

**City of Saratoga Springs**  
**Planning Commission Meeting**  
**September 11, 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: Jarred Henline, Kirk Wilkins, Sandra Steele, Eric Reese, Kara North

Staff: Kimber Gabryszak, Nicolette Fike, Scott Langford

Others: Jennifer Zirkes, Wayne Anderson, Tavah Babcock, Bob Krejei, Justin Coerg, Kevin Tenney

**Excused:** Jeff Cochran, Hayden Williamson

**Call to Order** - 6:32 p.m. by Vice Chairman Eric Reese

**Pledge of Allegiance** - led by Kirk Wilkins

**Roll Call** – Quorum was present

**Public Input Open** by Eric Reese

No comment at this time.

**Public Input Closed** by Eric Reese

**4. Public Hearing and Possible Recommendation: Home Occupation for Little Redd Preschool located at 77 Nine Iron Court, Tavah Babcock, applicant.**

Scott Langford presented the application for the preschool.

Tavah Babcock brought a letter from the neighbor indicating that they are ok with the preschool using their driveway, but Tavah has asked all the parents to not use the neighbor driveway as a courtesy measure.

Sandra Steele is ok with the preschool because of the circular driveway so that children do not have to be on the street. She asked if the kids are dropped off to walk in.

Tavah Babcock indicated that they were.

Sandra Steele wanted to add the conditions of no additional employees, and that they must receive approval of the Health Department, and that there be no function where all the parents are parked at once, like a graduation.

Kirk Wilkins was in favor of the application.

Kara North had no concerns and thought it looked good.

Jarred Henline was fine with the plan and did not agree with Commissioner Steele's suggestions for additional conditions.

Eric Reese asked if she could see parents when they pulled up from the preschool.

Tavah Babcock said there was a back door and that people walked around to pick their kids up. Parents park in the visitor spots in the middle of the cul-de-sac and she hasn't had any complaint from neighbors so far.

**Public Hearing Open** by Eric Reese

No comments at this time.

**Public Hearing Closed** by Eric Reese

Motion by Sandra Steele that Based upon the evidence and explanations received today and the findings listed in the staff report, that the Planning Commission approve a conditional use permit to allow for a home occupation for the Little Redd Preschool on property located at 77 Nine Iron Court, subject to the following conditions: that a business license must be obtained prior to operation, The home occupation shall comply with all of the standards listed in Section 19.08.02 of the Land Development Code. No more

than 7 children may attend any one class. It must receive the approval of the Utah Department of Health, and there be no congregate function of all parents of all classes. - *No second was obtained.*

**Motion by Jarred Henline that Based upon the evidence and explanations received today and the findings listed in the staff report, I move that the Planning Commission approve a conditional use permit to allow for a home occupation for the Little Redd Preschool on property located at 77 Nine Iron Court, subject to the three conditions in the staff report. Second by Kara North.**

Sandra Steele said there are other requirements in the code they need to put in.  
It was indicated that those were requirements by code and not needed in the motion.

**Aye: Sandra Steele, Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.**

**5. Public Hearing and Possible Recommendation: Home Occupation for Tumble Bugs Gymnastics located at 3362 South Hawk Drive, Clint and Jennifer Zirker applicant.**

Scott Langford presented the application for the gym. They believe due to the staggering of times that the impact of drop off and pick up is lessened.

Jennifer Zirker clarified there were 4 classes on Monday and Tuesday but there were 15 min between classes.

**Public Hearing Open** by Eric Reese

No comments at this time.

**Public Hearing Closed** by Eric Reese

Jarred Henline asked for clarification of the classes and times.

Jennifer Zirker replied with the times and that the **closes** between classes was about 15 minutes.

Jarred Henline would approve the application as presented.

Kara North appreciated the gap in times but thought it would benefit from a wider gap between classes. She would approve the application.

Kirk Wilkins also wanted to know that she would always have a gap and asked the highest number of children.

He was in favor of the application.

Jennifer Zirker replied 5 children plus her own child in class.

Sandra Steele was concerned about the parking of parents, especially for recitals.

Jennifer Zirker replied that her insurance wouldn't allow recitals.

Eric Reese asked about how the kids and parents entered the gym.

Jennifer Zirker replied there was a back door into the basement.

**Motion by Kara North that Based upon the evidence and explanations received today and the findings listed in the staff report, I move that the Planning Commission approve a conditional use permit to allow for a home occupation for the Tumble Bug Gymnastic class on property located at 3362 South Hawk Drive, subject to the conditions listed in staff with a correction to item 3 maximum or no more than 4 per classes per day and no congregate events. Second by Sandra Steele. Aye: Sandra Steele, Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.**

**6. Public Hearing: Preliminary Plat for Mallard Bay located at between 2800 South and 3000 South and Redwood Road, Holmes Homes, applicant.**

*Continued to the September 25, 2014 Planning Commission meeting*

*Item 8 was pulled out of order to accommodate a person who needed to speak on the issue.*

**8. Public Hearing and Possible Recommendation: Code Amendments for Chapter 19.05, Supplementary Regulations regarding swimming pool setbacks to the City of Saratoga Springs Land Development Code.**

Kimber Gabryszak presented the proposed Code amendments. This came about because of a recent application. The code was that it was allowed in rear of side yard but with a 5 foot setback. But in the case of a corner lot the setback was 25 feet. The new code would be that a pool is only allowed in rear and side yard (not street side) area, no closer than 5 feet from lot line all around.

**Public Hearing Open** by Eric Reese

Justin Coerg said he couldn't find a corner lot in the city that where a pool would be possible.

Kevin Tenney felt the code did not make any sense when his neighbors could put a pool almost up to his fence and he would have had a 25 foot setback.

**Public Hearing Closed** by Eric Reese

Sandra Steele had a concern that a pool would be in a side yard near a neighbor's window and the noise problems that would cause. If it was in the rear yard there was a lot more space between the pool and a neighboring rear yard house. She thinks if we let up too much on this code that we will have to give in to more code changes for sports courts and such. She couldn't support it where there were larger utility easements. She also feels that on many lots if it was allowed to go in a side yard that there would be a 6 foot fence in someone's front yard. She thinks there was a good reason that the code was the way it was. She is also worried about lighting next to a neighbor. She offers a compromise that if it was next to a neighbor's garage she would be ok with it. Also, if it were behind the rear plain of the adjacent house, she could support it.

Eric Reese asked what she thinks about a conditional use. Sandra deferred to Kimber.

Kimber Gabryszak said she wouldn't like to see it as a conditional use because it's a large process and expense. They may want to consider putting in extra conditions like no lights after a certain hour.

Kara North noted that there is a city noise ordinance anyway.

Kirk Wilkins noted growing up around a lot of pools; he wanted to know the logic behind why a corner lot could not have had a pool in the side yard where the neighbor would be able too next to him. He would be in support of decreasing the restriction.

Kara North asked for clarification from Sandra Steele about her concern with the noise and that there could be noise from kids playing anyway.

Sandra Steele feels the noise difference is higher.

Kara North asked Kimber about where it was not allowed in the Public Utility Easement, are they allowed to get permission from the Utility commission to build it only 5 ft. from the fence

Kimber Gabryszak replied they could apply to get the easement changed on their plat from 10' to 5'.

Kara North then said she had no problem with it.

Jarred Henline asked Kimber if the other cities had similar ordinances.

Kimber Gabryszak replied that she had looked at other cities, not necessarily adjacent cities. There were similar set back requirements that were uniform on all lots.

Jarred Henline thought it was publicly noticed and people aren't here to complain and he is in favor of the change in the code. It's a big financial risk to people to change the easement if need and he would approve it without the line about shall not be located within any public utility easement because that would be at their risk.

Justin Coerg noted that in his experience most people like pools, that it increases property values all around.

Sandra Steele asked why there were easements all over with differing sizes and usually there is nothing in them.

Kimber Gabryszak responded that they do a lot of coordination with surrounding cities, PUE's was something one of the other cities was dealing with and she said two of the cities had done away with them internally on the lots. It is something on their list to look at.

Eric Reese wouldn't worry about the noise so much and that he would be good with passing it.

**Motion by Kara North Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendment to Section 19.05, with the Findings and Conditions within the report with the exception to subsection d.**

Kimber clarified that they wanted to remove section d. **“Remove criteria d. regarding public utility easement.”**

Kara said yes.

**Seconded by Jarred Henline.**

Sandra Steele asked about fencing.

Kimber Gabryszak said the code would keep the 6 foot fence out of the front yard plane of the neighbors.

Kara North didn't think fencing was something to add on this amendment.

