City of Saratoga Springs
Planning Commission Meeting
November 12, 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, Kevin Thurman, Nicolette Fike, Sarah Carroll, Kara Knighton, Jamie Baron

Others: Thane Smith, Blair Davies, Luke & Tenille Perry, Clay Johnson, Frank Pulley, Scott & Amy Monson, Peter Staks, Cindy Tittelfitz, Pam Infanger, Neil Infanger, Jared Haynie, Shawn Jones, Stephanie Jensen, Ian Tovens, Cathy Collard, Kristen Hood, Wayne Beuchert, Russell Jones, Krisel Travis, Gary Kirschbaum

Excused:

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

Public Input Open by Chairman Kirk Wilkins

Neil Infanger is concerned with the way the paint stripe is on 400 S. turning to Redwood Road and how it makes one need to swing out to turn onto Redwood Road and impedes traffic.

Public Input Closed by Chairman Kirk Wilkins

Item 7 was brought forward in the meeting.

7. **Public Hearing: Rezone and General Plan Amendment to R-3, Low Density Residential, for Willow Glen (formerly Parkway Estates), located at approximately 1900 East 145 North (8950 West 7350 North Utah County Address), PG Property Holdings, applicant.**

Jamie Baron presented. The General Plan Amendment was removed as an item by Staff. The applicant requests the R-3 zoning designation for 6.996 acres for the purpose of developing a residential subdivision. The attached concept plan indicates the proposed subdivision, including 18 lots and 0.688 acres of open space. Staff recommends a positive recommendation. The applicant was present and had no additional comments at this time.

Public Hearing Open by Chairman Kirk Wilkins

No public comment was made at the meeting

Jamie Baron read public comment that was received by email. Doug Hatch was concerned that the proposed plan seems to position the proposed arterial in such a way that the southern property owners take a larger cut. He would rather see the future line stay where it currently is.

Kimber Gabryszak responded that the proposal is actually following the future centerline. In the future there will be additional right of way required for expansion and should be equal on both sides. It could be off where the road transitions into Lehi because they have a different cross section. The road is a future arterial; right now it is not but is shown long range. This dedication will accommodate the future widening of the road. They will be dedicating their half width and when the property to the south comes forward they will be dedicating their future half width.

Janelle Wright commented that the concern is where the future center line is now is on the south end of the edge of asphalt. They decided to go with an alignment to make it a straighter road. The developer on

the south would have to add all the extra asphalt to widen the road or dedicate more of the right of way below the current edge of the asphalt.

Hayden Williamson asked for clarification on what the concern was from the person that emailed.

Janelle Wright said he would have to dedicate more of his property to account for that right of way.

Ken Kilgore said the alternative would be to have a jog in the road which would be safety issue

Janelle Wright said it would be safety and engineering issues. It would create more conflicts in the future if they keep the center line where it was now.

Hayden Williamson clarified that this property being annexed doesn't affect this whether we accept it or not. We are not moving the center line because of this annexation; it would be planned that way anyway.

Kimber Gabryszak commented that when this property owner came in on the north they had to dedicate more road way at that time, it evens out over time that they are dedicating the same width.

Public Hearing Closed by Chairman Kirk Wilkins

Ken Kilgore asked if the public meeting happened where the annexation was accepted by the City Council.

Jamie Baron said the City Council did review and conditionally approved it; Planning Commission is now forwarding a recommendation to the City Council. Part of that is that it is conditional upon this being annexed prior to the zone. Those would be completed together at City Council.

Hayden Williamson asked if the property to the south was in Saratoga or Lehi.

Jamie Baron replied it is in Saratoga Springs to the south and east. He asked if there were any more comments on the concept plan.

David Funk reminded them that they needed to make a decision on if they supported the lot reductions.

Commissioners supported the reduction.

Motion made by Hayden Williamson to forward a positive recommendation to designate Willow Glen as R-3 to the City Council with the Findings and Conditions in the Staff Report dated November 5, 2015, with the note that Planning Commission does support the requested lot size reductions. Seconded by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

4. **Public Hearing Home Occupation for Cooking with Chef Steph, located at 1363 Lukas Lane, Stephanie Jensen, applicant.**

Kara Knighton presented the application. The applicant, Stephanie Jensen, is requesting approval to hold cooking classes in the kitchen of the home at 1363 Lukas Lane. The cooking classes are proposed to operate on Saturdays from either 10 a.m. to 12 p.m. or 11:30 a.m. to 1:30 p.m. The applicant has proposed an average of 10-14 students per class with two classes per month. The main class will take place in the kitchen with occasional games in the living room. She reviewed conditions.

Stephanie Jensen, applicant, commented on her love for kids and cooking. The children make lots of items and do the majority of the cooking while she instructs. She has gone through the fire inspection and the kids know all the exits and how to use the extinguisher. She had letters of recommendation to show Planning Commission.

Public Hearing Open by Chairman Kirk Wilkins

No comments were made

Public Hearing Closed by Chairman Kirk Wilkins

Sandra Steele recalled in a previous meeting they had decided that hallways needed to be included in the sq. ft. count.

Stephanie Jensen explained how the sq. ft. was in her home layout.

Sandra Steele did not think the County showed the sq. footage of the home the same.

Kara Knighton said that the home was 3050 sq. ft. The County had it broken down differently.

Sandra Steele would have to say that holiday games in the living room may need to be removed so that they cannot include that space because she can't agree to take the hallway out.

