



CITY OF SARATOGA SPRINGS

Planning Commission Meeting

Thursday, April 10, 2014

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

MINUTES

Work Session 6:33 P.M.

Present:

Commission Members: Jeff Cochran, Kara North, Jarred Henline, Kirk Wilkins, Sandra Steele and Hayden Williamson

Absent Commission Member: Eric Reese

Staff: Chantelle Rosson, Kimber Gabryszak, Sarah Carroll, Kevin Thurman

Others: Vance Twitchell, Rob Haertel, Wendy Amendola, Chris Norman, Carolyn Norman, Bruce Baird, Cari Krejci, Bob Krejci, Larry Johnson, Stuart Collyer, LeeAnn Galloway, Marilyn Sanford, Dick Sanford, Chuck Golden, Connie Golden, Dolan Sorenson

Pledge of Allegiance led by Bob Nyborg

Jeff Cochran opened the public input.

No public input at this time.

Jeff Cochran closed the public input.

4. Sign Permit for Young Family Dental and Kemp Chiropractic located at 1416 North Redwood Road, Young Family Dental, applicant.

Sarah Carroll stated that the Site Plan was approved last year with the conditions that the applicant would be back for sign approval. The applicant for the dental office is requesting 3 wall signs and the applicant for the chiropractic is requesting 2 wall sign. There will be a monument sign that will have both businesses name on that sign as well. All of the proposed signs meet the commercial sign requirements. Staff recommends a positive recommendation with the listed conditions in the staff report.

LeeAnn Galloway, applicant asked the Planning Commission if the monument sign could be moved and located in the northwest corner of the parcel.

Sandra Steele has an issue with granting exceptions from the Code the Code doesn't allow wall signs for office use. Is it possible to place a larger address sign on the building? The proposed monument sign does not completely meet the code. Dentist's, doctor's lawyers are not really impulse stops, they are destinations. Her opinion is that they don't need quite as much signage. Small buildings and commercial signage don't fit. She feels that the brick on the building presents a busy appearance. She suggested that if the Planning Commission is willing to allow the signage, she would suggest having the two companies match colors or font – otherwise it is going to be too busy. She would prefer not to see so many signs on a small building. The Code committee suggested a tenant signage could be put above the door.

Hayden Williamson asked if wall signs may be approved on a case by case basis – and if signs complete noncommercial Code, he feels that they comply.

Sarah Carroll said if you choose to approve the standards within the code, then they comply.

Kevin Thurman when we have a standard that says wall signs are not permitted, but there are exceptions. Our sign Code isn't very good as the commercial speech is when we start favoring one type of commercial speech over another. Young Family Dental has as much right to advertise as Burger King does, our code is set up in a way that our Planning Commission can make decisions.

Hayden Williamson has a hard time by not letting one company have the benefit to have the signs, and not another. He will allow all three signs.

Kirk Wilkins it's noble for our city to be business friendly and having great signage brings new clients to that business, however we do have a Code in place to keep the City beautiful. He believes the signs are nice and appreciates the applicants offer to remove the third sign. He would support being business friendly.

Kara North would recommend that the monument sign have the address place on it. She would recommend a positive recommendation to have the monument sign meet the standards with respect to the distances and height. Appreciates the recommendations from the Urban Design Committee regarding the height of the signs. Would recommend only 2 signs on the building.

Jarred Henline favors the two wall signs on the north and south side of the building along with the recommendation by the Urban Design Committee.

Jeff Cochran there is a variety of opinions to what is appropriate for signs. We need to be mindful of others companies and be consistent. Two wall signs would be appropriate.

Sandra Steele asked if it is possible that the applicant is more consistent with their color and brick choices.

Jarred Henline made a motion to forward a positive recommendation to the City Council for the approval of the Sign permit for Young Family Dental and Kemp Chiropractic located at 1416 North Redwood Road, Young Family Dental, applicant, including staff's findings and conditions listed in the staff report dated April 10, 2014, size limitation to the text and logo height for the wall signs, and denial of the third wall sign for Young Family Dental. Kara North seconded the motion. Aye: Jarred Henline, Kara North, Kirk Wilkins, Hayden Williamson and Jeff Cochran. Nay: Sandra Steele. Motion passed.

