Planning Commission Work Session

MINUTES SEPTEMBER 6, 2011 7:08 PM–9:17 PM LARGE CONFERENCE ROOM

FACILITATOR	Chairman Gregory Day
NOTE TAKER	Judy Merrill
ATTENDEES	Kenneth Hellewell, Tyler Bodrero, Dale Rackham, T.J. Jensen, Gary Pratt, Braxton Schenk, Curt McCuistion, Michael Eggett, and Kent Andersen

ITEM 1: DISCUSSION OF PROPOSED CHANGED TO TITLES 8 AND 10

Kent went over the list of changes, beginning with Chapter 2 of Title 8, General Provisions. The City Council directed staff to look at properties the City maintained but might not be providing adequate benefits compared to the costs, such as entrances to subdivisions. Staff identified about nine of them so far. In order to sell these parcels, serving as entryways into subdivisions as outlined by Ordinance, the City needed to strike that requirement before arranging to have adjacent property owners maintain them. Future subdivisions would no longer dedicate entrances to the City, and the City would begin selling existing entrances to adjacent property owners or setting up agreements with property owners to join in the costs of maintaining them. Gary inquired as to the anticipated values of these parcels. Kent explained that the biggest financial benefit to the City would be in the reduction of maintenance costs. Staff might have to convince some adjacent property owners to buy the entrances. Tyler voiced concern over no longer requiring these entryways. Gregory preferred to have owners of the adjacent lots maintain these parcels but asked about the future of the monuments. Kent advised him that property owners would have the prerogative of keeping or removing them. Mike pointed out that the City would hold public hearings about these entryways and would be willing to enter into agreements with homeowners if they were unwilling or unable to buy the parcels but willing to maintain them.

Kent then discussed the changes proposed in Title 10, beginning with chapter 7, Intermittent Commercial Uses. No other cities used the term intermittent, so staff proposed changing it to Temporary. Based on previous discussions, staff recommended striking Subsection 050 and adding the language as outlined in their packets. This new language would allow fireworks stands, for example, and regulate garage sales more appropriately as well as ensure compliance with all municipal and State codes without having to amend a City ordinance every time the State changed their rules. While discussing the section for garages sales, Kenneth voiced concern with growing closer to regulating even lemonade stands. After much debate, commissioners agreed that four events a year was reasonable. If people had more, the City would most likely be unaware unless it became a nuisance and neighbors complained. If property owners wanted to hold more garage sales per year, they could acquire business licenses.

Kent then explained that staff recommended the applicable change to the Intermittent definition, in 10-2-040; adding the words "under single ownership" to the definition of two-family dwelling, in order to differentiate it from a duplex; and add a definition for payday lending/check-cashing services, since that is how the Industrial zone chapter listed that use. After some discussion, Kent offered to reference the Utah Code with it.

In Chapter 17, the Professional Office zone, Kent pointed out the requirement that all detached signage have ground spot lighting, which staff felt was unnecessary. The revised language simply referenced the signage requirements in the other chapter. Braxton pointed out that Subsection 070 was confusing or in conflict by using the words 'prohibited' and then 'permitted:' "Furthermore, prohibited marketing or devices within this Zone shall

include: (C) Flashing, running, scintillating, or similar lights or lighting,…, or permitted animation or motion." Mike suggested they remove the entire section, other than referring to the sign chapter.

Kent turned then to Chapter 6, General Land Use Regulations, under Subsection 040, where staff proposed new language to regulate domestic fowl. They would only be a permitted use in the A-1 and R-1 zones. Gary discussed the problems with pigeons, because most owners did not keep just a few. They always seemed to have a few dozen, which created a nuisance for neighborhoods. He believed pigeons needed to be contained in pens. TJ suggested changing the wording from "contained in a fenced area" to "contained within a fenced area." Tyler suggested differentiating between domestic-flightless and flying fowl. Subsection 100 listed conditional uses, and Kent explained that staff's proposed language now listed every conditional use identified in the various other chapters regulating the different zones. Staff took the liberty of deciding whether some of those conditional uses should be minor or major, since they were not stipulated in the ordinance either way until now.

Staff advised commissioners that their next meeting agenda would include a public hearing to review these proposed amendments in a more formal way.

ITEM 2: DISCUSSION OF SIGN ORDINANCE RELATIVE TO POLITICAL SIGNS

Gregory explained how this issue was brought up in previous City Council meetings regarding the ability to place political signs in park strips. The Council directed the Commission to review this section of the Ordinance. Commissioners could discuss it and make recommendations now or table it. Mike referred to Todd Godfrey's letter identifying some of the constitutional challenges and, more importantly, practical effects that such a change could create. Mike also pointed out the risk to the City if a sign inhibited visibility and someone were hurt, making the City liability. The current ordinance prohibited signage on street rights-of-way. If the City allowed politicians to post signs and not businesses, or if the City allowed signage in front of private properties but not City properties, these situations could lead to legal challenges. Property owners would have to maintain around such signs, and there would be the potential for damages to private or public utilities. The City Attorney, Todd Godfrey, recommended maintaining neutrality. TJ preferred keeping the Ordinance as currently written, and Gary agreed. Braxton stated that he considered the park strip in front of his lot as his property and would throw away any signage placed there by anyone who did not get his permission. Braxton saw more cons then pros to allowing such a change in Ordinance. Mike advised commissioners that staff would be including this issue in the public hearing scheduled for September 20.

