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City of Saratoga Springs
City Council Meeting
January 5, 2016

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

Work Session Minutes

Present:

Mayor: Jim Miller

Council Members: Michael McOmber, Shellie Baertsch, Stephen Willden, Bud Poduska, Chris Porter

Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Nicolette Fike,
Kayla Moss, Jamie Baron, Janelle Wright, Kara Knighton, Holly Neibaur, Chelese Rawlings

Others: Brandt Schiess, Sam Boyden, Preston Dunison, Mary Jessop, Zach Wall, Jordan Dowell, Michael
Klewinkski, Shelie Wright, Ally Wright

Excused:

Call to Order - 6:47 p.m.

1. Catalina Bay Open Space-Presentation by Sarah Carroll. This item was not discussed at this meeting.

2. Agenda Review:

a. Discussion of current City Council agenda staff questions.

Mark Christensen reviewed the plans for the Council Retreat on January 8th and 9th.

b. Discussion of future City Council policy and work session agenda items.

Councilwoman Baertsch mentioned that there are a couple of 5th Tuesday's in 2016. She would like to meet with the Planning Commission a couple of times this year, at least one of those meetings on a 5th Tuesday. She would like to have a meeting with them soon after the retreat so they can talk about the City Council goals for the year. She would like to have Land Use training with the Planning Commission as well.

Mark Christensen advised that the first 5th Tuesday is March 29th and that can be scheduled. City Staff will also look at a Thursday date.

Councilwoman Baertsch would like to use the 5th Tuesday in March as a City Council meeting date because there is a meeting missing in April. She asked that a date is found on a 2nd or 4th Thursday to meet with the Planning Commission after the retreat.

Kevin Thurman suggested to schedule the meetings as a special session rather than adding it to the regular meeting schedule. A special session can be scheduled with 24 hour notice.

Mark Christensen asked if February 18th could be scheduled to have the employee appreciation party.

Mayor Miller advised that the employee appreciation dinner should be scheduled as priority and the Council can discuss when to schedule the special session at the retreat.

Councilwoman Baertsch was okay with adding meetings as special sessions instead of changing the regular meeting schedule.

Councilman Willden asked about having a mini retreat locally in the middle of the year. He would like to consider it for 2016.

Councilman McOmber would like to have a meeting with the Council, School Board, and Senior Executives from the School. He would like the meeting to be in a neutral place. He would also like to have a joint meeting with Eagle Mountain. One of the items for discussion with Eagle Mountain would be the school situation between the two cities. He thinks this would help with communication.

Mark Christensen advised the Council that the City will be meeting with the School District frequently in the future. The Council should expect a work session shortly to talk to the School District.

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Adjourn to Policy Session 7:02 p.m.

1-19-2016
Date of Approval

Kayla Moss
Kayla Moss, City Recorder



60 **Policy Session Minutes**

61
62 **Present:**

63 Mayor: Jim Miller

64 Council Members: Michael McOmber, Shellie Baertsch, Stephen Willden, Bud Poduska, Chris Porter

65 Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Janelle Wright,
66 Nicolette Fike, Kayla Moss, Andrew Burton

67 Others: Brandt Schiess, Sam Boyden, Preston Dunison, Mary Jessop, Zach Wall, Jordan Dowell, Michael
68 Klewinkski, Sheli Wright, Ally Wright, Pat Dowd, Austin Dowd, Chad Spencer, Krisel Travis

69 **Excused:**

70
71 **Call to Order** 7:02 p.m.

72 **Roll Call** – a quorum was present

73 **Invocation / Reverence** - given by Councilman Porter

74 **Pledge of Allegiance** - led by Councilman Poduska

75
76 **Public Input - Opened** by Mayor Miller

77 No input was received tonight.

78 **Public Input - Closed** by Mayor Miller

79
80 **Awards, Recognitions and Introductions**

- 81 • None

82
83 **POLICY ITEMS**

84
85 **REPORTS**

86 **1. Mayor.**

87 Mayor Miller advised that he attended a meeting with North Point Solid Waste. The budgets were good. The
88 price increased slightly because of the cost to landfill the city's refuse. Paying for our own weight has
89 been to an advantage to the City, it is almost \$2 less per ton.

90 Councilman McOmber observed that this may mean that recycling is working.

91 Mark Christensen advised that the recycling commodities industry is struggling. The City is doing well with
92 recycling but if the trend continues there may be cost for recycling in the future.

