

Minutes of the Syracuse Planning Commission Regular Meeting, December 1, 2015

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on December 1, 2015, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members:	Ralph Vaughan, Chairman Dale Rackham, Vice Chair TJ Jensen Curt McCuiston Grant Thorson Troy Moultrie
City Employees:	Jenny Schow, Planner Noah Steele, Planner Paul Roberts, City Attorney Stacy Adams, Admin Professional
City Council:	Councilman Mike Gailey
Excused:	Commissioner Greg Day
Visitors:	Adam Bernard Dale McCrary

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1. **Meeting Called to Order:**

Commissioner Moultrie provided an invocation. The Pledge of Allegiance was led by Commissioner Rackham.

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COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR DECEMBER 1, 2015 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE 2016 PLANNING COMMISSION MEETING SCHEDULE STRICKING THE DATE DECEMBER 18TH AND PUTTING A QUESTION MARK NEXT TO NOVEMBER 1ST. THE MOTION WAS SECONDED BY COMMISSIONER RACKHAM. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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2. **Meeting Minutes:**

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Commissioner Vaughan stated he would like to ask for a motion to reconsider the minutes for the October 20, 2015 Regular meeting on item #4, line 399 and time stamp 7:17PM and the purpose to reconsider this motion is in the Bylaws it is permitted for a Commissioner who cast a vote to be able to change his vote. The Commissioner can change his vote while that meeting is still in progress, if he does not by the close of that meeting there is one other alternative under section V I) that allows for a motion to be made to reconsider it, it has to be voted on to reconsider that motion and if a motion to reconsider passes then a vote again can be taken on that item. Commissioner Vaughan stated he is doing this for his own personal reason because he would like to change his vote on item #4. The minutes show that item carried 4-0 and would like to change his vote and believes the vote will pass as 3-1, with him against, however as Chair is forbidden in making a motion to reconsider and would ask other Commissioners to speak.

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Commissioner Rackham stated he understands the motion to reconsider but under voting in the Bylaws, the next paragraph A, it says no member shall be permitted to change his or her vote after the decision is made, so there may be a conflict there as the Bylaws stand today. Commissioner Jensen stated they are going to be discussing the bylaws in work session.

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City Attorney stated the motion to reconsider is an opportunity for everyone to reconsider, so it would be a re-vote and sort of undoes the vote and then reconsider as a whole, not just one person changing their vote, it is everyone having an opportunity to vote on it again, either aye or nay, but correct in that a vote cannot be changed after the decision has been announced by the Chair during the meeting.

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Commissioner Jensen said he stated when this was brought up in the City Council meeting where they approved this item that the Planning Commission recommended that he would support Commissioner Vaughan's wish to reconsider his vote, whether that meets the Bylaws or not is a good question. Commissioner Rackham stated in the Bylaws the last sentence states, 'motion to reconsider a previous motion must take place during the same meeting the motion was made

or when the minutes containing' so this would be based on the minutes. Commissioner Vaughan stated based on the minutes to be brought up again and unfortunately they did not have a quorum present on the November 3rd and November 17th of the Commissioners that were present at the October 20th meeting.

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COMMISSIONER JENSEN STATED FOR THE BENEFIT OF THE CHAIRMAN MADE THE MOTION TO RECONSIDER. COMMISSIONER MCCUISTION SECONDED THE MOTION. COMMISSIONER JENSEN, MOULTRIE AND VAUGHAN VOTED AYE. COMMISSIONER RACKHAM AND THORSON VOTED NAY.

Commissioner Vaughan asked if only Commissioners present on October 20th could vote. City Attorney Roberts stated generally the rule is the person who makes the motion has to be someone who voted in favor of it, there is no requirement that it be limited to the individuals who were present at the meeting, it would be a majority vote of those present at this meeting today. Commissioner Jensen stated Commissioner Thorson's vote of Nay is not a problem because it still carries.

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Commissioner Vaughan asked for a roll call for a specific count on the motion to reconsider.

Commissioner Thorson voted Nay.

Commissioner Jensen made the motion and voted Aye on the original motion voted Aye.

Commissioner Rackham voted Nay.

Commissioner Vaughan voted Aye.

Commissioner McCuiston voted Aye.

Commissioner Moultrie voted Aye.

COMMISSIONER JENSEN, VAUGHAN, MCCUISTION AND MOULTRIE WERE IN FAVOR. COMMISSIONER THORSON AND RACKHAM WERE IN OPPOSITION. THE MOTION CARRIED WITH A MAJORITY 4-2 VOTE.

Commissioner Jensen stated the motion on line 406 would be changed from carried unanimously to motion carried 3-1. Commissioner Vaughan stated they would need to take a re-vote on that, but believes it would turn out to be 3-1. City Attorney Roberts stated this would be a new vote, essentially the Commission is re-voting on item #4, so all of the Commissioners present can vote, there is nothing in the rules that says it is limited to that meeting and they are not changing history, just reconsidering as a Commission.

