

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on July 17, 2012, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members: Kenneth Hellewell, Chairman
TJ Jensen, Vice-Chair
Gary Pratt
Braxton Schenk
Gregory Day
Dale Rackham
Curt McCuiston

City Council Members: Craig Johnson

City Employees: Will Carlson, City Attorney
Michael Eggett, Community & Economic Development Director
Noah Steele, Planner
Sherrie Christensen, Planner
Jo Hamblin, Deputy Chief/Fire Marshal

Excused: Tyler Bodrero

Visitors:

Judy Berg	Clint Sherman	Dema Jo Call
Don Linnen	Mary Ann Linnen	Chad Scholer
Jon W. Call	James Merrill	Judy Stanger
Loranne Livesey,	Mike Thayne	Syndi Warden
Bruce R. Baird	Charles Black	Holly Rsband
Bryan Heslop	Doug Carter	Pam Carter
Barry Burton	Ray & Pat Zaugg	Debra Crow
Robert L. Redford	Chris Willie	Dann Wineger
Teresa Wineger	Brandin Bodily	Marcia Bateman
Stephen Bateman	Layne Sanders	Allen S. Willie
Terry Palmer		

1. Meeting Called to Order

- a. Invocation or thought-Curt McCuiston
- b. Pledge of Allegiance-Braxton Schenk
- c. The new chairman, Kenneth Hellewell explained that he had been elected by the Planning Commissioners as the new chair and TJ Jensen as the vice-chair.
- d. Adoption of Meeting Agenda-Motion to adopt the Meeting Agenda by Commissioner JENSEN, SECONDED BY COMMISSIONER DAY, ALL VOTED IN FAVOR.

2. Debra W. Crow dba Crow Day Care request for modification from a Minor to a Major Conditional Use Permit in order to provide care for up to sixteen children in her home, located at 3433 West 2200 South

Community Development Director Michael Eggett presented the staff report. The request is to increase the day care operation from 8 children to 16 children. Mr. Eggett stated that Ms. Crow meets all the requirements of the code, including the proper parking and fenced yard.

The applicant, Debra Crow was present and had nothing further to add regarding the business expansion.

Commissioner Rackham asked Ms. Crow about the total square feet of the home. Ms. Crow indicated that the home is 2600 square feet total, with a proposal to use approximately 1602 square feet being utilized for the day care business.

COMMISSIONER PRATT MOTIONED TO APPROVE THE MODIFICATION OF THE EXISTING CONDITIONAL USE PERMIT FROM A MINOR TO A MAJOR IN ORDER TO PROVIDE CHILD CARE FOR UP TO SIXTEEN CHILDREN BY DEBRA W. CROW, DBA CROW DAY CARE, LOCATED AT 3433 WEST 2200 SOUTH, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES. THE MOTION WAS SECONDED BY COMMISSIONER SCHENK. ALL VOTED IN FAVOR. MOTION CARRIES.

3. Public Hearing: Still Water Lake Estates Cluster Subdivision, located at approximately 3700 South 1500 West, Sketch Plan

Commissioner Jensen informed the Commission that he would recuse himself from the discussion, as he is an adjacent land owner, but gave the Commission a plat and commented that he wanted to make sure the Planning Commission is aware of the 3 acre feet of water per acre required by the code for development. He then left the podium and joined the audience.

Mr. Eggett presented the staff report to the Planning Commission.

Chairman Hellewell asked if a representative from Fire Department was in attendance to comment on the proposal. Fire Marshall, Joe Hamblin was present and stated he was concerned with the turn around at the

end of the 2600 foot road, and that the road was narrow. He was concerned with being able to get fire apparatus in and out of the area.

Chairman Hellewell explained the layout of the plan for those in attendance and opening the public hearing asking for comments.

Barry Burton, Planning Director for Davis County and adjacent property owner was present to comment on the Plan. As a property owner that is directly west of the cluster housing, he is concerned about the storm drain system that goes through the property. He stated that in order to build the lakes the developer will have to divert the storm drain. The storm drain would have to go deeper creating a siphon system, which would be a problem. He is more concerned with the West Davis Corridor which is currently proposed to go through that property. He stated that transportation is vital to the health of commerce, which is vital to the health of the city. It would be a great concern not to preserve that corridor. He stated that he understands that you can't deny the property right to develop, however the City owns the property. It was his opinion that the request could be denied by simply not selling the property.

Charlie Black, a property owner who live in the same planning district commented that he has no problem with the lake. He concurred with Mr. Burton on the Legacy Highway (West Davis Corridor) comments. He commented that he has put in tens of thousands of drains on his property and siphons do not work. He also expressed concern over the clay lining of the lake, which has the potential to leak onto neighbor properties, needs to be done carefully and neighbors need to have recourse if it leaks. He also felt that the storm drain system is very important and the city needs to make sure they can get water out of there.

Commissioner Jensen spoke on behalf of Jerry Weaver, a neighboring property owner. His concern was on west property line and having proper fencing per the code. The Commission asked Mr. Jensen if he knew when UDOT was expected to release their decision on the alignment, he explained that UDOT will release their final plan in the fall. The ROD would be out in the summer of 2013. He also noted that Davis County had \$5 million for right-of-way acquisition in a fund.

Mike Thayne, the applicant was present to speak on the proposed plan. Commissioner Schenk asked about what thought went into the length for the cul-de-sac. Mr. Thayne stated that he thinks there is an opportunity for an exception to the maximum length requirement to the code (section 8-2-11) based upon the comments of the fire chief. Section 8-2-11 of the city code under dual access, there is an option to allow a single access to a development of 35 or less lots.

Mr. Eggett clarified that because it was a private road, Mr. Thayne believes that an exception could be granted.

Chairman Hellewell noted that 30 feet of right of way is narrow, and asked if there is any way to widen the road.

Mr. Thayne commented that they cannot widen because the required width of lakes and that builders are already telling him the lots are too small for the size of homes that will be built on the lots.

Fire Marshall, Joe Hamblin stated that he is concerned with length and width of the road. He believes that there will always be parties or ski competitions where regardless of signage, visitors will use the street for parking. He believes the guest parking is inadequate for the use. He further explained that it would be difficult to move vehicles in the event of an emergency, which would hamper response time. He suggested a better (bigger) turn around in the middle as well of the road would be warranted and that more guest parking be provided.

Commissioner Day asked the Mr. Thayne about the area north of ski lakes and what appears on the plan as a stub road? Mr. Thayne stated that no, it is not a stub road and that there was a miscommunication with his engineer. The stub really is just there for access easement for the utilities. Commissioner Rackham stated that he thinks there should be a cul-de-sac in that location. He further asked Mr. Thayne what was thinking on the Legacy alignment. Mr. Thayne commented that UDOT is not ready to move and their website says that the alignment could move. He stated that he is prepared to work with them if and when it goes through.

Chairman Hellewell asked if there was anything on the staff report that Mr. Thayne had a problem complying with, specifically the question on the half street which is half of a right of way. Mr. Thayne stated that he has no problem with this issue because he believes he can be granted an exception to the standard width and length. He stated it will be built in phases, per the code. Mr. Eggett stated that the dead end length is a clear standard in the code and advised that would have to be changed to allow it. The Commission directed Mr. Thayne to work with staff to find a way to comply with the code.

Commissioner Day asked Mr. Thayne to comment on the storm drain and siphon issue. Mr. Thayne commented that his engineer has reviewed it and he believes it will work. He stated there are concerns, but believes the storm drain district is willing to work with him on it. Mr. Burton (Davis County rep) interjected that the district told him that they are not interested in entertaining a siphon.

Commissioner Rackham asked the developer about the use of limited common area and what that term meant. Mr. Thayne stated that this refers to the individual household docks on lake lots. Commissioner Rackham clarified that he was referring to the area in the clusters, related to the driveways. Mr. Thayne stated that the driveways are common area but limited in use to the home owner of each respective unit. He was further asked about the park strip requirements and if he would comply. Mr. Thayne stated it will be on the preliminary as requested.

