



MINUTES – Planning Commission

Thursday, February 22, 2024

City of Saratoga Springs City Offices

1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

PLANNING COMMISSION MEETING MINUTES

CALL TO ORDER - 6:00 p.m. by Vice Chair Ken Kilgore.

1. **Pledge of Allegiance** - led by Commissioner Scott A. Hill
2. **Roll Call** – A quorum was present

Present:

Commission Members: Scott A. Hill, Ken Kilgore, Virginia Rae Mann, Rachel Sprosty Burns, Doug Willden.

Staff: Sarah Carroll, Planning Director; Ken Young, Community Development Director; Sam Stout, Planner I; Tippe Morlan, Senior/Long Range Planner; Rulon Hopkins, Assistant City Attorney; Jeff Pearson, Engineer; Wendy Wells, Deputy Recorder.

Others: James Wood, Thomas Potts, Kimberly Potts, Elizabeth Cole, Kendal Cloward, Ryan Oliver

Excused: Chairman Reed Ryan, Commissioner Jack K. Mangum

3. **Public Input**

James Webster Wood of Saratoga Springs. He noted that he is helping to put together a group called *Concerned Citizens of Saratoga Springs*. He shared that he is a retired Rancher/Farmer from Idaho, and has lived on Talons Cove golf course since 2013. He expressed concern about excessive noise on Redwood Rd. and feels he can no longer sleep with the windows open due to noise. Mr. Wood is hoping to have UDOT work to correct the noise issue.

Public Input Closed by Commissioner Kilgore.

PUBLIC HEARINGS

1. **Internal Accessory Dwelling Unit Map Amendment for Jacob’s Ranch Plat S-1 including Dunn Drive, Stetson Avenue, and Roan Avenue. Title 19.20 – IADU. Thomas and Kimberly Potts as applicants.** Planner I Sam Stout presented the amendment. The Applicant is proposing to amend the City’s IADU map to allow property owners within the proposed plat to register for one IADU per lot. The proposed amendment includes all of Jacobs Ranch S Plat 1.

Applicant Thomas Potts of Saratoga Springs was in attendance. He noted that he has lived here since 2007.

Public Hearing Open by Commissioner Kilgore. Public Input was received by email from Sandra Steele. She is a resident of Jacob’s Ranch and expressed concern that the signed CC&Rs state the subdivision is for single family homes only, and allowing IADUs in Jacob’s Ranch could be against the CC&R’s and set a precedent. She would like a legal opinion on the matter.

Assistant City Attorney, Rulon Hopkins addressed Ms. Steele’s concern. He advised that City Attorney Kevin Thurman had reviewed the email with him. They reviewed the documents cited, State Statute and City Code 19.20.02 which states that IADUs are permitted if the area is zoned for them. Based on this information from a legal aspect, they are allowed.

Public Input Closed by Commissioner Kilgore

Commissioner Hill thanked Planner I Stout for his work on the Staff Report. He asked if there are 3 car garages in the area. He is concerned about extra vehicles and wondered how parking would be addressed.

Mr. Potts stated that to his knowledge the majority of the homes have 3-4 car garages. He disclosed that he is a Police Officer with Saratoga Springs and shares the parking concern as well. He said City Code requires an

additional off street parking stall, and he has already installed an additional pad. He mentioned that if the amendment is approved, each home would be inspected to be sure additional parking is provided.

Commissioner Kilgore received clarification that the proposed change is a Map Amendment, not a Rezone.

Commissioner Sprosty Burns asked what the CC&Rs document was, and if there was an HOA in the area. She inquired about the inspection process, fees charged and code violations. She expressed concern that the State is enforcing the rule regarding IADUs.

Assistant City Attorney Hopkins clarified the document is a Protective Covenant that is part of the Master Development Agreement, and is also signed between buyer and seller. State Code and City Code supersedes that.

Planner I Stout advised there is no HOA in the area. He explained when the home is registered as an IADU, an inspection will be done to ensure City Code is met and there will be a one-time fee charged.

Planning Director Carroll clarified how Code Compliance works in Saratoga Springs. Code Enforcement would only follow up if an IADU has not been approved.

Mr. Potts said that Code Enforcement works differently than Law Enforcement. As a Police Officer, they follow up on all complaints, including complaints about IADU issues.

Commissioner Kilgore asked why the area was included in the prohibited area for IADU.

Community Development Director Young explained that this came down as a mandate from the State. There was no area approved for IADUs previously, and they were not legal anywhere in the City. Saratoga Springs chose the minimal amount of area to be permitted in order to meet the State Standard.

Motion made by Commissioner Doug Willden, based upon the evidence and explanations received today, that the Planning Commission forward a recommendation for approval of the requested IADU Map Amendment for Jacobs Ranch Plat S – Phase 1, located on Dunn Drive and portions of Stetson and Roan Avenue, with the Findings and Conditions in the Staff Report. Seconded by Commissioner Scott A. Hill.

