

**City of Saratoga Springs**  
**Planning Commission Meeting**  
**March 24, 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, David Funk, Ken Kilgore, Brandon MacKay, Hayden Williamson

Staff: Sarah Carroll, Kevin Thurman, Kara Knighton, Nicolette Fike, Daniel McRae, Mark Christensen

Others: Johnny Anderson, Larry Watkins, Wyatt Watkins, Sean Fox, Tom Windsler, Brian Dennis, Rob Walker

**Excused:** Troy Cunningham

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

1. **Pledge of Allegiance** - led by Kirk Wilkins

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

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

No input was given.

**Public Input Closed** by Chairman Kirk Wilkins

4. **Public Hearing: Site Plan for Denny's, located at 1516 N. Redwood Rd., Food Service Concepts, Inc. Applicant.**

Kara Knighton presented the Site Plan. The applicant is requesting approval of a Site Plan for a 4,503 sq. ft. sit-down restaurant. This cannot comply with both the Clear sight triangle ordinance and the double row parking ordinance. Item 5, Code amendments will try to clear that up.

Applicants Sean Fox representing the franchise, and Tom Windsler with Food Service Concepts, Inc. were present to answer questions.

**Public Hearing Open** by Chairman Kirk Wilkins

No Comment was given.

**Public Hearing Closed** by Chairman Kirk Wilkins

David Funk asked what they were doing about the clear-site and canopies.

Kara Knighton clarified that the Code changes in next item would be to allow canopies in right-of-way that are not city owned.

David Funk is concerned about the increased traffic and the pedestrian traffic and connecting the sidewalk to the east. He felt if they require things of other applicants they should require the same with this applicant to be fair.

Sandra Steele is concerned about the placement of disabled parking as close as possible to the front door. The outdoor seating makes that difficult and she would like to see that as a condition. She likes the grid concept but doesn't like the yellow outline of the sign. She would like to keep the grid and lighting but take out the yellow design.

Ken Kilgore asked what the issue was with the yellow hexagons being reduced.

Kara Knighton replied the applicant didn't want to reduce the number because it does represent their brand.

Sarah Carroll noted that it was a design recommendation from the Urban Design Committee. They felt there was too many with a cluttered feel.

Ken Kilgore asked the applicants what they normally have on buildings similar to this. He doesn't feel it is a sign, but a decorative feature.

Sean Fox replied it was iconic of the restaurant and they have included in their designs for about two years. People recognize the design as their brand.

Sandra Steele feels it acts a sign.

Hayden Williamson feels that every business that wants to come in have architectural designs on their building that are part of their brand. This could become a big problem for us if we regulate them all as signs. He believes it's more of an architectural design rather than a sign.

Ken Kilgore noted a color scheme could also be part of a brand, could you say that is a sign? The applicants need some sort of decoration on each side and if they can tie it to a brand that is good for them. He clarified that this restaurant would be open 24 hours and commented on lighting code that would need to be reduced at night. Is it ok for the signs to be illuminated 24 hours if the business is open 24 hours?

Kevin Thurman noted if they are concerned they could make a condition that they comply with the code.

Ken Kilgore is concerned that they would have to turn off the signs but if they are open they would want to have their signs on.

Kirk Wilkins referred to the Code that 24 hour businesses would need to turn off 50% of their lighting by 11p.m.

Sandra Steele noted further in the Code that outdoor signs may be illuminated during regular business hours. That should cover that concern.

Kirk Wilkins thought that the shapes were not clutter and fell under architectural code rather than signs. He wanted the applicant's opinion on the accessible parking condition.

Tom Windsler said they would agree with the condition on the accessible parking.

**Motion made by Ken Kilgore to forward a positive recommendation to the City Council for the Denny's Site Plan, located on parcel 66:387:0004 and 66:387:0008 and as shown in the exhibits, with the Findings and Conditions in the Staff Report. Also with the condition that the applicant complies with the ADA restrictions and moves the stalls two over to the west and as close to the front door as possible. Seconded by Sandra Steele. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Brandon MacKay. Motion passed 6 - 0.**

#### **5. Public Hearing: General Code Amendments, City Initiated.**

Kara Knighton presented the current recommendations for changes to the following sections.

19.06 - Landscaping and Fencing - multiple -

- 19.06.03 – Replacing low flow sprinkler heads with water-conserving sprinkler heads.
- 19.06.06 – Clarifying that if a mature tree is preserved the roots shall not be disturbed.
- 19.06.08 – Including ornamental fruit bearing trees in the list of prohibited vegetation in park strips.
- 19.06.11 – Allowing exceptions to the clear sight triangle.

19.09 - Off Street Parking Requirements - Clear sight triangle

- 19.09.08 – Remove the possibility of contradictions by referencing the clear sight triangle section back to 19.06.11.

**Public Hearing Open** by Chairman Kirk Wilkins

No Comment was given.

**Public Hearing Closed** by Chairman Kirk Wilkins

Sandra Steele asked what was meant about the canopy at maturity, before it gets there what is the mechanism that we use.

Kara Knighton noted that normally at maturity it's 4" in diameter and 6' tall. She doesn't see trees that are smaller being an issue.

Sarah Carroll commented that the outcome of their discussion was that the smaller trees wouldn't be an issue.

Mark Christensen noted that most people are installing a smaller caliper and it will take time for them to grow.

The ability to plant them in their park strips was a concession to let them grow their trees and not have to start with big expensive trees.

David Funk had a concern about wording “if at maturity” and how is that defined. They may want to reference to that definition in the code.

Kara Knighton noted that maturity was defined in 19.06. She added a change in 19.06.11 “**maturity as defined in section 19.06.16.**”

Sandra Steele asked how it affected residential areas where people walking on the sidewalk hit branches.

Sarah Carroll said this amendment is addressing the Clear Site Triangle and not the entire right-of-way.

Mark Christensen noted it was a good point Commissioner Steele brought up, they could look at that in the future.

**Motion made by Ken Kilgore that Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendments to Sections [19.08] with the Findings and Conditions in the staff report. Seconded by David Funk.**

Hayden Williamson thought it was sections 19.06 and 19.09.

Ken Kilgore **amended the motion to be sections 19.06 and 19.09.** not 19.08.

Sandra Steele thought we had changed some wording about maturity.

Ken Kilgore amended the motion to say **including the edits made by Planning Commission.**

David Funk accepted all motion amendments.

**Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Brandon MacKay.**  
**Motion passed 6 - 0.**

**6. Public Hearing: Site Plan and Conditional Use Permit for Murphy Express located at 42 E. Commerce Dr. (North of AutoZone), Greenberg Farrow, applicant.**

Sarah Carroll presented the item. The proposal is for an automobile refueling station, consisting of a small building with eight refueling pumps. The application does not include a full convenience store, but only includes limited related retail sales in a ~1200 sq. ft. building. An outdoor ice machine is included. The code requires interconnection between sites to move between without going out to the arterials. But based on the way they have to slope the site they are proposing a retaining wall. Staff has visited the site and noted very little wiggle room as far as changing the grading so instead of a retaining wall staff suggests concrete pavers that marks the location and when the site to the north develops they would have to adjust the grade and modify accordingly. They still request recording the cross access easement. They still have two accesses to the site but showed a turning radius for a tanker to enter, refuel and exit an area where the driveway would be mountable by the trucks. They have suggested stamped concrete which is not accessible so they are recommending that it stays smooth and that the sidewalk taper up along the curb. They could still stamp the concrete that is not part of the pedestrian sidewalk.

Brian Dennis with Greenberg Farrow and Rob Walker with Kirk and McConkie, representing applicants were present to answer questions.

**Public Hearing Open** by Chairman Kirk Wilkins

No Comment was given.

**Public Hearing Closed** by Chairman Kirk Wilkins

Sandra Steele asked if it would be a condition that the sidewalk be accessible.

Sarah Carroll said the final review would be by both planning and engineering. She noted they could add that condition.

Sandra Steele asked the applicants if they would stamp the sidewalk.

Brian Dennis thought it would be problematic; they discussed maybe doing it a different color. It’s difficult to get contractors to understand what to do.

Sandra Steele feels stamped is a maintenance problem, just coloring it sounds better. She is concerned about the turning radius and traffic. She noted condition 9, she doesn’t like “peak traffic periods” and would like to tie it to hours. We have traffic starting quite early here.

Sarah Carroll said because it’s a Conditional Use permit they can require conditions to mitigate that.

Kevin Thurman noted that the Code says if there is any anticipated detrimental impacts by this use then Planning Commission can impose reasonable conditions based on local standards. You have to go to the City Code to find those conditions.

