

City of Saratoga Springs
Planning Commission Meeting
September 10, 2015

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

Planning Commission Minutes

Present:

Commission Members: Jeff Cochran, Jarred Henline, Kirk Wilkins, Sandra Steele, Hayden Williamson, David Funk, Ken Kilgore

Staff: Kimber Gabryszak, Sarah Carroll, Kevin Thurman, Nicolette Fike, Kara Knighton

Others: Darcey Williams, Stan Steele, Wade Williams, Scott Verhaaren, Lynn Anderson, Thane Smith, Ryan Mitchell

Excused:

Call to Order - 6:35 p.m. by Chairman Jeff Cochran

Pledge of Allegiance - led by Kara Knighton

Roll Call – A quorum was present

Public Input Open by Chairman Jeff Cochran

No comments were made.

Public Input Closed by Chairman Jeff Cochran

4. Public Hearing: Rezone for 400 North Redwood Road, Mike Carlton, applicant. Continued from August 13th.

Kimber Gabryszak said the applicants did not resubmit in time for this meeting. There was no information to review.

Public Hearing Open by Chairman Jeff Cochran

No comments were made.

Public Hearing Closed by Chairman Jeff Cochran

5. Public Hearings: The Crossing Community Plan and Village Plan, Redwood Road and Market Street, Boyer Company, applicant. To be continued to September 24th.

Kimber Gabryszak gave a quick review; the applicants are requesting approval of a Community Plan and Village Plan. The District Area Plan outlines general characteristics for this area. The density is identified as based on Floor Area Ratio of 4.7.

Wade Williams and Scott Verhaaren shared a presentation.

Wade Williams thanked City Staff and their own consultants that have helped put the project together. He went over the Community Plan. Phase one is pretty much set. Phase 2 is starting to be conceptualized. He went through landscape and signage plans. They have come up with a new off street parking requirement. They have clarified the lighting requirements. They have proposed an approval process for going forward. They feel the time for market is important. The process ties back to the Community Plan and Village Plan and the City Codes. They have design guidelines with types of material and colors and other architectural details. They want to carry their sign motif throughout the project. Each major intersection will have some major landscaping to announce an arrival, there are guidelines and examples. They think the utility map will be changed before the next meeting.

Wade Williams continued with the Village Plans. This breaks down to the first phase of the project. They are asking that retail big box, fitness centers and auto fueling stations be deemed a permitted use. This phase at max build out would translate to just under 200 ERUs. They want to incorporate a provision that outdoor seating and dining is allowed. The Boyer Company will maintain the common area. The phasing

plan had a change with the sidewalk that extends, that may need to be pulled out later. Each lot will have landscaping plans. The packet included vehicular plans for drives and parking. There were some grading plans included. There was a signage plan with potential designs. There were conceptual retail designs to demonstrate scale and type of buildings. They want to balance architecture with different materials, colors, and design themes. There were some proposed Smiths Elevations for the Marketplace and fuel center. They laid out a few potential designs for the pads which are conceptual.

Public Hearing Open by Chairman Jeff Cochran

No comments were made at this time.

Motion made by Hayden Williamson to continue the Public Hearing for The Crossings Village and Community Plans to a date certain of September 24th 2015. Seconded by Kirk Wilkins. Aye: Sandra Steele, David Funk, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Ken Kilgore. Motion passed 6 - 0.

Ken Kilgore did not have any comments at this time.

Kirk Wilkins felt many of his questions were answered in the presentation. He asked about the Staff Findings that seemed incomplete in the packet.

Kimber Gabryszak noted that when they scheduled it, they knew there was a chance it would be continued. Staff did an analysis of code compliance based on what had been provided to date based on what was missing or needed to change to make it compliant. They have made most of the changes that staff required. Staff will go back through the analysis with the updated plan presented tonight and update the findings.

Kirk Wilkins asked if they were subject to the current city standards for roads.

Kimber Gabryszak responded that for any accesses off of Pioneer or Redwood Road they need to comply with UDOT standards prior to any development occurring.

Hayden Williamson asked about the timing of phase one, if they had any estimated timelines.

Wade Williams responded that for them the sooner the better. It will be driven by the tenants. They would like to see two or three of the other parcels open and ready the same time Smiths is done. It will be driven by the market.

