

Syracuse City Planning Commission Meeting
October 6, 2009
Minutes

1. Meeting called to Order, Adoption of Agenda, and Approval of Minutes

Planning Commission Chair Robert Whiteley called the meeting to order at 6:12 p.m., indicating City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Jamie Nagle offered the prayer, and Quinn Seegmiller, with Troop 126, led the pledge of allegiance.

Members Present: Chairman Robert Whiteley, Vice Chair Kenneth Hellewell, Tena Campbell, Nathan Miller, Craig Jenkins, Mike Norton, and Jamie Nagle as well as GIS Specialist Troy Moyes.

Excused: Administrative Assistant Judy Merrill

Visitors: Brent Bourgeois Bonnie Bourgeois Brent Dietrich Shellie Dietrich
 Theresa Sheffield Mark Hunzeker Noah Grodzin Troop 126

CRAIG JENKINS MOVED TO ADOPT THE OCTOBER 6, 2009, AGENDA AS OUTLINED, SECONDED BY KENNETH HELLEWELL; ALL VOTED IN FAVOR.

Commissioners reviewed the minutes of the September 15, 2009, meeting.

KENNETH HELLEWELL MADE A MOTION TO APPROVE THE SEPTEMBER 15, 2009, MEETING MINUTES AS WRITTEN, SECONDED BY JAMIE NAGLE; ALL VOTED IN FAVOR, EXCEPT FOR TENA CAMPBELL WHO ABSTAINED SINCE SHE WAS NOT PRESENT FOR THAT MEETING.

2. Brent and Bonnie Bourgeois Public Hearing and Conditional Use for an Accessory Building

Brent and Bonnie Bourgeois, 3008 South 3000 West, appeared before the Planning Commission requesting Conditional Use approval to construct a 300 square-foot pool house in their rear yard. Specialist Moyes reported that the structure would include a restroom, shower, and storage facilities to house pool equipment as well as support a retractable shell for covering the adjacent swimming pool. All exterior colors would match the primary residential structure. Staff reviewed the application and supporting plans and determined the proposed structure would comply with City Ordinance 10-6-010(C) regarding accessory uses.

Mrs. Bourgeois expressed her frustration with the City regarding this approval process. City staff delayed their project by four weeks even though it was already given approval. She came in to the City offices several times and discussed this accessory building with the Building Department staff to make sure the construction complied with proper procedures. Building Inspector Tex Couch was out of the office on one occasion and, upon returning, decided the Chief Building Official, Jason VanAusdal, needed to review the plans. He placed a stop-work order on their project, because it exceeded the 200 square-foot maximum and required conditional use approval, resulting in a loss of progress during all the good weather the last three weeks. She claimed she told City staff up front that it was 280 square feet and provided drawings showing it as 28 feet by 10 feet. Later, they extended it another foot on each side to accommodate the bubble over the pool. Now the weather was getting cold. Chairman Whiteley expressed appreciation for their willingness to go through this process, which tended to be a little tedious, but the City required everyone with large accessory buildings to comply with these same steps.

Chairman Whiteley opened up the meeting for public hearing. Before sitting down, Mrs. Bourgeois referred to a brochure she brought with specifications on the bubble pool cover and offered to give them copies. Commissioner Jenkins advised her they already had copies in their packets.

No one came forward to speak on this matter, so Chairman Whiteley closed the public hearing.

Commissioner Jenkins asked the applicants to provide them with more details about the fencing. He understood that this aquashield would only be open when someone was in the pool. Mrs. Bourgeois told him the hard top safety cover was much safer than a fence, which someone could climb over in order to gain access to the pool. They did have a 6-foot pig-wire fence around it, since their property was farmland, and a chain-link fence along the northern property line. However, they had nothing across the back property line other than 6-foot chain-link gates they moved in and out that attached to the house and back yard fence.

Vice Chair Hellewell asked if the shell would be up most of the time. Mrs. Bourgeois advised him it would only be open during summers when they were using it. The bubble had a locking mechanism and sections that allowed them to open a portion at a time or the entire pool. Because they lived on a farm with dirt, they would not leave it open, so she did not understand the need for another fence.

