

Minutes of the Syracuse City Planning Commission Work Session held on June 18, 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-Chair
Gary Pratt
Curt McCuiston
Wayne Kinsey
Dale Rackham
Tyler Bodrero

City Employees: Sherrie Christensen, Community & Economic Development Director
Jenny Schow, Planner
Kelly A. Janis, Administrative Professional
Will Carlson, City Attorney

City Council: Craig Johnson

Excused: None

Visitors: Gary Franklin
Kaden Frankiln

6:26:31 PM

1. Department Business

Commissioner Jensen – I attended the Davis County Trail meeting last week with City Planner Noah Steele. The main focus on the entire meeting was about the Bonneville Shoreline Trail planning study that Davis County Planning Office commissioned. The consultants gave a report about the proposed alignment and trail enhancements. Davis County is creating a county wide trails map that will include Syracuse City's, Antelope Island's, and other community trails.

Commissioner Jensen – I would also like to comment on the Brandon Haddick resignation. I do not believe that he was able to adequately represent himself. While Councilman Duncan made some good points, he came across as insulting.

Attorney Carlson – If some of the information he shared was false, he implied that Commissioner Haddick was beholden to Ninigret because his employer had considered going into business with Ninigret on the deal with the golf course at one point, which was entirely untrue.

Commissioner Jensen – I tried to address during my public comment. The Council voted not to appoint him, but after talking with Council afterward, their intention was they did not want to do it at that time. They did not have an applicant pool to choose from; that is why they didn't and wanted to drop the matter for now. Commissioner Haddick did take the comments personally and I do not blame him for that. He did tell Sherrie that he was resigning and that he did not need this amount of drama. The reason I wanted to bring this all up for you is that when we are talking to Council, they need to understand is that this body makes approvals or denials according to City Code. We are a recommending body and Council has to choose to either accept, table, or reject our decisions. By law, they are required to get a recommendation from us and they can accept, deny, or modify any decision or rejection we make. We all volunteer our time to the City to do this job, basically trying to portray a point of view that maybe the Council did not think of. I think it is beneficial for the Council to understand that it is beneficial to have different points of view on topics so that when you make your decision and you do make policy, which you know you're not just looking at one particular point of view. The other points of views are just as beneficial. The point that we're all volunteers is lost; I think people put a lot more magnitude on specifically what we do here. We do not need to get beat up.

Commissioner Hellewell – I believe that Commissioner Haddick did a great job while he was here. I emailed him and stated I appreciated his time and effort.

Commissioner Jensen – I believe so much gets lost, and that people in this town get so beat up from both sides. I like being a part of Syracuse City and we are investing time in Syracuse and it is important that Council and others know that we are just trying to help the City. Also, there was another item that Director Christensen brought up; apparently we have not approved the architecture review committee; we tabled it.

Attorney Carlson – You sent me back to talk with Deputy Jo Hamblin about one specific section.

Director Christensen – The next meeting was when I was in Las Vegas and that was all filled with Ninigret and the General Plan items.

Commissioner Hellewell – Can we put this on the next agenda?

Director Christensen – Yes

6:35:15 PM

2. Next Agenda

Director Christensen – Yes. For the next agenda, we will have the Architectural Review Committee chapter. There will also be a preliminary plat for Zaugg Meadows, the preliminary plats for Harvest Point Phases 6, 7, & 8, a two family dwelling, and a daycare.

- Architectural review – Zaugg Meadows
- Preliminary Plats for Harvest Point Phases 6, 7, & 8.
- Daycare review – Kristen Dye
- Two Family Dwelling for Bernice McCowin at 1887 Bluff Ridge Road
- Bylaws for new Commission Chair

Attorney Carlson – The term that you serve on the planning commission is four years and until a replacement is appointed.

Director Christensen – As of right now, it is not on the agenda for next Tuesday.

Commissioner Hellewell – We can have a vote; Gary and I are the ones whose seats are up. If you all to reelect me as Chair, then if the Mayor chooses to appoint someone else besides me, then whomever you elect as Vice Chair will then become Chair, and you'll have to elect a new Vice Chair.

Director Christensen – Maybe we should appoint a new Chair so that we can work with that person to set the agenda for the first time they will be Chair.

Commissioner Jensen – On the cluster subdivision, the open space should be public open space.

Director Christensen – The other department business is that Heritage Days is next week.

[6:38:32 PM](#)

Commissioner Hellewell – Next will be the discussion on the cluster subdivision ordinance. Last time we felt that it is being applied as it is written, but there was some concern from myself, TJ Jensen, and a few others that the intent of the way it was being applied. So we wanted to tweak the language to make sure that it is being used as it was intended. The public open space was an area of concern. We have had several applications come in where the open space are using to get the cluster, but will only be applicable to a small numbers of residents in the community.

