

**City of Saratoga Springs
Planning Commission Meeting
May 8, 2014**

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

Planning Commission Minutes

Present:

Commission Members: Jeff Cochran, Jarred Henline, Kirk Wilkins, Sandra Steele, Eric Reese, Hayden Williamson

Staff: Lori Yates, Kimber Gabryszak, Sarah Carroll, Nicolette Fike, Scott Langford

Others: Ronald Johnston, Aaron Evans, Susan Palmer, Adam Terry

Excused: Kara North

Call to Order - 6:36 p.m. by Jeff Cochran

Pledge of Allegiance - led by Ronald Johnston

Roll Call - Quorum was present

Public Input Open by Jeff Cochran

No input at this time.

Public Input Closed by Jeff Cochran

4. Public Hearing: Minor Subdivision for West Lake located at 1050 West Lehi-Fairfield Road, Aaron Evans, applicant.

Sarah Carroll – presented the plan. Currently this is an RA-5 zone and the applicant is requesting to subdivide into 4 lots without improvements. Current code requires new development to connect to city services, these services are not currently in place in this area. The Engineering department is working on code amendments to allow septic and wells in limited circumstances so that in the future if it goes through they would be able to build with well and septic.

Kimber Gabryszak - those amendments will be included in utility standards in engineering requirements and won't come to planning for review.

Aaron Evans – Applicant, 11898 w Lehi-Fairfield rd. – He is initiating this now to set things up for the future, this is an agricultural subdivision. He is trying to meet things for the city. Water, electric and sewer are not provided by the city currently in the area. If approved his kids may take ownership now or in the future. It will remain agriculture until further application.

Sandra Steele - What if septic tanks and wells are not permitted by City Council and land is not developable? Also, what if the land does not perk?

Sarah Carroll - Then it would be difficult, and would be sometime in the future before they could, but it can be used for agricultural.

Sandra Steele - is ok with note of city engineer note currently on the plat, she would like to put a plain note on the plat along the lines that at the time of recording the lots are not buildable because of the lack of water and sewer so that there is no doubt.

Aaron Evans – Noted that he currently owns water rights on the property.

Hayden Williamson - Nothing to add other than the 5 acre lots are what they want out here and hope it will get approved.

Eric Reese - supports the request.

Kirk Wilkins - Code question, once we subdivide a minor subdivision, it cannot be subdivided again?
Kimber Gabryszak - They could not do a minor subdivision, but they could come back if there is a different zone and subdivide through normal process.
Jarred Henline - in favor.
Jeff Cochran - does not see any significant issues.

Motion by Sandra Steel to approve West Lake Estates Minor Subdivision located at approximately 1050 West Lehi-Fairfield Road, based on findings and conditions listed in staff report with the addition that a note be put on plat that at time of recording that water and sewer are not available, language to be made by city engineer. Second by Eric Reese. Aye: Sandra Steele, Hayden Williamson, Kirk Wilkins, Jarred Henline and Jeff Cochran. Motion passed unanimously.

5. Concept Plan for Western Hills Phase II located between 50 West -300 West and Aspen Boulevard, Ron Johnston, applicant.

Sarah Carroll – Presented plan. They are proposing 10,000 sq.ft. and larger lots which is compliant with R3 zone. Canal r/w and slopes would be sensitive lands, they would have enough space to meet open space requirement with those. There is an illegal subdivision, in the past, that will need to be cleared up with boundary line agreement/lot line adjustment. Applicant is intending to deed old railroad berm to city and install a trail, but the city doesn't want property with encroachment issues. Other code requirements are met. Staff has a few other recommendations in report.

Jarred Henline - How long has the adjacent properties had a fence?

Sarah Carroll - says there is not an answer to that now. She walked it through in 2010 and only one was encroaching at that time.

Jarred Henline - on the railroad berm, is the city plan to take it over and maintain it and carry it all the way through to connect to the park?

Sarah Carroll – yes.

Jarred Henline - had a question on the small triangle piece with weird road, is it even buildable?

Ronald Johnston, Applicant - We don't know if that will be built, it would be the last phase but it would be expensive to build another bridge over canal and not sure if it will happen, might deed it to city or church, but if lot prices go up then it would be worth their doing.

Jared Henline – asked if (the city) wanted that land?

Sarah Carroll - The city is willing to accept 5 ac. or larger, something we could look at in future, where it's next to berm it's worth looking into, slopes are too steep to mow, they would have to soften but would look into landscaping later.

