

**City of Saratoga Springs
Planning Commission Meeting
February 25, 2016**

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

Minutes

Present:

Commission Members: Kirk Wilkins, Sandra Steele, Hayden Williamson, David Funk, Ken Kilgore, Troy Cunningham

Staff: Kimber Gabryszak, Sarah Carroll, Kevin Thurman, Nicolette Fike, Jamie Baron, Mark Christensen, Gordon Miner, Kara Knighton

Others: Jerome Baily, Stan Steele

Excused: Brandon MacKay

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

1. **Pledge of Allegiance** - led by Jerome Bailey
2. **Roll Call** – A quorum was present
3. **Swearing in of Reappointed Commissioners, Sandra Steele and Troy Cunningham.**
Commissioners were sworn in by the Deputy City Recorder.
4. **Public Input – Time has been set aside for any person to express ideas, concerns, comments, questions or issues that are not listed on the agenda. Comments are limited to three minutes.**

Public Input Open by Chairman Kirk Wilkins

No public input was given.

Public Input Closed by Chairman Kirk Wilkins

5. **Public Hearing: Rezone, General Plan Amendment, Concept Plan for Cowboys - Commercial, located at 431 South Redwood Road, White Elk Frontiers applicant.**

Jamie Baron presented the plans. The applicant requests a rezone from Agriculture to Regional Commercial and a General Plan Amendment from Planned Community to Regional Commercial for the purpose of building a Convenience Store with fuel services, retail stores, professional offices, and restaurants. Staff finds that the proposed site is not consistent with the current land use designation of Planned Community. There are two concept plans tonight depending on the widening of Redwood Road. The first has a 30' right-of-way owned and maintained by the property owner. Staff recommends this first plan over plan 2. Plan 2 would have the 30' right-of-way dedicated to and maintained by the City. There are fewer buildings on Plan 2 but they have a larger sq. footage. Plan 1 would require a 10' building setback from the ROW and shifting buildings. Plan 2 adds a 30' setback from the ROW and with the proposed parking does not meet the 20' front yard requirement.

Jerome Bailey, for applicant, commented that both concepts worked but the question is how UDOT would widen the road and how it would be factored in.

Public Hearing Open by Chairman Kirk Wilkins

No public input was given.

Public Hearing Closed by Chairman Kirk Wilkins

Sandra Steele noted that option 1 is the only one she could support because of City design standards which call for parking in the back. There can be reductions to get it closer to the street. They do need to provide some kind of walk for disabled to get in to the building. This appears to be a good use of this property as it wouldn't fit residential.

David Funk thought the area just north would be a similar situation. It seems to have put the owners in a tight position, They can't qualify for a larger area so it would either need to be residential or commercial and as it's too small for residential and is on a corner and well-used road area, it leans toward commercial. It appears both lots would need to be rezoned to commercial type areas so they can do something with it. His comment would be that this meets the requirements for a rezone.

Hayden Williamson believes it's great to have a gas station here, and when people move in they will already know what they are getting. He asked if it would need a setback reduction either way.

Kimber Gabryszak replied they would present it to City Council; it would probably be a better development with a reduction.

Hayden Williamson asked about the difference between parking stalls. Option 2 may make more sense with more parking, the advantage to the city with option 1 is the parking is behind the building.

Ken Kilgore commented that the amount of parking in option 1 is more than adequate.

Hayden Williamson asked if the applicant had a preference in the options.

Jerome Bailey said he likes both, and commented that it is important to have the ADA compliance and they could shift things in either option at this point.

Troy Cunningham asked about the Tickville Wash mitigation.

Mark Christensen mentioned that they did get the LOMR paperwork this week for review, the CLOMAR has been done and at some point it is something they would abandon on that property. The removal of this from the flood plain will be taking place as part of the Legacy Farms Project. He noted that previous applicants and owners didn't want to be part of the zoning changes so the zoning sort of occurred around them. The whole area will be benefitting from Legacy Farms improvements in the area.

Troy Cunningham noted that the City owned a large easement here and asked for clarification.

Jamie Baron said it was for the previous alignment of Tickville wash.

Troy Cunningham voiced a concern about the distance between alcohol sales and proximity to the school across the street.

Kimber Gabryszak remarked that the code stated within *proximity* with no specific distance, they will make sure it's a fair distance.

Troy Cunningham noted that the high school kids would come here, which could be good and bad, he is concerned about traffic flows. He prefers plan 1, he feels it's a better look from the main road.

Ken Kilgore noted it didn't have areas for plazas and gathering spaces and wondered if the applicant would make it more pedestrian friendly with some of those spaces.

Jerome Bailey said they wanted it to have more of a feel of a plaza, if it could be a little more distant from the main road that would help with that. He asked what would happen with the flood plain if it would need to be filled in or who would do that.

