

**City of Saratoga Springs  
Planning Commission Meeting  
January 8, 2015**

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, Sandra Steele, Kara North

Staff: Kimber Gabryszak, Sarah Carroll, Kevin Thurman, Jeremy Lapin, Nicolette Fike

Others: Charlie Hammond, Alan & Laurie Johnson, Rachel McKenzie, Blaine Hales, Dr. Brian McCune

**Excused:** Kirk Wilkins, Hayden Williamson

**Call to Order** - 6:30 p.m. by Jeff Cochran

Sandra Steele indicated that we needed to elect a new chairman tonight.  
Because it was not on the agenda they would elect a chairman pro-tem.

**Sandra Steele Nominated Jeff Cochran as Chairman Pro-tem. Seconded by Kara North  
Aye: Sandra Steele, Kara North, Jarred Henline. Nay: Jeffrey Cochran.  
Nomination accepted and Elected as Chairman pro-tem.**

**Pledge of Allegiance** – led by Jarred Henline

**Roll Call** – Quorum was present

**Public Input Open** by Jeff Cochran

No input.

**Public Input Closed** by Jeff Cochran

**4. Approval of the Planning Commission meeting schedule for 2015.**

**Motion made by Kara North to approve the Planning Commission meeting schedule for 2015. Seconded  
by Sandra Steele Aye: Sandra Steele, Jeffrey Cochran, Kara North, Jarred Henline. Motion passed  
unanimously.**

**5. Public Hearing and Possible Recommendation: Revisions to the Land Development Code, Section  
19.09.11, Required Parking.**

Sarah Carroll presented the revisions. The applicant is requesting an amendment to reduce the required number of parking spaces for fitness centers. There was comparison to other cities the business was located in; they were all 5 per 1000 sq.ft. or less.

Charlie Hammond representing the developer commented that their peak business hours were different than peak hours for many other businesses, early morning and right after work, not generally a lunch or dinner time.

**Public Hearing Open** by Jeff Cochran

No input at this time.

**Public Hearing Closed** by Jeff Cochran

Jarred Henline had no issues with the code change.

Kara North appreciated having the comparisons to the other cities. She could see that 5 is not uncommon and would not be opposed.

Sandra Steele said she was opposed to it as it also includes the smaller fitness centers which don't have enough parking at this time. She asked the applicant if he was planning on putting in an elevator, if not it may be resolved.

Charlie Hammond answered that they had a mezzanine and were required to have an elevator.

Sandra Steele commented that they had discussed the needs of parking for businesses a few years ago and they found that fitness centers had the highest impact on parking. She thinks they are making a mistake to change it. If it had on-street parking or apt. buildings where people would be walking it may be different, but the majority of people would be driving and they will pull from Lehi, Eagle Mountain, and Bluffdale and they will need more parking.

Jeff Cochran did not really know how much parking was needed and appreciated staffs research. He asked if there was a concern that if another applicant took over the building, would they be under parked.

Sarah Carroll replied that it would depend on what would be proposed.

Kimber Gabryszak noted that they have spent a lot of time considering this and they recently put in place a change of use permit where if they didn't meet the requirement for parking they would have to find a way to meet the parking before approval.

Jeff Cochran asked the applicant if there were neighboring business they have contacted for shared stalls possibility.

Charlie Hammond responded that had and the restaurants are not in favor of it and Walmart has not responded. They have never seen that many stalls required in any other city they have developed in.

Jeff Cochran indicated that because of the work staff has done and shown tonight he is not opposed to the change.

**Motion from 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 19.09.11 "Required Parking" to reduce the parking requirement for fitness centers from 6 stalls per 1,000 square feet to 5 stalls per 1,000 square feet, with the Findings and condition contained in the Staff Report. Seconded by Jarred Henline.**

**Aye: Jeffrey Cochran, Kara North, Jarred Henline. Nay: Sandra Steele. Motion carried 3-1.**

**6. Concept Plan for Vasa Fitness located at 1523 North Redwood Road, Charlie Hammond, applicant.**

Sarah Carroll presented the Concept plan. They are requesting a setback reduction on the west side of the building. In this case there is a detention basin to the west that is a landscaped area. They are proposing a conceptual rear elevation which will be the entrance.

Sandra Steele asked the applicant what the distance from the lowest parapet to the roof was because they require all rooftop equipment be screened. She wanted to make him aware of it

Charlie Hammond said they put the roof on a slope with RTU's on the backside, so they are not visible from the street.

