

City of Saratoga Springs
Planning Commission Meeting
February 11, 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

Others: Matt and Susan Niepraschk, John Andersen, Matt and Colleen Dietz, Daphne and Curtis Scott, Laura Carter, Shirley LaVigne, Les Brildisin, Ben Rohrbach, Pat Dowd, Heather Lambert, Ryan Kingston, Michelle Brown, Jared Datwyler, Krista Robinson, Pari Bennion, Nancy Shelley, Patrick Macfarlane, Ben Johnson, Lisa Olsen, Angie Carley, Krista Sliklear, Emily Widdison, Ryan Woodbury

Excused:

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

1. **Pledge of Allegiance** - led by Ben Rohrbach

2. **Roll Call** – A quorum was present

3. **Public Input Open** by Chairman Kirk Wilkins

Laura Carter, 1508 South Lakeview Terrace Road. Ms. Carter expressed her concern about the Rezone for Grandview Commons. The road is currently a dead end and this would make it a through street. They already have a lot of people that drive really fast on the street and this would make it worse. They don't want it commercial, they feel it should stay residential. They feel there is adequate commercial zones in the rest of the city. Regardless of the decision that is made she feels it also needs a sidewalk to connect Grandview and Redwood Road because there are teenagers that walk home from school on the side of the road.

Ben Rohrbach, 1481 S Lake View Terrace. Mr. Rohrbach advised that he didn't like living near the intermingling of residential and commercial in Provo when he lived there. There was constant foot traffic and it felt uncomfortable, especially to let kids play outside. The way the intersection is the change will create a lot of through traffic on Lake View Terrace. He also has concerns with lights and noise and traffic. He moved here because he wanted a nice residential area. He likes that the commercial is all together in the middle of the city.

Curtis Scott, 1468 S Lake View Terrace. Mr. Scott advised that he has a vested interest as their bedroom would be right next to that parking lot, the lights and noise would have a very negative impact on his family. He would like this to remain zoned Residential and Agricultural.

Matt Niepraschk, 1388 Meadow Crest. Mr. Niepraschk mentioned that there is a smell associated with a gas station. Individuals living close to the area will have an increase of odors. He does not want this changed from Agricultural zoning. There are many people that are not at the meeting who are opposed.

Heather Lambert, 1531 S Lake View Terrace Road. Ms. Lambert is still on the fence about the change in zoning but she asked them to consider the cost that this would be to the City. The road the City maintains will have more wear and tear on the road. There are not sufficient entrances and exits from Grandview or Redwood Road.

Pat Dowd, 41 W Adams Street. Mr. Dowd is concerned about the entrances. The median causes people to have to do a U-turn on Grandview. He watches kids go up and down the street all the time and he is worried about the extra traffic with those kids traveling on the road. He understands there is more

development coming in to which will add more traffic. He doesn't think it's smart for the development of the area. He understands the need for commercial but he wants to look at the impact to the children. He wants to make sure a traffic analysis is done.

Matt Dietz, 1493 S Lake View Terrace Road. Mr. Dietz noted that there is a lot of green space in the subdivision with kids running back and forth. He feels like this Commercial zone will cause a huge liability as kids run back and forth. He would like to keep their area the way they thought it would be forever.

Les Bildison, 51 W Lake View. Mr. Bildisin would hate to see the neighborhood wrecked. They like the goats and more commercial would bring trouble to the neighborhood. He feels it's a danger to the kids.

Pari Bennion, 1331 S Adams Street. Ms. Bennion advised that she has lived in her home for about 13 years. She remembers about 10 years ago they fought against Commercial in the area as well. It would be detrimental to Saratoga Shores Elementary. Also to those that attend preschool at Avondale Academy. There is already too much traffic coming in and out of the neighborhood. It would be bad for the community to have it changed to Commercial.

Shirley LaVigne, 1476 S Lake View Terrace Road. Ms. LaVigne moved here two year ago. She thinks the community is delightful. She recently adopted her grandchildren and is concerned with increased crime and traffic and worry about children playing outside. She just became comfortable with allowing her grandchildren to play outside but wouldn't be able to feel safe if this were zoned Commercial. Having all the Commercial amongst Residential would increase the crime. She asked that they please not allow this.

Ryan Woodbury, 1479 Garden View Court. Mr. Woodbury noted that he has a beautiful view of this property and the lake. He wouldn't want this rezone and has a concern about his property value decreasing. Another concern he has is light pollution in the evening. The lights from the property would be visible from their back windows.

