City of Saratoga Springs Planning Commission Meeting
October 22, 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: Kirk Wilkins, Sandra Steele, Hayden Williamson, David Funk, Ken Kilgore, Troy Cunningham, Brandon Mackay

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

Others: Lindsay Gadd, Howard Hix, Jr. Brian Everill, Daniel Schmitt, Susan Palmer, Jen Klingonsmith, Craig Remund, Nathan Remund, Jason Coe, Dana Powell

Excused:

Call to Order - 6:30 p.m. by Chairman Kirk Wilkins
Pledge of Allegiance - led by Dana Powell
Roll Call – A quorum was present

Public Input Open by Chairman Kirk Wilkins
No Comments.
Public Input Closed by Chairman Kirk Wilkins

Item 7 was moved forward in the meeting.

7. **Public Hearing: Plat Amendment for Harvest Hills Plat F-A, Lots 1205, 1206, 1207, 1208, 1209, and 1210, Located at approximately Ginger Place and Bay Leaf Drive. Ridgepoint Management applicant.**

Jamie Baron presented the plat amendment. This is a request for a plat amendment to correct an illegal parcel and encroachment by the property owners on to abutting property. The proposed plat amendment affects six lots in Harvest Hills Plat F. After building permits were issued and the homes built, the property owners encroached on the parcel to the south. Staff has a recommendation for a Replacement to condition 6: A trail slope easement shall be indicated on the plat with the following note: Trail Slope Easement – No changes in grade permitted within the easement area. Each lot encumbered by a trail slope easement shall at its sole cost and expense, maintain and keep slope in a reasonable condition and state of repair. There is concern that if the slope is eroded or removed that the trail could collapse.

Jennifer Klingonsmith, an applicant, commented that they understand that the slope area is sensitive land, and she asked that if there was anything else about the slope that needs to be explained, they let them know. Some neighbors want to put in minimal landscaping. When they decided to purchase the land they were told they could have a 3 ft. split rail fence. A 6 foot fence on top of the berm seems too much. Now that there is trail up there they accepted that it could be 6 foot semi-private fence. If it could be as semi-private as it could get that would be great.

Tiffany Barney, an applicant, said the developer is changing the plat is so they could purchase the land from the developer. She has not heard before about the trail easement and she wanted it clarified what that would be for.

Public Hearing Open by Chairman Kirk Wilkins
No comments.
Public Hearing Closed by Chairman Kirk Wilkins

Jamie Baron spoke on the slope easement concern; the easement is to protect the trail, if the slope is eroded or excavated it may compromise the trail.

Jeremy Lapin said they owners can still landscape it but they can't excavate it as it would be detrimental to the trail on the top.

Jamie Baron commented that in regards to the fencing they would need another condition to say that any fencing installed along the property line (in the rear) would need to meet the requirements of being semi-private and if installed by the property owner they would be required to maintain it. If they install it, it would need to be prior to the city installing it.

Kimber Gabryszak noted that there are two separate plat issues on this, one is the fencing has to be semi-private but the other issue is that the fence proposed to be installed is to be installed and maintained by the city, and would conform to city standards. The recommendation has been for the 6 ft. semi-private to meet city standard. If the owner chose to put up something before the city then the owner would be responsible for that section.

Jeremy Lapin replied the standard is 3" solid wide planks with a 1" gap. He would be happy to consider adopting a more open standard.

Kimber Gabryszak said landscaping on the slope would help protect it, the only prohibition is that it cannot be excavated or change the slope. The easement just protects the slope.

Tiffany Barney wanted to be clear on the easement.

Jeremy Lapin replied that an easement does not give the city any rights to take over the property; the only restriction is that the slope cannot be changed. This doesn't give us right of access to the property.

Tiffany Barney asked if a retaining wall would be allowed.

Jeremy Lapin said it would not be allowed but we could change language to say unless permission was granted by the city.

Ken Kilgore asked to clarify the second condition.

