

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on February 18, 2014, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

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

City Employees: Jenny Schow, Planner  
Clint Drake, City Attorney  
Terry Palmer, Mayor  
Brian Bloeman, City Engineer  
Noah Steele, Planner  
Brody Bovero, City Manager

Excused: Sherrie Christensen, Community Development Director

City Council: Craig Johnson

Visitors: Gary Pratt  
Mike Thayne  
Patrick Scott  
Stephen Bott

#### 1. Meeting Called to Order

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

**COMMISSIONER JENSEN MOTIONED TO ADOPT THE SYRACUSE CITY PLANNING COMMISSION AGENDA FOR FEBRUARY 18, 2014 AS WITH THE ADDITION OF A PUBLIC COMMENT PERIOD AFTER ITEM 2 AND AMENDED TO HOLD THE WORK SESSION IN THE COUNCIL CHAMBERS. COMMISSIONER GREESON SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.**

#### 2. Meeting Minutes of January 7, 2014

**COMMISSIONER BODRERO MOTIONED TO APPROVE THE JANUARY 7, 2014 REGULAR AND WORK SESSION MINUTES COMMISSIONER KINSEY SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.**

#### 3. Public Comment Period

Garry Pratt addressed the Commission, he commented that the Planning Commission should consider the language in the Business Park Zone regarding steel buildings and add it to the industrial zone. He also wanted to speak to the Commission about Cluster Subdivisions. The history of cluster subdivisions being put in the R-1 code is because of oddly shaped properties to give flexibility to how a property may be developed. He presented visual sides of cluster subdivisions. Staff has previously presented examples of cluster subdivisions that came from the east cost and preserved environmental areas to protect forests and wildlife. The other reason to cluster is to accommodate the profile of the property if it is hilly or otherwise topographically challenged.

Commissioner Jensen recused himself from items #4 & 5 and left the dias.

#### 4. Public Hearing, Rezone, Matt Yeates, Compass Group, request to re rezone property from R-1 Residential to R-2 Residential Zone, located at approximately 3231 S 1000 W.

Planner Schow presented the staff report. The property is 3.5 acres and is presently zoned R-1, the applicant is requesting R-2 in accordance with the General Plan. The applicant wants to develop single family dwellings.

Chairman McCuiston opened the public hearing. No one was in attendance to comment on the proposed zone changed and the public hearing was closed.

68 Commissioner Rackham asked if the existing out building on the property would be razed.

69 Planner Schow indicated in the affirmative.

70  
71  
72  
73 Commissioner Vaughan noted that the property is not owned by Mr. Yeates and is under contract with the conditions that  
74 this zoning change is completed. Any speculation on the development is just that until Mr. Yeates has ownership of the  
75 property. He wanted to know if we have approval of the request by the owner. He is hesitant to move forward on it.

76  
77 Planner Schow directed the Commission to the application and indicated that the first signature on the application is that  
78 of the owner. The City would not accept an application that was not signed by the owner.

79  
80 Attorney Drake commented that the application is signed certifying that they are the owner and there would be felony  
81 penalties for someone who committed fraud in such a manner. The signature authorizes Mr. Yeates to act as the agent for  
82 the property owner.

83  
84 Commissioner Vaughan would like to have the property owners attend the meeting and have more description on the  
85 application of the intent of the development.

86  
87 Commissioner Bodrero commented that the proposed zone change is in accord with the other surrounding properties.

88  
89 Chairman McCuiston concurred.

90  
91 **COMMISSIONER RACKHAM MOTIONED TO RECOMMEND APPROVAL THE REQUEST TO REZONE BY MATT**  
92 **YEATES, COMPASS GROUP, LOCATED AT APPROXIMATELY 3231 S 1000 W , FROM R-1 RESIDENTIAL ZONE TO**  
93 **R-2 RESIDENTIAL ZONE SUBJECT TO ALL REQUIREMENTS OF THE MUNICIPAL CODE. COMMISSIONER**  
94 **GREESON SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.**

95  
96  
97 **5. Preliminary Plan Review, Irben Development, Still Water Lakes Estates, located at approximately 1500 W**  
98 **Gentile, R-1 Cluster Residential Zone**

