

Minutes of the regular meeting of the Syracuse City Council held on May 10, 2022, at 6:00 p.m., held in a hybrid in-person/electronic format via Zoom, meeting ID 813 9494 4051, in-person in the City Council Chambers at 1979 W. 1900 S., and streamed on the Syracuse City YouTube Channel in accordance with House Bill 5002, Open and Public Meetings Act Amendments, signed into law on June 25, 2020.

Present: Councilmembers: Jennifer Carver
Jordan Savage
W. Seth Teague
Paul Watson

Mayor Dave Maughan
City Manager Brody Bovero
City Recorder Cassie Z. Brown

Excused: Councilmember Lisa W. Bingham

City Employees Present:

Administrative Services Director Stephen Marshall
City Attorney Paul Roberts
Fire Chief Aaron Byington
Police Chief Garret Atkin
Parks and Recreation Director Kresta Robinson
Public Works Director Robert Whiteley
Community and Economic Development Director Noah Steele

1. Meeting Called to Order/Adopt Agenda

Mayor Maughan called the meeting to order at 6:00 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. Police Chief Atkin offered a thought and invocation in observance of National Peace Officers Memorial Day and Police Week. Councilmember Savage led the audience in the Pledge of Allegiance.

COUNCILMEMBER WATSON MOVED TO ADOPT THE AGENDA. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Bingham was not present when this motion was taken.

2. Public comment:

Mayor Maughan stated that tonight's meeting agenda provided instructions for residents to email their public comments to City Recorder Brown by 5:00 p.m. tonight in order for them to be read into the record of the meeting. Ms. Brown read one public comment received via email:

"1) Watching last week's council planning session I was very pleased at the thoroughness and smart discussions, especially about the HOTEL issue and development! Our views and concerns as Syracuse citizens ARE being well-represented. THANKS TO ALL. (This is so refreshing at this time where our large units of government--State & Federal--are so unresponsive to common citizens' concerns!)

2) Praise for Major Dave Maughan's most recent column in the Syracuse Connection newsletter! Good expression of how Government SHOULD WORK. Thanks!! I trust all concerned citizens will be active in providing desired feedback.

P.S. Despite many frustrating minutes and trips to multiple pages on the city website I could not find email for input to be read at council meetings.

Robert Vernon Kirk"

Kurt Williams stated he is concerned about the development that started east of his home; the developer has been hauling dirt into the site for a week and there is no fence around the worksite. He received a phone call this morning about two horses being out of their pasture after a dump truck hit his fence and tore it down. His horses were on 2700 South and that is very dangerous. He stated it is frustrating that projects such as this are allowed to commence with no notification to adjacent property owners. He asked how the City will address this issue in the future; he understands that no fencing is required between agricultural and residential properties; he has spoken with the developer of this project, and he informed him that there are no plans for fencing.

Mayor Maughan indicated this issue will be discussed later in tonight's meeting.

Shane Crowton suggested the Council consider creating an ordinance and/or requirement for dark sky lighting in future developments in the City. He then addressed item six on the agenda and feels that this is an appropriate update to the City's water rate structure. He addressed item 14 and suggested that the southern boundary be moved to the north to make it line up with commercial properties to the west; this would allow for a cross access agreement for parking and better access for public safety apparatus. He also referenced item 15 and suggested that it be approved as written, especially the requirement for some vegetation in front yards. He stated he has worked in code enforcement in other cities where homeowners have been allowed to use rock or gravel in their entire front yard and this has created nuisances and the perception that the entire front

yard can be used for parking vehicles. He referenced item 16 and stated that while the overall design is good, he is not sure that the subject property is the best place for apartments; his biggest concern is the garage size for townhomes and whether there would be large enough driveways to accommodate parking. He referenced items 17, 18, and 19 and stated he feels it is a bad idea to relocate the hotel and that it will ruin other commercial development opportunities in that area.

Larry Mills referenced agenda item 13; it is his understanding that an ordinance was changed a few years ago that eliminated the fencing requirement between agricultural and residential properties. He stated that this is very problematic; in the past, when there has been chain link between the two land uses, he has not had any problem with children getting into his pasture where livestock is kept. However, without fencing, there are nothing but problems. In the winter, many farmers bring their cattle off the mountain and into their pastures; this includes bulls. And, there will be a day when a kid gets into a pasture and is gravely injured or killed by an animal. He stated he refuses to be responsible for the result of that type of situation because he does not support the removal of the fencing requirement from the City Code. He asked the Council to take these concerns into consideration and adjust the ordinance to again require appropriate fencing between agricultural and residential properties. He added that barb wired fencing is not sufficient and neither is vinyl fencing; he strongly suggested chain link fencing.

Chris Young asked if the City plans to participate in the Weber Basin Water Conservancy District Flip the Strip program. Mayor Maughan stated that upon Council action on agenda item 15, City residents should be eligible to participate in that program. Mr. Young stated that he is very eager to participate in the program.

3. Approval of minutes.

The following minutes were reviewed by the City Council: Work Session and Special Business Meeting of March 22, 2022, and the Regular Business Meeting and Work Session of April 12, 2022.

COUNCILMEMBER TEAGUE MADE A MOTION TO APPROVE THE MINUTES LISTED ON THE AGENDA AS PRESENTED. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED AYE. Councilmember Bingham was not present when this motion was taken.

4a. Request to be on the agenda: Introduction of full-time Court Clerk.

City Recorder Brown introduced and welcomed Michele Wood, a Court Clerk in her Department whose position was recently converted from part-time to full-time.

5a. Proposed Ordinance 2022-06, amending Syracuse City Code Section 8.15.010(B) related to design standards for fire turnarounds.

A staff memo from the Community and Economic Development (CED) Department explained the City's current ordinance dictates how to measure distances on dead end roads before a fire truck turnaround is required. The ordinance indicates measurements will be taken from the centerline of the road, but standard practice is to measure from front of curb or edge of pavement if there is no curb and gutter. The Planning Commission reviewed the proposed amendment on April 5, 2022, and held a public hearing, during which there were no comments. They are unanimously recommending approval of the proposed amendment.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT ORDINANCE 2022-06 AMENDING SYRACUSE CITY CODE SECTION 8.15.010(B) RELATED TO DESIGN STANDARDS FOR FIRE TURNAROUNDS. COUNCILMEMBER CARVER SECONDED THE MOTION, ALL VOTED IN FAVOR. Councilmember Bingham was not present when this motion was taken.

