



Planning Commission Meeting
Thursday, September 24, 2015
Meeting held at the Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs

AGENDA

One or more members of the Commission may participate electronically in this meeting.

PLEASE NOTE: THE ORDER OF THE FOLLOWING ITEMS MAY BE SUBJECT TO CHANGE WITH THE ORDER OF THE PLANNING COMMISSION CHAIR.

Regular Session commencing at 6:30 P.M.

1. Pledge of Allegiance.
2. Roll Call.
3. Public Input – Time has been set aside for any person to express ideas, concerns, comments, questions or issues that are not listed on the agenda. Comments are limited to three minutes.
4. Public Hearing: Summerhill Plat 5 - lots 508, 509, 510 Plat Amendment, Located at 2563 Delphinium Way, 2537 Delphinium Way, 2549 Delphinium Way, Alpine Homes, applicant. Presented by Sarah Carroll.
5. Public Hearing: Home Occupation for United Dance Center, located at 442 N Tioga Ave, Megan Hansen, applicant. Presented by Kara Knighton.
6. Public Hearing: The Crossing Community Plan and Village Plan, Redwood Road and Market Street, Boyer Company, applicant. Presented by Kimber Gabryszak. **Continued from September 10th, 2015.**
7. Public Hearing: Amendments to the City of Saratoga Springs Land Development Code including Landscaping, Sales Trailers, Clear Sight Triangles, and Others. Presented by Kimber Gabryszak.
8. Approval of Minutes:
 1. September 10, 2015.
9. Reports of Action.
10. Commission Comments.
11. Director's Report:
 - Council Actions
 - Applications and Approval
 - Upcoming Agendas
 - Other
12. Motion to enter into closed session for the purchase, exchange, or lease of property, pending or reasonably imminent litigation, the character, professional competence, the deployment of security personnel, devices or systems or the physical or mental health of an individual.
13. Adjourn.

*Public comments are limited to three minutes. Please limit repetitive comments.

Posted: 17st day of September, 2015. /s/ Lori Yates, City Recorder

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 766-9793 at least one day prior to the meeting.



Planning Commission Staff Report

Summerhill Plat 5 - lots 508, 509, 510 Plat Amendment September 24, 2015

Report Date:	September 17, 2015
Applicant:	Alpine Homes
Owners:	Robert and Christine Johnson (Lot 508), Matthew and Alicia Rider (Lot 509), Joshua and Abigail Webster (Lot 510)
Location:	2563 Delphinium Way, 2537 Delphinium Way, 2549 Delphinium Way
Major Street Access:	Stillwater Drive
Land area:	Area amended 2.523 acres
Parcel Number(s) & Size:	66:326:0508 (0.229 acres), 66:326:0509 (0.230 acres), 66:326:0510 (0.230 acres)
Parcel Zoning:	R-3, Low Density Residential
Adjacent Zoning:	R-3
Current Use of Parcel:	Existing Single Family Homes
Adjacent Uses:	Residential
Previous Meetings:	N/A
Previous Approvals:	Final Plat approval by City Council on 8/24/10, Variance approved on 8/18/15 by Hearings Examiner
Author:	Sarah Carroll, Senior Planner

A. **Executive Summary:**

This is a request for a plat amendment to formalize variances that were granted by the hearings examiner on August 18, 2015 (decision attached). The proposed plat amendment affects three lots in Summerhill Plat 5; lots 508, 509, and 510.

Recommendation:

Staff recommends that the Planning Commission conduct a public hearing and choose from the options in Section "H" of this report. Options include a motion for approval as proposed, a motion to continue the item to gather additional supportive information, or a motion for a denial based on non-compliance with findings of specific criterion.

B. **Background:**

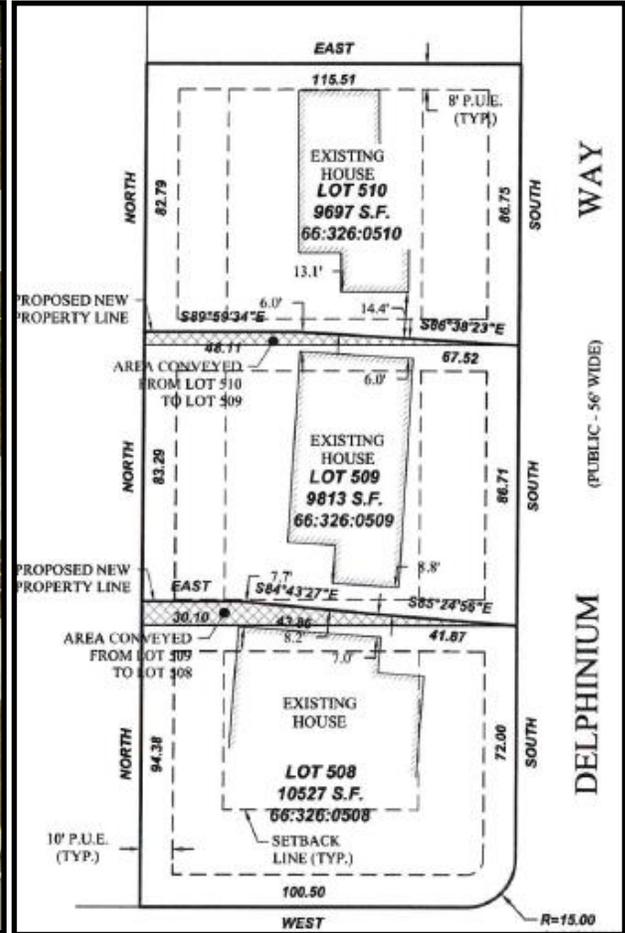
Summerhill plat 5 was recorded on December 17, 2010 (attached). Building permits were issued for lots 508, 509, 510 in 2012. During the home building process the builder measured for the placement of the foundation off of the property pins for the lots that are behind lots 508 and 509; as seen on the map below, the property corners for the lots behind 508 and 509 are offset and this impacted the placement of the homes. The homes were issued certificates of occupancy during March and June of 2012. The misplacement issue was identified after the homes were occupied. The aerial photo below indicates a

side door porch and a retaining wall for Lot 508 within the boundaries of Lot 509 and a retaining wall for lot 509 within the boundaries of Lot 510. The dashed red lines indicate the error that occurred.

EXISTING CONDITIONS:



APROVED VARIANCES:



On August 18, 2015, the Hearings Examiner approved the following variances with a condition that a plat amendment be recorded to formalize the variances:

Lot 508 (2563 Delphinium Way):

- o A 7 foot side yard setback was granted for the north side of the lot.

Lot 509 (2549 Delphinium Way):

- o An 8.2 foot side yard setback was granted on the south side of the home and a 6 foot setback was granted on the north side of the home.
- o A combined setback of 14.2 feet for the total side yard setbacks was granted.
- o A minimum lot size of 9,813 square feet was granted.

Lot 510 (2537 Delphinium Way):

- o A minimum lot size of 9,697 square feet was granted.

C. Specific Request:

The applicant is requesting a plat amendment to Summerhill Plat 5 for lots 508, 509, and 510 in order to adjust lot lines between these lots in order to formalize variances granted by the Hearings Examiner.

D. Process:

Section 19.12.09(6) requires that the Planning Commission is the Land Use Authority for plat amendments affecting a public utility easement (PUE). The proposed plat amendment also modifies the PUE's between lots; thus the Planning Commission is the deciding body.

E. Community Review:

Per 19.12.03 of the City Code, this item was noticed in *The Daily Herald*, and each residential property within 300 feet of the subject property was sent a letter at least ten calendar days prior to the Planning Commission meeting. As of the completion of this report, the City has not received any public comment regarding this application.

F. General Plan:

The General Plan designates this area as Low Density Residential. The Land Use Element of the General Plan defines Low Density Residential as one to four units per acre.

Staff Finding: Consistent. The proposed plat amendment does not increase the density within the subject development (Summerhill).

G. Code Criteria:

Section 19.12.10 of the City Code states:

For amendments where the Planning Commission is the Land Use Authority:

- i. the Planning Commission shall determine whether the amended plat complies with the requirements of this section, this Title, and Chapter 10-9a of the Utah Code;
- ii. the Planning Commission may approve, approve with conditions, or deny the amendment; and
- iii. if the Planning Commission approves an amended plat, the Mayor shall sign a plat showing the alteration and direct that the plat be recorded in the office of the Utah County Recorder.

Staff finding: Complies. The proposed plat amendment is intended to formalize the decision of the hearings examiner regarding variances related to yard setbacks and lot sizes. The proposed changes comply with the requirements of Title 19 in that the reduced setbacks and lot sizes were granted through the variance process. Chapter 10-9a-608 regulates plat amendments and requires a public hearing if all owners in the subject plat have not signed the revised plat. Because the plat amendment impacts only 3 lots within the plat all owners will not sign the plat; thus, a public hearing is required.

H. Recommendation and Alternatives:

Staff recommends that the Planning Commission review the proposed plat amendment, hold a public hearing, discuss any public input received, and choose from the options below.

Option 1 – Staff Recommendation, Approval

"I move to approve the proposed plat amendment for Summerhill Plat 5, located at 2563 Delphinium Way, 2537 Delphinium Way, and 2549 Delphinium Way, based on the following findings and conditions:"

Findings:

1. Prior to the City Council review of the Amended Plat, this item was noticed as a public hearing in the *Daily Herald*; and notices were mailed to all property owners within 300 feet of the subject property.
2. The proposed plat amendment will formalize variances granted by the hearings examiner on August 18, 2015.
3. The General Plan recommends Low Density Residential for this location which is defined as one to four units per acre. The proposed plat amendment will not increase the density within the subject plat.

Conditions:

1. The amended plat shall be signed by the property owners of lots 508, 509, and 510 and shall be recorded with the County Recorder's office.

Alternative Motions:

Alternative 1 - Continuance

The Planning Commission may choose to continue the item. "I move to **continue** the item to another meeting on [DATE], with direction to the applicant and Staff on information and / or changes needed to render a decision, as follows:

1. _____
2. _____

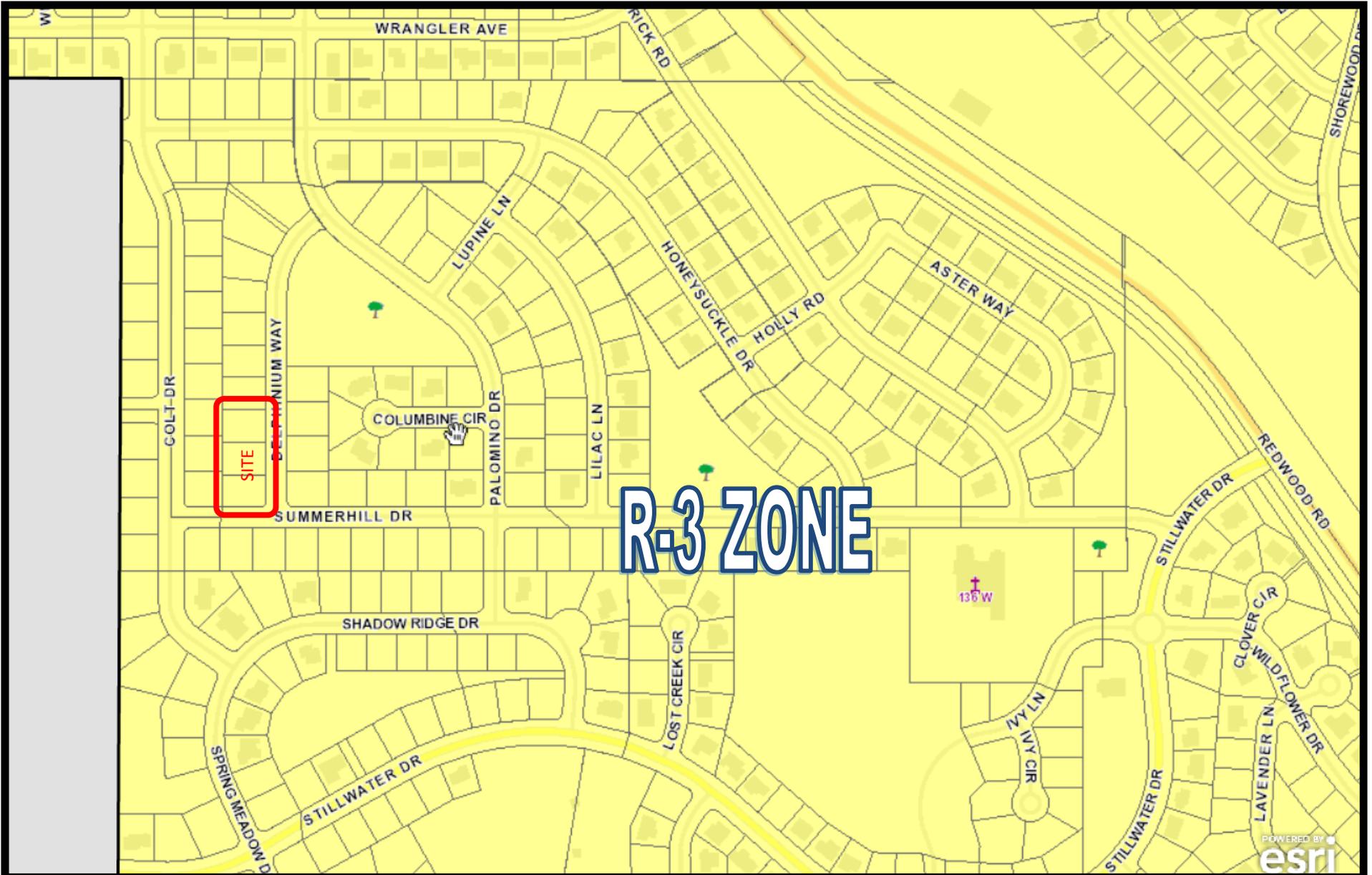
Alternative 2 - Denial

The Planning Commission may choose to deny the application. "I move to deny the proposed plat amendment for Summerhill Plat 5, located at 2563 Delphinium Way, 2537 Delphinium Way, and 2549 Delphinium Way, based on the following findings listed below:

1. The request is not consistent with the General Plan, as articulated by the Planning Commission: _____, and/or
2. The request is not consistent with Section 19.12.10, subsection _____, as articulated by the Planning Commission: _____.

I. Exhibits:

- A. Location Map
- B. Decision of Hearings Examiner
- C. Summerhill Plat 5, Recorded Plat
- D. Summerhill Proposed Plat Amendment



LOCATION / ZONING MAP

**THE CITY OF SARATOGA SPRINGS, UTAH, BEFORE THE
VARIANCE HEARING EXAMINER**

<p>In the Matter of:</p> <p>Summerhill Subdivision Lots 508, 509, and 510</p> <p>Applicant/Owner: Alpine Homes</p>	<p style="text-align:center">MEMORANDUM DECISION ON VARIANCE REQUEST</p> <p>Hearing Examiner: William Morris</p>
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STATEMENT OF THE FACTS

A public hearing was held before the Hearing Examiner on August 18, 2015, at the Saratoga Spring City Hall located at 1307 North Commerce Drive, # 200. Sarah Carroll was personally present representing the City of Saratoga Springs (hereafter referred to as the "City"). Jake Hone was present on behalf of Alpine Homes (hereafter referred to as the "Applicant").

Applicant requested a variance relating to Lots 508, 509, and 510 in the Summerhill Subdivision (collectively referred to as the "Lots"). These Lots were improperly measured when the existing homes on each of the Lots were being constructed. The home builder measured to the wrong property pins. This error was not identified until after the homes had been occupied and the owners desired to install a fence. The homes have now been occupied for approximately 3 years. Alpine Homes is requesting the following variances in order to resolve this matter:

1. Lot 508. Side yard setback reduction at 2563 South Delphinium Way from 8 feet to 7 feet.
2. Lot 509. Side yard setback reduction for both side yards and lot size reduction to 9,813 square feet at 2549 South Delphinium Way. Setback from 8 feet and 12 feet to 8.2 feet on the south side of the home and 6 foot setback on the north side of the home. This totals a 14.2 combined setback reduced from the 20 foot combined setback standard.
3. Lot 510. Lot size reduction from 10,000 square feet to 9,697 square feet at 2537 South Delphinium Way.

Plat 5 of the Summerhill Subdivision was recorded December 17, 2010, and included the Lots. Building permits were issued for the Lots in 2012. During construction, the home builder measured for the placement of the foundation off of the property pins for the lots that are behind lots 508 and 509. However, the property corners for the lots behind 508 and 509 are offset. The homes were issued certificates of occupancy between March and June 2012. It was later discovered that the Lots had been measured improperly. This has caused improvements on these Lots to be within the lot of another.

This variance request was duly noticed as a public hearing in the *Daily Herald*. Notice of the hearing was also mailed to all property owners within 300 feet of the property for which this variance was sought. As of the date of the hearing, no public input had been received by the City. No public comment was offered at the public hearing other than City staff and the Applicant in favor of this Variance Request.

The City gave its recommendation to that the Hearings Examiner who conducted a public hearing. The Hearing Examiner now enters the Findings of Fact and Conclusions of Law, based upon the analysis of the variance requirements.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Saratoga Spring Municipal Code (hereafter "SPMC") Chapter 19.03 provides the process by which variances are to be heard and decided by the Hearings Examiner.
2. Applicant's Variance Request is hereby granted as follows:
 - a. Lot 508. Side yard setback reduction at 2563 South Delphinium Way from 8 feet to 7 feet.
 - b. Lot 509. Side yard setback reduction for both side yards and lot size reduction at 2549 South Delphinium Way from 8 feet and 12 feet to 8.2 feet on the south side of the home and 6 foot setback on the north side of the home. This totals a 14.2 combined setback reduced from the 20 foot combined setback standard. Also, a Lot size reduction from 10,000 square feet to 9,813.
 - c. Lot 510. Lot size reduction from 10,000 square feet to 9,697 square feet.
3. Notice of the Public Hearing before the Hearing Examiner has been duly given.
4. The Public Hearing was held on August 18, 2015, at 4:00 PM, and no public comment was offered.
5. The Applicant is within the meaning of SPMC Section 19.03.18 which provides that "Any person or entity desiring a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or holds some other beneficial interest in may apply to the Hearing Examiner for a variance from the terms of Title 19."
6. SPMC Section 19.03.11 sets forth the powers and duties of the Hearing Examiner stating said Hearing Examiner has the power to "to hear and decide variances, as defined in state law, from the area, width, setback, or other terms of the land use ordinance except a use variance shall not be granted.
7. The Hearing Examiner finds that Applicant has properly made application, paid the required fee, and does hold beneficial interest in the property.
8. The Hearing Examiner finds that prior to filing an application for a variance with the Hearing Examiner, the Applicant did apply for a permit, or other land use approval, and was denied such by the City or land use administrative officer or agency of the City of Saratoga Springs, based on the specific requirement that is the subject of the variance.
9. Without the requested variances, the structures on the Lots are out of compliance with the R-3 zone because the homes were incorrectly placed during the building phase. The alternative would be to rebuild the homes which have been occupied since March and June of 2012. There are other developments in the R-3 Zone in the City where a minimum lot size of 9,000 square feet was granted due to extra amenities provided by the developer and in some R-3 PUD developments where setbacks have also been reduced. Although Summerhill Subdivision is not a PUD, and lot size reductions were not granted for this subdivision, there are other lots in the City in the R-3 zone that fall between the 9,000-10,000 square foot range and have reduced setbacks. The current request applies only to three lots, and not to an entire development. The granting of the proposed variances corrects an issue that has existed for over 3 years and will correct the lot lines between existing homes. This provides certainty to the existing home owners, and is a property right that is enjoyed by similar homes.
10. The Hearing Examiner finds that the Hearing Examiner may grant a variance only if the requirements of Utah Code § 10-9a-702 are met as follows:
 - a. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the City's land use ordinances. According to SPMC Section 19.04.04, the general purpose of the City's land use ordinance "is to preserve and promote the health, safety, morals, convenience, order, fiscal welfare, and the general welfare of the City". The requested variance will allow for the Lots to correct a defect in the lot lines that they did not create.
 - b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone. The special circumstances are the defect does not occur on other lots in the Subdivision.
 - c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone. Other properties in the same zone enjoy accurate property lines, and granting this variance the Lots will enjoy the same.
 - d. The variance will not substantially affect the City's General Plan and will not be contrary to the public interest. The City's General Plan outlines Goal 1.0 within the Land Use Element of the

General Plan stating it is to "Provide for orderly and efficient development that is compatible with both the natural and built environment by developing a land-use map that includes all projected land in the community." Granting the variance will not substantially affect the General Plan because the granting of the variance will support efficient development that is compatible with the natural and built environment by correcting lot lines. Granting the variance is not contrary to the public interest because it will create certainty in the accuracy of the boundaries of the Lots. The spirit of the land use ordinance is observed and substantial justice done. The spirit of the land use ordinance is observed in that the subject lots still meet the overall goals of the R-3 Zone

11. In accordance with Utah Code § 10-9a-702 (2)(b), in determining whether enforcement of the land use ordinance would cause unreasonable hardship, the Hearing Examiner finds that the unreasonable hardship:
 - a. Is located on or associated with the property for which the variance is sought. The hardship is the defect in the lines of these Lots.
 - b. The defect comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
 - c. Is not self-imposed or economic as the hardship was not imposed by the property owner.
12. In accordance with Utah Code § 10-9a-702 (2)(b), in determining whether or not there are special circumstances attached to the property, the Hearing Examiner finds that special circumstances exist that relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zone. The hardship complained of is a defect on lot measurement that created a special circumstance for these Lots. The special circumstance deprives the property of privileges granted to other properties in the same zone, because it creates uncertainty for the integrity of the lots lines on these Lots.
13. The Hearing Examiner finds that the applicant has met the burden of proving that all of the conditions justifying a variance have been met.
14. In granting a variance, the Hearing Examiner may impose additional requirements on the Applicant that will mitigate any harmful effects of the variance or serve the purpose of the standard or requirement that is waived or modified. The Hearing Examiner hereby accepts the City staff recommendation and hereby imposes the following conditions:
 - a. Any lot line adjustments shall be recorded as shown on the Exhibits in the Staff Recommendation or as provided by the Applicant.
 - b. Public Utility Easements along the side property lines shall be modified to line up with the new property line locations which may require a plat amendment if determined by the City staff or County Recorder.
15. In addition to the requirements of Utah Code § 10-9a-702, the Hearing Examiner cannot grant a variance greater than the minimum amount necessary to afford relief. The variances granted herein are determined to be the minimum amount necessary to afford relief.

