



## Planning Commission Meeting

Thursday, February 25, 2016

Meeting held at the Saratoga Springs City Offices  
1307 North Commerce Drive, Suite 200, Saratoga Springs

### AGENDA

One or more members of the Commission may participate electronically in this meeting.

*PLEASE NOTE: The order of the following items may be subject to change with the order of the planning commission chair.*

#### Commencing at 6:30 P.M.

1. Pledge of Allegiance.
2. Roll Call.
3. Swearing in of Reappointed Commissioners, Sandra Steele and Troy Cunningham.
4. Public Input – Time has been set aside for any person to express ideas, concerns, comments, questions or issues that are not listed on the agenda. Comments are limited to three minutes.
5. Public Hearing: Rezone, General Plan Amendment, Concept Plan for Cowboys - Commercial, located at 431 South Redwood Road, White Elk Frontiers applicant. Presented by Jamie Baron.
6. Training - Utah League of Cities and Towns
7. Work Session: Discussion of Code and Vision. Presented by Kimber Gabryszak.
8. Approval of Minutes:
  - a. February 11, 2016.
9. Reports of Action
10. Commission Comments
11. Director's Report:
  - a. Council Actions
  - b. Applications and Approval
  - c. Upcoming Agendas
  - d. Other
12. Motion to enter into closed session for the purchase, exchange, or lease of property, pending or reasonably imminent litigation, the character, professional competence, the deployment of security personnel, devices or systems or the physical or mental health of an individual.
13. Adjourn.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 766-9793 at least one day prior to the meeting.



**Rezone, General Plan Amendment, Concept Plan  
Cowboys - Commercial  
February 25, 2016  
Public Hearing**

Report Date:	February 18, 2016
Applicant:	White Elk Frontiers
Owner:	White Elk Frontiers
Location:	431 South Redwood Road
Major Street Access:	Redwood Road
Parcel Number(s) & Size:	58:038:0036 – 4.865392 acres
Parcel Zoning:	Agricultural
Adjacent Zoning:	Planned Community, Agricultural
Current Use of Parcel:	Agriculture
Adjacent Uses:	Agriculture, Vacant
Previous Meetings:	None for this application
Previous Approvals:	None
Type of Action:	Legislative
Land Use Authority:	City Council
Future Routing:	City Council
Author:	Jamie Baron, Planner I

**A. Executive Summary:**

The applicant is requesting a Rezone and General Plan Amendment for 4.865392 acres of property located at 431 South Redwood Road in order to build a Convenience Store with fuel services, retail stores, professional offices, and restaurants.

**Recommendation:**

**Staff recommends that the Planning Commission conduct a public hearing on the Cowboys - Commercial Rezone and General Plan Amendment, take public comment, review and discuss the proposal, provide feedback on the Concept Plan, and choose from the options in Section “H” of this report.** Options include forwarding a positive recommendation, forwarding a negative recommendation, or continuing the application to a later meeting.

- B. Background:** On December 21, 2015, the City received applications for Rezone, General Plan Amendment, and Concept Plan for a commercial development on 4.865392 acres located at 431 South Redwood Road. The proposed development is surrounded by the Planned Community (PC) zone, which property is part of the City Center District Aare Plan (DAP). The Cowboys property was owned separately, and is not included in the PC zone or the DAP.
- C. Specific Request:** The applicant requests a rezone from Agriculture (A) to Regional Commercial (RC) and a General Plan Amendment from Planned Community (PC) to RC for the purpose of building a 5,000 - 6,000 square foot convenience store with fuel services and multiple commercial stores, located at 431 South Redwood Road on parcel 58:038:0036 (4.865392 acres). The attached Concept Plan shows the proposed layout of the site.
- D. Process:**

**Rezone and General Plan Amendment**

Section 19.17.03 outlines the process requirements for a Rezone and General Plan Amendment, requiring all rezone and general plan applications to be reviewed by both the Planning Commission and City Council. The City Council is the Land Use Authority for Rezone and General Plan applications and shall review and either approve or deny the application, after receiving a formal recommendation from the Planning Commission. Both the Planning Commission and City Council reviews involve a public hearing.

**Concept Plan**

Section 19.17.02 states “Petitions for changes to the City’s Zoning Map to all land use zones shall be accompanied by an application for Concept Plan Review or Master Development Agreement approval pursuant to Chapter 19.13 of this Code.”

The applicant has submitted a Concept Plan for the proposed development. Per Section 19.13 of the City Code, the process for a Concept Plan includes an informal review of the Concept Plan by both the Planning Commission and the City Council. The reviews shall be for comment only, no public hearing is required and no recommendation or action made.

- E. Community Review:** The Rezone and General Plan Amendment portions of this application has been noticed as a public hearing in the *Daily Herald*, City website, and Utah Public Notice Website, and mailed notices have been sent to all property owners within 300 feet of the subject property at least 10 days prior to this meeting. As of the date of this report, no public input has been received. The Concept Plan does not require a public hearing.
- F. General Plan:** The Land Use Element of the General Plan designates the property as Planned Community. The applicant requests that the General Plan be amended to designate the property as Regional Commercial in order to build a Convenience Store and multiple retail, professional offices, and restaurant uses, as the property does not meet the minimum area requirement of the PC zone.

The Regional Commercial designation is defined by the General Plan as follows:

**Regional Commercial.** Regional Commercial areas shall be characterized by a variety of retail users including big box retail configured in developments that provide excellent vehicular access to and from major transportation facilities. Developments located in Regional Commercial areas shall be designed so as to create efficient, functional conglomerations of commercial activities.

As Regional Commercial areas are to be located in close proximity to substantial roadways, careful consideration shall be given to the arrangement of structures and other improvements along those corridors. Consideration shall also be given to the existing or potential availability of mass transit facilities as sites in this designation are designed.

Among the many tenants anticipated in these areas are large destination oriented businesses. With that in mind, individual sites shall be designed so as to make automobile access a priority. Even so, specific areas for pedestrian activity shall be designated and appropriately improved. Plazas and other features shall be provided as gathering places which should be incorporated so as to make each site an inviting place to visit.

