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City of Saratoga Springs
City Council Meeting
October 6, 2015

Regular Session held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

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Policy Session Minutes

Present:

Mayor: Jim Miller (electronically)

Council Members: Michael McOmber, Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska

Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin,
Chelese Rawlings, Jess Campbell, Andrew Burton, Nicolette Fike

Others: Chris Porter, Carl Ballard, Scott Verhaaren, Wade Williams, Robert Krejci, Luke & Tenille Perry,
Kevin McMillan, Darren Jensen, Janae Walinschaffe, Nancy Hart, Vanessa Bocanegra, Peggy McEwan,
Trey & Camille Mitchell, Patrick Bicker, Hannah Bicker, Thane Smith, Sheryl & Ryan Mitchell, Camille
Parson, Terrance Parson, Ron Edwards, Bob Richey

Excused:

Call to Order 7:00 p.m.

Roll Call – a quorum was present

Invocation / Reverence - given by Councilman McOmber

Pledge of Allegiance - led by Councilwoman Call

Mayor Miller asked Councilwoman Call, Mayor Pro Tempore, to conduct the remainder of the meeting.

Public Input - Opened by Councilwoman Call

Bob Richey, representing Saratoga Springs Development HOA. They have concerns about traffic restrictions along Redwood Road during high traffic times. It is causing a lot of commuters to cut through the subdivision and creating a safety problem. They are very concerned about it.

Councilwoman Call asked if Staff would coordinate and work in conjunction with the development.

Mark Christensen said Mark Edwards is working with Howard Van Horn with the development.

Spencer Kyle noted that a traffic plan that was approved by the Saratoga Springs Development HOA.

They will go back and review it.

Councilwoman Call noted they may want to go after some legislative funding where they did not know how bad it would be, to get the Redwood Road widening sooner.

Councilwoman Baertsch commented that the upcoming legislative dinner would be a good opportunity to talk to the legislators.

Nancy Hart wanted to thank them for addressing Action item 2d.

Public Input - Closed by Councilwoman Call

POLICY ITEMS

I. PUBLIC HEARING ITEMS:

a. Budget Amendments to the City of Saratoga Springs 2015-2016 Fiscal Year Budget.

i. Resolution R15-45 (10-6-15): adopting amendments to the City of Saratoga Springs 2015-2016 Fiscal Year Budget.

Chelese Rawlings reviewed the Budget Amendments. She noted several library grants and there is a need for additional crossing guard for Sage Hills Elementary.

Councilwoman Baertsch asked why this school was getting one when other schools have not.

Mark Christensen said this was because of Swainson Ave. being completed that opened a new walking route, the size of Wildlife, and removal of busing.

54 Councilman McOmber noted there are fair arguments that for Saratoga shores all kids are getting bused that
55 live across Redwood Road.

56 Councilwoman Call said there ought to be a policy for what triggers a crossing.

57 Spencer Kyle said there are MUTCD standards for when crossings are needed with a Crossing Guard. They
58 worked recently on the new Dry Creek School recently and have looked at other requests like rerouting.
59 They can put together the standards for City Council to see and post those for the public.

60
61 **Public Hearing – Open** by Councilwoman Call

62 No comments.

63 **Public Hearing - Closed** by Councilwoman Call

64
65 **Motion made by Councilman Willden to approve Budget Amendments to the City of Saratoga Springs**
66 **2015-2016 Fiscal Year Budget, Resolution R15-45 (dated today 10-6-15): Seconded by Councilman**
67 **Poduska. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber,**
68 **Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**
69

70 **b. Village Plan and Community Plan for The Crossing located on the NW Corner of Pioneer Crossing**
71 **and Redwood Road, to Market Street, Redwood Road and Pioneer Crossing Extension, The Boyer**
72 **Company, applicant.**

73 Kimber Gabryszak presented the Community Plan and Village Plan. She noted this is part of the District
74 Area Plan (DAP). She reviewed the build-out allocations. She reviewed the changes made to the Plan
75 since the last submission. Most of the changes have been made that were needed. There are a few
76 Community Plan and Village Plan changes that still need to be made.

77 Kevin Thurman noted they are still working through the Master Development Agreement. At this point it is
78 mainly an administrative decision that can be delegated to staff. Make sure all the findings and
79 conditions are delegated to staff to include into the agreement.

80 Wade Williams and Scott Verhaaren were present to answer questions.

81
82 **Public Hearing Open** by Councilwoman Call

83 Darcey Williams said her neighborhood (Dalmore Meadows) is concerned with the traffic that will come
84 with this project. The traffic there is already an issue especially during peak times and will only get
85 worse with this project. They feel a traffic light needs to be put at the entrance to their subdivision.

86 Wade Williams noted the whole intersection was put into a study by UDOT and they programed the
87 intersection to have a continuous flow intersection and that would have blocked Dalmore and their
88 project. They went through some discussions with UDOT and a study was done that said the legs of
89 the intersection could be switched from Redwood Road to Pioneer, which would allow for a light at
90 a later date. The current agreement on that street doesn't allow it but the change makes it possible.

91 They are very supportive of doing that but it will take a few steps and help from the City.

92 Darcey said they would like it sooner than later especially for safety concerns, the neighborhood will
93 support whatever they need to do to help make this happen.

