



## Planning Commission Meeting

Thursday, September 8, 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 and Plat Amendment for Saratoga Springs Commercial, located generally at 1347 N Exchange Dr. Utah Valley Turf Farm, applicant. Presented by City Planner Kara Knighton.
5. Public Hearing: Code Amendments, Directional Signage, clear site, fencing and screening, and buffering and screening. Staff initiated. – Presented by Planning Director Gabryszak.
6. Public Hearing: Site Plan and Conditional Use Permit for Papa's Express Tunnel Car Wash, located approximately 1347 N Exchange Dr. Mark Phillipp Applicant. Presented by City Planner Kara Knighton.
7. Public Hearing: Master Development Agreement and Rezone from Agriculture to Industrial for HADCO, Parcels 58:022:0121 & 58:022:0114, JD IV applicant. – Presented by Planning Director Gabryszak. – **Item to be continued to the September 22<sup>nd</sup> 2016 Meeting.**
8. Work Session: Discussion of Code and Vision – Planning Director Gabryszak
9. Approval of Minutes:
  - a. August 25, 2016
10. Reports of Action
11. Commission Comments
12. Director's Report:
  - a. Council Actions
  - b. Applications and Approval
  - c. Upcoming Agendas
  - d. Other
13. Possible 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.
14. 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.



## Planning Commission Staff Report

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### Rezone and Plat Amendment Saratoga Springs Commercial Thursday, September 8, 2016 Public Hearing

Report Date:	Thursday, September 1, 2016
Applicant:	WPI Enterprises (Daniel Schmidt)
Owner:	Utah Valley Turf Farm
Location:	~1347 North Exchange Drive
Major Street Access:	Crossroads Boulevard
Parcel Number(s) & Size:	66:513:0001, 0.99 acres; Part of 58:032:0166, 0.63 acres Rezone total: 0.63 acres Plat Amendment total: 1.39 acres
Parcel Zoning:	RC, A
Adjacent Zoning:	RC, A
Current Use of Parcel:	Vacant, undeveloped
Adjacent Uses:	Commercial, agriculture
Previous Meetings:	General Plan, Rezone, and Concept (PC 2/25/2015; CC 3/17/2015) Preliminary Plat (PC 10/22/2015; CC 11/10/2015)
Previous Approvals:	General Plan amendment and Rezone (CC 3/17/2015) Preliminary Plat (CC 11/10/2015) Final Plat (PD 12/22/2015)
Type of Action:	Rezone: Legislative Plat Amendment: Administrative
Land Use Authority:	Rezone: City Council Plat Amendment: Planning Commission
Future Routing:	City Council
Author:	Kara Knighton, Planner I

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#### A. Executive Summary:

The applicant, on behalf of the property owner, is requesting a Rezone from Agriculture to Regional Commercial for ~0.63 acres located at approximately 1347 North Exchange Drive. In conjunction with this request, the applicant is also requesting approval of a Plat Amendment to enlarge the lot in order to accommodate a carwash site plan.

**Recommendation:**

**Staff recommends that the Planning Commission conduct a public hearing on the Rezone, take public comment, review and discuss the proposal, and vote to forward a positive recommendation to the City Council as outlined in Section “H” of this report.** Alternatives include forwarding a negative recommendation, or continuing the item.

**Staff also recommends that the Planning Commission review and discuss the Plat Amendment, and vote to approve the proposal as outlined in Section “H” of this report.** Alternatives include denial or continuation of the item.

**B. Background:**

The proposed Rezone and Plat Amendment is an expansion to the recently approved Saratoga Springs Commercial Development.

These Rezone and General Plan Amendment applications were reviewed by the Planning Commission on February 26, 2015 and approved by the City Council on March 17, 2015. The City Council also approved the requested General Plan Amendment from Medium Density Residential to the Regional Commercial designation for 0.4 acres and approved the requested Rezone from Agriculture to Regional Commercial for 3.45 acres of property. The remainder of the property was already designated Regional Commercial on the zoning and land use maps.

On November 10, 2015 the City Council approved the Saratoga Springs Commercial Development Preliminary Plat “A” in conjunction with the Tractor Supply site plan. Final plat approval was granted by the Planning Director on December 22, 2015. The plat was recorded with the county on February 1, 2016.

The proposed Papa’s Express carwash site plan is to be located on Lot 1 of the Saratoga Springs Commercial plat; however, the site plan is 1.39 acres while lot 1 is 0.99 acres. To expand the parcel, the west property line is proposed to be extended approximate 67’ to the west into property currently zoned Agriculture, thus both a rezone and plat amendment are required to accompany the site plan.

The rezone request was received by the City on June 28, 2016 and the plat amendment request was received on July 29, 2016.

**C. Specific Request:**

The request is for a Rezone from Agriculture to Regional Commercial for ~0.63 acres located at approximately 1347 North Exchange Drive for a 4,646 sq. ft. carwash. In conjunction with this request, the applicant is also requesting approval of a Plat Amendment to expand the lot to match the boundaries of the rezone.

**D. Process:**

**Rezone**

Section 19.17.03 of the City Code outlines the requirements for a rezone requiring all rezoning applications to be reviewed by the City Council after receiving a formal recommendation from the Planning Commission. The City Council is the Land Use Authority for rezones and may- after holding a public hearing- approve, deny, or continue the rezone decision. Rezones are subject to the provisions of Chapter 19.13, Development Review Processes.

**Plat Amendment**

Section 19.12.09 of the City Code states that the Planning Commission is the approval authority for Plats that affect private roadways and that no public hearing is required if all property owners in the plat sign the amendment. As there is only one property owner and considering that they have signed the application giving their permission for the plat amendment, all owners have signed and no public hearing is required.

**E. Community Review:**

The Rezone has been noticed as a public hearing in the *Daily Herald*, and mailed notices 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 Plat Amendment does not require a public hearing as the property owner has signed the application giving their permission for the amendment. They will sign the plat amendment prior to recording.

**F. General Plan:**

The parcel is designated as Regional Commercial on the Land Use Map. The General Plan states the following concerning the RC Land Use designation:

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

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

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

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

**Staff conclusion:** *Consistent. The proposed rezone and plat amendment would allow for the development of a land use that is conditional in the Regional Commercial zoning district. The proposed development is a destination oriented business that allows for automobile access to be a priority while also allowing pedestrian activity through various sidewalks.*

## G. Code Criteria:

### Rezone

*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 and General Plan Amendments

Section 19.17.04 outlines the requirements for a rezone, and states:

The Planning Commission and City Council shall consider, but not be 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;  
*Generally consistent: The application is generally consistent with the goals of the future land use map in the General Plan as outlined in Section F of this report.*
2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;  
*Consistent: Applications (e.g. Site Plan and Conditional Use Permit) with appropriate conditions and management will work together to mitigate and potential negative impacts.*
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  
*Consistent: The application does not negatively impact development of the site; the proposed Regional Commercial is consistent with the intended use of this area.*
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.  
*Consistent: The rezone proposal would allow a commercial use that is currently sparse in the City and thus provides benefit to the interests of the public.*

### Plat Amendment

For full analysis please see the Planning Review Checklist as Exhibit 5.

- 19.04, Land Use Zone: **Complies.**
- 19.05, Supplemental Regulations: **Complies.**
- 19.12, Subdivisions: **Can comply with one condition.**

- Title report required prior to recording.
- 19.13, Process: **Complies**.

**H. Recommendation and Alternatives**

**REZONE:**

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

**Recommended Motion- Positive Recommendation**

“I move to forward a **positive recommendation** to the City Council for the Rezone of approximately 0.63 acres of parcel 58:032:0166 from Agriculture to Regional Commercial, as identified in Exhibit 3, with the Findings and Conditions in the staff report dated September 9, 2016, below:”

**Findings**

1. The Rezone is consistent with the General Plan, as articulated in Section F of the staff report, which section is incorporated by reference herein.
2. The Rezone complies with the criteria in section 19.17.04 of the 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. The rezone is a positive recommendation as shown in the attachment to the Staff report in Exhibit 2.
3. Any other conditions or changes as articulated by the Planning Commission:

\_\_\_\_\_.

**Alternative 1 - Continuance**

The Planning Commission may also choose to continue the item. “I move to **continue** the rezone 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. \_\_\_\_\_

**Alternative 2 – Negative Recommendation**

The Planning Commission may also choose to forward a negative recommendation to the City Council. “I move to forward a **negative recommendation** to the City Council for the Rezone of approximately 0.63 acres of parcel 58:032:0166 from Agriculture to Regional Commercial 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 19.17.04 of the Code, as articulated by the Planning Commission: \_\_\_\_\_.

**PLAT AMENDMENT:**

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

**Recommended Motion- Approval**

“I move to **approve** the Saratoga Springs Commercial Plat “B” amending lots 1 and 2 of Plat “A”, as identified in Exhibit 4, with the Findings and Conditions below:”

**Findings**

- 1. The plat amendment is consistent with the General Plan, as articulated in Section “F” of the staff report, which section is incorporated by reference herein.
- 2. With modifications as conditions of approval the application complies with the criteria in sections 19.04, 19.05, 19.12, and 19.13 of the 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. The plat amendment is approved as shown in the attachment to the Staff report in Exhibit 4.
- 3. The addresses for lots 1 and 2 shall be changed to Exchange Drive.
- 4. A new title report shall be provided prior to recordation.
- 5. Plat note 1 shall have the approval date for Plat B.
- 6. Any other conditions or changes as articulated by the Planning Commission: \_\_\_\_\_.

**Alternative 1 - Continuance**

The Planning Commission may also choose to continue the item. “I move to **continue** the plat amendment 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. \_\_\_\_\_

**Alternative 2 – Denial**

The Planning Commission may also choose to deny the application. “I move to **deny** the Saratoga Springs Commercial Plat “B” amending lots 1 and 2 of Plat “A” with the Findings below:

- 1. The plat amendment is not consistent with the General Plan, as articulated by the Planning Commission: \_\_\_\_\_, and/or,
- 2. The plat amendment is not consistent with Section [19.04, 19.05, 19.12, 19.13] of the Code, as articulated by the Planning Commission: \_\_\_\_\_.

**I. Exhibits:**

1. City Engineer's Report (page 8)
2. Location & Zone Map (page 9-10)
3. Rezone boundary description (page 11)
4. Plat Amendment (page 12)
5. Planning Review Checklist (page 13-15)

## Planning Commission Staff Report

**Author:** Gordon Miner, City Engineer  
**Subject:** Saratoga Springs Commercial Plat "B"  
**Date:** August 31, 2016  
**Type of Item:** Amended Plat Approval



### Description:

**A. Topic:** The Applicant has submitted an Amended Plat application. Staff has reviewed the submittal and provides the following recommendations.

### B. Background:

*Applicant:* Daniel Schmidt, WPI Enterprise  
*Request:* Amended Plat Approval  
*Location:* 1347 NW Commerce Dr.  
*Acreage:* 2.73 Acres

**C. Recommendation:** Staff recommends the approval of Amended Plat subject to the following conditions:

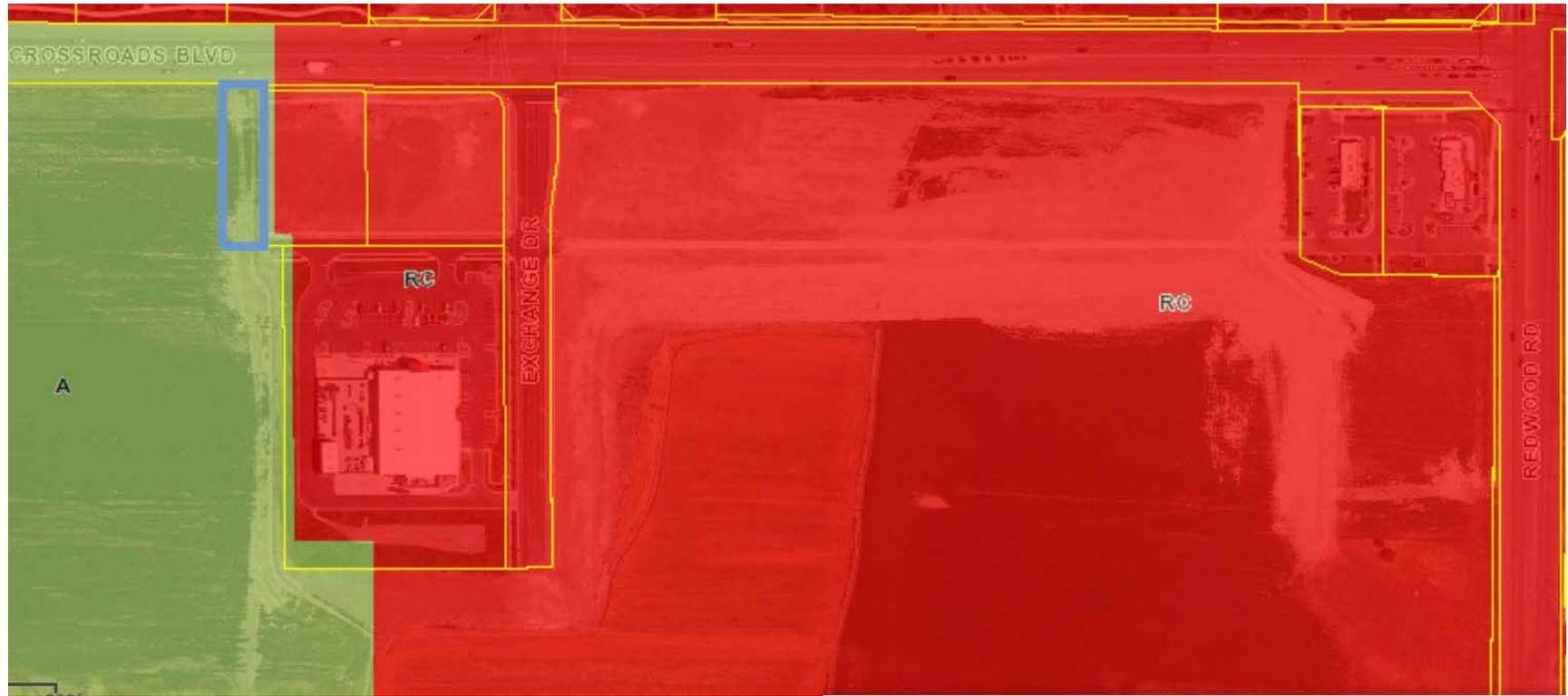
### D. Conditions:

- A. Meet all engineering conditions and requirements in the construction of the project. Review and inspection fees must be paid and a bond posted as per the City's Development Code prior to any construction being performed on the project. Impact and water fees are due when pulling the building permit.
- B. All review comments and redlines provided by the City Engineer are to be complied with and implemented with the approved construction drawings.
- C. Developer must secure water rights as required by the City Engineer, City Attorney, and development code.
- D. Submit easements for all public utilities not located in the public right-of-way.
- E. Project bonding must be completed as approved by the City Engineer prior to recordation of plats.
- F. All work is to conform to the City of Saratoga Springs Standard Technical Specifications, most recent edition.

Plat Amendment location



Rezone location





ENGINEERS  
SURVEYORS  
PLANNERS

**LEGAL DESCRIPTIONS  
PREPARED FOR  
*WPI***

**Saratoga Springs, Utah  
Job No. 14-1089  
(June 21, 2015)**

**ZONE CHANGE LEGAL DESCRIPTION**

A portion of the Northwest Quarter of Section 14, Township 5 South, Range 1 West, Salt Lake Base & Meridian, located in Saratoga Springs, Utah, more particularly described as follows:

Beginning at a point located  $N0^{\circ}22'47''E$  along the Section Line 991.23 feet and East 496.26 feet from the West 1/4 Corner of Section 14, Township 5 South, Range 1 West, Salt Lake Base & Meridian; thence North 364.03 feet to the south line of the existing Regional Commercial (RC) Zone; thence along said zone line the following two (2) courses:  $S89^{\circ}05'50''E$  77.25 feet; thence  $S0^{\circ}21'41''W$  362.82 feet; thence West 74.95 feet to the point of beginning.

Contains:  $\pm 0.63$  Acres

- Civil Engineering
- Structural Engineering
- Surveying
- Land Planning
- Landscape Architecture



## APPLICATION REVIEW CHECKLIST

(8/20/2014 Format)

### Application Information

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<b>Date Received:</b>	7/29/2016
<b>Date of Review:</b>	8/8/2016
<b>Project Name:</b>	Saratoga Springs Commercial
<b>Project Request / Type:</b>	Plat Amendment
<b>Meeting Type:</b>	N/A
<b>Applicant:</b>	WPI Enterprises (Daniel Schmidt)
<b>Owner (if different):</b>	Utah Valley Turf Farm
<b>Location:</b>	1347 N Exchange Drive
<b>Major Street Access:</b>	Crossroads Blvd.
<b>Parcel Number(s) and size:</b>	66:513:0001, 0.99 acres; 66:513:0002, 1.32 acres; and part of 58:032:0166, 0.62 acres. Total 2.73 acres.
<b>General Plan Designation:</b>	Regional Commercial
<b>Zone:</b>	Regional Commercial and Agricultural (rezone required)
<b>Adjacent Zoning:</b>	RC, and A
<b>Current Use:</b>	Vacant, undeveloped
<b>Adjacent Uses:</b>	Commercial, vacant, undeveloped, agriculture
<b>Previous Meetings:</b>	N/A
<b>Land Use Authority:</b>	Planning Commission
<b>Type of Action:</b>	Administrative
<b>Future Routing:</b>	Planning Commission
<b>Planner:</b>	Kara Knighton, Planner I

### Section 19.13 – Application Submittal

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- Application Complete: yes
- Rezone Required: yes
  - Zone: Agriculture to Regional Commercial
- General Plan Amendment required: no
- Additional Related Application(s) required: Rezone

### Section 19.13.04 – Process

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- DRC: 8/8/2016
- UDC: N/A
- Neighborhood Meeting: N/A
- PC: 9/8/2016

- CC: 9/20/2016

## General Review

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### GIS / Addressing

- Lots 1 and 2 need to be Exchange Drive and not West Commerce Drive.

## Code Review

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- 19.04, Land Use Zones (review as RC- proposed zone): **Complies**
  - Zone: RC
  - Use: Commercial
  - Setbacks: Complies.
    - Front: 20' required; 20' proposed
    - Sides: 20' required, 20' proposed
    - Rear: 20' required, 20' proposed.
- 19.05, Supplemental Regulations: **Complies**.
  - Flood Plain: No lots are proposed in the flood plain.
  - Water & sewage: Shall connect to city water and sewer.
  - Transportation Master Plan: complies. No lots are proposed within master planned roadway corridors.
  - Property access: complies. All proposed lots have access onto a private street.
- 19.12, Subdivisions- Section 19.12.09. **Can comply**.
  - Plat Amendment: Complies. The proposed plat amendment is not vacating any public street, right-of-way, easements, or alley.
  - Applicability: Complies. The petition for the amendment plat is to alter a private street, rights-of-way, easements, and to adjust the boundary of the plat to include adjacent property to one or more lots in the existing subdivision.
  - Standards: Complies
    - a. no new dwelling lot or dwelling results from the plat amendment (Complies); and
    - b. the number of lots or parcels does not increase (Complies); and
    - c. the amendment does not result in remnant land that did not previously exist (Complies); and
    - d. the amendment does not violate conditions of approval for the original plat (Complies); and
    - e. the amendment does not result in a violation of applicable zoning requirements (Complies); and
    - f. if all requirements of Utah Code Chapter 10-9a are met (Complies).
  - Application: Complies.
    - A data table is provided.
  - Title report: Shall be submitted prior to recording the Mylar and shall be current within 30 days of submittal.
  - Land Use Authority: Planning commission
  - Public hearing: Not required as the property owner will sign the Plat amendment. There is only one owner and that owner applied for the Plat Amendment and signed the application.

- Planning Director Review: Complies. The Planning Director has reviewed the plat amendment
- Section 19.12.03 (as required by 19.12.09(4)(b)): Complies.
  - Final Plat: Complies.
    - Data table is provided.
    - The plat meets the City's standard layout.
- Section 19.13, Process: Complies.
  - General Considerations: Complies. The proposed plat amendment complies with the General Plan.
  - Notice / Land Use Authority: Planning Commission
  - Development Agreement / MDA: None proposed
  - Payment in Lieu of Open Space: None proposed.
- Fiscal Impact
  - None



## Planning Commission Staff Report

### Code Amendments

### Title 19 Multiple Sections

Thursday, September 8, 2016

### Public Hearing

Report Date:	Thursday, September 1, 2016
Applicant:	City Initiated
Previous Meetings:	None
Land Use Authority:	City Council
Future Routing:	Public Hearing(s) with City Council
Author:	Kimber Gabryszak, Planning Director

#### A. Executive Summary:

This current Code amendment package contains primarily smaller updates to clarify and resolve missing provision and contradictions identified through a recent Site Plan application review, regarding commercial fencing and screening, and directional signage.

#### Recommendation:

**Staff recommends that the Planning Commission conduct a public hearing, take public comment, discuss the proposed amendments, and vote to forward a positive recommendation to the City Council on all or some of the amendments with or without modifications, as outlined in Section H of this report.** Alternatives include continuance to a future meeting or a negative recommendation for all or some of the amendments.

#### B. Background:

During the review of a current development application, Staff identified several areas of the Code that need amendment. The attached package of amendments removes a contradiction regarding fencing and screening, clarifies the standard for commercial fencing, enables trees in all privately maintained intersections and not just park strips, and creates a provision for directional signage internal to developments.

#### C. Specific Request: The proposed amendment is summarized below, with specific details in Exhibit 1.

- 19.06, Landscaping and Fencing
  - Fencing and Screening: Fencing is required along all property lines abutting trail and easement corridors, however over the years has only been applied consistently to residential. The language implies that it is for residential, and one of the main purposes is to clearly delineate ownership and prevent encroachment into the open spaces by residential lot owners. A Code amendment is proposed by staff to no longer technically require this of commercial development.

- Clear sight triangle: A recent code amendment for the clear sight triangle allows tree canopies in the clear sight triangle of privately maintained park strips, however in some cases it is necessary for parking lot islands and not only park strips.
- With the proposed 8' clearance for sight, staff supports adding the exemption for any privately maintained intersections and not just "park strips".
- 19.14.03 Site Plans – replace word "and" with "or", as it is not necessary to have a wall, fence, AND vegetation for screening purposes.
- 19.18, Signs: create allowance for directional signage in parking lots and drive-thrus.
  - The code does not currently include an allowance for directional signage, unless a developer chooses to utilize their monument or building signage allotment for directional signage.
  - Staff proposes allowing small pedestal signs (meaning a sign with 2 vertical supports) or small monument signs (meaning a sign with a solid base) at intersections within developments.
  - The proposal is to limit these signs to 3 feet in height, and 3 square feet in area, and require them to be within 10 feet of an intersection interior to a site.
  - While the City will not regulate content on these signs, these size and locational requirements will help ensure the signs are not utilized as snipe signs or for other purposes.

**D. Process:** Section 19.17.03 of the Code outlines the process and criteria for an amendment:

1. The Planning Commission shall review the petition and make its recommendation to the City Council within thirty days of the receipt of the petition.  
*Complies. There is no application as this is City initiated, and is being presented to the Commission for a recommendation.*
2. 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 this Title.  
*Complies. Please see Sections F and G of this report.*
3. The Planning Commission and City Council shall provide the notice and hold a public hearing as required by the Utah Code. For an application which concerns a specific parcel of property, the City shall provide the notice required by Chapter 19.13 for a public hearing.  
*Complies. Please see Section E of this report.*
4. For an application which does not concern a specific parcel of property, the City shall provide the notice required for a public hearing except that notice is not required to be sent to property owners directly affected by the application or to property owners within 300 feet of the property included in the application.  
*Complies. Please see Section E of this report.*

**E. Community Review:** Per Section 19.17.03 of the City Code, this item has been noticed as a public hearing in the *Daily Herald*; as these amendments affect the entire City, no mailed notice was required. A public hearing with the City Council will be held and noticed at a later date.

**F. General Plan:**

**Land Use Element – General Goals**

The General Plan has stated goals of responsible growth management, the provision of orderly and efficient development that is compatible with both the natural and built environment, establish a strong community identity in the City of Saratoga Springs, and implement ordinances and guidelines to assure quality of development.

*Staff conclusion: consistent. The proposed changes will still ensure quality of development, maintain community identity, ensure quality development through the maintenance of high standards, and require mitigation of impacts to existing development (the built environment). The changes enable better safety and flow of traffic within developments through the provision of directional signage, protect safety by maintaining clear sight while allowing for an attractive community by placing trees along roadways, and remove unintended contradictions in the Code.*

**G. Code Criteria:**

**Code amendments are a legislative decision; therefore the City Council has significant discretion when considering changes to the Code.**

The criteria for an ordinance (Code) change are outlined below, and act as guidance to the Council, and to the Commission in making a recommendation. Note that the criteria are not binding.

