



MINUTES – Planning Commission

Thursday, September 8, 2022

City of Saratoga Springs City Offices

1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

PLANNING COMMISSION MEETING MINUTES

Call to Order - 6:00 p.m. by Chairman Troy Cunningham

Present:

Commission Members: Audrey Barton, Reed Ryan, Troy Cunningham, Ken Kilgore, Bryce McConkie, Rachel Sprosty Burns.

Staff: Sarah Carroll, Planning Director; Fredric Donaldson, Assistant City Attorney; Doug Meldrum, Economic Development Director; Scott Petrik, Engineering; Kyle Kingsbury, Engineering; Sam Stout, Planner I; Kent Page, Senior Planner; Nicolette Fike, Deputy Recorder.

Others: Ashley Hadfield, Jason Snarr, Zach Hatch, Conner Atkin, Thomas Hunt.

Excused: Bryce Anderson.

1. **Pledge of Allegiance** - led by Commissioner Cunningham.

2. **Roll Call** – A quorum was present

3. **Public Input** - No public comments were shared.

4. **Business Item: Busy Bugs Preschool Class 3 Home Occupation. Located 418 W. Rolling Sage Way, Jason Snarr as applicant.**

Planner I Sam Stout presented the item. The applicant is requesting to be a Class 3 Home Occupation in the basement of his home. The operating hours will be Monday to Friday from 8:00 a.m.-3:00 p.m. The applicant has proposed a maximum of ten students per class.

Jason Snarr was present as applicant. He noted they did not plan to put signage at the house.

Commissioner McConkie received clarification that by code it could be a maximum of 40 students per day, no more than 10 at a time. The applicant mentioned they believe it will only be 20 per day. The preschool would not be offering childcare.

Commissioner Kilgore received confirmation that the applicant would comply with all required conditions.

Commissioner Sprosty Burns noted she lives across from an in-home preschool, she asked them to remind parents to not speed through the neighborhood, to be careful of children.

Commissioner Ryan wished the applicant success with his business and thanked them for using the official channels. He asked how the City enforced maximum of people. Planning Director Carroll advised it would be complaint based, they are asked to honor the code.

Motion made by Commissioner Kilgore that the Planning Commission approve the Busy Bugs Preschool, located at 418 West Rolling Sage Way, with the Findings and Conditions in the Staff Report dated September 8, 2022. Seconded by Commissioner Ryan.

Yes: Audrey Barton, Troy Cunningham, Ken Kilgore, Bryce McConkie, Reed Ryan, Rachel Sprosty Burns.

No: None

Absent: Bryce Anderson

Motion passed 6 - 0.

5. **Public Hearing: Northern Frontier Business Park Development Agreement Amendment 1. Located 2250 North Redwood Road, Ashley Hadfield as applicant.**

Planning Director Carroll presented the item, the proposed Development Agreement Amendment 1 for the Northern Frontier Business Park is requesting an exception to the Office Warehouse zoning to allow outdoor storage for the lots on the east of the subdivision. She shared staff concerns that “outdoor storage” had been removed from the zone intentionally, should it then be allowed for one site; how would a height limit be enforced; delaying specifying standards leaves the door open; the site is highly visible to the east and can be seen from I-15 and beyond; Lehi has single family residential adjacent to this site.

Ashley Hadfield was present as applicant. She noted they had been working on it for a few years with the City and Business. They moved this to Office Warehouse as it had use for building materials with outdoor storage. Before their Development Agreement was signed the Outdoor storage had been removed as a use so they are trying to work it out for this business. She shared photos showing their concepts and photos from some other businesses for comparison. She noted nothing would be seen from the main road because of elevation drop and being shielded by the buildings. They are hoping to move toward something more site plan specific.

Public Hearing Opened by Chairman Troy Cunningham. Receiving no public comment, the public hearing was closed by the Chair.

Commissioner Kilgore received clarification that the applicant did not have vested rights to the current request; there was no site plan submitted before the code changes. He asked what the reason for removing external storage code. Planning Director Carroll advised all conditional uses were taken out of the code at the time; if something was kept it was kept as permitted with standards defined. Commissioner Kilgore later commented that when the code change was made several years ago to remove the conditional use it was not targeting any specific area or business. Looking to future applicants, he asked if we wanted to open the door for this type of thing by granting an exception here, and would it be better this way or by changing the Code or Zoning.

