

**City of Saratoga Springs  
Planning Commission Meeting  
April 28, 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, Brandon MacKay

Staff: Planning Director-Kimber Gabryszak, Senior Planner-Sarah Carroll, City Attorney-Kevin Thurman, City Manager-Mark Christensen, Planner-Kara Knighton, Planner- Jamie Baron, City Engineer-Gordon Miner, Deputy Recorder-Nicolette Fike,

Others: Stan Steele, Fred Cox, Susan Palmer, Johnny Anderson, Kauun Merrin, Mandi Johnson, Ethan Johnson, Craig Remund, Jennifer Klingonsmith, Pat Costin, Dan Doney, Gabriel Rodriquez, Quinten Klingonsmith, Chris DeStephano, Alissa Shimamoto, Ben Christensen

**Excused:** Commissioners Kirk Wilkins and Brandon MacKay

**Call to Order** - 6:30 p.m. by Vice Chairman David Funk

1. **Pledge of Allegiance** - led by Stan Steele

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

3. **Public Input**

**Public Input Open** by Vice Chairman David Funk

No public input was given.

**Public Input Closed** by Vice Chairman David Funk

4. **Public Hearing: Rezone and Concept Plan, ABC Great Beginnings, located at the NW Corner of Redwood Road and Aspen Hills Blvd., ABC Great Beginnings Holdings, LLC (Johnny Anderson), applicant.**

Fred Cox, architect for the developer, noted that they had reduced the number of residential units to 16 or 31 depending on the concept plans. They added additional balconies on each unit and have a common area for sitting or picnics. They added locations for dumpsters and added additional landscaping. If they reduce residential units the parking requirement doesn't change. He has contacted UDOT. They tried to take into account comments from the Planning Commission and City Council work sessions. While there are other apartments in the city, just none over commercial. There is a demand for child care in the city and sit down restaurants. They would like to propose the two options, 16 and 31 residential units.

Johnny Anderson, applicant, also noted the comments they had received that they have tried to incorporate, like balconies and a common area. There may be enough room in the common area for a small playground for just residents. They are presenting the second option to remove a level of residential to help alleviate concerns from the public.

Kara Knighton indicated that the applicant is requesting the Mixed Use zone for the development consisting of residential, retail, and office space. The zone is consistent with the General Plan. They have the two concept plans with difference in number of residential units. The parking requirement is the same for both and they are asking for a reduction in parking for both.

Kara Knighton noted public comments they had received emails from. From: Jan Memmott that they don't want more high density in the area. Amy and Eric Fugal wanted to say the increase of more high density is a concern for them.

Kimber Gabryszak mentioned that they were forwarded some Facebook threads which she read. Jen KlingonSmith was concerned about more multifamily housing. Aimee Jongejan felt that affordable housing was a good thing. Jan Memmott felt there was too much multifamily housing in their area. Stephanie Thayne Follett felt there was too much high density in the city. Corey Anderson thought it was an ideal project for the area, where it shouldn't be single family and thought it was nice looking and there was a need for multifamily housing and that they didn't cause negative impacts on home values. Jay Wolf did not have a problem with it and didn't think it would bring down values of the homes in the neighborhood.

**Public Hearing Open** by Vice Chairman David Funk

Patrick Costin, liked the start of the tweaks they have made but felt mixed use should be more 1/3-1/3-1/3 use, this is mostly residential. He felt adding to the density goes against resident wishes and that the density of multifamily housing there is very high.

Chris De Stephano was concerned not with the commercial but the high density units. The percentage of high density in that area is high. He feels it will move the school to a title one school. He asked what the current percentage of high density was in the city, and how things were allocated to a master percentage.

Ben Christensen counted the number of parcels north of S.R. 73 and noted the type of units; he calculated there were 43.8% right now which are multifamily not including the additional 6 buildings in Hillcrest not built yet or townhomes now being developed in Sergeant Court. He thinks there is a limit from proposition 6 to 7% in the whole city. He understands this area needs to be developed in some way, but he would encourage a proposal to reduce the number of high density in this area.