**19.17.04 Consideration of General Plan, Ordinance, or Zoning Map Amendment**

The Planning Commission and City Council shall consider, but not be 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 provisions of the General Plan;  
*Staff analysis: consistent. See Section F of this report.*
2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;  
*Staff analysis: consistent. The amendments will ensure clear and consistent standards for fencing, protect safety with clear sight requirements, and allow for signage to ensure safety and efficient traffic with directional signage.*
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  
*Consistent. The stated purposes of the Code are found in section 19.01.04:*
  1. The purpose of this Title, and for which reason it is deemed necessary, and for which it is designed and enacted, is to preserve and promote the health, safety, morals, convenience, order, fiscal welfare, and the general welfare of the City, its

- present and future inhabitants, and the public generally, and in particular to:
- a. encourage and facilitate the orderly growth and expansion of the City;
  - b. secure economy in governmental expenditures;
  - c. provide adequate light, air, and privacy to meet the ordinary or common requirements of happy, convenient, and comfortable living of the municipality's inhabitants, and to foster a wholesome social environment;
  - d. enhance the economic well-being of the municipality and its inhabitants;
  - e. facilitate adequate provisions for transportation, water, sewer, schools, parks, recreation, storm drains, and other public requirements;
  - f. prevent the overcrowding of land, the undue concentration of population, and promote environmentally friendly open space;
  - g. stabilize and conserve property values;
  - h. encourage the development of an attractive and beautiful community; and
  - i. promote the development of the City of Saratoga Springs in accordance with the Land Use Element of the General Plan.

*The proposed amendments will provide clarity in development standards to ensure orderly growth, will maintain high standards to ensure a wholesome environment, and will both allow flexibility for property owners while helping ensure an attractive and beautiful community.*

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.

***Staff analysis: consistent.** The amendments will provide additional flexibility in signage traffic direction, and remove contradictions from the code. Community interests will also be protected by requiring minimum standards clear sight and fencing. .*

## **H. Recommendation / Options:**

### **Staff Recommended Motion – Positive Recommendation**

The Planning Commission may choose to forward a **positive recommendation** on all or some of the amendments to the Code Sections listed in the motion, as proposed or with modifications:

Motion: “Based upon the evidence and explanations received today, I move to forward a **positive recommendation** to the City Council for the proposed amendments to Sections 19.06, 19.14, and 19.18, with the Findings and Conditions below:

#### **Findings:**

1. The amendments are consistent with Section 19.17.04.1, General Plan, as outlined in Sections F and G of this report and incorporated herein by reference.
2. The amendments are consistent with Section 19.17.04.2 as outlined in Section G of this report and incorporated herein by reference.
3. The amendments are consistent with Section 19.17.04.3 as outlined in Section G of this report and incorporated herein by reference.

4. The amendments are consistent with Section 19.17.04.4 as outlined in Section G of this report, and incorporated herein by reference.

**Conditions:**

1. The amendments shall be edited as directed by the Commission: \_\_\_\_\_
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_

**Alternative A – Continuance**

Vote to **continue** all or some of the Code amendments to the next meeting, with specific feedback and direction to Staff on changes needed to render a decision.

Motion: “I move to continue the amendments to Section(s) [19.06, 19.14, 19.18] of the Code to the [September 22, 2016] meeting, with the following direction on additional information needed and/or changes to the draft:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Alternative B – Negative Recommendation**

Vote to forward a **negative** recommendation to the City Council for all or some of the proposed Code amendments.

**Motion:** “Based upon the evidence and explanations received today, I move to forward a **negative** recommendation to the City Council for the proposed amendments to Section(s) [19.06, 19.14, 19.18] of the Code with the Findings below:

**Findings**

1. The amendments do not comply with Section 19.17.04(1), General Plan, as articulated by the Commission: \_\_\_\_\_
2. The amendments do not comply with Section 19.17.04, sub paragraphs 2, 3, and/or 4 as articulated by the Commission: \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

**I. Exhibits:**

1. Draft Amendments
  - a. 19.06. Landscaping and Fencing (page 6)
  - b. 19.14. Site Plans (page 7)
  - c. 19.18. Signs (pages 8-9)

\*\*\*\*\*

**19.06.09. Screening and Fencing Requirements and Restrictions.**

This Section outlines provisions that govern the heights of screening and fencing.

\*\*\*\*\*

- 7. **Required residential fencing:** fencing in residential zones shall be placed along property lines abutting open space, parks, trails, and easement corridors. In addition, fencing may also be required adjacent to undeveloped properties.
  - a. In an effort to promote safety for citizens and security for homeowners, fences along open space, parks, trails, and easement corridors shall be semi-private. Exception: privacy fencing is permitted for property lines abutting trail corridors that are not City maintained and are both parallel-adjacent to and visible from an arterial.
  - b. Fencing along arterial roads shall be of a consistent material and color within each development.
  - c. Fencing along open space, parks, trails, and easement corridors may be less than six feet in height but shall not be less than three feet in height, at the discretion of the property owner or HOA as applicable.

\*\*\*\*\*

**19.06.11. Clear Sight Triangle.**

- A. To allow for clear sight as shown in the graphic below, at all intersections of streets, driveways, or sidewalks, for a distance of twenty feet back from the point of curvature of curved ROWs and property lines or thirty feet back from the intersection of straight ROWs and property lines, whichever is greater, and fifteen feet back from edge of driveways:
  - a. all landscaping, and fencing shall be limited to a height of not more than three feet, and
  - b. the grade at such intersections shall not be bermed or raised.
- B. Exceptions:
  - a. Deciduous tree canopies may be located in the clear sight triangle of privately maintained park-strips intersections only if at maturity, as defined in Section 19.06.06, the distance between the ground and base of the canopy is maintained at no less than eight feet and the tree caliper at maturity is no greater than twelve inches, and
  - b. any other exception outlined in the Code.

\*\*\*\*\*



**19.14.03. Site Plan Development Standards.**

The following are standards required for all Site Plans in any zone:

1. **Site Plan Standards.** The entire parcel area shall be built upon, landscaped, or paved in accordance with the zone's open space and parking requirements.
2. **Buffering and Screening Requirements.** Any commercial lot which abuts a residential or agricultural use shall be effectively screened by a combination of a wall, fencing, ~~and or~~ landscaping of acceptable design. No chain link or wood fences are permitted as buffering or screening between commercial and residential. Masonry and solid white vinyl are suggested types of fences, and as circumstances require, one or the other may be required. Unless otherwise required by this Title, walls or fences used as a buffer or screen shall not be less than six feet in height. Landscaped berms with sufficient trees may be reduced to 4-5 feet depending on specific adjacent uses. Such wall, fence and landscaping shall be maintained in good condition with no advertising thereon. All developments shall have a minimum number of both deciduous and evergreen trees to provide for shade and visual relief.

\* \* \* \* \*

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**19.18.03. Definitions.**

\* \* \* \* \*

x. "Interior Directional Signage" means signage that is placed entirely within the boundaries of a development lot or site and situated adjacent to an internal intersection, drive-thru, or other similar feature that warrants vehicular or pedestrian directional clarification.

\* \* \* \* \*

**19.18.09. Institutional/ Civic Zone Standards.**

\* \* \* \* \*

- c. ~~Pedestal and~~ Pole signs.
  - i. Not permitted.
- d. Window and Door signs.
  - i. Window and door signs shall not exceed twenty percent of the window or door on which the sign is located.
- e. Banner Signs.
  - i. Banner signs shall only be permitted on a temporary basis.
  - ii. Banner signs shall not exceed four feet in height and thirty-two square feet in size.
  - iii. Banner signs shall be placed in a landscaped area or on a structure, and shall not be located within the clear sight triangle identified in Chapter 19.06.
  - iv. Banner signs shall be limited to a cumulative total of thirty days in a calendar year.
- f. Internal Directional Signs
  - i. Type: small pedestal and monument signs are the only freestanding directional signs permitted.
  - ii. Location:
    - i. all signs shall be located interior to the development and shall not be oriented to draw traffic from the exterior of the development.
    - ii. all signs shall be located adjacent to and within ten feet of an internal intersection, or drive-thru, or similar feature needing directional clarification as identified on an approved site plan.
  - iii. Height: a small pedestal or monument sign shall not exceed a height of three feet.

iv. Size: a small pedestal or monument sign shall not exceed three square feet in size.

iv.v. Number: no more than one pedestal or monument sign per internal intersection, drive-thru, or similar feature.

\* \* \* \* \*

#### **19.18.10. Commercial Zone Sign Standards.**

1. Banner Signs in all commercial zones.
  - a. Banner signs shall only be permitted on a temporary basis.
  - b. Banner signs shall not exceed four feet in height and thirty-two square feet in size.
  - c. Banner signs shall be placed in a landscaped area or on a structure, and shall not be located within the clear sight triangle identified in Chapter 19.06.
  - d. Banner signs shall be limited to a cumulative total of thirty days in a calendar year.
  
2. Grand Opening Signs in all commercial zones
  - a. Within the first year of ~~of~~ obtaining a first business license at a particular location for the business, a business may erect, in addition to permitted permanent signs, otherwise prohibited temporary signage at that location for a single period of time not to exceed forty-five calendar days. All temporary signage must be removed at the end of the forty-five day period. Such temporary signage includes:
    - i. banners exceeding the maximum size otherwise defined in this chapter,
    - ii. streamers,
    - iii. pennants,
    - iv. balloon signs, and
    - v. wind signs.
  
3. Tenant Listing Signs in all commercial zones.
  - a. Number. Each building that contains multiple tenants or uses shall be limited to one sign in addition to other allowed wall signage per zone per primary entrance to the building, and each tenant shall be limited to one panel.
  - b. Size. Each panel shall be limited to a maximum of one square foot.
  - c. Design. All panels on a tenant listing sign shall be constructed of the same material and be of a consistent shape and size.
  - d. Location. Each tenant listing sign shall be located on the same façade as the primary entrance, in a location easily visible to persons using the primary entrance.
  - e. Height. Each tenant listing sign shall be mounted at or below the top of the first floor of the building, at a height no less than eight feet and no more than fifteen feet, as measured from the elevation at the entrance of the building to the top of the sign.
  
4. Internal Directional Signs in all commercial zones
  - a. Type: small pedestal and monument signs are the only freestanding directional signs permitted.

- b. Location: all signs shall be located adjacent to and within ten feet of an internal intersection, drive-thru, or similar feature needing directional clarification as identified on an approved site plan.
- c. Height: a small pedestal or monument sign shall not exceed a height of three feet.
- d. Size: a small pedestal or monument sign shall not exceed three square feet in size.
- e. Number: no more than one pedestal or monument sign per internal intersection, drive-thru, or similar feature.

4.5. Signage in the Neighborhood Commercial Zone.

- a. Building signs.
  - i. See Regional Commercial requirements.
- b. Monument signs.
  - i. Number.
    - 1. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.
    - 2. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.
  - ii. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.
  - iii. Height. A monument sign for a single building or use shall not exceed 7.5 feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.
- c. Pedestal signs.
  - i. ~~Not~~ Only internal directional signage permitted.
- d. Awning and Canopy Signs.
  - i. Number. One awning or canopy may be used as signage for a tenant, in lieu of a secondary building sign.
  - ii. Location and Design. Awning and Canopy signs shall be located on the first floor only, and only awnings or canopies approved as part of the site plan and located above doors or windows may be used for signage. Sign copy is only permitted on the vertical portion of the canopy; no sign copy shall be placed on the roof portion.
  - iii. Size. Sign content shall not exceed twenty percent of the awning or canopy on which the sign is located, or fifteen square feet, whichever is less.
  - iv. Height. A minimum of eight feet of clearance must be maintained between the top of the nearest sidewalk or curb and the bottom of the awning or canopy.
- e. Projecting and Suspended Signs.
  - i. Number. Each street-level tenant is permitted one projecting or suspended sign.
  - ii. Location and Design. Signs shall be located above the entrance to the use, shall not extend more than five feet from the wall to which they are attached,

shall maintain clearance of six inches between the sign and the wall, and shall be a minimum of thirty feet from the nearest projecting or suspended sign.

- iii. Size. Signs shall not exceed twelve square feet in size.
  - iv. Height. A minimum of eight feet of clearance must be maintained between the top of the nearest sidewalk or curb and the bottom of the sign.
- f. Window and Door signs.
- i. Window and door signs shall not exceed twenty percent of the window or door on which the sign is located.

5.6. Signage in the Regional Commercial zone.

- a. Building signs.
- i. Number. Each tenant in a building is permitted one primary building sign, and two secondary signs; buildings or uses that are larger than 50,000 square feet and have more than one primary entrance may have a second primary sign.
  - ii. Size, primary signage. The primary building signage shall not exceed a cumulative total size equal to eight percent of the façade on which the sign or signs are mounted, or 30 square feet, whichever is larger.
  - iii. Secondary signage. Secondary signage shall not be mounted on the same façade as primary signage, and each secondary sign shall not exceed fifty percent of the size of the tenant's primary sign.
- b. Monument signs.
- i. Number, in addition to interior directional signage.
    - a. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.
    - b. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.
  - ii. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.
  - iii. Height. A monument sign for a single building or use shall not exceed 7.5 feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.
- c. Pedestal signs.
- i. Number. In addition to interior directional signage, Developments developments consisting of more than seven acres shall be permitted one pedestal sign for each major entrance into the development.
  - ii. Spacing. Pedestal signs must be separated by a minimum distance of 300 feet as measured diagonally across the property, and shall be a minimum of 200 feet from any other ground sign on the same frontage.
  - iii. Size. The area of the sign face shall not exceed 120 square feet.
  - iv. Height. The sign shall not exceed twenty feet in height.
- d. Awning and Canopy Signs.
- i. Number.

- a. One awning or canopy attached to a building may be used as signage for a tenant, in lieu of a secondary building sign.
    - b. Up to two freestanding awnings or canopies may be used for signage.
  - ii. Location and Design.
    - a. Building Awning and Canopy signs shall be located on the first floor only, and only awnings or canopies approved as part of the site plan and located above doors or windows may be used for signage.
    - b. Signage shall only be permitted on freestanding awnings and canopies when such structures and signage are approved as part of a site plan.
    - c. Sign copy is only permitted on the vertical portion of the canopy; no sign copy shall be placed on the roof portion.
  - iii. Size.
    - a. Building Awning and Canopy Signs: sign content shall not exceed twenty percent of the awning or canopy on which the sign is located, or fifteen square feet, whichever is less.
    - b. Freestanding awnings or canopies: sign content shall not exceed ten percent of the freestanding awning or canopy on which the sign is located, or fifteen square feet, whichever is less.
  - iv. Height. A minimum of eight feet of clearance must be maintained between the top of the nearest sidewalk or curb and the bottom of the awning or canopy.
- e. Projecting and Suspended Signs.
  - i. Number. Each street-level tenant is permitted one projecting or suspended sign.
  - ii. Location and Design. Signs shall be located above the entrance to the business, shall not extend more than five feet from the wall to which they are attached, shall maintain clearance of six inches between the sign and the wall, and shall be a minimum of thirty feet from the nearest projecting or suspended sign.
  - iii. Size. Signs shall not exceed twelve square feet in size.
  - iv. Height. A minimum of eight feet of clearance must be maintained between the top of the nearest sidewalk or curb and the bottom of the sign.
- f. Window and Door signs.
  - i. Sign content shall not exceed twenty percent of the window or door on which the sign is located.

~~6.7.~~ Signage in the Office Warehouse and Business Park Zones.

- a. Primary Building signs.
  - i. Number. Each building is permitted one primary building sign.
  - ii. Size. The primary building sign shall not exceed eight percent of the façade on which the sign or signs are mounted, or thirty square feet, whichever is larger.
  - iii. Height. Each primary building sign for single story buildings shall maintain a minimum of eight feet of clearance between the top of the nearest

sidewalk or curb and the bottom of the sign; each primary building sign for multiple story buildings shall be mounted no lower than the bottom of the top floor of the building.

- b. Ancillary Building signs.
  - i. Number. Ancillary uses within a building are permitted one building sign each, with a cumulative maximum of two such signs per any one elevation.
  - ii. Size. The area of the sign shall not exceed twenty-four square feet.
  - iii. Location. The sign shall be mounted by the nearest entrance leading to the ancillary use.
  - iv. Height. The sign shall be mounted at or below the top of the first floor of the building, at a height no less than eight feet and no more than fifteen feet, as measured to the top of the sign.
- c. Monument signs.
  - i. Number, in addition to interior directional signage.
    - i. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.
    - ii. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.
  - ii. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.
  - iii. Height. A monument sign for a single building or use shall not exceed 7.5 feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.
- d. Pedestal signs.
  - i. Number. In addition to interior directional signage, Developments developments consisting of more than seven acres shall be permitted one pedestal sign for each major entrance into the development.
  - ii. Spacing. Pedestal signs must be separated by a minimum distance of 300 feet, as measured diagonally across the property.
  - iii. Size. The area of the sign face shall not exceed 120 square feet.
  - iv. Height. A pedestal sign shall not exceed twenty feet in height.
- e. Window and Door signs.
  - i. Window and door signs shall not exceed twenty percent of the window or door on which the sign is located.

(Ord. 16-04)

### **19.18.11. Industrial Zone Signage.**

- 1. Primary Building signs.
  - a. Number. Each building is permitted one primary building sign.
  - b. Size. The primary building sign shall not exceed eight percent of the façade on which the sign or signs are mounted, or thirty square feet, whichever is larger.

- c. Height. Each primary building sign for single story buildings shall maintain a minimum of eight feet of clearance between the top of the nearest sidewalk or curb and the bottom of the sign; each primary building sign for multiple story buildings shall be mounted no lower than the bottom of the top floor of the building.
2. Tenant Listing Sign.
    - a. Number. Each building that contains multiple tenants or uses shall be limited to one sign per primary entrance to the building, and each tenant or use shall be limited to one panel.
    - b. Design. All panels on a tenant listing sign shall be constructed of the same material and be of a consistent shape and size.
    - c. Size. Each panel shall be limited to a maximum of one square foot.
    - d. Location. Each tenant listing sign shall be located on the same façade as the primary entrance, in a location easily visible to persons using the primary entrance.
    - e. Height. Each tenant listing sign shall be mounted at or below the top of the first floor of the building, at a height no less than eight feet and no more than fifteen feet, as measured from the elevation at the entrance of the building to the top of the sign.
  3. Monument signs.
    - a. Number, in addition to internal directional signs.
      - i. Single building or use: one monument sign shall be allowed for each frontage in excess of one hundred feet a building or use has on a public street.
      - ii. Multiple buildings or uses: One shared monument sign shall be allowed for each frontage in excess of 200 feet a site has on a public street.
    - b. Size. A monument sign for a single building or use shall not exceed forty-five square feet in size. A monument sign for multiple buildings or uses shall not exceed sixty-four square feet in size.
    - c. Height. A monument sign for a single building or use shall not exceed 7.5 feet in height. A monument sign for multiple buildings or uses shall not exceed ten feet in height.
  4. Pedestal signs.
    - a. ~~Not~~ Only internal directional signs permitted.
  5. Window and Door signs.
    - a. Window and door signs shall not exceed twenty percent of the window or door on which the sign is located.
  6. Internal Directional Signs
    - a. Type: small pedestal and monument signs are the only freestanding directional signs permitted.
    - b. Location: all signs shall be located adjacent to and within ten feet of an internal intersection, drive-thru, or similar feature needing directional clarification as identified on an approved site plan.
    - c. Height: a small pedestal or monument sign shall not exceed a height of three feet.
    - d. Size: a small pedestal or monument sign shall not exceed three square feet in size.
    - ~~a-e.~~ Number: no more than one pedestal or monument sign per internal intersection, drive-thru, or similar feature.

(Ord. 16-04)



## Planning Commission Staff Report

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### Site Plan and CUP

#### Papa's Express Carwash

Thursday, September 8, 2016

#### Public Hearing

Report Date:	Thursday, September 1, 2016
Applicant:	Mark Phillipp
Owner:	Utah Valley Turf Farm
Location:	1347 N. Exchange Drive
Major Street Access:	Crossroads Blvd.
Parcel Number(s) & Size:	66:513:0001, 0.99 acres; part of 58:032:0166, 0.4 acres Total: 1.39 acres
Parcel Zoning:	RC, and A
Adjacent Zoning:	RC, and A
Current Use of Parcel:	Vacant, undeveloped
Adjacent Uses:	Commercial, agriculture
Previous Meetings:	None
Previous Approvals:	None
Type of Action:	Administrative
Land Use Authority:	City Council
Future Routing:	City Council
Author:	Kara Knighton, Planner I

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#### A. Executive Summary:

The applicant, on behalf of the owner, is requesting approval of a Site Plan and Conditional Use Permit for a 4,646 sq. ft. full service carwash on a 1.39 acre parcel at 1347 North Exchange Drive, in the Saratoga Springs Commercial subdivision plat (north of Tractor Supply). A Concept Plan for the proposed use was reviewed by Staff on July 5, 2016.

#### Recommendation:

**Staff recommends that the Planning Commission conduct a public hearing on the Papa's Express carwash site plan and Conditional Use Permit, take public comment, review and discuss the proposal, and vote to forward a positive recommendation to the City Council as**

**outlined in Section “H”.** Alternatives include continuation of the item, or forwarding a negative recommendation.

**B. Background:**

The proposed site plan is part of the Saratoga Springs Commercial Development.

Rezone and General Plan Amendment applications were reviewed by the Planning Commission on February 26, 2015 and approved by the City Council on March 17, 2015. The City Council approved the requested General Plan Amendment from Medium Density Residential to the Regional Commercial designation for 0.4 acres and approved the requested Rezone from Agriculture to Regional Commercial for 3.45 acres of property. The remainder of the property was already designated Regional Commercial on the zoning and land use maps.

On November 10, 2015 the City Council approved the Saratoga Springs Commercial Development Preliminary Plat “A” in conjunction with the Tractor Supply site plan. Final plat approval was granted by the Planning Director on December 22, 2015. The plat was recorded with Utah County on February 1, 2016.

The proposed Papa’s Express carwash site plan is 1.39 acres, however the Saratoga Springs Commercial lot is 0.99 acres. To enlarge the parcel to the necessary square footage the west property line is proposed to be extended approximate 67’ to the west. This 67’ area is currently zoned Agriculture and is outside of the current lot, thus a rezone and plat amendment are required to accompany the site plan.

The Papa’s Express carwash concept plan was received by the City on June 22, 2016 followed by a rezone and plat amendment request. The concept plan was reviewed by staff on July 5, 2016. The site plan application was received on July 15, 2016.

**Architectural Design Standards**

The DRC (Development Review Committee) reviewed the site plan and elevations on July 15, 2016. Their comments are summarized below:

1. The building being up next to Crossroads Boulevard complies with the architectural design standards.
2. Please provide the color “Olympic blue” for the color and materials board.
3. Please provide a cross connection with the lot to the east and potential lot to the west.
4. Recommendation: It is recommended that more windows be placed on the southern elevation.

A resubmittal was received on August 11, 2016 addressing the DRC’s list of requirements. The applicant provided the “Olympic blue” material and added the required cross connections with the lot to the east and potential future lot to the west.

**C. Specific Request:**

The Site Plan and Conditional Use Permit proposal is for a 4,646 sq. ft. full service tunnel carwash in the RC zone on a 1.39 acre parcel, as shown in Exhibit 3. The proposal consists of 29 parking/vacuum stalls including 2 accessible stalls, and 12,070 sq. ft. of landscaping.

**D. Process:****Site Plan**

Section 19.13 summarizes the processes for site plans, and 19.14 outlines the requirements for site plans. The development review process for site plan approval involves a formal review of the request by the Planning Commission in a public hearing, with a recommendation forwarded to the City Council. The City Council is then the deciding body and formally approves or denies the site plan request in a public meeting.

**Conditional Use Permit**

Section 19.15 summarizes the process for conditional use permits. The review process involves a formal review by the Planning Commission in a public hearing, with a recommendation forwarded to the City Council. The City Council is the approval authority and may approve, approve with conditions, deny the request, or defer action if the applicant fails to appear at the public meeting.

**E. Community Review:**

The site plan and conditional use permit have been noticed as a public hearing in the *Daily Herald*; and mailed notice sent to all property owners within 300 feet. As of the date of this report, no public input has been received.

