberg asked if this site is looked at for a church or school
 does the underlying zone matter in those two instances. Mr. Van Wagenen stated he
 24 would have to double check the permitted uses. He believes it is permitted in residential
 zones but is not certain on industrial zones, in mixed commercial it is conditionally
 26 permitted.

28 Mayor Acerson called for any public comment. Hearing none he called for a
 motion to close the public hearing.

30 COUNCILMEMBER BRODERICK MOVED TO CLOSE THE PUBLIC
 HEARING. COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL
 32 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

34 Mayor Acerson called for any further discussion or comments from the Council.
 Hearing none he called for a motion.

36 COUNCILMEMBER BRODERICK MOVED TO CONTINUE THE
 38 APPLICANT'S REQUEST TO CHANGE THE ZONING MAP FROM LIGHT
 INDUSTRIAL TO RESIDENTIAL SINGLE FAMILY (R1-12) ZONE ACCORDING
 40 TO ORDINANCE 2016-9-O. COUNCILMEMBER BEAN SECONDED THE
 MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

42 COUNCILMEMBER POWELL AYE

COUNCILMEMBER BEAN AYE

44 COUNCILMEMBER BRODERICK AYE

COUNCILMEMBER LUNDBERG AYE

46 COUNCILMEMBER HOYT AYE

THE MOTION CARRIED UNANIMOUSLY.

2 **12. Public Hearing—Zone Map Amendment, Light Industrial to Mixed**
 4 **Commercial; Ordinance #2016-10-O.** Lindon City requesting a zone map
 6 amendment to Mixed Commercial from Light Industrial on parcels
 8 #47:283:0001, #47:283:0002, #47:283:0003, #47:283:0004, #47:283:0005,
 10 #47:283:0006, #47:283:0007, #47:283:0008, #47:283:0009, #47:283:00010,
 12 #47:283:0011, #47:283:00012, #47:283:0013, #47:283:0014. Four of the parcels
 14 compromise a commercial building; the rest are platted but currently vacant.
 16 The Planning Commission recommended approval.

18 COUNCILMEMBER HOYT MOVED TO OPEN THE PUBLIC HEARING.
 20 COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL PRESENT
 22 VOTED IN FAVOR. THE MOTION CARRIED.

24 Mr. Van Wagenen led this discussion by explaining this is a similar concept and
 26 is also a city initiated request by Lindon City to rezone the parcel (between Anderson
 28 Farms and Creekside Community) in order to reduce the potential impacts on the
 30 surrounding residential developments. He noted the Mixed Commercial zone allows for
 32 less intense uses than the Light Industrial zone. He then referenced the table comparing
 34 uses that are permitted, conditionally permitted, or not permitted.

36 Mr. Van Wagenen stated in a 6-0 vote, the Planning Commission recommended
 38 approval with the condition that the owners of the parcels in question be notified of the
 40 pending change via certified mail; letters sent on 2/11/16. He noted one letter has been
 42 delivered and certified (Dean Family) and one is still in progress (Incubator Investments)
 44 as of today; addresses obtained per the tax rolls. Being sent by certified mail was an
 46 additional effort to make sure they are notified and all required standard notices have
 48 been sent.

50 Councilmember Broderick and Lundberg voiced their concerns that the
 52 landowners haven't received notice even though the required notices have been sent.
 54 Councilmember Lundberg would suggest sending certified notices and to also provide a
 56 reasonable window of time to respond. Councilmember Broderick asked if they can call
 58 the landowners. Mr. Van Wagenen stated he can try to obtain phone numbers and call
 60 them and will continue to make efforts to contact them. There was then some additional
 62 discussion regarding types of uses/zones at this location.

64 Mayor Acerson called for any public comment. Hearing none he called for a
 66 motion to close the public hearing.

68 COUNCILMEMBER HOYT MOVED TO CLOSE THE PUBLIC HEARING.
 70 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. ALL PRESENT
 72 VOTED IN FAVOR. THE MOTION CARRIED.

74 Mayor Acerson called for any further discussion or comments from the Council.
 76 Hearing none he called for a motion.

78 COUNCILMEMBER BRODERICK MOVED TO CONTINUE THE
 80 APPLICANT'S REQUEST TO CHANGE THE ZONING MAP FROM LIGHT
 82 INDUSTRIAL TO THE MIXED COMMERCIAL ZONE ACCORDING TO

2 ORDINANCE 2016-10-O. COUNCILMEMBER LUNDBERG SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

4 COUNCILMEMBER POWELL AYE
COUNCILMEMBER BEAN AYE
6 COUNCILMEMBER BRODERICK AYE
COUNCILMEMBER LUNDBERG AYE
8 COUNCILMEMBER HOYT AYE
THE MOTION CARRIED UNANIMOUSLY.

10

13. **Public Hearing—Ordinance Amendment, 17.48, Vehicle Sales Site
Requirements; Ordinance #2016-3-O.** Lindon City is considering a City Code
amendment to enact specific site requirements for vehicle sales lots in
14 Commercial zones. Landscaping, display areas, buildings, and
customer/employee parking are among the items being considered. The
16 Planning Commission recommended approval of the ordinance.

18

COUNCILMEMBER BRODERICK MOVED TO OPEN THE PUBLIC
HEARING. COUNCILMEMBER HOYT SECONDED THE MOTION. ALL PRESENT
20 VOTED IN FAVOR. THE MOTION CARRIED.

22

Mr. Van Wagenen also led this discussion by explaining over the last several
months the Planning Commission and City Council have been discussing used vehicle
24 sales along State Street. He noted these discussions stemmed from concept reviews
received from applicants looking to change zoning designations on specific lots to allow
26 used vehicles sales. As part of the discussions, it was contemplated to have specific site
requirements for vehicle sales lots in commercial zones. This ordinance is a draft of those
28 possible requirements.

