



Planning Commission Work Session

MINUTES

APRIL 3, 2012

6:54 PM-9:05 PM

CHAMBERS AS WELL AS LARGE CONFERENCE ROOM

FACILITATOR	Chairman Pro Tempore Gary Pratt
NOTE TAKER	Judy Merrill
ATTENDEES	Kenneth Hellewell, Tyler Bodrero, T.J. Jensen, Braxton Schenk, Dale Rackham, Will Carlson, Michael Eggett, and Kent Andersen

ITEM 1: PRESENTATION OF SILVER LAKE ESTATES DEVELOPMENT

Mike Thayne gave some background of his family and the subject property and displayed examples of elevations and conceptual plans for their 20 acres of lake-front property with another 30 acres to develop as a cluster in an R-1 Zone. Each lake-front lot would have a personal boat dock, and the cluster townhomes would add affordable housing in the City as well as a transition from the West-Davis corridor to low-density housing. The lake would be about 7 feet in the center and specifically engineered with a shallow slope to dissipate wakes from fast-moving boats.

Kenneth asked about a fueling station. Mike said they did plan to include a fueling station; therefore, Kenneth asked about the potential for spillage. Mike advised him that the station would include a double-containment system. In their discussions with UDOT, they hoped the West-Davis Corridor would run along the north side between Jensen Park and their clustered townhomes, and he asked the City to support that position. The worst-case scenario for the alignment would be straight through the middle, but they could also build a berm to hide the townhomes and prevent it from stopping their plans.

T.J. asked about County drains. Mike described their plans to install a siphon under the lakes for overflow capabilities with a spillway on the other side. Their engineer designed it to easily handle flooding. T.J. then asked about impacts to the trail system, but Mike told him they had not gotten that far in their planning.

Tyler asked about treatments for insects. Mike explained how they would use grass to control vegetation, fish to control insects, and dye to prevent sunrays from reaching the lake bottoms, which was usually effective in inhibiting algae. Davis County's Mosquito Abatement would also help. There would not be any vegetation around the lake. Tyler asked if they would be bringing in any sand. Mike advised him of their plans to seal the lake with clay and maintain the level of the lake year round, which he believed was sufficient.

ITEM 2: PROPOSED BUSINESS PARK ZONE

After relocating from the Chambers to the large conference room, Gary made a statement regarding opinions he expressed that most likely impugned the professionalism of the Planning Commission. He said he already offered an apology to the Mayor and then proceeded to apologize to commissioners.

Kenneth discussed the Business Park zone and the positive comments received from the public hearing. Kent referred to a comment regarding churches and offered to add that under permitted uses.

Dale recommended relocating commercial-testing labs and services from permitted to conditional uses so the City would know what was going on inside the lab. He also asked why it limited food establishments to sit-down restaurants. Kenneth explained that the Subcommittee wanted a zone that encouraged sit-down restaurants that would attract businesses to support them, such as those found near the Davis Convention Center and within Legend Hills. Dale requested clarification on what constituted a sit-down restaurant. Kenneth said it would be anything without a drive-thru window. Dale suggested changing the language to restrict drive-thru windows rather than requiring the City to interpret which businesses they could consider as a traditional sit-down restaurant.

Kent referred to a comment opposing light manufacturing as a potential use, and Kenneth explained that the Subcommittee's intended uses with that term were high-tech facilities, such as Micron or IBM, which was still light industrial but did not create the heavy truck traffic and allowed storage only for secondary purposes. Gary asked if the language really identified it well enough. Mike suggested identifying light manufacturing as an accessory use for fabrication, assembly, etc.

Kent admitted some confusion with storage warehouses. Braxton agreed and asked to define it better. Kenneth explained that it would not be distribution facilities, just locations to store products businesses manufactured and were related to the principal uses. Braxton suggested limiting them to a certain square footage of buildings. Kenneth preferred a percentage. T.J. suggested 25% and asked if it prohibited outside storage. Kenneth did not think it did but agreed such a clause should be added under minimum lot standards. Kent preferred placing it under design standards. Gary recommended limiting it to 35%, and everyone agreed.

Dale asked why the Zone did not list call centers as a permitted or conditional use. Kenneth advised him that

the intent of this Zone was for higher-paying jobs and that call centers fit better in the other new zones, such as LI, Flex, or NS.

Dale expressed concern with the last sentence, in subsection 050(A), Development Plan and Agreement Requirements that required "future modifications under circumstances constituting a rational public interest." Kenneth pointed out that the Subcommittee mirrored that language from the City's other applicable zones, so Dale asked for Will's legal opinion. Will explained that, whenever a municipality allowed some buildings and not others, the scrutiny a court used was rationally based, which meant it would be upheld as long as there was a legitimate governmental interest and it was rationally related to that interest. This subject language appeared to be trying to accomplish that goal, but he was willing to help tweak the verbiage to ensure it addressed economic discrimination appropriately. Kenneth pointed out that another piece of language they could strike in subsection (B) was the reference to dwelling units, since this Zone did not include a residential component.