94 Thayne Smith, representing the property owner, noted they have been supporting this project for many
95 years. They are grateful for all the support from staff and City Council and their efforts to make this
96 possible at this time. They will continue to be involved in the plans and are supportive of what Wade
97 Williams and Scott Verhaaren are doing.

98 **Public Hearing Closed** by Councilwoman Call

99
100 Councilwoman Baertsch said her biggest concern is that at this time they are not ready to come to us if they
101 want staff to have it and run with it. There are things that will affect all of the Village Plans and that
102 needs to be contained in the Community Plan. It would be nice if all 69 acres weren't the same, maybe
103 coordinating schemes. Same rock motif or signage motifs, those kinds of item. They need to be taken out
104 of the Village Plan and put into the Community Plan. The light at Dalmore is going to be needed or the
105 traffic will be impeded to this development. You can't turn eastbound on Pioneer from this facility

106 because of the median on Pioneer. And you can't turn into the development from eastbound traffic. All
107 the other entrances are right in right outs. We need to work on that with UDOT and push for that soon.
108 Kimber Gabryszak summarized the key items for the Community Plan changes. Many are already in staff
109 memo. She included her thoughts on the suggested changes. The applicants requested that Auto refueling
110 stations and some other conditional uses (Retail Big Box, Fitness centers over 5001sq.ft.) in the
111 Regional Commercial Zone be no longer treated as Conditional Uses but just be Permitted uses. The
112 recommendation was keeping automobile refueling as a Conditional Use Permit (CUP) to minimize
113 impacts.

114 Councilman Willden asked for clarification about the additional requirements of making something a
115 conditional use versus a permitted use, and is supporting of making Auto refueling as a permitted use in
116 this zone and delegating the review to Staff.

117 Councilwoman Baertsch has no problem with big box as long as the standards checklist is in place and very
118 specific for them, same thing for fitness. Her only concern with auto refueling is there are other things
119 that may impact residences (like intercoms). She is not concerned about Smiths per se, but this is for the
120 Community Plan. She wants to make sure the lights are down lighting, those things can be taken care of
121 with a Conditional Use.

122 Councilman McOmber appreciated the desire to minimize the impact on City Council and Planning
123 Commission but we volunteered to be here. With the Big Box, where check boxes are more standard that
124 may work out. Maybe with gas stations we don't have those check lists as fleshed out. If it was more
125 fleshed out we would be more willing to do this. He is concerned on making an approval with that many
126 staff recommendations. Where they want approval, for him right now, he would like to see Gas Stations
127 stay as CUP and let's look at getting lists stronger so we can look at moving that to staff, but for Big Box
128 and fitness centers he is ok with it.

129 Councilman Poduska said if they are going to have a gas station he would like to see it as a permitted use.
130 Councilwoman Call is fine with Fitness Centers and Big Box. On fueling stations, she understands the
131 concerns brought up but thinks that those have been mitigated with certain code feathering/setback/etc
132 requirements so she is okay with it being permitted.

133 Councilwoman Baertsch asked if they could put in the conditions and standards for fueling stations that
134 intercoms couldn't be used after quiet hours.

135 Kimber Gabryszak noted there was a request for extra sidewalks that could count towards open space area,
136 only if it's not used for display. Staff supports that change.

137 Councilwoman Baertsch remarked that we talked about other projects having a display area being delineated
138 through different materials.

139 Kimber Gabryszak responded that is something that is in our design standards now. She continued with some
140 changes and clarifications. Staff would like language that notes if it doesn't comply with the Community
141 Plan staff can bring it back to council. Staff would like a note in the Modify process to ensure Planning
142 Commission/City Council review on all items if compliance with Community Plan is not met. Staff
143 would support reduction in size of large expanse of one material.

144 Councilwoman Call said the issue is long expanses where it looks plain.

145 Wade Williams said they understand the issue, they don't think any building will be bigger than this in the
146 first phase. On smaller buildings the scale would be smaller.

147 Councilwoman Call said the concern is from this Smiths building where you see big expanses with no
148 changes. She asked where they were in these processes, is Smiths signed off?

149 Wade Williams said they are working on a few things and changes to elevations.

150 Kimber Gabryszak said for the most part they have complied but they had a few items like wall lights,
151 upgraded lighting and outdoor seating areas.

152 Wade Williams though those would be addressed in the site plans.

153 Councilman McOmber had concerns that for 4 sided buildings where you can see them from far distances,
154 e.g Walmart, they have the false pop outs on the back of the building. He is concerned with the 1600' we
155 can't make this building less expensive for an unfair competitive advantage over other buildings in the
156 city. He asked that they make an effort that it has true 4 sided elevations.

157 Councilwoman Call asked if this came in under our Regional Commercial zone what designates different
158 material use and percentages.

159 Kimber Gabryszak said they have design standards with limitations to numbers and colors and various
160 mixture of items.

161 Kevin Thurman mentioned that 19.26 requires compliance with architectural standards. The DAP may have
162 carved out an exception.

