

## Minutes of the Syracuse Planning Commission Regular Meeting, July 7, 2015

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Minutes of the Regular Meeting of the Syracuse City Planning Commission held on July 7, 2015, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

**Present:**

Commission Members: TJ Jensen, Chairman  
Ralph Vaughan, Vice-Chair  
Dale Rackham  
Curt McCuiston  
Troy Moultrie  
Greg Day  
Grant Thorson

City Employees: Noah Steele, Planner (Interim Director of Community Development)  
Jenny Schow, Planner  
Brian Bloemen, city Engineer  
Jo Hamblin, Deputy Fire Chief

City Council:

Excused: Mike Gailey, City Council

Visitors: Adam Bernard Travis Shurtleff  
Gary Pratt Eric Rice  
Derek Terry

### 6:02:02 PM

#### 1. **Meeting Called to Order:**

Prior to invocation or thought, please welcome new Commissioner Grant Thorson and make note that Councilman Gailey had a death in the family and is not in attendance. Our thoughts are with him and his family. Commissioner Moultrie gave an invocation. The Pledge of Allegiance was led by Commissioner Vaughan.

MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR JULY 7, 2015 MEETING, AS AMENDED BY COMMISSIONER MCCUITION. THE MOTION WAS SECONDED BY COMMISSIONER DAY. ALL WERE IN FAVOR; THE MOTION CARRIED.

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#### 2. **Meeting Minutes:**

June 2, 2015 Regular Meeting

Chairman Jensen requested changes: *Line 58, "private hearing" to "separate hearing".  
Line 211 "stated" to "noted"*

June 16, 2015 Work Session

Chairman Jensen requested changes: *Line 66, "will have" to "would have"*

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COMMISSIONER DAY MADE A MOTION TO APPROVE REGULAR AND WORK SESSION MEETING MINUTES FOR THE **JUNE 2, 2015** PLANNING COMMISSION MEETING WITH REVISIONS AS NOTED. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL WERE IN FAVOR; THE MOTION CARRIED.

COMMISSIONER MCCUITION MADE A MOTION TO APPROVE REGULAR AND WORK SESSION MEETING MINUTES FOR THE **JUNE 16, 2015** PLANNING COMMISSION MEETING WITH REVISIONS AS NOTED. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL WERE IN FAVOR; COMMISSIONER VAUGHAN OBSTAINED. THE MOTION CARRIED.

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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.

Adam Bernard, Syracuse, Utah, wanted to note a safety issue regarding the required fence height around swimming pools and allowed rail fencing that children are able to climb through them. Also stated that having alternates on the Planning Commission gives an extra level of security in the City allowing those who have extenuating circumstances to be absent on any specific day.

### 6:07:20 PM

**4. Election - Planning Commission Chair and Vice Chair**

Commissioner Jensen stated per City Bylaws and City Code every year in the first meeting in July they are required to choose their Chairman and Vice Chair. Commissioner McCuiston stated he thought Commissioner Rackham has exhibited great leadership throughout this year, especially with the general plan meetings. Commissioner Jensen asked Commissioner Rackham if he'd be available and willing to be the chair this year. Commissioner Rackham stated he had thought about it and doesn't think he'll have the time necessary to fulfill all those duties. Commissioner Jensen asked about Vice Chair. Commissioner Rackham stated he would be willing to serve as Vice Chair. Commissioner McCuiston stated Commissioner Vaughan has been acting as Vice Chair for the last year and done a great job, and thinks he would do well as chair. Commissioner McCuiston put it up for discussion or motion. Commissioner Vaughan stated he would be honored to fill the position.

COMMISSIONER MCCUISTION MADE A MOTION TO ELECT COMMISSIONER VAUGHAN AS CHAIR AND COMMISSIONER RACKHAM AS VICE CHAIR FOR 2015. COMMISSIONER MOULTRIE SECONDED THE MOTION. ALL WERE IN FAVOR; THE MOTION CARRIED. COMMISSIONER JENSEN ASKED IF COMMISSIONER VAUGHAN WOULD LIKE TO TAKE OVER THE MEETING OR FOR HIM TO CONTINUE. COMMISSIONER VAUGHAN REQUESTED COMMISSIONER JENSEN FINISH OUT HIS LAST MEETING. COMMISSIONER JENSEN CONGRATULATED BOTH COMMISSIONER VAUGHAN AND RACKHAM.

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**5. Final Subdivision- for Still Water Lake Estates Phase 7 Woodside Homes, located at 3669 S Bayview Dr, R-1 Cluster**

Planner Schow stated this is the 3<sup>rd</sup> phase in the cottages side of the Still Water Lake Estates subdivision. The development is moving along quite well and ready to add 20 additional lots. Phase 7 is already underway. Phasing line was slightly adjusted from preliminary to include one or two more lots than initially. No outstanding issues. Derek Terry representing Woodside Homes was present but had nothing to add. Commissioner Jensen asked Deputy Fire Chief Hamblin if he had any outstanding issues and if it they had been addressed to his satisfaction, he stated everything looked fine to him. Commissioner Jensen asked Engineer Bloemen if all the outstanding issues had been dealt with to his satisfaction and he stated they had. Commissioner Jensen asked Planner Steele if he had any issues and he stated he had none.

COMMISSIONER VAUGHAN MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL, STILL WATER LAKE ESTATES PHASE 7, LOCATED AT 3669 S BAYVIEW DR, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF CITY MUNICIPLE CODES AND STAFF REPORTS. COMMISSIONER MOULTRIE SECONDED THE MOTION. ALL WERE IN FAVOR.