Sandra Steele asked if roof top equipment has an access from the inside. (Yes.) She asked that when he brings in the elevations that they show the percentage of each building material and give the lengths of the longer portions of each material to make sure they don't exceed the requirements. She thought the sign might exceed the height limit but won't know till they get the preliminary plat. She also noted that they need to have equal architectural treatment on all sides.

Kara North asked Sarah Carroll to explain the detention basin issue again to fully understand how the detention basin contributed to the setback reduction.

Sarah Carroll pulled up an aerial photo that showed the current detention basin with sod and trees, there will not be another building put within 20-40 feet of this property line.

Kara North noted setback reductions are not generally favored and thanked her for the clarification. She said generally she is impressed how they have made the transition from Gold's Gym to Vasa, she likes their facades and hopefully it will be an attractive benefit to our city.

Jarred Henline asked about the size of the facility.

Rachel McKenzie said this isn't an express version but it doesn't have pool or racquetball but has basic cardio and workout spaces. They are planning on opening as soon as they can.

Jarred Henline appreciated Commissioner Steele and Commissioner North's comments. Hopefully when they come back it will have everything they need to move forward.

Jeff Cochran asked staff about the detention basin on the plan, could those be combined with the larger current basin to perhaps increase parking.

Jeremy Lapin hadn't done much research on it but he thought the Walmart pond might not be down-stream enough to handle and also cleaning was sized to the one site and if they combined it might be hard. He said not to the west but possibly to the south or underground.

Jeff Cochran challenged the applicant to look at the parking again and see if they could possibly add a few more stalls.

Rachel McKenzie replied that the most efficient way to get more parking would be to have less drive, if they look at landscape as percentage wise, and eliminate some of the landscaping on the edge it might, but when they look into how to break it up they have more drives and lose more stall.

Jeff Cochran said as they come back he would encourage them to follow code to make the process easier. We are anxious to have a place like this in the community. We look forward to having you back.

## **7. Public Hearing and Possible Recommendation: Conditional Use and Site Plan for Riverbend Medical located at 41 East 1140 North, west of Riverbend Development, Blaine Hales, applicant.**

Kimber Gabryszak presented the Site plan. She noted the elevations on the plan were situated in the direction you were looking at, not the direction they faced. She reviewed code compliance. She noted the condition that they work with Riverbend HOA to finalize a maintenance agreement. Kimber would recommend that they add a condition about the fence.

### **Public Hearing Open by Jeff Cochran**

Lori Johnson said when they first started this they were talking about putting a fence right above the leaning wall, that has disappeared from the plans. She is concerned that a car may accidentally go off the wall or lights would shine in the buildings. She is concerned about the condition that it comes to an HOA agreement to take care of the road. They don't have much money sitting in the HOA.

### **Public Hearing Closed by Jeff Cochran**

Blaine Hales responded that originally they had discussed putting a fence, then just a hedge along that side and the city told them they had to have a fence, they do have a fence now on the plans. The new plan including a fence was resubmitted recently. The engineer told him that the parking lot would slope away from the adjoining property so water will run away from the fence and if a car rolled it would roll back into the parking lot. They are concerned about the fencing because the neighbors have a rock wall along the property line and he is worried that putting a fence up would mess with the unstable wall. Also if they put a fence inside the property line they are worried that they would need some kind of agreement with the adjacent owners to avoid any legal issues with boundaries in the future.

Sandra Steele noted that compatibility is important; it is mentioned in the Code many times. She was hoping to see a color board which was not brought in tonight. She has seen rock in nearby buildings that she thinks they could incorporate easily to be more compatible. All building sides need to have equal treatment and she doesn't think they meet that. She reviewed the architectural standards. Since the building materials have not been provided and they did not give any dimensions on the buildings they cannot decide if they meet requirements. She noted that she can see 5 colors but only 4 major colors are allowed.

Blaine Hales said he has brought all these things into an engineer and feels that they have everything they asked for.

There may have been some breakdown in communication, Kimber had the most recent digital information and had not seen what was brought in.

Sandra Steele noted 19.14.06, several of those were met and she noted they needed to consider compliance to City Architectural standards. 19.18.08 iii - She also noted the monument sign needed the street number. She asked what the dimension from the shortest parapet to the roof would be and if they had an interior access. (Yes.) It looked like some were higher than others and she is concerned that the rooftop equipment won't be screened from view.

Kara North thought it was previously said that they would work with the HOA to shore up the wall.

Blaine Hales recalled that they had said they would work to not disturb it.