93 Councilwoman Baertsch thinks that if they do start charging for recycling that would change the tipping fees
94 again making the cost of solid waste to increase.

95
96 **2. City Council.**

97 Councilwoman Baertsch noted that Shay Park and Benches Park are coming along nicely.

98 Councilman Willden advised that he attended Jordan River Commission and was nominated as the Vice-

99 Chair. He was asked to be the Chair but he thought that someone that had attended more meetings should
100 be the Chair. He will step in if there is no one else. The meeting went well and he got to know some of
101 the people there.

102
103 **3. Administration Communication with Council.** Mark Christensen advised that City staff is looking
104 forward to the retreat this weekend. There are a lot of things for the City to be very happy about and
105 everyone is excited to share.

106
107 **4. Staff updates: Inquires, Applications, and Approvals.** None.

108
109 **PUBLIC HEARING ITEMS:**

110 **1. Amendments to the Saratoga Springs Land Development Code (Section 19.18 and Other**

111 **Amendments), Ordinance 16-01 (1-5-16).** Kimber Gabryszak advised that this is a thorough group of
112 code amendments. For the most part the changes are minor; it is mainly just clean up. The code changes

113 will help to find things all in one location instead of dispersed within the code. It also clarifies references
114 to parking lot landscaping and making sure that they are consistent throughout the code. There were
115 questions on whether there should be an 8 foot buffer or a 10 foot buffer and whether the landscaping
116 should require a berm or not.

117 Councilwoman Baertsch mentioned that in 80% of the past references to landscaping buffers the code
118 mentioned that it was 10 foot and 20% referred to 8 foot. She wondered why it changed to 8 foot.

119 Kimber Gabryszak advised that they moved towards leniency rather than being more strict.

120 Councilwoman Baertsch thinks that because the super majority was 10 it is strange that it was changed to 8.
121 She would like to see 10.

122 Councilman McOmber thinks that a 10 foot buffer creates the feel that the City is going for more than the 8
123 foot buffer would. He would like to see it stay at 10 rather than moving to 8.

124 Kimber Gabryszak advised that this update will also remove the Urban Design Committee throughout the
125 code.

126 Councilwoman Baertsch mentioned that Urban Design was left in the code in some places.

127 Kimber Gabryszak advised that this is referring to Urban Design in general and not the committee
128 specifically. Other changes to the code would be to fix references to and standards for group homes to
129 ensure that the code is consistent with federal and fair housing. This code update would also allow plat
130 amendments that affect public utility easements be approved by staff. This would also require delineation
131 of outdoor display areas. It is currently required in the architectural design standards and now it is
132 referenced in the code along with the architectural design standards. She then went through each page of
133 the code that had changes made to it. Annexation language was moved from chapter one elsewhere. In
134 definitions Urban Design Committee was removed. In the Zones Permitted and Conditional Uses by
135 zone chart, it now allows churches to be permitted instead of being a Conditional Use. They will still go
136 through the site plan process and conditions can be applied to them but they would not need a conditional
137 use permit.

138 Councilwoman Baertsch wondered why we have some schools in the industrial zone.

139 Kimber Gabryszak advised that there is state code that says cities cannot restrict which zones schools are
140 placed. Residential facilities for persons with a disability are now permitted in all zones to comply with
141 federal law. Schools are also permitted in all zones due to state law.

142 Councilwoman Baertsch mentioned that the table says Mixed Lakeshore instead of Mixed Waterfront still.

143 Kimber Gabryszak mentioned that parks were added as a permitted use in commercial zones. They were not
144 permitted at all so if someone proposed a park as part of their development it could be a problem. In the
145 Regional Commercial zone there was a contradiction. There was a special setback reduction available for
146 side setbacks. There was also language elsewhere that Council could only reduce one setback. That has
147 been fixed. There is also an additional setback requirement if the rear of the building faces an arterial or
148 collector street with a wider setback but there are other sections that require parking behind the building.
149 There were some negative consequences with those requirements that were not necessary.

150 Councilwoman Baertsch mentioned that under buffering and screening it is talking about a wall or fence
151 being required if it abuts agricultural or residential use. She thinks that it should be clarified to say if it is
152 existing or platted. If it is not existing or platted it could change zones in the future. It would be silly to
153 require a fence between two commercial uses.

154 Councilman Willden asked if the Development Review Committee was being created as well by changing
155 the name and removing the Urban Design Committee.

156 Kimber Gabryszak advised that it is already in the code, it is not a new committee. Section 19.05.13 was
157 changed to require that the berm or screen wall height be at least three feet.