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**6. Public Hearing- Site Plan Approval for Jer's Elite Auto, located at 1448 W 300 S, General Commercial Zone**

Planner Steele stated this site plan is for Jer's Elite Auto they are the first building to go into the Ninigret north II subdivision which is directly to the west of the power lines near the school. They're proposing to build a 10,688 sq. foot building containing two tenant spaces and proposing to build on lot 5, which is 2.292 acres. Site plan application has been reviewed and gone through a revision of red lines with the applicant and they were willing to make some changes to meet the ordinance. Also met with architectural review committee on June 12, 2015 and there is a 40 foot access easement on the south edge of the property that's meant to connect to a trail system underneath the power line corridor that will connect to the trail located on the north side of SR-193, located on the Trails master plan. Located at the end of cul-de-sac, reviewed parking, landscaping, setbacks and have met all of those requirements. The architecture, since this is a general commercial zone, they've made quite a few modifications to the building to meet our ordinances as far as materials and the notes from the architectural meeting are in the packet. On the south edge, this trail easement area is also meant to be an access to a potential future parking area in conjunction with the school's amphitheater that they are building. There has been discussion with the applicant to do something there but it hasn't been conclusive as far as what should be there, but it is the applicant's property as of right now. Street edge along the south edge along SR-193, they were required to do landscaping and fence, keeping in line with expectations of this and other developments along SR-193. Auto repair shop, bays along the doors, landscaping was not possible around the base of the building. Commercial architecture standards are quite strict and they weren't allowed to have more than 50 feet on a flat plan, they've added variations with the roof line and building materials, changed from a steel building to a block building and entrance has covered entrance with added use of glass and archway it appears to be an attractive auto repair shop and a good precedence for the development overall. Report from engineers, meeting all requirements and updates.

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Commissioner Jensen asked about notes on 10.40.030 as far as a front yard and parking. It states in the ordinance that 'No one shall develop any portion of a front yard as required in this title as a public parking area in conjunction with a permitted multi family, commercial or industrial use without approval by the Planning Commission at site plan review.' On the site plan, they do have parking in the front yard area. Planner Steele stated it is under their purview to approve the design as they proposed or offer other guidance for the applicant. As far as staff opinion and included in the reference in the staff report information as part of an urban design principle trying to promote walkability and more of a pedestrian scale bringing the building up to the street edge helps with that. Planner Steele stated his personal staff recommendation, and being at the end of a cul-de-sac and an auto repair place, it would be okay, but that's for the Commission to discuss. Planner Steele stated the applicant also added a sidewalk connecting their front door to the sidewalk and does provide for some pedestrian connection.

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Commissioner Vaughan asked regarding the easement, the applicant owns it and is giving it away. Who is going to be responsible for the upkeep of the easement as far as weed control, etc. until the City and or the school or anybody else determines what they are going to do. The property is owned by Jer's and maintenance would be under their responsibility. Assuming there is some sort of agreement, if there is a City trail built on there and it's a City trail then maintenance of that trail would be City, there are some things that just aren't worked out yet.

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Commissioner Vaughan asked if this was approved without any words covering the status of that easement, the applicant could do anything from turning it into the most beautiful Boulevard in Syracuse down to not doing a dog gone thing, except once a year throwing weed cover on it. Planner Steele would recommend exploring some of those options. Noting the south edge of this property abuts a school and when a commercial abuts a school it requires a buffer Table D, which is 15 feet of landscaping and a fence and that's what they've done on the north because they're adjacent to a road and applied that same buffer to them. They would be required to include a fence and 15 feet of landscaping being adjacent to the school, further discussion is needed as far as what we want them to do in that space. There has been a lot of discussion with the applicant, he's been willing to talk with us and work with us, what's best for them, what's best for the City. In lieu of expensive fence and landscaping, there's been discussion of having them build that trail through there and build some sort of shared parking area. Options as far as Planning Commission could approve with the condition that a trail head is built or you could require the buffer Table D to be applied. It's a little bit of a gray area for staff and also for the applicant, currently, they own it and they're trying to get site plan approval for that property.

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Commissioner Vaughan asked if the applicant puts in expensive fencing and nice landscaping, and the City or school comes in and decides they are going to rip it out and pave it, would it be middle ground to just have them put in token fence, token landscaping, to put in a road bed type surface on there in anticipation of it becoming a road bed anyway. A solid road bed we should not have a problem of voluntary vegetation, shredding the thing up, should make it easy for someone to go out with some round up from time to time, but that would make the surface useable for a trail or because it does go under the power corridor, and don't know if we would want it to be a pedestrian way going to that property and as much as they leave Syracuse very shortly at the edge of the property and don't know if Clearfield would be too thrilled about our dumping pedestrians and bicycle traffic into that parcel to the east. Planner Steele stated those are all possibilities. One thing to consider, he provided a sketch of a potential alignment that would include a trail head, along the south edge of their property is a piece of land that was dedicated to the City during the subdivision of Ninigret North. That is meant to be some sort of expanded parking for the amphitheater that's being built with the school and we just don't exactly know whether or not that will be developed or there's been discussion of having some other open space and so the two goals with that 40 foot easement is to provide automobile access and to provide space for a 10 foot trail through there. Also on the north edge of the school's property there is a 10 foot trail easement recorded on the north edge of their property, so really there's 50 feet of space to work with along there. There's been discussion of even sharing the drive access island, recording a shared access agreement, so that would be the access through there and then you could simply cut down on the eastern edge of the property to access it through there and the applicant was okay with that as well.

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Commissioner Vaughan asked if it could say that we would give the City and/or the school one (1) year from date of approval to develop that at their total expense or after that date if they don't do it by then, then the applicant is freed from any additional responsibility from that, other than granting the easement or a passage over the property and be relieved of maintenance, other than what a traditional land owner would be. If the City or school can't do something in a year and don't want to hold the applicant responsible for it, it's not his fault.

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Planner Schow stated she would be cautious of putting a time frame on it, simply just because the City is still in negotiations of even trying to get grants to complete the amphitheater, until we know exactly what our needs are going to be there and if we are going to actually need parking for that. It might be, it might place some restrictions on us if we limit ourselves to one (1) year at this point in time.

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Commissioner Vaughan stated he likes the project, he thinks it looks great. It's been reviewed and staff has looked at this quite a bit. For a repair facility, this is gorgeous and think the applicant is trying to do everything he possibly can, but hate to have him held up from this or having the sort of policing over him because of what's going to happen to with this easement, something of which he has virtually no control, trying to find a fairness point in there.

