

Minutes of the Syracuse Planning Commission Work Session, November 1, 2016

Minutes of the Syracuse City Planning Commission Work Session held on November 1, 2016, at 6:00 p.m., in the Conference Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members:	Ralph Vaughan, Chairman Dale Rackham, Vice Chairman Greg Day Curt McCuiston Gary Bingham
City Employees:	Noah Steele, Planner Paul Roberts, City Attorney Stacy Adams, Commission Secretary
City Council:	Councilman Gailey
Excused:	Commissioner Thorson
Absent:	Councilman Moultrie
Visitors:	TJ Jensen

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1. **Department Business:**

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a. City Council Liaison Report

Councilman Gailey stated was involved with a group that is investigating some development along SR-193 and in that discussion one of the questions that was raised at that point in time was the Architectural Standards for development in that area. One of the things that was shared with them was that they felt like maybe those that were in that setting after listening to that presentation were concerned about the Architectural Standards that had been set that are governing this area and are concerned as a group of wondering whether the percentage numbers and the materials and things that are called out in that standard are marketable in the current market place they are in and are being told that they are not. After bouncing this off the other members of the Council would like to ask the Commission to do a review of the Architecture Standards in the Industrial Zone. Would like the Commission to take some time and look at that and look at the marketability, are not sure whether there needs to be changes made but would like more opinion than just those that were in that room. Has surveyed the Council, the Council is in agreement and would like have the Commission's input in looking at that again and make some recommendation to the Council about the Architecture Standards in and Industrial Zone. There may be no changes, that may be, but are being told by this group that what they would chose to build there is not marketable and just want to make sure that are in touch with what the market bears and what the Commission's feelings are in relationship to an Industrial Zone.

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b. City Attorney Updates

City Attorney Roberts stated he wanted to give heads up if weren't already aware of it at the last Council meeting they also approved an Annexation Agreement. In the agreement with Woodside and will be talking a little bit about Woodside later tonight, there is a pretty aggressive timeline on Land Use Application review and so just to let the Commission know about that. As they know with the new zone there is a different procedure that was being adopted along with it where the General Plan Amendment and some Concept Reviews would happen at the same time and then in a separate application which would come after would have a Preliminary Plat and Zoning at the same time. That gives the City some assurance that they will build what they are asking for in the Zoning because will have the Preliminary Plat to show what are actually getting but it gives them the benefit of having a little more accelerated development schedule. Under the Annexation agreement though the Planning Commission will need to render a recommendation and don't say what recommendation they need would just like a final decision on the application by December 6th would be the General Plan and Concept Review. Know that the Commission is in a position where don't even have that application before them and how can they act so quickly, think what the Council would do is they would support if would want to have extra meetings or have longer meetings, they would support that with staff and whatever would need to make sure get that done. For the Zone Change and Preliminary Plat that would be a deadline of January 3, 2017. So, it is a major undertaking but think that the Council sees a pretty big benefit in that project for the City and of course reasonable minds may differ on whether or not that is actually true or not but what are asking the Commission to come to a decision by those dates. It is in the Annexation agreement, failing to do that would potentially breach that agreement so would recommend that the Commission make that final Land Use decision when it comes before them by that date.

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Commissioner Vaughan asked when the first presentation of Woodside would come to the Commission. City Attorney Roberts stated will have some initial information now, later in this meeting and are expecting that the application will come up for a public hearing on December 6th. So really it is a matter of, but will make sure get the information out to the

Commission as quickly as possible and let's stick with it and get a decision during that meeting. Commissioner Vaughan stated he knows this isn't a labor dispute but could they get permission to lock the doors, just in case they have a long meeting, in fact would act the other Commissioners to possibly prepare for December 6th being a long night if necessary, this is an aggressive timetable and think they will want to do their best to assist the City Council in getting through this. City Attorney Roberts stated thinks as long as figurately locks the doors and not literally so can keep an open meeting by State Law that is the key. Commissioner Vaughan stated it is the thought that counts.

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Commissioner Rackham stated has a comment on this, one of the things they are being asked to do is review a new subdivision that doesn't have an ordinance yet, looks like it is supposed to be reviewed and voted on November 14th so when would they expect to get a copy of that. City Attorney Roberts stated they are expecting the Council to stick with it and hammer it out that evening so can **commit that will email a copy of that to the Planning Commission as soon as it is passed**. Planner Steele stated yes, that is fair. The reason why they are not seeing it until December 6th is because the Zone doesn't exist yet so, have to wait until the Zone exists and then they will apply for it and that will make it through to them.

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c. Upcoming Agenda Items

Planner Steele stated have received an application for a Site Plan for Utah Onions Phase 2, if remember recently approved a site plan for their warehouse and they have built that and they are continuing their expansion. Of course, have the Code Amendments that will be reviewing later in the meeting and need to decide if will be having a meeting on November 15th and will leave that up to the Chair if they want to do that. The reason why grouped the Ordinance revisions tonight is just because they were piling up and want them to be able to focus on Woodside and try to get those out of the way of possible. That is what is coming down the pipeline that has officially been applied for.

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Commissioner Vaughan asked the City Attorney about the item that Planner Steele brought up, they do have Utah Onion set for a hearing at the next meeting and because they aren't going to be discussing tonight an issue that might affect them dramatically is wondering since they can't pass anything tonight. Planner Steele stated they have already applied and so the ordinance that is in place right now they will be subjected to, if they want to come in later and apply for a Site Plan Amendment they can do that. The projected date that will see Utah Onions is on December 6th as well because they have to go to Architecture Review Committee on November 7th so that will put them back to December. Commissioner Vaughan asked if can schedule these items in order that would make it easier for Utah Onions should the ordinance be relaxed a little bit in their behalf, would hate to have their project go through and then all of the sudden they change the rules after they have already left the room. Planner Steele stated is he asking to wait to process their application until the rules have changed. Commissioner Vaughan stated he was just asking to have them on the agenda so they would appear after they have the review of the ARC code. Planner Steele stated he thinks they may just prefer to move forward because that would put them back a little bit with the holidays. Commissioner Day stated maybe they just need to make sure that they are aware that the ARC is being looked at so they can make that decision verses the Commission telling them what to do. Commissioner Vaughan stated knows exactly what he means and that is what going to be his comment to this, is sure Planner Steele has been in contact with the Utah Onions quite a bit so in their informal discussion feel free to let them know exactly where they are and what is coming down the pike. Planner Steele stated yes sir, they plan on, they would like to just keep moving as quickly as possible so think they will probably go through the Site Plan Amendment process if want to.

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2. Discussion Items:

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a. Woodside Development

Planner Steele stated Woodside development have already spoken about this but wanted this to be on the agenda so can start talking about this and in the packet is the Concept Plan. Obviously, they have been Annexed in to the City and there is a development agreement and the dates for the timeline to keep moving it forward. The City Council Annexed the land on October 25th and Woodside has submitted an application to open the General Plan during a closed amendment period so that is done. On November 14th, the City Council will consider the new Zone and open the General Plan. On December 6th, the Planning Commission will look at that Concept Plan and General Plan Amendment to the new Zone and that sent a recommendation to City Council on. On December 13th, City Council will look at the Concept Plan and the Planning Commission's recommendation for the Concept Plan and General Plan Amendment. On January 3rd will be moving onto the Rezone and Preliminary Plan stage and of course will forward that recommendation on to City Council for their review. They will work on the Final Plan which will probably be a phase on the eastern portion of the development. The Concept Plan is included in the packet, will notice the 3 different colors, a darker brown, orange and yellow. The actual densities will be determined by City Council and what they allow in the zone, they have obviously taken into consideration the Planning Commission's recommendations. There is also on the south west corner is the 50 acres with a loose conceptual plan, the purple is the School District property that is not part of this project but it will be an integral part of the neighborhood. What is shown in white is the existing Still Water Cottages and on the east of that is a section they would like to continue the same type of development because that has been selling really well. As they come across the County culvert next to the proposed freeway they plan on having the highest density homes, everything in the development is proposed to be single family development and are proposing a clubhouse. There will also be a local

collector road that goes all the way through and have agreed to build half of the road there on 2450 W near the City shops which is on the Transportation Master Plan as needing to be done and they would be required to do half of that and have also agreed to improve the 2000 W and Gentile on their side of the development so that will help improve that facility. There is a sewer easement and are proposing a trail along that easement on the backs of the homes in between the lakes and the homes. That is an overview of the general concept plan that will be seeing shortly.

