



Syracuse City Planning Commission Meeting January 19, 2016

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

Regular Meeting Agenda

PLANNING COMMISSIONERS

CHAIR

Ralph Vaughan

VICE CHAIR

Dale Rackham

T.J. Jensen
Curt McCuistion
Greg Day
Troy Moultrie
Grant Thorson

1. **Meeting Called to Order**
 - Invocation or Thought by Commissioner Rackham
 - Pledge of Allegiance by Commissioner Thorson
 - Adoption of Meeting Agenda
2. **Meeting Minutes**
January 6, 2016 Regular Meeting and Work Session
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.
4. **Public Hearing - Rezone** - R-3 to Neighborhood Services, Paul Toniolli, property located at 1679 Marilyn Drive. *(due to publication noticing requirements this item will be reposted and an additional public hearing will be rescheduled for **February 2, 2016**)*
5. **Public Hearing - Preliminary & Final Subdivision Plan** - CVS Plaza, Boos Development, property located at 1974 W 1700 S. *(due to publication noticing requirements this item will be reposted and an additional public hearing will be rescheduled for **February 2, 2016**)*
6. **Adjourn**

Work Session

1. **Department Business**
 - a. City Council Report
 - b. City Attorney Updates
 - i) Planning Commission Bylaw Revision
 - c. Upcoming Agenda Items
2. **Discussion Items**
 - a. Noise Ordinance
 - b. Parking Ordinance
 - c. Final General Plan Map
 - d. Proposed Amendment to 10.20.060
3. **Commissioner Reports**
4. **Adjourn**

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>.

Minutes of the Syracuse Planning Commission Regular Meeting, January 5, 2016

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on January 5, 2016, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Commission Members: Ralph Vaughan, Chairman
TJ Jensen
Curt McCuiston
Troy Moultrie
Greg Day

City Employees: Jenny Schow, Planner
Noah Steele, Planner
Paul Roberts, City Attorney
Stacy Adams, Admin Professional

City Council: Councilman Mike Gailey
Councilman Andrea Anderson

Excused: Commissioner Dale Rackham
Commissioner Grant Thorson

Visitors:

Becky Rowden	Robert Bolton	Garrett Ostler	Jan Ostler
John Diamond	Joseph Simpson	Dixie Simpson	Dan Bankhead
Mary Bankhead	Ethan Hanns	Joshua Tyler	Zander Crook
Michael McCarthey	Uriel Arreaga	James Steadman	Adam McCarthey
John Hanks	Marcia Bateman	Tucker Lovell	Mason Lovell
Cindy Haacke	Carter Haacke	Lloyd Ostler	Mark Flint
Denise Flint	Garrett Davis	Josh Yeates	Matt Yeates

[6:00:01 PM](#)

1. **Meeting Called to Order:**

Commissioner Day provided an invocation. The Pledge of Allegiance was led by Patrol Leader Arreaga from Troup 852.

[6:01:43 PM](#)

COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR JANUARY 5, 2016 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER MCCUITION. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

[6:02:02 PM](#)

2. **Meeting Minutes:**

December 1, 2015 Regular Meeting & Work Session

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR DECEMBER 1, 2015 AS AMENDED. THE MOTION WAS SECONDED BY COMMISSIONER MOULTRIE. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

[6:02:44 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

[6:05:46 PM](#)

4. **Public Hearing – Rezone A-1 to R-1 Joseph Simpson, property located at approximately 4500 W 1400 S**

Planner Schow stated this property was one of the properties that came in and got a general plan amendment from the City Council just prior to the Council closing the general plan map. The applicant is applying for the R-1 residential zone to accommodate single family development which now allows 2.3 lots per acre per the recent changes, the total area is almost 28 acres. The current zoning is A-1 Ag, the general plan has been amended from A-1 Ag to R-1 residential the Council did approve that change, so this rezone request would be in compliance with the general plan. There are a few things on this property that the Planning Commission needs to be aware of for future development, there are several easements on the property including an access easement, a water well, storm water easements that all cross this property and provide access and use to the adjacent property owner to the west. It isn't anything that would prohibit residential development, it is just something that is on the public record so when they do come back with a concept plan that any future developer is clearly aware of what needs to happen with their design in order to accommodate the needs of the adjacent property owner, which is Diamond Ranches. Other than that, there aren't any outstanding issues for staff.

[6:07:58 PM](#)

63 Commissioner Vaughan asked regarding the easements if any of them are for a governmental agency, such as
64 water, power or anything like that. Planner Schow stated there is, Syracuse City actually has an agreement over it for the
65 Diamond ranches to be able to accept storm water but that is the only agency, the rest are private irrigation easements
66 and well water and access. Commissioner Vaughan asked if the easement displayed anywhere on the map so they can
67 see where it lies or happen to fall on. Planner Schow stated it is not, she only has legal descriptions which were not
68 included in the packet but they are in the development file.

69 [6:08:50 PM](#)

70 Joe Simpson, 2936 W 5650 S, Roy, member of the Simpson family born and raised in Syracuse and glad to come to
71 home town to do things like this. Recently his grandfather Joseph Simpson passed away and the family has come
72 together looking at what they do next with this property and a lot of them have felt that they want to expand this residential
73 community that they have in the area. On the map to the adjacent east that there are currently R-1 zoning and it is
74 developed as such with that same kind of density. The idea behind this would be to continue that same type of
75 development to the west on this piece of property. They see it as a way of centralizing the Church house that is existing
76 currently on 4500 W that is a community institutional area and provides that central location for gathering area for the
77 community and this would help centralize that area. They also see the compatibility with the existing development that is
78 surrounding the property to the south they currently have developed single family homes and then to the north which is
79 not in Syracuse City but West Point they have single family homes as well and feel that this would help tie this community
80 together, ties with the Bridgeway development that is fairly new and recently developed to the adjacent east. They have
81 looked at having logical boundaries with that zoning and to the west there is a topographical, elevation difference where it
82 drops off, a small bluff that is created there, there is also an existing parcel line there which creates a good dividing line for
83 the zoning boundary in that area. The other thing they looked at, obviously they have some agriculture property to the
84 adjacent west, a pasture property and based on both the A-1 and R-1 zoning the land use ordinance does allow for single
85 family to be developed adjacent to those type of uses and they see that bluff area creates a good division between the
86 two uses as well. There is also a large development of trees about 100 foot width at the north end that also provides some
87 buffering from those agriculture activities. Additionally they see this is also supported by the general plan and is something
88 that will continue to ass to the vibrancy of the community and will be really a good benefit. They are looking at doing a
89 really nice single family development, something that improves the City, enhances the City in this area and helps tie some
90 of these residential properties together.

91 [6:13:14 PM](#)

92 Commissioner Jensen gave condolences to the applicant's family and advised the Commission that essentially this
93 request came in after they did their general plan review but before the Council voted on it and Councilmember Lisonbee
94 was aware of the situation and made sure that they were aware that window was closing so definitely give her some
95 thanks if they haven't already. Commissioner Jensen stated that he did note at that meeting that although the Commission
96 hadn't voted on it, as a Commissioner he would have supported this. The Commission as a whole has not weighing in on
97 this but the general plan has been changed so it isn't an issue. Commissioner Jensen asked the applicant regarding the
98 irrigation easements and such that area going across there now does he see any problems making sure those are
99 maintained. Joe Simpson stated absolutely not, they have currently been working on different layouts. Obviously they
100 want single family development to tie in with the adjacent developments and of course they will work through those
101 easements as they develop the subdivision plat for this property, which of course would come back before this body for
102 approval. Commissioner Jensen asked if the property immediately to the west was owned by Diamond Ranches and the
103 applicant stated yes. Commissioner Jensen stated he calls that the second bluff because essentially it actually goes
104 across to where Gentile Street skews before it gets to 3000, below that drop off the lake didn't quite make it all the way to
105 that bluff but it got pretty close in 1983-84, and they are above that. The applicant stated he grew up there swimming in
106 the lake when it was high in 83, remembers those good old days. Commissioner Jensen stated for the record they are
107 above where the high point of the lake was and the applicant stated yes they are much higher, it is kind of the last bluff
108 before it gets to the lake and can even see down in West Point off of 300 S they have a development that has kind of
109 followed that angle of that bluff and same kind of single family development. Commissioner Jensen stated this may be
110 premature in the process but believes North Davis Sewer District has a sewer main at 4500 W and the applicant stated he
111 believes so. Commissioner Jensen stated he believes it is one of their major trunk lines that comes from the north. Joe
112 Simpson stated they are very conscientious of those easements and they are working through those with the plat but as
113 staff as indicated it is nothing that really would prohibit the development that could tie quite nicely with the surrounding
114 uses. Commissioner Jensen stated for the benefit of the Planning Commission assuming that North Davis Sewer District
115 has no issues with them hooking into their line, meeting their standards of course, that even if they can't get the sewer line
116 to reach all the way across that property the R-1 cluster may help them out with that.

117 [6:16:12 PM](#)

118 Commissioner Vaughan asked on the property entrance where they have the gorgeous entrance with the poles and
119 the cross bar Diamond across the top and the white vinyl fence going down the side, is that an easement that is used and
120 will be offered to Diamond or will they will proposing at some later time to try to vacate that easement and then have street
121 access into their property. Joe Simpson stated no, that easement is established, it has been there for a long period of
122 time, it is very big and the idea is that it would remain intact, they have no plans as far as eliminate that easement or any
123 access for Diamond Ranch properties or whoever would like to access it would be ultimately be dedicated as a public right
124 of way as part of the subdivision or remain intact as the private right of way as it is now, they are open to either option.
125 Commissioner Vaughan asked if he knows the Diamond Ranches people. Joe Simpson stated he doesn't know them

126 personally but his father does and asked him to come and present this tonight and initially their family had owned that
127 property to the west and had sold to the Diamond family.

128 [6:17:44 PM](#)

129 Robert Bolton, 1278 S 4465 W Syracuse, would like to take this time to speak and address the Planning Commission
130 on his opposition to rezone this to R-1 property. He has two major concerns that he would like to address. The first one is
131 environmental, as Commissioner Jensen pointed out this property does butt up against the lake and the wetlands itself
132 and at times it does flood up to this area. With that in mind, the Great Salt Lake is one of Utah's most unique water
133 features and it has vibrant wetlands that is home to many birds and different various species of wildlife that throughout the
134 year use these lands for reproduction and the great Salt Lake is a major point along one of the western migratory bird
135 corridors in the United States so with this proposal to move this from A-1 to R-1 and have a residential neighborhood
136 there they run the risk of having some concerns to the wetlands and that would be storm water runoff and also noise
137 pollution from cars and light pollution through street lights and neighborhood lights throughout the year. Second concern is
138 the public safety along 4500 W, as it stands now throughout the spring, summer and even into the fall hundreds of
139 bicyclists use this road to travel through Syracuse and Antelope Island state park as it stands on the western side of the
140 road which would butt up against this property there is barely enough road to even consider it a should let alone bike lane
141 and with an increase in residential traffic they also run the risk of increasing the potential injury of bicyclists. He just
142 wanted to bring those concerns up to the Planning Commission and hopes they would consider that while making their
143 decision.

144 [6:20:03 PM](#)

145 John Diamond, owner of Diamond Ranches, 3269 W 1800 N Clinton, owns all the property west of this development
146 and is somewhat concerned with the zone being changed, there are several issues that he would like to address. As the
147 previous citizen mentioned storm water issue, they have in place an agreement with Syracuse City, they have provided
148 one of their ponds for the City to use for storm water drainage off of the properties to the east the Bridgeway Island
149 subdivision and some of the other areas there and in that planning that was scheduled or designed for that property to
150 remain as A-1 zoning and adding another 30 or 40 homes in there and that will create a lot more storm water that is going
151 to be pushed down on to his property so that is a real concern for them. With additional houses there they are going to
152 have a lot more storm water, there is going to be a lot more roof tops that will be accumulating storm water. There has
153 been an issue with the lane that they have on the north side there has been an ongoing battle between the Simpson's and
154 the Payne's as to where that property boundary is and that needs to be addressed and finalized. They also have an
155 agricultural business down there, they run cattle and that property is all in an Ag protection area which needs to be noted
156 as well. They also have a pheasant hunting business there and when West Point city wanted to develop the property to
157 the north of them there, they encourages the developer to put a berm between their property and the development
158 property as to not interfere with that hunting business and their concern is that particular business brings a lot of people to
159 Syracuse, they have well over a 1,000 individuals that come down there every year and hunt pheasants for about a 6
160 month period and all those people come down Antelope Drive right to their property and if they had to cut that back that
161 would have some kind of an economic impact on the City. They do have some fence line agreements, they have an
162 agreement, 12 foot on the east side of the property that they have across that area there. Also there is an irrigation
163 easement that goes down the lane to the north and when that was put in it wasn't put in to accommodate heavy vehicle
164 traffic so that would be something that would need to be addressed, it would probably have to be replaced and upgraded
165 to a stronger pipe through there. They also have an easement across the front of the property that goes to the south over
166 to Kevin Tracy's property and then it goes west and they have an easement in that particular irrigation ditch as well. They
167 also have a well that they purchased when they purchased that property years ago that is actually located on the property
168 and showed that to the Planning staff when they met with them yesterday. Basically they are somewhat opposed to it,
169 going to a higher density and think it will affect their business operation down there and think it should stay where it was in
170 an agricultural zone because it does butt up, they mentioned houses to the north, most all of the houses to the north are
171 on larger parcels. Kevin Tracy's property is a large parcel and knows those individuals are also concerned about a higher
172 density there as well because they have livestock on that side as well. Would like to go on the record saying that they are
173 fine with the A-1 zone but they do not wish to have that zoned to the R-1.

174 [6:25:26 PM](#)

175 Commissioner Vaughan asked the applicant regarding the east boundary of the property, was he referring to his
176 property on the east boundary that meets with the west side on the map shown or taking about the east side of the subject
177 property against the street. The applicant stated east side of the street, there is a cement ditch that runs across there that
178 takes water that way over to the Tracy property and it used to go on down further and then it comes down west to them
179 and they take water down that way on occasion. Commissioner Vaughan asked the applicant regarding the northern
180 boundary of the subject property there which is the gateway with the white gateway that goes through, the Diamond
181 gateway, is the easements they have there for access the same footprint as the water easement that he was referring to
182 or are those two separate easement lines side by side or spaced in between or. The applicant stated they are basically in
183 the same area but the underground pipeline goes to the south of the roadway, comes from 4000 down to about 5500.
184 Commissioner Vaughan asked the applicant if the easement runs across the north side of the subject property on the
185 north boundary and to the south of his driveway basically the access into his property. The applicant stated it is on the
186 north side of the Simpson property. John Diamond stated there is a boundary line dispute there that has been going on a
187 few years. Commissioner Vaughan asked the applicant regarding the map they have showing approximately how far
188 would he estimate the location of the well that he mentioned, is it some distance inside or just. The applicant stated it was
189 200 feet up the south property line. Commissioner Vaughan asked the applicant if the well is recorded or does he have an

190 easement to it. John Diamond stated it hadn't been recorded. Commissioner Vaughan asked if it was marked with
191 anything above ground, he went out to the property and he didn't see anything that looked like a well. The applicant stated
192 right now they have it so it drains into the storm drain pipe and they use it down below. Commissioner Vaughan asked the
193 applicant using the words 'west line Syracuse city' on the map to give them an approximation as to where that would be.
194 The Applicant stated it is where the line goes across the property to the south the Tracy property. Commissioner Vaughan
195 asked what letter on the map it was near or was he referring to the south boundary. The applicant stated he was referring
196 to the south boundary. Commissioner Vaughan stated the numbers 412.52 measurement on the map close to that or as it
197 comes into that 208.13. The applicant provided the Commission a map showing the location of the well. Commissioner
198 Vaughan stated it is showing approximately 116.95 feet in on that boundary from the SW corner on the map.
199 Commissioner Vaughan asked the applicant how far inside is that well. The applicant stated it is right on the edge.
200 Commissioner Vaughan stated using the map that is showing on the screen would be the northwest corner and if they
201 proceed south or down the map towards 4000 it is a distance of approximately 100 feet, looking to the left where it says
202 208 feet, so half the length of that line coming down that up and down line and the applicant stated that would be close.
203 Commissioner Vaughan stated they have to go by the maps.

204 [6:31:11 PM](#)

205 Planner Schow stated she had submitted two letters through email and in the Dropbox so the only other thing would
206 be if the Commission would like those read or if they had a chance to read them or if they were content with that.
207 Commissioner Vaughan stated thank you and asked if there was anyone else who would like to come forward and speak.

208 [6:31:39 PM](#)

209 Garret Ostler, 1516 S 4000 W Syracuse, which is directly east of this property and as he has talked to several
210 different individuals some living adjacent to the property things like that and hear what is going on here. First of all
211 environmental concerns of the lake coming up that far and spend any time out there in that area, there is another bluff
212 down below there and that is where the lake came up to in that area so there is actually a smaller bluff down below there,
213 which John Diamond and others can attest to of how much of his land was flooded at that time and so it is interesting
214 hearing all the environmental concerns the one citizen had and wonder how many minutes he spent in that area. This land
215 is up above, it is the heritage property of the Simpson's and in talking to Joe knows that he had desires to develop that
216 property and then sold to some wonderful individuals around it. In speaking with other property owners around it and they
217 understand development happens and there is not a lot they can do about it as long as the City in good faith is making
218 sure that all the easements are attained to, the reasonable environmental concerns are addressed and they can get all
219 the amenities and facilities to these homes to have a viable neighborhood, as they have up in other areas. In some of
220 those other areas up to the east there they have had some environmental instances happen to where they've had to go in
221 and mitigate those water issues of the ground water that is in this lake bed and had to put in a drain to handle that
222 property in the other subdivisions that they all know about very well. Garret Ostler stated he lives directly to the east and
223 one of the arguments of a lot of his neighbors and some that live within the cluster of homes say that this is gonna block
224 their sunset, holy cow, get a life. Every sunset picture he takes from his house has all these other homes in it that are
225 complaining about somebody down below and they did to him what they are complaining about and did he complain about
226 them, no, he welcomed them with open arms, they are great neighbors. He thinks there is a great opportunity here to
227 improve the City of Syracuse and improve the area. The easements that have been put in place and it does affect John
228 Diamond, have got to know John and he is a great guy too, having the hunting property there adjacent to it on the south
229 end, that could affect his things, but he does place a lot of the birds and put things out there and his property and his
230 ranch house is and that has some cushion too. It would have an effect there initially that he didn't consider in his business
231 operation and hate to see his business impacted if it is but think John is a creative individual and can help his clients enjoy
232 that. The economic boon of hunters coming through and coming down and working with John, can't attest to how much
233 they spend on coming through and whether they buy their shells at Walmart here or not, John knows more about his
234 business that he does but what he would like to see happen is he would like the Planning Commission do the responsible
235 things, make sure that they meet all the legal and structural things so they don't have unhappy neighbors like they had to
236 the east of where of he lives on 4000 W and have to go in and dig a well and that again and go through a lot of extra
237 expenses on tax payer dollars and stuff and make sure everything is viable and then he invites them to get this land
238 developed as quickly as possible so it can get done and have other great neighbors come to be with us that are here that
239 oppose this now. Thank you for your time.

240 [6:36:12 PM](#)

241 Joe Simpson stated seems that the majority of the concerns have to do with some of the easements and as they can
242 see most of those all reside around the perimeter of this property which is a typical location for utilities and any subdivision
243 a lot of places will require a 10 foot PUE around lots to provide necessary utilities so they definitely understand and
244 respect that and definitely plan to have that addressed through the subdivision plat process where it is appropriate and
245 then of course with that process also looking at addressing ground water and those issues as they are typically done in
246 development.

247 [6:37:15 PM](#)

248 Commissioner Jensen asked the applicant regarding the south boundary the map doesn't show a full length on that
249 but looking at the property to the south where it is coming out, is that south boundary essentially about 525 feet or
250 something. The applicant stated he doesn't have that figure of the top of his head, they do, since there has been some
251 question about things, they know what they have based of the County plat but they do have a surveyor coming out this
252 next week that will be giving them more answers and this is anticipation of subdivision development of the property.

253 Commissioner Jensen stated John Diamond he brought up the issue of the boundary and one other speaker did as well,
254 essentially that surveyor is going to come out to resolve that. The applicant stated that is correct, but they again they see
255 that area remaining in place the way it is and don't anticipate it have impact on the development for this area.
256 Commissioner Jensen stated this can affect the ability to develop the property, the rezone is one thing but the actual
257 subdivision plans and other but would guess the County certainly has the plat recorded however they have it recorded but
258 that is definitely an issue that needs to be resolved. Commissioner Jensen asked the applicant regarding the depth at
259 4500 west, with his experience with North Davis Sewer District he has an idea but not sure. The applicant stated he
260 doesn't, they don't have that figured out again they are kind of in the conceptual stage before they invest the money to
261 have those studies done they are taking the first step which is of course looking at what they are doing now and that is the
262 rezoning of the property but they don't anticipate, the systems that are there they don't anticipate being any issues to
263 support that. They understand they may need to look at on site retention or detention of their storm water and that would
264 all be addressed as part of that subdivision plat. Commissioner Jensen stated he does know from experience that the
265 south out line that goes to the North Davis Sewer plant essentially it is only about 3 or 4 foot deep once it hits the plant
266 because the ground is just so flat out there so going to guess the one that is in 4500 West can't be more than 5 foot deep
267 but not sure what size that line is, if it is a smaller line it could be a little deeper but guessing it's at least 48, because it is
268 the main sewer line that comes from north and the applicant would need to hook into that line and the reason he brings
269 that up is there is going to be a limited distance that he is going to be able to take those sewer lines to the south from
270 there, they are going to have to go under the ditch along that road and since that ground is falling while the sewer is rising
271 there is a good chance that sewer may daylight before it hits that south property boundary, don't know that for sure but
272 that is something to keep in mind with this. This is why he brought up the opportunity of an R-1 cluster because that might
273 be, the applicant might be able to keep some of that property to the south end open and give it a little bit more of a buffer
274 for the Diamond Ranches. The applicant stated all of that is coming into consideration in concepts and such.
275 Commissioner Jensen asked the applicant if they are willing to work with the Diamond Ranches and in making sure their
276 easements are preserved. The applicant stated sure, absolutely they are recorded easements and feel that they are
277 legally obligated to uphold that end.

