

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on December 3, 2013, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Commission Members: Curt McCuiston, Chairman
Wayne Kinsey
TJ Jensen
Dale Rackham
Anne Greeson
Ralph Vaughan
Sean Dixon

City Employees: Sherrie Christensen, Community & Economic Development Director
Jenny Schow, Planner
Kelly A. Janis, Planning Administrator
Brian Bloemen, City Engineer
Jo Hamblin, Deputy Fire Marshall
Clint Drake, City Attorney

Excused: Commissioner Tyler Bodrero, Vice-Chairman

City Council: Craig Johnson

Visitors: Gary Pratt Mike Bastian Nick Mingo

1. Meeting Called to Order

[6:10:36 PM](#)

- a. Invocation or Thought – Commissioner Vaughan
- b. Pledge of Allegiance – Commissioner Jensen
- c. Adoption of Meeting Agenda

COMMISSIONER RACKAHM MOTIONED TO ADOPT THE SYRACUSE CITY PLANNING COMMISSION AGENDA FOR DECEMBER 3, 2013 AS OUTLINED. COMMISSIONER KINSEY SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

2. Meeting Minutes Approval – November 5, 2013 Regular and Work Session.

[6:13:43 PM](#)

Commissioner Greeson recused herself from this motion.

COMMISSIONER RACKHAM MOTIONED TO APPROVE THE NOVEMBER 5TH, 2013 SYRACUSE CITY PLANNING COMMISSION REGULAR AND WORK SESSION MEETING MINUTES AS WRITTEN. COMMISSIONER VAUGHAN SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

3. Conditional Use Permit, Mobile Tool Sales, MM Burrows LLC, 3360 West 2280 South, R-1 Residential Zone.

[6:15:00 PM](#)

Planner Schow – The applicant will not be here tonight. This CUP is for a mobile tool sales vehicle to operate as a home occupation. The reason we are here tonight is because the truck weight exceeds that from a minor conditional use; his truck weighs 19,000 lbs and our ordinance does allow for up to 20,000 lbs. The applicant currently does have RV parking. The only issue that staff could find was the fence because it did not meet the screening requirements in the ordinance. I have discussed the issue with the applicant and this will be a condition of approval that the gate in front of the truck be slated. The applicant does not have a problem with this condition.

Summary

Commissioner Vaughan mentioned that he did not like the chain link fence with slats and inquired about the surface area where the truck will be parked; wanted to know whether the surface was gravel or concrete. Planner Schow explained that our code does not have any specific requirements for screening; it just stated that it needs to be screened. Planner Schow also stated that the truck will need to be off the street at night and cannot be in a front yard setback.

COMMISSIONER GREESON MOVED TO GRANT A MAJOR HOME OCCUPATION CONDITIONAL USE PERMIT FOR MM BURROWS LLC, LOCATED AT 3360 W 2280 S, FOR MOBILE TOOL SALES, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES AND THE CONDITION THAT THE EXISTING CHAIN LINK FENCE AND GATE ARE UPGRADED WITH SLATS ON THE STREET SIDE. COMMISSIONER RACKHAM SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

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Commissioner Vaughan stated that because we have a motion on the floor, he cannot speak unless it is about the motion. He stated he had hoped to have discussion in addition to asking questions of staff before we went into the motion.

Commissioner Jensen stated that the City Council does it that way and has discussion after the motion. **Commissioner Jensen** asked **Commissioner Greeson** to withdraw her motion and she agreed.

Commissioner Vaughan – I think that a chain link with slats is among the lowest sense of screening. If all of the slated chain link fences that I have seen, they only cover about 50% – 75% and do not have any durability. Because this is a residential neighborhood, I think we should do as much as possible and make the applicant provide solid fencing. In addition, I would like to make sure we have a solid surface driveway because we are dealing with a vehicle that is 1,000 lbs shy of the maximum weight allowed. I want to make sure that the driveway and RV parking will support this large vehicle. I would hope to make the motion to include solid fencing and to make sure there is a solid base for the driveway and parking area.

Planner Schow – The reason why the slats were recommended is because the chain link fence is already existing and we did not hear any complaints from the neighbors and there is not anyone in the audience who is opposing this. In this case where the fence already exists, it seems appropriate to allow the applicant to slat it.