DECISION

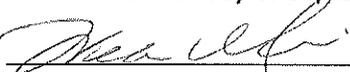
The Hearing Examiner hereby grants a variance to run with the land as follows:

1. Lot 508. Side yard setback reduction at 2563 South Delphinium Way from 8 feet to 7 feet.
2. Lot 509. Side yard setback reduction for both side yards and lot size reduction at 2549 South Delphinium Way from 8 feet and 12 feet to 8.2 feet on the south side of the home and 6 foot setback on the north side of the home. This totals a 14.2 combined setback reduced from the 20 foot combined setback standard. Also, a Lot size reduction from 10,000 square feet to 9,813 square feet is granted.
3. Lot 510. Lot size reduction from 10,000 square feet to 9,697 square feet at 2537 South Delphinium Way.

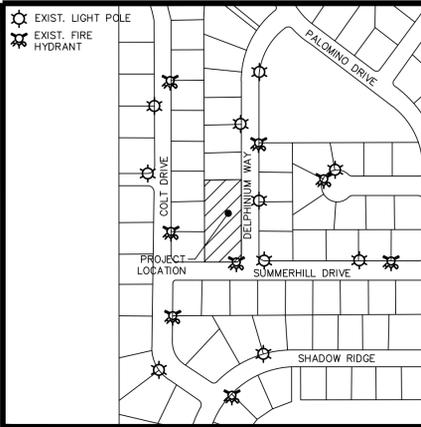
The variances granted herein are subject to the following conditions:

1. Any lot line adjustments shall be recorded as shown on the Exhibits in the Staff Recommendation or as provided by the Applicant.
2. Public Utility Easements along the side property lines shall be modified to line up with the new property line locations which may require a plat amendment if determined by the City staff or County Recorder.

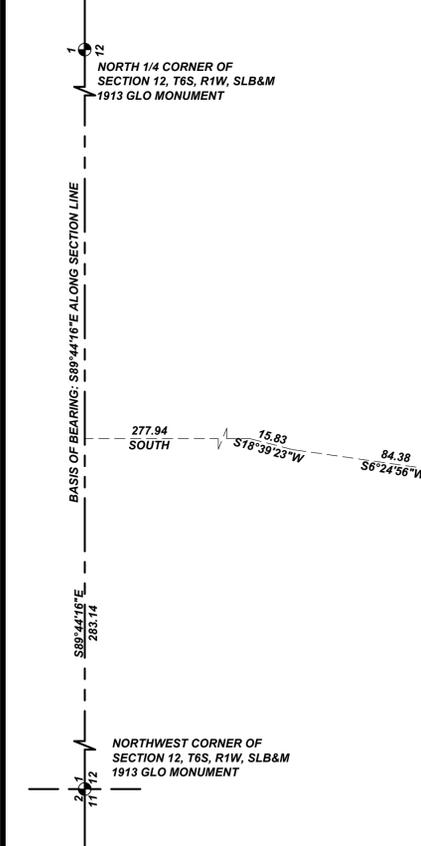
DATED this 17th day of September 2015.



WILLIAM MORRIS, Hearing Examiner



VICINITY MAP
N.T.S.



- #5 REBAR & CAP (FOCUS ENG) TO BE SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
- BY SIGNING THIS PLAT, THE FOLLOWING UTILITY COMPANIES ARE APPROVING THE: (A) BOUNDARY, COURSE, DIMENSIONS, AND INTENDED USE OF THE RIGHT-OF-WAY AND EASEMENT GRANTS OF RECORD; (B) LOCATION OF EXISTING UNDERGROUND AND UTILITY FACILITIES; (C) CONDITIONS OR RESTRICTIONS GOVERNING THE LOCATION OF THE FACILITIES WITHIN THE RIGHT-OF-WAY, AND EASEMENT GRANTS OF RECORD, AND UTILITY FACILITIES WITHIN THE SUBDIVISION. "APPROVING" SHALL HAVE THE MEANING IN UTAH CODE SECTION 10-9A-603(4)(c)(ii).
- EXISTING STREET MONUMENT

CENTURY LINK

Approved this _____ day of _____, A.D. 20____

QWEST

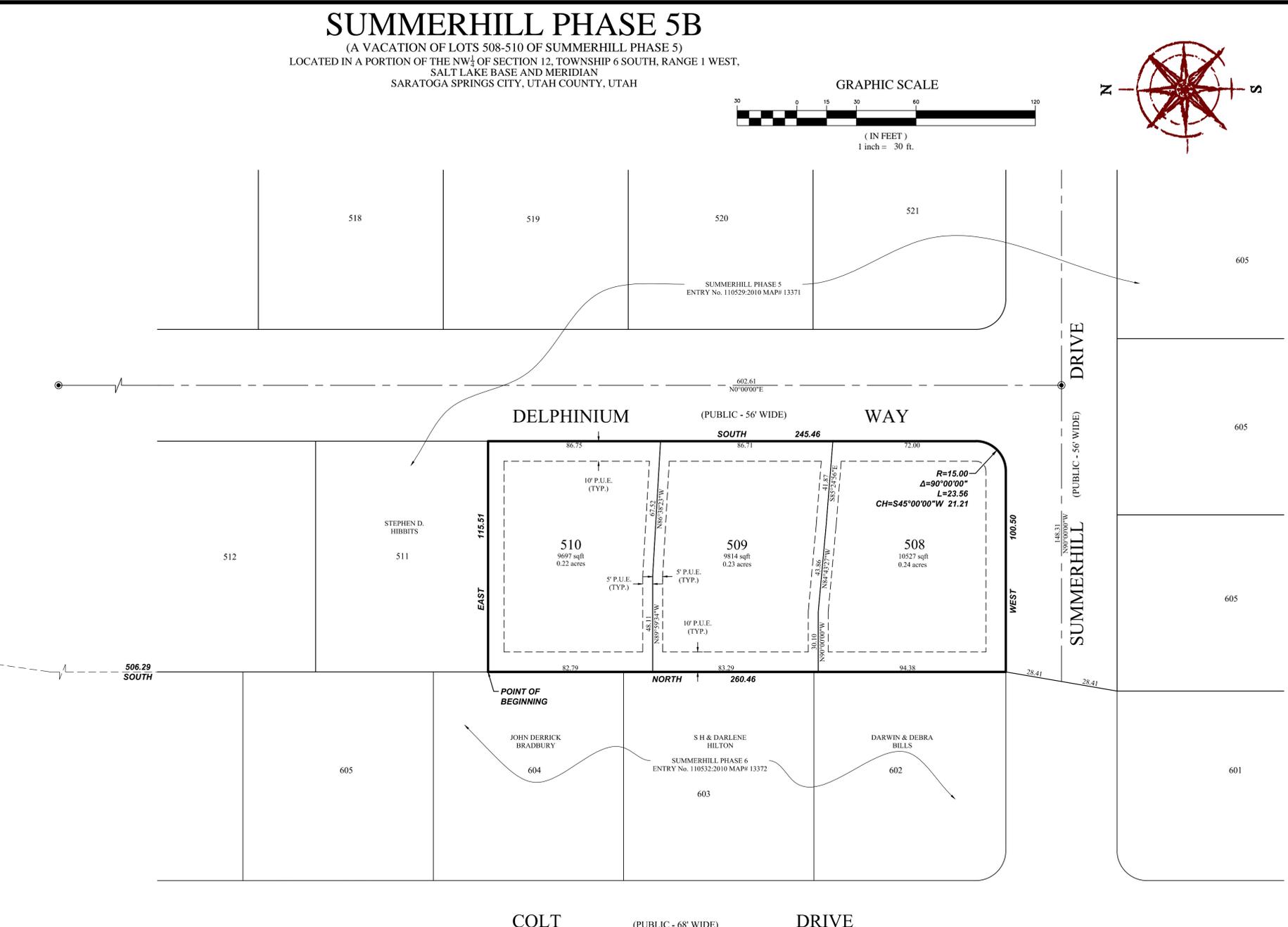
COMCAST CABLE TELEVISION

Approved this _____ day of _____, A.D. 20____

COMCAST CABLE TELEVISION

PREPARED BY

FOCUS
ENGINEERING AND SURVEYING, LLC
502 WEST 8360 SOUTH
SANDY, UTAH 84070 P/E: (801) 352-0075
www.focusutah.com



OWNER S ACKNOWLEDGMENT

STATE OF UTAH
S.S.
COUNTY OF UTAH

ON THE _____ DAY OF _____, 2015 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF UTAH, IN SAID STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT ABIGAIL WEBSTER SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED

MY COMMISSION EXPIRES _____ NOTARY PUBLIC RESIDING IN _____ COUNTY

OWNER S ACKNOWLEDGMENT

STATE OF UTAH
S.S.
COUNTY OF UTAH

ON THE _____ DAY OF _____, 2015 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF UTAH, IN SAID STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT JOSHUA WEBSTER SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED

MY COMMISSION EXPIRES _____ NOTARY PUBLIC RESIDING IN _____ COUNTY

OWNER S ACKNOWLEDGMENT

STATE OF UTAH
S.S.
COUNTY OF UTAH

ON THE _____ DAY OF _____, 2015 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF UTAH, IN SAID STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT ALICIA RIDER SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED

MY COMMISSION EXPIRES _____ NOTARY PUBLIC RESIDING IN _____ COUNTY

QUESTAR GAS COMPANY

Approved this _____ day of _____, A.D. 20____

QUESTAR GAS COMPANY

ROCKY MOUNTAIN POWER

Approved this _____ day of _____, A.D. 20____

ROCKY MOUNTAIN POWER

FIRE CHIEF APPROVAL

Approved by the Fire Chief on this _____ day of _____, A.D. 20____

CITY FIRE CHIEF

PLANNING COMMISSION REVIEW

Reviewed by the Planning Commission on this _____ day of _____, A.D. 20____

CHAIRMAN, PLANNING COMMISSION

SARATOGA SPRINGS ENGINEER APPROVAL

Approved by the City Engineer on this _____ day of _____, A.D. 20____

CITY ENGINEER

SARATOGA SPRINGS ATTORNEY

Approved by Saratoga Springs Attorney on this _____ day of _____, A.D. 20____

SARATOGA SPRINGS ATTORNEY

LEHI CITY POST OFFICE

Approved by Post Office Representative on this _____ day of _____, A.D. 20____

LEHI CITY POST OFFICE REPRESENTATIVE

OWNER S ACKNOWLEDGMENT

STATE OF UTAH
S.S.
COUNTY OF UTAH

ON THE _____ DAY OF _____, 2015 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF UTAH, IN SAID STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT ROBERT B. JOHNSON SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED

MY COMMISSION EXPIRES _____ NOTARY PUBLIC RESIDING IN _____ COUNTY

OWNER S ACKNOWLEDGMENT

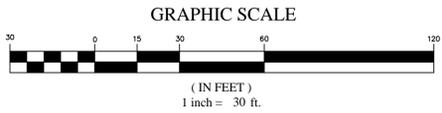
STATE OF UTAH
S.S.
COUNTY OF UTAH

ON THE _____ DAY OF _____, 2015 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF UTAH, IN SAID STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT CHRISTINE E. JOHNSON SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED

MY COMMISSION EXPIRES _____ NOTARY PUBLIC RESIDING IN _____ COUNTY

SUMMERHILL PHASE 5B

(A VACATION OF LOTS 508-510 OF SUMMERHILL PHASE 5)
LOCATED IN A PORTION OF THE NW¼ OF SECTION 12, TOWNSHIP 6 SOUTH, RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Dennis P. Carlisle, do hereby certify that I am a Professional Land Surveyor and that I hold a license, Certificate No. 172675, in accordance with the Professional Engineers and Land Surveyors Licensing Act found in Title 58, Chapter 22 of the Utah Code. I further certify that by authority of the owners, I have made a survey of the tract of land shown on this plat and described below, have subdivided said tract of land into lots, and easements, have completed a survey of the property described on this plat in accordance with Utah Code Section 17-23-17, have verified all measurements, and have placed monuments as represented on the plat. I further certify that every existing right-of-way and easement grant of record for underground facilities, as defined in Utah Code Section 54-8a-2, and for other utility facilities, is accurately described on this plat, and that this plat is true and correct. I also certify that I have filed, or will file within 90 days of the recordation of this plat, a map of the survey I have completed with the Utah County Surveyor.

Dennis P. Carlisle
Professional Land Surveyor
Certificate No. 172675

Date _____

BOUNDARY DESCRIPTION

A portion of the NW¼ of Section 12, Township 6 South, Range 1 West, Salt Lake Base and Meridian, more particularly described as follows:
Beginning at the Southwest corner of Lot 511 SUMMERHILL PHASE 5 Subdivision, according to the Official Plat thereof on file in the Office of the Utah County Recorder, located S89°44'16"E along the Section line 283.14 feet, South 277.94 feet, S18°39'23"W 15.83 feet, S6°24'56"W 84.38 feet, South 506.29 feet from the Northwest Corner of Section 12, Township 6 South, Range 1 West, Salt Lake Base and Meridian; thence East along said lot 115.51 feet to the westerly line of Delphinium Way; thence South along said line 245.46 feet; thence along the arc of a 15.00 foot radius curve to the right 23.56 feet through a central angle of 90°00'00" (chord: S45°00'00"W 21.21 feet); thence West along the northerly line of Summerhill Drive 100.50 feet to the Southeast corner of Lot 602 SUMMERHILL PHASE 6 Subdivision, according to the Official Plat thereof on file in the Office of the Utah County Recorder; thence North along said plat 260.46 feet to the point of beginning.

Contains: 0.69± acres, 3 Lots

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, THE _____ UNDERSIGNED OWNERS OF THE ABOVE DESCRIBED TRACT OF LAND HAVING CAUSED SAME TO BE SUBDIVIDED INTO LOTS TO BE HEREAFTER KNOWN AS

SUMMERHILL PHASE 5B
(A VACATION OF LOTS 508-510 OF SUMMERHILL PHASE 5)

DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC AND/OR CITY ALL PARCELS OF LAND, EASEMENTS AND PUBLIC AMENITIES SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE OWNER(S) VOLUNTARILY DEFEND, INDEMNIFY, AND SAVE HARMLESS THE CITY AGAINST ANY EASEMENTS OR OTHER ENCUMBRANCE ON A DEDICATED STREET WHICH WILL INTERFERE WITH THE CITY'S USE, MAINTENANCE, AND OPERATION OF THE STREET. THE OWNER(S) VOLUNTARILY DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY FROM ANY DAMAGE CLAIMED BY PERSONS WITHIN OR WITHOUT THIS SUBDIVISION TO HAVE BEEN CAUSED BY ALTERATIONS OF THE GROUND SURFACE, VEGETATION, DRAINAGE, OR SURFACE OR SUB-SURFACE WATER FLOWS WITHIN THIS SUBDIVISION OR BY ESTABLISHMENT OR CONSTRUCTION OF THE ROADS WITHIN THIS SUBDIVISION.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HANDS THIS _____ DAY OF _____ A.D. 20____

ROBERT B. JOHNSON
CHRISTINE E. JOHNSON

MATTHEW LANCE RIDER
ALICIA RIDER

JOSHUA WEBSTER
ABIGAIL WEBSTER

OWNER'S ACKNOWLEDGMENT

STATE OF UTAH
S.S.
COUNTY OF UTAH

ON THE _____ DAY OF _____, 2015 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF UTAH, IN SAID STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT ROBERT B. JOHNSON SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED

MY COMMISSION EXPIRES _____ NOTARY PUBLIC RESIDING IN _____ COUNTY

OWNER'S ACKNOWLEDGMENT

STATE OF UTAH
S.S.
COUNTY OF UTAH

ON THE _____ DAY OF _____, 2015 PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF UTAH, IN SAID STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, _____ IN NUMBER, WHO DULY ACKNOWLEDGED TO ME THAT CHRISTINE E. JOHNSON SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED

MY COMMISSION EXPIRES _____ NOTARY PUBLIC RESIDING IN _____ COUNTY

APPROVAL B LEGISLATIVE BOD

THE CITY OF SARATOGA SPRINGS, COUNTY OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS _____ DAY OF _____, A.D. 20____.

APPROVED BY MAYOR _____

ATTEST
CITY-RECORDER
(SEE SEAL BELOW)

PHASE 5B

SUMMERHILL

(A VACATION OF LOTS 508-510 OF SUMMERHILL PHASE 5)
LOCATED IN A PORTION OF THE NW¼ OF SECTION 12, TOWNSHIP 6 SOUTH,
RANGE 1 WEST,
SALT LAKE BASE AND MERIDIAN
SARATOGA SPRINGS CITY, UTAH COUNTY, UTAH

SURVYOR'S SEAL	NOTARY PUBLIC SEAL	CITY-COUNTY ENGINEER SEAL	CITY-COUNTY RECORDER SEAL
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CITY OF
SARATOGA SPRINGS

PLANNING COMMISSION Staff Report

Home Occupation United Dance Center September 24, 2015 Public Hearing

Report Date:	September 17, 2015
Applicant:	Megan Hansen
Owner:	Megan Hansen
Location:	442 N Tioga Ave
Major Street Access:	400 North
Parcel Number(s) & Size:	66:475:0407, 0.240 acres
Parcel Zoning:	R-3
Adjacent Zoning:	R-3
Current Use of Parcel:	Single-Family
Adjacent Uses:	Single-Family Residential
Previous Meetings:	N/A
Previous Approvals:	N/A
Type of Action:	Administrative
Land Use Authority:	Planning Commission
Future Routing:	None
Author:	Kara Knighton, Planner I

1. Executive Summary:

The applicant, Megan Hansen, is requesting approval for a dance studio in the basement of the home at 442 N Tioga Avenue in the R-3 zone.

Recommendation:

Staff recommends that the Planning Commission conduct a public hearing, take public comment, review and discuss the proposal, and vote to approve the home occupation as outlined in Section "H" of this report. Alternatives include continuation of the item, and denial.

2. Background:

The application is for a dance studio, proposed as follows:

- Hours of operation are described below
 - Monday 2 p.m. to 8:30 p.m.
 - Tuesday 9 a.m. to 12 p.m., and 3 p.m. to 8:30 p.m.
 - Wednesday 3 p.m. to 8:30 p.m.
 - Thursday 3 p.m. to 8:45 p.m.
 - Friday 9 a.m. to 12 p.m., and 3 p.m. to 6 p.m.
 - Saturday 9 a.m. to 1 p.m.
- Proposed 3-6 classes per day with 6-12 students per class
- Dance studio to take place in the basement of the home
- No more than two non-family member employees on site at any one time with a total of eight employees.
- Home is ~ 4308 sq. ft. and the amount of home used by the dance studio is ~ 1300 sq. ft.

C. Specific Request: The applicant, Megan Hansen, is requesting approval for a dance studio in the basement of the home at 442 N Tioga Avenue in the R-3 zone. The dance studio is proposed to operate from 9 a.m. until 8:45 p.m., Monday through Saturday. The applicant has proposed an average of 6-12 students, ages 3 to 18, per class with 3-6 classes per day.

D. Process:

The process and standards for a Home Occupation are found in Section 19.08 of the Code. Minor home occupations are approved administratively by Staff. However, if the proposal includes more than five patrons or customers per day, the approval body becomes the Planning Commission, which is required to hold a public hearing.

As the proposal is for more than five students per day, this home occupation must be reviewed by the Planning Commission as part of the public hearing.

E. Community Review: “This item has been noticed as a public hearing in the *Daily Herald*; and mailed notice sent to all property owners within 300 feet. As of the date of this report, no public input has been received.”

F. General Plan: The Low Density Residential designation is designed to provide areas for residential subdivisions with an overall density of 1 to 4 units per acre. This area is characterized by neighborhoods with streets designed to the City’s urban standards, single-family detached dwellings and open spaces.

Staff conclusion: Consistent. The proposed dance studio is a home occupation and will not disrupt the residential intent nor increase the density in the neighborhood.

G. Code Criteria:

Section 19.08.02 of the Code outlines the standards for home occupations:

19.08.02. Performance Standards.

Proposed Home Occupations must be in compliance with the following performance standards to ensure that adverse impacts to others are minimized and that the residential characteristics are preserved. Home Occupations are to be clearly incidental and secondary to the residential use of the property. All Home Occupations may be allowed if approved and in compliance with the terms of this Chapter and may be revoked if these performance standards are not maintained. Performance standards include:

1. **Floor Area.** A home occupation may be located in any single family dwelling, or an accessory building to such a dwelling, but shall not occupy or use more than one-third of the finished square footage of the dwelling in any 24 hour period.

Staff analysis: complies. The business occupies ~ 1300 sq. ft. of the 4308 sq. ft. house; therefore no more than 1/3 of the finished sq. ft. will be used.

2. **Building and Fires Codes.** A Home Occupation, including Home Occupations located in accessory buildings, shall comply with all applicable building and fire codes. For example, if a Home Occupation is located in a garage, approval for occupancy must be given by the Building Official and Fire Marshall.

Staff analysis: complies. The proposed home occupation will be located in the main dwelling, and not in an accessory building. The building department issued a certificate of occupancy for the home on August 20, 2015. The Fire Department will inspect the dance studio for compliance prior to issuance of the business license. Two 5lb. fire extinguishers shall be provided and properly mounted in the dance areas. At least one window in each room shall have an egress ladder attached to it. Fire will inspect the business annually and the appropriate fees will be assessed for the inspections.

3. **Employees.** Home Occupations may have no more than two on-premise employees who are not members of the resident family or household.

Staff analysis: complies. The applicant has proposed no more than two non-family member employees to be on site at one time throughout the day with a total of eight non-family employees.

4. **Parking.** Home Occupations shall provide adequate off-street parking as required by Chapter 19.09. Vehicles used in the occupation, other than passenger cars, may not be parked on site, unless parked in the home's garage or other solid structure

to shield the vehicles from view. Further, Home Occupations may not be located in required parking spaces (whether covered or uncovered) per Chapter 19.09.

