

**City of Saratoga Springs  
Planning Commission Meeting  
January 12, 2017**

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

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**Minutes**

**Present:**

Commission Members: Kirk Wilkins, Sandra Steele, Hayden Williamson, David Funk, Ken Kilgore, Troy Cunningham

Staff: Kimber Gabryszak, Planning Director; Sarah Carroll, Senior Planner; Kara Knighton, Planner 1; Jeff Attermann, Planner 1; Kevin Thurman, City Attorney; Gordon Miner, City Engineer; Nicolette Fike, Deputy Recorder; Andrew Burton, Police Chief

Others: Fred Cox, Johnny Anderson, Stan Steele, Jared Hanie, Tanya Parker, Ryan Poduska, Doug Towler

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

1. **Pledge of Allegiance** - led by Doug Towler

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

3. **Business Item: Swearing in of New Planning Commission Member: Ken Kilgore.**  
Ken Kilgore was sworn in by Deputy Recorder Nicolette Fike.

4. **Business Item: Election of Planning Commission Chair and Vice Chair for 2017.**  
Commissioner Steele nominated Kirk Wilkins for Chair. Commissioner Cunningham seconded. All Commissioners voted in favor of the nomination: **Kirk Wilkins was elected as Chairman.**  
Commissioner Steele nominated David Funk for Vice Chair. Seconded by Commissioner Cunningham. All Commissioners voted in favor of the nomination: **David Funk was elected as Vice-Chair.**

5. **Public Input**

**Public Input Open** by Chairman Kirk Wilkins

No public input was given.

**Public Input Closed** by Chairman Kirk Wilkins

**Item 6 was moved to later in the meeting.**

7. **Public Hearing: Site Plan and Conditional Use Permit for ABC Great Beginnings located at the NW corner of Aspen Hills Blvd. and Redwood Road. Johnny Anderson, applicant**  
Planner 1 Kara Knighton presented the item. The City Council previously approved the Rezone from Agriculture to Mixed Use with the condition that no residential be permitted. The proposal consists of 2 one-story buildings on the north for office space and deli-style businesses, and 2 two-story buildings on the south for a child care center and retail/office space. They are requesting a reduction in parking.

Fred Cox, architect, was present for applicant. He mentioned the City has strict requirements for Water detention. They have come up with a design they believe will solve the problems.

**Public Hearing Open** by Chairman Kirk Wilkins

No public comments were given.

**Public Hearing Closed** by Chairman Kirk Wilkins

Commissioner Williamson joined the meeting at this time.

Commissioner Kilgore asked for the context of City Council not allowing residential in the area. Planner 1 Kara Knighton responded that the Council decided that based on public input, only for this project. Commissioner Kilgore wanted to make sure that the conditions that “Can Comply” items would be complied with. He commented on the items. Fred Cox said they updated their base to meet the additional redlines from staff. The drawings are being updated. He said they will solve the issues and meet the requirements.

Commissioner Cunningham commented his main concern was that there didn’t seem to be enough parking on the north end of the lot. It didn’t seem to have a good flow. He was concerned with the Daycare near Aspen Hills Blvd. a busy road. Fred Cox noted that the fence would not be the type kids would climb, it was not screened but was a nicer style (wrought iron was proposed). It creates an opportunity for kids to play and allows people driving by to see the playground equipment and realize it is a child care facility. The building is designed so it fronts all the way around. The doors on the south go into a fenced area. Commissioner Cunningham liked that the buildings faced the street and that the dumpster was in a place that was easily accessible.

Commissioner Funk asked how long they knew it would be coming before the Planning Commission. He was concerned that there were several “Can Comply” items and perhaps they were not prepared to come to Planning Commission quite yet. How long have you known this was coming before the Planning Commission?, Did you receive the forms that we received showing the can comply areas? Even though the City Council approves/disapproves all projects like this, do you know that they take into consideration the planning commission’s recommendations?, do you realize that can comply really means must comply? Why haven’t you provided the city with the needed information so that you can comply? Do you think it’s a waste of our time to read this information and come to this meeting when you have not provided the information required for this project? Do you really think we should approve this when you don’t care enough to provide the required information?

Fred Cox responded they have been working on it several months it has taken a little longer to follow some of staff’s recommendations. They have corrected several items already and he believes items remaining are minor and staff doesn’t see a reason why they can’t complete them. They are down to just a few items. He said they were just told a few weeks ago that they needed to redo the detention pond. The water retention requirements are more strict and different than any state or city he has seen. It costs more in time and money to change those types of things.