Commissioner Nagle then apologized for the applicants' frustrations and hoped that City staff could learn from their mistakes and not cause any undue hardship on people coming before them, since she did not want the process to be an obstacle for residents. Mrs. Bourgeois expressed her appreciation and stated that she kept checking to make sure they were doing everything correctly but still learned, after a month into construction, that they needed to apply for conditional use approval. It was a shock, and she did not understand where the communication fell apart. Her contractor did not drop off everything required, so she visited with City staff to make sure they had the proper attachments to the paperwork.

CRAIG JENKINS MOVED TO GRANT CONDITIONAL USE APPROVAL TO BRENT AND BONNIE BOURGEOIS TO CONSTRUCT A POOL HOUSE IN THE REAR YARD OF THEIR HOME, LOCATED AT 3008 SOUTH 3000 WEST, SUBJECT TO ALL REQUIREMENTS OF THE LAND USE ORDINANCE SPECIFIC TO ACCESSORY USES. KENNETH HELLEWELL SECONDED THE MOTION; ALL VOTED IN FAVOR.

Mrs. Bourgeois asked what she needed to do next. Specialist Moyes advised her that the Building Department would determine, based on the International Building Code, whether they needed to install additional fencing.

3. Clearwire Conditional Use for a Wireless Telecommunications Co-Location

Noah Grodzin, representing Clearwire, approached the Commission requesting Conditional Use approval to co-locate a new wireless telecommunications antenna on an existing monopole, located in the rear portion of Stoker's Nursery at 2050 South 1000 West, owned by Global Signal Acquisitions II, LLC. Specialist Moyes explained that the new antenna would not increase the height or footprint of the existing area approved by the City for this use. Clearwire would secure their antenna equipment on the existing monopole and add some small equipment on the ground. Staff reviewed the application, supporting plans, and documents and determined that the proposed request would comply with City Ordinance 10-24 regarding wireless telecommunications. He then presented a diagram indicating the improvements to the monopole with the antenna on the lower portion of the tower and equipment on the ground.

Mr. Grodzin added that the existing tower was 80 feet tall, and they would place their antenna at 60 feet. The Clearwire antenna would be much more compact and less obtrusive than other displays and that they were a new network to this area offering wireless internet combined with phone service.

Commissioner Jenkins asked if they would be enclosing their equipment on the ground. Mr. Grodzin referred to the current equipment shelter but did not know if it would fully enclose their equipment or not. However, the Clearwire equipment container would only be the size of a duffel bag, made of steel, and weatherproof.

NATHAN MILLER MADE A MOTION TO APPROVE CLEARWIRE'S REQUEST TO CO-LOCATE WIRELESS TELECOMMUNICATIONS EQUIPMENT AT AN EXISTING MONOPOLE SITE, LOCATED AT 2050 SOUTH 1000 WEST, SUBJECT TO ALL REQUIREMENTS OF THE SYRACUSE LAND USE ORDINANCE SPECIFIC TO WIRELESS TELECOMMUNICATIONS. JAMIE NAGLE SECONDED THE MOTION; ALL VOTED IN FAVOR.

4. Discussion of Proposed Amendments to Title X Land Use Ordinance

Specialist Moyes presented some proposed amendments to Title X of the Land Use Ordinance for discussion due to problems encountered by City staff. The sections affected were specifically 10-4-080(D)4 regarding conditional use reviews, 10-6-010(C)1(a) regarding accessory building setbacks, 10-6-050(C)8 regarding lot and yard regulations, and 10-24-030(A) regarding site plan requirements for wireless telecommunications. He asked the Commission to consider scheduling a public hearing for October 20, 2009, to discuss the proposals further and make a recommendation to City Council. He then went over each proposal.