5b. Proposed Resolution R22-19 updating the Syracuse City Employee Recruitment and Retention Policy.

A staff memo from the City Manager explained that based on the review of the proposed policy amendments at the April 12, April 15, and April 26, 2022 Council meetings, the Recruitment and Retention Policy of the City has been presented for Council approval.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT RESOLUTION R22-19 UPDATING THE SYRACUSE CITY EMPLOYEE RECRUITMENT AND RETENTION POLICY. COUNCILMEMBER CARVER SECONDED THE MOTION, ALL VOTED IN FAVOR. Councilmember Bingham was not present when this motion was taken.

6. Public hearing: Proposed Resolution R22-20 updating and amending the Syracuse City Consolidated Fee Schedule by making adjustments to the water rate structure, recreation program fees, and garbage container fees.

A staff memo from the Administrative Services Director summarized the proposed amendments to the Syracuse City Consolidated Fee Schedule:

- Proposal to update garbage container fees to \$150.00 from \$100.00.

- Various changes and updates to the recreation programs fees.
- Changes to our culinary water rate structure to incentivize water reduction by 10 percent as discussed in previous Council meetings.
- Residential Rates as follows:

Flat rate billing	Current rate	Increase	Proposed rate
Tier 1	20.49	0.35	20.84
Tier 2	20.49 + 1.04	1.04+.35+.35	22.23
Tier 3	currently doesn't exist but covered by tier 2 rate	Current extra gallon rate of \$3.24 plus the tier 2 increase of 1.74 (tier 2 total)	25.47
High volume use	rate increase per 1000	total increase if you use all 3000 gallons at this level	total bill if you use all 3K in this tier
9001-12000	4.66	13.98	39.45
12001-15000	5.36	16.08	55.53
15001-18000	6.16	18.48	74.01
18001-21000	8.14	24.42	98.43
21004-24000	9.36	28.08	126.51
24001-27000	10.77	32.31	158.82
27001-30000	12.38	37.14	195.96
30000 and up	14.24	per 1000 gallons over	

The estimated impact of this change on residential customers is roughly \$200,000 per year for residential customers. Commercial customer rates are recommended as follows:

Flat rate billing	Current rate	Proposed rate
0 - 5,000 gallons	20.49	20.84
Charge per 1,000 gallons	rate increase per 1000	total bill if you use all 5K in this tier
5001-10,000	2.00	30.84
10,001-15,000	2.5	43.34
15,001-20,000	3.0	58.34
20,001-25,000	3.5	75.84
25,001-30,000	4	95.84
30,001-35,000	4.5	118.34
35,001-40,000	5	143.34
40,000 and up	5.5	

The estimated impact of this change on residential customers is roughly \$70,000 per year for commercial customers. Mr. Marshall reviewed the staff memo.

The Council expressed support for the tiered rate structure, noting that it provides flexibility for customers – both residential and commercial. Mayor Maughan indicated the intent of this action is to lower water-use City wide.

Mayor Maughan opened the public hearing at 6:24 p.m. There were no persons appearing to be heard and the public hearing was closed.

COUNCILMEMBER CARVER MADE A MOTION TO ADOPT RESOLUTION R22-20 UPDATING AND AMENDING THE SYRACUSE CITY CONSOLIDATED FEE SCHEDULE BY MAKING ADJUSTMENTS TO THE WATER RATE STRUCTURE, RECREATION PROGRAM FEES, AND GARBAGE CONTAINER FEES.

COUNCILMEMBER TEAGUE SECONDED THE MOTION, ALL VOTED IN FAVOR. Councilmember Bingham was not present when this motion was taken.

7. Public hearing: Proposed Resolution R22-21 adjusting the Syracuse City Budget for the Fiscal Year ending June 30, 2022

A staff memo from the Administrative Services Director summarized the proposed adjustments to the City budget for the Fiscal Year (FY) ending June 30, 2022. Several revenue line items are going up in revenue projections for FY2022. This includes sales tax, franchise tax, building permits, plan check fees, and wildland fire revenues. The total of these adjustments is approximately \$1.5 million. Benchmark adjustments are also included in the budget opening based upon the actions of the council taken in January 2022. See budget opening document for details. Included budget items for American Rescue Plan Act Expenses related to COVID. This is approximately \$51,000. Transfer of surplus funds to capital fund ~ \$1.5 million. Other notable adjustments include:

- Impact Fee Revenue in various fund were increased.
- BMX Course Capital Project ~\$1,866,000
- Freemont Parking Lot Expansion ~ \$227,000
- Depreciation Expense in various funds increased.
- Transportation and Class C Road revenues increased.
- Garbage Hauling expense increase for fuel surcharge.
- Garbage can purchase expenses increased.
- Land Sale in RDA Fund.
- CDA and EDA revised tax increment numbers and distribution.
- Trucks added for new inspectors.

Mr. Marshall reviewed the staff memo.

Councilmember Carver noted she has heard from the City’s Youth Court Advisor about the difficulty for her to continue in her role in a volunteer capacity; she encouraged Administration and City Council to explore this matter to determine if it is possible to convert the position to part-time. Mayor Maughan stated that is an item that should be considered as the Council moves toward adoption of the budget for the next FY.

Mayor Maughan opened the public hearing at 6:27 p.m. There were no persons appearing to be heard and the public hearing was closed.

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT RESOLUTION R22-21 ADJUSTING THE SYRACUSE CITY BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2022. COUNCILMEMBER WATSON SECONDED THE MOTION, ALL VOTED IN FAVOR. Councilmember Bingham was not present when this motion was taken.

