

Syracuse City Planning Commission Meeting

July 5, 2011

1. Meeting called to Order and Adoption of Agenda

Planning Commission Chair Kenneth Hellewell called the meeting to order at 6:02 p.m., indicating that City staff posted the agenda 24 hours prior to the meeting and delivered copies to all Commission members. Dale Rackham offered the prayer, and T.J. Jensen led the pledge of allegiance.

Members Present: Chairman Kenneth Hellewell, Braxton Schenk, T.J. Jensen, Curt McCuiston, Dale Rackham, and Gregory Day as well as Community Development Director Michael Eggett, City Planner Kent Andersen, and Administrative Secretary Judy Merrill

Excused: Vice Chairman Tyler Bodrero and Gary Pratt,

Visitors: Wade Stoker Jerry Stoker Vickie Higley Dennis Higley
 Kara Charlesworth Brian Charlesworth Jonathan Hendricks Jarom Higley
 Robert Favero

Commissioners reviewed the July 5, 2011, Planning Commission meeting agenda.

T.J. JENSEN MOVED TO ADOPT THE JULY 5, 2011, AGENDA AS OUTLINED, SECONDED BY GREGORY DAY; ALL VOTED IN FAVOR.

2. Planning Commission Elections

T.J. JENSEN MADE A MOTION TO TABLE THIS ITEM UNTIL ALL THE OTHER COMMISSIONERS WERE PRESENT TO VOTE. BRAXTON SCHENK SECONDED THE MOTION; ALL VOTED IN FAVOR.

3. Approval of Minutes

Commissioners reviewed the June 7, 2011, regular meeting and work session minutes.

BRAXTON SCHENK MOVED TO APPROVE THE JUNE 7, 2011, REGULAR MEETING AND WORK SESSION MINUTES AS WRITTEN. DALE RACKHAM SECONDED THE MOTION; ALL VOTED IN FAVOR.

Commissioners reviewed the June 21, 2011, work session minutes.

T.J. JENSEN MADE A MOTION TO APPROVE THE JUNE 21, 2011, WORK SESSION MINUTES AS WRITTEN, SECONDED BY CURT McCUITION. ALL VOTED IN FAVOR.

4. Dennis Higley/Destiny Homes Request for Conditional Use Permit for Two-Family Dwelling

Secretary Merrill outlined the history of this request, stating that Dennis Higley originally applied for a Conditional Use Permit on March 11, 2009, to construct two-family dwellings on lots 16 as well as this lot in the Kara Estates Subdivision, located at 2958 South 1550 West. At that time, the Land Use Ordinance required a public hearing. Upon receiving notice, many residents submitted written concerns regarding the request based on assurances given them by the Higley family, at the time they purchased their homes, that the vacant lots Dennis Higley set aside were for his children to build single-family homes once they grew old enough. Other concerns related to the burden renters placed on the City's police department, due to speeding and different lifestyles, their negative impact to affected neighborhoods, and reduction in property values due to poor maintenance of yards, neglect in clearing sidewalks and removing garbage cans from curbs, inoperable vehicles in driveways, and an absent landlord once Mr. Higley moved to Idaho with the rest of his children. Other comments related to their reasons for moving to Syracuse to get away from duplexes and apartments in other cities, the number of vehicles two families could generate on one lot and the resulting impact on street parking in the cul-de-sac, the intent of the General Plan specific to this use, and that the majority of residents should outweigh the desires of one applicant. The Commission held a public hearing on April 21, 2009, during which time the applicant addressed many resident concerns. He claimed the homes would have similar architectural finishes as others in the Subdivision, he would retain ownership, and his business was doing well so he had no plans to relocate. Commissioners listened to more than an hour of public comment and countered with their opinions that two lots full of weeds degraded

property values a lot more than two large, nice houses and that a two-family dwelling provided limited space, which tended to restrict the number of residents per dwelling and ultimately the number of cars at the home. Commissioners determined the request complied with all requirements of the Land Use Ordinance and granted Conditional Use Permits subject to the condition that the plans show the access to the lower dwelling unit. Because the applicant indicated that both families would share the four-car garage on this particular lot, commissioners also approved it with the condition that Mr. Higley add a wall down the middle of the garage. The residents appealed, so City Council reviewed the issue on May 12, 2009, and upheld the Commission's decision.

Planner Andersen added that the applicant failed to implement the granted permits within one year of the issued approval date; therefore, they expired and required another review and approval prior to submitting application for building permits.

