

**City of Saratoga Springs
Planning Commission Meeting
August 14, 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, Hayden Williamson, Kara North

Staff: Kimber Gabryszak, Scott Langford, Kevin Thurman, Nicolette Fike

Others: Bart Gardiner, Joshua Evans, Joe Kelley, Rosemari Kelley, Richard Veasey, Eric Stepheson, Bryce McConkie, Zachary Gallafent, Isaac Rosales, Vernon Southworth, Dave Weber, Jack Andrews, Frank Roberts, Chris Norman, Carolyn Norman, Bessy Thompson, Beth Weidow, Ken Watson, Ron Edwards, Eric Stevenson

Excused: Eric Reese

Call to Order - 6:35 p.m. by Jeff Cochran

Pledge of Allegiance - led by Josh Evans

Roll Call - Quorum was present

Public Input Open by Jeff Cochran

No public input was brought forward.

Public Input Closed by Jeff Cochran

4. Public Hearing and Possible Decision: Lakeview Academy Site Plan Amendment/Sign Permit located at 527 West 400 North, Lakeview Academy, applicant.

Kimber Gabryszak presented the Plan. Applicant is asking for a monument sign with electronic marquee.

Staff recommends approval.

Richard Veasey, for applicant was present to answer questions.

Public Hearing Open by Jeff Cochran

No public input.

Public Hearing Closed by Jeff Cochran

Sandra Steele asked how far behind the sidewalk it was to be placed

Richard Veasey said it was about 12' off the sidewalk.

Hayden Williamson had no comments.

Kirk Wilkins was fine with the sign.

Kara North appreciated that they followed the code.

Jarred Henline clarified the direction of vision of the sign front.

Richard Veasey replied it was two sided, East and West.

Jeff Cochran asked if the sight triangle had any concerns.

Kimber Gabryszak replied that it appeared to meet the 15' requirement outside of the clear view triangle.

Commissioners wanted to add that as a condition.

Motion by Kara North that the Planning Commission approve the Lakeview Academy Signage Plan, with the findings and conditions contained in the Staff report with the additional condition that the sign be placed outside the clear view of the site triangle. Seconded by Hayden Williamson.

Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.

5. Public Hearing and Possible Recommendation: Conditional Use Permit for Central Pipeline project located at 1450 North and the North City Boundary, Bowen & Collins, applicant.

Scott Langford reviewed the Conditional Use Permit. The Central Utah Water Conservancy District has contracted with Jordan Valley Water Conservancy District to continue the canal to the North. It is a 48" buried pipeline. Staff recommends a positive forward.

Frank Roberts for JWCD, was present to answer questions.

Public Hearing Open by Jeff Cochran

No public input at this time.

Public Hearing Closed by Jeff Cochran

Jarred Henline would go with the recommendation by staff.

Kara North thought it would be beneficial and met code criteria.

Kirk Wilkins asked if there would be an emergency shut off valve along this span.

Frank Roberts responded that there are 3 valves along the line across the valleys, one in the vault at the current terminus of the previous project, but not in this section.

Hayden Williamson had no comments.

Sandra Steele had no comments.

Jeff Cochran asked if there were anywhere that would require casing for future road plans.

Kimber Gabryszak replied that there is a planned future roadway on the master plan and there were some other easements and things that they were making provisions for.

Jeff Cochran asked applicant if there were any electronics that would encumber the easements.

Frank Roberts said there were not on this end. There was a fiber optic line further north. There is nothing like that on this end. The control is done by Central Utah and JWCD doesn't have anything like that on this end.

Motion by Kirk Wilkins Based upon the evidence and explanations received today, I move that the Planning Commission forward a positive recommendation to the City Council to approve a Conditional Use Permit to allow a "public and private utility facility" for Jordan Valley Water Conservancy District to install a 48 inch welded steel water pipeline from the current terminus of the Central Utah Water Conservancy District facility, located at approximately 1450 north and the Utah Lake Distributing Canal, to the northern boundary of the City (running approximately 1,420 linear feet within the City), with the findings and conditions contained in the Staff Report. Seconded by Jarred Henline. Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.

6. Public Hearing and Possible Recommendation: Preliminary Plat for Wiltshire located at 1600 South Centennial Boulevard, Peter Staks, applicant.