Commissioner McCuiston wanted to know how the developer can separate private property from the public open space in Jensen Park. Mr. Thayne stated that it will be fenced between cluster area and trail. He further stated that the trail would be moved and would like to place a buffer there, like a berm or other landscaping.

Commissioner Day wanted to know about an existing building on the property line, which is a pump house for a city well and how it will be dealt with. Mr. Thayne said they would go around it in the description of the final sale of the property and that the City would retain that area. The plan is to exchange the lands and go around it to keep that out of the sale. Commissioner Day further noted that he would like additional parking of 2 spaces off street per unit and making note that they could only be located at certain maximum distances from the individual units to provide for guest parking and discourage on street parking.

Commissioner McCuiston wanted to know about the interface between the park and the cluster area. Mr. Thayne said it is on the backside of the dwellings and shouldn't be a problem because the use has low traffic. He would like to leave it open. Commissioner McCuiston felt that traffic would be increased when the trail is re-routed and very well become a problem.

Commissioner Day wanted to know if Davis County was going to require any improvements to Gentile Street on the south side of the property. Mr. Thayne stated that he is not aware of any needed improvements, but that he hasn't gotten that far in the development process to inquire about that.

Commissioner Pratt wanted to know if the developer is working to reduce the number of buildings because they do not meet the code on the minimum separation between buildings. Mr. Thayne indicated that he is working with the city and his engineer to meet the requirements and believes with some re-arrangement the standard can be met.

Chairman Hellewell presented the letters from Dema Jo Call and Don & Mary Ann Linnen that were submitted to the Community Development Department regarding the development. (attached) The letters addressed concerns about approving a development which is located in the area currently proposed the West Davis Corridor alignment.

Will Carlson, City Attorney, advised the Commission that the West Davis Corridor is not under the decision of the Planning Commission, thus they should focus on the ordinances which are under their jurisdiction only. Commissioner Schenk is concerned that the property was sold knowing the ultimate goal or use of the property (by the developer) and yet the proposed alignment is the first concern of the city engineer. He asked if the property has been purchased, Mr. Carlson indicated that the sale was complete with conditions.

Commissioner Rackham questioned the state of water rights for the property. Mr. Thayne stated he has secured the water right from the state. The water will not flow through the lakes. Commissioner Rackham asked if there is a risk of contamination from a fuel spill and/or leak. Mr. Thayne explained the geotech work has yet to be done, he can't afford to have it leak and will be adequately sealed. There will not be a fueling station so the risk is minimal from individual boats.

Mr. Thayne further explained that there are several of these lakes in the country and the boats keep it aerated. Usually there is fish which keeps it healthy as well. He realizes it is unique in Utah, but they do have these other places and will address all the issues related. The water will be treated.

Bob Redford asked about an access road that goes to the pump house and stated he has trouble with trucks driving on his lawn and rocks being thrown over. He wanted to know if the dirt road access is going to stay. Mr. Thayne believes the road will go away.

Commissioner McCuiston stated that he is concerned with the length of the road. Chairman Hellewell expressed that he felt that it is ok because it is to be a private street. Commissioner McCuiston stated that he fears it may be liability if something were to happen and the city couldn't get emergency vehicles down there. Chairman Hellewell asked if the Commission wanted to table this item to give Mr. Thayne time to work with staff.

Chad Shore, a neighbor in the area who has lived there 30 years, he stated that years ago, under a previous mayor, that the City had told residents in the area that in the future this land would be a park with baseball fields and such. He stated that was the agreement with the neighbors. He wants to know what happened to that. He believes that funds were allocated for those facilities. Chairman Hellewell explained that he would have to ask the City Council, as they control the land and park monies.