Jennifer KlingonSmith thanked the developer for the nice architectural details and how he added the features and was willing to reduce the number of units. She was concerned that there were no garages for these units and she worries that this helps these apartments be more transient in nature. She disagrees with the parking reduction, if the child care ever changed to another business there could be a shortage. She is hoping the open space is not the play area for the child care. It should be counted as open space if it's not accessible to everyone. She hopes the Planning Commission will stand by the intent behind proposition 6. We will exceed the amount of multifamily with the vested rights in the city and can't understand why new developers who are not granted those rights are allowed to rezone. She thinks applicants should know about proposition 6 going into the process. A better fit may be neighborhood commercial.

Alissa Shimamoto commented on the growth in the school district and this will make the problem worse.

**Public Hearing Closed** by Vice Chairman David Funk

Kimber Gabryszak replied to public comment. She commented on the density percentages. It was limited to 27% multifamily housing with proposition 6, which was further broken down into categories. There were some categories left out. They have looked at where the city is today, things that are approved but not recorded and items approved but not broken down into what type they will be. If you look at what is approved, and recorded, we are over. But looking at what is approved but not recorded the ratio gets better. It gets more difficult with other plans that you don't know what types will be. The General Plan has a goal of 27%, the Council determines how to apply that. She replied to rules to disperse the density. There are not rules but good Planning practices. Typically it is better to locate high density along major arterials. This area has been identified as an area where mixed use makes sense. This location and zone is not required to have covered parking. The open space requirement, in this zone is a landscaping requirement, not open space. In this area it is 25%. The childcare area has been looked at. Any property owner has property rights. Utah in particular is also pro-property rights. The state constitution guarantees an owners right to apply and go through a process. Is this case the current zone is agriculture but the Future Land Use map shows it as mixed use. The applicant is here exercising their property rights.

Kevin Thurman noted the Utah Code states that general plans are advisory documents, they are not binding. Proposition 6 made an amendment to an advisory document that was not binding. You also have to consider if proposition 6 meets the affordable housing requirements. Is it debatable that it promotes general welfare which could be a tough decision. The due process rights to the applicant also need to be upheld. Ken Kilgore asked about proposition 6 being in conflict with the affordable housing act and how it

would need to be taken care of. Kimber Gabryszak noted the final determination would be through a court case. We do have a recording requirement that we turn in a report to the state every two years on our affordable housing. They keep track and do a thorough review. As we report again this year we can see where we are but there are some possibilities that it will be a problem down the road.

Sandra Steele believes that there should be open space included and wonders if we are misinterpreting the requirement. She received clarification from Fred Cox that the area just north of this is the canal and nothing could be built north of this proposed development and is another reason why they requested reduced parking. Mr. Cox commented that the applicant normally does just daycare but they designed this proposal to meet the needs of the City's Mixed Use Zone. Sandra Steele asked if it could be required that a certain number of units provided be affordable. Kimber Gabryszak replied that there are ways to do it, but we do not have that implemented in our city.

Sandra Steele could not support the reduction in parking. There are too many instances where parking was not adequate in the City. She believes the placement of the garbage surround in the north is less than ideal. She appreciates the reduction in residential units. She noted that this area has been Master Planned for Mixed use which should have residential, commercial and office. This is probably the first true mixed use we have had. Before we dismiss it we should give it a chance and see how it works. They have made an effort to comply. In some places this type of development works well and some places it doesn't. They have done their best to meet this requirement. She doesn't see how we could say no other than the parking and amenities. Fred Cox notes that there is still enough landscape area even if you don't count the playground. Sandra Steele believes the code implies open space should be required. The one space that was green was the fenced off child care area. She appreciates the plaza put in but it's not green space. She thinks green area is important to wellbeing.

Kimber Gabryszak pulled up the code for mixed use and noted there was no actual open space requirement, but just landscaping requirement. She replied to a question from Ken Kilgore that the division of use is approximately 1/3 of each use.