Commissioner Kilgore asked the applicant what their reason for not doing the screening as originally proposed by staff. Ashley Hadfield felt with varying businesses it was limiting to businesses they could bring to the City. The concern was the screening, not the height.

Commissioner Barton did not feel this area was right for outdoor storage. She noted the nearby houses and the long range views of the area. She didn't want it to set a precedence for changing it for the one business. She later noted lots of this type of business gets tossed to the north part of the City. They do want small businesses, but this type of business is not attractive to the entrance of the City. She was very uncomfortable with an exception here, it opens too many doors for more and more exceptions.

Commissioner Ryan received clarification of where outdoor storage was allowed and how it compared to something like lumber at a big box store. Planning Director Carroll advised that Regional Commercial allows for outdoor retail display areas which are designated on their site plan. Commissioner Ryan doesn't like granting the exceptions, indicating it should go through the correct avenues. He felt we need to be honest about our view corridors and what is already existing. He felt we should do our best to work with applicants and examine ourselves and felt this could work but would prefer it to work through city code and zoning and not as an exception.

Ashley Hadfield felt like it was a good opportunity for tax dollars for the City. She mentioned they could be amenable to screening, they want the flexibility when they get to site plan.

Assistant City Attorney Fred Donaldson and Planning Director Carroll advised to the difference between outdoor storage and outdoor retail displays in Regional Commercial zones.

Commissioner McConkie felt the purpose to not having outdoor storage was visibility and it being unsightly. He shared concern of making an exception based on a concept plan not really knowing what we will get. He noted if the sole concern was visibility there were ways to mitigate that. We do need to keep in mind the look of the entrance to the City, that things look attractive.

Commissioner Sprosty Burns noted the pictures shared of their business in Lehi had pallets stacked above the fence. The applicant felt it wouldn't be seen from the front. They would need to build a stack 15 ft. high for their business. Commissioner Sprosty Burns asked if construction crews met at this store front with construction vehicles then head out to job sites; if so, parking would be an issue. The applicant responded they

did have the constructions vehicles. Commissioner Sprosty Burns did not like granting an exception also, it's a hard spot to be in for the applicant.

Commissioner Cunningham recalled when they changed the permitted use table, they didn't realize someone would get caught in the middle. We don't have a lot of say to what Lehi puts in this area, so it may be alright here with a condition for screening. He was not in favor of a change to industrial zone here so was leaning toward a Development Agreement amendment.

Planning Director Carroll advised they talked with the applicants earlier today, it doesn't have to be a 6 foot fence with a height limit, however; they wanted no limits on their screening and materials. They understand the applicants concern to the change in the code during their initial process. This exception would be applied to all 4 lots, not just this one site. Their proposal doesn't have criteria. Staff suggestion would be to have specific criteria.

Economic Development Director Doug Meldrum advised the concern wasn't that it would be seen from Redwood Road but from other view areas coming from the other sides. There may be a solution that can be figured out but the Commissioner's job was to decide if it meets code.

Applicant Ashley Hadfield shared she was frustrated with code changes happening she was not made aware of and felt the city was losing tax dollars.

Commissioner McConkie noted it is applicant's responsibility to watch the code changes to see if they are affected. He noted he is not opposed to an exception if it's specific to a certain type of zone so there is something to fall back on. He referred to current code which noted for Office Warehouse zone "quality site development standards." Which speaks to the visual appeal. How would outdoor storage meet that statement and intent of Office Warehouse zone?

Commissioner Ryan noted he echoed commissioner Kilgore's statements about future applicants and making changes through zoning. He did not like to grant exceptions, however; when there is no viable alternative then we need to be reasonable. He noted the exception would apply to the whole plat, not just the one site plan. He questioned would it be better to have language that says subject to City approval or a zone change, or specific criteria such as height limit that may not meet the business needs. He wants the City to have the right tools it needs and help the applicant with the flexibility they need as well.

