



## Planning Commission Meeting

Thursday, May 26, 2016

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

### AGENDA

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

1. Pledge of Allegiance.
2. Roll Call.
3. 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.
4. Public Hearing: Rezone from Agriculture to R-4 and Concept Plan for Mountain View Estates II, located approximately 700 West 400 North, Brian Sudweeks, applicant. – Presented by Jamie Baron.
5. Work Session: Mixed Waterfront Code Amendments – Presented by Kara Knighton.
6. Work Session: Discussion of Code and Vision. Presented by Kimber Gabryszak.
7. Approval of Minutes:
  - a. May 12, 2016.
8. Reports of Action
9. Commission Comments
10. Director's Report:
  - a. Council Actions
  - b. Applications and Approval
  - c. Upcoming Agendas
  - d. Other
11. 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.
12. Adjourn.

**PLEASE NOTE: The order of items may be subject to change with the order of the planning commission chair. One or more members of the Commission may participate electronically via video or telephonic conferencing in this meeting.**

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, Concept Plan  
Mountain View Estates II  
Thursday May 26, 2016  
Public Hearing**

Report Date:	Thursday, May 19, 2016
Applicant:	Brian Sudweeks
Owner:	Sudweeks Construction
Location:	~700 West 400 North
Major Street Access:	400 North
Parcel Number(s) & Size:	34:504:0002, 6.287 acres
Parcel Zoning:	Agricultural
Adjacent Zoning:	Low Density Residential, Agricultural
Current Use of Parcel:	Agriculture, undeveloped
Adjacent Uses:	Single family residential, elementary school, agricultural
Previous Meetings:	Meetings held by PC and CC in 2011 for a minor subdivision
Previous Approvals:	Minor Subdivision for "Alpine School District – West Saratoga Springs" approved by CC on 7/5/11
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 from Agricultural (A) to Low Density Residential (R-4) of 6.287 acres of property located at approximately 700 West 400 North. A concept plan is also attached for review and feedback.

**Recommendation:**

**Staff recommends that the Planning Commission conduct a public hearing, 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:** The property is currently zoned agricultural and was recently purchased by the applicant from the Alpine School District. The City intends to purchase property between the proposed lots and the canal for a secondary irrigation pond. The R-3 zone was discussed; however, the City would like to purchase property between the proposed lots and the canal in order to construct a secondary irrigation pond. If the applicant increases the lots to 10,000 square feet there will not be adequate space for the desired pond. The minimum proposed lot size is 9,000 square feet which is permitted in the R-4 zone. Lots of this size exist in the nearby Talus Ridge and Summer Village developments.
- C. Specific Request:** The applicant is requesting a rezone from A to R-4 in order to improve single lots in this location, and is requesting informal feedback on the proposed concept plan.

**D. Process:**

**Rezone**

Section 19.17.03 outlines the process for rezones. After receiving a formal recommendation from the Planning Commission, the City Council is the Land Use Authority for Rezones. Both the Planning Commission and City Council reviews require 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. No public hearing is required and no recommendation or action is made on the Concept Plan.

- E. Community Review:** The Rezone 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 subject property for Low Density Residential use. 19.04.14 states “The purpose of the Low Density (R-4) Land Use Zone is to allow for the establishment of single family neighborhoods on medium-sized lots that are characteristic of traditional suburban residential neighborhoods. Residential densities in this zone are limited to minimum lot size requirements and shall not exceed four ERUs per acre.”

The General Plan describes states “The Low Density Residential designation is designed to provide areas for residential subdivisions with an overall density of 1 to 4 units per acre. This area is characterized by neighborhoods with streets designed to the City’s urban standards,

single-family detached dwellings and open spaces.” The General Plan also states “The Low Density Residential designation is expected to be the City’s most prevalent land-use designation. In this land use designation, it is estimated that a typical acre of land may contain 3 dwelling units.”

**Staff conclusion:** *Consistent. The proposed development includes 6.287 acres and proposes 9 lots, which equates to 1.43 units per acre which is consistent with the general plan.*

**G. Code Criteria:**

**Rezoning is 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**

**19.17, 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:*** *the proposed rezone is consistent with the General Plan as described in Section “F” of this report.*

- 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 proposed change does not exceed the density proposed within the general plan as outlined in Section “F” of this report.*
2. *The proposed rezone will not adversely affect the health, safety, convenience, morals, or general welfare of the public, as the requested density is consistent with the General Plan and lots of similar size are located in nearby developments.*
3. *The proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City by allowing a zone and density that is consistent with the General Plan.*
4. *The proposed rezone is consistent with the land use designation within the General Plan and will allow 9 lots to be developed in this location.*

### **Concept Plans**

The Concept Plan was reviewed by the DRC three times and the resulting plan is the best layout that will accommodate nine lots that are 9,000 square feet and larger and will also allow the needed size for the future City-owned irrigation pond.

The attached checklist includes a review of the proposed concept plan. The plan will be short on open space and the applicant has suggested payment in lieu of open space. The proposed open space will include a trail to the school, which already exists, and a detention basin. They are in close proximity to Neptune Park. Payment in lieu of open space proposals are subject to requirements in Section 19.13.10.

### **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 proposed rezone from A to R-4 for property located at approximately 700 West 400 North, based on the findings and conditions listed below:”

#### **Findings**

1. The application is consistent with the General Plan, as articulated in Section “F” of the staff report, which section is incorporated by reference herein.
2. The application can comply with the criteria in section 19.04 of the Land Development Code, as articulated in Section “G” 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. Any other conditions or changes as articulated by the Planning Commission:

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**Option 2 – Continuance**

The Planning Commission may also choose to continue the item. “I move to **continue** the rezone and concept plan to another meeting on [DATE], 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 proposed rezone with the Findings below:

1. The Rezone is not consistent with the General Plan, as articulated by the Planning Commission:  
\_\_\_\_\_, and/or,
2. The Rezone is not consistent with Section [19.04] of the Code, as articulated by the Planning Commission:  
\_\_\_\_\_.

**I. Attachments:**

- |                              |               |
|------------------------------|---------------|
| 1. City Engineer’s Report    | (pages 6-7)   |
| 2. Location and Zone Map     | (page 8)      |
| 3. Land Use Map              | (page 9)      |
| 4. Concept Plan              | (page 10)     |
| 5. Planning Review Checklist | (pages 11-13) |

# City Council Staff Report

**Author:** Gordon Miner, City Engineer  
**Subject:** Mountain View Estates II – Concept Plan  
**Date:** May 19, 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:* Sudweeks Construction  
*Request:* Concept Plan  
*Location:* 400 N 700 W  
*Acreage:* 6.291 acres -9 lots

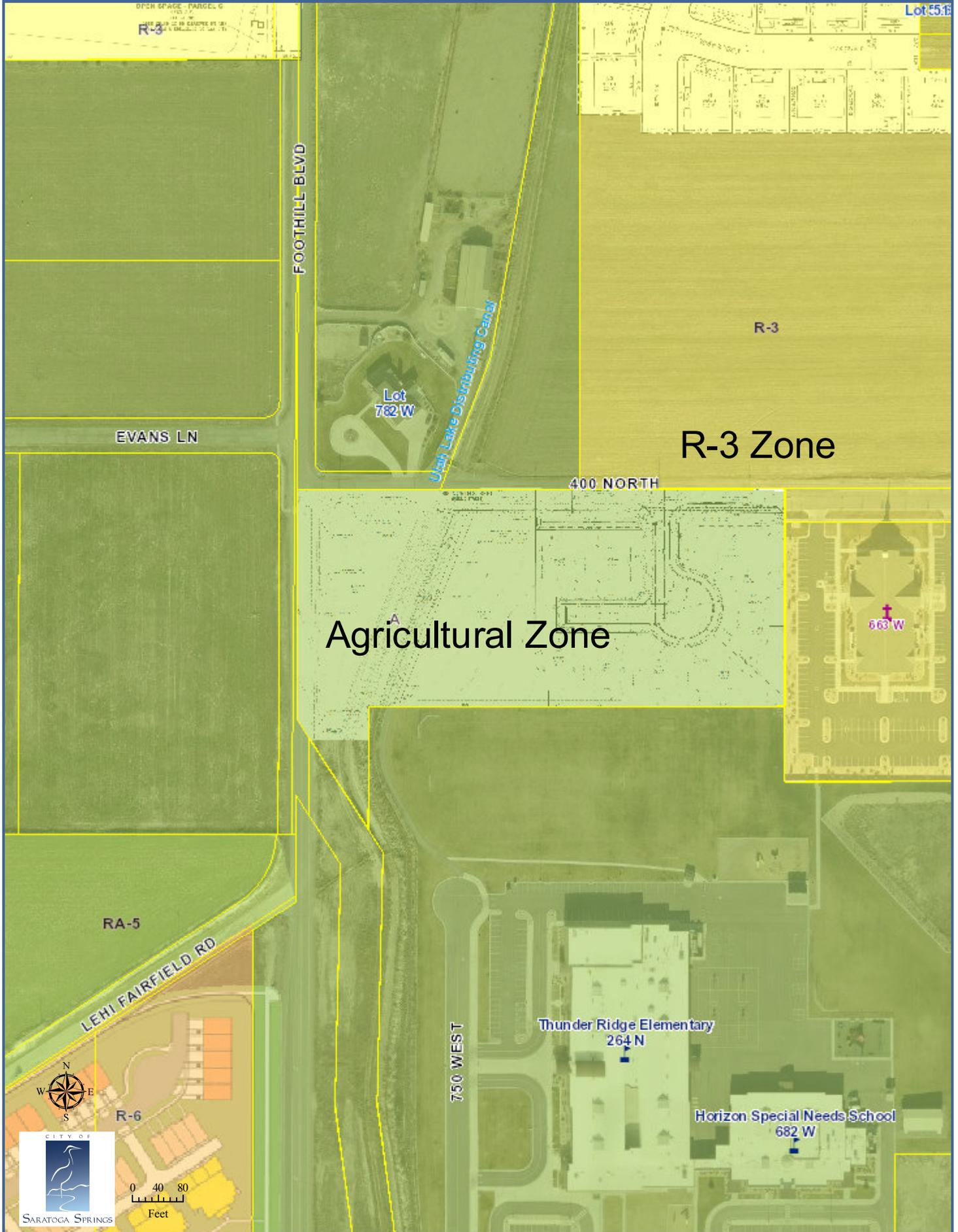
**C. Recommendation:** Staff recommends the applicant address and incorporate the following items for consideration into the development of their project and construction drawings.