158 Councilwoman Baertsch wanted to make sure that we wouldn't have home occupations accepting patrons at
159 their businesses in the Mixed Waterfront zone. There will be a mix of commercial and residential uses in
160 that zone and she would like to encourage the actual brick and mortar uses there. She doesn't think the
161 extra traffic would be wanted in the area.

162 Kimber Gabryszak advised that the planning department is working on fixing code for home occupations, it
163 is a bit vague. They are seeing some unintended consequences from the requirements of the current code.
164 That will be brought back to the Council at a later time.
165

166 Councilwoman Baertsch also mentioned that in the Mixed Waterfront zone the City requires ten or eight feet
167 of landscaping between commercial and residential uses. She doesn't know how that will work when you
168 have residential on top of commercial.
169 Kimber Gabryszak clarified that the requirement is between adjacent uses. The next change was in 19.07,
170 PUD, to change Urban Design Committee to Development Review Committee. Parking requirements for
171 residential facilities for persons with a disability were added. Landscaping in parking areas was also
172 changed.
173 Councilwoman Baertsch would like to see RV parking space dimension specifications added into the code. It
174 should be included in some uses, big box stores and gas stations for example. She would also like to
175 clarify how many stalls are needed for certain areas.
176 Councilman Poduska wondered if there is federal and state code that would specify what the requirements
177 are already.
178 Councilman McOmber mentioned that the fire stands were put right in the drive area and it causes concerns
179 for kids and others safety. He would like to make sure that those are put in the correct places in the
180 future.
181 Mark Christensen would like to get feedback from businesses about the RV parking requirements. There are
182 already concerns with parking requirements and he would want to see what they think.
183 Councilwoman Baertsch clarified that she wouldn't want to just increase the requirement for parking but if
184 they are required to have 5 parking stalls per 1,000 square feet an RV spot could count for 2 parking
185 spaces.
186 Councilwoman Baertsch pointed out that the definition of outdoor storage does not allow for certain things
187 that some businesses would think would be typical of outdoor storage, but the City has not allowed. For
188 example if tire stores want a display of tires...Businesses need to understand this.
189 Kimber Gabryszak stated that outdoor displays are now added to the site plan requirements.
190 Councilwoman Baertsch asked for the things mentioned above to be discussed and then sign code be
191 discussed separately.

192
193 **Public Hearing Open** by Mayor Miller.

194
195 No comments were received.

196
197 **Public Hearing Closed** by Mayor Miller.

198
199 **Motion made by Councilwoman Baertsch to approve the amendments to the Saratoga Springs Land**
200 **Development Code (Section 19.01, 19.02, 19.04, 19.05, 19.07, 19.09, 19.12, 19.13, 19.14, and 19.22)**
201 **and Conditions in the Staff Report dated December 22, 2015 with also changing the parking lot**
202 **buffer from 8 foot to 10 foot, change mixed lakeshore to mixed waterfront, add existing or platted**
203 **to the residential commercial zone, and typos identified. Seconded by Councilman McComber.**
204

205 **Roll Call Vote: Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber,**
206 **Councilman Porter, Councilman Poduska. Motion passed 5 - 0.**
207

208 Kimber Gabryszak then moved on to discuss the sign code from Section 19.18. This is all new. The old code
209 was removed. Some of the old sign code is incorporated but modifications were made to bring it into
210 compliance with recent Supreme Court decisions. There are no longer references to types of signs. In
211 order to determine what type of sign it is you have to read the sign. We are not allowed to regulate
212 content. Section 19.18.08, agriculture, vacant and active development, is an attempt to allow for
213 developers to still construct an off premise sign. There are different sign standards by zone and not by
214 use to keep it content neutral. This brings up a problem with "for sale" signs. If the City regulates a sign
215 by time and says that you can only have a temporary sign for three months but it takes longer than that to
216 sell the home they will need a sign longer. In that case they are proposing to limit time for temporary
217 signage if you have a lot of it. If you only have one small temporary sign you can have it for a year.
218

