

2 The Lindon City Planning Commission held a regularly scheduled meeting on
3 **Wednesday, April 25, 2007** in the Lindon City Center, City Council Chambers, 100
4 North State Street, Lindon, Utah.

5 Conducting: Jim Peters, Chairperson

6 Invocation: Marilyn Simister

7 Pledge of Allegiance: Jim Peters

8 **PRESENT**

ABSENT

10 Jim Peters, Chairperson

Gary Godfrey, Commissioner

12 Ron Anderson, Commissioner

Matt Bean, Commissioner

14 Julie Bryner, Commissioner – *arrived 7:10 p.m.*

Ken Miller, Commissioner

16 Marilyn Simister, Commissioner

Adam Cowie, Planning Director

18 Mike Gotfredson, Planning Intern

Debra Cullimore, Deputy Recorder

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

22 **APPROVAL OF MINUTES** – The minutes of the regular meeting of April 11, 2007
24 were reviewed.

26 COMMISSIONER MILLER MOVED TO APPROVE THE MINUTES OF THE
28 MEETING OF APRIL 11, 2007. COMMISSIONER SIMISTER SECONDED THE
MOTION. ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

30 **PUBLIC COMMENT** –

32 Chairperson Peters called for public comment from any resident present who
34 wished to address an issue not listed as an agenda item. There was no public comment.

CURRENT BUSINESS –

- 36 1. **Public Hearing** – *Minor Subdivision, Lauren Subdivision, Plat B – 355 and 337*
38 *South 240 West.* This is a request by Ty Allen for approval of a re-plat of an
40 existing two-lot subdivision. Both owners have signed a fence line agreement and
42 this new plat will show the new property lines to reflect the existing fence line
agreement. No new lots will be created.

44 COMMISSIONER MILLER MOVED TO OPEN THE PUBLIC HEARING TO
46 CONSIDER THE LAUREN SUBDIVISION PLAT “B” PRELIMINARY PLAT.
COMMISSIONER SIMISTER SECONDED THE MOTION. ALL PRESENT VOTED
IN FAVOR. THE MOTION CARRIED.

2 Ty Allen was present as the representative for this application. Mr. Cowie
4 explained that this is a request for a re-plat of an existing 2-lot subdivision. The property
6 owners of the two lots have signed a fence line agreement. This proposed re-plat will
8 make the boundary lines consistent with the fence line. No structure changes are
proposed. Both lots meet size and setback requirements. Neighboring property owners
within 300 feet were noticed regarding the proposed subdivision, with no responses
received.

10 Chairperson Peters inquired as to why the fence is in the current location. Mr.
12 Allen explained that he purchased his lot from the owner of both lots. When the original
14 owner sold the other lot to a relative, the new owner wanted a smaller lot. Mr. Allen
agreed to take a portion of the neighboring parcel, and the property owners entered into a
fence line agreement. This subdivision will complete the legal process of platting the
subdivision in conformance with the fence line agreement.

16 Chairperson Peters asked Mr. Cowie if there were any staff concerns related to
18 this request. Mr. Cowie stated that there are no staff concerns. He noted that existing
20 utility easements will be vacated and moved to the north along the property line.

Chairperson Peters called for public comment. There was no public comment.
He called for further comments or discussion from the Commission. Hearing none, he
called for a motion.

22 COMMISSIONER SIMISTER MOVED TO CLOSE THE PUBLIC HEARING
24 TO CONSIDER THE LAUREN SUBDIVISION PLAT "B" PRELIMINARY PLAT.
COMMISSIONER MILLER SECONDED THE MOTION. ALL PRESENT VOTED IN
FAVOR. THE MOTION CARRIED.