Kara North thought the staff had done a great job and agreed with the conditions in the report. She agreed with the majority of the comments Sandra Steele made but she does like what they have as far as the elevations are concerned. She would say an additional condition be added that the finalization of the HOA be in place before a Certificate of Occupation is given.

Jarred Henline clarified that Sandra Steele was saying they couldn't even make a decision tonight because they hadn't been given the appropriate information.

Kimber Gabryszak said they do comply with the height, she has measured it. There is side that is not in compliance and would need to add an architectural treatment.

Blaine Hales commented that it was one of the conditions that they do more rock treatment on the rear because it shows up on the other sides, the architect says he is planning on doing that and they will make sure it's not an issue.

Jarred Henline asked if they could put a condition on that they comply with that before it heads to Council. also there needs to be a condition that there is a privacy fence in there, that there needs to be an agreement with HOA prior to certificate of occupancy, that a façade shift or additional articulation needs to be added to the South wall, and that the percentage of the design materials match and meet the compliance of the City. With those he would be ok with forwarding it.

Jeff Cochran appreciates the comments, he felt there was information lacking but it sounds like it was provided in some sort. Most of his questions were answered but he is asking whose property the existing wall is on.

Blaine Hales replied that it's on both, some places on theirs and some on ours.

Jeff Cochran said where it's a wall in poor condition how do they protect it and not cause further problems.

Blaine Hales said they are willing to do something to find a good answer, he isn't sure what the answer is but he doesn't feel they should bear all the cost for it.

Jeff Cochran hates to sweep this issue under the rug but doesn't know how to best mitigate it.

Kara North thought they could potential add a condition that they meet with the HOA to discuss option for a joint resolution.

Kimber Gabryszak would recommend more of a determination based on whose property the wall is on.

Kevin Thurman says it's a Conditional Use permit and if this creates adverse impacts on neighboring properties then they can place a Reasonable Condition on the Conditional Use. The law does say reasonable and talks about that the impacts have to be detrimental. You could make it a condition that they address it before it comes to the Council stage.

Jeff Cochran thought that they could put a condition on it that the applicant determines who owns the fence and a potential mitigation based on findings.

Kevin Thurman said yes they could do that but it sounds like a lot of it will be addressed by the engineering standards.

Jeremy Lapin commented that his use does not affect the wall, the wall is inconvenient but he isn't causing it to be a worse condition. They are not allowed to discharge water on the neighboring parcel and they have a landscape buffer.

Further discussion was held on design standards and additional conditions to cover concerns Commission Steele addressed earlier.

**Motion from Kara North to Forward a positive recommendation to the City Council for the Riverbend Medical Site Plan and Conditional Use Permit, located on the approximately 1.63 acres of parcel 51:508:0004, as identified in Exhibit 1 and proposed in Exhibits 4, 5, 6, and 7, with the Findings and Conditions contained in the staff report as well as the additional conditions with the addition to number 5 that the applicant shall work with the Riverbend HOA to finalize a maintenance agreement for the shared road prior to issuance of any certificates of occupancy. And the additional conditions: that all mechanical equipment shall be screened; that address shall be added to the monument sign; that a façade shift or additional materials shall be added to the south façade in compliance with the design standards; Percentages of building materials on each elevation shall be provided to the Council in compliance with the design standards, page 3.6 prior to the Council meeting; Location of the existing rock wall shall be determined; if the wall is on the Riverbend commercial property it shall be stabilized. Second from Jarred Henline.**

Kimber Gabryszak did not write a condition to address the colors so she suggested adding that. "The percentages of building materials and **number of colors** on each elevation shall be provided to the Council. . ."

Kara North **accepted the amendment**

Jarred Henline **accepted the amendment**

Sandra Steele noted that nothing was said about the elevation to the west looking like a primary entrance.

**Aye: Jeffrey Cochran, Kara North, Jarred Henline. Nay: Sandra Steele. Motion carried 3-1.**

**8. Public Hearing and Possible Decision: Plat Amendment for Lot 37 in the Aspen Hills subdivision located at 1641 North Lyndi Lane, Kevin Tenney, applicant.**

Kimber Gabryszak presented the plat amendment. She noted they had seen a code amendment related to this. She reviewed code criteria and staff recommendation. They added a condition that a signature block for each utility shall be added to the plat, and signed prior to recordation.

**Public Hearing Open** by Jeff Cochran

No public input at this time.

**Public Hearing Closed** by Jeff Cochran

Jarred Henline wondered how they know what utility companies are really there.