In subsection 060, Kent referred to some comments regarding minimum lot standards to increase front yard setbacks to 25 feet, limiting building sizes, and requiring buffers when adjacent to residential and institutional uses. Dale asked if it should cap the building heights. Kenneth explained that the overlay zone would tailor that in order to allow taller buildings when appropriate.

In subsection 100, Braxton preferred a minimum buffer of 30 feet adjacent to residential zoning and, in subsection 100(A)5, change "within four months of occupancy" to "prior to occupancy" in order to avoid enforcement issues. Under (B), Kenneth realized the chapter needed a definition for temporary buildings for intermittent commercial uses. T.J. then asked that the recreational activities term be consistent with the rest of the Ordinance.

Gary directed staff to place this on the next regular agenda.

ITEM 3: C-2 ZONE

The majority of commercial uses were in the General Commercial zone, so Gary asked commissioners if they were willing to eliminate C-2. Mike pointed out that eliminating it would cause problems for the IHC property developed within that zone. He recommended simply removing the zone from the General Plan on undeveloped land. Kenneth explained that, since adopting C-2, a lot of its original design standards and other language migrated into the GC and other zones. Everything C-2 currently had to offer was now in other zones, which made it unnecessary, other than mixed use and residential uses. He suggested placing PRD or PO zones next to GC zones to create the same intended environment as the C-2 zone, which would provide greater controls. Mike reminded them that the C-2 zone did require development agreements that provided some controls. If they wanted more, they would need to decide whether or not to rehabilitate C-2.

Kent referred to the use matrix and suggested using that to review all the uses in the City to decide what fit best in every zone. They could then decide whether or not to keep C-2.

Kenneth believed the C-2 zone needed a commercial component to match its name, so he did not recommend using it in place of a Flex Development zone. T.J. preferred the C-2 zone with better controls, because it allowed mixed uses. He considered a developer better suited for planning a large piece of land with locations of uses than the City's efforts of breaking it up into smaller zones in order to create a mixed-use feel.

Braxton recommended waiting to decide on C-2, because they would probably choose to rehabilitate it in the future. Gary did not believe C-2 was descriptive enough and directed staff to determine the impact of eliminating it. If it required further discussion, they would put it on a future agenda with the intent of removing the C-2 zone designation from the General Plan if commissioners decided to eliminate that zone.

ITEM 4: PROPOSED LIGHT INDUSTRIAL ZONE

Gary reviewed the intent of this proposed zone in order to try and accommodate the Rentmeisters' business as well as other areas of the City. T.J. recommended considering a new zone under the name of Neighborhood Services to accomplish their goals.

Kent explained that LI was never intended for large developments and that a Neighborhood Services zone would be a better description of their intended purposes. This zone would limit businesses to 1-10 acres. He then went through the listed proposed uses that would fit near residential zones.

T.J. added that this NS zone would be for smaller, oddly-located properties that would be appropriate for convenience stores, commercial daycares, auto repair shops, etc. Braxton wanted a maximum building and lot size, such as 5 acres and 20,000 square feet.

Kent suggested merging all the drafts into one for further consideration. Everyone agreed to remove LI and make it NS. Gary directed staff to put this back on the next work session agenda for discussion of the changes discussed.

ITEM 5: PROPOSED FLEX DEVELOPMENT ZONE

Kent stated that the only comment, during the public hearing on March 20, 2012, referring to the actual proposed language was a typo referencing the Industrial rather than Flex zone. When asked the difference between Draft A and Draft B, Kent explained that Draft B included additional setbacks in the proximity of residential and institutional zones as well as prohibited uses in those areas.

Braxton liked the idea of a flexible area but did not want to include extreme uses. A Flex zone could be whatever commissioners made it, and he did not believe that inclusion of any industrial component was necessary to make it a good zone, which was why he struggled with the proposal to strike the C-2 zone. He considered it wise to create a new zone that provided flexibility between residential and commercial or commercial and institutional without an industrial component. Kent suggested going through the proposed language and striking uses they did not want. Then, they could decide if what was left was more of a commercial component that they could merge into C-2 while retaining its commercial focus.

Braxton referred to the land by the high school and said he did not consider that entire area well suited for a Business Park. He expected it to include some PRD and felt it important to come up with a zone that allowed some latitude for more uses, such as a car wash, without calling them neighborhood services and that provided the City with more flexibility, whether through a Flex or C-2 zone.