Scott Verhaaren noted they had a number of interested parties but it is all market driven.

Wade Williams noted the retailers set schedules in advance. Once the dirt gets moving they should see more interest because they know it's really happening.

Scott Verhaaren said for most retailers their 2016 is full, most are looking to 2017.

Hayden Williamson asked when the fuel center would open.

Wade Williams noted that would be opened at Smiths grand opening as well.

Hayden Williamson asked about a street light at Market Street and Redwood Road.

Wade Williams noted the City would put that in when it was completed. They feel at some point Pioneer and Market Street would need to be signaled as well. Right now the current traffic study shows there is no need of a light at Dalmore and Redwood Road., they feel there is one needed but it has to go through UDOT.

David Funk asked about the hazardous materials on site. He appreciates all the work that has gone into this.

Wade Williams said as the ground is now, there is no hazardous material. He noted that when the fuel station goes in they make sure they use the latest materials.

Sandra Steele asked if they were going to leave the current fuel station open where it is now at Smiths.

Wade Williams wasn't sure what the plans were for it.

Sandra Steele noted several years ago they wanted an extension but they never went through with it. She is concerned the new one won't be big enough.

Wade Williams noted the new facility would be double the size. It would have two pumps in each isle which equal nine dispensing units so 18 cars could fill at the same time.

Sandra Steele doesn't feel comfortable making any other comments tonight as it was posted to be continued.

Jeff Cochran asked about the approval process proposed in the Community Plan and would that be consistent with the current code.

Wade Williams noted it was an alternate process that they have used in other communities that has worked well and they are asking that it be looked at. They have found with these types of projects it's important when a tenant has a certain opening date or time frame they want to make sure they fit that opening date. They feel they have the process and control documents to meet those deadlines.

Kimber Gabryszak noted that because this is a community plan they do not need a code amendment if the Commissioners and Council were accepting of it.

Jeff Cochran asked that they be mindful of future widening of Redwood Road. As they have future phases develop, what would they do to protect the existing landscaping and pavement as they construct.

Wade Williams said they are looking at that closely, they would like to have construction stage areas. There will be some that will need to be replaced.

6. Public Hearing: General Plan Land Use Map Designation and Rezone from Low Density Residential and R-3 to Mixed Waterfront. Parcel 58:032:0142, north of Dalmore Meadows on Redwood Road.

Kimber Gabryszak presented the proposal. The City proposes to change the General Plan designation of this ~45 acre parcel from Low Density Residential to Mixed Waterfront, and concurrently rezone the property from Agriculture to Mixed Waterfront.

Public Hearing Open by Chairman Jeff Cochran

Ryan Mitchell had a concern that the density will be high and affect the value of the properties already there. Commercial properties would make it a little subdivision with commercial on all sides. There are several residents that are concerned about their land values.

Darcey Williams agrees with some things Mr. Mitchell said. She thinks they need better clarification on what the property currently is. She was under the assumption that it was only a smaller portion that was commercial; they would like to know exactly where it was at. She too is concerned about the neighborhood becoming an island.

Public Hearing Closed by Chairman Jeff Cochran

Kimber Gabryszak addressed some public comments. She said the property was previously designated as Mixed Use on the General Plan Future Land Use Map and is currently zoned agriculture. The General Plan designation makes it easier for an owner to apply for a rezone. With the last update to the General plan map it was changed to a designation of low density residential. With the Mixed Lakeshore the zone would apply to the whole property and the goal is to have 80% residential and 20% commercial. There are proposals to help protect existing neighborhoods. If they want to do higher density it cannot be next to existing neighborhoods, it has to be compatible with the existing neighborhood and transition away from current residential. The purpose of the zone is to create the critical density to help businesses along the lake be viable. The actual language is up for discussion at City Council next week. She explained that the Mixed Lakeshore zone is a more residential oriented zone, the commercial use is limited, no big box, auto repair, or drive thru for example. Mixed Use also has a residential component but is more heavily commercial it is about 1/3 residential, 1/3 business/office, and 1/3 commercial retail.

Sandra Steele asked what the language was the required the commercial to go closer to the waterfront.

Kimber Gabryszak clarified by reading the current proposed amendment. No percentages are called out but having the majority by the waterfront is, if the Council approves the proposed language. Some commercial could be by the main road but most by the waterfront.

