

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **December 8, 2009** beginning at 7:00 p.m. in the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Ron Anderson, Commissioner

6 Invocation: Christian Burton

7 Pledge of Allegiance

8 **PRESENT**

ABSENT

10 Ron Anderson, Commissioner
12 Christian Burton, Commissioner
13 Sharon Call, Commissioner
14 Mark Johnson, Commissioner
15 Adam Cowie, Planning Director
16 Debra Cullimore, City Recorder

Gary Godfrey, Chairperson
Matt Bean, Commissioner
Angela Neuwirth
Woodworth Mataele, Asst. Planner

18 The meeting was called to order at 7:07 p.m.

20 **APPROVAL OF MINUTES** – The minutes of the meetings of October 27, 2009 and
21 November 10, 2009 were reviewed.

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23 COMMISSIONER BURTON MOVED TO APPROVE THE MINUTES OF THE
24 MEETINGS OF OCTOBER 27, 2009 AND NOVEMBER 10, 2009. COMMISSIONER
25 CALL SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE
26 MOTION CARRIED.

28 **PUBLIC COMMENT** –

30 Commissioner Anderson called for comments from any audience member who
31 wished to address an issue not listed as an agenda item. University of Utah student Paul
32 Anderson approached the Commission. He explained that as part of his educational
33 experience at the University, he is compiling a study relative to multi-unit dwellings,
34 such as condominiums. He requested that Commissioners fill out a short survey and
35 return their responses to him by mail. The information will be used to complete a case
36 study, which Mr. Anderson anticipates will include approximately 50 developments state
37 wide.

38 **CURRENT BUSINESS** –

- 40
41 1. **Concept Review** – *Creekside Retirement Subdivision – 1700 West 500 North.*
42 This is a request by Steve Maddox for discussion of potential changes to the
43 Creekside Retirement subdivision and development agreement. The current
44 subdivision developers have suffered financial difficulties and indicate that they
45 have not been successful in marketing/selling homes to retirement aged
46 households. This new applicant hopes to purchase the subdivision and market the

lots/homes for use by single-family households. This is a discussion item only.
2 No motion will be made on the issue. Comments from the Planning Commission
will be forwarded to the City Council.
4

Steve Maddox and Ben Probst were present as representatives for this discussion.
6 Mr. Maddox stated that he is in the process of purchasing this project from Mr. Probst.
He stated that he has reviewed the terms of the development agreement. He observed
8 that although not specifically defined, the agreement implies that the development will be
a retirement community. Mr. Maddox noted that due to current economic conditions, the
10 project has not been marketed successfully to retirees. He surmised that this may be due
to loss of retirement funds or other economic factors which are affecting that particular
12 demographic.

Mr. Maddox asserted that the product designed by Mr. Probst for this project
14 could appeal to a wider market of potential homeowners, including first time buyers. He
suggested that it would be necessary to include several markets of buyers in order for the
16 development to be successful in the current economic climate. Mr. Maddox explained
that he is primarily asking for feedback regarding removing any age restriction for buyers
18 in this development. He noted that he is also asking for consideration of a modification
to the agreement which would allow units to be detached in some cases.

20 Commissioner Anderson clarified to Mr. Maddox that this review is a Concept
Review, and that no action will be taken at this meeting. He explained that the discussion
22 during the review is not binding on either party, but provides an opportunity for feedback
and discussion regarding the proposal. Mr. Maddox indicated that he understood the
24 purpose of this review.

Mr. Maddox went on to explain that he is not requesting a modification to the site
26 plan or CCR's which were included in the original agreement. He stated that the only
significant modification would be to remove the implied age restriction. Mr. Cowie
28 noted that he has discussed the original agreement at length with Mr. Maddox, and that
he has an understanding that it was the intent of the Council that the development would
30 provide a retirement housing component. Mr. Cowie noted that the original development
agreement entered into with Fieldstone Homes in 2005 runs with the land and that any
32 modifications to the agreement do not require any involvement from Fieldstone Homes.

Mr. Maddox noted that the language in the agreement indicates that the
34 development is intended to be a retirement community. However, the agreement does
not define the term 'retirement' or specify any age restriction. He stated that it is his
36 hope to be able to open the development up to other age groups using an addendum to the
existing agreement. He stated that all structures would be built within the existing pad
38 sites shown and the plat. Mr. Maddox is proposing a five foot setback between
dwellings, with some type of common feature, such as a beam or walkway, to maintain
40 the 'twin home' design while enhancing the privacy of each unit. He explained that fire
code requires a five foot separation distance, and that Chief Building Official, Phil
42 Brown, has indicated that if the proposal meets building code requirements, a building
permit could be issued. Mr. Maddox reiterated that it is not his intent to modify the plat
44 in any way.

