

2 The Lindon City Planning Commission held a regularly scheduled meeting on **Tuesday,**
3 **April 10, 2012** beginning at 7:00 p.m. in the Lindon City Center, City Council
4 Chambers, 100 North State Street, Lindon, Utah.

5 Conducting: Sharon Call, Chairperson
6 Invocation: Mike Marchbanks, Commissioner
7 Pledge of Allegiance: Del Ray Gunnell, 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 Adam Cowie, Planning Director
16 Woodworth Mataele, Planner II
17 Kathryn Moosman, City Recorder

Angie Neuwirth, Commissioner

18 The meeting was called to order at 7:02 p.m.

19 **APPROVAL OF MINUTES** – The minutes of the regular meeting of March 27, 2012
20 were reviewed.

21 COMMISSIONER MARCHBANKS MOVED TO APPROVE THE MINUTES
22 OF THE REGULAR MEETING OF MARCH 27, 2012. COMMISSIONER KALLAS
23 SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION
24 CARRIED.

25 **PUBLIC COMMENT** –

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

28 **CURRENT BUSINESS** –

- 29 **1. Amended Site Plan:** *Castle Park Reception Center – 110 S. Main Street.*
30 This is a request by Amy and Eric Barzeele for approval of an amended site
31 plan for Castle Park. The applicant is proposing some minor alterations to
32 their approved site plan for the Castle Park project. Their originally site plan
33 was approved a few months ago by the Planning Commission.

34 The applicants, Eric and Amy Barzeele, were in attendance to address the
35 Commission for approval of an amended site plan for their reception center. Mr. Cowie
36 opened the discussion by explaining the applicants are proposing some minor alterations
37 to their approved site plan for the Castle Park project. Mr. Cowie explained the original

2 site plan was previously approved by the planning commission. He went on to say that
3 these changes to the approved site plan include additional parking stalls, re-striping of the
4 parking directional arrows, dumpster relocation and adding an additional driveway
5 access, screening relocation and property line adjustment. Mr. Cowie noted that asphalt
6 in the newly added area is pre-existing along with some masonry fencing. Mr. Cowie
7 added that the applicants have worked with the adjacent owner who has submitted a
8 property line adjustment application; that has been reviewed by Staff. Mr. Cowie then
9 showed an aerial photo of the site and also some additional photos. Mr. Cowie further
10 explained as part of the Planning Commission's prior approval of the current site plan,
11 there was some flexibility made to allow a chain link fence with vegetation to meet the
12 required fencing between a residential use and a portion of their commercial off street
13 parking area. Mr. Cowie mentioned the Lindon City code requires a masonry fence
14 between residential and commercial uses unless findings from the Planning Commission
15 allow otherwise. Mr. Cowie noted that applicant is requesting that this previous
16 exception be permitted to relocate to the south side of the second driveway as the
screening between the residential home and the off street parking lot.

18 Mr. Cowie stated the items for discussion as follows:

- 19 1. Request to meet the same conditions of approval that applied from December
20 15, 2011. The applicants are asking that those same conditions still apply.
- 21 2. Fencing and screening requirement (LCC 17.48.040) required 7' masonry
22 fence. This item will need to be reviewed.
- 23 3. 10' perimeter landscaping around a parking area in a residential use or
24 residential zone that was previously waived (LCC 17.18.085). Flexibility to
25 waive these items is available to the Planning Commission.

26
27 Mr. Cowie noted there is an existing 7' masonry fence which matches the same
28 type of fencing that is around the rest of the perimeter. Mr. Cowie also noted the other
29 big changes are the proposed parking, and the request to use an existing dumpster
30 enclosure instead of installing a new enclosure. Mr. Cowie added there would be
adequate parking per plan and setbacks have been met.

31 Mr. Cowie noted the other items that were reviewed and approved on December
32 15, 2011. There was some discussion on some required 6' curbing and the perimeter 10'
33 landscape buffer that was waived due to the existence of the 10' masonry fence in lieu of
34 the landscaping. Mr. Cowie then referenced the previous 5 conditions approved on the
35 previous site plan by the City Council as follows:

- 36 1. 20' landscape strip was waived.
- 37 2. White 2 rail vinyl fence was waived.
- 38 3. 20' strip was reduced to the existing shrubbery and the 8-10' wall.
- 39 4. Recorded cross easement.
- 40 5. Storm water agreement.

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42 Commissioner Lundberg questioned the 10' buffer on the north side of the
43 residential use, and if the 10' buffer is imposed is the remaining road adequate to meet
44 the code or would the road need to be extended. Mr. Cowie replied that the applicants
45 have discussed that issue and they will have to redo the drive entrance to provide an off
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street parking area. Mr. Barzeele stated they are planning to keep it as a one way roadway.

