

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **May 14, 2013** beginning at 7:00 p.m. in the Lindon City Center, City Council Chambers,
4 100 North State Street, Lindon, Utah.

5 Conducting: Sharon Call, Chairperson
6 Invocation: Vaughan Austin, Commissioner
7 Pledge of Allegiance: Rob Kallas, Commissioner

8 **PRESENT**

ABSENT

9 Sharon Call, Chairperson
10 Ron Anderson, Commissioner
11 Del Ray Gunnell, Commissioner
12 Carolyn Lundberg, Commissioner
13 Mike Marchbanks, Commissioner
14 Rob Kallas, Commissioner
15 Vaughan Austin, Commissioner
16 Hugh Van Wagenen, Planning Director
17 Kathryn Moosman, City Recorder

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19 **1. CALL TO ORDER** – The meeting was called to order at 7:03 p.m.

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21 **2. APPROVAL OF MINUTES** – The minutes of the regular meeting of April 9,
22 2013 were reviewed.

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24 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES
25 OF THE REGULAR MEETING OF APRIL 9, 2013. COMMISSIONER LUNDBERG
26 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
27 CARRIED.

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29 **3. PUBLIC COMMENT** –

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31 Chairperson Call called for comments from any audience member who wished to
32 address any issue not listed as an agenda item. There were no public comments.

33 **CURRENT BUSINESS** –

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35 **4. CONCEPT REVIEW:** *Ivory Homes Subdivision- 70 North 400 West.* This is a
36 request by Kyle Honeycutt of Ivory Homes to review a proposed subdivision
37 development located at 70 North and 400 West. Discussion will focus on a
38 potential master planned road proposed to extend the subdivision south and east to
39 40 south. No motions will be made on this item.

40
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42 Hugh Van Wagenen, Planning Director, opened the discussion by stating this is
43 request by Ivory Homes to review a development located at 70 North and 400 West
44 (formerly owned by the Cullimore family). Mr. Van Wagenen noted that Mr. Honeycutt
45 has met with the Development Review Committee on numerous occasions but would like
46 the Commissions opinion and feedback on stubbing a road in preparation for
47 development on an adjacent property to the east, which is controlled by one entity. He

2 went on to say that if the stubbed road is approved by the City, a master planned road that
3 connects to 40 South or State Street would have to be adopted as part of the general plan.
4 He further explained that a temporary turnaround would be required at the end of the road
5 with the current development (assuming development of the adjacent property would
6 happen at a future date). Mr. Van Wagenen stated if a master planned road is not added
7 to the general plan, Ivory Homes may proceed with constructing a cu-de-sac road on their
8 property. This would result in a different lot configuration because the city standards
9 require that a cul-de-sac road be 650 feet or less. He noted that if there is no through road,
10 the adjacent property would have no access for future development, remaining essentially
11 landlocked with no street frontage (due to the length limit on the cul-de-sac roads). He
12 noted that this is only a concept review with no action needed. Mr. Van Wagenen
13 mentioned that Mr. Honeycutt met with the City Council last week for discussion on this
14 concept review.

15 Kyle Honeycutt addressed the Commission at this time. He referenced a diagram
16 of the "court slope." He then discussed the court slope options and potential road options.
17 He added that due to the slope it was necessary to put a stub in. Mr. Honeycutt stated that
18 initially they were just dealing with the Cullimore property and was going to put in the
19 cul-de-sac, but after speaking with property owners they have come up with a version
20 that makes everyone happy. He noted that many of the owners are in attendance tonight
21 and they can comment. He stated that from a good neighbor prospective Ivory would like
22 to make it work for everyone. He noted that Mr. Farrer and the Johnsons have come to
23 an agreement to allow the connection all the way through. Exactly how the road goes
24 through is not entirely defined. Mr. Farrer is essentially going to be purchasing the
25 property from the Johnsons and developing to provide a few more lots as part of the
26 future development. Mr. Honeycutt noted they are moving forward with the engineer on
27 the preliminary plat map that will show the storm drainage system. There was then some
28 general discussion regarding this concept review.