## D. Proposed Items for Consideration:

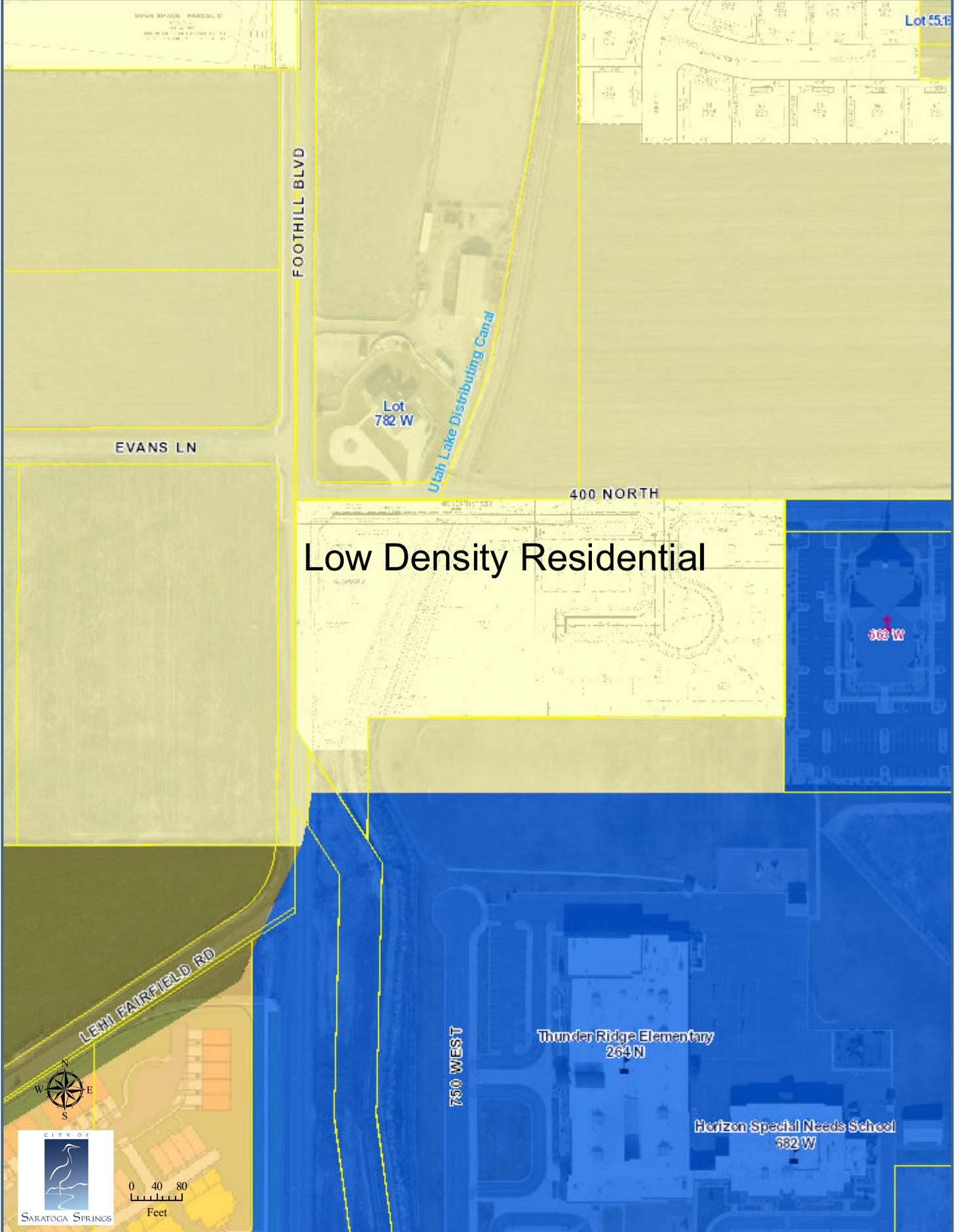
- A. Prepare construction drawings as outlined in the City's standards and specifications and receive approval from the City Engineer on those drawings prior to receiving Final approval from the City Council.
- B. Consider and accommodate existing utilities, drainage systems, detention systems, and water 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. 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.

- F. Developer shall meet all applicable city ordinances and engineering conditions and requirements in the preparation of the Construction Drawings.
- G. Project bonding must be completed as approved by the City Engineer prior to recordation of plats.
- H. All review comments and redlines provided by the City Engineer are to be complied with and implemented into the construction drawings.
- I. All work to conform to the City of Saratoga Springs Standard Technical Specifications, most recent edition.
- J. Developer shall prepare and record easements to the City for all public utilities not located in a public right-of-way.
- K. 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.
- L. Concept review does not guarantee Lot yield.

# Mtn View II Location and Zone Map



# Mtn View II Land Use Map



**811**  
CALL BLUESTAKES  
@ 811 AT LEAST 48 HOURS  
PRIOR TO THE  
COMMENCEMENT OF ANY  
CONSTRUCTION.  
Call before you dig.

**BENCHMARK**  
SOUTHEAST CORNER OF SECTION 22  
TOWNSHIP 5 SOUTH, RANGE 1 WEST  
SALT LAKE BASE & MERIDIAN  
ELEVATION = 4567.66

**BOUNDARY DESCRIPTION**  
All of Lot 5B of the Alpine School District - West Saratoga Springs (Minor Subdivision), more particularly described as follows:  
A parcel of land situated in the Southeast Quarter of Section 22, Township 5 South, Range 1 West, Salt Lake Base and Meridian, said parcel being more particularly described as follows:  
Beginning at the Center of Section 22, Township 5 South, Range 1 West, Salt Lake Base and Meridian; and running  
thence North 89°54'07" East 765.89 feet along the section line;  
thence South 00°01'18" West 342.00 feet;  
thence South 89°54'07" West 653.90 feet;  
thence South 00°11'10" West 191.97 feet;  
thence North 33°00'00" West 206.72 feet;  
thence North 00°12'57" East 360.40 feet to the point of beginning.

Contains 274,031 Square Feet or 6.291 Acres

**STORM DRAIN DETENTION**

PROJECT TITLE: Mountain View Estates Phase 2 PROJECT NUMBER: 6842  
LOCATION: Saratoga Springs, Utah DATE: 04/27/16  
DESIGNED BY: Brian Sudweeks CHECKED BY: R. Elder APPROVED BY: R. Elder  
SHEET: 1 OF 1

**AREA CALCULATION**

HARDSCAPE AREA	0.59 acres	runoff coeff. C:	0.96
ROOF	0.30		0.81
LANDSCAPE/NATIVE AREA	0.68 acres	runoff coeff. C:	0.35
TOTAL AREA	1.57 acres	WEIGHTED C:	0.67

**Runoff and front Half of Lots**

**RUNOFF CALCULATION**

100 Year Design Storm Allowable Runoff: 0.2 cfs/ac  
Total allowable runoff (0.2\*2.885): 0.577 cfs

Time (min)	CA (Acres)	Precipitation (in/hr)	Time (sec)	Cumulative Runoff (ft <sup>3</sup> )	Allowed Runoff (ft <sup>3</sup> )	Storage (ft <sup>3</sup> )
5	1.04	6.04	300	1,893	173	1,720
15	1.04	3.80	900	3,573	519	3,054
30	1.04	2.56	1,800	4,814	1,039	3,776
60	1.04	1.58	3,600	5,942	2,077	3,865
120	1.04	0.85	7,200	6,409	4,154	2,255
180	1.04	0.57	10,800	6,420	6,231	189
360	1.04	0.30	21,600	6,815	12,462	0
720	1.04	0.17	43,200	7,492	24,924	0
1440	1.04	0.09	86,400	7,783	49,849	0

STORAGE REQUIRED: 3,865  
STORAGE PROVIDED: 4,172

**WHOLE SITE LAND USE TABLE**

TOTAL AREA	= 274,031 SF	6.291 AC	100.00%
PUMP STATION PARCEL B	= 50,366 SF	1,156 AC	18.38%
400 NORTH DEDICATION	= 29,889 SF	0.677 AC	10.76%
PARCEL C	= 68,288 SF	1,568 AC	24.92%
TRAIL PARCEL	= 6,944 SF	0.159 AC	2.53%
SUBDIVISION AREA	= 118,944 SF	2.731 AC	43.41%

**LAND USE TABLE**

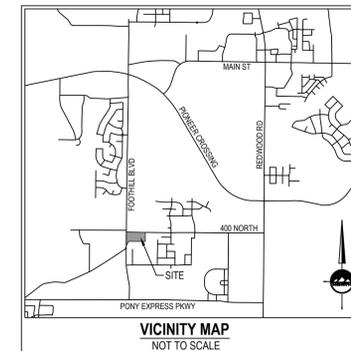
LOT AREA	= 88,604 SF	2,034 AC	32.33%
PUBLIC ROADWAY	= 55,444 SF	1,273 AC	20.23%
PUMP STATION PARCEL	= 50,366 SF	1,156 AC	18.38%
PARCEL C	= 68,288 SF	1,568 AC	24.92%
OPEN SPACE/TRAIL	= 11,328 SF	0.260 AC	4.13%
TOTAL AREA	= 274,031 SF	6.291 AC	100.00%

MINIMUM LOTS SIZE = 9,000 SQ. FT.  
AVERAGE LOT SIZE = 9,845 SQ. FT.  
TOTAL NUMBER OF LOTS = 9  
DENSITY = 3.3 UNITS / ACRE

OPEN SPACE/TRAIL = 4.13%

**CURVE TABLE**

CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	15.00'	23.53'	89°52'49"	S44°57'43"W	21.19'
C3	15.00'	21.91'	83°42'12"	S41°49'48"E	20.02'
C4	62.50'	84.31'	77°17'27"	N45°02'10"W	78.06'
C5	62.50'	52.00'	47°40'24"	N17°26'45"E	50.52'
C6	62.50'	48.78'	44°43'19"	N63°38'37"E	47.56'
C7	62.50'	54.54'	49°59'59"	S68°59'44"E	52.83'
C8	15.00'	12.04'	45°58'58"	N66°59'13"W	11.72'
C9	15.00'	23.59'	90°07'11"	N45°02'18"W	21.24'
C10	15.00'	23.56'	90°00'01"	N45°01'18"E	21.21'



**ENSIGN**  
THE STANDARD IN ENGINEERING

SALT LAKE CITY  
45 W. 10000 S., Suite 500  
Sandy, UT 84070  
Phone: 801.255.0529

LAYTON  
Phone: 801.547.1100

TOOELE  
Phone: 435.843.3590

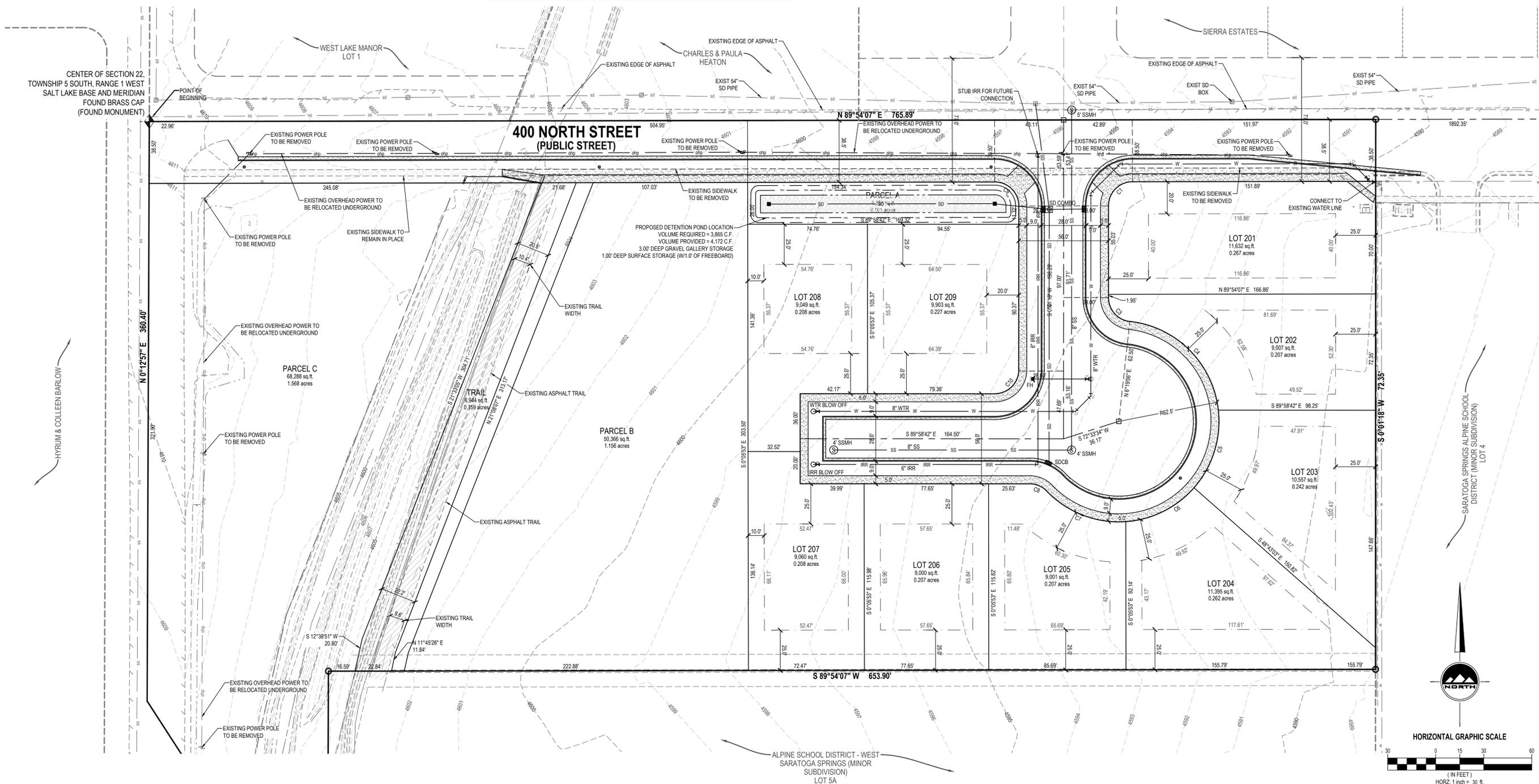
CEDAR CITY  
Phone: 435.865.1453

RICHFIELD  
Phone: 435.896.2983

WWW.ENSIGNENG.COM

FOR:  
SUDWECKS CONSTRUCTION  
9137 MONROE STREET, SUITE B  
SANDY, UTAH 84070

CONTACT:  
BRIAN SUDWECKS  
PHONE: 801-588-7930



**MOUNTAIN VIEW ESTATES  
PHASE 2  
11500 WEST 400 NORTH  
SARATOGA SPRINGS, UTAH**

**CONCEPT PLAN**

PROJECT NUMBER: 6842 PRINT DATE: 4/28/16  
DRAWN BY: R. FORD CHECKED BY: R. ELDER  
PROJECT MANAGER: R. ELDER

**EX-100**

## **APPLICATION REVIEW CHECKLIST**

(8/20/2014 Format)

### **Application Information**

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<b>Date Received:</b>	April 28, 2016 (Resubmittal)
<b>Project Name:</b>	Mountain View Estates II
<b>Project Request / Type:</b>	Rezone and Concept
<b>Body:</b>	City Council
<b>Meeting Type:</b>	Public Hearing
<b>Applicant:</b>	Brian Sudweeks
<b>Owner (if different):</b>	Brian Sudweeks
<b>Location:</b>	700 W 400 N
<b>Major Street Access:</b>	400 N
<b>Parcel Number(s) and size:</b>	34:504:0002 – 6.29 acres
<b>General Plan Designation:</b>	Low Density Residential
<b>Zone:</b>	Agriculture
<b>Adjacent Zoning:</b>	Agriculture, R-3
<b>Current Use:</b>	Vacant
<b>Adjacent Uses:</b>	Vacant, Church, School
<b>Previous Meetings:</b>	None on this application
<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: R-4
- General Plan Amendment required: No
- Additional Related Application(s) required: None

### **Section 19.13.04 – Process**

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- DRC:
  - 3.14.16 – Comments: Discussion over the requirement of not leaving a remnant parcel and how to get the power lines buried.
  - Remove the chain link fencing on the west side of the trail and replace with wrought iron fencing, which will count toward the open space improvements. 15' for open space and then the City will purchase the rest.
- UDC: dates/comments

- Neighborhood Meeting: if required dates/comments
- PC: Scheduled for May 26, 2016
- CC: Tentatively scheduled for June 21, 2016

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## General Review

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### Building Department

- Setback detail
- Lot numbering
- True buildable space on lots
- Lot slope and need for cuts and fills
- Comments

### Fire Department

- Width adequate for engine, minimum of 24 feet
- Turnarounds on cul-de-sacs and dead-ends more than 150' in length
- Fire hydrant locations, maximum separation of 500 feet

### GIS / Addressing

- comments

### Additional Recommendations:

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## Code Review

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- 19.04, Land Use Zones (Compared to the proposed Zone)
  - Zone: R-4 – Low Density Residential
  - Use: Permitted – Single Family Residential
  - Setbacks: The required setbacks are as follows: **Can Comply**. The setbacks are labeled the same as the requirements, except for the interior side which is 10'.
    - Front 25'
    - Rear 20'
    - Interior Side 8' minimum/16' combined
    - Street Side 20'
  - Lot :
    - Size – 9,000 square foot minimum. **Complies**. All lots are 9,000 square feet or larger.
    - Width – 70 feet minimum at the front setback. **Complies**. All lots are 70 feet or wider at the front setback.
    - Coverage – 50% maximum. To be determined at time of building permit.
  - Dwelling/Building size – 1,250 square feet minimum. – To be determined at time of building permit.
  - Height – 35' maximum. To be determined at time of building permit.

- Open Space – 15% minimum. **Can Comply.** The concept plan includes a Trail Parcel of 0.159 acres , a detention basin, and which accounts for 4.13% of open space. The applicant is suggesting payment in lieu of open space.
  - Sensitive Lands – All sensitive lands shall be placed in protected open space and may not account for more than 50% of the required open space. **Can Comply.** There is a canal and easement that runs through the property. This needs to be identified as sensitive lands in open space calculations on the Preliminary Plat. The detention basin is also considered sensitive land.
  - Trash – Each lot will have an individual bin.
- 19.05, Supplemental Regulations
    - Flood Plain – The property is not located within the Flood Plain.
    - Water & sewage – Will connect to City infrastructure.
    - Transportation Master Plan – The west portion of the lot is being protected as future Mountain View Corridor Right of Way.
    - Property access – All lots will have access to public streets.
- 19.06, Landscaping and Fencing – A fencing and landscape plan will be required for Preliminary and Final Plat.
- 19.09, Off Street Parking – Each residence shall have a 20’ deep driveway and garage able to store 2 cars.
- 19.12, Subdivisions
    - Subdivision Layout
      - Maximum Block Length of 1,000 feet. A pedestrian walkway is required if over 800 feet. **Complies.** The longest street is 198.28 feet in length.
      - A second access is required after 50 units. **Complies.** The plan only has 9 lots.
    - Lot design
      - Corner lots shall be 10% larger than the required minimum lot size. **Complies.** The two corner lots are 10% larger than the required lot size.
      - No remnant parcels shall be created. – **Complies.** The concept plan does not leave any remnant parcels.
      - No double access lots, except for corner lots. **Complies.** There are no double access lots other than the 2 corner lots.
- Section 19.13, Process
    - Land Use Authority – The Land Use Authority for Rezones and General Plan Amendments is the City Council.



CITY OF  
SARATOGA SPRINGS

## Planning Commission Staff Report

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### Mixed Waterfront Zone Overhaul Thursday, May 26, 2016 Public Meeting (WS)

Report Date:	Thursday, May 19, 2016
Previous Meetings:	PC PH (8/27/2015) CC PH (10/6/2015) CC WS (11/17/2015) PC WS (2/11/2016) CC WS (2/16/2016)
Land Use Authority:	City Council
Author:	Kara Knighton, Planner I

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#### A. **Executive Summary:**

The Mixed Waterfront zone is intended to create a vibrant community by allowing for a wide range of land uses to take full advantage of the scenic and recreational opportunities of the waterways surrounding Saratoga Springs.

While the Mixed Waterfront zone provides general guidelines and standards for development, as currently written the zone fails to place adequate requirements to protect the environment and wildlife, while not sufficiently incentivizing the type of development that will encourage and provide public interaction with the waterfront. As Saratoga Springs continues to grow, the City must be more proactive in protecting its resources including recreational opportunities for the residents and the general public.

#### B. **Background:**

The Mixed Lakeshore Land Use Designation was created in 2005, and the Mixed Lakeshore (ML) Zone in 2013.

Since its adoption, the ML zone has not been utilized anywhere in the City, with developers choosing instead to pursue low density residential development. The zone has the potential to be an amenity to the City and its residents as it highlights the natural resources the area has to offer; it is not an amenity the City can afford to lose.

In the General Plan the goal of the Mixed Lakeshore is to “accommodate a wide range of land-uses so long as those land-uses are combined and arranged to create destination oriented developments that take full advantage of the scenic and recreational opportunities . . .” To further these goals, and to create guidelines for development along the Jordan River in addition to Utah Lake, in 2015 the name was changed to Mixed Waterfront (MW).

During this process, staff was encouraged to contact other municipalities that abut a river and/or lake, especially those that have experienced success through their regulations.

