

**City of Saratoga Springs
Planning Commission Meeting
September 22, 2016**

Regular Session held at the City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

Minutes

Present:

Commission Members: Kirk Wilkins, Sandra Steele, David Funk, Ken Kilgore, Troy Cunningham, Brandon MacKay

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

Others: Nate Shipp, Mindy Dansie, Brian Flamm, Jeremy Searle, Paul Linford, Lia Gerke, Heather Laughter, Paul Sellers, Karena Kruger, Bryan McEntire, Paul Hardman, Chad Spencer, Brad Cahoon, Ballards, Dave DeLong, Anne Braithwaite, Lance Wadman, Ray Walker, Ted Warren, Jason Krull

Excused: Hayden Williamson

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

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

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

3. **Public Input**

Public Input Open by Chairman Kirk Wilkins

No public input was given.

Public Input Closed by Chairman Kirk Wilkins

4. **Public Hearing: Marina Pump Station Site Plan and Conditional Use Permit, located at 156 E. Harbor Parkway, City initiated.**

Planning Director Kimber Gabryszak presented the item. They are requesting Site Plan and CUP approval for the purpose of constructing a secondary irrigation pump station at the Marina. The pump station will use water from the Lake for irrigation purposes in the southern part of the City. Additional recommendations were made to put a trail down around to be able to see the access point to the lake. Landscaping with two proposed plans.

City Manager Mark Christensen noted how the south well had failed earlier this year and a test well in the area was not useable as a water source so this project has moved ahead to help the situation. They hope to move forward this winter. The landscaping will need to have some clean-up and restoration after this project. The next project will be to open another jetty to the north in the area and they hope to be adding more amenities.

Public Hearing Open - by Commissioner Wilkins.

There was no public comment on this item.

Public Hearing Closed - by Commissioner Wilkins.

Commissioner Steele asked, with the low lake level, how far out they would need to go. City Manager Mark Christensen noted the marina is the low point now. The intake will be at the interior corner of the north arm. Part of the area will be used as a temporary drying pond; once this is done they will be

finalizing the park. Commissioner Steele asked if he felt it was pretty well drought proof. City Manager Mark Christensen replied that there are a lot of complexities with it, if the lake gets shut off, at that point a whole lot of cities will be having this conversation. The few times this has happened all the water users have gotten together to keep the water going. We don't have any other options at this point in the south end of the city.

Commissioner Funk likes the plans with making it so they can get in to repair it as needed. He asked about the intake screen, concern with fish and noise from the station. City Manager Mark Christensen responded that there will be a dock over the top of the intake. The water will naturally flow into this, gravity fed, there will be no suction at the intake but will feed into a pond. Once an hour or so there will be a push back of air to help keep the screen clear. We filter the water at our pump house; it has to be filtered through the sewer system before it can return to the lake. He mentioned that generally they don't anticipate any problems with noise. They tend to be fairly sound proof with no noise impact on the neighborhoods.

Commissioner Kilgore also had the noise question. He asked about the loss in parking, if it dropped below the minimum. City Manager Mark Christensen replied typically the parking for boats is the amount of parking they are allowed to have for maximum capacity. These would be additional parking for the beach. In the future they will be adding more parking as they do additional phases. We aren't moving any boat stalls. Commissioner Kilgore asked when the landscape and irrigation plan will be finalized. Planning Director Kimber Gabryszak replied that there are just a few changes that will be finalized at the City Council meeting. Commissioner Kilgore asked how long it would take. City Manager Mark Christensen responded that it is a big project and they want to get it done quickly but should go into early spring, they are hoping to get it done by early spring. Some site restoration may need to go beyond that.

Commissioner Cunningham also had similar questions about parking and impacting fish which were answered previously.

Commissioner Wilkins asked how they would be using the water and how much capacity would they get out of it and would it be able to supply the needs. City Manager Mark Christensen said they will treat this water as they do all the other secondary water; it is filtered, not potable. It is ultimately the same source as their other secondary water. They do look at this as a long term structure. They typically equip the station with one or two pumps with room to add new capacity. The first phase will pump straight to zone 2; they hope to add a secondary pond above Lake Mountain. That will do about 10,000gpm at its peak. It will start off with closer to 2000-4000gpm.

Motion made by Commissioner Steele to forward a recommendation of approval for the Marina Pump Station Site Plan and Conditional Use Permit located at 156 E. Harbor Parkway, with the findings and conditions in the staff report. Seconded by Commissioner Funk. Aye: Sandra Steele, Brandon MacKay, David Funk, Kirk Wilkins, Troy Cunningham, Ken Kilgore. Motion passed 6 - 0.