Fred Cox commented on typical mixed use, the idea of mixed use is to go to the typical main street, office/retail on the first floor, residential above that. Often these types of units tend to go higher cost wise, more loft looking. The mixed use dwellings are treated differently; the retail/amenities are part of the city. They noted they would have a fitness center for residential use. Traditional mixed use doesn't have the parks and things like a condo complex.

Hayden Williamson asked if there was a plan that was more parking heavy. Kimber Gabryszak replied that the parking requirement for office is higher than for residential. If they reduce the number of residential units, ironically, the parking requirement goes up, so they still need the parking reduction. Childcare typically has dropping off child and leaving, needs more staff parking not clients. Residential has more 24 hour parking but fewer overall vehicles. Hayden received clarification of the area that was for playground and detention basin. Also, that tonight we are approving the Rezone, not the plans. He suggested that we could make the Rezone conditional upon Site Plan approval. He is concerned about the parking reduction; he would maybe be amenable to some reduction. He understands the concerns about the green space but the people that would be living there would know what they were doing. He likes the reduction in units and thanked them for making those changes.

Troy Cunningham received clarification from staff that for this zone the allowed equivalent housing units was up to 14, knowing there would also be commercial or office that would be diluting that. He is concerned where the playground is located near a busy intersection. He is concerned also about the parking and cited another area in the city where it was under parked. He commented on parking and potential conflict between business and residents, each would want closest access.

Ken Kilgore commented on the expected number of residents in the City in 25 years (80,000) and knowing that would we have an adequate number of housing to accommodate that number of people. It makes a difference to the types of housing they approved. Staff assured him that we have enough space to house

the growth with a wide variety of products. He commented that we need to balance the interest of the developer with the interests of the public. Proposition 6 reflects the community interest. He wonders if the City Code was updated with something to reflect that. Kimber Gabryszak said typically the interest of the public is the benefit of the public health, welfare, and safety. Kevin Thurman replied that the code was not changed by proposition 6; it only impacted the General Use Plan. The question to ask is if it promotes the general welfare.

Mark Christensen pointed out that the State Legislature changed the law relative to the referendum process that cities are required to indicate what the fiscal impact will be to that decision. We had a concern as staff that it was a significantly difficult decision. Had people lost their vested rights it would have been hundreds of millions of dollars. Just with the one development in question it was around \$3,000,000.00. The State changed it so that a community needs to understand that by taking away those rights there is a significant financial issue that we can't take without due compensation. No one would want to see the tax bill associated with buying density down. The State takes vested rights very seriously.

Ken Kilgore noted about parking stalls next to garbage surrounds that they should be 50% wider. He thanked the applicants for making changes and trying to meet the comments and code. He thinks mixed use is a good thing for the City; all the great cities have mixed use like this, people living in the City Center and participating. He is not concerned about the open space and thinks the landscaping meets the requirement and noted it's important to have affordable housing. His biggest concern is parking, while a childcare center may not need as many it may not always be a childcare center.

Fred Cox commented that this City has a higher requirement for parking for childcare than other cities. If the childcare moved out and office moved in, it would meet that parking requirement. He shared examples from parking at childcare in other areas and a traffic study with staff that showed they were close to the 25% not taking into account that residents living there may use the restaurant or childcare. They do well with residential because half the parking spaces go empty during the day and that is when you need the office parking. We are treating it as harsh as an office. The biggest benefit is that people will go to the restaurant when they are not at work and typically most of the cars disappear from residential during the day. They could change the restaurant to office space which would decrease the parking requirement. They were trying to meet the intent of the mixed use. The buildings are built with a flexibility to change the use easily. The advantage of the 31 units is it frees up more parking spaces that would normally be used at night. The proposition 6, mixed use often times can have higher or lower density. But multifamily has 14-18 units per acre and their second proposal is less than 5 which is less than many single family areas. This is different than multifamily housing.

