

Minutes of the Syracuse Planning Commission Work Session, June 7, 2016

Minutes of the Syracuse City Planning Commission Work Session held on June 7, 2016, at 6:00 p.m., in the Conference Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:

Commission Members: Ralph Vaughan, Chairman
Dale Rackham, Vice Chairman
TJ Jensen
Curt McCuiston
Troy Moultrie
Grant Thorson

City Employees: Noah Steele, Planner
Royce Davies, Planner
Paul Roberts, City Attorney
Stacy Adams, Commission Secretary

City Council: Councilman Mike Gailey

Excused: Commissioner Day

Visitors:

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1. **Department Business:**

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a. City Council Liaison Report

Councilman Gailey stated has 5 items would like to touch on so are aware if what is coming down the pike that would be interesting and need the Commission's input on. Next week they will entertain an application for Annexation of the property being developed by Woodside Homes down near Stillwater around and in that area and in a work session with the Council they have agreed to waive some of the fees on relationship to the Annexation because are requesting of them that they include some properties that are not going to be developed so that it is contiguous with that development so will be seeing that. The City has to accept or deny that application within 14 days of being submitted so will be acting on hat on Tuesday of next week. There was an issue in regard to the Higley subdivision that surfaced a little bit about this week that the Council got involved with and might have the Commission look at it. One of them is involving the absolute density and property compared to the percentage of square footage in acreage that is developed and ran into what could be, it is not a complication there now because of some other resurveying that was done but maybe staff can shed some light on that. Planner Davies stated basically the applicant originally said had .616 acres of property and when did the calculations on that exceeded the minimum lot size on both lots considerably yet didn't meet the maximum density requirement of 3 units per acre so while if a larger developer it doesn't tend to be as much of an impact maybe lose a couple of lots here or there but with infill type of developments where have 2 or 3 lot subdivisions could see some potential issues with the difference between the maximum density and the minim lot size. Councilman Gailey stated so is just giving the Commission a precursor for when they bring that back to them and have them give them some council on what to do with small subdivisions when are in conflict with the numbers there. Councilman Gailey stated the City Council has not acted yet but believe it will happen, after a discussion in a work session at the end of May it is the feeling of the Council that they ought to have a business meeting as part of every gathering of the City Council. That work session that they typically had on that 4th Tuesday want to make some of that time available to facilitate the Commission's actions so that people aren't waiting around for things that have already been acted upon for a whole month. That discussion occurred and think it was pretty well unanimously accepted by the whole Council that even the 4th Tuesday will have a work session will have a business component to it. They may start at 6pm with the work session and have the business component at 7pm and then go back into a work session but would like to facilitate the Commission's work so aren't waiting so long. They had an issue involving a PRD and just to put it out on the table so as approve PRD's and their development when Stoker Gardens went in and not by any real malicious reason or another when the secondary water line was stubbed into that property 8 2" water lines were connected and planned in that development and have sine come back and the payment for those 2" water lines is significant and is costly to those residence that are there so are in the process of looking at that. Don't know if it was the Council or the Commission or just the developer who put in 2" water lines so they have been being billed for 8 2" water lines to service about 2.3 acres. Also at the last Council meeting they have not accepted it yet but it was presented to them a storm drain update that the State requires the Cities to do on some routine basis and Director Whiteley has rewritten that and that will be approved most likely at the next meeting.

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b. City Attorney Updates

City Attorney Roberts stated no other updates for them.

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c. Upcoming Agenda Items

Planner Steele stated the City Recorder has accepted an Annexation petition which you already discussed. Planner Steele stated as far as future applications staff is still waiting for a preliminary application for Grayson Ridge which is

south of Buffalo Point Elementary and haven't heard much back from Criddle Farms and assumes they are working through some issues on their end. Staff has a lot of projects the Commission has already approved that is either entering construction or different stages of the process so it is a busy time of year but no new applications lately.

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2. Discussion Items:

a. Open Space PRD Ordinance Revision

Planner Steele stated tried taking the Commissioners input from last meeting and combined it all into one document. Wanted to make sure are all on the same page since it can be kind of confusing between open space and common space. Some of the comments were to just get rid of either the open space requirement or the common space requirement all together and also possibly adding a minimum distance around the structures that wouldn't be counted towards the open space side or even reducing the amount of open space. Just to review the existing ordinance in a project the way it would be calculated as is, would take the gross acreage and 50% of that excluding roadways, buildings, acreage and City infrastructure so kind of a net calculation take 50% of that and of that 50%, 30% would be the open space which is no amenities and 20% is the common space which has the nice amenities. So staff took a stab at it and attempted to simplify it for the developers and clarify what want in the common space. So revised the language to 'a minimum a 10% of the gross acreage of the project shall be developed as common space' so it would maintain the same percentage because as is are taking 20% of the 50% and that is essentially 10% but it would be gross and not net so it is actually a little bit more than what are requiring now. Sections A, B, C, D & E are just clarifying what want to see in that common space. A says 'Common space shall be equally accessible by all residents of the community.' B says 'Common space shall be allocated in one contiguous and useable space to allow for the appropriate space needed for amenities.' and from some of the previous comments from some of the previous PRD's that reviewed that some of the common space was kind of wrapped around in some of the backyards so that would address that issue. C says 'Common space acreage shall not include land within 20' of any building foundation or any space considered to be front, side or rear yards.' and that might be a little redundant there with some of the other sections but that is just trying to ensure that it doesn't wrap around and all the area within that would still be landscaped and would still have to meet each building being 16' apart and still have a front, side and rear setbacks that would most of the time meet what the open space requirement was, the 30% anyway. D says 'Amenities shall be included within the common space areas.' E is relabeling detention ponds that if count a detention pond has to put a good amenity in there and renumbering the remaining sections. So that is where staff is at and happy to take any comment and discussion ultimately want to put down what the Commission desires on paper and would advise that don't try to wordsmith because that can take a long time and can take the direction want to go and take another stab at it.

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Commissioner Rackham stated 2, C where it says within 20' of a building the concern is if common space has a building like a gym or something it should probably state 'residential' be specific. Planner Steele stated that is a good point, like over at Sunset Park Villas there pool and clubhouse count towards their common space. Commissioner Jensen stated those are the kind of amenities they want to encourage but it is up to the developers unless it is spelled out in the ordinance that are looking for pools or other indoor facilities can't require it.

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Commissioner Thorson on section 2, B the wording 'one contiguous and useable space' there is some that think would be big enough that could have multiple and like the idea of having aggregated into clumps but there might be some where there are multiple areas, park areas and gym area or trail hub of some sort if the subdivision is big enough can see multiple grouping of common space amenities but wouldn't want them to be too small. Commissioner Jensen stated could specify a minimum acreage of 1 acre that would work. Commissioner Thorson stated that could work somewhere along those lines. Commissioner Jensen stated so if they have to have multiples because it is a large development maybe the minimum size for a common space is 1 acre, might be too high but throwing a number out, figuring 10% with 10 acres that is 1 acre. Planner Steele stated can explore something like that as long as it is proportional to the size of the development. Commissioner Thorson stated really likes the idea of getting rid of the open space almost completely and focus on common space. Planner Steele stated the definition is still there and it does still refer to open space in other parts of the ordinance but the requirements are just focusing on what want to see in the common space.

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Commissioner Vaughan stated it is used as a worst case scenario in a number of jurisdictions but in San Diego County there a piece of land known as the South Bay Corridor in which the City of San Diego wanted to exert influence over the International border with Mexico so they annexed a piece of property running from the southern border of San Diego which was approximately 20 miles north of the International border. They annexed a strip 20 miles long one foot wide and then when got down to near the border then they extended the area out to be approximately a 2 miles tall and 10 miles wide so basically the City of San Diego owns either side of the border if anyone has ever been to San Diego and gone through the border there they own that because they had that one foot wide strip which brings him to 2, B in which how would they define contiguous and useable to keep a developer from running a South Bay Corridor on one side of a PRD to the other if has a decoration or a whole bunch of stepping stones that are 12" wide going from one side to the other because right now in initially looking at this thing are seeing one big gigantic area log shape or whatever shape it is going to be and the houses or the development is over off to one side and would have this big open area as opposed to them breaking it down into smaller areas but running a little spider web network to say that these open spaces are all contiguous. Looking at an example of that might be the large development on the north side of Gentile where there are 2 bodies of water there, one side of the development has a very, very large public open area maybe 5-10 acres where the

other side of the development consists of condos basically or real small houses on condominium size lots and they would up with 1 half acre lot on that side but have a sidewalk running between the 2. Would this still allow for that type of a project to go forward and come through because think are not covering or protecting ourselves against another project like that. Wondering how they can phrase it so when they say one contiguous and useable space to make sure this open space or common space is not strung out like a piece of spaghetti at the developers whim or at their design but really putting the people that are going to live at that HOA in a bind because it is really not useable. Not sure if staff might have a suggestion or an asterisk to put on there that would require that it has to be a minimum width if it runs like a trail. Planner Steele stated think could just get rid of the word 'one' and even get rid of 'contiguous and useable' and just say common space shall be grouped and size to allow for the appropriate space needed for amenities or something like that, grouped together would caution against putting a size per se might be hard to really regulate based off of all of the different circumstances. Commissioner Vaughan stated they have a couple land planning professionals here that perhaps may have an insight or a way of protecting the City if think it is necessary. Another concern but more for own edification 2, C the 20' within any building because that 20' around a building is going to be taken away from the amount of area that would be developed as common space and that would be taking a whole lot of space whether might not wind up with enough common space or open space to do anything with if taking that percentage out of the formula. Let's say they have a building that is 20' square that is 400 square feet but when extend out another 20' all the way around that is basically almost 1600 square feet added to a 400 square foot and that is taking an awful high percentage away from that. It says a minimum of 10% of the gross and the Davis County code of ordinances on open space requires open space comprising at least 30% of a total area of a PUD, 50% of the required open space shall be a common ownership and just wondering if the County in their area might have a stricter or tighter or where they are requiring more space but on the other hand we are giving 20% away to the developer where is not encumbered to have all of that open space. Planner Steele stated maybe could suggest say that any of the front, side or rear yards shall not be counted towards common space.

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Commissioner Jensen stated his issue with losing open space and know the Commission has put him in the minority on this but open space serves some very specific functions, it is a place for wetland to go, it is places to preserve things like trees that type of stuff and the other thing that it does is that especially for PRD and know that the General Plan Committee when were looking at the PRD ordinance in making their suggestions that they really, really wanted to make sure that there was significant open space in the development not necessarily common space but they are 2 different things and know maybe it is a little more confusing but Syracuse can certainly lead the way and there are other municipalities that do this not many but the idea of common space dropping it from 20% to 10% think is a mistake but essentially by losing the open space requirement the one thing that the PRD zone does now is in trying to do single-family lots are not going to hit the density it is next to impossible but by losing the open space requirement then suddenly can. The idea with the 6.0 density was if it is a multi-family, duplex or 4plex or essentially a combined building then can hit the density but if try to do single-family really didn't want to see single-family developments necessarily hitting that 6, so the open space kind of put that buffer in there because essentially don't want a whole bunch of buildings all stacked up next to each other would rather see the buildings clustered an then also the idea with the open space that encourages them to cluster the buildings together and by extension the open space does that but the common space was also important but it is not the same thing as open space. Common space is where the people congregate the open space is essentially the land that is not used in the development and so that is his take on it but knows is o the minority on it so just think this completely changes the completion of the PRD ordinance and certainly don't need to approve it now but Planning Commissions that come behind them when they make changes to the general Plan this will affect those as well and essentially it would be good if could remove the ordinance entirely but think the zone does have unique uses.

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Commissioner Rackham stated that brings up a question would like to get opinion on from the Commission should PRD's be allowed to have single-family dwellings or should they be multi-family dwellings. Commissioner McCuiston stated he has seen a lot of really successful PRD's that are single-family developments and think they would sell a little bit better than common walls or some other things. Commissioner Thorson stated in sticking with Syracuse's movement towards single-family residences kind of like the idea of the single-family rather than townhouses lined up with common walls. In talking about open space what Criddle Farms proved is was they can't do residential single-family and get their open space regardless and would say that nearly every subdivision in all of Syracuse meets the 50% open space requirement by the time add in every spec of ground doesn't have concrete or hard surface on it. So that is the reasoning for making the open space requirements almost obsolete. Commissioner Rackham to go with what Commissioner Jensen said when the General Plan Committee looked at the open space and common space they didn't touch PRD because they kept wanting to wait until the one was developed and see how it turned out but open space was meant to provide areas between the homes just for an open feel to plant trees and things like that not to put fences and that is why the Cluster specifically said no fences to keep the open space feel. Commissioner Jensen stated his suggestion from last time since Commissioner Rackham wasn't present will share it again suggested dropping the 50% to 40% but would not include front, side or rear yard setbacks in that 40% and the idea on that is that would actually force more open space that wasn't in someone's backyard essentially that was his suggestion and there was a little bit of push back on that. Know if they take that acreage out that 50% is a little unrealistic that is why suggested maybe dropping it to 40% that is where the discussion kind of started and then got on a whole thing of and Commissioner Thorson is right if don't have those other acreage that is being taken out pretty much any subdivision in Syracuse R-1, R-2 or R-3 can hit the 50% requirement as long as they can count their setbacks. So as a distinction it would be something Syracuse would be doing a little differently than other cities but don't necessarily think it is a bad thing are trying to create higher quality community here

so if want to be a little more restrictive on what open space is here think that is a good thing if want to get rid of open space entirely have already said think that is the wrong direction but that is something for the rest of the Commission to discuss.

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Commissioner Rackham stated tends to agree think leaving in open space not including front yard, side yard and back yard just put a 5-10% requirement in there that way it keeps the open feel and keep the density down if do single-family. Planner Steele stated if that is what the Commission wants think that would reduce the max density way down but if that is what want that is okay. Commissioner Jensen stated think can still hit those densities as long as doing multi-family homes. Planner Steele stated thinks will force more townhomes and if what are trying to encourage is more single-family with common space it probably won't see as much of that in PRD. Another idea staff was discussing and not sure if would work or not but is to essentially the open space is the space between the buildings could just increase the minimum side setback or separation between the buildings. Commissioner Jensen stated or could jump the percentage of open space to 60. Planner Steele stated or even increase the side setback requirement every 5th house or something like that because think on the Criddle the big critique was there was a big long line of houses and they were all just equally plopped down there so if were to say every and don't know exactly what it would be but every 10th home side setback shall be double or something like that. Commissioner Jensen stated Criddle felt like an R-3 plus it didn't feel like it met the spirit of what PRD is supposed to be and of course guess when talking spirit arte getting into dangerous territory but think need to be more clear of what want the PRD ordinance to accomplish and his idea is it has common areas like a clubhouse or something to make it a Planned Residential Development where are making it a community not just a bunch of houses with open space stuffed between them and they sort of talked about that with amenities but in his mind think the PRD's are trying to create a superior product where have superior amenities not just swing sets.

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Commissioner Vaughan stated he has a concern about the last PRD map they looked at was the property on approximately 4000 W and looking at that and just seeing what would what they have in front of them in red have stopped that map from being presented to them because thought that map was a worst case scenario for PRD. Fortunately the way that was and to his understanding that that map is dead the way it is right now but as far as a PRD just thought it was terrible. Commissioner Jensen stated will point out the City Council did do a preliminary approval on that map. Commissioner Vaughan stated is wondering what can do to either change the percentage to define it as have here or change it in such a way so that protect the City. Think they are at a bit of a disadvantage here and don't know if the Council liaison would dare to speak is welcome to if like to but don't know if the opinion of the City Council is for the Commission in defining this to loosen it or tighten it or just to clear up the nouns and verbs to make them an easier read as far as trying to decide what are going to have for open or common space.

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City Councilman Gailey stated the general feeling of the City Council and if is understanding it right is they needed more space and needed more space in the drawing than what was there and don't know what the most efficient way of doing that is but would love to hear the opinions of people who actually do planning and like was mentioned maybe even moving it to 60% but don't know but thinks that was the opinion of most on the City Council was that last drawing they saw down there was too tight.

