

Minutes of the Regular Meeting of the Syracuse City Planning Commission held on November 5, 2013, at 6:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

**Present:**

Commission Members: Curt McCuiston, Chairman  
Tyler Bodrero, Vice-Chairman  
Wayne Kinsey  
TJ Jensen  
Dale Rackham  
Ralph Vaughan  
Sean Dixon

City Employees: Sherrie Christensen, Community & Economic Development Director  
Jenny Schow, Planner  
Kelly A. Janis, Planning Administrator  
Brian Bloemen, City Engineer  
Jo Hamblin, Deputy Fire Marshall  
Clint Drake, City Attorney

Excused: Noah Steele, Planner  
Commissioner Anne Greeson

City Council: Craig Johnson

Visitors: Mike Ford                      Mike Thayne                      Carson Cannon  
Ray Zaugg                      Pat Zaugg                      Dylan Bruns  
Jacob Parker                      Maven Skidmore                      Max Skidmore  
Nick Mingo                      William Boor                      John Bingham  
Grayson Banks                      Dylan Davis                      Parker Mills  
Jared Qualls                      Braden Chamberlain                      Oscar Bingham  
Mike Chamberlain

**1. Meeting Called to Order**

[6:00:07 PM](#)

- a. **Invocation or Thought** – Commissioner Rackham
- b. **Pledge of Allegiance** – Troop 321 – Scout Leader Carson Cannon
- c. **Adoption of Meeting Agenda**

**COMMISSIONER JENSEN MADE A MOTION TO ADOPT THE SYRACUSE CITY PLANNING AGENDA FOR NOVEMBER 5, 2013. COMMISSIONER RACKHAM SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.**

[6:02:03 PM](#)

**2. Meeting Minutes Approval for October 1, 2013 and October 15, 2013.**

**COMMISSIONER VAUGHAN MADE A MOTION TO APPROVE THE OCTOBER 1<sup>ST</sup> AND 15<sup>TH</sup>, 2013 REGULAR AND WORK SESSION MINUTES AS PREVIOUSLY AMENDED. COMMISSIONER RACKHAM SECONDED THE MOTION; ALL VOTED IN FAVOR, THE MOTION PASSED.**

[6:03:07 PM](#)

**3. Subdivision Amendment, Ford Subdivision, Mike Ford, located at approximately 2049 South 1230 West, R-2 Residential Zone.**

[6:03:17 PM](#)

**Planner Schow** – The applicant has submitted an application to amend lot lines in both the Harvest Point Subdivision lots 506-508 and lot 68 of the Stoker Garden subdivision, thus creating a new subdivision, Ford Subdivision. Previously, this application was tabled by the Planning Commission on September 17, 2013 in order for the City to amend the City code regarding wireless tower communications. A fall zone easement was created and approved by the City Council on October 22, 2013, thus allowing the lot line adjustment of lot 1 in the Ford Subdivision. The applicant has also amended the lot lines for the cellular tower and accessory structure upon recommendation from City staff. The cellular tower will now become lot # 4 of the Ford Subdivision while maintaining maintenance access through the Stoker Garden Subdivision. The accessory structure will become a legal nonconforming use on lot 2 of the Ford Subdivision; until such time that a primary residential use is permitted on the lot. Any changes to the accessory structure will require both a Conditional Use Permit and Building Permit. There are still a couple of minor things; there is an easement that needs to be shown on plat prior to recording. The applicant and their engineer were sent a copy of that easement. The other item is regarding fire access to this building and we have been working with the applicant to come up with an agreeable solution. The applicant needs to provide a 15' access back to the shed for fire security purposes. The fire

department has been working with the applicant on that.

**Commissioner Jensen** – is that 15' doubling that 7.5 as currently shown or is it going to be in addition to?

**Planner Schow** – It is not a public utility easement, it is just a 15' access; basically like a 15' setback, of that 15', 7.5' is in the PUE.

**Commissioner Jensen** – So is that in addition to the PUE?

**Mike Ford** – I would like to address some of the comments Planner Schow made. As far as the 20' storm drain easement; I do not feel I could go back to the owner of Lot 3 and say we need to encumber and provide this easement across there, where there was not previously on Harvest Point subdivision. The second issue would be the 15' easement; we have house plans that are done and we have a 12' access on the north side of the property. My engineer Nate talked with Jo Hamblin and he said we could go down to 14', but with our house plans done, it is almost impossible to do 14'. We could do 12', but that does incur a cost to us of 50% more concrete and we have to reinforce it for a 75,000 pound truck. I feel that when we went through the process with the City with Stoker Gardens, those issues should have been taken care of with that. Those are the three issues that we currently have.

**Commissioner McCuiston** – The first thing to do is to try and address the 15' easement. You had spoken with someone and that could be reduced by 1' to 14'.

**Mike Ford** – We have house plans that are done that takes up the entire width. We are kind of setback to setback right now.

**Commissioner Jensen** – Since the other lot line is on a diagonal with Lot 3, it would seem that you could push your house back a few feet to get those extra couple of feet needed for fire.

**Mike Ford** – The house plan does jog a little on that south side, so we are kind of right along that property line.

**Commissioner Jensen** – My point is you could move it back to come up with more room on the north.

**Mike Ford** – It would probably have to go back 20' further and we are sitting back 45' from the front.

**Commissioner Jensen** – You would not have to go that far back.

**Commissioner McCuiston** – Is this for fire access to the out building or the secondary building?

**Mike Ford** – As far as I am aware, it is for the accessory building. I do not know anywhere else in the city where you have a fire access to a residential lot to service an auxiliary building.

**Commissioner McCuiston** – I am not sure how that is handled in the code.

**Deputy Chief Hamblin** – It is a unique situation and quite frankly, it is a bad situation we have. This is a huge building that is 200' by 50' and it is a metal frame building and it poses a potential large fire hazard, especially for those townhomes that are going in there. I believe it is only 25' distance between them. The fire floor requirement on that building would be 2,225 gallons per minute for a total duration of 2 hours. My concern looking at a building that big is access back to the building. The reason why we went down to 14' is our engine from widest points is 10'. At 12', the concern I have is that it places the drivers in a bad situation. Everything happens at a bad time and if a fire broke out during the night, backing the fire apparatuses in the dark will be difficult. I am not requiring an access turnaround and it doesn't meet the fire lane requirement of 20', but this is more of a unique situation and I am trying to make a bad situation better.

**Commissioner McCuiston** – Will there be any need for improvements to allow your rig to go back there?

**Deputy Chief Hamblin** – Yes that is the thing that Commissioner Jensen mentioned. The appropriate weight is 75,000 pounds so they are going to reinforce that concrete. They do not have to put concrete all the way back there; road base would be sufficient. When he mentioned that he was good with the 12', the problem that I have with the 12' is it gets so tight that I would not feel comfortable sending my engineers driving their engine back there. If that is as far as he can go, then I would rather not have that lane back there because then it is just an incurred cost to him that I do not think is ethically right for me to impose upon him because chances are we are not going to use it anyway. It is just too risky to take our engine in a space that tight which might bring damage to city property or his property, even though we are trying to protect his structure back there.

**Commissioner Jensen** – How tall is that structure?

**Mike Ford** – About 16'.

**Commissioner Jensen** – We do state in the ordinance that it needs to be secondary. Yours is really much bigger than a residential building; with that, I would not refer to it as a secondary. This is not really going to be for an agriculture use. It is in a residential neighborhood and I would not consider it a secondary building at this point. The sheer size of it defies the definition of accessory. Our attorney may disagree with me.

**Commissioner McCuiston** – What is the intended use? Is it going to be used for a basketball court? It is not a continually occupied building, but will be used for recreation.

**Mike Ford** – The main purpose is going to be storage for a boat, RV, 4 wheelers, similar to a private garage. I would like to get a bathroom back there.

**Commissioner McCuiston** – So with 14', that probably does not provide enough room for your outriggers, so you would have to pull your rig entirely behind.

**Deputy Chief Hamblin** - We would not take a ladder truck back there; it would be an engine that would go back there. The building is not tall enough to need to put an aerial up. We would use ground monitors or the truck monitors to fight that fire. I think our aerial would be used to protect those structures; the townhomes if that would be the case. There is a fire code and it is buildings that are hereafter constructed so this building poses this unique situation. Approved fire apparatus access roads shall be provided for every facility, building, or portion of building hereafter constructed or moved within the jurisdiction. Somewhere along the lines, access to that building had been missed. We are just trying to make a bad situation better and work for everyone concerned.

**Commissioner Jensen** – There is currently not a building on Lot 2 other than that building correct?

**Deputy Chief Hamblin** – Correct.

**Commissioner Jensen** – So there is currently access to the road so there is no issue accessing that building.

**Deputy Chief Hamblin** – The problem you get into is frontage from the main access lane, you want to be able to reach from your engine 150' around any point of that building; if you can't, you must start adding additional access lanes. The reason for that is because that is the length of our pre-connect hoses; it is not to go inside, but it is to go around that building. If you can go all the way around that building, you're fine, but once you start getting to where you can't reach all the way around the building from either direction, that is when you need to start looking at different access points or looking at going toward a sprinkler system.

**Commissioner Jensen** – Right now, you have an 84' wide access to that building. There is no house in between the existing building and the house they want to build. I think it currently meets ordinance because you have all that frontage that you can drive back on.

**Deputy Chief Hamblin** – The problem is that it wouldn't support the weight of an apparatus.

**Commissioner Jensen** – So you would have to at least put some gravel down, but that is a lot different than putting a building in the way.

**Commissioner McCuiston** – Do you have to worry that the main residence that they are planning on building is 2-story or higher, then you also have to worry about your collapse radius around that building to pull your hoses in the back if both were unfortunately in fire.

**Deputy Chief Hamblin** – If they put the main structure as planned, it is not my primary concern; it is just the access back to that building. It is 225' from the road to the back of that building. For the proposed home, there is not going to be too much of a potential for an exposure from a fire; the potential threat is going to be the cell tower and those 2 or 3 townhomes are our exposure concerns if that building was going to catch fire.

**Commissioner Jensen** – That would be my concern as well if that building was to catch fire, those 4 units in Stoker Gardens would be at risk.

**Deputy Chief Hamblin** – That access point does come into Lot 68; it would be nice to get access coming from the north. I do like the design of this lot and I think it is the best that I have seen with the situation that we have. But to go to 12', I think it wouldn't be worth making him install that road base and incur that cost. Depending on weather and time of day, the fire crew may not even take their engine back there. We would still fight that fire from out on the road, but that's some long hose lays that we would have to put down. We would do what we could, but it would really hinder our efforts. I want to make Mike Ford aware of that as well.

**Commissioner McCuiston** – How does that effect exposure of the City? I would ask our legal counsel if there is anything to add.

**Attorney Drake** – Motioned no.

**Commissioner Vaughan** – Where is the fire hydrant that would service that property? It is across the street, isn't it?

**Deputy Chief Hamblin** – Yes, it is across the street and that is the closest hydrant.

**Commissioner Vaughan** – I think the fire marshal is correct and I think that sticking with a minimum of 14' is the way to go. The building and the entire circumstance with the 4 lots, I think the applicant has done a much better job with the design that has been brought forward tonight. One of the major problems with the apparatus that is going to be servicing that and I am sure that the applicant is going to put a fence up and that is going to isolate fire response to that cell tower. The condo project in Stoker Gardens has been moved or deleted and the only structure within the fall zone is going to be his all metal building. As much as that cell tower is charged with 14,000 volts; if there is a fire in that area, we do put water down. We have an all metal building that is one of the longest metal buildings on a residential lot in the City. That could potentially be an electrified structure and I think that having a fire apparatus access with 14' is necessary. I think we are getting a break here because we all know how wide a fire truck is particularly when laying hose coming out the side. That engineer, with the width of his truck, wants a minimum of 6' – 8' of straight hose run. Correct?

**Deputy Chief Hamblin** – Yes.

**Commissioner Vaughan** – I think the 14' can be done if the driveway is laid out there so that extra 2', 3', or 4' is necessary to lie along the north fence line. I think that would be an acceptable area to put there because we are not talking about restricting, we are talking about heavy duty structures, concrete obstructions, or above grade things and if there is going to be a fire there. I do not think that the applicant or a future owner would mind if a couple of his rose bushes got run over by a fire truck.

**Commissioner McCuiston** – So what we are looking at is an additional 6.5' outside of the 7.5'.

**Commissioner Vaughan** – Which side of a responding unit would the hoses come off if you were to have to attack that metal building in a fire situation; they are going to come off the driver's side aren't they?

**Deputy Chief Hamblin** – Our first out engine's pump panel is on the rear of the engine so our initial hose lay going back into that would come off the rear of the apparatus. Our 2.5" line for a building that size; that is the proper hose that we would use would come off the back of the apparatus. Pulling in, it would probably be the passenger side.

**Commissioner Vaughan** – So the width of the unit plus 6' for straight hose before we have the first 90'; you could do that within a 14'?

**Deputy Chief Hamblin** – The thing that I am concerned of getting clear of the proposed structure, that is where the problem lies; the home that he wants to build on it. Once we got past the proposed structure, then we would have the ability to pull the lines off of the engine. I do not see a reason for us needing to pull it off the driver side because everything is on the passenger side if we come down on a fire lane on the north of that lot.

**Commissioner Vaughan** – I think the applicant has done a very good job, but as far as the requirements for fire service, I think that we need to support the Chief and his minimum standards for this. I commiserate with the problems on the easement at the bottom, that is probably going to be partial reconveyance somewhere along the line between Lots 2 & 3, but that is a legal issue that is not before us. That is something that Lot 3 is going to have to deal with. Other than that, I support the project the way it is currently constructed.

**Engineer Bloemen** – That storm drain easement on the south side, over Lot 3 is actually already existing, it predates both Stoker Gardens subdivision and Harvest Point Phase 5. Whether they do show it on the plat or not, that lot is already encumbered with that 20' easement.

