

2 The Lindon Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **February 23, 2010**, beginning at 7:00 p.m. in the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Gary Godfrey, Chairperson

6 Invocation: Ron Anderson

7 Pledge of Allegiance: Mark Johnson

8 **PRESENT**

ABSENT

10 Gary Godfrey, Chairperson

11 Ron Anderson, Commissioner

12 Matt Bean, Commissioner

13 Chris Burton, Commissioner

14 Sharon Call, Commissioner

15 Mark Johnson, Commissioner

16 Angie Neuwirth, Commissioner

17 Adam Cowie, Planning Director

18 Woodworth Mataele, Assistant Planner

19 Debra Cullimore, City Recorder

21 The meeting was called to order at 7:00 p.m.

23 **APPROVAL OF MINUTES** – The minutes of the meeting of February 9, 2010 were
24 reviewed.

25
26 COMMISSIONER JOHNSON MOVED TO APPROVE THE MINUTES OF
27 THE MEETING OF SEPTEMBER 9, 2010. COMMISSIONER NEUWIRTH
28 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
29 CARRIED.

31 **PUBLIC COMMENT** –

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

35 **CURRENT BUSINESS** –

- 37
38 1. **Review and Action** - *Maeser Preparatory Academy Site Plan– 350 West 600*
39 *South*. This is a request by Brett Ormsby, representing Maeser Academy Partners
40 LLC, for a site plan approval. The applicant intends to relocate the existing
41 Maeser Preparatory Academy charter school located at 531 North State Street to
42 the subject property located at approximately 350 West 600 South. The proposed
43 site plan calls for a ball field, off street parking, landscaping, main building for
44 classrooms and offices, and sections designated for future retail and residential
45 lots.

2 Ron Peck of Peck Ormsby Construction was present as the representative for this
application. City Engineer, Mark Christensen, was also present for this discussion. Mr.
4 Cowie explained that this is a request to relocate the Maeser Preparatory Academy
Charter High School from their current location at 531 North State Street to a new facility
6 which is proposed at 350 West 600 South. The new facility will accommodate junior
high and high school students from grades seven through twelve.

8 Mr. Cowie presented an aerial photo of the site. He explained that the subject
property includes four existing parcels, two of which will be sold as future residential lots
10 and one as a possible future commercial lot. Some utilities will cross the residential lots
to the school site. Mr. Cowie noted that the street frontage has full curb, gutter and
12 sidewalk improvements. Some curb cuts and ADA ramps will be completed as part of
this project, but no physical changes to street improvements are proposed. The site will
14 access from 600 South/1600 North in Orem.

16 Mr. Cowie noted that there is an existing LDS Church facility located to the east
of the subject property. The applicant is currently negotiating with the church to
purchase a separate parcel of property at the northeast corner of the church for an LDS
18 Seminary building site. This transaction has not been finalized and is not part of this
application.

20 Mr. Cowie explained that the subject property is located near the boundary
between Orem and Lindon. Noticing of property owners within 300 feet of the site
22 included some Orem residents. Mr. Cowie presented the site plan which was sent to
neighboring property owners. The proposed site plan includes an athletic track and field
24 area on the west side of the school with the school facility in the center of the property.
There is potential for future expansion of this site to include the LDS Seminary facility.
26 The applicant intends to subdivide the front commercial lot and sell it for commercial
development at some time in the future. The plans submitted by the applicant show a
28 secondary graveled fire access road across the commercial lot.

30 Mr. Cowie presented colored concept elevation drawings as well as sample
materials proposed for the elevations. He explained that the City does not have the
authority to regulate any element of the site other than those items related to health and
32 safety issues. He noted that the applicant has voluntarily complied with most City
ordinances and guidelines, and that the site appears to meet all parking requirements with
34 only slight modifications. He stated that additional ADA or other parking requirements
may be necessary if and when the future Seminary lot develops. The emergency
36 secondary access appears to be adequate. Any additional access issues associated with
the commercial lot can be addressed at the time that lot develops.

38 Commissioner Call expressed concern regarding the high traffic volume on 600
South. She noted that the hill is very slick during winter storm events. She felt that
40 locating the primary entrance on 600 South may present some safety concerns.
Commissioner Neuwirth agreed that there may be safety issues associated with the street,
42 particularly site distance issues from the east. She also noted that as a high school, the
facility could increase traffic volume significantly in the area.

44 Mr. Christensen explained that the proposed location of the main entrance is the
best placement relative to site distance. He noted that there are no site obstructions from
46 the east or the west. He stated that the proposed entrance location is the best access point

2 to this land regardless of the specific use. He also noted that the City does not have the
3 authority to restrict the school from building in this location. He observed that the school
4 will create far less traffic impact than a commercial use on the site.