Through research and discussion, staff identified several cities throughout Idaho, Oregon, and Washington to visit. In each city, staff met with city officials and staff members to discuss where they started, how the trails and amenities developed, and what has worked-not worked along their various waterways. Among the cities visited Boise, Spokane, Coeur d’Alene, and Richland were of greatest interest and value. Boise was chosen due to its proximity to the Boise River. Richland is bordered by the Columbia River to the east and the Yakima River to the West offering development scenarios for both large and small scale bodies of water. The Spokane River runs through the heart of Spokane offering various types of development from commercial to residential. The Spokane River also runs along the southwest part of Coeur d’Alene until it empties into Lake Coeur d’Alene at the southern end of the City, similar to Saratoga Springs’ situation.

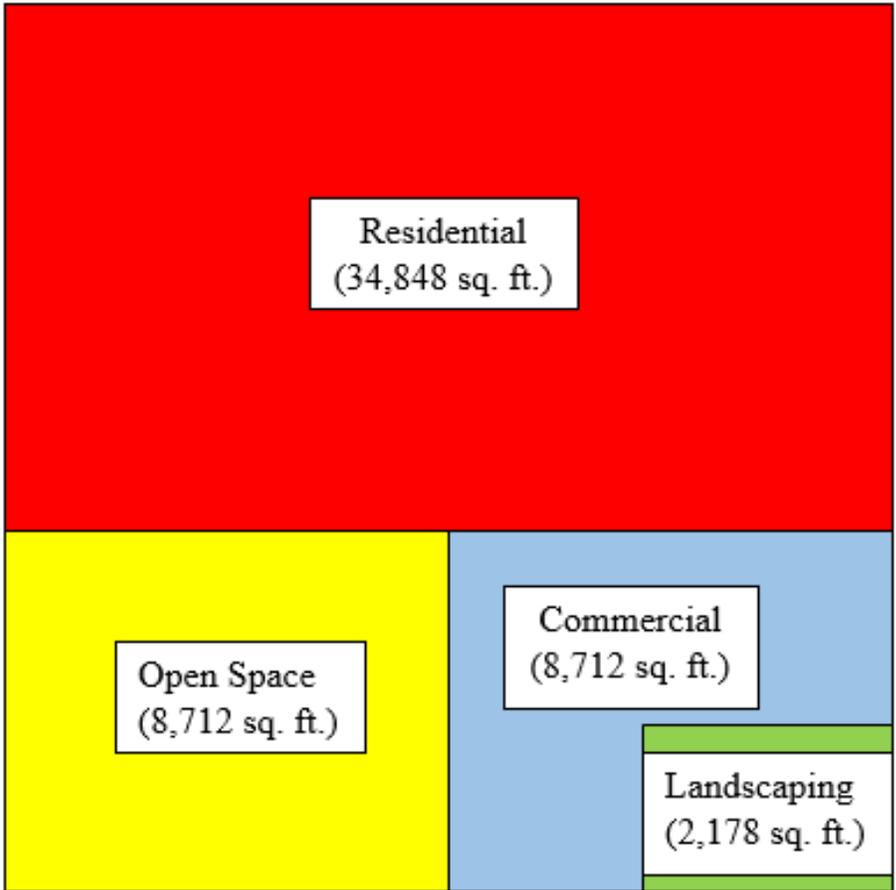
Following that trip staff presented their findings to the City Council on November 17, 2015 with several key takeaways for a successful waterfront, including the following:

1. Involve multiple key agencies with a shared goal.
2. Involve a biologist
3. Preserve continuous swatches of land
4. Preserve vegetation
5. Ensure permeable building orientation
6. Ensure access to the waterway
7. Include un-programmed space
8. Provide wider trails
9. View trails as an asset
10. Consider first floor parking and other creative solutions
11. Know that historically it is possible to undo what has been done wrong(e.g. canal turned back into a river)

Minutes from the November 17, 2015 Council meeting are attached. Following that meeting staff reviewed each visited City’s code and identified key aspects that should be considered when addressing the two waterfronts in Saratoga Springs. These items were presented in work sessions to the Planning Commission on February 11, 2016 and the City Council on February 16, 2016. Minutes from those meetings are attached. Since that time staff has been researching and rewriting the MW zone.

**C. Mixed Waterfront Zone Proposal**

As currently written the MW zone has a minimum lot size of one acre (43,560 sq. ft.) with a land area mix of 80% residential and 20% commercial. While the goal is understandable, in practice these requirements do not always function. For example when applied to a one acre development and combined with open space and landscaping requirements, the following square footages will be applied to each category:



There are several potential issues with this breakdown. First, it may be difficult to determine the land area if the residential and commercial are intermixed in any way. Next, this results in a lack of flexibility, requiring more open space and landscaping than any other zone including the R-18, and leaves only a small amount of square footage (8712 – 2178 = 6,534) for commercial developments such as ice cream parlors, book stores, and other permitted uses. Most of these uses will require more square footage.

Staff recommends that the percentages be removed to allow additional commercial square footage in smaller developments as appropriate.

The MW zone has a primary goal of encouraging greater access to and use of the waterfront. To achieve this goal, staff proposes placing increased density and intensity of uses near the water’s edge and decreasing the density and intensity as development moves farther away from the water’s edge. This, in combination with a 25% open space requirement for all portions of a project instead of only for the residential project area, will ensure the critical mass to create a vibrant waterfront while also maintaining animal habitats and riparian vegetation to the greatest extent possible.

Overview of additional proposed amendments:

- Several proposed changes were made to match the proposed amendments to other subsections in 19.04.

- The 80%/20% residential/commercial requirement was removed.
- Setbacks specific to multifamily and other development including mixed use and commercial were added for greater clarity.
- Multiple development standard sections were added to mitigate impacts of development.
- Open space has some proposed amendments including requiring 25% for the overall project area with 10% of that 25% to be specifically applied to the residential areas.

The details of the MW zone overhaul can be found in Exhibit 1.

#### **D. Mixed Waterfront Format Proposal**

The rewriting of the MW zone has coincided with the update of Section 19.04 (Establishment of Land Use Zones). In the process of rewriting the MW zone and Section 19.04 as a whole staff realized that the Section was not only becoming long and repetitive, but several regulations proposed for the MW zone could potentially benefit other zones.

In order to avoid repetition and inconsistencies between subsections and the chart in 19.04, staff recommends that all setbacks and other number oriented items be placed in an updated chart within 19.04, and that all corresponding text in relation to development standards and design be placed in a new section of code. This new section of code would incorporate the current design standards for commercial developments and add new standards for multi-family, mixed use, and mixed waterfront developments. Staffs goal in proposing this new section is to achieve greater transparency and readability for both developers and the general public.

As the format of the MW zone may be greatly altered the attached code amendments are proposed for concept review and analysis.

#### **E. Next Steps:**

Staff is requesting feedback from the Planning Commission on the concepts and ideas of the proposed code amendments as well as the proposed format change. Following discussion and direction from the PC staff will begin reformatting Section 19.04, including the MW zone. Staff anticipates a follow up work session with the PC on June 23, 2016 to discuss Section 19.04 along with the proposed new design standards section.

#### **F. Attachments:**

1. Possible code amendments for the MW zone
2. Minutes from CC work session (11/17/2015)
3. Minutes from PC work session (2/11/2016)
4. Minutes from CC work session (2/16/2016)

**Chapter 19.04. Establishment of Land Use Zones and Official Map.****Sections:**

- 19.04.01. Purpose.**
- 19.04.02. Land Use Zones and Classification Established.**
- 19.04.03. Gradual Transition of Uses and Density.**
- 19.04.04. Application of Land Use Zone Regulations.**
- 19.04.05. Official Zoning Map.**
- 19.04.06. Land Use Zone Boundary Interpretation.**
- 19.04.07. Summary of Land Use Regulations.**
- 19.04.08. Agricultural (A).**
- 19.04.09. Residential Agricultural (RA-5).**
- 19.04.10. Rural Residential (RR).**
- 19.04.11. Low Density Residential (R-1)**
- 19.04.12. Low Density Residential (R-2).**
- 19.04.13. Low Density Residential (R-3).**
- 19.04.14. Low Density Residential (R-4).**
- 19.04.15. Low Density Residential (R-5).**
- 19.04.16. Medium Density Residential (R-6).**
- 19.04.17. Medium Density Residential (R-10).**
- 19.04.18. High Density Residential (R-14).**
- 19.04.19. High Density Residential (R-18).**
- 19.04.20. Neighborhood Commercial (NC).**
- 19.04.21. Mixed Use (MU).**
- 19.04.22. Regional Commercial (RC).**
- 19.04.23. Office Warehouse (OW).**
- 19.04.24. Industrial (I).**
- 19.04.25. Mixed Lakeshore (ML).**
- 19.04.26. Business Park (BP).**
- 19.04.27. Institutional/Civic (IC).**
- 19.04.28. Public School Bus Lot (PSBL).**

\* \* \* \* \*

## 19.04.25. Mixed Waterfront (MW).

### 1. Purpose and Intent.

- a. The purpose of the Mixed Waterfront (MW) Land Use Zone is to allow for a wide range of land uses so long as those land uses are combined and arranged to create destination-oriented developments that take full advantage of the scenic and recreational opportunities that their lakeshore and riverside locations provide. Appropriate mixtures of land uses include retail, residential, and resort properties.
  - b. Low Density Residential, Medium Density Residential, and Neighborhood Commercial land uses, as listed in the tables in Section 19.04.07, are considered appropriate uses for this zone. ~~The goal is to accomplish a mix of 80% residential land area and 20% commercial land area in this zone.~~ The goal is to accomplish a mix of residential and commercial uses with a majority being residential.
  - c. This land use zone recognizes that in order for the City to be a well-rounded community, many different housing styles, types, and sizes should be permitted. Residential densities in this zone shall not exceed 6 ERUs per acre. Density shall be focused around the water front with density decreasing the farther from the waters edge. The density may range from 6 ERUs to 14 ERUs per acre with the allowed percentages outlined below.
    - i. 11-14 ERUs per acre may compile up to 10% of the residential units
    - ii. 9-10 ERUs per acre may compile up to 15% of the residential units
    - iii. 6 -8 ERUs per acre may compile up to 25% of the residential units
    - iv. The remainder of the residential area shall not exceed 6 ERUs per acre.
    - v. The overall ERUs per acre may not exceed 10 ERUs.
  - d. Other important characteristics that must be addressed in this land use zone include neighborhood services and facilities, social gathering places, attractive landscaping, convenient access to public areas along the lakeshore, appropriately-placed parking, a sense of personal safety, well-maintained housing, and attractive parks.
  - e. Certain land uses have been identified as either ancillary uses or edge uses only.
2. **Permitted Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Mixed Waterfront Zone.
  3. **Conditional Uses.** The uses identified in 19.04.07.3 as Conditional Uses in the Mixed Waterfront (MW) Zone, with some uses identified in that section limited to edge or ancillary use only.
  4. **Minimum Development Size and Lot Sizes.**
    - a. The minimum size requirement for development in this zone is one acre.
    - ~~b. Lots within a one acre or larger development may be created based upon an approved comprehensive Concept Plan ~~Master Development Plan contained in a Master Development Agreement.~~~~
    - ~~b.~~ All developments in this zone are required to develop a ~~Master Development~~ comprehensive Concept Plan that includes maps and descriptions of how the

entire property is anticipated to develop (~~see Chapters 19.12, 19.13, and 19.14~~) and to enter into a Master Development Agreement.