**Commissioner Jensen** – Is there a building on Lot 3 currently?

**Engineer Bloemen** – Yes.

**Commissioner Jensen** – How close to what we have now to what was there before?

**Engineer Bloemen** – Lot 3, basically where it jogs on the south side, is where the old lot line was; it went straight north. That property line has not changed on the south side at all.

**Commissioner Jensen** – Then the back property line may change as well?

**Engineer Bloemen** – Yes, it is bumped out about 20 or so feet.

**Planner Schow** – The easement doesn't affect the house and it doesn't touch the house at all, just the property.

**Engineer Bloemen** – And just because it is not shown on a plat, doesn't mean that it doesn't exist.

**Commissioner Bodrero** – Does it affect the south side of the existing structure on Lot 2? It appears as though it overlaps.

**Engineer Bloemen** – I actually looked at that and I pulled the old plans on it and that building was shown on the plans with the easement inside that building. That building was built before we acquired the easement, so that was already encroaching inside that easement.

**Commissioner Jensen** – So what you are telling me is that we have a legal non-conforming in at least 2 aspects now? I do not consider it a secondary structure due to its size; I do not know what legal would think on that, and then with the easement, it is legal non-conforming.

**Engineer Bloemen** – I do not think it would be right for the City to know that a building is encroaching on an acquired easement and have them move that building.

**Commissioner Jensen** – I would not expect them to move the building because it is a pre-existing condition.

**Attorney Drake** – I just want to add that this is an easement that the City already owns and the City can require that to be labeled on the plat. It is already there and it already exists, there is already a document supporting it; this is just simply reflecting it on the plat. The City can make that a requirement.

**Commissioner Jensen** – What was your third issue?

**Planner Schow** – I think it was the applicant that discussed a third issue. Staff addressed the access road for fire and the easement shown on the plat. The fall zone easement will need to be shown on these lots; I've already talked to the engineer about that and I assume he will have that when he brings me that plat.

**Mike Ford** - To my knowledge, those townhomes are still going to be there in that fall zone easement. Those are not going to move. I have a couple of options – I could either leave the subdivision, leave the lots how they are and do a simple lot line adjustment between Lot 2 & 3 and leave Lot 68 with the structure on it. That was a legal lot approved in Stoker Gardens, I'd be entitled to have utilities and then just do a simple lot line adjustment to accommodate the width of our home between 2 & 3. That is one option. Another option, which I have been working with Jenny and Sherrie and this is the option that they suggested so it would be a little easier to get utilities back to the metal building. When we first came to the Planning Commission, they were separate and Lot 68 did incorporate the metal building, so that was the other option. They did not foresee any of these issues coming up obviously. If you look from the Stoker Gardens cul-de-sac, the fire hydrant is right there just east of the access to Lot 68. The cul-de-sac is a lot closer to the shed. Like Chief Hamblin said, if there is a fire there, they will fight regardless if there is an access there or not. It is an oversight that the City made a year and a half ago in approving that lot. If we would have known, we could have gone and got a second access at that point when we were going through that process with Castle Creek and the Stokers. That is what I am feeling and I am trying to make it work with you and with the City, we may just have to go back and do a lot line adjustment between the lots and not touch Lot 68 of Stoker Gardens.

**Commissioner Jensen** – Sherrie, is this an R-2 or R-3?

**Director Christensen** – R-2.

**Commissioner Jensen** – The minimum frontage is 85' correct?

**Director Christensen** – Yes.

**Commissioner Jensen** – Theoretically, you could move the lot line for Lot 1 to the north another 5' for an easement?

**Director Christensen** – There is a home on Lot 1. I am looking at everything to maybe give a variance, but I cannot find anything that would justify that.

**Commissioner Vaughan** – I think this is the superior option, from a planning standpoint. I think that the best decision for the use of the property has been presented to us. I would urge them to go ahead with this. It is an inconvenience to have to deal with some of the requirements, most especially the fire, but on the other hand it is to your benefit to have maximum fire protection on the property.

**Director Christensen** – I wonder if there would be a third option; would the neighbor to the north allow you to use 2' of his property to give you an easement for a driveway back there?

**Commissioner Vaughan** – I would hope that something like that could be done because after all, the applicant has already made some type of deal with the owners of Lot 1 to grant him the back third of that property. You could strike a compromise for him adding 50' – 60' to the back of his property that under the circumstances, you are happy to move the fence up 2' to be able to grant you access back there. I think that is a classic quid pro quo situation to the benefit of both of you.

**Commissioner McCuiston** – Is there a preferred route you would like us to take? Would you like to try to fix these issues? We have an option 3 that may be plausible.

**Mike Ford** – How do you pour a driveway on a neighbor's property? More than likely there will probably be a fence or gate going between our houses; people fence in their backyards. Chief Hamblin questioned earlier how they are going to

get in through a fence through the access by Stoker Gardens. You can install a Knox Box for that but is that how you are going to fight the fire or are you going to come down Stoker Gardens' cul-de-sac?

**Deputy Chief Hamblin** – That particular fire we'd probably, depending on how well involved it is, if it is in the incipient stage, we would fight it from your back yard. However, it is a well involved fire, we will respond to the house address that calls it in and that is where we would show up at the front door. Once we figured out what we needed to do, it would probably take a little while to get the apparatus inside because it is quite a loop around to get another apparatus in to fight that from Stoker Gardens. There is going to be a delay getting back there.

**Commissioner Jensen** – With the size of the fire, would you envision fighting it from both sides?

**Deputy Chief Hamblin** – Yes. We are trying to look out for the best interest of everybody. But if we do not have access, we are not going to not fight that fire, just so the owner does know that it is going to hinder us and we will do the best we can. But it is going to be a big hindrance.

**Commissioner McCuiston** – Will there be more damage than what normally would have been? .

**Deputy Chief Hamblin** – Right.

**Commissioner Jensen** – I would like to state for the record that I like the design of this lot and this is the only thing holding me up is going to be this fire access. If that was a normal accessory building, I wouldn't even consider asking you for a wider easement through there. That is a large building and a lot of building to fight a fire on and it is an older building. I do not know what materials it is built out of, I mean the metal part won't burn, but I do not know what the roof looks like either.

**Deputy Chief Hamblin** – That building is classified as a non-combustible building, it is just the contents that get put into that building; that is what we are concerned about. We are not looking at only tomorrow, we are looking at the future 10 years from now; perhaps Mr. Ford decides to sell the property and someone else moves in. We need to look at the biggest potential fire load in there.

**Commissioner McCuiston** – And the cell tower as Commissioner Vaughan has pointed out. I guess we could table the issue again tonight allowing you to research this further or we can accept a proposal from the Planning Commission.

**Commissioner Bodrero** – A couple of thoughts regarding the uniqueness of this situation certainly does exist within an existing building. And where you are grandfathered with that building being existing, I believe those exceptions have been made along the way if you were to come in today and build such a structure for an accessory building, storage shed, or a detached garage, it would be more involved. Understanding that we are not talking about modifications to the structure, we are simply talking about the access. I think coming down from 20' to a bare minimum of 14', I believe it is worth exploration to look into possibly splitting 7' on both sides to a certain point; understanding that it may be fenced.