There was then some general discussion between the applicants and the Commission regarding landscape buffers and the chain link fencing option at the site. The applicant reiterated that a chain link fence with a hedge is what they are requesting. Mr. Cowie added this request is unique as the improvements are already there and so what they are expanding into is not a large amount of asphalt or fencing as these things are existing.

Commissioner Kallas asked if a cross easement could be allowed. Mr. Cowie confirmed that a cross easement could be allowed, but questioned the use of a commercial access easement on a residential use. Commissioner Marchbanks stated that a cross easement may be a possibility and would not affect the ownership. Chairperson Call noted her perspectives, and stated because of a commercial use next to a residential use, and if the 10' landscaping strip is waived, she feels the site obscuring chain link fence should be required. The applicants stated they prefer installing a site obscuring fence and are requesting that the landscape strip be waived.

Chairperson Call stated that it appears the items of discussion have been covered with the following conditions: the waived 10' landscape buffer and the 7' site obscuring chain link fence. Mr. Cowie added the previous 5 conditions of approval from December 15, 2011 should be included in the motion.

Chairperson Call asked if there were any further questions or comments. Being no further comments she called for a motion.

COMMISSIONER MARCHBANKS MOVED TO APPROVE THE AMENDED SITE PLAN FOR CASTLE PARK RECEPTION CENTER AS PLATTED AND DRAWN, WITH APPROVAL OF A CHAIN LINK FENCE WITH SITE OBSCURING HEDGE INSTALLED ALONG THE NEW SOUTHEAST PROPERTY LINE, AND THAT THE 10' LANDSCAPE STRIP BE WAIVED ALONG THE PERIMETER OF THE NEW PROPERTY LINE, AND THAT THE APPROVAL IS ALSO SUBJECT TO THE PREVIOUS CONDITIONS OF APPROVAL SET BY THE CITY COUNCIL AT THEIR DECEMBER 15, 2011 MEETING. COMMISSIONER GUNNELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

CHAIRPERSON CALL AYE

COMMISSIONER KALLAS AYE

COMMISSIONER ANDERSON AYE

COMMISSIONER LUNDBERG AYE

COMMISSIONER MARCHBANKS AYE

COMMISSIONER GUNNELL AYE

THE MOTION CARRIED UNANIMOUSLY.

2. **Plat Amendment:** *Castle Park Subdivision Plat" A" – 110 South Main Street.* This is a request by Amy and Eric Barzeele for approval of a plat amendment for Castle Park. The applicant is proposing some minor adjustments to their property lines in conjunction with the Castle Park project. The proposed plat amendment will be entitled Castle Park, Plat A; which would amend the previously approved Lindon Treasury Subdivision.

2 Recommendations for the plat amendment will be made to the City Council at
their next available meeting after review by the Planning Commission.

4 Mr. Cowie opened the discussion by explaining this proposed plat amendment is a
re-plat of the Lindon Treasury subdivision to be renamed Castle Park subdivision Plat
6 "A". Mr. Cowie then showed the plan depicting the boundaries. Mr. Cowie noted all
setbacks have been met, and new plat boundaries extend out to the street but will be
8 addressed in the next item. Mr. Cowie stated that this plat amendment is pretty
straightforward and there are not any concerns from staff.

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

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14 COMMISSIONER ANDERSON MOVED TO APPROVE THE PLAT
AMENDMENT TO CASTLE PARK SUBDIVISION PLAT "A" AND RECOMMEND
16 APPROVAL TO THE CITY COUNCIL. COMMISSIONER MARCHBANKS
SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

18 CHAIRPERSON CALL AYE
COMMISSIONER KALLAS AYE
COMMISSIONER ANDERSON AYE
20 COMMISSIONER LUNDBERG AYE
COMMISSIONER MARCHBANKS AYE
22 COMMISSIONER GUNNELL AYE
THE MOTION CARRIED UNANIMOUSLY.

- 24
26 **3. Public Hearing: *Street Vacation: Main Street between State Street and 200*
South. This is a city initiated item to discuss the proposed vacation of a
28 portion of Main Street between State Street and 200 South. With the recent
adopted changes to the Lindon Street Master Plan, it is proposed that a portion
30 of Main Street be vacated to reflect that change. This change would consist of
the vacation of 6' of right-of-way on each side of the street. Recommendations
32 will be made to the City Council at their next available meeting after review
by the Planning Commission.**