- d. ~~The minimum lot size for single family dwellings is 5,000- 4,000 square feet. For multi-family structures where each unit is separately owned, the minimum lot size shall be based on each building rather than each individual unit.~~
- e. ~~Home Occupations may require a minimum lot size greater than 5,000 square feet based on the requirements of Chapter 19.08. Each Home Occupation will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use.~~
- f. ~~Schools, churches or other uses may require a minimum size greater than one acre and will be evaluated on an individual basis to determine if more property is required to reasonably accommodate the proposed use. The City Council shall use the following criteria in determining whether the minimum lot size shall be greater than one acre:~~
  - 1. ~~the maximum number individuals using the building at one time;~~
  - 2. ~~the number of required off-street parking required in this Title;~~
  - 3. ~~traffic and transportation concerns;~~
  - 4. ~~compatibility with adjacent uses;~~
  - 5. ~~adverse impacts on adjacent uses; and~~
  - 6. ~~amount of property needed for required amenities (e.g., open space, landscaping, recreational facilities, etc.~~
- g. ~~In establishing the minimum lot size for Conditional Uses, the City Council will use the standards found in Title 19, including Chapters 19.13, 19.14, and 19.15, as the basis for setting site by site requirements.~~

## **5. Setbacks and Yard Requirements.**

### **Single Family Residential:**

- a. Setbacks and yard requirements describe the amount of space required between buildings and property lines.
- b. All primary buildings in this zone are required to maintain minimum setbacks as follows:
  - i. ~~Front: Twenty five- 25 feet to the garage, 20' to the front plane of the home.-~~
    - 1. ~~For single family structures or multi-family structures, the front plane of the home may encroach by up to ten feet into the required setback, if the garage is set back an increased distance from the required setback in an equal amount to the front plane's encroachment. For example, if the setback for the front plane is 20 feet, the setback for the garage must be 30 feet. Likewise, if the setback for the front plane is 22 feet, the setback of the garage must be at least 28 feet.~~
    - 2. ~~An unenclosed front entry or porch may encroach up to five feet into the twenty-five foot front setback. This encroachment may be combined with a reduced setback for the front plane (accompanied by an increased setback to the garage) but in no case shall the front plane and porch combined be set back less than 20 feet.~~

- ii. Street side yard: 15 feet
- ~~ii.iii.~~ Sides: Interior side yard: 5 feet
  - 1. single family structures: 5/10 feet (minimum/combined);
  - 2. multi family and non residential structures: 5 feet to property line or 10 feet between structures, whichever is greater.
- ~~iii.iv.~~ Rear yard: 15 feet to property line or between buildings
- c. Corner Lots:
  - ~~i.~~ There shall be a minimum setback on corner lots as follows:
    - 1. Front: 20 feet
    - 2. Side abutting street: 15 feet
  - ~~ii.~~ The front setback and the street side setback abutting the street can be reversed, but in no case shall the two setbacks be less than 20 and 15 feet. In this case, encroachments shall not be permitted.
- d. All accessory buildings requiring a building permit in this zone are required to maintain distances from property lines and other dwellings as follows:
  - i. Front yard: same as principal structure
  - ii. Street side yard: same as principal structure
  - iii. Interior side yard: 5 feet
  - iv. Rear yard: 5 feet
- ~~d.e.~~ All accessory structures in this zone are subject to the standards identified in Section 19.05.
- ~~e.~~ Accessory structures requiring a building permit shall be set back a minimum of 5 feet from rear and interior side property lines, and shall not be placed within any front or street side yard area.
- f. There shall be a five foot minimum separation between all sides of the accessory buildings and any other structure in this zone.

Multi Family setbacks:

- i. Front: 20 feet to building and 25 feet to garage
- ii. Street side: 20 feet
- iii. Building separation: 20 feet
- iv. Rear: 20 feet between buildings, 20 feet between rear property lines and exterior walls.
- v. In no instance may the driveway for multi family be less than 20 feet.
- vi. All accessory building requirements as listed in Section 19.04.25 shall be met.

All other Development including mixed use:

- i. Front yard: 10 feet
- ii. Street side yard: 10 feet
- iii. Interior Side Yard: 5 feet
- iv. Rear yard: 25 feet
- v. Exception: The front and street side yard setbacks may be decreased to zero feet if the sidewalk width is increased by ten feet and as long as no part of any building shall overhang the public right-of-way and no drainage shall be diverted into said public right-of-way.

~~g-vi.~~ All accessory building requirements as listed in Section 19.04.25 (?) shall be met.

~~5-6.~~ **Minimum Lot Width.** For single family homes, the minimum lot width shall be no less than 50 feet. For multi-family structures where each unit is separately owned, the minimum lot width shall be based on each building rather than each individual unit.

~~6-7.~~ **Minimum Lot Frontage.** For single family homes, the minimum lot frontage shall be no less than 35 feet. All other uses in this zone shall have at least 100 feet of frontage along a public or private street. For multi-family structures where each dwelling is separately owned, the minimum lot frontage shall be based on each building rather than each individual unit.

~~7-8.~~ **Maximum Height of Structures.** No structure in this zone shall exceed 40 feet in height.

~~8-9.~~ **Maximum Lot Coverage.** The maximum lot coverage in this zone is ~~50%-~~ 60%. ~~For multi-family units where each dwelling is separately owned, Footprint development will be reviewed for overall site coverage rather than individual lot coverage. the maximum lot coverage shall be based on each building rather than each individual unit.~~

~~9-10.~~ **Minimum Dwelling Size.** Every multi family dwelling unit in this zone shall contain a minimum of ~~1,000-~~ 600 square feet of living space- above grade, and every single family dwelling unit shall contain a minimum of 1,000 square feet of living space above grade.

~~10-11.~~ **Development Standards.** The following development standards shall apply to this zone:

- a. **Architectural Review.** The Design Review Committee shall review the Site Plan and building elevations and offer recommendations for architectural design of buildings and structures to assure compatibility with adjacent development and the vision of the Land Use Element of the General Plan and with the City's policies and regulations concerning architecture and design.
- b. **Landscaping Buffers.** ~~For multi-family and non-residential structures, Front yards and other yard areas facing a public street shall have a landscaped area of not less than 15 linear feet.~~ There shall be a minimum of 10 feet of landscaping between parking areas and side and rear property lines adjacent to agricultural and residential land uses. (See Chapter 19.09, Off-street Parking Requirements.)
- c. **Neighborhood transition.** The design of new infill development shall be sensitive to the scale and density characteristics of established abutting residential neighborhoods, with the objective of achieving a harmonious transition between the new development and existing neighborhood.
- d. **Mixed Use Development Standards.** A mixed-use development project shall be designed and constructed to:
  - i. Be pedestrian in its focus by:
    1. Providing direct pedestrian linkages to adjacent public sidewalks.
    2. Creating enhanced pedestrian connections throughout the project between residential and nonresidential uses and parking areas.
    3. Providing enhanced pedestrian amenities throughout the project,

- including seating, pedestrian area lighting, special paving, public art, water features, common open space, directories, and similar items to create a pleasant pedestrian experience.
4. Incorporating architectural design elements and materials that relate to a pedestrian scale by:
    - a. Building articulation including, but not limited to staggered walls, stepped walls, offsets, recesses, overhangs and/or;
    - b. Ground floor transparency for nonresidential uses. 50% of the ground level façade shall be devoted to windows affording some view into the interior areas.
  - ii. Locate uses in proximity to one another without large intervening parking lots so that it is convenient for people to walk rather than drive between the various uses;
  - iii. Provide a transition from commercial to adjacent residential uses by reducing building height and increasing building setbacks where possible.
  - iv. Ensure consistent use of architectural details and materials. Architectural style and use of quality materials shall be compatible and consistent throughout an entire mixed-use project. However, differences in architectural details and materials may occur to differentiate between the residential and nonresidential portions of the project. The overall project design and site layout shall be one that promotes a strong pedestrian environment and active street frontage. This can be accomplished by incorporating features into the project as outlined below.
  - v. Features.
    1. Street level features. Variations in the front building plane shall be incorporated through the use of varying building setbacks, variations in wall planes, and the inclusion of pedestrian amenities (e.g., plaza, courtyard, outdoor dining, landscaping). Long expanses of blank walls shall be prohibited.
    2. Pedestrian-oriented features. At least 75 percent of the building frontage facing a public street, primary pedestrian way, or parking lot shall be devoted to pedestrian-oriented features (e.g., storefronts, pedestrian entrances to nonresidential uses; transparent display windows; landscaping).
    3. Upper level features. Upper floor balconies, bays, and windows shall be provided whenever opportunities exist for these types of features.
    4. Entrances. When nonresidential and residential uses are located in a vertical mixed use structure, separate pedestrian entrances shall be provided for each use. The entrances for nonresidential uses shall be designed to be visually distinct from the entrances for residential uses. Entrances to individual residential units in a vertical mixed use project shall not be allowed along a street frontage. Instead shared entrances to residential units located above the ground floor shall be from lobbies that serve multiple units.
  - vi. Security. Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft. This may be

accomplished by:

1. Maximizing visibility to common open space areas, internal walkways, and public sidewalks. Using opportunities for natural surveillance to increase visibility.
2. Using walkways, low fences, lighting, signage, and landscaping to clearly guide people and vehicles to and from the proper entrances;
3. Eliminating areas of concealment, hiding places, and dead spaces.
4. Using lighting to improve the visibility of common areas while enhancing the pedestrian environment. Lighting should not be overly bright and should provide a uniform level of light over the subject area to eliminate dark spaces.

vii. Parking, loading, and circulation.

1. The total number of parking spaces shall comply with the requirements of Chapter 19.09. Applicants for a mixed-use project may be required to submit a parking study for review and decision by the applicable reviewing body.
2. Parking facilities shall be separated for nonresidential uses and residential uses, except that guest parking for residential uses may be shared with nonresidential uses.
3. If enclosed parking, including parking garages and structures, is provided for residential and nonresidential portions of a mixed-use project, separate areas/levels shall be provided for each use and separate entrances shall be provided whenever possible.
4. Loading areas for nonresidential uses shall be located as far as possible from residential units and shall be completely screened from view from the residential portion of the project and public streets. Loading areas shall be compatible in architectural design and details with the overall project. The location and design of loading areas shall mitigate nuisances from noise when residential uses might be impacted.
5. Separate site access driveways shall be provided, whenever possible, for nonresidential and residential uses. Site access driveways shall incorporate distinctive design elements, landscape features, and signs to help differentiate access to nonresidential parking areas from access to residential parking areas.
6. Vehicular circulation shall be designed to direct traffic away from adjacent residential streets outside the mixed use districts to the greatest extent feasible.

viii. Site planning and design standards for live/work units.