219 Councilwoman Baertsch mentioned that HOA's could be more restrictive, but not less restrictive.
220 Councilman McOmber wondered if an HOA puts up a sign if they have to let everyone put up a similar sign.
221 Councilwoman Baertsch clarified that HOA's still have the ability to say that they can put up a sign but no
222 one else can.
223 Kimber Gabryszak advised that HOA's do have the ability to put up signs that they do not allow the residents
224 to display. The city is not allowed to regulate the content of a sign, it is to just regulate the amount,
225 duration, appearance, location, colors, and size. If a business in the Regional Commercial zone is
226 allowed 100 square feet of signage they could make that a political sign, cartoon, or something other than
227 their logo. They can put anything in the allotment they are given. That is the basic idea of the changes to
228 this part of the code.
229 Kevin Thurman advised that content can only go so far. Indecent and obscene speech and images are
230 regulated in different ways. It is based on what the community standards are. The language the Supreme
231 Court uses is kind of vague.
232 Kimber Gabryszak advised that this is the sign code that the City is applying so that we are in compliance
233 with the Supreme Court. The Planning Commission recommended approval. This may still be amended
234 as the City implements it and finds issues with it.

235
236 **Public Hearing Reopen – by Mayor Miller**

237
238 Kimber Gabryszak advised that she did get comment from the Board of Realtors. They would like to allow
239 them to have "for sale" signs up longer without having to remove them for one day a year.

240 **Public Hearing Closed – by Mayor Miller**

241
242 Councilwoman Baertsch read something about real estate signs and the problem the Supreme Court ruling
243 causes. "A sign code, that if a particular lot is for sale, they get one additional sign of a particular size
244 and duration that is allowed on that lot". So if you allowed a sign to be up because the property is for sale
245 that would resolve that issue. It is not content based, if they wanted to put up a sign that says "Go
246 Westlake" they could.

247 Kevin Thurman thinks that it could be argued that this is content based.

248 Councilwoman Baertsch clarified that it is strictly based on whether the property is for sale, not matter what
249 the sign says.

250 Spencer Kyle mentioned that if the house is listed on MLS or something they could have a sign.

251 Kevin Thurman liked the idea. He wants to be careful that this isn't a roundabout way to regulate content.

252 With the regulations that are already in place and the number of signs that are allowed the City thought
253 that gave sufficient rights. The Supreme Court says that if your house is for sale you're entitled to have a
254 sign to try and sell it.

255 Councilman McOmber mentioned that the suggestion Councilwoman Baertsch made would be less
256 restrictive than what is proposed.

257 Kimber Gabryszak mentioned one issue with the Gilbert decision is that there was favoring of one group
258 over others and one type of speech over another type of speech. The City needs to be careful that they
259 aren't favoring one type of sign over another type of sign.

260 Councilman Porter expressed his appreciation to the staff for doing this so quickly to get in compliance. He
261 thinks that there are a few places that he would like to see loosening of restrictions. The first place is the
262 prohibition of electronic message signs. He agrees that a sign like "the outlets" sign would not be desired
263 in the City but he doesn't think that it shouldn't be allowed at all. He suggested that maybe 50% of a
264 monument sign in the Regional Commercial zone could be electronic. He knows that a gas station would
265 have liked to have the electronic portion to display gas prices. The next place he would like to see change
266 is in the Commercial zone. Businesses are limited to two sides of the business to display a wall sign. He
267 would be willing to allow three signs for those commercial businesses. You can only see two sides of a
268 building from any one vantage point. Allowing three signs would allow businesses to advertise better.

269 Councilman Willden was reading in the planning commission minutes where Kimber Gabryszak stated that
270 the amount of signage will in most cases not be reduced, in some instances, such as the case of currently