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

38 Mr. Mataele explained that this is a city initiated item and will include a vacation
of a portion of Main Street. He went on to say this issue came through as part of the
40 general plan street map and was approved as part of the amended map. This action
tonight will adopt the vacation of the street. Mr. Mataele noted that currently the street
42 is a major collector road and this action will change the right of way from 66' to 54'
which will make it an arterial street instead of a collector street. Mr. Mataele added they
44 are proposing to vacate 6 feet on each side of Main Street with the appropriate easements
still retained by the City. He further noted any recommendations will go before the City

2 Council. Mr. Mataele then showed photos of Main Street and noted the proposed changes.

4 Chairperson Call asked if there were any public comments. Randall Lund, Lindon resident, asked what the rationale for changing the status of the street is in the first place, and why the street is being downgraded. Mr. Cowie replied that the vacation was proposed and approved in the street master plan last fall, and recommended by the City Engineer. He further noted that the width of 66 ft. build out was with the intent to have a center turning lane, and for that segment of roadway, and the use that it has, the City does not feel it is warranted to have that width along that section of road. He added it will still allow for 38 feet of asphalt and will be wider than a standard street, and will be wider than the current use when it is completed. Mr. Lund asked if the developments in Castle Park were in mind when this was proposed. Mr. Cowie noted there were a number of things the city looked at; long term use of the property, traffic counts and long term projection on the width were all considerations. He added that the road is not closing and they did not want to encourage more traffic off of State Street. He went on to say that the hope is that this will improve access onto State Street. Mr. Lund asked if there will be curb and gutter on both sides of the road. Mr. Cowie confirmed that there will be curb and gutter and sidewalk with the right of way area.

20 David Lee, attending property owner, stated he feels this is the right decision to change the width from 6' to 8' which allows extra access. He noted there have been issues when backing out of his driveway can be difficult. He added that this will tend to slow the traffic, which is an added benefit. Mr. Lee also mentioned the curb and gutter issue and if this would allow for any financial repercussions, by shortening the street; that would be enforced on the property owners. Mr. Lee also asked if there will be a re-assessment on property. Mr. Cowie state the County Assessor would do the assessment on the property; the city does not assess properties.

28 Chairperson Call asked if there were any further public questions or comments. Hearing none she called for a motion to close the public hearing.

30 COMMISSIONER LUNDBERG MOVED TO CLOSE THE PUBLIC HEARING. COMMISSIONER KALLAS SECONDED THE MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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

36 COMMISSIONER ANDERSON MOVED TO APPROVE THE STREET VACATION ON MAIN STREET BETWEEN STATE STREET AND 200 SOUTH AND RECOMMEND APPROVAL TO THE CITY COUNCIL. COMMISSIONER GUNNELL SECONDED THE MOTION. THE VOTE WAS RECORDED AS FOLLOWS:

42	CHAIRPERSON CALL	AYE
	COMMISSIONER KALLAS	AYE
44	COMMISSIONER ANDERSON	AYE
	COMMISSIONER LUNDBERG	AYE
46	COMMISSIONER MARCHBANKS	AYE

COMMISSIONER GUNNELL AYE
2 THE MOTION CARRIED UNANIMOUSLY.

4 **4. Concept Review: *Creekside Retirement Subdivision – 430 North 1510 West.***
6 This item is a request to review the proposal by DR. Horton to eliminate the
8 age restriction attached to the approved Creekside Retirement Subdivision
 located in the R3 zone. This item will go before the City Council for review at
 a future date.

10 The applicant, Robert Thompson, with D.R. Horton, a national home builder, was
12 in attendance to request input from the Commission regarding the Creekside Retirement
14 Subdivision. Mr. Mataele explained the applicant is here for feedback on the original
16 approved Creekside Retirement Community which is currently bank owned. He noted
18 that the applicant is proposing to develop the property as is, with the elimination of the
 age restriction. Mr. Mataele further explained that Fieldstone Homes was the original
 owner and was approved as retirement community. He added there are currently private
 streets, lighting and most of the utilities are in place. Mr. Mataele noted this item is a
 Concept Review only and no motion is required.

20 Commissioner Lundberg added this same parcel has been through lengthy
22 discussion in prior meetings and removing the age restriction was voted down by the City
24 Council. Mr. Thompson asked what the biggest concerns are. Commissioner Gunnell
26 replied the parking issues, congestion and narrow streets were all big issues. He further
28 stated that he suggested re-platting the whole subdivision as to have lot sizes similar to
 the Fieldstone Development and fix the setbacks. Mr. Thompson noted the development
 is currently platted and designed with narrow streets and lot sizes etc. He went on to say
 that their price point would be the \$200,000 market that would not target the market with
 children; they would target the newlyweds and the elderly. This would not be a second
 and third time move up project.