Ronald Johnston - He had proposed to flatten it out but the neighbors did not like that, and Council instructed them to leave it alone.

Sarah Carroll - There might be xeriscaping on the slopes if the city does it.

Jarred Henline – Suggests maybe finding a better plan for the berm and triangle lot.

Ronald Johnston – Noted that on the eastern half of the berm it has been flattened by water district.

Kirk Wilkins - is existing sewer easement on top lot going to remain?

Sarah Carroll – stated yes, so those owners would not be able to build on it etc.

Kirk Wilkins - Perhaps that would be a better place for the footpath, suggestion. Make sure you do the boundary line agreement before recording.

Eric Reese - Nothing to add.

Hayden Williamson – In the western most cul-de-sac, does that it comply with requirements?

Sarah Carroll - they could possibly comply.

Sandra Steele – Asked about the width of Railroad and if any structures are encroaching on the property.

Sarah Carroll - about 145', and did not believe there were any structures, some gardening and perhaps an accessory building. It would all have to be verified.

Sandra Steele - Would the city let them jog the line if they would be willing to buy it?

Sarah Carroll – indicated the best way to resolve would be a continuous line.

Ronald Johnston - believes the property owner is encroaching a little.

Jeff Cochran - Most of his questions have been answered. Feels the berm is a good buffer and feels the current homeowners would like it. But he is concerned on the city maintaining it.

6. Concept Plan for Lake Timpanogos located at 8827 West 7350 North, Fieldstone Homes, applicant.

Scott Langford – presented the plan. They are small lots and would need to apply for R10 zone. Note of the flood planes on the property, they would have to work with FIMA to build. Future land use designates it as mixed lakeshore. Currently zoned as agriculture.

Sandra Steele - would not support R10, she thinks it should be Mixed Lakeshore with 80% residential and 20% commercial. An R10 would have to be with development agreement and it would be hard to transition from R3 across the street.

Hayden Williamson – asked if there were any other subdivisions put into Mixed Lakeshore areas,

Kimber Gabryszak – The most recent was concept plan for Sail house.

Hayden Williamson - does not want to set precedence by granting to one owner then not do it for others down the road, but that aside he cannot see a good reason to zone it as R10. City wants to move away from higher density, applicant should look for another solution.

Eric Reese - Echoes most of what is said but doesn't see how they could get 20% commercial, it's just too small. Not wholly against R10, we would expect it to look nice, but doesn't think that would happen without enforcement. He is inclined to not support it.

Kirk Wilkins – Feels it does not meet description of Mixed Lakeshore plan, does not meet vote of the people and it would be a legislative land use decision. He would not support R10 because it's not a destination plan, it forces land use which is adjacent to have same size lots.

Jarred Henline – Asked if in the future that if someone asks for concept plan, that they postpone the item, he feels the applicant should come to the meeting.

Kimber Gabryszak – Reminded board that items can be postponed if applicant isn't here, and they don't feel they can get information they need.

Jarred Henlin - He is against it, feels you shouldn't ruin the whole by going small pieces at a time. We need to look at the big picture.

Jeff Cochran – Similar to what others have said, doesn't think it meets vision or intent of Mixed Lakeshore, it's not consistent with recent voting and he does not support it as brought to us. He would like to see something that would meet the Mixed Lakeshore vision.

Sandra Steele – Asked who owned the land to the south.

Scott Langford – said it was Utah County and that the city has received a grant to complete a trail through there.

7. Sign Permit Site Plan for Anderson Engineering Sign located at 2035 North Hillcrest Drive, Identity Signs LLC, applicant.

Kimber Gabryszak - When site plan was approved in 2012 a condition was put on it that applicants would come back. They have submitted a request and the proposal is for sign over the main building. It is 16sq.ft. Urban Design Committee did review it and gave positive recommendations. Staff recommends that Planning Commission to forward a positive recommendation.

Jarred Henline - No problems.

Kirk Wilkins - No issues.

Eric Reese - Likes it.

Hayden Williamson - No comment, likes it.

Sandra Steele - feels this is what a sign should look like and likes it.

Jeff Cochran – agrees with others. This is what they want in the city.

Motion by Sandra Steele to forward a positive recommendation to the City Council for the Anderson Engineering Wall Sign based on the findings and with the conditions contained within the staff report. Second by Jarred Henline Motion passed unanimously. Aye: Sandra Steele, Hayden Williamson, Kirk Wilkins, Jarred Henline and Jeff Cochran. Motion passed unanimously.