Director Christensen – Do you want that to be public open space or do you want it to be public or to the mutual benefit of all the residents in that subdivision.

Commissioner Hellewell – My thinking was that anyone in the subdivision or the development that is paying the Home Owner Association, they should have the benefits of the open space.

Director Christensen – If they wanted it public that would be ok too?

Commissioner Hellewell – I think that the residents of the subdivision, if they want to make it public, then that would be fine with me.

Commissioner Bodrero – That is the idea that it is a local subdivision park.

Commissioner McCuiston – Some of the other reasons to use the density relocation is for preservation of agricultural lands or endangered species or habitats. I do not know if anything like that would be applicable here or not.

Attorney Carlson – So agricultural use wouldn't necessarily be mutually beneficial.

Commissioner Pratt – We've got a wetlands area that is part of the property and a nature preserve.

Commissioner Hellewell – What my concern and I have heard other commissioners express the same concern, is that you have the vast majority of open spaces being used to get the clustering, that a very small percentage of people in that development will not be able to enjoy and use.

Commissioner Pratt – When we talked about clustering, we looked back east. When I looked online at the models that is what I thought we were doing. I think the way we have written it, it doesn't get executed exactly that way.

Director Christensen – That is a bit of a loophole.

Commissioner Pratt – I think by tweaking a few things, I am not against clustering; I just think it needs better parameters.

Commissioner Hellewell – The ordinance we are looking at is 10.16.40 C. This is where the code refers to open or common space. I am thinking this is where we need to put that language in.

Attorney Carlson – The ordinance states that property designated as open space, shall be for the use and enjoyment for the residents or community.

Director Christensen – But it does not say all of the residents.

Attorney Carlson – You could deny it, based on that. They could challenge it by saying we have more than one resident enjoying it, but that is ambiguous enough that would not be an arbitrary or capricious reason.

Commissioner Pratt – This is what a lot of what you see back east. This is a common way of utilizing land without tearing all the trees down. The people like it; because of the architecture of the homes are set up such with porches, the garages are hidden, a secret community. A private road allows for the freedom for kids to play. It also allows access for emergency vehicles; there is adequate right of ways and space for that.

Commissioner Hellewell – Will, do you think we need to add some language?

Attorney Carlson – Of course you could increase the clarity, but assuming that you get sued, the question is what "the residents" means? And because "the" is in there, there is an argument that the City could say that it is for the residents, not for some residents, but for all the residents.

Director Christensen – It says the residents of the development.

Attorney Carlson – It says the residents or community. Now that implies a distinction between community and residents; but because it says the residents and not just residents, this could be a potential argument all of those

residents should be able to enjoy. You could increase clarity and have at least one developer who suggests that there is enough ambiguity in here that he or she can shift it.

Commissioner Hellewell – What if we were to word it: should the use or enjoyment of all residents of development or community?

Attorney Carlson – That would exclude agriculture use or the wetlands.

Director Christensen – You would have to add some verbiage, if it is recreational open space as opposed to agricultural open space, we could put in different categories of open space.

Director Christensen – The development that brought this issue to light; If I were arguing it, I would say that I have a public trail that is going right through the ski lakes, so there is some access for all of the residents.

Attorney Carlson – I think that is the stronger argument for the developer, rather than saying...well it's just says the residents and we pick these residents.

Commissioner Bodrero – When you say R1 Cluster, and you visually look at the layout, it did not represent R1. The discussion of letter of the law, the language needs to be more precise.

Attorney Carlson – It is okay to focus on the letter of the law, it is when the spirit contradicts what the letter requires. I think that in this context, you could make them fit together.

Commissioner Pratt – Where did we go wrong?

Attorney Carlson – How, on this ski lake hypothetical, are the residents in the dense area deprived of the opportunity for use and enjoy those lakes when there are trails that allow them to see it? They can walk along the path and enjoy. What is use? Is everyone entitled to equal use or some use?

Director Christensen – If they had an event one day a year, one weekend had a neighborhood party where everyone can come and take rides on boats; I am thinking devil's advocate.

Commissioner Hellewell – I think it is how we define use. I agree with Will; it does not have to be the same use. Even a park is not used the same way by everyone.

Planner Schow – But everyone could use the park.

Commissioner McCuiston – We want to handle this by density. What about density? Do we want to say that you have to use similar density?

Director Christensen – You are required to do the open space, but you will not get the bonus density unless it is equitable use.

Councilman Johnson – It seems like you are trying to disperse the open space.

Director Christensen – If we were preserving an agricultural use, you wouldn't want to disperse the open space among the lots. You would want to keep all of the agricultural space together, so depending on what the open space is, if it were wetlands and a nature preserve, you would want it all together and not dispersed.

Commissioner McCuiston – The density is the way to handle it.