Wherever that home is placed and once you get passed the bottleneck at the back of the home, then you have enough to have all 14' on your parcel. It may be a possibility to share costs with Lots 1 & 2. I think what is being proposed is not unreasonable and it is an appropriate approach to maintaining that structure. It would be my recommendation to have the applicant take some time and work out those details for complete fire safety.

**Commissioner McCuiston** – We feel the 14' fire access should be maintained and we would like to have the applicant explore other options.

**Mike Ford** – I appreciate the City and Deputy Chief Hamblin working with me and getting these issues resolved.

**Commissioner Jensen** – If we set that house back another 12.5' to the east, we can come up with 2' in the north for that 14' fire access. The back yard is so big and I do not think that would be a major loss.

**Commissioner Vaughan** – I would be willing to go forward and approve this subject to corrections. But to approve it with recommendations, especially with the 14', and then giving leave to the applicant to try to work out some specific details regarding that easement along the north boundary and to see what compromise can be worked out with the owners of Lots 1 & 2 and working with staff and the fire department to accommodate the applicant as much as possible.

**Director Christensen** – This is an amendment to a subdivision plat and this does not go before City Council and the Planning Commission is the Land Use Authority for this.

**Commissioner Jensen** – Asked Director Christensen if we approved the applicant's first site plan.

**Director Christensen** – No, it was tabled.

**Commissioner Jensen** – So we are not amending anything because it was tabled.

**Planner Schow** – We are amending the 4 existing lots into Ford Subdivision. We have one amendment and two different ways to amend those lots.

**Director Christensen** – The issue with what is now proposed to be Lot 4, unfortunately none of the staff we have now was here when this was approved. The point was in order for him to use that structure, it would have to become a primary structure; which means that it would have to be converted and utilities installed onto the property along that easement, and the 15' drive that supposed to go around those townhomes will be incredibly difficult for servicing that lot. It is just not practical.

**Mike Ford** – But that was what was approved.

**Director Christensen** – I understand that, we are just trying to come up with a solution that would work the best in order for Mike Ford to achieve the things he wants to do with his property. Yes, it will be a non-conforming accessory building because it will be larger than a normal accessory structure.

**Mike Ford** – When we went through the development with Stoker Gardens, the City knew that was my intention to put utilities and a bathroom in.

**Commissioner Jensen** – I want to be clear – we didn't actually approve this thing. We tabled it pending on what City Council said about the other ordinance correct?

**Mike Ford** – Correct, but you did approve Stoker Gardens and Lot 68 was part of that.

**Deputy Chief Hamblin** – From the department side, I do not feel this has good access. It would be a more difficult task for us to fight this fire as it sits now than the way his new idea is laid out. To maybe help the matter, I think as Commissioner Vaughan has said, it is in the best interest of the applicant to put that fire lane back there, but knowing that

is what the fire department has requested, I feel that it is up the owner to make that decision. This is what we are requesting to protect his property.

**Commissioner Jensen** – If he didn't reinforce the concrete on his driveway and you cracked it, would the City be responsible?

**Attorney Drake** – No, we could even have him sign an agreement holding us harmless in the event of an emergency.

**Commissioner Jensen** – So essentially, all we would need is the road base along the north side.

**Attorney Drake** – I would not be concerned about the liability as I would the effectiveness; in other words, would it hinder the fire department's ability to fight a fire?

**Deputy Chief Hamblin** – A contract would be the way to go and the applicant understands that with this pre-existing building, and building that structure, it is going to hinder the fire department's access to that building. We have set the standard that we could go down to, but after that, it would have to be a contract that he wouldn't hold the City liable knowing our capabilities.

**Commissioner McCuiston** – In addition, the applicant has moved ahead and had a home designed without an approved amended lot so that may have been a little premature without knowing the full implications and the needs of the lots prior.

**Commissioner Vaughan** – Again, we are not just looking at the short term of the applicant, we are looking at future use.

**Commissioner Jensen** – If there is some type of contract that makes it clear so the applicant understands that the fire department may not be able to put this fire out because they cannot access it. The applicant goes in understanding that he is not going to get the same standards of fire protection that other residents would for a building this size.

**Commissioner Vaughan** – Disclosure has to be given to any future prospective buyers to the property.

**Mike Ford** – I see that I have two options~ either doing a simple lot line adjustment between Lots 2 & 3 which is pretty easy to do without doing a subdivision amendment, or to go ahead with what I am proposing. If I can go down to the 12' access which I would think the fire department would rather have an access going through there and keeping the lots the way they are and keeping the current access going through Stoker Gardens. That was previously approved and at that point, we had all of the reviews from staff and departments.

**Commissioner Jensen** – I just do not understand why setting the house back farther is an issue. Would you consider moving the location of your house? Why would this not be an option?

**Mike Ford** – I do not want to.

**Commissioner McCuiston** – That doesn't really help us; if we are going to act on what is in front of us, either table it or to approve it, do you have a preference on what you would like us to do?

**Mike Ford** – I think that is a City call.

**Commissioner Vaughan** – I move to table this until the applicant decides what he wants to do with this.

**Commissioner Jensen** – Asked Director Christensen – The fall zone adjustment, I know we are not addressing it specifically, but are we going to see modifications on Stoker Gardens for those four building in the fall zone.

**Director Christensen** – I do not know what is going to happen with Stoker Gardens yet and I would rather not discuss it in a public meeting.

**COMMISSIONER VAUGHAN MADE A MOTION TO TABLE THIS AMENDMENT. COMMISSIONER JENSEN SECONDED THE MOTION. 6 COMMISSIONERS VOTED IN FAVOR; COMMISSIONER RACKHAM VOTED AGAINST THE TABLE. MOTION PASSED.**

[6:59:04 PM](#)

**4. Public Hearing, Monterey Estates Sketch Plan, Ivory Development, located at 1500 West 700 South, R-3 Residential Zone.**

[6:59:16 PM](#)

**Planner Schow** – This application is for a traditional subdivision development in R-3 Residential Zone, made by Ivory Homes, and located East of Syracuse High School. The plat consists of 140 single family residential lots on 39.8 acres of land. This property was recently rezoned R-3 and the applicant has a sketch plan for R-3 single family residential. There are not any major outstanding issues from staff.

**Nick Mingo (Ivory Development)** – We look forward on moving ahead with this project and getting under construction in the spring.

**Commissioner Vaughan** – It is not on the plan but it is in the Master Plan that one of the things the City would like to do is to erect a "Welcome to" monument at each of its entries into the City. This might be the location where something like that can be incorporated.

**Nick Mingo** – That will be a private lot.

**Planner Schow** – This is not on a City entrance.

**Director Christensen** – There would be a better alternative to that; we have discussed this with the developer and we have talked about taking ownership of a certain piece (pointing to map) as a future trail access. The developer does own this but it is not in our city limits. That negotiation needs to occur with City Council and to see if we want to make that part of our trails master plan.

**Commissioner Vaughan** – I like the design of the project and the applicant does have an outstanding reputation in the state. I am in support of the project and believe it will be an asset to the area.