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Commissioner Vaughan stated thank you that is extremely helpful and with that thought in mind and that was his thinking did some looking around and highest gross amount or highest number could find coming in was 40%. Syracuse has 30% and there are several others around us that have 30%, Davis County is 30%, Weber County is 30% and a couple more to give to staff after the meeting. Commissioner Jensen asked if that was common space. Commissioner Vaughan stated in looking at what they have in red is it status quo or is it adding more open space or is it taking away open space. Planner Steele stated the intent is to add more useable open space but am hearing what the concerns are don't want a spider web want to be able to include clubhouses and want to make sure maintain the open feel and so think have some good direction and can go back to the drawing board and try to clarify especially 2, B so think the intent of 2, B was to basically say want it grouped together centralized so can work on the wording there. One item that need some clarification and consensus on is are they bringing back open space or not. Commissioner Thorson stated what he wants to get out of PRD's is amenities and have been shown that open space can be accomplished in a whole bunch of different ways and as much as they try to mess with it even if bump it up to 60% think they will still accomplish it one way or another and so would move that direction if they kept it but by getting rid of it don't know how much of a problem would have with that. The problem is don't like the townhouse with common walls and don't like the tight density of single-family residence, don't like PRD's want amenities and would prefer single-family homes but would like to get rid of it but short of that would get the common space with amenities up to 20% and maintain an open feel would bump it up to 60% if don't get rid of it completely. Commissioner Jensen stated he concurs on bumping it to 60% for now because that is easy and leaving the 20% where it is. Would like staff to do some research and had talked about the evil points systems they used to have and its actually not evil thought it was pretty good but think that maybe if are not going to provide superior amenities which can define as clubhouses or pools or whatever that the common space requirement may be higher but if are going to provide a superior amenity then maybe can drop the percentage since it is going to be a more expensive amenity not sure if there is anything out in the Planning world that does that but the idea is to try to encourage developers if are trying to maximize their acreage on the flip side to include that superior amenity.

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Commissioner Vaughan stated he likes Commissioner Thorson's idea that they have either one or the other. Think the idea of having common space with a certain percentage of that common space designated for amenities is a nice, easy and tight way and fairly clear the fewer definitions they have the fewer categories they have think is going to be easier to enforce and for an applicant or developer to understand and less for them to try to create a spaghetti bowl of open space or common area whatever want to call it.

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Commissioner Rackham stated his preference would be to see common space increase upwards to 20% the reason is they made the Cluster so couldn't just pack houses in there and so they are going to go away from Cluster and they are going to push everything to PRD if don't open up the common space. Commissioner Thorson stated 20% of gross is the number would shoot for and want amenities. Commissioner McCuiston stated he agrees with what was said earlier thinks the open space is just not functioning the way they want it to, common space and the amenities is what the tradeoff of the additional density was supposed to accomplish kind of a tradeoff get a little bit more for giving a little bit and that is what would like to see and it hasn't been working that way for them so think the common space idea up to 20% might be a good way to go. Commissioner Moultrie stated he agrees with the other Commissioners think are all on the same page they want the amenities and want the common space all in one area not all over the board like they saw on the last project.

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Commissioner Jensen stated wanted to state for the record that the concepts put forth by staff in red generally agree with those but think there are some tweaks they are going to be looking at and think that further defines what the common space is because have 20% common space now which is what all suggesting and think Commissioner Rackham actually suggested maybe bumping that but the thing is what Criddle proposed to them met that common space as it stood and think need to be more clear about what expect in common space. Planner Steele stated will go back and change it to 20% gross since that is how it was before. Commissioner Jensen stated a couple had mentioned bumping the open space to 60% but not sure how many other Commissioners like that for open space since it is kind of a compromise verses the 40% not counting setbacks or just make it 60% and don't have to worry about setbacks. Commissioner Vaughan stated if it would be possible on what the minimum acreage is for PRD 5 acres if could give them a rough idea on how many square feet that would actually be at a 10%, 20%, 30% and 40% if were to do that so would have a real clear definition of what it would be. Planner Steele stated for example if had a 10 acre project right now have to have 50% open space so 5 acres and 30% has to be open and 20% has to be common so that is 3 acres and 2 acres and in the packet included some images of some parks like for example Craig Lane Estates and it is 3 acres. The Criddle Farms the south part was 19 acres so it essentially would be a little bit bigger than this space so can get an idea of what can fit in that space. Another example is over by the movie theater which has a bowery and basketball court, playground, 2 youth soccer fields and that is 5 acres. Legacy Park 4.23 acres where they do weddings and stuff has a pond and community garden so thought those might help to get an idea. Commissioner Jensen stated those are all good examples his only comment is that Criddle Farms met the common space requirements but saw none of these amenities in their plan. Commissioner Vaughan stated looking at these examples looks as if they are not so much for the use of the members of the HOA but for the general public where have something like that, or putting in a park for the City as opposed to open space for a project unless want to do that and are trying to create that and the big parking lot tells him that is City use as opposed HOA use. Planner Steele stated the big parking lot at the top of the screen is a Church and is confusing and a little misleading. Commissioner Jensen stated if a developer wants to make a park for the City let them and if it is attached to the developer and has to put the amenities in but then they don't have to do the maintenance because the City will be maintaining it from that point and think that is a win, win for both. Planner Steele stated he agrees just like in Stillwater where they have the detention basin and put the 10 foot trail and a playground and in the development agreement they made it public so the City doesn't have to pay any money to mow or maintain any of the equipment but the residents still get to use it.

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Commissioner Vaughan asked staff if it was possible to draw up an ordinance where do not have to have a development agreement to go with it where there has to be some type of give and take, the idea of a quid pro quo is distasteful and just like it to be very straightforward so when looking at it don't have a developer that is going to come in and say can't wait to get into a room with the City Council because they are push overs compared to that Planning Commission. City Attorney Roberts stated a development agreement is always an end run around traditional zoning and it is in the law it is allowed as long as the Council approves it so there is really not aside having an ordinance that bans it until the Council decided to unban it don't think there is a way to stop that. Now could put in for instance in this case with PRD's are required to have a development agreement if had development standards that were built into the ordinance then could remove that development agreement but the type they are contemplating in this section is not the type where are giving and taking as much are just establishing with landscape and architecture things like that. Commissioner Jensen stated his main issue with the development agreements is that per ordinance Planning Commission has no review what so ever over those so have no way of knowing what it is if doing negotiations from a Planning Commission level don't know what is in the agreement so don't know what are giving away. Planner Steele stated he thinks he has some good input and will go back to the drawing board to come back next time.

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b. Text Amendment 10.30.050 Yard Encroachment

Planner Davies stated this was brought to staff's attention recently in the course of doing some reviews for building permits have noticed there has been issued with encroachment in the setbacks. The way development has been going just in the State in general have noticed that houses have become more built out to setback generally and do end up with

a lot more uniform lots and so that ends up being the case. Basically what has happened is have had citizens bring in building permits with a cantilevered second floor they will have a covered deck that goes out into the setback which code allows for but it has some pretty strict requirements for that and so have had developers that have been concerned that maybe that is maybe not what homeowners want and that is not what they want necessarily so in discussions with them basically said would talk to the Planning Commission and City Council about it and see if that is something they are interested in looking into. So this isn't necessarily staff saying this is something that needs to change this is life or death this is more of just a discussion to see if is something want to get into. The first section that was brought up was 10.30.050 C, 1 says 'Chimneys, bay windows, sills, lintels, cantilevers, or other ornamental features may project not more than 24 inches into required front, rear, and side yard spaces, provided they are not more than eight feet in width. This title prohibits side yard encroachments within cluster subdivisions with side yard setbacks less than seven feet, and in no instance shall the side yard distance between two structures be less than 10 feet.' Really for the developers that talked to the concern they have is pretty much is the 'not more than eight feet in width' there are home owners that felt that they should be able to cantilever say the entire second floor into the setback therefore to be able to get around the setbacks but just be able to get the home they are wanting. The primary concern have run into is that will set up lots in a subdivision and get everything entitled and then will get houses that are generally spec homes and then sell the spec homes to people and then apply for a building permit and when they don't comply with code come back to them and say it won't work and becomes an issue because already have the home under contract and so on and so forth which isn't really a City problem necessarily again it is really just a concern that developers have and feel that this 8 foot width requirement this limitation is too narrow than maybe it was doubled have heard from a few if could extend it in some way so can have more of a cantilever. The next section is 10.30.050 C, 2 'Unsupported cornices, eaves, gutters, and terraces may project 10 feet into any required front, rear, or side yard. Uncovered porches and decks may project 10 feet into any required front or rear yard.' So basically that one is basically the same deal but a lot of times are seeing that when have decks going out into a yard a lot of homeowners are looking at least are looking at this and saying well what is the difference between a deck and patio and basically the way staff looks at things is if it has a footing if the deck has a footing that goes down into the ground consider that an extension of the foundation and so this code basically says that can extend cantilevering beyond that but only so far so gain do we want to allow large decks to go out into people's yards or want to restrict it to what it is. The last item is 10.30.050 C, 3 'Attached covered decks and patios may encroach into rear yards provided the total covered patio width does not exceed 33 percent of the total length of the principal structure to which it will attach and it does not extend closer than 20 feet to the required rear yard line.' Basically a lot of the building permits that have come in lately have been R-3 zone and the R-3 zone has a 20 foot rear yard setback and so this code doesn't necessarily apply to that zone but have had people say if are building a house to the setback want to then have a covered porch behind house but can't have a covered porch because it extends closer than 20 feet to the rear yard line or into the setback. Maybe the solution there is to say in the R-3 zone can extend out to 15 feet or something like that if want to address that. Really it is just an issue that developers have had and want to be able to have a little bit more freedom with it. Did some research and called around and researched codes of cities in the surrounding areas and kind of the prevailing theme is that most of them don't allow encroachments at all, if can't build it in the setback with all of the cantilevers and decks and so on and so forth then it is just too bad. There are a couple of cities that allowed for some encroachment but not nearly what Syracuse allows for from that perspective we are pretty liberal in terms of the cities that are in the County that surround us. There are a couple cities that are slightly more liberal on certain aspects but overall the City's different encroachments allowances are fairly liberal. Basically the question is do we want to do nothing just leave it as it is, make it more restrictive or want to loosen some things up.

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Commissioner Vaughan asked staff if the Council weighed in on any way is this something they would like the Commission to address, have the developers complained to them or is it just generally been to staff. Planner Davies stated this is kind of a general discussion and guess before get into specific things should we even address it, is this something that feel like have time for and maybe that is something that Councilman Gailey can come back next time and let them know, staff is not in a rush to address it. Commissioner Vaughan stated perhaps an informal discussion with Director Mellor. Councilman Gailey asked if they would like him to address it and get back with the Commission. Tomorrow morning will send out an email to the Council and can ask their opinion.

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Commissioner Jensen asked if they would like the Commissions general feedback. A couple thoughts, Syracuse because the way do the lot size verses the density with R-1 and R-2 and R-1 as an example the minimum lot size is 12,000 sq. ft. and the average lot size is 15,000 sq. ft. that is to encourage them to scale their lots to different things or maybe create some open space and R-2 is kind of the same the average lot is 12,000 sq. ft. and the minimum is 10,000 sq. ft. R-3 is actually the zone that is really close the average lot size is 8,500 sq. ft. but the minimum is 8,000 sq. ft. so not a lot of difference there and probably why getting all the inquiries on the R-3. Do like the comment made about the other cities saying they don't allow encroachments at all into the setbacks. The only setback as a Commissioner is concerned with and actually concerned with the language with the way it reads is the side yard setback because that is really, it says in no case may the distance be less than 10 feet and issue with that homeowner A extends into his setback he takes homeowner B opportunity to get into that 10 foot minimum setback, the minimum distance between building is usually about 16 feet, its 20 feet with an R-1 so basically whoever builds first is the one that gets to use more of their side yard setback and would actually prefer that don't allow encroachments into the side yard setback if had a choice. The rear yard and front yard don't bother as much because that is between the home owner and the home owner essentially but not

involving the neighbor, it does kind of change the look of the neighborhood but don't mind being loser on what have now on the front and rear yard but the side yard does both him.

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Commissioner Rackham stated think that 33% probably should consider making that a little larger while they are looking at this. Another question for staff regarding if it doesn't have footings it is not considered this. Planner Davies stated the way the Building Department looks at it is and might seem silly but if don't have an actual footing in the ground it is just a post because people can do say for example a trellis where they have posts out there but aren't necessarily placed into footings so don't consider that a foundation but footings are considered a foundation. So if someone has a deck and they have footings with sonotubes on top of the footings then would consider that an extension of the foundation but that needs to be within the actual setback so that couldn't encroach but can cantilever past that. Commissioner Rackham stated the reason he asks the question is aluminum patio covers they are attached to the house but they don't have footings so are they not considered part of this. Planner Davies stated doesn't know the answer to that offhand would have to ask Building Department about that one. Planner Steele stated they are. Commissioner Rackham stated they don't have footings. Planner Steele stated they are since anything that protrudes off the house is counted as part of the building. Commissioner Rackham stated then the statement of it has to have footings doesn't really apply it just has to be attached to the house. Planner Steele stated think there are a lot of different scenarios and are painting with a broad brush and a lot of times if it doesn't have a footing it won't count like a garden trellis is separate structure that doesn't have a footing and wouldn't need a building permit. Planner Davies stated he asks a lot more than end up just saying that yes that is for sure what that is.

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Commissioner Jensen stated it might not be a bad idea to put footing verses to no footing to the same standards because it sounds like it is a little bit confusing. Planner Steele stated a certain scenario that comes to mind is front porch the Building Inspector when goes out to make sure it meets the setbacks measures to the foundation line and after they build the house if it projects into there a lot of times it is too late because the house is already built and know previous Inspectors have had people shave off 6 inches of their foundation but think that was a little bit excessive so are trying to just clarify the language so understand whether or not porches count towards the setback or what is okay to project into that. So would like to get the nod from the Commission to get the nod from the Council.

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Commissioner Vaughan stated think would be worthwhile and think Commissioner Rackham's identified something that might want to have a sentence or paragraph to address and will certainly feel the tenor of the Council. Commissioner Thorson stated think that developers and builders are always going to try to use more space and we are trying to accomplish setback that don't allow imposing overhangs, imposing deck covers, imposing into the setback that would be an obstruction to neighbors feel and views and think that personally think it is written pretty well and don't see a reason really to address it. Commissioner Vaughan stated doesn't think Syracuse wants to be known for the home of the mushroom house which is what some of them are trying to do. Commissioner Moultrie stated regarding decks and covered patios his last house was an issue couldn't have one because the lot was so small and so that is something would probably visit is someone could have a covered patio and maybe stay 10 feet away from the property line, it was very frustrating because of the small lot size and because of the restrictions and could probably have an 8x8 patio because of setbacks, foundation connected to the house that kind of thing and the whole point of a covered patio is that the steps are covered and walk out there and stuff isn't getting wet not having a huge gap so it is not connected to the house that kind of thing it is frustrating having small lots and that was some of the frustrations.

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Commissioner Jensen stated to reiterate if was going to pick a number for the side yards would say 3 feet because 8 feet is the minimum side yard for R-2 and R-3 so if let them encroach 3 feet then it leaves 10 feet between the 2 encroachments rather than do the 8 feet, the 8 feet scares him.

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3. Commissioner Reports

Commissioner Moultrie stated nothing to report. Commissioner McCuiston stated nothing to report. Commissioner Rackham stated noting to report. Commissioner Jensen stated really quick the Annexation petition that is coming up is his family's property so he will obviously be recusing himself from those items and encourages the Commissioners to use their best judgment on that and not consult with him on that and think there are probably some good things that may happen with that but that is between them and the developer other than that should be having a Davis County trails meeting this month and will see what happens with that kind of reported with what happened at the last meeting. UDOT has basically met with a few cities privately about the West Davis Corridor had some stakeholder meetings and don't think they are necessarily meeting with City Councils but sounds like approaching more of the stakeholders. Another item that is UDOT is in the middle of the extension of SR-193 from 2000 W to 3000 W and hope at the very least to do that simultaneously with the 2000 W widening but still think it would be a good idea if could get that done 3 months earlier to divert traffic down to 3000 W but that is kind of UDOT's call but is excited about that extension because once that opens up all that property along that extension think there are going to be a lot of Commercial and maybe Business Park opportunities that may present themselves that go along with that. Commissioner Thorson stated nothing to report.

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Commissioner Vaughan stated a couple quick observations on 2000 W the Fire Department is going to be holding a practice burn on one of the houses that is set for demolition it is on the corner of 1100 W which is the last house until get

to Utah Onions to give an idea the farthest one north and that will be scheduled anytime between 8am-5pm on Monday. Noticed a couple places where home and property are offered for sale that lots in the development off of Gentile with the bodies of water the prices have dropped 5% apparently are having some difficulty in moving the properties.

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Councilman Gailey stated regarding the property the City purchased off of 500 W 2700 S for future widening of 500 W Public Works Director Whiteley is in the process of securing that property to be torn down and the Police Department will be using it for SWAT and other training between now and that time it is torn down and will be actively doing that during the daytime and then boarding it up and then securing it up for the night and are also trying to save some of the large trees if possible.

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Commissioner Moultrie stated not sure if can do anything about it but just food for thought for next time off of Antelope Drive they are tearing up the roads and thought it was terrible timing they did it a month before school got out and very dangerous for children to be dealing with all that construction and maybe should think about that anytime there is a school around try to do it during the summer time season. Luckily no kids got injured or what not but just food for thought for next time.

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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.