Commissioner Steele noted she agreed with Commissioner Funk. She is concerned about the play area near the traffic with traffic pollution. A wrought iron fence may not be enough protection for the children. She thinks there may not be two deli businesses that would go in next to each other. Fred Cox replied that Deli-style covered a larger variety of businesses that would go next to each other well (It could be a juice bar and a sandwich shop). People are not there long which is why a large number of parking spaces were not required.

Commissioner Steele was concerned with the request for reduction in parking. She commented that if they changed the use for the space they couldn’t have an office that required more parking like a medical office. Fred Cox responded that the request for reduction was based on a Traffic Study that was done on Mixed Use, also on Aspen Hills and Harvest Hills. The mixes of businesses don’t all have the same Peak Load. It was also based on previous feedback and suggestions from City Council. Johnny Anderson commented they were aware of the inability to change the use based on the parking.

Commissioner Steele did not like the layout because of the children’s play area; it’s too open. She does not believe they comply with the General Plan because mixed use requires a portion be residential. She hoped they would have come back with a request for Neighborhood Commercial. She understands they are being requested to do without residential. Fred Cox commented that when they originally came in and brought in the residential to meet the Mixed Use, but City Council requested that they reduce the sq. ft. and remove

the additional residential units. It had to do with the amount of apartments in the city as a whole. They are following the master plan which is mixed use. Planning Director Kimber Gabryszak commented they are not required to have a residential component. It is consistent with the General Plan because it states it is a goal not a requirement. City Attorney Kevin Thurman said it is a condition in the development agreement that residential is not allowed. It's a situation they would try to avoid, but we are past that point and are seeing if it meets the standards of the code. With Administrative decisions the ambiguities have to be resolved in favor of the property owner. Commissioner Steele has a problem that when we do this it's not clean. We have to say it complies with development code and she can't say that it does. She said she felt she needed to see the traffic report to make a better decision. She doesn't like the layout as shown, doesn't think the parking is optimal. She does feel we need the Childcare Center and is glad they are bringing that in, but this might not be the best configuration.

Planning Director Kimber Gabryszak suggested that they could recommend that Council see the traffic study. City Attorney Kevin Thurman asked them to reference Code 19.09.05 and 19.09.10 for shared parking standards.

Commissioner Wilkins thanked the applicants for their time tonight. With the Layout, he doesn't see any code justification to provide a negative recommendation. As for delis he feels that's the businesses decision. As for the play yard and fencing he doesn't think we have code to change that. Fred Cox said they had better protection there but engineering told them they couldn't have a retention wall. Commissioner Wilkins would be willing to support reduction in parking as is or with a condition. Fred Cox thanked them for their patience. It has been difficult to get everything to work and some time to do it. He noted when engineering said they couldn't have the retention wall it had to change the fence. Commissioner Wilkins recommended that they look at that in the City Standards where this cost so much to make this change. City Attorney Kevin Thurman noted we do have problem soils in the city and the requirements are required if feasible, significant residents have spent thousands of dollars fixing settling in their homes. It's important for developers to know there are unique things in the city that other areas may not have, it may cost money to put it in but the consequences of another way could be severe. Commissioner Wilkins noted that on the parking reduction he would be willing to accept the application as presented with or without a condition.

Commissioner Steele said there are special conditions for preschools and day care. It must provide off street parking and pickup and delivery area. She believes they don't have that. Johnny Anderson said by law there has to be a check in process by State Code. (Kids can't just go out to the cars.) Fred Cox noted if another retail came in it still had enough parking. Commissioner Steele asked if the shared parking would affect that. Planning Director Kimber Gabryszak said it would not affect it. We have to treat them like a commercial business. Commissioner Steele said there was a list of standards covering conditional uses. Johnny Anderson mentioned he has looked at it and had to sign a document saying he would meet the requirements. Planning Director Kimber Gabryszak summarized those standards.

**Motion made by Commissioner Williamson to forward a positive recommendation to the City Council for the ABC Great Beginnings site plan and Conditional Use Permit, located on parcel 58:023:0168 and as shown in exhibit 2, with the findings and conditions in the staff report dated January 12, 2017. With the additional condition that staff provide Council with the applicant's traffic study as part of their packet. Seconded by Commissioner Kilgore.**

Commissioner Funk commented he would vote against because of the number of "can complies" and he is putting as much weight against the City as the Applicant for that.

**Aye: Kirk Wilkins, Hayden Williamson, Troy Cunningham, Ken Kilgore.**  
**Nay: Sandra Steele, Dave Funk. Motion passed 4-2.**

#### **6. Work Session: Code Enforcement Process.**

Police Chief Andrew Burton gave an overview of the Code Enforcement Process.