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COMMISSIONER JENSEN MADE THE MOTION TO RECONSIDER THE SAME MOTION MADE ON ITEM #4 AT THE PLANNING COMMISSION MEETING OCTOBER 20, 2015 AND RE-VOTE ON THE MOTION. COMMISSIONER RACKHAM SECONDED THE MOTION. COMMISSIONER JENSEN, THORSON, RACKHAM, MCCUISTION AND MOULTRIE WERE IN FAVOR. **COMMISSIONER VAUGHAN WAS IN OPPOSITION. MOTION CARRIED WITH A 5-1 VOTE.**

Original motion on October 20, 2015 [7:17:02 PM](#)

*COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE MUNICIPAL CODE AMENDMENTS TO TITLE X AND RECOMMEND TO THE CITY COUNCIL WITH THE FOLLOWING ADDITIONAL DIRECTIONS THAT STAFF CHECK THE DENSITIES OF THE EXISTING R-4'S, DETERMINE THAT NUMBER AND HAVE THAT NUMBER READY FOR CITY COUNCIL, SHOULD THEY WISH TO CHANGE THE GROSS DENSITY TO BE IN LINE WITH THAT NUMBER. COMMISSIONER JENSEN PICKED 11 SINCE IT WAS CLOSE TO THE 14.52 GROSS, BUT IF EXISTING R-4 DENSITIES ARE LOWER THAN 11, HIS INTENT WAS TO PICK A LOWER NUMBER AND WANTED THE CITY COUNCIL TO HAVE THAT INFORMATION AT HAND. COMMISSIONER RACKHAM SECONDED THE MOTION. **ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.***

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Commissioner Jensen stated just for the record it was just a recommendation to the City Council and doesn't affect anything, but since Commissioner Vaughn felt the need to vote his conscious and supports that. Commissioner Vaughan stated he appreciates that and thanks the Commission for having that understanding, it is a rarity and something he has never had to do before.

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October 20, 2015 Regular Meeting & Work Session

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR OCTOBER 6, 2015 AS AMENDED. THE MOTION WAS SECONDED BY COMMISSIONER RACKHAM. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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November 3, 2015 Regular Meeting & Work Session

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR NOVEMBER 3, 2015 AS AMENDED. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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November 17, 2015 Regular Meeting & Work Session

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR NOVEMBER 17, 2015 AS AMENDED. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY WITH COMMISSIONER MCCUISTION AND RACKHAM ABSTAINING.

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3. **Public Comment:** This is an opportunity to address the Planning Commission regarding your concerns or ideas, regarding items that have not been scheduled for a public hearing on this agenda. Please limit your comments to three minutes.
None

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4. **Final Subdivision Plan – Keller Crossing, Phase 3, property located at 1475 W 2000 S, R-3 Residential Zone**

Planner Schow stated Keller Crossing consists of three phases, the third phase was actually recently sold to KW Advisory Group with Colby Bond in charge of that phase as a result there was some confusion when the application for the final plan, in the drawings it does state phase 2 in the packet, the drawings came into staff with phase 2 and 3 on them, however this approval is for phase 3. The aerial shows phase 2, but it is actually phase 3 and was able to clarify after the packet was sent out. The Aerial shows the entirety of Keller Crossing the very eastern end is phase 3. Phase 1 on the west end is underway currently and then phase 2 will tie into Tivoli Gardens to the north and Harvest Point to the south, the last section to complete between phase 1 and 3 will be phase 2 sometime in the spring. The developer has been given addressing and is currently being added. There were a few minor items on staff report such as addressing and a few minor details on the engineering report such as missing coordinates and a few items that needed to be verified but nothing to hold back final approval. The Fire report came out pretty clean as well.

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Commissioner Jensen asked Planner Schow if this would affect any noticing or would they need to postpone the approval. Planner Schow stated the noticing is fine, the section that was shown is the correct one and was correctly noticed, it was just labeled wrong. Commissioner Rackham asked Planner Schow if the items that were on staff report that needed to be changed in the drawing package, could that also include the correct phase. Planner Schow stated they already have been corrected.

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COMMISSIONER MCCUITION MADE A MOTION TO RECOMMEND APPROVAL OF THE FINAL SUBDIVISION PLAN FOR KELLER CROSSING PHASE 3 LOCATED AT 1475 W 2000 S, R-3 ZONE, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES AND CITY STAFF REVIEWS. COMMISSIONER JENSEN SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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5. **Conditional Use Permit – Accessory Dwelling Unit, Dale McCrary, property located at 2313 W 1700 S, A-1 Zone**

Planner Schow stated this application is for an accessory dwelling unit that is internal to an existing single family residential home off Antelope Dr. The applicant is proposing a two bedroom basement apartment, which would require two extra off street parking spaces which can easily be accommodated as shown on the aerial. In addition to the parking the entrance is on the rear of the home, the second entrance into the apartment. The property owner has already recorded the deed restriction, thus requiring them to live in one of the two units and everything else meets the restrictions that were applicable of code. The applicant has also met with the Building Inspector to make sure they are meeting all the requirements of the current building code and have also applied for their building permit.

Commissioner Jensen stated wanted to make sure that when the Council made the changes on duplexes they limited those to PRD only. Planner Schow stated PRD and Cluster. Commissioner Jensen stated they were careful of the language that basement apartments weren't considered duplexes. Planner Schow stated correct, it is an accessory structure and not a two family dwelling.

Dale McCrary, Syracuse, stated right now it is going to be an apartment, not rented out, it will be his step daughter that will live there but when they move wants the opportunity for the future home owners to have the option to rent that out as an apartment, to help reduce the monthly payment with the assistance of the rent.

Commissioner Jensen asked the applicant if he was aware of the owner occupancy requirement on the primary dwelling and the new owners will also be made aware of the requirement. Dale McCrary stated yes, they live upstairs, pretty much everywhere except the basement apartment.

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COMMISSIONER MOULTRIE MADE A MOTION TO APPROVE FOR AN ACCESSORY DWELLING UNIT, LOCATED AT 2313 W 1700 S, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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6. **Adjourn.**

COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSION IN THE CHAMBERS.

Ralph Vaughan, Chairman

Stacy Adams, Admin Professional

Date Approved: _____