**Commissioner Rackham** – I have a concern – you have 144 homes and you are going to dump 2 entrances on 700 South. Have you done any traffic studies on the road?

**Nick Mingo** – No, it was discussed with staff and it was determined that it was not needed.

**Public Hearing Open**[7:07:08 PM](#)

**Ray Zaugg** – I did send this through the city website to the Planning Commission; you should have had a copy. Read in letter:

I received a copy of the Monterey Estates Sketch Plan in the mail because I live close to the project. I would like to voice my concerns in a number of areas concerning the traffic in this particular area.

1. The Master Transportation Map for Syracuse City includes a planned minor collector road at 1525 West going from 700 South to SR193. The Trails Master Plan updated last year also includes a Class I shared use trail going straight north to SR193 from 700 South at 1525 West. These are not included on the sketch plan. The sketch plan makes no allowance for a road or trail going out the north end to SR193. It would be ill advised to approve a sketch plan that does not conform to the Master Plan for the city. There needs to be an entrance and probably two that will allow for traffic to eventually flow north to SR193 and also additional west flowing to 2000 West. Doing this allows residents access to a major arterial road sooner and provide additional options for them in moving through the community and to freeways and parkways. It makes no sense to have a brand new arterial road and not allow access for residents at the access point. The area north of the project is currently master planned for commercial/retail type of development. This would make perfect sense to have ease of access to these establishments. Anyone with concern over this should look at a good example in Layton by the Target store. North of Target there is a subdivision that is behind retail shops, restaurants, etc. There is a road that provides access to the residents that goes through these retail establishments that were built subsequent to the subdivision. The city could do the same here and provide prime access to the shops and the new SR193 roadway. The sketch plan needs to show access stubbed in to allow for extension of these roads per the master plan.

2. With the existing sketch plan, approximately 140 homes equates to a potential of 280 vehicles dumping onto 700 South at two locations and which then ends in a "T" at 1000 West. This aggravates the existing overtaking situation on 700 South of high school traffic, new student drivers on the road, and Utility Trailer traffic during shift changes. This puts stress on a narrow road the east part of which is owned by Clearfield City. If we put that many more cars on that road, the traffic will back up clear into the subdivision. It already backs up substantially when school is out and Utility Trailer workers are also off work. A traffic light at 1000 West and 700 South is already needed but being Clearfield roadways, it is up to them to allow it. A traffic light on that intersection still will not mitigate the future situation if that number of cars is added to the road and the logical SR-193 alternative is ignored.

3. Safety is of concern for high school kids walking along 700 South with the addition of that much traffic. They will be crossing two roads coming out of the subdivision and mornings will still be dark this time of year. Safety is also an issue with the new high school drivers that are still new at their driving skills. Additional traffic would be a concern for them.

4. Safety is also a concern if something were to prevent having any traffic allowed on 700 South between 1000 West and 2000 West. Residents would be unable to get out of the subdivision. In discussions with the Director of Community and Economic Development, we were told that there would have to be a road north out from the development and the discussion also included going west as well (just north of the high school). Neither of these is incorporated into the sketch plan and need to be as already addressed in the Transportation Master Plan for the city. The city has the opportunity to benefit from the new SR193 roadway. The first is by having retail/commercial along the south side of the road. This will capture people coming from West Point and even Clinton and Clearfield to shop which adds sales tax revenue to our tax base. It will also be a draw for the residents of Monterey Estates to be able to shop close by. It would be a shame for these residents to not benefit from the ease of getting to the shops and freeway by having direct access to SR193. Thank you for adhering to our Master Plan by asking that the sketch plan be changed to conform to it.

Ray Zaugg  
5 November 2013

**Pat Zaugg** – I had a conversation with Sherrie in the spring and basically Sherrie said she was going to advise that a road go west along the fence line of the high school so that there would be ease mitigating traffic going to the west. We talked about possibly going to SR-193 North, that wasn't a definite conversation that we agreed with, but we did agree with the road going west and you were going to try to insist on that. I have a real problem when the kids are going to and from school. I live right by the high school and it does present a lot of problems getting in and out of our driveway. Now compound with another 240 more cars leaving for work in the morning and getting their kids to school; this is a narrow road and it cannot handle that much more traffic. I would encourage a traffic study from staff. Also, you have got to address 1000 West and 700 South. Even though it isn't in your power to insist that a light be, there still needs to be something there or we are going to have some serious problems because of the additional truck traffic. I encourage you to revisit this plat map and maybe the developer would allow some of those lots to be used as a potential if not positive roadway going north and west. That is what I ask the Planning Commission to consider

**Public Hearing Closed**[7:16:51 PM](#)

**Commissioner Jensen** – I would like to address some of Pat's concerns. I would like staff to know that our binders do not include a copy of the transportation master plan. I am sure it is an oversight, but we should have that with the rest of the development plan.

**Director Christensen** – Yes I do. We will address some of the concerns. Those conversations were during the zone change with the Council and I had made a suggestion that a road could be beneficial. I believe the Council did not agree with having a road there because they did not want to mix commercial and industrial traffic.

**Commissioner Bodrero** – That decision by Council was after about a year and half of public comment regarding this particular area, wherein, many residents especially those on 700 South, didn't want a road going north or south with the potential of having truck traffic. It was discussed several times.

**Director Christensen** – I am still not averse to the idea of an east/west road connection, but that is why we are before you with the sketch plan. This is the developer's idea of what he would like to do. In reference to the traffic study for 700 South, I would defer that to the City engineer as to whether or not this number of lots would add significant traffic to warrant a traffic study. As to the light at 700 South and 1000 West, I have been in contact with Clearfield City and we've had several discussions and they are intending on putting the traffic light up that they took down at 200 South and will be reinstalled there.

**Commissioner Jensen** – I have talked to a few residents and a few Council members about this we're and trying to get some access to the north which would not encourage truck traffic.

**Engineer Bloemen** – With the development, they will be required to widen it and improve the north side which is going to help the safety of that road with it being wider. They will also be required to install sidewalk which is going to increase pedestrian traffic. It is definitely going to be improved with this subdivision. We have taken City Council's guidance with not stubbing anything to the north so the only place that we can put a road is on the south side. We do not have any other options. We cannot go west because of the high school and we cannot north based on City Council's direction; I think the traffic signal at 700 South & 1000 West will help if we can keep pushing Clearfield to install that.

**Commissioner Jensen** – What is the potential of a turn lane on that road? What would we need to do to make that happen?

**Engineer Bloemen** – We can fit that. There would be no parking on the shoulders, I think we are going to be a little wider than the 66' width with what Ivory has been willing to dedicate over. They plan on matching the existing cross section at the high school as dedicated. They are working with us in that aspect. I think that it was an additional 9' over the 66'.

**Commissioner McCuiston** – The amount of trips generated by the subdivision should probably be an additional 140 according to ITE (traffic engineers).