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Commissioner Jensen stated that is a question that can be addressed as we move forward. He asked Planner Steele to talk about the power corridor as it relates to this and how it's proceeding. Planner Steele stated the City is working with Ivory Homes to work out a development agreement where, and Planner Schow is more knowledgeable with her association with Ivory Homes and Monterey Estates, but in lieu of parking pack fee it's being negotiated to build the trail instead and there's been some conceptual alignments of how that would go through the space.

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Commissioner Jensen stated he remembers when the Council approved the phase to the south of this they did include that in the resolution for approval. Planner Schow confirmed and in addition there was a trail connection between those phases so that we could provide residential access directly to the trail. The purpose that is driving the trail is because this connection between 700 and 200 is actually on the master trial plan, wanted to take an opportunity to make sure to get it in before everything is fully developed. Planner Schow is currently in the process of working with Ivory Homes on an agreement to do the installation.

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Commissioner Jensen asked if there was an estimated timeline on when they would be installing that trail on the power corridor. Planner Schow stated that were looking at potentially giving them until they hit Phase 6, to have it installed prior to Phase 6. Commissioner Jensen said it could be a year or two. Planner Schow stated depending on how well their development goes, the timeframe is not something she can predict.

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Commissioner Day asked Planner Steele, regarding repair facilities and how they store vehicles that are being repaired, sometime they can be unsightly. On the north side they have a Simtech fence, 6 foot tall, which will help. Does that fence then go around the entire perimeter of the storage facility. Planner Steele stated that is a good question and that was something he had discussed with the applicant before. The fence is going to be at least a 6 foot and possibly an 8 foot and a masonry fence. Compatible with the building architecture, similar style. It includes some rod iron on the top portion and a product that's durable, product called Simtech, and the columns would be a masonry fence. This fence would not go around the entire perimeter of the storage facility. Planner Steele stated in the ordinances it says the outdoor parking areas should be screened and that fence will only be on the north edge of the facility and on the other they are proposing a chain link fence, which would be able to see through there and they will have cars and don't think that it will be a junk yard by any means, but they will have storage there. So on the east and the west edges, they are proposing a 6 foot chain link, so that would be under the Planning Commission purview to suggest any additional screening if necessary.

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Commissioner Jensen asked about the west edge it looks like the parking lot goes up to the west boundary. Are they required to put any landscaping there along that edge or is there going to be a cross access in the future there to the adjacent lot, is that just to fit more vehicles. Planner Steele said he thought it was just to fit more vehicles. Its concrete up to a chain link is not the most aesthetically pleasing thing, but there are, the only thing in our ordinance is if it was necessary to screen outdoor storage, then we could require some sort of landscaping along that edge.

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Commissioner Jensen stated that he noticed Deputy Chief Hamblin made a statement about two additional fire hydrants and assumes he's talked to the applicant about that or been in contact with them. Chief Hamblin stated he had and they've met the requirements. Commissioner Jensen asked Chief Hamblin if he had any other concerns and he stated they had met everything that he has asked of him.

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Commissioner Jensen asked Engineer Bloemen if all his concerns had been addressed. Engineer Bloemen stated there were a couple last outstanding items that were in his staff report, but he didn't think they were serious enough to hold up the project. Commissioner Jensen asked if he felt the applicant would be able to meet those requirements. Engineer Bloemen stated he thought he would be able to meet the requirements.

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Travis Shurtleff, SMK Construction, General Contractor on the project, here on behalf of Jer, located out of Ogden, where they run the business out of. He's here to answer any questions and have pictures of fencing that you are concerned about. Commissioner Jensen stated before getting into the specifics, he asked the applicant if he had read over the various staff reports, he stated he had. Commissioner Jensen asked if he felt he could meet the concerns that staff had brought up, Travis Shurtleff stated they could. Commissioner Day had a question about the fence and asked to view the exhibits he brought. Commissioner Jensen asked to take a copy of the exhibit over to staff. Planner Steele asked Travis if the picture he had up on the screen was similar to what he was handing out, he stated it was. Commissioner Day said that what was proposed was a 4 foot fence and it would be 6 foot. Travis Shurtleff stated it would be an 8 foot which all the fence on the property will be 8 foot. The chain link fence that we've been talking about it's not just going be a regular galvanized chain link fence, we're going class it up, we're going use the black vinyl. In the areas they do want screened, they can add the slats in the areas, they can add the slats in the chain link that they feel that needs to meet that requirement. One of our big concerns and why we wanted to go with this style of fence, is we are putting a lot of money into a commercial building, in Syracuse City's gateway so we wanted to class up the fence, but we definitely wanted to still have that exposure from SR-193 for that commercial piece of property. The rod iron up about it, it adds some security to our fence with it being an auto shop and thinks the fence looks real nice. On the second picture what we've proposed there is every 30 feet adding in a masonry column, which as far as the masonry block building goes, it's all going be split face and they will all be split columns to add into it. The picture probably shows about 100 feet but in our inclusions on the print we've listed that we'd do a masonry column every 30 feet.

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Commissioner Vaughan asked the applicant what he'd like to do with the easement. Travis Shurtleff stated they'd been in a lot of talks with Planner Steele on this and there are three parties involved in this, there's us, there's Ninigret

and there's the City. We've got this back piece of property that is the City's, at some point we don't know what the City's going to do with it, if they're going to make parking. If the City develops that piece of property they're going to have to have access to it. Why we've moved the property and gave you that 40 foot easement and kind of left it. Right now it is a road base road that they've developed in putting in the school, they've come right down that easement with that. So we've kind of been waiting to see what is going to happen with that back piece of property to see how it is preceded on that easement. Because we're worried about concern of a shared parking lot or what not, you've got people coming in from City going to this parking lot and to be able to separate the two areas, so no vehicles get hit and there isn't a concern with it being on private property.