26 COMMISSIONER ANDERSON MOVED TO APPROVE THE LAUREN
28 SUBDIVISION PLAT "B" PRELIMINARY PLAT AND RECOMMEND APPROVAL
30 TO THE CITY COUNCIL. COMMISSIONER MILLER SECONDED THE MOTION.
ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

- 32 2. **Design Review** – *Lee Homestead Amended Subdivision – 190 North 400 West.*
34 This is a request by Mike Pierce, representative for the property north of the Lee
36 Homestead Triplexes, for a discussion of a possible subdivision lot being accessed
off of the private driveway that serves the Lee Homestead Triplexes. No motion
will be made on this issue as it is a discussion item only.

38 Mike Pierce, representative for the property owner, was present to address the
40 Commission. Mr. Cowie explained that the subject property is located adjacent to the
42 Lee Homestead Triplex on 400 West. He noted that the parcel is large enough to
44 accommodate two 20,000 square foot lots, but that there would not be street access to the
46 rear lot. Mr. Pierce is requesting discussion regarding the possibility of accessing the rear
lot from the private drive associated with the Lee Triplex. Mr. Cowie explained that
there is some language in the R2-Overlay Ordinance which allows access to existing
parcels from R2 drive accesses. He observed that if the lot is subdivided into two lots, it
would not be an existing parcel, but a new subdivision lot.

2 Commissioner Simister asked Mr. Pierce who he was representing. Mr. Pierce
stated that he is representing the owner of the parcel, Ray Taylor.

4 Chairperson Peters inquired as to the condition of the existing home on the front
of the parcel. Mr. Pierce stated that the home is in disrepair. Chairperson Peters asked if
6 the existing home were to be removed if access to the rear of the property could be
created. Mr. Pierce explained that the parcel is a total of 40,000 square feet, which does
8 not allow adequate space to construct a road for access while maintaining the required
square footage for the lots. Chairperson Peters inquired as to the lot frontage. Mr. Pierce
stated that the frontage is approximately 130 feet.

10 Mr. Pierce explained that it is the intent of the property owner to improve the
property. He asserted that if it is necessary to tear down the existing home and rebuild
12 with only one lot, the project is not economically viable. He stated that the property
owner would prefer to divide the property into two lots, tear down the existing dwelling
14 and build two new homes. He noted that there is not adequate space to provide access to
the rear lot if use of the adjacent private drive is not allowed.

16 Commissioner Anderson recalled that during approval of the Lee Triplex project,
the City specifically discussed making the private drive a fully improved public road to
18 provide access to the rear lot. The Commission explained at that time that if a full width
road were not created during initial development, there would be no future access to the
20 rear of the adjacent parcel. The applicants elected at that time to install a private drive,
knowing that rear lot access would not be possible in the future. Mr. Pierce stated that at
22 the time Mr. Taylor purchased the property, he was under the impression that
development of the rear portion of the lot would be feasible.

24 Commissioner Bryner asked if the private drive is owned by the City or the
property owners of the Lee Triplex development. Mr. Cowie stated that the drive is
26 privately owned by the home owners association of the triplexes. Commissioner Bryner
observed that it is not possible for the City to give permission to utilize a private drive to
28 provide access to private property. Mr. Pierce explained that if the City approves use of
the private drive, he would then approach the property owners to discuss an agreement
30 for use of the lane to access the lot.

32 Following further discussion, it was the general feeling of the Commission that
this request did not meet the requirements of the ordinance, and that use of the private
drive to access the rear of the property could not be allowed. Mr. Pierce will explore
34 other alternatives for development of the lot with the property owner. He noted that it
may be possible to obtain additional property to north of the lot and create access from
36 that direction. Mr. Pierce thanked the Commission for their time and consideration of
this request.

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- 40 3. **Public Hearing** – *LCC 17.70 (Group Homes) and 17.72 (Care Facilities)*. This
is a City initiated review of proposed changes to the Group Homes and Care
42 Facilities ordinance (LCC 17.70 & 17.72). The City Attorney has provided
suggested ordinance changes for review and feedback by the Planning
44 Commission. Recommendations will be forwarded to the City Council for final
review.