Sandra Steele said her thinking is that they will want to put a signal at the intersection of Market Street and Redwood Road. It may be an advantage to make the corners of that intersection Commercial and that reserves a greater amount of commercial to be closer to the waterfront. There will be an intersection of Market Street and Riverside Drive and that may be key to getting the commercial off the ground. She asked has Mr. Chui started his de-annexation from Lehi.

Kevin Thurman is not sure if that agreement has been signed by all the parties yet. We really don't know what the code will allow until it is adopted, so they could continue it. Once it's signed they have 120 days to rezone the property.

Kimber Gabryszak noted that because it is a legislative decision it is still up to Planning Commission recommendation and up to City Council whether they approve it.

Sandra Steele referred to a document from Jeremy Lapin in July. She asked if the City's Capital Facilities plan has changed.

Kimber Gabryszak it has not been done yet. This was the first step and the City Engineer is working on that.

Sandra Steele read from the Packet of July 21st, a proposed agreement. She feels they have a little time to look at all the possibilities before they rezone this. She thinks it would be a win/win to do the rezone.

Kevin Thurman would encourage them to look at the actual agreement, not the staff report. There is no language of exchange. We are working towards that agreement; there is plenty in there that protects the City.

David Funk commented that in consideration of the neighboring residents he doesn't feel that he could agree to change the zoning if the zone doesn't exist yet.

Hayden Williamson commented that this will drive the majority of the commercial to the north end of the property, so what is the north property zoned? This would probably put in a domino type of situation. He received clarification that this is the zone that the applicant is expecting to come in on.

Kimber Gabryszak noted that the front of this property was called out in the Future Land Use as Neighborhood Commercial. Riverside Drive will eventually be a collector.

Hayden Williamson believes the Mixed Waterfront will get the neighboring residents more of what they are looking for with residential around them.

Kirk Wilkins would like to treat this how they have done other properties in the past. They have not changed the zoning until they had the proposals for construction, so they could see what was going to be in the area. He would feel uncomfortable changing the zoning until we have a code in place. He feels the language in the amendment is similar to agenda 21 and we are working at removing that language from our code. He asked who was driving this petition.

Kimber Gabryszak said there were a number of parts in it. It coincided with the change to Mixed Waterfront. When this came up they had already been talking about changing some designations to Mixed Lakeshore. The timing just lined up, the property owner was requesting something more like a Mixed Use zone but they didn't want to sandwich the current development. The property owner was amenable to this Mixed Waterfront zone and so the Staff moved forward with the change to the designation. The agreement doesn't bind the City or the Property Owner. The City wants to see some successful development of this type in the City to take advantage of the natural amenities.

Kirk Wilkins would like to see it locked down before they change the zoning.

Kevin Thurman said the property owner is not ready to move forward with any development plans at this time.

Ken Kilgore asked if there any setbacks from the river edge.

Kimber Gabryszak said there is not a specific setback but there is a meander study that identifies potentially hazardous areas and it would have to comply with wetlands and stabilization of the hill.

Ken Kilgore thinks in this situation, the property owner wants this rezone and probably can't make plans until it is changed and it will help preserve the waterfront in the city and will bring value to the homeowners in the area. He noted that the idea of the higher density is that these types of shops need the density to survive. Everywhere he has seen with this type of vibrant waterfront community, the home values have gone up. His concern right now is that in front of Dalmore Meadows the merging lane to Redwood Road from Pioneer Crossing is getting dangerous and the traffic in the area would need to be restudied.

Sandra Steele was concerned that if they don't make the area Mixed Waterfront, he will make it Mixed Use.

Jeff Cochran appreciates the Residents comments. He feels this Mixed Waterfront is a good balance to allow residential and still meet the needs and wants of the City to preserve the waterfront for commercial. He likes what has been presented but doesn't feel comfortable moving forward before the zone exists yet.

Ken Kilgore is in favor of recommending this.

Kirk Wilkins is not sure which recommendation to make, perhaps to deny.

Hayden Williamson would be alright with continuing or forwarding a negative recommendation. And once Council has approved the Mixed Waterfront they could then make a decision.

David Funk feels the same; he is not opposed to this, just the approving something that doesn't exist yet.