Assistant City Attorney Fred Donaldson advised that he hadn't had a chance to review the new proposed changes this day to the Development Agreement from the applicant. He noted there was discussion of inserting the clear standards in the agreement saying what was or not allowed. It makes it more enforceable.

Commissioner Barton noted having the tax dollars is not a valid argument. Of course the City wants businesses but we want checks and balances to make sure we are getting business that work well within the City and the General Plan.

Commissioner Kilgore commented that we have the zoning codes in place and while there is a need for a tool to allow exceptions, it shouldn't be relied on heavily instead of using the code that is written.

Commissioner McConkie wasn't opposed to exceptions but felt an application for exception should show the intent is better than the requirements in order to allow an exception.

Motion made by Commissioner McConkie to continue the Development Agreement amendment 1 for Northern Frontier Business Park to a future meeting with the intent that they are given time to put forward more detailed standards and giving the applicant the opportunity to look at the purpose of the Office Warehouse zone as it is currently and how granting an exception for outdoor storage, especially location and screening, would achieve the intent behind the current Office Warehouse zone. Seconded by Commissioner Ryan.

Commissioner Kilgore asked if the motion was clear to the applicant.

Commissioner Ryan felt this may help the applicant, there should be a way to make something work.

Commissioner McConkie was interested in specifics on how it will comply with the intent of the Office Warehouse zone.

Planning Director Carroll advised if the Commissioners felt they could move the item forward, they could add a condition for the applicant to propose those items for the City Council to consider.

Commissioner McConkie reiterated his motion for clarification: how does the propose amendment meet the current Office Warehouse zone intent and should include in part that it provides a quality site development standard. The burden would be on the applicant to work with staff to find something they feel complies with the intent of the Office Warehouse zone, specifically regarding site quality standards and how the exception would comply with that.

Motion Restated by Commissioner McConkie: Move to continue the Development Agreement for Northern Frontier Business Park to a future meeting for the intent of the applicant to develop mutually agreeable standards that would meet the intent of the Office Warehouse zone.

Seconded by Commissioner Ryan.

Yes: Bryce McConkie, Reed Ryan, Rachel Sprosty Burns.

No: Audrey Barton, Troy Cunningham, Ken Kilgore.

Absent: Bryce Anderson

Motion tied 3-3.

A short break was taken at this time. Meeting resumed at 7:36 p.m.

Commissioner Barton noted her negative vote was that she was not comfortable with an exception and noted the use was taken out of the code for a reason and this was not the right area.

Commissioner Kilgore was not comfortable with a continuance, he felt there is code and zone that allows for this, that avenue should be used.

Commissioner Cunningham was not comfortable with a continuance. He felt it could be moved forward to City Council and the applicant could work out their request before that meeting.

Motion made by Commissioner Ryan that the Planning Commission forward a recommendation of approval to the City Council regarding the Development Agreement Amendment 1 for Northern Frontier Business Park, located at approximately 2250 N Redwood Road, based upon the Findings and Conditions in the staff report. With the addition that the City and the applicant arrive at mutually agree standards for site screening and storage for the City Council to consider. Seconded by Commissioner McConkie.

Yes: Bryce McConkie, Troy Cunningham, Reed Ryan, Rachel Sprosty Burns.

No: Audrey Barton, Ken Kilgore.

Absent: Bryce Anderson

Motion passed 4-2.

Commissioners Barton and Kilgore noted their vote was for the same reasons as previously stated.

6. **Business Item: Saratoga Town Center Preliminary Plat. Located 1434 N. Redwood Road. Ashley Hadfield as applicant.**
7. **Business Item: Bout Time Site Plan. Located 1434 N. Redwood Road. Ashley Hadfield as applicant.**

Items 6 & 7 were presented together:

Planning Director Carroll presented the plat and site plan. The applicant is requesting approval of the Bout Time Site Plan and recommendation on the Saratoga Town Center No. 3 Preliminary subdivision. The overall subdivision consists of 9 commercial lots and is 15.789 acres in size. The Bout Time site is located on Lot 6 of this subdivision, which is 1.74 acres in size with a proposed 11,618 square foot commercial building with 4 units – 3 restaurants and 1 office.