30

Mr. Van Wagenen stated Lindon already has landscaping, parking, and design
requirements for new sites being developed. However, the requirements in this ordinance
would be additional requirements for not only newly developed vehicle sales lots, but
32 also sites converting to vehicular sales lots from in commercial zones where such sales
are allowed. This ordinance in its current form would not apply to vehicle sales lots
34 outside of commercial zones and references sections of code found in 17.18 Off-Street
Parking as many parking standards are covered in that section of the code.

36

Mr. Van Wagenen noted this will also prevent having to update two sections of
code if standards in 17.18 are amended. With such an ordinance it is possible to require
38 all existing vehicle sales lots to come into compliance after a certain period of time.
However, it is typical to allow previously approved uses to continue under the previous
40 requirements unless they choose to expand their operation in some manner. An
assessment of existing used vehicle sales lots was conducted for reference in developing
42 the draft requirements in the ordinance. The Planning Commission continued this item
from the last meeting and information regarding the practical effects of the proposed
44 requirements was requested. Mr. Van Wagenen then referenced the presentation on
existing requirements and application of new ordinance prepared by Brandon Snyder.

46

Councilmember Hoyt mentioned he had the opportunity to listen to the Planning
Commission on two occasions regarding this issue noting they did a great job in

2 reviewing this ordinance amendment. He noted his only concern is that this is tied to the
 4 business license and not the property, which means there are several used auto locations
 that aren't an acre so essentially this could eliminate the ability of some property owners
 to have that zoning if the use changes.

6
Devin Dastrup: Mr. Dastrup noted this issue applies to all used auto sales lots but Low
 8 Book Sales and possibly one other based on square footage of the acreage and the
 frontage. Mr. Dastrup added that he is willing to comply with all requirements and is
 10 anxious to get started.

12 Councilmember Broderick added he feels there are some locations that lend
 themselves better to used car dealerships than others. He suggested a quick solution
 14 would be to grandfather in the property owners.

Mr. Van Wagenen stated there certainly is a way to draft that in but currently if a
 16 site is grandfathered in and zoned for it they would lose their non-conforming status
 unless they maintain the use. He added that the ordinance was drafted, per direction from
 18 the Council, with the intent to have stricter requirements on used car lots as some
 Councilmembers are uncomfortable with the number of used car lots so this would
 20 potentially reduce the number if a property owner decided to not continue the use. The
 zoning would stay in place so there would essentially be two filters.

22 Councilmember Bean asked why there is a lot size filter in the ordinance if there
 is the zoning filter on top of it. Mr. Van Wagenen replied the obvious intent is to allow
 24 those operators who are currently in business to continue operating regardless of the lot
 size. It is just to say, for new lots coming in from here on out, that there are additional
 26 standards they will have to meet regardless of the zoning designation. It's not just the
 amount of lots coming in but the aesthetics of those lots and the one acre minimum gives
 28 them room to breathe, so to speak.

Commissioner Mike Marchbanks was in attendance and commented that the
 30 Planning Commission also had concerns about locations like Skip Dunn's lot and the lot
 next to the Karate studio. He noted the Commission had the same thoughts as the Council
 32 If they decide to scratch the business license filter and instead put a moratorium on the
 amount and phase out the less desirable lots they may get the higher quality car lots.

34 Councilmember Bean suggested one approach could be to remove the six month
 filter as to not put the owner at risk, but if it stops being used as a car lot then consider
 36 pulling it out of the zone like we previously did and contact them and let them know.

Mr. Van Wagenen explained what triggers the six month filter is the business
 38 license so if we strike that paragraph (business license) these lots become legal non-
 conforming, as they don't meet the one acre, but there is not a time continuum of when
 40 they have to keep a business license renewal. If the city sees a lot that is no longer a car
 lot then the route to go would be to rezone it once that use is gone rather than tracking the
 42 six-month and notify property owners. He said striking paragraph #1 would clear up a lot
 of confusion and the car lot could continue to operate and anyone moving forward would
 44 have to meet the requirements.

There was then some general discussion regarding this issue including different
 46 filter options, minimum lot size, landscape and hardscaping requirements, customer and
 display parking and various used car lot locations. Mr. Van Wagenen noted they can

2 have discussion with the City Attorney regarding some of the changes discussed outside
4 of this ordinance and amend it and come back with a new section of the code. He would
4 suggest approving this item with the condition of striking paragraph #1(business license).

6 Mayor Acerson called for any public comment. Hearing none he called for a
6 motion to close the public hearing.

8 COUNCILMEMBER LUNDBERG MOVED TO CLOSE THE PUBLIC
HEARING. COUNCILMEMBER BRODERICK SECONDED THE MOTION. ALL
10 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

12 Mayor Acerson called for any further discussion or comments from the council.
Hearing none he called for a motion.

14 COUNCILMEMBER BEAN MOVED TO APPROVE ORDINANCE
16 AMENDMENT 2016-3-O AS PRESENTED WITH THE CONDITION THAT THE
FIRST PARAGRAPH OF THE ORDINANCE BE STRICKEN (PARAGRAPH #1).
18 COUNCILMEMBER LUNDBERG SECONDED THE MOTION. THE VOTE WAS
RECORDED AS FOLLOWS:

- 20 COUNCILMEMBER POWELL AYE
- COUNCILMEMBER BEAN AYE
- 22 COUNCILMEMBER BRODERICK AYE
- COUNCILMEMBER LUNDBERG AYE
- 24 COUNCILMEMBER HOYT AYE

THE MOTION CARRIED UNANIMOUSLY.