Hayden Williamson would ask staff that they address this issue in the code. If he is going by the spirit of the law the hallway is not really being used as part of the business. But we are kind of bound by what the code says and they believe the code says they need to use the hallway. We need to come up with a better way to determine if this is incidental to the home or really a home seconding as a business. He wouldn't like to include the hallway but it seems they have to by code. He thinks the business is a good asset to the community. He asked staff if there was any other way to where they could work this and still be compliant with code.

Kimber Gabryszak noted the staff report would recommend keep the hallway in and take out the use of the living room.

Stephanie Jensen wanted clarification to what she could use.

Hayden Williamson replied that the code said they could not use more than 1/3 of the home.

Sandra Steele said she did some benchmarking and we are one of the most lenient cities of those around us, most limit only 25% of the home. She sees us being pushed more and more as people come in with home occupations. She agrees we need to revisit the code. It's hard for her to justify taking the hallway out.

Ken Kilgore asked about the bathroom and if it was included in the floor space of the kitchen.

Kara Knighton responded that yes it was.

Ken Kilgore wondered about the traffic flow, the only way to insure traffic flows smoothly was to go in one way. He wondered how she would manage that traffic flow.

Stephanie Jensen asked that if the parents need to park that they park over at the Lucas Lane Park to avoid annoying neighbors.

Sandra Steele said that made her consider that on Saturdays is when parks are busy and they have had to ask people to not use the parking lots to cause congestion.

Staff mentioned there is no parking lot at this park.

Stephanie Jensen responded that she has never had any complaints or traffic problems.

Sarah Carroll asked how often she had Parents park.

Stephanie Jensen said not very often, once in a while a parent wanted to stay and make sure their child was ok. Mostly they all drop off and leave the kids.

Kirk Wilkins asked if she has already decided what she cooks and feeds the children.

Kara Knighton right now the kids are cooking all their meals and eating what they cook. At a time when the kids are eating what the adults are cooking then the proper licenses would need to be in place.

Kimber Gabryszak reviewed that the option is to not include the hallway or not include the holiday festive activities.

Stephanie Jensen asked if they could come around the back yard, back entrance, and keep the festive activities and keep the play area that is a huge part of her business. Then they would not use the front hallway.

Brandon MacKay responded that the condition then was to have a fence in place.

Kirk Wilkins replied that if it is just for ingress and egress they may not need the fence.

Stephanie Jensen said there is a huge rock wall about 6 feet tall and she doesn't think it is a good idea to put a fence in front of the rock wall. The kids couldn't run out of the yard or climb up the wall, it is closed in.

Hayden Williamson asked if our code required fencing for egress.

Kevin Thurman said no, just for outside activities. The code says you can't occupy or use more than 1/3 of the sq. footage. If they can find something that distinguishes this occupation on this one from the previous one then they can make a decision on this; as long as they aren't picking winners here.

Ken Kilgore asked if changing the entrance affected drop off and pick up.

Stephanie Jensen replied that it didn't.

Motion made by Hayden Williamson to approve the proposed home occupation for cooking classes, located at 1363 Lukas Lane with the Findings and Conditions in the staff report. With the modification of condition 5 that holiday festivity shall be allowed if the applicant uses the back entrance for egress and the hallway is not used as part of the home occupation. Seconded by Ken Kilgore.

Kevin Thurman asked that they clarify the back entrance was for **ingress and egress.**
Amendment was accepted by Hayden Williamson and Ken Kilgore.

Kimber Gabryszak asked that they clarify **that the hallway would be removed from the calculation. Amendment was accepted** by Hayden Williamson and Ken Kilgore.

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

5. **Public Hearing: Site Plan Amendment for West Saratoga Transportation Hub, located at 337 North Thunder Boulevard, Alpine School District, applicant.**

Sarah Carroll presented the amendment. This is a request to proceed with the building that was identified as the "Future Administration Building" on the approved site plan. Classrooms will be included as well. That triggers the definition for education facility and so there are limitations about what cities are allowed to review. They are also proposing a sign which meets the requirements for institutional facilities.

Applicants were present.

Public Hearing Open by Chairman Kirk Wilkins

No public comment was made.

Public Hearing Closed by Chairman Kirk Wilkins

Troy Cunningham was curious what the distance between the high school and this administration building was, and if there was a sidewalk to get there.

Sarah Carroll showed that there was a sidewalk along Thunder Blvd. but not from the building to the public sidewalk.

Ken Kilgore mentioned the entire compound is protected and is gated, if students have classes they can't get over there without a key. He wondered how it would be an education facility when there was no good access for the kids, and if it was just to get around the regulations.

Sarah Carroll noted that it's not necessarily in our purview to say it makes sense or not.

Gary Kirschbaum, with the architects, commented that the class rooms in the structural area are not just necessarily for the high school but for others that come to be instructed for things. It's not an everyday classroom but for periodic instruction.

Ken Kilgore said in order to qualify it has to be for k-12 with structured classroom time. It has to be regular classrooms.

Gary Kirschbaum commented that there has to be security, it would be open for a group but it need to be regulated after hours. They met the intent of the city earlier with all the ADA access and the fence.

Frank Pulley with alpine school district was not in charge of what classes would be there, he is with buildings, he commented that it could be used for any students within the district not necessary Westlake high students.

Sandra Steele is still concerned with access by sidewalk. If they could extend the sidewalk on the north side to Thunder Blvd. that would be the shortest amount they would have to put in. it would help with ADA compliance. The gate would be hard to access for ADA.

Frank Pulley said they would be putting in a sidewalk there that would meet ADA compliance.

Sandra Steele asked how many buses are in the facility now.

Frank Pulley wasn't sure, there was approximately about 100 or 1/3 of the fleet.