**F. General Plan:**

The site is designated as Regional Commercial on the Future Land Use Map. The goal and intent of this designation is below:

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

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

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

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

**Staff conclusion:** *Consistent. The proposed full service carwash is considered a destination oriented business and as such the automobile is not only a priority, but the purpose of the service; the main connection is with a private road leading to Exchange Drive, and out to Crossroads Blvd. Sidewalks and pathways are provided for pedestrian access.*

**G. Code Criteria: For full analysis please see the attached Planning Review Checklist, Exhibit "8".**

- 19.04, Land Use Zones: **Can comply.**
  - A Conditional Use Permit is required for the proposed carwash.
  - The Planning Commission shall review the Site Plan and building elevations.
  - The City Council must deem the vacuums to be customarily and appropriately conducted outside.
- 19.05, Supplemental Regulations: **Complies.**
- 19.06, Landscaping and Fencing: **Can comply.**
  - Softening of walls: Plants shall be placed intermittently against long expanses of building walls. An additional planter bed shall be placed on the southern part of the building.
  - Fencing and Screening: Fencing shall be placed along property lines abutting trail and easement corridors. For consistency with previous commercial development approvals, a Code amendment is proposed by staff to not require this of commercial development.
  - Clear sight: A code amendment is proposed by staff to broaden a previous code amendment for the clear sight triangle, which allows tree canopies in the clear sight triangle of privately maintained park strips and parking islands.
- 19.09, Off Street Parking: **Can comply.**
  - Each island on doubled parking rows shall include a minimum of two trees per planter. A tree is required next to the dumpster.
  - Nine parking stalls are required and eight are provided. One vacuum shall be removed to provide the required nine parking stalls.
- 19.11, Lighting: **Can comply.**
  - All freestanding light fixtures shall be black. The pole color shall be identified on the detail.
- 19.13, Process: **Complies.**
- 19.14, Site Plans: **Can comply.**
  - All mechanical equipment shall be screened.
  - The trash enclosure shall be a comparable material to the main building.
  - The City Council must deem the vacuums to be customarily and appropriately conducted in the open.
- 19.15, Conditional Use permits: **Complies.**
- 19.18, Signs: **Can comply.**
  - The address on the monument sign shall read 1347 N. Exchange Drive.
  - A Code amendment is proposed by staff to allow directional pedestal signage for these types of developments.

The proposed Code amendments above are scheduled for a public hearing at the same Planning Commission meeting as this application. The conditions of approval require compliance with these sections, whether amended or not. E.g. if the amendments are not approved, Staff will ensure that the plans are modified to comply with the existing Code prior to building permit issuance.

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

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

#### **Recommended Motion- Positive Recommendation**

"I move to forward a **positive recommendation** to the City Council for the Papa's Express carwash site plan and Conditional Use Permit, located on parcels 66:513:0001 and 58:032:0166 and as shown in the exhibits, with the Findings and Conditions in the Staff Report dated September 1, 2016:"

#### **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. With modifications as conditions of approval, the application complies with the criteria in section 19.04 of the Development Code, as articulated in Section "G" of the staff report, which section is incorporated by reference herein.
3. The application complies with the criteria in section 19.05 of the Development Code, as articulated in Section "G" of the staff report, which section is incorporated by reference herein.
4. With modifications as conditions of approval, the application complies with the criteria in section 19.06 of the Development Code, as articulated in Section "G" of the staff report, which section is incorporated by reference herein.
5. With modifications as conditions of approval, the application complies with the criteria in section 19.09 of the Development Code, as articulated in Section "G" of the staff report, which section is incorporated by reference herein.
6. With modifications as conditions of approval, the application complies with the criteria in section 19.11 of the Development Code, as articulated in Section "G" of the staff report, which section is incorporated by reference herein.
7. The application complies with the criteria in section 19.13 of the Development Code, as articulated in Section "G" of the staff report, which section is incorporated by reference herein.
8. With modifications as conditions of approval, the application complies with the criteria in section 19.14 of the Development Code, as articulated in Section "G" of the staff report, which section is incorporated by reference herein.
9. The application complies with the criteria in section 19.15 of the Development Code, as articulated in Section "G" of the staff report, which section is incorporated by reference herein.

- 10. With modifications as conditions of approval, the application complies with the criteria in section 19.18 of the 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. All requirements of the Fire Chief shall be met.
- 3. The Papa’s Express carwash site plan and Conditional Use Permit is recommended as shown in the attachment to the Staff report in Exhibit 3.
- 4. The City Council shall deem the vacuums to be appropriately conducted outside.
- 5. An additional planter bed shall be placed on the southern end of the building to create a softening affect.
- 6. Tree canopies within the clear sight triangle shall be maintained at a height of 8’and comply with Section 19.06.11.
- 7. Fencing and screening shall comply with Section 19.06.09.
- 8. Each island on doubled parking rows shall include a minimum of two trees per planter. An additional tree shall be added to the double parking row island next to the dumpster.
- 9. The plat amendment shall be approved as proposed.
- 10. The plat amendment shall be recorded prior to building permit issuance.
- 11. The parking lot pole color shall be called out on plans and comply with Section 19.11.
- 12. Mechanical equipment shall be screened.
- 13. The parking shall comply with Section 19.09.
- 14. The trash enclosure shall match the building.
- 15. All signage shall comply with Section 19.18.
- 16. All other Code requirements shall be met.
- 17. Any other conditions or changes as articulated by the Planning Commission:

---

**Alternative 1 - Continuance**

The Planning Commission may also choose to continue the item. “I move to **continue** the Papa’s Express carwash site plan and Conditional Use Permit 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. \_\_\_\_\_

**Alternative 2 – Negative Recommendation**

The Planning Commission may also choose to forward a negative recommendation to the City Council for the Papa’s Express carwash site plan and conditional use permit. “I move to forward a **negative recommendation** to the City Council for the Papa’s Express carwash site plan and conditional use permit with the Findings below:

1. The Papa's Express carwash site plan and conditional use permit is not consistent with the General Plan, as articulated by the Planning Commission:  
\_\_\_\_\_, and/or,
2. The Papa's Express carwash site plan and conditional use permit is not consistent with Section [19.04, 19.05, 19.06, 19.09, 19.11, 19.13, 19.14, 19.15, 19.18] of the Code, as articulated by the Planning Commission:  
\_\_\_\_\_.

**I. Attachments:**

- |                              |              |
|------------------------------|--------------|
| 1. City Engineer's Report    | (page 8-9)   |
| 2. Location & Zone Map       | (page 10-11) |
| 3. Site Plan                 | (page 12)    |
| 4. Landscape Plan            | (page 13)    |
| 5. Elevations                | (page 14-16) |
| 6. Signs                     | (page 17-23) |
| 7. Lighting Plans            | (page 24-25) |
| 8. Planning Review Checklist | (page 26-35) |

## Planning Commission Staff Report

**Author:** Gordon Miner, City Engineer  
**Subject:** Papa's Car Wash  
**Date:** August 31, 2016  
**Type of Item:** Site Plan Approval



### Description:

**A. Topic:** The Applicant has submitted a Site Plan application. Staff has reviewed the submittal and provides the following recommendations.

### B. Background:

*Applicant:* Mark Phillip  
*Request:* Site Plan Approval  
*Location:* 1347 NW Commerce Dr. Lot 1 Plat A  
*Acreage:* 1.39 Acres

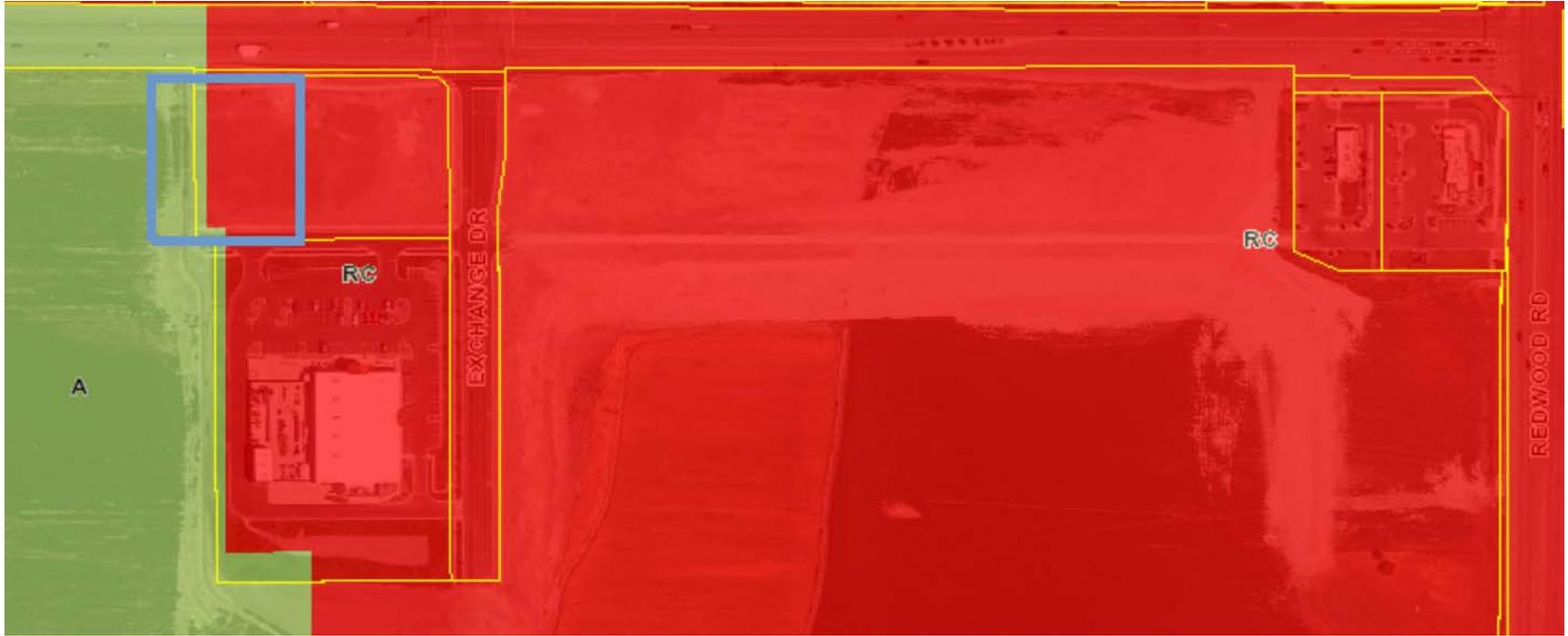
**C. Recommendation:** Staff recommends the approval of Site Plan subject to the following conditions:

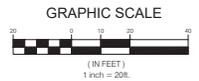
### D. Conditions:

- A. Meet all engineering conditions and requirements in the construction of the project. Review and inspection fees must be paid and a bond posted as per the City's Development Code prior to any construction being performed on the project. Impact and water fees are due when pulling the building permit.
- B. All review comments and redlines provided by the City Engineer are to be complied with and implemented with the approved construction drawings.
- C. Developer must secure water rights as required by the City Engineer, City Attorney, and development code.
- D. Submit easements for all public utilities not located in the public right-of-way.
- E. Developer is required to ensure that there are no adverse effects to adjacent properties due to the grading practices employed during construction of these plats.
- F. Project must meet the City Ordinance for Storm Water release (0.2 cfs/acre for all developed property) and all UPDES and NPDES project construction requirements.

- G. Final plans shall include an Erosion Control Plan that complies with all City, UPDES and NPDES storm water pollution prevention requirements.
- H. All work to conform to the City of Saratoga Springs Standard Technical Specifications, most recent edition.
- I. Developer may be required by the Saratoga Springs Fire Chief to perform fire flow tests prior to final plat approval and prior to the commencement of the warranty period.
- J. Submittal of a Mylar and electronic version of the as-built drawings in AutoCAD format to the City Engineer is required prior acceptance of site improvements and the commencement of the warranty period.







**CONSTRUCTION KEY NOTES REFERENCE**

NO.	DESCRIPTION	DETAIL
①	ASPHALT PAVEMENT WITH GRANULAR BASE	1/CDT.01
②	CONCRETE CURB AND GUTTER PER SARATOGA SPRINGS STDS.	6/CDT.01
③	24" FALL-OUT CURB & GUTTER PER SARATOGA SPRINGS STDS.	6/CDT.01
④	ADA RAMP & SIGN DETAIL PER SARATOGA SPRINGS STDS.	
⑤	DUMPSTER ENCLOSURE (SEE ARCH. PLANS)	
⑥	SIDEWALK PER SARATOGA SPRINGS STDS.	
⑦	FLARE DRIVE APPROACH PER SARATOGA SPRINGS STDS.	3/CDT.02
⑧	CONCRETE PAVEMENT WITH GRANULAR BASE	1/CDT.01

**AREA TABLE**

PARTICULARS	S.F.	%
BUILDING	4,646	7.7
HARDSCAPE	21,637	52.4
LANDSCAPE	21,189	35.1
IMPERVIOUS AREA	39,212	65.0
ROAD	2,879	4.8
TOTAL*	60,350	100
BUILDABLE AREA	31,695	52.5
DEDICATION FOR ROW	0	0.0
SENSITIVE LANDS	0	0.0

NOTE: AREA OF PRIVATE ROAD, PARKSTRIP AND SIDEWALK HAS BEEN SUBTRACTED FROM TOTAL AREA FOR HARDSCAPE AND LANDSCAPE IN THE DRAINAGE CALCULATIONS.

**PARKING COUNT**

REGULAR SURFACE PARKING STALLS PROVIDED	ADA SURFACE PARKING STALLS PROVIDED	TOTAL SURFACE PARKING PROVIDED
27	2	29

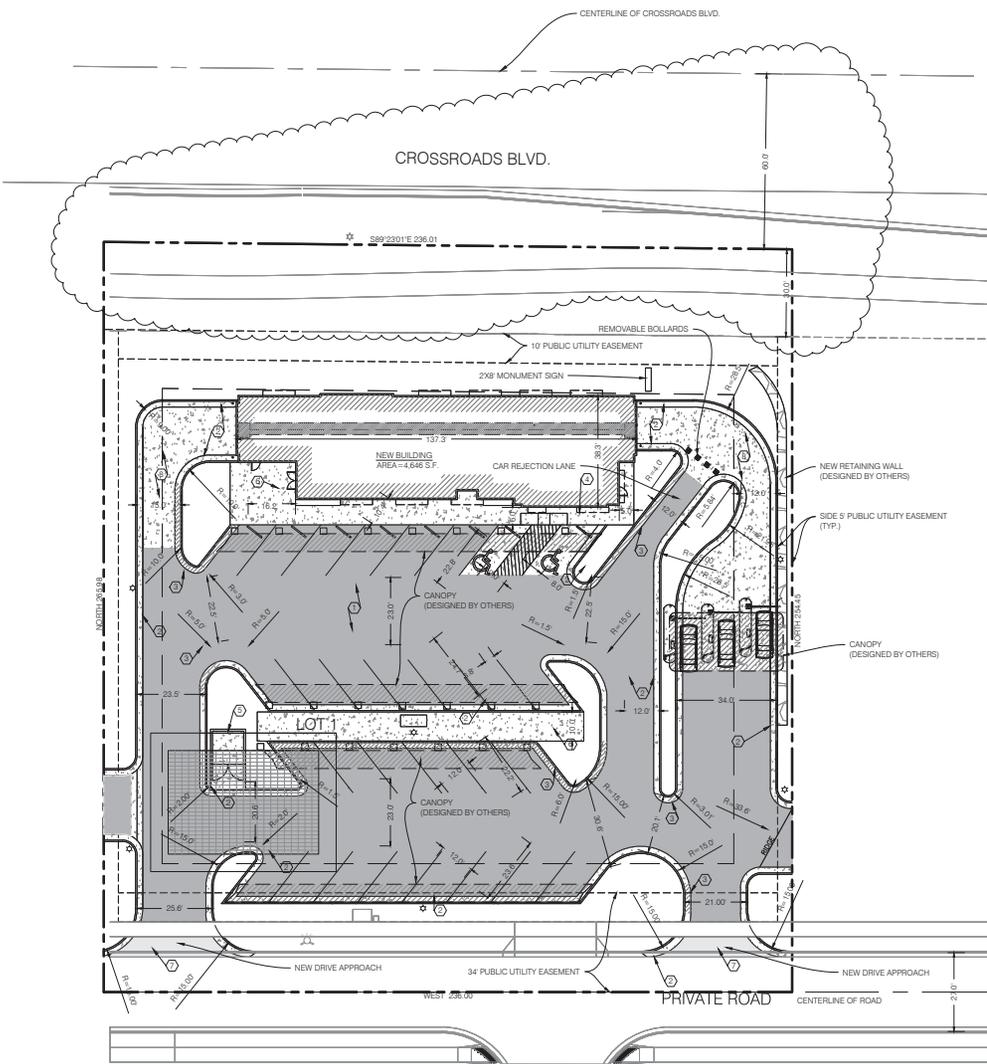
NOTE:  
SOME PARKING MAY BE USED FOR BOTH PARKING AND VACUUMING PURPOSES.

**USAGE TABLE**

LOTS	DWELLINGS	BUILDINGS	DWELLINGS PER ACRE
1	0	1	0

**LINETYPES:**

NEW	EXISTING	SECTION LINE
---	---	SECTION LINE
---	---	PROPERTY LINE
---	---	ADJACENT PL. or LOT LINES
---	---	RIGHT-OF-WAY LINE
---	---	CENTERLINE of ROAD
---	---	EASEMENT LINE
---	---	CURB & GUTTER
---	---	EDGE OF ASPHALT
---	---	PROPOSED ASPHALT
---	---	PROPOSED CONCRETE



PRELIMINARY-NOT FOR CONSTRUCTION

NO.	DATE	DESCRIPTION
1	04/26/2016	ISSUED FOR PERMITS
2	04/26/2016	ISSUED FOR PERMITS
3	04/26/2016	ISSUED FOR PERMITS
4	04/26/2016	ISSUED FOR PERMITS
5	04/26/2016	ISSUED FOR PERMITS
6	04/26/2016	ISSUED FOR PERMITS
7	04/26/2016	ISSUED FOR PERMITS
8	04/26/2016	ISSUED FOR PERMITS
9	04/26/2016	ISSUED FOR PERMITS
10	04/26/2016	ISSUED FOR PERMITS



**BENCHMARK ENGINEERING & LAND SURVEYING**  
1129 SOUTH STATE STREET SUITE #100  
SANDY, UTAH 84070 (801) 542-7102  
www.benchmarkutah.com

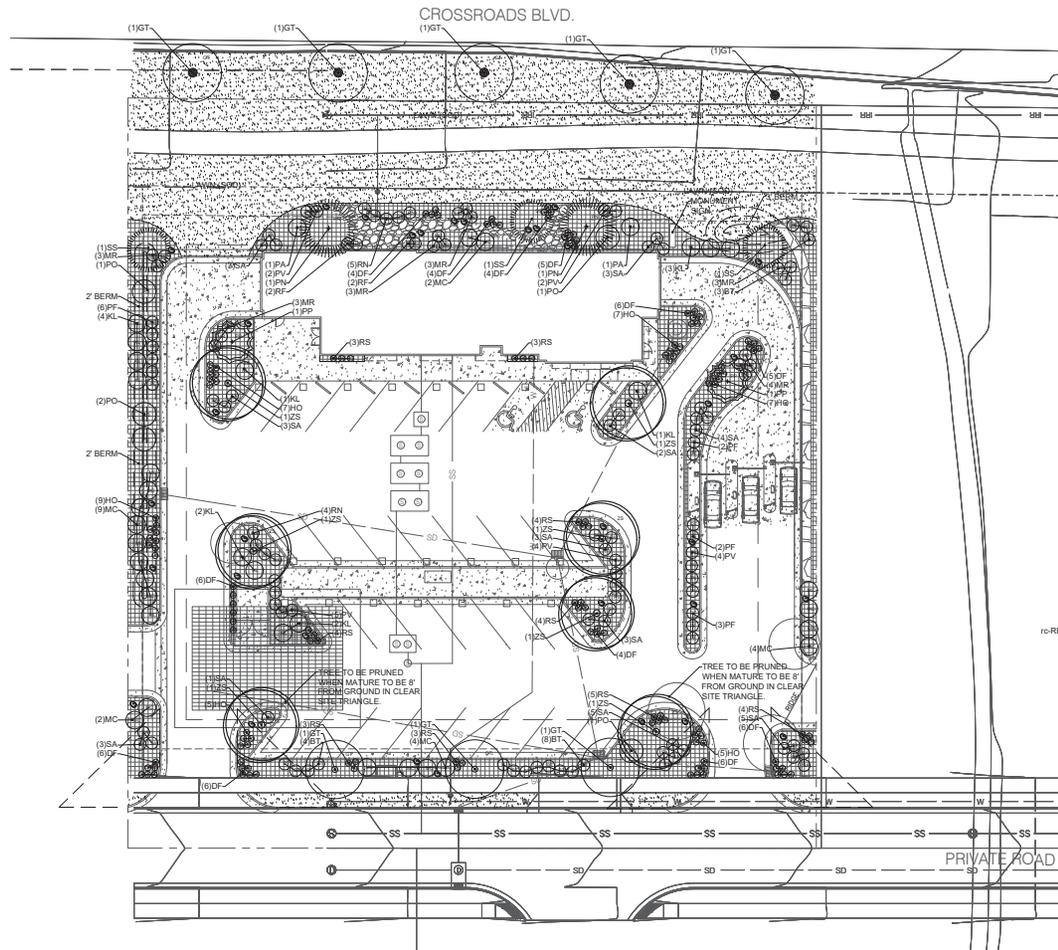


**PAPA'S EXPRESS CAR WASH**  
1347 NW COMMERCE DRIVE  
SARATOGA SPRINGS, UTAH

PROJECT NO: 1603044

**SITE PLAN**

CSP.01  
3 OF 11



TREE LEGEND				
SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	DROUGHT TOLERANCE
ZS	ZELKOVA SERRATA	JAPANESE ZELKOVA	7	2' CAL. HIGH
GT	GLEDITSIA TRIACANTHOS RESINACEA SWYDENE	SKYLINE HONEYLOCUST	8	2' CAL. HIGH
PP	PICEA PUNGENS 'GLAUCA'	COLORADO BLUE SPRUCE	2	6-7' HIGH
PN	PINUS NIGRA	AUSTRIAN PINE	2	6-7' HIGH
SS	PICEA OMORIKIA	SERBIAN SPRUCE	3	2' CAL. HIGH

SHRUB LEGEND				
SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	DROUGHT TOLERANCE
PA	PICEA ABIES 'NIDIFORMIS'	NIDIFORMIS NEST SPRUCE	2	5 GAL. MODERATE
RN	ROSA X 'NEARLY WILD'	'NEARLY WILD' ROSE	9	5 GAL. HIGH
SA	SPREEA X BUNBULDA 'GOLDFINGER'	GOLDFINGER SPREEA	34	1 GAL. HIGH
PF	POTENTILLA FRUITICOSA 'GOLDFINGER'	GOLDFINGER POTENTILLA	13	1 GAL. HIGH
KL	KALMIA LATIFOLIA 'FRECKLES'	'FRECKLES' MOUNTAIN LAUREL	13	5 GAL. MODERATE
RF	RHAMNUS FRANGULA 'ROY WILLIAMS'	FINE LINE BUCKTHORN	4	5 GAL. MODERATE
BT	BERBERIS THUNBERGII 'CRIMSON PYGMY'	DWARF JAPANESE BARBERY	15	1 GAL. HIGH
MR	MAHONIA REPENS	CREEPPING MAHONIA	19	1 GAL. HIGH
PO	PHYSCOCARPUS OPIULUS	SUMMER WINE NINE BARK	5	5 GAL. MODERATE

PERENNIAL LEGEND				
SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	DROUGHT TOLERANCE
HO	HEMEROCALLIS SP. 'STELLA DE ORO'	STELLA DE ORO DAYLILY	40	1 GAL. HIGH
RS	RUDECKIA FULGIDATA SULLIVANTI 'GOLDFINGER'	BLACK EYED SUSAN	33	1 GAL. HIGH

ORNAMENTAL GRASS LEGEND				
SYMBOL	BOTANICAL NAME	COMMON NAME	QTY.	DROUGHT TOLERANCE
DF	RENNISSETUM APOLUCOIDES 'RAMEL'	HAMEL DWARF FOUNTAIN GRASS	62	1 GAL. HIGH
PV	PANICUM VIRGATUM 'SHENANDOAH'	SHENANDOAH SWITCH GRASS	17	1 GAL. MODERATE
MC	MISCANTHUS SINENSIS 'YAKUSHIMA'	DWARF MAIDEN GRASS	21	1 GAL. HIGH

SITE MATERIALS			
SYMBOL	SITE MATERIAL	QUANTITY	SPECIAL NOTES
[Symbol]	TURF GRASS (SOD)	11,701 SQ. FT.	DROUGHT TOLERANT VARIETY
[Symbol]	1"-2" OOURRH COBBLE	8,950 SQ.FT. 100CY	LOCATED IN ALL PLANTER BED AREAS
[Symbol]	DWIM 5 OZ. WEED BARRIER FABRIC	TO BE INSTALLED IN ALL PLANTER AREAS	
[Symbol]	2"-4" ROYAL COBBLE	62.5 SQ.FT.	LOCATED IN ALL PLANTER BED AREAS
[Symbol]	DWIM 5 OZ. WEED BARRIER FABRIC	TO BE INSTALLED IN ALL PLANTER AREAS	
[Symbol]	2'-4" SANDSTONE BOULDERS	14	
[Symbol]	CHOCOLATE BROWN BARK	62.5 SQ.FT. 0.8CY	LOCATED UNDER ALL TREES IN LAWN AREA
[Symbol]	DWIM 5 OZ. WEED BARRIER FABRIC	TO BE INSTALLED IN ALL PLANTER AREAS	

- ### LANDSCAPE NOTES
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR VERIFYING QUANTITIES OF ALL MATERIALS FOR BIDDING AND INSTALLATION PURPOSES. IF DISCREPANCIES EXIST, THE PLAN SHALL DICTATE QUANTITIES TO BE USED.
  - PLANT MATERIAL TO BE INSTALLED PER PLANT LEGEND. IF SUBSTITUTIONS ARE WANTED, PROPOSED LANDSCAPE CHANGES MUST BE SUBMITTED TO THE LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO PLANTING.
  - NEW LAWN AREAS TO BE SOODED WITH DROUGHT TOLERANT VARIETY, FINE LEVEL ALL AREAS PRIOR TO LAYING SO.
  - SANDY LOAM TOPSOIL TO BE IMPLEMENTED AT THE FOLLOWING DEPTHS: 6" TOPSOIL (WITH 2" HUMUS MIXED INTO TOPSOIL PRIOR TO SPREADING) IN ALL NEW PLANTER AREAS AND 4" IN ALL NEW LAWN AREAS. PLANTER BEDS TO BE EXCAVATED AS NECESSARY IN ORDER TO ACCOMMODATE NEW TOPSOIL AND/OR PLANTER BED MULCH TO REACH FINISHED GRADE.
  - 4"x6" EXTRUDED CONCRETE MOW CURB TO BE INSTALLED UNDER ALL LAWN AND PLANTER AREAS PER PLAN. ALL TREES MUST HAVE A 3" CONCRETE TREE RING AROUND THE TRUNK TO KEEP ROCK MULCH AWAY FROM THE TRUNK. PLACE BARK MULCH IN 3" RINGS AT A DEPTH OF 3".
  - DWIM 5 OZ. WEED BARRIER FABRIC TO BE INSTALLED IN ALL PLANTER AREAS EXCEPT UNDER ANNUAL PLANTING AREAS AS SHOWN ON PLAN.
  - ROCK MULCH TO BE IMPLEMENTED AT THE FOLLOWING DEPTHS: 4" IN ALL TREE, SHRUB, AND PERENNIAL PLANTER AREAS; ANNUAL PLANTING AREAS AS SHOWN ON PLAN TO RECEIVE 4" OF SOIL AND MATERIAL. PULL BARK MULCH MIN. 3" AWAY FROM BASE OF ALL PERENNIALS AND SHRUBS AND MIN. 3" AWAY FROM ALL TREES TRUNKS. SEE NOTE 5.
  - CONTRACTOR TO PROVIDE NEW AUTOMATIC UNDERGROUND IRRIGATION SYSTEM TO BE INSTALLED IN ALL LANDSCAPE AREAS. ALL LAWN AREA TO RECEIVE 100% HEAD TO HEAD COVERAGE WITH SPRAY AND ROTARY SPRINKLER HEADS. ALL PLANTER AREAS NEED TO RECEIVE A FULL DRIP SYSTEM TO EACH TREE AND SHRUB ON PROJECT. SEE IRRIGATION PLAN.