26 **14. COUNCIL REPORTS:**

28 **Councilmember Powell** – Councilmember Powell reported that she attended the first
30 Youth Court of the year and commented that this young group handled themselves
extremely professional.

32 **Chief Cullimore** – Chief Cullimore had nothing to report.

34 **Councilmember Hoyt** – Councilmember Hoyt had nothing to report.

36 **Councilmember Broderick** – Councilmember Broderick had nothing to report.

38 **Councilmember Bean** – Councilmember Bean had nothing to report.

40 **Councilmember Lundberg** – Councilmember Lundberg mentioned the failed
42 transportation tax bill in our county noting the Council vocalized with the Legislative
members who recently addressed the Council that they would like to see a revising of the
44 UTA compromise that was giving them 40% of those revenues and to bring greater
revenues back to the cities and counties. She noted that Representative Green attempted
46 to present a new bill that would take UTA out which the ULCT did not support. She
mentioned that Pleasant Grove City Mayor Daniels supported the bill. She also wrote to

2 Cameron Diehl with the ULCT to see why they took the stance to not support the bill.
 She then read the response from Mr. Diehl who indicated they felt this would have
 4 betrayed last year's compromise. She went on to reference her conversation with Mr.
 Diehl. There was then some general discussion by the Council regarding this issue.
 6 Councilmember Lundberg stated she doesn't feel anything will happen this legislative
 session which is unfortunate.

8
Mayor Acerson – Mayor Acerson had nothing to report.

10
Administrator's Report:

12 Mr. Cowie reported on the following items followed by discussion.

14 **Misc. Updates:**

- 16 • February City newsletter
- 16 • March newsletter article: Councilmember Hoyt. Article due to Kathy Moosman
last week in February
- 18 • 2016 Legislative updates
- 18 • UTOPIA update – Newly hired Executive Director, Roger Timmerman
- 20 • Avalon Senior Apartments – Ribbon cutting, March 12th with Little Miss Lindon
at 10:00 am. Mr. Cowie will send out a reminder email
- 22 • Misc. Items

24 **Upcoming Meetings & Events:**

- 26 • February 15th – City offices closed for Presidents Day
- 26 • March 5th at 6:00 pm – Little Miss Lindon Pageant at Oak Canyon Jr High
- 28 • March 29th at noon – Budget Committee working lunch meeting
- 28 • April 6th-8th – ULCT Spring Conference in St. George
- 30 • Saturday, April 23rd – Saturday, April 30th –Spring clean-up (dumpsters available)

30 Mayor Acerson called for any further comments or discussion from the Council.
 32 Hearing none he called for a motion to adjourn.

34 **Adjourn** –

36 COUNCILMEMBER BRODERICK MOVED TO ADJOURN THE MEETING
 POWELL AT 12:40 AM. COUNCILMEMBER SECONDED THE MOTION. ALL
 38 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

40 Approved – March 1, 2016

42
 44 _____
 Kathryn Moosman, City Recorder

46 _____
 Jeff Acerson, Mayor

Item 4 – Consent Agenda – *(Consent agenda items are only those which have been discussed beforehand and do not require further discussion)*

- No Items.

Item 5 – Open Session for Public Comment *(For items not on the agenda)*

6. Major Subdivision — Lindon Hidden Meadows Subdivision, Plat B (~800 E. Center Street)
(20 minutes)

Danny Bentley requests preliminary approval of a six (6) lot subdivision, including dedication of public street(s), at approximately 800 East Center Street in the Single Family Residential (R1-20) zone. The Planning Commission recommends approval.

See attached materials from the Planning Department.

Major Subdivision — Lindon Hidden Meadows Plat B approx. 800 East Center

<p>Applicant: Danny Bentley Presenting Staff: Hugh Van Wagenen</p> <p>General Plan: Residential Low Current Zone: Single Family Residential (R1-20)</p> <p>Property Owners: Loudell & Danny Bentley; Oscar & Cindy Lacayo; Nyal J. Richins Address: 800 East Center Street Parcel IDs: 14:073:0024, 14:073:0228, 14:074:0218 Subdivision Acreage: 3.92 acres</p> <p>Type of Decision: Administrative Planning Commission Vote: 6-0 vote to recommend approval with one condition noted.</p>	<p><u>SUMMARY OF KEY ISSUES</u></p> <ol style="list-style-type: none"> Whether to approve a 6 lot residential subdivision in the Single Family Residential (R1-20) zone. <p><u>MOTION</u></p> <p>I move to (<i>approve, deny, continue</i>) the applicant's request for approval of a 6 lot residential subdivision to be known as Lindon Hidden Meadows Plat B with the following conditions (if any):</p> <ol style="list-style-type: none"> Create a parcel west of Lot 4, south of the trail, and north of the cul-de-sac and deed it to the City for access to the trail.
---	--

BACKGROUND

- This is a request to create six lots and dedicate a new public street (800 East) in the Single Family Residential (R1-20) zone. Two lots have existing homes while the other four would provide lots for new homes.

PLANNING COMMISSION RECOMMENDATION

The Commission voted to recommend approval in a 6-0 vote with the one condition regarding trail access. There was also some discussion on the flag lot regarding utilities and fire access.