Developments in these areas shall contain landscaping and recreational features as per the City's Parks, Recreation, Trails, and Open Space Element of the General Plan. In this land use designation, it is estimated that a typical acre of land may contain 5 equivalent residential units (ERU's).

**Staff conclusion:** *Consistent, if the General Plan Amendment is granted, as outlined below.*

Based on the Concept Plan, the proposed site is consistent with the proposed land use designation of Regional Commercial as indicated below.

1. The proposed development is located adjacent to Redwood Road.
2. The site has been designed so that automobiles have adequate access as well as pedestrian access.
3. The proposed site indicates the required trail improvements on Redwood Road.

The proposed site is not consistent with the proposed land use designation of Regional Commercial as indicated below.

1. The proposed site does not yet include plazas and other features to create gathering places.

The current Planned Community designation is defined by the General Plan as follows:

**Planned Community.** The Planned Community designation includes large-scale properties within the City which exceed 500 acres in size. This area is characterized by a mixture of land uses and housing types. It is subject to an overall Community Plan that contains a set of regulations and guidelines that apply to a defined geographic area. Required Village Plans contain regulations that apply to blocks of land and provide specific development standards, design guidelines, infrastructure plans and other elements as appropriate. Development in these areas shall contain landscaping and recreational features as per the City's Parks, Recreation, Trails, and Open Space Element of the General Plan.

**Staff Finding:**

The proposed site is not consistent with the current land use designation of Planned Community as indicated below.

1. The site does not meet the minimum required area of 500 acres.
2. The concept plan does not provide for a mix of housing and land use types.

**G. Code Criteria:**

**Rezones and General Plan amendments are a legislative decision; therefore, the Council has significant discretion when making a decision on such requests. Because of this legislative discretion, the Code criteria below are guidelines and are not binding.**

**Rezone and General Plan Amendment**

**19.17, General Plan, Ordinance, and Zoning Map Amendments**

- Planning Commission/City Council Review
  - The Planning Commission shall recommend adoption of proposed amendments only where it finds the proposed amendment furthers the purpose of the Saratoga Springs Land Use Element of the General Plan and that changed conditions make the proposed amendment necessary to fulfill the purposes of the Title.

***Possible Finding:*** *Rezone will be consistent if the General Plan Amendment is granted.*

- Consideration of General Plan, Ordinance, or Zoning Map Amendment
  - The Planning Commission and City Council shall consider, but are not bound by, the following criteria when deciding whether to recommend or grant a general plan, ordinance, or zoning map amendment:
    1. the proposed change will conform to the Land Use Element and other provision of the General Plan;

2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;
3. the proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City; and
4. in balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change.

**Possible Finding: Consistent.** *The request is consistent with the outlined criteria as follows:*

1. *The applicant has applied for a General Plan Amendment and will be consistent if the amendment is granted.*
2. *With conditions to minimize light and noise, address increased traffic and public safety, the proposed change will not pose a threat to the general welfare of the public.*
3. *The proposed change will be providing services to the central area of the City as this area has expanded, which will aid in the orderly growth of the City, enhance the economic well-being of the City, and promote the growth of the City in accordance with the Land Use Element of the General Plan.*
4. *The applicant proposes the change in order to build a commercial development that will offer retail and fuel amenities to the surrounding neighborhood and future business park area. The public may express concern about light pollution, noise, increased traffic, and public safety. These concerns can be mitigated with conditions and adherence to the City Land Use Code and will not affect the proposed amenities. The property would not be able to be developed without a zone change and cannot meet the requirements of the current future land use designation.*

### **Concept Plans**

With the widening of Redwood Road along the frontage of this property, the 30' landscaping portion of the public Right of Way (ROW) may need to be dedicated to the City, depending on the requirements of UDOT. For the purpose of the Concept Plan, there are two different plans to show how this requirement would affect the development. Staff recommends Plan 1 over Plan 2, if possible through the review process.

#### **Concept Plan 1 – With the 30' landscape portion of the ROW as part of the parcel**

This plan would require a 10' building setback from the ROW and shifting the buildings to meet that requirement.

#### **Concept Plan 2 – with the 30' landscape portion of the ROW dedicated to the City**

This plan adds a 30' building setback from the ROW and with the proposed parking does not meet the 20' front yard requirement.

## **H. Recommendation and Alternatives:**

Staff recommends that the Planning Commission conduct a public hearing, take public input, discuss the application, provide feedback on the Concept Plan and choose from the following options.

**Option 1 – Positive Recommendation**

“I move to **forward a positive recommendation** to the City Council for the Cowboys - Commercial Rezone and General Plan Amendment with the Findings and Conditions in the Staff Report dated February 18, 2016:”

**Findings**

1. With conditions, the application complies with the criteria in sections 19.04 & 19.17 of the Development Code, as articulated in Section “G” of the staff report, which section is incorporated by reference herein.
2. With conditions, the application is consistent with the General Plan, as articulated in Section “F” of the staff report, which section is incorporated by reference herein.

**Conditions:**

1. All conditions of the City Engineer shall be met, including but not limited to those in the Staff report in Exhibit 1.
2. The Rezone and General Plan Amendments shall not be recorded until a site plan is approved.
3. Any other conditions or changes as articulated by the Planning Commission:

\_\_\_\_\_  
\_\_\_\_\_.

**Option 2 – Continuance**

The Planning Commission may also choose to continue the item. “I move to **continue** the Cowboys - Commercial Rezone and General Plan Amendment to another meeting on [March 10, 2016], with direction to the applicant and Staff on information and / or changes needed to render a decision, as follows:

1. \_\_\_\_\_
2. \_\_\_\_\_

**Option 3 – Negative Recommendation**

The Planning Commission may also choose to forward a negative recommendation of the application. “I move to **forward a negative recommendation** to the City Council for the Cowboys - Commercial Rezone and General Plan Amendment with the Findings below:

1. The Cowboys - Commercial Rezone and General Plan Amendment is not consistent with the General Plan, as articulated by the Planning Commission:  
\_\_\_\_\_, and/or,
2. The Cowboys - Commercial Rezone and General Plan Amendment is not consistent with Section [SECTION] of the Code, as articulated by the Planning Commission:  
\_\_\_\_\_.