Ken Kilgore thanked him for doing everything they could to meet City requirements. He commented that our parking requirements may be higher but we still have parking problems in the city. One of the reasons we didn't have restaurants till now is that we didn't have the population.

David Funk thanked the residents for their input. He mentioned to the applicant that they are the first true Mixed Use in the City and they are doing everything they can to make it a good product, but we still have concerns about it. He appreciates what the other commissioners have said. He still has concerns for open space and landscaping. He suggested in some places they use roof tops for gardens and things. He had a concern for the garbage surround on the west that was in a difficult location. He was concerned about parking and thought they could put parking in part of the childcare area on the southwest corner, shortening the playground a little.

Sandra Steele noted from the staff report that the General Plan says "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." Kimber Gabryszak replied that this parcel is not one that has been identified as needing a city park but the Redwood Road trail is identified as an improvement and they are subject to that. Kevin Thurman noted there are times when the General Plan is not just advisory, such as when it involves public streets and public facilities, it is binding in those situations.

**Motion made by Hayden Williamson that based on the findings and conditions I move to forward a positive recommendation to the City Council for the ABC Great Beginnings Rezone with the Findings and Conditions in the Staff Report with an added condition that the rezone be conditional on an approved Site Plan. Second by Ken Kilgore.**

Sandra Steele asked if because it was a legislative decision on the rezone, if we could put something in to require more green space.

Kevin Thurman responded that it could be addressed at a later time in a development agreement. In order to have a development agreement both parties need to get something.

Kimber Gabryszak said they do have a draft development agreement to be provided to the Council.

David Funk received clarification from staff that when the Site Plan comes back we can address further concerns about things such as parking.

Kevin Thurman said the concerns would have to be based on what the Code says, if they comply with all requirements, than it should be approved.

**Aye: Sandra Steele, David Funk, Hayden Williamson, Ken Kilgore. Nay: Troy Cunningham. Motion passed 4-1.**

A 5 min. break was taken at this time. Meeting resumed at 8:30 p.m.

**5. Public Hearing: Preliminary Plat, Western Hills Phases 2 & 3, located approximately 150 W Aspen Hills Blvd., Ridgepoint Management Group, LLC, applicant.**

Jamie Baron presented the plat. This is a request for approval of the Western Hills Phases 2 & 3 Preliminary Plat which consists of 16.025 acres in the R-3 zone and includes 39 lots. Due to the large amount of unimproved open space on the berm, the option for a financial contribution from the developer to the adjacent Shay Park was suggested in lieu of landscaping and amenities for open space area.

Susan Palmer, applicant, appreciated being able to work with staff to move the project forward.

**Public Hearing Open** by Vice Chairman David Funk

No input was given.

**Public Hearing Closed** by Vice Chairman David Funk

Ken Kilgore asked for clarification if a storm drainage easement had been checked. Staff replied it had not.

Troy Cunningham was concerned that the plants being put in the gazebo area may interfere with the safe walking route to the school. Kimber Gabryszak said they would coordinate with Public Works who will also coordinate with the School District. Troy Cunningham received clarification from Susan Palmer that none of the homes would face Aspen Hills.

Hayden Williamson thought it was in compliance with the open space requirement, but maybe not the spirit of the law. Sarah Carroll noted that the trail will be a hard surface trail that the kids can use to get to the school. Kimber Gabryszak also noted the close proximity to Shay Park and the trail along the berm that connects all the way to the park which is just on the other side of the church lot.

David Funk received clarification from staff that the trail is a pressed composite trail; kids could ride bikes on it. He asked about lot 211 that was an odd shaped lot, is there a way that the trail next to it could continue on to the sidewalk on Aspen Hills Blvd. Sarah Carroll replied that they could suggest that to the developer. David Funk asked about the crosswalk on Aspen Hills, he thought it may be good to have one across from the development street. Sarah Carroll replied that there is an existing crosswalk that connects to the canal crossing; they are not intending more crosswalks or signs. Kimber Gabryszak noted it was very difficult to get a canal crossing and this was the best solution they could see to have it match up. David Funk still has a concern in general with people paying in lieu for greenspace because of situations where they paid for it

and it wasn't spent for what it was intended for. Kimber Gabryszak noted in this case the park is being done now. Kevin Thurman noted that now those types of funds are being put in a designated fund.

