

**City of Saratoga Springs**  
**Planning Commission Meeting**  
**August 28, 2014**

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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**Planning Commission Minutes**

**Present:**

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

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

Others: Peter Staks, Bart Gardiner, Tom Davis, Barbara Gaona, Joe Kelley, R. Egbert, Craig Call, Dave Webber, David Brown, John Farrer, Delon Sorenson, Brett Wilson

**Call to Order** - 6:32 p.m. by Jeff Cochran

**Pledge of Allegiance** - led by Barbara

**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 Recommendation: Crossroads Ranchette Amended Plat located at 1547 North Redwood Road, Thomas Davis, applicant.**

Scott Langford presented the proposal to amend the original plat and staff recommendations. It separates a new lot behind the current structures. Staff noted the need to keep neighborhood connectivity through the lot where people already use it for access to nearby businesses.

Tom Davis, applicant was present to answer questions. He noted that they had no one at this point who has applied for the lot but they had two interested parties.

**Public Hearing Opened** by Chairman Cochran

No comments at this time

**Public Hearing Closed** by Chairman Cochran

Sandra Steele disclosed that she had done some consulting work for the engineering firm on record in the past but felt she had no conflict of interest. She asked who owned the remainder parcel property and worried that the area would not be maintained.

Scott Langford responded that Amsource were the owners, Applicant was working with them for necessary easements. There was the nuisance code they could enforce. Hopefully with correspondence it can be taken care of.

Tom Davis responded that he had been in contact with the adjacent owners and he has informed them that it is the intent of the developers to landscape that.

Sandra Steele asked who would maintain the 20 foot strip connected to the Cell tower area.

Scott Langford replied that they would need to work on that detail.

Sandra Steele noted that there were parking issues but she is aware that there is no owner/business in mind as yet. She would like to see the Concept plan come back when there is an owner and a building plan.

Tom Davis responded that the interest currently is for a Vet Clinic and they would be willing to come back and show them their plan.

Hayden Williamson commented that what he sees does or will comply with code and he is ok with it.

Kirk Wilkins is fine with the plan.

Kara North is fine with the plan.

Jarred Henline is fine with the plan.

Jeff Cochran asked if there was a requirement to maintain pedestrian access across the area.

Staff noted that the rules for site plans it was required that the Urban Planning was look at that pedestrian connectivity and safety.

Jeff Cochran confirmed with staff that with the lot split the 20 ft. Cell tower buffer would be a part of Lot one, currently the storage buildings, and that it was very possible that it would remain uncared for.

Kevin Thurman noted that it's not owned by current applicant and anything they could do with the code would not apply to him.

Sandra Steele wanted to know if they could get an easement for that property if the new lot owners wanted to care for it.

Kevin Thurman said they could look into that possibility as they look at the site plan.

Motion by Sandra Steele to recommend approval to the City Council of the Crossroads Ranchettes Lot 1-A Amended Final Plat, located at approximately 1547 North Redwood Road, based on the findings and conditions listed in the staff report and with the condition that a concept plan come back when there is a final user. Seconded by Haden Williamson. **Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.**

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

Scott Langford noted this was continued from the last meeting while they waited for some further clarification.

Kevin Thurman noted that there is a change to condition 8 with an addition that needs to be included in the recommendation. **If the canal is not vacated prior to expiration of this Agreement, the cash shall be returned to Developer after expiration of this Agreement provided that all Plat 14 and Plat 16A improvements have been completed and the 1-year warranty period has expired per City regulations.**

Scott Langford continued, noting that this was a gated community and they have worked with applicant to have a gate controller turn around entrance so a car would not need to back onto the main road. He noted that there are sensitive lands that have steeper slopes on some lots. These areas will be placed in a protected easement that is no build and no disturb.

Peter Staks, applicant, was present and pointed out a few other details on the plan. He hoped they could ask for no fences along the lake because it blocked the view.

##### **Public Hearing Open by Chairman Cochran**

Barbara Gaona is concerned about the solid fence that is planned and would like to see instead a rod-iron semiprivate.