99  
100 Planner Schow presented the staff report. Sketch plan was approved in 2013. She reviewed the project location. The  
101 development consists of two areas, the first area A with two ski lakes and 30 single family lots. The lakes are for the use  
102 of the 30 lots. A walking trail is being provided along the south side of the south lake for the entire community of  
103 Syracuse's use. Area B has single family lots which are in accordance with a cluster subdivision and are smaller than  
104 typical lots in the R-1 zone. There are a few things that need to be addressed from the staff report as follows:

- 105 • Staff is recommending the cul-de-sac in Area A be stubbed to the property to the North. The developer is
- 106 instead providing a stub from Area B to the same property.
- 107 • A temporary turn-around is missing on the stub road in Area B
- 108 • A missing fire hydrant, which has been addressed but not seen by the fire department
- 109 • There is an issue with Gentile and 2000 West, which are under control of the County. The County would like
- 110 the City to annex the roads and take control and ownership of them. Unfortunately the road is not by
- 111 developer or the County so it is not a simple resolution. Prior to final staff would like this to be settled.
- 112 Attorney Drake commented that the City cannot require someone annex and cannot require someone who
- 113 is not even a property owner to annex property they do not own. The applicants and the staff have been
- 114 working with the County and State Property Rights Ombudsmen. He recommend this be an issue to be
- 115 conditional or to table the action until we know what will happen with the County.
- 116 • Water quality as a class 2A waters needs to be addressed.
- 117 • Entrance off of 2000 West into the Lakes, has a median island, fire department has concern about on street
- 118 parking in this area. The fire marshal would like the curbs painted red and one no parking sign be posted per
- 119 direction.
- 120 • Plat with all of the dimensions on one plat.
- 121 • ADA access for playground equipment.
- 122 • See specific playground equipment and bench detail for the final plat and development agreement.
- 123 • Trees need to be drawn to scale and street trees need to be from the approved list in the code, or submitted
- 124 for approval in writing.
- 125 • Cluster subdivision requires that the street trees be planted one every 50 feet for the bonus density.
- 126 However the developer is not requesting any bonus density. This would need to be required as the aesthetic
- 127 requirement.
- 128 • Semi-circular drives are required for lot 101.
- 129 • Fencing type along the North side of the lakes needs to be addressed by Planning Commission. The
- 130 developer is proposing chain link and the code requires fencing in the buffer table to be non-climbable.
- 131
- 132

133 Commissioner Vaughan asked what improvements would be made along the canal.

134  
135 Planner Schow indicated that the Army Corps of Engineers has jurisdiction and they and our code requires a five foot chain  
136 link fence. There is a trail on the east side of the trail and it will be maintained but no other improvements to the canal would be  
137 made. The developer is proposing vinyl fencing along the rear lot lines of lots that abut the canal.  
138

139 Mike Thayne, the developer was present to address the Commission.  
140

141 Patrick Scott of Brighton Homes addressed the Commission. He explained the contact that the developer has had with the  
142 County and the issue related to the County not having ownership of the road. He has contacted the State Property Rights  
143 Ombudsman and he stated that when a right of way has been open to the public for greater than 10 years it is deemed a  
144 prescriptive right of way. In the Ombudsman's opinion this is the County's road and they have all the rights to improve and  
145 maintain the road, and install utilities in the road. The County would like the City to take the road. The annexation of the road  
146 would change the ownership of the prescriptive easement, or the City could enter into an interlocal agreement with the County,  
147 whereby the County gives the City the responsibility to maintain and improve the road to the City's standards. The county  
148 cannot restrict access to the public road. The developer proposes that the PC approve the application with a condition that the  
149 developer work with the County to facilitate the agreement prior to final.  
150

151 Commissioner Rackham asked how wide the canal property was. It was indicated that it was 100 feet.  
152

153 Chairman McCuiston commented that the plans call for galvanized steel for the bridge. He asked if the developer had  
154 considered pre-cast concrete panels that would be more attractive.  
155

156 Mr. Thayne indicated they have considered that, but they prefer the look of the galvanized steel and it looks very nice in his  
157 opinion.  
158

159 Chairman McCuiston asked what the fence type along Gentile would be in Area B. He was concerned that it was going to be  
160 vinyl and what kind of landscaping would be used to break up the long expanse of fencing. It was noted that the landscaping  
161 would be maintained by the Home Owner's Association. It can be regulated via code enforcement as a nuisance if the  
162 landscaping was not maintained. It was suggestion that the developer may want to pick something more durable.  
163