1. Live/work units are structures or spaces within structures that are used jointly for commercial and residential purposes.
2. Each live/work unit fronting a public street shall have a pedestrian-oriented frontage that allows views into the interior of the nonresidential areas of the unit.
3. Each live/work unit shall have a clearly identified, separate access from other live/work units within the structure or development. Access to individual units shall be from common access areas,

parking lots, or walkways. Access to each unit shall be clearly identified to provide for emergency services.

4. The living space within the live/work unit shall be contiguous with the working space, with direct access between the two areas.

ix. Site Organization Standards.

1. Location of nonresidential uses along street frontages.

a. For vertical mixed use projects, only nonresidential uses shall be located on the ground floor along public/private street frontages. Residential uses may be located above the ground floor and in areas that do not have frontage on a street. Up to 20% of the ground floor frontage may be occupied by lobby entrances to multiple residential units and pedestrian amenities (e.g., plaza, paseo, or courtyard).

b. For horizontal mixed use projects, the residential portion of the project may have frontage on a public/private street.

c. On corner parcels, the nonresidential space shall turn (wrap around) the corner for a distance of at least 30 feet along secondary/side streets.

2. A prominent entrance shall be oriented to the major street on which the structure has frontage, street corner, courtyard, plaza, park, or other structures on the site, but not to interior blocks or parking lots/structures.

3. Site planning shall integrate the street pedestrian environment with the nonresidential uses through the provision of pedestrian-oriented features (e.g., courtyard, plaza, paseo, street furniture, enhanced walkways, lighting, and landscaping).

ix. Operational standards.

1. Outdoor nonresidential uses in a mixed-use project that includes residential uses shall be prohibited from operating between the hours of 10:00 P.M. and 6:00 A.M. Approval of a conditional use permit may modify these hours.

2. Loading and unloading activities shall not take place after 10:00 P.M. or before 7:00 A.M. on any day of the week.

a. Noise notification procedure.

i. Residents, whether owners or tenants, of a mixed-use development project shall be notified in writing before taking up residence that they will be living in an urban environment and that the noise levels may be higher than a typical residential areas.

b-ii. The covenants, conditions, and restrictions of a mixed-use project shall require that the residents acknowledge their receipt of the written noise notification. Their signatures shall confirm receipt and understanding of this information.

**12. Open Space and Landscaping Requirement.**

- a. There shall be a minimum requirement of 25% of the total ~~residential~~ project area to be installed as open space for either public or common space not reserved in individual lots, ~~and a minimum requirement of 25% of the total commercial project area to be installed as landscaping.~~ Open space shall meet the definition in Section 19.02.02.
- b. If the open space is common space, the developer shall record a public access easement at plat recordation.
- c. Credit towards meeting minimum open space requirements may be given for sensitive lands as provided for in subsection (13) below.
- d. Common and private open spaces shall be provided as follows:
- i. Up to 25% of the total open space requirement may be met by counting any private open space areas (patios and balconies) provided within the project.
  - ii. The minimum area of any private open space shall be 25 sq. ft. This may be in the form of patios or balconies accessible only to the abutting unit.
  - iii. The minimum dimension of eligible common open space areas shall be 150 square feet. These may be located at grade or above grade and may include terraces, courtyards, fitness centers for vertical mixed use and multifamily, rooftop gardens, or other similar areas. Setback areas shall not count towards the common open space requirement unless they meet the minimum dimension and contain amenities.
  - iv. Common and private open spaces shall be designed to limit intrusion by nonresidents.
- e. Sharing of common open space between residential and nonresidential uses may be allowed by the applicable Land Use Authority when it is clear that the open space will provide direct benefit to residents and patrons of the project subject to the following limitations.
- i. Up to 30% of the required open space for residential uses in a horizontal mixed use project may be provided as quasi-public open space within the nonresidential component of the project; or
  - ii. Up to 50% of the required open space for residential uses in a vertical mixed use project may be provided as quasi-public open space within the nonresidential component of the project.
  - iii. The minimum area of shared common open space areas shall be 150 feet. These areas shall be accessible for use by the general public.
  - iv. Quasi-public open space areas shall not include outdoor dining areas or other outdoor activity areas for exclusive use by an individual business.
  - 11.v. Quasi-public open space areas are areas located on private property and accessible to the general public. These areas may include pedestrian oriented amenities, including enhanced seating, lighting, paving, landscaping, public art, water features, and other similar features deemed appropriate by the (which authority).

#### 12-13. Sensitive Lands.

- a. Sensitive lands shall not be included in the base acreage when calculating the number of units permitted in any development and no development credit shall be given for sensitive lands.

- b. All sensitive lands shall be placed in protected open space.
- c. Sensitive lands may be used for credit towards meeting the minimum open space requirements. However, no more than fifty percent of the required open space area shall be comprised of sensitive lands.

**14. Timing of Open Space and Landscaping Installation.** All open space and landscaping shall be completed in accordance with the approved Site Plan or Plat Approval and shall be installed prior to the issuance of a Certificate of Occupancy for any building. A Performance and Warranty Bond will be required in accordance with Section 19.12.05. The Planning Director may approve exceptions where weather conditions prohibit the completion of approved and required improvements in accordance with Section 19.06.05. . It shall be the responsibility of the property owner to maintain all approved open space and landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping and Fencing.

~~13.~~

**14.15. Trash Storage.** All trash or garbage storage (other than individual garbage cans) shall comply with Section 19.14.04(4), which section is incorporated herein by this reference.

(Ord. 16-01, Ord. 15-29, Ord. 14-13)

1 City of Saratoga Springs  
2 City Council Meeting  
3 November 17, 2015

4 Regular Session held at the City of Saratoga Springs City Offices  
5 1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045  
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7  
8 Work Session Minutes

9 **Present:**

10 Mayor: Jim Miller

11 Council Members: Michael McOmber, Shellie Baertsch, Rebecca Call, Stephen Willden, Bud Poduska

12 Staff: Mark Christensen, Kimber Gabryszak, Kyle Spencer, Owen Jackson, Kevin Thurman, Jeremy Lapin,  
13 Kara Knighton

14 Others: Chris Porter, Holly Wade, Kayla Moss

15 **Excused:**

16 **Call to Order – 5:45p.m.**  
17

18 **1. Discussion of Mixed Lakeshore Amendments.**

19 Kimber Gabryszak presented some key take-a-ways from their riverwalk tour. They started with Twin Falls  
20 and saw interesting things with docks. They saw some good ADA access areas. In Boise they noted the  
21 aggregate put-ins. (Councilwoman Call noted that Forestry Fire and State Lands would not let us pave to  
22 the river.) Most cities with successful areas had biologists involved. Some interesting features, large  
23 separations to create viable space. There was some innovative park space. Higher densities along the  
24 river but no huge open parking areas visible; the first floor is parking.

25 Councilwoman Baertsch attended a seminar on water conservation in Eagle Mountain and learned some  
26 things that will help. She will pass that information along.

27 Councilwoman Call would love to leverage things already done so we don't spend as much on biologists.  
28 Such as the blueprint Jordan River and Utah Lake Master plans. With the setbacks on restaurant area,  
29 consider low impact areas, to let certain uses encroach within the wide right-of-way area.

30 Mark Christensen had some great examples of narrow areas. Boise about 4 years ago was about what our  
31 Jordan River is today. They worked with the biologists and got plantings going and now they have a  
32 beautiful corridor.

33 Kimber Gabryszak noted that was a key take away, how they were much like us and worked up to this. She  
34 continued with the presentation. The parkway became a draw and they got better businesses to the area.  
35 We need to work with adjacent communities. She noted places where buildings were done before the  
36 amenity was in place.

37 Councilman McOmber commented on what could be done with front or back of buildings that may face the  
38 river.

39 Kimber Gabryszak said they are recommending the permeability, not necessarily a front door. They went to  
40 Pendleton. Open spaces in key locations help in usability. They stopped in Richland, They heard over  
41 and over to try to conserve as much of a consistent swath as they can.

42 Mark Christensen said they are doing a river front study that should be done in February that we will receive  
43 a copy of.

44 Kimber Gabryszak said they are purchasing property along the river and leasing to commercial for 99 years.  
45 In Spokane they had to do some reclaiming of property and had to do creative work to make it a  
46 functional river. There were a few examples of restaurants taking advantage of the riverfront.

47 Mark Christensen commented on a large sculpture/play feature that they may be able to take advantage of  
48 something similar.

49 Kimber Gabryszak said they found that on the wider trails they saw more usage. People felt safer and bikes  
50 and joggers and walkers could all fit. Make sure the trails are wide enough that as plants fill in they don't  
51 encroach so much. She noted more network trails in Coeur d'Alene. She noted a dog park, and to not do  
52 just dirt. A key item everyone said was to obtain as much waterfront as they could. Also, have un-  
53 programmed space next to programed space. It is possible to undo what has been done. In Bear Lake

54 they had homes going in long before they had access or trails and they are trying to recover access to the  
 55 lake. Vegetation Preservation was needed. They need to find a balance between protecting the  
 56 environment and allow access and usability. The trail is an asset that increases desirability for businesses.  
 57 They can look at first floor parking and other creative solutions. They also had some key take-a-ways  
 58 from City Offices and customer service such as meeting areas out front with kiosks that were convenient.  
 59 Low counter type desks for people to sit while staff is helping them. Some other things were a River  
 60 Walk bicycle repair stand, water fountains, bag recycle center to be reused as doggy dropping bags.  
 61 Unique decorative usable features such as drains. Historical features and art was good. There was bike  
 62 parking and adopt a tree programs. Next steps are to obtain copies of code from the good communities.  
 63 Outline initial potential changes to Mixed Waterfront and potential changes to all waterfront  
 64 development. Discuss these and other strategies during the Council Retreat. Schedule additional site  
 65 visits as necessary in the spring. Move forward with adoption of Code amendments beginning in  
 66 January.

67 Councilman McOmber would also encourage them to see San Antonio. They are probably the most  
 68 successful. They really captured nice things and also generated revenue for the city. He thanked them for  
 69 this and liked that we are creating relationships outside of Utah.

## 70 71 **2. Discussion of Open Space, Landscaping, and Trails Maintenance Policy**

72 Kevin Thurman noted that we've had the need for a uniform policy for a while. It makes more sense to have  
 73 this as Policy rather than Code because things change regularly and having to go through the process to  
 74 change code takes a lot of time. Having something that City Council can approve that we administer that  
 75 is flexible and can change with 24 hour notice makes more sense. This helps make things absolutely  
 76 clear and closes loop holes. It discusses purposes that can guide policy.