Commissioner Vaughan – I recommend that we table this until we can talk with the applicant.

Planner Schow – The applicant was very concerned about not being here. I do not think we should delay him any further and it was my decision to add this to the agenda.

Commissioner Greeson – We had a similar situation not too long ago and because of the way the ordinance is written, we could not require the applicant to put up vinyl fencing. I suggest we look at the ordinance before we proceed any further.

Commissioner Jensen – If the ordinance does not require it, then we cannot ask the applicant to do so. I would like to know what our attorney has to say.

Attorney Drake – Only reasonable conditions can be imposed.

Director Christensen – I think it is perfectly acceptable to require a hard surface, whether it is gravel or concrete and to have the apron to the driveway. I believe you are well within your rights to choose whichever type of fence as long as it is a solid fence. I would say away from using the word vinyl.

Commissioner McCuiston has arrived.

[6:30:50 PM](#)

Commissioner Greeson withdrew her motion. Continued to Item 6.

COMMISSIONER VAUGHAN MOVED TO TABLE THIS ITEM UNTIL LATER IN THIS MEETING WHEN PLANNER SCHOW HAS TALKED WITH THE APPLICANT. COMMISSIONER KINSEY SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

[6:31:52 PM](#)

Continued to Item 6 at [6:51:24 PM](#).

COMMISSIONER SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

4. **Subdivision Final Plan, Country Fields, Castle Creek Homes, located at 1200 South 2750 West, R-1 Residential Zone.**

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Planner Schow – This project is Country Fields and we have seen this for prior approvals. The applicant has been able to address all of the items with the exception for one. The only item that was not addressed was showing the culinary water line through the church property, but this can be easily added; the city engineer and the applicant have discussed this and he feels comfortable moving on for approval.

Commissioner Vaughan – Have you had a chance to review all of staff's comments?

Mike Bastian – We were able to meet all of the items staff has asked of us and we are ready to move forward.

Engineer Bloemen – Yes, I am satisfied.

COMMISSIONER MCCUITION MOVED TO RECOMMEND APPROVAL TO THE CITY COUNCIL OF THE FINAL PLAT FOR THE COUNTRY FIELDS SUBDIVISION, LOCATED AT APPROXIMATELY 1200 S 2750 W, SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE CITY ORDINANCES AND STAFF REPORTS. COMMISSIONER RACKHAM SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

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5. **Subdivision Preliminary Plan, Monterey Estates, Ivory Homes, located at 1525 West 700 South, R-3 Residential Zone.**

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Planner Schow – This is preliminary approval for the Monterey Estates subdivision. The applicant was previously asked to review stubbing the road to the north and in discussion with City Council, the applicant has decided to add that stub road in for future connection. The City will be taking over the detention pond as the developer was agreeable to put in

some amenities. We have come to an agreement to put in a small tot lot and a walkway system to make the space more usable for the residents. There are a few items that need to be fixed from the engineering plan and a few items that were on my staff report. The applicant was expedient in getting those issues to the engineer and has rectified those items. As far as staff is concerned, we feel this can move on to final.

Commissioner Jensen – Is there going to be a fence line along 700 South where the detention basin is going to be or some type of screening?

Nick Mingo – It has not been contemplated at this point. There are a dozen lots that also front there where we are building. It would be awkward to have fencing in one small section.

Director Christensen – It is a recessed detention area. I am not sure that it is necessary and it is also an added maintenance expense because the City will be taking ownership of that mini park.

Nick Mingo – We are putting the tot lot on the Northwest corner so it will be further away from the busy road.

Director Christensen – The reason we thought it would be a good idea to turn this into a park was because in that area there are not any park facilities. As we talked about it and I met with our Parks Director and City Manager, we thought this was the best use of this lot. This small pocket park would be a good location because there are about 350 children who could use this park.

Commissioner Rackham – Was there any plan to raise the playground equipment if the park will retain water?

Nick Mingo – Somewhat. It is on the high corner of the pond, but it is not elevated up to the sidewalk grade. I would be open to that if need be.

Commissioner Rackham – If water does come in, it is going to be a problem.

