Minutes of the Regular Meeting of the Syracuse City Planning Commission held on September 20, 2016, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:	Commission Members:	Ralph Vaughan, Chairman Curt McCuistion Grant Thorson Gary Bingham		
	City Employees:	Noah Steele, Planner Royce Davies, Planner Paul Roberts, City Attorney Stacy Adams, Commission Secretary		
	City Council:	Councilman Gailey Councilman Maughan		
	Excused:	Commissioner Rackham Commissioner Day Commissioner Moultrie		
	Visitors**:**	Lynette Hilton Brent Savage Stephen Burton TJ Jensen	Garth Robinson Becca Nelson Dru Thornley	Melanie Blodgett Robert Freeman Joe Fisher

6:02:05 PM

1. Meeting Called to Order:

Commissioner Bingham provided an invocation. The Pledge of Allegiance was led by Commissioner McCuistion.

6:03:35 PM

COMMISSIONER THORSON MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR SEPTEMBER 20, 2016 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER BINGHAM. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

6:04:02 PM

2. Meeting Minutes:

September 6, 2016 Regular Meeting & Work Session

COMMISSIONER THORSON MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR SEPTEMBER 6, 2016. THE MOTION WAS SECONDED BY COMMISSIONER MCCUSITION. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

6:04:40 PM

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

None

6:05:15 PM

4. Public Hearing, Subdivision Amendment - Trails Edge Phase 1, property located at approximately 3300 W 625 S

Planner Davies stated this property is located in Trails Edge subdivision on the southwest corner of Phase 1. Received a building permit application a couple of months ago as was mentioned in the staff report, the house was a little bit closer to the property line that what was permitted and spoke with the home builder about that and didn't hear much more until this application. Since then since have sent out public notices, resident and neighbors in the area have been kind enough to contact staff and let them know about the backstory here. Essentially what is being requested is that 2 lots, lot 125 and parcel A, will be combined into one lot. Parcel A, the L shaped lot on the bottom is a detention basin which is required by the City for maintenance of storm water so that is undevelopable land and would be attached to lot 125 on the north which is developable. Essentially his understanding is that this was intended to be sold as a packaged deal as early as December in talking with some of the residents. What this would do is would allow the person who owns lot 125 on the north there to maintain and control what happens in that detention basin with the exception of building anything back there because that would have to have to be maintained for storm water to come through. This is a mix of the R-3 and R-1 zones and both of the respective areas meet the minimum requirements for the zones, if anything the combination of these 2 lots makes both of the lots even more conforming to the code because it increases the lot size and the General Plan matches the zoning as this was a recent subdivision however, the detention basin would not be developable. In receiving the application, it is a little bit complicated because lot 125 is owned by Trails Edge, LLC and then parcel A which makes up the detention basin is owned by the Trails Edge Home Owners Association. According to the CC&R's for the development the Home Owners Association does not yet exist and will not exist until all of the parcel are sold. However, it is his understanding that there was not an intent of the developer to create a Home Owners Association so basically this property is held proprietarily by the developer until that Home Owners Association were to be created.

Because the developer is the applicant and the applicant is not the property owner, State Law requires an affidavit that authorizes the applicant to act in the name of the property owner. Staff has not received an affidavit yet but have notified the applicant about that and received an email back saying that they were working with their attorney on that and has requested that Planning Commission conditionally approve it on the basis that receive an affidavit before it would be finally approved by the City Council, so that is their request and something that is something that would be up for discussion for the Planning Commission if would like to do that or not but it is not required for the City to do that, so that is a request. From a City Code standpoint this does meet the ordinance, if there are challenges or things that are brought up here during the meeting as there have been brought up to staff during the course of after the public notices were mailed out, just know that again it does meet City Code, so in order to deny it would have to find some sort of life safety issue that would be inherently associated with it and could not mitigate with any condition.