77 Councilman Willden asked how do developers become aware of this as opposed to code and how binding  
 78 would it be.

79 Kevin Thurman said it is binding; Council would adopt it by ordinance.

80 Mark Christensen said they would include it when they gave other material to developers.

81 Councilwoman Call asked about Regional Trails, she is concerned that they are forcing HOAs to take care of  
 82 all of it. She wants there to be parks next to trails To If there are regional parks next to trails, that would  
 83 enable the city to take care of the trails also, as they have done in the past.

84 Kevin Thurman said as staff it's hard to make those decisions administratively. It's up to the Council for  
 85 discussion.

86 Councilwoman Call would say that trails may be maintained by the city, if landscaped trails are developed in  
 87 conjunction with 5 acres of park dedicated to the city. We encourage them to develop the trail adjacent to  
 88 a park and if it is 5 acres or more we may take it.

89 Kevin Thurman commented that they want it to be as black and white as possible. If the Council is ok with  
 90 maintaining some of the regional trails with landscaping we can proceed in that direction

91 Councilwoman Baertsch said it would depend on where it is. There are areas where they will have them in an  
 92 HOA anyway. She is nervous about saying they would take anything over 5 acres.

93 Councilwoman Call would say the Council may opt to take, leave it discretionary.

94 Councilman Willden noted they could appeal to City Council.

95 Councilwoman Call noted that Forestry Fire and State Lands will not allow concrete along the canal line, on  
 96 their land.

97 Kevin Thurman asked if they had some direction on maintaining the landscaping in regional trail areas

98 Councilman McOmber commented that if it's adjacent to a park he would be more open to it. He likes that  
 99 people in those areas are maintaining their trails. For him it is more an all or nothing type of thing. If it's  
 100 next to a park it makes more sense. Similar to what they did with Regal and Neptune Parks.

101 Kevin Thurman said they need a way to make it fair for both sides. They can set a high standard for  
 102 themselves and have developers maintain those standards. There is a factor of the long term cost of this  
 103 as well.

104 Councilman Poduska said as we expand and our trails expand maintenance is going to become a large part of  
 105 our budget so he would not encourage the city maintaining landscaping. He would like it to be more  
 106 flexible as far as not forcing HOAs.

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.

107 zone it is their preference to make it that way. You can have conditions based on a certain plan or project  
108 but it is best to make the decision now to change it to what they think it should be.

109 Councilman McOmber clarified whether there can be attached homes in an R-6 zone such as duplexes or  
110 triplexes.

111 Kimber Gabryszak advised that there can be duplexes or triplexes in an R-6 zone.

112 Councilman McOmber advised that he would not be comfortable with R-6 in that area then. The zone he  
113 would be most comfortable with there would be R-5. If there isn't an MDA with the development he  
114 wouldn't want to go beyond and R-5.

115 Councilwoman Baertsch agrees with that. On the land use map it is marked as low density residential which  
116 only goes up to R-5.

117 Councilman McOmber advised that according to the land use map they would be giving them the most  
118 generous zone to allow R-5.

119 Legrand asked if the R-5 zone allows for any PUD.

120 Councilwoman Baertsch noted they don't allow PUD's anymore.

121 Legrand Wolstenhume mentioned that cul-de-sac's are hard. You cannot have an access road from Redwood  
122 Road. Anything you do has to come out on Lake View Terrace or possibly a right in-right out on  
123 Grandview. The planning on this is not as easy as you'd like it to be for residential. When you look at  
124 land use and turn around or cul-de-sac size the lots are not as appealing because of the funny sizes and  
125 shapes.

126 Councilwoman Baertsch submits that the different types or developments all come with their unique  
127 challenges. She encouraged him to work with staff to work it out the best they can.

128 Legrand Wolstenhume thanked them for their time.

129

130

131

## 2. Discussion of Mixed Waterfront

132 Kara Knighton reviewed the purpose of the new code and shortcomings of the old Mixed Lakefront zone.

133 She reviewed the background of the Mixed Waterfront zone. The Mixed Lakeshore zone has not been  
134 used in the city. Developers are choosing to utilize low density residential and this is not necessarily a  
135 zone that they would like to see go away. They changed the name to encourage use of the zone. They did  
136 research in several cities and came back with several takeaways. She noted things from the different  
137 cities to take into account.

138 Councilwoman Baertsch asked if there was any need to coordinate view corridors between lots to open it up  
139 completely.

140 Kara Knighton noted each lot takes the view corridor into account on its own is how they have done it in  
141 Spokane. She continued with the presentation. Staff proposes a buffer/overlay zone over the Jordan River  
142 and Utah Lake in addition to the Mixed Waterfront zone. Within the Mixed Waterfront zone you would  
143 have things regulated such as building height or density. The buffer/overlay zone would be more of the  
144 building articulation and trail regulations. She then showed the Council a conceptual drawing of what the  
145 zone and overlay could look like.

146 Councilwoman Baertsch asked how the buffers would be laid out.

147 Kimber Gabryszak said that it is conceptual but they would identify a permanent line like the compromise  
148 line. When someone submits a design they would need to have engineering done and submit the wetland  
149 delineation showing where all the lines are. That would be the most accurate but they could have an  
150 overlay that shows the approximate area.

151 Kara Knighton said staff would recommend considering the Jordan River best practices when we do they do  
152 the overlay and zone. Staff would like the City Council's feedback. They will be drafting the zone and  
153 overlay after receiving their feedback.

154 Councilman Poduska asked about a table in the Richland area and what the distance of 0 meant.

155 Kara Knighton advised that means they allow for multifamily uses.

156 Councilman Poduska likes the building setback aspect in Spokane. He then noted that it mentioned buildings  
157 were oriented towards the water rather than the street and some had a street in between. He wondered if  
158 the trail system take precedence over some of the side streets.

159 Kimber Gabryszak advised that there are places where Riverside Drive will be right by the water. There are  
160 also locations where they will be facing the road. It will be a case by case analysis.

161 Councilman Porter asked what the open space requirement is for Mixed Waterfront.

162 Kimber Gabryszak advised that it is 20-25% but they are looking at overhauling it.

163 Councilman Porter doesn't know that putting an overlay that adds more restrictions would bring more  
164 development. He wondered if it would be possible to give additional credit for open space to encourage  
165 people to build in this zone. He thinks the credit would make it more attractive.

166 Councilwoman Baertsch advised that a lot of the areas are within sensitive areas anyway so they would only  
167 have about 50% open space credit anyway. She doesn't think it is more restrictions, it's just taking the  
168 restrictions and clarifying them.

169 Councilman Porter understand that but thinks that we need to do something to attract development in this  
170 zone.

171 Kimber Gabryszak clarified that they are recommending a two prong approach. The buffer/overlay would  
172 apply no matter what zone it was over. That way they get a consistent trail system and consistent  
173 treatment. Then the things they have talked about such as building articulation and building setback  
174 would apply to Mixed Waterfront and all zones. They are just looking at the Mixed Waterfront zone to  
175 have an increased concentration and a mixed use in the Mixed Waterfront zone to entice development to  
176 come.

177 Councilman Porter also mentioned that they want to encourage people to face the water. He suggested to  
178 give them an incentive to do that rather than face Redwood Road or the commercial development.

179 Councilman Willden suggested that they look at the minimum size of one of the areas to make sure that it  
180 isn't densely populated in just that area.

181 Councilman McOmber likes the idea of the consistency of the overlay, it makes sense here as it overlays all  
182 the zones. He would recommend talking to Lehi about what Saratoga Springs is doing on our side of the  
183 lake. They have already gone right next to the river and it looks bad. If they stop now they can fix it in  
184 the future. If they keep going the way they are everyone will want to live in Saratoga Springs rather than  
185 Lehi because our side will look so nice. He thinks that when it's right and when it looks good people will  
186 come and develop. He doesn't think we need to give anything away to get a developer to come because  
187 once it looks right that will happen anyway. He doesn't think there is a big rush to get this developed  
188 very fast. Having the overlay will give them incentive to come and put a restaurant or something in.  
189 More field research can also be done. Even if they don't go to the places they can call and ask other  
190 city's such as San Antonio to see what they did to rehabilitate similar areas they have had. We've got  
191 some beautiful things that will attract the right kinds of business. He thinks staff has done a great job on  
192 this and thanked them for all of their work.

193 Councilwoman Baertsch commented that as you go over the overlay sections to be careful about landscaping.  
194 She would like it to be very safety oriented with the shrubs and trees to make sure you can have an eye  
195 on the trail and edges of the lakeshore and river shore.

196

197 **3. Agenda Review:**

198 a. Discussion of current City Council agenda staff questions.

199 b. Discussion of future City Council policy and work session agenda items.

200

201 Mark Christensen asked if they would do Action Item 7 along with item 3 in the public hearings.

202

203 **Adjourn to Policy Session 6:55 p.m.**

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

\_\_\_\_\_  
City Recorder

**City of Saratoga Springs**  
**Planning Commission Meeting**  
**May 12, 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: Kimber Gabryszak, Planning Director; Mark Christensen, City Manager; Sarah Carroll, Senior Planner; Jamie Baron, Planner; Kevin Thurman, City Attorney; Gordon Miner, City Engineer; Nicolette Fike, Deputy Recorder; Jess Campbell, Fire Chief

Others: Peter Simmons, Ken Evans

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

**1. Pledge of Allegiance** - led by Hayden Williamson

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

**3. Public Input**

**Public Input Open** by Chairman Kirk Wilkins

No input was given.

**Public Input Closed** by Chairman Kirk Wilkins

**4. Public Hearing: Site Plan and Conditional Use Permit for Pro Split Pea, located 1461 North 400 East, Technology Associates, applicant.**

Jamie Baron presented the application. This is a request for Site Plan and Condition Use Permit (CUP) approval for the purpose of constructing a 96' cellular tower on the property located at 1461 North 400 East. They are proposing a chain link fence with barbed wire and slats. Condition 3 has been met with a recent change that meets the 25' setback. It was recommended to pay attention to the code criteria section of the staff report, namely increased setback distance for safety and relating to the appearance and harmony with adjacent development.

Peter Simmons representing the applicant was present to answer questions.

**Public Hearing Open** by Chairman Kirk Wilkins

No public input was given.

**Public Hearing Closed** by Chairman Kirk Wilkins

Hayden Williamson was fine with the setbacks as they currently are but in some point in the future the tower could be an eyesore. He asked what the process was for changing the appearance in the future. Peter Simmons commented that when they approved the CUP that is the way it would be, they couldn't go back and redesign it. He noted that stealth designs are possible but often they stand out even more, are more of an eyesore, than a regular tower would that blends with existing power lines.