Item was noticed so Public Comments remained.

Public Hearing Open by Jeff Cochran

No public input at this time

Public Hearing Closed by Jeff Cochran

Motion by Jarred Henline to continue the public hearing for the preliminary Plat for Wiltshire to the August 28th, 2014 meeting. Second by Hayden Williamson. Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.

7. Concept Plan for Riverside Heights (formerly Sunset Acres) located at approximately Crossroads Boulevard and 400 East, Ivory Development, LLC, applicant.

Kimber Gabryszak presented the Plan. This is a revised plan, 9.5 units per acre, realignments no alleyway loads and other changes. There were also some amenities and parking added. Applicant was not present. Staff thought he was planning on coming.

Sandra Steele had questions for the applicant and did not ask them at this time. She proposed moving the item to the end of the meeting in hopes the applicant would appear.

Commissioners were in agreement to move the item to the end of the meeting.

8. Public Hearing and Possible Recommendation: Code Amendments for Sections 19.01,-General Provisions, 19.02- Definitions, 19.04- Establishment of Land Use Zones and Official Map, 19.05- Supplementary Regulations, 19.06 - Landscaping & Fencing, 19.11- Lighting, 19.12-Subdivisions, 19.13-Development Review Process, 19.14-Site Plan and 19.15-Conditional Use Permit.

Kimber Gabryszak presented the proposed amendments to the Code sections listed in the agenda. She reviewed what was in the packet with the commission.

Public Hearing Open by Jeff Cochran

Bart Gardiner commented that when he asked the city previously about building his shed he was told that he was fine with the construction that was planned as long as it was under 200'. He has a signature page with 85 of his surrounding neighbors that feel his project is fine. He is asking that where something like this is within a fenced yard and not a visual problem that it be allowed. He is planning on meeting all other code requirements. He also has photos of several other areas where the sheds are non-compliant and nothing was brought forward to them. He added that because of the slopes of the neighborhood the concrete slabs are more necessary.

Ron Edwards commented that he feels Mr. Gardiner did all the things correctly by going to the city and asking about the restrictions beforehand and complying to what he was told. He thinks that the city had the problem by telling him it was ok and then coming back to him later.

Bryce McConkie noted he was a building inspector for other cities in the state and indicated that it was difficult to enforce anything under 200sqft. In the proposed changes for the setback he feels there needs to be careful in definition of corner lots and side yards. He then asked what the intent of having the sideyard on the corner lot is. We need to be careful of prohibited slabs for anything under 200 ft. He thinks that is not a necessary restriction, and don't regulate too deeply. Looking at the definition it's difficult to understand. He later offered the recommendation to offer a definition of sideyard "when perpendicular to the lot line or street" rather than the house.

Vernon Southworth has done research of these lots and definition of sites. And he has found that many other cities have the extended side lot as their definition. The city needs to consider why this shed is not legal in this area and not let personal vendettas govern actions.

Eric Stevenson had questions on some of the changes. He doesn't understand why they are creating code for things that don't seem necessary and enforcing more than needs to be. He asked if the lighting section was strictly for commercial or if it was for homes as well. On the trees, they are requiring planting small trees closer so that they over grow each other. He questioned not allowing people to cut down mature trees. He is concerned with that. He has a problem with the definitions of side yards. For building purposes there needs to be 25' setback behind a home but the home behind him does not have that required setback. It seems there is selective enforcements going on and he feels that the rules are creating more problems.

Public Hearing Was left Open for continuation to the next meeting by Jeff Cochran

A five minute break was taken at this time
Meeting resumed at 7:45p.m.

Sandra Steele felt like they need to take it a bit at a time and not the whole document. She would like to start with Definitions and Zones. On pg. 13 on chain link fence she is concerned that someone might think they could put slats in they would think it was ok.

Kimber did not think that would be the case.

Sandra Steele thought 50% on the semi-privacy fencing might be overkill. On the double access she thinks it's written in a way that may be confusing.

Kimber Gabryszak thought that since it says Front and Rear that it was alright.

(The remaining Commissioners comments were limited to 19.04- Establishment of Land Use Zones and Official Map. They were ok with the Provisions and Definitions.)