29 Chairperson Call noted that this is not a public hearing but allowed several
30 residents in attendance to address the commission as follows:

31 **Lynn Croft:** Mr. Croft commented that he is a property owner in the area and mentioned
32 that that last week they had not had a meeting of the minds and they have now hammered
33 out an agreement. He added that there will be no easement going into the Johnson
34 property. He stated that is the only way to get the drainage from their property.

35 **Carol Ann Paige:** Ms. Paige inquired if all of the proposed lots will be half acre lots.
36 Mr. Honeycutt confirmed the lots will be half acre lots. Ms. Paige stated that as a resident
37 she has concerns about the safety of 40 South and the extra traffic that will be generated
38 from the new road as it will become a collector road. She asked what the city's plans are
39 to improve or widen 40 South to make it safer for the children who walk to school,
40 particularly as there are no sidewalks and the road will probably come out at the top of
41 the steep hill.

42 Mr. Van Wagenen stated that the future developer will be asked to put in curb,
43 gutter and sidewalk; which will probably be sooner rather than later. He added that
44 would be a step in improving the width of the road in the area that is being developed,
45 which will also depend on when the property develops.
46

2 **Doug Olsen:** Mr. Olsen noted that he lives on 40 south. He asked what it will take to
4 widen 40 South and asked about the possibility of a Special Improvement District. Mr.
6 Van Wagenen stated that a Special Improvement District could be a possibility and staff
is open for conversation. Mr. Olsen stated that it makes sense to widen the road as it will
continue to impact residents.

8 **Scott Farrer:** Mr. Farrer stated that after some discussion they did come to an agreement
10 with the Johnsons and the Crofts. Mr. Farrer noted they also met with Utah Power and
12 Light today and were informed there are four power poles on his property that would
14 need to be relocated. The UP&L representative stated that to bury the cable would cost
16 approximately \$170,000. Mr. Farrer further explained that moving the poles out of
alignment would put them back on his property. He asked if the city would help to
negotiate with UP&L to bury the cable or move the poles the 10-12 feet. Mr. Farrer
stated that he is in support of the road going through but it is a huge expense and a big
burden. He added that to widen 40 South the poles will have to be moved anyway.

18 There was then some general discussion regarding this issue. Chairperson Call
20 suggested that Mr. Farrer work with city staff on some of these issues. Mr. Van
22 Wagenen stated that he will take this issue back to staff and work out the details.
24 Chairperson Call noted that if approved the master plan will have to be changed but no
26 motion will be made tonight on this concept review. Mr. Van Wagenen stated that a
separate application will be required to put the road on the master plan and a public
hearing will have to be held. He added that Mr. Farrer will also be working with the City
staff. Mr. Farrer noted that they are pretty close to working a deal out and is confident
that it will go through. Chairperson Call asked if there were any further questions or
comments. Hearing none she moved on to the next agenda item.

- 28 **5. CONCEPT REVEIW:** *Osmond Senior Living – 175 North State Street.* This is a
30 request by Jared Osmond of Osmond Senior Living to review a proposed 40-50
32 bed assisted living senior facility in the building currently known as Somewhere
Inn Time. No motions will be made on this item.

34 Mr. Van Wagenen explained this item is a request by Jared Osmond of Osmond
36 Senior Living to review a proposed 40-50 bed assisted living senior facility on the
38 property currently known as Somewhere Inn Time. A concept review is an opportunity
40 for an applicant to pitch an idea before the planning commission and get feedback. This
42 is an informal presentation with no application materials required from the applicant. The
44 Commission is in no way committing to an approval or denial or a future application
46 based on this review as no motion is required as part of this review. Jared Osmond was
48 in attendance to address the Commission. He gave a quick overview of his concept
review of a Senior Living Facility proposed in the Somewhere Inn Time building. He
noted they are under contract with the Somewhere Inn Time Building and will close
between 30 to 60 days and everything is on line to move forward. He stated that they
have a facility in Cedar Hills where they charge less and have more amenities. Mr.
Osmond commented that the senior population is growing and so is the need for assisted
living facilities. He added that the Somewhere Inn Time building provides a perfect fit
for their concept. They are proposing a 40-50 unit facility, which is a manageable size.
Mr. Osmond stated there may be a Phase II development made at a later date for