Sandra Steele asked what the height of the Kemp sign is. Staff indicated that sign is 3 feet.

Sarah Carroll indicated that staff's recommendation would be to approve as shown. The Planning Commission would be approving what is being shown. The logo layout is different hence the size difference.

5. Public Hearing: Preliminary Plat for Green Springs located at approximately 1855 South Centennial Boulevard, Capital Assets, applicant.

Sarah Carroll presented the Preliminary Plat for Green Springs explaining what is being requested by the applicant.

Kevin Thurman mentioned that the original Master Development Agreement has expired. They have an amended one that only extends the original one. Originally the golf course did meet the open space requirement. There are versions of our code that are missing. It was permissible under the code at the time. The golf course is about 50% of the development; therefore the development exceeds the 15 percent required open space. Kevin explained to the Commission the equitable tolling of the development agreement. Is it fair to grant that equitable tolling even though it has expired, he feels it is fair to allow the development agreement to be tolled.

Jeff Cochran thanked the attorney for the history with this plat. He then asked if the applicant was present and if they had any comments at this time.

Rob Haertel is present to answer any questions if necessary.

Jeff Cochran opened the public input.

Larry Johnson, President of HOA, commended the Commissioner for their personal time. He indicated that it would be nice if the property could follow the pattern of the rest of the properties. Trails were people can walk down by lake to centennial. With 40 units being proposed there will be a lot of children, which could be a hazard. He recommends a trail along the property consisting of a 6ft wide asphalt trail. They are comfortable with the proposed lots sizes. Not in favor of the underground detention basin he feels this may be hard to service. He feels that it isn't necessary for a sub association. He would like to see the setbacks for the corner lots be 25 feet and make those a part of the recommendations.

Bob Krejci would like to see a trail be located on this plat, it could be tied with the trails that connects to the existing amenities. It makes a lot of sense to have trails in areas with easy access. Open space is a concern. When the application was submitted the golf course did not meet the open space requirement, which is one of the reasons the original open space was rejected. The proposed holding basin is located on the golf course, who will maintain that? He assumes that the golf course owns the property and does not maintain the grass which has currently turned into weeds. The drainage basin is an area that has seen flooding and is concerned with the proposed location.

Connie Golden has moved into the area, and has seen that the children play soccer and ride their bikes in the street. The golf course shouldn't be considered green space there is danger that comes from that. She feels that the children and she are in danger.

Carolyn Krejci is concerned with the safety of kids. She doesn't want to see anyone get hurt. The children are consistently playing in the street. Five years ago someone was killed and doesn't want this to happen again. She suggested that the developer take one of the lots and turn it into a park. Amendments 14 and 15 of the Constitution is safety, she asked that the Commissioners consider the residents safety.

Stuart Collyer understand the legal ramifications, it seems there are no requirements for the developer to put any additional green space in. Asked if the developer would consider adding additional green space which would provide an attractive feature along with make it easier to sell the proposed lots.

Bruce Baird indicated that the HOA issues are separate from zoning issues. There is no underground detention. The corner yard setbacks do comply, they have to comply with current CC&R's. The dedicated detention basin will be maintained by the HOA. A internal trail wouldn't lead to anywhere, and would be pointless. The City Council was in agreement in the staff's analysis. Kevin has done an excellent job explaining the open space; there has been no inactivity by the developer. They have done everything possible to progress. His client has done a very good job in complying with the staffs comments and appreciates staffs efforts. He feels they comply with all approvals and standards, the only issue was the trail, that it is inappropriate in this location. The developer can't be responsible for the children playing in the streets. It is an issue with the parents allowing their children playing in the street. This is not an issue of the Green Springs plat. He feels they are entitled to approval.

Kimber Gabryszak said they do meet current setbacks of 20 feet and 25 feet on the corner lots.

Sarah Carroll noted that if a trail is added, it would damage the current golf course property. The City doesn't make requirements for a sub association. The applicant would be the best one to address that.

Larry Johnson asked if the HOA could require stricter setbacks from what is currently required.

Sarah Carroll said yes.