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Commissioner Jensen asked if it was a private easement, is it specifically named to any entities. Travis Shurtleff stated it is and right now where it sits with the City it is Jer's piece of property. Part of that Jer has the option to buy that piece of property or he's supposed to deed it back to Ninigret within 90 days. It has been in the talk that the land will be deeded back to Ninigret. We have been waiting to see what is going to happen with that back piece of land, because there is no access to it, except for through that piece of property.

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Commissioner Jensen asked for safety sake would they want to put a fence across both ends of that rectangle. Travis Shurtleff stated how they have it set up, it would open, there would not be any fencing right now, except for the requirement like Planner Steele was talking of the buffer D against the school. Commissioner Jensen asked on the south line and at the physical property that fence barrier. Travis Shurtleff agreed. Planner Steele stated the school is proposing a vinyl coated chain link fence on their property line and if they did give it back to Ninigret, then they would have to amend the plat to create a separate parcel. It's the City's preference that they keep it and that we can work together and develop something that will work for everybody.

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Commissioner Jensen asked staff if it would be more onerous or more fair to put the highest level requirements on the applicant right now and then expect the City and or the school and or Ninigret to relieve the applicant from their responsibility that we might impose or would it be better to be very flexible or be very generous towards the applicant and then make us have to go back and try to extract more out of the applicant on his easement. Planner Steele stated that it gets difficult and that not being an attorney and as far as the legality of doing that as a Planner he would recommend that be up front as far as what we expect and then, such as approving the site plan with the condition that they work out the trail head with staff, something similar to that.

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Commissioner McCuiston asked if the easement was currently existing. Planner Steele stated that the easement exists, it's recorded, it's part of the recorded plat, but it's owned by Jer's. Commissioner McCuiston stated the property is owned by Jer's, the easement is in favor of the City. Planner Steele agreed. Planner Schow stated the property owner purchased the property with the easement on it. Commissioner McCuiston stated we just didn't know what the plans are for that right now.

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Commissioner Vaughan asked what they were going to have for signage on the back of the building. Basically the rear entrance slab is 9½ feet below curb height on SR-193. Travis Shurtleff confirmed. Commissioner Vaughan stated with landscaping and visibility of the business, with it being 9 feet down, there would only be about of your building visible to traffic, wondering about signage. Travis Shurtleff stated they thought about putting one bollard on the property that's a 5 foot tall by 8 foot wide, a lit sign. The sign isn't part of it, he knows they have to go through applying for the sign permit. They will be applying for the sign whether it's accepted or not, but that's the plan is to have one sign out on SR-193. Commissioner Vaughan just wanted to make them aware that they he would be coming back.

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Commissioner Thorson asked about the fence requirements through the plans sometimes they say 6, sometimes 8, and the 8 foot black vinyl on the east and west side. On the south side right now it just says 6 foot chain link straight up. Travis Shurtleff stated because right now where that fence is sitting that is not the property line, like Planner Schow said, the property line is that buffer D, which would have to be Simtech fence. The chain link, is in from the property line where it sits right now, so that's more just to enclose that back area to have security in the back.

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Commissioner Thorson stated it shows native existing to stay in place and if that was correct. Travis Shurtleff stated yes on that easement area. Commissioner Thorson asked if native is road base, Travis Shurtleff stated it was. Commissioner Thorson asked staff if that meets the buffer requirements at all. Planner Steele stated within the easement right now, where it shows natural vegetation, no, it doesn't, that's why he has to choose. He could, since adjacent to the school, he'd be required to do the masonry fence and landscaping, what he's proposing does not meet that. Conceptually speaking if he's adjacent to a trail head then he's not adjacent to a school and this is a little bit of a gray area, but common sense and would assume that if he's adjacent to a trail head then there's no more buffer requirement.

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Commissioner Thorson stated that in any condition, they either have to solve a problem or come in compliance with the ordinance. Planner Steele agrees, either he could develop this amenity for the City in lieu of some of the costs and

things associated with that buffer or he could just simply meet the requirements of the buffer and be done and think it's just been a little bit of a gray area because of the unknown future ownership of the property.

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Commissioner Thorson asked how he is going to take control over getting that done or us, or who is. Planner Steele stated that if the Planning Commission put certain conditions on his site plan approval, he can't move to the building permit stage until his site plan is completed. So that gives him motivation to complete all of requirements and doesn't necessarily mean he has to install all of those improvements, it just means that he has to have the plan in place so that we know what to expect during the inspection process.

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Commissioner Thorson stated he was thinking along the lines of a time frame that that easement has to come into compliance, either by either cooperation with the outcome or if one year passes and nothing come, he has to bring it into compliance. Planner Steele stated that the Planning Commission can put whatever conditions that are directly applicable to the ordinance there in place.

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Travis Shurtleff wanted to add that one thing they were hoping for, because they do know it is an issue, talking about the easement, they've already been in delays with all the financing trying to get this building going before winter. What his recommendation is to the council is to, approve off of the plans and upon final approval of the building inspection goes, that we cannot get final approval until some kind of decision has been made on this easement piece of property. That would at least let them get their building started and to get through the building permit process, which is typically that, 3 weeks to a month.

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Public Hearing opened

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Public Hearing closed

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Commissioner Jensen opened it up for discussion. Commissioner Jensen addressed Planner Steele and Planner Schow asking if it was a very high likelihood that the trail is good to go in, if that was a fair statement. Planner Steele stated it was a fair statement. Commissioner Jensen asked that if when he is ready to do the asphalt for his parking lot if he could just do trail at the same time and think that would be a cost savings for everyone involved. Planner Steele agreed. Commissioner Jensen stated that even if the City doesn't have their section of trail ready there would definitely be some benefit of having the applicant go ahead and put his section of the trail in, in lieu of the buffer. Planner Steele agreed that would be fair in whatever the Planning Commissioner feels is an appropriate exchange for that buffer and keeping in mind that there is a school next door and so make sure there is still an appropriate buffer in lieu of what's in the buffer Table D.