Ashley Hadfield was present as applicant she noted they are excited to get these businesses in here.

Commissioner Barton asked about the footage from residential allowed for the alcohol sales. Staff advised there are State rules for how distant it needs to be but it depends on how it's defined as a bar or restaurant, which depends on the amount of alcohol sales. They have applied for State license.

Commissioner Kilgore received clarification from staff on the items that still need to comply. Planning Director Carroll advised staff will continue to review conditions as they progress through the progress. Ashley Hadfield shared information on the elevations for access and stairwells. They were asking for that stairway variance which they felt helped with visual balance of the building. Commissioner Kilgore noted the one stairwell did not meet code in leading to a usable outdoor area.

Commissioner McConkie was concerned about access on the south side, it looked awkward with traffic coming in and out and with the drive-thru. He agrees the second stairway did not comply with ordinance. He requested if the City allowed the secondary stairwell, that the guard treads and risers be solid and opaque for at least 36" in height beginning at the walking surface. He was concerned one stairway seemed to be blocking access.

Ashley Hadfield noted some of the options that may work instead of the other stairwell.

In response to Commissioner McConkie's question of why that type of stairway may not be allowed, Commissioner Cunningham responded that part of the reason was unwanted access to the roof. Planning Director Carroll advised that access stairs or outside ladders can lead to vandalism. Another reason would be safety of access to the second story during bad weather. The concern is this is just a stairwell, it is not accessing useable outdoor areas.

Motion made by Commissioner Kilgore to approve the proposed Bout Time site plan and forward a positive recommendation to the City Council for the Saratoga Town Center No. 3 Preliminary Subdivision, located at 1434 N. Redwood Road in the RC zone, based on the findings and conditions in the staff report. In addition the request of Condition #1 for two outdoor stairways be granted for the stairway that leads to the public use patio and not for the stairway that is just for access. Also that conditions 2a and 2b are stricken. Seconded by Commissioner Barton.

Commissioner McConkie wondered if they needed a condition for the access point on the south. Engineer II Kyle Kingsbury advised that it was good for egress of the drive-thru and as long as they maintain the minimum width they should be fine.

Commissioner McConkie requested as a condition for the stairwell they request it be solid or opaque.

Commissioner Kilgore noted he did not feel comfortable writing more standards for the applicant to comply with that was not already in code.

Yes: Bryce Anderson, Audrey Barton, Troy Cunningham, Ken Kilgore, Bryce McConkie, Reed Ryan, Rachel Sprosty Burns.

No: None

Absent: Bryce Anderson

Motion passed 6 - 0.

8. Business Item: Tagg-N-Go Carwash Preliminary Plat & Site Plan, located SW corner Pioneer Crossing and Saratoga Rd. Logan Johnson as applicant.

Senior Planner Kent Page presented the plan. The applicant requests approval of a four-lot commercial preliminary plat of 5.61 acres and a site plan for Tagg-N-Go Carwash. The proposed Site Plan is for Tagg-N-Go carwash planned to occupy the entirety of Lot 2 of 1.13 acres.

Zach Hatch was present for applicant with Conner Atkin and Thomas Hunt both joining telephonically.

Commissioner Sprosty Burns was curious to the amount of water per car wash. Conner Atkin responded that typical was 26-32 gallons per car wash. The industry standard was 40 or less. There is a recycle system in place as well.

Commissioner Kilgore received confirmation that the applicant would comply with all required conditions. He received clarification on a stormdrain agreement with Lehi City. Engineer I Scott Petrik advised the commercial development in Northshore Commerce had a stormdrain line that runs through the road so there is an agreement between the cities; this is trying to be proactive to make sure there are no difficulties with the other commercial areas and with Lehi and make sure this meets the intent of the agreements.

Commissioner Kilgore wondered if a wall or fence was needed between this property and agriculture. Planning Director Carroll advised they could approve a vegetative buffer if they chose to in place of a wall. They could place a condition that it be complied with.

Commissioner Ryan remarked that the Agriculture would not last and we would require this buffer that wouldn't be needed soon. Planning Director Carroll advised we don't know how long it would remain Agriculture and the concern is how this would affect their Agriculture operations and vis versa.