DISCUSSION & ANALYSIS

Lot Requirements

- Minimum lot size in the R1-20 zone is 20,000 square feet (.46 acre). With the exception of Lot 4 which is a flag lot, each lot in the proposed subdivision will satisfy the minimum area requirement. The smallest lot is 20,000 s.f. (Lot 2) and the largest is 46,941 s.f. (Lot 5).
- Lot 4 is shown as a flag lot of 20,005 s.f. in total, but only 17,407 s.f. exclusive of the "pole" portion of the lot. Lindon City code requires that flag lots have 20,000 s.f. exclusive of the pole which makes this lot substandard. However, *the applicant received a variance approval* to the minimum square footage of this potential flag lot on September 26, 2013.
 - LCC 17.32.320 states flag lots are only permitted when one of the following two circumstances exists:
 - 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.
- In order to demonstrate that this circumstance exists, the applicant shall provide conceptual development plans showing the development with and without the proposed flag lot that demonstrate that each of the following characteristics is present:
 - a. The design of the flag lot is harmonious and compatible with the configuration of the overall subdivision and/or neighborhood and will not adversely affect the living environment of the surrounding area.
 - b. Standard public street construction would cause disruption to the neighborhood in a significant physical or aesthetic manner, therefore making the flag lot access preferable to a public street.
 - c. Development of the flag lot will decrease public infrastructure while still providing in-fill development and efficient use of the land that is compatible with Lindon City development standards.
- An alternative plan showing how the subdivision would look without the flag lot is included in attachment 4.

Street Improvements

- Curb, gutter and sidewalk will be installed along the new street in addition to an access from the cul-de-sac to the Lindon Heritage Trail.
- The City is asking that a parcel be created west of Lot 4, south of the trail, and north of the cul-de-sac and deeded to the City for access to the trail.

Other Requirements

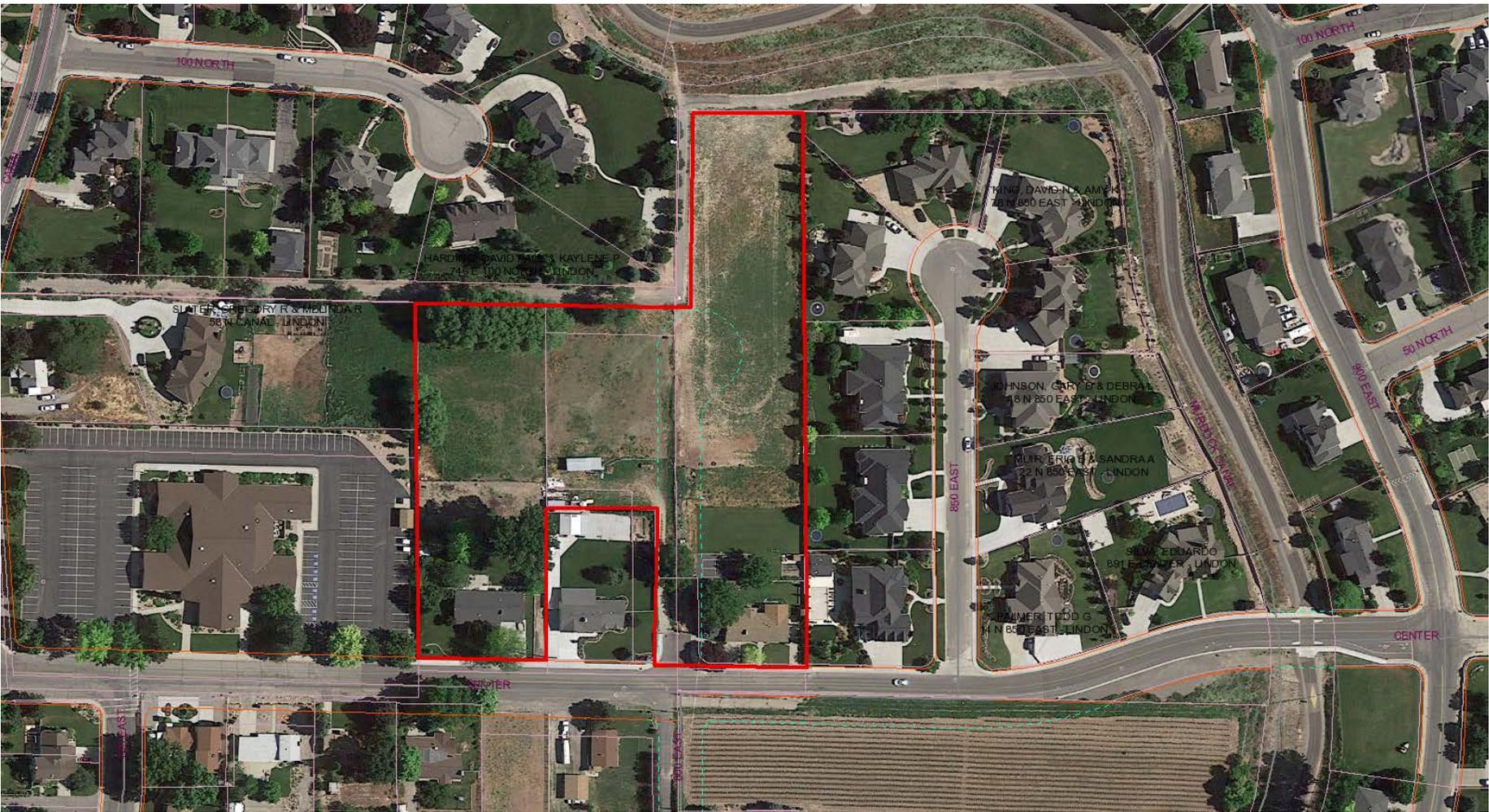
- Staff has determined that the proposed subdivision complies, or will be able to comply before final approval, with all remaining land use standards in LCC 17.32.
- The City Engineer is addressing engineering standards. All engineering issues will be resolved before final approval is granted.

