

Minutes of the Syracuse City Planning Commission Work Session held on December 3, 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
TJ Jensen
Wayne Kinsey
Dale Rackham
Anne Greeson
Ralph Vaughan
Sean Dixon

City Employees: Sherrie Christensen, Community and Economic Development Director
Jenny Schow, Planner
Kelly A. Janis, Planning Administrator
Clint Drake, City Attorney

City Council: Craig Johnson

Excused: Commissioner Tyler Bodrero, Vice-Chairman

Visitors: Gary Pratt

1. Department Business

[7:24:19 PM](#)

Director Christensen – Just a few announcements: SR-193 will be open by Christmas; the bridge is almost done and we are excited to see that finished. Tentatively we are looking at the 2nd Council meeting in January for a joint work session with the yearly training that is done on the Open and Public Meetings Act that is required. We will keep you updated when we have more information and to see what the new Mayor would like to do. Santa's route is on the City website.

2. Commissioner Reports

[7:25:57 PM](#)

Commissioner Jensen – I attended the Utah League of Cities and Towns Transportation Committee meeting. That was the first time I attended that meeting. The main focus of the meeting were some of the things they are doing in Salt Lake City such as bikes for rent in the City. It shows that Utah is embracing alternate modes of transportation. I did talk to the person who is handling the application for the grants for the trails and they will still accept our application if we can get it to them by the end of last week. Asking Director Christensen: Did you ever submit the application?

Director Christensen – After numerous discussions with Robert Whitely, he was concerned because we already had another application in and we were kind of behind on this, we didn't want to put in an application that would be less than our reputation for putting in a quality application. We are going to look at that for next year, but we did not submit it this year because we did not have enough time or information to do a quality application and we did not want to submit something that was subpar without knowing what the full extent of the project would be. That was his decision.

3. Discussion Items

[7:29:36 PM](#)

Code Amendment, Title 10-4-100 regarding duplexes

Director Christensen – I have incorporated the changes from our discussion last week. The language in the definition of dwelling will change. DWELLING: A building or portion thereof designed and used for residential occupancy, including single-family, two- (2) family, and multi-family, ~~but not~~ does include boarding, rooming, or lodging houses, tents, yurts, trailers, ... I was trying to write some design guidelines that basically a duplex would look like a single family dwelling, although it would look like a single family dwelling from the street. Some of the features would be that only one of the garage doors would face the street, that they utilize a shared driveway, and at least one of the front doors be visible from the front of the structure so that it looks like a home. I asked the newest member of our Architectural Review Committee, Nick Weber, who is an architect, to find some good examples. (Examples shown to Planning Commission).

Commissioners Rackham and Vaughan discussed the location of the garages and the regulations regarding duplexes.

Commissioner Jensen – We could have one garage behind the lot, but that would require larger lots. Having a four car garage would be better than what is shown in the examples.

Commissioner Rackham – The other comment I had was regarding at least one duplex front door should be visible; I hate to see both front doors visible and I think only one should be visible from the front of the structure.

Commissioner McCuiston – I am not so concerned about the front doors, but the two garages facing the front seem to be a lot like of what we don't want.

Commissioner Jensen – I think we should strike that where one front door is required.

Commissioner McCuiston – What was the reasoning behind C?

Director Christensen – So that you do not have all of, even if you have one garage door turned sideways and one facing the street, you cannot see any living space because now you've got just a blank wall of the garage, the side of the garage up at the street instead of any living spaces where there is a front porch or door. Essentially it changes the visual character of the home. If you can see at least one door from the street, it will still look like a single family dwelling because you can delineate that there is at least one door there.

Commissioner Rackham – I still think it should mean one door visible.

Director Christensen – I should look for some language where one door is more prominent. We can implement some changes into our design standards for how these multi-family homes should look.

Commissioner Jensen – We could change the wording to state that at least one main entryway needs to be visible from the street.

Director Christensen – On E, I put the owner/occupant requirement back in. In addition, would you like this on the work session agenda or as an action item on the regular agenda?

Commissioner McCuiston – We have seen everything else before.

Commissioner Vaughan – Asking Attorney Drake: Are we inviting any problems that might be concerned with group homes or the Fair Housing Act? I have the feeling that the rest of the Commission is not in favor of trying to establish a district of group homes by allowing double dwelling units.

Attorney Drake – I do not think it will have an impact either way.

Commissioner Jensen – In reference to the size of the accessory dwelling unit, under a). internal accessory dwelling units, I think that half of the house is good for a basement apartment, but I do not want to say that it is 50% of the footprint that no more than half of the house total square footage of all floors can go to the accessory unit.

Director Christensen – For a minor – up to 650 sq ft and major is over 650 sq ft up to 50% of the footprint of the main dwelling.