**Engineer Bloemen** – I do not see a traffic study changing anything.

**Nick Mingo** - I appreciate the comments; I think staff has already addressed everything. I think this plan presented to you tonight meets city ordinance, with the exception of the road stub to the north and we were reacting to the guidance given to us from City Council at zone change. With that caveat, I would say that we meet the City's standards for sketch plan approval. Now, sidewalk safety, traffic on 700 South, it was mentioned that we were widening the road; the city has a standard road section for a reason and that is to provide for the safety of pedestrians and to efficiently move the vehicles through there. If you felt a traffic study was needed, I am more than happy to conduct one.

**Commissioner Jensen** – Would Phase 5 be your final phase?

**Nick Mingo** – Yes, Phase 5 if it is on the northwest. If it were to be considered on the northeast, then it would be Phase 3. I would argue that if we were to consider that, I think we would increase traffic. I think we meet the requirements of the ordinance and I am more than willing to do a traffic study.

**Commissioner Bodrero** – I am not in favor. This is something that has been discussed for the last year and a half as the different developments in this area have been discussed and talked about. Mr. Zaugg points to the Master Plan which did identify that and we all know that development may add to or change in different directions and current planning, but it was discussed and commented on by many citizens. We have heard from the Council that it is not preferred. I too believe that a north/south connector would increase traffic on 700 and not only just number wise, but I think that part of the concern was also the type of traffic which led me to believe that a north/south connector from SR-193 would be good planning. The comment about access from this particular development to SR-193 can be easily achieved through 1000 or 2000.

**Commissioner Jensen** – All the residents I talked to do not want a direct north/south access. We do not want increased traffic.

**Commissioner Bodrero** – I would like to discuss the situation with the Target in Layton, that development was put together very nice in accessing and having the division between the commercial and residential. But the situation is very different here.

**Commissioner Jensen** - The Zaugg's are rightfully concerned because there is going to be a lot more traffic on 700 South. What is a traffic study going to accomplish?

**Director Christensen** – If you were going to stub through the north, I would stub through Lot 19; maybe that is something that we need to get some feedback from the Council.

**Commissioner Jensen** – I was thinking Lot 15 or 16. .

**Director Christensen** – 1525 West would probably be the better place to put an access because that is a main thoroughfare through the subdivision if you were going to go north. It would encourage traffic to come back south and traffic that is south of 700 South to take that street to get to SR-193 rather than going to 1000 West. It would increase outside traffic into this neighborhood.

**Commissioner Jensen** – I think that is what the Council was trying to avoid except if it is going to increase access to any potential retail.

**Commissioner McCuiston** – I think that an east/west connection is going to be very expensive and I do not see a lot of use it would serve. I don't know if I would personally propose that that connection be made.

**Commissioner Jensen** – We cannot predict that. To Engineer Bloemen – if you want to follow up on this extra dedication that they were talking about – is that reflected in the sketch plan?

**Engineer Bloemen** – Yes. We are going to match the cross section of the high school.

**Commissioner Dixon** – When I saw this, my first thought was land locking quite a bit of real estate; a lot of homeowners only have 700 South to go in and out of. I think the letter from the Zauggs just illustrates that this is a potential problem. I do not know if I am ready to vote for this. One of my biggest concerns is that we are not prohibited from going to the north border to the new highway. We can stub those roads for future development.

**Commissioner McCuiston** – Yes, we can encourage that.

**Commissioner Dixon** – These are land locked and if something was going to happen on 700 South, they would have no access to leave. There are many concerns that I have there.

**Commissioner McCuiston** – I would say that there are 2 accesses into the development.

**Commissioner Dixon** – That is not enough.

**Nick Mingo** – It meets the ordinance.

**Planner Schow** – Are you against stubbing the road if that was a condition of approval?

**Nick Mingo** – To the north?

**Planner Schow** – Yes, through Lot 19 possibly.

**Nick Mingo** – Yes I would prefer not to and I think that from the discussions I have had so far, that is the direction that I have been given. If we want to look at another access to 700, I do not know if that is needed but we could look.

**Commissioner Jensen** – I think going through Lot 19 makes that a little too convenient because thinking about what Ninigret may do with the lot to the north there, I think that makes it too much of a straight shot. The residents I have talked to did not want to see that. They do not want big rigs going to 700 South and if they would want to discourage that; this was the main concern. They want to encourage trucks to stay on 193 as much as possible. Being a truck driver, 99% of the truck drivers would probably stay on 193 anyways because it is easier, but you are always going to have that stray driver that is going to get lost.

**Director Christensen** – I want to add that I just had a conversation with Councilman Johnson and his recollection is different than mine and that the Council did want a connection through there to the north. I would recommend that we, if you approve this sketch plan with the caveat that we get some clarification from the Council whether they would like it stubbed through or not and then we resolve this prior to preliminary. I think that would address the situation and we could further analyze it as far as traffic and how it would relate to a future development that might be north of this and have a further in depth discussion about that.

**Commissioner Vaughan** – As was mentioned by our Director, if there was a thought about punching this through to the large property to the north side of the irrigation ditch and taking that west along the north boundary of the high school to connect with 2000, it would be interesting to know if there is any preliminary or forecasted development of that property that is directly north of the high school to see if Lot 16, as opposed to Lot 19, could be used for access to that property and then go west. We cannot go east because it is going to run into the power corridor.

**Commissioner Jensen** – How many lots total on this subdivision?

**Nick Mingo** – 140. I wasn't trying to achieve a certain density, I was trying to achieve a buildable area on every lot to maximize the quality of housing I could put there. I do not know if I would look to squeeze everything to make another lot fit.

**Commissioner Rackham** – If you take Lot 16 and punch it right through there, you could take Lots 15 & 16.

**Nick Mingo** - I feel like I am getting mixed feelings from the City and I understand that it is not all one body. I drew this plan based on what I thought were the wishes of the City. If that is not the case, then I am more than happy to update it and bring back a preliminary plan after Sherrie has a chance to talk with everybody and give me a consensus feel. Whatever that is, we can make that change. There are 16 lots that will front onto a road that is going to go into a commercial/industrial area. It is going to be heavily trafficked and people are going to drive fast and it is not going to be a residential road and it is not going to be desirable. I would consider completely redoing my plan and put in arterial type road and making it ugly because people do not want to back their car out onto it. To me it doesn't make sense. Neighborhood connectivity, when it is similar uses, makes complete sense but if that is what the City wants.

**Commissioner Jensen** – I do like the plan the way it is drawn and I understand all the comments that were made. I think the staff did lead you in the right direction, but this is one of those catch 22s.

**Commissioner Bodrero** – That could be a condition of approval.

**Director Christensen** – I think from a planning perspective, I would like to have the feelings from the Planning Commission whether you would like it to be stubbed forward or not as your advice to the Council and then see if they concur or if they would dissent and want to overturn that. That is how it should go, you should be advising the Council so if you feel strongly about something, then I would like to know that, then I can have a dialog with the Council and see if they agree or disagree with you because you do make a recommendation to them, so rather than you having them tell you what they would like, I would like you to tell them what you want and then they could advise you on whether they agree or not.