ITEM 3: DISCUSSION OF PLANNING COMMISSION BYLAWS

SECTION 1, PURPOSE AND SCOPE. Dale pointed out that these were already defined in Title 3. If the City changed Title 3 and the Commission overlooked amending its bylaws, they would be in conflict. He suggested striking the second paragraph and only referencing Title 3.

SECTION 2, ORGANIZATION. Kenneth asked to skip to Subsection (C), which said, "The Vice Chair, during the absence of the Chair, shall have and perform all the duties and functions of the Chair." Because there was nothing that outlined a procedure if the Chair resigned or died, he suggested adding, "In the event the Chair resigns and a new Planning Commissioner is not reappointed, the Vice Chair shall become the new Chair and shall select a new Vice Chair. The Vice Chair shall be approved by a vote of the Planning Commission." Braxton preferred simply holding new elections. Kenneth explained that it just needed to be spelled out somewhere, since none of the currently-proposed language addressed that issue. He then suggested adding it under Subsection (A) for Election of Chair and Vice Chair. Everyone agreed.

D) Temporary Chair. Kenneth explained that the senior commissioner historically served as Chair during the absence of the elected Chair and Vice Chair until one of them returned. Braxton preferred electing a temporary Chair in those instances, just in case there were two senior members present, requiring the Commission to vote anyway. Having to act as a temporary Chair in the past, Tyler considered it very helpful to know beforehand that he would be running the meeting. He also wondered who would take charge of holding the election for a temporary Chair. Everyone agreed on the change for a senior commissioner to be temporary Chair.
E) Secretary. Gary recommended adding a requirement at the end of Subsection (3) that the Syracuse City website remain current with commission meeting minutes. TJ suggested it simply say "posted in a timely manner." Mike said that most cities were six weeks to two months behind on their postings, which he considered to be a timely manner.

SECTION 3, DUTIES OF MEMBERS.
A), Meeting Attendance. Kenneth suggested requiring the notification of the Secretary and Chair regarding absences. Dale suggested it read, "Every member of the Commission should attend the sessions of the Commission, unless unable to attend because of an extenuating circumstance. If unable to attend, the member should notify the Secretary." Kent asked about his use of 'should' rather than 'shall,' and Dale explained that the word 'shall' was mandatory, so he preferred it to read 'should attend the sessions of the Commission.' Kent agreed but preferred keeping the word 'shall' when requiring commissioners to notify the Secretary of an absence. Commissioners discussed this contractual term, the timing of notifications, and privacy issues. Dale still preferred it to read, "Any member desiring to be excused will notify the Secretary and the Chair." That way, it was not as binding but still a strong term.

Gregory pointed out that it was almost 9pm and asked if commissioners wanted to table the rest of their discussion until next time. Tyler asked for a vote to allow the full 45-minute discussion as identified on the agenda, and everyone voted in the affirmative. TJ asked that the bylaws include just such a mechanism to stop a meeting at 9pm unless everyone voted for an extension. Kenneth recommended including that language in Section 4.

B) Conflict of Interest. Gary pointed out that the City created a Conflict of Interest form that he suggested including with this Section. According to City policy, commissioners needed to fill out this form before each meeting involving a conflict of interest. Tyler recommended having the forms included in the back of their packets. Gregory suggested simplifying it by just requiring compliance with State law. Gary referred him to Subsection 5 that cited State code. TJ agreed but pointed out that, if the current language remained, it required a commissioner to leave the meeting if there were a conflict of interest. If the commissioner happened to be the applicant, that would make it impossible for him to present his petition. Mike explained that a commissioner needed only to declare the conflict of interest, if it involved a potential economic gain, on record and could still vote on the item if they had no concerns of appearing partial or biased. He agreed that they needed to strike that requirement from the bylaws of leaving the room. Everyone agreed to leave Subsections (1) and (5) and delete (2), (3), and (4). Dale suggested requiring commissioners with a conflict of interest to recuse themselves from voting on that item. Gary pointed out that the City form said to declare the conflict of interest 48 hours in advance, but he suggested changing it to just 24 hours. Tyler preferred to read through the State code and discuss the issue of voting at the next meeting. Dale stated that he would not be present for the September 20 meeting but would send his comments to staff.
C) Gifts and Favors. Gary suggested adding a reference to State code. Dale preferred relocating the language regarding items of small value to their own Subsection (3) and

adding the words, "usually considered to be $50 or less." Tyler questioned whether the bylaws needed greater detail and preferred more time to read through State code to understand such requirements for declaring conflicts of interest and gifts and favors.
ITEM 4. DISCUSSION OF NEXT AGENDA
Due to the late hour, Gregory asked commissioners to just let him know if they had any items to add.
ITEM 5. DEPARTMENT BUSINESS
Mike registered commissioners for the ULC&T's Planners' Day conference on September 15. That same evening, the City would be holding an open house and work shop for the 200 South master planning efforts. Both Tyler and Kenneth participated in the last one. Staff would be advertising it for 7pm at Syracuse High School. Gregory reminded Kenneth that he would be leading the pledge and Curt would be offering the invocation or thought at their next meeting.