Sandra Steele would be in favor of continuing this. She is concerned with how the wording will be, and the amount of commercial and how it would be placed. She thinks the owner is expecting a higher use and we shouldn't recommend a denial or approval, she would feel more comfortable with continuing.

Kevin Thurman would advise to continue this as the owner is required to be given a list of permitted uses in the Zone. And the zoning regulations haven't been created yet and we just don't have enough information on it yet.

Motion made by Hayden Williamson to continue the decision on the General Plan Land Use Map Designation and Rezone from Low Density Residential and R-3 to Mixed Waterfront. Parcel 58:032:0142, north of Dalmore Meadows on Redwood Road to a future date. Second by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Ken Kilgore. Motion passed 6 - 0.

7. Work Session: Code Amendments, View Protections, and Landscaping Enforcement.

Kimber Gabryszak led a discussion of potential Code amendments. As Code Enforcement has been going out this summer they have been looking at ways to clarify the code, and organize it better.

- 19.05 – Sales Trailers
 - Merge and edit sales trailer sections.
 - Once a model home is built they can no longer have a trailer.

David Funk got clarification that once the model home is built they have 30 days to remove a trailer.

Ken Kilgore asked about trash removal and lighting restrictions for sales trailers.

Kimber Gabryszak noted they have the general standards for code enforcement. Every development is subject to the dark sky ordinance.

Ken Kilgore asked about minimum security requirements.

Kimber Gabryszak said it was left up to the developer; there is nothing specific to that. She can look into it further.

Hayden Williamson would be concerned that when we start getting into that we can get into liability issues.

Kevin Thurman commented that if we have a standard established for the developer pertaining to safety and they disregard it, it could potentially lead to an argument with the city if we aren't enforcing that code.

Jeff Cochran would be concerned with us adding language that may hold the city liable for safety issues.

Sandra Steele thought if the city was requiring something that caused a problem then the city could be somewhat liable.

- 19.06 – landscaping and Sight Triangles.
 - Reorganize chapter for clarity in application and code enforcement.
 - Tree base clearance, a minimum of three feet, instead of the canopy of the tree except in parking islands. Remove requirement for mulch beneath trees and shrubs. This is for commercial and multifamily.
 - Artificial turf not permitted in commercial section.
 - Relocated parking lot standards.
 - Amounts of landscaping referencing definition under parking lots.
 - Specify lots 1/3 acre or smaller must be all landscaped with time line, larger than 1/3 acre they have to landscape 1/3 acre.
 - Clarifies what can be removed.
 - 25% of landscaping in front and street side yards must be non-rock/hardscape. Artificial turf not allowed in same area.
 - Clarify sight triangles.

Kirk Wilkins suggested changing “but” to “and” in 19.06.08.1.c.ii

Ken Kilgore asked about tree preservation and invasive species.

Kimber Gabryszak said there is a list from the State that they go by.

Ken Kilgore asked about maintenance once trees were mature.

Kimber Gabryszak said there is a place where it talks about maintaining it in a healthy and clean state.