5. Public Hearing: Saratoga Springs 4 Church Major site plan amendment, located at 49 W. Tanner Lane, Chad Spencer Applicant.

City Planner Kara Knighton presented the plans. The request is for a Major Site Plan Amendment to enlarge the building by 875 sq. ft. The expansion is to the rear portion of the chapel resulting in the loss of 9 parking stalls and the adjustment of open space around the proposed building.

Chad Spencer, applicant, was present to answer any questions.

Public Hearing Open – by Commissioner Wilkins.

There was no public comment on this item.

Public Hearing Closed – by Commissioner Wilkins.

Commissioner Kilgore asked about the fencing that could comply. He asked what the parking stall number was that was required. City Planner Kara Knighton replied the fencing actually does comply now. She advised that they proposed 246 stalls, 7 of which are ADA, the requirement is less than that, based on 1 per every 3 seats, 242 stalls.

Motion made by Commissioner Steele to approve the Saratoga Springs 4 Major Site Plan Amendment as outlined in exhibit 3 with the Findings and Conditions in the Staff Report dated September 13, 2016. Seconded by Commissioner Funk. Aye: Sandra Steele, Brandon MacKay, David Funk, Kirk Wilkins, Troy Cunningham, Ken Kilgore. Motion passed 6 - 0.

6. Public Hearing: Master Development Agreement and Rezone from Agriculture to Industrial for HADCO, Parcels 58:022:0121 & 58:022:0114, and 58:022:0115 (west of Wildflower and north of SR 73) JD V and JD VI applicant.

Planning Director Gabryszak presented the item. The owners of the JD V and JD VI 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. They have existing rights through the County for mining and similar use on adjacent property in Eagle Mountain. There is not a related General Plan amendment because this area is already on the GP for this use.

City Attorney Kevin Thurman advised that this property is a non-conforming use, mining, that came with them when they were annexed; this isn't granting them anymore than they are currently allowed to do as far as mining is allowed. They are permitted to mine but are required to get the required permits through the City and the State.

Brad Cahoon with the law firm of Snell and Wilmer represented the applicant. They concur with the staff report and statements made tonight.

Public Hearing Open – by Commissioner Wilkins.

There was no public comment on this item.

Public Hearing Closed – by Commissioner Wilkins.

Commissioner Kilgore asked what happens to the litigation after approval of the Master Development Agreement. City Attorney Kevin Thurman advised that this is part of a settlement agreement, still subject to City Council legislation. We receive benefits that they will provide an alternate truck route. This will resolve the litigation. Commissioner Kilgore wanted to confirm that the additional condition will restore the original permitted uses for the industrial zone. Planning Director Kimber Gabryszak replied yes.

Commissioner Cunningham had some concerns over the impact the mining would have long term and asked how long would they be able to mine. He thought we may be able to add conditions like Eagle Mountain as to hours of operation and lighting. He noted friends in Eagle Mountain had indicated it was a source of irritation. Planning Director Kimber Gabryszak advised that it could be 10-15 years for mining, the estimate for removal of that hill, it could be longer. We do have similar standards in place; dark sky requirements, hours of operation for lighting and dust mitigation are some of those. City Attorney Kevin Thurman noted the development condition gives them the permitted uses, all other uses they will have to make the proper applications and follow code. Commissioner Cunningham noted that he had seen trucks on Aspen Hills Blvd. which is way too small for vehicles of that size. He is not in favor of removing their property rights to mine; we need to protect their rights and also the rights of those living near here in the future.

Commissioner Funk had a little concern that once the roads become city roads, what keeps the public from trespassing on their property. City Attorney Kevin Thurman replied they are just building an access road, not built to city standard. We won't be accepting this road; it will be private. They would need to work out access with adjacent property owners and they could gate it off as a private road.

Commissioner MacKay received clarification that the access road would be leading to S.R. 73. City Attorney Kevin Thurman noted they would like the connection to be across from Spring Hill Rd. for a light at the intersection. Commissioner MacKay asked if there were requirements in regards to mud and debris being tracked onto the State Road. City Attorney Kevin Thurman replied the highway authority would control that, SR 73 was a UDOT road.