Sandra Steele said their conditions were that they could have 120 buses under cover. She noted 7 or 8 spaces not under cover and she has noted several when she goes by that are parked on the dirt and not under cover. She asked that staff forward him a copy of the last approval for him to look over.

Hayden Williamson asked when making the motion if we needed to have a condition that it must be K-12.

Kevin Thurman said they don't have to but they could if it was a concern. They can still look to the code and enforce that.

Sarah Carroll added that State Code required it was for those grades and we don't necessarily reiterate that. We don't want to put limitations on it because they also have administrative there.

Kirk Wilkins asked if there was a separation between where the buses were and where the children may be.

Applicants noted it was gated off.

Sarah Carroll said there was a solid wall, once they enter the gate they would be inside the fenced area.

Kirk Wilkins thought that was a safety concern.

Troy Cunningham asked if there were kids bused there where would the drop off be.

Frank Pulley said they haven't specified if they would bus kids or not. They could not speak to what the education side would be. They do not know that kids would be bused there. There is need for more classrooms in Saratoga. Westlake currently has an 18 room satellite.

Kirk Wilkins asked if they had the ability as a city to add a condition for some separation from the bus area and where children would be allowed to go.

Kevin Thurman commented that the general rule is that school districts have to comply with ordinances and there are some exceptions that we can't regulate unless it's for health and safety. First we need to see if our Code requires it and then is there an exception to educational facilities.

David Funk clarified that if safety is an issue then we can require it.

Kevin Thurman said we can impose our regulations that are already in place if it pertains to health and safety. The exception is for educational facilities, we can't impose those regulations unless it pertains to health and safety.

Sandra Steele is concerned if there was any way we can keep children in and not have them go out the back door. Curious kids could go to the buses.

Frank Pulley said they have kids around buses everyday all day long. Bus drivers go through special training to watch out for students. Students are used to being around buses and bus drivers are used to being around students.

Sandra Steele said if there is no body around then kids could be curious and in and around them. She has concerns that if the children aren't going to be high school students and if there is a possibility that if there are challenged students that they could go and get in them and they couldn't be found.

Sarah Carroll noted that there are people assigned to be outside with buses when children are being picked up and dropped off.

Frank Pulley said they follow those same guidelines.

Sandra Steele is concerned that a child would just wander there out of curiosity; for example when they go to the bathrooms. What provisions do they have to make sure a child doesn't wander off with doors not being manned?

Frank Pulley noted they have the same issue with any school now where a child could go out to the bathroom and wander out the door. He noted they have the feedback to pass on the concerns and that they make sure that even in the day time hours that the buses are secured.

Kirk Wilkins noted that as a Commission they have shared with them the concern for safety and hopefully they can do something with policy to help protect the children.

Frank Pulley commented that they would take precautionary measures. He will pass the comments on to the transportation department and they can also train the staff.

Motion made by Hayden Williamson that Based upon the evidence and explanations received today, I move that the Planning Commission approve the site plan amendment for the West Saratoga Transportation Hub, located at 337 North Thunder Boulevard, subject to the findings and conditions listed in the report. Seconded by David Funk.

Sandra Steele asked do we want to put that **the sidewalk is to be installed between the gate and Thunder Blvd.**

The change was **accepted.**

Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Troy Cunningham, Brandon MacKay. Nay: Ken Kilgore. Motion passed 6 - 1.

6. **Public Hearing: Site Plan for The Fairways Office Park, located at approximately 2246 South Talons Cove Drive, Peter Staks, applicant.**

Kara Knighton presented the plan. The Site Plan proposal is for two 30,000 sq. ft. commercial office buildings in the RC zone on a 4.84 acre parcel. The proposal consists of 50,000 sq. ft. of Professional Office space and 10,000 sq. ft. of Medical/Health Care office space. "Office, Professional" and "Office, Medical and

Health Care" are permitted uses in the Regional Commercial zone. Most everything would be done in phase one. They proposed two monument signs. Staff recommends a positive recommendation. Additional conditions are that 1. All other code requirements shall be met and 2. An ADA accessible route shall be provided.

Peter Staks was present to answer questions and commented that about two years ago they tried to do this residentially and that was not approved so they tried to redesign to these two buildings and have tried to plan to the zoning and be sensitive to the buildings surrounding it. They have worked with staff quite a bit to have a plan to meet all requirements.

Public Hearing Open by Chairman Kirk Wilkins

Neil Infanger commented on the big mess that has happened recently on Redwood Road. We need to get Redwood Road fixed before we add more cars driving down to that distance.

Kirk Wilkins asked that staff comment on Redwood Road plans.

Kimber Gabryszak said they have a lot of converging issues with Redwood Road. There has been push to stop development by some residents or a push to require developers to contribute to their portion of the Redwood Road. As we saw earlier today we had a development come in and contribute to roads but that was for a City street and a road that we can improve and take care of. In this case it is a State road. The City has been working with UDOT for many years towards widening it. They have done some previous phases. Every few years there is a funding review process. We started working with them in 2012 towards this widening. They granted funding to widen Redwood Road down to Stillwater, but the approval doesn't mean they get the money right away. Even though it looks like the City is just looking at it now the City started the process several years ago. There are state laws on putting moratorium on development. And we don't have the ability to just stop it. We can't take their funds or have them build the road but we can prepare for it so there is extra frontage they are preparing to use. They met with UDOT recently for other alternatives. They can't justify taking funding from other projects like widening I-15 for this project. We are trying to get them to sign off on narrowing lanes so we can stripe more lanes. Speeds would come down but it would open more capacity. Because of other studies right now they are not looking at us right now till 2018.