Jamie Baron said the condition is a note on the plat to say that if a fence is placed on the property line by the owner that it has to be semi-private and the owner needs to maintain it.

Ken Kilgore noted it looks like there is a PUE easement now and if the lot goes to the private owners is the PUE needed.

Jamie Baron said the PUE is just being moved with the property line.

Ken Kilgore wondered if there was going to be any kind of tax situation that would arise with this.

Jeremy Lapin replied that part of their process requires a title report that will note things like that so it will be clear title.

Ken Kilgore wondered about the owner next to them that was not part of the subdivision and if they would want to be part of it.

Jen Klingonsmith replied that they were not interested financially in it.

Troy Cunningham had no further comments that had not been covered.

David Funk wondered why the property line was not cut below the berm instead of up the slope.

Jamie Baron said there was an illegal parcel done earlier so they stayed with that line for consistency purposes.

Kimber Gabryszak said there were a number of issues. They didn't want to jog the line and maintain all the jogged lines and it needed to be so far away from the berm to allow mowers if it would have been below. This was the solution that was agreed on by the city and all the adjacent property owners.

Jeremy Lapin noted another problem with fence at the bottom of the berm is it becomes a collector for trash.

David Funk noted other areas where the property owners owned up to the trail so he didn't see that as a problem.

Brandon MacKay thought it looked like a great solution.

Sandra Steele asked who would be responsible for maintaining the area behind the lots that are not part of this.

Jamie Baron said it would be part of the open space requirement for the subdivision going in south of them. The city fence will jog at the end of this and abut their property.

Sandra Steele asked how this happened without title companies picking up on this.

Tiffany Barney said they purchased the property a year ago and that started this process when the title company found it.

Kirk Wilkins wondered about a small triangular piece and what would happen with this.

Jamie Baron said it is being deeded to the city and will be part of Shay Park.

Kimber Gabryszak commented that it's right next to the park so it will just be a smooth transition, it won't end up a tiny triangle.

Kirk Wilkins asked what made the first parcel illegal so we could learn from it.

Kimber Gabryszak said it is illegal because it was not quit claimed correctly and it was landlocked. Any time you create something without going through the process it's illegal.
Kirk Wilkins clarified that it is not part of their approval tonight to address the size of the fence.
Staff replied it was not.

Motion made by David Funk to approve the proposed plat amendment for Harvest Hills Plat F-A, located at Bay Leaf Drive and Ginger Place as outlined in Exhibit 3 with the Findings and Conditions in the Staff Report dated October 15, 2015. With the addition of condition 6 (A trail slope easement shall be indicated on the plat with the following note: Trail Slope Easement – No changes in grade permitted within the easement area. Each lot encumbered by a trail slope easement shall at its sole cost and expense, maintain and keep slope in a reasonable condition and state of repair.) And the addition that any fence placed along the rear of the property line will be a semi-private fence, and that no change in grade will be permitted unless approved by the City. Seconded by Ken Kilgore. Aye: Sandra Steele, David Funk, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Abstain: Hayden Williamson. Motion passed 6 - 0.

4. **Home Occupation for Two Little Hands Preschool & Daycare, located at 2894 S Fox Point Dr., Dana Powell Applicant.**

Sarah Carroll presented the application. She handed out some emails she received as public comment. The applicant is requesting approval of a preschool for children ages 2-5 in the basement of her home. In the future the applicant may switch from preschool services to daycare services and would like approval to do both. Staff recommends approval but if they were to switch to daycare that they quite the preschool and obtain the proper business licenses. She read public comments received by email by two neighbors that were opposed to the application.

Dana Powell said she would give to parents a flow of traffic and she would meet the children at the curb. There is a half hour between classes so there would not be an overlap of traffic. Currently she has sons living with her and they are moving so the cars in her drive will decrease. She has done a day care in her previous home and did enrichment with those children. She thinks it would be silly to drop the preschool because she would teach the kids in daycare for their enrichment. She would only have 8 kids at a time either way. Since her daughter is living there she had to go through the training as well as she would need to be counted as an assistant. And her children have to count in her count. Most of her neighbors have been supportive of the preschool.