**Comments on Concept Plan:**

1. Depending on the requirements of UDOT in the widening of Redwood Road, the landscaped portion of the Public Right of Way may need to be dedicated. Plan 1 shows the concept plan based on the property owner maintaining the ownership of the area and caring for the maintenance of the trail. Plan 2 shows an alternative where the trail and landscaping is dedicated to the city for ownership and maintenance. Plan 2 does not meet the 20 foot front yard requirement.
  2. Staff recommends plan 1 over plan 2, if possible through the review process.
  3. The calculations in the legend do not add up correctly for Plan 2.
  4. Any comments from the Planning Commission;
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**I. Attachments:**

1. City Engineer's Report (pages 8-9)
2. Location & Zone Map (page 10)
3. Location and Land Use Map (page 11)
4. Concept Plan 1 (page 12)
5. Planning Review Checklist Plan 1 (pages 13-16)
6. Concept Plan 2 (page 17)
7. Planning Review Checklist Plan 2 (page 18-21)

# City Council Staff Report

**Author:** Janelle Wright, EIT, Project Engineer  
**Subject:** Cowboys Rezone – Concept Plan  
**Date:** February 18, 2016  
**Type of Item:** Concept Plan Review



## Description:

**A. Topic:** The applicant has submitted a concept plan application. Staff has reviewed the submittal and provides the following recommendations.

## B. Background:

*Applicant:* White Elk Frontiers  
*Request:* Concept Plan  
*Location:* 431 South Redwood Road  
*Acreage:* 4.87 acres - 1 lot

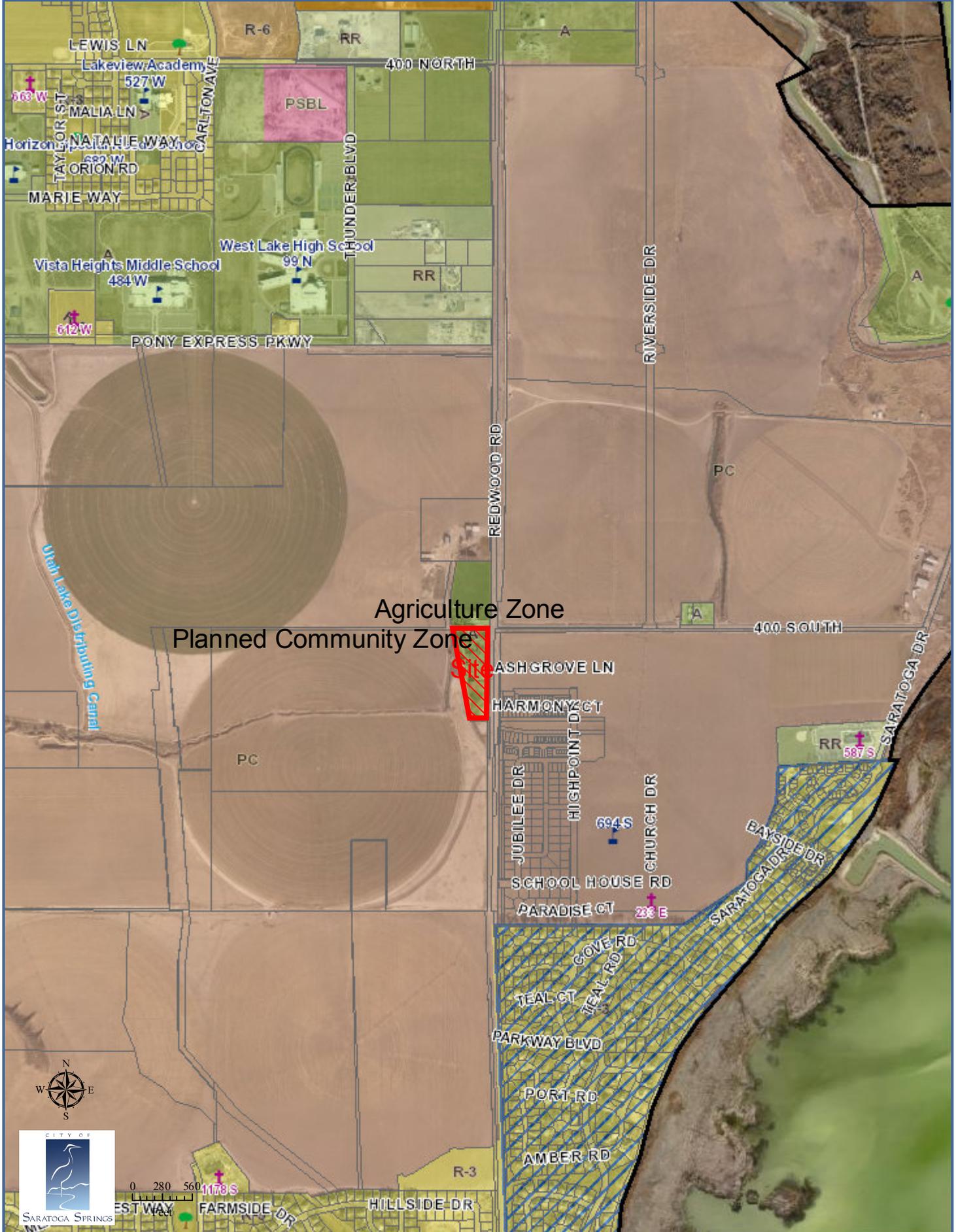
**C. Recommendation:** Staff recommends the applicant address and incorporate the following items for consideration into the development of their project and construction drawings.