Dave Webber is grateful for the developer and their work in the community. He wanted to speak on the sensitive lands area and wonders who is going to take care of that land. He feels that if no one can touch that land than no one can take care of it. He thinks this issue will hold up the subdivision. He is in favor of the subdivision but feels everyone will want that area taken care of.

David Brown was happy that the developer was coming in to do a higher end project. He is not as excited for the solid wall that would block views but notes that there is a jogging trail and that as a private community they would probably like the solid fencing.

Dalon Sorenson noted that the blocked view of the lake is undesirable with a solid fence. He thinks that needs to be taken into consideration. He thinks the sensitive lands should be turned into a green space instead.

##### **Public Hearing Closed by Chairman Cochran**

Peter Staks commented on the solid wall. He believes the amount of setbacks for the houses will help to not block the view. They had talked about doing rod iron semi-private along the entrance that would open up the corridor.

Jeff Cochran asked staff about the code for solid fencing and to speak on the regulations on sensitive lands.

Scott Langford indicated that the main issue of disturbing the sensitive lands is erosion.

Eric Lundell noted that protecting the sensitive lands was in everyone interest because of erosion and possible issues in a flood event.

Scott Langford cited code that stated fencing should be along property lines abutting open space etc. He noted that we are looking at that code tonight and could possibly change things.

Jared Henline asked about the sensitive lands code and asked why they could not access the back of the lots in question.

Scott Langford replied they could access it but not disturb the native vegetation and no regarding.

Kevin Thurman said they could follow up with the engineering standards before it goes to council.

Jared Henline asked applicant what are some alternatives they could do in the sensitive area.

Peter Staks replied that these lots are above the flood plain but it is unbuildable.

Jared Henline said than his concern is that there may be a way to not build on it but use it somehow. He asked about the fencing requirement along trails, and he thinks the solid fencing looks nice and could be allowed as long it complies with the code.

Kimber Gabryszak noted reasons why semi-private was required, it helps with maintenance and safety.

Kara North asked about the application already in and if it was subjected to the current code, not to any changes that may be made with the new code changes.

Kevin Thurman said if we changed the code to be more lenient we could give him the benefit of the doubt but if it became more stringent than he could be grandfathered into the old code.

Kara North asked about the permission coming from state or city on the boundary line trail.

Kevin Thurman said it would have to come from state to change it.

Kara North likes the idea of a rod iron fence at the entrances so you have a view of the road corridor. She is fine with the solid wall on the rest of it.

Kirk Wilkins tried to clarify on the sensitive land issue that if it couldn't be disturbed than no one needed to worry about taking care of it. It needs to be a nice product for the people who purchase the lots.

Kevin Thurman replied maybe that wasn't the right view. It needs to be protected open space. It's something we should follow up on.

Kirk Wilkins He asked if the flag lots complied with frontage. He is appreciative that the applicant is willing to work with the city and neighbors.

Hayden Williamson asked about the fencing along the trail. He is noting the area along the trail to the north of this property and that it was fairly steep, with generally no fencing. He thinks we could take that into consideration on the fencing. He is torn on the sensitive lands issue. He recognizes the need to protect the property owners but on the other hand no one wants a large part of their yard to be weeds. There should be a happy medium there somewhere. He understands that the undisturbed space is maybe a gray area, that owners could maybe be allowed landscaped or gardening and grading.

Kevin Thurman says the code states that sensitive land shall be placed in protective open space and it doesn't define that well. He is not sure that that would prevent landscaping.

Hayden Williamson thinks there could be a happy medium between a happy homeowner and happy developer on the sensitive lands. They could educate the homeowners on what changes may happen by disturbing the property and how to protect the land. He asked if there were concerns on lots 301, 307 and 118 and asked about them backing out right near the entrance. He asked that the developer consider putting those drives as far from the entrance as possible.

Sandra Steele asked if there was anything that would stop an owner from putting a fence in at the drop-off, and then it becomes no man's land. She thought that as expensive lots they would be paying taxes on a large portion of their lot that they couldn't use. She thinks someone needs to maintain the area but doesn't think that putting the area in the lots would mean it would be maintained. She commented that on the entrances she does not necessarily agree that the north entrance will be the main entrance and that she would like to see the same type of turn around entry on the south entrance as well. She asked if they had considered using colored concrete instead of stamped or painted asphalt. She likes the view window at all the entrances and thinks that is a good compromise.

