

**City of Saratoga Springs
Planning Commission Meeting
October 23, 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, Kirk Wilkins, Sandra Steele, Hayden Williamson, Kara North

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

Others: Jim May, Wayne Tate, Bret and Kim Hardcastle, Cynthia & Joe Nay, Julie Moon, Scott Butterfield, Warren Whete, Shellee Mcbay, Cagry Van Vrantheu, Dennis Jensen, Kyle Jensen, Lyneette LeMone, Coreane & Tom Neddell, Jodi Jensen, Zach & Michelle Warren, Laurie & Alan Johnson, Tanya Parker, Cari Kirjee, Frank Diana, Joan Black, Patricia Burt, Claudia & Dave Pack, Julie Cumming, Brenda Roberts, Dennis Brady, Tom Liddlell, Boni & John Michele, Glenn & Becky Setterberg, Tim Smart, Jack Hailis, Roger Cahoon, Scott Maxfield, Diana May, Kathy & Dean Anderson, Bob Kirejci, Phil & Kathleen Sailesinger, Pete Evans, Garrett Seeley, Ryan Poduska, Paul Watson, Kevin Moffitt, Steve Larsen, Paul Linford, Blaine Hales, Lynn Lomond

Excused: Eric Reese, Jarred Henline

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

Pledge of Allegiance - led by Kara North

Roll Call – Quorum was present

Public Input Open by Jeff Cochran

No comment at this time.

Public Input Closed by Jeff Cochran

4. Public Hearing and Possible Recommendation: Preliminary Plat for Heron Hills located at approximately 3250 South Redwood Road, Steve Larson, applicant.

Sarah Carroll presented the plat. This item was re-noticed from last February. She showed where the plat was located and reviewed some comments from the previous meeting. She reviewed conditions in the Staff Report. She reviewed parks and trails. They want to have a shared boat dock in the future.

Applicant was not present.

Public Hearing Open by Jeff Cochran

Jim May representing the El Nautica Boat Club. He explained the boat club history; Land was purchased in 1959, it has been a club in this location for over 40 years with 94 members. They have a required amount of work service they perform yearly. They were not contacted until July 31st of this year about this development. Their intent is not to stop the progress of the new development but they feel strongly that their personal property needs protected. They placed their fence two feet inside of their boundary. They believe Mr. Larsen's claimed property encroaches on their property. They want the developer to provide a masonry type fence on the west and south sides of the club. They also would like access large enough access to the club to drive boats and trailers on and to ameliorate the property line dispute.

Public Hearing Closed by Jeff Cochran

Sandra Steele referred to the minutes from the past meeting and that they had mentioned that street names needed changed and they have not been yet and she would like to enter a condition for that. She asked if the city was aware of the property dispute. She doesn't think we can take any action until that is resolved.

Sarah Carroll noted that the city was aware and they could not approve the final plat until it is resolved.

Sandra Steele thinks the whole plat could change because of the lot sizes with a boundary line agreement. She also wanted a condition that it could not be recorded until the secondary water issue was resolved.

Jeremy Lapin indicated that this was not in the area with the secondary water problem. It was in the original staff report but it has been remodeled since then and this will not create issues.

Hayden Williamson thanked everyone for showing up and acknowledged the time they had put in to being able to come here. He asked about the secondary access to the Boat Club

Sarah Carroll noted that secondary access is required for the code. Right now the club has an easement that allows them straight access and this would make them have to come around curves and things that would be more difficult with large trailers and boats.

Hayden Williamson didn't have any major concerns, but echoes Commissioner Steele's comments about the boundary line dispute.

Kirk Wilkins asked how long the fence had been in place.

The Owners said it had been since about '61.

Kirk Wilkins asked if there was a way they could make a secondary access in a way that would be in a better place for the boat club.

Sarah Carroll said they were asking the applicant to line up an access to the north so that it aligns with the development across the street.

Kirk Wilkins thinks that secondary access needs firmed up before we could move on.

Kara North thought it was generally a nice development but given comments tonight there are significant issues that need cleaned up before they could move on with this. She suggests they come back with the Boundary Line Agreement and Street names changed and Access resolved. She doesn't know if we can require a masonry fence because it's not in our code. She suggests they get together with the owner and share that.

Jeff Cochran asked staff that since this Nautical club has been there for many, many years and they own the easement. It seems like good planning to work with that. He thinks there is wisdom in having the boundary lines fixed before they move on.