Commissioner Jensen – I would like to invite to the podium, Gary Pratt, who has some comments to make.

Gary Pratt – Some thoughts reading through this was that I know originally there were some setback requirements in this ordinance and there were some conflict because of the 5', 8', and 10' setbacks. We need to be sure staff makes that congruent through the entire zone, that the setbacks are uniform. The other thing was if someone is developing a garage, there's some restrictions here where it has to be 50%. If you have a one, two, or three car garage and you wanted to put a playroom over that then attach it to your house, or make an apartment out of it, then you would be restricted to the space of 50% instead of 100% of the space that is available. I think the language should state that as long as it is part of one of the two living units that you should be able to expand that at 100% or whatever space is available above a garage because you do separate the garage in the ordinance and exclude it as square footage.

Director Christensen – I would disagree with that because if someone was building it from scratch, they came in from the very beginning and they knew they were going to put a living unit in it, and we had a requirement that an accessory dwelling unit can only be 650 sq ft if it is external. They would be held to that standard. Someone else who already built a 2,000 sq ft garage now can have a 2,000 sq ft accessory apartment with three teenagers and all of the cars. The idea is that we are trying to limit the size of these accessory dwelling units so that they do not add too many people to the lot, too many cars to the lot; that changes the nature of the neighborhood. It should be something small. I would argue on the size in fairness that it has to be a standard that is applied fairly whether you already have an existing structure or whether you are building a structure from scratch. Because otherwise, you're just going to have people are going to do a runaround the Planning Department.

Gary Pratt – I am just suggesting that using your argument that everybody be treated the same. So if you have an existing home, which is the argument that we're using to put this zone in place, is people and empty nesters now want to expand their home to put an apartment in or a mother-in-law apartment or whatever it might be, they have an existing space whether it is in their basement; it is existing footprint space and a garage is existing. We are not talking about someone who is going to put a house down with the preconceived notion that we have two different ordinances here: one that if I build a new house with the idea that a year or so down the road that I am going to build an apartment over my garage, that I am going to be treated differently than someone who already has a home isn't what I was going after. 650 sq ft may not accommodate the size of what someone wants and in order to get something larger, they are going to have to build a separate structure out the back of their house which would accommodate a bigger square footage and be more expensive to do.

Director Christensen – They still cannot have more than 650 sq ft of living area if they build a new structure. If there are converting an existing structure or if they're building a new structure, they can only have 650 sq ft of living space. They can get bigger if they have a major conditional use permit.

Gary Pratt – I would just like to throw this out there as a comment that should be considered. If you have an existing home than we should at least have a conversation and a dialog that at least considers that point that if you have something like that, that 650 is not going to accommodate you and you come to the Planning Commission for a major conditional use permit to make something bigger, when you already have an existing footprint that would accommodate something bigger than 650. That is not in there and if you're using that as your argument, then the zoning for this then would be a major conditional use permit that the minimum standard is 650 and you have a 3 car garage and you want to be more than that, then under a major conditional use permit they should be able to exercise the square footage that is available to them that exists, not that it is being added to it.

Director Christensen – So for example, if we were looking at Mike Ford's property where he has the 10,000 sq ft out building and he wanted to build an accessory apartment in that, we could let him build a 10,000 sq ft one?

Gary Pratt – No, I am talking about garages that are attached to a home. I am not talking about a barn that has 20,000 sq ft.

Director Christensen – This one specifically references detached.

Gary Pratt – The point I was making was garages that were attached to an existing home because you talked about that in your last work session. That is what I am appealing to is that portion; anything outside of that or freestanding structure in the back, then I agree with you that there should be some kind of a minimum because there are some huge garages in Syracuse City that could be easily abused. Most homes do not have garages that are 10 – 15,000 sq ft.

Director Christensen – I think that item 15A actually addresses what you are talking about because it is internal accessory dwelling units, basement, or attic. Maybe we can state that a little more clearly.

Gary Pratt – Yes, because when you were talking about that I was careful to listen to what your conversation was and when you said attic, you were very clear that you were excluding garages at every point.

Director Christensen – I meant detached garages.

Gary Pratt – Then that wasn't clear then.

Director Christensen – I apologize.

Gary Pratt – I think my point being is if it is attached to the house and someone builds a stairway and wants to make that an apartment or additional living quarters in an existing home footprint where the garage is attached, that should be treated differently than if someone has a separate building or wants to build a separate building in the back whether it is attached or not. I think those should be treated differently. Those were a couple of things that I thought of; the rest of the building codes would restrict the height of the buildings. Some of the setbacks were not quite uniform in the language through this. Some of the language has been corrected. I wouldn't mind seeing setbacks at 10' where our minimum is 8'. I would like to see structures in the back if they meet the square footage requirements and be 10' mainly because if they had sidewalks, separate entrances, or something like that to the side of the unit, that 10' would still allow for landscaping and such. Those were the couple of comments I had. Thank you.