SITE REQUIREMENT CALCULATIONS		
	REQD.	PROVIDED.
STREET TREES: CROSSROADS BLVD. (1 TREE PER 50 FT): 235 LINEAR FT.	5	5
TOTAL LANDSCAPED AREA: 21,189 SQ FT		
DECIDUOUS TREES (1 PER 15,000 SQ.FT. + 1 ADDITIONAL FOR EACH 3,000 SQ.FT.)	9	9
EVERGREEN TREES (5 PER 15,000 SQ.FT. + 1 ADDITIONAL FOR EACH 3,000 SQ.FT.)	7	7
SHRUBS (25 PER 15,000 SQ.FT. + 1 ADDITIONAL FOR EACH 3,000 SQ.FT.)	27	287
MINIMUM TURF	25%	40%
MINIMUM AMOUNT OF SHRUB BEDS	75%	60%

ISSUE DATE 08-11-2016	PROJECT NUMBER UT16034	PLAN INFORMATION 811 BLUE STAKES OF UTAH UTILITY NOTIFICATION CENTER, INC. 1-800-662-4111 www.bluestakes.org
NO. REVISION DATE		

## PAPA'S EXPRESS CAR WASH

1347 NW COMMERCE DRIVE  
SARATOGA SPRINGS, UT

DEVELOPER / PROPERTY OWNER / CLIENT  
MARK PHILIPP  
MARK@PAPASWASH.COM

LANDSCAPE ARCHITECT / PLANNER  
**PKJ DESIGN GROUP**  
PKJ DESIGN GROUP L.L.C.  
3450 N. TRIUMPH BLVD, SUITE 102  
LEHI, UTAH 84043 (801) 960-2698  
www.pkjdesigngroup.com

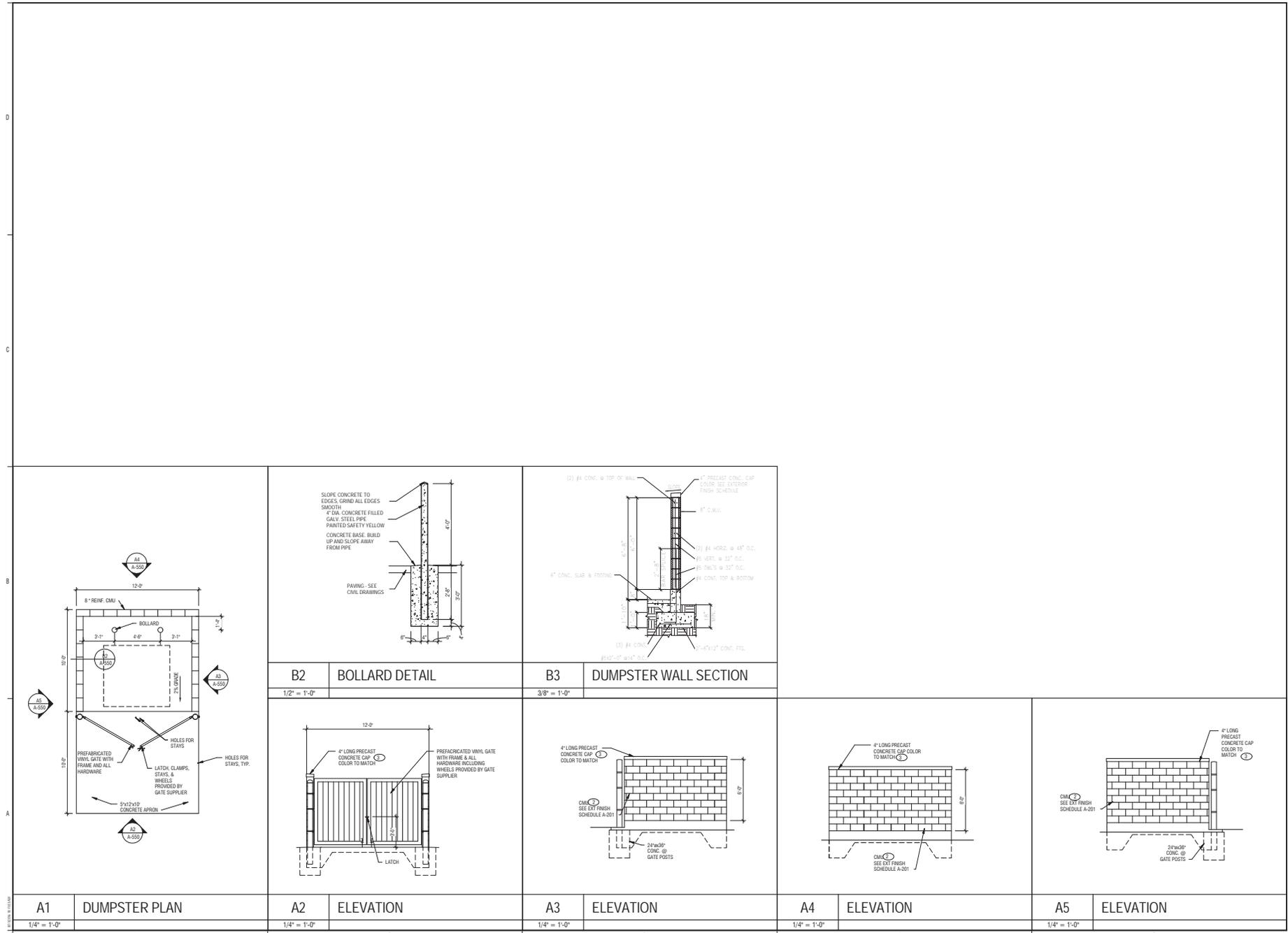
LICENSE STAMP  
LANDSCAPE PLAN  
PRELIMINARY PLANS NOT FOR CONSTRUCTION  
**LP-1.0**

LANDSCAPE PLAN  
PRELIMINARY PLANS NOT FOR CONSTRUCTION  
**LP-1.0**



PAPA'S CAR WASH

MARK PHILLIP



NO.	DATE	DESCRIPTION

PROJECT #:	416223
DRAWN BY:	Author
CHECKED BY:	Checker
ISSUED:	07.06.2015

DETAILS  
 A-550

CONCRETE REINFORCEMENT: PAPA'S CAR WASH, SALT LAKE CITY, UT 84103  
 15/06/15



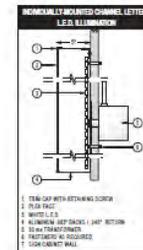
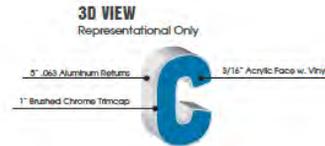
**FRONT ILLUMINATED CHANNEL LETTERS**

Qty 1 Set Front Illuminated Channel Letters  
 Faces: 3/16" Acrylite White Acrylic Faces  
 Vinyls: Gerber High Performance Translucent Dark Blue & Olympic Blue Vinyl  
 Trimcap: 1" Jewelite Brushed Chrome Trimcap  
 Returns: .040 Aluminum Returns in Alliance Metals Bright Brush Clear Anodized  
 Lighting: White LED Illumination  
 \*Survey of Finished Building Required for Sizing Verification



**NORTH ELEVATION**

Scale: 1/16" = 1'-0"



**FRONT ILLUMINATED CHANNEL LETTERS**

Scale: 1/2" = 1'-0" (11"x 17" Page Size)

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**IG Sign & Construction**  
 880 N. 100 E.  
 Lehi, UT 84043  
 801.766.0207  
 fax: 801.407.1622

**INSTALL ADDRESS:**  
 Papa's Express Car Wash  
 1347 W. Commerce Dr.  
 Saratoga Springs, UT 84045  
 Martz Philipp 801.492.6239  
 martz@papaswash.com

**DESIGN #:**  
 PECW SS E 004-16  
**DATE:** 08/08/16  
**DESIGNER:** JOCELYN  
**SALES PERSON:**  
 Zane Latimer 801.755.2953

**Customer Approval:**

\_\_\_\_\_  
 SALES PERSON SIGNATURE  
 REQUIRED FOR PRODUCTION

DATE

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**FRONT ILLUMINATED CHANNEL SHAPE**

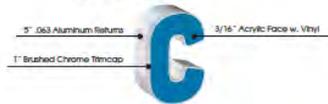
Qty 1 Front Illuminated Channel Shape  
 Faces: 3/16" Acrylite White Acrylic Face  
 Vinyls: Gerber High Performance Translucent Dark Blue & Olympic Blue Vinyl  
 Trimcap: 1" Jewelfite Brushed Chrome Trimcap  
 Returns: .040 Aluminum Returns in Alliance Metals Bright Brush Clear Anodized  
 Lighting: White LED Illumination  
 \*Survey of Finished Building Required for Sizing Verification



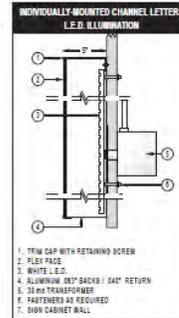
**SOUTH ELEVATION**

Scale: 1/16" = 1'-0"

**3D VIEW**  
 Representational Only



**2 FRONT ILLUMINATED CHANNEL SHAPE**  
 Scale: 1/2" = 1'-0" (11"x 17" Page Size)



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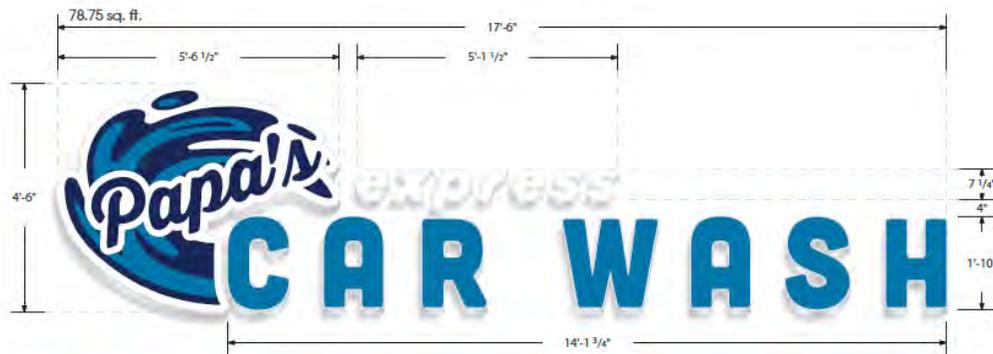
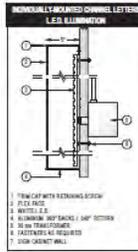
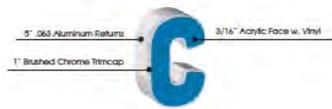
 880 N. 100 E. Lehi, UT 84043 801.766.0207 fax: 801.407.1622 IG Sign & Construction	INSTALL ADDRESS: Papa's Express Car Wash 1347 W. Commerce Dr. Saratoga Springs, UT 84045 Martz Philipp 801.492.6239 martz@papaswash.com	DESIGN #: PECW SS E 004-16	Customer Approval: _____ X	© THIS DRAWING WAS CREATED TO ASSIST YOU IN VISUALIZING OUR PROPOSAL AND CANNOT BE COPIED OR REVISED IN ANY FORM. THE ORIGINAL IDEAS HEREIN ARE THE EXCLUSIVE PROPERTY OF IG GROUP.
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	SALES PERSON SIGNATURE: _____ DATE: _____ REQUIRED FOR PRODUCTION			
	UTAH SIGN ASSOCIATION   INTERNATIONAL SIGN ASSOCIATION   UFIA   URMA			

### FRONT ILLUMINATED CHANNEL LETTERS

Qty 1 Set Front Illuminated Channel Letters  
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 Vinyls: Gerber High Performance Translucent Dark Blue & Olympic Blue Vinyl  
 Trimcap: 1" Jewelite Brushed Chrome Trimcap  
 Returns: .040 Aluminum Returns in Alliance Metals Bright Brush Clear Anodized  
 Lighting: White LED Illumination  
 \*Survey of Finished Building Required for Sizing Verification



#### 3D VIEW Representational Only



### 3 FRONT ILLUMINATED CHANNEL LETTERS Scale: 1/2" = 1'-0" (11" x 17" Page Size)

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 Lehi, UT 84043  
 801.766.0207  
 fax: 801.407.1622  
**IG Sign & Construction**

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 Papa's Express Car Wash  
 1347 W. Commerce Dr.  
 Saratoga Springs, UT 84045  
 Martz Philipp 801.492.6239  
 martz@papaswash.com

**DESIGN #:**  
 PECW SS E 004-16  
**DATE:** 08/08/16  
**DESIGNER:** JOCELYN  
**SALES PERSON:**  
 Zane Latimer 801.755.2953

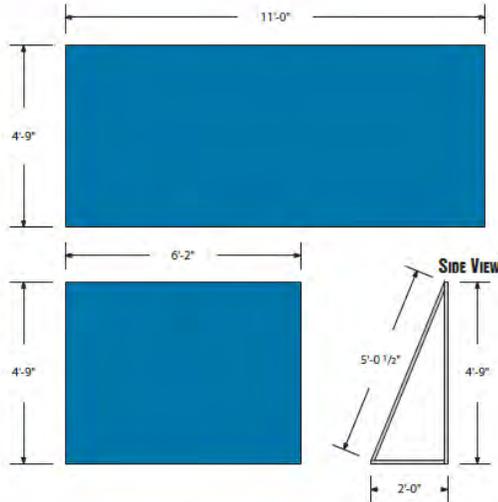
**Customer Approval:**  
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### NON ILLUMINATED ALUMINUM AWNINGS

IG Sign to Fabricate & Install New Aluminum Awnings as Shown  
 Qty 11 Non Illuminated Aluminum Awnings as Shown  
 1x1 Square Tube Framing w. Aluminum Skin  
 .063 Aluminum Skin Painted Napa Auto Paint 42107  
 Installed on Building Over Windows as Shown  
**\*\*Awnings to be Installed w. an 8'-0" Clearance to Ground\*\***  
 \*Exact Fabrication Details to be Determined  
 \*Survey of Finished Building Required for Sizing Verification



### 4 NON ILLUMINATED ALUMINUM AWNINGS

Scale: 3/8" = 1'-0" (11" x 17" Page Size)



**SOUTH ELEVATION**  
 Scale: 1/16" = 1'-0"



**EAST ELEVATION**  
 Scale: 1/16" = 1'-0"



**NORTH ELEVATION**  
 Scale: 1/16" = 1'-0"

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 Martz Philipp 801.492.6239  
 martz@papaswash.com

**DESIGN #:**  
 PECW SS E 004-16  
**DATE:** 08/08/16  
**DESIGNER:** JOCELYN  
**SALES PERSON:**  
 Zane Latimer 801.755.2953

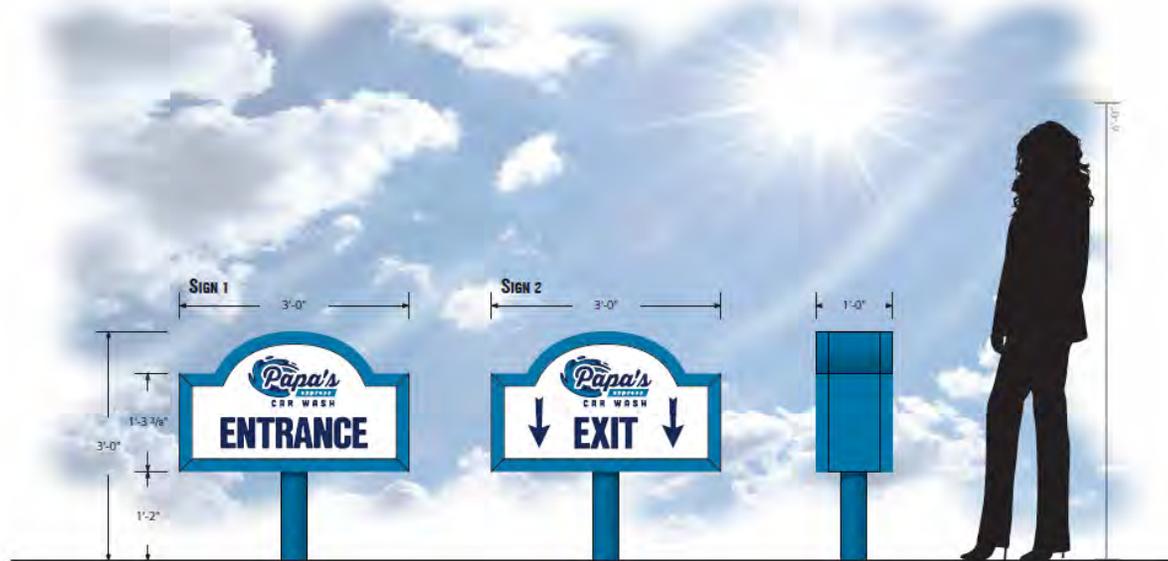
Customer Approval:  
  
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 SALESPERSON SIGNATURE  
 REQUIRED FOR PRODUCTION

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**INTERNALLY ILLUMINATED D/S DIRECTIONAL SIGNS**

Qty 2 (one of each) Internally Illuminated Double Sided Directional Signs  
 Faces: 3/16" Acrylite White Acrylic Faces  
 Vynils: Gerber High Performance Translucent Dark Blue & Olympic Blue Vinyl  
 Retainers: 2" .063 Aluminum Retainers Painted Napa Auto Paint 42107  
 Returns: .040 Aluminum Returns Painted Napa Auto Paint 42107  
 Lighting: White LED Illumination  
 Poles Painted Napa Auto Paint 42107



**INTERNALLY ILLUMINATED D/S DIRECTIONAL SIGNS**

Scale: 3/4" = 1'-0" (11"x 17" Page Size)

FILE PATH: JOSSD / PAPA'S EXPRESS CAR WASH / DESIGN / PECW SS E 004-16

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**IG**  
 880 N. 100 E.  
 Lehi, UT 84043  
 801.766.0207  
 fax: 801.407.1622  
**IG Sign & Construction**

**INSTALL ADDRESS:**  
 Papa's Express Car Wash  
 1347 W. Commerce Dr.  
 Saratoga Springs, UT 84045  
 Martz Philipp 801.492.6239  
 martz@papaswash.com

**DESIGN #:**  
 PECW SS E 004-16  
**DATE:** 08/08/16 **DESIGNER:** JOCELYN  
**SALES PERSON:**  
 Zane Latimer 801.755.2953

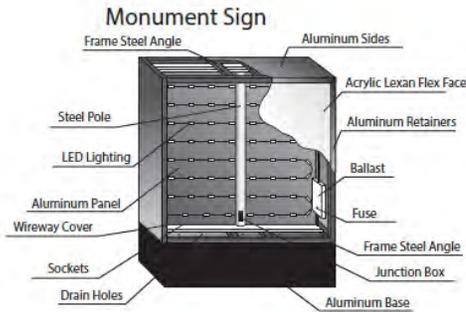
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**INTERNALLY ILLUMINATED D/S MONUMENT SIGN**

Qty 1 Internally Illuminated Double Sided Monument Sign  
 Faces: 3/16" Acrylite White Acrylic Faces  
 Vinyls: Gerber High Performance Translucent Dark Blue & Olympic Blue Vinyl  
 Retainers: 2" .063 Aluminum Retainers Painted Napa Auto Paint 42107  
 Returns: .040 Aluminum Returns Painted Napa Auto Paint 42107  
 Lighting: White LED Illumination  
 .090 Routed Aluminum Letters Painted Black for Address  
 - Mounted to Base on 1/2" Standoffs  
 Cinderblock Base to Match Building \*Exact to be Determined



**6**

**INTERNALLY ILLUMINATED D/S MONUMENT SIGN**

Scale: 1/2" = 1'-0" (11"x 17" Page Size)

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 Saratoga Springs, UT 84045  
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 martz@papaswash.com

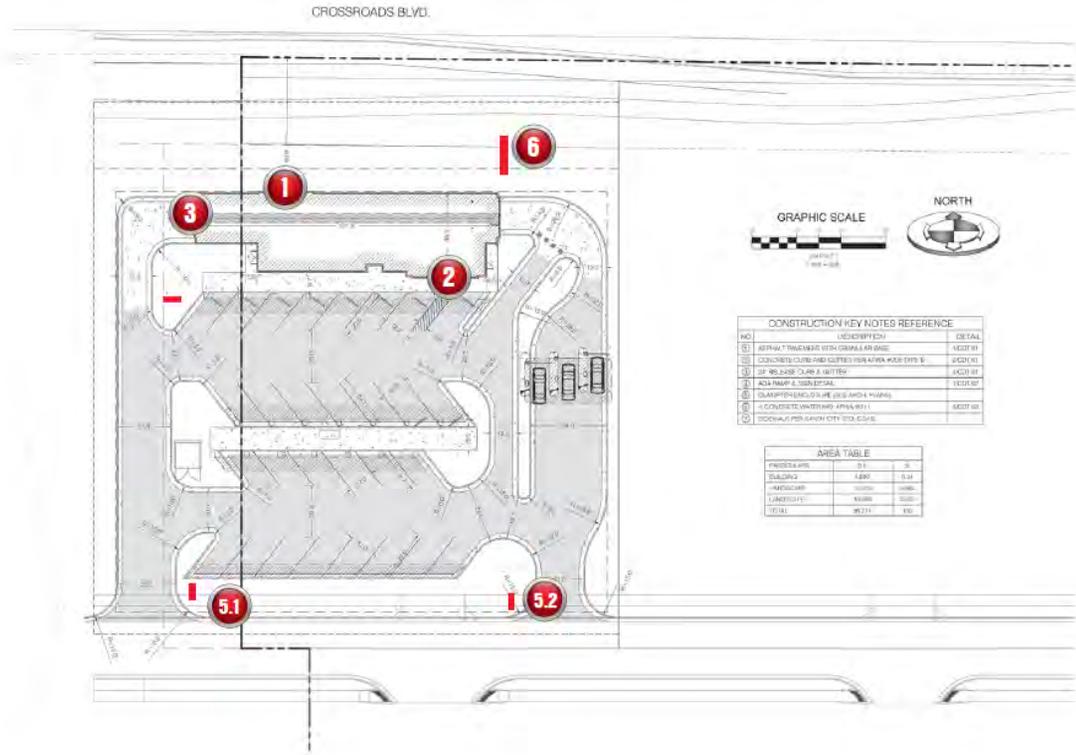
**DESIGN #:**  
 PECW SS E 004-16  
**DATE:** 08/08/16 **DESIGNER:** JOGELYN  
**SALES PERSON:**  
 Zane Latimer 801.755.2953