Peter Staks noted that they had checked on the concrete it and it seemed to be a best alternative combining all the issues they researched into it.

Jeff Cochran thinks that the property owner needs to be very aware with what he can and cannot do with the sensitive land. He does not see a problem with the solid wall in the front. He doesn't see a problem with

the trail area and asked about space in the cul-de-sacs and if it could be opened up with maybe a flush island.

Peter Staks said the outside few feet of the islands would be a paved area and they want to do a strong job on landscaping and he hadn't thought of them as extra parking.

Commissioners discussed and clarified the language and conditions that needed to be included in a recommendation. Items discussed were entrance turn-arounds, land disturbance and condition 5, fencing and code changes, and entrance signs.

**Motion made by Kara North that based upon the evidence and explanations received today, I move that the Planning Commission forward a positive recommendation to the City Council to approve the Saratoga Springs Plat 14, Wiltshire Estates Preliminary Subdivision Plat, on property generally located at 1530 South Centennial Boulevard, with the findings and conditions contained in the report, with the additional conditions or exceptions that the language of condition #8 be as stated by Kevin Thurman on the record; that the revised entrance on the southern access point as provided to staff by applicant on August 28<sup>th</sup> be included; that condition #5 be consistent with city code and any restrictions to develop on sensitive lands be noted on plat; that the applicant be afforded the benefit, should they desire, of any fencing code restriction to the time of recording of the plat; and that the south gate entrance not have a call box or keypad entrance assuming compliance with the approval of the fire chief; and that the fence have signage designating that that entrance is for owners only. Seconded by Kirk Wilkins.**

Hayden Williamson questioned on the second provision she mentioned the south entrance, it should be the north entrance.

Kara North accepted that the North access point be included, not south as stated.

Kirk Wilkins also accepted.

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

A short break was taken at this time.

Meeting resumed at 8:24 p.m.

**6. Continued 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 noted it was a continued notice and that they are doing a comprehensive re-notice of the whole code for the next meeting on Sept 11<sup>th</sup>. They have added 19.05 but Commission can't make a recommendation on it because it was not noticed, but they can make comments. They are adding that as a new section that addresses accessory buildings. She explained what had led to looking at this code. She said they are trying to make it better for the accessory buildings, and allow most of those buildings. She had comparisons from other city's codes. What they are proposing is the least restrictive of any surrounding jurisdiction. She noted that State code does not specify any setbacks, only PUE requirements. The city has an emphasis on front yard setbacks. She had some photos from around the city to help illustrate the different scenarios.

Hayden Williamson wanted to know about the definition of motor vehicle for the minimum driveway. Does that include a 4-wheeler?

Staff replied that it's generally an automobile. It could be interpreted to be an ATV.

Kara North asked about matching the primary structure.

Kimber Gabryszak responded that that was discussed in committee and the main problem with that was many of these are purchased pre-fabricated.

Kara North thought they could have a broad definition of matching the main structure, like similar color.

Jarred Henline thought maybe there should be a secondary exception of when two corner lots back each other.

It didn't seem to be an issue in those cases.

Kara North asked if we could clarify the language about pads not having footings.

Kirk Wilkins asked about the risk of a company using the PUE and that it's at the property owner's expense.

Staff responded that this goes along with state code.

Kirk Wilkins asked how the structures already built in those side yard areas would be enforced.

Kevin Thurman said they can issue a policy statement that staff not enforces the existing structures up to a change in code date.

Kimber Gabryszak said on Sept 11th it will become pending legislation.

Sandra Steele felt property values (lowered because of structures blocking front areas of neighboring homes/lots) needed to be protected and put away any political leanings. She supports staff in the code changes.

Hayden Williamson likes the added conditions of having a structure in a side lot. He supports being able to use that area. He thinks special consideration could be where a side yard abuts a front yard. He thinks in the majority of the cases it won't be a big deal and doesn't think a few exceptions should prohibit all.

Jeff Cochran likes the current code but can respect the rights of the property owners and would support the current code and changes only with the fencing requirement. He supports the 10' height requirement, and the fence requirement. He is hesitant with allowing them in the corner, with the fencing requirement.

Kirk Wilkins supports being able to build within area that is behind the house and in back corner of side yard unless it blocks the clear view triangle, back yards to back yard is not an issue.

Kara North would not have a problem with having a structure on the side lot if there was a fence that doesn't block clear view triangle.

Jarred Henline we have a problem with a full size fence more often than with structures. If we were to vote I would go with changes proposed in the alternative staff report. He would want an exception for when two back yards faced. He would make a recommendation to grandfather existing structures, including those currently under construction.

#### **Public Hearing Opened** by Chairman Cochran

Bart Gardiner felt the timing was bad for his investment. He feels that diminishing property values is not an issue when effort is put into the rest of the lot. He thinks with RV pads there is the same issue of clear view triangles. The purpose of his shed is to park his 4wheeler to get in and out easily to plow the walkways. He thinks a gate should be given as an option. He thinks the definition of the side yard should include being able to use the back side yard. He thinks it should not be a privacy fence only. He thought 10' height was from mid-slope not the highest point. Thanks for the time the Commission has given to this. He made plans based on the permission he was given by the city when he first approached. He has made sure his neighbors are ok with it. The back yard to back yard situation should not have this issue.

#### **Public Hearing Closed** by Chairman Cochran

Kimber Gabryszak continued with 19.06 – Landscaping and Fencing.

Kirk Wilkins had a question about the rock and if it applied to everyone or just commercial.

Kimber Gabryszak said everyone is subject to planting standards. for residential they just have to have landscaping according to 19.06.08, actual number requirements at R6 and higher. There would most likely not be an issue if there was some sort of balance.

Sandra Steele asked about parking next to a street having a 10 foot berm. Is that wide or high?

Kimber Gabryszak said they can cross reference that.

Hayden Williamson appreciated the efforts to make it less restrictive. He thinks that is the direction the city needs to go and thinks it could go a little further. He understands the needs to restrict heat islands etc. but he doesn't think it needs to be legislative at this level, that we could leave it open and let neighborhoods and HOA's regulate it more at that level. He would like to see fewer restrictions on rock and 50% live vegetation, it's too hard to measure and enforce. He thinks the public areas and tree preservation requirement are good.

Kirk Wilkins agreed with Commissioner Williamson's comments about less restriction. He agrees with local groups regulating those. He would move to strike all the new additions.

Kara North has no problems with changes.

Jarred Henline had no problems with the changes.

Jeff Cochran was also good with the changes.

Commissioner North was excused.

Kimber Gabryszak discussed the 19.11 Lighting. It is mostly dark sky chapter. Many of the standards are in the engineering standards and basically it's all downward directed with some exceptions and fixture heights.

Sandra Steele asked about standards that say you can have a different light fixture for residential streets.

Hayden Williamson commented on residential lights with flood lighting being prohibited and if it included security lighting.

Jeff Cochran had the same question

Kimber Gabryszak said it shouldn't.

Hayden Williamson asked why poles need to be black.

Kimber Gabryszak replied it was for consistency.

Kirk Wilkins agreed with flood lighting comments and making sure it wasn't pointed at neighbors.

Jarred Henline was good with the changes.

Jeff Cochran thought this is a great start. He feels it's more of a general theme that we should give leeway when we can to the property owner.

**Motion by Hayden Williamson that based on findings and discussions today that we forward a positive recommendation for 19.01 19.11 of the Saratoga Springs Development Code to the City Council with conditions of lighting that security lights for residential is not prohibited by flood-light restrictions. Second by Kirk Wilkins. Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Jarred Henline. Motion passed unanimously.**

7. Approval of Reports of Action. - No reports tonight.

8. Approval of Minutes:

1. August 14, 2014.

Motion by Sandra Steele that we approve the minutes of as amended seconded by Hayden Williamson. **Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Jarred Henline. Motion passed unanimously.**

9. Commission Comments. - No comments.

10. Director's Report. - Kimber reviewed what would be coming up

Meeting adjourned by Jeff Cochran

Adjourn 9:45 p.m.

September 11, 2014  
Date of Approval

Lori Yates  
Lori Yates, City Recorder

