

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on February 19, 2013, 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 Chairman
Gary Pratt
Tyler Bodrero
Dale Rackham
Curt McCuistion
Wayne Kinsey
Brandon Haddick

City Employees: Michael Eggett, Community & Economic Development Director
Will Carlson, City Attorney
Sherrie Christensen, Planner
Jenny Schow, Administrative Professional
Brian Bloeman, City Engineer
Jo Hamblin, Deputy Chief/Fire Marshal

Visitors: Reva Laurella Mike McBride

1. Meeting Called to Order

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

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COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE MEETING AGENDA FOR FEBRUARY 19, 2013. COMMISSIONER PRATT SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

2. Approval of Regular Meeting and Work Session Minutes for February 5, 2013

[6:06:30 PM](#)

- LINE 32 – Commissioner Jensen requested a change to, "Hellewell is in favor of the Mixed Use Overlay concept"
- Line 71 - Change deferring to referring.

COMMISSIONER PRATT MADE A MOTION TO APPROVE THE PLANNING COMMISSION REGULAR MEETING AND WORK SESSION MINUTES FOR FEBRUARY 5, AS WRITTEN AND AMENDED. SECONDED BY COMMISSIONER RACKHAM; ALL VOTED IN FAVOR, THE MOTION PASSED.

3. Highlands at Glen Eagle, Ph. 10, located at approximately 3250 W 900 S, Renewal of Final Plat.

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Planner Christensen said that all the outstanding items from Engineering have been addressed and there are not additional concerns from Community Development and the Fire department.

Commissioner Haddick recused himself from the agenda item, due to a conflict of interest.

Mike McBride, Applicant, said he talked with City Engineer Bloeman and made sure all the items were completed.

Commissioner Jensen asked City Engineer Bloeman to discuss the placement of the waterline. City Engineer Bloeman said the water line was left as previously located. He reviewed several options and did not find one that was better suited. One location near station 2+20 only has a 7-8 feet distance to the Sewer line, so the culinary water line will need to be located closer to the curb. Commissioner Jensen asked how many feet of waterline will fall within 10 feet. City Engineer Bloeman said approximately 10-20 feet, which is a similar distance to a crossing. Commissioner Jensen asked if we received a letter approving the line placement. Planner Christensen said we have a letter from the Engineering Department. City Engineer Bloeman said he worked directly with Public Works Director, Robert Whitely and they are confident that everything is taken care of.

Mr. McBride said that its true State Code requires a ten foot separation; it also says that if you have 18 inches of depth height difference, where the water line is above the sewer line, that will also meet the code. He said they are meeting one of the other all the way through phase. Commissioner McCuistion said that the 18" depth separation refers to crossings. City Engineer confirmed that the 18" minimum is for perpendicular crossings of the sewer and water lines.

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COMMISSIONER PRATT MADE A MOTION TO GRANT AND RECOMMEND TO THE CITY COUNCIL REAPPROVAL OF THE FINAL PLAT FOR HIGHLANDS AT GLEN EAGLE PHASE 10, LOCATED AT APPROXIMATELY 3250 W 900 S, SUBJECT TO ALL REQUIREMENTS OF THE CITIES MUNICIPAL CODES AND TO THE CITY ENGINEERS REVIEW DATED FEBRUARY 14TH 2013, AND THE CITY PLANNER REVIEW DATED JANUARY 25TH, 2013. COMMISSIONER RACKHAM SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

4. Public Hearing for proposed Title X amendment adopting Architectural Review Committee and repeal conflicting sections

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Commissioner Hellewell explained that Title X has several chapters with ARC requirements that are in conflict and the purpose was to pull out the sections and create a separate chapter in Title X.

Public Hearing Open

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No Comment

Public Hearing Closed

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Commissioner Hellewell asked Attorney Carlson to run through his concerns.

Attorney Carlson said he had multiple concerns and he would review them in a chronological order.

1. Design Guidelines referred generally makes the chapter seem only as a guide, in section 10-28-012 2. it reads, "this chapter establishes two kinds of design criteria, design standards and design guidelines....these criteria apply to all commercial projects and are the minimum that will be accepted." Attorney Carlson said this language makes the guidelines binding.

Commissioner Hellewell asked if the guidelines are meant to be mandatory and binding or just the standards. Commissioner Jensen recommended a change to line three to read, "The design standards apply to all commercial..."