**Customer Approval:**  
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 X  
 SALESPERSON SIGNATURE DATE  
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 UFIA/URMA

**SITE PLAN**



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 Saratoga Springs, UT 84045  
 Martz Philipp 801.492.6239  
 martz@papaswash.com

**DESIGN #:**  
 PECW SS E 004-16

**DATE:** 08/08/16  
**DESIGNER:** JOCELYN

**SALES PERSON:**  
 Zane Latimer 801.755.2953

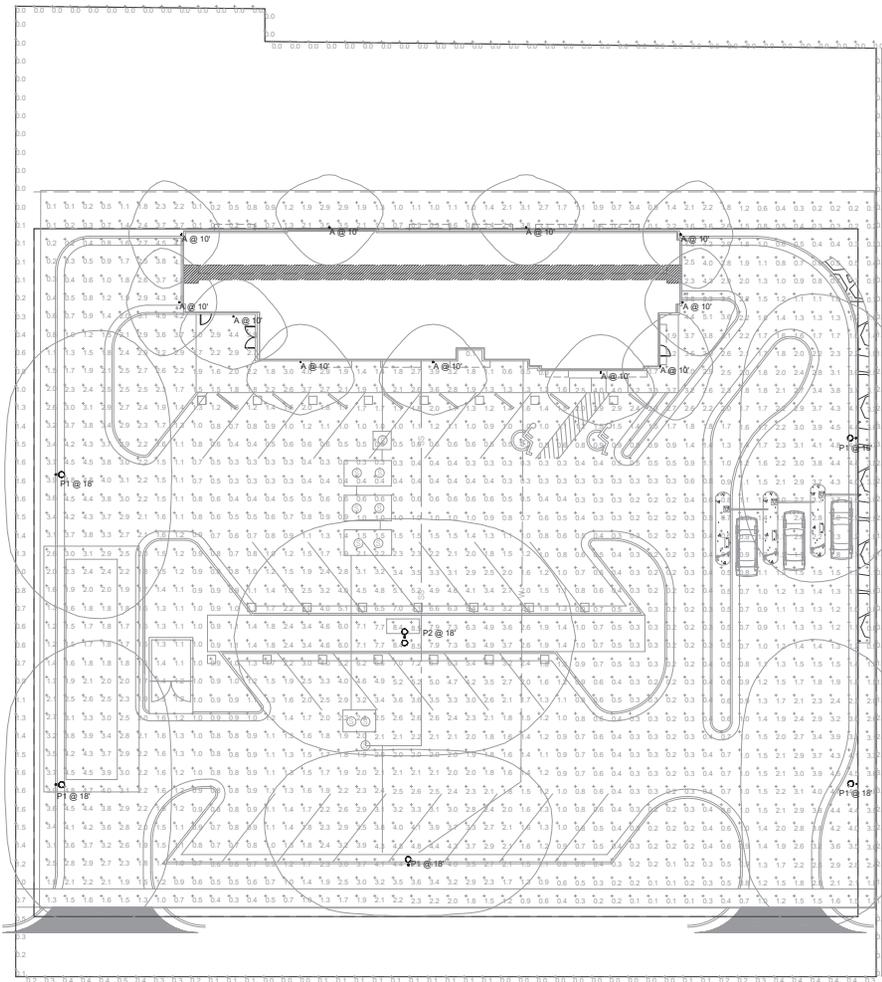
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Plan View  
Scale = 1" = 16'

Description	Symbol	Avg	Max	Min	Max/Min	Upl/Min
Property	+	0.9%	0.3%	0.2%	NA	NA
Property Low	+	0.6%	0.1%	0.1%	NA	NA

Symbol	Label	QTY	Casting Number	Description	Lamp	Number per Lamp	Lumens per Lamp	LLF	Wattage
○	P1	5	BVB1801 70W T3 40K	20.25" DIA. X 10" H, TOP MOUNT SUSPENDED LED LUMINAIRE		1	3480.396	1	75.45
○	P2	1	BVB1801 70W T3 40K	20.25" DIA. X 10" H, TOP MOUNT SUSPENDED LED LUMINAIRE		1	3480.396	1	102.9
○	A	11	WSR LED 10A70040K SR3 MVOLT CDBTND	WSR LED WITH REMOVABLE 10.0" DIA. 1700A DRIVER, 4000 COLOR TEMPERATURE, TYPE 3 LENS	LED	1	2011.523	1	24

**ANF Lighting** Specifications: BVB1801

Location: P1/P2  
 Feature Type: P1/P2  
 Quantity: 5

**BVB1801**  
 The BVB1801 fixture is a 10" diameter top of heavy gauge aluminum with a heavy duty steel mounting and driver. See the Comments.

Category	Item	Description	Value
1. FINISHING CATALOG	1.1	FINISHING	1.1
	1.2	FINISHING	1.2
	1.3	FINISHING	1.3
2. DIMMING OF THE DIMMING	2.1	DIMMING	2.1
	2.2	DIMMING	2.2
	2.3	DIMMING	2.3
3. OPTICAL PLATFORM	3.1	OPTICAL PLATFORM	3.1
	3.2	OPTICAL PLATFORM	3.2
	3.3	OPTICAL PLATFORM	3.3
4. COLOR TEMPERATURE (CCT) PLATFORM	4.1	COLOR TEMPERATURE (CCT) PLATFORM	4.1
	4.2	COLOR TEMPERATURE (CCT) PLATFORM	4.2
	4.3	COLOR TEMPERATURE (CCT) PLATFORM	4.3

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1-800-465-3322  
ANFlighting.com

**WSR LED** Architectural Wall Sconce

Introduction  
 The latest Architectural Wall Sconce is now available with the latest in LED technology. The result is a long-life, maintenance free product with typical energy savings of 75% compared to metal halide versions. The integral battery backup option provides emergency egress lighting, without the need for a back box or remote gear, so installation remains their aesthetic integrity.

Specifications  
 Height: 4.5" (114mm)  
 Width: 2.5" (63.5mm)  
 Depth: 1.5" (38mm)  
 Weight: 1.1 lbs (500g)

Optional Back Box (BBW)  
 Height: 4.5" (114mm)  
 Width: 2.5" (63.5mm)  
 Depth: 1.5" (38mm)  
 Weight: 1.1 lbs (500g)

Ordering Information  
**EXAMPLE:** WSR LED 2-10A70040K SR3 MVOLT CDBTND

Part	Description	Quantity	Notes
WSR LED 2-10A70040K SR3 MVOLT CDBTND	WSR LED WITH REMOVABLE 10.0" DIA. 1700A DRIVER, 4000 COLOR TEMPERATURE, TYPE 3 LENS	1	

Emergency Battery Operation  
 The WSR LED is a maintenance free product with a long life span. The integral battery backup option provides emergency egress lighting, without the need for a back box or remote gear, so installation remains their aesthetic integrity.

**LITHONIA LIGHTING**

6/10/16 2:20:01 (6090) - Papa's Car Wash San Diego Springs(1)\_LDQ (6090)\_EPL - Photometric.rvt

**design west | architects**  
 255 SOUTH 300 WEST  
 LOGAN UT 84321  
 795 NORTH 400 WEST  
 SALT LAKE CITY UT 84103

**PAPA'S CAR WASH**  
 SKANATOGA SPRINGS, UT 84601

REVISIONS

ISSUED DATE:  
 PROGRESS SET:  
 PERMIT REVIEW:  
 BID:  
 CONSTRUCTION:

NOT FOR CONSTRUCTION

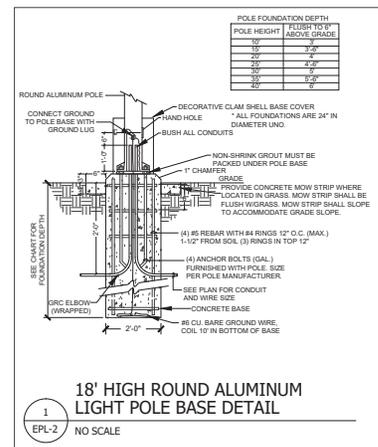
PROFESSIONAL OF RECORD  
 PHONE: 801-566-2933

DRAWN BY  
 CHECKED BY  
 STORE NUMBER  
 DESIGN WEST PROJECT NO.

ISSUE DATE  
 SCALE  
 SHEET NUMBER  
**EPL-1**

**ROCKY MOUNTAIN**  
 CONSULTING ENGINEERS, INC.  
 2117 S. 3600 W., SALT LAKE CITY, UT 84119  
 (801) 566-0503 www.rmco.com Project #16090

SITE LIGHTING PHOTOMETRIC PLAN



**Specifications CC6502**

Project: \_\_\_\_\_  
Drawing No: \_\_\_\_\_  
Quantity: \_\_\_\_\_

**CC6502** 2.0000 (24\"/>

Weight: 14 lbs

FITS POLE DIAMETERS	
3"	4"

**POLE OPTIONS**

See next page for catalog numbers

- Aluminum Die-Cast Finish
- Aluminum Die-Cast Smooth
- Aluminum Die-Cast Brushed
- Aluminum Die-Cast Smooth
- Round Die-Cast Plates
- Topcoat Die-Cast Smooth (consult factory for options)

Fin. Name	Fin. Name
41 NA Non-Reflective	52 100 Copper Clay
42 101 Black	53 110 Silver
43 102 Bright Blue	54 104 Bronze
44 103 Light Blue	55 105 Painted Copper
45 104 Light Blue	56 106 Painted Black
46 105 Light Yellow	57 107 Textured White
47 106 Light Green	58 108 Textured Bronze
48 107 Textured Bronze	59 109 Textured Silver
49 108 Textured Silver	60 110 Polished
50 109 Polished	61 102 Polished

Consult factory for additional part charges and availability.

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1-800-548-3327  
ANPlighting.com

**Specifications PA332**

Project: \_\_\_\_\_  
Drawing No: P1  
Quantity: \_\_\_\_\_

**PA332** 1.8750 (18\"/>

Weight: 8.9 lbs

FITS POLE DIAMETERS	
3"	4"

**POLE OPTIONS**

See next page for catalog numbers

- Aluminum Die-Cast Finish
- Aluminum Die-Cast Smooth
- Aluminum Die-Cast Brushed
- Aluminum Die-Cast Smooth
- Round Die-Cast Plates
- Topcoat Die-Cast Smooth (consult factory for options)

Fin. Name	Fin. Name
41 NA Non-Reflective	52 100 Copper Clay
42 101 Black	53 110 Silver
43 102 Bright Blue	54 104 Bronze
44 103 Light Blue	55 105 Painted Copper
45 104 Light Blue	56 106 Painted Black
46 105 Light Yellow	57 107 Textured White
47 106 Light Green	58 108 Textured Bronze
48 107 Textured Bronze	59 109 Textured Silver
49 108 Textured Silver	60 110 Polished
50 109 Polished	61 102 Polished

Consult factory for additional part charges and availability.

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ANPlighting.com

**Specifications PA332**

Project: \_\_\_\_\_  
Drawing No: P2  
Quantity: \_\_\_\_\_

**PA332** 1.8750 (18\"/>

Weight: 8.9 lbs

FITS POLE DIAMETERS	
3"	4"

**POLE OPTIONS**

See next page for catalog numbers

- Aluminum Die-Cast Finish
- Aluminum Die-Cast Smooth
- Aluminum Die-Cast Brushed
- Aluminum Die-Cast Smooth
- Round Die-Cast Plates
- Topcoat Die-Cast Smooth (consult factory for options)

Fin. Name	Fin. Name
41 NA Non-Reflective	52 100 Copper Clay
42 101 Black	53 110 Silver
43 102 Bright Blue	54 104 Bronze
44 103 Light Blue	55 105 Painted Copper
45 104 Light Blue	56 106 Painted Black
46 105 Light Yellow	57 107 Textured White
47 106 Light Green	58 108 Textured Bronze
48 107 Textured Bronze	59 109 Textured Silver
49 108 Textured Silver	60 110 Polished
50 109 Polished	61 102 Polished

Consult factory for additional part charges and availability.

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ANPlighting.com

**ROCKY MOUNTAIN CONSULTING ENGINEERS, INC.**  
2117 S. 3600 W., SALT LAKE CITY, UT 84119  
(801) 566-0503 www.rmceb.com Project #16060

LIGHTING CUTSHEETS

## APPLICATION REVIEW CHECKLIST

(8/20/2014 Format)

### Application Information

---

<b>Date Received:</b>	7/15/2016, 8/11/2016
<b>Date of Review:</b>	7/26/2016, 8/1/2016, 8/2/2016, 8/16/2016
<b>Project Name:</b>	Papa's Express Car Wash
<b>Project Request / Type:</b>	Site Plan
<b>Meeting Type:</b>	Public Hearing
<b>Applicant:</b>	Mark Philipp
<b>Owner (if different):</b>	Utah Valley Turf Farm
<b>Location:</b>	1347 N Exchange Dr.
<b>Major Street Access:</b>	Crossroads Blvd.
<b>Parcel Number(s) and size:</b>	66:513:0001
<b>General Plan Designation:</b>	Regional Commercial (RC)
<b>Zone:</b>	RC
<b>Adjacent Zoning:</b>	RC, A
<b>Current Use:</b>	Vacant, undeveloped
<b>Adjacent Uses:</b>	Commercial, undeveloped
<b>Previous Meetings:</b>	N/A
<b>Land Use Authority:</b>	City Council
<b>Type of Action:</b>	Administrative
<b>Future Routing:</b>	City Council
<b>Planner:</b>	Kara Knighton, Planner I

### Section 19.13 – Application Submittal

---

- Application Complete: yes
- Rezone Required: yes
  - Zone: Regional Commercial
- General Plan Amendment required: no
- Additional Related Application(s) required: Conditional Use Permit, plat amendment, and rezone

### Section 19.13.04 – Process

---

- DRC: 8/1/2016
- UDC: 8/1/2016
- Neighborhood Meeting: N/A
- PC: 9/8/2016
- CC: 9/20/2016

## General Review

---

### Building Department

- Setback detail
- Lot numbering – per phase (i.e. Phase 1: 100, 101, 102. Phase 2: 200, 201, 202, etc.)
- True buildable space on lots (provide footprint layout for odd shaped lots)
- Lot slope and need for cuts and fills

### Fire Department

- Width adequate for engine, minimum of 26 feet
- Fire hydrant locations, maximum separation of 300 feet for commercial development
- Third party review required for sprinkler systems
- Dimension street widths on plat

### Urban Design Review (DRC) – 19.14.04

- The building being up next to Crossroads Boulevard complies with the architectural design standards.
- Please provide the color “Olympic blue” for the color and materials board.
- Please provide a cross connection with the lot to the east and potential lot to the west.
- Recommendation: It is recommended that more windows be placed on the southern elevation.

## Code Review

---

- 19.04, Land Use Zones: **Can comply (Reviewed as Regional Commercial)**
  - Zone: Regional Commercial (RC)
  - Use: **Conditional**. Conditional Use Permit required for a full service carwash. Provided.
  - Minimum lot size: **Complies**. Minimum is 20,000 sq. ft. The proposed lot is 60,350 sq. ft.
  - Setbacks: **Complies**
    - Front: Complies. 20’ minimum. 50’ proposed.
    - Sides: Complies. 20’ minimum, 30’ next to residential or agricultural. 50’ to the east and 45’ to the west.
    - Rear: Complies. 20’ minimum. 160’ proposed.
    - Exception: No exceptions requested.
    - No building shall be closer than 5’ from any private road, driveway, or parking space. Complies. There is 5’ from the building to the nearest parking space.
  - Lot coverage: **Complies**. 50% max; 8% proposed. The building is 4,646 sq. ft. and the overall square footage is 60,964 sq. ft.
  - Building size: **Complies**. 1,000 sq. ft. minimum; the proposed building is 4,646 sq. ft.
  - Height: **Complies**. 50’ max; 24’ proposed.
  - Development Standards: **Can comply**.
    - Architectural review: The Planning Commission shall review the Site Plan and building elevations.
    - Landscaping: Complies.

- Required front yard area, and other yard areas facing a public street shall have a landscaped area of not less than 20'. **Complies.** There is 20' of landscaping between the front yard area and the public street.
    - 10' of landscaping between parking areas and side or rear property lines adjacent to agricultural and residential uses. **Complies.** Agricultural property lies to the west of the property line. There is 10' of landscaping between the parking area and the west property line.
  - Uses within buildings: **Can comply.** The City Council must deem the vacuums to be customarily and appropriately conducted outside.
  - Trash storage: **Complies.** Trash storage complies with Section 19.14.04.
  - Buffering/ screening requirements: **Complies.**
    - A wall, fencing, or landscaping of acceptable design shall effectively screen the borders of any commercial or industrial lot which abuts an existing platted agricultural or residential use. **Complies.** The applicant is proposing a 2' berm and landscaping on top of the berm to provide buffering and screening to the agricultural property to the west.
    - All developments shall have a minimum number of both deciduous and evergreen trees. **Complies.** The project proposes the minimum number of both deciduous and evergreen trees.
  - Landscaping requirements: 20% landscaping required. 35% proposed.
  - Sensitive lands: **Complies.** There are no sensitive lands.
- 19.05, Supplemental Regulations: **Complies.**
  - Flood Plain: **Complies.** The project is not proposed within the floodplain.
  - Water & sewage: **Complies.** Will connect to City water and sewer.
  - Transportation Master Plan: **Complies.** The building is not proposed within the proposed location of any streets, roads, highway, or rights-of-way.
  - Property access: **Complies.** The proposed project has access onto a private roadway.
- 19.06, Landscaping and Fencing: **Can comply.**
  - General Provisions: **Complies**
    - Automatic irrigation required. **Complies.** The project proposes rain sensors, and pressure regulating heads.
    - All refuse areas (including dumpsters) must be screened.
    - Tree replacement required if mature trees are removed.
  - Landscaping Plan: **Complies.** A landscaping plan was submitted.
  - Completion – Assurances: Bond required for public improvements prior to recordation.
  - Planting Standards & Design: **Can comply.**
    - Required Trees: **Complies.**
      - Deciduous: **Complies.** 2" caliper. 2" proposed.
      - Evergreen: **Complies.** 6' height minimum. 6-7' proposed.
      - Tree Base Clearance: **Complies.** 3' clearance free of rock and turf required. Landscape note #5 fulfills/ addresses this requirement.
    - Shrubs: **Complies.** 25% shall be 5 gallon and the rest shall be 1 gallon; 30% of the proposed shrubs are 5 gallon.

- Turf: **Complies.** 70% max. The project is providing 21,189 sq. ft. of landscape area and 11,701 sq. ft. of turf for a total of 55% turf.
  - Drought Tolerant Plants: **Complies.** 50% of all trees and shrubs shall be drought tolerant. Half of all trees and shrubs have a high drought tolerance.
  - Rock: **Complies.** Two different colors and sizes are required. The project proposes two different sizes and two different colors.
  - Planting and Shrub beds: **Complies.** Edging, drip lines, weed barrier, and some type of mulch required. Rock mulch, weed barrier, drip lines, and edging is provided.
  - Artificial Turf: **Complies.** No artificial turf is proposed.
  - Evergreens: **Complies.** Evergreens are incorporated.
  - Softening of walls and fences: **Can comply.** More shrubs could be used on the south side of the building.
  - Energy conservation: **Complies.** Deciduous trees are proposed in the south part of the project and Evergreens are proposed in the northern part of the project.
  - Preservation of Existing vegetation:
    - Tree Preservation: No mature trees are present on the site.
    - Placement: **Can comply.** More shrubs could be used on the south side of the building.
- Amount: **Complies.** 20% of 60,350 sq. ft. is 12,070 sq. ft. of required landscaping.
  - Deciduous Trees
    - 6 Deciduous trees required
    - 15 provided
  - Evergreen Trees
    - 4 Evergreen trees required
    - 7 provided
  - Shrubs
    - 22 shrubs required
    - 114 provided
  - Turf
    - 35% required
    - 55% provided- The overall landscaping provided is 21,189 sq. ft. and the proposed turf area is 11,701 sq. ft. which is 55%.
  - Planting and Shrub Beds
    - Not more than 65%
    - 45% provided
- Additional Requirements: **Complies.** Lawn is proposed in the park strips as well as street trees placed 50' on center along Redwood Road. (Street trees 50' on center are required per Engineering)
- Fencing & Screening: **Can comply.** Fencing shall be placed along property lines abutting trail and easement corridors. For consistency with previous commercial development approvals, a Code amendment is proposed by staff to not require this of commercial development.
  - Retaining walls: **complies.** Over 4' requires a building permit. There is a retaining wall, but it is 3' at its height point.
- Clear Sight Triangle: **Can comply.** A code amendment is proposed by staff to broaden a previous code amendment for the clear sight triangle, which allows tree canopies in the clear sight triangle of privately maintained park strips and parking islands.

- 19.09, Off Street Parking: **Can comply**.
  - General Provisions: **Complies**. The parking lot is proposed as asphalt.
  - Parking Requirements / Design: **Complies**. No tandem parking spaces are proposed.
  - Dimensions: **Complies**. 9x18 required. The proposed stalls are 12 x 19, except for one of the accessible stalls that is 9' wide with an 8' aisle. The other ADA stall is 12' wide with the 8' aisle.
  - Accessible: **Complies**. Two ADA stalls are required and provided and one of them is van-accessible.
  - Landscaping: **Can comply**.
    - Parking areas adjacent to public streets: **Complies**. 10' landscaped area containing a berm or screen wall 3' in height between parking area and public streets to minimize light intrusion. Both deciduous and evergreen trees shall be placed in the strip with spaces of 30'. The parking lot is not adjacent to a public street. Staff asked the applicant to berm up a shrub area to block light intrusion from the pay station onto Crossroads Blvd. The applicant bermed up this area.
    - Curbs: **Complies**. Curbs are proposed between parking areas and landscaping.
    - Clear sight: See analysis above.
    - Components: **Complies**. The landscaped parking area consists of trees, shrubs, and groundcover. An irrigation plan has been provided.
    - Parking islands: **Can comply**.
      - Double rows: can comply. One 36x9 landscaped island on each end of the parking rows, plus one every 20 stalls. Each landscaped island shall contain 2 trees. The landscape islands are slightly hard to measure due to the angled parking, but they are 45' long with an average of 9' in width. The landscaped islands exceed the area of a 396'x9' landscaped island. A tree is required next to the dumpster.
      - Single rows: **complies**. On single rows of parking or where parking abuts a sidewalk, there shall be one 18-foot by 9-foot landscaped island a minimum of every ten stall. All single rows islands are 18 x 9 and have one tree.
      - Ends: **complies**. The ends are shaped to help direct traffic.
    - Completion: See analysis above.
  - Pedestrian Walkways & Accesses: **Complies**. The parking lot is smaller than 75,000 sq. ft.
  - Shared Parking: **Complies**. No shared parking is proposed.
  - Minimum Requirements: **Can comply**. 3 stacking stalls per bay including stall inside bay, plus 1 parking stall per bay, plus 1 stall per employee on highest shift. 6 vehicles can fit in the tunnel at any given time and the highest employee shift is 3.
    - Stacking stalls: **Complies**
      - 6 bays x 3 = 18 stacking stalls required
      - 21 stacking stalls provided (15 stacking stalls provided before and after pay station, plus the 6 inside the tunnel)
    - Parking spaces: **Can comply**
      - 6 bays + 3 employees = 9 parking stalls required
      - 8 parking stalls provided
- 19.11, Lighting: **Can comply**.
  - General Standards: **Complies**.

- Material: Complies. All lighting fixtures and assemblies shall be metal. The proposed fixtures and assemblies are aluminum.
  - Base: Complies. Decorative base at least 16” in height required. A 24” decorative base is proposed.
  - Type: Complies. Full cutoff. The bell shade is dark sky compliant.
  - Angle: Complies. The fixture is directed downward.
  - Lamp: Complies. 4000K max; 4000K proposed.
  - Drawings: Complies. The pole design and locations are indicated on the plans and in detail 1 on sheet EPL-2.
  - Flags: Complies. No flags are proposed.
- Non-residential lighting: **Can comply.**
- Wall mounted: Complies. The wall mounted fixtures are proposed at 10’.
  - Intermittent lighting: Complies. No intermittent lighting is proposed.
  - Trespass lighting: Complies. No trespass lighting is proposed.
  - Service station canopies: Complies. The project does not propose a service station canopy.
  - All freestanding fixtures and assemblies shall be black: Complies. The bell shade is textured black, but the color of the pole is not called out.
  - Pole design: Complies. Pole design shall include an arm and bell shade. An arm and bell shade are proposed.
  - Height limitations: Complies. 20’ maximum; 18’ proposed.
  - Full cutoff: Complies. The bell shades are Dark Sky Compliant.
  - Hours: Will comply. The applicant is aware of the following regulations and has agreed to them.
    - i. One hour after closing or by 11:00pm, whichever is earlier, businesses must turn off at least fifty percent (50%) of building lighting and lighting fixtures in surface parking lots and on top decks of parking structures; however, those lighting fixtures turned off may be set to function utilizing a motion detector system. Lights may be turned back on one half hour prior to the first employee shift.
    - ii. Business open for 24 hours must turn off 50% of their outdoor and parking lot lighting by 11:00pm and must keep them off until one half hour before sunrise, however, those lighting fixtures turned off may be set to function utilizing a motion detector system.
- Outdoor Sign lighting: **Complies.**
- Illuminated signs within half mile of Camp Williams. Complies. The site is not within a half mile of Camp Williams.
  - On-premise signs may remain illuminated during regular business hours, but may not be illuminated later than one-half hour after the business is no longer open to the public, nor prior to the daily opening of the business to the public.
  - Monument signs may have upward illumination provided the light source is not visible, and the fixtures shall be installed and aimed in such a manner that light is not projects past the sign surface being illuminated, into the windows of neighboring residences, onto adjacent uses, onto public roadways, or skyward. Complies. The proposed monument sign is internally illuminated.
  - Internally illuminated signs shall be designed so that the light source is not visible. Complies. The sign has been designed so that the light source is not visible.
  - All digital signs shall be illuminated at a level no greater than 0.3 footcandles over ambient light levels for the location and time and shall employ light cutoff devices, such as louvers, to minimize light escaping above the horizontal plane.