164 Mr. Thayne stated that along the trail there is a much wider area than normally would be along a road. With the park strip and  
165 then the ten foot trail and an additional 10 feet to the fence with landscaping it will be buffered very nicely. The fence will be  
166 moved back away from the trail and the street.  
167

168 Commissioner Kinsey asked the City Engineer about the traffic plans for Gentile and 2000 West and if there would be changes  
169 to the intersection or the need for a traffic study.  
170

171 Brian Bloeman, City Engineer indicated that there were no plans to modify the intersection and wait until West Davis comes  
172 through so that traffic counts can be properly estimated and changes made in accord with that proposed intersection of West  
173 Davis and 2000 West and the interchanges that will likely be built there. It would not be prudent to spend money on the  
174 intersection to change it in 5 years when the freeway is built.  
175

176 Commissioner Vaughan expressed gratitude for the removal of the town homes from previous meetings. He did however feel  
177 that there is a disparagement of the use of the open space. Where the residents in Area A get all the benefits and the  
178 residents of Area B have to bear the burden of increased density without use of the open space. He noted the two open  
179 spaces in Area B, he would prefer to see the detention basin/park area moved to the middle of the development to afford a  
180 more equitable use of the open space. He noted that this development started prior to the amendments made recently to the  
181 Cluster ordinance, but he doesn't feel it meets the spirit of ordinance.  
182

183 Commissioner Rackham expressed concern about the need for the developer to address emergency response for a water  
184 rescue on the lakes.  
185

186 Planner Schow indicated that the fire department has looked at the need for their access. The beach is a common area which  
187 would allow access to the lakes. The City is looking into installing some equipment in Jensen Park for such rescues, so this  
188 could be a valid requirement for this development as well. Staff will contact the fire marshal regarding this item. It was noted  
189 that the lakes are not fenced all the way around. On Gentile there would be a six foot high berm and split rail fence. Along the  
190 north side of the lake would be fenced with a chain link fence.  
191

192 Commissioner Bodrero asked for clarification on street G having a temporary turn-around until it is built to connect to the  
193 property to the west and who would pay for that bridge over the canal. He was concerned with there being no connectivity. He  
194 wanted to know how the developer feels about stubbing street B to the north.  
195

196 Planner Schow stated concern that the ordinance requires the property owner to stub to his property line, so it may be difficult  
197 to make the developer of the vacant property to the west to go further than his own property line, leaving one hundred feet of  
198 road and culvert uninstalled. She indicated that is part of the reason why staff would like to see street B stubbed to the  
199 property line instead.  
200

201 Stephen Bott, Engineer for the Developer commented that it would be two culvert pipes and not a bridge. That would be  
202 similar to the crossing on Gentile which already exists.  
203

204 Mr. Thayne commented that the ski lakes are a unique subdivision and would like to limit access into the area, they would  
205 have to shorten the length of the north lake if that was required. He believed there are challenges to it. He believes the  
206 development meets the ordinance requirement via the stub at Street G. He further noted that he believes the City could require  
207 the developer of the property to the west to connect to the road and across the canal property, when and if it is developed. He  
208 further noted that his concern is that in the future that land may become commercial due to the proximity with West Davis and  
209 the City may not want it to connect.  
210

211 Commissioner Dixon asked if there are similar developments that the Planning Commission can look at. How do cities deal  
212 with noise?  
213

214 Mr. Thayne indicated that there is one in Tremonton and in Vernon and that across the country there are hundreds of them. He  
215 indicated only one boat on each lake at a time in order to ensure smooth water on every pass with the way the shores are  
216 engineered. His experience is that the lakes are not used anywhere near 100% of the time that they could be used.  
217