Mr. Probst noted that the building pad shown on the plat reflects the maximum
46 building envelope, and that dwellings could be placed anywhere within the envelope. He

2 observed that the original agreement allows either twin homes or single homes, and that
3 allowing the units to be sold to any age buyer would allow greater flexibility in marketing
4 the development. Mr. Maddox stated that he is making an effort to be up front about
5 possible plans for the development, rather than moving ahead with marketing other than
6 that specifically outlined in the agreement without first discussing the plan with the City.

7 Commissioner Burton asked if there are any retired residents living in the existing
8 dwellings in the development who would be affected by a change to the agreement. Mr.
9 Probst stated that the existing units are currently being rented, and that no units have been
10 sold at this time.

11 Commissioner Call requested clarification regarding the design and square
12 footage of the units. Mr. Maddox stated that the homes would be designed according to
13 approved plans, including 1200 to 1500 square feet with an unfinished basement. French
14 drains and sump pumps would also be installed to mitigate flooding potential should the
15 water table in the area rise. Commissioner Anderson noted that floor plans which include
16 basements do not typically appeal to retired residents.

17 Mr. Cowie noted that the development was designed with flexibility in typical
18 street widths, setbacks, curbs and sidewalks which would be conducive to a retirement
19 community with lower traffic volume than a development with more vehicles and drivers.
20 He noted that the City allowed the design of the streets based on the fact that the streets
21 would be privately maintained by a home owners association, and would not be City
22 streets. He noted that utilities would also be privately maintained. Mr. Maddox noted
23 that a large market of potential buyers would be attracted by the fact that this would be a
24 private development with private maintenance.

25 Commissioner Call asked if Mr. Cowie felt that the agreement would have to be
26 rewritten to allow marketing to a wider demographic rather than strictly retirement aged
27 buyers. Mr. Cowie stated that he felt an addendum would be necessary. He noted that
28 the intent of the original agreement was to create a moderate income housing component,
29 as well as a senior housing component within the City. Mr. Maddox stated that he is
30 confident that the price point of the units will meet the moderate incoming housing
31 requirement defined in the agreement. Mr. Probst stated that all of the units are expected
32 to be priced under \$200,000, and that at least the majority of units will meet moderate
33 income guidelines. Mr. Maddox clarified that retirees would be welcome in the
34 community, but that his proposal would create diversity in the community. He invited
35 Commissioners to tour a similar project he is currently working on in the Orem/Provo
36 area.

37 Commissioner Anderson clarified to Mr. Maddox that this discussion is not
38 binding on either party, and that any opinions expressed by Commissioners are only
39 opinions, and that any changes to the agreement would require proper approval through
40 the City Council. Commissioner Anderson invited comments from Commissioners
41 regarding Mr. Maddox proposal to expand marketing to a variety of buyers.

42 Commissioner Call stated that diversity in the community is appealing to her
43 personally, and that she would not be strongly opposed to changing that particular
44 restriction of the agreement.

45 Commissioner Johnson stated that while he would not find it problematic to
46 expand marketing of this particular development to a wider demographic, he would be
concerned about consequences which may affect other developments in the community.

2 Commissioner Anderson explained that this agreement is specific to the R3-Overaly
3 zone, and that terms of the agreement have no effect on other developments in the
4 community. Commissioner Johnson stated that if an addendum to the agreement would
5 not set a precedent in other area, he would not have significant concerns regarding the
6 proposed plan.

7 Commissioner Burton expressed approval of the proposed plan, which he felt
8 would provide affordable housing opportunities for a variety of families. Mr. Cowie
9 noted that homes in the projected price range are still being sold during the current
10 economy.

11 Mr. Maddox will meet with the City Council to discuss proposed changes to the
12 development agreement with the City Council. Official action will be taken in the future,
13 if Mr. Maddox determines that the appropriate course of action would be to pursue an
14 amendment to the current agreement.

- 15
16 2. **Review and Action** – *2010 Lindon City Public Meeting Schedule*. The Planning
17 Commission will review and take action on the proposed 2010 Lindon City Public
18 Meeting Schedule as recommended by the City Council.