Kara North asked if a negative recommendation would be more helpful than continuing it.

Kimber Gabryszak said normally they would ask the applicant what would help them the most but as they were not here she did not know. She felt a negative recommendation would be harder to overcome, continuing it may be best.

Motion by Kara North to continue item #4 Heron Hills Preliminary Plat located at approximately 3250 South Redwood Road be continued to another meeting with the direction to the Applicant and Staff on information needed to render a decision based in information provided by the commission this evening; that the applicant consider changing the names, that the applicant must absolutely resolve the boundary with the boat club before moving forward as well as the secondary access issue. Seconded by Sandra Steele.

Hayden Williamson asked if the secondary access covered the easement discussion they had.

Kara North said her understanding from staff is that it absolutely would.

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

5. Public Hearing and Possible Recommendation: Plat Amendment for Fox Hollow Neighborhood 2 located between Willow Creek Drive and Red Pine Drive, Flagship Homes, applicant.

Sarah Carroll reviewed the plat. This is a request for a plat amendment for Fox Hollow Neighborhood 2, The Cottages at Fox Hollow. The recorded plat includes 250 two-family dwellings. The proposed plat indicates 199 single-family detached dwellings on small lots. She reviewed recommendations and conditions in the staff report. She shared comments that were received just today via phone from the HOA.

Peter Evan with Flagship Homes thanked the city staff for their work and help. They think this will be a much better project than originally approved. The original plan had not gained much interest. These are called townhomes but are really duplexes. By privatizing the front yard and reducing the 10 pack to 8 pack it will be a much better product. They are ok with the fencing issue and ask that the side yard fencing not be applied to the rear yard and are ok with not having side yard fencing. The concern in staff report about

parking - they feel the parking is going to be better and guest parking is already installed but now there are less units here.

Public Hearing Open by Jeff Cochran

Tanya Parker, Villages at Saratoga Springs HOA, has been working with Flagship Homes and the City to come up with the best solution. They are excited to see some movement on this. They are happy to see single family homes with private yards coming. Naturally they would like fewer of them but understand it fits in zoning and infrastructure and have no problem. She feels they have reached solutions on most of their points. She had a report of what would need to happen to meet HOA approval. It was sent to Staff and Flagship homes.

Ryan Poduska, HOA president, asked that the drive aprons not be on the parkway. He requested that on the two car garages they can't be the minimum two car garage size, they have a neighboring subdivision where the garages are minimum and hardly anyone can get in them, even without storage in them, and with limited parking around he would be afraid of kick back from residents who can't fit in their garages parking on the park strips. They already have to deal with a lot of parking problems. Possibly posting signs as a requirement there may help.

Public Hearing Closed by Jeff Cochran

Kara North thanked staff for being very thorough. With respect to the HOA's requests that tree species be replaced, can the City enforce that?

Sarah Carroll said they couldn't require specific species but they do have species they recommend in open spacing. They do approve landscape plans and they could make a condition that the change in trees is ok.

Kara North asked about the fencing.

Sarah Carroll explained that the condition be limited between the homes, not on the ends. She thinks a condition indicating not on interior side yards would cover that.

Kara North was not sure if she buys what he said about guest parking being sufficient.

Peter Evans said that the previous product which is approved right now has no driveway apron, he thinks the concern is if they are pushing that out that it will be more confusing. You have to be very clear on the front end about where people can park and very clear about enforcement. His main comment was that since there was a reduction by 51 homes and the parking met the requirements before that this is a better ratio.

Kara North didn't think we could require a specific garage size and the HOA would need to work with that on design approval. She thinks it's great that the HOA is working with the developers.

Sarah Carroll noted that if they enforced no storage in the garages than that frees up space and people can park in their garages and not on the street.

Kirk Wilkins is grateful for the better project by decreasing the density. He asked what the current property rights are.

Sarah Carroll said because it's already recorded its 100% vested they could go in and build what they have already planned.

Kirk Wilkins asked who this product catered to.

Peter Evans replied that it is to young families. There are also products where people would not want to maintain any open space. These are great products for those that can't afford medium house size but has a little bit of a yard.

Kirk Wilkins his concern with the shared driveways and children around is with the safety around there.

Hayden Williamson asked about the HOA request about the 6ft. fence along the parkway with the code changes we have made recently, are they allowed to have a private fence there.