Jeff Cochran closed the public input.

Jarred Henline appreciates the comments made by the residents. He feels that the reduction of 77 units to 40 units will bring down the number of children to the neighborhood but in the end there will be children no matter the reduction.

Kara North understands that the green space is the many issue with the development and understands the frustration from residents, but the developer is entitled to the initial approval. Cleaning up detention area, will be a benefit. She likes the plat map as it exists. She doesn't think having a trail close to the golf course would be safe.

Kirk Wilkins would like to see that both parties are happy. There is a trail that already exists east of Centennial. The plat map is an excellent alternative.

Hayden Williamson appreciated the opinions of neighbors and residents. His role is to review all matters ensuring the project complies, he doesn't see any legal way he could deny the applicant. He agrees that there are safety issues with speed along Centennial. The developer has met the standards and code from when the process began.

Sandra Steele indicated that other plats have recently approved detention basins, but the City has not taken that responsibility correct?

Sarah Carroll said that was correct.

Sandra Steele asked if any of the detention basins or open space be anything other than natural grasses.

Vance Twitchell noted that the detention will be maintained by the HOA and the basin will consist of native grasses.

Sandra Steele lives in a subdivision where they have sidewalks on both sides, but the children still choose to play in the streets.

Jeff Cochran most of his comments have been addresses. Even if they wanted to have a trail, there would be no connectivity. He golf's a lot and sees a lot of children on 4 wheelers, but the concerns of the children exist now. The developer has done what he needs to do and they comply with the city. He feels it meets the requirements based on the city code.

Sandra Steele made a motion to forward a positive recommendation to the City Council to approve the Preliminary Plat for Green Springs located at approximately 1855 South Centennial Boulevard, Capital Assets, applicant including staffs findings and conditions listed in the staff report dated April 10, 2014. Kirk Wilkins seconded the motion. Aye: Sandra Steele, Kirk Wilkins, Kara North, Hayden Williamson, Jarred Henline and Jeff Cochran. Motion passed.

6. Sign Permit for Matthews Dental located at 1305 North Commerce Drive, Keith Johnson, Sign City, applicant.

Kimber Gabryszak this application has come before the Planning Commission previously which was for a sign permit review. The Planning Commission had concerns with lighting and sign standards. At that time, the Planning Commission elected to table to item. There are no pending ordinances in place. Office signs are not necessarily guaranteed. The sign is already installed without appropriate permits. The Planning Commission has the options to approve the request with conditions or simple deny the permit.

Keith Johnson with Sign City the sign is up because Dr Matthews put the sign up. With that said, he understands both sides of the story with the City and Dr. Matthews. The sign is built to compliance. Dr. Matthews feels he is entitled to put his sign up.

Sandra Steele feels it is the best looking sign in the City, wishes other signs look that good. However, this space is residential; it is a lit sign that faces apartments. After reviewing the Young Family Dental signs not sure how we can deny this application. Is it possible to put a time limit on the lighting of the sign, or stop the lighting?

Kimber Gabryszak read the Code which stated nothing prohibiting signs facing a residential area.

Sandy Steele would approve of the sign, but not where it current is which faces residential. She feels there to be an issue with the applicant not showing his presents at the meeting. Given what we have already done with previous signs, she could support signs on the parking lot side with the lighting or facing the apartments with no lighting.

Hayden Williamson doesn't like that the applicant put the sign up already which has been 6 months from initial application. He would approve it as they have allowed wall signs on other properties. He agrees with Sandra about the sign facing the residential area. There is no reason why they should deny it.

Kirk Wilkins noted that the City's Code enforcement has asked the applicant to comply with the sign is that correct?

Kimber Gabryszak indicated that the sign was put up shortly after the Planning Commission table this item the first time it was presented. Code Enforcement went out following the installment of the sign and the owners were told that they were in violation of the sign being installed.

Kirk Wilkins expressed concern that the applicant was not in attendance tonight.

Kara North asked if we have a requirement that the applicant must be in attendance.

Kimber Gabryszak said no. The applicant is here as the sign company which is listed on the application. Kara – if we overlook the issues here, other people will feel the same. The sign is not very bright; it is a softer light, not too bright and is a pretty sign. She is not too pleased that the applicant put the sign up without approval/permission.