## D. Proposed Items for Consideration:

- A. Prepare construction drawings as outlined in the City's standards and specifications and receive approval from the City Engineer on those drawings prior to receiving Final approval from the City Council.
- B. Consider and accommodate existing utilities, drainage systems, detention systems, and water storage systems into the project design. Access to existing facilities shall be maintained throughout the project.
- C. Comply with the Land Development Codes regarding the disturbance of 30%+ slopes.
- D. Incorporate a grading and drainage design that protects homes from upland flows.
- E. Developer shall provide a traffic study to determine the necessary improvements to existing and proposed roads to provide an acceptable level of service for the proposed project.

- F. Project must meet the City Ordinance for Storm Water release (0.2 cfs/acre for all developed property) and all UPDES and NPDES project construction requirements.
- G. Developer shall meet all applicable city ordinances and engineering conditions and requirements in the preparation of the Construction Drawings.
- H. Project bonding must be completed as approved by the City Engineer prior to recordation of plats.
- I. All review comments and redlines provided by the City Engineer are to be complied with and implemented into the construction drawings.
- J. All work to conform to the City of Saratoga Springs Standard Technical Specifications, most recent edition.
- K. Developer shall prepare and record easements to the City for all public utilities not located in a public right-of-way.
- L. Developer is required to ensure that there are no adverse effects to adjacent property owners and future homeowners due to the grading and construction practices employed during completion of this project.
- M. A portion of this site is located in Zone A of the FEMA Flood Plain Map and will need to be removed before any construction within flood plain may occur.

# Location and Zoning Map - Cowboys



Agriculture Zone

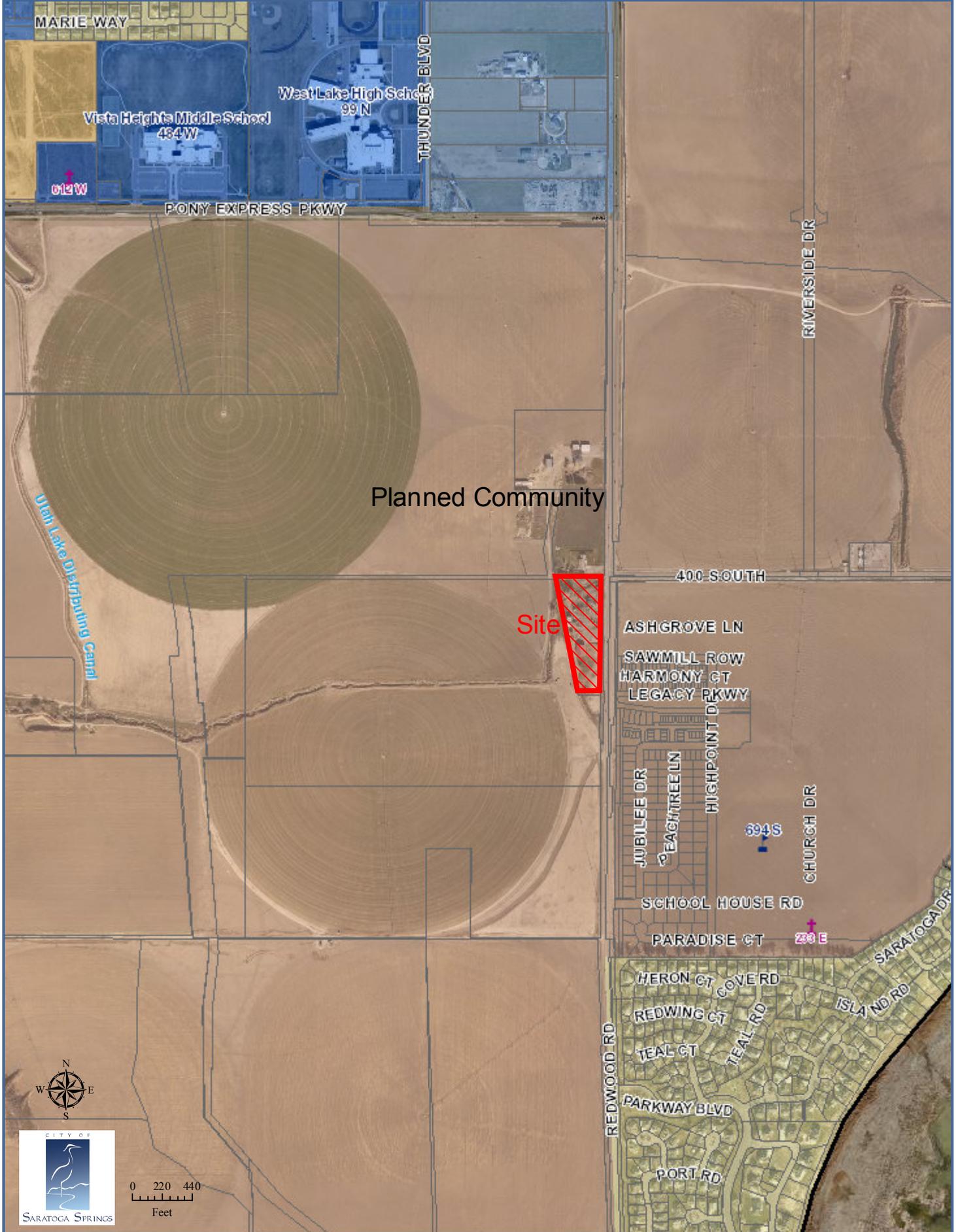
Planned Community Zone

Site



0 280 560  
feet

# Land Use Map - Cowboys



CORP OF PRESIDING BISHOPRIC

MCLACHLIN

SUBURBAN LAND RESERVE

400 SOUTH

CORP OF PRESIDING BISHOPRIC

D.R. HORTON

REDWOOD ROAD (HIGHWAY 66)

REFERENCE NOTES

- |                                |  |
|--------------------------------|--|
| 1 EXISTING TELEPHONE PEDESTAL  | 11 NEW UNDERGROUND POWER LINE                |
| 2 FLOOD PLAIN                  | 12 NEW TRANSFORMER                           |
| 3 EXISTING OVERHEAD POWER      | 13 NEW GAS LINE (FINAL LOCATION PER QUESTAR) |
| 4 EXISTING SECONDARY WATER     | 14 NEW WATER LINE                            |
| 5 EXISTING GAS LINE            | 15 ROAD CENTER LINE                          |
| 6 EXISTING COMMUNICATIONS LINE | 16 NEW IRRIGATION                            |
| 7 EXISTING STORM DRAIN         | 17 NEW R.O.W. EASEMENT                       |
| 8 EXISTING WATER               | 18 UNDERGROUND RETENTION                     |
| 9 10' PEDESTRIAN WALKWAY       | 19 NEW STORM DRAIN                           |
| 10 IRRIGATION EASEMENT         | 20 NEW DUMPSTER ENCLOSURE                    |

