

## Minutes of the Syracuse Planning Commission Regular Meeting, April 19, 2016

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Minutes of the Regular Meeting of the Syracuse City Planning Commission held on April 19, 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  
TJ Jensen  
Curt McCuiston  
Troy Moultrie  
Grant Thorson

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

City Council: Councilman Mike Gailey

Excused: Commissioner Rackham  
Commissioner Day  
Planner Steele

**Visitors:**

Kayla Stoker	Marla Hansen	Dave Hansen
Rick Scadden	Eric Thomas	Brad Lasater
Adam Maher	Paul Toniolli	Mark Hillis
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1. **Meeting Called to Order:**

Commissioner McCuiston provided a quote by Theodore Roosevelt, "In a moment of decision the best thing you can do is the right thing to do, the next best thing is the wrong thing and the worst thing you can do is nothing." Thought it was applicable to some of the discussions and things they have to consider as a Commission. The Pledge of Allegiance was led by Commissioner Thorson.

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Commissioner Jensen noted for the record that Commissioner Day and Commissioner Rackham were excused.

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COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR APRIL 19, 2016 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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2. **Meeting Minutes:**

**March 15, 2016 Regular Meeting & Work Session**

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR APRIL 5, 2016. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

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3. **Public Comment:** This is an opportunity to address the Planning Commission regarding your concerns or ideas, regarding items that have not been scheduled for a public hearing on this agenda. Please limit your comments to three minutes.

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Commissioner Jensen wanted to note for the sake of the audience is are here to speak on the site plan approval for Antelope Animal Hospital or Criddle Farms subdivision now would be the time to speak.

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None

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4. **Major Conditional Use, Foundation Preschool, Kayla Stoker, property located at 1739 S Doral Dr, R-1 Residential**

Planner Davies stated the applicant has requested a preschool for 6-10 sessions per week up to 16 children and per code more than 4 sessions requires a major conditional use permit. The applicant is wanting to open the preschool in September and is concurrent with having their previously finished basement being inspected by the City and once the major conditional use permit is approved the applicant will be issued a City business license. The applicant has 6 parking spaces available and code requires 3 parking spaces and also additional frontage on the residence for drop off and pick up with this type of home business. The applicant provided a floor plan and will be using a portion of the basement to be

used for the preschool use. With this type being a permitted use within a conditional use if anticipate any negative or detrimental effect can put conditions on the use to mitigate those effects.

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Commissioner Vaughan asked staff if there were any other preschools in the block area. Planner Davies stated don't have that info off hand but could do some research to find out. Commissioner Vaughan stated that is okay, the concern on that is always with if parents are dropping off children at multiple locations at the same time, sometimes can be tough, in this case because it is so close to Antelope would hate to have cars backing up around the corner.

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Commissioner Jensen asked staff where the preschool sessions will be held. Planner Davies stated they will be held in the basement, the area outlined in green on the site plan and believes the entrance is across by the storage room but the applicant can clarify that.

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Kayla Stoker stated there is a back door entrance that lead right into that room where will be having the preschool so the kids will come around the back and through the back door and leads right into the room. Kayla Stoker stated she will doing preschool Mondays, Wednesdays & Fridays and would like 16 kids to be able come each session, a morning session and an afternoon session. Commissioner Vaughan asked the applicant if she was currently licensed with the State or is her first opportunity with a preschool. Kayla Stoker stated this is her first opportunity. Commissioner Vaughan asked if she was in the licensing program with the State currently. Planner Davies stated the State does not require preschools to be licensed.

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Commissioner Thorson asked the applicant if she was aware for the school drop off and pick up times on that road and with the two sessions do those work around that rush hour. Kayla Stoker stated she is aware of the times, Buffalo Point Elementary starts at 8:50am and then her preschool would start at 9 so think it will work okay as far as traffic goes but doesn't know and in the afternoon it won't conflict at all because her preschool would end at 2:30pm and Buffalo Point gets to at 3:30pm.

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Commissioner Vaughan asked staff if had received any phone calls or letters regarding this preschool. Planner Davies stated staff had not received any regarding this.

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Commissioner Thorson stated he brought up the concern about traffic because that is where he takes his kids to school and it is really busy, that road is packed bumper to bumper at 8:25am until about 8:40am when the school rings the bell and so not sure as part of the condition that the drop off times and a schedule be required for the parents to not drop off before those times, wouldn't want people trying to make U-turns on that road at 8:35am in the morning would be a disaster, even pulling in and out of the driveway. Which is one of the big reasons would like Buffalo Point to get another access out of that subdivision but that is a big concern with some of those difficult traffic patterns. Commissioner Jensen asked Commissioner Thorson if they asked the applicant to change the starting time from 9:00am to 9:15am and then push the second session to 2:45pm as closing would that better solve that. Commissioner Thorson stated thinks the proposed times would work as long as the drop off if within 8:45am to 9:00am but tell the parents not to drop off before then or early out days of school just thinking a condition that the applicant would have to coordinate with parents at least a defined plan of drop off times to avoid the school rush.

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Commissioner Jensen stated he does like Commissioner Thorson's suggestion that the applicant instruct the parents that they should do so from 8:45am on during school days.

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COMMISSIONER THORSON MADE A MOTION TO APPROVE THE MAJOR CONDITIONAL USE FOR FOUNDATION PRESCHOOL, KAYLA STOKER, WITH THE CONDITION OF A COORDINATED TIME SCHEDULE FOR DROP OFF WITH PARENTS TO AVOID THE SCHOOL RUSH HOUR. COMMISSIONER JENSEN SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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5. **Major Conditional Use, Rise & Shine Preschool, Marla Hansen, property located at 1852 W 1300 S, R-1 Residential**

Planner Davies stated the applicant is requesting 7 preschool sessions Monday through Friday with 8 children per session with morning sessions from 9:00am to 11:30am and afternoon sessions from 12:00pm to 2:30 pm and starting in September. The applicant is also having their previously finished basement inspected by the City and once the major conditional use permit is approved the applicant will be issued a City business license. The applicant has 4 parking spaces and are required to provide 3 parking spaces, the street view photos shows a trailer parked there which could or could no longer be there at this time. The applicant submitted a floor plan of the basement and can provide more info the portion that will be used for the preschool. This neighborhood does not have a single route to an elementary so shouldn't have traffic issues as brought up before.

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Marla Hansen stated the preschool will be in the recreation room on the floor plan, they do not have an outside entrance but were told that if children were 2½ years or older could enter from the front door and would go right down the stairs.

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Commissioner Vaughan stated on the street view it shows a trailer parked in the driveway, during business hours that would not be allowed. Marla Hansen stated that trailer is not there, it is parked at a neighbors RV pad for a couple years now. Commissioner Vaughan asked the applicant on the fence where the gate is there a security device so that 2-4 year olds cannot open it themselves, cause sometimes they have a habit of getting around the side of the house. Marla Hansen stated the gate has a latch up high so don't think preschooler could reach it. Commissioner Vaughan stated just a concern wanted her to be aware of. Marla Hansen agreed.

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COMMISSIONER MCCUITION MADE A MOTION TO APPROVE THE MAJOR CONDITIONAL USE FOR RISE & SHINE PRESCHOOL, MARLA HANSEN, LOCATED AT 1852 W 1300 S, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODE. COMMISSIONER JENSEN SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

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**6. Public Hearing, Site Plan Approval, Antelope Animal Hospital, property located at 1679 Marilyn Dr**

Planner Davies stated back on February 9<sup>th</sup> of this year the City Council rezoned this property from R-3 to Neighborhood Services which allows this type of use. The applicant has proposed a Veterinary Clinic which basically will operate as per definitions of City code which means all the operations will be done inside the building with the exception of parking. The applicant has proposed that the building will occupy the southeast corner of the property and will have parking in the center towards the northwest. There is an existing home on the property which the applicant intends to allow to remain and hasn't stated what wants to do with it at this time but will be some sort of a commercial use which will comply with the zone, so the intent with that would be to potentially rent it or could use it for his business in the future but has not been determined as of yet. The applicant has provided access off of Marilyn Drive to the parking lot and parking is sufficient to meet code and has also provided pedestrian access from the street right of way on Antelope Drive and Marilyn Drive. The building is designed to look like a reclaimed barn and the size and massing of the building is consistent with the surrounding neighborhood which is required by code. The applicant has proposed to use a craftsman metal siding which is intended to look somewhat like a barns side wainscot and also red brick and the roof will be a galvanized metal. The main entrance will be on the north side under a canopy area. The applicant met with the Architectural Review Committee and discussed the plans and some suggestions were made to change some of the roof lines and also the elevations on the side with adding brick sidings and added a vent to break up the monotony of the long roof line as well as the awning that comes out from the lower roof line. Architecturally it does fit in with the massing of the neighborhood and the idea that it is a barn is kind of a nice idea that feel like for the area fits in with the rural nature of Syracuse. Lighting wise on their photometric plan there will be lighting on the site but as reach the property lines the lighting does not continue over on all sides, along the property lines there is no lighting that is planned to project across property lines which is required by code. Landscaping they have provided a landscape buffer along the north and east side of the site so they opted to go with as is required with this type of bordering between Neighborhood Services and residential use, they are required to put in a 15 foot buffer along the side edge and have included the plantings as required by code. Originally parking was a little bit to the north and dumpster enclosure and have moved that to the south and provided handicapped accessible routes to the main entrance. The patio area is going to be a stamped concrete to be a little more decorative and are also going to add in a planter there per the recommendation of the ARC. The front area between the 2 buildings will be mostly sod and then will have broken up with some landscaping in there and will also be a detention pond where a sign will be located as well as the pedestrian access and the detention pond will be like any other detention pond will be grass most of the year and not expecting a water feature there. They have provided for some street trees and along the sidewalk which will beautify the area and be a benefit. There has been some discussion about no planned development in the north east corner and some concern was expressed in the ARC about developing that area so the applicant has expressed that he does not want to develop that area and staff suggested that a vinyl fence would work there and putting in landscape buffer against that and that is something that is up to Planning Commission for discussion for tonight if would like the applicant to develop that area or feel like it is sufficient to leave that the way it is shown on the plans. Most likely financial reasons as to why the applicant does not want to develop that at this time. This does meet the minimum requirements for landscaping and the Architecture Review requirements as well for commercial site plans.

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Mark Hillis, Mountain West Architects, generally they feel like they have communicated pretty well with staff and had a great meeting at the ARC and have made several modifications and the primary one was the north buffer at the parking lot and pulled it down and found kind of a nifty way to get it to work and Commissioner Vaughan and staff they really had a crowded situation against the home on the exit of the property and it seems like it worked itself out for the better as a result of sliding it down and getting the buffer in. Also worked on the exterior and added the roof as staff recommended and thinks it actually helps break up the project pretty nicely. They modified the landscaping and the open area between the house and the new building and have judiciously used lawn in there and created some interest for the customers to be able to go out there and dogs to be able to use that area at the same time kind of keeping it smaller where it makes more sense. Access to both streets were added since the last meeting, the buffer on the east side of the site was and staff had mentioned the precautions had taken on the east elevation with the vent of the overhang of the roof, the brick and also the

buffering is something they talked about in ARC that the buffering will grow fairly quickly and conceal that side and do what the buffer is supposed to do.

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Commissioner Jensen wanted to make sure the applicant knew that under Neighborhood Services the existing house cannot be used for residential it would have to be some kind of commercial use because that is not allowed in Neighborhood Services. Had mentioned when they approved the zoning request a while back is disappointed to see there is not an access on Antelope, Marilyn Drive is an extremely busy street during certain times of the day especially with people trying to get to work and that it doesn't have a traffic light currently can see some significant back up issues there at certain times and so think might be more of a question for staff and does staff feel that it is not a major issue seems like it would be. Planner Davies stated there were a couple things brought up about that and initially staff had said wanted to have an access there because felt like it was a better setup but in looking at it, it is pretty close to the corner and UDOT does have some pretty extensive access standards but staff hasn't pursued that and not sure if the applicant has pursued that but do know that UDOT can be challenging sometimes to work with to provide new access especially when it is close to an intersection like that and also determined if have people going in and out there it is close to the right turn pocket area and so potential conflicts there if that is something the Commission feels strongly about could always recommend that and table the item. Commissioner Jensen asked if staff had any idea if UDOT has any intentions to signal Marilyn Drive. Planner Davies stated does not know but know that improvements have been done recently on Antelope but on Marilyn the City has been doing some roadwork and the City Engineer can speak more specifically to that.

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City Engineer Brian Bloemen stated think long term it is going to be safer to have everyone accessing off Marilyn Drive. That is the half mile point between 1000 W and 2000 W which will warrant a signal once traffic volumes, UDOT can put a signal there once it is warranted and it is just a matter of meeting one of those warrants before it gets installed so think long term eventually a signal will end up going in there and it will definitely be a safer alternative for everyone. Commissioner Jensen stated guess his concern there is because of the way the subdivision is configured in that area there is not a lot of access out of those subdivisions there on Marilyn especially where they blocked that one off when they widened Antelope so Marilyn is kind of carrying the bulk of the traffic right now that would be his assessment. City Engineer Bloemen stated thinks between Marilyn and Banbury would say the 2 of those roads carry the most traffic going north off Antelope. Commissioner Jensen stated would be more comfortable with this if there was a signal there and can just see cars stacking up there trying to get across Antelope there which would be an issue and then people trying to get in and out of there but if staff feels like this is the better plan then guess that is what it is but just not completely comfortable adding additional traffic to Marilyn right there. City Engineer Bloemen stated if worse came to worse there are ways out of that subdivision out to 1000 W and even out to 2000 W if someone really felt unsafe trying to make a left hand turn there. Commissioner Jensen stated his concern is more directed to UDOT than the applicant because the applicant is kind of stuck with the situation but definitely would like to see the City pursue and sure they have made some mention already but pursue trying to get that signal signalized especially where it is a school crossing. City Engineer Bloemen agreed and stated unfortunately UDOT won't install one until it warrants it but they do set aside money to do studies for areas like this that can be requested through UDOT and they will come out and do a signal warrant. Commissioner Jensen stated his only hope is that it warrants a signal before a child is killed there.

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Commissioner Jensen asked Mr. Toniolli that he had discussed last time that there was going to be a fenced area for the animals is that the pocket to the north or is that going to be between the 2 buildings. Mr. Toniolli stated yes the little section north where it says rear yard will be a little fenced in area mainly for safety of walking the dogs, they are not going to be left out there which was a concern. Commissioner Jensen asked if it was going to be completely fenced off. Mr. Toniolli stated yes, there will be a gate to get in but completely fenced in.

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Commissioner Thorson would like the applicant or representative of the applicant to discuss if not going to use the access onto Antelope have they explored with UDOT whether it was an option and if not going to use it have they told you to remove it. There is kind of this random driveway approach that is not going to get used and can imagine confused drivers can imagine people walking wandering off it is kind of weird to have an access that is never going to get used and wonder if UDOT has requested that they remove it.

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Adam Maher, general contractor, yes and so the City understands they have engaged Joe Perrin from A-Trans a traffic engineer to look at the original layout and he felt and sure the City Engineer would agree that UDOT would have a lot of issues with additional traffic pattern coming out and said at the minimum it would require a restrictor of a right in and right out and most likely a deceleration lane so it involved quite a bit of reconfiguration and he said UDOT would not want them to touch it at all they would much prefer what was proposed because thinks that it is going to get signalized and thinks that they are going to want to channel all things through there. So with that said that is why they didn't pursue that further because he said if he is going to be engaged for a full TIA he is going to say do not use that and use Marilyn that is exactly what he would recommend with that in mind they see that entrance going away, it will have to be repaired and replaced to UDOT standards and City standards but no they are not going to leave it, realize the site plan kind of shows it just sitting there but that entrance will be killed and go away once the site plan is approved.

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Commissioner McCuiston stated a couple things noticed that may of interest to the contractor or the engineer is that sometimes on those trash enclosures on the back edge if put a couple of bollards in there it will protect the back wall from being scooped in with the trash can and with a lip on the front will keep it from falling out. Also noticed on the drive approach there is a 6% into a 2% for an algebraic different of 8% sometimes that can cause a bit of a struggle with cars and don't know if can take a look at the grading it seems to be grading. Adam Maher stated they only had a preliminary grading plan going off this so think some of those were just provided by the seller on early documentation they will obviously have a fully developed civil plan as they go through to the next step but that was some of the preliminary info they were provided but yes, he does not like to see parking lots at 6 at all.

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Commissioner Vaughan stated there wasn't anything in the packet in regards to engineering conditions were there any additional engineering conditions they should be aware of. City Engineer Bloemen stated no, all his comments were included in the packet and most of them they have actually addressed on their updated set of plans. Commissioner Vaughan asked Deputy Fire Chief Hamblin is there were any concerns from the fire department, there was nothing included in the packet. Deputy Chief Hamblin stated no.

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Commissioner Vaughan asked in regards plans the applicant is not doing anything with the northern part of the property. Adam Maher stated that is correct they plan to leave that much as it sits now aside from the fencing they are going to put in. Commissioner Vaughan is just wondering how are able to get around the ordinance requirement to have a buffer and an exterior fence around all of that property. Adam Maher stated they are planning to put in the fencing as per the detail C that was requested and were showing that the felt the native landscaping as to what everybody is used to and accustom to and that would be preferable to raising it and putting maybe some new beds and things that would be small in growth as to what people was accustom to but can follow staff's recommendation in that regard. They will be putting in the fencing and screening but there are some pretty major trees there that provide some really nice shade and seeing how the owner has no immediate use for the land it seemed rather wasteful to go in there and create a lot of irrigation and a lot of planting that no one could see and get to, the fence standard of a 6 foot solid fence neither the neighbors could see it nor could they so it seemed somewhat of defeating the purpose but are more than happy to listen to this body's recommendation.

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Mark Hillis stated they had some discussions about this back and forth on the phone with staff before they resubmitted the plan. Planner Davies stated basically from a couple days ago he spoke with Trevor pretty extensively about it and staff had initially requested as a result of what was brought up in the ARC an open fence that it was at least visible back there and then they had talked about some landscaping and spoke with Planner Steele about it his recommendation was basically to put in the vinyl fence and do a buffer against the fence and that would be a good compromise so not being the final decision maker that was just staff's recommendation and the Commission can change that and that is why it was brought up for discussion but from Planning staff's standpoint what is on the plans is what was recommended. Adam Maher stated would agree with that and are prepared to listen to the recommendation of the Commission and their thought process had largely to do with leaving things undisturbed and with the solid fencing they questioned the benefit of that. Seeing how the majority of activity is going to come in from Marilyn and proceed in an easterly direction and parking there to the north and south they wanted to call attention to how few people are going to be able to see up into that area. So the landscaping being carried up into the top portion of the property that is what people see and are going to interface, if that were follow up along the west property line and along the north property line and down that fence would be solid and the public would not see or benefit that, that is their perception but are open to what this body recommends.

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Commissioner Jensen asked the applicant if they had approached the land owners that about the north property about possibly deeding some of the property over. Adam Maher stated they have not approached them in deeding property that they are buying, no. Commissioner Jensen stated or to sell either way. From the plans can see a potential building there in the future because of where the parking lot is configured and not sure how the buffering would have to be there but think that for now is not too worried but would like to see at least a fence between the neighbors. Adam Maher stated definitely, especially with the animal use, they have already explained as a dog gets walked out or post-surgery is in that area that is just more buffering between them and the neighbors. Commissioner Jensen stated he was actually talking about the undeveloped portion, is there an existing fence there. Paul Toniolli stated there is a chain link fence on the northwest and also the north side and there is kind of a rundown chain link on the northeast. Commissioner Jensen stated so it is still fenced but as far as the 6 foot screening fence that would be right there against the parking lot. Paul Toniolli stated right along the chain link. Commissioner Jensen asked City Attorney Roberts where they require a fence, do they require it on the property line, and does it have to be on the property line, can it be that far away. City Attorney Roberts stated would need to look at the ordinance, if the ordinance says it needs to be fenced and it is fenced then would say it looks like it complies now they didn't install the fence it sounds like. Commissioner Jensen stated it sounds like they are going to have the 6 foot fence right there between the parking lot and the undeveloped area. Paul Toniolli stated yes. Commissioner Jensen stated so there will be a 6 foot fence it is just not going to be right up on the north property line it will be 20-50 feet away from the north property line but there will still be a 6 foot fence because that is what they require. City Attorney Roberts stated one thing they could do and since this is a site plan approval but could say if that is developed in the future then they would need to put up the 6 foot fence in the northern portion and that could be

stipulation to the approval if were to approve it today. Commissioner Jensen stated certainly they would be responsible for maintaining the area, even though it is fenced off, would mow it regularly and keep weeds out. Paul Toniolli stated certainly. Commissioner Jensen stated not sure how the other Commissioners feel but doesn't have a problem with a 6 foot fence being right up against the north and where the rest of the area is wild kind of think the neighbors have actually appreciated that because it gives them an additional buffer.

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Brianna McDaniel, lives on Melanie Drive and her father's property is on the northern side and is here as his representative also. Likes that the northern portion is not being developed however there were several mature trees there that were cut down and wonders why if is not going to develop it. The chain link fence is there but doesn't appreciate and if there could be some slats or something so the dogs aren't barking at the kids playing there and don't know if would be allowed to do that kind of thing. Everything else is okay but don't like the entry way on Marilyn, it is an older neighborhood and the roads were much narrower when it was built so already when a car parks in front of the house on Marilyn have to wait for the cars coming the other way to get passed and so has major concerns with that. It doesn't sound like Antelope is any better but that road is just so narrow and the kids are there walking past every day. Would appreciate more of a privacy fence instead of the chain link fence up there. Commissioner Vaughan stated they would have staff answer part of her question and sure the applicant will respond after that.

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Planner Davies stated to clarify where fencing will be basically there will be a solid vinyl fence that will along the northern property line and then along the east side as well so anywhere the dogs will be will be in the enclosed yard temporarily, in terms of dogs being able to see into neighboring yards they would have to be able to see over a 6 foot vinyl fence so that will be view obscuring in that area. In the northern area that will not be developed as understands the applicant did not want to change the fencing they just wanted to leave it as is and that will be unoccupied area so that will not be used as having dogs out there and the applicant can speak more of exactly what the operations will be like but that would be left as is.

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Paul Toniolli stated sorry about the trees but he does not own the property yet and so has not cut anything down yet and they would like to not cut anything down and hence the reason they would leave that unoccupied for now, in the future not sure what might happen but for now have no intentions of using that so as explained the fence would come along and the bushes and his deepest apologizes about the trees because he likes beautiful trees. As for Marilyn Drive hopefully there will be enough parking that they won't have people parking on the street, obviously that is something the City can address if there becomes an issue and would try to comply. Is excited about the location as already been discussed would love to see a street light there ASAP as well personally, also have children and children who walk to school and gets that as well. So as a business owner and patron if could get that UDOT study done quickly that would be cool and put his plug in for that. Commissioner Jensen stated she had addressed putting privacy slats in the chain link, would they be oppose to that. Paul Toniolli stated not necessarily think if was using the property would probably say more 'you betcha' but think the fact that they will have a 6 foot fence and are not even using that property there is going to be some weeds, not opposed to doing it don't think it would be that big of issue and could totally do it if it would help. Paul Toniolli stated there will be weeds back there and will be a gate access to get in and mow the lawn or weeds make sure the trees are okay or can leave it wild because kids might want to jump the fence and have a hideout and treehouses and whatever grandpa doesn't know about or what is going on, has kids, they do things don't always know about, but there will be no dogs back there and if are if is not because of them or his staff. If any of that changes will put in a 6 foot barrier fence and put in the buffering, zoning just like they have now per code.

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Commissioner Jensen asked City Engineer Bloemen regarding the existing building there it doesn't quite apply to this today but they can't move the sidewalk on Marilyn farther to the east because it would encroach on that setback correct. City Engineer Bloemen stated correct and it would outside of the right of way. Commissioner Jensen stated essentially not room there to widen that without tearing that building down. City Engineer Bloemen stated correct and it would definitely encroach into the front setback more.

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Commissioner Thorson stated would like to carry this to a conclusion because don't think there is more to discuss but does like the idea of leaving that back area empty and the fence is just fine where it is at, think the site plan is great. Looking at Marilyn to address some of the width concerns it looks like UDOT went back a couple hundred feet and improved the curb, gutter and sidewalk as part of the Antelope improvement and looking at the Google Earth image they made it so that there are 3 drive lanes coming out of Marilyn. If there is a light put in and traffic study warrants it sure there could be a wider right of way and more improvements done and Marilyn is a narrow road, it looks like UDOT has pushed it wider to the west rather than onto this property so would imagine that would be their first direction in the future but likes the site plan as it is and understands there are other concerns but think they have been addressed pretty well.

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Public hearing was closed

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Commissioner Vaughan stated in regards to the house, the parking in front of the small house on the corner is a problem as they can see form the lines of the north bound side of the street and how much of the property is dedicated for

the south bound, absent an extension of the directional barrier either a solid yellow or double yellow on there the neighbor was correct in regarding if a car is parked in front of that house someone has to go into the other side. Would they have to entertain the idea of making part of that a red curb in front of the house which would then mandate someone wanting to visit the home either having to park in the parking lot but if do that if the structure should turn into some other type of use where rented out commercial or used whatever would that mandate additional parking spaces for that particular enterprise, if it does mandate additional parking for that should it turn into professional office or anything else allowed under this zoning then the parking spaces in the lot would most likely be inadequate and the possibly then they couldn't have another business in there because there wouldn't be sufficient parking to satisfy the requirements. On the back area of the fence the upper portion at this particular time the applicant is wanting to operate an animal clinic here but are conducting an approval, a site plan approval for the property if Dr. Toniolli were to retire next year and sell his business to someone who is not a Veterinarian then they have passed on a dead piece of real estate without it being required by the next person that comes in there as far as keeping it up. Think there are numerous examples throughout the City where have allowed a once time use planning around that and then have a gimme or freebie or pass or non-requirement to improve the entire property up to the full specification of the ordinance has come back to bite us. Likes the idea of an Animal Clinic being there but is looking to have the entire property developed according to the code. Think are doing a disservice to the City and to its future if allow an exemption right off the bat for this property which means that anyone else that comes down the pike in this type zoning or any other zoning and wants to say 'I don't want to take care of that property' have set a precedent now established not having to bring it up to code. Likes the project and thinks it is very nice the only problems have are in regards to possibly the red curb or additional parking for that smaller house on the corner but mainly concerned about the fence. Think the applicant should be required to install the same type fencing that is proposing on the north side and extend it so the entire property is fenced according to statute and have the landscape buffer also included for the entire parcel. If choses of his own volition to put in a cross fence to make the bottom part a rectangle that is fine but think it is incumbent on this Commission to make sure the entire statute is enforced for the entire property. As the chair and not being able to make a motion and whoever makes the motion wish would seriously consider adding a requirement to fence and buffer landscaping in the entire property.

[7:04:20 PM](#)

Commissioner Jensen asked staff regarding the summary that is usually included in the packet that talks about the required parking places and how many are actually there did not see that in the packet. Planner Davies stated believes that was provided and it shows on the site plan, it is showing parking space calculations and was worked out with the applicant, the existing home does have some parking that was provide for it and from the square footage of the home all that was required was 2.5 with a max of 3 and 4 is provided superficially for that building. Commissioner Jensen stated as part of the site plan approval can they suggest that the driveway to that home be removed since the access to Marilyn is an issue and if they have provided parking within the development they really don't need that driveway there. Planner Davies stated yes they could suggest that and would say with the proximity of that to the corner don't know if it would be needed. Commissioner Jensen asked if the applicant would like to comment on that. Adam Maher stated they don't know how to take away the driveway that goes straight to the carport which is a key feature and can't just take it away. Commissioner Jensen stated it would no longer be used as a house. Adam Maher stated it is not currently being used as a house but they have the ability to use it as a business and if so the business owner might like to park under the carport.

[7:05:54 PM](#)

Commissioner Jensen asked if any other Commissioners had an issues with the driveway. Commissioner Thorson stated he was thinking along the same lines as Commissioner Jensen but where that is the access to that building. Commissioner Jensen stated his thought were they could wrap that around and would pave the land in front of it and pave an access to the north if they needed it. Commissioner Thorson stated he agrees there are ways to work that out and thought exactly along those lines but think they hold off on that for now but does agree that should probably require no on street parking along there and not sure if that is in the ordinance already. City Engineer Bloemen stated they have already ordered some signs for that.

[7:06:53 PM](#)

Planner Davies stated as far as requiring the applicant to remove that driveway can recommend that they do but can require it because it is not in the code to require it. Commissioner Jensen stated his concern here is don't mind if it is there as long as the only purpose it is there for loading and unloading into the space but if it going to be used for parking then has an issue with it because have people backing in and out of that driveway right there at the corner and this is not a good idea, so if it just an occasional access for cargo purposes that is one thing but people that are going to be regularly accessing that building would rather see them use the parking lot and not sure how they could put a requirement as a conditional use that the additional driveway is not to be used for customer parking might be a way to solve it but that is his main concern.

[7:08:04 PM](#)

Commissioner Thorson stated Commissioner Vaughan was pretty interested in getting the rest of the property fenced off and is not too worried about it but wonder what the other Commissioners think and is withholding making a motion for that reason until see what the other Commissioners think. Commissioner McCuiston stated thinks the existing driveway is obviously too close to the intersection but that is grandfathered in and not much they can do about it, so hopefully as this develops out that will go away. As far as the northern property don't know if they are planning on selling it to the land owner up there to extend his backyard out, not sure what is going on, could require them to landscape it out and consume more water but not too worried about it. Commissioner Moultrie stated is not too worried about the fence bring up some

good points if does sell it off would hate to put up all that fence and do landscaping for nothing and as mentioned cannot do anything about the approach just take into consideration when developing that. Commissioner Jensen stated he sees some potential for another building there at some point or if the bordering land owners to the north or even east are interested in acquiring that property that could be one option that would solve that but having it included as part of the site plan is an interesting thing and might be a good idea not to include that northern acreage in there but it where it is included think at the very least need to make sure it is maintained regardless of whoever owns the buildings.

[7:10:32 PM](#)

COMMISSIONER MCCUISTION MADE A MOTION TO APPROVE THE PRELIMINARY SITE PLAN ANTELOPE ANIMAL HOSPITAL PROPERTY LOCATED AT 1679 MARILYN DRIVE. COMMISSIONER MOULTRIE SECONDED THE MOTION. ALL WERE IN FAVOR EXCEPT CHAIRMAN VAUGHAN WHO VOTED NAY. MOTION CARRIED WITH A 4 TO 1 MAJORITY VOTE.

[7:11:03 PM](#)

Commissioner Jensen stated again for the applicant's benefit that if when the other building goes into use that the access on to Marilyn are encouraged not to use that as customer parking can see it used for loading or unloading but makes no sense to have customers parking there. Commissioner Vaughan stated the motion passes 4 to 1 and to explain his no vote is believes it establishes a negative precedent for the City.

[7:11:45 PM](#)

7. **Preliminary Subdivision Plan, Criddle Farms South, property located at 1200 S 4000 W, PRD**

Planner Davies stated this was tabled from the previous meeting and discussed looking at the preliminary plan that they had, the subdivision plat that was provided didn't have the same set up as the preliminary concept that was provides to the City in connection with the development agreement. So they have presented an updated version and the basically the new plan the difference is the trail that cuts north to south and a detention pond on the southwest corner with the trail cutting through and accessing the trail that will go along 4000 W. they have also shown some amenities, a playground area towards the center right and also in the detention pond a playground amenity in the southwest corner. They have also provided the guest parking pop outs as was discussed in the last meeting. The applicant has requested that the Commission re-look at this and see more similarities between the concept and what has now been provided and requesting to move forward with it. There is a trail connection as well down in the southeast corner that would connect across the street to the existing trail that runs along 1200 S.

[7:16:30 PM](#)

Commissioner McCuiston stated as part of the development agreement article 4.1, 5) 'A trail system shall be included in the development and shall connect to any existing or future trails on properties abutting the Subject Area. Specifically the subject area shall have two trail connections on the south portion of the Subject Area on 1200 South and a future connection to the Emigrant Trail to the north of the Subject Area.' It says it will have 2 connections on the south, 1200 S and one connection to the future Emigrant trail to the north, have those been provided on the current site plan, not seeing 2 connections to the south. Planner Davies stated there is not an existing connection that is shown but that wouldn't be challenging for the applicant to speak to that to be able to provide another access from that detention pond area potentially.

[7:15:04 PM](#)

Commissioner Vaughan asked how many total guest parking spaces do they have and part two of the question is going to be it appears using the diagram the colored map provided it appears as though the homes in the upper right hand corner sure have an awful long way to walk to a parking space, it appears as though the people on the west and people on south appear to be favored heavily as opposed to the people on the top street. Planner Davies stated looks there is not a table showing the total guest parking spaces so that would be a question for the applicant specifically on how many are included there.

[7:16:26PM](#)

Eric Thomas, North Ogden, appreciate the opportunity to present to the Commission tonight. They took the comments from the last meeting and as can see have addressed those items, some of the concern with the trail. The original concept plan had the trail going the middle of the project and it was during the design process that staff's recommendation was to push it out along 4000 W so it connects to what is planned in the future to the north and provides the connectivity there on 1200 S. So they shifted everything to the west to accommodate that trail along 4000 W. Since the last meeting have added, the concern was having some connectivity or a little bit more amenity inside the project with the trail since had moved it to the east so the mid cross section there with the trail to bring it out through the development and across through the open space and created the walking a path around the detention pond. The reason why they didn't do a trail connection at 1200 S it was recommended that they don't have a mid-block crossing for pedestrians, so left it so they could walk down the sidewalk and cross at the intersection there rather than providing a safety hazard of a mid-block crossing down by the trail, the previous plan had the trail crossing there and that is why it was taken away, the second connection would be the intersection on sidewalk rather than promoting mid-block crossings. They have detailed out the common space to answer some of the questions or details obviously a lot of this will take place in the development agreement that takes place between preliminary and final plans with the exact design and structures that are there and planned in there with the playgrounds. Down in the southeast corner have the trail connection and open space and what is called a parkour course or natural, where would use natural amenities for people to use for stretching and doing that stuff and utilizing the trail would kind of have a stretching station and workout station that is more used with natural features than an actual structures that are built, they are becoming quite popular to eliminate the red and yellow steel

structures that are put in the parks. So they have addresses the items of concern and the guest parking doesn't have the numbers with him as well but from the engineering standpoint that were put in with the street parking that is in there and the homes they do meet the parking requirement, the guest parking requirement is actually an added in amenity for some of the open space areas and that so a possible concern for the houses in the northwest corner, the guest parking isn't intended for parking for people going to the houses, they have driveways and street parking in front, it is really just an added feature if someone was coming over to use the amenities and common space, not for guests to the homes. Believe they have answered and detailed the concerns and the questions that were brought up for the reasons for tabling them last time they do as per their agreement meet, exceed the 50% open space, do exceed the 20% open space with amenities and am happy to answer any more questions, as per their agreement they are allowed to have 6.7 units per acre and as can see they have 5.3 and that is congruent with the concept plan that was originally there.

[7:21:25 PM](#)

Commissioner McCuiston stated looking at the trail system on the southern edge is that going to be a 10 foot trail and then a 4 foot sidewalk that will placed on the bottom on the east edge. Eric Thomas stated yes, actually the 10 foot trail becomes and takes place of the sidewalk as well, and staff didn't want to have both right there. Commissioner McCuiston stated that was why the trail went through the middle, it seems from this the City doesn't benefit from the extra density as it would if it had a trail going through the development and a sidewalk on the south side as it did in the original plan. Also a little concerned about the shared drive of the 3 lots, 75, 76 & 77, they share a common driveway that goes through there for garbage, snow plowing for ownership for parking that seems to present a little bit of a problem and not sure if there is an agreement between those 3 units on how maintenance and garbage, not sure how garbage is collected actually in this development or would #75 roll his can all the way down to the street or do they come and pick it up, not sure how that works and then shoveling or taking care of snow removal along in there. Eric Thomas stated as far as the shared driveways the garage would be collected out at the street, not any different than anyone having a long driveway, this is an HOA and the maintenance and that is provided and so some of those concerns with snow will be done by the HOA. Eric Thomas stated what was the question on the trail through the middle of it. Commissioner McCuiston stated in the previous plan there were 2 connections and an internal trail system and a sidewalk along 4000 W that also connected to the trails and in the new one there is a trail replacing the sidewalk along 4000 W and the trail is no longer interior to the development it is more exterior with the line going up to the detention basin that forms a loop. Eric Thomas stated if notice they have sidewalk on internal streets that wasn't on the original concept so that kind of was a tradeoff there that provides probably more walkability on this design verses that concept. Commissioner McCuiston stated to have the internal movement of the people in there sounds good.

[7:24:25PM](#)

Commissioner Jensen stated has a couple issues with this and biggest issue is regardless of what the math says am not seeing 50% open space there, sure if try to count every little square inch of that green there maybe can get there but are seeing a lot more gray and white and not counting the streets than green space and certainly the open space doesn't need to be useable but this is a perfect example of where the PRD zone falls short and why the City is deficient on this zone. Certainly if the PRD worked better where are doing 2 family or 4 family buildings, duplexes and 4plexes, twin homes and those types of thing but where trying to do it all as single family lots which is unfortunately what the Council directed because that was in relation to the neighbors' concerns and not saying it was as bad decision on part of the neighbors but essentially this is where trying to cram this many units into such a small space really falls short and think that as a Planning Commission and Commissioner Rackham would agree with him and unfortunately he is not here tonight but they had discussed this briefly that they probably should basically set some standards, some different standards under PRD for single family homes because this is a perfect example of what they don't want. Certainly developers try their best to make the best of a bad situation here but looking at it think could create a much better development if weren't trying to maximize the lots, the original plan showed 99 lots and this plan shows 101 and even taking out 2 lots would add a lot more in his mind would create some more interesting common space as well as open space. Even the common space kind of question because yes it is there but it is between homes it is not really concentrated, did send a suggestion that maybe that center island all be converted over to green space rather than have all the pocket areas of green space all over the development. This does not seem like it meets the intent of what they are trying to accomplish with the PRD. That shared driveway in essence may constitute flag lots which they don't allow and actually like the concept of where 3 or 4 houses or even 6 houses share the same driveway but under the current ordinance that is not, this is a PRD so it is a little different because there is some shared ownership here but those look like flag lots and the current ordinance discourages that. One idea that might add some green space but will affect the parking situation is look at low volume roads ordinances which allow for smaller cross section of asphalt and where that would be helpful here and eliminate street parking which might not be a bad thing that makes the park strips that much wider and allows the houses to be moved a little bit more so can create more green space as it stands with trying just do standard roads cross sections there with the sidewalks and everything else it just soaks up a lot of space that could be open space and even though the numbers are there but not seeing it, don't believe the numbers that are seeing. Did add guest parking but if are allowing street parking that is not as big of an issue but really think especially with the width of this lot being kind of one row houses short so to speak if it was a little wider basically could do a little bit more with this and even moving things around east/west rather than north/south becomes more difficult because there is just not enough space for that extra row of houses and again think that in the future they look at the PRD and if are going to try to do single family residential are only going to limit to 5 or 4 because even at 5.7 it is not working the way it should.

[7:29:08 PM](#)

Commissioner Moultrie stated also has a couple concerns, that island of homes for snow removal are going to have a bunch a snow in front of 2 homes and would really like to see the center island gone and would like to see all those houses come straight out to the street and that all be open in the center. Think about the home owners there, not the actual dollar signs that might be in your pockets if have more open space it is going to entice more people, it just looks like a bunch of crammed houses and don't see a place where kids can play and don't think it is good for the City or good for those individuals purchasing those homes, it is just sidewalk to sidewalk or concrete to concrete, so if could pull those homes out and get rid of the center island and have some more open space.

[7:30:14 PM](#)

Commissioner McCuiston stated he had to look up what a Parkour course was so sorry for his ignorance on that, it is very interesting and don't know how many stations or what is involved but it looks like it would be a nice amenity to have along with the development.

[7:30:30 PM](#)

Commissioner Vaughan stated has a question for the City Engineer or Fire Marshall in regards to the 3 lots 75, 76 & 77 which are basically the 3 lots directly north from the hexagon shape because those are a shared driveway would that require to be marked as a fire lane. Deputy Chief Jo Hamblin stated was looking at that and this is the first time he has seen these plans, does have concerns about access to them especially house #75 to get into that, what size the driveway is going to be and what type of access is it going to be able to handle the imposed load of the fire apparatus if they do have to go down to protect that structure and does have some concerns regarding that and also the minimum width would be a 20 foot clearance to go down there. Commissioner Vaughan asked Deputy Chief Hamblin if he knew how many fire hydrants are in there. Deputy Chief Hamblin stated he hadn't had a chance to look at these plans. Commissioner Vaughan stated it is not important right now but haven't seen them at all. Deputy Chief Hamblin stated the initial plans that they had submitted are the ones had seen but haven't received these plans.

[7:32:12 PM](#)

Commissioner Jensen asked City Attorney Roberts if the lots with the shared driveway does that constitute a flag lot. City Attorney Roberts stated no, in a PRD each house is its own lot so it is not a flag lot that would be, it is owned by the HOA just like all the other driveways would be considered owned, so no it would not be a flag lot. Commissioner Jensen stated in that respect having 3 or 4 houses sharing the same driveway under a PRD they could do that it doesn't become a flag lot if they do that. City Attorney Roberts stated right, a flag lot is where have a deep parcel and take a rectangle out of the front of it and have a driveway running up the side so this would not be a flag lot.

[7:33:16 PM](#)

Commissioner Thorson wanted a clarification on the calculations for the open space last time was under the understanding that there is a small L shape in front of each house and is that part of the open space calculation, the grayish green L shape in front of each lot, is that included in open space. Eric Thomas stated yes and maybe Planner Davies can address this a little bit more specific to the ordinance but believe the ordinance stated that open space is pretty much anything that is not concrete, asphalt or dwelling, so on the colored map all the stuff that is green is considered open space. Eric Thomas stated just want to make note about what Commissioner Jensen said about open space and what it looks like, it is often times hard to look at plat and see what represents space as well and Commissioner Moultrie, they meet the requirements by the City in fact they exceed those as open space, there is plenty of and want to make sur there are plenty of space for kids to play and with the open space here as well as the small yards albeit they be smaller than what are accustom to, they are larger than what a lot of people are accustom to as well, there is acres of grass out there for kids to play. So they meet the densities, they meet everything, they meet everything that is required by ordinance in this design and will make note that the Fire Marshall and might not be aware that this plan here is the same plat layout and utility layout as had seen the last time, they just added the color to see and the trail and open space things that were addressed, so the utility layout is still the same and obviously that will take place between preliminary and final as the engineering and anything else as they met last time they have met all those requirements and previous and the concerns in coming back this time has been mostly surrounded around the open space and those definitions that had sought out. Don't know that there is anything else that needs to be addressed just would like to say that they do meet all of the requirements and ask for approval of this so they can go onto the City Council and are not opposed of conditions if want the City Council to look at the 3 shared driveways or things like that and address that as well but another step in the approval process that is what they ask for.

[7:36:50 PM](#)

Commissioner Jensen stated site plan approvals are done by the Planning Commission, City Council does not see those. Eric Thomas stated this is a preliminary plat. Commissioner Jensen stated preliminary subdivision does go to City Council, had said site plan so that jogged his memory, so my apologizes.

[7:37:10 PM](#)

Commissioner Vaughan stated Deputy Chief Hamblin just returned from a National Fire Academy and has been out of town for a couple weeks and is why wasn't able to review that but are smarter now that his head has been crammed some of the best information can get on a National basis.

[7:37:30 PM](#)

Commissioner Jensen stated he is looking something up so give him a minute, the PRD language changed a little bit from what is in his binder and wants to check there. Commissioner McCuiston stated the guest parking to the north was placed in and that is why the shared driveway is now there, the last plat had those house radially accessing the road, so

that is why that change is and that is why the shared drive access is there now. Commissioner McCuistion stated he stated his concerns and think that the trail system, would like to see more information on what the Parkour course is, it is really worth replacing an internal trail system and connectivity to try and it looks like it could be if it is done correctly and right but is concerned with the shared drive with garbage collection and future conflicts between those 3 house owners, other than that it does meet code but not sure what can and cannot say at this point but would like some guidance. Commissioner Thorson stated his biggest issue with this is think the developer was given an unsolvable puzzle with the density allowed and the required open space they are not both achievable in his opinion. In the previous application that they saw last time it gave a description of what each lot was and asked specifically what parts included the open space, and his reading of the definition of open space it does not, the front yard, the side yard are open for the public to use and on that technicality would deny that it does not meet the definition of 50% open space as those open parts that are included in their calculation are not open to the public are not gonna stand in someone's front yard and look in their window, it is not going to happen.

[7:40:05 PM](#)

City Attorney Roberts stated can read the definition of open space from the zoning code, 'open space means any area of land without human-built structures, such as parks, recreational and natural areas or land not occupied by buildings. Open space does not include curb and gutter, driveways and roadways.' So the definition of open space would encompass non fenced yard areas in areas like the PRD.

[7:40:32 PM](#)

Commissioner Jensen asked the Commissioner a question, the old ordinance mentioned something about a superior product but not seeing that under the revised ordinance that was passed recently. It talks about the trees and shrubs that break up the look of having the same building style duplicated throughout the development and should be in accordance with the AR guide. Seeing the landscape plan here but not seeing how that is going to break up the look of having identical buildings right next to each other, certainly there is trees in the park strip there but they are really going to break up the view very much and wanted to know what the other Commissioners think.

[7:41:14 PM](#)

Commissioner Vaughan asked staff regarding the applicant stating that they have complied with all the open space and all the technical requirements of the PRD, is that correct, in staff's estimation have they complied with everything. Planner Davies stated that is true. Commissioner Jensen stated would disagree does not think it complies with item 4. Commissioner Vaughan stated his final comments then would be if the applicant has complied with everything that is in the ordinance, has complied with everything that is in the ordinance they may always have their differing opinions on style and things like that but as far as being bound by the code, the code speaks pretty clearly on a situation like this. Commissioner Jensen stated the code also speaks very clearly on one other point, 'development shall provide adequate off-street parking areas, subject to requirements of this chapter and off-street parking requirements' and PRD requires 2.5, so essentially if are going to count the driveways as the other .5, because the 2 car garages are required so that is 2 and then does the space in front of the garage door count as parking place or not that is a question for staff. Planner Davies stated does not have dimensions on here but if the drive way is 20 feet deep and 9 feet wide then they have a parking space, just like any other home can park in driveway so that would go towards that parking requirement. Commissioner Jensen stated okay that answers that questions but essentially his point is that street parking cannot be counted because it specifically designates off-street parking. Another observation of it providing a standard right of way of 60 feet which precluded low volume residential road, the right of way ca still be 60 feet with low volume can basically create more green spaces in front of the houses. It is neither here nor there but keep coming back to number 4 in trying to providing amenities, 10.75.040 sub point 4, says 'trees and shrubs that break up the look of having the same building style duplicated throughout the development' the landscaping plan seeing doesn't do that, certainly trees along the street but don't think that is necessarily going to break up the look of having 20 or 30 identical house right next to each other. The whole point of trying to use the open space is to break up the these rows of house so don't have those and certainly the developer comes back with a plan that shows to have 6 different housing styles that look completely different from each other that is another thing but that is not included in this application based on that and since the City Council does get final say on this is going to make the motion of denial.

[7:44:15 PM](#)

COMMISSIONER JENSEN MADE A MOTION TO DENY THE PRELIMINARY SITE PLAN APPROVAL FOR CRIDDLE FARMS SOUTH AND RECOMMEND DENIAL TO THE CITY COUNCIL BASED ON THE FACT THAT SPECIFICALLY IT DOES NOT ADEQUATELY MEET THE REQUIREMENTS IN 10.75.040 ADDITIONAL LOT STANDARDS RELATING TO TREES AND LANDSCAPING TO BREAK UP THE LOOK OF THE DEVELOPMENT WITH THE FINDING ADDITIONALLY THAT THE OPEN SPACE AND COMMON SPACE IS NOT OF HIGH ENOUGH QUALITY FOR THE DEVELOPMENT. COMMISSIONER THORSON SECONDED THE MOTION.

[7:45:09 PM](#)

Commissioner Thorson stated the definition of open space he is looking at in 10.10.040 Land Use is that proceeded with anything else or do they have conflicting definition in the code. City Attorney Roberts stated he is not aware of a conflicting definition that is the generally applicable definition for Title X. Commissioner Thorson stated in reading 10.10.040 right now it 'open space means any area of land characteristics by openness that provides for the portion of the human environment through dedication and preservation of said openness, in order to enhance urban, suburban or rural areas and provide important physical, recreational, conservation or aesthetic or economic value' is the definition is looking at and doesn't feel that it meets that in almost every sense of those words, if that definition is superseded by anything

else. Commissioner Vaughan confirmed that was 10.10.040 definitions. City Attorney Roberts confirmed that was the definition of open space in 10.10.040. Commissioner Thorson stated 10.10.040. Commissioner Jensen asked which version of the code was her looking at. Commissioner Thorson stated that is what he wants to make sure he is looking at the correct code, the date on it provides 05/14 in Dropbox. Commissioner Jensen stated the definition he was looking at he pulled from code publishing website says 'open space means any area of land without human-built structures, such as parks, recreational and natural areas..' from 10.10.040 in November but certainly can go to the web and check it there. City Attorney Roberts stated he is looking at the web version of code publishing. Commissioner Jensen stated they may have changed that definition recently when they did the general plan update. Commissioner Vaughan asked if needed more time before call for the vote. Commissioner Thorson stated the motion that was made and seconded he agreed with doesn't substantially meet the ordinance just wanted to state where was getting his definition.

[7:48:12 PM](#)

VOTE ON MOTION: ALL WERE IN FAVOR EXCEPT CHAIRMAN VAUGHAN WHO VOTED NAY. MOTION CARRIED WITH A 4 TO 1 MAJORITY VOTE. COMMISSIONER VAUGHAN STATED HE VOTED NAY FOR REASONS BEING BELIEVES THEY HAVE MET ALL THE CONDITIONS. COMMISSIONER JENSEN STATED IT IS ULTIMATELY UP TO CITY COUNCIL IN ANY CASE.

[7:49:03 PM](#)

8. **Adjourn**

COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSION IN THE CHAMBERS. COMMISSIONER MCCUISTION SECONDED THE MOTION. ALL WERE IN FAVOR

\_\_\_\_\_  
Ralph Vaughan, Chairman

\_\_\_\_\_  
Stacy Adams, Commission Secretary

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