**Commissioner Dixon** – That is my feeling and I would like to present that to Council.

**Commissioner Rackham** – I believe it should be stubbed through.

**Commissioner Bodrero** – Would you like to take a roll call vote?

**Commissioner McCuiston** – We would need a motion first.

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**COMMISSIONER BODRERO MADE A MOTION TO TAKE A ROLL CALL VOTE TO CONSIDER GIVING RECOMMENDATION TO THE CITY COUNCIL REGARDING THE STUB ROAD TO THE NORTH THROUGH THIS DEVELOPMENT. COMMISSIONER JENSEN SECONDED THE MOTION. MOTION PASSED.**

**Director Christensen** – What you need to do now is to call each Commissioner's name and they will say either yay or nay.

**Commissioner McCuiston** – On what motion?

**Director Christensen** – On whether or not to recommend a stub road to the north.

**Commissioner Vaughan** – With comments attached, at this particular point I feel this should be tabled. As presented, this particular format, when the project is complete, it appears to comply with all of the requirements given to it according to the City Code. However, if there is direction from the City Council regarding in how they want this to tie in with the 2 large parcels directly to the north and northwest; that is a game changer because that does change the road dynamics to this particular project. It impacts the applicant because a major redesign would have to be performed on the entire project to accomplish a road going straight to the north and a road going to the west along the north boundary of the high school. It would be nice to have a traffic study done on 700 to determine what the traffic impact would be, particularly not only for this project but what the traffic study would reveal in regards to forecasted traffic coming from the property to the north and also coming from any development that would be north of the high school. I would think that the nexus would be there to request the applicant to improve 700 because of the direct impact being a residential area and knowing what the layout of the City is. I would imagine that 75% of the traffic would go west on 700 from this project. I believe this should be tabled and sent back to the Planning Director with the consent of the applicant and direction from City Council itself.

**Commissioner McCuiston** – But the roll call vote was to either recommend a stub or to not recommend a stub.

**Commissioner Bodrero** – There is going to be a motion on the application before us tonight and all of your comments were valid towards that. I made a motion to have a yay or nay roll call vote. We would like to send feedback with our recommendation on the application specific to a stub road for the City Council to consider.

**Director Christensen** – This is to give me information so that when I discuss it with the Council, they know where the majority of the Planning Commission stands whether there should be a stub road or not.

**Commissioner Vaughan** – Nay, I believe this project is self-contained as it is and complies with the Master Plan.

**Commissioner Kinsey** – Nay, I think stubbing it in now as it sits would encourage shortcutting and potentially increase the traffic on 700 South.

**Commissioner Bodrero** – Nay, on the premise that I have heard many discussions from citizens, specifically those within the City and on 700 and with staff and within this body who do not find it favorable stubbing the road to the north.

**Commissioner McCuiston** – Nay. I think that the two uses would logically be separated and the plan does seem to conform to City Code.

**Commissioner Jensen** – Aye to seeking the recommendation to the Council whether they feel stubbing would be necessary or not.

**Commissioner Bodrero** – Council will make that recommendation, but your recommendation is a yay or nay on what you would like to see.

**Commissioner Jensen** – My recommendation is I want to hear what Council would like to say.

**Planner Schow** – Do you think there should be a stub road or not. That is what you are saying yes or no to.

**Director Christensen** – It is your job as a Planning Commissioner to advise the Council. The Council is not supposed to advise the Planning Commission. You make the recommendation to the Council then they either uphold that recommendation or they overturn it. That is their prerogative and that is the way the system should work. That is what we are trying to get at; would you advise to the Council that you want a stub road or not?

**Commissioner Jensen** – If it is located on or near Lot 16 then yes. If it is located near Lot 19, then I vote no.

**Commissioner Bodrero** – Then that would be a yes, with conditions.

**Commissioner Rackham** – Yes.

**Commissioner Dixon** – Yes.

**Commissioner Bodrero** – Now we are back to discussion and a motion on the application before us. Commissioner Vaughan, I echo the comments you made. I find that this sketch plan meets our code. It has been well thought out to provide a good, quality residential development. I see that what has been provided meets the code for sketch.

**COMMISSIONER BODRERO MADE A MOTION TO APPROVE THE SUBDIVISION PLAT AMENDMENT FOR THE MONTEREY ESTATES SKETCH PLAN, IVORY DEVELOPMENT LOCATED AT APPROXIMATELY 1500 WEST 700 SOUTH, SUBJECT TO ALL APPLICABLE REQUIREMENTS OF THE CITY'S MUNICIPAL CODES AND STAFF REPORTS. COMMISSIONER VAUGHAN SECONDED THE MOTION. ALL COMMISSIONERS VOTED AYE WITH THE EXCEPTION OF COMMISSIONERS RACKHAM AND DIXON WHO VOTED NAY.**

[7:53:19 PM](#)

**Commissioner Jensen** – I want to make it clear that my Aye vote still needs discussion on Phase 5.

**Commissioner Bodrero** – I believe that as we move to preliminary, there will be some other things that will need to be addressed.

**Commissioner Rackham** – Your motion did not include a traffic survey. Are we going to get one?

**Commissioner Jensen** – I would ask that we amend the motion that we just passed to reference the additional acreage.

**Attorney Drake** – It has already been voted on and passed.

**Commissioner Bodrero** – The reason it was not included in my motion was because thinking through, if a study was done and it does come back and it triggers some things, I think what is already being done satisfies or exceeds that with the widening of the road. The applicant has been more than willing to do that.

**Nick Mingo** – We will widen the road to match the high school.

**5. Public Hearing, Code Amendment, Title 10-4-100 regarding duplexes.**

[7:55:16 PM](#)