Nick Mingo – The probability of that pond filling with enough water is around 2%.

Director Christensen – I do not think there is going to be much standing water there very often that it will effect that in any way and our engineers didn't seem to have any issues either.

Commissioner Jensen – It will be slightly elevated.

Commissioner Vaughan – Is this initially set up where the developer, if approved, is going to create this park under some help or assistance from the City or will this be immediately deeded over to the City?

Director Christensen – No, we want it to be turnkey so we want all of the installation done prior to us accepting ownership.

Commissioner Vaughan – Is this going to be a school crosswalk zone because of the high school?

Director Christensen – Jenny and I did meet with the school district a few weeks ago and their comments were on the some of the areas that would pose problems loiters, vandalism, and the trash. They decided they would like to discourage those.

Commissioner Jensen – The applicant is also going to dedicate another 11' of right of way. I applaud the applicant for this. Asking Engineer Bloemen: Do you have any additional concerns or are you satisfied?

Engineer Bloemen – No, this is a very detailed set of plans.

Deputy Chief Hamblin – There are not any fire concerns.

Commissioner Jensen – I do like this pocket park and think it will be a nice amenity to the area.

COMMISSIONER MCCUISTION MOVED TO APPROVE THE PRELIMINARY SUBDIVISION APPLICATION FOR MONTEREY ESTATES, IVORY DEVELOPMENT, LOCATED AT APPROXIMATELY 1500 WEST 700 SOUTH, SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE CITY ORDINANCES AND STAFF REPORTS AND THAT THE CITY RETAIN THE RIGHTS TO NAME THE PARK. COMMISSIONER KINSEY SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

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Commissioner Jensen – At this point, we are going back to Item 3, which has been renamed Item 6.

6. Conditional Use Permit, Mobile Tool Sales, MM Burrows LLC, 3360 West 2280 South, R-1 Residential Zone.

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Attorney Drake – I need to interject because I was reviewing the by-laws and it states that the Temporary Chair shall serve until the Chair or Vice-Chair returns. This meeting needs to be turned over to the Planning Commission Chair, Curt McCuiston to conduct the remainder of the meeting.

Commissioner McCuiston – Do we have an overview from staff?

Planner Schow – I was able to get a hold of the applicant and he has indicated that he and his neighbor put in the fencing and curbing between their houses and he has matched his neighbor's gravel for the RV parking. It is not concrete but gravel and he has indicated that it would be a hardship to switch the fence out because it was a joint effort between him and his neighbor.

Commissioner Jensen – Will he match the gravel all the way to the front?

Planner Schow – He already has.

Commissioner Jensen – Our concern was the hard surface and the slats between the chain link to screen the truck. Commissioner Vaughan didn't like that idea and he was looking for something more permanent.

Commissioner Rackham – Asking City Engineer: What are your thoughts on a 19,000 lb truck on gravel?

Engineer Bloemen – It can support it; we do temporary gravel roads for our fire engines which weigh more. I would be more concerned with the retaining wall and whether that can support the loads of that vehicle. I would not be concerned about the gravel, but it should be between 4" and 6".

Commissioner Vaughan – I am also concerned with utilities.

Engineer Bloemen – I do not know if they can cut that curb anymore under ordinance. You are allowed to have up to 50% of the frontage, but cannot have any driveway wider than 30'. He is pretty close to 30' now and cannot make that driveway any wider. The utilities appear to be his secondary irrigation boxes and those would be his responsibility to repair if they break.

Commissioner McCuiston – Isn't there an ordinance against having gravel in temporary parking on the side of the house? I thought it had to be a hard surface out to the road.

Director Christensen – Gravel is defined as a hard surface provided that it is properly compacted.

Commissioner Jensen – I think that requiring additional fencing over and above what the applicant has would be onerous of us to ask for anything more, especially where he and his neighbor have come together and added to their properties. I do not think that vehicle is going to be that much of an eyesore because it is in the middle of the block. Slatted chain link is fine with me.

Commissioner Vaughan – That should be concrete if he is going to be driving a 19,000 lb truck because this is a commercial truck and not an RV, which will be driven daily where an RV is stationary most of the year. Is a standard driveway rated for the daily traffic of a 20,000 lb truck?