5 Commissioner Neuwirth inquired as to plans for drop off and pick up of students
6 located of the traffic corridor. Mr. Peck stated that a cue area for drop off and pick up is
7 located on the school site away from the street.

8 Mr. Peck introduced Erin Preston. Ms. Preston has worked with a number of
9 charter schools in the state creating traffic plans. Ms. Preston explained that charter
10 schools have the ability to create and enforce a number of traffic rules, such as pick up
11 and drop off times and locations. She noted that a maximum of 240 driving aged
12 students will attend the school, which will not create a dramatic impact to traffic volume
13 in the area.

14 Cynthia Shumway, School Board President, then addressed the Commission. She
15 expressed excitement that the school was able to obtain land and stay in Lindon. She
16 explained that it has become necessary for the school to provide a facility which included
17 a gym, a soccer field and an auditorium to accommodate the expanding student body and
18 curriculum. She also explained that the school has been a 9-12 grade high school only,
19 and will expand to include grades 7 and 8 next year. She expressed a desire for the
20 school to partner with the City to provide arts and sports opportunities in the community.

21 Head Master, Justin Kennington, introduced himself to the Commission. Mr.
22 Kennington reviewed the academic accomplishments of the school in their two and a half
23 years of operation. He stated that this year the school has two national merit scholars,
24 and expects to have seven students achieve this goal next year. He stated that nearly
25 100% of graduating seniors are going on to post secondary education.

26 Mr. Cowie asked Mr. Peck if lighting is planned for the outdoor athletic field.
27 Mr. Peck stated that conduits may be run during initial construction, but that funding is
28 not available to install lighting at this time. He noted that lighting may be installed at
29 some time the future as funding is available, and that lighting will be installed in the
30 parking area during initial construction. He stated that any future lighting will be
31 contained to the site, and that light pollution will be minimized as much as possible.

32 Commissioner Call stated that she has no concerns with the facility itself, or the
33 program the school will run. She reiterated her concerns regarding traffic issues on 600
34 South and the location of the main entrance from that street. Mr. Peck noted that school
35 facilities are typically located in residential zones, which impacts traffic in those
36 residential areas significantly. He stated that he has fewer traffic concerns associated
37 with this location than with a location in a residential zone. He agreed that this use will
38 create less traffic impact than a commercial use on the site.

39 The Commission went on to discuss the secondary fire access as shown on the
40 plan. Mr. Peck noted that he has presented two options for the secondary access as
41 requested by the City. One option is a double lane, split entrance in one location which
42 would serve as the primary and secondary access. The other option places the secondary
43 access through the future commercial lot. Mr. Peck stated that he is comfortable placing
44 the secondary access in either location. He noted that if placed across the commercial lot,
45 it would be necessary to relocate it in the future as the lot develops. The Commission
46 discussed the possibility of using the secondary access as a primary access to the
commercial lot, with appropriate cross easements to access the school site as the

commercial lot develops. Mr. Christensen stated that such a configuration would be feasible. Commissioner Bean inquired as to whether access from the church site to the east may be possible a secondary access. Mr. Christensen noted that peak use times for a church facility and school facility are not the same, and that a shared access may be possible.

Commissioner Bean requested clarification regarding the design of the parking area and drop off and pick up plans. Mr. Peck stated that the final design of the parking area has not been completed, but that it will be in full compliance with City requirements. He noted that the parking area must be paved on three sides of the building to allow adequate fire and emergency access to the building.

Chairperson Godfrey expressed concern regarding the impact of the two to five foot retaining wall in the area of the athletic field on neighbors. Mr. Peck explained that the block retaining walls will make it possible to level the athletic field area. He explained that the walls will be smaller on the ends and higher in the middle of the field. He noted that the highest retaining wall will be five feet high. The project engineer stated that the walls are setback five feet from the neighboring property lines, and that the area between the wall and the neighboring properties will be landscaped to help minimize any negative impacts. Commissioner Neuwirth suggested that it may be better to place the retaining walls along the property line rather than creating a narrow alley.

Commissioner Neuwirth asked how storm drainage is designed. Mr. Peck explained that the soccer field will serve as a detention area for site drainage. Storm flows will discharge into existing drainage on 600 South. Chairperson Godfrey asked if the existing irrigation ditch on the property would be piped. Mr. Peck stated that the ditch serves only this property, and that it will be abandoned.

Chairperson Godfrey called for public comment. Area residents Boyd Hooley, Laura Wilkinson and Terry Marchbanks each expressed concern regarding traffic volume on 600 South, and potential safety concerns for students accessing and leaving the school site. They offered suggestions to address this concern, such as installation of an additional traffic control light. The Commission discussed the possibility of creating a 'stacking lane' on the north side of the street to allow a deceleration area as vehicles approach the entrance.