218 Commissioner Vaughan asked how much of Area A is water. It was indicated that it is 24 acres.  
219

220 Gary Pratt commented on the development. He does not believe that the spirit of a Cluster subdivision has been met. Mr.  
221 Pratt had submitted documentation regarding open space and cluster subdivisions. He had concerns on how the formula is  
222 used as open space density calculations. His examples show that clusters don't look like this development. They have private  
223 curved roads. He suggested that the development should be two separate developments. He was concerned that the  
224 minimum lot size approved at sketch has not been met. He believes it was 8,000 sq. ft. There is no specific detail on  
225 setbacks. At the June 6<sup>th</sup> meeting when the sketch was tabled had conditions that he does not believe that they were met prior  
226 to the August 6<sup>th</sup> meeting. He is also concerned about the implications of the costs associated with servicing the development.  
227 He would suggest that this matter be tabled due to cost to the City to install the connection to the stub road. He is concerned  
228 about the traffic flow that could flow through the subdivision and that stub road. He is concerned with mosquito abatement.  
229 Treatment of the stationary water has not been addressed. He believes the Planning Commission needs to be more educated  
230 about what a cluster subdivision is.  
231

232 Commissioner Rackham asked the applicant if the property has been bought by UDOT and address the mosquitos and the  
233 water rights.  
234

235 Mr. Thayne indicated that mosquitos need stagnant water and vegetation. They are not going to have vegetation in the lake  
236 and does not believe this is going to be an issue. He has done a lot of research on this matter. He believes the current damp  
237 status of the ground is a worse issue in breeding mosquitos. They are also working with Davis County Health Department to  
238 address water treatment. They have water rights and are getting approval for the diversion. The boats take care of circulating  
239 the water. They use a dye in the lake that blocks the weed growth and used in a lot of these lakes.  
240

241 Commissioner Bodrero indicated that the previous condition, one of which is the Army Corps letter which has been received.  
242 Can staff give us some direction on what those conditions were.  
243

244 Planner Schow indicated the conditions were: the flag lot which has been removed, the Army Corps letter, which has been  
245 received, the sale of UDOT property, and Gentile Street which is still an issue and as advised by the City Attorney you can  
246 either table approval or grant it with condition.  
247

248 Chairman McCuiston expressed confusion over the tabling of the previous sketch plan and the issue with the army corps  
249 letter.  
250

251 Commissioner Vaughan asked if any of the previous conditions of sketch approval have been made.  
252

253 Commissioner Bodrero believes that the Commission acted appropriately in the approval of the sketch plan on August 6, 2013.  
254

255 Commissioner Rackham indicated that the questions revolve around the tabling on June 4<sup>th</sup>, 2013 and if they were completed  
256 prior to the approval of the sketch on August 6<sup>th</sup>.  
257

258 Commissioner Vaughan indicated that the open space in Area A is roughly 50% and the open space in Area B is roughly 2%.  
259

260 Commissioner Bodrero stated that there have been some modification to the cluster subdivision and what is the status of that.  
261

262 Planner Schow noted that the ordinance change to the cluster subdivision were approved by the Council, but because this  
263 development applied prior to the changes the City it bound by the previous ordinance. She further read the motion from the  
264 June 4<sup>th</sup> meeting, that they needed to address: lot sizes, setback, the entrances on Gentile reduced from 3 to 2 in the cottages  
265 area, remove the flag lot and address the West Davis corridor. She indicated that the lot size was set at 5,000 sq. ft. but she  
266 wasn't sure and that the frontage was 50 feet. She believes those items were met in the sketch plan that was approved in  
267 August.

268  
269 The Commission had a discussion on what the approved lot sizes would be.  
270

271 Mr. Pratt believes that the applicant stated he would be agreeable to the 6,000 sq. ft. lot size that was being amended in the  
272 Cluster Subdivision ordinance. He believes the open space has to be open to all the residents in the subdivision. He believes  
273 the new ordinance applies.  
274

275 Commissioner Bodrero wanted to clarify that the Planning Commission is the body that approves the lot size of a cluster  
276 subdivision. So it was done in accordance with the ordinances.  
277

278 Commissioner Vaughan commented that he is uncomfortable making a decision at this time without reviewing the record and  
279 while he appreciates Mr. Pratt commenting, Mr. Pratt is not the record. The record is the approved minutes and that is what  
280 stands. The City Attorney was also not with the City when this was previously approved. So he would like to hear from the City  
281 Attorney when he has had time to review the record.  
282

283 Commissioner Rackham went through the minutes and he thinks there is a lot missing from the minutes and detail that was  
284 not included. He believes we should go back and get a more inclusive record should be retrieved.  
285