Kimber Gabryszak said the council has tabled the fencing and the current code states that where there is a trail corridor semi-private is required. They could address it through a condition.

Hayden Williamson asked if the green space along village parkways was taken care of by the sub HOA.

Kimber Gabryszak said it was.

Hayden Williamson on the condition for fencing in the back yard, can we require that the builder put in.

Kimber Gabryszak said it's not in our code to require it only in the backyard; it's more of a recommendation.

Keep in mind when looking at this project we are trying to make it better and in order to help keep an open feel that they only have those fences at the rear of the home, but it's not a absolute code requirement.

Hayden Williamson understands the developers side of needing to fence in dogs etc. He asked how large the yards were between the homes.

Sarah Carroll replied it was 10 feet between buildings.

Peter Evans replied that it's not that they thought 5 foot was not useable but that if they want to push the visual of the more open then. In this situation they typically install the fences because it's tough once there's landscaping etc.

Sandra Steele suspects' people are going to want to enclose their back yards and they need to make it clear in the wording. She really likes the elevations and the duplexes that were originally approved. The elevations that they proposed for the current product were boring. She thinks they don't want to see the same floor plan and same styles together. She would like to see more of a variety. She thinks instead of only 4 floor plans that they could add a couple extra and make sure they don't put the same two together. She is concerned about the apron on the garages, and asked if they were going to put garage openers in, that would mean that people don't need to block the shared driveway while they get out and open the garages.

Peter Evans was fine with that condition and said they were planning on automatic garage doors.

Sandra Steele is concerned that the units with no fenced rear yards still didn't have a space to plant a little private garden.

Peter Evans replied that he felt there may be a way to carve out a little spot. They felt that they wanted the feel of a nice open area when they come into the subdivision.

Sandra Steele said the market would dictate what they needed to do. She asked if we have any concerns with the fire dept.

Sarah Carroll noted that the plans have been amended to include 26' drives as indicated by Fire Chief.

Peter Evans noted they had worked with the fire department.

Jeff Cochran appreciated all the reviews from the commissioners. He asked staff again if the fire chief had reviewed it.

Sarah Carroll responded that yes they had reviewed it and it had met code at the time it was recorded before.

Jeff Cochran notes that they are all trying to make it a better product and there are probably things that need to be done. He is worried about the garage pad, and where things get into a garage like a lawn mower and pretty soon people have to park on the street. He thinks it's hard to enforce on a night to night basis.

Peter Evans thought there were 3 things about that concern. One is what is currently improved; the garage right on the shared driveway. Two, the number of people sharing this driveway is 21% less, so if they do come home and the lawnmower is left in the middle of the garage they is a greater change that there would be a guest spot open. Third, what he said earlier about having the proper enforcements set up front and everyone knows the rules that the problem goes away.

Jeff Cochran asked staff about the 20 lots that aren't fenced. He also asked about setbacks.

Sarah Carroll said in this particular location they have to have 5.04 acres open space. Staff talked to them about how the property would feel, open or closed. They wanted to create openness. There is quite a bit of slope, this allows places for a trail but in some locations they cannot alter the driveway locations. So this was the best place to open it up. On the setbacks, because it is a PUD it encourages clustering of units. A lot of the phases will need variations. In a standard R3 neighborhood the lot size is 10000 ft. and this is quite a bit different because of the PUD overlay.

Jeff Cochran reviewed the discussion; needing to meet HOA requirements, fencing interior/not interior, parking, floor plans, and garage door openers.

Motion by Hayden Williamson that the Planning Commission recommend approval to the City Council of the Village at Fox Hollow Neighborhood 2 (The Cottage at Fox Hollow) Plat Amendment and requested variations, located along Willow Creek Drive and Red Pine Drive, based on the findings and conditions listed in the staff report. With a couple variations, to number 11 - to specify that fencing only be allowed on side yards between homes, that they meet the HOA requirements, that they install automatic garage door openers. Seconded by Kara North. Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Kara North. Motion passed unanimously.

Sarah Carroll asked for clarification that the HOA asked that the homes facing Village Parkway and that the lots and the HOA didn't agree with that.

Hayden Williamson remembered another change, to address the change in landscaping that was also an HOA requirement.

Sandra Steele said they didn't really discuss the pros and cons of condition #9 and they should consider that.

Kara North was fine with that condition.

Kirk Wilkins was fine with that condition.

Jeff Cochran was fine with that condition.

Hayden Williamson wanted to be clear that it is that the homes along Village Parkway face away from the parkway.

Jeff Cochran asked if they could make a condition that they work it out.

Sarah Carroll said they would need to delete the condition if that was the case.

Sandra Steele did not want to see the long expanse of fencing along that collector street. Where would access be if they followed staff recommendations?

Sarah Carroll said off of the driveway. It's a side loaded home.

Sandra Steele would go along with staff recommendation there.

Hayden Williamson asked what the builders thoughts were on the home fronts.

Peter Evans the thought on putting the fronts to the Parkway was just to make it look more open and nice.

He doesn't know if there would be preference to front or not but it would create a nicer elevation coming down the parkway to look at the front of the house instead of the side. But it would only be along part of the parkway some would naturally be siding along the parkway. If the preference is to have those sides on village parkway and put a fence along there they are willing to do that.

Hayden Williamson would be in favor of striking condition 9.

Motion by Hayden Williamson to amend the previous motion to include a condition that allows the builder to modify the landscape plan with different species of trees and striking condition 9 from the conditions. Second Kara North. Aye: Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Kara North. Nay: Sandra Steele. Motion passes 4 – 1.

A five minute break was taken at this time.

6. Concept Plan for Lakeside Plats 25, 26, and 27 located between 2600 South Shorewood Drive and 2800 South Redwood Road, Woodside Homes of Utah, LLC, applicant.

Sarah Carroll presented the concept plan. She reviewed the Staff Report and recommendations from staff. Garret Seeley was present for applicant.

Sandra Steele asked is this considered under a PUD.

Staff said yes.

Sandra Steele's main concern was that it needed a second access. She thinks that Shorewood drive was already addressed in the Master Development Code but public safety is still public safety.

Jeremy Lapin noted that their 50 unit change for secondary access was recent but international code was 200 units, which was the standard when the MDA came through.

Sarah Carroll said that the MDA required that they had to complete the loop when they built 26 and 27. Her concern would be 26 and 27 but not with 25.

Jeremy Lapin noted they could recommend a temporary access for an emergency situation.

Sandra Steele felt that there should be an emergency access. She doesn't know what another answer would be.

Garret Seeley said after further review it makes more sense for them to start on 27 which would fix her problem, which would give them time to construct the lift station.

Sandra Steele she said it helps but her suggestion is to push the cul-de-sac and have access onto Redwood Road so there was two access points.

Kimber Gabryszak noted that any access onto Redwood Road would have to be run by the state and adhere to their standards. If they put that in, it wouldn't be able to meet those standards.

Hayden Williamson after reviewing the setbacks thought that they may want to go from the side. He agrees with builder that doing 27 first would be a much better solution.

Kirk Wilkins thinks the only real thing for discussion is for the setbacks and would like the applicants view. Garret Seeley said they are asking for a variance that falls into the code and they agree with the staff that the corner needs increased and that the interior could be 5' and 5'.

Kirk Wilkins would suggest that where the cul-de-sac ends next to a fence or road he thinks it could be pulled back and create a lot.

Kara North would echo Kirk Wilkins comments.

Jeff Cochran encouraged them to comply with code to make things easier.

Sandra Steele said since they are proposing the same setbacks that were discussed with fox hollow she asked if they should address if there should be a fence between those homes. She thinks that if there were narrow spaces it could limit fire hoses and rescue equipment. She thinks if it was 8 feet it would be a better feel.

Garret Seeley asked if they may recommend doing an 8' and 5'.

Sarah Carroll said if they could spend more time reviewing their product and then get back with them that would be good.

7. Public Hearing and Possible Recommendation: Preliminary Plat for Beacon Point located at approximately 4300 South Redwood Road, Paul Watson/Mendenhall, applicant.

Scott Langford presented the Preliminary Plat. He reviewed the staff report and noted they had updated the phasing plans based on recommendations and UDOT had also weighed in. He commented on shared roadways and a minimum of 20' on those driveways. He reviewed the trails and parks. He noted that there is a lot of drainage runoff that will be coming into this area that is an argument for the city maintaining the open space. He had an additional condition that "lots with shared driveways shall have a private driveway with a minimum length of 20 feet between the shared driveway and the garage door."

Paul Linford said it has been difficult to handle the 600 acres above them that come down to them. They felt they had done well with this plan.

Public Hearing Open by Jeff Cochran

No public input.

Public Hearing Closed by Jeff Cochran

Kara North addressed the fencing, wrought iron along Redwood Road and along the trail a 6' high private vinyl fence which is currently not allowed by code.

Scott Langford noted that as the code currently sits their hands are tied on that.

Kara North was concerned if the park was sufficient for the needs of the residents. She is in favor of the city taking over the green space because they meet the requirement and have had trade off with trail improvements and drainage. The fencing complies with code. She is sure they will do the setback.

Kirk Wilkins asked applicant on their response to staffs proposal to increasing the open space.

Paul Linford noted that would be difficult. He thought they could sod some of the basins, but if it gets washed away it would need to be replaced. It's a tradeoff for all the things they have had to do but they will work with it.

Kirk Wilkins clarified that he would prefer to sod native areas instead of swapping the lots staff suggested.

Jeremy Lapin said for staff, they deal with a lot of complaints when there is a lot of native vegetation next to homes, so he thought they could sod along the trails next to the houses.

Paul Linford said he could do that.

Kirk Wilkins thanked him for his suggestions.

Kara North thought this different suggestion would work.

Kirk Wilkins commented on the driveways and clarified that it was taken care of by the conditions. His recommendation was that if the developer is willing to sod all of those areas than he thinks the city could take care of that and avoid and HOA.

Hayden Williamson recommended that they sod some of the detention basins. He asked if they had given thought to playground equipment if he has sod there.

Paul Linford said they could do that.

Hayden Williamson wouldn't want to make it a condition, just a suggestion. He thanked them for the phase changes. He feels that we have the HOA vs. the City discussion a lot. He doesn't want to take care of every open space but doesn't want to force every development to be an HOA.

Scott Langford said the general policy was anything over 5 acres was easier for the city to maintain. He feels this follows that guideline.

Kimber Gabryszak noted that they have been having that discussion internally and are working to draft amendments to the code to be clear for what they are looking for on amenities and will be bringing that forward in the near future.

Sandra Steele likes that they are agreeing to do the sod. She is always concerned with native grasses because it becomes a weed problem. She asked what we require for detention basins, was it native or could it be sod.

Jeremy Lapin said they actually prefer sod for detention basis, debris basins were different. This has 2 debris and one detention. Sod would do well in the detention area.

Sandra Steele thought if they put sod in that basin she feels it would be quite a large area that would be usable for the residents. It might be a good size that would not be as hard for the city to maintain. She thinks if they take out the native along the south corridor and sod the basin it would be good.

Jeremy Lapin thinks the areas along the south would be hard for the parks department to get to. He would suggest only the detention basin on the East.

Sandra Steele thinks where there are larger lots that there is a certain amount of recreation on their own lots. It might be nice to have a bench along so parents can sit and watch their kids but any further improvements she doesn't know if that is necessary. She will let council decide on the maintenance. She wanted to add a condition that they not have final plat approval until they had secondary water.

Jeff Cochran asked Paul Linford to comment on his landscaping thoughts.

Paul Linford noted that there is a marketing issue here, the last thing they want is something to not be appealing. If they finish they would want to put some benches in and things to make it appealing. He thinks if they can get to the areas with lawn mowers they would sod them, it's not that much more cost than other native grasses they would have to plant. It comes down to working with staff and making it look great for marketing.

Jeff Cochran asked if staff had a position on maintenance.

Scott Langford noted that it might be nice for the applicant to look at grading and details that would make an efficient design for user and maintenance standpoints. If they could modify condition 5 to be more flexible so they have time to work with them before it comes to City Council and he would have a better understanding to present at that time.

Kimber Gabryszak noted that the city weighs the benefit to the overall community as well as the residents in that particular neighborhood. It's a significant cost over time, about \$5000 an acre/year but this, with a trail corridor and over all access, they could look into maintaining it.

Jeff Cochran reviewed discussion. Driveways, open space, street naming

Motion 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 Beacon Point Preliminary Subdivision Plat on approximately 63.64 acres of property as shown in Exhibit 2 and generally located at 4300 South Redwood Road, with the findings and conditions listed in the staff report. With the following clarifications or revisions: with the exclusion of condition 5, that being removed; and that applicant work with staff with respect to open space and whether that meets the recreational needs of the residents; that the applicant work with staff to revise the street naming issues that are not currently in compliance with City Code; and that the final plat not be recorded until secondary water issue is resolved; and that driveways that are shared must have a private driveway with a minimum length of 20 feet between the shared driveways in compliance with section 19.09.11 of City Code. Seconded by Sandra Steele. Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Kara North. Motion passed unanimously.

8. Public Hearing and Possible Recommendation: Concept Plan, General Plan Amendment, and Rezone and for Riverbend Medical located at 41 East 1140 North, Blaine Hales, applicant.

Kimber Gabryszak presented the plan. The property was zoned Mixed Use in anticipation of potential mixed commercial, office, and residential development on the property; however, the applicants wish to pursue only commercial. The elevations will be going back to the Urban Design Committee. She reviewed code compliance. Comments from the Riverview HOA were forwarded to the Planning Commission. Staff is recommending that a positive recommendation be given.

Blaine Hales, for applicant, noted they are mainly just trying to put a medical office on this site. He spoke on the setback requests; he thought there may have been an error when the original owner dedicated the area to the city, they gave too much. They took some measurements from the UDOT right of way and they are back 43 ft. they are 56 feet from the road. They thought, easier than trying to negotiate with the city, how about they make the setback a little less deep at that point which would create the same purpose. In this specific zone it hadn't been included and that is why he is asking for this. He is asking for 15ft. which would be equal to the other zones, but would be ok with 10 ft. They don't need more land; they are just trying to get the building a little closer to the street for visibility.

Public Hearing Open by Jeff Cochran

Alan Johnson, representing Riverbend HOA, the issue is on 1150 N. there is an island and they want to know who would be responsible for maintaining it and right now no one is maintaining it. Also, on 1140 N. being a public access, they asked who is responsible for snow removal. There is a wall that separates the residences with the property proposed here, the townhouses are lower than the grade and the wall is leaning over and they are asking builder not to put any heavy equipment along that wall.

Laurie Johnson noted that their home backs up to these two properties. In 2007 the owners said the house would be removed at that time and it still hasn't been removed. She hopes they will look out for the residences of Riverbend. She considers that the area has become the slums of the city and every bit of help that can come from the city or developer is appreciated. The home sales are being dropped because of it and she hopes the city can help.

Blaine Hales noted he had contacted the seller/developer and was told that he was maintaining the island and the road but as soon as it's done developing it would all go to the HOA and they would take care of it. Mr. Hales is ready to take their share of the responsibility.

Public Hearing Closed by Jeff Cochran

Sandra Steele feels neighborhood commercial is a good fit here. She feels this design elevation does not fit with the neighborhood. She thinks they could look at being more compatible with the neighborhood. She thinks the trash collector needs more space. She asked the architect and developer if they looked at the designing guidelines.

Lynn Lomond, Architect was present and they had wanted the building to be professional looking with its own identity.

Sandra Steele said they still had to follow the design guidelines; she wants him to look closer at it. She said if they are having physical therapy the ADA required that 20% of the parking needs to be accessible that means 3 parking spaces just for that office. She will let them work that out. The accessible spaces may be too far away from the door.

Hayden Williamson didn't really have any comments; he would ask that they do their best to follow the code requirements.

Kirk Wilkins agrees that Neighborhood Commercial is a good fit here. He asked if the medical office would be part of the HOA.

Blaine Hales said it was in beneficial interest to both parties to participate in it.

Kirk Wilkins would like to hear feedback on the roof lines.

Lynn Lomond, Architect. They consider this a professional medical building and that it needs to have its own identity. It's not a strip mall; they don't want it to blend in so well that it doesn't stick out a little as a medical professional building, also so that they can find it quickly. They think the colors will make it look more fun, especially for pediatrics. They see a lot of medical buildings that have more architectural design to them.

Kirk Wilkins asked what the hours of operation were.

Brian McCune, M.D. said there would be potential for after-hours but it would be within constraints of Residential Commercial.

Kirk Wilkins asked what would prevent lights of cars from splashing on the neighborhood. He asked if they may be taking care of the wall that was falling down.

Blaine Hales said they thought they had been asked to put up a wall and they were planning on that. He hadn't worked with the falling wall and wasn't sure on that.

Kirk Wilkins asked if we could put a condition in or just ask them to work with the neighborhood. He worried that if they brought the setback forward and the Road needed widened that it might be too close.

Blaine Hales explained that the property line was already so far set back that if the roadways widened that they would have to tear out other office buildings along the road before they ever got as far back as them.

Kimber Gabryszak noted that to separate the zone there could be an effective screen; she defined it from the code.

Kirk Wilkins asked if they were amenable to that.