271 permitted development information or grand opening signs the amount of signage has been reduced or
272 eliminated. He asked if this would mean a business couldn't have a grand opening sign.
273 Kimber Gabryszak advised that it does eliminate them because the City was trying not to favor one type of
274 sign over the other. Some signs have been eliminated but in other places the City has allowed for more
275 signage.
276 Councilman Willden asked if there was something added to the code that mentioned if a property was for
277 sale they could have a sign, if a new business could also have a sign under a similar stipulation.
278 Kevin Thurman advised that the City can do some research about grand opening signs.
279 Councilman Willden thinks that electronic message signs should also be looked at. He thought maybe the
280 City could regulate lumens. He is okay with businesses with having three wall signs as long as there are
281 restrictions about where the signs would be facing, etc.
282 Councilwoman Baertsch advised that there was the ability to allow for exceptions on the wall sign
283 restrictions. There were no regulations on when it would be granted and when they wouldn't so
284 businesses were asking for them every time. It became very messy.
285 Councilman McOmber advised that he is okay with three wall signs for businesses but would prefer two. He
286 is not a fan of electronic signs. You can read backlit lights just fine. He is worried about allowing
287 electronic signs near the lake and other zones. He would like to allow an extra sign for grand openings. If
288 the City can find a way to allow those signs he would like it done. If it is event driven that should
289 eliminate the worry of it being content regulated. He likes the zone breakdown and thinks it has cleaned
290 up the sign code. However, he thinks the City needs to be careful about giving one zone more power
291 over another. This may lead to every development wanting the least restrictive zone. He also thinks this
292 code needs to be communicated to the businesses in summary form.
293 Kimber Gabryszak advised that the City has been in communication with various businesses and the
294 Chamber.
295 Councilwoman Baertsch thinks that it would be good to compare what they could do before versus what they
296 can do now. For the most part they will see an increase in abilities.
297 Councilman Willden would like to see what staff recommends versus what the Planning Commission or what
298 anyone else requested to make it easier to see that those recommendations were implemented.
299 Councilman Poduska liked Councilwoman Baertsch's idea for using activity as a way to enforce and regulate
300 signs. He likes the suggestion of allowing three wall signs for businesses. People are going to be
301 traveling from several different directions so having three would allow them to advertise better. He has
302 been a supporter of electronic signs for some time. We are in the 21st Century and he doesn't think that
303 allowing them would make us look like Las Vegas. Electronic signs allow for information to be changed
304 and help inform the general public of things quickly. He would like to allow signs for grand openings as
305 well.
306 Councilwoman Baertsch mentioned that there is no definition for a balloon sign but they are prohibited so
307 that needs to be added. The City is planning on putting the City logo on benches. She wondered how the
308 City can allow that if they are prohibited. UTA also sometimes puts covers on their bus stops and that
309 wouldn't be allowed.
310 Kevin Thurman advised that it could be added to the definition of sign, or as an exclusion of definition of a
311 sign.
312 Councilwoman Baertsch wanted to clarify why industrial, mixed waterfront, or mixed use weren't included
313 when commercial was mentioned. She saw the same thing with Planned Community.
314 Kimber Gabryszak advised that she did not think that the definition of commercial zone or commercial zone
315 sign is needed because when it is broken out by commercial and residential they were grouped together
316 in each subsection. She will check on whether she can remove the definition.
317 Councilwoman Baertsch wanted to clarify what a pole is in the definition of flag.
318 Kimber Gabryszak advised that there are some height requirements for poles.
319 Councilwoman Baertsch asked that the address could be added in the definition of sign copy. She would like
320 to give people the ability to put the address on the sign or pedestal as long as it is externally lit and not
321 hidden by bushes. If the address could be put on the pedestal or base of the sign it would give them better
322 usage of the sign face.
323

324 Kimber Gabryszak advised that it can be added under address requirements to include the address to be
325 allowed on the pedestal or base.

326 Councilman McOmber suggested that the language could be changed to specify that the address needs to be
327 visible on the monument.

328 Councilwoman Baertsch also would like to clarify the definition of a window because of the difference in
329 sizes of windows. She thinks that lumens for electronic signs could be regulated in prohibited signs to
330 specify what the lumens can be so that the light doesn't flood onto other people's properties. She has
331 some concerns about the definition of art. By definition art always conveys a message or an idea. So she
332 doesn't know how that will work and she isn't sure what the solution is. Art by definition is a form of
333 communication. She also has some concerns with flags. The way the code is worded would technically
334 allow her to put up 45 flags on 30 foot poles. She would like to see something that would limit the
335 allowance to one pole per lot in a residential area with no restrictions on how many flags you could
336 include on the pole.

337 Councilman McOmber advised that he ran for City Council because he had flag pollution next to his house.
338 It made a lot of noise and was very distracting for his family. The flag went all the way over his house.
339 He agrees with Councilwoman Baertsch on changing the regulations for flags in residential areas.

340 Councilman Willden would be okay with two or three poles on a lot as long as they weren't all the 35 feet.
341 Councilwoman Baertsch wondered if homeowners could sell the rights to put flags on the pole on their
342 property.

343 Councilman McOmber would only be okay with one pole per lot. He also asked if model homes would be
344 restricted as well even if they are commercial property.

345 Kimber Gabryszak clarified that it would be per zone so model homes would still only be able to have one
346 flag pole.

347 Councilwoman Baertsch asked what "licensed use" means. She suggested that it be changed to permitted use.
348 She would also like to prohibit neon signs in residential areas.

349 Councilman McOmber agreed with not allowing neon signs in residential areas. He would like to change the
350 restriction based on zone.

