



# Syracuse City Planning Commission Meeting February 2, 2016

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

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## Regular Meeting Agenda

### PLANNING COMMISSIONERS

#### CHAIR

Ralph Vaughan

#### VICE CHAIR

Dale Rackham

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

1. **Meeting Called to Order**
  - Invocation or Thought by Commissioner **McCuiston**
  - Pledge of Allegiance by Commissioner **Moultrie**
  - Adoption of Meeting Agenda
2. **Meeting Minutes**  
January 19, 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. *(additional public hearing reposted from January 19, 2016)*
5. **Public Hearing - Preliminary & Final Subdivision Plan** - CVS Plaza, Boos Development, property located at 1974 W 1700 S. *(additional public hearing reposted from January 19, 2016)*
6. **Municipal Code Title X Amendment** - Pertaining to General Plan Amendments 10.20.060
7. **Bylaw Amendments** – Pertaining to the Planning Commission Bylaws & Rules of Procedure
8. **Adjourn**

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## Work Session

1. **Department Business**
  - a. City Council Report
  - b. City Attorney Updates
  - c. Upcoming Agenda Items
2. **Discussion Items**
  - a. Parking Ordinance Review
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>.



# PLANNING COMMISSION REGULAR MEETING AGENDA

February 2, 2016

**Agenda Item # 2**

**Meeting Minutes**

January 19, 2016 Regular and Work Session

## **Suggested Motions:**

### **Grant**

I move to **approve** the meeting minutes dated ... for the regular meeting and work session planning commission meeting, as amended...

### **Deny**

I move to **deny** the meeting minutes dated ... for the regular meeting and work session planning commission meeting with the finding...

### **Table**

I move to **table** the meeting minutes dated ... for the regular meeting and work session planning commission meeting until ...

# Minutes of the Syracuse Planning Commission Regular Meeting, January 19, 2016

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on January 19, 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  
Dale Rackham, Vice Chair  
TJ Jensen  
Curt McCuiston  
Troy Moultrie  
Greg Day  
Grant Thorson

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

City Council: Councilman Mike Gailey  
Councilman Andrea Anderson

Excused:

**Visitors:** Adam Bernard Paul Toniolli Frank Weiler  
Gary Swartz Brianna McDaniel Leslie Morton

[6:00:31 PM](#)

1. **Meeting Called to Order:**

Commissioner Rackham provided an invocation. The Pledge of Allegiance was led Commissioner Thorson.

[6:01:39 PM](#)

Commissioner Vaughan stated items 4 & 5 will not be discussed as an official agenda item tonight there will not be a formal public hearing because unfortunately publication advance notice of this was not done in a proper fashion so they are not permitted by law to go ahead with those but because they do have people in the audience and are wanting to hear from people in case they cannot attend the next meeting when they come to those items, they will not discuss any business but are welcome to come forward and put your name and information on the record. Commissioner Jensen stated they are required to have a public hearing but does not think that necessarily precludes discussion, do not need to discuss it fully this time but if there is an applicant that is here this time that may not be able to be there next time would certainly like to hear from the applicant on those items they just can't act until they do the next public hearing. Commissioner Vaughan stated unfortunately doesn't believe they can open it as a public hearing. Commissioner Jensen stated they wouldn't open a public hearing but the applicant can still present to the Commission if they are here or have any questions or whatever. City Attorney Roberts stated it sounds like Commissioner Vaughan and Commissioner Jensen are in agreement that they would allow people to comment and doesn't think there is a disagreement between them.

[6:03:47 PM](#)

COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE PLANNING COMMISSION AGENDA FOR JANUARY 19, 2016 MEETING. THE MOTION WAS SECONDED BY COMMISSIONER DAY. ALL WERE IN FAVOR, THE MOTION CARRIED UNANIMOUSLY.

[6:03:56 PM](#)

2. **Meeting Minutes:**

**January 5, 2016 Regular Meeting & Work Session**

COMMISSIONER JENSEN MADE A MOTION TO APPROVE THE REGULAR AND WORK SESSION MEETING MINUTES FOR JANUARY 5, 2016. THE MOTION WAS SECONDED BY COMMISSIONER MCCUITION. COMMISSIONER RACKHAM ABSTAINED. REMAINING COMMISSIONERS WERE IN FAVOR, MOTION CARRIED.

[6:04:34 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

[6:05:05 PM](#)

4. **Public Hearing – Rezone R-3 to Neighborhood Services, Paul Toniolli, property located at 1679 Marilyn Drive**

Commissioner Vaughan stated because this was not noticed correctly they will not be able to conduct business on this item but if there is anyone that would like to come forward and speak on this they would welcome the opportunity, any comments made will be attached to the minutes for this and also included in the packet for the next public hearing on February 2, 2016.

[6:06:02 PM](#)

62 Gary Swartz, Syracuse, lived in Syracuse for over 30 years. The lot they are talking about to rezone it to commercial,  
63 that has been residential ever since he has lived here. That is right close to a school crossing, they have a traffic problem  
64 there already. If this goes to a commercial it will make the traffic problem a lot worse than what it is right now. Wondering  
65 with all the commercial property that Syracuse has as to why they would want to rezone that to commercial, can anyone  
66 tell him that. Commissioner Vaughan stated they are not permitted to respond to any questions but please continue. Gary  
67 Swartz asked if the Mayor was seated with staff. Commissioner Vaughan stated no that is City Attorney Roberts. Gary  
68 Swartz stated he wanted to address this to each one of the Commissioners, if they had a piece of property close to their  
69 home and they rezoned it to commercial wonder how they would feel about that. The first thing he thinks it is going to do  
70 is devalue all the homes in that area and would like each one of the Commissioners to think about that if it was their  
71 circumstance and the City wanted to do that to them, would they be in favor of that, would be surprised that they would.  
72 Would like the Commission to think about the tax payers in this area and how they would feel, knows all the other  
73 neighbors in there feel the same way. He would appreciate the Commission taking a good hard look at this.

74 [6:08:40 PM](#)

75 Jonathan Darling, his house is the white roof kitty corner to that lot. Doesn't like the impact that it is going to have on  
76 their property, it is actually his dad's property but he is not here tonight but lives there with him. There is no privacy, if it  
77 was a business, there is going to be lighting involved, there is going to be parking, traffic, noise pollution. Right now thinks  
78 and get that there is business and it is good for the community and taxes and blah, blah, blah but why not turn it into like a  
79 community garden, make some goods come out of it. Turning this into a business is going to affect those houses right  
80 there and just like Gary Swartz said it is going to impact right there. You, the Commission, doesn't know where they live  
81 but it won't impact them but it will impact that neighborhood right there. He is strongly against it, there are tons of other  
82 property that is available and would really appreciate the Commissions consideration to not zone it as commercial, think  
83 there are a lot of other things they could do with it but that is another story and appreciates their time.

84 [6:10:31 PM](#)

85 Adam Maher (sp), works with First Construction and working potentially with Paul Toniolli, the potential buyer and just  
86 wanted to make some reference to some of the comments that have been made here. It is their understanding that in the  
87 master plan of the City it is master planned for commercial. Obviously with a UDOT category 5 road like what they have  
88 their, there is commercial to the east and to the west of that property, it is something that seems to be in the City's long  
89 term plan and please correct him if he is wrong, but from his conversation with staff that is what they have been told. To  
90 some of the comments they have had from the neighbors those are all very valid concerns and especially people that  
91 have lived here for a long time, he can speak from having built in Syracuse City as well that there are codes that address  
92 all those such as lighting, building standards, height restrictions, all of those things which are designed to be very  
93 sensitive to similar uses around so would politely submit that the nature of the area is clearly leading towards commercial  
94 as he said to the east and west and that the City code more than adequately protects a lot of the other surrounding uses  
95 as well. Having done projects similar to this in the past, they have run into concerns similar to this as well and just  
96 acknowledge the fact that the City development standards and codes address that and they plan to not only meet all of  
97 the codes but work very closely with City staff and the processes the City has in place to make sure that it is still  
98 harmonious like the business that is immediately to the east of that property.

99 [6:12:24 PM](#)

100 Paul Toniolli, the Veterinarian that would like to possibly move his hospital from the borders of Clearfield/Syracuse  
101 into the city of Syracuse and bring a nice substantial business to the City. Doesn't know if he needs to say anything more  
102 per se at this point but just wanted it on record that he was here and due diligence of that will be back on February 2<sup>nd</sup> as  
103 well. For the neighbors also in their concerns, they respect that 100%. He had the same concerns in his  
104 rezoning/conditional use permit with the hospital he put in Clearfield, in the strip mall that was already there, but there  
105 were concerns about animals and noise and those kinds of things and they want to be good neighbors and cognizant of  
106 that and has even talked with the neighbors that live near him that are on the border of commercial properties with their  
107 concerns of lighting and the noise ordinance and wants them also to know that as the potential business owner he is  
108 aware of those concerns and glad to have them here and have them voice their concerns. Will look to see them on the 2<sup>nd</sup>  
109 and have more of a public hearing.

110 [6:13:55 PM](#)

111 Brianna McDaniel, lives second to the end on Melanie and his father's property borders the land in question. Doesn't  
112 know that she is really opposed to business there, her concerns are the fencing that would border the business to give her  
113 dad some privacy, the lighting pollution that would go into their yard, if there is a buffer zone. The other concern is the  
114 cross walk across Antelope, sure they all know it is already a very dangerous intersection and kids walk past her house to  
115 go home every day and that is her biggest concern, so if those things can be addresses she would feel better. Doesn't  
116 have anything against the Vet, she went with her daughter to a field trip to his office and it was awesome and he was very  
117 accommodating and so her point is regarding the safety, how are cars going to get in safely without, during school traffic,  
118 that is her biggest concern.

119 [6:16:03 PM](#)

120 Commissioner Vaughan stated this item will be scheduled for February 2, 2016 all of the attendees are welcome to  
121 come back again and speak again at that time if they like, any and all of their comments will be posted in the record and  
122 will be attached to the file for them to review next week. Commissioner Jensen asked staff if they need to table this item.  
123 City Attorney Roberts stated yes, they cannot take action on it tonight because it was not properly noticed.

124 [6:16:35 PM](#)

125 COMMISSIONER JENSEN MADE A MOTION TO TABLE THE REZONE R-3 TO NEIGHBORHOOD SERVICES  
126 FOR PROPERTY LOCATED AT 1679 MARILYN DR UNTIL THE NEXT SCHEDULED MEETING ON FEBRUARY 2,  
127 2016 WITH THE ADDITIONAL REQUEST THAT THE PUBLIC COMMENTS THAT THEY HEARD TONIGHT A  
128 SUMMARY INCLUDED IN THE PACKET FOR THE NEXT MEETING.

129 [6:17:02 PM](#)

130 Commissioner Vaughan stated he doesn't believe they need a motion because it is automatically been rescheduled.  
131 Commissioner Jensen stated the City Attorney indicated they should table it. City Attorney Roberts stated it is the same  
132 effect, procedurally doesn't think it matters how they get there.

133 [6:17:13 PM](#)

134 Commissioner Vaughan stated the motion dies for lack of a second.

135 [6:17:13 PM](#)

136 Commissioner Thorson stated he has a request for staff that Neighborhood Services allows Veterinarian style, has a  
137 minor without a conditional use and a major with a conditional use, can they get a clarification for the next meeting which  
138 the applicant intends for it to be. Planner Steele stated yes, absolutely.

139 [6:17:58 PM](#)

140 Planner Steele stated he can give more information about the proposal now or more next week. He can quickly  
141 address some of the comments as far as questions about what will happen if it does get a rezone. The property would be  
142 required to go through a site plan approval process which this project would have to have a masonry fence along with  
143 buffer landscaping around the perimeter that would, because they are right, it will have impact to the neighborhood and  
144 will add traffic and it will have cars coming in and out and so the site plan review process is meant to minimize those  
145 impacts and also wanted to clarify that this a rezone request for neighborhood services not commercial. It is an essence a  
146 commercial use but the neighborhood services zone is meant for, is really crafted for those homes that are along major  
147 arterial roads or new building construction that is less than 20,000 square feet and of a smaller nature. The purpose of the  
148 neighborhood services zone, 'the purpose of this zone is to provide for a range of opportunities specifically identified as  
149 providing local neighborhood services. Uses in this zone are not meant to have a large footprint, or be overly invasive to  
150 neighborhood uses', so this is not a Walmart or a large footprint type building that is intended here.

151 [6:19:48 PM](#)

152 **5. Public Hearing – Preliminary and Final Subdivision Plan, CVS Plaza, Boos Development, property located at 1974**  
153 **W 1700 S**

154 Commissioner Vaughan stated as with the previous item this was not noticed correctly so they are unable to hold a  
155 formal public hearing here tonight however because some people may be unable to attend they would like to receive any  
156 comments on this issue at this particular time, so if there is anyone that would like to speak on item #5 are welcome to  
157 come forward and address the Planning Commission.