Ken Kilgore asked if there were other cell towers similar to this situation, he wondered how the setback compared. Peter Simmons replied with several examples that were comparable. Peter Simmons also advised that no restructuring of the land would be needed and that they would have a backup generator.

David Funk received clarification that the fence would be 6'.

Sandra Steele asked why the fence was 20' back. Peter Simmons replied that it was for drive access and would be maintained. Sandra Steele doesn't like chain link with barbed wire near residential areas. She asked about using other types of fencing. Peter Simmons replied they had done other types of fencing and have had concerns about CPTED issues where someone could hide behind the fence. The police usually prefer to keep the fences that can be seen through. He believes the chain link with barbed wire is a higher deterrent.

Kirk Wilkins noted that the current fence design was permitted in this use. He thought the slats could be a color to match the neighboring residential fence. He asked what the commissioners thought about increasing the setback; all felt it met the current qualifications as proposed.

**Motion made by Hayden Williamson to forward a positive recommendation of the Pro Split Pea Site Plan and CUP as outlined in Exhibit 4 with the Findings and Conditions in the Staff Report dated May 5, 2016. With the additional condition that the color of the slats in the chain link fence be consistent with the neighboring residential neighborhood as verified by Staff. Seconded by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.**

**5. Continued Item from April 14, 2016: Bicycle & Pedestrian Study & Master Plan.**

Kimber Gabryszak apprised the commission that most of the items from Planning Commission discussion have been addressed. Exceptions are Mountain Biking, which she will follow up with them on; and the Camp Williams trail which plans they don't have access to, we can show connectivity up to that future trail and to Eagle Mountain. She addressed bicycle parking; the ordinance is draft only and will be adjusted as needed by staff. It is an option that can be pulled out. There was some confusion on the bike lane for Foothill Blvd. there will be a sidewalk also but not a separate trail. In response to questions from Sandra Steele, she replied that the bus stop connections were handled by this plan and also City Council would be having their own work session on this item.

Sandra Steele was not comfortable approving until it was all correct.

Ken Kilgore noticed that this does not seem to address tricycles and that most cities have larger stalls for bikes than is being recommended here, in which case we are not accommodating for tricycles. He noted many tricycles in the Park City area.

David Funk was concerned that some trails are not marked and some trails marked are not there, it does not appear to be accurate.

**Motion made by Hayden Williamson to continue the bicycle and pedestrian Master Plan to a future meeting. Seconded by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Kirk Wilkins, Ken Kilgore, Troy Cunningham, Brandon MacKay. Motion passed 7 - 0.**

**6. Work Session: Setback Code Amendments.**

Sarah Carroll said they had wanted to eliminate redundancies and inconsistencies in the document. There are some specifying landscaping requirements for non-residential uses in residential zones. Other items include distinguishing requirements for different residential options in the R-6 and higher zones. She reviewed the proposed changes. She reviewed changes in each section as listed in the staff report.

In discussing Residential areas Hayden Williamson was concerned that with a minimum lot size for single family in R10 the minimum lot size would force you to do multifamily because you couldn't get 10 single family homes in that area. Staff replied that it would probably be a more practical use or a mixture could happen. Sandra Steele asked if there was anything that said they could not fence in any area that is common area. Sarah Carroll replied they did not; they would follow up with and look at differentiations.

Non-residential uses in residential zones: Sandra Steele commented that previously she had not wanted the 20,000 sq. ft. for non-residential uses; she thinks it shoe-horns things on. She thinks it should be 30-35,000 to allow for snow stacking or disabled parking, driveways and landscaping. Staff replied they were looking to build more flexibility into it. There could be smaller things like churches or day care that could fit. Just making it a larger lot doesn't solve the issue; they squish things on larger lots too. There are other requirements they would need to meet also. Mark Christensen said the critical issue is trying to squeeze too much on too small, not the size of the area to begin with.

In Accessory Units Sandra Steele commented that there should be something included that any accessory buildings that house animals should have a larger setback than 12'. David Funk noted that although it would be separated from a dwelling, it could be next to a trail.

Discussing Business/Office parks, Sandra Steele noted that business parks would look better with more green out front; perhaps there could be a build-to line. Ken Kilgore commented about the business parks that an area in So. Jordan by the river parkway was nice with offset buildings like Sandra Steele was talking about. There is limited parking in the front with workers in the back and green belts between. Kirk Wilkins liked the larger setbacks in the office parks. Brandon MacKay responded that it depends on how much parking they need; those buildings have big parking issues especially with a lot of clientele.

Sandra Steele asked if we were making a mistake in allowing Commercial projects to count parking islands as the 20% landscaping. Sarah Carroll felt sometimes they are barely able to meet it and it was good. David Funk felt it made it look nicer. Kirk Wilkins felt they should get credit. Ken Kilgore felt it was landscaping.

#### **7. Work Session: Accessory Dwelling Units Code Amendments.**

Jamie Baron advised the Planning Commission that over the last several years there have been multiple requests from residents in the city regarding the addition of accessory dwelling units (ADU's) to their homes. Additionally, code enforcement has discovered multiple illegal ADU's already in existence in the city. In an effort to provide alternative and affordable housing options in residential neighborhoods, staff has researched best practices both in the state and around the country and created a working draft of possible code for consideration.

Ken Kilgore asked for clarification on why a business license would be required. Kimber Gabryszak replied it is more of a place holder now; it could be something more like a rental dwelling license where they meet the code and follow the rules so that if someone does this they are not negatively affecting their neighbors and to make the units safer. Ken Kilgore wanted to know what triggered a safety issue with an apartment, was it that they weren't related? Was it that they paid rent? They are people regardless.

Kimber Gabryszak noted a few things that the Building Official suggested for permitting like separate air and fire separation. There would not be grandfathering as they are not legal now, they would have to retrofit. Sandra Steele noted it would be expensive to retrofit. This is a tool to help with the City's affordable housing. We are proposing owner occupancy to also minimize impacts. The alternative to this is to allow more apartments in the city.

Hayden Williamson didn't see additional people living downstairs as an additional risk to his family. He would like to see that once they got the permit it would stick with the house. He would like to make a low impact for people who are already doing this illegally to minimize their cost to meet code.

Sandra Steele thinks if people are going to do this they need to meet the building code. She noted that with a rental it is more transient and there are more safety issues to neighbors. She thought the Building Official could come to explain some of the recommendations.

Kirk Wilkins is not seeing a lot of issues with people renting out basements. He would like the ability to be able to convert an existing basement without a lot of cost, a new build would be able to put an apartment in but the existing home wouldn't. He wanted to make sure this would be noticed to the whole city.

Brandon MacKay feels that we need to find something that is realistic, something that mirrors our demographic.

David Funk commented that there were differences between a separate dwelling and owner occupied. He felt there were also differences between renting your whole house and just renting the separate unit. Kimber Gabryszak replied that if someone were to leave and rent the whole house, this did not apply.

Kevin Thurman said we need to be careful that we don't overlap the building code.

*Item 9 was moved forward.*

**9. Approval of Minutes:**

**a. April 28, 2016.**

**Motion made by to Sandra Steele to approve the minutes of April 28, 2016. Seconded by David Funk.**

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

**8. Work Session: Back Yard Landscaping.**

Kimber Gabryszak relayed info from cities that had responded to a query of what they required for backyard landscaping. She noted that Bountiful, a city with similar slopes, required a Protective Ground Cover. Staff felt that recommending Protective Ground Cover would be a good minimum requirement.

Sandra Steele felt there should be landscaping in the backyard and provided pictures of problem areas and noted problems that have happened when a yard is not landscaped. You need the vegetation to hold the water long enough to replenish the aquifer.

Jess Chief Campbell advised that the city has adopted the Wildland Interface Code. It does not allow someone to put your property in peril of fire.

Hayden Williamson feels he has been clear in the past of where he stands on this issue.

Kimber Gabryszak said a couple things they could consider were: Requiring actual landscaping as we have the ability to regulate for aesthetics and protecting property value. Hayden Williamson feels the problem with aesthetics is it is arbitrary; some people may like what is an eyesore for another, it needs to look at impacts.

Ken Kilgore noted that if we change the backyard requirement then it would need to adjust the ½ acre landscape requirement.

**10. Reports of Action.** No Reports.

**11. Commission Comments.** No Comments.

**12. Director's Report:** - Items were included in the Staff Report

- a. Council Actions**
- b. Applications and Approval**
- c. Upcoming Agendas**
- d. Other**

**13. Motion to enter into closed session.** – No Closed Session.

**12. Meeting Adjourned at 8:34 p.m. by Chairman Kirk Wilkins**

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

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

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

DRAFT



## Memo

**To:** Mayor, City Council and/or Planning Commission  
**From:** Planning Department  
**Date:** May 19, 2016  
**Meeting Date:** May 26, 2016  
**Re:** New Applications & Resubmittals

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### **New Projects:**

- 5.04.16 Denny's at Saratoga Springs Minor Site Plan Amendment (1516 N. Redwood Rd)
- 5.04.16 Harbor Bay Tilo Plat Amendment (164 E. Bayview Circle)
- 5.6.16 Hillcrest Condominiums Minor Site Plan Amendment (Crest Rd & Ridge Rd)
- 5.10.16 Denny's at Saratoga Town Center No. 2 Lot 4 Plat Amendment (1516 N. Redwood Rd)
- 5.12.16 Howard Speech Therapy Home Occupation (3273 Cedar Grove Lane)
- 5.16.16 Wild Wolf Fireworks Temporary Use (2156 Hillcrest Rd)
- 5.16.16 Stonehaven Dental Permanent Sign Permit (245 E. State Rd 73)
- 5.16.16 Shops Buildings at The Crossing Site Plan (The Crossing Lot 2)
- 5.18.16 Papa's Express Tunnel Car Wash Development Information Sign Permit (1347 NW Commerce Dr)

### **Resubmittals & Supplemental Submittals:**

- 5.04.16 Legacy Farms VP2 Construction Drawings (400 S. Redwood Rd)
- 5.05.16 Saratoga Walmart Sub Plat Amendment (Corner of Commerce Way & Crossroads Blvd)
- 5.05.16 Hillcrest Condominium Phase 3 Bldg P,Q, R & S Final Plat (Crest Rd & Ridge Rd)
- 5.11.16 Catalina Bay Phase 1 Final Plat (Mcgregor Lane & Harbor Bay Dr)
- 5.11.16 Denny's Minor Site Amendment (1516 N. Redwood Rd)
- 5.11.16 Harvest Heights Preliminary Plat (2200 North Redwood Rd)
- 5.13.16 Sierra Estates Plat F Final Plat (Bono Blvd & Kern Ave)
- 5.16.16 Hillcrest Condominiums Phase 3 Bldg P,Q, R & S Final (Crest Rd & Ridge Rd)

### **Staff Approvals:**

- Tractor Supply Signs
- Howard Speech Therapy Home Occupation