10-6-050(C)8: Specialist Moyes presented a diagram of a typical common area at the golf course or detention basin maintained by a home owners association. Based on the footprint of a home and existing

setbacks, a property owner might decide to build a deck or porch that exceeded the setback boundaries. City staff preferred more flexibility for allowing builders to exceed that setback by adding the following language:

8. In the case where a home is part of a larger planned unit development and the home is located such that there is a common property area located immediately adjacent to the rear property line of said home, then attached covered decks, patios and porches may project more than ten (10) feet into any required rear yard setback and may extend closer than twenty (20) feet to the required rear yard property line if the following conditions are met:
 - (a) The common area behind the home extends more than thirty (30) feet beyond the rear yard property line;
 - (b) There is no fence, shrub or other boundary delineation along the rear property line between the property and the common area to be maintained in perpetuity;
 - (c) Both the home and home owner requiring the exception are part of the Home Owners Association (or similar organization) that has ownership of the common area and the home meets all other established guidelines as set forth by the Association or organization and city codes.

This would allow a homeowner within a PUD, or other development with a home owners association or similar organization, to build 10 feet closer to, but not more than 10 feet from, the property line. Specialist Moyes emphasized the importance of subsection (b) to ensure there were never any fences, shrubs, or other boundary delineations that would prohibit emergency vehicles to access rear yards when necessary. Even with these encroachments of accessory structures, fences, etc., the common areas would provide that needed space for such vehicles.

Vice Chair Hellewell asked if there would be a need to specify certain zones for this exception, such as R-4 and PRD zones as well as cluster subdivisions. Specialist Moyes agreed to add that to the draft.

Commissioner Campbell read a portion of the proposed amendment, "...porches may project more than 10 feet into any required rear-yard setback" and asked what that quantified. She believed it needed to specify a maximum encroachment or delete that portion of the sentence so it just read, "...may extend closer than 20 feet to the required rear yard property line." Specialist Moyes agreed to make that change as well.

10-6-010(C)1(a): The following proposed requirement used to be in Title X but somehow disappeared during the last major revision. With residents placing accessory structures too close to the road, City staff no longer had the authority to require owners to move them to required setbacks.

- (a). No accessory building or structure shall be erected, located, used or occupied until the erection, of the principal use has commenced. No more than two (2) accessory buildings shall be on any lot. No accessory building may be located within a recorded easement unless authorized by the Land Use Authority. All accessory building located in the street side of the corner lot shall comply with the front or side yard setback requirements of the adjacent building lot. No accessory building or structure may be located in a front or side yard. However, an accessory building may be located in a side yard if the structure...

10-4-080(D)4: Specialist Moyes reported finding nothing in State code requiring municipalities to hold public hearings for conditional uses. It required public meetings but not hearings. Cities could be stricter than State code by holding them, but it cost more to notify properly. Chairman Whiteley asked if the City Attorney's Office needed to review this proposed amendment. Specialist Moyes explained that the person in that office who went through Title X and made the last changes no longer worked for the firm, so it was very difficult to find out why he added public hearings. Commissioner Nagle remembered Commissioner Miller having information they discussed previously that needed reviewing again prior to making such a decision. Although she did not remember the particulars, she knew they had substantial conversations before recommending approval for that change. Commissioner Miller referred to emails from the former Community Development Director, G.J. LaBonty, referencing State code 10-9-a302. He believed it to be an interpretation issue since it did not specifically state that planning commissions must hold public hearings. Mr. LaBonty referenced California state code last April with reasons why Syracuse may prefer hearings. Commissioner Miller suggested they all look into this some more and offered to forward those emails to Specialist Moyes. He believed the Commission should still hold public hearings, because they gave residents the ability to provide information commissioners needed to make better decisions. Public meetings only made residents

frustrated by giving the impression their input did not have any impact. Commissioner Jenkins agreed and wanted to be careful not to exclude the citizens from commenting and to ensure they were aware of requests under consideration, even if they did not hold public hearings. Vice Chair Hellewell suggested they add a public comment item, similar to City Council's, on the agenda. Specialist Moyes pointed out that the seven surrounding cities did not hold hearings for conditional uses. In the past, City staff mailed notices to adjacent property owners notifying them of requests and inviting them to email or send letters. Even if the City eliminated public hearings, staff would still notify property owners within 300 feet, typically about 40 letters, so they would be aware of what was happening near them. He believed the Commission just needed to engage the public differently, such as having them submit letters, rather than expending funds to hold hearings properly. Commissioner Nagle disagreed, stating that such a change would only shift the cost of advertising to manhours since staff would then be expending time processing letters received for the Commission. The City already had an avenue here for citizens to address them, even if commissioners ended up approving requests based on the Ordinance as had been done in the past for some unfortunate situations. She believed it was better for them to be heard. Specialist Moyes reminded the Commission that applicants paid the cost of noticing adjacent property owners as part of their fee. Commissioner Jenkins suggested the applicants pay the costs for publicizing public hearings as well, but Specialist Moyes pointed out that such fees were making the process very burdensome for applicants. Staff had been sending letters out for the past year with rarely any responses. Only heated items generated feedback, such as large sheds. Small accessory structures, daycares, and preschools typically garnered very little response.