8. Public hearing: Allow public input regarding (a) the issuance and sale of not more than \$8,500,000 aggregate principal amount of secondary water irrigation revenue bonds, series 2022 (the “bonds”) and (b) any potential economic impact the project described herein to be financed with the proceeds of the bonds issued under the Act may have on the private sector; and all related matters.

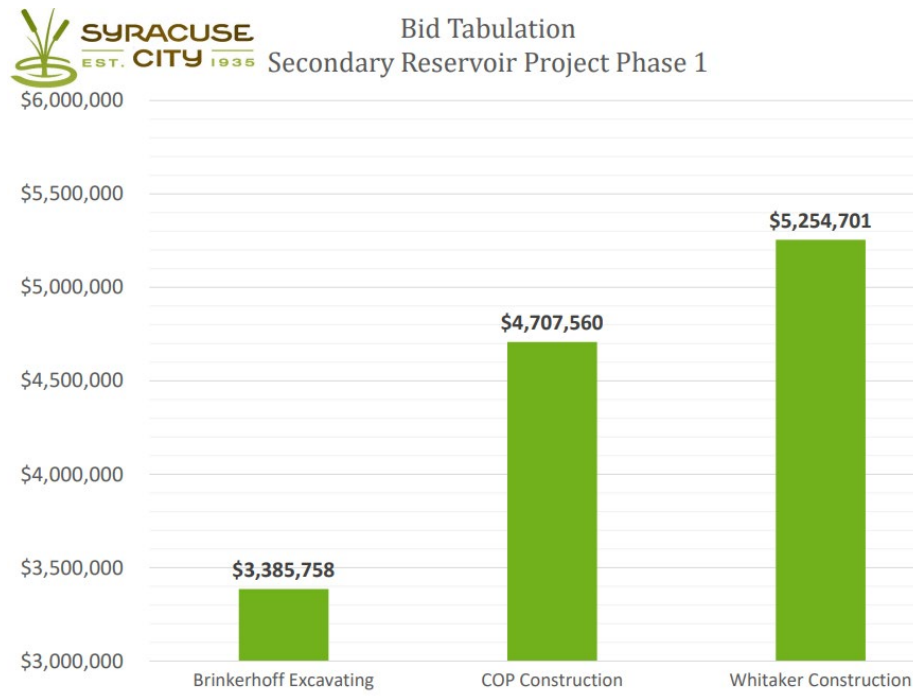
A staff memo from the Administrative Services Director explained this item is a public hearing for anyone to come and comment for or against issuing secondary water bonds for our new reservoir and pump house. The City received bids from five different banks:

Bidder	TIC	AIC	Total P+I	Avg Annual DS
Pinnacle Public Finance	3.080%	3.195%	10,200,758.04	680,050.54
Bank of Utah	3.271%	3.376%	10,334,798.85	688,986.59
Key Government Finance	3.300%	3.403%	10,354,678.83	690,311.92
Signature Public Funding	3.460%	3.573%	10,480,592.75	698,706.18
NBH Bank	3.750%	3.855%	10,691,964.58	712,797.64

Bond counsel has notified Pinnacle Public Finance that they are the winning bid. This interest rate is locked until closing on May 17, 2022. The 30-day contest period ends on May 14, 2022, and bond closing is schedule on or around May 17, 2022.

Mr. Marshall reviewed the staff memo. He noted that it was a good move for the City to lock in the interest rate for this bond as early as possible given that rates have increased since that decision was made.

*Funds Remaining for Phase 2	\$425,729.65	\$13,812.70	\$2,442,431.05.00	\$6,564,158.90	\$180,146.71	\$807,963.24	\$10,434,242.25
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Mr. Whiteley reviewed the staff memo and concluded staff recommends awarding the construction contract to Brinkerhoff Excavating.

COUNCILMEMBER TEAGUE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO AWARD CONTRACT FOR SECONDARY RESERVOIR PROJECT, PHASE 1. COUNCILMEMBER SAVAGE SECONDED THE MOTION; ALL VOTED AYE. Councilmember Bingham was not present when this vote was taken.

11. Authorize Administration to award contract for Parks Maintenance Facility Project.

A staff memo from the Parks and Recreation Director explained on February 11, 2022, requests for qualifications from qualified and licensed General Contractors to provide construction services for the new Syracuse City Parks Maintenance Facility were submitted by the following construction companies:

- Keller Construction
- North Ridge Construction
- VanCon, Inc

Following staff and JRCA Architects review of qualifications, all three (3) construction companies were asked to submit a construction bid for the Park Maintenance Facility. Bids were due on April 15, 2022, at 5:00 p.m. Bids for the construction cost of the Parks Maintenance Facility were opened on April 18, 2022. Staff received bids from two (2) out of the three (3) construction companies.

- Keller Construction: Bid was not submitted
- North Ridge Construction: \$4,464,000.00
- Van Con, Inc: \$6,200,000.00

The City Council had previously approved a budget of \$3.3 million; possible funding sources for the project include:

- Capital Monies
- Park Impact Fees

The memo concluded the following items outline the actions to be taken:

1. Determine whether to award the construction contract to North Ridge Construction.
2. Determine which funding source to use.

Ms. Robinson reviewed the staff memo.

COUNCILMEMBER SAVAGE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO AWARD CONTRACT FOR PARKS MAINTENANCE FACILITY PROJECT. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED AYE. Councilmember Bingham was not present when this vote was taken.

12. Authorize Administration to award contract for Jensen Park Shoreline Project.

A staff memo from the Parks and Recreation Director explained bids for the Jensen Park Shoreline project were opened on Wednesday, April 20th. Staff received two (2) bids from landscape companies.

- Earthworks Landscaping Services Inc.....\$65,295.00
- TerrWorks Inc...\$101,082.00

The low bidder is Earthworks Landscaping Services with a bid amount of \$65,295.00, which is within budgeted amounts. Staff recommends awarding landscaping services for the Jensen Park Shoreline project to Earthworks Landscaping Services. The following items outline the actions to be taken: determine whether to award the construction contract to Earthworks Landscaping Services.

Ms. Robinson reviewed the staff memo.