Commissioner Steele asked that since this is already in our city if there has been any attempt to have them comply to the light ordinances. Planning Director Kimber Gabryszak said they have not had any incidences they are aware of; most activity is taking place adjacent in Eagle Mountain. Commissioner Steele asked what the timeline was and what happens if they don't build the road. City Attorney Kevin Thurman replied that it was within 3 years. If they aren't able to get those easements then they would go back to using Military Road. City Attorney Kevin Thurman noted the road and concerns over that are a separate agreement which has already been signed, this only concerns the zoning of the property. Commissioner Steele asked about line 17b; if we could take out the language of condominiums in the zone. City Attorney Kevin Thurman replied that they could if they felt it necessary. Brad Cahoon noted a few other spots where dwelling was mentioned. It was suggested to replace "condominium" and "dwelling" with "lot or unit."

Commissioner Wilkins summarized points of the discussion.

Motion made by Commissioner Funk 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.

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. With the additional conditions of item 4a and 4b. Seconded by Commissioner Kilgore.

City Attorney Kevin Thurman noted the change needed on the date.

Commissioner Funk and Commissioner Kilgore approved the amendment to **correct the date to September 22, 2016.**

Aye: Sandra Steele, Brandon MacKay, David Funk, Kirk Wilkins, Troy Cunningham, Ken Kilgore. Motion passed 6 - 0.

Additional conditions:

4.a. The uses in the Master Development Agreement shall include all conditional and permitted uses in the industrial zone.

4.b. Replace "condominium" and "dwelling" with "lot or unit" in the MDA.

7. Public Hearing: Wildflower Village Plan Area 1, located West & North of Harvest Hills and North of SR 73. Nathan Shipp, DAI Utah applicant.

Planning Director Kimber Gabryszak presented the application. The applicants have requested approval of the first Village Plan, subject to the requirements of the Community Plan and Section 19.26 of the Code, which governs the Planned Community (PC) zone. Village Plan 1 consists of approximately 168 acres, and proposes allocating 571 Equivalent Residential Units (ERUs), consisting of 569 single family units and two non-residential ERUs to be applied to a church site. The applicants are asking for a higher height of entry features but only two per community, maximum text height is lower than allowed at 5'2". Also additional entry features for individual neighborhoods and additional builder directional signs.

Nate Shipp, Mindy Dansie, and Brian Flamm with DAI were present to answer questions.

Public Hearing Open – by Commissioner Wilkins.

Heather Laugter wondered when they would start selling and what expected prices would be per sq. ft. for lots and homes and how it would impact the schools. She asked about access for construction for safety.

Ray Walker was concerned with water availability. He thinks we need to make sure our water supply is shored up before we bring in more people to the city. He feels the roads in Harvest Hills are too narrow and that the main thoroughfare may be unsafe.

Kevin Ballard was concerned about the topography and what will be done with some of the hills, also the timing of the phases. He is assuming UDOT paid some compensation and they are gaining some compensation for the units, and it may be double dipping.

Lia Gerke was concerned about drainage issues and water runoff control.

Ted Warren is asking if there are roads coming in through Harvest Hills, what will be developed first and when will they be built and does the church already own the property.

Jason Krull is concerned about the speed of traffic through Harvest Hills, has there been something considered to slow traffic. He also would like to know the timing of the phases. He asked when the frontage road would be coming in.

Public Hearing Closed – by Commissioner Wilkins.

Brian Flamm responded to questions. He wanted to start with changes from the previous work session. He noted they have changed to sidewalks on both sides of the roads leading up to the park. They took out the tree species that were requested. They confirmed the surfaces for the parks that have ADA equipment will be ADA compliant. They are open to make sure they select brands of equipment that will be good for the City and community. There is a master grading plan that will address the sensitive lands. With the single family homes, he noted Candlelight Homes would be building many of them, they would expect them to start in the high 2's likely up to 4's and 5's finished homes. There are many issues to complete yet but they hope to be selling next year at some point. The church is under contract for that property but until the Village Plan is approved they cannot purchase. They are working with Alpine District, who needs to wait on timing and funding. The overall Community Plan addresses school location. They are required to comply with engineering conditions regarding water issues before final approval. They are still working on water rights.

City Engineer Gordon Miner noted the developer will have to bring the source, storage, and distribution of the water. It will probably be upsizing, not only what they need to fill the demands of this subdivision but will upsize to help make the whole system more robust than it was before.

Brian Flamm noted they were very sensitive with the drainage and are working with Camp Williams and with canals and engineers and UDOT for a pond and hopefully this will resolve all the issues that have happened over time. There was language added to the traffic portion of the plan for traffic calming. The curvilinear design is a very good traffic calming design. They hope they can make sure all the traffic concerns are addressed. The access points to this neighborhood are 3 points out of Harvest Hills and a right to build a construction access down to Redwood Road. Timing on UDOT; they can't control when they build, they are told the funding for the frontage road on the east side of the corridor has been approved and they have told them next year, but it is not under our control. Planning Director Kimber Gabryszak responded to questions about calming the Harvest Hills neighborhood, the frontage road will help alleviate the load through the Harvest Hills Neighborhoods. Brian Flamm noted there will be final grading plans to each area to make sure they are not causing problems. The fine tuning has not been done but that will come with the plats.

