

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

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on September 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
Troy Moultrie
Greg Day

City Employees: Jenny Schow, Planner
Brian Bloemen, City Engineer
Jo Hamblin, Deputy Fire Chief
Stacy Adams, Admin Professional
Paul Roberts, City Attorney

City Council:

Excused: Grant Thorson

Visitors: Mike Bastian Lisa Spencer
Mike Staples Jessie Woods
Joe Woods Burton May

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1. **Meeting Called to Order:**

Invocation given by McCuiston, he relayed a quote from Nicolas Chamfort, stating 'in great matters men show themselves as they wish to be seen and in small matters as they are' and hopes tonight that they can understand that these matters might seem small to some but they are the most important item in some people's lives, so they need to take them with a good bit of care and portray themselves in a manner in which they want to be seen. The Pledge of Allegiance was led by Commissioner Jensen.

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

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2. **Meeting Minutes:**

Commissioner Jensen stated on line 378 of the regular meeting minutes it has 'out he' and it should be 'lay the'. COMMISSIONER MCCUISTION MADE THE MOTION TO TABLE THE MINUTES SO THEY COULD BE REVIEWED AND THEN APPROVE THEM DURING THE NEXT REGULARLY SCHEDULED MEETING. COMMISSIONER JENSEN SECONDED TO TABLE THE MINUTES TO REVIEW FOR NEXT MEETING. ALL IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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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. **Public Hearing - Rezone from R-2 to R-1 Single Family Residential, property located at 2121 S 1000 W**

Planner Schow stated this is the project she mentioned at their last meeting, the property located on 1000 W is currently zoned R-2, the property is for sale and there is interest in turning this back to an R-1 zoning in order to allow for farm animals, currently there is no interest in the property owners to the south for any kind of development and so the applicant is asking to down zone the zoning from R-2 to R-1 for that purpose.

Commissioner Jensen asked how big the lot was. Planner Schow stated 2.27 acres. Commissioner Jensen asked how deep the lot was. Planner Schow stated based on the lots above it, roughly 560 feet. Commissioner Jensen was wondering if it would be difficult to do a cul-de-sac there. Planner Schow stated the width would be the issue and there is potential to do a cul-de-sac one day but the property owners to the south to do a development together in order to have enough width for that and there is no interest at this time for that.

Mike Bastian, South Weber, is a real estate agent selling the property for his clients. He said it is kind of opposite for him, he's usually in front of Commission asking for an up zone, and tonight he's asking for an R-2 for and R-1. The neighbors to the south have horses and the best use for this property right now is horses or large animals. Commissioner Jensen stated it was unusual that he wasn't asking them to build a new house. Mike Bastian stated they originally talked about how they could develop it and laid it out every which way and until all three property owners subdivide at one time, there's not much that can be done with it, so best use for it would be for a horse.

Commissioner Vaughan asked what the dimensions of the property are. Mike Bastian stated the length is about 595 feet deep. Planner Schow stated from the center line of 1000 W, it's about 734 feet deep and 138 feet wide, counting the house. Mike Bastian stated they would need at least 260-300 feet in width to do something.

Planner Schow wanted to mention to the Planning Commission that she had received input from two adjacent neighbors and they were both in favor of the rezone for the farm animals and did not hear anything against or concerns for the request.

Commissioner Rackham asked staff if this had any impact on water rights. Planner Schow stated no, the property was used for farm animals previously and they just let the animals lapse and so they lost their grandfathering, unless it goes to develop, it will stay as it is now.

Commissioner Vaughan asked staff about the unusual dimensions of the property and going to a down zone knowing the City policy on flag lots, what is a projected division of this property, doesn't think there is room for a street down it. Planner Schow stated there really isn't anything that could be done with it the way that it is developed to the north and the east and unless the adjacent land owners to the south want to get together down the road one day and do something then there will be a possibility but for right now the best use is farm animals. Commissioner vaughan asked outside of a property assemblage to allow construction of a street in there, what purpose would be served in changing the zone. Planner Schow changing from R-2 to R-1, the only purpose would be for farm animals, it still will meet the R-1 regulations in terms of frontage and lot size, and there wouldn't be any disadvantages to it, unless they do divide down the road one day.

City Attorney Roberts stated the question before the Commission is what is the highest and best use considering all the circumstances and when looking at the current situation is it best to have a R-2 zone with a vacant lot that cannot be used for anything or could the space be used for something, but they would not allow for flag lots. Is the best use to have it sitting there vacant or for animals to be able to use it.

Commissioner Jensen stated looking at the lots in that area that it would be hard to get a road back there by using the parcel in question you might be able to squeeze a road past the first house but realistically something would most likely have to get torn down to make room for a road as it stands now, all those parcels are orphaned, unless the house is removed.

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Commissioner Vaughan stated changing zoning is like changing any of the other codes, unless there is a demonstrable reason for it or a cause or a benefit to the City, what purpose is served to the City to change the designation of this zone. The subtle difference between an R-1 and R-2 particularly and what the proposed change is for R-1 and R-2 on the horizon, it might be even harder to make this R-1 from the R-2 with an assemblage something could be done there, should this be retained as R-2 for now until assemblages are done and then try to have a rezone on a much larger parcel rather than a rezone every time a domino wants to fall. Would they rezone the property to the south where the barn is, if they decide to sell and then after the property beside that with the small farm structures are if they wanted to sell would they come in for another rezone on this.

Commissioner Jensen stated the main difference between R-1 and R-2, for the purpose of this application, because of the changes that were made to the animal ordinance several years, they cannot put, unless losing grandfathering, the applicant cannot put farm animals unless they have a R-1. That is the major change that is why they need this change so they can actually get use out of the lot other than try to develop it. Developing it at this time seems problematic, and the highest and best use of that parcel right now is farm land.

Commissioner vaughan asked if farm animals had been on this property in the past. Commissioner Jensen stated Planner Schow stated in the somewhat distant past they had, but once they stopped putting animals on that lot, they lost their grandfathering on that. Commissioner Vaughan wanted to confirm that there definitely had been a cessation of animals being kept on that property.

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Public Hearing opened.

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Public Hearing Closed.

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COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE RECOMMENDATION TO THE CITY COUNCIL OF THE REZONE OF THE PROPERTY LOCATED AT 2121 S 1000 W FROM R-2 TO R-1. SECONDED BY COMMISSIONER MCCUISTION. ALL IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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5. **Public Hearing - Municipal Code Title VIII Amendments regarding final approval performance security**

Planner Schow stated City staff has done due diligence of various guarantee requests from developers. Staff found the proposed options to be low risk for performance security of required development improvements. The City would like to accept these low risk options of guaranteeing development improvements to prevent the need for future special approval on certain developments. In addition as the economy improves financials institutions have begun to ease up on restrictions and limitations for irrevocable letters of credit which acts as a bond for entities viewed as low risk borrowers in the eyes of credible lending institutions. As the City expands and creates more RDA's from current developments, the RDA component will help facilitate different options to utilize tax increment to facilitate development. Planner Schow states they have been approached by developers on stuff lately for different alternatives to the escrow agreement that

they traditionally collect for the security of the infrastructure installments. Director Mellor has done some research and has experience in other municipalities with accepting the different forms of bonds and these were his recommendations. He ran this by the City Financial Director Marshall and City Attorney Roberts. The basic differences are instead of just allowing a surety bond, cash escrow, they are proposing to be able to accept irrevocable letters of credit, tax increment incentives as part of the signed reimbursement agreement for the redevelopment agency and with those that is specific experience that Director Mellor has had where the City is paying out from the RDA more than a developer would be required to bond and so it's a way of using the RDA funds to cover the improvements instead of collecting more money when they'd be paying them more money anyway. Commissioner Vaughan asked if staff had initiating the request for a change in the wording as opposed to a developer that wants to bring a project forward. Planner Schow stated that is correct, it was initiated by Director Mellor.

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Public Hearing opened

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Public Hearing Closed

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Commissioner Vaughan stated he supports staff recommendation, being initiated by the City and full City staff has reviewed and believes it will better the City's ability to conduct business, he is all for it.

COMMISSIONER MCCUITION MADE MOTION TO RECOMMEND APPROVAL OF CODE AMENDMENTS TO TITLE VIII, PERTAINING TO FINAL APPROVAL PERFORMANCE SECURITY TO THE CITY COUNCIL. COMMISSIONER DAY SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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6. **Final Plan - Keller Crossing Phase 1, Nilson Homes, property located at approximately 2000 S 1475 W, R-2 Zone**

Planner Schow stated Keller Crossing is located directly below the Antelope Run subdivision and the new development to the east, Tivoli Gardens, phase 1 provides the much needed tie or connection of 1475 W. It consists of 17 lots and a cul-de-sac, there were a few outstanding items on the staff reports that they have been working with the developer, they're aware of them and have been making the amendments to the drawings and per discussion with the City Engineer and Deputy Fire Chief, there are no items that would prevent this moving forward that could not be easily fixed prior to construction.

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Mark Staples, Nilson Homes, Ogden, they have been working on this with staff for a while and are looking forward to the opportunity to making Keller Crossing a great community. They are going to use the low volume street profile there and hope to have some street trees in there and make it a nice place for future residents to live.

Commissioner Jensen asked the applicant if he had seen the staff review and changes discussed and agrees to incorporate those changes in their plans, the applicant stated yes.

Commissioner Rackham asked about the later phases if they tie into the Tivoli gardens, the applicant stated Phase 2 connects to the westerly street and Phase 3 will tie into the north. Planner Schow stated it will tie into 1275 W on the south property line and then Tivoli has a stub street at that same location to the north so it will tie in there and a second sub street even further east of 1275 W, so two more points of tie in for Phase 2.

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Commissioner Jensen asked Deputy Chief Hamblin regarding the temporary turn around and currently only 90 feet, is the applicant addressed that. Deputy Chief Hamblin stated he hadn't seen anything or heard anything from the applicant on that one. Planner Schow stated the applicant was aware that they need to add it and will be doing that, they just haven't received amended drawing yet. Chief Deputy Hamblin stated the cul-de-sac and temporary turn around needs to be 100 feet.

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COMMISSIONER DAY MADE A MOTION TO RECOMMEND APPROVAL OF THE FINAL SUBDIVISION PLAN FOR KELLER CROSSING PHASE 1, LOCATED AT 1475 W 2000 S, R-2 ZONE, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES AND STAFF REVIEWS. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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7. **Municipal Code Title X Amendments- pertaining to residential zoning**

Planner Schow stated these are the code amendments that they have been working on, they were tabled from the last meeting, and there hasn't been any changes. The City Attorney Roberts has gone through them since then and has a couple items to discuss with the Commission.

City Attorney Roberts stated he had some questions on changes to section 10.20.060, the amendments to the general plan, the main idea is that the general plan should be done and they don't people to tinker with it until they are ready to actually and do a full plan update again. A five year review for the general plan and then every other year review for the map. Subsection B, where it says 'the Council may amend the general plan with the unanimous vote at the Council'. City Attorney Roberts stated it is pretty rare to have a unanimous vote required by the Council, they are often unanimous, but often knowing that it requires a unanimous vote could lead to a little more disagreement and people digging in heels. Was the intention to the general plan any sort of amendment even during that open period which is

regularly scheduled every five year, needs a unanimous vote or if they want to open it outside of those usual times, then the Council needs to be unanimous, what was the general intent.

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Commissioner Rackham stated the intent was during that five year period anytime during that, they could vote to open it and have the Planning Commission change it or at five years they would review it without the unanimous vote.

City Attorney Roberts stated during that five year period or after they open it, do they want a unanimous vote in order to make the change or just a regular majority vote. Commissioner Rackham stated while it is open, it is a regular vote. City Attorney Roberts stated there may need to be a couple of changes to make that clear in the code, the way that it's written now, any sort of amendment would require unanimous vote. He can make those changes and get them to the Commission by the next meeting, just to capture what they're trying to do.

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Commissioner Jensen stated the idea was it also supposed to apply for the general plan map every other year and if the circumstances arise that the Council feels that it needs to amended right then, they could agree unanimously to open the plan, otherwise the idea is the map is only to be opened every other year and the actual language every five years. City Attorney Roberts stated he can make the changes for the next meeting.

Commissioner Jensen asked City Attorney Roberts if they can vote on everything before them except for 10.20.060 and table it for future date. City Attorney Roberts stated they can make a motion and strike that specific amendment to that section and move to amend with that part struck out of it. Commissioner Jensen stated he submitted some items that should have been included in the packet, changes to 10.20.060 and 10.20.070 that didn't make the packet. The entire 10.20 section should be tabled to give them the opportunity to include the language that wasn't included this time. Cluster subdivisions 10.80.040 bonus density incentives, at the work session they discussed doubling all the incentive bonuses, the majority of Commission felt like that was a good idea and the total density would go from 3.5 essentially to 4.7, with the bonus density incentives, by clustering they would end up with a lower density than building R-1, those changes are not incorporated into the table.

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Planner Schow stated she hadn't made any changes to the code amendments at all, but does remember the discussion from the last meeting but wasn't certain on if they wanted that change or not and wasn't sure if they were done discussing the cluster code changes.

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Commissioner Vaughan asked if the Commission would like to keep it open or discuss what they have before them. Commissioner Day stated it should probably be tabled until next time. Commissioner Jensen stated they should give direction if they want that change or not included, maybe take a straw poll to confirm. Commissioner Vaughan stated he would like to get as much of it done now so the next time they have any issues regarding Title X, it will be smaller and not a 50 page attachment they have to go over every single section again. They can pull out section 10.20.060 for revision and go through everything else tonight.

Commissioner Rackham stated his preference would be to address each one individually on a vote and table the ones that need to be tabled, discuss them or pass them on to the City Council. Commissioner Vaughan asked Commissioner Rackham due to his knowledge of the revisions, to keep track of those sections that they possibly want to table to a later date. Commissioner McCuiston asked Commissioner Vaughan to take a straw poll for them to do it individually or collectively.

Commissioner Jensen recommended pulling 10.80 and 10.20 sections and pull them until the next meeting, since further discussion is needed. Commissioner Rackham stated they should vote individually on each section. Commissioner McCuiston stated the only two he is concerned about are 10.20 and 10.80 and fine with sending the rest forward. Commissioner Day stated he would like to send them all together collectively, so would prefer to get them all fixed and then send them as a group to the City Council verses piece mailing them. Commissioner Vaughan asked if they could approve them and then send them in a complete assemblage to the City Council. Commissioner Rackham asked staff if they passed them tonight, when the City Council would get them. Planner Schow stated as of tonight anything has the potential to be on next week agenda, but could hold off. Commissioner Moultrie stated he is fine with just pulling out the two sections that need to be worked on. Commissioner Jensen stated he could go along with Commissioner Day's suggestion of sending them all at once.

Commissioner Day asked regarding a unanimous vote at the Council is there any interest on the Planning Commission to make that a majority instead of unanimous. Commissioner Jensen stated with the map being open every other year anyway, the main reason this was proposed is to slow down the general plan amendments because staff is basically just getting harried with requests to change the general plan, essentially every month, the idea is to nail down those requests every other year.

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1. **10.20.050 Noticing-** Changes accepted and tabled for City Attorney review until next meeting.

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2. **10.20.060 General Plan Amendments-** Tabled for City Attorney further review until next meeting.

Commissioner Jensen stated they have up to 90 days to open it and at the end of 90 days it gets closed, can be closed earlier if all the changes are completed and 6 months can be used if significant language changes need to be made then they might need 6 months to be fully developed and can vote to keep it open for longer with a majority vote.

City Attorney Roberts stated there is a difference between opening it for amendment and for applications. 90 days noticing to submit applications. When opened for amendments deadline for City Officials or deadline for applicants.

Planner Schow stated

Commissioner Day had concerns with the time frame of noticing for citizens and if it was enough time for citizens to get applications in for changes and to be as transparent as possible. Commissioner Rackham stated there was a discussion in the committee on the noticing time frame.

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Planner Schow stated regardless of when it opens or closes and when a citizen can apply and cannot apply, there has to be a cutoff date at some point. The easier thing is to say the general plan is open for applications for this period to this period and then the Commission has however long needed to act on those. So there is an open application period and staff can work not hem as they come in but it closes and then staff finishes up on them and staff is done and doesn't limit the Commission or Council or staff if more time is needed to review a specific application and its getting close to the closing date, putting the deadline on applications, not on the Commission acting on it.

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Commissioner Rackham proposed to make a change in 10.20.060 section (B). 'Authority, The City Council, as the Land Use Authority, may from time to time amend the general plan as provided in this section, **out of schedule cycle** with a **majority unanimous** vote of the City Council. Such amendments may include any matter within the scope of the general plan.' Commissioner Day stated that was a great clarification about the out of cycle. City Attorney Roberts stated he is going to make some updates that will have a section specifically talks about opening it and then a sub section that talks about outside of this cycle, this is how you can go about doing that and arrange it so it reads that way.

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Commissioner Jensen wanted to make a change on section C, regarding the 5 years because the other one is every odd numbers years so there is going to be a time when they both intersect and that is not necessarily a good thing and would like to make the proposal that the general plan is open for a 4 year review to occur in the 2 year cycle opposite the mayoral election.

COMMISSIONER JENSEN MADE A MOTION TO TABLE 10.20 SECTION FOR FURTHER REVIEW BY CITY ATTORNEY ROBERTS UNTIL THE NEXT MEETING. MOTION WAS SECOND BY COMMISSIONER RACKHAM. ALL IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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3. 10.50.010 Establishment of Zones- Tabled for City Attorney further review until next meeting.

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4. 10.55 A-1 Agriculture Zone- Tabled for City Attorney further review until next meeting.

Commissioner Jensen would like to make a change to A-1 from .4 to .5 it is easier to calculate; it's easier for people to do in their head. That will increase the density slightly but still one house for every 2 acres, it used to be done that way, at some point it changed from A-1 gross to net, so this would be changing it to the way it was before. At the .4, they have seen almost no development of A-1 so a little bit of incentive to encourage that and taking it to .5 would be a little bit of incentive. Commissioner Vaughan asked if all in favor of A-1 Agriculture .5 dwellings per gross acre, change approved.

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5. 10.60 R-1 Residential Zone- Changes accepted and tabled for City Attorney further review until next meeting. (setbacks changed back to 25 feet)

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6. 10.65 R-2 Residential Zone- Changes accepted and tabled for City Attorney further review until next meeting.

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7. 10.70 R-3 Residential Zone- Changes accepted and tabled for City Attorney further review until next meeting.

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8. 10.80 Cluster Subdivision- Changes accepted and tabled for City Attorney further review until next meeting.

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Commissioner Jensen stated they had discussed changing the densities in their last meeting and the majority approved a higher density. Commissioner Jensen proposed changing R-1 incentive density to 2.4, leave the standard density at 2.3 and the maximum density to 4.7. Commissioner Jensen stated it would double all bonus densities in section B. Commissioner Rackham stated he is not in agreement with the proposed changes from Commissioner Jensen of the increase of the density.

Commissioner Jensen asked Commissioner Vaughan to take a straw poll on changing the Cluster densities, the total maximum density proposed of 4.7., 2 to 3 vote in favor of changing, without a majority vote. Commissioner Rackham stated he could agree upon somewhere in between 3.5 and 4.7. Commissioner Rackham asked staff about taking the table and changing it with 'shall' do this or requirements instead of bonuses. Commissioner Jensen stated the incentive density would be 2.3, the maximum density would be 4.6 and the table would be combined into a paragraph with no bonuses. Commissioner Rackham stated the incentive would go away, the standard would go away and the maximum cluster density is 4.6. Commissioner Jensen stated they would have to do everything else required. All in favor, change accepted.

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Commissioner Day made the suggestion that they keep the general plan map open for 3 months, that way the public has plenty of opportunity to respond. Limit applicants to 14 days after the opening of the map, the applicant can attend one meeting. Commissioner Jensen stated the Commission would need to discuss it as well as go to City Council, 90 days includes being approved by City Council. Commissioner Jensen stated he likes a 10 day notice sent out all proposed changes. Opens January 1st, applications accepted until January 15th or 5 pm on the following business day, open until March 1st.

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COMMISSIONER JENSEN MADE A MOTION TO TABLE ALL CHANGES TO 10.20 UNTIL NEXT MEETING. MOTION WAS SECONDED BY COMMISSIONER RACKHAM. ALL IN FAVOR, MOTION CARRIED UNANIMOUSLY.

COMMISSIONER JENSEN MADE A MOTION TO FORWARD THE REMAINING ITEMS IN TITLE X WITH APPROVED CHANGES TO CITY COUNCIL. MOTION WAS SECONDED BY COMMISSIONER RACKHAM. ALL IN FAVOR, MOTION CARRIED UNANIMOUSLY.

Planner Schow stated she can make the changes and send out an email for Commission to review and then put it on the City Council's 2nd meeting for approval. Commissioner Vaughan asked if they would like to table all items and send together as a packet the City Council.

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COMMISSIONER JENSEN AMENDED HIS MOTION TO TABLE THE REMAINING AMENDMENTS UNTIL NEXT MEETING, TO REVIEW THE REVISED LANGUAGE. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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8. **Adjourn.**

COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSION. COMMISSIONER MOULTRIE SECONDED THE MOTION. ALL VOTED IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

Ralph Vaughan, Chairman

Stacy Adams, Admin Professional

Date Approved: _____