Public Hearing Open by Chairman Kirk Wilkins
No comments.
Public Hearing Closed by Chairman Kirk Wilkins

Sandra Steele asked what the width of the streets was.
Sarah Carroll said they meet the public standard cross section.
Sandra Steele wondered if there was a problem with traffic, if there would be any recourse for those people.
Sarah Carroll said we don't have anything clearly in the code of how to meet that problem.
Sandra Steele asked when she applied for a business license if she applied for preschool and daycare licenses.
Dana Powell said she has applied; she is still in the process working to meet both the City and the State standards.
Sandra Steele asked if she would agree to not have a business license issued until she has the State licensing in place.
Dana Powell replied absolutely.
Sandra Steele commented on stopping preschool to do a daycare, if we are allowing the same number of children then she believes it would be ok.
Dana Powell noted that no cars would be parked; they are only dropping off the kids. She will meet the children. The only exception is if they are late and she has children inside she has to stay with them but she will make it clear where and how they can park for that.

Sandra Steele appreciates the neighbors' concerns but it's a city standard street and she believes the applicant has addressed those concerns.

Brandon MacKay commended her for doing things the right way and getting all the licenses. He noted that coming from an area with much tighter streets, he feels she will comply with all the conditions and that there shouldn't be a problem with the traffic. There is no data to quantify the objections.

David Funk asked about the fencing that can comply.

Dana Powell noted the fence is being worked on but is not complete just yet, it will be before they open.

David Funk feels everything has been complied with and has no objections.

Hayden Williamson clarified that we really don't have anything in the code about parking for this type of business. He encouraged her to go forward with this and be a good neighbor. He asked if she planned on expanding.

Dana Powell said while her daughter is living with her and her kids are required to be counted but they don't plan on expanding past 8 kids per class.

Hayden Williamson asked if where she has given us the number of class size if it was binding.

Sarah Carroll said the limit of how much of the home could be used was binding.

Sandra Steele mentioned condition 1. Included that it was approved as proposed so that should cover it.

Troy Cunningham thought where drop off and pick up was, where there were no other drives, it did not appear it would be a problem and had no objections.

Ken Kilgore had no issues with parking. But he had an issue with traffic flow with a lot of construction going on in the area. He noted where the entrance to the basement was and wondered if that was a problem.

Dana Powell noted they would be pouring a sidewalk and it was all on ground level. They need to wait to landscape until the fencing was in. She noted that several of the kids would be walking also.

Kirk Wilkins commented that his questions had been addressed.

Motion made by Hayden Williamson to approve the Home Occupation for the Two Little Hands Preschool and Daycare, located at 2894 South Fox Pointe Drive, with the findings and conditions listed in the staff report. Seconded by Sandra Steele. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

5. **Public Hearing: Preliminary & Final Plat for Saratoga Springs Commercial Development (Turf Farm). Located at approximately 200 W Crossroads Blvd. (across from IHC), WPI (Daniel Schmidt) applicant.**

Kara Knighton presented the plat. The proposed plan includes 3 lots ranging in size from .99 acres to 4.49 acres. Each lot will be required to provide a minimum of 20% landscaping at the time of site plan application.

Daniel Schmidt was present to answer questions.

Public Hearing Open by Chairman Kirk Wilkins
No Comments.
Public Hearing Closed by Chairman Kirk Wilkins

Ken Kilgore had no questions.

Troy Cunningham had no comments.

Hayden Williamson asked about infrastructure, particularly water and what kind of impact would that have to the surrounding community.

Jeremy Lapin said the location was in an easier to serve area so they had no pressure issues. There are no unforeseen issues at this time.

David Funk asked what would be done with the other pieces and what the access to them would be.

Kara Knighton said there were no plans for them yet and there would be a private road there for access.

Daniel Schmidt said that uses would be consistent with what is in the area. But they don't have any specific tenants for those yet. For the drive they would extend it further to the east as needed and it would function like a private road like you see between the pads in other developments or similar to the Smiths Marketplace in Lehi, with a private drive between the businesses in the front and the business in the back.