**Motion made by Ken Kilgore to forward a positive recommendation of the Western Hills Phases 2 & 3 Preliminary Plat to the City Council, as outlined in Exhibit 4, with the Findings and Conditions in the Staff Report dated April 21, 2016. With the additional condition that the sidewalk on lot 211 connects to the street above. Second by Troy Cunningham. Aye: Sandra Steele, David Funk, Hayden Williamson, Ken Kilgore, Troy Cunningham. Motion passed 5 - 0.**

6. **Public Hearing: Updates to the Transportation Master Plan and associated Impact Fee Facilities Plan.**  
Kimber Gabryszak noted that this item needed to be continued.

**Public Hearing Open** by Vice Chairman David Funk

No comment was given.

**Public Hearing Closed** by Vice Chair David Funk.

**Item is continued to a future date.**

7. **Public Hearing: General Code Amendments, Section 19.06 Large Lot Landscaping.**

Kimber Gabryszak reviewed the proposed amendments. The request is to change the code to the following.

19.06 – Amend single-family landscaping standards to address large lots and require all lots over ½ acre to landscape at least ½ acre, and all lots under ½ acre to completely landscape.

**Public Hearing Open** by Vice Chairman David Funk

No public comments were given.

**Public Hearing Closed** by Vice Chairman David Funk

Ken Kilgore noted a previous idea about looking at this as far as impact goes; it would be a shift in emphasis but may be a better argument that way.

Hayden Williamson thinks this is a step in the right direction. He had wanted the 1/3 acres because in his mind 1/3 is where land use changes. Kimber Gabryszak noted that is the reason staff originally chose 1/3 acre, not a lot of developments have parcels over 1/3 acre, however, because of the discussion on water rights and things that is where the ½ acre comes from.

Ken Kilgore noted as an example that his lot is ½ acre but because of the house footprint and large driveway what he has to landscape is less.

**Motion made by Hayden Williamson to forward a positive recommendation to the City Council for the proposed amendments to Section 19.06 with the Findings and Conditions in the Staff report. Second by Troy Cunningham. Aye: Sandra Steele, David Funk, Hayden Williamson, Ken Kilgore, Troy Cunningham. Motion passed 5 - 0.**

8. **Work Session: Discussion of Code and Vision.**

Kimber Gabryszak noted there would be several code sessions coming up.

9. **Approval of Minutes:**

a. April 14<sup>th</sup>, 2016

**Motion made by Hayden Williamson to approve the minutes of April 14<sup>th</sup>, 2016. Seconded by Ken Kilgore. Aye: Sandra Steele, David Funk, Hayden Williamson, Ken Kilgore, Troy Cunningham. Motion passed 5 - 0.**

10. **Reports of Action.** No reports tonight.

11. **Commission Comments.**

Sandra Steele noted that commissioners should visit Shay Park. She asked if they could get the transportation plan in paper format.

12. **Director's Report:**

a. **Council Actions**

b. **Applications and Approval**

- o Quite a few applications. Wildflower did submit their first plans.

c. **Upcoming Agendas**

- o Work sessions on accessory dwelling units and setbacks and backyard landscaping.
- o CUP for cell tower and have bicycle study revised for then.

d. **Other**

13. **Motion to enter into closed session.** – No need for closed session.

14. **Meeting Adjourned at 9:08 p.m. by Vice Chairman David Funk**

May 12- 2016  
Date of Approval

Nicollette Fike  
Nicollette Fike, Deputy City Recorder



Kirk Wilkins  
Planning Commission Chair  
Kirk Wilkins