163 Kimber Gabryszak said it is mostly compliant.

164 Wade Williams noted their intent is to comply with title 19 except where expressly noted in this document.
165 They don't have any issues with that. They do feel big buildings should look like big buildings. Faux
166 architecture looks faux; they don't want to get too cute with it. They are in a position where they can
167 communicate it with Smiths and these are the only changes they are asking for that aren't in the City's
168 design guidelines.

169 Councilman Poduska recalled the back of this building was going to be adjacent to the back of another
170 building and the ability to visually see this would be limited and would be more of a large alley.

171 Wade Williams said in addition to that this will be set down about 6-7 feet from and a 6 foot fence above
172 that.

173 Councilwoman Call said when they are looking at a Community Plan they are looking at what the whole
174 thing governs and that they could see a building like this anywhere in the project. She asked the
175 difference between this and the Smiths in West Jordan in elevation materials.

176 Scott Verhaaren said that was not our project but the Smiths design is similar to this.

177 Councilman McOmber commented that with the building down lower, they would be seeing the top part of
178 the elevation, and no break ups seen at all. The back of the building has no towers.

179 Scott Verhaaren commented that they need to make sure the roof top equipment is fully screened.

180 Wade Williams noted that was included in the plans.

181 Kimber Gabryszak went over more conditions.

182 Councilman Willden commented that it appears a majority of the items can or have been addressed by both
183 parties and the more controversial item remaining is the sq. footage of walls for breaking up materials.
184 He is on both sides where it's nice to break it up but it's not bordering an outside street. Perhaps we can
185 make a condition that allows for the larger sq. foot for buildings not bordering an outside street.

186 Councilwoman Baertsch clarified that this was the Community Plan and addresses all buildings. She asked if
187 there was a road behind Smiths, besides the alley.

188 Scott Verhaaren said there is roughly a 7% grading change where there is no parking and the 6-7 foot then a
189 fence on top of that. They don't know if there would be a road behind the fence.

190 Councilman Willden thinks we should find a way to move forward with this today through conditions. If we
191 push this forward to another meeting, we should handle it at the next available meeting so we don't
192 unnecessary delay the project. It sounds as though the developer, council, and staff are agreeable to most
193 of the changes.

194 Councilwoman Baertsch said that their signage notes state they are following the City's standards. It is noted
195 on some of their signs they are not actually to our code but look really nice and she would like to see that
196 concept transferred to our signs standards. We need to see some of the elevation plans for the Village
197 Plan, they need to be available in the Community Plan and she is not seeing that. We don't want
198 complete carbon copy Village Plans. Technically the monuments base needs to be under the entire sign
199 face and right now it's over hanging. Likewise with pedestal vs. pylon signs these are really well done
200 pylon signs but technically we don't allow them, if we could address that somehow.

201 Kimber Gabryszak noted she has a condition that modifies to clarify that pylon signs consistent with the
202 Community Plan exhibits are permitted and remove the pedestal comparison. It is a requirement that they
203 comply with the monument standards so they would need to extend the base out to comply.

204 Councilwoman Baertsch said this would be one of those things that need to move to the Community Plan,
205 not just the Village Plan.

206 Wade Williams noted they were fine with that.

207 Councilwoman Baertsch asked about the 10,000 sq. ft. reduction lot.

208 Wade Williams replied the small shop space next to Smiths that they think is important is 11,000 ft. They do
209 that in commercial development all the time. It's really just under the building.