**Director Christensen** – This proposed change is based upon the direction I was given by the Planning Commission. The first thing I did was add a definition for an accessory dwelling unit and that would be allowed in place of a duplex in some of the particular zones. I have added accessory dwelling in the A-1 zone as a minor conditional use permit. In the R-1 zone, it replaces the two-family / duplexes. In the R-2 zone, it also replaces them because I believe that was the direction I received from the Planning Commission that you wanted duplexes only in the R-3 zone. In the R-3 zone, still having the two-family dwellings but also having the accessory dwellings. In Chapter 6, it enacts regulations relating to two-family dwellings. First off, this is going to specify exactly which zones you are going to allow it in and I left that blank in case we change that tonight based upon feedback from the public and any comments or discussion the Planning Commission may have. Basically saying there is only one two-family dwelling or a duplex allowed per lot; that the underlying zoning applies to the lot and that the minimum lot size for a two-family dwelling be that of the underlying zone district plus an additional 3,000 square feet. So if it were in the R-3 zone, minimum lot size is 8,000 square feet to have a duplex on the lot you would need 11,000 square feet. Minimum frontage would go up from what the underlying zoning would be which is 85 feet in an R-3 zone by 20 feet so it would be up to 105 feet allowing more frontage and more width for a duplex rather than trying to squeeze it onto a standard lot that would be more appropriate for a single family dwelling. I have added some standard language about complying to the building code and making sure that it is clear that these are not permitted for nightly or weekly rentals, that parking be provided for each unit for a two-family dwelling. Each home has to have two spaces. It talks about the minor conditional use permit and that it being issued by the Zoning Administrator unless it was denied, then it could be appealed to the Planning Commission for review. Occupancy is not being allowed until they receive a Certificate of Occupancy. The addition of a new dwelling type, which is the accessory dwelling, and this will be defined in three different ways. One would be internal to the structure like a basement or an attic apartment, attached would be an addition, perhaps in the back yard or to the side, and detached would be if it were in an out building like a garage. The standards that are put in place that I am presenting tonight for an accessory dwelling apartment, would be that the main dwelling or one of the two dwellings, needs to be owner occupied and have a deed restriction placed on it when the conditional use permit was issued. It does provide for a temporary absence up to three years by the owner, to include military or temporary job assignments or voluntary services or in the event that the owner was placed in a hospital or nursing home. The existing zoning would apply underneath for each as far as heights, setbacks, and yard requirements. If it were an existing accessory structure that did not meet the current standards for setbacks, they would not be allowed to make those setbacks more non-complying. If it were a new construction and a new accessory dwelling unit, then it would need to be at least 5' away from the property lines and meet the fire code for separation. As far as minimum lot areas for accessory dwelling apartments – if it is interior (basement or attic) the lot size of the underlying zone would be the requirement. If it were in a detached dwelling unit, I've put in a minimum lot size to be that of 3,000 square foot larger than the minimum lot size for the underlying zone. A fourth regulation, that if it were an accessory dwelling unit in a Cluster subdivision, that they would be prohibited on any lots less than 10,000 square feet. In my visualization as to how this would work, for instance in the Stillwater project, the large estate lots that are on the lake could have accessory apartments but the smaller lots that are 5,000 feet could not because they would not be big enough to support two families. There would be some restrictions on the specific home occupations that would be allowed in the accessory dwelling unit. If it were a new accessory dwelling unit in an out building, the side adjacent to the side or rear property line couldn't have a window unless it was 10' away from the property line. The size of the accessory dwelling unit, if it were interior the basement or the attic cannot exceed 50% of the gross square footage of the principal dwelling. We would not care if it took up the entire basement if it were interior. In an attached or detached accessory building – the limits for the accessory apartment would be 650 square feet. The minimum size of any accessory dwelling unit is that of the size that is required by the building code. The accessory dwelling unit cannot be sold separately or subdivided from the principle lot. The parking in an accessory dwelling unit that contains a studio or single bedroom requires one additional on-site parking space. If it contains 2 or more bedrooms, then it would need to have 2 on-site parking spaces. Item 18 deals with the entrance to the accessory dwelling unit. What we are trying to achieve there is to maintain the character of the neighborhood as a single family development and put the entrance on the side as opposed to the front façade of the buildings. Exterior design in item 19, if it is in an out building then that building needs to be compatible with the primary structure and meet the same requirements for the brick/rock.

**Public Hearing Open**

[8:05:08 PM](#)

No comments.

**Public Hearing Closed**

[8:05:17 PM](#)

**Commissioner Vaughan** – Do you want to have a restriction on one meter for the entire address or would you want to allow split meters if one turns into a rental unit? I would prefer to keep it on one meter for both the electric and the water.

**Director Christensen** – I can add that. I want to comment on both of the proposed ordinances tonight that these are still working documents. I would recommend that we table action on any of these so we can go back and we can discuss these further in the work session, refine them, and then come back for a final action at the next meeting.

**Commissioner Jensen** – Under the existing ordinance, I think we do require multiple meters for multiple family dwellings.

**Director Christensen** – I will have to check on that and see how we have handled that in the utility department.

**Commissioner Vaughan** – In regards to owner occupancy, I am concerned about a trust. My particular property is in a family trust, which means that there are more than 2 people we would normally associate to be an owner. It would be difficult in my situation to ever have someone gone for 3 years. I would like to hear from our City Attorney.

**Commissioner Rackham** – I am not sure you should even require them to occupy one of them. Most owners will probably want to rent both of them.

**Director Christensen** – The idea is that the duplexes would be rented on both sides.

**Commissioner Vaughan** – My question would be is whether the definition of owner also include that of a trust?

**Attorney Drake** – We should include any type of trust.

**Commissioner Rackham** – I am inclined to strike the entire owner occupancy out.

[8:07:25 PM](#) **Commissioner Bodrero returned**

**Commissioner Jensen** – Is a basement apartment considered a multi-family dwelling per our ordinance?

**Director Christensen** – Yes. Our current ordinance, a basement apartment turns the building into a duplex. This would change that designation.

**Commissioner Jensen** – According to our code, 10-6-030 B(2) Multi- family Dwellings: Buildings in multiple-family dwelling developments shall have a minimum fifteen- (15) foot separation for single-story buildings, twenty- (20) foot separation for two- (2) story buildings, and twenty-five- (25) foot separation for two and five tenths (2.5) stories and above buildings. Multiple-family dwellings shall be located no closer than fifty (50) feet from any single-family or two- (2) family dwelling.

**Commissioner Bodrero** – Is your question whether or not these setbacks correlate to what is being proposed?

**Commissioner Jensen** – I do not think we have ever really enforced that before with basement apartments in the past.

**Director Christensen** – This is designating the difference between two-family and multi-family dwellings. I believe this is defining two-family dwellings as a duplex or twin home and not defining it as a multi-family dwelling because there are two distinct definitions. I would say that multi-family would contain more than 2 dwelling units.

**Commissioner Jensen** – So do we need to amend that?

**Director Christensen** – I would change that to say “containing more than 2 dwelling units.”

**Commissioner Jensen** – I would recommend that because we do not cause confusion with what we are doing.

**Director Christensen** – I believe we should table action on this item and move forward with the second public hearing and then we could move into work session.

**COMMISSIONER JENSEN MADE A MOTION TO TABLE THIS ITEM. COMMISSIONER KINSEY SECONDED THE MOTION. ALL VOTED IN FAVOR. MOTION PASSED.**

[8:18:40 PM](#)

**6. Public Hearing, Code Amendment, Title 10-4-120 establishing a Hearing Officer for variance and administrative appeals.**

[8:18:45 PM](#)

**Director Christensen** – These are simple changes, including designating a hearing officer instead of the Board of Adjustments. I met with Attorney Drake and we discussed tabling this item, but we would like to have the public hearing and take any input, but we would like to work on this to be more detailed and thorough.

**Public Hearing Open**

[8:19:42 PM](#)

No Comments.

**Public Hearing Closed**

[8:19:51 PM](#)

**COMMISSIONER JENSEN MADE A MOTION TO TABLE THIS ITEM. COMMISSIONER VAUGHAN SECONDED THE MOTION. ALL VOTED IN FAVOR. MOTION PASSED.**

**Commissioner Vaughan** – I would like to compliment staff on the work they did on the last two items. This was a lot of effort that was extended in a short amount of time and I am impressed with their ability to do good things.

**Commissioner McCuiston** – I am consistently amazed.

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**COMMISSIONER JENSEN MADE A MOTION TO ADJOURN INTO WORK SESSION IN FIVE MINUTES.**

**7. Motion to adjourn**

[8:21:05 PM](#)

**Adjourn**

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Curt McCuiston, Chairman

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Kelly A. Janis, Planning Administrator

Date Approved: **December 3, 2013**