Kevin Thurman said there are other things they are looking at like a light. We have existing conduits where they could control a light remotely to control timing a little more. They recognize there is a need here. There is a limit on the temporary moratorium for 6 months and it needs compelling reasons. There are other things we could look at like working with the school districts. These are issues for the council to discuss.

Kirk Wilkins said he mentioned the construction of a road to Pioneer Crossing.

Kevin Thurman said north of Legacy Farms Riverside Drive would go from 400 South to Pioneer Crossing. It is nearing completion.

Russel Jones thought it would be nice to see a broader picture to see where this fits into the surrounding buildings. (Staff pulled up the area on Google maps.) His concern is the elevation. If City Council approves this does that open up the rest of that to similar development if this is improved. Building those types of offices along the golf course invades into the residential neighborhoods.

Pam Infanger didn't completely understand the comment that as a City we cannot say no more developing when we don't have infrastructure in place. She feels we can do a moratorium until they get a better road in place.

Scott Monson was concerned with the size of this project in such a small area; it's a lot of traffic in light of other projects going on around it. The height of the building comes in and obstructs some nice views. This large building looks like it belongs in a downtown area.

Sean Jones had issues with this project. He doesn't feel like it was properly noticed. He lives well within 300 ft. and didn't see notification, it may have been lost in the mail, he would like to see that get properly reviewed. He doesn't think the height is consistent with the architectural site plan that indicates it is 50 feet in height. It seems disproportionate to the surrounding area. It is 300 ft. in length obstructing views and devaluing the area. There are already 5 commercial zones north of this project and 4 commercial areas south of this area. He is aware of the Land Use Map and this is indicated as

Mixed Use, not Regional Commercial. He thinks the architecture leaves a lot to be desired. Traffic is an issue. He thinks this is the wrong time to bring in a massive project.

Kristen Hood noted this has been zoned Regional Commercial where he wanted to put more town homes and 100 people were crammed in the room screaming that they didn't want townhomes but wanted more businesses. Now he brings business and people aren't happy. You are allowed to build on your property as long as it's zoned correctly. She doesn't think the 3 story building fits the area, two stories she is fine with. She thinks it needs to match urban design. That being said, she is not concerned with the traffic, with this kind of business people are going to be going the opposite direction of traffic leaving the city. Her concern is only that it fits the area, he should be able to build his building but it should be a positive addition. We've talked about making it a more walkable community. We are not going to make everyone happy but we want to make the city a positive place. There are no other 3 stories besides the condos north and she is concerned where there is no firetruck with a ladder. We need to make sure that it's safe for the public and that it fits with the public.

Cindy Tittlefitz wondered if Fairway was actually owned by the SSOA and if it is, how does that work with the entrance to those buildings. She tried to see where the entrances and exits were. There was also talk about putting gates at all the entrances of SSOA and how that would work as well.

Public Hearing Closed by Chairman Kirk Wilkins

Sarah Carroll replied to public comment. She noted the property has been zoned Regional Commercial since the year 2000, when the Saratoga Springs Development Master Development Agreement was put in place. The applicant asked for multi-family years ago, that was denied because of the public opposition. One goal was to retain commercial in the south part of the City. On the City's Master Plan it is in place, those were last updated in 2012. We do plan to update it again the near future. The zone allows for 50 ft. this building is shorter. There is a grade change between Redwood Road and the floor level of this building. It is several feet below Redwood Road level. The feedback from Urban Design was related to style and consistency with surrounding architecture. She reviewed that the item, according to law, was noticed in the paper, on the City website, and the State Public Notice site as well as mailed out. We can review the mailing list. Fairway is owned by SSOA, if there are gates added they will most likely be behind this entrance. As for the viability of the development, when they review applications they don't review viability but they look at the needs of the City and take those needs into consideration. The truck with the ladder is at the north Fire Station.

Kimber Gabryszak responded to issuing a moratorium. If there is a way for them to meet safety requirements and offset impacts then the City needs to accept the application. The City can issue a one time, 6 month period moratorium but it's very limited. Unless the city can solve the problem in that time it's not something the city is willing to do so we have been working with UDOT to come up with solutions.

Kevin Thurman responded that it's true the actual Temporary Land Use Regulation (not called a moratorium) is 6 months. Cities have broad zone power but it's limited and difficult to do. If they can work with UDOT and find solutions to the problem that makes more sense than taking drastic approaches. We do have a Transportation Master Plan to alleviate a lot of this traffic. Foothill Blvd. will help on the west side of the city.

Kimber Gabryszak looked up the noticing mailing list and Sean Jones was mailed a notice.

Sarah Carroll noted on the map what areas were zoned for the commercial and other zones.

Peter Staks commented on the height of the buildings. The height of the floor of the building was about a whole floor below Redwood Road. They took it into consideration, even to the residents across the way. The townhomes there are actually three levels on the down slope side. They really tried to work with the site on the height issue. When Saratoga Springs Development was started the concept was to possibly gate the whole thing. When the church was built the issue came up and if there was a public access use they would need a place to drive in and turn out and put a gate behind that.

Sandra Steele asked if we had a traffic study for this and if there were any improvements like acceleration lanes required by the study.

Janelle Wright said they have worked closely with the developer to meet the requirements the traffic study brought up.

Sarah Carroll said there are acceleration and deceleration lanes already in this area.