Kenneth asked if commissioners wanted and/or envisioned industrial-type uses in other parts of the City or if they preferred the Business Park zone with the light manufacturing it allowed in order to accommodate what they wanted for the City. Braxton said it depended on what they considered industrial. If they decided it allowed light manufacturing with building sizes up to 25,000 square feet, they could expect such requests. When the West-Davis Corridor came through, it would prevent someone from requesting approval for an industrial use that needed a 200,000 square-foot building. There were many industrial-type developments in Salt Lake with smaller buildings. Commissioners may not want to change the zoning for a business park every time a technology firm came before them, so it would be nice to have a zone that provided flexibility without industrial uses as they knew them.

Kenneth, again, suggested striking all the uses they did not like and merging the remaining language into the C-2 zone. T.J. said the one place he considered to be well suited for the Flex zone was near Gentile Street where Syracuse would have a freeway. Tyler agreed, referring to SR193 through the northern area of the City and the West-David Corridor through the southern border as well as places on the outskirts of Syracuse for the bigger box-type businesses. T.J. could see a need in the future for the heavier-type industrial uses than what the Business Park zone would allow.

Gary suggested commissioners decide what they wanted in the City before creating lists of uses within the different zones. They should work on these zones in conjunction with their desires for Syracuse, such as a flexible zone on specific types of properties, and discuss them in the framework of what they placed in their toolbox of uses. He believed that would make it a lot easier to craft zones while providing a better product for the City. He considered the BP and NS zones as the City's plateau at that point. Anything more, such as for 25,000 square-foot buildings, would be in opposition to what people were saying they wanted here. Tyler believed that left a gap between C-2 and industrial, and they needed an applicable zone to accommodate those moderate uses without having to permit extremes within Industrial, which allowed uses such as SOBs. Gary agreed with the premise but predicted opening a Pandora's box if they started crafting vague language representing how they thought a zone would work. Developers could point to the long list of uses and make arguments for their requested use. Tyler disagreed with developers being able to modify an existing zone. They could only come in and request a rezone, which was why he considered these proposed new zones, with appropriate controls, as needed in the toolbox.

Gary said it was time to adjourn and directed commissioners to come to the next meeting prepared to discuss what these terms meant to each of them and whether those uses fit into an existing zone so they did not need to create a new one. He also warned them to be prepared to defend their positions and provide defensible reasons for their suggestions rather than just throwing out requests and expecting the rest of the commissioners to figure it out. Tyler pointed out that they were already instructed two weeks ago to come to this meeting with those reasons in order to have that very discussion, so he preferred to do it that evening. Dale explained that they currently had Districts 1 and 2 to close, a Business Park to recommend, and a Neighborhood Services zone to consider. They did not have to add a Flex Zone. Braxton perceived the biggest problem as being the use of the word Flex. That name came to the table from people using it for something much different than proposed here. He envisioned flexibility in a Flex zone and preferred that over any other meaning. He wanted to see more of the Neighborhood Services idea to apply to smaller areas. If they considered any other new zone, he wanted it to be similar to NS but on a little larger scale. Gary agreed, stating that they did the same thing with the PRD by adding a conditional use component to allow a higher density, rather than creating a new zone.

Will interjected, pointing out the time and advising them to either adjourn or make a motion to extend their

meeting.

Tyler Bodrero moved to extend the meeting to 9:15 p.m., seconded by TJ Jensen. Voting in favor were Tyler Bodrero, T.J. Jensen, Kenneth Hellewell, and Braxton Schenk. Gary Pratt and Dale Rackham voted against. Will advised them that the motion failed, since Planning Commission required a two-third majority of seven members.

ITEM 6: DEPARTMENT BUSINESS

Gary directed staff to place a discussion item on their next work session agenda for the Flex zone and for Districts 1 and 2 of the General Plan. T.J. also wanted the next work session agenda to include a discussion of scheduling public hearings due to some confusion that occurred about a month earlier. Gary agreed, stating that, in the future, the Commission should schedule public hearings rather than arbitrarily decided by City staff. Kent pointed out that public hearings would then require an entire month to schedule. Gary conceded that City staff could anticipate public hearings if approved by the Chair or Vice Chair. He believed staff made an erroneous assumption for the last hearing and encouraged them to make sure they had valid approval from them before proceeding. Kenneth pointed out that the Commission always had the authority to postpone an item on the agenda with a public hearing

Tyler asked to go on record as saying that, by not spending more time that evening on the proposed zones, they would be leaving them open for another two weeks. He again made a motion to extend the meeting in order to save time by having to go through the Flex zone again. Dale did not believe 15 minutes would be enough time to make a difference and would still vote no. Since no one seconded the motion. The Commission adjourned.