286 Mr. Scott asked for a clarification because on the sketch plat approval given in August. The lot sizes have not changed from  
287 that plan. They had come and asked for an amendment, in which they were denied based upon the smaller lot sizes and the  
288 court yard design they proposed. If anything the lot sizes have been increased. He is confused as to why this would be tabled  
289 based upon conditions of sketch being tabled, when later that approval was granted. He feels that issues are being addressed  
290 that have already been approved by the Commission.  
291

292 Commissioner Bodrero questioned what the sketch was approved and if preliminary was previously approved and the  
293 developer started over.  
294

295 Mr. Scott indicated that they never applied for preliminary. They came in a work session and asked if they brought this  
296 preliminary forward without the town homes that were approved at sketch if the Planning Commission would be okay with that.  
297 The Planning Commission had given a positive feedback and thus the developer applied for preliminary. But the lot sizes have  
298 not shrunk from sketch approval. If there is outstanding issues he is happy to have it tabled, but the lot sizes were approved in  
299 August.  
300

301 Planner Schow indicated that in review of the minutes that there was a discussion of lot sizes between 5,000 and 6,000 sq. ft.  
302 She did note that the lot sizes have not changed from the approved sketch plat in August. She simply asked for a plat that  
303 easily showed the lot sizes all on one page for her own clarification.  
304

305 Chairman McCuistion stated that as he sees it these are the issues that need to be addressed:  
306

- 307 • Was the sketch plan acted upon appropriately and approved, in which case we have an application that can be acted  
308 upon and he believes that answer is yes. Staff concurred
- 309 • Also we have conditions from sketch that seem to be met for preliminary, but without time to look into the minutes it  
310 may or may not be true
- 311 • Mosquito abatement
- 312 • Treatment of the water
- 313 • Right of way of Gentile and 2000 West
- 314 • Additional trees because of the reduced lot size
- 315 • Non-climbable fence along the north edge
- 316 • Stubbing of street B to the north property line  
317

318 Chairman McCuistion stated that the development is bound by the former code, prior to the amendments from last fall. The  
319 Commission needs to decide if they would like to table or approve with conditions.  
320

321 Attorney Drake stated that if they chose to approve with conditions the Commission could stipulate that the all previous  
322 conditions of approval are also required to be met prior to final. That would give staff time to answer these issues. If Director  
323 Christensen was here she probably would be able to answer these questions.  
324

325 Planner Schow stated that the recommendation on the code change was for 6,000 sq. ft. but it is unknown if that was because  
326 of a precedent set by the sketch approval granted to the developer.  
327

328 The Commission discussed the lot sizes on the plats and that the smallest lot was 5,600 sq. ft.  
329

330 **COMMISSIONER VAUGHAN MOVED TO CONTINUE TO A DATE CERTAIN BASED ON THE REQUEST OF THE**  
331 **COMMISSION TO SEE PAST MINUTES AND OTHER ORDINANCES AND DECISIONS THAT HAVE BEEN MADE ON**  
332 **THIS APPLICATION IN THE PAST TO THE INCEPTION. DATE BASED UPON THE ABILITY OF STAFF AND CITY**  
333 **ATTORNEY TO GIVE THE COMMISSION THE HARD FACTS.**

334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355

**COMMISSIONER RACKHAM WOULD LIKE TO AMEND THE MOTION TO INCLUDE THE LIST CREATED BY CHAIRMAN MCCUISTION.**

**COMMISSIONER VAUGHAN STATED THAT HE DID NOT BELIEVE THAT NEEDED TO BE INCLUDED IN THE MOTION AS THE RECORD OF THE MEETING WILL REFLECT THOSE ITEMS THE COMMISSION WOULD LIKE ADDRESSED.**

**COMMISSIONER KINSEY SECONDED, ALL VOTED IN FAVOR. THE MOTION PASSED**

Commissioner Jensen returned to the dias.

**COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSSION IN COUNCIL CHAMBERS AFTER A FIVE MINUTE BREAK. ALL VOTED IN FAVOR. THE MOTION PASSED.**

**6. Adjourn**

\_\_\_\_\_  
Curt McCuiston, Chairman

\_\_\_\_\_  
Sherrie Christensen, CED Director

Date Approved: March 4, 2014

DRAFT