Blaine Hales said he thought it was already on the plan.

Kara North said that she forwarded the notes from the HOA to the City staff. She is a resident of that development. She thanked the developer for coming to this area. She likes the plans and the distinction they want to make, she is ok with that design. With respect to fencing and lighting she recommends they work to meet code. She is ok with the 15' setback because of the wide space. She is not surprised that the prior developer did not take care of things. They appreciate them coming in.

Jeff Cochran asked about snow removal and wasn't it a responsibility of the HOA?

Jeremy Lapin said they are not aware of any existing maintenance requirement but they recommend that an agreement be worked out with the HOA and new developer.

Jeff Cochran is in favor of the rezone and thinks it makes good sense. He has no concerns with the building; he thinks it's just fine.

Sandra Steele thinks the building somewhere else would be great but that our code is so specific on this area and we should address the code and why we don't think it should comply.

Kara North noted that 'compatible' is subjective and that the interior of their units are extremely modern and that their design is similar to what has been approved elsewhere.

Sandra Steele thinks there are some very specific 'shalls' in the code that should be followed.

Jeff Cochran encouraged them to take all their feedback and work with staff to comply with the code.

Motion by Kara North, I move to forward positive recommendation to the City Council for the General Plan Amendment and Rezone of the ~1.63 parcel 51:508:0004 from Mixed Use to Neighborhood Commercial, as identified in Exhibit 1, with the Findings and Conditions listed in the staff report. Seconded by Hayden Williamson Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Kara North. Motion passed unanimously.

9. Public Hearing and Possible Recommendation: Revisions to the Land Development Code (Section 19.04, Neighborhood Commercial Setbacks).

Kimber Gabryszak reviewed the revision to the code.

Hayden Williamson asked what was standard in the rest of the code.

Kimber Gabryszak said the only other thing consistent was 10' the setback being reduced varies widely and that they are requesting this be 15 feet, there is a range of setbacks with a 10' exception.

Blaine Hales said it doesn't require them to ever allow it; it just gives them the option so if they feel it is worthy they can do that. He would like to have the 15' setback.

Public Hearing Open by Jeff Cochran

No public input at this time.

Public Hearing Closed by Jeff Cochran

Sandra Steele said we need to remember we are not just changing it for this property. She feels to give this extra 5 feet, then others will request it. She thinks to continue with the 10' as in the other areas would be more appropriate.

Hayden Williamson would be in favor of the 10' exception to be standard throughout the code.
Kirk Wilkins thinks the nice setbacks make the area look better and is a nice buffer between the buildings and the roads. He would go with the 10 ft.

Kara North agrees that for this applicant's purposes 15' would work out, but for in general 10ft. would be better.

Jeff Cochran asked if in reference to this applicant only, did the previous owner dedicate the area to the city?
Kimber Gabryszak said they have done some research on that and in this case the area was dedicated and we could sell the property back to them but it would have to be opened up to the whole market. If it was an actual error than the original surveyor could have it corrected but it wasn't an error, so that couldn't be done.

Motion by Kirk Wilkins that 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 19.04.20, with the Findings and Conditions listed in the staff report, with the clarification on condition 1 that the setback exception be 10 ft. Seconded by Kara North.

Kimber Gabryszak asked for clarification if they accepted the subcommittee recommendation on the limitation.

Kirk Wilkins amended the motion to add **a limitation to protect residential neighborhoods; no setback exceptions shall be granted for property lines abutting residentially developed or zoned property.**

Amendment accepted by Kara North.

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

10. Approval of Reports of Action.

No Reports of Action tonight.

11. Approval of Minutes:

1. October 9, 2014.

Motion by Sandra Steele to accept the Minutes from October 9th 2014. Seconded by Kara North. Aye: Sandra Steele, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Kara North. Motion passed unanimously.

12. Commission Comments.

No Comments.

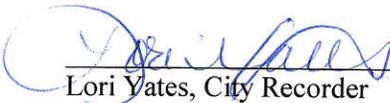
13. Director's Report.

Kimber reported on the last City Council meeting. She reviewed what would be in upcoming meetings. She touched on whose Planning commission chairs were up at the end of the term. Only Jeff Cochran at this time and in 2015 it would be Eric Reese and Sandra Steele.

Meeting adjourned by Jeff Cochran

Adjourn 10:32 pm

November 13, 2014
Date of Approval


Lori Yates, City Recorder

