

Minutes of the Syracuse Planning Commission Work Session, May 17, 2016

Minutes of the Syracuse City Planning Commission Work Session held on May 17, 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
Greg Day
TJ Jensen
Curt McCuiston
Troy Moultrie
Grant Thorson

City Employees: Noah Steele, Planner
Royce Davies, Planner
Paul Roberts, City Attorney
Stacy Adams, Commission Secretary
Jo Hamblin, Deputy Fire Chief

City Council: Councilman Mike Gailey

Excused: Commissioner Rackham

Visitors:

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1. **Department Business:**

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a. City Council Liaison Report

Councilman Gailey stated they adopted a lot of the material that the Commission sent to them. Regarding Criddle Farms the PRD that has previously been proposed that preliminary plat was approved at their last meeting with the understanding that there are still negotiations going on that will require a new development agreement between the City and the developer. The new agreement is such that as a means of benefiting both the City and the developer and the property owner. The City is in negotiations with them to eliminate the PRD that is there and replace it with a R-3 subdivision with a good deal of the property north of that being set aside for a local park in that area dedicated to the Criddle family that ran the farm. As a means of keeping the dialog going the City Council agreed to approve the PRD with negotiations going on. City Attorney Roberts stated the next step in this would be getting together with the developers and working through what amenities, landscaping, architecture and things like that and staff will be the main contact and will be involved in drafting the new agreement but the points of design will go through staff. Obviously with this type of development agreement since it is a mandated agreement cannot be unreasonable they can only impose reasonable restrictions. So if push too hard they can push back but are waiting for them to let staff know. Commissioner Jensen stated that R-3/R-3 was on the table for the R-1/PRD they have now and how is that coming along. City Attorney Roberts stated the City has sent them draft agreements and have talked to them but haven't heard back yet so are waiting to see what direction they want to go. Planner Steele stated the ball is in their court and are required to submit Rezone and General Plan applications for the R-3 and just haven't seen them yet. City Councilman Gailey stated the City Council agreed to waive the fees as was discussed and the City Council granted that. Councilman Gailey stated the next item they talked about was the General Plan Map change the PRD that was proposed in relationship to Craig Estates they came to the City Council with some changes in the boundaries and dedicating additional properties that brought it to 5.3 acres or somewhere around there and with that change the City Council agreed to that change. There was the proposal that the Commission heard in changing property located at 920 S 4000 W with 4-5 residents that were present for the public hearing that were concerned about the closure of open space and as the Commission did the City Council agreed that the proposal was in the best interest of the City and that was approved. They approved the tentative budget and set the budget hearing for June 14, 2016 for the presentation of the final budget. Another item the Mayor was given the authority to execute the purchase of land on about 500 W 2700 S (Gordon Ave) to purchase the residential property for future widening of that street and there was a bid and the price was accepted by the City Council and will be purchased for future widening. City Attorney Roberts stated the City owns that now they just closed on Friday. Councilman Gailey stated he will go back to the City Council with their recommendation tonight on the cul-de-sac. By the way he reports to the City Council on Wednesday mornings in an email as well as a copy to the Commission Chairman.

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b. City Attorney Updates

City Attorney Roberts stated no other updates for them.

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Commissioner Jensen asked City Attorney Roberts if received the email from ULCT about the Land Use training opportunity that is coming up. City Attorney Roberts stated he doesn't believe he saw that email but knows there is a new tool out there the acronym is 'LUAU' and that is a training tool that is ongoing and the League put that on with several others. Haven't looked at himself just heard about it last week at a conference, it is designed for Council Members, Planning Commissioners, staff and anyone who is interested. Commissioner Jensen stated this was generic Land Use

training. Planner Steele stated if they are interested in attending the training would be happy to send them. Councilman Gailey stated one comment on the ULCT the City Council as it currently stands is not funding in the budget membership in the ULCT next year. There was concern expressed that whether it was really meeting the needs of the City and represented the City well but the City will still allow and pay for trainings, will pay a little higher price as a non-member but if the current budget stands they will be members of the ULCT next year. City Attorney Roberts stated 'LUAU' is actually a State run resource, LUAU.Utah.gov is the site. Commissioner Jensen state the Land Use training he was talking about looks like it is ULCT but it is Land Use 101 training for Appointed and Elected Officials on Saturday June 11, 2016 from 9am -12 pm.

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c. Upcoming Agenda Items

Planner Steele stated staff has received applications for 3 concept plans. The first one is called Grayson Ridge it is south of Buffalo Point Elementary and are just waiting for preliminary plat application for about 100 homes. The second one is the Rezone south of Rock Creek Park they have already submitted a concept plan calling it Hunter Glen with about 60 lots. The last is a 2 lot subdivision off Bluff Road that submitted a concept plan south of Kara subdivision, calling Jensen Park Estates. Commissioner Jensen asked if it was over by RC Willey where they had the issue with the sewer before where the property owner had to extend the sewer because of the City requirement that all new developments have to hook into the sewer. Planner Steele stated yes, Dennis Higley property, he has extended the sewer now and is ready to develop, they actually sold a house there and the house was on septic and had to extend, since it was within 300 feet of the sewer and the street they had to extend it. Planner Steele stated the Barber property the one that Councilman Gailey was talking about that received the Rezone for the PRD across the street from the City the 5 acres they have already submitted for a Rezone so that will be on the June 7, 2016 Agenda and want to move through as quickly as possible and of course the Criddle negotiations so might see that soon. There might also be a future Annexation a large one looming that staff is working out some details.

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Commissioner Jensen stated a quick note for staff as far as the R-3/R-3 think that it is a little bit more honest way for them to be able to develop it rather than try to work with a PRD think that the PRD's they have seen up to this point really does not meet the spirit of the ordinance, it technically meets the ordinance since 3 members of the City Council agreed that it did but think that it would be, certainly not happy with bumping the zoning out there but if it a choice between the PRD that they presented or something that is just a little more straight forward would prefer the R-3.

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2. Discussion Items:

a. Review of definition of Open and Common Space in PRD Zone

Planner Steele stated included what have now in the ordinance and can review today and with some input can draft some proposed changes. Included in the packet is the adopted ordinance and the adopted definitions. Know that the concerns were expressed with reviewing the PRD ordinance in Criddle Farms that some of the common space was kind of behind the homes and not necessarily useable and cohesive. The existing definition for 'Common space' means land area with an amenity in which the dedicated purpose is shared equally by all the residents of that community or the public. '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. Planner Steele stated in the actual PRD ordinance highlighted references to the common space. Think the whole intent of PRD is in exchange for some of the higher densities and want really nice open spaces it states 'its intent is to encourage a more efficient use of the land and the reservation of a greater proportion of common space for recreational and visual use than other residential zones may provide.' and want it maintained by HOA. Also says 50% of the land area, excluding roadways, buildings, acreage and excluding any above-ground City infrastructure. Of that 50%, 30% shall be open space and 20% in common space' The detention ponds can't be included as common space unless they put an amenity in it. They want the landscaping to break up any long roof lines and improve the streetscape so it is not monotones all the way down.

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Commissioner Vaughan stated thinks they should just hold comments and discussion to the definition of open and common for right now.

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Commissioner Jensen stated his thoughts are and kind of something that Commissioner Thorson brought up a couple meetings back, he made the comment that essentially if are standing in someone's front yard or even in their backyard that is really not common if considering that your yard that is really not open space and so what suggested last time and think it is a good idea although might need one of the percentages as far as PRD but think on a more general level it applies to the Cluster as well. Think that land that falls within a setback within a required setback front yard, side yard and rear yard or within a require right of way really should never be counted towards open space. Especially with the front yard if standing in someone's front yard and can stare right into their living room because standing right there don't really think that is open space. Recognizing if try to restrict developers on that with the 50% that would be difficult and think that if they were to basically take the driveways and the required setbacks out of equation would probably need to drop the 50% to probably 40% that way it is actually honest to goodness open space and not concerned about whether essentially if it right now the house don't think it is open space, it is open but as far as what they are trying to accomplish here is trying to create useable open space if it is in someone's front yard it is useable open space for them and pretty

much nobody else unless the neighborhood kids come over to play but it essentially their front yard whether it is counted as open space or not so would suggest that they just take in the definition that land that falls within required setbacks or right of ways shall not be counted towards open space and then change 50% to 40% is his easy suggestion. As far as how would illustrate that on a plan would have a box that shows the building lot and then a box around that shows required setbacks and are kind of already doing that with the rear yards and saw that in the Criddle where they were boxing out the rear yard that was fence off so essentially that box would just expand to include the required side yards and required front yard.

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Commissioner Moultrie stated think the open space would not include any of the frontage, side yards and 30 feet of the back from the house that would be his suggestion that is the homeowners space that is not considered open space.

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Commissioner Day stated he wanted to share a thought regarding PRD and maybe kind of from a different perspective is that his understanding from this body and the Council that no one likes PRD's, period. So for this body to, think need help with this because it is like asking him to develop a recipe for Brussel Sprouts just don't think it is going to come out very good. So maybe need to get some input from some people and maybe seek some advice because from his recollection and doesn't have perfect recollection but every PRD that has ever been done in this community the next action on the following Planning Commission has been to take out or modify the PRD ordinance. So kind of feel like they are extremely reactive and not proactive in their approach towards this. So a little bit of a different take don't necessarily disagree with the method or what the percentages need to be quite frankly they are what they are but think they maybe need to get some advice on this.

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Commissioner Vaughan stated he proposed they do away with common space and just have the only word they define being open space and actually by doing that they are following a national standard. Was unable to find any other jurisdiction in the State of Utah or in the 11 western or on a national basis where they have both common and open space in their PRD. The Davis County code of ordinance their section 15.20.1830 subset 'E' only uses the term open space and later is defined in section 'J' where talk about what open space is and it pretty much follows what the City has as far as being the footprint of a building, the driveway and any other specifically designated areas that belong to and are not common. Salt Lake County does the same thing there section 19.78.100 is defined as preservation of open space is basically the same thing. Kaysville which is the closest jurisdiction that has a specific mention of it on page 133 of their manual goes specifically to common open space and they use the 2 words together so there is not one. Weber County has the same thing their section 22-D-100 definitions they have a definition for common open space following basically what the City has and then they also have an appendage on that where they have a common open space easement which is granted to the jurisdiction which would be the City for any areas that would be of use or being used by the City to traverse or maintain or go over whatever the common open space is. On a national basis on Planning.org which is the website of the American Planning Association they have a definition for common area only. There are several more, in Salt Lake County the term or the definition that they use for open space has nothing to do with PRD's but specifically deals with large tracks of land which they call natural areas, wildlife and native plant habitat, important wetland water streams, streams corridors, passive low, little or no land disturbance and it goes on and on. The EPA has one the definition and in the Land Planning Institute in their Encyclopedia their definition is any land area to which the public has unrestricted access. Is thinking in the City ordinance could probably just do away with common space and remove that and continue with the same definition of open space to not include curb and cutter, driveways and roadways and then possibly any specifically designated areas because it is quite possible even in a PRD the home owner may want to buy a patio and may want to buy a fence from the developer and those areas which would then become personally owned by a property owner would no longer be open space even though they might be adjacent to an area. None of the definitions found included an area that included an area that includes a perimeter area of 5-20 feet of an existing structure so there is no buffer zone for lack of a better term around a building it is either the footprint of the building and then 1 inch outside that is now an open space. Also on top of that there is quite a large body of legal decisions behind what the definition of open space is and virtually all of the court decisions that have reviewed and gave staff a copy basically states that the most problematic area in a PRD and condominium type project is where someone tries to use land for their own personal area outside of the footprint of their building and outside their driveway and curb and gutter. Think they would be eliminating a lot of problems if would just do away with the definition of common space and rely solely on open space all by itself. As far as the discussion on what the City Council wants to do with a PRD that is up to them, they asked the Commission to work on the definition of open and common and that is his solution to the questions that they asked.

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Commissioner Moultrie stated looked at Layton City's code 19.24.040 and they actually combined it so it says open space and common area, Open space should be large enough for all residents of the project or the general public. Such spaces should include improvements such as playgrounds, pathways, pavilions, play courts, ball fields, as well as informal spaces, which encourage the use and enjoyment of the open space. That is it, they have it combined, it goes into more detail but don't want to bore them so that is just the meat of it.

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Commissioner Thorson stated think there are 2 things he would do. Number 1 would scrap PRD's but if are going to put a Band-Aid on it would change the definitions. The way that developer had it set up where it was individual homes really made a lot of side yards that weren't really feasible open space but would rather get rid of it completely. In the

meantime would create a buffer around the building and would do a side yard distance and a backyard distance that cannot be counted towards open space. Not because it is not available to the public but because it is just not feasible way to use it and it doesn't have an amenity there is no way for it to have an amenity to the public. Would change the definition of open space to exclude side yards, back yard and front yards with a depth, similar to setbacks. The setbacks unfortunately measure from the wrong spot they measure from the property line towards the house and would start with the house and measure outwards and would go with a 30 foot backyard and 15 foot side yard that cannot be counted as open.

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Commissioner Jensen stated looking at their older definition of open space and they decided to simplify it and think they went too far and at time Commissioner Thorson had brought up the older definition and they used to break down open space into functional open space, natural open space, cluster subdivision open space and public open space. So they actually had different definitions because the different open spaces worked different ways but essentially they were all basically open space but they used to have the definition of what was functional open space and what was not there used to be that distinction. Commissioner Thorson brought up the Layton ordinances and remembers reading their PUD/PRD ordinance and they did talk about common space. Took the time to drive through 2 of the City's existing PRD's, the one over by Smith's and Stoker Gardens and essentially was in relation to something else but never really had driven through Sunset Park Villas and a lot of the things have talked about before about the shared driveways Sunset Villas uses a lot of that and although wasn't able to find any open acreage in that per se sure there is some tucked up in there from the road can't see it but the one thing they do have is a mutual clubhouse, community center so essentially in a way that is common space that is very functional common space. Also drove through Stoker Gardens and spoke with staff after the fact was trying to find amenities in there and did see one area towards the west end of the subdivision where there was not a lot of acreage but was kind of open and a good place for a playground but not sure if Stoker Gardens has any of those kind of amenities and didn't see them and so certainly they made some massive changes to the PRD ordinance post Stoker Gardens mainly related to the density because people did not like how dense that was. That was supposed to be the City's litmus test to see if liked the PRD's or not and that was 3 or 4 years ago now when that was passed and built and the idea was to look at it and study it and then decide if liked it or not. Agrees with Commissioner Thorson that just don't think PRD is a good fit for Syracuse but there are some things that PRD's do that like and so think throwing it out outright struggle with and think where they went in the wrong was basically when they simplified the definition for open and common space. They did that to try to make them a little easier to understand and unfortunately went too far the other direction and the one thing the PRD does have and the Cluster talks about too is there are required setbacks in both of those ordinances and so think that is something could use as a baseline. That is why suggested that rather than the 50% that counts everything that it is a lower percentage but it is actually bona fide open space that isn't within a setback and think that is the best way to approach it. Think that the common space the way Syracuse does that maybe are being more forward thinking that other communities but the entire idea is that it is that acreage is for the benefits of the residence of that community or the City as a whole whatever the developer decides and so don't think need to go away from that but essentially maybe just don't worry about open space but specify common space but there are some other things that open space is used for such as wetlands, preservation and stuff that think needs to be recognized in some way. That is what struggle and driving through those 2 developments the one thing didn't see in either of them was really good useable open space that was being used as such. At least with Stoker Gardens there was an area in the back where kids could go play but that feel like it was a high quality area and there are some certain acreage between the buildings but the buildings aren't that far apart and so think that is what would like to see the City get away from. Want to see real open space in these developments so they don't just have buildings backed up against each other and they have backyards but that is the open space and that is all the open space they've got. That is the main issue and that was the issue with Criddle development that came through a few weeks ago and just felt like they were just taking the left over acreage and call that open and common space and they talked about amenities and know that 2 Councilmembers at the meeting last week chose to abstained because they felt the developer had not adequately shown superior amenities there or really talked about the amenities at all and the other 3 Councilmembers disagreed so they passed the preliminary but that was the struggle with it, it just looked like it was a tighter R-3 and if it was just going to be a tighter R-3 then let's just call it R-3.

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Commissioner McCuiston stated it seems like they are all in agreement on what they want to see and they all understand and are just trying to figure out how to do it and the problem lies that they are not of legal minds and good at crafting code and ordinances and maybe they should have the professionals take what they all want to see and think that is all he same doesn't sound like anyone was in disagreement and come up with something that will provide for the City what they want. Because they could sit there and wordsmith the heck out of it and not so sure wouldn't end up with something else that doesn't work.

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Commissioner Vaughan stated if they are to craft do some wordsmithing and put in exceptions or some things that have been mentioned they would be the only jurisdiction under Weber, Davis and Salt Lake County to do so and would also be contrary to what PRUD sections are for the State of Utah. Basically if take the definition of open space and eliminate common space and use open space and the only thing they add is open space does not include curb and gutter, driveways, roadways, clubhouse, tennis courts, swimming pools or any other amenities developed and put in place for the common use of the residents and other than that those are the only things that are agreed upon by all of the jurisdictions that quoted from. In Salt Lake County, Davis County, Weber County and using the State of Utah's code. If go for a buffer

zone outside of the footprint of a building we would be the only jurisdiction anywhere that is doing that. Commissioner Jensen stated that is not necessarily a bad thing.

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City Attorney Roberts stated if can interject, does see common threads for all comments and thinks are all coming from the same standpoint if are going to retain the PRD that is. Seems like there is obviously a concern of counting any sort of space that surrounds that home so using the setbacks it seems like everyone seems to agree so let's just exclude the areas of the setback around the home and call it specific feet or if in the ordinance already. Could also consolidate the open space and common space definitions into one, it seems like it is kind of confusing for developers and for others to apply what is common space and open space. Common space is sort of a subset of open space but can include things that wouldn't be considered open so it is a little confusing that way. The question for the Commission is do they want they want to encourage amenities like clubhouse and things or want to not encourage those and just say want open space and are going to exclude things like common amenities or want to have that included as sort of the overall common space of the development. Commissioner Moultrie stated include it would think that would be beneficial for those residents. City Attorney Roberts stated so previously had to have this much open space and 20% of that had to be common space. If like those percentages or that general proportion could just change the code so it just reads a little more clear so it is a little less confusing hopefully. Commissioner Jensen stated he really like the idea of encouraging amenities and at one point they had a point system in PRD to do exactly that and decided to take it out because it was too cumbersome for whatever reason and also were trying to get away from the 12 density at that time it was 12 net and to go above 8 had to provide certain things and for whatever reason decided just wanted to drop it down to the 8 net and then of course dropped it to 6 gross which is roughly the same. That is the one thing liked about the development behind Smith's is they have the community center in there and that was envisioned as part of the development and those are the type of PRD's like to see where are trying to encourage active adult living and that type of thing and if the developer is just looking for ways to say this acreage is open so it must be the open space and not really thinking of terms of trying to provide a development with amenities. Like the PRD's that are built around amenities and don't like PRD's that amenities are kind of after the fact.

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Planner Steele stated thinks staff understands and hear concerns and comments and have been taking good notes and think have enough to take a stab at it unless like what Commissioner Day was saying about going a different direction and could hire a consultant or something but think within staff can take a stab at it and come back next work session. Commissioner Moultrie stated thinks they are in the right direction. Commissioner Day stated one thing else wanted to point out that if an HOA will own the open space verses it being private ownership that is something that needs to be contemplated as well, that makes a big difference.

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Commissioner Vaughan stated outside of planning but in the legal community when talking about setback it is a case of maintenance and the legal standard on that might and has come case law on it is who maintains it. If the HOA maintains it then it is common open space, period. Commissioner Day stated that is what he is getting at is if are going to restrict it to being labeled that then that mean it has to be privately maintained and think in many of these communities that is what they are trying to avoid. Commissioner Vaughan stated that is why the simplest thing is to use open space and add those amenities at the end of open space does not include and then it is basically done.

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Commissioner Jensen stated he respectfully disagrees with that. Just because land falls within the required setback doesn't automatically preclude the HOA from doing the maintenance on it. What are trying to accomplish with open space that that land does not meet that standard that is all they are saying, not saying anybody owns it just saying want to see open space in the development and don't consider that as part of the open space. Commissioner Day stated then the developer will not give that as open space. Commissioner Jensen stated that was why he suggested lowering the percentage on the open space. Commissioner Day stated they would put a fence on it and won't allow people to access that property and sell it to the home owner because if they cannot count it as open space why would they do that. Commissioner Jensen stated thinks if the percentage is low enough they will find the open space. Commissioner Day stated guess that is what would have to do is the corresponding and lower that other percentage. Commissioner Jensen stated suggested 40% and maybe lower than 40% but just don't think can do it with 50% open space.

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Commissioner Vaughan stated in the interest of time and to give some clarity to staff if each Commissioner could give one specific point that staff can work on because obviously the discussion is going to have to continue on this as far as what want to see in this area.

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Commissioner Thorson stated eliminate PRD. Commissioner Vaughan stated unfortunately that is not on the table before them if City Council ever asks them to discuss that they can but today they asked them to define common space and open space. Commissioner Jensen stated his suggestions are on record already. Commissioner McCuiston stated guess doesn't have anything else to add, don't want a bunch of thinned unconnected open space just scattered around the development would like it to be placed in areas where it benefits the development and not the developer. Commissioner Day stated in terms of definition and percentage really don't have much of an opinion they do need to be careful if they exclude the property around the structure because like said is going to promote fencing and promote the developer to try to, if not going to get credit for it are going to restrict it with fencing and don't know if that is necessarily what a PRD should be. Commissioner Moultrie stated think should combine the two common space and open space and

as the others have said or even in the Layton City code needs to be all in one area. That last development they saw was scattered all over the place and include front yard and side yards and backyards that is not open space.

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b. Buffer Ordinance Review

Planner Steele stated the bad part of the Buffer Table is that it is confusing for developers. There are many, many, many options in each one of the sections depending on what the proposed development is adjacent to, the more intrusive or potentially intrusive the use the higher the table and there are just a lot of options. There are differing fencing and plant densities depending on how wide the buffer is which leave a lot of different scenarios that could potential happen for each table. What staff has been doing for developers has been telling them, choosing for them and then proposing it to the Commission and get the approval of their plan. Staff would like to have it spelled out so can say this is what everybody agrees on and what the separation between the uses should be. The options before them are to rewrite it or at the very minimum the biggest problem think with the buffer is Buffer Table 'E' which is supposed to be the biggest, meanest separation between the 2 uses says a fence or landscaping with a berm and all of the other buffers say a fence and landscaping so why would most strict buffer only have one or the other. Think may understand why it says or because it has a big berm so essentially would have a berm and a fence but think at the very minimum need to correct the table 'E'. Proposed is a draft and changed the process a little bit so the process would be first identify the land use so it consolidates the different kinds of land uses into a category, such as farming, horses would be Agriculture a broad brush and then retail, office, neighborhood services like that would be Commercial. Business park, warehouses, industrial storage would be Industrial and single family house or a house with a basement apartment would be Single-Family and then anything attached like a duplex, apartments would be Attached residential. So from there would go to the second table and so for example if a developer wants to build Single-Family residential next to another Single-Family residential that would require the least separation. Really are just trying to minimize nuisances between these different uses so theoretically the different uses that have the biggest potential to cause a big headache for their neighbors should be the biggest, beefiest buffer, so 'A' would be the smallest and 'E' would be the highest. Have summarized the different scenarios that could occur in the City and there may be some that aren't included but think it covers the majority of them. Also replaced all of the pictures from before and just spells it out. For an example Tiovoli Gardens behind Dollar Tree they were required when they went through were told they would have to do a buffer with landscaping and a fence since it was next to Agriculture and so it went in and put the fencing in but then the property to the south actually developed and changed so it wasn't Agriculture anymore and so they were just really confused as to how that buffer would be applied in the first place because if it a Single-Family development do they make them do an HOA landscape area in the back or give the landowners trees to plant or do they plant the trees along there so it has been a little bit confusing for some of the different situations that come up. So what is proposing would be easiest for staff and obviously is a draft so if are any letters that think would be a more appropriate for the different buffers could play with that or if have some other concerns that haven't been addressed is happy to listen to concerns and draft something else up.

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Commissioner McCuiston stated wondering where recreational properties will fall in the Buffer Table. Planner Steele stated like a park, would say similar to Agriculture or can make a new Land Use category. Commissioner McCuiston stated that is where he would put it too until noticed that between Commercial and Agriculture there was none but think it looks good. Commissioner Vaughan stated wouldn't it based on zoning. Planner Steele stated it would be based off the land uses proposed. Commissioner Vaughan stated as far as a park would normally go into what kind of a land use area. Planner Steele stated don't actually have an open space zone. Commissioner Vaughan stated there ya go. Planner Steele stated a lot of open spaces are A-1 which would be Agriculture so can either add a new category or could add a new condition or buffer. Commissioner Vaughan stated or would they not already be covered based on table 2 with the land uses. Planner Steele stated Single-Family next to Agriculture is a fence which is fine but it is really when it comes up to a Commercial next to Agriculture says next none but could change that and add the buffer requirements would want.

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Commissioner Vaughan stated the tables proposed are excellent and like them and have gone through all of them and would be happy adopting them right but because this is the very first time it is being presented doubt if everyone else would be able to agree with that. Would hope that in preparation of meetings that everyone has read through stuff so are ready to go on stuff but don't know if that has happened as far as being to be able to speak over specific things. Basically the 2 areas which to discuss are what constitutes a buffer type where argue over plants or next table 2 arguing over what to put in an area, like all of them. The only thing would add onto this Buffer ordinance is the fact that the buffer has to be applied to entire property, cannot give exemptions or a King's X or a pass because someone wants to trade an increase buffer in another area. The buffer is for the entire property and nothing is to be excluded in the future and could call it the Antelope Vet Clause so they do not have that again and think that was a terrible precedent and don't want to see it somehow creep into the Buffer code if are going to redoing the Buffer section. Obviously this is going to have to be continued for discussion at the next meeting if anyone would like to make their comments for right now sure staff can work on this and want to hear what the Commission has to incorporate so perhaps can get this thing through. Because don't think there is a need to drag this through 3 or 4 meetings on this and think can do it real quick.

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Commissioner Jensen stated his concern didn't notice the chain link went away from the old table to the new table some people like chain link so don't think want to necessarily take that out of hand and think when trying to get between Commercial zones and non-commercial zones think there is a place for that and one of the reasons A-1 was given that exemption next to Commercial is because Syracuse was an Agriculture community for a very long time and essentially

didn't feel like those were incompatible uses certainly they are different uses but the idea of a buffer is to buffer one user from the other and so Commercial really don't care what Ag does and Ag doesn't really care what Commercial does and there aren't people living in either. There are certainly things that fall under the nuisance ordinance that could apply but at the time that was sort of the thoughts on that. Don't think Syracuse City made these Buffer Tables on their own think they came from somewhere they have been on the books for a very long time though. At the very least would like to see is that go from OR to AND on Buffer Table 'E' at the very least that is what they should do. The thing sort of like about the current system although it is not really fully implemented is that it gives the developer a variety of options as far as trying to meet the buffer requirement and think that sometimes a berm is a little bit different than a row of trees. What would propose would actually take a while to develop and don't think and staff has some other things they are working on right now but wouldn't mind seeing more options as far as trying to buffer the uses and Chairman Vaughan brought up the Animal Hospital didn't meet the buffer requirements and one thing the Buffer Table doesn't talk about its where that fence is supposed to be and is why didn't have an issue with it they built the required fence and there is no requirement anywhere in the code that says it has to be on the property line it just says it has to be there and so maybe that is something need to visit in the code if they want those fences on the property line it needs to say in the code the fence has to be on the property line. Planner Steele stated will look at adding chain link to some of the options and as far as under 'B' it says fencing especially with buffer yards shall be located on property lines except as described in subsection 'G' which basically says can swap the fence and buffer like if is against the road or something and then it also says that should be located on the outer perimeter of the lot or parcel. In the case of the Animal Hospital most important thing was there was the separation there but when they come through if they ever want to build anything there they are going to have to another buffer requirement and go through a site plan review again. Commissioner Jensen stated that was something that someone else brought up really quick talking about the time the buffer was required because the uses were incompatible maybe there needs to be a mechanism when those uses are no longer in compatible the development is done but maybe the developer wants to sell that acreage back to a land owner or something but they could recover that acreage if the buffer is no longer required because if a change in use that should probably be contemplated somewhere in the code. Most people aren't going to bother with that but somebody might. Planner Steele stated that is a good idea. Also tried adding some flexibility into it because just can't summarize everything so under C, 1, 2, 3 at the end stated the Planning Commission may determine the land use category if it is not clearly described in table 1. So can determine the category and then determine the buffer type and even if the table says recommends one could say this particular use seems like would probably be better to be a bigger one or a smaller one. It also says the Planning Commission may alter the buffer type fencing or landscaping requirements to address unique site constraints like if they had horses that are known to kick vinyl fences could say would rather prefer to have chain link fence there, there are a million different things.

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Commissioner Vaughan stated in regards to 2 and 3 aren't those normal reserved for physical confirmations or deformations that require some type of adjustment such as a cliff, a creek, a river or something other like that as opposed to whim of man. Planner Steele stated that is what had in mind unique site restraints. Commissioner Vaughan stated based upon serious physical characteristics which are normally not found on a flat terrain. Planner Steele yes but guess that could be interpreted more loosely also of what a site restraint could include and maybe can add some clarification there.

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Commissioner McCuiston stated would like to say that the old Buffer Table had all those options rarely saw any other options used than the cheapest option so don't know if it was really beneficial to have all that in there or not think what staff has proposed is great and rally not a fan of chain ink fence.

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Commissioner Thorson stated first of all will tell them for the benefit of staff the developers are not stupid they know exactly what the code says and as a negotiating tactic asking staff to define it and then throwing a tantrum over what is said and they very well understood what it said and are just trying to see if staff has a lower definition of what they thought and then can throw a fit. Don't think there was really too much of a problem other than just understanding developers techniques and the way they work. Would get away from classifying areas and would have a table that shows zone to zone on each access as zones and R-1 to R-1, R-1 to R-2, R-1 to R-3, etc. and wouldn't classify them would just go X axis and Y axis and have all the zones and at the intersections of those zones is the buffer designator and then don't have to and would be the simplest. Likes simplifying the Buffer Table 3 where it simplifies the buffer and at a minimum would change the OR to AND.

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Commissioner Jensen stated a quick thought for staff open space, recreational and institutional are zones within the City they are just currently undefined and wanted to make that correction, do have those zones in the City just have no definitions for those zones.

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Commissioner Day asked staff on the trees stipulated does it talk about the size of those trees. Planner Steele stated no but that would be a great idea. Commissioner Day stated when drives down Gentile Layton has done a great job on Gentile and have established some really nice trees and likes when a developer puts in trees that are going to last and are going to grow so would probably encourage maybe like a 2" caliper or 2.5" caliper and think going that focusing less on the fence and more on the trees because the developer is going to do wither chain link or vinyl so think would focus more on the tree caliper. Planner Steele stated staff has received a lot of push back for the parts in the ordinance that

state masonry fence and say that will bankrupt their project and maybe that is their technique. Commissioner Thorson stated it is a known negotiation tactic, the tantrum. Commissioner Jensen stated one thing does like about the existing tables when it talks about the plant multipliers it kind of states if is denser can have less of a setback with more open and then has greater distances and that and like that idea of that accordion flexibility based on what the developer wants to do now developers like to go with the cheapest option whenever they can but sometimes if the options are comparable in price there are some things that are best left to the accountants but does like the idea of having a little bit of flexibility but want to be careful don't get into arbitrary and capricious territory to require it from one developer and then don't require it from the next developer but like Commissioner Thorson stated having 2 tables to do the same job is silly because have all the zones defined under the classifications and then have the columns, think that was to minimize the number of columns but in this day and age everyone is doing things by pdf so that table can be as wide as it needs to be.

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Commissioner Vaughan asked staff given the items that have been mentioned by the Commissioners tonight would the forecast roughly be a couple meetings before would want to bring it back again based upon staffs work load or other serious matters have before them. Planner Steele stated with the Commissions council think that if had a couple meetings to come back and work on it. Is a little confused on whether or not are keeping the images or are getting rid of the images. Commissioner Jensen stated think most of the Commissioners were going for the tables but want to see some flexibility built in there that is understandable whether that is done by images or if done through text and some people just like visual better but whatever is going to like Commissioner Day said if are going to end up doing the same thing each time it is pointless to have it in code but definitely want to encourage that especially when have some bigger developments coming in want to make sure the City has some tools on our side to get the developers to do some nice things because if water it down too much there are going to go for the minimum. Like the idea of trying to give it some of that to the Planning Commissions discretion think it needs to be more clear just how far can go on that and don't want to punish developers but by the same token remember the negotiations for Ninigret which really never went anywhere but they were talking about quite a few interesting concepts back then the Business Park that they wanted to do and those are the type of things want to encourage.

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Commissioner McCuiston stated one additional thought had going down a lot of the streets see they have the vinyl fence next to the right of ways as children are walking down and will hit it with a stick if could consider setting it back a little bit and putting a landscape buffer at least in those areas so it doesn't degrade into a Swiss cheese looking fence.

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Planner Steele stated probably about 2 years ago when were looking at the fencing ordinance recommended that along arterials to step them back a little bit, it failed so in the Buffer maybe can go at it at a different angle and include it in there.

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Commissioner Vaughan stated recalls the Planning Department worked very, very hard on a this not that book for bulging design, layout, landscape and things like that and hates to add more work to staff but have a different opinion think the this not that booklet might be very, very handy as far as for developers to look at on what the expectations are in regards to the chart and think the diagrams, Buffer Tables are excellent and are very clear even a developer should be able to understand those. Those who have done development and construction recognize that it is the job of the contractor to find as many cracks, leaks and backdoors in the City ordinances that there are. The ones that are more popular among clients are the ones that can find the biggest holes sometimes can drive a truck through them. On the developer side there are usually words that are not spoken in polite company in describing people on City staffs when they are very firm and are very clear on what the ordinances are, it is a shame that sometimes they have to be called that but on the other like a City staffer that is backed up by an ordinance and possibly by a book or photograph so that there is absolutely no doubt on what are looking at and what our expectations for a developer are. Think this is an item that definitely needs to come back for review, please bring it back in a time that is according to staffs schedule based on the workload and would also urge everyone on the Commission to send an email into Planning Staff with any thoughts that may have on a Buffer ordinance. No one has to be copied just send them so if something comes up or has an idea or want to emphasize what was addressed tonight that way City staff will have a hard copy of it. Commissioner Jensen stated it might not hurt to maybe look at some of our neighbors to see what they are doing, don't think want to make drastic changes to the City ordinance because nothing annoys people more than when allow one to do it this way but now have to do it another way but by the same token may have some good ideas that can piggyback on.

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3. Commissioner Reports:

Commissioner Thorson stated every once and awhile through the City website they get emails that come to them, contact your Planning Commission asking for stuff. Had a couple developers who have emails from talk about sites they have questions on and want answered and briefly went in there and there are different ways can email the Commissioners, all or by name and wondering if there and doesn't really want to answer those questions, they are Planning questions that are executive rather than legislative in nature and are concerned that they are going to the wrong place and wondered if any other Commissioners were getting those or if they are. Commissioner Jensen stated has received a couple. Commissioner Thorson asked Commissioner Jensen if he responds to them. Commissioner Jensen stated there is actually one individual that keeps calling me Chairman Jensen even though is no longer the Chairman but did respond to his first one and then instructed him to staff. Commissioner Thorson stated Commissioner Jensen is listed

as the Chairman on the website. Commissioner Jensen stated probably need to update the website then, Chairman Vaughan has been Chairman for a long time. In fact sent that in his email that the Chairman is currently Chairman Vaughan but always try to direct them towards staff because the questions they have, yes we know it but think a face to face with staff as long as staff is not charging them for that time is valuable don't think the City has gotten so busy that are charging everyone by the minute but staff deals with that kind of stuff on a daily basis, although there are a couple times have just ignored them. Commissioner Vaughan asked the City attorney if he had any recommendations on emails they might receive that they might feel uncomfortable responding to. City Attorney Roberts stated would have concerns if it was a matter of administrative things, so if someone said they wanted to send them a copy of their subdivision plat to get an opinion that is an ex parte communication and shouldn't do that. If they wanted to know feelings about PRD's if like them or not like them that is something that could feel comfortable responding to if wanted to. It is sometimes hard whether it is going to be an administrative or legislative issue because might be vague or might not understand the questions so his recommendation would be to remove it because don't see a need for. Maybe the Chairman could have a portal to contact but don't know if need to have all, unless found it valuable as Commissioners would think could just remove it just to avoid the possibility one more avenue that someone can claim there has been an ex parte communication.

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Commissioner Jensen stated the Active Transportation Committee is not meeting this month they cancelled the meeting at the last minute. Did receive a call last week from Roger Borgenicht he is with ASSIST Utah and Utahans for Better Transportation he has been working with UDOT on the West Davis Corridor and also the Shared Solution study. He informed him that UDOT is now at the point where they are starting to do rounds around the cities again so in fact the Friends of the Great Salt Lake were having their annual convention this last week and then on Friday UDOT invited both Randy Jefferies and Roger Borgenicht to attend their meeting to do a presentation and get some feedback on some things. The main point for the Commissioners is that UDOT has now got the information back on where they are at with the Shared Solution so think Syracuse City Council will probably get a meeting from them but certainly be watching your emails over the next couple of weeks from UDOT because it sounds like they are about ready to put that rod down and send it in for record of decision.

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Commissioner McCuiston stated nothing to report. Commissioner Day stated nothing to report. Commissioner Moultrie stated noting to report.

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Commissioner Vaughan stated has one observation and obviously sure everyone knows by now that half a dozen homes are missing on 200 W they were carted away in the middle of the night, in the middle of the day and now have some wide open spaces. In observing the back of those lots notice that virtually everybody either has a chain link fence or has no fence and the backs of all those properties are now exposed. Wondering if it might be thought up somewhere along the line and will send it up into the ether if UDOT could possibly be approached by someone or some group or some loose organization to request that all of the unused portion of the land that they have acquired and are not going to be used for the actual widening of the street to be donated to the City to become the lawful owner of all that property and how ever wide that property is and looks like it might be wide enough that the City may consider turning that entire into a linear park with a fence and landscaping. Those areas that area farther away from the school it might not be such an important thing but for those 2 blocks north of the Junior High especially when the bell rings it looks like a hoard of humanity going up the street and a lot of those properties since they are no longer home owner have become walkways. They are walking as far across that all the way to the back fences and is a lot more trash there than there used to be when there were homes there and at the property at the corner where they have taken out the first corner house at 1175 W that is really becoming a congregation point because there is now room for 10-30 people to sit there and it is also becoming a parking lot for the parents that cant park on 2000 W. So think that possibly establishing a linear park where the City is in control of it might be of great benefit for the safety of children along 2000 W especially in that 2 block area north and also a benefit it might count towards the City's park credits as far as the amount of open space and park space have. Think it would be a very, very nice thing for the City to do, a linear park on UDOT unused property. Also wanted to thank staff for all they do.

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Commissioner Jensen stated believe Director Mellor had a conversation about that at one point and wondered if staff can share any more on that. Planner Steele stated can share some details first of all thinks it is a great idea and staff has brought that up with UDOT in conversation with their project manager but nothing has been decided but staff is on it and think it would be a great idea especially for pedestrians and kids going from school and to unify the look of all of the backs of those homes and improve the streetscape. Have had a broader conversation about the entire project and all the aesthetics along there so are working on deciding what column and betterments and what those might be and where the money might go towards to make it an attractive thoroughfare because it is going to be very wide and the speeds will be faster.

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4. **Adjourn**

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