210 Councilwoman Baertsch said they don't want it to become a permanent snow cone stand.

211 Councilwoman Call asked if that could be addressed in the Master Development Agreement it could be
212 mitigated on both sides.
213 Kevin Thurman wasn't sure it was a variance, but it could be handled in the Master Development
214 Agreement.
215 Councilwoman Baertsch asked if it could just be part of the Smiths site.
216 Wade Williams replied because they own it, not Smiths. They could foresee a situation like a theatre with
217 restaurants right up next to the theatre.
218 Councilwoman Call commented that having owned a small shop, she would much rather just own her
219 footprint and not have to maintain the parking lot.
220 Councilwoman Baertsch asked if it was attached and if they could put it in the standards that it has to be part
221 of an inline section.
222 Wade Williams commented that we don't want to restrict the creativity. Really it's not attached to Smiths,
223 there are two separate walls, they are not party walls. For these types of developments you are going to
224 want this type of flexibility
225 Councilwoman Baertsch wants to make sure it's covered for future developments.
226 Kevin Thurman said they would make sure that was taken care of.
227 Councilwoman Baertsch said they needed to talk about the raised walkways. Her understanding is that when
228 those are in the DAP they qualify for connector trails so she has no problem with that.
229 Councilman McOmber thinks we might be able to get this tonight because it was documented by Kimber for
230 them to see and put on a Report of Action, and the applicant is not pushing balk. He would love to see
231 where the intent of the landowner/developer is to see a light to the Dalmore Meadows area written into
232 the document. Right now it is a right in right out, but there could be a note that the desire is to have a
233 light there.
234 Wade Williams said they traffic study does identify a light and it's part of the Master Development
235 Agreement and maybe that covers it.
236 Mark Christensen said Wade Williams is alluding to a cooperative agreement with UDOT that grants certain
237 accesses to lights and it's about allowing a light in this location and it is an issue they will have to come
238 back and amend the cooperative agreement for that.
239 Councilman McOmber likes the swoop incorporated into the project; he likes what he is seeing and believes
240 that all parties have the correct intention to where he feels that we can move forward. For him it does
241 need to be put in the document that they intend to see a light.
242 Councilman Poduska thought it would a beautiful addition to Saratoga Springs and all parties are working
243 hard to get it done and he doesn't want to hold it up.
244 Councilwoman Call echoes Councilman McOmber's comments about the design standards throughout the
245 project. She would encourage them to look at other areas like on blocky buildings where the swoop may
246 be an addition. She thanked them for bringing this project to Saratoga Springs and helping them make
247 the processes better. She wanted them to pay attention to parking and the concern that we tend to fill the
248 parking here in Saratoga. She asked that Wade address shared parking
249 Wade Williams said the key is to not over park and not under park. There are certain users that are
250 destination oriented where people park and walk and others where they won't walk. The variables that
251 matter when they look at big centers is this will be the size of the district or larger. The District is
252 850,000 sq. ft. it has 1200 stalls extra. We spent time studying across the country and as a center gets
253 bigger the requirements get larger for a while then go down. Entertainment uses change the ratio. They
254 created a grid used in other centers across the country and they think it is applicable, it swings matrix by
255 size and usage. They also take into account the time of day.
256 Scott Verhaaren spoke about the Gateway, mass transit did not contribute to the Gateway the way they
257 thought it would so they are usually over parked there.
258 Wade Williams said this is the standard the tenants are signing off on. The last 4 years Tenants are going
259 down to 4-4.5 stalls for 1000 sq. feet. Some need more, some less.
260 Wade Williams said they have seen this methodology work and so they are proposing this here.
261 Councilwoman Call wondered at what point the need tapers off.

262 Wade Williams said it probably should taper off at a million. When the center gets bigger people do several
263 things at one time, so they think the number can be under 5 at that level, the District is parked at fewer
264 than 5 and has about 1500 extra stalls. They do need to be careful for certain types of uses and tenants.
265 Councilwoman Call noted in the Village Plan we have 69 acres so we fall into that 4.6 so we are not going to
266 see something at 4 stalls per 1000, so her fears are mitigated.
267 Councilwoman Baertsch noted that we don't have the religious use in their Regional Commercial so it would
268 be a change of use from what we normally allow.
269 Wade Williams said they didn't have plans for that but used it for illustrative purposes.
270 Councilwoman Baertsch asked with this shared parking, say there is a change of tenant; it may or not affect
271 parking. Are there times you would say this tenant won't work in this location
272 Scott Verhaaren said that happens all the time. Often the tenants will let them know as well.
273 Councilwoman Baertsch didn't see a process where the parking was reconsidered through the tenant process.
274 Councilwoman Call said with the amount of parking she didn't see the need for a change of use, with 4.6
275 over the entire project.
276 Councilman McOmber noted the champagne colored lights at The District that help with hiding the light
277 poles visually, and there is very little light pollution. He loves the lights at The District. He would like
278 them to use them here.
279 Kimber Gabryszak reviewed the conditions to be included in the motion with City Council.
280 Kimber Gabryszak is typing it up the tall items to be moved to the Community Plan will comply.
281 Mayor Miller commented that he encourages City Council in the direction to allow staff to make the changes
282 after the outline is done. He has seen a lot of deals die in the red tape. We have worked hard and long to
283 get this coming and anything we can do to streamline it so Boyer Company knows what is expected and
284 they can market it with confidence. The market now is good and we need to do it right.
285

286 **Motion made by Councilwoman Baertsch to approve The Crossings Community Plan with the**
287 **Findings and Conditions in the Staff report. All finding previously included as well as the**
288 **conditions adding those directed by Council today including items 7a. – aa. And including that the**
289 **Master Development Agreement incorporate all the findings and conditions. Seconded by**
290 **Councilman McOmber. Aye: Councilman Willden, Councilwoman Baertsch, Councilman**
291 **McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**
292

293 **Conditions:**

- 294 1. The maximum allowed ERUs in the Community Plan shall be 653.2.
- 295 2. All requirements of the City Engineer shall be met.
- 296 3. All requirements of the Fire Department shall be met.
- 297 4. All other Code requirements shall be met.
- 298 5. The signed and approved Master Development Agreement shall be recorded prior to further
299 City approvals beyond the first Village Plan, including subsequent Village Plans, site plans,
300 and plats.
- 301 6. All remaining changes from Exhibit F shall be made prior to further approvals.
- 302 7. The Community Plan shall be edited as directed by the Council:
 - 303 a. Page 6: correct typo in ERU reference
 - 304 b. All: Strike specific Code section references and just reference chapter
 - 305 c. Page 13: Roofs. Strike "to the extent possible"
 - 306 d. Page 16:
 - 307 i. add 3' height to parking lot screening
 - 308 ii. Add "depth" to Parking Islands subsection 1
 - 309 iii. Relocate breaks to traffic section
 - 310 iv. Add intermittent landscaping along building walls
 - 311 v. Replace "matched" with "consistent" under 1. Landscape Boulders
 - 312 e. Page 17: correct typos in "subsequent"
 - 313 f. Road cross sections: showing all rock along Pioneer Crossing; ensure that the landscaping
314 complies with planting standards