Jason Coerg questioned if they removed it then they wouldn't have to get the easements removed?

Kimber Gabryszak said they would still technically need to because it was shown on the plat.

**Aye: Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Nay: Sandra Steele. Motion passed 4 to 1.**

Jarred Henline asked hypothetically that if a lot has been there with a fence before the adjacent lot is built and if they built behind the current fence that it should be an exception for that.

Kimber Gabryszak noted that in that case they wouldn't do too much unless it was causing a public health and safety issue.

**7. Public Hearing and Possible Recommendation: Code Amendments for Title 19 of the City of Saratoga Springs Land Development Code.**

Kimber Gabryszak presented the proposed Code amendments. There were some possible additions of Contract Services Office and Outdoor/Vehicle Storage. There wasn't any industrial currently zoned in the city. She continued through the other sections and the proposed amendments 19.05.11 was all new as per discussions with Commissioners previously.

Kirk Wilkins asked to clarify where the height was measured on a hip or gable roof.

Kimber replied that it was measured by the mean between the eaves and ridge. Mansard was on the top. She then continued with changes.

Sandra Steele asked why a conditional use in Office Warehouse on a Contract Services Office.

Kimber Gabryszak answered because it was a use that could have a lot of impact for instance if it was near a residence. They could make it a permitted use in that zone.

Sandra Steele thought that was what an office warehouse ought to be.

Kimber Gabryszak replied they would do it.

Sandra asked why Self Storage was conditional use.

Kimber Gabryszak replied that is the way it was already so they left it.

Kirk Wilkins said he would like it to remain conditional especially if it was next to residential. He questioned some places where it said opaque fence instead of solid.

Kimber Gabryszak said they could change it to opaque where it was elsewhere.

Sandra Steele was afraid where it talked about housing of animals that someone would come in and say a chicken was not an animal.

Kirk Wilkins noted that it said a shed roof shall not drain on an adjacent property and would a rain gutter comply with that.

Kimber said yes. She asked about leaving in 6 ft. fence requirement for accessory buildings.

Jarred thought back to back yard was good and grandfather any existing structures in and start enforcement from here forward.

Kirk Wilkins asked about the solid fences and if people who had a semi solid fence could they not have a shed? He would like to not restrict those that choose to build a metal fence.

Kimber Gabryszak replied that this applies only to those that build within the setback.

Sandra Steele thought the solid fence would lessen the impact of the view to neighbors. She would like to keep the opaque fence.

Kirk Wilkins would like to have the wrought iron and opaque or back yard to back yard have equal rights.

Kara North agrees with Commissioner Wilkins.

Jarred Henline would like to allow whatever type of fence, not necessarily solid. Many Neighborhoods have their own requirements and whatever they require should be fine.

**Public Hearing Open** by Eric Reese

Wayne Anderson spoke to the Contract Services Office change to the code. He was looking to relocate his business to Saratoga Springs and had looked at entering application for rezoning; they found there was nothing to really cover their type of business, so they were asking to the code to allow their type of business. (Asphalt repaving and concrete work) They would have a fence and equipment in a back area, business in the front with a shop behind.

**Public Hearing Closed** by Eric Reese

Kimber Gabryszak noted that this situation would be a combination of Outdoor storage and Contract Services. They have to do a General Plan amendment and a zone change but that wasn't feasible without this code amendment.

Sandra Steele asked why there wasn't any industrial use allowed.

Kimber Gabryszak said there are no spaces on the current General Use Land map for industrial but there are areas that could be changed to that. She showed the area that Mr. Anderson was looking at. She noted other areas where they haven't been able to address the outdoor storage or contractor services in the past and staff recognized it might be a need. She noted the changes proposed to 19.15 on Conditional Use Permits. She asked if commission would be amenable to having the 5 year limit with rolling extensions only on Vehicle Storage as opposed to Outdoor storage as well.

Eric Reese indicated that they were.

Kirk Wilkins noted that Conditional Use meant that it would be a case by case basis, so they would see the plans before it was approved, so the question today was whether or not they open themselves up to this type of plan.

Kimber Gabryszak continued with more code changes in Landscaping and Fencing. She noted that recently Council had approved a similar thing for Legacy Farms where when the fence was along a road they could have a privacy fence. The traffic along the road would provide the eyes on the open space.

