



Syracuse City Planning Commission Meeting March 2, 2021

Begins at 6:00 p.m. at the link in the note at the bottom of this agenda. Please see this note for phone participation information.

Regular Meeting Agenda

PLANNING COMMISSIONERS

CHAIR

Brett Cragun

VICE-CHAIR

G. Ivy Ruelan

Alan Gallegos
Larry Johnson
Keeth Kennington
Nicholas Weber
Ryan Wessel

- 1. Meeting Called to Order**
 - Invocation or Thought by Commissioner Weber
 - Pledge of Allegiance by Commissioner Johnson
 - Adoption of Meeting Agenda
- 2. Meeting Minutes**
 - None for approval
- 3. Public Comment**, this is an opportunity to address the Planning Commission regarding items not scheduled for a public hearing on this agenda. Please consider others and limit your comments to three minutes.
- 4. Public Hearing – Conditional Use Application** regarding a preschool with six planned class sessions per week at approximately 2366 Bluff Ridge Drive in the R-2 zone
- 5. Public Hearing – Rezone from R-1 and R-2 to R-1 only** by request of Syracuse City of approximately 2.5 acres at approximately 939 W 3150 S with a Low Density Residential General Plan designation

Work Session

- 1. Department Business**
 - City Council Liaison Report
 - City Attorney Updates
 - Upcoming Agenda Items
 - Conditional Use (Major) – Angie's Kiddie Campus
 - Final Plat – Shoreline East Phase I
 - Rezone – Antelope's Edge
 - Site Plan – The Arlo Apartments
 - Site Plan – Temple
 - Site Plan – Trico Commercial
- 2. Discussion Items**
 - None
- 3. Commissioner Reports**
- 4. Adjourn**

NOTE

Public meeting will be held electronically Pursuant to Section 52-4-207(4) of the Utah Code. No physical meeting location will be available. Connect to the meeting using: <https://us02web.zoom.us/j/86183130761?pwd=dWlwU1hYVktkTkks3R29ub2ZLa1NXUT09> Meeting ID: 861 8313 0761, Passcode: 262861. Connect via telephone: +1-253-215-8782. Individuals wishing to provide public comment are encouraged to do so by submitting an email to CED Director Noah Steele, nsteele@syracuseut.com, by 5:00 p.m. on March 2, 2021. Comments submitted by the deadline will be read for the record of the meeting.

Meetings of the Syracuse Planning Commission may be conducted via electronic means pursuant to Utah Code Ann. §52-4-207. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Rules, Policies and Procedures established by the Governing Body for electronic meetings. **CERTIFICATE OF POSTING** This agenda was posted on the Syracuse City Hall Notice Boards, the State Public Notice website at <https://www.utah.gov/pmn/> and the Syracuse City website at <https://syracuseut.gov>



Mayor
Mike Gailey

City Council
Lisa Bingham
Corinne Bolduc
Dave Maughan
Jordan Savage
Seth Teague

City Manager
Brody Bovero

DETERMINATION OF SUBSTANTIAL RISK TO HEALTH AND SAFETY

Pursuant to Section 52-4-207(4) of the Utah Code, I have determined that conducting a meeting with anchor location would present a substantial risk to the health and safety of those who may be present at the anchor location.

This determination is based upon the following facts:

1. Some members of the Commission and public who may attend are considered high-risk. Meeting in electronic format eliminates the risk of contracting Covid-19 due to participating in a public meeting.
2. As of February 25, 2021, the State of Utah has a rolling daily average of new coronavirus cases of about 730 cases, but with a seven-day test-over-test positive rate of about 12%.¹
3. Davis County has seen a decrease in new cases, seeing about 78 new cases per day, but with a positivity rate of nearly 15%.² We are designated a High Risk county for transmission.
4. The State and County have seen drastic improvement in hospitalizations, deaths, and confirmed cases, so we are excited to be entering the home stretch. However, now is not the time to gather in large groups. During his press conference on February 25, 2021, Governor Cox and State Epidemiologist Dunn expressed optimism over a return to large gatherings during the summer, but with a plea to remain vigilant in the meantime.³

The electronic meetings provide means by which the public may hear the open portions of the meeting and give comments either before or during the meeting via electronic means.

As provided in Section 52-4-207(5), this determination expires in 30 days.

DATED this 25 day of February, 2021.



Brett Cragun
Planning Commission Chair

¹ See <https://coronavirus.utah.gov/case-counts/>

² See <https://www.daviscountyutah.gov/health/covid-19/dashboard>

³ See <https://www.facebook.com/utgovernorcox/videos/4005052289555852/>



PLANNING COMMISSION AGENDA

March 2, 2021

Agenda Item # 2

Meeting Minutes

- None Ready to Approve



PLANNING COMMISSION AGENDA

March 2, 2021

Agenda Item # 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.



PLANNING COMMISSION

AGENDA

March 2, 2021

Agenda Item # 4 **Public Hearing – Conditional Use** regarding a preschool with six planned class sessions per week

Factual Summation

Location:	2366 Bluff Ridge Drive
Current General Plan:	Low Density Residential
Current Zoning:	R-2

Summary

Ms. Brittan Siembieda is opening a preschool as a home business and wishes to have six class sessions per week. The proposed schedule is Tuesday, Wednesday, and Thursday from 9:30-11:30 AM and 12:30-2:30 PM for 16 or fewer children each class session. A preschool home business where the number of class sessions is greater than four per week requires a major conditional use permit approved by the Planning Commission.

Ms. Siembieda meets all requirements to have a preschool in Syracuse City; this is a question of whether she may have six classes—instead of four or fewer—and under what conditions, if any. She intends to implement curbside dropoff with no on- or off-site parking. If you find that this traffic pattern is acceptable, staff recommends approval because the proposed use meets all considerations for an approval of a conditional use.

Suggested Motion Language

Approve: I move to approve the request of Brittan Siembieda to have six class sessions per week as part of a preschool home business at approximately 2366 Bluff Ridge Drive.

Approve with Conditions: I move to approve the request of Brittan Siembieda to have six class sessions per week as part of a preschool home business at approximately 2366 Bluff Ridge Drive with the following conditions: (list conditions).

Deny: I move to deny the request of Brittan Siembieda to have six class sessions per week as part of a preschool home business at approximately 2366 Bluff Ridge Drive for the following reason: ...

Table: I move to table request of Brittan Siembieda to have six class sessions per week as part of a preschool home business at approximately 2366 Bluff Ridge Drive for the following reason: ...

Relevant ordinances enclosed below.

(14) Mail order (not including retail sales from site).

10.35.040 Home occupation.

(15) [Preschool](#), where the number of sessions equals four or less.

(16) Real estate sales or broker.

(17) Sales representative.

Early Readers Academy proposes six sessions per week which qualifies it as a major home occupation.

(18) Swimming lessons.

(D) Major Home Occupations.

(1) The definition of a major [home occupation](#) shall include any business within a residential [zone](#) that meets the standards listed in subsection (B) of this section but requires additional conditions of approval imposed by the [Land Use Authority](#), as provided herein, to mitigate the increased impact of such [home occupations](#) on the surrounding property owners.

Major [home occupations](#) shall be [conditional uses](#) in all residential [zones](#) due to the potential increase in the impact of a business as allowed by the following:

(a) A larger [commercial vehicle](#), not exceeding 20,000 pounds, may be used, provided it is parked on private property and adequately screened. Parking of the [commercial vehicle](#) shall occur on the side or in the rear of the home.

(b) Day care, where the number of children is greater than eight and a second employee is required at the home.

(c) [Preschools](#), where the number of sessions is greater than four per week.

(d) A larger percentage of the home or an accessory [building](#) may be used for the [home occupation](#) under conditions recommended by the [Planning Commission](#). The [use](#) of an accessory [structure](#) or an attached or detached garage, or [yard](#) space, for a [home occupation](#) may be considered as a [conditional use](#) only under the following conditions:

(i) The [Planning Commission](#) finds that the proposed [home occupation](#) will be clearly accessory and subordinate to the principal [use](#) of the property for [dwelling](#) purposes; and

(ii) The [Planning Commission](#) finds that the proposed [home occupation](#) will not adversely affect the residential nature and aesthetic quality of the neighborhood; and

(iii) Any off-street parking displaced by the [home occupation](#) is relocated elsewhere on the lot or parcel in compliance with [setback](#) standards for the zoning in which the property is located; and

10.30.100 Conditional uses.

(iv) Applicant provides and complies with an approved signage plan indicating the size and location of all [signs](#), flags, banners, etc.

(v) The applicant limits hours of operation to such as are reasonable and sensitive to the adjacent [uses](#) so as to prevent any negative impacts to such adjacent [uses](#).

(vi) No one [uses](#) the model home as a general real estate [office](#), construction management [office](#), or administrative service [office](#) for off-site subdivisions or developments.

(B) Major. The following [conditional uses](#) are major and require approval as established in SCC [10.20.080](#):

- (1) [Animal hospitals](#).
- (2) Churches or religious service [buildings](#).
- (3) [Cluster subdivisions](#). See Chapter [10.80](#) SCC.
- (4) [Day care centers](#).
- (5) [Dwellings](#), single-family.
- (6) [Dwellings](#), two-family. The owner of such a residential [dwelling](#) shall:
 - (a) Meet the International [Building](#) Code standards.
 - (b) Provide a minimum of two off-street [parking spaces](#) per [dwelling unit](#).
 - (c) Be responsible for payment of all utilities.
 - (d) Install utility services for each [dwelling unit](#) as provided in state law.
 - (e) Comply with all requirements of the International Residential Code as adopted by the state of Utah for [two-family dwellings](#).
- (7) [Dwelling](#) groups. See SCC [10.30.030](#)(A).
- (8) [Home occupations](#), major. See SCC [10.35.040](#).
- (9) Medical and other health facilities.

A major home occupation requires a major conditional use permit.

10.20.080 Conditional use permits.

- (A) Purpose. This section sets forth procedures for considering and approving [conditional use](#) permits.
- (B) Authority. The Community Development Department, as the Advisory Body and/or [Land Use Authority](#), or [Planning Commission](#), as the [Land Use Authority](#), has the authorization to issue [conditional use](#) permits as provided in this section.
- (C) Initiation. A property owner, or the owner's agent, may request a [conditional use](#) permit as provided in subsection (D)(1) of this section.
- (D) Procedure. The City shall process and consider an application for a [conditional use](#) permit as provided in this subsection.
- (1) An applicant shall submit a request to the Community Development Department on a form established by the Department along with any fee established by the City's schedule of fees. The application shall include at least the following information:
- (a) Address and parcel identification of the subject property.
 - (b) [Zone](#), [zone](#) boundaries and present [use](#) of the subject property.
 - (c) Complete description of the proposed [conditional use](#).
 - (d) A plot plan showing the following:
 - (i) Applicant's name;
 - (ii) Site address;
 - (iii) Property boundaries and dimensions;
 - (iv) Layout of existing and proposed [buildings](#), parking, [landscaping](#), utilities, and easements;
 - (v) Adjoining property lines and [uses](#) within 100 feet of the subject property; and
 - (vi) Any other information determined to be necessary by the [Land Use Administrator](#).
 - (e) Traffic impact analysis, if required by the City Engineer or the [Planning Commission](#).

(f) A statement by the applicant demonstrating how the requested use would meet the approval standards of subsection (E) of this section.

(g) A statement indicating whether the applicant will require a variance in connection with the proposed conditional use.

(h) The Department may request that the applicant provide, at his or her option and expense, any reports and/or studies relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information necessary in order to render a proper decision.

(2) If the use would require a variance, the applicant shall submit a variance application with the conditional use application.

(3) The Community Development Department, as the Land Use Administrator, shall prepare a staff report evaluating the application(s). **The Planning Commission is the Land Use Authority for major conditional uses.**

(4) The Community Development Department, as the Land Use Authority, shall approve or deny applications for minor conditional uses. The Planning Commission, as the Land Use Authority, shall hold a public meeting and thereafter approve, approve with conditions, or deny major conditional use permit application(s) pursuant to the standards set forth in subsection (E) of this section. The Land Use Authority shall limit any conditions of approval to those needed to reasonably ensure the conditional use substantially complies with approval standards.

(5) After the Land Use Authority makes a decision, the Community Development Department shall give the applicant written notice of the decision.

(6) Following the issuance of a conditional use permit, the City Building Inspector shall inspect such use to ensure the development is undertaken and completed in compliance with the conditional use permit.

(7) The Department shall maintain a record of all conditional use permits.

(E) Approval Standards. The following standards shall apply to the issuance of a conditional use permit. The Land Use Authority may:

(1) Issue a conditional use permit for a use located within a zone that would allow, through regulations, the particular conditional use.

Considerations for approval of conditional use.

(2) Impose conditions as necessary to prevent or minimize adverse effects upon other property or improvements in the vicinity of the conditional use, the City as a whole, or public facilities and services. These conditions may include but are not limited to conditions concerning use, construction, character, location, landscaping, screening, parking, hours of operation, and other matters relating to the purposes and objectives of this title. The Land Use Authority shall expressly set forth such conditions in the motion authorizing the conditional use permit.

(3) Approve, approve with conditions, or deny a conditional use, but shall approve it if they can impose reasonable conditions to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. However, if there are insufficient reasonable conditions the Land Use Authority could impose to substantially mitigate any reasonably anticipated detrimental effects of a proposed conditional use in order to achieve compliance with applicable standards, they may deny the requested conditional use.

(4) The Land Use Authority may request additional information as needed to determine the potential for compliance with requirements of subsection (E)(3) of this section.

(5) The Land Use Authority shall review and consider the following factors in determining whether to approve, approve with conditions, or deny a conditional use permit application:

(a) Compliance of the proposed use with intent of the City's general plan and the regulations and conditions of this title;

(b) The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;

(c) Any reports and/or studies relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information in order to render a proper decision;

(d) Safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection, pedestrian and vehicular circulation and to prevent noxious or offensive omissions such as noise, glare, dust, pollutants, and odor from the proposed facility or use;

(e) Impacts on schools, utilities, transportation, traffic, and streets for the proposed site and surrounding area, including the following criteria: appropriate buffering of uses and buildings,

proper parking and traffic circulation, and use of building materials and landscaping that are in harmony with the area and compatible with adjoining uses; and

(f) Impacts to the health, safety, or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

(6) When an applicant proposes a use which requires a conditional use permit on property where a substantially similar nonconforming use legally exists, the Land Use Authority may approve the conditional use permit, subject to the following requirements:

(a) A determination that the proposed conditional use is substantially similar to the previously permitted nonconforming use. In making such determination, the Land Use Administrator shall consider the nature, characteristics and impact of the existing and proposed uses, and compatibility and compliance of the proposed use with the factors set forth in subsection (E) of this section.

(b) Allowing nonconformance with respect to building setbacks, building height, landscaping and parking space requirements.

(c) Meeting all current building, construction, engineering, fire, health and safety standards as a condition of approval.

(d) Notifying the applicable neighborhood association by mail and posting a copy on the affected property or premises.

(F) Appeal of Decision. Any person adversely affected by a decision of the Land Use Authority regarding the transfer, issuance or denial of a minor conditional use permit may appeal such decision to the Planning Commission by filing written notice of appeal stating the grounds therefor within 15 days from the date of such final determination. Any person adversely affected by a decision of the Land Use Authority regarding the transfer, issuance, or denial of a major conditional use permit may appeal such decision to the City Council by filing written notice of appeal stating the grounds therefor within 15 days from the date of such final determination.

(G) Effect of Approval. A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this title or any other title of the Syracuse City Code.

(1) Unless otherwise specified by the Land Use Authority and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and run with the land.