COUNCILMEMBER TEAGUE MADE A MOTION TO AUTHORIZE ADMINISTRATION TO AWARD CONTRACT FOR JENSEN PARK SHORELINE PROJECT. COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED AYE. Councilmember Bingham was not present when this vote was taken.

13. Proposed Ordinance 2022-07 Amending Syracuse City Code Section

10.30.080 related to buffer yards for new development.

A staff memo from the Community and Economic Development (CED) Department explained the current version of our buffer ordinance does not require fencing for projects that are built adjacent to agricultural properties except for industrial projects. Most single-family homes will erect a 6' vinyl or wood privacy fence on their own merit. However, this fence is often incompatible with agriculture uses because of its fragile nature. Ditch burning, equipment kicking up small rocks, large animals leaning next to vinyl often damage the fence. Also at times, the resident doesn't install a fence or has a delayed install, this allows the new resident to trespass onto the farm where potentially dangerous situations exist. The buffer ordinance could be amended to require the developer to install a precast concrete fence or a metal chain link fence depending on the scenario which are both more durable options. The concrete fence is more appropriate with commercial, multifamily residential, or industrial projects. We have also seen a need to upgrade the fence requirement for when apartments are built next to single family homes which currently allows a vinyl privacy fence. See attached for the existing ordinance and a potential red line amendment that would correct the issue. On March 15, 2022, Planning Commission held a public hearing and voted to recommend to not amend the ordinance at this time because they felt that if a chain-link were required by the developer, the individual landowners would then build their own vinyl next to it, creating a place where debris would collect. They also felt that in the case a homeowner didn't build their own fence, the chain link was still scalable. Then finally, concerning the concrete fence installed between agriculture and new development, they felt that was excessive because the assumption that in most instances, the agriculture field would eventually develop, resulting in large concrete barriers between the same uses. There was one person from the public who commented and said that chain-link wasn't enough and thought the only way to buffer properly would be with a concrete fence. The lone dissenting vote wanted the concrete fence as well. The City Council reviewed the Planning Commission's recommendation on April 26, 2022.

Councilmember Carver stated she would like to note that the only types of property that are not protected by a fencing requirement are agricultural and roads; she finds this problematic and would like to require fencing to provide appropriate buffering and the question to be answered is who should be responsible to install fencing.

Mr. Steele then reviewed the staff memo and summarized the recommendation from the Planning Commission along with the past discussions the Council has had regarding this matter. Any cost to install fencing between agricultural and residential or commercial properties should be born by the developer. The Council debated whether there should be a requirement for fencing between agricultural and other land uses, ultimately concluding that fencing is appropriate. They then debated the type of fencing material that is most appropriate. They determined to only adjust the ordinance relating to buffering between residential and agricultural uses and concluded that chain link is most appropriate fencing type between single-family or attached residential and agricultural uses.

COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT AMEND ORDINANCE 2022-07, AMENDING SYRACUSE CITY CODE SECTION 10.30.080, RELATED TO BUFFER YARDS FOR NEW DEVELOPMENT, BY ONLY ADJUSTING THE FENCING REQUIREMENT BETWEEN SINGLE-FAMILY AND ATTACHED RESIDENTIAL, AND AGRICULTURAL PROPERTIES, AND PROVIDING FOR CHAIN-LINK FENCING. COUNCILMEMBER CARVER SECONDED THE MOTION.

Councilmember Watson expressed concern about a change that would result in a great deal of chain link fencing being erected throughout the City between residential and agricultural properties. Councilmember Carver stated that condition already exists as there was formerly a requirement for fencing and it was removed from the City Code in the recent past; this means that there are only a few areas in the City where there is no fencing between agricultural and residential uses, and she asked that this item be considered in order to address that lack of fencing and to require fencing to be a part of all future projects.

Mayor Maughan stated there has been a motion and second to adopt the ordinance and he called for a vote; ALL VOTED AYE. Councilmember Bingham was not present when this vote was taken.

14. Proposed Ordinance 2022-14 amending the Syracuse City General Plan Map for property located at approximately 1700 South Banbury Drive from Commercial to High-Density Residential.

A staff memo from the Community and Economic Development (CED) Department explained Erik Craythorn of Q-2 LLC has applied to amend approximately .91 acres of the General Plan Map from Commercial to High Density Residential designation. This would be contiguous with the already general-planned high-density area to the east. It would also preserve approximately .62 acres of Q-2 LLC owned land on the corner for future commercial development. The High-Density Residential designation anticipates a future zoning of PRD among others. The applicant desires to build townhomes using the PRD zoning on this site that would be part of the larger proposed PRD townhome development. See attached concept plan. The total acreage of the entire project is proposed to be approximately 9.45 acres. Given the location of the site on a state highway, within the town center overlay, and being within 1/4 mile to a bus stop, the site would qualify for 12 units per acre under the PRD zoning should the zoning be granted. The proposed plan is at about 10 units per acre with a proposed 102 townhome units. All of the proposed townhomes are 2 stories except for 16 three story units in three buildings. The three-story units are proposed to be located near Antelope and none are located adjacent to single family homes. The process for a General Plan map amendment is for Planning Commission to provide a recommendation to City Council and to hold a public hearing. Then City Council will make the final vote to approve or deny the request. If the applicant is successful with the General Plan, next steps would be to request the PRD zoning which requires a development agreement that sets the architecture and preliminary plans. On April 5, 2022, Planning Commission held a public hearing and voted to recommend approval of this item with a split 4-3 vote. There were many residents that expressed opposition to this and all of the other projects under construction. Concerns included traffic, growth, water, school capacity, etc. Planning Commission found that because the proposed General Plan amendment area did not have direct access or visibility from Antelope Drive, the commercial viability of the site was not good and therefore a two-story residential use would be the right fit.

Mr. Steele reviewed the staff memo.

Councilmember Teague stated that he heard of a new proposal for this application that has not been thoroughly reviewed by staff; he would like to table the application for further review and discussion in the next work session meeting. Mayor Maughan agreed.