Mr. Marchbanks also expressed concern regarding noise impacts from the soccer field during the evening hours. Mr. Kennington stated that soccer games will typically take place immediately following school hours, and that he does not anticipate regular use of the athletic field after 6:00 p.m. Mr. Marchbanks inquired as to whether it may be possible to install a solid fence adjacent to the athletic field rather than the proposed chain link fence. Mr. Peck explained that Utah State guidelines require a metal chain link fence.

Gary King stated that he is very excited to see the new facility built in Lindon. He noted that he has two children who attend the school.

Matt Williams inquired as to the timeline for construction. Mr. Peck stated that construction is scheduled to begin in early March, with the school being scheduled to open by Labor Day 2010. Mr. Williams asked if there would be any modifications to the existing overhead power lines in the area. Mr. Peck stated that the lines will stay in place.

2 Blake Ellis stated that he is a student and Maeser Academy and that he is also
3 very happy that the school is staying in Lindon. He explained that the school was
4 recently accepted to the Utah High School Athletic Association, and that one requirement
5 of the association is that the school provide a gymnasium. He explained that teams at the
6 school have been traveling to a school in a neighboring community to host home games.
7 He observed that it will be beneficial to student and the athletic programs at the school to
8 have their own athletic facilities.

9 Commissioner Neuwirth asked about the possibility of providing a controlled
10 pedestrian cross walk to the site near the main entrance. Mr. Cowie noted that an existing
11 lighted pedestrian crossing is located at 1200 West, approximately 350 feet from the main
12 entrance to the school site. Mr. Christensen stated that the installation of any kind of
13 traffic control device in that location would be highly unlikely due to the hill and the
14 proximity to existing lights and crosswalks.

15 The Commission held further discussion regarding the possibility of a right turn
16 lane or parking area along the property frontage. Mr. Cowie presented photos of the
17 property frontage and roadway areas in that location. Mr. Christensen observed that
18 creation of an official right turn lane would not significantly alter the current street layout
19 which includes a wide paved shoulder area which could be used as a turning/slowing area
20 for vehicles. The Commission discussed the need to red curb the property frontage in
21 order to prevent on street parking which would make use of the shoulder for a
22 slowing/turning lane difficult.

23 Chairperson Godfrey inquired as to whether it would be reasonable to complete
24 traffic studies in this area, as was suggested by several residents. Mr. Christensen stated
25 that a traffic study would not change traffic engineering recommendations for this site.
26 He explained that 600 South is the highest functional class road in the City, and that if a
27 school could not be built in this location it could not be built anywhere in the City. He
28 noted that the increased traffic flow created by the school will have far less impact on this
29 street than if the facility were locating in a residential area. Mr. Cowie noted that General
30 Plan recommendations are to locate high schools and colleges on collector or arterial
31 streets rather than in residential zones.

32 Commissioner Anderson requested clarification on the design and location of the
33 block retaining walls. Following review of the plans, Mr. Cowie reported that the wall is
34 shown within one foot of the property line with a 6 foot chain link fence on top.

35 Commissioner Bean asked if it might be possible to excavate more dirt from the athletic
36 field area in order to minimize the height of necessary walls. Mr. Peck stated that it may
37 be possible, and that he would have the project engineer review the design.

38 Chairperson Godfrey suggested relocating the secondary access road along the
39 property line of the church property to the east to avoid bisecting the commercial lot. Mr.
40 Peck and Mr. Christensen each expressed approval for this idea. Other Commissioners
41 also expressed approval of this proposal.

42 Chairperson Godfrey called for further public comment. There was no additional
43 public comment. He called for further comments or discussion from the Commission.
44 Hearing none, he called for a motion.

COMMISSION NEUWIRTH MOVED TO APPROVE THE MAESER
2 PREPARATORY ACADEMY SITE PLAN APPLICATION WITH THE FOLLOWING
CONDITIONS:

- 4 1. THAT THE FRONTAGE ALONG THE SOUTH PROPERTY LINE BE RED
CURBED TO PREVENT ON STREET PARKING.
- 6 2. THAT CUTS TO THE ATHLETIC FIELD AREA BE DISTRIBUTED SO AS
TO MINIMIZE BLOCK RETAINING WALLS ON THE WEST SIDE OF THE
8 FIELD AS MUCH AS POSSIBLE.
- 10 3. THAT THE SIX FOOT CHAIN LINK FENCE BE PLACED ON TOP OF ANY
RETAINING WALLS
- 12 4. THAT LIGHT POLLUTION BE ADEQUATELY ADDRESSED WHEN ANY
FUTURE LIGHTING IS INSTALLED.
- 14 5. THAT THE SECONDARY ACCESS BE MOVED TO THE EAST PROPERTY
LINE ADJACENT TO THE CHURCH PROPERTY.

