



# MINUTES – Planning Commission

Thursday, May 23, 2019

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 Kirk Wilkins

**Present:**

- 5 Commission Members: Kirk Wilkins, Christopher Carn, Troy Cunningham, Ken Kilgore, Sandra Steele  
Staff: Dave Stroud, Planning Director; Kevin Thurman, City Attorney; Jeff Pearson, Engineer II;  
Nicolette Fike, Deputy Recorder  
Others: James Rich, Nate Walter, Thane Smith, Wes Collins

10 1. **Pledge of Allegiance** - led by Wes Collins

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

15 3. **Public Input**

**Public Input Open** by Chairman Kirk Wilkins

No public comment was given.

**Public Input Closed** by Chairman Kirk Wilkins

20 4. **Public Hearing: Beacon Point Village Plan 1B, located generally at 630 W. Founder’s Blvd., James Rich applicant.**

25 Planning Director Dave Stroud presented the item. The plan includes one lot which is in the District Area Plan traditional neighborhood place type and established with the Community Plan. The applicant will use the Special Use Open Space Type as defined in the District Area Plan. The plan includes three buildings including a temple, a religious meetinghouse, and a grounds maintenance building.

30 James Rich with the Church and Nate Walter with LEI engineers were present as applicants. Nate Walter noted the eastern portion of Open Space, In addition to the trails, he noted pedestrian corridors, which are susceptible for change until final site plan. The decorative fence would be placed directly around the temple site not around the entire parcel; it allows access to the site. James Rich noted the intent was to make it a nice amenity for the community. Both applicants thanked the City for their work and attention to this project, it has been a positive experience.

35 **Public Hearing Open** by Chairman Kirk Wilkins

No public comment was given.

**Public Hearing Closed** by Chairman Kirk Wilkins

Commissioner Carn

- 40 - Appreciated the affirmation that working with the city has been positive. He asked when we might see architectural designs. James Rich responded that the intent was when the ground breaking was announced.  
- Concern about the fencing, the applicant explained that the fencing was only around the temple area. The remaining Open Space would have open access.

Commissioner Kilgore

- 45 - Commented to make sure the clear site triangles are clear as per city ordinance. Staff and applicants affirmed that it would comply.  
- Concern about lighting and the dark sky agreement. Planning Director Dave Stroud advised that the Community Plan allows for the up-lighting and showed the lighting plan and noted that all the parking lot lights would be on for security and safety. James Rich responded that they could work with some of the  
50 lights in the area to be dimmed, but would like lights around the temple to remain on.

- Concern about building no. 1 height. Thane Smith noted that in the Community Plan they are not subject to title 19 and they exempted this particular site from the lighting and height standards. It should not require a variance to any ordinance.
- Commissioner Kilgore has no issue with the exceptions but wanted to make sure that the exceptions to lighting and height would be reviewed. City Attorney Kevin Thurman advised that the Community Plan supersedes title 19 but it does welcome review to make sure it follows the Community Plan and District Area Plan. Planning Director Dave Stroud advised that the special project site is exempt from the dark sky ordinance.

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Commissioner Steele

- Thought the site would be an asset to the city but shared concern about lighting. She thought the exception was just for the up-lighting. She noted that the parking light requirement in the city is bell shaped lighting.
- She asked why this temple could not have the lighting turned off at night like other temples. James Rich could not comment on the nuances of each temple, he noted others along Wasatch front are illuminated throughout the night.
- Concern about where the parking lots will be and if they would be within 200 ft. of residences. James Rich advised that will be in the site plan submittal. Nate Walter anticipated that there will be a photometric study done, there are proposed lights around the exterior and they will analyze and make sure they are not overlapping or making more light than necessary.
- Commissioner Steele asked if the parking lot lights would be full cut off. Nate advised they were. Commissioner Steele read from the city code about dimming lights after dark. James rich noted they could work with tempering some of the lighting. Planning Director Dave Stroud noted the exception FatCats had on their parking lights.
- She asked where the 10 foot pedestrian lights would be. Nate replied that it would follow the pedestrian corridor. They feel the illumination will be cut off significantly as the trees and landscaping matures. The smaller lights were to illuminate between parking and smaller trail areas.
- Commissioner Steele noted that we had to be careful, we want to protect our dark skies as much as possible.

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Commissioner Cunningham.

- Concern about lighting. He would like to see a reduction in the lighting at night as well. His wife works at another temple and noted that where the staff parks it is not far from the temple and they could possibly reduce the lighting in other areas. He is sensitive to the need for the dark sky ordinance.

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City Attorney Kevin Thurman advised that the project is exempt from title 19 lighting standards. It has been clear from Planning Commission that they want the applicant to consider the lighting. There could be room for interpretation on the lighting in the Community Plan and staff will take that message and work with the applicant.