COUNCILMEMBER TEAGUE MADE A MOTION TABLE PROPOSED ORDINANCE 2022-14 AMENDING THE SYRACUSE CITY GENERAL PLAN MAP FOR PROPERTY LOCATED AT APPROXIMATELY 1700 SOUTH BANBURY DRIVE FROM COMMERCIAL TO HIGH-DENSITY RESIDENTIAL. COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED AYE. Councilmember Bingham was not present when this vote was taken.

15. Proposed Ordinance 2022-08 Amending Sections 10.30.050, 10.10.040, 10.75.040, 10.30.080, 10.82.070, 10.85.080, 10.90.070, 10.90.070, 10.92.040, 10.94.040, 10.105.070, 10.110.100, 10.115.070, and 10.120.070 of the Syracuse City Municipal Code related to water-wise landscaping requirements for new development.

A staff memo from the Community and Economic Development (CED) Department explained that with a goal of qualifying our residents for a waterwise landscaping conversion incentive program sponsored by the Weber Basin Water Conservancy District, and to of course be good stewards of our limited water supply, we have conducted a review of our existing landscaping requirements. These amendments would:

- Prohibit lawn in park strips.
- Limit lawn in yards by percentage. 35% max in SF. 15% in Commercial.
- Prohibits lawn in buffer areas.
- Require drip irrigation in areas less than 8 feet wide.
- Require smart irrigation controllers.
- Prevents HOA's from conflicting with our landscape ordinances.

The attached text amendments would reduce water use for existing and new development and address some if not most of the items the district has recommended. Black text is existing ordinance, red text is proposed new, and strikethrough would delete existing text. On May 3, 2022, Planning Commission discussed the item and held a public hearing. No comments were received from the public. Planning Commission is recommending that a minimum percentage of 30 percent vegetation coverage be required in the front yard. The vote was a 7-0 unanimous vote to approve as written. Self-initiated land use related text amendments originate with City Council with a high-level discussion where general direction is forwarded to Planning Commission. Planning Commission will hold a public hearing on the matter and make a recommendation. The recommendation is forwarded back to City Council where they will debate the item and vote to approve, approve with changes, table or deny the item. Text amendments are approved by way of ordinance.

Mr. Steele reviewed the staff memo and facilitated discussion and debate among the Council regarding the percentage of a residential front yard that should consist of vegetative material. Councilmember Carver stated that she feels the 30 percent requirement is too high. Councilmember Savage stated he is comfortable with the proposed ordinance as written. Further debate

ensued and Councilmember Teague suggested adjusting the language to indicate that yards void of any vegetation are prohibited, but to eliminate any definitive percentage requirement. Councilmember Savage stated he is not comfortable with that as he wants the ordinance to clearly communicate that paving one's front yard is not acceptable and that some vegetation should be required.

COUNCILMEMBER TEAGUE MADE A MOTION ADOPT PROPOSED ORDINANCE 2022-08 AMENDING SECTIONS 10.30.050, 10.10.040, 10.75.040, 10.30.080, 10.82.070, 10.85.080, 10.90.070, 10.90.070, 10.92.040, 10.94.040, 10.105.070, 10.110.100, 10.115.070, AND 10.120.070 OF THE SYRACUSE CITY MUNICIPAL CODE RELATED TO WATER-WISE LANDSCAPING REQUIREMENTS FOR NEW DEVELOPMENT, WITH AN ADDITIONAL AMENDMENT TO REPLACE THE 30 PERCENT VEGETATION REQUIREMENT WITH A LANGUAGE INDICATING THAT YARD VOID OF ANY VEGETATION ARE PROHIBITED. COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED AYE, WITH THE EXCEPTION OF COUNCILMEMBER SAVAGE. Councilmember Bingham was not present when this vote was taken.

16. Proposed Ordinance 2022-09 Amending the Syracuse City Zoning Map for property at approximately 2000 West SR-193 from A-1 to MXD and authorizing execution of a development agreement.

A staff memo from the Community and Economic Development (CED) Department explained the City has received an application from HCA/Mountainstar Healthcare to rezone 53 acres to the MXD zone. The original application was received on 11-04-21 petitioning the MXD zoning, which was prior to the resolution by City Council requesting to not accept new MXD applications while amending the ordinance. The proposal includes basically three components. About 50% of the site is proposed to be dedicated to the hospital campus and medical uses. About 12% would be dedicated to commercial retail shops and restaurants, and the remaining approximately 38% of the site would be multi-family residential. The project would be built in phases over the next several years with the first phase most likely to be the commercial and multi-family components. The medical side consists of a free-standing emergency department, 5 story hospital with approximately 120 beds, 2 four story medical office buildings of approximately 80,000 sf each. The residential side is proposed to have 120 rental units in 5 3-story stacked flat buildings with 24 units per building, 180 units rental townhomes in 30 2-story townhomes with 6 units per building. The residential side comes to about 15 units per acre. The residential side is also proposed to have a clubhouse, pool, playground, and other amenities. The commercial component is proposed to have 5 buildings, three of which with drive through windows. The combined approximate commercial square footage is 17,340 square feet. The developer is proposing to create a new zone custom for this project called the MXD-H zone created through a development agreement. This zone essentially removes many of the architectural and site planning requirements from the project that were problematic for the hospital due to their requested large setbacks, parking lots, and buildings since the MXD zone was designed to build a historic looking vertical mixed-use development. The new zone would also relieve the residential side from many of the requirements deemed undesirable by the apartment developers. The development agreement associated with the zone asks for the city to pay for 450 S. Staff has reviewed the provided plans for compliance with the existing MXD ordinance and has found several items of non-compliance. Planning Commission and City Council need to decide the proper regulatory course to entitle the project as many of the staff comments are applicable only to the existing ordinances. Planning Commission reviewed and debated this item at length during their meeting on 4/19/22. A public hearing was held during which no public comment was received. The Commission voted to recommend approval of the rezone/ zone creation with a vote of 6-1. The dissenting vote expressed concern over creating a new zone just for this project and preferred the use of existing more established zones. The majority vote expressed support for the project and the positive economic impact it will have for the City. The City Council discussed the item on April 26, 2022. They expressed concern over the creation of the new zone and preferred to create a development agreement using the MXD zone similar to other projects recently approved. The Development Agreement would include certain exceptions to the ordinance to authorize the proposed plan as presented. They also discussed the requested payment for the construction of 450 S. Additional guidance is needed on the amount of contribution for the road. The developer is requesting \$1.8 million dollars for the road. Included in the packet is a revised development agreement that reflects the council's preference as discussed.

Mr. Steele reviewed the staff memo, after which Mayor Maughan facilitated a discussion among the Council regarding the development agreement items to be decided upon by the Council, as follows:

- The Council supported the proposed adjustment to the overall layout and land uses in the development agreement.
- The Council supported specific adjustments to architecture in the project, with the caveat that the developer is committing to improved/adjusted architecture in other areas of the project;
- The Council prefers that the road within the project be upgraded from 60 feet to 66 feet to accommodate increased traffic and on-street project; the City will pay for the increased width, so long as the developer agrees to pay for the 60-foot road.
- For Exhibit B.2, project design standards/elevations for residential uses, the conceptual design is acceptable as a relative standard, but the applicant will be required to present formal plans at the time of site plan

application. If those plans differ greatly from the exhibit, further discussion and potential adjustments to the development agreement will be required.

COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT ORDINANCE 2022-09 AMENDING THE SYRACUSE CITY ZONING MAP FOR PROPERTY LOCATED AT APPROXIMATELY 2000 WEST SR-193 FROM A-1 TO MXD AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT WITH THE AMENDMENTS TO THE DEVELOPMENT AGREEMENT LISTED ABOVE. COUNCILMEMBER TEAGUE SECONDED THE MOTION.

City Attorney Roberts summarized that his interpretation of the Council's action is to approve all amendments to the development agreement with the exceptions of Sections 5.9 and 6.4 related to system improvements and project improvements. The direction the Council is giving him is to adjust the development agreement to reflect that position. The Mayor stated that is correct.

Mayor Maughan then noted there has been a motion and second to approve the ordinance with specified adjustments to the development agreement and he called for a vote; ALL VOTED AYE. Councilmember Bingham was not present when this vote was taken.

Mayor Maughan addressed the applicant; he noted the zone change has been approved according to the latest revisions to the development agreement; the applicant has not yet formally accepted the development agreement amendments and 'the ball is in their court'. He understands that there are some concerns about the construction of the road within the project and there may be an opportunity to consider the creation of a Community Development Project Area (CRA) to aid in the construction of the road, but such creation could take months.

17. Proposed Ordinance 2022-10 Amending the Syracuse City Zoning Map for property at approximately 300 South 1550 West from General Commercial (GC) to Mixed Use Development (MXD).

18. Proposed Ordinance 2022-11 Amending the Syracuse City Zoning Map for property at approximately 2150 West 350 South from Agricultural (A-1) to General Commercial (GC).

19. Approval and Authorization for Mayor to Execute the Amended and Restated Development Agreement for the Syracuse Hotel & Monterey West Project.

City Attorney Roberts indicated each of these three agenda items are closely related to one another and he advised the Council to discuss all applications together and make one collective motion regarding all three.

A staff memo from the Community and Economic Development (CED) Department explained Josh Hughes of Twenty-Five Eight Development LLC has applied to amend the zoning map from GC to MXD on approximately 1.5 acres. The applicant has recently purchased the property from Ninigret Construction Company North LLC. The MXD/GC zoning was granted as part of the 'Monterey West MXD' project approved on 11/09/21. During the public hearings for the original project's zoning amendment, there was some discussion about relocating the hotel offsite to create more distance between the school and the hotel. The original location discussed was to move the hotel about 600 feet or about 1/8 mile to the west also on 300 South. The proposed site for the hotel has since shifted to a new site further west located on the southwest corner of 2000 West and 193. The new location is approximately 2,400 ft away or about a half mile and separated by 2000 West. The new site is owned by Wright Development Group. Relocating the commercial aspect of an MXD project is anticipated in the ordinance language but with some conditions. Ordinance 10.92.040 says the partner site must be within one-quarter mile of the proposed project. It also says 'City Council, with recommendation from Planning Commission, must find a direct benefit between the proposed residential units and the commercial project to exercise this option. The intent of the MXD ordinance is to create a neighborhood where residents can 'work, play, shop, and live that are strategically designed to create a symbiotic relationship'. It also says that the agreed-to enhancements to the partner site in this option must be completed before the first residential unit receives final occupancy. Then finally, it says that the details of the partnership obligations are to be included in the development agreement. The development agreement does anticipate the hotel relocation and the agreement has been included in this report. Assuming the new hotel site is approved by the city, the applicant is proposing to place two more 24-unit buildings on the land previously occupied by the hotel. Since the land is zoned GC and apartment buildings are not a permitted use in the GC zone, an amendment to the zoning map would be necessary to permit the proposed change. See attached for the approved layout with the hotel and also the proposed alternate layout with the apartment buildings instead of the hotel. The Planning Commission reviewed this item and held a public hearing on April 19, 2022. The neighbors participated and showed support for the relocation. After much debate and consideration, the Commission voted to forward a recommendation for approval with a split vote of four to three.

An additional memo regarding agenda item 18 explained Josh Hughes of Twenty-Five Eight Development LLC has applied to amend the zoning map from A1 to GC on approximately 2.97 acres. The property is currently owned by Wright Development Group. The MXD/GC zoning for the associated 'Monterey West MXD' project was approved on 11/09/21. During the public hearings for the original project's zoning amendment, there was some discussion about relocating the hotel offsite to create more distance between the school and the hotel. The original location discussed was to move the hotel about 600 feet or about 1/8 mile to the west also on 300 S. The proposed site for the hotel has since shifted to a new site further west

located on the southwest corner of 2000 W and 193. The new location is approximately 2,400 ft away or about a half mile and separated by 2000 W. Relocating the commercial aspect of an MXD project is anticipated in the ordinance language but with some conditions. Ordinance 10.92.040 says the partner site must be within one-quarter mile of the proposed project. It also says ' City Council, with recommendation from Planning Commission, must find a direct benefit between the proposed residential units and the commercial project to exercise this option. The intent of the MXD ordinance is to create a neighborhood where residents can 'work, play, shop, and live that are strategically designed to create a symbiotic relationship'. It also says that the agreed-to enhancements to the partner site in this option must be completed before the first residential unit receives final occupancy. Then finally, it says that the details of the partnership obligations are to be included in the development agreement. The development agreement does anticipate the hotel relocation and the agreement has been included in this report. The hotel component of the 'Monterey MXD' is proposed to move to this site. See attached a rough site plan for how the hotel would be situated on the site. Also see attached for additional maps and information. The Planning Commission reviewed this item and held a public hearing on April 19, 2022. One gentleman expressed concern over the new hotel location at a prime retail corner. After much debate and consideration, the Commission voted to forward a recommendation for approval with a split vote of four to three.