Sandra Steele on the accessory building, she wanted the audience to keep in mind that they were not doing this because of one particular homeowner, but they are looking at this for the whole city. Mistakes have been made but we can't keep making the same mistakes. We need to be able to stop and take a look and correct. She had several comments about the property that was shown as an example in the Staff Report.

Kevin Thurman would like commission to consider changes irrespective of this one application that has been in question and referred to as an example. They need to use the perspective of the whole city.

Sandra Steele thinks the city needs to be careful to not mislead the public by the language in the code. She thinks that when they leave a small space between buildings and fence that animals and kids could get caught. She would like to see a setback of at least 3ft. for any accessory structure. She is concerned that if they aren't careful on the accessory structures that they will have derelict buildings that won't be maintained. She is concerned about the number of accessory structures on a lot, questions may be what is reasonable on different size lots and the defining of accessory buildings, is a pergola or a gazebo an accessory building? She suggests enclosed structures. She would like to see accessory buildings compatible with main structure of the lot. She would like to see more space between property line and language that people need written permission.

Jeff Cochran asked staff if they had some response to public questions.

Kimber Gabryszak said that there are standards that would apply to residential as well as commercial on the lighting chapter; the more strict standards would apply to commercial and non-residential. The tree question she felt was a misunderstanding, they are requiring more trees but not necessarily closer. She clarified that when the city was contacted about setbacks that the planning department was not contacted.

Hayden Williamson feels his views tend towards more individual rights. He feels that sometimes cities try to regulate and identify the guidelines in situations where there are too many scenarios to really accommodate for all of them. He thinks a lot of this type of authority could be given more to the HOA's and let them regulate their own neighborhoods and it could be handled better than a city. He feels the same about many areas in this type of scope.

Kirk Wilkins is also for land and property rights. He would like to echo Commissioner Williamson that there should be less code and the land rights should remain with the owner. And maybe that should be in the wording that the owners have that ability to build but they run the risk. As far as the side yard he doesn't understand why that is being controlled.

Kimber Gabryszak responded that on a corner lot that is considered like a front yard.

Kirk Wilkins wanted to remove the code enforcement for this particular lot that has been singled out. He thinks there may be a conflict of interest within the Planning Commission.

Kevin Thurman commented that we weren't imposing more regulations, but that we are making fewer regulations by these changes. He feels this one lot illustrated an example of what they are trying to do. We can't pass a law that is specific to one lot, it has to apply to the whole city, consider accessory structures throughout the whole city. As to the conflict of interest it's up to the planning commissioner to declare the conflict. He read the bylaws where it talks about conflict of interest. We are not here to make a decision on this one particular structure.

Kirk Wilkins disagrees with the slab restriction and the corner side yard restriction.

Kara North is ok with there being cement slabs, she likes the height restriction. She likes Commissioner Steels point about being similar in look to the main structure. she thinks should be permissible to place

them on the utility easements. She is ok with the building begin close to the property line she feels we need to not look at the code retrospectively but draw the line from here forward.

Jarred Henline He has seen a lot of sheds in the city of corner lots. He thinks it could be beneficial with added drainages and things. He does not agree with Commissioner Steele secondary access being a driveway. He thinks the intent is not for a driveway, it does not lead to the main structure. He is for allowing this type of structure to happen (in corner lots) and agrees with the height restriction and compatibility with main structure. He thinks slabs should be allowed. He thinks rules make things easier; we need to make sure we do the best we can when we make those rules. His preference would be to forget the driveway arguments, take out slabs, put height requirement and use the mistaken map with extended side yard as being usable.

Jeff Cochran noted that he has lived where there was no code or enforcement and it was sort of a disaster. We need to be flexible and yet it takes quite a bit of code to be able to do that. He is for the rights of the property owners too but we need to be mindful of neighbors as well. Our city has so many sheds that do not comply already, he thinks something needs to be done there. He is ok with the structures being closer to the lot line. He had a diagram of a for instance where he thinks the height restriction is appropriate. He is ok with slabs for a floor. He hoped people could govern themselves appropriately with the number of structures.

Kimber Gabryszak summarized, Planning Commission was generally ok with a structure being in this location of the extended side lot as long as it was subject to those size restrictions and was not in the clear view triangle. Also, to remove the prohibition on slabs.

Sandra Steele was not ok with the slabs and was concerned with the sheds in extended side yards being a poor view. She would not like this to be all over the city.

Kevin Thurman commented that one rule with making improvements in public utility easements is that if the public utility had to make improvements in an area that has been displaced, property owners bear the loss. He is reminding that this language addresses structures under 200 ft. and that the verbiage should reflect the 200ft. and under. He would like to look over the Code with Kimber to tighten up the document.

Sandra Steele is concerned about drainage and what the city engineer would require for that. She suggests tabling it.

Kirk Wilkins responded that it is already the responsibility of the homeowner to take care of the water responsibly.

Hayden Williamson doesn't think drainage needs to be a concern.

Jeff Cochran agrees.

Kara North wants to make a suggestion that it was helpful to meet with staff and make the comments. Let's make the changes of this section, clean it up. Then let's take it in small increments like tonight.

Kimber Gabryszak would like to hear landscaping comments from commission over the next couple of weeks.

Motion by Kara North that the Planning Commission continue the Public Hearing and Possible Recommendation: Code Amendments for Sections 19.01, 19.02, 19.04, 19.05, 19.06, 19.11, 19.12, 19.13, 19.14, and 19.15 to Aug 28th. Seconded by Kirk Wilkins. Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.

Kirk Wilkins felt that those properties affected by this decision are under a timeline for enforcement. Kimber Gabryszak responded that they could hold off on enforcement actions.

Item 7 was continued at this time.

Ken Watson for applicant gave a review of the plan and changes that were made.

Sandra Steele had the applicant and staff clarify a few things on the plan. She was happy with the improvements. She asked if there were any neighbor concerns.

Ken Watson felt that the neighbors were fairly receptive with no negative comments. (Several neighbors were present but it was not a public hearing for them to comment.)

Hayden Williamson asked about planned fencing.

Ken Watson said that they would match the subdivision on the one side and they could do semi-private.

Hayden Williamson likes the changes and it makes it a much more useable community.

Kirk Wilkins asked about the stub the where it feeds into an adjacent residential property.

Kimber Gabryszak said in the future if they want to develop in that area than this stub would work with that and preserves the future use.

Kara North appreciates that they took the previous feedback to heart. She appreciates the guest parking and that it was dispersed throughout.

Jarred Henline asked about the frontage faces of the buildings.

Applicant showed how they were all back loaded and the front of the house faced the green space.

Jarred Henline appreciated the changes made. He had mixed feelings on the front faces.

Ken Watson commented that they wanted the fronts to face the green space.

Jeff Cochran thanked applicant for the improved plat. He asked about the rendering of buildings vs. the straight lot lines drawn on the plat rendering. His is disappointed that the staggered units are not what is being planned. He is concerned about the rear loaded homes.

Ken Watson replied that unless they would allow an average of setbacks, that staggered units would not meet setbacks requirements.

Kimber Gabryszak said there is nothing in the code that requires buildings to face the road.

Jeff Cochran had a few more clarifications on the building renderings. He asked where the open space began and where the unit began.

Kimber Gabryszak indicated on the plat and replied that with the open space and trails it could be interpreted to comply with the code.

Chris Norman commented that there were comments that were made from current residents about liking that they are finally getting sidewalks off the road and other amenities that have been needed for a long time.

Kimber Gabryszak indicated that the name of the plan was confusing and that staff recommended for a different name.

Kara North was Excused at this time.

9. Approval of Reports of Action.

No reports tonight.

10. Approval of Minutes:

1. July 10, 2014.

Sandra Steele had a comment about a word radius that should have been radii. Item was changed.

Motion by Hayden Williamson to approve the Planning Commission meeting minutes for July 10, 2014, Seconded by Jarred Henline. Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Jarred Henline. Motion passed unanimously.

11. Commission Comments.

No comments.

12. Director's Report.

Kimber Gabryszak updated the Commission on the last City Council meeting. She also noted what would be coming up at the next meeting. They are expecting a few resubmittals soon. Sandra asked for an update on Platinum Car wash. Kimber said that things were worked out but they pulled out because of Pioneer crossing. Café Rio was waiting to relocate a tenant. They are moving forward and hoping to be open by Christmas.

Meeting adjourned without objection by Jeff Cochran
Adjourn 9:28 p.m.

August 28, 2014
Date of Approval

Lori Yates
Lori Yates, City Recorder