Sandra Steele asked if we knew the exact height of the buildings. She complemented that he had landscaping in the first north access. She asked if we are approving both phases tonight, or will we see the second phase again or will staff handle that. She noted that all electrical and mechanical equipment needed to be enclosed and any access to the roof shall be from the inside of the building and roof drains should be on the interior of the building. All conduit and piping shall be located in interior of the building. She asked if they are doing all the parking and landscaping and improvements to start with, the only thing they are not putting in is the second building.

Peter Staks replied that was correct, they need the circulation around the first building.

Sandra Steele noted that she was one of the ones that didn't want to change from Regional Commercial. He has agreed to keep the Regional Commercial and it says he can go to 50' but there is a grade change. She is asking how they will screen roof top equipment.

Peter Staks replied that they weren't planning on roof top equipment.

Sarah Carroll found the elevations that showed 42 ft. in height.

Sandra Steele noted that this is bigger than regular homes but a town home could be as high. All we can do is mitigate by having no roof top equipment. She would feel better with a two story building but it's not within our purview to say he can't have three stories. She asked if he would agree to a condition that said no roof top equipment.

Peter Staks believes he could comply with that because the architect said they would not have any and any other equipment would be enclosed.

Kevin Thurman reminded that we could not place conditions against code, but it sounded like it's not an issue.

Sandra Steele said it would be helpful to public safety if they would put a street address on their sign. She would like to see the plan come back corrected so they could see buffering and change all the *can* complies to *do* comply.

Brandon MacKay did not have any additional comments

Hayden Williamson echoes the comments about the conditions that can comply. He asked when they planned on breaking ground.

Peter Staks replied when they get through the process.

Hayden Williamson agrees that this is going to have less of an impact traffic-wise, but he would like to see a traffic study.

Peter Staks noted there was a traffic study.

Sarah Carroll commented that if there were concerns they would have been included in the report, and she would forward the study.

Troy Cunningham had no additional comments

Ken Kilgore asked about a recommendation on the eastern most berm that is higher than the residential property near there, that a security fence be built. He wondered what impact that would have with sight lines and such.

Sarah Carroll said there was a retaining wall, the height varies as the land changes so there would need to be a guard rail for safety measure. And they recommend that screening or fence be added.

Ken Kilgore commented that he still feels the traffic will be a problem, even with the traffic study done and the deceleration lanes already there and because of the traffic not being mitigated till 2018 he doesn't feel this would help. That is his objection at this point.

David Funk calculated that the lowest part of the two buildings would be 16 ft. below Redwood Road. That would drop it to about only 35 feet above Redwood Road.

Kirk Wilkins commented that turning north on Redwood Road from Fairway west is dangerous, there is not lane to turn to. The next intersection north has had a lot of accidents for the same reason. Is there anything we can do as a city to accommodate that?

Janelle Wright commented that there is a sight distance that is an issue and they will need to follow up with the City Engineer on that.

Kirk Wilkins asked if the city could look at that it would be appreciated. He made sure the two items staff had asked they address had been sufficiently covered.

Sarah Carroll asked if they could address the buffering on the eastern corner of the parking lot. Staff recommends putting a screen wall on top of the retaining wall. There are some contradictions in the code

so they would like clear direction. The Planning Commission could also recommend size and style. It would help separate residential activities from Commercial activities, like headlights shining in windows.

Ken Kilgore doesn't like the idea of a big fence on top of a berm, but for safety and security reasons it sounds like it is needed and he would suggest a wall that looks consistent with other fencing in the area, which includes masonry and wrought iron.

Troy Cunningham would be in favor of something that matches the community as well.

Hayden Williamson feels that it is appropriate to have something.

Peter Staks commented that they had the same thing come up with the clubhouse and parking next to the residential area. They asked that there be a 4 foot high screen so headlights wouldn't impact houses. It's a good solution to a grade issue.

Hayden Williamson thinks a 6 foot fence would be an eyesore but likes the idea for screening for the headlamps with something appropriate.

David Funk commented that he thinks it's necessary and he was going to ask for input from the applicant as to what it should be, leave that up to the applicant.

Brandon MacKay thinks it will finish off the project and make it look put-together, he would like to see something ascetically pleasing.

Sandra Steele clarified that the solid screening would only be at the end of the parking lot to the south east, not only to separate but to screen.

Sarah Carroll said in some locations it requires only fencing and others only landscaping, and some a combination. Because of the ambiguity they are leaving it up to discussion.

Sandra Steele would suggest a 3 foot screening to prevent car lights from going into the adjacent residential property; but wants to be clear that some kind of railing or fence be along the retaining wall to the east long wall to protect people in the dark from going off the drop off.

Peter Stak mentioned they could do a wrought iron guard rail.

Sandra Steele wants to make him aware that lights within 200 feet are to be within 16 ft. tall.

Kirk Wilkins asked what the elevation change was between the parking to the other area.

Peter Stak replied it's about 4 feet higher. The parking lot is higher than the undeveloped area.

Kirk Wilkins thinks 3 feet could be dangerous with the elevation change, he would like something taller. We used the words opaque before so light doesn't go through it. He asked if we could do anything as a city, as a condition, to address the traffic turning onto Redwood Road.

Sarah Carroll replied that the traffic study didn't warrant a condition.

Motion made by Sandra Steele to continue the Site Plan to another meeting on Dec. 10 with direction to the applicant and staff on information and /or changes needed to render a decision as follows – and I think we would feel better if we could see a traffic report. I would like to see as many of the 21 conditions be addressed so that we are not saying can comply but can say complies. Seconded by Troy Cunningham. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

A five minute break was taken at this time.

Brandon MacKay was excused.