A final staff memo regarding agenda item 19 explained Josh Hughes of Twenty-Five Eight Development LLC has requested to amend the development agreement for the Monterey West MXD project located approximately 1300 S 1550 W. The project and associated development agreement (DA) was approved by City Council on 11/09/21. The reason for amending the DA is to relocate the proposed hotel off-site and place two more apartment buildings in the vacated spot. See attached for the proposed amendment language. In summary these are the main points of the applicant's proposed amendment:

1. Changes the developer's name on the project to a new joint partnership of 'WDG 25-8 Monterey West, LLC' which appears to be a partnership between WDG (Wright Development Group) and 25-8 (Josh Hughes)
2. Adds the new proposed hotel site to the project acreage
3. Increases the permitted development units from 153 to 201. 48 apartment unit increase in two buildings.
- ~~4. Relieves themselves of having to bring in a hotel of at least 30,000 and instead to bring a hotel with the site to be determined by a market study.~~
- ~~5. With the currently approved hotel plan there were 397 stalls. With the new apartment plan there are 378 proposed stalls. MXD code requires 2 per unit so 400 required stalls. This is short 22 stalls. The proposed language says that this would be acceptable.~~
- ~~6. Lets them build a hotel brand's prototype design without having to meet city architectural standards. Which usually means lesser quality, more stucco, bright branding colors.~~
7. Changes the requirement for when the hotel has to be built from the 6th residential building to the 8th (last building). MXD ordinance says that the developer has to build the offsite commercial items before the residential, which the proposed amendment would allow the hotel to be built only before the last residential building.
8. Deletes the original agreement's language about the anticipated alternative hotel site. The talks at the time were referencing a site within 1/4 mile that is part of the proposed Hospital MXD. Apparently this site didn't work out or they wouldn't sell etc. Now the proposed amendment would authorize a new location 1/2 mile away. However, the MXD ordinance says that when moving the hotel off-site, it has to be within 1/4 mile.
- ~~9. Delete's the hotel architectural theme exhibit. This would make it so they could build any style of hotel they wanted. It would also make it so the city doesn't know what kinds of amenities the hotel would be providing. The original plan the developer provided included an indoor swimming pool, patio, fitness center, community eating area, lobby, and business center. These amenities would not be guaranteed with these changes.~~

The Planning Commission reviewed this item on April 19, 2022, and also held a public hearing. There was one public comment asking not to move the hotel because it may limit future big box commercial. The Commission voted to forward a recommendation for conditional approval with the vote of six to one. The conditions were that they were not ok with number 5 above concerning parking, and neither were they ok with the part of number nine above concerning the amenities. City Council reviewed the item on April 26, 2022, and the developer has adjusted the agreement based off that feedback and as shown in the redlines above.

Mr. Steele reviewed the staff memos and facilitated discussion among the Council regarding the proposed adjustments to the development agreement for the project; there was a focus on parking accommodations for the apartment component of the project

COUNCILMEMBER TEAGUE MADE A MOTION TO ADOPT ORDINANCE 2022-10 AMENDING THE SYRACUSE CITY ZONING MAP FOR PROPERTY AT APPROXIMATELY 300 SOUTH 1550 WEST FROM GENERAL COMMERCIAL (GC) TO MIXED USE DEVELOPMENT (MXD); ADOPT ORDINANCE 2022-11 AMENDING THE SYRACUSE CITY ZONING MAP FOR PROPERTY AT APPROXIMATELY 2150 WEST 350 SOUTH FROM AGRICULTURAL (A-1) TO GENERAL COMMERCIAL (GC); AND APPROVE AND AUTHORIZE THE MAYOR TO EXECUTE THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR THE SYRACUSE HOTEL & MONTEREY WEST PROJECT AS AMENDED. COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED AYE. Councilmember Bingham was not present when this vote was taken.

20. Proposed Ordinance 2022-12 Amending Chapter 10.92 of the Syracuse Municipal Code, Mixed Use Development (MXD) zone.

A staff memo from the Community and Economic Development (CED) Department explained the Council has expressed a desire to amend various elements deemed problematic with the MXD zone. Also, the City received an application by the Hospital MXD developer to amend the ordinance, albeit in a narrower scope. Although, the applicant has since requested that the hospital related amendments to be rolled into a new zone altogether, called the MXD -H zone. That decision will be related to the rezone request for the Hospital MXD, and the proposed changes remain regardless of what occurs with the separate Hospital MXD item. Council and Planning Commission has been discussing both the requested changes and the more encompassing changes for a few months now. Ordinance amendments are legislative matters that only the City Council can approve. However, the Planning Commission plays an important role in reviewing land use related ordinances and providing recommendations to Council. Planning Commission also holds public hearings to receive input from the public. Once a recommendation from Planning Commission is forwarded to Council, the item is voted on and approved or denied by ordinance.