Kimber Gabryszak said it's really only the ones we know about.

Kevin Thurman said there are no utilities where they have dug the swimming pool, the only ones we know about are in the 5' and it is the City that owns the public utility easement, we don't need the utility company's permission, but we could add their signature line to the plat if they would like to play it safe.

Jarred Henline commented that if we know there is nothing there and they don't own it than why would we need to require the signature blocks.

Kimber Gabryszak said it was because of some issues with release letters but since we know there aren't utilities in the area if they come later they will see the new plat with 5' utility easements.

Kevin Thurman thought it would be safer to leave it. They should be ok to not require it though, the hole has been dug and we know there is nothing there.

Jarred Henline would say to take off condition number 4 if it's not really needed.

Kara North does not have issues with it and is indifferent to condition 4.

Sandra Steele is uncomfortable with the way the letters are written, what would they do if they needed to come in with a bulldozer?

Jeremy Lapin commented that if they were bringing in large equipment, even with a 10' easement that would require fences be torn down. But a 5' pue is not uncommon to have. Is the concern that they won't sign it? Could they change it to an attempt to have them sign it?

Sandra Steele is concerned for potential owners, the signatures add a little bit of comfort.

Jeremy Lapin noted you could change it to show a 5' encroachment area and notify future homeowners that the area is at potential future risk.

Jeff Cochran thinks the utilities won't sign it and waive their right if given the option. The companies would need to do due diligence and find the most recent plat if they needed to come in.

Kevin Thurman says they don't have to sign the plat but we have to notify them. We are taking a bit of risk but not a huge one, we know there aren't any utilities there, they don't have veto power over a subdivision plat and we could send them a notification.

Jarred Henline thought we could send a notification that if they object they need to send notice in 14 days or something. If there is no opposition then it could be recorded. If there is opposition the homeowners could work on it.

Kevin Thurman noted on a plat there is an owner's dedication which dedicates the pue's to the City not the public utilities, other companies have to have franchise agreements to use them. Our franchise agreements require them to give owners notice before working in pue's, written and telephone.

Jeff Cochran can see the utility's coming back and saying no if given the option and that would be his concern. If you take out the 14 days you probably won't see it again. He would recommend that. This isn't along a major corridor; it's someone's back yard. Just give them notice that the easement has changed.

**Motion by Sandra Steele to approve the Aspen Hills Lot 37 Amendment as located in Exhibit 1 and proposed in Exhibit 3 with the Findings and Conditions in the Staff report. With the additional condition that the City shall send a notification letter to known public utilities with a 14-day period to provide comments. The plat may be recorded if no opposition is received. Seconded by Kara North.**

**Aye: Jeffrey Cochran, Kara North, Jarred Henline, Sandra Steele. Motion approved unanimously.**

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

Kimber Gabryszak reviewed the reports of action

Item 5, Code Amendment:

**Motion by Jarred Henline to approve the Report of Action as presented for the Code Amendment to Parking. Seconded by Kara North. Aye: Jeffrey Cochran, Kara North, Jarred Henline, Sandra Steele. Motion approved unanimously.**

Item 7, Riverbend

**Motion by Jarred Henline to approve the Report of Action as presented for the Riverbend Medical Conditional Use permit and Site plan. Seconded by Kara North. Aye: Jeffrey Cochran, Kara North, Jarred Henline, Sandra Steele. Motion approved unanimously.**

**10. Approval of Minutes:**

**1. December 11, 2014.**

Approval held until commissioners that were absent could be present.

**11. Commission Comments.**

Sandra Steele thought that they should think about going back and looking at the Design guidelines with the Planning Director and City Attorney to make sure it's not ambiguous, so it's more enforceable.

Jeff Cochran is concerned with becoming too restrictive and not giving license to be creative, generally when you give an applicant the chance to make something great they will often do something better. He sees value in the suggestion but doesn't want to be too restricting.

Kimber Gabryszak said they have a lot of code amendments in the future and questions that need to be answered. How do they make things predictable and fair? They have some priorities first, the residential design guidelines are on the list but not immediate.

Sandra Steele said if we are going to have rules lets enforce them if we aren't then let's throw them out.

**12. Director's Report.**

Kimber Gabryszak reported on the last City Council meeting and upcoming agendas.

**Meeting adjourned without objection by Jeff Cochran**

**Adjourn 8:30 pm**

February 12, 2015  
Date of Approval

Lori Yates  
Lori Yates, City Recorder