- Walkway lighting: **Complies.**
    - Lighting of all pedestrian pathways is recommended.
    - All pathway, walkway, and sidewalk lighting fixtures shall be mounted at a height of not to exceed than 10 feet.
    - Bollard lighting shall be limited to height of 4 feet.
  - Street lighting: **Can comply.** ?????? What is required.
  - Lighting Plan: A lighting plan has been submitted.
- 19.12, Subdivisions: **Can comply.** A plat amendment is required. A plat amendment has been submitted with the rezone.
- Section 19.13, Process: **Complies.**
    - General Plan: Complies. The proposed use is a Regional Commercial (RC) use and the General Plan already displays the area as RC.
    - Notice / Land Use Authority: The City Council is the land use authority. Prior to City Council, the Planning Commission shall hold a public hearing and forward a recommendation onto the City Council.
- 19.14, Site Plans: **Can comply.**
    - Commercial
    - Development Standards: **Complies.**
      - Buffering and Screening: Complies. Six foot screen required between the commercial and agricultural properties. The applicant is proposing a 2' berm with landscaping along the berm. Between the berm and the landscaping the height of the screen would be 6'.
      - Access: complies. Access spacing and circulation has been reviewed by the City Engineer. Interconnection to adjacent sites is provided.
      - Utilities: See Engineer's report.
      - Grading and Drainage: See Engineer's report.
      - Secondary Water: See Engineer's report.
      - Irrigation ditches: See Engineer's report.
    - Architectural and Urban Design Requirements: **Can comply.**
      - Process: Complies. The DRC reviewed the elevations and site plan prior to the Planning Commission public hearing.
      - Mechanical Equipment: Can comply. Mechanical equipment shall be screened.
      - Windows: Complies. Nonrectangular windows may be used as accents and trim. Untreated aluminum or metal window frames are prohibited. The proposed windows are rectangular and the window frames are anodized aluminum.
      - Building lighting: Complies. Shall be shielded and directed downward. The proposed building lighting is shielded and directed downward.
      - Trash enclosure: Can comply.
        - Shall be comparable to the proposed building and surrounding structure. Can comply. The detail does not specify that the dumpster is to match the building.
        - Solid fences and gates are required. Complies. The gate proposed is a solid vinyl gate.

- 3' landscape buffer required between dumpster and parking stall. Complies. There is a landscape island measuring more than 3' between the dumpster and the parking stall.
      - Exterior materials: Complies. A materials board was provided and the DRC reviewed the materials and elevations on August 1, 2016.
      - Landscape Requirements: See analysis above.
      - Parking lot, building, and street lighting: See analysis above.
    - Special Provisions: **Can comply**.
      - Uses within buildings: Can comply. The City Council will need to deem the vacuums to be customarily and appropriately conducted in the open.
      - Nuisances: Complies. The proposed use is a car wash that typically can be noisy and would be considered exempt.
    - Maps and Drawings Required: Complies. Provided.
    - Bond: A bond will be required.
- 19.15, Conditional Use Permit: **Can comply**.
  - Required accompanying data: **Complies**. Submitted.
  - General standards
    - Siting: How the site accommodates the proposed use and adjoining buildings. The proposed use is in an existing commercial subdivision and is not surrounded by any other adjoining buildings.
    - Traffic: How the site accommodates traffic circulation and parking. The site is located on a private road with access to an arterial and a collector. The site provides adequate parking and directs traffic through the site appropriately.
    - Compatibility with the surrounding environment. The site is located in the Saratoga Springs Commercial Development and is not adjacent to any residential uses. However, it is located next to an agricultural zone. The proposed hours of operation are not currently identified.
    - Standards
      - The use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvement in the vicinity. Complies. The proposed use does not pose any threat to the health, safety or general welfare to the persons in the vicinity.
      - The use will be consistent with the intent of the land use ordinance and comply with the regulations and conditions specified in the land use ordinance for such use. Complies. The use is conditional in the RC zone in which it lies.
      - The use will be consistent with the character and purposed stated for the land use zone involved and with the adopted Land Use Element of the General Plan. Complies. The land use section of the General Plan identifies this area as Regional Commercial, which is the current zoning, of which the use is permitted as a conditional use.
      - The use will not result in a situation which is cost ineffective, administratively infeasible, or unduly difficult to provide essential services by the City, including roads and access for emergency vehicles and residents, fire protection, police protection, schools and busing, water, sewer, storm drainage, and garbage



- Changeable copy: Complies. No changeable copy is proposed.
    - Address: Can comply. The address is there, but it is incorrect. Check correct address with Brian.
  - Building signs: **Complies.**
    - Area: Multiple rows shall be spaced no further than 12” apart. The rows are no more than 6” apart.
    - Mounting: Complies. No portion of the sign projects above or below the highest or lowest part of the wall on which the sign is located. The sign shall not project outwards more than 18”. The sign only projects 5”.
  - Tenant listing signs: Complies. No tenant listing signs are proposed.
  - Building signs: **Complies.**
    - Number: One primary building sign and two secondary signs are permitted. Complies. One primary sign and two secondary signs are proposed.
    - Primary sign size: Complies. May not exceed 8% of the façade or 30 sq. ft., whichever is larger. The façade of the primary sign may not exceed 228.48 sq. ft. ( $136' \times 21' = 2856 \times .08$ ). One primary sign is proposed at 196.6 sq. ft.
    - Secondary sign: Complies. Shall not be mounted on the same façade as the primary sign and shall not exceed 50% of the primary sign. There are two secondary signs proposed on different facades than the primary signs. The primary sign is 196.6 sq. ft. which means that the secondary signs may not exceed 98.36 sq. ft. The secondary signs are 78.75 sq. ft. and 73 sq. ft.
  - Monument signs: **Complies.**
    - Number: Complies. One monument sign allowed for each frontage in excess of one hundred feet a building has on a public street. One monument sign is proposed.
    - Size: 45 sq. ft. max. Complies. The proposed monument sign is 44 sq. ft.
    - Height: Complies. 7.5 feet max. The proposed monument sign is 7.5 feet.
  - Pedestal signs: Complies. No pedestal signs are proposed.
  - Awning and canopy signs: Complies. Awnings are proposed, but signage is not proposed on them. The proposed awnings are 8’ feet above the sidewalk. 8’ is required.
  - Projecting and suspended signs: Complies. No projecting or suspended signs are proposed.
  - Window and door signs: Complies. No window or door signs are currently proposed.
  - Pole signs: These are currently not allowed under 19.18, but staff is initiating a code amendment to allow directional signs. There are two directional pole signs proposed.
  - Planning Commission required?
- 19.27, Addressing
  - GIS verified address.
- Fiscal Impact: None
  - Is there any City maintained open space? No



**HADCO Rezone and Master Development Agreement  
Thursday, September 8, 2016  
Public Hearing**

Report Date:	Wednesday, August 31, 2016
Applicant:	JD V and JD VI
Owner:	JD V and JD VI
Location:	Approx. 1800 N. 1000 West (W of Harvest Hills, S of The Springs)
Major Street Access:	State Road 73, 800 West; in the future: Mountain View Corridor
Parcel Number(s) & Size:	58:022:0114, 6.66 acres 58:022:0115, 16.66 58:022:0121, 17.67 acres Total: approx. 40.99 acres
Parcel Zoning:	Agriculture
Adjacent Zoning:	A, Multiple
Current Use of Parcel:	Vacant, Mining
Adjacent Uses:	Vacant, pending Residential
Previous Meetings:	The Springs Annexation and MDA, 2014-2015
Previous Approvals:	The Springs Annexation and MDA 4/21/2015
Land Use Authority:	Council
Type of Action:	Legislative
Future Routing:	City Council
Author:	Kimber Gabryszak, AICP

**A. Executive Summary:**

The applicant is requesting approval of a Rezone and Master Development Agreement (MDA) for property previously annexed as part of The Springs Annexation in 2015. The applicant is requesting a rezone from Agriculture to Industrial.

**RECOMMENDATION:**

**Staff recommends that the Planning Commission hold a public hearing, take public comment, review the proposal, and choose from the options in Section H of this report.**

Options include approval as presented or with modifications, continuance to a future meeting, or denial.

**B. Background:**

In September 2013, the Interpace Annexation application was submitted. After initial review, it was determined that the application was incomplete and it was returned to the applicants for modification. After numerous meetings between Staff and the applicants concerning required information and revisions, a revised application was submitted on November 24, 2014.

The application was renamed “The Springs” and the annexation of 596.72 acres of property within the northwest portion of the City’s annexation declaration area was approved in April, 2015.

Of the annexed acreage, 479.112 acres became the development known as “The Springs”; ~117.6 acres contain high-voltage transmission lines and are owned by Utah Power and Light; the remaining parcels are owned by JD V and JD VI (HADCO), and the United States of America.

The current MDA and Rezone are specific to the JD V and VI properties. As part of the 2015 annexation these properties were zoned Agriculture; following this annexation, extensive discussions with the applicant occurred. The proposed MDA and Rezone to Industrial will allow the property owner to continue mining activity that was approved while still in Utah County prior to the annexation.

**C. Specific Request:**

The owners of the JDV and JDVI properties have requested the Industrial Zone to facilitate the expansion of mining activity to the annexed property, and potentially develop the property in the future when mining is completed.

**D. Process:** Section 19.13.08 of the Code outlines the process for a Master Development Agreement, which includes a public hearing and recommendation by the Planning Commission and final action by the City Council. Section 19.17 of the Code outlines the process for a rezone, which requires a public hearing and recommendation by the Planning Commission, followed by a public hearing and final decision by the City Council.

Rezoning is also required to be accompanied by a Concept Plan, and the proposed MDA satisfies this requirement.

**E. Community Review:** This item has been noticed as a public hearing in the *Daily Herald*; and mailed notice sent to all property owners within 300 feet. As of the date of this report, no public comment has been received.

**F. General Plan:**

**Land Use Designation:** The Future Land Use Map of the General Plan has identified this property as Industrial, which includes the Industrial zone and anticipates mining activities.

Staff analysis: the Rezone is consistent with the General Plan intentions for this area.

**G. Code Criteria:**

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

### **Rezone**

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

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

***Staff Finding: Consistent.** The proposed zone is Industrial and is consistent with the General Plan Future Land Use Designation. There is currently no property zoned Industrial in the City, and the zone is contemplated for economic benefit to the City therefore the amendment is necessary to fulfill the purposes of the Title.*

- 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.

***Staff Finding: Consistent.** The proposed zone is Industrial and is consistent with the General Plan, is the continuation of previous activities and is located away from existing residential development, is consistent with the City Code, and will eventually allow for future economic development when mining activities cease, and impacts will be mitigated through the constraints of a Master Development Agreement.*

### **MDA**

The purpose of the MDA is to allow existing grandfathered uses of mining to continue, which is consistent with the General Plan and the Industrial Zone, and mitigate impacts to the City. Any future development on the property, including new buildings, site plans, signage, subdivisions, or any other new development, will be subject to the Land Development Code and other applicable City standards in place at the time they choose to develop. Compliance with specific code criteria will be verified when detailed plans are submitted at a later date.

**H. Recommendation and Alternatives:**

Staff recommends that the Planning Commission conduct a public hearing, take public comment, discuss any public input received, and choose from the following options:

**Staff Recommendation: approvals**

The PC may choose to recommend conditional approval of one or both of the applications: “I move to forward a positive recommendation for approval of the HADCO Rezone of ~40.99 acres from Agriculture to Industrial with the Findings and Conditions in the staff report dated September 8, 2016, below:

**Findings:**

1. The Rezone is consistent with the Land Development Code articulated in Section G of the Staff report, which Section is incorporated herein by reference.
2. The Rezone is consistent with the General Plan as articulated in Section F of the Staff report, which Section is incorporated herein by reference.

**Conditions:**

1. The Rezone shall not be final until the associated MDA is approved and signed.
  2. Any other conditions articulated by the Planning Commission: \_\_\_\_\_
- 

“I also move to forward a positive recommendation to the City Council for the HADCO MDA, in generally the form outlined in Exhibit 2 and including necessary changes, with the Findings and Conditions in the staff report dated September 8, 2016, below:”

**Findings:**

1. The MDA complies with Land Development Code articulated in Section G of the Staff report, which Section is incorporated herein by reference.
2. The MDA is consistent with the General Plan as articulated in Section F of the Staff report, which Section is incorporated herein by reference.

**Conditions:**

1. The MDA shall not be approved by the City Council unless the Rezone is approved.
2. The MDA shall be edited as directed by the Planning Commission \_\_\_\_\_.
3. All other Code requirements shall be met.
4. Any other conditions as required by the Planning Commission \_\_\_\_\_.

**ALTERNATIVES:**

**Continuance**

The Planning Commission may instead choose to continue both or one of the applications:

Potential motion: “Based on the analysis of the Planning Commission and information received from the public, I move to **continue** the HADCO [Rezone / MDA] to the [September 22, 2016] meeting, with the following direction on additional information or changes needed to render a decision:

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

2. \_\_\_\_\_
3. \_\_\_\_\_

**Negative Recommendation**

The Planning Commission may also choose to forward a negative recommendation on one or both of the applications:

Potential motion: “Based on the analysis of the Planning Commission and information received from the public, I move to forward a **negative recommendation** to the City Council for the HADCO [Rezone/MDA] with the following findings:

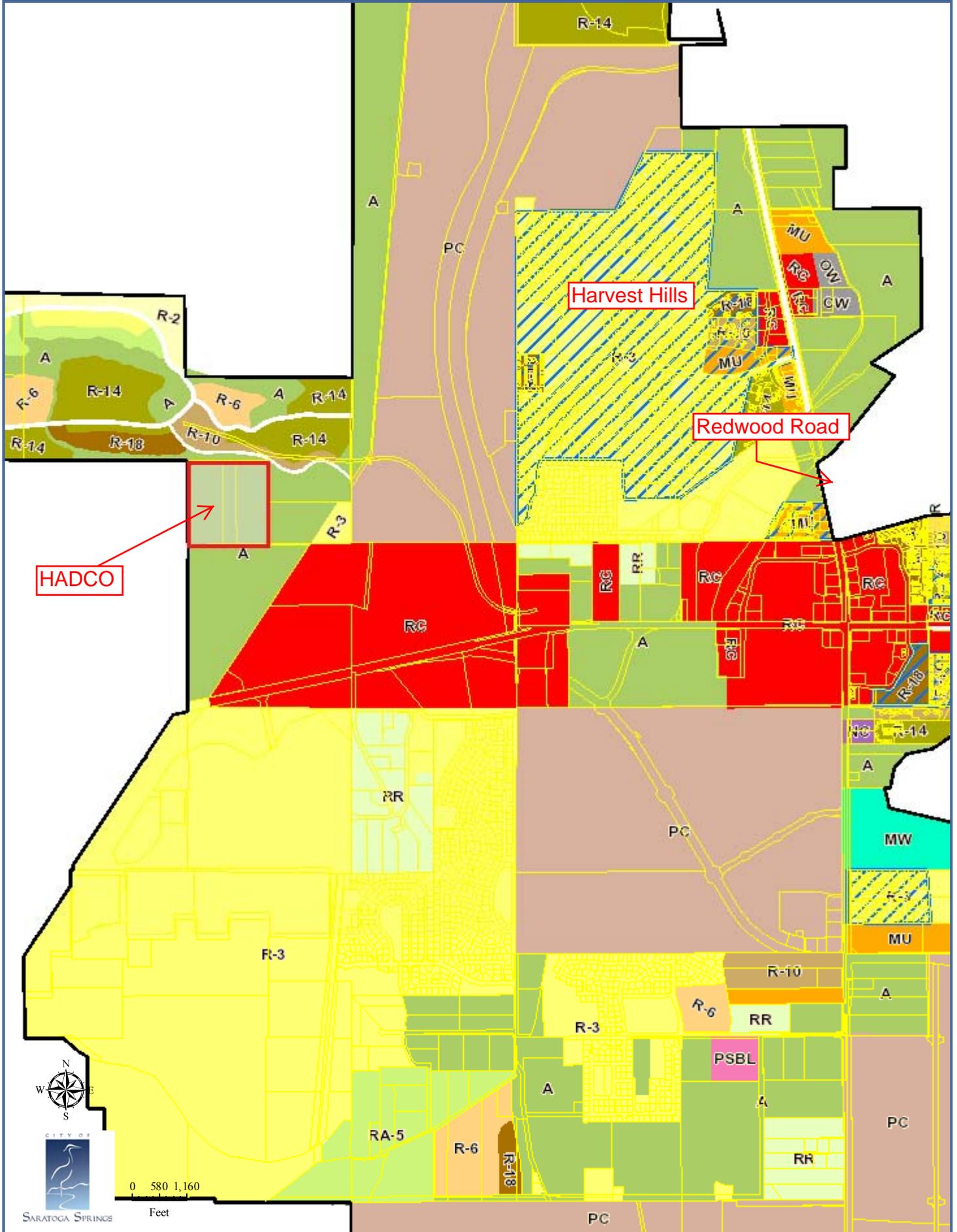
**Potential Findings:**

1. The [Rezone/MDA] does not comply with the Land Development Code, Section [??] as articulated by the Council: \_\_\_\_\_, or
2. The [Rezone/MDA] is not consistent with the General Plan, as articulated by the Council: \_\_\_\_\_.

**I. Exhibits:**

1. Location & Area to Be Rezoned (page 6)
2. HADCO Draft MDA (pages 7-32)

# HADCO Rezone Location



## DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (“**Agreement**”) is made and entered into as of the Effective Date (defined below), by and between the **City of Saratoga Springs**, Utah, a Utah municipal corporation (“**City**”) on the one hand, and **JD V, LLC**, a Utah limited liability company; **JD VI, LLC**, a Utah limited liability company; **TM Crushing, LLC**, a Utah limited liability company; and **Hadco Construction, LLC**, a Utah limited liability company, on the other hand (collectively “**Developer**”).

### RECITALS:

A. Developer is the owner and developer of approximately 40 acres of land located in Saratoga Springs, Utah (“**Property**”), and is more particularly described in **Exhibit 1** to this Agreement.

B. The Property is part of a larger parcel that, according to Developer, for more than 50 years, has been operated as a gravel pit and clay pit.

C. On or about April 21, 2015, the Property theretofore located in Utah County was annexed into the City and rezoned agricultural. Prior to the annexation and rezone, the Property was zoned by Utah County for mining and grazing that included mining of earth products and industrial operations.

D. A dispute thereafter arose between Developer and the City concerning the annexation and zoning of the Property, which resulted in the filing of litigation before the Fourth Judicial District Court of Utah County, State of Utah, styled: *JD V, LLC, a Utah limited liability company; JD VI, LLC, a Utah limited liability company; TM Crushing, LLC, a Utah limited liability company, and Hadco Construction, LLC, a Utah limited liability company, Plaintiffs, vs. Saratoga Springs City, a Utah municipal corporation, Defendant, Civil No. 150400729* (“**Zoning Litigation**”).

E. By the Zoning Litigation, the Developer sought an order of the court (i) vacating the annexation and rezoning of the Property; (ii) declaring that the City was estopped to rezone the Property agricultural; and (iii) declaring that the City’s actions allegedly resulted in a taking of the Property and awarding Developer just compensation.

F. Large Mine Permit #M0490029, issued by the Utah Division of Oil, Gas & Mining, covers the Property. Developer asserts that before and since the issuance of this mine permit, clay mineral deposits have been and continue to be mined within the Property.

G. The Property is currently zoned agricultural.

24208856

H. Developer plans to develop a project consisting of completing mining activities and operations on the Property and, once mining is completed on the Property, developing industrial and commercial improvements and uses within the Property (“**Project**”). Currently, the Project does not meet the agriculture zone and only nonconforming, vested and grandfathered

uses would be allowed to continue. Therefore, in order to develop the Project, Developer wishes to place the Property in the industrial zone, as provided in Title 19 of the City Code, as amended (“**Zoning Request**”) and wishes to be bound voluntarily by this Agreement in order to be able to develop the Project.

I. To resolve the Zoning Litigation and assist the City in its review of the Zoning Request and to ensure development of the Property, Developer and City desire to enter voluntarily into this Agreement, which sets forth the processes and standards whereby Developer may develop the Property.

J. The City desires to enter into this Agreement to promote the health, welfare, safety, convenience, and economic prosperity of the inhabitants of the City through the establishment and administration of conditions and regulations concerning the use and development of the Property and the Project.

K. After holding a duly noticed public hearing, City’s Planning Commission recommended approval of Developer’s Zoning Request and this Agreement and forwarded a positive recommendation to the City Council for approval of the Zoning Request and this Agreement.

L. After holding a duly noticed public hearing, the Saratoga Springs City Council (“**City Council**”), approved Developer’s Zoning Request and this Agreement.

M. To allow development of the Property for the benefit of Developer, to ensure that the development of the Property and Project will conform to the applicable ordinances, regulations, and standards, Developer and City are each willing to abide by the terms and conditions set forth herein.

N. Pursuant to its legislative authority under Utah Code § 10-9a-101, *et seq.*, and after all required public notice and hearings, in exercising its authority, the City Council has determined that entering into this Agreement furthers the purposes of the Utah Municipal Land Use, Development, and Management Act, the City’s General Plan, and the City Code (collectively, “**Public Purposes**”). As a result of such determination, City has elected to process the Zoning Request and authorize the subsequent development of the Property and Project thereunder in accordance with the provisions of this Agreement, and the City has concluded that the terms and conditions set forth in this Agreement accomplish the Public Purposes referenced above and promote the health, safety, prosperity, security, and general welfare of the residents and taxpayers of the City.

#### **AGREEMENT:**

<sup>24208856</sup> Now, therefore, in consideration of the recitals above, incorporated herein, and the terms and conditions set forth below, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer agree as follows:

1. Effective Date. This Agreement is effective upon approval by the City Council (“**Effective Date**”). Upon the Effective Date, this Agreement shall be recorded against the Property in the Utah County Recorder’s Office, with the Developer to pay all recording fees.

2. Affected Property. The property ownership map, vicinity map, and legal descriptions for the Property are attached as **Exhibit 1**. In the event of a conflict between the legal description and the property ownership map, the legal description controls. No other property may be added to or removed from this Agreement except by written amendment to this Agreement executed and approved by Developer and City.

3. Vested Rights and City Regulations. Subject to the terms of this Agreement, the future development of the Property (including, but not limited to, the Project) shall be subject to the provisions of the industrial zone as they exist in the version of Title 19 of the Land Development Code of the City in effect on the Effective date and in accordance with this Agreement with respect to zoning; density; and permitted and conditional uses including the matters set forth in **Exhibit 2** to the Agreement (hereinafter “**Vested Rights**”). Except for requirements that conflict with or restrict the Vested Rights, Developer shall be required to follow requirements of the industrial zone in the City Land Development Code in effect on the date that a completed preliminary plat or site plan application is filed with the City and all application fees are paid (hereinafter “**City regulations**”). City regulations may include any amendment by the City that is beneficial to Developer, the Vested Rights, or the development and use of the Property and the Project.

4. Rights and Obligations under this Agreement. Provided the Zoning Request is granted, and subject to the terms and conditions of this Agreement, Developer has Vested Rights specified in Section 3 hereof. Developer’s vested Rights are expressly conditioned upon substantial compliance with this Agreement.

5. Reserved Legislative Powers. Except as otherwise provided in this Agreement, this Agreement shall not limit the future exercise of the police powers of City in enacting zoning, subdivision, development, growth management, platting, environmental, open space, transportation, and other land use plans, policies, ordinances, and regulations after the Effective Date of this Agreement. Notwithstanding the retained power of City to enact such legislation under its police powers, such legislation shall not modify Developer’s rights as set forth herein unless facts and circumstances are present that meet the compelling, countervailing public interest exception to the vested rights doctrine as set forth in *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (Utah 1988). Any such proposed change affecting Developer’s rights shall be of general applicability to all development activity in City. Developer shall be entitled to prior written notice and a hearing on any such proposed change and its applicability to the Project.