Engineer Bloemen – I am not sure and would need to look into that. It probably wouldn't last as long.

Commissioner Vaughan – He just made my point. We also have at least two major utilities where he is going to be parking that truck. I do not feel comfortable accepting this without a durable hard surface.

Commissioner

COMMISSIONER VAUGHAN MADE A MOTION TO GRANT A MAJOR HOME OCCUPATION CONDITIONAL USE PERMIT FOR BURROWS LLC LOCATED AT THE ABOVE ADDRESS FOR A MOBILE TOOL SALES SUBJECT TO APPLICABLE REQUIREMENTS AND THE CONDITION THAT THE GATE BE UPGRADED TO A SOLID FENCE AND THAT THE DRIVEWAY AND PAD AREA WHERE THE VEHICLE WILL BE PARKED TO BE CONCRETE.

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Commissioner McCuiston – This motion failed because there was not a second to the motion.

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Commissioner Dixon – I have a bit of a problem with a concrete driveway. We ask any RV owner to park behind a gate, but requiring that very expensive driveway is difficult and I have a problem with that. Am I the only one that has an issue with this?

Commissioner Greeson – No, I have concerns as well. He has already put the gravel in and it is in accordance with our ordinances. I have some concerns that in a few years from now, that will be a mess in the neighborhood.

Commissioner Rackham – I have some concerns if that cement driveway is not poured with a good foundation or thick enough because it will crack. I am inclined to say that we are just as good with the gravel.

Commissioner Kinsey – I would agree with the rock as well.

Commissioner Vaughan – You are not concerned about the utilities? To me that is extremely important. I would hope that the City Engineer would have concerns with that as well.

Commissioner Dixon – The City Engineer stated that it would be the applicant's responsibility to take care of any repairs with the utilities.

Commissioner Jensen – Asking Engineer Bloemen: Are these utilities just in the park strip or is there something running down the side of the house?

Engineer Bloemen – I would have to look to see where their power meter. There are not any City utilities back there; they would only be private utilities for the house.

Commissioner Jensen – A gravel surface would allow easier access to those utilities if repairs were needed rather than concrete. The applicant would have the cost of replacing the concrete if something were to go wrong with those utilities.

Planner Schow – I would like to remind the Planning Commission that we saw a CUP for a mobile tool sales home occupation in August that is identical to this one. The applicant indicated in the meeting that they would be parking the truck on gravel in the RV space and you did not have any of these issues at that time. The only difference that I see between these applications is that one had vinyl fencing versus the chain link fence with this one. The ordinance only requires that it is screened; it does not specify how. I do not think it would be fair to not approve this application based upon the driveway considerations being this has been approved for someone else within the City less than six months ago.

Commissioner McCuiston – That was a very good point.

Commissioner Vaughan – I drove by that location today and I found that there is rock all over the place, even in the street, from the Cornwall Tools truck.

Commissioner Jensen – If we want to change the ordinance, we can but as far as what the ordinance states today, we must follow the current ordinance and not what we want in the future.

COMMISSIONER RACKHAM MOVE TO GRANT A MAJOR HOME OCCUPATION CONDITIONAL USE PERMIT FOR MM BURROWS LLC, LOCATED AT 3360 WEST 2280 SOUTH FOR MOBILE TOOL SALES SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES AND THE CONDITION THAT THE EXISTING CHAIN LINK FENCE AND GATE ARE UPGRADED WITH SLATS ON THE STREET SIDE. COMMISSIONER JENSEN SECONDED THE MOTION. ALL COMMISSIONERS VOTED IN FAVOR OF THE MOTION WITH THE EXCEPTION OF COMMISSIONER VAUGHAN. MOTION PASSED.

[7:15:35 PM](#)

Commissioner Jensen – Do we want to take a five minute break or go directly into work session? Do we want to stay in Council Chambers for our work session?

Director Christensen – How long do we think our work session needs to last given the traffic and the snowstorm?

COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSSION IN COUNCIL CHAMBERS.

[7:16:17 PM](#)

Adjourn

Curt McCuiston, Chairman

Kelly A. Janis, Planning Administrator

Date Approved: **January 7, 2014**