Police Chief Andrew Burton shared with the Commissioners a little about that office. They average 2.5 officers per hour a day. They also have two officers designated as Animal Control and Code Enforcement. They have that coverage Monday to Saturday during the daytime. They handle complaints and they have some time spent looking for violations, they are not criminal violations, they are administrative. Their main objective is to maintain compliance in the easiest manner possible. When they receive a call or observe a violation they first start with a verbal contact. If they feel the need is there they can issue a notice to comply with no penalty. If they don't comply in that time they can get a second notice, a notice of violation and refer them to ACE Court. If they don't comply then a fine of 25\$ per day starts. In addition to the notice they do a report to document the violation. Some of the challenges they have are signs. They attack it pretty strongly but it may not look at it because these companies replace them so quickly. They call the companies and try to go through the violation process. They collect a lot of signs. Often the police officers also pick up the signs. They are trying to keep on top of it. Yard completion is a challenge. The newer extension process has been helpful as there are a variety of reasons things aren't complied with like illness. Another area they try to focus on is parking. The two code officers are very hard workers who also try to be very compassionate. They created a new unit separately, special services, animal control code enforcement and are in that unit along with commercial vehicle inspector.

Commissioner Kilgore asked how code changes get communicated to the officers. Police Chief Andrew Burton replied the City Attorney and Planning Director advise of changes and typically once a year they get an update as well.

Commissioner Steele asked about cars parked in the snow. They had a situation the last weekend where someone parked in front of their house, they weren't plowed and the drainage didn't work. Police Chief Andrew Burton said they are doing ticketing on that and have impounded some of the cars. A citizen can call and advise of a problem, they can request to be anonymous but it's helpful for the officer to have a name and number for questions.

Commissioner Funk commented that we support you and appreciate the work he and the officers do.

A 10 min. break was taken at this time.

Commissioner Steele was excused at this time.

**8. Public Hearing: Master Development Agreement Amendment, Rezone, and General Plan Amendment for Fox Hollow, located approximately 3100 S Redwood Road. Doug Towler/Ed Bailey, applicant**

Senior Planner Sarah Carroll presented the item. This is an amendment to modify uses and zoning in several neighborhoods within the Fox Hollow Development. The request is to transfer 2.5 ac. of Regional Commercial zoning and 9.78 ac. of Neighborhood Commercial zoning to Neighborhoods 12 and 13 which are adjacent to Foothill Blvd. The remainder of those zones will be along Redwood Road. All other property will be zone R-3 PUD. The proposed General Plan Amendment would result in designating specific Regional Commercial and Neighborhood Commercial land use areas. They are proposing to reduce units and density in N4 and lower unit counts in N12-14. They would like to transfer some open space obligation to N14.

Doug Towler and Matt Scott were present as Applicants. Doug thanked Staff for their hours worked on the project. He mentioned the problem was the property lines split the neighborhood in half so they are working jointly through the process together. The basis behind this is to get the property developed as soon as possible. The previous amount of units was very dense and they felt it was better for the neighborhood to adjust that.

**Public Hearing Open by Chairman Kirk Wilkins**

Ryan Poduska, represented the HOA, they have no problem with this change and support it with a positive recommendation.

### **Public Hearing Closed** by Chairman Kirk Wilkins

Commissioner Kilgore asked for clarification on why the Master Development Agreement and Zoning map don't agree.

Senior Planner Sarah Carroll did not know the background of why it happened but it also says in the vicinity of neighborhood 4, which is vague. City Attorney Kevin Thurman said in the past the old property owners didn't have the time and money to do the exhibits so they used the old exhibits and put in the request. Now they want to move that area to a place that didn't exist, it helps clear it up at this point where they don't have to rezone property later. Commissioner Kilgore commented that there doesn't seem to be any issues with this change and our code.

Commissioner Cunningham is supportive of this and thinks it's great to reduce the amount of housing and likes the way they have done the commercial along Redwood Road and moved some over by Foothill Blvd. He has noted comments from citizens that there is nothing in this part of the city for a resident to grab a quick gallon of milk or similar type.

Commissioner Williamson also liked more commercial in this part of the city. He thought the new proposed Community Commercial zone would be a good use here.

Commissioner Funk thanked them for providing all the information they provided and for making sure the citizens in the area were approving.

Commissioner Wilkins asked staff to show which areas were developed. Senior Planner Sarah Carroll noted which areas were developed and not. Commissioner Wilkins asked if there would be a stoplight. He wondered if it would conflict with Mountain View Corridor. City Engineer Gordon Miner noted that MAG is studying this corridor from Crossroads to Redwood Road in the south of the city. We are not sure of the cross section at this time it will be an outcome of this study as well as signal locations. Senior Planner Sarah Carroll noted they will have frontage on Village Pkwy also. Doug Towler commented they envisioned an entrance off of Foothill Blvd. but access off of Village Pkwy.