10-24-030(A): Specialist Moyes explained that this amendment was very minor. Its purpose was to change the application fee from \$50 to \$100 to be consistent with the City's fee schedule.

KENNETH HELLEWELL MADE A MOTION FOR THE PLANNING COMMISSION TO HOLD A PUBLIC HEARING ON OCTOBER 20, 2009, DURING THEIR REGULARLY-SCHEDULED MEETING, TO DISCUSS THE RECOMMENDED CHANGES TO TITLE X, THE LAND USE ORDINANCE. MIKE NORTON SECONDED THE MOTION; ALL VOTED IN FAVOR.

5. Discussion of Planning Commission Meetings

Specialist Moyes explained his desires for staff and commissioners to be more cohesive. His Department lost its director, and the code enforcement officer had been out on extended medical leave. This left Assistant Merrill and him to run the Department. He recited a quote that said, "Coming together was the beginning; keeping together was progress; and working together was success." He believed staff and commissioners came together and stayed together, but they did not do much working together. By changing the work session start time from 5:30 p.m. to 6:00 p.m. and the regular meeting from 6:00 p.m. to 7:00 p.m., they would be consistent with City Council as well as other surrounding cities. There were no ordinances restricting the Commission to a certain meeting time, and there were occasional scout troops and other members of the public who came to City Hall at 7:00 p.m., after commissioners left for the night, frustrated to discover the meeting was already over. The reason for the change of the work session was, for example, because that evening they had only 20 minutes to discuss the agenda items. That was fine, but reviewing the requests before them was all they were accomplishing. They were coming together but not working together since there were neither goals set nor progress towards anything in particular. By meeting for an hour, they could help plan the large areas of land surrounding the upcoming 200 South State Road 193. Even a full half hour would provide more time for such discussions, but it was difficult to get a quorum by 5:30 p.m. If commissioners decided the current time schedule was fine, he would drop the proposal.

Vice Chair Hellewell preferred 6:00 p.m. so their meetings ended earlier whereas the Council was usually there much later, albeit they covered more heated items than the Commission. He suggested a change to 6:30 p.m. to give commissioners more time in work session, but only if they used it for something more than just reviewing agenda items. In all his time on the Commission, that was all they did in work sessions. If they were to do more, like City Council, he would be more willing to expand it to a full hour. In most cases, though, a half hour was adequate for their needs.

Commissioner Norton suggested they keep the current schedule and make exceptions for longer work sessions when needed.

Commissioner Jenkins admitted there was something to be said for continuity between City Council and the Commission. Because the two bodies met at different times, it could be confusing for the public.

Chairman Whiteley reflected on his experiences with the Commission and how they scheduled special work sessions to provide more time for the planning process regarding bigger issues, such as new zones or updating the General Plan. He preferred that method for issues needing careful attention since he did not believe they would always use a full hour. Commissioner Nagle agreed. She did not want longer meetings just for the sake of meeting. If they had larger needs that required a longer block of time, she would not oppose a modified work session. She did not have a preference as to a time but supported anything that would be best for the community. She again stressed her opposition to an hour-long meeting if they did not have enough substance to fill the time, which would lead to a lot less interest for people to attend.

Commissioner Miller pointed out that they often went through the humdrum of meetings because of tradition. If they discussed more issues applicable to citizens, they could be a greater impact on improving the community by working with staff. However, he was not saying such progress could not be made in a half hour and agreed with Commissioner Nagle about not meeting longer just because of a schedule.