8. Public Hearing: Revision to the City of Saratoga Springs Land Development Code. (Section 19.02-Definitions, 19.04-Land Use Zones, 19.05-Temporary Uses, and 19.09-Parking Standards).

Kimber Gabryszak – The staff report summarizes changes, most of it was reorganization to make it more user friendly.

Public Input Open - by Jeff Cochran

Adam Terry, owner of Waffle Love - Waffle Love has a lot of fans in the city and they would like to come here. He understands that the way it is now, that a food truck has to get permission with every business within 300 feet with additionally posting \$500 bond, and \$500 with the city for a small business that will only be in city one day a week. They have not seen any other city put that requirement on a small food truck business and feels it's overly burdensome. He feels they already have self-insurance and can self-police and that would cover any damages. He doesn't see a purpose for a separate cash bond, does not see where the bond is beneficial, e.g., when requested to come for one event at a business, for one time only, it's very difficult. He would like to see some of the code retracted or changed. He feels it would be more beneficial to the city to come and do business, and be able to pay those sales taxes to Saratoga. They want to be a positive thing for the city, businesses, and people that want them here.

Public Input Closed - by Jeff Cochran

Sandra Steele – Recalls they did recommend for the \$500 for private property. Wasn't the 300 ft. for any other food businesses, rather than everybody in the center?

Kimber Gabryszak – It was originally meant that way but it's hard to define similar brick and mortar, so it went on to be all businesses. Recalls it was discussed previously that those temporary trucks have impact on parking and potential disruption etc.

Sandra Steele - does not have issue with Definitions. Fine with the Zones. On temporary uses, she is concerned about allowing Temporary Uses going into businesses that don't have extra parking. She feels they need to apply greater standards, especially when they can't find what the original standard was. She is concerned about taking out language previously in the code about parking in temporary use. She would like to see 300' for any temporary use, so that it can protect both parties. On parking she is concerned about 25% shared parking, it's fine on the first use, but the second use may be so intense that it may not work. (example of dance studio sharing with movie theatre, but then dance studio changes to a supper club.)

Kimber Gabryszak - All parking is subject to the general provisions. They are working on making sure that when new tenant come in that they review the parking requirements again. They are working on change of use permit.

Sandra Steele - feels 600' is too much, and has seen 300' work. She has seen incidences in the past with shared parking so she feels it important that both parties come in for the review at the same time. She is concerned about Temporary Uses the most.

Hayden Williamson – On Temporary Uses, he wants to protect residences from paying taxes to cover problems from a tenant that didn't take care of something or damaged property. He wants to see us look closer at parking, he does like the little more flexibility to work without hard and fast requirements that we try and force business into. He would like to potentially review some of the temporary uses regarding food trucks, he feels public input brought up some valid concerns. He feels the additional foot traffic tends to

help rather than harm businesses. Requiring them to get permission with all businesses within 300' might be a bit much.

Eric Reese - Saratoga doesn't exist in a vacuum, we need to be competitive with other cities around us for these businesses and we should perhaps model them. He would be willing to reduce the bond fees to make us more competitive, and perhaps if businesses weren't considerate and self-policing with litter etc., that it could be taken into account the next time they came for licensing, and not punish all the businesses for one bad one. He is torn on the parking, property owners should be aware and plan for what makes sense for them.

Kirk Wilkins - Temporary Uses, What do we want to be as a city? Feels perhaps residences are driving out of the city to get things they can't here and that it would be great if they could get it here. We want to be a destination and have people come here for things. We want to be business friendly. 300' permissions might be excessive, he would like to decrease restrictions and still get the things we need. If there is a conflict with competitive brick and mortar, he feels permission is important with that. On 19.02 – no issues, 19.04 good work. Questioned 3-hole golf?

Kimber Gabryszak – noticed it was becoming a trend in other developments and put it in to open that option. Responded on question of residential above commercial, that it was moved.

Kirk Wilkins – Clarification on subcommittee that went over parking in notes, not coming to consensus.

Kimber Gabryszak – As part of application review there were other changes suggested but they were brought up after their meeting, although mentioned to them. They were brought up tonight.

Kirk Wilkins – Gave the suggestion to look at other cities and see what is working for them and see what works for us around the city and make small adjustments.

Kimber Gabryszak - We did look at other cities, most required something along lines of clean-up bond, but 300' was added separately.