- g. **Maintenance: modify to show that both Redwood and Pioneer frontages are maintained by property owner**
 - h. **General: add missing statement regarding pedestrian connectivity requirements**
 - i. **Break exhibits into subsections in table of contents for ease of use**
 - j. **Insert the table on density from staff report into the CP**
 - k. **Change Regional Commercial references to Regional Retail (except where specifically referencing Title 19)**
 - l. **A condition for automobile refueling shall be added to prohibit the use of sound boxes after 10pm**
 - m. **Page 5: clarify that extra sidewalk only counts for open space if not used for display area**
 - n. **Page 7, 5.a.i.: refer to exhibit 6 not 5**
 - o. **Page 8, Modify to clarify that Pylon signs consistent with the CP exhibits are permitted, and remove Pedestal comparison**
 - p. **Page 9, Modify processes to ensure PC/CC review on all items if compliance with CP not met, reference approval sections, and add Planning to Tenant Improvement**
 - q. **Page 12, 1650 s.f. of one material shall only be permitted on sides and rears of big box structures**
 - r. **Page 13**
 - i. **Clarify that all facades require articulation, not just front.**
 - ii. **Subsection g: clarify minimum façade shift of 3' for buildings over 20,000 s.f., 2' for smaller when not combined with roof shift**
 - iii. **Delete "proposed departures" section**
 - s. **Page 14**
 - i. **Strike "to the extent possible" from architectural motif**
 - t. **Page 16 and 17 – replace "to be" with "shall be" and "matched" to "consistent"**
 - u. **Page 18 – define large planter, and modify graphics to show required alternate rock**
 - v. **Page 19 – add berm to graphic along parking lot**
 - w. **Addendums are referenced on page 8, but CC has not seen it. Ensure documents are provided to the CC for review.**
 - x. **Clarify zero-lot line variance and lot size variance for Lot 2, either in the MDA or in the CP.**
 - y. **Add a statement in CP or MDA requesting a light from UDOT at the intersection across from Dalmore Meadows.**
 - z. **Ensure that the lighting fixtures are the same shielded lights as at the District, not the bright fixtures across the street.**
 - aa. **All items required to be moved from the Village Plan shall be incorporated.**
- 8. The MDA shall incorporate all findings and conditions.**

Kimber Gabryszak summarized the Village Plan changes.

Councilman Willden asked about the RV parking.

Councilwoman Baertsch said where we are located we get a lot of RV travel and if they could look at areas that could be used for RV parking and could consider that for their site plans. And make sure they fit in the fueling area.

Councilman Willden asked the applicants what their thoughts were.

Wade Williams said the lotting is for Smiths to finance their building they need to show access to the roads. It will be governed by the site plan it doesn't necessarily need to be on the plat map. Grading and Drainage ought to stay and specific details for each building would be at Site Plan. The digital sign will have to comply with the ordinance.

Councilwoman Call noted if they allow one electronic sign they have to allow them all.

Councilman Willden appreciates them working through with staff and likes getting to the point where they can delegate to staff as much as possible to streamline the process.

Councilwoman Baertsch commented that every conceptual layout has a drive through and no concepts without drive through. If we could add a concept without a drive through that would be beneficial.

Councilman McOmber feels most of his issues were addressed.

368 Councilman Poduska asked how the theme would be transferred from village to village.
369 Councilwoman Baertsch replied they put it in the Community Plan so it would be transferred.
370 Councilwoman Call would like to see RV parking removed; she feels they know what they are doing. Also
371 the parking along the strips could be handled in the Master Development Agreement.
372 Councilwoman Baertsch thought a lot of the things in this Village Plan are really Site Plan issues.
373

374 **Motion made by Councilman McOmber to approve The Crossing located on the NW Corner of**
375 **Pioneer Crossing and Redwood Road, to Market Street, Redwood Road and Pioneer Crossing**
376 **Extension, The Boyer Company, applicant. With all of the Staff Findings and Conditions and**
377 **Council items 5a-n. Seconded by Councilwoman Baertsch.**
378

379 Wade Williams asked about parking condition.
380 Councilman McOmber replied it was supposed to be removed.
381 Kimber Gabryszak deleted the wording discussed earlier.
382 Councilman McOmber Amended the Motion to say items 5a.-m.
383 Amendment was accepted.
384

385 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call,**
386 **Councilman Poduska. Motion passed 5 - 0.**
387