Yes: Scott A. Hill, Ken Kilgore, Virginia Rae Mann, Rachel Sprosty Burns, Doug Willden

No: None.

Absent: Reed Ryan, Jack K. Mangum

Motion passed 5 - 0.

2. Amendments to Title 19 Land Development Code of the City of Saratoga Springs, Chapter 19.05 – Supplementary Regulations. The proposed amendment would amend the distance between bars. The DK BK DBA The Break Sports Grill as applicant.

Senior/Long Range Planner Tippe Morlan presented the amendment. The Applicant has requested the proposed code amendment reducing the distance between bars from ½ mile to 1,000 feet. The Break unit is approximately 1,416 feet from the Bout Time site as measured from building to building. This location would not allow a bar use with the existing location of the Bout Time bar use at 1422 N. Redwood Road under the existing code language.

Applicants Kimberly Wiseman and Ryan Oliver of 127 W. Lake Dr. were in attendance. Ms. Wiseman said they are required to get Local Consent in order to get a liquor license. Currently they cannot get Local Consent because they are within a half mile of another bar establishment. She feels her business is being singled out because there are other businesses of a similar nature, such as Olive Garden and Chilis, that do not have a distance rule. Mr. Oliver shared that The Break will serve as much food as alcohol and is also a food establishment. Ms. Wiseman clarified the differences between a bar establishment and a food establishment. She also mentioned some of the zoning in other Cities.

Public Hearing Open by Commissioner Kilgore. Receiving no public comment, the public hearing was closed by the Vice Chair.

Commissioner Hill thanked the Applicant for the additional information shared in the presentation, and the Planning Staff for the thorough Staff Report that answered all his questions. He asked why this Code was set for a half mile bar distance originally.

Planning Director Carroll stated she does not know the history of this Code. She clarified that usually the main reason for distance requirements is to avoid an over-saturation of one business type in an area. She noted that City Staff remains neutral and City Council will decide on the proposed amendment.

Commissioner Hill received clarification the proposed amendment would be in a Regional Commercial zone.

Commissioner Sprosty Burns asked how many potential lots are left available for another bar. She feels the distance requirement should be fully removed because a bigger distance between bars could be more dangerous for those who may be bar-hopping.

Senior/Long Range Planner Morlan advised that only The Break and what was allowed previously would have a potential lot left.

Commissioner Kilgore stated he once learned that when like businesses cluster together, it can be an economic benefit. He also mentioned that while living in Japan and Germany, there were many bars close together and he saw no issues. He liked the Staff Report and supports the change. He really liked the public input that was gathered from residents and used in the Staff Report. Lastly, he inquired why 1000 feet was chosen as the distance.

Applicant Ms. Wiseman commented that her attorney proposed 1000 feet as a middle ground option.

Commissioners Hill and Kilgore both support the 1000 feet distance.

Motion made by Commissioner Rachel Sprosty Burns that the Planning Commission forward a recommendation that the City Council approve the proposed amendment to Title 19 with the findings and conditions in the staff report. Seconded by Commissioner Virginia Rae Mann.

Yes: Scott A. Hill, Ken Kilgore, Virginia Rae Mann, Rachel Sprosty Burns, Doug Willden

No: None.

Absent: Reed Ryan, Jack K. Mangum

Motion passed 5 - 0.

3. **Wildflower Village Plan 5, located approximately at Marigold Dr. and Chianti St. Elizabeth Cole as applicant.**
4. **Wildflower Community Plan - Major Amendment #4, located approximately at Marigold Dr. and Chianti St. Elizabeth Cole as applicant.**

Senior/Long Range Planner Tippe Morlan presented items 3 and 4 together as Amendment # 4 corresponds to Wildflower Village Plan 5. Village Plan 5 consists of approximately 57.85 acres entirely within the PC zone and within the commercial area of the Wildflower development. CP Amendment 4 is a Major Amendment because it proposes some new development standards around the Wildflower commercial area.

Senior/Long Range Planner Morlan highlighted the three Code Exceptions requested: Definition of Light Manufacturing, Office Warehouse/Flex Definition and Office Warehouse Building Height. She requested that the exhibit for Boundaries in the Community Plan for Village 5 be updated and that it be part of the motion.

Applicant Elizabeth Cole with Wadsworth Development was in attendance to answer questions.

Public Hearing Open by Commissioner Kilgore. Receiving no public comment, the public hearing was closed by the Vice Chair.

Commissioner Willden really liked the plan, but found it a challenge to understand. He questioned the height increase and the impact on other's views. He also asked if Light Manufacturing would create noise.

Senior/Long Range Planner Morlan advised this is a Commercial area and the height will not impact views. The Light Manufacturing definition allows for internal manufacturing with no business on the outside structure so excessive noise should not be an issue.

Commissioner Hill thanked the staff for the plan, is enthusiastic about the views in the area, and liked the terrain of the land. He asked for clarification on what the process is for a Major Amendment. He asked how this amendment impacts the traffic study done previously, and about drainage.