Commissioner Jensen – Addressing Gary Pratt: You mentioned something to me about the minor versus major conditional use. Your suggestion was what?

Gary Pratt – The other thing was the way staff has this set up is a minor conditional use; this is new code and I would like to see this as a major conditional use. Anything outside the home, attached or detached, something new being added, not being completed that is already existing like a basement or over a garage, that those be major conditional uses so the Planning Commission would have the opportunity to see their plan. If you make it minor and the staff is doing all of the work and you do not get to see what ramifications are occurring. I think that is a disservice that the Planning Commission would have for advice and consent to the City Council. This is all brand new and I suggest this be a major and you can change it to minor later, but major in the fact that the Planning Commission would have eyes on this to see how it goes along and making sure that, in this language, we haven't stubbed our toes. Some people and developers are tricky and they'll bring something to us that hasn't maybe been considered or voiced in conversation that being a major conditional use then, the Planning Commission will have the opportunity to exercise their right in reviewing the applicant and making sure that definitions and words mean things and that you're getting the right definitions and execution the way you intend. Because we found in the past that sometimes we write something down and the exercise of the intent isn't there all the time. This would help you bring kind of a fine tune polish to this over time. This is my main suggestion is to at least do that: change everything outside of the footprint to a major conditional use with that explanation.

Commissioner McCuiston – Thank you Gary. So as I understand it, setbacks, the 15A issue, and the minor versus major were the points that you brought up.

Commissioner Rackham – I had a comment on 15 C. It says detached accessory dwelling units shall not exceed 50%... and then in D it says detached accessory dwelling units which exceed 650 sq ft. There is a contradiction there because the "shall" means you cannot go above that. Then the next sentence says that if you do, then here is what you do. The word "shall" should not be in there.

Director Christensen – I can fix that.

Commissioner Jensen – I have one comment on this. We kind of discussed this a little bit about whether we want this R-1, R-2, and R-3. I have been thinking about this between our meetings and then you also thought about the situation and the number of duplexes we have currently. I really do think that for now, I just do not see the problem. If we allow duplexes in the R-3 zone, that is our most dense zone, those are usually located along our major transportation corridors and so that is basically where the people who are looking for rental units are going to go for your standard duplex. But the R-2 and the R-1 zones tend to be a little farther away from most of those corridors, specifically Antelope Drive until you get west of Bluff and that is really R-1. I do feel pretty strongly based on what a lot of residents have told me and just the situation of how our City has been built to this point. The City has been a city for almost 80 years now and you can almost count the duplexes on two or three hands, not counting PRD or R-4, which are totally different things. I just do not think the residents want it, I do not think there is a demand for it, and so I think that we're quite safe for now to basically make it available for R-3 only right now, and then if we go down the road and we determine that we're coming up short at that point, we're not adding enough R-3 or whatever, we can always add them to the other zones later, but I just like the idea of starting conservative and working our way up.

Commissioner McCuiston – Isn't this the way it sits right now?

Director Christensen – Yes, I left it blank in case you wanted to have that discussion about whether or not duplexes should be allowed in the R-2 zone.

Commissioner McCuiston – I agree with TJ's assessment; let's keep it in R-3 only for right now. Should we talk about any of the issues Mr. Gary Pratt brought up?

Commissioner Jensen – I am not necessarily opposed to additional setback depending on the size of the structure, but I know that we used to spell that out based on the height of the structure under the old definition I brought up at the last meeting which was in the minutes. I think I read that word for word from our existing ordinance and I think that will help some too. I think the main thing is just requiring the additional square footage for the lot and the additional frontage. I think that will be a pretty big thing.

Commissioner McCuiston – I am okay with the setbacks the way they are; I am not opposed to having them at 10'.

Commissioner Jensen – My only issue with that is if it is a house that is already built, you may not have the 10’.

Director Christensen – You are talking about the setbacks on the detached structures. Right now, someone can build a detached structure or an accessory structure 3’ from the property line. My thought process in that was if they were going to have any openings along that property line that it couldn’t go down to the 3’ property line setback; it needed to be 10’ setback. Also, that it did need to stay at the 5’ setback because there are some fire separation requirements under the building code that are required.

Commissioner Jensen – So it will be at least 5’.

Director Christensen – Other than that, I am not sure where else it is not consistent, unless you show me.