388 **Conditions:**

- 389 1. The maximum allowable ERUs in the Village Plan shall be 199.10.
- 390 2. All requirements of the City Engineer shall be met.
- 391 3. All requirements of the Fire Department shall be met.
- 392 4. All other Code requirements shall be met.
- 393 5. The Village Plan shall be edited as directed by the Council:
 - 394 a. Page 4: correct CP reference that refers incorrectly to table
 - 395 b. Page 6: remove "to extent possible"
 - 396 c. Page 7: strike City reference for maintenance of Pioneer and Redwood Frontage; maintenance
397 section shall be relocated to the MDA.
 - 398 d. Page 26: add max height for gas canopies, and signage percentage to ensure compliance with sign
399 standards
 - 400 e. Clarify that display areas cannot count as open space
 - 401 f. Page 5: clarify that display is only permitted on area in excess of 8' sidewalk
 - 402 g. Page 13: relocate road cross sections to CP
 - 403 h. Page 18: reword pedestal signage to be consistent with CP changes
 - 404 i. Page 19: modify signs to be consistent with CP
 - 405 j. Page 21: match drawing of drive-thru sign to verbiage, and ensure monument sign complies with
406 code (full base)
 - 407 k. Remove Smith's elevations from VP and review with site plan
 - 408 l. Page 26: digital price sign (electronic changeable copy) is not permitted
 - 409 m. Lot layouts: replace "may" with "shall" on all notes
- 410 6. The remaining changes listed in Exhibit F shall be made prior to further approvals.
411

412 Councilwoman Call is concerned with the write-off of the densities. She is concerned that they keep going
413 higher and higher with the non-residential churches and schools depending on the allocation. If they
414 could get those done she would be more comfortable.
415

416 **c. General Plan and Land Development Code Amendments.**

- 417 i. Ordinance 15-29 (9-15-15): adopting amendments to the Saratoga Springs Land Development
418 Code and General Plan.

419 Kimber Gabryszak presented the proposed Code Amendments.
420 Round 1 – amended as directed by the City Council

- 421 • 19.02, Yard Definition
- 422 • Multiple sections, Gateway
- 423 • 19.05, multiple
- 424 • 19.06, multiple –
- 425 • General Plan and 19.04 – Mixed Lakeshore
- 426 • 19.12 and 19.13 and 19.14 – Subdivisions and Development Processes and Site Plans.

427 Round 2

- 428 • 19.05 – merge & edit sales trailer sections
- 429 • 19.06 –

430
431 **Public Hearing Open - by Councilwoman Call**

432 Peggy McEwan is glad to hear that this is being amended. Still, when it comes to code enforcement,
433 when we have people that own these properties outside the area and don't come in, maybe they rent
434 to others, is there a way the city can make sure they are accountable.

435 Terrance Parson is in support of the fencing change he would like it to move in the direction it is.

436 **Public Hearing Closed - by Councilwoman Call.**

437
438 Chief Burton spoke about the enforcement issues. They have had some success in dealing with those this
439 year. They think with the changes it will be easier to enforce and they are finding success with the
440 extension process.

441 Councilwoman Call commented about City Works and the mobile app and residents have the opportunity
442 to use that so there is a paper trail. She appreciates the time staff spends.

443 Councilman McOmber appreciates all the efforts and if we could work with Owen Jackson and
444 proactively reach out to the citizens so they know what they can do. He noted the biggest concern
445 they had was with the site triangles because it was a safety issue. For the most part we have decent
446 sized park strips and it should be a minimized impact for the residents.

447 Councilman Poduska commented with the yard requirements and changes to "current" occupant and
448 mitigating circumstances for extensions. He is wondering about our ability to show our humanness
449 along with the laws that are in place. The landscaping is a major issue to any homeowner and asked
450 what we had to address such things.

451 Kimber Gabryszak said there is a time limit for each property owner. There is not an identified exception
452 for hardship but there is the ability for code enforcement to allow and extension. There is also a wide
453 range of what a person could put in; it just needs to be minimum compliance.

454 Kevin Thurman has seen with Administrative Code Enforcement court if someone can come in and
455 prove their hardships the judge is lenient with those people and setting up schedules and deadlines.
456 We struggle with the Code Enforcement Officer, giving them too much discretion; it's good to have
457 a level of judicial immunity when it goes to the Judge. The process is in title 20, the exceptions are
458 granted by the Judge, not staff.

459 Councilman Willden likes that we reduced the proposed density in the Mixed Waterfront. If a
460 development does come into the city where an increased density makes sense, we can evaluate the
461 density at that time. Councilman Willden is supportive of the changes and future changes coming
462 down the road as these changes are giving property rights back to the homeowners allowing
463 homeowners more abilities to govern themselves.

464 Councilwoman Baertsch appreciated the work that was done.

465 Councilwoman Call doesn't think the City Council needs to see something if it is put under power lines.
466 With the bare dirt, she thinks it's arbitrary where it says similar features, have it definitive or leave it
467 with just the two. On the Mixed lakeshore we need to contact another municipality, where we abut
468 the river and lake we have the opportunity to embrace the recreation components in our area and she
469 doesn't think this portion of the code nails it. So she would like to see us communicate with those
470 communities that have done this well.

471 Kimber Gabryszak does feel the whole section needs to be redone. They are looking into those
472 communities and putting together a list and they will be seeing it in the future. This is just to change
473 the name basically.

474 Councilwoman Call has a vested interest working on the lake and river; she would love to have
475 something in place before she leaves. Because this piece of code doesn't nail the vision, she would
476 like to see a pending ordinance put in place that has more teeth.
477 Kevin Thurman commented that the best to do is come up with a rough draft and bring it to council and
478 they pass a resolution invoking the pending ordinance doctrine.
479 Councilwoman Baertsch noted that we still don't have anything actual zoned this way yet, so if we could
480 bring back a rough draft and do it as a pending ordinance to get us on the road. She asked if Council
481 would refer to their emails for input on the mixed waterfront zone to start moving forward and get
482 back this week.