16 COMMISSIONER ANDERSON SECONDED THE MOTION. ALL PRESENT
VOTED IN FAVOR. THE MOTION CARRIED.

- 18 2. **Annual Training** – *Open and Public Meetings*. This is an annual training session
to discuss various topics as required by State Law and the City’s insurance carrier,
20 URMMA. The training will include open and public meetings, ethics and
conflicts of interest.

22
Chairperson Godfrey suggested that due to the fact that the next agenda item to
24 consider ordinance changes is also a Public Hearing that agenda items be taken out of
order, and the annual training be moved to the end of the meeting. The Commission
26 agreed that it would be appropriate to address proposed ordinance changes at this time.

- 28 3. **Continued Public Hearing** – *Ordinance changes to section LCC 17.17*. This
item was continued from the January 26, 2010 Planning Commission meeting. It
30 is a City initiated review of a new section titled “Site Plan Development” being
numbered as LCC 17.17. Of specific review will be the new sections of LCC
32 17.17 regulating temporary site plans. Recommendations from the Planning
Commission will be forwarded to the City Council for final action.

34
Mr. Mataele explained proposed language in the ordinance. He noted that
36 requirements for temporary site plans for specific permitted uses have been incorporated
in to the latest revisions. He noted that temporary site plans do not permit customers to
38 enter any type of structure, as compliance with building codes is not required for
temporary site plans. He noted that required business licenses must be obtained for
40 temporary uses, and that compliance with all health department standards is required. He
reviewed a list of permitted uses and time limits for each use, noting that an extension of
42 the maximum six month time limit has been provided for agricultural and horticultural
uses, and that temporary retail uses are limited to 30 days. After the expiration of the
44 time limit, the use can not relocate on the site for a minimum of six months. Also, after
expiration of the time limit, all temporary structures must be removed that the site must
46 be restored to the original condition prior to temporary use.

2 Commissioner Neuwirth expressed concern regarding possible impact to low
3 impact activities which typically occur in residential neighborhoods, such and lemonade
4 stands or small scale seasonal produce sales. She felt that it would be unreasonable to
5 require a temporary site plan for such uses. Mr. Cowie noted that City staff and officials
6 will use common sense in enforcing site plan requirements on very low impact uses in
7 residential areas. He explained that the ordinance will give the City the tools necessary to
8 address problematic situations where safety, traffic or other issues need to be addressed
9 through the site plan process.

10 The Commission went on to discuss additional issues related to temporary uses,
11 such as itinerant merchants who park along the State Street frontage on weekends and sell
12 merchandise from their vehicles. They also discussed benefits and drawbacks to not
13 allowing a use to relocate on the same site for 180 days. Mr. Cowie noted that relocation
14 along the State Street corridor will likely be self regulated by property owners who are
15 not willing to accommodate the temporary uses. Commission Bean observed that the
16 City does not want to over-regulate temporary uses and cause enforcement issues. He
17 felt that the proposed regulations were adequate, and that the ordinance could be changed
18 or modified in the future if necessary. He also suggested one language modification
19 which would specify “consecutive” days for temporary uses.

20 Following further discussion, the Commission felt that language should be added
21 which specified that a temporary use could not located on the same parcel for 180 days,
22 but would be permitted in a different location if allowed by the property owner. The
23 Commission also felt that seasonal agricultural sales should be permitted from May 1
24 through November 30 to allow sales of all seasonal crops.

25 Chairperson Godfrey called for public comment. There was no public comment.
26 He called for a motion to close the Public Hearing.

27 COMMISSIONER CALL MOVED TO CLOSE THE PUBLIC HEARING.
28 COMMISSIONER BURTON SECONDED THE MOTION. ALL PRESENT VOTED
29 IN FAVOR. THE MOTION CARRIED.

30
31 Chairperson Godfrey called for further comments or discussion from the
32 Commission. Hearing none, he called for a motion.

33 COMMISSIONER BURTON MOVED TO APPROVE ORDINANCE
34 CHANGES TO LCC 17.17 AND RECOMMEND APPROVAL TO THE CITY
35 COUNCIL WITH THE FOLLOWING MODIFICATIONS:

- 36 1. THAT SEASONAL AGRICULTURAL SALES BE PERMITTED MAY 1
37 THROUGH NOVEMBER 30.
- 38 2. THAT LANGUAGE BE ADDED TO SPECIFY THAT TIME LIMITS ARE
39 FOR ‘CONSECUTIVE’ DAYS.
- 40 3. THAT A TEMPORARY USE CAN NOT RELOCATE ON THE SAME
41 PARCEL FOR 180 DAYS.

42 COMMISSIONER JOHNSON SECONDED THE MOTION. ALL PRESENT VOTED
43 IN FAVOR. THE MOTION CARRIED.

44
45 **ANNUAL TRAINING** –