Independent Living that would also be kept in the realm of the current zoning laws. He then presented his PowerPoint presentation. There was then some general discussion by the applicant and the Commissioners regarding this item. Chairperson Call stated that the zoning is in place and what would be required is a conditional use permit.

Chairperson Call commented that it appears the Commission has provided some good input and added that this sounds like a nice concept. Mr. Osmond stated that the proposed facility will blend in architecturally and will have some great amenities. He thanked the Commission for their time and consideration.

Chairperson Call asked if there were any further discussion or comments from the Commissioners. Hearing none she moved on to the next agenda item.

6. PRELIMINARY MINOR SUBDIVISION: *Marian Estates – 611 East Center Street.* This is request by Kurt and Kerrie Fisher for approval of a two (2) lot minor subdivision located at 611 East Center Street to be known as Marian Estates and is located in the R1-20 zone. Recommendations will be made to the City Council after review by the Planning Commission.

Hugh Van Wagenen opened the discussion by explaining that Mr. Leifson is in attendance representing the applicants, Kurt and Kerrie Fisher. Mr. Leifson is requesting approval on a two (2) lot minor subdivision located at 611 East Center Street. The subdivision is located in the Single Family Residential zone where minimum lot square footage is 20,000 square feet (R1-20). Mr. Van Wagenen noted this subdivision's two lots will have frontage on different streets (Center Street and 100 North) but both frontages are already improved with curb, gutter and sidewalk. The lot on Center Street has an existing home and the vacant lot on 100 North already has utilities stubbed to it. He added the improvements were done when the Stableridge Subdivision was developed. There is also sufficient street frontage length on both lots and both meet the 20,000 square foot lot minimum. Mr. Van Wagenen noted that there is no public utility easement on the west side of Lot #1 due to an existing shed and the application meets all applicable ordinances and staff has no concerns.

There was then some general discussion regarding this minor subdivision application. Chairperson Call noted that this item seems pretty straightforward.

Chairperson Call asked if there were any further questions or comments. Hearing none she called for a motion.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE TWO LOT MINOR SUBDIVISION KNOWN AS MARIAN ESTATES PLAT A AS PRESENTED. COMMISSIONER AUSTIN SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

VICE CHAIRPERSON ANDERSON	AYE
COMMISSIONER GUNNELL	AYE
COMMISSIONER LUNDBERG	AYE
COMMISSIONER KALLAS	AYE
COMMISSIONER MARCHBANKS	AYE
COMMISSIONER AUSTIN	AYE

THE MOTION CARRIED UNANIMOUSLY.

2 7. **PLAT AMENDMENT:** *Bishop Corner – 319 North 135 West.* This is a request
4 by Lindon City Corporation for approval of a plat amendment to two lots in the
6 Bishop Corner Plat A Subdivision. This amendment will modify the lot lines so
that both lots meet the require 20,000 square foot minimum area for lots in the
R1-20 zone. No new lots will be created. Recommendations will be made to the
City Council after review by the Planning Commission.

8 Hugh Van Wageningen opened the discussion by explaining this item is a request by
10 Lindon City Corporation for approval of a plat amendment to two lots in the Bishop
12 Corner Plat A Subdivision. He added that the amendment will create Bishop Corner Plat
14 B. Mr. Van Wageningen stated this amendment will modify the lot lines so that both lots
16 meet the required 20,000 square foot minimum area required for lots in the R1-20 zone.
18 He noted that currently, only Lot #1 meets the 20,000 square foot minimum.