30 Commissioner Kallas asked the applicant what the motivation is to remove the
32 age restriction. Mr. Thompson replied it is to broaden the market. Chairperson Call
34 expressed her feeling that the City Council would deny this request, but added there has
36 been a change of councilmembers since the last denial. Mr. Cowie mentioned he feels it
38 would be beneficial to the applicant to hear the feelings of the Commission on this issue.
 Commissioner Gunnell reiterated that he is adamant about re-platting the development.
 Chairperson Call asked what the applicants objections are to a retirement community. Mr.
 Thompson replied that it is the ability to sell the properties. Commissioner Marchbanks
 noted that the development has sat empty for so long and the design was not good in the
 first place.

40 Chairperson Call expressed her concerns that it seem like the initial home buyer
42 may be newlyweds but when the lots turn over the properties go into rentals. Mr.
44 Thompson stated there would be a HOA (Home Owners Association) in place.
 Commissioner Anderson commented that the City does not oppose rentals, but also likes
 the large lots, and wanted to provide something for seniors who did not want the larger
 lots any longer and still be able to stay in Lindon.

46 Mr. Thompson stated that he just wanted the commissioners' thoughts and
 feedback on this issue. Chairperson Call added she wouldn't discourage the applicant to

2 go to the City Council because there are 3 new members on the Council. Councilmember
3 Bean was in attendance and stated he would encourage the applicant to go to the City
4 Council to see how they feel on this issue. Commissioner Lundberg asked if there were
5 any other big issues other than the age restriction. Mr. Cowie replied that density and
6 parking were two big issues.

7 There was then some discussion between the commissioners and Mr. Thompson
8 regarding age restriction and retirement communities.

9 Mr. Cowie noted that it seems the commission has general concerns, but there is
10 some possibility of approval. Chairperson Call noted that she feels this is something to
11 consider, but it also needs to be something different than before and not more of the
12 same. Mr. Thompson stated that they could run some numbers and see if it makes sense,
13 but they can only do so much.

14 Councilmember Bean noted the main difference is that the planning commission
15 was willing to understand and be creative, but there has been some change now on the
16 City Council and the feeling of opposition may not be as strong as before.

17 Chairperson Call noted that it seems the majority of the commission is in
18 agreement to advise the applicant to pursue this issue with the City Council.

19 **NEW BUSINESS** – Reports by Commissioners.

20 Chairperson Call asked if there were any reports from the Commission.

21 Chairperson Call mentioned an article in the newspaper about street vendors. She
22 noted that Orem has a proposal that will tighten these street vendors coming in. One
23 reason is because some of the property being sold is stolen. Chairperson Call also
24 mentioned the Questar Utility Station that was discussed at the last meeting, and noted
25 several commissioners had concerns regarding the possibility of a vehicle hitting the
26 facility. She asked Mr. Cowie if he had checked into that issue. Mr. Cowie then showed
27 photos of the area. Commissioner Gunnell and Commissioner Marchbanks stated that
28 their concerns are lessened after walking the area.

29 Chairperson Call also asked when the Center Street Crossing will come before City
30 Council again. Mr. Cowie stated a date has not been set. Chairperson Call also inquired
31 when the secondary water will be turned on. Mr. Cowie noted that typically it is the
32 middle of April, but some areas may be turned on sooner than others. Commissioner
33 Gunnell asked if there has been any progress on the property being held up for the trail.
34 Mr. Cowie replied that there is one last owner, and they have made an offer, and feel that
35 it may be close. He added the time frame has been pushed back and they are now
36 looking at August or September. Commissioner Marchbanks asked Mr. Cowie for a
37 timeline to address the animal right issues. Mr. Cowie stated that he has prepared a
38 memo and it will be presented at the next City Council meeting.

39 **PLANNING DIRECTOR'S REPORT** –

40 Mr. Cowie reported on City Council updates as follows:

- 41 ● The Commission reviewed the Project Tracking List.

- 2 ● The Open House regarding the Murdock Canal Crossing at Center Street
was held on April 4th and there was a big turnout.
- 4 ● Used Car Dealership- New CG Zones Created. The City Council had
reservations.
- 6 ● Gillman Farms Plat B approved.
- 6 ● Sue Speed Subdivision approved.
- 8 ● UDOT I-15 project overview and the Lindon Park Drive closure.
- 8 ● Upcoming items: Continued Discussion with Timpview boys group
home and will come back to the Planning Commission.

10 Chairperson Call asked if there were any other comments or discussion. Being
12 none she called for a motion to adjourn.

14 **ADJOURN** –

16 COMMISSIONER KALLAS MADE A MOTION TO ADJOURN THE
18 MEETING AT 9:15 P.M. COMMISSIONER LUNDBERG SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

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Approved – April 17, 2012

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Sharon Call, Chairperson

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Mr. Cowie, Planning Director