LEGEND

- EUROPEAN ALDER (ALNUS GLUTINOSA) - 1/2" CALIPER
- BIGTOOTH MAPLE (ACER GRANDIDENTATUM) - 1/2" CALIPER
- UTAH JUNIPER (JUNIPERUS OSTEOSPERMA) - 2" CALIPER
- VERIEGATED REDTWIG DOGWOOD (CORNUS SERICEA) - 1 GALLON
- BOULDER - VARIED SIZE
- BERMED AREA

	LANDSCAPING	44,882 SF	1.030 ACRE	22.5%
	CONCRETE PAVING	36,403 SF	0.835 ACRE	18.3%
	ASPHALT PAVING	87,317 SF	2.005 ACRE	43.8%
	BUILDING	30,576 SF	0.702 ACRE	15.4%
	<b>TOTAL</b>	<b>199,178 SF</b>	<b>4.572 ACRE</b>	

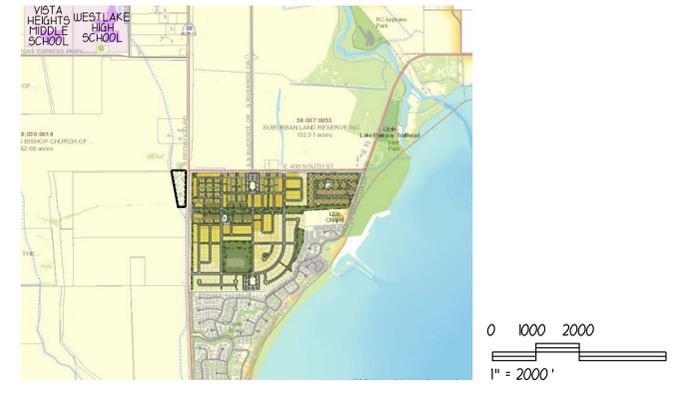
LEGAL DESCRIPTION

COMMENCING N 1823.99 FT 4 W 39.84 FT FROM S 1/4 COR. SEC. 26, T55, R.W. SLB#41; N 89 DEG 29' 43" W 168.95 FT; N 10 DEG 22' 26" W 819.21 FT; S 89 DEG 51' 34" E 325.38 FT; S 0 DEG 38' 0" W 807.13 FT TO BEG. AREA 4.572 AC

PARKING TABULATION

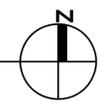
RETAIL SPACE (4/1000)	14,280 SF	58 STALLS
PROFESSIONAL (4/1000)	2,760 SF	11 STALLS
RESTAURANT (1/100)	4,200 SF	42 STALLS
MARKET (5/1000)	2,400 SF	12 STALLS
CONVENIENCE (5/1000)	4,967 SF	25 STALLS
		148 STALLS
PARKING PROVIDED		149 STALLS

VICINITY MAP



SITE PLAN

1" = 50'-0"



Revisions: XXXXXXXX  
 XXXXXXXX  
 XXXXXXXX

DATE: 5 JUNE 2015  
 JOB NO.: 1510  
 DRAWN: JFLOUZEK  
 No. 6392042

**NMA INNOVATIVE**  
 PRACTICAL INNOVATION IN ARCHITECTURE  
 46 WEST MAIN, LEBANON, UTAH 84043 · 801.726.3200  
 WWW.NMA-UTAH.COM

Project Title  
**COWBOY PROPERTY**  
 400 S REDWOOD ROAD  
 SARATOGA SPRINGS, UTAH

Sheet Title  
**ARCHITECTURAL**  
**SITE PLAN**

Sheet No.  
**A1.0**

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## APPLICATION REVIEW CHECKLIST

(8/20/2014 Format)

### Application Information

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<b>Date Received:</b>	February 8, 2016 - Resubmittal
<b>Project Name:</b>	Cowboys
<b>Project Request / Type:</b>	Rezone, GPA, Concept Plan
<b>Body:</b>	City Council
<b>Meeting Type:</b>	Public Hearing
<b>Applicant:</b>	Toby Rolfe
<b>Owner (if different):</b>	White Elk Frontier (Toby Rolfe)
<b>Location:</b>	431 South Redwood Road
<b>Major Street Access:</b>	Redwood Road
<b>Parcel Number(s) and size:</b>	58:038:0036 – 4.865392 acres
<b>General Plan Designation:</b>	(PC) Planned Community
<b>Zone:</b>	(A) Agriculture
<b>Adjacent Zoning:</b>	(A) Agriculture, (PC) Planned Community
<b>Current Use:</b>	Agricultural
<b>Adjacent Uses:</b>	Agricultural
<b>Previous Meetings:</b>	None
<b>Land Use Authority:</b>	City Council
<b>Future Routing:</b>	City Council
<b>Planner:</b>	Jamie Baron, Planner I

### Section 19.13 – Application Submittal

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- Application Complete: Yes
- Rezone Required: Yes
  - Zone: (RC) Regional Commercial
- General Plan Amendment required: Yes
  - Designation: (RC) Regional Commercial

### Section 19.13.04 – Process

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- DRC:
  - 1/4/16
    - Concept plan shows parking between buildings and street; Design Standards require most parking behind buildings. Review of the Design Standards will be provided with Planning redlines.
    - Missing information on storm drain and other utility issues. See Engineering review.
    - UDOT accesses and spacing may have issues.