2 COMMISSIONER MILLER MOVED TO OPEN THE PUBLIC HEARING TO
3 CONSIDER AMENDMENTS TO LCC 17.70, GROUP HOMES, AND LCC 17.72,
4 CARE FACILITIES. COMMISSIONER ANDERSON SECONDED THE MOTION.
5 ALL PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

6 City Attorney, Brian Haws, was present to discuss proposed ordinance changes
7 with the Commission. Mr. Cowie explained that the intent of proposed changes is to
8 tighten restrictions and make sure neighboring property owners and residents of the
9 facilities are adequately protected. Mr. Haws stated that proposed changes also make
10 City Code requirements consistent with State Code requirements.

11 Mr. Haws went on to discuss specific ordinance changes with the Commission.
12 He explained that the purpose of specific requirements for group homes as opposed to
13 care facilities is to distinguish between small facilities with a family like atmosphere and
14 larger for-profit facilities. He noted that the intent of the State Code requirements and
15 proposed ordinance changes is to keep large for-profit facilities out of residential zones

16 Specific elements of the code which were discussed included Definitions,
17 Residential Facilities for Elderly Person, Group Homes for Persons With Disabilities,
18 Juvenile Group Homes, Transitional/Treatment Group Homes, and Transitional Victim
19 Homes. The Commission discussed specific requirements of the code, including noticing
20 of surrounding property owners, security procedures, renewal process, and permitted and
21 conditional use of the facilities in various zones. Mr. Haws noted that protected classes
22 can not be listed as not permitted in any zone, but that conditional use approval can be
23 used to minimize impact on neighboring properties for some uses in some zones.

24 The Commission discussed Transitional Victim Homes, and the need to maintain
25 confidentiality of such facilities to protect victims of abuse who are housed at the site.
26 Commissioner Miller expressed concern regarding potential violence at Transitional
27 Victim Homes if abusers find the location and come to the site. He felt that some type of
28 review and oversight would be appropriate to protect neighboring residents, and residents
29 of the facility. Mr. Cowie suggested that review of Transitional Victim Homes take place
30 with the Development Review Committee (DRC). He noted that DRC meetings are not
31 open public meetings, and that this type of review could keep the location of the facility
32 somewhat confidential, while providing the City with some type of oversight to ensure
33 that concerns are adequately addressed. The Commission agreed that review by the DRC
34 would be appropriate, but that typical noticing of surrounding property owners should not
35 be used in this case. Commissioner Anderson inquired as to the procedure followed by
36 other cities for approval of Victim Homes. Mr. Haws stated that in general, Victim
37 Homes are a permitted use in residential zones, with no approval process. However, he
38 felt that review by the DRC would not be overly burdensome. Language was clarified to
39 allow four families at the facility at a time, rather than four residents.

40 The Commission discussed Transitional Treatment Group Homes, also known as
41 Halfway Houses. Mr. Haws noted that court ordered occupancy in lieu of confinement is
42 not allowed in residential zones. He further explained that current addicts are not
43 allowed to occupy residential group home facilities.

44 The Commission went on to discuss required separation distance between
45 commercial assisted living and care facilities. The current ordinance requires a 1500 foot
46 separation distance between facilities. Proposed changes would increase the separation

2 distance to ¾ mile between care facilities. Mr. Cowie presented overhead photographs of
3 State Street, and reviewed possible locations of facilities in the Commercial Zone based
4 on both separation distances. Following further discussion, it was the general feeling of
5 the Commission that the current separation distance of 1500 feet would allow a
6 reasonable number of facilities to locate within the City, but would not allow a
7 proliferation in the Commercial Zone. The Commission recommended that separation
8 distance requirements remain at 1500 feet.

9 Following discussion regarding noticing requirements for various facilities, the
10 Commission recommended that initial approval requirements include notice to
11 surrounding properties within 750 feet. Annual renewal of existing facilities will require
12 noticing within 300 feet. No noticing will be done for Victim Homes.