Planning Director Carroll addressed the Major Amendment process and said the original developer had always intended the area would be sold and eventually changed. That has now happened and the Commercial Developer is requesting changes for a more informed development of the plan.

In response to the question about the traffic study, Senior/Long Range Planner Morlan explained the Amendment should have accounted for the traffic report. Village 6 will be done later in line with the approved Community Plan.

Engineer Pearson informed the Commission there is an extensive Storm Water system and all Engineering Standards will be upheld.

Commissioner Kilgore received clarification about paragraph 9- "Additional Elements" in the Staff Report; that this item is in compliance and there are no changes. He asked if there will be any sewer issues, how grading criteria was decided and if the City had concern with any of the requests.

Engineer Pearson advised that by the time this project happens the sewer issues will be resolved, but the Applicant will have to fill out the City Sewer Capacity Waiver as well.

Senior/Long Range Planner Morlan specified that the City came up with grading criteria from a draft Ordinance from Master Development plans in the Hillside Ordinance. She also clarified that the City has no issue with the requests.

Motion made by Commissioner Scott A. Hill, based upon the evidence and explanations received today, that the Planning Commission forward a positive recommendation to the City Council for Wildflower Village Plan 5, located at approximately Marigold Drive and Chianti Street, based on the Findings and Conditions in the Staff Report. Seconded by Commissioner Doug Willden
Yes: Scott A. Hill, Ken Kilgore, Virginia Rae Mann, Rachel Sprosty Burns, Doug Willden
No: None.

Absent: Reed Ryan, Jack K. Mangum
Motion passed 5 - 0.

Motion made by Commissioner Rachel Sprosty Burns, based upon the evidence and explanations received today, that the Planning Commission forward a positive recommendation to the City Council for the Major Amendment to the Wildflower Community Plan, located at approximately Marigold Drive and Chianti Street, based on the Findings and Conditions in the Staff Report with the added condition that the Village Plan exhibit be updated to match the proposed plan. Seconded by Commissioner Doug Willden

Yes: Scott A. Hill, Ken Kilgore, Virginia Rae Mann, Rachel Sprosty Burns, Doug Willden
No: None.

Absent: Reed Ryan, Jack K. Mangum
Motion passed 5 - 0.

5. Amendments to Title 19 Land Development Code of the City of Saratoga Springs, Chapters 19.02 - Definitions. 19.04 - Establishment of Land Use Zones and Official Map. 19.16 – Site and Architectural Design Standards. City Initiated.

Planning Director Carroll Presented the Amendments. Staff has identified the need to propose code changes related to the Institutional Civic zone and Municipal Buildings in preparation for the forthcoming Library and City Hall site plan. Amendments include: Creating a definition for "Municipal Building/Facility"; Changing the

maximum building height in the Institutional Civic zone from 50 feet to 75 feet; and Exempting Municipal Buildings from two requirements related to loading and trash locations.

Planning Director Carroll presented photos of the elevations for the new city hall.

Public Hearing Open by Commissioner Kilgore. Receiving no public comment, the public hearing was closed by the Vice Chair.

Commissioner Sprosty Burns asked about the functionality of the loading/delivery area.

Commissioner Kilgore asked about the screening on the Municipal Building, and also had a concern about the exception for the loading/delivery area.

Planning Director Carroll clarified the loading/delivery area is a drop off zone designed to keep deliveries out of the parking lot, and is not a public entrance. The separate loading area will be a great benefit to the public. She stated that the building will be fully screened, other than the loading area.

Motion made by Commissioner Virginia Rae Mann to forward a positive recommendation to the City Council for the proposed amendments to Title 19, with the Findings and Conditions in the staff report Seconded by Commissioner Doug Willden

Yes: Scott A. Hill, Ken Kilgore, Virginia Rae Mann, Rachel Sprosty Burns, Doug Willden

No: None.

Absent: Reed Ryan, Jack K. Mangum

Motion passed 5 - 0.

BUSINESS ITEMS

1. **City Approval of Minutes: February 8, 2024.**

Motion made by Commissioner Sprosty Burns to approve the minutes of February 8, 2024. Seconded by Commissioner Scott A. Hill

Yes: Scott A. Hill, Ken Kilgore, Virginia Rae Mann, Rachel Sprosty Burns, Doug Willden

No: None.

Absent: Reed Ryan, Jack K. Mangum

Motion passed 5 - 0.

REPORTS

1. **Commissioner's Comments:** No comments were given.
2. **Director's Report:** Planning Director Carroll reminded the Commissioners that the next Planning Commission meeting is March 14, 2024. She also reviewed items that were approved in City Council on Feb. 20, 2024.

CLOSED SESSION - No closed session was held.

ADJOURNMENT - Meeting Adjourned Without Objection at 7:37 p.m. by Vice Chair Ken Kilgore.

3/14/2024
Date of Approval

Wendy Wells
Deputy City Recorder



[Signature]
Planning Commission Chair