20 Mr. Van Wageningen further discussed that the City purchased Lot #2 on which an
old LDS tithing house is located in the anticipation that the building would be restored
and used as a public meeting space and/or museum. It was not intended to be a building
lot and that is why Lot #2 does not have the required 20,000 square feet. However, with
the procurement of the Community Center, the tithing house was deemed surplus to city
needs.

22 Mr. Van Wageningen noted in order to sell Lot #2 as a buildable lot, it was necessary
for the City to purchase the requisite square footage from the owner of Lot #1.
24 Fortunately, there is enough square footage available to meet the 20,000 square feet for
both lots as required by the zone. He added that Lot #2 will no longer be a “Public Area”
as indicated on the current plat, and the application meets all applicable ordinances. .
26 Commissioner Lundberg asked if the City has any intention to preserve that historical
building or moving the building. Mr. Van Wageningen replied that the City does not have
any interest in preserving or moving the building as it is not in the public’s best interest at
28 this time. Mr. Van Wageningen added that there has been a lot of deliberation by staff,
Council and the Historical Commission and they deemed that it not be held onto by city.
30 There was then some general discussion on this agenda item

32 Chairperson Call asked if there were any further discussion or comments.
Hearing none she called for a motion.

34 COMMISSIONER KALLAS MOVED TO APPROVE THE PLAT
36 AMENDMENT REQUEST TO BISHOP CORNER PLAT A IN ORDER TO CREATE
BISHOP CORNER PLAT B. COMMISSIONER MARCHBANKS SECONDED THE
MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

38 VICE CHAIRPERSON ANDERSON AYE
COMMISSIONER GUNNELL AYE
40 COMMISSIONER LUNDBERG NAY
COMMISSIONER KALLAS AYE
42 COMMISSIONER MARCHBANKS AYE
COMMISSIONER AUSTIN AYE
44 THE MOTION CARRIED UNANIMOUSLY.

46 Commissioner Lundberg noted her reason for not voting to approve the plat
48 amendment for Bishop Corner Plat A. She would like to see if there is going to be some
of the materials from the Bishop Tithing House preserved vs. just selling it on the open

market to be disposed of. She expressed that it would be nice to preserve some of the history.

8. PUBLIC HEARING: *Ordinance Amendment – Senior Housing Facility Overlay.* This is request by Matt Gneiting for approval of a land use ordinance amendment to allow for a Senior Housing Facility Overlay Zone. The ordinance will govern high density, independent living housing for individuals ages 55 and older. Recommendations will be made to the City Council after review by the Planning Commission.

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

Mr. Van Wagenen explained this request by Matt Gneiting is for approval of a land use ordinance amendment to allow for a Senior Housing Facility Overlay Zone. The ordinance will govern high density, independent living housing for individuals ages 55 and older. He noted that Mr. Gneiting presented a concept review for this type of facility on 65 South Main Street before the Planning Commission earlier this year. The applicant is now submitting applications to move from a conceptual project to an actual project, and reviewing and adopting an ordinance allowing this type of facility is the first step in this process.

Mr. Van Wagenen further explained an ordinance allowing for this type of density is new to Lindon City. Mr. Van Wagenen then referenced some of the more notable sections of the ordinance as follows:

1. Allowance of 30 units per acre
2. Requiring 1.1 parking stalls per unit,
3. Only allowing residents ages 55 and older (with minimal exception for spouses)
4. Limiting the location of the overlay zone.

Mr. Van Wagenen directed the commission to review the draft language carefully in considering adopting the ordinance. He added that several members of city staff are also in the process of reviewing the proposed language, and it is anticipated that some modifications will occur to the ordinance language. Mr. Van Wagenen then turned the time over to Mr. Gneiting and Mr. Stanley for their presentation.

Matt Gneiting and Mike Stanley addressed the Commission at this time. Mr. Gneiting stated that it would be appropriate to give some clarifications as they Commission had several questions. He noted that he felt good about his presentation to the City Council and appreciated their feedback. Mr. Gneiting noted that he met in good faith with the neighbors and property owners in an effort to educate them and to help them understand what they are proposing and to offer them full voice in what is being considered. Overall the comments from the residents were positive. Per the ordinance, the property is zoned commercial, so technically the building could be up to 48 feet high. He then discussed his slideshow presentation and gave the highlights and project overview that are still in place from his last presentation.