13 Mr. Cowie suggested that 30% landscaping be required for both small and large
14 facilities. He explained that other commercial projects require 20% landscaping, but that
15 the intent of the higher requirement is to provide a benefit to residents of the facility.

16 Chairperson Peters called for public comment. There was no public comment.
17 He called for further comments or discussion from the Commission. Hearing none, he
18 called for the motion.

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20 COMMISSIONER SIMISTER MOVED TO CLOSE THE PUBLIC HEARING
21 TO CONSIDER AMENDMENTS TO LCC 17.70, GROUP HOMES, AND LCC 17.72,
22 CARE FACILITIES. COMMISSIONER BRYNER SECONDED THE MOTION. ALL
23 PRESENT VOTED IN FAVOR. THE MOTION CARRIED.

24 COMMISSIONER BRYNER MOVED TO FORWARD PROPOSED
25 ORDINANCE CHANGES TO LCC 17.70, GROUP HOMES, AND LCC 17.72, CARE
26 FACILITIES TO THE CITY COUNCIL WITH CORRECTIONS AS DISCUSSED.
27 COMMISSIONER SIMISTER SECONDED THE MOTION. ALL PRESENT VOTED
28 IN FAVOR. THE MOTION CARRIED.

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30 **NEW BUSINESS** – Reports by Commissioners

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32 There were no reports by Commissioners.

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34 **PLANNING DIRECTOR'S REPORT** –

35 Mr. Cowie reported on the following items:

- 36 1. The City received a letter from the Utah Realtors Association with information on
37 housing costs. Mr. Cowie commented that it would be appropriate for the City to
38 consider additional methods to provide affordable housing in the community. He
39 noted that multi-unit housing is not necessary, but that some consideration may be
40 given to smaller lot sizes in some areas. The Commission discussed moderate
41 income housing included in the Fieldstone Homes Creekside Meadows
42 development.
- 43 2. The City Council approved the Lindon Pointe Estates Subdivision with the
44 recommendation of the Planning Commission that lot #1 access from the cul-de-
45 sac at 350 West. A note will also be recorded on the plat that if the slope on the
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2 east side of lot #4 is altered during construction, additional geo-tech studies will
3 be necessary to ensure slope stability.

4 3. The City Council is considering a possible boundary adjustment with Vineyard
5 Town in the area of the new Harley Davidson dealership on Geneva Road.
6 TaiPan Trading is considering locating on the site, and the boundary adjustment
7 would create a parcel which would better accommodate a retail facility and a
8 regional warehouse. A tax sharing agreement would also be a part of the
9 boundary adjustment agreement if the project is pursued further.

10 4. The annual Arbor Day Celebration will be held Saturday, May 8, 2007 at 8:00
11 a.m. at Pheasant Brook Park. The City was awarded \$3,400 in grant funds to
12 purchase trees to plant during the event. A City match is required, but volunteer
13 hours can be used toward the match at a rate of \$18 per volunteer hour.

14 5. The City Council recently approved an increase in stipend paid to Planning
15 Commissioners from \$50 per month to \$100 per month.

16 6. A follow up survey regarding the feasibility study for recreation facilities in
17 Lindon will be conducted by Dan Jones and Associates. The intent of the study is
18 to determine the amount of revenue residents will support through a General
19 Obligation Bond. Prior to the study, a letter will be sent to residents explaining
20 the process, and informing the community that the follow up survey is being
21 conducted.

22 **ADJOURN** –

24 COMMISSIONER SIMISTER MOVED TO ADJOURN THE MEETING AT
25 9:26 P.M. COMMISSIONER MILLER SECONDED THE MOTION. ALL PRESENT
26 VOTED IN FAVOR. THE MOTION CARRIED.

28 APPROVED – May 9, 2007

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Jim Peters, Chairperson

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Adam Cowie, Planning Director