Jarred Henline – With implementation we will probably still have problems in the future. He is ok with most changes. On Temporary Uses, thinks 300' is not right for everyone. Not all food trucks are as good at self-policing. Perhaps they could do some sort of permit with a fine and revocation of permits if they do show bad faith. Doesn't see a problem with the traffic, it will bring more business to the area. Agrees that we need to look at other cities. He feels city could use the tax revenue, but feels that one needs more tweaking before it gets approved.

Jeff Cochran – On Definitions: maybe look at the 3 hole golf when need arises. Other Definitions, no concerns, Zones and Uses are fine. Temporary Uses - We want to be business friendly. He gets the impression that we are a little stricter than other cities and we should look at other cities to make that better. On Temporary Uses and parking, it can become over burdensome in some parking lots but the bigger issue is that it can become unsafe. It should provide adequate parking for safety concerns. How are new tenants monitored?

Kimber Gabryszak - The original parking owner has to approve adjustments through change of use application. That would be part of the change of use application they are working on. The parking agreement runs with the property.

Jeff Cochran – complimented Kimber on the parking table.

Kimber Gabryszak – She pulled several cities and compiled their requirements and compared ours, and applied some examples that worked to hypothetical projects.

Kimber Gabryszak - One item not in packet, section of code called Supplemental Regulations, that include things like bee-keeping. She found that Cell Tower that wasn't called out anywhere, it fits in Wireless Telecommunication, it does not include ham radio. She recommends Commission give a positive recommendation for all but 19.05 and under conditions mention "wireless telecommunications" be added, and move 19.05 to May 22.

Sandra Steele – feels we could ask business that if they want to put in a Temporary Use area in the future to put it in their plans so they have the space for it. Other, older cities already have empty spaces to use for Temporary businesses.

Jeff Cochran - does see value in seeing what other cities do, he is not suggesting that we copy them of course.

Motion by Hayden Williamson to forward a positive recommendation to the City Council for the proposed amendments to Sections 19.02, 19.04, and 19.09, with the findings and conditions as outlined in the report with the following conditions: that wireless communications shall be added to the code as presented. Seconded by Sandra Steele. Aye: Sandra Steele, Hayden Williamson, Kirk Wilkins, Jarred Henline and Jeff Cochran. Motion passed unanimously.

Motion by Hayden Williamson to continue proposed amendments to section 19.05 to the May 22, 2014 meeting with changes, attempting to address issues discussed in this meeting. Seconded by Kirk Wilkins. Aye: Sandra Steele, Hayden Williamson, Kirk Wilkins, Jarred Henline and Jeff Cochran. Motion passed unanimously.

9. Approval of Reports of Action

Two reports for Council on June 3rd.

Motion by Sandra Steele that the Planning Commission approve the Reports of Action on the Anderson sign and on the Land Development Code 19.02, 19.04, and 19.09, and authorize Chairman Cochran to sign such reports. Seconded by Jarred Henline. Aye: Sandra Steele, Hayden Williamson, Kirk Wilkins, Jarred Henline and Jeff Cochran. Motion passed unanimously.

10. Approval of Minutes

February 27, 2014 -

Correction by Kirk Wilkins under Item 7. It should state "Lots 40&41 did not meet the requirement and suggested that they meet."

Motion by Sandra Steele to approve the February 27, 2014 minutes as amended. Seconded by Jarred Henline. Aye: Sandra Steele, Hayden Williamson, Kirk Wilkins, Jarred Henline and Jeff Cochran. Motion passed unanimously.

11. Commission Comments

Jarred Henline - wishes applicants would show up when we discuss their issues.

Kimber Gabryszak – responded that you can Postpone to a Certain Time to have them present if you feel your questions can not be answered. Or you can Table it to later in the meeting if they are going to show up. On previous issue with a sign, Kimber noted they are working on updating sign code.

Is there an issue of them expecting it to be a hearing and looking at the notes?

Kimber Gabryszak - doesn't know that there is an obligation; council always has the right to ask for further information. Also if they have paid the fee and a public hearing has been opened and you continue it to a further specific meeting than they don't have to pay that fee again.

Sandra Steele - wanted to make sure everyone saw email for meeting on July 31st, without it we would be 5 weeks without a meeting.

12. Director's Report

Kimber Gabryszak - went over upcoming items and reported on City Council meetings.

Meeting adjourned by Jeff Cochran

Adjourn - 8:49p.m.

May 29, 2014
Date Approved

Lori Yates
Lori Yates, City Recorder