Planning Director Kimber Gabryszak responded to question about number of units; it was based on the R3 zone. To take into account that there was compensation City Council approved about 2/12 units per acre, not 3. It was discussed and addressed throughout the process. Brian Flamm commented that the appraisals noted the amounts were justified, it was not double dipping. At this point the timing is contingent upon UDOT for when they get more firm roads and utilities designed, at this time they cannot commit which would be the first phase; although the LDS church is very interested to get going and will likely be in the first phase. Planning Director Kimber Gabryszak addressed the comments about water; each development in the city is required to bring water with them that ends up improving the whole system. There are also different zones all over the city, even though here may have been constraints in one area of the city that is not necessarily the case in all the areas. This area is adequately supplied.

Commissioner Kilgore asked what the open space situation was. Planning Director Kimber Gabryszak replied it is required to do 30% open space. They are allowed to get ahead, some of it will be drainage and along the corridor, that reduces the amount they need in the actual developments. They will not meet the 30% fully in each phase, they will compensate the remaining requirement on the west side of the subdivision. There are quite a few native areas with trails and other amenities. There will be a data table to track and keep a running total.

Commissioner Funk asked what the 5' parkway meant in their plans. Does that mean there are sidewalks along both sides; parkway doesn't say there is a sidewalk. Nate Shipp took note of where that concern was to correct it in the plans. Commissioner Funk noted that he would redraw it and make both sides similar, if they put the 5; sidewalk in on the 12' parkstrip they may have to change more, he doesn't want to limit them and have them make changes that would then change other things. Nate Shipp noted they still then had 7' for trees. They will be able to make it work out. Commissioner Funk did have a concern about the signs.

Commissioner Steele cannot support the 30 ft. entrance structure. She feels 20 ft. is plenty. Brian Flamm clarified that on the directional signs they want to avoid bootlegging. They don't want every single builder having 20 of their own signs all over the place. They want a standard sign for the builders to leave it uncluttered. The better they do with brand sites the better they do to avoid the bootleggers. Commissioner Steele commented that common sense may dictate how many were needed so she was not prepared tonight to say a specific number. Brian Flamm noted the differences in the signs they were requesting. He noted part of the reason for the height on the entrance is the hills; the freeway will be 60 ft. below grade. They want to make sure it's visible and want a high end good looking community. They feel proportionately it is good. The other alternative is to separate it as a purely entrance feature and not a sign. Commissioner Steele would agree with an art piece at 30 feet, but sign should stay within code. Brian said they were ok with that. Commissioner Steele asked if the traffic engineer was present, Jeremy Searle came forward to answer questions. She asked what was considered phase 1 because the trip generations were listed for phase 1 Jeremy clarified that the first part for phase 1 was correct, everything on the east side of Mountain View Corridor. The below line should just say for phase 2 (west side). Commissioner Steele commented that they need to change the wording on traffic study.

Commissioner MacKay asked what the connection points to the west side would be. Brian Flamm noted 3 connections, eventually UDOT will have to replace those with bridges. Commissioner MacKay noted the church and open space and received clarification of where the pond was located near them, it was City property.

Commissioner Wilkins asked what their ability was to make decisions on height of the signs. Planning Director Kimber Gabryszak explained the Community Plan allows them to make their own standards. You want to look at public benefit, and standards throughout their plan. You have the ability to give input to Council to say you would recommend them or not. Commissioner Wilkins noted there are few times the City Council has deviated from the code. His own recommendation for the signs is to adhere close to the

current City Code. Commissioner Kilgore and Commissioner Steele indicated that if they separate the sign from the artwork then it could be counted separate and not as a sign.

Nate Shipp asked about the Engineer condition for the road dedication to 2017. Gordon noted it was mainly to remind him, they need to talk about that more fully.

Motion made by Commissioner Steele that Based upon the information and discussion tonight, I move to forward a positive recommendation to the City Council for the Wildflower Village Plan Area 1 with the Findings and Conditions in the Staff Report. With the addition of 3 conditions: 6.a. add sidewalk to both sides of parkway on page S11-1, with the sidewalk inserted into the 12' parkstrip. 6. b. signage shall be removed from the 30' entry feature; such signage may be replaced with the smaller monument signs. 6. c. revise phase II language on page S14-33 traffic study. Seconded by Commissioner Funk. Aye: Sandra Steele, Brandon MacKay, David Funk, Kirk Wilkins, Troy Cunningham, Ken Kilgore. Motion passed 6 - 0.