The memo summarized the history of the matter:

- On February 22, 2022, City Council inconclusively discussed the following potential amendments: remove the picture from the ordinance, adjusting the commercial to residential ratio, removing the partner site option, restricting the zone to be located along state highways, tightening the distance for in-lieu open space fee receiving sites, increasing the buffer landscaping requirements, ensuring proper long-term maintenance, and adding water wise landscaping requirements.
- On March 22, 2022, City Council again discussed the zone amendment. They would like to increase the required ratio of commercial to residential. They would also like to look at adjusting the requirements for the partner site.
- On April 5, 2022, the Planning Commission discussed some specific changes to the ordinance and directed staff to place the changes on the next meeting for a recommending vote.
- On April 19, 2022, the Planning Commission held a public hearing and voted unanimously to recommend approval of the text amendment. No public commented on the item.
- On April 26, 2022, the City Council reviewed the PC recommendation and further discussed the item. Staff has adjusted the amendments based off this conversation.

The current version of proposed MXD ordinance amendments includes the adjustments requested by the Council over the past several months.

CED Director Steele reviewed the staff memo and facilitated a review of the proposed ordinance amendments; Councilmember Savage noted that the only adjustment the Council requested that he did not see in the amended ordinance document is a setback adjustment; he would like to preserve the 85-foot setback. Councilmember Teague agreed. Councilmember Savage then stated there is an adjustment to the commercial square feet to maximum height ratios for three story buildings and he suggested an adjustment to two story buildings to provide a gradual increase from two to three-story buildings. Councilmember Teague stated the theory behind that recommendation makes sense. Mr. Steele stated he can make that adjustment and he recommended a gradual maximum building height from one to three story buildings of 24, 36, and 56 feet in height, respectively.

COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT ORDINANCE 2022-12 AMENDING CHAPTER 10.92 OF THE SYRACUSE MUNICIPAL CODE, MIXED USE DEVELOPMENT (MXD) ZONE, WITH THE ADJUSTMENT TO MAXIMUM HEIGHTS FOR REQUIRED COMMERCIAL SPACE TO 24 FEET FOR SINGLE STORY, 36 FEET FOR TWO STORY, AND 56 FEET FOR THREE STORY. COUNCILMEMBER CARVER SECONDED THE MOTION; ALL VOTED AYE. Councilmember Bingham was not present when this vote was taken.

21. Proposed Ordinance 2202-13 Adopting a process for voluntary pre-application consultations with the City Council for those seeking zone changes.

A staff memo from the City Attorney explained design is a lengthy and expensive process. And those proposing land uses in the City might be reluctant to put forward land use ordinance amendments such as a zone map change without first taking the Council's temperature. This is particularly true of zoning designations that require substantial detail with their initial land use application, such as the RPC, MXD and PRD zones. A common practice in Utah involves meeting with individual or non-quorum groups of councilmembers to solicit input. This opens up the councilmembers to accusations from the public, or sometimes miscommunication or contradictory statements by parties. It is proposed that the council provide an avenue for a developer who is considering a project for which it will be seeking legislative approval of a zone change. Potential ordinance language is attached. The application for consultation with the council would be provided as a matter of right to the applicant. The process would be informal, staff review, and involvement would be minimal, and the councilmembers' input would be non-vesting. The benefits of providing this avenue for those who wish to take it include: the applicant presenting the same information to all councilmembers; the emphasis of important points of development early in the process, which allows the applicant to save expenses of re-engineering or re-design; early input for non-desirable projects may dissuade controversial

projects from being officially proposed; and some protection by councilmembers from accusations of improper behavior or of stating things about a project off-the-record. The proposed ordinance contemplates putting the applicant on a work session agenda, where the council can discuss the possible development and provide some initial, non-binding direction to the applicant. It would be a new section of the Zoning Code and would need to be run through the planning commission before final adoption. Additional considerations for this ordinance include:

- Does the City assess a fee for this consultation, and if so, how much?
- What level of detail is acceptable? We need not establish any specific requirements, which would provide flexibility. It would permit an individual to approach the council with a simple concept and no drawings. And some applicants might prefer to know what is important to the council, as far as we can predict it.
- Should the City require this process for those zones that require up-front development agreements and substantial pre-application design (RPC, PRD, MXD, Cluster)?
- Should this process be limited to only those zones that require the development agreement and pre-application design work?
- Does the Council want to put parameters in place for the review – such as a requirement that it be put on an agenda within a certain number of days or the amount of time that will be allotted to the application in council meeting?

The memo concluded the purpose of this agenda item is to discuss whether the additional process would be valuable and, if so, to determine whether to direct staff to make any changes to the zone text in preparation for a voting meeting.

City Attorney Roberts reviewed the staff memo.

COUNCILMEMBER SAVAGE MADE A MOTION TO ADOPT ORDINANCE 2022-13 ADOPTING A PROCESS FOR VOLUNTARY PRE-APPLICATION CONSULTATIONS WITH THE CITY COUNCIL FOR THOSE SEEKING ZONING CHANGES. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED AYE, WITH THE EXCEPTION OF COUNCILMEMBER TEAGUE WHO VOTED IN OPPOSITION. Councilmember Bingham was not present when this vote was taken.

Mayor Maughan recessed the meeting at 7:38 p.m. to move to the Redevelopment Agency (RDA) Special Meeting. The meeting reconvened at 7:40 p.m.

22. Public comment.

Logan Wright of Wright Development Group stated he is excited to hear that Zupa's will be locating in Syracuse City. He then addressed the Council's action on item 21 to create a voluntary pre-application review process. He noted he would like to 'take a stab' at engaging in a pre-application review for property that he currently has under contract and would like to pursue a rezone. The property is south of the proposed 450 South street near the hotel site. He would like to seek the PRD zoning designation on the property at 12 units per acre. The street in the project would be 66 feet wide. Mayor Maughan stated the Council cannot engage in discussion with the public during the public comment period and he advised Mr. Wright to apply for the pre-application review on a work session agenda where the Council will be allowed to engage in dialogue with him.

23. Mayor/Council announcements.

The Council and Mayor provided announcements about upcoming community events and other opportunities for public involvement.

At 7:47 P.M. COUNCILMEMBER CARVER MADE A MOTION TO ADJOURN. COUNCILMEMBER TEAGUE SECONDED THE MOTION; ALL VOTED IN FAVOR. Councilmember Bingham was not present when this vote was taken.

Dave Maughan
Mayor

Cassie Z. Brown, MMC
City Recorder

Date approved: June 14, 2022