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Commissioner Jensen stated also it sounds like there was going to be a proposal of the sketch the applicant provided in the packet a couple pages down. Commissioner Jensen stated basically the City would have the diagonal parking set up there so that we could do the trail head. Planner Steele stated he thinks that's what he thinks the City would prefer to have some expanded parking for amphitheater events and the trail through there.

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Commissioner Jensen called the applicant back up. Commissioner Jensen asked the applicant if he would be agreeable to at least when they're getting ready to do asphalt just go ahead and put the asphalt down for the trail and that parking at the same time. Travis Shurtleff stated yes, he would agree to that. Commissioner McCuiston was concerned about the buffering between the school, that it's at least got to be privacy and a little bit more than just a standard chain link in between the two, even if it is a trail, for safety of any automobiles that might be parked there and a lot of other things. Commissioner Jensen asked if anyone wanted to address the fencing issue next to the school. Commissioner McCuiston wanted to ask the applicant if they put the trail in, was there any plan to put any kind of fence or buffering along there. Travis Shurtleff stated first of all they wanted to see, because they know that the school requirement is to put in that black chain link fence and that's why we're going with that type of fence to match the school area. If we were worried about visibility they could add in the slats to that type of fence. That's why they brought a couple different options to look at as far as the fence and having a little leniency on that, if they had to go with the rod iron or what not, would be a little worried about the rod iron and the Simtech being next to the school with the kids getting injured or what not. That's why they have proposed the black vinyl to match up with the school.

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Planner Steele wanted to clarify that there is a fourth player in this, which is the school. The City's also been negotiating and talking with the school, because there is a trail easement on their north edge of the property. So the school's vinyl coated chain link fence on the edge of the 10 foot trail easement and then a small space between like a 2 or 4 foot space between the chain link fence and then the trail and then there would be 6 feet of trail on the school's property and 4 feet of trail on Jer's property and then there would be a space for landscaping and he has proposed some landscaping on the south edge of his parking lot that could soften things up.

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Commissioner Jensen addressed the different sketches. Essentially that 90 degree parking goes to 45 and suppose you could have an island between the two rows of parking that has some landscaping. What they have proposed as far as a landscaping buffer, having it up against the fence would be better than out in the middle of the parking lot, other Commissioners may have a different idea in mind. Commissioner Vaughan stated if this were a Jr. High as opposed to a K-6, a chain link he would generally recommend either going with the slats inside or go with a non-climbable, because 7-9 graders like to climb fences, where as a K-6 is not going to be so inclined to climb a 6 foot standard chain link fence. A 6 foot vinyl would look nice, it certainly would be a lot better than just a standard galvanized fence in there. Adding the slats, the slats are nice in a well maintained atmosphere, but in an open area like this, where there's going to be civilian access, those tend to get damaged very quickly and they become an eye sore and makes it very difficult to decide who is going to be taking care of them.

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Planner Steele clarified that this, the fence on the south edge will actually be on the school's property and not on Jer's property. Commissioner Jensen asked if that was being installed at the school's expense. Planner Steele stated yes. Planner Schow stated no. Planner Schow asked if he meant the fence or the trail. Commissioner Jensen stated the fence on the school district's property. Planner Schow stated yes, the fence is the school's responsibility.

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Commissioner Jensen stated he would be contributing slats for the fence. Planner Steele stated that gets complicated as far as what the school might want to see. Potentially he might be willing to do that, it'd be an off-site improvement. Commissioner Jensen stated he didn't see the purpose in seeing two separate fences here. Planner Steele agreed. Commissioner Day stated there needs to be a solid fence around the vehicles storage area, it's important for the future value of commercial, especially to the west. Commissioner Jensen asked if Commissioner Day was proposing in the fenced off area, everything back there would be the 4 foot plus the rod iron. Commissioner Day stated no, he thinks it should be 6 foot non-climbable, prefers it to be similar to the one out front and thinks it needs more than chain link and doesn't think slats is a high enough quality. Not saying do concrete, because that is hyper expensive and don't know. Planner Steele stated there are also landscape screening options too on the side or slats in the vinyl, there are a lot of different ways of screening. Commissioner Day stated a vinyl fence of some sort, at minimum and if they want to choose to do more, just something that non-climbable like Commissioner Vaughan described too.

[6:57:23 PM](#)

Commissioner Jensen asked is that over by the school district or are we talking on the other piece of property. Commissioner Vaughan stated there's some that's by the school and it goes up and there's a gate to the back and there's some over here on the west, just to help screen those vehicles.

[6:57:40 PM](#)

Planner Steele stated the west edge and then also the east edge, driving along SR-193, if you imagine seeing into the side of their lot. Once the property to the west develops and they have a buffer, it may not be as visible, but not sure when that will happen and don't know how exactly that will be developed. The power corridor to the east, of course there is nothing to be built there, so that will be forever visible.

[6:58:20 PM](#)

Commissioner Day stated around that storage facility, he thinks there should be something there that's non-climbable, that's screened, that's compatible with the building. Commissioner Jensen asked Commissioner Day if he is proposing something other than chain link, he stated yes. Commissioner Jensen asked the applicant if he wanted to comment on that. Travis Shurtleff stated that part of the buffer requirements, maybe Planner Steele can confirm, it's not saying that in the requirements, on the two sides that it needs to be that type of fence. Like a buffer D, talking dramatic costs increase in going to that type of fence. One of the reasons, as far as the vinyl goes, we can probably put in the vinyl for the same price but we all know as soon as the wind storms hit our here that vinyl's going to pop apart. Especially the long kind of runs, we see it happen all the time. That would be his concern, is the cost on the fences, we're looking at the whole project, to put a full Simtech fence around it, we're talking dramatic costs increase. Which we've felt that we have from the City's standards and the things that we've gone on with Planner Steele, we've definitely increased the looks of this building to try to be City acceptable. The next matter of agenda that the Planning Commission is going to have is that the next neighborhood that going to go right up above it which is going to be an industrial zone, you're going to have the power poles separating it but you're going to have the same standard, a lot less standards less than 200 feet away on the other side of the power lines. That would be his thoughts on changing from the chain link, is less than 200 yards away when that other subdivision goes in that's industrial, you're going to have the same items over there. Which you have the black vinyl a half a mile up the road, all the buildings are fenced off in the black vinyl.