Gary Pratt – Not this current one but the one previous, there was some posting where it said 5’. My concern is that we are not looking at a shed that can be within 3’ of the property line; we’re talking about an accessory building that someone is going to live in and I think it should be treated differently than a shed that can be within 3’ mainly because of run-off and access to the sides of the shed for painting purposes. I think living quarters should be 10’ which would be easily accommodated and it gives them plenty of room for walking around that structure for serviceability in reference to fire and possible landscaping and it would be further away from the property line because of neighbors. Aesthetically, it would look better if it was attached to the house that had an 8’ easement and it would also give some variety to that wall because as the wall goes down the side of the house, then you would have a 2’ bump in which would give it a lot more pleasing look. 2’ is not going to be a burden. It makes more sense to have it 10’ and not use the minimum codes.

Commissioner Jensen – Commissioner Pratt; I am sorry; you’re not a commissioner anymore. I am just looking at our thing and I was thinking that a nice simple way to do this because there might be some situations where the house is only 8’ from, essentially a setback on the side yard for R-3 is 8’ and what if we just made the accessory living structure the same setbacks, the same safe side yard setbacks, would that be acceptable?

Gary Pratt – Well yes, that is what I was looking at and that is the minimum is 8’. I just thought from an aesthetic standpoint if a home is quite long down the side because of the architecture of the home that if you build another that would be one hellacious long wall. Where if it was bumped in 2’, it would give it some aesthetics and also the roof line would be different back there, so I am just thinking how that would work architecturally. Even if they were using the same roof structure as far as extending the trusses out, they could easily do that. So from the cost, when they go to build it and they start monkeying around with how it looks, it adds cost, but this wouldn’t add cost and it would look better, especially to the neighbors. I am looking at from how it would look from a backside, that it looks nice and that it is done right.

Commissioner Greeson – I have a question about consistency. I do not think we’d be inconsistent if we go to 10’. But what you said TJ about consistency with existing houses. It seems more fair.

Commissioner Jensen – I was about to throw this out there, but I wanted to give you all a chance to comment. It is only in an R-3 right now and the side yard setback is 8’. What if we were to take both of the suggestions; your minimum side yard setback for an accessory living structure would be 8’, but the back yard setback or the back setback would still be 10’.

Gary Pratt – That is what I am saying is let’s not change some little part of the code, let’s be uniform, but this aesthetically look better.

Director Christensen – Where are you pulling the 10’ from on the rear setback?

Commissioner Jensen – That is just because he threw the 10’ out, but essentially with the accessory structure is allowed within 3’, and so you are suggesting that for a living structure that we increase that, so I am suggesting that there is a 3’ yard setback for the rear yard currently with R-3. Obviously the granny shack, or whatever you want to call it, is going basically be in that back yard probably and so it would obviously not be able to meet the 30’ back yard setback but maybe 10’ is reasonable. Then as far as the side setback, well the house is 8’ so why not make the accessory structure 8’ if it is a living structure?

Commissioner Vaughan – Why don’t we have a new construction accessory building follow new construction primary structure setback restrictions?

Director Christensen – Then your rear setback is going to be 25’. My only concern with this is someone doing the runaround of the department. If you build a new structure, you’ve got to be 20’ from the rear property line and 8’ from the side. If you come in and build a shed, you can now go 5’ from the property line and then you can come in later on and ask for another permit to convert the space and you can do that. I am not really sure you’re achieving what you want to. The idea if you want to have a window on that property line on that side of the building, then that side needs to be either 10’ from the side or rear property line. That achieves that privacy issue, but if it is a solid wall, then it shouldn’t matter. I am trying to be consistent.

Gary Pratt – That was the point I was trying to make because if you build a garage, it doesn’t have a bathroom, no plumbing, does not have the required electrical paneling. The framework might be to code, but you are going to have a garage door that you’ll have to deal with. From a building permit standpoint, that is why I am saying these kinds of things should be a major conditional use so you all can review this. When these little nuances occur, then you’d have the latitude to address those things. If it is a minor conditional use, then staff would be dealing with exactly what we are dealing with here. I believe there should be a five year waiting period as far as making it a living structure.

Commissioner Jensen – If we just say it is a living structure, it has to meet the side yard setback of 8’. If they build it at 5’, then it cannot be used for a living structure.

Gary Pratt – Well when I did mine, they made me move it.

Commissioner McCuiston – Can we incorporate that into it?

Director Christensen – Yes. But I need to take out all of the language about the non-conforming unless it already meets 8’. They can never convert it into an accessory structure without moving it.

COMMISSIONER JENSEN MOVED TO ADJOURN THE MEETING SO PEOPLE CAN GET HOME IN THE SNOWSTORM.

Commissioner McCuiston – Do we want to table this item then?

4. **Next Agenda Items**

[8:29:11 PM](#)

Commercial Parking

5. **Adjourn**

[8:30:45 PM](#)

Date approved: January 7, 2014