24208856

6. Installation of Improvements Prior to Building Permits. Building permits will not be issued until all applicable fees have been paid and all improvements required in this Agreement and City regulations are (a) installed in accordance with City regulations, (b)

accepted by the City in writing, and (c) guaranteed by a warranty bond to guarantee that the improvements remain free from defects and continue to meet City standards for a period of one year as allowed in Utah Code § 10-9a-604.5. Concurrent with posting the warranty bond, Developer shall be required to enter into a warranty bond agreement on a form mutually acceptable to the City and the Developer. The City may allow issuance of building permits prior to installation of all improvements in accordance with City regulations.

7. Water Infrastructure, Dedications, and Fees.

a. Dedication of Water. Developer shall convey to or acquire from the City water rights sufficient for the development of the Property pursuant to the Project according to City regulations. Water rights to meet culinary and secondary water requirements must be approved for municipal use with approved sources from City owned wells or other sources at locations approved by the City. Prior to acceptance of the water rights from Developer, the City shall evaluate promptly the water rights proposed for conveyance and may refuse to accept any right that the City reasonably determines to be insufficient in annual quantity or rate of flow, has not been approved for change to municipal purposes within the City or for diversion from City owned wells by the Utah State Engineer, or does not meet City regulations.

b. Water Facilities for Development. Developer shall be responsible for the installation and dedication to City of all onsite and offsite culinary and secondary water improvements, including but not limited to water sources and storage and distribution facilities, sufficient for the development of Developer's Property in accordance with City regulations. The required improvements for each plat shall be determined by the City Engineer at the time of plat submittal and may be adjusted in accordance with City regulations and this Agreement.

c. City Service. City shall provide public culinary and secondary water service to the property and maintain the water system improvements intended to be public upon Developer's installation of such improvements, Developer's dedication of the improvements to the City, and acceptance in writing by the City at the end of the warranty period so long as the improvements meet City regulations and the requirements of any applicable special service district.

8. Sewer, Storm Drainage, and Roads. At the time of plat recordation, Developer shall be responsible for the installation and dedication to City of all onsite sewer, storm drainage, and road improvements sufficient for the development of Developer's Property in accordance with City regulations and this Agreement. The required improvements for each plat shall be determined by the City Engineer at the time of plat submittal and may be adjusted in accordance with City regulations and this Agreement. City shall provide service to Developer's property and maintain the improvements upon dedication to the City and acceptance in writing by the City at the end of the performance bond period (as specified in City regulations), so long as the improvements meet the requirements of City regulations and any applicable special service district.

9. Landscaping. Developer shall install landscaping improvements required by City regulations. Developer or a property association shall maintain the landscaping improvements in perpetuity.

10. Street Lighting SID. At the time of plat recordation, the Property shall be added to the City's Street Lighting Special Improvement District ("SID") for the maintenance of street lighting, unless the City Council finds that inclusion of the property within each plat will adversely affect the owners of properties already within the SID. Developer shall consent to the Property being included in the SID as a condition to final plat approval. The SID is not for the installation of street lights but for maintenance by the City. In all cases, Developer shall be responsible for installation of street light improvements in accordance with the City regulations and this Agreement. In addition, should the Property be included in the SID, Developer shall be responsible for dedication to the City of the street lighting improvements, after which the City shall maintain the improvements.

11. Capacity Reservations. Any reservations by the City of capacities in any facilities built or otherwise provided to the City by or for the Developer shall be determined at the time of plat recordation in accordance with City regulations.

12. Title – Easement for Improvements. Developer shall acquire, improve, dedicate, and convey to the City all land, rights of way, easements, and improvements for the public facilities and improvements required to be installed by Developer pursuant to this Agreement. The City Engineer shall determine the alignment of all roads and utility lines and shall approve all descriptions of land, rights of way, and easements to be dedicated and conveyed to the City under this Agreement. Developer shall also be responsible for paying all property taxes including rollback taxes prior to dedication or conveyance and prior to acceptance by City. Developer shall acquire and provide to the City, for review and approval, a title report from a qualified title insurance company covering such land, rights of way, and easements. Developer shall consult with the City Attorney and obtain the City Attorney's approval of all instruments to convey and dedicate the land, rights of way, and easements hereunder to the City.

13. Sewer Fees. Timpanogos Special Service District ("TSSD") requires payment of a Capital Facilities Charge, which is subject to change from time to time. The Capital Facilities Charge is currently collected by the City but may hereafter be collected directly by TSSD and may hereafter be collected as a Capital Facilities Charge or an impact fee by the City. Developer acknowledges and agrees that said Capital Facilities Charge or impact fee by TSSD is separate from and in addition to sewer connection fees and sewer impact fees imposed by the City and that payment of the Capital Facilities Charge and the impact and connection fee imposed by the City for each connection is a condition to the providing of sewer service to the lots, residences, or other development covered by this Agreement.

24208856

14. Other Fees. The City may charge, on the same basis charged other owners of property within the City's municipal boundaries, other fees that are generally applicable to development in the City, including but not limited to subdivision, site plan, and building permit

review fees, connection fees, impact fees, taxes, service charges and fees, and assessments. These fees are in addition and not in lieu of the consideration, promises, terms, and requirements in this Agreement. Developer reserves its rights to challenge impact fees pursuant to the Utah Impact Fees Act, Utah Code Ann. §§ 11-36a-101 *et seq.* or any other fees imposed by the City or any other service provider.

15. Plat, Site Plan, or Development Plan Approval. Developer shall submit preliminary plat and/or site plan applications for all or a portion of the Property. Each application shall include project plans and specifications (including site and building design plans) (referred to in this Section as “**Plans**”) for the portion of the Property being developed.

a. In particular, the Plans shall meet the following requirements:

- i. be in sufficient detail, as reasonably determined by City, to enable City to ascertain whether the project meets the City regulations (including the size, scope, composition of the primary exterior components, on- and off-site vehicular and pedestrian access, and general project design) and in accordance with the terms and conditions of this Agreement;
- ii. comply with City regulations applicable to drainage, utilities, and traffic;
- iii. comply with conditions imposed on the project by the Planning Commission and the City Council during the plat approval process as set forth in the adopted staff reports and official written minutes; and

b. Developer shall:

- i. comply with this Agreement and the Zoning Request;
- ii. comply with City regulations;
- iii. provide other information as City may reasonably request; and
- iv. note any requirement herein on all final plans and final plats for the project on the body of the plan or plat along with all other notes required by City; provided, however, that a condition need not be placed on a final plan or plat as a note if such plan clearly illustrates the substance and requirements of the condition.

c. Standards for Approval. The City shall approve the Plans if the Plans meet the standards and requirements enumerated herein and substantially conform to City regulations. Developer shall be required to proceed through the preliminary plat and final plat approval process as specified in Title 19 of the City Code, record a Final Plat with the Utah County Recorder, pay all recording fees, and comply with City regulations.

d. Commencement of Site Preparation. Developer shall not commence site preparation or construction of any project improvement on the Property until such time as the

Plans have been approved by City in accordance with the terms and conditions of this Agreement and City regulations; provided, however, that nothing herein stated shall prevent, or be deemed to limit or modify, any use of the Property by Developer which has hitherto been in practice, including (but not limited to) mining activities thereon.

e. Project Phasing and Timing. Upon approval of the Plans, subject to the provisions of this Agreement, Developer may proceed by constructing the Project all at one time or in phases as allowed in City regulations.

f. Wildland-Urban Interface Code. To the extent applicable to the Property and the Project and in accordance with City regulations, prior to or concurrent with the approval of any site plan or subdivision plat for the Property or a portion thereof, Developer shall demonstrate compliance with the version of the Wildland-Urban Interface Code in effect on the Effective Date.

16. Time of Approval. Any approval required by this Agreement may not be unreasonably withheld, conditioned or delayed and shall be made in accordance with the Agreement and City regulations.

17. Successors and Assigns.

a. Change in Developer. This Agreement shall be binding on the successors and assigns of Developers. If any portion of the Property is transferred (“**Transfer**”) to a third party (“**Transferee**”), the Developer and the Transferee shall be jointly and severally liable for the performance of each of the obligations contained in this Agreement unless prior to such Transfer, Developer provides to City a letter from Transferee acknowledging the existence of this Agreement and agreeing to be bound thereby. Said letter shall be signed by the Transferee, notarized, and delivered to City prior to the Transfer. Upon execution of the letter described above, the Transferee shall be substituted as a Developer under this Agreement and the persons and/or entities executing this Agreement as Developer of the transferred property shall be released from any further obligations under this Agreement as to the transferred property. In all events, this Agreement shall run with and benefit the Property.

b. Individual Lot or Unit Sales. Notwithstanding the provisions of subsection 17.a., a transfer by a Developer of a lot or condominium dwelling unit located on the Property within a City approved and recorded plat is not a Transfer as set forth above so long as the Developer’s obligations with respect to such lot or dwelling unit have been completed. In such event, the Developer is released forever from any further obligations under this Agreement pertaining to such lot or dwelling unit.

18. Default.

a. Events of Default. Upon the happening of one or more of the following events or conditions, Developer or City, as applicable, shall be in default (“**Default**”) under this Agreement:

- i. a warranty, representation, or statement made or furnished by Developer under this Agreement are intentionally false or misleading in any material respect when it was made;
- ii. a determination by City made upon the basis of substantial evidence that Developer has not complied with one or more of the material terms or conditions of this Agreement; or
- iii. any other event, condition, act, or omission, either by City or Developer, that violates the terms of, or materially interferes with, the intent and objectives of this Agreement.

b. Procedure Upon Default.

- i. Upon the occurrence of Default, the non-defaulting party shall give the other party thirty days prior written notice specifying the nature of the alleged Default and, when appropriate, the manner in which said Default must be satisfactorily cured. In the event the Default cannot reasonably be cured within thirty days, the defaulting party shall have such additional time as may be necessary to cure such Default so long as the defaulting party takes significant action to begin curing such Default within such thirty day period and thereafter proceeds diligently to cure the Default. After proper notice and expiration of said thirty day or other appropriate cure period without cure, and subject to the following paragraph, the non-defaulting party may declare the other party to be in breach of this Agreement and may take the action specified in subsection 18.c. herein. Failure or delay in giving notice of Default shall not constitute a waiver of any Default.
- ii. Any Default or inability to cure a Default caused by strikes, lockouts, labor disputes, acts of God, inability to obtain labor or materials or reasonable substitutes, governmental restrictions, governmental regulations, governmental controls, enemy or hostile governmental action, economic or market conditions, civil commotion, fire or other casualty, and other similar causes beyond the reasonable control of the party obligated to perform, shall excuse the performance by such party for a period equal to the period during which any such event prevented, delayed, or stopped any required performance or effort to cure a Default.

c. Breach of Agreement. In addition to such remedies, City or Developer may pursue whatever additional remedies it may have at law or in equity, including injunctive and other equitable relief.

19. Rights of Access. After providing written notice to Developer not less than 48 hours prior to each investigation event, the City Engineer and other representatives of the City shall have a reasonable right of access to the Property and all areas of development or construction pursuant to this Agreement during development and construction to inspect or observe the work on the improvements and to make such inspections and tests as are allowed or required by City regulations.

20. Duration. This Agreement shall continue in force and effect for an initial term of ten (10) years from the date of this Agreement. Taking into account economic market conditions, so long as Developer is using commercially reasonable efforts to complete the mining of the Property and thereafter the development of the Project and is not in breach of any material term herein, the term of this Agreement shall automatically be extended for up to two (2) successive periods of five (5) years each. The Parties may mutually agree in writing to extend the duration of this Agreement beyond the foregoing terms. Upon the termination or expiration of this Agreement, the Parties shall, at the request of either Party, execute a recordable instrument in form acceptable to both Parties confirming that this Agreement has been fully performed or terminated.

21. Entire Agreement. Except as provided herein, this Agreement supersedes all prior agreements with respect to the development of the Property including but not limited to development agreements, site plan agreements, subdivision agreements, and reimbursement agreements not incorporated herein, and all prior agreements and understandings are merged, integrated, and superseded by this Agreement.

22. Voluntary Agreement. Developer agrees to be voluntarily bound by the requirements of this Agreement and City regulations.

23. Exhibits. The following exhibits are attached to this Agreement and incorporated herein for all purposes:

Exhibit 1 Property Ownership Map, Vicinity Map, and Legal Descriptions

Exhibit 2 2016 Code

24. General Terms and Conditions.

a. Incorporation of Recitals. The Recitals contained in this Agreement, and the introductory paragraph preceding the Recitals, are hereby incorporated into this Agreement as if fully set forth herein.

b. Recording of Agreement. This Agreement shall be recorded at Developer's expense to put prospective purchasers, owners, and interested parties on notice as to the terms and provisions hereof. Developer shall be responsible for ensuring that this Agreement is recorded and shall not hold the City liable for failure to record.

c. Severability. Each and every provision of this Agreement shall be separate, severable, and distinct from each other provision hereof, and the invalidity, unenforceability, or illegality of any such provision shall not affect the enforceability of any other provision hereof.

d. Time of Performance. Time shall be of the essence with respect to the duties imposed on the parties under this Agreement. Unless a time limit is specified for the performance of such duties, each party shall commence and perform its duties in a diligent manner in order to complete the same as soon as reasonably practicable.

e. Construction of Agreement. This Agreement shall be construed so as to effectuate its public purpose of ensuring the Property is developed as set forth herein to protect the health, safety, and welfare of the citizens of City.

f. State and Federal Law; Invalidity. The parties agree, intend, and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. The parties further agree that if any provision of this Agreement becomes, in its performance, inconsistent with state or federal law or is declared invalid, this Agreement shall be deemed amended to the extent necessary to make it consistent with state or federal law, as the case may be, and the balance of the Agreement shall remain in full force and effect. If City's approval of the Project is held invalid by a court of competent jurisdiction, this Agreement shall be null and void.

g. Enforcement. The parties to this Agreement recognize that City has the right to enforce City regulations and the terms of this Agreement by seeking an injunction to compel compliance or any other remedy at law or equity.

h. No Waiver. Failure of a party hereto to exercise any right hereunder is not a waiver of any such right and does not affect the right of such party to exercise at some future time said right or any other right it may have hereunder. Unless this Agreement is amended by vote of the City Council taken with the same formality as the vote approving this Agreement, no officer, official, or agent of City has the power to amend, modify, or alter this Agreement or waive any of its conditions as to bind City by making any promise or representation not contained herein.



l. Applicable Law. This Agreement and the construction thereof, and the rights, remedies, duties, and obligations of the parties which arise hereunder are to be construed and enforced in accordance with the laws of the State of Utah.

m. Execution of Agreement. This Agreement may be executed in multiple parts as originals or by electronic emailed copies of executed originals; provided, however, if executed in counterparts and delivered by email, then an original shall be provided to the other party within seven days.

n. Limitation on Damages. Any breach of this Agreement shall not give rise to monetary damages but shall be enforceable only by resort to an action for specific performance and injunctive relief. The Parties agree that any breach of this Agreement will result in irreparable harm and cannot be adequately compensated by monetary damages and on this basis, hereby consent to entry of preliminary and permanent injunctive relief to resolve any breach.

o. Relationship of Parties. The contractual relationship between City and Developer arising out of this Agreement is one of independent contractor and not agency. This Agreement does not create any third-party beneficiary rights. It is specifically understood by the parties that: (i) all rights of action and enforcement of the terms and conditions of this Agreement shall be reserved to City and Developer, (ii) the Project is a private development; (iii) City has no interest in or responsibilities for or duty to third parties concerning any improvements to the Property; and (iv) Developer shall have the full power and exclusive control of the Property subject to the obligations of Developer set forth in this Agreement.

p. Annual Review. City may review progress pursuant to this Agreement at least once every twelve months to determine if Developer has complied with the terms of this Agreement. If City finds, on the basis of substantial evidence, that Developer has substantially failed to comply with the terms hereof, City may declare Developer to be in Default as provided in section 18 hereof. City's failure to review at least annually Developer's compliance with the terms and conditions of this Agreement shall not constitute or be asserted by any party as a Default under this Agreement by Developer or City.

q. Institution of Legal Action. In addition to any other rights or remedies, either party may institute legal action to cure, correct, or remedy any Default or breach, to specifically enforce any covenants or agreements set forth in this Agreement, to enjoin any threatened or attempted violation of this Agreement, or to obtain any remedies consistent with the purpose of this Agreement. Legal actions shall be instituted in the Fourth Judicial District Court, State of Utah.

r. Title and Authority. Developer expressly warrants and represents to City that Developer (i) owns all right, title and interest in and to the Property, or (ii) has the exclusive right to acquire such interest, and (iii) that prior to the execution of this Agreement no right, title or interest in the Property has been sold, assigned or otherwise transferred to any entity or

individual other than to Developer. As of the Effective Date, Developer further warrants and represents that no portion of the Property is subject to any lawsuit or pending legal claim of any kind. Developer warrants that the undersigned individuals have full power and authority to enter into this Agreement on behalf of Developer. Developer understands that City is relying on these representations and warranties in executing this Agreement.

s. Obligations Run With the Land. The agreements, rights and obligations contained in this Agreement shall: (i) inure to the benefit of the City and burden the Developer; (ii) be binding upon all parties and their respective successors, successors-in-title, heirs and assigns; and (iii) touch, concern and run with the Property.

t. Headings for Convenience. All headings and captions used herein are for convenience only and are of no meaning in the interpretation or effect of this Agreement.

IN WITNESS WHEREOF, this Agreement has been executed by City and by a duly authorized representative of Developer as of the Effective Date.

**CITY:**

ATTEST:

CITY OF SARATOGA SPRINGS, a political  
subdivision of the State of Utah

By: \_\_\_\_\_  
City Recorder

By: \_\_\_\_\_  
Mayor

**DEVELOPER:**

JD V, LLC, a Utah limited liability company

JD VI, LLC, a Utah limited liability company

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

Hadco Construction, LLC, a Utah limited  
liability company

TM Crushing, LLC, a Utah limited liability  
company

24208856

By: \_\_\_\_\_  
Its: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_

**ACKNOWLEDGMENTS**

STATE OF UTAH                    )  
  : ss  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016 by \_\_\_\_\_, the \_\_\_\_\_ of **City of Saratoga Springs**, a political subdivision of the State of Utah.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF UTAH                    )  
  : ss  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016 by \_\_\_\_\_ of the **City Recorder’s Office of City of Saratoga Springs**, a political subdivision of the State of Utah.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF UTAH                    )  
  : ss  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016 by \_\_\_\_\_, the \_\_\_\_\_ of **JD V, LLC**, a Utah limited liability company, on behalf of the company.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF UTAH                    )  
  : ss  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016 by \_\_\_\_\_  
\_\_\_\_\_, the \_\_\_\_\_ of **JD VI, LLC**, a Utah limited liability company, on  
behalf of the company.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF UTAH                    )  
  : ss  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016 by \_\_\_\_\_  
\_\_\_\_\_, the \_\_\_\_\_ of **TM Crushing, LLC**, a Utah limited liability  
company, on behalf of the company.

\_\_\_\_\_  
NOTARY PUBLIC

STATE OF UTAH                    )  
  : ss  
COUNTY OF SALT LAKE        )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016 by \_\_\_\_\_  
\_\_\_\_\_, the \_\_\_\_\_ of **Hadco Construction, LLC**, a Utah limited liability  
company, on behalf of the company.

\_\_\_\_\_  
NOTARY PUBLIC

## **Exhibit Summary**

Exhibit 1 Property Ownership Map, Vicinity Map, and Legal Description

Exhibit 2 2016 Code

**Exhibit 1**  
**to Development Agreement**  
**(Property Ownership Map, Vicinity Map, and Legal Description)**

**Property Legal Description:**

The land referred to herein is located in Utah County, State of Utah and described as follows:

Parcel 1 (6 2/3 acre parcel a portion of said boundary being described as):

Beginning at a point which is North 89°46'48" East 566.11 feet from the South Quarter corner of Section 9, Township 5 South, Range 1 West, Salt Lake Base and Meridian and running thence North 00°07'32" West 1345.39 feet to the sixteenth Section line; thence South 89°41'34" East 216.01 feet; thence South 00°07'32" East 1343.41 feet the Section line; thence South 89°46'48" West 216.01 feet to the point of beginning.

Tax Parcel No. 58-022-0114

**Property Legal Description:**

The land referred to herein is located in Utah County, State of Utah and described as follows:

Parcel 2 (16 2/3 acre parcel a portion of said boundary being described as: ("The Exchange Parcel")):

Beginning at a point which is North 89°46'48" East 782.12 feet from the South Quarter corner of Section 9, Township 5 South, Range 1 West, Salt Lake Base and Meridian and running thence North 00°07'32" West 1343.41 feet to the sixteenth Section line; thence South 89°41'34" East 541.43 feet; thence South 00°07'32" East 1338.42 feet to a found monument at the sixteenth corner; thence South 89°46'48" West 541.42 feet to the point of beginning.

Tax Parcel No. 58-022-0115

**Property Legal Description:**

The land referred to herein is located in Utah County, State of Utah and described as follows:

Parcel 3 (Remainder parcel a portion of said boundary being described as: (“The Deed of Trust Parcel”)):

Beginning at the Southwest corner of Section 9, Township 5 South, Range 1 West, Salt Lake Base and Meridian and running thence North  $0^{\circ}32'58''$  East 1364.90 feet; thence South  $89^{\circ}36'23''$  East 2634.37 feet to a found monument at the sixteenth corner; thence South  $89^{\circ}41'34''$  East 576.41 feet; thence South  $0^{\circ}07'32''$  East 1345.39 feet; South  $89^{\circ}46'48''$  West 566.11 feet to a found brass cap monument at the South Quarter corner; thence North  $89^{\circ}54'57''$  West 2660.60 feet to the point of beginning.

Tax Parcel No. 58-022-0121

**Exhibit 2  
to Development Agreement  
(2016 Code)**

**19.04.24. Industrial (I).**

1. **Purpose.** The purpose of the Industrial Land Use Zone is to allow for large lot industrial and manufacturing development in appropriate locations. Development under these regulations should provide for certain types of offices, commercial and industrial operations in a business park setting characterized by large buffer strips, open space and landscaping requirements, and quality site development standards.
2. **Permitted Uses.** The uses identified in 19.04.07.3 as Permitted Uses in the Industrial Zone.
3. **Conditional Uses.** The Industrial Zone allows the Conditional Uses identified in 19.04.07.3.
4. **Child Care Center Services.**
  - a As an ancillary component of the above listed Permitted and Conditional Uses, employers in this zone may offer Child Care Center services for their employees. The provision of such services shall require Conditional Use approval.
  - b Due to the inherent dangers of some Industrial uses and environments, the City Council reserves the right to preclude or restrict the ancillary provision of Child Care services within a building.
5. **Minimum Development Size and Lot Size.**
  - a The minimum size requirement for developments in this zone is ten acres. Lots within a ten acre development may be created based upon an approved Master Development Agreement as described herein; however, in no case shall any parcel in this zone be smaller than 20,000 square feet.
  - b All developments in this zone are required to submit a Master Development Plan as part of the Master Development Agreement that includes maps and descriptions of how the entire ten acres is anticipated to be developed. See Chapters 19.13 and 19.14 for details regarding how to process developments under these regulations.
  - c All uses, lots or parcels in this zone shall be of sufficient size to assure compliance with the City's parking, landscaping, utilities, Site Plan, and other land development regulations that may govern all or a portion of each project.
6. **Setbacks and Yard Requirements.**
  - a The yard requirements in this Subsection are intended to describe the amount of space required between buildings and property lines.
  - b All buildings in this zone are required to maintain minimum setbacks as follows:

- i Front: Not less than fifty feet.
- ii Sides: Fifty feet where adjacent to a residential zone. There is no specified minimum setback required where the side property line abuts a commercial, industrial or agricultural zone. Such setbacks will be determined during the Site Plan review process.
- iii Rear: Fifty feet where adjacent to a residential zone. There is no specified minimum setback required where the side property line abuts a commercial, industrial or agricultural zone. Such setbacks will be determined during the Site Plan review process. In the event that the rear of a building faces an arterial or collector street, there shall be a setback of fifty feet.
- iv Exceptions: The City Council may reduce no more than one setback requirement by up to ten feet if in its judgment the reduction provides a more attractive and efficient use of the property. The City Council may consider the quality of the proposed building materials, landscaping improvements, or other buffers to determine if an aesthetically pleasing public view of the site will be created.
- v Other general requirements: In addition to the specific setback requirements noted above, no building shall be closer than five feet from any private road, driveway, or parking space. The intent of this requirement is to provide for building foundation landscaping and to provide protection to the building. Exceptions may be made for any part of the building that may contain an approved drive-up window.

7. **Maximum Height of Structures.** No structure in this zone shall be taller than fifty feet.

8. **Lot Coverage.** Buildings shall not cover more than fifty percent of the total lot area.