Secretary Merrill then explained that the applicant submitted a request, on June 21, 2011, for a two-family dwelling on just Lot 20. The applicant changed the configuration of the home and moved the parking further south, providing three spaces inside the garages and three in the driveway. The elevations did not comply with the current exterior requirements for residences, because this Subdivision received preliminary approval almost two years prior to the adoption of that standard. The plans, however, still did not show access to the second dwelling unit.

Planner Andersen concluded by identifying three staff concerns: 1) Did the parking for each unit adequately match the size for that dwelling? 2) The elevations did not show the location of the access to the lower dwelling unit. 3) The 33-foot driveway approach exceeded the maximum 50% of the lot width.

Dennis Higley, of 2989 South Bluff Road, came forward and explained how he developed the Kara Estates Subdivision many years ago directly behind his existing home. After receiving the Conditional Use Permits in 2009, he did not have the funds to proceed. This year, he wanted to build on just Lot 20 for his daughter and son-in-law. It would be the same style of home approved previously, but they increased the size to a 3200 or 3400 square-foot, four-car rambler with an upstairs dwelling and downstairs dwelling.

Chairman Hellewell asked about the entrance to the downstairs residence. Mr. Higley was uncertain but believed it would be on the side of the garage or rear of the home. After conferring with his daughter, he concluded it would be on the side of the home.

Planner Andersen went over staff concerns, asking the applicant to shorten the driveway approach to at least 31.5 feet. He then referenced the six parking spaces with the two- and one-car garages and asked how the applicant would allocate them to the different tenants. Mr. Higley explained that the downstairs tenants would use the one-car garage with tandem-parking room for two vehicles, one space in the driveway, and another at the side of the garage. They planned to concrete that area rather than plant grass, which would provide four spaces for the downstairs dwelling and four spaces for the upstairs dwelling with the two-car garage and two spaces in the driveway. He stated that his daughter and son-in-law were buying the home and renting out the downstairs. When asked about the wall in between the two garages, the applicant assured Commissioner Jensen that the plans for his building permit would show the wall.

T.J. JENSEN MOVED TO APPROVE A CONDITIONAL USE PERMIT TO DENNIS HIGLEY, OF DESTINY HOMES, TO CONSTRUCT A TWO-FAMILY DWELLING ON LOT 20 OF THE KARA ESTATES SUBDIVISION, LOCATED AT 2958 SOUTH 1550 WEST, SUBJECT TO ALL REQUIREMENTS OF THE LAND USE ORDINANCE AND THE CONDITIONS THAT THE PLANS SHOW THE LOCATION OF THE ACCESS TO THE DOWNSTAIRS DWELLING AND INCLUDE A WALL SEPARATING THE GARAGES. DALE RACKHAM SECONDED THE MOTION.

Planner Andersen asked that the motion include a condition that the plans for the driveway approach comply with the Ordinance as well.

T.J. JENSEN AMENDED HIS MOTION TO INCLUDE THE CONDITION THAT THE APPLICANT ADJUST THE DRIVEWAY APPROACH ON THE PLANS TO CONFORM TO THE LAND USE ORDINANCE AS WELL. ALL VOTED IN FAVOR.

5. Public Hearing to Consider Amendments to the General Plan relating to District 8

Planner Andersen explained how he went over the General Plan map after the repeal of the R-4 zone to see if there were any other areas still designated for R-4. He found one, owned by Larry Sanders,

currently zoned R-2, located at 1901 West 2250 South. He called to discuss Mr. Sanders' preference as to a change in the General Plan for his property. Although concerned about the loss of the higher-density zone, Mr. Sanders was amenable to a change to a PRD zone. Chairman Hellewell asked if the landowner's property was large enough to qualify for the PRD zone. Planner Andersen advised him that it would not qualify for the 12 units per net acre but should be large enough for the 8 units per net acre. Planner Andersen then referenced Mike Bastian's request to change the zoning designation on the General Plan for property owned by Childs Investment adjacent the RC Willey store. Mr. Bastian recently rescinded that request as shown by the letter in the commissioners' packets. Planner Andersen then reviewed the list of proposed changes in District 8.

Commissioner Day referenced the North Legacy Parkway Interchange and asked if they needed to discuss those areas based on potential impacts in the future. Chairman Hellewell and Director Eggett explained how the Commission would address those issues during the year they reviewed the Master Transportation Plan, since the City would need to make a lot of changes to the document once UDOT finished the Corridor plans.

Chairman Hellewell opened up the meeting for public hearing. No one came forward, so he closed the public hearing.

6. Adjournment

T.J. JENSEN MOVED TO ADJOURN AT 6:30 P.M.; ALL VOTED IN FAVOR.

Kenneth Hellewell
Planning Commission Chair