278 [6:41:14 PM](#)

279 Commissioner Jensen stated he does want to address the one thing that another citizen brought up, mentioned the
280 environmental concerns, something that the Nature Conservancy and some of the other agencies like the Sierra Club and
281 such that deal with that, they like to talk about not just what is the actual flood plain of the lake and wetlands but there is a
282 concept called uplands as well, where essentially the birds will basically fly up into those uplands to find food and grains
283 and that and so this property that is here basically sure there are some migratory birds that are foraging there, that being
284 said as a Commissioner his philosophy and thoughts on that are if there is a conservation group that would like to
285 purchase this property that is certainly their option but other than the applicant having to meet the Army Corp of Engineers
286 requirements for wetlands doesn't think that is a burden that they can necessarily put on the applicant but that is his
287 opinion.

288 [6:42:49 PM](#)

289 Commissioner McCuiston stated this is always an uncomfortable decision the Planning Commission has to make
290 and is important that the audience understand that they are bound by law and code for the City and that they are not the
291 regulatory body for that they actually just apply the zoning. The current general plan lists the property as zone or projected
292 to be R-1 and it meets all of the requirements for that and regardless of feelings one way or another they just have to look
293 at the law of the City. With that in mind and understanding as an engineer that all of the concerns that have been brought
294 up are addressed whenever a parcel of land is developed including storm drainage and environmental impacts that the
295 codes and development of the City will make sure that all those things are reviewed during the process and handled
296 accordingly.

297 [6:43:56 PM](#)

298 COMMISSIONER MCCUISTION MADE A MOTION TO APPROVE RECOMMENDATION TO THE CITY COUNCIL
299 TO REZONE THE PROPERTY LOCATED AT 4500 W 1400 S FROM A-1 AGRICULTURAL TO R-1 RESIDENTIAL
300 SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES. COMMISSIONER JENSEN
301 SECONDED THE MOTION AND MENTIONED THAT THIS DOES FALL INTO SYRACUSE CITY'S SENSITIVE
302 OVERLAY AREA WHICH HAS ADDITIONAL REQUIREMENTS THAT HAVE TO BE MEET OVER AND ABOVE A
303 REGULAR SUBDIVISION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

304 [6:44:51 PM](#)

305 Commissioner Jensen confirmed the motion was being forwarded to the City Council. Planer Schow stated yes, next
306 Tuesday. Commissioner Vaughan stated this is a recommendation to send this to the City Council, this will come before
307 the City Council, if there anyone that would like to come and speak on this issue again before the City Council, are invited
308 to their next meeting.

309 [6:45:09 PM](#)

310 **Public Hearing – Rezone A-1 & Industrial to Industrial & General Commercial Bankhead Farms, property located**
311 **at approximately 1000 W 3700 S**

312 Planner Schow stated this request is from the current zoning of A-1 Agricultural and Industrial to Industrial and
313 General Commercial. The property is 19.47 acres and has been designated as General Commercial and Industrial on the
314 General Plan Map for almost 10 years and recently the City proposed to change it and the applicant came in and made
315 sure that didn't happen and at this time they are just wanting to make their zoning match what is designated on the

316 General Plan. As mentioned this is what has been and what currently is on the General Plan so it does meet that
317 requirement and there are no outstanding issues with City staff.

318 [6:46:45 PM](#)

319 Commissioner Jensen disclosed for the public record that his family does own property a little bit to the west of this
320 but it several parcels down and also on the opposite side of the street. He does not feel it would be a conflict for him but if
321 the other Commissioners feel that it is, he would be willing to step down. Commissioner Vaughan asked if there were any
322 objections from the other Commissioners, there were none.

323 [6:47:39 PM](#)

324 Dan Bankhead, reside at 3112 W 350 N Layton, represent Bankhead Farms with this application. This is something
325 they started back in the early 2000's at that time they went ahead and annexed this property into the City with hopes to
326 someday do some development in making a storage facility and some other small commercial buildings in the front. At
327 that time there was a lot of discussion back and forth with the Mayor and City Council different people like that to try to
328 make sure that they kept everybody happy, tried to work out a few things just to make sure that they were falling within
329 their plan. Not sure at that time if the land was already in the General Plan as it is today but it has been that way from his
330 knowledge at least since 2002. Basically they are just asking to have zoning that matches the General Plan. Currently
331 they have no plan to go dig dirt soon. This was brought on and is something that needs to be taken care of in light of what
332 has gone on the past couple months here. Doesn't have a big speak prepared, didn't know that he was on the agenda,
333 wasn't formally notified. Has another concern regarding the mailings that go out and thinks they have encroached well
334 over the 300 foot mark and not sure how that process takes place but does have some concern following the ordinance
335 that is written.

336 [6:49:48 PM](#)

337 Commissioner Vaughan asked if the mailings went out according to our standards and by code. Planner Schow
338 stated yes, our City standards requires that we notify within 300 feet, recently without our knowledge, the mailing labels
339 come from the Davis County Recorder's Office and Davis County Recorder decided to extend the boundary to 350 feet
340 without our knowledge. So we were not aware they were sending the applicant's request over with an additional footage,
341 so we have contacted the Davis County Recorder and hope that they will educate all their staff to please only do the 300
342 foot requested boundary. Commissioner Vaughan asked if the City would receive a refund on the stamps that were used.
343 Planner Schow stated not through her, she is not taking that task on.

344 [6:50:57 PM](#)

345 Public Hearing opened

346 [6:51:21 PM](#)

347 Public Hearing closed

348 [6:51:29 PM](#)

349 Commissioner Jensen stated so the Commission is aware of this, the North Davis Sewer District in back about 2006-
350 2008 they upsized their sewer line and moved it into Gentile Street so there is a 48" sewer main that probably is about 8-9
351 feet deep right there in front of the Bankhead property so they certainly do have the ability to service that General
352 Commercial, as far as that Industrial in the back because of the fact that Syracuse City has made it clear that they do not
353 want lift stations, that they don't accept those, that essentially that stuff in the back it is gonna have to be a use that
354 doesn't require sewer and from what the applicant has stated it sounds like it will be a use that should be compatible with
355 that, if he is thinking storage units. Also at the time and certainly the General Plan was recently changed but this entire
356 area was recently mixed with Commercial and Industrial but at some point some of that property that was under there was
357 sold to basically to US Government through Nature Conservancy and such so he brought up the question as whether this
358 property would be viable as Commercial in its current state but with the use that the applicant is proposing think that use
359 is viable in his opinion.

360 [6:53:05 PM](#)

361 COMMISSIONER DAY MADE A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL TO REZONE
362 THE BANKHEAD PROPERTY LOCATED AT 1000 W 3700 S FROM A-1/INDUSTRIAL TO INDUSTRIAL/GENREAL
363 COMMERCIAL SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODE.
364 COMMISSIONER JENSEN SECONDED THE MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

365 [6:54:01 PM](#)

366 5. **Major Conditional Use Permit - Accessory Dwelling Unit, Cindy & Carter Haacke, property located at 1533 S Bluff**
367 **Road**

368 Planner Schow stated this permit is for an accessory dwelling unit which essentially is an apartment, within the
369 existing accessory structure, which was initially constructed in 2006 as a pool house and secondary garage. At the time
370 that it was constructed the permit did not include anything for a secondary residence. Current code now, this meets the
371 majority of the items for the current code requirements for accessory dwelling units. However there are a couple items that
372 it does not meet code and that the accessory dwelling unit cannot exceed the primary structure, 50% of the main floor. On
373 the site plan, it shows the 3 car garage and the other side has a kitchen, dining room, family room and bathroom which is
374 showing the main level square footage roughly as 1115 and the garage 1525. In addition to this, there is also a second
375 floor which was initially constructed as storage room but would be converted into the bedroom for the dwelling unit. This
376 attic square footage proposed according to the plans is 875 square feet. From the best figure that we could find from the
377 home, initially when the accessory dwelling unit was constructed, staff researched and it did receive all necessary

378 approvals at that time and passed occupancy for the use that was permitted as a pool house and garage, accessory
379 dwelling was not applied for at that time. Staff was unable to find the original permit on the house but and maybe the
380 Haacke could clarify the square footage on the home, it was built in the 70's so the records on that aren't very
381 comprehensive from that time period, but can see from the pictures alone size wise it clearly exceed 50% with the 2
382 different stories of the main residence. The other code that it wouldn't meet is the height restriction, there is a current
383 height restriction on accessory dwelling units and this far exceeds the primary structure. Staff brought this to Planning
384 Commission even though these 2 items were not meeting code only because this is an existing structure so will leave it up
385 to the Planning Commission purview. They do meet the parking requirements and should this get approved the owner
386 would be required to go into the County and record the owner occupancy affidavit that they have available at the City. As
387 far as residents, they have had some comments come in with two primary concerns. One was parking, there is a lot of
388 parking already going on and was a concern, even though it can meet the requirements per code. The second one was
389 there is, it was stated that there is 'junk' on the lot and so there was a request for maybe possibly some screening as a
390 mitigation for the approval.

391 [6:59:52 PM](#)

392 Commissioner Jensen asked Planner Schow regarding code for accessory buildings, specifically remembers
393 language of secondary and size or purpose. Planner Schow stated in section 10.30 Detached accessory dwelling units
394 shall not exceed 50% of the footprint of the main dwelling excluding the garage and are permitted as a major conditional
395 use permit approved by the Planning Commission. Included in the packet are all the applicable codes from that section
396 10.30 General Land Use regulations and those that applied to an accessory dwelling unit that is detached. Commissioner
397 Day asked if the Planning Commission has the ability to approve this despite its noncompliance with current code or is
398 there another board that would be better suited to hear this sort of variance as he understands it. Planner Schow stated
399 she believes the Planning Commission would have to deny it and then it would have to go to Board of Adjustments for a
400 variance. Commissioner Day asked who is the Board of Adjustments, is that the City Council or a separate board. Planner
401 Schow stated City code calls out for a separate board but currently do not have one established at this time so the Mayor
402 would have to put one together. Commissioner Day stated if they deny it, the process would be to go to that board,
403 establish a board. Planner Schow stated looking at all the items they met everything the size and height restriction.
404 Commissioner Vaughan stated they can go forward into it and can come back after speaking with the applicant and any
405 other speakers several points will come up will be able to answer those, he has several questions for the applicant based
406 upon the packet they have before them.

407 [7:04:22 PM](#)

408 Carter Haacke stated when they originally built the house, the pool house it was just for a great room for their family
409 as the project morphed which it actually did, and they put a second level on it. They had no intention and knows they have
410 to consider the future, but they had no intention of renting it out, it was a family situation. The reason this has even come
411 up is there is a possibly of a mother-in-law moving in situation and they want to play by the rules. They understand that
412 this is the proper procedure. When they built it they were unaware of any height restriction, they were unaware of any size
413 restriction compared to the house they just did all the proper channels with the building permits and ran it through the
414 Planning Commission at that time and City Council at that time and got a variance for that and a conditional use, so that is
415 where they are today and knows they have to consider the future and if they sell that, they are not in it to rent it out or
416 anything like that, just be a family type situation.

417 [7:06:05 PM](#)

418 Commissioner Vaughan asked the applicant if they had a chance to review the packet that staff prepared on this
419 matter, the applicant stated no. Commissioner Vaughan stated there is an awful lot of information and not sure if they are
420 ready to answer all the questions so one of the choices they have in regards to a resolution of the matter tonight is they
421 can grant, they can decline or can be continued to a further date so if at any point they mention anything they don't feel
422 correctly prepared to go forward with in comments tonight let them know and they would be happy to continue to a date
423 certain to make them feel comfortable so that they don't hear a train in the distance and standing in the middle of the
424 tracks. The applicant stated they appreciated that.

425 [7:06:59 PM](#)

426 Commissioner Vaughan stated in the background comments in the packet on page 1, it is fully stating the square
427 footage and height of the accessory building does exceed the allowance in the current City code. Commissioner Vaughan
428 asked the applicant how he would feel if the Planning Commission decided to get this to pass they would have to comply
429 with the current of the building that they would be required to take off the top whatever footage. Carter Haacke stated at
430 that particular time they would withdraw the application. Commissioner Vaughan stated they have some questions. Carter
431 Haacke stated that is fine, again they just want to play by the rules and to be in the situation that mother-in-law ever does
432 move in that they are covered, that's all. Commissioner Vaughan stated paragraph 2 says the applicant will be required to
433 meet current building codes should they receive approval and under Deed restriction, paragraph 5, underlying zone
434 applies and this would have to do with the principle building of the underlying zone district with regards to lot standards
435 such as building and wall heights, setbacks, yard requirements, building coverage, a) would be talking about
436 noncomplying setbacks may not become more noncomplying, and does he understand what he is talking about. The
437 applicant stated yes. Commissioner Vaughan stated in number 9 where it talks separate utility connections, is the building
438 they are talking about does that have its own separate utilities. Carter Haacke stated it does, at the time that they applied
439 for the building permit because of the size of the building they were required to get a second, so they have water, sewer
440 and electric separate, that was required by the City at that time. Commissioner Vaughan stated now under this code if

441 they are to go forward it is basically saying that separate connection shall not be permitted for internal accessory dwelling
442 units. Because before it was an accessory building that is a different use than an accessory unit so the utilities would
443 probably have to be cut off and routed through the house up to the building, does he understand that. The applicant stated
444 he understands. Commissioner Vaughan stated number 12, understand they have a Mustang repair facility. Carter
445 Haacke stated it is not a repair facility, they have Mustangs that is their hobby that is their family hobby. Commissioner
446 Vaughan stated he noticed they have a license plate frame on one of the cars parked in the driveway talking about
447 Haacke Motors, is that a business. Carter Haacke stated that is their son's business in Layton. Commissioner Vaughan
448 asked if he operates it there or use the garage. Carter Haacke stated no, he has his own facility next to Wasatch Trailer in
449 Layton, he has nothing to do with that property at all. Commissioner Vaughan stated none of his. Carter Haacke stated
450 they don't store trailers, they don't store cars they store nothing of his. They just buy cars from him, it is the name of his
451 company Haacke Motors and they have bought vehicles from him and along with that goes the license plate frame.
452 Commissioner Vaughan stated under number 15, size of accessory dwelling unit, under sub c), the top paragraph
453 detached accessory dwelling units shall not exceed 50% of the footprint of the main dwelling. What is the square footage
454 of the main floor of the brick house. Carter Haacke stated it is 75' x 25', without a calculator they figured about 1900
455 square feet. Planner Schow stated 1875 and half of that would be 937.5. Commissioner Vaughan stated under number
456 19, sub section b, detached units, sentence number 2, the entrance is located a minimum of 20 feet behind the front
457 facade of the principle dwelling. Planner Schow stated it does meet that requirement. Commissioner Vaughan stated he
458 was wondering because this is on the side street, because it is 20 feet back from the front that is okay on that but because
459 they are talking about the accessory unit that is detached they would utilize existing street facing facade so the door, the
460 pedestrian door that is located to the west of the 3 garage doors that is within 10 feet, would that be impacted by this 20
461 feet and then also around on the west facing side, there is another access into that area and that also is less than 20 feet
462 from the front facade of the building. Planner Schow stated it is the front facade of the principle dwelling which would be
463 the brick home up front, so it meets that code requirement. Carter Haacke stated where the 2 cars are on the screen is
464 where the west door enters into the living area or the great room area. Commissioner Vaughan stated the other entrance
465 the southwest door is about where the car is parked in the driveway where the passenger door opens.

466 [7:13:58 PM](#)

467 Commissioner Vaughan stated number 20, exterior design, sub a), the maximum height of detached accessory
468 structure containing an accessory dwelling unit shall not exceed the height of the principle structure. Carter Haacke stated
469 again when they built this, they had not a clue that they would even be asking for this type of a situation so, got them
470 there, because they built it with another idea in mind. Commissioner Vaughan stated sub b) accessory dwelling unit shall
471 be designed and constructed to be compatible with the principle structure. Carter Haacke stated again when they built this
472 they had not a clue that they would even be asking for this type of situation, so got them there, cause they built it with
473 another idea in mind. Commissioner Vaughan stated also in sub b) and meet the minimum standards set forth. So that
474 would mean the building would have to be compatible with the brick design of the primary structure in front. Carter Haacke
475 stated if that means they can change the design of the building in front because he is all for that, the brick is awful.
476 Commissioner Vaughan stated as long as it would be compatible. Carter Haacke stated he doesn't mean to be smart
477 about it but that is certainly a consideration.

478 [7:15:10 PM](#)

479 Commissioner Vaughan stated number 23, occupancy, no accessory dwelling unit shall be occupied until the
480 property owner has obtained a building permit and certificate of final occupancy. Has the building been used for housing.
481 Carter Haacke stated yes it has, to be honest it has, they had a son that got married and he moved in with his wife, they
482 have now since moved out and bought a home of their own, but there was a time that he was living there. Commissioner
483 Vaughan stated at present time. Carter Haacke stated there is nothing there now. Commissioner Vaughan stated moving
484 on to the building permit application dated June 9, 2008 over in the right hand column in yellow it states 'the building not to
485 be used as a single family dwelling'. Carter Haacke stated that is correct. Commissioner Vaughan wanted to make sure
486 they were aware of that. Carter Haacke stated they are aware of that, they had the necessity and they chose to do
487 otherwise, but they were aware of that. Commissioner Vaughan stated there is a letter dated April 2, 2009 on Syracuse
488 City letterhead, paragraph 3 beginning with furthermore, in the middle of line 3 with 'at no time was there any indication
489 given to the Planning Commission or City Council that this would be a dwelling unit. If there had been such an indication,
490 the application would have been denied', the next paragraph under that states 'under no circumstances shall this structure
491 be used as a dwelling unit'. Commissioner Vaughan asked if he was aware of those. Carter Haacke stated to be honest
492 he doesn't remember that letter but is not saying that they did not get it. Commissioner Vaughan stated on another page 2
493 showing staff recommendations on old City logo, paragraph 4, 'staff has determined.. This unit contains 1990 square feet
494 of living space, including a kitchen, dining, family, full bath, laundry, this unit is larger in area than the primary dwelling unit
495 located on the property and is not subordinate in area, extent or purpose to the principle or main building served, nor is
496 the accessory structure incidental to the principle use or structure.' (dated July 28, 2009)

497 [7:18:50 PM](#)

498 Commissioner Jensen stated that was the ordinance that was stuck in his brain at the time, that is what the ordinance
499 stated, that is what he was trying to find.

500 [7:19:01 PM](#)

501 Commissioner Vaughan stated after reading all of those his question is, does the applicant feel that the City has
502 spoken in the past in regards to the inability of their accessory building to qualify as a dwelling unit. Carter Haacke stated
503 'I guess', there it is, they had a necessity in the family and guess they broke the law or whatever it was they did, they are

504 trying now to set things right by playing by the rules. Obviously they got a letter, there it is. Guess they blatantly chose not
505 to follow it at that particular time because of the need of the family and doesn't know what else to say. Commissioner
506 Vaughan stated he wanted to give them a chance to talk about these things and ask questions on that. Carter Haacke
507 stated he appreciates that and again they are trying to be good citizens and do what they are supposed to do.

508 [7:20:17 PM](#)

509 Commissioner Jensen asked staff the letter they are talking about right now, is there a date when that letter was
510 drafted and who drafted it. Planner Schow stated she would have to go back because it doesn't have everything from the
511 packet from the full file. Commissioner Jensen stated he thinks it might have been GJ, but didn't know. Carter Haacke
512 stated it was GJ LaBonty. Planner Schow stated she thinks 2009. Carter Haacke agreed and stated they got to know him
513 very well. Commissioner Vaughan stated the one with the large print is dated April 2, 2009, but the smaller logo titled staff
514 recommendation there is no date on that and doesn't want to jump to the conclusion. Carter Haacke stated he is not
515 familiar with that and not saying they didn't get it obviously can't speak about that. They were aware that that was a
516 borderline thing with the second building permit that they received. Commissioner Jensen asked the applicant if they are
517 currently parking for the primary structure at the accessory building or parking next to the primary structure. Carter
518 Haacke stated it depends, their main is down front of the primary house that is where they live. Commissioner Jensen
519 asked if they generally park at the primary house or park them in the accessory structure. Carter Haacke stated they
520 usually don't park on the accessory structure and they keep it, they have cars in there and they try to keep the approach
521 to the 3 doors open, they try not to park cars there. Occasionally a car will be parked there when the family is there for
522 things, but that is not their normal parking lot.

523 [7:22:15 PM](#)

524 Commissioner Jensen stated he had a train of thought which do not know if they can resolve it this way or not but
525 what is the total acreage of the lot. Carter Haacke stated .84. Commissioner Jensen stated it is well over 20,000 square
526 feet and they are in an R-2 zone so looking at the lot there is one thing that wouldn't meet but there is a possible solution
527 for this where they wouldn't have to call it an accessory structure anymore and that would be to split this into two separate
528 lots with the larger building being dedicated to its own lot. The only thing going afoul with that is the front setback which do
529 not think it would meet. Planner Schow stated it will not meet the setbacks for its own subdivided lot. Commissioner
530 Jensen stated it would meet most of them, but not the front. Carter Haacke stated they asked for a variance when they
531 built it because of the pool location, they wanted to move it so they could use the patio and at that particular time they did
532 receive the variance, it wasn't for an accessory building. Commissioner Jensen stated since there was a variance issue
533 and apparently the Planning Commission at that time that that variant was issues even though it was being used as
534 accessory structure and think even back then the ordinance said it had to be in a side or rear yard and meet the
535 appropriate setbacks and so a variance is already granted for this to meet the setbacks and basically if they are trying to
536 resolve it through this route they could set this up as a legal nonconforming with the understanding that there was a
537 variance with the front yard, which would be a solution, it is not ideal but as it stands right now and found what he was
538 looking for, under 10.30.010 C, accessory buildings in general it does say the accessory structure may not exceed the
539 size of the primary structure and the 50% thing aside flat out this wouldn't meet the ordinance even for an accessory
540 structure under the current ordinance and with the way the old ordinance was drafted not sure why they, size or purpose
541 was what the ordinance said and think that if he remembers the conversation at that time and doesn't want to hold the
542 Commission to this, but think they decided it was secondary in purpose and so they decided not to worry about the size.
543 Seem to remember making a public comment about this when this was done back long before he was a Commissioner
544 but it certainly is larger and won't meet the current ordinance and the Planning Commission obviously thought it would
545 meet previous ordinance with a variance but don't, am struggling with calling this a dwelling without making it its own lot.

546 [7:25:02 PM](#)

547 Commissioner Vaughan asked the applicant if there was anything else that he would like to share. Carter Haacke
548 said they appreciate that, they appreciate the Planning Commission's consideration and want to reiterate again when they
549 built the building they weren't thinking of grandma coming up and staying with us, they weren't thinking of son getting
550 married with wife going to school, they built it as a pool house upstairs as a game room and a 3 car garage to store their
551 hobbies. They do have lift in there so it sees a lot of action with all of their Mustang friends but think they have made a
552 very valiant effort in trying not to muddy of the street or muddy up the parking, they have tried to keep it as clean as
553 possible with the understanding that they live in the neighborhood. All of the neighbors and all the hobbies they try not to
554 take advantage of that. Things have come up where grandma may be needing to be taken care of and that is why they
555 are pursuing this. What they did with their son when he was married, yes they probably were wrong with that but at that
556 time family is, they took a shot there, our family was the most important thing but right now no one lives there, no one is
557 planning on living there with the exception of maybe grandma and that is up and down we don't know if that is happening,
558 she is in California and we can't get her up here in the cold so she may stay there. We wanted to put things in situation
559 and in order that if that did happen that they would not be out of compliance again, that they would be team players for the
560 City and be good citizens and yeah they are guilty of probably not doing proper but they are trying to do what's right right
561 now. At the time they met everything that was asked of them as far as building the building of course the use has changed
562 and understand and appreciate consideration whatever that decision might be.

563 [7:27:06 PM](#)

564 Commissioner Jensen stated he was thinking out loud before another option for the applicant was to make their
565 primary structure a lot bigger but that could be really expensive. They could double or triple size their main house which
566 don't think that is going to happen. Commissioner Jensen asked City Attorney Roberts where essentially this never really

567 conformed with the ordinance even the way it was written the way before of the height requirement, because that has
568 always kind of been there. Since the previous City Council decided that this would be okay in the past even though it
569 didn't meet the ordinance where does that leave them. City attorney Roberts stated it is a noncomplying structure, that
570 doesn't mean that they would need to allow an additional nonconforming use into a noncomplying structure. It means that
571 they cannot make them tear it down or reduce the square footage or something like that, they can maintain it as a
572 noncomplying structure. Commissioner Jensen stated essentially since they are trying to meet a new use and where they
573 were pretty clear about it not being a dwelling unit with the last application provided in the packet, it can be noncomplying
574 but they wouldn't be able to use it for a residence because it was never applied for that. City Attorney Roberts stated yes,
575 it would be like if they wanted to build a distillery there or something it is not, they do not allow a nonconforming use just
576 because there is a noncomplying structure, just need to apply the code to the use that they are applying for, they can
577 continue to use it as an accessory structure, the question today is whether the feel it meets those requirements to be an
578 accessory dwelling.

579 [7:28:56 PM](#)

580 Commissioner Day asked on page 48 of the packet, the highlighted portion, the very end it says 'set forth herein and
581 have been denied by the Zoning Administrator as a minor conditional use permit may be appealed to the Planning
582 Commission for review' does that give them the ability as a Planning Commission to grant some kind of approval even
583 though it is noncompliant. City Attorney Roberts stated the review would be to apply the codes, so it is not to say they can
584 override the codes but they could override an incorrect zoning administrative decision. So if they felt that the zoning
585 administrator was wrong in denying a permit then they could say we interpret this way, we disagree and think the code
586 means something else. If they don't feel that the code supports it then they can't override the code that would be an
587 application for a variance which this body does not have the authority to do. Commissioner Day stated so this isn't
588 pertinent to their decision. Commissioner Jensen asked Planner Schow regarding code, basically attached accessory
589 dwelling units are minor conditional uses but detached are major conditional uses. Planner Schow stated yes.
590 Commissioner Jensen stated so a major conditional use would come before them to begin with. Planner Schow stated
591 that is correct. Commissioner Jensen just wanted to make sure the Commission understood that.

592 [7:30:21 PM](#)

593 Commissioner Jensen stated in trying to find a solution for the applicant short of being able to split that into a
594 separate lot just don't see how this can meet the accessory dwelling unit ordinance in his opinion unless they change the
595 ordinance because it is way, it is way, they deliberately crafted the accessory dwelling unit ordinance the way they did
596 recently to prevent exactly this from happening. They didn't want to have a larger building a smaller building and there is
597 no way they can split a building and say this is really two buildings but they are connected because that is not how the
598 ordinance works. So even if they could split the garage from the accessory dwelling unit think that the square footage
599 wouldn't even allow them to do it then. Commissioner Vaughan stated he had some of the same thoughts when he was
600 out at the property and walked all around it, numerous times and his initial thought was because of the lot size it
601 potentially there could be a split but it is because of setbacks and a couple other things that this would not qualify for that.
602 They could get a lot split, but would have to say goodbye to the house or to the dwelling unit and don't think they want to
603 do that. The two documents that they have in the file is afraid they speak very clearly and loudly on this particular point.
604 One is the building permit application dated June 9, 2008 where Nolan Schofield who was head of the that department at
605 the time wrote in the comments section 'building not to be used as single family dwelling' and is sure he could envision at
606 the time that this could be a residential unit because of the roughing in of the bathroom that occurred at that time upstairs
607 and obviously the square footage and then also the April 2, 2009 letter signed by JG LaBonty who was the Community
608 Development Director basically where he doesn't beat around the bush in which he says 'under no circumstances shall
609 this structure be used as dwelling unit'. Also shares the opinion of Commissioner Jensen that they are up against a very,
610 very difficult mountain to surpass and think the applicant is going to fail in his request to get approval from the Planning
611 Commission at least that is his guess, not suggesting that, just guess that is where they are.

612 [7:33:46 PM](#)

613 Commissioner Day asked Planner Schow if this body were to deny this application what recourses would be available
614 to them. Planner Schow stated if they wanted to apply for a variance then they would have to go through the Board of
615 Adjustments, so the City would have to establish one. Commissioner Jensen stated the only other thought he can think of
616 is along the lines of splitting it into its own lot, there would have to be, the applicant would have to convince, essentially an
617 act of ordinance change to allow for such a variance to happen as just don't see how under the current ordinance how
618 they could even do it, but think that would be the best solution if they were trying to find a solution to this and do want to
619 state for the record have absolutely nothing against it being used as a dwelling other than it does not meet the ordinance
620 and based on what was in the packet it sounds like the applicant was informed several times that this was never to be a
621 dwelling unit and it is a little more of forgiveness than permission but it looks like it would be a great house but it just
622 doesn't meet Syracuse City code.

623 [7:35:12 PM](#)

624 COMMISSIONER JENSEN MADE A MOTION TO **DENY** THE ACCESSORY DWELLING UNIT FOR CINDY &
625 CARTER HAACKE LOCATED AT 1533 S BLUFF RD BASED ON THE FACT THAT IT DOES NOT MEET CURRENT
626 SYRACUSE CITY ORDINANCE. COMMISSIONER MCCUSTION SECONDED THE MOTION. ALL WERE IN FAVOR,
627 MOTION CARRIED UNANIMOUSLY.

628 [7:35:50 PM](#)

629 Commissioner Vaughan stated they do have recourse through a Board of Adjustment if they chose to do so, perhaps
630 if they like they can come in and speak with staff any time and ask what a realistic time table would look be, the Planning
631 Commission and the City staff have discussed the way of possibly restructuring that board to try to make it a little bit more
632 timely in response to situations like this. This is the first one that has come up in this situation in a long, long time.

633 [7:36:35 PM](#)

634 **6. Final Subdivision- the Bluff at Lakeview Farms, Phase 2 & 3, property located at 700 S 3000 W R-2/R-3 Zone**

635 Planner Schow stated the Bluff at Lakeview Farm just off of 3000 W 700 S is ready to move into phase 2 and 3
636 because development does not want to slow down. It is two different phases here, some of the staff reports are reviewed
637 separately and some are together coming through as one final approval but they will be constructed separately but close
638 enough in time to get the approval at once. Phase 2 and 3 the phase lines changed just slightly from preliminary approval
639 just to make more sense for the growth pattern that is going in and the utilities and such but there are no changes in
640 density or design. These two phases do contain a combination of two different zones, the R-2 and R-3 zone that was
641 approved by the Planning Commission and City Council. The only thing that is truly different from what was seen at
642 preliminary for phase 3 is that they have actually reduced the number of lots by one and have opted to put in a pool and
643 clubhouse for the subdivision to be managed and maintained by a private HOA. Commissioner Jensen asked if that was
644 parcel A. Planner Schow stated yes, parcel A and as a result of that they have allowed them to increase the size of the
645 two lots adjacent by 5 feet because they didn't need quite that much area for the pool house and clubhouse. That will
646 need to be dedicated, that parcel will need to be dedicated properly on the plat when it comes times to record.
647 Commissioner Jensen asked since that is being treated as not as a regular lot, that doesn't need to meet the front width
648 requirement. Planner Schow stated correct, it will not ever be a building lot and it will be recorded on the plat as such.
649 Planner Schow stated comments from staff reports very minor just some small things that commonly get missed like
650 typical setbacks or indicating the zone and the lot numbers. Street addresses have now been submitted and the City
651 Engineer is working on that, they will have those updates before a Mylar would be ready. There isn't anything on the
652 Engineering comments that looks like it would prohibit a final approval and prevent them from moving on, again minor
653 changes that need to be fixed on the drawings, for both phases. The Fire comment there was the spacing on the fire
654 hydrants on the plans was actually closer than what is required by code, they were roughly spaced out at 350 feet, which
655 they can do that, it is perfectly acceptable but staff has recommended that they move that out to the standard just for their
656 own cost effectiveness but there is nothing that would prohibit an approval at the closer spacing. Other than that there
657 isn't anything else outstanding that would prohibit a final recommendation of approval.

658 [7:41:09 PM](#)

659 Commissioner Jensen asked the applicant if they had any problems meeting the staff recommendations. Mike
660 Bastian stated no, like Planner Schow stated they are all pretty standard when they come to this stage. Commissioner
661 Jensen asked City Engineer Bloemen was there any outstanding issues that he was concerned about or feel that they
662 have all been resolved. City Engineer Bloemen stated yes everything is pretty standard, his only concern was the location
663 of parcel A, it looked like they were going to try and do a curb cut along the whole frontage of that parcel which isn't
664 permitted by ordinance, and not a fan of that parcel being right in the middle of that intersection, just don't like having
665 people backing out into the intersection as more of a public use like that, if it were a building lot, a single residential home
666 owner it would be okay. So think parcel A should maybe shifted north maybe between 316 and 317, but other than that
667 doesn't have any other issues with the comments. Commissioner Jensen asked the applicant there will some parking for
668 that parcel, would they be amendable to shifting that to between 315 and 316 or 316 and 317. Mike Bastian stated they
669 could, they picked that lot for the fact that when people driving at night a house built right there they always get lights
670 coming onto their house so that was why they picked that parcel was because it was a less desirable lot but better for
671 what they thought for a pool house and a pool but Engineer Bloemen has a good point to that so they are open to it but
672 they liked their reasoning why not to do a house there and do a pool house there but are open to the thought because it is
673 a good point. Commissioner Jensen stated unless, 70 feet don't think is enough for a horseshoe, that would be the other
674 option when they pull in and loop around and pull out, sort of facing forward, but don't know if that lot is big enough for
675 that. Commissioner Vaughan asked would a half circle work for what they want to do as far as access or driving to the
676 front, is there enough room there. Mike Bastian stated no, not to do a half circle, thinks it would fit 7,10 foot stalls across
677 something to that effect. They will need to find something, not one big curb cut along there, he was talking with the
678 engineers about that yesterday so some different ideas, so they will come up with something that will work better than one
679 big curb. Commissioner Jensen stated there are a couple different lots, lot 322 specifically but there are a couple other
680 places where there are still going to have that headlight issue and gets that it is a little less. Mike Bastian stated they are
681 not opposed to it, they can move it to 316 or 317 just flip flopping lots. Commissioner Jensen stated 315 to 316 would be a
682 little better since it is a little farther from the intersection so more time for people to react coming around the corner. Mike
683 Bastian stated it is a good point for public safety, they can come back with that for City Council in moving those.
684 Commissioner Vaughan asked if they have had a chance to review staff's, especially the City Engineer and Fire
685 Department and accept those recommendations. Mike Bastian stated they are going to lengthen those fire hydrants, in
686 doing the math that is a couple extra fire hydrants they don't have to do and will have those fixed by next week for City
687 Council. Commissioner Vaughan asked the City Engineer if he would like to add the movement of parcel A to his staff
688 request of things for them to do. City Engineer Bloemen stated it is in his staff report, but yes he would definitely like
689 parcel A moved. Commissioner Jensen and Mike Bastian asked if between 315 and 316 is good. City Engineer Bloemen
690 stated between 315 and 316 would be good. Mike Bastian stated they are excited to keep moving forward on it.

691 [7:46:54 PM](#)

692 COMMISSIONER DAY MADE A MOTION TO RECOMMEND APPROVAL TO CITY COUNCIL THE FINAL PLAN
693 FOR THE BLUFF AT LAKEVIEW FARMS PHASE 2&3, LOCATED AT APPROXIMATELY 3000 W 700 S R-2/R-3
694 ZONES, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODE, STAFF REPORTS
695 AND TO THE MOVING OF PARCEL A AS PREVIOUSLY DESCRIBED. COMMISSIONER JENSEN SECONDED THE
696 MOTION. ALL WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY.

697 [7:47:36 PM](#)

698 Commissioner Jensen stated before starting the next item he will be recusing himself from the discussion and
699 stepping down from the dais for Piper Glen since he lives across the street from the property.

700 [7:47:52 PM](#)

701 **7. Final Subdivision – Piper Glen, Phase 3, property located at 3231 S 1000 W, R-2 Zone**

702 Planner Schow stated this subdivision is back before them simply for a second re-approval of the final subdivision
703 plans. Unfortunately in this case the developer was not able to proceed with the off-site construction during the timeframe
704 that is required by City code. They did come back and apply for an extension but unfortunately they needed more time so
705 the City code required that they come back through for final approval again. Fortunately for the developer everything that
706 was submitted previously still meets current City code so there aren't any concerns with City staff for recommendation for
707 approval.

708 [7:49:02 PM](#)

709 Commissioner Vaughan asked Planner Schow when was the last time she had contact with the applicant. Planner
710 Schow stated when they applied for final approval, so within the last few weeks. Commissioner Vaughan asked if they
711 were aware of this meeting tonight. Planner Schow stated yes, they are in the audience.

712 [7:49:33 PM](#)

713 Josh Yeates, the older brother threw the younger brother under the bus so he is speaking tonight. Just to reiterate,
714 they had some issues, some off-sites and some engineering and infrastructure issues that they were continuing to iron out
715 with the City and so that is the reason for the delay it wasn't like they were sitting on their hands just didn't have their thing
716 together and so that was the main reason it didn't happen. Those issues are all resolved now thankfully. They also had a
717 discussion with the City Manager and Mayor about the authority and not sure if that is the Planning Commission or City
718 Council, to waive the fee for things that are outside of their control to extend it out so they are also requesting, and they
719 were in favor of that, the waiver of the fee for this time. They do have a builder on board so there shouldn't be anything to
720 hold them up now.

721 [7:51:01 PM](#)

722 Commissioner Vaughan asked the applicant if he is aware that they have 3 possible choices with actions on this
723 tonight, one is to grant the recommend to approval to City Council, the other is to recommend denial and the third one is
724 to move discussions pertaining this to a later date at a time that could be set. Which of those 3 would he prefer at this
725 particular time. Commissioner Vaughan stated is sure they would like to see approval but unfortunately that can't happen
726 based upon what they have from staff. Planner Schow asked what is it that is prohibiting him from making a
727 recommendation of approval. Commissioner Vaughan stated they have it on the suggested motion that they could grant it,
728 they could have a motion on it. Planner Schow stated she might have misheard him, they do have the option to grant
729 recommendation and that would be staff's suggestion is that they grant a recommendation ion the approval.

730 [7:52:49 PM](#)

731 Commissioner Day asked if they are the body or do they have the ability to waive fees or is that more the City
732 Council. Planner Schow stated that is the City Council that is why it wasn't in the staff report for this meeting.
733 Commissioner Day so if the applicant wants to pursue that with City Council. Planner Schow stated yes they will pursue
734 that with the City Council next week.

735 [7:53:19 PM](#)

736 COMMISSIONER DAY MADE A MOTION TO RECOMMEND APPROVAL TO THE CITY COUNCIL THE FINAL
737 PLAN FOR PIPER GLEN SUBDIVISION LOCATED AT 3231 S 1000 W R-2 ZONE, SUBJECT TO ALL APPLICABLE
738 REQUIREMENTS OF THE CITY'S MUNICIPAL CODES. COMMISSIONER MOULTRIE SECONDED THE MOTION. ALL
739 WERE IN FAVOR, MOTION CARRIED UNANIMOUSLY WITH COMMISISONER JENSEN RECUSING HIMSELF FROM
740 THE DAIS.

741 [7:54:15 PM](#)

742 Planner Schow asked if she could have one minute of time and wanted to tell the Planning Commission that this
743 would be her last commission meeting, she has accepted a new job in the private sector and thank you for this opportunity
744 and for giving her the chance to work with them and will be watching them as a resident of Syracuse, so continue to make
745 good decisions. Commissioner Vaughn stated he speaks for the Commission, condolence to them for losing Planner
746 Schow and congratulations and thanks for all of the professional reports that she had submitted to them and all of the
747 very, very responsive answers that she have given over time.

748 [7:54:50 PM](#)

749 **8. Adjourn**

750 COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSION IN THE CHAMBERS.

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Ralph Vaughan, Chairman

Stacy Adams, Admin Professional

Date Approved: _____

DRAFT

Minutes of the Syracuse Planning Commission Work Session, January 5, 2016

1 Minutes of the Syracuse City Planning Commission Work Session held on January 5, 2016, at 6:00 p.m., in the Conference
2 Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

3
4 **Present:** Commission Members: Ralph Vaughan, Chairman
5 TJ Jensen
6 Curt McCuiston
7 Troy Moultrie
8 Greg Day
9
10 City Employees: Noah Steele, Planner
11 Paul Roberts, City Attorney
12 Stacy Adams, Admin Professional
13
14 City Council: Councilman Mike Gailey
15 Councilman Andrea Anderson
16
17 Excused: Commissioner Dale Rackham
18 Commissioner Grant Thorson
19
20 **Visitors:**
21

22 [8:07:27 PM](#)

23 1. **Department Business:**

24 Planner Steele stated there are two things. The City Council would like to schedule a joint meeting on Tuesday
25 January 26th from 6-7pm and wanted to see if that works for them all. Commissioner Jensen stated they had talked in the
26 previous meeting that they wanted to do it on their week. City Attorney Roberts stated yes, that is their week.
27 Commissioner Jensen asked if they get paid their stipend for showing up. Planner Steele stated he doesn't know, he can
28 find out for him. Commissioner day asked what the topic of the joint meeting. Planner Steele stated City Attorney Roberts
29 could give a better explanation but it is a legal training. City Attorney Roberts stated it will be open meetings training,
30 ethics training and maybe some administrative verses legislative procedures training and then maybe some discussion on
31 the Bylaws depending on how far they get with them tonight and in 2 weeks.

32 [8:09:17 PM](#)

33 **a. City Council Report**

34 Planner Steele stated the other thing was an update on the Industrial Architecture, can't remember if he let them
35 know that they had forwarded the recommendation to the City Council and it was tabled and it will be coming back to City
36 Council not this next meeting but the meeting after that. Commissioner Jensen asked why they tabled it. Planner Steele
37 stated he thinks, he came and said we want to change the Industrial Architecture Standards and they were like wait we
38 have Industrial Standards and it opened up a big dialog of what those are and whether or not they are adequate and so
39 they didn't really get to the actual specific changes and so think when he comes back he will have to take a step back
40 and try to explain more of the context so that they can make a good decision there.

41 [8:10:33 PM](#)

42 Councilman Gailey stated the reason they did that was because of the new council members coming on, they felt it
43 would be better for this new body to review.

44 [8:10:50 PM](#)

45 **b. City Attorney Updates**

46 City Attorney Roberts stated regarding the Bylaws there were a couple things that he sent to the Planning
47 Commission. The first thing was the Municipal Ethics Act text because there was some question to review that to see
48 where the base line is and secondly the proposed changes based on their discussion from last month also. A lot of them
49 they have discussed previously so just going to review the highlights. Title 3.10.100 is associated with Rule 6 on voting.
50 The discussion was do they want to keep it that they need 4 affirmative votes or would it be okay to have the majority of
51 those present would could be as little as 3 if they only had 4 or 5 present. In order to do that they would need to have an
52 ordinance change so they have put together an ordinance modification. Commissioner Jensen asked if striking the last
53 line solves that problem. City Attorney Roberts stated yes and add in the new line 'Action may only be taken by the
54 Planning Commission when it is supported by the majority of votes cast by the Planning Commission during a regular or
55 special meeting.' Commissioner Jensen asked if the red text is being added. City Attorney Roberts stated the red text is
56 being added, all the red is changes, underlined means new, struck means eliminated. Commissioner Vaughan asked if
57 other Commissioners liked the added text, no one had objections.

58 [8:12:54 PM](#)

59 City Attorney Roberts stated they had the change which would have the election of the Chair and Vice Chair in
60 January rather than in July as discussed. Commissioner Vaughan asked how the other Commissioners felt about January
61 instead of July. Commissioner Jensen said he can go along with that. Commissioner Vaughan stated with the caveat that it
62 may come up that someone that they select for Chair may lose a Chair half way through the year or they may have to
63 select a new Chair or that would be the succession of the Vice Chair to the Chairmanship and at that time select a Vice

64 Chair. City Attorney Roberts stated that would be if they picked someone who was going to be done in 6 months, if they
65 have someone who has another year or year and a half left in their period then it wouldn't be an issue unless they
66 resigned. Commissioner Vaughan stated if they do go ahead with this and the Council does take it, what do they do with
67 the current term of Chair, should that Chair be extended or would that automatically be extended or should they have an
68 interim position because that is something that would happen if they send it forward to the Council and they pass it.
69 Commissioner Jensen stated he thought they discussed it last time that if these Bylaws were put into effect that since the
70 election was supposed to happen in January they would basically conduct another election so that would start the new
71 year cycle, if they have someone who left in June according to their Bylaws under C, if the Chair resigns or is removed the
72 Vice Chair automatically becomes the new Chair and then the Chairman or the Commission nominates a new Vice Chair
73 that is how the Bylaws would work. If both of them go then obviously they would be nominating both but the bylaws do
74 cover that situation under duties of the Vice Chair. Commissioner Vaughan stated of course they always have the City
75 Attorney they can fall back on and accept whatever recommendation he has for them because he is operating in the City's
76 best interest. City Attorney Roberts stated the Bylaws do contemplate having a person who leaves midterm so it covered
77 either way there is no legal entanglement he foresees there.

78 8:16:10 PM

79 On the second page section E, Secretary rather than making it complicated it states 'shall be designated by the
80 Community Development Director' and also a reminder that the Secretary's responsible to collect all the documents so if
81 someone brings in something that the City doesn't have it needs to be made part of that record.

82 8:16:25 PM

83 City Attorney Roberts stated section III A, Meeting Attendance was one thing they talked about and not sure if the
84 Commission was really settled on it but put in there was seemed to be the consensus at the time. Essentially they have
85 the expectation the self-imposed expectation that they attend at least 80% of the meetings per year and when they looked
86 at the total number of meetings per year that would mean that if they missed 5 then they would drop below that threshold.
87 So 5 out of 22 meetings in a year or even up to 24, they would miss 4 and not violate that. Commissioner Vaughan stated
88 in a year's period of time because they appoint half way through a calendar year, would that be a term year or a calendar
89 year, thinks it should be a term year as opposed to a calendar year. Commissioner Jensen stated he was going to make
90 the suggestion that they change that to any given 12 month period. Commissioner Vaughan stated so any running 12
91 month period. City Attorney Roberts stated a rolling year, that is fine, they could also do another option would be to put it
92 in quarterly so they don't have, it was the hypothetical if they had perfect attendance then they could just miss the last 3 or
93 4 meetings of the year because was so good. Don't think anyone would do that but if they wanted to, they could put it in
94 quarterly, but in that case if they missed 2 meetings in a quarter then they would fall below the threshold and that could
95 happen to anyone. Commissioner Jensen stated he likes the flexibility of the 12 month period because sometimes people
96 have extended leaves but if they are missing 5 meetings that is 2 and a half months of meetings, that is pretty significant
97 but up until they hit that wall they could miss 4 meetings in a row and have wiggle room there. Commissioner Day stated
98 as the most recent largest offender of this, he thinks perhaps this is the wrong path and is not really for this change in
99 Bylaws, not that he is against attending meetings but people who are involved what they do often have to attend meetings
100 outside of the current City and this is a volunteer position, the remuneration that they receive isn't significant and for
101 anyone that is this industry really it is a resume builder per se and so by doing this they might potentially disqualify a lot of
102 people in the City who would be able to serve and be able to help this Commission. They are all in different stages in life
103 some have different employment situations, different activities in the Community outside of the Planning Commission that
104 they are involved with that take their times, for example he is the Cub Master in his area and he is struggling to move PAC
105 meeting to and appropriate date. Sometimes other people don't understand the situations that he has, non the less if they
106 put a hard and fast rule in there such as this his fear is that it will be punitive outside of what, there might be some side
107 effects perhaps that maybe they are un-intending to effect. If they have a serial offender thinks there is recourse that is
108 currently available and maybe if they want something more automatic so they don't have to employ that maybe, those are
109 some of his thoughts. He read the minutes from previous meeting and like he said he is the largest offended recently of
110 this and so it has been on his mind. Commissioner Jensen stated they can talk about the remedies in subsection D, he
111 came up with an interesting one on that but will hold off until then, don't think they want an automatic removal but thinks
112 that there is a remedy on section D. Commissioner Vaughan asked if they have the City Attorney meet with the Mayor and
113 discuss all of the concerns they have, the pros and cons, all of the options and let the two of them decide what they feel
114 would be the best. As they all know, the Mayor has the ultimate say in fact technically he doesn't need a missed meeting
115 he could just remove them because he is the Mayor and it is position as ratified by the Council. Is willing to 'pass the buck'
116 to the City attorney and the Mayor and let them do it because he has faith in the City Attorney that he is going to faithfully
117 represent all of the discussions on it and let him decide and then he can make his recommendation to the Council or
118 through staff or however they want to do it. Everybody here on the Commission gets along well and certainly would not
119 want to be in the position saying that he wants to vote someone off because would hate to do that because he likes
120 everybody on the Commission. Commissioner Jensen stated his proposal on section D was simply that if attendance falls
121 below 80% in a 12 month period that the City Council at that point would make vote to retain or dismiss. So they would
122 make their case to City Council, the Planning Commission wouldn't be involved, it would be an automatic trigger and it
123 doesn't mean that they are gone it just means that at that point it would be up to City Council whether they feel that they
124 would want that person to stay or go. City Attorney Roberts stated they have in there that the Commission would consider
125 it but rather than it going to the Commission it could just automatically go the Council. Commissioner Jensen stated it
126 would automatically go to the Council is his suggestion. There are things that come up, like Commissioner Day stated it
127 may be circumstances beyond their control and they could basically make their case to the Council and if the Council

128 thinks they are valuable and reasoning is fine then they could vote to retain but if the Council has an issue with it then they
129 would just at that point dismiss that person and do an appointment. That would actually save a couple weeks in the
130 process and the Commission wouldn't have to waste their time with it. Commissioner Day stated his preference would be
131 that these matters be held more privately. Hypothetically speaking he wouldn't want to go plead his case to the City
132 Council that he has PAC meetings on Tuesdays, if that's what it takes he doesn't think he would do it. Commissioner
133 McCuiston agreed. Commissioner Day stated he thinks there is way they can do this privately, if the Mayor were to call
134 him and say his attendance is below such and such what do you think, thinks he would be a lot more receptive to that
135 than to have to go plead his case to the City Council in a closed meeting or open meeting with people around, just at that
136 point he thinks they would lose good people that come serve. They are there to sort of punish people, they are all in
137 different walks of life and different time availabilities. Commissioner Jensen stated he wanted to reiterate what had been
138 mentioned to him a couple times, essentially when someone accepts an appointment to this position the assumption is of
139 that appointment is that they are going to make all of the meetings that is kind of what the City Council expects. If
140 someone is falling below the 80% threshold, they have missed 1/6, missed 4 meetings, missed essentially getting to the
141 80% they've missed 5 meetings, which is 2½ month's worth of meetings not counting any extra meetings they may have
142 in a month, that is pretty significant and the Council does have an expectation that they are here to do business and it
143 has been said to him by a couple people that they have real concerns with that because they think if someone is going to
144 accept an appointment to the Planning Commission the assumption is that they understand that there is a time and
145 commitment they need to meet. Want the Commission to know that there are people on the Council that have pretty
146 strong feeling about this. As of late they have been very disappointed that they have been so lax with attendance, they
147 have had multiple meetings where only 4 people have been there and a couple meetings where they had to wait half hour
148 or even close to an hour before they had a quorum, that is a big deal and the Council certainly could change Title 3 to
149 their liking to address the situation but they really do feel like the Commissioners, the Commission as a body has kind of
150 been dropping the ball. Yes they only need 4 people to make a decision but that is not the point, they appointed 7, they
151 kind of expect 6 or 7 people to be here every meeting that is what has been shared with him. Commissioner Day stated
152 Commissioner Jensen brings up a good point and doesn't disagree at all, he just want to suggest the tact in which the
153 approach is taken. City Attorney Roberts stated this is good discussion and as a body he would like to get their feel for it,
154 ultimately it is going to be a City Council decision but appreciate the deference that they give to them but ultimately thinks
155 this body should get a strong recommendation to the Council or at least a majority a recommendation that is something
156 that they want or something that they think is not appropriate and then the Council will decide how they will decide but
157 think it would be very helpful for them to know what the Commission as a body since it is their rules how they think it
158 should work. City Attorney Roberts thinks they should keep having the discussion until they get to a consensus as a
159 Commission or at least a majority.

160 [8:26:16 PM](#)

161 Commissioner Vaughan stated there is one other comment that hasn't been mentioned yet and doesn't know if they
162 can get a quick consensus on that. There are a lot of times where it would help if they had an alternate that could step in
163 at the last minute particularly for those meetings where they had only 4 Commissioners then they would have at least 3/2
164 as opposed if they had a split decision 2/2 obviously the motion fails because they can't make a decision, there is nothing
165 worse than a hung jury or a hung Planning Commission. Commissioner Jensen stated he has mentioned it before and for
166 the benefit of the City Council members in the attendance, they did have an alternate for a while under Mayor Nagle and
167 the alternate participated generally over half the time, they were up at the dais the entire time and they certainly had a lot
168 of valuable input that the Commission benefitted from but that flexibility of having an alternate, they voted over half the
169 time and there are different opinions on the Council as to whether they should have that or the alternate voting at all but it
170 did serve the Commission well and felt that the alternate that they had at the time did a very good job and they were lucky
171 to have them and thinks the City benefits a lot by having that alternate in place. Essentially the Planning Commission is
172 not as nearly as high of profile position as the City Council, as Commissioner Day pointed out they are a volunteer
173 position, they are volunteering their time to the City to be there for 3 hours every 2 weeks and so the alternate give them
174 the flexibility where they can maintain a good discussion and thinks it is a good thing. Commissioner Vaughan stated he
175 thinks with their words the City Council understands how serious they are about trying to be an active and full Planning
176 Commission, they all understand life happens but they would prefer to have 7 people there at a time. Commissioner
177 Moultrie stated he doesn't think they should punished and yes it volunteer and things do happen, in his book family is first
178 and that will come before this position and there are some instances that they will miss, just thinks it is courtesy and has
179 been guilty of this of not informing the Chair of when absent but think that if the Chair knows why they are absent, why not
180 attending that way if Council has question of their attendance the Chair can say this is why he missed, it is not because he
181 is being negligent or doesn't care he just has things coming up and thinks that is really all that needs to be done.
182 Commissioner McCuiston stated for one the alternate it seems a stretch for them to ask the City Council to give them an
183 alternate if they can't make the members show up consistently and doesn't know if they would do that or not. It would be
184 good to have one but maybe what if they said they want 3 or 4 alternates to fill in for when the regular guys can't come, at
185 what point does it get silly, so don't know if they will entertain that or not. Maybe they will, maybe they won't, he was the
186 alternate for a long time and he participated and got on full time or graduated but just think that might be a stretch to ask
187 the Council. Commissioner Jensen asked Commissioner McCuiston if there was an alternate after him. Commissioner
188 McCuiston stated there was one. Commissioner Jensen stated that was one thought behind the alternate position it gave
189 a person an opportunity to get training so to speak so when they get moved into a full time Planning Commission position
190 that they would be up to speed. Commissioner McCuiston stated he thinks they do need to have at least a minimum
191 amount or at least something that triggers, everybody on this Commission doesn't want to be the bad guy and say let's
192 have a talk about so and so not showing up, they don't want to do that. Maybe they should be a little bit tougher about

193 self-regulating but nobody really wants to be the bad guy and it is a volunteer position and doesn't know if that is really a
194 good thing to place 7 somewhat angry men in a room to do that. Thinks there does have to be a minimum standard met,
195 is half of the meetings, if they can't make half of the meetings at what point does that line go, doesn't know, understand
196 that everybody has things to do but if those things take over half the year then maybe shouldn't be on the Planning
197 Commission. Or is it 75% or 25% thinks there does have to be a line in there but thinks they need to discuss where that
198 line is going to be. Commissioner Vaughan asked City Attorney Roberts if that gave him enough. City Attorney Roberts
199 stated he can see there is no consensus and thinks they should put a pin in that and come back to it, keep thinking about
200 it and thinks there may be a middle ground or and know Commissioner Rackham and Commissioner Thorson had
201 opinions on this too so it would be good to have them chime in as well. One easy change if they wanted to remove the
202 80% or any percentage, just take out the first clause of that sentence and keep in the parts that say if life circumstance
203 change should consider resigning and then unexcused absences may be cause for removal, which is the existing
204 procedure now. Think it would be helpful, if they can't get a consensus lets at least find out who is where and maybe they
205 could have groups of 3, take it to the Council and let them know this is not something they agree on, it is an issue they all
206 agree is important that they all attend but just different ways of solving the problem. Commissioner Jensen stated 75%
207 would be 6 meetings, if they miss more than 6 meetings, if they miss more than 6 meetings that would be below 75%,
208 because they generally have about 24 meetings in a year. City Attorney Roberts stated essentially, there is the Election
209 Day and the Christmas Holiday so 22 would be more common.

210 [8:32:50 PM](#)

211 City Attorney Roberts stated section B, Conflict of Interest, had forwarded the Commission the Ethics Act, again that
212 is the baseline, in addition to that if there is a person who is an applicant and before the Commission for a subdivision
213 plan approval or conditional use approval, something that is not legislative in nature, then they do have due process
214 requirements so if there was some sort of conflict of interest say if an applicant is a direct competitor with their business or
215 something they would need to recuse themselves even if the Ethics Act didn't necessarily apply. So there is, they would
216 need to consider would they be impartial because a person is entitled to an impartial decision maker under just the basic
217 notions of due process and when they come to the Commission with an application. In this case though there was some
218 concern that it was a little too broad some private benefit may come to someone. So instead of that added personal
219 economic interest being furthered, thinks that is what they really aimed at and that is where they have the most problems
220 with ethics is when people are enriching themselves through an appointment. In this case if they are going to have an
221 economic interest that is substantially furthered by an action then they would want to remove themselves.

222 [8:34:03 PM](#)

223 Commissioner Jensen stated this applied to him recusing himself today and probably should have stated that on the
224 record and it will be on the minutes now. The reason he recused himself is he owns a property that is basically across the
225 street from the subdivision that was being approved tonight and although he has no tie what so ever with the people that
226 own that property in his mind the argument could be made by raising the property value across the street that affects his
227 property value so was thinking it was a gray area but for the benefit of the Commission he recused himself because there
228 is the argument buy him approving that subdivision he increased his property value, it is not a direct thing but it is an
229 economic consideration. So it was gray and basically went with being safe than sorry. City Attorney Roberts stated
230 generally it is not going to come up that someone says they don't want to recuse themselves and there are sort of forced
231 to do it, generally it is going to be a self-recusal which is appropriate.

232 [8:35:03 PM](#)

233 City Attorney Roberts stated they also have in there membership in a group or organization is not a per se conflict bit
234 only applies if a reasonable person would conclude that membership would prevent objective consideration and added ' a
235 generally applicable ordinance which confers a benefit upon the community to which the Commissioner belongs is not
236 considered a per se conflict of interest.' So if there was a text change to the zoning in which they live that doesn't mean
237 that all of the ones who live in R-2 zoning would have to recuse themselves.

238 [8:35:39 PM](#)

239 City Attorney Roberts stated on a similar vein section C, Gifts and Favors, they are emphasizing again if they are
240 getting a gift from someone who someone who is an applicant or a prior applicant and it is in connection with their duty as
241 a Planning Commissioner that would be inappropriate and they should decline that gift or that favor just to ensure not
242 giving off an appearance that they are being bought off. Commissioner Jensen stated he did note that he mentioned prior
243 applicants that means that after the decision has been made they should still refuse a gift from the applicant that has
244 already gotten their approval. City Attorney Roberts stated correct, the concern there is a deferred gift or a deferred bribe
245 is still a bribe. Commissioner Jensen stated essentially scratch your back and a couple weeks down the road you scratch
246 my back kind of thing. City Attorney Roberts stated it would also apply if they were trying to butter them up, that should
247 raise the hairs on the back of their necks and could talk to him about it as to inquire why this person is buying them
248 random things, probably a good bet is because they are a planning Commissioner. Commissioner McCuiston stated he
249 thinks 1 and 3 are kind of in conflict unless he is reading in wrong. City Attorney Roberts stated there are maybe some
250 inherent conflicts they could tighten it up a bit. 1 is addressing directly applicants and prior applicants and then 3 is just
251 saying generally for instance around the Holidays they'll bring in a box of apples to the City staff, no one know who they
252 are from, they eat them, they are not being influenced by it, but materialistic items are different and would be a problem.

253 [8:37:45 PM](#)

254 City Attorney Roberts stated section D, Commissioner Removal thinks they should table it and keep thinking it about
255 it. This section is the teeth in that attendance policy whether it goes to the Commission or if it goes to the Mayor or goes to
256 the Council or whether they eliminate the number or reduce it, let's keep thinking about that.

257 [8:38:06 PM](#)

258 City Attorney Roberts stated section E, Treatment of Information they changed that so it basically says they comply
259 with the GRAMA law rather than having our own sort of standard there, so we will follow Utah law as it relates to GRAMA
260 requests. They talked a little bit about alternates that was a comment he had if they wanted to put in a rule, he would add
261 it under rule number 5 on alternates when they would be needed, when they would sit, when they vote and that is a
262 question for another day as well.

263 [8:38:43 PM](#)

264 City Attorney Roberts stated subsection H, agenda ad submitted documents. This is dealing with the problem where
265 sometimes they applicants who bring in stuff the day before or the day of the hearing and they want them to consider it, in
266 this case. Commissioner Vaughan stated as tonight. City Attorney Roberts stated in this case he was just bringing an
267 outline so they could sort of follow along with him and didn't mean any harm and think it was handled okay, he
268 understood. But this rule would make it really clear and could say there is a rule that specifically addresses this, thank you
269 for bringing this but are just going to go off what the application is. This does allow 2 Commissioners to make the request
270 to put things on the agenda. It also says that things that need to be submitted to the Commission 4 days prior to the
271 meeting so that would be Friday unless the Chair approves it. If it is scheduled for final action then staff and applicant
272 have the same standard they need to have things in time, at least 5 days prior to the meeting to the Secretary so the
273 Secretary has time to put it in the packet and make sure that it is delivered appropriately so they have time to review it.
274 Additional things that come from the Commissioners as was suggested by Commissioner Jensen after getting the packet
275 and have ideas and thoughts and want to put things in the packet for consideration by the Commission as a whole if they
276 do that submit it to the Secretary and the Chair and then they are disseminated to everyone including the applicant so
277 they have fair opportunity to read it along with the Commission.

278 [8:40:21 PM](#)

279 City Attorney Roberts stated section I, Order and Decorum, that allows staff or the applicant to opportunity to respond
280 and that was based off of his horror story of an hour and half of public clamer and the applicant had 3 minutes to try and
281 rebut it. Commissioner Jensen stated they have been doing that anyways at least the last couple Chairmen. City attorney
282 Robert stated putting it in the rules makes it, if they had an applicant they didn't like they would just need to comply with
283 the rules so. Commissioner Vaughan stated it is good to have it codified.

284 [8:40:56 PM](#)

285 City Attorney Roberts stated section V, C Withdrawing a Motion, the Commissioner who makes the motion can
286 withdraw it at any time before a vote is taken. G, Substitute Motions, just clarifying if they make a substitute motion then
287 that is voted on if it fails then go back to the original motion that was not substituted.

288 [8:41:23 PM](#)

289 City Attorney Roberts stated section I, Reconsideration a Motion, they have 15 days to appeal a decision so in some
290 cases they would be able to bring it up within that appeal period but the safer way to go is to just, it needs to be in the
291 same meeting rather than at a meeting when the minutes are approved. The problem there is they have given approval
292 and they have moved forward and relied on that then then there is going to be some challenges and lawsuits most likely.
293 If they are going to reconsider just do it during the same meeting rather than afterwards and there is also the problem of
294 wondering why a Commissioner changed their mind, maybe it was some sort of ex parte communications that they
295 weren't parte to or communications amongst the Commission afterward. If they do make the motion to reconsider and the
296 applicant is present they would give them an opportunity to address it to try to talk the Commission out of reconsidering or
297 talk into it to vote in favor of something.

298 [8:42:27 PM](#)

299 City Attorney Roberts stated section VI, Voting rule, which would be the majority of Commissioners participating in
300 the Vote rather than the 4.

301 [8:42:36 PM](#)

302 City Attorney Roberts stated the last one on section VII, E, for Committees and bring in a final report they would
303 gather up all their documents and include it with that final report that they give to the Commission so there is no question
304 of do they have anything which they have experienced before.

305 [8:43:01 PM](#)

306 City Attorney Roberts asked if there was any additional changes or sections that they would like him to give attention
307 to in the next couple weeks. Commissioner Vaughan stated he had none as did the other Commissioners.

308 [8:43:22 PM](#)

309 **c. Upcoming Agenda Items**

310 Planner Steele stated he has one on the agenda for later, regarding CVS. They do have a rezone request along
311 Antelope.

312 [8:44:02 PM](#)

313 Commissioner Jensen stated he has kept Commissioner Vaughan in the loop on this, over the Holidays and this is
314 something he has been talking about for over a year and a half now about consolidating Title X and moving some of that
315 information to charts. So he basically submitted a proposal to staff which details this and what it does essentially is it

316 moves all of the Conditional Uses out of the individual chapters and moves them into the Conditional Use chapter on a
317 table so essentially all of the Conditional Uses will be in one place and something he noticed while doing this, there are a
318 couple places where the Conditional Use chapter was in conflict with the individual zones with how it was phrased, so it
319 will help solve that. The second part of that was moving as much information as possible into the section immediately
320 before where the A-1 chapter begins and basically as much information to charts. Such as setbacks and if like an
321 Architectural Review Committee is required and things like that, moving as much of that to the table or into the front
322 section and the purpose of that is to move a lot of information out of the individual chapters and kind of unify the code a
323 little bit and it also makes, gives the opportunity to unify the code so they are not having 6 different standards for 6
324 different zones so it is all under the same general umbrella with the difference noted in the individual zones still but with
325 everything that is generally similar to all the other zones being in one place. Commissioner Rackham unfortunately is not
326 here but if the Chairman is amenable he would like to suggest that a their next meeting that they do a first reading on that
327 where he basically shares with the Commission what they have come up with so far. He has been trying to work with staff
328 on that as well so between now and that time if staff has any additional suggestions they want to put in. He does
329 recognize that staff is short staffed right now but the suggestion he has right now is more of a consolidation of code
330 without any changes although there may be some changes the Commission will want to discuss after the first reading.
331 So if the Chairman is amendable would like to bring that to Commission next time.

332 [8:46:18 PM](#)

333 Commissioner McCuiston stated he was lost and doesn't know what he is talking about, didn't see it on the agenda.
334 Commissioner Jensen stated it is not on the agenda, he is approaching it as an upcoming agenda item. Commissioner
335 Vaughan stated he intended to leave it under Commissioner Comments because it is just bringing it up for the very first
336 time as opposed to setting it for an agenda item. Commissioner Vaughan stated he also wanted to speak with staff and
337 the City Attorney whether or not they feel that the City Council is looking for changes to Title X. Commissioner Jensen
338 stated if two Commissioners ask for it to be put on the agenda then it is on the agenda, he stated that is not their official
339 rule yet but that is generally how it has been done. Commissioner Vaughan stated that is why he wanted to find from staff
340 particularly from the Director as to whether or what the status of staffing is and don't want to dump something else on
341 Planner Steele who are shorthanded and hooped that the Director would have been there so they could have gotten a
342 real update on it but they just got finished with the General Plan which went through rather briskly when they finally got
343 close to it and now to launch into X, he would like to find out first and one of the things he directed staff is to send a
344 message to their committee representative from City Council to have him go back to Council to find out what the opinion
345 of Council is as to whether or not there even interested in them looking at Title X. Commissioner Vaughan stated he
346 recognizes that anybody on the Commission can submit anything they want, but as far as doing anything that potentially
347 has a massive taking of time efforts and energy of staff particularly when they are shorthanded needs to be reviewed by
348 those people that are affected. Personally as Chairman he is not disposed to open a committee based with examining X
349 to try to save time from staff from doing that, so he thinks at this particular time it might be rather premature. Staff does
350 have a copy of what Commissioner Jensen proposed as far as a version 1 and the modification that came out the other
351 day and for them to take a look and for them to get back especially with him to decide how they would like to hand it up on
352 an agenda. The initial feeling, conversation when he called this to the attention to Director Mellor was that he wants to
353 take a look because he had not had a chance to digest everything that had been submitted thus far himself.
354 Commissioner Jensen stated he was provided a copy this afternoon after asking for it. Commissioner Vaughan stated that
355 is what he is saying, that he is reluctant to put anything before this Commission until staff knows exactly what is going on.
356 Commissioner Jensen stated his suggestion was to is basically was to show the suggestions to the Commission at the
357 meeting in two weeks that's why he called it a first reading and then if the Commission thinks it is a good idea then they
358 would direct staff to start working on it, but would like to have the chance to present it. Commissioner Vaughan stated that
359 is why considering it as a Commissioner report or Commissioner comment sure absolutely more than welcome to bring it
360 up. Commissioner Jensen stated he is actually asking for a reading to be formally on the agenda that is what he is
361 asking for.

362 [8:50:01 PM](#)

363 Councilman Gailey stated this is important to the City Council and one of the things that happened today and thinks
364 that by in large the reception he has seem from the City Council is they are very appreciative of the self-starter that he is,
365 they love that in him. Director Mellor surveyed the Council today by email and doesn't have the results of that about
366 whether they felt like at this point in time they wanted to commission them with that task or whether there were other
367 things that they needed to be addressing at this time that took a greater priority than that. Don't know the results of that
368 survey but knows what he said and his comments were similar to Commissioner Vaughan's with the short handiness of
369 staff they have right now and the joint meeting they would like to have on the 26th there are several other topics they
370 would like to address at that time. So not exactly sure the opinion, could ask Councilwoman Anderson. Councilwoman
371 Anderson stated that she read from a couple email replies but it seems to be that everyone is okay with doing it, not
372 everyone but those who have replied are okay with putting it on the agenda but it probably won't get looked at until Spring.
373 Commissioner Jensen stated he figured it would take multiple meetings for them to work through the purpose of the first
374 meeting is to get people a feel of what it would be and then over multiple work sessions after that they would actually start
375 looking at the ordinances and seeing exactly what they like and what they'd like to change and that, that is his intent. His
376 intent was not to have this passed by March. Councilman Gailey stated they understand that but think there are some
377 critical things happenings, one is what they were just discussing tonight the Bylaws of the Commission and they are doing
378 the same thing with the City Council and one of the things they would like to look at is doing a due diligence that if they
379 have a project they begin and start and the scope and everything that they have some pattern they are following. That is

380 the concern of the Council that they may have the cart before the horse, not that the outcome and this is not a good thing
381 to do, they just would like to meet with the Commission on the 26th before they get going too fast. Commissioner Jensen
382 stated he can live with that, he just feels it is important because right now do feel that Title X is a bit of a mess and would
383 like to see it cleaned up and so that is why he did what he did.

384 [8:53:17 PM](#)

385 Commissioner Vaughan stated they have 5 minutes left on the clock and unless they choose to extend.
386 Commissioner Day stated he is against extending but would like to add to the conversation, he feels that one of the
387 challenges they have as a Planning Commission is really thinks their main purpose here is to do the business of the
388 citizens, they need vet applicants for compliance with codes and then help them move along, that should their number
389 one priority that comes before them. Thinks sometimes in the past and has personally felt this way with the Planning
390 Commission that they spend so much time revamping code that it seems like they are always doing something, they
391 never let anything, the opportunity to kind of roll out and kind of see and not saying this particular time that Commissioner
392 Jensen suggested falls under that but it is really hard for applicants, people in the community to really know, when they
393 are always readjusting Tittle X or zonings or whatever sometimes they just need to let it go and let it proceed for a few
394 years or a little while and that is his take on it, these things take a long time and they really burn up energies this body
395 has. Commissioner Jensen stated for the benefit of the Commission the reason he hasn't shared this with the other
396 Commissioners yet is first he didn't want to start the conversation until they had this meeting although Commissioner
397 Rackham is in the loop on this and including the Chairman so he is aware of what they are talking about and also included
398 staff in his communications although Director was out of the loop and is now in. His whole goal with this is to try to make
399 Title X so it an easier product for the citizens to use because right now thinks it is rather dysfunctional, having to look in
400 multiple places to find a lot of information when they don't need to.

401 [8:55:16 PM](#)

402 City Attorney Roberts stated he worked on a similar rezone at his last place of employment and it took them 2 years
403 and they did it themselves without consultants and they started at the beginning and said they are going to ,look at each
404 section, get policy direction form the Commission, they got the policy direction then they did text amendments and drafts
405 so he tends to prefer that method where they get policy direction and then they draft rather than starting with text
406 amendments and then saying are these the ones you like. Sometimes they get focused on what is before them so
407 sometimes stepping back and looking at what do they want to accomplish through a text change or an entire overhaul of
408 the code might be helpful just so they get a good vision of what they have in mind. Think it is good to go through the code
409 and change it but let's do it with getting as m much policy direction from the Commission as a body.

410 [8:56:16 PM](#)

411 **2. Discussion Items:**

412 Commissioner Vaughan withdrew discussion on a, noise ordinance for tonight since he proposed it and is willing to
413 allow the City Council to put that on their things they might be doing for their consideration, believe basically what is in the
414 packet tonight is basically an ordinance that is ready to go whether or not it just needs their approval, just wants to show
415 spirit and support of trying to accommodate and if the Council is concerned about what they are doing and how much time
416 things are taking he is willing to allow this to sit until the joint session meeting and try to get some input. Commissioner
417 Jensen stated this could actually tie in to some of the stuff he did because some of these standards are set into some of
418 the zones already, neighborhood Services and Industrial and supports holding it off until they get direction from Council.

419 [8:57:36 PM](#)

420 Planner Steele stated he needs to poll the Commission very quickly on the last work session item about CVS, it is a
421 subdivision, it is 2 lots and needs to know if they would be willing to accept Preliminary and Final at the same time
422 because it is two lots. Commissioner Vaughn stated he supports staff. Commissioner Jensen asked if they just did that
423 with minor subdivisions or was that only residential. Planner Steele stated they as only residential, this would be
424 Commercial. Commissioner Day stated it doesn't make sense to do them separate. Planner Steele stated he would be
425 presenting the exact same thing twice.

426 **3. Commissioner Reports:**

427 Skipped due to time

428 [8:59:32 PM](#)

429 **4. Adjourn**



PLANNING COMMISSION

AGENDA

January 19, 2016

Agenda Item # 4: Rezone - Paul Toniolli, property located at approx. 1679 Marilyn Dr.

Factual Summation

Please review the following information. Any questions regarding this agenda item may be directed at Noah Steele, City Planner.

Location:	1679 Marilyn Dr.
Current Zoning:	R-3
Requested Zoning:	Neighborhood Services
General Plan:	Neighborhood Services
Total Area:	1.13 Acres

Summary

The applicant requesting to rezone the property from R-3 to Neighborhood Services which matches the General Plan map. They would like to build a small animal clinic on the property which is an allowed use in the Neighborhood Services zone. To build the clinic, the applicant would either have to subdivide the lot or demolish the existing home. That can be taken care of after the rezone occurs. The clinic will require site plan approval before a building permit is issued.

Attachments:

- Aerial
- Zoning Map
- GP Map
- R-3 Zone Description
- Neighborhood Services Zone Description

Suggested Motions

Grant

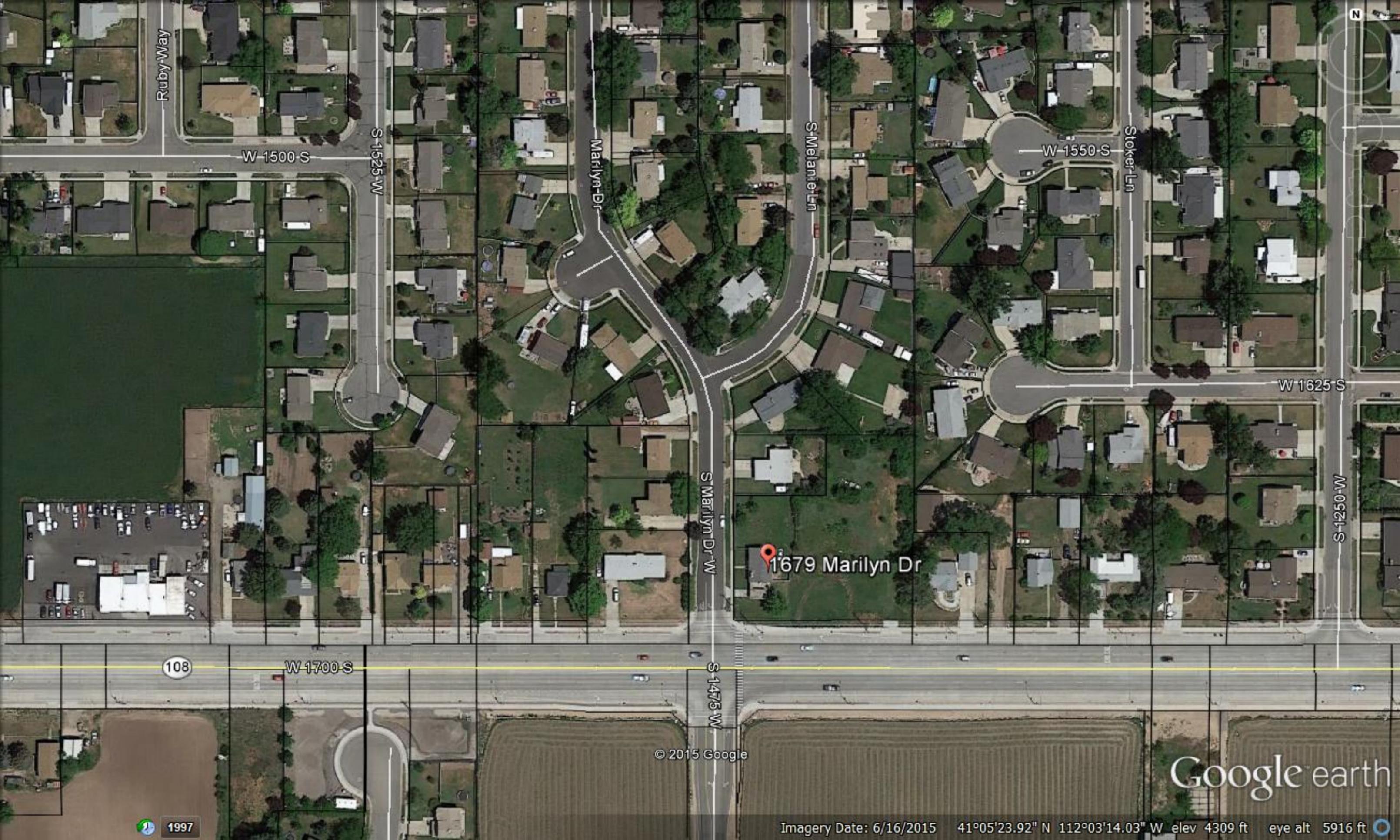
I move to recommend approval, to the City Council, to rezone property located at 1679 Maryilyn Dr from R-3 to Neighborhood Services, subject to all applicable requirements of the City's municipal codes (and to the condition(s) that...)

Deny

I move to recommend denial, to the City Council, to rezone property located at 1679 Maryilyn Dr from R-3 to Neighborhood Services, based on...

Table

I move to table discussions pertaining to the rezone request for property located at 1679 Maryilyn Dr from R-3 to Neighborhood Services, until...



Ruby-Way

W 1500 S

S-1525-W

Marilyn-Dr

S-Melanie-Ln

W-1550-S

Stoker-Ln

W 1625 S

S-1250-W

108

W 1700 S

S-1475 W

S Marilyn Dr W

1679 Marilyn Dr

© 2015 Google

Google earth

1997

Imagery Date: 6/16/2015 41°05'23.92" N 112°03'14.03" W elev 4309 ft eye alt 5916 ft

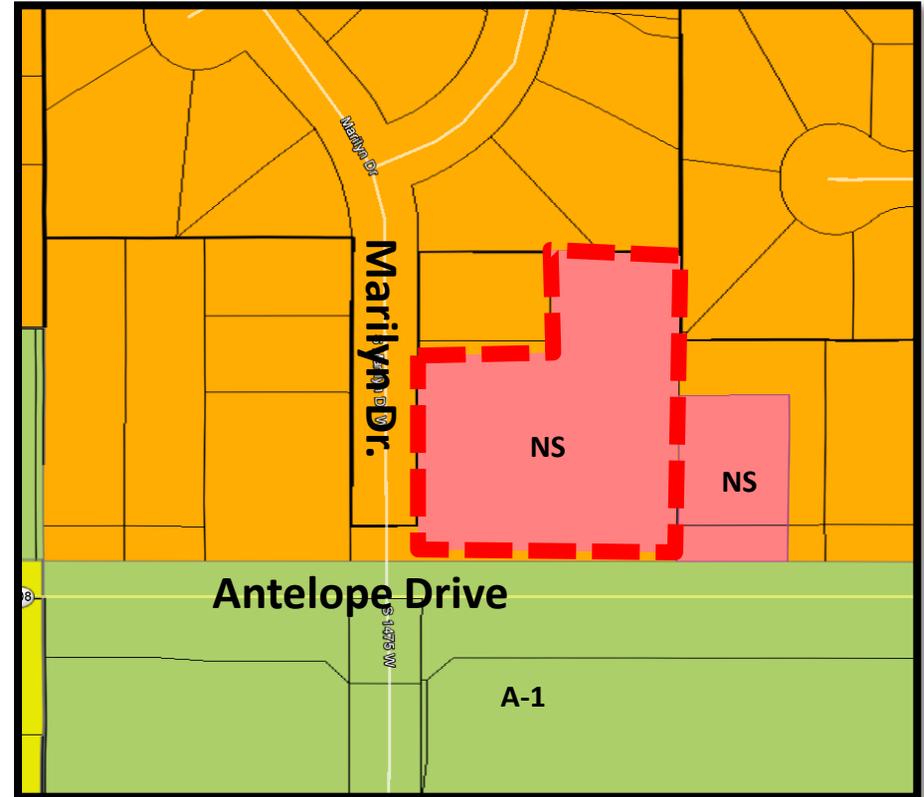
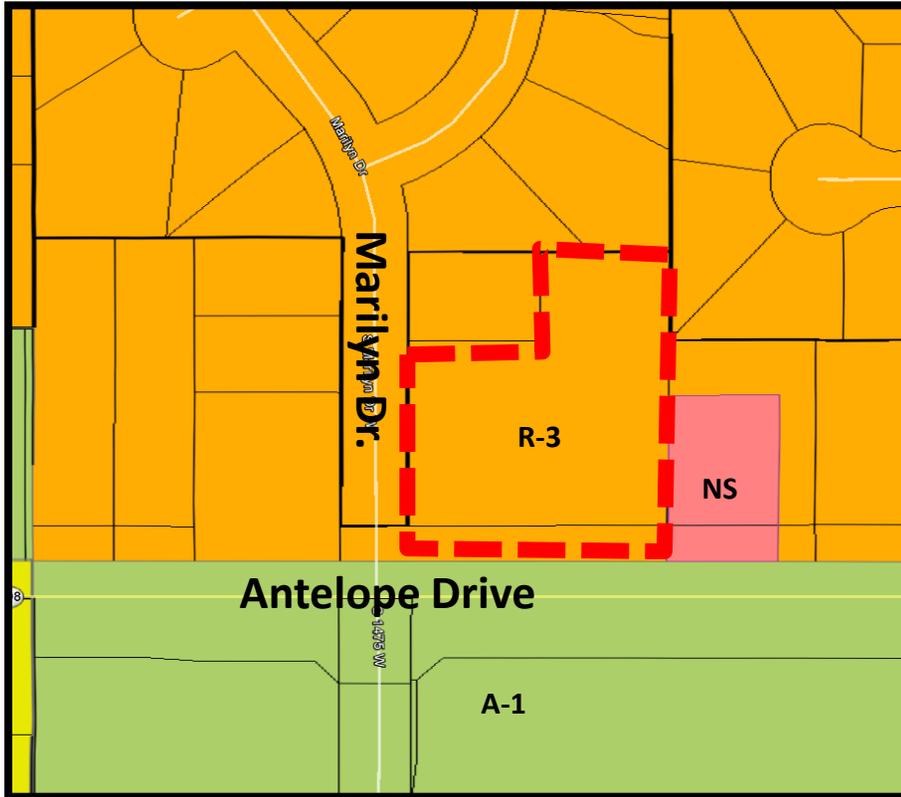


Rezone Request 1679 S. Marilyn Dr.



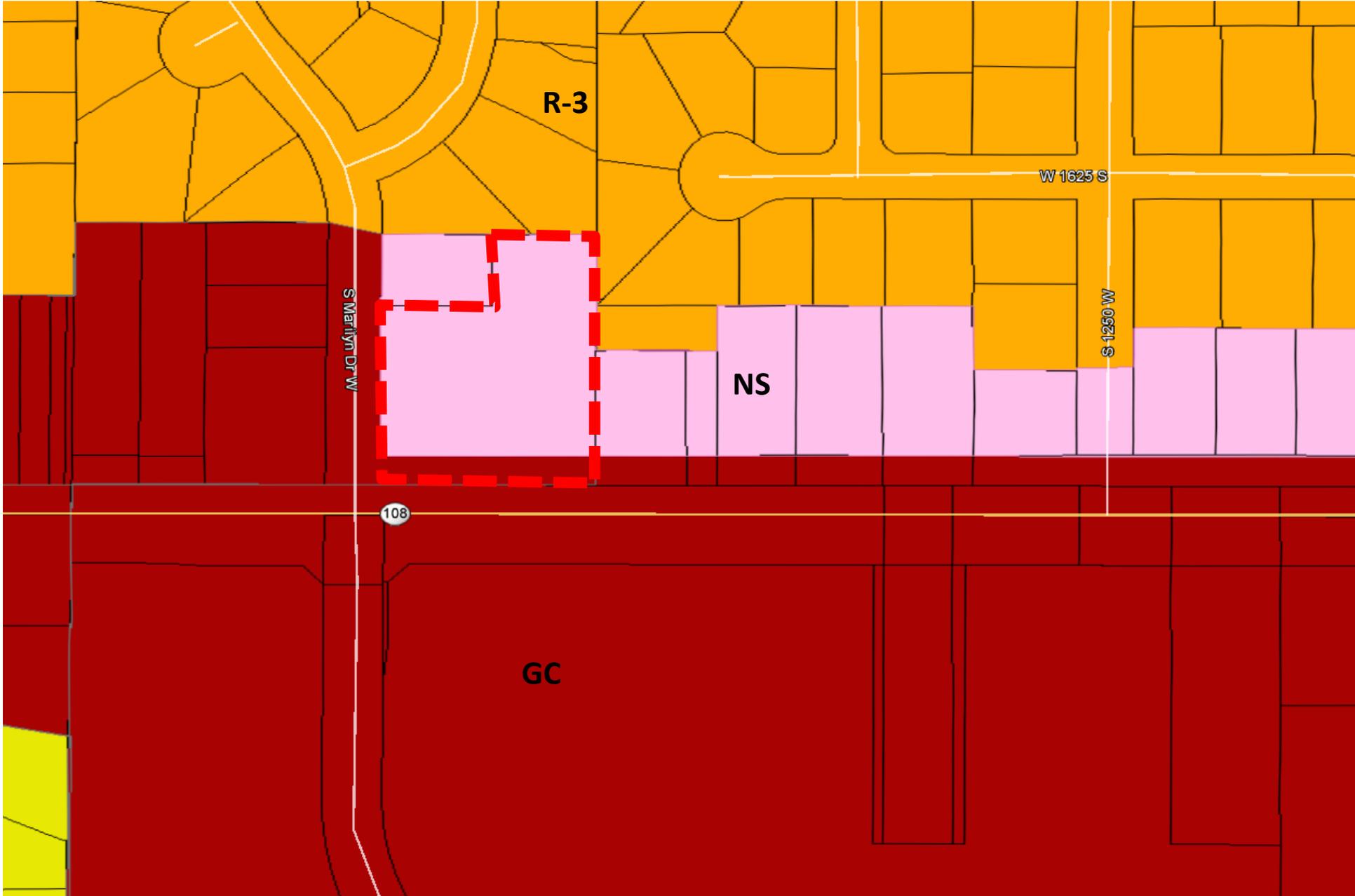
Existing Zoning

Proposed Zoning



R-3	Residential dwellings, 4 lots per acre max.
A-1	Agriculture and dwellings, 2 lots per acre max.
NS	Neighborhood Services, small businesses like insurance office, animal clinic, financial planning, boutique, etc.

General Plan Map



(5 hits)

Chapter 10.70 R-3 – RESIDENTIAL ZONE (4.0 LOTS PER GROSS ACRE)

Sections:

- 10.70.010 Purpose.
- 10.70.020 Permitted uses.
- 10.70.030 Conditional uses.
- 10.70.040 Minimum lot standards.
- 10.70.050 Off-street parking and loading.
- 10.70.060 Signs.

10.70.010 Purpose.

The purpose of this zone is to provide for medium density single-family residential development that conforms to the system of services available. [Ord. 15-24 § 1 (Exh. A); Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; amended 1991; Code 1971 § 10-14-010.]

10.70.020 Permitted uses.

The following, and no others, are uses permitted by right provided the parcel and building meet all other provisions of this title and any other applicable ordinances of Syracuse City.

- (A) Accessory uses and buildings (200 square feet or less).
- (B) Agriculture.
- (C) Churches, synagogues, and temples.
- (D) Dwellings, single-family.
- (E) Educational services.
- (F) Household pets.
- (G) Minor home occupations.
- (H) Public and quasi-public buildings.
- (I) Public parks.
- (J) Rabbits and hens.
- (K) Residential facilities for persons with disabilities.
- (L) Vietnamese potbellied pigs. [Ord. 15-24 § 1 (Exh. A); Ord. 11-02 § 1 (Exh. A); Ord. 10-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; Ord. 04-12; Ord. 03-18; amended 1991; Code 1971 § 10-14-020.]

10.70.030 Conditional uses.

The following, and no others, may be conditional uses permitted after application and approval as specified in SCC 10.20.080:

- (A) Accessory uses and buildings (greater than 200 square feet) (minor).
- (B) Apiaries (minor).
- (C) Day care centers (major).
- (D) Dwellings, accessory (major/minor, see SCC 10.30.020).
- (E) Home occupations (major).
- (F) Temporary commercial uses (see SCC 10.35.050) (minor).
- (G) Temporary use of buildings (see SCC 10.30.100(A)(12)) (minor). [Ord. 15-24 § 1 (Exh. A); Ord. 14-01 § 1; Ord. 11-10 § 8; Ord. 11-04 § 4; 11-02 § 1 (Exh. A); Ord. 10-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; Ord. 03-18; amended 1994, 1991; Code 1971 § 10-14-030.]

10.70.040 Minimum lot standards.

All lots shall be developed and all structures and uses shall be placed on lots in accordance with the following standards:

- (A) Density: minimum lot size 8,000 square feet, but in no case shall the density exceed 4.0 lots per gross acre.
- (B) Lot width: 80 feet.
- (C) Front yard: 25 feet.
- (D) Side yards: Eight feet both sides.
- (E) Rear yard: 20 feet.
- (F) Building height: as allowed by current adopted building code.
- (G) Variation of lot: the Land Use Authority may reduce the lot width requirement in particular cases when a property owner provides evidence they acquired the land in good faith and, by reason of size, shape, or other special condition(s) of the specific property, application of the lot width requirement would effectively prohibit or unreasonably restrict the ability to subdivide the property or a reduction of the lot width requirement would alleviate a clearly demonstrable hardship as distinguished from a special privilege sought by the applicant. The Land Use Authority shall approve no lot width reduction without a determination that:
 - (1) The strict application of the lot width requirement would result in substantial hardship;
 - (2) Adjacent properties do not share generally such a hardship and the property in question has unusual circumstances or conditions where literal enforcement of the requirements of the zone would result in severe hardship;

(3) The granting of such reduction would not be of substantial detriment to adjacent property or influence negatively upon the intent of the zone;

(4) The condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to detract from the intention or appearance of the zone as identified in the City's general plan. [Ord. 15-24 § 1 (Exh. A); Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; Ord. 04-04; Ord. 03-08; Ord. 02-16; amended 1998; Code 1971 § 10-14-040.]

10.70.050 Off-street parking and loading.

Off-street parking and loading shall be provided as specified in Chapter 10.40 SCC. [Ord. 15-24 § 1 (Exh. A); Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; amended 1991; Code 1971 § 10-14-050.]

10.70.060 Signs.

The signs permitted in this zone shall be those allowed in residential zones by Chapter 10.45 SCC. [Ord. 15-24 § 1 (Exh. A); Ord. 11-02 § 1 (Exh. A); Ord. 08-07 § 1 (Exh. A); Ord. 06-27; Ord. 06-17; amended 1991; Code 1971 § 10-14-060.]

The Syracuse City Code is current through Ordinance 15-24, passed November 10, 2015.

Disclaimer: The City Recorder's Office has the official version of the Syracuse City Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

(2 hits)

Chapter 10.105 NS – NEIGHBORHOOD SERVICES ZONE

Sections:

- 10.105.010 Purpose.
- 10.105.020 Permitted uses.
- 10.105.030 Conditional uses.
- 10.105.040 Minimum lot standards.
- 10.105.050 Off-street parking and loading.
- 10.105.060 Signs.
- 10.105.070 Special provisions.

10.105.010 Purpose.

The purpose of this zone is to provide for a range of opportunities specifically identified as providing local neighborhood services. Uses in this zone are not meant to have a large footprint, or be overly invasive to neighboring uses. [Ord. 12-12 § 1; Code 1971 § 10-21-010.]

10.105.020 Permitted uses.

The following uses, and no others, are appropriate to this zone, compatible with each other, and a permitted right provided that the parcel and buildings meet all other provisions of this title, or any other applicable ordinances of Syracuse City, and receive site plan approval as provided in SCC 10.20.090:

- (A) Accessory uses and buildings (under 200 square feet).
- (B) Amusement and recreational activities (includes athletic or tennis club).
- (C) Animal clinics.
- (D) Business services and professional offices.
- (E) Car washes, self-service coin-operated style and full-service tunnel style.
- (F) Churches, synagogues, and temples.
- (G) Commercial outdoor recreational activities (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.).
- (H) Financial institutions.
- (I) Financial planning, investment planning, real estate, and general business offices.
- (J) Fruit and vegetable stands.
- (K) Greenhouses.

- (L) Marriage and family counseling services.
- (M) Optical shops.
- (N) Preschool centers.
- (O) Private parks and recreational activities.
- (P) Professional non-retail services.
- (Q) Public and quasi-public buildings.
- (R) Public parks.
- (S) Retail building materials, hardware, and farm equipment.
- (T) Uses considered similar and compatible by the land use administrator. [Ord. 12-12 § 1; Code 1971 § 10-21-020.]

10.105.030 Conditional uses.

The following, and not others, may be conditional uses permitted after application and approval as specified in SCC 10.20.080:

- (A) Accessory uses and buildings (200 square feet or greater) (minor).
- (B) Animal hospitals (major).
- (C) Automotive and engine repair services (excluding body repair) (major).
- (D) Automobile and truck sales and rental (major).
- (E) Automotive retail and routine maintenance services (major).
- (F) Cabinetmaking/woodworking (major).
- (G) Community or civic services (major).
- (H) Contract construction services (major).
- (I) Convenience store (major).
- (J) Day care centers (major).
- (K) Equipment rental, sales, service and repair (major).
- (L) Hotels and motels (major).
- (M) Light industrial uses (fabrication, assembly, treatment, or packaging operations conducted in a totally enclosed building using previously prepared materials) (major).
- (N) Medical and other health facilities (major).
- (O) Packaging operations/delivery facility (major).

- (P) Precision equipment repair (major).
- (Q) Printing and publishing industries (major).
- (R) Public utility substations, generating plants, pumping stations, and buildings (major).
- (S) Restaurants and fast food services (major).
- (T) Retail trade, including equipment sales, service and repair (major).
- (U) Schools, professional and vocational (major).
- (V) Storage facilities (major).
- (W) Temporary commercial uses (see SCC 10.35.050) (minor).
- (X) Temporary use of buildings (minor).
- (Y) Theaters and amusement facilities (major).
- (Z) Wireless communication towers (See Chapter 10.130 SCC) (major). [Ord. 12-12 § 1; Code 1971 § 10-21-030.]

10.105.040 Minimum lot standards.

All lots developed and all structures and uses placed on lots shall be in accordance with the following lot standards:

- (A) Lot area: maximum of five acres.
- (B) Lot width: as required by site plan review.
- (C) Front yard: 20 feet.
- (D) Side yards: as required by site plan review.
- (E) Rear yard: as required by site plan review.
- (F) Building size: no greater than 20,000 square feet.
- (G) Building Height. Building height shall generally be no greater than 35 feet. However, building heights in excess of 35 feet may be equal to the horizontal distance from the nearest zone boundary line. Buildings within this zone may be no closer than 15 feet from the zone boundary.
- (H) Buffer Yards. All lots shall be subject to the general landscape requirements as prescribed in Table 2, Buffer Classification Requirements, found in SCC 10.30.080.
- (I) Minimum Lot Standards When Adjacent to Residential or Institutional Zones.
 - (1) Vehicles. Any new building that is constructed immediately adjacent to a residential zone shall be designed so that the loading and unloading of trucks is screened from that portion of the

zone by the building. Dock orientation is prohibited on the side of the building facing the immediately adjacent residential zone.

(2) Lighting. Any outdoor lighting is shielded so that the source is not directly visible from the residential zone and the lighting is directed down and away from the residential zone. [Ord. 12-12 § 1; Code 1971 § 10-21-040.]

10.105.050 Off-street parking and loading.

Off-street parking and loading shall be provided as specified in Chapter 10.40 SCC unless the Planning Commission requirements exceed those of Chapter 10.40 SCC. [Ord. 12-12 § 1; Code 1971 § 10-21-050.]

10.105.060 Signs.

Signs permitted in this zone shall be those allowed in industrial zones by Chapter 10.45 SCC. [Ord. 12-12 § 1; Code 1971 § 10-21-060.]

10.105.070 Special provisions.

(A) Landscaping. All lots, parcels, or sites shall have a minimum 15 percent of the total area landscaped, including all required front yards, and permanently maintained in good condition.

(B) Industrial Performance Standards. The following performance standards are intended to ensure that all industries will provide reasonable modern control methods to protect the City from hazards and nuisances; to set objective, quantitative standards for the maximum tolerated levels of frequently hazardous or annoying emissions; and to protect any industry from arbitrary exclusion or persecution based solely on the characteristics of that type of industry's past uncontrolled operation.

(1) General.

(a) No land or building devoted to uses authorized by this chapter shall be used or occupied in any manner that violates subsection (B)(2) of this section.

(b) Traditional practices are allowed to support each specific type of business. This includes, but is not limited to, transportation, hours of operation, maintenance, etc.

(c) In addition to meeting other application requirements for site plan approval or a conditional use permit, parties seeking approval for a neighborhood services zone use shall include in the application a description of the proposed machinery, products, and processes to be located at the development. If, in its opinion, the proposed use may violate subsection (B)(2) of this section, the Planning Commission may refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in subsection (B) of this section. Such consultant shall report as promptly as possible. A copy of such report shall be promptly furnished to the applicant. The cost of such expert report shall be borne by the applicant.

(d) Within 20 days after the Commission receives the aforesaid application or report, if a report was required, or within such period as agreed to by the applicant, the Commission shall determine whether reasonable measures are being employed to assure compliance with the applicable performance standards. On such basis, the Commission may approve or refuse to approve the use or may require a modification of the proposed plans, construction specifications, device or operation, and shall so inform the Building Official.

(e) Any approval so issued shall evidence only that reasonable measures are being taken. It shall not relieve the applicant of the responsibility of meeting such standards when the business is actually in operation; and, in case of a failure to perform in accordance with standards, whatever additional devices or modifications in process shall be necessary to achieve full compliance with the standards shall be the sole responsibility of the applicant.

(f) The Land Use Administrator shall investigate any purported violation of performance standards as set forth in subsection (B)(2) of this section; and, if necessary for such investigation, may request that the Planning Commission employ qualified experts. If, after public hearing and due notice, the Planning Commission finds that a violation has existed or does exist, it shall order the Land Use Administrator to serve notice that compliance with the performance standards must be achieved within a specified period of time or the business will be shut down. Should a violation of performance standards occur, the Planning Commission may order the offending plant to cease operation until proper steps are taken to correct the conditions causing the violation. The service of any qualified experts, employed by the Planning Commission to advise in establishing a violation, shall be paid by the violator if said violation is established, otherwise by the City.

(2) Performance Standards. The determination of the existence of any of the following elements shall be measured at the lot line of the establishment or use.

(a) Noise. No use shall emit or cause the emission of sound from a stationary source or ground transportation creating a ninetieth percentile sound pressure level (L90) for any measured period (not less than 60 minutes) that exceeds 70 dB(a) from 7:00 a.m. to 10:00 p.m. or 55 dB(a) from 10:00 p.m. to 7:00 a.m.

(b) Vibration. No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments specified in subsection (B)(2) of this section.

(c) Odors. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air to four volumes of clean air at the points of measurement specified in subsection (B)(2) of this section or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.

(d) Glare. No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the points of measurement specified in subsection (B)(2) of this section. This

restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise permitted by the provisions of this chapter.

(e) Fire and Explosion Hazards. All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices as required by the Uniform Fire Code, Uniform Fire Code Standards, and Life Safety Code.

(f) Air Pollution. No particulate or gaseous pollutants shall be emitted into the air in violation of the Utah Environmental Quality Code, its amendments, or resulting regulations.

(g) Liquid or Solid Wastes. No discharge at any point into a public sewer, public waste disposal system, private sewage system, or stream, or into the ground shall be allowed contrary to the Utah Environmental Quality Code, its amendments, or resulting regulations. [Ord. 12-12 § 1; Code 1971 § 10-21-070.]

The Syracuse City Code is current through Ordinance 15-24, passed November 10, 2015.

Disclaimer: The City Recorder's Office has the official version of the Syracuse City Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.



PLANNING COMMISSION AGENDA

January 19, 2016

Agenda Item # 5 CVS Plaza Preliminary and Final Subdivision Plan -1974 W 1700 S

Background

The "old LDS church" property located on the north east corner of 2000 W and Antelope is being bought from the BOOS Development Company. In turn, they are selling half of it to CVS. We have recieved a concept plan application for a two lot subdivision. Being a simple two lot subdivision, the applicant has requested congruent review of preliminary and final application from PC & CC.

Factual Summation

Applicant: Boos Development West
Zone: General Commercial
Acreage: 3.043
Requested lots: 2

Attachments

- Final Subdivision Plan
- Planner Review
- Engineering Review
- Fire Review

Suggested Motions:

Grant

I move to recommend approval, to the City Council, of the Final Plan for the CVS Plaza Subdivision, located at approximately 1974 W 1700 S, GC Zone, 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, of the Final Plan for the CVS Plaza Subdivision, located at approximately 1974 W 1700 S, GC Zone, based on...

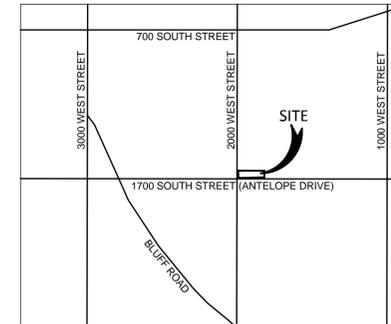
Table

I move to table discussions pertaining to the Final Plan for the CVS Plaza Subdivision, located at approximately 1974 W 1700 S, GC Zone, until....

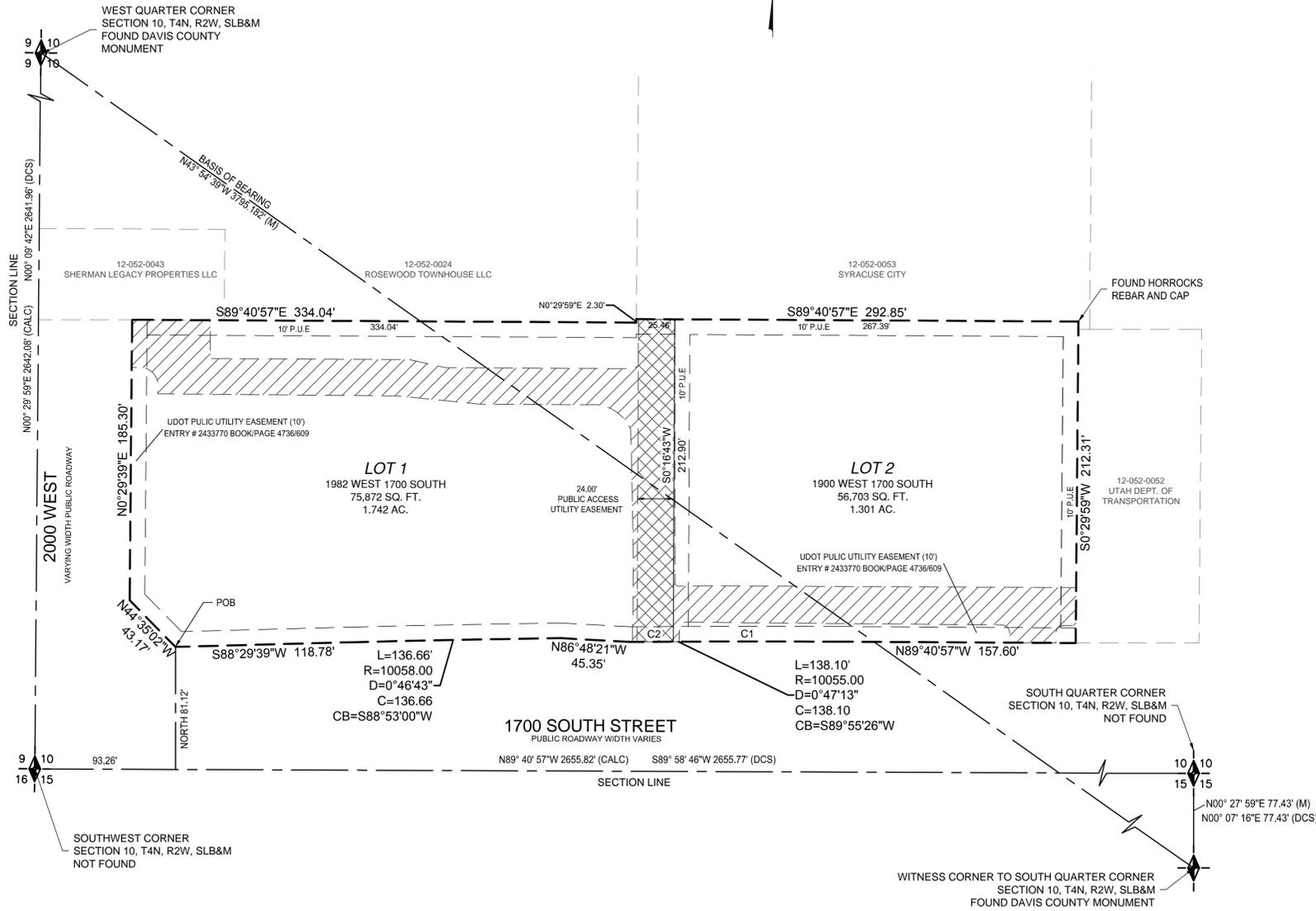
CVS PLAZA SUBDIVISION

A SUBDIVISION LYING AND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 10,
TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN,
SYRACUSE CITY, DAVIS COUNTY, UTAH

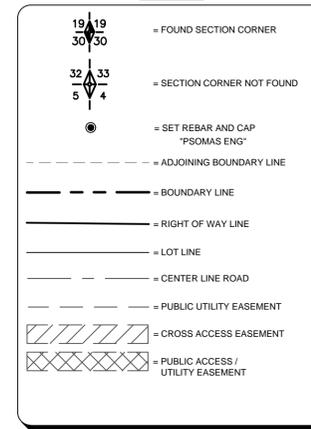
LOT LINE CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	108.97	10055.00	0°37'15"	108.97	N89°59'35"W
C2	29.13	10055.00	0°09'58"	29.13	S89°36'48"W



VICINITY MAP
NO SCALE
SYRACUSE, UTAH



LEGEND



NARRATIVE:

THIS PLAT WAS PREPARED AT THE REQUEST OF CVS PHARMACY AND BOOS DEVELOPMENT GROUP.

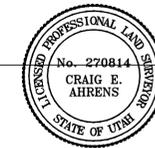
THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE INTO 2 LOTS, THAT CERTAIN PROPERTY OWNED BY BOOS DEVELOPMENT GROUP FOR FUTURE DEVELOPMENT.

NOTE:

UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS IDENTIFIED ON THIS PLAT MAP AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTIONS INCLUDING STRUCTURES, TREES AND VEGETATION THAT MAY BE PLACED WITHIN THE P.U.E. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE P.U.E. AT THE LOT OWNER'S EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNER'S EXPENSE. AT NO TIME MAY ANY PERMANENT STRUCTURES BE PLACED WITHIN THE P.U.E. OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE P.U.E. WITHOUT THE PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE P.U.E.

SURVEYORS CERTIFICATE

I, Craig E. Ahrens, do hereby certify that I am a Professional Land Surveyor, and that I hold certificate number 270814 as prescribed under the laws of the State of Utah. I further certify by authority of the owners, I have made a survey of the tract of land shown on this plat and described below, and have subdivided said tract of land into lots, blocks, streets and easements and the same has been correctly surveyed and staked on the ground as shown on this plat and that this plat is true and correct.



Date _____

BOUNDARY DESCRIPTION

A parcel of land located in the Southwest Quarter of Section 10, Township 4 North, Range 2 West, Salt Lake Base and Meridian, Syracuse City, Davis County, Utah, said parcel being more particularly described as follows:

COMMENCING at the Southwest corner of said Section 10; thence South 89°40'57" East 93.26 feet along the south line of said section 10; thence North 81.12 feet to a point on the North Line of the Utah Department of Transportation (UDOT) Property as described in a special warranty deed, Entry No. 2433769, recorded March 19, 2009, said point being the POINT OF BEGINNING; thence along the Easterly Right of Way of 2000 West Street the following two (2) courses (1) North 44°35'02" West 43.17 feet (2) North 00°29'39" East 185.30 feet (record-185.31 feet); thence South 89°40'57" East 334.04 feet; thence along a line described in a boundary line agreement, Entry No. 870569, recorded September 28, 1989, the following two (2) courses (1) North 00°29'59" East 2.30 feet (2) South 89°40'57" East 292.85 feet; thence South 00°29'39" West 212.31 feet to the Northerly Right of Way of 1700 South Street; thence along said Northerly Right of Way the following five (5) courses (1) North 89°40'57" West 157.60 feet (record-157.22 feet) (2) to a point of tangency of a 10,055 foot curve to the left; thence westerly 138.10 feet along the arc of said curve (chord bears South 89°55'26" West 138.10 feet) (3) North 86°48'21" West 45.35 feet (4) to a point on a 10,058 foot non-tangent curve to the left; thence westerly 136.66 feet along the arc of said curve (chord bears South 88°53'00" West 136.66 feet) (5) South 88°29'39" West 118.78 feet to the POINT OF BEGINNING;

Contains 132,575 square feet, 3.043 acres

OWNERS DEDICATION

Know all men by these presents that we, the undersigned owners of a part of the property described in the surveyors certificate hereon and shown on this map, have caused the same to be subdivided into lots, blocks, streets and easements and do hereby dedicate the streets and other public areas as indicated hereon for perpetual use of the public.

In witness hereof we have hereunto set our hands this _____ day of _____, a.d. 2016.

By: _____ Title _____

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF _____

On the _____ day of _____, 2016 personally appeared before me, the undersigned notary public in and for the County of _____, in said State of Utah, the signer of the above Owner's Dedication _____ in number, who duly acknowledged to me that they signed it freely and voluntarily and for the use and purpose therein mentioned.

MY COMMISSION EXPIRES _____

Notary Public
Residing in _____

CVS PLAZA SUBDIVISION

A SUBDIVISION LYING AND SITUATE IN THE SOUTHWEST QUARTER OF SECTION 10,
TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN,
SYRACUSE CITY, DAVIS COUNTY, UTAH

SHEET 1 OF 1

DAVIS COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____
FILED FOR RECORD AND RECORDED THIS _____ DAY
OF _____ 2016 AT PAGE _____ IN BOOK _____
OF OFFICIAL RECORDS.

DAVIS COUNTY RECORDER
BY _____
DEPUTY RECORDER

WEBER BASIN WATER CONSERVANCY DISTRICT

REVIEWED FOR CONFORMANCE TO THE WEBER BASIN WATER CONSERVANCY DISTRICT STANDARDS THIS _____ DAY OF _____ A.D., 2016

WEBER BASIN WATER CONSERVANCY DISTRICT

CENTRAL DAVIS SEWER DISTRICT

REVIEWED FOR CONFORMANCE TO THE CENTRAL DAVIS SEWER DISTRICT STANDARDS THIS _____ DAY OF _____ A.D., 2016

CENTRAL DAVIS SEWER DISTRICT

UTILITY APPROVAL

QUESTAR GAS _____
ROCKY MOUNTAIN POWER _____
CENTURYLINK _____

PLANNING COMMISSION

APPROVED THIS _____ DAY OF _____ A.D., 2016 BY THE SYRACUSE PLANNING COMMISSION.

CHAIRMAN, SYRACUSE PLANNING COMM.

SYRACUSE CITY ENGINEER

I HEREBY CERTIFY THAT THIS OFFICE HAS EXAMINED THIS PLAT AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

DATE _____ SYRACUSE CITY ENGINEER _____

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS _____ DAY OF _____ A.D., 2016.

SYRACUSE CITY ATTORNEY _____

CITY COUNCIL

PRESENTED TO SYRACUSE CITY COUNCIL THIS _____ DAY OF _____ A.D., 2016 AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

ATTEST CLERK _____ MAYOR _____

DATE:
01-05-2016

SCALE:
1" = 50'

PROJECT No.
8CVS010155

PSOMAS

4179 South Riverboat Road, Suite 200
Salt Lake City, Utah 84123
(801) 270-5777 (801) 270-5782 (FAX)



SYRACUSE
EST. CITY 1935

Subdivision Final Plan Review

Subdivision: CVS Plaza Subdivision

Date: 12/21/15

Completed By: Noah Steele, City Planner

8.30.010 – Subdivision Concept Plan		Planning Staff Review:
(A)	The name of the subdivision, which name must be approved by the Planning Commission and county recorder.	yes
(B)	Accurate angular and linear dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features.	yes
(C)	An identification system for all lots, blocks and names of streets. Lot lines shall show dimensions in feet and hundredths.	Yes, scale is 1"=50'
(D)	The street address for each lot. Each street address shall be assigned by the City to be consistent with the current numbering scheme.	Lot 1: 1982 W 1700 S Lot 2: 1900 W 1700 S
(E)	True angles and distances to the nearest established street lines or official monuments which shall be accurately described in the plat and shown by appropriate symbol.	yes
(F)	Radii, internal angles, points and curvatures, tangent bearings and the length of all arcs.	yes
(G)	The accurate location of all monuments to be installed shown by the appropriate symbol. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property shall be preserved in precise position.	yes
(H)	The dedication to the City of all streets, highways and other public uses and easements included in the proposed subdivision.	Public access and cross access easement provided.
(I)	Street monuments shall be shown on the final plat as are approved by the City Engineer. Standard precast monuments will be furnished by the developer and placed as approved.	Not applicable
(j)	Pipes or other such iron markers shall be shown on the plat.	yes
(k)	Accurate outlines and dimensions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be	Public access and cross access easement provided.

	reserved by deed or covenant for common use of all property owners.	
(I)	All boundary, lot and other geometrics (bearings, distances, curve data, etc.) on final plat shall pose to an accuracy of not less than one part in 5,000.	yes
(M)	Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.	Not applicable
(N)	Boundary descriptions of the subdivision.	yes
(O)	Current inset City map showing location of subdivision.	yes
(P)	<p>(1) A registered land surveyor's certificate of survey as applicable under state law.</p> <p>(2) Owner's dedication which shall "warrant and defend and save the City harmless against any easements or other encumbrances on the dedicated streets which will interfere with the City's use, maintenance and operation of the streets."</p> <p>(3) A notary public's acknowledgment.</p> <p>(4) The City Land Use Authority (either the Planning Commission or City Council, as designated by the City Municipal Code) certificate of approval.</p> <p>(5) The City Engineer's certificate of approval.</p> <p>(6) The county recorder's certificate of attest.</p> <p>(7) The City Attorney's certificate of approval.</p> <p>(8) Public Utilities approval and acceptance of public utility easements.</p> <p>(9) A three-inch by three-inch space in the lower right-hand corner of the drawing for recording information. [Ord. 14-23 § 1 (Exh. A); Ord. 13-02 § 1 (Exhibit); Code 1971 § 8-6-1.]</p>	<p>yes</p> <p>Not applicable. No streets</p> <p>Yes</p> <p>Yes, both provided</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>



TO: Community Development, Attention: Noah Steele
FROM: Jo Hamblin, Fire Marshal
RE: CVS Plaza Subdivision Final

DATE: January 12, 2016

I have reviewed the plan submitted for the above referenced project. The Fire Prevention Division of this department has the following comments/concerns.

1. At this time the Fire Department has no concerns regarding access or fire protection.

These plans have been reviewed for Fire Department requirements only. Other departments must review these plans and will have their requirements. This review by the Fire Department must not be construed as final approval from Syracuse City.

3.10.100 Majority of Votes Required - Failure to act.

Action may only be taken by the Planning Commission when it is supported by the majority of votes cast by Planning Commissioners during a regular or special meeting. The failure of the Planning Commission to act within the maximum period of time granted shall be deemed approval. ~~No action or vote by the Planning Commission shall be valid unless supported by four members.~~

**SYRACUSE CITY
PLANNING COMMISSION
BYLAWS & RULES OF PROCEDURE**

Approved by City Council on ~~November, 29, 2014~~[NEW DATE]

I. PURPOSE AND SCOPE

These policies and procedures are designed and adopted for the purpose of guidance and direction to the members of the Syracuse City Planning Commission in the performance of their duties. The Planning Commission shall be governed by the provisions of all applicable State Statutes, City ordinances and these rules. Nothing in these rules shall be interpreted to provide independent basis for invalidating or in any way altering a final decision of the Commission unless otherwise provided by City Ordinance or State Law. Nor shall anything herein be construed so as to provide or create an independent cause of action for any person or entity.

The scope of the Planning Commission shall include Title III of the Syracuse City Ordinance.

II. ORGANIZATION.

A. Election of Chair and Vice-Chair. The Commission, at its first regular meeting in ~~July~~January of each year, shall elect a Chair and a Vice-Chair from the duly appointed members of the Commission by a majority of the total membership. The Chair and Vice-Chair may be elected to subsequent terms.

B. Duties of the Chair.

1. Preside and normally conduct meetings of the Commission and shall provide general direction for the meetings
2. Be a voting member of the Syracuse City Planning Commission
3. Approve the agenda prior to the meeting
4. Call the Commission to order, and proceed with the order of business
5. Announce the business before the Commission in the order in which it is to be acted upon
6. Receive and submit in the proper manner all motions and propositions presented by the members of the Commission
7. Put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof

8. Inform the Commission, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon Legal Counsel for advice
9. Authenticate by signature when necessary, or when directed by the Commission, all acts, orders and proceedings of the Commission
10. Maintain order at meetings of the Commission
11. Move the agenda along, hold down redundancy, reference handouts and procedures in a sensitive way during meetings
12. Recognize speakers and commissioners prior to receiving comments and presentation of physical evidence, i.e., plans and pictures
13. Oversee all committees set up under the Planning Commission

C. Duties of the Vice-Chair. The Vice-Chair, during absence of the Chair, shall perform all the duties and functions of the Chair. In the event the Chair resigns or is removed from the Planning Commission, the Vice-Chair shall become the new Chair. The new Chair and/or Commission shall nominate a new Vice-Chair. The new Vice-Chair shall be approved by vote of the Planning Commission.

D. Temporary Chair. In the event of the absence or disability of both the Chair and the Vice-Chair, the senior member of the Commission in attendance shall serve as a temporary Chair to serve until the Chair or Vice-Chair shall return. In such event, the temporary Chair shall have all the powers and perform the functions and duties herein assigned to the Chair of the Commission.

E. Secretary. The ~~Administrative~~ Secretary ~~shall serve as secretary~~ of the Commission shall be designated by the Community Development Director. The secretary shall have the following duties:

1. To give notice of all Planning Commission meetings
2. To keep and record the minutes of the proceedings of the Commission
- ~~2.3.~~ To collect all documents, papers or presentations presented to the commission during the meeting, including exhibits, visual presentations, letters and drawings
- ~~3.4.~~ To keep and record a permanent record file of all documents and papers pertaining to the work of the Commission and see that the Commission agendas and minutes are posted on the City website in a timely manner
- ~~4.5.~~ To perform such other duties as may be required

III. DUTIES OF MEMBERS

A. Meeting Attendance. Every member of the Commission should attend the sessions of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused ~~will~~shall notify the secretary and/or the Chair. ~~The secretary shall call the same to the attention of the Chair. Each commissioner is expected to attend at least 80% of meetings per year, and Commissioners are encouraged to consider whether to resign their positions if permanent or recurring circumstances arise which interfere with their ability to attend or participate in Commission meetings. Unexcused absences may be cause for removal from the Planning Commission, as provided in subsection D.~~

Comment [PR1]: Missing 5 meetings in a year would cause an individual to fall below this threshold (assuming 22-24 meetings/year).

If the 80% was applied quarterly, then missing 2 meetings in a quarter would also drop a commissioner below the threshold.

Rather than - or in addition to - percentages, we could also consider a rule that addresses missing a certain number of consecutive meetings.

B. Conflict of Interest. A Planning Commissioner ~~to whom some private benefit may come whose personal economic interest will be substantially furthered~~ as the result of a Planning Commission action shall not be a participant in the action. A Commissioner participates in the action if the Commissioner votes upon, discusses during Planning Commission meetings, or works with staff in their capacity as Commissioner, with respect to that action.

- Substantial furtherance of the economic interest of relations or friends of the Commissioner shall also be grounds for recusal. The private benefit may be direct or indirect; create a material or personal gain; or provide an advantage to relations, friends, or to groups and associations which hold some share of a person's loyalty. However, membership itself in a group or organization shall not be considered a per se conflict of interest, but only applies if as to Planning Commission action concerning such group or unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter. A generally applicable ordinance which confers a benefit upon the community to which the Commissioner belongs is not considered a per se conflict of interest.
- A Planning Commissioner experiencing, in their opinion, a conflict of interest, shall declare that interest publicly, shall abstain from discussion and voting on the action, and may sit in the audience or be excused from the room during consideration of the action. That Commissioner shall not discuss the matter privately with any other commissioner.
- When the Planning Commissioner is the applicant in a land use decision the Commissioner is allowed to present and discuss the application, but shall not participate in the voting decision of the Planning Commission. It is encouraged that the Planning Commissioner has an alternate party act on their behalf.

4. The vote of a Planning Commissioner deemed to be experiencing a conflict of interest, who fails to be disqualified, shall be disallowed.
5. A conflict of interest may exist under these bylaws although a Planning Commissioner may not believe an actual conflict does exist; therefore, a Planning Commissioner who has any question as to whether a conflict of interest exists under these bylaws shall raise the matter with the other Planning Commissioners. The matter may be tabled until such time that the City Attorney's Office can be contacted in order that a determination may be made as to whether a conflict of interest exists.
6. The requirements of Section 10-3-1301 et. Seq. Of the Utah Code, known as the "Municipal Officers' and Employees' Ethics Act", shall be adhered to. If a conflict exists between these policies, State law, or City ordinance, the strictest shall apply.

C. Gifts and Favors. Gifts, favors, or advantages must not be accepted in connection with the duties of the Planning Commissioner~~if they are offered because the receiver holds a position of public responsibility~~. It is very important that Planning Commissioners be fair and impartial in their dealings with the public and that they serve all citizens equally. It is not enough to avoid favoritism; ~~They~~ they should strive to avoid even the appearance of giving preference to one citizen or business-applicant over any other.

1. ~~The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in the form of business lunches, calendars, or office brie-a-brac are often, not always, acceptable. In cases of doubt, refuse. In cases of marginal doubt, refuse. Planning Commissioners shall refuse all gifts or other items – no matter the value – provided by a current applicant, or a prior applicant upon whose application the Commissioner participated.~~
2. Planning Commissioners should not accept gifts from outside agencies which may be competing or applying for City business, permits, or development decisions. Accepting gifts not only gives the appearance of favoritism, but may create an embarrassing and possible unlawful position for the City.
3. Items of small value such as calendars, pencils, etc. (usually to be considered \$50 or less) with advertising or logos are acceptable, but larger items such as clothing, equipment for personal use, etc. should be politely declined.

D. Commissioner Removal. A Commission member may be permanently removed from the Planning Commission as outlined in City Code. Recommendation for such action may also be made by a majority vote of the Commission to the Mayor and may be based on any of the following:

1. Continuous unjustified non-attendance of Planning Commission work meetings and/or regular meetings.
2. Demonstrated inability or unwillingness to participate cooperatively as a working member of the Commission including, but not limited to, such actions as:
 - a. Repeatedly showing a lack of preparation during meetings, or
 - b. Repeated attempts to disrupt meetings; or
 - c. Frequent votes contrary to the evidence presented for no apparent reason.

3. Attendance falling below 80% shall require the Commission to consider whether to recommend removal of that Commissioner at the next meeting. The Commissioner whose attendance is under review shall be invited to provide an explanation of the absences.

Comment [PR2]: Per year? Per quarter?

~~3.4~~ Failure to conduct oneself in a professional and competent manner appropriate to the position of Planning Commissioner.

~~4.5~~ Violation of the criminal laws, federal, state, or local.

~~5.6~~ A change in residency outside of Syracuse City.

~~6.7~~ Failure to abide by Syracuse City Human Resources Policies and Procedures.

E. Treatment of Information. It is important to discriminate between planning information that belongs to the public and planning information that does not.

1. Reports and official records of a public planning agency must be open on an equal basis to all inquiries.
2. Any record or portion of a record which contains private or protected information shall be kept, disseminated and retained in accordance with the Utah Government Records Access Management Act. Information considered private, controlled or protected, that is learned in the course of performing planning duties must be treated in confidence if specifically requested by the applicant or as dictated by Title X of the Syracuse City Municipal Code. Such information becomes public when an application for official action, such as a change in zone classification or approval of a plat, is submitted.
- ~~3. Information contained in studies that are in progress in a planning agency should not be divulged except in accordance with established agency policies on the release of its studies. A public planning agency is not required to share its thoughts publicly.~~

4.3. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties, are prohibited. Partisan information on any application received by a Planning Commissioner whether by mail, telephone, or other communication shall be made part of the public record.

5.4. Any member of the Commission may make a concurring or dissenting report or recommendation to the City Council whenever he/she deems advisable. Reports and recommendations must be submitted to City Council in a written format for inclusion in City Council documentation and materials.

IV. MEETINGS.

A. Place. All meetings of the Planning Commission shall be held in the City Council Chambers of City Hall, Syracuse, Utah, or at such other place in Syracuse City as the Commission may designate.

B. Regular Meetings. Regular meetings of the Planning Commission shall be held on the first and third Tuesdays of each month at the hour of 6:00 p.m.

C. Work Meetings. Work meetings may be held on the first and third Tuesdays of each month after the regular meeting.

D. Unscheduled Meetings. An unscheduled meeting may be held after consent of unanimous vote of the Planning Commissioners in attendance at a regularly ~~scheduled~~ meeting. An unscheduled meeting may not be held that has the appearance of giving preference to one citizen or business or may create an embarrassing and possible unlawful position for the City.

E. Joint Sessions. Joint sessions between Planning Commission and City Council may occur at the request of the Mayor and/or Council.

F. Quorum. Four members of the Commission shall constitute a quorum ~~thereof for the transaction of all business except where unanimous consent of all members is required.~~ Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted.

G. Content. Discussions in the meetings are to be limited to agenda items and issues reasonably related thereto. Comments or presentations by the public are to be limited to relevant issues. In order to ensure that the meetings proceed timely and orderly, the Chair may impose a time limit on those desiring to address the Commission. Any person who disrupts the meeting by exceeding a time limit, discussing irrelevant issues, or otherwise, may be removed at the direction of the Chair. Future agenda items may be added at the request of two or more Commissioners.

H. Agenda and Submitted Documents.

Comment [PR3]: Rules for alternate members? City code already provides option for appointing alternates (SMC § 3.10.010).

1. Future agenda items shall be placed on the next available agenda by the Chairman, at the request of two or more Commissioners.
2. The agenda and applicable information shall be provided to the Commission members at least four days prior to the meeting, unless approved by the Chairman.
3. For items which are scheduled for final action, the applicant and staff must submit to the Secretary all documents for consideration of that item, at least five days prior to the meeting. Commissioners who wish to submit additional documents, revisions or comments may submit them to the Secretary and Chairman. Those items shall be disseminated to the applicant and Planning Commissioners as soon as practicable, and shall be made available to the public during Commission meeting.

HI. Order and Decorum.

1. Consideration of Agenda Items. The following procedures for consideration of business items on the agenda will normally be observed. However, the procedure may be modified by the chairman if necessary for the expeditious conduct of business.
 - a. Chair introduces the agenda items.
 - b. City staff is invited to provide comments and/or recommendations.
 - c. Petitioner presents the proposal.
 - d. Commissioners ask questions and seek clarification on issues presented.
 - e. Petitioner is asked to be seated.
 - f. If item includes a public hearing then public is invited to provide comments, evidence or opinions, to ask questions and to seek clarification on issues presented.
 - g. City staff and applicant shall be given the opportunity to respond to questions, criticism or concerns expressed by the public. Members of the public shall not be permitted to further engage with the applicant or staff.
 - gh. Commissioners discuss the proposal and ask for clarification as necessary.
 - hi. Chair requests a motion on the proposal.
 - ij. Upon motion and second, commissioners vote on the proposal. Any commissioner may, prior to casting a vote, explain the basis for his or her vote. The Commission may approve, deny, table, or approve with conditions the proposal before them.

H. Time. Meetings shall not exceed 9:00 p.m. unless extended through a two-thirds (2/3) majority vote of the Commission.

JK. Additional Guidelines. In addition to these policies and procedures, the Commission may invoke additional guidelines as necessary to address issues as they arise so long as they are consistent with the nature and intent with the content herein.

V. MOTIONS.

A. Making of Motions. Any Planning Commissioner, but the Chair, may make or second a motion. Motions should state findings for denial or approval within the motion:

1. Motions should state findings at the beginning.
2. The staff reports should be in sufficient detail to assist Planning Commission in stating findings.
3. All motions should be repeated at the direction of the Chair

B. Second Required. Each motion of the Planning Commission must be seconded, except for the motion to adjourn a meeting; a motion that fails to receive a second shall fail.

C. Withdrawing a Motion. After a motion is stated by the Chair or read by the secretary, it shall be deemed in the possession of the Commission, but may be withdrawn at any time before decision or amendment by the unanimous consent of the Commission ers in attendance. The Commissioner who made the motion may withdraw it at any time prior to the vote being taken.

D. Motion to Table. A motion to table an agenda item for further study should be accompanied by specific reasons for continuing the matter and whenever possible, a specific date to rehear the matter is to be scheduled.

E. Amending Motions. When a motion is pending before the Commission, any member may suggest an amendment without a second, at any time prior to the Chair putting the motion to a vote. The amendment must be accepted by the author and the second of the motion in order to amend the stated motion. The author and the second may choose not to accept the amendment.

F. Amending Amendments to Motions. An amendment to a motion may be amended, no second required, at any time prior to the Chair putting the motion to a vote. The amendment must be accepted by the author and the second of the motion in order to amend the stated motion. The author and the second may choose not to accept the amendment

G. Substitute Motions. A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion. After a substitute motion has been seconded, then it becomes the motion to be put to vote; the original motion is only voted on if the substitute motion fails.

H. To Rescind a Motion. A motion to rescind or make void the results of a prior motion may take place when the applicant and other persons directly affected by the motion have not materially changed their position in reliance on the Commission's action on the motion.

I. To Reconsider a Motion. To recall a previous motion for further evaluation and/or action, a motion for reconsideration may be made by a Commissioner who voted with the majority. The motion to reconsider must pass with a majority vote. If it is determined that the motion should stand as previously approved, no formal vote is necessary. If the former motion is to be amended or made void, the motion shall be put to a formal vote of the Commission. Motions to reconsider a previous motion must take place during the same meeting the motion was made or when the minutes containing that particular item are approved. If present, the applicant shall be given an opportunity to address the Commission before the vote upon the motion which is being reconsidered.

Comment [PR4]: As per City code, appeals from land use decisions may be filed within 15 days of the decision. State code provides that these appeals may be brought by "any person adversely affected by a final decision."

J. Motion to Open and Close Hearings is not required. The Chair will state when the public portion of the hearings are open and closed.

K. Motion to Recess. A motion shall be made to break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made.

L. Motion to Adjourn. A motion to adjourn the meeting shall be made at the end of **each** Planning Commission regular and work meetings. No second to the motion to adjourn is required.

VI. VOTING.

Except as otherwise specifically provided in these rules, a vote of the majority of Commissioners participating in the vote ~~four (4) members of the Commission~~ shall be required ~~and shall be sufficient~~ to transact any business before the Planning Commission.

Comment [PR5]: We will prepare an ordinance which changes the city code to allow a majority of Commissioners present to take action on a commission item. Otherwise, this should be amended to match city code: "no action or vote by the Planning Commission shall be valid unless supported by four (4) members."

A. Changing a Vote. No member shall be permitted to change his/her vote after the decision is announced by the Chair.

B. Tie Votes. Tie votes shall cause a motion to fail.

~~**C. Conflict of Interest/Disqualification.** See section III. B.~~

VII. COMMITTEES

Committees may be set up by the Planning Commission to enhance planning of specific areas of the city.

A. Scope and Duration. The Planning Commission Chair, with the consent of the Planning Commission, shall set the scope and duration of each committee at the inception of the committee.

B. Members. The Planning Commission Chair shall appoint members of the Planning Commission to serve as chair and vice-chair of each committee. Committee chair and vice-chair, including input from other Commissioners, shall select other members of the committee. Committee membership should not normally exceed 12 members, including chair and vice-chair. No more than two sitting Planning Commissioners may be appointed to a committee.

C. Purpose and Need Document. Each committee shall draft a Purpose and Need document and present it to the Planning Commission for approval within six weeks of the first committee meeting. Purpose and Need document should keep committee work within the scope laid out for the committee at inception. If a need to revise the scope exists, it shall be brought back to the Planning Commission for approval.

D. Progress Reporting. Committees shall report to the Planning Commission at intervals determined by the Planning Commission Chair. Committees shall not make reports to other entities, without first reporting to the Planning Commission and receiving permission.

E. Completion of Committee Tasking. At the completion of the assigned task or assigned duration, the committee shall present findings and recommendations to the Planning Commission. In its final report, all final documents generated by the Committee, including minutes, shall be presented in a final packet. If the committee was unable to complete task within assigned duration, the committee may request an extension from the Planning Commission.

VIII. AMENDMENTS.

These rules may be amended at any regular meeting of the Planning Commission by an affirmative vote of the Commission provided that such amendment has been presented in writing to each member of the Commission at least 48 hours preceding the meeting at which the vote is taken. Such amendments shall be submitted to the City Council for its approval before they shall take effect.



PLANNING COMMISSION AGENDA

January 19, 2016

Agenda Item # 2a

Municipal Code Proposal Pertaining to a Noise Ordinance

Background

Planning Commission has briefly discussed the potential for the City to adopt a noise ordinance. Commissioner Vaughan has done some research for the city and provided a proposal for discussion,

Attachments

- Proposed Code

Noise Ordinance

Submitted by Ralph Vaughan, 12Nov2015

For discussion purposes only

Section 1.1.1 Sound Level Limits

A. It shall be unlawful for any person to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit given in the following table, at any location in Syracuse City on or beyond the boundaries of the property on which the noise is produced. The noise subject to these limits is that part of the total noise at the specified location that is solely to the action of said person.

TABLE OF APPLICABLE LIMITS

<u>Land Use Zone</u>	<u>Time of Day</u>	<u>One Hour Average Sound Level (in decibels)</u>
1. Residential R-1	7:00AM to 7:00PM	50
	7:00PM to 10:00PM	45
	10:00PM to 7:00AM	40
2. Residential R-2	7:00AM to 7:00PM	55
	7:00PM to 10:00PM	50
	10:00PM to 7:00AM	45
3. Residential R-3, R-4 and all other Residential	7:00AM to 7:00PM	60
	7:00PM to 10:00PM	55
	10:00PM to 7:00AM	50
4. All Commercial and Business/Professional	7:00AM to 7:00PM	65
	7:00PM to 10:00PM	60
	10:00PM to 7:00AM	60
5. Industrial including Agricultural	any time	75

B. The sound level at a location on a boundary between two zoning areas is the arithmetic mean of the respective limits for the two zoning areas.

C. This section does not apply to firework displays authorized by permit from the Syracuse Fire Department.

Section 1.1.2 **Motor Vehicles**

A. Off-Highway

1. Except as otherwise provided for in this article, it shall be unlawful to operate any motor vehicle of any type on any site, other than on a public street or highway as defined in the Utah Vehicle Code, in any manner so as to cause noise in excess of those noise level limits permitted for on-highway motor vehicles.

A. Nothing in this section shall apply to authorized emergency vehicles when being used in emergency situations, including blowing of sirens and/or horns.

Section 1.1.3 **Construction Noise**

- A. It shall be unlawful for any person, between the hours of 7:00PM of any day and 7:00AM of the following day, or on legal holidays as specified in Section XXX of the Syracuse Municipal Code, to erect, construct, demolish, excavate for or alter or repair any building or structure in such a manner as to create disturbing, excessive or offensive noise unless a permit has been applied for and granted beforehand by the (as yet uncreated post of) Noise Abatement and Control Administrator.
- B. In granting such permit, the Administrator shall consider whether the construction noise in the vicinity of the proposed work site would be less objectionable at night than during daylight because of different population densities or different neighboring activities; whether obstruction and interference with traffic particularly on streets of major importance, would be less objectionable at night than during the day; whether the type of work to be performed emits noise at such a low level as to not cause significant disturbances in the vicinity of the work site; the character and nature of the neighborhood of the proposed work site; whether great economic hardship would occur if the work were spread over a longer time; whether proposed night work is in the general public interest; and he shall prescribe such conditions, working times; types of construction equipment to be used, and permissible noise levels as he deems to be required in the public interest.
- C. Except as provided in subsection D hereof, it shall be unlawful for any person, including Syracuse City, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00AM to 7:00PM.
- D. The provisions of subsection C of this section shall not apply to construction equipment used in connection with emergency work, provided the Administrator is notified with 48 hours after commencement of work.

Section 1.1.4 **Refuse Vehicles and Parking Lot Sweepers**

No person shall operate or permit to be operated a refuse compacting, processing or collection vehicle or parking lot sweeper between the hours of 7:00PM to 7:00AM unless a permit has been applied for and granted by the Administrator.



PLANNING COMMISSION AGENDA

January 19, 2016

Agenda Item # 2b Municipal Code Proposal Pertaining to the Parking Ordinance

Background

Planning Commission has briefly discussed the potential for the City to modify it's parking requirements. Especially those required for assisted living facilities.

Attachments

- Parking ratio reference
- Existing ordinance

RECOMMENDED PARKING RATIO REQUIREMENTS*

USE	PARKING SPACES REQUIRED	COMMENTS
Residential		
Single-Family Dwelling Unit	2 per dwelling unit	
Multifamily Dwelling Unit		
Studio	1.25 per dwelling unit	
One bedroom	1.5 per dwelling unit	
Two or more bedrooms	2 per dwelling unit	
Accessory Dwelling Unit	1 space per dwelling unit	
Sleeping Rooms	1 space per unit or room plus 2 for owner/manager	
Commercial Lodgings	1.25 per guest room, plus 10 per ksf restaurant/lounge, plus 30 per ksf meeting /banquet room (<50 ksf per guest room) or 20 per ksf meeting/banquet room (>50ksf per guest room)	Peak spaces for each component shown; use shared parking analysis to determine appropriate parking ratio for particular hotel ³
Elderly Housing, Independent Living	0.6 per dwelling unit	1
Elderly Housing, Assisted Living	0.4 per dwelling unit	1
Group, Convalescent, and Nursing Homes	1 per room	1
Day Care Center	0.35 per person (licensed capacity)	1
Hospital/Medical Center	0.4 per employee, plus 1 per 3 beds, plus 1 per 5 average daily outpatient treatments, plus 1 per 4 medical staff, plus 1 per student/faculty/staff	
Retail/Service		
General Retail (not in shopping center)	3.5 per ksf GFA**	
Grocery (freestanding)	6.0 per ksf GFA	1
Discount Superstores/Clubs (Freestanding)	6.0 per ksf GFA	1
Home Improvement Superstores	5.0 per ksf GFA	1
Other Heavy/Hard Goods (Furniture, Appliances, Building Materials, etc.)	3.0 per ksf GFA	1
Shopping Centers	4.0 per ksf GLA up to 400ksf; 4.0 to 4.5 per ksf GLA sliding scale between 400 and 600ksf; 4.5 per ksf GLA over 600 ksf	With up to 10 percent GLA in dining/ entertainment; over 10 percent, use shared parking analysis ²
Personal Care Services	2 per treatment station but not less than 4.3 per ksf	
Coin-Operated Laundries	1 per 2 washing and drying machines	
Motor Vehicle Sales and Service	2.7 per ksf GFA interior sales area, plus 1.5 ksf GFA interior or storage/display area, plus 2 per service bay	
Motor Vehicle Laundries	2, plus 1 per each 2 peak shift employees	
Food and Beverage		
Fine Dining	21.5 per ksf GFA 3	
Casual Restaurant (with bar)	22.5 per ksf GFA 3	
Family Restaurant (without bar)	16.0 per ksf GFA 3	
Fast Food	15.0 per ksf GFA 3	
Office and Business Services (3)		
General Business Offices	3.6 per ksf for GFA < 250 ksf, 3.35 per ksf GLA > 250 ksf	1
Suburban/Low-Rise		
Office Downtown/Mid-High-Rise Business Center	3.0 per ksf GLA	1
Consumer Service Offices (freestanding)	4 per ksf GFA	
Data Processing/Telemarketing/Operations	6.0 per ksf GFA	1
Medical Offices (multitenant)	4.5 per ksf GFA	1
Clinic (medical offices with outpatient treatment; no overnight stays)	5.5 per ksf GFA	1
Bank Branch with Drive-In	5.5 per ksf GFA	1
Bank Headquarters (with admin offices, etc.)	4.4 per ksf GFA	1
Industrial/ Storage/Wholesale Utility	2 per ksf GFA	Add spaces as required for office, sales, or similar use where more than 10 percent GFA
Manufacturing/Light Industrial (single-use)	1.5 per ksf	
Industrial Park (multitenant or mix of service, warehouse)	2.0 per ksf	1
Warehouse	0.7 per ksf GFA	
Mini-Warehouse	0.25 per ksf	1
Governmental	As determined by zoning administrator	
Educational		
Elementary and Secondary Schools	0.35 per student	1
College and University	Determined by parking study specific to subject institution	
Cultural/Recreational/Entertainment		
Public Assembly	0.25 per person in permitted capacity	
Museum	1.5 per 1,000 annual visitors	1
Library	4.5 per ksf GFA	1
Religious Centers	0.6 per seat	1
Cinemas	Single-Screen: 0.5 per seat; Up to 5 screens: 0.33 per seat 5 to 10 screens: 0.3 per seat; Over 10 screens: 0.27 per seat	3
Theaters (live performance)	0.4 per seat	3
Arenas and Stadiums	0.33 per seat	3
Health Clubs and Recreational Facilities	2 per player or 1 per 3 persons permitted capacity	3

Source: Adapted from Transportation Planning Handbook, 2nd ed. Washington, DC: Institute of Transportation Engineers, 1999, unless otherwise noted.

* All parking recommendations presented here should be considered in the context of local conditions, parking requirements, and other factors that may affect the actual number of parking spaces needed.

1. Adapted from Parking Generation, 3rd ed. Washington DC: Institute of Transportation Engineers, 2004.

2. Adapted from Parking Requirements for Shopping Centers, 2nd ed. Washington DC: ULI-The Urban Land Institute and International Council of Shopping Centers, 1999.

3. Adapted from Shared Parking, 2nd ed. Washington DC: ULI-The Urban Land Institute and International Council of Shopping Centers, 2004.

10.40.040 Minimum and maximum parking spaces.

Each land use as listed below shall provide the required off-street parking. For any use not listed, the requirements for the most similar use listed shall apply. The Land Use Authority shall determine which listed use is most similar. In special cases where there is not a similar use, the Land Use Authority, in consultation with the developer, shall establish the minimum and maximum parking space requirement. Any entity that conducts a business in or from a residence, or to which employees come to a residence for work, shall obtain site plan approval subject to the following condition: the site provides two off-street parking spaces per single-family residence plus an additional one-half off-street parking space for every full-time, part-time, or contract employee or worker who visits the residence or provides services at the residence during an average week.

Uses	Unit Measure	Min.	Max.
Single-family dwellings	Per dwelling unit	2	N/A
Two-family dwellings	Per dwelling unit	2	N/A
Three-family dwellings	Per dwelling unit	2	N/A
Four-family dwellings	Per dwelling unit	1.5	N/A
Planned residential development (PRD) family dwellings	Per dwelling unit	2.5	N/A
Hotel and motel	Per room or suite	1	2
Intensive commercial businesses, stores, and shops	Per 1,000 square feet retail floor area	3	4.5
Less intensive commercial businesses, including autos, lumber, appliances, sales, etc.	Per 1,000 square feet retail floor area	1.5	2.5
Convenience stores, service stations, mini-marts	Per 1,000 gross square feet	2	3.5
Commercial recreation, such as golf courses, bowling alleys, indoor soccer, etc.	Per 1,000 square feet	2	4.5
Day cares, preschools, and nursery schools	Per teacher, plus dropoff loading area per seven students	0.5	2
Offices and personal services	Per 1,000 square feet floor area	2.5	3.5
Fast food or drive-in restaurants, sit-down restaurants, and bars	Per 100 square feet of dining area	1.5	3.5
Auditoriums, assembly halls, theaters, churches, and funeral homes	Per every five seats	1	3.5
Dental and medical clinics	Per 1,000 square feet floor area	2.5	4.5
Hospitals	Per patient bed	1	2.5
Hospitals, animal	Per animal	0.5	1
Nursing homes	Per every five beds	1	1.5
Manufacturing uses, research, wholesale	Per 1,000 square feet floor area (excluding floor space used exclusively for storage)	1.25	3



PLANNING COMMISSION AGENDA

January 19, 2016

Agenda Item # 2c Final GP Map

Background

City Council approved the final GP Map with some minor changes. Changes included a A-1 to R-1 west of 4500 W and approx 1550 S. The property owner stood up in public comment with the request and City council approved it in thier motion. Also in the motion was to change all nature conservancy owned land to open space.

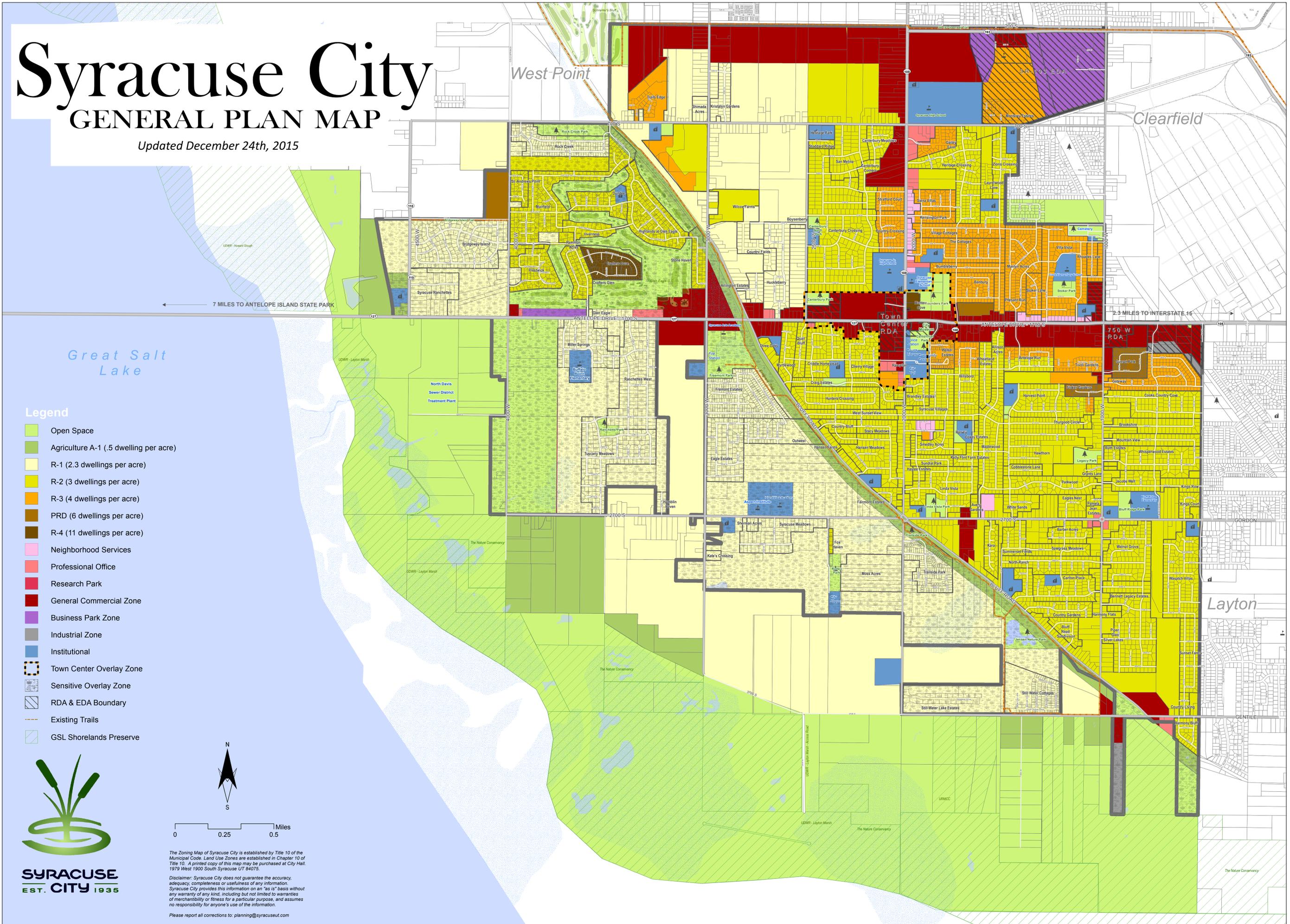
Attachments

- GP Map

Syracuse City

GENERAL PLAN MAP

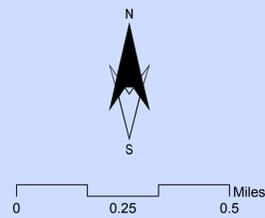
Updated December 24th, 2015



- Legend**
- Open Space
 - Agriculture A-1 (.5 dwelling per acre)
 - R-1 (2.3 dwellings per acre)
 - R-2 (3 dwellings per acre)
 - R-3 (4 dwellings per acre)
 - PRD (6 dwellings per acre)
 - R-4 (11 dwellings per acre)
 - Neighborhood Services
 - Professional Office
 - Research Park
 - General Commercial Zone
 - Business Park Zone
 - Industrial Zone
 - Institutional
 - Town Center Overlay Zone
 - Sensitive Overlay Zone
 - RDA & EDA Boundary
 - Existing Trails
 - GSL Shorelands Preserve



SYRACUSE
EST. CITY 1936



The Zoning Map of Syracuse City is established by Title 10 of the Municipal Code. Land Use Zones are established in Chapter 10 of Title 10. A printed copy of this map may be purchased at City Hall, 1979 West 1900 South Syracuse UT 84075.

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Please report all corrections to: planning@syracuseut.com



PLANNING COMMISSION AGENDA

January 19, 2016

Agenda Item # 2d **Proposed Amendment to 10.20.060 - General Plan Map amendment rules outside of the open amendment period**

Background

A proposed amendment to ordinance 10.20.060 is being brought to the Planning Commission by City Council. The City Council decided on this during their recent Jan.12th meeting. They discussed the idea of creating a 90 day 'grace' period beginning right after the General Plan open amendment period closes to allow for any "straggler" applications to trickle in.

Attachments

- Draft Ordinance Text

(RED text = proposed, BLACK text = existing)

10.20.060 General plan amendments.

(3) The Council may, after proper notice, authorize the consideration of the applicant's amendment outside of the open amendment period only if any of the following apply:

(a) Significant changes to arterials or infrastructure by agencies other than the City, and which were contrary to the assumptions in the current general plan;

(b) Catastrophic events, such as natural disasters or conflagrations; or

(c) The Council finds that the proposed development has the potential to confer a substantial benefit on the City.

(d) **The request for consideration comes in 90 days after the general plan has been closed.**