Daphne Scott, 1468 S Lake View Terrace Road. Ms. Scott noted that the noise they get from Redwood Road already is too loud and this would increase it. She thinks that the zoning is screwy and she doesn't want to see this property changed from Agricultural. Almost every day there is an accident near the area from traffic.

Nancy Shelley, 84 W Lake View Terrace Road. Ms. Shelley asked how many have lived across the street next to a gas station, seeing headlights coming in all hours of day and night and tires squeal in and out and scraping bumpers. Awakened by fights that have broken out and other things. She lived near a gas station when she lived in Ephraim. There are transients, kids hanging out, kids wandering on the way home from school, it's a good place to pick up drugs and anything you don't want youth involved in. For the sanctity of the community please look past the Commercial and income that might come to the City. She can see the emergency vehicles go north and south to Grandview Boulevard and Redwood Road and have to stop because of the traffic. Adding a gas station to all of that confusion is putting people at risk.

Ryan Kingston, 1446 S Garden View Court. Mr. Kingston sees the issue and he imagines that other communities would have issues with needing the land to put gas stations because they are running out of space. He does not see that in Saratoga Springs. There is land in plenty of other places where a gas station could be placed. He would not want to see the City get a reputation of ruining family friendly places to put Commercial. He would like them to keep this a Residential area. There is a lot of land in other places where Commercial can go.

Michelle Brown, 724 Pine View Drive. Ms. Brown has lived in Saratoga Springs for 12 years with this address being the second home they have built in the community. They like the community for the residential nature. It has grown a lot residentially and the traffic of Grandview is horrible. Her husband now leaves 45 minutes earlier to avoid the traffic at Grandview. She feels like Pioneer Crossing and Redwood Road would be a better place to have a gas station and other commercial development.

LeGrand Wolstenhume, proposed developer of the property. Mr. Wolstenhume was hoping to address some of the concerns in a neighborhood meeting. They were wanting to discuss more of the details during the work session.

Public Input Closed by Chairman Kirk Wilkins

Item 5 moved out of order

5. Work Session: Rezone, General Plan Amendment, and Concept Plan for Grandview Commons, Mountain Valley Ventures, LLC, applicant -Presented by Kara Knighton.

Kara Knighton advised that this is located at Redwood Road and Grandview Boulevard. She advised that the proposal is for Regional Commercial at the southwest corner of Grandview Boulevard and Redwood Road and Neighborhood Commercial to the South of that and R-10 for small single family lots. Lake View Terrace Road is not currently a public road. It was required to be dedicated to the City in a previous application but that never occurred. Staff is working to get that fixed. She then discussed the access to the development. The project is proposing 10% open space which is low compared to requirements. They also gave an alternative proposal based on staff requests. She advised that a public hearing will be held at a later date and all those within 300 feet of the property will be getting a notice mailed to them.

LeGrand Wolstenhume, applicant, they are not going to ask for anything that wouldn't be included in the code amendments. Everything they do would meet what is in the proposed ordinance. The alternative meets the open space and landscaping requirements. It is a concept plan which would then need to go through site plan approval. There may be slight changes when it goes through site plan based on who the operator of the C-Store ends up being. They tried to be very sensitive to not locate any of the Regional Commercial next to housing. It is all fronts highways and roads. Some of the Neighborhood Commercial backs some of the lots on Lake View Terrace Road but they would put up a six foot fence to hide it. It would mostly be parking lot or a quieter neighbor than some of the other places. They plan to put residential adjoining the existing residential so those buying those lots would know they are backing Neighborhood Commercial. They will not do any of the construction until the widening of Redwood Road starts. They are hoping to get a double left turn lane on Grandview Boulevard. From a planning standpoint you can't find a much better location for this type of development to service the needs of the community.

Commissioner Steele said at this time she cannot support this development for many of the reasons that were heard tonight and from experience. She was on the Planning Commission when they were deciding where Commercial zones should go in the City. She understands the feelings of these neighbors. When they bought their property the surrounding areas were zoned Agricultural and R-3. That is what they expected it to remain as. When she bought her property she knew that Ring Road was Regional Commercial. She may not have liked it but she was fully aware. There are other places better suited to be zoned Regional Commercial. There are also places that are already zoned Regional Commercial that would make it a lot easier.