MOTION

1. See above

ATTACHMENTS

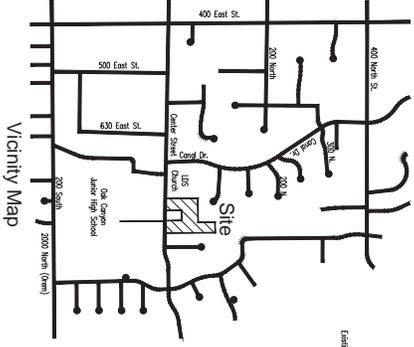
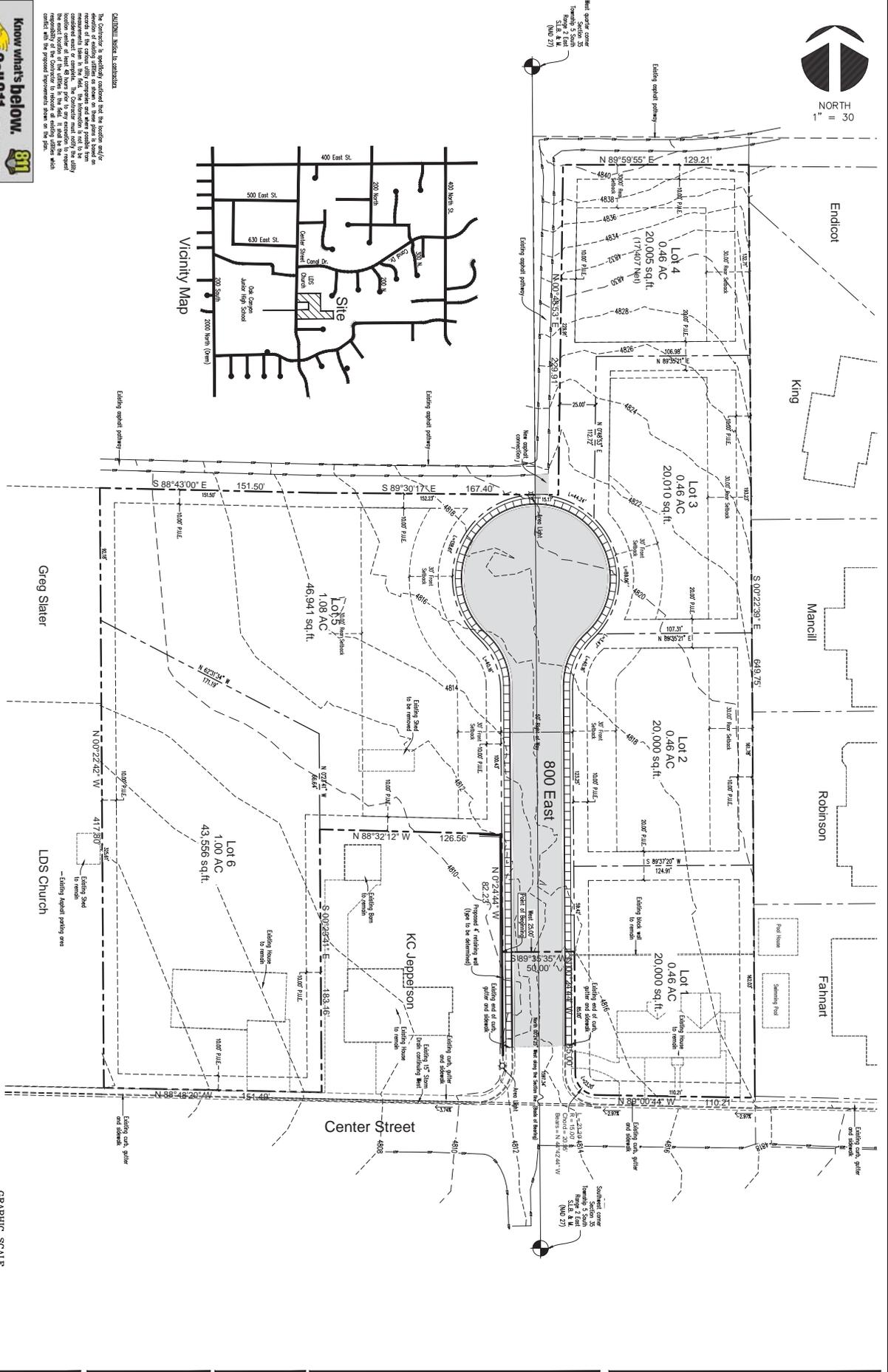
1. Aerial photo of the proposed subdivision.
2. Photographs of the existing site.
3. Preliminary plan.
4. Subdivision concept without the flag lot



Attachment 1







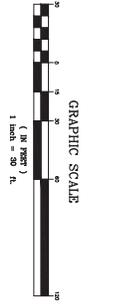
Know what's below.

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UTILITY INFORMATION CENTER, INC.
www.bluestakes.org
1-800-652-4111

CUSTOMER NOTICE AND DISCLAIMER

The Contractor is explicitly notified that the location and/or existence of existing utilities is shown on these plans is based on the information provided by the utility owners. It is the responsibility of the Contractor to verify the location and/or existence of utilities in the field. The information is not to be used as a substitute for a utility locate service. The Contractor is responsible for the location of all utilities prior to any excavation to prevent damage to existing utilities. The Contractor is to be held harmless in the event of any damage to existing utilities. The Contractor is to be held harmless in the event of any damage to existing utilities. The Contractor is to be held harmless in the event of any damage to existing utilities.