483
484 **Motion made by Councilman Poduska to approve the General Plan and Land Development Code**
485 **Amendments adopting Ordinance 15-29 (9-15-15): adopting amendments to the Saratoga Springs**
486 **Land Development Code and General Plan including the changes made to Remove council**
487 **approval for trees under power lines and limit bare ground only to trellises and gardens. And**
488 **direct staff to bring back waterfront draft for pending ordinance doctrine. Seconded by**
489 **Councilman McOmber. Aye: Councilman Willden, Councilwoman Baertsch, Councilman**
490 **McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**
491

492 A short break was taken at this time.

493
494 **2. ACTION ITEMS:**

495 **a. Resolution R15-46 (10-6-15): appointing Troy Cunningham and Brandon Mackay to the City of**
496 **Saratoga Springs Planning Commission.**

497 Mayor Miller remarked that Jeff Cochran has taken this opportunity to resign from Planning Commission.
498 His term ended a year ago but he consented to fill in for a while. They have asked Troy Cunningham to
499 fill the remaining three months of Jeff's term. The Mayor's intent, if it is working out would be to
500 reappoint him for the following term. The other individual is Brandon MacKay. Brandon's term would
501 be 1 year and 3 months filling a vacancy. He was concerned about fulfilling a 4 year term but he has a
502 background that the Mayor feels would be a benefit to the community.

503 Councilwoman Baertsch is a little as Mr MacKay mentioned he doesn't have the time to serve as much, with
504 his work schedule. Would there be another applicant that might be able to fill the time commitment
505 better and longer.

506 Mayor Miller replied he told us he would have the time to do this; his concern was the 4 year term
507 commitment. But he has a business background and has the understanding of business owners coming
508 into the city.

509 Councilman McOmber was concerned that we do want people with different backgrounds but the role of the
510 Planning Commission is to interpret code the City Council puts in place and not to give their opinion. He
511 talked with Brandon who told him he would be looking to staff recommendations. They really want
512 someone and hopefully through Kimber Gabryszak working with the Planning Commission to look at the
513 code and give insights. With Troy he gets the point of giving him the three months and extending the
514 term. He feels a weight needs to be put in place that they should be attending the month of their
515 application to show interest. He would like us to vet Planning Commission on if they really know what
516 their roll is and can answer that without guidance.

517 Councilwoman Call said when speaking to Troy he has been interested in the city and had no hesitation to
518 answer the question of what Planning Commission did. He also answered well of how he would handle
519 certain circumstances.

520
521 **Motion made by Councilman Willden to approve Resolution R15-46 (10-6-15): appointing Troy**
522 **Cunningham and Brandon Mackay to the City of Saratoga Springs Planning Commission.**
523 **Seconded by Councilman Poduska. Aye: Councilman Willden, Councilwoman Baertsch,**
524 **Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**
525

526 Councilwoman Baertsch asked that the old applications be put together with these so they could consider all
527 the applicants when a need arises and see if they are still interested.

528
529 **b. Salt Lake County Officer Involved Critical Incident Task Force Interlocal Agreement.**

530 **i. Resolution R15-47 (10-6-15): entering into the Salt Lake County Officer Involved Critical**
531 **Incident Task Force Interlocal Agreement as to police protection services provided to Bluffdale**
532 **City.**

533 Chief Burton commented that this legislation session they instituted some new Code. All law enforcement
534 agencies in the County are going to participate with this. The resolution authorizes the establishment of
535 the task force. This is to comply with Utah Code Annotated 76-2-408. This would cover all officers
536 assigned to Bluffdale but any of our officers that might be in Bluffdale and involved in an incident.

537
538 **Motion made by Councilwoman Baertsch to approve Action Item b. and Resolution R15-47 (10-6-15):**
539 **entering into the Salt Lake County Officer Involved Critical Incident Task Force Interlocal**
540 **Agreement as to police protection services provided to Bluffdale City, and asked that it be signed**
541 **by the appropriate person. Seconded by Councilman McOmber. Aye: Councilman Willden,**
542 **Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska.**
543 **Motion passed 5 - 0.**
544

545 **c. Multi-Jurisdictional Mutual Aid Agreement for Sheriff and Police Services.**

546 **i. Resolution R15-48 (10-6-15): resolution to enter into the Salt Lake County Multi-Jurisdictional**
547 **Mutual Aid Agreement for Sheriff and Police Services in support of Police Services provided to**
548 **Bluffdale City.**

549 Chief Burton commented that all criminal cases within Bluffdale City are handled in Salt Lake County. Law
550 enforcement agencies within Salt Lake County provide mutual aid under authority of the Interlocal
551 Cooperation Act. The Mutual Aid Agreement is being updated.

