

**City of Saratoga Springs**  
**Planning Commission Meeting**  
**August 27, 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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**Planning Commission Minutes**

**Present:**

Commission Members: Kirk Wilkins, Sandra Steele, Hayden Williamson (electronically), David Funk, Ken Kilgore

Staff: Kimber Gabryszak, Kara Knighton, Jamie Baron, Kevin Thurman, Nicolette Fike

Others: Jason Axelgard

**Excused:** Jeff Cochran

**Call to Order** - 6:30 p.m. by Vice Chairman Kirk Wilkins

**Pledge of Allegiance** - led by Jason Axelgard

**Roll Call** – A quorum was present

**Introductions** – Two new planners were introduced from the Planning Dept. Kara Knighton and Jamie Baron

**Public Input Open** by Vice Chairman Kirk Wilkins

Jason Axelgard is new to the city. He was frustrated that he had been cited for non-compliance. After speaking with the Chief he feels better but he feels there is a lot that is not done correctly. Different stories are given by different employees. He does like it out here. He feels the citation could have been handled differently. He feels the committee could look at the reasons behind problems first. He asks that the city please take a step back and take a look at things.

Kimber Gabryszak followed up and noted they have been talking about landscaping extensively. The Council is supportive of the direction they are going and in the meantime they are working with the code enforcement. Code enforcement does not have a system put in place quite yet for extensions and a tracking system. They are working on this and a system is being structured and it will hopefully offer consistency and fairness.

**Public Input Closed** by Vice Chairman Kirk Wilkins

Items 4 & 5 were discussed together.

**4. Public Hearing: Amendments to the General Plan for the Mixed Lakeshore Designation.**

**5. Public Hearing: Amendments to the City of Saratoga Springs Land Development Code.**

Kimber Gabryszak presented the amendments.

**CODE**

- 19.02 – Definitions
  - Clean-up definition to avoid confusion, and replace graphics for side yards.
- Multiple Sections, removing Gateway references 19.02, 19.04, 19.15, 19.18, 19.23.
- 19.04 – Land Use Zones
  - Change Mixed Lakeshore Designation to Mixed Waterfront. (see further discussion below)
- 19.05 – Supplemental Regulations
  - Standards for Vehicle Sales including graphics.  
Kirk Wilkins asked about the height that was suggested for 10 ft.  
Kimber Gabryszak explained that it included everything like a stand.
- 19.06 – Landscaping and Fencing
  - Definition of caliper measurement and planting standards.
  - Where fencing should drop to 3 ft. and a 15 ft. clear site triangle and graphics.

David Funk asked for clarification.

Kimber Gabryszak explained that it is only when there is a driveway that was next to a street side yard that they have to meet the clear site triangle. They changed the definition of the clear site triangle so there is safe visibility for drivers and it is measured from the back of the sidewalk.

Sandra Steele thought it might be clearer to say from the property line and not the right-of-way.

David Funk asked what would happen if there was no sidewalk then one is put in later on.

Kimber Gabryszak in that case it would be a nonconforming issue unless it was a clear safety issue.

David Funk clarified where the driveway is a little way off from the edge of the property so the measurement is from the driveway and not the edge of the property.

Kimber Gabryszak replied that is correct.

Sandra Steele commented that there are a lot of people who put in driveways up to the property line.

Kimber Gabryszak said one thing they talked about is how hard it is to get people to put the fence in the right place in the first place because they don't check with the requirements. There will still be situations where people are out of compliance, one situation would be where a fence was put up before a driveway. But if it is a health and safety issue they can require compliance if they feel it is necessary. This situation should result in the least amount of non-compliance.

Ken Kilgore asked about things like shrubbery that is put in the clear site triangle. In some cases that may be a worse situation.

Kimber Gabryszak replied that in the definition of the clear site triangle no vegetation over 3 feet is allowed to be planted.

- 19.12 – Subdivisions
  - Process Delegations

Sandra Steele felt there was some contradiction. The language was adjusted slightly to include the clarification in subsection iii that if No Deviation was needed.

- 19.13 – Specific Development Processes and Submittal Requirements.
- 19.14 – Site Plan Application and Approval Process.
- 19.26 – Planned Community District Use. (Change Mixed Lakeshore to Mixed Waterfront)

## GENERAL PLAN

- Change Mixed Lakeshore Designation to Mixed Waterfront
  - Change name to from Mixed Lakeshore to Mixed Waterfront to permit application along Jordan River as well as Utah Lake
  - Add several clarifications, and modify feathering and commercial location standards, and changing references.
  - Proposal includes higher density in interior of development, with density transition to match adjacent developed residential areas. They may want to consider rewording the majority of commercial uses shall be by the waterfront.

Sandra Steele understands the concern about the Council requiring 20% commercial but she is concerned about someone playing games with it.

Kimber Gabryszak said they could look at language in the business park zone as well where there is some master planning and phasing.

### **Public Hearing Open** by Vice Chairman Kirk Wilkins

No public comment

### **Public Hearing Closed** by Vice Chairman Kirk Wilkins

Sandra Steele wonders is 5 acres is enough for development in the Mixed Waterfront.

Kimber Gabryszak would be hesitant to put a minimum for the whole single building/multi-building because you are going to end up with multi-building regardless. She doesn't think it will be very effective. They do have the requirement for them to have a Master Development plan of how the entire property is anticipated to develop and they are recommending the 20% minimum commercial land area. If a property is not big enough to make that successful hopefully they will work with their neighbors and property owners to keep

them from selling off pieces. It doesn't make sense to have two separate categories. They are requiring a Master Development either way. She recommends they keep that 20% requirement in place.

Sandra Steele is concerned that a developer would split their property and it won't happen the way the city wants it too. That language leaves a few to many holes for developers to work around.

Kimber Gabryszak said the key would be to change the one acre to something like 10.

Kevin Thurman doesn't think we can restrict it totally just because they don't have enough acreage.

Ken Kilgore feels that just because they make it bigger won't change that a developer may try to get around it.

Kimber Gabryszak replied that the idea behind making it bigger is you end up with a more viable cohesive development, enough to have commercial and a large enough residential area to support it.

Sandra Steele likes the idea of a larger piece that you can master plan so you have room to put higher density, lower density and commercial. She doesn't think that any of the properties currently being considered are less than five acres.

Kevin Thurman thinks they will have to discuss it further; you can't restrict someone's use completely. You need to allow some use allowed. We could consider developing our own Master Plan for this area.

Sandra Steele thought we could we put some kind of language or a provision that if someone did a minor subdivision and had less than an acre lot they could still develop it. She is afraid if we leave it open we won't get what we want.

Kevin Thurman again suggested that there is nothing that prevents the city from making their own Master Plan in the area.

Kimber Gabryszak said they are doing research currently, it would be better to put it on hold rather than rewrite it on the fly. Let's take some time with it so we can try and have a much more comprehensive program.

David Funk did not have any additional comments other than he appreciates all the work that has gone into it.

Ken Kilgore asked about the Gateway designation, are we thinking of having any Gateway-type designation to any other areas of the city to make the first look at the city be nice.

Kimber Gabryszak responded that we are not currently looking at any other areas of the city. At Pioneer crossing once you get to Redwood road you are pretty much into the city and the District Area Plan. They are working with a developer there to try and have a grand sense of arrival to achieve the same purpose but there is not a lot of area left to try and achieve a new Gateway area.

Hayden Williamson refrained from commenting.

Kirk Wilkins asked about the removal of the Gateway area and certain uses within the area, would there still be protections against sexual businesses within commercial areas.

Kimber Gabryszak replied the only zone they are allowed is industrial and they have nothing zoned for that in the areas of the Gateway.

Kirk Wilkins asked what we are trying to accomplish with the change to Mixed Waterfront.

Kimber Gabryszak noted how the City is unique with a lot of natural scenic amenities. The city is trying to accomplish a vibrant Lakeshore Community where more than just those that live along the lake can take advantage of the area. They are trying to achieve a few locations along the lake where people can live but also be some small shops where people can benefit from the lake area. An example is the Denver River Walk. We are not there yet with this code but it is our goal to get there. There have been inquiries from developers along the lake but they went away when we told them they couldn't have the higher density. This would help with that.

Kirk Wilkins asked how it would affect the rights of the current property owners.

Kimber Gabryszak replied it doesn't change them much, their property is most likely zoned Agricultural or Low Density Residential and have the same rights as anyone else, and they could apply for a Rezone and General Plan amendment, anyone has the ability to apply for any of those zones. The existing area would just receive the new designation; they are not changing the zoning at this time.

Kirk Wilkins thanked Kimber Gabryszak for all her work on this and it will help everyone understand the code better.

**Motion made by Sandra Steele Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendments to the**

General Plan and Code Sections [19.02, 19.04, 19.05, 19.06, 19.13, 19.15, 19.18, 19.26] with the Findings and Conditions in the Staff Report. Seconded by David Funk.

Kimber Gabryszak noted that section 19.23 needed to be added.

Sandra Steele accepted that and also amends it to include the conditions and changes in the Report of Action.

David Funk accepted the amendments.

Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore. Motion passed 5 - 0.

**6. Approval of Minutes:**

1. August 13, 2015.

**Motion made by David Funk to approve the minutes of August 13, 2015. Second by Sandra Steele. Aye: Sandra Steele, David Funk, Hayden Williamson, Ken Kilgore. Abstain: Kirk Wilkins. Motion passed.**

**7. Reports of Action.**

Mixed Lakeshore and Code Amendments were reviewed.

It was concluded that the motion did not include all that was intended or needed.

**Motion made by Sandra Steele that the Planning Commission Reconsider the Motion to approve the proposed amendments and General Plan Code sections that are listed in the Report of Action. Second made by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore. Motion passed 5 - 0.**

**Motion made by Sandra Steele Based upon the evidence and explanations received today I move to forward a positive recommendation to the City Council for the proposed amendments to the General Plan and Code Sections [19.02, 19.04, 19.05, 19.06, 19.12, 19.13, 19.15, 19.18, 19.23, 19.26] with the Findings and Conditions in the Staff Report and in the Report of Action. Seconded by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore. Motion passed 5 - 0.**

**Motion made by Ken Kilgore to adopt the Report of Action. Seconded by Sandra Steele. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore. Motion passed 5 - 0.**

**8. Commission Comments.**

Sandra Steele would like to welcome the new planning staff and she is glad to see someone with landscape and graphics experience.

Ken Kilgore read an article in an artist newsletter that talked about a building in West Jordan, a taco shop, the high school nearby wanted to teach the kids about public art and asked the shop if they could dress it up. It caused a big argument in the city because the graffiti was considered signage. The Latin community liked the look. The shop owner was fined. He appealed to the City Council who waived the fines but he had to put into process a new code amendment to separate the art/graffiti from signage. We are not quite that community but perhaps we need to look into that also.

Kimber Gabryszak responded that they will be bringing a complete re-write of the sign code, the distinction can become difficult we are hoping to be content neutral but would regulate time, place, and manner, size location and etc.

Kevin Thurman commented that a lot is determining what free speech is. Art is an area where there are more protections. We need to look into it and make sure there are clear definitions.

Sandra Steele said with the new Supreme Court ruling she suspects what they are seeing on Redwood Road with the red and white signs, if it's in the right location and the right size, which is what we will be seeing. It is perplexing.

David Funk received comments from citizens on the water bills and asked if the city had any comments. Kevin Thurman responded that Spencer Kyle has been working on those. There has been a cap placed through August and they are working on putting the information on the web site. The intent was to ease into the rates but people are not going to delve into their bills so they really know what to expect next summer. There may be some forgiveness. Sewer rates did increase also; those are based on culinary usage.

Sandra Steele would like to comment that she doesn't like her water bill going up but having lived in California this is pittance. They reduced the base rate per acre though and if you figure it over a year it evens out more.

Kirk Wilkins commented that in Utah a view is not deemed as a right of one's property and there isn't a current spite wall law, in the event that a neighbor planted very high trees that blocked another's view or enjoyment, has that been discussed with staff?

Kimber Gabryszak said it has been discussed briefly. It is on the list but not towards the top. Views are not a protected property right but if there is a health and safety issue it is something they could look into.

Kevin Thurman said they can do more research on it but when the state exercises eminent domain you can't be paid for loss of view. We can regulate aesthetics to a point but there would be a fine line. They cannot be sued for nuisance. They have ordinances that preserve some views. They really need to have direction from the legislative body to begin that process.

Kirk Wilkins feels one of the greatest assets of this city are the Lake Views and it can take away value of a person's property if their view was taken away. He hopes it can be looked into.

Sandra Steele brought up that with so many people putting in solar they may need to put in some solar protection ordinance. You would hate to spend so much on a solar system only to have a neighbor block it with trees. It may not apply to his situation but it is something to look at.

9. Director's Report:

- Council Actions
  - They held two meetings on the 18<sup>th</sup> they approved Talus Ridge, Harbor Bay Church and Israel Canyon Stake. They held a special meeting on the 25<sup>th</sup> and put in an extension of the secondary water rate cap, election canvasses and Final plat for Harbor Bay Church.
- Applications and Approval
  - They have had a few new applications come in, an annexation near Loch Lomond, and resubmittals on most of their applications.
- Upcoming Agendas
  - Sept 10<sup>th</sup> will be looking at the 400 N. area, General Plan and Mixed use designation, and The Crossing.
- Other
  - They have received applications for the planning Commission vacancy and it has been passed to the Mayor.

10. Motion to enter into closed session. – No Closed Session tonight.

Meeting adjourned without objection by Vice Chairman Kirk Wilkins  
Adjourn 8:16 p.m.

September 10, 2015  
Date of Approval

Lori Yates  
Lori Yates, City Recorder