Kirk Wilkins would like to know the applicants thoughts on what hours those would be.

Rob Walker said early morning hours seem better.

Sandra Steele said eventually Commerce drive will be a circular street. The steady stream of traffic on Redwood Road is also her concern.

Ken Kilgore thought most of the traffic on Commerce drive would be during regular business hours.

Rob Walker mentioned that based on other sites they have the 9p.m to 5a.m. they view as off peak hours.

Brian Dennis noted that typically with Murphy stations it's one truck per day.

Hayden Williamson thought they could move the tank around it may help.

Brian Dennis noted the City asked them to move it to where it was now.

Sarah Carroll commented that it was too close to the intersection to meet Engineering Standards.

Brian Dennis noted moving the tank may solve one issue but you still have to get the truck around the canopy.

It would necessitate a complete redesign. At this point this is probably the best compromise of a design.

He said that Murphy is one of the best clients he has had and if they have a complaint it's a matter of calling the head office and they handle it.

Brandon MacKay thought maybe they could split the difference in the time. Between 11p.m. and 5a.m. would be fair.

Sandra Steele would agree to that.

Sarah Carroll said there were other options. You could pick some hours to allow or hours to restrict. The type of traffic they see presently on Commerce drive is two or three cars line up to turn at the light. In the future there will be more commercial development around this site. It's a common occurrence for truck drivers to deal with this type of thing.

Kirk Wilkins asked what hours we were concerned with.

Sandra Steele was concerned about times from 6a.m. to 9p.m. They need to mitigate problems not just for today but for the future. Once they get this permit with any conditions that is what stays and it may become a problem. If they agree to daytime hours and it becomes a problem, it is our problem because we've allowed it.

Hayden Williamson appreciates the concern and thinks we need to look to the future, but having driven trucks before, he would adjust his patterns based on traffic. There will be an aspect of drivers adjusting to traffic for their own convenience. He would be in favor of opening up the window but would be hesitant in blocking off a full day that would cause problems for the vendor.

Mark Christensen commented that the peak hours of traffic are already their peak hours of sales so most likely they won't schedule trucks during those hours anyway. Fundamentally the market will drive when their deliveries will be coming.

Hayden Williamson likes the idea of identifying peak hours instead of limiting allowed times.

Brian Dennis said this isn't something he has discussed with Murphy. To give them the biggest window possible and avoid changing the plans, if they could do from 9pm to 6am feels fair and easy to understand.

Kevin Thurman reminded them that any conditions they make have to be based on City standards. In Section 19.15.05.2 it gives provisions for vehicular access and safety. You would have to reference the Code in the condition.

**Motion made by Hayden Williamson to forward a positive recommendation to the City Council for the Murphy Express Site Plan and Conditional Use Permit located on parcel 66:268:0004 as outlined in Exhibit 3 with the Findings and Conditions in the Staff Report dated March 24, 2016. With the additional condition that the concrete for the sidewalk will not be stamped and that delivery times be limited to 9p.m. to 6a.m. as per Code in 19.15.05.2 and .3. Seconded by Brandon MacKay. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Brandon MacKay. Motion passed 6 - 0.**

A 5 min. break was taken at this time. Meeting resumed at 7:45 p.m.

**7. Work Session: Rezone and Concept Plan for ABC Great Beginnings, located at NW corner of Redwood Road and Aspen Hills Blvd., ABC Great Beginnings Holdings, LLC. (Johnny Anderson) – Applicant.**

Kara Knighton presented the item. The applicant is requesting approval of a Rezone to change the zone of the property from Agriculture to Mixed Use to match the Land Use Plan designation of Mixed Use in the General Plan. The proposal includes 4,200 sq. ft. of future office space, 3,800 sq. ft. for a future restaurant, and two 11,400 sq. ft. buildings each consisting of three stories. The southern building proposes child care on the first floor with the top two floors as residential. The eastern building proposes retail on the first floor with the top two floors as residential. A landscaped fenced play area is proposed on the south end of the child care building. The project proposes 41 apartments on the 3.63 acre lot, at approximately 1,112 sq. ft. per unit. The dwelling size complies with Code.

Johnny Anderson, applicant, was present.

Sandra Steele said her biggest concern was for amenities. There are some balconies but not on every unit and no dimensions. She noted places where when people didn't have somewhere to put things like BBQ's they will chain them up outside. There is no area for play for the apartment tenants.