351 Councilwoman Baertsch thinks that it becomes problematic when you're dealing with your neighbors.
352 Mark Christensen asked if they were talking about signs inside of people's homes as well that could be seen
353 through the window. Not on display but something that is displayed in a game room for example.

354 Councilwoman Baertsch specified that she is talking about signs in the window, not inside. She also thinks
355 that a combo building that has two uses can have two signs but Panda Express can only have one.

356 Kimber Gabryszak advised that there is some difficulty in designating how many signs they could have
357 because you can't say per building because of strip malls and other things. She thinks that if a building
358 has two businesses in it they should be allowed two signs. They used the term by use so that they could
359 have signs for each business.

360 Councilman McOmber wondered why there would be a need for an a-frame signs in residential.

361 Mark Christensen pointed out that a lot of church groups use a-frame signs to make announcements.

362 Councilwoman Baertsch mentioned that none of those are legal as the current code it stands. She also
363 wondered about vehicle signs. If a truck that has a logo or advertisement for their business is parking in
364 the City this wouldn't allow them to park in on street parking. She also thinks that some unintended
365 consequences were made with front and street side setbacks. She would like to see the setback changed
366 to not allowing signs in the walkway instead of saying that it has to be behind the sidewalk.

367 Kimber Gabryszak advised that she would think about it and get back to the Council.

368 Councilwoman Baertsch is concerned that in sign illumination it would allow signs to point towards
369 residences because they could just be pointed 45 degrees away but that would then face towards another
370 property. It used to say that if you are a commercial business facing residential property you couldn't
371 have an illuminated sign. She would like to see it stay that way.

372 Councilman Poduska agreed with those concerns. He suggested that there could be some language to state
373 that it couldn't illuminate a residential area.

374 Mayor Miller asked if this could be brought back to a work session to discuss all of the changes.
375

376 Councilwoman Baertsch thinks that residential sign needs to be renamed to entrance signs. There is also a
377 typo in 1b. That needed to be changed to 2. Height of signs also needs to be looked at. Entrance signs can
378 be 20 feet which is different than everywhere else in the code. She would like to see that come down. If
379 there is something higher it could be artwork or a statue instead of an actual sign.
380 Councilman McOmber likes the idea of allowing artwork for developments.
381 Kevin Thurman mentioned that one thing to think about with allowing larger signs for larger developments is
382 that the City would indirectly be regulating content.
383 Councilwoman Baertsch thinks that multifamily signage needs to be looked at. They are allowed more
384 signage than anything else by far. Under the duration of signs for active development it says upon release
385 of the final development improvement bond. She thinks allowing a sign for a year after occupancy is
386 excessive and that should be removed. Institutional and civic zones get more signage size than
387 commercial and that seems a little odd to her. She also had a question about where the code talks about
388 banner signs and why they have to be displayed at a minimum of 7 consecutive days. She wondered why
389 they couldn't put up a sign for just 3 days.
390 Kimber Gabryszak advised that this is actually less restrictive than what it is now. Right now the minimum is
391 two weeks. The minimum could be removed but it should still only be allowed four times a year.
392 Councilman McOmber thinks that there shouldn't be a minimum number of days.
393

394 **Motion made by Councilman McComber to move the code amendments to the Saratoga Springs Land**
395 **Development Code (Section 19.18) to work session of the next meeting and then a policy decision**
396 **be made at the regular meeting on January 19, 2016. Seconded by Councilwoman Baertsch.**
397

398 **Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilman Porter,**
399 **Councilman Poduska. Motion passed 5 - 0.**
400

401 **ACTION ITEMS:**

402 **The council moved items out of order and started with action item 6.**
403

404 **6. Preliminary Plat, Site Plan, and Conditional Use Permit for Saratoga 4 Church located at**
405 **approximately Old Farm Road & Redwood Road, Chad Spencer-Applicant.**

406 Jamie Baron advised that this is for a site plan, conditional use and preliminary plat. The zoning is R-3 and is
407 adjacent to the Hillside Ridge subdivision. Staff is recommending approval with conditions in the staff
408 report.

409 Councilwoman Baertsch advised that one of the comments in the conditions was about what to do with the
410 ERU's. She thinks that those should be subtracted from the total ERU's for the church property. She
411 would like to see that come out of residential and not commercial. She also wondered about timing of
412 construction. There will be construction on Redwood Road in this area already. She would like this done
413 at the same time to not extend traffic issues.

414 Chad Spencer advised that they will start construction depending on the snow around March 15, 2016. The
415 construction will take about a year.