- Ken Kilgore is a little concerned with requiring the 1/3 landscaping. He is not as concerned about being fair as much as the beautification.
- Kimber Gabryszak said it is actually both, the reason they have the standards is for beautification and to protect neighbor's property values and things. It provides other benefits as well. We also want to be reasonable because the cost to sod a whole acre is not resource wise. They wanted to come up with a metric that was fair. 1/3 acre will catch all the smaller lots where failure to landscape will impact your neighbors. But they want to be fair as well to not let the larger lots completely off the hook.
- Ken Kilgore thinks that it could perhaps be a percentage of a lot instead. Proportionally you are doing the same amount of work on your lot as another. He wonders if 1/3 an acre would make a difference on some of the larger lots.
- Kirk Wilkins asked about the change in the wording from current to initial. On 19.08.06.b.ii (in the packet) Kimber Gabryszak noted it was a concern especially where a lot gets continually sold and never landscaped. If a new owner came in they would have to put the yard in the next growing season. They hope this makes it fairer to the adjacent neighbors.
- David Funk commented that it bothers him that on two sides of his property are city owned parcels that have never been completed, that has never been mowed and yet they complain about citizens not putting in their yard when the City doesn't take care of all their property.
- Sandra Steele commented that restrictions were in the commercial section about planting near power lines, they should have the same safety restrictions in residential.
- Jeff Cochran brought back the thoughts of Ken Kilgore's percentages of yards.
- Kimber Gabryszak said she looked into that a little and if they say 25% it's small on a small lot but big on a large lot. She would struggle to come up with the right percentage.
- Hayden Williamson thinks that the way it is proposed simplifies things but still thinks the city shouldn't be involved this much. He thinks most people with large homes will want to landscape and this should accomplish a minimum of what they want to do, realizing the majority of the people will go above and beyond.
- David Funk asked how close the proximity was for planting near power lines. (Within 5 feet once it's mature.)
- Kimber Gabryszak said the last item was that staff looked into regulating the height of trees for views. It may be feasible but they would like direction from the planning commission.
- David Funk wonders on Mixed Waterfront whether they wanted to allow fewer trees in that area so it wouldn't obstruct the view as much, not saying you had to put fewer but allowing it.
- Kevin Thurman said they should keep in mind when they pass any sort of legislation they need to think is it enforceable. Also consider there are already 6000 homes in the city that would be grandfathered in. It also places a burden on staff to regulate that. Is it a good use of tax payer money? If it is not enforceable then they may not want to do it.
- Hayden Williamson thinks those thoughts are relevant. He is also concerned about putting view protection in the Code, it is a slippery slope. How do you regulate a view height? It's different if you are on the hill or by the lake. He doesn't see a way that they could write a law that would cover all the situations and areas. He thinks the views here are important but this is not a situation where we need to be involved in coding.
- Sandra Steele sees the issue and would like to support it but can see it as a can of worms. However, she would like staff to explore blocking the solar planes.
- Jeff Cochran is concerned about how far that could go.
- Kimber Gabryszak commented that it ends up that you are regulating the height in some way. It would apply in general that the solar plane area would have to be open.
- Sandra Steele noted that if you invested so much money into solar equipment you wouldn't want to see it negated because of trees or accessory structures.
- Jeff Cochran wonders how slippery the slope would be, and could it be applied to other things like gardens.
- David Funk said that he likes the regulation idea on the solar planes; it would need to be explored. He commented that neighbors have to work with neighbors. If you plant right in front of someone there is

a point where you are blocking views and sunlight and you could cause financial impact. It is something they should look at.

Kirk Wilkins commented that if it's about enforceability and code we could look into what codes already exist in other areas and how they enforce it.

Kimber Gabryszak said they will take the notes and explore items that were suggested.

8. Approval of Minutes:

- i. August 27, 2015

Motion made by David Funk to approve the minutes of Planning Commission meeting of August 27, 2015. Seconded by Kirk Wilkins. Aye Sandra Steele, David Funk, Kirk Wilkins, Ken Kilgore. Abstain: Hayden Williamson, Jeff Cochran.

9. Commission Comments.

Sandra Steele said Ken Kilgore brought up a good point about traffic at Dalmore Meadows and at Pioneer Crossing. What would a traffic light do to the traffic there?

Jeff Cochran said the department would produce a traffic model for that and make sure it wouldn't back through the intersection of Pioneer Crossing. Generally they will look closely at intersections and if it backs through the next intersection they will not put a light and actually restrict movement through the intersections.

Kirk Wilkins asked if there was a study done on the traffic northbound from Fairway where there is a single traffic lane

Kimber Gabryszak replied that they are aware of it; Jeremy Lapin could give a better update. UDOT is being encouraged to reconsider their timeline but we don't have a lot of leverage. She is not sure of the status.

10. Director's Report:

- Council Actions
 - They accepted the Parkway Annexation for further consideration.
- Applications and Approval
 - They have been receiving a lot of resubmittals. They are getting final plats ready to record for phase one of Legacy Farms.
 - Rezone for Lexington Green on Pony and 800 S. for townhomes and apartments. Talus Ridge will soon be getting approval for the final phases.
- Upcoming Agendas
 - The Crossing continued, Summerhill Plat 5, Code amendments, United Dance Center
- Other

11. Motion to enter into closed session. – no closed session.

Meeting adjourned without objection by Chairman Jeff Cochran

Adjourn 9:19 p.m.

September 24, 2015
Date of Approval

Jeri Vales, Recorder
City Recorder (or Deputy)