Vice Chair Hellewell suggested keeping the 5:30 p.m. work session time with changes at the Chair's discretion upon reviewing the agenda and staff's requests for specific discussion items. The staff and chair could meet and decide whether the work session began at 5:00 or 5:30 p.m., so it would be more flexible. Commissioner Campbell pointed out that some of them worked in Salt Lake. The earlier the work session, the more time they needed to donate out of their work days whereas commissioners who worked locally had it much easier. She preferred pushing back the starting time of their regular meeting for those evenings when they needed a longer work session.

Chairman Whiteley suggested retaining their current schedule, with the half hour work session to review agenda items, but adding special work sessions after the regular meeting when needed. That would allow everyone to plan for the same start time and maintain consistency. He preferred getting home earlier to his family so he could help his wife with their children's homework and bedtimes.

Commissioner Jenkins reminded commissioners that they had citizens trying to attend after the fact because they believed the meetings were at 7:00 p.m. He pointed out that they were, again, almost ready to adjourn and it was not yet 7:00 p.m. Chairman Whiteley argued that a change could create the reverse effect. Citizens might arrive an hour early because these meetings have always begun at 6:00 p.m.

Specialist Moyes reiterated his desire for everyone to be on the same page after every work session. He expended a lot of effort and time to provide commissioners with information they needed for each request but still heard many questions in the public meetings that he already answered in the executive summaries, leaving him to wonder if his time had been well spent. By meeting in longer work sessions to hammer out the details, commissioners could be even better prepared for the meetings. He visited each subject property, met with every applicant, and took photographs to allow for more specific discussions and avoid different ideas. The Ordinance was there to ensure commissioners did not form their own ideas that lead to favoritism. His Department had been reviewing a different chapter of Title X each week that lead to the discovery of several issues needing consideration by the Commission. The same type of training for commissioners would be a good refresher course and create amendments to the Ordinance that could help the City. These types of meetings could only be done by having longer work sessions since email conversations were not an option.

6. Planning Commission Business

Chairman Whiteley attended the last City Council meeting and reported that Councilman Peterson discussed Matt George, a resident with a weather station in his yard, who created a website about 3 years ago, at syracuseutweather.com. He encouraged the City to advertise it to residents. Councilman Clark talked about the land fill constructing a green waste recycling center as a test program in Fruit Heights. Councilman Knight served on the North Davis Sewer District Board and reported that Syracuse was free of all debts with them. Councilman Hammond thanked the City Recorder for her work during the election and then talked about homecoming week for Syracuse High School. The Mayor thanked TJ Jensen for helping with the clean up of Jensen Park and Tuscany Meadows. It was a big issue. He also talked about a Syracuse Arts Academy open house and the City's request for a \$1½ million grant for secondary water upgrades. He expressed confidence in receiving that grant, which would allow upsizing of the lines from Jensen Park to the roundabout.

The City Administrator discussed potential changes in lawn watering schedules for residents. He also talked about a sewer line the NDSB was abandoning along 2700 South due to completion of the new sewer trunk line. Acquiring that old one for storm drain would save Syracuse a lot of money in not having to retrench a new line along 2700 South. He advised the Council that Brian Seegmiller resigned from the Board of Adjustment and of an upcoming census report to prepare the City for the 2010 census. The Davis School District gave a presentation on the \$2 million bond proposal on this year's ballot. It would not increase the tax rate, it would just extend the time on the loan. The Davis County Community & Economic Development Department also gave a presentation on how they could help new businesses find places to locate. They were an advocate for cities to market their areas for potential businesses. They did not have or know of any incentives but offered support. The Council approved the subdivision plat for the church site as well as the canvas primary election results.

Commissioner Jenkins agreed to attend the next Council meeting.

Vice Chair Hellewell thought the Commission would be discussing the ULC&T fall conference that evening, but the commissioners were not ready. He asked City staff to add that to their next agenda.

Specialist Moyes stated that UDOT would be starting the EIS for the Davis/West corridor, which was the old Legacy North corridor, in January. UDOT would probably begin construction of 200 South, or SR193, in the next couple of years if the February legislative session determined they had sufficient funds.

7. Adjournment

CRAIG JENKINS MADE A MOTION TO ADJOURN AT 7:12 P.M.; ALL VOTED IN FAVOR.

Robert Whiteley
Planning Commission Chair