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Commissioner McCuiston stated it looks like they have increased the lots about 50 from the previous plan they saw and lost a clubhouse or park element that was in the north-western section of the plan. Planner Steele stated they originally had a clubhouse in that quadrant and what they did was they enlarged the clubhouse and open space area and consolidated it into one and they have a maximum of 700 units. Ultimately, City Council in the development agreement will dictate the density and the units but have an opportunity to provide input on the general layout of the concept, the roads and even the location of some of the different land use categories. One thing that are working on in the new zone having a minimum distance for all homes within the development so they have equal access to open space.

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Commissioner Vaughan asked on this project, normally the packets are available on Thursday or Friday before their meeting because this is such a complex project would there be a possibility of this at least this portion of the agenda being able to be sent out to them at least, maybe a week in advance so have a chance to relay study it. Think one of the things that helps with this aggressive program here is that they have more time to study it and give a better chance to feel good about the project. Planner Steele stated absolutely, that is a great recommendation and will get the packet out as soon as possible. Commissioner Vaughan stated he recognize that applicant across the board sometimes wait until the last minute, staff tells them when to have their documents in so can make the agenda and is just hoping with this one that they might not wait until the last minute to get something sent in. Planner Steele stated where staff has been working with the applicant for so long on this one don't think there is any excuse for being late here. Commissioner Vaughan stated if could get out a week in advance that would be fabulous, this item only, not saying the whole agenda but at least this one. City Attorney Roberts stated does not anticipate that they will be making any changes to this concept plan so are probably are going to be reviewing this very concept plan on December 6th, so start letting those ideas percolate at this point and there might be some minor changes but is anticipating pretty much same concept.

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b. Subdivision Approvals Training

Planner Steele stated this next item is a refresher/training course for the subdivision entitlement process they see a lot of residential subdivisions and knows there has been some confusion in the past and sometimes staff doesn't do as good of job as should in explaining the Planning Commission's roles and duties and so wanted to just revisit some of these and if it is a refresher, just take it as that and if it is new information please feel free to stop him and ask questions. In ordinance 10.20.140 there is a table of procedures and processes, it explains who the Advisory body is, the Land Use Authority and the Apelet body. For example, the Conditional Use Permit the Planning Commission is the Land Use authority for those applications and also for Site Plans, like Utah Onions, the Planning Commission is the Land Use Authority but for Subdivision applications and plat approval Planning Commission is the recommending body and City Council is Land Use Authority. Each one of these decisions are either a legislative or administrative and as City Attorney Roberts recently talked to them about the Legislative decisions like the Rezone or the General Plan, those are the ones that are more fluffy, more theoretical and can say no because think it is not the right time or not right for the City it doesn't have to be a scientific reason but the Administrative like a Preliminary Plat approval or a Major Conditional Use Permit. That is where dot the l's and cross the t's, it is a precise and the rules apply to the current step in the process at hand, so knowing that role and capacity in which are acting is empowering as go through the process, sometimes are an advisory body and the recommendations give are non-binding for the applicant and sometimes the land Use Administrator role is even given to staff, like the CED Director. The Land Use Authority of course is the person or board that has the authority and can act upon and has the final say. The Residential Subdivision process table shows the steps and the first step is usually that they need to change the General Plan and that is a Legislative process. So, the developer fills out the application, pays the fee, comes to the Planning Commission and can look at the big picture and give a positive or negative recommendation based off a lot of different things the Planning Commission feel is best for the City. After the Planning Commission meeting the developer will go to City Council and they are the Legislative body and they make the rules and will have the final say and can follow the Planning Commission's recommendation or they cannot and that is okay, they can also look at a wide variety of things as well. After that usually they need to do a Rezone, the ordinance requires that the zoning match the General Plan and 90% of the time that means that they will have to change the General Plan and the Zoning but occasionally the zoning will already be exactly what they need and they won't have to go through this process. So, for a Re-Zone it is the same thing, fill out an application, goes to Planning Commission and then goes to City Council and that is also a Legislative decision. Then a Concept Plan is a staff level review, the developer fills out the application, pays the fee and have what is called the DRC, Design Review Committee, it has Planners and the City Engineer and Fire Marshal and will meet with the developer and will give a preliminary evaluation of the concept and how that meets the ordinance. Now the CED Director is required by ordinance to give a report to the City Council whenever that DRC Committee meets so they are kept in the loop. The next step is Preliminary Plan which is an Administrative decision, there is an application and fee and it comes to the Planning Commission and of course staff gives a report and review of the information and occasionally an ordinance may be interpreted in multiple ways as to what is required as have seen and ultimately the Land Use Authority, the City Council in this case, will make the final decision on how an ordinance is interpreted. It is okay for the Planning Commission to give approval with conditions or table or get

more information on or recommend denial if it doesn't meet the ordinance. So, either way it is okay to give denial, just have to make sure are acting in the right step and looking at the ordinances for that step. After Preliminary Plan at the Planning Commission it goes to the City Council and the City Council will look at the staff report and the Planning Commission recommendation and they are also limited to base their decisions off of the Preliminary Subdivision ordinance only. Sometimes the City has buyers' remorse on what have done in the General Plan stage or Zoning stage and that is where can get into trouble if transfer buyers' remorse onto an Administrative decision because at that point have already given them that use and so if try to find things that aren't there that can be trouble but if find something that is there that is grounds for denying something and that is okay and that is what our job for. Final Plan is usually just for the final phase of that application and same drill, the developer fills out the application, pays the fee, goes to Planning Commission and then staff provides the report and the Planning Commission evaluates whether the application meets the requirements for that stage so Final Plan only, can't go back to the Preliminary stage of things that have already approved. Once the Planning Commission gives a recommendation and they go onto City Council and then City Council can approve that. So, that is a summary basically of those 3 steps Concept, Preliminary and Final, the application when it comes in is sketchy it is okay to have lots of revisions and ask the developer to change things as needed but then once it gets to Preliminary it is the only step that it goes to Planning Commission and City Council where the whole development is considered and are looking at all of the things like streets, lot sizes, make sure are what are according to what the zone allows, densities, utilities, dimensions and also the phasing plan, this is a formal approval and once the developer has an approval on the Preliminary Plat, they are vested on that particular layout and has good faith in moving towards the Final and the Final are really refining the Plat and the main objective of the Final Plat is to prepare that legal document that gets recoded at the County that enables them to really sell the lots and so are making sure that each lot has good addressing and are refining the construction documents and plans and tying up any loose ends. That final approval is just for that phase and based only on the Final Plat ordinance so can't go back to Preliminary ordinance there. That might bring up the question of what if we miss something, can they go back and make it right and the answer is a big fuzzy 'it depends', so if it is a Legislative decision as they see the laws change all the time, zoning could change it back if don't like it as long as there isn't a development agreement in place and the City has gotten into the habit of doing a development agreement with Annexation which has its positives and negatives and sometimes locks the City into a zoning and might have buyers' remorse there as well occasionally, but either way it doesn't matter because that developer has the agreement and they have the right to move forward with that, with those assumptions. If it is an Administrative decision and give Administrative approval, that applicant is vested as to what is approved at that stage and that ordinance but there is an exception if it is for example like a staircase or ADA ramp or something that is related to the safety and welfare the Building Official can make them remove or fix it but the argument has to be defensible that the City is exercising its power to protect the people and it has to be proportional to the risk, related to what is overlooked. Ultimately all want to have 'street cred', credibility and want people to believe us when say something or make a recommendation and so think we can all work together to boost that and have that quality of being trusted and believed in, are always learning and progressing and think together all have the common goal and know it is all for the future good. Ultimately they raise concerns with plans and things because are trying to make the City a better place, is personally invested in making the City of Syracuse a better place and know they are too and know is not perfect and so just move forward and hopefully this training was useful and if anyone has any questions now is the time. City Attorney Roberts has some case studies to share and is ultimately is here to reduce the risk as a City and lawsuits and there are some examples where cities came out okay and not okay.

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City Attorney Roberts stated just wanted to pull up some examples of case studies of what cities did and what happened. Picked a couple cases dealing with legislative decisions just to let them know how strong are as far as a legally defensible position if it is a legislative decision. One case was a 2010 case, Peterson v. Riverton City and in that case a developer purchased some land and in talking to some city staff and officials and he was under the impression that his rezoning request from R-2 to R-3 which would have made it from 1 per half acre up to 3 per acre that it would be approved. The Council ultimately, residents came out and opposed it and the Council decided to reject that application so the applicant sued stating there was no good reason for it and that he had been told that it was going to pass and that they were being on all these inappropriate things. The Court said the decision is going to be upheld if it is reasonably debatable so if 2 people can look at the issue and if 1 person can plausibly say 'think can deny it for x, y, z' whatever those reasonable reasons are the Court is not going to overturn it. In another case this is back from the 1980's, Smith's Investment v. Sandy City, there was a big parcel that was annexed into the city in the 1960's and they were going to build a big mall there, they built part of the mall and didn't finish it and 20 years went by and the City did a new study of the area and decided that they wanted to have some residential in that area rather than commercial. So, over the property owner's objection the Council rezoned the property and down zoned it to residential from commercial, they brought suit and said can't so that since they didn't make the request and can't just down zone their property, it reduced the value of their property and they had an expert that came in and said that they had probably reduced the property value of about \$80,000 which in the 1980's was a little bit more money even than it is now. Again, the Court looked at it and said they didn't have a right to continued zoning, if build in a city know that they can change the zoning whenever they want. Those 2 cases bring up because if want to have a very, very defensible position take a stand at the Legislative stage so if think something might be a bad idea or think a specific use would be a bad thing deny the zoning because that is when have the most power as far as the City being able to defend it. As an example of a City that did things wrong, might have heard of Tooele and their problems, maybe about 10 years ago a case came to a head but came back to a development agreement that was signed in the late 1990's with the Overlake subdivision, it was a humungous subdivision, the city and the developer had all these agreements and they were vested as to significant residential development. Essentially there was a change in elected officials and the city's stance on being development friendly changed, that is what the jury found

anyway because this case went all the way to a jury trial and the jury found that Tooele City had breached that agreement and the city is in debt to that development to the tune of about 27 million dollars and Tooele is not a huge city so that is a significant, that was a big issue there. Again, if are going to deny something, do it at the Legislative stage and then even if have a turn over or a change of heart, if they have vested rights just have to defend those vested rights because if don't always ends up bad, they have really good case law on their side and have very aggressive attorneys who will pursue those rights, when they have vested rights they will defend them. So, those are the 3 case examples if are going to oppose something, do it at the Legislative stage.

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Planner Steele stated now with this Woodside development the process of this new zone that is proposed is to combine the General Plan and Concept Plan so it actually becomes more of a Legislative decision empowering the City to be able to be in the driver's seat.

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c. Code Amendment – Setbacks on Widened Streets

Planner Davies stated per the citizen who spoke during the open comment session, she is kind of the reason this has come to where it is now, actually started working with her close to 6 months ago and she initially requested a variance and staff told her that what she was wanted to do as she explained it that it probably wouldn't meet the criteria for a variance however that doesn't preclude her from applying for one. In the meantime, tried to set up a Board of Adjustment and so that hasn't been successful and have been looking at other options and this was one that was potentially proposed as part of this code if part of the South Salt Lake code and then also added a section, and is not asking for anything to be approved tonight, just basically to spur some discussion to see if this is something even want to pursue. Do have the nod of the City Council on this so they were gracious enough to take some time to review it and see if it was something they wanted staff to look and said they would be interceded in that. Essentially to explain where this comes from, for all of the City's arterials have a lot of historic properties that were built on these arterials, there are several, of course would like to go through and do a count but didn't have time to do that but as Mrs. Johnson mentioned earlier the home they are talking about was built in 1929 and there are quite a few historic properties like that and those were generally either subdivided off of original farm plats or they were part of a larger farm property. So, if look at the way that those farm plats are set up historically, the property lines go to the center of the right-of-way and can still see that if look at parcel maps now, there are still some properties that haven't been subdivided recently, recently being in the last say 30-35 years or so and their property lines do go to the center of the right-of way. So technically they own part of the road and that is taken care of in most cases with the roads by UDOT but do own some of those roads as a City. As development continues out here are going to need to increase road capacity, so 2000 W is a good example of that, UDOT did buy some homes along 2000 W but have also had to encroach into some properties particularly if go west and north of the High School on the west side of the road there are some historic homes there and have to take more of the front yards. The situation that has created sometimes if have these legal non-conforming situations, meaning that the house when it was built it was legal and conformed with everything and it is essentially the situation around it has changed that it doesn't conform with the current zoning code as is the case actually with this house, should say assertively that is the case but measuring on Google earth it was close to the setback and looked like it may have encroached into the front yard setback. What South Salt Lake has done is to avoid having to go through a whole bunch of legal non-conforming determinations where a property owner comes in and asks the Planning Commission or staff or whoever the code determines to be the Land Use Administrator on that to basically say yes, those homes are legal non-conforming which means that let's say have damage to the home that they can fix it basically without having to bring everything totally into conformity with the current code. This goes a step further than that just because again have been working with Mrs. Johnson trying to figure out a way that she can do what she wants to do again as a City because of code changes and Legislative decisions this is not something are obligated to do and are here to look at whether it is a good idea or not. If it is not a good idea have no obligation to the citizen and don't have to say yes to anything. What has proposed is based on the smallest front yard setback in the City which is currently 15 feet, especially where these properties are located on larger roads that it would not be wise to go smaller than 15 feet, so essential what this code would do is says 'if live on a road that has been expanded and property line is now closer to house than it used to be before the road was expanded, recognize that it is a situation that the property owner did not initiate', so because that is not a self-generated hardship this again goes a step further to say that can measure the front setback regardless of the zone from the front property line 15 feet instead of the standard because again part of their front yard has been taken. So, that would allow situations like being able to put a porch for example or could add onto the front of the house but essentially that is kind of where staff is with it. Would like the Planning Commission to discuss first of all, is this something that feel like would be a good idea for the City to allow a reduced setback in a front yard where the yard has been encroached upon by a road.

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Commissioner Day asked why the City does not have a Board of Adjustments and it might be out of their hands but it seems like the perfect application for a Board of Adjustments. City Attorney Roberts stated they currently just don't have the staff and are seeking to reconstitute it but just don't have people on it now. Commissioner Day stated it isn't a decision by City Council not to staff that. City Attorney Roberts stated they are working on it, it is a lack of applicants and think have had 1 applicant and have been advertising for about a year. Planner Steele stated could either just change the ordinance to address the issue which thinks is what have been doing and don't think it makes sense to change the ordinance for just a singular case that comes up every now and again, it is really staff intensive and resource intensive for all of us so, would love to get a Board of Adjustments set up but until then like the City Attorney stated until then have been entertaining everybody to try to change it and think Planner Davies has a good point though with the number of

homes that have been built on arterials this probably will come up again and it is probably a good idea to address. Commissioner Day stated the other comment he has is do they see it, it is one thing with the front of the home the forage or a portico or whatever, what about a garage, do they see situations, can think of one example that recently came forward that is over off Bluff Road where it is a self-imposed hardship where they built an accessory structure with a pool and put it within 10 feet and now can park a vehicle there so that is the other concern would have is are these only happening in the front yard because that is something would be very on board with but in front of a garage would need at least 18-20 feet, does staff see that at all on these. Planner Davies stated personally this is the first issue that he has seen with this exact issue where the road is widened and is now encroaching and is causing problems but this would only apply to front yards. Commissioner Day stated for example if it is a historic home many of them probably don't have an attached garage and they might want to add a garage to it, if want to line up with the front of the home and were to put it at 15 feet behind the sidewalk that would mean if they were to park a vehicle not in the garage, it would hang over into the sidewalk which would be counterproductive. Planner Davies stated that is a good point, do have a code that requires the driveway to be that 20 foot distance so if someone were to put in a new garage then they would have to meet that code. Commissioner Day stated they could set it back and easily remedy that by moving the garage behind the front of the home. Planner Davies stated and could also if want to entertain the idea of the 15 foot setback could state that is for dwellings only and that the garage would have to be setback a minimum of 20 or 25 feet or whatever, the standard setback. Commissioner Day stated typically there is a 10 foot public utility easement behind the sidewalk so would get behind that are probably okay, so would be on board with adjusting the front but think the garage might be a different scenario, preference would be to have a Board of Adjustments but if that is not the case think that is the route that would prefer to go, to have a garage at one setback and adjust the front setback separately.

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Commissioner Vaughan stated to refresh everyone's memory on setback is from the closest permanent attachment of a building to the street or would that be from the major wall on the front and his hypothetical would include, let's say someone had a Craftsman style home and wanted to keep it in typical fashion of Craftsman style, which typically have very, very large front porches, half walls or open so just basically a covered porch with a couple pillars, sometimes those Craftsman style porches can extend out quite a bit so if are taking a setback from the front wall, the major wall they could have a 15 foot front porch. Planner Davies stated the way staff have been reviewing the building permits is that essentially that if there is something that has a footing whether it be a pillar like a post that would support a porch overhang or a cold storage area underneath the porch anything like that would consider that to be part of the house, if it was just a concrete slab that is uncovered or covered by something that is cantilevered from the setback that is fine, but if it has a footing essentially would consider it part of the foundation and couldn't be in the setback. Commissioner Vaughan stated so someone could have a dramatic Craftsman style corbel. Planner Davies stated essentially as long as it was cantilevered, would look kind of strange but. Commissioner Vaughan asked if poured concrete steps would those be considered a permanent structure or would that just be decoration. Planner Davies stated those can go within 3 feet of the property line. Commissioner Vaughan stated know it is not on the radar right now, they recently had a speaker who indicated 700 S and all know where that is and all know that something might happen up there in the next couple years or so, but what about 2000 W south from Antelope, believe that is on the 5 and 10 year plan for UDOT expanding that out to possibly the same width as north of Antelope and saw a recent map that UDOT published on that. Would think that if they were to widen south of Antelope to the current width of north of Antelope are talking about maybe 40 homes that might be so effected. Planner Davies stated probably, haven't counted them himself but if drive down the road there are quite a few historic homes down there. Commissioner Vaughan asked if they would be using this as a suggestion or just a benchmark because it is the lowest setback right now or if they were to change part of the ordinance code and let's say they had a 5 foot setback which maybe on the horizon somewhere in the City in the near future would that be the number they would use as the base. Planner Davies stated no would just suggest the 15 feet because for single family homes on a public street that front onto a public street like that that would be the minimum they would recommend would be the minimum because that is what currently have and again where they are these high traffic roads it probably would be helpful to talk to the City Engineer but if there are any other issues there but any closer than that at least, doesn't have data to back it up, but it does seem like it is pretty close. Commissioner Vaughan asked if there would be a historical clause saying that this only applies to structures built before Tuesday or would this be for all structures period. Planner Davies stated the intent of the code is essentially for example a recently approved Jackson Court, they are building a house on 2000 W, if they finish construction on that home before 2000 W is widened at that point and it is widened and now that house is not conforming, this code would apply to that house because it preceded the road widening, regardless of how new the house is, if it older than the road widening then this code would potentially apply to them. Planner Steele stated ultimately it could be whatever the Planning Commission wanted, that is why are talking about this, if want it to apply to historical homes only could do that, think the intent is to watch out for the people that get their front yard clipped off from road widening projects and it could be applicable to whatever want it to or down to whatever they want. Like Planner Davies suggested on arterial roads wouldnt suggest having the structure too close because of noise and pollutions and safety and all of that but see it all over the Country where roads sometimes are zero setbacks but generally on an arterial road the more separation can get between the traffic lanes and the house the better. Commissioner Vaughan stated because Syracuse is such a young community probably haven't had that much effect on us but what about some of the other communities in Davis County that are more mature than us and have widened more streets than us, are there any general numbers that have been used by them. Planner Davies stated in looking in other codes there isn't any code like this that exists in Davis County that was able to fund. The South Salt Lake code is the one that was directed to and that one doesn't give a minimum setback it essentially says if the road is widened then would be legal non-conforming and would not have to have an actual determination by a Land Use Authority that are legal non-conforming, so basically saves the City a step in

that case. Again, the 15 foot thing just throwing that in there to say let's talk about it, don't have to do that, don't have to do any of this it is just basically just a discussion to see if this is a good idea or not. Planner Steele stated also could look at adjusting the actual setback which applies to the structure or could also look at eliminate just to encroachments that would be applicable to things like stairs and porches. Commissioner Vaughan stated he appreciates Planner Davies last statement about them plowing the new field or being the first tractor in the field.

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Planner Davies stated before he drafts anything up if he brought back this same thing is that something that is going to cause issues or do they want to make any changes essentially before brings back or have further discussion about it. Commissioner Day stated he suggests that they include something for garages just so don't run into the situation for cars think that is a real scenario, Eagle Mountain would be one to look at. Planner Davies stated okay.

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d. Code Amendment – ARC Standards (Industrial Only)

Planner Steele stated ordinance revision proposal Architectural Standards this is something that Councilman Gailey mentioned briefly. Earlier this year the Architectural Standards for Industrial buildings were amended to be more stringent, requiring 25% brick, rock & stone on front and side facades of a building, the new ordinance is now being put to the practicality test with a future applicant. The applicant is giving feedback that the new standard will make their building too expensive for the end user which they always say that but are entertaining them and says will affect the ability to attract tenants because it will be too expensive. Has petitioned the Council and has found a listening ear as the City greatly desires to increase its daytime population and number of jobs for residents and would like the Planning Commission to look at ways to loosen the standards slightly. Currently the ordinance says, just for Industrial buildings, that the primary materials, 25% of the front and street facing exterior walls must be finished with brick, architectural block, stone or glass, unfinished grey concrete block is not permitted. The use of non-insulated metal siding exclusively on any wall is prohibited, so that would be like the old shops, plain jane insulated siding. All finished materials shall be durable to the effects of weather and soiling. So, a potential amendment and want to get the Planning Commission's input of whether think should just hold true or how want to look at this but an idea is that similar to the way that approach cladding requirements for homes. On the front of homes have 1 standard and when it is a side or corner then have a lesser standard so could do something like that instead of just doing 25% off on both facades. So, it would be 25% of the front facing exterior walls and 5% of the street facing exterior walls must be finished with brick and then adding additional material, called concrete form liner, it is an particularly this is for tilt up concrete buildings, they pour all the cement and then tilt it up but when they pour it down they can put a texture or mold that is placed in there before pour concrete that looks just like rock or stone or whatever so it gives a similar effect as what are going after in adding some variety.

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Commissioner Vaughan stated his thought here is that the opening paragraph says that they would like them to cut back, but what has been proposed there in red, adds on, it makes it even more expensive, if are having the existing 25% having that and adding another 5% to the side. Planner Steele stated it issued to be 25% of the front and street facing so the street facing would be 25% and the front would be 25% so now are reducing that 20% on the street side. Commissioner Vaughan stated somehow is misreading this because everything is exactly the same the first line of the old and the new. Planner Steele stated another way of reading it or interpreting it that 25% combined on the 2 faces.

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Planner Steele stated the intent is to loosen the standards, but that is another way could look at it is say combined 25%. Also, to help define, because the topic came up, large expansive of precast concrete including cast in place concrete, tilt up panels, metal wall panels or other uniform material must be broken up with pop outs or recesses protruding at least 4 feet from the wall plane. So, before the pop outs were not defined as what that meant and the applicant showed staff some proposed building facades that have a 6" pop out that doesn't really provide much effect so wanted while were loosening the primary wanted to tighten that up while we're at it, but that is also optional of course. Commissioner Vaughan asked if were just adding a cut in, in addition to a pop out. Planner Steele stated recesses were already there on the list but are just defining what a pop out or recess is as being at least 4 feet and that 4 foot is also can be changed to 2 feet or 3 feet or 10 feet or whatever and that was the applicant's complaint too is what was the 25% based off of, where did that come from, a scientific study and there wasn't, there was kind of an eyeball test that landed in between what have on homes and what see on a lot of buildings. The building that the applicant showed staff had 10% glass and 5% brick and it was okay and their point also was that there are so many variables in to building an attractive facility, the maintenance and the landscaping and the overall architectural form and the roof lines and things like that and while do have a lot of power in ensuring that have a good product, ultimately there is a lot of responsibility and power in the actual land owner and architect and who they hire to design, can't design through an ordinance it is really hard to vicariously do that but this is an attempt and so want to get the Commissions input on how to move forward on this. Commissioner Vaughan stated the 2nd paragraph where talking about pop outs and recesses, recesses are more expensive to build and poured concrete than a pop out, just a construction known, just costs more. If someone wants to add a recess that is fine because it still breaks it up but is just saying that a recess costs more than a pop out because a pop out doesn't have to go full height where a pop in does. Planner Steele stated also stated or changing color and texture every 100 feet and the applicant is proposing painting it every little bit which helps but ultimately it is still a flat face so staff is always going to push for the higher standard but don't want to push so hard that end up with really high vacancy and this is a spec building and this is different from a normal commercial building, the square footage is much higher and is a flexible space and with the EDCUtah they send out occasionally requests for information for different cities and ask for different projects and give basic info on the company and number of jobs and size of the facility needed and are looking to

go to facilities that are already built, so it is really good news that have someone who wants to build a spec building within our community because that means will get jobs. So, there is a benefit and don't want to lose an opportunity but also want to hold good standards.

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Commissioner Vaughan stated thinks if they have a request, a valid request think they need to examine it very closely. Commissioner Day asked if there was a way to get a picture as they progress on this, so can understand what 5% looks like verses 25%. Planner Steele stated yes. Commissioner Day stated street facing would be sort of like on a corner. Planner Steele stated he can pull up Google Earth and can show the Commission what they would like to build. The building shown is 5% is on the columns and so it would be 15%, so the other option would be to just lower the percentage. On the sides of the buildings have pop outs that could still require. Planner Steele stated some companies come in and have a have office space in the front and warehouse in the back. Have nice landscaping in front and do have some brick, rock and stone on the columns but the rest is a tilt up building. Commissioner Vaughan stated those are expensive. Planner Steele stated they are happy to do something nice like that but were just really getting hung up on the 25% and the fencing requirement in the Buffer ordinance which we'll review later. There are so many variables to make it an attractive product, so ultimately can loosen it up or hold strong.

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Commissioner Bingham asked if this complaint as coming from more than one person or several. Planner Steele stated just one, so don't know if someone else is going to come along and not have a problem with it, but are very serious and know that when talked with Ninigret they have people who come through and inquire about the property just don't always know the reasons why they don't chose to proceed and it could be because of the standards. Commissioner Bingham stated his initial thoughts would be in favor of making it easier for small businesses to come in and maybe provide some incentives for them and make is easier for them to build their building so would be good with what have proposed or maybe even reduce it to 20%.

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Commissioner Vaughan stated is sure if Costco wanted to build something up on SR-193 would find a few gallons of paint. Planner Steele stated if Costco wanted to build on SR-193 would let them build whatever they want, just kidding. Commissioner Vaughan stated personally is very amenable to anything that staff suggests, staff has a finger on the pulse and is actually dealing with applicants and have the ability to winnow out the people that are kicking tires and ones that are potentially serious developers and builders. In his opinion, not speaking for the Commission, but in his opinion would be very interested in hearing what staff suggests. Planner Steele stated this is a starting point and can bounce it off the developer and see if that works and if want can bring it back to the next meeting with probably something really similar to this. If it was down to 15% or if could get an idea of the Commissions range of comfort, 5%-25%.

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Commissioner Rackham stated his preference would be to leave the 25% in the front and just do away with the 5% on the back. Planner Steele stated so just take the side off all together. Commissioner Rackham stated 5% is not going to make or break it. Planner Steele stated could do that. Commissioner McCuistion stated guess he is not understanding this, 5% of the street facing walls, wouldn't that be the front. Planner Steele stated not always, sometimes like when the building is on the corner and where they want to build on SR-193 there is actually a road in front of them and behind them so they are concerned with that requirement of having to do potentially 3 sides of the building. Commissioner Day stated a different way to look at, should they just leave the street facing at 25% and the front of the building be whatever they want. Planner Steele stated that is another way of looking at it. Commissioner Day stated because his thought process is the public and community is going to benefit from whatever are seeing, the developer will need to do whatever they need to do to make the front of the building attractive for tenants, honestly don't care, if can't see it, doesn't care. Planner Steele stated let him take this back to the developer and to be honest would probably prefer and know are doing what is best for the community but sometimes those things are the same with the developer. In this particular circumstance, they have shifted the buildings so that the sides, if was just changed to the sides, they would have to do 25% on the north and the south side of the building because the front faces west or could just say front or side. Commissioner Vaughan stated if had a corner building do they want to tell them what is more important to the City as opposed to a building with a lot of exposure that everyone has to see or the front of a building which is on the 25 foot side as opposed to the 100 foot side, where they are happy and everybody in town says that sure could have been done better. Planner Steele stated 25% total of the building as determined by Planning Commission but on the north on SR-193 and on the south they want to face 1 building to SR-193 so that is easy but there are 3 smaller buildings that would face either east or west with the loading docks in between so they are street facing on 2 of the sides and their front would be either east or west. Commissioner McCuistion stated wasn't Ninigret okay with their current City code when they were going to build those buildings. Planner Steele stated they were okay with it before changed it to 25% and that was changed after Pacific Steel came in and that is really what spurred all of this is IPW and Pacific Steel projects they were all that insulated steel panel. Commissioner McCuistion asked what the code was before it was changed to 25%. Planner Steele stated it didn't have a minimum so that is an option as well could not have a minimum standard and just ask for the brick, rock and stone by the entrance and then let the architectural standards as far as pop out and variation and facade on the rest of the building. Would recommend maintaining at least some sort of brick, rock and stone standard because those are durable materials, they add value. Brick never paint it, ever, doesn't peel and is a really good product, but adding that form liner that could rally loosen things up for them as well. Commissioner McCuistion stated he is fine with that, think that will look nice just reducing the value from 25% to 5% makes him a little nervous. Planner Steele stated what if he comes back after bouncing the 25% on the front or street facing exterior walls and then will remove the 5%, bounce that off the developer

and see how that sounds. Commissioner Vaughan asked if want to add some more red words, how about sandblasted concrete, that looks very nice if were to take a 3 foot wide stripe like a belt, just take standard poured concrete and sand blast it that exposes the aggregate inside, it changes the color, changes the texture. Planner Steele stated he is not too familiar with sand blasted concrete. Commissioner Vaughan stated it is something that is very inexpensive too, just thinking whatever can be done as far as exterior treatments. Planner Steele stated could always add other materials that are more affordable as well. Commissioner Day stated as he is thinking about this is actually thinking need to focus on the street facing side, when drive down SR-193 the repair shop they approved think the mistake they made was on the fence it is transparent or chain link on the back and can see into where store all the vehicles, so never see the front of that facility and is sure it is really nice so think that is kind of where is leaning, think need to emphasize what the community and public is going to see over long term. So, his preference would be if are going to cut something, the front of the building is semantics, it's just where enter in, it is going to be the street facing that is going to be the most detriment to the community, that is probably not what the developer wants to hear sure. Planner Steele stated if they want him to just run with street facing can do that, if that is the consensus, let's do it. Commissioner Day stated thinks the developer would want the front of the buildings to face the street that would be the preference don't know if the geometry of the property lends itself. Planner Steele stated he can get some examples of different products and even some physical samples to pass around and will change it to say 25% of the street facing exterior walls and remove the 5% and add the material 'sand blasted concrete'. Commissioner Rackham stated he is not totally convinced that street facing is the way to go because when their customers come in and pull into the parking lot where ever that is and if it is not on the street they are going to see this really nice building on the back side and come into a plain front and think as a business owner would prefer that the customer see the front and not the back. Planner Steele stated maybe this will encourage them to face the buildings to the front. Commissioner Rackham stated sometimes it is just not practical, the building he works in has a parking lot opposite the street so the front is opposite the street, the back of the building looks fine but the facade that the customer sees is in the front. Commissioner Bingham stated could just put or in there, street or front. Commissioner McCuistion stated could also reduce it down to 15% for each. Commissioner Vaughan stated using a negative example utility trailer in the City directly to the east right at the curb at SR-193 they have a very nice front of the building where customers walk in and walk under the word utility but on the back from the street see nothing but service bay where they pull newly finished tractors out of, those service bays are about as ugly as can get and is afraid this is what would wind up if just went strictly with street facing but don't know, it is tough. Planner Steele stated thinks has some good input, don't know if have a consensus but have some good input and have some good information to run with and will contact the developer and try to figure out something and see if some of these amendments would work for what wants to do and will come back next meeting, does the Commission want it in work session again. Commissioner Vaughan asked if time was important in this issue, if time is not important then yes 1 or 2 more meetings but on the other hand staff can deliver a good product to the Commission so if feel comfortable with what have heard tonight could put that into an action item and thin could bring it back as an action item for the next meeting. Planner Steele stated thinks he can polish it up and bring it back, the developer said he has extended his due diligence period on the contract twice so think time is of an essence on this particular one so if it is okay will do his best and bring it back and do a public hearing at the next meeting and will forward it on to City Council. Commissioner Vaughan stated please schedule this for a formal hearing, or action item should say. Commissioner Rackham stated doesn't think should give away the street facing right away, try for 10%, see what can get. Commissioner Day stated or 25%, could always go 25% on the street facing. Planner Steele stated what if he just give the developer what they have proposed and give him that or maybe even 10%. Commissioner Rackham stated thinks that would be good, go for that. Commissioner Bingham stated 25% and 10%. Planner Steele stated and if that doesn't work. Commissioner Day stated not to drag this out any further but kind of like the example the Chair mentioned about the service bays facing the streets, that is what he is more concerned about there has got to be a balance between the employees who go in through the entrance or the customers and then what the public is subjected to, so if are going to eliminate the street facing got to balance that with saying do they put up a solid fence, is there an increased buffer, that is kind of his thought process behind it is think the developer would be self-motivated on the front to be quite frank. Planner Steele stated on the buffer that is something that is the next item but if there is a storage bay or like a yard, that is something that will want to fence and really have buffered off, but if it is the side of the building that would probably wouldn't require a fence under the new ordinance that are proposing, the front of the building wouldn't require a fence either. Could switch the 25% and 10%, 25% street facing and 10% front. Commissioner McCuistion stated kind of agrees would like to see something nice from the road too and think could use a lot of the techniques to make the front of the building acceptable and to their liking. Planner Steele stated or the other idea talked about is having the total percentage of both of the facades at 25% and they can do what they want to do. Commissioner Day asked if the Planning Commission or City Council have input on that when prepared their plans. Planner Steele stated from here they would submit a Site Plan application that will include building elevations and would go to the Architecture Review Committee and the Planning Commission is the Land Use Authority on that so can review how they have applied the brick, rock and stone.

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e. Code Amendment – Buffers

Planner Steele stated buffering between uses. The buffer table has been a source of confusion, the table allows so many options that it is often unclear what the actual standards are for buffering between different land uses. The Planning Commission reviewed the ordinance of May of 2016 but had tabled it. The City Council has asked the Commission to look at this issue more closely and provide a recommendation. In the packet is the existing ordinance and proposed changes. There are 11 pages of the existing ordinance and is attempting to consolidate that down into 2 or 3 pages. Won't go through everything in the existing buffer ordinance but will give a rundown of how it has been working is table 1 find what

is existing surrounding the proposed use and give it a number, then on table 2 look at what is proposed and depending on the use the requirements differ, on the list the higher the alphabet letter the more buffering is required and the buffer options are then listed as well as the plant multipliers that the developers usually are extremely confused with and staff usually helps them and ultimately decides which ones would be best for their project. So, there was a president where this has occurred as an example Jer's Auto and staff did their best with what they had and required them to do a fence with landscaping and establishing a typology along that southern boundary of the street. But what threw a curve into everything is those industrial buildings want to front onto the street so that makes it maybe questionable of whether or not they should have a fence. There are so many different scenarios and it is hard to really foresee and think that is what they had in mind here with the different buffer tables to just provide a lot of flexibilities for a lot of different varieties of things. In this proposed ordinance think can potentially address all of the scenarios. It gives flexibility in the process, the table is very similar to the way it was but has consolidated the categories down and also if doesn't fall nicely into one of the categories the Planning Commission has the ability to determine which category is most appropriate. Depending on the existing and newly proposed land use and grouping the future land uses and not necessarily followed by the zone. Table 3 might want to go through and make sure have the different types of buffers to be applied, it is easy to understand and is just 1 buffer, exactly what kind of fence, exactly how many plants and how wide it needs to be and gets more stringent the higher the buffer requirement. That is why are talking about this no, if have any input on the different buffering options or how they are applied to the different adjacent land uses, now is the time to speak up and review this. Commissioner Vaughan stated basically have eliminate chain link as a buffer. Planner Steele stated unless everybody feels that it should be added back in there. Commissioner Vaughan stated thinks it is very good. Planner Steele stated chain link is not an attractive fencing option but it is the most affordable and it is very functional but think it is usually frowned upon. Commissioner Rackham stated on vinyl is there any requirements on that, could they have slats, rails. Planner Steele stated vinyl privacy so a rail fence wouldn't meet that. Commissioner Rackham stated so it would be vinyl or wood privacy fencing, so privacy applies to both. Planner Steele stated yes, if they wanted to create one with the rail fence that is more of an agriculture feel could add one but that idea is that if it needs buffering probably should be a privacy type fence because are trying to screen the noise and the views and whatever bad things are typing to keep people from. One thing that are running into like if this was in place when the neighborhood went in next to Utah Onions wouldn't have had the issues that had with the Site Plan. Commissioner Rackham asked why the difference in the buffers on the table. Planner Steele stated thinks the rationale there was just the residents that were there first and the development is an added nuisance where homes going next to something that was already there and the development knows what was already there. Commissioner Rackham stated thinks would prefer to see the same buffer regardless of who was there first. Planner Steele stated okay, can keep the buffers the same. Also, another thing to note is that the actual landscape strip will be applied on the new proposed use side so say there is an existing commercial and the residential comes that fence and the landscaping will already be there and will just apply the landscaping width and if just keep it the same it will be the same width on both sides. The tricky thing with single family residential coming next to something, usually the developer doesn't want to plant trees in someone's back yard already because the person moving there wants to be able to do their yard however they want. Commissioner Vaughan asked if everyone felt comfortable to bring this back as an action item at the next meeting or any problems. Planner Steele stated in the meantime don't anticipate changing too many of the required buffer types but if all could review this table and see if see any that are off. Commissioner McCuiston stated he does, commercial next to agricultural is none. Planner Steele stated yes, so an existing land use could require at least a fence if want. Commissioner McCuiston stated think should have at least something, all the other ones do, it is the only one that doesn't. Commissioner Day stated that is probably where a chain link makes the most sense. Planner Steele asked if they wanted him to add a chain link option. Commissioner Day stated it just seems like when are in agriculture and have cows or something like that makes sense. Planner Steele stated so commercial to agriculture which buffer type do they want. Commissioner Day stated but again maybe it is self-regulating thing and maybe don't need to add it because if are going to have cows need to have a fence up. Planner Steele stated thinking about Smith's over by McDonald's nothing there but once something goes in there that is more commercial next to that it wouldn't be required to have anything but if it is a neighborhood going next to that then would build a fence. Whoever is first in line to a certain extent gets some preference. Commissioner McCuiston stated thinks it is fine then to have none, didn't realize that once something changes then that buffer would be put in as well so it is on both sides. Planner Steele stated review that and even during the week if see something don't need to wait until the next meeting, just email staff.

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f. Code Amendment – Accessory Dwellings

Planner Steele stated this is something that last week had a resident come to the counter and was asking about building an accessory dwelling on their small farm they bought about 5 acres. The ordinance says that the size of an accessory dwelling cannot be any bigger than 50% of the footprint of the main dwelling, this is to ensure that the total lot coverage does not become overly crowded. This ordinance mainly applies to traditional subdivisions with quarter acre lots. The resident petitioned City Council members and subsequently they have asked the Planning Commission to review this issue and provide a recommendation for a solution. So, what the ordinance says and this is an accessory dwelling, this is not a garage or shed, this is like a little miniature house in somebody's backyard and the City doesn't allow apartments but it does have a pretty good accessory dwelling ordinance that permits small houses. Commissioner Bingham stated like a guest house or something. Planner Steele stated a guest house as long as it is still, the caveat is that it is accessory to the principal structure so that is why they have 50% of the main structure, because it would be funny if someone built a mansion behind a little 500 sq. ft. home or something. So the ordinance right now says detached accessory dwelling units shall not exceed 50% of the footprint of the main dwelling, excluding the garage and are permitted as Major Conditional Use permit approved by the Planning Commission. That is another one of those cases

where if had a Board of Adjustment maybe could look at the circumstances and see that it is 5 acres but here are proposing to add that circumstance in there on the end to say for parcels larger than 5 acres, detached accessory dwelling units shall not exceed 90% of the footprint of the main dwelling. There are a lot of ways could address this also could be to not exceed the total square footage of the main dwelling and not necessarily look at the footprint. This is still keeping it accessory to the principal structure it is just loosening those standards up a little bit for someone with a really big lot that wants to build something nice behind their home. Don't know how many people this is really going to apply to but at least this would permit this resident to do what they want to do and add property tax to the City.

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Commissioner Vaughan asked if this was an Agriculture zone or an R-1. Planner Davies stated accessory dwellings are only allowed in R-1, R-2 and R-3. Commissioner Vaughan asked why they don't split the lot. Planner Steele stated at this time they don't have any frontage to split the lot and they just want to have a home that they rent. Commissioner McCuiston asked how many accessory buildings can they have on a property. Planner Steele stated accessory dwellings 1, but accessory structures like a garage can have 2, 3 depending on the lot size. Planner Steele stated are not going to see a lot of R-1 parcels that have a 5 acre lot. Commissioner Vaughan asked if this was a piece of property that can never be split. Planner Steele stated it could but it would require frontage. It is out by the sewer plant and they have a really long, deep piece of property. There are 2 stub roads, but nothing close at this time, they just want to build a nice ranch house out in the middle there and eventually once the stub road develops they would have frontage but right now they can't subdivide because they don't have enough frontage to subdivide it, they have the minimum acreage but don't have the street frontage and it would cost a fortune to actually build the road over to their property, eventually they might want to split it and that is fine as long as they meet the minimum requirements for the zone and they have 5 acres so it is not an issue.

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Planner Davies stated just to point out too if they decided to split it and let's say the accessory dwelling was on the same lot still as the primary dwelling they would still according to the code they wouldn't be able to keep them on the same lot unless the lots was at least 3,000 square feet bigger than the minimum lot size. So, they would have to meet all the requirements for the accessing dwelling code for that lot. Planner Steele stated so this is another one of those things can give the recommendation to say tough cookies or whatever they want. Planner Steele stated he had told the resident initially tough cookies and he called a Councilmember and they said look at this and so her ewe are.

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Commissioner McCuiston asked if these changes coming up because they seem to be very specific changes, codes for specific developments, is it just because don't have a Board of Adjustments. Planner Steele stated yes. Commissioner McCuiston stated but are painting with a broad brush across code to allow a few things through, when get a Board of Adjustments, would these be rescinded or keep them. City Attorney Roberts stated this wouldn't, this wouldn't qualify for a variance just looking at the code the reason that the State put such strict regulations on when a variance can be approved is because it was turning into sort of a 'you're my neighbor and like you, you're not my neighbor I don't like you' kind of a board, a lot of cities were doing that. So there are very specific requirements that have to meet, one of them is can't be a self-imposed hardship, so in this case really wanting to have a bigger building but zoning doesn't allow it, isn't going to be a good enough excuse, so this is a true zoning decision if want to make it but Board of Adjustments wouldn't solve this problem.

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Councilman Gailey stated they were given an assignment by the Mayor, each of the City Council members who seat for them to come and approach one citizen that they thought had good judgement and extend an invitation to that individual to apply for the Board of Adjustment, they received that assignment at their last meeting and doesn't supposed the Mayor would have any heartburn if that assignment spread a little bit if the Commissioners see or know people who would be in a position and would make a good member of that team. They would really like to put that together and have all accepted that assignment to approach somebody if the Commission could do the same that would be great. Commissioner Rackham asked if it would be a conflict of interest if a member of the Commission were on that Board. City Attorney Roberts stated he would have to look at the Land use table they saw earlier but think there is a possibility for appeals from this body to them or vice versa and forget but there could be a conflict though, maybe, maybe not. Commissioner Vaughan stated to the other Commissioners, think they have a charge to try to find someone who they think might be a viable candidate and if they do would suggest having them turn in an application to the mayor. Planner Steele stated right now the process would be if staff told them 'tough cookies' as the Land Use Administrator on the table the Apelet body they would go to City Council and that is basically what has happened. Commissioner Vaughan stated think they are happy to take that on.

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Planner Steele stated so their very specific task at hand here, this think would solve the issue and that person would be able to proceed if everyone is okay with it and probably no one will ever use it again but it will be on the books just in case. Commissioner Vaughan stated he understands once staff showed him the overhead he understands the specific special need, but hate to open the situation up for people that have no problem with ingress or egress, they are just trying to get around whatever they might be trying to get around, if they are talking 90% of a 4,000 square foot house that means they could build 2 big honking houses on 1 parcel of land and not have to split. Commissioner Bingham stated they can only have 1 accessory building, right. Planner Steele stated the bigger the house the bigger the accessory dwelling can be. Commissioner Bingham asked if that was a bad thing. Commissioner Rackham stated then could have 2

homes on 1 property which think then people are going to come in and say they have 1-2 acres why can't they have it, so think they are going to get into a can of worms if they start accommodating things like this. Commissioner Vaughan stated he certainly has sympathy for this resident but that is also his concern that there might be a surprise behind the curtain unless attach some other conditions in addition to the 90% if want to put a ceiling of x number of square feet maximum, besides building the dwelling unit they also have to comply with all of the other standards that would expect like a driveway. Commissioner Rackham stated thin about that though, has 5 acres, if he has a 4,000 square foot home, right now could build another 2,000 square foot dwelling, so think 50% is pushing it but do not recommend going any higher. Planner Steele stated he wanted to build a 1500 square foot accessory dwelling but was just a little bit short, so should always add onto his principal structure guess. Commissioner Bingham stated loopholes. Commissioner Day stated could put an awning on. Planner Davies stated or if the road was expanded recently. Commissioner Vaughan asked if could have some additional thoughts from other Commissioners so have an idea as to whether or not this is an action item for them or if this is something they want to answer back to the Council that looked at it and came to a different decision that was initially recommended or requested. Commissioner Bingham stated his 2 cents just initially would be if they have the property and it is within all the other City ordinances why not give them the freedom to do what they want to do on their property, so would be okay with 90% of the footprint of the main dwelling for parcels larger than 5 acres. Commissioner McCuiston stated he kind of agrees with Commissioner Rackham it seems like an opening to some ways around parts of the code, so is not completely opposed to it but is cautious. Commissioner Day stated think the other Commissioners bring up some good points, without putting a whole lot of thought into this think quite frankly, if someone has 5 acres and they want to do that don't see too much of a problem with it, they are going to have to deal with that in the future like the resident with the road alignment it is going to limit the ability to sell which that is sort of their issues, but don't see anything but haven't put a lot of thought into it.

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Planner Steele stated if this sounds like a good course of action will just bring it back and then can give a recommendation of denial to the City Council and send it onto City Council. Or a formal recommendation, it is not a denial, there is not an application but just recommend to not make amendment. Assuming it is something that they don't want to entertain could they just simply tell City Council they don't want to entertain or do they actually need to take it to them, since don't have an application but could they just take it to the next Planning Commission meeting and make a recommendation and have it formally be that they don't want to entertain this or could just simply reach out to the Council members though email. Commissioner Vaughan asked if they could ask their Council liaison to take their discussion back to Council and let him give his assessment and ask them how seriously they want to look at it, what type of response they get from the Commission because they are split obviously but on the other hand think everyone recognizes the special circumstance here on this one property given these parameters but on the other think are just concerned about possibility of causing more problems down the road. City Attorney Roberts stated think if they don't have an application then are under no obligation to do anything so if this individual would like to submit an application then that would be something that they would have to act as a Commission either recommendation of denial or approval so it is an informal nod from the Council, it could be an informal shake of the head back from the Commission. Commissioner Vaughan stated the application costs money from the resident, correct. Planner Steele stated yes, there is an application and fee associated with it. Commissioner Vaughan stated think to try to show some type of cooperation if they do it informally then can find out how serious the applicant is. Planner Steele stated his guess is if he has to pay for it he probably wouldn't submit one but that is just his guess but can definitely let him decide. Commissioner Vaughan asked what would make it easier as staff reporting on this to handle it themselves or let the Council liaison to take it back and reflect that and see how the Council might feel on having it come back. City Attorney Roberts stated think it depends on what message want to send, if want to control, the messaging then this body should put together a recommendation and send the message up, if want to convey their thoughts collectively through Councilman Gailey that would be appropriate too but it is up to the Commission on how they want the message to be sent. Planner Steele stated if put it in a motion then it is on the minutes and formal but so is this as being recorded on the minutes right now. Commissioner Vaughan stated is thinking this came with a laurel branch in hand and would hate to send back an iron fist. Planner Steele stated it could just be Councilman Gailey hearing this now and reporting back or staff could write an email creating a report and getting on the agenda but is okay doing that as well. Commissioner Day stated a suggestion maybe the Council liaison can just communicate their thoughts if they are not studied out and ready to make a motion rather than belabor this, maybe the Council liaison would be the best avenue for that message unless someone else has a different opinion or wants to make a motion. Commissioner Rackham stated he thinks that is reasonable. Councilman Gailey stated he really believes have done what the Council would have them do, personally think that if this individual is very serious about this that probably ought to go through with the application phase and rather than having them so something simply because somebody said it would be nice if think they need to have him formalize the request would be his opinion and kind of support what City Attorney Roberts said that things are done by application and if are okay with it, will share the Commissions concerns with the Council members that were involved here and think personally ought to be in the hands of the applicant if it proceeds further. Commissioner Vaughan stated thinks he has consensus. Planner Steele stated if understood that correctly Councilman Gailey will reach out to the Council and has the potential applicants contact and will reach out to him. Councilman Gailey stated he will communicate what this discussion was and that the concerns are of the Commission.

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Planner Steele stated are bringing back 2 out of the 4 potential amendments, the Architecture Standards and Buffers and Planner Davies is going to work on the setbacks and widened streets for another work session and then the accessory dwellings to be continued.

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g. **Commissioner Reports**

None

[8:34:50 PM](#)

h. **Adjourn**

COMMISSIONER RACKHAM MADE A MOTION TO ADJOURN. COMMISSIONER BINGHAM SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.