Sandra Steele was concerned that a private fence would obstruct the view to the lake. Part of the reason they went along with it on Legacy Farms was because of the big berm.

Kirk Wilkins asked about semi-private fencing and those owners being allowed to gain any privacy.

Kimber Gabryszak said this new code would allow that when along a road. The standard now is that when along open space it needs to be semiprivate, but not necessarily short. Those along a open space corridor that was not along a road would still need semi-private fences.

Sandra Steele would not like to have the view of the lake along Redwood Road being potentially blocked because of a high private fence.

Kimber Gabryszak replied they could hold Redwood Road to a higher standard and give it its own code requirement for semiprivate along highways. To have it be Semi-private along arterials, and privacy along others.

Kirk Wilkins asked about parallel fencing where a semiprivate fence is not sufficient for security.

Kimber Gabryszak noted they had this problem currently. With this code change they could work with the city to replace the fence. This would prohibit them from putting a fence inside of another.

Kimber Gabryszak continued with the amendments in the remaining sections. 19.09 – Parking, 19.11 – Lighting, 19.12 – Subdivisions, 19.13 – Development Review Processes, 19.14 – Site Plan Review. She then reviewed suggestions and comments by commissioners.

Sandra Steele asked chair if they could separate the motions by chapters.

**Motion by Jarred Henline, Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendments to Section 19.02 with the findings and conditions found in the staff report. Second by Sandra Steele Aye: Sandra Steele, Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.**

**Motion by Jarred Henline, Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendments to Section 19.04 with**

the findings and conditions in the Staff Report, with the additional condition that Contractor Use be permitted in Office Warehouse Zone. Second by Kara North. Aye: Sandra Steele, Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.

Motion by Jarred Henline, Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendments to Section 19.05 with the findings and conditions found in the Staff Report, with the additional conditions that the language regarding animals state that it is animals and birds, that the fence language in 19.05.11.3.k be removed and that added language in 19.05.11.3 be put in place to specify back to back yards, and that a recommendation be forwarded to the City Council to grandfather in those which are non-compliant with these changes or are in the current process of being built as well. Second by Kirk Wilkins Aye: Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Nay: Sandra Steele. Motion passed 4 to 1.

Motion by Jarred Henline, Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendments to Section 19.06 with the findings and conditions found in the Staff Report, including a change be made that only semi-private fencing be required along arterial roads. Second by Kara North. Aye: Sandra Steele, Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.

Motion by Jarred Henline, Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendments to Section 19.09 with the findings and conditions found in the Staff Report, Seconded by Kara North. Aye: Sandra Steele, Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.

Motion by Jarred Henline, Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendments to Section 19.12 with the findings and conditions as found in the Staff Report. Second by Kara North. Aye: Sandra Steele, Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.

Motion by Jarred Henline, Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendments to Section 19.13 with the findings and conditions found in the Staff Report. Seconded by Kirk Wilkins. Aye: Sandra Steele, Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.

Motion by Jarred Henline, Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendments to Section 19.14 with the findings and conditions found in the Staff Report. Seconded by Kirk Wilkins. Aye: Sandra Steele, Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.

Motion by Jarred Henline, Based upon the evidence and explanations received today, I move to forward a positive recommendation to the City Council for the proposed amendments to Section 19.15 with the findings and conditions as outlined in the Report. Seconded by Sandra Steele. Aye: Sandra Steele, Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.

9. **Approval of Reports of Action.**

Kimber Gabryszak reviewed the actions. 19.05, she reviewed comments by Commissioners and the positive recommendation to Council.

Motion by Jarred Henline to accept the Reports of Action as presented tonight by Kimber, Seconded by Kara North. Aye: Sandra Steele, Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.

10. **Approval of Minutes:**

1. **August 28, 2014.**

Motion by Jarred Henline to approve the minutes for August 28, 2014. Seconded by Kara North. Aye: Sandra Steele, Eric Reese, Kirk Wilkins, Kara North, Jarred Henline. Motion passed unanimously.

**11. Commission Comments.**

No Comments at this time.

**12. Director's Report.**

Kimber Gabryszak reviewed Council actions from their last meeting. She apprised Commissioners of what would be coming up on their agenda. She updated the Commission on current projects.

**Meeting adjourned by Vice Chairman Eric Reese**

**Adjourn 8:53 pm**

September 25, 2014  
Date of Approval

Lori Yates  
Lori Yates, City Recorder