Commissioner Ryan understood Saratoga Rd. would become a main thoroughfare for the City and could see the intersection coming close to failure soon. Engineer I Scott Petrik noted it has been looked at and it meets City Standards. It is proposed to connect through the south as well. It was thought it might be a convenience store, which is how the applicant had planned their parcel.

Commissioner Sprosty Burns shared issue with approving a carwash while we are in drought conditions and didn't feel it was responsible to approve this business at this time, for safety and health concerns during the drought.

Commissioner McConkie was concerned that we need clear standards to deny even if it doesn't seem fitting with a drought at this time.

Assistant City Attorney Fred Donaldson advised as an administrative item, they should approve or deny depending on if it meets with Code standards.

Conner Atkin noted that on the water, unlike washing at home where it goes down the drain, this water is reclaimed and reused and treated. Many states ban outdoor car washing at home because it uses more water and the water is not treated that goes down the drain.

Commissioner Ryan felt the concerns were valid but their body was bound by the administrative code to approve or deny based on code and the City Council as elected body held the accountability for the concerns of citizens, such as the water usage.

Commissioner Kilgore commented that he had researched carwashes and they are pretty efficient with water with recapturing and recycling. There are other applications like parks, restaurants that are much less efficient than this in their use of water. We don't have the data to not approve it based on water being used. The applicant complies with code and it should be up to the residents to not use the car wash or other factually based high water use businesses.

Motion made by Commissioner Barton to recommend approval to the City Council the request of preliminary plat approval for the Saratoga Commons project located at the southwest corner of Pioneer Crossing and Saratoga Road and approve with conditions, a site plan for Tagg-N-Go Carwash, with the findings and conditions in the staff report. With a condition to include a 6 foot buffer between the Tagg-N-Go and the Agriculture lot. Seconded by Commissioner Kilgore. Yes: Audrey Barton, Troy Cunningham, Ken Kilgore, Bryce McConkie, Reed Ryan, Rachel Sprosty Burns.

No: Commissioner Sprosty Burns

Absent: Bryce Anderson

Motion passed 5 - 1.

Commissioner Sprosty Burns noted her vote was due to her concern that we are asking the citizens to conserve and we should do that as a city.

9. **Training: Open and Public Meeting Act Training.** – Training was postponed to a future meeting.

10. Approval of Minutes: August 11, 2022

Motion made by Commissioner Ryan to approve the minutes of August 11, 2022. Seconded by Commissioner Barton.

Yes: Audrey Barton, Troy Cunningham, Ken Kilgore, Bryce McConkie, Reed Ryan, Rachel Sprosty Burns.

No: None

Absent: Bryce Anderson

Motion passed 6 - 0.

11. Commission Comments.

Commissioner McConkie enjoyed the Land Use training they attended today. He noted outdoor roof access ladders popping up on Redwood Road that are visible.

Commissioner Kilgore noted our city is being well managed with the planning and other staff in the City compared to other cities he has been seeing and learned in training today. He noted Saratoga Springs was mentioned for having a strong water conservation program compared to other cities in the training he attended.

Commissioner Cunningham noted he learned about home rentals and Saratoga Springs was mentioned for having a good IADU code.

Commissioner McConkie noted along the same line, short term rentals and if the City was considering those. Assistant City Attorney Fred Donaldson commented short term are not allowed in the code currently in the City.

Commissioner Ryan thanked staff for allowing them to attend training, it was beneficial. He noted in ethics training he heard we should not be limiting public comments, he agreed with that idea.

12. **Director's Report.** – Planning Director Sarah Carroll advised of upcoming agenda items. She advised the cap on comment time is up to them, however; she noted examples of where everyone takes time to say the same thing, especially a packed room, there may be other approaches. She noted the General Plan update was passed at City Council with some minor changes. The Wander VP3 was tabled.

13. **Possible motion to enter into closed session** – No closed session was held.

14. **Meeting Adjourned Without Objection at 9.07 p.m. by Chairman Troy Cunningham.**

9-22-2022
Date of Approval

M. [Signature]
Deputy City Recorder



Planning Commission Chair