Mr. Gneiting then presented some of the features and potential amenities of the proposed housing development as follows:

Features:

- 2 • View of Mount Timpanogos.
- Walking distance to the Lindon Senior Center, City Offices and the park.
- 4 • Secluded setting, buffered by land on the north, Timp Academy on the east and industrial office on the south.
- 6 • Access to/from Main Street. Visually accessible from State Street.
- Services Lindon, Orem and Pleasant Grove committees.

8

Potential Amenities:

- 10 • Full time onsite management.
- Spacious 1 and 2 bedroom apartments.
- 12 • Full kitchens/private bathrooms.
- Interior corridor apartment access only.
- 14 • Secured entrance/exits to the property for 24 hour security.
- Elevator access.
- 16 • UTA Para-transit accessible.
- No smoking for oxygen use.
- 18 • Onsite salon.
- Swimming pool, exercise faculty.
- 20 • Activity area for family gatherings, library reading, and property activities like Saturday morning breakfast or education vignettes.
- 22 • Attractive, functional landscaped walking paths and grounds.
- Wired for computer usage.
- 24 • Covered parking.
- Quiet, peaceful setting adds to the quality of life.
- 26 • Affordable.

28 Chairperson Call noted several items changed from the last meeting.

- 30 1. Lowered the building height to 48 feet.
2. Only working with the smaller parcel.
3. 90 proposed units down from 130 units and 100 parking stalls.
- 32 4. Apartment size between 700 and 1,000 square feet.

34 Chairperson Call mentioned her concerns for voting on it tonight is that the language in the ordinance has not been completed yet and until the language has been clarified the item should be continued. Mr. Gneiting is hoping for enough feedback tonight from the commissioners and neighbors to be able move forward. There was then some general discussion regarding the ordinance draft. Mr. Van Wagenen noted that he will take the suggestions made tonight and incorporate them into the draft for review.

40 Chairperson Call called for public input at this time. There were several residents in attendance to address the Commission as follows:

42

Leonard Lee: Mr. Lee noted two points of interest. He mentioned a facility in Sun City, Arizona where their code states the minimum age requirement is 19 years of age as long as there is someone at least 55 years or older living there as well. Sun City, Arizona may be a good place to look to narrow down the language in the code. He mentioned fencing.

2 The school was not required to put in a fence but they did install a chain link fence
3 between the proposed facility and the charter school. He suggested that required slats in
4 the chain link fence may be appropriate.

6 **Lamar Scott:** Mr. Scott commented that he has lived in Lindon since 1950. He stated
7 that the density of this proposed facility is a big concern. Mr. Scott also noted that the
8 city government issued him a deed for eight (8) feet around his property where the streets
9 are that is not fenced in yet where the school patrons and busses park. He added that if
10 the developer wants to put in a sidewalk he will have to buy their property. Noise and
11 traffic issues will also be an issue.

12 **Mrs. Abbott:** Ms. Abbott stated that she lives on 57 South Main. She noted that she has
13 several concerns. She noted that her driveway is being used by everyone to access
14 property to the south of her. She would ask if the proposed development goes in that her
15 driveway not be utilized. She thinks the density is overwhelming and traffic and noise
16 will also be an issue. The impact of those neighbors who stay in the area will be
17 tremendous.

