

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on February 4, 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
Wayne Kinsey
TJ Jensen
Dale Rackham
Ralph Vaughan
Sean Dixon
Anne Greeson

City Employees: Sherrie Christensen, Community & Economic Development Director
Jenny Schow, Planner
Clint Drake, City Attorney
Terry Palmer, Mayor
Brian Bloeman, City Engineer

Excused: Tyler Bodrero, Vice-Chairman

City Council: Craig Johnson

Visitors: Cindy Wagner, Jordan Wagner, Tyson Wagner, Scott & Vior Merrick, Chris Cave, Spring Deroche, Pat Ferguson, Ron Ferguson, Vicki Gerlach, Ray Zaugg, Colby Bond, Sally Francis

1. Meeting Called to Order

- a. **Invocation or Thought** – Commissioner Rackham
- b. **Pledge of Allegiance** – Commissioner Kinsey
- c. **Adoption of Meeting Agenda-**

COMMISSIONER JENSEN MOTIONED TO ADOPT THE SYRACUSE CITY PLANNING COMMISSION AGENDA FOR FEBRUARY 4, 2014 AS AMENDED TO HOLD THE WORK SESSION IN THE COUNCIL CHAMBERS. COMMISSIONER KINSEY SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

2. Conditional Use Permit, Cindy Wagner Daycare, located at 3132 S 660 W, R-2 Residential Zone

Planner Schow presented the staff report. Applicant has a current license for up to 8 children. She is increasing to up to 16 children. She will have an employee anytime there are more than 8 children present. The daycare is operated on the first floor of the home. The driveway can accommodate up to four vehicles for parking and drop off.

Cindy Wagner, Syracuse, commented that here parking can accommodate up to 6 vehicles as it is 3 cars wide. She stated that only two parents drop off at the same time, the rest of her drop off and pick up times are staggered.

Commissioner Vaughan asked the applicant about the fencing in the back yard. He noted that it was not chain link and was more like chicken wire fence. He suggested that the backyard fence be improved and the electrical box be fenced off from the play area of the backyard. It was noted that the parents are recorded to come into the home to sign in and sign out the children. Employee parking will be provided in the garage. Snow removal was discussed with the applicant and she stated she clears her entire driveway with a snow blower.

Commissioner Rackham asked the applicant about the age of her employee, response was 23 and the number of dogs in the home, response was two small dogs lived in the home.

Commissioner Dixon asked how tall the fence in the backyard was. The applicant responded that it was about 3-4 feet high and that it had been approved by the State Day Care Licensing inspector. She is planning to replace the fence when her neighbor is ready to participate in the installation and cost.

Commissioner Vaughan expressed concern on the electrical box. He also expressed concern about the ADA requirements under Federal statute, he believes this home has to be ADA compliant. He would like to see an upgrade to the fence, either solid or chain link.

Director Christensen indicated that the fencing required is a state regulation and where she has an existing license that this fencing has already been approved by the state.

Planner Schow related that SCC 10-7-040(e) to fencing required a secure back yard fence, but does not specify type of fencing material. The State does annual inspections as well the City does annual inspections and will complete another inspection in relation to the modification of the business license once the amended Conditional Use Permit is approved.

Commissioner Jensen felt the chicken wire fence is adequate, but that the t-posts may need to be replaced with something sturdier. He also agreed that the electrical box should be fenced separately for access for Rocky Mtn. Power and keep it out of play area for the children.

Attorney Drake reminded the Commission that this is a conditional use, so they could require improvements to the fence if it was deemed reasonable for the safety of the kids. Regarding the ADA compliance, he stated that businesses are required to make their business accessible to those with disabilities regardless of whether they have a customer who is disabled or not. He further noted that there are some distinctions there, regarding barriers and barrier removal. There is a standard for things that are readily achievable. For example: if you had a home that had a 3 foot sidewalk to the front door that had planters blocking the sidewalk, they would need to be removed; if handle bars could be installed in the bathroom that would be something that would be considered readily achievable; excavating a foundation to create a ramp down to the basement for the daycare, may not be considered readily achievable. If this is a concern for the Commission it could be a condition to be compliant with state and federal laws, which is already a condition on all businesses. The building official does review the business licenses and different regulations apply to different businesses, depending on whether it is a commercial structure or private residence, as well as if it is an existing private residence or new construction.