6:11:25 PM

Commissioner Thorson stated parcel A has a detention basin, was it anticipated to be maintained privately from the beginning, is confused as to why the HOA would take over and the HOA was never intended and it wasn't given to the City for the City to maintain and so is just wondering why this ever wasn't resolved from the beginning and why this becomes a loose end. Planner Davies stated that is a god questions and that is something that he thought was pretty straight forward moving one property over to whoever the property owner would be that would but this lot but is not sure of what the intentions were when this was created from his understanding there was no intent really to create an HOA. Commissioner Thorson stated if this was approved Trails Edge Phase 1 now, was approved now, would they be required to give the detention basin to the City or would they be required to prove maintenance of it of some sort. Planner Davies stated yes, would require maintenance of it, it could be an individual property owner, it could be an HOA, it could be really anybody, they could deed it to the City if accepted that. Commissioner Thorson stated but it is not City standard policy that they dedicate those to the City. Planner Steele stated yes that is correct, the City doesn't want to accept detention basins as they are a lot of maintenance and responsibility so generally the developer will hold onto it, but do require that developers sign what is called a maintenance agreement and from the City's perspective don't care if it is HOA or the developer or if they hire someone, as long as it is mowed and functions as a detention basin that is fine and that is what they sign in the detention maintenance agreement and do have one for Trails Edge subdivision that the developer has singed that is something that is required before record a plat. In the recorded plat in the owner dedication section, will see that have given parcel A shown as open space to be owned and maintained by the Trails Edge HOA with an easement in favor of Syracuse City Corporation over parcel A for the storage and convenience of storm water. So when this was approved last year the City covered its bases now as far as what the developer works out with the HOA or the residents, that is why have this process with the public hearing so that the residents are aware of situation even though the City's role in ability to say cannot combine those parcels because technically the developer is the owner so there is not a lot the City can do but at least there is a venue and there is a way for the resident to be informed of what is going on.

6:14:46 PM

Commissioner McCuistion stated he is wondering about the open space requirements, was this a PRD or some kind of a zoning that needed to have open space as part of the approval. Planner Davies stated no the R-3 and R-1 single family zones don't require that and this was not an R-1 Cluster where it is zoned R-1 so it wouldn't be required.

6:15:15 PM

Commissioner Thorson stated he is concerned and maybe the City Attorney could maybe guide them a little bit, is there any wrong doings for the subdivision to be approved and sell lots with open space but then it is taken away after the fact, is there any misrepresentation that goes with that that they need to protect. City Attorney Roberts stated he doesn't want to cross the line of giving people legal advice because if there was any sort of misrepresentation it would be a defect in that contract and that it not something that the City gets involved in, that would be a civil dispute between people. There is nothing that, have a plat amendment process for a reason, nothing is set in stone so don't know what representations were made when were selling the lots to other people, if there was some misrepresentation about this always being open space people should consult their own legal counsel but there is nothing that the City can really do, the plat is amendable and so as long as it meets the code and have property owners who are willing to amend the plat the City's role is just to ensure that the codes are upheld.

6:16:35 PM

Commissioner Bingham stated as far as he understands it, it is their priority to maintain the functionality of the detention basin and if this is developed and if a fence is put around it will that impede the functionality in anyway. Planner Davies stated no, inherently it shouldn't unless they start storing things or allow weeds to grow down there or whatever but that would be a Code Enforcement issue down the road if that happened.

6:17:39 PM

Commissioner Thorson asked staff, parcel A goes from being a kind of quasi-public entity owned by the HOA to be a private, there is piping and infrastructure in there that could cost a significant amount of money to maintain and replace if it fails, does the owner then become responsible for that. Planner Davies stated yes. City Attorney Roberts stated as it is currently platted the HOA owns it so any cost of maintenance, replacement anything like that would be borne by the HOA, because it has been titled over to the HOA, whether it is existing or not and if this is approved and the land transfer goes through then yes the owner of lot 125A, which would be the combined parcel, would be responsible for the maintenance and also the replacement of any infrastructure that is located on it.

6:18:39 PM

Commissioner McCuistion stated he has an additional question as well, typically when design a detention basin have to design for a 100-year storm and have an emergency overflow for volumes beyond the 100-year storm that will usually drain out to the street if this turns into a private lot and is fenced that could impede the flow of flood water and cause flooding or damage, has the City Engineer taken a look at that. Planner Davies state the City Engineer's review is in the staff report and don't believe that was mentioned can double check it. Planner Steele stated doesn't think the City Engineer has directly addressed the fencing issue and don't know 100% if it will be fenced are just making assumptions that if somebody buys it most likely will fence it in and will be basically an extension of their backyard. Commissioner McCuistion stated was wondering if should put a condition that it not be fenced or if had looked at that and was okay. City Attorney Roberts stated City Engineer Bloemen is not here tonight and so not sure if the review included that and certainly if that causes a danger to the other lots surrounding it then that would be something that would be appropriate to put in there, but did not have the City Engineer tell them that.

6:20:01 PM

Commissioner Vaughan asked the applicant or representatives to come forward. Looks like the applicant or representatives are not present at this time.

6:20:31 PM

Public Hearing opened.

6:20:50 PM

TJ Jensen stated a couple of questions the Commission may want to consider when is out of public hearing, would seem to him would make a little more sense if this was lot 127, it would tie it in better with lot 127 than lot 125 because lot 125 it is kind of the backyard and it is going in a weird direction and guess could put a driveway over there on 3300 W and kind of have access in the back or something but if it was lot 127 then it would be their side yard and rear yard and that would be better. The second thing would like to point out is there is that narrow strip of land behind lot 128 for a detention basin would assume, not on the plans here, but there is probably some piping and stuff that is going through there to the detention basin but don't know but that would his guess why that is there but as far as maintaining it would seem to him that it would make more sense if lot 128 took that on because that is a narrow strip of land that are going to mow back and forth on and just seems odd. Unfortunately, the applicant isn't here to comment on those things but as a citizen and someone just looking at this think it would make more sense to tie it to lot 127 with that area in the back being tied to lot 128 with restrictions of course of no building in there since it is a detention basin.

6:22:17 PM

Lynette Hilton, possible owner of lot 125, her understanding is the builder was going to be here to address all of this and was just coming to give support to him, so not really sure but can tell them what their intensions were with it. When they put their money down for the parcel and for the lot it was with the understanding that the developer would sod and sprinkler the land and they would be responsible for the maintenance of it and so it would just be green space, it would be grass as far as they are concerned, they had the intention of putting a fence around it at some point but listening to the concerns could certainly do whatever they needed to do with that. Was only expecting to come and give support, wasn't expecting to come and speak, but wanted to put a name to a face, is lot 125.

6:23:40 PM

Steve Burton, just bought lot 106 and just signed today, they were originally going to buy lot 125 back in January and were told the same thing is that Nilson Homes would sod it and put sprinklers on it and then would have to maintain it after that, they asked if they could put a fence around it and they told them no at that time so don't know with the questions that came up if that is an issue or not. One of his biggest questions just because have talked to other people on the neighborhood is there a value of that property that they need to be concerned of as if it is in the HOA portion of it that the money goes straight to the developer or is that something that needs to be a concern of theirs to go back to the neighborhood because where that parcel A was in the HOA, did their lot values go up or their portions that they paid for their lots include that as an Association or is that some that they need to be concerned with, or if it is signed back and the developer gets the money for it. Commissioner Vaughan stated they cannot answer that question specifically for him, if it comes up perhaps might have the City Attorney make some comments on that but will have some additional thoughts. Steve Burton stated those are just some of their concerns and questions were, would prefer not the HOA personally but to just have them be able to take it and maintain it but that was just one of his questions that he had.

6:25:25 PM

Robert Freeman stated he is the owner of lot 123, first of all is all for someone else maintaining this area, but agree with the Commission's concerns over how it should be maintained, fencing, in his past they have lived in subdivisions before and the first owner takes care of the yard very well, second owner not so much, third owner maybe not at all. If this owner is going to take that whole parcel is concerned about the longevity and the process that is going to keep it up, when they purchase it is it going to be written in the HOA that for perpetuity has to maintain it, that is one of the concerns he has. Doesn't know if he is for an HOA, to him an HOA has good news, bad news. The good news is that maybe get some control over the kind of houses that are built in their neighborhood, the bad news is that they have meetings and overhead and expenses and things like that. Is concerned that when Nilson Homes sold them their homes there they kind of took pieces out of the HOA and enforced them and other pieces they didn't. For example, they told them, as an older couple, no kids and wanted to build a smaller home, they told them that they needed to do 1550 sq. ft. minimum so that is right in the HOA and has printed out a copy of the HOA thanks to Planner Davies. Is concerned that these builders picked and choose pieces out of the HOA that is available on their website and that were, an HOA has good things and bad things is his concern. Also like the home owner who just spoke, who gets the proceeds from the sale of this, is Nilson Homes, can

they sell it, is it a piece that can be sold, that was open space as far as they are concerned when they bought it so is concerned about that. Another thing that one of the Planners mentioned that the HOA really isn't in place, is there really an HOA in existence and maybe by the end of this will be able to find out.

6:28:42 PM

Public Hearing closed.

6:28:59 PM

Donald Sandberg, is one of the owners of the Trails Edge, LLC, in regards to the owner of lot 125 in discussions they are going to transfer parcel A out of the HOA and will be maintained by the owner of lot 125. One of the advantages they had is that it is not going to be maintained, there are good and bad advantages of having an HOA, in this regard it is going to be maintained privately. This is really just to, that was the entire reason to do that was to get it out of the HOA and into private and that was the plan was going forward. Commissioner Vaughan stated understands he is the applicant, is he the owner of the property. Donald Sandberg stated he is one of the owners of the actual lots that they sell, yes. Commissioner Vaughan asked if it is a partnership or LLC. Donald Sandberg stated it is an LLC, that is correct, the LLC is made up by multiple property owners of those parcels, they all formed the Trails Edge, needless to say the sales of the lots go into the LLC and then are given back to the original property owners in which he is one of them and there are others in the Trails Edge, LLC that actually own the land. Commissioner Vaughan asked if there was an HOA functioning at this particular time, this very minute. Donald Sandberg stated they do have an HOA, yes. Now there have been some questions of regards of how Nilson Homes is following that HOA, so need to get back and really dig down and see if there have been any actual violations of that. Commissioner Vaughan asked if members of the HOA are paying any dues or any fees or receiving any services from the HOA at this particular point. Donald Sandberg stated that he is not sure of and need to get back, does not have that information. Commissioner Vaughan stated but is sure there is an HOA currently in place and functioning. Donald Sandberg stated there have instituted the regulations of how those landscapes are to be done and those are in the books as was discussed. What he will do is get back and get all the documentation of what they do have to Syracuse City.

6:32:18 PM

Commissioner Vaughan asked staff if they have a functioning HOA as far as the City is concerned. City Attorney Roberts stated as an attorney and is going to give him an 'it depends', in the case of a corporate entity, land has been transferred to it, whether they have taken all of the steps necessary to organize the HOA under the laws, does not know, that is sort of beyond the City's purview, they have transferred land to the HOA, when look at the CC&R's that are on record for these parcels it does say that until the last lot is sold by the person who created that HOA, the developer controls the HOA, so as soon as the last lot is sold then it would be turned over to the residents. Donald Sandberg stated they have defined those CC&R's and that is kind of what he was eluding to however they don't want to be in the business of managing the HOA, they would rather as much as they can transfer it back to the neighborhood, however they want to do it going forward is really is really their call. City Attorney Roberts stated as far as parcel A on the County records it is listed as Trails Edge HOA so that is the property owner, that is why they required the affidavit so that the property owner is part of the application. There were questions about division of proceeds, that is also beyond the City's scope and really cannot offer an opinion as to what should or shouldn't do, doesn't know what contracts are in place and it wouldn't be the City's place to mediate that kind of question. So is not able to answer that because doesn't know, there could be a lot of things that go into that that does not have access to.

6:34:08 PM

Commissioner Vaughan stated it has been discussed and the Mr. Sandberg was not present for the first part that City staff indicated that there is an affidavit that is required for the property and really for the Commission to go through with this. Donald Sandberg stated to transfer to the owner of lot 25. Commissioner Vaughan asked if that had been done, filed and recorded. Donald Sandberg stated if the City does not have it, it sounds like it has not been done, so will need to go up and ensure that it has been filed properly, it should be with the City and if that is not the case then must have lost it somewhere, don't know. City Attorney Roberts stated under State law in order for a plat amendment have to have the parcel, the property owners be involved at least in the application, so in this case they didn't have an affidavit from the owner of parcel A which is the HOA so as soon as get that affidavit then can proceed with the plat amendment because then have both property owners participating in the application, so have passed that along to the developer and said would get it to staff in a week or so. Donald Sandberg stated okay, has that action to get the affidavit and could maybe. Planner Davies stated staff has contacted Mark Sandberg. Donald Sandberg stated that is his father, that is the reason he is here. Planner Davies stated he knows what is going on then. Donald Sandberg stated they will get that locked down so that are doing things by the book on that and his apologies for not having that submitted prior to this meeting. An audience member asked a question. Donald Sandberg stated to kind of talk about what was discussed, they are the land owners of that and in terms of the 3 or 4 actual owners of that land that actually had that land in the beginning does not know but it is their land. An audience member asked another question. Donald Sandberg stated doesn't know if they have actually given that out specifically to the HOA or if were going to transfer that. An audience member asked another question. Planner Davies stated the current property owner is the Home Owners Association. Donald Sandberg stated so it would simply transfer out of the Home Owners Association to lot 125.

6:36:55 PM

Commissioner Thorson asked to bring the meting back to order.

6:37:05 PM

Commissioner Vaughan asked staff at this particular point is there a technical failure in the paperwork for this particular item, are they lacking something to have a complete packet. Planner Davies stated in terms of the affidavit, is that what are referring to. Commissioner Vaughan stated yes. Planner Davies stated had sent out an email to the applicant last week stating needed the affidavit because the applicant is not the property owner so basically in this case the Home Owners Association would need to authorize them to be a representative for them, however because they pretty much are the Home Owners Associations right now because the board has not been created in the neighborhood yet he would essentially be authorizing himself to make that application. However, because that is what need legally per State code do need that. In terms of a complete application, technically they do not have a complete application because of that however that doesn't preclude the Commission from taking action on it.

6:38:22 PM

Commissioner Vaughan stated the short answer is no, they do not have a complete application. Planner Davies stated no. Commissioner Vaughan stated at this particular point with staff giving them the short answer, it is incomplete and do not think they are prepared to go forward and feel very uncomfortable without having all of the legal requirements fulfilled for this and is inclined right now to ask the applicant representative if he would like to withdraw this or have the meeting continue with the peril of possibly being denied because it is incomplete.

6:39:05 PM

City Attorney Roberts stated a couple other options they have, could table it, the applicant said were going to get some more information and bring it back to the Commission so could table until the next meeting and then issue a decision at that point and they have indicated that they will have that paperwork ready by then. The other option would be that could conditionally approve, condition upon getting the proper paperwork in place before it goes to the City Council or before it gets finalized so those are multiple options tonight.

6:39:05 PM

Commissioner Thorson stated based on the Chairman's concerns is reluctant and can foresee a 3/1 in favor of this or maybe a tie either case it fails and so is concerned that they move forward with the risk of the Chairman voting against and a failure even though there is a majority. Is that the case, the Bylaws require a 4 affirmative regardless of quorum, correct. Commissioner Vaughan stated yes, that is his understanding. Commissioner Thorson stated he says that because he has some pretty good concerns about this and will bring them up in am unite, most of what have brought up but have some concerns that see this as a means to an end of kind of resolving a problem that this neighborhood has, of a HOA that was never really wanted and doesn't really function. So is pretty concerned that any ownership of this parcel if it goes to private is concerned about the value of the infrastructure that could be on this land owner's shoulders. There is probably $10,000 worth of pipe, control box, etc. that in the event of a blow-out, failure of sorts this would really create a pretty burden on them and is concerned about that. Is concerned that the sale of the property include very specifically that they are taking the responsibility of maintenance, ownership and the function of the infrastructure not just mowing the grass, because it is a lot more than mowing the grass, there are all sorts of things that end up in storm drains, full bicycles is one of them that have seen and these things happen and in the event of a storm and something gets stuck in there and something happens the City can go in there and pull that out but not until they know about and usually they know about if after there is a torrent, flooding someone's yard and so is concerned about that. Having a fence up is one thing but would have to as Commissioner McCuistion mentioned would have to maintain the opportunity for flow of overflow, there are some concerns have about making sure the owner is aware of all this and if is willing to take it on that is their choice. Is also concerned about the outcome here and the Chairman has expressed disinterred in moving forward with an incomplete application, that would shut it down if they vote and get 3/1. Commissioner Vaughan stated if this is continued or turned down then would have the opportunity to come back at another time to exactly revisit each one of those concerns and shares his concerns and completely understand that but at this particular time from what have heard from the residents of lots 106, 122 and 125 that they might not be aware of all of the ramifications, especially lot 125 in regards to responsibilities of this being turned over to them. Commissioner Thorson stated guess does have to take some of it back, even if they do not recommend approval, they can still go to City Council anyway and could take it to City Council regardless but those are some of his concerns about the process are going through right here in additional to the actual physical concerns that have with the lot.

6:43:22 PM

Commissioner McCuistion stated they are concerned that they are worrying about things that aren't rally under this body's purview and should be focused on applying the City's code to this and while they have brought these things to their attention they can discuss those as they will with civil attorney's or however they are going to handle that and would be okay in moving this forward with conditions and allowing the process to take place. Think they have been told it meets code and there is really not a requirement for open space, the HOA is in quasi effect, they have legal rights to this property and can do this legally and are not the body that says if things are right or wrong, are the body that applies the City code and leave those things to the elected officials so would say should move it forward with conditions that the City Engineer review for storm drain maintenance and access and things like that and just let the next step in the process take place. Commissioner Vaughan stated the absence of comment by City staff particularly the City Engineer is one of his strong concerns and doesn't know if has had the opportunity to consider that and does not know what his answer would be should he consider that. If they conditionally approve it upon receipt of the affidavit solely then it doesn't matter what the City Engineer would say, it is in the bag. Just has his concerns and is why mentioned possibly what he would recommend rather than turn it down completely would be to either have the applicant consider to possibly have it being mandatorily be continued by the Commission or allow them to get all of their ducks in a row and don't know which the

applicant would prefer. The main thing is on something like this want to be a stickler and if the file is incomplete, it is incomplete, if it is 99% done, sorry it still fails if it is not complete, the short answer was no, the Planner tried to give a very good explanation which he did but the bottom line is no it is not a complete application. The Chair cannot make the motion but anyone else is welcome to do that but think have an understanding of how he feels about it.

6:46:12 PM

Commissioner Bingham stated he agrees with Commissioner McCuistion that it is their main priority to maintain the functionality of this detention basin and would be okay with conditionally approving it based on the recommendation of the City Engineer and upon of the affidavit as well.

6:46:55 PM

COMMISSIONER MCCUISTION MADE A MOTION TO RECOMMEND TO CITY COUNCIL APPROVAL OF THE REQUEST OF TRAILS EDGE PHASE 1 SUBDIVISION AMENDMENT UPON THE CONDITONS THAT THE AFFIDAVIT IS RECEIVED BY THE CITY AND CITY ENGINEER REVIEWS AND APPROVES THE DETENTION BASIN AND CAN OR CANNOT BE FENCED AND ANY OTHER CONDITIONS AND MAINTAIN THE DETENTION BASIN. COMMISISONER THORSON STATED WOULD ALSO INCLUDE FOR MAINTENANCE AND FUNCTION OF THE AREA.

6:47:59 PM

Planner Davies stated before they finalize their motion, according to City Code section 10.20.140, the Planning Commission is the Land Use Authority on this so it would not go to City Council, so the motion language he included there is incorrect and apologizes for that.

6:48:23 PM

COMMISSIONER MCCUISTION AMENDED HIS MOTION TO APPROVE THE TRAILS EDGE PHASE 1 SUBDIVISION AMENDMENT, BASED ON THOSE SAME CONDITIONS.

6:48:30 PM

THE MOTION WAS SECONDED BY COMMISSIONER THORSON. CHAIR VOTES NAY, OTHER COMMISSIONERS VOTED IN FAVOR. MOTION FAILED WITH 3/1 VOTE.

6:48:30 PM

Commissioner Vaughan stated at this particular point the applicant can probably see how the Commission is stuck and would invite the applicant to consider possibly wanting to withdraw this with no penalties obviously to continue this to a date upon his request for them to get everything legally required to be filed with the City and also give the City time to speak with the City Engineer about the detention basin and those requirements. The Chairman would support a motion to table knowing what their vote would be again.

6:49:58 PM

Commissioner Thorson stated he is not sure where they are legally and asked the City Attorney for advice. City Attorney Roberts stated under the Bylaws they need to have 4 votes at least to take action. Commissioner Thorson asked once they voted is that the end of it. City Attorney Roberts stated no can have alternative motions.

6:50:16 PM

COMMISSIONER THORSON MADE AN ALTERNATIVE MOTION TO TABLE THIS UNTIL THE NEXT AVAILABLE MEETING WHICH WOULD BE OCTOBER 4, 2016 AND IN CONJUNCTION WITH THE APPLICANT'S SUPPLEMENT TO THE APPLICATION AT HIS REQUEST, PRIMARILY THE AFFIDAVIT AND ARE TABLING IT BASED ON THE COMPLETION OF THE APPLICATION. COMMISSIONER MCCUISTION SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED 4/0.

6:51:51 PM

5. Public Hearing, Code Amendment - Title 10.75.040 regarding PRD (Planned Residential Development)

Planner Steele stated have seen this before and have brought exactly what they have talked about at the last meeting with the exception of some options. As a quick refresher under the PRD Zone the City Council has asked the Commission to address the access situation from an arterial or collector road and last time proposed a text amendment that clarified that yes, for sure want a road connection to a PRD and it makes it so there is no question about it. Option A says 'the development design shall include a direct connection to a major arterial, minor arterial or major collector roadway by way of a full width and dedicated right-of-way designed for the movement of automobile traffic', so none of this trail business or secondary whatever, it would kind of set that in stone. So if that is what want to be in the text then can just continue on but there was some discussion last time so thought it is not a bad thing to just add some extra options for consideration and not pushing for any of these options just to be clear just so it is in front of them. Option B says 'the development property shall have frontage on an arterial or collector roadway, a direct automobile connection is not required' so that would group those land uses next to the roadways but wouldn't necessarily mean that they would have to have a connection. Option C says 'automobile access to a PRD development shall not exceed 1,000 linear feet from an arterial or major collector road measured along the center lines of local roads, measurement shall begin at the intersection of the center line of an arterial or major collector road and that of a local road and continue along the center line to the intersection of the property line of the proposed development'. 1,000 feet wasn't just an arbitrary number this is something that see with some of the other PRD's and developments that are not located directly on an arterial. So those are 3 options with that and then the other amendment was in relationship to private driveways and adding some language to clarify what want to see with private driveway and address some of those concerns that they had that were getting out of control.

6:55:18 PM

Public Hearing opened.

6:55:39 PM

TJ Jensen stated kind of hit on this briefly in the work session last week. First off want the Commission to consider and think Commissioner McCuistion was the only Commissioner that is currently sitting up on the diose that was involved in the discussion when were discussing the access for PRD. While thinks it is a good idea to require direct access to an arterial that was the intent of the Commission at the time and is certainly within purview to relax that if so chose. But the goal was to try to limit where these are placed within the City because as Commissioner Thorson pointed out this has been a troublesome ordinance for the City for a while, certainly have a couple good looking PRD's in the City but there are some but's involved with that so consider that. The main thing wants to talk about again is the 6 units with the shared driveway and know that the Commission mentioned last time they weren't really happy about the shared driveways but do think that Stoker Gardens is a good example of shared driveways done right, one of the beauties of a shared driveway is that the City is not responsible for maintenance of said driveways, the owners of the properties there being an HOA or the owners directly, since this is a PRD it would be an HOA that would be paying for the maintenance and not the City so it makes it easier for the City's snowplow drivers to do these neighborhoods in the winter because they don't have to do the whole thing and since cul-de-sacs generally are one of the last thing they get to anyway if the HOA isn't there and is responsible for it that is fine. Want to point out that and as pointed out last time think the 3 per side is a little too limiting because might have a parcel that is odd shaped and so may need to do a 4/2 split or something like that but really don't even think need that restriction because think the 160-foot maximum length requirement already accomplishes that but does in such a way that the developers still have some flexibility in development. PRD is the only Zone left in Syracuse other than R-4 which is deprecated that allows multi-family units, PRD's allow up to 4 units to share so would suggest that no more than 6 units for single-family and no more than 8 units for multi-family, no more than 2 buildings for multi-family situation if that should exceed 6, specifically thinking about the 4-plex, because would have 4 on each side. Stoke Gardens does have some 6 but the ordinance no longer allows 6-plexes so think that there needs to be wiggle room for those units if someone wants to have 4-plexes facing each other.

6:58:20PM

Public Hearing closed.

6:58:30 PM

Commissioner Vaughan stated first off thank you staff for bringing this back and think have given them some excellent choices there. Is in favor of all of the ones outside of 10.75.040 minimum lot standards section 5, where have the 3 options there on subsection 5, like option A, which is the clearest, shortest, easiest understood and do not think it can be manipulated very well.

6:58:30 PM

Commissioner McCuistion stated he agrees with what Mr. Jensen said that limiting 10.75.070 to 3 per side might be a little limiting and think would accomplish the same of 6 lots total instead of 3 per side, kind of a 6 and 1 half dozen and another doesn't think it matters all that a bunch and as far as a connection, support option A as well. Think with a traffic impact study some other options might be okay but would rather have a professional opinion on that and not just put it in the ordinance.

7:00:06 PM

Commissioner Thorson stated assuming they select option A where require 1 access, there are some larger PRD's, the minimum would expect in high 20's low 30's for PRD but does the City have recourse to require a traffic impact study on any subdivision if they think it is big enough, that would mean option A could stand as is and still give them an opportunity to require that if it is 50 or 60 units going onto 2000 W or something might want to require an impact study. City Attorney Roberts stated think any subdivision that appears will have a significant impact on the traffic that is something where could say this is big enough and need to have an impact study done. Commissioner Thorson asked if they had the authority to request that. City Attorney Roberts stated yes, can require that if think will have a detrimental effect. Commissioner Thorson stated that is what he would expect just wanted to make sure, don't want a 100 unit going through 1 access because that is what the code says. Planner Steele stated per the Fire Code anything over 35 units will have a secondary access as well, but has seen the City Engineer require traffic studies, like over at Ninigret there was a traffic study done, so he has that within his purview. Commissioner Thorson stated he agrees and would go option A and would go with what Commissioner McCuistion recommended and would just get rid of the 3 per side part on the private drive and would prefer it to be no private drives but, no shared drives.

7:01:56 PM

Commissioner Vaughan stated he personally prefer the 3 on the side rather than having 6 strung out, if say 6 strung out and a limitation of 160 feet length are inviting a 3000 sq. ft. lot where as if they limit to 3 then there is no excuse to make those lots to be really dinky to be able to fit into this thing. Think the City is doing its very, very best to avoid flag lots and if had 6 in a row this would definitely be a flag, creation of technically or should say realistically a flag lot but not technically because it would be a private drive or private driveway however they want to call that but think 6 on one side is a flag lot and definitely don't have flag lots in the City but other than that can support it. If were to go through with that because this is very important, it has been delayed once or twice will support whatever the motion is although is against the 6 in a row portion and just as long as that is reflected in the minutes so the City Council knows why and his concern on that but will support the motion to get this through to them.

7:03:45 PM

COMMISSIONER THORSON MADE A MOTION TO RECOMMEND TO CITY COUNCIL APPROVAL OF THE PRD ORDINACNE 10.75. WITH CHANGES OUTLINED IN THE PACKET WITH THE SELECTION OF OPTION A FOR THE CHANGES TO THE AERTIAL ACCESS FOR THE PRD. THE MOTION WAS SECONDED BY COMMISSIONER BINGHAM. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

7:04:36 PM

6. Adjourn

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

_____ _____

Ralph Vaughan, Chairman Stacy Adams, Commission Secretary

Date Approved: _____