Commissioner Funk would have some concerns about the rezoning because of what has already been mentioned but has no question on the design at this point.

Commissioner Williamson echoes and understands the other commissioners concerns. There is going to be traffic in the area are there are concerns with that. He doesn't like the R-10 zone placed where it is. He understands the goal to buffer but there is no buffer North to South, only East to West. He also has a couple of concerns with full access pulling of the Neighborhood Commercial out onto Redwood Road. He understands that it is a decision that UDOT makes but he has concerns with it being full access.

Mr. Wolstenhume advised that UDOT says they need 300 feet to allow right in right out access versus 500 feet for full access. This would allow trucks to get in for gas on Redwood Road. They will widen the access in front of parking to forty feet for trucks. There is not enough frontage to allow a public street to connect onto Redwood. Anything would have to go out on Lake View Terrace. The second site plan shows that they would only have a right in right out on Redwood Road.

Kevin Thurman advised everyone in attendance that the recording system is really sensitive and can pick up the whispers, he asked the audience if they could refrain from whispering for the sake of the recording and the ability to take minutes.

Commissioner Cunningham asked if Lake View Terrace Road was a collector road.

Kara Knighton advised that it is just a local road.

Commissioner Cunningham wondered if it was built to be a collector road. He is afraid that it would become a collector because one end does go to Redwood Road but there is no place to turn left. The part by the preschool bothers him where it is narrower. He noted the canal and asked if they would cover it.

Mr. Wolstenhume replied that they would cover it. The City is requiring them to do that.

Commissioner Cunningham asked about the sidewalks on the property.

Mr. Wolstenhume advised that they are still working through the design but the idea is the sidewalks would be a nice way to put in a walking path if people want to walk around there.

Commissioner Cunningham thought about how kids would go to school and noted he would not use Grandview, and noted his preferred route. He is not fond of rezoning the property to Regional Commercial. He feels the intent of the zone is for larger box stores, and they didn't feel it was appropriate to put gas stations in Neighborhood Commercial. He is concerned about the real extremes in lot sizes. He knows people are now preferring the smaller lots. He wondered how the mix of smaller lots would go with the small lots so close together.

Commissioner Kilgore noted the applicant tried to get closer to the City's open space requirements. The residential open space is still not meeting the requirements.

Mr. Wolstenhume advised that they won't ask for any amendments to zoning so they would meet the 20% requirements.

Commissioner Kilgore noted the concept he passed around had a smaller lot size of less than 5,000 square feet that he would have to adjust.

Mr. Wolstenhume said he would make sure it doesn't stay that way.

Commissioner Kilgore doesn't like the Regional Commercial rezone. He understand the Neighborhood Commercial, which can often make a neighborhood nicer, but not with the gas station and car wash. It would be nice to have gas facilities in the south of the city but not at this spot.

Commissioner Wilkins noted someone in the audience would like to speak and the public comment time has already closed. He reminded the audience that there would be a public hearing where they could further address their comments.

Commissioner Wilkins mentioned that he would be upset to have smaller lots built close to his larger lot size. This area is a very high traffic area. To put in a gas station seems like it would congest the area more even with the widening of Redwood Road. He is concerned about congestion at the ingress point also. The main thing he is concerned about is the impact on the neighborhood. For him the impact to the neighborhood is important. He feels for every one person that voices concerns there are ten more that don't. He noted that it's pretty close to some lots of the current development.

Mr. Wolstenhume clarified that he didn't mean there weren't any homes near the development but they were trying to buffer the impact to many of the homes.

Chairman Wilkins noted where the road is being widened and the two close homes would have to have their driveways onto Lake View Terrace, it may become too narrow if this becomes a passage way. He thinks there is a better potential use for the area that would be beneficial to the developer financially.

Mr. Wolstenhume asked what he would recommend. No one would want to build a nice house on that corner. He noted the dark sky ordinance and things that would help it not be so impactful. It's really a busy commercial corner. They are willing to take suggestions.

Chairman Wilkins commented that if the zoning already existed it would be a different matter. He understands the concern with trying to figure out a use for the site, he doesn't have an answer right now.

Mark Christensen observed that on the opposite side of the street there are some great homes. He wanted to caution that when it comes to UDOT right-of-way; it's really their right-of-way and regardless of what we want to see an access point, it comes down to their decision. The City could do everything possible to get what is needed but it is ultimately up to UDOT.

Commissioner Steele asked what the distance it had to be away from a school to sell alcohol.

Kevin Thurman advised that this is an off premise alcohol sale and the code on that is basically nonexistent. The city can regulate some. Our code contemplates distance but doesn't specify feet, it says within proximity, but what is within proximity? It is an unenforceable provision of the code. Planning Commission is the recommending body and second it is a discretionary decision made by the Council. Courts give discretion to the legislative body.

Commissioner Steele asked that Kimber put that on the list to look into.

Kevin Thurman said another way to regulate is to not allow for the rezone.

Kimber Gabryszak noted that this will also go to City Council for work session next week. Staff will then review and schedule it for a public hearing. There is no date set yet.

4. **Public Hearing: Code Amendments to Section 19.08 - Home Occupations.**

Kimber Gabryszak advised that they are proposing breaking up the definition of home occupations into three categories. The least impactful would just get a business license. They do not need to come to Planning Commission. Category two may have a few people visiting but their impact would still be minimal. They would need a home occupation review but that would just be approved by staff and they would not need to go to Planning Commission. Category three would be the most impactful, daycares, dance classes, those that have a lot of traffic coming into and out of the neighborhood. They would go through the whole review required right now. She then reviewed and highlighted changes from the last work session. This also allows the less impactful uses to be allowed in multi-family as well as single family. The majority of home occupations would be approved by staff.

Public Hearing Open – by Chairman Kirk Wilkins

Ryan Woodbury, 1479 Garden View Court. Mr. Woodbury noted his wife has a home occupation, a small hair salon, and asked if existing business would be grandfathered in. They also take their daughter to gymnastics and he has a concern with the amount of traffic that creates. He believes that size of a business doesn't belong in the neighborhood, it has outgrown the capacity. He thinks it should be looked at.

Public Hearing Closed – by Chairman Kirk Wilkins

Kimber Gabryszak noted this only applies to new applications. It is actually loosening up restrictions for the smaller businesses that don't have a lot of impact. It is making it stricter for the larger home occupations like the gymnastics classes in his neighborhood. She noted the change suggested that capacity shall not exceed ten patrons, customers, clients, or students at any one time. Some home occupations have exceeded ten and that may be a use that shows some stricter scrutiny.

Commissioner Williamson noted if they were under the old code, as long as they were in compliance they would not be restricted.

Chairman Wilkins asked what they would do about the gymnastics business if it was found to be having a negative traffic impact on the neighborhood.

Kimber Gabryszak said that if the City received complaints about the business code enforcement would look at that application and see what the code was when it came in and check on it.

Commissioner Kilgore had a few edits. Page 10 of 13, section 2B, changing to reflect plural rather than singular. On page 11, 1A correcting "class one and two class" to either remove class or change to "classes".

Commissioner Cunningham was glad to restrict restaurants and things like tattoo parlors.

Commissioner Williamson thinks this strikes a good balance.

Commissioner Funk assumed if you do not qualify for class one, two, or three you are prohibited. In that case he questioned classes two and three. He thinks 2a says you receive more than eight patrons, customers, deliveries, etc. per day. If he were to have a business in his home and he gets nine deliveries then he doesn't qualify. Kimber adjusted 2a to include more than eight total "patrons" to make sense.

Commissioner Steele mentioned that we need to think about how they affect the composition of the neighborhoods. She said if you have a lot of traffic it gets hard to get to know who is a neighbor or who is not. It has made her uncomfortable to have unknown cars around her house. She does believe in home occupations as they have had one, but the neighbors did not know. She has had deliveries block her driveway with rude drivers. All these things affect the neighborhood. The mail man will also not deliver your mail if your box is blocked by people parking on the street, which is another concern she has. They don't want to increase utility costs due to home businesses that are normally used by residents. She noted something like a gym could have in a day, with six classes, 240 trips. Regular residents should have about 10 trips per day. 240 trips is not normally associated with a residence. She thinks there should be a maximum put on trips per day. She also believes that cul-de-sacs should be looked at differently than a regular street. People usually pay more money to build a home in a cul-de-sac. Traffic in a cul-de-sac causes a lot more problems. She asked about class two and three with more traffic, she can count six home occupations on her street but only one generates a lot of traffic to where they can't get out some times. If

there was a street with 15 houses and five class three businesses generating traffic that would become a big problem. She is also concerned about class two businesses in multi-family zones, two employees are too many in multifamily. She noted Aldara as an example, the streets are tight in there. Employees would have to park in guest parking. That isn't fair to others living there that need guest parking for visitors. She asked about state license or approval requirements for class three businesses.

Kimber Gabryszak advised that most businesses applying for a class three home occupation would need a state license or approval. Once you reach 16 kids you'll need a license.

Commissioner Steele asked Ryan Woodbury who spoke during the public hearing how many patrons his wife has at her business per day.

Mr. Woodbury advised that they live in a double cul-de-sac but she has only three to four customers a day.

They try to be good neighbors and poured a larger parking pad for her patrons to park on. Some patrons choose to park on the street but they have made accommodations to try and help potential issues.

Sandra Steele said that is the type of business that doesn't really impact the neighborhood at all. Maybe you could differentiate between that and a larger salon with more than one station. Two employees would be three total stations and impact parking and the amount of customers. She noted a section on business vehicles. There is a disparity and there may be a loop hole.

Kimber Gabryszak advised that their vehicles would still have to be in enclosed structure, this says that they have a vehicle, below is how they use it. She asked Commissioner Steele if she would prefer to only allow one employee in a class two and if there are more move to a class three.

Commissioner Steele agreed with that idea.

Chairman Wilkins agrees that there should be a number or threshold on number of employees.

Ken Kilgore doesn't think it will control how much traffic, it could be a cleaner that doesn't increase traffic, if we do by employee then they have to describe the position

Commissioner Kilgore did not think that the number of employees would necessarily impact parking or traffic at the business. If it's a family member there wouldn't be any more traffic. It would depend on impact to the neighborhood.

Mark Christensen said it's interesting because of a bill in legislature. At the state level they are saying two or more employees would trigger needing a business license. If the business has no impact then state law, if it passes, would preempt us and they wouldn't need a license. The second employee is kind of the threshold they are working on.

Commissioner Kilgore mentioned that getting a business license is not the same thing as the traffic impact.

Commissioner Williamson said maybe rather than looking at the number of employees there could be a provision that you must supply parking for your employees. For a salon it could be fine if they aren't generating too much traffic.

Kimber Gabryszak advised that the provision is one stall for each employee that lives outside of the home.

You most likely couldn't have an employee at a multi-family dwelling because they couldn't provide the parking.

Kimber Gabryszak gave an example that if someone had a small daycare with people walking in, they are not generating traffic so they could allow that use. She also mentioned that if a childcare only has five or six kids they can still be considered a class two home occupation.

Chairman Wilkins asked if there is something in code already that prohibits a home occupation if they are going to be blocking the sidewalk.

Kimber Gabryszak said it's already in code they aren't allowed to do that.

Commissioner Cunningham noted per Mark Christensen's comment it is House Bill 132 that is being considered.

Commissioner Steele thinks 40% is too much area for home occupation. If it remains at 40% she thinks that they should not exempt hallways and entrances. She sent that to Kimber Gabryszak earlier. She thinks they got it right in the dance studio because the only reason the hallway was there was to get kids to and from the studio. On the cooking school for children the hallway was for residential use and should have been exempt. When the percentage is being increased she doesn't think that's an unreasonable request. If you have an accessory unit in a basement of a home she wondered if both could have a home occupation.

Kimber Gabryszak advised that this is looked at per dwelling so she would need to look into the answer to that.

Commissioner Steele advised that the question would be asked so that needs to be looked into.

Commissioner Steele asked that if when we say one permanent sign in the sign code then that would take your one sign. She looked at the code and saw that permanent could be six square feet and this says four square feet. She thinks they should match. She also asked if signs would be allowed for multi-family.

Kimber Gabryszak made a reference to section 19.18 of the code. Whatever they are allowed per that section is what they can have.

Commissioner Steele asked about those that work from home for a large corporation. She wondered if they need a business license.

Kimber Gabryszak advised that they do not need a business license if they just work from home for a business housed elsewhere.

Commissioner Steele does not think that home occupations with visitors should be allowed because there is not going to be sufficient parking.

Kirk Wilkins advised that under the section talking about restaurants it should say “and” not “and or”.

Kimber Gabryszak noted that in section three they took out the automobile refueling stations part. They do not need to be specifically prohibited.

Chairman Wilkins said trip generation is limited to eight. It is an impact to the neighborhood.

Commissioner Funk had a question on the new addition of hallway being deducted from the percentage of use.

Kimber Gabryszak noted if it was used by the family it would be deducted but if it is being used by the business it will not be deducted from total percentage.

Commissioner Kilgore didn't think that we should worry about it anymore and just say 40%. They are still considering impact to the neighborhood, what happens inside the house doesn't impact the neighbors. It shouldn't make a difference.

Commissioner Williamson thought the point with the 40% was to say this is where we draw the line.

Chairman Kilgore thinks the square footage consideration is no longer an issue as long as they define what incidental is and the impact to the neighborhood, identifying noxious fumes etc. He didn't know why hallways and entryways and other things need to be considered.

Kimber Gabryszak advised that any square footage they are using has been counted.

Commissioner Wilkins asked how the specific square footage would be enforced.

Commissioner Kilgore thinks we should define what counts as 40% but not nitpick on whether they are using it for business or not.

Commissioner Williamson wondered if there was another way to draw a line in the sand on what would be considered incidental.

Kimber Gabryszak said most cities go with a percentage because it is easily measurable.

Commissioner Kilgore wanted to decide if hallways or entryways were counted or not.

Commissioner Williamson was fine with it not including entrances and hallways.

Commissioner Williamson thinks Commissioner Steele was on to a point on maximums on class three businesses having no more than ten trips at a time but no more than 50 trips per day.

Commissioner Steele said some of these generate a lot of traffic, it's hard to say what is reasonable.

Commissioner Kilgore advised that if we generate a number and residents complain about the traffic generated then what recourse do they have. He thinks it should be set low so there is a recourse.

Kimber Gabryszak it's better to have a set class size because it is harder to track trips. Class size is the only thing that can really be limited.

Sandra Steele thinks 200 trips a day is too many.

Kimber Gabryszak advised that it is subject to traffic mitigation. That is one protection that they still have.

Commissioner Kilgore asked if when two people want to apply for a class three businesses one can be denied because the traffic is too high as a whole.

Kimber Gabryszak doesn't think we can because we aren't doing traffic studies.

Commissioner Steele advised that she thinks trip generation needs to be monitored because a lot of class three businesses can be on one street. Neighborhoods can be impacted greatly.

Chairman Wilkins advised that we can't regulate all the possible problems. They can have recourse for people to have the opportunity to complain and have it mitigated. He doesn't like a number on it.

Kimber Gabryszak advised they can lower the number to 40 then that is five classes of eight students. We do have some grandfathered businesses that would have 100 students. She also mentioned that a day care may have ten kids all day, and they are not rotating students.

Chairman Wilkins asked how many complaints come in about traffic or parking.

Kimber Gabryszak advised that they do get an occasional complaint but more for classes that have frequent changes. Like dance studios or gymnastics turning over every hour or two.

Commissioner Williamson asked if it would be possible to put in that if they get more than three complaints in a year they could revisit their home occupation permit. It might give them the incentive to play nice.

Kimber Gabryszak advised that if the owner is not following all of the conditions the City can revoke their license. They work with businesses on a case by case basis.

Chairman Wilkins noted to an audience member that the public hearing had been closed but it will go back to the City Council.

Kimber Gabryszak noted they would like the Planning Commission to move this on and make a decision.

Quite a few business license applications have been put on hold pending these changes.

Motion made by Commissioner Williamson to forward a positive recommendation to the code amendments to Section 19.08 Home Occupations to the City Council with the changes as discussed tonight. Second by David Funk. Aye-David Funk, Kirk Wilkins, Hayden Williamson, Troy Cunningham, Ken Kilgore. Nay-Sandra Steele. 5-1

Commissioner Steele advised that she voted nay because of concerns about the 40% requirement and the impacts to neighborhoods and safety to neighborhoods. Many parts are a great improvement but voting on it in its entirety, she couldn't do.

A 5 minute break was then taken.

6. Work Session: Code Amendments for Mixed Waterfront.

Kara Knighton advised that the purpose of Mixed Waterfront is to create a vibrant community that takes advantage of the scenic and recreational opportunities of the area. There are some shortcomings with the way the code is currently written. Since its adoption it has not been used in the City so they would like to take action now so that the zone does not go away. The name was changed from Mixed Lakeshore to Mixed Waterfront to be able to take advantage of Utah Lake and the Jordan River. She gave a history and noted some takeaways from their trip. She then reviewed sections of other community's code that would work well in our community. Next steps for this would be to get feedback from Planning Commission and City Council. They will begin drafting code for the Mixed Waterfront zone and the buffer overlay after receiving the feedback.

Kimber Gabryszak advised that the biggest take away they saw was that the other communities they looked at looked at the whole waterfront. In Boise they reclaimed the river from being a canal and made it good. We need to look at it holistically and make a buffer to be successful. There are the two pieces to it the mixed waterfront zone and the buffer overlay zone.

Commissioner Steele asked if they could put the overlay on existing development.

Kimber Gabryszak advised that any development already done is grandfather in. Any redevelopment down the road would be held to those requirements.

Commissioner Steele asked what a wide trail would be, 10 feet, 20 feet?

Kimber Gabryszak advised that the most successful trails were between 10-12 feet. There needs to be enough space to pass safely if there are multiple people using the trails. On trails that were 14-20+ they were seen with sections and directions. The minimum was wider than what they are installing currently

Mark Christensen noted right by Boise State University for example they were almost road width. Making a change to all our trails today may not be appropriate but existing trails will need to be resurfaced long before we have the demand. It will add to our maintenance costs. He thinks we need to preserve it and look at it but it's not the right thing to do now to require the road width.

Commissioner Steele said someone came to her that wants to put a restaurant along the water front and asked when could that happen.

Mark Christensen noted in that a couple spots on their trip they saw a restaurant in the same hotel chain in two spots. They thought it was a great amenity to add to the community. He noted also that Boise had the canal that was then reclaimed back to a River and they could get some of the universities in to help them revitalize the area.

Commissioner Funk likes the concepts. He noted that a friend of his comes from another city to use our trail and also bought a lot right by the lake so he could have a trail in his backyard. We are making some headway and appreciates what we are doing.

Commissioner Williamson asked to have the buffer explained more.

Kara Knighton advised that the buffer would regulate various things including trail regulation, building articulations, articulating the facades so they are not creating a wall and regulating pedestrian access and experience opportunities to access the river.

Mark Christensen asked if they have seen Chicago or Milwaukee and how they are designed. They want to create opportunities to invite and make it comfortable.

Commissioner Williamson noted that it would almost be a subzone.

Kimber Gabryszak advised that is correct. The existing base would be the same but with different setback requirements and other things. It could prevent a restaurant on the water but they could still be close. She noted a negative example with a deck over the river. They could still have access and views but they would not impact the water.

Commissioner Williamson noted a pier that may have some businesses on it and how it would be impacted.

Kimber Gabryszak noted that the underlying property is owned by the state and they need to work out those issues before they can build there.

Mark Christensen advised that the City is working along the high water mark from the state. They are looking at having the City maintain the area but the state would still own the water underneath the pier. A restaurant over the river kind of took away the aesthetic views of the river itself. We could still do a lot. He is thinking something like a Hermosa Beach thing that would allow for the use but not encroach on state lands.

An audience member asked if the buffers came off the state compromise level.

Kimber Gabryszak advised that they would go off the high water mark level from the river.

Commissioner Williamson asked if we had ideas on the setbacks

Kimber Gabryszak advised that they have not decided on setbacks yet they want to work with the Jordan River Commission and Utah Lake Commission. We want to make sure what we are looking at is appropriate for the scale of the water in our community.

Commissioner Cunningham thought of places he has been to over time. He wondered if we could have signs that point out historical spots. He also wondered how this would be funded.

Kimber Gabryszak advised that some funding would be from grants they can apply for. Developers would have trail requirements.

Commissioner Cunningham asked how we find out about historically significant sites.

Kimber Gabryszak noted they just had a study done with the State historical office to find if there were any sites of historic significance. They would look into that.

Commissioner Cunningham noted some areas that may have historical significance.

Commissioner Kilgore noted different uses for the different zone. He wondered about hunting and fishing access. People go wherever they can for duck hunting and fishing. It may not be a problem but if they channel it, it may create less impact to the vegetation. It could also help prevent erosion.

Mark Christensen advised that shooting within city limits is not allowed. If they are on state lands that is different. Part of the funding we get from the state is to encourage hunting and fishing e.g. boat docks. That would provide a greater opportunity to do so without disturbing vegetation.

Commissioner Kilgore advised that it may be nice to have a way to channel that traffic. Asked if they made any visits to unsuccessful communities.

Mark Christensen noted Pendleton Oregon had some amenities but the trail was uninviting and did not do the things they are talking about. Idaho Falls had some things lacking. Probably a lack of city planning and failure to create space. Even where it was good there were areas that were not set aside. Garden City also had some issues with how areas were zone along the trail. The question is how we embrace the amenities that are wanted and the things we value as a community.

Commissioner Kilgore asked they consider not just what we want to have but also what we don't want to have. Chairman Wilkins asked if they integrated this into the bike plan.

Kimber Gabryszak advised that yes the trail portion would be.

Chairman Wilkins advised that they could look at Sacramento it has miles and miles of bike trails and places for pedestrian to walk. There are areas that can become a homeless haven and he would like to figure out how to mitigate that.

Mark Christensen noted some areas in Salt Lake City that are what not to do areas.

Chairman Wilkins heard mention of access to buildings. He wondered if people would be forced to allow people to go through their buildings to get to places.

Kimber Gabryszak advised that there are two ways to address this to make sure there is access between buildings and that a portion is open towards the waterfront. The back of the buildings felt isolated and alone. Having access on the back side made it feel like you were not alone and safer.

Chairman Wilkins thought that the trail may need to go over the water.

Kimber Gabryszak advised that they will have to play it by ear in each location. Some areas we just have to deal with how they are, some areas we may need to go into sovereign lands.

Chairman Wilkins asked about removing vegetation, who decides what the right ecology for the area is.

Mark Christensen advised that Boise recommended that they work with the state and botanists and experts. Also to let the universities help decide.

Chairman Wilkins asked if there is a part of the area identified to allow boats to park.

Kimber Gabryszak advised that it is not codified in the overlay or buffer but it could be considered in Mixed Waterfront.

Kirk Wilkins asked about landowners that haven't developed.

Kimber Gabryszak advised that whatever we adopt they are subject to. If they are not in the City yet they are not subject to this.

Mark Christensen advised that the Utah Lake Commission is working with all entities on the compromise line.

The goal is to one day have a trail all around the lake. What right does the rest of the community have relative to access? Utah law states that lakes and stream beds belong to the people. How do you preserve the public lands truly are public lands. It's an issue and difficult one. We don't want to steal property rights but should we preserve access for the public. We can't use eminent domain for trails. We are working with the state to get a trail cut into the canal. Hopefully we can work with property owners.

Commissioner Steele commented that they needed to be cautious. In Eugene Oregon they put in a park that is heavily forested. There was so much crime it was scary. When you are reforesting you need to be careful about how dense it is.

Commissioner Funk asked if this would ever stop a bridge from going across the lake.

Kimber Gabryszak advised that it would not have an impact.

7. Work Session: Discussion of Code and Vision. Presented by Kimber Gabryszak – This item was not discussed at this meeting.

8. Approval of Minutes:
a. January 28, 2016

Motion made by Hayden Williamson to approve the minutes from January 28, 2016 with changes suggested from Commissioner Steele. Second David Funk. All Aye. Motion passed 6-0.

9. Reports of Action. None.

10. Commission Comments.

Commissioner Steele is concerned about how the sign code is being enforced. Legacy Farms still has a trailer sign.

Kimber Gabryszak advised that it would be taken down this weekend. They let them know.

Commissioner Steele advised that in sign code they have something for vacant land but they may also need to think about subdivisions.

Kimber Gabryszak advised that they knew we would need to amend the sign code over time as people tried to find loopholes. In this case they have the choice to use the signage for their lots or they can use development signage in lieu of the lot signs.

Commissioner Steele also mentioned that there are signs for developments in the right-of way.

Kimber Gabryszak advised that they should not be in the right-of-way.

Commissioner Steele advised that a sign for Winchester homes went up on a Sunday afternoon and is in the right-of-way. She would like to see better sign enforcement in the future.

11. Director's Report:

a. Council Actions

- o Approved Catalina Bay and Fox Hollow Neighborhood 12

b. Applications and Approval

c. Upcoming Agendas

- o One item-Cowboy requesting Gas Station and Regional Commercial.
- o Training from Utah League of Cities and Towns at regular meeting on February 25.
- o Training with State Property Ombudsman on March 8th at 6:30 joint with City Council.

d. Other

12. Motion to enter into closed session. There was no need for a closed session.

13. Meeting Adjourned at 9:37 p.m. by Chairman Kirk Wilkins

25 FEB 2016

Date of Approval


Planning Commission Chair
Kirk Wilkins



Nicolette Fike, Deputy City Recorder