552
553 **Motion by Councilwoman Baertsch. to approve Multi-Jurisdictional Mutual Aid Agreement for**
554 **Sheriff and Police Services. Resolution R15-48 (10-6-15): resolution to enter into the Salt Lake**
555 **County Multi-Jurisdictional Mutual Aid Agreement for Sheriff and Police Services in support of**
556 **Police Services provided to Bluffdale City. Seconded by Councilman McOmber. Aye: Councilman**
557 **Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman**
558 **Poduska. Motion passed 5 - 0.**
559

560 **d. Removal of Agricultural Protection Areas for Legacy Farms Village Plan 1 Plats A, B, C, and D.**

561 No comments from Council.

562
563 **Motion made by Councilman McOmber to approve the removal of ~40.02 acres from the agriculture**
564 **protection area and approve the Notice of Removal contained in Exhibit C, with the Findings and**
565 **Conditions in the staff report. Seconded by Councilwoman Baertsch. Aye: Councilman Willden,**
566 **Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska.**
567 **Motion passed 5 - 0.**
568

569 **e. Recertification of the City of Saratoga Springs Justice Court.**

570 **i. Resolution R15-49 (10-6-15): requesting the recertification of the Saratoga Springs Justice Court.**

571 Owen Jackson noted that the current certification for the Justice Court expires in February 2016. State Law
572 requires the municipal justice courts be recertified every four years.

573
574 **Motion made by Councilman McOmber to approve the Recertification of the City of Saratoga Springs**
575 **Justice Court. Resolution R15-49 (10-6-15): requesting the recertification of the Saratoga Springs**
576 **Justice Court. Seconded by Councilman Poduska. Aye: Councilman Willden, Councilwoman**
577 **Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.**
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f. City Council Minutes:
i. September 15, 2015.

Motion made by Councilwoman Baertsch to approve the minutes of September 15, 2015 including changes emailed in by Councilwoman Baertsch and Councilwoman Call. Seconded by Councilman Willden.

Councilman McOmber line 169 add change requests with site plans. And on line 425 change it to 10000 acre feet.

Councilwoman Baertsch amended the motion to include that **the changes were posted on the door.** Amendment accepted.

Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

3. REPORTS:

a. Mayor.

b. City Council.

Councilman Willden noted he would work with Councilwoman Call to get up to speed on the Lake and River Commissions.

Councilwoman Baertsch attended the Eastern Lake Mountain Closure meeting. Corrections needed to be made to the MOU by the Attorney and those need to be in the next three days. She also attended Leagues annual conference in Salt Lake. She went on a parks and recreation tour of the new Salt Lake Recreation facility. They claim they are going to be breaking even and being sustainable and she will pass on the report. They also had to mitigate wetlands and it was similar to ours. It's good information for us. She asked if we are willing to push the Oct. 20th meeting to the following week. Council agreed to move the meeting to the 27th at 5:00. They will have a short meeting on Nov. 10th.

Councilwoman Baertsch asked if we can make sure our part of Ring road is taken care of. And keep working on getting a light in that area.

Councilman McOmber wanted to make sure with Redwood Road and cut into Market Street, what is the long term mitigation to make sure Redwood Road is a 50 mph road, and not have a bump. We need a follow up on that.

Councilman Poduska said they have 4 new churches coming to the community the Urban Design Committee approved. Also the Tractor Supply will be a nice addition to the community.

Councilwoman Call said it's disconcerting when residents tell them things UDOT is doing things that Council doesn't know about. Our project for the boat put-ins along the river was fully funded. Lake Commission, it sounds like almost everything is going to be funded after talking with Laura Ault. She has yet to see our proposal so she can advocate for that. We can ask for up to the ½ million dollars, everything can be used for match. This will not be our last opportunity to ask for money.

c. Administration communication with Council.

d. Staff updates: inquires, applications and approvals.

Jordan River Commission are interested in hosting a tour for staff and she wants to know if they are interested.

Councilwoman Call cautioned her to make sure who is asking for this.

4. REPORTS OF ACTION:

The Crossings – approval with Conditions.

Council reviewed the Report.

Motion made by Councilwoman Baertsch to approve the Report of Action for The Crossings Seconded by Councilman McOmber. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman Call, Councilman Poduska. Motion passed 5 - 0.

632 5. Motion to enter into Closed Session for the purchase, exchange, or lease of property, pending or
633 reasonably imminent litigation, the character, professional competence, or physical or mental health of
634 an individual.
635

636 Motion made by Councilwoman Baertsch to enter into closed session for the purchase, exchange, or
637 lease of property, pending or reasonably imminent litigation, the character, professional
638 competence, or physical or mental health of an individual. Seconded by Councilman Willden. Aye:
639 Councilman McOmber, Councilwoman Baertsch, Councilman Willden, Councilwoman Call, Nay:
640 Councilman Poduska. Motion passed 4-1.
641

642 Meeting Moved to Closed Session 10:12 p.m.

643
644 Closed Session
645

646 **Present:** Mayor Miller, Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilwoman
647 Call, Councilman Poduska, Mark Christensen, Kevin Thurman, Spencer Kyle, Nicolette Fike
648

649 Closed Session Adjourned at 10:22 p.m.

650
651 Policy Meeting Adjourned at 10:22 p.m.

652
653 10-27-15
654
655 Date of Approval



[Signature]
Mayor Jim Miller

[Signature]
Nicolette Fike, Deputy City Recorder