- Strip mall appearance.
- Discussed the general need for the rezone itself; area is “green” and adjacent development patterns unknown due to the City Center District Area Plan entitlements without specific layouts or uses. Unclear how the use will fit with and function with future development. Automobile-oriented commercial may not be desirable in this location and exacerbate Redwood Road traffic issues. At a minimum, a through traffic study will be needed, and an overhaul of the concept plan to fully meet code, comply with UDOT requirements, and mitigate traffic impacts, before Staff could support the rezone.
- The City owns a large easement on the property.
- The drainage is in the FEMA Flood Plain.
- Neighborhood Meeting: N/A
- PC: Scheduled for February 25, 2016.
- CC: Not currently scheduled.

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### General Review

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#### Fire Department

- Fire has no issue with rezone.

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### Code Review

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- 19.04, Land Use Zones (the Concept Plan has been reviewed with the proposed zoning)
  - Zone: RC
  - Use: Convenience Store, Retail Stores, Professional Office, Restaurants – Permitted Use
  - Setbacks: **Can Comply**. The plan indicates a 20 foot side set back on the north end of the property with all other setbacks as 30 feet. The east side of the development will need a 40’ setback.
    - The required setbacks are as follows:
      - Front – 20’
      - Sides – 30’ when adjacent to residential or agricultural zones, 20’ when adjacent to all other zones.
      - Rear – 30’ when adjacent to residential or agricultural zones, 20’ when adjacent to all other zones, 40’ when the rear of a building faces an Arterial or Collector Street.
  - Lot size – Minimum of 20,000 square feet for all uses. **Complies**. The site is a total of 199,287 square feet.
  - Structure Height – Maximum height of 50 feet. Will be reviewed at site plan.
  - Coverage – 50% maximum. **Complies**. The convenience store, fuel canopy, and other buildings equal a total of 34,535 square feet for 17.3% lot coverage.
  - Building size – Minimum of 1,000 square feet above grade. **Complies**. The proposed plan shows a total of 29,607 square feet of buildings.
  - Landscaping:
    - Required front yard areas, and other yard areas facing a public street shall have a landscaped area of not less than 20’. **Complies**. The plan indicates a 20 foot or larger front yard on both street frontages.

- There shall be a minimum of 10' of landscaping between parking areas and side or rear property lines adjacent to agricultural and residential land uses. **Complies.** There is a 10' or larger landscaping area along all property lines that abut the adjacent agricultural properties.
      - 20% open space required. **Complies.** The plan indicates a total of 46,749 square feet (23.5%) of open space.
      - A landscape plan will be required with the site plan.
    - Sensitive Lands – There is a drainage that crosses the property and is considered sensitive lands.
    - Trash – Will be reviewed with site plan.
    - Buffering/Screening – Will be reviewed with site plan.
- 19.05, Supplemental Regulations
  - Flood Plain – The north end of the parcel is located within Zone A of the FEMA Flood Plain Map and will need to be removed by the flood plain by either the developer or another party.
  - Water & sewage – Will connect to City Infrastructure.
  - Transportation Master Plan – The right of way improvements on Redwood Road and 400 South are required to be improved with the development of the property. **Can Comply.** The required future improvements are shown on the plan. Redwood Road is a Principle Arterial with a ROW of 180' (90' half width) and 400 South is a Collector with a 77' ROW (38.5' half width). The Redwood Road ROW is not properly dimensioned.
  - Property access – The property has access to a public street.
- 19.06, Landscaping and Fencing – Will be reviewed with Site Plan.
- 19.09, Off Street Parking
  - Dimensions – 90degree parking stalls shall be 9 feet in width and 18 feet in length. Drive isles shall be a minimum of 24' in width. **Complies.** The parking stalls are 9' wide and 18' long. The drive isles are 24' or larger in width.
  - Accessible – ADA requires 5 accessible stalls with 1 van stall for parking areas with 101-150 parking stalls. The plan indicates a total of 149 stalls. **Complies.** There are 6 total stalls on the plan, with 2 van stalls.
  - Landscaping – One 9'x18' landscaping island every 10 stalls on single row parking and a 9'x36' island on the ends and every 20 stalls of double row parking. **Complies.** The concept plan shows a landscape island every 10 stalls or less on the single row parking and islands on each end of the double row of parking with 20 or less stalls between.
  - Pedestrian Walkways & Accesses – For parking area over 75,000 square feet, there shall be 10 foot wide pedestrian walkways through the parking area. **Complies.** The proposed plan indicates 10 foot wide walkways through the parking with striped crossings where the walkways cross the drive isles.
  - Minimum Requirements – Based on the square footage and building uses, the plan requires a total of 143 stalls. **Complies.** The plan indicates a total of 149 stalls.
- 19.14, Site Plans
  - Commercial Use
  - Development Standards:

- Buffering – Will be reviewed with Site Plan.
    - Access – Each roadway shall not be more than 40 feet in width, except as increase by permissible curve return radii; and the entire flare of a return radii shall fall within the right of way. **Complies.** The proposed road ways for access are no more than 27 feet in width.
    - Utilities – Will be reviewed with Site Plan.
    - Grading & drainage – Will be reviewed with Site Plan.
    - Water – Will be reviewed with Site Plan.
    - Irrigation – Will be reviewed with Site Plan.
  - Special Provisions – Will be reviewed with Site Plan.
  - Maps and Drawings Required – Will be reviewed with Site Plan.
  - Bond or DA – Will be reviewed with Site Plan.
  - Consideration in Review – Will be reviewed with Site Plan.
    - Traffic
    - Advertising
    - Landscaping
    - Site layout
    - Storm drainage
    - Water pressure
- 19.18, Signs – No signs proposed, will be reviewed at Site Plan
  - 19.27, Addressing – Addressing shall be required for Final Plat and Site Plan.

CORP OF PRESIDING BISHOPRIC

MCLACHLIN

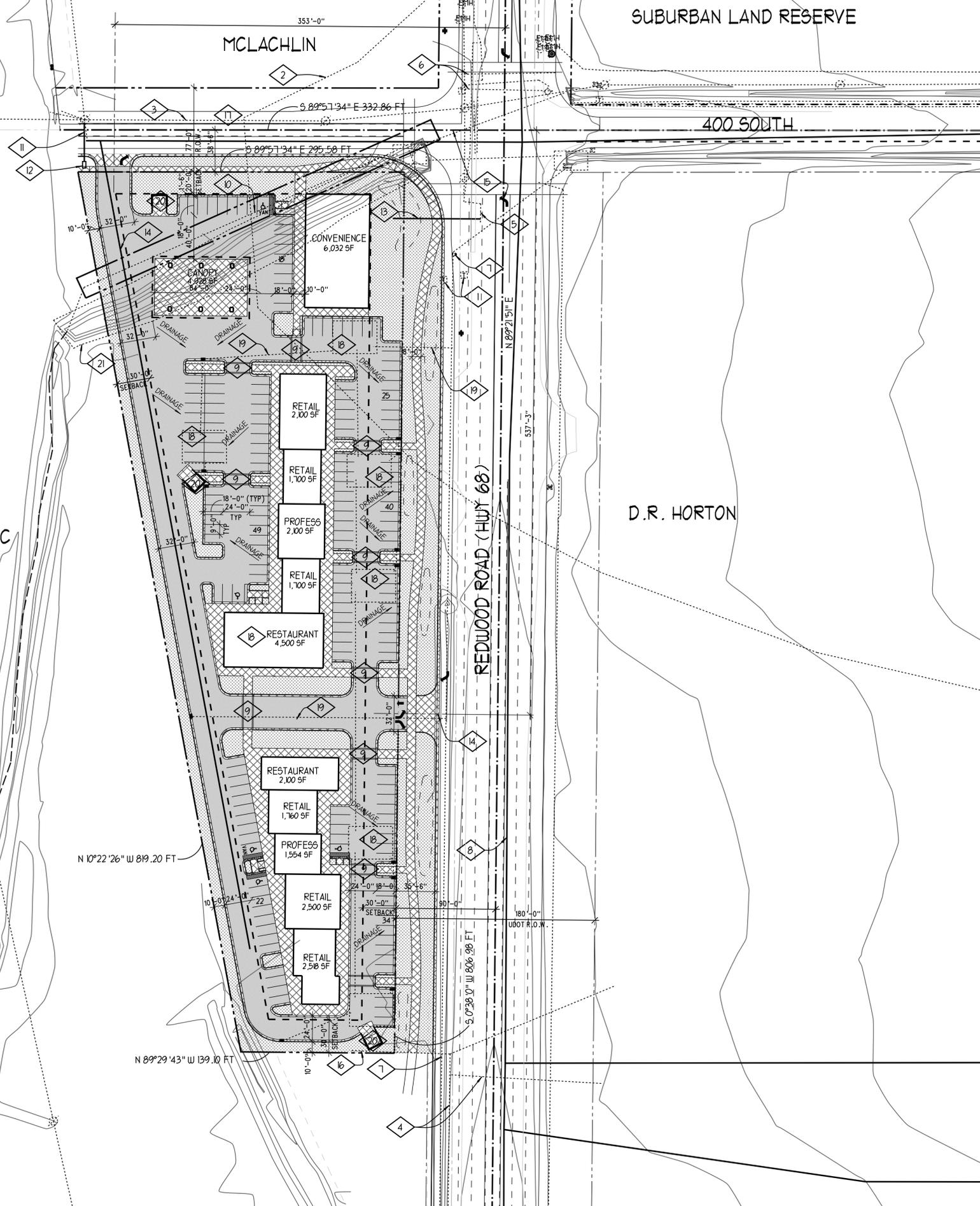
SUBURBAN LAND RESERVE

400 SOUTH

CORP OF PRESIDING BISHOPRIC

D.R. HORTON

REDWOOD ROAD (Hwy 68)



REFERENCE NOTES

- 1 EXISTING TELEPHONE PEDESTAL
- 2 EXISTING FLOOD PLAIN
- 3 EXISTING OVERHEAD POWER
- 4 EXISTING SECONDARY WATER
- 5 EXISTING GAS LINE
- 6 EXISTING COMMUNICATIONS LINE
- 7 EXISTING STORM DRAIN
- 8 EXISTING WATER
- 9 10' PEDESTRIAN WALKWAY
- 10 IRRIGATION EASEMENT
- 11 NEW UNDERGROUND POWER LINE
- 12 NEW TRANSFORMER
- 13 NEW GAS LINE (FINAL LOCATION PER QUESTAR)
- 14 NEW WATER LINE
- 15 ROAD CENTER LINE
- 16 NEW IRRIGATION
- 17 NEW R.O.W. EASEMENT
- 18 UNDERGROUND RETENTION
- 19 NEW STORM DRAIN
- 20 NEW DUMPSTER ENCLOSURE
- 21 SENSITIVE LANDS

LEGEND

	BERMED AREA			
	LANDSCAPING	46,749 SF	1.073 ACRE	23.5%
	CONCRETE PAVING	34,875 SF	0.801 ACRE	17.5%
	ASPHALT PAVING	87,082 SF	1.999 ACRE	43.7%
	BUILDING	29,362 SF	0.702 ACRE	15.3%
	<b>TOTAL</b>	<b>175,217 SF</b>	<b>4.575 ACRE</b>	

LEGAL DESCRIPTION

COMMENCING N 10°23'09" FT 4 W 39.84 FT FROM S 1/4 COR. SEC. 26, T55, RW, SLB411; N 89 DEG 29' 43" W 139.10 FT; N 10 DEG 22' 26" W 819.20 FT; S 89 DEG 51' 34" E 295.58 FT; S 0 DEG 38' 0" W 806.98 FT TO BEG. AREA 4.575 AC

PARKING TABULATION

RETAIL SPACE (4/1000)	12,278 SF	50 STALLS
PROFESSIONAL (4/1000)	3,654 SF	15 STALLS
RESTAURANT (1/100)	6,600 SF	66 STALLS
MARKET (5/1000)	2,520 SF	13 STALLS
CONVENIENCE (5/1000)	6,032 SF	31 STALLS
PARKING PROVIDED		169 STALLS
		183 STALLS

VICINITY MAP



SITE PLAN

1" = 50'-0"



Revisions: XXXXXXXX  
XXXXXX

Date: 21 JAN 2016  
Job No.: 5114  
Drawn: JPLOUZEK

**NMA INNOVATIVE**  
PRACTICAL INNOVATION IN ARCHITECTURE  
46 WEST MAIN, LEHI, UTAH 84043 · 801.768.3820 · FAX 801.768.3824

Project Title  
**COWBOY PROPERTY**  
400 S REDWOOD ROAD  
SARATOGA SPRINGS, UTAH

Sheet Title  
**ARCHITECTURAL**  
**SITE PLAN**

Sheet No.  
**A1.0**

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## APPLICATION REVIEW CHECKLIST

(8/20/2014 Format)

### Application Information

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<b>Date Received:</b>	February 8, 2016 - Resubmittal
<b>Project Name:</b>	Cowboys
<b>Project Request / Type:</b>	Rezone, GPA, Concept Plan
<b>Body:</b>	City Council
<b>Meeting Type:</b>	Public Hearing
<b>Applicant:</b>	Toby Rolfe
<b>Owner (if different):</b>	White Elk Frontier (Toby Rolfe)
<b>Location:</b>	431 South Redwood Road
<b>Major Street Access:</b>	Redwood Road
<b>Parcel Number(s) and size:</b>	58:038:0036 – 4.865392 acres
<b>General Plan Designation:</b>	(PC) Planned Community
<b>Zone:</b>	(A) Agriculture
<b>Adjacent Zoning:</b>	(A) Agriculture (PC) Planned Community
<b>Current Use:</b>	Agricultural
<b>Adjacent Uses:</b>	Agricultural
<b>Previous Meetings:</b>	None
<b>Land Use Authority:</b>	City Council
<b>Future Routing:</b>	City Council
<b>Planner:</b>	Jamie Baron, Planner I

### Section 19.13 – Application Submittal

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- Application Complete: Yes
- Rezone Required: Yes
  - Zone: (RC) Regional Commercial
- General Plan Amendment required: Yes
  - Designation: (RC) Regional Commercial

### Section 19.13.04 – Process

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- DRC:
  - 1/4/16
    - Concept plan shows parking between buildings and street; Design Standards require most parking behind buildings. Review of the Design Standards will be provided with Planning redlines.
    - Missing information on storm drain and other utility issues. See Engineering review.
    - UDOT accesses and spacing may have issues.

- Strip mall appearance.
  - Discussed the general need for the rezone itself; area is “green” and adjacent development patterns unknown due to the City Center District Area Plan entitlements without specific layouts or uses. Unclear how the use will fit with and function with future development. Automobile-oriented commercial may not be desirable in this location and exacerbate Redwood Road traffic issues. At a minimum, a through traffic study will be needed, and an overhaul of the concept plan to fully meet code, comply with UDOT requirements, and mitigate traffic impacts, before Staff could support the rezone.
  - The City owns a large easement on the property.
  - The drainage is in the FEMA Flood Plain.
- Neighborhood Meeting: N/A
  - PC: Scheduled for February 25, 2016.
  - CC: Not currently scheduled.

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### **General Review**

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#### **Fire Department**

- Fire has no issue with rezone.

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### **Code Review**

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- 19.04, Land Use Zones (the Concept Plan has been reviewed with the proposed zoning)
  - Zone: RC
  - Use: Convenience Store, Retail Stores, Professional Office, Restaurants – Permitted Use
  - Setbacks: **Can Comply**. The plan indicates a 20 foot side set back on the north end of the property with all other setbacks as 30 feet.
    - The required setbacks are as follows:
      - Front – 20’
      - Sides – 30’ when adjacent to residential or agricultural zones, 20’ when adjacent to all other zones.
      - Rear – 30’ when adjacent to residential or agricultural zones, 20’ when adjacent to all other zones, 40’ when the rear of a building faces an Arterial or Collector Street.
  - Lot size – Minimum of 20,000 square feet for all uses. **Complies**. The site is a total of 199,287 square feet.
  - Structure Height – Maximum height of 50 feet. Will be reviewed at site plan.
  - Coverage – 50% maximum. **Complies**. The convenience store, fuel canopy, and other buildings equal a total of 33,492 square feet for 16.8% lot coverage.
  - Building size – Minimum of 1,000 square feet above grade. **Complies**. The proposed plan shows a total of 28,564 square feet of buildings.
  - Landscaping:



- Development Standards:
    - Buffering – Will be reviewed with Site Plan.
    - Access – Each roadway shall not be more than 40 feet in width, except as increase by permissible curve return radii; and the entire flare of a return radii shall fall within the right of way. **Complies.** The proposed road ways for access are no more than 27 feet in width.
    - Utilities – Will be reviewed with Site Plan.
    - Grading & drainage – Will be reviewed with Site Plan.
    - Water – Will be reviewed with Site Plan.
    - Irrigation – Will be reviewed with Site Plan.
  - Special Provisions – Will be reviewed with Site Plan.
  - Maps and Drawings Required – Will be reviewed with Site Plan.
  - Bond or DA – Will be reviewed with Site Plan.
  - Consideration in Review – Will be reviewed with Site Plan.
    - Traffic
    - Advertising
    - Landscaping
    - Site layout
    - Storm drainage
    - Water pressure
- 
- 19.18, Signs – No signs proposed, will be reviewed at Site Plan
  - 19.27, Addressing – Addressing shall be required for Final Plat and Site Plan.

**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

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**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 code 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 to 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 City’s 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 lights 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**

- Approved Catalina Bay and Fox Hollow Neighborhood 12

**b. Applications and Approval**

**c. Upcoming Agendas**

- One item-Cowboy requesting Gas Station and Regional Commercial.
- Training from Utah League of Cities and Towns at regular meeting on February 25.
- Training with State Property Ombudsman on March 8<sup>th</sup> 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**

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
Planning Commission Chair  
Kirk Wilkins

\_\_\_\_\_  
Nicolette Fike, Deputy City Recorder