Brandon MacKay had no comment at this time.

Sandra Steele asked why there was a jog in the property line.

Daniel Schmidt replied it is to accommodate two pad uses in the front and some specific requirements of the next application for tractor supply. The land around is owned by their partnership and they are not concerned with the jog or future adjacent uses.

Kirk Wilkins wanted to clarify what would be going in to the area.

Kimber Gabryszak said they were simply pad ready sites that could be similar to some sort of fast food or dental retail type pad as yet to be determined.

Motion made by Sandra Steele to forward a positive recommendation to the City Council for the Saratoga Springs Commercial (Plat "A") Preliminary Plat as shown in Exhibit 3 with the Findings and Conditions in the Staff Report. Seconded by Hayden Williamson. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

6. **Public Hearing: Site Plan for Tractor Supply, located approximately 200 W Crossroads Blvd. (across from IHC), WPI (Daniel Schmidt) applicant.**

Kara Knighton presented the site plan. The applicant is requesting approval of a Site Plan for a commercial building, along with outdoor display areas. She reviewed conditions.

Howard Hixs was present as applicant to answer any questions.

Public Hearing Open by Chairman Kirk Wilkins

No comments.

Public Hearing Closed by Chairman Kirk Wilkins

Sandra Steele commented that this has gone through a redesign from the last time it was seen and this is an improvement. She agrees with UDC that the mechanical equipment should be screened and any rooftop equipment as well. She commented that on the outdoor display area, when you add up all the square footage it is more than the building and that is a bit of a concern for her. She asked what they planned to store in the adjacent storage area.

Howard Hix said the outdoor would be things that need to be picked up by a truck that take up a lot or room like fence posts and gates and water tanks. They would drive inside to pick it up and be assisted with loading.

Sandra Steele asked if they would be storing fertilizer or feed outside.

Howard Hix replied that those types of things would be inside in climate controlled area and forage in forage sheds. He understands some of those would be nuisance items outside. They have never had any fire problems in the past.

Sandra Steele asked what was normally in the front display area.

Howard Hix said typically items like riding lawnmowers, go carts or motorized equipment for children, seasonal items, horse stall mats, wheelbarrows. Something similar to what they might see at a home depot type store.

Sandra Steele asked if they intended to berm in the north area.

Howard Hix did not know what the grading plan was for that.

Sandra Steele asked what was going in front because of the design guideline code that says it shall be under the buildings permanent roof structure and in pads as may be approved. She would not like them to go against the code for what is outside the fence. She thinks mechanical equipment needs to be screened with an opaque wall all roof top access was from the interior.

Howard Hix said it's a standard metal roof and they typically do not try to access those through penetration and they don't keep equipment on the roof. They design the buildings to keep the people off the roof. People on the roof trying to fix one problem tend to create other problems.

Sandra Steele wants to not have a fixed ladder onto the roof.

Howard Hix understands but wants to make sure it meets OSHA requirements.

Kimber Gabryszak noted by saying permanent, if there is a repair that needs to be made they can use a ladder truck or something temporary but nothing fixed to the building.

Sandra Steele noted that they have a code that no lights can be mounted higher than 16 feet and it looks like these decorative lights are above that and she likes the type of sign but it needs to come down lower to meet that code.

Howard Hix said they would like to stay consistent with what they have proposed that meets the brand of the company. With respect to the city codes he is looking for maybe an accommodation that those are strictly decorative lights that it is a type of brand they are trying to meet.

Sandra Steele noted they do need to meet the code. She asked if it's the mounting of the light that was in the code or the fixture

Kimber Gabryszak noted it was the mounting. The requirement for a berm is only along a public street. The only location they would require it would be along Commerce Drive. City Council may require it in other locations.

Sandra Steele noted the sign as proposed is 6 inches too tall. Also they require delineation of the outdoor display area in the front usually with colored lines or colored concrete. She asks that it would be nice if their street address was somewhere on the monument sign. They referred to required wheel stops; she asked if those are those required.

Jeremy Lapin said it is not in engineering standards.

Sandra Steele asked what it would have to be to not require the wheel stops. She would ask the applicant to not have the wheel stops it traps trash, impedes snow removal and they are a tripping hazard.

Ken Kilgore thought the wheel stops in the front of the building were to delineate the parking from the display area and keep the cars from going in the display area.

Howard Hix said indeed it was to keep traffic from coming in the display area.

Sandra Steele thinks there is landscaping there that would stop it.

Howard Hix agrees that he doesn't like the stops either.

Sandra Steele thinks it's possible that they could not need them.

Brandon MacKay did not have any concerns and was excited to see something like this come into the city.

David Funk clarified that on the plans there was plants in the front but on the side there wasn't so parking may be a concern on the side without stops. He asked if they had any projects in Utah.

Howard Hix said they had them in Tooele, Heber, and West Haven; maybe 15 throughout the state. The architectural standards will be different at them a little based on city architectural requirements.

David Funk had a concern about the fenced outdoor display area and whether it should be covered or not, he can see why it might need to be covered but questions the amount of parking that would then require which they wouldn't need.

Howard Hix noted they try to have a little more spaces than they need but not be wasteful.

Kimber Gabryszak commented that there is some background, two documents that are regulatory, the development code and the design standards. This is where there is some confusion. There is a display area in front. And display areas outside. And so this is going through the process as part of the site plan. There is the ability for the Council to determine that it is customary and does not need to be covered. The staff recommends that the area out front have the delineation with paint or something, and the same of the other outdoor display area. The area that is display in front of the open area has no roof and staff would support a removal of the area. It would not require more parking with the display area roof.

Hayden Williamson had a question with the front display area. Walmart, for example has an area not under roof.

Kimber Gabryszak noted those projects came in before this code. And the code was where the display areas were expanding and encroaching on parking etc. by requiring it under roofs/eaves it limits how far they can go.

Hayden Williamson can understand why they want those areas in front of the open area. He would be in favor to suggest to Council to let it stand as it is. It doesn't make sense to cover the whole outdoor area. He would go along with something covering the front area in front of the building and the delineation of the area. He is not concerned about parking here. He asked why we have the lighting restriction in place that it not be over 16 feet.

Kimber Gabryszak noted that it was part of ordinance that came from the study they had with Camp Williams and the dark sky principals and any higher than that it, it has much more bleed over.

Hayden Williamson asked if they were required to light the sign.

Howard said that they were just decorative for branding purposes.
Hayden Williamson said if they didn't light then he doesn't see why they couldn't be allowed.
Troy Cunningham was a little concerned about the parking not being enough. He is excited for then to come to the city and for choosing us over other cities.
Ken Kilgore wanted to ask why they did pick this city, what was it that brought them here
Howard Hix said it's an amalgamation of a lot of things. And there is a cross roads and they think it will continue to be a hub of retail commerce and there are the larger properties in the area. They also do pet supplies for non-hooved animals.
Ken Kilgore asked if the applicant had addressed the off street parking.
Kimber Gabryszak said the question was whether or not the additional sq. footage should apply and it seems it should not.
Ken Kilgore said the sign size was a concern.
Howard Hix said they can revisit that with the design team.
Ken Kilgore clarified that the roof coverage is in front of the building. He asked about a tractor that was to scale and how it would come into the area with the fence.
Howard Hix said the large tractor would not be in the parking lot it would only be in the back area.
Kirk Wilkins recapped that the staff concerns were covered.
Kimber Gabryszak said condition 6 would take care of the concern for the outdoor area if they chose shall or shall not.

Motion made by Hayden Williamson to forward a positive recommendation to the City Council for the Tractor Supply Company Site Plan as shown in Exhibits 3 and 4 with the Findings and Conditions in the Staff Report. That in condition 6 the outdoor display area shall not be covered and that item 6a be struck. And in addition All permanent roof top access be from the interior. Lighting above the main entrance sign be kept to the allowed 16' per section. 19.11.5. A three foot landscaped berm shall be provided along the parking adjacent to Commerce Drive. Delineate display areas. Rear mechanical equipment shall be screened. Seconded by David Funk.