Jarred Henline feels powerless on the Commission, asked Kevin Thurman if it's arbitrary and capricious to deny the sign as they did not follow the rules.

Kevin Thurman the Planning Commission has to have credible factual support for every element and decision. Arbitrary and capricious is different in legal terms as it is in the common wording. The City's Code enforcement needs to go out and issue a citation for failing to get a permit from the City.

Jarred Henline wouldn't recommend the sign facing the residential area. Would rather approve it and have the applicant pay per day until the sign is permitted. Recommends approval but requesting that Code Enforcement to make sure they comply.

Sandra Steele the original sign is different to the one now, which was a different color. Do we know that the sign was constructed to city standards?

Kimber Gabryszak they would still need to have a building permit and have it checked for compliance.

Jeff Cochran the code states that generally wall signs are not permitted. If he lived across the street, he wouldn't like to see any lighted signs. Can the Planning Commission deny it on that request?

Kimber Gabryszak indicated that the Planning Commission could deny based on the fact that it does not comply with the lighting sign requirements.

Jeff Cochran asked why we would not allow it here, when we approved a sign permit earlier. His concern is the intensity of any illumination is not reasonable, when facing a residential area.

Kara North doesn't feel that it's too bright.

Sandra Steele made a motion to deny the Sign Permit for Matthews Dental located at 1305 North Commerce Drive, Keith Johnson, Sign City, applicant. Motion died due to a lack of a second on the motion.

Kara North motioned to approve the Sign Permit for Matthews Dental located at 1305 North Commerce Drive, Keith Johnson, Sign City, applicant based on the findings and conditions listed in the staff report dated April 10, 2014. Seconded by Hayden Williamson. Aye: Kara North, Hayden Williamson, Kirk Wilkins and Jarred Henline. Nay: Sandra Steele and Jeff Cochran. Motion passed.

Subject to:

1. That the City's Code Enforcement follow-up with any appropriate citation issues.

7. Public Hearing: Revisions to the City of Saratoga Springs Land Development Code. (Sections 19.04, Lot Frontage Width)

Kimber Gabryszak reviewed the revision to Section 19.04, Lot Frontage Width with the Planning Commission.

Jeff Cochran opened the public input.

No public input at this time.

Jeff Cochran closed the public input.

Sandra Steele feels that the R-3 zone is inconsistent. The Code reads that any use on R3 requires 10,000 square feet and in another section of the R-3 reads that the minimum lot size is 1 acre. She asked staff to fix this issue; all of the zones have similar issues. She is concerned with the R-3 zone at this time.

Kimber Gabryszak showed the Commission the conflict that was address by Sandra and will make those corrections.

Staff and the Commission discussed the changes and how this would affect all sections of the Code.

Kevin Thurman there will always be things to fix in the code. It's an ongoing project, unless we get to a point where we have unlimited staff and time, we will always have issues.

Sandra Steele motioned to forward a positive recommendation to the City Council the Revisions to the City of Saratoga Springs Land Development Code. (Sections 19.04, Lot Frontage Width). Motion was seconded by Hayden Williamson. Aye: Sandra Steele, Hayden Williamson, Jarred Henline, Kara North, Kirk Wilkins and Jeff Cochran.

8. Approval of Minutes:

1. February 14, 2014.
2. February 27, 2014.

Sandra Steele asked that the minutes be table due to some typo errors.

Jeff Cochran mentioned that the minutes be tabled until the next Planning Commission meeting.

9. Commission Comments.

Sandra Steele asked if once a project and or building is completed does the Planning Department look at anything other than landscaping.

Kimber Gabryszak indicated that parking, lighting and landscaping is inspected by the Planning Department,

Jeff Cochran mentioned to staff that is would be helpful to address the sign code and the current flexibility that it has. It makes it hard to deny an application when there are lose ends in the Code.

10. Director's report.

Kimber Gabryszak reviewed with the Commission of current and prior approved projects.

Motion to adjourn at 8:34 p.m. was unanimous.

June 12, 2014
Date



Lori Yates
Lori Yates, City Recorder