19 Mr. Cowie stated that the City Council has reviewed and approved the 2010
20 Annual Meeting Schedule as presented.

21 COMMISSIONER CALL MOVED TO APPROVE THE 2010 LINDON CITY
22 PUBLIC MEETING SCHEDULE. COMMISSIONER JOHNSON SECONDED THE
23 MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.
24

- 25 3. **Continued Public Hearing** – *Ordinance Changes to LCC 17.12, LCC 17.19 and*
26 *new section LCC 17.17*. This item was continued from the October 27, 2009
27 Planning Commission Meeting. It is a City initiated review of the “Document
28 Submission and Review” ordinance from sections LCC 17.12, LCC 17.19 and a
29 new section titled “Site Plan Development” being numbered as LCC 17.17. Of
30 specific review will be the new sections of LCC 17.17 regulating when an
31 amended site plan needs to come into conformance with current City standards.
32 These ordinances will be discussed only. No action will be taken at this time.
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34 COMMISSIONER JOHNSON MOVED TO OPEN THE PUBLIC HEARING.
35 COMMISSIONER BURTON SECONDED THE MOTION. ALL PRESENT VOTED
36 IN FAVOR. THE MOTION CARRIED.
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38 Mr. Cowie reviewed proposed ordinance amendments regarding site plan
39 submittal requirements, and specific triggers to bring a site into full compliance with
40 existing ordinances for an amended site plan. He reviewed language specific to amended
41 site plans, and a percentage formula based on square footage of the structure which
42 would require full compliance. A 0% - 9% increase in square footage would require the
43 addition to comply with current architectural standards, 10% to 19% increase would
44 require the new addition and the existing structure to comply with current architectural
45 requirements, as well as current parking requirements. A 20% to 30% increase in square
46

2 footage would require compliance with architectural and parking requirements, as well as
3 landscaping requirements. Any increase in excess of 30% would require the site to come
4 into substantial compliance with all current development standards. All required
5 improvements are listed in 17.17.130(3).

6 Mr. Cowie noted that proposed amendments would allow the Planning Director to
7 approve applications in the 0% to 9% category without review and approval by the
8 Planning Commission. The proposed ordinance provides an allowance for the Planning
9 Commission to make amendments to any required standards if there is a finding that a
10 particular requirement will create a hardship for the applicant. Specific findings should
11 be articulated during review and approval of the site plan application.

12 The Commission also discussed requirements relative to piping of irrigation
13 ditches bordering new development. Mr. Cowie observed that piping requirements make
14 sense if the ditch is located near residential development, but that the requirement may
15 not be applicable to commercial development. Commissioner Anderson felt that some
16 reference to piping requirements which allows consideration on a case by case basis may
17 be appropriate in order to address site specific safety concerns.

18 Mr. Cowie suggested that this discussion be continued until the full Commission
19 is present to review proposed changes. Following a recommendation from the Planning
20 Commission, proposed revisions will be considered by the City Council.

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22 COMMISSIONER BURTON MOVED TO CONTINUE THE PUBLIC
23 HEARING. COMMISSIONER CALL SECONDED THE MOTION. ALL PRESENT
24 VOTED IN FAVOR. THE MOTION CARRIED.

25
26 **NEW BUSINESS** – Reports by Commissioners

27 Commissioner Call noted that she was aware that the Pleasant Grove City Council
28 approved an ordinance limiting amateur radio towers to a maximum height of 55 feet.
29 Mr. Cowie stated that the Lindon City Council was aware of the action taken in Pleasant
30 Grove, but that the Lindon Council had approved the tower in Lindon at a maximum
31 height of 80 feet. Commissioner Anderson observed that Pleasant Grove typically has
32 smaller residential lots, and that an 80 foot tower may not be appropriate in that particular
33 area. He noted that larger lots in Lindon, particularly in the area of the approved tower,
34 allow a greater setback from neighboring properties. He suggested that the City may
35 want to consider an ordinance limiting the height of such towers in residential zones with
36 smaller lot sizes.

37 Commissioner Burton asked about requirements for flag poles in residential
38 zones. Mr. Cowie stated that flag poles can not exceed the height limit for the zone,
39 and that specific setbacks are required. He noted that no building permit is required.
40 Mr. Cowie will forward specific requirements to Commissioner Burton.

41 Commissioner Burton inquired as to ownership of the vacant lot located at 400
42 North and State Street. Mr. Cowie stated that the owner of the property has been
43 working out of the country for approximately two years. The City has been in contact
44 with the responsible party in an effort to resolve relevant issues.

45
46 **PLANNING DIRECTOR'S REPORT** –

- 2 Mr. Cowie reported on the following items:
4 1. The City Council approved the Stableridge Plat D plat amendment, and the
6 amateur radio tower applications forwarded by the Planning Commission.
8 2. The annual employee Christmas Party will be held December 23rd at noon at the
10 Public Works complex.
12 3. The sink hole in the City park reported by Commissioner Call has been repaired.
14 Commissioners were encouraged to report any potential safety concerns to the
16 City as soon as they are aware of them.

18 **ADJOURN** –

20 COMMISSIONER CALL MOVED TO ADJOURN THE MEETING AT
22 8:35 P.M. COMMISSIONER BURTON SECONDED THE MOTION. ALL
24 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

26 Approved – January 12, 2010

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29 Gary Godfrey, Chairperson

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Adam Cowie, Planning Director