COMMISSIONER VAUGHAN MOTIONED TO APPROVE THE CONDITIONAL USE PERMIT FOR CINDY WAGNER DAYCARE, LOCATED AT 3132 S 660 W, R-2 RESIDENTIAL ZONE SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE CITY ORDINANCES AND STAFF REPORTS, WITH THE FOLLOWING CONDITIONS: TWO PARKING SPACES REMAIN OPEN IN THE DRIVEWAY FOR THE EXCLUSIVE USE OF DROP OFF & PICK UP OF CHILDREN; SNOW REMOVAL OR OTHER SEASONAL DEBRIS BE REMOVED FROM THE ENTIRE DRIVEWAY & APRON PRIOR TO THE ARRIVAL TIME OF CHILDREN; A SUITABLE FENCE BE INSTALLED (MINIMUM CHAIN LINK) BY JUNE 30, 2014; ISOLATE FROM THE YARD THE ELECTRICAL BOX, COMMISSIONER RACKHAM SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

3. Public Hearing, Subdivision Amendment, Trailside Park Phase 7, Ovation Homes, located at approximately 1820 W 3000 S, R-1 Cluster Residential Zone.

Commissioner Rackham recused himself as he has family with adjacent property.

Planner Schow presented the staff report. This phase was originally seen as phase 6 & 7. The applicant has acquired 1.8 acres and wishes to incorporate that land into the phase. He is also requested the addition of the detention area and two lots next to the detention parcel. The Planning Commission has previously allowed the developer to count the open space/park in phases 1 & 2 toward the density calculations and open space requirements for additional phases. With the additional property added, makes the total development area is 28.86 acres, the total open space is 10.57 acres which is 36% open space and the R-1 Cluster requires 25% open space. Staff is concerned that as this was started as a cluster subdivision with the open space wrapping around the first two phases. Staff has recommended to the developer that in order to continue the spirit and continuity of the development, additional open space should be created that wraps around the east and south perimeter of this phase and the final phases that will be created to the south and be tied into the detention area at the southwest corner of the development. The developer has proposed an open space corridor along the east boundary with a crushed gravel trail connection to the Emigrant Trail. Along lot 80 the area is 12 feet wide and 16 feet along the lot south of their. Staff would like both areas to be 16 feet wide with the trail to be at minimum six feet wide asphalt paved. Other features included to meet the density bonus allotments are the trail, street trees and staff has suggested that a pavilion be added in the detention basin as an amenity. The buffer table requires a buffer and non-climbable fence along east property line.

Engineer Bloeman commented that a temporary turn-around easement from RC Willey will need to be provided prior to recording, or the turn-around will have to be provided for within the boundary of the subdivision.

Chris Cave, Reeve and Associates, Engineer for Ovation Homes was present to answer the concerns of staff. He stated that the developer was trying to delineate a difference in the path to the City trail by using crushed gravel, so that people using the city trail would not turn and come into the subdivision, thinking they are still on the city trail. The use of the gravel also serves a low maintenance purpose for the HOA. The reason the open space along lot 80 is only 12 feet in width, is because they feel that 12 feet is adequate for a 5 foot trail and then landscaping adjacent. Allowing the 12 feet along that lot allows for the lot to have a three car garage. Chris stated that the buffer table allows for a chain-link fence. It was clarified that the table has an asterisks stating the fence must be non-climbable. Finally the reason the gazebo was removed from phase 2 was the maintenance costs to the HOA, which is made up of those 55 and older and they have a more fixed income.

Norm Frost, developer, stated that the reason they are not calling out a vinyl fence is that it is damaged by farm animals and requires more maintenance. He believes chain-link could be non-climbable. He wanted to know if slats would make the fence non-climbable.