Sheet No.
C - 2.0

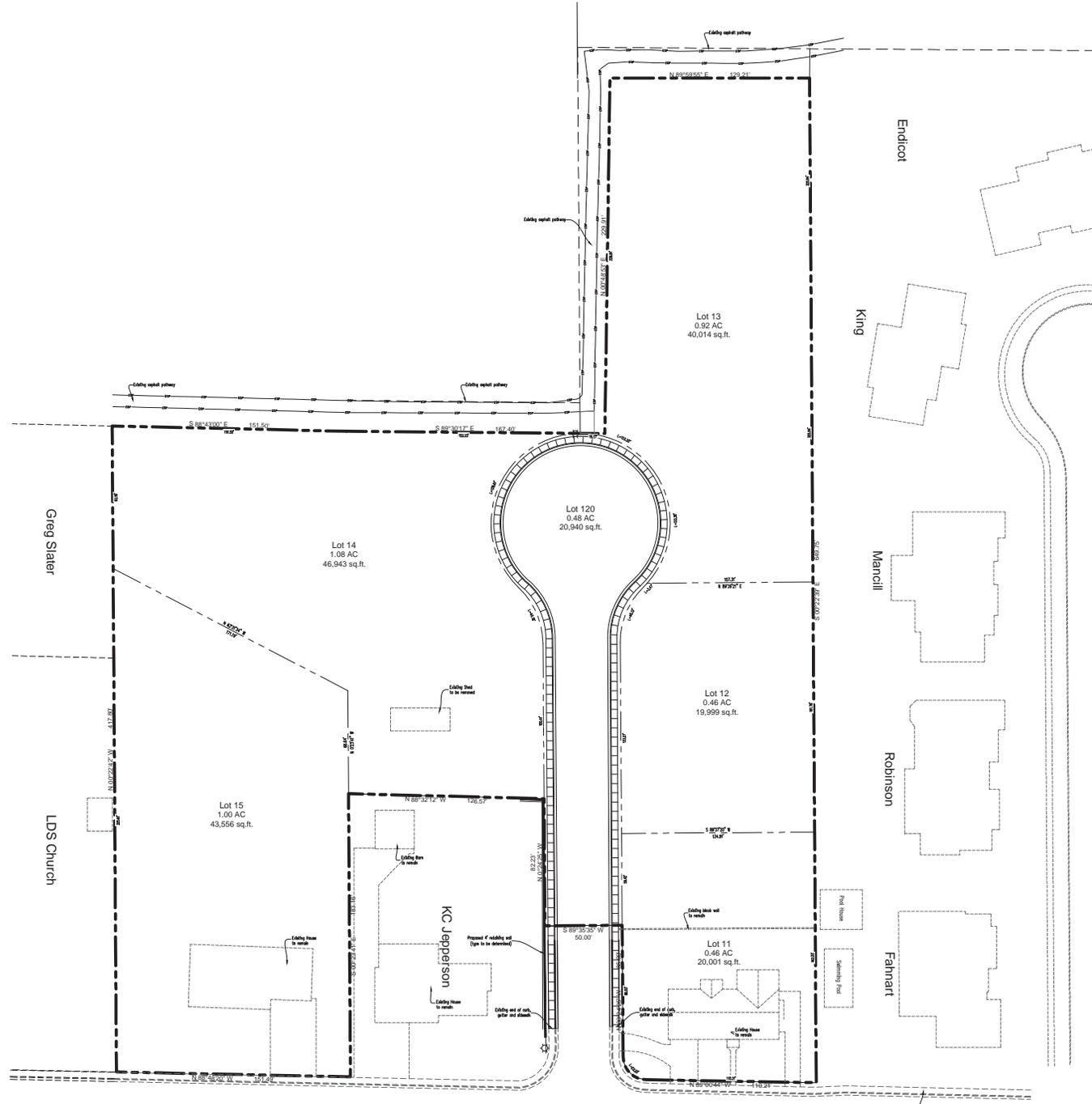
Date: 02/20/16
Scale: 1" = 30'
By: TD
Tracing No.

Revisions

Lindon Hidden Meadows "B"
Preliminary Plat

Lindon Utah

DUDLEY AND ASSOCIATES
ENGINEERS PLANNERS SURVEYORS
353 EAST 1200 SOUTH, OREM, UTAH
801-224-1252



7. **Council Reports:**

(20 minutes)

- A) MAG, COG, UIA, Utah Lake, ULCT, NUVAS, Budget Committee - Jeff Acerson
- B) Public Works, Irrigation/water, City Buildings - Van Broderick
- C) Planning, BD of Adjustments, General Plan, Budget Committee - Matt Bean
- D) Parks & Recreation, Trails, Tree Board, Cemetery - Carolyn Lundberg
- E) Public Safety, Court, IHC Outreach, Lindon Days - Randi Powell
- F) Admin., Community Center, Historic Comm., UV Chamber, Budget Committee - Jacob Hoyt

8. **Administrator's Report:**

(10 minutes)

Misc Updates:

- February City newsletter: <http://siterepository.s3.amazonaws.com/442/february16final.pdf>
- May newsletter article: **Matt Bean** - Article due to Kathy Moosman last week in April.
- 2016 Legislative updates
 - Oppose HB180
- Tithing Office update: home has been removed. Accepted offer on property at asking price of \$134,900 pending permit issuance on proposed twin-home (R2-Overlay project)
- Public Safety Building – financing approved by committee. Pre-construction meeting March 4th. Update on use of RDA funds.
- Road / utility projects construction schedules (see maps at end of Staff Report). Temporary closures expected.
 - 60 North - Public Safety Bld: March – May
 - 200 South Water Line Replacement: March – May
 - RDA's (West Side & Dist 3 by Home Depot) & Main Street Rehabilitation: April – June
- Questar 200 South impacts – update on funding repairs
- Spring Clean-up dates for community dumpsters: Sat, April 23rd – Sat, April 30th
 - Dumpster location moved from 100 N. Stake Center to the Horse Staging Area parking lot (140 N 1200 E)
- Misc. Items:

Upcoming Meetings & Events:

- March 5th @ 6pm – Little Miss Lindon Pageant at Oak Canyon Jr High
- March 12th @ 10am – Avalon Senior Apts ribbon cutting & open house
- March 29th @ noon. Budget Committee working lunch meeting
- April 6th-8th. ULCT Spring Conference in St. George
- Sat, April 23 – Sat, April 30. Spring clean-up (dumpsters available)

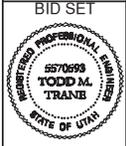
Adjourn



PROJECT: REPORT 15141 - Phase 1 - Civil Work
 DRAWING: 15141-0101 - CONCRETE AND METAL STRUCTURE FOR LINCOLN CENTER TRAFFIC CONTROL AND WATER CONTAINMENT



J-U-B ENGINEERS, INC.
 240 W. Center St.
 Suite 200
 Orem, UT 84057
 Phone: 801.226.0393
 Fax: 801.226.0394
 www.jub.com



BID SET

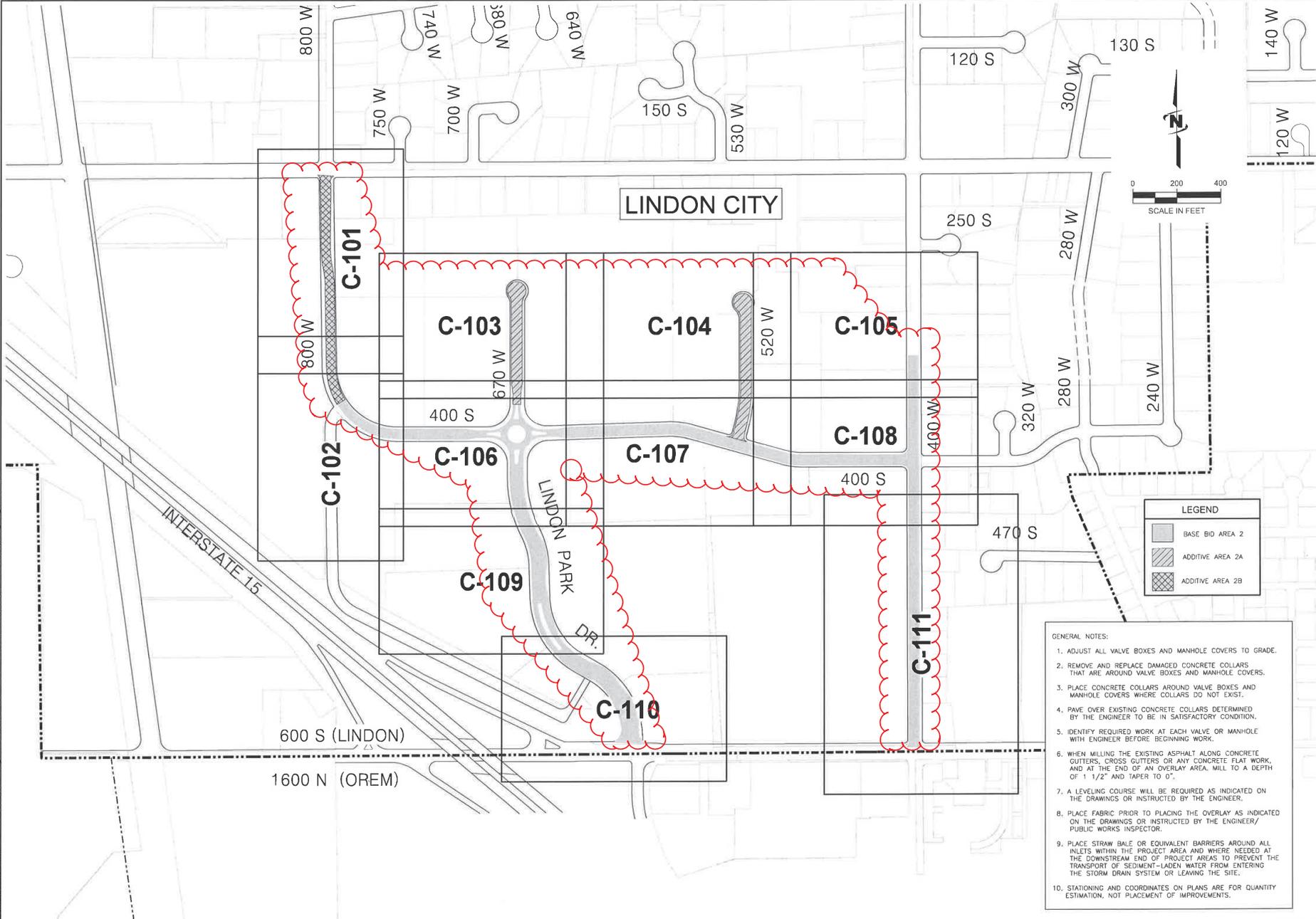
THESE DOCUMENTS AND THE DESIGN INFORMATION INCORPORATED
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 PROHIBITED.