Mark Christensen noted that they would work with the City Engineer on that. There will need to be construction standards to work out later.

Jerome Bailey noted there were thoughts of a future stoplight and how it could eventually give another connection to the high school so they wouldn't always need to go onto Redwood Road.

Ken Kilgore asked who is responsible for extending the road to the west.

Mark Christensen noted there were a few property owners in the vicinity and they would need to work though it in more detail.

Ken Kilgore noted that we need to make sure there are no negative consequences to any homes in the area; there have been a number of residents that have commented that during grading their homes get flooded so he wanted to make sure they helped mitigate potential problems

Jerome Bailey said they would consult their engineer, so far the ground has been fairly clean from tests done on it.

Mark Christensen noted they will work with them as well so there were no negative impacts. It is part of the requirements.

Ken Kilgore thanked him and said he is also in favor of plan 1.

Kirk Wilkins asked about a traffic study.

Kimber Gabryszak said it will be required for their site plan.

Kirk Wilkins said he is leaning toward option 1 as well. He asked how far UDOT would widen the road.

Mark Christensen said we don't know the answer to that yet. They are currently looking at the expansion and the edge of asphalt would probably be pretty close to their western boundary.

Jerome Bailey said he talked to UDOT on that and heard it was 20ft. but they added another 10 ft. to the concepts to be safe.

Kimber Gabryszak said from everything they know that 30' should stay as landscaping and be fine but they want to be safe down the road and not have something 3 feet off the right-of-way.

Sandra Steele asked what would happen with the box culvert.

Mark Christensen said likely they would want to preserve access to that for any possible future access needed.

There should still be some open channel on the north to use and they would like to keep this open.

Kevin Thurman noted the City is interested in keeping our easement.

Sandra Steele asked if there were plans to put gates on it.

Mark Christensen said they would work towards that and keep in mind that it could be an attractive nuisance.

Motion made by Troy Cunningham to forward a Positive recommendation to the City Council for the Cowboys - Commercial Rezone and General Plan Amendment with the Findings and Conditions in the staff report dated 2-18-2016. Seconded by Hayden Williamson. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham. Motion Passed.

6. Training - Utah League of Cities and Towns

Meg Ryan from Utah League of Cities and Towns (ULCT) went over a few concepts with the Planning Commission. She was asked to review some basic powers and duties. She noted that Planning Commission is a face of the City and how we listen and respond to public is important. Land use is planning for the future. You need to know your limitations and your possibilities. Know what you are really allowed to do and not to do. Zoning is not static. This is your community, collective, not individuals – your strength is working together for collective goals.

Meg Ryan reviewed the Land Use Development and Management Act and where to find it. It Respects Local Control. City Council is the Legislative body of the City, they may delegate some things. Planning Commission is a Land Use Authority. UCA 10-9A-102. She reviewed basic themes of the LUDMA. Private property rights, Must clearly write it down, Must abide by it, and Must act with reasonable diligence. She went over Land Use Tools, the General Plan and the Land Use Code.

Meg Ryan advised that Ordinances should be clearly written and be objective, not subjective. There should be due process and regulations, equitable treatment. Planning Commission recommends to the City Council. City Council takes final action and appoints. She noted what is required from the Utah State Statute. She said they should be familiar with their duties and reviewed the City Code on that.

Mark Christensen noted we are working with City Council on what duties they are comfortable with delegating.

Meg Ryan reviewed the role of the City Council. She advised on the different roles of legislative, administrative and quasi-judicial. She reviewed Public Hearing practices and notices at the different levels. Findings of Fact are the reasons why decisions were made. Planning Commission is not an appeal authority. She talked about appeals and variances and their criteria.

A short break was taken at this time.

7. Work Session: Discussion of Code and Vision.

Kimber Gabryszak said they were taking the Home Occupation changes to the City Council next week and will have a new round of clean-ups coming through later.

8. Approval of Minutes: a. February 11, 2016

Sandra Steele noted a few errors to the minutes. Those were noted and changes were made.

Motion made by Hayden Williamson to approve the minutes of February 11, 2016 as corrected.

Seconded by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham. Motion passed.

9. **Reports of Action.** There were no Reports of Action tonight.

10. **Commission Comments.** There were no Comments.

11. **Director's Report:**

a. **Council Actions**

- o Kimber Gabryszak apprised Planning Commission of actions taken at the previous City Council meeting.

b. **Applications and Approval**

c. **Upcoming Agendas**

- o Cancelling March 10th meeting but have joint training meeting on March 8th with City Council.

d. **Other**

12. **Motion to enter into closed session.** No closed session was held.

13. **Meeting Adjourned without objection at 9:08 p.m. by Chairman Kirk Wilkins**

24 March 2016

Date of Approval



Planning Commission Chair
Kirk Wilkins



Nicolette Fike, Deputy City Recorder