Staff analysis: complies. Section 19.09.11 requires two spaces for the single family dwelling plus one space per outside employee. There is a three-car garage and enough space in the driveway to accommodate three additional vehicles. The Code requires a two-car garage and a 20' driveway (4 stalls); six parking spaces are available. The home occupation will be located in the basement and will not be located in required parking areas such as the garage. There are no vehicles associated with the proposed home occupation.

5. **Outdoor Storage.** Outdoor storage associated with a Home Occupation shall be subject to the same performance standards governing other outdoor storage on residential lots.

Staff analysis: complies. No outdoor storage is proposed.

6. **Outdoor Activity.** Outdoor activity may occur for a Home Occupation so long as the activity takes place in a fenced area and does not create an unreasonable disturbance to neighboring properties.

Staff analysis: complies. The proposal does not include outdoor activities, and the entirety of the activities will take place indoors.

7. **Signs.** A Home Occupation may display a nameplate sign attached to the home not exceeding four square feet solely for the purpose of identifying the occupation. The design and placement of a proposed sign must receive approval from the Planning Commission or City Staff. Signs that in any manner are electronic, electric, lighted, or back-lit are strictly prohibited.

Staff analysis: complies. The proposed sign is a nameplate two feet long and one foot tall displaying the name "United Dance Center" above the entrance to the studio.

8. **Hours of Operation.** Home Occupations that receive customers, clients, or students shall operate only between 7:00 a.m. and 10:00 p.m., except for pre-schools or day care which may operate from 6:00 a.m. to 10:00 p.m.

Site analysis: complies. The proposed hours of operation are 9:00 a.m. to 8:45 p.m.

- 9. Hazardous Materials.** No Home Occupation shall generate hazardous wastes or materials that increase the danger of fire or cause fumes or odors that may be objectionable to neighboring residents.

Staff analysis: complies. No hazardous wastes or materials will be generated that may impact the neighboring residents.

- 10. Exterior Appearance.** No Home Occupation shall alter the exterior of the home to differ from the colors, materials, construction, or lighting of the home before it was used as a Home Occupation.

Staff analysis: complies. The home will continue to look like a typical home.

- 11. Retail Sales.** Service related Home Occupation may conduct incidental retail sales provided that the sales do not increase traffic or violate any other performance standard.

Site analysis: complies. The proposal does not include retail sales.

- 12. Traffic and Utilities Use.** The Home Occupation shall not generate traffic or increase the demand for utilities that exceeds those normally associated with residential uses.

Staff analysis: Up for discussion. The proposed drop off along Lewis Lane may generate higher traffic during student pick up/ drop off. The applicant recently moved to this home from 388 W McAllister Lane; during that time the City did not receive any complaints. She operated her business at that location since August 24, 2011. The previous lot was also a corner lot.

- 13. Business License.** A business license is required for all Home Occupations.

Staff analysis: A business license will be required prior to operation.

- 14. Additional Home Occupations.** More than one Home Occupation is allowed for each lot or parcel if the combined Home Occupations meet all requirements of this Chapter as if all were one Home Occupation.

Staff analysis: complies: Only one home occupation will operate at this address.

H. Recommendation and Alternatives:

Staff recommends that the Planning Commission conduct a public hearing, take public input, discuss the application, and choose from the following options.

Staff Recommended Option – Approval

“I move to approve the proposed home occupation for a salon, located at 442 N Tioga Avenue, with the Findings and Conditions below:”

Findings

- 1. With conditions the application complies with the criteria in Section 19.08.02 of the Development Code, as articulated in Section “G” of the staff report.
- 2. The application is consistent with the General Plan, as articulated in Section “F” of the staff report.

Conditions:

- 1. The home occupation is approved as shown in the attachments to the Staff report in Exhibits 2 and 3.
- 2. The home occupation meets all Fire and Building codes, as articulated in Section “G” of the staff report.
- 3. All Fire Department requirements shall be met.
- 4. A business license shall be obtained, as articulated in Section “G” of the staff report.
- 5. Student drop-off and pick-up shall be staggered to ensure that traffic congestion and parking issues do not occur.
- 6. No on-street parking is permitted as part of the home occupation.
- 7. Any other conditions or changes as articulated by the Planning Commission: _____.

Alternative 1 - Continuance

The Planning Commission may also choose to continue the item. “I move to **continue** the home occupation to another meeting on [DATE], with direction to the applicant and Staff on information and / or changes needed to render a decision, as follows:

- 1. _____
- 2. _____

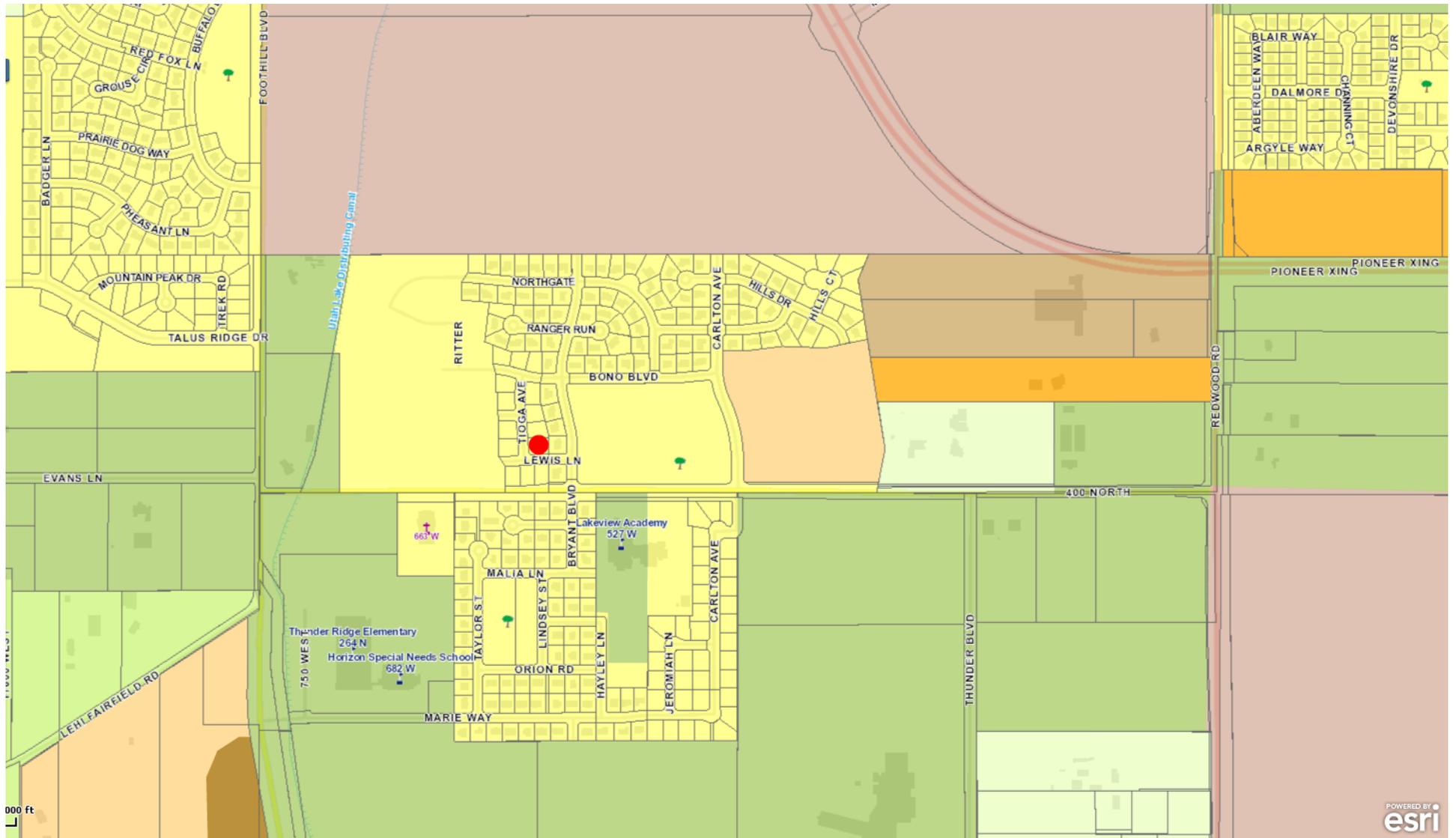
Alternative 2 – Denial

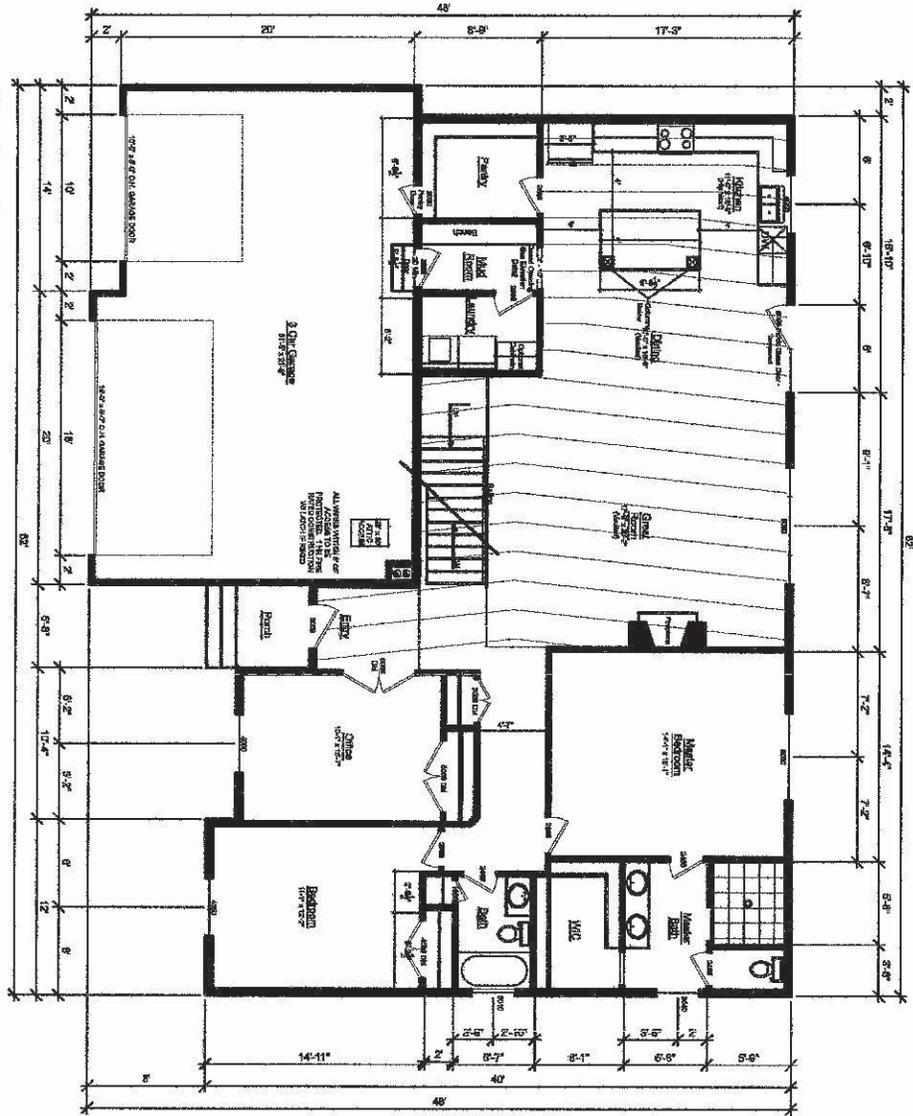
The Planning Commission may also choose to deny the application. “I move to **deny** the home occupation with the Findings below:

- 1. The home occupation is not consistent with the General Plan, as articulated by the Planning Commission: _____, and/or,
- 2. The home occupation is not consistent with Section 19.08.02 of the Code, as articulated by the Planning Commission: _____.

I. Attachments:

1. Location & Zone Map (Page 8)
2. Site Plan and Floor Plan (Pages 9-10)
3. Applicant summary (Pages 11- 14)





Main Floor Plan
 1899 sq ft

Note:
 2' X 6' Exterior Walls
 9' Ceilings in Basement
 8' Ceilings on Main Floor
 8' Ceilings on Upper Floor

FOR OFFICE USE ONLY

Fees received by: SC Date of submittal: 8/26/15
 Amount paid: \$ 350 Receipt number: _____
 \$250.00 for a staff review
 or
\$350.00 for a planning commission review



CITY OF SARATOGA SPRINGS

HOME OCCUPATION APPLICATION
 UPDATED APRIL 2013

Applicant & Home Occupation Information

Project name: United Dance Center

Property owner: Megan Hansen

Address: 442 N. Tioga Avenue, Saratoga Springs

Phone: — Cell: 801-368-7714

E-mail: uniteddancecenter@gmail.com Address: _____

Applicant / Authorized Agent: Megan Hansen

Address: 442 N. Tioga Avenue

Phone: _____ Cell: 801-368-7714

E-mail: uniteddancecenter@gmail.com Address: _____

Location or address of the proposed Home Occupation: same as listed above

Hours of Operation: 9:00 am - 8:45 pm Number of non-family employees: 8 employees

Total Square footage of the residence: 4308 Sq. ft. occupied by the occupation: 1300

- M: 7:00-8:30
- T: 9-12, 3-8:30
- W: 3-8:30
- TH: 3-8:45
- F: 9-12, 3-8:00
- S: 9-1

(There is 15 minutes between all classes.)

No more than 2 employees will be on site per day.

Please describe the proposed Home Occupation: to teach dance classes out
of the basement of the Home. Teaching
students ages 3-18 years old.

Chapter 19.08 of the City Development Code also contains specific criteria that the City staff and the Planning Commission will use in determining whether or not your Home Occupation application is complete, if it can be authorized and what special requirements or conditions may be imposed upon a Home Occupation. Home occupation requests that will generate more than 5 customers per day shall be reviewed by the Planning Commission.

Supporting Materials

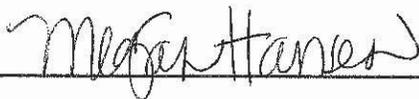
Please attach to your application the following materials that are necessary for a complete submittal:

1. Sketches. The applicant must provide five reduced (11" by 17") sketches drawn to scale of: the floor plan of the home, area to be devoted to the occupation and off-street parking.
2. Fire Extinguishers. Evidence of a number 5 class 2A 10 BC fire extinguisher or the proper extinguisher required by the Fire Code.
3. Professional Licenses. If applicable, the applicant must submit a copy of professional licenses to legitimize the home occupation.
4. Signage. If any, the applicant must submit a sketch of the proposed signage and identify the location of the signage.
5. Fee. The processing fee of **\$250.00** for a staff review or **\$350.00** for a Planning Commission review shall be submitted.
6. In the event that Planning Commission review is required, the City will mail notices of the public hearing to property owner's within 300 feet of your property and will notify you of the charge after the notices have been mailed. The cost of mailing the notices shall be paid before a business license will be issued.

Applicant Certification

I certify under penalty of perjury that this application and all information submitted as a part of this application are true, complete and accurate to the best of my knowledge. I also certify that I am the owner of the subject property and that the authorized agent noted in this application has my consent to represent me with respect to this application. Should any of the information or representations submitted in connection with this application be incorrect or untrue, I understand that the City of Saratoga Springs may rescind any approval, or take any other legal or appropriate action. I also acknowledge that I have reviewed the applicable sections of the Saratoga Springs Land Development Code and that items and checklists contained in this application are basic and minimum requirements only and that other requirements may be imposed that are unique to individual projects or uses. Additionally, I agree to reimburse the City of Saratoga Springs all amounts incurred by the City in excess of the base fee required by the Consolidated Fee Schedule to review and process this submitted application and agree to comply with Resolution No. R 08-21 and R 11-22. I also agree to allow the Staff, Planning Commission, or City Council or appointed agent(s) of the City to enter the subject property to make any necessary inspections thereof.

Property Owner's Signature: _____



Date: _____

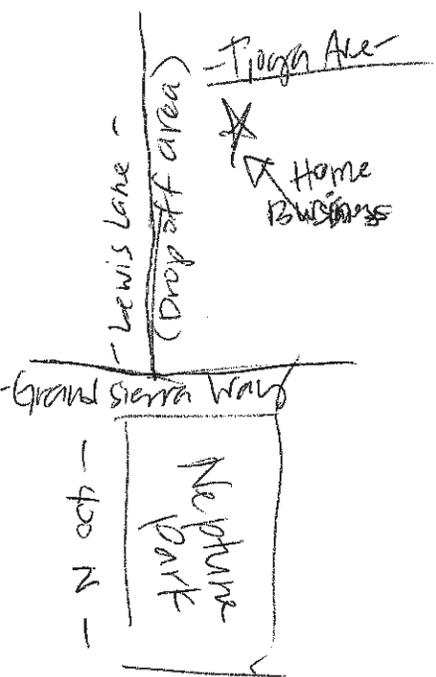
8-26-15

Signage:

I would like to have a Nameplate made that says "United Dance Center" to be placed near my basement outside entrance. The sign would be no larger than 2 feet long by 1 foot high. It would be done in metal, if approved.

Parking:

I have asked that all parents of dancers drop off their students. The drop off area will be near the outside entrance on the south side of the house. We are lot 407 in Sierra Estates.





**Community Plan and Village Plan
The Crossing
Thursday, September 24, 2015
Public Hearings**

Report Date:	Thursday, September 17, 2015
Applicant:	The Boyer Company
Owner:	Suburban Land Reserve Inc. (SLR)
Location:	NW Corner of Pioneer Crossing and Redwood Road, to Market Street
Major Street Access:	Redwood Road and Pioneer Crossing Extension
Parcel Number(s) & Size:	58:035:0085, 68.787 acres
Parcel Zoning:	Planned Community (PC)
Adjacent Zoning:	PC
Current Use of Parcel:	Agriculture
Adjacent Uses:	Agriculture
Previous Meetings:	PC Work Session July 30, 2015 CC Work Session August 5, 2015 PC Hearing September 10, 2015
Previous Approvals:	Annexation Agreement (2010) Rezone to PC zone (2010) City Center District Area Plan (2010)
Land Use Authority:	City Council
Future Routing:	City Council
Type of Actions:	Administrative
Author:	Kimber Gabryszak, Planning Director

A. EXECUTIVE SUMMARY

The applicants are requesting approval of a Community Plan and Village Plan pursuant to Section 19.26 of the Land Development Code (Code) and the City Center District Area Plan (DAP). The proposal allocates a maximum of 1,413,879 sq.ft. of non-residential development equaling ~653 Equivalent Residential Units (ERUs) to ~69 acres within the DAP.

The Community Plan allocates a portion of the DAP density to the ~69 acres, and lays out the broader guidelines for the development, while the Village Plan provides the density and standards specific to the first phase of development consisting of ~21 acres.

Staff recommends that the Planning Commission conduct two public hearings, take public comment, review and discuss the proposed Community Plan (CP) and Phase 1 Village Plan (VP), and choose from the options in Section I of this report. Options include include forwarding a positive recommendation on either or both the CP and VP with changes as directed by the Commission, forwarding a negative recommendation on either or both the CP and VP, or continuing either or both the CP and VP.

B. BACKGROUND

The City Center District Area Plan (DAP) was approved in 2010 following annexation of just under 3000 acres into the City. As part of the annexation agreement and DAP, the 2883 acres are vested for 16,000 residential units and 10,000,000 square feet of non-residential density:

Land Use Table

Type of Land Use	Quantity
Residential Housing	16,000 Units
Non-residential Area	10 million sq. ft.
Equivalent Residential Units	20,620 Units

The DAP has also approved Place Types ranging in density from 5-75 dwelling units per acre:

Place Types	Dwelling Unit Density Range	Range of FAR *
Urban Center	14-75	0.39–2.34
Transit Oriented Development	8–75	1.25–2.4
Town Neighborhood	6–34	0.36–1.82
Business Park	0	0.39–0.93
Office Warehouse	0	0.39–0.93
Neighborhood Commercial	5–14	0.39–1.5
Regional Retail	0	0.36–0.47
Traditional Neighborhood	5 –32	0.47–1.04
Master Planned Subdivision	4–14	0.35–0.50
Resort/Hospitality	6–8	.36–.93

* FAR = Floor Area Ratio

(Note: the complete DAP can be found by visiting www.saratogaspringscity.com/planning and clicking on “Master Plans” then “City Center District Area Plan.”)

While the DAP includes several conceptual scenarios for the distribution of various place types, both the DAP and Code allow the place type for individual developments to be identified and finalized at the time of Community Plan approval.

C. SPECIFIC REQUESTS

Community Plan

The Community Plan covers the whole of the ~69-acre project, and the applicants are proposing the Regional Retail place type for the entire Community Plan, with a maximum of 693.2 ERUs, equaling a maximum of 1,413,879 sq.ft.

Phase 1 Village Plan

The Phase 1 VP covers the southeastern corner of the Community Plan and contains ~21 acres. Within this first VP, the applicants are proposing a maximum of 199.10 ERUs, consisting of a maximum of 430,961 sq.ft.. The VP proposed to apply this square footage to a big-box anchor store as well as multiple outparcels along both Pioneer Crossing and Redwood Road.

D. PROCESS / HOW IT WORKS

Section 19.26 of the Code describes development in the PC zone, and the graphic to the right shows the hierarchy of the different plans:

1. For a large-scale planned community district, an overall governing document is first approved, known as the District Area Plan (Section 19.26.13). *The City Center DAP was approved in 2010.*
2. A Community Plan is then proposed and approved (Sections 19.26.03-19.26.08). The Community Plan lays out the more specific guidelines for a sub-district within the DAP. *The Crossing Community Plan will govern only the ~69 acre sub-district of the Crossing.*
3. Following and / or concurrently with the Community Plan, a Village Plan is proposed and approved (Sections 19.26.09 – 19.26.10). The Village Plan is the final stage in the Planned Community process before final plats, addressing such details specific to the sub-phase as open space, road networks, and lots for a sub-phase of the Community Plan. *The applicants are currently proposing a VP for the southeastern portion (21 acres) of the Community Plan.*

The approval process for the CP and VP includes:

1. A public hearing and recommendation by the Planning Commission
2. A public hearing and final decision by the City Council (19.26 states that the process is per Section 19.17, which is Code amendments / rezones, and requires hearings with the Council.)

Planning Commission Hearing – September 10, 2015

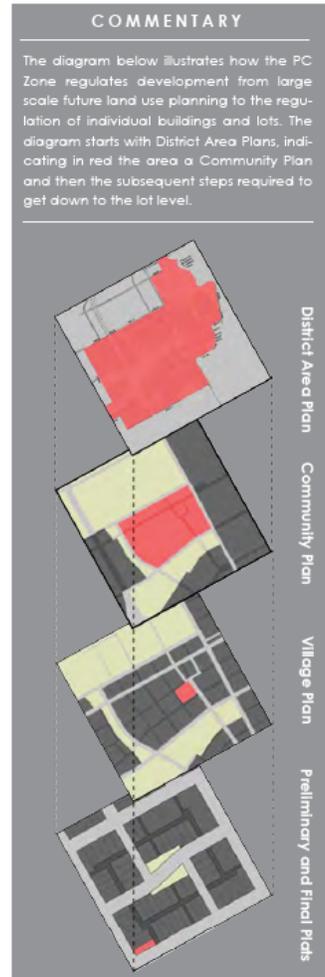
The Commission held a hearing on September 10, 2015, and gave initial feedback to the applicant on the proposal prior to continuing the hearing to the September 24, 2015 meeting. General comments and questions included:

- Requests for the applicant to ensure that pavement and landscaping and amenities provided in the early phases are protected from damage as future phases develop.
- Questions about timelines for future phases, and the potential for traffic lights at entrances in the future.
- Questions about the plans for the existing Smith's fueling station near Crossroads and Redwood, and whether the station will remain.
- Questions about the proposed approval processes and consistency with existing City processes.
- Feedback to ensure appropriate planning for the location of the sewer line and potential impacts from the future widening of Redwood Road.

E. COMMUNITY REVIEW

The September 10, 2015 Planning Commission hearings were noticed as public hearings in the *Daily Herald*; and mailed notice sent to all property owners within 300 feet. The hearing was opened on September 10th, and continued to the 24th. As of the date of this report, no public comment has been received.

Public hearings with the City Council have been scheduled for October 6, 2015, and notice will be mailed to all property owners prior to that meeting. If the Planning Commission chooses not to make a recommendation to the City Council at their meeting on September 24th, the Council hearings will be continued to the October 20, 2015 meeting.



F. REVIEW

Place Type

The Community Plan designates the entire ~69 acre Crossing development as Regional Retail, which is described in the DAP as follows:

PLANNING CRITERIA AND GUIDELINES

REGIONAL RETAIL

Range of Average Dwelling Units/Acre	0 du/ac
Range of Average FAR	0.36–0.47
Range of Open Space	11 -14 %

Open Space Types:

- Plaza
- Entrance park
- Pocket park
- Special Use
- Greenway
- Parkway (Boulevard)
- Park lawns
- Connector trail

Regional retail includes an agglomeration of large and small scale retail buildings. Some office buildings can also be found in regional retail areas. The retail serves a community that extends beyond the neighborhoods to the entire region. Regional retail provides adequate parking for the businesses in close proximity to the stores and the customers arriving via automobile. Regional retail is located at major intersections of highways and arterials and along key transit corridors in the region. Housing is not included in this place type, however neighborhoods may be located adjacent to regional retail. Nearby residential can be connected to regional retail centers by a grid street network that is walkable.

Density

The Regional Retail Place Type does not have an identified maximum density in terms of ERUs, however has identified a Floor Area Ratio (FAR) range. FAR is a term that refers to the ratio of square footage to ground cover.

- A FAR of 1.0 means that a 1-story building could have a footprint covering the entire lot, or a 2 story building covering half of the lot.
- Example: A 10,000 sq.ft. lot with a FAR of 1.0:
 - 10,000 x 1.0, would equal 10,000 total maximum sq.ft. of development
 - Possibly a one-story building with a 10,000 sq.ft. footprint
 - Possibly 10-story building with a 1,000 sq.ft. footprint

The DAP has a density range in the Regional Retail area of 0.36 to 0.47 FAR. Applied to the Crossing:

<i>Development Area in Acres</i>	<i>Development Area in sq.ft.</i>	<i>FAR of 0.36 (in sq.ft.)</i>	<i>FAR of 0.47 (in sq.ft.)</i>	<i>Equivalent Residential Units (ERUs)</i>	<i>FAR of 0.36 (in ERUs)</i>	<i>FAR of 0.47 (in ERUs)</i>
69.06 acres	69.06 x 43,560 =	3,008,253.6 x 0.36 =	3,008,253.6 x 0.47 =	1 ERU = 2164.5 sq.ft.	1,082,971.3 =	1,413,879.2 =
	3,008,253.6 sq.ft.	1,082,971.3 sq.ft.	1,413,879.2 sq.ft.		500.3 ERUs	653.2 ERUs

The allowed range is therefore approximately 1,083,000 to 1,414,000 sq.ft., or 500 to 653 ERUs. The applicants are requesting a maximum of 653.36 ERUs, consisting entirely of non-residential uses. This number must be modified to comply with the maximum of 653.2 ERUs.

Uses

The applicants have identified specific uses, referencing Section 19.04 and the uses permitted in the Regional Commercial (RC) zone. The applicants have requested several modifications to change Conditional Uses in the RC zone to Permitted Uses in order to streamline processing.

Traffic and Infrastructure

The applicants have provided a traffic study and infrastructure plans. The Engineer has reviewed these and has recommended approval with conditions (see Engineer's report in Exhibit E).

Development Standards

City Staff has been working with the applicants on the governing standards and principles of the project, which are contained in the CP and Phase 1 VP.

Community Plan

The CP contains the general standards for the entire ~69 acre project. The applicants have proposed general compliance with the standards in Title 19 of the Code, specifically referencing the Regional Commercial (RC) zone, but have requested several exceptions. These exceptions are summarized below:

- Reduced landscaping as approved by the DAP
- Reduced front setbacks
- Increased height limits for office uses and a potential future movie theater
- Reduced parking ratios
- Modified fencing standards
- Increased lighting pole heights, and different pole colors
- Modified landscaping planting standards
- Staff approvals of all future site plans, in lieu of the current Planning Commission and City Council process
- Modified architectural standards in lieu of the City's Design Standards
- Modified road cross sections

Village Plan

The Phase 1 VP contains additional standards to implement the Community Plan on a particular sub-phase. While these topics were addressed at a higher level in the Community Plan, the information in the VP is more specific and applies only to the ~21 acres contained in the VP:

- Conceptual Lotting Plan
- Allocation of density / FAR
- Phasing Plan
- Village-specific pedestrian plan
- Architectural details / materials
- Landscaping
- Phasing
- Infrastructure and Utilities

Staff Review

Staff has reviewed the CP and VP several times and provided several pages of redlines to the applicant. The applicants have responded to this feedback, and made multiple changes. Remaining changes still recommended by staff include:

- Removing "should" and "may" from the architectural and site design standards for site plans, to ensure better predictability.
- Ensure that there will be a variety of uses, such that only some out-parcels include drive-throughs and not all outparcels.
- Remaining Planning recommendations as outlined in Exhibit F.

Discussion items for the Commission include:

- Proposed development standards for the CP and the VP (theme, height, lighting, architecture/materials, open space & landscaping, etc.)

- Items in the RC zone as conditional uses being permitted uses in the CP
- Inclusion of outdoor seating, parking lot islands, and wide sidewalks in open space %
- Delegation approval of all site plans to Staff
- Other Planning recommendations as outlined in Exhibit F

More detail on the proposed development are found in the complete Crossing Community Plan and Phase 1 Village Plan drafts, at www.saratogaspringscity.com/planning, under “pending applications”.

G. GENERAL PLAN

The General Plan Land Use map identifies this area as Planned Community, which states:

k. Planned Community. The Planned Community designation includes large-scale properties within the City which exceed 500 acres in size. This area is characterized by a mixture of land uses and housing types. It is subject to an overall Community Plan that contains a set of regulations and guidelines that apply to a defined geographic area. Required Village Plans contain regulations that apply to blocks of land and provide specific development standards, design guidelines, infrastructure plans and other elements as appropriate. Development in these areas shall contain landscaping and recreational features as per the City’s Parks, Recreation, Trails, and Open Space Element of the General Plan.

The ~2883-acre DAP was approved in 2010 in compliance with the General Plan and the intent of the Planned Community designation. The proposed Community Plan includes trail connections and parks in compliance with the related master plans, and specific development standards and design guidelines.

H. CODE CRITERIA

The property is zoned PC, and is subject to the standards and requirements in Section 19.26 of the Code, and its several sub-sections.

19.26.04 – Uses Permitted within a Planned Community District

- The application includes big box and general retail, office, and similar uses, which are permitted in the PC zone. The proposal includes all uses in the RC zone, with several Conditional Uses (big box, fitness centers, and fueling stations) being changed to Permitted uses.

COMMUNITY PLAN CODE REQUIREMENTS

a) Section 19.26.06 – Guiding Standards of Community Plans

The standards for a Community Plan are below:

1. Development Type and Intensity. The allowed uses and the conceptual intensity of development in a Planned Community District shall be as established by the Community Plan.
Staff finding: complies. Subdivision plats and building permits will be reviewed for compliance with the Community Plan.
2. Equivalent Residential Unit Transfers.
Staff finding: complies. The Community Plan states that no density will be transferred.
3. Development Standards. Guiding development standards shall be established in the Community Plan.
Staff finding: up for discussion. The proposed CP references Title 19 of the City Code for standards, however contains requested exceptions from these standards, and also requested

streamlined approval processes that differ from the approval processes in the Code. Planning Commission input on the proposed exceptions and processes is requested.

4. Open Space Requirements.

Staff finding: complies. *While the Code currently requires 30% open space for development in the Planned Community Zone, it allows DAPs to include a lower range. The City Center DAP is the governing document for the proposed Community Plan, and the proposed open space and landscaping meets the standards and range of 11-14% as identified in the DAP for this place type.*

5. No structure (excluding signs and entry features) may be closer than twenty feet to the peripheral property line of the Planned Community District boundaries.

- a. The area within this twenty foot area is to be used as a buffer strip and may be counted toward open space requirements, but shall not include required back yards or building set back areas.
- b. The City Council may grant a waiver to the requirement set forth in this Subsection upon a finding that the buffer requirement will result in the creation of non-functional or non-useable open space area and will be detrimental to the provision of useful and functional open space within the Project.

Staff finding: complies. *The applicants are installing a 30' buffer along Redwood Road per the City's road standards and specifications. This is in addition to required setbacks.*

b) 19.26.07 – Contents of Community Plans

The items summarized below are required to be part of a Community Plan:

1. Legal Description. **Provided**
2. Use Map. **Provided**
3. Buildout Allocation. **Provided**
4. Open Space Plan. **Provided**
5. Guiding Principles. **Provided, though Planning Commission feedback and direction on the proposed principles are requested.**
5. Utility Capacities. **Provided**
6. Conceptual Plans. Other elements as appropriate - conceptual grading, wildlife mitigation, open space management, hazardous materials remediation, fire protection. **Provided**
8. Additional Elements.
 - a. responses to existing physical characteristics of the site. **Provided**
 - b. findings statement. **Provided**
 - c. environmental issues. **Provided**
 - d. means to ensure compliance with standards in Community Plan. **Provided**
9. Application and Fees. **Provided**

c) 19.26.05 – Adoption and Amendment of Community Plans

The criteria for adoption of a Community Plan are below:

- a. is consistent with the goals, objectives, and policies of the General Plan, with particular emphasis placed upon those policies related to community identity, distinctive qualities in communities and neighborhoods, diversity of housing, integration of uses, pedestrian and transit design, and environmental protection;

Staff finding: consistent. *See Section G of this report.*

- b. does not exceed the number of equivalent residential units and square footage of nonresidential uses of the General Plan;

Staff finding: complies with conditions. The General Plan does not identify ERUs or square footage, however the DAP identifies a maximum FAR. A proposed condition of approval is to modify the maximum square footage slightly to comply with the maximum FAR.

- c. contains sufficient standards to guide the creation of innovative design that responds to unique conditions;
Staff finding: Up for Discussion. Planning Commission feedback and direction on the proposed standards are requested.
- d. is compatible with surrounding development and properly integrates land uses and infrastructure with adjacent properties;
Staff finding: complies. Adjacent property is undeveloped, and is also governed by the same DAP as the proposed development. Infrastructure needs for future development have been taken into account in the planning of this site.
- e. includes adequate provisions for utilities, services, roadway networks, and emergency vehicle access; and public safety service demands will not exceed the capacity of existing and planned systems without adequate mitigation;
Staff finding: complies with conditions. See Engineering Report dated 9/17/2015.
- f. is consistent with the guiding standards listed in Section 19.26.06; and
Staff finding: up for discussion. See analysis in subsection H.a) above.
- g. contains the required elements as dictated in Section 19.26.07.
Staff finding: complies. The application contains all required elements.

VILLAGE PLAN CODE REQUIREMENTS

d) 19.26.03.2 – Additional Village Plan Requirements

Additional requirements for a Village Plan are summarized below:

- a. A detailed traffic study – **Provided. See Engineering Report.**
- b. A map and analysis of backbone infrastructure systems - **Provided.**
- c. Detailed architectural requirements and restrictions - **Provided.**
- d. If applicable, details regarding the creation of an owners’ association, master association, design review committee, or other governing body. - **Provided.**

e) 19.26.09 – Village Plan Approval

The criteria for a Village Plan approval are summarized below:

- a. is consistent with the adopted Community Plan;
Staff finding: complies. The Village Plan appears to be consistent with the allowed densities, FAR, uses, and standards in the Community Plan.
- b. does not exceed the total number of equivalent residential units dictated in the adopted Community Plan;
Staff finding: complies with conditions. With a very slight modification, the ERUs will be consistent with the CP.
- c. for an individual phase, does not exceed the total number of equivalent residential units dictated in the adopted Community Plan unless transferred per the provisions of the Community Plan;
Staff finding: complies with conditions. The FAR and ERUs have been provided and with a minor modification will be consistent with the CP.

- d. is consistent with the utility, infrastructure, and circulation plans of the Community Plan; includes adequately sized utilities, services, and roadway networks to meet demands; and mitigates the fair-share of off-site impacts;
Staff finding: complies with conditions. See Engineering Report dated 9/17/2015 in Exhibit E.
- e. properly integrates utility, infrastructure, open spaces, pedestrian and bicycle systems, and amenities with adjacent properties; and
Staff finding: does not yet comply. Utility plans, pedestrian plans, and trail/sidewalk cross sections have been provided. Future connectivity is also called out as a requirement.
- f. contains the required elements as dictated in Section 19.26.10.
Staff finding: complies. See below. All required topics have been included.

19.26.10 – Contents of a Village Plan

The required contents of a Village Plan are summarized below:

1. Legal Description - **Provided**
2. Detailed Use Map - **Provided**
3. Detailed Buildout Allocation – **Provided**
4. Detailed Development Standards – **Provided; Planning Commission input is requested**
5. Design Guidelines – **Provided; Planning Commission input is requested**
6. Owners’ / Governing Associations - **Provided**
7. Phasing Plan - **Provided**
8. Lotting Map - **Provided**
9. Landscaping Plan – **Provided**
10. Utility Plan - **Provided**
11. Vehicular Plan - **Provided**
12. Pedestrian and Bicycle Plan – **Provided**
13. Additional Detailed Plans. Other elements as necessary (grading plans, storm water drainage plans, wildlife mitigation plans, open space management plans, sensitive lands protection plans, hazardous materials remediation plans, and fire protection plans) - **Provided**
14. Site Characteristics - **Provided**
15. Findings Statement – **Provided**
16. Mitigation Plans. (Protection and mitigation of significant environmental issues) - **Provided**
17. Offsite Utilities - **Provided**
18. Development Agreement – **Pending (draft being edited by staff and the applicant)**

I. Recommendation:

Staff recommends that the Planning Commission conduct two public hearings, take public comment, review and discuss the proposed CP and VP, and choose from the following options.

Option 1 – Positive Recommendations

“I move to forward a **positive** recommendation to the City Council for The Crossing Community Plan with the Findings and Conditions below:”

Findings

1. The application complies with the City Center District Area Plan (DAP). Specifically, the neighborhood type, required contents, density, and unit type are as permitted in the DAP.
2. The application is consistent with the goals, objectives, and policies of the General Plan, as identified in Section G of this report, which section is incorporated by reference herein;

3. With appropriate modifications, the application complies with Section 19.26.05 of the Development Code as outlined in Section H of the Staff report, which section is incorporated by reference herein. Particularly:
 - a. The 653.2 ERU maximum and 0.47 FAR does not exceed the number of ERUs and square footage of nonresidential uses of the General Plan;
 - b. With required modifications and conditions, the application contains sufficient standards to guide the creation of innovative design that responds to unique conditions;
 - c. The application is compatible with surrounding development and properly integrates land uses and infrastructure with adjacent properties;
 - d. The application includes adequate provisions for utilities, services, roadway networks, and emergency vehicle access; and public safety service demands will not exceed the capacity of existing and planned systems without adequate mitigation;
 - e. With required modifications and conditions, the application is consistent with the guiding standards listed in Section 19.26.06.
 - f. The application contains the required elements as dictated in Section 19.26.07.

Conditions:

1. The maximum allowed ERUs in the Community Plan shall be 653.2.
2. All requirements of the City Engineer shall be met.
3. All requirements of the Fire Department shall be met.
4. The Community Plan shall be edited as directed by the Commission.
5. Changes as identified in Exhibit F shall be made prior to Council action. *If the Commission determines that certain Exhibit F changes are not needed, identify such items here:*
 - a. CP items # _____ are not required.
6. Other: _____

“I also move to forward a positive recommendation to the City Council for The Crossing Phase 1 Village Plan with the Findings and Conditions below:”

Findings

1. The application is consistent with the guiding standards in the The Crossing Community Plan. Specifically, the density, unit types, block types, thoroughfares, and other standards are expressly as contained in the Community Plan.
2. The application complies with the criteria in section 19.26.09 of the Development Code, as articulated in Section H of the Staff report, which section is incorporated by reference herein. Particularly:
 - a. With appropriate modifications, the application is consistent with the adopted Community Plan;
 - b. The range of density in the application does not exceed the total number of equivalent residential units dictated in the adopted Community Plan;
 - c. For an individual phase, the density will not exceed the total number of equivalent residential units dictated in the adopted Community Plan unless transferred per the provisions of the Community Plan;
 - d. The application is consistent with the utility, infrastructure, and circulation plans of the Community Plan; includes adequately sized utilities, services, and roadway networks to meet demands; and mitigates the fair-share of off-site impacts.
 - e. The application properly integrates utility, infrastructure, open spaces, pedestrian and bicycle systems, and amenities with adjacent properties; and
 - f. The application contains the required elements as dictated in Section 19.26.10.

Conditions:

1. The maximum allowable ERUs in the Village Plan shall be 199.10.

2. All requirements of the City Engineer shall be met.
3. All requirements of the Fire Department shall be met.
4. The Village Plan shall be edited as directed by the Commission.
5. Changes as identified in Exhibit F shall be made prior to Council action. *If the Commission determines that certain Exhibit F changes are not needed, identify such items here:*
 - a. VP items # _____ are not required.
6. Other: _____

Option 2 – Continuance

"I move to **continue** the Crossing Community Plan and Village Plan to the October 8th, 2015 meeting with direction to the applicant and Staff on information and / or changes needed to render a decision, as follows:

1. Changes identified by the Commission shall be incorporated.
2. Hard copies of the modified plans provided to the Commission at least one full week prior to the meeting.
3. Other: _____

Option 3 – Negative Recommendation

"I move to forward a negative recommendation to the City Council for The Crossing Community Plan with the Findings below:

1. The application is not consistent with the General Plan, as articulated by the Commission: _____, and/or
2. The application is not consistent with the DAP, as articulated by the Commission: _____, and/or
3. The application does not comply with Section 19.26 of the Code, as articulated by the Commission: _____.

"I also move to forward a negative recommendation to the City Council for The Crossing Village Plan with the Findings below:

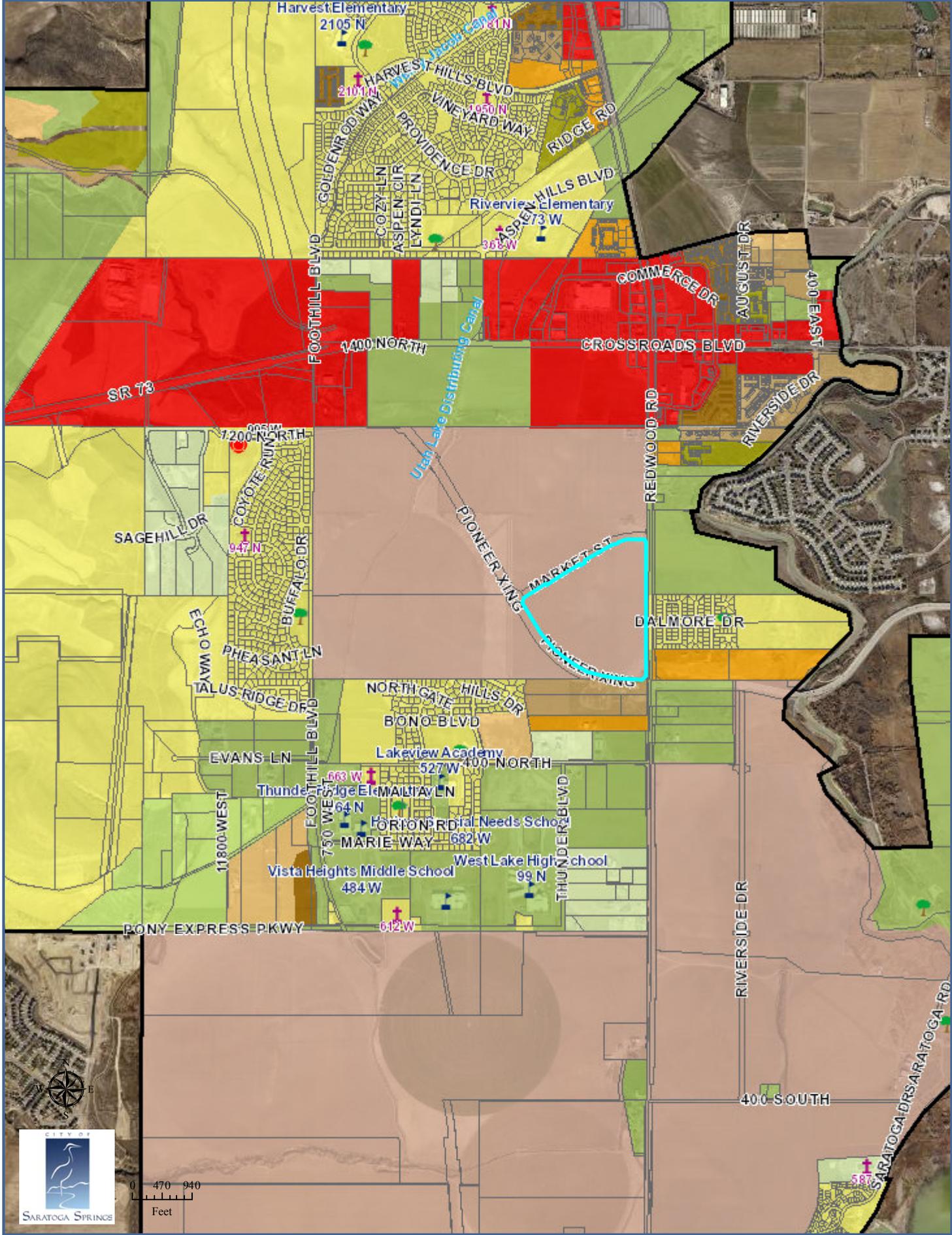
1. The application is not consistent with the General Plan, as articulated by the Commission: _____, and/or
2. The application is not consistent with the DAP, as articulated by the Commission: _____, and/or
3. The application does not comply with Section 19.26 of the Code, as articulated by the Commission: _____.

I also move to continue the final recommendations to a future meeting, on October 8th, 2015, and direct Staff to return with official Findings as outlined in my motion."

J. Attachments:

- | | |
|---|---------------|
| A. Location & Zone Map | (page 12) |
| B. District Area Plan Regional Retail Information | (page 13) |
| C. Community Plan Layout as of 9/10/2015 | (page 14) |
| D. Village Plan Layout as of 9/10/2015 | (page 15) |
| E. City Engineer’s Report dated 9/17/2015 | (pages 16-18) |
| F. Planning Review Memo dated 9/17/2015 | (pages 19-21) |
| G. Full Community Plan: www.saratogaspringscity.com/planning , under “Pending Applications” | |
| H. Full Village Plan: www.saratogaspringscity.com/planning , under “Pending Applications” | |

The Crossing Location & Zone



SARATOGA SPRINGS CITY CENTER DISTRICT AREA PLAN

PLANNING CRITERIA AND GUIDELINES

REGIONAL RETAIL

Range of Average Dwelling Units/Acre	0 du/ac
Range of Average FAR	0.36–0.47
Range of Open Space	11 -14 %

Open Space Types:

- Plaza
- Entrance park
- Pocket park
- Special Use
- Greenway
- Parkway (Boulevard)
- Park lawns
- Connector trail

Regional retail includes an agglomeration of large and small scale retail buildings. Some office buildings can also be found in regional retail areas. The retail serves a community that extends beyond the neighborhoods to the entire region. Regional retail provides adequate parking for the businesses in close proximity to the stores and the customers arriving via automobile. Regional retail is located at major intersections of highways and arterials and along key transit corridors in the region. Housing is not included in this place type, however neighborhoods may be located adjacent to regional retail. Nearby residential can be connected to regional retail centers by a grid street network that is walkable.

The “ingredients” that make up Regional Retail:

Commercial

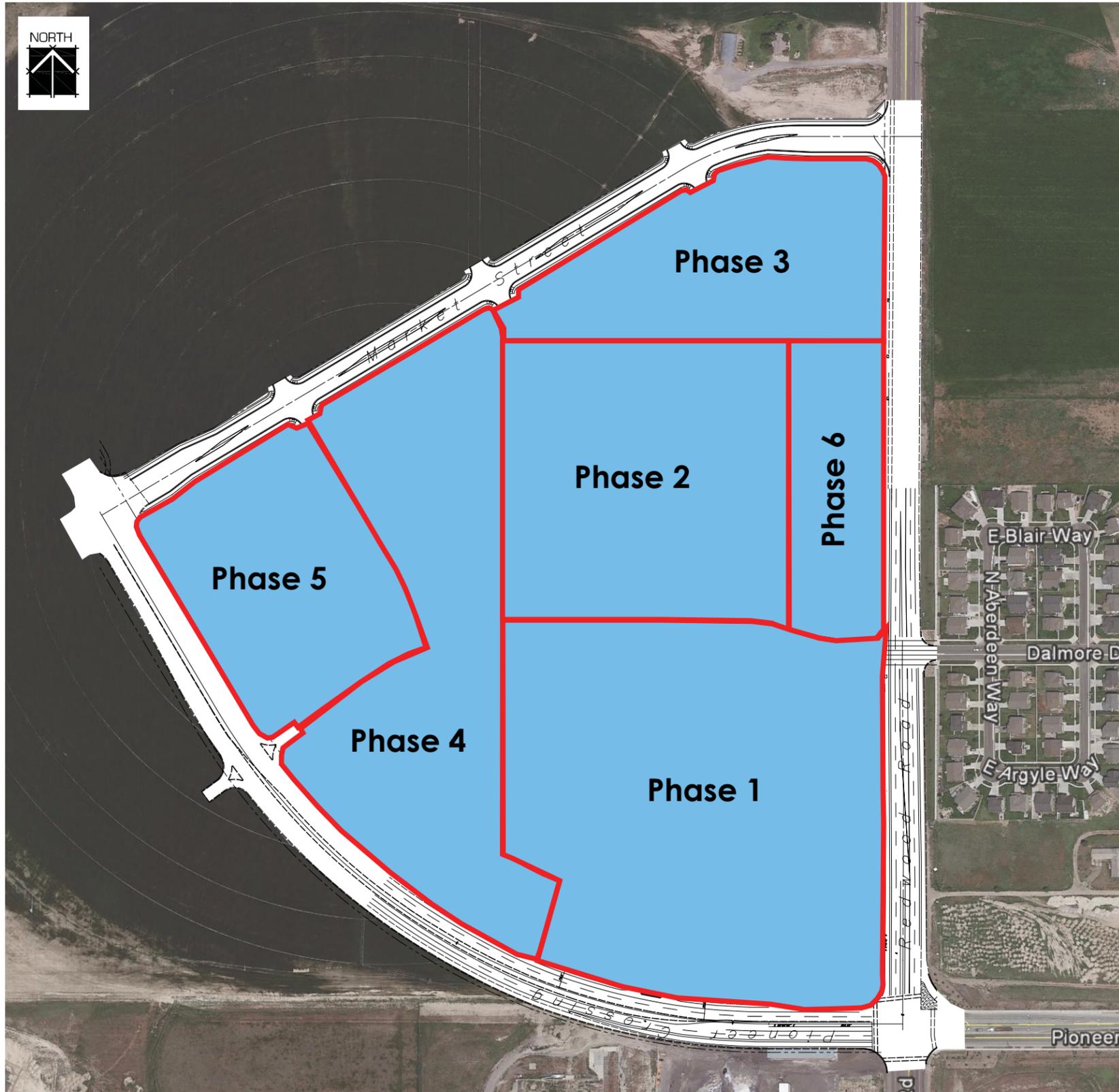


Streets



Open Space





LOT BREAKDOWN

Phase #	Acres	Open Space %	Maximum Building SF*	ERU Allocation
Phase 1	21.05	11-14% min.	430,961	199.15
Phase 2	13.21	11-14% min.	270,451	124.98
Phase 3	8.52	11-14% min.	174,432	80.61
Phase 4	13.98	11-14% min.	286,215	132.26
Phase 5	8.05	11-14% min.	164,809	76.16
Phase 6	4.25	11-14% min.	87,011	40.21
Total	69.06	11-14% min.	1,413,879	653.36

*Based on a 0.47 FAR

Note: Phase breakdown is conceptual and actual phases may vary, however, the total values will not change.

FUTURE PROJECTIONS

Projected employment = 1,500 future employees (estimated)

EQUIVALENT RESIDENTIAL UNITS

District Area Plan:

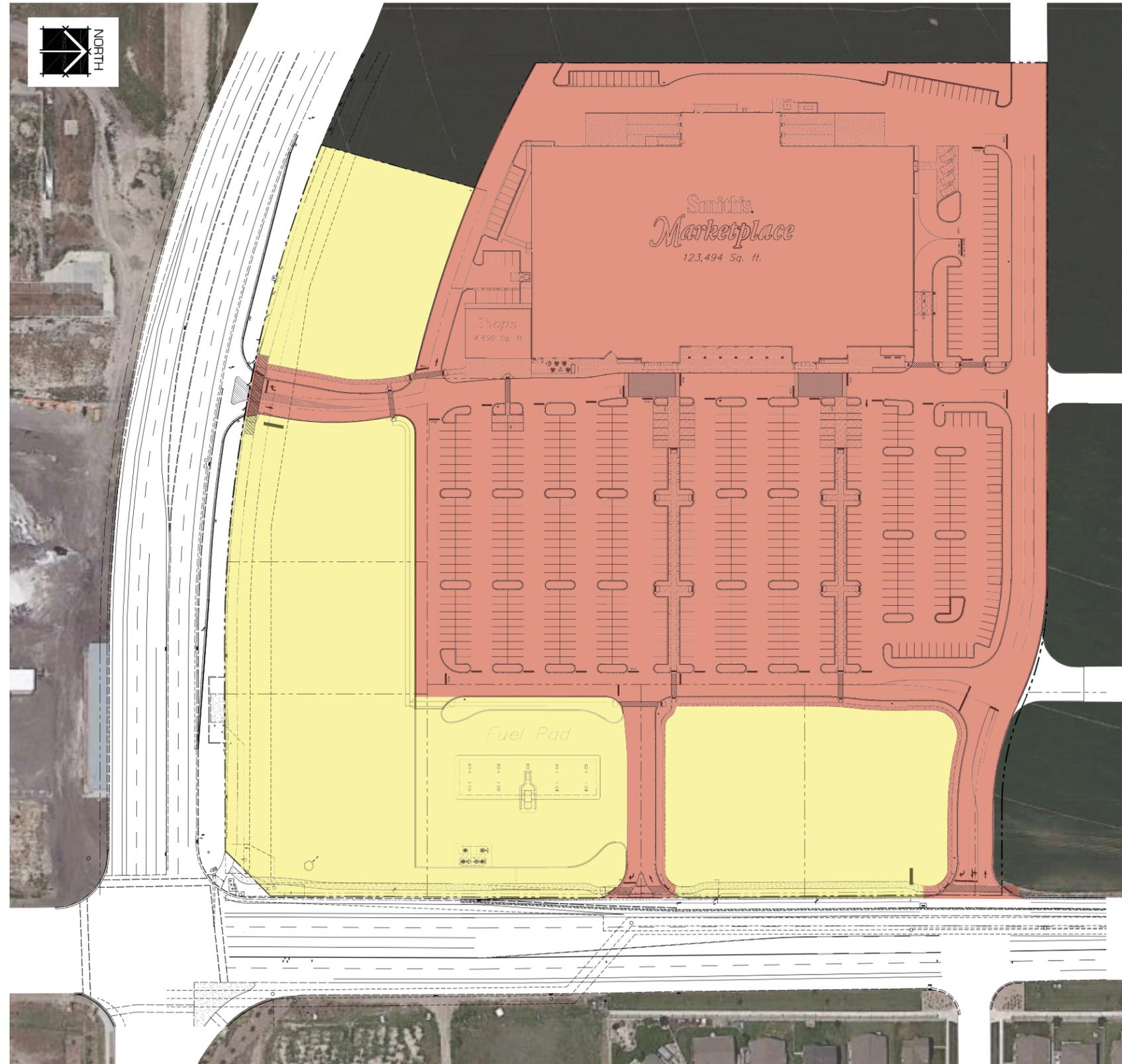
Per the District Area Plan, 4,620 ERUs are allowed for every 10 Million square feet of commercial building area which is the equivalent of 2,164 square feet per ERU.

Community Plan:

A maximum of 1,413,879 square feet of building area is anticipated at the completion of all phases. Per the table above, the 69 acres included in this Community Plan translates to a total of 653 ERUs for the Community Plan.



Exhibit D
Village Plan Layout



REGIONAL RETAIL USES

- Anchor Retail
- Retail / Restaurant

Per the Community Plan, the Phase I Village Plan is allowed to contain Regional Retail uses as defined in the District Area Plan.

Specific uses shall comply with the Regional Commercial uses as permitted or conditionally permitted as outlined in Section 19.04 of the Saratoga Springs Municipal Code with the exceptions that Retail, Big Box, Fitness Center (5001 sq. ft. or larger) and Automotive Fueling Stations shall be deemed a permitted use.

Refer to Community Plan for additional information.



SARATOGA SPRINGS



BOYER

City Council Staff Report

Author: Jeremy D. Lapin, City Engineer
Subject: The Crossing
Date: September 24, 2015
Type of Item: Community and Village Plan



Description:

A. Topic: The Applicant has submitted a community and village plan application. Staff has reviewed the submittals and provides the following recommendations.

B. Background:

Applicant: The Boyer Company
Request: Community and Village Plan Approval
Location: Northwest corner of Pioneer Crossing and Redwood Rd.
Acreage: Community Plan 68.821 acres and 653 ERU's; Village Plan #1 20.5 acres and 194 ERU's

C. Recommendation: Staff recommends approval of the Community Plan and Village Plan #1 with the following conditions.

- 1) Incorporate all recommendations of the traffic impact study (TIS) from Hales Engineering dated September 8, 2015 as well as incorporate any additional items that are part of revisions or updates to the report.
- 2) The transportation plan in the Community Plan and Village Plan shall identify specific road or access types and cross sections with standards specified for each.
- 3) The project shall meet the minimum requirements as outlined in the City's Transportation Master Plan Developer including the completing the half-width improvements along Redwood Road (Principal Arterial) as per the City's Transportation Master Plan (TMP) and Engineering standards and specifications.
- 4) The Pedestrian Plan in the Community Plan shall identify routes from north to south and east to west through the project. The pedestrian plan shall have specific trail types/names and cross sections and standards specified for each type.
- 5) The community plan shall specify how much "regional" open space will be provided independent of each village plan as well as what should be provided with each village plan. The Village Plan shall identify what open space is required with each lot.

- 6) Utility Master Plans shall be provided in the Community and Village Plans that identify the utility impacts of the project and identify how these needs will be met both for Village Plan 1 and for the Community Plan area. These plans shall be consistent with the City's Masterplans.
- 7) The drainage plan in the Community and Village Plan shall identify clarify how the drainage will be handled for the overall project area and what will be required with each lot. The drainage plan needs to also illustrate how Stormwater will be treated to meet City standards prior to discharge.
- 8) The sanitary sewer plan in the Community and Village Plan shall be consistent with the City's Master Plan as well as provides capacity for future phases within the community plan as well as for future areas to the west that may need to drain through project.
- 9) The developer shall comply with all UDOT access permitting requirements. A permit for all points of access along Redwood Road shall be obtained from UDOT prior to final plat approval. Redwood Road is a Category 4 roadway and as such all access points, signalized or other, must meet UDOT's standards for that roadway classification.
- 10) While the existing utility systems (culinary water, pressurized irrigation, storm drain and sewer) currently have adequate capacity for the City's current rate of growth, the adoption of the community plan does not represent a reservation of capacity in any of the systems. Capacity is available on a first come, first serve basis and final verification of system capacity will need to be determined prior to the recordation of plats. At the time of plat recordation, Developer shall be responsible for the installation and dedication to City of all onsite and offsite improvements sufficient for the development of Developers' Property in accordance with the current City regulations. While the anticipated improvements required for the entire Property are set out in the community plan, that is only the City's best estimate at this time as to the required improvements and is not intended to be an exhaustive list. The required improvements for each plat shall be determined by the City Engineer at the time of plat submittal and shall primarily be based on the exhibits in the Community plan but may be adjusted in accordance with current City regulations.
- 11) Park strips less than 9' in width shall only be planted with trees appropriate for narrow areas and that will not damage the sidewalk as they grow.
- 12) Open Space areas that will be maintained by the City must be designed in accordance with City Standards and the City's Engineering Standards and Specifications.
- 13) Developer shall prepare and submit signed easements for all public facilities not located in the public right-of-way. Sewer and storm drains shall be provided with a minimum of 20' wide easements and water and irrigation lines a minimum of 10' wide easements centered on the facility. Utility lines may not be closer than 10' apart

from each other or from any structure. Developer shall provide 12' paved access roads and 20' wide access easements to any location where access is required outside the ROW such as sewer or storm drain manholes. Utility mains outside of the ROW shall be located in common or dedicated open space acres and shall not be located in private lots and must be a minimum of 20' from any building or structure.

- 14) All street lighting and any other lighting proposed to be dedicated to and maintained by the City shall comply with the current City standards and specifications. All lighting shall be full-cutoff style and meet all other City and IESNA standards.
- 15) Project shall comply with all ADA standards and requirements.
- 16) Secondary and Culinary Water Rights must be secured from or dedicated to the City with each plat proposed for recordation compliant with current City Code. Prior to acceptance of water rights proposed for dedication, the City shall evaluate the rights proposed for conveyance and may refuse to accept any right that it determines to be insufficient in annual quantity or rate of flow or has not been approved for change to municipal purposes within the City or has not been approved for diversion from City-owned waterworks by the State Engineer.
- 17) All sites shall have separate metered culinary and secondary laterals.
- 18) The full access from Pioneer Crossing including sidewalks and the entire Redwood Road frontage and access roads are to be constructed with phase 1.

September 17, 2015

The Boyer Company

Re: The Crossing at Saratoga Springs – Third Review

We have reviewed the 9/10/2015 resubmittal for the Crossing at Saratoga Springs Community and Village Plans, and have the following comments and requirements.

Ongoing comments; no changes needed:

Fire Department

1. All requirements of the Fire Department shall be met, including fire access and turnarounds, fire flow levels, and hydrant spacing.
2. Specific comments and requirements will be provided at time of Site Plan and Building Permit review for each individual site.

Building Department

1. Specific comments and requirements will be provided at time of Site Plan and Building Permit review for each individual site.

Refer to redlined plans in addition to the comments below for details and specifics.

Note: Items still outstanding from previous redlines are in bold italics, while comments specific to the changes in the resubmittal are not.

COMMUNITY PLAN

1. General: page numbers are provided, but exhibit numbers have been removed. Please restore to the headings.
2. Page 3 – Use Map.
 - a. Correct minor typos in last sentence
3. Page 4 – Build-out allocation
 - a. One ERU is 2164.5 sq.ft., not 2164.0
 - b. Maximum ERUs is 653.20, not 653.36
4. Page 6
 - a. 1.058 million square feet is inconsistent with 1,413,879 sq.ft. identified on page 4
 - b. ERUs in the CP are not 2164; they are 488.8 if 1.058M sq.ft., or 653 if 1,413,879 sq.ft.
5. Page 7
 - a. 5.ii and iv: Correct setback contradiction as identified
 - b. 9.a: identify how to determine if UDC consultation is appropriate
 - c. 12.a: if staff approval is given for site plan, how does Council approve height?
 - d. Off street parking: how is a “center” defined?
6. Page 8
 - a. Please provide an example of shared parking matrix in practice
 - b. Remove specific code reference for lighting exception, and just state the exception
7. Page 9
 - a. Refer to Sections 19.12, 19.13, 19.14, and 19.15 where processes are referenced
8. Page 12
 - a. Define large expanses
 - b. Identify how much latitude can occur

- c. Replace “should” with “shall” in last paragraph
 - d. Maximum number of materials may be too restrictive. Minimum is 3, maximum is 4, not much room.
9. Page 13
- a. Identify criteria for façade shifts
 - b. Roofs: Replace “should” with “shall” in first sentence.
 - c. Roofs: Require access to be from inside the building, not external to the building
10. Page 15
- a. Hameln grass is not used in the Village Plan
 - b. List under Street corners does not use parallel structure
11. Page 16
- a. Landscape: Recommend 11% not include parking lot islands and thin strips by buildings
 - b. Parking lot screening: include 3’ height requirement
 - c. Retaining walls: VP 1 occurs after CP; please rewrite to accurately reflect timing
 - d. Boulders Edging etc: Remove “#1” from Village Plan. Also add concrete edging between lawn and beds as it is referenced elsewhere
 - e. 19.06 requires intermittent landscaping along walls, will this be done?
12. Page 17
- a. Replace last sentence of each paragraph with “Phase I Village Plan rock colors and sizes to be matched by all subsequent Village Plans” for clarity
 - b. Add “in depth” to the 8’ of landscaping abutting single stacked rows

VILLAGE PLAN

1. General: page numbers are provided, but exhibit numbers have been removed. Please restore to the headings.
2. Page 4 – Detailed Build-out allocation
 - a. Open space/landscaping ranges still not provided
 - b. 2164.5 sq.ft., not 2164
 - c. ***Still missing Community Plan information in the ERU section***
 - d. ***What happens to density if the maximums are not reached?***
3. Page 5 – Development Standards
 - a. ******OVERALL***, please follow the pattern of listing a standard and then indicating how the material in the VP compares to the standard.***
 - b. Combine open space and landscaping as they are treated as one item throughout plan
 - c. ***Missing open space plan & percentages (can be elsewhere in VP but comes to mind here).***
4. Page 10 – Landscape Plan
 - a. Reference the RC zone in the note below the drawing
5. Page 11 – Corner...
 - a. Add “minimum” before sq.ft. on each drawing
6. Page 12 – Utility Plan
 - a. ***Still showing a specific lot layout, including corner drive-thru. Will utility plan work for all layouts?***
 - b. Add note for conceptual layout
7. Page 14 – Pedestrian Plan
 - a. 4’ sidewalks result in need for periodic bump-outs for passing
8. Page 18 – Signage
 - a. Section 19.18, not 08
 - b. Clarify that pedestal and pylon are permitted
9. Page 21 – conceptual signage
 - a. Need exhibit for gas canopy signage to verify compliance with 19.18
10. Page 24 – Anchor Tenant Proposed Elevations

- a. Add note to elevations stating conceptual and changes may be necessary to comply with CP/VP/Code standards.
 - b. Regarding comments below, Smith’s architect has contacted Planning and is working on 4-sided architecture. Seating and lighting and other remaining information to be verified at time of site plan review.
 - i. Wall pack lights can be mounted no taller than 16 feet. What are the heights shown on the elevations?*
 - ii. Even at buildout of the full commercial center, the Smiths building will continue to be very visible from all angles. 4-sided architecture is needed to create a finished visual product. As such, please ensure that color schemes are wrapped on all sides four sides.*
 - iii. Other Smiths Marketplace stores have outdoor seating to complement their deli and Starbucks. These outdoor seating areas typically have upgraded lighting mounted on the building. If outdoor seating is planned with this store, please show the upgraded lighting.*
 - c. Can we get a 3D version for SketchUp?*
11. Page 26 – Fuel Center
- a. Max height for fuel canopies?
 - b. Signage percentage / compliance?
12. Pages 27-32 – Detailed Plans, Lot Layouts
- a. When is articulation required? No requirement in the CP or VP.*
 - b. Propose a table on each page to address the following items remaining:
 - i. Is parking suitable for all uses? Parking requirements will be one of the items most scrutinized. Based on the Smiths and all of the pad buildings shown on the VP, indicate how each of the lots is parked - in other words prove the need to have the ability to "share parking".*
 - ii. Show OS/landscape ranges and % for each concept.*
 - iii. FAR ranges.*
 - iv. ERU ranges.*
 - v. Signage info, both site and building.*
 - c. Still need the disclaimer or clause that staff has the ability to require full review and approval of any site plan by the City Council should a proposal not meet the specific design requirements listed in the VP. Can place on page 9 of the CP, processes.*
13. Page 30 – Pad D
- a. Still recommend removing drive-through single building option from pad D, or at a minimum rotate to place parking and drive-through behind building at an angle. - The bank/credit union is still shown as an option on the corner; original recommendation was to replace with a building that has a better street presence and can incorporate thematic design elements that can continue through the whole development.*
14. Page 34 – Findings
- a. b. numbers don’t match table on page 4
 - b. c. extra space in first sentence
 - c. c. remove unnecessary comma, and correct type at end of last sentence
 - d. d. extra space & remove one of the two uses of “also” from last sentence

Planning Commission Staff Report

General Plan and Code Amendments

Multiple Sections

Thursday, September 24, 2015

Public Hearing

Report Date:	Thursday, September 17, 2015
Applicant:	Staff and Subcommittee Initiated
Previous Meetings:	Code Subcommittee Meetings Planning Commission Work Session August 13, 2015 City Council Work Session August 18, 2015 Planning Commission Work Session September 10, 2015
Land Use Authority:	City Council
Future Routing:	Public hearing(s) with City Council
Author:	Kimber Gabryszak, Planning Director

A. Executive Summary:

The Code Subcommittee and Staff have been working on the next round of code cleanups, amendments, and clarifications. The current packet proposes changes to the following sections:

- 19.05 – merge & edit sales trailer sections
- 19.06 –
 - Reorganize landscaping chapter for clarity in single-family application and code enforcement
 - Amend single-family landscaping standards to address large lots and bare ground
 - Remove requirement for mulch beneath trees and shrubs
 - Clarify sight triangle standards

Recommendation:

Staff recommends that the Planning Commission conduct a public hearing, take public comment, discuss the proposed amendments, and vote to forward a positive recommendation to the City Council on all or some of the amendments with or without modifications, as outlined in Section H of this report. Alternatives include continuance to a future meeting or a negative recommendation for all or some of the amendments.

- #### B. Background:
- The City has been working for the last several years to adopt amendments to the Land Development Code to improve transparency, increase consistency, close loopholes, increase standards, and remove contradictions. In October 2013 the Council appointed a Development Code (Code) Update Subcommittee consisting of two City Councilmembers, one member of the Planning

Commission, and City staff as appropriate. Since then, this group has been working towards these goals by bringing a round of Code amendments through the process every quarter.

In recent months, several additional amendments have been identified. First, there are two separate sections in the Code that address Sales Trailers, and second, the increase in activity by Code Enforcement on landscaping requirements has highlighted unclear requirements and organizational issues.

Planning Commission and City Council Work Sessions

The Planning Commission held a work session on August 13, 2015, and the City Council held a work session on August 18th and provided input on the proposed landscaping enforcement solutions. An additional work session was held on September 10, 2015, at which time the Commission reviewed draft language based on discussion in the work sessions along with the sales trailer and clear sight triangle amendments.

C. Specific Request: The proposed amendments are summarized below, with details contained in Exhibits 1 – 4.

- 19.05 – merge & clarify two sales trailer sections
- 19.06 –
 - Reorganize landscaping chapter for clarity in single-family application and code enforcement
 - Amend single-family landscaping standards to address large lots and bare ground
 - Remove requirement for mulch beneath trees and shrubs for practicality
 - Clarify sight triangle standards

D. Process: Section 19.17.03 of the Code outlines the process and criteria for an amendment:

1. The Planning Commission shall review the petition and make its recommendation to the City Council within thirty days of the receipt of the petition.
Complies. There is no application as this is Staff initiated, and is being presented to the Commission for a recommendation.
2. The Planning Commission shall recommend adoption of proposed amendments only where it finds the proposed amendment furthers the purpose of the Saratoga Springs Land Use Element of the General Plan and that changed conditions make the proposed amendment necessary to fulfill the purposes of this Title.
Complies. Please see Sections F and G of this report.
3. The Planning Commission and City Council shall provide the notice and hold a public hearing as required by the Utah Code. For an application which concerns a specific parcel of property, the City shall provide the notice required by Chapter 19.13 for a public hearing.
Complies. Please see Section E of this report.
4. For an application which does not concern a specific parcel of property, the City shall provide the notice required for a public hearing except that notice is not required to be sent to property owners directly affected by the application or to property owners within 300 feet of the property included in the application.

Complies. Please see Section E of this report.

E. Community Review: Per Section 19.17.03 of the City Code, this item has been noticed as a public hearing in the *Daily Herald*; as these amendments affect the entire City, no mailed notice was required. A public hearing with the City Council has been scheduled and noticed for October 6, 2015.

F. General Plan:

Land Use Element – General Goals

The General Plan has stated goals of responsible growth management, the provision of orderly and efficient development that is compatible with both the natural and built environment, establish a strong community identity in the City of Saratoga Springs, and implement ordinances and guidelines to assure quality of development.

Staff conclusion: consistent

The proposed changes help to improve transparency and consistency by continuing to clarify requirements and remove unclear standards. The goals and objectives of the General Plan are not negatively affected by the proposed amendments, community goals will be met, and community identity will be maintained and possibly enhanced through improved application of standards.

G. Code Criteria:

Code amendments are a legislative decision; therefore the City Council has significant discretion when considering changes to the Code.

The criteria for an ordinance (Code) change are outlined below, and act as guidance to the Council, and to the Commission in making a recommendation. Note that the criteria are not binding.

19.17.04 Consideration of General Plan, Ordinance, or Zoning Map Amendment

The Planning Commission and City Council shall consider, but not be bound by, the following criteria when deciding whether to recommend or grant a general plan, ordinance, or zoning map amendment:

1. The proposed change will conform to the Land Use Element and other provisions of the General Plan;
Consistent. See Section F of this report.
2. the proposed change will not decrease nor otherwise adversely affect the health, safety, convenience, morals, or general welfare of the public;
Consistent. The amendments will ensure clear and consistent standards for sales trailers, landscaping, and sight triangle identification for safety.
3. the proposed change will more fully carry out the general purposes and intent of this Title and any other ordinance of the City; and
Consistent. The stated purposes of the Code are found in section 19.01.04:
 1. The purpose of this Title, and for which reason it is deemed necessary, and for which it is designed and enacted, is to preserve and promote the health, safety, morals, convenience, order, fiscal welfare, and the general welfare of the City, its

- present and future inhabitants, and the public generally, and in particular to:
- a. encourage and facilitate the orderly growth and expansion of the City;
 - b. secure economy in governmental expenditures;
 - c. provide adequate light, air, and privacy to meet the ordinary or common requirements of happy, convenient, and comfortable living of the municipality's inhabitants, and to foster a wholesome social environment;
 - d. enhance the economic well-being of the municipality and its inhabitants;
 - e. facilitate adequate provisions for transportation, water, sewer, schools, parks, recreation, storm drains, and other public requirements;
 - f. prevent the overcrowding of land, the undue concentration of population, and promote environmentally friendly open space;
 - g. stabilize and conserve property values;
 - h. encourage the development of an attractive and beautiful community; and
 - i. promote the development of the City of Saratoga Springs in accordance with the Land Use Element of the General Plan.

The amendments help to clarify standards for several uses, thus ensuring economy in government expenditures by lessening the cost and need for enforcement, and maintaining a high standard of review by ensuring existing requirements are met.

4. in balancing the interest of the petitioner with the interest of the public, community interests will be better served by making the proposed change.

Consistent. The amendments will better protect the community through more clarity and consistency and maintenance of high standards.

H. Recommendation / Options:

Staff recommends that the Planning Commission conduct a public hearing, take public comment, discuss the proposed amendments, and vote to forward a positive recommendation to the City Council on the amendments with or without modifications, or choose from the alternatives below.

Staff Recommended Motion – Positive Recommendation

The Planning Commission may choose to forward a **positive recommendation** on all or some of the amendments to the Code Sections listed in the motion, as proposed or with modifications:

Motion: “Based upon the evidence and explanations received today, I move to forward a **positive** recommendation to the City Council for the proposed amendments to Sections [19.05, 19.06] with the Findings and Conditions below:

Findings:

1. The amendments are consistent with Section 19.17.04.1, General Plan, as outlined in Sections F and G of this report and incorporated herein by reference.
2. The amendments are consistent with Section 19.17.04.2 as outlined in Section G of this report and incorporated herein by reference.
3. The amendments are consistent with Section 19.17.04.3 as outlined in Section G of this report and incorporated herein by reference.

4. The amendments are consistent with Section 19.17.04.4 as outlined in Section G of this report, and incorporated herein by reference.

Conditions:

1. The amendments shall be edited as directed by the Commission: _____
 - a. _____
 - b. _____
 - c. _____

Alternative A – Continuance

Vote to **continue** all or some of the Code amendments to the next meeting, with specific feedback and direction to Staff on changes needed to render a decision.

Motion: “I move to continue the amendments to Sections [19.05, 19.06] of the Code to the October 8, 2015 meeting, with the following direction on additional information needed and/or changes to the draft:

Alternative B – Negative Recommendation

Vote to forward a **negative** recommendation to the City Council for all or some of the proposed Code amendments.

Motion: “Based upon the evidence and explanations received today, I move to forward a **negative** recommendation to the City Council for the proposed amendments to Sections [19.05, 19.06] of the Code with the Findings below:

Findings

1. The amendments do not comply with Section 19.17.04(1), General Plan, as articulated by the Commission: _____
2. The amendments do not comply with Section 19.17.04, sub paragraphs 2, 3, and/or 4 as articulated by the Commission: _____
3. _____
4. _____
5. _____

I. Exhibits:

1. 19.05 – sales trailers working
2. 19.05 – sales trailers clean
3. 19.06 – landscaping & sight triangle working
4. 19.06 – landscaping & sight triangle clean

EXHIBIT 1 – Sales Trailers Working

19.05 – MERGING TWO SALES TRAILER SECTIONS

19.05.02. General Supplemental Regulations.

- 1. **Model Homes.** Model homes may be constructed in approved and recorded residential subdivisions when water, power, and sewer services are available to the site. Sites for model homes must also have improved, all-weather, vehicular access as approved by the City Engineer. Model homes may not be occupied as a dwelling until a permanent Certificate of Occupancy has been issued by the City.

19.05.14. Temporary Subdivision Sales Trailers.

1. One temporary sales trailer may be granted per preliminary or final plat so long as it complies with the standards in this Section 19.05.14. Failure to comply with any of the standards herein shall be considered justification for the revocation of the permit by City Staff. An applicant must receive a permit for a subdivision sales trailer from the Planning Director, who is designated as the land use authority, and a building permit from the Building Official. Any of the standards below do not replace or limit any building or fire codes adopted by the City. In the event of a conflict, the more restrictive standard shall apply. The following are the specific land use standards for a temporary subdivision sales trailer:

- a. The sales trailer must be located in a subdivision of not less than five acres in total acreage. The trailer shall be located within an approved and recorded subdivision area for which the trailer is selling homes or lots.
- b. Sales trailers that are off-site from the project area are prohibited;
- c. Sales trailers are not permitted in subdivisions which also have an operational model home; sales trailers approved prior to a model home shall be removed within thirty days of a model home beginning operation.
- d. Sales trailers must be located at least 200 feet from any existing dwelling outside of the subdivision measured along street lines;
- e. Water, power, and sewer services shall be available to service the sales trailer. Sales trailers that are accessible to the public or any employee must have bathroom facilities within the sales trailer.
- f. The sales trailer must be in compliance with the accessibility regulations in Chapter 19.09 and as approved by the City Building official.
- g. The sales trailer must have an approved landscape plan and off-street parking area. Compliance with this provision will be reviewed and approved by planning staff prior to permit issuance.
- h. At the time of permit issuance, a bond shall be posted in the amount of \$3,000.00 to guarantee appropriate removal and clean-up of the site;

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i. No sales trailer will be allowed to be located in any subdivision project for a period of time in excess of twelve months.

i. Within this twelve month period, sales trailers shall be removed within thirty days of the expiration of the occupancy permit, or after issuance of the final certificate of occupancy in the development, or after approved construction activity ceases, whichever is shorter.

ii. A one-time extension of up to twelve months may be approved by City staff. A request for an extension must be made prior to the end of the initial twelve month period;

j. A signage plan shall be submitted with any application and must be in compliance with the City's ordinances governing signs; and

k. If construction does not begin within 180 days of issuance of the permit, the permit shall expire per the International Building Code.

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Deleted: For temporary subdivision sales trailer for which construction begins within 180 days of issuance of the permit, the permit shall become void one year following the date on which the permit was issued. The temporary trailer shall then be removed unless thirty days prior to the expiration of the one-year period, a request for an extension of time is made and granted by the Planning Director. In no case will more than one extension be granted, and such extension may not be more than one year.

Deleted: <#>A temporary subdivision sales trailer shall be removed no later than 30 days after issuance of the final certificate of occupancy in the development or approved construction activity ceases. .

19.05 – MERGING TWO SALES TRAILER SECTIONS

19.05.02. General Supplemental Regulations.

2. **Model Homes.** Model homes may be constructed in approved and recorded residential subdivisions when water, power, and sewer services are available to the site. Sites for model homes must also have improved, all-weather, vehicular access as approved by the City Engineer. Model homes may not be occupied as a dwelling until a permanent Certificate of Occupancy has been issued by the City.

19.05.14. Temporary Subdivision Sales Trailers.

1. One temporary sales trailer may be granted per preliminary or final plat so long as it complies with the standards in this Section 19.05.14. Failure to comply with any of the standards herein shall be considered justification for the revocation of the permit by City Staff. An applicant must receive a permit for a subdivision sales trailer from the Planning Director, who is designated as the land use authority, and a building permit from the Building Official. Any of the standards below do not replace or limit any building or fire codes adopted by the City. In the event of a conflict, the more restrictive standard shall apply. The following are the specific land use standards for a temporary subdivision sales trailer:
 - a. The sales trailer must be located in a subdivision of not less than five acres in total acreage. The trailer shall be located within an approved and recorded subdivision area for which the trailer is selling homes or lots.
 - b. Sales trailers that are off-site from the project area are prohibited;
 - c. Sales trailers are not permitted in subdivisions which also have an operational model home; sales trailers approved prior to a model home shall be removed within thirty days of a model home beginning operation.
 - d. Sales trailers must be located at least 200 feet from any existing dwelling outside of the subdivision measured along street lines;
 - e. Water, power, and sewer services shall be available to service the sales trailer. Sales trailers that are accessible to the public or any employee must have bathroom facilities within the sales trailer;
 - f. The sales trailer must be in compliance with the accessibility regulations in Chapter 19.09 and as approved by the City Building official;
 - g. The sales trailer must have an approved landscape plan and off-street parking area. Compliance with this provision will be reviewed and approved by planning staff prior to permit issuance.
 - h. At the time of permit issuance, a bond shall be posted in the amount of \$3,000.00 to guarantee appropriate removal and clean-up of the site;

- i. No sales trailer will be allowed to be located in any subdivision project for a period of time in excess of twelve months.
 - i. Within this twelve month period, sales trailers shall be removed within thirty days of the expiration of the occupancy permit, or after issuance of the final certificate of occupancy in the development, or after approved construction activity ceases, whichever is shorter.
 - ii. A one-time extension of up to twelve months may be approved by City staff. A request for an extension must be made prior to the end of the initial twelve month period;
- j. A signage plan shall be submitted with any application and must be in compliance with the City's ordinances governing signs; and
- k. If construction does not begin within 180 days of issuance of the permit, the permit shall expire per the International Building Code.

EXHIBIT 3 – Landscaping and Fencing, Working

19.06 – LANDSCAPING & SIGHT TRIANGLE

Chapter 19.06. Landscaping and Fencing.

19.06.06. Planting Standards and Design Requirements for Nonresidential and Common Open Space.

1. These planting standards are the minimum standards of landscaping that the City will accept towards meeting the landscaping required in this Chapter for nonresidential development and open spaces that are held in common or in Homeowner’s Association ownership in residential developments. Design requirements identify specific standards as they pertain to landscaping. The planting standards and design requirements shall be used in evaluation of any landscaping plan by the City Council.

2. The following are planting standards for required landscaping that shall be followed for all new development, with all caliper sizes measured no less than 12 inches above the root ball:

- a. **Required Trees.** Required trees are subject to the following standards:
 - i. **Deciduous Trees.** All deciduous trees shall have a minimum trunk size of two (2) inches in caliper.
 - ii. **Evergreen Trees.** All evergreen trees shall have a minimum size of 6 feet in height.
 - iii. **Tree base clearance.** An area at the base of the tree a minimum of three feet in diameter shall be kept free of rock and turf. In parking lot islands and other narrow strips of landscaping where strips of turf two feet or less in width would otherwise occur, this clear area may be reduced to two feet in diameter.
- b. **Shrubs.** At least 25% of the required shrubs shall be a minimum of 5 gallons in size at time of installation; all other required shrubs shall be a minimum of 1 gallon in size.
- c. **Turf.** No landscaping shall be composed of more than seventy percent turf.
- d. **Drought Tolerant Plants.** Fifty percent of all trees and shrubs shall be required to be drought tolerant species.
- e. **Rock:** rock may be utilized up to the maximum percentage specified in Section 19.06.07, subject to the following requirements:
 - i. a minimum of two separate colors, and a minimum of two different sizes shall be used;
 - ii. rock shall provide contrasting color to pavement and other hard surfaces within the property, and all colors used shall be earth tones.
- f. **Planting and Shrub Beds.** Planting and shrub beds may be used to satisfy up to the percentage of the total required landscaping as specified in the Section 19.06.07. In addition to the required plants in the chart, planting and shrub beds must meet the following requirements:

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Deleted: equal in size to the predicted canopy of shrubs and trees at maturity and shall instead be covered with wood chips, mulch, bark, or other non-rock cover

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Moved up [1]: no rock shall be placed in an area at the base of the plant equal in size to the predicted canopy of shrubs and trees at maturity and shall instead be covered with wood chips, mulch, bark, or other non-rock cover. -

- i. high-quality weed barrier is used;
- ii. high quality materials such as wood chips, wood mulch, ground cover, decorative rock, landscaping rocks, or similar materials are used, and materials must be heavy enough to not blow away in the wind;
- iii. edging is used to separate lawns from beds, and all areas except residential must use concrete edging for durability;
- iv. drip lines are used for irrigation.

~~g.~~ **Artificial Turf.** Artificial turf is not permitted.

Deleted: in non-residential landscaping,

Deleted: and is not permitted in front or corner street side yards in residential development

3. The following design requirements will be used when reviewing landscaping plans in the City of Saratoga Springs:
- a. **Selection of Plants.** Plants shall be selected for texture, form, color, pattern of growth, and adaptability to local conditions.
 - b. **Evergreens.** Evergreens shall be incorporated into landscaped treatment of sites where screening and buffering are required.
 - c. **Softening of Walls and Fences.** Plants shall be placed intermittently against long expanses of building walls, fences, and barriers to create a softening effect.
 - d. **Planting and Shrub Beds.** Planting and shrub beds are encouraged to be used in order to conserve water. Planting and shrub beds shall meet the requirements in subsection 19.06.06(2)(g) above.
 - e. **Water Conservation.** While irrigation systems are required for all landscaped areas, all systems shall be efficient in the use of water such as the installation of drip lines for shrubs and trees.
 - f. **Energy Conservation.** Placement of plants shall be designed to reduce energy consumption. Deciduous trees are encouraged to be planted on the south and west sides of structures to provide shade over the structures in the summer months. Evergreens trees are encouraged to be planted on the north side of structures when feasible to dissipate the effects of winter winds.
 - g. **Preservation of Existing Vegetation.** Where possible and appropriate, existing native vegetation must be incorporated into the landscape treatment of the proposed site.
 - h. **Tree Preservation.** Existing mature evergreen trees of 16 feet in height or greater, and existing mature deciduous or decorative trees of more than four inches (4") in caliper, shall be identified on the landscape plan and preserved if possible.
 - i. If preservation is not possible, the required number of trees shall be increased by double the number of such trees removed.
 - ii. The replacement trees for evergreen trees shall be evergreens, and for deciduous shall be deciduous.
 - iii. Trees smaller than four inches in caliper that are removed shall be replaced on a one to one ratio.
 - iv. Replacement trees shall be in addition to the minimum tree requirements of this Chapter, and shall comply with minimum sizes as outlined in the Chapter.
 - i. **Placement.** Whenever possible, landscaping shall be placed immediately adjacent to structures, particularly where proposed structures have large empty walls.

4. No trees shall be planted directly under or in close proximity to power lines, poles, or utility structures unless:
 - a. the City Council gives its approval;
 - b. the power company or owner of the power line gives written consent; and
 - c. the maximum height or width at maturity of the tree species planted is less than 5 feet to any pole, line, or structure.

5. Parking Lots.
 - a. Parking areas have additional landscaping standards outlined in Chapter 19.09.

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(Ord. 14-23)

19.06.07. Amount of Required Landscaping.

1. Portions of property that are not developed with structures, rights of ways, or parking areas shall be required to be landscaped per the definition of Landscaping in Section 19.02 in all land use zones.
2. Single-family residential lots shall be required to landscape per Section 19.06.08.
3. The Multi-family, improved open space, and nonresidential development in all Zones shall be required to adhere to the minimum landscaped standards contained in the table below.
4. The City Council shall have authority to adjust these standards as circumstances dictate.

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Required Landscaped Area ¹	Minimum Deciduous Trees ³	Minimum Evergreen Trees ³	Minimum Shrubs	Minimum Percentage of Required Turf	Percentage of Required Planting and Shrub Beds
< than 1,000	1	1	7	0 % ²	Up to 100%
1,001 - 3,000	3	1	10	0 % ²	Up to 100%
3,001 - 5,000	5	2	13	0 % ²	Up to 100%
5,001 - 7,000	5	3	14	35%	Not more than 65%
7,001 - 9,000	6	3	17	35%	Not more than 65%
9,001 - 11,000	6	4	19	35%	Not more than 65%
11,001 - 13,000	6	4	22	35%	Not more than 65%
13,001 - 15,000	7	5	25	35%	Not more than 65%
15,001 >	7 + 1 per additional 3000 sq.ft.	5 + 1 per additional 3000 sq.ft.	25 + 1 per additional 3000 sq.ft.	25%	Not more than 75%

¹Areas are measured in square feet. Parking lot landscaping islands may have different standards and are found in Chapter 19.09.

² The City Council may require a certain percentage of turf on a case-by-case basis.

³ This number shall be increased per the requirements of Section 19.06.06 above.

19.06.08. Single Family Residential and Park Strip Landscaping Requirements.

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1. Single Family Residential Lots

- a. All residential lots in all zones except A and RA-5, one-third acre in size and smaller shall have the front yards, and street-side yards for corner lots, landscaped within one year, and interior side and back yards within two years after (whichever is less restrictive):
 - i. receiving a Certificate of Occupancy; or
 - ii. once ownership is established by the initial owner.
- b. All residential lots larger than one-third acre must landscape a minimum of one-third acre.
 - i. The one-third acre may include structure footprints, driveways, parking areas, and other lot improvements that fall within a contiguous one-third acre area.
 - ii. Areas outside of the landscaped one-third acre may remain in a native state, and shall be maintained in compliance with nuisance and fire requirements.
 - iii. That portion of the landscaping that falls within the front yard, and street-side yard for corner lots, shall be landscaped within one year, and that portion of landscaping within interior side and back yards shall be landscaped within two years after (whichever is less restrictive):
 - 1. receiving a Certificate of Occupancy; or
 - 2. once ownership is established by the initial owner.
- c. All landscaped areas shall be completely landscaped per the definition of Landscaping in Section 19.02, with the following exceptions:
 - i. Bare dirt, meaning ground with no planting, hardscape, rock, or other cover, may occur in limited quantities when in conjunction with gardens, trellis areas, and similar features.
 - ii. Trees and shrubs are permitted to have a ring of bare dirt around the trunk and beneath the drip line of the canopy.
- d. At least 25% of landscaping in front yards and corner street side yards shall consist of non-rock planter beds, shrubs and grasses, or other non-hardscape and non-rock landscaping.
- e. Artificial turf is not permitted in front or corner street side yards.
- f. No trees shall be planted directly under or in close proximity to power lines, poles, or utility structures unless:
 - i. the City Council gives its approval;
 - ii. the power company or owner of the power line gives written consent; and
 - iii. the maximum height or width at maturity of the tree species planted is less than 5 feet to any pole, line, or structure.

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2. Park strips.

- a. Park strips shall be landscaped when the front yard is landscaped for a residential dwelling, or when site improvements are completed for a non-residential project,

and shall thereafter be perpetually maintained by the property owner who abuts the park strip. Only the following shall be installed in park strips: turf, trees, shrubs or other plants, mulch, live plant vegetation (other than trees) below three feet in height, landscape rock, cobble, and removable pavers. When landscape rock, cobble, or pavers are used, at least thirty percent of each park strip shall contain plantings.

- b. Weeds, dead vegetation, fruit trees, fruit and vegetable gardens, gravel, asphalt, concrete, and large boulders are prohibited in park strips.
- c. Four foot wide concrete walkways are allowed in the park strip when the walkway lines up with the main walkway to the front door.

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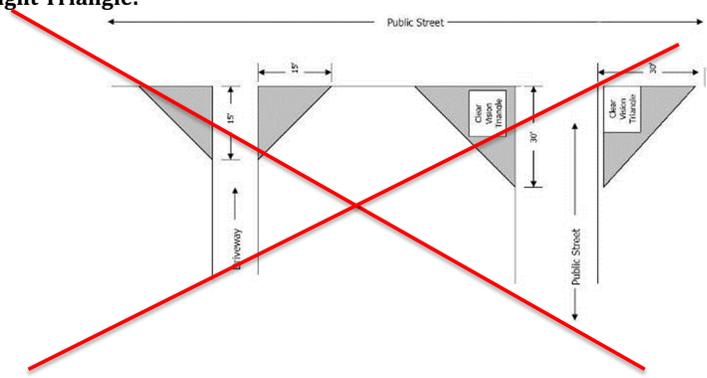
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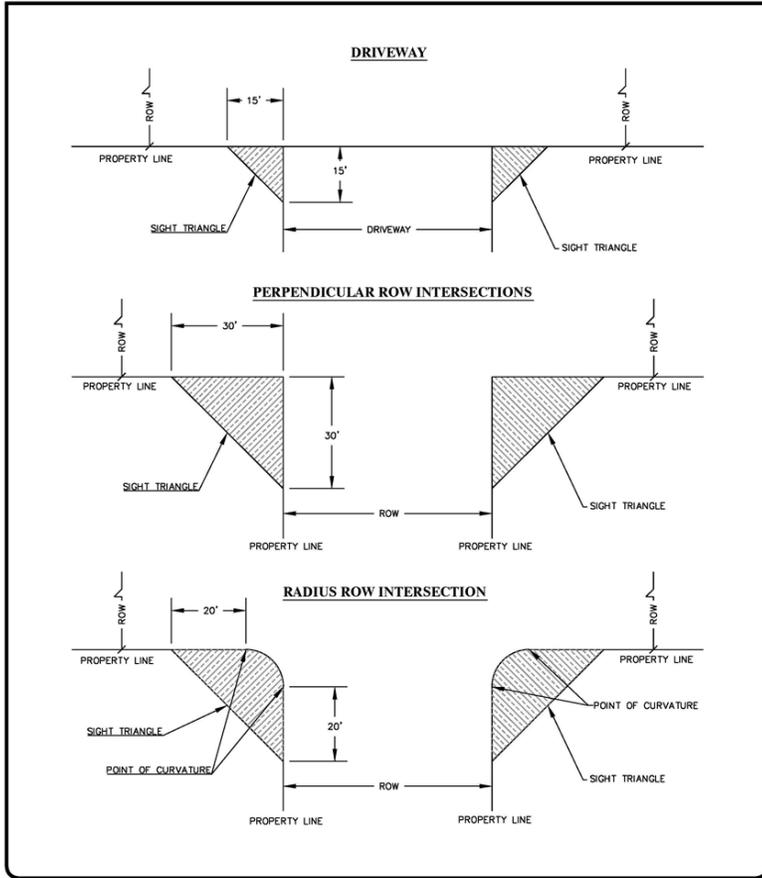
(Ord. 14-23)

19.06.11. Clear Sight Triangle.

At all intersections of streets, driveways, or sidewalks, all landscaping, berms, and fencing shall be limited to a height of not more than three feet, and the grade at such intersections shall not be bermed or raised, for a distance of twenty feet back from the point of curvature of curved ROWs and property lines or thirty feet back from the intersection of straight ROWs and property lines, whichever is greater, and fifteen feet back from edge of driveways to allow for clear sight as shown in the graphic below.

Clear Sight Triangle:





SIGHT TRIANGLE	DATE: JULY 2014	REVISIONS:			STANDARD DETAILS	
	DRAWING NAME:	REV. DATE	BY		COMMENTS	SIGHT TRIANGLE
	DRAWN BY: ETL					
	CHECKED: APPROVED:	SARATOGA SPRINGS CITY			JEFF H. COMMERCIAL DR. 2015 SARATOGA SPRINGS CITY ENGINEER PHONE: 518.786.5705 FAX: 518.786.5706	

(Ord. 14-23)

19.06 – LANDSCAPING & SIGHT TRIANGLE

Chapter 19.06. Landscaping and Fencing.

19.06.06. Planting Standards and Design Requirements for Nonresidential and Common Open Space.

1. These planting standards are the minimum standards of landscaping that the City will accept towards meeting the landscaping required in this Chapter for nonresidential development and open spaces that are held in common or in Homeowner’s Association ownership in residential developments.. Design requirements identify specific standards as they pertain to landscaping. The planting standards and design requirements shall be used in evaluation of any landscaping plan by the City Council.

2. The following are planting standards for required landscaping that shall be followed for all new development, with all caliper sizes measured no less than 12 inches above the root ball:

- a. **Required Trees.** Required trees are subject to the following standards:
 - i. **Deciduous Trees.** All deciduous trees shall have a minimum trunk size of two (2) inches in caliper.
 - ii. **Evergreen Trees.** All evergreen trees shall have a minimum size of 6 feet in height.
 - iii. **Tree base clearance.** An area at the base of the tree a minimum of three feet in diameter shall be kept free of rock and turf. In parking lot islands and other narrow strips of landscaping where strips of turf two feet or less in width would otherwise occur, this clear area may be reduced to two feet in diameter.
- b. **Shrubs.** At least 25% of the required shrubs shall be a minimum of 5 gallons in size at time of installation; all other required shrubs shall be a minimum of 1 gallon in size.
- c. **Turf.** No landscaping shall be composed of more than seventy percent turf.
- d. **Drought Tolerant Plants.** Fifty percent of all trees and shrubs shall be required to be drought tolerant species.
- e. **Rock:** rock may be utilized up to the maximum percentage specified in Section 19.06.07, subject to the following requirements:
 - i. a minimum of two separate colors, and a minimum of two different sizes shall be used;
- f. rock shall provide contrasting color to pavement and other hard surfaces within the property, and all colors used shall be earth tones. **Planting and Shrub Beds.** Planting and shrub beds may be used to satisfy up to the percentage of the total required landscaping as specified in the Section 19.06.07. In addition to the required plants in the chart, planting and shrub beds must meet the following requirements:
 - i. high-quality weed barrier is used;

- ii. high quality materials such as wood chips, wood mulch, ground cover, decorative rock, landscaping rocks, or similar materials are used, and materials must be heavy enough to not blow away in the wind;
 - iii. edging is used to separate lawns from beds, and all areas except residential must use concrete edging for durability;
 - iv. drip lines are used for irrigation.
 - g. **Artificial Turf.** Artificial turf is not permitted ..
3. The following design requirements will be used when reviewing landscaping plans in the City of Saratoga Springs:
- a. **Selection of Plants.** Plants shall be selected for texture, form, color, pattern of growth, and adaptability to local conditions.
 - b. **Evergreens.** Evergreens shall be incorporated into landscaped treatment of sites where screening and buffering are required.
 - c. **Softening of Walls and Fences.** Plants shall be placed intermittently against long expanses of building walls, fences, and barriers to create a softening effect.
 - d. **Planting and Shrub Beds.** Planting and shrub beds are encouraged to be used in order to conserve water. Planting and shrub beds shall meet the requirements in subsection 19.06.06(2)(g) above.
 - e. **Water Conservation.** While irrigation systems are required for all landscaped areas, all systems shall be efficient in the use of water such as the installation of drip lines for shrubs and trees.
 - f. **Energy Conservation.** Placement of plants shall be designed to reduce energy consumption. Deciduous trees are encouraged to be planted on the south and west sides of structures to provide shade over the structures in the summer months. Evergreens trees are encouraged to be planted on the north side of structures when feasible to dissipate the effects of winter winds.
 - g. **Preservation of Existing Vegetation.** Where possible and appropriate, existing native vegetation must be incorporated into the landscape treatment of the proposed site.
 - h. **Tree Preservation.** Existing mature evergreen trees of 16 feet in height or greater, and existing mature deciduous or decorative trees of more than four inches (4") in caliper, shall be identified on the landscape plan and preserved if possible.
 - i. If preservation is not possible, the required number of trees shall be increased by double the number of such trees removed.
 - ii. The replacement trees for evergreen trees shall be evergreens, and for deciduous shall be deciduous.
 - iii. Trees smaller than four inches in caliper that are removed shall be replaced on a one to one ratio.
 - iv. Replacement trees shall be in addition to the minimum tree requirements of this Chapter, and shall comply with minimum sizes as outlined in the Chapter.
 - i. **Placement.** Whenever possible, landscaping shall be placed immediately adjacent to structures, particularly where proposed structures have large empty walls.

4. No trees shall be planted directly under or in close proximity to power lines, poles, or utility structures unless:
 - a. the City Council gives its approval;
 - b. the power company or owner of the power line gives written consent; and
 - c. the maximum height or width at maturity of the tree species planted is less than 5 feet to any pole, line, or structure.
5. Parking Lots.
 - b. Parking areas have additional landscaping standards outlined in Chapter 19.09.

(Ord. 14-23)

19.06.07. Amount of Required Landscaping.

5. Portions of property that are not developed with structures, rights of ways, or parking areas shall be required to be landscaped per the definition of Landscaping in Section 19.02 in all land use zones.
6. Single-family residential lots shall be required to landscape per Section 19.06.08.
7. The Multi-family, improved open space, and nonresidential development in **all** Zones shall be required to adhere to the minimum landscaped standards contained in the table below.
8. The City Council shall have authority to adjust these standards as circumstances dictate.

Required Landscaped Area ¹	Minimum Deciduous Trees ³	Minimum Evergreen Trees ³	Minimum Shrubs	Minimum Percentage of Required Turf	Percentage of Required Planting and Shrub Beds
< than 1,000	1	1	7	0 % ²	Up to 100%
1,001 - 3,000	3	1	10	0 % ²	Up to 100%
3,001 - 5,000	5	2	13	0 % ²	Up to 100%
5,001 - 7,000	5	3	14	35%	Not more than 65%
7,001 - 9,000	6	3	17	35%	Not more than 65%
9,001 - 11,000	6	4	19	35%	Not more than 65%
11,001 - 13,000	6	4	22	35%	Not more than 65%
13,001 - 15,000	7	5	25	35%	Not more than 65%
15,001>	7 + 1 per additional 3000 sq.ft.	5 + 1 per additional 3000 sq.ft.	25 + 1 per additional 3000 sq.ft.	25%	Not more than 75%

¹Areas are measured in square feet. Parking lot landscaping islands may have different standards and are found in Chapter 19.09.

² The City Council may require a certain percentage of turf on a case-by-case basis.

³ This number shall be increased per the requirements of Section 19.06.06 above.

19.06.08. Single Family Residential and Park Strip Landscaping Requirements.

1. Single Family Residential Lots
 - a. All residential lots in all zones except A and RA-5, one-third acre in size and smaller shall have the front yards, and street-side yards for corner lots, landscaped within one year, and interior side and back yards within two years after (whichever is less restrictive):
 - i. receiving a Certificate of Occupancy; or
 - ii. once ownership is established by the initial owner.
 - b. All residential lots larger than one-third acre must landscape a minimum of one-third acre.
 - i. The one-third acre may include structure footprints, driveways, parking areas, and other lot improvements that fall within a contiguous one-third acre area.
 - ii. Areas outside of the landscaped one-third acre may remain in a native state, and shall be maintained in compliance with nuisance and fire requirements.
 - iii. That portion of the landscaping that falls within the front yard, and street-side yard for corner lots, shall be landscaped within one year, and that portion of landscaping within interior side and back yards shall be landscaped within two years after (whichever is less restrictive):
 1. receiving a Certificate of Occupancy; or
 2. once ownership is established by the initial owner.
 - c. All landscaped areas shall be completely landscaped per the definition of Landscaping in Section 19.02, with the following exceptions:
 - i. Bare dirt, meaning ground with no planting, hardscape, rock, or other cover, may occur in limited quantities when in conjunction with gardens, trellis areas, and similar features.
 - ii. Trees and shrubs are permitted to have a ring of bare dirt around the trunk and beneath the drip line of the canopy.
 - d. At least 25% of landscaping in front yards and corner street side yards shall consist of non-rock planter beds, shrubs and grasses, or other non-hardscape and non-rock landscaping.
 - e. Artificial turf is not permitted in front or corner street side yards.
 - f. No trees shall be planted directly under or in close proximity to power lines, poles, or utility structures unless:
 - i. the City Council gives its approval;
 - ii. the power company or owner of the power line gives written consent; and
 - iii. the maximum height or width at maturity of the tree species planted is less than 5 feet to any pole, line, or structure.
2. Park strips.
 - a. Park strips shall be landscaped when the front yard is landscaped for a residential dwelling, or when site improvements are completed for a non-residential project,

and shall thereafter be perpetually maintained by the property owner who abuts the park strip. Only the following shall be installed in park strips: turf, trees, shrubs or other plants, mulch, live plant vegetation (other than trees) below three feet in height, landscape rock, cobble, and removable pavers. When landscape rock, cobble, or pavers are used, at least thirty percent of each park strip shall contain plantings.

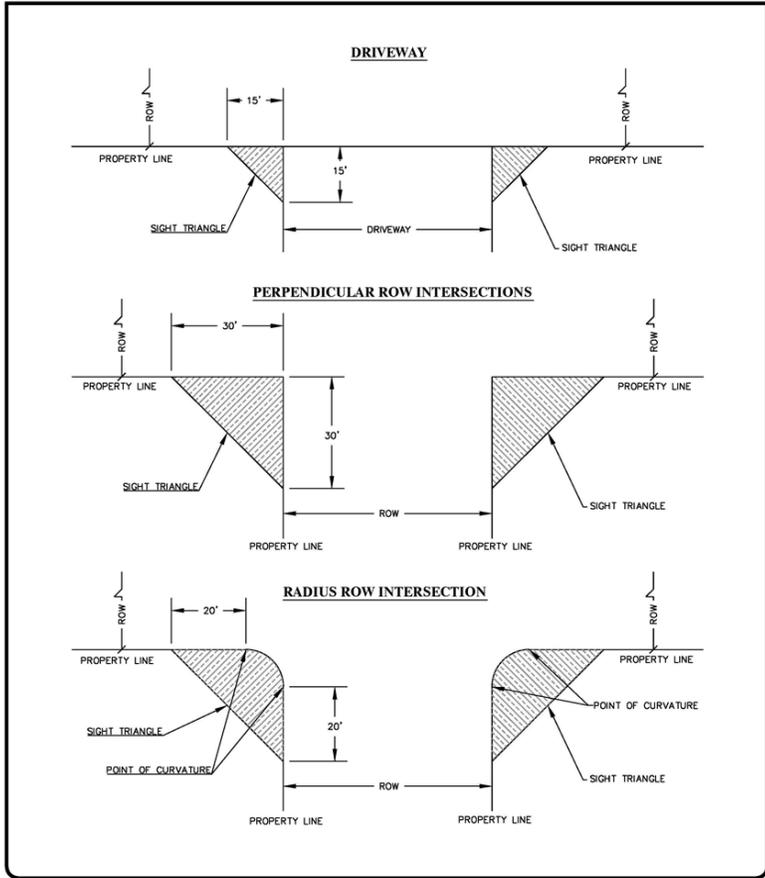
- b. Weeds, dead vegetation, fruit trees, fruit and vegetable gardens, gravel, asphalt, concrete, and large boulders are prohibited in park strips.
- c. Four foot wide concrete walkways are allowed in the park strip when the walkway lines up with the main walkway to the front door.

(Ord. 14-23)

19.06.11. Clear Sight Triangle.

At all intersections of streets, driveways, or sidewalks, all landscaping, berms, and fencing shall be limited to a height of not more than three feet, and the grade at such intersections shall not be bermed or raised, for a distance of twenty feet back from the point of curvature of curved ROWs and property lines or thirty feet back from the intersection of straight ROWs and property lines, whichever is greater, and fifteen feet back from edge of driveways to allow for clear sight as shown in the graphic below.