NO.	DESCRIPTION	DATE

**LINDON CITY CULINARY WATER SYSTEM
 WATERLINE REPLACEMENT - PHASE 1 - 200 S.**

POTENTIAL STREET CLOSURES/ROUTING

FILED BY	TRACY C. CONTINO, P.E.
DRAWN BY	STH
DESIGNED BY	STH
CHECKED BY	ONE (Name)
DATE	11/15/2017
AT FULL SIZE, PHOTOGRAPHIC COPY IS TO BE USED IN CONSTRUCTION.	
LAST UPDATED	11/15/2017
SHEET NUMBER	C-801



Job Title: 01/10/17 Revise for Public Review
 Date: 01/10/17
 Job Number: 15074
 Project Name: LINCOLN CITY STREET MAINTENANCE - RDA 3
 Sheet Title: LINCOLN CITY STREET MAINTENANCE - RDA 3 SHEETS 14-203 - C-100 - SHEET 14-203

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BID SET

REGISTERED PROFESSIONAL ENGINEER - STATE OF UTAH
 MARK L. CHRISTENSEN
 No. 190311

NO.	DESCRIPTION	DATE

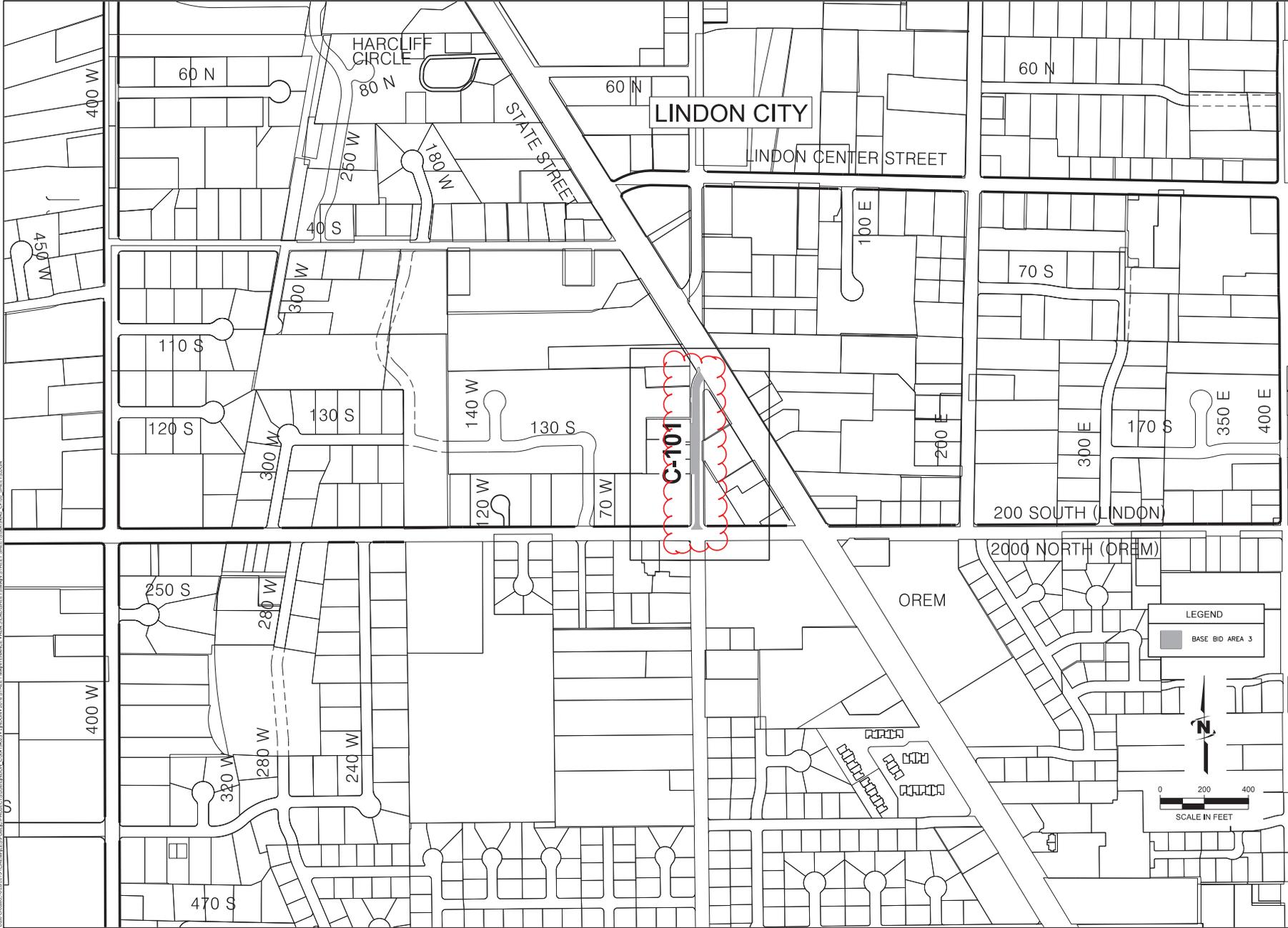
LINDON CITY 2016 STREET MAINTENANCE PROJECTS - RDA 3

SITE PLAN - SHEET LOCATIONS
 LINDON CITY CORPORATION
 LINDON, UTAH

FILE: 15074-150-C-100 SHEETS
 JOB PROJ #: 15074-150-301
 DRAWN BY: FEA
 DESIGN BY: JWC
 CHECKED BY: MLC
 DATE: 01/10/17
 AT FULL SIZE IF NOT ONE INCH SCALE ACCORDINGLY
 LAST UPDATED: 10/10/2015

SHEET NUMBER:
C-100

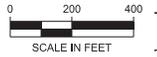
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LINDON CITY

C-101

LEGEND
 ■ BASE BID AREA 3



J-U-B ENGINEERS, INC.
 J-U-B ENGINEERS, INC.
 240 W. Center St.
 Suite 200
 Orem, UT 84057
 Phone: 801.226.0393
 Fax: 801.226.0394
 www.jub.com

BID SET



NO.	DESCRIPTION	BY	DATE

LINDON CITY 2016 STREET MAINTENANCE PROJECTS
 MAIN STREET - STATE ST. TO 200 SOUTH
 PLAN SHEET LOCATION
 LINDON CITY CORPORATION
 LINDON, UT 84057

FILE: S:\16-045_C-100_SHEETS
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 CHECKED BY: JMC
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C-100