**Motion made by Commissioner Funk to forward a positive recommendation to the City Council for the Rezone and General Plan Amendment for Fox Hollow Neighborhoods 4, 12, and 13 as described in Section C of the Staff Report and as depicted in the attached exhibits, with the findings and conditions in the Staff Report. Seconded by Commissioner Williamson. Aye: David Funk, Kirk Wilkins, Hayden Williamson, Troy Cunningham, Ken Kilgore. Motion passed 5 - 0.**

### **9. Public Hearing: Preliminary Plat for Willow Glen, located approximately 1900 E 145 N (NW of Loch Lomand). Jared Hanyie, Applicant.**

Planner 1 Jeff Attermann presented the item. They are requesting preliminary plat approval for a single family subdivision of 19 lots. Landscaping will be going into part of the right-of-way. Two parcels are used for open space. Part of it will be for Road expansion trail and detention.

Jared Hanyie and David Peterson were present as applicants.

### **Public Hearing Open** by Chairman Kirk Wilkins

No public comments were given.

### **Public Hearing Closed** by Chairman Kirk Wilkins

Commissioner Funk assumed that an HOA would only be maintaining the small open spaces here, they wouldn't be combining with another. Jared Hanyie responded that was correct.

Commissioner Cunningham asked about the fee in lieu and how it would benefit the residents. Jared Hanyie responded that the City Council recommended they do the fee in lieu rather than an HOA and it would

most likely go to whatever park would benefit the area. Planning Director Kimber Gabryszak noted that right now the fee in lieu went into the park fund as a whole. The Council felt it was reasonable for them to have less open space here because they were larger lots and they were providing some landscape improvements.

Commissioner Wilkins asked what the current zoning was in the area. Planning Director Kimber Gabryszak noted that just to the south are privately owned properties, there are some wetland issues. The big parcels to the west are owned by Forestry Fire and State Lands. Trails are being developed that will benefit the area. To the north was a church and school in Lehi. City Engineer Gordon Miner informed them that the nearest park may be the Sports Complex.

Commissioner Kilgore recalled some road alignment needed in this parcel. Planning Director Kimber Gabryszak replied that was resolved with this alignment.

Commissioner Wilkins asked if they would comply with all the conditions. Jared Hanie responded that they were all general and they were just waiting on approval of the appraisal for the fee in lieu.

Planning Director Kimber Gabryszak suggested they strike the second sentence in condition 2 because it's a rough estimate and they don't want to tie it to a specific number. City Engineer Gordon Miner noted with respect to condition 1 this seems to be more of a boiler-plate item.

**Motion made by Commissioner Williamson to forward a positive recommendation of the Willow Glen Preliminary Plat with the Findings and Condition in the Staff Report dated January 12, 2017. With the exception of striking the second sentence in Condition 2 and Striking Conditions 3 and 4 as they have been met. Seconded by Commissioner Funk. Aye: David Funk, Kirk Wilkins, Hayden Williamson, Troy Cunningham, Ken Kilgore. Motion passed 5 - 0.**

**10. Approval of Minutes:**

**a. December 8, 2016**

**Motion made by Commissioner Williamson to approve the minutes of December 8, 2016. Seconded by Commissioner Funk. Aye: David Funk, Kirk Wilkins, Hayden Williamson, Troy Cunningham. Abstain: Ken Kilgore** –(due to absence from that meeting.)

**11. Reports of Action.** – No Reports of Action

**12. Commission Comments.**

Commissioner Williamson asked about mixed waterfront property. Planning Director Kimber Gabryszak said there is only one property that is currently zoned Mixed Waterfront. In the north area there are areas identified to be Mixed Waterfront north of the lake.

**13. Director's Report:**

- a. Council Actions** – approved park sales tax revenue bond, bicycle and pedestrian plan, and park trails and signage code amendments.
- b. Applications and Approval** – There should be a list included in the next packet
- c. Upcoming Agendas** - Maverik
- d. Other** – There was some discussion on the Sales Tax Bond to answer questions from Commissioners. Planning Director Kimber Gabryszak reported briefly on the Community meeting held last night. There will be one next Thursday at the Library.

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

15. Meeting Adjourned at 8:57 p.m. by Chairman Kirk Wilkins

20 JAN 2017  
Date of Approval

Murphy  
Deputy City Recorder

Kirk Wilkins  
Planning Commission Chair  
Kirk Wilkins