Howard Hix asked about the outdoor display area that it be allowed out in front of the fenced area.
Hayden Williamson said that was his intent of the motion.
David Funk asked on the display, did they want it to be marked or different in front of the west side.
Hayden Williamson replied it should cover all display areas.
Kirk Wilkins made sure the sign requirement was met. (condition 5 met that.)

Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

A short break was taken at this time.

8. Work Session: Discussion of Code and Vision.
Kimber Gabryszak updated them on the large lot landscaping. At an upcoming work session the assistant City Manager will be speaking with them on the impacts and purchase of service. They have been discussing the same things for accessory dwelling units. For the mixed waterfront zone staff is going to visit some facilities to give them information to be applied to out items and to look at waterfront areas.

9. Approval of Minutes:
1. October 8, 2015

Motion made by Sandra Steele to approve the minutes of October 8, 2015. Seconded by Hayden Williamson. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

10. Reports of Action. – No Reports

11. Commission Comments.

Sandra Steele went to a debate with City Council candidates and business friendly was a common theme. But many of those are complainers that do not read and follow our code. If a project meets our code we are duty bound to approve it. If applicants would follow it would save time and cost. We need to understand that business friendly takes on many faces. By going too far the other way it can impact businesses on the other side. We need to provide a predictable outcome. It should be developer's obligation to go through the city's standards. She would hate to see us lower our standards.

Ken Kilgore mentioned that he ran the So. Jordan 5k recently and it was his first time in the area along the water front. He thought it was beautiful, there are water pools with benches and it's landscaped, not a lot of commercial but as far as how it looked it was terrific.

Brandon Mackay would have a slight rebuttal against Sandra Steele's comments; businesses try to meet the bare minimum requirement. The developers only want to do the bare minimum because it is not revenue generating. As a developer you need to use city staff to help you know what is required.

Kirk Wilkins commented that there is a lot of comments from residents about the traffic on Redwood Road. Who has the decision in UDOT (to move the project along) and how can the City help influence them.

Kimber Gabryszak replied that yes the traffic is very bad, they have been communicating with UDOT and there are several more intersections that qualify for lights and depending on their budgeting and timeframe it could be sooner or later. The widening down to Stillwater will help alleviate the choke point there. The city feels that is only a temporary and small mitigation and it's not on the docket until 2018. They are looking at different avenues to move that up, it is dependent on their funds. Long term they are looking to corridor preservations, other sources of funding. Nothing can move quickly until they have all the right of way and money.

Hayden Williamson said he talked with other people about this and Foothill came up, he clarified that it is a city road and so we have the control over it.

Kimber Gabryszak said it is a city road but they can get some funding from other sources for it. Because of the cost of Foothill they will likely have to go to some of the other funding sources. Land acquisition is also holding it up.

Kirk Wilkins sees that people go east on Centennial Blvd. and then back onto Redwood Road at Saratoga Road. That is the congestion point.

Kimber Gabryszak said they are private roads and it's up to the HOA's to enforce traffic control.

Kirk Wilkins asked what the best place is for people to make their voice heard with UDOT.

Kimber Gabryszak said she would look into that and get the information out.

12. Director's Report:

- Council Actions
  - The last meeting was moved to next week (Oct. 27).
- Applications and Approval
- Upcoming Agendas
  - Reminder that there is only one meeting in November. It will be a large meeting.
- Other

13. Motion to enter into closed session – No closed session.

Meeting adjourned by Chairman Kirk Wilkins 9:10 p.m.

12 Nov 2015

Date of Approval

Nicolette Fike, Deputy City Recorder

City Of SARATOGA SPRINGS CORPORATE SEAL STATE OF UTAH

Planning Commission Chair
Kirk Wilkins