Johnny Anderson said their intention is to make the childcare play area available to residents with a key code or something in the evenings and weekends.

Sandra Steele said if they don't want to put in the balconies if they could provide a place that had some BBQ's, maybe a covered area, something like that as an amenity. She asked on the landscaping, do parking lot islands count as required space.

Sarah Carroll replied yes, but not in public right-of-way park strips. Because they have frontage on Redwood Road if that stays in their property they get credit for that but the park strip along Aspen Hills is a public right-of-way and does not count.

Sandra Steele asked what was inside the dotted line in the play area.

Johnny Anderson they were asked to draw that in for a possible future drainage area. The whole play area is the entire area south of the building.

Sandra Steele is concerned that leaves no outside space for picnic area for those residents. People there will want a little outdoor space and to take it all up with childcare may be a little excessive.

Johnny Anderson took note and commented they usually put in larger play areas than what was required.

Sandra Steele asked if both buildings would be the same look and materials.

Johnny Anderson replied that they would start in the south but would want the restaurant to go up soon. They would want a similar feel.

Sandra Steele noted they are already short on parking and some spaces would be needed for garbage surround and accessible parking.

Johnny Anderson asked if the .25 shared is a hard rule, the parking needs for child care center are different, the busy times are drop off and pick up times. The rest of the day is nothing but staff parking. He thinks there would be a lot of empty parking spots in there.

Sandra Steele noted that is the maximum allowed in our Code. Sandra is always concerned about shared parking but with apartments above you need some kind of designated parking for those units not shared with the child care center. If several tenants stay at home and can't get the parking spaces they want it will be a problem. She suggests that shared parking not be in residential parking.

Mark Christensen would say preserving business parking would be more important.

Sandra Steele noted if she had to walk from the far end as a resident she would be upset.

Kirk Wilkins commented that anyone renting here would know they didn't have a designated space. He wondered what the target market was.

Johnny Anderson replied that it would be someone that would want to be close to child care, or the school. Hopefully people who don't want to commute and have an office space there.

Mark Christensen noted it's also close to the trail system and Shay Park.

Ken Kilgore asked how we know when we reach the 2% limit of prop 6.

Sarah Carroll responded that the general plan is advisory. We keep track and when we exceed it we have to be considerate when we look at applications. She would recommend that when we do we have good justification to give residents. This area is on our master plan and we put a lot of thought as to what uses

are good in what locations. It's good to see something like this come in. it's something we don't yet offer in the city. The question might be is it beneficial enough in the City to exceed the 2%.

Ken Kilgore agrees these things are good for the city. He is looking ahead to when we have the public hearing that we should have a good argument to explain why this is a good thing.

Sarah Carroll mentioned they may have a good turn out when it comes to a public hearing you can't predict too much in the future but you have to consider it.

Ken Kilgore asked the staff to advise Planning Commission in the future when we exceed the limits.

Sarah Carroll noted they do have a lot of single family coming on in the future.

Kirk Wilkins agreed that it would help to see those numbers.

Ken Kilgore wanted to know why the zoning maps and land use maps don't always equate.

Sarah Carroll noted that the zoning map is what is currently zoned and the Land Use Map is a guide for development. The zoning map is catching up to the Land Use Map.

Mark Christensen mentioned one thing we identified in the budget process is putting money aside to have outside consulting help us update the General Plan which would include an update of the Land Use Map.

Hayden Williamson had a concern with this mixed use that outside our normal distribution of mixed use, he would be more comfortable with this if this was closer to the 30/30/30.

Johnny Anderson asked if it was because residential has lower parking requirements.

Hayden Williamson gave a history of the proposition 6 and noted that if they do this they would be violating the residential referendum.

Johnny Anderson asked if office had a higher parking requirement than residential.

Sarah Carroll responded that residential are based on per unit. Office is per sq. ft. It is a hard rule for the 25%.

Ken Kilgore thought maybe it's something we consider that the ratio be different for the mixed uses.

Johnny Anderson commented that most residents are using the parking during the evening and the businesses use the parking during the day so he wonders if that would allow for some more give in the parking space for the different use times.

Kirk Wilkins feels that's a valid argument.

Sandra Steele felt this was multifamily but they aren't asking for things they usually do for multifamily like open space. Maybe this is something different than multifamily and should be treated differently.