Clear Sight Triangle:



SIGHT TRIANGLE	DATE: JULY 2014	REVISIONS:			STANDARD DETAILS	
	DRAWING NAME:	REV. DATE	BY		COMMENTS	SIGHT TRIANGLE
	DRAWN BY: ETL					
	CHECKED: APPROVED:	SARATOGA SPRINGS CITY			JOY H. COMMENCE OR CITY ENGINEER/ADMINISTRATOR OF PUBLIC WORKS PHONE: 518.786.5705 FAX: 518.786.5706	

(Ord. 14-23)

the trailer shall be located within an approved and recorded subdivision area for which the trailer is selling homes or lots. Sales trailers that are off-site from the project area are prohibited;

water, power, and sewer services shall be available to service the trailer. Such trailers must have bathroom facilities within the trailer that are accessible to the public and any employees that may work in the trailer;

the trailer must be in compliance with the accessibility regulations in Chapter 19.09 and as approved by the City Building official;

the trailer must receive a building permit from the City and must also have an approved landscape plan and off-street parking area. Compliance with this provision will be reviewed and approved by planning staff prior to building permit issuance. At the time of building permit issuance a bond shall be posted in the amount of \$3,000.00 to guarantee appropriate removal and clean-up of the site;

no trailer will be allowed to be located in any subdivision project for a period of time in excess of twelve months. Trailers shall be removed within thirty days of the expiration of the occupancy permit. A one-time extension of up to twelve months may be approved by City staff. A request for an extension must be made prior to the end of the initial twelve month period;

a signage plan shall be submitted with any application for a temporary sales trailer and must be in compliance with the City's ordinances governing signs; and

failure to comply with any of the conditions of a temporary sales trailer permit shall be considered justification for the revocation of such a permit by City Staff.

the trailer shall be located within an approved and recorded subdivision area for which the trailer is selling homes or lots. Sales trailers that are off-site from the project area are prohibited;

water, power, and sewer services shall be available to service the trailer. Such trailers must have bathroom facilities within the trailer that are accessible to the public and any employees that may work in the trailer;

the trailer must be in compliance with the accessibility regulations in Chapter 19.09 and as approved by the City Building official;

the trailer must receive a building permit from the City and must also have an approved landscape plan and off-street parking area. Compliance with this provision will be reviewed and approved by planning staff prior to building permit issuance. At the time of building permit issuance a bond shall be posted in the amount of \$3,000.00 to guarantee appropriate removal and clean-up of the site;

no trailer will be allowed to be located in any subdivision project for a period of time in excess of twelve months. Trailers shall be removed within thirty days of the expiration of the occupancy permit. A one-time extension of

up to twelve months may be approved by City staff. A request for an extension must be made prior to the end of the initial twelve month period; a signage plan shall be submitted with any application for a temporary sales trailer and must be in compliance with the City's ordinances governing signs; and

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Parking Lots.
Parking areas have additional landscaping standards outlined in Chapter 19.09.

Page 14: [4] Deleted Kimber Lea Gabryszak 9/16/15 1:06 PM

Parking Lots.
Parking areas have additional landscaping standards outlined in Chapter 19.09.

City of Saratoga Springs
Planning Commission Meeting
September 10, 2015

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, David Funk, Ken Kilgore

Staff: Kimber Gabryszak, Sarah Carroll, Kevin Thurman, Nicolette Fike, Kara Knighton

Others: Darcey Williams, Stan Steele, Wade Williams, Scott Verhaaren, Lynn Anderson, Thane Smith, Ryan Mitchell

Excused:

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

Pledge of Allegiance - led by Kara Knighton

Roll Call A quorum was present

Public Input Open by Chairman Jeff Cochran

No comments were made.

Public Input Closed by Chairman Jeff Cochran

4. Public Hearing: Rezone for 400 North Redwood Road, Mike Carlton, applicant. Continued from August 13th.

Kimber Gabryszak said the applicants did not resubmit in time for this meeting. There was no information to review.

Public Hearing Open by Chairman Jeff Cochran

No comments were made.

Public Hearing Closed by Chairman Jeff Cochran

5. Public Hearings: The Crossing Community Plan and Village Plan, Redwood Road and Market Street, Boyer Company, applicant. To be continued to September 24th.

Kimber Gabryszak gave a quick review; the applicants are requesting approval of a Community Plan and Village Plan. The District Area Plan outlines general characteristics for this area. The density is identified as based on Floor Area Ratio of 4.7.

Wade Williams and Scott Verhaaren shared a presentation.

Wade Williams thanked City Staff and their own consultants that have helped put the project together. He went over the Community Plan. Phase one is pretty much set. Phase 2 is starting to be conceptualized. He went through landscape and signage plans. They have come up with a new off street parking requirement. They have clarified the lighting requirements. They have proposed an approval process for going forward. They feel the time for market is important. The process ties back to the Community Plan and Village Plan and the City Codes. They have design guidelines with types of material and colors and other architectural details. They want to carry their sign motif throughout the project. Each major intersection will have some major landscaping to announce an arrival, there are guidelines and examples. They think the utility map will be changed before the next meeting.

Wade Williams continued with the Village Plans. This breaks down to the first phase of the project. They are asking that retail big box, fitness centers and auto fueling stations be deemed a permitted use. This phase at max build out would translate to just under 200 ERUs. They want to incorporate a provision that outdoor seating and dining is allowed. The Boyer Company will maintain the common area. The phasing

plan had a change with the sidewalk that extends, that may need to be pulled out later. Each lot will have landscaping plans. The packet included vehicular plans for drives and parking. There were some grading plans included. There was a signage plan with potential designs. There were conceptual retail designs to demonstrate scale and type of buildings. They want to balance architecture with different materials, colors, and design themes. There were some proposed Smiths Elevations for the Marketplace and fuel center. They laid out a few potential designs for the pads which are conceptual.

Public Hearing Open by Chairman Jeff Cochran

No comments were made at this time.

Motion made by Hayden Williamson to continue the Public Hearing for The Crossings Village and Community Plans to a date certain of September 24th 2015. Seconded by Kirk Wilkins. Aye: Sandra Steele, David Funk, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Ken Kilgore. Motion passed 6 - 0.

Ken Kilgore did not have any comments at this time.

Kirk Wilkins felt many of his questions were answered in the presentation. He asked about the Staff Findings that seemed incomplete in the packet.

Kimber Gabryszak noted that when they scheduled it, they knew there was a chance it would be continued.

Staff did an analysis of code compliance based on what had been provided to date based on what was missing or needed to change to make it compliant. They have made most of the changes that staff required.

Staff will go back through the analysis with the updated plan presented tonight and update the findings.

Kirk Wilkins asked if they were subject to the current city standards for roads.

Kimber Gabryszak responded that for any accesses off of Pioneer or Redwood Road they need to comply with UDOT standards prior to any development occurring.

Hayden Williamson asked about the timing of phase one, if they had any estimated timelines.

Wade Williams responded that for them the sooner the better. It will be driven by the tenants. They would like to see two or three of the other parcels open and ready the same time Smiths is done. It will be driven by the market.

Scott Verhaaren noted they had a number of interested parties but it is all market driven.

Wade Williams noted the retailers set schedules in advance. Once the dirt gets moving they should see more interest because they know it is really happening.

Scott Verhaaren said for most retailers their 2016 is full, most are looking to 2017.

Hayden Williamson asked when the fuel center would open.

Wade Williams noted that would be opened at Smiths grand opening as well.

Hayden Williamson asked about a street light at Market Street and Redwood Road.

Wade Williams noted the City would put that in when it was completed. They feel at some point Pioneer and Market Street would need to be signaled as well. Right now the current traffic study shows there is no need of a light at Dalmore and Redwood Road., they feel there is one needed but it has to go through UDOT.

David Funk asked about the hazardous materials on site. He appreciates all the work that has gone into this.

Wade Williams said as the ground is now, there is no hazardous material. He noted that when the fuel station goes in they make sure they use the latest materials.

Sandra Steele asked if they were going to leave the current fuel station open where it is now at Smiths.

Wade Williams wasn't sure what the plans were for it.

Sandra Steele noted several years ago they wanted an extension but they never went through with it. She is concerned the new one won't be big enough.

Wade Williams noted the new facility would be double the size. It would have two pumps in each isle which equal nine dispensing units so 18 cars could fill at the same time.

Sandra Steele doesn't feel comfortable making any other comments tonight as it was posted to be continued.

Jeff Cochran asked about the approval process proposed in the Community Plan and would that be consistent with the current code.

Wade Williams noted it was an alternate process that they have used in other communities that has worked well and they are asking that it be looked at. They have found with these types of projects it is important when a tenant has a certain opening date or time frame they want to make sure they fit that opening date. They feel they have the process and control documents to meet those deadlines.

Kimber Gabryszak noted that because this is a community plan they do not need a code amendment if the Commissioners and Council were accepting of it.

Jeff Cochran asked that they be mindful of future widening of Redwood Road. As they have future phases develop, what would they do to protect the existing landscaping and pavement as they construct.

Wade Williams said they are looking at that closely, they would like to have construction stage areas. There will be some that will need to be replaced.

6. Public Hearing: General Plan Land Use Map Designation and Rezone from Low Density Residential and R-3 to Mixed Waterfront. Parcel 58:032:0142, north of Dalmore Meadows on Redwood Road.

Kimber Gabryszak presented the proposal. The City proposes to change the General Plan designation of this ~45 acre parcel from Low Density Residential to Mixed Waterfront, and concurrently rezone the property from Agriculture to Mixed Waterfront.

Public Hearing Open by Chairman Jeff Cochran

Ryan Mitchell had a concern that the density will be high and affect the value of the properties already there. Commercial properties would make it a little subdivision with commercial on all sides. There are several residents that are concerned about their land values.

Darcey Williams agrees with some things Mr. Mitchell said. She thinks they need better clarification on what the property currently is. She was under the assumption that it was only a smaller portion that was commercial; they would like to know exactly where it was at. She too is concerned about the neighborhood becoming an island.

Public Hearing Closed by Chairman Jeff Cochran

Kimber Gabryszak addressed some public comments. She said the property was previously designated as Mixed Use on the General Plan Future Land Use Map and is currently zoned agriculture. The General Plan designation makes it easier for an owner to apply for a rezone. With the last update to the General plan map it was changed to a designation of low density residential. With the Mixed Lakeshore the zone would apply to the whole property and the goal is to have 80% residential and 20% commercial. There are proposals to help protect existing neighborhoods. If they want to do higher density it cannot be next to existing neighborhoods, it has to be compatible with the existing neighborhood and transition away from current residential. The purpose of the zone is to create the critical density to help businesses along the lake be viable. The actual language is up for discussion at City Council next week. She explained that the Mixed Lakeshore zone is a more residential oriented zone, the commercial use is limited, no big box, auto repair, or drive thru for example. Mixed Use also has a residential component but is more heavily commercial it is about 1/3 residential, 1/3 business/office, and 1/3 commercial retail.

Sandra Steele asked what the language was the required the commercial to go closer to the waterfront.

Kimber Gabryszak clarified by reading the current proposed amendment. No percentages are called out but having the majority by the waterfront is, if the Council approves the proposed language. Some commercial could be by the main road but most by the waterfront.

Sandra Steele said her thinking is that they will want to put a signal at the intersection of Market Street and Redwood Road. It may be an advantage to make the corners of that intersection Commercial and that reserves a greater amount of commercial to be closer to the waterfront. There will be an intersection of Market Street and Riverside Drive and that may be key to getting the commercial off the ground. She asked has Mr. Chui started his de-annexation from Lehi.

Kevin Thurman is not sure if that agreement has been signed by all the parties yet. We really don't know what the code will allow until it is adopted, so they could continue it. Once it is signed they have 120 days to rezone the property.

Kimber Gabryszak noted that because it is a legislative decision it is still up to Planning Commission recommendation and up to City Council whether they approve it.

Sandra Steele referred to a document from Jeremy Lapin in July. She asked if the City's Capital Facilities plan has changed.

Kimber Gabryszak it has not been done yet. This was the first step and the City Engineer is working on that. Sandra Steele read from the Packet of July 21st, a proposed agreement. She feels they have a little time to look at all the possibilities before they rezone this. She thinks it would be a win/win to do the rezone.

Kevin Thurman would encourage them to look at the actual agreement, not the staff report. There is no language of exchange. We are working towards that agreement; there is plenty in there that protects the City.

David Funk commented that in consideration of the neighboring residents he doesn't feel that he could agree to change the zoning if the zone doesn't exist yet.

Hayden Williamson commented that this will drive the majority of the commercial to the north end of the property, so what is the north property zoned? This would probably put in a domino type of situation. He received clarification that this is the zone that the applicant is expecting to come in on.

Kimber Gabryszak noted that the front of this property was called out in the Future Land Use as Neighborhood Commercial. Riverside Drive will eventually be a collector.

Hayden Williamson believes the Mixed Waterfront will get the neighboring residents more of what they are looking for with residential around them.

Kirk Wilkins would like to treat this how they have done other properties in the past. They have not changed the zoning until they had the proposals for construction, so they could see what was going to be in the area. He would feel uncomfortable changing the zoning until we have a code in place. He feels the language in the amendment is similar to agenda 21 and we are working at removing that language from our code. He asked who was driving this petition.

Kimber Gabryszak said there were a number of parts in it. It coincided with the change to Mixed Waterfront. When this came up they had already been talking about changing some designations to Mixed Lakeshore. The timing just lined up, the property owner was requesting something more like a Mixed Use zone but they didn't want to sandwich the current development. The property owner was amenable to this Mixed Waterfront zone and so the Staff moved forward with the change to the designation. The agreement doesn't bind the City or the Property Owner. The City wants to see some successful development of this type in the City to take advantage of the natural amenities.

Kirk Wilkins would like to see it locked down before they change the zoning.

Kevin Thurman said the property owner is not ready to move forward with any development plans at this time.

Ken Kilgore asked if there any setbacks from the river edge.

Kimber Gabryszak said there is not a specific setback but there is a meander study that identifies potentially hazardous areas and it would have to comply with wetlands and stabilization of the hill.

Ken Kilgore thinks in this situation, the property owner wants this rezone and probably can't make plans until it is changed and it will help preserve the waterfront in the city and will bring value to the homeowners in the area. He noted that the idea of the higher density is that these types of shops need the density to survive. Everywhere he has seen with this type of vibrant waterfront community, the home values have gone up. His concern right now is that in front of Dalmore Meadows the merging lane to Redwood Road from Pioneer Crossing is getting dangerous and the traffic in the area would need to be restudied.

Sandra Steele was concerned that if they don't make the area Mixed Waterfront, he will make it Mixed Use.

Jeff Cochran appreciates the Residents comments. He feels this Mixed Waterfront is a good balance to allow residential and still meet the needs and wants of the City to preserve the waterfront for commercial. He likes what has been presented but doesn't feel comfortable moving forward before the zone exists yet.

Ken Kilgore is in favor of recommending this.

Kirk Wilkins is not sure which recommendation to make, perhaps to deny.

Hayden Williamson would be alright with continuing or forwarding a negative recommendation. And once Council has approved the Mixed Waterfront they could then make a decision.

David Funk feels the same; he is not opposed to this, just the approving something that doesn't exist yet.

Sandra Steele would be in favor of continuing this. She is concerned with how the wording will be, and the amount of commercial and how it would be placed. She thinks the owner is expecting a higher use and we shouldn't recommend a denial or approval, she would feel more comfortable with continuing.

Kevin Thurman would advise to continue this as the owner is required to be given a list of permitted uses in the Zone. And the zoning regulations haven't been created yet and we just don't have enough information on it yet.

Motion made by Hayden Williamson to continue the decision on the General Plan Land Use Map Designation and Rezone from Low Density Residential and R-3 to Mixed Waterfront. Parcel 58:032:0142, north of Dalmore Meadows on Redwood Road to a future date. Second by David Funk. Aye: Sandra Steele, David Funk, Hayden Williamson, Jeffrey Cochran, Kirk Wilkins, Ken Kilgore. Motion passed 6 - 0.

7. Work Session: Code Amendments, View Protections, and Landscaping Enforcement.

Kimber Gabryszak led a discussion of potential Code amendments. As Code Enforcement has been going out this summer they have been looking at ways to clarify the code, and organize it better.

- 19.05 Sales Trailers
 - Merge and edit sales trailer sections.
 - Once a model home is built they can no longer have a trailer.

David Funk got clarification that once the model home is built they have 30 days to remove a trailer.

Ken Kilgore asked about trash removal and lighting restrictions for sales trailers.

Kimber Gabryszak noted they have the general standards for code enforcement. Every development is subject to the dark sky ordinance.

Ken Kilgore asked about minimum security requirements.

Kimber Gabryszak said it was left up to the developer; there is nothing specific to that. She can look into it further.

Hayden Williamson would be concerned that when we start getting into that we can get into liability issues.

Kevin Thurman commented that if we have a standard established for the developer pertaining to safety and they disregard it, it could potentially lead to an argument with the city if we aren't enforcing that code.

Jeff Cochran would be concerned with us adding language that may hold the city liable for safety issues.

Sandra Steele thought if the city was requiring something that caused a problem then the city could be somewhat liable.

- 19.06 landscaping and Sight Triangles.
 - Reorganize chapter for clarity in application and code enforcement.
 - Tree base clearance, a minimum of three feet, instead of the canopy of the tree except in parking islands. Remove requirement for mulch beneath trees and shrubs. This is for commercial and multifamily.
 - Artificial turf not permitted in commercial section.
 - Relocated parking lot standards.
 - Amounts of landscaping referencing definition under parking lots.
 - Specify lots 1/3 acre or smaller must be all landscaped with time line, larger than 1/3 acre they have to landscape 1/3 acre.
 - Clarifies what can be removed.
 - 25% of landscaping in front and street side yards must be non-rock/hardscape. Artificial turf not allowed in same area.
 - Clarify sight triangles.

Kirk Wilkins suggested changing "but" to "and" in 19.06.08.1.c.ii

Ken Kilgore asked about tree preservation and invasive species.

Kimber Gabryszak said there is a list from the State that they go by.

Ken Kilgore asked about maintenance once trees were mature.

Kimber Gabryszak said there is a place where it talks about maintaining it in a healthy and clean state.

Ken Kilgore is a little concerned with requiring the 1/3 landscaping. He is not as concerned about being fair as much as the beautification.

Kimber Gabryszak said it is actually both, the reason they have the standards is for beautification and to protect neighbor's property values and things. It provides other benefits as well. We also want to be reasonable because the cost to sod a whole acre is not resource wise. They wanted to come up with a metric that was fair. 1/3 acre will catch all the smaller lots where failure to landscape will impact your neighbors. But they want to be fair as well to not let the larger lots completely off the hook.

Ken Kilgore thinks that it could perhaps be a percentage of a lot instead. Proportionally you are doing the same amount of work on your lot as another. He wonders if 1/3 an acre would make a difference on some of the larger lots.

Kirk Wilkins asked about the change in the wording from current to initial. On 19.08.06.b.ii (in the packet)

Kimber Gabryszak noted it was a concern especially where a lot gets continually sold and never landscaped. If a new owner came in they would have to put the yard in the next growing season. They hope this makes it fairer to the adjacent neighbors.

David Funk commented that it bothers him that on two sides of his property are city owned parcels that have never been completed, that has never been mowed and yet they complain about citizens not putting in their yard when the City doesn't take care of all their property.

Sandra Steele commented that restrictions were in the commercial section about planting near power lines, they should have the same safety restrictions in residential.

Jeff Cochran brought back the thoughts of Ken Kilgore's percentages of yards.

Kimber Gabryszak said she looked into that a little and if they say 25% it's small on a small lot but big on a large lot. She would struggle to come up with the right percentage.

Hayden Williamson thinks that the way it is proposed simplifies things but still thinks the city shouldn't be involved this much. He thinks most people with large homes will want to landscape and this should accomplish a minimum of what they want to do, realizing the majority of the people will go above and beyond.

David Funk asked how close the proximity was for planting near power lines. (Within 5 feet once it's mature.)

Kimber Gabryszak said the last item was that staff looked into regulating the height of trees for views. It may be feasible but they would like direction from the planning commission.

David Funk wonders on Mixed Waterfront whether they wanted to allow fewer trees in that area so it wouldn't obstruct the view as much, not saying you had to put fewer but allowing it.

Kevin Thurman said they should keep in mind when they pass any sort of legislation they need to think if it is enforceable. Also consider there are already 6000 homes in the city that would be grandfathered in. It also places a burden on staff to regulate that. Is it a good use of tax payer money? If it is not enforceable then they may not want to do it.

Hayden Williamson thinks those thoughts are relevant. He is also concerned about putting view protection in the Code, it is a slippery slope. How do you regulate a view height? It's different if you are on the hill or by the lake. He doesn't see a way that they could write a law that would cover all the situations and areas. He thinks the views here are important but this is not a situation where we need to be involved in coding.

Sandra Steele sees the issue and would like to support it but can see it as a can of worms. However, she would like staff to explore blocking the solar planes.

Jeff Cochran is concerned about how far that could go.

Kimber Gabryszak commented that it ends up that you are regulating the height in some way. It would apply in general that the solar plane area would have to be open.

Sandra Steele noted that if you invested so much money into solar equipment you wouldn't want to see it negated because of trees or accessory structures.

Jeff Cochran wonders how slippery the slope would be, and could it be applied to other things like gardens.

David Funk said that he likes the regulation idea on the solar planes; it would need to be explored. He commented that neighbors have to work with neighbors. If you plant right in front of someone there is

a point where you are blocking views and sunlight and you could cause financial impact. It is something they should look at.

Kirk Wilkins commented that if it s about enforceability and code we could look into what codes already exist in other areas and how they enforce it.

Kimber Gabryszak said they will take the notes and explore items that were suggested.

8. Approval of Minutes:

- i. August 27, 2015

Motion made by David Funk to approve the minutes of Planning Commission meeting of August 27, 2015. Seconded by Kirk Wilkins. Aye Sandra Steele, David Funk, Kirk Wilkins, Ken Kilgore. Abstain: Hayden Williamson, Jeff Cochran.

9. Commission Comments.

Sandra Steele thought Commissioner Kilgore brought up a good point about traffic at Dalmore Meadows and at Pioneer Crossing. She asked what a traffic light would do to the traffic there.

Jeff Cochran said the department would produce a traffic model for that and make sure it wouldn t back through the intersection of Pioneer Crossing. Generally they will look closely at intersections and if it backs through the next intersection they will not put a light and actually restrict movement through the intersections.

Kirk Wilkins asked if there was a study done on the traffic northbound from Fairway where there is a single traffic lane

Kimber Gabryszak replied that they are aware of it; Jeremy Lapin could give a better update. UDOT is being encouraged to reconsider their timeline but we don t have a lot of leverage. She is not sure of the status.

10. Director's Report:

- Council Actions
 - They accepted the Parkway Annexation for further consideration.
- Applications and Approval
 - They have been receiving a lot of resubmittals. They are getting final plats ready to record for phase one of Legacy Farms.
 - Rezone for Lexington Green on Pony and 800 S. for townhomes and apartments. Talus Ridge will soon be getting approval for the final phases.
- Upcoming Agendas
 - The Crossing continued, Summerhill Plat 5, Code amendments, United Dance Center
- Other

11. Motion to enter into closed session. – no closed session.

Meeting adjourned without objection by Chairman Jeff Cochran

Adjourn 9:19 p.m.

Date of Approval

Planning Commission Chair
Jeff Cochran

City Recorder (or deputy)