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Commissioner Wilkins

- Appreciated that the applicants were amenable to discussion about the lighting but noted that the applicant was not subject to Title 19.
- Noted that as a legislative item, the final decision was up to City Council.
- He was in favor of the Village Plan.

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**Motion made by Commissioner Carn to recommend approval of the Beacon Pointe Village Plan 1B with the findings and conditions in the staff report dated May 5, 2019.** With the additional condition that the applicant review with staff the dark sky ordinance as pertains to parking lighting and try to become more compliant with Title 19 codes. **Seconded by Commissioner Steele.87000**

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City Attorney Kevin Thurman advised that wasn't necessarily a condition that was legal as they are exempt from Title 19. He advised amending the motion.

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**Commissioner Carn amended the motion with a condition that the applicant amend the lighting plan to be more amenable to our current code.** Commissioner Steele seconded the amendment and asked if it included the bell type lighting. Planning Director Dave Stroud advised the project was not required to use the bell type lighting.

110 Commissioner Carn amended the amendment to the motion to add that the applicant consider the bell lighting. Commissioner Steele seconded the amended amendment to the motion.

Commissioner Kilgore noted that as there were cell towers in the city at 200 ft. having this that high wasn't really a worry.

115 Aye: Christopher Carn, Troy Cunningham, Ken Kilgore, Sandra Steele, Kirk Wilkins. Motion passed 5 - 0.

120 5. **Public Hearing: Amendments to City Code, Sections 19.02, 19.04, 19.05 City initiated; and 19.18 – Tracey Diehl – McDonalds, applicant.**

Planning Director Dave Stroud presented the proposed amendments. Sections 19.02 and 19.05 are no longer included. This includes the Jordan River Meander Corridor and the amendment to the permitted location of a state liquor store. The drive-through sign amendment is being proposed by a sign contractor and McDonald's.

125 **Public Hearing Open** by Chairman Kirk Wilkins

No public comment was given.

**Public Hearing Closed** by Chairman Kirk Wilkins

Commissioner Steele

- 130 - Noted she does not like LED's, however, if this isn't constantly changing it's not a whole lot different than what they have now. Her concern is we may get other uses who want to do this and unless we do something to make it not visible to the street she is concerned a business would put up a 45' LED sign.
- She felt 19.18.10.5.g.iv did not read right and suggested they strike through the one word "board."

135 Commissioner Carn

- Had no problem with these but wondered on the timing of the State. Planning Director Dave Stroud said the concept is in the works but we haven't gotten a site plan from the State yet.

140 Motion made by Commissioner Kilgore based up on the evidence and explanations received today, I move to forward a positive recommendation to City Council for the proposed amendments to Chapter 19.04 and 19.18 as identified by staff with the findings and conditions contained in the staff report dated May 15, 2019. Seconded by Commissioner Cunningham.

145 Commissioner Carn commented that it had been brought up to strike the word "board" from 19.18.10.5.g.iv

Commissioner Kilgore amended the motion to strike the word "board" from 19.18.10.5.g.iv. The motion was seconded by Commissioner Cunningham. Aye: Christopher Carn, Troy Cunningham, Ken Kilgore, Sandra Steele, Kirk Wilkins. Motion passed 5 - 0.

150 6. **Approval of Minutes:**  
a. May 9, 2019

155 Motion made by Commissioner Steele to approve the minutes of May 9, 2018. Seconded by Commissioner Carn. Aye: Bryce Anderson, Bryan Chapman, Christopher Carn, Troy Cunningham, Ken Kilgore, Sandra Steele, Kirk Wilkins. Motion passed 5 - 0.

7. **Reports of Action.** – No Report needed tonight.

160 8. **Discussion of City Code Sections 19.04.08 & 19.04.11**

Commissioner Steele had several suggestions and questions that she would forward to staff for their further study. She mentioned some have CUP's now but if they were more than 200 ft. from residences they would be ok.

165 City Attorney Kevin Thurman advised that they need to be careful when defining something as Conditional Use that they can't impose any conditions they want. Conditional is a type of permitted use where you impose predefined standards for that use. Findings must show to cause detrimental impact and conditions are reasonable.

170 Commissioner Kilgore felt that home use type of things should be conditional but when it comes to commercial he doesn't see the need for conditional unless it had a large impact or safety issue.

9. **Commission Comments.** – No comments were made.

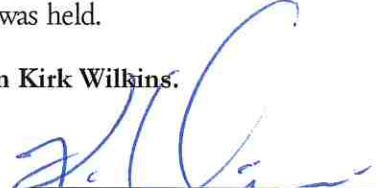
175 10. **Director's Report.** – Planning Director Dave Stroud apprised commissioners of upcoming applications.

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

180 12. **Meeting Adjourned Without Objection at 7:12 p.m. by Chairman Kirk Wilkins.**

6 JUNE 2019

Date of Approval



Planning Commission Chair  
Kirk Wilkins

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Deputy City Recorder