2. 10-28-010.2a. Attorney Carlson recommends amending the term shall. The term shall contradicts the idea of a mandatory requirement. He explained that "may" means you get to choose and "shall" means you don't have a choice, has a duty to or is required to. He recommended deleting the end of the sentence starting from "and are indicated..." Planner Christensen clarified the recommendation.
3. 10-28-020.2 Section refers to the ARC without identifying what ARC is. Attorney Carlson recommended adding the definition for ARC to the beginning of the chapter. Commissioner Hellewell suggested adding it to the Title/Header.
4. 10-28-020.3 Attorney Carlson recommended to remove the grouping of chapters and simply to stop at "after the requirements of Title X."
5. 10-28-030 – Attorney Carlson said that the wording in this section says the Mayor can only recommend someone that has been appointed by the Planning Commission Chair. He explained that this restriction is not a part of Title II. Commissioner Hellewell asked if the wording, "the Planning Commissioner Chair is responsible to..." could be used. Attorney Carlson said that would work if the intent is to impose the requirement on the Chair. Commissioner Hellewell asked if the Chair would be allowed access to the applications for review and if that violate the Mayors responsibilities. Planner Christensen said the intent was for the Chair to recommend two Planning Commissioners to the mayor to be considered for the ARC and not the general applicants. Attorney Carlson wanted to make it clear that the Chair responsibilities are only to make a recommendation, and that it is up to the Mayor to choose the ARC members. Commissioner Rackham suggested moving the recommendation to "...Planning Commission (maximum 2) as recommended by the chair." Commissioner Hellewell asked Planner Christensen and Attorney Carlson to work out the language prior to the next Planning Commission work session.
6. 10-28-040 Attorney Carlson felt that this entire section is bad law. Commissioner Hellewell said to remove the section. Commissioner Jensen asked how the Planning Commissioner can give leeway if this section is removed. Attorney Carlson stated that if you want to give leeway, it shouldn't be a requirement by code. Commissioner Bodrero expressed concern with removing the section. Planner Christensen said that if someone came through with an innovative idea, they could apply for a code change. Attorney Carlson said there is a lot of soft language throughout the code. Attorney Carlson recommended making a policy and then to consider changing the policy when necessary. Planner Christensen explained that this chapter doesn't really have anything that meet's the allowances that grant a variance. She explained that a variance is not allowed for a self-imposed hardship. Attorney Carlson asked for an opportunity to review the ordinance with Planner Christensen. The Commissioner's agreed to allow time for changes.
7. 10-28-50.1 Attorney Carlson said this section needs a whether added. Planner Christensen suggested to add whether inform of following, to read..."whether the following apply:"
8. 10-28-050.2f. Attorney Carlson said the wording implies that safety is discretionary and did not believe that was the intent of the Planning Commission. Commissioner Hellewell suggested adding safety as a requirement in the main paragraph. Planner Christensen suggested the code to read," This shall be accomplished through the establishment of safety measures and at least three of the following:" Planning Commissioner Bodrero suggested adding the safety recommendations that were previously removed back in and reviewing it with Attorney Carlson. Attorney Carlson suggested referencing building code standards. Planner Christensen said that this applies to the site plan and not the building code. Director Eggett said that this discussion will come about with the developer and the ARC and the criteria should be brief and direct. Commissioner Bodrero said we can make requirements but a good development will already include them. He said It would be nice to have a reference for ARC discussion. Commissioner Pratt agreed that a checklist for discussion would work well. Commissioner Jensen suggested that a paragraph on safety is in concurrence with the goals they are trying to achieve with new developments.
9. 10-28-050.6 Attorney Carlson suggest replace the word "shall" with "are"
10. 10-28-050.6.e. Attorney Carlson said it the intent is not clear regarding photos. Commissioner Bodrero explained the intent was that photos of samples were not sufficient, actual samples were required. The Commissioners discussed different wording options. Commissioner Rackham suggested, "photos shall not be permitted in lieu of samples." Planner Christensen recommended removing the sentence. Commissioner Bodrero suggested adding "physical" to previous line, so it reads, "all projects shall submit a sample board containing physical samples of materials."
11. 10-28-050.7 Attorney Carlson said this only requires developments with a development agreement to have a design pattern book. Commissioner Hellewell believed the intent was to require a design pattern book with

everything. Planner Christensen said the design pattern book should be an exhibit to the development agreement. Commissioner Jensen discussed sign review, and did not feel it was necessary to have a design pattern book for a single sign. Attorney Carlson suggested always requiring a design book.

12. 10-28-050.9.a contradicts sub b. Attorney Carlson said section a. requires transparency and b. say's we don't want transparency. The consensus was to strike 9a.

The Commissioners and Staff explained the importance for having a Planning Commission Alternate.

13. 10-28-060.1.e- Encourages what is already required in sub a. Attorney Carlson said that if the PC is acknowledging that an entrance is not facing the principle street, then this is ok. His recommendation is to eliminate subsection e. Director Eggett suggested that a tool is created such as the Design Pattern Book that contains these recommendations. Ordinance should not have the term encourage. The consensus was to strike sub e. Commissioner Bodrero suggested to change "located" to "oriented" in a. Planner Christensen recommended that the main portion of the building should be oriented toward the street.
14. 10-28-060.c. Attorney Carlson said this section offers greater height but does not offer comparable height. Planner Christensen suggested is read, "Greater height in proportion to the main building."
15. 10-28-060.4. a. remove the word shall
16. 10-28-060.6.c. Attorney Carlson wanted to make sure the Planning Commission was clear with the term in perpetuity, which means forever without end. Planner Christensen explained that the term was redundant. Planner Christensen recommended rewording the section to say traffic circulation plan. Commissioner Bodrero suggested to add, "and final recorded document provided at final approval." The consensus was to strike in perpetuity.
17. 10-28-020-1 a1.This section is contradicting as it exempts Commercial and the Town Center Overlay zones. The intent is not to exempt these zones. Attorney Carlson said he would refine this section.

Commissioner Hellewell recommended the Planning Commission table the item and bring it back to work session one more time.

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COMMISSIONER JENSEN MADE A MOTION TO TABLE THE PROPOSED TITLE X AMENDMENT ADOPTING ARCHITECTURAL REVIEW COMMITTEE AND REPEAL CONFLICTING SECTIONS TO THE NEXT WORK SESSION, SCHEDULED FOR FEBRUARY 19, 2013. COMMISSIONER PRATT SECONDED, ALL VOTED IN FAVOR, THE MOTION PASSED.

5. Motion to adjourn

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COMMISSIONER JENSEN MADE A MOTION TO ADJOURN. ALL VOTED IN FAVOR.

Kenneth Hellewell, Chairman

Jenny Schow, Administrative Professional

Date Approved: