Syracuse City
Planning Commission Meeting
May 20, 2014

Begins at 6:00 p.m. in the City Council Chambers
1979 West 1900 South, Syracuse, UT 84075

Regular Meeting Agenda

PLANNING COMMISSIONERS

CHAIR
Curt McCuistion

VICE CHAIR
Tyler Bodrero

T.J. Jensen
Dale Rackham
Wayne Kinsey
Ralph Vaughan
Anne Greeson

1. **Meeting Called to Order**
   - Invocation or Thought
   - Pledge of Allegiance
   - Planning Commission Business
   - Adoption of Meeting Agenda
2. **Public Comment,** This is an opportunity to address the Planning Commission regarding your concerns or ideas. Please limit your comments to three minutes.
3. **Public Hearing**, Rezone request from Mark Flinders, property located at 2481 W 1700 S, change from R-2 Residential to Professional Office.
4. **Meeting Minutes:**
   January 21, 2014 Regular Meeting and Work Session
   May 6, 2014 Regular Meeting

Work Session Meeting Agenda

Will follow the Regular Meeting

1. Department Business
2. Commissioner Reports
3. Discussion Items
4. Next Agenda Items

NOTE
If you wish to attend a particular agenda item, please arrive at the beginning of the meeting. In compliance with the Americans Disabilities Act, those needing auxiliary communicative aids and services for this meeting should contact the City Office, at 801-614-9626, at least 48 hours prior to the meeting.

CERTIFICATE OF POSTING
This agenda was posted on the Syracuse City Hall Notice Boards, the State Public Notice website at http://www.utah.gov/pmn/index.html, and the Syracuse City website at http://www.syracuseut.com.

Planning Commission Meeting

May 20, 2014

EXECUTIVE SUMMARY

Item 3: Public Hearing, request from Mark Flinders, property located at 2481 W 1700 S, change from R-2 Residential to Professional Office, 0.31 Acres.

Summary

This property is located on Antelope drive south west of the Syracuse Movie Theatre. The difficulty with this property is that it is only 0.31 acres and Ordinance 10.85 Professional Office Zone requires a minimum of one-half acre lot area for development. The parcel to the East is 0.32 acres and currently zoned Professional Office. Rezoning and adjoining these two properties will allow for a future development in accordance with the Syracuse City Master Plan.

Please refer to the following documents:

- Zoning/General Plan Map
- Public Notice Letter

SUGGESTED MOTIONS:

Grant

I move to recommend approval to the City Council for the Rezone request from Mark Flinders, property located at 2481 W 1700 S, change from R-2 Residential to Professional Office, subject to all applicable requirements of the City's municipal codes (and to the condition(s) that…)

Deny

I move to recommend denial to the City Council for the Rezone request from Mark Flinders, property located at 2481 W 1700 S, change from R-2 Residential to Professional Office based on…

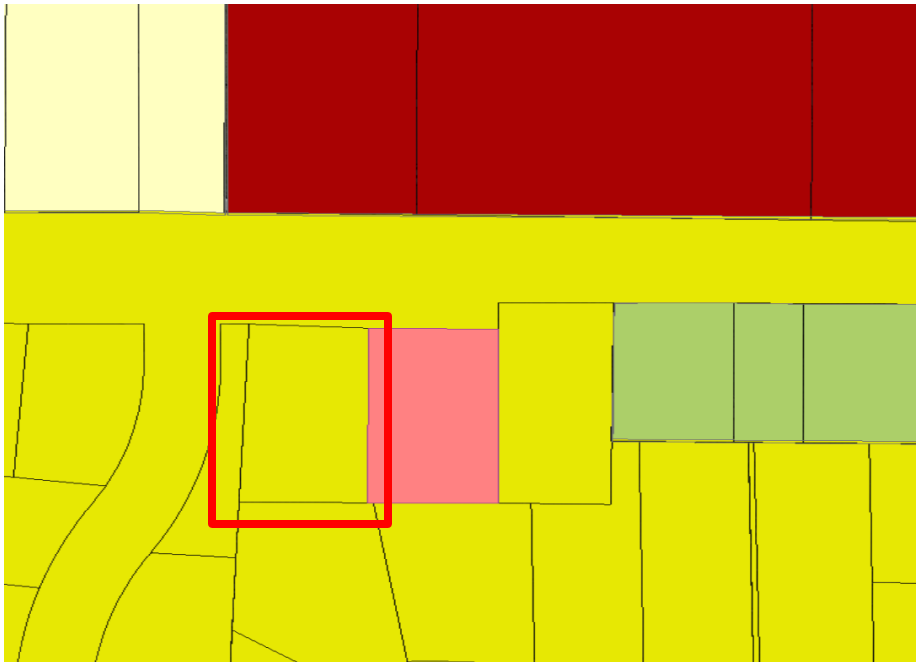
Table

I move to table discussions pertaining to the Rezone request from Mark Flinders, property located at 2481 W 1700 S, change from R-2 Residential to Professional Office, until….

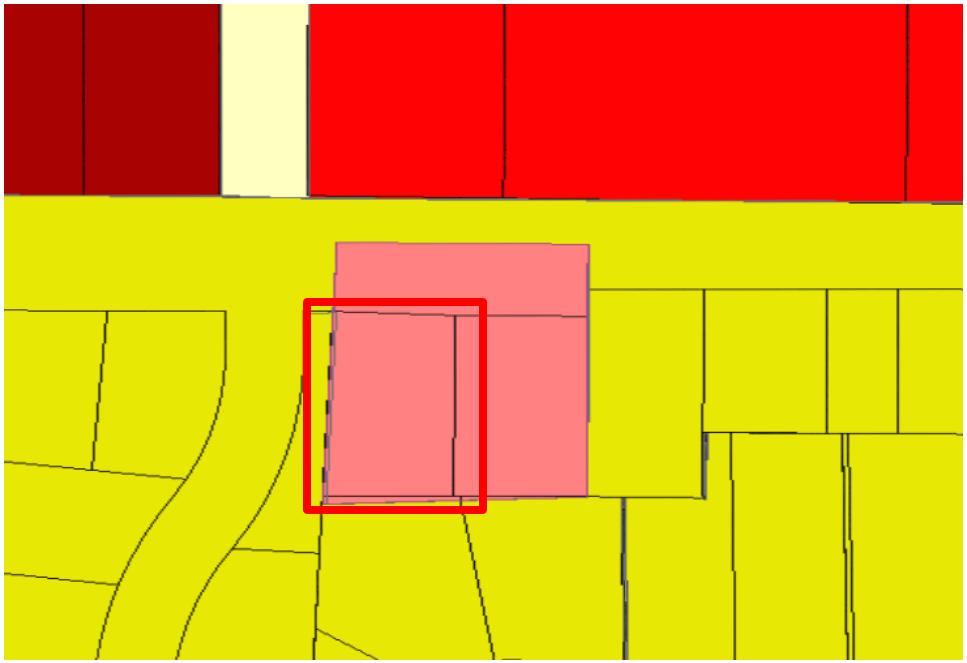
Rezone – Mark Flinders
2481 W 1700 S

N

Current Zoning



General Plan Designation



- Agriculture A-1
- R-1 (2.90 dwellings per net acre)
- R-2 (3.79 dwellings per net acre)
- R-3 (5.44 dwellings per net acre)
- PRD (8.0 dwellings per net acre)
- R-4 (14.52 dwellings per net acre)
- Professional Office
- Commercial II
- General Commercial Zone
- Industrial Zone
- Town Center Overlay Zone
- Sensitive Overlay Zone
- RDA & EDA Boundary

Mayor
Terry Palmer

City Council
Brian Duncan
Mike Gailey
Craig Johnson
Karianne Lisonbee
Douglas Peterson

City Manager
Brody Bovero

May 8, 2014

The City has received a rezone request from Mark Flinders, located at approximately 2481 W. 1700 S., change from R-2 Residential to Professional Office. The Planning Commission will consider this request in their regular meeting, beginning at 6 p.m., in the City Hall Council Chambers on May 20, 2014.

In accordance with Syracuse City Land Use Ordinance 10-4-050(C), we are providing you notice of this request as a land owner within a 300-foot radius of the subject property. This is a Public Hearing, and you are welcome to attend and provide comments regarding this request, if you so desire, or submit them in writing to the email or mailing address below.

If you are uncertain as to the impact or ramifications of this proposal and would like more information; please feel free to call or stop in during regular business hours, between 8 a.m. and 5 p.m., Monday through Friday.

Respectfully,

Syracuse City

Community Development Department
Phone and/or Fax: 801-614-9632
Email: jschow@syracuseut.com

jm

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on January 21, 2014, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:	Commission Members:	Curt McCuistion, Chairman Tyler Bodrero, Vice-Chairman Wayne Kinsey TJ Jensen Dale Rackham Ralph Vaughan Sean Dixon Anne Greeson
	City Employees:	Sherrie Christensen, Community & Economic Development Director Jenny Schow, Planner Clint Drake, City Attorney Terry Palmer, Mayor
	Excused:	None
	City Council:	Craig Johnson
	Visitors:	Gary Pratt

1. Meeting Called to Order

a. Invocation or Thought – Commissioner Vaughn
b. Pledge of Allegiance – Commissioner Rackham
c. Adoption of Meeting Agenda

COMMISSIONER JENSEN MOTIONED TO ADOPT THE SYRACUSE CITY PLANNING COMMISSION AGENDA FOR JANUARY 21, 2014 AS AMENDED TO HOLD THE WORK SESSION IN THE COUNCIL CHAMBERS. COMMISSIONER RACKHAM SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.

2. Public Hearing, City Municipal Code Amendment, Title 10-Accessory Dwelling Units

Director Christensen stated that the requested amendments from the last work session have been incorporated into the proposed document regarding the accessory dwelling units, basements apartments and duplexes.

6:05:22 PM
Public Hearing Open, No Comment **Public Hearing Closed**

Commissioner McCuistion opened the topic up for discussion among the commissioners. Commissioner Jensen expressed his thanks for the change regarding primary owner occupancy being allowed in either the main building or accessory unit. Commissioner Vaughn stated for the record that these ordinance amendments have been in progress with the Planning Commission for several months and it has received multiple levels of input and hard work. He said that staff has been very compliant to make numerous revisions.

Commissioner McCuistion expressed the possibility of adopting the new ordinance as a conditional use for a limited period of time in order to how it is running and if there were any holes left. Commissioner Jensen said that one nice thing about making Accessory buildings a major conditional use is that it gives people who cannot make it into the City office during the day an opportunity to approach the planning commission when they get off of work to express their concerns essentially to any accessory building going in next to them, regarding issues such as utilities and traffic patterns. He would like to see this left as major conditional use permit.
Commissioner Greeson asked if the date should be set now, or left until it becomes burdensome, she preferred to set a date to review the minor versus major conditional use permit requirement.
Commissioner Vaughn asked if there have been previous ordinances with a review date set. He also suggested that staff track any complaints and variance requests regarding the issue. He said that as the City has an automatic review or certain areas and certain sections for the plan that come forward anyway every couple of years such as signs, it would automatically come up for review over time in that section of the code. Director Christensen is not aware of any ordinance with a sunset clause. She stated that she is confidant that staff is capable of handling the reviews and that they are pretty ordinary and regular. It also fixes the problem of residents receiving a notice and then coming to a meeting thinking they can sway the Planning Commission to deny it for personal reasons and not because it doesn't meet the code. However, if they want to continue to make it a major conditional use permit, she respects and appreciates that.

Commissioner Bodrero stated that the current language calls for a minor permit, and that they are making the changes so that it is very capable to be left in the hands of City staff to administer the ordinance.

Commissioner Jensen said that he is struggling with Title 10 pages 32 & 33, Approval Standards 10-4-080(E)5. The land use authority shall review and consider the following factors in determining whether to approve, approve with conditions, or deny a conditional use application. He said the one he is struggling with is b. on the next page which says the proposed use at a particular location which is necessary or desirable to provide a service or facility that will contribute to the wellbeing of the neighborhood and the community, and wonders what does that mean? Attorney Drake said that the hard work the Planning Commission has put in and the parameters that have set forth in creating this ordinance spells out whether or not it meets the ordinance. Commissioner Jensen said the previous two duplex's that were approved weren't necessarily in that location and the residents didn't feel they were desirable. He feels it's arbitrary and may open the City up for lawsuit. Attorney Drake agreed and said is based upon the particular parameters that have been spelled out.

Commissioner Bodrero stated that if you have a macro view that could open up some concern, but where we have gone micro on item 10-6-020(12) Design Guidelines, we've spelled out some very specific items, a-g that reference his issue. They have been specific with images spelling out this not that, and giving specific examples of rooflines and other architectural elements and the facades being broken up. He feels they have been collectively specific in what they want in this ordinance to generate future development of the city. He is comfortable with the ordinance as written to set the conditional use as minor.

Commissioner McCuistion took a poll to see how all the commissioners felt about the minor vs. major permit issue. All of the Commissioner are good with the minor, except Commissioner Jensen.

COMMISSIONER GREESON MADE MOTION TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE PROPOSED AMENDMENTS TO THE SYRACUSE CITY MUNICIPLE CODE TITLE 10 REGARDING ACCESSORY DWELLING UNITS WITH THE FINDING THAT THE PROPOSED AMENDMENTS ARE CONSISTENT WITH THE GOALS, OBJECTIVES AND POLICIES OF THE CITIES GENERAL PLAN , SECONDED BY COMMISSIONER VAUGHN; ALL VOTED IN FAVOR, THE MOTION PASSED.

3. Adjourn
COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSSION IN COUNCIL CHAMBERS.

_____ _____
Curt McCuistion, Chairman Jenny Schow, Planner

Date Approved:

Minutes of the Syracuse City Planning Commission Work Session held on January 21, 2014, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present:	Commission Members:	Curt McCuistion, Chairman Tyler Bodrero, Vice-Chairman TJ Jensen Wayne Kinsey Dale Rackham Ralph Vaughan Sean Dixon Ann Greeson
	City Employees:	Terry Palmer, Mayor Sherrie Christensen, Community and Economic Development Director Jenny Schow, Planner Clint Drake, City Attorney
	City Council:	Craig Johnson
	Excused:	None
	Visitors:	Gary Pratt

1. Department Business

- A Joint Work Session is scheduled for January 28 at 6 pm for the Planning Commission and City Council
- February 12th training Preserving Open Space; the main speaker is Randall Errandt, author of Rural by Design, and Sumner Swaner will present his Community Greenspace Plan. Commissioner Greeson and Jensen have submitted an rsvp. RSVP's are due by the end of the week.
- Transportation open house in Clearfield Feb 24
- Planner Steele is revamping the buffer table and doing research on metal buildings

2. Commissioner Reports

Commissioner Jensen praised the January 14, 2014 City Council meeting and referred to and article in the Standard Examiner, Peace Breaks Out in Syracuse.

3. Discussion Items

The Planning Commission took the opportunity to propose items for discussion in the joint session with the City Council which include:

- A change regarding the C-2 Commercial Zone
- Commercial Parking
- CUP section
- Pubic Nuisance
- Subdivision Entry Monuments
- Site Triangles greater than 90 degrees and Round-a-bouts
- Animals
- Hearing Officer 10-4-120
- General Plan Survey
- Annexation Agreement
- PRD's
- West Davis Corridor Planning
- Accessory Structures

Attorney Drake reminded the planning commission members that when they attend the City Council meetings on their own, if they provide comments or feedback, they need to be mindful that they are speaking as a citizen and not as a planning commissioner. We don't' want the public to think that a single commissioner represents the entire planning commission. Commissioner Bodrero explained that when he is speaking as a citizen and not a commissioner, he feels his actions still reflect upon his position as a planning commissioner and that he feels like it is important to always be mindful of his influence and public perception.

4. Next Agenda Items

- Home Occupation-Cindy Wagner Daycare located at 3132 S 660 W
- Trailside Phase 7 Amendment located at approximately 3000 S 1820 W
- General Plan Amendment located at approximately 750 S 2000 W
- Still Water Lake Estates Preliminary Plan located at approximately 2000 W and Gentile

5. Additional Items of Discussion

Daycare- snow removal should include the entire driveway, drop off and pickup shall occur in the driveway only and not from the public street.

6. Adjourn

Minutes of the Regular Meeting of the Syracuse City Attorney Clint Planning Commission held on May 6, 2014, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City Attorney Clint, Davis County, Utah.

Present:	Commission Members:	Curt McCuistion, Chairman	
		Tyler Bodrero, Vice-Chairman	
		Anne Greeson	
		Dale Commissioner Rackham	
		Ralph Vaughn	
		TJ Jensen	
		Wayne Kinsey	
	City Employees:	Sherrie Christensen, Director of Community & Economic Development	
		Jenny Schow, Planner	
		Jackie Manning, Admin Professional	
		Steve Garside, City Attorney	
		Brian Bloeman, City Engineer	
		Joe Hamblin, Deputy Fire Chief	
	Councilmember:	Craig Johnson	
	Visitors:	Mike Bastian	Mike Thayne
		James Merrill	Matt Yeates
		Rebecca Scott	Brenton King
		Taylor Spendlove	Mark Thayne
		Tyson Moore	Patrick Scott
		Josh Yeates	Craig M. Call

1. <u>Meeting Called to Order</u>

6:08:24 PM

a. Invocation or Thought – Commissioner Vaughan

Commissioner Vaughan quoted Layton City Mayor Steve Curtis, "It is not uncommon for members of a planning commissioner to differ with a city council. That helps create good government and is understandable, as the primary purpose of the planning commission is to make reasoned recommendations to the council about the general plan and the land use ordinances; the city council, however, is under no obligation to agree with the opinion of the planning commission. Advice from the planning commission is the product of long public processes and hard decision making. It can appear disrespectful to the process and the efforts of the planning commission when the council ignores its recommendations and goes off on its own. Decisions regarding the general plan and the adoption of land use ordinances are legislative acts that are intended to be made by elected policy makers and not by appointed commissioners. Council members should respect the recommendation of the planning commissioners, but in the end they need to vote according to their conscience. The purpose of a planning commission is fulfilled when it acts in a manner supportive of the policy and policy makers. This valuable function only serves when it operates within the constraints of the law and without regard to public prejudice and clamor of the crowd."

b. Pledge of Allegiance – Commissioner Jensen

c. Adoption of Meeting Agenda

MOTION TO MOVE PLANNING COMMISSION BUSINESS BELOW ITEM 8, BY COMMISSIONER JENSEN. SECONDED BY COMMISSIONER VAUGHAN. ALL IN FAVOR, NO OPPOSED. MOTION PASSED.

2. Public Comment-

6:12:25 PM

No comments were made.

3. Public Hearing, General Plan Amendment, request from Castle Creek Homes, property located at approximately 1183 S 3000 W, change from R-1 Residential to R-2 Residential Zone.

6:13:25 PM

Planner Schow showed a presentation for the project. She stated the applicant will complete the infrastructure of 1200 South and provide the connection to 3000 West. Mike Bastian, South Weber, Utah, stated they elected to redesign a portion of the parcel which allowed for a much better traffic flow. Mr. Bastian

DRAFT

stated he will need to amend the final plat of Country Fields to take out the 4 acre parcel with 9 lots. Director Christensen stated the plat had not been recorded yet.

Mr. Bastian showed the 4 acre parcel on the projector, and stated the total was 24 acres. He stated there is a master plan for a regional detention in Rock Creek Park, to do a main storm drain trunk line. Commissioner Vaughan asked Mr. Bastian if the general plan amendment was not approved if he would still connect 1200 South to 3000 West. Mr. Bastian stated they had to purchase a house in order to make the project work along 3000 West, because they were 6 and a half feet short, so if they didn't get the approval they would be forced to have 100 foot frontages, the numbers would be thrown off, and it may prevent the road connection if it was not granted.

Commissioner Vaughan asked what a legitimate city benefit would be to change, as opposed to making it easier for the applicant to have more lots. Mr. Bastian stated that the connection of 1200 South would be a city benefit. He stated most of the zones above the Bluff are R-2, or being changed to R-2. He stated the lots are still 10000 plus square feet in all of the lots that are being designed, so there isn't much of a difference in the overall layout of the subdivision. Commissioner Vaughan clarified if it was granted, no lot would be smaller than 10000 square feet. Mr. Bastian stated not for the R-2 section. Planner Schow confirmed that R-1 and R-2 have a 10000 square foot minimum requirement. She stated the difference is a 100 foot frontage versus 85 feet.

Commissioner Jensen confirmed that Mr. Bastian would need to take a house out in order to make the project work. Mr. Bastian stated they needed to purchase the house because the seller did not want to sell only six and half feet of their property, so they will divide the acre lot and sell the house to incorporate the 66 feet. Commissioner Jensen stated Mr. Bastian would have to have the 66 foot minimum regardless of the zone change.

Public Hearing Opened. No public comments were made.
6:22:28 PM

Commissioner Vaughan asked if the staff was aware of anything in the works for preliminary in regards to projects or zone changes in regards to general plan. Planner Schow stated the next application. Director Christensen stated the application that was reviewed 3 weeks prior north of 700 South. She stated the area had been a target for general plan changes. Commissioner Vaughan cautioned on changing the general plan acre by acre. Chairman McCuistion agreed with Commissioner Vaughan, and stated that if they continue to increase the density in that area trunk lines will have to upsized to bring enough culinary, and secondary water to the area.

Commissioner Jensen asked Director Christensen if she had any comments regarding the construction in that area. Director Christensen stated there were projects for 3000 West that they are going the impact environmental study. She stated they met with the developer several times in preapplication meetings to discuss the various connections. She stated the density change from R-1 to R-2 was not significant and will only add a few additional lots. Commissioner Jensen asked if City Engineer Bloemen thought the water lines and sewer could handle the extra load. Director Christensen confirmed yes and expressed the need for a general plan update.

MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL FOR THE GENERAL PLAN AMENDMENT REQUEST FROM CASTLE CREEK, BY COMMISSIONER VAUGHAN, FOR THE PROPERTY LOCATED APPROXIMATELY 1183 SOUTH 3000 WEST FROM R-1 TO R-2 SUBJECT TO ALL OTHER EXISTING REQUIREMENTS OF THE CITIES CODES. SECONDED BY COMMISSIONER JENSEN. ALL IN FAVOR, EXCEPT COMMISSIONER RACKHAM WHO VOTED NAY. MOTION PASSED.

4. Public Hearing, General Plan Amendment, requested from Lakeview Farm LLC, property located at approximately 700 S 3000 W, change from R-1 Residential to R-2 and R-3 Residential Zone.
6:31:57 PM

Planner Schow showed a presentation. She stated the request for zone change is in conjunction with the West Davis Corridor. She stated Utah Department of Transportation (UDOT) has been notified, and UDOT had no concerns or comments in that area and the applicant is working on selling the property to UDOT. Mike Bastian, South Weber, Utah, confirmed Mark Schultz is the owner of the project and they are in negotiations for the purchase of their property with UDOT. He stated they will get a right of way that will bring the storm drain and sewer down the Layton Canal Corridor. He stated most lots are 10,000 square feet with only a couple at the

8,000 minimum. He felt it was appropriate zoning for the West Davis Corridor. Commissioner Vaughan inquired that the acreage for the R-2 and R-3 general plan area. Director Christensen stated for R-2 it's 33.45 acres and the R-3 would be 15.68 acres.

Public Hearing Open 6:41:30 PM

David Brown, Syracuse, Utah, stated the proposal would impact his area and he didn't like the zone change because the general plan was an R-1 residential. He stated typically higher density housing has liability problems. He provided a copy of the letter to the planning commission and City Attorney Garside. He stated R-1 residential area typically has less water usage than R-2, R-3, so conservation of water would be an issue. He stated the higher density zone change would not support the water conservation ethics of Syracuse. He didn't feel a proper environmental impact study had been conducted to take in account the higher traffic flow, and high density housing would add to the traffic congestion on 700 South.

Mr. Brown questioned the integrity of the city enforcing ordinances. He stated he had a former neighbor that built a shed without a building permit and when he brought this to the attention of a building inspector they did not force the neighbor to tear down the structure. He stated with increased housing he was concerned that code enforcing would not happen due to too many residents in the community. Mr. Brown stated that R-2, R-3 zoning will greatly affect the sell ability of his property and will affect the property values.

Mr. Bastian stated if UDOT does not purchase the property from the developer they will incorporate the entire area and therefore will not need the zone change to the R-3. He stated R-3 is appropriate along a freeway. Mr. Brown recommended deferring the general plan amendment until UDOT purchases the property.

Public hearing closed. 6:54:19PM

Commissioner Jensen stated he would like to see the land next to the R-3 as open space. He stated the applicant is squishing the density east to accommodate the corridor, so he didn't have a problem in that area. He suggested an R-1 cluster, but he did like what was proposed.

Commissioner Bodrero asked Planner Schow to show the current zoning plan for the city. On the projector Commissioner Bodrero showed that the majority of the city was already zoned R-2. He stated that R-1 is mainly west of the Bluff and if you look at the development in the past 10 years there has been steady growth of R-2 Residential zones. He stated the R-2 fits in well with the rest of the city and he would rather see R-2 residential be used as a buffer.

Commissioner Vaughan clarified that any issue submitted to the planning commission had to stand on its own merit. He stated with the West Davis Corridor being uncertain he didn't feel it should have an impact on their decision to make a general plan change. He stated it was the city councils job to ponder the possibility of having the West Davis Corridor through. He stated when you look at the proposal it doesn't say West Davis Corridor, infrastructure, water, etc. He stated it is a question of whether or not the applicant has met all the requirements to request a general plan change from an R-1 to R-2, R-3. He stated based upon that information he felt as a planning commission they need to make a decision.

Chairman McCuistion stated that as planning commissioners they need to acknowledge the possibility and the purchase of right-of-way for the corridor along the proposed path, so they shouldn't turn a blind eye to it, but they didn't need to rush ahead either.

Commissioner Jensen stated UDOT has purchased the right-of-way along the corridor. Commissioner Rackham stated they allowed the PRD to become developed based on what was going to be commercial and now the development is against an R-3 or R-2. He expressed concerns about allowing developers to look so far into the future. He stated they need to review what is happening now, not plan for the future. Commissioner Kinsey stated the majority of the R-2 along the eastern side would be a better continuity and sticking with the general plan.

MOVE TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR THE GENERAL PLAN AMENDMENT, BY COMMISSIONER VAUGHAN, REQUESTED BY LAKEVIEW FARM FOR THE PROPERTY LOCATED APPROXIMATELY 700 SOUTH 3000 WEST, A CHANGE FROM R-1 TO R-2 AND R-3, SUBJECT TO APPLICABLE REQUIREMENTS OF THE CITIES MUNICPAL CODES. SECONDED BY COMMISSIONER GREESON. CHAIRMAN MCCQUISTION VOTED YAY, COMMISSIONER JENSEN, COMMISSIONER RACKHAM, COMMISSIONER BODRERO, AND COMMISSIONER KINSEY ALL VOTED NAY. MOTION FAILED.

Director Christensen read a letter from UDOT regarding the proposed property. She read the letter for the record:

"Dear Ms. Christensen,

DRAFT

Carlos Broserus, executive director of Utah Department of Transportation, has asked me to review and respond to your recent letter regarding the land application of Lakeview Farms 1 LLC, and their new subdivision Lakeview South. We appreciate you notifying us of this action. We will be working with the property owner and following the corridor preservation process to pursue the purchase of this property that lies within the planned corridor. Thank you again, please feel free to contact project manager Randy Jefferies if you have any questions." Signed Chris Peterson, Regional Director.

MOVE TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR THE GENERAL PLAN AMENDMENT, BY COMMISSIONER JENSEN, REQUESTED BY LAKEVIEW FARM FOR THE PROPERTY LOCATED APPROXIMATELY 700 SOUTH 3000 WEST, CHANGE FROM R-1 RESIDENTIAL TO R-2 RESIDENTIAL, WITH NO R-3.

Commissioner Vaughan asked for clarification on removing the R-3 from the motion. Director Christensen asked for clarification if Commissioner Jensen meant granting only the R-2 residential area the applicant requested, or if he meant having the entire area be recommended R-2 residential. Commissioner Jensen stated the motion will include the entire area be recommended to the council as R-2 residential. Commissioner Rackham asked for clarification if the motion could modify what the applicant applied for. City Attorney Garside stated the recommendation from the planning commission can be less than what was recommended/applied for.

SECONDED BY COMMISSIONER VAUGHAN. ALL IN FAVOR, NO OPPOSED. MOTION CARRIED.

5. Final Plan Piper Glen, request from Compass Group LLC, property located at approximately 3231 S 1000 W, R-2 Residential Zone. – Commissioner Jensen recused himself from the item. Commissioner Brodrero stated he lived close to the area.

7:17:38 PM

Planner Schow showed the presentation and stated the proposal has not changed with the 9 lots and it has met all recommendations from staff. Commissioner Vaughan asked if there have been any changes, additions, or modifications. Planner Schow stated the only change was an increase in the storm detention.

Chairman McCuistion stated the pond appeared to be 6 foot deep. Matt Yeates, Syracuse, Utah, clarified that sounded about right. Chairman McCuistion stated it didn't appear to be fenced or protected from children playing in that area with the steep side slopes. He asked Mr. Yeates to look at that and ensure it is safe for people to be around. Commissioner Vaughan asked if Mr. Yeates would still have the rock design. Mr. Yeates confirmed they would. Commissioner Vaughan stated his understanding is there would be a separate agreement with the city to maintain. Director Christensen stated the developer would have to enter into an agreement that binds the owner of lot 9 to permanent maintenance of the detention area, as well as give the city right of access to the drain. Commissioner Vaughan confirmed that document will be attached as a deed restriction. Director Christensen stated it would be attached and recorded. She stated they will not record the plat until they have that agreement. Mr. Yeates confirmed that would be acceptable.

Commissioner Brodero stated there were members of the community that were attached to the previous homeowners, who made quite an impact on the community, so he passed along the request of having a street named after the previous homeowner to honor him.

Commissioner Vaughan stated the retention was previously 4 feet and now that it is 6 feet it is significantly taller. He stated that made it an attractive nuisance that would be a safety hazard and would like to require some sort of fencing or barrier around that particular structure because of the depth. City Engineer Bloemen stated the base will still be the 4 feet deep. Commissioner Vaughan stated he would still like to see a fence, but he didn't feel it should be attached to the motion unless other commissioners shared the concern.

MOVE TO RECOMMEND APPROVAL TO THE CITY COUNCIL FOR FINAL PLAN BY COMMISSIONER BRODERO, FOR PIPER GLEN SUBDIVISION, COMPASS GROUP LLC, PROPERTY APPROXIMATELY LOCATED AT 3231 SOUTH 1000 WEST, R-2 RESIDENTIAL ZONE, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY MUNICIPAL CODES AND STAFF REVIEWS. SECONDED BY COMMISSIONER KINSEY. ALL IN FAVOR, NO OPPOSED MOTION PASSED.

6. Preliminary Plan Tivoli Gardens, request from Wright Development Group, property located at approximately 1900 S 1000 W, R-3 Residential.-Commissioner Jensen returned.

7:26:55 PM

DRAFT

Planner Schow showed her presentation. She stated the subdivision layout was slightly modified to meet the new cul-de-sac width per the updated Syracuse street standards.

Gary Wright, Layton, Utah, stated he received a letter from the fire chief regarding fire requirements and a letter from the city regarding traffic, speed mitigation. He stated they lost one or two lots to make sure they were complying with the ordinances on diameter.

Commissioner Jensen asked about speed control on 1000 West. City Engineer Bloemen stated he didn't feel there needed to be any extra traffic calming methods. He stated the curvature of the road should be condusive to slow speeds. He didn't feel it necessary to take additional measures without a traffic study that showed higher speeds. Commissioner Jensen asked about lot 112, if City Engineer Bloemen was considering a 4 way stop in that location. City Engineer Bloemen stated they were planning for a 2 way stop. Chairman McCuistion asked about the next section. City Engineer Bloemen stated the next stop sign would be located along 1475 West, North-South side. Commissioner Jensen stated he was more concerned with the East-West neighbors. City Engineer Bloemen stated regulatory signs are not intended to be used as traffic calming measures. He stated they will monitor the situation. Planner Schow stated on 1950 South, if you were traveling west from 1475 West, there is a curve very similar to the same one proposed and it was very effective in traffic calming. Commissioner Jensen stated that there were a lot of people at the public hearing that were highly concerned about the area being a speedway.

Commissioner Jensen asked Fire Deputy Chief if there were any specific concerns he was worried about as far as fire is concerned. Fire Deputy Chief Hamblin stated the notes he included in his review were general comments to ensure the applicant complied with the code. He stated there have been studies that prove that traffic calming measures may calm traffic, but it also increases response times for emergency vehicles as well, so that is another item to consider.

MOTION FOR 5 MINUTE RECESS BY COMMISSIONER JENSEN. SECONDED BY COMMISSIONER VAUGHAN. ALL IN FAVOR. MOTION PASSED.

There were some technical difficulties, so the motion was to allow for additional time to ensure the recording was working.

MOVE TO APPROVE THE TIVOLI GARDENS PRELIMINARY PLAN REQUEST FROM WRIGHT DEVELOPMENT GROUP AND ASSOCIATES, BY COMMISSIONER JENSEN, APPROXIMATELY LOCATED AT 1000 WEST 1900, SUBJECT TO ALL CITY MUNICIPAL CODES, AND THAT THE APPLICANT MEETS THE REQUIREMENTS AND COMMENTS MADE BY THE CITY ENGINEER. SECONDED BY COMMISSIONER VAUGHAN, ALL IN FAVOR, NO OPPOSED. MOTION CARRIED.

7. Conditional Use Permit for Temporary Sales, request from Rebecca and Mark Scott for Hokulia Shave Ice located at 1207 W 1700 S, General Commercial Zone.

7:44:20 PM

Planner Schow showed her presentation. She indicated it was presented before the planning commission because the square footage exceeded 100 square foot maximum, and would include additional seating for clients. She stated the concerns they had were proper access. She proposed the west entrance barriers be removed. She proposed to place barriers placed to separate the construction of Beans and Brew to allow for a safer pedestrian experience.

Commissioner Vaughan asked how many similar types of businesses were in the city. Planner Schow stated there were approximately 5 yearly food vendors and they were under100 square feet. Commissioner Vaughan asked if there was another vendor with dining areas. Director Christensen stated that the other vendors had leases with the city so they can sell their food items during sporting events. Commissioner Jensen stated the vendors located in the city parks, could use the park facilities, so they wouldn't need any extra seating.

Commissioner Bodrero stated his concern was pedestrian traffic and he felt like it was addressed, as long as it is coordinated with the property owner. He stated he liked the layout of the plan.

Rebecca Scott, Centerville, Utah, she stated that having a seating area will help keep the area safer and she is happy to locate the barriers as the planning commission has suggested. She stated the property owners also wanted to keep it safe.

Commissioner Rackham asked about prevention from having the area blown away. Mrs. Scott stated they plan tie the area down with cables. She stated they are using metal chairs to prevent them from blowing away, and she stated that the tables were currently plastic, but if you surround

the tables with metal chairs it holds the table in place. She stated the winds in Riverdale City are also high, and they took appropriate precautions there. Commissioner Rackham stated the winds in Syracuse are strong, and he has seen trampolines fly over 6 foot fences.

Commissioner Vaughan stated that 1500 square feet is larger than half of the regular commercial, comparing it to Arctic Circle and McDonalds, etc. and he felt this would open the flood gates for other future businesses of this nature. He stated it would give them a distinct advantage over the other businesses. He wanted to limit the dining area to two tables versus granting the 5 tables. He stated 1500 square feet was dramatic and he would support and approve this proposal if the seating area was limited to 100 or 150 square feet. Chairman McCuistion stated 3 parking stalls were impacted, which are typically 20 by 9 feet, so he didn't feel they were much over the limit Commissioner Vaughan would want to set.

Brenton King, American Fork, Utah, stated Hokulia started by BYU and that location has an hour long wait on a bad night. He stated they bring in large crowds, so with a big empty lot he felt they should take advantage of giving the customers a place to sit. He felt it would be a good mingling place for the community and adding the seating area allows customers to enjoy the city.

Commissioner Vaughan asked what would stop the applicant from selling other foods and prevent other fast food restaurants from requesting the same type of facilities. He asked about the potential hazard of having other 1500 square foot temporary restaurants scattered throughout the city, because how could they justify denying applicants 2,3, and 4 if they approve applicant 1. Director Christensen stated if any applicant exceeded the 100 square feet then they would need to go before the planning commission as a major conditional use permit and it would be met on a case by case basis.

Commissioner Vaughan stated that BYU was three times the size of the entire city of Syracuse and he felt it had a different clientele then Syracuse. He stated other shaved ice shacks have been able to handle crowds without a dedicated dining area.

Commissioner Rackham asked about the number of umbrellas and seating they were anticipating. Chairman McCustion stated the property owner of the establishment did not want to alienate the existing clientele that are running structures and he doubted he would put something in direct competition in that area. He didn't feel that was an area of concern for the planning commission. Mr. King stated in Riverdale they have 5 umbrellas and that was about standard for their design with approximately 4 chairs per table, roughly 20.

Commissioner Greeson stated many cities are finding that having outside eating areas bring a lot more walkability and friendlier culture to a city. She felt that was something the city was trying to encourage.

MOTION TO APPROVE CONDITIONAL USE PERMIT BY COMMISSIONER JENSEN, FOR TEMPORARY COMMERCIAL SALES REQUEST FOR REBECCA AND MARK SCOTT, HOKULIA SHAVED ICE APPROXIMATELY LOCATED AT 1207 WEST 1700 SOUTH GENERAL COMMERCIAL ZONE, WITH A NOTE THAT THE BARRIERS ON THE WESTERN DRIVEWAY THAT ENTERS THE PARKING LOT BE MOVED TO THE EAST SIDE OF THE ENTRY WAY TO BLOCK THE DRIVEWAY. SECONDED BY COMMISSIONER KINSEY. COMMISSIONER VAUGHAN VOTED NAY, ALL OTHER COMMISSIONERS VOTED YAY. MOTION PASSED.

8. Final Plan Approval Phase 4 & 5 and Cluster Subdivision Conditional Use Permit, request from Irben Development LLC, Still Water Lake Estates, property located at approximately 1500 W Gentile. – Commissioner Jensen recused himself from the item.

8:05:03 PM

Director Christensen showed her presentation and referred to the staff report. She stated phase 4 and phase 5 are requesting final plat approval and phase 4 will be divided into 2 phases, phase 4A and phase 4B, due to infrastructure and installation for the sewer lines. She stated this was because when it finally is approved the buildings can go in 4A until the sewer line is complete to 2000 West on 4B. She stated phase 4 contained both of the ski lakes, with open space along the trail and she showed where phase 5 would be.

Director Christensen provided a copy of the development agreement that incorporates a lot of the ideas that have been discussed with planning commission during the sketch plan and preliminary, such as, lot sizes and overall density. She stated that an R-1 Residential cluster will allow a density bonus of up to 4.79 dwelling units, and when the project first began they had approximately 30 ski lake lots, as well as 400 townhomes, so they would use the entire 4.79 density bonus. She stated through the course of renewing the project they now have all single family lots, and the developers are beneath the requirement for any bonus density. She stated they met the requirement for the 25

percent open space, and for the total project they have 36 percent open space with 31.31 acres which included both of the ski lakes, the park area, and the trail.

Director Christensen reviewed previous approvals that were made at sketch plan in June of 2013 with the developers. She stated there were lots that were 3900 square feet, and the planning commission tabled the June 4, 2013 meeting to request the applicant meet the following requirements: minimum lot sizes of 5000 square feet, 55 foot frontage within the cottage sides, front set-backs15 feet to the porch or living areas, 20 feet to the garage door, and side set-backs of 8 feet creating a minimum of 16 feet between all of the homes, and rear yards of 20 feet. She stated the development at this time meets those standards set by the planning commission in August of 2013.

Director Christensen stated the development has a master Homeowners Association (HOA), which has been divided into 2 neighborhoods with different requirements as far as the responsibilities to pay for the open space, so the homes on the cottage side are not subsidizing the homes on the lakeside in the maintenance of the lakes. She stated the HOA would share in the maintenance of the trails for both of the developments.

Director Christensen stated Exhibit D of the development agreement contained a site plan showing the set-backs for the cottage neighborhoods. She stated the lake estates are all between one third and one half acre in size, so they meet the requirements.

Director Christensen stated they have submitted landscape drawings and are showing a vinyl fence in the buffer areas, and as recalled in the preliminary there were discussions about the fencing on the north side of the lakes. She stated they are proposing a craft-man styled architecture with the provisions to meet with minimum rock, stone, and brick requirements of the city ordinances. She stated the homes on the cottage sides will be a little smaller than the homes on the lakeside. She stated the lakeside homes will be required to have additional architectural features with more rock and more detailing, but will remain with the craft-man style architecture.

Director Christensen referred to the development plan that was mailed to all the planning commissioners. She stated the development plan showed the specifics of the uses for the developments, amenities, lot sizes, proposed landscaping design, sample building elevations, site plans, and materials. She reviewed the setbacks and the dock locations for the lot and beach area of the development. She stated it met the same set-back standard, but will have larger lots with more yard space.

Director Christensen went over amenities along the trails to include benches and landscaping. She stated the 2 exclusive parks in the ski area will have boat docking area for the property owners to come and launch their boat, and they will be able to park their boat at their dock or boat house. She stated when they need to remove their boat, there is a boat ramp within the private parks. She stated the parks will have playground equipment on each of the 3 private parks. She stated they will be privately owned and maintained parks, installed by the developer, but they will have a public easement over them, so any neighborhood kids from surrounding future developments may play on the playground; as well as people taking their kids for walks along the trails. She stated the proposed playground will be a benefit for the community.

Director Christensen stated landscaping buffers needed to be installed along the adjacent agriculture uses and those have been provided in the landscaping plan in accordance with the buffer ordinance. She stated they received the staff report from the fire marshal and he put the developers on notice for certain regulations related to fire apparatus and fire flows. She stated there were couple hydrants that needed to be moved, or added to the plats, and she believed those have been done. She stated the city engineer has been working with the developing engineer to make the appropriate corrections. City Engineer Bloemen stated he was comfortable with the revised plans he reviewed, and felt comfortable in proceeding.

Commissioner Bodrero asked if the phasing as of now was optimal for what would initiate their development with infrastructure, utilities, and also meet the needs of traffic flow for the cities benefit. Director Christensen confirmed. She stated in the beginning they wanted to start with phase 1 first, but rather than having the developer change all the numbering on all the plats, to avoid confusion in the staff reports, they elected to change the phase they were starting with. She stated the lake side development will work backwards beginning with phase 4 down to phase 1, and on the cottage side will start on phase 5 and continue up to phase 9.

Commissioner Rackham asked for clarification on the phrase “living space yard”. Director Christensen stated “living space yard” referred to the living space of the home. She stated if it didn’t have a front porch on part of the home they wanted to have the garage pushed back at least 5 feet back from the front façade of the home, so it started at the porch or at the first wall of the home where living space is occupied. Commissioner Rackham stated he thought it needed to have a 30 foot set-back from the road. Director Christensen state the set-backs were set by the planning commission in

DRAFT

an R-1 cluster, and in a 30 foot clear area, it is from the street, so the 30 feet of asphalt with the 15 foot right-of -way park strip and sidewalk are counted between the curb and the front of the home. Commissioner Rackham stated that most park strips and sidewalks were approximately 4 foot each, which would total 8 feet. Director Christensen stated in this development they were wider to meet the set-back requirements.

Mike Thayne, Plain City, Utah, stated he appreciated the city staff for working with them. He stated that City Engineer Bloemen has been providing comments along the way and they have addressed all of the potential issues. He stated they feel good about what they have submitted.

Commissioner Vaughan stated the development looked great and all of the designs appeared to be nice, but everything was hinged upon the question of whether the development qualified as a cluster subdivision conditional use permit. He stated if it did meet the definition and qualifications of a cluster development then there would not be a problem, but from the beginning he didn't feel it was a cluster development based upon the structure, overall design, percentages between certain portions of the property, and division of the property.

Commissioner Vaughan stated the project is divided into parcel A and parcel B; parcel A being located on the west of the canal and parcel B being the higher density projects on the right. He stated the applicant clearly recognized there was a difference within the entire community because he divided it into 2 separate HOA's with separate responsibilities and benefits acquired to each. He stated the American Planning Association (APA) issued a national standard they considered to be guidelines, called the Smart Growth Code. He stated the Smart Growth Code in section 4.7 specifically addressed two cluster developments and the recommendations recognized throughout the United States with lot size in proportion to the amount of open space common area and the subdivision within each. He stated there was not a direct benefit for the residents in parcel B to the water area located in parcel A and the general public had a better access to the water from the street to the far left than the certain residents. He stated the lake did not have proper natural open space for people to park or leave their boats on the water, and he didn't see any ramps to allow for that.

Commissioner Vaughan stated in a cluster subdivision there is supposed to be compensation in the lot size reductions and in the large estates, but in the smaller areas the development there is not. He stated it is unequal distribution and thought the approximate percentages between open space available for the two phases were proportioned to be 5 percent for the houses in parcel B and 95 percent for houses in parcel A. He stated in a standard cluster development all structures and lots are supposed to be approximately the same size, and clearly there was a dramatic difference between home sizes and lot sizes. He stated in parcel B some of the parcels are four to six times as large as some of the homes in parcel A. He stated for those reasons, although it was a beautiful project, he felt it did not qualify for a cluster subdivision conditional use permits for those areas. He hoped it was obvious to the commissioners there was a difference between the two and he recommended it not be approved to the city council. He stated if it does pass he hoped the city council would take the time to review his comments, because they have the ability to generate more feel then the planning commission in regards to following the statutes.

Commissioner Rackham stated this issue had appeared before the State Ombudsman for review and there had been no opinion back. Commissioner Greeson asked Commissioner Vaughan to clarify where in the ordinance the houses had to be roughly the same size. Commissioner Vaughan stated it is definitely in the national standards and the national definition of what a cluster development is, but was not sure where it was located in the city code. Commissioner Rackham stated the code was 10-16-050, design standard.

Commissioner Bodrero asked Director Christensen to clarify the history of the changes that have occurred to the cluster subdivision ordinance. He stated the cluster subdivision in Syracuse Ordinance was cluster subdivisions receive approval for major conditional use permitted in agricultural and R-1 Residential zones and the purpose of the ordinance is to encourage open space conservation and imaginative and efficient utilization of land by providing greater flexibility in the location of the buildings on the land and the clustering of dwelling units. He stated space conservation, imaginative, efficient utilization, and greater flexibility all underscore the development. He agreed with Commissioner Vaughan's statement throughout the process that it looks and feels like two different projects. He stated there were physical barriers that prevent greater blending or cohesiveness between the developments with a hundred foot canal right of way that divided and separated them. He stated there were some issues and questions discussed with recommendations to the council. He asked Director Christensen to verify the changes that are effective now, that were not in place at the time the developer applied.

Chairman McCuistion discussed the walkability and access to the Jensen Nature Park and the trail systems, and felt it was important to caveat through the buyer bureau that they understand the

DRAFT

West Davis Corridor is planned to bisect that entire area cutting off all access of the trail in that area. He stated many people do not do research and it should be disclosed that they are aware that Utah Department of Transportation (UDOT) is reserving certain areas for the West Davis Corridor.

Director Christensen stated the amended cluster subdivision was approved by the council on October 22, 2013. Commissioner Brodero stated while Director Christensen is reviewing the changes that were made to the code, he commented that code 10.16.050 would have a discrepancy between the size of the units as described on the east versus the west side of the canal. He stated the intent of the section is not to have the design so dominant that all units are identical. He stated there was a distinctive shift that could be seen between the size of the homes on the west side versus the east side of the canal. He stated as has been presented in detail, the craftsman style and architecture, with setbacks, all met the intent of the design standards outlined in 10.16.050. He stated some may call attention to the size of each unit, so he wanted to compare the ratio that was distributed with how it was written in the code at the time of the application versus how it was changed and approved by the city council on October 22, 2013. Chairman McCuistion stated in the staff review that the HOA divided the projects into two neighborhoods, so even the HOA seems to consider it to be two separate neighborhoods.

Commissioner Kinsey stated he has had issues with the development from the beginning because of 10.16.040, letter C, number 2, where it discussed open space. He stated the code was in effect at the time of the application and it stated, “shall be for the use and enjoyment of the residents of the community,” [talking about the open space]. Director Christensen stated it was changed to state “for the full use and enjoyment of all residents of the subdivision.” Commissioner Bodrero stated the feelings and thoughts discussed from the very beginning have been debated, and it looked, smelled, and felt like two separate developments, but in the way the code was written at that time, the applicant complied with the code. He stated his fellow commissioners needed to understand as commissioners they are to interpret the code and read the code at the time of application, and when the applicant applied, this subdivision proposal met those code requirements. He stated the code has since been changed to tighten up and bring clarification to what was discussed at the time as a body as the intent of the code, but not the letter of the code which was complied with, but the intent of the R-1 cluster code.

Director Christensen stated section 10.02.040 definition of a cluster subdivision was amended to read, “a subdivision approved by the city as allowed within a particular zone, which meets all requirements of chapter 16 of this title and with other standards as determined by the city council by means of the development agreement.” She stated in the definition chapter it said, “ a cluster subdivision had to be 5 acres, but in chapter 16 it said it had to be 10 acres,” so that was why they refer it back to chapter 16, so it would not be forgotten to be changed in both places. She stated in chapter 16, the cluster subdivision, 10.16.20 in section E there had to be a minimum separation of 16 feet between structures and the single family detached lots had to be 6000 square feet with 60 feet of lot width and the same se- backs that the planning commission required in sketch plan for this development. He stated item G more clearly defined the clear area, 30 feet wide measured from back of curve. She stated Item H added open space if they did nonagricultural or non-wetland preserved open space to be developed for the enjoyment and use of all residents of the development and/or the public. She stated Item I was amended to say the HOA be professional managed versus the HOA be fully functional.

She stated 10.16.40 was amended to clarify in order to get bonus density they had to do a minimum of items 1 through 4 and the requirements were changed because the building design standards required 70 percent brick, rock, or stone, but the code required 75 percent, so the building design standards in the cluster were less. She stated the requirements of the regular code was clarified to state it needed to facilitate superior design elements, which is subjective and gives four tenths of a bonus density. She stated the landscaping of the parks was amended to remove the serpentine sidewalks, because they are unfavorable and difficult to maintain. She stated in Item 4 amend these to the open space theme the funding and placement of the approved amenities to open space and common areas would get .25 bonus density.

She stated item 5 was moderate income housing, but that was changed by the council; the amended document was in their packet. She could not remember the change. She stated item C under the bonus density section, the full use and enjoyment of all the residents of the development or community at large was added. She stated the developer needed to complete the open space landscaping prior to approval of the next consecutive phase, or within a negotiated open space phasing for the development agreement or designated agriculture use be required to have a recorded perpetual conservation easement. She stated in the development plan they removed the word “generally” in “that the subdivision ordinance requirements shall generally apply and changed it to,

"shall apply except where negotiated within the development agreement." She stated in item E they added "professionally" to the management of the HOA and in item F that the HOA be required to create a budget and seed the first 3 years of operating expenses. They must continue to operate it until they own less than 40 percent of the lots within the subdivision. The developer must then continue paying HOA dues to the HOA for the lots they still own, once it has been turned over to the home owners.

Commissioner Brodero stated in section C, subsequential to open space, there was discussion and vagueness in the language of what it meant to have open space designated for the use of enjoyment for the residents. It was debated and legal staff weighed on this from the beginning. Director Christensen stated when the code was adopted it was in draft form, when they applied for an amended sketch plan after the first sketch plan was approved, and the developer wanted to come in with the courtyard areas, at the American Planning Association (APA) conference, she asked Brent Batemen, the state property rights ombudsman, and Neal Lindberg if they could apply the pending ordinance, specifically for that reason with the open access to all of the development and they responded that they could apply it. She stated they spoke to the developer afterwards, and the developer called Brent and he stated that was not what he meant and stated he did not understand the question. Director Christensen spoke to the city attorney and did a conference call with Brent and Neal on the phone, explained the situation with the application, and she made a valid argument to use the pending ordinance, but she was told it was not appropriate and was told it probably wouldn't stand up in court. She stated at that point it became mute because they denied the amended sketch plan and said they didn't want the 2700 square foot lots with the 6 units in the court yard setting. She was trying to argue that the amended sketch plat application was a new application and therefore they could apply the new ordinance.

Commissioner Bodrero stated with all the on-goings he wanted to be clear that from the beginning he felt it was a unique development and he liked it in concept, but he had a hard time with the look, feel, and smell of two separate subdivisions. He stated the way the ordinance read, it met the ordinance. The ordinance was then changed to be more specific to give grounds to stand on if a similar project came in now and had that different separation, now they could have ground to stand on to take the intent and spirit behind the lettering of the code to reject and call order to it. He stated the project as it stands now, the applicant is not before them asking for bonus density maxing out to the hilt. He felt the look and feel of the project and intent of the developer is not to come in and find the loop hole in the code and exploit it to the maximum possible letter of the law. He addressed Commissioner Vaughan and Commissioner Rackham, he understands what they are saying and he had the same thought process many times previous, but they ensured as a body, city, and legal counsel that they were walking and standing by their code which has since then been changed to enforce what they felt the intent was at the time the applicant applied.

Chairman McCuistion stated high density residential is not desired by Syracuse City, they have seen that a number of times even in the R-3 request earlier that day. He stated the cluster subdivision intent, listed clearly, was to allow greater density in exchange for benefits to the city or the residents. He stated in the 10.16.04, section C, number 2, it states the "landscaping plan shall be for the use and enjoyment of the residents or the community", it doesn't say to the use and enjoyment of some residents or some of the community, so he felt they clarified, but he felt the intent was in the original code. He stated it appears as two developments and the ombudsman decision is not back yet and even 10.16.01 references compliance with the intent of the subdivision. He stated the roadway reverting back to a private road in the Covenants, Codes, and Restrictions (CC&Rs) were in the development agreement, which is a different topic.

MOTION TO EXTEND THE MEETING ONE HALF HOUR, TO 9:30PM BY COMMISSIONER VAUGHAN, SECONDED BY COMMISSIONER GREESON. ALL IN FAVOR EXCEPT COMMISSIONER RACKHAM. MOTION PASSED.

Chairman McCuistion encouraged a discussion and debate that would be in the best decision for the city. Mike Thayne, Plain City, Utah stated that 2 years ago when they came in for the rezone of the first piece of property the application clearly stated the rezone was for an R-1 cluster subdivision with 2 ski lakes and a neighborhood of homes. He stated they received a recommendation from staff that their project was a perfect fit for the R-1 cluster and the developer even questioned that, but again he was assured by the staff that's what it should be. Director Christensen stated the staff that gave the recommendation did not include any of the people here at that time. Mr. Thayne stated it was Mike Eggett, who was the planning director at the time and Mr. Eggett lead them down the direction and they received the approval for the rezone and the annexation and they did it again with the Weber

property with full knowledge of what this was going to be and received sketch plan approval with everyone knowing again that it was an R-1 cluster and the lakes are private. He stated they received preliminary approval and so they moved forward based on the approvals to this point. He stated he has never tried to exploit the ordinance, and in his mind they clearly meet the ordinance, and it clearly states the open space is allowed to be public or private. He stated the ordinance talks about common areas and open space amenities being visual and aesthetic and they have put a trail in connecting the projects and they crossed a barrier they did not have control over and questioned it with staff and staff stated they owned the property on both sides, so staff stated it could still be an R-1 cluster subdivision. He stated they have spent a lot of money to give the cottage residents that amenity that by ordinance is a visual and aesthetic amenity, not only to them, but to the community at large. He asked where else along the Wasatch front could they have that kind of amenity. He stated they have discussed the trail connection to Jensen Park with UDOT. He stated that when and if the West Davis Corridor is built the trail connection will be maintained, either over or under it, and it is put in with federal funds, and UDOT can't take it out, nor do they plan to take it out. He stated they intend for that connection to still be connected. He agreed that the ordinance changed that would have prevented this project today, but under the ordinance that was in place that they moved forward with good faith and received the approvals and now they are here today.

Craig Call, Plain City, Utah, stated he is an attorney and has a lot of experience, and before he was an attorney he was the property rights ombudsman for the state, and before he was a city council member, and he admired those who do the hard work they do. He stated that in a recent opinion by the ombudsman, Brent Bateman, on a very similar matter stated the application must be approved if it complies with the ordinances. He stated those ordinances were the ones that were in effect at the time the application was submitted, not the latest version, but the original. He stated in this case there was a third nuance being they have worked with the state legislature and tried to write the land use code to give you as a planning commission the dignity of your decisions, so when you make a decision that decision is final if it's not appealed. He stated you already made that decision, so the decision regarding the layout and the clustering and all the aspects of the preliminary approval were made, voted on, finalized, invested, and that is the opinion that Brent Bateman issued in a recent case. He stated the question before them tonight was not the clustering and not layout at all; the question is having approved all of that, what is new? He stated what is new are the detailed construction drawings, and landscape drawings, so the only question tonight was when you look at the difference between the preliminary plat and the final plant do those changes comply with the ordinances. He stated the city engineer stated they do meet the requirements and they can be worked through. He stated the only way the planning commission could say no to this conditional use permit and the final approval would be to point out where in the record there was something that didn't comply that is new tonight, because the things already here before were approved, voted on, and not appealed. He stated state law says "entitled to approval…conditional use permit must be approved, if conditions can be imposed to deal with negative aspects" and those conditions are what the staff reports are about.

Commissioner Kinsey asked Attorney Steve Garside how the current decision before the state ombudsman could affect the planning commission's decision tonight. Attorney Steve Garside stated it gave them an idea of the outcome. He stated, as Mr. Call said, the rules and ordinances of the city freeze at the time the application is submitted. He stated they have another issue being eluded to that is called detrimental reliance. He stated the applicant has gone through the approval process, preliminary, sketch, and preliminary and have received approval. Based on those approvals, they have relied on them to their detriment and further pursued the development which puts them in a position under the equitable provisions of the law to say how can they continue down that path that Syracuse has lead them, and then all of the sudden have the carpet pulled out from underneath them. He stated they have the ability to rely on those prior approvals. He stated it doesn't mean they are locked in concrete, because changes can happen to make some safety issues arise, but again they have to review the point of what were the provisions of the ordinance at the time the application was submitted.

MOTION TO APPROVE THE CONDITIONAL USE PERMIT FOR A CLUSTER SUBDIVISION AND RECOMMEND TO THE CITY COUNCIL APPROVAL OF THE FINAL PLAN APPLICATION FOR IRBEN DEVELOPMENT, STILLWATER LAKES ESTATES, LOCATED AT APPROXIMATELY 1500 WEST GENTILE, R-1 CLUSTER RESIDENTIAL ZONE, SUBJECT TO ALL REQUIREMENTS IN THE SYRACUSE CITY ORDINANCES AND STAFF REPORTS, BY COMMISSIONER BODRERO, SECONDED BY COMMISSIONER GREESON. NAYED BY COMMISSIONER VAUGHAN, COMMISSIONER KINSEY, AND COMMISSIONER RACKHAM. MOTION FAILED.

DRAFT

Attorney Steve Garside stated there could be two separate motions, one regarding the conditional use permit and the other being the final approval to the city council. He stated 3 or 4 years ago a specific change occurred in state law that said the default would be for planning commissioners to grant conditional use permits. He stated the only authority given to planning commissioners were to address what negative impacts that use might have and those are the only conditions that can be imposed, to mitigate the negative impacts. He reiterated the default is towards granting the conditional use permit, because they are next to a permitted use, but just have some additional impacts that need to be addressed by conditions.

Commissioner Bodrero suggested hearing from the commissioners that voted nay as to their reasoning or grounds they stand by. Commissioner Rackham stated from the beginning he never felt the project met the ordinance. He stated he missed the first vote where it was passed and he voted nay for the preliminary, and he still didn't feel it met the ordinance. He stated he would like to wait until they hear from the ombudsman about what is going to happen. Commissioner Kinsey stated the project just didn't meet the code, so with that he has consistently voted nay and he is standing by his original feelings. Commissioner Vaughan stated that based upon the motion that they have been presented to them they are approving the conditional use permit and the preliminary plan and so they do have the subtle difference there. He stated he has consistently spoken on the same issue every meeting with Commissioner Rackham. He felt it was not beneficial to the people that are in parcel B and in using the definition in 10.16. He stated it is a private lake and everyone in parcel B are not the owners and can be excluded. He stated they have a different homeowners association. The HOA is to protect the 20 to 30 people that are on the ski lakes and that HOA could decide to exclude the people outside in parcel B. He stated that would be within the powers of the HOA. He stated that HOA's have tremendous power. Director Christensen stated that the development agreement also had power, and that the HOA would be in breach of the development agreement if they were to close the park-side of the ski lake off to the cottage side and the trail. Commissioner Vaughan reiterated he had been consistently against the project. He stated for purposes of allowing it to go forward he would be willing to make a motion to approve it and he will support that motion and he would vote yay to allow this project to go forward. He stated they have set a very substantial record. He stated a member of the city council and sometimes the mayor has sat in the discussion, and he hopes the balance of the city council has read the minutes of previous meetings of discussions and he hopes they have paid attention because they are required, as was mentioned, to follow the code. He stated the city council has the luxury of being able to reject if they so choose, or approve if they so choose. He stated they are mightily divided on this project, but he felt that it needed to be advanced and it could not be delayed any longer and let the city council do exactly what a city council does.

Commissioner Bodrero stated that for the reasons stated by Commissioner Vaughan he felt that unless there are conditions to be placed on the conditional use, the cluster subdivision meets the ordinance in which it was applied under and has proceeded under, currently being reviewed and corrected under. He moved to make another motion. Commissioner Rackham stated that according to 10.16.050 tonight was the first night that they have had the lake homes presented to them, they had the cluster homes presented prior, and it required unification of architectural style, color, and size of each unit. He stated clearly it was not a unification of size, so he stated there is new material being presented tonight that makes the project unacceptable. Chairman McCuistion stated those are opinions, because they have not had the delivery of the ombudsman.

MOTION TO APPROVE THE CONDITIONAL USE PERMIT FOR THE CLUSTER SUBDIVISION AND RECOMMEND TO THE CITY COUNCIL A FINAL PLAN SUBDIVISION APPLICATION FOR THE STILL WATER LAKES ESTATES PROJECT, APPROXIMATELY LOCATED AT 1500 WEST GENTILE, R-1 CLUSTER RESIDENTIAL ZONE SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE CITY ORDINANCE AND STAFF REPORTS AS PRESENTED TONIGHT, BY COMMISSIONER VAUGHAN, SECONDED BY COMMISSIONER BRODERO. COMMISSIONER GREESON, VAUGHAN, BODRERO, AND MCCUISTION VOTED YAY AND COMMISSIONER KINSEY AND COMMISSIONER RACKHAM VOTED NAY. MOTION PASSED.

9. Planning Commission Business

9:21:00 PM **Commissioner Jensen returned to the meeting.**

Commissioner Jensen attended a trails meeting and passed out trails classifications in Salt Lake County for bike lanes. He stated it may be something to consider when revising the trails plan.

Commissioner Vaughan stated they need an alternate planning commissioner. He expressed the concern of changing the general plan of a total of 114 acres, and he felt it should be taken serious. He stated that during the public hearings, speakers needed to be limited to 3 minutes, with no time allowed for rebuttal. He stated the rebuttal should be the applicant, and he should be limited to 3 minutes as well. He believes there should be a policy in which submissions are not accepted at time of discussion unless they have been reviewed by the City Attorney and City Staff, to ensure they are legal, on point, accurate, complete, and they do not take away time from the item. He suggested having item 2 be labeled more clearly to include, "item not on agenda", so the public knows they are allowed to speak on any item not on the agenda. Director Christensen suggested the chairman explain that at the beginning of the meeting, so citizens will understand they can speak freely on items not on the agenda. Commissioner Jensen stated it was important to hear from the citizens and he felt that even if it was something on the agenda, if there wasn't a public hearing for the item the citizens should be allowed to express their concerns on the item. Commissioner Vaughan proposed to change dwelling units per acre and go strictly on a square footage basis. Example, R-1 lot is X square feet, R-2 lot is X square feet, etc.

Commissioner Greeson stated square footage and frontage identified would help eliminate confusion. Director Christensen stated in most codes R-1 would be 12,000 square feet, R-2 10,000 and R-3 would be 8,000. She stated the only difference is the frontage and the overall net density. Commissioner Rackham stated that currently R-1 and R-2 are 10,000 square feet and he would like to have it differentiate. Commissioner Jensen stated that currently the code allows flexibility for the developer. He stated it encourages open space, and if they go to straight formulas the developer has less incentive to create parks. Director Christensen stated if they want an amenity for a park they will put it in.

Commissioner Jensen stated that they need to start viewing cluster subdivisions in terms of what Syracuse City can get out of it. He stated they are currently allowing the developers to call the shot and state what they are looking for and negotiate the cluster.

10. <u>Meeting Minutes:</u>

9:31:39 PM

April 15, 2014 Regular Meeting
April 15, 2014 Work Session

MOTION TO APPROVE REGULAR MEETING MINUTES AND WORK SESSION MINUTES FOR APRIL 15, 2014 BY COMMISSIONER JENSEN, SECONDED BY COMMISSIONER KINSEY, ALL IN FAVOR, NO OPPOSED. MOTION PASSED.

Adjourn

_____ _____

Curt McCuistion Jackie Manning, Admin Professional

Date Approved: _____

DRAFT