[7:00:23 PM](#)

Planner Steele stated as far as east and the west boundaries, the applicant is correct, there is no buffer requirement between the parcels, the part of the ordinance that we're talking here is for screening of outdoor storage that we have. Commissioner Jensen stated along the power corridor, where he's meeting the ordinance as it stands. That's a pretty long fence line and nothing, the only thing that's going to be over there, don't even think the trail is going to be over there because the trail's going to turn to the west before it hits that. Planner Steele confirmed that the trail's going to turn at the cul-de-sac and go on the south edge of the road and then turn north and cross the street and connect with the exiting trail. So essentially

that eastern fence and that's certainly the Commission can propose what they'd like on, don't think that fence is as critical, especially for being up against the rest of the Ninigret property. But that western section that's separating this from the next lot down, and wouldn't mind seeing it being upgraded to being the same look as what's along SR-193 there, it's not a very long run, but it would add to the expense. Essentially we're trying to fence that up anyways to screen the vehicles that would be a better look.

[7:01:51 PM](#)

Commissioner Day stated he thinks there's some valuable input and appreciates the applicant, however still think it needs to be screened.

[7:02:00 PM](#)

Commissioner Vaughan answered and stated he understands what people are saying, but he does meet code on both sides of the fence, the one to the south and if we were to place a condition on there that Jer's and or staff work out something or put in buffer Table D, then they could handle that as time permits them to do that. As far as putting a time frame on it, with restrictions on not sure of a time frame, we could put a year and then we have a problem, maybe in a year it comes back to us, just think staff could probably take care of it.

[7:02:52 PM](#)

Commissioner Jensen stated it could be prior to occupancy or something. Commissioner Vaughan agreed. Although it sounds like the applicant wanted to occupy by the winter time. The applicant stated they are trying to occupy by the end of October.

[7:03:05 PM](#)

Commissioner Thorson asked if it's on the side yards, east and west sides, there is no ordinance for a buffer or screening other than outdoor storage. Planner Steele stated there is an ordinance for screening, just not the buffer table, because the buffer table is for two differing land use. Commissioner Thorson asked if they meet the screening with the black chain link fence. Planner Steele stated he can pull up the ordinance and read it. Commissioner Thorson struggles with asking them to do a bit with the trail, to push more on him above and beyond the code. Commissioner Vaughan asked should a parking agreement be reached by all of the entities for the area under the power strip. Assuming that part of it would be up against the applicants east property line, would we have the opportunity to request some type of landscaping if not minimal along that area between that newly added parking lot and the applicants property. If that could include that, and in negotiations it might make it easy just to have the applicants stick with what they have right now before us and then bar to the right of having that parking area in, at least have minimal landscaping to break it up. As they are looking at this place, because we have the landscape massing on the north side on the outside of his masonry wall, the wall being 6 foot, the building being down this the property's with the top where the landscaping edge and goes down to the property, there's going to be quite a deterrent for anyone to try to enter the property coming in from that side, so the area that is the most open is going the east boundary. It's not spelled out and hope to not add to the mix on this, but in the ordinance generally we try to have all of the lighting attached to the building and broadcasting outward, because we have the new bypass up on the north, the north property line. Knowing the type of business that the applicant has it might be better served if it had lighting in the corners along that north boundary, shining in to the property, rather than having lights attached to the building shining out and possibly affecting drivers that are on the road. Because he's going want to illuminate an awful lot of square footage around his building, because of the type of vehicles, he's going to have outside. A compromise there might be to just have minimal fencing, which, but maximum lighting, which acts as a deterrent in its self. That might be one of things that we could to go easy on the fencing and maximum on the lighting to cover the property, which would be more cost effective more beneficial for the applicant and don't think he'd be afraid to spend money for that. The applicant agreed and stated that there will be security cameras all the way around the property too, for that reason, with it being an auto body and at times he's not using the back area for a storage, but when people don't pick up their cars at night and has somewhere to lock his cars up at. That's the overall intent of the property.

[7:07:14 PM](#)

Commissioner Vaughan stated he's in agreement with whatever the rest of the Commission wants to do, and thinks they're trying to be fair. Commissioner Jensen agreed. Commissioner Jensen asked if anyone had any concerns with the front yard, essentially putting parking in front of the building and it's a cul-de-sac makes it a little difficult, but normally, on a recent application we did get pretty sticklish about that front yard.

[7:07:53 PM](#)

Commissioner McCuiston was trying to see if there was anything that you could do, it looks pretty boxed in, doesn't seem to be a lot of choices. Commissioner Vaughan asked a quick question if they could approve or disapprove the vast majority of the items they have before us and allow the issue of fencing and possible landscaping to trail to the next time they have a or formal approval of the site plan or the final approval of the project. Commissioner Jensen stated he thought this was the only approval. Commissioner Jensen asked Planner Steele if that was correct. Planner stated yes. Commissioner Vaughan asked if they could pull any of that for when he comes back for signage or lighting or anything else like that. Planner Steele stated he thinks it would be better to keep the applications separate.

[7:08:56 PM](#)

Commissioner Moultrie stated he would like to see fence more secure, just recently there was a shop that was broken into down in Ogden, kids cut the chain link and did demolition in the backyard, so it cost quite a bit of damage.

[7:09:25 PM](#)

Commissioner Day stated he's heard a lot of good comments but stands behinds what he said that it needs to be screened with something of a higher quality than just chain link. We deal with wind quite a bit out here and don't think wind is an adequate reason not to do it. As a gateway into our community, it's a highly visible property and quite honestly thinks it deserves something, this right here is going help spur some development in some of the later parcels and if we want a higher quality development we need to make sure this looks goods. The trial on the south, that too is more of a Ninigret or a City type of thing, The person purchasing the property, don't know if it should be entirely his responsibility but that's really between him and who he's buying the property from and maybe that can, can be kicked down the road, but certainly think that area needs to be screened and fenced, there's going be cars stored there as you drive by you're going see vehicles worked on and think that needs to be just screened more than just chain link.

[7:10:43 PM](#)

Commissioner Jensen stated the thing he's going struggle with here, that power corridor, has the City assigned a zoning to that power corridor. Planner Steele stated it's currently industrial. Commissioner Jensen stated in which case there no buffer requirement between industrial and commercial, looking at the chart.

[7:11:21 PM](#)

Commissioner Rackham stated his comments are that he glad to see that he's willing to put in the trail and am okay with the chain link fence.

[7:11:43 PM](#)

Commissioner Jensen stated that looking at that east fence along the power lines and while it is a gateway to the City, once the Ninigret property develops to the other side of that, you're not going really notice that as extensively. He is putting that 8 foot rod iron, 4 foot masonry with the 4 foot. rod iron along SR-193, which will be nice, incidentally, who is going be responsible for maintenance of the landscaping on the other side of that. Planner Steele stated that would be on their property up to the. Travis Shurtleff stated they would maintain that. Commissioner Jensen agreed, so as far as the blocked of there, you've got the back there on the west side, extending that 4 plus 4, against that parking lot to the tenant that's going be to the west of you, would be nice. Once you get to where lawn area is, which you could call a front yard of sorts, and don't think that's even going be fenced. Travis Shurtleff stated they had planned on coming down to the detention pond. How the storm drains come into the property, most likely, unknown what the property owner to the west is going to do, but their storm drain is coming in right next to ours, so guessing that their detention pond will be right next to that detention pond.

[7:13:07 PM](#)

Commissioner Jensen asked if it was going to be a shared pond. Travis Shurtleff stated yes. Commissioner Jensen said he's not envisioning a fence going all the way down to the cul-de-sac on there, from what he's seeing. Travis Shurtleff stated that to help that out, the matter of not screening that whole east side there, if the requirement was to take that Simtech around the corner back to that front gate, he would be totally fine with that. Commissioner Jensen stated forward of that gate though essentially there's not going be a fence between you and the next person, which you're going want your visibility.

[7:14:06 PM](#)

Commissioner Vaughan stated if he went ahead with a motion, it would be very simple, almost to the verbatim of what we have or suggested as far as approval. Irregardless of some of the other comments that we've had and not being comfortable with the idea of saddling applicant with things due on that easement, he owns it, is responsible for it, but is not going get any benefit what so ever out of it other than being able to say with additional 3,000 sq. feet of land as art of the deed. The fence on the east side, I'm comfortable with and think the vinyl would be the best thing to do. The slats would nice for about 2 weeks and then go away, understanding the added expense of making it a non-climbable, although that would be the nicest thing as far as appearance wise. Perhaps that the City, the school, Ninigret would do the right thing on taking care of a land, a parking lot or a potential amphitheater along that area as far as a fence along the south side where the school is going to be. Again that needs to be minimal until everybody decides what they're going do with that road. A 40 foot wide easement and you don't need 40 feet for an access into a parking lot so who knows what is going to happen there. It is the owners responsibly on the applicant here, it's unfortunate that the City can't be more forthcoming in saying what's going happen, we're going require for you, because the City doesn't know, especially when it is going to be an amphitheater and school decision and throwing Ninigret in there also. If the Chairman wants to have a straight approval motion, that would be myself so someone else is welcome to.

[7:16:05 PM](#)

Commissioner Jensen agreed and stated that the only they can say relatively for sure is Ivory Homes did get pinned down to put in the section of trail that this would connect to. So that's not a it might get done, that is in lieu of their impact fees, they will be putting that trail in. and maybe that's the way that we can address that here too that in lieu of impact fees that whatever it costs him to put that stuff in for the City could be taken off the impact fees, that could be a thought. Commissioner Jensen asked Planner Steele if he could comment on that.

[7:16:39 PM](#)

Planner Steele stated as far as recreation and park impact fees go, commercial properties don't pay towards that fee and as far as waiving fees, that's something they don't have purview over. Commissioner Jensen stated he was talking about the park purchase impact fees, so if they don't pay that then that's kinda irrelevant. Planner Steele stated that our negotiating chip is something that comparable to the buffer. Commissioner Jensen asked that in lieu of the buffer, he puts

the trail in for us essentially. Commissioner McCuiston stated he agreed if he puts the trail in then his buffer becomes the trail. Commissioner Jensen agreed to consider the trail as the buffer, he'd still like to see some trees along that fence or shrubs, but that would be about it, just to kind of screen that fence a little bit, just to make the trail look a little nicer.

[7:17:39 PM](#)

COMMISSIONER MCCUISTION MOVES TO APPROVE SITE PLAN APPLICATION FOR JER'S AUTO, LOCATED 1448 W 300 S, GC ZONE, SUBJECT TO ALL APPLICABLE REQUIRMENTS OF THE CITY'S MUNICIPAL CODES AND TO THE CONDITION THAT THE APPLICANT AND STAFF WORK TOGETHER TO FIGURE OUT A SOLUTION TO THE AREA IN THE SOUTH, THE TRAIL, OR WHATEVER ITS GONNA BE, PRIOR TO OCCUPANCY.

[7:18:17 PM](#)

Commissioner Rackham asked Commissioner McCuiston if he didn't want them to put in the trail right now. Commissioner McCuiston stated that if they're going work something out there might be a little bit of a different idea that comes forth, maybe there's a trail, maybe there's something else so didn't want to pin them down to putting in asphalt and then, because once you put it down you're going have to saw cut a foot out of it and before you put anything next to it, at least a foot depending on how it's raveled on and stuff, was just going leave it open and let them figure out the details.

[7:18:49 PM](#)

Commissioner Vaughan stated that so the next time we saw them, they would have that all worked out, is that your plan. Commissioner Jensen stated he didn't think they would see them again except for the sign permit.

[7:19:05 PM](#)

Planner Steele wanted to clarify that the sign is a minor conditional use, so they wouldn't actually see him for the sign either. Commissioner Jensen agreed that they did change that, that was a few years back. Planner Steele stated that in 10.40.070, it says screening and landscaping, this is in the off street parking section. It says as a condition of approval at the site plan review stage the land use authority may require all public and private parking areas, which the back would be considered a private parking area, except single family and two family dwellings to have effective screening, such as fencing or landscaping. It doesn't really say, what that is, but screening.

[7:20:02 PM](#)

THE MOTION WAS SECONDED BY COMMISSIONER THORSON. COMMISSIONERS JENSEN, MCCUISTION, THORSON AND RACKHAM VOTED IN FAVOR. COMMISSIONERS MOULTRIE, DAY AND VAUGHAN VOTED IN OPPOSITION. THE MOTION CARRIED WITH A MAJORITY VOTE. SITE PLAN IS APPROVED.

[7:20:46 PM](#)

7. **Public Hearing – Subdivision Plat Amendment, Ninigret North I, Ninigret Construction Company North, LLC, located at 450 S 1000 W, Industrial Zone**

Planner Schow stated the only thing on the agenda for tonight actually reconfiguring the existing subdivision. There are no new lots being created, they are simply just changing the shape of them. However in doing so a road is being added, so currently the 450 S cul-de-sac that is already in existence will now connect through to the north and there will be a second access 350 S Street off of 1000 W. As far as staff reviews goes there were two outstanding items. One of them is the need for an additional fire hydrant and that may have been addressed. The second one was from the engineering staff report to relocate an existing air vac, both items that can be worked through, it's a pretty simple application before you tonight.

[7:22:17 PM](#)

Eric Rice, Layton, stated he had nothing more to add, it was pretty straight forward. Commissioner Jensen asked if he was willing to meet the conditions as staff had requested, he stated he was.

[7:22:31 PM](#)

Commissioner Jensen asked Deputy Chief Hamblin on the fire hydrant location, assumed the applicant has been in touch with him and they've worked out something that's agreeable. Deputy Chief Hamblin stated yes, Brian Bloemen just showed him some plans that he hadn't seen ye, that did have the hydrants in the places that he'd requested, so they are good.

[7:23:20 PM](#)

Public Hearing opened

[7:23:24 PM](#)

Public Hearing closed

[7:23:27 PM](#)

Commissioner Jensen asked Engineer Bloemen what that's going to do to the speed limit along 1000 W with those two driveways, will that change anything. Engineer Bloemen stated no, the speed limit will remain the same.

[7:23:52 PM](#)

COMMISSIONER MOULTRIE MOVED TO MAKE A MOTION, MOVE TO RECOMMEND THE APPROVAL OF THE AMMENDENT SUBDIVISON PLAN FOR NINIGRET NORTH I, LOCATED AT 450 S 2000 W, INDUSTRIAL ZONE SUBJECT TO ALL APPLICABLE REQUIRMENTS OF THE CITY'S MUNICIPAL CODES. COMMISSIONER DAY SECONDED THE MOTION. ALL IN FAVOR. MOTION CARRIED UNANIMOUSLY.

[7:24:23 PM](#)

**8. Public Hearing - Code Amendment: Title VIII regarding construction specifications**

Planner Schow stated for the sake of the new member and for those who weren't in attendance at the last meeting. The City Code has construction specifications in Title VIII, however since they were put in here, the City has adopted official engineering specifications through resolution with the City Council, which is kept online. The main purpose of that is that it's much easier to update as needed and when that occurred they found that Title VIII did not get updated and found conflicts so the simplest way to resolve it was to remove the specifications from Title VIII and simply refer to the City engineering standards and construction specifications, so that they are kept in one location.

[7:25:32 PM](#)

Commissioner Jensen stated essentially that first sentence is sufficient to let people know where to look, Planner Schow stated correct. Commissioner Jensen asked if there was any discussion from the Commission before he opened it up for public hearing, it seems pretty straight forward.

[7:25:41 PM](#)

Commissioner Rackham asked if those standards are on the City's website. Planner Schow stated they are, they're under the Public Works Department.

[7:25:53 PM](#)

Commissioner Rackham stated that was fine but he was wondering if they should put a little more direction on how to find them in the, in the comment here. Like a web address or something, because navigating the City website is a little troublesome sometimes. Commissioner Jensen stated now that this is electronically, if we could have the link embedded in the Title VII or something that went to where those standards are. Planner Schow stated which has been added since this meeting by our City Recorder. Commissioner Jensen stated that way people aren't going to know where these standards are but where do they find the link for these standards, just want to make sure they're easy to find. Planner Steele stated as an alternative idea or an additional idea, maybe in addition to a link, sometimes the web links change over time or it's broken, paper copies could be available at Public Works or something, even though that's a little old fashioned. Commissioner Jensen stated some people like paper copies, and they'd have to pay for those but, because those standards are pretty lengthy. Planner Steele stated he thought it was like .25 cents a page. Planner Schow showed the link that is currently in Title VIII that's been added, so that we can get people to them until we've been able to amend the code.

[7:27:27 PM](#)

Public Hearing Open.

[7:27:40 PM](#)

Public Hearing Closed.

[7:27:42 PM](#)

Commissioner Jensen asked if this goes to City Council. Planner Schow stated yes. Commissioner Jensen confirmed they we're just making a recommendation.

[7:27:57 PM](#)

COMMISSIONER MCCUITION MADE A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR UPDATED CODE AMMENDMENTS TO TITLE VIII. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. ALL VOTED IN FAVOR; THE MOTION CARRIED.

[7:28:28 PM](#)

**9. Adjourn.**

COMMISSIONER VAUGHAN MADE A MOTION TO ADJOURN INTO WORK SESSION. COMMISSIONER MOULTRIE SECONDED THE MOTION. ALL VOTED IN FAVOR; THE MOTION CARRIED.

\_\_\_\_\_  
TJ Jensen, Chairman

\_\_\_\_\_  
Stacy Adams, Admin Professional

Date Approved: \_\_\_\_\_