Commissioner Vaughan suggested that a non-climbable chain-link would be inch and one quarter mesh and when vinyl coated is more aesthetic and is more weather resistant. He would support that type of fencing.

Chairman McCuiston asked a question regarding a jersey barricade on the temporary turn-around to keep people from driving off with a slope of 6 to 1. He also asked about the detention basin access.

Chris Cave stated they would like to dedicate the basin to the City but the City does not want to have ownership or maintenance, so they have provided a 20 foot easement. The slope of the detention basin was discussed.

Commissioner Kinsey asked about the gravel trail material. It was discussed that it has a weed barrier, doesn't crack and has less maintenance required. Staff was concerned that it would not be accessible for those in wheelchairs, pushing strollers, and more difficult to keep plowed in the winter months. Six feet of asphalt or concrete could be used along with signs to delineate the trail from the main city trail.

Commissioner Dixon asked about the negotiations with RC Willey and if the City knew what their plans with the property. The City has not received any information of what they would like to do with it. The plan is to one day have it extend to Bluff Road and/or connect to the future road that will be in phase 8.

Commissioner Jensen commented that the Planning Commission has latitude on the design aspects of the cluster subdivision. This phase does not reflect the open space feel of the original phases, where the homes were on pads surrounded by common area with amenities. Over half of the development is just individual lots. Staff stated that when Mr. Frost requested in phases 3-5 to go to the lots as opposed to the pads the justification was that the cost of maintenance for the HOA was cited, along with the large percentage of open space within phases 1 & 2. The Commission discussed that the complexion of the development has changed which is why the staff has requested that the open space wrap around the end of this phase and the final phases. The Commission agreed that they would like to see the open space wrap around in the final phases to make it more cohesive of a development.

Chairman McCuiston opened the Public Hearing. No one was present to comment. The Public Hearing was closed.

Mr. Frost commented that the people who have bought into the development want to have a little privacy and they have given open space that is visual from the street (Bluff Road). Where the development is for an adult community it doesn't cause a problem in the community with lots of kids. It is a very popular development. He would like to continue to have the private lots but would be willing to put in the asphalt trail.

Commissioner Vaughan would like to see that the future phases not be based upon the open space already provided in previous phases and the open spaces from Phases 1 & 2 be connected to the open space in the final phases.

Commissioner Jensen commented that he does not believe that the architectural design of the homes qualifies for the bonus density. The total density of all 7 phases is at 4.0 dwelling units/acre. The development still meets that even if they lose the bonus density points for common architectural theme. He believes the design does not meet this and should not be given bonus density for this in future phases.

Attorney Drake clarified that any future phases would be subject to the new cluster ordinance.

Chairman McCuiston summarized that the consensus of the Commission was that any future phases would be considered independently from previous phases and would be subject to the new cluster subdivision regulations. The open space along lot 80 must be 16.92 foot wide to conform to the open space along lot 81, but trail would need to be asphalt or concrete of six feet wide. The fencing would be required to be the vinyl coated one and one quarter inch mesh chain link fence. The open space will be wrapped around the outside of the future phase to provide connectivity to original open space. Temporary turn-around easement must be provided.

COMMISSIONER JENSEN MOTIONED TO APPROVE THE SUBDIVISION AMENDMENT FOR TRAILSIDE PARK PHASE 7, OVATION HOMES, LOCATED AT APPROXIMATELY 1820 W 3000 S, R-1 CLUSTER RESIDENTIAL ZONE SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE CITY ORDINANCES AND STAFF REPORTS AND THE FOLLOWING CONDITIONS: EASEMENT OBTAINED FOR THE TURN-AROUND; THAT THE TRAIL BE CONSTRUCTED 6 FOOT ASPHALT OR CONCRETE; FENCING BY THE VINYL COATED ONE AND ONE QUARTER CHAIN LINK; DETENTION BASIN BE PROPERLY LABELED, PARCEL A; THE DETENTION BASIN EASEMENT ALONG LOT 92 BE MAINTAINED; OPEN SPACE ALONG LOT 80 BE 16.92 FEET; HENCEFORTH THIS SUBDIVISION NO LONGER BE GIVEN BONUS DENSITY FOR DESIGN STANDARDS . COMMISSIONER VAUGHN SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

4. Public Hearing, General Plan Amendment, KW Advisory Group, located at approximately 750 S 2000 W, requested change from C-2 Commercial to R-3 Residential Zone.

Commissioner Rackham rejoined the Commission.

Planner Schow presented the staff report. This is the property adjacent to the IHC Instacare. The applicant is requesting the future land use be changed from C-2 to R-3.

Colby Bond, developer was present. His proposal for this property is to have a buffer zone between the commercial use of the IHC and the R-2 developments to the south. He felt this zone was better than a PRD zone as a buffer, rather than having higher density multi-family units.

It was noted that the sketch provided in the packet is illustrative only to demonstrate how an R-3 development could be designed.

Chairman McCuiston opened the public hearing.

Ron Ferguson, 1776 Heritage Parkway, was present to address the Commission. His property abuts the development. He is curious if this development is going to be high density and the impacts that it may have on the home owners in the area. The neighbors need a better understanding of the proposal.

Pat Ferguson, 1776 Heritage Parkway, was present to address the Commission. She commented that there is a lot of high school traffic in the area. She wanted to know if this was going to have four-plex buildings that were two stories high. She also wanted to know how the traffic would be handled with the additional homes. She feels that 700 South would be widened.

Colby Bond responded that he is going to propose a subdivision with the majority of the lots being over 10,000 sq. ft. similar to the R-2 subdivision to the south. He is asking for R-3 because some of the lots about 4-5 will be around 8,000 sq. ft. These will be single family homes, no duplex or four-plex. The homes will have to meet the height of the code so no taller than a 2 story home.

Director Christensen indicated that anywhere a development abuts a minor collector, the road would be required to be widened and the developer improve the roads to the required width. She reminded the Commission that this application tonight is only for the General Plan amendment. Once that is approved by the Council, then there will be a zone change and then a sketch plat that will address the infrastructure improvements. Staff has looked at the design of the current sketch and has made some suggestions related to design that will improve the traffic on 700 South that will be addressed if the General Plan and Zone amendments are approved. We did receive extra right of way width from the High School and from Ivory homes so there will be some widening done. There have been some discussions with Clearfield to participate in the installation of a traffic light at 700 South and 1000 West.

Ray Zaugg, Syracuse resident, commented that this is a better change to the formerly proposed PRD. He is curious as to why he did not apply for the zone change at the same time.

Planner Schow indicated that staff had been given the direction to have them processed separately, in case the General Plan change was not approved.

Chairman McCuiston closed the public hearing.

Commissioner Vaughan asked when the last time a traffic study was done on this street. It was pointed out that Ninigret did a traffic study for this area when they were getting their subdivision approved. He commented that this General Plan change would be decreasing the traffic from the C-2 zone to the R-3 zone. He also noted that in the showing the sample of the lots, the property lines that abut existing residential is currently showing few lots than the streets that this development is adjacent to. He feels this proposed use is better suited to the area as residential rather than commercial.

Colby Bond stated that he does not intend to change the sketch as far as number of lots, or having multi-family. He lives in the area and would not want to do anything that would cause a problem with the neighbors.

COMMISSIONER JENSEN MOTIONED TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR THE GENERAL PLAN AMENDMENT FOR KW ADVISORY GROUP, LOCATED AT APPROXIMATELY 750 S 2000 W, REQUESTED CHANGE FROM C-2 COMMERCIAL TO R-3 RESIDENTIAL ZONE SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE CITY ORDINANCES. COMMISSIONER KINSEY SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSION IN COUNCIL CHAMBERS WITH A FIVE MINUTE RECESS.

5. Adjourn

Curt McCuiston, Chairman

Sherrie Christensen, CED Director

Date Approved: