

Minutes of the Syracuse Planning Commission Regular Meeting, October 18, 2016

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on October 18, 2016, 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 Chairman
Greg Day
Curt McCuiston
Grant Thorson
Gary Bingham

City Employees: Noah Steele, Planner
Paul Roberts, City Attorney
Stacy Adams, Commission Secretary
Jo Hamblin, Deputy Fire Chief
Brian Bloemen, City Engineer

City Council: Councilman Gailey

Excused:

Absent: Commissioner Moultrie

Visitors: Adam Benard Mike Waite
 Jamie Child

[6:02:20 PM](#)

1. **Meeting Called to Order:**

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

[6:03:55 PM](#)

COMMISSIONER MCCUITION MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR OCTOBER 18, 2016 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER BINGHAM. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

[6:04:13 PM](#)

2. **Meeting Minutes:**

Commissioner McCuiston recused himself from these meeting minutes

October 4, 2016 Regular Meeting & Work Session

COMMISSIONER DAY MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR OCTOBER 4, 2016. THE MOTION WAS SECONDED BY COMMISSIONER BINGHAM. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

[6:05:08 PM](#)

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.

[6:05:45 PM](#)

None

[6:05:49 PM](#)

4. **Final Subdivision Plat - Jackson Court Subdivision property located at 1958 S 2000 W**

Planner Steele stated they have seen this before, the City Council passed the Preliminary Subdivision Plan on September 13, 2016 and the applicant was able to meet all of the items that the City Council wanted from the Plan that the Commission had seen, there were a few updates and have added some amenities another picnic pavilion in addition to the outdoor kitchen, swing set, walking trail and a fire pit. This is located close to City Hall across the street and north of Craig Lane Estates. In the packet is the Preliminary Plat that City Council had approved that had the additional amenities if wanted to see the changes. In the common areas have a fire pit and gazebos and benches, swing set. Open space, benches and trees. Don't know how much want to revisit know there was some questions about the project, in the packet there is a lot of detail and basically just reviews how the applicant was able to meet the ordinance up to now. To summarize, a lot of it was related to the access, doesn't want to be too verbose but the direct connection issues, the applicant provided an 8-foot asphalt trail. Have talked about this before and since the ordinance was vague that was sufficient to meet that requirement but staff is working on clarifying that language to state an automobile connection so there are no questions in the future. The second concern was the proximity to other intersections, if remember the ASHTO design and the time and the distance of travel, the math formula that calculates how far that intersection should be but also has in the text says unless otherwise recommended by Planning Commission. There are lots of case studies where intersections don't meet that standard depending on various factors and obviously the Planning Commission forwarded that on to City Council and City Council approved that configuration so that is completely legal and okay to approve it that

way. The third was related to having the private driveway that services 18 homes. The ordinance addresses private streets but is very vague about private driveways and viewed as 2 separate things. Streets are 60-foot right-of-way, a sidewalk and park strip and driveways that standard was not established. There are various private driveways within the City that service multiple homes on the same drive, like in Stoker Gardens there are up to 12 and Sunset Park Villas there are 4 on one drive, so they see it, just haven't ever seen it up to 18 and that was a concern that was discussed but the configuration was approved, since it was vague and are also working on clarifying that language as well. So know while it has been controversial staff is very thorough, are not for the project, not against the project are just trying to review and make sure have a good, high quality development. As far as staff's knowledge and the review that has been done the applicant has met the ordinance up to now. In addition to reviewing the plans tonight also need to review the theme that has been provided and forward on a recommendation to City Council and also the development agreement. All PRD developments require a development agreement and that is also another opportunity for the City to cover any bases and things that aren't covered in the ordinance. The main purpose of the Final Plan review stage is to get ready for recording and to really tie up all of the loose ends. They will be working on finalizing their grading and drainage plans with staff but really what needs to be reviewed here is the plat that will be going to the County. They have identified what is common area and what is open space, number of lots and that would become something that is recorded with the County. The development theme document has been in the packet for a while, some of the items are more general in nature but more or less are still accurate. Think the biggest thing to comment on and can talk about tonight are what some of the amenities look like and some of the floor plan elevations, colors and things that is what will be forwarded on that the Commission approves of. They plan on doing some single family dwellings and have provided some home plans and may not be exactly the plan that they will build but the idea with the theme is it establishes a typology of what the development will look and feel like. Single level homes that will be marketed to seniors but won't be limited specifically to that, open floor plans and patio homes. This isn't an extension of Craig Estates, this is its own freestanding subdivision but they are going to join up with the Craig Estates for maintenance and have talked a lot about that, they have letters of support and are on board with it and have helped pick out the amenities and have agrees that the amenities will have exposed timber and will have more specific plans in the future of exactly what it will look like but it will be similar to what has been provided, with rock and exposed timber and think that would be pretty attractive. The HOA didn't want the dog wash area but the covered picnic area, benches that aren't just standard benches it will have nice timber and rock design. They also included their theme board and want to do, and sometimes these small details at the end of the project are what can set it apart and make it a nice neighborhood. They want to do shutters and they are talking about decorative posts with the flower baskets and solar, which is not necessarily an aesthetic thing but that is something that is attractive for a community and brick and hardy board those are both durable materials and will be required to meet the minimum requirements of the City's Building Code. Also included is the review from Fire and Engineering. Deputy Fire Chief Hamblin stated to make sure the fire pit is far enough from the homes per code. City Engineer Bloemen had some housekeeping items that they have made the updates and sent over an updated plat, but the Engineer hadn't had a chance to confirm those updates yet, but they are more of housekeeping items. The development agreement is also included and the items that will be required and really clarifies that the City is not responsible for their driveway and will not maintain it, not repair or replace it or anything like that it is completely up to them and the HOA. Also clarifies that want to make sure that the driveways are built to the City's specifications so that if the Fire truck needs to go in there that the road will not be crumbling and they have agreed to provide core samples to confirm that everything is up to the right spec and have also agreed to put signs for no parking since that was one of the big items City Council discussed to make sure that in case of emergency the private drive isn't blocked. The private drives are 30 feet wide but even in addition to that the one side will not allow parking so think that will really allow good emergency access. Clarifies that the drive access to Craig Lane is actually something that because of the way that the intersections are on 2000 W would be preferable for the City to have them come off of Craig Lane there and of course will run with the land. so that is the bulk of the development agreement. Now think have covered pretty much everything and the Commission has a chance to comment on those 3 items and can answer any questions that may have.

[6:18:00 PM](#)

Commissioner Thorson stated he has never been involved in working out a development agreement that is kind of new to his experience on a Commission, is that really in Planning Commission's scope and that might be a question for the City Attorney. City Attorney Roberts stated it is part of the overall development, if there is something that gives them concern in there then bring it up and will get it changed if there is something in there that they don't like or something that needs to be in there. It is part of the Zoning Code so if there is something that is concerning to the Commission then can address it. Commissioner Rackham stated had mentioned the Fire Department had said the fire pit had to be a distance away from the homes, is there a specified distance. Planner Steele stated believes it is 25 feet but Deputy Fire Chief Hamblin can answer that. Deputy Fire Chief Hamblin stated it is 25 feet for recreational fires, 25 feet from structures and they do meet that, comment he added was the plat met that but plans were offset and wanted them to change that and make them match.

[6:19:42 PM](#)

Commissioner Vaughan asked staff about a statement in the packet on the conceptual theme board and the validity of the claim, that 'this may be a community that is a first in Utah to be a completely powered by solar' does that mean they are going to be off the grid and has staff heard anything like this or is there anything in the development agreement that matches a random statement just like saying they could 'conquer cancer', just don't like superfluous statements in a presentation. Planner Steele stated that is a good comment and maybe they can talk about and especially if the Commission is approving this theme and say that is what they are going to do, there has been a little bit of talk about that

and don't think that they would be the first community to do that but they will probably be able to talk to that better than he can. Commissioner Vaughan stated but staff has received nothing that would indicate that they are doing anything exceptional in regards to solar power. Planner Steele stated no, the way that solar permits are handled is after the initial construction they would submit a building permits for those but haven't seen anything specifically on the plans per se like location of batteries or whatever, don't know what all is involved in it. Commissioner Vaughan stated there is also a statement in regards that the HOA is reluctant to assume some responsibilities that have to do with amenities. Planner Steele stated where it said amenities in that paragraph where it was referring to the dog wash, children's playground, exercise stations being placed in open areas due to the discussion that the HOA had and the concerns that surround the liability and maintain of those amenities. The HOA came to the meeting when it was tabled and the Commission asked them if they would be willing to take the maintenance and were on board with the amenities and that they kind of didn't have a really good answer and so after that they met with the HOA again and said what so they want in there and guess they could have just removed that paragraph but maybe just added that for a trail of consciousness. Commissioner Vaughan asked if that point was addressed in the development agreement, in other words is this something else, a diversion from the facts. Planner Steele stated in the development agreement there is an area for the development plan, exhibit B, which will be attached to the development agreement all signatures that development plan that shows the amenities and that is what they will be tied to. Now the development plan will have the site plan attached that shows these amenities and they will be required to do what is on the plan. Commissioner Vaughan stated his concern on the HOA being reluctant to accept responsibility is have heard before at both in Planning Commission and City Council meeting that the HOA wanted to relive itself of responsibility for the park farther west of this project and is just concerned with the HOA getting cold feet over something that they have supposedly been responsible for some time and now are accepting this into their project are they going to get cold feet on this in 3 weeks and ask the City to take over. Planner Steele stated the City won't take over. Commissioner Vaughan stated is just wondering is there anything that can do to hold their feet to the fire so they can't even come back and say 'gee would like you to take care of this for us because don't want to do it anymore.' Planner Steele stated yes, that is what the development agreement is for, ultimately if they don't want to join Craig Estates HOA they will have to set up their own HOA and take care of it. City Attorney Roberts stated as far as telling them that they aren't permitted to petition the government for that sort of readdress, really can't do that, but it is very clear in the development agreement and will be a note on the final plat that it is not the City's responsibility, so anyone who is doing their due diligence when purchase a home in there will know that this is their responsibility and that the City can't be expected to take it on, no more than any other HOA that has infrastructure that they would like to give to the City but the City turns down those requests all the time. Commissioner Vaughan stated so they are bound to take over the amenities here and guarantee that they will be assumed by the HOA in perpetuity. City Attorney Roberts stated yes, unless the City Council decides down the road to take it on it they wanted to, can't stop that but the plan is set up as it is, they are responsible for it.

[6:25:42 PM](#)

Commissioner Vaughan stated on the map before them, might be a joint question for staff and for the Fire Marshal, in front of lot 414, there are 3 parking spaces and his question is, is that sufficient, if that is going to be parking spaces for guest parking, will there be sufficient room for a hammerhead turnaround for an emergency vehicle if those spaces are occupied. Deputy Fire Chief Hamblin stated the length of street to the dead end does not exceed 150 feet, so it is not required to have a hammerhead in there. Commissioner Vaughan asked if he was okay with that. Deputy Fire Chief Hamblin stated he is okay with that. Commissioner Vaughan asked if there was anything in the agreement in regards to who has use and access of those, are those strictly reserved for guests or can the people in 413 and 414 decided they want to park their camper in their year around because they have 3 vehicles plus an RV. City Attorney Roberts stated they don't call out who gets the spot, the HOA could probably divvy that out if they wanted to but essential would say it is private and it is not the City's business. Commissioner Vaughan stated so there won't be any, there will be the no parking fire lane, could that be a condition that they require that those be posted for guests only, to keep people from abusing the area, because the same thing they are concerned about having no parking fire lane on the inner circle. City Attorney Roberts stated believes Planner Davies added that to the development agreement, in paragraph 6 states 'signage shall be placed along the private drive prohibiting parking along the inside curb abutting the central common space in the development', so it is in the agreement and it is on the plans so it will be signed. Commissioner Vaughan asked who enforces that if it is on HOA responsibility, is that still something that the Fire Department will be able to go in or a police unit will be able to go in and see a vehicle parked there and cite or do they have to call up the HOA manager. City Attorney Roberts stated police wouldn't get involved in that unless there was some sort of public safety issue so if a fire truck couldn't get through or if there was a problem and the fire lane was blocked then the Fire Marshal would be able to go in and do that but police would not be policing the private driveway, that will be HOA maintained. Commissioner Vaughan stated his statement here is any vehicle parked in a fire lane is a public hazard to safety, period, if the Fire Marshal wants to overrule him on that but that is his feeling on that and think they need to have some teeth there to enforce that otherwise as soon as the word gets out that the City is just going to overlook it, go ahead and park, it is not going to mean anything. City Attorney Roberts stated the fire code has provisions for enforcement of fire lanes and that is applicable throughout the City regardless of whether it is public or private, so that can be enforced by the fire department. Commissioner Vaughan stated so if the department got a call or notification on it and they couldn't get it would be able to dispatch police at their request, okay. Is parking in a fire lane a towable, immediate towable offense or is that something that would give a ticket for and hope they move the vehicle sometime. Deputy Fire Chief Hamblin stated depending on severity could be towable if the owner is notified and can't be located it is a towable offence, it is kind of one of those that would hopefully be able to work with car owner and issue the citation if that is the case verses towing but it is a towable

offence if are blocking a fire lane. Commissioner Vaughan stated okay, if don't put towability, immediate towability into an agreement right now would they have the ability to come back and add that or is that something they should put in right now from day one. City Attorney Roberts stated that authority is derived independent of the development agreement so it is through the fire codes and through the City's parking codes, could have a section that says cars could be towed but don't know if that is necessary, the fire code gives the Fire Marshal pretty board powers to fight fires and keep people safe so is pretty comfortable with the fire codes applicability here.

[6:30:50 PM](#)

Mike Waite stated appreciate the time to come and visit with the Commission, this has been a long process for them and have probably seen more of him then they wanted to but appreciates the opportunity to work with the Commission and go through this process. They are excited to do whatever they need to do and make this a good looking, beautiful place to live for people. As can see they have gone through many different renditions of the plan and finally feel like they have got something that will work for the City, the community and for the residents that live inside of it and so just wanted to say thank you for the Commissions time and all of the effort that have put into looking at their drawings and coming up with ways that they can improve, so thank you.

[6:32:05 PM](#)

Commissioner Vaughan asked if anyone else wanted to speak on the project or any questions for the applicant, there were none. Stated it was open for discussion for the Commissioners. Commissioner Vaughan stated he will jump in with his, it might inspire someone else, he will be voting against this project. It is flawed, it has been flawed since the very first it was presented to them. There is an unacceptable distance between Jackson Court, 2100 W and 2060 S, it has been there from the very first day, it was discussed 2 or 3 meetings with the Commission, from reading the minutes even when the City Council had this come before them, the City Council commented that there were many Commissioners that voiced problems with this issue, things that would turn it down and yet they still went ahead and approved it. They noted there was one dissenting vote and that was the Chairman and is dissenting for the same reason that has from the very first day one and that is the distance between 2100 W and 2060 S does not meet statute. Like many other government functions and there is a checklist that go down, have to meet all of those conditions to be approved. Try telling that next time go into the garage to have vehicle safety inspection, have to pass all of the items on the checklist or don't get the sticker, can't pay extra to have them pass over one. Yet, they approved this knowing full well, clearly that the distance between those 2 streets did not meet the standard. That is the reason will be voting no against this.

[6:34:23 PM](#)

Commissioner Thorson stated believes when they amended the preliminary to the City Council made some statements regarding some of those flaws in the subdivision but like the concept still. In spite of some of those flaws, like the concept and voted in favor with some of the training they had last meeting if there are flaws that they cannot overcome through gray area, they should vote against like they did and is struggling to overcome some of those in gray area and that is the access. How can justify an access to an arterial road, are trying to clear it up, still don't think a trail is an access to an arterial road, an arterial road access is a road access. Is still unsure what where would land on this, do think that the City Council may need to vote on this, with or without a recommendation for approval, they could pass it on either way and they would be responsible to decide and be accountable in their elected position to decide whether they would find gray area or not. In his mind it is pretty hard to find a gray area in some of those things, even when talked about the access, said the City Council would like them to consider this as a 4th phase of Craig Estates which is changing one fatal flaw an access violation to adding to a Cluster violation, so that didn't really help in that sense. So acknowledge and respect that the Chairman voted against it for those reasons, previously thought because liked the concept maybe could overcome some of them with this training have had, may be going back, don't know but guess could be swayed if someone could describe a really good gray area and maybe that is one way.

[6:37:01 PM](#)

Commissioner Day stated he appreciates the applicants' patience and appreciate staff as have gone through this and issue they have spent many, many hours on this. Like the plan they are proposing and think it would be a great addition to community. Likewise recognize that there are probably some areas in the code that they are probably leveraging to their benefit, however does like the concept and think it will be a great addition, location wise it fits everything that they as a Planning Commission have talked about in terms of where they want these types of developments. With that think will be voting in favor of it but think it would be a great addition for the community.

[6:37:55 PM](#)

Commissioner Vaughan stated in regards to Commissioner Thorson, yes the applicant has worked very hard, they have gone through several iterations and drawing maps to present to them so acknowledge that on behalf of staff and sure that staff is very happy to have the current drawings on a regular basis for them.

[6:38:55 PM](#)

COMMISSIONER DAY MADE A MOTION FOR THE PLANNING COMMISSION TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE FINAL SUBDIVISION PLAT, DEVELOPMENT THEME DOCUMENT AND DEVELOPMENT AGREEMENT FOR JACKSON COURT, LOCATED AT 1958 S 2000 W. THE MOTION WAS SECONDED BY COMMISSIONER BINGHAM

(Commissioner Day asked if they needed to address the solar issue, is that going to get them into problem if this motion were to pass, if they really don't mean to do full solar. Commissioner Vaughan stated doesn't know if that would be such a good idea since they have a motion and depending upon what is said that could dramatically effect the motion maybe even cause having it withdrawn. Commissioner Day stated that is fine, just wanted to bring it up now, unless no

one else cares. Commissioner Thorson stated as part of discussion would like to address his thoughts on that, thought it was a non-statement, it was a sales pitch, didn't really say they were going to do anything, and it didn't really commit them to doing anything and it didn't restrict them from doing anything, it was blank paper to him, waste of black ink. Commissioner Vaughan stated as part of Robert's Rules says a discussion after a motion has been made is by the body anyway, so other than the City Attorney that is about the only person that can interrupt.)

COMMISSIONER DAY AND COMMISSIONER BINGHAM VOTED IN FAVOR. COMMISSIONER RACKHAM, COMMISSIONER MCCUISTION, COMMISSIONER VAUGHAN & COMMISSISONER THORSON NAY. MOTIION **FAILED** WITH A 4/2 VOTE.

[6:42:35 PM](#)

City Attorney Roberts stated they can have another motion if they want to have a motion to recommend denial. Commissioner Day stated they have to forward their recommendation. Commissioner Vaughan stated the Chair would entertain a motion in that regard.

[6:42:53 PM](#)

Commissioner Thorson stated he would like to make a motion, to make a motion that they deny the Jackson Court subdivision plan as presented, with the finding that it does not meet the code with regards to access. Can't say that the City deny it, would say that the City Council address it with that finding. Would make a motion that they forward to the City Council with the finding that the Commission has rejected the proposal based on the lack of direct arterial access. Doesn't want to recommend denial, doesn't, like it but it fails the test in his mind. Commissioner Vaughan stated what might be easier is if he said, and not trying to influence him, but that the motion is that they deny it and send it to the City Council.

[6:44:10 PM](#)

COMMISSIONER THORSON MADE A MOTION TO DENY THE JACKSON COURT FINAL PLAT AND FORWARD TO CITY COUNCIL WITH A RECOMMENDATION TO ADDRESS THE COMMISISONS FINDING THAT IT LACKS ARTERIAL ACCESS. COMMISSIONER RACKHAM SECONDED THE MOTION. COMMISSIONER RACKHAM, COMMISSIONER MCCUISTION, COMMISSIONER VAUGHAN AND COMMISSISONER THORSON IN FAVOR. COMMISSIONER DAY AND COMMISSIONER BINGHAM VOTED NAY. MOTION **PASSED** WITH A 4/2 VOTE.

[6:45:01 PM](#)

5. **Adjourn**

COMMISSIONER DAY MADE A MOTION TO ADJOURN. COMMISSIONER RACKHAM SECONDED THE MOTION. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY. MOVED STRAIGHT INTO WORK SESSION.

Ralph Vaughan, Chairman

Date Approved: _____

Stacy Adams, Commission Secretary