Attorney Carlson – Proportionate clustering – you could not cluster tight in one area and loosely in another area. Equivalent density is important.

Commissioner Hellewell – I like the idea of allowing some bigger homes and some smaller homes together. The housing size is a concern and the open space or recreational space is more usable to more people in community or development. I would rather see one big park that everyone can use instead of a few smaller little parks. Would a cap work?

Attorney Carlson – A cap would limit certain aspects.

Director Christensen – A cap on?

Attorney Carlson - A cap means the number of residences that could apply for a cluster. One benefit of the current code is it has empowered a developer to think outside the box and come up with something that could better.

Commissioner Pratt – When we discussed that, we wanted to encourage thinking outside the box and to stay away from cookie cutter neighborhood.

Attorney Carlson – You are never going to be able to have the power you want. The power you get is in the rule making phase. But when you are presented with the facts and the proposal, you are going to have to apply the rule that you created.

Commissioner Pratt – In the language, my understanding was that we were allowed to provide some direction and opinion. We want to do what is right for the city, but we also want to do what is right for the developer. This is a business situation and we should be creative.

Attorney Carlson – As long as the Planning Commission embraces the ambiguity that is in the code, for example, the use and enjoyment.

Commissioner Pratt – When someone is reading the code, it is not so wide open that the parameters are missed. We never did put any pictures of what a cluster should look like. We have done that with other parts of the code.

Attorney Carlson – But that invites cookie cutter, which is exactly what you say you don't want.

Commissioner Pratt – No, it creates a starting point.

Attorney Carlson – Sure, but if I am a developer who is looking to make money, I feel the pictures could detract from certain areas.

Commissioner Pratt – The pictures are some ideas, a starting point. Other ideas are invited. That is why we are talking with Still Water. It is amazing how our code gets misinterpreted. The pictures are simply just a few ideas to show developers that this is our interpretation of the code. It does not mean that you have to follow these exactly, but let's talk about other ideas.

Attorney Carlson – Sure, when you create images, you're inviting developers to comply with those images. That is what I am saying, but right now you are doing the opposite. You've got some ambiguity, so you're inviting creativity, but that may create something you do not like.

Commissioner Pratt – Remember that this goes back to staff.

Director Christensen – I think we have some direction for staff on what we need to research and come up with some draft ideas. But two things we should probably talk about is the idea of minimum lot size for single family dwellings, and what the minimum widths, sizes, and setbacks should be, so there is some direction and we do not come in with 3,000 sq ft lots.

Commissioner Jensen – I believe that 6,000 sq ft is a good size, maybe going down to 5,000 sq ft. I do not see this going any smaller. This is an R-1 Cluster. I think our minimum for normal subdivisions is 8,000 sq ft.

Commissioner Bodrero – I believe it would be helpful to have concepts in front of me.

Director Christensen – Would you like me to bring some examples where we could look at the different size lots?

Commissioner Jensen – Another thing we need to take into account is townhomes. That is two homes on one lot.

Director Christensen – Depending on whether it is two homes on one lot or if they just own the footprint of the townhome. There could be some different scenarios, but I will bring in some examples.

Commissioner Jensen – Fire Marshall Hamblin stated that 13 ft is a good minimum. The 5' and 8' setbacks could be helpful. There are a couple of adjacent municipalities that follow those setbacks.

Director Christensen - He also said that he is not worried about getting a vehicle behind; it is a matter of getting crews behind the house and pulling the lines.

Commissioner Hellewell – I would like to see it at 8'.

Planner Schow – Fire Chief Hamblin submitted a letter and he stated that at present, the City's ordinance minimum setback is 5'. The IFC (International Fire Code) does not have a set requirement. He discussed with other cities within Davis County, and he felt a good recommendation would be the 5' and 8'. He stated that the advantage of having the 13' minimum distance between structures allows flexibility for the developer and also allow access for a vehicle to the back yard.

Commissioner Hellewell – I would prefer the 8' and 8' as the minimum and have 16' between.

Commissioner Jensen – The idea is to create more open space and with this to stay in the code.

Director Christensen – A common area means divided interest with all of the residents in that development.

Commissioner Jensen – I do believe that our cluster subdivision is okay, but we have to make some changes. I would rather see it stay in the code, rather than to remove it.

Director Christensen – I will show examples of the lot width, lot sizes, and setbacks so you all can see what size of house can fit. I did want to mention that on the front setback, I would like to see 15' from the front of the house and 20' from the garage. So the garages do not get pushed out in front.

Commissioner Pratt – What does the City look like right now in R-1 as far as execution?

Director Christensen – We have quite a bit.

Commissioner Hellewell – Will you bring those back to the next work session?

Director Christensen – Absolutely.

3. [7:23:32 PM](#) Adjourn – Motion by Commissioner Pratt. All in favor.