416 Councilwoman Baertsch asked that he work with staff and UDOT to not extend traffic issues.

417 Councilman Poduska advised that his only concern was regarding the street exiting onto Redwood Road.
418 Normally there are just arteries. He wondered how the traffic congestion was addressed.

419 Chad Spencer advised that Hales Engineering did a couple of traffic studies. They didn't look at just the
420 current traffic but also did a projection of what it would be with the development. They accommodated
421 turning lanes to try and clear up possible congestion on Tanner Lane.

422 Councilman McOmber appreciates the turf exceeding requirements. It is a great design and he appreciates
423 the trees. He thinks it's amazing how much the City is growing.

424 Councilman Willden thinks that this looks good.

425 Councilman Porter agrees that this looks good.

426 Mayor Miller thinks that this is a good use next to Redwood Road and it is a good buffer for the
427 neighborhood.
428

429 **Motion made by Councilwoman Baertsch to approve the preliminary plat and findings in the staff**
430 **report and that the ERU's be taken out of the overall residential ERU's. Seconded by Councilman**
431 **Willden. Motion passed 5 - 0.**

432
433 **Aye:, Councilwoman Baertsch, Councilman McOmber, Councilman Poduska, Councilman Porter,**
434 **Councilman Willden. Motion passed 5 - 0.**

435
436 **7. Multiple Preliminary Plats for Legacy Farms Village Plan, 2C, 2D, &2E, located at 400 S.**
437 **Redwood Road, D.R. Horton Inc., Applicant.**

438
439 Kara Knighton did a quick run through on this because it was discussed in depth at the previous meeting. She
440 advised that Plat 2D had a change from when they last saw it. There used to be a pedestrian connection
441 but that has been changed. It is part of the pedestrian plan for Village Plan 2 so that will need to be
442 discussed.

443 Krisel Travis explained that on Plat 2D the open space was eliminated because the engineer did not engineer
444 it correctly. They do want the open space eliminated but they do not want the product change that would
445 be created because of it. She showed what it should be changed to instead. The utilities have driven the
446 change because of some issues that have arisen previously. The utility corridors will be on the top and
447 bottom of the streets to allow for the setbacks required by Questar Gas. The removal of this open space
448 reduced the open space by 2,200 square feet. The overall open space is still in compliance because the
449 percentage this reduces it by is minimal.

450 Councilman McOmber is concerned about the elimination of open space because of connectivity, not
451 because of the open space itself. He thinks that where the open space is in the development is what
452 creates the value. The whole point of allowing higher density is trail connectivity. He wants to see that
453 open space added back to the plat. He appreciates the changes being made that were discussed at the last
454 meeting. He also would like to see color coding for what was changed from last time.

455 Councilman Poduska likes the easements and wishes that FEMA would work faster for them. He had a
456 question about access and roads. He wondered if that has been resolved.

457 Krisel Travis advised that Plat 2C has a "permanently temporary" road and they are going to hold off on
458 building the lot until FEMA makes their decision.

459 Councilman Poduska is okay with the elimination of open space on Plat 2D.

460 Councilwoman Baertsch wondered about visitor parking along the parkway.

461 Krisel Travis advised that on Plat C you don't see some of it because it is actually on Plat 2D. The parking on
462 the top is rear loaded. She pointed out which homes those are servicing. The homes on the south do not
463 have as much parking. The clubhouse has a lot of parking that helps to accommodate the homes to the
464 south.

465 Councilwoman Baertsch pointed out that none of the drawings have the wrap around the corner, with the
466 entrance to the home on one side and the driveway on the other. She was sold on that layout for the
467 homes and she doesn't see it in what is being presented.

468 Krisel Travis clarified that townhomes don't have a side loaded option. The twin homes do allow for that
469 side loaded option. Those aren't shown on the plat but will come at the architectural review.

470 Councilwoman Baertsch is concerned about High Pointe drive not being finished through 400 South before
471 there is occupancy in the homes.

472 Krisel Travis advised that there is not a connection to 400 South, all of the connections are to Redwood
473 Road. There are two connections at Redwood Road. They will be done with construction and they are
474 applying to FEMA the beginning of February. FEMA then has until April to respond. Then there is a six
475 month waiting period.

476 Councilwoman Baertsch is worried about the traffic with the school that is going in. She would like to not
477 allow for building permits of houses until the road is completed.

478 Councilman McOmber agreed but also mentioned another development that only has one access point that is
479 doing better than what was expected. He thinks this is a UDOT problem more than the developer's
480 problem. He would be okay with the horizontal improvements being done before the six month waiting
481 period is over.