Sarah Carroll noted that as the code is today they could not request more than 25% shared parking. If the Planning Commission had a different recommendation the staff could look into that.

Hayden Williamson requested that staff look into the shared parking as this is an overall benefit to the city. He would like to make it so he could have more retail. Over parking is a problem for the city.

Sandra Steele said we don't want to make exceptions that will affect other developments adversely. Other mixed uses may not have the same mix of business; he has child care that only needs permanent parking for employees.

Mark Christensen commented that if this redevelops sometime in the future it could change to something else and to reduce the parking now could limit redevelopment down the road.

Ken Kilgore feels a lot of parking calculations were for commercial type usage, this is different and the parking usage is different, between residential and commercial maybe, it's something to ask staff to look at. Other places like Regional Commercial and Neighborhood Commercial should maintain the same parking formulas.

Kirk Wilkins noted given this is a legislative decision there is more leeway.

Johnny Anderson asked if anyone knew how close they were beyond the 2%.

Mark Christensen said we could meet with the applicant at another time to discuss this because it is more complex.

David Funk did want to comment that we shouldn't penalize him because of what other people have done and secondly where we are looking for this, have we filled in all the apartment areas and not residential (single family) areas. We shouldn't penalize them because they are building before the single family areas are completed. This is in the appropriate area and if that's what's built up first, of course we've gone over the limit. The 2% is not really an issue at this time.

Johnny Anderson said he is not building 4 buildings at once and if there is more single family coming online it may even out.

Sandra Steele noted one thing that might help residential vs office is to take the second floor and make it office above retail and residential on top floor. She was concerned about showing a storm drain going from the catch basin from the street under the childcare building. We don't allow utilities like that to go under a building.

Johnny Anderson explained the architect missed that and they were aware.

David Funk commented that parking was one of his big concerns. It made no difference if it was childcare or retail, they would have about the same parking either way. So even if they took that off, 0 for child care, it still wouldn't meet parking requirements.

Johnny Anderson noted that is why they are requesting the 25% for shared parking.

Sarah Carroll said they would be able to meet it with the shared parking they are proposing, if they didn't have the parking requirement for childcare as high.

Kara Knighton noted they are still 4% shy which is why they are requesting a reduction in parking.

Johnny Anderson noted a childcare this size in West Valley that has only 20 spaces that is more than sufficient.

Hayden Williamson noted some retail spots we have that are under spaced.

Kara Knighton noted they figured one space for each employee and one spot for every 5 children.

Mark Christensen noted that what if the restaurant is a high demand and needs more parking, which is the problem. It depends on the uses, some are far more intensive. It makes perfect sense in its current use but it could change.

Sandra Steele said if you have retail you could have another restaurant go in that could take up more parking than another retail shop. We have to be careful about reducing parking.

Johnny Anderson asked if they adjust things to accommodate the parking spaces that are in there, would he get support on the 25% reduction.

**8. Approval of Minutes:**  
**a. February 25, 2016**

**Motion made by Hayden Williamson to approve the minutes of February 25, 2016. Seconded by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Brandon MacKay. Motion passed 6 - 0.**

**9. Reports of Action.** – No Reports were needed tonight.

**10. Commission Comments.** – No Commissioner Comments tonight.

**11. Director's Report:**

**a. Council Actions**

- Cowboy rezone was approved

**b. Applications and Approval**

- Notes included in packet.
- Final plat approvals for Hillcrest Building O and Riverbend Townhomes 3A & B

**c. Upcoming Agendas**

- Bicycle and pedestrian master plan and setbacks on other code items.

**d. Other**

Sandra Steele had a note about code enforcement for Legacy Farms signs and she wonders what the status of enforcement on the Legacy Farms trailer is.

Mark Christensen noted they were supposed to be moving the trailer. Kimber Gabryszak spoke with them that they were allowed to keep the trailer on site but a different place than where it is. Kimber has worked with them that they will be allowed to keep it somewhere on site as it held some equipment.

Daniel McRae was introduced to Planning Commission as a new Engineer with the city.

12. Motion to enter into closed session. – No Closed Session was held.

13. Meeting Adjourned at 8:45 p.m. by Chairman Kirk Wilkins

14 April 2016  
Date of Approval

Nicolette Fike  
Nicolette Fike, Deputy City Recorder

Kirk Wilkins  
Planning Commission Chair  
Kirk Wilkins