9. **Development Standards.** The following development standards shall apply to this zone:

- a **Architectural Review.** The Development Review Committee shall review the Site Plan and building elevations. The Development Review Committee shall 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.** Required front yard areas, and other yard areas facing a public street, shall have a landscaped area of not less than fifteen feet as approved through the Site Plan review process. There shall be a minimum of ten feet of landscaping between parking areas and side or rear property lines adjacent to agricultural and residential land uses. See Chapter 19.09, Off-street Parking Requirements.
- c **Landscaping Required.** All landscaping shall be completed in accordance with the approved Site Plan and shall be installed prior to the issuance of a Certificate of

Occupancy for the building. The Building Official may approve exceptions as seasonal conditions warrant. Any proposed change to the approved landscaping plan will require an amended Site Plan approval. It shall be the responsibility of the property owner to maintain all approved landscaping in accordance with the approved Site Plan and in compliance with the requirements of Chapter 19.06, Landscaping.

**10. Uses Within Buildings.**

- a All uses in the Industrial Zone shall be conducted entirely within a fully enclosed building except those uses deemed by the City Council to be customarily and appropriately conducted outside. Such uses include, automobile refueling stations, gas pumps, plant nurseries, home improvement material yards, automobile sales, etc.
- b Outside storage of merchandise shall be accommodated entirely within an enclosed structure unless the City Council deems such storage to be customarily and appropriately conducted outside.

**11. 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.

**12. Buffering/Screening Requirements.**

- a A wall, fencing, or landscaping of acceptable design shall effectively screen the borders of any commercial or industrial lot which abuts an agricultural or residential use. Such a wall, fence, or landscaping shall be at least six feet in height, unless a wall or fence of a different height is required by the City Council as part of a Site Plan review. Such wall, fence, or landscaping shall be maintained in good condition with no advertising thereon.
- b All developments shall have a minimum number of both deciduous and evergreen trees and shall further comply with the requirements of Chapter 19.06, Landscaping.

**13. Landscaping Requirements**

- a A minimum of twenty percent of the gross area of land to be developed in the Industrial zone shall be devoted to use as parks, recreation areas, open space, planting or other public purposes other than rights-of-way, utility easements, and parking areas.
- b Public and private trails and any natural or man-made floodways, lakes, or storm water retention areas may be used to satisfy the requirement in Subsection a.

(Ord. 16-01; Ord. 14-13)

[Exhibit 2 to Development Agreement continues onto next page]

### 3. Permitted and Conditional Uses by Zone-Commercial:

The following table lists the Permitted and Conditional uses for the Nonresidential Zones in the City of Saratoga Springs. Empty boxes mean that the use is prohibited in that zone. Uses not listed are also prohibited.

**P= Permitted C= Conditional**

	NC	MU	RC*	OW	I	MW	BP	IC	PSBL
Alcoholic Beverage, Package Agency					C				
Alcoholic Beverage, State Liquor Store					C				
Animal Hospital, Large/Large Veterinary Office	C	C	P	P					
Animal Hospital, Small/Small Veterinary Office	C	C	P	P					
Arts & Crafts Sales	C	P	P			P			
Automobile Refueling Station		C	C	C	C				
Automobile Rental & Leasing Agency			C	C	P		C <sup>A</sup>		
Automobile Repair, Major				C	C				
Automobile Repair, Minor			C	C	C		C <sup>E</sup>		
Automobile Sales			C		C				
Automobile, Boat, All-Terrain Vehicle (ATV), Motorcycle, Recreation Vehicle, Sales & Service			C	C	P				
Bakery, Commercial				C	C				
Bakery, Retail	P	P	P			P	C		
Bed and Breakfast		C				C			
Bookstore	P	P	P			P	P <sup>A</sup> C <sup>E</sup>		
Building Material Sales (with outdoor storage)			C	C	P				
Building Material Sales (without outdoor storage)			C	C	C				
Bus Lot									P
Car Wash (full service)			C				C <sup>A</sup>		
Car Wash (self service)			C	C	C				
	NC	MU	RC*	OW	I	MW	BP	IC	PSBL

Child Care Center	C	C	C			C <sup>A</sup>	C <sup>A</sup>		
Churches	C	C				C		P	
Commercial & industrial laundries				C	P				
Commercial Recreation		C	C	C	C	P			
Commuter/Light Rail Station			P	P	P		C	C	
Contract construction services establishments				C	P				
Contract Services Office				P	P				
Convenience Store		C	P	C			C <sup>E</sup>		
Convenience Store/Fast Food Combination			C				C <sup>E</sup>		
Copy Center	C	P	P	C			C <sup>A</sup>		
Crematory/Embalming Facility				C	C				
Dry Cleaners	C	P	P				C <sup>E/A</sup>		
Dwelling, Above commercial		P	C			P			
Dwelling, Multi-Family		P				P			
Dwelling, Single-Family		P				P			
Dwelling, Three-Family		P				P			
Dwelling, Two-Family		P				P			
Educational Center	C	C	C	C			C	P	
Electronic Media Rental & Sales		C	P						
Electronic Sales & Repair		C	P				C <sup>A</sup>		
Equipment Sales & Services			C		P				
Financial Institution		P	P				P <sup>A</sup>		
Fitness Center (5,000 sq. ft. or less)	P	P	P	P		P	P <sup>A</sup>		
Fitness Center( 5,001 sq. ft. or larger)	C	C	C	C			C <sup>A</sup>		
Floral Sales	P	P	P			P	P <sup>A</sup>		
Fueling Station									P
Fueling Station, Cardlock Facility									P
Funeral Home	C	C	C						
Grocery Store		C	P			P			
Hair Salon	P	P	P			P			
	<b>NC</b>	<b>MU</b>	<b>RC*</b>	<b>OW</b>	<b>I</b>	<b>MW</b>	<b>BP</b>	<b>IC</b>	<b>PSBL</b>

	NC	MU	RC*	OW	I	MW	BP	IC	PSBL
Hardware & Home Improvement Retail		C	P						
Home Occupations	See §19.08	See §19.08	See §19.08	See §19.08					
Hospital			P				C	P	
Hotels			C	C	C	C	C		
Ice Cream Parlor	P	P	P			P	C <sup>A</sup>		
Impound Yard					C				
Kennel, Commercial			C	C	P				
Laundromat			C	C	C				
Library		P	P					P	
Light Manufacturing				C	C		C		
Marina						P			
Mining					C				
Mixed Use		P				P			
Neighborhood Grocery Store		P				P			
Motels			C	C	C	C			
Non-Depository Institutions			C						
Office, High Intensity				P	C		C		
Office, Medical and Health Care	C	C	P				P	C <sup>A</sup>	
Office, Professional	C	P	P	P	C	P	P		
Public Parks, playgrounds, recreation areas, or other park improvements	P	P	P	P	P	P	P	P	P
Pawn Shop				C	C				
Personal Service Establishment	C	C		C		C	C <sup>A</sup>		
Plant & Tree Nursery	C		C	C	P				
Postal Center	C	C	P	C			P <sup>A</sup>	P	
Preschool	C	C	C			C <sup>A</sup>	C <sup>A</sup>		
Printing, lithography & publishing establishments				C	C		P		
Public & private utility building or facility			C	C	C	C		C	C
Public Building or Facilities (City Owned)	P	P	P	P	P	P	P	P	
Reception Centers	C	C	P			P	C		

Recreation Center			C		C	C			
Recreation Rentals			P			P			
	<b>NC</b>	<b>MU</b>	<b>RC*</b>	<b>OW</b>	<b>I</b>	<b>MW</b>	<b>BP</b>	<b>IC</b>	<b>PSBL</b>

	<b>NC</b>	<b>MU</b>	<b>RC*</b>	<b>OW</b>	<b>I</b>	<b>MW</b>	<b>BP</b>	<b>IC</b>	<b>PSBL</b>
Recreational Vehicle Sales			C						
Recycling Facilities					C				
Research & Development			C	C	C		P	C <sup>A</sup>	
Residential facilities for elderly persons		C				C			
Residential Facilities for Persons with a Disability		C				C			
Restaurant, Casual			P	C		C <sup>E</sup>	C <sup>E</sup>		
Restaurant, Deli	P	P	P			P	C <sup>A</sup>		
Restaurant, Sit Down	P	P	P	P		P	P <sup>E</sup>		
Retail Sales	P	P	P	P		P	C <sup>A</sup>		
Retail, Big Box			C						
Retail, Specialty	P	P	P	P		P			
Retail, Tobacco Specialty Store				C	C				
School, Public	P	P	P	P	P	P	P	P	P
School, Trade or Vocational				P	P		P	P	
<del>Sexually Oriented Businesses</del>					P				
Shooting Range, indoor or outdoor				C	C				
Storage, Self-Storage, or Mini Storage Units				C	C				
Storage, Outdoor					C				
Storage, Vehicle					C				
Tattoo Parlor					C				
Temporary Sales Trailer		T							
Theater			C			C			
Transit-Oriented Development (TOD)		P				P	C		
	<b>NC</b>	<b>MU</b>	<b>RC*</b>	<b>OW</b>	<b>I</b>	<b>MW</b>	<b>BP</b>	<b>IC</b>	<b>PSBL</b>

<sup>A</sup> The noted Uses shall be allowed in the listed zones as an ancillary use only.  
24208856

<sup>E</sup> The noted Uses shall be allowed in the listed zones as an edge use only.

\*As an ancillary component of the identified Permitted and Conditional Uses, employers may offer Child Care Center services for their employees. The provision of such services shall require Conditional Use approval.

**City of Saratoga Springs  
Planning Commission Meeting  
August 25, 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: Sandra Steele, Hayden Williamson, David Funk, Ken Kilgore, Troy Cunningham, Brandon MacKay

Staff: Kimber Gabryszak, Planning Director; Mark Christensen, City Manager; City Planner Kara Knighton; Kevin Thurman, City Attorney; Gordon Miner, City Engineer; Nicolette Fike, Deputy Recorder

Others: Krisel Travis, Greg Haws

**Excused:** Commissioner Wilkins

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

1. **Pledge of Allegiance** - led by Commissioner Steele
2. **Roll Call** – A quorum was present
3. **Public Input**

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

No public input was given.

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

4. **Public Hearing: Community Plan Amendment for Legacy Farms, generally located at 400 S. Redwood Road. D.R. Horton Applicant.**

Planning Director Gabryszak presented the plans. The applicants are requesting a modification to the Community Plan to allow recordation of the plats currently in the floodplain, without the additional building requirements. No certificate of occupancy will be issued by the City until the map revision is finalized. The applicants have received a letter of LOMR, but need to wait 90 more days. The applicants are also requesting an amendment for signage allowance, up to 50 sq. ft. on up to 4 entry features and to allow 100 sq. ft. of temporary signage at each of those 4 locations for up to 9 months. Also to allow up to 6 entry flags and window signs. There is corrected language in the agreement.

Krisel Travis noted they were asking that they be allowed to sell and put under contract (striking condition #5) but not occupy. They will have a recoded plat and will be willing to disclose it's in a flood plain.

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

No Comments were made.

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

City Attorney Thurman mentioned that he had recommended condition #5 because the LOMR is not truly in effect yet. Any interested party may request that they reconsider the determination. They need to be 1 foot above the flood plain to build. Under Utah law a plat is not able to be recorded unless there are improvements installed or bonded to be installed. That is to protect the lot owners. There have been plaintiffs that have sued cities who allowed plats to be recorded without the improvements and we are looking to protect against that. He is not sure any company would issue a bond guaranteeing it would be finished where it's in a flood plain. He is recommending that condition not be removed; it would expose us to liability.

City Manager Christensen remarked that this will ultimately not be an issue. We've tried to work with the developer so they can begin infrastructure assuming all liability. If the map revision does not occur then the infrastructure does not meet the standard. If they construct their properties they are assuming 100% of the risk and liability. He agrees with what the attorney says but our concern is to keep the liability purely on them. The question is if they can sell thus transferring some of that liability. It's the sale that triggers the liability. We want them to move forward if they are willing to assume all of the risk. He commented that they have changed other sections of code via the Community Plan process. The homes they are starting wouldn't be done and ready to sell till late January, it would only be about a 20 day period that it may still remain in the flood plain.

Planning Director Gabryszak commented that since it is a community plan they do have the ability to propose their own code. When we originally met with them we were not supportive, however; with the copy of the LOMR from FEMA and the prohibition on selling lots, staff feels that it protects the city adequately. They are not bound strictly by the municipal code. She noted community plan guiding standards that allow them to create their standards.

Krisel Travis mentioned that there has already been another 90 day protest period where any affected entities have been notified and there was no protest. The chance that this would have anything now is very very small. As far as the flood plain, Tickville is functioning very well. They are willing to not occupy the building and that if someone did protest they would be stuck with millions of dollars of corrections. They are willing to give full disclosure and would like to keep the momentum going.

Commissioner Steele commented that this is asking them to ignore the municipal code that it falls under. We don't have any control over that, we are also being asked to not adhere to federal law and building code or 18.02 of our code. The map has to be changed or they need to build 1ft above. Our main job is to make sure an application meets code. She does not believe it meets code in any way, but it is City Council's discretion. She said on the flood plain it does not meet our code and she would not recommend it for approval. The liability may not be all that small.

Commissioner Steele would prefer they adhere to our city code on signs. She feels they are above code for the height of the water tower feature and they should not be allowed to put their sign above the tower. Krisel Travis shared that they see it more of a branding structure, nothing to read, more of an icon and not an advertisement. Commissioner Steele noted that we have required all other developments to keep their signage below 10 feet; they could have taller structures but the signs had to stay below. It bothers her that they want up to 4 of those. In the future they need to be kept at 20 feet she doesn't want any more 30 ft. water towers. She noted that trailer wrap looks terrible. We have enough visual clutter out there without the wrap. She asked about the concierge signs they are asking for above what is already there. Krisel Travis replied they were for temporary signs like a community event. Commissioner Steele would rather see a mechanical changeable sign than to put this in the entrances. She is concerned with the temporary flags and banners; we allow 1 banner per residential lot. People are living here while you are selling, out of consideration to them if you have model homes; six per lot is way too many. Krisel Travis noted the 6 is meant for the main sales center. Commissioner Steele thinks one per lot is sufficient. Krisel Travis asked if they could have 6 at their sales trailer and one for models and noted their flags are smaller.

Commissioner Williamson asked if we were to accept this with the stipulations that they can't sell, occupy or put under contract until the map is revised then would that eliminate all chance of liability. City Attorney Thurman replied that it would eliminate most of it. Commissioner Williamson is ok with passing this the way it was written. Commissioner Williamson said he is ok with the water tower sign. He has concern with the concierge signs that could become permanent. He would be ok with 6 flags at the main sales office and 1 everywhere else, which would revert to one sign when it gets sold. He is less concerned about the window coverings. Krisel Travis said once it isn't a sales office it would go away.

Commissioner Kilgore asked who had inspected for the flood plain. Krisel Travis responded that a third party does the inspection and sends the report data to FEMA. Commissioner Kilgore asked if the applicant

felt our city standard was inadequate, why they felt they needed to change it. Krisel Travis responded they are not used to these kinds of regulations in other cities they work with; it's not typical for them.

Commissioner Cunningham felt he was able to find the sales trailer and clubhouse with the signage that was there and felt it was adequate and seemed like a lot, and he thinks we don't need to change that. On the tower sign he was ok with a logo but would prefer it further down.

Commissioner MacKay would be opposed to the increased signage. He wondered what if the project got delayed and doesn't come through and they don't build, would the neighbors have any recourse to the City? City Attorney Thurman replied that they would have to remove the infrastructure if it got repealed. Commissioner MacKay doesn't want to have this discussion again with flags and signs for another builder. He is hesitant to give a lot of leniency knowing that the next builder may ask for that or more. Right now no one is having an issue finding the builder or them selling lots. If the market goes down he may change his mind on that as it may be more necessary to help sell projects.

Commissioner Funk commented on signage that he thinks we need a level playing field equal for everyone and thinks we should go with code. He doesn't think they should allow the building on the flood plain.

**Motion made by Commissioner Williamson that based on the discussion today he moves to forward a positive recommendation to the City Council for the proposed amendments to the Legacy Farms Community Plan regarding the flood plain changes with the modified language\* included in the presentation. Seconded by Commissioner MacKay**

\*Modified Floodplain Language from the presentation.

Page 110 & 111

- The developer shall be allowed to build and record in a Flood Plain so long as measures to mitigate the Flood Plain through FEMA and the City Engineer have been completed through a formal LOMR. The City Engineer's signature on the LOMR shall constitute the City's acceptance of the improvements completed to mitigate the existing conditions of the Flood Plain. Construction and plat recording shall be allowed upon receipt of the LOMR from FEMA. **A Flood Plain map that has been revised to reflect Zone X or higher shall be allowed to proceed with all construction. The City will not be obligated to issue any Certificate of Occupancy until such time as the FIRM revision has been completed.**

Discussion on the motion:

Planning Director Gabryszak asked them to include the findings and conditions in the staff report.

City Attorney Thurman wanted them to be clear what modified language they passing. Commissioner Williamson responded his intent was the language of the floodplain amendment that was present on the power point presentation.

Planning Director Gabryszak noted it was the language that was presented regarding the certificates of occupancy.

**Commissioner Williamson amended the motion to include the findings and conditions in the staff report and the modified language that was presented regarding the certificates of occupancy. Second was in agreement.**

**Aye: Brandon MacKay, Hayden Williamson, Troy Cunningham, Ken Kilgore.**

**Nay: Sandra Steele, David Funk.**

**Motion passed 4-2.**

Motion made by Commissioner Williamson that based upon the discussion today he moves to continue the discussion regarding signage to give staff and the applicant a chance to implement some of the discussion from today's meeting to our next meeting.

Motion failed due to no second.

**Motion made by Commissioner Steele that the Planning Commission forward a negative recommendation to the City Council for the legacy Farms community plan amendments concerning signs. The amendments are not consistent with section 19.26 of the code as articulated by the Commission and that the previous signs that were in effect remain in effect and that the amendments do not comply with what had been approved before. Seconded by Commissioner Cunningham.**

**Aye: Brandon MacKay, Troy Cunningham, Ken Kilgore, Sandra Steele, David Funk.**

**Nay: Commissioner Williamson.**

**Motion passed 5-1.**

**5. Public Hearing: Preliminary Plats for Legacy Farms Village Plans 3A-E, generally located at 137 E. Legacy Parkway. D.R. Horton Applicant.**

City Planner Kara Knighton presented the plats. The application contains preliminary plats for a total of 196 units and ~14 nonresidential ERUs. The 196 single-family and multi-family units are below the potential maximum of 304 Residential units approved in VP3. She noted the arrangement of the north area is different but the unit numbers remain the same. Additional suggested conditions are 1. No units shall be sold until the FIRM map revision is finalized. 2. Alternate addresses shall be placed on corner lots prior to Final Plat approval.

Commissioner Steele commented that there are horizontal improvements in the flood plain. But that hasn't been voted on by them yet. Where does that put us in infrastructure, there is a good bit in the flood plain. City Attorney Thurman thought it was fine because we are placing conditions on it. By the time it comes imperative they meet the condition at that point they will meet it, staff will verify it. You could say conditioned on the Community Plan Amendments. Planning Director Gabryszak noted that there is already a recommended condition that they not sell lots. This is for the preliminary plats. The final plats still have to go through staff approval project. You have already approved plats in previous Village Plan's under the knowledge that they couldn't build anything until it was taken out of the flood plains. Commissioner Williamson commented that we then may not need that condition as it was in the Community Plan. City Attorney Thurman said that would be fine, the Community Plan governs development.

Commissioner Funk asked about the lots that would be kept at 8000 sq. ft. Planning Director Gabryszak responded that those lots would remain at 8000 sq. ft. but they are being identified as 6000 because of different width standards. They now comply with the 8000 sq. ft. standard. Commissioner Funk commented that his other concern is that the lot lines in a few spots don't go to the corners, it seems to be preferred by owners.

**Motion made by Commissioner Williamson based on the discussions today he moves to forward a positive recommendation to the City Council for the Legacy Farms Plats [3A, 3B, 3C, 3D, and 3E] with the Findings and Conditions in the Staff Report. With the addition of the alternate address condition in the power point. (Alternate addresses shall be placed on corner lots prior to Final Plat approval.) Seconded by Commissioner Kilgore.**

**Aye: Brandon MacKay, David Funk, Hayden Williamson, Troy Cunningham, Ken Kilgore.**

**Nay: Sandra Steele.**

**Motion passed 5-1.**

Commissioner Steele noted she voted nay to be consistent with her vote on the previous item concerning flood plains.

Commissioner Funk is voting yes because the other motion passed.

A short break was taken at this time.

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

Planning Director Gabryszak presented the proposed changes. On July 28, 2016, the Planning Commission discussed Accessory Dwellings and provided feedback on the potential code. The Planning Commission discussed the need to further regulate the maximum size of dwelling units, as 1/3 of the primary structure could lead to a large accessory dwelling, and adding Education Leave to the list of qualified reasons of a temporary absence. There was some interest in limiting the number you could have in a neighborhood or block, is it sort of picking winners and losers. You don't see that many typically anyway. She is currently working on the Affordable Housing Update. A law student that looked at prop 6 and its impact on affordable housing noted that it could go one way or another depending on case law. If we are allowing other types of affordable housing like ADUs it could be ok. They will be having a work session with Council soon. After that they will do some public outreach. Planning Director Gabryszak noted we are trying to have the balance where it's allowed all over but limited.

Commissioner Funk commented that if you have a limit per street you should encourage them to do it. He noted some people would try to get around the requirements. He believes the requirements will help limit the amount of people wanting to do it anyway.

Commissioner Williamson does not like the idea of limiting it; it may have some unintended consequences we wouldn't appreciate. He feels it should happen in existing neighborhoods. The majority of the people will not want to do this, only a small percentage will want to do it.

Commissioner Williamson was excused at this time.

Commissioner Kilgore likes the changes, and agrees with Commissioner Williamson about not limiting to a number per neighborhood. Over time what if new people move in and don't want the apartment but someone else can't because there is already one. There needs to be a pathway to legality and something that makes it tolerable to all neighborhoods. Communities with smaller lots would want to discourage it anyway.

Commissioner Cunningham echoed the previous two commissioners. He likes the idea of not limiting the number, on a fairness bases but likes minimum requirements which would help limit it anyway.

Commissioner Steele is more in favor of allowing in new developments. If they allow them in, say Mt. Saratoga, how do they figure the extra ERUs. What might it do to your schools; it could be the straw that breaks the camel's back. Second thing is mail. The post office won't allow mail boxes anymore. How would they get their mail? Planning Director Gabryszak said the options are that all the mail goes to one box or the basement obtains a P.O. Box. Commissioner Steele remarked that it defies logic and common sense to say a family upstairs and a family downstairs is a single family home. It is a two family dwelling. We need to think about our definitions in that respect. She is concerned about the fact that if we have a down turn in the economy we could have a lot of these and then it affects water and schools. She thinks it should be put in the code to check their CCRs to see if it's allowed.

Commissioner Kilgore thinks the school thing is an interesting question; even a 10% increase could be an issue. Commissioner Funk commented that size of the house and number of bedrooms may make the bigger difference in the number of students than the number of families.

Planning Director Gabryszak asked if there was anything else they may want them to discuss with City Council. Commissioner Steele said the 1250 sq. ft. bothered her in one zone with the minimum footage with an accessory dwelling unit that was the same size.

## **7. Approval of Minutes:**

### **a. August 11, 2016**

**Motion made by Commissioner Kilgore to approve the minutes of August 11, 2016. Seconded by Commissioner Cunningham. Aye: Sandra Steele, Brandon MacKay, David Funk, Kirk Wilkins, Troy Cunningham, Ken Kilgore. Motion passed 6 - 0.**

8. **Reports of Action.** – No reports.

9. **Commission Comments.** – No comments.

10. **Director's Report:**

- a. **Council Actions** – Mt. Saratoga and Code amendments were continued to the 6<sup>th</sup>.
- b. **Applications and Approvals**
- c. **Upcoming Agendas** – code amendments, papas express car wash and a rezone and Master Development Agreement for HADCO.
- d. **Other** – City Planner Jamie Baron is leaving. They are starting interviews soon.

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.**

**Motion made by Commissioner Kilgore to have a closed session for the reasons stated on the agenda. Seconded by Commissioner Steele. Aye: Sandra Steele, Brandon MacKay, David Funk, Troy Cunningham, Ken Kilgore. Motion passed 5 - 0.**

Meeting Moved to Closed Session 8:35p.m.

**Closed Session**

**Present:** Kimber Gabryszak, Sandra Steele, Brandon MacKay, David Funk, Troy Cunningham, Ken Kilgore, Mark Christensen, Kevin Thurman, Nicolette Fike

Closed Session commenced at 8:36 p.m.

**Motion to adjourn closed session made by Commissioner Cunningham. Seconded by Commissioner MacKay. Aye: Sandra Steele, Brandon MacKay, David Funk, Troy Cunningham, Ken Kilgore. Motion passed 5 - 0.**

**Closed Session Adjourned at 9:05p.m.**

12. **Meeting Adjourned without objection at 9:05 p.m.** by Vice Chairman David Funk

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

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

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