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Councilwoman Baertsch is concerned about losing the connectivity with the open space that is being taken away. She asked Kara Knighton what the allowable distance is before you have to have connectivity. Kara Knighton advised that the block length is 800 and this is less than that. Councilwoman Baertsch advised that she thinks that eliminating the open space should be approved. She does think that it diminishes the product but because it meets all of the requirements she needs to say yes. Councilman Willden is fine with the various approvals with the conditions in place and having the backup plan of a temporary road. He thinks the conditions are written well. As far as the connectivity he isn't thrilled about it, but he thinks that the reason they are requesting it is reasonable. Councilman Porter thinks most of his concerns have been discussed. The change of connectivity isn't ideal. However, the block he lives on is longer than this and the one across from him is even longer. He thinks that the request is reasonable.

Motion made by Councilman Poduska to approve the preliminary plats for Legacy Farms Village Plan 2C 2D and 2E including the staff findings and conditions and the open space changes. Seconded by Councilman Porter. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilman Poduska, Councilman Porter. Motion passed 5 - 0.

The Council then moved to item number 9 on the agenda.

9. Adding Lots to the City Street Lighting Special Improvement District for Legacy Farms 2A-E, Resolution R16-04 (1-5-16).

Motion made by Councilwoman Baertsch moved to to approve the resolution including staff findings and conditions. Seconded by Councilman McOmber. Aye: Councilman Willden, Councilwoman Baertsch, Councilman McOmber, Councilman Porter, Councilman Poduska. Motion passed 5 - 0.

The Council then went back to action item number 8 on the agenda.

8. Agreement with IHC Health Services and Starhaven Partnership, Ltd. Regarding Dedication and Improvement of the 400 West Right-of-Way, Resolution R16-03 (1-5-16).

Kevin Thurman advised that this agreement was in front of the Council in August. There are two major changes. This agreement requires us to install utility stubs and curb and gutter. This is a great situation for the City.

Motion made by Councilman Willden moved to approve the agreement with IHC Health Services and Starhaven Partnership, Ltd. Regarding Dedication and Improvement of the 400 West Right-of-Way, Resolution R16-03. Seconded by Councilwoman Baertsch.

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

The Council then moved to the approval of minutes.

Approval of Minutes

1. December 1, 2015.

Motion made by Councilman Baertsch to approve the minutes for December 1, 2015. Seconded by Councilman Poduska.

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

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The Council then went back to action item number 1 on the agenda. Action items 1-3 were all voted on in one motion.

1. A Resoultion Appointing Gordon Miner as City Engineer, Resolution R16-01 (1-5-16).
2. A Resolution Appointing Troy Cunningham and Sandra Steele to the City of Saratoga Springs Planning Commission, Resolution R16-02 (1-5-16).
3. 2016 City Council Meeting Schedule.

Motion made by Councilman Willden moved to approve action item 1 a resolution appointing Gordon Miner as City Engineer-resolution R16-01, action item 2 appointing Troy Cunningham and Sandra Steele to the City of Saratoga Springs Planning Commission-resolution R16-02, action item 3 2016 City Council Meeting Schedule. Seconded by Councilman McOmber.

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

Councilwoman Baertsch mentioned that Sandra Steele was not able to be at the meeting today and asked to be excused.

4. An Ordinance Approving a Rezone and General Plan Amendment to R-3 and Low Density Residential for Willow Glen, Ordinance 16-02 (1-5-16).

Kevin Thurman advised that these ordinances were missed on the last agenda.

5. An Ordinance Approving General Plan Land Use Map and Rezone to Mixed Waterfront for Richard Chiu Property, Parcel #58:032:0142, Ordinance 16-03 (1-5-16).

Action Items 4 and 5 were voted on in one motion.

Motion made by Councilwoman Baertsch moved to approve action item 4 an ordinance approving a rezone and general plan amendment to R-3 and low density residential for Willow Glen-Ordinances 16-02 and action item 5 an ordinance approving general plan land use map and rezone to mixed waterfront for Richard Chiu Property, Parcel #58:032:0142-Ordinance 16-3. Seconded by Councilman Porter.

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

Policy Meeting Adjourned at 9:09 p.m.

1-19-16

Date of Approval



[Handwritten signature of Mayor Jim Miller]

Mayor Jim Miller

[Handwritten signature of Kayla Moss]

Kayla Moss, City Recorder