8. Work Session: Code Amendments to Title 19.04, Mixed Waterfront and Buffer Overlay.

Planning Director Kimber Gabryszak noted that there is repetitive language throughout the code they are trying to clean up. We are looking at the desired outcome. We realized there are design standards in every chapter. The mixed waterfront has become mixed up in this and they are bringing in other things. She discussed some changes they are looking at with new code in Open Space.

Commissioner Wilkins had a question on sensitive lands; it used to say none would be calculated, it now says 50% will. Planning Director Kimber Gabryszak responded that in other communities it has been the result of developer challenges, the compromise is that they have been allowed to have densities calculated but a much lower rate, which helps avoid other challenges.

Commissioner Steele commented that the matrix didn't work so well, it needs to be simplified. Multifamily needs to have minimum width for alleyway. In 19.04. The multifamily with units per acre, they need to put "up to" so we have a way to say it's over impacting. City Attorney Kevin Thurman noted we need to be careful that it does not become a zone change. Commissioner Steele noted instances where it may look like entitlement. Planning Director Kimber Gabryszak thought we were fine because the code currently says maximum units. Commissioner Steele commented on the ADU Overlay, how will it work because not every area will be able to have the overlay. Planning Director Kimber Gabryszak noted that is pending depending on the ADU code as well. This is a place holder for now; we don't recommend having the overlay in the higher density zones. Commissioner Steele commented on R2-6 asked if the minimum is confusing with the R2-6 and should it be R2-8. Planning Director Kimber Gabryszak noted the changes for that section. Commissioner Steele noted a place where a 0' setback as long as there is a 10' sidewalk, is that if it faces the river, also on footprints, what if someone puts in a window box that goes over the footprint. City Planner Kara Knighton noted it is street side. They could put a note that you couldn't put anything that protrudes over the footprint. Commissioner Steele noted the table on mixed waterfront is confusing. City Planner Kara Knighton commented it is the incentive table. Commissioner Steele noted we don't want to get to so complicated that we don't understand it. It would be good to have it only able to be interpreted one way.

Commissioner Kilgore asked about the open space landscaping and requirement. City Planner Kara Knighton noted it's dependent upon the other sections of the code and how they go.

9. Approval of Minutes:

a. September 8, 2016

Motion made by Commissioner Funk to approve the minutes of September 8, 2016. Seconded by Commissioner Cunningham. Aye: Sandra Steele, Brandon MacKay, David Funk, Kirk Wilkins, Troy Cunningham. Motion passed 5 - 0. Abstain: Ken Kilgore.

10. Reports of Action.

Planning Director Kimber Gabryszak shared the report of action for the HADCO Rezone.

Motion made by Commissioner Steele to approve the Report of Action for the HADCO Rezone from A to I and the Master Development Agreement. Seconded by Commissioner Funk. Aye: Sandra Steele, Brandon MacKay, David Funk, Kirk Wilkins, Troy Cunningham, Ken Kilgore. Motion passed 6 - 0.

Planning Director Kimber Gabryszak shared the Report of Action for the Wildflower Item.

Motion made by Commissioner Steele to approve the Report of Action for the Wildflower Village Plan. seconded by Commissioner Funk. Aye: Sandra Steele, Brandon MacKay, David Funk, Kirk Wilkins, Troy Cunningham, Ken Kilgore. Motion passed 6 - 0.

11. Commission Comments.

Commissioner Steele commented on the political signs that were removed and thanked code enforcement. Commissioner Kilgore apologized for missing the last meeting. He noted he is on the steering committee for his Alumni association and they are sponsoring a lecture at The Leonardo on What Makes a Great City, promoted by the Utah American Planning Association Conference in Salt Lake City. This would be in November.

12. Director's Report:

- a. **Council Actions** – approved the code amendments. Saratoga Springs rezone and Papa's carwash.
- b. **Applications and Approvals** – in the packet
- c. **Upcoming Agendas** – continue work session on code items.
- d. **Other**

13. Motion to enter into closed session – No closed session.

14. Meeting Adjourned at 9:38 p.m. by Chairman Kirk Wilkins

13 Oct 2016
Date of Approval

[Signature]
City Recorder



[Signature]
Planning Commission Chair
Kirk Wilkins