Mr. Shore wanted to know if there would be room for Legacy between the lakes and cluster. Chairman Hellewell indicated that no there would not be. Mr. Shore indicated that UDOT doesn't think the alignment can move south, because of the wetland issues.

Judy Burke is concerned about the noise level from the lakes and also about the mosquito abatement. She feels that the idea of a private lake, one that the community can't use, is burdening the neighbors by asking them to put up with noise. She wanted to know what benefit the development is for the neighborhood and community.

Chairman Hellewell asked the developer if he planned to have the lakes treated for mosquitoes. Mr. Thayne indicated yes.

Chris Willie asked for clarification on the location of the property. Wanted to know where the trail was being moved. Chairman Hellewell stated that it would be parallel Bluff road on east edge of the property. Ms. Willie asked about the sale of the property and how that related to the decision made by the Planning Commission tonight. Chairman Hellewell stated that once the property is sold, the Planning Commission has to operate under the ordinances that are in place. She further wanted to know if it is legal for the City to sell the land without using the money for a park elsewhere. Chairman Hellewell stated that he believed that the money had to go back into the park fund and be used elsewhere in the City to buy land for a park. Attorney Carlson confirmed that the governing body has to use the money for other parks. Chairman Hellewell stated he did not know what the original plan for the park was.

Barry Burton wanted to know if a wetlands determination has been provided on this property. Mr. Thayne asked to address the issues when the public hearing was closed.

Don Linnon stated that a project of this size should not be approved when it is in the path of Legacy Hwy. He believes UDOT could be persuaded to move path North if this subdivision is approved. It would then go through his property and he has a problem with that. Chairman Hellewell reiterated that this issue is not in the Planning Commissions purview and they are just as anxious to learn alignment.

Pat Zaugg, stated that while approving this may not have anything to do with Legacy decision she believes that this would put an obstacle in the way that would affect the route, like the school issue. She has no problem with the idea, but advised caution.

Mr. Thayne addressed noise question stating that the CC&R's (Community Covenants and Restrictions) will allow only inboard motors, which produce only about as much noise as lawn mower and will not be an issue. Second he stated that he didn't believe there was currently any problems with mosquitoes in the area. He further noted that the habitat for mosquitoes would be a marshy type and because he will not have a marshy type of development that doesn't believe any problem would be created or increased in the area. He then addressed the wetlands issue are being addressed by the Army Corp of Engineers and doesn't know when their review will be made.

Commissioner Day thinks it is a good idea and creative use. However, he is concerned that the access on the dead-end road is a problem. He thinks the developer needs more time to prepare the sketch plat, when he can demonstrate these issues can all be resolved. He encouraged Mr. Thayne to work with the City staff to find a way to make the road length conform to the City code.

COMMISSIONER DAY MADE A MOTION TO TABLE THE DISCUSSION TO ADDRESS THE STAFF CONCERNS. COMMISSIONER SCHENK SECOND THE MOTION, ALL VOTED IN FAVOR. THE MOTION CARRIED.

Commissioner Jensen returned to board.

4. Wasatch Villas Subdivision Phases 7 & 8, located at approximately 500 West 3150 South, Final Plan

Developer Kyle Hamblin was present. Noah Steele, Planner, presented the staff report. He pointed out the issue with secondary access will be met when all phases are built. He also noted that there could be the potential that there may not be able to have a block of two lots deep, as per code, on the block which borders with Layton City if phase 6 is not completed and 500 North improved.

Fire Marshall, Joe Hamblin stated that he is concerned with 3700 West Street connecting it to subdivision. He is also concerned with width of cul-de-sacs being decreased to 75 feet when the curb and park strip is built and being further reduced by snow storage in the winter months.

Chairman Hellewell stated that they may want to address the standards at a later date for future developments.

Commissioner Rackham asked about the resolution of the temporary cul-de-sac. Mr. Steele stated it does have to have a temporary because it dead ends and that it is shown on the final plan.

COMMISSIONER PRATT MOTIONED TO GRANT FINAL PLAN APPROVAL OF THE WASATCH VILLAS SUBDIVISION PHASES 7&8, LOCATED AT APPROXIMATELY 500 WEST 3150 SOUTH, SUBJECT TO ALL REQUIREMENTS OF THE CITY'S MUNICIPAL CODE AND THE ENGINEER'S REVIEW DATED JULY 13, 2012S AND THE CITY PLANNER'S REVIEW, DATED JULY 12, 2012; AND FORWARD SAID RECOMMENDATION TO THE CITY COUNCIL. COMMISSIONER JENSEN SECONDED THE MOTION. ALL VOTED IN FAVOR. THE MOTION CARRIED.

5. Public Hearing: Ninigret North I Subdivision, located at approximately 1100 West 450 South, Sketch Plan

Mr. Eggett gave a brief review of the project, noting that the public hearing was noticed properly. He stated that city staff is confident that the developer has met the requirements of code. Chairman Hellewell clarified that they are not approving the south portion of the property that is in Clearfield City. He then opened the public hearing.

No comments were received, the public hearing was closed.

Commissioner Jensen thanked the applicant for the thorough traffic study. Corbin Bennion, the developer's engineer, clarified that the Clearfield piece is not included in the boundary on the plat. Commissioner Jensen asked if the PUE (Public Utility Easement) needs to be in our Syracuse and if that was a concern to the public works department. Engineering Staff, Brian Bloeman stated that it was not an issue and that it happens from time to time we have some utilities outside the city. He further stated that all the plans have been updated with the issues resolved.

Bruce Baird, Attorney for the Developer, read two letters from Dominion (attached). He also commented on the traffic study that it was done with accepted standards of review by a very qualified firm, one of the best in the state.

Commissioner Schenk discussed the conditions related to the approval of the additional length of the cul-de-sac. Mr. Baird clarified that the process is not discretionary and that you can't be arbitrary and capricious in making that decision, that if the specified conditions set forth in the code were met, that the additional length must be approved.

Commission Rackham stated that there were a lot of acronyms in the traffic study and due to the lack of a glossary, he needed some clarification. Ryan Hales, traffic engineer for the developer, stated he could explain any of the acronyms as needed. He explained what level of service meant and that the grid is based upon the traffic count on the roads. Basically if a driver waits more than 50 seconds at a stop sign the level of service is an F. Because of the traffic light at 1000 West, there would be expected gaps in traffic that a driver could enter

the roadway. He stated that the intersection would be affected during school let out times with a sudden increase in volume, but that it would be a short duration impact likely only in the afternoon.

Brian Bloeman addressed item #3 on his staff report. He clarified that the City does require water shares, unless there is proof that they have already been transferred. Mr. Bennion stated that since the last meeting the feasibility study has been completed and it has been confirmed that water shares do come with the property as part of the sale and that they will be transferred to the City.

Mr. Bennion talked about the PUE in the rail corridor, and stated that the developer has started the process with Clearfield City to get preliminary plat approval to divide that parcel into 2 lots. He noted that there will be a public easement agreement and a public services agreement.

Commissioner Jensen was concerned with attempts to turn left onto 1000 West. Mr. Hales stated that the signal light will at times be all red and that would address that issue providing gaps in traffic flow to allow turns onto the road. In the study the traffic engineers looked at the build out of the Freeport Center recommending the double left hand turn lane, so it draws attention to UDOT to put that issue on their radar.

Chairman Hellewell had a question for Mr. Bennion, related to noise issues. Mr. Bennion stated that the owner has started studies on the issue.

COMMISSION DAY MOTIONED TO GRANT SKETCH PLAN APPROVAL TO NINIGRET NORTH I SUBDIVISION, LOCATED AT APPROXIMATELY 1100 WEST 450 SOUTH, SUBJECT OT ALL REQUIREMENTS OF THE CITY'S MUNICIPAL CODES AND TO THE CITY ENGINEER'S REVIEW, DATED JUNE 14, 2012, AND CITY PLANNER'S REVIEW, DATED JUNE 29, 2012. SECONDED BY COMMISSIONER JENSEN; ALL VOTED IN FAVOR. THE MOTION CARRIED.

6. Ninigret North I Subdivision, located at approximately 1100 West 450 South, Preliminary Plan

KH asked if staff if there were any additional concerns. GD wanted to have the water pressure in the area addressed. Brian commented regarding the issue city wide. There is 30 psi at this area, which is the highest in the point in the city. The line will be upsized to a 12" line, agreed to by the city and Weber Basin Water Conservency. The pressure would be 490 so PRV (Pressure Relief Valves) will be installed. This work will likely be done next spring and will take about 1 month to complete because it is just a transmission line and there are no existing connections to replace. Weber Basin is already agreed to upgrade the line for city wide use, so the developer doesn't need to be required to upgrade. If the development is installed before the upgrade, the current flows allow us to provide fire flow, it's not great, but it meets the standards.

Chairman Hellewell asked if the lot users happen to be high water users, could the system provide service prior to the upgrade. It was noted that Weber basin is concerned if it was a food processing or water bottling, but not if it is a warehousing operation.

Commissioner Jensen asked Mr. Bloeman to address the size of the sewer trunk line in the area. It was determined the line is a 24" line.

Commissioner Jensen asked the developer about the timeline of the development, specifically the first user and building construction. Tom Freedman stated that it is anticipated in 12 to 18 months. They do not anticipate any conflicts with installation of utility improvements. He noted that due diligence on the sales is done thoroughly and they will not sell to businesses that would not be able to operate at the current level of services.

Commissioner Day commented that the Planning Commission has been reviewing the development for a while, and hopes that the developer will work with the neighbors to address their concerns. He is impressed that the applicant will exceed expectations of the code and staff.

Commissioner Day asked what would happen if Clearfield didn't approve the public utilities easement, Attorney Carlson noted that the developer would have to amend the plat to put the easement in Syracuse City limits.

COMMISSION DAY MOTIONED TO GRANT PRELIMINARY PLAT APPROVAL TO NINIGRET NORTH I SUBDIVISION, LOCATED AT APPROXIMATELY 1100 WEST 450 SOUTH, SUBJECT OT ALL REQUIREMENTS OF THE CITY'S MUNICIPAL CODES AND TO THE CITY ENGINEER'S REVIEW, DATED JUNE 14, 2012, AND CITY PLANNER'S REVIEW, DATED JUNE 29, 2012. COMMISSIONER JENSEN SECONDED THE MOTION. ALL VOTED IN FAVOR. THE MOTION CARRIED.

7. Public Hearing: Request to amend the General Plan for property located at approximately 2400 West 2900 South and Rezone it from and R-1 to an R-2, Single-Family Residential Zone

Mr. Eggett introduced the project staff report.

Chairman Hellewell opened the public hearing.

No comments were made, the public hearing was closed.

Commissioner Jensen indicated that there were issues with the surveyor, but it is being worked through.

Attorney Carlson commented that this is a legislative issue so this is the time that you can discuss the possible issue of conflict with proposed Legacy Highway alignment.

COMMISSIONER JENSEN MOTIONED TO RECOMMEND TO CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT AND REZONE APPLICATON FOR PROPERTY LOCATED AT APPROXIMATELY 2400 WEST 2900 SOUTH, TO CHANGE THE USE OF THE PROPERTY FROM AN R-1 TO AND R-2 ZONE, SUBJECT TO ALL REQUIREMENTS OF THE CITY'S MUNICIPAL CODES. COMMISSIONER PRATT SECONDED THE MOTION. ALL VOTED IN FAVOR. THE MOTION CARRIED.

8. Adjournment

COMMISSIONER JENSEN MOTIONED TO ADJOURN THE MEETING. ALL VOTED IN FAVOR. THE MOTION CARRIED.

APPROVED: _____
Kenneth Hellewell, Chairman

DATE: _____

ATTEST: _____
Sherrie Christensen, Planner

DATE: _____