18 **Jerry Rogers:** Mr. Rogers stated that his property will be heavily impacted. He noted
19 that the location is good for seniors as there is a senior center close by along with
20 Fire/EMT for emergencies and programs at the elementary schools geared for seniors
21

22 Chairperson Call asked if there were any further discussion or comments.
23 Hearing none she called for a motion.

24
25 COMMISSIONER ANDERSON MOVED TO CONTINUE THE LAND USE
26 ORDINANCE AMENDMENT TITLED LCC 17.75 SENIOR HOUSING FACILITY
27 OVERLAY. COMMISSIONER KALLAS SECONDED THE MOTION. THE VOTE
28 WAS RECORDED AS FOLLOWS:

29 VICE CHAIRPERSON ANDERSON AYE
30 COMMISSIONER GUNNELL AYE
31 COMMISSIONER LUNDBERG AYE
32 COMMISSIONER KALLAS AYE
33 COMMISSIONER MARCHBANKS AYE
34 COMMISSIONER AUSTIN AYE
35 THE MOTION CARRIED UNANIMOUSLY.
36

37 **9. PUBLIC HEARING:** *Zoning Map Amendment – Senior Housing Facility*
38 *Overlay – 65 South Main Street.* This is a request by Matt Gneiting for a zoning
39 map amendment for property generally located at 65 South Main Street. The
40 amendment would place a Senior Housing Facility Overlay Zone on the subject
41 property which is currently zoned General Commercial (CG).
42

43 Mr. Van Wagenen opened the discussion by explaining this item is a request by
44 Matt Gneiting for a zoning map amendment. He noted that Mr. Gneiting presented a
45 concept review for this type of facility on 65 South Main Street to the Planning
46 Commission at an earlier meeting. The applicant is now submitting applications to move
47 from a conceptual project to an actual project. A zone change will need to occur before
48

2 the project can move forward. However, the ordinance language governing the zone is
3 also under review.

4 Mr. Van Wagenen stated that staff does not recommend approving the zoning
5 map amendment until the Senior Housing Facility Overlay ordinance language has been
6 approved by the Planning Commission and recommended to the City Council. He went
7 on to say that additionally the attached map showing the proposed area for the zone
8 change may need to be modified as the applicant consolidates parcels for the project.
9 There was then some general discussion regarding the zoning map amendment for the
10 senior housing facility overlay.

11 Chairperson Call asked if there were any public comments. Hearing none she
12 called for a motion to close the public hearing.

13 COMMISSIONER ANDERSON MOVED TO CLOSE THE PUBLIC
14 HEARING. COMMISSIONER AUSTIN SECONDED THE MOTION. ALL
15 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

16 Chairperson Call asked if there were any further discussion or comments.
17 Hearing none she called for a motion.

18 COMMISSIONER KALLAS MOVED TO CONTINUE THE ZONING MAP
19 AMENDMENT REQUEST FOR THE SENIOR HOUSING FACILITY OVERLAY TO
20 BE APPLIED ON PROPERTY GENERALLY LOCATED AT 65 SOUTH MAIN
21 STREET, ACCORDING TO THE MAP. COMMISSIONER ANDERSON
22 SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

23 VICE CHAIRPERSON ANDERSON AYE

24 COMMISSIONER GUNNELL AYE

25 COMMISSIONER LUNDBERG AYE

26 COMMISSIONER KALLAS AYE

27 COMMISSIONER MARCHBANKS AYE

28 COMMISSIONER AUSTIN AYE

29 THE MOTION CARRIED UNANIMOUSLY.

30 Chairperson Call asked if there were any further questions or comments. Hearing
31 none she moved on the next agenda item.

32 **10. NEW BUSINESS** – Reports by Commissioners.

33 Chairperson Call called for any new business or reports from the Commissioners.
34 She mentioned that Orem City denied development and then reversed it and reconsidered
35 it. Commissioner Lundberg mentioned the increase in pan handlers in surrounding cities.
36 She noted there was an article in the paper about it and how to address the pan handlers.
37 She went on to say there have been complaints in American Fork so the police are now
38 citing them. Commissioner Lundberg added that there are aggressive solicitor's at times
39 and pan handlers have sued saying it was a free speech issue. The judge struck it down
40 saying that the state statute is too wide. American Fork City has now installed a concrete
41 barrier so people can't stand in middle of road.

42 Chairperson Call called for any further comments or discussion from the
43 Commissioners. Hearing no further comments she moved on to the next agenda item.