158 [6:20:30 PM](#)

159 COMMISSIONER JENSEN MADE A MOTION TO TABLE THE PRELIMINARY AND FINAL SUBDIVISION PLAN,  
160 CVS PLAZA, BOOS DEVELOPMENT, PROPERTY LOCATED AT 1974 W 1700 S UNTIL THE NEXT SCHEDULED  
161 MEETING ON FEBRUARY 2, 2016.

162 [6:20:53 PM](#)

163 **6. Adjourn**

164 COMMISSIONER DAY MADE A MOTION TO ADJOURN INTO WORK SESSION IN THE CHAMBERS.  
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174 \_\_\_\_\_  
Ralph Vaughan, Chairman

175 \_\_\_\_\_  
Stacy Adams, Admin Professional

176 Date Approved: \_\_\_\_\_  
177

## Minutes of the Syracuse Planning Commission Work Session, January 19, 2016

Minutes of the Syracuse City Planning Commission Work Session held on January 19, 2016, at 6:00 p.m., in the Conference Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

**Present:** Commission Members: Ralph Vaughan, Chairman  
Dale Rackham, Vice Chair  
TJ Jensen  
Curt McCuiston  
Troy Moultrie  
Greg Day  
Grant Thorson

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

City Council: Councilman Mike Gailey

Excused:

**Visitors:** Adam Bernard

[6:21:51 PM](#)

### 1. **Department Business:**

Planner Steele stated the biggest thing that they needed to cover is next week the City Council is holding a joint training, there was some discussion about it in the last meeting and there was a question raised whether or not it would be a paid meeting and the answer is yes, it will be a paid because it is a meeting and a training and needed to know if that is something that everyone can make. Commissioner Rackham asked when that was. Planner Steele stated next Tuesday, the 26<sup>th</sup>. City Attorney Roberts stated this will cover their annual training for open meetings, ethics, they will go over due process a little bit and then some rules of procedures as well. There will be some discussion about the Bylaws depending on what comes out of the meeting tonight. Commissioner Rackham asked if it was at 6pm. City Attorney Roberts stated yes.

Planner Steele stated the other item to report on is Piper Glen, the City Council approved to waive the re-final application fees, all but \$50.00.

[6:23:40 PM](#)

#### **a. City Council Report**

Commissioner Jensen stated he wanted to report on City Council since it is on the agenda. Commissioner Jensen stated the only things that really affect them is they did have a rezone request come in for the property on 4000 W adjacent to where the PRD is located, the Criddle property, they would like to bring that to the Planning Commission with the request to change it to a R-2 and City Council went ahead and since the General Plan is closed they indicated that they would be fine with that coming to the Planning Commission and entertaining that. Piper Glen waiver and Bankhead rezone was approved, Bluff at Lakeview Farms was approved, pretty much everything that was forwarded to them was approved. Just wanted to bring it to the Commissions attention that they will be having a General Plan change coming their way.

[6:25:15 PM](#)

#### **b. City Attorney Updates** - i) Planning Commission Bylaw Revision

City Attorney Roberts stated at their meeting 2 weeks ago it looked like they were pretty much in agreement on everything with the exception of the attendance policy and doesn't know if they are going to reach a point where they have 4 Commissioners who agree with it or not but figured tonight hopefully they've had time to mull it over and think about whether are in support of it or whether they want a different number or whether they want some different mechanism all together. Hoping they can take this to the Council and if they have fractured opinions that is fine too or could tell the Council they are working on this and try to get consensus before we send it to them, it is totally up to them. The main issue from the draft about 4 weeks ago in early December. '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.' As noted in the comments in the packet if they missed 5 meetings in a year that would fall below that threshold. There is also related section where there is sort of the teeth to that where if they fell below that attendance then the Commission, it would automatically go on the agenda and the Commission would consider whether to recommend removal of the Commissioner. So rather than have it be an affirmative motion that is made and brought by an individual Commissioner or two it would automatically happen. If a Commissioners attendance was under review would be allowed to participate in that. So the question is this the way they want to go, do they want to go a different route, last meeting there were maybe 3 different opinions. One was they should stick with it, other people said no they should keep it as it is and Commissioners can bring it up if they think attendance is problematic and then there was sort of a middle ground of maybe they should reduce the percentage or should have something else happen when they reach that percentage. With that unless there

65 are any other changes, let's do it this way, are there any other concerns with the rest of the Bylaw changes that have  
66 arisen since the last meeting or anything, know Commissioner Rackham and Thorson weren't there last time, is there  
67 anything or any issues with the changes unrelated to the attendance policy.

68 [6:27:32 PM](#)

69 Commissioner Rackham stated he has 2 comments. One is on section IV, Meetings, J Time, where it says 'Meetings  
70 shall not exceed 9:00 pm unless extended through two-thirds majority vote of the Commission' think they should add the  
71 word 'in attendance' to match all the other paragraphs that was added to. Staying with the changes that were submitted  
72 under IV, Meetings, D Unscheduled Meetings, the last sentence says 'An unscheduled meeting may not be held that has  
73 the appearance of giving preference to one citizen or business' to keep with the changes that were submitted, business  
74 should be changed to applicant. City Attorney Roberts stated he can make those changes unless there are any  
75 opposition, he will put that in with the draft when it goes next week to the Council.

76 [6:29:04 PM](#)

77 Commissioner Vaughan asked if they had any other thoughts on what they have so far. Commissioner Rackham  
78 stated he would like to hear what others think about that 80%, when first read that, is it 80%, which seems kind of high,  
79 given this is not their primary work, just curious what the others think about that.

80 [6:29:38 PM](#)

81 Commissioner Thorson stated he thinks it is high, doesn't think it is too high, the consequence of it is just a  
82 consideration by the Commission and the wording to some degree requires the Commission to then address it. It is pretty  
83 high, the consequence isn't death, it is just a consideration so if their goal is to help the City Council and be here more  
84 often and the Bylaws helps them be there more often that is probably not the worst thing. Doesn't object to the 80%, does,  
85 it looks like there was some talk it looks like about applying it to a quarter or a certain number of times in a row where  
86 people have seasonal work, whether it is winter or summer they may be gone more in the summer or more in the winter  
87 so a quarter may be, he might be gone a lot in the spring when projects start up but so wouldn't apply to a quarter would  
88 give it a little more time.

89 [6:30:38 PM](#)

90 Commissioner Jensen stated to answer Commissioner Rackham's question his thought is if they have missed 5 or  
91 more meetings in a 12 month period at that point it should be reviewed. The threshold he thinks, if someone was to ask  
92 him a hard threshold if someone comes in and they have missed 5 meetings in the last 12 months and they can give  
93 reasoning why that happened and express some confidence that it is not going to be an ongoing issue that is fine but  
94 think if that turns into 7 meetings in a year think at that point they are gone over a quarter of the time, if they have missed  
95 7 meetings. For him the hard threshold would be 7 meetings of Commissioners missing 7 meetings in a year is when he  
96 would really say they should probably get someone else in there that can attend.

97 [6:31:29 PM](#)

98 Commissioner Rackham stated he just wondered because read the first section where it talks about the 80% and  
99 then read down later on it says, if fall below 80% it shall require the Commission to consider, so at what point do they.

100 [6:31:48 PM](#)

101 Commissioner Day stated he is of the school of thought that he doesn't see a problem with the way it is currently  
102 drafted and is not in favor of these changes, thinks the way it is drafted now is fine.

103 [6:32:04 PM](#)

104 Commissioner McCuiston stated looking at the attendance falling below shall require the Commission to consider  
105 whether to recommend removal and then the Commissioners attendance under review shall be invited to provide an  
106 explanation that feels a lot like they are crossing over into public shaming to try to force compliance doesn't know if they  
107 need to drag everything here in front of everyone, a more private venue might be more appropriate or maybe a single  
108 point of contact, the Mayor or something like that, it just feels kind of mean to him.

109 [6:32:48 PM](#)

110 Commissioner Rackham stated his feeling on this rather than a hard number would just say a pattern, if they have a  
111 pattern of absences then it goes under discussion but not really liking the way it is written. Commissioner Day stated he  
112 would like a softer approach, thinks this is something the Chair can have a conversation with an individual Commissioner  
113 to try to rectify the problem, think that is more of the tact that he would be in favor of, they are all in different, as he had  
114 explained last meeting, they all have different obligations in life and some of them have different time commitments, like  
115 Commissioner McCuiston stated it feels like public shaming to him and doesn't think anyone on this body is in favor of  
116 that.

117 [6:33:47 PM](#)

118 Commissioner Vaughan stated other than attendance, are there any issues with anything else that has been  
119 discussed that is in red or any changes or modifications. Commissioner Vaughan asked if it could be said that they agree  
120 on everything that they have except for the attendance issue. The other Commissioners agreed. Commissioner Vaughan  
121 stated with that in mind and recognizing that it is a very, very sensitive issue, why don't they go ahead and approve or  
122 recommend adoption of everything that they have before them except for attendance with the note from either staff or  
123 from the designated representative from the City Council on that one particular issue they would rather have someone  
124 else make the decision for them and think that would be a combination of staff and the City Council, they have had t heir  
125 representative present through the last meeting and in fact all of the meetings where this issue has come up, if the City

126 Council has any question, they have someone on their body for whom they can ask questions about the discussions they  
127 have had.

128 [6:35:08 PM](#)

129 Commissioner Jensen stated he doesn't think they can forward it to City Council unless they vote on it in a regular  
130 meeting and asked City Attorney Roberts if that was correct. City Attorney Roberts stated yes, they cannot vote in this  
131 meeting but they can talk about it at the next work meeting and just say that sort of a straw poll was taken and are in favor  
132 of all the changes with the exception of the attendance. Would like to know and has heard from many of the  
133 Commissioners, just wondering if there is more consensus than not, some have said no changes necessary and also  
134 instead of a number have a pattern of absences which would be a modification of the current rule and would make it a  
135 little more clear of when it is appropriate to initiate, wondering if the body does have a majority consensus here.

136 [6:36:05 PM](#)

137 Commissioner Moultrie stated he feels the same way as Commissioner Day and think the softer approach they all  
138 have different things going on and think if they have good communication with the Chair and knows what is going on with  
139 their situations.

140 [6:36:23 PM](#)

141 Commissioner Thorson stated he would be happy with any change including no change doesn't think this matters.  
142 Like he said before the problem isn't the words the problem is whether they are willing to throw one of themselves under  
143 the bus and they are not and so doesn't really have a problem with the way it is or the way it would be, it really wouldn't  
144 change his life much or effect the way they work at all.

145 [6:36:55 PM](#)

146 Commissioner Jensen asked City Attorney Roberts under section III Duties, right before treatment of information  
147 number 7, failure to abide by the Syracuse City Human Resources Policies and Procedures, obviously he has actually  
148 looked at that manual, it is huge, there is only one section in that manual that actually applies to them, and that is just  
149 about conduct and so wondering if maybe they could site that section of the manual or maybe pull out whatever is in the  
150 manual, whatever their goal is in citing that manual the behavior they are trying to encourage, maybe that belongs here  
151 and not in the manual, cause the manual can change.

152 [6:38:01 PM](#)

153 City Attorney Roberts stated he hates to reference a specific section because when it is re-codified they have to  
154 remember to go back and change the Bylaws but if they said, failure to abide by the Policies and Procedures manual as it  
155 related to conduct or something like that. Commissioner Jensen stated he would at least like to see that and maybe other  
156 Commissioners may not be aware of this but could aske staff at any time for a copy of that manual if they need to look  
157 over and see what they are concerned about but know that the section that applies to behavior is actually fairly small  
158 section so it might not hurt to photo copy that so the Commissioners have it or something. City Attorney Roberts stated it  
159 generally relates to the harassment section making sure they are conducting themselves appropriately and not harassing  
160 staff or public or anyone like that and that they are professional when dealing with members of the public as  
161 Commissioners that is generally what would be applicable to them. City Attorney Roberts asked the Commission if they  
162 would like him to add some language that references the specific part of the manual. Commissioner Rackham asked  
163 where the access was to this manual. City Attorney Roberts stated they can get them a copy if they want, they access it  
164 through an online portal with a login. Commissioner Rackham stated according to this they are being held to something  
165 they don't have access to, his opinion is address the specific points. Commissioner Day asked if they are considered  
166 employees of the City. City Attorney Roberts stated they are appointed officials, it kind of, it depends on what context he is  
167 asking if they are an employee or not. Certainly the code of ethics would apply to them because they are an appointed  
168 official, the manual applies to everyone who represents the City whether they are a merit employee, appointed employee,  
169 part time employee, elected official. Commissioner Day stated it is a leading question because if they are employees then  
170 the employee manual would apply to them, but do all of those really need to apply to them. City Attorney Roberts stated  
171 there are a lot of provisions that won't apply, talks about vacation and leave accrual, sick leave, things like that, a lot of it  
172 wouldn't apply to them in their position, but there is not a specific manual that would apply to the Commission that has  
173 been adopted so they have referenced it in the Bylaws. City Attorney Roberts stated he is happy to specifically identify the  
174 sections that would apply to them and put that into the rule if they like. Commissioner Jensen stated as long as there is  
175 something that says in regard to conduct since that is the reason it is in there for conduct.

176 [6:40:50 PM](#)

177 Commissioner Vaughan asked if there was anyone on the Planning Commission that does not receive a W-2 issued  
178 by the City of Syracuse as an official document indicating that they are receiving income from Syracuse. Everyone is  
179 receiving a W-2, they are employees. Yes it is true there are sections of the employee code that do not and may not apply  
180 to them but think that could be said for almost every other employee in the City but be absolutely, positively sure that they  
181 are employees. His feeling on this particular thing and will seize the microphone at this time. Attendance is an issue, this  
182 is the first time they have had 7 people on the body up here is a very, very long time. There have been too many meetings  
183 where there has barely been a quorum when they have been discussing some of the most important issues before the  
184 City and those occasions if they would have only had 4 people show up and there have been occasions where they had to  
185 make phone calls to ask a fourth person to come down so they could have a meeting. If there was an item on the agenda  
186 when one of those 4 would have had some type of conflict for whatever reason that person would have had to be  
187 excused and lost their quorum and then they would not be able to conduct the business of the City, that is deplorable. It is  
188 quite obvious that they cannot drop the hammer on this particular item that is why he is saying they should just leave it to

189 the City Council, let them read the minutes, let them see how divided they are but unquestionably attendance is a major  
190 issue.

191 [6:42:38 PM](#)

192 Commissioner Jensen stated they did have another meeting recently where there had all 7 of them in attendance but  
193 it is a rarity, will admit that. *(Last meeting all 7 Commissioners were in attendance was August 4, 2015)*

194 [6:42:42 PM](#)

195 Planner Steele stated he would like to also remind the Commissioner's to notify the Secretary if they are going to be  
196 absent so staff is aware if they do need to, in his opinion, as long as they have people to do business but if staff has to call  
197 people then that puts a lot of stress on staff, but staff needs notice as well. Commissioner Jensen stated wanted to make  
198 another comment on the issue of attendance, whatever they decide but they do, but have other people who have applied  
199 to be Planning Commissioners that certainly every time they put applications out for positions they certainly have more  
200 applicants than they have positions by a long shot so just something for the Commissioners to think about if it going to be  
201 a chronic problem with them it might be more fair to the City to step aside and allow those other potential individuals to  
202 step forward and think the City would benefit better from that, not saying they need to make a policy or anything but is  
203 something to think about.

204 [6:44:20 PM](#)

205 Commissioner Rackham stated since they as a Commission, all they can do is ask the Mayor to consider it, the City  
206 Council, doesn't know how firm it is but think in paragraph III A, where they added unexcused absences may be cause,  
207 think they should also add the wording 'unexcused or excessive absences', but still doesn't go for the 80%.  
208 Commissioner Vaughan stated then they define the word excessive. Commissioner Rackham stated that is why he  
209 prefaced it, it is the Mayor's decision. Commissioner Vaughan stated which is why in regards to attendance they should  
210 just leave it up to the Mayor and/or the City Council and let them, just by telling them they are unable to come to a  
211 consensus, which even tonight they are unable to do so. Commissioner Jensen stated he would like to make a suggestion  
212 since it sounds like they are pretty much in agreement on the rest of the changes except for the attendance maybe they  
213 just hand it off to the Council and have each Commissioner submit their, a short statement saying what they'd like to see  
214 and then let the City Council decide which way they want to go based on that. If the body cannot come to a consensus  
215 they would just have each Commissioner submit their comments as to how they feel on the issue.

216 [6:45:48 PM](#)

217 Commissioner Day stated they were somewhat at a consensus though on this particular issue. Commissioner  
218 Rackham stated he hasn't heard a vote. Commissioner Day stated there are some dissenting opinions, differing opinions  
219 but consensus is 4 members and thought they were close to having that threshold. Commissioner Thorson asked if this  
220 was an item they were going to vote on to recommend to the City Council these changes. Commissioner Vaughan stated  
221 no, they are not voting on this as the City Attorney stated. Commissioner Jensen stated they would when it is put on the  
222 regular agenda. Commissioner Day stated then just move on to the next item then, if they are not going to vote on it, they  
223 have all stated their opinions.

224 [6:46:31 PM](#)

225 City Attorney Roberts stated that his plan is prepare a draft with those sections not amended and then just have a  
226 comment on there that says they have discussed attendance and then hopefully they have enough, thinks has heard  
227 comments from everyone enough that can sort of total the comments of the various Commission members into a report to  
228 the Council, unless the Commission doesn't want him to go that route.

229 [6:47:10 PM](#)

230 Commissioner Day stated he would like to throw a pretty large curve ball at this and extend the conversation, it is  
231 something that he has been thinking about quite honestly and that is he feels like sometimes and doesn't know if it would  
232 be in the Bylaws to address this but it kind of feels like it right now and wanted to bring it up. The Commission has a lot of  
233 good initiative on the body, a lot of self-starting and sometimes feels like they bring up codes to review and revise sort of  
234 independent of the City Council's direction and not saying that they don't need to be but sometimes they are really  
235 belaboring the body with these things. Anyone of them has an issue, their neighbor brings it up, whatever and they want  
236 to bring it on and revise the code, is that something the Bylaws should, or something they should address or is he just a  
237 lone wolf in that kind of thing, would the Bylaws be an appropriate place to talk about that.

238 [6:48:14 PM](#)

239 Commissioner Vaughan stated there are provisions in the Bylaws where they can have Commissioner schedule  
240 agenda items at any time on any subject so that pretty much clears it. Each one of them can always bring up an item that  
241 they feel is important, one of the things that they have discussed before and has brought it up before the Council is that  
242 sometimes the Council should give them direction on the items that they would like them to address, likewise they can tell  
243 us at any time items they would not like us to address and fortunately they have a meeting next week that they can ask  
244 that question, items they would like the Commission to bring up or not bring up and how would they like them to be  
245 brought up before them and brought to the Council. Thinks that would be the perfect opportunity to be maybe the first  
246 question asked of them. Commissioner Rackham stated that is a good idea but think they should give the Council  
247 forewarning, send them an email letting them know they are going to be asked that questions, that way they will have time  
248 to think about what they want rather than hitting them up cold. Commissioner Vaughan stated he doesn't know if they  
249 need to email them he has a messenger of the City Council seated with staff, asked City Attorney Roberts if he would  
250 please get in contact with the City Manager and ask them or mention the discussion tonight and advise them that is one of

251 the questions that they would like to put before the City Council on the 26<sup>th</sup>. City Attorney Roberts stated he would be  
252 happy to.

253 [6:50:03 PM](#)

254 **c. Upcoming Agenda Items**

255 Planner Steele stated they are awaiting a General Plan Amendment Application for the Criddle Farm property owned  
256 by Wilcox. Commissioner Jensen asked if under the new rules if that require a 15 day notice. Planner Steele stated one of  
257 the work session items is the proposed ordinance revision of that, so it would be within the 90 day window. Commissioner  
258 Jensen stated no, he meant whenever there is a General Plan change he seems to remember them including specific  
259 language saying that it has to be 15 day notice on the public hearing for the General Plan change. City Attorney Roberts  
260 stated yes, the notices of provisions are specific to the General Plan change but since they have not gotten an application,  
261 they have asked for permission to submit their General Plan change so at this point they haven't given staff the official  
262 change, as soon as they do they will make sure they comply with that specific notice pertaining to that. Commissioner  
263 Jensen asked if the City Council has directed staff to let that change go forward. City Attorney Roberts stated correct, to  
264 have it considered by the Commission.

265 [6:51:46 PM](#)

266 Commissioner Jensen stated he brought it up because it seemed like they were waiting on something and far as he  
267 knows it just has to be properly noticed so they can consider it, was how he understood it. Planner Steele stated once  
268 they get an application it triggers all of the noticing and they won't schedule with the Commission until are confident it can  
269 be noticed properly.

270 [6:52:14 PM](#)

271 Planner Steele stated he wanted to reiterate with the Commission regarding the noticing for tonight's meeting, there  
272 was an error with the Newspaper, not staff on the required noticing.

273 [6:52:28 PM](#)

274 **2. Discussion Items:**

275 **a. Noise Ordinances**

276 Commissioner Vaughan stated he doesn't mind being the first to talk about this item. For the last 2 years he has  
277 heard several people in various forums, business, social, church and just the man on the street and on social media have  
278 made comments about there not being a noise ordinance that covers certain functions here in the City and so last  
279 November he wrote up what is before them with the idea of possibly getting something basic on the code books that  
280 would address the most common of those complaints that he has heard. Number one is that they have construction noise  
281 sometimes 24 hours a day and number two sometimes they have trash collection beginning at o'dark thirty, which is  
282 disturbing to some people. Looked up codes up and down the State to see where they stand and there are numerous  
283 jurisdictions in the State that do have a basic noise ordinance, some of them are quite elaborate such as Salt Lake City,  
284 perhaps 15 or 20 pages are devoted to their noise ordinance. So plucked and drafted some of the best middle of the road  
285 comments he could find on what he thought were the 3 most important issues in regards to sounds here in Syracuse and  
286 those have been distilled to what is before them. Believe these would withstand any scrutiny by the City Attorney if he  
287 hasn't had a chance to review them at this point as far as being basically compliant with what State law is and what they  
288 could possibly do without being too onerous. One of the concerns he had is that there are many things they could add to a  
289 noise ordinance but one of those particular things requires a decibel meter and to have someone to be designated to be  
290 the enforcement officer control and custody of that and as much as they have a code compliance officer thought that  
291 person could easily be tasked with the additional responsibility of noise ordinance because sometimes they can operate in  
292 a setting say law enforcement or building department is unable to do so. Certainly wouldn't want to take away from the  
293 Syracuse police Department in conducting one of their affairs to send someone out to measure the noise level at a  
294 construction site in town. So basically that is the standing behind this, it has been kicking around for some time and it is a  
295 discussion item at this particular point and invite all criticism and any additions or corrections or take aways happy to hear  
296 them.

297 [6:56:09 PM](#)

298 Commissioner Jensen asked Commissioner Vaughan how he arrived at his numbers for the decibel levels.  
299 Commissioner Vaughan stated those are basically National standards and in looking at manuals and books would come  
300 up with those numbers. Commissioner Jensen stated he does have an issue with Agricultural because he was looking at  
301 another document where it's talking about the average levels outputted by Agricultural machinery and for an example your  
302 average larger tractor puts out 100 decibels which is way over 75 and so also thinks some of those numbers are actually  
303 lower than our current ordinance. They have 2 zones which actually call out noise levels and possibly a 3<sup>rd</sup>, knows  
304 specifically the Neighborhood Services has a noise standard under Industrial Performance Standards and Industrial has a  
305 very extensive noise ordinance standard and would hate to see those 2, would like to see those used as their baseline for  
306 Commercial uses or non-residential uses and in particular the Industrial does talk about impulse and a bunch of other  
307 information, it is actually a pretty extensive ordinance, they decided to simplify that for Neighborhood Services but do think  
308 that some of the points that are in the Industrial Standards are good ones and wouldn't want this to supersede that, think  
309 they have to make sure that they are both in compliance with each other but do think that what is in the Industrial  
310 Performance Standards is a good standard.

311 [6:57:52 PM](#)

312 Commissioner Vaughan stated he would volunteer to do a survey of the 20 largest jurisdictions in the State of Utah to  
313 determine the exact number comparisons between what they have before them and what is the average or top and

314 bottom numbers for again those 20 largest jurisdictions that do have anything covering this. Planner Steele stated in his  
315 opinion and from personal experience the common denominator problem here is the neighbor who is really loud after 11  
316 o'clock or 10 o'clock and from his experience has seen that in the criminal ordinance and know they don't want to burden  
317 the Police Officers with more things but know the code officer is a part time employee who might not be available to  
318 respond to some of those things unless he is writing letters during the day when he is in, just something to think of. That is  
319 probably the lowest hanging fruit is the nuisance related noise that are late at night or early in the morning kind of thing  
320 but then there is the other land use related problems that are addressed in the Industrial already but there could be other  
321 nuisance related things as far as the noises coming from businesses and things like that. They have had some complaints  
322 from neighbors behind the Rush that they open their door or even behind the Snap Fitness and they have loud music  
323 playing and they open the door to get ventilation in there and it carries over into the neighbors so those are some of the  
324 things that they could address with this ordinance.

325 [6:59:47 PM](#)

326 Commissioner Vaughan stated they also had a residential business application involving a basketball court in a  
327 neighborhood several months back that would have taken care of this particular or should say a noise ordinance would  
328 have helped out with that. Is amendable and feelings will not get hurt if 6 other people here at the table say no, they are  
329 not interested in doing a noise ordinance at this particular time, brought it forward, should it come up in discussion again  
330 either another Commissioner or City Council who is sure reads their minutes regularly they will know at least they  
331 discussed it. City Attorney Roberts stated there is some, this could be addressed in a nuisance code rather than a Land  
332 Use code, so it could be something the Council could do without touching Title X, if they wanted to they could pass a code  
333 that talks about nuisance noises and then it wouldn't even need to come before this body. The way that they have it now  
334 with the zones and specific levels it reads a lot more like a Land Use ordinance but it could be either way, it doesn't  
335 necessarily have to be a Land Use code.

336 [7:00:56 PM](#)

337 Commissioner Jensen stated just wanted to be clear, does think it is good that they have an ordinance somewhere  
338 whether that is under Land Use or under another title is certainly a subject for debate just wants to make sure that they  
339 are not going to be overly burdening somethings. Commissioner Jensen asked City Attorney Roberts if someone applies  
340 and gets agricultural protection part of that whole purpose of the agricultural protection is to protect them against  
341 specifically this type of thing with neighbors basically complaining against their use because they are an agricultural  
342 protection area, any thoughts on that. City Attorney Roberts stated he isn't familiar with that provision of law yet, can look  
343 into it though and see if it has specific, has seen some where there is industrial use and where there is advancing  
344 residential uses cannot say that the industrial use was a nuisance, imagine it is similar to that but not familiar enough to  
345 answer that tonight. Commissioner Jensen stated is an ongoing thing these numbers might not be bad specifically in  
346 agriculture just have 3 or 4 times a year when are harvesting or something and will be noisy for basically a couple days  
347 but then are gone and so want to make sure they are not going to overly burdening their agricultural land owners by  
348 setting a level there and do think that they need to compare this to the Industrial Performance Standards, Neighborhood  
349 Services and Industrial and believe Business Park talks about sort of as well but not specifically sure on that, certainly  
350 would like to see some more work on this, don't want to see it go away. Planner Steele stated he has seen plats that go in  
351 next to agricultural protection areas where they have written on the plat 'you are next to an agricultural protection area,  
352 there may be x, y, z' that can help some of those nuisance cases.

353 [7:03:09 PM](#)

354 Commissioner Day stated he thinks he has done a great job, likes how simple it is, if they were to proceed with this,  
355 two things that he would like to get, not real familiar with decibel levels so would like to get some really good information  
356 on that so they would have something to benchmark against verses just, something legitimate. And second of all thinks  
357 Commissioners Jensen brought up a good point and staff kind of eluded to it and because of the resources that staff, that  
358 the City would have to commit to enforcement, etc. those types of things would like to get some guidance from the City  
359 Council as to how to implement and pursue this, ultimately City Council is going to be direction to staff, regarding time and  
360 commitments and those types of things so those are his suggestions.

361 [7:03:56 PM](#)

362 Commissioner Rackham stated when he first read it, he thought it was a bit burdensome on people, if you look at  
363 some of the decibel levels, we have snow and most people like to shovel their snow before they drive and happen to have  
364 a fairly large driveway, snow blower is 85 decibels, you can't have more than 50 and it takes him at least an hour to  
365 shovel so he would have to do it over a period of time rather than all than once, so think that one is a little bit low. The day  
366 time is a little bit low, just for reference, mowing your lawn is 65-90 decibels and talking is 60 decibels so if you are out in  
367 the neighborhood talking to your neighbor for an hour you have exceeded it. The other thing is by putting the code  
368 enforcement person in charge of monitoring this, where it says an hour, they would have to sit there for an hour  
369 measuring the decibels and making sure otherwise doesn't know it is a code violation, not so sure, it is a little over  
370 restrictive is his point. Understand the hours from 11pm to 6am, want to hold the noise down but if look at Layton believe  
371 that is what theirs is, not allowed to do certain things during times of the day or night

372 [7:05:46 PM](#)

373 Commissioner Thorson stated he thinks the hours should be opened up, daytime for him starts at 6am and it doesn't  
374 end until 10pm, 7 pm is when people get home from work and have a BBQ so would like to open up the hours and  
375 increase the decibels. Think the target they are going for is obvious infractions and enforcement in his mind is going to be  
376 a complaint to the police department, show up and say 'you can't do things now, calm the party down' other than that the

377 one hour average could do a lot of things with a lot of noise within an hour and have the average be pretty low still but a  
378 nuisance kind of thing with the code enforcement through the police department is where he sees this happening. It is  
379 going to be a phone call, 'hey my neighbor is being a jerk, talked to him and he is not turning it off, he still has his backhoe  
380 out there digging a hole, beeping at night' and that is where they will see this come into being a benefit. Likes it, would  
381 open the hours and bump up the decibels cause think they are going to restrict a lot more than the obvious infractions. Is  
382 interested in having a comparison to other Cities, is interested in seeing what other Cities say and will probably do some  
383 research on his own as well, it was mentioned this came from somewhere also and wondered where did it come from.  
384 Commissioner Vaughan stated it came from 6 jurisdictions, Salt Lake is one as a comparison, it has been compared to  
385 more jurisdictions than that, actual language comes from at least 6.

386 [7:07:53 PM](#)

387 Commissioner Vaughan stated he would be happy to do that, again there is no pressure, obviously they haven't seen  
388 it scheduled on or being pushed on passing it. Obviously staff is going to have to spend some time if they like the idea and  
389 then ask staff if they would take a look at it, think that is possibly where they are at this particular point. Is happy to do  
390 much more research on it and bring together a much clearer package rather than just sending 2 pages that say okay here  
391 is the ordinance lets jump in the pool with it. We all know that staff is currently shorthanded, fortunately we have some  
392 capable people working in that department but nevertheless additional work is additional work and don't want to  
393 overburden them. They also have the luxury and this is a rare opportunity that are afforded is for them to have a joint  
394 meeting with the City Council next week and this is something they can bring up again, as a request to our City Attorney  
395 Roberts if he would mind discussing this possibility with the City Manager to see if he would be interested in presenting it  
396 at this particular forum. Is assuming that like other meeting that the City Manager will probably have a major input in  
397 presenting things and obviously the Mayor would preside but think the City Manager would be a strong protagonist for  
398 items on the agenda. Commissioner Vaughan stated he had not considered snow blowers and are absolutely correct in  
399 the noise, has a monster one himself.

400 [7:09:53 PM](#)

401 Commissioner Rackham asked if it is a noise ordinance can the police enforce, if it is a nuisance ordinance would  
402 the police enforce it, is there a difference in who enforces it verses where it is written. City Attorney Roberts stated no, it  
403 could be anyone designated by the City, for all practical purposes if it is a night time complaint our code enforcement  
404 officer unless they out him on-call and sort of have him ready to zip over here and investigate the claim, those would all be  
405 handled by police, generally people are going to call police dispatch, they are going to dispatch a unit there and if a party  
406 is too loud they are going to knock on the door and tell them to be quiet and then if they don't that is where would run into  
407 this, whether they enforce it or not. Planner Steele stated Planning Tech Adams showed him a noise ordinance for  
408 Syracuse New York that has a very common sense rule and basically says if you are producing a lot of sound that is  
409 crossing your property boundary and annoying other people, stop it. 'No one shall play any radio, stereo, television,  
410 musical instrument or any device that produces sound in such a manner as to create unnecessary noise that crosses  
411 property boundaries and annoys a person of reasonable sensibilities. The noise ordinance is in effect 24 hours a day and  
412 complaints can be called into the Police non-emergency number.' Commissioner Vaughan stated if the other  
413 Commissioners don't mind will have a report in the packet for their meeting in February after their joint meeting.  
414 Commissioner Jensen stated he would encourage him to look at the Industrial Performance Standards in the Industrial  
415 zone when considering to compare those standards with what he has here so they can dovetail with each other. Planner  
416 Steele stated as a point of clarification, what kind of staff input would they like on this. Commissioner Vaughan stated at  
417 his particular point if staff wants to jump in fine, but is not looking for any at this particular point, it is his intent not to  
418 burden staff with any hours much more than what was to include in the packets. Commissioner Jensen stated his  
419 suggestion to the Chairman would be if staff should stumble across some ordinances between now and the next time they  
420 discuss it maybe include them in the packet, so they can use those as a comparison. Planner Steele stated they are short  
421 staffed but it is our job and so if there is something the Commission wants us to look into are happy to do it.

422 [7:13:08 PM](#)

423 **b. Parking Ordinances**

424 Planner Steele stated there has been some questions about parking requirements. In the current ordinance, included  
425 in the packet, there is a parking minimum and a maximum, think with what spurred all of this is Syracuse Assisted Living,  
426 they meet the parking ordinance but it seemed like, the site plan was approved with some reservations by Commission  
427 members feeling possibly there wasn't enough parking. Went to a reference book that have for City planning and made a  
428 copy, and some ordinances, some cities follow this. Highlighted in red what the requirements are, what they suggest and  
429 this is as a source *Transportation Planning Handbook, second edition, Institute of Transportation Engineers*, and am not a  
430 transportation engineer but this book say this is a good suggestion for parking. Elderly housing, Independent living: .6 per  
431 unit, Elderly housing, Assisted living: .4 per unit, Group and Nursing Homes, 1 per room and then looking at our ordinance  
432 for Nursing Home, 1 per every 5 beds, so the recommendation is to actually have more parking than what we are  
433 requiring in our ordinance, so that would be an easy change if they wanted to focus on that one problem area or if they all  
434 want to open up all of the parking or if that was the main concern.

435 [7:15:10 PM](#)

436 Commissioner Rackham stated he remembers that one, one of the issues was that they had a small number based  
437 on the number of beds but the problem was that they had no place for the employees or the employees would take all of  
438 spaces, so think there are some in there, some of the uses that require that they add something for employees along with  
439 this number additional based on the number of employees that intend to be there.

440 [7:15:56 PM](#)

441 Planner Steele stated in the first table as an example, Motor Vehicle Laundries, '2, plus 1 per each 2 peak shift  
442 employees', Assembly Hall/Museum, '1.5 per 1,000 annual visitors' so there is and whatever the Commission thinks is the  
443 right way to do it, any of those metrics as long as it is quantifiable for staff as they get applications that come in. Think that  
444 these Group and Nursing Home suggestions in the Transportation Engineer Manual probably take into account the  
445 employees. Commissioner Rackham stated is sure it does but without making major changes to our ordinance that was  
446 the big thing he was looking for was to add something that says for peak hour employees will add parking for that and  
447 also question why they have a max. Commissioner Day stated he wanted to speak a little bit to this, several of their  
448 commercial parking standards are very, very low, for example convenience store are usually 4 per 1,000 that is required,  
449 fast food any sort of food services are usually at 1 per 100, so 10 per 1,000, so think they would want to look at those and  
450 his experience within the community also is that within some of their commercial centers there is not enough parking, can  
451 think of 2 or 3 recently that has been to and during peak hours there are a little bit low and don't know why they would  
452 have a max, just doesn't make sense, they set the minimum benchmark, if they want to do more think that would be  
453 better, unless they are trying to get some sort of sustainability encourage people to walk, think that is where that comes  
454 from.

455 [7:17:54 PM](#)

456 Commissioner Jensen stated the other reason that would be in there is the thought is that the more acreage  
457 dedicated to parking spaces the lower the tax base, cause want to have a building on that acreage a parking space isn't  
458 worth as much in taxes. Commissioner Day stated he thinks that is more of a self-regulating type thing, wouldn't put more  
459 parking there than need to. Commissioner Rackham stated that is his opinion too, think they'll know how many they want  
460 and they won't want to turn their whole lot into a small building with a huge parking, it serves no purpose for them.  
461 Commissioner Day stated the one that he can think of is the one by the Movie complex, if ever drive by on the weekends  
462 can see there is not enough parking. Commissioner Rackham stated all the time. Commissioner Day stated as he looks  
463 through this he can see why. Commissioner Jensen stated he's parked on gravel a few times. Commissioner Day stated  
464 his thoughts are they may want to investigate this a little bit further.

465 [7:19:00 PM](#)

466 Commissioner Jensen stated his other thought on this on the other extreme talking a really large box store, Walmart  
467 is a perfect example, about half that parking lot is empty 360 days out of the year it is only 4 or 5 days out of the year  
468 where they might even need all that parking. So essentially it is good to plan for those peaks but think that those are  
469 extreme case and think that need to look if there is a way, if there are multiple business involved then they can be a little  
470 more flexible on the parking to allow for that, cause certainly having a maximum for one business might make sense but if  
471 5 or 6 are sharing the same parking places then combined they might use as many parking places as they would  
472 individually.

473 [7:19:40 PM](#)

474 Planner Steele stated for next time if they want he could take each one of the uses and then on the table can add  
475 another column and just show them what the above table recommends so they can compare it and see where they are  
476 high or low. Commissioner Jensen stated based on what is highlighted in red with the Elderly and Group Nursing Homes,  
477 do think they do need to raise their numbers on that particular use.

478 [7:20:18 PM](#)

479 Commissioner Vaughan stated his observations in regards to parking there basically is never enough and in a lot of  
480 developments and think this is throughout the US, that the only time the top end number of parking runs into a problem is  
481 when it bumps into the required percentage for landscaping and footprint and setback. Offhand have they ever come  
482 close in staff's knowledge where they have had to concede parking spaces because they have run into a landscaping  
483 percentage. Planner Steele stated no, it has never been an issue in his experience in fact most developers have landed  
484 right in the, well most developers want to save as much money as possible so they just go to the minimum amount.  
485 Planner Steele wanted to mention there is a book it is called *The High Cost of Free Parking* and it talks about some of the  
486 consequences that come from having and this is more on an extreme measure of talking about more academic look at  
487 across the Nation all of the big box stores and the giant parking lots and what that does to the urban form of our cities and  
488 the walkability and storm water runoff, tax bases and if they allowed free reign parking it does have consequences but  
489 from his experience hasn't had anyone who is proposing a giant parking lot so agrees the maximum isn't an issue as long  
490 as they have the minimum required. Commissioner Jensen stated the other thing on the maximum down the road they  
491 might decide to squeeze in a little strip mall and so that maximum kind of goes away, if they have a whole bunch of  
492 parking spaces now but later on want to squeeze in another store they could always do that as long as they meet the  
493 minimums. Planner Steele stated like an out parcel. Commissioner Jensen stated it is better to have it paved than have it  
494 be weeds basically.

495 [7:22:40 PM](#)

496 Commissioner Vaughan stated it might be kind of difficult for obviously the existing businesses and whatever  
497 because they are grandfathered in but an entity like a large drug store that sells an awful lot of merchandise that might  
498 come into them because they built these things throughout the United States they probably have a pretty good idea how  
499 many spaces they need to service their particular facility so when they come in with a map think they already have that in  
500 mind, this is how many they think they need because they have done their homework on the demographics. Every fast  
501 food franchise in the United States has a basic package that they hand out so from day one they can tell how many  
502 spaces they should have minimum to service their facility. There is a lot of information that has been done for them out

503 there it is just whether or not they can take advantage of what is before them. Would recommend it , obviously they are  
504 going to be discussing it in the future, if anybody has any particular business or class of business type that they have a  
505 question about, do a little homework and find out what they think is a good number to bring in and can start getting  
506 educated on this. Parking is very, very sensitive and unfortunately it is very, very permanent, they are talking about  
507 asphalt and concrete so once they make a decision there it is, they can't go back. There are a lot of jurisdictions that have  
508 told developers that it is actually cheaper for them to put in a parking space than it is to landscape it. That is because  
509 asphalt goes in once but plant maintenance, watering all that stuff goes on month after month as long as the business is  
510 there, it is a surprising compromise but it actually works out.

511 [7:24:59 PM](#)

512 Commissioner Jensen stated since Commissioner Day seems to have some experience with this working with the  
513 numbers recently maybe if he could jot a few of them down when he is thinking about them, so he has them ready for the  
514 discussion next time. Commissioner Day stated he can do that. Commissioner Rackham stated to clarify is Planner Steele  
515 going to make that extra column. Planner Steele stated yes, he will do the column for the next meeting.

516 [7:25:30 PM](#)

517 **c. Final General Plan Map**

518 Planner Steele stated he just wanted to bring it back to the Commission, hopefully they have had a chance to review  
519 it but this is the final product of all of the General Plan changes. Commissioner Jensen stated thank you for notching all  
520 the conservancy areas. Planner Steele stated as they can see on the southeast corner the hatched areas are Nature  
521 Conservancy. Commissioner Jensen stated Councilwoman Lisonbee in her motion said she wanted all of the land that is  
522 currently held by the Nature Conservancy Districts to be open space and so that changed their proposal slightly.

523 [7:26:29 PM](#)

524 Commissioner Jensen stated everything else looked good to him, there is one thing in retrospect he wished they  
525 would have fixed it but they didn't do it is too late but that was because he forgot. Essentially that strip that UDOT now  
526 owns next to the subdivision they approved last week there along the Emigrant Trail, would have loved to have seen that  
527 go to open space because don't think they are ever going to be able to develop that but. Planner Steele asked which one,  
528 the Bluff at Lakeview farms. Commissioner Jensen stated there is a strip of R-1 that is right up against the R-3, he can  
529 address that next time the General Plan is open but doesn't ever see them ever building anything there because it has  
530 been orphaned, so might as well make it open space, that doesn't apply to what they approved this time, just forgot about  
531 it.

532 [7:27:44 PM](#)

533 Commissioner Thorson asked if the General Plan Map was closed for 2 years now. Commissioner Jensen stated 1  
534 year actually, it opens on odd numbered years. Commissioner Thorson stated so it is closed for 1 year and then on to the  
535 2 year cycle. Commissioner Vaughan stated there is an asterisk beside the words closed. Commissioner Thorson asked  
536 but they are considering one next meeting. Commissioner Vaughan stated that is because he learned at the last City  
537 Council meeting that they extended perhaps the City Attorney might comment on the exact time and those properties and  
538 the background behind it.

539 [7:28:15 PM](#)

540 **d. 10.20.060**

541 City Attorney Roberts stated and that kind of dovetails into their next items, unless they have any questions on the  
542 General Plan Map, the next time is proposed amendment to 10.20.060. At the last Council meeting it was proposed by the  
543 Council that since this was the first time that they closed the General Plan and the General Plan Map that they should  
544 make some accommodation for people who didn't have sort of advance notice, now there will be that 90 day noticing  
545 period before they open the Plan so the other thought was why don't they have a bit of a one-time grace period that would  
546 allow people who submit their application between the closing of December 15, 2015 up until March 15, 2016, if they do  
547 then they can go ahead and consider those. So the Council said they would like to do that, they would like to present, an  
548 ordinance that probably needs to be changed a little bit for the Commission's consideration that sort of codifies that  
549 decision that the Council, the way they would like to go. So they have one applicant who brought in, who asked for  
550 permission to have it brought to the Commission and the Council has said yes and lets change the code to make sure that  
551 is provided for. Commissioner Jensen stated he did point this out to Councilwoman Lisonbee and she said that this,  
552 certainly the 90 day period this one time because they wanted to make sure everybody knew the General Plan was going  
553 to be closed. Normally they would be noticing October 1<sup>st</sup> that it is going to be open and then closed after January, but this  
554 one time since they closed the Plan so quickly they wanted to basically give a 90 day grace period but as far as codifying  
555 that into ordinance, think she would rather in talking to Councilwoman Lisonbee about this she said she would rather see  
556 it just as a resolution by the Council and not actually incorporated into Title X because it is a one-time thing and plus the  
557 Map is going to be open in January which is about 11 months away.

558 [7:30:17 PM](#)

559 City Attorney Roberts stated the concern he has with that is the Council just disregarding its own ordinance by  
560 resolution, think the wiser course think would be to codify it and then later in the revision once it is a an established  
561 practice they can remove it, but until then think the wiser course to go is to modify the ordinance so that they are  
562 complying with the ordinance that they have enacted. Commissioner Jensen stated in that spirit can he make a note on d)  
563 that instead of saying 90 days say request for consideration comes in before March 1, 2016. City Attorney Roberts stated  
564 March 15, 2016 is what the Council wanted and that needs to be modified and just wanted to let the Commission know  
565 this was coming as this was a very rough draft. Commissioner Jensen stated he would like to see the 90 days go away

566 and just put request for consideration comes before March 31, 2016. City Attorney Roberts stated this will come back and  
567 be on the regular agenda for the next meeting for the Commission's consideration at that point.

568 [7:31:33 PM](#)

569 Commissioner Moultrie asked if they have to give 90 days, why drag it out so long. City Attorney Roberts stated the  
570 discussion at the Council and this was mostly during their work meeting was let's give them a fair amount of time to close  
571 it but if they have a different recommendation they could definitely send it up to the Council with a different time frame on  
572 it. Commissioner Moultrie can see 30 or 60 but think 90 is too much time. Commissioner Vaughan stated d) as they see  
573 on the screen is that for this year only or is this something that is going to repeat every time the General Plan closes, so  
574 there will be a 90 day grace period 2018, 2020, 2022, get the drift. City Attorney Roberts stated that wasn't his impression  
575 from the Council meeting last week, think they were intending this to be a one-time grace period. This was drafted of  
576 course they have the packets put together quickly after the Council meeting this was put together pretty quickly.  
577 Commissioner Vaughan stated that is something that can be suggested to the Council, because right now it looks like it is  
578 open every 2 years for that additional time. Thought it was funny that the first meeting after the General Plan is closed the  
579 Council is looking for loop holes to get around what they just did and one of the things that would suggest that may want  
580 to consider putting d) is 90 days is whether or not that falls on a holiday, a weekend, whether or not that is subject to  
581 weather conditions or whether or not there is an emergency at City Hall that cause the building to be shut down and an  
582 applicant is waiting at the door and can't get in because someone pulled the fire alarm, just looking at the downside of  
583 some of these things.

584 [7:33:55 PM](#)

585 Commissioner Rackham stated his opinion is like they said think 90 days is a little too long, his preference would  
586 have been 45 days and do like Commissioner Jensen's suggestion of putting an actual date that it closes. Commissioner  
587 Jensen stated this is only supposed to be a one-time provision, so let's just say for d) March 31, 2016 as the deadline, if  
588 they don't get it and that will give developers 2 months to scramble and get to us, once they see that they are going to be  
589 coming in and that is actually is not what the General Plan Committee wanted to see but since the Council wants to grant  
590 the people that leeway that would be how he would compromise it. Commissioner Rackham stated just thinks 90 days is a  
591 little too long. Commissioner Moultrie stated March 1, 2016 would be great.

592 [7:34:59 PM](#)

593 City Attorney Roberts stated for practical purposes if this comes back to the Commission on February 2<sup>nd</sup> and goes to  
594 the Council on the February 9<sup>th</sup> that is the earliest when it would sort of be published and people would know hey this is  
595 the case so if it was 45 days it would already be passed so people wouldn't have the opportunity to take advantage of it,  
596 60 days would be, they would have until the end of the week basically to get it in, so think that was another reason the  
597 Council was thinking they need to give people enough time. March 15, 2016 would be a full month it potentially could be  
598 passed so people could have a chance to read it and find out that that grace period has been offered to people.

599 [7:35:37 PM](#)

600 Councilman Gailey stated when they got the Commission's packet it opened a hail storm and to a man or should say  
601 to a woman now cause they are outnumbered, everyone was in agreement with what they had done with the Plan to  
602 begin with and their concern was just this first time maybe giving just a little wiggle room and the date that they set as he  
603 remember the tick date was the 15<sup>th</sup> of December so it would be the Council's recommendation to be the 15<sup>th</sup> of March,  
604 that would be the 90 day period that it would close and it was a one-time thing. As they read through the packet they were  
605 concerned with this looking like it was a repeated thing, but this was a one-time amnesty that they wanted to offer. So the  
606 date in the Council's mind was the 15<sup>th</sup> of March. Commissioner Jensen stated in the interest of giving a little more wiggle  
607 room because it is going to take time to notice this, would march 31<sup>st</sup> be acceptable to them. Councilman Gailey stated he  
608 would open that up for their recommendation to the Council, they didn't want to open it too wide but whatever they think,  
609 that was their feeling, they just wanted this first time to give just a little wiggle room for somebody who might have been  
610 caught on the fence and so that they didn't have that criticism and the intent was to start, the tick date was the 15<sup>th</sup> of  
611 December not the 1<sup>st</sup> of January. Commissioner Jensen stated he understand, what he is suggesting is 106 days instead  
612 of 90. Councilman Gailey stated their bigger concern was the fact that it was a repetitive ongoing thing and that was not it  
613 at all just this one-time amnesty period. Commissioner Vaughan asked if it was 90 days from an action or 90 days from  
614 when the General Pan went into effect. Councilman Gailey stated from when it went into effect. Commissioner Vaughan  
615 stated because each time they delay it another week they are cutting down on that period of time in which an applicant  
616 has an opportunity as opposed to making it 90 days from when it is passed. Councilman Gailey agreed and there intent  
617 was to make that shorter and not longer, but discuss and make a recommendation to the Council with what they think, but  
618 thinks the date he remembers from Council was the 15<sup>th</sup> of March. Commissioner Vaughan stated if they were able to  
619 vote on this right now, it wouldn't hit the Council, a regular Council meeting until for 3 weeks. City Attorney Roberts stated  
620 the first business meeting in February. Commissioner Vaughan stated they have already taken another 21 days away,  
621 that is why he is saying it would be his recommendation that it be 90 days after passage as opposed to just being a date  
622 because if they were trying to be fair to someone who came up at the last Council meeting they wacked them out 3  
623 weeks. Councilman Gailey asked if he was talking about 90 days from the Council acting on it after the Commission's  
624 recommendation. Commissioner Vaughan stated yes from when they passed the. Commissioner Jensen stated if they are  
625 going to do that he would be more comfortable with 30 days.

626 [7:38:54 PM](#)

627 Commissioner Rackham asked staff other than the Wilcox property, has this turned anybody away, any applicants  
628 away. City Attorney Roberts stated he heard Planner Schow telling people about the closed General Plan before so they

629 may never know who had read the ordinance or who has come to the counter and said they wanted to do a development  
630 and were told it was closed as opposed to those who sort of said they were going to ask for permission anyway but don't  
631 really know. Planner Steele stated from his experience hasn't had anybody come to City Hall at the counter with an  
632 application and then no one has been told no it is closed, knows there has been inquires by developers and the rules  
633 have been explained and so it may have prevented an application from coming in, just don't know exactly what had been  
634 told. Before it closed he had a few conversations with some developers and they weren't very excited about the idea of it  
635 closing. Commissioner Rackham stated it doesn't prevent them from building, it just has them build what either is in the  
636 zoning or the General Plan. Councilman Gailey stated there is no opposition to that from the Council either, they aren't  
637 backing off what was passed what the Council, and maybe they are opening up a bigger can of worms than they wanted  
638 to but they wanted to be able to give the provisions, so think the Council would be open to a suggestion, 30 days from  
639 passage, 45 days from passage, think they would accept whatever the recommendation from the Commission would be.  
640 Commissioner Jensen asked City Attorney Roberts currently they do not require a public hearing for ordinance changes.  
641 City Attorney Roberts stated for Land Use changes they do, that is State code, so this is a Land Use code so it would  
642 require it. Commissioner Jensen stated looking at this essentially if they fast track and say now they are going to do this  
643 they could essentially, either have the public hearing on the 2<sup>nd</sup> or have the City Council have the hearing on the 9<sup>th</sup> of  
644 February, because the City Council could decide on this on the 9<sup>th</sup> of February. City Attorney Roberts stated they can, the  
645 usual procedure is to have the hearing here with the Planning Commission rather than the City Council although they  
646 solicit public input anyway. Commissioner Jensen stated just saying if they were pressed for time could roll the public  
647 hearing over to the Council. City Attorney Roberts stated they could but think they've got enough time that we can get the  
648 notice put together. Commissioner Jensen stated they have from February 9<sup>th</sup> until they want to close it, whether that is  
649 March 15<sup>th</sup> or March 31<sup>st</sup> think that is plenty of time.

650 [7:41:17 PM](#)

651 City Attorney Roberts asked if they have a preference as a Commission to the date, can put it in the draft and can  
652 change after the hearing if they want, is there a preference on date, want to stick with what the Council suggested or want  
653 to make it longer, what is the body's recommendation. Commissioner Vaughan stated thinks they are happy with what the  
654 Council would like after all they are going to meet with them in a week that would a question they ask, on something like  
655 this think they are pretty much going to fall into lockstep with Council.

656 [7:41:44 PM](#)

657 City Attorney Roberts stated he will start with March 15<sup>th</sup> and that can be amended by either the Commission or  
658 Council.

659 [7:42:07 PM](#)

660 Commissioner Rackham stated to clarify though they are not going to take any applications until it is approved by  
661 Council. City Attorney Roberts stated if someone puts in an application it would have to be to the Council to have the  
662 General Plan opened. Commissioner Jensen asked if this is in the ordinance, if someone submits by March 15<sup>th</sup>, they are  
663 golden, however long it takes the Council to decide whether they want to do it or not, they would have to have their  
664 application submitted by March 15<sup>th</sup> is that what they are shooting for. City Attorney Roberts stated it sounds like it, yes.  
665 Commissioner Vaughan asked if staff will be noticing this that they have extended the period of time, would hate for  
666 someone who has been considering doing this and then found out that they closed the General Plan and then they have  
667 no way of knowing that they may have been one of these people would qualify for this extension period. City Attorney  
668 Roberts stated the noticing will be in the paper and the usual noticing process but are not going to do anything specific  
669 like targeted noticing or contacting developers. Commissioner Vaughan stated he know we can't contact every developer  
670 in the County but trying to figure out what is a fair way of letting them know that they have added an asterisk to the word  
671 closed. Commissioner Jensen stated essentially it is closed unless the Council decides to open it and this is just giving  
672 them one more mechanism should they chose to open it, they could still say no. Planner Steele stated the way he is  
673 explaining it to people as they call in, is not saying it is closed, saying that the open period is closed which basically just  
674 adds an extra step, they can still get through the process if they want it just has to go through another filter.  
675 Commissioner Vaughan stated he thinks the Commission is looking for fairness and if staff can find the fairest thing to do  
676 think will give support to that.

677 [7:44:23 PM](#)

678 **3. Commissioner Reports:**

679 Commissioner Moultrie had nothing to report. Commissioner Day had nothing to report. Commissioner McCuiston  
680 had nothing to report.

681 [7:44:57 PM](#)

682 Commissioner Rackham stated he just wanted to make a point of clarification, just in the meeting minutes when they  
683 make a motion to adjourn they don't need a second, don't need a vote.

684 [7:45:47 PM](#)

685 Commissioner Jensen stated he attended another one of the open houses, the Town Hall meetings, there will be  
686 another one tomorrow for the people that are west of 2000 W and south of Antelope that is the 4<sup>th</sup> district that they are  
687 doing and the last one they do. Kind of reported on it before, the only new bit of information is that the City is now actively  
688 lobbying the legislature for the extension of State Road 193 from 2000 W to 3000 W with the thought that if they can get  
689 that in before they start the construction on 2000 W that it can alleviate traffic, so they are pursuing that with the  
690 legislature and the other thing he needs to report which dovetails in with his conversation last time about the consolidation  
691 of Title X, the City Council is certainly fully cognizant of what is going on with that and will be meeting with Director Mellor

692 within the next week or so and hopefully Planner Steele and after that meeting it should be ready for a first reading with  
693 the Planning Commission and as has said before the purpose of the first reading is to bring it to this body get some  
694 suggestions and then try to incorporate those suggestions into an actual draft so it the intent is not to pass this thing really  
695 quick, the intent is to try to since they are trying to consolidate things down to charts that while they are here let's try to get  
696 the suggestions in that they can.

697 [7:46:31 PM](#)

698 Commissioner Thorson stated he wanted to bring something up and not sure but guess he is disappointed, in the last  
699 meeting they had a property that was rezoned from agricultural to R-1, that rezone came about as a General Plan Map  
700 amendment that came as a last minute application, a live application as it would have it and approved by the City Council  
701 immediately, right as the Plan closed, that application was not ever addressed by the Commission, that application was  
702 never noticed, it did happen in a public meeting and then that was done and then last Commission meeting wasn't able to  
703 attend, was sick, read the minutes and in spite of a lot of opposition it was approved at least recommended approval by  
704 the Commission because it is in the General Plan and they really don't have, outside of really considerable reasons to go  
705 against the General Plan. So in one month, less than one month, 3 weeks, property went from agricultural on the General  
706 Plan and on the Zoning Map changed to Residential on the Plan and then changed to Residential on the Zoning Map in  
707 the course of 3 weeks and the Commission's reason for approving it was because it was on the General Plan and is  
708 disappointed that that was never noticed as a change on the General Plan and then even, his neighbors, it is near his  
709 property, his neighbors had no recourse because the Commission's resolution, or motion was, the Commission has no  
710 reason to deny it, it is on the General Plan and his disappointment is in the noticing of that, really doesn't know how that  
711 happened that quickly without any objections. He would have objected to it, would have voted against it because of all  
712 along the Great Salt Lake, that will be the closest residential properties as a spear point right out to the Lake, would have  
713 rejected it on conservation issues on that reason. However, it got approved because it was in the General Plan and  
714 doesn't know how that happened but not, guess is disappointed there wasn't consideration that they never looked at it as  
715 a General Plan Map change and it was approved as, well, it is on the General Plan Map, doesn't know if that is an  
716 opinion, if that was noticed properly, know there was an opinion given in the meeting, in the minutes that it was or has, it  
717 was okay because it was in a public meeting but that was a really swift change after they considered all the changes and  
718 then it got approved and changed. Approved and closed and rezoned like that, lickety split, no way that that property  
719 owner was gonna let that sit open for very long without a change so, guess he just wanted to express his disappointment  
720 and that noticing process or in that whole 3 week period that that property changed to that kind of land use.

721 [7:50:00 PM](#)

722 Commissioner Vaughan stated it is just an advisement, the assisted living facility on 2000 W, a couple hundred yards  
723 north of the Elementary school has begun their grading, they put up their dust control fence so it looks like the assisted  
724 living facility is going to be moved on rapidly even though it is snowing outside. Planner Steele stated they have received  
725 a building permit application for it and they are moving forward.

726 [7:50:40 PM](#)

727 4. **Adjourn**



# PLANNING COMMISSION REGULAR MEETING AGENDA

February 2, 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**

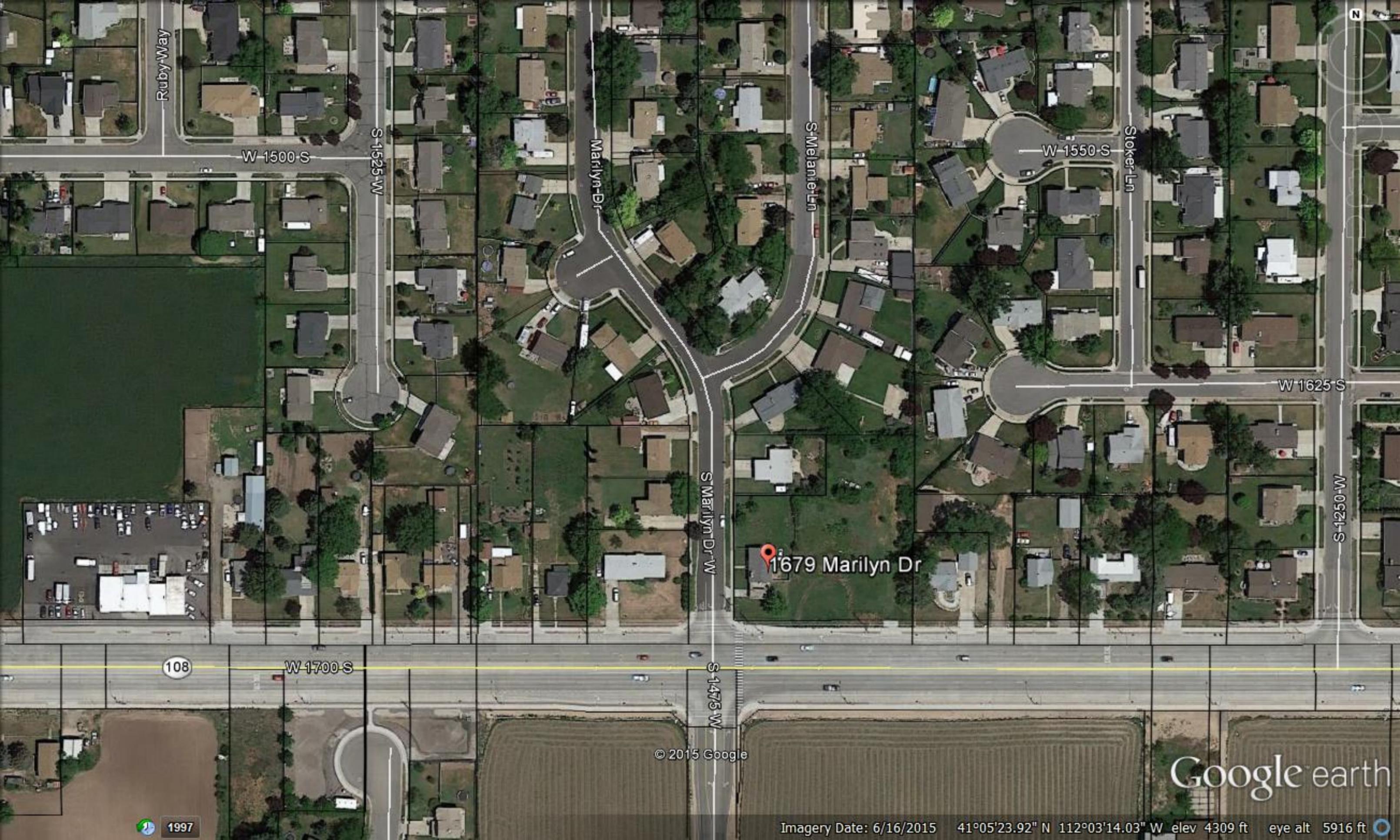
I move to recommend approval, to the City Council, to rezone property located at 1679 Maryilyn Dr from R-3 to Neighborhood Services, subject to all applicable requirements of the City's municipal codes (and to the condition(s) that...)

#### **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

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

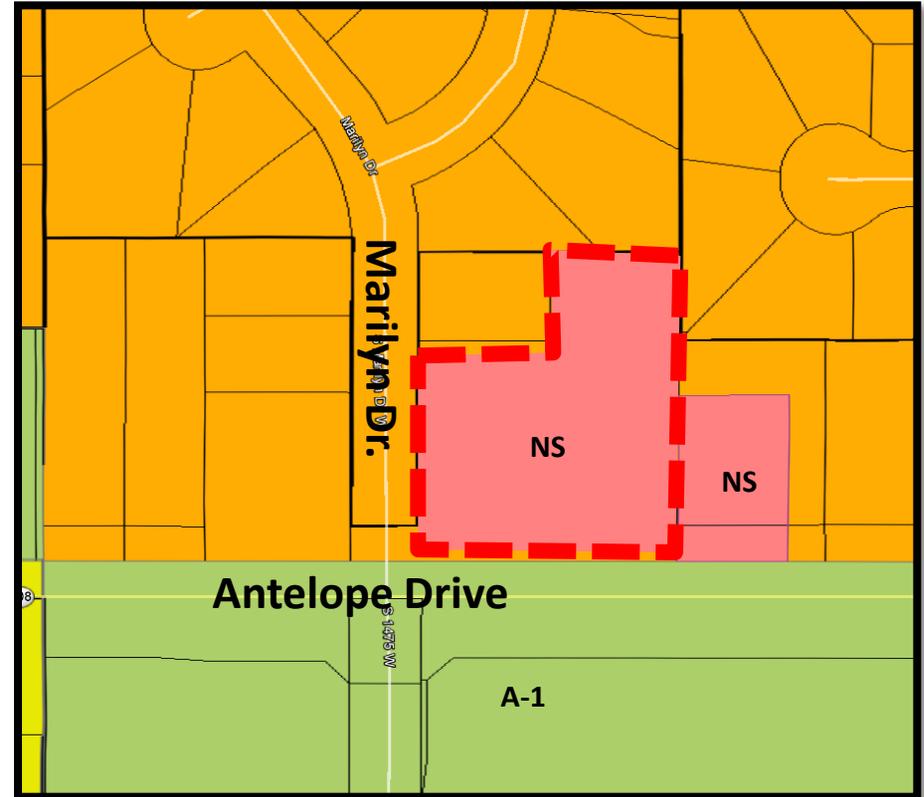
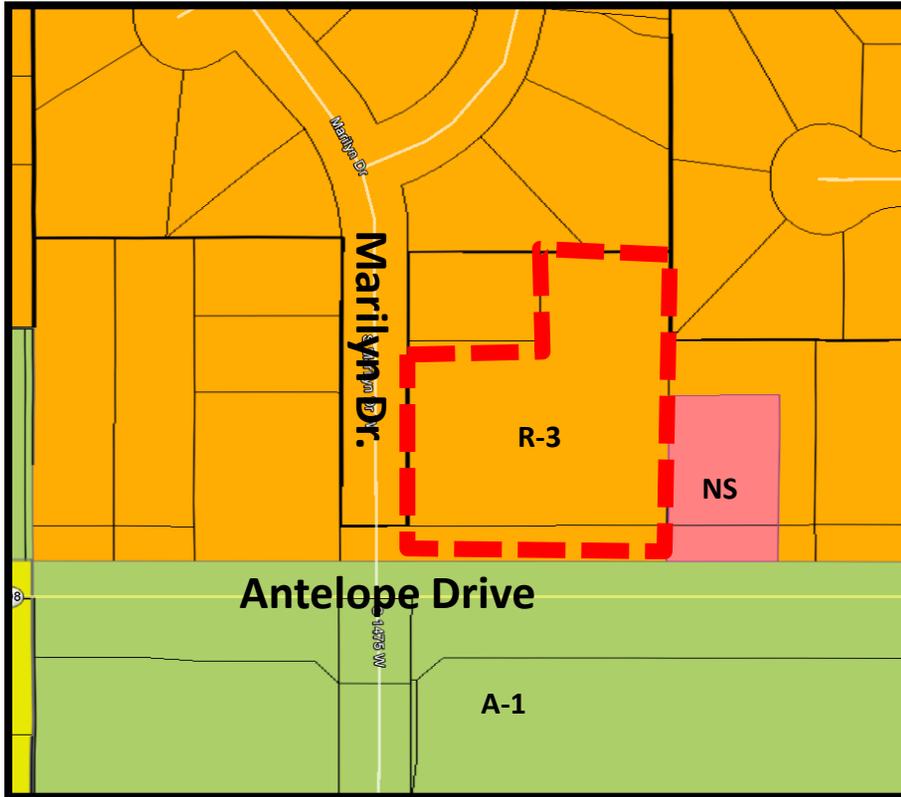


# Rezone Request 1679 S. Marilyn Dr.



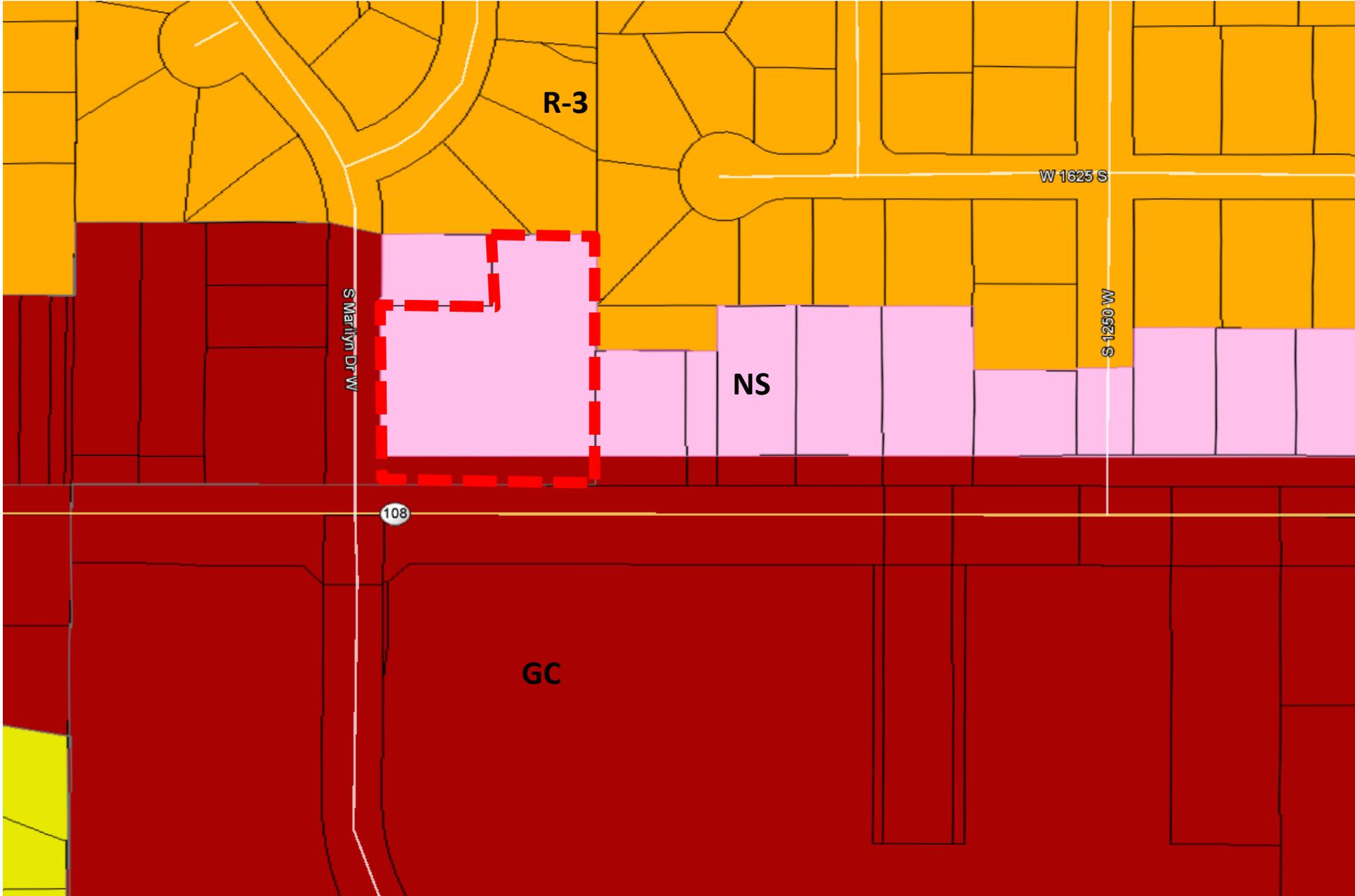
Existing Zoning

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.**

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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.**

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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.**

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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.**

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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.**

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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.**

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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.]

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#### **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.**

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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.**

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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.**

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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.**

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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.**

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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.**

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(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.]

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

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# PLANNING COMMISSION REGULAR MEETING AGENDA

February 2, 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 received 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...

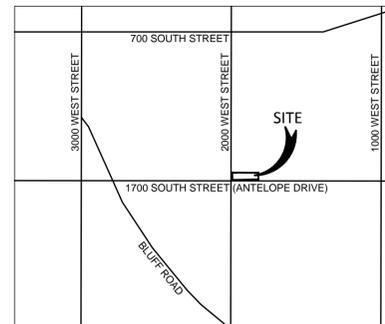
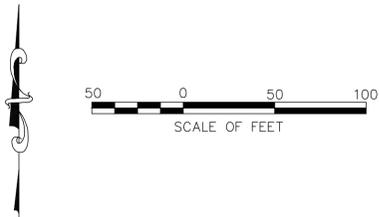
#### **Table**

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....

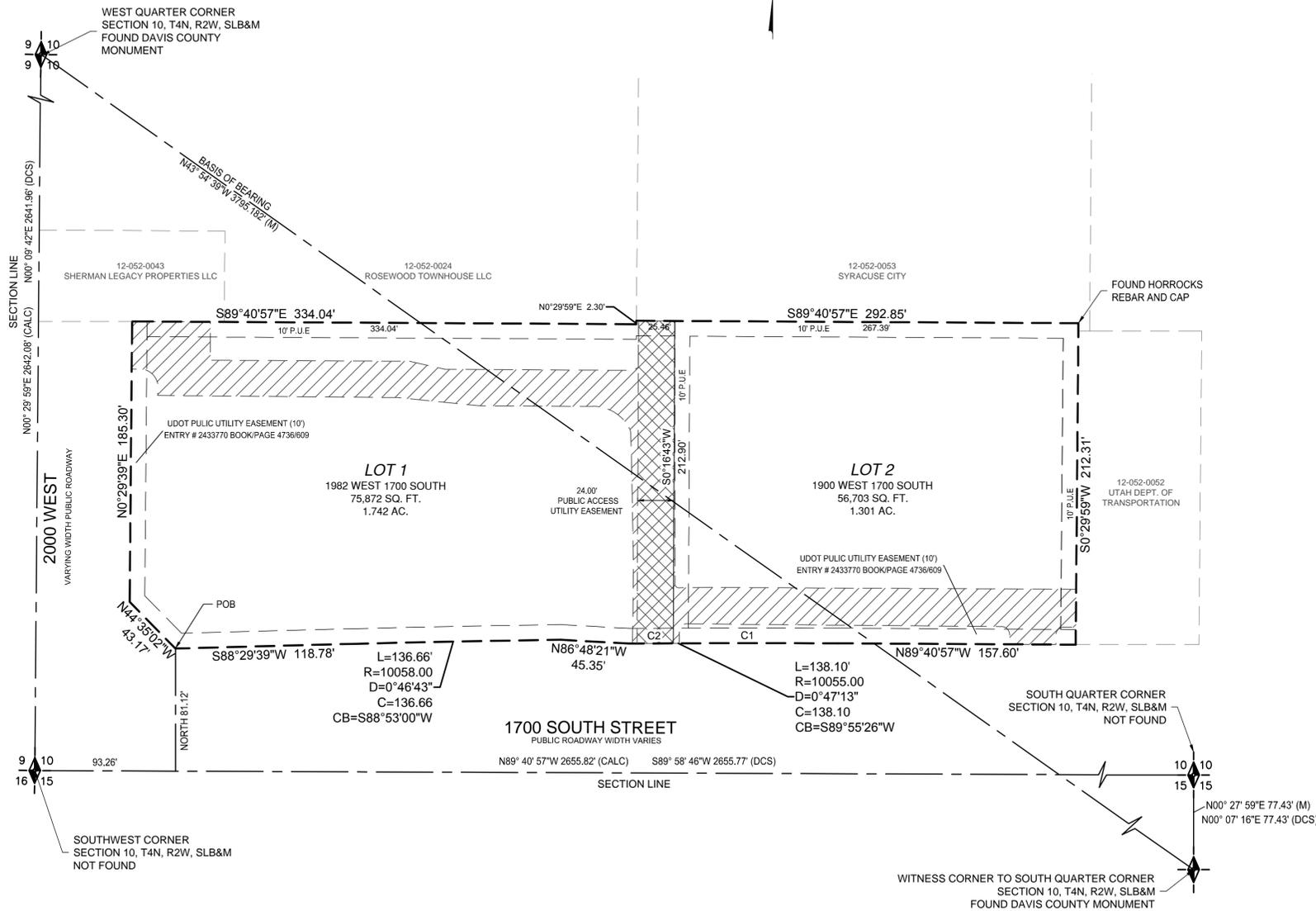
# CVS PLAZA SUBDIVISION

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

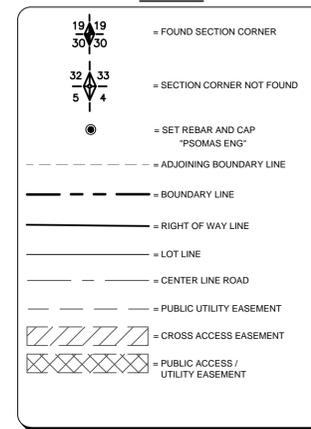
LOT LINE CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	108.97	10055.00	0°37'15"	108.97	N89°59'35"W
C2	29.13	10055.00	0°09'58"	29.13	S89°36'48"W



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

<b>8.30.010 – Subdivision Concept Plan</b>		<b>Planning Staff Review:</b>
<b>(A)</b>	The name of the subdivision, which name must be approved by the Planning Commission and county recorder.	yes
<b>(B)</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
<b>(C)</b>	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'
<b>(D)</b>	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
<b>(E)</b>	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
<b>(F)</b>	Radii, internal angles, points and curvatures, tangent bearings and the length of all arcs.	yes
<b>(G)</b>	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
<b>(H)</b>	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.
<b>(I)</b>	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
<b>(j)</b>	Pipes or other such iron markers shall be shown on the plat.	yes
<b>(k)</b>	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.	
<b>(I)</b>	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
<b>(M)</b>	Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use.	Not applicable
<b>(N)</b>	Boundary descriptions of the subdivision.	yes
<b>(O)</b>	Current inset City map showing location of subdivision.	yes
<b>(P)</b>	<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.



# PLANNING COMMISSION REGULAR MEETING AGENDA

February 2, 2016

**Agenda Item # 6**                      **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

**10.20.060**

(E) (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; ~~or~~

(d) The request for authorization was submitted to the Department prior to 5:00 p.m. on March 15, 2016.



# PLANNING COMMISSION REGULAR MEETING AGENDA

February 2, 2016

## Agenda Item # 7

## Potential Amendments to By-Laws v.3

### Summary

Following our joint session with the City Council, I have made some additional changes to the By-laws based upon my perception of the direction of the Council as a whole. As there were no votes cast, my perception could be mistaken. Nevertheless, these changes should at least serve as points of discussion.

The following parts of the by-laws have been modified/annotated from our previous version:

**II.B Duties of Chair** – New subsection (14) addressing the procedure by which the Commission seeks preliminary authorization from the Council before it begins any work on code amendments. If an issue is identified as being problematic or in need of attention, the Chair solicits approval from the Council to move forward with code amendments. This is meant to save the time of commissioners, councilmembers and staff, to avoid putting substantial effort into issues which the Council does not think need attention. If the Chair does not agree that the issue should be brought to the Council's attention, then two commissioners may impose upon the Chair a duty to bring the issue to the Council's attention.

**III.A Meeting Attendance** – This section starts with the expectation that commissioners are expected to attend all sessions of the Commission. It requires the Chair to transmit quarterly reports of attendance. It sets 80% as a threshold which triggers special attention. The by-laws do not call out a specific procedure when someone drops below that threshold. However, it will likely include Chair and Mayoral interviews to determine if circumstances have changed which make it difficult for the commissioner to make the meetings.

**IV.F Quorum** – It was suggested that one way to improve attendance would be to increase the number of commissioners required to form a quorum. We should discuss this issue further.

**IV.G Remote Participation** – It appeared that the Council was in favor of providing for remote attendance in cases where an individual is out of town or stricken with a serious illness, if the commissioner wishes to participate. The Council already has a resolution which allows electronic participation in meetings, so the specific procedures need not appear in the by-laws. However, state law requires that the agenda provide notice to the public that one or more members of the Commission may appear remotely. We should either begin noticing this on every agenda (this is a common practice in many jurisdictions), or require that the request be made before the agenda is published.

**VI Voting** – There was significant concern expressed over changing the number of votes necessary to transact business before the Commission. There is a concern that reducing the number of required votes only encourages poor attendance. See my comments in the draft.

Paul Roberts

**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

~~13-14.~~ Convey issues which may result in potential code amendments to the City Council for initial input and approval to move forward with drafting those amendments. This shall be conveyed through the Council liaison, and the duty to convey these issues may also be initiated by two commission members during any meeting.

**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~~ is expected to attend ~~the all~~ sessions of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused will notify the secretary and/or the Chair. The secretary shall call the same to the attention of the Chair. Reports of attendance, with notations of whether the Chair was notified prior to the meeting, shall be submitted to the Mayor on at least a quarterly basis. Attendance falling below 80% during a six-month period is an indication that a commissioner's attendance is in need of attention.

**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 Commission ~~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 bric 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. Failure to conduct oneself in a professional and competent manner appropriate to the position of Planning Commissioner.
4. Violation of the criminal laws, federal, state, or local.
5. A change in residency outside of Syracuse City.
6. Failure to abide by Syracuse City Human Resources Policies and Procedures as it relates to employee conduct.

**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 applicant 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.

**Comment [PR1]:** As an attempt to improve attendance, it has been proposed that the amount of commissioners required to constitute a quorum could be raised to 5.

**G. Remote Participation.** Commissioners who are out-of-town or seriously ill may participate in proceedings remotely through the means of electronic communication. Arrangements for remote participation should be made one week in advance of the meeting, and may only occur if the agenda has provided requisite notice of the arrangement. Participation may occur through audio or audio-visual applications. A remote participant is a full participant during the proceedings.

**GH. 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.

#### **I. Agenda and Submitted Documents.**

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.

#### **H.J. 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.

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

**JL. 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.

**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.

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

**Comment [PR2]:** There were concerns that making this change would support non-attendance, because commissioners might think that the business will be transacted in their absence. However, the discussions regarding changes in policies related to attendance, reporting and thresholds may have alleviated this somewhat.

An alternative change advanced by Commissioner Thorson was a provision which allowed for a 3-2 vote to carry the day, rather than always requiring 4 votes.

Even with improved attendance, one missing commissioner, plus one recusal, could lead to this type of voting situation.

Under that proposal, if only 4 members were voting, a unanimous decision would need to be reached. However, as this is the current state of the by-laws, it would be no more onerous than our current code provisions.

We should give this section additional attention and put together a proposal that best fits the Commission's needs.

**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 WORK SESSION AGENDA

February 2, 2016

## **Agenda Item # 2a                      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\***

<b>USE</b>	<b>PARKING SPACES REQUIRED</b>	<b>COMMENTS</b>
<b>Residential</b>		
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 <sup>3</sup>
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	
<b>Retail/Service</b>		
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 <sup>2</sup>
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	
<b>Food and Beverage</b>		
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	
<b>Office and Business Services (3)</b>		
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
<b>Governmental</b>		
	As determined by zoning administrator	
<b>Educational</b>		
Elementary and Secondary Schools	0.35 per student	1
College and University	Determined by parking study specific to subject institution	
<b>Cultural/Recreational/Entertainment</b>		
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.

<a href="#">Uses</a>	<a href="#">Unit Measure</a>	<a href="#">Min.</a>	<a href="#">Max.</a>
<a href="#">Single-family dwellings</a>	Per <a href="#">dwelling unit</a>	2	N/A
<a href="#">Two-family dwellings</a>	Per <a href="#">dwelling unit</a>	2	N/A
<a href="#">Three-family dwellings</a>	Per <a href="#">dwelling unit</a>	2	N/A
<a href="#">Four-family dwellings</a>	Per <a href="#">dwelling unit</a>	1.5	N/A
Planned residential development (PRD) <a href="#">family dwellings</a>	Per <a href="#">dwelling unit</a>	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 <a href="#">floor area</a>	3	4.5
Less intensive commercial businesses, including autos, lumber, appliances, sales, etc.	Per 1,000 square feet retail <a href="#">floor area</a>	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, <a href="#">preschools</a> , and nursery schools	Per teacher, plus dropoff loading <a href="#">area</a> per seven students	0.5	2
<a href="#">Offices</a> and personal services	Per 1,000 square feet <a href="#">floor area</a>	2.5	3.5
Fast food or drive-in restaurants, sit-down restaurants, and bars	Per 100 square feet of dining <a href="#">area</a>	1.5	3.5
Auditoriums, assembly halls, theaters, churches, and funeral homes	Per every five seats	1	3.5
<a href="#">Dental and medical clinics</a>	Per 1,000 square feet <a href="#">floor area</a>	2.5	4.5
Hospitals	Per patient bed	1	2.5
Hospitals, animal	Per animal	0.5	1
<b>Nursing homes</b>	Per every five beds	<b>1</b>	<b>1.5</b>
Manufacturing <a href="#">uses</a> , research, wholesale	Per 1,000 square feet <a href="#">floor area</a> (excluding floor space used exclusively for storage)	1.25	3

Uses	Unit Measure	Min.	Max.	Transportation Planning Handbook, Institute of Transportation Engineers
Single-family dwellings	Per dwelling unit	2	N/A	2
Two-family dwellings	Per dwelling unit	2	N/A	2
Three-family dwellings	Per dwelling unit	2	N/A	2
Four-family dwellings	Per dwelling unit	1.5	N/A	2
Planned residential development (PRD)	Per dwelling unit	2.5	N/A	2
Hotel and motel	Per room or suite	1	2	1.25/room, plus 10 per 1000 sq ft restaurant/loung, plus 30 per 1000 sqft meeting/banquet room of < 50,000 sqft or 20 per 1000 sqft meeting/banquet room of > 50,000 sq ft.
Intensive commercial businesses, stores, and shops	Per 1,000 square feet retail	3	4.5	6 per 1000 sqft gross floor area
Less intensive commercial businesses, including autos, lumber, appliances, sales, etc.	Per 1,000 square feet retail	1.5	2.5	3.5 per 1000 sqft gross floor area
Convenience stores, service stations, mini-marts	Per 1,000 gross square feet	2	3.5	3.5 per 1000 sqft gross floor area
Commercial recreation, such as golf courses, bowling alleys, indoor soccer, etc.	Per 1,000 square feet	2	4.5	2 per player or 1 per 3 persons permitted capacity
Day cares, preschools, and nursery schools	Per teacher, plus dropoff	0.5	2	.35 per person (licensed capacity)
Offices and personal services	Per 1,000 square feet floor	2.5	3.5	3.6 per 1000 sqft for GFA < 250 ksf or 3.35 per ksf GFA >250ksf
Fast food or drive-in restaurants, sit-down restaurants, and bars	Per 100 square feet of dining	1.5	3.5	15 per 1000 sqft GFA (Gross Floor Area)
Auditoriums, assembly halls, theaters, churches, and funeral homes	Per every five seats	1	3.5	.33-.6 per seat
Dental and medical clinics	Per 1,000 square feet floor	2.5	4.5	5.5 per ksf GFA
Hospitals	Per patient bed	1	2.5	1 per 3 beds, plus 1 per 5 average daily outpatient treatments, plus 1 per 4 medical staff, plus 1 per student/faculty/staff
Hospitals, animal	Per animal	0.5	1	4.5 per ksf GFA
Nursing homes	Per every five beds	1	1.5	Nursing home = 1 per room, ...assisted living = .4 per unit
Manufacturing uses, research, wholesal	Per 1,000 square feet floor	1.25	3	Manufacturing/light industrial = 1.5 per ksf plus spaces as required for office ,sales, etc.
				warehouse: .7 per ksf GFA,