8. **Public Hearing: Multiple Preliminary Subdivision Plats for Legacy Farms Village Plan 2, located at approximately 400 South Redwood Road, D.R. Horton, Inc., applicant.**

Kara Knighton presented. The applicants are requesting approval of preliminary and final plats for the next five subdivision phases of the Legacy Farms project. There was an error on Condition 3 that should read 96 ft. cul-de-sac Diameter, not radius. These five plats cover Village Plan 2, and contain a total of 199 single family and multi-family units along with ~41 Equivalent Residential Units (ERUs) applied to a school site and church site. Until this area is removed by FEMA from the NFIP maps through the LOMR process, the applicants must comply will all provisions of the NFIP program and Chapter 18.02 of the City Code. Kara Knighton reviewed the conditions in the staff report.

Krisel Travis had a presentation and noted that this consists of 5 plats, 2A has 11 residential lots and one lot for a church. Lot 2B would contain a school lot as well as 9 residential lots. Plat 2C is all residential and

open space. Plat 2D is all multifamily house and 2E along 400 south is multi-family. They are asking for overall approval of 199 units. There were initially 1000 allocated, in Village Plan 1 they used 329. This will add 199, which will be 528 ERUs total thus far. 55 were allocated to civic uses 41 will be used for school and church site. She reviewed the individual plats and transect zones.

Public Hearing Open by Chairman Kirk Wilkins

Pam Infanger said when Legacy farms was approved and conditions attached she has notes that Stephen Willden thanked them for not maxing out the project. Also Councilwoman Call saw a pattern of slowly increasing density and asked if D.R. Horton would cap it at 900 residential units so it would not max out the density as a show of good faith and she wants to know if it is now maxing out the density. (She read out of the newspaper notes.)

Public Hearing Closed by Chairman Kirk Wilkins

Kara Knighton responded that they were allowed 239 ERUs and they are coming in at 199 so they are below what was allowed.

Kimber Gabryszak said Village Plan 1 had 341 allowed units and they came in around 259, without looking at notes to confirm the numbers, but both Village Plan 1 and 2 have come in well below maximum and the block plans do not allow them to absorb those extras so they cannot max out.

Ken Kilgore wanted to know if the property was removed from the flood plains.

Krisel Travis responded that plat D and E were affected and until it was mitigated they could not record those plats. They are in the process of working on it, they are hopeful it will be completed by February then they will issue a public notice for 6 months so their hope is by next August they will be able to move forward. They currently have temporary access roads through that area that have been approved the by the City Engineer.

Ken Kilgore asked if the streets were private or public.

Krisel Travis replied to which roads were private, Shared Lanes marked ST32-24 all others are public.

Sandra Steele had a concern about the parking and if we allowed guest parking to be allowed on 18ft. driveways.

Kimber Gabryszak said it's 20' typically in the code but 18' in the Village Plan and Community Plan.

Sandra Steele could not tell where the guest parking was in relation to the units that it served.

Krisel Travis noted where the parking was located in the multifamily plats. They are in compliance with the code. The snow stacking spaces are behind the stalls and not counted as auxiliary stalls.

Sandra Steele asked staff to address the condition #9 that there is a portion of a plat that is not accessible by any roads that will be constructed in that plat.

Kimber Gabryszak responded that in phase 2C there is a little development and none of the roads that access that portion of the plat are not recorded or constructed until the next phase. The plat cannot be recorded until it is out of the flood plain. Until then we are recording lots with no access. We assume FEMA will be approving. Staff recommended that they move these lots into the next phase, the developer did not what that because infrastructure would need to be delayed. Staff feels we can't allow it to be recorded without guaranteeing that there will be access.

Paxton Guymon, legal counsel for D.R. Horton, commented that they would be agreeable with a note on the plat that says no certificate of occupancy would be issued for any units until access is provided. That would give them the protection they needed and still allow them to move forward.

Krisel Travis said the other alternative would be a temporary extension of a roadway that would connect with an existing road in another plat.

Kimber Gabryszak replied that the option staff would recommend would be to record it with a permanent road and amend it later to remove. Any temporary access may leave them in trouble down the road. Our concern is it is pushing a burden on the home owner down the road if they have a lot with no access.

Sandra Steele asked if they could do it with no building permits could be issued.

Kevin Thurman mentioned that the code says you have to install all the necessary improvements for the plat or post a bond. He agrees the occupancy permit is sticky, you are saying to a family we are going to delay your occupancy and they would suffer the most. You could conditional approval on occupancy but it's

difficult. They would prefer to have it resolved before building permits were issued. He supports staff's position.

Kirk Wilkins understands that we will not issue a building permit until the permanent road is in place.

Kimber Gabryszak said that would be a condition that no building permits were issued until the infrastructure in the adjacent plat was installed.

Krisel Travis asked that they specify that it was only for those specific units not the whole plat.

Kara Knighton noted those were units 2159 to 2176.

Kirk Wilkins asked if the applicants were amenable to a condition that they not issue building permits on those lots until permanent infrastructure was in place.

Paxton Guymon replied that they would.

Motion made by Hayden Williamson to forward a positive recommendation to the City Council for the Legacy Farms Plats 2A, 2B, 2C, 2D, and 2E, with the Findings and Conditions in the Staff Report. With changes that in Condition 3 that "radius" be changed to "diameter" and additional condition that in plat 2C units 2159-2176 that a plat note be added that building permits will not be issued until the adjacent street access in plat 2D is constructed. Seconded by David Funk.

Sandra Steele asked if this will include not only the street but the other improvements as well.

Kimber Gabryszak said it will by nature of how we issue the construction drawings.

Paxton Guymon stated that **the issue is no building permits will be issued until Street Access required by the code is installed; it doesn't necessarily have to be the street access in 2D.**

Changed to say **or Alternate Permanent Access.**

Hayden Williamson **found that acceptable.**

David Funk also **accepted that change.**

Krisel Travis clarified the infrastructure for those units runs on Legacy, in front of those units not in back on the shared lanes.

Kimber Gabryszak commented that this was **replacing Condition 9,** they don't want to have the two conflicting.

Changes on the motion were accepted by Hayden Williamson and David Funk.

Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham. Motion passed 6 - 0.

9. **Public Hearing: Proposed Rezone and General Plan Amendment, R-3 and Low Density Residential to Mixed Waterfront for Richard Chiu Property, Parcel 58:032:0142, located at approximately 940 North Redwood Road (North of Dalmore Meadows Subdivision), City initiated.**

Kimber Gabryszak presented. The City proposes to change the General Plan designation of this ~45 acre parcel from Low Density Residential to Mixed Waterfront, and concurrently rezone the property from Agriculture to Mixed Waterfront. As this is a City initiated change, no concept plan is required. As part of the easement agreement the property owner requested to come in under the Mixed Waterfront. In Mixed Waterfront they have a maximum of 6 units per acre and a goal of approximately 20% commercial which are limited to small scale neighborhood oriented uses.

Public Hearing Open by Chairman Kirk Wilkins

Luke Perry spoke to the concern of the Dalmore Meadows owners that there needs to be a buffer between them and the commercial area of the property. They don't want to be a residential island.

Cathy Collard wonders if the city notices the water in that area is like a big mud-hole, and wonders what the City is thinking that would be along the waterfront. They have been caught in the crossfire where they have all the commercial properties around them.

Public Hearing Closed by Chairman Kirk Wilkins

Kimber Gabryszak responded that staff is working on an overhaul to the Mixed Waterfront. They looked at nearby cities that have a Waterfront and talked to the cities about best practices and things. They do know

what the river looks like back there and it's one of the goals of the zone to help convert the river to a nice corridor and habitat. They met with communities have had the same thing happen to them and now their rivers are beautiful. They are not proposing the business go right up against the water but use it as a draw. They looked at buffer sizes and parkways. They will be revisiting the feathering requirements and that densities are feathered and businesses not be placed right next to existing residential. This owner doesn't have any plans to develop in the immediate future. It's kind of a long term vision.

Kirk Wilkins asked if it was a condition that they buffer.

Kimber Gabryszak said it is not a condition as this is just a rezone and they don't have a project yet. They will need to buffer appropriately when they develop. We will be working on revisions to Mixed Waterfront in the near future.

Hayden Williamson asked what the timeline on the revisions was.

Kimber Gabryszak replied that they are having a work session with City Council next week then some work sessions over the next few months with Planning Commission, so it's about 6 months.

Hayden Williamson asked if he developed sooner would we have any legal standing before we had things that are ironed out. If he came in before the revisions were done could we slow him down.

Kimber Gabryszak said the code does state there is a maximum of 6 units per acre but the general plan states that there is an average of about 3. They could use the code to make sure things meet the goal we have.

Hayden Williamson asked if that dealt with where they put the commercial and if we could fast track our process.

Kimber Gabryszak said if we had one public hearing before they came in with an application then they could do impending ordinance.

Kevin Thurman said it's a risk, the general plan is an advisory document and the code would prevail.

Sandra Steele thinks we are where we were before. We still can't tell him what he can or can't do. Since he is coming in and agreeing to the Mixed Waterfront we have today can we hold him to the new Mixed Waterfront.

Kimber Gabryszak said we can, the zone change affects everyone in the zone equally unless he had a complete application before those changes.

Sandra Steele still thinks the corners of market and Redwood Road should be zoned Neighborhood Commercial. It would be a higher and better use for those two corners, and give us a better negotiation. She feels that is where he is going to want his commercial. If we are going to stick with our Mixed Waterfront then we need our commercial closer to the waterfront than Redwood Road. We need to look at rezoning those two corners, not go all the way to Dalmore or maybe Neighborhood Commercial would be a better alternative. She doesn't think commercial will stop with the north line of this property.

Ken Kilgore asked if we had cause to continue or deny this applicant at this point.

Kevin Thurman replied that we are dealing with the original agreement where we got the storm easement for free and agreed to rezone his property. It's still a legislative decision. The agreement is up at the end of this month.

Sandra Steele wanted to know if he would hold off if we gave him a higher zoning along Redwood Road. She thinks we need to put boundaries on it if they want to do the Neighborhood Commercial.

Kimber Gabryszak suggested they could say 5 acres from the north boundary down to no more than halfway between Market Street and Dalmore.

Ken Kilgore thinks we are really parceling this just trying to constrain one property owner, where The Mixed Waterfront code would probably solve the issues the neighbors are concerned about. He thinks changing the zone may even cause more problems.

Sandra Steele feels he will probably put his commercial along the main road and then we lose a great amount of commercial that could go by the river. If we go ahead and zone that then we have a better chance of getting the commercial next to the waterfront. She thinks it's protecting the vision if we did commercial closer to Redwood Road where it makes sense.

Kirk Wilkins asked that given the time sensitivity what has delayed this code from solidifying.

Kimber Gabryszak said we are rewriting multiple chapters of the code and we put in some recommendations to solve these issues and they got rejected because it wasn't fleshed out enough. Tonight what is before them is just rezoning the property to Mixed Waterfront.

Ken Kilgore asked if we don't make the rezone then what is the issue to the property owner.

Kimber Gabryszak said then we are in violation of the agreement. They could forward a negative recommendation if they wanted.

Kevin Thurman noted that the applicant does live in the East and can't be here. The agreement itself talks about a few other things and we do need to meet the agreement. The portion up for discussion tonight is the rezone to Mixed Waterfront. We've already used the easements that were granted.

Sandra Steele asked if the applicant had applied for de-annexation. Has he performed on everything he is supposed to perform on in the agreement?

Hayden Williamson doesn't want us to be in violation of an agreement. Can we push this through now and later it could be rezoned. He agrees that Neighborhood Commercial along Redwood Road would be better for the neighbors.

Kimber Gabryszak said they could do that. They would have to send them notice and give them time to object. They would make that part of their recommendation tonight. And if the Council agreed then they would have to come up with legal description and send a notice and go from there.

Ken Kilgore thought it was clear what the owner wanted in the agreement, to rezone to Mixed Waterfront.

Kevin Thurman commented that the concern of the property owner was that it was downzoned to residential. He originally requested Mixed Use; the agreement was amended to Mixed Waterfront.

Ken Kilgore said it was pretty clear what the applicant is agreeing to but he is not against the condition. His preference is to go ahead with the request and condition the recommendation of the zone change closer to the traffic.

Hayden Williamson summarized we would approve today as Mixed Waterfront and work with the applicant in the future and get it right.

David Funk asked if we refuse this at this time what impact would that have on the City's negotiation, vs. us approving with conditions.

Kevin Thurman would ask that they move forward and give the recommendation to the Council with something they are comfortable with. City Council would then move forward with it as they felt.

Motion made by Sandra Steele to forward a positive recommendation to the City Council for the General Plan Amendment and Rezone of the ~45.08 acre, parcel 58:032:0142, from Low Density Residential and Agriculture to Mixed Waterfront, as identified in Exhibit 1, with the Findings in the staff report. And with a recommendation to the City Council that they consider rezoning the NW corner and the SW corner of the intersection of Market Street and Redwood Road to be Neighborhood Commercial. Seconded by Ken Kilgore.

David Funk asked if she wanted to limit how far down that goes.

Sandra Steele said she was kind of leaving that to staff.

Kimber Gabryszak felt they understood the direction.

Kirk Wilkins asked if they would do anything to suggest a buffer zone to the neighborhood south of the property. He wants to honor the agreement between the landowner and the City but it is difficult to rezoning to a zone that is undefined.

Hayden Williamson asked if we could, as a condition of rezoning, put in stipulations that are not part of the zone as it currently exists.

Kevin Thurman said that would be basically a conditional rezone. It really comes down to this is a recommendation. He would ask that they move forward.

Sandra Steele asked could they make a recommendation that the development be feathered from Dalmore to the proposed Neighborhood Commercial.

Kevin Thurman thought they could make a recommendation that they consider what the options would be in regards to feathering

Hayden Williamson was concerned that it's an in depth section of code and he wouldn't want to throw something out there and make it a condition. Staff is going to put a lot of thought into how they word it. Making it a condition of approval could make more problems than it solves.

Kirk Wilkins asked if we could have more influence on that at the point they are recording a plat.

Kimber Gabryszak responded that once they submit for concept plan staff will give them that feedback and then they will come to Planning Commission and City Council for review.

Sandra Steele wondered if there would be any teeth in that if they weren't done with the Mixed Waterfront change yet.

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

10. **Public Hearing: Preliminary Plat for The Crossing Commercial Plat, located adjacent to Redwood Road, between Market Street and Pioneer Crossing, The Boyer Company, applicant.**
Kimber Gabryszak presented the plat. The applicant is requesting approval of a preliminary plat for The Crossing to create nine building lots for future development. The Final plat (approved by staff) is being reviewed concurrently with the Preliminary Plat. The applicant has resubmitted their plat that addresses most of these conditions.

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

Sandra Steele had a concern that lot two was below our minimum, she reads it as an exception and would not be allowed in any other Village Plan.
Kimber Gabryszak said it may be allowed in the exact same circumstance, a single ancillary lot attached to the anchor tenant. They built it in as an exception in the Community Plan just for this situation and any other standalone lot would need to be 20,000.

Motion made by Hayden Williamson to forward a positive recommendation to the City Council for The Crossing Preliminary Plat as outlined in Exhibit 5 with the Findings and Conditions in the Staff Report dated November 12, 2015. Seconded by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

11. Approval of Minutes:
1. October 22, 2015.

Motion made by Sandra Steele to approve the minutes of the Planning Commission meeting from October 22, 2015. Seconded by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

12. Reports of Action.
The Crossing – Positive Recommendation

Motion made by Hayden Williamson to approve the Report of Action for The Crossing Preliminary Plat. Seconded by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.

13. Commission Comments. – No comments from Planning Commission.

14. Director's Report:
- Council Actions
  - Kimber Gabryszak reviewed actions taken by City Council at the last meeting.
- Applications and Approval
  - Kimber Gabryszak noted that there had been 140 applications this year already.
- Upcoming Agendas
  - There are no other meetings for November. The next meeting will be December 10th.
- Other

- UDOT is putting together an Open house on November 18th at 5:30 p.m. for S.R. 73 study.

15. Motion to enter into closed session. – There was no closed session.

Meeting adjourned by Chairman Kirk Wilkins

Adjourn 10:32 p.m.

10-12-2015
Date of Approval

Nicolette Fike, Deputy City Recorder

Planning Commission Chair
Kirk Wilkins